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CONGRESSIONAL RECORD:

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CONGRESSIONAL RECORD,

FORTY-SEVENTH CONGRESS, FIRST SESSION.

Mr. GORMAN. I offer the following for reference to the Committee on Rules:

In the absence of the Vice-President the Senate shall choose a President *pro tempore*, who shall have the right to name in open Senate, or, if absent, by writing, a Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

The PRESIDENT *pro tempore*. This will be referred also to the Committee on Rules.

ORDER OF BUSINESS.

Mr. VAN WYCK. I believe Senate bill No. 1492, which was passed over the other day without prejudice, is the first in order on the Calendar.

Mr. HAWLEY. The Senator from Nebraska kindly yields to me that I may renew a request I made to the Senate some time ago in pursuance of a notice given previous to that, to take up two bills for substantially one purpose, the object being to permit the Oregon Short Line Railway to go on with its work. They are House bill No. 5004, to ratify an agreement with the Shoshones and Bannocks about crossing their reservation, and Senate bill No. 972, which is a bill giving the Oregon Short Line Railway the necessary permission.

Mr. McMILLAN. Does that require unanimous consent?

The PRESIDENT *pro tempore*. The Senate by a majority can take up any bill.

Mr. HAWLEY. I move to take up the House bill.

Mr. HOAR. How long will that take?

Mr. HAWLEY. I am not aware of a possible objection. Somebody, of course, may raise one here.

Mr. FERRY. It is only to last until two o'clock.

The PRESIDENT *pro tempore*. That is all. The motion is to set aside the Anthony rule and take up this bill.

Mr. HAWLEY. A large number of citizens in different parts of the country are interested.

Mr. McMILLAN. I certainly have no objection to the passage of the charter.

Mr. HAWLEY. I move to take up the two bills in question, first the House bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut, [Mr. HAWLEY.]

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5004) to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same.

Mr. McMILLAN. So far as this bill is concerned, I am not aware of any objection to it; but that I desire to inquire of the chairman of the Committee on Indian Affairs whether the rights of the Government and of the Indians have been properly protected in regard to this right of way.

Mr. DAWES. This bill was reported from the Committee on Indian Affairs. The Interior Department sent an efficient officer out there to negotiate with the Indians, and all the proceedings of this officer with the Indians are reported back to the Department. He made an agreement with the Indians by which this right of way could be obtained upon the payment of a given sum of money, which we thought and the Indians thought was fair, and the Interior Department has approved of it. This bill is in the form which the Senate has adopted several times.

Mr. McMILLAN. From the reading of the bill I think it refers only to the right of way through this Indian reservation.

Mr. HAWLEY. The bill is strictly, or it is entitled "to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory for the use of the Utah and Northern Railroad," &c. It gives them a right of way.

Mr. DAWES. I will say that this bill goes no further than to obtain the right of way through the Indian reservation. It does not touch the propriety of any particular railroad having a preference.

Mr. McMILLAN. So I understand.

Mr. HAWLEY. The treaty is a liberal one in my opinion, is so adjudged to be by the Interior Department. Full report is made of the whole correspondence in House Executive Document No. 18 of this session, a pamphlet which I hold in my hand, which gives every detail of the negotiation with the Indians, and the arrangement is liberal, giving $7.70 an acre. There is no sort of objection on that account.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON SHORT-LINE RAILWAY.

Mr. HAWLEY. Now I move to take up Senate bill No. 972. That is a shorter bill than the other, and will take but a moment to read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

Mr. McMILLAN. I should like to hear the object and purpose of this bill explained.

Mr. HAWLEY. There is a report in the case, not a very long one, but I think I can perhaps state the matter even more briefly than that. I desire to explain the necessity for this action.

The Oregon Short-Line Railway proceeds from the southwestern corner of Wyoming diagonally northwest across the northeast corner of Utah and across Idaho, toward Baker City, in Oregon. Once over in Oregon it takes care of itself under the State laws. It has articles of incorporation in Wyoming, a copy of which I hold in my hand. I have examined the joint-stock law of Wyoming, and it appears to be modeled upon the best forms of the older States. This company has duly registered and associated itself under those laws. It desires to go on across Utah and Idaho and across the Bannock reservation. Utah has I believe no general railroad law and the Utah Legislature is not in session. Wyoming has no general railroad law and the Legislature is not session. The governor says he has to get the President's permission to call it together. It would make a very considerable expense for them, and he suggested to the railroad company and urged them to get Congress to extend the Wyoming charter across those two Territories.

That is the substance of what is asked for. The road is to cross the Shoshone and Bannock reservations. That has been attended to properly, wisely, generously by the bill and the precedent treaty to which you have just given attention. You have passed the bill ratifying the arrangement made with the Indians.

Mr. JONES, of Florida. Permit me to ask how often do the territorial Legislatures in those Territories sit?

Mr. HAWLEY. Once in a year or two. The Idaho Legislature will sit next winter; but to wait for that will delay the operations for one year of this railroad company. It is now engaged in building, and it has made every arrangement in the world except that one. To wait for the Territorial Legislature to act will put it over until next spring if it is compelled to wait for that assent, that regular charter from the Territory of Idaho. This road will open up a wide region to settlement and make a line of communication extremely valuable to the Idaho and Wyoming people and the Oregon people beyond.

I have made every inquiry of the Interior Department, of the Land Office, of the Indian Office, and of every person who could be supposed to know of anything concerning it or have any legal charge about it, and everybody says that the thing is in due form. The railroads ask nothing in the world of the United States but this bare permission and charter and its rights under the general act of 1875, which give it the usual 100 feet right of way, with a little more at the stations.

Mr. McMILLAN. In line 21 of section 1 of the bill, I move to strike out the word "of," after "railroads," and insert "in;" so as to read "subject to all the laws and regulations in relation to railroads in the United States;" not "of the United States."

Mr. HAWLEY. "Subject to all the laws and regulations in relation to railroads in the United States." Does that mean in all the thirty-eight States, all State railway laws? What does it mean?

Mr. McMILLAN. It means that this company or corporation which is proposed to be created here shall be subject to all the laws and regulations which exist in regard to other railroads in the United States, as I understand.

Mr. KELLOGG. Does it mean the laws of the United States?

Mr. McMILLAN. No, sir; just what it says. I suppose there is no object perhaps in this bill to secure any very peculiar privileges to this proposed organization that ought not to exist in reference to others. The bill as it reads is:

That the said corporation shall at all times hereafter be subject to all the laws and regulations in relation to railroads of the United States, or of any Territory or State through which its line of road may pass.

There are no railroads "of the United States," nor are there any railroads "of the Territories."

Mr. HAWLEY. Allow me to make a suggestion right there, which will cover the Senator's whole point. Let there be a transposition of the words "of the United States."

Mr. McMILLAN. I prefer the amendment I suggested, to insert the word "in" in place of "of," after "railroads," in line 21, and also before the words "any Territory," in the same line, to strike out "of" and insert "in."

Mr. HAWLEY. I should think it would be a misfortune, an unnecessary meddlement, if I may make a word, to adopt that amendment. I did not draft this bill myself. I see that it has made some confusion in the Senator's mind. The line reads now:

Subject to all the laws and regulations in relation to railroads of the United States.

If it should read "all the laws and regulations in relation to railroads" it would be just what the company desire and what everybody means. It wants a simple transposition of those two phrases.

I move to amend the amendment of the Senator from Minnesota in this way, that the words "of the United States" shall be taken from line 21 and inserted after the word "regulations," in line 20.

The PRESIDENT *pro tempore*. That amendment is in order. The question is on the amendment of the Senator from Connecticut to the amendment of the Senator from Minnesota.

The amendment to the amendment was agreed to.

Mr. HAWLEY. Now it reads:

That the said corporation shall at all times hereafter be subject to the laws and

regulations of the United States in relation to railroads, or of any Territory or State through which its line of road may pass.

The amendment as amended was agreed to.

Mr. GROVER. I will state the emergency for the passage of this bill at this time. It is that the road is under rapid progress, and within one year will be completed entirely across these two Territories.

Mr. McMILLAN. This is a bill proposed here for creating a local railroad corporation. Congress has not been in the habit of creating corporations of this character. It is true we have great transcontinental railroads which have been the creatures of and have been regulated during their continuance by the Congress of the United States. That is not this case. Here is a mere ordinary railroad company asking Congress to grant it an act of incorporation, and it is said as a reason for this that the Legislature of the Territory through which a portion of this road is to pass will not be in session until next winter. I do not regard that as any sufficient reason for invoking this great power of Congress which, in the minds of very many at this time, and perhaps in the minds of many more eminent statesmen in the past, has been denied. It is a very serious act to be performed by the national Congress, and if it were not in the interest of great wealth and corporate power it could not be invoked with any hope of success.

Why has this corporation not procured its rights from these Territories before? It has gone into one of the Territories; it has organized under the general law of that Territory authorizing the creation of railroad corporations. Why did it not, as it must have known its purposes at that time, procure all the rights that it required from those Territories? They are the authorities to grant these charters; they know what rights had better be conferred upon railroads within their own jurisdiction.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question for information?

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived.

Mr. HAWLEY. I move to proceed with the consideration of this bill.

Mr. McMILLAN. I do not ask the Senate——

Mr. INGALLS. I hope the Senator from Connecticut will not make that motion, because it would displace the unfinished business, which I should be very unwilling to have done.

Mr. HAWLEY. I do not think it is possible to have long debate on this bill.

Mr. INGALLS. If the Senator will ask that the unfinished business be informally put aside for a brief space until this bill can be considered, with the understanding that the bankruptcy bill is then to resume its place, I shall not object, unless the Senator from Massachusetts [Mr. HOAR] does, who desires to speak this afternoon.

Mr. HAWLEY. I think the Senator from Massachusetts will consent to let this bill be disposed of.

Mr. HOAR. May I be allowed to say a word? When the bankruptcy bill is taken up for consideration I desire to do what will be rather unusual and under ordinary circumstances might seem discourteous. I desire to offer a substitute for it, and to make a brief argument in favor of that substitute before the original bill is discussed by the Senator who introduced it. I do that because it is more convenient to him that I should make my argument to-day than to have him go forward at this time. I shall not occupy more than twenty or twenty-five minutes; the bankruptcy bill probably will not occupy more than that time this afternoon; and I have no objection to letting this matter go on, but I should like after this matter is disposed of, with the leave of the Senate, to obtain unanimous consent to the passage of three or four bills granting condemned cannon, which will take only five or ten minutes.

Mr. VAN WYCK. I have already yielded the floor on a little bill that I have. I shall call that up.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business.

Mr. McMILLAN. I do not desire to interfere with the regular business.

The PRESIDENT *pro tempore*. The bankruptcy bill is the unfinished business. It will be laid aside temporarily until the railroad bill shall be disposed of.

Mr. INGALLS. No, sir; I do not consent to that. If the debate shall continue inordinately I shall feel bound to call for the consideration of the bankruptcy bill a sufficient time before three o'clock to allow the Senator from Massachusetts to make his remarks, because it is understood that there are to be memorial services this afternoon that will probably curtail the usual hours of business.

Mr. HAWLEY. The Senator from Massachusetts consents that we shall go on. I hope we shall not detain the Senate a great while.

Mr. HOAR. I make no objection.

Mr. McMILLAN. So far as I am concerned, I do not desire to interfere with the immediate consideration of the bankruptcy bill.

The PRESIDENT *pro tempore*. The railroad bill remains before the Senate.

Mr. JONES, of Florida. The Senator from Minnesota yielded to me for a question, I believe. Are not the Territorial Legislatures through whose jurisdiction this road passes fully competent to do what is proposed in this bill? Is there any defect in the organization of the Territories in their local powers that would prevent them from doing what is proposed by this bill?

Mr. McMILLAN. No. I think they are fully competent to grant all the powers sought here, and I think they are the only proper authorities to confer those powers. This act, which, as the Senator from Connecticut said, is a very short one, creates a corporation for the purpose of constructing a railroad between the termini mentioned by the Senator from Connecticut, and by its terms adopts the amended articles which were filed by this corporation created under the laws of the Territory of Wyoming. They do not appear upon the face of this bill; their adoption is by reference. It is language, it seems to me, that imports a great deal:

That the Oregon Short-Line Railway Company, a corporation of that name duly incorporated and organized under the laws of the Territory of Wyoming—

I hope Senators will give attention to the language which succeeds, which I am about to read—

the amended articles of incorporation of which were duly filed in the office of the secretary of the said Territory on the 12th day of July, A. D. 1881, be, and the same is hereby, made a railway corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho which are secured to railway companies by the act of Congress approved the 3d day of March, A. D. 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

The company is incorporated under the general law of Wyoming Territory authorizing the creation of corporations, and the company, it seems, has filed a certain statement of its purposes and objects under that law. Subsequently, on the 12th of July, 1881, they filed amended articles, as appears by the terms of this bill. Why that amendment took place we do not know; but whatever may be the purpose of it, this act of Congress, if it is passed, ratifies the amendment, and confers upon this corporation all the powers and privileges which the company have stated in the amended articles. Here are the articles. I there found this:

2. The object for which said company has been and is formed is the construction, operating, and owning a railroad or railroads from a point commencing at or near Granger, on the line of the Union Pacific Railway, in Sweetwater County, in Wyoming Territory, and running from thence in a northwesterly direction through the counties of Sweetwater and Uinta to the western boundary line of Wyoming Territory; thence in the Territory of Utah or Idaho, or both, on the most eligible route to be selected by the said company in the valley of Bear River, to or near Soda Springs; thence on the most eligible route to the eastern boundary line of the Fort Hall Indian reservation; thence westerly through said reservation along the Port Neuf or tributaries thereof or in the valley thereof, on the most eligible route to be selected by the company, to the western boundary line of said reservation; thence in a general westerly direction through the Snake River lava fields, or along the Snake River, or in the valley thereof, on the most eligible route, to be selected by the said company, to the western boundary line of the Territory of Idaho and to the eastern boundary line of the State of Oregon; thence in the State of Oregon to Baker City, or to such other point or points in said State of Oregon as the company may hereafter determine; thence to such point or points on the Columbia River or the Pacific Ocean as the company may select.

The said company shall have power to locate and construct and operate the whole or any part of said line of road above described, and to transport passengers, mail, and freight thereon, and to receive therefor fare, toll, and charges, and generally to transact all such business and to do such acts generally as may be necessary to the success of the corporation.

The said company hereby formed has power to mortgage its road, franchises, and property to secure such issue of bonds as it may determine to execute to build such extensions and branches as it may under any amendment of its charter, or articles of incorporation or otherwise under lawful authority resolve to build, and to make running arrangements with any other railway or transportation company, or to lease, purchase, or otherwise acquire the charter, road, property, capital stock, or franchises of any such company, or to merge, or amalgamate, or consolidate into any such company, on such terms as may be agreed upon by the directors or stockholders not inconsistent with law.

Mr. JONES, of Florida. Are these the articles?

Mr. McMILLAN. These are the amended articles which come here and are adopted by recitation under this short bill.

The said company may construct such branches and connections in the said State and Territories as it may deem expedient and change and relocate its main line and branches as it may elect to connect with other railroads and navigation companies, and may amend the certificate of incorporation in such way as directors or a majority of the stockholders may determine, not inconsistent with the statute in such case made and provided.

The said company assumes to itself, and shall and does possess, all of the rights, powers, franchises, and privileges granted to and conferred upon corporations by the laws of Wyoming Territory, and particularly by chapter 34 of the Compiled Laws of Wyoming, entitled "An act to create and regulate corporations," and by an act entitled "An act authorizing railroad companies to mortgage their property, issue mortgage bonds, consolidate connecting lines, and for other purposes," approved December 13, 1879.

3. The amount of the capital stock of the said company shall be $15,000,000, or such further amount as may be required to construct, complete, and equip said road, or extension, or branches, at a rate not exceeding $25,000 per mile of road completed and equipped ready for use.

The stockholders are not individually liable for the debts of the company nor liable to any extent beyond the liability to pay for the stock by them severally subscribed.

4. The said stock of said corporation shall consist of shares of the par value of $100 each.

5. The term of existence of said corporation shall be fifty years from the 14th day of April, 1881.

6. The number of trustees or directors of said corporation who shall manage the concerns of the same for the first year shall be five, and the names of said trustees are: Leavitt Burnham, Thomas L. Kimball, Joseph W. Gannett, Edward P. Vining, and Andrew J. Poppleton.

7. The operations of said company in the Territory of Wyoming shall be carried on in the town of Cheyenne, and in the county of Laramie, in the Territory of Wyoming, and along the line of the route of said railroad as hereinbefore described. The principal part of the business of said company within said Territory of Wyoming shall be transacted in the town of Cheyenne, and in the county of Laramie, Wyoming Territory.

And then follows the attestation after a few more lines with regard to contractors. Under this short bill, as the Senator from Connecticut styled it, we are here creating a corporation with unlimited powers. They can build their roads where they please through these Territories or the State of Oregon.

Mr. SEWELL. Will the Senator allow me to ask him if the bill gives any power other than the Congress of the United States has given heretofore to other corporations to build railroads? Does it give any special grant of land? Does it give any unnecessary power for the construction of a railroad?

Mr. McMILLAN. Of course it does give unnecessary power. It creates a corporation with powers to lay as many roads as it pleases, now or subsequently, through the Territories of Utah, Idaho, and Wyoming, and the State of Oregon.

Mr. SEWELL. Will the Senator please give me a list of the powers?

Mr. McMILLAN. I have stated them and read them in the articles, that after constructing their principal line they may locate other lines. They may change their lines; they may relocate them; they may do anything they please with those lines. They may consolidate with other companies; they may amalgamate with other companies. They can, under this proposed law of Congress, make any agreement they please in regard to their pooling arrangements and their running arrangements, and do anything they see proper in regard to carrying freight or passengers.

Mr. SEWELL. Will the Senator state to the Senate that those provisions differ from what are already enjoyed by such roads as the Northern Pacific?

Mr. McMILLAN. The Northern Pacific Road is a transcontinental road which was created under a land grant. What its powers are in regard to that matter I do not now undertake to say; it would be very unwise to do so, for we cannot comprehend them; but here is a local railroad corporation coming into Congress and asking us to create it a corporation with powers greater than it could secure under any State law and adopted by reference to its amended articles under the general law of Wyoming.

Why this application here? If this were not backed by a monopoly of railroad powers that is controlling and crushing the business of this country in the West it never would have been attempted. It is very perceptible where this power comes from. This road under its charter can in the State of Oregon go along the Columbia River to the Pacific Ocean; it can control any road so far as the right of way is concerned, without any terms or with terms. The powers granted under this bill are unexampled, and such as these directors have written down themselves in the articles amended by them according to their desire, and according to the most approved plans of all the railroad combinations and corporations in the country.

This is not the time to grant charters of this kind. This is not the time to confer upon a railroad corporation, now controlling the business of the continent almost, special powers under such a cover as this. I am quite surprised that it is asked for, and I shall be utterly astonished if the Senate shall pass the bill. I care nothing about the particular bill so far as this company is concerned, but when you come to examine its powers it behooves Congress to beware of what they are doing. I shall be glad to see all the country opened up by railroads. It is my desire that every foot and portion of the Western States and Territories shall have the advantages and facilities of railroads, but I do not desire to have them placed in such a position and clothed with such powers that they can put their foot upon the neck of the people. For my part I shall be willing to grant any privilege and facility so far as regards the mere right of way through the reservations and the territory properly belonging to the United States; but to create a corporation of this character is asking too much of the Congress of the United States. I certainly shall not vote for the bill, whatever other Senators may see proper to do.

Mr. HAWLEY. Mr. President, a word or two of remark, and I shall leave the bill to some other of its friends, and especially as it will be necessary in a very few moments to give way in order to carry out the programme for the afternoon. The Senator from Minnesota has used an expression several times which I do not comprehend. He speaks of this as a local railway company. All such companies are local, are they not?

Mr. McMILLAN. No; local in contradistinction to a transcontinental road. We have never dealt with anything but the transcontinental roads, so far as creating any corporation by Congress is concerned.

Mr. SAUNDERS. Will the Senator from Connecticut allow me to make a remark?

Mr. HAWLEY. I will give way to the Senator from Nebraska in a moment. I prefer to go on.

Mr. SAUNDERS. I was only going to ask one question. I ask the Senator from Minnesota if a few years ago we did not charter a road called the Northern Utah? The Senator is mistaken in saying that no charters of this kind have been heretofore granted.

Mr. HAWLEY. This is the simple truth and doctrine of the matter: all the power that the Territories have over this question is obtained from the Congress of the United States. We can overrule any general law they may make on the subject; we can overrule any special charter they may give to any railway company. They are children of the Government in every respect. We can charter railroads through and across, up and down any Territory in the United States, without asking the permission of anybody in that Territory; and if all the people in the Territory shall agree to charter a railway that we do not like, we have simply to tap it on the head and it is dead.

We authorized Wyoming—I suppose it is in the enabling act, if I may call it so, the act chartering the Territory—to establish a general law of incorporation. It has place in the statute-book of Wyoming, which I hold in my hand, chapter 34. It is a general law of corporations, similar to those adopted by many of the States, founded in general upon the legislation of the older States. Under that general act this railway company has filed its articles, but it cannot go on with this work without an analogous permission from the Assemblies of Utah and Idaho. Those Territorial Assemblies are not in session, and will not be until next winter. The people of Utah and Idaho desire this road to go through their country. The governor of Wyoming says to the railway company, "Let Congress sanction the articles which you have adopted in Wyoming under our general law and go on;" and the bill provides that—

> The same is hereby made a railway corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho which are secured to railway companies by the act of Congress approved the 3d day of March, A. D. 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

It is made a corporation, observe, in the Territories of Utah, Idaho, and Wyoming, where we have a right to make a corporation.

I see by what the Senator says that they have laid out for themselves pretty broad and general powers. They have a right to consolidate and a right to mortgage, of course; that is nothing unusual at all. They have a right to make connections and consolidations and all that sort of thing, perhaps broader than I should have drawn them, but I see no serious harm in what they have claimed. So far as that is concerned, it would be very easy to draft a bill just to please ourselves. At half past two we are under the necessity of giving way upon this matter, and I shall not further occupy the time of the Senate.

Mr. INGALLS. If there can be a vote taken on the bill now, I shall interpose no objection. Otherwise I shall feel called upon to demand the regular order.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) Shall the bill pass?

Mr. McMILLAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. ALDRICH. I am paired with the Senator from Tennessee, [Mr. HARRIS.]

Mr. BECK. I declined to vote because the Senator from Maine [Mr. HALE] was absent. I see that he is now in his seat, and I vote "yea."

The result was announced—yeas 39, nays 3; as follows:

YEAS—39.

Allison,	Farley,	Ingalls,	Rollins,
Anthony,	Ferry,	Johnston,	Saunders,
Beck,	Frye,	Jonas,	Sawyer,
Blair,	Garland,	Kellogg,	Sewell,
Brown,	George,	Logan,	Slater,
Butler,	Grover,	McDill,	Vest,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Voorhees,
Chilcott,	Hawley,	Morgan,	Walker,
Conger,	Hill of Colorado,	Pugh,	Williams.
Dawes,	Hoar,	Ransom,	

NAYS—3.

Cockrell,	Groome,	McMillan.

ABSENT—34.

Aldrich,	Fair,	Lamar,	Platt,
Bayard,	Gorman,	Lapham,	Plumb,
Call,	Hale,	McPherson,	Saulsbury,
Camden,	Harris,	Mahone,	Sherman,
Cameron of Wis.,	Harrison,	Maxey,	Vance,
Coke,	Hill of Georgia,	Miller of Cal.,	Van Wyck,
Davis of Illinois,	Jackson,	Mitchell,	Windom.
Davis of W. Va.,	Jones of Florida,	Morrill,	
Edmunds,	Jones of Nevada,	Pendleton,	

So the bill was passed.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom were referred the bill (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon-balls for the soldiers' monument at Ironton, Ohio; the bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa, and the bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns, for monumental purposes, to report them favorably without amendment.

The PRESIDING OFFICER. Does the Senator from Missouri ask for action on the bills now?

Mr. COCKRELL. The Senator from Indiana, who ought to have been in his seat but who is now in the chair, desires the Senate to act on these bills at this time.

The PRESIDING OFFICER. The Chair will ask the Senate if there is objection to the immediate consideration of the bills.

Mr. HOAR. There are perhaps half a dozen bills of like character besides those, which are on the Calendar, in one of which I take an interest. I desire to have them taken up at a very early day.

Mr. COCKRELL. Let them all be taken up and acted on now. It will not take five minutes.

Mr. HOAR. I understand that the resolutions of the House regarding the death of the late Representative ALLEN of Missouri will reach the Senate very soon.

Mr. COCKRELL. Not until after three o'clock.

Mr. HOAR. But I desire to address the Senate on the bankruptcy bill.

Mr. COCKRELL. The message from the House will not be received till after the Senator has spoken on that bill.

Mr. HOAR. Will it be understood that the agreement will also include other bills of the same nature which are on the Calendar?

The PRESIDING OFFICER. So the Chair understands. The Chair hearing no objection, the bills will be considered by the Senate.

The bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon-balls for the soldiers' monument at Ironton, Ohio, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I now ask that the bills on the Calendar of this nature may be considered.

Mr. COCKRELL. Let them be taken up in their order.

The bill (S. No. 1781) to transfer six condemned cast-iron cannon to Stover Post No. 1 of the Grand Army of the Republic, at Portsmouth, New Hampshire, for use on a monument to deceased soldiers and sailors, was considered as in Committee of the Whole.

Mr. COCKRELL. The word "Stover" should read "Storer." It is a misprint.

The PRESIDING OFFICER. That correction will be made in the bill, as also in the title.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. No. 1924) to authorize the Secretary of War to deliver to the Augusta Soldiers' Monument Association, at Augusta, Maine, certain condemned cannon and cannon-balls, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 6 to strike out the words "such number of" and to insert "four;" after the word "cannon," in line 6, to strike out the words "as may be required;" and in line 7, before the word "adornment," to strike out the words "use and;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to furnish to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, four condemned cast-iron cannon for the adornment of a monument in memory of the deceased soldiers of Iowa at Council Bluffs, in said State.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, which were, in line 5, after the word "condemned," to insert "cast-iron;" in line 6, after the word "condemned," to insert "cast-iron;" and, after the word "cannon," to strike out the word "mounted;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to deliver to the Grand Army of the Republic post at Westminster, Massachusetts, four condemned cast-iron cannon, for monumental purposes; also four condemned cast-iron cannon to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LYNCHBURGH.

Mr. ROLLINS. I move that the bill (S. No. 1563) for the erection of a public building at Lynchburgh, Virginia, be indefinitely postponed. The House bill on the same subject has been passed.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the following acts:

An act (S. No. 1778) granting an increase of pension for Marian A. Mulligan;

An act (S. No. 831) for the relief of Christian Ruppert, William F. Mattingly, and Christian Heurich, trustees, of the District of Columbia; and

An act (S. No. 841) to provide for the payment of the salaries and compensation of members of the Houses of Congress and their officers and employés in certain contingencies.

BANKRUPTCY SYSTEM.

The Senate proceeded, as in Committee of the Whole, to consider the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I propose to amend the bill by substituting what I send to the Chair. It is a pretty long substitute, and I do not deem it necessary to have it read at the desk at this time, but as it is to be pending as an amendment I should like to have it printed in the RECORD.

Mr. GARLAND. I have no objection to that course, but I wish to state as to the order of business that there is a number of amendments which it is contemplated to offer to the bill as reported by the committee, and they would be entitled to consideration before the substitute. I do not suppose the Senator from Massachusetts wishes to press the substitute until we perfect the bill.

Mr. HOAR. Amendments will be in order to the bill under the parliamentary rule at whatever time they may be proposed.

Mr. GARLAND. But as to the mode of proceeding I was merely making the inquiry.

Mr. HOAR. The parliamentary rule I understand contemplates the perfection of a bill by considering all existing amendments before putting the question on any substitute, without regard to the order in which the motions of amendment are made.

Mr. GARLAND. With that understanding I am perfectly willing for the substitute to be presented.

The PRESIDING OFFICER. It will be the understanding that amendments to perfect the text of the bill reported from the Committee on the Judiciary will be first considered. The amendment of the Senator from Massachusetts will be printed in the RECORD.

The amendment of Mr. HOAR is to strike out all after the enacting clause of the bill and to insert:

That in addition to the definitions contained in the first section of the Revised Statutes, words and phrases in this act shall mean as follows, unless inconsistent with the context:

"Bankrupt," one who has been so adjudged; "time or date of bankruptcy," or "bankruptcy" with reference to time, the time when the petition for adjudication was filed; "commissioner," the commissioner to whom the cause has been referred, or any one acting in his stead; "court," the district court in which the proceedings are pending, including the commissioner; "judge," the judge of said court, not including the commissioner; "clerk," the clerk of said court; "property," whatever passes to a trustee in bankruptcy, and all books, deeds, and writings relating thereto; "assets," all such property and its proceeds; "transfer," any payment, gift, sale, or other mode of disposing of or parting with property, or the possession of property, absolutely or conditionally; "debt," any debt, demand, or liability provable in bankruptcy; "creditor," any one who owns such a debt, demand, or liability, and his duly-authorized attorney or proxy; "secured creditor," a creditor who has security for such debt upon the property of the bankrupt of a nature to be assignable under this act, or who owns such a debt for which some indorser, surety, or other person secondarily liable for the bankrupt has such security upon the bankrupt's property; "trader" shall include all merchants, all who make it their business or a part of their business to buy or sell lands, goods, chattels, bills, bonds, notes, stocks, or shares, manufacturers, warehousemen, bankers, brokers, builders, contractors, shipwrights, publishers, innkeepers, livery-stable keepers, and all artisans who buy the materials for their business on credit.

COURTS OF BANKRUPTCY.

SEC. 2. That the several district courts of the United States and of the Territories, and the supreme court of the District of Columbia, are constituted courts of bankruptcy within their several territorial limits.

SEC. 3. That the jurisdiction conferred upon courts of bankruptcy shall extend to all adjudications of bankruptcy; to all causes, questions, and controversies arising out of any claim or demand by creditors to share in the assets of the bankrupt; to the ascertainment, adjustment, liquidation, marshaling, ranking, and disposition of all liens, charges, priorities, and specific claims on said assets; to all

claims of the bankrupt to exemptions; to the bankrupt's discharge; to compositions; and to all matters and things to be done, under and in virtue of the bankruptcy, by the bankrupt or the assignee, or by any creditor who has proved his debt.

SEC. 4. That said courts, as courts of bankruptcy, shall be always open, and their powers and jurisdiction may be exercised in a summary manner, as well in vacation and in chambers as in court, and shall include power to compel obedience to all lawful orders and decrees in bankruptcy by process of contempt and other remedial process as fully as circuit courts may now do in equity, and full power over costs and other usual powers of courts of equity. And said courts may sit for the transaction of business in bankruptcy (where no jury is required to be present) at any place within the district, first giving reasonable notice of the time and place of holding any such special session.

SEC. 5. That in case of a vacancy in the office of district judge in any district, or in case any district judge shall, from sickness, absence, or other disability, be unable to act, the circuit justice or judge of the circuit in which such district is included, may make, during such disability, absence, or vacancy, all necessary rules, orders, and decrees in bankruptcy, and cause the same to be entered or issued, as the case may require, by the clerk of the district court.

SEC. 6. That the district judge may, on the application of any of the parties interested, certify any point or question of law arising in bankruptcy to the circuit court for the same district, to be there heard and determined.

SEC. 7. That the circuit court of each district and the supreme court of each Territory shall have a general superintendence and jurisdiction of all controversies and questions arising in the district court of such district or Territory, sitting in bankruptcy, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not; and, except when special provision is otherwise made, may, upon the certificate of the district judge, as before provided, or upon bill, petition, or other proper process of any party aggrieved, hear and determine the case as in a court of equity; and said court shall be deemed always open for this purpose; and the case may be heard by the circuit justice or the circuit judge, or both, in court or in chambers, and in term time or vacation. When a question comes up by certificate, as aforesaid, the district judge may sit at the hearing with the circuit justice or judge. In districts which are not within any organized circuit of the United States the powers and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

SEC. 8. That the final judgment, decree, or order of the circuit court having jurisdiction in all matters, questions, and controversies properly arising in the courts of bankruptcy as such, in whatever mode they may be tried, shall not be reviewed by the Supreme Court excepting upon a certificate of division of opinion between two of the justices of said circuit court.

PLENARY SUITS.

SEC. 9. That the several district and circuit courts shall each have, concurrently with the courts of the States, jurisdiction of all suits at law or in equity, as distinguished from proceedings in bankruptcy, brought by a trustee in bankruptcy, in whatever district appointed, against any person, for any cause of action, or for the recovery of any debt, damages, or property vested in or claimed by him as such trustee, or by any person claiming an adverse interest against such trustee.

SEC. 10. That the court of bankruptcy may direct that any debt, demand, or property claimed by the trustee shall be sued for in the appropriate court of the State.

SEC. 11. That appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed from the circuit to the district courts in cases at law such as are mentioned in the last section, when the amount in dispute exceeds $500; but no such appeal or writ of error shall be taken or allowed unless it is claimed, and notice thereof given to the clerk of the district court, to be entered with the record of proceedings, and also to the adverse party, within twenty days after the entry of the decree or judgment sought to be revised, nor unless the appellant or plaintiff in error shall give bond and comply with the other provisions of law relating to appeals and writs of error, respectively.

Such appeal or writ of error shall be entered in the clerk's office of the circuit court, whether in term time or vacation, within thirty days after the same is claimed, and thereupon the cause shall be deemed to be pending in said circuit court.

If the appellant or plaintiff in error fails to make entry within the time aforesaid, the appeal or writ of error shall be declared abandoned upon the petition of the adverse party, and notice to the appellant or plaintiff, or his attorney of record, unless the circuit court, or one of the justices thereof, shall, for cause shown, grant further time.

If such appeal or writ of error is waived in writing by the party taking the same at any time before a decision thereon, proceedings may be had in the district court as if no such appeal or writ of error had been taken or sued out.

SEC. 12. That the Supreme Court shall have like appellate jurisdiction of the suits mentioned in section 9 as in other civil actions; but no appeal or writ of error shall be taken or allowed unless it is claimed, and notice thereof given to the clerk of the circuit court and to the adverse party within twenty days after entry of the decree or judgment sought to be revised; such claim of appeal or for a writ of error shall be deemed to be abandoned unless the required bond to the adverse party duly approved is filed with the clerk of the circuit court within thirty days after the entry of said decree or judgment, and unless the record upon the appeal or the writ of error, as the case may be, is transmitted to the clerk of the Supreme Court for entry in said Supreme Court within sixty days after the entry of said decree or judgment.

COMMISSIONERS.

SEC. 13. That the circuit courts, two justices concurring, shall appoint within each judicial district of their respective circuits such number of commissioners in bankruptcy as may be necessary for the due transaction of the business therein, not exceeding in any State the number of members of Congress to which it is entitled. The district judge for the district shall always be one of the judges appointing. If the business in any district will not warrant the appointment of a commissioner, all the powers and duties of commissioner shall be exercised by the district judge. No person shall be eligible as a commissioner unless a practicing attorney of the courts of the United States or of one of the States or Territories.

Commissioners may be removed from office by the district judges of their respective districts; and the number of commissioners in any district may be from time to time diminished or increased within the limit above mentioned, as occasion requires.

SEC. 14. That the commissioners shall hold meetings, hearings, and examinations, at such places and times as they shall determine, subject to any order by the judge; and it shall be the duty of the judge to arrange for stated sittings by the commissioners, at such times and places as shall afford the greatest practicable facility to the suitors in bankruptcy, and shall be conformed as well as may be to the sessions of the courts of probate or other similar courts of the State.

SEC. 15. That the commissioners acting in the several cases before them shall have all the powers of a master in chancery to whom a cause has been referred in equity, and may, besides, represent and act for the judge in holding meetings and conducting in chambers all business specially committed to them, and may do all acts which the district judge may do, unless when the word "judge" is used in this act, or the context excludes this power by implication. Commissioners may act for each other in all cases. All the acts of the commissioners shall be subject to review by the judge.

SUPERVISORS.

SEC. 16. That there shall be appointed for each judicial circuit, by the circuit court sitting in any district of the circuit, two justices concurring, one supervisor in bankruptcy, whose duty it shall be to examine personally into the administration of bankruptcy proceedings under this act throughout the circuit for which he is appointed; to call the attention of commissioners, clerks, and trustees to any matters which, in his judgment, would facilitate the speedy and economical settlement of cases in bankruptcy; to report to the district court in each district within the circuit any failure on the part of any trustee promptly to discharge the duties devolving upon him under this act; to move the court for action against any delinquent trustee; and to make, within the first twenty days of January, April, July, and October in each year, to the circuit court in each district within the circuit for which he is appointed, a report of his doings during the preceding three months, and of the manner in which bankruptcy proceedings are being conducted in said district, with suggestions, if any occur to him, by which the administration of bankruptcy proceedings within the district may be made more efficient and economical. The supervisor shall visit and inspect the office of every clerk and commissioner within his circuit as often as once in every six months.

SEC. 17. That copies of the quarterly reports of supervisors shall be sent by the clerk of the circuit court in each district, to the district judge of the district, and to the Attorney-General of the United States.

SEC. 18. That all the books, accounts, and records of clerks of district courts, and of commissioners and trustees, shall be always subject to the examination of the supervisor in bankruptcy of the circuit at his request.

SEC. 19. That supervisors may be removed from office by the court by which they were appointed.

SALARIES, AND SO FORTH, OF SUPERVISORS AND COMMISSIONERS.

SEC. 20. That supervisors and commissioners duly appointed and acting under this act shall receive yearly salaries at the rate of —— dollars, payable quarterly from the Treasury as judges are now paid. They shall also, in like manner, be reimbursed from the Treasury for their necessary office rent, clerk hire, and office and traveling expenses: *Provided*, That the items thereof shall be verified upon oath, and shall be examined in detail, and approved in the case of commissioners by the district judge, and in the case of supervisors by two judges of one of the circuit courts within the circuit for which they are appointed.

ENTRY AND CLERK'S FEES.

SEC. 21. That every party, debtor, or creditor petitioning for adjudication and bankruptcy shall, at the time of filing such petition, pay $50 to the clerk of the court and $10 to the clerk in lieu of all fees, except as hereinafter permitted to be charged. Every trustee shall pay to the clerk 1 per cent. of the gross amount of money realized from the assets in excess of $500; and every debtor making a composition shall, in like manner, pay one-half of 1 per cent. upon the total amount thereof.

The clerk shall report to the Secretary of the Treasury of the United States the sums paid from time to time to him under this section; and transfers of all such sums received during each calendar month shall be made by the clerk of the court to the Treasury of the United States, by proper order and certificates, within ten days after the expiration thereof, except that the $10 paid to him as aforesaid shall be disposed of and accounted for as other fees.

SEC. 22. That the clerk shall not be paid for a copy of any paper filed in the court of bankruptcy, by the party ordering the same, the fees prescribed by law for copies, except that for copies of the petition and schedules duly ordered for the use of the commissioner the clerk shall be paid the usual fees. He shall make no charge for filing papers, entering orders or decrees, making dockets, or receiving or paying out money in any case in bankruptcy.

OATHS.

SEC. 23. That any oath required by this act, excepting upon a hearing in court, may, if taken within the United States, be taken before a judge or clerk of a court of record of a State or of the United States, a commissioner or a supervisor in bankruptcy, a commissioner of the circuit court or a notary public, or any officer empowered to administer oaths in the State where the same is taken, and before a minister, consul, or vice-consul of the United States if taken in a foreign country. The fee for the oath, and the certificate thereof, and preparing the statement of debt, shall be fifty cents: *Provided*, That no fee shall be paid to a Federal judge, commissioner, or supervisor.

CREDITORS IN NUMBER.

SEC. 24. That whenever the creditors are authorized to determine any matter partially or finally by a majority, or any other proportion in value and number of said creditors, (with exception of petition for adjudication,) creditors in number shall be understood as excluding every creditor whose provable debt shall be less than $50, in reckoning number, but not in reckoning value.

RULES.

SEC. 25. That, subject to the provisions of this act, the Supreme Court shall have the like power to make and prescribe rules, forms, and modes of proceeding in bankruptcy as they now have in relation to suits and proceedings in equity. Subject to this act and the rules of the Supreme Court the several circuit and district courts may prescribe rules of practice and forms of proceeding.

RECORDS.

SEC. 26. That the proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, shall be kept in books to be provided for that purpose, which shall be open to public inspection.

WARRANTS.

SEC. 27. That at any time before or within three months after the adjudication, upon proof being made by affidavit, to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance, in a sum to be specified in said warrant, for his appearance, from time to time, as required by the court, and for his obedience to all lawful orders of the court in said proceedings.

The judge may, at any time after adjudication and before the trustee is chosen, in any case, upon the application of the bankrupt or of any creditor, issue a warrant to the marshal requiring him to take possession of the property of the bankrupt, and keep the same safely for the trustee when appointed.

He may issue a like warrant to seize and keep the property of any person against whom proceedings in bankruptcy are pending, and before adjudication, upon satisfactory evidence by affidavit that he is about to remove, conceal, or transfer his property in fraud of his creditors or of this act: *Provided, however*, That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt shall issue unless the petitioning creditor execute and file with the clerk of the court a bond to the alleged bankrupt, in the penal sum of not less than $500, with sureties to be approved by the judge, conditioned to pay all damages resulting from granting the same in case it shall be ultimately decided that the creditor was not entitled thereto.

If the judge, by reason of illness or absence, is unable to act, the commissioner, or if no commissioner has been designated for the case, one of the commissioners of the district, may issue the warrants mentioned in this section.

SEC. 28. That the judge may appoint a receiver before adjudication, or before the trustee is chosen, when there appears to be a necessity therefor.

INJUNCTIONS.

SEC. 29. That the circuit and district courts of the district wherein any involuntary proceedings in bankruptcy are pending may, before adjudication, by injunction, restrain any person from intermeddling with the property of the supposed bankrupt. The judge in bankruptcy shall have the like power in respect to the supposed bankrupt.

Said courts may likewise restrain creditors from prosecuting actions to final judgment contrary to this act, or may permit such actions to proceed for such purposes and under such restrictions and limitations as shall be found just; but this act shall not prevent *bona fide* creditors in suits instituted prior to filing the petition in bankruptcy from continuing such suits for final judgment until the question of discharge be determined.

HEARINGS.

SEC. 30. That all hearings and examinations in bankruptcy shall, unless otherwise ordered by the judge, be oral, and the commissioner shall report the substance of the evidence if so requested. When the bankrupt is examined, the court may, if the importance of the case seems to require it, order a sworn stenographer to be employed, at the expense of the estate, to take down the evidence. In any hearing or examination a party interested may employ a stenographer, who shall be duly sworn; and the court may afterward, for cause shown, order the necessary expense of his employment, or some part thereof, to be paid out of the assets.

TIME.

SEC. 31. That in all cases in which any particular number of days is prescribed by this title, or shall be mentioned in any rule or order of court, or general order which shall at any time be made under this title, for the doing of any act or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas Day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also. The filing of the petition for adjudication, with a commissioner or in the clerk's office, whichever is first in time, shall be deemed the commencement of proceedings under this act.

VOLUNTARY BANKRUPTCY.

SEC. 32. That any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of $500, may apply, by petition, to the district court of the judicial district in which such debtor has resided or carried on business for the six months next preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence and of business, his indebtedness to said amount, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge under this act.

He shall annex to or file with his petition a schedule containing a full and true statement of all his debts and liabilities, exhibiting, as far as possible, the name and residence of each creditor, and if unknown, the fact to be stated; the nature, amount, and consideration of each debt and liability, and where contracted, and of any mortgage, pledge, lien, charge, collateral, or other security given for the payment of the same.

He shall, in like manner, annex or file an inventory containing an accurate statement and description of all his estate assignable under this act, and of the cash value thereof, and of all incumbrances thereon, and of all which he claims as exempt.

The schedule and inventory shall be verified by the oath of the petitioner.

SEC. 33. That the filing of such a petition as last aforesaid shall be an act of bankruptcy, and shall be *prima facie* evidence of the petitioner's indebtedness to the requisite amount, and of his inability to pay; and upon the filing thereof the clerk of the court or one of the commissioners, shall, under the directions of the judge, special or general, adjudge such petitioner to be a bankrupt, designate a commissioner to have charge of the cause, and appoint a time and place for the first general meeting of the creditors of said bankrupt for the proof of debts and the choice of a trustee or trustees before the judge or before said commissioner, and give notice of such adjudication and meeting, and of the purposes thereof, by publication in one or more newspapers to be designated by the court, having regard to the circumstances of the case, and by mail to all known creditors of the petitioner; and the notice to creditors shall state the facts aforesaid and the names and residences of the creditors, and amounts due them, so far as known. Said meeting shall be held not less than ten nor more than sixty days after adjudication.

If a bankrupt dies after adjudication the proceedings may go forward as if he had lived.

INVOLUNTARY BANKRUPTCY.

SEC. 34. That any person residing and owing debts, as aforesaid, who, after the passage of this act, departs from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors; or, being absent, remains so with like intent; or conceals himself to avoid arrest or the service of legal process; or makes a fraudulent transfer of his property; or conceals or removes the same to avoid process; or, with intent to defraud his creditors, procures or suffers judgment against him; or gives a warrant to confess judgment, or judgment note, with like intent; or who, being a trader, having been arrested in any civil action, fails or neglects to give bail, or in some other mode to procure his discharge, for twenty days; or, being actually insolvent, fails to dissolve an attachment laid upon his property before final judgment in the suit in which such attachment is made; or fails for sixty days to satisfy a final judgment or decree rendered against him for the payment of money, unless a supersedeas or stay of execution has been granted in respect thereto; or has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business, for a period of thirty days after the same were payable; or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences, shall be deemed to have committed an act of bankruptcy, and may be adjudged bankrupt by any court of bankruptcy wherein he might have been made bankrupt on his own application, upon a petition filed in such court by three or more of his creditors whose debts, which would be provable at the first meeting under this act, amount, in all, to not less than $250, or if his creditors are less than twelve in number, by not less than one-fourth in number of his creditors having debts to said amount, provided such petition is brought within six months after the act of bankruptcy has been committed. Secured creditors whose security is inadequate may be petitioners in respect to the excess of their debts beyond the value of the security. When such act consists of a transfer of, or attachment or lien upon, property of the bankrupt, such period shall not be deemed to expire until six months from and after the recording, registering, or docketing of the deed, writing, transfer, judgment, or attachment relating thereto, whenever, by law, such recording, registering, or docketing is required or permitted, or from the notorious, exclusive, and continuous possession by the creditor, or other person dealing with the bankrupt, of the personal property which is the subject-matter of such alleged act of bankruptcy.

SEC. 35. That in involuntary cases it shall be no objection to the jurisdiction of the court that the debtor has removed from the United States since the act of bankruptcy was committed, provided the petition is brought in a district in which he might have filed his petition at the time of his removal. In all cases, voluntary or involuntary, the petition for adjudication may be filed with a commissioner, who shall send the name by the next mail to the clerk of the court.

SEC. 36. That upon a petition being filed by creditors for adjudication, and cause shown by affidavit, in the petition or otherwise, the court, if satisfied with the proof, shall grant an order of notice to the debtor, requiring him to show cause thereon at a court of bankruptcy to be held before the court not less than ten days thereafter. Before such order shall be granted by said court, the judge thereof shall require such creditors to execute a bond, with such sureties as he may direct, conditioned that if the issue is found for the defendant or defendants they will pay all costs and damages the opposite parties may have sustained by reason of such proceeding. Such order shall state the substance of the petition, and be served not less than five days before the return day, as process is served in other civil actions; and the order shall require notice by publication, as therein directed, if the debtor is not found and has no usual place of abode within the district. The cause shall proceed and be tried before the judge, or before a commissioner to be designated by the judge, summarily, and as speedily as may be after due service has been made, unless the debtor, on the day when he is bound to appear, shall demand a trial by jury, which shall then be had at the first convenient opportunity; and the judge may summon a jury for such purpose if the urgency of the case appears to justify it. In case the issue is found for the defendant or defendants, the same jury shall assess the damages hereinbefore provided for, and judgment shall be entered against both principals and sureties; and the trial and judgment may be reviewed in the same manner and to the same effect as trials and judgments in actions at law.

Any creditor of the supposed bankrupt may be admitted as a copetitioner by filing with the clerk or commissioner, at any time before the hearing, notice that he wishes to be so admitted, or may be admitted by the court during the hearing, upon filing security as aforesaid. Any person interested to defeat the petition may be admitted to defend.

If the issue is found against the petitioners, the petition shall be dismissed, but it shall not be dismissed for want of prosecution, or by consent of parties, unless the judge is satisfied that the parties consenting are the only parties interested, or that the acts of bankruptcy have not been committed, or that no interests of creditors can be prejudiced by such dismissal; and to ascertain these facts, notice may be required by publication, or the debtor may be required to file a schedule of his creditors, and notice may be given them by mail, or otherwise, as the judge may direct.

SEC. 37. That if the debtor shall make default, or if upon the trial the issue shall be decided against him, he shall be adjudged a bankrupt, and shall file, within five days thereafter, unless further time is given by the court, the schedule and inventory above required to be filed by petitioners for the benefit of the act. If he has not appeared in person or by attorney, such notice to file the schedule and inventory shall be given him as the court may order before he shall be deemed guilty of contempt. If he fails to file these papers in due time, the petitioning creditors shall cause them to be prepared according to the best of their information, and file the same. Upon such filing, in either case, or upon the order of the court, the first meeting shall be called, and further proceedings shall be had as in cases of voluntary bankruptcy. The costs and counsel fees of involuntary proceedings which have proceeded to adjudication may be paid out of the assets to an amount not exceeding $200, if the court shall so order.

FIRST MEETING—CHOICE AND QUALIFICATION OF TRUSTEES.

SEC. 38. That at the first meeting of the creditors the commissioner shall declare the notices published and given, and if they are insufficient the commissioner shall adjourn the meeting and the defects of notice shall be supplied. When due notice has been given the meeting shall be held, and the creditors may prove their debts and choose one or more trustees of the estate of the debtor, the choice to be made by the greater part in value, and not less than one-third in number, of the creditors voting; but creditors shall not vote upon privileged or contingent debts, nor shall a creditor who has received a preference prove or vote on any debt unless he shall surrender his preference to the commissioner for the use of the trustee, nor any secured creditor unless he shall in like manner surrender his security, or unless the commissioner shall find that the excess of his debt above his security must be at least a certain sum, in which case he may vote on that amount. The commissioner may, when he finds it practicable, assess unliquidated damages for the purposes of proof at the first meeting, subject to re-examination after the trustee is appointed. Creditors who send their proofs may add thereto a proxy or a vote for trustees and committee of direction, to be verified with and as part of their proofs.

SEC. 39. That every trustee shall qualify within ten days after his election, or within such further time as the court may order or permit, by giving bond to the United States, in such sum and with such sureties as shall be satisfactory to the court, conditioned for the faithful performance of his duties, which shall be filed with the records of the case, and may be prosecuted from time to time in the name and at the charge of any person injured by a breach of the condition thereof; joint trustees may give joint or several bonds, as they shall elect. If any trustee shall fail so to qualify within the time aforesaid he shall be deemed to have declined the trust.

POWERS OF COURT IN RESPECT TO TRUSTEES.

SEC. 40. That the judge may refuse to confirm a trustee, or may add trustees to those chosen; he may remove a trustee for cause, after hearing; he may punish, as for contempt, a trustee who disobeys a lawful order of the court; he may fill all vacancies in the office of trustee caused by death, resignation, or otherwise, if he finds that the vacancy needs to be filled. The commissioner may appoint a trustee when there is a failure to elect one, or a refusal to accept the trust, and no written objection is made to his exercising this power.

COMMITTEE OF DIRECTION.

SEC. 41. That the creditors, at the first meeting, may, if they please, by a vote such as is required for the choice of a trustee, elect a committee of three persons, whether creditors or not, subject to the approval of the court, who shall be called the committee of direction, whose duty it shall be to advise the trustee in the disposal of the assets, the admission of debts, payment of claims having priority, declaration of dividends, and the settlement of the estate in all respects with a view to the best interests of the creditors; and all sales made, suits brought, or acts done by him in good faith, with their written consent, or that of the major part of them, shall be, *prima facie*, deemed expedient and proper; suits at law or in equity brought by a trustee without such consent shall be, *prima facie*, deemed improper; but all such acts shall be subject to the supervision, control, and direction of the court. In case of a neglect or failure to elect such a committee, the court may, at any time, appoint one, if found expedient, upon the application of not less than one-third in value of the creditors whose debts have been proved.

SEC. 42. That no action or advice, nor the failure to act or advise, on the part of the committee of direction, shall affect the title or right of any one dealing with or sued by the trustee, nor shall it be given in evidence excepting in the court of bankruptcy, and when the conduct or fees of the trustee or the settlement of the estate is in question therein.

TITLE VESTED IN TRUSTEES.

SEC. 43. That when a trustee has been duly appointed and qualified there shall

vest in him, for the purposes of this act, all the property and estate of every kind, except as hereafter provided, which the bankrupt had at the commencement of the proceedings, including everything of value which he could then by any means have sold, assigned, or conveyed, or which might have been taken on execution upon any judgment against him; all his interest in any patents, patent rights, or copyrights; all rights in action arising from contract, or from the unlawful taking or detention of or injury to his property; all powers which he might have exercised for his own benefit; all books, deeds, or writings relating to the above-mentioned property; all property conveyed by him in fraud of his creditors; and the trustees shall have the right to avoid any transfer which the judgment creditors or other creditors of the bankrupt, or any of them, might, by any way or means, have been avoided, and this whether judgments have been obtained or not; and the estate in his hands shall not be subject to any liens, charges, or incumbrances which, for want of record or otherwise, would not then have been valid as against the creditors of the bankrupt, or any of them; and every attachment, levy, seizure, garnishment, charge, or lien existing upon the property of the bankrupt, by virtue of any judgment, process, or proceeding against him by any creditor or creditors, at law or in equity, entered, levied, or laid within three months before the bankruptcy, such period to be reckoned as herein provided in relation to acts of bankruptcy, shall be dissolved by such adjudication and appointment, and the money or property in the hands of any officer arising from such levy or seizure, before payment to the creditor, shall be the property of the trustee: *Provided*, That all the lawful and taxable costs and charges of the creditor and officer in respect to any such levy, lien, attachment, judgment, or seizure, or of the suit in which it was levied or laid, incurred in good faith, shall be a first lien upon the property affected thereby; and the court of bankruptcy shall have power to ascertain the amount of such costs and charges and to order their payment out of such property before or after the trustee shall be put in possession thereof, as shall seem most just and expedient.

EXEMPTED PROPERTY—ALLOWANCES TO BANKRUPTS.

SEC. 44. That there shall be excepted and exempted out of the property mentioned in the preceding section, and shall be set apart by the court of bankruptcy, for the use of the bankrupt, the necessary and proper wearing-apparel of the bankrupt, and that of his wife and children; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States; and such other as was so exempted by the laws of the State in which said bankruptcy proceedings are instituted at the time when the same were begun. And the court may allow the bankrupt a sum of money, not exceeding $500, for his support pending the proceedings, if his circumstances require it.

He shall also be allowed reasonable wages for services rendered his estate at the request of his trustee, and the usual fees for his attendance as a witness when required to attend for his own examination, or in any other matter excepting at hearings on the question of his discharge.

DUTIES OF BANKRUPT.

SEC. 45. That the bankrupt shall, at the request of the trustee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the trustee to possess himself fully of all the assets vested in him, especially property in foreign countries, and do all acts which may be reasonably required by the trustee or ordered by the court in the due settlement of his estate. He shall attend the first meeting of creditors, and such other meetings as he may be duly notified to attend.

EXAMINATIONS.

SEC. 46. That the bankrupt shall, when required by the court, at any time before his discharge, attend before the commissioner, or a commissioner to be designated by the court, for examination by the trustee or by creditors touching his trade and dealings, his property and debts, and all matters which may affect the settlement of his estate in bankruptcy.

Upon cause shown by affidavit, the court may summon the wife of the bankrupt, or any person suspected of having any assets of the bankrupt in his possession, or to have knowledge of anything material whatsoever relating to the assets or dealings of the bankrupt, to appear and submit to an examination in like manner. If the bankrupt's wife fails to attend after due notice, the bankrupt shall not be entitled to a discharge, unless he proves to the satisfaction of the court that he was unable to procure her attendence.

POWERS, AND SO FORTH, OF TRUSTEES.

SEC. 47. That a copy of the adjudication and of the record of the trustee's appointment shall be conclusive evidence of his title and powers as to all the matters aforesaid, and of his right to demand, receive, sue for, and recover the assets, and to set aside frauds; and this whether he is chosen at the first meeting, or appointed by the judge or commissioner, or fills a vacancy. As soon as conveniently may be after the trustee qualifies, the judge or commissioner shall give him a certificate of his appointment, under his hand and the seal of the court, and such certificate shall likewise be conclusive evidence as aforesaid.

SEC. 48. That the trustee shall have the like remedy to recover all the estate, debts, and effects in his own name as the debtor would have had if the decree in bankruptcy had not been rendered. If, at the time of the bankruptcy, an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the trustee by the assignment, the trustee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. And if any suit at law or in equity in which the bankrupt is a party defendent is then pending which in any way concerns the creditors, the trustee may defend the same in the same manner and with the like effect as it might have been defended by the bankrupt, and shall be entitled to the benefit of every remedy, lien, or estoppel, legal or equitable, which any creditor having a claim provable against the estate would have been entitled to if proceedings in bankruptcy had not intervened, and which would otherwise have been destroyed by the bankruptcy.

SEC. 49. That no suit pending in the name of the trustee shall be abated by his death or removal, but upon the motion of the surviving or remaining or new trustee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him.

SEC. 50. That no person shall be entitled as against the trustee to withhold from him possession of any books of account of the bankrupt.

SEC. 51. That the trustee shall immediately give notice of his appointment, by publication, at least once a week for three successive weeks, in such newspaper or newspapers as shall be designated by the court, due regard being had to their general circulation in the district, or in that part of the district in which the bankrupt and his creditors shall reside, and shall within six months cause the certificate of his appointment to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded.

SEC. 52. That the trustee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as trustee.

SEC. 53. That when it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the judge or commissioner, or may authorize it to be deposited in any convenient bank, upon such interest, not exceeding the legal rate, as the bank may contract with the trustee to pay thereon.

SEC. 54. That the trustee, under the direction of the court, may submit any controversy arising in the settlement of the estate to the determination of arbitrators, to be chosen by him and the other party to the controversy, and under such direction may compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

SEC. 55. That the judge may, in his discretion, for cause shown, and upon notice and hearing, direct the receiver or trustee to take possession of the property and carry on the business of the debtor, or any part thereof, under the direction of the judge, when in his judgment the interest of the estate as well as of the creditors will be promoted thereby, for a period not exceeding twelve months from the date of the order: *Provided*, That such order shall not be made until the judge shall be satisfied that it is approved by a majority in value of the creditors. When a composition is offered before the appointment of a trustee, the judge may make such order in respect to the continuance of the business by the debtor, with or without supervision, or by a receiver, as shall seem to him expedient and for the interest of all parties.

SEC. 56. That unless otherwise ordered by the court or the committee of direction, the trustee shall sell the property, whether real or personal, at public auction, in such parts or parcels, and at such times and places, as shall be best calculated to produce the greatest amount with the least expense. All notices of public sales under this act, by any trustee or officer of the court, shall be published once a week, for three consecutive weeks, in the newspaper or newspapers to be designated by the court which, in his opinion, shall be best calculated to give general notice of the sale; and ten days prior to any sale the trustee shall mail a notice thereof to each creditor of the time and place of sale. And the judge, on the application of any party in interest, shall have complete supervisory power over sales by trustees, including the power to set aside the same and to order a resale, so that the property sold shall realize the largest sum. And the court may, in its discretion, order any real estate of the bankrupt, or any part thereof, to be sold for one-fourth cash at the time of sale, and the residue within twelve months, in such installments and bearing such interest as the court may direct, and secured by proper mortgage or lien upon the property so sold.

SEC. 57. That it shall be the duty of every trustee to keep a regular account of all moneys received or expended by him as such trustee, to which account every creditor shall, at reasonable times, have free access.

SEC. 58. That whenever it appears to the satisfaction of the judge that the title to any portion of an estate, real or personal, which has come into possession of the trustee, is in dispute, the judge may, upon the petition of the trustee, and after such notice to the claimant, his agent or attorney, as the judge shall deem reasonable, order it to be sold under the direction of the trustee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any court. But this provision shall not prevent the recovery of the property from the possession of the trustee by any proper action commenced at any time before the court orders the sale.

SEC. 59. That no suit, either at law or in equity, shall be maintainable in any court between a trustee in bankruptcy and a person claiming an adverse interest touching any property or rights of property transferable to or vested in such trustee unless brought within four years from the time when the cause of action accrued for such trustee. This provision shall not, in any case, revive a right of action barred at the time when a trustee is appointed, but the time which elapses between the filing of the petition and the appointment and qualification of the trustee shall not be reckoned in against him. The trustee shall be allowed to cancel his bond immediately upon favorable review of his administration by the court, and any and all actions against said trustee shall be barred by the final adjustment of the estate.

DEBTS.

SEC. 60. That the following debts and liabilities, and no others, shall be provable in bankruptcy: all debts absolutely due by the bankrupt at the commencement of the proceedings, whether then payable or not, with any interest which would have been recoverable thereon at that date, or with a rebate of interest upon such as were not then payable and do not bear interest by the terms of the contract; all damages suffered by reason of the rejection by the trustee of a lease, as hereinafter provided; all demands for or on account of any goods or chattels wrongly taken, converted, or withheld by the bankrupt, to the amount of their value, with interest; all unliquidated damages arising out of any contract or promise, absolute or contingent, express or implied, whether the breach is before or after the bankruptcy, the amount of all such demands and damages, and of all equitable debts, to be assessed in such mode as the court shall direct; all taxable costs incurred in good faith by a creditor before the bankruptcy, in an action to recover a provable debt, may be added to the proof thereof; all costs then taxable against a plaintiff who shall become bankrupt upon a cause of action which would pass to the trustee, and which the trustee declines to prosecute after notice. If judgment is obtained upon a provable debt pending the proceedings, and before the bankrupt's discharge, the debt and costs to the time of bankruptcy may be proved as if no judgment had been obtained. If the bankrupt shall be bound as drawer, indorser, surety, bail, or guarantor upon any bill, note, bond, specialty, or contract, or for the debt of another, the creditor may prove the same at any time after the liability shall become fixed and before the final dividend shall be declared. In all cases of contingent debts, demands, and liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may apply to the court, seasonably before such final order, to have the value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall direct; and he may prove for the amount so ascertained. If the court shall find such debt or liability incapable of valuation, a decree to that effect shall be entered upon the record.

Debts falling due at stated periods shall be apportioned up to the time of the bankruptcy, and proof be made for the proportionate part thereof.

LEASES—RENTS.

SEC. 61. That the bankrupt shall not be entitled to the benefits nor be bound by the covenants or engagements of any lease held by him at the time of his bankruptcy, but such lease shall be deemed to be surrendered so far as he is personally concerned. The trustee may decline the lease at any time, notwithstanding that he may have endeavored to sell the same, or have exercised acts of ownership in respect thereto: *Provided*, That the landlord or any creditor may, in writing, require him to elect, within twenty days after such notice, whether to accept or decline the same; and the failure to accept within such time shall be deemed a declination. When a lease is declined, the landlord may have any damages he shall suffer thereby assessed, as the court shall direct, and prove the amount as a debt in the bankruptcy. Such declination shall not affect any right of the trustee to deal with fixtures belonging to the bankrupt.

PREFERRED CREDITORS.

SEC. 62. That any person who, after the passage of this act, has accepted a preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provisions thereof, shall not prove any debt or claim against the estate of the debtor, nor receive any dividend therefrom, until there shall be surrendered or recovered, and actually paid or delivered to or for the use

of the trustees, all property, money, benefit, or advantage received by him or for his benefit under such preference, and the costs of suit, if any, brought by the trustees for the recovery thereof.

SURETIES.

SEC. 63. That any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor if the creditor has proved the same, although such payments shall have been made after the proceedings in bankruptcy were begun. And any person so liable for the bankrupt, and who has not paid the whole of such debt, but is still liable for the same, or any part thereof, may, if the creditor fails or omits to prove such debt, prove the same in the name of the creditor, if known, if not, in his own name, and the court shall take care that the dividend is so paid as to diminish the original debt.

SECURED CREDITORS.

SEC. 64. That a secured creditor shall prove only for the excess of the debt after deducting the value of his security, to be ascertained by agreement between him and the trustee, or by a sale or appraisement thereof, to be made in such manner as the court shall direct, or the creditor may surrender such property to the commissioner or trustee and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security the trustee may release to the creditor the bankrupt's right of redemption therein on receiving such excess, or he may sell the property subject to the claim of the creditor thereon, and in either case the trustee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold, valued, appraised, or surrendered the creditor shall not be allowed nor required to prove any part of his debt. If, however, such creditor shall have sold the property in good faith, in accordance with the terms of his contract, he may be admitted as a creditor for the excess of his debt after giving credit for what he has received, and so much more, if anything, as he would have received if a sale or valuation had been made in accordance with this act.

SEC. 65. That when the bankrupt, at the time of adjudication, is liable upon any bill of exchange, promissory note, or other obligation, in respect of distinct contracts, as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

SET-OFF.

SEC. 66. That in all cases of mutual debts or mutual credits between the parties, the account between them shall be stated and one debt set off against the other, and the balance only shall be allowed or paid; but no set-off shall be allowed in favor of any debtor to the bankrupt of a claim in its nature not provable against the estate, or of a claim purchased by or transferred to him after the filing of the petition, or within three months before such filing, if purchased with a view to such set-off, and with knowledge or notice that the future bankrupt is insolvent, or has committed an act of bankruptcy.

PROOF OF DEBTS.

SEC. 67. That debts offered for proof must be verified by a statement in writing, under oath, and signed by the deponent, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon, and that the sum claimed is justly due from the bankrupt to the claimant. Such oath shall be made by the claimant, if he can testify of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which case, or if he has not personal knowledge, the demand may be verified by the attorney or authorized agent of the claimant having such knowledge, or testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge. The statement shall be delivered or sent by mail to the commissioner.

SEC. 68. That if the proof is satisfactory to the commissioner, it shall be declared admitted, and the commissioner shall keep the names of creditors who have proved their claims, the time of each proof, and the amount and nature of the debt, in a book or in lists, which shall be open to the inspection of all the creditors. After the first meeting no proof shall be admitted until the trustee has had an opportunity to examine it. The commissioner shall send copies of his lists to the clerk from time to time. The court may require or receive further pertinent evidence either for or against the admission of any debt.

SEC. 69. That the court may suspend the proof of any debt offered at the first meeting if it entertains doubts of its validity, or may admit it, for the purposes of the meeting, at less than the amount claimed, if the doubt affects the amount only.

REVISION OF PROOFS.

SEC. 70. That the court may, on the application of the trustee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of a claim, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and may reject, modify, or expunge all claims and proofs according to the justice of the case.

SEC. 71. That any one aggrieved by the action of the commissioner allowing, disallowing, or expunging a debt offered for proof, or any part thereof, may, in his application to the judge for a review of such action, demand a trial by jury, if the claim is one which would between solvent parties be triable in that mode; and if he shall not demand a jury, the other party may do so at the time of entering his appearance. Such trial by jury shall be had in the circuit or district court, whichever has, or will soonest have, a jury in attendance; if in the district court, an rulings of law may be reviewed by the circuit court by writ of error if the sum in dispute exceeds $500. If a trial by jury is not demanded as aforesaid, or if the claim is of an equitable nature, the trial shall be by the district judge, and his decision may be reviewed by the circuit court under its supervisory power. The decision of the circuit court in any case shall be final.

SEC. 72. That all creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate *pro rata*, except as provided in the following section.

DEBTS HAVING PRIORITY.

SEC. 73. That the following claims shall have priority and be first paid in full in their order:

First. The 1 per cent. upon the gross assets above $500 for the use of the United States, as provided in section 21.

Second. The costs and charges of the proceedings, including the entry fee of $60 when not paid by the bankrupt, and all costs duly charged against the assets.

Third. Debts, taxes, and assessments due to the United States which have been proved.

Fourth. Debts, taxes, and assessments made under the laws of the State where the proceedings are pending, and debts due such State, when by the laws thereof such debts have priority against insolvent debtors.

Fifth. Wages due any workman, clerk, or servant of the bankrupt for labor performed within six months before the bankruptcy, not exceeding $50.

Sixth. Debts due to any person who by the laws of the United States is entitled to priority. And nothing in this act contained shall interfere with the assessment and collection of taxes by the authority of the United States or of any State.

SEC. 74. That the court may, at any time after the adjudication, order payment, in whole or in part, of privileged debts, according to their rank, without formal declaration of a dividend.

ACCOUNTS OF TRUSTEES.

SEC. 75. That immediately on the expiration of three months from the time of his appointment, or earlier if practicable, the trustee shall file in the clerk's office an account of his receipts and payments, and a statement of the situation of the estate, and a list of all debts proved since the first meeting, with the names and residences of the creditors. He shall, at the same time, file a duplicate of the account and statement with the commissioner.

Thereupon a second meeting of creditors shall be called, if the court thinks it expedient to call one, or if the trustee or any creditor requests it, at which the account shall be examined by the creditors and be passed upon by the commissioner; and debts which have been proved may be re-examined, after notice to the proving creditor, as heretofore provided. Such meeting shall be notified by the commissioner to all known creditors, with a summary statement of the matters to be considered thereat.

If a meeting is not asked for or thought necessary, a hearing shall be had upon the said account, of which notice shall be given, by publication or otherwise, or without notice, as the court shall order.

Similar proceedings shall be had at the end of every six months until the estate is fully settled.

SEC. 76. That the trustee shall be allowed, from the assets in his hands, all his necessary disbursements, and such reasonable compensation for his services, having regard to the circumstances of the case, as shall be allowed by the committee of direction, or, if there be no committee, by a majority in value of the creditors, and, in default of such allowance, by the commissioner, not exceeding the rate of compensation allowed for similar services by the probate courts of the State in which the proceedings are pending; and the allowance shall, in all cases, be subject to the decision of the district judge and the supervision of the circuit court.

DIVIDENDS.

SEC. 77. That whenever after the settlement of any trustee's account there are funds applicable to a dividend, the court shall order a dividend to be declared, reserving, however, sufficient funds to meet all claims which, by reason of their nature or the distant residence of the creditor, or other sufficient reason, have not been proved and allowed: *Provided*, That a final settlement of the estate shall not be delayed for the proof of contingent liabilities which the creditor has not required the court to value, unless the court shall make a special order to that effect. No dividend already declared and paid shall be disturbed by reason of debts being afterward proved, but the creditors proving such debts shall be entitled to dividends equal to those already received by the other creditors before any other payment is made to the latter.

The commissioner shall prepare a dividend sheet, in duplicate, and file one copy thereof in court, and shall notify and pay the creditors, or cause them to be paid, in such mode as the court shall order.

UNCLAIMED DIVIDENDS.

SEC. 78. That dividends which remain unclaimed for six months after the final dividend has been declared shall be then paid by the trustee into the registry of the court, and the court shall take all reasonable means to cause their payment to the creditors entitled thereto; and dividends remaining unclaimed in the registry for the space of six years shall be paid into the Treasury of the United States.

PREFERENCES AND FRAUDS ON THE ACT.

SEC. 79. That any debtor who, being insolvent or in contemplation of insolvency or bankruptcy, shall procure any part of his property to be taken, attached, or sequestered on legal process, or shall, directly or indirectly, assist in the recovery of any judgment against him, or make any payment or transfer of his property with a view to prefer any creditor or person having any claim against him, or who is under any liability for him, shall be deemed to have made a fraudulent preference; and if the same shall have been made within six months before the debtor's bankruptcy, and the person receiving such preference or to be benefited thereby, or his agent acting therein, shall have reasonable cause to believe that a fraud on this act was intended, the preference shall be voidable by the trustee, who may recover the property, or its value, from such creditor or other person: *Provided*, That when a creditor has been preferred and afterward in good faith gives the debtor further credit, without security of any kind, for money or goods which are used in the debtor's business, the amount of such new credit remaining unpaid at the bankruptcy may be deducted from the amount which would otherwise be recoverable from the preferred creditor.

It any such debtor as aforesaid, within the period aforesaid, shall do any of the things above mentioned with intent to prevent the property dealt with or affected from coming to his trustee in bankruptcy, or to defeat, delay, impair, hinder, or evade the operation of this act, the person dealing with such debtor, or any one acting for such person, having reasonable cause to believe that a fraud on this act was intended, the trustee may recover the property or its value from such person.

The fact that a transfer was not made in the ordinary course of the debtor's business shall be *prima facie* evidence of fraud on his part and of a reasonable cause of belief thereof by the other party.

The period of six months shall be reckoned in the same manner as is herein provided in respect to acts of bankruptcy.

If a debtor shall, directly or indirectly, pay money or transfer property to an attorney at law for the services to be rendered him in bankruptcy beyond a reasonable retainer, and thereafter becomes bankrupt, such payment shall be a preference, and the trustee may recover the amount by summary process.

PROTECTION OF BANKRUPT.

SEC. 80. That no creditor whose debt will be released by the bankrupt's discharge shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt until the question of his discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court of bankruptcy on the question of the discharge: *Provided*, That there is no unreasonable delay on the part of the bankrupt in endeavoring to obtain it: *And provided also*, That if the amount due the creditor is in dispute the suit, by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed until the time aforesaid. If the suit is by a secured creditor to realize his security the court of bankruptcy may allow it to proceed for that purpose if the interest of the general creditors will not be injuriously affected thereby.

SEC. 81. That no bankrupt shall be liable, during the pendency of the proceedings in bankruptcy, to arrest in any civil action unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

DISCHARGE.

SEC. 82. That the bankrupt may, not less than two nor more than six months after the adjudication, apply to the court for a discharge from his debts: *Provided, however*, That if he shall apply for his discharge earlier than six months, *prima facie* showing of any act that would, if proved, bar his discharge, or the objection of one-fourth in amount of his creditors, or the objection of the committee of direction or

the trustee, shall suspend his application to the end of six months after the adjudication. A hearing on the application shall be had by the judge, if convenient, and if not, by the commissioner, after notice by mail to all known creditors, and by publication in one or more newspapers, as the court may direct.

SEC. 83. That it shall be a valid objection to the bankrupt's discharge that he has done anything which is made criminal by this act, or has given a preference or preferences as hereinbefore defined under an assignment for creditors or otherwise, which have not been surrendered; or shall have made at any time a transfer of his property, which any creditor who has proved his debt in the proceedings might at the time of the bankruptcy have impeached as fraudulent if he had then been a judgment creditor, unless such property shall have been surrendered to the trustee; or, being a trader whose annual transactions exceed $5,000, he has failed to keep proper books of account, or that he has without valid excuse failed to obey any order of the court; or if he has within one year before his bankruptcy knowingly made any false and fraudulent statement to any person or persons, which statement shall be made in writing and subscribed by said bankrupt and made for the purpose of being communicated to the trade or to those from whom he has sought or obtained credit. The court or the supervisor or a majority in value of the creditors may authorize or require the trustee or a creditor to oppose the debtor's discharge at the expense of the estate not exceeding a sum to be stated in the order or resolution.

SEC. 84. That the hearing shall be conducted like other hearings under this act and be subject to like revision. All creditors whose debts would be barred by the discharge shall be entitled to be heard and to examine the bankrupt, who shall be personally present, unless prevented by some cause satisfactory to the court. No formal pleadings shall be required, but record shall be made of any allegations made in opposition to the discharge.

SEC. 85. That if upon the hearing and trial it shall be found that the bankrupt has conformed to his duty under this act, and has done nothing which should operate to prevent his discharge, the same shall be granted, and a certificate thereof shall be given him, under the seal of the court, in substance as follows, but which may be varied as the circumstances of any case may require:

"DISTRICT COURT OF THE UNITED STATES,

"DISTRICT OF ——:

"Whereas —— has been duly adjudged a bankrupt under the statutes of the United States, and appears to have conformed to all the requirements of law in that behalf: It is therefore ordered by the court that the said —— be forever discharged from all debts and claims which by said statutes are made provable against his estate, and which existed on the —— day of ——, on which day the petition for adjudication was filed by (or against) him, excepting such debts, if any, as are by law excepted from the operation of a discharge in bankruptcy.

"Given under my hand and the seal of the court, at ——, in the said district, this —— day of ——."

[SEAL.] "——, Judge."

The certificate, or an authenticated copy thereof, or of the order for a discharge, shall be conclusive evidence of the fact and regularity of the discharge, and of the jurisdiction of the court granting the same, and may be pleaded in bar by a simple averment that it was granted on the day of its date.

SEC. 86. That a discharge, duly granted, shall release the bankrupt from all provable debts, including judgments obtained upon such debts pending the proceedings and before the discharge, and debts to a State or the United States, except taxes, and all collateral covenants and undertakings in respect to debts or the security for debts which are discharged. But the following debts are excepted, and shall not be discharged: Debts created by the debtor's fraud or embezzlement, or by his defalcation as a public officer, or while acting as a trustee, trustee in bankruptcy, or in some other fiduciary character; and when a debt has not been mentioned in the bankrupt's schedule, or some amendment thereof, in season for effectual proof, with the name of the creditor, if known to him, the creditor, unless he had notice or actual knowledge of the bankruptcy, may recover the same proportionate amount of his debt as he would have received if he had proven the same, or had taken part in the composition proceedings, as the case may be.

SEC. 87. That no discharge shall release or discharge any person liable for the same debt for or with the bankrupt as partner, joint contractor, indorser, surety, or otherwise.

REVIEW OF DISCHARGE.

SEC. 88. That the order granting a discharge may be reviewed and annulled by the judge in bankruptcy of the same court, within two years after it passed, upon the written application of any creditor or creditors whose debts, amounting to not less than $250, would be barred thereby, upon due notice and hearing and satisfactory evidence that such order was obtained by fraud or perjury, or that the bankrupt failed to surrender all his unexempt property, or influenced the action of any creditor in respect to said discharge or to a composition by any payment or promise contrary to law, and that such fraud, perjury, or illegal act was not known to said creditors in season to be availed of in opposition to such discharge, unless it was in fact put in issue and tried in good faith, upon the objection of other creditors before the discharge.

NEW PROMISE.

SEC. 89. That every promise, covenant, undertaking, and security given by any bankrupt, whether before or after his discharge, to pay a provable debt, or any part thereof, notwithstanding his discharge, shall be void, unless some new and valuable consideration is given therefor, and the same is put in writing and signed by the party making said promise, or his duly authorized agent.

PARTNERS.

SEC. 90. That when two or more persons residing and owing debts, as aforesaid, who are or have been partners in trade, become insolvent before the final settlement of their joint affairs, they, or any two or more of them, may be jointly adjudged bankrupt upon the petition of said partners, or any of them, due notice being first given to such as do not join in the petition; and upon evidence that any of said respondents are not insolvent, the petition shall, as to him or them, be dismissed.

And such partners, or any two or more of them, who shall have committed acts of bankruptcy, may be jointly adjudged bankrupt, upon the petition of creditors and proceedings thereon as hereinbefore provided for individual debtors.

Such petition, in either case, may be brought in any district where a petition by or against either of the partners might be brought; and the court shall have power to cause notice to be served on such as are without the district in such mode as it deems best; and the court in which the first petition is filed shall have exclusive jurisdiction of the case, unless the judge of said court shall decide that one of the other districts will be more advantageous and convenient for the parties interested, in which case the court of the latter district shall have the conduct of the proceedings. This rule shall apply to individual debtors proceeded against in more than one district as well as to partnerships.

SEC. 91. That all the creditors of the firm, and the several creditors of each partner, may prove their respective debts. The trustee shall be chosen by the joint creditors, and all the joint and separate property shall vest in him upon his qualification. He shall keep separate accounts of the joint estate and of the separate estate of each partner, and after deducting out of the whole amount received by the trustee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors. This rule shall be followed though there should be no joint assets and no solvent partner. If there is any surplus of the separate estate of any partner after the payments of his separate debts, with interest to the time of payment, such surplus shall be added to the joint stock for the payment of the joint creditors; and if there is any surplus of the joint stock after payment of the joint debts, with like interest, the same shall be appropriated to and divided among the separate estates of the several partners according to their respective right and interest therein, and shall be applied to the payment of their separate debts, respectively. The certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone. In all other respects the proceedings by or against partners shall be conducted in the like manner as if they had been commenced and prosecuted by or against one person alone.

SEC. 92. That in the case of any debt or liability arising from a partnership to any member thereof, or of any such member to any such partnership, the court may ascertain and liquidate the amount justly and equitably due thereon at the date of the bankruptcy, and may order proof for such amount.

SEC. 93. That whenever, upon the dissolution of a partnership, one or more of the partners of a new firm shall have agreed to assume and pay all the outstanding debts of such partnership, or whenever any person shall, for a valuable consideration, have agreed to assume and pay the debts of another, and the person or firm so agreeing to pay shall become bankrupt, any creditor whose debt was so assumed may assent to the substitution after as well as before such bankruptcy, and may signify his assent by proving his debt in the proceedings.

CORPORATIONS.

SEC. 94. That the provisions of this act shall apply to all moneyed, business, or commercial corporations and joint stock companies, and upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of creditors of such corporation or company, made and presented to the court having jurisdiction, and in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall, in like manner and with like force, effect, and penalties, apply to each and every officer of such corporation or company, in relation to the same matters concerning the corporation or company, and the money and property thereof. All payment, conveyances, and assignments declared fraudulent and void by this act when made by a debtor shall, in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. Whenever any corporation, by proceedings under this act, is declared bankrupt, all its property and assets shall be distributed to the creditors of such corporation in the manner provided in respect to natural persons; but no allowance or discharge shall be granted to any corporation or joint stock company.

SEC. 95. That whenever a corporation created by the laws of any State, whose business is carried on wholly within the State creating the same, and also any insurance company so created, whether all its business shall be carried on in such State or not, has had proceedings duly commenced against such corporation or company before the courts of such State for the purpose of winding up the affairs of such corporation or company, and dividing its assets ratably among its creditors, and lawfully among those entitled thereto prior to proceedings having been commenced against such corporation or company under the bankrupt laws of the United States, any order made or that shall be made by such court, agreeably to the State law, for the ratable distribution or payment of any dividend of assets to the creditors of such corporation or company, while such State court shall remain actually or constructively in possession or control of the assets of such corporation or company, shall be deemed valid notwithstanding proceedings in bankruptcy may have been commenced and be pending against such corporation or company.

COMPOSITION.

SEC. 96. That at any time after a debtor has been adjudged bankrupt, and has filed his schedule and inventory, he may file in the clerk's office of the court of bankruptcy or with the commissioner a proposal for a composition with his creditors. Such proposal shall not be considered unless it provides for the payment in cash of all debts, costs, and charges entitled to priority by this act, and for a payment to the general creditors, which shall be cash or amply secured, by indorsement or otherwise, in a mode to be stated in said proposal.

SEC. 97. That upon the filing of such a proposal, the court shall order a hearing before the commissioner upon the issue of the acceptance or rejection thereof, of which hearing the commissioner shall send notice by mail, postpaid, to all known creditors of the debtor, at least ten days before the time appointed therefor, of the substance of the said proposal. Until said hearing, the trustee, or, if no trustee has been chosen, the commissioner, or some person to be designated by the court, shall be the custodian of all the books of accounts and other writings and papers of the debtor which can be of use in deciding said issue, including copies of his schedule and inventory, and the same shall be open at all reasonable times to the examination of the creditors, and of any agent, accountant, attorney, or committee duly acting for the creditors, or any of them. The debtor may be examined before the hearing or at any time before the final confirmation of the composition, by special order of the court, in the same manner as bankrupts are examined.

SEC. 98. That at the hearing the debtor shall be personally present, and may be examined by any creditor, and shall be examined by the commissioner and trustee, concerning all matters pertinent to the issue.

All other pertinent evidence may be given; and the debtor may, at any time before the hearing is closed, offer a written modification of his proposal more favorable to the creditors than that originally proposed, but not one which is, or can be, less favorable; and such modified proposal shall thenceforward be considered the proposal.

SEC. 99. That after the evidence is closed, the hearing shall be adjourned for not less than two nor more than four weeks, unless the court shall, for cause, enlarge the time; and if, at or before the adjourned hearing, the debtor shall file with the commissioner the written assent to said proposal, signed by at least a majority in number and three-fourths in value of all his known creditors, the same shall be forthwith reported to the judge in the mode before provided in respect to hearings, together with the opinion of the commissioner thereon, with a list of all known creditors and the amount due to each. No assent, and no special power of attorney or proxy, for any composition, shall be signed by any creditor before the first hearing. All debts set out in the bankrupt's schedule shall be considered to be due for the amounts and to the extent that they would be provable in bankruptcy, unless they shall be impeached or varied at a hearing; but all creditors shall prove their debts in the ordinary way before their assent to the proposal shall be counted. Creditors having unliquidated or contingent demands heretofore made provable may have the same assessed or valued by or under the direction of the court, and secured creditors may in like manner ascertain the excess of their debts above their security, as in other cases. All such claims shall be provided for in the composition, unless the supposed creditor, on special notice, refuses to join in the proceedings, or the court decides that the claim is incapable of valuation. Such claim, if not liquidated before the close of the adjourned hearing, need not be counted in ascertaining numbers and amounts, unless justice is found to require it. A preferred creditor shall not be counted in respect to the preferred debt, nor a privileged creditor in respect to so much of his debt as is to be paid in

full. The judge shall appoint some convenient time, not more than thirty days after said report is filed, for a hearing of all parties interested, and shall confirm said proposal if the same appears to have been duly assented to, and is, in the opinion of the court, beneficial for the creditors and not unjust to any one. Matters which would prevent a discharge in bankruptcy may be considered in ascertaining the expediency of accepting or confirming the composition, but not as an absolute bar. If known to the objecting creditors, they shall be inquired into in the hearing before the commissioner in order that they may be taken into account by the creditors voting or acting in the composition. If the only valid objection to said proposal is the insufficiency of the security for the deferred payments, the court may affirm it upon satisfactory security being given. Upon such acceptance, the money for the cash payments shall be forthwith paid into the registry of the court, with a list of the creditors, and of the amount due to each, and shall be paid out to said creditors as other moneys are paid out of the registry. And if there are deferred installments, evidence shall be furnished to the satisfaction of the court that the same have been all duly and properly secured as provided in the order, and thereupon the court shall grant a discharge to the debtor, which shall release him from his provable debts; excepting such as are excepted in an ordinary discharge in bankruptcy, and with the further exception of payments upon said composition; and the debtor's property remaining undisposed of shall revert to him, *ipso facto*, upon the granting of the discharge, unless some special order shall be made to the contrary. But property not described in the debtor's inventory with reasonable distinctness shall not so revert, but may be recovered into the circuit or district court by the trustee, or by a receiver appointed by the court of bankruptcy, for distribution among the creditors, unless the omission was not injurious to the creditors.

SEC. 100. That if the payments are not made and securities given before the expiration of thirty days from the order of acceptance of the composition, the case shall proceed in bankruptcy; and in such case the trustee may recover all moneys which shall have been paid to any creditors, and which should have been paid into court, or so much thereof as may be necessary to put all creditors upon a just and equal footing, by summary proceedings in the court of bankruptcy against the creditors jointly who have received such preference, or against such as can be found and are able to respond; and for this purpose creditors without the district may be served with notice or process as the judge may direct.

SEC. 101. That the court of bankruptcy shall have and retain jurisdiction over a compounding debtor to enforce the payment of the composition before or after the discharge, and over trustees and other officers having any of his property in their possession or control; and the district and circuit courts shall have jurisdiction concurrently with the State courts of all suits against indorsers, sureties, or others bound for such payments, and upon the property so bound in all matters pertaining to such composition.

CRIMES.

SEC. 102. That from and after the passage of this act if any person who shall be adjudged bankrupt shall, after or within six months before his bankruptcy, and in contemplation or apprehension thereof, secrete, conceal, retain, or remove any of his property, or any book, deed, writing, or document relating thereto, or alter, mutilate, or falsify any such book, deed, writing, or document, or conceal from his trustee or omit from his inventory any property hereinbefore required to be stated therein, or make therein any willfully false valuation, or place any false debt upon his schedule, with intent, in each of the above-mentioned cases, to defraud his trustee or his creditors in bankruptcy; or if he shall, in case of any person having to his knowledge proved a false or fictitious debt against his estate, fail to disclose the same to his assignee within one month after coming to the knowledge thereof, or shall make any payment or give any advantage, or the promise of either, to any creditor, with intent to affect the proceedings in bankruptcy or composition, or shall attempt to account for any of his property by fictitious losses or expense, or shall, within the period aforesaid, and in contemplation or apprehension aforesaid, obtain on credit from any person any money, goods, chattels, or other thing of value, with intent not to pay for the same; or with intent, by the means thus acquired, to prefer a creditor or commit any fraud on this act, or to increase his assets in bankruptcy, or shall pledge, pawn, or dispose of, otherwise than in the due course of his trade, any goods or chattels which he shall have obtained on credit and which remain unpaid for at the time of his bankruptcy, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment, with or without hard labor, for a period not exceeding three years.

SEC. 103. That any person who shall knowingly and fraudulently present any false or fictitious or substantially exaggerated debt or claim for proof against the estate of a bankrupt, or who shall use any false, fictitious, or exaggerated claim in composition, whether personally or by an agent, proxy, or attorney; any agent, proxy, or attorney who shall knowingly offer or use the same; any creditor of a bankrupt who shall knowingly receive any money or thing of value, or the promise of any, as a consideration for any act or forbearance to act in respect to the choice of a trustee, or the acceptance of a composition, or the discharge of a bankrupt, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $2,000, or imprisonment not exceeding two years, or by both.

SEC. 104. That any person who shall knowingly and corruptly make any false oath in or in relation to any proceedings in bankruptcy shall be deemed to have committed perjury.

SEC. 105. That if any trustee shall fraudulently and corruptly either embezzle, appropriate to his own use, spend, or transfer any of the assets in his charge to the injury of the creditors, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than two years, or both.

SEC. 106. That when any debtor domiciled abroad shall be adjudged bankrupt at the place of his domicile, having property within the United States at the time of such adjudication, he or his creditor or creditors to the amount of $250 may apply by petition to the district judge of the district where said property or any part of it is found, to have such person adjudged bankrupt. With the petition shall be filed a certified copy of the proceedings in the foreign court of bankruptcy. Upon the filing of such petition, and upon such notice as the judge shall order, and due hearing, such debtor, if found to be bankrupt abroad, may be adjudged a bankrupt; and thereupon the judge shall appoint a trustee or trustees of his estate, who shall qualify as in this act provided for domestic trustees; and there shall thereupon vest in him and them the property of such bankrupt within the United States as fully as if he were a resident bankrupt, and with a similar dissolution of attachment and other judicial liens; and similar proceedings shall be taken in respect to proof of debts and the settlement of the estate as are herein provided for resident bankrupts.

The estate of such bankrupt within the United States shall be so divided, as far as practicable, that all creditors here and elsewhere shall receive proportional shares of the whole assets of the debtor here and elsewhere; and especially that creditors who are citizens of the United States, and who have not proved their debts abroad, shall receive such proportionate share. When this object has been attained or secured the judge may order the residue of the assets to be transmitted to the trustees or other persons entitled thereto under the foreign proceedings, or to be divided here, as may seem best.

If the bankrupt obtains a discharge in the foreign court, it shall have such effect in the United States in respect to all debts which have been proved in the proceedings under this act as it would have had if they had been proved in the proceedings abroad.

SEC. 107. That this act shall take effect as to the appointment of commissioners and supervisors, and the promulgation of rules, upon its passage, and shall go into full operation on the —— day of ——; and no officer shall be deemed to have earned any salary excepting from and after said last-mentioned day.

Mr. HOAR. Mr. President, I desire to say in this connection that I should not undertake to discuss a substitute proposed to a bill which has been reported by this learned and able committee, and the comparative merits of the two systems, until the Senator who reported the bill had been heard in advocacy of the original scheme were it not at his special request and for his special convenience. I can state the views I have to state in twenty or twenty-five minutes, and I desire to address the Senate for that length of time in support of the substitute which I have offered.

There is to-day no method under the Constitution of the United States by which a debtor can be discharged of debts he is unable to pay without the consent of his creditors. That consent is presumed when the debt is created by a contract between citizens of the State where it is payable, such State having at the time a law providing for the discharge. With this exception, however unfortunate, however honest he may be, whatever the necessity or the distress of the innocent family who may be dependent upon him, the American citizen who owes debts to the citizen of another State or country, or debts to citizens of his own State, contracted in the absence of an insolvent law, has about his neck a perpetual chain. He must live and die, if his creditors so will, incapable to acquire or enjoy property. It is true the State law may do something for him. It may make fraud easy. The local sentiment of the community where he lives may aid him in throwing obstacles in the way of his creditors; juries may refuse honest verdicts against him; State Legislatures and State courts may refuse remedies to his creditors. He may lead a life of shifts and evasions, concealments, and pretenses. But all this is surely far worse and more degrading than poverty itself. Mr. Webster stated this forty years ago in his own inimitable fashion:

The result is bad every way. It is bad to the public and to the country, which loses the efforts and the industry of so many useful and capable citizens. It is bad to creditors, because there is no security against preferences, no principle of equality, and encouragement for honest, fair, and seasonable assignments of effects. As to the debtor, however good his intentions or earnest his endeavors, it subdues his spirit and degrades him in his own esteem; and if he attempts anything for the purpose of obtaining food and clothing for his family he is driven to unworthy shifts and disguises, to the use of other persons' names, to the adoption of the character of agent, and various other contrivances to keep the little earnings of the day from the reach of his creditors. Fathers act in the name of their sons, sons act in the name of their fathers; all constantly exposed to the greatest temptation to misrepresent facts and to evade the law if creditors should strike. All this is evil, unmixed evil. And what is it all for? Of what benefit to anybody? Who likes it? Who wishes it? What class of creditors desire it? What consideration of public good demands it?

Sir, we talk much, and talk warmly, of political liberty, and well we may, for it is among the chief of public blessings. But who can enjoy political liberty if he is deprived, permanently, of personal liberty and the exercise of his own industry and his own faculties? To those unfortunate individuals, doomed to the everlasting bondage of debt, what is it that we have free institutions of government? What is it that we have public and popular assemblies? What is even this Constitution itself to them in its actual operation and as we now administer it? What is its aspect to them but an aspect of stern, implacable severity—an aspect of refusal, denial, and frowning rebuke? Nay, more than that, an aspect not only of austerity and rebuke, but, as they must think it, of plain injustice also, since it will not relieve them nor suffer others to give them relief. What love can they feel toward the Constitution of their country, which has taken the power of striking off their bonds from their own paternal State governments, and yet, inexorable to all the cries of justice and of mercy, holds it unexercised in its own fast and unrelenting grasp? They find themselves bondsmen because we will not execute the commands of the Constitution: bondsmen to debts they cannot pay and which all know they cannot pay, and which take away the power of supporting themselves. Other slaves have masters charged with the duty of support and protection, but their masters neither clothe, nor feed, nor shelter; they only bind.

There have been in the United States since the repeal of the bankrupt law 27,751 failures reported in the journals devoted to commerce. There must be many not reported. The aggregate liability of these debtors is stated by the same authority at $479,440,107. I have no means of ascertaining what proportion of these debts have creditors beyond the limits of their own States, or dwell in States not having bankruptcy systems of their own. But the number must be very large. Each of our great commercial cities is within a brief ride of the border of the State to which it belongs, and within a brief ride of populous and thriving towns or cities situated in other States with which it has large and increasing business relations. This is true of Portland, Portsmouth, Boston, Providence, Hartford, Worcester, New York, Albany, Buffalo, Philadelphia, Baltimore, Charleston, Savannah, Saint Louis, Chicago, Cincinnati, Louisville, New Orleans, Mobile, and many others. Commerce and manufactures know no State lines.

The Constitution of the United States, for wise reasons, prohibits to the States the exercise of any power for the relief of insolvent debtors from obligations due beyond their limits. A matter with which commerce with foreign nations and among the States is so largely concerned must be regulated by that power which alone regulates commerce with foreign nations and among the States—the only power whose regulations, from the nature of the case, can be uniform throughout the whole country.

The authors of the Federalist deemed the propriety of this provision too clear for discussion. Mr. Madison says, (No. 42:)

The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce, and will prevent so many frauds where the parties or their property may lie or be removed into different States, that the expediency of it seems not likely to be drawn into question.

I have here a table, compiled by Mr. Spofford, from Hunt's Merchants' Magazine and Dunn, Barlow & Co.'s circulars, showing the number of failures, the amount of liabilities, the number of traders, and the percentage of failures in the country for the past twelve years. These statistics contradict the suggestion that failures are more numerous when a bankrupt system is in operation than when there is none. On the contrary, where the creditors are to share the loss alike, they are often likely to give the embarrassed trader help to proceed or to make reasonable compromises. This is impracticable where one vigilant or favored claimant can grasp the whole.

Failures in the United States for twelve years.

Year.	Number.	Liabilities.	Number of traders.	Percentage of failures.
1870	3,551	$88,242,000	426,000	1 in 120
1871	2,915	85,252,000	475,145	1 in 163
1872	4,069	121,036,000	528,971	1 in 130
1873	5,183	228,499,000	559,764	1 in 108
1874	5,830	155,239,000	600,490	1 in 103
1875	7,740	201,060,000	642,423	1 in 83
1876	9,092	191,117,000	690,992	1 in 76
1877	8,872	190,669,000	674,741	1 in 64
1878	10,478	234,383,132	693,420	1 in 66
1879	6,658	98,149,053	702,359	1 in 105
1880	4,735	65,752,000	724,517	1 in 153
1881	5,582	81,155,932	.....	.....

Mr. President, it is not alone for the interest of the man who cannot pay that a just and liberal bankruptcy system is required. It is especially demanded by the interests of young and growing States, and by the interest of those States which are not young but are seeking new life in the establishment of new industries under new and happy conditions of labor. Such communities need to attract capital now lying idle to an unprecedented amount in the North and East. To attract this capital they have only to maintain their credit. Labor, however abundant, however enterprising, cannot rise above the merest and lowest manual drudgery, even where natural advantages are most abundant, unless it have capital as its ally and servant. Capital will not go to communities where justice does not prevail. It will be content with the smallest return, it will lie boarded and concealed, rather than trust itself where the laws make fraud easy, or where in case the debtor fail his whole property is grasped by real or pretended creditors on the spot, to the exclusion of those at a distance.

But my purpose in addressing the Senate was not to enter upon an argument in favor of a policy settled when the Constitution was adopted. I wish briefly to discuss the practical merits of the two plans which are before the Senate. One is that reported by the Senator from Kansas, and known as the equity system. The other is found in several bills, introduced here or in the other House, all based upon a draft made by Judge Lowell, of the first circuit, a distinguished equity and bankruptcy jurist.

The bill of the Senator from Kansas takes from Judge Lowell's draft its enumeration of the acts which authorize involuntary proceedings. It then authorizes creditors' bills to be brought by or against insolvent debtors in the several district courts of the United States, on whom it confers jurisdiction to distribute the estate "according to the rules and practice of courts of equity," using the instrumentality of masters and receivers, but "all the decisions of such masters to be subject to the summary and informal supervision and control of the court."

The district judge, in his term, is to be subject to the constant supervision and control of the circuit judge, and he in his term to that of the supreme judge for the circuit; or the party aggrieved may seek relief by appeal as in other cases. Bankruptcy business is to have precedence over all other at the regular terms of the court. Insolvency is made to depend upon the actual value of the debtor's property, and not upon his capacity to meet his payments in the course of business; and he can only apply for relief when his "liabilities exceed in amount the value of his property liable to execution." He can have a discharge only when "his debts and liabilities were incurred without fraud, and his inability to make payment has arisen from accident and misfortune and without fraud." Without a very strained construction of language, the debtor whose insolvency arises from mere want of good judgment in business cannot get a discharge. On the other hand, the discharge is not forfeited by fraudulent concealments or conveyances by the debtor after his inability to pay is disclosed. A debtor who puts his property, in trust for himself or his family after his failure, into the hands of a trustee in a foreign country, is not deprived of his discharge thereby. These defects I suppose would be amended on reflection by the author of the bill.

The Lowell system is the bankruptcy system of Great Britain and America carefully modified to avoid the defects which experience has disclosed, especially to reduce the cost of the process to the lowest practicable point. It also seeks especially to avoid the evil which attends so much of the exercise of national jurisdiction, and which in the great spaces of the large States has brought upon it so much unpopularity, the compelling the people to attend courts at great distances from their homes. As modified in the amendment which I have proposed to the bill reported by the Senator from Kansas, it leaves to the several States to determine their own policies in the matter of exemption of property from liability for debt, excepting from the assignment all the property which the State law exempts from execution.

The systems agree in the two vital particulars, first, of giving to the debtor who commits no fraud an absolute discharge without the consent of anybody; second, of saving to him the homestead and all other property which the law of his State exempts.

The systems differ in the following particulars, in each of which the advantage seems to me very decidedly with the bill of Judge Lowell:

The Lowell bill is the system which experience has suggested and approved in England and in several of the States. It has been expounded by numerous judicial decisions. The statute carefully provides for all the detail of proceeding, and the Supreme Court is authorized to make rules of practice. So that a system uniform throughout the whole country is secured.

The equity scheme is the antiquated and cumbrous remedy of a creditor's bill, a method of settling estates which has never been much in use or found favor either here or in England. All its procedures are to be developed and expanded by the courts. It is yet to be developed. The skeleton of the statute is to be clothed with flesh and muscle by the courts. Different systems will prevail in different districts.

The Lowell bill, with hardly an exception, is that asked for by those who desire a bankrupt law. The equity scheme has few advocates.

When the debtor has surrendered his property and his discharge is secure nobody has any interest in the estate but the creditors. They are the absolute owners. But the committee's bill denies them any voice whatever in its disposition, or the choice of an agent to manage it. The receiver is appointed by the court and appointed before the claims are proved. The Lowell bill, on the other hand, vests the choice of the trustee in the creditors whom he represents.

The Lowell bill carries the court to the neighborhood where the debtor and his estate and the mass of his creditors will be found. The equity system compels everything to be transported to the place where the court is held. This grievance to which the unpopularity of Federal jurisdictions as instanced in patent and revenue causes has been so largely due is intensified in this scheme.

But the difference between the two plans becomes most conspicuous when we consider the comparative expense which attends each. The cost of a bankruptcy process is felt in three places—by the public, the estate, by individuals who are to be heard as parties upon any of the questions that may arise.

Under the Lowell bill, the jurisdiction in bankruptcy is vested in commissioners to be appointed by the court, not to exceed one for each Congressional district, who are to be subject to the control of the court and paid by a fixed salary. In each circuit there is to be a supervisor, who shall examine into and report periodically the condition of all bankruptcy cases in his circuit. Every petitioner, debtor, or creditor pays $60 when the petition is filed. Each estate pays also 1 per cent. of the assets over $500, and ½ per cent. upon the total amount of all compositions.

The average annual number of cases in Massachusetts when the bankrupt law was in force was 827. These would have paid a revenue under the Lowell amendment of $65,449. On the other hand, supposing the number of registers or commissioners for Massachusetts to be nine, at a salary of $4,000 each, and that three-fourths of the salary of a supervisor and four-sevenths of the expense of the clerk's office were charged to that district, the expenses would be $46,784, making a profit to the Treasury of about $20,000. The increase of failures of late years, since 1878, would show a larger margin of profit. This estimate is made on the supposition that the supervisor has $6,000 and the commisssoner $4,000 salary. But in my judgment an average of $2,500 for one and $3,000 for the other will be ample, which would add $15,000 to this profit. The equity scheme charges to the estate the fees of master and receiver. But it makes no provision for the enormous additional labor it imposes upon the courts. In my opinion, in each of the twelve or fifteen principal districts of the United States, an additional district judge will be rendered indispensable by the equity system.

There were in the district of Massachusetts during the eleven years that the last bankrupt law was in force 9,103 cases, an average of 827 cases a year. In each of these cases on every question there is a summary appeal from the district judge to the circuit judge, and from the circuit judge to the supreme judge, on petition of any party aggrieved, being a right to these several hearings besides that before the master. These cases are to have precedence over all other business, civil or criminal. I have requested the very intelligent and experienced clerk of the United States court in Massachusetts to draw off for me the records of a few average bankruptcy cases, and to mark the steps which, under the committee's bill, will require a hearing by the judge, but would be determined by the register under the Lowell substitute. He has done so. The number of such questions is, in the cases respectively, fifteen, twenty-one, twenty-six, sixty-one, one hundred and two. In these the questions grow-

ing out of the proof of claims are not included. These would, I think, in most cases average as many more. In the eight hundred and twenty-seven causes to be heard annually in Massachusetts it may well be expected that there will be an average of sixty to seventy-five personal hearings by the judge. Suppose we take but half that number; it will require the furnishing of a judicial force for 2,500 annual hearings, without reckoning the two summary appeals in each question, besides the appeal in the ordinary course of law.

But the burden on the public is inconsiderable compared with the burden on the estate and on the parties. Both estate and creditor must be represented by counsel, and in many cases by able and expensive counsel. Think of compelling them for each of this vast number of hearings to travel to the court, frequently hundreds of miles distant, over the vast spaces of the West and South. The Lowell bill, on the other hand, has the hearings in the Congressional district where the case arises, and requires the commissioner or register to have his places of hearing correspond as near as may be to those of the probate courts of the State.

The equity scheme leaves the fees to be fixed in each case by the court. The Lowell scheme requires that in no case shall they exceed those allowed in the State courts for settling insolvent estates of deceased persons, which, under the practice of all our States, is the least expensive of legal proceedings. Under the equity scheme the master as well as the receiver is paid by fees. In the Lowell bill the register or commissioner, who answers to master and judge both, is paid by a salary.

No man respects more highly than I do the judiciary of the United States. But to vest them with the power in this vast domain of jurisprudence of appointing the officers, of creating the system, and of determining the fees, is in my judgment unwise. It will result in a departure from the policy of the framers of the Constitution that laws on the subject of bankruptcies should be uniform throughout the United States. It will result in many districts in great and vexatious expense both to the United States and to the interested parties. It will increase and not diminish prevailing jealousies of the national tribunals. I therefore hope that the framers of the equity scheme will consent, on further consideration, to its modification by adding to it the safeguards provided in the amendment I have proposed.

Mr. FRYE. Can the Senator briefly state how the Lowell bill decreases the expenses of the old bankruptcy act, which was really repealed on account of the expense of bankruptcy proceedings?

Mr. HOAR. In the first place, under the old bankruptcy act the clerk, assignee, and register in bankruptcy were paid by fees, and in some instances the office of register in bankruptcy was worth $8,000 or $10,000, I dare say $15,000, a year. In the next place, under the old bankruptcy system there was a constant exercise of the power of appeal to court. In the Lowell bill the term "judge" includes register or commissioner. Therefore there is a summary hearing of all these questions by an officer who is paid by a fixed salary for which the United States is reimbursed by its percentage of the estate, the $60 paid in originally.

While the equity scheme will in my judgment multiply and manifold the expense of the old bankruptcy system, the Lowell scheme will diminish it very largely. The Lowell system has a significant provision on the subject of the fees of the assignee, and that is that they shall in no case exceed what is the fee for a similar service in the State probate courts in settling the estates of deceased persons, which I presume the experience of every lawyer in the Senate will concur with me in attesting is perhaps the cheapest, simplest judicial administration known to our law.

Mr. INGALLS. Mr. President, the Senator from Massachusetts evidently belongs to that class of statesmen described by Macaulay, who prefer to perish by precedent rather than to be saved by innovation. It is a sufficient answer to his eulogies upon the Lowell bill that it is based upon a theory which has been repeatedly tried in America and England, which has been followed in the United States by havoc and disaster and desolation, in which estates were consumed in the extravagant payment of fees and salaries to a vast number of unnecessary officials, and it is to-day in England in the hands of a commission for the purposes of such essential modification as will render it practically and absolutely devoid of all resemblance to the measure which the Senator now offers as an amendment to the pending bill.

The Senator's assault upon the equity scheme as reported by the committee is specious and ingenious, but it is sufficient to say of that also that the objections here are purely speculative, because the experiment has never been tried.

I do not propose at this time, in consequence of the exercises which are about to be commenced, to proceed to answer in detail the objections urged by the Senator from Massachusetts to the equity scheme, but I shall take early occasion upon the reassembling of the Senate to ask the attention of those who believe that a system of bankruptcy is necessary, to the peculiar advantages and benefits which will result from the incorporation of bankruptcy proceedings into the general judicial system of the country.

Mr. HOAR. Mr. President, I desire to say in one word, in reply to the honorable Senator's suggestion, that the Lowell bill is as thoroughly new in regard to its provisions relating to all the points which have been found to be a grievance under the old bankruptcy system as any scheme possibly can be. It preserves of the old bankruptcy system its protections, its defenses, its securities for the faithful administration of the law, and it makes new provisions, those dictated by the greatest business and judicial experience combining, in regard to the removal of these grievances.

On the other hand, what is the equity system which the Senator speaks of as very wise? The one grievance which our fathers inherited, the feeling which they brought over with them from England, which stood in the way of the adoption of equity systems by very many of our States until a recent period, is preserved and intensified in the committee's bill. There is no check on the court in regard to the matter of fees; there is no check on the court in regard to the matter of delay; there is no check on the court in regard to the matter of intricate and difficult refinements and settlements. There is a story of an aged peeress, who lived to be a hundred years old, who was called to testify in the court of chancery, when it was held by Lord Eldon, in a suit which was there pending in regard to some ancient matter of land title. As was the custom in regard to peers, she was invited to a seat upon the bench. After she had given her evidence the judge told her she was at liberty to withdraw, when the aged countess remarked that if his lordship was willing she would like to see what had become of an equity cause of hers which she had instituted eighty years before and had not heard of since.

The PRESIDENT *pro tempore*. The Chair would suggest to lay the bankruptcy bill aside and proceed under the Anthony rule to consider unobjected cases on the Calendar.

Mr. INGALLS. I was advised that resolutions relative to the decease of a late Representative from Missouri were to reach the Senate at three o'clock, or I should have been prepared to proceed this afternoon. I presume the delay is for a few moments only. I therefore suggest that the interval be employed in the consideration of cases on the Calendar to which there is no objection.

Mr. COCKRELL. I think the resolutions will reach the Senate in a very few moments.

ADJOURNMENT TO MONDAY.

Mr. MORRILL. I move that when the Senate adjourn to-day it be to meet on Monday next, in order to give the Sergeant-at-Arms an opportunity to change the carpets in the Chamber.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4842) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; and

Joint resolution (H. R. No. 239) making an appropriation to continue the work of observation and exploration in the Arctic seas.

ADMIRAL ROGER N. STEMBEL.

Mr. VOORHEES. Inasmuch as there seems to be a little opportunity now, I should be very glad to take up House bill No. 5387. Has any Senator the right of way?

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. VAN WYCK] has charge of a bill which is pending as unfinished business when the Calendar is proceeded with under the Anthony rule.

Mr. VAN WYCK. I will yield to the Senator from Indiana.

Mr. VOORHEES. If the Senator will yield I shall be obliged to him. There is a bill regulating the pay of Rear-Admiral Stembel which was reported from the Committee on Naval Affairs by the Senator from Florida, [Mr. JONES.] The bill has passed the House, and it was passed over without prejudice when it was reached on the Calendar. I should be very glad to have it taken up and disposed of. The admiral wants to leave the city and go home.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Nebraska yielding——

Mr. VAN WYCK. Yes, sir.

Mr. VOORHEES. I am much obliged to the Senator.

The PRESIDENT *pro tempore*. The bill is before the Senate.

The bill (H. R. No. 5387) providing for the pay of Rear-Admiral Roger N. Stembel was considered as in Committee of the Whole.

It proposes to give Rear-Admiral Roger N. Stembel the pay and compensation of a rear-admiral on the retired list from and after June 5, 1874, that being the date of his promotion to the retired list as a rear-admiral.

Mr. INGALLS. What are the facts in this case? Wherein does it differ from that of other persons on the retired list?

Mr. VOORHEES. The bill has passed the House and was reported favorably by the Committee on Naval Affairs of the Senate. If the Senator wishes the facts I will ask for the reading of the House report.

Mr. JONES, of Florida. I will state the facts.

Mr. INGALLS. The Senator from Florida will state the facts.

Mr. VOORHEES. Very well.

Mr. JONES, of Florida. Admiral Stembel is a very distinguished officer, having performed gallant services in the late war. I will state, however, that under a law now existing he was promoted to the rank of rear-admiral on the retired list because he had had com-

mand of a squadron in the Pacific for some time under orders from the Navy Department. This was a distinction in itself, recognizing his services in that way. He was retired as a commodore, and afterward, under the law, I think, of 1879, he was promoted on the retired list to the grade of rear-admiral in consideration of having had command of a squadron. He performed, as the record shows, most gallant services during the late war, and he received a desperate wound, from which he is now disabled.

He was not one of the men to seek promotion under the several acts of Congress which authorized promotion for gallantry during the war. I have not the least doubt in my mind that if he had made application for a transfer before his retirement as a commodore, instead of having been retired as a commodore he would have been retired as a rear-admiral on the active list; but he was away when proceedings were had under the various acts authorizing promotion for gallantry. As I said, he received a desperate wound at the post of duty, and he was compelled to incur a very considerable expense in effecting the restoration of his health. He is now crippled.

His very distinguished services, gallantry, and suffering were recognized by the House, and the bill proposes to give him the full pay of the rank which he now holds, that of a rear-admiral. He is well advanced in life, and it will not be any thingbeyond what I think he is entitled to for his services. He made very large expenditures of money out of his private purse after he was wounded.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. LOGAN. I vote for the passage of the bill with a view to enter a motion to reconsider it.

The bill was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

SOUTHEASTERN ALASKA.

Mr. BUTLER. Some days ago I gave notice that I desired to have considered by the Senate the bill (S. No. 1153) providing for the organization of the district of Southeastern Alaska, and providing for a civil government therefor. I have not felt called upon to press that measure before the Senate because there have been other important bills demanding attention, but I desire to give notice now that as soon as the bill to establish a uniform system of bankruptcy throughout the country is disposed of, I shall ask the Senate to consider the bill which I have indicated.

There is another important bill, the bill (S. No. 360) to provide for a scientific exploration of the Territory of Alaska, which I should like also to have passed as soon as I can possibly secure the attention of the Senate to it.

ORPHAN ASYLUM OF NATCHEZ.

Mr. GEORGE. I ask the Senate to take up Senate bill No. 1939.

Mr. VAN WYCK. I am exceedingly anxious that the bill which I have in charge shall be disposed of to-day, but the Senator from Mississippi thinks the bill which he wishes to have considered will pass without objection, and I am disposed to yield to him.

The bill (S. No. 1939) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 9, after the word "dollars," to strike out the words "unanimously recommended to be paid on such account by the Committee on War Claims of the House of Representatives on the 29th day of June, 1876;" so as to make the bill read:

Be it enacted, &c., That the accounting officers of the Treasury be authorized and required to audit, settle, and pay the claim of the Protestant Orphan Asylum of the city of Natchez for the use and occupation of the property of the said asylum by the United States military authorities during the late war: *Provided*, That the amount allowed shall not exceed the sum of $1,750, nor shall any allowance be made for any damage done to said property during such use or occupation, or otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN NEBRASKA.

Mr. VAN WYCK. I now ask that the consideration of Senate bill No. 1492, which is the pending bill on the Calendar, may be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1492) for the relief of settlers and purchasers of lands on the public domain in the State of Nebraska.

Mr. VAN WYCK. The bill was taken up and partially considered the other day, when it went over as the unfinished business of the Calendar. It was explained by the report, and I have been anxious that the bill should have full consideration. I desired many Senators to examine the report and give it their consideration. I think some of them have done so, and are prepared to express an opinion upon it if it is desired.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment in the nature of a substitute which was reported from the Committee on Public Lands. It has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of settlers and purchasers of lands on the public domains in the States of Nebraska and Kansas."

ELIZA E. HEBERT.

The PRESIDENT *pro tempore*. The first case on the Calendar under the Anthony rule will be called.

The bill (S. No. 386) for the relief of Mrs. Eliza E. Hebert was announced as first in order.

The PRESIDENT *pro tempore*. The Senator who reported that bill [Mr. CONGER] not being present, it will be passed over.

PROPERTY OF LITTLE SISTERS OF THE POOR.

The bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, in the District of Columbia, and for the relief of the Little Sisters of the Poor was announced as next in order, and was considered in Committee of the Whole.

It proposes to authorize the commissioners of the District of Columbia, on the petition of all the owners of property abutting on that part of the fifteen-feet-wide alley in square 751 in the city of Washington, running north and south, between north H street and a wider alley in the center of the square, to declare that part of the alley closed; but the owners of the land abutting on that portion of the alley to be closed are, as a condition precedent to such action on the part of the commissioners, to file in the office of the surveyor of the District of Columbia a plat, to be approved by the commissioners, dedicating to the use of the public, as a public alley, an area of ground equal to the area of the alley-way declared to be closed, or sufficient for the purpose of connecting the alley in the center of the square with east Second street.

The owners of the property abutting on the portion of the alley which may be so closed are to be held to have acquired all the right and title of the District of Columbia or the city of Washington in and to the portion of the alley which may be closed and which may be included within the extension of their several bounds to the lines of the new alley.

The bill further authorizes the commissioners of the District of Columbia to release lots 3 and 4 in square 751, owned and occupied by the Little Sisters of the Poor, from the payment of the special taxes heretofore levied against the same and now remaining unpaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALDRICH. The bill just passed in relation to the Little Sisters of the Poor, I am informed, has a provision relieving that institution from special taxes. I was not aware of the nature of the bill. I move to reconsider the vote passing the bill.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

DEATH OF REPRESENTATIVE ALLEN.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, communicated to the Senate the intelligence of the death of Hon. THOMAS ALLEN, late a member of the House from the State of Missouri, and transmitted the resolutions of the House thereon.

Mr. COCKRELL. I ask that the resolutions of the House be laid before the Senate.

The PRESIDENT *pro tempore*. The resolutions of the House of Representatives will be read.

The Acting Secretary read as follows:

Resolved, That the House has heard with profound regret and deep sorrow the announcement of the death of Hon. THOMAS ALLEN, late a Representative from the State of Missouri.

Resolved, That, in token of regard for the memory of the deceased, the members of this House wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of the House be instructed to communicate these resolutions to the Senate of the United States.

Resolved, That, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. COCKRELL. Mr. President, I ask for the present consideration of the resolutions which I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the consideration of the resolutions he offers, which will be read.

The Acting Secretary read as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. THOMAS ALLEN, late a member of the House of Representatives from the State of Missouri, and tenders to the family and kindred of the deceased the assurance of sympathy in their sad bereavement.

Resolved, That the business of the Senate be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that, as a further mark of respect, the Senate at the conclusion of such remarks shall adjourn.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. COCKRELL. Mr. President, it becomes my sad duty to ask the passage of these resolutions, and to join in paying the last official tribute to the memory of my deceased colleague of the House, Hon. THOMAS ALLEN who was born at Pittsfield, Massachusetts, on August 29, 1813, and died at the Arlington in this city on Saturday, April 8, 1882.

His grandfather, Rev. Thomas Allen, a minister of the Congregational Church, historically known as the "fighting parson" of the Bennington battle in our revolutionary struggle, was the first minister in the town of Pittsfield, having been ordained in 1764, and remained pastor of that church until his death in 1811.

Jonathan Allen, son of Rev. Thomas Allen and father of Hon. THOMAS ALLEN, several times represented the town of Pittsfield in the Legislature and his district in the State senate; was a quartermaster in the war of 1812, and one of the founders of the Berkshire Agricultural Society; and for his second wife married Miss Eunice Williams Larned, daughter of Darius Larned and granddaughter of Colonel Israel Williams, of Hatfield, a loyal adherent to the British Crown in our revolutionary war.

Of this marriage eight children were born, of whom Hon. THOMAS ALLEN was the third. Mr. ALLEN in his youth attended the common schools in his native town, and the Pittsfield Academy. At the age of sixteen he entered Union College, and graduated in 1832. He chose the profession of law, and began his studies in Albany, New York, which were interrupted by the cholera visitation to that city. Family misfortunes, involving heavy pecuniary losses, made it impracticable for him to resume study in Albany.

The struggles, privations, and hopes of Mr. ALLEN in launching his boat on life's ocean are best stated in his own words, taken from a letter to a friend:

My good father said to me: "I have given you an education; here are $25; it is all that I can do; go and take care of yourself." I took the boon with gratitude; and with a full determination to return it with interest and to repay, if possible, the care of my always kind parents, I started for the city of New York. On the evening of the 18th of October, 1832, I took lodgings at a boarding-house at the corner of Wall street and Broadway, now (1853) occupied by the new Metropolitan Bank. My mind was not a little concerned in deciding upon my course of life. I was at the heart of a great city, and often felt a sense of utter loneliness and desolation. With a little purse that must inevitably be exhausted in a few weeks at most, what should I do? After revolving several plans in my mind I resolved to persevere in the profession of the law, as I originally contemplated.

Knowing that I had to work my passage into the profession, I kept a vigilant eye out for employment. In a few days I discovered in the Evening Post an advertisement of "A clerk wanted" in a lawyer's office. I lost no time in repairing to the hoped-for haven. Alas! there had been many applicants, and the place was already filled, and the young man who filled it looked upon me with rather a patronizing air. I resolved, notwithstanding, to present my letters of introduction, and finally obtained permission to remain in the office and read the books, paying for the privilege in clerical labor.

Happily for me, I was not long in discovering that my fellow-student who received the salary soon had a sinecure. My necessity, if nothing else, drove me to industry, and with better chirography, I soon won much of the business of the office, and was finally installed in a clerkship in Hatch & Cambreleng's office in Wall street, with a salary of $300 per annum. In this situation I continued for three years, learning the practice of the law from the labors thrown upon me, and employing my leisure moments in studying the books. My pay was so small that I had to economize closely to get along. A part of the time I roomed in an attic apartment, with a respectable journeyman jeweler, in Duane street, but though often for weeks without a penny in my pocket I did not repine. Hopefully persevering, I increased my little income somewhat by copying for other members of the bar. Some of my letters at this time show an occasional trace of despondency, and sometimes a little disgust with the dry study of the law, which was not half so pleasant to me as holidays in the country.

I was not satisfied whether New York was my proper place, and frequently had dreams of the West, and even of New Orleans. In 1833 President Jackson visited New York, followed a day or two after by the celebrated Indian, Black Hawk. I wrote an account of the visit of those chiefs, describing their personal appearance and the unusual scenes following them in the city. I wrote now and then a comment or a criticism upon passing events, which I sometimes published in the newspapers. But my time was too much occupied in obtaining a living to indulge my literary taste. Seeing that I had an editorial turn, a book-seller with whom I had become acquainted joined me in a plan to publish the first penny newspaper ever published in America.

While in the country completing his arrangements others got wind of the design, and before the plan could be executed had issued a paper on that plan. Others quickly followed. I then gave up the idea, and in September, 1834, became the editor of the Family Magazine, a monthly illustrated journal of useful general intelligence, J. S. Redfield, publisher. I edited his magazine in such moments as I could get from my law pursuits for about a year and a half. The magazine contributed materially to my support. About this time I was engaged by the principal law-book selling house of New York to assist in compiling a digest of the decisions of the New York courts from the earliest times down to that period. Upon this work I labored over a year. For my share of labor in that work I received a small but select law library.

These struggles and privations only nerved his arms and strengthened his heart for future triumphs. He remembered what Horace said:

Nil mortalibus arduum est;

And—

Nil sine magno
Vita labore dedit mortalibus.

In 1835 he was admitted to the bar by the supreme court of New York, and received his master's degree from his *Alma Mater*, Union College.

In 1836 he visited Washington City and became acquainted with President Jackson and the distinguished public men of that day.

In 1837 he journeyed to the State of Illinois to inspect lands owned by his uncle, General Ripley, in the military reservations of that State. On arriving at Peoria he received letters from friends in Washington urging him to return and establish a new journal.

Returning by way of New York, where he conferred with friends, he undertook the establishment of the journal, issued the prospectus of the Madisonian, and was soon at his post in Washington with presses, materials, and printers, and began the publication of the Madisonian in the field of journalism then so largely occupied by able and veteran editors. He issued the first number on August 16, 1837, holding among other leading ideas "that a mixed currency is essential to a highly civilized commercial state."

Mr. Van Buren having been inaugurated President March 4, 1837, convened Congress in extraordinary session on September 1, 1837. In the election then held for Public Printer, Messrs. Gales & Seaton, of the Intelligencer, and Messrs. Blair & Rives, of the Globe, and Mr. ALLEN, of the Madisonian, being the candidates, Mr. ALLEN was chosen, after a contest of three days, on the twelfth ballot. Political excitement then ran high, and the discussions in the press and on the rostrum grew warm. Mr. ALLEN firmly maintained the position he had taken in the Madisonian, and, in opposition to the administration of Mr. Van Buren, conducted the discussions in the Madisonian with dignity and ability.

In the spring of the year 1839 Mr. ALLEN was dangerously ill, and on his recovery prepared for the National Magazine a comprehensive and critical review of political affairs, which was widely republished.

In the summer of that year Mr. ALLEN, being at the Virginia Springs, wrote a series of "Letters from a Convalescent," which were much quoted.

In the campaign of 1840 he preferred, as a candidate for President, Hon. William C. Rives, of Virginia, but upon the nomination of General Harrison and Mr. Tyler for President and Vice-President gave them a zealous support, in opposition to Van Buren and Johnson.

In the midst of the campaign, on April 11, 1840, the Madisonian printing-office, with all that Mr. ALLEN possessed, except his library, was burned. On May 2, 1840, the Madisonian reappeared, under the continued management of Mr. ALLEN, announcing itself—

Self-born, begotten by the parent flame
In which it burned; another, yet the same.

The vigor and ability of the Madisonian were not diminished by the ordeal of fire, and during this wildly exciting campaign it gained what was then considered a very large circulation, twenty thousand.

The efforts of Mr. ALLEN in behalf of Harrison and Tyler were not confined to the columns of the Madisonian, but were also effectively put forth on the rostrum, in addresses before the national convention of young men at Baltimore, at a public dinner given him by the citizens of his native town, and in several States. President Harrison, on his arrival in Washington, acknowledged the valuable services of Mr. ALLEN, and that he had correctly represented his views. Of the sad group who stood by the bedside when the venerable President died Mr. ALLEN was one. On the succession of Mr. Tyler the Madisonian was a medium of executive communication with the public, and Mr. ALLEN had a potent voice in the reconstruction of the Cabinet.

In 1842 Mr. ALLEN removed to the city of Saint Louis and became an adopted son of Missouri, and in July of that year was united in marriage to Miss Ann C. Russell, a daughter of William C. Russell, esq., a wealthy and prominent citizen of that city. Being pecuniarily independent, Mr. ALLEN closed his law office and interested himself in the public affairs of his adopted city and State, and earnestly engaged in the development of the great system of internal improvements in Missouri and the Mississippi Valley.

In 1848, at the request of a public meeting held in Saint Louis, he prepared an able address, urging a subscription by the city of Saint Louis in aid of the Saint Louis and Cincinnati Railroad.

In 1849 and 1850 Mr. ALLEN earnestly urged the construction of the Pacific Railroad in Missouri, and was elected president of the company, which began the work of construction July 4, 1851.

In 1850 he was elected a State senator for four years from Saint Louis in the General Assembly of Missouri, and was chairman of the committee on internal improvements, and in co-operation with others succeeded in securing a loan of the credit of the State for $2,000,000 in aid of this road, and in 1852 in obtaining from Congress a grant of public lands.

In September, 1852, desiring to adopt a system of internal improvements which would embrace the interests and secure the co-operation of all parts of the State, he proposed a plan for the aid of several lines of railway by the State, which, although not accepted as a whole, was afterward substantially adopted, giving a loan of the credit of the State to the original Pacific Railroad, the Southwest Branch, the Hannibal and Saint Joseph, and the North Missouri Railroads, with an assignment to two of them of lands granted to the State. In 1854 Mr. ALLEN resigned his office of president and director in the Pacific Railroad, receiving most complimentary resolutions from the board of directors. In 1857 he was chosen president of the Terre Haute, Alton and Saint Louis Railroad, and resigned at the end of the year.

In 1858 he founded the banking house of Allen, Copp & Nesbitt, in Saint Louis.

In 1860 and 1861, when civil war threatened our fair land, Mr. ALLEN steadfastly maintained the integrity of the Union and contributed $1,500 for the equipment of the Allen Guard, organized in his native town of Pittsfield.

He rendered valuable services to the authorities of Pittsfield in filling the town's quota of soldiers for the Union Army. In 1862 Mr. ALLEN was the candidate of the "Unconditional Union Men" of Saint Louis for Representative in Congress, and was defeated by slanders charging him with disloyalty, notwithstanding his untiring devotion and his valuable and liberal services to the cause of the Union.

In 1867 he again interested himself in railroads. The Iron Mountain Railroad had received large subsidies from the State of Missouri and city of Saint Louis, and was surrendered to or taken possession of by the State unfinished. The Cairo and Fulton Railroad, extending to Arkansas, was closely connected with the Iron Mountain. Their speedy completion was deemed important.

The General Assembly ordered these two roads to be sold to the highest and best bidders. They were sold together. Mr. ALLEN purchased these roads from the successful bidders and completed the Iron Mountain road in 1869. In 1870 he began the construction of an extension of the Iron Mountain road to Arkansas, which was completed in 1872. Having, with his associates, purchased the franchise of the Cairo and Fulton road in Arkansas, he continued the extension of the road to Little Rock, Arkansas, and thence to Texarkana, Texas.

All these roads were consolidated under the name of the Saint Louis, Iron Mountain and Southern Railway.

In the rapid construction and completion of these roads Mr. ALLEN exhibited wonderful ability and energy. This was the busiest period of his life, having in addition to the management of the roads named the presidency of many other corporate organizations.

In the rapid construction of the long lines of road he negotiated bonds, mostly in Europe. In 1877 the foreign bondholders, becoming jealous of Mr. ALLEN'S management, instituted proceedings in the United States courts for the appointment of a receiver, which he successfully resisted, and retained the management.

In 1881 Mr. ALLEN sold the road to Mr. Jay Gould, receiving one check for $2,000,000.

Mr. ALLEN erected in Saint Louis the Southern Hotel, a magnificent structure, which was appropriately opened May 11, 1881.

In 1880 Mr. ALLEN was nominated as a Democrat for Representative in the Forty-seventh Congress from the second Congressional district of Missouri, embracing portions of the city and county of Saint Louis, and was duly elected in November, 1880.

His health failing, he made an extended European tour with the hope of relief and restoration, in which he was disappointed. Returning to Pittsfield, he was able to take his seat at the beginning of the first session of this Congress and to visit the Capitol a few times, when he became confined to his bed.

Mr. ALLEN was strong in his local attachments and never forgot his native town and ancestral home. Some years after his father's death he purchased the interests of the other heirs in the homestead—built by his grandfather soon after his settlement as the first minister of the town of Pittsfield—and then purchased the old medical boarding-house, standing on a part of his grandfather's original lot. Afterward he removed the parsonage and boarding-house, and erected in their stead the beautiful Elizabethan mansion, of Great Barrington blue-stone, which thereafter was his summer home. He also purchased two fine farms near Pittsfield, one of which had belonged to his father and was the home of his boyhood. In the comforts and quietude of his Pittsfield home he sought in summer rest and recreation.

Mr. ALLEN bore his protracted illness and confinement with true Christian fortitude and resignation, and on the morning of Saturday, April 8, 1882, slept the sleep that has no awakening on earth.

Religious services were conducted by Rev. Dr. Power, Chaplain of the House of Representatives, on Sunday, April 9, at the Arlington, attended by the President of the Senate, the Speaker of the House, his family, and many friends; after which his remains were escorted to Pittsfield by committees of the House and Senate, and at Pittsfield were taken charge of by devoted friends, and borne to his residence.

On Tuesday, April 11, his remains were escorted from the residence to the beautiful Congregational Church, of which his grandfather had been pastor from 1764 to 1811, where the finished and eloquent funeral sermon was delivered by Rev. Dr. J. L. Jenkins, the pastor, from the text:

> And Samuel died; and all the Israelites gathered together and lamented him and buried him in his house at Ramah.—1 *Samuel* 25, 1.

After which they were borne to the Pittsfield Cemetery and buried, there to await the resurrection morn. Mr. ALLEN was energetic, persevering, patient, and hopeful. And, in all the relations of life was an honorable, just, and generous gentleman, and faithful, consistent Christian. He was a man of great literary attainments and scholarly tastes, and was the liberal patron of literature and science.

In the Washington University of Saint Louis he founded a professorship of "Mines and Metallurgy;" and in Pittsfield the Atheneum, devoted "to promoting education, culture, and refinement, and diffusing knowledge."

On the day of the burial, the trustees of the Atheneum unanimously adopted the following recognition of his worth and services:

> The useful life of THOMAS ALLEN, the president of this board of trustees, is ended. To him this institution owes its existence. The continuing benefits it will confer upon this community no man can rightly estimate. It has no limitations. That it is, and will be in all the future, a most efficient promoter of education, culture, and good morals we all know.
>
> It becomes us, therefore, the surviving members of the board of trustees, the almoners of his bounty, at this time, in behalf of ourselves and the community which shares with us the benefits and advantages of this educational institution, to express our thankfulness that he lived so long to see the beneficent results of his well-directed benevolence; our regret that we shall no longer have the benefit of his calm and wise counsels in our board; and our belief that a grateful memory will ever be cherished of THOMAS ALLEN in his native town.
>
> Mr. ALLEN was not content with the gift of this admirable building and frequent pecuniary aid. He always actively interested himself in the interests of this corporation, devoted, as he expressed it in the charter, "to promoting education, culture, and refinement, and diffusing knowledge." He saw with undisguised gratification its rapidly extending influence, which he did all in his power to forward.
>
> A gift thoughtfully bestowed is always characteristic of the giver. Mr. ALLEN'S natural tendencies were toward scholarship in the highest sense of that term. In all his active, busy life, conducting great enterprises and involved in hazardous business undertakings, he never forgot nor laid aside his love for literature, culture, and art. Therefore, in founding this institution, he gave a true indication of the real and finer qualities of the man.
>
> It is not for us to speak of his public career. His reputation was national. He bravely conducted his well-spent life. No temptations interrupted its equable course. He proved himself in all respects a worthy descendant of the first minister of Pittsfield, upon whose monument is inscribed, "*Fortiter gerit crucem.*"
>
> It is now for us to resolve that we will faithfully endeavor to fulfill the high hopes which THOMAS ALLEN had of the future of the Berkshire Atheneum, and to so administer its affairs that his name shall be blessed by good men in all the generations to come.
>
> Voted that these minutes be entered upon the records.

Mr. ALLEN had two homes, Saint Louis and Pittsfield, both of which he honored and loved, and in both of which he was honored and loved.

The following resolutions were adopted by the board of directors of the Merchants' Exchange:

To the President and Directors of the
Merchants' Exchange of Saint Louis, Missouri:

GENTLEMEN: Your committee, appointed to draft resolutions out of respect to the late Hon. THOMAS ALLEN, beg leave to submit the following:

THOMAS ALLEN was a member of the Merchants' Exchange of Saint Louis, so distinguished in many ways that his death has caused a vacancy in our ranks of no ordinary kind. Now that he has gone, we are the more conscious of his extraordinary character.

A model of punctuality in all dealings, sincere and earnest in all he did, thoughtful and considerate in all he said, uniting public spirit with his plans for personal profit, the influence he exerted was at once to his own credit and for the general advancement.

Dignified, yet courteous; cool, yet energetic; intellectual, yet candid; he has left behind him an honored name, more valued than the immense fortune which crowned his career with success.

It was equally his good fortune to accumulate property and command respect. While toiling for himself he did not forget others, and in advancing his own interests he studied to promote the general welfare.

As a projector of public highways, as a liberal contributor to public-spirited enterprises, he faithfully observed his obligations, and attached to himself the life-long friendship of honorable men, who loved him while living and cherish his memory when dead.

In order, therefore, to perpetuate the recollection of his extraordinary virtues and abilities as a member of this exchange,

Be it resolved, That the loss sustained by the nation, the State, and the city in the death of Hon. THOMAS ALLEN is deeply felt and lamented by the members of the Merchants' Exchange.

Resolved, That as a scholar, writer, speaker, legislator, banker, railroad president, capitalist, and business man, the character of THOMAS ALLEN was of exalted purity and excellence.

Resolved, That his social virtues and personal demeanor rendered him an example worthy of imitation.

Resolved, That we mourn his death as an irreparable loss to his family, to the community, and to the members of the exchange.

Resolved, That these resolutions be spread upon our records, and a copy forwarded to his bereaved widow with the sympathy of his fellow-members.

S. H. LAFLIN.
D. P. ROWLAND.
GERARD B. ALLEN.

SAINT LOUIS, *April* 22, 1882.

In his last illness he said to his pastor, "I would like to live a few years longer. There are some things I would like to do for Missouri."

In the annual town meeting of Pittsfield, held on Monday, April 10, 1882, the following proceedings were had:

All business but voting was suspended until half past two, and then, the meeting being called to order, Hon. J. N. Dunham took the floor, saying that, though in the ordinary business of a town meeting there were matters about which there would be disagreement and difference of opinion, he desired to call attention to a matter in which there would be no disagreement. He would turn aside for a moment from the business of the warrant and review for a short time the past year. From the meeting to-day we miss many distinguished men who have died during the year—men who had taken active part in the proceedings of the town in the past, and by their influence had done much to shape, improve, and preserve the good name of Pittsfield. He then alluded to John C. Parker, Judge Colt, Ensign H. Kellogg, Zeno Russell, Theodore Pomeroy, Solomon L. Russell, and George P. Briggs, and closed with fitting reference to THOMAS ALLEN'S death, and offered the following, which, by a unanimous rising vote, was adopted as an expression of the sentiments of the meeting and ordered inscribed in the records of the town:

"THOMAS ALLEN, a native of Pittsfield, a Representative in the Forty-seventh Congress of the United States from Missouri, his adopted State, died at Washington, District of Columbia, at his post of duty, April 8, 1882, and his remains have to-day been brought to this town for burial, the home of his boyhood and his abiding place when seeking rest or recreation, and it is meet and proper that the citizens of Pittsfield, while assembled this day at its annual town meeting, should, for a moment at least, pause in their proceedings to consider the life and death of one of her most distinguished sons, one who for a lifetime has taken a deep and lively interest in the welfare of the town; one who in time of the war exhibited his patriotism by word and deed, by his liberal contribution to equip the Allen Guard for immediate duty in the field, for his various and varied work and charities while the war lasted; one who by his magnificent and munificent gifts to the town of Pittsfield, by causing to be erected at his expense that enduring monument known as the Berkshire Atheneum, thereby insuring the establishment of a free public library, open to all alike, rich and poor, native and foreign born, an educational institution of itself, its benefits beyond computation. The citizens, yes, the town of Pittsfield will ever remember THOMAS ALLEN with pride and gratitude, and now that he is dead we tender to his afflicted family our hearty sympathy, and desire that this statement may become a part of the records of this town as due not only to the present but future generations."

These public proceedings on the part of citizens of Saint Louis

and Pittsfield portray the true character of Mr. ALLEN and show the friendship and love entertained for him by those who knew him best.

Mr. ALLEN inherited a sound body, full of vitality, a vigorous mind, a clear judgment, a firm will, and a high moral sense—was "well born." So it has been said Mr. ALLEN derived his descent on one side from one of the revolutionary Whigs most noted for his uncompromizing zeal, and on the other, from one of the staunchest American adherents to the British Crown.

Mr. ALLEN was the head of an interesting and intelligent family circle—a wife and seven children—in whose cultured society and companionship he took great delight. He was a faithful and loving husband, a kind and affectionate father.

Mr. ALLEN was a member of the Congregational Church, and a man of faith and of prayer. In his last illness he said, "I know not how it is with other men, but I have been a man of prayer all my life. I have always, before important decisions, sought guidance from God."

His pastor, in the conclusion of the funeral discourse, portrayed the true Christian character of Mr. ALLEN in these words:

He felt the imperative claim of the right. He revolted from the wrong. At the base of his character was this firm rock. Allied to his moral sensitiveness was Mr. ALLEN'S faith in God. He had this not as an inheritance but as a conviction. God was an intelligent person to him, a being from whom direction could be received, to whom service was due. Mr. ALLEN believed in immortality. He may well have believed in it. He could not easily conclude that a force that had been what his personal will and energy had been should suddenly cease. He never supposed it would. In the long sickness which he suffered from, his mind was naturally much engaged with the supreme problems of life and death. He was able to think calmly and protractedly. His thoughts were high. He had, he said, during his last illness, revelations. Yes, revelations, of God, and in many ways. Evidently God was in his thoughts much. So in those weeks, months of pain, of confinement, as he was drawing nearer to God, God drew near to him. And at last he was not, for God had taken him.

Mr. DAWES. The late Representative from the second district of Missouri was a native of Massachusetts. He was born within sight of my own home, and thither a committee of this Congress have recently borne his remains for burial.

I may be permitted, I trust, a few words of tribute to the character and worth of a departed friend and townsman. THOMAS ALLEN was of the sternest revolutionary stock, mingled with the stoutest of loyal blood. His grandfather, the Rev. Thomas Allen, whose name he bore, the first clergyman af Pittsfield, was the soul of the patriot cause in his native town, and weekly from the pulpit stirred the blood of his hearers to face danger and make sacrifices in the struggle for national existence, sharing all they dared or suffered.

News of the British march upon Bennington, forty miles distant, reached him in the pulpit on Sunday. Dismissing his congregation, he called for volunteers on the church green, and, putting himself at their head, hastened to the scene of that memorable battle, where his valor earned for him the name of the "Fighting Parson." On the side of his mother, on the contrary, the grandfather of Mr. ALLEN was one of a little band of loyalists in a neighboring county, equally firm in his convictions, and equally ready to encounter peril or make sacrifices for their maintenance. Fidelity to his king was a part of his religion, harboring no doubt and leaving no stain.

The qualities which make up a man sprung of such stock were sure to be sterling; and all the conditions under which he entered upon life and essayed its work were sure to make of him a robust and aggressive character. The mountains round about the home of his youth were not more firmly fixed in their abiding place than the faith in God and His law which came to him with his first breath; and their sides were not more rugged or hard to climb than the path along which his early footsteps were led. By the fireside and on the mother's knee and in the school-house by the road-side scant in comfort and appointments, was begun that training of faculties in Mr. ALLEN, of a quality and temper sure to develop a force in the world.

He was the fifth of a family of ten children, whom his father was able only by the most rigid economy to support upon the products which a small Berkshire farm reluctantly yielded to unremitting toil. Little beyond the time spent in attendance upon the district school was it in the power of his father to bestow upon him in preparation for his work in life. But this time was so well spent that he found others willing to help him build upon the foundation thus laid, and under the preparatory tuition of Chester Dewey, one of the best of New England teachers, in his native town, and the teaching of the celebrated Dr. Nott, of Union College, he took with the honors of the college the degree of Bachelor of Arts from that institution before he was twenty years of age.

He was admitted to the bar in New York City at twenty-two, and came to Washington in the winter preceding the inauguration of Mr. Van Buren on his way to New Orleans to commence the practice of his profession. He had inherited a taste for politics. Jeffersonism was preached weekly from the pulpit of his grandfather, and Federalism from a neighboring church which had colonized from the mother church for the very purpose of securing political liberty. This natural taste for politics cultivated from his early youth had frequently engaged him in contributions for the press. Even before entering college he was editor of a paper published in the institute at which he was a student, and while pursuing his law studies in New York his political writings and literary criticisms not only contributed to his support but attracted the attention of the leading politicians and men of letters in that city.

Few, if any, men of his years had written so much for the press as had Mr. ALLEN before he came to this city. He was here caught in that excitement and whirl of politics which ushered in and distracted to the end the administration of Mr. Van Buren. He plunged at once into the fight, and forgot New Orleans. Espousing the side of the Conservatives of that day, he sent back to the New York press such sharp criticisms of men and measures, and such able discussions of the issues then just beginning to divide the Democratic party, that he was at once recognized as no mean force in the approaching struggle. In August of that year, a month before the extra session called by Mr. Van Buren, in the midst of a political hurricane, the Madisonian newspaper was established by the Conservatives as a rival of the Globe, and as the organ of that wing of the Democratic party which refused to follow Mr. Van Buren in the new financial policy that ultimately wrecked his administration.

This young man, with no other capital than his brain, and with no weapon but his pen, was called to the editorship and management of that paper, and compelled to meet in political controversy and conflict the Globe, then edited by the elder Blair, the ablest political editor of his time, and the National Intelligencer, under the management of those veterans of the press, Gales and Seaton.

At the opening of Congress Mr. ALLEN, then only twenty-three years of age, was elected by the House of Representatives Public Printer, and two years later he was elected to the same office by the Senate, each branch of Congress at that time choosing its own printer.

The office was one of great political power and influence. The disbursements and responsibilities of Public Printer in those days were very great, and few came out of the office unstained. Mr. ALLEN was one of the few. Our history furnishes no parallel to this bestowal by the House of Representatives and the Senate of the United States successively of such power and responsibility upon one so young. Here he remained doing extraordinary work with extraordinary success for nine years. With a spotless name and a fame already established, at thirty-two he left Washington for Saint Louis, then in its infancy, to commence the permanent work of his life amid the grand possibilities just opening up on the other side of the Mississippi.

His life thus far had been one of preparation and training. It was a New England product, rounded out somewhat by unusual culture and contact in a broader field, but nevertheless essentially the tough fiber, the stiff will, and the quick wit, elements of New England character. He was clear of sight, persistent in purpose, and firm in faith. He believed that a dividing line separated right from wrong in all the affairs of men, and that the right ever and everywhere was better than the wrong. As light was given to discern that line, it was followed wherever it led. Many things distorted the vision, but nothing ever confounded the distinction or tempted him to barter the one for the other. New England does not furnish field or scope enough for the trained faculties and widening vision of all her children, and she parts with them to grapple with the greater opportunities and grander conditions of Western life. She has thus made large contributions from her wealth of intellectual and will force to the tide which has flown in through the wide gates of opportunity and promise the West has opened to healthy adventure and intelligent enterprise. She has not repined at her consequent impoverishment, nor envied the younger and more ardent of her sisters the rich endowment brought to them by this espousal of the vigor and burning zeal of the best of her sons.

Mr. ALLEN was among the most amply equipped and best trained of that army of young men who have, for the last forty years, in one unbroken column, marched out from New England homes and institutions and pitched their tents, and, unfolding banners woven at home, have planted under their folds great States, builded noble institutions, and developed wealth and power not possible to those who remain behind. Saint Louis was henceforth to be his permanent home, and the State of his adoption was thereafter to command his powers and to stimulate and reward his ambition. Missouri was forty years ago more like a sleeping giant than the great and powerful empire into which she has since developed, richest among the rich in all mineral wealth, strongest among the strong in the heart and nerve and confidence of more than two million people, with a commerce of national importance and a railroad system of continental limitations.

How large a part the far-reaching sagacity and the broad and catholic comprehension of opportunities and possibilities which Mr. ALLEN brought to that State at a most fortunate time in the tide of its material growth and development have borne in arousing this giant from its slumbers and arraying it in the panoply of its own power and glory, I leave to the justly appreciative and more appropriate utterances of its own representatives to estimate.

We of the older States have wondered at and admired the marvelous rapidity with which this great State has marched to the commanding position to which its wealth of resources summons it, and we of Massachusetts are proud of the agency one of her sons has had in the grand result. Next to the founders of States the greatest characters in history are those who build the institutions, awaken the agencies, and guide the forces which make States great, powerful, and imperishable. Such a place in history will those who write of Missouri assign to Mr. ALLEN.

But, Mr. President, I turn from this too attractive page in his career back to the place of his birth and the home of his fathers. How his love for it increased with his years! How, in the midst of his prosperity and affluence, his heart and hand opened with generous appreciation of its welfare! Early in that career of remarkable prosperity, which was continued to the end of his life, he repurchased from strangers the place of his birth and the home of his fathers, and erected there an elegant and enduring mansion of stone, which was his summer home for thirty years. How fitting that his remains, now that his work here is finished, should be borne by Missourians back to this resting place, toward which his thoughts and heart ever turned, and be deposited by them beneath the roof erected by him over the spot where he was born!

He was in all respects a true Missourian, and was thoroughly identified with the interests of the State with whose fortunes he had cast his lot for life. But this did not abate one jot or tittle of his love for the home of his nativity. All its best interests were near his heart, and he was ever ready to promote its highest welfare. He erected close by the place of his birth an elegant and costly edifice of exquisite taste in architecture and design, and donated it to his native town for a library, free to all its people, and a museum for the preservation for coming generations of works of art and historical interest—*optima seculorum in secula servare*—an enduring monument to the true nobility of his nature, and to the clear-sighted comprehension of lasting results, which guided him in all his acts of beneficent generosity as well as in all his business undertakings.

Missouri was one of the border States during the war of the rebellion, and suffered terribly from the conflict and dissensions which divided its people, and arrayed communities, neighborhoods, and households in bitter feuds and bloody warfare. At the outset and throughout the struggle Mr. ALLEN was a Union man to the core, firm in his faith, and unyielding in his patriotism. His large influence, his zeal, and his fervent voice contributed much to turn the doubtful scale on the side of the Union and to keep his State true to the flag and the Constitution. His contributions of money and personal effort and sacrifice were not confined to Missouri, incalculable as were their value in determining the ultimate status of that State in the conflict. They were also influential in his native State. A military company of Pittsfield, organized before the war under his auspices and bearing his name, marched out of town at the first call, meeting its absent commander on the way, and, taking its colors from Mr. ALLEN'S own hand as it passed through New York, entered Washington among the first of the troops that reached the capital.

The recruiting service, the Army in the field, and the hospital commanded his influence, his mind, and his means till peace was restored. And in the solution of the many difficult and complicated problems which at the close of the war confronted the statesman and distressed the patriot, his influence and counsel were ever bent to such an adjustment of discordant elements that peace born of the eternal and unchangeable principles of justice and right might come to stay, and with healing in its wings rehabilitate the Republic. He lived long enough to see his adopted State yield to such counsel and to early enter upon the enjoyment of the beneficent results which are the compensatory glory of the terrible struggle through which, as through fire, this people has been led.

Mr. Allen lived and died a Democrat, and the love of politics, of which he had a taste in early life, never abated amid the absorbing demands of vast and varied business relations, that engrossed his mind and taxed his strength through the larger part of his life.

He occasionally held offices of distinction and responsibility in Missouri, was more than once a State senator, and at different times was brought before the people for their suffrages as Representative in Congress; but the claims of large business enterprises, reaching out into other States and ever growing upon his hands, still unfinished, were long too strong to be disregarded and too important to be neglected. It was only recently that he was able to relieve himself from their burdens and exactions and to seek in the relaxations of leisure and the delights of foreign travel renewed health and vigor. The electors of the second Congressional district of his State immediately called him into their service, and he was elected by a large majority, in November, 1880, to the Forty-seventh Congress. He spent the interval between his election and the assembling of Congress, in December, 1881, in seeking to regain his shattered health by rest and foreign travel. It was a vain search.

The draft upon his strength had been continued too long for recovery, and all effort to regain ground lost proved unavailing. He returned from an extensive tour in Northern Europe in November last only to realize that his work was over. The fatal disease had already so far advanced that he was unable to reach Missouri and again meet his constituents. He turned with longing to his Massachusetts home, and came to it for the last time, feeling with the poet—

> Where'er I roam, whatever realms to see,
> My heart, untraveled, fondly turns to thee.

He came to Washington and took his seat on the first day of the session, all too weak for the effort, but was unable to appear in the House more than once or twice afterward. The fatal result became early apparent to him, and he awaited it long, upon a bed of great pain and anguish, with patience and calmness. It was a disappointment to him not to be permitted to discharge the public trust which had been committed to him. Among his last words were: "I would like to live a few years longer. There are some things I would like to do for Missouri." But it was ordered otherwise. He was bidden to lay off the harness, and he obeyed the command in the inspiring faith that it was but a summons to a higher life and a nobler work. This command came to him on the morning of the 8th of April last.

Thus ended a life which, by whatever standard man may measure it, fell little short of life's great end. It was a busy life, leaving no known duty undischarged, no known wrong unrighted; full of amenities and sympathies, hopes and aspirations. It encountered all life's antagonisms and conflicts with wisdom and courage, meeting all its responsibilities and shrinking from none of its burdens. He lived ever true to the motto handed down to him by his fathers, *Fortiter gerit crucem*, and died in the Christian's faith that beyond this life there awaited him an immortal crown.

Mr. BROWN. Mr. President, I have been informed by some of the friends in this body of Mr. ALLEN, the deceased, that it would be agreeable to them for me to submit some remarks on this occasion. If the condition of my health had permitted I should have availed myself, with great pleasure, of this opportunity to attempt to pay a just and appropriate tribute to the memory of the deceased, whose death we all mourn as a public calamity. But such is the condition of my throat that I must not at present attempt to speak at any length on any subject. Before I take my seat, however, I feel it my duty to remark that I had a very pleasant acquaintance with Mr. ALLEN for a number of years, mostly as a railroad man, in connection with important railroad interests. He spent much of the more active portion of his life as such manager on a large scale, conducting some of the most important and extensive enterprises of the country. And I take great pleasure in testifying that in the line of his profession he had few equals. His business tact, quick perception, keen penetration, and executive capacity were remarkable.

Mr. ALLEN was always courteous, kind, and considerate of the feelings and wishes of others. In social life he was a general favorite. He leaves a most interesting family to mourn their irreparable loss; but he leaves them the rich legacy of an irreproachable character, and the bright example of his useful life as a safe guide for their future conduct. But, Mr. President, I must leave it to others more able and eloquent, who are in better condition, to do full justice to the life, services, and memory of the distinguished dead.

Mr. VEST. Mr. President, New England has sent many of her sons to wealth and honor in the West, but her energy, courage, steadfastness of purpose, and intellect have never been more fully illustrated than in the life and characteristics of THOMAS ALLEN. The story of his life is peculiarly American, and marked with all the salient points of our pushing, aggressive civilization.

When nineteen years old, young ALLEN left his home at Pittsfield, Massachusetts, with $25 as his patrimony, a sound constitution, an honest name, and a collegiate education, to enter the arena where so many fall wounded and vanquished and so few are crowned with the laurel wreath. Not for an instant was there any question of his success, for, besides health, talent, and education, the young adventurer had those priceless jewels, self-control and systematic labor.

For three years Mr. ALLEN read law in the city of New York, but soon became engaged in journalism, for which pursuit he had decided taste and talent. In 1837 he established in this city a paper known as the Madisonian, and while engaged in its publication was elected Printer of the House of Representatives and then of the Senate. In 1842 he removed to Saint Louis, and there entered upon the eventful career which has bound up his history for all time with that of the State to whose welfare and greatness he contributed so much. His broad, comprehensive, active mind seized at once the necessities of the vast region west of the Mississippi, then just beginning to pulsate with a new life, and he devoted himself to railway transportation. In 1850 he became president of the Missouri Pacific Railroad, now extending across the entire State from east to west, and brought the first locomotive to the western shore of the great river. In the same year Mr. ALLEN was elected to the State senate, and there he originated and organized the system of railways now reaching every portion of Missouri. Subsequently he built the Saint Louis, Iron Mountain and Southern Railroad from Saint Louis to Texarkana, binding together the two great empires of Missouri and Texas.

Mr. ALLEN was elected to the Forty-seventh Congress from the second district of Missouri, but his physical condition prevented his active participation in the public business.

Such is the brief *résumé* of a singularly active and useful life devoted to the best interests of men and not to self-indulgence. Of such lives it has been well said:

> The seeds of good they sow are sacred seeds,
> And bear their righteous fruits for general weal,
> When sleeps the husbandman.

Essentially a man of business, and the possessor of large wealth, Mr. ALLEN never hoarded money, or regarded it but as the instrument for great and beneficent purposes. His personal habits were simple, almost to austerity, while to public objects and enterprises he gave with princely liberality. Nor did the pursuit of wealth or his practical life harden his nature, or cause him to forget his *Alma Mater* and the classic tastes of his youth. He was the first presi-

dent of the University Club of Saint Louis, whose membership embraces the literary culture of that city, and he was annually re-elected, filling the position at the time of his death.

Of education, whose magic wand can alone exorcise

These twin gaolers of the human heart,
Low birth and iron fortune,

he was the earnest advocate. To literature, science, and the arts, advance and improvement in all that elevates mankind, his time and fortune were freely given.

And so, another earnest, active intellect is stilled, another toiling life is ended. Helpless, we stand at its close, and with feeble, imperfect words attempt to tell the story of the years of labor, ambition, success, misfortune, joy, and sorrow which checkered this long and eventful career. All that we know certainly is that it has ended, and that our friend has at last laid down his burden. For the rest, faith and hope!

The Hindoo maiden, whose lover or relative has gone upon a long or dangerous journey, as the shades of evening fall, places upon the bosom of the Ganges an earthen vessel, wreathed with flowers, containing a lighted taper, and watches its progress down the stream, believing that its fate is typical of that of the absent loved one. For many long and sad months those who loved him watched the feeble light of the life now ended, as it floated away upon the river of Time. It can be seen by mortal eyes no longer. But may we not hope that upon the great ocean of eternity it has burst into noontide splendor!

Missouri thus reverently closes the last page of the life's history of her beloved son, her honored Representative, her most illustrious citizen.

I move the adoption of the resolutions.

The resolutions were adopted unanimously; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 23, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

DEBATE ON REVENUE-TAX BILL.

Mr. KELLEY. I desire a brief indulgence from the House to arrange if possible the time for closing general debate on the bill now under consideration. I have no desire to restrict the debate, but there are funeral ceremonies fixed, I think, at three o'clock to-day, or is it two o'clock?

The SPEAKER. Three o'clock is the hour fixed.

Mr. DIBRELL. I ask the gentleman from Pennsylvania if he is not willing to let us have the Private Calendar to-day? We have not had it now for two months.

Mr. KELLEY. I hope this bill, which is a very important public measure, will be proceeded with to a conclusion; and I was about to suggest to the House that by consent general debate be closed at two o'clock.

Mr. TOWNSHEND, of Illinois, and Mr. DIBRELL objected.

Mr. RANDALL. Say three o'clock.

Mr. KELLEY. The funeral ceremonies set for to-day begin at three o'clock.

Mr. RANDALL. Let the general debate run until three o'clock, when by consent it is to be closed. That gives us up to the funeral ceremonies, and we can commence to-morrow morning to read the bill by sections under the five-minute rule.

Mr. BURROWS, of Michigan. That ought to be satisfactory.

Mr. KELLEY. I have no desire to restrict the debate.

Mr. TOWNSHEND, of Illinois. Why is it necessary to fix a limit to the debate?

Mr. RANDALL. Because we don't want to stay here till August.

The SPEAKER. Is there objection to fixing the time for closing the general debate at three o'clock to-day?

There was no objection.

ORDER OF BUSINESS.

Mr. EVINS. I ask unanimous consent to take from the Speaker's table the bill (S. No. 1014) for the erection of a public building at Greenville, South Carolina, and ask that the same be put upon its passage.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read the title of the bill.

Mr. HOLMAN. I think we had better have the regular order.

Mr. RICH. I shall object to the consideration of that bill at this time.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. KELLEY. I move to dispense with the regular order of business in order to proceed with the revenue bill.

Mr. STEPHENS. Before that motion is submitted I wish to make a personal request to the House, and it is to take up the bill (H. R. No. 4180) for the erection of a public building for Federal uses in the city of Augusta, Georgia. I have not been able to attend the House for six weeks, and this is an important bill, and I therefore ask unanimous consent to take it up and let me have a moment upon it.

Mr. HOLMAN. I demand the regular order.

The SPEAKER. The regular order is in the nature of an objection, and will prevent the consideration of the bill suggested by the gentleman from Georgia.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled joint resolutions and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 229) authorizing the Secretary of War to turn over to the governor of Minnesota such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment;

A bill (H. R. No. 4710) to vacate a certain part of Rock street, in Georgetown, in the District of Columbia;

A bill (H. R. No. 713) granting to the Springfield Street-Railway Company the right to lay tracks in Mill street, in Springfield, Massachusetts; and

A bill (H. R. No. 6014) to admit free of duty articles intended for the exhibition of art and industry to be held at Boston, Massachusetts, during the year 1883.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883.

PUBLIC BUILDING, UTAH TERRITORY.

The SPEAKER laid before the House a memorial from the Legislative Assembly of the Territory of Utah, in relation to the construction of a public building for the Legislature and district courts and for post-offices and land offices, &c., in said Territory; which was referred to the Committee on Public Buildings and Grounds.

UTAH AS A STATE.

The SPEAKER also laid before the House a memorial from the delegate convention of the Territory of Utah, asking Congress to admit the Territory of Utah into the Union as a State; which memorial was accompanied by a draft of a constitution said to have been approved by the citizens of that Territory.

The memorial was referred to the Committee on Territories, and ordered to be printed.

VIRGINIA MILITARY LANDS, OHIO.

The SPEAKER. The gentleman from Ohio [Mr. ROBINSON] asks leave to offer at this time certain documents relating to Virginia military lands in the State of Ohio, with the request that they be printed and referred to the Committee on the Judiciary, a bill relating to the subject being now before that committee.

Mr. TAYLOR. That bill, Mr. Speaker, has been already reported to the House.

The SPEAKER. The subject is before the committee, however. Without objection the reference will be made accordingly.

Mr. ROBINSON, of Massachusetts. I do not desire to object, Mr. Speaker, but in such matters where the committee have reported, should not these papers be laid upon the table for the benefit of the House?

The SPEAKER. The House will have the same benefit. This will be printed as an executive document.

Mr. ROBINSON, of Massachusetts. I merely suggested it as a matter of practice; not with a view to objecting.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KING for two days.

WITHDRAWAL OF PAPERS.

The SPEAKER. The gentleman from Maryland [Mr. URNER] asks unanimous consent to withdraw from the files of the House the bill and papers relative to the claim of R. T. Bryan. Without objection the request will be granted.

Mr. HOLMAN. Mr. Speaker, I think that the withdrawal of the original papers in such cases ought not to be allowed unless the request is accompanied by a statement that there has been no adverse report.

The SPEAKER. Under the standing rule of the House these papers may be withdrawn by the consent of the House where a certified copy is left in the office of the Clerk.

Mr. HOLMAN. But the original papers ought not to be withdrawn if there has been an adverse report. Now, as I understand the rule, it only requires copies to be left. The original papers may come back at some future time for the action of the House, while

the fact of the adverse report originally made will be lost sight of. I am satisfied that these papers belong to the files of the House and ought not to be taken away in this manner.

Mr. RANDALL. The papers belong to the claimant.

The SPEAKER. The standing rules of the House permit this to be done. It may be that the rule is not right, but the Chair is not responsible.

Mr. HOLMAN. That is not allowed to be done when there has been an adverse report.

The SPEAKER. The Chair will cause the rule to be read, as this is a matter of some importance.

The Clerk read as follows:

RULE XXXVIII.

PAPERS.

1. The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress, and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

Mr. HAMMOND, of Georgia. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND, of Georgia. Does the Speaker rule that under the rule which has just been read papers may be withdrawn without the leave of the House, provided parties will leave copies?

The SPEAKER. The Chair does not so rule.

Mr. HAMMOND, of Georgia. I understood the Chair to ask unanimous consent for the withdrawal of those papers, and that on the gentleman from Indiana [Mr. HOLMAN] objecting the Chair ruled that his objection was out of order because of that rule.

The SPEAKER. The Chair did not rule an objection was out of order. The Chair understood the gentleman from Indiana to suggest that another course be taken. In this case the Chair will state it is informed there has been no adverse report.

Mr. HOLMAN. I have no objection in this case.

Mr. RANDALL. The ground of that rule was that the original papers where a person was to be benefited by the granting of the claim to which the papers relate were in fact the property of the claimant, and that we could go no further than to demand for the information of future Congresses that he should leave copies. That, as I understand, is the ground of the rule. I differ from my friend from Indiana [Mr. HOLMAN] in this particular, that I believe that papers sent to Congress are the property of those who send them after Congress shall have concluded its review of them. Only a tribunal of last resort has the right to keep possession of original papers.

Mr. HOLMAN. I think they are a portion of the records of the House. Where there has been no action they can be properly withdrawn, but where there has been action, and especially adverse action, I think they should not be withdrawn.

Mr. RANDALL. Where there has been adverse action it is proper that copies shall be left so that the information shall be within the reach of Congress and future Congresses as to what character of papers were before the House at the time the reports were made thereon.

The SPEAKER. The Chair does not mean to intimate the House could not refuse any application of this kind if it saw proper. But in this case the Chair understands there is no adverse report, and no objection is made to the withdrawal of the papers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

ALEXANDER JUDICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report on the private land claim of Alexander Judice, number 2 of class 1; which was referred to the Committee on Private Land Claims.

DECISIONS OF FIRST COMPTROLLER OF THE TREASURY.

The SPEAKER. The Chair also lays before the House a letter from the Secretary of the Treasury transmitting decisions of the First Comptroller of the Treasury for 1881 and 1882. In this case the Chair is requested to ask that the accompanying papers be printed. If there be no objection such order will be made.

There being no objection, the communication was laid on the table, and, with the accompanying papers, ordered to be printed.

PERSONAL EXPLANATION.

Mr. MURCH. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MURCH. The Portland Advertiser, a Republican paper published in Portland, Maine, and by the way a very fair Republican paper, publishes a letter from the Comptroller of the Currency, which I ask the Clerk to read.

The Clerk read as follows:

MR. MURCH'S MISTAKE—A LETTER FROM COMPTROLLER KNOX.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, May 18, 1882.

SIR: In your speech in the House of Representatives, as reported on page 24 of the CONGRESSIONAL RECORD of May 18th instant, you say:

"For ten years the plates, printing, ink, paper, and labor required to prepare and furnish the national-bank notes were paid for by the Government. The notes were given to the banks without cost. We are not able to state these expenses accurately. The Comptroller of the Currency is particular to furnish the public no data from which the sum could be stated. This has been studiously kept from the public. * * * We have no doubt that all these expenses incurred by the Treasury in furnishing national-bank notes were $1,000,000 each year."

The Comptroller of the Currency has annually furnished to Congress the information to which you refer, as he is required to do by the last paragraph of section 333 of the Revised Statutes, which provides that he shall make an annual report to Congress, exhibiting among other things "the whole amount of the expenses of the banking department during the year."

By reference to page 64 of his report for 1880 and to page 72 of his report for 1881 you will find that the Comptroller not only gives the expenses of his office for the fiscal year, as required by law, but also the total expenses of his office from its organization to June 30, 1881, including salaries, special dies, plates, printing, paper, &c.

You will also find on page 56 of the report for 1876, page 31 of the report for 1877, page 43 of the report for 1878, and page 47 of the report for 1879, a statement showing the total amount of expenses of this office from its organization to the end of each fiscal year.

By reference to the report for 1881 it will be seen that the total expenses from the organization of the system on February 25, 1863, to June 30, 1881, more than eighteen years, were $5,148,649.01, while the estimate as given in your speech would be $10,000,000 for the first ten years that it has been in operation.

Very respectfully,

JNO. J. KNOX, *Comptroller.*

Hon. T. H. MURCH, *House of Representatives.*

Mr. MURCH. Now, Mr. Speaker, I desire to have the Clerk read from the last annual report of the Comptroller of the Currency what I send to the desk.

Mr. CAMP. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CAMP. The article just read by the Clerk does not contain any charge against a member of this House. It is not an article containing such matter as to justify a member making it a question of personal privilege.

Mr. MURCH. The statement is untrue, and I think I have a right to defend myself.

The SPEAKER. The Chair does not think this makes a question of personal privilege. The gentleman may be entitled to make any explanation in the form of debate; but the Chair does not think the time of the House can be taken up under the rules with a matter of this kind under the form of a question of personal privilege.

Mr. HOLMAN. The gentleman only desires, as I understand, a very few minutes.

The SPEAKER. The Chair is quite willing to hear the gentleman from Maine if objection is not made; but the Chair must state it is not a question of personal privilege.

Mr. ERRETT. I object.

Mr. MURCH. I rise to a question of order.

The SPEAKER. The getleman will state it.

Mr. MURCH. I want to know if a chief of a bureau of the Treasury Department can impeach my statements, laying me under a lie, and publish that all over in the papers of the State of Maine, and that I shall be permitted no opportunity to reply? I propose to show that I stated the truth in the statement I made.

The SPEAKER. The Chair does not think that to enter into a question of that character presents a question of privilege or that it is a matter on which the gentleman can occupy the time of the House in the way of explanation if objection be made.

Mr. MURCH. I do not want more than a minute.

The SPEAKER. The Chair asked unanimous consent that the gentleman be permitted to make an explanation, but objection was made.

Mr. REED. The gentleman can address a letter to the Comptroller of the Currency and publish it in the papers.

Mr. MURCH. Then I will ask leave to print in the RECORD my reply to that communication.

There was no objection. [See Appendix.]

FINAL ADJOURNMENT.

Mr. TOWNSHEND, of Illinois. I desire to ask if any action has been taken by the Committee on Ways and Means looking to the introduction of a resolution providing for the final adjournment of Congress?

The SPEAKER. The Chair is not aware.

Mr. TOWNSHEND, of Illinois. I desire to give notice that unless some action is taken soon on that subject I shall myself introduce a resolution relating to it. I observe the Senate is discussing the propriety of an adjournment of several days with a view to putting down matting, which looks as if they anticipated that the session would continue for a considerable time.

The SPEAKER. The Chair is unable to state anything about the action of a committee not reported to the House.

Mr. KELLEY. I will state to the gentleman from Illinois [Mr. TOWNSHEND] that the report he speaks of will, I have no doubt, be presented to the House after the next meeting of the committee.

Mr. KASSON. I desire to submit a privileged report from the Committee on Ways and Means.

The SPEAKER. The gentleman will present it.

DUTIES ON SUGAR.

Mr. KASSON. I am instructed by the Committee on Ways and Means to report back with a favorable recommendation the bill (H. R. No. 2222) to amend section 2983 of the Revised Statutes so that the duties paid upon sugars shall be assessed upon the quantity delivered from instead of the quantity entered into bonded warehouses; and to move that it be referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. KELLEY. I move that private business for to-day be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. KELLEY. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CAMP in the chair.

REDUCTION OF INTERNAL-REVENUE TAXATION.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. ARMFIELD. I desire to submit at this time to be printed in the RECORD an amendment which I propose to offer to this bill.

There was no objection.

The amendment is to add to the bill the following section:

SEC. 5. Hereafter when any whisky, brandy, or tobacco shall be seized for violation of the internal-revenue laws of the United States, and the same shall be confiscated for such violation, it shall be sold by public auction to the highest bidder, for a sum not less than the tax due thereon, and no tax on said whisky, brandy, or tobacco shall be charged against or collected from the owner of the same; and where any whisky, brandy, or tobacco has heretofore been seized for violation of the internal-revenue laws of the United States and confiscated for said violation, if the same has been sold, or shall hereafter be sold for an amount as great as the tax due thereon, no tax on the same shall be charged against or collected from the owner of said whisky, brandy, or tobacco.

The CHAIRMAN. The gentleman from Missouri [Mr. HASELTINE] is entitled to the floor to complete his remarks begun on yesterday.

Mr. HASELTINE. How much time have I remaining of my hour?

The CHAIRMAN. The gentleman has fifty minutes remaining.

Mr. STEPHENS. I ask the gentleman from Missouri to yield to me for three or four minutes that I may briefly express my views upon this bill.

Mr. HASELTINE. I will yield to the gentleman from Georgia [Mr. STEPHENS] for three or four minutes.

Mr. STEPHENS. Mr. Chairman, I am very much obliged to the gentleman from Missouri for yielding to me a few minutes of his time to enable me to give my views very briefly on this bill.

I am in favor of the bill, and I shall vote for it as it stands, if I cannot get some amendments to it adopted which I would like to have incorporated in it. But, in my opinion, the bill as it now stands is right as far as it goes. But it does not go so far as I would wish to have it go, by a great deal.

I think we ought to abolish the internal-revenue system of taxation entirely. I would extirpate it root and branch. Allow me to say to both sides of the House that except in time of war these internal-revenue taxes, excise and stamp duties are in my judgment in principle anti-republican, anti-democratic and anti-American. They are in opposition to the general principles or policy of this Government as taught by the fathers of the Republic.

The best way to raise revenue is by duties on imports. They bear less heavily on the tax-payers, and as legislators that is what we should look to. In levying duties on imports you can at the same time make foreign producers pay for the use of your markets, and in that way incidentally and properly give aid and protection to American industry. It is not true, as a general proposition, that the consumer pays all the duty imposed upon commodities brought from other countries. This is a question that I cannot now argue. In most instances where the duties are judiciously laid they are borne partly by the importer and partly by the consumer.

To allow Congress thus to raise revenue by duties upon imports was one of the main objects in establishing the Federal Constitution of 1787. This system of internal-revenue taxation by excise and stamp duties was not favored by the fathers of the Republic in times of peace. I speak plainly, and say that it was looked upon then as not only of British origin but there was always the odium of British Toryism attached to it in the American mind. There was never any legislation more abhorrent to the people of this country, even in their colonial condition, than what was known as the infamous stamp act.

In time of war, when foreign trade is interrupted, this country has been compelled to resort to this method of raising revenue. It was thus resorted to in the Revolutionary war by the States. In the war of 1812, after the adoption of the present Constitution, it was again resorted to of necessity. But it was not adhered to one moment longer than the necessity existed. The system was adopted in the administration of the elder Adams, when war was expected with France; but nothing tended more to excite popular opposition to his administration than this system of taxation, except the alien and sedition acts. One of the first acts of Mr. Jefferson's administration was to wipe them from the statute book. The present system was adopted during the late lamentable war between the States. We do not now require its continuance. Tariff duties, if properly laid, will yield us an abundant revenue. These internal taxes bear much more oppressively upon the people than do import duties. I would take off the tax not only on matches, and the tax on bank-checks, and all else that is embraced in this bill, but I would if I could, as I have stated, repeal the whole system. I would abolish entirely the onerous and unjust tax on tobacco, on whisky, and on distilled and refined spirits. These are taxes which come upon the laboring masses. I would let the burdens of our Government fall elsewhere than upon the labor of the country.

Mr. WILSON. I would ask the honorable gentleman if he would take off the tax now levied on national-bank capital?

Mr. STEPHENS. I certainly would. I would take it off national-bank capital, national-bank deposits, and everything on which it is now levied. I would repeal and abrogate the entire system. This is my view; but as I know I cannot get all I wish, I will take what I can get. A half a loaf is better than no bread. I hope, by amendments, we will be able to get a reduction on the present tax on tobacco, on whisky, and other distilled spirits; because I cannot get all the relief for the people I want, I would not refuse to take as much as I can get. I will remove the existing burdens upon the people one by one until I get them all removed, if possible.

I suppose, Mr. Chairman, that the time which was yielded to me so kindly by the gentleman from Missouri [Mr. HASELTINE] has about expired. I will simply repeat, to be distinctly understood, for the benefit of those who may not have heard me, that I am for this bill, as far as it goes, out and out. I am in favor of amendments looking to the ultimate abolition of the entire internal-revenue system and all the stamp duties. I believe it is wrong in principle and oppressive in practice.

I thank the gentleman from Missouri [Mr. HASELTINE] for his courtesy in thus permitting me briefly to state my position upon this bill under consideration.

Mr. HASELTINE. Mr. Chairman, I will now proceed to answer the personal charges of my colleague from Missouri, [Mr. BLAND.] But first I will more definitely answer the gentleman's question, "Was the Rice amendment to the bank bill a promise to pay or not?" I ask my colleague is 12 cents fiat on each standard silver dollar a promise to pay or not? Is the $12,000,000 fiat on the 100,000,000 standard silver dollars coined a promise to pay or not?

Is the $4,300,000 fiat on $5,000,000 of five-cent pieces a promise to pay or not? Was the $50,000,000 of fractional paper currency a promise to pay or not? The gentleman will understand me to answer him distinctly in accordance with the decision of the Supreme Court of the United States. That promise to pay, or intrinsic value, has nothing to do with the money of the great American Republic.

The Supreme Court in 1870 spoke as follows:

Legal-tender Treasury notes have become the universal measure of values.

That—

Making the notes legal tenders gave them a new use, and it needs no argument to show that the value of things is in proportion to the uses to which they may be applied.

That—

Whatever power there is over the currency is vested in Congress. * * * If the power to declare what is money is not in Congress it is annihilated. * * * The Constitution does not ordain what metals may be coined, or prescribe that the legal value of the metals when coined shall correspond at all with their intrinsic value in the market. * * * Nor does it even affirm that Congress may declare anything to be legal tender for the payment of debts. * * * It is hardly correct to speak of a standard of value. * * * The Constitution does not speak of it. * * * It contemplates that which has gravity or extension; but value is an ideal thing. * * * The coinage acts fix its unit as a dollar; but the gold or silver thing we call a dollar is in no sense a standard of a dollar. It is a representative of it. * * * These cases have been heard before a full court, and they have received our most careful consideration.

I would further call the attention of the gentleman to the language of President Grant in his message of 1873, declaring that the greenback was "the best money ever devised." This was before the resumption law and when there was no pretension of any specie basis. I desire also to ask the attention of the gentleman to the language of the honorable Senator from Missouri [Mr. VEST] in his speech three days ago. The Senator from Maine [Mr. FRYE] asked him the following question:

I should like to ask the Senator if there was need of $500,000,000 more of greenback currency, does he believe as a lawyer that there is authority under the Constitution to issue it?

To this question Mr. VEST replied:

I will answer for myself as cheerfully as I would answer at the last day to the last tribunal, yes; a thousand times yes. I say the power exists. That is my own individual opinion, and I am responsible for it alone. The Government has the right. If I ever had any doubt about it I have been taught differently by the Re-

publican party. I have been taught it by a court made for the purpose, after it had decided one way, to take back the decision and teach the people of the country that the power did exist. We are now asked here tauntingly if it does exist. You have taught us the invention and device, and we propose to use it.

I would ask my colleague from Missouri [Mr. BLAND] whether he has made progress equal to that of the Democratic Senator from Missouri? If he has not yet reached this point, there is room for growth.

Mr. BLAND. Do you want me to answer now?

Mr. HASELTINE. When I get through you will have an opportunity. I can consent to no interruption. I would have been very glad if the remarks of my colleague made yesterday were published in the RECORD this morning that I might have the benefit of them in making this reply; but as they do not appear to-day I cannot fully criticise them as I would wish to do.

Mr. VEST further says:

I say the greenback circulation saved my country in the West. If it had not been for the greenback money Missouri to-day would be bankrupt and ruined. It was a blessing untold in its effects. Not your national banking system, but the greenbacks of the country that you were striking down and murdering by your legislation brought the Democratic party into power and stopped you by the force and power of the popular verdict given at the polls. Still you make war upon the greenback. In your heart you desire to strike them down and to make the sole basis of the country gold and the representative of gold the national-bank circulation. That is the whole of it.

Mr. VEST concedes the power to issue the greenback, yet he would limit the currency of civilization to the accidental discovery of the metals. He concedes the power to liberate the people, yet he would enslave them.

I also call the attention of the gentleman to the platform of the national Democratic party adopted in 1840, which declares—

That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people.

This appears to have been the doctrine of the national Democratic party down to 1868, when it makes use of this language:

The payment of the public debt of the United States as rapidly as practicable. * * * Where the obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide that they shall be paid in coin, they ought in right and justice to be paid in the lawful money of the United States.

This was the declaration of the Democratic party in 1868; but in 1880 the national Democratic platform was—

Honest money consisting of gold and silver and paper convertible into coin on demand.

Now, I call the attention of the gentleman to the platform of the Democracy of the State of Missouri in 1878. The language is this:

We regard the national-banking system as being oppressive and burdensome, and demand the abolition and retirement from circulation of national-bank notes and the issue of legal-tender notes in lieu thereof, and in quantities from time to time sufficient to supply the wholesome and necessary business demands of the entire country; and that all greenbacks so issued shall be used in the purchase and retirement of the bonds of the United States, so that the interest-bearing debt of the country may be lessened to the extent of the greenbacks thus put in circulation.

In accordance with this platform adopted in the State of Missouri in 1878, my colleague [Mr. RICE] offered an amendment to the bank bill, which was perfectly in accord with the platform upon which the gentleman [Mr. BLAND] was elected four years ago. The similarity between the amendment and that platform of 1878 is so close that I hardly think any gentleman will be able to make a distinction. The amendment is this:

SEC. 11. That from and after the passage of this act all redemptions of national-bank notes shall be made by a new issue of legal-tender Treasury notes, to be issued by the Secretary of the Treasury as redemption notes, and such issue shall be in excess of the Treasury notes now in circulation and in amount equal to the national-bank circulation.

And the Secretary of the Treasury is hereby authorized to prepare at the earliest practical period such amount of legal-tender Treasury notes as may, from time to time, be necessary for the redemption of all national-bank notes, as they may be presented for redemption or payment. All redemption of national-bank notes, whether made by the banks or by the Secretary of the Treasury, shall be made in such legal-tender Treasury notes, and in no other lawful money or coin.

The Treasury notes authorized by this section shall be a legal-tender for all debts, public and private, and in practicable denominations of one dollar and upward.

Yet upon the question of adoption of this amendment my Democratic colleagues from the State of Missouri were about equally divided—some voting with the bankers against the amendment, in open violation of the platform adopted by that party in Missouri in 1878, and in opposition to their own principles as declared by their own national convention of 1868.

Mr. BLAND. Is there anything in that to warrant this statement?

Mr. HASELTINE. Please be seated; I permit no interruption.

Mr. BLAND. Then do not ask any question.

Mr. HASELTINE. I will permit no interruptions from the gentleman. Now I call the attention of the gentleman from Missouri more particularly to special charges, and I send this certificate to the Clerk's desk to be read as a part of my remarks upon this subject.

The Clerk read as follows:

COMMITTEE ON PRINTING, UNITED STATES SENATE,
Washington, D. C., January 10, 1882.

DEAR SIR: As you were not here at the extra session of the Senate—as was the case with nearly every Representative—I only gave in the Directory then published your name, post-office address, and the vote at your election, taken from the almanac. This classed you as a "Greenback Republican." This session you sent me the statistics of your life, in which you described yourself as a "National Greenback Labor candidate." But the clerk who inserted the statistics into the "copy" for the Directory did not change the portion concerning the election, already in type.

This omission makes you appear as of different politics from what you stated yourself to be.

I regret this mistake, and I will see that it does not occur in the forthcoming editions of the Directory.

Very respectfully, your obedient servant,

BEN: PERLEY POORE.

Hon. IRA S. HASELTINE.

Mr. HASELTINE. I hope that statement from the clerk of the Committee on Printing Records, who had charge of compiling the Directory made in January last, will answer the unfair criticisms and assaults of the Democratic papers of the State of Missouri. Democratic editors charged that I had paired with Mr. BLAND as evidence that I was a Republican. Mr. BLAND signed a written statement at my request to correct the Democratic papers upon that matter. I have never paired with either Democrat or Republican, but have been present to answer to my name on almost every roll-call. Now the Democratic papers of Missouri charge our Greenbackers with having voted for the rechartering of the national banks. Will my colleague from Missouri, [Mr. BLAND,] who lost sight of the subject under discussion and blundered onto an old stump speech, please be true to the CONGRESSIONAL RECORD and tell the Democratic editors of Missouri that the Greenbackers voted solid for the Rice amendment and against the bank bill? Tell them that only 34 out of 133 Democrats voted for the legal-tender Treasury notes instead of national-bank notes. Tell them that 99 Democrats out of 133 either voted with the bankers or dodged on the Rice legal-tender amendment. Tell them that the leading Democrats upon this floor made more speeches for the national banks than the Republicans. Tell them that the bankers could not have had several days' time of this House for special legislation without speeches and votes of the leading Democrats. Tell them that on the final passage of the bill 21 Democrats voted for it; that there were only 67 votes against it; take the solid Greenback vote and 2 Republicans from the 67, and you have only 57 Democrats who voted against rechartering national banks. Then read your national Democratic platforms of 1840 to 1863, and your State platform of 1878 in the State of Missouri. Who has been true to that Democratic platform of 1878 upon this floor? Who has been true to Franklin, Jefferson, Madison, and Jackson Democracy? What fraction of the Democrats have been true to that platform of principles? About one-fourth voted for the Rice amendment, which is precisely in accordance with the Missouri platform of 1878. About one-third of the Democrats voted against the national banks. Will my Democratic colleagues of Missouri please read the RECORD?

You made the charge upon this floor that our Greenbackers made pledges to the Republicans. That was false; we made no pledges. You charge us with voting with the Republicans in the contested-election cases. To this charge we reply, that we voted in accordance with our convictions of right, and the Republicans voted with us in some cases. But that in the Finley-Bisbee case Mr. JONES (Greenbacker) made an able speech in favor of Mr. Finley, (Democrat,) and the Greenbackers voted for Mr. Finley; but neither Republicans nor Democrats voted with us. The Democrats did not vote, and hence lost their man by pure obstinacy.

We are opposed to filibustering. We believe in a people's government, in a free vote, and a fair count. We do not believe in putting a Congressman upon this floor by force, fraud, or tissue-ballots, then holding him here by filibustering. We do not believe in treating the voice of the people with contempt.

At the close of the late war the Republican party had the control of the State of Missouri. They enfranchised those who fought them and had been disfranchised during the war.

When the Democrats got possession of the State government they made haste to gerrymander the State so as to disfranchise their political opponents. They gerrymandered in 1877, and lost five Congressmen in 1880. The Democrats of Missouri recently called a special session of the Legislature to make a new apportionment in order to disfranchise their political opponents, (about 200,000 voters.) It is a great question to be settled in the immediate future whether we have a people's government. When sectional feelings and partisan prejudice control State governments in such manner as to disregard the just rights of American citizens it becomes a real cause of alarm, and the people should be educated to greater independence and less intolerance. Americans living under a republican form of government must have a free vote and a fair count.

How much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. HASELTINE. I yield four minutes to the gentleman from Maine, [Mr. MURCH.]

Mr. MURCH. I am opposed to this bill because it provides for taking the taxes off deposits of bankers, and the property of other people has got to pay the taxes. I shall vote against it. That is all I care to say about the bill.

There is an old adage that there is more than one way to skin a cat; and I propose to take the other way. On the 18th of May I submitted some remarks in this House on the bank bill, the bill to

recharter national banks. In my remarks the following language occurs:

We are not able to state these expenses accurately. The Comptroller of the Currency is particular to furnish the public no data from which the sum could be stated. This has been studiously kept from the public. We have no doubt that all these expenses incurred by the Treasury in furnishing national-bank notes were $1,000,000 each year.

The Comptroller of the Currency in an open letter published in the various Republican papers in my State denies my proposition, and states that the total expenses of his office have been but $5,148,000 in eighteen years. He further states that the contingent expenses of his office are not paid by the Comptroller, but are paid out of the general fund of the Treasury Department and consequently he cannot state them.

Mr. Chairman, here is where the nigger in the wood-pile lies. The Comptroller states the expenses of his office, barring the contingent expenses; and these he says he cannot state—in open violation of section 333 of the Revised Statutes, which reads as follows:

The Comptroller of the Currency shall make an annual report to Congress, exhibiting * * * fifth, the names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

He violates the very express provision of this statute in not giving the contingent expenses of his office. I still reiterate my statement made on the 18th of May, that in my opinion, and to my best belief from the researches I have made on this subject, the expenses as I have stated will aggregate $1,000,000 a year; and until the Comptroller of the Currency can submit figures to this Congress, or to me, denying this proposition, I still will adhere to my statement. When he does I will correct it, if need be, but not until then. It seems as if he could attack a member of this House, laying him in a lie with impunity, that when he does so he has some champion rising up here to debar a man from defending himself. If these are the rules of this House, they should be amended so that every man should have a chance to defend his honor and his truth.

These banks have special privileges, not only here but all over the country, and here you are submitting a bill to take taxes off deposits of bankers while the people are taxed to the last shilling, almost, to sustain the Government. Why do you not take your tax off tobacco?

[Here the hammer fell.]

Mr. RANDALL. I propose to offer as an amendment what I send to the desk, which need not be read.

The proposed amendment of Mr. RANDALL is as follows:

SEC. —. Apothecaries who sell liquor only for medicinal purposes, and according to the restrictions hereinafter specified, shall pay a special tax of —— dollars annually.

When any apothecary who proposes to sell liquors shall, at the proper time for making application for the special-tax stamp of a liquor dealer, make and file with the collector of his district an oath or affirmation in writing, in a form to be prescribed by the Commissioner of Internal Revenue, that he is carrying on the business of preparing and compounding medicines according to prescriptions of physicians; that he does not intend to, and will not sell, or offer for sale, or permit to be sold or offered for sale at his place of business, any distilled spirits, wines or malt liquors, excepting only for medicinal purposes, and not to be drank on the premises, and in quantities of less than one —— at any one time, such apothecary shall, on payment of the special tax, receive from the collector an appropriate special-tax stamp, prepared and furnished by the Commissioner of Internal Revenue, and to be subject to all the provisions of law relating to special-tax stamps.

Mr. RICE, of Missouri, addressed the committee. [See Appendix.]

Mr. KASSON. I have but a few minutes in which to call the attention of gentlemen on both sides of the House to the effect of the proposed bill and to the principle upon which it is framed. It is because I have not heard any statement that gave the substantial principle and reason for the bill as submitted to the House that, in the discharge of my share of the responsibility of the Committee of Ways and Means, I would like to make a few remarks prior to voting upon the bill or the amendments proposed to it.

At the beginning of this session we were confronted with a statement from the financial officers of the Government that there was more revenue coming into the Treasury than could properly be disbursed. In other words, that under existing laws we were deriving more money from the people than the needs of a justly administered and an economical government required. That statement we believed; that statement, so far as I know, has not been disputed on either side of the House.

The next question then was, Where will you reduce the revenue? There were two modes of reducing it. One was to attack the tariff system at once by a reduction which might or might not have the effect of reducing the revenue; because upon the theory of importation of foreign goods the more you reduce the duties on imports the more goods are imported, and whether that excess of importation would result in increasing the revenue would of course depend upon the amount introduced.

It involved also the other and more serious question of the effect of a sudden change of the tariff upon the industries of the country which had been greatly modified and developed within the last few years.

The Committee on Ways and Means felt that for two reasons they could not at this session attack the revenue derived from the tariff. One reason was that which I have named. The other was the disturbance to be produced in the great industries of the country by an unadvised action of the House, without notice to those industries enabling them to prepare for that reduction.

Hence the Committee on Ways and Means reported the tariff-commission bill, to serve the double purpose of, first, a notice to all the interests of the country that it was proposed to revise a tariff which affected them; and, secondly, to learn from them what would be the effect upon their interests of reductions or changes to be made in the tariff. Therefore the reduction of revenue to be derived from the tariff remains for the consideration of this Congress at its next session.

That left us the question of internal revenue to consider, which had been left out of the tariff-commission bill as originally introduced. Here we could reduce the revenue, and except in two or three respects we could do it safely, without deranging the business of the country.

Those two or three respects were the tax on distilled spirits, the tax on tobacco, and perhaps the tax on malt liquors. Of the two former articles there were great stocks on hand, and any sudden change in the rate of taxation would operate to affect those industries to a great degree, being done without notice, and without opportunity to them to dispose of the accumulated stocks on hand.

Another reason was this: there are a great many people who think that the taxes levied on distilled spirits and on tobacco are the easiest collected and the least felt, as those articles are in the nature of luxuries, and they consider that the taxes ought not to be taken off those articles unless there is no other place from which to reduce the revenue. We therefore felt that we should turn to those things about which there was less opposition to the removal of taxes and for the continuance of which there was less reason. We accordingly looked over the entire list of internal-revenue taxes and inquired which of them should be entirely abrogated without injury to the business of the country and at the same time giving relief to the country.

If gentlemen will pursue that mental process by taking the list of articles in the internal revenue and inquire where will business be deranged the least, and at the same time where most relief will be given to the tax-payers of the country by a reduction of the tax, beginning with the first article on the list and running through, I challenge the honest judgment of this House, irrespective of party politics, whether we could do it more wisely than this bill recommends should be done. For example, there is the tax upon the general movable capital of the country, which no government desires to burden with taxes if it can help it. You have several subjects of taxation which produce a very slight revenue, too little to be taken into account separately, but by aggregating them together you can get a considerable reduction of the tax levied upon the people of the country.

In regard to the bank tax, the question first arose, Shall we reduce the tax on bank circulation? We said no, because that is in the nature of compensation for the privilege of issuing a circulating medium, and therefore as compensation the tax is sound in principle, and being paid by the corporation itself, it does not affect the business interests of the country, and therefore it is unnecessary to relieve the corporations from that taxation.

Then we come to the question of tax on deposits. We found that many hundreds of thousands of people were involved, because wherever the banks pay taxes on deposit the amount of interest that they can pay to the people who deposit the money is accordingly diminished.

Then there was the stamp-tax on checks. That affects a great number of people, yields a small sum of money, is a vexatious tax against which remonstrances have come to us year after year.

So it was in the case of the small tax on matches, which yields a considerable sum of money, but through monopolies has a direct effect upon the cost of an article that is consumed by perhaps the greatest number of people in this country that any article is consumed by.

We said, therefore, we will simply leave for this session untouched the tax upon distilled spirits, malt liquors, and manufactures of tobacco, barring the one question of cigars and cigarettes, (which has been explained,) leave the tax on bank circulation, and for the rest we will wipe off the entire taxation, thus relieving all these various classes of people from the injurious effects of this taxation. [Mr. TOWNSHEND, of Illinois, and Mr. ANDERSON rose.] I must beg gentlemen to excuse me. My time is limited, as I am obliged to leave the Hall.

Under these circumstances if our principle was right—to touch those things which did not disturb the business of the country, and to leave to the next session what, if God please, I hope will be done, a further reduction—I say if gentlemen admit the principle upon which we have acted, there is no other result that can be arrived at.

One thing more: we found that with the reduction of all tax except upon the articles named we did not make so large a reduction as we thought the Government could afford. There remained, then, the question of the license tax, originally levied for revenue, now retained for nothing but its benefit in holding a grip upon the business interests to detect and prevent frauds upon the revenue. When we came to this question we found that we could relieve about six hundred thousand people from the burden of a taxation which we did not require for the purpose of revenue. We therefore said, Here is another large class of people representing, with their fami-

lies, perhaps three millions of people who will feel the effects of lightening this taxation.

But gentlemen say, "We do not like the business that these men do, and therefore we will keep the tax on their licenses for doing the business." I ask gentlemen whether they can stand on a principle like this, that when a business is operated under the law they will then impose a tax upon the man for exercising the privilege through which your revenue is derived? Has there ever been adopted in the history of this Government a mode of punishing a man for engaging in a lawful business by putting upon him a tax that we do not want? I cannot stand on that principle. I may not like the business, but I will not impose a tax upon any class of business men in this country as a punishment for engaging in a business allowed by law.

There is another thing that explains why the committee went to this source to further reduce taxation; it is something that is not charged over to the consumer, as is the case with many other taxes. It is a personal tax coming out of the pocket of the man who pays it. The largest number of these people are those engaged in the manufacture of tobacco, cigars, &c. Out of the 600,000 there are 400,000 engaged in the manufacture of tobacco in its various forms. Does any man want to punish these men for engaging in a business from which the Government has derived so enormous a revenue?

If you include in the calculation the persons dependent upon those who are engaged in this branch of business, the number affected by this measure of relief would be swelled to millions, residing in all the States and Territories of the Union. I affirm that our principle is the only one upon which intelligent statesmen can stand; that is, to levy a tax on no man for doing business, unless you require the tax for revenue, or want it simply large enough to hold the man in the sight of the officers of the Government to prevent frauds and violations of the law.

Here, then, is where the committee stands on principle. These taxes affect a large number of honest men whose business you do not dislike; they are the majority, and you ought not to separate on principle the class that you dislike from the class that you like. I repeat, that as statesmen we cannot stand on that principle.

Here, then, is the whole sum and substance of this bill. With the information before the House to-day, we know that without deranging the business of the country we can reduce taxation twenty-odd millions of dollars at this session. We also know that if we are not disappointed in the payment of arrearages of pensions we shall be able at the next session to grant to the people of this country a further reduction of taxation. We see clearly that this can be done. I want to make my statement distinct. I desire now and here at this session of Congress to go to the extreme extent mentioned by this bill, which affects all classes of the community, doing business I may like or may not like; but they are the tax-paying people of the country. We have no right to impose taxes upon them as punishment for the business they are doing.

One thing more, to complete my statement. I do not like the establishment of saloons all over the United States. I believe their effect to be bad upon the general morality and prosperity of the country. In England the government has stood for years upon the positive necessity of the revenue to be derived from whisky, and has, therefore, refused from year to year to pass any law whatever restricting the sale of liquors in the interest of temperance and sobriety. I do not desire the Government of the United States to learn to shape its legislation to depend forever in point of revenue upon the maintenance of the saloon and the whisky interest of this country. I will not attack it suddenly now at this session; but in the interest of temperance itself I want no legislation now or hereafter that shall make this Government permanently dependent upon open whisky-shops and whisky-saloons for its revenue. Therefore, I say that, while I will strike no sudden blow at this interest, while I will maintain this source of revenue as long as the great interests of the country require it, I shall gladly see the time come when the entire legislation upon whisky interests may be turned over to the States to suppress the traffic if they see fit and can do it constitutionally, or so to legislate as to diminish the use and consumption of this article of distilled spirits in this country.

I have said, sir, all I desire to say in explaining the theory of the bill now under consideration, and the reasons why I think there should be no amendments adopted, but that it should be passed in the shape reported from the committee for the relief of the people so far as it goes.

Mr. ANDERSON. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly, although I am just about leaving the Hall.

Mr. ANDERSON. I would like to inquire for information whether in the opinion of the gentleman, in case all of the internal-revenue taxes were abolished and the revenues derived from the protective tariff as it is were continued as they are and were the same as now, or approximately so, if there would then be any surplus in the Treasury next year; in other words, whether if you wipe out all of the internal-revenue taxes you will not then require the tariff as it is to-day, or even increased, in order to supply the means for carrying on the necessary expenditures of the Government?

Mr. KASSON. I do not believe the condition of the business of the country would allow us now to wipe out all of the internal-revenue taxes. I hope we will not undertake to do so, but will maintain it as a system until we see the effect of the arrearages of pensions, and various other acts of Congress, and then determine whether it will be safe or wise to do so. For the present I desire only to go so far as in my judgment is safe or prudent.

Mr. ANDERSON. The gentleman does not answer my question.

Mr. KASSON. I was under the impression that I had answered the gentleman's question.

Mr. ANDERSON. Not as I understand it. I want to know this: whether if the internal-revenue taxes were all abolished, you would not then require all the revenues you now get from the tariff system for the support of the Government?

Mr. KASSON. We would have, in my opinion, to depend upon a tariff sufficient to produce the requisite revenues for the Government. What the requirements of the Government will be, the future must determine. This tariff may be modified so as to produce more revenue to the Government in some respects, and in others modified so as to produce less.

Mr. ANDERSON. But you would still need to have about as much revenue as you get now?

Mr. KASSON. That depends upon the extent of the appropriations which may be made by Congress.

I yield now the remainder of my time to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. WILSON addressed the committee. [See Appendix.]

Mr. KELLEY. I yield ten minutes to the gentleman from Kentucky, [Mr. WILLIS.]

Mr. WILLIS. In the course of several years' experience on this floor I have discovered as a rule that the attention given to a member was in the inverse ratio of the importance of the subject on which he spoke; and as the amendment which I have offered and which I shall briefly discuss is of a very important character, I doubt very much whether I will have the attention of more than a fifth of the members on this floor.

I listened with great interest to the suggestions and remarks just made by the gentleman from Iowa, [Mr. KASSON,] of the Ways and Means Committee, as to the line of conduct which they had pursued in presenting the bill which is now before this committee. I understood him to say that the committee had carefully surveyed the whole field and had selected, of all the objects upon which taxation was levied, those upon which they believed the taxes could now with propriety be dispensed with, and which when dispensed with would redound most to the interests of the whole country.

He then enumerated these taxes. As to the most of these I heartily agree with him. The tax on bank-checks is not only a continuing nuisance but unjust and unnecessary. The poor woman who draws her pittance of $5 pays the same tax as the millionaire who checks out his thousands at a time. The tax on proprietary medicines is also a burden chiefly upon the poor, as they are unable to employ physicians and must rely upon these means of cure. So also as to the tax on matches. But while the honorable gentleman was making his enumeration I desired to ask him a question, and that was whether he believed, or whether any member of the committee which he represented believed, that a continuance of the tax on alcohol to be used in the industrial pursuits was not as unjustifiable as any he named, and why it was that his committee had not favorably reported to this House a bill for the removal of that burden?

NATURE OF PROPOSED AMENDMENT.

It is in that direction that the amendment which I have made tends.

What is the nature and effect of this amendment? Its substance is comprehended in the first section:

That the Secretary of the Treasury shall grant permission to any firm, individual, or corporation to withdraw from bond alcohol, or any spirit containing alcohol, and subject to internal-revenue tax, in specified quantities of not less than three hundred proof-gallons, without the payment of the internal-revenue tax on the same, or on the spirits from which it may have been distilled, for the sole purpose of use in industrial pursuits.

The amendment further provides for the use of this free alcohol under two distinct conditions of things: first, where, as in the manipulation of tobacco, the complete destruction of the spirits is entailed so that they cannot be recovered by any process of distillation, and, secondly, where such destruction is not the necessary result. In this latter case the amendment provides that the spirits shall first have been mixed with one-ninth of their bulk of methyl, or wood alcohol, of equal proof-strength. The amendment then details the machinery by which such withdrawals of spirits can be made and prescribes the penalties for evasion or violation of the law.

IS THE PRINCIPLE OF THIS AMENDMENT CORRECT?

The first question, Mr. Chairman, which presents itself is, whether the principle of this amendment is correct? Is the object to be attained a good one, and is it in accord with a sound public policy? Upon this point I will submit the argument of Mr. Goldsborough Robinson, one of the most active and intelligent manufacturers of tobacco, of Louisville, Kentucky, before the Ways and Means Committee when this subject was pending:

Alcohol is nature's great solvent, and is required in nearly all industrial pursuits. In this use it is as absolute a necessity as machinery or a paint-brush, and in taxing it we tax a product of our own industry, and through it lay a burden upon our own manufacturers.

The tax is so excessive as to be almost prohibitory, and our people are placed at a great disadvantage in competition with those of foreign countries who have free alcohol.

No government wisely conducted will lay excessive taxation on its own industries.

This principle is so well established that machinery is in many cities exempt from local taxation.

The only justification of the extreme tax on spirits (it is six times their value) is the popular belief that they are harmful luxuries and should, therefore, bear the burden; but this justification fails utterly where spirits are used in manufactures, in the preparation of drugs, as a burning fluid, and in all the common wants of the people. The tax being almost prohibitory, every shift has been adopted to escape its burden; benzine (dangerous always) is substituted as a burning-fluid, and fusel-oil (a poison) as a solvent.

All inventions leading in the direction of the use of alcohol are barred. It has great bleaching powers and might be employed with advantage on textile fabrics, but its cost prevents any experiment in this direction. For nearly twenty long years, the most progressive years in the world's history, the American people have been practically deprived of the use of this great solvent. Its absolute necessity in scientific pursuits has been admitted and colleges have been granted by special enactment its use without tax, but no provision has been made for "an army of humble laborers in the scientific fields to whose efforts all our great inventions are due and who have no access to college laboratories.

The constantly increasing surplus in the Treasury, the impossibility of applying that surplus to our debt except by buying bonds at an extravagant premium, forces the conviction on all minds that taxation must be reduced.

What is more reasonable than that this reduction should take place in that direction which will encourage industries, and remove from the burden which the people carry those points of friction which gall and irritate more than the weight of the burden itself? The people have made no complaint of the tax on matches, and who will thank the representatives of the people for its removal. But for many years, petition after petition has come to this committee-room for relief from this alcohol tax on industry.

The plumber, for instance, goes out and buys a box of matches, the tax on which is only two cents. But he is obliged to get a pint of alcohol, and he pays on that a tax of some thirty cents. It bears so unevenly and highly on that side that he feels that the Government is robbing him.

There can be no relief granted which will accomplish so much with so little cost to the revenue, for it must be borne in mind always that it is not only the amount paid but the practical prohibition which is so burdensome. Before the war it was estimated that one-third of the spirits produced were consumed in industrial pursuits; now the most careful estimates made by parties in a position to know are that only one-twentieth of the amount produced is consumed in arts and manufactures. Relief granted therefore from this oppressive and prohibitory tax upon a necessity will only reduce the revenue some three millions of dollars, (one twentieth of sixty millions, the total amount collected on spirits,) but will aid the industries of the country in many times that amount.

I also call attention in this connection to an editorial of the Oil, Paint, and Drug Reporter, of New York. It represents the trade of all the United States. In its issue of March 22, 1882, I find the following:

"The relief for which this bill provides has long been contended for by this journal. Taxing distilled spirits used in manufactures is to the last degree exorbitant and unnecessary, and is as burdensome to the people as would be a tax upon the grain from which it is produced. Hundreds of manufactures, now in a flourishing condition, and which are vitally essential to our national prosperity, could not exist were it not for this useful material which enters into their processes or products, and a tax upon it therefore becomes one upon the very substance of the community. An offspring of war legislation, at a time when it was necessary to swell the revenue of the country by every means in the power of the Government, it has since been continued under a mistaken system of economy which taxes the present generation for the benefit of posterity. It has been pleaded on the part of the Government that the tax was necessary to the speedy reduction of the public debt, but the fallacy of this claim is readily apparent.

"The loss of the amount collected from alcohol might be counterbalanced by an increased protection to American industries in the shape of import duties upon articles of luxury, which would not affect the great mass of the people. It is manifestly unfair, for the purpose of saving the interest upon a certain amount of bonds, annually to draw from the pockets of the laboring classes an amount of tax upon the essentials of their daily subsistence equal to both principal and interest of these bonds, especially in view of the fact that not we but our survivors are to reap the benefit of this drain upon our pockets. The political economy of this question involves too many subtleties to be discussed at length here, but it may be sufficient only to say that opinions as to the advisability of reducing the national debt to a merely nominal point differ as widely as upon most other questions of a kindred character, and in view of this contrariety of opinion the abrogation of the tax upon alcohol used for manufacturing purposes could certainly not meet with a degree of opposition from the people which would make it a serious step for Congress to undertake, even if the amount so withdrawn from the revenues were not raised by some other method.

"It is probable that the opposition to such a measure would and does come from a wholly different source, namely, the office-holding class, who would see in the taking off of this tax a large amount of patronage and political power removed from their grasp. The influence of this class with Congress is too well known to be ignored, and can only be overcome by the strenuous efforts of the people themselves. Our representatives must be made to understand that it is the general desire of the community that they no longer be required to pay a tax upon a domestic product which is fully as essential to their comfortable existence as the bread which they eat. We are desirous of seeing this proposed measure become a law, and feel assured that the manufacturing industries we represent are in full sympathy with us in this matter. We therefore call upon all who feel an interest to exert their influence with their respective Representatives to secure its passage. A powerful movement in this direction may reasonably hope to overcome the efforts of the lobby, which will certainly be put in active operation to defeat it. Let the friends of this proposed legislation now come to its support, and such influence as this journal is able to exert will be cheerfully accorded the enterprise."

There is one class of manufacturers as to whom this amendment will certainly be recognized as just and necessary. Tobacco manufacturers require alcohol in order to make their tobacco pliable, and they are really compelled to pay a *double* tax; they pay $1.80 on the alcohol and sixteen cents a pound upon the tobacco into which the alcohol is incorporated. This is therefore especially unjust to them. But there is no argument in the present condition of our finances that can be offered against this amendment as applied to all industrial pursuits.

We have seen from Mr. ROBINSON's statement that, while 33 per cent. of the alcohol produced in this country was consumed in the arts, now only 5 per cent. is used. As a war measure, this high tax of $1.80 per gallon was imposed.

EVIL EFFECTS OF TAXING ALCOHOL.

What was the effect of that? In the first place, as regards health. It has, as the distinguished chairman of the Ways and Means Committee upon a former occasion stated, caused the substitution of wood alcohol and fusil oil in the preparation of many drugs that are material in the business of our apothecaries; it has caused the introduction of benzine, a burning fluid dangerous to human life; it has compelled our manufacturers to come into unjust and unsuccessful competition with Germany and with England, where no such tax as this is levied.

I read here a letter from a firm manufacturing percussion caps to illustrate the disadvantages under which we place our own people by this tax:

NEW YORK, *March* 17, 1882.

House Committee on Ways and Means:

GENTLEMEN: We use from fifteen to twenty barrels alcohol per month. We ought to use fifty barrels with tax reduced. We are obliged to export alcohol to Saint Thomas and make crude material and import same back. By so doing we are able to hold a portion of trade; but if we were to pay present price of alcohol in States we could not do business, even with 40 per cent. duty on blasting caps, which is in force. Germany sends most all that is used here.

Yours, respectfully,

METALLIC CAP COMPANY,
H. S. CHAPMAN.

Should we not seek to remove evils and disadvantages such as these? What higher duty is there upon us as Representatives than to promote and protect the health of the people? What subject today is exciting more discussion than the adulteration of our drugs and of our food? If we can remove all temptation, so far as the use of pure spirits is concerned, to employ injurious or poisonous substitutes, ought we not to do it, and do it promptly? Will any gentleman on this floor admit that fusil oil is a proper ingredient of medicinal preparations?

WHO WILL BE BENEFITED BY REMOVAL OF TAX.

But it may be asked who will be benefited by the removal of this tax? Very few persons are aware of the number and variety of uses to which alcohol is put in the arts and industries.

When this subject came up in the early part of this session before the Ways and Means Committee its honorable chairman [Mr. KELLEY] made a statement, which I will read from the report of the committee's proceedings:

This bill, introduced by Mr. WILLIS, suggests the reason why so many of our Northern manufacturers and artisans desire a reduction of the duty on alcohol. A day or two before I left Philadelphia the last time, a young man whom I have known from childhood up, who is a plumber in my neighborhood and does my plumbing, said to me: "You are going to Washington pretty soon?" I said, "Yes." "I wish," said he, "that you would get that tax off alcohol." Said I, "Why do you wish that; you do not use alcohol, do you?" "Yes," he replied, "I do. I wish that as you pass down to the cars you would just step in and look at my books and see how large a sum, in proportion to the business I do, I have to pay for alcohol." Again, I was talking with a carpet manufacturer on this subject, and he said to me, "You would not suppose, probably, that I was a consumer of alcohol; yet, with this tax of $1.80 a gallon, you make me pay a good many hundred dollars a year."

But, sir, it is not only the plumber, the carpet manufacturer, but also, as we have seen, the manufacturer of percussion caps, of tobacco, and numerous others.

Commissioner Raum has undertaken to enumerate some of those who use alcohol and who would come under the provisions of this amendment. I quote from his statement before the committee:

It is important to consider the number of persons who would be authorized to withdraw alcohol free of tax under this bill. We had last year in operation in the United States 1,240 grain distilleries, 7 molasses distilleries, and 3,963 fruit distilleries, so that the total number of distilleries operated and from which methylated spirits might be put upon the market under this bill would be 5,272. Those distilleries, of course, are scattered all over the United States. The English act provides not only for the withdrawal of methylated spirits from distillery warehouses, but also authorizes the establishment of warehouses for the purpose of methylating spirits. It is very difficult, as was said in a pamphlet that was read to you the other day, to get at facts where there are no absolute data to be had, and I am very frank to say that I have been groping my way into the facts of this question as best I could. I endeavored to obtain from the Census Bureau the latest data as to the number of persons supposed to use alcohol in manufactures, but their figures are not in condition to be used.

The manufacturers of tobacco are specially spoken of in this bill as a class who would be authorized to use alcohol free of tax. There are 949 of those. Dealers in leaf tobacco would also be authorized to use alcohol. There are 3,618 of them; and there are 5 retail dealers; in all 4,672.

From the best information I can obtain I would say that there are 1,321 manufacturers of perfumery, chemicals, and patent medicines in this country, and 22,579 druggists; so that there would be 28,572 persons of these classes who would be authorized to withdraw alcohol free of tax, upon a bond, and dispose of it without supervision.

Then there are 3,640 photographers; 110,660 painters and varnishers.

I do not know how many hat manufacturers there are, but there are 16,412 hatters, who now use about one gallon of alcohol to every hundred silk hats manufactured.

I have not the figures as to the number of plumbers or the jewelers.

I am only giving a few of the persons who would be authorized to use alcohol in this way under the provisions of this bill. This makes an aggregate of 159,284 persons who would be authorized to use alcohol in one shape or another under this bill.

These, as the Commissioner states, are but a few of the large number who would be benefited by free alcohol.

THE FARMER INTERESTED IN THIS LEGISLATION.

But, Mr. Chairman, not only would the artisan and the manufacturer be aided by this proposed legislation; not only would the

general public gain in the purer character of the drugs consumed, but the agricultural interests of our country would be largely promoted by the reintroduction of alcohol into its former place in the arts and manufactures. There is a close relation between the distillery and the farm. Pass this amendment and you increase the demand for grain. You put back alcohol in its old place in the arts and manufacturing and you compel our distilleries to increase their production. From the last report of the Commissioner of Internal Revenue, I find that there was used for distilling during the fiscal year ended June 30, 1881, of corn, 23,109,000 bushels; of rye, 4,630,000 bushels, and of barley, 2,579,000 bushels. It is well known that a large part of the corn thus used is of an inferior and unmarketable quality. Much of it, if not taken by the distiller, would rot in the granary.

If you create new uses for alcohol, or restore it to its former uses by making it free of duty, as this bill provides, there would be an immediate increase in its production, and a corresponding benefit to our farming interests.

Now, this fact that refuse corn can be used in distilleries is a material one to be remembered. The Commissioner of Internal Revenue tells you in the same statement from which I have already quoted that if you increase the production of alcohol to the extent of 20,000,000 gallons annually by the removal of this tax you will increase the consumption of this refuse corn to the extent of 5,000,000 bushels. So that not only the artisan, the tobacco manufacturer who uses alcohol in the manipulation of his tobacco, but also the great farming interests of the country are interested in the removal of this unjust and unnecessary war tax.

WAYS AND MEANS COMMITTEE SHOULD APPROVE THIS LEGISLATION.

But passing from this point I submit that this amendment should have come from the Ways and Means Committee itself, and should now, when offered, meet with its hearty approval. Has that committee not recognized the principle of this proposed legislation? What is that principle? It is that spirits shall be taxed only when used as a luxury. Is not that principle recognized in the very bill now under discussion? In this bill they ask that all taxes on proprietary medicines be abolished, regardless of the per cent. of alcohol. It has so declared because these proprietary medicines—especially to the poor—are a necessity. If this were absolutely true, then the use of alcohol in the arts and manufactures and the use of alcohol as a constituent part of many proprietary medicines would be on the same footing, and both would be equally entitled to exemption from duty.

But the use of alcohol in the industrial pursuits is purely a necessity and never a luxury, while its use in very many of the proprietary medicines is not as a medicine but as a beverage. Is it not a well-kown fact that a large per cent. of the so-called "tonic bitters," "elixirs vitæ," &c., are but thin disguises for the pure "juice of the corn," and are bought and drunk by many who have conscientious scruples against the "straight" article. To this extent, therefore, this committee has gone beyond the exemptions of this amendment. If the war tax is to be removed from alcoholic proprietary medicines, why not remove it from the arts and manufactures?

Not only is that committee, in my judgment, committed to the principle of this legislation by the bill now before us, but its previous action during the present Congress authorizes me to hope for the aid of its members now.

That committee by its action heretofore has declared two things: First, that the present revenue was entirely too large and should be reduced. It declared this by presenting a bill reducing the tax on whisky from ninety to fifty cents per gallon, and also reducing the tax on tobacco, beer, &c. The amount of these reductions per annum was somewhere in the neighborhood of $70,000,000. The subsequent judgment of the committee was that these reductions on tobacco and whisky should not be made. Why this change of opinion? Was it not largely due to the belief that the public sentiment of the country would not justify the removal or reduction of tax upon articles of luxury, such as whisky and tobacco, unaccompanied by any reduction of the duties of the necessaries of life?

I am not here to discuss the propriety of this committee's final action on this subject. I accept it, however, as conclusive upon this Congress. What then follows? That committee has decided that sixty or seventy million of internal-revenue taxes should be removed, and that it will not remove them from beer, whisky, or tobacco. Where, then, or upon what subjects shall this reduction be made? It has partly answered that question by presenting this bill removing the duty on bank deposits, proprietary medicines, reducing the charge for licenses of retail dealers of whisky, &c. But it appears that the very largest sum that will be derived from these various sources would not exceed $16,000,000, which is not one-fourth the amount which the committee has decided should be taken off.

Where, then, will you make up these forty or fifty millions? Where can it be done with more justice and with greater advantage to the whole country than by giving free alchohol to the arts and manufactures? The whole amount of revenue which would thus be taken off, according to the best estimates which have been presented to me, would not exceed three and one-half million dollars. The increaseed production of alchohol that might result from the passage of the bill would not decrease the amount now used as a beverage. The tax upon spirits would still yield its sixty or seventy millions of dollars per annum, increasing yearly with our increasing population and foreign demand.

SIMILAR LEGISLATION HERE AND IN OTHER COUNTRIES.

Not only has the committee having this subject in charge indorsed, as we have seen, the principle of this bill, but it is recognized by the law of our own and other countries. Our statute-books present two instances of the application of the principle. "Free alcohol" is now and very properly allowed to "any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors for export." (Supplement Revised Statutes, page 533.) This withdrawal is "under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue. The execution of the amendment I am now considering is confided to the same officer, and with equally liberal discretion. If he has been successful, I may suggest here, in administering this "free-alcohol" law in one instance, why question his ability in the other? Is there not the same room for fraud in both cases? And in this connection, as one of the means of executing this provision, I call attention to the Revised Statutes, section 3433.

But, Mr. Chairman, as gentlemen are well aware, an act was passed February 21, 1873, (Revised Statutes, section 3,297,) which further recognizes the principle of this amendment by authorizing the withdrawal of alcohol in specified quantities "without payment of the internal tax on the same," for scientific purposes. At first this privilege was accorded only to an "incorporated or chartered scientific institution or college," but subsequently, on May 3, 1880, it was extended to such institutions even when unincorporated. How is the Government protected against fraud here? Simply by a "bond for double the amount of the tax on the alcohol to be withdrawn;" and the only penalty for using such alcohol for other purposes is the payment of double tax on the whole amount withdrawn.

Here, then, we have twice passed laws giving "free spirits." Will any one say that these laws have not been an advantage to our commerce and to our people?

But while we, for some reason yet to be explained, and with a willful disregard of our best interests that is lamentable, have given to our people "free spirits" in only these two instances, our rivals in trade, Germany and England, have for many years extended the same relief to all. As far back as June 26, 1855, England has had upon her statute books "An act to allow spirits of wine to be used duty free in the arts and manufactures." (Chapter 38, 18 and 19 Victoria.) The law has approved itself there; it has fostered the arts and sciences and been a "very present help" to the great industrial interests of the United Kingdom. Why should we not adopt its principles and give its benefits to our own people? If the tax on spirits is to remain let it be upon them as a beverage, as a luxury, not as a necessity.

The increase in the number of gallons of alcohol has steadily increased under this law of the United Kingdom during each year from 1857 to the present. In 1857 the number of gallons was 209,693. In 1881 it was 1,762,659, over eightfold increase!

IS THIS AMENDMENT PRACTICABLE.

Admitting the justice, the necessity, and advantages of this measure, the only remaining question is as to its practicability. Are the provisions of this amendment such as to attain the object in view, and that without permitting fraud upon the revenue. And here I again quote from Mr. ROBINSON'S statement:

> In considering this part of the subject it should be remembered that the general feeling of fear of fraud upon the revenue has been engendered by the difficulties which occurred in enforcing the laws during and immediately after the war, and we are apt to overlook the fact that those laws are now easily and thoroughly executed. At that time the people were in a state of turmoil, and the foundations of society seemed broken up; now order has regained its sway, and the convictions which followed each other with such rapidity in the United States courts have taught a wholesome fear of United States laws.
>
> It should also be remembered in considering this question of possible fraud that no law and no Government supervision can hold the people so closely that they cannot commit fraud, but that the laws are enforced by the good moral sense of the great majority of the people, and by the fear of the penalties on the part of the evil-disposed.
>
> Our immense internal-revenue tax is collected, practically, without fraud, by the use of four simple provisions in our laws; they are: the giving of bonds, the use of stamps, the menace of a penalty, and reasonable Government supervision. With these safeguards highly taxed articles are allowed to enter every avenue of trade, and to be transported through every part of this vast country.
>
> Now, if the Government can, by these simple means, enforce the collection of $135,000,000 per annum of internal revenue, it can certainly with the greatest safety remit to the people this tax of three millions on their industries by the use of the same provisions.
>
> You will observe that the bill provides for two classes of use, one that of spirits first adulterated with methyl or wood alcohol, and the other for its use pure in such manufacturing processes only as shall entail its ultimate entire destruction, so that it shall not leave the factory in any form from which it might be recovered by distillation.
>
> Under the first provision the manufacturers of Great Britain have been supplied with free spirits for over twenty years, and this adulteration with methyl has been found a practical method of preventing any fraudulent use.
>
> Methylated spirits under this bill would be the common and popular use of alcohol by individuals, and in the smaller and more numerous industrial pursuits, and this use as proven by experience would be abundantly protected.
>
> The second use provided for in those manufactures requiring pure spirits would be under the regulations of the Commissioner, and this use can be as carefully guarded, and by the same means, as the sale and use of spirits and tobacco now are.

The regulations necessary to this end the bill leaves wisely to the discretion of the Commissioner. He can best meet the exigencies of the trade or any necessity for the prevention of fraud, and under its provisions he has ample power to accomplish either.

Six or eight tenths of the whole use under this law would be methylated spirits. The use of pure alcohol would be limited to a few lines of manufacturing establishments with large investments and large plant. The whole law is placed right in the grasp of our own officers by its own terms.

CAN METHYLATED SPIRITS BE PURIFIED?

If methylated spirits can be purified and deodorized, then there is a tangible objection before us. But can it be done? Can it be done with so little expense as to justify the violation of law? I emphatically deny the proposition. I deny it upon the authority and experience for over a quarter of a century of the British law. I deny it upon the authority of the United States Dispensatory. In that work, on page 1700, I find the following:

The British Parliament, wishing to encourage the use of alcohol in the arts, but not as a beverage, passed an act, in 1855, allowing it to be used duty free, provided it be mixed with at least one-ninth of its bulk of pyroxylic spirit, which renders it unfit for drinking, but does not spoil it for use in the arts. This mixture is called methylated spirits, and is now employed extensively in Great Britain by hatters, brass-founders, and cabinet-makers for dissolving shellac and other resinous substances, and by manufacturing-chemists for making ether, chloroform, and sweet spirits of niter. From the purification of pyroxylic acid already referred to, so as to deprive it of offensive taste, it has been supposed that the intended operation of the British revenue laws might be evaded; but in opposition to this idea it is asserted that the purifying process is too expensive, on the large scale, to render it available for the purpose.

The process here referred to is very troublesome, and, as previously given in the Dispensatory, involves the use of lime, chloride of calcium, &c., and not by any process of distillation.

In this connection I read from a letter addressed to Mr. ROBINSON by Dr. J. P. Barnum, one of the most distinguished scientists and analytical chemists in the South or West, now a citizen of Louisville, Kentucky:

In regard to methylated spirits, I should regard the separation of 10 per cent. of wood-alcohol from grain-alcohol, so that it could be used as a beverage, as practically impossible, and entirely so except at several times the value of the alcohol obtained, and, even then, there would remain an exceedingly unpleasant odor in the grain alcohol from the acetate of methyl, which is always contained in larger porportions in commercial wood-alcohol, from which it can be freed only by uniting with chloride of calcium, driving off the acetate by heat, dissolving in water, and distilling. This acetate unites readily with grain-spirits, and does not vaporize when so united at a temperature lower than the boiling point of alcohol.

OTHER OBJECTIONS ANSWERED.

As Mr. ROBINSON has presented a complete answer to this and other objections urged by Commissioner Raum when this subject was pending before the Committee on Ways and Means, I will here read his reply:

The honorable Commissioner of Internal Revenue based his argument against the Willis bill made before you on April 4 on the ground of his fear of the fraudulent use of spirits withdrawn free of tax under that bill and his opposition to the appointment of the immense number of additional revenue officers which might be required.

He gave his reasons for this fear of fraud in the statement that a great number of people might withdraw alcohol under this bill; in his belief that methylated spirits might be subjected to a process of distillation which would free it from methyl and render it fit for use as a beverage; in his belief with the old prophet Jeremiah that human nature generally was deceitful above all things and desperately wicked, and that this bill would offer a temptation and open a gate to fraud not already offered and not already opened.

He illustrated his fears in a supposed case of how a retail druggist might apply for five barrels of Kentucky whisky and sell it for drinks or pass it through his back yard to a saloon-keeper for sale for that purpose.

Now what are the facts in the case and what are reasonable deductions from the same?

This bill provides:

1. For the use free of tax in industrial pursuits of spirits mixed with methyl according to the English standard.

2. For the use of pure spirits in those manufacturing processes only which shall destroy them so that they cannot be recovered, and this use is to be guarded by the giving of bonds, keeping of books, and Government supervision.

The bill provides still further that the sale, use, or willful permission of use of spirits withdrawn under it for any other purpose than industrial pursuits shall be punished with the usual severe penalties of the revenue laws.

Hon. BEN. BUTTERWORTH, as a revenue lawyer of experience, bore testimony before you that this law opened no gate to fraud not already wide open.

The revenue laws already in existence offer the temptation to fraud by taxing proof spirits $36 per barrel, and I propose to prove clearly that these laws offer much easier methods for fraud, and that without acceptance by the people, than any which can be offered under the operations of the Willis bill, and when this proof is made I respectfully submit the proposition that this cry of probable fraud, so easily raised, should and ought to be forever dismissed from the consideration of this subject.

Now for the proof. Let us test the question with the retail druggists and chemists. They number, according to the honorable Commissioner's estimate, about twenty-eight thousand in the United States, and have been selected by him as a class which would be peculiarly tempted, and have especial advantages for fraud under this bill.

The production of spirits by the fermentation and distillation of saccharine matter is one of the simplest processes known to chemistry, and is familiar to every druggist—nearly every druggist has a still. On their shelves are cans and jars filled with spirits upon which there are no stamps or brand to prove any payment of tax or identify the place of production. They can easily produce with these stills by a simple process proof spirits at a cost of 18 to 30 cents per gallon; they are now paying $1.15 for them. This process can be carried on in a back or attic room, apparently almost without risk of detection, and yet there is no record of any appreciable fraud by this class of men.

The people are either more honest or stand in greater fear of the penalty than the Commissioner believes.

Under the Willis bill these druggists would either have to attempt the practically impossible illicit distillation of methylated spirits, (see Note B.) or else, to obtain pure spirits, would have to file a bond for double the tax on the spirits withdrawn; make application stating a manufacturing process which would destroy, and then furnish proof showing such destruction and the reasonable ground thereof; they would also be required to keep proper books of detail.

Do thieves notify officers of their intention to steal?

This law presupposes ordinary common sense on the part of revenue officers, and could a retail druggist state in his application any reasonable manufacturing process necessary to his business which would destroy five barrels of Kentucky whisky, or could he furnish proof of such destruction!

I might multiply examples, but this class of men, so numerous and selected by the Commissioner himself, furnishes abundant proof of the statement that fraud is more easy under the present laws than it could possibly be under any provision of the Willis bill.

Our revenue laws are enforced by the honesty of the great mass of our people and because the evil disposed are held in check by the fear of the penalty and the certainty of ultimate detection through the betrayal of friends, servants, or clerks, or through the jealousy of trade.

The second ground of the Commissioner's objection, the employment of additional officers, is, I think, thrown in as a suggestion, without his having given the subject much consideration.

What are the facts?

The methylated spirits are to be mixed under the supervision of Government officers, in bonded distillery warehouses.

These officers are already there, and their duties are to watch and not to work. The pure spirits are to be withdrawn by application and bond through the collector, and their use will be subject to examination by himself or his deputy. These officers already exist.

Supervision over the sale of spirits throughout the United States is already exercised by officers already appointed. In conclusion, it will be more apparent the more this subject is considered, that this bill gives greater security to the revenue than the laws which are now enforced; that it involves no bad public policy, but, on the contrary, is a measure due to the people, and one which, if enacted, will meet with almost universal approbation.

CONCLUSION.

In conclusion, Mr. Chairman, what facts stand out as admitted on both sides of this House? It is admitted that we are now collecting from one hundred and twenty to one hundred and thirty millions of dollars annually in excess of the necessary and proper requirements of the Government.

What further is admitted? That this enormous drain upon the tax-payers of the country should be stopped; that these heavy taxes should be reduced. But when we come to consider some practical proposition for reducing taxation we are met on the one side by the friends of temperance who are unwilling to strike down the internal-revenue system, and on the other side by the friends of a high protective tariff, who are unwilling to take off the duties now levied on the necessaries of life.

I come now to you with a proposition which can meet with no objection either from the temperance men or from the friends of a high protective tariff. I come to you with a proposition to take off a burden from the arts and the industries of your country. I appeal to you in the name of these great tobacco manufacturers who pay their millions into your Treasury. I appeal to you in the name of that great army of artisans and of manufacturers who are deprived by this high tax on the use of alcohol in their business, to give them some relief.

It will take from your Treasury only about three and a half millions of dollars a year, hardly a drop in the great ocean of taxation. But it will inspire renewed life and activity in the industrial pursuits of the country.

Why should it not be done? Why should we, with a treasury full to overflowing, extort further tribute from either science, commerce, or industry? Why should we not, in imitation of our more far-seeing neighbors, by wise and beneficent legislation widen their operations and extend their usefulness?

Good policy, the dictate of sound business sense, the example of other nations, and common justice all demand that this relief should be given, and given without further delay.

NOTE A.

The following letter from a practical chemist and druggist of high standing shows that druggists already have stills, and that they can easily produce spirits at a cost of 18 cents per gallon, if they were willing to violate the law, but cannot practically, by any process, render methylated spirits fit for use as a beverage:

LOUISVILLE, KENTUCKY, *April* 10, 1882.

DEAR SIR: In answer to your inquiries, I would say that almost all the retail druggists and apothecaries have small stills, which they use for recovering alcohol from the percolate obtained in making fluid extracts, preparing distilled water, &c.

In regard to the costs of manufacturing spirits in a small way.

For the past two years I have been employed as chemist for the Newcomb-Buchannan Company, and have been constantly making experiments, and have been rarely able to obtain as good results in a large way, in the distillery, as I have in my experimental laboratory, in a small way, where I have never produced below 3.85 gallons, and from selected grain, 5.11 gallons, to the bushel of 56 pounds of grain.

Any apothecary could, in his laboratory, produce on an average four gallons of proof spirits from the same amount of grain, counting the extra cost of fuel, labor, and the average cost of grain. He could probably produce spirits at a profit at 18 cents per gallon.

If manufactured from sugar, the cost would be greater, probably from 30 to 32 cents, but the labor less and no slops to be gotten rid of.

In regard to methylated spirits, I should regard the separation of 10 per cent. of wood alcohol from grain alcohol, so that it could be used as a beverage, as practically impossible, and entirely so, except at several times the value of the alcohol obtained, and, even then, there would remain an exceedingly unpleasant odor in the grain alcohol from the acetate of methyl, which is always contained in larger proportions in commercial wood alcohol, from which it can be freed only by uniting with chloride of calcium, driving off the acetate by heat, dissolving in water, and distilling. This acetate unites readily with grain spirits, and does not vaporize when so united at a temperature lower than the boiling-point of alcohol.

Very truly, yours,

J. P. BARNUM,
Analytical Chemist.

Mr. GOLDSBORO' ROBINSON.

This is to certify that J. P. Barnum is a chemist in this city of good standing and of more than ordinary capacity.

CHARLES D. JACOB, *Mayor.*

MAYOR'S OFFICE, *Louisville, April* 11, 1882.

NOTE B.

The following extract from the latest British revenue returns is furnished by Mr. Hill, statistician of the State Department, and the note shows the satisfaction which this legislation gives after a trial of nearly thirty years:

Quantities methylated, (British spirits.)

Years.	England, gallons.	Scotland, gallons.	Ireland, gallons.	United Kingdom, gallons.
1880	1,113,529	472,868	15,480	1,601,877
1881	1,225,439	517,182	20,038	1,762,659
Increase	111,910	44,314	4,558	160,780

NOTE.—This return is reported satisfactory. Each year shows a steady increase from extended and developed use of methylated spirit in art and manufactory and for domestic use.

Mr. KELLEY. I yield for a moment to the gentleman from Virginia, [Mr. DEZENDORF,] that he may submit an amendment to be printed in the RECORD, as other amendments have been.

Mr. DEZENDORF. I give notice of the following amendment, which I desire to have printed in the RECORD, as also some remarks in support of it:

That all acts and parts of acts imposing an internal-revenue tax on spirits distilled from apples, peaches, or grapes be, and the same are hereby, repealed.

Mr. KELLEY. Mr. Chairman, I wish to say right here a few words in reply to the remarks of the gentleman from Kentucky, [Mr. WILLIS.] In the first place let me remark that I sympathize with him most earnestly and ardently in the desire to give free alcohol to the arts. This desire was one of the causes that moved me so long ago as 1868 to impress upon Congress my sense of the importance of legislating with the utmost economy in order to reduce internal taxes with the utmost rapidity.

But, sir, while we maintain a tax on spirits we cannot give free alcohol to the arts any more than we can make leaf tobacco free while imposing taxes upon every form of the manufacture of that leaf. History settles this question. Every nation that taxes distilled spirits has tried to secure to its arts free alcohol. No one of them has succeeded. Alcohol is nature's great solvent. A brush is not more essential to the painter than nature's great solvent is to the arts of a country whose civilization and manufactures are much advanced.

Our spirit tax has reduced the percentage of our total production of alcohol going into the arts from 33, as it was estimated by the best authorities before the imposition of this tax, to 5, as it is estimated now; and the curious fact exists that while our population during the last decade increased more than 11,000,000, and our production of corn increased from 700,000,000 bushels to 1,700,000,000, or over 130 per cent., and while it is true that the spirit tax was collected more closely in 1880 than in 1870, we collected more tax on distilled spirits in the three years preceding the census of 1870 than we did in 1880 and the two preceding years. What, do you ask, has caused this falling off in consumption? The tax has done it. We have had to surrender the production of articles which we exported largely before it was imposed, and as the gentleman from Kentucky said, cheap substitutes, some of which are vile, have been adopted.

Why has no nation been able to make alcohol free while continuing a tax on spirits? Because it has invariably been found that by the experiment so wide a door is opened to frauds upon the revenue that honest payers of the tax on spirits, as well as the Government, were defrauded through this agency intended to be so beneficent.

The gentleman has called attention to the fact that England allows methylated spirits to be used. We can do that; but it would not meet the general demand or even the needs of the gentleman's tobacco trade. It would only reach coarse varnishes, and agents and reagents used where the alcohol is entirely removed does not remain in or pertain to the thing itself. Gentlemen would not want to use tobacco that had the flavor of a skunk's odor; and however beautifully methylated alcohol might bleach the tobacco, it would leave in it the nauseous flavor of the methyl. Hence it is that, in spite of the immense rapidity of the growth in England of the arts requiring alcohol, the amount consumed under the methylated privilege scarcely grows in a decade; indeed at times it declines, and is always relatively insignificant.

What the gentleman said about the economy to the farmer from a reduction of the tax on spirits is true. One bushel of corn will not carry another to the seaboard. But one bushel put into alcohol will carry five to the seaboard. The two bushels sent in bulk, one to pay for the other, are gone from the farm. Those that go into alcohol are left at least in their nutritive and fertilizing substances in the neighborhood of the farm to enrich it and assist in feeding cattle, the statistics of which you will find in the last annual report of the Commissioner of Internal Revenue.

While I regret that we cannot have free alcohol, I am for this bill. I would have added other articles. I would have made a greater reduction of our current revenue. But I shall resist all extraneous amendments. I shall try to get this bill through. I have had referred to the Committee on Ways and Means a bill for the repeal of all taxes on tobacco to take effect January 1, 1884. I believe that when we shall get the official reports at the opening of the next session of Congress we shall find that this will be a safe measure, and that the day is not very remote when we can begin the work of giving free alcohol to the arts by the rapid reduction of the spirit tax. I now yield to my colleague on the committee, my friend from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Chairman, some announcements have been made by gentlemen who have spoken, which ought not to escape the attention of the House, and I am certain will not escape the attention of the country. It has been announced by the gentleman who has just taken his seat, [Mr. KELLEY,] as also by the gentleman from Iowa, [Mr. KASSON,] both members of the Committee on Ways and Means, that they regard this bill as the beginning of a gradual, final, and early repeal of all laws affecting the internal revenue. In my opinion we err exceedingly if we begin, now at least, to repeal all the laws securing our internal revenues. I do not believe that we are now ready to enter upon that kind of reduction. These gentlemen weaken their arguments in support of this bill when they announce that even at the next session of Congress they will seek further reductions.

We have, Mr. Chairman, as yet a very large public debt; and I assure gentlemen of each party that the people of the country are most pleased, on a review of each session of Congress, when they can find that the debt has received some certain reduction. I do not believe that the people of the country desire to perpetuate our national debt. It is unwise to perpetuate it. It should rather be the business of each party in Congress to seek as rapidly as possible an extinguishment of that debt.

It is also true that some delusive statements have been made here in regard to our financial condition even at the present time. There cannot be a surplus of $100,000,000 in the Treasury the next year, or anything very nearly approaching it. The Secretary of the Treasury told us at the beginning of this session that upon estimates for the next fiscal year there would be a surplus of $59,000,000. Yet we are told here by some, speaking quite loosely, that we are to have a surplus of $150,000,000. Others place it at $100,000,000; but I prefer to hold myself to the estimates of the Department, putting it at fifty-nine millions in round numbers. We ought also to remember, when we are asked to act in regard to this bill upon the basis of an overflowing Treasury, that we have appropriated this session far more money, more by tens of millions, than was ever appropriated by any previous session of Congress in a time of peace. Our appropriations will foot up largely beyond the estimates of the Government. Every bill so far passed, or aggregating them at least, has gone away beyond the estimates, and under the estimates of the Government we were to have a surplus of about fifty-nine millions of dollars. It is unsafe to estimate the receipts from customs revenues upon a mere quarterly return, or even upon a return for one-half of the year, because if we look at the receipts from the customs for years past we will discover that they have fluctuated greatly, and circumstances impossible to control have a tendency to lessen by many millions the receipts into the Treasury.

Mr. KELLEY. I desire to say to the gentleman that my "loose" statement as to the surplus——

Mr. DUNNELL. I did not use the word "loose" in reference to the gentleman's statement.

Mr. KELLEY. Presented the Treasury figures for the first eleven months of the fiscal year; and the daily receipts since that was made up are in excess of the daily receipts for the same days of last year down to yesterday.

Mr. DUNNELL. Mr. Chairman, I have heard a variety of estimates during this debate, and in using the word "loose," if I did use it, I certainly did not refer to the remarks of the gentleman from Pennsylvania. I meant to say that there had been statements varying all the way from sixty to one hundred and fifty millions as indicating the surplus in the Treasury. In what I have to say in connection with this matter, I desire rather, therefore, to hold myself to the estimates of the income. If we hold ourselves to the estimates of the expenditures, certainly it is right that we should hold ourselves to the estimates of the receipts into the Treasury; and it should not be forgotten that our pension list is very largely and rapidly on the increase. Only a few years ago, since I have been a member of this House, we appropriated twenty-seven, twenty-eight, twenty-nine, thirty, or thirty-one millions of dollars annually for the payment of pensions. Now our bill has swelled to one hundred millions; and nobody has said anything about that deficiency of seventeen millions for pensions which we provided the other day. We will find when we have got through the work of the session that the amount of money appropriated, therefore, under these various bills will largely exceed the estimates; and that the estimated surplus in the Treasury will be correspondingly reduced. Therefore I have said that I did not think it was a safe assumption to act upon the idea that there was to be this great surplus in the Treasury at the end of the year.

Now, the gentleman from Iowa does not, I think, wisely discriminate when he puts the sale of spirits and of tobacco upon the same

basis or footing with other classes or branches of business. While he may reason it out in his own mind that it is well to treat the licensed dealers in spirits as you would treat any other business man, it is not in harmony with the sentiments or with the convictions of the people of the country with reference to that traffic. The selling of liquor is not in the interest of the people. It is not for their moral or social development, nor is it for their business prosperity. As long as I remain a member of this House I shall be unwilling to abolish a revenue system that gives us $140,000,000, nearly all of it from spirits and tobacco, and then look about to see where that volume of money can be secured in some other way. Strike down to-day the internal-revenue system, and there is a deficiency at once in the Treasury. Irrespective of party, the people of the country will be unwilling that we should seek a larger income from the customs than we now receive.

But, Mr. Chairman, taking this bill and analyzing it what do you find? It proposes to repeal certain taxes upon banks. Are the banks of the country suffering? Are the banking interests of the country languishing that this legislation is demanded for their relief? If we fail to pass this bill, will a single banking institution in the country fail in its business because of that fact? Will the accumulated wealth of the country be damaged by our failure to repeal the small tax which is now imposed upon that character of capital? We have refused to relieve the classes who are paying the heavy duties laid upon articles of common consumption during a time of war to meet the expenses of the Government. We have said to the consumer of sugar, you shall not have a reduction upon that article, though it be one of prime necessity and universal consumption. We have refused to lift other burdens resting upon the masses of the people. We propose to adjourn, having failed to relieve one single burden of the great mass. We propose to relieve the banks, bankers, and their capital. We propose to relieve those who can best bear this burden, who can bear it far better than those whom we have refused to relieve.

It may be replied to me that the bill repeals the stamp upon matches. Yes, it does this, and also the stamp upon medicines. These clauses I could cheerfully vote for, but to do that my vote must be given for the removal of tax upon bank capital, the reduction of the tax upon cigars, and the license tax upon the dealers in tobacco and cigars.

My prime objection to the pending bill is that it is the beginning of the overthrow of a system of taxation which for the present should be preserved. We now receive $120,000,000 from the tax upon spirits and tobacco. We collect this large sum of money annually upon these two articles. They are classed among the luxuries and should be taxed. They should be taxed so long as the national debt and the annual and necessary expenses of the Government need this amount. We have $450,000,000 of the debt within our reach, payable now at the option of the Government. When this portion of the debt is paid off then we may discuss the question of reduction of this tax, but not the repeal. The tax upon distilled spirits should be held to till the last dollar of the national debt is paid. The pending bill could have my vote if it was not here as the announced forerunner of other bills of reduction and repeal. The readiest advocates of this bill are those gentlemen on this floor who see no burdens in our present tariff laws. They say to me, "Will you not vote to take the cent stamp from matches?" My reply to them is, that "if you will reduce the tariff on sugar but 25 per cent., the buyer of matches will save in a single week, by the sugar reduction, enough to buy matches for a year."

This reduction of $20,000,000 is sought that another reason may be urged for a continuance of the high-tariff rates which now exist. For this reason my vote cannot be given to the pending measure. I will vote to retain our present internal-revenue system until there can be a reduction of the tariff. We collect about $50,000,000 annually upon sugar. I cannot so vote that any excuse can be given for a collection of so much revenue from an article of such prime necessity. Under the privileges allowed me, I shall now make allusion to a measure which passed this House on the 3d of April last.

At the beginning of this session of Congress there was manifest here a fixed purpose to secure a reduction of the tax upon whisky and tobacco. On the 2d of February a bill was introduced into this House to reduce the tax upon whisky from 90 cents per gallon to 50 cents per gallon. This bill was before the Committee on Ways and Means. While this bill was with the committee there was a Republican caucus. It was by the caucus unanimously voted to resist any reduction of the tax upon whisky and tobacco, and it was also unanimously voted to give relief to the holders of distilled spirits by an extension of the period of their bond. When that bill was perfected by striking out all the provisions looking toward a reduction of the tax upon whisky, and beyond every contingency protecting the Government against any and every possible loss of revenue by the extension of time, I was unanimously instructed by the Committee on Ways and Means to ask for the passage of the bill. I was designated by the chairman of the committee to report the bill, because I was chairman of the sub-committee having in charge changes in the internal-revenue laws. It was passed by the House on the 3d of April. The bill was therefore with the committee undergoing revisions for sixty days.

In certain quarters, and for certain and not unknown reasons, I have been attacked, as though I was personally in some way more responsible for the passage of this bill than any other member of the House.

I need not here protest against this unjust attack. My opposition to any reduction of the tax upon whisky was well known on this floor. It was as well known to the Committee on Ways and Means. Still I was not then, and am not now, unwilling to treat the holders of spirits as I would the holders of tobacco, provided always the Government could be made secure.

The bill has been discussed and criticised by parties who have seemed utterly ignorant of the absolute security of the Government. The great law of supply and demand has not been at all taken into account as having any place in the practical operation of the proposed extension bill. It has been claimed that because a certain quantity of spirits was to be allowed a longer bonded existence before the payment of the tax that the Government was, therefore, and necessarily, to lose 90 cents on every gallon affected by the bill for extension. It seems to have been forgotten that every gallon of whisky demanded by the arts and appetites of consumers would be supplied. If a portion of the bonded whisky was held back or allowed to remain in bond for a longer period, certainly an equivalent quantity, not affected by the proposed law, would come forward and supply the demand.

Should that bill become a law, the great law of supply and demand would still be in active operation. The Government would not, because of the provisions of the bill or the reliefs furnished by it, lose a single dollar by its passage, for it would get the tax on every gallon consumed, and the consumption would in no sense be affected by any provision of law fixing the payment of the tax when offered for consumption, as the law now is in regard to tobacco. There is no lack of tobacco because the holders of it are not called upon to pay the tax until it enters into consumption.

When Congress in 1878 extended the bonded period from one to three years, it was predicted that the Government would lose the tax on the whisky thus extended, but the record is as follows: the amount collected in 1878 was $44,633,068.70, and in 1879 it was $46,703,036.24, showing an increase of $2,156,466.02. The increase for the next two years was in a still largely increased ratio.

All this talk about the loss of $70,000,000 or any amount by the extension of the bonded period rests in an utter disregard of the absolute protection afforded by the internal-revenue laws, and in a like disregard of the unchanging law of supply and demand. Some gentlemen have reasoned as though there might be a lack of whisky for consumption. The gentlemen need not be alarmed. The Government will get its 90 cents on every gallon consumed. Every gallon will be forthcoming that is called for. There can be no doubt but the supply will be fully up to the demand. Demagogism can be marvelously illogical. The love of detraction can be strangely blind to the laws of trade as well as to the truth.

Mr. HEWITT, of New York. I desire to ask the attention of the committee a moment to the condition in which the business of this country finds itself at the present time. At no previous period connwithin my recollection have there been so many persons in this try voluntarily refusing to work; in other words, so large a number of usually industrious people engaged in the unprofitable business of strikes. What is the cause of these strikes? Rarely has any attempt been made to reduce wages except in the coal regions. The general demand is for an increase of wages; and the ground upon which this demand is based is that the workingman finds himself unable to support himself and his family with the wages he has been receiving.

I have been personally giving attention to this grievance. It is, as a rule, well founded. The rise in the prices of the necessaries of life during the last year has been so great that the working-people of this country find that they are being reduced from a condition of comparative comfort to one of comparative want. What do we find on the other hand? While this just demand is made by the workmen, the employers of labor are unable to concede it. They would be glad to give higher wages if they had the ability. They refuse because the concession will simply destroy their capital and throw their business into the hands of foreigners who could undersell them in the market. The conflict, then, is one which it is impossible to settle either by the action of employers or employed upon any just form of compromise. Capital and labor are thus arrayed against each other in hostile camps. They are both right in their position, and thus there is no easy ground for compromise. Relief must come from some quarter.

Now, if we can show that there is a heavy hand like the hand of a bandit taking out of the earnings of labor and capital unnecessary contributions, depriving the employer and the employé alike of the returns which each ought to have for his contributions to the joint product; if we can find that there is such a levy made upon the products of industry, and that that levy is unnecessary, then so far as we have any power we should proceed with speed, we should go on the express train, if I may be permitted the expression, on the express train of legislation in order to remove the cause of these evils which are sapping at the very roots of the comfort and peace of our people.

Is there any such removable cause? We are told by the Secretary of the Treasury that more money is coming into the Treasury than should be taken from the pockets of the people; we are told by the gentleman from Pennsylvania [Mr. KELLEY] that the surplus of the coming year will be $137,000,000. I have examined the figures, and

I believe he is right, notwithstanding the dissent of the gentleman from Minnesota, [Mr. DUNNELL.] One hundred and thirty-seven million dollars distributed among the workingmen of this country by not taking it away from them would remove the evil which has brought on all this trouble and all this disorder.

Who is standing here resisting this reduction? We came here in December in the name of the people asking for a reduction of the tariff upon the articles of consumption which the workingmen use. We were referred to a commission which cannot report for months. We come here demanding a reduction of internal-revenue duties, and we are presented with a bill which takes off $17,000,000 or $20,000,000; which "holds out the word of promise to the ear, but breaks it to the hope."

Let any man examine this proposition which the wisdom of the Ways and Means Committee has produced. Whom does it relieve? It does not touch the workingman directly, so far as I can see, except in the single article of matches, of which his consumption is trifling. That is the relief which these gentlemen charged with the responsibility of legislation offer to the workingmen of this country, now on a universal strike because their wages are not sufficient for their support. It is a tub to the whale, intended to deceive. It is a case of false pretenses, insulting to the intelligence of the people.

The demand for reduction has been made. It must be heeded. It will be the issue in the fall election. And yet the Ways and Means Committee bring in a bill and offer us a reduction of $20,000,000 when the Treasury can dispense with $137,000,000. If that is not to be the issue to be fought out in the fall election, let the gentlemen on the other side bring in a bill that will relieve the suffering industry of this country from the burdens which it cannot and ought not to bear.

[Here the hammer fell.]

Mr. SCALES. I yield five minutes of my time to the gentleman from New York.

Mr. HEWITT, of New York. I am very much obliged to the gentleman from North Carolina, although I am afraid I have not the physical strength to continue the argument I wanted to make. But I will say a few words more, for the House is not likely to hear the words of truth and soberness from any one else who has as intimate relations with the industrial interests of this county, now reduced to a state of comparative chaos.

Let it be understood that this proposition does not dispense with a single office-holder. They are wanted as emissaries, as political missionaries in the coming elections. It does not dispense with an excise man, or a collector, or an inspector, or a detective. The whole system against which the moral sense of this country is to-day rebelling is preserved under this bill. These office-holders are retained in order that they may be assessed for political purposes and political ends; and the workingmen of this country are to go without work, are to starve, are to see their families suffer in order that these gentlemen may collect 2 per cent. on the wretched stipends not only of laborers and pages and women, but of the army of excise men, who are eating out the substance of the land.

What does the public sentiment demand? The utter abolition of this whole system. The utter and absolute repeal of these internal and infernal taxes under which an army of placemen are kept patrolling up and down this country and checking the honest expression of independent political sentiment.

But gentlemen on the other side tell you that you cannot repeal these internal-revenue taxes without depriving the Treasury of the money necessary to pay the pensions and the interest and the expenses of the Government. I answer them that it is not only possible but easy for an intelligent man to devise a tariff system which will produce very nearly money enough for all the legitimate purposes of the Government; and for any additional amount required, a judicious system of stamps and of taxes upon the capacity for distilling spirits will be quite adequate to make up any deficiency in the regular normal expenditures of this Government. Thus the whole army of internal-revenue officials will be discharged.

But such a system will not permit of the raising of money for jobs. It will not permit the passage of river and harbor bills involving $17,000,000. It will not permit the payment of large sums of money for finishing worthless vessels on the stocks.

There is but one security for the tax-payer, who is the workingman of the country, for all Federal taxes come at last down on his broad shoulders. That security is to keep the Treasury poor. Poverty of the Treasury is the wealth of the people.

Let the Treasury have all that it needs for the legitimate expenses of the Government; and then the money wrung from the hard labor of the working people of this country will be expended with a just sense of the responsibility which we have here as their representatives, and which in this Congress we are violating day after day, by taking the money that ought to be left in the pockets of the people and applying it to worthless and useless works, which we miscall works of public utility.

I appeal to these gentlemen on the other side—not because it would not be for the interest of the Democratic party that they should go on and spend money in this reckless way, for it is for our interest politically that they should do it; but that is a motive which no intelligent man who has any claim to the title of statesman and is fit to sit on this floor should recognize for a moment—I appeal to them to reduce expenditures and take the load of taxes off the overburdened energies of our hard-working people, and thus restore to them the margin of earnings which make up all the difference between comfort and want.

But if we do this some one will cry out, "How is the national debt to be paid?" The people of this country, those engaged in business and largely borrowers of money at rates ranging from 6 to 12 per cent. per annum, do not want the debt paid off all at once when the Government can fund it at 3 per cent. There is no antagonism of interests between the Government and the tax-paxers of this country. If the debt is liquidated in the life-time of this generation, which is thirty years, the people will be satisfied. The difference between the current rate of interest paid by individuals and that paid by the Government will pay the principal of the debt off in less than thirty years. What we want, what the interest of the people demands, is that the annual payment of principal shall be so moderate as not to press too severely on the annual earnings of the nation.

To pay off $100,000,000 a year is an imposition on our productive energies too heavy to be borne, and we are to-day paying the penalty of excessive taxation. The Federal taxes are all taxes on consumption. They come in an insidious form and are not perceived, and yet the workingmen of this country eat nothing, drink nothing, wear nothing, use nothing which does not pay a tax into the national Treasury. The eyes of the people will be opened by the suffering which is now beginning to spread over the country, and the day of reckoning is not far off for the party which, having the power, refuses to reduce taxation, when there is a surplus in the Treasury, on the plea that the national debt must be paid at once, and at a time when every dollar of principal thus paid is taken from the earnings of those who find it impossible "to make both ends meet." The country demands a rest from excessive taxation, and in this case "the voice of the people is the voice of God."

Mr. SCALES addressed the committee. [See Appendix.]

Mr. HOLMAN. I think the Committee on Ways and Means have reached a very unsatisfactory result in reporting this bill to the House. The country certainly expected of this Congress some material reduction of internal taxation at least, and expected it in a form which would reach and relieve the industries of the country. This bill does not and will not in any degree meet public expectation.

I think, Mr. Chairman, it is quite clear the Government can safely reduce taxation. The payment of the public debt promptly, but in such a manner as not to oppress the industries of our people, is certainly a matter of the highest moment. Four hundred and ninety million dollars of that debt is under our control, we are at liberty to pay it at our pleasure; and it seems to me to be the very highest duty of the Government to see that that four hundred and ninety millions is extinguished at the earliest possible moment.

In my judgment the extinguishment of the public debt for reasons innumerable is of the very highest importance to the people of this country. But a large portion of the debt is not within our reach, and the payment of it will have to be postponed; but with a large sum of "available cash" in the Treasury, and the large current increase in the revenues, this $490,000,000 must speedily disappear.

Not less important than the extinguishment of the public debt is such a reduction of the revenue as will compel Congress to abandon the countless schemes of questionable and unjustifiable expenditure now being forced upon it on the plea of an overflowing Treasury. I do not know which is the greater evil, a public debt or an overflowing Treasury, although the one operates directly on the other; the existence of a public debt is an ever-present excuse for an overflowing Treasury and for heavy exactions on the industries of the people, while a full Treasury always stimulates the use of the public money beyond the real wants of the Government. I do not know which is the greater evil, but I would rather see the Government cramped for means than a full Treasury open to pillage.

There is at least one element of taxation to which our people are subjected which affects all classes of men. It has been very well presented by my friend from North Carolina, [Mr. SCALES.] The tax on tobacco realized last year the sum of $42,854,991.31, and affects in a greater or less degree a large number of the States of the Union. In my judgment it is far better to abolish the tax on a given article than simply to reduce it. If you only reduce the tax on tobacco the reduced cost to the consumer will be scarcely appreciable, while the army of Government employés engaged in gathering in that tax and the cost of the system will remain in full force and unchanged. If you abolish it entirely you dismiss from your employment nearly one half of the great army of revenue agents who live off of the Treasury. But the tax on tobacco is one that affects an absolute necessity of human life.

There is no use in talking about it as simply a luxury, as a thing that may be dispensed with. The supreme court of my own State in an elaborate opinion, in interpreting the law prohibiting the exercise of ordinary employments on Sunday except in cases of charity or necessity, held in regard to tobacco that its use to a large portion of mankind had become a necessity of human life; not that human life could not be prolonged without it, for exactly the reverse is probably true, but it has so entered into the habits and methods, mental as well as physical, of men through so many ages that it has become one of the necessary things incident to human life. That opinion has been overruled recently, but that such a judicial opinion could be rendered answers the purpose of my argument. Tobacco may be injurious to the human system and all that,

but it is a solace to the poor as well as a source of consolation to labor, and indeed to men under all conditions of life. I cannot excuse or justify this universal use of tobacco; I but state the facts. The universality of its use is a forcible argument. So much for the consumer.

But, sir, a large body of our people are engaged in the production of this important staple, and that industry is the only productive industry of agriculture that is hedged in and embarrassed by our internal taxation. Indeed it is the industry connected with the soil that is subject to the police vigilance of the Government. Hamilton, in the Federalist, said "The genius of the people will ill brook the inquisitive and peremptory spirit of excise laws." But here the farmer who cultivates tobacco in the field is subject to a most exasperating espionage and vigilance of a mercenary horde. He can only sell the fruits of his labor to persons who are licensed by the Government to purchase. There is no excuse for the further continuance of this wholly un-American system. The necessity has gone by. Our fathers deplored even at the formation of the Government the necessity for an excise tax with its horde of informers. The whole system hedges in the citizen and exasperates his manhood, but no feature of it is so exasperating as this tax on tobacco. Besides this the tax is unequal; an inferior article is taxed as high as the most costly.

It is a source of humiliation that the American citizen engaged in the ordinary employment of an agriculturist, raising a common product of the field, should be hedged in by public employés, and compelled to seek a dealer licensed by the Government to whom he may sell the product of his labor or undergo fine and imprisonment. I think, however much our citizens heretofore condemned other features of our internal-revenue system, none is so oppressive, none is so thoroughly un-American as the tax we impose upon tobacco, for this subject of taxation must be followed from the field of the farmer to the hands of the consumer.

I believe that this tax ought to be abolished. I am well convinced that it can be removed without any possible embarrassment to this Government, with an enormous reduction of the public employés. The revenues for the coming fiscal year are estimated by the Secretary of the Treasury at $400,000,000. The current expenses of the Government ought not to exceed $275,000,000, including $100,000,000 for pensions, and putting the interest on the public debt at $65,000,000, and it will be much less than that, leaving $110,000,000 for the current expenditures of the Government. Two hundred and seventy-five million dollars is the largest sum that can be honestly spent by the Government of the United States at this time; indeed, the $110,000,000 in addition to the pensions and interest is beyond the limits of economical government.

On that basis if you strike off the tax on tobacco you will leave over $83,000,000 to be applied to the annual extinguishment of the public debt; but it is claimed the revenues on the present basis of taxation will greatly exceed $400,000,000. It can be readily seen that the $490,000,000 of debt that is now under our control will be paid off and extinguished at an early moment, especially when it is remembered what a large sum there is now in your Treasury, and steadily accumulating, which can be applied for that purpose.

Mr. WELLBORN. What does the tax on tobacco now amount to?

Mr. HOLMAN. A fraction over $42,000,000.

Mr. WHITE. The expense of collection must come out of that.

Mr. HOLMAN. Yes, and it is a large item; but what is there in this bill? Does it relieve any industry? Does it tend to relieve any laboring man in America? Does it tend to relieve any productive industry from taxation?

I present here a table showing the sources of the internal revenue, amounting in the aggregate to $135,229,912.30:

INTERNAL REVENUES.

Spirits	$67,153,974 88
Tobacco and cigars	42,854,991 31
Fermented liquors	13,700,241 21
Banks and bankers	3,762,208 07
Bank checks	2,253,411 20
Friction matches	3,278,580 62
Patent medicines	1,843,263 90
Penalties	231,078 21
Collections not otherwise provided for	152,162 90
	135,229,912 30

Only the two sums of bank tax above named are collected as internal revenue; the balance of the $11,383,502.41 (tax on deposits and capital) is paid direct into the Treasury.

This bill singles out virtually three items: banks, matches, and patent medicines, perfumery, &c., and proposes to relieve them from taxation. The subjects to be relieved and the amount of tax derived from these sources last year are as follows:

TAX ON BANKS OTHER THAN NATIONAL BANKS.

Bank deposits	$2,946,906 64
Bank capital	811,006 35
	3,757,912 99
Tax on national banks, bank capital, and deposits	5,372,178 22
Bank checks of all kinds	2,253,411 20
Total tax on banks	11,383,502 41
Friction matches	3,278,580 62
Patent medicines, perfumery, &c	1,843,263 90
	16,505,346 93

The tax on matches and patent medicines is a small item; whether it is paid or not will not affect the price of matches and patent medicines. No consumer of these articles will be benefited. But it is proposed by the bill to take off $11,383,502.41 from the banks. Is there any occupation in this country that can bear moderate taxation so well as the banks? Can this Government afford to confer upon a portion of its citizens invaluable and perpetual franchises which yield an interest of from 9½ to 10 per cent. on all forms of capital employed annually in the form of dividends, and which have accumulated a surplus fund of $128,000,000 in a comparatively short period of time—exempt from all taxation by the United States except 1 per cent. on circulation? Can you afford to give such franchises to a portion of your citizens and create in the very nature of things a monopoly, and relieve those franchises from taxation, while taxing heavily the products of the farm? Here are franchises, Federal and State, employing an aggregate capital of $549,991,359, paying a mere bagatelle into the Treasury, and that must be removed even, while industries of the farm must be taxed.

The CHAIRMAN. The ten minutes of the gentleman has expired.

Mr. HOLMAN. One word in addition. I warn gentlemen that in dealing with this question of taxation, if they think proper to favor great capital interests without relieving the producing interests of the country, they will outrage the public sentiment of the great body of our people, and will receive sooner or later an indignant rebuke.

Mr. CABELL. Mr. Chairman, I thank the gentleman from North Carolina [Mr. SCALES] for his courtesy, but it will be impossible in the short time I have to make such an argument as I would like to submit to the House upon this bill. Under the circumstances I am sorry the bill has been brought in, as its discussion will have a tendency to unsettle business, and its passage will result in no appreciable good.

This is indeed a great outcome of the labors of the Ways and Means Committee. Months ago relief was promised to the people. It was understood that some at least of the burdens of taxation were to be lifted. What relief, I ask, is offered to the country by this bill? What classes of people, what interests are to be relieved? Who are to be benefited, and what public purposes are to be subserved by the repeal of the taxes here indicated?

This bill proposes to take the tax off of banks, banking capital, bank checks, bank deposits, matches, patent medicines, &c., and to reduce taxation to a very small extent upon cigars and cigarettes, and the license taxes of certain persons. In fact, only to reduce taxation to the extent of something over $16,000,000.

Two or three of the great industrial interests of the country are languishing and borne down by the pressure of the internal-tax system. Hundreds and thousands of the American people are to-day groaning under the burdens imposed by this distasteful, not to say iniquitous, method of taxation, yet no relief is proposed for those interests or people.

Are the banks, which are so amply provided for in this bill, the capitalists to whom you propose relief to the extent of some $11,000,000, so wretchedly aggrieved that you must hasten to assist them before and in preference to the toiling thousands who stagger along under the miserable loads imposed by this unsavory system?

I supposed, and most good men believe with me, I am sure, that the banking corporations of the country, with all their capital, advantages, immunities, and profits were the fittest subjects of just taxation to be found in the land. But these, it seems, our committee are of opinion should be cared for before the interests of the general public can be regarded.

I have no purpose to assail the banks or the proper employment of their capital. I am not opposed to relieving them in common with others. I rather favor the clause in this very bill which takes the stamp-tax from checks, for that goes to the relief of the people, and ofttimes very poor people; but I object to the proposition to relieve banks, bank capital, &c., unless you couple with it equal measures of relief to the agricultural and producing classes of the country, whose interests are so deeply involved and so heavily taxed.

Why did not the Ways and Means Committee bring in here a bill which would in equal proportion relieve all persons, classes, and interests? That might easily have been done. Why this apparent favoritism? Why this discrimination? If of necessity difference and discrimination had to be exercised, why in the name of common reason was not that difference and discrimination used in behalf of the persons, subjects, and interests, the most heavily taxed, and the least able to bear large burdens? All these taxes are bad enough, but who knows of, cares about, or feels the tax on matches? Repeal that tax, and no human in this country will get even the slightest relief from it save three or four match manufacturers in some of the large cities. Repeal the tax on patent medicines if you choose, and who will get the benefit but the sellers of the pill and the venders of the nostrum? Yet you are asked to relieve those piddling interests in preference to those other and greater interests which suggest themselves without being named.

Again, Mr. Chairman, if we pass this bill without providing at the same time for the release from taxation of other subjects, in what a dilemma will we find ourselves!

There are those here who, in spite of the facts, contend that the financial condition of the Government will not permit any greater reduction of taxes than that now offered. Many of us do not agree

to that. We think we know better. But if, under the circumstances, we pass this bill, we in all probability will lose for the future the sympathy and assistance of those who, being equally burdened, would esteem it a privilege and a duty to help us, and besides put a new argument in the mouths of our opponents, who would contend that the pretended relief already granted, was all that the Government could afford, its financial condition considered.

Yes, sir, pass this bill, and at once the cry will go up that great relief has been given the country. "Nearly $17,000,000 taxes have been taken off," they will say, "and no more can be spared." Yet the fact will remain that not one particle of relief will be afforded to the overburdened interests of a suffering people.

If the Ways and Means Committee really desired to do something of benefit, something of practical use to the people, why did they not include in their bill a proposition to relieve the great tobacco interests of the country? There is not one reason why this should not have been done, except that it does not suit the purposes of the Republican party to abolish or reduce that taxation which bears so heavily upon the great staple of a few only of the States of the Union.

We are told that the Treasury is overflowing with money. Yet we know that the people have been sorely pressed, and in some sections the cry for "bread!" "bread!" has rent the air. Why only to-day the distinguished gentleman from Iowa [Mr. KASSON] told us that his Committee on Ways and Means was early notified from the Treasury Department that Government receipts had so multiplied that important reductions in taxation could be made.

The chairman of the committee [Mr. KELLEY] a day or two ago, in a spirit of gratulation, spoke of the large surplus in the Treasury, and we all know that at the rate money is being daily gathered in there will be a surplus of from one hundred and fifty to two hundred million dollars in the Treasury by 1st January next. Yet, with all their troubles upon them, after all their patience and long suffering, the people are asked to be content with a reduction of taxes to the paltry sum and beggarly extent of $17,000,000, and that reduction, too, to be made upon subjects and persons the best able to bear burdens and the least entitled to relief.

Mr. Chairman, if we have the surplus money mentioned—ay, if we have only one-half of it—cannot Congress afford to make much greater concessions to the people than those offered by this bill? If you fail in this, what will the tax-ridden people of this country, who have been so long looking to Congress for aid, think? What will they have a right to say when they "ask of you bread and you give them a stone?" Think you that they are not aware that not less than $400,000,000 will be poured into the Treasury this very year? Do you believe they will not realize that nothing but unwarranted extravagance can dissipate that great sum, if a considerable part of it is not applied to the reduction of taxation; and can you imagine that they will not hold the Republican majority in Congress to account for failing to give the needed relief when it was so easy of accomplishment? As sure as you live the people are not ignorant spectators of what is transpiring here.

Mr. Chairman, since the Republican caucus in March last, wherein it was determined that there should be no reduction of taxes upon either tobacco or spirits, I have had but little hope of relief in regard to those two great interests. But this bill has been thrust in here and we feel compelled to ask that it be amended, and in the name of the people that relief be afforded. Why, sir, Congress could to-day, if so disposed, wipe out this entire system of internal taxation without detriment to the interests of the Government. It ought to be wiped out. It was inaugurated during the war with the promise that its intolerable features and odious exactions would be abolished upon the return of peace, but still after years have gone by—after the "sword has been turned into the plow-share" and the "spear into the pruning-hook"—seventeen years after the return of peace, and when prosperity should have been restored to the country, this miserable system has been allowed to remain, an offense to the people and a reproach to the Government.

When first inaugurated from fifteen to twenty million dollars were gathered in annually. That was deemed enough to take of the people then, enough even when the needs of the Government were very great. But as time went by the exactions were increased from year to year, until now, in a time of profound peace, the rapacious system extorts from the people from one hundred and thirty to one hundred and thirty-five million dollars annually, and the greater part drawn from two subjects only—tobacco and spirits.

Tobacco alone paid last year $42,000,000. This year it will pay $44,000,000, not less. Tobacco is the only agricultural product taxed by the Government. No other interest is so fearfully burdened, and none other so exposed to danger from the vicissitudes of trade, change, and misfortune.

Why this unjust discrimination against the staple product of certain sections of the country? Is the exaction grounded in justice or law? You say that your tax is upon consumption. It is upon production as well. You tax it as a luxury. Fine tobacco is indeed a luxury, but it is none the less a necessity, to the hundreds of thousands who grow it, and who from its proceeds buy the clothes they wear and much of the food they eat. It is mockery of the people who raise and manufacture this great product to tax it under the pretext that it is either a "noxious weed" or a luxury.

The tax affects not only the consumer, but the manufacturer and farmer. The great burden of the tax, for many reasons that might be named, falls upon the producer. Not only the weight of the tax but the continual dread of change of tax rate affects the price of the article, and the consequent prosperity of all those engaged either in buying, selling, or raising tobacco. Unfortunately, so long as the tax exists the subject of its change, modification, or repeal will be agitated to the great damage of all interested.

Therefore, we insist now upon the abolition of the tax. For Heaven's sake let us get rid of it quickly and in such way as not to injure any, either the Government or people. The Government with its ample means and resources can pay its ordinary expenses, yearly curtail its debts, meet its interest, pension, and other obligations, abolish this tax, and still have large moneys left. Virginia, since the late war, has paid more than $90,000,000 internal taxation into the Federal Treasury. Surely it is time to "let up" in some degree upon that old State, as well as others.

Now, Mr. Chairman, a word in regard to the tax upon distilled spirits. I know the prejudice that exists in many portions of this country against the traffic in and the production of ardent spirits. I know, moreover, that it is useless to endeavor to persuade a majority of this House to pass an act to abolish the spirit tax. I shall make no such attempt. I will briefly discuss it, however, and speak to the question not from its moral but from its revenue stand-point.

I assert, Mr. Chairman, without fear of successful contradiction, that if the tax upon whisky were reduced to 50 cents per gallon, and that upon liquors distilled from fruits to 25 cents per gallon, the Government would yearly realize more revenue from the spirit tax than it does now. Since 1862 the tax has ranged from $2 to 50 cents per gallon; the tax rate has been changed about six times, and in almost every instance an increase of revenue has followed a decrease of tax, and a decrease of revenue an increase of tax. It has been clearly demonstrated that the true revenue point of taxation upon whisky is certainly not above but rather below 50 cents. There is a marked difference between the price and value of spirits distilled from fruits and whisky, therefore the former should be taxed at a lower rate. This is apparent from the fact that notwithstanding the immense quantities of the finest fruits raised by our mountain people of the South and West which will not bear transportation, and which under reasonable rules and taxes they would distill into spirits, but small quantities, comparatively speaking, are in fact distilled, and the Government from that source only realizes about one and one-half million dollars. There is no doubt that if this last named tax was reduced to 25 cents per gallon, the Government would annually get three times as much from it as now. The statistics in regard to the spirit tax not only bear me out in my views in reference to reduction but I will name a striking illustration of my theory.

Two or three years ago, when the movement was on foot to reduce the tobacco tax, Mr. SHERMAN, then Secretary of the Treasury, sent a letter to Congress, accompanied by statistics and arguments from his subordinates, opposing the reduction of the tax, and endeavoring to show that if the tax were reduced from 24 to 16 cents, as we then proposed, a loss of $11,000,000 of revenue would at once and annually ensue. Gentlemen will remember that I and a few others denied that any such result would follow reduction, and after much labor we carried it. Instead of loss, a gain of $2,131,000 the first year resulted to the Government from the change and reduction of the tax, and yearly since the increase has been large and important. In short, more revenue by $4,000,000 was derived from tobacco last year taxed at 16 cents than was ever collected in any other year from the same source, whether taxed at 24 cents or higher.

Now, why should not the same results follow a reduction of the spirit tax? I am confident they will follow. Reduce your tax. Take off many of the restrictions thrown around business by your revenue system. Put better men than we have had to enforce the laws. Deal with the people as if they were law-abiding citizens, as they desire to be, not as if they were outlaws, and the Government will get much more revenue, and a much better state of things generally will prevail. Moreover, Mr. Chairman, I do not think it is longer the interest of the Government to crush out the small distillers of the country, to the benefit and advantage of the larger ones. Many of us know that the great distillers of the country—men who can command large means—care not how high the tax is placed. They not only can use their capital to advantage in this business but they can also avail themselves of the bonded warehouse system, which poor men cannot do, and as the small men are driven out of business by the weight of the tax and want of facilities these capitalists enter upon and occupy the field without fear of loss or competition.

Mr. Chairman, before I close I wish to present for consideration an amendment which I propose to offer to this bill:

That on and after January 1, 1883, all internal-revenue taxes upon manufactured tobacco, cigars, and snuff shall be abolished, and upon all manufactured tobacco contained in original and unbroken packages, and undisposed of to consumers upon which tax stamps have been affixed, there shall at the time aforesaid be allowed in favor of the owners of said tobacco a rebate to the amount and value of the stamps so affixed; and that after the date aforesaid the tax upon whisky shall be reduced to fifty cents per gallon, and that upon liquors distilled from fruits to twenty-five cents per gallon.

If that amendment or something like it is adopted, I can vote for the bill. Otherwise I cannot. I have no desire to see taxes imposed upon any subjects, sections, or persons. In fact, I say I desire the abolition of this whole internal-tax system, but I am unwilling to

see grinding and oppressive taxation left upon products in which the people of my own section are so deeply interested while others are to be relieved. Let us have "a fair deal." Let justice be done all around, and I will be content. The Government can well afford to do all that I have suggested, thereby giving great and permanent relief to the country. I am sure that this (the Democratic) side of the House will support my own or similar propositions. If the Republican majority here will not do so, then their refusal to abolish or reduce taxation will be inquired of by the country and remembered by the people as to them may seem best.

Mr. SPARKS. I yield five minutes to the gentleman from North Carolina, [Mr. ARMFIELD.]

Mr. ARMFIELD. Mr. Chairman, anxious as I am on all occasions to strike at the internal-revenue system, which so oppresses my people, and to destroy it if I could, or, if I cannot destroy it, to wound it and mitigate its oppressions, yet, as this bill now stands before the House without amendments, I cannot vote for it, because I believe it will prove a delusion and a snare to all who desire to get rid of the present system of internal taxation. Making a reduction of something over $20,000,000, as this bill does, more than $12,000,000 of this is given to the banks and the balance is thrown as a sop to the consumers of friction matches and proprietary medicines and to the liquor dealers. No great laboring industry is relieved to the amount of one farthing: and above all not a single one of the vast army of internal-revenue officers is to be deposed, but the ponderous machine is to be run as before. I should like to relieve the banks and their customers of these taxes, and to take the tax off friction matches and proprietary medicines, but it seems to be the object of the party now in power, on the one hand, to invent means for depleting the Treasury and expending the surplus revenues of the country as rapidly as possible, and on the other hand to make slight reductions in the internal-revenue taxes, where they are least burdensome, such as are proposed in this bill, so that we shall soon arrive at the point where there will be no surplus revenue. By taking off some $18,000,000 or $20,000,000 of internal taxation, coupled with the largely increased expenditures which have been inaugurated in this Congress for river and harbor improvements, for public buildings, and for other purposes, they will be able to tell us—probably early in the next session—that we can go no farther in the direction of lightening taxation, either by a reform of the tariff or by a reduction of internal-revenue taxes, because all the moneys derived from both will be needed for the wants of the Government. An overflowing Treasury, as we were long ago warned by General Jackson, and as we are fully admonished by experience long passed and quite recent, becomes a hot-bed of corruption, that breeds innumerable schemes for squandering the people's money, and especially is this the case when, as now, the party in control of the Government finds that the only way of perpetuating their cherished system of protection by the tariff, by which they enrich their friends at the expense of the labor of the country, and an equally cherished internal-revenue system, is by unloading the Treasury by the cartful.

Mr. Chairman, as I have but five minutes I have not time to go into the enormous wrongs and oppressions of the internal-revenue system, especially with reference to its workings in the southern part of the country; and although I have offered an amendment which proposes to take the tax off of whisky and brandy and malt liquors on the 1st of January next, which I expect to vote for myself if it shall be allowed to come to a vote, and also expect to vote for an amendment offered by my colleague from North Carolina [Mr. SCALES] to remove the tax on tobacco, yet I am free to confess that I have but little hope of either of these amendments being accepted by this committee, for the internal-revenue system is the favorite child of the Republican party. It furnishes an army of office-holders, of spies, deputy marshals, informers, to go all over the country and electioneer for that party, and furnishes means in the southern country for bribing and corrupting the constituencies.

I do not believe that they intend to remedy this evil; but I have offered another amendment for which I have more hope, and believe it will meet the approval of the committee. That amendment is this: as the law now stands, when a distiller is accused of a violation of the internal-revenue law, the revenue officers go and seize his whole establishment, taking the distiller and the fixtures and all the brandy or whisky that may be found on hand, which is confiscated to the use of the United States Government. Usually this seizure breaks up and ruins the man entirely. It destroys the little home of his wife and children and leaves him not a cent for the support of his family, while the fact that he is accused of a violation of the revenue law is by no means indubitable evidence of his guilt. On the contrary, he is often innocent or guilty only of a technical offense, arising from ignorance or from wrong instructions from revenue officers themselves. But the internal-revenue spy that traverses the country knows that his employment depends upon an assumed zeal in the service and the discovery of real or supposed violators of the law. It matters very little to him whether the party whom he sees proper to accuse be guilty or innocent; he simply desires to show his fitness for the position he occupies. His very vocation depends upon these seizures, and even where there is no wrong they make the seizures to keep up their vocation.

The fact, then, that a man is accused is, as I have said, no evidence of his guilt; and, I am sorry to say, nor is the fact that he is innocent much protection in the courts. He cannot afford, broken up as he is by the seizure, insolvent as he must be in consequence of the destruction of his little all, to traverse the hundreds of miles which sometimes intervene between him and the Federal court, and take his witnesses with him, and employ a lawyer to attend to his case, and attend the court from term to term until his cause comes on for trial. In nine cases out of ten he believes it best to submit rather than undertake a defense which if successful is ruin. Now, when the revenue officers seize spirits the law requires that it shall be sold for not less than the tax, and in the first instance that all tax due to the Government shall be paid out of the proceeds. Then the law, as it is construed by the Internal Revenue Department, charges a full tax also upon the man to whom it belongs on his bond, usually to be paid by the sureties. This is imposing two taxes upon the same article. My amendment proposes that where liquors are seized in this manner they shall be sold for an amount not less than the tax due to the Government; in other words, that the Government shall be paid all that may be due to it, and secondly that no tax shall be levied upon the owner for the spirits on which the Government has already received the tax once. It ought not to have the tax twice for the same article. If the man be guilty of anything, he is sufficiently punished by prosecution, fine, and imprisonment. Therefore, I say there is nothing but simple justice in the amendment, and that it should be adopted, as I hope it will be.

[Here the hammer fell.]

Mr. SPARKS, of Illinois. I yield five minutes to the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. MCMILLIN. Mr. Chairman, I have offered an amendment to this bill to strike out that portion which proposes to free the banks from taxation, and hope it will be adopted. They are, contrary to the best interests of the masses of the people, permitted to issue about three hundred millions of the paper currency kept in circulation. This is nearly one-half. The Government pays $3,000,000 annually interest on the bonds held as security for this circulation, and I am not willing while this is so to free them from all the burdens of Government and leave them on the poor, the debt-ridden, or the oppressed. Neither the States, counties, nor municipalities can tax their bonds, and if we obey their behests and release them from Government tax we leave them with all the blessings of Government without contributing to its support.

Sir, is this the best the Ways and Means Committee can do in the way of relief to the oppressed of the country? A short time ago they came in and asked the appointment of a tariff and tax commission, and promised unspeakable blessings from it. The tariff-commission bill was in an evil hour passed. In the discussion of the measure we were told by protectionists that the laboring-man had been wonderfully blessed by protection. And lo! before the President could appoint men on the commission 100,000 laborers were on a strike. We do not propose by this bill relief for these laborers, but for the banker, who now pays as little tax as any one in the country in proportion to his wealth.

Mr. Chairman, the gentleman from Missouri [Mr. HATCH] has offered an amendment which I trust will be adopted. It provides for the repeal of all laws which prevent the producer of tobacco from selling to whom he pleases. In other words, it is to repeal the law imposing a $500 tax on retail dealers in leaf tobacco. It would not reduce the revenue more than $5,000 a year. There are only five of these retail leaf dealers in the United States—one in Tennessee, one in Missouri, one in South Carolina, and two others. I have introduced a bill for the purpose myself, and think it should pass.

Sir, it is insisted that this should be kept up to enable the Revenue Department to trace all tobacco and detect illicit dealing in it. This is no sufficient reason. It does not do the work, if so intended. There is a tax on whisky; and yet the Government does not tax the sale of the corn out of which it is made to detect illicit distilling. Nor is any tax placed on the privilege of dealing in hops used in making taxed beer, to trace illicit beer. Tobacco is the only farm product which the producer cannot sell except to a licensed dealer. Let us adopt this amendment and free it from legislative shackles.

Sir, in regard to matches I unhesitatingly say that I am not only willing but anxious to take the tax off. But I am not willing, with the lights now before me, to release the banks of nearly twelve millions of tax to get rid of two millions on matches.

Mr. Chairman, the draft of this bill, as it comes from the Committee on Ways and Means, and the action of the House that is demanded upon it, reminds me of an event which passed into history a few years ago. It will be remembered that while the war was raging one of the grandest vessels constructed by the then Confederate States was built in Mobile Bay. When it was completed it was found that the vessel drew about four feet more water than was on the bar over which it was to pass. With the ingenuity that characterized those who constructed that magnificent vessel, which like the corsairs of old "walked the waters like a thing of life, and seemed to dare the elements to strife," the builder went to work to raise the vast engine of war over the bar and float it into deep water. They constructed great floats under the sides of the vessel artfully, and lifted it bodily four feet out of the water and thus carried it safely over the obstruction which lay in its path.

The Committee on Ways and Means, anxious to do something more for the corporate wealth, and anxious to relieve those from taxes

who are now burdened least, put into this bill a boon to float the structure that was about to sink. The committee proposes to relieve the banks from their taxation. What is the boon with which they attempt to float the sinking craft? Here is a bill proposing to reduce the revenue $23,000,000. More than eleven and a quarter millions of it, nearly or quite one-half, is for the benefit of the banks. And for the purpose of making the bill float—for carrying it over the legislative bar—like the builders of the confederate ram of old, they put in the little article of friction matches, paying some $3,278,000. I venture the prediction that there is not sufficient in that boon to float this safely over the shoals. Like the other action of Congress for twenty years, this would give help where there is the least need for it. Your income tax yielded sixty-odd millions of dollars a year. It was levied upon people who had money and wealth and were most able to pay. One man in the United States has fifty millions of bonds, and that fifty millions is not taxed in fifty years as much as one poor freedman, whom you pretend to love, is taxed when he strikes a single match.

The next to be helped are the banks. I say let us help those who are most ground down first. There are fewer banks fail, both national banks and deposit banks, than corporations of any kind engaged in other business; and yet with that love "which passeth all understanding" our friends on the other side are going to relieve them; and in order to relieve them, they are willing that the tax should be taken off matches—less than $3,000,000—and that the tax on dealers in spirits shall be reduced. But they do not propose to dispense with a single officer; not one.

[Here the hammer fell.]

Mr. SPARKS. Mr. Chairman, there is a class of people in this country who believe in debt. There are men who believe that a national debt is a blessing to the nation which owes it. I am not of that class. I believe that nations as well as individuals are more prosperous when they so conduct their affairs as to be out of debt, and have the ability always to meet the obligations upon them out of their annual receipts in the Treasury. Were that done in our country I think we would have greater economy in the administration of government, and a more prosperous and contented people.

There are men on this floor (perhaps a majority) who desire the adjustment of our tariff taxes in such shape as to continue the present enormous debt that the nation owes for the purpose of having it utilized in the interest of the moneyed classes. I have no sympathy whatever with men entertaining such sentiments. I want to raise all the revenue that we can legitimately and fairly, without being too burdensome to the people, and to utilize it in the payment of the debt and get rid of it.

The revenues derived through the internal-revenue laws, I am told, will at the end of the present fiscal year aggregate in the gross about one hundred and fifty million dollars, which, with the ordinary receipts from customs and otherwise, will give a surplus of one hundred to one hundred and fifty million dollars. This surplus I would take and pay on the debts that we owe; and in doing so would act on the line of conduct that an ordinarily sagacious business man would act upon in the transaction of his private business. But there is no disposition to do that here. Because we have a large surplus in the Treasury there seems to be a disposition on the part of many gentlemen to squander it by extravagant appropriations for needless improvements, and in many cases for purposes and objects of no earthly utility for the public. The last thing that they seem to think of is the payment of the debt.

Now, sir, while I feel the present necessity of a large governmental income for the purposes that I have just indicated, the payment of the Government debt as its bonds mature and are subject to payment, I also feel that a more pressing necessity exists with respect to the best means of attaining that end by the use of such means as will impose the least burdens on the people; and to do this I would adopt that system of taxation which most fairly and equitably distributes the burden upon all according to their respective interests in it and their ability to bear it.

In my judgment the fairest system of taxation that could primarily have been adopted for national taxation is the direct system, which is now and ever has been the favored method resorted to by the several States and counties and municipalities throughout the country. But this plan, though just of itself, and one which would have left commerce unshackled and made "trade free," could not be adopted for national purposes under the clause of the Constitution apportioning "direct taxes" upon the basis of population. Hence Congress from the beginning has adopted the "indirect" or tariff system, which is a tax on imported commodities.

This system, when adjusted and carried out in the spirit of the Constitution, is, in my judgment, not only amply sufficient to give all needed revenues for the Government but is the most equitable and just to the whole people which can be devised under the restriction clause of the Constitution just mentioned.

This system, however, to accomplish its just purpose of giving all needed revenue to meet any and all demands of Government and be equitable and just to all, must be adjusted upon the basis of raising revenue, and for that purpose *alone;* for when it departs from this purpose and attempts to discriminate in favor of particular classes or industries it begets injustice and fosters monopoly, and, that which is equally obnoxious, it defeats the ends of Government by so "protecting" favored classes as to "prohibit" imports and deprive it of obtaining its needed revenues. This is well exemplified by the "protective" duties on blankets, flannels, and other woolen goods, as well as iron and other manufactures, on which nearly 100 per cent. of duty is levied, and upon which with a fair rate millions would be derived to the Treasury. But with this enormous duty upon them imports are "prohibited" and nothing derived.

But, sir, our present consideration is "internal revenue." Of all the systems of taxation known to this country it is the most odious. It is not in any fair sense a "direct tax," levied upon wealth and fairly distributed throughout the country, and justly and equitably borne by the whole people; but, on the contrary, is an odious excise fastened upon certain productions and industries which are specially discriminated against, while all others are relieved from the onerous exactions and annoyances which it imposes upon its victims.

An indispensable part of this odious tax is an army of detectives and spies scattered all over the country, prying into the private life and daily business transactions of the people. To freemen there is nothing so obnoxious and galling as this. To men boastful of personal liberty, and proud of institutions that make the laboringman's home his castle, and entitles him to the earnings of his labor, it is specially loathsome to have that home invaded by the detective and spy, clothed with a general commission to pry into his domestic affairs.

Why, sir, under this internal system a farmer in the country can hardly buy at a country store a plug of tobacco or pint of brandy and go to his home and feel safe against the intrusion of some "infernal-revenue" officer coming in upon him to search his closets to see whether or not his purchases are right according to the complicated machinery of these laws.

Another monstrous evil growing out of this espionage system is that this great army of revenue officials are a part of the villainous system inaugurated by the present party in power to build up and perpetuate the "spoils-of-office" tenure. These officials are not selected primarily on account of their fitness for the discharge of the duties devolving upon them with ability and honesty to the Government, but mainly on account of their peculiar adroitness in running partisan machinery and their facility in corrupting voters, demoralizing the ballot-box, and manipulating elections. It is one of the several agencies by which the Republican party holds its grip upon the Government in opposition to the unmistakable majority of the people, which has for years been very clearly shown to be against it.

I further object to the internal-revenue system on the ground that its burdens mainly rest upon the agricultural industry of the country, that industry that has already been burdened more than any other, that industry which is the foundation and basis of all wealth, and especially so in our country, because it is peculiarly an agricultural country. In the indirect taxes now collected under our tariff system agriculture is discriminated against everywhere.

The State that I in part represent on this floor (Illinois) produces annually about 326,000,000 bushels of corn. Think of it, 326,000,000 bushels of corn! It also produces over 60,000,000 bushels of wheat, and about 65,000,000 bushels of oats. These three cereals alone aggregate every year about 450,000,000 bushels as the production of that single State.

We have the "protective system" in the collection of taxes which falsely pretends to protect the industries of the country. But, sir, it does not protect a single one of these agricultural products. It does not attempt to do so, and you cannot protect them. It is idle to talk about protecting by legislative enactment the great agricultural products of the West, for it is palpable to all men that there is no country on earth that can compete with our Western country in these products, and especially with the State of Illinois, in the particular products to which I have referred.

Talk about a protective tariff on wheat and corn and Western agricultural products! It is well known that all the tariff duties that have ever been put on those articles simply have the effect to make farmers who occasionally change their seeds pay a little more for them; that is all.

The agricultural interest of the country has no legislative protection; absolutely none. But you protect the manufacturers of woolen goods, blankets and flannels, and iron and steel manufactures, chains, saws, &c., by a tariff which is practically prohibitory, so that imports of these commodities, which ought to pay millions for the support of the Government, are driven away and no revenue is obtained from them. All this is done in the interest of the favored few engaged in manufactures, while the laboring millions of the people, with their labor unprotected, and the agriculturists, with the products of their farms unprotected, are compelled to pay double prices in the market for whatever articles of utility and comfort they purchase for their consumption.

And then, to make this wrong doubly oppressive, this internal-revenue tax comes in, the burdens of which are imposed nearly entirely upon the agricultural interests. It is well known that a very considerable portion of the corn, and rye, and barley, and hops, the fruits of this great agricultural industry, is manufactured into spirits—high wines and fermented liquors. These high wines, which it is a misrepresentation to denominate as luxuries, for the reason that a large portion is consumed in the mechanic arts, are now taxed 90 cents a gallon, while the fermented liquors, entering so largely into

the consumption of the country as a part of the food-supply, and which come directly from farm products, bear equally an oppressive tax.

Now, sir, this strikes me as an imposition upon the producing classes which they in much justice can demand to have remedied. I have no time to go into details on this subject, but I desire briefly to direct attention to a few of the anomalies as well as oppressions of this internal-tax system. The man who raises a small surplus of corn and wants to change it by distillation into spirits or high wines for his own use and that of his family, either for mechanical purposes or as a beverage, is not allowed to do so without incurring the odium and penalties of criminality, though it be simply the utilization of the productions of his own labor, dug out of the soil.

Again, the farmer cannot take the fruits of his orchard and from the surplus product manufacture a keg of brandy or any kind of spirits for his own use. I believe he is permitted to make cider.

Mr. HEWITT, of Alabama. That is a very thin drink.

Mr. SPARKS. Yes; cider is a very weak and thin drink. But he cannot take his own surplus apples and peaches and other fruits and manufacture them into what he desires for his own use and the use of his family without becoming in the sight of this internal-revenue law a criminal and subject to the severe penalties which it imposes.

I have been told by a member of this House [Mr. OATES, of Alabama] that in Coffee County, in that State, many of its good people raise the sorghum cane, which makes a thin kind of molasses. It is nutritious and cheap, and can be made at home entirely from a product of their own raising. Now, in the manufacture of that poor molasses there is some refuse, called the skimmings of the cane, and a number of the poor farmers down there who had raised this cane and made their molasses concluded they would utilize that refuse, or skimmings, by making from it a wholesome metheglin, or home-made rum, purely and solely for family use. They did so, and the result was that twenty-five of them have been arrested for a violation of the "internal-revenue laws," and are now under indictment in the Federal courts for doing it.

Now, sir, think of a system that will prosecute and punish a man because he takes the refuse of his cane, the skimmings of his home-made molasses, and makes it into a pleasant drink for the use of his family.

Mr. KELLEY. Will the gentleman from Illinois grant me a moment?

Mr. SPARKS. Yes, sir.

Mr. KELLEY. Cases such as the gentleman speaks of were brought to the attention of the House in 1872 by me in discussion with the present Senator BECK, then a member from Kentucky. At that time I asserted that I wanted to get rid of all internal taxes in order that we might have "free trade" between American citizens.

But my Democratic friends say "No; laws that will indict men for distilling their refuse sorghum must be maintained in order to have free trade with Britain and other nations that underpay their working-people."

Mr. SPARKS. Mr. Chairman, it is my special pleasure that in this desultory and extemporaneous speech I have succeeded in converting the gentleman from Pennsylvania to the doctrine of "free trade." [Laughter.] I am proud of that.

Mr. KELLEY. I have always been in favor of "free trade" between the American people.

Mr. SPARKS. I see that the gentleman is becoming enthusiastic on the subject of "free trade." If I should speak out my hour, I shall hope to make him more than enthusiastic, an evangelist of correct doctrine. [Laughter.]

Mr. KELLEY. The gentleman from Illinois had not made his speech in 1872, when I spoke to Senator BECK, then a Representative on this floor, as I do now to the gentleman.

Mr. SPARKS. It is suggested to me, as the gentleman from Pennsylvania has so frankly expressed his views in the midst of my remarks, to inquire of him what the Republican caucus said on this subject of "free trade" between the States.

Mr. KELLEY. I do not know what it said. I have not attended its meetings with much regularity. [Laughter.]

Mr. SPARKS. I am glad of that; I hope the gentleman will keep out of it, for he is certainly drifting in the direction of reform to-day. [Laughter.]

Now, Mr. Chairman, I resume. We have heard a great deal about tobacco in this discussion. My friend from Missouri [Mr. HATCH] is a champion of tobacco. Tobacco, I believe he says, is a prime necessity in his part of the country.

I think he is right about it, and further think that, as the tobacco raisers for whom he speaks are laboring-men and tillers of the soil, they are a class worthy of the zeal and indefatigable efforts of the high-minded and intelligent Representative whom they have selected and who represents them on this floor with such signal ability. This article of tobacco is called a luxury, but those who so denominate it fail to make known the fact that it is no luxury to the producer. The farmer who raises tobacco makes it his means of livelihood. He digs out of the earth the dollars which his tobacco crop brings him. It is therefore a direct attack upon this agricultural interest to adjust a tax system by protective tariffs, so as to prohibit imports and defeat the legitimate means of revenue, and then make the farmers who raise tobacco pay this odious excise tax for the support of Government.

Sir, it is the man who produces that I am talking about. Cigars, snuff, and chewing-tobacco may be a luxury to the man who uses them, but I am speaking of the farmer, the man who raises from the soil the product from which these luxuries are made. He is the party upon whom the severities of this law are felt most. If he attempts to manufacture this article of his own production for his own use he is a criminal. He cannot put it between two logs to press it into convenient shape without becoming a violator of the law. When he has raised it in his garden or field he cannot sell it to the man who will give him the best price for it, but must dispose of it to a certain class of people licensed to buy it. He cannot even give it away to his neighbor without becoming a criminal. And there is an army of spies to dog his heels from the time he sets out his plants to the time that he sells the product to the licensed dealer.

Sir, a system so odious as this ought, in my judgment, regardless of the fact that it gives a considerable revenue, to be wiped from the statute-book. And anxious as I am that the Government should have revenue, and as much needed as I feel that revenue to be, yet, when I find it levied and collected in a manner so unfair and so odious as this tax is, I would at the earliest practical period consistent with pressing demands wipe the whole thing out and then adjust the tariff, the indirect form of taxation in such way that it would not "prohibit" but "encourage" importations, and thereby bring into the Treasury sufficient income for all the needed demands and obligations of government.

The Ways and Means Committee of the House have now come in with the bill under consideration and say: "We are making one step in the direction of getting rid of this odious taxation; while we do not at present abolish this whole system which bears thus unfairly upon the agricultural and other interests of the country, we reduce it." But how does this bill reduce it? I have in my hand a copy of the report accompanying the bill, and as it is brief I will read it:

The aggregate annual reduction in internal-revenue receipts which it is believed will be accomplished by the passage of the bill, taking the receipts reported for the fiscal year ending June 30, 1881, as a basis of calculation, is about $23,000,000. Under the first section the reduction would be $16,892,880, as follows:

Capital and deposits of banks and bankers other than national banks	$3,762,208
Capital and deposits of national banks	5,372,178
Bank checks	2,253,411
Matches	3,278,580
Proprietary medicines, &c	2,226,503
Total	16,892,880

The first section is intended to repeal all laws imposing taxes on the capital and deposits of national and other banks, and on all individual bankers. It is intended also to repeal all laws imposing what is known as stamp taxes, including the tax on bank checks, drafts, orders, and vouchers.

Under the second section the reduction would be about $3,700,000. The second section reduces the amount of special tax imposed under existing laws, the reduction being extended to every business from which these taxes are derived. The following statement will show the present rates of special tax imposed, the rates proposed by the bill, and the amount of reduction in detail that would occur should the bill be passed:

	Present rates.	Proposed rates.	Amount of reduction.
Rectifiers:			
First class	$200	$120 00	$76,711
Second class	100	60 00	
Wholesale liquor dealers	100	60 00	164,442
Retail liquor dealers	25	12 00	2,218,312
Dealers in leaf tobacco	25	12 00	41,648
Manufacturers of cigars	10	6 00	61,332
Manufacturers of tobacco	10	6 00	
Dealers in manufactured tobacco	5	2 40	1,004,273
Peddlers in tobacco:			
First class	50	30 00	9,871
Second class	25	15 00	
Third class	15	7 50	
Fourth class	10	3 60	
Brewers:			
Class 1	100	60 00	50,871
Class 2	60	30 00	
Malt-liquor dealers	50	36 00	88,663

The third section reduces the tax on cigars and cigarettes from $6 to $5 per thousand. When the tax on manufactured tobacco was reduced by Congress from 24 cents per pound to 16 cents per pound no reduction was made on cigars and cigarettes, and the rate now proposed would place those two articles, so far as taxation is concerned, on a parity with other forms of tobacco. The proposed reduction of tax on cigars and cigarettes would result in an annual reduction of revenue from those sources of $2,666,000.

The following summary will show the estimated reduction in each case where change is proposed, as well as the estimated aggregate reduction that would result from the passage of this bill:

Banks, bankers, and stamp taxes	$16,892,880
Special taxes	3,700,000
Cigars and cigarettes	2,666,000
Total	23,258,880

Now, here, as they tell us in this report, is a proposed reduction to the extent of $23,000,000. But you will find, sir, that $11,387,797 of the reduction is for the benefit of a class of men that have been fostered for years at the expense of the laboring and agricultural

classes. The banks, seemingly the masters of some gentlemen upon this floor, the banks, whose agents swarm these lobbies and whose influence permeates everything in the land; the banks come in for the lion's share of it.

Eleven and a half millions of reduction for the banks and three millions and a quarter on matches. Why, sir, that reminds me of Falstaff's bill of fare; several gallons of sack and a half-penny-worth of bread. [Laughter.]

The clause in the bill for repealing the stamp tax on matches is eminently just, and singly presented I would vote for it most cheerfully. I also favor the clause which proposes to abolish the tax on proprietary medicines, for after all, and say what we may against patent medicines, people are constantly using them. They are the cheap medicines for the great masses of poor people, and that class of people should be relieved at once from this exaction. But both of these amount to only about $5,500,000, while the banks get the benefit of nearly $11,500,000.

The bill also proposes to take off a small percentage of the tax or license imposed on rectifiers and dealers in spirits and fermented liquors, upon dealers in leaf and manufactured tobacco, and upon the manufacturers of cigars and tobacco. But to accomplish this it is so framed as to give little or no relief to the most meritorious class, the producers of the raw material, and is specially guarded to keep up the same army of spies and revenue officials, and to continue in force unabated the same system of espionage which now exists. I have looked through the bill everywhere and cannot find a proposition to reduce a single one of them. They are all kept in at their full numbers to annoy and harass the people and to ply their congenial vocation of playing partisan tricks.

Sir, this bill, as it seems to me, is conceived in error and is unjust. It pretends to reduce the existing internal-revenue taxes as an onerous burden upon the people. But it begins wrong and ends wrong. I admit that these taxes are all onerous and odious. Excise taxes are always odious to Democrats. But if we are to have them at all they should be so adjusted as to make that class of people who are best able to stand them bear at least their proportionate share of them. This bill, in the reductions it proposes, reverses this order by relieving the banks and manufacturers, who are few in number and well able to stand such exactions, and by leaving the whole burden or nearly all of it upon the shoulders of the millions of laborers and producers who are not able to bear them.

It is the reproduction in this small effort for the reduction of taxes of that system which has for many years prevailed in Congress in the levy and increase of them by discriminating in favor of capital and against labor; of fostering and protecting all the enterprises of the rich and fastening all the burdens of Government upon the labor and enterprises of the poor. It shall not, without it is materially amended in this respect, have my support.

Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. The gentleman has sixteen minutes of his time remaining, as the general debate is to be closed at three o'clock.

Mr. SPARKS. I yield the remainder of my time to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. Mr. Chairman, as the time allowed for general debate on this bill has almost expired, I shall ask the indulgence of the committee while I consider only a few matters pertinent to the subject. It has been already stated frequently during this debate, and also on the tariff-commission bill, that the Treasury was already full to over flowing and was actually overburdened with funds. I have in my hand the public debt statement for May, 1882, showing the condition of the Treasury on the 1st of this month. It shows that there is an available cash balance in the Treasury of $141,000,000. Forty-one millions, with our immense revenues coming in every day, would be a sufficient balance to keep on hand.

Hence we could pay out one hundred millions of the amount now in the Treasury without endangering in any way the ability of the Government to meet its current liabilities. With one hundred millions of surplus in its Treasury and one hundred and fifty millions annually collected over and above the actual necessities of the Government, it would seem that there was sufficient reason to induce the Committee on Ways and Means to bring in a bill providing some relief from the burdens of taxation. This plethoric Treasury and these accumulating resources were referred to by the Secretary of the Treasury in his last annual report to Congress in which he stated:

> Meanwhile the daily receipts from the community by the Treasury continue, the surplus over its needs increases, and money lies idle. It seems that the plan most just for giving relief is to reduce taxation, and thereby diminish receipt sand surplus.—*Executive Document No. 2, page 18.*

That report, Mr. Chairman, was sent to Congress in December last. We have been now in session for six months, during which no proposition was brought forward in support of that recommendation. The burden of taxation has been allowed to remain as it was when we first assembled in December. And now at the very last days of the session, when there is scarcely an opportunity on the part of the Senate to consider the bill, even if it shall pass the House, we are asked to consider and pass the pending bill. It hardly seems possible that the Committee on Ways and Means could have been really in earnest in bringing forward a bill to reduce taxation at this late day in the session. Six months have already passed and nothing in that direction has yet been done.

The honorable gentleman from New York [Mr. HEWITT] has in the few remarks he made to-day referred to the great distress prevailing among the laboring-men of the country. He has stated, and no man in the country is better informed on the subject than he is, that more laboring-men are to-day striking for higher wages, and are thus unemployed, than ever before at any one time in the history of the country. They cannot support their families upon the scanty means which they have been receiving as wages. But in the midst of their distress, as if to mock at their calamity, the Government is wringing over a hundred millions a year from the people over and above its necessities. And the Republican majority in this House rushes through immense appropriation bills but does nothing to reduce taxation. Thousands of laboring-men are struggling for existence, wages are inadequate for their support, the business interests of the country are threatened with disaster, but the tax-gatherer is abroad in the land, and $400,000,000 have been gathered in from the people's earnings during the current fiscal year, which closes in a few days.

Mr. Chairman, in view of the facts to which I have referred, I suggest the necessity of immediate action upon this subject in the direction of the reduction of taxation. I should have preferred that this House would have taken hold of the customs revenues and largely reduced the burdens of the people in that direction. But the majority of Congress thought otherwise, and they have farmed out that subject to a commission, where it will stay, I presume, for this Congress at least, and perhaps for the next, unless the people at the next election shall return a Congress competent and willing to deal with that subject.

The pending bill is all that is offered the people. And what are its provisions? It proposes to reduce taxes to the amount of $23,000,000 per annum; twenty-three millions a year, when we have a surplus of nearly one hundred and fifty millions a year and one hundred millions of surplus money already in the Treasury. And where is this reduction placed? I will let the report of the Committee on Ways and Means submitted by the honorable gentleman from Pennsylvania [Mr. KELLEY] speak for itself. The report is as follows:

> The aggregate annual reduction in internal-revenue receipts, which, it is believed, will be accomplished by the passage of the bill, taking the receipts reported for the fiscal year ending June 30, 1881, as a basis of calculation, is about $23,000,000. Under the first section the reduction would be $16,892,880, as follows:

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Total	23,258,880

It will be seen that the banks and capitalists receive the first and greatest relief. Eleven millions of dollars are to be lifted by this bill from the shoulders of those most able to bear the burden of tax-

ation. All bank taxes are abolished, except the tax on circulation. The tax on matches, amounting to over three millions, and that on proprietary medicines to over two millions, are also abolished. There can be no objection to these two items of the bill. The next reduction proposed is of special taxes on occupations. Why not abolish all of these taxes, instead of reducing them about 40 per cent.? The reduction proposed will not dispense with a single Republican official. The expense of collection will be just as great, and the whole army of spies and informers remain intact. Instead of abolishing all these special taxes, the bill proposed by the Committee on Ways and Means simply reduces the amount on each one. Hence we are only offered by this bill $23,000,000 of reduction.

Mr. KELLEY. If the committee will permit me, I will in an instant answer the question of the gentleman from Illinois. They are retained as part of the police regulations of the internal-revenue system and not as revenue measures.

Mr. SPRINGER. I cannot see clearly how it is that a man keeping a saloon in the city of Washington, for instance, on the corner over there, is a part of a police system regulating the collection of the whisky tax in Peoria, Illinois. I do not exactly see the connection——

Mr. KELLEY. His payment of the annual license puts him on the Government books.

Mr. SPRINGER. You have a great many on the Government books?

Mr. KELLEY. Six hundred thousand.

Mr. SPRINGER. Six hundred thousand, and I want to abolish the tax on all of them.

Mr. KELLEY. So do I.

Mr. SPRINGER. The next and last reduction proposed by the pending bill is a dollar a thousand on cigars. Does anybody suppose that the consumer of cigars will get the advantage of this reduction? The whole benefit of it will go to the manufacturer. This is the extent to which the Committee on Ways and Means proposes to go in the reduction of taxes. I would suggest we can go further in the direction of repealing internal-revenue duties than the committee have proposed.

The tax on tobacco is onerous and oppressive. The honorable gentleman from New York [Mr. FLOWER] in his remarks in this House on the 3d May said:

> In New York City this internal revenue has reduced the number of cigar and tobacco manufacturers from 15,000 to 1,500. It has given such a monopoly to a few match manufacturers that they readily buy out at his own price any one who has the audacity to compete with them. It has driven millions of capital from this country. Its collectors patrol our streets and dictate to our tradesmen, and its inspectors invade the privacy of every home and office and store and factory when the slightest suspicion of excuse is afforded.

I could cite numerous instances of the greatest oppression and outrage practiced upon our citizens through the operation of these internal-revenue laws. Dealers in tobacco and cigars and other subjects of taxation are harassed with the most vexatious regulations, prosecutions, and litigations. The laws and decisions and regulations are so complicated that no dealer can understand them and protect himself by a faithful compliance with requirements. He must submit to the exactions of the revenue officials, which are frequently prompted by personal spite or ignorant assumptions of official authority. Large contributions have been levied upon dealers for political purposes, if not for black-mail and official corruption. The funds raised from assessments upon the whisky ring were sufficient in 1872 to defeat the Democratic candidate for the Presidency. And the thousands of special agents, informers, and detectives required to collect the internal-revenue taxes are the chief reliance of the machine politicians in the work of packing conventions and perpetuating Republican rule in this country. In many cases persons guilty of technical violations of the law or some regulation of the department are allowed to escape prosecution if they will vote the Republican ticket. The most innocent and honorable men have been arrested, indicted, and convicted for mere technical violations of the law, which could not have been avoided by the greatest precaution on their part.

I should like to cite some of the instances which have come to my knowledge in my own district of the operation of these internal-revenue laws, but my time will not permit.

The honorable gentleman from Pennsylvania, the chairman of the Committee on Ways and Means, in a speech which he delivered in the city of New York last November, used this language with reference to the internal-revenue laws:

> The time has come when we must determine whether our system of internal taxes shall be abolished or perpetuated.

Mark his words, "the time has come." The time had come last November; but nothing has been reported here to that effect till this little bill is brought in.

> If these taxes are to be perpetuated the present Congress or its immediate successor must revise our entire revenue system. If the reduction of revenue, which is inevitable, be long delayed, our excessive income will require changes so sudden and momentous as to convulse our financial, industrial, and commercial systems.
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> * * * * * * *
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> Again, I ask that these taxes (internal taxes) shall be repealed at the earliest practicable day, because they are the sole restraint upon the freedom of trade between American citizens. But for the restrictions they impose, trade within our territorial limits and among our more than fifty million people would be free as air.

Concluding, he says:

> And I aver that the abolition of these taxes would do more to harmonize the country than any single act of legislation that statesmanship can suggest. I trust it may be done, and done quickly.

This was in November last, but when the honorable gentleman came to Congress and went into the Republican caucus—and I hope the gentleman will give me his attention just at this moment—he was instructed by that body, as I understand, to make no recommendation with regard to the reduction of the taxes on whisky, beer, and tobacco. He came into this House and proclaimed that he would be governed by the dictates of the caucus. He has abandoned the policy he suggested so boldly in New York of taking off these internal-revenue taxes at an early day. He was then as bold as a lion in promising the reduction of these taxes. But after the Republican caucus has enlightened him he is as "child-like and bland" as a cooing dove. Such is the power of King Caucus.

Why are not these taxes to be taken off, Mr. Chairman? What is the necessity of keeping this immense amount of money in the Treasury and this immense drain upon the people? There are some measures pending that suggest the necessity of a plethoric treasury. For instance, the Tehuantepec Railway scheme, which requires a subsidy of $50,000,000; the fast ocean mail service, which requires a subsidy of $25,000,000 in the next five years; the public buildings, for the construction of which bills are being reported here and passed from time to time, bills calling for millions of dollars, as in the case of the new Congressional Library building, and post-office buildings and court-houses all over the country, even down to the modest building of my friend from Michigan [Mr. HUBBELL] at Marquette. Every little town of 3,000 inhabitants must have a public building.

Then there is the river and harbor bill which was passed by the House, calling for $17,500,000, and which the Senate will probably increase to $20,000,000. Then the reconstruction of the Navy demands a large amount of money. The gentleman from New Jersey, [Mr. ROBESON,] whom I do not now see in his seat, if he gets all the money he requires will be hereafter regarded as the champion shipbuilder of America. The Naval Committee must have from twenty to fifty millions of dollars from the Treasury in order to meet the demands of that arm of the service, and start the navy-yards to booming for Republican candidates for Congress in the fall elections, and for President in 1884.

Then we have a large amount required for canals and water-ways; those being the most useful of all the schemes which I have suggested are the least pressed upon the attention of the House.

Then we have to vote a hundred millions a year for pensions. I will say nothing of the numerous private claims and quasi public jobs which will aggregate millions in the end, and which we are urged to pass before Congress adjourns. All these bills suggest the necessity of a full Treasury.

Retrenchment and economy have been scoffed and laughed at by gentlemen on the other side of the House. They want a full Treasury. They are so patriotic that they will submit to nothing but "the old flag and immense appropriations." [Laughter.]

Instead of taking off a hundred millions a year of the taxes which oppress and annoy the people, as could safely be done, the Republican majority in this House propose a reduction of only $23,000,000, and the most of that to be taken off of those who least feel the burden and can best afford to pay it.

Mr. MILLS. Where will you get sufficient revenue if you abolish internal taxes?

Mr. SPRINGER. Now, I want to suggest to my distinguished friend from Texas [Mr. MILLS] that a tariff for revenue, to which the Democratic party is committed in all its platforms, will furnish all the revenue which can possibly be required for an economical administration of the Government and the rapid payment of the public debt.

Mr. MILLS. Can you commit the Democratic party on this floor to that?

Mr. SPRINGER. I think so.

Mr. MORSE. Not quite.

Mr. SPRINGER. The Democratic party is committed to that doctrine. The protection necessarily incident to a revenue tariff will be ample to enable American industries to compete with the labor of Europe; and the revenue which would be derived from a properly adjusted tariff would meet all requirements.

I see that my time has almost expired. I want to give notice here that when this bill shall have been reported to the House I will move the resolution which I ask the Clerk to read.

The Clerk read as follows:

> *Resolved*, That the bill (H. R. No. 5538) to reduce "internal-revenue taxation" be recommitted to the Committee on Ways and Means with instructions to report a bill at the earliest time practicable repealing all internal-revenue laws and abolishing all internal-revenue offices, except section 3413 of the Revised Statutes and all amendments thereto, imposing a tax of 10 per cent. on certain circulating notes, and except also the laws relating to distilled spirits, the repeal to take effect on each particular subject of taxation at such time in the future as the committee may deem expedient, but not later on all subjects and offices than January 1, 1884; and to so reorganize the system of collecting taxation on distilled spirits as to dispense with all supernumerary officials and secure the most economical and efficient method of raising such revenue.

Mr. SPRINGER. If this proposition shall be adopted it will secure the reduction of taxation, at the time when all the provisions shall

have gone into effect, of the following amounts: on dealers in spirits, $4,800,000; on tobacco and dealers in tobacco, $42,800,000; on fermented liquors and dealers therein, $13,700,000; on banks other than national, $3,700,000; on bank checks, $2,200,000; on matches, $3,200,000; on medical preparations, $2,200,000; making in the aggregate $76,300,000.

Let the Committee on Ways and Means bring in a bill for reducing taxes to this extent, and when you have reduced them according to this plan, so far as you go in the reduction you get rid of the army of office-holders that are necessary to enforce the law.

If you will examine the report of the Commissioner of Internal Revenue you will find that it costs us $5,000,000 a year to pay the officials who carry into effect the internal-revenue laws. This army of officials is sent out—many of them spies and informers—to every part of the land. In many cases they are used as partisan workers in elections. For this reason I fear they will not be abolished by gentlemen on the other side, for the very reason that they constitute the most efficient body of party workers which they have. They can make their influence felt by their power to arrest individuals and to investigate the private affairs of thousands of business men in every part of the land. They bring their official power to bear in too many instances, as we all know, in order to coerce citizens in their political action.

The internal-revenue laws are war measures. They were necessary when enacted, as the necessities of the Government demanded the greatest sacrifice on the part of every citizen. But the war ended seventeen years ago, and to-day we have an overflowing Treasury and a hundred and fifty millions collected annually over and above the necessities of the Government. A full Treasury oppresses the people, invites a corrupt lobby, and encourages all manner of extravagant appropriations. Reduce the taxes, wipe out the odious and oppressive features of the internal-revenue laws, and relieve the people from spies, informers, and, as far as possible, from annoying exactions of every kind, character, and description.

The CHAIRMAN. In pursuance of a previous order of the House the committee will now rise.

The committee accordingly rose, and the Speaker resumed the chair.

Mr. CAMP reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4842) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; and

A joint resolution (H. R. No. 239) making an appropriation to continue the work of observation and exploration in the Arctic Seas.

RECHARTERING OF NATIONAL BANKS.

Mr. CRAPO. I ask unanimous consent that the bill (H. R. No. 4167) to enable national-bank associations to extend their corporate existence, now on the Speaker's table, returned from the Senate with amendments, be printed with the Senate amendments.

There was no objection, and it was so ordered.

LEAVE TO PRINT.

Mr. BRENTS asked and obtained leave to have printed in the RECORD some remarks by him on the bill for the admission of the Territory of Washington as one of the States of the Union. [See Appendix.]

ELIZA F. PORTER.

Mr. DAWES, by unanimous consent, reported, from the Committee on Invalid Pensions, as a substitute for House bill No. 4838, a bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. PEIRCE, by unanimous consent, reported, from the Committee on the District of Columbia, as a substitute for House bill No. 2935, a bill (H. R. No. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. PEIRCE also, by unanimous consent, reported, from the same committee, as a substitute for House bill No. 4760, a bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, placed on the House Calendar, and the accompanying report ordered to be printed.

PUBLIC HIGHWAY IN THE DISTRICT OF COLUMBIA.

Mr. GARRISON, by unanimous consent, reported, from the Committee on the District of Columbia, as a substitute for House bill No. 3982, a bill (H. R. No. 6627) to authorize the establishment of a public highway in the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN BARNETT.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 6628) granting a pension to John Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEFTS OF POSTAGE-STAMPS.

Mr. PEELLE. I ask unanimous consent to report back from the Committee on Claims a bill and memorial, that they may be laid on the table, being covered by the provisions of a general bill already passed.

There being no objection, the following bill and memorial were reported from the Committee on Claims, and laid on the table:

A bill (H. R. No. 3336) for the relief of George W. Keyes; and

Memorial of Charles N. Williams, postmaster at Elizabethtown, Essex County, New York, for relief on account of postage-stamps to the amount of $176.42 stolen from his office.

JULIA MORAN.

Mr. PEELLE also, by unanimous consent, reported back from the same committee the bill (H. R. No. 290) for the relief of Julia Moran; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

MIAMI INDIANS OF INDIANA.

Mr. PEELLE also, by unanimous consent, reported back from the same committee the bill (H. R. No. 288) for the relief of the Miami Indians of Indiana; which was referred to the Committee on Indian Affairs.

CLAIMS OF CITIZENS OF KANSAS.

Mr. PEELLE also, by unanimous consent, reported back from the same committee the bill (H. R. No. 417) authorizing the appointment of a commissioner of and the settlement of the claims of certain citizens of Kansas named therein; which was referred to the Committee on the Judiciary.

NATIONAL CEMETERY, NEW ALBANY, INDIANA.

Mr. STEELE, (by Mr. STOCKSLAGER,) by unanimous consent, reported back from the Committee on Military Affairs the bill (H. R. No. 6027) to construct a macadamized road from the city of New Albany, in the State of Indiana, to the national cemetery near said city; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

J. H. MERRILL.

Mr. HILL, by unanimous consent, reported back adversely from the Committee on Claims a petition for the relief of J. H. Merrill; which was laid on the table, and the accompanying report ordered to be printed.

JOHN JORDAN.

Mr. HILL also, by unanimous consent, reported back from the same committee the bill (H. R. No. 6122) for the relief of John Jordan; which was referred to the Committee on Naval Affairs.

DEATH OF HON. THOMAS ALLEN.

The SPEAKER. By order of the House, this day at three o'clock was fixed for the submission of appropriate resolutions and remarks with reference to the death of Hon. THOMAS ALLEN, late a Representative from the State of Missouri. The hour designated having arrived, the Chair recognizes the gentleman from Missouri, [Mr. HATCH.]

Mr. HATCH. Mr. Speaker, I move the adoption of the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with profound regret and deep sorrow the announcement of the death of Hon. THOMAS ALLEN, late a Representative from the State of Missouri.

Resolved, That, in token of regard for the memory of the deceased, the members of this House wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of the House of Representatives be instructed to communicate these resolutions to the Senate of the United States.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. HATCH addressed the House. [See Appendix.]

Mr. ROBINSON, of Massachusetts. Mr. Speaker, very few of all the members of this House who on the last Easter Sunday assembled to pay their last tribute of respect over the mortal remains of THOMAS ALLEN were able to recall his presence as that of one of their associates on this floor. The opening of the present session found him stricken with an incurable disease, and weakness and pain prevented him from participation, except for a day or two, in the important work to which he had been called by his constituents.

But, sir, when the committee, acting under your appointment, bore his body to the State that gave him birth, to the town where for so many years he had been an honored and distinguished citizen, they were received by the companions of his boyhood and the associates of his mature age, gathering to testify their high regard for his up-

right life and to tenderly commit his remains to the soil of which he was the offspring.

From his simple home on the Berkshire hills, in the old Commonwealth of Massachusetts, he had gone forth, obedient to the mission of duty's call, and half-way across the continent had wrought into the development and destiny of a sister State his indomitable energy, his generous culture, his devoted patriotism; and now, life's toils and trials ended, the sheaves of honor and success garnered in, he was buried where life had been the sweetest, where his affection had most fondly lingered, where his eyes and his thoughts had yearningly turned in health and in sickness—his most coveted resting-place. Other climes and other lands he had enjoyed, but no place was so dear to him as his native town of Pittsfield. Home again! He sleeps in hallowed ground, on the hillside so precious in his sight, amid scenes that gladdened and inspired him and made the poet's tribute his own:

Home of my heart! to me more fair
  Than gay Versailles or Windsor's halls;
The painted, shingly town-house, where
  The freeman's vote for freedom falls;
The simple roof where prayer is made,
  Than Gothic groin and colonnade;
The living temple of the heart of man,
  Than Rome's sky-mocking vault, or many-spired Milan.
Then ask not why to these bleak hills
  I cling, as clings the tufted moss;
To bear the winter's lingering chills,
  The mocking spring's perpetual loss.
I dream of lands where summer smiles,
And soft winds blow from spicy isles;
But scarce would Ceylon's breath of flowers be sweet,
Could I not feel thy soil, New England, at my feet!

Tracing the career of Mr. ALLEN from his birth, August 29, 1813, to his death, April 8, 1882, one finds very much to awaken admiration. Born of a lineage that had for several generations nobly illustrated some of the best of New England blood and character, he entered upon the work of his life, inspired by the great examples of his ancestry, endowed with an unyielding energy, and equipped with a liberal education in the schools and colleges of his time. Family misfortunes brought pecuniary disaster, and he was suddenly forced to confront the world single-handed and alone. The disappointment was to him, however, but temporary, and the sterling qualities of his mind and heart immediately demonstrated his capacity for success. Whether in his chosen profession of the law, or in literary labor to which he devoted leisure moments to add to his scanty income, hard work and unfaltering application were not distasteful to him, and he thereby made possible all his future attainments.

The scanty sum of a few dollars, all his father was able to give him as he set out on his journey to begin life for himself in the city of New York, by no means constituted his only capital. Country boy though he was, poor in this world's goods, he was richly blessed with a stout heart, a well-ordered intellect, correct personal habits, staunch integrity, and the fear of God. Had the circumstances of his early manhood been more favorable, as is the common estimation, the better qualities in him might have never asserted themselves, and his life might have drifted away into the too common monotony of purposeless and fruitless existence.

Lord of himself, though not of lands,
And having nothing, yet had all.

In 1837 Mr. ALLEN, then but twenty-three years old, entered into the broad field of journalism in the face of obstacles that would have disheartened a man of feebler mould. The business and financial interests of the country were then in an alarming state of disorder; distress was threatening at all points; the very air was filled with prophecies of evil; the Federal Government was openly declared to be the cause of the impending ruin; and men were not wanting even in public stations who directly advised resistance to the constituted authorities. The time demanded fearless and patriotic discussion of the important questions at issue, and the word of the press might be potent to save or to destroy the Government. In the first number of the Madisonian, which was published in Washington in August, 1837, Mr. ALLEN paid just tribute to Mr. Madison's great abilities, his disinterested devotion to the country's welfare, and his purity of life, and declared that "under the tutelary auspices of his great name, and by the steady light of the principles and virtues which consecrate and endear it, we shall endeavor to steer our course over the stormy ocean upon which we have entered, in the humble hope of rendering some service to our country at a period of difficulty and danger which demands the best exertions of all her sons." In the sharp contests which followed, in the press and in the public assembly, Mr. ALLEN's pen and voice everywhere gave proof of his power and patriotism, and, despite the jealousy of formidable rivals, he fought his way to undoubted recognition in the political councils of the nation.

During the last forty years of his life Mr. ALLEN inaugurated and completed vast works of internal improvement in the States of Missouri and Arkansas, and successfully managed gigantic enterprises that startle us into wonder at their extent and importance. The results of his business sagacity, his intelligence, and his unconquerable will are to be plainly traced in the magnificent developments of his adopted State. Meantime, though engrossed with the responsibility of great public works and the management of vast financial concerns, he never omitted an occasion to manifest his deep interest in science, literature, and the arts. To his munificence Washington University, in Saint Louis, is indebted for the endowment of a professorship of mines and metallurgy. Public addresses and contributions to the journals of the time have established his high rank in scholarly taste and in philosophical and literary acquirements. He loved work of all kinds, and had a wonderful aptness for it; and so his life was many-sided, varied in its development, and widely beneficent in its great accomplishments.

From the great fortune which he amassed he made liberal donations in aid of public enterprises in Pittsfield. He contributed generously toward the establishment of a public library, and principally through his exertions a charter was obtained for the Berkshire Atheneum, "for the purpose of maintaining in the town of Pittsfield an institution to aid in promoting education, culture, and refinement, and diffusing knowledge by means of a library, reading rooms, lectures, museums, cabinets of art, and historical and natural curiosities." A beautiful gothic building, constructed with a union of Berkshire limestone and Missouri granite, stands across the square from his late summer residence, his free gift to the town and dedicated as a free library for the use of the inhabitants. No marble or bronze above his grave can be so fitting a monument to his memory as this edifice, rich in its associations and beauty—grander than any mausoleum of olden time, typical of Christian civilization—the portal for coming generations to enter into a broader culture and a higher appreciation of the best, the most beautiful, and the purest treasures of human life.

Always the patriot more than the partisan, Mr. ALLEN never faltered in his devotion to his country's highest welfare. Disloyalty met with no toleration from him. When the gathering storm of rebellion was imminent above the horizon, out of his own private means he equipped a company for the nation's defense, and in all the bitter struggles of the war, whether he were in Massachusetts or Missouri, he was ever the pronounced and uncompromising friend of the national Union, and conspicuous for his charities in behalf of the righteous cause. The traditions of the Revolution were household words to him, and liberty and loyalty were as sacredly cherished in his heart as they had been so heroically exemplified and enforced in the lives and teachings of his honored ancestry.

He was a true man, a liberal benefactor, a safe and wise counselor, a cultured gentleman, a consistent Christian.

The youth of our time may well emulate him in the development of the highest and the best in American life and character. The country has suffered great loss in that his death deprived us all of the incalculable benefits of his matured judgment, his rare abilities as a legislator, and his wise counsel in shaping beneficent legislation for the good of the whole people. It is in the service of such men as he that our institutions find their greatest stability and our country realizes its grandest destiny. We pause to-day to join in these memorial exercises, not for his sake, but for our own and our country's. His work among men is ended; his earthly record is complete. Words of eulogy may add nothing to the honor due his name and character, but they may well stimulate those upon whom the great responsibilities of public service in the present and the future shall rest to higher ideals and stricter fidelity.

God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
  Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
  Men who have honor—men who will not lie;
Men who can stand before a demagogue,
  And damn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
  In public duty, and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land, and waiting Justice sleeps.

Mr. HEWITT, of New York. For THOMAS ALLEN Missouri does not mourn alone. Massachusetts has already laid a wreath upon his tomb. New York joins with her sister State in the expression of a common sorrow. Before he went to Missouri, ALLEN belonged to New York, and in my own city achieved his first success and gave the evidence of those enduring qualities which assured a successful career in every portion of this land of infinite possibilities. No better type of what is styled the American character has ever existed. Born of the very best New England stock, running back to the advent of the Puritans in the old Bay State; grandson of the "fighting parson" immortalized by the classic and sympathetic description of Washington Irving; one of a large family of children, with the inheritance only of good principles, a clear head, and a firm will trained to self-reliance in the midst of honorable and favorable poverty; educated in a New England academy, and at Union College under the friendly guidance of Dr. Nott, and beginning his career at nineteen years of age, with $25 saved from the frugal resources of a godly father; coming to a great city in which he was an utter stranger; working for a pittance while waiting for the opportunities which youth never fails to find when governed by hope and guided by virtuous resolves, the youthful ALLEN presents a spectacle alike interesting and in-

structive to the young whose career is before them and to the old who are nearing the end of the race which is set before us.

Others have told the story of his eventful life, full of labor, of hopes, of disappointments, of struggles, of changes of occupation, of public usefulness, of the successful management of great enterprises, of the final achievement of fame and fortune, not merely without a blemish on his good name, with honor from all who knew him, crowned at last by the approval of the community in which his best and most active years had been passed, in his election to the House as the chosen representative of their interests and their aspirations for the preservation of good government and civil liberty.

I confess that when I heard that THOMAS ALLEN was to be a member of the Forty-seventh Congress I felt a profound sense of satisfaction and relief. I knew that another advocate for sound principles in finance, in taxation, and general legislation had been added to our number. I realized that his great practical experience in the affairs of life would re-enforce the views which I have had the honor to present and advocate on this floor. I knew that "a king among men" and a "seer among the sages" had come into our midst, and I felt ready to follow where his wisdom, experience, and prudence might lead.

Alas, this hope is disappointed by the stern mandate of death, not untimely perhaps for him, but all too soon for the welfare of the country to whose service he had consecrated the remaining years of his life. When I took his hand at the opening of the session I saw in his wan and wasted features the dread sentence of coming dissolution. I knew then that my hopes were in vain and that my heart must limit itself to futile regrets of what "might have been," if he had come to us with health and strength and the old fire which had guided him from Massachusetts to New York, from New York to Washington, at a time when the conflicts of the press were waged with fierce vigor and unequaled ability; from Washington to Missouri, where he became a power in the land and a tower of strength for all good works.

From his dying bed he sent me the draft of a bill on a subject of public importance, and the notes of a speech which he intended to deliver, and which I hold in my hand, hoping that I might take up the task which his weary hands were forced to decline; but I never saw him more, and I shall never see again one of the best and purest and ablest of the citizens who have ever served the state, and contributed by their lives to make this Republic not only the hope of the poor and oppressed in all lands but the wonder of the world in material, moral, and social progress.

Such a career as ALLEN'S; such purity and simplicity of character joined to such capacity for accomplishing results; such devotion to the public welfare, without neglecting the interests of those who were near and dear to him; such firm adherence to the fundamental principles of equity and justice when the temptation of passion, prejudice, and personal interest was presented on every side, is the best answer to the pessimistic spirit which decries the age in which we live and denies to it the possession and the glory of men who, like the fathers of the Republic, are ready to sacrifice life and fortune for the maintenance of the right.

Recent events in this country have shown that the old heroic spirit is not dead, but that the "eternal years of God" run on, not for the extinction of truth, but for the exhibition of unselfish patriotism and for the achievement of high and noble resolves such as animated the life and shaped the career of THOMAS ALLEN, to whose memory the House of Representatives now renders reverent and grateful homage.

Mr. FROST addressed the House. [See Appendix.]

Mr. HATCH. I now ask the adoption of the resolutions which have been read.

The resolutions were adopted unanimously.

Accordingly, in pursuance of the last resolution, (at four o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: The petition of citizens of Pineville, Louisiana, for an appropriation to construct a road from Pineville to the national military cemetery near that town—to the Committee on Military Affairs.

By Mr. G. W. JONES: The petition of Charles I. Evans and others, citizens of Taylor County, Texas, asking that the place of holding the United States courts in the northern judicial district of said State be changed from the town of Graham, Young County, to the town of Abiline, in Taylor County—to the Committee on the Judiciary.

By Mr. McCOOK: The petition of John Jay Bell, for relief—to the Committee on Claims.

By Mr. RANDALL: The petition of Major S. C. Lyford, United States Army, late chairman of the board of United States Executive Departments at the international exhibition of 1876, praying that the report of said board be printed—to the Committee on Printing.

By Mr. J. HYATT SMITH: Paper relating to the application of Catharine Baur for an extension of patent—to the Committee on Patents.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 24, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

PAYMENT OF PENSIONS.

Mr. JOYCE. I ask unanimous consent to have taken from the House Calendar and passed, with the amendments of the Select Committee on the Payment of Pensions, Bounty, and Back Pay, the bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 4766, title 57, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title; and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon; but the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws: *Provided*, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him, (the wife being a woman of good character,) the Commissioner of Pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly executed voucher, or, in case there is no wife, to the guardian of the children, upon the properly executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children. And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pension, vs. may be prescribed by the Secretary of the Interior; such payments to be made in standard silver, at least once in each current year. And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payment shall be by him deemed necessary or proper to secure to the pensioner his rights; and the necessary and actual expenses of such pension agent in making such payments shall be paid by the Secretary of the Interior upon properly executed vouchers, out of the contingent fund appropriated for the use of the Pension Office. The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior, upon properly executed vouchers, out of the contingent fund of said bureau."

Mr. HOLMAN. This seems to be an important and valuable measure. I trust that the gentleman from Vermont [Mr. JOYCE] will explain the changes which the bill proposes to make in the existing law.

Mr. RANDALL. And let the right to object be reserved until the explanation is made.

The SPEAKER. The right of objection may be reserved.

Mr. JOYCE. If gentlemen will look at the existing statute they will see that this bill down to the word "provided," in the seventeenth line, repeats the present provision of the statute. After the word "provided" the bill provides for the payment of pensions to insane persons and others under legal disabilities, to Indian pensioners, &c.

Mr. CARLISLE. The bill, as I notice, provides that pensions due to persons laboring under legal disabilities may be paid to their guardians. Now, in many of the States no such persons as guardians are known to the law, but persons under legal disabilities have committees or trustees. It seems to me the bill should provide for payments to the guardian, committee, or trustee.

Mr. JOYCE. I do not think there will be any trouble about that. The probability is that the language of the bill would be held to apply to committees or trustees of persons under legal disabilities, because they are really guardians.

Mr. WALKER. Allow me to suggest that the phrase "legal representatives" would probably cover every case.

Mr. JOYCE. I think the phraseology of the bill is proper as it is. In the last portion of the bill it is provided that when the Commissioner of Pensions deems it for the interest of the pensioner he may cause the payment of the pension to be made in money. I understand from the Commissioner of Pensions that sharpers sometimes take advantage of ignorant pensioners who are paid by check or certificate. This bill is intended to remedy that evil by enabling the Commissioner of Pensions, when in his discretion it may be necessary for the protection of the pensioner, to cause the pension agent to make payment of the pension in money. This bill was drawn by the Commissioner of Pensions or by his procurement, and has been considered fully by our committee, who consulted the Commissioner on several occasions in regard to it. He is satisfied with the bill, and expresses the opinion that it will meet all the evils against which it is intended to provide.

Mr. BURROWS, of Michigan. As the bill was read, I think I heard something about the payment of pensions in silver. If there is such a provision I would like to have the gentleman from Vermont explain it.

Mr. JOYCE. That relates to Indian pensioners residing in the Indian Territory. In regard to such pensioners the bill provides that

the pension agent may make payment in cash on suitable vouchers, and that such payment shall be made in standard silver.

Mr. BURROWS, of Michigan. The gentleman's explanation is satisfactory. I did not know how broad the provision was.

There being no objection, the bill was taken from the House Calendar, ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE, HOUSTON, TEXAS.

Mr. MILLS. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6393) authorizing the construction of a post-office in the city of Houston, Texas, and that the same be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Houston, in the State of Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $75,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is there objection?

Mr. HOLMAN. Reserving the right to object, I wish to ask the gentleman from Texas what the population of this town is?

Mr. MILLS. I ask the Clerk to read the report of the committee.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 6393) authorizing the construction of a post-office in the city of Houston, submitt the following report:

The city of Houston is at the head of tide-water from the Gulf coast of Texas. The census report shows a population in the city proper of 16,513. There is a population beyond the city limits and immediately adjoining of perhaps 5,000.

Houston is an important railroad center, having 1,500 miles of railroad lines concentrating there, by which the city is connected with nearly all the important portions of the State. Other lines are in course of construction that will largely add to its commercial importance, securing increased postal receipts and business. The Government has never expended one dollar for any public building in this promising city, whose population at the termination of the late war was about 7,000. The following statement is furnished by the Post-Office Department, and is submitted as an exhibit of the business of the Houston post-office:

Third quarter of 1880	$8,514 47
Fourth quarter of 1880	8,928 50
First quarter of 1881	9,554 48
Second quarter of 1881	8,262 35
	35,259 80
Third quarter of 1881	10,414 04
Fourth quarter of 1881	11,675 30
	22,089 34

These figures indicate an increase in the business of the Houston post-office quite flattering, and promising a healthy permanent advance of the city's progress and prosperity. We recommend the adoption of the accompanying substitute.

Mr. HOLMAN. Whatever may be the necessity of a post-office building at Houston, Texas, it seems to me $75,000 cannot be required for such a building as is necessary for the transaction of the public business. The sum of $50,000 must be ample for any such building. One objection I have urged to these bills is that the sum proposed is generally too large. I object to this bill unless the amount be reduced to $50,000.

Mr. MILLS. The city of Houston, as is known to a great many gentlemen here, is the railroad center of our State. Several thousand miles of railway center at that point. It is a distributing point for the whole State.

Mr. BURROWS, of Michigan. Is the right to object reserved?

The SPEAKER. It has been reserved.

Mr. MILLS. The building which has been used by the Government for a post-office at Houston and for which $1,000 rent has been paid, was burned down some time ago. No suitable building can now be obtained there for the large business of the post-office. I have been urged over and over again by people of that city to try to obtain from Congress authority for the construction of a building suitable for the transaction of the public business. Fifty thousand dollars is not a sufficient sum. Indeed $75,000 is not enough to construct a proper post-office building for that large and constantly growing city.

There are some sixteen thousand population reported inside of the city limits, which were drawn in by the last census, leaving some five or six thousand population outside of those limits who come to that post-office for their business. The people tell me there are 25,000 inhabitants in the city of Houston who depend on that office. I appeal to the gentleman from Indiana to withdraw his objection, as this is a meritorious case. I hope he will withdraw his objection and let the bill pass.

Mr. HOLMAN. I must object.

Mr. ALDRICH. Is there any court there?

Mr. MILLS. There is none. It is simply for a post-office.

Mr. ALDRICH. I object.

PONTON RAILWAY BRIDGE ACROSS THE MISSISSIPPI.

Mr. UPDEGRAFF, of Iowa. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa, which was reported from the Committee on Commerce unanimously with an amendment.

The SPEAKER. Objection will be reserved until after the bill has been read.

The bill was read, as follows:

Be it enacted, &c., That the Upper Iowa and Mississippi River Railway Company, a corporation duly organized under the laws of Iowa, or its assigns, be, and is hereby, authorized and empowered to construct and maintain, between a point at or near the mouth of the Upper Iowa River, in the State of Iowa, and a point at or near the village of Victory, in the State of Wisconsin, for railroad purposes, a ponton railway bridge, subject, however, to the terms, provisions, restrictions, and requirements contained in chapter 224 of the supplement to the Revised Statutes of the United States: *Provided*, That in such bridge no more than one draw shall be required, which shall be not less than four hundred feet in width until otherwise determined by the Secretary of War.

The SPEAKER. The amendment of the Committee on Commerce will be read.

The Clerk read as follows:

Strike out the following words:

"*Provided*, That in such bridge no more than one draw shall be required, which shall be not less than 400 feet in width until otherwise determined by the Secretary of War."

And in lieu thereof insert the following:

"*Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof: *And provided further*, That the right is hereby reserved to Congress to alter, amend, or repeal this act; and in case of the repeal of this act the bridge shall be removed without expense to the United States; and if this act be amended, any change or alteration required shall be without cost to the United States."

The SPEAKER. Is there objection?

Mr. HOLMAN. I did not hear this bill read. There is always so much noise in the morning we can hardly hear anything. I wish to ask the gentleman from Iowa [Mr. UPDEGRAFF] whether the plan for this proposed bridge is to be submitted to the Secretary of War for his approval?

Mr. UPDEGRAFF, of Iowa. It is to be submitted to the Secretary of War for his approval. The right is reserved in the bill to Congress as well as to the Secretary of War to change or correct the plan, and it is further provided that whatever changes shall be made shall be at the cost of the owners.

Mr. MILLS. I object to the further consideration of this bill.

Mr. UPDEGRAFF, of Iowa. I hope the gentleman will withdraw his objection when he considers what the object of the bill is.

PRIME MERIDIAN.

Mr. BELMONT. I ask by unanimous consent to report back from the Committee on Foreign Affairs joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on, and recommend for universal adoption, a common prime meridian to be used in the reckoning of longitude and in the regulation of time throughout the world, with the recommendation that it do pass. It is a unanimous report from the committee.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. HOLMAN. I suppose the power to appoint three persons to represent the United States at this convention of nations is not intended to be a source of expense. I am advised by the gentleman reporting the bill that it will not be attended with a cent of additional expense, and therefore I have no objection to it.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

Mr. CARLISLE. It seems to me there ought to be some explanation of a measure as important as this seems to be. It will necessarily involve a reconstruction of all our maps and nautical almanaces and disarrange everything we now have.

Mr. BELMONT. That will depend on the action of the convention.

Mr. CARLISLE. But it looks to that.

The SPEAKER. The House is dividing on ordering the joint resolution to be engrossed and read the third time.

The House divided; and there were—ayes 23, noes 58.

The SPEAKER. The House refuses to order the joint resolution to be engrossed and read the third time.

PONTON RAILWAY BRIDGE ACROSS THE MISSISSIPPI.

Mr. UPDEGRAFF, of Iowa. I understood, Mr. Speaker, that the gentleman from Texas [Mr. MILLS] withdrew his objection to my motion that the Committee of the Whole House on the Calendar be discharged from the further consideration of the bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa, and that the amendment of the Committee on Commerce be agreed to.

Mr. TOWNSHEND, of Illinois. What committee does this come from?

Mr. TOWNSEND, of Ohio. It is reported from the Committee on Commerce with an amendment, by the unanimous recommendation of that committee.

Mr. ATKINS. Does it cost any money?

Mr. UPDEGRAFF, of Iowa. It does not.

The SPEAKER. The bill and amendment have already been read, and the Chair hears no objection to the present consideration of the bill and amendment.

Mr. O'NEILL. Mr. Speaker, is this recognition for unanimous consent going generally around the House? If not, I must object. I am as generous a man as there is on the floor, but I believe in every one getting a chance. If the recognition is not to be general, I demand the regular order.

The SPEAKER. The question is on the amendment reported from the Committee on Commerce.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. UPDEGRAFF, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF WITNESSES.

Mr. O'NEILL. I demand the regular order.

Mr. HOUSE. I ask unanimous consent——

Mr. HISCOCK. I am directed by the Committee on appropriations to report joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

The SPEAKER. Is it a privileged matter?

Mr. HISCOCK. It is.

The joint resolution was received and read a first and second time.

The Clerk read as follows:

Resolved, &c., That the sum of $60,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

Mr. BLOUNT. I would like to ask the gentleman from New York whether that deficiency has been demonstrated by a demand from the Department, or is it merely conjectural?

Mr. HISCOCK. The deficiency bill which was passed by the House and is now before the Senate contained an item of appropriation of $40,000 to supply deficiencies——

Mr. SPRINGER. I desire to reserve the right to object to this resolution.

Mr. HISCOCK. And that item, after it was incorporated in the bill, was found to be inadequate to meet certain pressing demands upon the Department. The committee have received a subsequent communication from the Department of Justice making it entirely clear that $20,000 more would be required on account of the star-route prosecutions in progress in this city. I have now a communication from that Department stating that the money is entirely exhausted, and that they have not sufficient to pay the fees of witnesses who are here and desire to return home. I therefore ask the immediate consideration of this resolution; and of course the item of $40,000 in the deficiency bill will be stricken out in the Senate.

Mr. BLOUNT. It merely appropriates $20,000 more, then, making $60,000 in all?

Mr. HISCOCK. It is an increase of $20,000 over the amount appropriated in the deficiency bill, and now pending in the Senate. After a careful examination I am satisfied that the money should be made immediately available.

Mr. BLOUNT. I understand, then, that the other item will be stricken out by the conference committee, leaving the total amount $60,000, as covered by the joint resolution.

Mr. HISCOCK. I will see that it is stricken out in the Senate.

Mr. HOLMAN. Would the gentleman from New York object to letting this joint resolution show that fact?

Mr. BLOUNT. That is not necessary; the amount can be stricken out in the Senate.

Mr. HOLMAN. I have no objection to it.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINAL ADJOURNMENT.

Mr. KELLEY. Mr. Speaker, I am instructed by the Committee on Ways and Means to report back two resolutions or propositions to fix the day for the final adjournment of this session, with a substitute which the committee recommend.

The SPEAKER. The report and resolution will be read.

The Clerk read as follows:

On December 19, 1881, a resolution fixing the 1st day of May, 1882, as the day for the final adjournment of the two Houses of Congress was referred to your committee, and on April 24 a similar resolution, fixing the 22d of May, was also referred to your committee. After full consideration the committee report the following as a substitute for the two resolutions referred to it, and recommend its adoption:

"*Resolved by the House of Representatives (the Senate concurring,)* That the President *pro tempore* of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die*, at twelve o'clock meridian, on the 10th of July, 1882."

Mr. KELLEY. On that I demand the previous question.

The previous question was ordered.

The concurrent resolution was agreed to.

Mr. KELLEY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVIGATION OF UPPER COLUMBIA RIVER.

Mr. VAN HORN. I am directed by the Committee on Printing to report back the following Senate resolution and recommend its adoption:

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the Senate. (the House of Representatives concurring,) That 5,000 copies of the report of Lieutenant T. W. Symons, Corps of Engineers, respecting the navigable waters of the Upper Columbia River and its tributaries, and resources of the country adjacent thereto, be printed, 500 for the use of the War Department, 1,500 for the use of the Senate, and 3,000 for the use of the House of Representatives.

The resolution was agreed to.

CONGRESSIONAL RECORD.

Mr. VAN HORN. I am also directed by the Committee on Printing to report back the following Senate resolution, and recommend its passage.

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be directed to furnish, commencing with the first session Forty-seventh Congress, 3,425 copies of the CONGRESSIONAL RECORD for the use of the Senate, instead of 3,100 copies as ordered by the concurrent resolution of June 4, 1874.

Mr. VAN HORN. That addition is rendered necessary by the admission of new States.

The resolution was agreed to.

FOREST-TREE INSECTS.

Mr. VAN HORN. I am also directed by the committee to report back the following resolution, and recommend its passage with an amendment.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed, for the use of the Department of Agriculture, with necessary illustrations, 2,000 copies of a special report on the insects affecting forest trees.

Amend by inserting after the words "two thousand copies of" the following: "The fifth report of the United States entomological commission, being."

The amendment was agreed to.

The resolution as amended was agreed to.

ORANGE-TREE CULTURE.

Mr. VAN HORN also, from the Committee on Printing, reported back the following substitute for the resolution submitted to that committee on the 24th of February, 1882, in relation to the printing of special reports on insects affecting orange trees; which was read, as follows:

Strike out all after the word "*Resolved*," and insert as follows:

"*By the House of Representatives, (the Senate concurring,)* That there be printed 5,000 copies of a special report from the Department of Agriculture on insects affecting the orange tree, with the necessary illustrations, 2,500 copies of which shall be for the use of the House of Representatives, 1,500 for the use of the Senate, and 1,000 for the use of the Department of Agriculture."

The substitute for the original resolution was agreed to.

ECONOMIC ENTOMOLOGY.

Mr. VAN HORN also, from the Committee on Printing, reported back with a favorable recommendation the following concurrent resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed for the use of the Department of Agriculture 1,000 copies of a special report entitled Bibliography of Economic Entomology.

RECONSIDERATION.

Mr. VAN HORN moved to reconsider the several votes by which the various reports of the Committee on Printing had been agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KELLEY. I move that the morning hour be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

CORRECTION.

Mr. RICE, of Missouri. I rise to a question of privilege. In the RECORD of June 6, on the bill offered by the gentleman from Pennsylvania, [Mr. KELLEY,] on which he moved to suspend the rules, the bill to correct an error in section 2504 of the Revised Statutes of the United States, I am recorded as not voting. My name was called; I did vote, and I voted "no." I desire to have the RECORD corrected showing that fact.

The SPEAKER. The correction will be made.

KANSAS PACIFIC RAILWAY COMPANY.

Mr. BUTTERWORTH. I am instructed by the Committee on Pacific Railroads to move that the bill (H. R. No. 6397) now in Committee of the Whole House on the state of the Union be recommitted to the Committee on Pacific Railroads, with the view of supplying an omission—not to lose its place on the Calendar.

Mr. TOWNSHEND, of Illinois. What is the bill? The gentleman merely mentioned its number.

Mr. BUTTERWORTH. It is the bill (H. R. No. 6397) to compel the payment by the Kansas Pacific Railway Company of the cost of surveying, selecting, and conveying certain lands granted to it, and to create a sinking fund for the Kansas Pacific, Sioux City and Pacific, and Central Branch Union Pacific Railroad Companies, and for other purposes.

The SPEAKER. The Chair hears no objections to the request of the gentleman from Ohio, and the bill will be recommitted.

INTERNAL-REVENUE TAXATION.

Mr. KELLEY. I now move that the House resolve itself into Committee of the Whole on the state of the Union, to resume the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The motion was agreed to.

The House accordingly resolved itself into Committe of the Whole on the state of the Union, Mr. CAMP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 5538) to reduce internal-revenue taxation. By order of the House all general debate upon the bill is closed. The Clerk will now proceed to read the bill by sections.

The Clerk proceeded to read the first section. Before he concluded,

Mr. MILLS addressed the Chair.

Mr. ROBESON. Is the bill now open to amendment?

The CHAIRMAN. The bill is not open to amendment yet.

Mr. SPRINGER. The reading of the first section has not yet been concluded.

The CHAIRMAN. For what purpose did the gentleman from Texas rise?

Mr. MILLS. I rose to inquire whether the bill is now open to amendment.

The CHAIRMAN. It will be after the first section is read.

Mr. KELLEY. I ask the committee to hear me a moment. I ask leave to have considered first certain amendments, which are little other than verbal, proposed by the committee.

Mr. HOLMAN. Let the first section be read.

The CHAIRMAN. The Clerk will continue the reading of the first section.

The Clerk resumed the reading of the first section. Before he concluded,

Mr. ROBESON. I desire to offer an amendment right there.

Mr. KELLEY. I insist on the right of the committee to have the bill in the first instance perfected by the verbal amendments I have referred to.

The CHAIRMAN. The Chair will state it will be better to allow the section to be read through before amendments are offered. The Chair will then recognize the gentleman from New Jersey, [Mr. ROBESON,] after recognizing the chairman of the committee to offer some formal or verbal amendments.

The Clerk resumed and completed the reading of the first section of the bill, as follows:

That on and after the passage of this act, except as hereinafter provided, the taxes herein specified imposed by the internal-revenue laws now in force be, and the same are hereby, repealed, namely: the stamp-tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the current six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882; the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section 3437 of said Revised Statutes.

Mr. KELLEY. I move to amend by striking out the word "current," before the word "six," in line 13 of the first section. It is surplusage, and I ask that it be stricken out.

The amendment was agreed to.

Mr. KELLEY. On line 2 of the second section I am instructed——

The CHAIRMAN. The second section has not yet been reached.

Mr. ROBESON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the first section by striking out the words "capital and," in lines 7, 10, and 12.

Mr. HOLMAN. I move to amend that amendment by striking out all after the word "namely," in the sixth line, down to "1882," in the seventeenth line.

The CHAIRMAN. Does the gentleman from Indiana offer that as a substitute for the amendment of the gentleman from New Jersey?

Mr. HOLMAN. Yes, sir.

Mr. KELLEY. If any gentleman desires to speak in support of that amendment I wish to reply; otherwise I will state my objection to it now.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is recognized. The Chair desires to state to the gentleman from Indiana, however, that the amendment offered by the gentleman from New Jersey would be first in order, as it is to perfect the text which the gentleman from Indiana proposes to strike out.

Mr. HOLMAN. The gentleman from New Jersey moves to strike out certain words from this section. My motion is to strike out these words:

The stamp tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the current six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

That is to say, I propose to strike out from this paragraph all that relieves the banks, whether national or otherwise, from the taxation now imposed upon them; while I believe the gentleman from New Jersey only proposes to retain a portion of the tax on the banks here proposed to be abolished. This bill is a strange feature of legislation. We are drawing from the country annually the enormous sum of $400,000,000, and no matter what the form of this taxation may be it is a fearful drain upon the resources of the country. Yet the very first section of this bill relieves the greatest capital interest in the United States from a tax of over $11,000,000, while no productive industry, no interest of labor, is relieved of one dollar of the enormous burdens of taxation now borne.

I think, sir, there has been no call from the country in favor of relieving the banking institutions from taxation. The banks, local as well as national, enjoy franchises which are not enjoyed by any other class of our citizens on whom a tax is now imposed by Federal legislation. It may be safely asserted that the Government may with entire fairness impose a tax on institutions which derive special franchises from the Government rather than on persons who enjoy no such franchise and conduct their business without any favor from Government. Why should not special franchises justify special taxation? Should the products of the farm be taxed by Federal law—as in the case of tobacco, a common product of the soil—and great capital interests, invested with special corporate franchises, be exempt from Federal taxation?

I insist that this tax upon the banks is a very mild tax, and one that is easily borne; borne by capital employed in a form exceptionally profitable, and made so by special franchises. No industry of the country will be benefited by the removal of this eleven millions of tax. No productive employment will be benefited by it; no interest of labor. It will simply relieve a certain portion of the capital of the country, enjoying special franchises, from a slight burden of taxation. Only this and nothing more, while hundreds of millions of tax is born by productive labor without any proposition for relief.

I trust this committee will strike out all that portion of this section which pertains to banks; that on checks, standing alone, is the most entitled to favor, but I propose to let the whole tax stand. I think that it is not good policy for us to encourage by law the hoarding of the money of the country in the vaults of the banks. It is better for the country that it should be held by citizens than that the banks should be given a monopoly of the loaning of money, for that subjects our people to the rates of interest which those banks may charge; a rate which no productive industry can bear.

If the banks shall have no motive for hoarding the money of the country the private citizen is more likely to invest his money without resorting to the expediency of bank facilities, which is generally ruinous to farmers and all other producers, and can be beneficial only to men engaged in commercial employments, and even then is often destructive to them.

I trust Congress will not relieve the banks of the country, whether local or Federal, of this mild taxation, while the general industry of the country in innumerable forms is subject to oppressive taxation; and especially that we will not relieve these banks from the slight tax now resting upon their capital and deposits, while you continue your system of taxation on the products of the soil, hedging in and oppressing labor in the fields of industry where only the sharp exigencies of Government will justify the presence of a horde of Federal tax-gatherers.

Mr. KELLEY. In the course of the general debate upon this bill I have heard much complaint made because the authors of this bill have refused to reduce taxes. And now there comes in an amendment which proposes to strike out one of the leading reductions, or rather series of reductions, proposed by this bill.

The taxation of the capital of banks is double taxation. If five men, for instance, should each go into business and take adjoining buildings, the one to engage in the business of selling groceries, another in hardware, another in dry goods, one in general merchandise, and

one to establish a private bank, they will all be taxed alike by State and municipal legislation, and only one of them is taxed by the General Government. They all pay the same local and State taxes.

Now, I apprehend that the business of a private banker is as legitimate as that of the merchant beside whose place of business his bank is located. And I can see no reason why the Federal Government should select for double taxation the capital of the private banker, while it omits that of all other citizens.

And what is said with reference to the private banker is equally true of the State bank, which is a mere establishment for the use of its own capital, for the safe keeping and prompt return of deposits, and for the application of accumulated deposits to stimulate the business of the locality. It has no circulation; it has no advantage from the General Government; it derives no privilege from it, and is simply a local private institution. Instead of being aided by the Federal Government it is restricted, very properly as I think, from one of the hitherto recognized functions of State banking, the emission of notes, because the Federal Government imposes a tax of 10 per cent. upon all notes issued by State banks.

I therefore hold that the taxation by the Federal Government of the capital of private bankers and State banks is invidious and unjust, and that the only ground upon which it could be defended would be by showing that such business is immoral and against the public good.

Mr. TOWNSHEND, of Illinois. Mr. Chairman——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. TOWNSHEND, of Illinois. I move to strike out the last word. I rise for the purpose of supporting the amendment of the gentleman from Indiana, [Mr. HOLMAN.] It is at last conceded by the Republican members of this House that we can reduce Federal taxation. When we were seeking to reduce the taxes on the necessaries of life by a revision of the tariff we were met with complaints that if we did so we would not be able to raise revenue enough to pay pensions and the ordinary expenses of the Government, and therefore there could be no reduction.

It is now admitted on all hands that there can be a reduction of taxation. Tariff duties are collected from almost every necessary of life. They are laid upon the poorest as well as upon the wealthiest in the land. The proposition adopted by the Committee on Ways and Means, and advocated mainly by the other side of the House, is that we shall proceed with the reduction of taxation by beginning with those who are best able to bear it. They pass by the working man, they pass by the poor man, and proceed at once to lift the burden off the shoulders of those who are best able to bear it.

The first tax sought to be taken off by this section is the tax on banks; the next is the tax upon medicines, and then the tax upon matches. Of those three different taxes in the first section of the bill there is but one that touches the interest of the poor man, and that is the pitiful tax of two cents on each box of matches.

The greatest amount of tax which by the first section of this bill is sought to be taken off is the tax on the banks, about $16,000,000. The next is the tax on proprietary medicines, amounting to $2,226,503. The only tax which you propose to take off the poor man, off the millions and millions of laboring people in the country, is the $3,278,580 raised by the tax on matches. Thus you propose to relieve three or four thousand bankers from nearly seventeen millions of taxes, who are well able to bear it; about two millions off patent medicines, and only about three millions off the millions of people who use matches.

The logic and effect of this whole bill is to make a bonus to the banks, patent medicine men, and the tobacco manufacturers. The reduction of the taxes on the banks will be of no advantage to the people at large. The rates of interest will be as high without as with the bank tax. It will be as difficult to borrow money without as with the tax. The only feature of the bank tax for which any good reason is given for reduction is the stamp on checks, &c., which only nets the Government $2,253,411, and which all will concede is a nuisance. But, sir, it is more easily borne than some other taxes. There are those who claim that there would be a reduction of interest if the tax on the capital, circulation, deposits, and checks of banks was taken off. I reiterate here, and I have no fear that there can be any successful contradiction made against that assertion, that the taking off of the tax from the banks will not reduce the interest which borrowers will have to pay to the extent of one mill. Every bank in the land will charge the same rate of interest if the tax is taken off as before.

I have no prejudice against banks. I desire fair treatment for them, as that occupation is legitimate and essential to the commerce and trade of the country, and when the burden of taxation is lightened where it is more onerous I am in favor of relief to them. This bill is prepared in the interest of bank capitalists and manufacturers of tobacco. There is no truth in the statement that a reduction of the tax on manufactured tobacco will bring relief to the tobacco-grower. This was clearly demonstrated when a few years ago the tax was reduced from twenty-four to sixteen cents. The leaf tobacco soon thereafter became lower in the market, and has continued lower ever since than it was when the tax was reduced. This bill could very properly be designated as one for the purpose of giving a bonus to bankers and tobacco manufacturers.

It is now admitted on all sides that we have reached a condition of things which warrant a reduction of taxation. Where shall we commence? Do not humanity and good statesmanship demand that we shall first remove the most onerous burdens, those afflicting persons least able to bear them? Should we not commence with relief to the poor and the workingmen? Nearly all the necessaries of life are heavily taxed, and cost far more than if the tax upon them were removed. Every article of clothing, of household goods, of tools used by the mechanic, and every agricultural implement of the husbandman is heavily taxed, and is taxed much heavier than the luxuries of life.

The poor man, the laborer, or farmer is compelled to pay a much larger tax in proportion to the value of his property than the banker or manufacturer. With these facts before us, where should we begin the work of reduction? The Committee on Ways and Means answers this inquiry by bringing in this bill. That committee proposes, and the majority in this House will very probably commence with, the reduction of taxation on the banker and the wealthy manufacturing class, and leave the poor man to groan beneath his burdens. That is the statesmanship and humanity of the Republican party. It is true, they take off the tax on the poor man's matches, but this is a tax hardly felt by him; and this committee proposes to remove nearly eight times as much as the match tax from the bankers alone. This committee, with a great flourish, says, "Let us reduce the taxes," and straightway it proceeds to give the lion's share of reduction to the bankers and manufacturers and the pismire's share to the masses.

I am one of those who hold that the highest duty of statesmanship demands that you should so legislate as to lighten the burdens upon labor and upon the poorer classes of the country; and when we approach the question of reducing taxation, I insist we should begin with those taxes which bear most heavily upon the poor and laboring classes, rather than first take the burdens off the capitalists and those best able to bear them.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, we hear a great deal from the other side to the effect that all taxes upon the business of the country are paid by the consumer. As a general proposition it is true; but one other thing is also true: all taxes on the business of a bank are paid by the borrower. The consumer of an article meets the manufacturer and vender upon equal terms; he comes offering his money for the article he needs. The borrower comes asking favors of the man or institution who is to lend him money, and he is obliged to assume the expense imposed by the Government on the money he borrows. All the expenses that you put upon the machinery of banking, therefore, come out of the debtor and borrower class; they are direct taxes upon the business of the country, and upon the resources and credit of the men who carry on the business and employ the labor of the country.

The bill, if the amendment which I have sent to the desk be adopted, will leave taxation untouched upon the capital of the banker but will take it off his business. The man of small means who has not a stamped check-book, who has to run around to buy a stamp for two cents every time he writes a check, will feel relief from inconvenience as well as relief from the taxation. The man who is in the habit of borrowing money from a bank, and who is obliged to have a line of deposit for the purpose of getting a discount, will be relieved from the taxation which he pays for whenever he receives the favor of a discount.

Every man who thinks broadly, every man who thinks wisely, every man who takes a comprehensive view of the effect of taxation upon business and upon those who borrow and use capital for the purpose of transacting business, will see that every tax such as a check tax or a deposit tax is a tax upon the business, a weight upon the industry, a pressure upon the producing and developing labor of the country. These are the reasons which influence me in favoring the removal of this tax from the business of the country done through the banks.

Mr. TOWNSHEND, of Illinois. I withdraw the *pro forma* amendment.

Mr. CARLISLE. I renew it, in order to reply to the gentleman from New Jersey, [Mr. ROBESON.] This bill, as reported from the Committee on Ways and Means, proposes to repeal the tax on capital and deposits of banks and bankers imposed by section 3408 of the Revised Statutes of the United States as amended. The gentleman from New Jersey moves to strike out the words "and capital," so that if his amendment be adopted the bill will simply repeal the tax on deposits, leaving still in operation the tax on capital. I wish to call attention to the effect of this amendment, and to show that it makes a discrimination between the national banks on the one hand and the State banks and private bankers on the other. During the fiscal year which ended June 30, 1881, the national banks paid as a tax upon their deposits $4,940,945; while the State banks and private bankers paid as tax upon their deposits $2,946,906. Thus the national banks paid as a deposit tax nearly twice as much as was paid by the State banks and private bankers. If the amendment of the gentleman from New Jersey should be adopted this tax will be repealed, and the national banks will be relieved of taxation to the extent of nearly $5,000,000, while the State banks and private bankers will be relieved to the extent only of less than $3,000,000.

Mr. BROWNE. Are not the two classes of bankers relieved equally?

Mr. CARLISLE. They pay the same rate of taxation precisely; but I am speaking now of the extent of the relief which will be extended to the national banks as a class, and the relief which will be extended to the State banks and private bankers as a class.

Now, how will it be as to capital? The national banks, according to the last official report, had a capital of $465,735,685, on which they paid only $431,233 of taxation; while the State banks and private bankers, with a capital of $211,642,320—less than half that of the national banks—paid more than twice as much tax—$811,006.35.

Mr. BROWNE. That was because the national banking capital was invested largely in Government bonds.

Mr. CARLISLE. Certainly.

Mr. CRAPO. If the private banker had seen fit to invest his capital in Government bonds, would he not have been relieved of taxation to a corresponding extent?

Mr. CARLISLE. Of course he would; but he would have had no means left to bank on, because he cannot take out circulation on his bonds, as the national banks can. But I ask the gentleman from New Jersey why he wants to make this discrimination—why he desires to repeal the deposit tax, relieving the national banks to the extent of nearly $5,000,000 and the State banks and private bankers to the extent only of $3,000,000, thus making State banks and private bankers pay upon a capital only one-half that of the national banks nearly twice as much tax as the national banks pay? If this bill is to pass it should repeal the tax on bank capital as well as the tax on bank deposits, and thus relieve other banks and bankers as well as those institutions organized under the national banking law. The State banks and private bankers derive no privileges or immunities from the laws of the United States, and there is far less reason why they should be taxed than there is why national banks should be taxed.

I repeat if this bill is to pass at all, relieving the banks, we should give to the State banks and private bankers the same measure of relief that is given to the national banks. That is the only point I am making. When the national bank invests its capital in United States bonds it receives from the Treasurer 90 per cent. of circulation. A State bank does not invest its capital in United States bonds and cannot obtain circulation on it. It pays four times as much tax, according to the amount of its capital, that a national bank does, and the gentleman from New Jersey now proposes to leave that tax on and to take off the other tax on deposits which falls most heavily on the national banks.

The CHAIRMAN. The *pro forma* amendment is withdrawn.

Mr. SMITH, of Illinois. I move a substitute for the amendment of the gentleman from New Jersey.

The CHAIRMAN. A substitute is not in order.

Mr. SMITH, of Illinois. Is it in order to move an amendment to the amendment of the gentleman from New Jersey?

The CHAIRMAN. It is.

Mr. SMITH, of Illinois. Very well; I offer it as such an amendment.

The Clerk read as follows:

Line 10, amend section 1 by striking out the words "capital and;" and insert after the word "and," in line 13, the words "on the deposits of;" and after line 15 insert the words "on the capital and deposits."

Mr. SMITH, of Illinois. Mr. Chairman, the effect of that amendment is this: to take the tax off both capital and deposits of private and State banks and to leave it on the capital of national banks. The feeling against national banks has brought about this motion of the gentleman from New Jersey, [Mr. ROBESON.] Now, there seems to be a sentiment abroad that because national banks derive so much benefit from the advantages extended to them by the Government, therefore they should be willing to pay this tax on their capital. As the private and State banks have not these advantages possessed by the national banks, it is but justice that the tax should be taken off both their capital and deposits. I would simply add to what has been stated by the gentleman from Kentucky that the private banks deriving no advantages through any laws now upon the statute-books should be treated precisely as you would treat other business men. They have no circulation; indeed the laws as they are now enforced prevent them from having any circulation, because they would be compelled to pay 10 per cent. on such circulation, which excludes it from the marts of trade and prevents its issuance by the private or State banks. The national banks having the advantage of this circulation, it is perhaps proper we should tax their capital. But why should this be extended to the private banks, I would again ask, or to the State banks?

Now, my amendment and the amendment of the gentleman from New Jersey [Mr. ROBESON] proposes to take the tax off both capital and deposits of private and State banks and to leave the tax on the capital of national banks.

Mr. WILSON. You propose to tax the capital of national banks?

Mr. SMITH, of Illinois. Personally I shall vote for the bill as it is, but I say it would be unjust to the private and State banks to adopt the amendment of the gentleman from New Jersey, [Mr. ROBESON,] and therefore I move to amend his amendment to except the private banks from the imposition of the tax on capital.

Mr. WILSON. That would tax the capital of national banks?

Mr. SMITH, of Illinois. Yes, provided it is adopted.

Mr. TURNER, of Kentucky. Mr. Chairman, I am in favor of relieving the honest masses of the people from the burdens of taxation, and have voted for every amendment and proposition having that object in view since I have been a member of Congress. We have looked for some bill to be reported from the Committee on Ways and Means giving relief to the people, but we have looked in vain. All relief from the protective tariff, which taxes the great masses of the people to enrich the few manufacturers, has been denied us, and instead of reducing the tariff taxation even upon the necessaries of life used by the poor people, the whole question has been postponed by the creation of the tariff commission, under a bill reported from that committee and passed by the Republican members of this House. The President has appointed the commission and it is wholly in the interest of the manufacturers, and their report, as we predicted in the debate on that bill, will be against the interest of the people.

And what have we now presented to us by this committee? A bill to lighten the taxes under the internal-revenue system upon the masses of the people? No, sir; but a bill in the interest of bankers and manufacturers. It lightens the tax upon the banks and bankers about $15,000,000 per annum, and benefits the manufacturers of tobacco to some extent, and the manufacturers of matches, and to sugar-coat the pill the tax on quack medicines and nostrums of doubtful benefit to the people is taken off. Sir, I cannot, for one, swallow it. I shall vote against the bill unless materially altered by amendments. It is a bill in accordance with the whole policy of legislation of the Republican party. They are ready always to legislate for the interest of monopolies and capital. Their whole history proves it, and yet they deceive the laborers and agriculturists, and pretend to be the friends of the farmers.

At this session they have refused to modify the high tariff duties on a single item that would benefit the farmers. They refused to lessen the duty or tariff tax on Bessemer steel rails, which is $28 per ton, although it was demonstrated that the manufacturers were making a net profit of over 60 per cent. on these rails. This enormous profit comes principally out of the farmers in the increased price of the freight upon tobacco, grain, &c., imposed by the owners of railroads in consequence of the high price they have to pay for steel rails by reason of the tariff.

On the 5th day of this month (June, 1882) I moved to suspend the rules and pass a bill abolishing the tariff duty on trace-chains, which is 58 per cent., almost a total prohibition against their importation. This was not a partisan measure. It benefited the Republican farmer and teamster as well as the Democrat. It benefited the black man as well as the white man. We succeeded in getting the yeas and nays on that bill, and who voted for it? Let the RECORD speak:

Mr. TURNER, of Kentucky. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

"A bill to abolish the duty on trace-chains.

"*Be it enacted, &c.*, That the duty on trace-chains is hereby abolished, and from and after the passage of this act no duty shall be collected on importations of trace-chains, and they shall be placed upon the free list. And all laws and parts of laws inconsistent herewith are hereby repealed."

The vote was as follows:

YEAS—73.

Aiken,	Cox, William R.	Herbert,	Robertson,
Armfield,	Covington,	Herndon,	Scales,
Atkins,	Cravens,	Hoge,	Simonton,
Berry,	Culberson,	Holman,	Sparks,
Blackburn,	Darrall,	House,	Thompson, P. B.
Blanchard,	Davidson,	*Jones, George W.*	Tillman,
Bland,	Davis, Lowndes H.	Jones, James K.	Townshend, R. W.
Blount,	Deuster,	Kenna,	Turner, Henry G.
Browne,	Dibrell,	Knott,	Turner, Oscar
Buchanan,	Dowd,	Latham,	Vance,
Buckner,	Dunn,	Lowe,	Warner,
Caldwell,	Evins.	Manning,	Wellborn,
Cassidy,	Forney,	McMillin,	White,
Chapman,	Fulkerson,	Mills,	Williams, Thomas
Clark,	Garrison,	Muldrow,	Willis,
Clements,	Geddes,	Oates,	Wise, George D.
Cobb,	Gunter,	Phister,	
Cook,	Haseltine,	Reagan,	
Cox, Samuel S.	Hatch,	Richardson, Jno. S.	

NAYS—109.

Aldrich,	Fisher,	Marsh,	Smith, Dietrich C.
Bingham,	*Ford,*	McCoid,	Smith, J. Hyatt
Bisbee,	George,	McCook,	Spooner,
Brewer,	Godshalk,	Miles,	Steele,
Briggs,	Grout,	Miller,	Strait,
Buck,	Guenther,	Moore,	Taylor,
Burrows, Julius C.	Hall,	*Mosgrove,*	Thomas,
Burrows, Jos. H.	Hardenbergh,	Neal,	Thompson, Wm. G.
Butterworth,	Hardy,	Norcross,	Townsend, Amos
Campbell,	Harmer,	O'Neill,	Tyler,
Carpenter,	Haskell,	Page,	Updegraff, Thomas
Caswell,	Hawk,	Payson,	Urner,
Chace,	Heilman,	Peelle,	Valentine,
Crapo,	Henderson,	Peirce,	Van Aernam,
Crowley,	Hepburn,	Pound,	Wadsworth,
Cullen,	Hill,	Prescott,	Wait,
Cutts,	Hiscock,	Ranney,	Walker,
Davis, George R.	Hoblitzell,	*Rice, Theron M.*	Ward,
Dawes,	Horr,	Rice, Wm. W.	Washburn,
Deering,	Hubbell,	Richardson, D. P.	Webber,
De Motte,	Hubbs,	Ritchie,	West,
Dezendorf,	Humphrey,	Ross,	Williams, Chas. G.
Dingley,	Jones, Phineas,	Russell,	Willits,
Dwight,	Joyce,	Scoville,	Wilson,
Ermentrout,	Kelley,	Shallenberger,	Wise, Morgan R.
Errett,	Lacey,	Sherwin,	
Farwell, Chas. B.	*Ladd,*	Skinner,	
Farwell, Sewell S.	Lewis,	Smith, A. Herr	

NOT VOTING—109.

Anderson,	Flower,	Matson,	Rosecrans,
Atherton,	Frost,	McClure,	Ryan,
Barbour,	Gibson,	McKenzie,	Scranton,
Barr,	Hammond, John	McKinley,	Shackelford,
Bayne,	Hammond, N. J.	McLane,	Shelley,
Beach,	Harris, Benj. W.	Money,	Shultz,
Belford,	Harris, Henry S.	Morey,	Singleton, Jas. W.
Belmont,	Hazelton,	Morrison,	Singleton, Otho R.
Beltzhoover,	Hewitt, Abram S.	Morse,	Spaulding,
Black,	Hewitt, G.W.	Moulton,	Speer,
Bliss,	Hooker,	*March*,	Springer,
Bowman,	Houk,	Mutchler,	Stephens,
Bragg,	Hutchins,	Nolan,	Stockslager,
Brumm,	Jacobs,	Orth,	Stone,
Cabell,	Jadwin,	Pacheco,	Talbott,
Calkins,	Jorgensen,	Parker,	Tucker,
Camp,	Kasson,	Paul,	Updegraff, J. T.
Candler,	Ketcham,	Pettibone,	Upson,
Cannon,	King,	Phelps,	Van Horn,
Carlisle,	Klotz,	Randall,	Van Voorhis,
Clardy,	Leedom,	Ray,	Watson,
Colerick,	Le Fevre,	Reed,	Whitthorne,
Converse,	Lindsey,	Rice, John B.	Wood, Benjamin
Cornell,	Lord,	Rich,	Wood, Walter A.
Curtin,	Lynch,	Robeson,	Young.
Dugro,	Mackey,	Robinson, Geo. D.	
Dunnell,	Martin,	Robinson, Jas. S.	
Ellis,	Mason,	Robinson, Wm. E.	

(Greenbackers in Italics.)

So (two-thirds not voting in favor thereof) the motion of Mr. TURNER, of Kentucky, was not agreed to.

Before the result was announced,

Mr. HEWITT, of Alabama, said: Mr. Speaker, I desire to vote. I did not hear my name called.

The SPEAKER. That statement is not sufficient to entitle the gentleman to vote.

Mr. HEWITT, of Alabama. I came down here to listen and vote on the second call, but entered into conversation——

The SPEAKER. The Chair, under a very liberal construction of the rule, has allowed members to vote upon their statement that they were present and giving attention but did not hear their names called.

Mr. HEWITT, of Alabama. I was present and came down near the Clerk's desk for the purpose of voting, but happened to engage in conversation——

The SPEAKER. The Chair cannot extend the rule, which has been already very liberally construed.

The following pairs were announced:

Mr. SHULTZ with Mr. LE FEVRE.

Mr. BOWMAN with Mr. STEPHENS.

Mr. PAUL with Mr. CALKINS, on this vote.

Mr. SPEER with Mr. PHELPS, on this vote.

The result was announced as above stated.

(See CONGRESSIONAL RECORD, June 6, 1882.)

Seventy-three members voted in favor of the motion to put trace-chains on the free list, all Democrats but two, and one hundred and nine voted against it, all Republicans and Greenbackers. Thus it was demonstrated that the Republican members of this Congress were determined to give the farmers no relief, even in the small item of trace-chains, to enable them to make their crops; and why? Because it injured the Treasury? No, sir. The whole duty or tariff collected on trace-chains the last year reported was only about $22,000, a mere trifle compared with the millions collected by the manufacturers of trace-chains by reason of the tariff which enables the manufacturers to nearly double the price; but, sir, the Republican party must tax all the farmers to benefit the few manufacturers of trace-chains.

This item did not require the revision of the tariff commission. A member of Congress who was not qualified to decide this question, in my judgment, is not qualified to represent a farmer. It is a vote that no man can justify. Let them explain it to their constituents if they can.

I know they may contend that the tariff cheapens the price of trace-chains, but that is too absurd to deceive any one, because, if it does, why did the representatives of the manufacturers vote against abolishing the tariff duty or tax of 58 per cent? It must be evident to every one that they wanted to retain the duty to protect the manufacturers by enabling them to add on the amount of the tariff tax of 58 per cent.

But, sir, to return to this bill under consideration. It gives no relief to farmers. It benefits in a small degree the manufacturers of tobacco, but not those who raise it. I live in one of the largest tobacco-growing counties west of the Tennessee River, in Kentucky, the county of Ballard. The whole district I have the honor to represent is a tobacco-growing district. I live among tobacco-planters. I have raised it on my farm all my life, and I understand the interest of the people I represent. I am not here, sir, to represent the interest of bankers and monopolists and corporations.

I have no unjust prejudice toward them; but I demand even-handed justice to the people I represent. We are unjustly discriminated against. Why do you permit the growers of corn, of rye, oats, and all products to sell their products free of tax and impose a tax of $42,000,000 upon the article of tobacco? It is true tobacco is a luxury to the one who uses it, but, sir, the cultivation of tobacco is a necessity to my people. It is our money crop; it buys the necessaries of life with us; we are dependent upon it; so are the people in the countries that raise tobacco.

I have introduced a bill at every session of Congress to give our tobacco planters the right to sell the products of their labor free of any tax. These bills and others for the same purpose, introduced by gentlemen representing tobacco-growing districts, were referred to the Committee on Ways and Means and there they have slept the sleep of death. This bill gives us no relief, but, thank God, it gives us under the rules of this House the first opportunity of having a vote on the question where a majority can rule, and I hope we will succeed in adding an amendment to this bill giving us this just right.

Mr. Chairman, the gentleman from Pennsylvania, [Mr. KELLEY,] who reported the bill under consideration, in his opening speech in favor of this bill used the following language:

> Mr. Chairman, a contemplation of the financial condition of the country presents a spectacle such as never was seen before in the world's history. Our revenues increase so enormously, and the fixed charges against the Treasury decrease so rapidly, that our accumulating surplus revenue is regarded by thoughtful and conservative business men as a fruitful source of danger. The bill in question proposes to make a reduction of less than $17,000,000—in exact figures, $16,892,880—to take effect immediately, and of about $6,000,000 to take effect on the 1st of May, 1883. Last year we collected $360,000,000 of revenue from all sources, and we had a surplus of $100,069,000. This year we shall collect over $400,000,000, and our expenditures have been greatly reduced.

If the gentleman is really alarmed at the amount in the Treasury, why did he and his committee not report some bill lessening the taxes on the necessaries of life and the articles used by the poor laboring classes of the country—upon some of the necessary articles of clothing used by every farmer? Oh, this would not do, as it would lessen the profits of the manufacturer! But they can report a bill benefiting the capitalists—the bankers; those that are able to pay. Mr. Chairman, I do not feel alarmed at the surplus in the Treasury; but, sir, I think it ought not to remain there; it should be paid on the bonds upon which we are paying interest; $400,000,000 of them are now due and can be called in any day by the Treasury. But, sir, under the policy of the Republican party this will not do. It would interfere with the national banks. They must have the bonds to bank on. Sir, I want to see this whole debt paid off as rapidly as possible.

Instead of lessening the taxes on banks, let us make the taxes uniform. Let us impose an income tax on all incomes of over $4,000, such as will be offered by my friend, Mr. PHIL. THOMPSON, of Kentucky, as an amendment to this bill. If it is adopted it will yield a revenue of over $100,000,000 annually. You could then abolish the whole taxation on tobacco, which is $42,000,000.

Mr. Chairman, if this amendment is just and right, why should every poor man in the country be taxed unjustly, as they are, and the bondholders exempted? Why exempt the capitalist while you impose the burdens of Government on the laborers?

These bondholders and capitalists have had a long rest; they have paid no tax on their incomes to the Federal Government for seventeen years. Let their representatives show some patriotism, some justice, and vote with us to adopt the amendment which will be offered to this bill, taxing incomes. It is just and right, and I hope it will be adopted.

Mr. Chairman, we had this question up of taxing incomes during the Forty-sixth Congress, and I voted for it then—a large majority voted for it—but it failed because the attempt was made under a suspension of the rules. It required two-thirds to pass the bill. The Committee on Ways and Means have never reported a bill for that purpose, although they knew that a majority were in favor of it. And this is the first opportunity we have had to equalize the burdens of Government by taxing the incomes of millionaires, and I hope every member on this floor who regards the general interests of the people will vote for the amendment to do this.

Mr. Chairman, I do not regard a national debt as a blessing, and that it ought to be perpetuated to keep up a system of national banks. I am opposed to these national banks, and gave my reasons when I voted against rechartering them during this session. Let us pay off the national debt as fast as possible, and practice close economy in the administration of the Government. The only alarm I have felt in regard to the large amount in the Treasury is seeing it voted out by the Republican party so extravagantly for unnecessary purposes instead of applying it to the payment of the national debt.

Mr. Chairman, I have spoken plainly. I do not want to reflect upon any gentleman personally, but, sir, a duty I owe to my constituents and the country impels me to speak thus plainly. Corporations, banks, monopolies, and railroads have been and are still the pets of the Republican party, and are exercising a dangerous influence over the legislation of the country. I was glad, to-day, to hear two Republicans denounce this system; it was refreshing. I must say, sir, in conclusion, I expect but little from this Congress; but, sir, this fall we will hear the voice of the American people in the Congressional elections, and I hope and believe they will elect a representation that will reflect the true interest of the great mass of the people in the Congress of the United States.

Mr. PAGE. I ask the gentleman from Indiana [Mr. HOLMAN] to give me his attention for a moment——

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. PAGE. I move to strike out the last two words of the substitute. I shall vote for the amendment of the gentleman from Indiana, although I would prefer that he would strike out the words "on bank checks," in line 6, and "on vouchers"——

Mr. HOLMAN. If the gentleman will permit me, I will state that I have proposed to modify the amendment——

Mr. PAGE. Then, as I have said, I shall vote for the amendment. I do not believe that it is necessary for this Government to reduce

the tax upon bank deposits and banking capital to the amount proposed in this bill. My friend from New Jersey who has just addressed the committee has introduced an amendment for which he proposes, I believe, not to vote himself, to strike out the tax on bank capital; and he made a speech in favor of the bill as it is. The gentleman says in his speech that the taxes are paid by the poor people and this tax likewise is paid by them. I take issue with the gentleman with reference to that. I deny the proposition entirely. The tax that is paid by bank depositors is paid by the bankers, and as a rule they do not pay a dollar of interest upon deposits. Their business is largely carried on upon the deposits, which are a source of profit to them, and if any one thinks that this bill is going to revolutionize the politics of this country, and that we are going back home to be received with banners and music for having passed such a measure, I think he will find himself sadly mistaken.

When the band has finished playing and the question is asked by your constituents, "What have you done for the benefit of the people and for the reduction of the burdens upon them?" you can only reply, "Why, we have taken $8,000,000 of the taxes off." "Off the people?" "Oh, no; we have taken it off the national banks; we have taken the tax off deposits in the banks, and we have taken the tax off the banks themselves and the bankers, and we have also reduced the license tax a little on whisky and on tobacco and cigars, and proprietary medicines, and on matches." And gentlemen think there will be a grand ovation when they tell their constituents all of that, and that they will receive the applause of the people because they have done so much for them. I do not believe, sir, that they will find their anticipations verified by the fact. Will it not be natural for people to ask whether there was nothing else that you could have done which would really benefit them? Could the Committee on Ways and Means of the House of Representatives find nothing on which to reduce the burden of taxation to relieve the poor man and the laboring man and the overburdened people of this country but the tax on bank capital? Could you not aid those who are suffering under the burden of taxation in some other and really effective manner? Was it impossible for the Committee on Ways and Means, with its experience and ability, to find some article in the great catalogue of taxes on which they could relieve the poor people from these burdens of taxation; or was this the only thing to be found in the whole catalogue upon which you could give them this little promise of relief?

Poor people, or the men who deposit in banks even, do not pay a dollar of that tax. It is paid by the bankers. Since I have had the honor of having a seat in this House I have voted for, and this House has passed, a bill that struck the tax from savings-banks. That was right. There we reached the real point where the people had an interest. In taking a tax off deposits in savings-banks you take off a tax that comes from the people. This comes from the banks. And when you have taken it off you have benefited nobody in this land, in my judgment, that ought to be benefited at this time.

I will not lie awake nights like my friend from Kansas because of an overflowing Treasury. This is the first time in my legislative experience I find members of the American House of Representatives crying out as one man "There is too much money in the Federal Treasury." [Here the hammer fell.]

Mr. MILLS. I see no necessity for the Government of the United States commencing to give away its revenue when there is a debt of $485,000,000 drawing an annual interest of thirteen or fourteen millions that is now due and payable. I go with the gentlemen in this House for the reduction of taxation whenever it can be made to alleviate and lighten the burdens that press upon the people. But, sir, there can be no argument made in support of this bill for the repeal of the taxes that come to the Treasury under the provisions of law which it seeks to repeal, except such argument as is designed to serve the purposes of the moneyed rings of this country. There is no relief to the great masses of our people in this bill. It was never designed that any relief should come to them from it. The great, sole, and only object of this measure, the object in view when it was given birth to by its friends, was that it should perpetuate that debt and prevent it from being paid, in order that that indebtedness should serve as a basis for the perpetuation of a system of national banking that is to prey continually on the people.

The bill has a twofold object. One is to continue the system of national banking, and the other is to continue the existence of a false pretense for keeping up high taxation on imports, so called, for the protection of American industry.

Mr. Chairman, is it not a little singular that this thing was born in Philadelphia, Pennsylvania? Is it not a little strange that the first gun in favor of the repeal of internal taxes came from the gentleman from Pennsylvania on that side and from the gentleman from Pennsylvania on this side of the House in New York City; the speech of one gentleman being delivered in the tariff convention of New York City, and the speech of the other delivered to the national bankers and the tariff men of New York City?

Mr. RANDALL. No, sir.

Mr. MILLS. I have reference to the speech of the gentleman from Pennsylvania [Mr. RANDALL] in New York in favor of the repeal of internal revenue.

Mr. RANDALL. My speech was delivered before a Democratic meeting——

Mr. MILLS. I know what sort of Democrats they were.

Mr. RANDALL. And a meeting that gave response by applause.

Mr. MILLS. Yes; it was a meeting of national bankers and high-tariff men; heretics in the Democratic party, and who have always been regarded as heretics from its very foundation. The only distinction between them at this day and the same class of men forty years ago is that then they acknowledged they were heretics, and now they call themselves the orthodox Democrats of the party and regard all the balance of us as heretics.

Why is it that this thing comes from Pennsylvania? The great cry for reform in taxation comes from Pennsylvania, and the protectionists at that. You do not hear anybody in Texas or in Missouri or in Iowa or through the Western country demanding the repeal of the taxation on banks. You do not hear any great complaint from the people about the money that comes into the Treasury being superabundant and about there being no necessity for it.

I heard what the gentleman from Iowa stated the other day upon this floor; but he was not expressing the will of the people of Iowa when he said there was a superabundant Treasury and that we were collecting largely too much from the people and had no use for the money collected. What man of common sense ever would think of giving away his revenues when he had his debts, bearing interest, due, and demanding payment? But the Congress of the United States is being boldly and insolently asked to-day to throw away the treasures of the people of the United States for the sole purpose of gratifying the godless greed of these monopolists; nothing else in the world. Who is to be benefited by giving away these $17,000,000 that are now received from the coffers of the banks? How many of your people in the West and South will be benefited by that?

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1781) to transfer six condemned cast-iron cannon to Storer Post No. 1 of the Grand Army of the Republic, at Portsmouth, New Hampshire, for use on a monument to deceased soldiers and sailors;

A bill (S. No. 1924) to authorize the Secretary of War to deliver to the Augusta Soldiers' Monument Association at Augusta, Maine, certain cannon and cannon balls;

A bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes;

A bill (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon balls for the soldiers' monument at Ironton, Ohio;

A bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes;

A bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa;

A bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic at Vincennes, Indiana, six condemned cast-iron guns for monumental purposes;

A bill (S. No. 1939) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi;

A bill (S. No. 1492) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; and

A bill (S. No. 972) creating the Oregon Short Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the House of the following titles:

A bill (H. R. No. 5996) for the relief of J. H. Merrill; and

A bill (H. R. No. 5004) to accept and ratify an agreement with the Shoshone and Bannock Indians, for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same.

INTERNAL-REVENUE TAXATION.

The Committee of the Whole resumed its session.

Mr. HASKELL. There are just two sources of Federal taxes in this country; one is by means of customs duties, and the other by the collection of internal revenue. By a large vote in this House, indorsed by the overwhelming sentiment of both parties, Democratic and Republican, because of the connection of customs duties with the great material interests of this country, it was decided by Congress that the question of whatever reduction of taxes might be made in the customs duties should be left to a commission. That whole question by act of Congress was relegated by a large vote to a commission.

It has been conceded that some reduction of Federal taxation should be made. If there is to be no reduction in customs duties

until the tariff commission shall report there is but one place where taxes can be reduced, and that is in the internal revenue.

The honorable gentleman from California [Mr. PAGE] and the honorable gentleman from Illinois [Mr. TOWNSHEND] seem to bewail the fact that the poor people of the United States are not to be relieved by this bill. Why are they not to be specifically relieved by this bill? Because there is no internal-revenue tax that touches the poor people that they wish repealed, save perhaps the tax on matches, and that tax is repealed by the bill. What is there that yields internal revenue? Nothing but the tax on banks, whisky, tobacco, and some stamp taxes.

By an overwhelming majority of sentiment on the Republican side of the House it is determined that so far as internal taxes are concerned the tax on whisky and tobacco will yield us all the revenue we need, and we propose to continue the tax on those articles and to take it off other articles.

Now, those gentlemen on this floor who assume that the people of the United States are idiots and fools, to be tickled by brass bands and demagogy, are the most deceived members that are sitting in Congress to-day. The people know what the internal-revenue taxes touch; they know that by reducing internal-revenue taxation we would not reach the poor people specifically. They understand that when we present this bill taking off these taxes that we are taking off the only taxes under the internal-revenue system that we can reach which we want to take off. They do not ask us to take off the tax on whisky and tobacco, but they do ask that we shall simplify the taxes imposed on other commodities, and reduce the revenues that we do not need.

By and by, when the tariff commission shall report, there will be a reduction of taxation by customs duties in those places where the customs duties impose a tax at all on the people. There is no doubt that, if the Republican party continues in power, when the commission reports those gentlemen who ask for relief from odious and unjust tariff discrimination will be gratified, and they will not be gratified until that commission does report.

No amount of noise and demagogy upon this floor is going to force into this bill a system of legislation that is at once out of order, and cannot be reached. Not a man on this floor who has talked about tariff taxes but what knows that we cannot put a tariff reduction into this bill. They all know that that is out of order, and hence that this clatter concerning tariff taxes and their incongruities and their excessive rates is all out of place, and liable to the charge of mere demagogy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Kentucky, (to Mr. HASKELL.) If it affects the revenue, why not?

Mr. HASKELL. You try it.

Mr. TURNER, of Kentucky. If you give us a fair ruling you can put such an amendment in this bill.

Mr. VANCE. I desire to ask the gentleman from Kansas [Mr. HASKELL] a question.

The CHAIRMAN. The time of the gentleman from Kansas has expired, and debate upon the pending amendment has been exhausted.

Mr. PAGE. I withdraw the *pro forma* amendment.

Mr. CANDLER. I renew it, though I did not expect to speak on this question at all. It does seem strange to me that while it is claimed by the people of this country that they are overburdened with taxation, while the majority of the members of this House admit that fact, when we finally get a report from the Committee on Ways and Means and come to the point for practical legislation, the methods seem to be the trouble, and we can give no relief to the people. First, a gentleman on one side of the House gets up and says that you should begin with the tariff; then a gentleman on the other side of the House gets up and says that you should begin with the tax on whisky and tobacco, and the result is, as sailors say, we are in the "doldrums," and cannot move either one way or the other.

Now, I am in favor of practical legislation. I believe that the chairman of the Committee on Ways and Means demonstrated clearly that the country was not only overburdened with taxation, but that it was right that we should relieve the country of some of the war taxes in the form of internal revenue which the people have had laid upon them. It seems to me that every reasonable man ought to admit that he has presented a bill which contains as little as it was possible to contain and relieve the people at all.

The method which has been proposed is not my method. I believe in relieving the people largely from the taxes on the prime necessities of life. I believe it is practical legislation and the best legislation to do that. But for one I have not been able to attain it. Yet I do not propose because my method has not been adopted to oppose any relief to the people. It is enough that the bill is wise and right, that the committee have asked for legislation in the right direction, in the interest of the people; and the amount it proposes to take from the internal-revenue taxes is so small that we can demand further legislation for the reduction of taxes and duties on raw materials and the prime necessities of life without delay.

I am opposed to every amendment which has been offered to the first section of this bill. I believe the legislation in that section is not in the interest of capital alone, but is in the interest of labor and enterprise also. So far as my State and its banking capital is concerned, I have heard the most unwarranted statements in regard to where that capital is placed. I have to say to this House that the people who are mostly interested in the banking capital in Massachusetts are the poor, the laboring classes, and the enterprising business men. A large portion of the banking capital in that State is held by the savings-banks as an investment of the humblest classes—the widow's mite and the orphan's trust funds.

I say further that the advantages of the banking capital of Massachusetts go to labor and enterprise, and not to the rich alone. As you reduce the charges upon the banking capital of the country you reduce the rates of interest in the country; and the advantages of the aggregated capital of the Massachusetts banks are shared by the enterprises that are being developed all over the nation. There is scarcely a railroad enterprise, a bridge or a mine, a cattle ranch or steamboat line that does not receive some aid or impetus directly or indirectly from it, and they will be benefited by any reduction of interest or the increased confidence which capital may have in the continued prosperity which will be encouraged by wise and unprejudiced legislation.

Again, in regard to this first section, which is objected to, I will say that I am in favor of removing the stamp-taxes on bank-checks, proprietary medicines, matches, &c., because they are a nuisance, and in some cases, like that on matches, encourage a monopoly; it is a burden and a complication upon business. While you wish to relieve the people from taxation, you also should try to relieve them from all laws that are annoying and burdensome, where the business and working men are worried by mistakes and petty infractions of the revenue laws. The cost and burden of all these things are on the masses of the people, and not on the rich.

One of the advantages of the national banking system has been that with the money of these banks a man can travel from one State to another without finding that his bank bill depreciates according to his remoteness from the place of issue, thus dispensing with the bank-note-detective book with which we were once so familiar. The relief from these petty internal-revenue check stamps will save time and trouble in the same way to hundreds of thousands who waste more in time that is valuable to them than the country receives from the tax. [Here the hammer fell.]

Mr. BUCKNER obtained the floor.

Mr. HISCOCK. I ask unanimous consent that the time of the gentleman from Massachusetts [Mr. CANDLER] be extended.

Mr. TOWNSHEND, of Illinois. In justice to other gentlemen, I must object.

Mr. BUCKNER. Mr. Chairman, it is a rather remarkable fact that, in the desire of the Committee on Ways and Means to take off the burdens of taxation upon capital and leave untouched the burdens upon the labor and industries of the country, this bill really goes beyond anything that the banks, national or State, have ever asked Congress to do for them. There have been petitions before this House year after year asking the removal of the tax upon deposits, for the reason that it was a triple and quadruple tax; but there has never been any demand on the part of banks, State or national, that their capital should be untaxed; never. But the Committee on Ways and Means are so anxious to serve the wealth and the capital of this country that they really go beyond anything that has ever been asked at the hands of Congress since I have been here.

But, sir, I rose for the purpose of calling attention to the inequality and injustice of this action of the committee. Are we aware that in taking off these taxes we are relieving the wealthy sections of the country almost exclusively? Why, sir, look at the reports of the Commissioner of Internal Revenue on this subject. There are in the Middle, New England, and Northwestern States about $419,000,000 of national banking capital which you propose to relieve from all taxation, whereas there are only $37,000,000 in the Southern and Western States, which are just now beginning to recuperate. That is the effect of this legislation so far as the banks are concerned.

In the name of all that is reasonable, why should you remove the taxation from the national banks, even from their deposits. You furnish to them as circulation $330,000,000; this amount of capital they enjoy without the payment of interest.

It is said the circulation of the national banks is not profitable. Facts show the contrary. Facts show that the banks last year made net dividends of 9 per cent., to say nothing of their accumulated surplus of $128,000,000. Not only that, but there are now quite as many demands for new banks as there ever have been, although the basis of their circulation is 3½ per cent. bonds; thus showing that whatever may be the profits on circulation, the franchise is valuable. I object to the exemption from taxation now proposed to be granted to these institutions.

[Here the hammer fell.]

Mr. CANNON obtained the floor.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. CANDLER. I withdraw the *pro forma* amendment.

Mr. CANNON. I renew it. In reply to the remark of the gentleman from Missouri, [Mr. BUCKNER,] that this bill takes more taxes off the people of the North than it does from those of the South, I confess that it does so, purely and simply because the people of the North pay more taxes than the people of the South do. The people

of the North do more business; they have more property to be taxed under this or any other law. If you ever reduce taxes, the effect cannot be otherwise. This is enough on that point.

I am for this bill substantially, with one or two amendments, for the reason that next year, by the best estimate which can be made, after you have paid every dollar of expenditures of the Government, after you have taken from the overflowing Treasury that gentlemen talk about the appropriations for rivers and harbors, after you have paid the interest on the public debt, after you have paid the $100,000,000 on account of pensions and provided for the sinking fund and all other expenditures, you will still have, under the present revenue laws, in round numbers, $100,000,000 of surplus.

Now we can safely reduce taxation. I am surprised at the position of some of my friends from Illinois and other gentlemen on the other side who oppose the reduction of taxation. It is within my recollection that they bewailed the imposition of these taxes when from necessity they were imposed, and said the country was driving straight to destruction because the Republican party dared to impose these taxes. Now, when we can safely make a scanty reduction of $18,000,000 or $20,000,000, we are told that the Government is going to destruction because we take from the Treasury this much of the hundred million surplus. They remind me of the Dutchman's calf. He said he had the most contrary calf in the world. "Be sure," says he, "I haf to pull dot calf's ears off to get it to suck, and after dot calf sucks I haf to pull its tail off to get it away." [Laughter.] So with my Democratic friends. We had to pull them to make them assent to the imposition of taxes, and now we have to pull them when we want to remove taxes, when they are no longer needed. I stand ready to help to reduce taxes up to $20,000,000, because we can safely do it and still gather from the business of the country $80,000,000 of surplus per annum. This is right, and I have no fear that my constituents and the people generally will not indorse that position.

Mr. TURNER, of Kentucky. Pay off the bonds, and stop the interest on the bonds.

Mr. CANNON. We will put it on bonds, $80,000,000 a year, even after this bill is passed. Thank God, I find you, my friend, and some others of a certain class of Democrats at last anxious to pay something on bonds and interest. I have heard you sing a different song in former years.

Mr. TURNER, of Kentucky. I have advocated and voted to pay off the national debt as rapidly as possible on all occasions——

[Here the hammer fell.]

Mr. RANDALL. The gentleman from Texas [Mr. MILLS] expressed some surprise a Pennsylvania Democrat could be found advocating the abolition of the internal-revenue system, and he referred to a speech made by me before a New York public meeting, composed chiefly of the New York County Democracy, at which I deliberately declared myself to be in favor of pulling down and tearing up by the roots the whole internal-revenue system, because it was not necessary to meet the expenditures of the Government, and because, whenever it was not rendered absolutely necessary by the emergencies of war, it was undemocratic, if not unconstitutional. Many of the provisions of the internal-revenue laws as they have been executed by the officers of the law have been unconstitutional, oppressive, and outrageous.

But it is not necessary, Mr. Chairman, that I should rely on the applause of that meeting without dissent for the approval of the position I took in that respect. I say the internal-revenue system has no warrant in any Democratic authority in this country. The power to levy an excise tax was granted in the Constitution of the United States after great hesitation and with serious doubt as to its propriety, and it was ultimately only granted to Congress after a discussion wherein it was conceded that in case of war there might be the most urgent necessity for such an extraordinary measure for the purpose of raising revenue. That was the only ground upon which it was granted, that there might be a necessity growing out of war for levying an internal-revenue tax.

The present internal-revenue system itself is a creature of war necessity, and as that war has long since passed away, I submit there is nothing in the present condition of the country for the continuance of this oppressive and unjust tax.

We have $136,000,000 of money in the Treasury against which there is no claim. We had $100,000,000 last year of surplus revenue. We are to have $100,000,000 more, and perhaps $135,000,000, this year. And, in view of this condition of affairs in the country, I say that it is not only the duty of the Democracy but the solemn duty of all the representatives of the people to abolish the internal-revenue system as quickly as it can be done.

Mr. MILLS. Could you not apply that to the payment of the debt?

Mr. RANDALL. In answer to that question of the gentleman from Texas, let me say that the amount of money in the Treasury, and under the provision of the sinking-fund law before we have the power to pay the 4½ per cent. bonds that we will have accumulated a sufficient sum to pay off the entire 3½ per cent. bonds. That is my answer to the gentleman from Texas, and it is a complete one.

Mr. MILLS. You do not propose to do that now.

Mr. RANDALL. I propose to pay from forty-five to fifty millions of dollars a year between now and the date when the 4½ per cent. bonds become due. It is enough to pay. The gentleman is dealing in fancy if he supposes by paying off the public debt at enormous rates he is going to tear down the banking system. We must have a banking system. The business of the country requires a banking system. There is nothing to be gained by tearing it down too quickly. Let us go on patiently and wisely to correct its abuses.

To the belief that this internal-revenue tax is to last as a permanent feature of our machinery for raising revenue, I say it never can be done. I do not myself believe there are many people who favor any such scheme as the perpetuation of the internal-revenue system. Why, we are raising four hundred millions of money each year, taken from the product of the industry of this country. Yet we are asked why hard times are coming. I tell you when that amount of money is taken out of the product of the industry of the people of any country, it must be felt necessarily in every channel of business. That is what the matter is with the country to-day. What you ought to do is to reduce the expenditures of the Government to an economical amount and take off unnecessary and oppressive taxes.

Mr. MILLS. Will the gentleman from Pennsylvania join me in a revision of the tariff?

Mr. RANDALL. Yes, I will join the gentleman from Texas in such revision of the tariff as will bring about a proper and consistent enactment of law. I want to say furthermore that you cannot raise from customs duties the necessary amount of money essential to the support of the Government, to-wit: about $200,000,000, without giving adequate protection to every industry in the United States.

Mr. MILLS. That depends on how you levy it.

Mr. RANDALL. No, I will let you levy it.

Mr. MILLS. Very well; I will hold you to that.

Mr. RANDALL. If you raise $200,000,000 by your tariff Pennsylvania will not be hurt; for if the duties are put where business intelligence and judgment would indicate you should put them you will not injure any interest in Pennsylvania. [Applause.]

Mr. BRUMM. I move to strike out the last word. It is a truism, Mr. Chairman, of political economy that all taxes of whatever nature or sort are directly or indirectly paid by the producer. While that is a truism that cannot be denied, that will not be attempted to be denied, yet gentlemen say that in this case where you ask the reduction of the tax deposits you are striking at the producer. The exception is only an exception, and it proves the rule in this case. The tax on deposits is not a tax on articles that are produced in the ordinary sense of the word, but it is a tax on a surplus in the hands of a man who is able to have a surplus. Poor men do not have surplusses. Deposits in banks are purely surplusses of the men who have more money on hand at the time than is needed for immediate purposes. It is true that the poor man puts his money in the bank, but yet it is a surplus, and upon that surplus the tax is levied. Besides that, a great portion of the tax is paid by the banks that receive the surplus from other banks, namely, the New York City banks, and the banks of other large cities or commercial centers pay a large proportion of these taxes. They have received the deposits from the country banks and consequently it is they that pay much of the tax on deposits. No gentleman can say that they can directly or indirectly affect the business man, much less the laboring-man. It has no bearing upon the question.

They tell us, sir, that as you increase or decrease the tax on this surplus so you affect, by increasing or decreasing, the interest paid on money. I deny the proposition *in toto*. If any gentleman can show me that a banker or an individual will ask less interest for the use of his money than he may get from the man who wants to borrow, consistent with the security, unless the law intervenes to prevent usury, I will grant you that the proposition is correct; but I think that cannot be shown. Money will fetch just what it demands, and the question of tax upon deposits cannot affect the interest upon it. Therefore it is a part of the tax upon surplus paid by the rich; and I say if you believe a reduction of taxation is necessary that this is the wrong end at which to start your relief.

I shall offer an amendment at the proper time which I hope will be agreed upon, and I believe gentlemen will concur with me in the view that it meets the difficulties which I have endeavored to suggest. If that amendment is adopted I can vote for this bill, otherwise I shall be compelled to vote against it.

Mr. BROWNE. Before the gentleman takes his seat I would like to ask him a question.

The CHAIRMAN. The gentleman's time is exhausted.

Mr. BRUMM. I will ask permission to offer the following amendment, which I will read, with the consent of the committee.

The CHAIRMAN. Without objection, the gentleman will be permitted to read the amendment.

There was no objection.

Mr. BRUMM. It is as follows:

Insert in the tenth line of the first section, after the word "amended," and in the twelfth line, after the word "statutes," the following: "Excepting all deposits upon which interest is paid by said banks."

That amendment, I believe, will meet the concurrence of many members of this committee.

Mr. SPEER. Mr. Chairman, the distinguished gentleman from Texas doubted the orthodoxy of the democracy of any gentleman who favored the reduction of internal-revenue taxation at this time. I rather think, sir, the definition of his orthodoxy would be identi-

cal with that rendered by the witty ecclesiastic, Sidney Smith, when he said that "orthodoxy is my doxie, and heredoxy is your doxie."

Now, sir, there may be no demand for a reduction or repeal of internal-revenue taxes in the State of Texas, but there is a very earnest demand for such reduction in the State of Georgia; and in this connection I desire to refer briefly to the utterances of some of the prominent members of the Democratic party from that State on this subject. What says our distinguished Senator, Mr. BROWN, upon this subject?

I consider [said he] the present internal-revenue system an excrescence upon the body-politic. So was that of the war of 1812. They were war measures. They were justifiable in public estimation upon no other theory. I wish to see the present internal-revenue system gotten rid of, so that we may return to the old rule of the fathers as soon as the expenditures can be reduced to a point where we can, without too heavy an imposition of tariff upon imported goods, collect the entire money that the Government must raise annually by a tariff upon imports, as advocated and practiced, except in time of war, by Washington, Jefferson, Adams, Madison, Monroe, Jackson, Calhoun, Clay, Webster, and all the great statesmen of this country. It is safe to heed the counsels and follow the example of such men. The sooner we return to the old beaten track trod by them the better.

That, sir, is the opinion of a distinguished Democratic Senator from Georgia. What is the opinion of a distinguished Democratic candidate for governor of Georgia—a candidate who, I believe, suits all shades of Democrats, regulars and independents? Hon. ALEXANDER H. STEPHENS on yesterday said:

I think we ought to abolish the internal-revenue system of taxation entirely. I would extirpate it root and branch. Allow me to say to both sides of the House that except in time of war these internal-revenue taxes, excise and stamp duties, are, in my judgment, in principle anti-Republican, anti-Democratic, and anti-American.

But the gentleman from Texas says we must pay the debt. So we must. But at the rate at which we are now collecting a surplus revenue we will collect in ten years, as will be demonstrated by the reports of the Treasury, more than enough money to pay all of the debt that will be due at the expiration of twenty-five years.

Sir, the people loudly clamor for the reduction of internal taxes. The cry comes from all classes of the people; not alone from Democrats; not alone from the great tariff convention of New York and the great tariff convention of the Northwest at Chicago; but, sir, it was expressed in the declarations of the Republican party years ago, as far back as 1870. And whether it be sound Democracy or not, it is sound economy and sound legislation. And for my part, though this bill does not go nearly so far as I would like to see it go, on the principle that a half loaf is better than no bread I will cheerfully support it.

Mr. MONEY. It has been frequently said that one of our chief troubles is a surplus revenue. I cannot understand how an individual or a government that owes a dollar can have a surplus revenue. But if it is meant that the revenue exceeds the ordinary expenditures of the Government, we have an abundant surplus. The question before this Congress is, How shall we reduce this surplus revenue so as to relieve the people of this country of taxation? It is conceded on all sides of the House that taxation must be reduced in some measure.

Now, sir, who asks for this? The people whom I have the honor here to represent ask that this Congress shall reduce the taxation on those articles which enter into the daily consumption of the toiling masses of this country. They have sent their petitions here by the thousand asking this Congress to reduce the taxes on the various articles of iron goods, on woolen goods, stockings and shoes, hats, &c., and on everything, sugar and salt, &c., that enters into the consumption of the people of this country. The only question it is agreed by every one is the question of adjustment. Shall we adjust the taxation to suit the greatest number of the people of the United States, or a privileged few? Shall we begin at the top or the bottom of the list of our citizens to reduce this system of taxation? Shall we begin with the people or with the banks, the national banks, that enjoy not only the most valuable franchises ever given by any government, but a measure of power that is dangerous to the liberties of any people? The question is not whether we shall reduce taxation, but whether that reduction shall apply to the men who are best able to pay taxes out of their superabundance; or whether the burden that is oppressing and grinding down the people all over this country shall be taken from them. That is the question.

It is simply a question of adjustment that addresses itself to the intelligence of this House. It is not that we are making war upon national banks or any particular class of people, as has been charged. It is not true that we are making war on any one. It is a question of giving relief, and what we are to determine is who are best able to bear the burden of taxation, and who most justly demand relief.

The people of this country ask you to relieve them of the burden of taxation so grievous that they faint and fail under it. The privileged few who have grown rich off the labor and toil of the people come to you and ask you to relieve the banking institutions from taxation.

Now, the question is whether we are here to represent simply the property or to represent human rights. Both are to be relieved by proper legislation, but we should listen first to the voice of the people who sent us here and to the cry of the really distressed.

It is true, as was stated by the gentleman from New Jersey [Mr. ROBESON] this morning, that after a while the burden of all taxation comes down to and settles upon the masses. But that is indirect, remote, and not felt by the people. That which they carry from day to day on their shoulders and which keeps them poor and necessitous is the tax which they ask you to relieve them of.

You have had no memorials from the people, from those who are poor, asking that the banks should be relieved from this tax on deposits and capital stocks. I say it is our duty as the representatives of the people, as well as of the property of the United States, to first remove those taxes which bear most heavily and necessarily upon the greatest number. If we do less than that we will fail to do our duty.

It is not because we have remitted the question of tariff taxation to a commission that we should begin this work of reform by putting it in exactly the wrong place. There is such a thing as beginning in the right place to do the right thing. If we do our duty we will begin by taking off that tax which is most oppressive and falls most severely on the greatest number of the people.

Mr. REED. I should like to make one contribution of a series of facts to this discussion, which it seems to me is of some importance, both to those who may vote for this bill and those who may vote against it.

A great many gentlemen in discussing this bill have made the declaration that this is not the proper place to begin taking off internal-revenue taxes. It seems to me that those gentlemen have forgotten the history of this country in connection with internal taxation. They seem to imagine that we are to-day making a beginning in the reduction of internal taxes.

Why, sir, we began that business right upon the close of the war, and we kept it up until financial disaster prevented us from further reducing the income of the Government. In other words, we acted like business men. As long as it was apparent that our taxation was too great to pay the expenses of the Government we continued to take off those taxes. When that state of things ceased, then we ceased to take them off.

By the act of July 13, 1866, we took off taxes to the amount of $65,000,000. That was a general reduction of taxes, especially on manufactures, and a reduction of the tax on cotton to 3 per cent. By the act of March 2, 1867, we took off $40,000,000 more, reducing the cotton tax by one-half of 1 per cent., and making a general reduction of taxation on business.

By the act of February 3, 1868, we took off $23,000,000 of taxes; that is, the tax of 2½ per cent. on cotton. By the act of March 31, 1868, and of July 20, 1868, we took off $45,000,000; which was from manufactures and from liquors and tobacco. By the act of July 14, 1870, we took off $55,000,000, stamp taxes and the taxes on incomes and dividends and other general subjects of taxation. By the act of June 6, 1872, we took off $20,651,000 more of taxes. The grand total of taxes taken off in pursuance of these several acts of Congress was $248,651,000.

There is where we made the beginning, and we took off all the taxes that were of general operation upon business. We are now taking off what is left. We have maintained these taxes for ten years because the necessary expenses of the country required it. Yet gentlemen get up here in the face and eyes of these facts and begin to talk about our taking taxes off the rich, and say that there is only one tax taken off the poor. Why is that? It is simply because only one tax has been left on the poor for the last ten years.

Mr. HAMMOND, of Georgia. Will the gentleman allow me to ask him a question?

Mr. REED. The gentleman must excuse me; I have but five minutes. That is the reason for the situation in which we find ourselves.

I think there may be some ground of complaint that we do not take off some other taxation. But that is not the question which is before us now. The question before us now is in regard to the propriety of taking off these taxes.

My object in rising was to call attention of members to the line of argument used here which indicates an entire forgetfulness of the past history of the country in regard to the reduction of internal taxation; that argument which charges that only one single tax is taken off the poor, without taking into consideration the fact that it is the only one taken off because it is the only one left.

That argument comes from men who have avowed their willingness and desire to abolish the whole internal-revenue taxation; probably mostly because they want to get the tax off of whisky. There is one thing I complain about in this bill, and that is the taking the tax off the whisky interest. For my part I do not believe in it. I believe that all the taxes relating to spirits should be taken off the very last that are taken off under our system of taxation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. I have forgotten to add that within my recollection the tax on tobacco has been reduced 33 per cent.

Mr. RANDALL. And more money was collected under the reduced tax than you collected before.

Mr. REED. That was on account of the general increase of business.

Mr. MONEY. I withdraw my *pro forma* amendment.

Mr. CLEMENTS. I renew the *pro forma* amendment, Mr. Chairman.

It is not because I would advocate perpetuation of the public debt that I oppose the present system of internal-revenue taxation. I am not one of those who believe in the doctrine that a national debt is a

national blessing, but upon the contrary I believe that a public debt is a public curse to any people. Especially do I believe it dangerous to our democratic form of government, because it is necessarily onerous and burdensome on the people, breeding discontent and unhappiness among them, gradually crushing out their love for the Government and their confidence in it. It is generally regarded as the best policy for an individual to pay as he goes and to keep out of debt as nearly as possible.

The same reasons that apply to an individual in regard to this policy also apply to governments, with this additional reason applicable to the latter, that public money is not usually guarded and applied to necessary and proper purposes with the same degree of frugality and economy with which individuals ordinarily apply their money. Consequently when there is a necessity or excuse for collecting large revenues for the Government there is and will always be a large per cent. of it that is not economically and properly applied. Where the fund is large the leaks are apt to be large. Therefore I favor a rapid discharge of the public debt by its payment, but while this is true, I believe the time has come when this system of internal taxation, an outgrowth and necessity of war, is no longer necessary to enable the Government to discharge its obligations.

If this is true, why should we hesitate to relieve the people from its oppressions? Why halt, and merely tinker with it? Why not by one act obliterate it from the pages of our statute-books, and at last free the people who have for many long years patiently and patriotically borne its hardships and oppressions? But we are told by some that the Government cannot spare the income of revenue from this source; that it is needed for the prompt payment of the public debt and for the current expenses of the Government. This we are told in the face of the fact that there is to-day a surplus of nearly $150,000,000 in the Treasury. This, it is true, might and ought to be applied to the payment of the bonds of the Government that are now redeemable as far as it would go; but this is not done, nor do I know that it will be done; for an overflowing surplus in the Treasury for which there is no pressing demand is a temptation to extravagance. It is an invitation to lobbyists and schemers to swarm around the Capitol with their evil jobs and schemes to make spoil of this magnificent surplus, wantonly and unnecessarily wrung from the earnings of and industry of the people, for "where the carcass is there will the eagles be gathered together." This spirit of extravagance so produced is already manifest when it is now admitted on all hands that the appropriations by the present Congress will exceed by many millions of dollars the appropriations made by any previous Congress in the history of the Government, except in time of war. An overflowing Treasury leads to extravagance, waste, and corruption, therefore no more taxes ought to be collected than are absolutely necessary to an honest and economic administration of the Government.

Our interest-bearing debt now is about $1,500,000,000; $511,000,000 of this is now payable; $250,000,000 more will fall due in 1891, and the balance in the year 1907. So that from this time until 1907, twenty-six years, $761,000,000 is all of the principal of the debt that will be due and payable. We cannot pay any of the balance before that time without buying in our bonds at a premium, because they are not due until then. It would not be good economy to pay a premium on them in order to get to pay them before maturity. If it should be thought best to equalize the amount of principal to be paid each year we would only have to discharge about $30,000,000 a year for the next twenty-six years to pay all of the debt that will be payable within that time. We are now paying at the rate of more than $150,000,000 a year.

Thus it will be seen that whether wisely or unwisely previous legislation has placed a large part of the public debt beyond our reach for the next twenty-six years, whether we have the money to pay it or not, unless we go into the market and pay a premium on our bonds before due, and this we cannot afford to do. Therefore I say we can dispense with this entire system, practice economy, and pay the public debt within a reasonable time. If it is desirable to pay the bonds now redeemable and those becoming so within the next few years at a more rapid rate than that above indicated, this can be done and yet dispense with this system.

I am not here to say that every man who has been a revenue officer under this Government is a bad man; I am not here to denounce every man who has had anything to do with the execution of this law. The system has been recognized as a necessity. The people have borne it patiently and patriotically as a necessity demanded by the condition of the country. But, now they realize and know that it may be dispensed with, there is no necessity for this dual machinery for the collection of the public revenue. There is no need for having on the one hand the tariff system with its custom-houses and customs officers, and on the other hand the internal-revenue system with its vast army of officers. There is no need for perpetuating both these systems. I say the time has come when we should remove this temptation to extravagant appropriations, this invitation to gather round an overflowing treasury and make spoil of it.

It is claimed by those who defend the system that the taxes collected under it are collected with less cost to the Government than other revenues, but while it may appear by the figures to be collected cheaply, it is not true. It is collected at great cost to the people, for, in estimating the cost to the people, we must not only consider the salaries and expenses of the host of officers and employés engaged in the execution of these laws, but we must also consider the court and jail expenses borne by the people in the enforcement of these laws, as well as the great expenses of individual defendants and witnesses in prosecutions for alleged violations of the law. Again, the system is unjust and unequal in its operations.

I apprehend that no patriot of any party or any section desires to oppress any portion of this country unnecessarily and wantonly. In that part of the country where tobacco is grown, you declare under your present laws to the man who carries on a farm, however small, that he shall not by his own industry cultivate upon it that which he can make most profitable. He is not allowed to raise his crop of tobacco in any quantity which may be within his means, because he is not allowed to sell it unless he carries it to the manufacturer, who is often fifty or one hundred miles distant. This system places it within the power of manufacturers to combine and fix the price, so that the producer is at their mercy and is not allowed to sell to the best advantage that which he has produced by the sweat of his own face upon his own land.

But it is said tobacco is a luxury, and should therefore be taxed. While it may be regarded as a luxury to him who uses it, yet its production, if free to the farmers of that section of the country where it can be grown, would be the means of supplying many households with the prime necessities of life where want now prevails. Many who are struggling in their poverty to support their families and educate their children would be greatly relieved if permitted to grow this plant and sell the product of their labor freely as their other crops.

Again, experience and observation under these laws show that no less liquor is made or consumed than would otherwise be. Therefore they are no aid to temperance. They have been the cause of strife, violence, and bloodshed from their inception; they have been endured patiently as a necessity until they are no longer necessary. The whole system, with its officers, spies, and informers often invading the peaceful and sacred homes of the innocent, carrying them far away, to linger for weeks and months in jail under some petty charge to await trial in a Federal court, is contrary to the genius and spirit of our Government and against the traditions of our fathers. [Here the hammer fell.]

Mr. WHITE. Mr. Chairman, the gentleman from Maine [Mr. REED] intimates that the opposition to this bill came from a desire to reduce the tax on whisky. I am sure that if I could quote his exact language he would deny that he intended to convey such an idea. But, sir, I claim that the passage of this bill may have the very effect which the gentleman seems to think is desired by those who oppose it. If you can, as this bill proposes, strike off the tax upon bank checks, bank deposits, and vouchers—if you prepare the way, as this bill does, for whisky to reach the mouths of more consumers—then by the passage of this bill you do everything that the gentleman from Maine said the opposers of the bill wanted to accomplish.

The gentleman from Kansas in his remarks a few moments ago, when he would not permit interruptions, coupled tobacco and whisky together as though the whole American people believed that the manufacturer or the grower of tobacco was to be classed in the same category with the manufacturer and seller of distilled spirits. In this bill you prepare the way for the selling of more whisky. You prepare the way for taking the tax off whisky at the next session. You prepare indirectly to do again what this House on a former occasion did directly for the whisky ring—pass a bill to extend the bonded period for distilled spirits. I call the attention of the House and the country to the fact that this bill is directly in the line of the argument used by the owners of distilled spirits in favor of an extension of the bond period.

I charge that by this bill you are helping to encourage that feeling throughout the country that the banks and the manufacturers and the tariff men and the whisky ring have got control of legislation and that you intend to do nothing for the farmer. The bill on its face will bear that construction. Pass this bill and you will hear from the farmers throughout the country at the fall elections. The people will sit in judgment then. I spoke to the Republican side of the House the other day, and appealed to it as a matter of policy; but now I demand in the name of the farmers, as a matter of right, that something shall be done for them. I spoke of policy as an incident.

Look at this bill! I have no prejudice against the banks; I have no prejudice against the retail dealers of liquor or of tobacco, but there are people throughout the country who need relief as badly as the banks and more than the manufacturers of whisky or of tobacco. Now, this bill takes off some of the taxes upon the dealers in whisky. It takes some of the taxes off of the dealers in tobacco. But while these taxes are taken off of these dealers in whisky and tobacco, there is no relief afforded to growers of grain or of tobacco. The most burdensome tax in the country is the tax on tobacco. The poor use tobacco; the poor grow it, and it is a monstrous wrong to not repeal the law which compels the farmer to hunt up a licensed dealer who has paid $500 license-tax before he can get a market for his product.

The CHAIRMAN. The *pro forma* amendment is withdrawn.

Mr. VANCE. I renew it. The gentleman from Kansas [Mr. HASKELL] declared it to be the policy to continue the tax on whisky and

tobacco forever, by which I understand him to declare that it is the policy of the Republican party to continue the internal-revenue system in this country forever. I immediately rose to my feet to ask him, when he made that statement, whether he made the suggestion by authority of his party; but I was not permitted to ask the question.

I say, Mr. Chairman, God forbid that such a system should be fastened on this country forever. There is no longer any excuse for keeping upon the people the internal-revenue system. It is one that has brought distress throughout the land. It is one that has caused bloodshed. It is one that has caused confusion throughout the length and breadth of our great country. It is anti-Republican in its character. It is anti-Democratic. It is not of American growth or of American origin. It is one of those things, sir, which has sprung up from a land where the one-man power had rule. It is no longer necessary in this land of freedom, in this land "for which Washington fought and freemen died." It is not necessary for raising revenue.

Why, Mr. Chairman, it is reported that we have in the Treasury of the United States $150,000,000 of surplus. The national debt has been reduced. The sinking fund has been used to reduce the national debt. Why, then, should the people longer suffer under the oppressive taxation of the internal-revenue system? In the good old times which are past and gone we did not have this great army of revenue officials riding through the country with pistols buckled around them, intimidating the people, watching a man in his own house, entering his house, his own castle, and it ought to be done away with as quickly as possible. I say there is no excuse for such an oppressive law to be continued among our people.

It is not needed in a temperance point of view. Will any man come here on this floor and tell me that the internal-revenue system was brought about in the interest of morality or in the interest of temperance? If so, God save the mark.

Why, Mr. Chairman, it only increases the burdens of the poor. The true policy is to go before the country and educate and enlighten the people and train them up from their youth to manhood to see the evil which this dreadful enemy of men has brought upon the land. Why, sir, the Government of the United States has covered itself in my candid opinion with a thing that is dishonorable, because it has reaped a harvest of revenue out of the blood and tears and the pangs of hunger of the children of this land. It is not an honorable thing in a great country like this. We do not need any such tax.

See how a distiller is watched and guarded! My view, Mr. Chairman, is that it would be best that no man on the face of the earth should distill spirituous liquors; not one sir; but when he does distill, in the name of justice why watch and tie him up as you do under the internal-revenue system? They not only lock him up; they not only have a lock on the place where the whisky comes out, but they have a lock on the storehouse as large as a child's head, [laughter,] and the distiller sits out upon the fence, looking the most lonesome creature on the face of the earth. [Laughter.] Down with this idea of continuing the internal-revenue system. It came to us from foreign countries, and the idea of spies and informers originated in the French Revolution. It is anti-American.

[Here the hammer fell.]

Mr. KELLEY. I now move that the committee rise for the purpose of closing debate on the pending amendments to the paragraph in five minutes.

Mr. HAZELTON. I desire to answer the gentleman from North Carolina, but if the gentleman from Pennsylvania wishes to cut me off, very well.

Mr. KELLEY. I insist on my motion.

The motion was agreed to.

The committee accordingly rose; and Mr. REED having taken the chair as Speaker *pro tempore*, Mr. CAMP reported that the Committee of the Whole House on the state of the Union, according to order, had had under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation, and had come to no resolution thereon.

Mr. KELLEY. I move that the House resolve itself into Committee of the Whole on the state of the Union, and pending that I move that all debate upon the pending amendments be limited to five minutes.

Mr. HAMMOND, of Georgia. I move to amend that by making it ten minutes.

Mr. KELLEY. Very well; I will accept the suggestion, and move that all debate upon the pending clause and amendments thereto be limited to ten minutes.

Mr. ROBINSON, of Massachusetts. I do not know what the gentleman from Pennsylvania contemplates by his proposition, but if he means to cut off all debate upon the section and amendments thereto, he will not succeed by this motion; and if he does not intend to accomplish that, it seems to me that the motion in its present form accomplishes nothing, because if it is agreed to in its present form there will be nothing to prevent any number of *pro forma* amendments, which will make the debate practically unlimited.

Mr. KELLEY. My object is to cut off debate upon the section and all pending amendments.

Mr. RANDALL. The rule allows the cutting off of all debate upon pending amendments or amendments which may be offered; but while it may be desirable to cut off debate upon the pending amendments, it may not be desirable to limit debate upon future amendments.

Mr. KELLEY. The motion is intended to embrace all pending amendments and all formal amendments to this section.

Mr. HERBERT. Do I understand the gentleman from Pennsylvania——

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania to limit debate upon pending amendments and formal amendments which may be offered to ten minutes.

Mr. KELLEY. My motion contemplated limiting debate on all pending amendments and all amendments which may hereafter be offered to this section, but in deference to the wishes of gentlemen around me I am willing to submit the motion to close debate on all pending amendments and formal amendments.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania to limit debate upon all pending amendments, including formal amendments to this section, to ten minutes.

The motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania, that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CAMP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill reported from the Committee on Ways and Means, and by an order of the House all debate upon the pending amendments and all formal amendments thereto is limited to ten minutes.

Mr. TURNER, of Kentucky. To that section.

Mr. HAZELTON. Mr. Chairman, the internal-revenue tax was imposed upon the country as a war necessity. Some of the necessities which demanded the imposition of that tax still exist. They will exist until the great debt contracted to put down the rebellion has been paid off and satisfied. We are now confronted, Mr. Chairman, by a proposition to reduce the internal-revenue taxation of the country by the sum of $23,258,880. The proposition is to reduce these taxes upon the luxuries of this land. Because I may differ with any member in this House as to where to cut down the taxes or where the work shall begin, whether upon the luxuries or necessities of our people, is no reason why I should be criticised for entertaining views which may not harmonize with those of other gentlemen; for nobody ought to criticise any other man on this floor for his opinions on this subject or impugn his motives.

There is nothing in this bill that affords substantial relief to the American people. There is not one clause of it that has been asked for by the people of this country.

Mr. KELLEY. Nine-tenths of the people have asked for the repeal of the match tax.

Mr. HAZELTON. There is not a voice raised by the American people anywhere asking for the passage of this bill.

Mr. KELLEY. Our tables groan with petitions asking the repeal of these taxes.

Mr. HAZELTON. But it comes from the bankers who hold the deposits of the people. It comes from the banks which have the capital. It comes from the men interested in the whisky business; in distilling, rectifying, selling at wholesale and retail. It comes square and straight, not from below where the people are, but from above where the capital is; and you bring in a bill which proposes in one breath a little pittance to the people, and a vast tax to be taken off the capital. How much is the capital taxed? Less than one-half a million paid by all the national banks of this Government. Put the little item of relief that you propose back again in your tax laws. Do not insult the people by such a pittance. Here is nearly eight millions on deposits, and you want to take that off and retain this pittance on capital.

Who asked that to be taken off? Is it the people? Is it anybody else than the bankers? The bankers of the country demand it; they ask it at your hands, and if you take it off of this capital you must put it on the people somewhere else, for revenues must be raised from some source. Why, I am told by men who know, who are engaged in banking—I was told the other day by Dr. VAN AERNAM, of New York, an honorable member of this body and an officer of a national bank, that the removal of this tax upon bank deposits is in the interest of the banks and not the depositors or the people, and that the removal of this tax will not reduce the rate of interest on loans or change the relation of the depositor to the bank. I am willing to vote to remove the stamp tax on bank checks, drafts, orders, and vouchers, but I do not believe the time has yet come to strike down the tax on capital and deposits. It will not lessen your interest. Your interest is fixed by law. Take off your deposit tax and your interest remains as it is to-day.

So it is all through this bill. Bloodless and cold as a stone, it reaches nothing that we want it to reach. Let your tariff commission come here with their report and then we will consider that in connection with this and adjust the two systems properly. That sleeps, and I know not how long it will sleep. But let us await its

coming and let us know what relief there is to be on the great necessities of the people proposed by that commission. That is what we want.

Until then let the luxuries bear the burden existing under the law of the land, as it now is. I remember the gentleman from Pennsylvania [Mr. KELLEY] standing up here some sessions ago on this floor in conjunction with Mr. Weaver, of Iowa, and taking the ground that we must pay off the public debt at once. I have the resolution before me.

Mr. KELLEY. You had not then issued your thirty-year bonds.

Mr. HAZELTON. When you have a national debt that allows Jay Gould or Vanderbilt to lock up $150,000,000 of your bonds from business enterprises you cannot have a healthful prosperity. [Here the hammer fell.] The gentleman from Pennsylvania was right then in his first position to pay the debt, and he is wrong now in his present attitude.

Mr. KELLEY. We can remit the match tax and yet pay the debt.

Mr. HAZELTON. When will you pay it? Four hundred million dollars of your debt can be paid off now if you want to do so.

[The Chair rapped to order while Mr. HAZELTON continued to speak after the fall of the hammer.]

Mr. HAMMOND, of Georgia, was recognized, and said: I yield three minutes to the gentleman from Wisconsin.

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

[Laughter.]

Mr. HAZELTON. I will not take from the gentleman from Georgia his time. I have said about all I wanted to say, and I may as well end by saying that the gentleman from Pennsylvania turns his back on the Weaver resolutions for which he voted, and favors the proposition that Jay Gould and Vanderbilt may hold a bonded debt which seriously impairs the enterprise and prosperity of the American people, and which the continuation of our present system of internal-revenue taxation upon the luxuries of the land would soon pay off and remove forever.

Mr. KELLEY. The gentleman from Pennsylvania voted against the thirty-year bonds, and the gentleman from Wisconsin voted for them; and we cannot pay them till we pay Gould and Vanderbilt 100 per cent. premium, owing to the legislation the gentleman from Wisconsin sustained.

Mr. HAZELTON. I will print with my remarks what the gentleman from Pennsylvania said and for which he voted.

Mr. KELLEY. And I do not disavow it.

Mr. HAZLETON. The resolution provided—

That in the judgment of this House that portion of the interest-bearing debt of the United States which shall become redeemable in the year 1881, or prior thereto, being in amount $782,000,000 should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible and according to contract.

And the gentleman from Pennsylvania supported his vote for this provision with the declaration:

Secretary Chase never said a wiser thing than when he told Congress that the optional control of the debt was of vastly more importance than the rate of interest unless he at some time exclaimed, "It is with nations as with men: 'Out of debt, out of danger.'"

Mr. HAMMOND, of Georgia. This quarrel between the gentlemen on the other side is very interesting to me, and I would like to yield the balance of my time to them if they would keep it up.

Mr. HAZELTON. This is not a party question.

Mr. HAMMOND, of Georgia. I rose to call attention to a fact which the gentleman from Maine [Mr. REED] could not permit me to do in his limited time, when he was reminding the country of the history of what he calls relief from taxation, and informed us of the taking off of the income tax, &c. I rose to call attention to the great efforts made by gentlemen from the South before we got off the tax on raw cotton. I wish in the same connection to emphasize the fact that that tax was wholly unconstitutional, that it was unjust, that it was sectional, that no party deserving the confidence of the people would have levied such a tax, and that there stands to-day in the Treasury of the United States $68,000,000——

A MEMBER. Eighty-six million dollars.

Mr. HAMMOND, of Georgia. Of that unconstitutional tax which your party refuses to repay. That ought to burn a blister of shame upon the face of the Republican party. Their tax reform, their beginning to relieve from taxation is too slow. In the face of the decision of the Supreme Court that that tax was wrong, they tell you it shall never be paid back; and they now say they are beginning to relieve the people when in fact they are only relieving the classes who have just been noticed by the gentleman from Wisconsin. The only pretense of general relief is that the people will get free matches; acceptable in itself, but insultingly small.

The CHAIRMAN. Debate being exhausted, the question recurs on the amendment to the amendment offered by the gentleman from Illinois, [Mr. SMITH.] The Clerk will report the amendment.

The Clerk read as follows:

Amend so that the clause commencing in line 10 will read as follows:

"The tax on the deposits of national banks, under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and on the deposits of national banks for the six months' period ending in the case of national banks on the 30th of June, 1882, and on the capital and deposits in the case of other banks," &c.

The CHAIRMAN. For the information of the committee, the Chair will state that the gentleman from New Jersey [Mr. ROBESON] first offered an amendment to strike out the words "capital and," in lines 7, 10, and 12, the effect of which is to take out that portion of the bill which removes the tax on capital of all banks. The purpose and effect of the amendment of the gentleman from Illinois [Mr. SMITH] is to leave the taxes on national-bank capital, and to remove the taxes from other bank capital. The gentleman from Indiana [Mr. HOLMAN] offered a substitute, which strikes out that portion of the bill which takes the taxes off all banks. The question is now on the amendment to the amendment offered by the gentleman from Illinois, [Mr. SMITH.]

Mr. SMITH, of Illinois. If the Chair will allow me, I will say the substitute of the gentleman from Indiana [Mr. HOLMAN] leaves all the taxes on all the banks.

The CHAIRMAN. It does.

The question being taken on aggreeing to the amendment offered by Mr. SMITH, of Illinois, there were—ayes 39, noes 41.

Mr. SMITH, of Illinois. I call for tellers.

On the question of ordering tellers, there were ayes 20—not one-fifth of a quorum.

So tellers were not ordered, and the amendment was not agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New Jersey, [Mr. ROBESON,] to strike out the words "capital and," in lines 7, 10, and 12.

The question being taken, there were ayes 42, noes 63.

Mr. ROBESON. I make the point that a quorum has not voted.

The CHAIRMAN. The point being made that a quorum has not voted, the Chair will order tellers, and appoints the gentleman from New Jersey, Mr. ROBESON, and the gentleman from Illinois, Mr. SPRINGER.

The committee again divided, and the tellers reported that there were—ayes 50, noes 95.

Mr. ROBESON, (one of the tellers.) I do not desire to press the point that no quorum has voted.

So (no further count being called for) the amendment of Mr. ROBESON was not agreed to.

The CHAIRMAN. The question recurs upon the motion of the gentleman from Indiana, [Mr. HOLMAN,] to strike out that portion of the first section which the Clerk will read.

The Clerk read as follows:

The stamp-tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the current six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

Mr. PAGE. I move to amend the amendment so as to leave in the bill that portion which proposes to repeal the stamp-tax on bank checks, drafts, orders, and vouchers.

Mr. HOLMAN. I will accept that amendment.

Mr. ATHERTON. I object to that, and call for a separate vote on the different clauses of the amendment.

The CHAIRMAN. Then the question will be first upon the amendment of the gentleman from California [Mr. PAGE] to the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I thought I had accepted that amendment. I wish to modify my motion so as to leave in the bill that portion which proposes to repeal the tax on checks, vouchers, &c.

Mr. ATHERTON. What I desire to reach is a vote on that portion of the section relating to the tax on capital and deposits.

Mr. PAGE. The acceptance of my amendment by the gentleman from Indiana [Mr. HOLMAN] will bring the committee to a direct vote on that proposition.

Mr. McMILLIN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McMILLIN. The gentleman from Ohio [Mr. ATHERTON] has stated that his object was not to demand a separate vote on the amendment of the gentleman from California——

The CHAIRMAN. That is the amendment which is pending.

Mr. ATHERTON. What I desire to reach is a vote on the proposition to strike out of the first section the portion which repeals the tax on the capital and deposits of banks.

The CHAIRMAN. Then the question will be on the motion of the gentleman from Indiana [Mr. HOLMAN] as modified by accepting the amendment of the gentleman from California, [Mr. PAGE.] The effect of that modified amendment will be to strike out of the bill the provision which relieves the banks from taxation on their capital and deposits, and will leave in the bill the proposition to repeal the tax on bank checks, drafts, orders, and vouchers.

Mr. PAGE. Let the Clerk read the amendment as modified.

The Clerk read the amendment, as follows:

Strike out of section 1 of the bill the following words:

"The tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the current six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882."

The question was taken upon the amendment; and upon a division there were—ayes 53, noes 65.

Mr. HOLMAN. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. ROBESON and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 86, noes 93.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend the first section by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

That from and after the 1st day of July, 1883, all laws and parts of laws imposing internal taxes upon tobacco, snuff, cigars, cheroots, and cigarettes shall be, and they are hereby, repealed; and on all original unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers on the said 1st day of July, 1883, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the tax. And all laws and parts of laws which impose any limitation or restriction on the sale or use of leaf tobacco by the producer are hereby repealed. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

Mr. KELLEY. Before the gentleman proceeds I would like to ask him where he proposes that that amendment shall appear in the bill.

Mr. RANDALL. At the end of the first section. I shall be brief in the advocacy of this amendment. First, the Government does not need the money raised by the tax laws proposed to be repealed by my amendment; second, tobacco is a great staple product of this country, and now that this tax is no longer needed for the Treasury it should be relieved from this burden; third, I have fixed a date for this provision to go into effect, which will be satisfactory both to the Government and to all parties concerned. With that statement I rest the amendment so far as I am concerned, and will yield the remainder of my time to the gentleman from Virginia, [Mr. TUCKER.]

Mr. TUCKER. Mr. Chairman, I sincerely hope the amendment of the gentleman from Pennsylvania [Mr. RANDALL] will be adopted. The time has come in the history of this Government and its finances when a real reduction of taxes can be made. The reduction proposed by this bill is a reduction upon capital in the form of bank capital and deposits, and a reduction upon some other articles; but there has been no reduction upon any article involving the productive power and consumptive interests of this country.

The tax of 16 cents a pound on tobacco which, without the tax, would be worth in the market 4 or 5 cents a pound, is a tax of 400 per cent. on that product. The tax upon the tobacco used by the rich is perhaps 100 or 150 per cent.; but upon the tobacco of the poor it is 400 or 500 per cent.

Gentlemen, I know, will answer that tobacco is a luxury, and ought to be taxed. It is a luxury to the man who smokes a twenty-five-cent cigar; but to the poor laboring-man who, while cracking rocks on the side of the turnpike finds comfort in smoking his pipe, filled with poor tobacco, this tobacco is not a luxury but a necessity. And even if it is a luxury, who will say that the luxury of the poor laboring-man should not be relieved from taxation when you are reducing taxes upon capital and the great resources of the richer part of the community?

Mr. Chairman, this tobacco tax is a tax on production. In my own district the other day I met a farmer who said to me, "I can no longer raise tobacco; the tax is too heavy." The truth is, when you add 16 cents a pound to 3-cent tobacco, making the price 19 cents, it is impossible that men can continue to produce it and have consumers for it. The increased price by reason of this heavy taxation destroys the profit of the producer.

I appeal to gentlemen from the North—some of whom are interested in this production as well as we in the South—but I appeal to those who are not interested in it to say whether, when they are reducing internal taxes upon capital, they cannot afford to remove the heavy burden that is now bearing upon the great productive industries of the Southern country. [Here the hammer fell.]

Mr. KELLEY. I wish to say a few words in reply to my colleague [Mr. RANDALL] and the gentleman from Virginia [Mr. TUCKER] who has just spoken. On the 19th of this month I introduced and caused to be referred to the Committee on Ways and Means a bill identical with the amendment of my colleague, except that while he proposes July 1, 1883, as the time when the repeal shall take effect, my bill proposes January 1, 1884. I have stated in the committee that my object was to endeavor to get the bill on the Calendar of the Committee of the Whole for consideration at the opening of the next session, so as to give both the trade and the Government a year's notice of the change. I am free to say that I introduced that bill with the date named at the suggestion of the tobacco trade of the country. The representatives of that interest held a convention and I conferred with almost all the delegates. I have received great numbers of copies of the organs of the trade. I hope the gentleman will not press his amendment in its present form, but will let the modification of the law take effect under the bill I have mentioned.

Mr. RANDALL. If I modify my amendment so as to make the date January 1, 1884, will my colleague vote for it?

Mr. KELLEY. It would be more acceptable to me——

Mr. RANDALL. Will you vote for it? Will you assist us in passing it? My great object is to have the amendment adopted.

Mr. KELLEY. I want to pass this bill. I want to see a provision such as the gentleman indicates adopted; but I am afraid that to try to unite both might lose both.

Several MEMBERS. Try it.

Mr. KELLEY. If the amendment of my colleague is to be pressed, I ask that it be amended by striking out July 1, 1883, and inserting January 1, 1884.

Mr. RANDALL. My reason for fixing July 1, 1883, was that it is the end of the fiscal year. But if I have assurance that any considerable number of gentlemen on the other side will vote for the proposition if modified so as to fix January 1, 1884, I will accept the modification. I think I will test the sincerity of gentlemen on the other side.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. KELLEY] to the amendment of his colleague [Mr. RANDALL] will be read.

The Clerk read as follows:

Strike out "July 1, 1883," and insert in lieu thereof "January 1, 1884."

Mr. HASKELL. I rise to a point of order. Does the proposition now pending provide for January 1, 1884, as the date?

The CHAIRMAN. The amendment, as the Chair understands, provides for July 1, 1883, and the amendment to the amendment names January 1, 1884.

Mr. HASKELL. Does the gentleman from Pennsylvania [Mr. RANDALL] accept that amendment?

Mr. RANDALL. I do.

Mr. HASKELL. Then that is the pending proposition?

Mr. RANDALL. It is.

Mr. HASKELL. Then I raise a point of order on the proposition.

Mr. RANDALL. It is too late; the proposition has been discussed.

Mr. HASKELL. But the gentleman from Pennsylvania has accepted the amendment; his proposition is now the substance of a bill pending before this House; and I raise the point of order that under the rules the amendment of the gentleman from Pennsylvania as now modified is not in order. [Several MEMBERS. Too late.] No, it is not too late. The moment of time he proposed to change his proposition it is amenable to the rules of the House, and I raised the question of order.

The CHAIRMAN. The Chair will state to the gentleman from Kansas, as the Chair understands the rule, that it is not within the power of the gentleman from Pennsylvania to accept an amendment to his amendment in the Committee of the Whole.

Mr. HASKELL. He did accept it and stated that was the pending proposition, and I call for the reading of the rule.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that a gentleman offering an amendment in the Committee of the Whole House on the state of the Union, as the Chair understands the rule, can only modify it by unanimous consent.

Mr. RANDALL. I withdraw my acceptance.

The CHAIRMAN. The gentleman from Pennsylvania accepted the amendment of his colleague from Pennsylvania, and the Chair recognized the gentleman from Massachusetts to speak in opposition to the amendment of the gentleman from Pennsylvania before the gentleman from Kansas rose.

Mr. HASKELL. That may be all true, but the moment the proposition was pending before the House which brought it under the ban of the rule I took the floor on a point of order, the very first possible moment it could be reached, and I asked for the reading of the rule which forbids as an amendment the offering of a matter the substance of which is contained in another bill.

Mr. CALKINS. Mr. Chairman——

Mr. CARLISLE. Before that rule is read——

The CHAIRMAN. Gentlemen will suspend until the rule is read.

Mr. CARLISLE. It is on that point of order I wish to be heard.

The CHAIRMAN. The gentleman will be heard when the rule has been read.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of another bill or resolution pending before the House.

Mr. HASKELL. Now, Mr. Chairman, it is under that rule, on the proposition now pending, and for the first time pending, the point of order was made immediately. It was made when the proposition took that form, and it was made under that rule, and I ask for the ruling of the Chair.

The CHAIRMAN. The gentleman is undoubtedly correct in his construction of the rule, but the Chair understands the rule to be that the gentleman from Pennsylvania had the power to withdraw, and the Chair thinks, under subdivision 5 of Rule XXIII, he has the power to modify his amendment in the Committee of the Whole House on the state of the Union with the consent of the committee. The Chair now recognizes the gentleman from Kentucky.

Mr. CARLISLE. If the point of order taken by the gentleman from Kansas could be sustained at all, it would only be as to that amendment which proposes to change the one offered by the gentleman from Pennsylvania on the left, so as to make it take effect on the first of July, 1884, because the amendment proposed by the gentleman from Pennsylvania [Mr. RANDALL] fixes the date on the 1st of July, 1883, which is different from that provided in the bill offered by the gentleman from Pennsylvania, [Mr. KELLEY.]

More than that, the amendment of the gentleman from Pennsylvania [Mr. RANDALL] provides there shall be a rebate on original and unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes at the time this law proposes to take effect. The bill introduced by the gentleman from Pennsylvania does not contain any such provision. It is a bill simply repealing absolutely the tax on these articles, to take effect on the 1st day of January, 1884, without any provision for rebate at all. It makes it a different proposition. Besides, I repeat that the original proposition introduced by the gentleman on my right [Mr. RANDALL] is not amenable to the point of order, which could only be made against the proposed amendment to that proposition which proposes to fix the same date provided in the amendment.

The CHAIRMAN. The Chair thinks the point of order came too late on the proposition of the gentleman from Pennsylvania.

Mr. HASKELL. I wish to say a word further. Under that rule which has been read and correctly stated by the Chair, I rose to the point of order the very first moment the proposition took the form making it subject to the point of order. The gentleman from Pennsylvania stated that he accepted the amendment, and the Chair stated to him distinctly that the pending proposition before the House was the proposition which included the date 1884. It had then taken for the first time the form under the rule which it could not take, and promptly, at that moment, the first opportunity I could have, the first opportunity the proposition was submitted to this House against the rule, I made the point and asked for the reading of the rule. The Chair said my construction was right, and now I ask that the proposition be ruled out of order.

The proposition now before the committee is contrary to the rule and contrary to its plainest provisions. It has been stated by the Chair that the pending proposition is the proposition of the gentleman from Pennsylvania, [Mr. RANDALL,] as modified by his acceptance of the amendment of his colleague, the chairman of the committee on Ways and Means. Now, that makes the whole amendment unquestionably subject to the point of order.

Mr. CONVERSE. I rise to a parliamentary question.

The CHAIRMAN. The gentlemen will state it.

Mr. CONVERSE. I desire to ask whether the point of order has not been already decided?

Mr. RANDALL. It came in too late anyhow.

The CHAIRMAN. The Chair thought the point of order was made too late. But the Chair, under this subdivision 5 of Rule XXIII, which prevents the withdrawal of an amendment in Committee of the Whole, thought, and so expressed the opinion, that the gentleman could not modify his amendment without unanimous consent. Whether the Chair is right or wrong in that view is not now the question; but the Chair thought that the gentleman from Pennsylvania having the power to accept the amendment suggested by his colleague, it would only seem reasonable to conclude that he had also the right to withdraw his acceptance of the suggestion. The gentleman from Pennsylvania [Mr. RANDALL] has stated that he withdraws, or desires to withdraw, the acceptance; so the proposition now stands as an amendment offered in the first instance by the gentleman from Pennsylvania, [Mr. RANDALL,] fixing one date; and the amendment to the amendment offered by the gentleman from Pennsylvania, [Mr. KELLEY,] fixing another date, the acceptance of the second amendment having been withdrawn by the mover of the first amendment.

Mr. HASKELL. Do I understand the Chair to hold that, pending a point of order upon a proposition, the mover of it, pending the point of order, can move it right out from under the point of order in this way?

The CHAIRMAN. The Chair says exactly that.

Mr. HASKELL. Then I appeal from the decision of the Chair. I appeal from the decision on the point of order raised originally in all of its length and breadth, that the pending proposition is contrary to the rule.

Mr. WHITE. I move to lay that on the table.

The CHAIRMAN. There is no table in the Committee of the Whole. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The ruling of the Chair was sustained.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CANDLER] is recognized.

Mr. CANDLER. Mr. Chairman, I support this bill as presented by the Committee on Ways and Means for the reason that it is in the line of practical legislation to relieve the people from taxation which is burdensome and onerous; and I believe that it is a step in the right direction. We have heard a great many statements here with reference to the effect of the pending bill upon the capital of the country and to prejudice the House against the banks. I have heard it stated, for instance, that they have in the State of Massachusetts and in all of the States usury laws.

So far as Massachusetts is concerned, this is a mistake; we have no usury law there. It has also been said by gentlemen during this discussion that the banks do not allow interest on deposits. In many cases they do allow interest.

But my strong reason, as I have said, for supporting it is the merit of the bill itself; is that it is practical legislation presented by the committee reducing the internal-revenue receipts reasonably, and while affording this relief it removes some of the war taxes that are obnoxious to the people. But I oppose at this time the introduction or adoption of any such amendment as that suggested by the gentleman from Pennsylvania, [Mr. RANDALL.] We hear it continually stated by gentlemen upon the other side that they desire to relieve the people from the burdens of taxation upon the prime necessities of life. I wish to ask gentlemen if these professions are mere glittering generalities, if their assertions mean anything? I ask the gentleman from Pennsylvania to consider this question. If the amendment he has proposed is adopted, there is little hope of getting a reduction of duties upon sugar, a tax which the laboring-man feels more severely than the tax upon tobacco, which he proposes to repeal. Now, if you take forty or fifty millions of dollars a year of tax off of the tobacco, as proposed by the amendment, when you try to reduce the duties on food and prime necessities it will be objected to; it will be claimed by those who oppose it, and it may be true, that the Government will require that amount of revenue; that you must impose the tax or duties upon some other articles; it may prevent you from relieving the taxes upon such articles as sugar and other necessaries of life, and you are limited and restricted in your legislation in behalf of the people. You can go no further in the way of relieving them where it is most important.

I call the attention of the gentlemen on the other side of the House, who claim to be political economists and practical legislators, and ask them if the repeal of the tax upon whisky and tobacco will be really a benefit to the people after all. It is the laboring-man, who must work every day in the week to support his family with the present high prices of everything they consume, whom they claim they wish to benefit. Now, does the laboring-man derive much relief from the repeal of such taxation as that? The principal burden of the people is the tax upon the prime necessities of life, and I believe if the masses of the people realized how heavily their food was burdened with taxation, if they knew that on every pound of sugar their families consumed they paid 55 to 60 per cent. tax to the Government on the raw article, their demand for relief would be heard by this House. We should not propose to remove first the forty or fifty millions tax on tobacco. We should first legislate for their necessities. It is not of much consequence when work is not to be had, or a rainy day or sickness comes to the poor man or woman, that you have taken the tax off of tobacco or whisky. Therefore I protest against interposing in such an irregular way this amendment which repeals so large an amount of revenue received for the support of the Government that we may be unable to have any practical legislation, which is not only sound and right but which the people demand and which we hope to be able to accord to them in the near future.

Mr. BUTTERWORTH addressed the committee. [See Appendix.]

Mr. TOWNSHEND, of Illinois. I expected that before we got through this discussion we would catch gentlemen on the other side blowing hot and blowing cold on this question. This morning the gentleman who in part represents the capital of New England made a speech in favor of relieving bank taxes nearly $17,000,000, and said the Treasury could well afford it.

A MEMBER. What gentleman was that?

Mr. TOWNSHEND, of Illinois. I refer to Mr. CANDLER, of Boston. Now, when the gentleman from Pennsylvania [Mr. RANDALL] proposes to relieve tobacco from taxation, the gentleman from Massachusetts rises and says the Treasury cannot afford it.

Mr. CANDLER. I beg the gentleman's pardon. I said tobacco was not a prime necessity, and sound legislation would lead us first to take the taxes off the prime necessities of life; that we should relieve sugar and other such articles before we take taxation from whisky and tobacco.

Mr. TOWNSHEND, of Illinois. The logic of the gentleman's argument is that tobacco is not a prime necessity, but that the profits of banking is a prime necessity for the poor and the laboring classes.

Mr. CANDLER. I beg the gentleman's pardon; I did not say that at all.

Mr. TOWNSHEND, of Illinois. I cannot yield further. Now, Mr. Chairman, I want to say that my position with regard to the internal-revenue tax is this: I am in favor of abolishing the internal-revenue system, and I am in favor of collecting the revenue for the support of the Government from customs duties. But when am I willing to do that? I am willing to do that whenever the tariff system is adjusted on a revenue basis, instead of a protective basis; when the tariff system is honestly and fairly adjusted for the best interests of the country, for the purpose of raising revenue, and that labor may be lightly burdened, then I am ready to abolish the entire internal-revenue system.

Some gentlemen have argued that if you take off the internal-revenue tax now, before you adjust the tariff to a revenue basis, you may be obliged to increase the tariff upon the necessaries of life. And the gentleman from Massachusetts [Mr. CANDLER] has just insisted that it is a great wrong to keep the tariff on the poor man's sugar, but he does not say anything about the wrong of keeping the tariff on the poor man's cotton shirt, on his woolen coat, or his blankets. The tariff on blankets is over 90 per cent.; the tariff on other woolen goods is over 60 per cent., and the tariff on cotton goods is nearly 36 per cent.

A few weeks ago, when we implored the majority here to grant some relief to the laboring-man by removing the burdens imposed upon

his articles of necessity, the gentlemen on the other side insisted that Congress was incapable of wisely legislating on the tariff, and required that a commission of experts should be selected to perform this duty; and they tied our hands here and referred the question to the tariff commission.

If you lack the capacity to revise the tariff taxes or duties, why are you willing to trust yourselves with the revision of internal-revenue taxes?

Sir, this bill comes to us from a questionable quarter. There is much wisdom in the adage "beware of the Greeks bearing gifts." The organs, advocates, and paid agents of the protected tariff monopolies are advocating the abolition of internal-revenue taxes while they demand that the protective-tariff system shall remain untouched. It is clear that their purpose is to reduce internal-revenue taxes in order to furnish an excuse for higher tariff duties and more protection.

It is my firm conviction that we should consider the reduction of tariff duties at the same time we do the excise taxes. Take up the whole Federal tax system at once and purge it of every element which has not for its aim the raising of revenue for public purposes.

Another object which this movement against the excise taxes has in view is that an excuse may be furnished for prolonging the payment of the public debt.

Sir, we have felt the oppression of this public debt long enough. Let us pay it off and save our children from the mortgage. Cease your extravagant appropriations and pay out the millions of surplus now idle in the Treasury on the debt, thereby stop the interest, get rid of the bonded aristocracy, and, with the help of God, we may before long rid ourselves of the tariff monopolists.

The CHAIRMAN. The time of the gentleman has expired and debate upon the pending amendment has been exhausted.

Mr. TURNER, of Kentucky. I desire to offer an amendment.

The CHAIRMAN. That is not now in order, as there is already an amendment to an amendment pending. The question is upon the amendment of the gentleman from Pennsylvania [Mr. KELLEY] to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] to strike out the words "1st day of July, 1883," and insert in lieu thereof the words "1st day of January, 1884."

Mr. KELLEY. I desire to state that even if that amendment shall be adopted I shall vote against the proposition.

The amendment to the amendment was not agreed to.

The question was then taken upon the amendment of Mr. RANDALL by a *viva voce* vote, and the Chair announced that the noes appeared to have it.

Mr. RANDALL. I call for tellers.

The tellers were ordered; and Mr. KELLEY and Mr. RANDALL were appointed.

The committee divided, amid great confusion; and after the vote was completed,

The CHAIRMAN said: On this question the tellers report—ayes 99, noes 101.

Mr. RANDALL. That is not right; I ask for a recount.

Mr. KELLEY. Let us have another count.

Mr. RANDALL. If we can have a yea-and-nay vote on this proposition in the House I will not ask for another count.

Mr. TOWNSHEND, of Illinois. I object to that, and insist upon a recount now.

Mr. RANDALL. My count makes it 103 in the affirmative.

Mr. KELLEY. And my count makes it less.

Mr. RANDALL. There may have been some mistake, and I ask for a recount.

Mr. CALKINS. Coming from this side of the House, I demand a recount as the vote was close and there was great confusion.

Several members objected.

Mr. MCCOOK. It is all very well for the gentleman from Indiana [Mr. CALKINS] in the interest of fair play to demand a recount. But as a member of this House I want to know what is going on. [Laughter.]

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. Whenever a vote is taken by tellers, both tellers must concur or it is not a vote. One of the tellers in this case, the gentleman from Pennsylvania, [Mr. RANDALL,] objects to the vote and asks for a recount. That is his right under the rules. He does not agree to the report which has been made. He says he thinks there has been a mistake, and asks for a new count.

Mr. RANDALL. I do not think there was any intentional mistake.

Mr. HASKELL. Both tellers must concur, or else there is no vote.

Mr. KELLEY. I desire to say that the vote was taken with such irregularity, by reason of gentlemen pressing through between the tellers, and gentlemen outside of the tellers insisting upon keeping the count, that I am not at all sure that the report made was the correct one. I desire, therefore, to have a recount; and I desire, also, that when gentlemen have passed between the tellers they shall go away, and not remain here and undertake to keep the count for the tellers.

The CHAIRMAN. The Chair desires to state that as the House is counting itself by tellers, and as there is a disagreement between the tellers as to the result of the vote, a recount ought to be had. The Chair, therefore, will request that gentlemen in favor of the amendment offered by the gentleman from Pennsylvania will now pass between the tellers.

Mr. BURROWS, of Michigan. I desire to inquire if the tellers are both on the same side in regard to this proposition?

Mr. KELLEY. I am against incorporating the amendment into this bill.

Mr. RANDALL. And I am in favor of incorporating it into the bill.

Mr. CANNON. The vote having been challenged, it is the duty of the committee to have a recount.

The CHAIRMAN. The Chair has ordered a recount, and if the committee will come to order the Chair will now request all members in favor of the amendment of the gentleman from Pennsylvania to pass between the tellers.

The committee again divided; and the tellers reported that there were—ayes 105, noes 107.

So the amendment was not agreed to.

Mr. WILSON. I desire to move an amendment to the first section.

Mr. MILLS. I desire to offer an amendment.

The CHAIRMAN. The Chair will not recognize any gentleman until order is restored in the Hall. The Chair requests that gentlemen be seated and cease conversation, or retire to the cloak-rooms to indulge in it.

Mr. DEUSTER. I desire to offer an amendment.

The CHAIRMAN. The amendment will be read.

Mr. DEUSTER. I move to amend the section by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

And that the several sections of the Revised Statutes of the United States embraced in chapter 5, title 35, relating to taxes on fermented liquors, and all amendments thereto, be, and the same are hereby, repealed, to take effect the 1st day of May, 1883. The Commissioner of Internal Revenue shall redeem the stamps not used at the time this act shall take effect.

The CHAIRMAN. The section embracing the subject to which this amendment relates has not yet been reached. The Chair asks the gentleman to reserve his amendment for the present.

Mr. WILSON. I move to amend by striking out in line 11 of the bill the words "capital and."

The CHAIRMAN. It is the impression of the Chair that this amendment has already been voted upon.

Mr. WILSON. The amendment of the gentleman from New Jersey [Mr. ROBESON] as I understand was to exempt the capital of private as well as national banks. My amendment relates to the national banks alone. I think the national banks should pay upon their capital a tax of one-half of 1 per cent. to the Federal Government.

The CHAIRMAN. The amendment of the gentleman from New Jersey [Mr. ROBESON] was to strike out the words "capital and" in lines 7, 10, and 12. This amendment strikes out these words in line 10 only; so that the proposition is not the same as that of the gentleman from New Jersey.

Mr. KELLEY. Is not the amendment of the gentleman from West Virginia [Mr. WILSON] the same as that of the gentleman from Illinois, [Mr. SMITH?]

The CHAIRMAN. The Chair thinks it is not.

Mr. CHACE. I make the point of order that this amendment was covered by the two former amendments—one offered by the gentleman from New Jersey, the other by the gentleman from Illinois. This proposition has already been voted upon.

The CHAIRMAN. The Chair understands that though the effect may be the same this is not the same amendment in phraseology as either of the other amendments. Therefore the Chair feels bound to submit the amendment to a vote of the committee.

Mr. WILSON. I do not understand that the effect of my amendment is the same as that of the gentleman from New Jersey.

Mr. SMITH, of Illinois. The amendment of the gentleman from West Virginia is precisely the same as that which I offered, except that I also proposed to amend the clause further down by providing a time when the amendment should go into effect.

The CHAIRMAN. The Chair has passed upon the question. The gentleman from West Virginia is recognized to address the committee on his amendment.

Mr. WILSON. Mr. Chairman, the amendment offered by the gentleman from New Jersey [Mr. ROBESON] was wider in its scope than the one I now offer. It embraced State banks and private bankers, as well as national banks. The House refused to adopt that amendment. Now, in view of the fact that the existence of these national banks is based upon Government bonds, it seems to me they should be required to pay a tax of one-half of 1 per cent. on their capital as now provided. I am in favor of exempting the State banks and private bankers, but I do not think that the capital of the national banks should be exempted.

The question being taken on the amendment of Mr. WILSON, it was not agreed to.

Mr. BUCKNER. I move to amend by inserting after the words "eighty-two," in line 17, the following:

Provided, That this reduction of taxes on bank capital and deposits shall not apply to banks issuing circulating notes.

Mr. Chairman, unless there is a determination on the part of the majority of this House to reduce taxes without reference to the

ability or the means of those who are to pay them, this amendment ought to be adopted. Its object is that the national banks to which the Government now issues its circulating notes to the amount of more than $300,000,000 without interest, although the banks receive from the loan of this money an interest of from 6 to 8 per cent. per annum, shall not be entirely exempted from taxation on their capital and deposits. These institutions, scattered all over the country, have accumulated within the last ten or fifteen years a surplus of $128,000,000. They enjoy from the Government a valuable franchise. How can you go before the country and say that they shall be exempted from taxation and placed upon the same footing as State banks?

Mr. Chairman, it is well known that these banks, as is shown by their own statements, yielded last year dividends of from 8 to 9 per cent., though even in my country money could be had for 6 and 7 per cent. The fact stares the House in the face, that even now with the prospect of a 3 per cent. bond as a basis for national-bank circulation, and with 3½ per cent. bonds actually issued for that purpose, there is a large demand for the increase of national banks. Yet it is proposed to relieve them from all taxation, except the inconsiderable item of 1 per cent. upon the $330,000,000 of circulation, which the Government issues to them without interest.

I put it to the House whether it will not require that these institutions shall pay something for the valuable franchise that they enjoy. It is not alone the right to issue circulating notes that is valuable; it is the franchise which the Government grants; the advantage which these institutions enjoy in the estimation of the community from the supervision and control exercised over them by officers of the United States. Are we to say that these institutions shall pay no tax to the Government for this great privilege that is given to them, except the 1 per cent. now authorized by law upon their circulation?

Several MEMBERS. Let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri, [Mr. BUCKNER.]

The committee divided; and there were—ayes 30, noes 60.

So the amendment was disagreed to.

Mr. WILSON. I move the following amendment:

And from and after the passage of this act no national banking association organized under the laws of the United States shall charge or receive any interest, discount, or exchange exceeding the rate of 6 per cent. per annum for the loan of any money or the purchase or discount of any note, bill, or other obligation; and any such banking association violating this provision shall forfeit the whole amount of the interest, discount, or exchange so charged or received.

Mr. KELLEY. I make the point of order on that amendment. I did not know we had reached the second section.

The CHAIRMAN. The gentleman from West Virginia moves his amendment to come in at the end of the first section.

Mr. KELLEY. I raise the point of order on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KELLEY. I make the point of order that the amendment is not germane to the bill.

Mr. WILSON. Why, Mr. Chairman, the very object of this bill is to relieve these banks from taxation on deposits and other charges which are considered by them to be excessive for the very purpose of making cheap money.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia on the point of order, but the merits of the proposition are not now under discussion.

Mr. WILSON. Mr. Chairman, the very object of the bill is to relieve these banks from taxation on deposits and other charges with the view that they may be in condition to loan cheap money to the people, or in other words to loan money at a lower rate of interest.

Mr. TUCKER. And they make the pretext that they cannot loan money at a lower rate of interest because of these very taxes which this bill proposes to take off.

Mr. WILSON. I am obliged to the distinguished gentleman from Virginia for his suggestion. Yes, Mr. Chairman, these banks make the pretext they cannot furnish to the people of the country cheap money because of these very taxes which we propose now to take off. They say they now pay tax on their deposits, tax on their capital, and tax on their circulation, and therefore they are required and compelled to charge to the borrower a higher rate of interest. Why, the logical consequence of the repeal of these taxes would demand these banks should do exactly what my amendment proposes, and that is, to make money cheaper to the people who are forced to borrow it. The object, the very spirit, the very purpose of this bill is to put it in the power of these banks to loan money at a cheaper rate of interest; and I cannot imagine anything which could be more germane to the bill than my amendment.

My friends on the other side have made their tariff speeches, (and I am a protectionist,) and when they made their speeches they gave as one reason why our manufacturers could not successfully compete with the foreign manufacturers that the foreign manufacturers had cheap money and cheap labor, while our domestic manufacturers had dear money and dear labor. It was admitted in all their arguments that our banks charged a higher rate of interest than the manufacturers of England could procure money from the English banks.

Now, the banks in my town pay in national, State, county, and corporation tax 3½ per cent. upon their capital stock. To offset this they receive 3½ per cent. on the Government bonds which they hold as the basis of their operations. Now, if they loan money at 6 per cent., they have an income of 6½ per cent. left. From this is to be deducted the running expenses of their banks, such as salaries of cashiers and other officers, and other incidental expenses.

The CHAIRMAN. The Chair desires to state to the gentleman from West Virginia that the question before the Committee is the point of order.

Mr. WILSON. I understand that, Mr. Chairman. I am showing that if there is anything which can be germane to this first section it is my amendment. The object of the bill is to relieve these banks from this taxation, and as that relief from these taxes will enable the banks to loan money at a cheapear rate, the Chair must admit that my amendment is perfectly germane.

The CHAIRMAN. The Chair asks the Clerk to read the latter portion of subdivision 7 of Rule XVI.

The Clerk read as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The CHAIRMAN. The object of this bill is the reduction of internal-revenue tax. The amendment of the gentleman from West Virginia, as the Chair understands it, relates entirely to the usury laws. The Chair thinks it does not relate to the same subject as that provided for in the bill, and therefore the amendment is ruled out as not in order.

Mr. WHITE. I now ask for the reading of my resolution.

The CHAIRMAN. The gentleman has not been recognized to offer any resolution.

Mr. WHITE. My amendment was read among the very first, several days ago.

The CHAIRMAN. It must be offered again.

Mr. BRUMM. I believe I have the floor, and I offer the following amendment:

Insert in tenth line of first section, after the word "amended," and in twelfth line of said section, after the word "statutes," the following, to wit: "Excepting all deposits upon which interest is paid or received by said banks."

I had originally the word "paid" in my amendment; but I struck it out and inserted the word "received."

Mr. KELLEY. I reserve the point of order.

The CHAIRMAN. The point of order would not lie.

Mr. KELLEY. I did not hear the amendment read.

The CHAIRMAN. It is to reduce taxes on a certain portion of capital or deposits of national banks.

Mr. KELLEY. I was misled as to the amendment.

Mr. BRUMM. Now, Mr. Chairman, there is hardly a State in the Union, except New York and some few other States, that has not passed laws prohibiting their banks from paying interest on bank deposits. The universal sentiment of the people is that the system of paying interest on deposits is a bad and dangerous system, and anything that can discourage the payment of interest on such deposits would seem to be a wise system, and should be adopted.

The object of this amendment is to provide against just the danger that must be manifest from such a system. What is the question? The people in the country districts deposit their money in the banks, and these banks, instead of keeping the money at home for the use and accommodation of the people, send it to the great moneyed centers, because the banks in these moneyed centers pay them interest on the deposit. At home the banks will not lend the money out because persons generally want it for a specified time, sometimes for thirty days, for ninety days, and sometimes for six months, while in the moneyed centers it is loaned on call at heavy rates of interest. Therefore they will rather take a smaller amount even of interest upon call than to accommodate the business men, the mechanics, of their own parts of the country, at a high rate of interest, because the loans the people want are more permanent in their character or for a specified time, while in the case of call loans they can hold the money under their immediate control.

The CHAIRMAN. The time allowed for debate is exhausted. The question is on the amendment of the gentleman from Pennsylvania, [Mr. BRUMM.]

The committee divided; and there were—ayes 5, noes 30.

So the amendment was not agreed to.

Mr. UPSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of section 1, as a part thereof, the following:
"The tax on fermented liquors; the tax on chewing and smoking tobacco and snuff; and all laws and parts of laws which impose any limitation or restriction on the sale or use of leaf tobacco by the producer are hereby repealed."

The CHAIRMAN. The question is on the amendment suggested by the gentleman from Texas, [Mr. UPSON.]

The amendment was not agreed to.

Mr. DEUSTER. I offer an amendment to come in at the end of this section.

The CHAIRMAN. Does the gentleman propose an amendment to the first section, or to the second? If to the second, the Clerk has not yet read the second section.

Mr. DEUSTER. I offer this as an amendment to the first section.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add to line 20 the following:

"And that the several sections of the Revised Statutes of the United States embraced in chapter 5, title 35, relating to taxes on fermented liquors, and all amendments thereto, be, and the same are hereby, repealed, to take effect on the 1st day of May, 1883. The Commissioner of Internal Revenue shall redeem all stamps not used at the time this act shall take effect."

Mr. BURROWS, of Michigan. The point of order had better be reserved upon that before the gentleman proceeds.

Mr. DEUSTER. We had better have the point of order settled now, Mr. Chairman, before I proceed with my remarks.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. BURROWS, of Michigan. I am willing to take a vote upon the amendment.

The CHAIRMAN. The gentleman from Wisconsin is entitled to the floor.

Mr. DEUSTER. Mr. Chairman, in offering this amendment I desire to say but a very few words. When I propose, as in this amendment, to exempt fermented liquors, ale, beer, and porter, I mean these ought to be exempt just as much and for the same reason that you would exempt coffee or tea. These are the beverages of the poor man, and it is conceded all over this broad land, and everywhere else, especially in Europe where the test of long experience has demonstrated the fact, that it promotes temperance. For that reason I hope this amendment will be adopted.

The revenue derived from the tax on fermented liquors during the last fiscal year—that is, on beer, ale, lager, and porter—amounted to $13,237,700.63. Brewers' special tax amounted to $195,308.52, and on dealers in malt-liquors the tax was $267,232.06; making a total collected from all of these sources of $13,700,241.21. Now, I say that I will vote for this bill, or for any bill to reduce the revenues, provided you adopt this amendment or a similar amendment to the one I have offered, and which will produce the same effect. And I will leave it to this House to consider the amendment fully and then vote upon it understandingly.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The committee divided; and there were—ayes 35, noes 67.

Mr. DEUSTER. I ask for tellers.

Mr. SPRINGER. No quorum having voted, the gentleman is entitled to demand tellers.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. DEUSTER and Mr. KELLEY were appointed.

The committee again divided; and the tellers reported—ayes 63, noes 90.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will read.

Mr. WHITE. Before leaving this section I desire to offer an amendment, of which I have already given notice.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by inserting after line 20, page 2, the following:

"And all the sections of chapter 3, chapter 6, and chapter 7 of Revised Statutes, and all laws or parts of laws regulating the production, manufacture, and sale of tobacco in any form whatever, or pertaining thereto, to take effect on and after January 1, 1884."

Mr KELLEY. I make the point of order that that subject has been disposed of.

Mr. WHITE. I gave notice the other day I would offer an amendment precisely the same as that, with the exception of making the day the 1st January, 1884, instead of 1883. I understand I have that right.

The CHAIRMAN. The Chair thinks that is the substance of the proposition which has just been voted on.

Mr. WHITE. There is no rebate in my amendment. There was a rebate in the other.

Mr. KELLEY. Then it is the same as my bill which is before the House; precisely the same as bill No. 6563.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] makes the point of order that this is the same amendment which has already been voted on; and also the further point of order that it is the same in substance as a bill now pending before the House. The Chair has not examined that bill recently, but from its recollection of the bill it thinks it is substantially the same. The Chair therefore rules the amendment out of order.

Mr. WHITE. I ask that the bill be read.

The CHAIRMAN. The Chair has ruled the amendment out of order.

Mr. WILLIS. I offer the following amendment, which provides for free alcohol in industrial pursuits.

The CHAIRMAN. That is not now in order, being an amendment to the second section, which the Clerk has not yet read.

The Clerk read the second section of the bill, as follows:

SEC. 2. That from and after the 1st day of May, 1882, rectifiers of distilled spirits shall pay a special tax of $120: *Provided*, That any person who rectifies, purifies, or refines less than five hundred barrels a year, counting forty gallons of proof spirits to the barrel shall pay $60. Wholesale liquor-dealers shall pay $60 and retail liquor-dealers shall pay $12. Dealers in leaf tobacco shall pay $12; dealers in manufactured tobacco shall pay $2.40; all manufacturers of tobacco shall pay $6; manufacturers of cigars shall pay $6. Wholesale dealers in malt liquors shall pay $36; retail dealers in malt liquors shall pay $8.40; brewers shall pay $60; *Provided*, That any person who manufactures less than five hundred barrels a year shall pay $30. peddlers of tobacco, snuff, and cigars shall pay special taxes as follows: peddlers of the first class, as now defined by law, shall pay $30; peddlers of the second class shall pay $15; peddlers of the third class shall pay $7.20; and peddlers of the fourth class shall pay $3.60. Manufacturers of stills shall each pay $36, and $12 for each still or worm for distilling made by him. Retail dealers in leaf tobacco shall pay $250, and thirty cents for each dollar on the amount of their sales in excess of $1,000.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to ask that the word "two" in line 2 of this section be stricken out and the word "three" substituted; also, that in line 26 of the same section the word "monthly" be inserted after the word "their," and that in the same line "$1,000" be stricken out and "a rate of $500" inserted.

The question was taken on the first amendment proposed by Mr. KELLEY to strike out the word "two" in line 2, section 2, and insert the word "three."

The amendment was agreed to.

The question was next taken on the amendment to insert the word "monthly" in line 26.

The amendment was agreed to.

The question was then taken on the third amendment offered by Mr. KELLEY, and it was agreed to.

Mr. ROBESON. I offer as an amendment to the pending section what I send to the desk.

The Clerk read as follows:

Amend section 2 by striking out all after "1883" in the second line to and including the word "dollars" in the eighth line; also by striking out the twelfth, thirteenth, fourteenth, and fifteenth lines to and including the word "dollars;" also by striking out the twenty-second and twenty-third lines and the word "him" in the twenty-fourth line.

Mr. ROBESON. My amendment covers all the relief which is given to the dealers in spirits and malt liquors. I move to take that out of the benefits of this bill, and leave the law with regard to them as it now is.

Mr. BUTTERWORTH. This amendment relates to a personal tax imposed upon manufacturers and dealers in distilled spirits. It is a personal tax. It neither adds to the quantity of liquor consumed nor lessens it. I take it this is a purely business matter, and I am unable to see why these men are not entitled to the relief provided for in this bill. [Cries of "Vote!" "Vote!"] Don't you hurry! This is not a temperance proposition nor an anti-temperance proposition, but a business proposition; and I take it this Congress deals with every branch of business which pays a revenue to this country in a business-like way, and not upon a mere question of sentiment.

There is this about it: you were not distressed very greatly when this same business paid half the revenue to carry on the war. You were not distressed when it paid the pensions due to your soldiers, or when it paid for maintaining your soldiers' homes. You were not distressed when it paid for defending your capital. It is a personal tax, and the most odious tax ever imposed. I am not discussing temperance questions or a question of the tax on distilled spirits, but a personal tax on those engaged in different branches of business. I do not think the amendment should be adopted.

The question being taken on agreeing to the amendment of Mr. ROBESON, there were—ayes 70, noes 31.

So (further count not being called for) the amendment was agreed to.

Mr. HATCH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of section 2 the following:

"*Provided*, That no farmer or planter nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco or as a retail dealer in leaf tobacco, for selling to consumers or others tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of the said farmer, planter, or minor, and all laws and parts of laws in conflict herewith are hereby repealed: *Provided*, That nothing herein shall be so construed as to authorize any such farmer, or planter, or executor, administrator, or guardian to sell tobacco by peddling the same, or to appoint or employ others to sell tobacco for him, without the payment of the special tax."

Mr. KELLEY. I make the point of order that that amendment is not relevant to the section.

The CHAIRMAN. The point of order is made that the amendment is not germane.

Mr. KELLEY. And that it is the substance of a bill now pending before the Committee on Ways and Means.

Mr. HATCH. I take issue with the gentleman from Pennsylvania on both propositions. I assert that the amendment is germane to the second section of this bill, directly and in terms; and that it is not a bill or the substance of any bill pending now before this House. I challenge the gentleman from Pennsylvania to produce any such bill. I want to see the bill to which the gentleman refers when he says that this amendment is the substance of a bill now pending before the House.

Mr. KELLEY. I have not the files of the Committee on Ways and Means with me.

Mr. HATCH. And if you search them you will not find such a bill.

Mr. WHITE. I have in my hand the bill to which the gentleman from Pennsylvania refers; and I ask that it be read to show that the

gentleman from Missouri is quite correct in the position he has stated.

The CHAIRMAN. The bill could only be read to verify the statement of the gentleman from Pennsylvania, [Mr. KELLEY,] who makes the point of order. There would be no use in reading the bill with the view of verifying the statement of the gentleman from Missouri.

Mr. WHITE. This is the bill to which the gentleman from Pennsylvania alludes.

Mr. KELLEY. It is one of a score of a similar kind.

Mr. HATCH. Let the gentleman produce the bill or any number of bills which he claims are the same in substance as this amendment. I deny the proposition that the amendment is the substance of any bill pending before this House, and I challenge the gentleman to produce any such bill.

The CHAIRMAN. Until such bill is produced, the gentleman from Missouri [Mr. HATCH] need not discuss that question further. The Chair thinks the amendment is in order.

Mr. HATCH. It is not my purpose to detain the committee by going over the argument in favor of this amendment which I delivered *in extenso* day before yesterday. I have spoken to this amendment, or the proposition contained in it, two or three times during this session of Congress.

I call upon my friends on the other side of the House who voted with us on a motion to suspend the rules and pass the bill introduced by the gentleman from Tennessee [Mr. DIBRELL] to vote with me today for this amendment. I am willing that the vote shall be now taken.

Mr. TOWNSHEND, of Illinois. I wish to offer a substitute for the amendment.

Mr. HATCH. Why embarrass in that way a proposition which has received the indorsement of a majority of this House?

The CHAIRMAN. The substitute will be read.

The Clerk read as follows:

That the sixth clause of section 3244 be, and the same is hereby, amended by striking out the words "*Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail directly to consumers, or who sells, or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf tobacco for export."

Mr. HATCH. I make the point of order on that substitute that it is in words, every single word of it a section of a bill introduced by myself, and which is now pending before the House.

The CHAIRMAN. The gentleman will submit that bill to the Chair.

Mr. HATCH. I will do so.

The CHAIRMAN. And if there be no objection on the part of the committee, the gentleman from Illinois [Mr. TOWNSHEND] will proceed to speak upon his amendment until the bill referred to is produced.

Mr. ROBESON. I rise to withdraw my vote on the tobacco-tax amendment. I am paired on all amendments to this bill with Hon. ALEXANDER H. STEPHENS. When the pair was made I understood that he was opposed to all amendments to the bill, and therefore I voted as I supposed was in accordance with his views. Since then I have been informed that he was in favor of that amendment, and I desire now to withdraw my vote and correct the record in that regard.

Mr. RANDALL. How will that leave the vote?

Mr. ROBESON. It makes no difference in the result.

The CHAIRMAN. The vote now stands—ayes 105, noes 106.

Mr. RANDALL. A very narrow shave. [Laughter.]

Mr. REED. I am glad to hear the gentleman from Pennsylvania [Mr. RANDALL] designate it as a "shave."

Mr. WHITE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. Would it be in order now to have all the pairs read, so that we may see that we were not cheated on that vote? [Laughter.]

The CHAIRMAN. That would not be in order.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I desire to say that I am heartily in favor of the amendment offered by the gentleman from Missouri, [Mr. HATCH,] and if I did not believe that this amendment of mine would improve his I certainly would not offer it.

In my amendment I have gone further than he has. I propose to remove from the statute-book all restrictions upon the farmer to dispose of his tobacco and allow him the same liberty he now enjoys in disposing of his wheat or of any other product of his farm.

I do not wish to be understood as antagonizing the amendment of the gentleman from Missouri at all, but wish to improve it in the interest of the farmer. I have been for years and am now seeking to accomplish in a better way what my friend from Missouri is aiming to do.

I shall not be tenacious for my amendment if it is not in order. I would like, however, to test the sense of the House on my amendment, and if a majority shall prefer his to mine, I shall be content. I was not before aware that the gentleman from Missouri had offered the same amendment as this of mine. I understood he had some bill pending, but its exact nature was unknown to me. I was in Congress before he was, and advocated the repeal of this obnoxious law, and offered the same amendment exactly that I now present two years before he was in Congress.

It seems strange to me that he should raise a technical quibble in order to cut out a proposition which seeks to accomplish in a better way the same object which he has in view. If he introduced an amendment like this of mine, he must have regarded it as a worthy one. And why he should now seek to strike down the very object which he aimed to accomplish by the same amendment I cannot conceive. If the gentleman has in reality introduced a proposition like this, the point of order is good against it and I have no desire to press it. Is it so?

Mr. HATCH. Here is the bill. I will send it to the gentleman.

Mr. TOWNSHEND, of Illinois. I will take his word for it, and withdraw my amendment, and will favor the amendment of the gentleman from Missouri if I cannot get all that I desire to accomplish. I will take as much relief for the farmer as is attainable. I am satisfied that the gentleman, as well as all others, will admit that my amendment is of greater advantage to the tobacco growers than his own. By his amendment some unfair restrictions are still left upon the farmer's right to dispose of his tobacco, while my amendment frees him from all restraint and leaves him in as complete control of his tobacco as he has over his corn or wheat. As under the rules I am only allowed five minutes to discuss this question I will content myself with appending some remarks I made in this House on June 15, 1878, when I first offered this amendment:

The SPEAKER *pro tempore*, (Mr. CARLISE.) The House is now as in Committee of the Whole, and resumes the consideration of the bill (H. R. No. 4414) in relation to internal revenue, and the gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor.

Mr. TOWNSHEND, of Illinois. I offer the following amendment, to come in at the end of line 22, section 14:

"That all of that portion of the sixth clause of section 3244 of the Revised Statutes of the United States embraced in the following words: '*Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail, directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf tobacco for export,' be, and the same is hereby, repealed."

INTERNAL-REVENUE LAWS.

Mr. TOWNSHEND, of Illinois. The reasons impelling me to offer this amendment were induced partly by this circumstance: a short time before my departure from home for this city last summer I met on the railway a neighboring farmer who owned a small piece of land. I found him in custody of a deputy United States marshal, who was taking him to Springfield, the State capital, where the United States courts are held, some two hundred miles away. The only charge against him was that on his little farm, devoted mainly to other agricultural productions, he had raised a small patch of tobacco, intending it for his own consumption, but the necessity for bread in his family store rendered it necessary for him to forego his luxury and part with it. He had placed the tobacco under his arm, being the entire crop produced by him, and at a neighboring mill exchanged it for flour. Remember, the tobacco had been planted, cultivated, and gathered by his own labor, with no help save Him who gives the increase. The farmer was entirely ignorant of the legal restriction upon his right to dispose of the product of his farm to whomsoever he pleased. A malignant neighbor, moved by a grudge, being better advised, had informed the United States revenue officers. These officers and the marshal, knowing there would be fees in their pockets, no matter what became of the unsophisticated farmer, had caused this man to be arrested, torn from his home and horror-stricken family, and the deputy marshal was conveying him two hundred miles away to answer this as a criminal charge.

I asked myself, can it be possible, considering the character of the men from whom we have sprung and who made this Government, men who a hundred years ago rose in rebellion because a small tax had been levied upon a foreign product—tea—that the descendants of those men of the third and fourth generations were being thrown into prison for daring to sell the product of their own labor in order to obtain the necessaries of life for their families; can it be possible that a man is not permitted to exchange his own honestly-acquired, God-given property for bread?

But, sir, as grievous and humiliating as it may seem, it must be confessed that our statute-book is disgraced with just such a law. The provision I seek to repeal prohibits a man from exchanging or selling this product of his farm to the highest and best purchaser, even where it be necessary to obtain the necessaries of life.

Now, Mr. Speaker, if you can by law restrict a farmer in the sale of his tobacco, I ask if it is not also in the power of Congress to enact a law restricting farmers in the sale of corn, wheat, or any other product except to a certain privileged class? If you build up such a class having a monopoly of the right to purchase the agricultural products of the country, will you not bind hand and foot the producing classes and deliver them over to the power and control of a combination having the power governed by their greed and avarice to fix the price of farm products?

In my judgment, the foundation of the wealth and prosperity of this country rests upon the producing classes; when you strike down that class you will have retarded the growth and development of this land and shattered the basis of its greatness.

If the revenue officials who had arrested my neighbor had been in office in the day of our earliest ancestor, Adam, they would not have arrested him or his wife for stealing from the tree of forbidden fruit; but, sir, if Adam had dared to exchange tobacco produced by the sweat of his brow with the men of Nod or any other land, he would have been arrested and thrown into a prison.

The letter of the law is as I have stated it, but when I contemplate the purposes for which this Government was established, when I read in the Constitution that it was ordained "to establish justice, promote the general welfare, and secure the blessings of liberty," when I go farther back and read in that Declaration of Independence which gave birth to the Constitution that all men are endowed by their Creator with the inalienable rights of "life, liberty, and the pursuit of happiness"—as these reflections run through my mind, I am driven to the belief that this law is unconstitutional. It is violative of the spirit of the Constitution, as it is certainly in violation of the inalienable right of man to exchange his property for bread. As I have already said, if you can dictate to whom the farmer may sell his leaf tobacco, you can dictate to whom he may sell his corn and wheat; if you can deprive him of the right to sell his leaf tobacco to his neighbor for consumption, you can deprive him of the right to sell his corn or wheat to his starving neighbor for food. Such a law is unjust. It is not an enactment of freedom; it is an edict of tyranny.

While on this subject I will avail myself of the liberty of saying that our sys-

tem of Federal taxation is wrong. Taxation should be equal and uniform and in proportion to the amount of property. Dollars, not individuals, should be taxed. Every man should bear the burden of taxation in proportion to the value of the property he possesses. The larger the amount of property a man possesses the greater the amount of protection he receives from the Government. Among the principal objects of government is the protection of property, and yet we find under our system that the poor pay as much Federal taxation as the rich. It is especially so in regard to the internal-revenue tax, of which by far the heaviest proportion falls upon the impoverished South and the young and undeveloped West. In 1875 the West and South paid into the national Treasury as internal-revenue taxes the sum of $75,361,276.38, while the New England and Middle States only paid $28,123,789.42. My own State, although ranking only fourth in population in the Union, paid last year a much larger sum than any other State.

I have no time now to dwell upon figures, but I desire to call attention to a table, for which I am indebted to the speech made during this session by the gentleman from Virginia, [Mr. TUCKER:]

Localities.	1867.	Actual in 1875.	Proper proportion in 1875.
Northeastern States	$46,915,829 42	$4,003,155 13	$19,674,380
Middle States	95,082,021 95	24,120,642 29	39,808,589
Northwestern States	45,144,364 71	43,476,694 73	18,931,507
South Middle States	22,631,406 18	26,181,412 74	9,490,587
South cotton States	30,104,904 81	2,587,246 11	12,624,637
Pacific States	7,477,667 80	3,115,922 80	3,135,796
Total	247,356,194 96	103,485,073 80	103,665,496

Before I yield the floor, as a parting word, I desire to remind this House that the national legislation of the past fifteen years has borne heavily upon the agricultural classes; so grievously are they oppressed that they are unwilling to submit to further endurance.

They constitute the bone and sinew of this land. They are patient, law-abiding, self-sacrificing, and ardent lovers of their Government, but as they are the main support of the social and political fabric they feel that they have a right to demand relief from the oppressive features of the present laws.

This amendment is a step in that direction, and I now conclude with an earnest appeal to you who are the direct representatives of the people to listen to their complaint and commence at once to repeal the unjust legislation of the past.

Mr. BUTTERWORTH. I desire to call the attention of members for one moment to the character of this amendment. It is said that "he takes my life who takes away the means by which I live." Now, this is one way of defeating the internal-revenue law. That law as it now exists is found to be absolutely indispensable in order to keep trace of the tobacco. It is a mistake to say that it is a special hardship on the producer.

How is this revenue collected? I will state in one moment. The farmer does not, as stated here, pay a license or tax for the right to sell the tobacco he produces; that is not true. But the law provides that the man engaged in the purchase of tobacco shall take out a license. Why? In order that the Government may keep the trace of the tobacco.

The dealer who buys is licensed, must be licensed before he becomes a dealer. When he buys any quantity of tobacco an entry of the purchase is made, and reports made to collector in his book. Thus the collector of internal revenue has a record of it. When this licensed dealer sells to the manufacturer the amount is entered, and the manufacturer keeps a complete record of all purchases and sales. But if you permit those who raise tobacco to sell wherever they please, and to whomsoever may be pleased to buy, what is the result? The manufacturer finds men selling tobacco everywhere to all consumers without license—tobacco upon which no tax has been paid. Thus you strike down the manufacturers, and at the same time defeat the collection of the internal revenue. At a near day we shall be able to wipe out all this taxation, but until we can do that let us not take away the only means by which the tax can be collected.

Mr. SPEER. Mr. Chairman, the House has already passed judgment upon the principle of this amendment by almost a two-thirds vote in favor of suspending the rules and passing the bill presented in the early part of the session by the gentleman from Tennessee, [Mr. DIBRELL.] Largely more than a majority voted for that proposition. There never was a more just measure of relief to the small farmers of this country than is contained in this proposition. If the amendment be adopted, the farmers of remote and mountainous sections of the country, at a distance from railroads, can sell the small quantities of leaf tobacco which they raise, and thus provide money to pay their taxes, to purchase the necessaries of life, and in many ways to contribute to their comfort and support. Take my district, for instance, where the Blue Ridge Mountains divide it into two sections. All up the sides of these mountains, perhaps forty or fifty miles away from a railroad, in the rich coves, and, indeed, all through the twenty counties of the district, the tobacco plant grows in great luxuriance. In a place half the size of this Hall a farmer might raise enough tobacco to buy his sugar and his coffee for a year. Yet now, while he is permitted to sell his cabbages and his potatoes raised on one part of that patch, he cannot sell his leaf tobacco raised on the other because there is no one permitted to buy except a licensed dealer. If his crop amounts to a hogshead, perhaps it will pay him to ship to a warehouseman. The tax, however, on the retail dealer is virtually prohibitory. I am informed there are only five of them in the United States, the object being to discourage the sale of leaf tobacco, so that the manufactured article shall have no competition.

Gentlemen talk about affording relief to the poor man. This is relief to the poor man, to the poor agriculturist who, maybe, wants to smoke leaf tobacco. It is not necessary, as the gentleman from Ohio says it is, to trace the leaf tobacco into the hands of the man who grows it that the law is of force. It is necessary to trace it back to the point where it begins to be manufactured; but it is not necessary to trace it back to the producer. This is a pretense in behalf of the manufacturers.

Mr. Chairman, as I have said, this House has once by a considerable majority, not quite two-thirds, approved the principle of this proposition; and I trust that this relief will now be given to the poor agriculturists of my own and other sections of the country.

Mr. HOUSE. I move *pro forma* to amend the amendment by striking out the last word. Mr. Chairman, on yesterday or the day before I submitted to the committee a few remarks upon this amendment of the gentleman from Missouri. I then stated that this prohibitory tax upon the sale of leaf tobacco by retail was in the interest of the manufacturer. Now I did not catch all that the gentleman from Ohio [Mr. BUTTERWORTH] said; but as I understood he asked this committee to vote down the amendment upon the ground that the farmer, if permitted to sell his tobacco in whatever quantity he may see fit, as he sells his oats and his wheat, will come into competition with the manufacturer.

Mr. BUTTERWORTH. Oh, no; I did not say that. The gentleman does not state the law correctly. There is no planter in the country who may not sell all the tobacco he raises, one leaf or a million, under the existing law.

Mr. HOUSE. I do not understand the gentleman.

Mr. BUTTERWORTH. I say the gentleman misapprehended what I said, and he misstates the law if he says that any man is prohibited from selling the tobacco he raises in any quantity he pleases. There is no restriction so far as that is concerned.

Mr. HOUSE. The farmer cannot sell his tobacco in any quantity he pleases.

Mr. BUTTERWORTH. Certainly he can.

Mr. HOUSE. Certainly not.

Mr. BUTTERWORTH. Here is the point. The licensed dealers in leaf tobacco—and they are everywhere——

Mr. WHITE. There is not one in my county or district.

A MEMBER. Because you raise no tobacco.

Mr. BUTTERWORTH. Wait a moment. The licensed dealers in leaf tobacco are required to keep a record, and there is no pretense that the planter cannot sell to the licensed dealer any quantity he chooses, whether a leaf, a bale, or a hogshead.

Mr. HOUSE. I am utterly surprised at the gentleman's statement. Every retail dealer in leaf tobacco, under the law as it now stands, has to pay a license of $500; and for every dollar's worth of tobacco he sells over $1,000 he has to pay 50 cents to the Government.

Mr. BUTTERWORTH. My friend does not insist, does he, that the planter has to pay a cent for selling his crop, to take out a license, or pay a special tax?

Mr. HOUSE. He cannot sell it by retail unless he sells it to the retail dealer; and no man can be a retail dealer because the tax is prohibitory. Here is the provision of the pending bill:

> Retail dealers in leaf tobacco shall pay $250, and 30 cents for each dollar on the amount of their sales in excess of $1,000.

The gentleman from Ohio has totally misapprehended the law, and also the grievance under which the farmer is now suffering.

I want to call the attention of the gentleman from Pennsylvania, [Mr. KELLEY,] chairman of the Ways and Means Committee, to this provision of his bill and to ask him why he has inserted it. Why do you put a provision in the bill that a retail dealer in leaf tobacco shall pay a license of $250 and 30 cents on the dollar for every dollar's worth of tobacco he sells? Does not the gentleman from Pennsylvania know that is prohibitory? Does he not know no man can afford to pay $250 license on the first $1,000 and 30 cents on every dollar's worth of tobacco he sells over $1,000? That is as much prohibitory as the law now is.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HOUSE. I wish I could have more time on this important question.

Mr. WHITE. I ask by unanimous consent that the gentleman from Tennessee may have his time extended for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Tennessee be extended for five minutes.

Several members objected.

Mr. REED. I object, unless the same time be given to reply.

Mr. HOUSE. I am willing to agree to that.

Mr. REED. Very well; I have no objection.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Tennessee is recognized for five minutes.

Mr. HOUSE. Not only that, but you have in this bill a provision equally prohibitory as the law now stands. It is not only prohibitory but you go even further. At the last session of Congress a law was passed by which retail dealers of leaf tobacco got out a license by paying $5. The farmer on the tobacco he raised on his own farm, or on what he got from tenants who raised tobacco on his own farm, might sell to the retail dealer on the payment of a tax or

license of $5 per annum. He might sell it to him in any quantity, but this repeals that provision. You not only put a provision in this bill which makes it prohibitory on the farmer to sell the product of his soil and the result of his sweat and labor——

Mr. BUTTERWORTH. Where is that done? Show me the law.

Mr. HOUSE. What?

Mr. BUTTERWORTH. Where is the proposition to prohibit the farmer from selling?

Mr. HOUSE. Why, my dear sir, it has been the law always.

Mr. BUTTERWORTH. I hold the statute in my hand; show me the law.

Mr. HOUSE. There has been a bill here to repeal that ever since I have been in Congress. A vote was taken on a bill offered by my colleague, [Mr. DIBRELL,] and it was carried through this House by nearly, if not, a two-thirds majority. I wish the farmer might sell his tobacco as he sells his oats.

Mr. VANCE. To sell to the consumer you mean?

Mr. HATCH. He cannot sell to anybody but a licensed dealer.

Mr. HOUSE. He cannot sell to anybody except a licensed dealer. You not only propose to repeal by this bill the act of June, 1880, but you put a provision into this bill which is equally prohibitory with the law as it now stands which makes a retail dealer pay $500 for the first $1,000 worth he sells and fifty cents for every dollar's worth he sells over a thousand dollars. There is no doubt about that. I never heard anybody doubt it except the gentleman from Ohio.

Mr. KELLEY. If the gentleman will refer to lines 8 and 9 he will find dealers in leaf tobacco shall pay $12.

Mr. HOUSE. Why that is a different thing altogether.

Mr. HATCH. The dealer under that license of $25 can only sell to another licensed dealer. He cannot sell to the consumer at all.

Mr. BUTTERWORTH. I hope we will be permitted to have a moment to reply.

Mr. HOUSE. I am talking about retail dealers. I am astonished the gentleman from Ohio should so misapprehend the law. I refer here to the Revised Statutes, page 624. I wish I had time to have it read. "Retail dealers in leaf tobacco shall each pay $500, and if their annual sales exceed $1,000, shall each pay in addition fifty cents for every dollar in excess of $1,000 of their sales."

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. This bill reduces the $500 to $250, and fifty cents on the $1,000 to thirty cents on the $1,000.

Mr. HOUSE. Let me ask the gentleman from Pennsylvania a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. HOUSE. It is a pretext and a sham and a fraud to say that this affords any relief to the farmer.

Mr. BUTTERWORTH. Mr. Chairman, the effort has been made here constantly during this debate and on previous occasions to induce the House to believe that the farmer of the country cannot sell his tobacco without paying a special tax; and gentlemen have made the mistake all the way through this discussion of calling him a retail dealer. Now, there is no provision in the law requiring him to pay a tax for the privilege of selling his crop.

Mr. HATCH. The gentleman from Ohio is very much mistaken. He can only sell to a licensed dealer——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. BUTTERWORTH. I do not yield. The law expressly provides:

No farmer or planter shall be required to pay a special tax as a dealer in leaf tobacco for selling tobacco of his own production or tobacco received by him as rent from tenants who have produced the same on his land.

Now, wherein does that levy a tax upon the farmer?

Mr. HATCH. Read the proviso, the balance of the section.

Mr. BUTTERWORTH. I intend to read it. But yet it has been asserted here that they have no right to sell tobacco without paying a special tax.

Mr. HATCH. I hope the gentleman from Ohio does not mean to misstate the position taken on this question.

Mr. BUTTERWORTH. By no means. I will read the remainder of the section:

Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail directly to consumers.

Now, that is exactly what I have asserted, too.

Mr. HATCH. Go on; read the rest.

Mr. BUTTERWORTH. The section goes on:

Or who sells, or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf dealers or manufacturers of tobacco, snuff, or cigars, &c.

Mr. HATCH. Now, I ask the gentleman from Ohio to state in all fairness if under this statute the farmer is not prohibited from selling his crop to anybody but the licensed dealer?

Mr. BUTTERWORTH. That is precisely what I have stated the case to be, and what you said it was not.

There is no prohibition or tax imposed upon the farmer for selling his crop, but when he enters into the business of a retail dealer he must pay, as everybody else, the special tax.

Mr. HOUSE. The gentleman from Ohio is entirely mistaken in saying——

Mr. BUTTERWORTH. You have iterated and reiterated and reiterated the assertion here that the farmer was unable or could not sell his crop without paying a special license.

Mr. HATCH. I never made that statement on the floor of the House.

Mr. HOUSE. It never was made in that way.

Mr. BUTTERWORTH. Then you were not happy in making yourself understood by me, at all events.

Mr. HATCH. If the gentleman had desired to understand the statement, or had listened to the statement that was made, he would have understood the position taken with reference to this matter. The law is very plain.

Mr. BUTTERWORTH. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Ohio declines to be interrupted.

Mr. HOUSE. I yielded to the gentleman from Ohio.

The CHAIRMAN. The gentleman did not yield, but the time allowed him was exhausted. The Chair must insist that gentlemen will address the Chair when they wish to interrupt the gentleman having the floor, and the Chair will then ask the gentleman who is interrupted if he will yield for a question.

Mr. HOUSE. Then I ask the gentleman from Ohio to yield to me for a moment.

Mr. BUTTERWORTH. If you will allow me to conclude what I was about to say when you interrupted me we will understand each other better.

Mr. HOUSE. Will you yield to me for a question?

Mr. BUTTERWORTH. Yes, for a question.

Mr. HOUSE. Do I understand the gentleman from Ohio to say that the farmer can sell his tobacco by retail to anybody just as he would sell his wheat or his corn or his oats?

Mr. BUTTERWORTH. I never said so, and the law does not say so.

Mr. HOUSE. No, it does not; and that is just what we want it to say.

Mr. BUTTERWORTH. I never intimated that it was so.

Mr. HOUSE. Can he sell to anybody but a licensed dealer; to a man who has paid his $500 special license and complied with the other requirements of the law?

Mr. BUTTERWORTH. No, he cannot.

Mr. HOUSE. That is all we want you to acknowledge.

Mr. BUTTERWORTH. But that is not all. This is not a question as to whom the farmer can sell, it is a question of who may be the purchaser. Now, dealers in tobacco are required to pay a tax, and, as the gentleman from Tennessee must understand, for the purpose of keeping a trace of the tobacco so that the revenues may be collected upon it. There is no tax upon the farmer in that respect; and when the gentleman from Tennessee and when the gentleman from Missouri take the ground that the farmer has no right to sell his crop, it is an error, and, as I have shown, not consistent with the law. The truth of the matter is that gentlemen reverse the conditions constantly. The law requires that all dealers in tobacco shall pay a special tax, but the gentleman put the farmer in the category of the retail dealer continually, and, of course, if he engages in the business of selling directly to consumers, he does take that position and must comply with the law as other dealers are required to comply with it. Now, we have all over the country men who have paid the license to deal in tobacco; they are purchasers, and there is no other way to preserve, as I have said, a trace of the tobacco, so as to provide for a collection of the revenues, than by requiring just such license. If you allow the farmer, planter, and producer, and everybody else that chooses, to engage in this business without paying the license, then you, as a result, prevent the collection of the revenue altogether. It is the men who buy the tobacco and who are engaged in the trade who pay the license, just as the man who is engaged in selling whisky is required to pay the special tax. You do not punish the man who drinks the cock-tails, but you punish the man who is engaged in selling in violation of the law. That is exactly the case with tobacco; you do not punish the man who sells, but you require the dealer to get out a special license——

Mr. HOUSE. But you make the business of retail dealing pay such a license that few men can engage in it.

Mr. BUTTERWORTH. If this bill is adopted——

Mr. WHITE. I ask the gentleman from Ohio to yield to me for a question.

Mr. BUTTERWORTH. I yield to the gentleman for a question, but not for a speech.

Mr. WHITE. I desire to ask the gentleman from Ohio if he were to compel the man who owns an orchard to sell his apples to a licensed apple buyer, who was compelled to pay $500 tax before he could sell those apples to the distillery, if then his case would not be a parallel, instead of the one he has presented?

Mr. BUTTERWORTH. I do not desire to discuss hypothetical cases when we have a distinct case here before us to consider. The whole point of this is whether we will adopt this amendment which takes away the means indispensably necessary to collect the internal revenue. The experience of this country and others shows there is but one way, and that is to require dealers and manufacturers to take out a license. Now, if you permit the farmer, planter, and producer, as my friend suggests in his amendment, to sell without a license—and I would be glad to have it so, except for the fact that you would thus defeat the collection of the revenue, and would at

the same time utterly destroy the manufacturer—it is perfectly clear that if you permit him to sell to Paul, Barnabas, Silas, Sebastian, and everybody else, you will observe that the manufacturer must close business, as his tax-paid goods would have to compete with those that are non-tax-paid; and thus your manufacturer would go down and the revenue go down also. It may be a hardship in one sense, but it is a hardship which is inevitable in the collection of the internal revenue. When the time comes—and I hope it will soon—I will be glad to remove the whole internal-revenue tax on tobacco. But I do not want to remove the prop that holds up the house before I am ready to take down the house. When I am ready to take the house down I will then be ready to take down the prop that upholds it. Until then it is unwise to do what is here proposed. If we are to collect this revenue at all, it is idle to seriously propose to withhold the means without which the revenue cannot be collected.

Mr. HATCH. I want to set the gentleman representing the Cincinnati district right. Mr. Chairman, there cannot be any misconstruction or misapprehension of this law, either the law as it stands upon the statute-book or the proposed amendment of the Committee on Ways and Means. All they propose to do is simply to reduce this prohibitory tax from $500 to $250 and from 50 cents to 30 cents on the amount of sales of leaf tobacco made within a given time by any one single person.

As I explained fully to the House on the day before yesterday there are two classes of licenses; one known as the dealers' license, and one known as a license to retail dealers of leaf tobacco. The man who takes out a license as a dealer can only sell to some other person who has a similar license or to a manufacturer of tobacco. He cannot sell one single ounce or pound to a consumer. He cannot sell an ounce or a pound in any market where there is not a licensed dealer authorized by the Government to buy. And the hardship upon the farmer is this, that in the West and in all the tobacco-growing sections of the country there are a large number of farmers who raise less than a hogshead of tobacco and cannot afford to ship it to a tobacco market for sale. They cannot go into the open market and sell it to the highest bidder. And all that my proviso means, and all that can be made out of it, is that it permits the farmer to go to the nearest country store and take his little crop of tobacco, ten pounds or a thousand pounds, and sell it for whatever the country merchant will pay for it. And the moment it passes into the hands of a buyer it becomes subject to all the rules and regulations of the revenue department.

Mr. WILSON. Subject to taxation.

Mr. HATCH. Yes; and subject to taxation. It does not reduce the revenue of the Government a single dollar. There is but one single apprehension about it, and that is what I explained the day before yesterday. It is that these manufacturers, for whom the gentleman representing the Cincinnati district pleads so eloquently, are afraid some poor laboring-man in the United States, who has no money but what he makes every day from his labor, may go into the market and buy some unmanufactured tobacco to chew or smoke for his own gratification rather than that which is stamped.

Mr. WILSON. I rise to make a suggestion to the gentleman from Pennsylvania, [Mr. KELLEY.] We have been here from Monday morning, I may say from ten o'clock every morning, when we enter upon our committee work, until five or six o'clock. Considering the length of labor of this week, I suggest that the gentleman move that the committee do now rise, and let us have an adjournment to Monday morning, when we will come back fresh and vigorous to the consideration of the bill.

Mr. KELLEY. I desire to reach the point of having the previous question ordered this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HATCH] which has been reported.

The question being taken, there were—ayes 64, noes 93.

Mr. HATCH. I call for tellers.

Tellers were ordered; and Mr. KELLEY and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 89, noes 92.

So the amendment was not agreed to.

Mr. WILLIS. I now offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 2 the following:

"*Provided*, That the Secretary of the Treasury, from and after the 1st of January, 1883, shall grant permission to any firm, individual, or corporation to withdraw from bond alcohol or any spirits containing alcohol and subject to internal-revenue tax, in specific quantities of not less than 350 proof-gallons, without the payment of the internal-revenue tax on the same or on the spirits from which it may have been distilled, for the sole purpose of use in industrial pursuits, under such rules and regulations as the Commissioner of Internal Revenue may prescribe, with the approval of the Secretary of the Treasury."

Mr. KELLEY. I make the point of order on that amendment that it affects the general system of collection of revenue, internal and from customs; also, that there are bills now pending before the House containing the same provision.

Mr. WILLIS. I do not think that either of the two points of order made by the gentleman from Pennsylvania [Mr. KELLEY] will stand a moment's examination. I challenge the gentleman to produce any bill now pending before this House which is "substantially," as the rule requires, the same as this proposition.

Mr. RANDALL. It is very evident that we cannot get through with this bill to-night.

Mr. ROBINSON, of Massachusetts. Yes, we can.

Mr. RANDALL. We have been a long time in session, and it is a very hot day. I therefore suggest to my colleague [Mr. KELLEY] that he move that the committee now rise.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. WILLIS] yield?

Mr. WILLIS. I will yield for that purpose.

Mr. KELLEY. I had hoped that we might reach the previous question on this bill. After this amendment shall have been disposed off there is but one section of the bill left.

Mr. RANDALL. This is Saturday, and the House has been hard at work all the week.

Mr. KELLEY. I will say, however, that a great number of gentlemen on both sides have appealed to me, saying that they have made arrangements to go to different parts of the country and to the seaside. Some of them have said that their families are already away from the city. I think it possible that the next half hour will thin the House out so much that we will not have a quorum here. I therefore will move that the committee now rise, and this bill can come up hereafter as unfinished business.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMP reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation, and had come to no resolution thereon.

Mr. RANDALL and Mr. CAMP moved that the House adjourn.

Mr. ROBESON. I call for the regular order.

Mr. BELMONT. I rise to a privileged motion.

Mr. RANDALL. I will yield to the gentleman from New York for that purpose.

A COMMON PRIME MERIDIAN.

Mr. BELMONT. I move to reconsider the vote by which the House this morning refused to order to be engrossed for a third reading the joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the reckoning of longtitude and in the regulation of time throughout the world.

Mr. CAMP. I make the point that the motion is not in order pending a motion to adjourn.

The SPEAKER. The Chair thinks the motion to reconsider may be entered upon the Journal, and that will be done.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAWES, for four days.

To Mr. ERMENTROUT, indefinitely.

ORDER OF BUSINESS.

Mr. ROBESON. I now call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLISS: Papers relating to the claim of the heir of General Count C. Pulaski—to the Committee on Claims.

By Mr. E. W. ROBERTSON: The petition of citizens of Marksville, Louisiana, for the speedy enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. URNER: The petition of J. L. Belt and 34 others, citizens of Montgomery and Frederick Counties, Maryland, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

SENATE.

MONDAY, *June* 26, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of Major Amos Stickney, Corps of Engineers, of a survey, made in compliance with provisions in the river and harbor act of March 3, 1879, for a breakwater in Lake Pontchartrain, in the vicinity of the new canal

outlet near New Orleans, to serve as a harbor of refuge; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented the petition of John M. Robinson, president of the Baltimore Steam Navigation Company, praying that an appropriation be made to satisfy the allowance and recommendation of the Quartermaster-General, made under the authority of the Secretary of War, for services rendered during the rebellion in keeping the channel at Locust Point open and free from ice; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BROWN. I present a petition of a large number of citizens of Brunswick, in the State of Georgia, setting forth the fact that the post-office building in that city has recently been consumed by fire. It was a wooden building. There is no custom-house building there except a wooden building, and the port has now two important railroad lines centering at that point. It is a very fine harbor, with a growing business. The petition prays for an appropriation to erect a suitable building there for post-office and custom-house purposes. I move its reference to the Committee on Public Buildings and Grounds.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the bill (H. R. No. 3856) to provide for the muster and pay of certain officers of the volunteer forces, and the bill (H. R. No. 4676) for the relief of certain officers of the Army for services actually performed during the rebellion, reported a bill (S. No. 2083) forthe relief of certain officers of the Army; which was read twice by its title.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom were referred sundry bills in regard to the salaries of district judges of the United States, to report an amendment to the legislative, executive, and judicial appropriation bill, which I move be printed and referred to the Committee on Appropriations.

The motion was agreed to.

SIXTH NORTH CAROLINA COLLECTION DISTRICT.

Mr. VANCE. I am instructed by the select committee to investigate the administration of the collection of internal revenue in the sixth district of North Carolina to report a resolution, and I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the select committee to investigate the administration of the collection of internal revenue in the sixth district of North Carolina is granted leave to sit during the sessions of the Senate.

SOCIETY OF THE RED CROSS.

Mr. HAWLEY. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross, under the recent accession of the United States to the Geneva convention to provide for the amelioration of the sick and wounded in time of war and for furnishing relief in other national calamities, to report it with an amendment in the nature of a substitute, and I ask for the present consideration of the joint resolution. The joint resolution as originally introduced provided for a permanent appropriation of $1,000 a year. The committee thought that the object would be sufficiently answered by an appropriation for this year, as it is the first year of the accession of the Government to the organization.

The Senate, by unanimous consent, proceeded to consider the joint resolution, which was reported from the Committee on Printing with an amendment, to strike out the preamble and all after the enacting clause and to insert:

That the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State in the printing and publication of necessary information concerning the Societies of the Red Cross for the amelioration of the sufferings of soldiers in time of war, and the recent accession of the United States to the Geneva convention for the organization of said societies, and giving a brief history of such organizations and the results thereof.

Mr. CONGER. Is there any objection to the preamble except that it takes up room?

Mr. HAWLEY. It is of considerable length, and recites a sort of history which the committee did not deem necessary.

Mr. CONGER. It seems to me the preamble might be printed with the joint resolution. It is a matter of universal interest, and the little amount of extra printing which it would require cannot make much difference.

The PRESIDENT *pro tempore*. The Chair will state on the question of leaving out the preamble, that half the time the preamble recites what is not true, and nobody knows whether it is true or not.

Mr. HAWLEY. The preamble in this case recites, besides a long title:

Whereas by the recent action of the President and Senate, the accession of the United States to the Geneva convention for the organization of Societies of the Red Cross for the amelioration of the sufferings of soldiers in time of war, and for furnishing relief to sufferers in national calamities, has been ratified and confirmed—

Everybody knows that—

and the terms of the said treaty have been made public; and

Whereas a national society has been organized in the city of Washington, of which Miss Clara Barton is the president, and local societies are being organized in different parts of the United States; and

Whereas it is desirable that full information of the objects and purposes of said societies should be disseminated—

This is another long paragraph, and we thought it was not necessary.

Mr. CONGER. It certainly can do no harm to retain the preamble.

Mr. HAWLEY. I have no special objection to retaining it.

Mr. CONGER. I hope the preamble will be adopted.

The PRESIDENT *pro tempore*. The question on agreeing to the preamble will come up after the joint resolution passes. The pending question is on the amendment reported from the Committee on Printing to strike out all after the resolving clause and insert a substitute.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble, which the Committee on Printing report to strike out. Does the Senator from Michigan wish a separate vote on the preamble?

Mr. CONGER. I hope the preamble will be adopted.

Mr. ANTHONY. It seems to me that is a very long handle to a very small resolution. I do not think it is proper to cumber up the statute-books with long preambles, giving the reasons why we pass legislation. I hope the Senator from Michigan will not press his request.

Mr. CONGER. As a matter of gratification to hundreds who are interesting themselves more than we are in the benevolent and charitable work intended by the joint resolution, and as it certainly cannot make much difference, I wish to have the preamble retained.

Mr. HAWLEY. The whole measure will have to be redrafted if the preamble is retained, because the substance of the preamble is condensed in the joint resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee striking out the preamble.

The preamble was rejected.

The title was amended so as to read: "A joint resolution providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross."

BILLS INTRODUCED.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2085) to appropriate $75,000 to erect a building for a post-office and custom-house in Brunswick, Georgia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2086) to regulate the practice of the United States courts in certain cases; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2087) to protect and promote the navigability of the navigable rivers of the United States, and to prevent the deposit of sawdust or other material in said rivers to the injury of navigation, and to punish persons guilty of depositing such material therein; which was read twice by its title, and referred to the Committee on Commerce.

GARFIELD MEMORIAL ADDRESS.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That in addition to the number heretofore ordered, there be printed for the use of James G. Blaine 750 copies of his eulogy upon James A. Garfield, and 750 of the same for the use of Mrs. Lucretia R. Garfield.

PRINTING OF ORDNANCE REPORT.

Mr. HAWLEY. A resolution was reported from the Committee on Printing a day or two ago providing for the printing of certain papers and illustrations accompanying a letter from the Secretary of War and a report of the board on heavy ordnance. Objection was made at the time by the Senator from Minnesota, [Mr. McMILLAN,] in order that he might inquire into the matter further. He has no further objection, and I ask that the resolution be passed.

The Senate, by unanimous consent, proceeded to consider the following resolution, reported from the Committee on Printing on the 22d of June:

Resolved, That such parts of the papers and drawings from the records of the

board on heavy ordnance and projectiles as may be selected by the Chief of Ordnance be printed.

The resolution was agreed to.

DISTRICT WATER SUPPLY.

Mr. HARRIS. I ask to call up at this time the bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes, for the purpose of acting upon the House message in reference to it.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes, further insisting upon its amendments to the bill, and asking a further conference of the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I move that the Senate do further insist upon its disagreement to the amendment of the House, grant the further conference asked by the House, and that the Chair appoint the Senate conferees.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed Mr. HARRIS, Mr. INGALLS, and Mr. GORMAN the managers at the conference on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, have instructed me to report it with sundry amendments, and to ask that it be printed and lie upon the table; and to-morrow morning after the morning business I desire to call it up for action. It is very important to have action on it at once.

The PRESIDENT *pro tempore*. The bill and amendments will be printed, and the Senator from Iowa gives notice that to-morrow morning immediately after the routine morning business is over he will ask to have all other business set aside and take up the bill.

Mr. ALLISON. I ask leave to have printed in the RECORD sundry tables showing the changes which the Senate Committee on Appropriations have made in the bill as it came from the House of Representatives.

The PRESIDENT *pro tempore*. Leave will be granted if there be no objection.

Mr. ANTHONY. Had not the statements better be printed as a separate document? The printing of such papers cumbers up the RECORD. The paper can be printed in the ordinary way and laid on the tables of Senators.

Mr. COCKRELL. I approve of the suggestion of the Senator from Rhode Island. This matter had better be printed separately.

Mr. ALLISON. If the Senator from Rhode Island and the Senator from Missouri concur, I do not object, and the paper may be printed separately, though it would be more convenient I think to have it in the RECORD.

The PRESIDENT *pro tempore*. The statement will be printed separately.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Strike out from said amendment the word "five" and insert in lieu thereof the word "two;" and the Senate agree to the same.

EUGENE HALE,
M. W. RANSOM,
F. M. COCKRELL,
Managers on the part of the Senate.
J. C. S. BLACKBURN,
BENJ. BUTTERWORTH,
THOMAS RYAN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JOHN BAILEY, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa;

A bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States; and

A joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

The message also announced that the House had passed a resolution that the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* on the 10th day of July, 1882; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the resolution of the Senate of the 17th of May, 1882, for printing 5,000 copies of the report of Lieutenant T. W. Symons, Corps of Engineers, respecting the navigable waters of the Upper Columbia River and its tributaries, and resources of the country adjacent thereto.

The message also announced that the House had agreed to the resolution of the Senate directing the Public Printer to furnish, commencing with the first session Forty-seventh Congress, 3,425 copies of the CONGRESSIONAL RECORD for the use of the Senate, instead of 3,100 copies as ordered by the concurrent resolution of June 4, 1874.

The message also announced that the House had passed a resolution for the printing of 2,000 copies of the fifth report of the United States entomological commission, being a special report on the insects affecting forest trees, for the use of the Department of Agriculture, with necessary illustrations, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a resolution for the printing of 5,000 copies of a special report from the Department of Agriculture on insects affecting the orange tree, with the necessary illustrations, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution for printing 1,000 copies of a special report entitled Bibliography of Economic Entomology, for the use of the Department of Agriculture, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. If the routine morning business is through with, I ask that the bill (S. No. 1683) for the relief of Benjamin Holladay be taken up and considered.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PENDLETON] gave notice that he would ask to take up a resolution submitted by him this morning.

Mr. PENDLETON. If the routine morning business is now completed, and the privileged motions are out of the way, I desire to call up a resolution which I offered several weeks ago in the Senate in relation to political assessments, and which it was agreed should be called up this morning.

The PRESIDENT *pro tempore*. The Chair announces that the routine morning business is finished, and that business under the Anthony rule is in order. Resolutions have precedence when they are asked for over bills. After the disposition of this resolution, then the motion of the Senator from Wisconsin will be in order.

Mr. CAMERON, of Wisconsin. Will the Senator from Ohio kindly indulge me while I say one word?

Mr. PENDLETON. Certainly.

Mr. CAMERON, of Wisconsin. I am under instructions from the Committee on Claims to secure at as early a moment as possible action on the bill to which I have called attention; that is, the bill for the relief of Benjamin Holladay.

The PRESIDENT *pro tempore*. The Chair will state that it would be in order for the Senator from Wisconsin to make a motion outside of the Anthony rule to proceed to the consideration of the bill and set aside the Anthony rule.

Mr. CAMERON, of Wisconsin. I do not desire to antagonize the motion of the Senator from Ohio, but if the Senator would consent to allow me to go on with the bill until one o'clock, I think it could be disposed of in that time.

Mr. MORRILL. I am very sure it cannot be disposed of in an hour, or in two hours.

Mr. CAMERON, of Wisconsin. The bill is not a new bill; its merits are thoroughly understood by the Senate; and its demerits, if it has any, are understood by the Senator from Vermont. He will make his speech and I know what it will be. I have heard it a great many times.

The PRESIDENT *pro tempore*. The Chair will state that the merits of the bill are not a subject of debate.

Mr. CAMERON, of Wisconsin. I was not discussing the merits.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. PENDLETON. I am perfectly willing to yield to the convenience of the Senator or of the Senate. I am perfectly willing that the resolution shall go over until one o'clock, if at that time it can be taken up and the debate proceed as it was agreed it should be proceeded with, freed from the limitation of the Anthony rule. If that cannot be agreed to; if such is not the disposition of the Senate, then I shall call up my resolution now.

Mr. CONGER. I had objected formerly, and I still object to taking up the resolution under the Anthony rule. I have no objection at all to the Senator occupying an hour, or whatever time he may desire, to make his own remarks, but I shall insist that the same opportunity shall be given to others to speak upon his resolution, and that others shall not be trammeled by the five-minute rule. If the resolution can be taken up, as I have no doubt it can be, unless the Senator prefers to make his remarks this morning at some interval between the consideration of the appropriation bills, and go on with the discussion, it will be more agreeable to me than to divide up the time in different mornings by a mere permission to speak. If the

Senator from Ohio prefers to speak this morning I will not object of course to that, but I do object to taking up the resolution for final disposition until I shall have had an opportunity of being heard.

The PRESIDENT *pro tempore*. If the resolution is taken up now, and the Senator from Wisconsin gives way, it will be proceeded with under the Anthony rule. If the Senator from Michigan objects to considering the resolution under the Anthony rule, with five minutes' debate, then the Senator from Ohio can move, notwithstanding the objection, that the Senate proceed with its consideration, and then it will be open to debate, without limitation.

Mr. CONGER. I desire it to be distinctly understood that I do not object to the Senator occupying any time, now even, only I do not want the resolution to be called up for final disposition, either under the Anthony rule or at any time, until others may have an opportunity to express themselves upon it.

Mr. PENDLETON. It is my desire that the resolution shall come up and full liberty of debate be given to every Senator who desires to speak. I desire to occupy more than five minutes myself on the subject. I will, according as it may be the pleasure of the Senate, now move to take up the resolution, notwithstanding the objection of the Senator from Michigan, and then it will be freed from the limitation of debate.

Mr. CONGER. If the Senator cares so little for the proposed courtesy which I intended to express as to drive through without listening to it, he may take his own course.

Mr. PENDLETON. I did not understand myself as meaning to be discourteous in the least degree to the Senator. I meant to meet his suggestion in exactly the spirit in which I understood it was made.

Mr. CONGER. My proposition was that if the Senator from Ohio desired now to make his remarks I had no objection; I only asked if the resolution should be taken up now that the debate should not be forced to-day, as I am not prepared now to say what I wish on the subject.

Mr. PENDLETON. If the Senator has a suggestion to make as to any particular time at which the resolution shall come up I will listen to that with pleasure.

Mr. CONGER. Any time hereafter when there will be an opportunity for discussion.

Mr. PENDLETON. There never can be a better opportunity, one in which the Senate has more leisure than now, I think, during this session.

Mr. CONGER. There are very important public and private bills pressing here (I have one or two myself) in the morning hour, which have the right over the Senator's resolution under the Anthony rule, and we are giving way to that out of courtesy to the Senator from Ohio to hear his interesting remarks on the resolution.

The PRESIDENT *pro tempore*. Does the Senator from Ohio insist upon his motion to consider the resolution notwithstanding the objection?

Mr. PENDLETON. I do, sir.

Mr. HALE. Will the Senator give way for a moment?

Mr. HAWLEY. I desire to say a word on that point.

The PRESIDENT *pro tempore*. The Chair does not really think that any debate is in order upon the question, because if it is allowed it will occupy more time than it usually takes to pass a bill.

Mr. HAWLEY. I do not consider it debate. I shall make no argument, but suggest, as chairman of the Committee on Civil Service, as the Senator from Ohio is a member of it and took an interest in this very question, that the committee has reported a bill, a bill that I approve of most heartily, which the Senator from Ohio introduced in the last Congress and also in this. It seems to me much more profitable that any discussion of these abuses, or alleged abuses, of the civil service, and the matter of the reorganization of the civil service should take place upon that bill. Then the arguments and appeals would be directed to some practical object. That which the Senator desires to speak on now is simply a resolution, really *brutum fulmen*. The other is direct and, as I think and as he thinks, practical and useful legislation. I will join him heartily in trying to get that bill up, on which the debate would of course be very general.

Mr. PENDLETON. I am not aware that the committee has reported the bill to which the Senator refers. If it has been reported and is on the Calendar I should like to take it up instead of my resolution.

Mr. HAWLEY. The general bill offered by the Senator early in the session has been reported by the committee.

Mr. PENDLETON. The bill to which I refer has not been reported from the committee.

Mr. HOAR. The bill (S. No. 133) to regulate and improve the civil service of the United States is Order of Business No. 465 on the Calendar. Is not that the bill?

Mr. PENDLETON. No, I refer to a bill relating specially to political assessments.

Mr. HALE. That has nothing to do with the bill reported from the committee.

Mr. PENDLETON. No, there is a bill before the committee prohibiting political assessments, and it has never been reported, as I understand.

Mr. BUTLER. I understand that the Senator from Ohio desires to submit some remarks upon his resolution, and I think it has generally been the courtesy of the Senate to allow a Senator to do that.

The PRESIDENT *pro tempore*. The consideration of the resolution being objected to by the Senator from Michigan, the Senator from Ohio moves to take up the resolution notwithstanding the objection.

Mr. HALE. If the motion of the Senator from Ohio should be agreed to, in what way would the resolution be before the Senate—under the five-minute rule, or otherwise?

The PRESIDENT *pro tempore*. Without limitation of debate. The Anthony rule, as amended on motion of the Senator from Vermont, [Mr. EDMUNDS,] provides that—

> Bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings unless upon motion the Senate shall otherwise order; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection—

An objection is now made to the consideration of the resolution, and then the Senate may agree to take it up by a majority vote—

> the foregoing provisions touching debate shall not apply, but the subject shall be proceeded with under the standing rules of the Senate.

Mr. HALE. I only wish to understand that if the resolution is taken up now, the matter will be launched on the Senate, the Senator from Ohio will have an opportunity to speak, and some of us who are upon the committee against whom the resolution is aimed will have an opportunity, as well as other Senators, of replying.

Mr. BUTLER. Certainly.

The PRESIDENT *pro tempore*. If the resolution is taken up it is open to debate as wide as the law can make it and the inclinations of Senators besides.

Mr. HALE. Without any five-minute rule, I understand.

The PRESIDENT *pro tempore*. Any Senator who wishes to speak to the resolution will have a right to do so.

Mr. CONGER. I heard no objection at all to the proposition that the Senator from Ohio should have his time for making his remarks upon the resolution, if he chooses, without adopting this motion, and I have no objection to the resolution being brought before the Senate in that way.

The PRESIDENT *pro tempore*. The Senator from Ohio cannot make any remarks except for five minutes, unless the Senate decides that the resolution shall be considered notwithstanding the objection of the Senator from Michigan.

Mr. CONGER. The Senator from Ohio can be heard for a longer time by unanimous consent.

The PRESIDENT *pro tempore*. It cannot be done, because the Anthony rule is mandatory.

Mr. HOAR. I should like to inquire under what rule of the Senate any Senator can be prohibited from making any remarks on any subject he chooses?

The PRESIDENT *pro tempore*. Because the Anthony rule is in force. Of course by unanimous consent a Senator may make remarks on anything, for an hour or more, if he chooses.

Mr. SHERMAN. As I understand, the Senate agreed to take the resolution up this morning.

The PRESIDENT *pro tempore*. There was no agreement to take it up.

Mr. SHERMAN. I understood that last Thursday the matter was announced, and my colleague gave notice that he would call up the resolution on Monday. He gave a proper notice for bringing up the resolution.

The PRESIDENT *pro tempore*. Of course; but there was no agreement about the time allowed for debate. That is the question.

Mr. SHERMAN. But there was an agreement that the resolution should be taken up, as I understood my colleague.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Ohio that his colleague has a right to have the resolution taken up. The resolution is before the Senate now under the Anthony rule, but the Senator from Michigan objects to its consideration under the Anthony rule. The Senator from Ohio moves to proceed with its consideration notwithstanding the objection, and that is the question for the Senate to decide.

Mr. FERRY. I suppose the mere notice given last week has nothing to do with the action of the Senate to-day. The Senator from Ohio now proposes to take up the resolution, in order that he may debate it, and it requires a vote of the Senate to take it up, unless by unanimous consent the resolution be proceeded with under the Anthony rule. I think there can be no objection to the Senator from Ohio submitting his remarks this morning, as the discussion will end at two o'clock, as I understand it.

Mr. PENDLETON. I should like to have the resolution taken up for that purpose.

The PRESIDENT *pro tempore*. The Senator from Ohio, by unanimous consent, can speak upon the resolution.

Mr. CONGER. I withdraw my objection.

The PRESIDENT *pro tempore*. The objection is withdrawn, and the resolution will be proceeded with under the five-minute rule.

Mr. HALE. That is not what the Senator from Ohio wants.

The PRESIDENT *pro tempore*. The Senate if it chooses can allow the Senator from Ohio to speak longer than five minutes by unanimous consent.

Mr. ALLISON. I have no objection to the Senator from Ohio oc-

cupying as much time as he may choose to occupy, but if the honorable Senator debates this question more than five minutes, I desire that it shall be open to other Senators to do so.

Mr. FERRY. If the Senator from Ohio will now move, notwithstanding the Anthony rule, to take up his resolution, that will open it to general debate, and if the Senator from Ohio should not occupy the floor until two o'clock the remaining time could be taken up by any other Senator. When two o'clock arrives the discussion will go over until another morning, when it will be resumed.

Mr. BUTLER. That is precisely the effect of the motion made by the Senator from Ohio.

The PRESIDENT *pro tempore*. There cannot be any motion made to proceed to the consideration of the resolution when it is being considered under the Anthony rule by unanimous consent.

Mr. BUTLER. With a view of getting around all difficulty, I object *pro forma* to the consideration of the resolution.

Mr. PENDLETON. I move to take up the resolution notwithstanding the objection.

Mr. LOGAN and others. That is right.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the resolution indicated by the Senator from Ohio [Mr. PENDLETON] notwithstanding the objection of the Senator from South Carolina, [Mr. BUTLER.]

The motion was agreed to.

POLITICAL ASSESSMENTS.

The Senate proceeded to consider the following resolution, submitted by Mr. PENDLETON on the 5th of June:

Resolved, That the Committee on Civil Service and Retrenchment be instructed to inquire whether any attempt is being made to levy and collect assessments for political partisan purposes from any employés of the Government in Washington, whether the same be under the guise of asking voluntary contributions or otherwise, and to report to the Senate by bill or otherwise, in its discretion.

Mr. PENDLETON. Mr. President, when I offered this resolution two or three weeks ago I was anxious for information. I did not know the state of facts as they existed at that time. I had seen in the newspapers that the Republican Congressional committee was about to take means to replenish its funds, and vague intimations were given that a circular under the form of a request for voluntary contributions, but in fact a demand for specific sums of money, was being distributed among the employés of the Departments and the employés of the two Houses of Congress. I had also heard that this circular was backed by authority, and that its language conveyed covert promises, which implied threats, in case the demands were not acceded to.

I was quite astonished, somewhat startled, when I found that this resolution met with objection. I had supposed that no Senator would object to having the truth discovered as to this circular and its intent; and certainly that no Senator would object to the inquiry whether forced contributions were being levied under the guise of invitations for voluntary contributions. Mr. President, I was not quite as much astonished as those words would imply, and candor requires me to say that I was more astonished at the form than the substance of the objection. I had thought if gentlemen objected to it at all they would not do so in express words, but would consign my resolution to an untimely grave in the friendly embrace of a committee of investigation.

Be that as it may, I desired information and was sincerely seeking it. A friend of mine who sits upon this floor and who had some opportunities of knowledge gave to me one of the circulars. He gave it rather in confidence, though not entirely so; rather with the understanding that I should use it for my own information than otherwise. I was enabled to hand back that circular to him within two days, not having exhibited it to anybody else and scarcely having had time to read it myself, for as soon as the resolution appeared in the newspapers I received from many cities and from many States and from many classes of employés of this Government copies of the circular which had been sent to them. I have in my hand quite a number of copies of it. It is very nicely gotten up, written with care, as nicely as a *billetdoux* between lovers or an hospitable invitation to dinner.

Mr. HALE. Not extravagantly.

Mr. PENDLETON. I do not know that they are extravagantly gotten up, but that would depend altogether upon the moneys the committee may finally have from the sources on which they have drawn.

Mr. HALE. Will not the gentleman hold up one of them so that Senators may see it?

Mr. PENDLETON. I will hold up one of them, and read it also, for the delectation of my friend from Maine. Here it is in full:

[Jay A. Hubbell, chairman; D. B. Henderson, secretary; executive committee, Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. William D. Washburn, Hon. L. C. Houk, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
520 THIRTEENTH STREET, NORTHWEST,
Washington, D. C., May 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which it is hoped may not be less than $ ——. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank-check or draft or postal money-order, payable to the order of JAY A. HUBBELL, acting treasurer, P. O. lock-box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, *Secretary*.

As far as I have seen, all of these circulars are in exactly the same language, except that a blank was left in each originally to be filled by the amount which a certain specified proportion of the salary received would reach. Now, sir, in order that there may be no charge of unfair dealing with this committee and its circular, I have read to the Senate every word of it, and I ask the Senate to consider it a little in detail.

The committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union.

Party from beginning to end, the country nowhere alluded to—"the interests of the Republican party in each of the Congressional districts."

In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign the committee feels authorized—

"Feels authorized!" What necessity is there to have authority to invite gentlemen who desire to make a voluntary contribution to a political fund? What is the necessity for any authority for an invitation of that kind?

"Authorized!" By whom authorized; for what purpose authorized? To apply for contributions to the Republican expense fund! Apply to whom? Apply to "all those whose interests are involved in this struggle."

The committee discriminates very closely between those whose principles lead them to desire the success of the Republican party and those whose interests are involved in the struggle; those whose principles *or* interests induce them to take an interest in this struggle. Who are they, Mr. President? Who are interested beyond what their principles require in the success of the Republican party in the coming campaign? Certainly the officers; the office-holders; those who enjoy the powers and emoluments of office; those who are in possession of the political power and the moneyed emolument at the disposal of the party. When application is to be made for authority to apply to these officers for a money contribution who is it that can give the authority to make the application? Manifestly those who have the power of appointment and dismissal; manifestly those who can say to these men whose offices are involved, "contribute to the success of this party or the power of appointment and dismissal is hung over your head." I submit to gentlemen on this committee that the paraphrase was entirely unnecessary. I submit that the circumlocution was entirely out of place, and that it would have been much more direct and much more pointed and equally delicate to have said, "we are authorized by those who have the power of appointment and dismissal to say to you whose offices are involved in this struggle that we are authorized to make this application for money to you."

The circular starts out with a declaration on its face, which any man who can read at all can read between the lines: We are authorized by those who hold your places in their hands to apply to you office-holders of the Government to make this contribution because your interests are involved in this struggle.

The circular continues:

Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution.

"A privilege and a pleasure!" Indeed, a blessed privilege! an exquisite pleasure! These officers, forsooth, would never have had the opportunity of enjoying this privilege and pleasure if this committee had not given them the opportunity and the method; the opportunity in the sinking circumstances of the fortunes of the Republican party, and the method by contributions to the committee! Knowing that these office-holders could not have enjoyed this privilege and pleasure except for its invitation; knowing that as soon as they heard of it, they would be ready and willing, nay, eager and anxious, to embrace the opportunity; fearing lest in a moment of enthusiasm and desire, these office-holders might indulge to excess in the enjoyment of the pleasure and privilege; fearing lest on the other hand an ascetic self-denial might restrain them below the bounds of legal moderation, this committee informs them that, in its judgment, it would be about right that clerks having $900 a year should indulge in this enjoyment to the amount of $20 worth. Then fearing that might be a damper upon their ardor, the committee express the hope that the contribution shall not be less than the amount suggested by the committee, to wit, $20.

The committee is authorized to state that such voluntary contribution—

"Voluntary contribution!" Voluntary as the contribution the

traveler makes to the pocket of the highwayman when commanded to stop and hold up his hands; voluntary as the contribution which the man of the world makes to the harvest of the Great Reaper when he puts in his scythe—

voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

Mr. President, is a voluntary contribution objected to anywhere? And does it need any close discrimination as to that passage to see that it means that, while contributions will not be objected to in any official quarter, a refusal to make the contribution will meet with the condemnation of all official quarters?

The labors of the committee will affect the result of the Presidential election in 1884, as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

"With dread." Who look with dread upon it? What sensible man in this country looks with dread upon it? The people of the country do not look with dread, the material interests of the country do not look with dread, the patriotism of the country does not look with dread, for at the last two Presidential elections the people of this country have been almost equally divided in numbers upon the question as to which party better deserves success. In the Presidential election before the last it is an undisputed fact that a numerical majority of the people of the United States did actually vote to restore the Democratic party to power.

"We appeal to you for sympathy and assistance, and we hope you will make prompt and favorable response to this letter." How? By expressions of confidence? By telling us the political necessities of your neighborhood? By going forth as an apostle to demonstrate to the people the excellence of the principles of the Republican party? No, sir; none of such sympathy we want. It is your assistance which we hope you will promptly send to us in the shape of "a bank-check, or draft, or postal money-order," payable to the treasurer of this committee.

Now, Mr. President, I will not insult the Senate by undertaking to prove to it that this is no invitation for a voluntary contribution. I will not waste its time by showing that it is a demand for a specific sum of money, levied according to a rule, accompanied by a promise and a threat. "Your purse or your official life" is the alternative offered; or to use the language of President Garfield in describing a circular almost identical in terms with this, "It is a circular sent to the employés of the Government upon the distinct understanding that if they fail to make return according to the demand, in check or postal money-order, others will be found to take their places who will receive their salaries and pay up the assessment."

Mr. President, to whom has the circular been sent? I venture to say here upon this floor, and I speak it upon information which challenges my belief, that this circular has been sent out to every person whose name can be found on any of the rolls of employés of the Government, however remote they may be from the source of power itself. The circular has been sent to the Boston custom-house—seven hundred copies of it—and a demand made for an aggregate of $15,000. It has been sent to the armory at Springfield, and an assessment of $18 been made upon each armorer in that institution. It has been sent to the great offices in New York, the post-office and the custom-house, and the collector's office, and the various institutions connected with the Government there. These offices have won exceptional credit by reason of their freedom from the debasing arts of political assessments, and yet are to be again plunged into the mire from which they so laboriously have emerged. It has been sent out to employés at Chicago, and assessments made there of the exact sum of $9.30. How considerately accurate in computation! It has been sent to every postmaster in the country; at least I have returns from almost every State east of Nevada. It has been sent to the men engaged upon the works on the Ohio River at Marietta, and $18 has been assessed and demanded of men who day by day for their daily wages cut stone in making the dam. It has been sent to every employé in the Departments in Washington, every clerk, and they have been assessed in various amounts from $18 to $50. It has been sent to men who are engaged in daily labor on the Capitol grounds, digging up and beautifying these grounds, and $6 has been assessed upon each of them. It has been sent to the boys in the Printing Office, to whom you pay only a dollar per day and furlough them without pay, and $7 has been demanded from each of them. It has been sent to enlisted men in the Army, and an assessment of $18 made upon men who are paid from the Army appropriation bill. Wherever a name can be found upon the pay-roll of the Government for any amount, great or small, this circular has been sent, or is now being sent.

I said it had been sent to every clerk in all these Departments. Why, sir, it has been sent to those unfortunate ladies whom the exigencies of life now compel to support a family off the pittance earned painfully by them, which would scarcely have sufficed to dispense their yearly charity in other days. It has been sent to the women who scrub out the Departments in this city, whose poverty is so great that when they leave for their daily work they are obliged to lock up in their close and fetid rooms the infant children who cannot be allowed to wander in danger in the streets. It has been sent to the employés of the Senate, and men have been required to pay $30 in order that they may hold their places.

Nay, more, Mr. President, it has been sent, at least in the other House, and possibly in this, to the little pages, bright, intelligent, active little fellows who do the bidding of members there and here. I imagine I can see this grave committee with this circular in their hands going to one of these little pages and urging him by his appreciation of the emergencies of the country, by his appreciation of the excellence of Republican practices, by his dread of the restoration of the Democratic party to power, to make his contribution of $9 in order to avert such a terrible calamity.

Mr. President, if this were not a sad scene of political degeneracy and partisan tyranny it would be in many of its aspects a broad farce.

I have no fitting words in which to express my apprehension of the degradation and danger of this whole system, of which this is one of the most dangerous outgrowths. It demoralizes and breaks down every man connected with it, those who give and those who take alike. Among the names on this circular are some of our own cherished associates and members, men of the other House also who stand high in the estimation of their party and their country. They are important factors in wielding the political destinies not only of their party but of their country, honorable, upright, excellent gentlemen to whom we would willingly commit, and do commit our honor, and if necessary would commit our lives, men who could not be forced even by torture to go themselves and with this circular in their hand to make application to these persons to whom it is sent; men who could not be induced to do it; who would feel it to be a personal dishonor to do it. Yet together they combine and put in operation this machine which has no heart to be touched, no body to be punished, no soul to be damned, to visit the houses of the widow and the fatherless, and extract from them for political partisan purposes a large proportion of their hard earnings.

It degrades the men to whom it is sent. What sense of self-respect can be left to the man who feels himself compelled to submit to this extortion which his honest judgment abhors and which his penury rejects, and yet is obliged with a hypocritical smile to pretend that it is a voluntary contribution? What faithful, honest personal service in office can a man render when he feels that upon his very best service is put this badge of servitude? How can he admire our institutions with his whole heart as he ought and devote himself absolutely to the duties of an office when he is made to buy with money that office which he knows, and everybody knows, is a public trust involving duties to the public? What discipline can there be in a system when all above him and all below him are bound together by the consciousness of this common degradation? The galley slaves are chained together; and their proximity making them conscious of the common infamy, the common degradation and the common punishment leads them to hate and despise and dread and suspect and injure each other.

Mr. President, this system is a great wrong to the people. A fair day's work and a fair day's pay is common honesty imported into our Government. If these employés can have extracted and abstracted from their salary 2 or 4 or 10 per cent., and yet sufficient remuneration is left to them, then I say the deduction should be made directly from their salary and be left in the Treasury.

I will not speak of what this system is, if against their interest, against their will, against their moneyed capacity, these men are compelled to submit to contributions which are extracted out of the suffering of themselves and their families. When I see that this system tends to such degradation, such demoralization, to the breaking down of our civil administration, the destruction of the instinct of patriotism in our country, I declare upon my conscience I believe it would be better for the country, better for the service, better for the people, if a felonious hand were put into the Treasury of the United States and this money were abstracted for this purpose and a clean thing were made of it by charging it up to "soap."

Mr. HALE. Does the Senator from Ohio know that about the time he was running for Vice-President, or a little before that, the method followed in the Departments by the Democratic party was that the money was retained by the disbursing officers of the Departments and never paid to the employés, but taken directly from the disbursing officers and made a political fund?

Mr. PENDLETON. No, sir; I do not know it. I do not believe it. I deny it ever was done.

Mr. HALE. I will show the Senator.

Mr. PENDLETON. When the gentleman takes the floor I challenge him to show that at any time since I have been in public life and a candidate for public office the Democratic party has been in a position to go into the Departments of this Government at Washington and obtain money contributions.

Mr. HALE. The Senator will bear in mind that I said about the time he was running for the Vice-Presidency or before that, and not long before either.

Mr. PENDLETON. I have already said that I deny the fact and require the proof of that statement.

Now, Mr. President, how are we met when we make this arraignment of this practice of the party in power? One gentleman who signs himself "assistant attorney-general," with a great deal of ostentatious gasconade, says that he defies and spits upon the enactment which is in existence because it is no law, for he has examined care-

fully the Constitution of the United States and does not find any clause which authorizes Congress to prohibit voluntary contributions for lawful objects. Why, sir, the man who in the face of that circular can talk about voluntary contributions, is either entirely ignorant of the force of language or of the substance of things; and in either alternative discussion with him would be useless.

The gentleman whose name is signed to the circular as the acting treasurer of the committee vaunts himself that he has broken no law. Listen to his defense. The law declares:

That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the Government any money or property, or other thing of value, for political purposes.

He says "I have committed no crime, I have not violated the law, because I am not an officer or employé of the Government." Putting himself upon a decision made in the last century that a Senator of the United States was not liable to impeachment, he says "I am not liable to this law, because I am a member of Congress, and not an officer or employé of the Government. If I were a door-keeper, or a clerk, or a messenger, I would be liable under the statute. As a member of the House of Representatives I am not."

Mr. President, that question is to be taken into the courts. I will not anticipate their decision. I say to the gentleman who signs this circular that before he gets through he will find if he has not landed some of these men in the penitentiary he has drawn them perilously near to the verge of a criminal conviction.

But if he is right, if he is not guilty of a technical offense because he happens not to be in technical language an officer of the Government of the United States, then what is his defense? It is this: "I have done the thing denounced in this law; I have invited other people to do the thing denounced in this law; I admit the moral wrong of this transaction; I admit the evil of the practice which the Congress of the United States has denounced; but I plead that I cannot be convicted because, though I am a member of Congress, I am not in technical language an officer of the Government." Lawyers are sitting all around me. They are here in great numbers. I ask them if they have never seen a man on trial for perjury who admitted his falsehood, admitted his oath, but escaped punishment on the ground either that the officer had not the authority to administer the oath, or that the affidavit was not one taken in pursuance of a requirement of the law? The people of the country will be quite astonished when they hear that a member of Congress who receives out of the public Treasury $5,000 a year is not an officer of this Government; and if they approve this section of the law they will speedily correct it so as to involve him also, if indeed now, which I doubt very much, he can escape conviction.

My friend from Kansas [Mr. PLUMB] thought it very well to belittle this whole subject by introducing an amendment instructing the committee to inquire what legislation was necessary to prevent people from making voluntary contributions. The Senator is not in his seat and I will leave that suggestion to be discussed at some other time.

The Senator from Michigan [Mr. CONGER] has invented a new defense to the charge that I am making against his party. He confesses and avoids. He confesses the crime and avoids the punishment. He says even if we did all this thing, we plead in bar, not of public condemnation, for we admit the facts, but in bar of punishment *non-obstante veredicto* that the Democratic party in its time has been guilty of like practices. I think my friend from Maine [Mr. HALE] has imitated that plea of the Senator from Michigan in the interruption which he made just now to my remarks.

Mr. CONGER rose.

The PRESIDENT *pro tempore*. Does the Senator from Ohio give way?

Mr. PENDLETON. Certainly.

Mr. CONGER. I suppose the Senator's disposition is strong enough to stand on his own proposition and assertions, without dragging in here assertions in regard to me which have no foundation in fact, and remarks I made which never were intended for any such purpose.

Mr. PENDLETON. If I have misrepresented the Senator——

Mr. CONGER. I desire to say that while I do not care what the Senator says in advance in regard to me—for I will take care of that when my time comes—it would perhaps be as well and as courteous not to assign to me any reasons or any statements which I have not in any sense made here or anywhere else.

Mr. PENDLETON. Mr. President, I am perfectly ready to withdraw, if I may, any remark which the gentleman thinks was not warranted by the facts, or warranted by the intention he had in uttering the sentence upon which I based my remark; but when this resolution was offered, or the next day, it having been objected to when I called it up, the Senator from Michigan in his place, and with a number of books before him, said he wanted when the discussion came on to show the animus of those who were suggesting and pushing forward this resolution by contrasting the course of the Republican party with what the Democratic party did in the days of its power.

Mr. CONGER. In so far the gentleman is wrong again. I wish I could at least have him confine his remarks to what I did say. I was objecting to the then consideration of the subject under the five-minute rule. I said then, as I am prepared to say at any time, that it opened a question requiring more than five minutes and more than an hour, and I said then that I had before me the documents to show that this practice had been in existence when the Senator himself was a member of Congress, and when his party had the power to make these assessments, and when the Senator and the President and the principal leading men of his party met on the Sabbath day to declare who should be turned out of office for not complying with the requirements of their party in paying assessments. I referred to that for the sole purpose of having more time.

Mr. PENDLETON. The gentleman has had three weeks' time, and I hope he will have just as much time on the floor of the Senate as he desires.

Mr. CONGER. But the gentleman cannot misrepresent what I said——

Mr. PENDLETON. I have not.

Mr. CONGER. He should not misrepresent what I said in asking for more time as an expression of opinion which I may have made then.

Mr. PENDLETON. The remarks of the Senator were exactly these. I quote from the RECORD the debate of June 6:

Mr. CONGER. Understanding that this resolution would be proposed, I have been looking up the history of Democratic experience on that matter, and I have several volumes which I wish to present to the Senate, and I desire more time than you will allow me to show the custom under Democratic rule, when the Senator from Ohio was at the head of affairs in Congress.

I submit that I have done the Senator no injustice at all, and I repeat that now in what he proposes to say he intends to appeal against punishment for himself and his party by contrasting or comparing its course, whichever he pleases, with the course of the Democratic party when it was in power. I do not know what the gentleman may be able to find in the past history of the Democratic party subject either to his reprobation or mine. I do know that whatever he may be able to find, he will find nothing so small and petty in its details and so widespread in all its ramifications as this conspiracy against the purity of the ballot-box and the freedom of election. The history of the Democratic party is before the country. It is a long and glorious history. For more than one-half of this century which is passing away it held possession of the powers of this Government, and illustrated the beneficence of its policy by an unexampled purity of administration. If he shall be able in the course of that long and illustrious career to find that either in its organization or its prominent men it has at times fallen into evil practices, I can tell him that the Democratic party has been subjected to discipline. I thank God it has come out of that discipline purified and renewed and strengthened, and is now ready to take possession of the powers of this Government again, and with a higher inspiration, a stronger courage, a purer faith, to apply its humane philosophy to the conduct of public affairs, and by the vigor and the patriotism and the purity of its administration to eclipse even the glories of its earlier years.

Justified by example! "The woman beguiled me and I did eat." It was a bad excuse in the olden days, and it has gotten to be much worse ever since. I can tell the Senator now, in anticipation of whatever he may have to say, that it will be a vain thing for him to seek to justify the evil practices of the Republican party under any examples, however illustrious they may be.

Have we not been told, are we not told constantly, that this Republican party is the party of God and morality in the country? Has not the Senator declared, with a seriousness of tone and sincerity of manner that leaves no room to doubt his conviction of the truth, that it is the best and purest party that has ever existed in this Government. Why, sir, I have read the description of a such party as this: "But all their works they do for to be seen of men; they make broad their phylacterics, and enlarge the borders of their garments; and love the uppermost rooms at feasts and the chief seats in the synagogues; and greetings in the markets, and to be called of men 'Rabbi, Rabbi.'" And if, after making all these professions of purity and excellence, when you happen through the flimsy device to be caught in evil practices, you seek to screen yourselves from the consequences behind the examples of others, there will be denounced against you that terrible anathema, "Woe unto you * * * hypocrites, for ye devour widows' houses, and for a pretense make long prayer; therefore ye shall receive the greater damnation."

Mr. President, the men of our race and language have always been tenacious of the purity of the civil service of their government. Even as our fathers emerged from the ages which we are in the habit of calling dark, they began to require that the purity of the civil service should be the characteristic of their Kings as well as of their Commons. Six hundred and fifty and more years ago King John in the Magna Charta was compelled to declare:

We will not make any justiciars, constables, sheriffs or bailiffs, but of such as are knowing in the law of the realm, and are disposed duly to observe it.

Nearly a hundred years afterward, in the time of Richard II in 1388, the Commons passed a statute—

That the chancellor, treasurer, &c., the justices of the one bench, and of the other, &c., and all other that shall be called to ordain, name, or make justices of peace, sheriffs, escheators, customs, comptrollers, or any other officer or minister of the king, shall be firmly sworn that they shall not ordain, name, or make justice of the peace, sheriff, escheator, customer, comptroller, nor other officer or minister of the king for any gift or brocage, favor, or affection; nor that none

which pursueth, by him or other, privily or openly, to be in any manner office, shall be put in the same office or in any other; but that they shall make all such officers and ministers of the best and most lawful men, and sufficient to their estimation and knowledge.

Lord Coke says that that was—

A law worthy to be written in LETTERS OF GOLD, but more worthy to be put in due execution.

A few years passed on and Edward IV, pressed by his necessities, commenced to levy "benevolence" upon the commons of England, which the people very turbulently, as he thought, called "malevolence," and thereupon, in the first year of Richard III, the bloody monster as he was called, the exactions were prohibited. Lord Coke mentions how "the exaction under the good name of *benevolence*," begun in 12 Edward IV, came to be so that "many of the people did much grudge at it and called it a *malevolence*" and he refers to 1 Richard III, wherein the commons recite:

"That 'the commons of this realm, by new and unlawful inventions and inordinate *covetise* against the law of this realm, have been put to great thraldom and *importable* charges and exactions, and in especial by a new imposition named a *benevolence*, whereby divers years, the subjects and commons of this realm, against their wills and freedom, have paid great sums of money'—

After which, and other recitals, it is ordained—

"That his subjects and the commonalty of this his realm, from henceforth in no wise be charged by none such charge (exaction) or imposition called benevolence, nor by such like charge; and that such exactions called benevolences afore this time taken be *take* for no example to make such or any like charge of any his said subjects of this realm hereafter, but it be *damned* and *annulled* forever."

And Lord Coke, speaking of this very statute, 1 Richard III, says that:

Of the acts of Richard the Third one of the wisest was that of 1 Ric. III., ch. 2, "an act to free the subjects from *benevolences!*" But he did not adhere to it. There is mention of letters sent by him exacting these benevolences and specifying the sum which each person was *required to give*. It is stated that "this" was "a fatal blow at what remained of his popularity."

History repeats itself. Benevolences exacted for his private purposes by the king which the people called malevolences, and which were rejected and repudiated by the Commons. Richard seemed to favor the rejection, but he sent out circulars even in those days to his good subjects, and specified in those circulars the amount of money which he required each of them to pay. Behold the example which this committee has followed!

Mr. President, to these principles embodied in Magna Charta, embodied in these statutes, the people of our race have always been true. Sometimes they have wandered, sometimes they have straggled from the paths, but they have speedily returned to them, and in their return they have always been led in England by the Commons, and in this country by the Democratic party. To-day the time has come when they shall be led again to appreciate the beneficence of a pure civil administration. To-day the Democratic party is putting itself at the head of that return. Civil service reform is writ on its escutcheon and emblazoned on its banner. By its present strength, and in order to perfect it, the Democratic party will sooner or later come into power. I say to Senators on the other side of the Chamber that the sooner it comes into power the better it will be for them and for the country. The change may for a moment wound their susceptibilities, but it will advantage their prosperity and their liberties. When that time does come, when we shall take possession of this Government, when we shall put in the high places of power our worthiest and best, the President of the United States, the chief of the state, under the people the source and fountain of honors and powers in this country, will be able to say to all as Van Artevelde said in response to Vauclaire who was thanking him for his promotion:

Nay! say no more.
You owe me nothing; what I have to give
Is held in trust, and parted with for service;
Value received is writ on my commissions;
Nor would I thank the man that should thank me
For aught as given him gratis. * * *
* * * *
Supremacy of merit, the sole means
And broad highway to power. * * *
* * meritoriously administer'd
While all its instruments from first to last,
The tools of state, for service high or low,
* * * chosen for their aptness to those ends
Which Virtue meditates.

Mr. HALE. Mr. President——

Mr. VAN WYCK. Will the Senator allow me a moment before he proceeds? I want to have read the resolution which I offered on the same subject so that it may be considered at the same time.

The PRESIDENT *pro tempore*. Does the Senator from Maine give way?

Mr. VAN WYCK. It is on the same subject-matter, only more specific in its directions to the committee to inquire.

Mr. HALE. I have no objection to the Senator having it read.

Mr. VAN WYCK. I want it read and acted on at the same time with the resolution of the Senator from Ohio.

The Acting Secretary read the resolution submitted by Mr. VAN WYCK June 5, 1882, as follows:

Whereas printed circulars are being sent to officers, clerks, and employés in the United States service, stating among other things:

"Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which it is hoped may not be less than * * *

"The committee is authorized to state that such voluntary contributions from persons employed in the service of the United States will not be objected to in any official quarter * * *

"Please make prompt and favorable response to this letter by bank check, or draft, or postal money order, payable, &c.;"

Whereas Congress, in the year 1876, enacted that no such contributions should be solicited or collected by one officer from another, substantially denouncing the practice of such assessments and contributions: Therefore,

Resolved, That the Committee on Civil Service and Retrenchment be directed to make full investigation, and report whether such notices are served upon persons in the naval and military as well as the civil service; what amount would be realized by this assessment of 2 per cent. on the annual salary of persons in the United States Service; what additional legislation is necessary to protect persons employed in the service of the United States from such assessments or contributions; whether the payment by any person in the United States service on the demand in such printed notice will not be substantially a violation of the statute referred to; also by what authority the printed notice alleges that such assessments "will not be objected to in any official quarter."

Mr. HALE. Mr. President, at the request of the Senator from Iowa, [Mr. ALLISON,] I yield to him such time as he may desire, and after that I shall be glad, with the leave of the Senate, to go on for no very long time, but following the Senator from Iowa.

Mr. ALLISON. That is after two o'clock.

Mr. HALE. After two o'clock to-day.

The PRESIDENT *pro tempore*. Unless the Senate, by a majority vote, decide otherwise, discussion on the resolution ceases at two o'clock.

Mr. HALE. The request I make is that, as the debate has been opened by the Senator from Ohio, after the Senator from Iowa has concluded, and after two o'clock, I may be allowed to reply to the Senator from Ohio briefly, and have the matter done with to-day.

Mr. PENDLETON. I hope that request will be granted by unanimous consent.

The PRESIDENT *pro tempore*. When two o'clock comes the Senate will have to decide that question.

Mr. HOAR. I certainly do not wish to object to anything which is for the convenience of the Senator from Maine; but if this resolution is to go on from day to day hereafter, I should object to its cutting out both orders of business. It will cut out the bankruptcy bill and the Presidential succession bill, as well as the Anthony rule. To the Senator's request that he may be permitted to address the Senate to-day after two o'clock if he prefers, I make no objection, with the understanding, however, that the regular order is to be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair will lay the regular order before the Senate at two o'clock, and if the Senator from Maine replies to-day after that hour it must be by a vote of the Senate.

Mr. HALE. I so understand. I am willing to leave that with the Senate when the time comes.

Mr. ALLISON. Mr. President, I only desire to occupy a few moments on this resolution at this time. I rise chiefly to correct some misapprehensions, and grave misapprehensions, that the Senator from Ohio [Mr. PENDLETON] seems to have fallen into, and upon which misapprehensions he has based his remarks to a very great extent. This circular, I need not argue, is in its essence and in its spirit a voluntary circular. It has none of the elements of compulsion in it, upon which the Senator from Ohio has made his comments. The circular which was read by the Senator from Ohio, I will say to him, is an exact copy of the circular that was printed and circulated by the Republican Congressional national committee in 1880, save and except that "1880" is stricken out and "1884" inserted. The circular of 1880 alluded to the Presidential election of that year, and this circular makes the same allusion to the Presidential election of 1884.

The circular of 1880 was issued by the then Congressional committee of the Republican party. It was issued after consideration by the members of the committee, and after consultation with the gentlemen who then controlled the various Executive Departments of this Government. It was well known at the time that President Hayes objected to what were known as political assessments, and the Congressional committee did not undertake to make political assessments in any sense; and I want to proclaim now that this is not and is not intended to be a political assessment, and every man who holds office or is in public employment is just as much at liberty, if he so chooses, to decline to make this contribution as any citizen of the Senator's State is at liberty to decline if he does not see proper to make the contribution voluntarily.

Mr. BECK. I should like to ask one question for the benefit of some poor people. Do you believe they will be allowed to retain the positions they now hold if they fail to contribute? I should like to know that.

Mr. ALLISON. I thank the Senator from Kentucky for asking me that question. I was coming to that in a moment.

Mr. BECK. Several could not retain their places after 1880 that refused, I know.

Mr. ALLISON. In 1880, as I said, this identical circular was issued. A Presidential campaign of great interest to the American people was then going forward, and a struggle was being made then for the control of the House of Representatives by the two great contending parties in this country. This circular was sent then, as now, to employés of the Government and to men who were not employés of the Government. It was sent to persons who were supposed to be willing to contribute to the success of the Republican party.

I now come to give the answer to the Senator from Kentucky, and I want him to listen to what I say. To that circular in 1880 only

11,514 affirmative responses were made of the vast number of employés of the United States who are scattered throughout its borders. Of the 100,000 people in public employment only a little more than one-tenth responded affirmatively; and I now stand in my place and ask the Senator from Kentucky or the Senator from Ohio to name one single office-holder who failed to contribute in 1880 who was removed from office for that cause? Of the 100,000 public employés, only a little over 11,000 contributed in 1880, and I believe that not one man has ever been disturbed in his place because he did not respond favorably to that circular. So that so far from this being a compulsory circular, it is simply a voluntary one; and that was all the statement that I intended to make, or that I propose to make to-day in reference to this matter.

Being a member of this committee, and, to the extent of membership, being responsible for its action, I wish to say as such member that I regard this circular of 1880 and this circular of 1882 as simply a request for a voluntary contribution, and to my belief there has never been a man removed from place because he did not respond to it favorably, and in my belief no man will be disturbed hereafter if he fails for any cause to respond favorably to this circular.

Mr. BUTLER. May I ask the Senator from Iowa a question?

The PRESIDENT *pro tempore*. The hour of two o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JOHN BAILEY, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

ORDER OF BUSINESS.

Mr. WALKER. I move to lay aside the pending order and take up Senate bill No. 192, to quiet title to certain lands in the Upper Peninsula of Michigan.

The PRESIDENT *pro tempore*. The Senator from Kansas, [Mr. INGALLS,] who has charge of the unfinished business, by note to the Senator from Arkansas [Mr. GARLAND] said he would not be here to-day.

Mr. BUTLER. I move that the Senator from Iowa [Mr. ALLISON] be allowed to proceed with his remarks.

The PRESIDENT *pro tempore*. The first question is on the motion of the Senator from Arkansas, [Mr. WALKER.]

Mr. BUTLER. If the Senate decide to allow the Senator from Iowa to proceed, that decides the motion of the Senator from Arkansas.

Mr. HOAR. I take, for one, great interest in the measure which is now the regular order, the bankruptcy bill, and the Senator from Kansas announced his intention to address the Senate in reply to some remarks I made in regard to an amendment which I had the honor of offering to that bill. Now, if the motion of the Senator from Arkansas should prevail, that bill would be absolutely displaced.

The PRESIDENT *pro tempore*. It does not do that. The Senator from Arkansas has moved that the unfinished business be temporarily laid aside.

Mr. HOAR. There is no such motion known to the parliamentary methods of this body.

The PRESIDENT *pro tempore*. It is done every day, whether it is known or not.

Mr. HOAR. I believe I have the floor, Mr. President, and I prefer to state my proposition in my own way. I desire that the Senate shall unanimously consent that the bankruptcy bill shall be informally laid aside. Then the Senate can permit my friend from Maine to proceed, and can permit the measure of the Senator from Arkansas to be taken up.

The PRESIDENT *pro tempore*. That is what the Senator moved: that the bankruptcy bill be informally laid aside. If there is any objection to its being informally laid aside, it cannot be done, of course.

Mr. HOAR. I should like to ask the Reporter to read the motion as stated by the Senator from Arkansas.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent to lay aside the pending order informally, to proceed with the consideration of the bill (S. No. 192) to quiet title to certain lands in the Upper Peninsula of Michigan.

Mr. HOAR. The Chair was totally mistaken in his understanding of the motion, as I find by referring to the Reporter's notes.

Mr. CONGER. What is the purpose?

The PRESIDENT *pro tempore*. With a view of the bill being considered to-day.

Mr. CONGER. That is a bill which when taken up will require long and careful consideration, and will occupy the Senate several hours. It is a controverted matter, which is of no earthly consequence to the public as to when it gets precedence, and I hope that it will not be taken up to-day.

Mr. BECK. The resolution of the Senator from Ohio is certainly a very important one; and as the bankruptcy bill cannot be proceeded with to-day, I think the Senate cannot employ its time better than by allowing the Senator from Iowa to close his remarks and the Senator from Maine to continue the debate, and let us see if we cannot dispose of the resolution now up, introduced by the Senator from Ohio. I venture to remark now that from this time I shall endeavor as far as one Senator can to have the Calendar called. From the 19th of April up to the present time there has not been a case that has been reported favorably on the Calendar called unless it was by an unseemly scramble.

Mr. HARRIS. The Senator means that no case reported since that day has been considered.

Mr. BECK. The case that was last reached on the Calendar was the bill (S. No. 386) for the relief of Mrs. Eliza E. Hebert, which was reported on the 19th of April, now over two months since. Not a case reported since then has been reached except by a scramble. I shall hereafter insist, as far as I can, not seeking to offend any Senator, that the Calendar shall be regularly called and the cases reported favorably considered; and let us devote to-day, now that the Senator from Iowa has the floor and the Senator from Maine is ready to speak, to the consideration of the question introduced by the Senator from Ohio, and let the Michigan case, which will take a long time, take its chances on another day. I have no objection to its being heard, but I do think we ought to go on with this resolution now. We ought to have gone on with the bankrupt bill if the Senator from Kansas was here, but he not being here let it be suspended temporarily by unanimous consent, and let this resolution be considered, so that the Calendar may not be interfered with hereafter.

Mr. WALKER. I made the motion from no disposition to supersede the bankruptcy bill at this time; but the bill which I now ask to have considered is one that was reported in March, and a similar bill was reported at the last session favorably by the Committee on Public Lands. It was reached in April last, the 26th of April, and it was then passed over in order to give Senators time to look into it and understand its meaning, and it has been passed over time and again. Now we ask that it may be considered as a matter of importance, importance to all parties claiming title to these lands, and I hope it may now be considered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

Mr. ALLISON. I trust the Senator from Arkansas will not interpose that motion, cutting the Senator from Maine from the floor to briefly reply to the Senator from Ohio, and also relieving me of the little remnant of remarks I intended to make before the resolution was passed over.

Mr. WALKER. I certainly shall not do so if I can have the bill taken up afterward.

Mr. ALLISON. Why not leave that question open until we dispose of the matter now under consideration?

Mr. WALKER. For that time I will yield to the Senator from Iowa.

Mr. HOAR. Will the Chair submit to the Senate a request for unanimous consent that the bankruptcy bill be temporarily laid aside until to-morrow?

The PRESIDENT *pro tempore*. Is there unanimous consent that the bankruptcy bill be temporarily laid aside in order to take up the bill indicated by the Senator from Arkansas?

Mr. HOAR. No; that was not the request.

Mr. ALLISON. That cannot be done.

Mr. HOAR. My request is for unanimous consent that the bankruptcy bill be temporarily laid aside until to-morrow. My expectation is that the Senate then will consent to the brief speech of my friend from Maine, and that after that they will then also consent to the request of the Senator from Arkansas; but I did not couple that with my request.

The PRESIDENT *pro tempore*. Is there unanimous consent that the bankruptcy bill be postponed until to-morrow? Is that the request of the Senator from Massachusetts?

Mr. HOAR. Temporarily laid aside until to-morrow, remaining the regular order.

The PRESIDENT *pro tempore*. That consent the Chair supposed was given when he mentioned that the Senator from Kansas was not here to go on with it, and that is considered as done. Now the next question is on the motion of the Senator from Arkansas.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Iowa that if the motion of the Senator from Arkansas prevails it can be arranged so that this debate can go on if it is desired.

Mr. ALLISON. I have but a word more to say.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas agree to the suggestion?

Mr. WALKER. If it is the understanding that the bill is to be taken up at the conclusion of the debate I yield.

Mr. BECK. There is no understanding about it.

The PRESIDENT *pro tempore*. The question is whether the bill shall be taken up.

Mr. WALKER. Then I insist on a vote upon my motion.

Mr. ALLISON. Pending that motion I ask unanimous consent——

Mr. HARRIS. What is the motion?

The PRESIDENT *pro tempore*. The motion now is to take up the bill indicated by the Senator from Arkansas.

Mr. HARRIS. That means to postpone the consideration of the bankruptcy bill, undoubtedly.

The PRESIDENT *pro tempore*. That has been postponed until to-morrow.

Mr. WILLIAMS. Pending that motion I ask unanimous consent for the Senator from Iowa to proceed.

Mr. ALLISON. I thank the Senator from Kentucky.

Mr. WILLIAMS. And the Senator from Maine also.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas to proceed to the consideration of the bill indicated by him.

Mr. ALLISON. That is the motion, is it not?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ALLISON. Pending that motion I ask that the sense of the Senate be taken on the suggestion of the Senator from Kentucky.

Mr. CONGER. Let us have that motion stated.

Mr. WILLIAMS. While the motion of the Senator from Arkansas is pending, I ask that these gentlemen be allowed to be heard.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas to take up the bill indicated by him.

Mr. CAMERON, of Wisconsin. I should like to inquire what the effect of an affirmative vote on that motion will be?

The PRESIDENT *pro tempore*. That bill will be considered during the day. The bankruptcy bill is the regular order for to-morrow, and the Chair will lay it before the Senate before adjournment to-day. The motion, if adopted, will keep the bill of the Senator from Arkansas before the Senate during the day. The question is on the motion of the Senator from Arkansas.

Mr. FERRY. I desire to appeal to the Senator from Arkansas. The bill he wishes to call up I understand comes from the Committee on Public Lands. It is a bill which I introduced in December and which was reported from the committee in March. It was reached on the Calendar in April and was laid aside at the instance of my colleague. Now the Senator has availed himself of the first opportunity, inasmuch as the bankruptcy bill has been laid aside, to call it up. The Senator from Iowa desires to reply on the resolution that was submitted by the Senator from Ohio and on which the latter has submitted remarks at length.

Mr. ALLISON. The Senator from Maine desires to reply. I do not.

Mr. FERRY. The Senator from Maine also desires to reply. I hope the Senator from Arkansas will withdraw his proposition to take up this measure now and wait until these two Senators have spoken upon the resolution, and then I think the Chair will entertain the motion of the Senator from Arkansas to take up the bill.

Mr. BUTLER. I trust the Senator from Arkansas will do that, and then by general consent the Senator from Iowa and the Senator from Maine will be allowed to proceed.

Mr. WALKER. I accede to that suggestion, and withdraw the motion.

Mr. CONGER. I do not want the motion withdrawn on any understanding.

The PRESIDENT *pro tempore*. The motion is withdrawn. Is the understanding of the Senate that the resolution of the Senator from Ohio shall be continued until the Senator from Iowa and the Senator from Maine shall be heard? ["Yes."]

Mr. CONGER. I do not wish that motion withdrawn on any understanding that the bill is to be taken up to-day.

The PRESIDENT *pro tempore*. There is no understanding on the part of the Chair. Before the debate is resumed the Chair will take occasion to lay before the Senate a resolution from the House of Representatives.

FINAL ADJOURNMENT.

The Acting Secretary read the following resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the President *pro tempore* of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock meridian on the 10th day of July, 1882.

Mr. MORRILL. I move to refer that resolution to the Committee on Finance.

Mr. BECK. I object to that reference.

The PRESIDENT *pro tempore*. The Chair thinks it should go to the Committee on Appropriations.

Mr. BECK. I shall insist that the resolution shall go to the Committee on Appropriations, and that it shall not be acted upon until all the appropriation bills are sent to us from the House and action can be had upon them here. The sundry civil bill has not yet been reported to the House of Representatives; the naval appropriation bill has not been considered there; the legislative, executive, and judicial bill has not been considered by this body; the deficiency bill has not yet been considered by the Committee on Appropriations of this body; the pension bill has not yet been considered; the river and harbor bill has not yet been seen by the body.

At this point a message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

The PRESIDENT *pro tempore*. If the reference of this resolution excites debate, the Chair will withdraw it.

Mr. BECK. If I am entitled to the floor, I desire to be heard.

The PRESIDENT *pro tempore*. But it interferes with the other gentlemen who are entitled to be heard. The Chair will withdraw it and submit it after they have gotten through.

Mr. BECK. I cannot be taken from the floor, even by the President of the Senate.

The PRESIDENT *pro tempore*. No, sir; the Senator will proceed.

Mr. BECK. The river and harbor bill has not yet been presented to the Senate. That is the state of the business. It is now the 26th day of June. Congress met on the 5th of December. It has always been assumed that the Senate and the House ought at least to have each of them an opportunity to understand the measures of appropriation upon which they were passing. Admitting that the Senate ought not to take so long time to consider the bills as the House does, still it was the old rule of the House, and a good one, that all the appropriation bills ought to be presented to that body within sixty days, and they were required by the rules to be so presented. When they are held back for seven months it is remarkable that we should be told that we must agree to an adjournment within fourteen days of the time that the resolution is sent over to us, when the House itself has not even seen the sundry civil bill, the most important of all, and the bill which contains all matters relating to the public buildings, to the building of new forts, the light-house establishment, in fact an omnibus bill. That has not been reported to the House by its committee; and so the naval appropriation bill that has heretofore been acted upon in February or March is not yet before the House and they have not had a chance to consider it. Under these circumstances I insist that the Appropriations Committee shall have charge of this resolution, and if my vote will do any good as a member of that committee, I will withhold all action on it until they have had an opportunity of considering these important measures.

I see the Senator from Minnesota [Mr. WINDOM] before me. While he was chairman of the Committee on Appropriations, on the sundry civil bill I have sat in that committee night after night until the sun was shining before we got through in the morning, and had to meet again at nine o'clock, trying to work up to an adjournment, because the sundry civil bill was held back to that time by a Democratic lower House of Congress, and we had to work in that way in order to endeavor to get away. It is forcing the Senate to act under coercion. Members of the House go away and say there is no quorum; and in view of that contingency we ought to advise them now that this resolution will not be even considered until each appropriation bill has been sent to this body and has been acted on by it and considered by the committees of conference of the respective bodies, so that the appropriation bills can be passed carefully, without sitting night after night, as we shall otherwise have to do, with the thermometer at 95 or 100.

The legislative, executive, and judicial appropriation bill came to us only last week, and the sub-committee of three, as I understand, sat until ten or eleven o'clock at night several nights—the Senator from Missouri [Mr. COCKRELL] knows whether I am right—in order to hurry that through; and on Saturday, while people were assuming that we were idling our time by adjourning from Friday to Monday, the Senator from Iowa [Mr. ALLISON] called us together, as chairman of that committee, at half past nine o'clock, and we sat until half past five, in the most hurried manner possible going over the legislative, executive, and judicial bill, and we had to meet again this morning, and even now we are not entirely satisfied that we have been able to understand it. We have to take time and see that these great appropriations that are being sent to us, important bills, are carefully considered.

What has the Committee on Finance to do with this question? I happen to be a member of that committee. We have surrendered all our authority to a tariff commission; we have confessed ourselves incompetent to do anything in relation to taxation, and a little fraudulent pretense is going on in the other end of the Capitol that there is to be some relief given now so as to please somebody or fool somebody with the idea that some reduction of taxation is to be had, and that makes us rise in our place and ask that the Committee on Finance shall control the question of adjournment, when it has absolutely trifled away the seven months we have been in session, and then confessed its incompetency and called nine men, the best of them less competent than the least competent upon the Committee on Finance, to tell us what we shall do next December.

I deny that the Committee on Finance ought to have anything to do with this resolution. The Committee on Appropriations have been ready and willing and anxious to consider, and consider carefully, the great questions that will prevent adjournment till they are passed on; and I hope the Senator from Iowa will insist that his committee, that is working and that is competent to do its work if it is allowed time to do it, shall not permit the question of adjournment to be determined by a committee that has confessed its incompetency, and confessed it on the 15th day of last December in advance, and invited a new commission to be called to arrogate its powers and to give it information what it should do next December. When the 4th of March comes next, and the question of adjournment is up, then we can refer it to the Committee on Finance, and it will be glad to

agree with the House that on the 4th of March we shall adjourn, for its tariff commission will not then have made a report, and two years more will have been given to the gentlemen who are so much benefited by the present condition of affairs.

Mr. MORRILL. Mr. President, I really do not see that so much heat is called for on the part of the Senator from Kentucky, to repeat his old tariff speeches here for the fifth, sixth, or seventh time. In relation to this matter, the resolution clearly belongs to the Committee on Finance. It was reported by the Committee on Ways and Means of the House, and the Committee on Finance have always had this subject under their control.

Mr. BECK. They never had.

Mr. MORRILL. There is not any disposition to hurry the Senate to an early adjournment until after all the appropriation bills shall have been completed, but there are measures lying behind the appropriation bills that can be considered only by the Committee on Finance, and it may be that a longer time than what is necessary to pass the appropriation bills will be required. For instance, I suppose the House will determine to-day upon a tax bill; that will come to the Committee on Finance. The bill for the extension of the charters of the banks may be back here with amendments for further consideration.

I trust, therefore, we shall keep up the usage of the Senate. So far as I know since I have been a member of the body the Committee on Finance have had the control of this measure. I do not regard the jurisdiction of it, however, as of any great consequence. The Senator from Kentucky and the chairman of the Committee on Appropriations belong to the Committee on Finance, and it will not be hurried until that committee shall have got through with all its work.

Mr. ALLISON. I only have a word to say on this question of reference. I think this resolution should go to the Committee on Appropriations.

Mr. BECK. It always has.

Mr. ALLISON. That committee has had control of the question of adjournment for the last eight or ten years in this body. It is manifestly the only committee that can really fix a day of adjournment with certainty, and I trust my friend from Vermont will not insist on sending this resolution to the Committee on Finance.

It is true, as was stated by the Senator from Kentucky, that the Committee on Appropriations are making every endeavor possible to bring the bills rapidly into the Senate. The legislative, executive, and judicial bill only reached the committee last Monday morning in print, and the sub-committee having charge of it sat every day, beginning at nine o'clock in the morning and remaining until twelve or one o'clock each day, and sat every night during last week with the exception of one night until eleven o'clock, and as stated by the Senator from Kentucky, the whole committee spent the entire day of Saturday on the bill. I think the Senate can be assured that every reasonable effort will be made to bring forward the appropriation bills as fast as they come from the House; but it is impossible, I think, for us to agree upon a day of adjournment until we know the exact status of the appropriation bills. Therefore I hope the reference will be made to the Committee on Appropriations.

Mr. GARLAND. It is perfectly evident that the Senate cannot now agree on any time to adjourn, and I am satisfied that no committee can now fix any period when we can vote for an adjournment. I am satisfied further that the Committee on Appropriations have just as much as they can do if they work faithfully. I therefore move to lay the resolution on the table, with a view to take it therefrom at some future time and make proper disposition of it.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution lie on the table.

The motion was agreed to.

FOREST-TREE INSECTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed, for the use of the Department of Agriculture, with necessary illustrations, 2,000 copies of the fifth report of the United States entomological commission, being a special report on the insects affecting forest trees.

ORANGE-TREE CULTURE.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 5,000 copies of a special report from the Department of Agriculture, on insects affecting the orange tree, with the necessary illustrations, 2,500 copies of which shall be for the use of the House of Representatives, 1,500 for the use of the Senate, and 1,000 for the use of the Department of Agriculture.

ECONOMIC ENTOMOLOGY.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed for the use of the Department of Agriculture 1,000 copies of a special report entitled Bibliography of Economic Entomology.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882, was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. ALDRICH, Mr. COKE, (by request,) and Mr. HARRIS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. VOORHEES. I offer two amendments to the sundry civil appropriation bill. These amendments in the form of bills have been reported from the Judiciary Committee of this body and they have passed the House. I move their reference to the Committee on Appropriations.

The motion was agreed to.

Mr. BROWN. I offer an amendment to the river and harbor bill, appropriating $15,000 for the improvement of the Savannah River above the city of Augusta. I move that it be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. FERRY submitted two amendments intended to be proposed by him to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

POLITICAL ASSESSMENTS.

The Senate resumed the consideration of the resolution submitted by Mr. PENDLETON on the 5th instant, in relation to the collection of assessments for political partisan purposes from any employés of the Government in Washington.

Mr. HALE. Mr. President, I do not mean to take up too much time in replying to the Senator from Ohio, [Mr. PENDLETON,] but there are some things which he has said, there are some impressions that he has conveyed, no doubt honestly, to the Senate and to the public mind upon which I wish to touch. In the first place, I desire to say that as to the circular which has been paraded here, signed by the Secretary of the Republican Congressional committee, with the names of the executive committee at the head, my own included, I have no apology to make. The object and aim of the circular was precisely as stated by the Senator from Iowa, [Mr. ALLISON,] in the direction of a voluntary contribution, sent naturally, as it always has been done, first and foremost to certain employés of the Government. Here is the circular:

[Jay A. Hubbell, chairman; D. B. Henderson, secretary; executive committee—Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. Wm. D. Washburn, Hon. L. C. Houk, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
529 THIRTEENTH STREET NORTHWEST,
Washington, D. C., May 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution which, it is hoped, may not be less than $——. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank check or draft, or postal money-order, payable to the order of JAY A. HUBBELL, acting treasurer, post-office lock-box 589, Washington D. C.

By order of the committee,

D. B. HENDERSON, *Secretary*.

It is almost exactly like those that were sent out in 1880 and in 1878, when I had the honor to be chairman of the committee, and, as the Senator from Iowa [Mr. ALLISON] says, those two were submitted to and approved by the then "civil-service reform" President, Hayes.

There has been no intention on the part of the committee in sending out this little circular, three inches by eight, as shown by inspection, of oppressing anybody; and it has not been sent out in the

dark. There has been no secrecy, nothing whatever covert, nothing whatever apologetic on the part of the Republican Congressional committee in this act signed by Colonel HENDERSON, its secretary. If in sending out numerous circulars asking employés of the Government if they were willing to contribute to a cause which they believe to be the greatest politically that agitates men's thoughts in this country, there has been here and there a circular delivered to some poor woman in a Department or outside of Washington, that has never been intended. The whole scope and aim of political contributions as engineered by Congressional committees, whether on the one side or the other, has never been a mystery, and there is no more mystery about it to-day than there ever was before. No woman has ever been requested except where under her initials she has appeared as a man, nor has any poor day-laborer been intended to be even solicited. If there has been any such poor laborer that has received any invitation of this kind, he may be assured that he will never be troubled again by the Republican Congressional committee, whether he pays or not.

But the committee, without any pretense and without any sentimentalism, finds itself as the organ of the Republican party confronted with a most important campaign. The Congressional elections, upon which depends the fate of the next House of Representatives, are now impending, and so long as men believe that one thing is right in politics and another thing is wrong, so long as men believe that the party with which the Senator from Ohio is identified and of which he is a distinguished leader is bent upon mischief to the country, and so long as they believe that in the Republican party and in its future ascendency is bound up the good of the country, neither you, sir, nor the Senator from Ohio, nor I, will ever find a day when men will not be willing to put in time and effort and energy and part of the means that have been given to them to maintain the right and keep down the wrong. I want to say to the Senator from Ohio that with all of the pity that he has arrayed for the poor woman whom the Republican committee has not sent to, for the laborer in his shop whom the Republican committee does not seek, for the orphan that he says is besieged, but is not, and notwithstanding all that he has said about this being compulsory, I can tell him from the Republican Congressional committee that the constituency to which these invitations have been sent has been found a willing constituency.

If the Senator perchance has found among the many to whom these circulars have been sent out here and there a man who would inclose it to him complainingly, and declaring his revolt against the movement, and felt oppressed, there are thousands and tens of thousands who have willingly announced that rather than the Democratic power which he vaunts so much should gain power in the next Congress, they are able and willing to contribute; and the committee does not find itself surrounded by reluctant men.

I defy the Senator from Ohio or any man, who ever he may be, either in this little circular or any correspondence of the committee, or any resolution of the committee, or any utterance of any single member of the committee, or of the whole Republican caucus that constituted the committee, to find anywhere a single act indicating that the screws were to be put upon men; but we have gone out just as men go out in other fields, just as men go out in voluntary associations and ask the members, when an emergency arises, if they are willing to give, just as church and parish organizations are conducted. Does the Senator know that in running a society, whether it be social, educational, or religious, if an emergency arises, if a conflict impends, if means are legitimately needed, the men that are naturally sought are the men who belong to the association? Does he know that no man considers himself, to use his language, degraded and insulted because he has the opportunity offered him?

This thing has always been done, and if the Senator from Ohio ever becomes the President of the United States, the head of his party, with the distribution of patronage and the control of patronage, he will find that it will be done then as it was always done by the Democratic party.

But the question to be fairly considered, Mr. President, the question that thoughtful men should consider, the question that prudent, patriotic men should consider here is whether the matter of voluntary contributions for legitimate campaign purposes shall be conducted freely, openly, without oppression; that there should be no yoke imposed upon a man in office; that there should be no threat held over him because he is in office; that there should be nothing imperious and tyrannical, and so long as it is done in that way you have got nothing more than what I may say and stand here boldly to maintain is a legitimate source of contribution to a proper political fund for the purposes of legitimately carrying on a campaign. When I have said this for our circular I have said all that I need to say, I think, as to its moral force. For its legal aspect I quote the law and the following correspondence:

I.—POLITICAL ASSESSMENTS.

SEC. 6. All executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $500. (Supplement to the Revised Statutes of the United States, section 6, page 245.)

ACTION OF THE NATIONAL CIVIL-SERVICE REFORM LEAGUE.

Resolutions of the Boston Association.

The following circular has been sent to the principal employés of the Government in the United States.

CIVIL-SERVICE REFORM ASSOCIATION,
New York, June 17, 1882.

DEAR SIR: We understand that a circular has recently been sent to you from the Republican Congressional committee, asking for contributions toward defraying the expenses of that committee at the coming election.

We desire to inform you that, in the opinion of counsel, as the members of the committee are officers of the United States Government, you as an officeholder are liable, under section 6 of chapter 287 of the United States Statutes, 1876, (supplement to Revised Statutes, page 245,) to punishment by fine or removal from office, or both, in case you subscribe as requested. The National Civil-Service Reform League proposes to bring the matter to the attention of the Attorney-General and other prosecuting officers of the United States, and until their decision is given we should advise you prudently to refrain from complying with the request of the committee.

Respectfully,

GEORGE WILLIAM CURTIS,
President.
EVERETT P. WHEELER,
Chairman Executive Committee.
WILLIAM POTTS,
Secretary for the New York Civil-Service Reform Association.

LETTER FROM JAY HUBBELL ON THE SUBJECT.

WASHINGTON, June 22.—Representative HUBBELL, chairman of the Republican Congressional committee, has addressed the following letter to George William Curtis:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1882.

SIR: I understand that a circular signed by you has been sent to large numbers of persons employed in the service of the United States, advising them to refrain from complying with the request of the Republican Congressional committee for a contribution to its campaign fund. In this circular you state that "in the opinion of counsel, as the members of the Republican Congressional committee are officers of the United States Government," all persons making contributions to such committee will render themselves liable under section 6, chapter 287, United States Statutes. If it be law that persons paying become thereby liable to a penalty, I, being a member of Congress and the treasurer who receives that payment, am also liable.

I am willing to meet you on this question anywhere or at any time, and to unite with you in requesting the President to ask an opinion of the Attorney-General. If you desire any other form of action in any tribunal which can give an immediate consideration of the point, I will join in testing the soundness of the circular, and I invite you to this mode of settlement, as both are more manly and more honorable than your attempt to confuse the action or alarm the minds of the employés alluded to. The law is misstated in your circular, and the alarm you seek to create is without justification in the law, your counsel, to whom you vaguely allude, either misunderstanding or perverting it. Disdaining to seek shelter behind any cover, I therefore challenge you to the step necessary to an immediate determination of the degree of responsibility which is attached to this fact, and to the correctness of your circular, which I distinctly deny.

Yours,

JAY A. HUBBELL,
Chairman and Treasurer Republican Congressional Committee.

To Mr. GEORGE WILLIAM CURTIS, New York,
President Civil Service Reform Association.

The Senator from Ohio belongs to a party that has been noted for its discipline. He himself has said that for nearly half a century it held the control in this country. It held that control with a pitiless hand. In his early days he was taught the lesson of obedience to discipline, and the party hosts everywhere were mustered under whip and spur, and the cry of the Democratic party always was, "No revolt, and the shooting of deserters." There never was anywhere any party that held its organization together by systems of assessments, by contributions for political funds, by the levying of money for the purpose of maintaining political press and political agencies, more than the Democratic party always did during its day of power. The Senator from Ohio knows that, and there is, with all the sincerity which he manifests now and no doubt feels, an element of the ludicrous and the absurd that he, a scarred veteran politician in his party, worn and inured in its fights, once a candidate for the second office in the Government, again almost a candidate for the Presidency, to-day still a formidable candidate for his party's nomination, standing up here and proclaiming a sentimentalism upon this question which he says thoroughly enthuses him, and that his party is the *avant courier* in this great crusade in favor of simple, voluntary elections without any appeal whatever to men in office.

But it is the fact that the Senator from Ohio is precisely in the situation that other leaders in his party have been heretofore when they were out of power. There never has been a time when the path in which he is now treading has not been trod before by his forerunners who were leading in the battle to gain national power. Retrenchment, reform, opposing voluntary contributions to politics, all these have been the different cries, always leading the Democratic bands up to the breach to struggle for official power. I have been looking over some of the records; one or two of which I will use as illustrating the position of the Senator's party when it is out of power in setting itself up as the advocate of reform, and especially as now of civil-service reform. Has the Senator ever read that remarkable document, the letter of Andrew Jackson of November 12, 1816, to Mr. Monroe, of which I give him the substance? This is what Jackson said when out of office, Andrew Jackson, somewhat known to the American people afterward not only for his patriotism, for his stern will, and for his relentless purpose, but also for the political discipline that he maintained in the ranks of his party and for the record which that party made under him. But in 1816, Andrew Jackson, then out of power, as is the Senator from Ohio now, said:

In every situation party and party feelings should be avoided. Now is the time to exterminate that monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to eradicate those feelings which on former occasions have

thrown so many obstacles in the way of government, and perhaps have the pleasure of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feeling. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole and not for a part of the community. By this course you will exalt the national character and acquire for yourselves a name as imperishable as monumental marble. * * * These are the sentiments of a friend. They are the feelings, if I know my own heart, of an undissembled patriot.—*Extract from a letter of Andrew Jackson to Mr. Monroe, November 12, 1816.*

It is a sober fact that no man unless his attention had been called to that letter of Andrew Jackson in 1816, with the knowledge that the country has of him afterward, when in power, great as his merits were, great as was his patriotism, great as were the services he rendered to the American Republic, would have ever recognized in those lines emanations from Andrew Jackson's mind. The invocation to the serene and impartial atmosphere, the adjuration to cast aside all party spirit, the injunction to the other man who had newly been elected President to take all the American people into his embrace as belonging to one party, certainly were directly and diametrically opposed to every administrative act of that great President when he came into power. I only cite this as what seems to me pertinent illustration of the entire inadequacy, the insignificancy of the position of the Senator from Ohio to-day, when he is clamoring at the doors of popular favor that those doors may be opened in order to let his party in; and if Andrew Jackson was not able to stand up against the political pressure that beset him when he gained power, will the Senator from Ohio, if that Presidential day ever dawns upon him, possess a more Roman virtue, and will he be able to carry out as an administrator the lofty sentiments that he has enunciated here to-day?

Why, Mr. President, it was not long after the Democratic party gained power and had control and possession of the employés of the Government and all its offices that the policy it pursued—even since, when it has been in the majority—was outlined by a distinguished statesman from New York, who then was, and afterward continued, one of the brightest and ablest and most influential of the statesmen of that party. I refer to Governor Marcy. What does he say in that famous utterance of his, a part of which has become an epigram for Democratic spoilsmen:

When they—

Says Governor Marcy, speaking from a Democratic stand-point in power and not out of power—

When they (the politicians) are contending for victory they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantage of success. They see nothing wrong in the rule *that to the victors belong the spoils* of the enemy.

Mr. President, there has never been any cardinal doctrine so dear to the Democratic soul, so ripe for the Democratic mouth, so grateful to Democratic contemplation, whether the Senator from Ohio understands it or not, as that old-fashioned doctrine of Governor Marcy, that "to the victors belong the spoils." It has always followed as a matter of course that when inaugurated in power upon that basis, with the spoils considered as belonging to them, there never has been a time when the spoils have not been levied upon and taxed and tithed without stint or mercy for political purposes at the risk and expense of removal on the part of the persons holding their places. The investigations which have taken place show this to be the fact.

I am not urging this in the line of declaring that the Republicans have any right to follow the extreme courses of the Democratic party, but as the Senator from Ohio has indulged in an eloquent panegyric as to the virtues of the Democratic party during its power, and has defied any man to accuse it of degrading itself and the men in office by assessing them, or by using the spoils of those offices, I speak now in answer to his claims.

As early as 1837, attempts were made to investigate the Democratic party upon this very question of assessments upon official employés. These attempts failed then, because the Speaker of the House, Mr. Polk, packed the committees, and the whole subject went away and came to nothing; but in 1839 the famous Harlan committee was raised for the purpose of investigating the operations of the Democratic party, including its deficits and defalcations, as well as with reference to its subordinates and the assessments levied upon them, and the threats of removal by which the assessments were made and the removals which followed, and the whole subject was thoroughly and faithfully gone over in the investigation which followed.

I have not time to and I shall spend but a few minutes upon the extracts which have been given me. Some of them I will give to the RECORD, in order that they may be seen there, and that the Senator from Ohio may read them. I select from a few places for the benefit of the Senator from Ohio, who has declared that nothing of this kind occurred in the Democratic party, and he may consider it for himself Democratic reading.

After grappling with the Swartwout defalcation in New York, amounting to over $1,200,000, and finding some rather curious Democratic methods as to the care and custody and execution of official bonds, according to Cashier Curtis's testimony, as follows:

The second bond was executed by Charles L. Livingston, M. M. Quackenbos, and Benjamin Birdsall. It had five or six seals to it, but no other person, to my knowledge, executed it. This bond remained in a trunk which contained all valuable papers, which was deposited in the bank after the closing of the office. The bond remained unexecuted until toward the close of 1836, and, as far as I can recollect, I handed it to Mr. Swartwout soon after or at the commencement of 1837.

* * * * * * *

I held the bond about three years before I handed it to Mr. Swartwout to deliver to Mr. Price, the United States district attorney. It was then executed.—House Report No. 313, third session, Twenty-fifth Congress, pages 58 and 59.

The committee go on to further investigation.

The following is an extract from the committee's report showing how they went on:

The system of a *regular taxation* of public officers connected with and deriving patronage from the custom-house at New York, by a *tariff proportioned to such patronage in each case*, for the support of *party elections* is now alluded to.—*Harlan Report, H. Rep. 313, February 27, 1839, Twenty-fifth Congress, first session,* pages 249, 250.

Then follows certain testimony, which I read for the benefit of the Senator from Ohio in his Democratic crusade for the protection of civil-service employés:

David S. Lyon, sworn:

I was the first deputy collector of the port of New York during the whole time Samuel Swartwout was collector. I have frequently been called upon to contribute to political objects while I was deputy collector, as an officer of the custom-house. *The amount was from $20 to $100.* The tax was *pro rata*, according to salary. *It bore a proportion from one to six per cent.* I frequently paid a part of the amount. When it was too high and more than I could afford, I urged them to reduce it. In one instance, when I was assessed $20, Mr. Swartwout told the collector of the tax that $10 was enough for me to pay. For a few years back I have not paid anything to the general committee, because I could not afford to pay the amount assessed. * * * The collectors of the Tammany Hall general committee, one of whom was John Becker, called on me several times. William Tyack once or twice called on me to collect the amount with which I was assessed. He was not the regular collector, but was one of the general committee. I believe that nearly *all* the officers of the custom-house, in doors and out, and the clerks, were similarly taxed, and generally paid what they were assessed. It was assessed by the general committee of Tammany Hall, and for the support of the party denominated the Tammany Hall party. If the individual did not pay the amount he was taxed with, the collector would remark: 'You will be reported to general committee; and everybody well understood that proscription would follow. The collector of the general committee has an alphabetical book, which contains the names of persons, and the amount each individual is required to pay.—*Harlan Com. H. Rep. 313, Twenty-fifth Cong., third session,* pages 250, 251.

I ask the Senator from Ohio if in the course of his exploration, broad and large everywhere into the work of the Republican Congressional committee, he has ever found any official who has stood over a civil employé of the Government and has said as much as that to him, that he would be reported anywhere; but, on the other hand, is it not the fact, as the Senator from Iowa has stated, that in the campaign preceding, where the circulars were sent out to over 30,000 men in office and only 11,000 responded voluntarily, no man in the United States is able to show anywhere that there was the pressure of a single leaf or a feather's weight brought upon one of those men who failed to voluntarily and freely and gladly respond?

I will call the attention of the Senator from Ohio to certain interesting reading that I find relating to the course of his party only four years before he was found as a candidate on the Presidential ticket for the second place in the Government. The famous Covode investigation upon this very subject was raised in 1860, and I read some choice extracts from it. These are all interesting witnesses—Vedder, Wendell, Cramer, and the others. One of them ran across the track of another Democratic civil service-reform Presidential candidate. He was a clerk in the Land Office, and he describes, as his testimony shows, the methods of collection for political purposes in the Land Office as late as the last years of the administration of Mr. Buchanan. An authorized agent and employé of the Government was instructed to go, and did go, around to the clerks with their names upon a list, and the assessment opposite their names, and the money that was checked opposite their names was directed, with their consent, to be left in the hands of the disbursing officer, and not paid out to the clerk at all, but contributed directly from the Treasury to the Democratic fund. When asked at whose inspiration this was done another witness declared that the whole thing was talked over and considered by the Commissioner of the Land Office, a gentleman since well and favorably known in the Democratic party and throughout the country, a former Senator from Indiana, Mr. Hendricks. Listen to some good, sound Democratic civil-service reform reading:

Arent S. De Peyster, sworn:

The weighers were called on to pay fifteen dollars each for the support of the election, and when I declined Mr. Vanderpool, the deputy surveyor, observed that *I ought to consider whether my $1,500 per annum was not worth paying $15 for.* Under the impression that it was the price of my situation, I paid it. The above occurred during the last spring election for charter officers.

Abraham B. Vanderpool, an appraiser of customs in New York, at $2,000 a year, was also sworn by the committee. In reply to the inquiry of Mr. Wise as to whether the officers of the custom-house had been assessed for political or party purposes, he began his answer with: "*I have known officers attached to the custom-house to be called on for*"—when Mr. Owens, a Democratic member of the committee, interposed and informed the witness that he was not bound to answer any questions relating to his private affairs, and Mr. Foster, another Democratic member of the committee, objected to the question.

The committee decided that the question should be propounded, when the witness declined to answer and was allowed to retire.

John Becker was also sworn as a witness. He said: "I have been *collector for the Democratic-Republican party in this* (New York) *city.* It is not an official appointment. * * * All the collections I ever made for the Democratic-Republican party were *strictly confidential.* I therefore respectfully decline answering the question." When asked whose confidence he would violate by answering the question, he replied: "The *confidence of the finance committee of the general Democratic-Republican committee.*"—*Ibid.*

Isaac West, called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Towsontown, Baltimore County, Maryland.

Q. Were you at one time *engaged* in the *custom-house* at Philadelphia?

A. *Yes, sir.*

Q. In what capacity?

A. I was appointed *inspector*. I had charge of the appraisers' stores there.

Q. When were you appointed?

A. The 1st of June, 1855, I think.

Q. How long did you remain in office there?

A. About five years.

Q. Were you there *at the time of the election of* 1856, when Mr. Buchanan was elected?

A. Yes, sir.

Q. What do you know *about moneys being raised off the employés* of the *custom-house* on that occasion?

A. There was a *certain tax levied* upon the *persons* connected with the *custom-house*.

Q. What amount on each person?

A. A *certain percentage*. On a person receiving $1,095 a year I think the *tax for the Presidential election* was from $30 to $33.

Q. Do you mean for the Presidential election alone, or for both Presidential and Congressional elections?

A. I mean the *Presidential election alone*.

Q. What about the other election?

A. The amount was not so great for the State election.

Q. How much was that?

A. That I do not recollect. It strikes me that *it was from* $5 *to* $7, something like that.

Q. The *two*, then, would amount to in the neighborhood of $40?

A. *Yes, sir*, in that neighborhood.

Q. Upon what salaried officers was that?

A. Those of $1,100, *or rather* 1,095 *a year*.

Q. Were the others *assessed in proportion to their salaries?*

A. *Yes, sir.*

Q. To whom was the money paid?

A. It was generally deposited. That portion which I collected in my department *I gave to the deputy collector, Mr. Harbeson.* I believe he was the *treasurer*, so far as the *custom-house* was concerned, and he paid it over to the executive committee I believe.

Q. *A political committee?*

A. *Yes, sir.*

Q. Did *all* the employés pay?

A. I *never knew one* to refuse.

Q. What was the *impression*—that it was *rather obligatory* upon them to pay?

A. That *seemed* to be the *impression;* they all felt it their *duty to pay* that *more promptly than some of their debts;* that was the *impression*, but I do not know about whether they would have been removed if they had not paid, but it was considered *obligatory* I believe.

[Extract from testimony of Mr. Wendell, Public Printer.]

Question. I wish to ask you a few further questions concerning the elections in Pennsylvania. When you had *interviews with Mr. Buchanan* previous to the *elections in Pennsylvania in* 1858, did you not freely talk with him in regard to the use of money to carry certain districts?

Answer. I *talked with him freely as to the use of money in elections;* I do not remember as to any specific districts; I talked about the expenses of elections generally, the *large amounts used;* yes, sir.

Q. Did you not tell him you were *compelled to use large amounts of money?*

A. I cannot say that I told him I was compelled.

Q. That you were using large amounts of money?

A. *He was cognizant of the fact that I contributed largely for elections.*

Q. You had conversations with him upon that subject?

A. It was the *subject* of conversation at different times, the *amounts that I contributed.*

Q. What was the *character of the several letters* from Pennsylvania that he read you portions of during one of the interviews you had with him about carrying certain districts? How was it to be done?

A. I think the *most of them wanted material aid;* they made suggestions as to aid required in different districts generally, and the political affairs of their several districts.

Q. *Why did he call your attention to those letters* calling for that kind of aid? Was it because he expected you to attend to it?

A. Well, I do not know, indeed, what the motive was; our conversations were generally about politics and the contest going on, and the letters might have been shown in conversation, which in those days were generally political; almost always, I might say; *my conversations with him were always of a political character.*

Q. On what occasion was it that you had these long interviews with him? Was it not *immediately before the election*, and relative to the means to be made use of to carry the elections?

A. Well, I could not say; I had them at different times. I presume *that during the time of elections I had some long interviews*, and again at other times. I do not call to mind any particular date when these interviews were held. They were held at different times during all my intimacy with him.

Q. On *what days of the week* did you have long interviews with him? Can you recollect?

A. Pretty much every day, I should presume. I do not remember any particular day of the week.

Mr. OLIN, (to the chairman.) Do you suppose he took *Sundays* for that purpose?

The WITNESS. I *have had* interviews with him *on Sundays.*

By the CHAIRMAN:

Q. Was it not your *habit previous to the election to spend the Sabbath day with Mr. Buchanan*, conversing freely upon *political matters*, and particularly with regard to the use of money to carry elections?

A. I cannot say it was a usual habit. I *saw him on Sundays;* I could not say how many.

Q. I am referring to immediately preceding the elections.

A. *Yes, sir; I may have seen him on one or two Sabbaths immediately preceding the fall election of* 1858.

Q. On those occasions had you conversations with him on that subject?

A. *Conversations on politics?*

Q. *In connection with money matters.*

J. L. Cramer called and sworn.

By the CHAIRMAN:

Question. Are you a clerk in the General Land Office?

Answer. Yes, sir.

Q. Do you know of any assessments made upon the clerks or employés there for political purposes?

A. *I have asked the gentlemen—a portion of them—to contribute for that purpose.*

Q. You asked them yourself?

A. *Yes,* sir.

Q. How was that contribution made; was *it a certain percentage* on the salary?

A. In *one instance it was;* a small per cent. was asked of the gentlemen.

Q. In what year was that?

A. My impression is that it was in *the year* 1856.

Q. Do you recollect what per cent. it was that was levied that year?

A. I can only tell from my *own proportion.* My recollection is that I paid $3.20 on a salary of $1,600.

Q. Did *you collect* it that year?

A. I *called on some* of the gentlemen.

Q. In what way was that list made? Describe how it was prepared, whether with the names and the salaries, and the percentage that was assessed, or how was it?

A. So far as my recollection serves me, *I am not aware that I had a list.* I think I had a *memorandum book*, in which I put down the names of such gentlemen as contributed, *knowing their salary and what proportion* it would be. That is my recollection of the matter.

Q. Did you *collect in* 1858?

A. *I collected on two occasions;* it strikes me that one was *in* 1856, and the other was *in* 1858.

Q. Do you know for what State, or for what purpose, that money was collected either in 1856 or 1858?

A. I think the *money in* 1856 *was collected to be appropriated to pay some balance to be supplied in Pennsylvania.* If I remember right the *Democratic State committee* had got into *debt* quite a sum of money, and it was with a view of *liquidating that* debt that the *money was raised.* It was just after the *October election*, I think, there was *another* collection to pay for some *documents* that had been printed to be distributed.

Q. Were not there *two assessments* made that year—one before the election, and another afterward, to make up a deficiency?

A. That is what *I spoke of.* I think one was *before* the election, and another to make up a *deficiency.* I was under the impression that the deficiency was the only one I had anything to do with.

Q. That one you collected?

A. Yes, sir.

Q. Do you know at whose request that assessment was made to make up the deficiency in Pennsylvania?

A. I do not. I understood——

Mr. WINSLOW, (to witness.) Don't state what you understood; state what you know, if you please.

The WITNESS. I do not know.

By the CHAIRMAN:

Q. By whose authority was it done? Who was it that requested or directed you to perform this duty?

A. *I took the paper around at the request of the Commissioner of the General Land Office.*

Q. Was it the *assessment before or after* the *election* that you collected?

A. I think it was *after the October election*, but I may be mistaken about that. I am not positive whether it was after that election or *after the Presidential election.*

Q. Do you know the total amount of that Pennsylvania deficiency to be raised?

A. I do not know only from what I heard; I have no other means of knowing.

Q. What was the amount you heard?

Mr. WINSLOW. I object to the witness answering that question.

By the CHAIRMAN:

Q. Who told you what *amount was to be raised?*

A. I think it was the *Commissioner*, Hon. T. W. Hendricks.

Q. Did he tell you what the amount was?

A. I think so.

Q. How much was it?

A. It strikes me that it was $2,500 or $3,000.

Q. That was to be raised in that one office?

A. No, sir; that the Pennsylvania Democratic State committee had incurred a debt to that amount.

Q. Did all the *clerks pay their assessments?*

A. *Nearly all that I called upon.* I believe there were but one or two exceptions.

Q. Who collected the *first assessment* of that year?

A. I do not know.

Q. Into whose hands was the money paid after you collected it?

A. *The money that I procured, I think, I paid over to the then Commissioner.*

Q. Now, in regard to the *assessments of* 1858, how was that done? Was the assessment *so much percentage* on the salaries; so much on the $1,400 clerks, so much on the $1,600, and so on?

A. No, sir, *I think not.*

Q. Did you collect that?

A. I collected some of some of the gentlemen in the office.

Q. Who assisted you in collecting it?

A. Mr. Vedder was one, and Mr. Heath.

No. 41.

TUESDAY, *May* 1, 1860.

Josiah M. Lucas called and sworn.

By the CHAIRMAN:

Question. I understand that you were a clerk in one of the Departments. If so, in what Department was it?

Answer. I was a clerk in the Land Office, Department of the Interior.

Q. Will you tell us all you know about the collecting and raising of money there for political purposes?

A. I can give all the information I have, probably in a very few words. Whilst I was a clerk in that Department levies were made upon various occasions upon the clerks for funds, and on every occasion I dissented. It was against my feelings and principles. They did not come on all occasions to me; but the last occasion to which I took exception was one on which they wanted to raise a fund of eight or nine thousand dollars in the various Departments. That, however, I do not know, but such was the statement made to me.

By Mr. WINSLOW:

Q. Say nothing about statements or hearsay, if you please.

A. The list of the clerks was made out, their names in one column, their salaries in another, and the percentage levied in another column. This list they presented to me and five others in the room, all of whom paid but myself. I looked at the list and asked the two gentlemen who brought it who sent them to me. They said they were not going to answer me any questions, but asked me if I would pay. I told them "no;" and that is pretty much the substance of all the information I have. They went, as I saw, in the different rooms I happened to have business in, to the different clerks, and presented this list to them, and they paid their *pro rata* assessment. The information that we received was that it was to raise a fund to pay off a debt that had been contracted in Pennsylvania, which they expected to have raised out of Congress, but it adjourned without raising this amount, and they had to raise it in another way.

By the CHAIRMAN:

Q. Who carried that list into your room?

A. The persons who carried the list around for the portion of the office in which I was were Mr. Cramer and a Mr. Slocumb who hails from Mississippi, but is recognized probably as an Indianian. They brought the list around and there were four or five other clerks in the room beside myself. I refused to subscribe. My

friends all told me that I had better subscribe, but I told them that I could not with my view of the case, and I denounced it in the public prints.

By Mr. OLIN:
Q. Do you recollect about what percentage was upon the salaries?
A. I do not, exactly; I think it was between 2½ and 5 per cent.

By the CHAIRMAN:
Q. You say that it was an assessment, and that you refused to subscribe?
A. It was a regular assessment. It was upon paper that I recognized as coming from a certain office. The names, the salaries, and the amounts to be paid were all put down.

By Mr. TRAIN:
Q. Where did the paper come from?
A. From the Department of the Interior. It was the same kind of paper as the pay-clerk uses. On a previous occasion an assessment was made in the middle of the month, when the clerks had no money, and the amounts were afterward deducted from their pay by the pay-clerk.

By the CHAIRMAN:
Q. Was that an assessment or a subscription?
A. I will not be certain whether it was an assessment or a subscription. At all events the money was deducted from the pay of the clerks by the pay-clerk.

By Mr. ROBINSON:
Q. When was that first assessment that you speak of?
A. I cannot be certain as to the exact time. It was during the struggle between Douglas and Lincoln.
Q. When was the last assessment made?
A. About two years ago, I think; somewhere about that time; I cannot fix the date precisely.
Q. There was none of that fund raised to help Douglas, I suppose?
A. No, sir, I think not. I know the Democrats as well as the others in the office denounced the matter, but yet paid. I know a great many of them denounced the principle, but they paid, to buy peace, as they said.
Q. Were you for Douglas?
A. No, sir; I was for Lincoln. I was a Whig, and had never voted for a Democrat in my life, I think.
Q. When did you leave the office?
A. It will be two years in September next.
Q. Did you resign, or were you discharged?
A. I resigned, because I believed I would be removed.

By Mr. WINSLOW:
Q. Under whom were you first appointed to office?
A. I received a temporary appointment not long after General Taylor came in, and was given a permanent appointment by Mr. Fillmore.
Q. How long did you hold office?
A. I was removed by Mr. Pierce, but while I was away I was reappointed again, without any application on my part. I continued in office until I resigned under Mr Buchanan.
Q. I understood you to say that you were for Lincoln and not for Douglas?
A. Yes, sir. I wrote political articles in his favor, which were published in the West.
Q. You supported Mr. Lincoln's election, and wrote for him in the Western papers?
A. Yes, sir.
Q. You used the word "levied" in the first part of your testimony. Do you mean to say that these contributions of the clerks were forced contributions? Were any threats held out by the persons who brought the list?
A. No, sir; not in my presence.
Q. How long after your refusal to contribute was it that you resigned?
A. Very soon after; a month or less perhaps.
Q. What is your present occupation?
A. I hold the office of Postmaster of the House of Representatives.
Q. In your election as Postmaster did you make an agreement with members of Congress to give office under you?
A. No, sir.
Q. Were you approached upon that subject by any member of Congress?
A. I was approached by one man, I recollect, who said to me: "If you are elected I want an office for a friend of mine, but I don't want you to make any pledges."
Q. Did you do so?
A. I did not.

By Mr. TRAIN:
Q. Was that before or after your nomination?
A. It was about the time of the nomination; but I do not remember whether it was before or after.

By Mr. WINSLOW:
Q. You gave no pledges to any member of Congress, either directly or indirectly, in regard to any patronage of your office?
A. No, sir, not while I was a candidate. One man alleged that I gave him a pledge, but I denied it.
Q. Who was he?
A. A man from Indiana who applied for a place for himself.
Q. Then you came into office with no agreement, either directly or indirectly, with anybody in regard to the patronage of your office?
A. Yes, sir.

By Mr. ROBINSON:
Q. What papers did you write for?
A. For the Jacksonville and Springfield papers.

No. 42.

TUESDAY, *May* 1, 1860.

Stephen G. Dodge called and sworn.

By the CHAIRMAN:
Question. Where do you reside?
Answer. I have been in Washington the most of the time for the last seven years.
Q. What have you been engaged in?
A. I was for six years and over a clerk in the Pension Office.
Q. When did you resign, or were you removed?
A. I was removed on the 10th day of August last by a letter from the Secretary of the Interior; the letter was delivered to me by the Commissioner of Pensions; I asked him the very natural question upon what grounds I was removed; he said that he understood that it was on the ground of political unsoundness, and referred me to the Secretary of the Interior for fuller explanation as to what the special grounds were; I went to the Secretary immediately, and he informed me that I was removed because there was a necessity for the reappointment of a clerk who had been dropped on the 8th of July; I think it was in 1856; to aid the Administration party in the State of Maryland; I was not called upon to contribute to it, and I do not if I was present when the contribution was raised.
Q. Tell us that which you know about.
A. In 1858, I think in the spring, after the Lecompton controversy arose, the Indiana Club, of which I had been a member, was reorganized, and we, the members of the club, were called upon to contribute to a fund for the distribution of Lecompton documents in the State of Indiana.
Q. What do you mean by the "Indiana Club?"
A. A club composed of Indianians temporarily resident in Washington.

By Mr. WINSLOW:
Q. Was it a voluntary thing?
A. I do not know how voluntary it was.
Q. Was the club got up by orders of the Department or by the Government? That is what I want to know.
A. I cannot answer as to that distinctly.

By the CHAIRMAN:
Q. Tell us what your knowledge of it is
A. I could tell you very plainly what my ideas of it were, but that would not be evidence, I suppose.
[The witness then stated, without its being taken down by the reporter, the particulars about the Indiana Club, and also about a contribution to pay a debt of the Keystone Club for documents furnished by them to various States.]
Mr. WINSLOW. If the club was a voluntary organization, we have nothing to do with it.

By the CHAIRMAN:
Q. I want to know whether it was an assessment or a contribution?
A. I regarded the thing as a matter of moral duress, that is all. I had drawn up the articles of the association originally. The original organization of the club was entirely voluntary. The reorganization I regarded as under moral duress.
Q. In what year was that reorganization?
A. In 1858, after the Lecompton message.
Q. Tell us what you know about that reorganization.
Mr. WINSLOW. This opens the door to an immense investigation. I could put any of you gentlemen upon the stand and question you about any organization to which you may have belonged.

By the CHAIRMAN:
Q. State what you know about a paper that was handed around relative to raising money to meet a deficiency of the Keystone Club, and the manner in which that money was paid or to be paid.
A. In the spring of 1858——
Q. Was it the spring or summer?
A. In the spring or summer of 1858, or some time in 1858, a paper was presented to me for signature, headed, as near as I can recollect, in these words:
"The undersigned request the disbursing clerk of the Department of the Interior to retain out of our salaries for the current month the sums set opposite to our respective names."
Q. In whose handwriting was that paper drawn?
A. It was apparently in the handwriting of the Commissioner of Pensions.

By Mr. WINSLOW:
Q. The present Commissioner, Mr. Whiting?
A. Yes, sir; the subscription was headed with the name of the Commissioner with the sum of $10.

By the CHAIRMAN:
Q. Did you know it to be his handwriting?
A. I say it was apparently in his handwriting. He has clerks in his office who frank his name, and whose handwriting is almost exactly like his. I could scarcely distinguish between their writing and his. It was apparently in his handwriting.

By Mr. ROBINSON:
Q. Go on and state what else you know about it. What other names were to the paper?
A. The name of the chief clerk, who I think was absent, was also down for the sum of $10, I think.

By the CHAIRMAN:
Q. In whose handwriting?
A. I think that was in the handwriting of the Commissioner; I think that Mr. Boyington's name was also down, and the best of my recollection is that he also contributed $10; I was asked to sign the paper, but objected to doing so, on the ground that I had already contributed $25 to the funds of the Indiana Club for the purpose of circulating the same kind of documents; but being advised by some friends that it would be better to make the contribution I did so; and in a conversation with the Commissioner of Pensions himself, I said to him that I had done it upon the principle of life insurance—to insure my office to me.

By Mr. ROBINSON:
Q. What reply to that remark of yours did he make?
A. I do not remember of his making any answer; I presume he had acted upon the same principle that I had; that is only my presumption, however.

Thus in the last days of the last Democratic administration that ever was, and putting my word against that of the Senator from Ohio, I should be tempted to say that ever will be, in the last days of the Democratic administration under Mr. Buchanan not only were the clerks in the Departments found followed up under a belief and a threat of removal to the paying of involuntary contributions, but they were hounded from room to room by superior officials, the heads of the bureaus and of the Departments standing over them; and the President of the United States, the leader of his party, a veteran in political strife and political organization, was found consulting with the instruments through which this was done from day to day and week to week, including Sundays, for the purpose of making this great haul more exhaustive, so that no man should escape from its meshes. Yet to-day the Senator from Ohio stands up in his place and declares the former purity and glory of the Democratic party, and defies the Republican party to point out in its history anything touching what he calls the degradation of civil service by reason of contributions.

I can imagine nothing that would be more degrading to the civil service than such a spectacle. The loftiest figures in the Republic prostitute their time and talent and attention to deal with the little details of this work, and the heads of the Departments and of the great bureaus of the Government, and the deputies and subordinates engaged from day to day through a hot campaign, with assessment after assessment, for the records show that that one was not complete, and hunting and following these poor people up and obliging them to contribute, with the whole power of the Administration being so brought to bear on them.

Let me tell the Senator from Ohio that in the contest which is now going on, and in which he and I and every man who has a political belief is engaged, he may look in vain to discover any such prosti-

tution of the power of the Government or of the Administration as that. Our circular has been carefully submitted to the best legal minds, not for the purpose of evading, and avoiding, and dodging responsibility, but in order that everything which may be done may proceed in a legal and regular fashion, and that no man, either who contributes or who asks for contributions, shall violate the law, knowing that outside of that, in a fair and reasonable way, there is ample domain for the exercise of this voluntary right by the person who holds anoffice.

The Senator talks about the degradation which comes both to the giver and taker because of these contributions, and he throughout his speech continually dwelt upon the enormous funds which have been raised for the purpose of carrying elections and thereby degrading American politics. Does the Senator from Ohio, do you, sir, or do many Senators know the comparatively insignificant amount that is derived from such contributions as these? Does he know that when any amount that is raised by such contributions is put in the scale against the debauchery of the franchise by other methods, it is nothing but dust in the balance? Do you say that the giver and taker are degraded by these voluntary, almost insignificant contributions to a political fund? My colleague and I have known for years earnest and well-contested fights in the State of Maine, where contributions have been raised upon the one side and upon the other for legitimate purposes in campaigns. That State has a front of 200 miles of sea-coast, and a width as great, with 400 and odd towns. The plan of both sides is in great campaigns in Maine that no township is so small as to be neglected, but that the living truths of politics shall be presented and the men assembled together in public meetings.

It is an enthusiastic population. I mean by that, a people which turns out at its political meetings with bands of music and flags flying on both sides, and processions and organizations. All of these things are paid for by legitimate uses of the party, and in all the contributions that were ever laid in the State of Maine, with that vast field which is worked over sometimes for six weeks, the aggregate amount that was ever raised in the State from all the offices and other sources, as the chairman of the State committee will tell you, up to 1880 was less than $6,000 in any one year. Sir, that was not much more than enough to reach into the little villages, to furnish money enough to pay for the posters and the bills to announce the meetings. It is not from such sources that any corruption or harm comes to the constituency.

Let me tell the Senator, let me tell the gentlemen of the Civil-Service Reform Association who have written their letters to the chairman of this committee and who have been well answered, that there is in the field of American politics something besides windmills to fight. There is a debauchery of politics and of the franchise which may go on apart and aside from the little dues which fall from political assessments that is worth looking into and contending with.

The Senator has not cited, but those who sympathize with him and fill the papers with their communications and the public with their speeches are continually talking to us about the perfect civil-service system in England, where they say that no man dares to call upon an official for a contribution of money. Does the Senator from Ohio know, does the president of the Civil-Service Reform Association of New York, if that is the technical name, know that a constituency is debauched in Great Britain a hundred and a thousand fold more than has ever been seen in the State of Maine or in any such State of this country, as I have described, by the reckless and wanton profusion with which money is poured out by the candidate for the purpose of corrupting the voter? This is something that is well worth looking at.

To return to my own State, I have seen the elections conducted year after year, both sides straining their utmost endeavor, and with their little contributions paying these small bills, when throughout the whole length and breadth of the State there never was a charge that a member of the Legislature or any officer of the State had been elected by bribery, wholesale or retail.

But elsewhere in America have been found repeated instances of the corruption of the electoral system by money poured out from other than these assessments, and there are cases enough to be looked upon, to be contemplated by the Senator from Ohio and by these associations to give them full play for their benevolent work, and in that I bid them God speed. I do not desire that they should keep their hands from the machinery of party organization where it runs to the extent that I have described in the Democratic party, but as I have said, as long as men are in earnest and believe in a cause with which they are identified, you cannot prevent them, no man can prevent them, from coming up and contributing freely of their little substance for the proper purposes of the campaign.

I never desire to see the day when men holding civil offices will refuse to so freely contribute. When a race of men shall have grown up in this country who occupy and claim all places of emolument as their own and refuse to take part or interest in the important conflicts which must always agitate our Republic to keep its currents pure and healthy, then I shall look to see other people, not holding office, penetrated with the same insensibility, the same indifference to public questions and public issues and public dangers, and I shall suspect the health and endurance of our institutions.

Mr. President, while there is a good deal of sentiment in politics there is very little of sentimentalism. Men in political life give and take hard blows. There are reversals; there are the ups and downs that try men's characters and their integrity. I can see in my incomplete view of politics and the political field ample room for earnest efforts at reform in educating the voter, in restraining the insolence of officials, in restraining the undue meddling of employés and officers of the Government with politics. I can see room in the political field for a man to cultivate the highest kind of political honesty, to keep his hands free from public money, from public spoils, to maintain his consistency propped up by his sincere beliefs, to sometimes stand alone when discordant voices seek to put him down, to keep from cheating and lying, and from the worst falsehood in politics the cheating and lying of friends. I can see how a man in politics may go on from year to year, strive earnestly to keep up his ideal, and may see that ideal almost only in his own imagination at last, but I do not see how it is that an earnest, practical man can spend his time in neglecting the things that need looking after and in attending to the little matters that do not touch the heart of the people and that have no root whatever in corruption.

Whenever the Senator from Ohio, in his investigation of this field in which he has gone so deliberately, brings to the Senate or to the country instances showing that the Republican organization through its constituted authorities has engaged in any work of oppression, that it holds any man by the throat, that it threatens his place that he now has, that it is harrying women and orphans, and that it follows them, or indeed follows anybody with a determination to get a political fund to be spent in debauching the people, when he furnishes that information to the Senate and to me, then I shall be able to discover that he has gone out on an honest, earnest, hopeful fight against the giants that beset the path of men in political life, and not that he is engaged in that old work, so gratifying and so safe, however inadequate and barren in results, of fighting the wind-mills of politics.

Mr. VAN WYCK. Mr. President——

Mr. LOGAN. Will the Senator from Nebraska yield to me to present a conference report on the Army appropriation bill?

Mr. VAN WYCK. Certainly.

ARMY APPROPRIATION BILL.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 8, 11, 14, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 9, 10, 12, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, and 33, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendment as follows: In line 1 of the matter proposed to be inserted by said amendment strike out the words "passage of this act" and insert in lieu thereof the following: "1st day of July, 1882;" and in line 5 strike out "section" and insert in lieu thereof "sections," and add after the word "sixty-one" the words "and twelve hundred and seventy-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert before the matter proposed to be inserted by said amendment the following: "the necessity for such travel to be certified by the officer issuing such orders;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: Strike out the word "five" and insert in lieu thereof the word "four;" and on page 3 of the bill, in line 20, strike out "ten" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out on page 4 of the bill, in line 4, the word "corps" and insert in lieu thereof the word "service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with amendments as follows: Strike out the word "fifty" and insert in lieu thereof "seventy-five," and add at the end of the matter inserted by amendment numbered 37, page 14, line 26 of the bill, the following: "And the Chief of Ordnance shall give attention to such programme of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society to be by them published at their own expense;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In line 5 of said amendment strike out "six" and insert in lieu thereof "seven," and in same line strike out the words "per month," and in line 13 strike out the words "and paid to the trader and laundry man;" and the Senate agree to the same.

JOHN A. LOGAN,
M. W. RANSOM,
Managers on the part of the Senate.
BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. MAXEY. The points of disagreement in the report are stated by numbers which throw no light on the report and I should be glad if the Senator from Illinois would make a short statement so as to explain the report.

Mr. LOGAN. I will say that so far as the language of the amend-

ments is concerned there is very little change except in verbiage in some places, and so far as the appropriations are concerned something is added to and something is taken from different items. In the item for the powder-magazine the appropriation agreed upon by the Senate was $50,000, while $100,000 was fixed by the House. The conference divided it and fixed the appropriation at $75,000. The appropriation for furnishing ammunition for target practice was changed from $10,000 to $25,000. The House conferees insisted upon the appropriation made by the House and the Senate conferees concurred in regard to that item. In reference to retirement——

Mr. MAXEY. That is the important point which I desire to have explained.

Mr. LOGAN. The House agreed to the Senate amendment fixing compulsory retirement at sixty-four years of age, and voluntary retirement after forty years' service, and the Senate conferees receded from the amendment of the Senate excepting the professors at West Point, and striking out the first Monday of December, making it operative from and after the passage of the act. The Senate conferees receded from the Senate amendment in regard to the professors at West Point on a letter that was sent by them asking that they be put on the same basis with the others, and that no exception be made in their case. I do not know of any other important amendments. The bill was left substantially as the Senate passed it, with these exceptions. There were no other amendments of importance. As far as the matter of railroads is concerned, that was agreed to by both Houses. In regard to the testing machine, the Senate conferees agreed to add the words which were read at the desk, that the scientific association should have tests made, and they should be published, and they should have the right to print them at their own expense. That was added to it. These changes are about all of any importance.

Mr. BUTLER. Do I understand the Senator from Illinois to state that by the conference report retirement after forty years' service is made compulsory?

Mr. LOGAN. No, it is at the option of the officer.

Mr. HAWLEY. Do I understand the Senator from Illinois that the retirement of officers at the age of sixty-four is to take effect immediately on the passage of the act?

Mr. LOGAN. Yes, sir.

Mr. HAWLEY. Was it not thought well to give them any grace whatever?

Mr. LOGAN. That was the agreement of the conference. The House insisted on that, and the Senate conferees receded from our amendment in that regard. It was thought after adding two years, making the age sixty-four, as it affected only a very few persons who would probably be retired soon if the bill had not passed, that the Senate had best recede from its amendment. The House were very determined in reference to the proposition.

Mr. MAXEY. I wish to state, in reference to the professors at West Point, that I think they were wrong in making that request. At the same time, of course, I shall vote to concur in the report of the conference. The clause respecting them placed them in a far better condition than they are in without it.

Mr. LOGAN. The Senator remembers very well that I agreed with him in regard to that amendment.

Mr. MAXEY. I so understood the Senator.

Mr. LOGAN. But the professors wrote a letter themselves asking that they be placed on the same footing with others.

Mr. MAXEY. I can see no reason why men who are professors should go out because they have reached the age of sixty-four, but they seem to desire it.

Mr. LOGAN. That was their desire, and for that reason the conference agreed to it.

Mr. MAXEY. I have received letters to the same effect from one of them; yet I am wholly unable to comprehend the reasoning. Why a professor, mentally, educationally, and physically competent, should retire from his duties simply because he is sixty-four years old, will be hard to explain to thoughtful men.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on concurring in the report of the committee of conference.

The report was concurred in.

POLITICAL ASSESSMENTS.

The Senate resumed the consideration of the resolution submitted by Mr. PENDLETON on the 5th of June.

Mr. VAN WYCK. Mr. President, I agree with much that the Senator from Maine [Mr. HALE] has said, particularly where he proved so conclusively that the Democratic party is responsible for the abuse which has crept into and is being exercised by the Republican party to-day. That part of his address may be very well as a reply to the Senator from Ohio, [Mr. PENDLETON,] but certainly I desire some better warrant for my action than the record of the Democratic party. Has the Senator forgotten that in the evidence which he read the charges were made against that organization in the decay of its existence? Has he forgotten that those facts were the terrible arraignment aimed against it, and when they were brought into the grand assize of this Republic and tried upon those charges they were found guilty and driven from power? Does the Senator desire that the parallel shall be complete?

Mr. President, it seems surprising that no better authority can be adduced than that to which the Senator alludes, that this system was exercised to a greater extent, if you please, in the days of the Democracy than now. That is certainly no justification for a weaker exercise of the power.

The Senator says that the clerk and employé was followed even to the receipt of his money from the Government and it was paid directly from the Treasury for the benefit of the Democratic party. I ask my friend if we do not go nearly as far to-day?

He further states that the assessment is voluntary, and the circulars are sent to prominent citizens throughout the country. I ask the Senator from Maine or the Senator from Iowa if in the circular sent to private citizens any amount is designated? Why is the distinction made when the circular is sent to an employé, and the committee say they hope his contribution will not be less than a certain sum? Is that inserted in the circular which is sent to men of wealth, who are supposed to feel a great interest in the legislation of the country? When the circular is sent to the eleven Bessemer steel manufacturers in the United States are they asked to give 2 per cent. upon their income? Will the Senator from Iowa explain?

Mr. ALLISON. I received a circular the other day from a little college society to which I belonged when a boy, asking me to contribute to a small fund in Cleveland without naming the sum. I could not of course tell how much to contribute until I understood how much they wanted; so I wrote to my young friend, if he would tell me about how much they wanted in all, and about how much they expected from me, I would be obliged to him. He wrote me in reply that he hoped I would be able to give them a hundred dollars, but if I could not, that $25 would be enough; that that was the smallest sum any member of the society had contributed. Now, my friend wants to know if we assess 2 per cent. upon the profits of Bessemer steel? I do not know what the circular contains in that regard, or whether we have issued a circular to the Bessemer steel men, or have written them letters; but I should say, for one, that the Bessemer steel people ought to contribute pretty liberally to such a fund.

Mr. VAN WYCK. Yes, I think so. I agree with the Senator.

Mr. COCKRELL. That is notice to them to do it!

Mr. VAN WYCK. The Senator from Iowa has not exactly answered the question, but the point is, the circulars which go to the employés of the Government designate how much they are expected to pay. Am I right in that?

Mr. ALLISON. I think that is true in part, and in part not true.

Mr. VAN WYCK. What part is not true?

Mr. ALLISON. A portion of the officers have a sum designated.

Mr. VAN WYCK. Does the designation extend as high as the President and Cabinet ministers?

Mr. GROOME. It is only the minimum that is designated.

Mr. VAN WYCK. Precisely. It has been said that the circulars are sent to those out of Government employ as well as those in the employ of the Government. Then I want to know why a distinction is made between the circulars sent to employés of the Government and those sent to private citizens, if it is purely voluntary? Will the Senator explain that?

Mr. ALLISON. Am I to be catechised now by the Senator from Nebraska? If we sent a circular, for example, to a rich man like the Senator from Ohio—our circulars, of course, do not go to him—but if we sent circulars to leading Republicans in the country, I do not suppose that we should fix a sum. If we send circulars, however, to men who are in public employment, the circular names a minimum sum, as was stated by the Senator from Maine. The Senator from Nebraska asks me why that is done? It is done simply because we only expect to receive a small sum. Did the Senator from Nebraska hear me when I stated in his presence, or in the presence of the Senate, that in the last campaign of all the employés less than one-tenth have contributed one dollar? I ask him to name a man in public employment who has ever been disturbed in the slightest degree because he did not contribute to a campaign fund?

Mr. MORGAN. Will the Senator from Nebraska indulge me for a moment?

Mr. VAN WYCK. Certainly.

Mr. MORGAN. I desire to ask the Senator from Iowa why it is that the manufacturers of Bessemer steel ought to contribute—that is what the Senator said—to the Republican party, and very largely?

Mr. ALLISON. I do not think I can enlighten my friend from Alabama on that question. If he absolutely states that he is ignorant of the reasons that probably would occur to a Senator, then I would answer him.

Mr. MORGAN. I think I am not.

Mr. VAN WYCK. I agree with my friend, but I am endeavoring to see how far this matter is voluntary. That is what I was proceeding to find out. If it was entirely voluntary I did not understand how it was that a circular sent to a poor man should tell him that he must not give less than a certain sum, and in one sent to a man who was extravagantly wealthy, and probably by special legislation, there should not be some sort of intimation to him that he should give of his riches as the other was to give of his poverty. I wanted to see where the point was about these voluntary contributions.

I think I shall be excused for saying this much or a little more on this line. I think I have a right to say that it is not prudent for the Republican party to adopt that policy which largely contributed to the destruction of the Democracy. I claim the right to occupy that

ground as a Republican to-day. I choose as a Republican here, differing with my associates, to take warning from the past. If the party of the gentlemen on the other side has gone to decay, and that too by the voice of the American people, I think it behooves the organization with which I am connected to at least take warning from the lights, the false lights, if you please, which brought them to ruin and destruction. I desire to be excused from any such fatality, or at least from the toleration of any such evil.

I do not like to see one of these circulars sent to a poor clerk in the Treasury Department, saying to him that he is expected to contribute not less than a certain designated amount, which is 2 per cent. on his salary, and the mockery of telling a man whose salary would not probably give bread to his wife and clothing and shoes to his children, that it would be a pleasure and a privilege to him to do this thing.

Senators will excuse me for what I did when I heard that the committee went, not only to the pages of the Senate and House, but also to the day laborer, when in some cases he could work but half time, and at full time would not receive enough to support his family, and mocked him by sending a circular telling him that it is no doubt a privilege to give 2 per cent. of the little pittance which he receives. I do not suppose that I am to be arraigned here or anywhere because I am a Republican and protest against such injustice.

Senators say that money is absolutely necessary in all the ways of life. Certainly it is. It is also said that you cannot stop men from giving voluntary contributions. Certainly not; but if your employés are so enthusiastic about giving this money, why the necessity of sending them any printed circulars? Why the necessity of sending them a circular designating that you do not want to receive less than 2 per cent. of their pay? Make the contributions voluntary; but these are not so. Your circular does not ask for a voluntary contribution. It does pretend on its face to be voluntary, but it is a demand from the Administration under which they serve; it is a demand from the Administration which requires their allegiance as well as their dollars, and nothing else. You can make nothing else of it, and it is a mockery of language to say to them that it is a mere privilege and pleasure to give out of their daily labor this 2 per cent.

I took occasion to introduce a resolution on this subject, thinking it was wise that the committee should ascertain just how much money would be realized from this 2 per cent. I am not able to figure it up. I do not know how much is given, and I do not know how earnest this Administration will be to enforce the demand.

Then in my resolution I desire to inquire whether a demand is made upon the Army and Navy officers of the Government why should the circular be confined to the civil service? This Government is just as dear to a man in the Army or Navy as to the man in the civil service. The Republican party is just as dear to a man in the Army or Navy as it is to one in the civil service. I want to know how great is the extent of this demand and how far-reaching it is. I say to my friend from Maine that the Republican party is not imperiled so much as to render it necessary to extort a few dollars from the hard earnings of these men.

Mr. ALLISON. I agree with you thoroughly.

Mr. VAN WYCK. It is a sort of high tariff all the way through. Take the postal-car clerk, who is absolutely running night and day for $900 a year. When he has paid his expenses upon the road; when he has paid the moderate rent and subsistence for a house for his family, he has not of his monthly earning sufficient left to pay medical attendance. You go to that man and tell him it is a pleasure and a privilege to give 2 per cent. of his pay!

Mr. HALE. What is the trouble with the Senator?

Mr. VAN WYCK. I am saying this in answer to the Senator's statement in arraying the iniquities of the Democratic party as a justification for this method.

Mr. HALE. Who does the Senator know that has been hurt in this matter? He talks about the postal clerks and about other people in the employ of the Government as if they were ground down and driven to pay, and therefore especially deserving of pity. Does the Senator know of any postal clerk who has been harmed? Has any postal clerk complained to him?

Mr. VAN WYCK. Some other clerks have complained.

Mr. HALE. Has any postal clerk complained?

Mr. VAN WYCK. Most of the clerks complained when their pay was reduced by the want of appropriation to $900, and they were compelled to give 2 per cent. of their reduced pay.

Mr. HALE. Will the Senator answer my question?

Mr. VAN WYCK. Hear me a moment. I will answer the Senator's question. When any one had to give a percentage it was the man who did the most work and received the least pay, and the consequence was when the appropriation act reduced the salaries of clerks who were receiving $1,300, and $1,050, and $900 they complained, as I said, that they did not have money enough at the end of the month to pay a doctor's bill.

Mr. HALE. I wish the Senator to tell the Senate of a single postal clerk who has complained to him of any exaction in this matter anywhere. I will go further. I wish him to show to the Senate where by any assessment, as he calls it, in the past or at present, by this plan of voluntary contributions, any postal clerk has complained or the postal service has been harmed. I would be glad if the Senator would show the Senate anywhere any real grievance. Do not let him deal in phrases; do not let him talk about pity and about people being ground down, but let him tell the Senate where there has been any real grievance.

Mr VAN WYCK. I will do that.

Mr. WILLIAMS. They are afraid to complain, I will suggest to the Senator.

Mr. HALE. How does the Senator know that there have been any grievances?

Mr. VAN WYCK. I have seen postal clerks, probably the Senator has, and every other member of the Senate within the last six months, toiling at their desks, when they were complaining, as they had reason, that the annual pay did not cover the actual yearly expenses. When I again meet these men, or the Senator meets them, he will receive assurance from them that the additional burden or tax of 2 per cent. was not a pleasure and privilege. Not having met postal clerks since this assessment was made, I cannot therefore give any actual experience, but I will as to other clerks without designating them. Other clerks, and many of them in the city of Washington, are protesting against this exaction and the extortion.

I do not want my friend to misunderstand me. I objected that he should undertake to satisfy me that this was right because the Democratic party in the days of its degeneracy approved this practice. That was the Senator's argument. He read from the Covode investigation. Then the people arraigned the Democratic party for doing this thing. Was not that the charge which we made against them in Buchanan's administration, that they sought to corrupt the ballot-box, and did it by forcing money from the office-holders? Am I not correct? Was not that the Senator's argument?

Mr. HALE. The Senator is entirely mistaken,

Mr. VAN WYCK. Then I should like to be corrected.

Mr. HALE. What I said was this, and the Senator ought to have listened——

Mr. VAN WYCK. I did try to listen.

Mr. HALE. I said that no reasonable man if he examines faithfully and fairly into the matter will object to it; that it is purely and essentially voluntary; that no man, woman, or child is harmed, or has been or will be, if he or she declines to pay. I said that the Senator from Ohio had challenged me to show in regard to the Democratic party any course tending to what he called the degradation of political assessments; and, not as an excuse, for I do not ask for any excuse for the Republican committee—I stated in terms that it was not to excuse it, but to show that the Democratic party of the olden time did a thousandfold worse—I pointed out the fact that they ran in paths where we would not pretend to penetrate. I quoted the examples that I cited from the record, and I did it for that purpose. I say to the Senator from Nebraska, and not as an excuse for what we are doing now, for I ask no excuse——

Mr. VAN WYCK. The Senator read the extracts to condemn the practice of the Democratic party.

Mr. HALE. Certainly I did, and I do condemn that method.

Mr. VAN WYCK. That is just what I mean.

Mr. HALE. Those were different methods from ours.

Mr. VAN WYCK. The only difference was that the Democratic party was bolder than we are. They always have been in such things. They went further than your circular says, but you were more shrewd than they probably. Either the Senator from Maine or the Senator from Iowa said that they were careful of what they did; that they were prudent; that they had eminent counsel to examine this question to see how near they could go to the felon line. They wanted to see just how far they could go and be safe in this matter; that was all. I do not want to force my Republican brethren, only I beg to be excused from following the methods which the Democratic party pursued. It was a thorny road for them, and I propose not to wear that kind of stones in my shoes.

I have felt it my duty to say this much, and I was about saying to my friend when he interrupted me that the Republican party is not reduced to such straits as to have a few dollars wrung from the pockets of the employés of the Government. The Senator differs from me. I think we can do more in twenty-four hours for the Republican party than by such a system of assessments if every office-holder should respond. If we would take a little of the burden off the people of this nation it would help us far more; if we could reduce our tariff it would aid us more than to raise a few dollars from the employés of the Government. At the commencement of this session we had thousands upon thousands of petitions praying us to regulate interstate commerce. Those petitions were referred to the appropriate committee, and there they have slumbered. Just a little healthy legislation in that direction would have helped the Republican party more than the few thousand dollars which we collect in that way. We differ.

One word more, since the Senator has been so persistent in talking about whether there has been force in this matter. It is natural for an administration to want all in its own party to conform to its wishes. We know that to be so. Senators say that no man shall suffer by reason of his unwillingness to pay the few dollars demanded. I trust that will be so, but we know that every administration grows to be intolerant of any contradiction of its wishes. That is natural. The point I make is how voluntary this contribution is. I suppose it is just as voluntary for an employé of the Government to refuse to

pay that money as it is for a United States Senator to vote against the confirmation of a President's nominee. They are both voluntary. You are a Senator and you are told that your right is inalienable, that nobody can trample upon it. You are free to vote against measures, principles, and policies, but be careful how you do it. So I take it that it is voluntary with the employé to refuse to pay, but he must be careful how he does it. I do not know whether I draw a parallel, but I only make this statement to illustrate the point.

My friend from Maine wanted to know if anybody had been hurt by this assessment plan. I suppose not. I do not suppose any employé has been hurt, nor do I suppose that any Senator in this body has been hurt, but I know the point has been made all the same. A Senator is free to act. Forsooth, if he acts according to the freedom which is given then he is to be called in question. In my judgment both policies are wrong; it is wrong to extort money from an employé and it is wrong to force a Senator in his vote with the understanding that there is a drawn sword over his head.

Mr. SLATER. I should like to ask a question of the Senator from Nebraska, if he will yield for a moment?

Mr. VAN WYCK. Certainly.

Mr. SLATER. I should like to ask whether the Senator can give any information as to how the employés and clerks in the various Departments regard the circular; whether they do not regard it as of necessity compulsory upon them to pay the assessment made?

Mr. VAN WYCK. From the conversation I have had with those who have received these little pleasant attentions, I suppose it is so. I want to keep the Republican party a little better than the Democracy was kept.

I was trying to illustrate to my friend from Maine that if nobody had actually been hurt, at least some were in danger of being hurt, and I think my illustration was proper, because the two cases are on all fours; they are parallel cases as to voluntary action. Gentlemen are told the consequence in this circular; it is distinctly stated that they do not receive any official displeasure in case of payment. That is very much as lawyers would call a negative pregnant. The civil-service members of this body have not rushed to the rescue on this proposition as I supposed they would. No matter; I am not for that kind of civil service; I am free to say that; but I should like a civil service that would preserve the purity of the ballot-box and the freedom of every man who is in the employ of the Government.

I have been, as I have stated, forced to make this statement, so far as it affects Senators, because of the persistence of the Senator from Maine to know if anybody was hurt or if anybody was likely to be hurt. I think it was then a fair illustration. I have already stated that all administrations are alike. You will remember that in 1878 there was a distinguished Senator, who was much esteemed, who is now Postmaster-General, and who is also now much esteemed. Those Senators who were here at the time will remember his strong, bitter, scathing speech against the administration of Hayes. I am speaking of *how* administrations change and how men change. He arraigned the administration most bitterly. It was a powerful speech, and those members of this body who were not here then and who had not the pleasure of listening to it will excuse me if I read a few choice extracts. He said:

> Mr. President, during the past year we have seen here and everywhere throughout the country small but active squads of political inquisitors busy with the work of assorting the Republican party, gathering into hallowed garners all those who avow themselves supporters of "the President's policy," and pouring unquenchable fire upon all the rest. Poles have been set up at all the cross-roads, flags inscribed with the "President's policy" have been suspended from them, and the self-appointed inquisitors have lurked in convenient jungles to detect who did and who did not uncover under the flag.

That is correct. It is about so with all administrations. There was Senator Howe's statement of the Republican administration of Hayes that there were inquisitors; and it seems there will be under all administrations. I will be excused in carrying out the illustration, because it is a matter of public notoriety that I was asked a few conundrums as to what took place in secret session, and of course as I do not believe in secret session I told very frankly how I voted. Had I been arraigning myself against the President's policy in secret session, except possibly in that case? I have no apology to make for it.

Another thing is true. If there is to be a freedom of action in paying this money it should be distinctly understood, and if there is to be freedom of action in the Senate Chamber that should be as distinctly understood.

The Postmaster-General said, in arraigning Hayes's administration, they were inquisitors. He wanted their private judgment; that was right. But all administrations, I say to my friends, are alike. Changed relations produce changed ideas. He claimed that there should be this private right of judgment; yet, when those same men become the administration they suddenly take the views of all administrations and want an obedience to their power and a yielding to their faith. How sudden the conversion. Of course we have the record of other sudden conversions. Paul's was sudden, but when he was converted he stopped persecuting the Christians. Senator Howe's was sudden, but then he fell to persecuting Republican Christians. I am surprised that the present Postmaster-General should have gone so far in arraigning an administration of his own party bitterly, even arraigning severely the selection of a member of the Cabinet. He said:

> He had selected one other, who, although not a Democrat, was yet not a Republican; who was equally at home with all parties and in all places. By turns he had been everywhere and had espoused and deserted every party. He spoke like an oracle, and his facile speech could be fitted to the vicissitudes of parties as readily as a double-faced satin can be turned to hide the accidents of society. His critiques upon his political associates always gave him popularity with his political opponents; and he resembled the prophets in never being without honor, except where he happened to reside. Inconstant in everything else, he has been constant to his trade: that of politics. He entered upon that before he was of age, and he has pursued it since without variableness or shadow of turning. His first enterprise was to revolutionize the government under which he was born. That failed and he fled. He was for a short time a lawyer in Wisconsin, but without clients. He was a minister at Madrid, but did not reconstruct the diplomacy of the world. He was a major-general, but perverse history refused to record his victories. He was a newspaper correspondent and was not unsuccessful. He was an editor in Detroit, and was not successful. He was transplanted into Missouri, and the generous Republicans of that State bore him into this Senate. That elevation did not prove fatal to him; but his party died, and died not in spite of him but because of him and under blows which he inflicted.

I am trying to convince the minds of my amiable friends here how far "voluntary" goes and what it means. The distinguished Senator then was voluntary to act and he did act. What was the result? Inquisitors were watching him, he said, but the martyr, if you choose to call him so, the complaining disciple, finally came to wear the crown, and then like other Cabinet ministers he became a sort of keeper of the king's conscience. Then do they begin to play the rôle of the inquisitor and do they want it understood that in the Departments are kept the rack and the thumb-screw, the iron boots and the brass collar? Mr. Howe further said, speaking of civil-service reform:

> If so, the President has already abandoned it, or I am misinformed; or if he still believes that means reform, he is the only man in the United States who does believe it. That is not reform. That is tyranny.

He was not a martyr then; he was a patriot.

> Tyranny which no predecessor of his ever attempted and no successor will venture to imitate. Undoubtedly the first obligation of a public officer is to discharge his official duties. If he neglects to do that he ought to be removed. But if he does that, then the President who removes him because he attends a political or religious meeting, or because he acts upon a political committee, or is trustee of a church, uses the power of removal not to regulate the official conduct of the incumbent but to control his personal conduct. That is tyranny, no matter by whom practiced.
>
> Once it was industriously advertised that public officers should not be removed during their official terms without cause. As already remarked, I believe in that rule. I have myself adhered to it. But the President has flagrantly violated it. That surely cannot be what is meant by reform of the civil service.
>
> Latterly it has been suggested that the great reform consisted in making appointments to office regardless of the advice of Senators and Representatives from the States, and so smashing the machine. In some conspicuous cases the very reverse has been done. What the rule is upon this or upon any point touching appointments it is not given to finite intelligence to know. But I have four remarks to make upon this last suggestion.
>
> First. All Presidents have been, all Presidents must be, and President Hayes is guided by some advice; and that advice does come and will come from one or the other of three sources. Either it will be supplied by those whom the several States have selected for their representatives or by those who have not been but aspire to be chosen as representatives, or it will come from office-brokers who have no political aspirations but do a strictly cash business.
>
> Second. When any President will absolutely relieve representatives from all responsibility for that multitude who want office and do not get it he will shield them from that service which most impairs their usefulness and imperils their continuance of their employments.
>
> Third. When any President will take upon himself the sole responsibility for all men whom he does and all others whom he does not appoint he will not need to pledge himself against a second term. The best man ever born could not achieve a second term under such a load.

I am as much a supporter of this Administration as these gentlemen who opposed the confirmation of its nominee in Tennessee, to which I before referred. I am with the Administration; I am with the Republican party. We all differ on political questions; we differ on questions of policy, on the tariff, on the revenue, on finance, on the mode of conducting campaigns. Necessarily I am with the Republican party. I cannot go anywhere else. The terrible record produced by my friend from Maine of the corruptions of the Democracy preclude any alliance there. [Laughter.] I neither could go to that very select party which has at its head the distinguished Presiding Officer of this body. [Laughter.] I am in the Republican party, claiming the same privileges I have always enjoyed in that organization. Of course it will be impossible for me to resign my position in this body, because it would violate the precedents of the Senate, and precedents must never be disturbed. The great and only precedent established shows that, and my colleague has never suggested resigning. Neither do I think I should had he done so. Besides, other conditions are not complete. There is no Vice-President to follow into the State and aid in securing a re-election.

Unfortunately every Administration and every Cabinet officer thinks the country depends on them, and, without any disrespect, I think this is usually a little more so in the case of Presidents made by accident rather than by design. [Laughter.] Look at what Johnson did. Will you say, when you take Johnson and his Cabinet, that we could probably gather together in the American Republic a stronger Cabinet, a stronger administration, than that contained? And yet it failed on its "policy." Mistake is made when these men think the Administration is greater, higher, and beyond the party. The party will live and the Administration may die.

Johnson, while the strongest men of the nation filled his Cabinet, proclaimed his "policy."

Many timid men then thought they must adhere to the fortunes of the Administration. The grand old Republican party, those of it out of office, did not change their views because they were elevated to a higher position, stood by their flag and their principles, and Andrew Johnson and his administration went down before them; and any administration that makes this mistake will go down necessarily.

I do not mean to say there is a parallel. I only want to say that no Administration can put out a standard of policy, and because it is the Administration ask freemen to bow down and worship—uncover to it, as my distinguished friend Howe said.

That is the position in which we stand to-day, and as a firm friend and supporter of the Administration I am not here to attack it and do not seek to do so. The President has discharged his duty satisfactorily to himself and I trust satisfactorily to the people.

I only wanted to show the meaning of this word "voluntary," hoping it will be forcibly illustrated to the employés of this Government so that those who can and those who cannot pay the assessment will have perfect freedom in the exercise of their discretion, and that it will be as distinctly understood that there is perfect freedom inside the Senate Chamber for every member to bring to the discharge of his duties the same free will and voluntary judgment.

Mr. WINDOM. Mr. President, we have spent the day so very profitably to the country that I think we can afford to adjourn very soon. I move that the Senate proceed to the consideration of executive business.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER. Before putting the motion the Chair will lay before the Senate a message from the President of the United States.

The Acting Secretary read the following message; which was referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, dated the 9th instant, and its accompanying copy of a telegram from the general commanding the Military Division of the Pacific and Department of California, relative to the construction of additional quarters, barracks, storehouses, &c., within the limits of the Military Department of Arizona. The Secretary of War recommends that for the purpose of constructing the additional buildings referred to, the sum of their estimated cost ($205,000) be appropriated during the present session of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 26, 1882.

BANKRUPTCY SYSTEM.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States. The question now is on the motion of the Senator from Minnesota, [Mr. WINDOM.]

EXECUTIVE SESSION.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seven minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 26, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of the proceedings of Saturday last was read and approved.

PUBLIC BUILDING, WILLIAMSPORT, PENNSYLVANIA.

Mr. WALKER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania, and that the same be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, post-office, and other Government offices, at the city of Williamsport, Pennsylvania. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $125,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. HOLMAN. I think we had better have the regular order.

Mr. WALKER. I ask the gentleman to listen to the reading of the report in this case. The building which this bill proposes to erect is necessary for Federal purposes, for the accommodation of the United States courts, in the business of which twenty-two counties, embracing a population of over 800,000 people, are interested. There has never been a dollar of public money asked for that district. I hope the gentleman will withhold his objection, at least until the report has been read.

Mr. HOLMAN. I have no objection to the reading of the report, the right to object being reserved. My objection to all these bills is that the amount involved is too large.

The SPEAKER. The right to object will be reserved until the report has been read.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1449) for the erection of a public building at Williamsport, Pennsylvania, beg leave to report that they have had the same under consideration, and find the following facts:

Williamsport is situated in the State of Pennsylvania, county of Lycoming, on the west branch of the Susquehanna River. It is the acknowledged center of the lumber interests of the Middle States, and this vast industry coupled with the coal-carrying trade of the bituminous coal-fields lying in counties adjacent on the west and south, and the anthracite coal measures in counties immediate to the east, stimulate a carrying trade which supports the fourteen railroads and three canals now traversing that prosperous section. Its trade is rapidly increasing, in petroleum from westward, and bark, tanneries, agricultural and manufacturing interests in its closer proximity, and the population of the city has now reached 19,934.

The great boom on the Susquehanna is located here, extending up the river four miles, and at one time in 1881 contained about 200,000,000 feet of lumber in the log; nearly 350,000,000 feet of lumber were here manufactured during that year; for a long term of years the annual product has exceeded 200,000,000 feet. In addition to the numerous saw-mills, the finest in the world, are extensive manufactories in wood, iron, and one, the only rubber works in the State, with a capacity of 3,000 pairs of boots and shoes per day. There are six national banks, two daily and nine weekly newspapers, thirty-two churches, nine public schools, and others of academic proportions, and hotel accommodations the finest in the State, Pittsburgh and Philadelphia excepted.

The United States court is held at Williamsport for the accommodation of the citizens of twenty-two counties, which, by the census of 1880, contain a population of 834,490. This is greater than any one of the Eastern States, excepting Massachusetts, and more than any one of the fourteen States named in Exhibit B.

The United States courts are held in a small room which is used by and contains the library of the Law Association of Lycoming County, and which will not comfortably seat one hundred people. It is located in the second story of the county court-house. The United States courts have been held here more than forty years. The internal-revenue office is in a hat store. No fire-proof accommodations for court records and valuable post-office contents have ever been provided by the Government.

The net proceeds of the Williamsport post-office for 1881 was $20,270.37. It is the depository for nearly all the post-offices of the third and fourth class in that Congressional district, comprising six counties, with a population of over 184,000, and also the offices in Clinton, Centre, and part of Elk Counties.

The receipts of the internal-revenue office for the year 1881 were:

Special tax	$20,069 88
Tax on beer and cigars	29,639 14
Whisky in bond	6,000 00
Sale of distilled spirits	10,000 00
Total	65,709 02

At the September term of 1880 there were one hundred and twenty-six cases on the trial list at Williamsport of civil business alone. This does not include business in the district court, namely, all criminal cases and causes arising under the tax and internal-revenue laws of the United States, of which there are always large lists at each sitting of the court.

In view of these facts the committee recommend that the erection of the building proposed be authorized, and that the bill as amended do pass.

Mr. HOLMAN. Reserving the right to object, I will say that gentlemen around me think, on account of Williamsport being a place where the Federal courts are held and a town of very considerable importance, an appropriation of some amount for a public building there would be proper. While I think that an appropriation of $100,000 is much too large, I shall feel constrained to withdraw my objection if the gentleman from Pennsylvania [Mr. WALKER] will consent that the bill be amended by striking out $125,000 and inserting $100,000.

Mr. WALKER. I say to the gentleman from Indiana [Mr. HOLMAN] and to the House, that not one of the bills of this character presented and considered possesses greater merit than this, and I believe that reflection and investigation would so convince any gentleman, but rather than jeopard the interest of so large a number of my people I will reluctantly consent to accept the amendment.

The SPEAKER. It is moved to amend the bill by striking out the words "and twenty-five," so as to make the amount of the appropriation $100,000. If there be no objection, this amendment will be considered as agreed to.

There was no objection.

Mr. MILLS. I hope the gentleman from Indiana will now withdraw his objection to giving $75,000 for a public building at Houston, Texas.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. WALKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OBSTRUCTIONS IN HUDSON RIVER, NEW YORK.

On motion of Mr. PAGE, by unanimous consent, the bill (H. R.

No. 5953) authorizing the removal of certain obstructions in the Hudson River opposite Poughkeepsie, in the State of New York, was taken from the House Calendar and recommitted to the Committee on Commerce.

PUBLIC BUILDING, OXFORD, MISSISSIPPI.

Mr. MANNING. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi, and that the same be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of Oxford, in the State of Mississippi. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Mississippi shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

During the reading of the bill,

Mr. RICH said: I object.

Mr. HOLMAN. I call for the regular order.

Mr. MANNING. I think the gentleman from Indiana will not insist on the call for the regular order.

The SPEAKER. The gentleman from Michigan [Mr. RICH] objects.

Mr. MANNING. I hope the gentleman from Michigan will not object, at least until he hears the merits of this case——

The SPEAKER. The regular order is called for.

Subsequently,

Mr. MANNING said: I understand that the gentleman from Michigan [Mr. RICH] is willing to withdraw his objection.

Mr. RICH. I am willing that the reading of the bill shall be concluded, reserving the right to object.

The Clerk resumed and concluded the reading of the bill.

Mr. MANNING. I wish to say to the gentleman from Michigan that for over half a century court has been held at Oxford, Mississippi, or in the immediate vicinity. There are twenty-two large counties embraced within the jurisdiction of the court, comprising 11,000 square miles, about $40,000,000 of taxable wealth, and between three and four hundred thousand people. The judge of the court has written a most earnest letter in favor of the passage of this bill; the clerk of the court has done likewise. It is manifestly important that a public building should be erected for the purpose of holding the court at that place and for occupation by the postmaster.

Now, Mr. Speaker, in this bill I have asked for an appropriation of only $50,000. The size of the town——

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RICH. There is.

Mr. McMILLIN. I demand the regular order.

PERSONAL EXPLANATION.

The SPEAKER. The gentleman from Iowa [Mr. THOMPSON] desires to make a personal explanation.

Mr. THOMPSON, of Iowa. Mr. Speaker, in an appendix to the speech delivered by the gentleman from Missouri [Mr. BLAND] on the 22d of this month, I find among other statements one that the vote in favor of seating Mr. MACKEY in the contested-election case from South Carolina was but 147, while the RECORD of June 1, page 18, shows that the vote in the affirmative was 150. Secondly, in the same statement, the gentleman has placed me among the "filibusterers," and on that occasion as not voting. Ordinarily I might have little objection to that, but under the circumstance I believe it is due to myself to have that corrected, as the RECORD I have already referred to shows the fact I was here, and not only present, but that I voted in the affirmative.

A MEMBER. And made a speech.

Mr. THOMPSON, of Iowa. And furthermore, I say I have voted on every election case when the yeas and nays have been called during this session.

ORDER OF BUSINESS.

Mr. RANDALL. Let us have the regular order.

The SPEAKER. The regular order is called, which cuts off all unanimous consent.

Mr. CRAPO. I wish to ask a parliamentary question as to the order of business. If there be no objection, I should like to take from the Speaker's table House bill No. 4167, in relation to national banks, for the purpose of moving non-concurrence in the amendments of the Senate.

Mr. McMILLIN. I demand the regular order of business.

Mr. CRAPO. If the gentleman will allow me to submit the motion——

Mr. McMILLIN. I demand the regular order of business, and I do it for the purpose of preventing the consideration of that national-bank bill.

The SPEAKER. The call for the regular order cuts off unanimous consent.

Mr. CRAPO. If the gentleman from Tennessee will hear me, I would like to make a statement with a view to advance the consideration of the public business.

Mr. McMILLIN. I am opposed to the gentleman's bill, and object because I am opposed to the bill.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 8, 11, 14, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 9, 10, 12, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, and 33, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: In line 1 of the matter proposed to be inserted by said amendment strike out the words "passage of this act" and insert in lieu thereof the following: "First day of July, 1882." And in line 5 strike out "section" and insert in lieu thereof "sections," and add, after the word "sixty-one," the words "and twelve hundred and seventy-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert before the matter proposed to be inserted by said amendment the following: "The necessity for such travel to be certified by the officer issuing such orders;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: Strike out the word "five" and insert in lieu thereof the word "four;" and on page 3 of the bill, in line 20, strike out "ten" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out, on page 4 of the bill, in line 4, the word "corps" and insert in lieu thereof the word "service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with amendments as follows: Strike out the word "fifty" and insert in lieu thereof "seventy-five," and add at the end of the matter inserted by amendment numbered 37, page 14, line 26 of the bill, the following: "And the Chief of Ordnance shall give attention to such programme of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society to be by them published at their own expense;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In line 5 of said amendment strike out "six" and insert in lieu thereof "seven;" and in same line strike out the words "per month," and in line 13 strike out the words "and paid to the trader and laundryman;" and the Senate agree to the same.

JOHN A. LOGAN,
M. W. RANSOM,
Managers on the part of the Senate.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

The SPEAKER. The statement which under the rule accompanies the report will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the Army appropriation bill submit the following detailed statement in explanation of the conference report submitted.

The effect of the action recommended on the amendments of the Senate will be, if ratified by the two Houses, as follows:

On amendment 1: Makes a verbal correction in the text of the bill.

On amendment 2: Strikes out the following: "That in computing the length of service for additional pay the time of service on the retired list shall in no case be computed, nor shall any additional pay be allowed for such service;" and inserts the following: "That from and after the 1st day of July, 1882, the 10 per cent. increase for length of service allowed to certain officers by section 1262 of the Revised Statutes shall be computed on the yearly pay of the grade fixed by sections 1261 and 1274 of the Revised Statutes."

On amendments 3 and 4: Provides that mileage shall be paid to officers for travel over the shortest traveled routes on duty under orders, the necessity for such travel to be certified by the officer issuing such order, and limits the whole amount of mileage for 1883 to $180,000.

On amendment 5: Fixes the compensation of paymasters' clerks at $1,400 per annum each, and makes the appropriation for paymasters' messengers $15,000.

On amendment 7: Fixes total amount for pay of the Army at $12,200,000, and makes verbal correction in text of the bill.

On amendments 8, 9, 10, 11, 12, 14, 15, 16, and 17: Makes the text of the bill in reference to the retirement of officers read as follows: "That on and after the passage of this act, when an officer has served forty years either as an officer or soldier in the regular or volunteer service, or both, he shall, if he make application therefor to the President, be retired from active service and placed on the retired list, and when an officer is sixty-four years of age, he shall be retired from active service and placed on the retired list: *Provided further*, That the General of the Army, when retired, shall be retired without reduction in his current pay and allowances; and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for: *Provided further*, That any officer who is supernumerary to the permanent organization of the Army as provided by law may, at his own request, be honorably discharged from the Army, and shall thereupon receive one year's pay for each five years of his service, but no officer shall receive more than three years' pay in all."

On amendment 18: Inserts the following: "That section 3 of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes,' approved June 23, 1879, providing that the examiner of State claims in the Office of the Secretary of War shall have, while

on such duty, the pay, emoluments, and allowances of mounted officers one grade higher than that held by him in his regiment or corps, is hereby repealed."

On amendments 19 and 20: After the provision that subsistence stores may be sold to companies, detachments, and hospitals at cost prices, strikes out the words "not including cost of transportation," as proposed by the Senate, and provides that the cost price shall be construed to mean the invoice price of the last lot of that variety received prior to the first day of the month on which the sale is made.

On amendment 21: Inserts the following: "That no part of the sum appropriated by this act shall be used or expended in the investigation of claims under the act of July 4, 1864, entitled 'An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States' and acts and resolutions amendatory thereof and supplementary thereto."

On amendment 22: Fixes amount of appropriation for incidental expenses of the Quartermaster's Department at $911,000.

On amendment 23: Fixes amount of appropriation for transportation of the Army at $4,164,000.

On amendments 24 and 25: Makes text of the bill in reference to payment for Army transportation over land-grant railroads read as follows: "For the payment for Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts, but in no case shall more than 50 per cent. of the full amount of the service be paid, $125,000: *Provided*, That compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for said services: *And provided further*, That any such land-grant roads as shall file with the Secretary of the Treasury their written acceptance of this provision shall hereafter be paid for like services as herein provided; and all accounts of such railroads for services heretofore rendered shall be audited and paid as herein provided upon application of such roads and their acceptance of such sum in full of all claims for such services; and all laws inconsistent herewith are hereby repealed."

On amendment 26: Appropriates $100,000 for the erection of an Army and Navy hospital at Hot Springs, Arkansas.

On amendment 27: Inserts the following: "For transporting, mounting, proving, and testing guns, including small-arms, constructed at private expense, said expenditure to be made in the discretion of the Secretary of War, $15,000.

On amendments 28 and 29: Appropriates for ammunition, tools, and material for target practice, $25,000.

On amendment 30: Appropriates for purchase and manufacture of ordnance stores, $15,000.

On amendments 31, 32, and 33: Appropriates for horse equipments for cavalry, harness for field and machine guns, and for cavalry forge-carts, $30,000.

On amendment 34: Appropriates for grading grounds, erecting magazines and other buildings at the powder depot, $75,000, and also provides that the Chief of Ordnance shall give attention to such programme as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society to be by them published at their own expense.

On amendment 38: Insert the following:

"SEC. 3. That traders and laundrymen at depots for recruits in the Army be, and hereby are, authorized to furnish such recruits, on credit, with laundry work and such articles as may be necessary for their cleanliness and comfort, at a total cost not to exceed $7 in value per man. That muster and pay rolls be made out showing the amounts the recruits respectively owe to the traders and laundrymen, and signed by them before leaving the depot, and that the traders and laundrymen be paid on such rolls, the amount paid for each recruit to be noted accordingly on the muster and descriptive rolls, in order that it may be withheld, after he joins his company, by the paymaster, at the first subsequent payment, under such rules and regulations as may be adopted by the War Department: *Provided*, That this provision shall apply only to recruits on their enlistment, and the credit shall only be allowed on the written order of the regular recruiting officer at said station."

The amount of the bill as it passed the House was $27,192,000, as it passed the Senate it was $27,307,000, and as agreed upon in conference it amounts to $27,258,000, or $49,000 less than it passed the Senate.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

The conference report was adopted.

Mr. BUTTERWORTH moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF STATES FOR BILLS, ETC.

Mr. NEAL. I demand the regular order of business.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference. Under this call also joint and concurrent resolutions of State and Territorial Legislatures are in order, and also resolutions of inquiry addressed to the heads of Departments for reference to appropriate committees.

EAST AND WEST ALABAMA RAILROAD.

Mr. FORNEY introduced a bill (H. R. No. 6629) to authorize the East and West Railroad Company of Alabama to construct a bridge across the Coosa River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES E. JACKSON & CO.

Mr. PHELPS introduced a bill (H. R. No. 6630) to relieve Charles E. Jackson & Co., of Middletown, Connecticut, from certain penalties and forfeitures therein mentioned; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MOSES BRADLEY.

Mr. PHELPS also introduced a bill (H. R. No. 6631) for the relief of Moses Bradley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MORGAN, ORR & CO.

Mr. WAIT introduced a bill (H. R. No. 6632) to empower Morgan, Orr & Co. to bring suit in the Court of Claims for taxes erroneously paid; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH LOWER.

Mr. COLERICK (by request) introduced a bill (H. R. No. 6633) granting a pension to Josiah Lower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF THE COMMISSIONER OF EDUCATION FOR 1881.

Mr. CARPENTER introduced a joint resolution (H. R. No. 244) to print the report of the Commissioner of Education for 1881; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CLEMENTINA BICKFORD.

Mr. CARPENTER introduced a bill (H. R. No. 6634) granting a pension to Clementina Bickford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH N. GASTON.

Mr. CARPENTER also introduced a bill (H. R. No. 6635) granting a pension to Joseph N. Gaston; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HERMAN D. STRATTAN.

Mr. CARLISLE introduced a bill (H. R. No. 6636) granting a pension to Herman D. Strattan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OLIVE W. PARKER.

Mr. DINGLEY introduced a bill (H. R. No. 6637) granting a pension to Mrs. Olive W. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA ATKINS MERCHANT.

Mr. STONE introduced a bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN HAWKES.

Mr. ROBINSON, of Massachusetts, introduced a bill (H. R. No. 6639) for the relief of Benjamin Hawkes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LOSS OF GOVERNMENT TRANSPORT TORRENT.

Mr. LACEY (by request) introduced a bill (H. R. No. 6640) for the relief of sufferers by the wreck of the Government transport bark Torrent; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS IN MINNESOTA.

Mr. DUNNELL introduced a bill (H. R. No. 6641) to change the times and places for holding the circuit and district courts of the United States for the district of Minnesota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. BUCKNER submitted the following resolution of inquiry; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House as to the number of public buildings authorized to be erected since the beginning of the Forty-fourth Congress whose cost has been equal to $200,000 and less, the place where said public buildings are located, the cost of construction and furnishing the same, the Government offices accommodated by said buildings, including United States courts, and rent paid by the Government for the use of its offices and the courts of the United States prior to the construction and occupancy of said buildings, and the cost to the Government of preserving and keeping in order such of said buildings.

TERRITORIAL LIMITS—CALIFORNIA AND NEVADA.

Mr. CASSIDY introduced a bill (H. R. No. 6642) to authorize the Legislatures of the States of Nevada and California to detach from the State of California all of the territory embraced within the present limits of Alpine, Mono, and Inyo Counties and attach the same to the State of Nevada; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JACKSON FERGUSON.

Mr. CASSIDY also introduced a bill (H. R. No. 6643) for the relief of Jackson Ferguson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN D. TERRY.

Mr. FLOWER introduced a bill (H. R. No. 6644) granting an increase of pension to John D. Terry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON RAW SUGARS.

Mr. FLOWER also introduced a bill (H. R. No. 6645) to provide for the refund of excess of duties assessed and collected on imports of raw sugars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMERCIAL RELATIONS BETWEEN THE UNITED STATES, MEXICO, ETC.

Mr. ROBINSON, of New York, introduced a bill (H. R. No. 6646) for the encouragement of closer commercial relations between the United States and the Republic of Mexico, Central America, the Empire of Brazil, and the several republics of South America; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN D. CARROLL.

Mr. ROBINSON, of New York, also introduced a bill (H. R. No. 6647) for the relief of John D. Carroll; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT FAYETTEVILLE, NORTH CAROLINA.

Mr. SHACKELFORD introduced a bill (H. R. No. 6648) to provide for the erection of a public building in the town of Fayetteville, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COLUMBIAN UNIVERSITY.

Mr. NEAL introduced a bill (H. R. No. 6649) for the relief of the Columbian University; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHRISTIAN FAUSEL.

Mr. GEORGE introduced a bill (H. R. No. 6650) granting a pension to Christian Fausel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY YON.

Mr. CAMPBELL introduced a bill (H. R. No. 6651) granting an increase of pension to Henry Yon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES LINDSEY.

Mr. CAMPBELL also introduced a bill (H. R. No. 6652) granting a pension to James Lindsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE PIPER.

Mr. CAMPBELL also introduced a bill (H. R. No. 6653) granting a pension to Catharine Piper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN RICHARDS.

Mr. CAMPBELL also introduced a bill (H. R. No. 6654) for the relief of John Richards; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT ADGER.

Mr. EVINS introduced a bill (H. R. No. 6655) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REV. A. LAISELLI.

Mr. MOORE introduced a bill (H. R. No. 6656) to authorize Rev. A. Laiselli, pastor of Saint Joseph's church at Fort Pickering, Shelby County, Tennessee, to import an organ for said church; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAULINA JONES.

Mr. PETTIBONE introduced a bill (H. R. No. 6657) granting a pension to Paulina Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBIRA TRENT.

Mr. PETTIBONE also introduced a bill (H. R. No. 6658) granting a pension to Albira Trent and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRUCE F. YEAGER.

Mr. PETTIBONE also introduced a bill (H. R. No. 6659) granting a pension to Bruce F. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH HAMMONS.

Mr. MILLS introduced (by request) a bill (H. R. No. 6660) granting a pension to Joseph Hammons; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. WELLBORN introduced a bill (H. R. No. 6661) amendatory of an act entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," approved February 24, 1879; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KITTY BERRY.

Mr. FULKERSON introduced a bill (H. R. No. 6662) granting a pension to Mrs. Kitty Berry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES W. HYATT.

Mr. HOGE introduced a bill (H. R. No. 6663) for the relief of James W. Hyatt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTAIN M. SHAFFER.

Mr. HOGE also introduced a bill (H. R. No. 6664) for the relief of Christain M. Shaffer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET E. HOYT.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 6665) granting a pension to Harriet E. Hoyt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOCKBRIDGE AND MUNSEE INDIANS, WISCONSIN.

Mr. POUND introduced a bill (H. R. No. 6666) to amend an act entitled "An act for the relief of the Stockbridge and Munsee tribes of Indians in the State of Wisconsin," approved February 6, 1871; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN MONTANA.

Mr. MAGINNIS introduced a bill (H. R. No. 6667) to create an additional land district in the Territory of Montana; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TOLL-ROAD IN MONTANA.

Mr. MAGINNIS also introduced a joint resolution (H. R. No. 245) authorizing the Secretary of War to grant permission to certain parties to construct and establish a toll-road upon the military reservation of Fort Maginnis, Montana Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT HELENA, MONTANA.

Mr. MAGINNIS also introduced a bill (H. R. No. 6668) for the erection of a public building at Helena, Montana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GOVERNMENT INSANE HOSPITAL.

Mr. MAGINNIS also introduced a bill (H. R. No. 6669) to appropriate $25,000 for the improvement of the grounds attached to the Government hospital for the insane; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MINING AND INDUSTRIAL EXPOSITION AT DENVER, COLORADO.

Mr. BELFORD introduced a joint resolution (H. R. No. 246) providing for the participation by the Government in the national mining and industrial exposition to be held at Denver, Colorado; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF LAND GRANT IN COLORADO.

Mr. BELFORD also introduced a bill (H. R. No. 6670) to locate and survey the Vigil and Saint Vrain Las Animas land grant in the State of Colorado; which was read a first and second time, referred to the Comimttee on the Public Lands, and ordered to be printed.

CHARLES P. JUDD.

Mr. BELFORD also introduced a bill (H. R. No. 6671) for the relief of Charles P. Judd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSIE BENTON FREMONT.

Mr. BLACKBURN introduced a bill (H. R. No. 6672) for the relief of Jessie Benton Fremont; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. JAMES A. PEYTON.

Mr. HOLMAN introduced a bill (H. R. No. 6673) to readjust the pension of Dr. James A. Peyton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE E. SEMES.

Mr. RANNEY introduced a bill (H. R. No. 6674) for the relief of Mrs. Jane E. Semes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOBILE AND GIRARD RAILROAD.

Mr. OATES. On the 7th day of February last the memorial of the Mobile and Girard Railroad Company relating to a forfeiture of

land grants to that railroad was presented and referred to the Committee on the Judiciary. I now ask consent to withdraw that memorial; it has not been acted upon.

There was no objection; and leave was granted accordingly.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions for reference has been concluded.

Mr. PACHECO. I ask unanimous consent to take up House bill No. 77——

Mr. KELLEY. I call for the regular order.

The SPEAKER. The call for the regular order is in the nature of an objection.

ATLAS OF COLORADO.

Mr. VAN HORN, from the Committee on Printing, reported back with a favorable recommendation the following resolution of the Senate; which was read, considered, and concurred in:

Resolved by the Senate, (the House of Representatives concurring.) That the copies of the Atlas of Colorado heretofore ordered for the use of the two Houses of Congress and the Department of the Interior be suitably bound by the Public Printer, for distribution in accordance with the resolution ordering the same.

TORNADOES IN THE WESTERN STATES.

Mr. VAN HORN, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That 3,000 copies of the report of John P. Finley, made under the direction of the Signal Service, on the subject of tornadoes, be printed; 1,500 of which shall be for the use of the House of Representatives, 750 for the use of the Senate, and 750 for the use of the Signal Service Bureau.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

PRODUCTION OF GOLD AND SILVER.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring.) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed, 8,000 copies for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,000 for the use of the Director of the Mint.

BINDING OF PUBLIC DOCUMENTS.

Mr. VAN HORN also, from the same committee, reported a joint resolution (H. R. No. 247) to provide for the printing of public documents for bindingand distribution to those entitled to receive them; which was read a first and second time.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That whenever any document or report shall be ordered to be printed by Congress, there shall be, in addition to the number in each case stated, the "usual number" of copies for binding and distribution among those entitled to receive them; and this shall apply to all unexecuted orders now in the office of the Public Printer.

Mr. PAGE. I would like to hear some explanation of this.

Mr. VAN HORN. Until very recently it has been the uniform practice when the publication of any document was ordered to bind one copy in leather for the use of each member, and also copies for certain officers of the House. Under a construction of some legislation passed a year or two ago that custom has ceased. This resolution is designed simply to restore the custom and furnish to each member of Congress bound copies of documents which may be ordered to be printed.

Mr. ATKINS. I object to this until we understand what it is.

The SPEAKER. This is a privileged report. It is subject to debate, but not to objection.

Mr. PAGE. I understand that some time ago an order was made by the House directing the Public Printer to bind in calf or morocco certain documents for the use of members. That order continued in force for perhaps a month or two——

Mr. NEAL. A day or two.

Mr. ATKINS. A month or so.

Mr. PAGE. The order was rescinded by a resolution of the gentleman from Tennessee, [Mr. ATKINS.] In the mean time, however, several members had documents bound for them, while others failed to have the same privilege. Now, I want the law to operate equally, so that all members may have equal privileges. The right to have these books bound should be enjoyed by all members or by none.

Mr. ATKINS. The motive which I had in introducing the resolution to repeal the order referred to by the gentleman from California (which order was made by the House upon the recommendation of the Committee on Public Printing, and was in force only a month or two before it was repealed) was to remedy what I considered an abuse. I understood that some members had a great many volumes at the Printing Office to be bound—not one volume each, but a great many, and to be bound in the costliest manner. I considered that an abuse. If some members have done that, I see no reason why the practice should continue.

A MEMBER. It is done for the Senate.

Mr. ATKINS. Well, Senators assert for themselves exclusive privileges not enjoyed by members of the House.

Mr. VAN HORN. This resolution has nothing to do with the subject spoken of by the gentleman from Tennessee. That was a resolution introduced by the gentleman from Mississippi, [Mr. MANNING,] adopted by the House, and subsequently repealed. Members are aware that until the last two or three years when public documents have been ordered to be printed, in whatever shape, each member has received a copy bound in leather. Under some legislation adopted a year or two ago it has been held there is no authority for binding these copies for members. This resolution, which simply restores that custom, was presented at the suggestion of the Clerk of the House, who finds it impossible under existing regulations to have copies of documents bound for members as heretofore.

Mr. ATKINS. The House might infer from the remarks of the gentleman from Missouri [Mr. VAN HORN] that I was mistaken in my statement. The resolution to which I referred was introduced by the gentleman from Mississippi, [Mr. MANNING,] but was reported back by the Committee on Public Printing with a favorable recommendation and adopted by the House.

Mr. VAN HORN. That resolution was to allow members to have certain binding done for themselves or on their order. This resolution simply restores the old custom with reference to furnishing to each member a bound copy of various documents ordered to be published.

Mr. PAGE. I wish to ask the gentleman from Missouri one question. Does the resolution as now reported provide that a copy of all documents——

Mr. BURROWS, of Michigan. I ask that the resolution be read again.

Mr. VAN HORN. The resolution simply restores a practice which existed almost from the beginning of the Government, but which lapsed a year or two ago by reason of some defect in legislation.

Mr. ROBINSON, of Massachusetts. Now, Mr. Speaker, if I correctly understand this matter, I think the House should pause before they adopt it. I believe that there are a great many hundred thousand dollars of expenditure underneath this proposition. I would like to have it read before I surrender the floor. I may be wrong, but I had better be wrong and be corrected in time. Let the resolution be read.

The resolution was again read.

Mr. ROBINSON, of Massachusetts. If I understand that aright it is just this—and the gentleman from Missouri explains it in that way unless I misunderstand him entirely—it is that any of us may have bound in leather any of the documents issued by order of Congress and printed at the Public Printing Office.

Mr. SPRINGER. No; that is not it at all.

Mr. WILSON. The gentleman from Massachusetts does not understand correctly.

Mr. ROBINSON, of Massachusetts. Wait a moment. Then what is it?

Mr. HASKELL. It is to give this House the volumes every gentleman has received at the end of Congress bound in sheep; the volumes which have always been issued at the end of every Congress—the executive documents this House has ordered to be printed bound in sheep. This resolution is to continue that same distribution of executive documents bound in sheep. It is not to allow any individual member to have anything else bound. It only continues the practice which has been in existence for fifty years and enables each member to receive from the Clerk of the House the same executive documents members of Congress have heretofore always received.

Mr. TOWNSHEND, of Illinois. It only relates to those executive documents which have always been distributed in the same way to members of Congress.

Mr. ROBINSON, of Massachusetts. I hear the gentleman from Kansas, but if this does not mean anything more than what he says, then, unless I misunderstood it, we have had those volumes already.

Mr. TOWNSHEND, of Illinois. This resolution provides for this and future Congresses.

Mr. ROBINSON, of Massachusetts. May I have the floor? I hope the gentleman will not interrupt me. I wish to state my proposition. I have had sent to me bound copies of the Clerk's documents, a great many volumes of the Forty-fifth Congress, and I have also been notified so many volumes are ready for me of the Forty-sixth Congress, all bound, bound sufficiently well, I submit, for anybody's use.

Mr. HASKELL. Very well; but that has been repealed, and this is an order to restore it. If the gentleman will wait a moment he will get the wrong impression out of his head.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, if I may have the privilege which the gentleman from Kansas will accord to me, I will not interfere with him at any time. Now, if it does not mean anything more than the binding of the Clerk's documents—and I ask the gentleman from Missouri whether I am correct or not?—if it means nothing more than that, then why the necessity for any legislation in that regard?

Mr. VAN HORN. I will state, if the gentleman will allow me.

Mr. ROBINSON, of Massachusetts. Certainly; I only want information.

Mr. VAN HORN. The Clerk of the House drew this resolution and had it referred to the Committee on Printing, and he came before that committee and stated that the practice had been for the last fifty years, as the gentleman from Kansas has stated it, to bind for members of the Senate and House copies of all executive documents in sheep or leather, but that owing to some change last year he found he was unable to carry out that former practice, and that the Government Printing Office claimed the authority for doing so had been taken away. This resolution, drawn by the Clerk of the House, referred to that committee, was reported back by us merely with the view of restoring the old practice.

Mr. ROBINSON, of Massachusetts. Is it not a fact that we have had the same documents bound for the Forty-sixth Congress?

Mr. VAN HORN. The Clerk says it is impossible to have them bound for this Congress, because there is no authority for so doing. This is to restore the authority as it was before.

Mr. ROBINSON, of Massachusetts. What does "unexecuted orders" mean?

Mr. VAN HORN. There are some documents lying there which cannot be bound.

Mr. ROBINSON, of Massachusetts. I know this House has been expending immense amounts of money at the Government Printing Office it would be well some time to put a stop to. I was instrumental in having the resolution rescinded providing for general binding, and I am glad the House put a stop to it. I do not want the power restored in another way, and I believe this re-enacts the whole thing.

Mr. HOLMAN. I move to recommit this to the Committee on Printing.

Mr. VAN HORN. What for?

Mr. HOLMAN. I move to recommit.

Mr. VAN HORN. I hold the floor.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. VAN HORN. I demand the previous question.

The previous question was ordered.

Mr. HOLMAN. I now move to recommit.

The SPEAKER. The Chair decides that it is not now in order.

Mr. HOLMAN. It was before the demand for the previous question.

The SPEAKER. The gentleman from Missouri was entitled to the floor to demand the previous question. There will be a time when the gentleman from Indiana can move to recommit, if he desires to do so, before the matter is disposed of.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time

Mr. VAN HORN. I now demand the previous question on the passage of the joint resolution.

Mr. HOLMAN. Pending that I move to recommit it to the Committee on Printing.

The SPEAKER. The question is on the motion to recommit.

The House divided; and there were—ayes 32, noes 72.

So the motion to recommit was not agreed to.

Mr. VAN HORN. I demand the previous question on the passage of the joint resolution.

The previous question was ordered.

The joint resolution was passed.

Mr. VAN HORN moved to reconsider the several votes by which the joint resolution and the preceding resolutions were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK, from the Committee on Appropriations, reported a bill (H. R. No. 6675) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was read a first and second time, recommitted to the Committee on Appropriations, and ordered to be printed.

Mr. HOLMAN. I desire to reserve all points of order upon that bill.

The SPEAKER. The points of order will be reserved.

ORDER OF BUSINESS.

Mr. NEAL. I now demand the regular order.

The SPEAKER. The regular order is the consideration of business reported from the Committee on the District of Columbia.

Mr. KELLEY. I will have to raise, if admissible, the question of consideration, and move to dispense with the morning hour for the purpose of going into the Committee of the Whole on the state of the Union on the unfinished business.

The SPEAKER. The question of consideration cannot be raised against this special order, which was adopted by a two-thirds vote of the House under a suspension of the rules, and which assigned this day for the consideration of business reported from the Committee on the District of Columbia. If, however, the chairman of the committee does not insist upon the execution of the special order at this time, the Chair will recognize the gentleman from Pennsylvania to make the motion.

Mr. NEAL. There have been for the consideration of business for the District of Columbia practically but parts of four days during this whole session. The committee have matured a large amount of business, and it is a matter of very considerable importance to the citizens here in this District that such business should be disposed of. Now, if the gentleman from Pennsylvania is willing to allow the committee to proceed for two or three hours I think we will be able to get through with the bulk of the business which we desire to present, and will then waive our rights for the remainder of the day. Or if the gentleman from Pennsylvania thinks that he can dispose of the unfinished business within the next two hours I am perfectly willing to yield to him to proceed with that business, with the understanding that the committee shall rise at the expiration of two hours and the remainder of the day be devoted to the District business.

The SPEAKER. If the gentleman from Ohio does not insist upon the execution of the special order the Chair will recognize the gentleman from Pennsylvania to move that the House go into Committee of the Whole on the state of the Union on the unfinished business.

Mr. THOMPSON, of Kentucky. Does the gentleman from Pennsylvania desire to limit the time in which this bill is to be considered.

Mr. KELLEY. If the gentleman will permit me, the only understanding I can make is this, that I will do all I can to expedite the passage of this bill, and if it reaches the point where the yeas and nays shall be ordered I am perfectly willing to waive the final vote upon the bill until to-morrow morning.

But I cannot now indicate what time will be consumed in the further discussion of this bill. There are many gentlemen, I believe, who desire to be heard with respect to certain amendments. At the same time there are several gentlemen here who must leave the city. I have heard from gentlemen on both sides of the House that the bill must be pressed to a conclusion without delay, for they have engagements which will take them away. The bill ought to receive the fullest consideration possible and the largest vote. It is an important bill and I cannot therefore make any terms which will embarrass gentlemen in connection with it.

Mr. TOWNSHEND, of Illinois. I hope, then, we will go on with the consideration of District of Columbia business to-day.

Mr. RANDALL. We had better proceed with the unfinished business.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from Ohio will insist upon proceeding with the regular order.

Mr. NEAL. If the gentleman from Pennsylvania will allow the Committee on the District of Columbia until a quarter past two o'clock——

Mr. TOWNSHEND, of Illinois. No, take the whole day for the District business; I object to any such arrangement.

Mr. KELLEY. Then I move to dispense with the special order.

The SPEAKER. The Chair cannot entertain that motion at this time.

Mr. KELLEY. Then I raise the question of consideration.

The SPEAKER. The Chair thinks that as this is a special order providing that the Committee on the District of Columbia may present for consideration such business as they shall select, which order was made under a suspension of the rules, the question of consideration cannot be raised except as against any particular measure which the committee may see proper to call up. The Chair has already stated, however, if the gentleman from Ohio does not insist upon the special order, the Chair will recognize the gentleman from Pennsylvania to move to dispense with the morning hour to go into Committee of the Whole on the unfinished business.

Mr. NEAL. I cannot in justice to the people of the District of Columbia waive their rights, which have been accorded to them by fixing this day for the consideration of their business. We have given away already two days, and I must object to any further delay.

The SPEAKER. The Chair holds that the Committee on the District of Columbia have the right to the floor to-day, except by unanimous consent——

Mr. KELLEY. Then I ask unanimous consent that the special order of business be postponed until to-morrow, and that the unfinished business be taken up in order that we may proceed to a conclusion with the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. THOMPSON, of Kentucky. I object. I object to pressing this matter through the House in such haste.

Mr. CANNON. I rise to a parliamentary inquiry. I desire to ask, if we enter upon the consideration of business reported from the Committee on the District of Columbia, will it not be in order, after having entered upon the consideration of any particular measure, for the gentleman from Pennsylvania to move to postpone its consideration, and likewise with any other matter reported from the committee, so that eventually the several bills reported from the Committee on the District of Columbia may be passed over in that manner, and the House in that way reach without delay the consideration of the unfinished business?

The SPEAKER. The Chair will hold that as this day was set apart for the consideration of business from the Committee on the District of Columbia, the question of consideration might be raised as against any particular measure the committee may call up for consideration, but this would not cut the committee off from calling up any other matter they might see fit to present at this time under the previous order of the House. The Chair will state if the District of Columbia business is entered upon, and the committee at any

time to-day has nothing further to present, then the regular order would come up.

Mr. HISCOCK. A motion to postpone the special order to a fixed time, I understand, would be in order.

The SPEAKER. The Chair thinks that motion could not be entertained, this being an order made under a suspension of the rules.

Mr. HISCOCK. Why is it unlike dispensing with the morning hour?

The SPEAKER. The morning hour may be dispensed with for the reason that the rules expressly provide that that can be done.

Mr. CAMP. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMP. Wherein does this differ from a motion to dispense with private business on a day set apart for that business?

The SPEAKER. The Chair will give the same answer as that already given, that the rules provide that by a two-thirds vote the House can dispense with private business on Friday.

Mr. KNOTT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I desire to know whether, this being District day, the District Committee has absolute control of the business of the House, or whether any other member might not call up business affecting the District that may be on the Calendar?

The SPEAKER. In answer to the inquiry of the gentleman from Kentucky the Chair will call attention to the terms of the order, which provides that this day shall be set apart for the consideration of such business as may be presented by the Committee on the District of Columbia. That is the language of the order, and it gives that committee the right to call up such business as it chooses on this day.

Mr. SPRINGER. I call for the regular order.

Mr. CAMP. Has not the House the right to dispense with that order by a two-thirds vote?

The SPEAKER. This is not suspension day, and the rules do not provide for dispensing with this order.

Mr. CAMP. Cannot the question of consideration be raised?

The SPEAKER. The question of consideration might be raised as against any bill presented by the committee, but not as against the order itself.

Mr. McCOOK. Is it in order to rescind the previous action of the House as to this matter?

The SPEAKER. Unanimous consent would rescind it; or, if the committee should conclude its business at any time during the day, then the order is executed.

Mr. KELLEY. I wish to ask how long would the District Committee require to-day?

Mr. NEAL. If you will give us until half past two o'clock we will then yield the floor.

Mr. CANNON. The members of the House will then be scattered.

Mr. THOMPSON, of Kentucky. I rise to a question of order. The confusion is so great that I cannot hear what is being proposed.

The SPEAKER. The House will come to order.

Mr. KELLEY. The gentleman from Ohio agrees to go on till half past two, and then to yield the floor.

Mr. THOMPSON, of Kentucky. I object to any agreement.

The SPEAKER. The Committee on the District of Columbia has control of the floor to-day for such business as it may present. If the committee declines to present any business the Chair will entertain the next matter in order.

Mr. ROBESON. I understood the gentleman from Ohio [Mr. NEAL] to say if the House allowed him until half past two, then he would retire and let the gentleman from Pennsylvania [Mr. KELLEY] go on with his bill. I wish to know if that is the gentleman's statement. If not, we may be obliged to antagonize his measure when it comes up.

Mr. NEAL. That is the statement I made.

Mr. SPRINGER. I call for the regular order.

FILLING UP GROUNDS SOUTH OF THE CAPITOL.

Mr. NEAL. I am instructed by the Committee on the District of Columbia to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. R. No. 159) making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes, and that the same be laid on the table.

The SPEAKER. That is a wholly immaterial matter.

Mr. NEAL. We want to get this joint resolution off the Calendar.

The SPEAKER. If there be no objection, the Committee of the Whole House on the state of the Union will be discharged from the further consideration of the joint resolution, and it will be laid on the table.

There was no objection, and it was so ordered.

Mr. NEAL. I now yield to my colleague on the committee, the gentleman from West Virginia, [Mr. HOGE.]

CRIERS IN DISTRICT SUPREME COURT.

Mr. HOGE rose.

Mr. CANNON. I desire to know, before the gentleman from West Virginia commences, what business is before the House?

The SPEAKER. The gentleman will learn when it is presented.

Mr. HOGE. I am instructed by the Committee on the District of Columbia to move to take from the Speaker's table the bill (S No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers, and that the same be put upon its passage.

Mr. CANNON. I desire to know if that bill is on the Speaker's table?

The SPEAKER. It is. It is called up for present consideration by virtue of the right of the committee under the order under which the House is now acting.

Mr. CANNON. Does the resolution include business on the Speaker's table?

The SPEAKER. It includes all business of any kind that may be presented by the Committee on the District.

Mr. CANNON. I should be glad to hear the order read—the resolution of the House which makes it in order to go to the Speaker's table out of order and take anything from it.

The SPEAKER. The Chair will state again that the resolution which was adopted under a suspension of the rules authorizes the Committee on the District of Columbia to call up for consideration any business relating to the District of Columbia.

Mr. ATKINS. Does that apply to any other committee?

The SPEAKER. It applies to the District of Columbia Committee alone. The Clerk will read the order.

The Clerk read as follows:

Resolved, That the second and fourth Mondays of each calendar month hereafter during the continuance of the Forty-seventh Congress, after the call of States and Territories for bills and joint resolutions, be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

Mr. CANNON. My point of order is this: while the committee has the right to have business considered to-day, it must be under the rules of the House; that it is not in order at this time for the committee to go to the Speaker's table for business, except by unanimous consent.

The SPEAKER. The Chair will state that the uniform practice in this Congress and also in other Congresses, under such orders or resolutions, has been to allow the committee that has the control of the business to call up for consideration such business as it may see fit, whether from its own committee, from the calendars of the House, or from the Speaker's table, wherever it may be.

Mr. CANNON. And does it dispense with the consideration of business in Committee of the Whole, and allow its consideration in the House?

The SPEAKER. It allows the consideration of everything in the House, even though under other circumstances it might be subject to the point of order that its first consideration must be in the Committee of the Whole. That has been frequently decided, not only during this session of Congress but in former Congresses.

Mr. NEAL. We have been doing it all the time.

The SPEAKER. It vacates all rules.

Mr. McCOOK. Is it simply within the discretion of the Committee of the District of Columbia to call up any bill from the Speaker's table?

The SPEAKER. To call up such business as the committee may direct.

Mr. McCOOK. Suppose that they call up a bill for the retirement of General Grant?

Mr. NEAL. That has nothing to do with the District of Columbia.

The SPEAKER. The business called up must relate to the District of Columbia.

Mr. CAMP. I make the point that the special order does not dispense with the rules of the House. I respectfully submit that all the special order does is to authorize the Committee on the District of Columbia to call up business in pursuance of the other rules which are prevailing.

The SPEAKER. By the terms of the order all the other rules are suspended. The Clerk will read the bill called up by the gentleman from West Virginia [Mr. HOGE] in pursuance of the instructions of the Committee on the District of Columbia.

The bill (H. R. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers was then read, as follows:

Be it enacted, &c., That the supreme court of the District of Columbia be, and is hereby, authorized and empowered to appoint two additional criers to attend the sessions of the said court in its different branches to which they may be severally assigned by the chief-justice thereof. The compensation of the said criers shall be each $4 per day during actual attendance upon the said court, payable as the other officers of the court are paid.

The bill was ordered to a third reading, and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. HOLMAN. Upon that question I call for a division.

The House divided; and there were—ayes 56, noes 16.

So (no further count being called for) the bill was passed.

Mr. HOGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUNISHMENT OF HOUSE-BREAKING IN THE DISTRICT OF COLUMBIA.

Mr. URNER, from the Committee on the District of Columbia, reported, as a substitute for House bill No. 6007, a bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That every person, his aiders, abettors, and counselors, who shall, either in the night or day, break into and enter, or who shall in the night time enter without breaking into any dwelling-house, bank, store, warehouse, shop, stable, or other building, or any vessel, canal-boat, or other water-craft, or any railroad car, in the District of Columbia, with the intent to commit any larceny or other felony or a misdemeanor therein, shall be imprisoned not less than one year nor more than ten years.

SEC. 2. That every person who shall enter any dwelling-house, bank, store, warehouse, shop, stable, or other building, or any vessel or canal-boat or other craft, or any railroad car, or any yard where lumber, coal, or any sort of goods and chattels are deposited and kept for the purpose of trade, in the District of Columbia, with the intent maliciously to injure or destroy any of the buildings, vessels, boats, or cars aforesaid, or any part thereof, or any property or effects deposited or kept in or upon any such yard, or with the intent to slay, kill, maim, or assault any person being in or upon any of the premises aforesaid, upon conviction thereof shall be imprisoned not less than one year nor more than fifteen years.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. NEAL. I am instructed by the Committee on the District of Columbia to call up from the House Calendar for consideration at this time the bill (H. R. No. 4184) to amend the ninth section of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880.

The bill was read, as follows:

Be it enacted, &c., That the ninth section of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, be, and is hereby, amended by striking out the last word thereof, "certificates," and inserting in lieu thereof the word "conversion." And the Treasurer of the United States is hereby directed to redeem all such outstanding certificates as provided for by law, and to pay to the holders of all such as he may have heretofore redeemed interest upon the same at the legal rate, after deducting therefrom such rate of interest as he may have already paid.

Mr. HOLMAN. I trust there will be some explanation of this bill. I do not recollect the language which it is proposed to strike out of the existing law.

Mr. NEAL. I will explain it in a moment. In 1880, two years ago, there was passed a bill to redeem the outstanding certificates of the District of Columbia, called the board-of-audit certificates. The supreme court of the District of Columbia had decided, upon suits brought upon these board of audit certificates, that the holders were entitled to interest at the rate of 6 per cent. per annum. That bill went to a committee of conference, and in preparing the report, by some means—we do not know how—the word "certificates" was put in the place of the word "conversion," by which the rate of interest might be considered at 7.65 per annum. When the matter came before the Comptroller of the Treasury he discovered the error, but paid the interest at the rate of 3.65 per annum, although the supreme court of the District had decided that the holders of the certificates were entitled to interest at the rate of 6 per cent. per annum.

The Senate Committee on the District of Columbia has reported a precisely similar bill. I have here a letter from General Hunton, who was a member of the committee of conference. I will read a sentence or two of this letter:

> I am clear in my recollection that the construction you maintain is that intended. * * * The parties holding certificates get 6 per cent. up to the date of the certificates and 3.65 afterward. This seems to be the fair construction of the language, but does not properly represent the intention of the framers of the bill according to my recollection. It was intended to give 6 per cent. up to the date of the conversion of the certificates; and this also strikes me as being the true measure of justice to these parties.

Now, this bill simply provides that these certificates may be funded as the courts of the District have decided they are entitled to be according to the law under which they were issued. It is a simple act of justice to some of the creditors of the District.

Mr. ATKINS. How much money is involved in this bill?

Mr. NEAL. I cannot tell the amount. There are some fifty or sixty holders of these board-of-audit certificates.

Mr. ATKINS. As I understand, the effect of this bill is to allow 6 per cent. interest to certain parties who have taken these certificates at 3.65.

Mr. NEAL. It is a proposition to change the law so as to conform to the intention of the framers of it.

Mr. ATKINS. And increases the interest of these parties from 3.65 per cent. to 6 per cent.

Mr. NEAL. It gives these parties just what the supreme court of the District has decided they are entitled to.

Mr. ATKINS. It will involve at least $100,000.

Mr. NEAL. No, it will not. These board-of-audit certificates do not amount to any such sum.

Mr. ATKINS. I hope the bill will be voted down.

Mr. HOLMAN. It is best to leave the law as it is.

Mr. NEAL. I have only this to say: the passage of this bill is a simple act of justice to the holders of these certificates. They have furnished material to the District; they have waited for years for their money. I know one firm in Ohio that furnished $50,000 worth of drain-pipes upon which they lost money. They expected to get their money at the time. They have been obliged to wait for their money, and under the law as it now stands have received only 3.65 per cent. interest, while the supreme court of the District, had suit been brought, would have allowed them 6 per cent.

Mr. HOLMAN. It is a very great hardship on the Federal Government to be obliged to pay interest at all on these certificates. The parties should be satisfied with interest at the rate of 3.65.

Mr. NEAL. If these parties sue upon the certificates they receive 6 per cent.

Mr. HOLMAN. I hope the law if amended will be made to conform to the original purpose. These certificates were never intended to draw more than 3.65 per cent. interest.

Mr. NEAL. They were intended to draw 6 per cent.

Mr. ATKINS. What justice is there in allowing these certificates to draw 6 per cent. when the bonds only draw 3.65 per cent.?

Mr. NEAL. The certificates were issued by the board of audit. They draw 6 per cent. under the provisions of law. The supreme court of the District in every case where suit has been brought has rendered judgment in favor of allowing interest at 6 per cent.

Mr. ATKINS. The gentleman is only reciting facts. I am asking his opinion as to the question of equity.

Mr. NEAL. I say it is right that these men should receive the legal rate of interest. They have waited for ten years for their money and have not yet received it.

Mr. HOLMAN. It is a hardship on the people of the country that they have to pay interest on these obligations of the District.

Mr. NEAL. I have nothing to say about that. If the gentleman from Indiana is not satisfied with the law as it now stands, it is his province to propose some other provision for the payment of the debts of the District of Columbia which in his opinion may be more equitable.

Mr. HOLMAN. At least I do not want to make the law worse than it is now.

Mr. TOWNSHEND, of Ohio. As a matter of fact, is it not true that a large number of the certificates have already been paid?

Mr. NEAL. That is true of a portion; I cannot tell how many. The parties who took them have protested against receiving interest at any lower rate than that which the supreme court of the District has allowed, and which they ought in justice and right to receive.

Mr. CANNON. I ask the gentleman from Ohio [Mr. NEAL] to yield to me for a moment.

Mr. NEAL. Certainly.

Mr. CANNON. Mr. Chairman, I recollect that since I have been a member of this House—as early as the Forty-third Congress—from ten to twelve millions of dollars of indebtedness, which was incurred without any enabling act, in the teeth of the enabling act—was legalized by Congress upon a report of the District Committee. I recollect I had the honor at that time to oppose and vote against such legalization of void indebtedness. But it was legalized and interest was allowed at the rate of 3.65 per cent. In the State of Indiana, or any other State of the Union, such indebtedness never would have been legalized, because there is no plainer principle of law than that where a party makes a contract with a corporation, municipal or otherwise, which incurs indebtedness in the teeth of the enabling act, he does so at his peril.

Now, the gentleman from New York [Mr. KETCHAM] informs me that these parties have settled these claims, and have accepted interest at the rate of 3.65 per cent. Now this bill will give them the additional interest between 3.65 and 6 per cent. If that be true, in the light of these facts, in my opinion this legislation ought not to be had.

Mr. NEAL. I wish to say one word in answer to the gentleman from Illinois. It is true that Congress passed a law providing for the funding of the indebtedness of the District of Columbia, but, as I have already stated, the supreme court of this District, when suits have been brought on these board-of-audit certificates, in two instances of William Ballantyne and Dickson & King, as well as in a number of others, have held that the District of Columbia was liable and have tendered judgment for the full amount at 6 per cent., and the Congress of the United States have appropriated money for the payment of those demands.

Mr. CANNON. My friend will allow me just one word. I put it to him if it was not made under legislation which gave life to ten or twelve millions of indebtedness which had no life before, and if that be true and these parties have settled their claims on an equitable stand-point, whether we are bound to give them this additional interest?

Mr. NEAL. All I have to say is whatever may be the legal rights of these parties—and I presume they have lost none of them, because I understand every settlement has been made, they supposing they would receive 6 per cent.—every settlement, I repeat, has been made by them under protest, and if the Congress of the United States does not see fit to pass this law, doing this simple measure of justice, the

result will be these board-of-audit certificates which have not been funded will be sued on by the parties holding them, and the Supreme Court will render judgment and the Congress of the United States will appropriate money to pay for them. So far as those already paid are concerned there is no justice in dealing otherwise than fairly with those who have not yet been paid. In the discharge of our duty, believing it is a measure of justice to the creditors of this District, we have introduced this bill. If the House does not choose to admit it, we have nothing to say.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The House divided; and there were—ayes 42, noes 49.

So the House refused to order the bill to be engrossed and read a third time.

Mr. HOLMAN. I move to lay the bill on the table.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPRESSION OF GAMING IN THE DISTRICT.

Mr. URNER. I am directed by the Committee on the District of Columbia to move that the House Calendar be discharged from the further consideration of the bill (H. R. No. 1294) more effectually to suppress gaming in the District of Columbia, and the same be put on its passage as amended by the Committee on the District of Columbia.

The SPEAKER. The bill will be read as proposed to be amended.

The Clerk read as follows:

Be it enacted, &c., That every person who shall, in the District of Columbia, set up or keep any gaming table, or any house, vessel, or place on land or water for the purpose of gaming, or gambling device commonly called A. B. C., faro-bank, E. O., roulette, equality, keno, thimbles or "little joker," or any kind of gambling table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or who shall induce, entice, or permit any person to bet or play at or upon any such gaming table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a term not less than two nor more than five years.

SEC. 2. That every person who shall, in the District of Columbia, permit any gaming table, bank, or device to be set up or used, for the purpose of gaming, in any house, building, vessel, shed, booth, shelter, lot, or other premises to him belonging, or by him occupied, or of which he hath at the time possession or control, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment for not less than three months nor more than one year, and by fine not exceeding $500.

SEC. 3. That every person who shall, in the District of Columbia, deal, play, or practice, or be in any manner accessory to the dealing, playing, or practicing, of the confidence game or swindle known as three-card monte, or of any such game, play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, and by imprisonment, at hard labor, in the jail of the District, not less than one nor more than five years.

SEC. 4. That all games, devices, or contrivances at which money or any other thing shall be bet or wagered shall be deemed a gaming table within the meaning of this act; and the courts shall construe the preceding sections liberally, so as to prevent the mischief intended to be guarded against.

SEC. 5. That this act shall take effect from the date of its passage; and all laws inconsistent herewith are hereby repealed.

The amendments reported from the Committee on the District of Columbia were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSPENSION OF COLLECTION OF SPECIAL ASSESSMENTS.

Mr. GARRISON. I am directed by the Committee on the District of Columbia to move that the House Calendar be discharged from the further consideration of the joint resolution (H. R. No. 156) to provide for the suspension of collection of special assessments in the District of Columbia until the improvements which said assessments were made to pay for are fully completed, and the same be put on its passage at this time.

The SPEAKER. The Chair hears no objection, and the joint resolution is before the House for consideration.

The Clerk read as follows:

Whereas under prior laws and ordinances governing the District of Columbia, assessments have been made for projected improvements upon certain real estate and property lying and being situate in said District, in advance of the making of said projected improvement, and which improvements have not yet been made, or are only partially completed, which is contrary to the letter and spirit of such laws and ordinances, and in violation of the just rights of the owners of said real estate: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws providing for or looking to the collection of said assessments are hereby suspended until said improvements are made and completed in accordance with the provisions of the laws providing for the same; and when completed said assessments may be paid, without penalties or interest to be charged thereon: *Provided*, That said payments are made within thirty days from the completion of such improvements.

Mr. CANNON. I should like to inquire of the gentleman from Virginia to explain the propriety or necessity for such legislation—out of what moneys will these improvements be paid for? Should not those who receive the benefit of improvements bear the burden, and should not the money be paid so it can be utilized?

Mr. GARRISON. I do not think the gentleman understands the purpose of this joint resolution.

Mr. CANNON. I rose for the purpose of asking some explanation.

Mr. GARRISON. I will explain the joint resolution. The custom has grown up in this city, whenever an improvement is made upon streets assessment is made upon property-holders.

Mr. NEAL. That was the law, but not now.

Mr. GARRISON. Yes; that was the law, and assessments have been made. These assessments have been made in many cases before improvements have been placed there, and improvements are not to this day placed upon the property. But notwithstanding this fact the parties have been assessed for the work and have been compelled to pay the amount of the assessment. Now, this resolution provides that in such cases where special assessments have been made the improvements shall be made before the property can be held for the expense of it.

Mr. CANNON. I think I did, then, understand the proposition very cleary, and was correct in assuming that this was a proposition to relieve property from these assessments. Now, if you do a certain piece of work, the expense of which under the law the property ought to bear, should not the property pay the money to do the work? Otherwise you will have no fund to carry it on, unless you appropriate the money directly out of the Treasury in advance of the work. Now I think the property ought to bear the burden of the improvements.

Mr. GARRISON. Let me interrupt the gentleman. In many instances in this city the property-owners have been assessed and have paid the money, and the improvements have not been made at all. That is the hardship under which they are laboring; and this legislation is designed to prevent the enforcement of such assessments until the work is done.

Mr. BLOUNT. Will my friend in charge of this bill permit me to ask him whether the parties to whom reference is made could not find some other remedy than by the adoption of the provision that these improvements shall be made and paid for before the people of the District or the property is liable for the tax? There may be a hardship as to these cases to which reference has been made here, but it seems to me that we are making the matter worse rather than better by a provision such as this, which would practically require Congress to appropriate the money and make the improvements before the property could be assessed or held liable to pay for it.

Mr. NEAL. Will my friend from Virginia permit me to answer the question?

Mr. GARRISON. Certainly.

Mr. NEAL. The facts are, Mr Speaker, that the whole question of special assessments has been one of considerable trouble and vexation to the people of this District. It was provided that the work should be done before the assessments were made; but the officers of the District made the assessments, issued certificates against the property, which certificates were placed in the market and sold, and are held as a lien against the property, although the improvements have never been made. The supreme court of the District has stepped in with an injunction in every case where application was made, restraining the collection of the certificates until the work is done; and in no case should these special assessments be compelled to be paid until the work is actually done. However, as I have said, lien certificates were issued before the work was done, and this provides simply that they shall not be collected until the work is accomplished. It only seems to be a question of right and justice.

Mr. BLOUNT. I would like to ask my friend a question in reference to this matter, for we can only obtain information as to business brought before the House in this manner by an explanation from some member of the committee having it in charge, or from the reading of the bill from the Clerk's desk, which is not always sufficiently heard by the House to be clearly understood. I desire to ask him whether the purport of this bill is simply to relieve a given number of cases, which are now subject to the hardships mentioned by the gentleman offering the resolution, or whether it really goes further, and is not a general provision to operate in future?

Mr. NEAL. Not at all; there is no law now whatever for special assessments.

Mr. BLOUNT. Then your opinion is that it cannot operate in future?

Mr. NEAL. It cannot.

Mr. BLOUNT. And it only relates to property on which these assessments have already been made and collected?

Mr. NEAL. Yes, sir; it relieves property-holders against whose property assessments have been made, while the money collected or certificates issued on account of these special assessments has never been applied to the improvement of the property at all. If, for instance, the gentleman from Georgia owned property here in the District, and a special assessment was made on it, he would certainly want to know, and have a right to know, before paying the assessment, that the money was to be employed for the purpose contemplated. This bill works no hardship. All the rights of parties remain as they are; but it simply provides that, until the work is done, the property shall not be compelled to pay the tax levied upon it.

I have never known of its being done anywhere else in my life, and certainly there should be no discrimination here against the property-holders, requiring them to pay onerous burdens for which their property will receive no benefit.

Mr. BLOUNT. Does not this act go beyond the cases which you now propose to relieve or where these assessments have been made and collected?

Mr. NEAL. No, sir; it does not. I will read the provision of the joint resolution; it provides that—

All laws providing for or looking to the collection of said assessments are hereby suspended until said improvements are made and completed in accordance with the provisions of the laws providing for the same; and when completed said assessments may be paid, without penalties or interest to be charged thereon: *Provided*, That said payments are made within thirty days from the completion of such improvements.

That is all that it does, and it cannot possibly go beyond the provisions of the law to which it refers.

Mr. BLOUNT. Why is it that these improvements have not been made?

Mr. NEAL. That is something that I cannot tell the gentleman. The authorities have not done the work; that is all I know about it.

Mr. BLOUNT. Well, it is quite important for us to know all of the facts in connection with this subject. Now, if parties have been assessed and compelled to pay for special improvements, and these improvements have not been made and are not contemplated to be made, we would like to know how it is, and the reason for it. Do I understand the gentleman to say that is the condition of some of the people in this District? If so, we should understand thoroughly all of the facts, and not have a mere general statement here.

Mr. NEAL. If the gentleman from Georgia will permit me, I will state to him that these assessments were made prior to the date when the board of public works was abolished, and perhaps the gentleman himself was in Congress at that time and remembers it. That board was abolished after they had made assessments upon property and sold the assessment certificates, which went into the hands of third parties. Although the assessments were made in this manner, the property has never been improved by the subsequent authorities. The board of public works might have done so had it remained in power; but they did not remain in power, and as a consequence the work was never done. Now, I appeal to the gentleman from Georgia, on this state of facts, if there is anything wrong in allowing the relief sought for here, and if it is not eminently right and proper that these improvements should be made before the property is compelled to pay? At any rate the supreme court of the District have decided that in every instance relief should be given by injunction.

Mr. CANNON. If the gentleman from Ohio will allow me, I will say I have first asked the gentleman from New York, [Mr. KETCHAM,] formerly one of the District commissioners, what the facts were about these certificates. He informs me that these are briefly the facts: there were $2,000,000 bearing 8 per cent. interest of these special assessment certificates issued; one million and a half of them in round numbers have been paid; and there are still half a million of these 8 per cent. special improvement certificates in round numbers still outstanding. And if Congress relieve the parties who have not paid their special assessments from their payment, necessarily we thereby pledge ourselves to march up and make the appropriations to protect these certificates.

The gentleman from Ohio says, as I understand him, that those assessments are made without authority of law. If that is found to be true upon examination, then of course it makes no lien upon the property. With all due respect to the gentleman and his committee—and I certainly have great respect for them, and hesitate to oppose a report without knowing more fully about it than I do about this—it does occur to me, if I have caught the facts correctly, as I have got them on the run, this matter should have a more full examination before we pass the bill.

Mr. NEAL. The Committee on the District have given this bill a very full examination. They had before them the parties interested time and again. And I say neither the gentleman from Illinois nor any other man on any principle of justice can justify or sanction the collection of a special assessment against property, made for the purpose of improving that property, when the improvements have never been made.

Mr. CANNON. Will the gentleman allow me a remark right there? If it be inequitable to collect these assessments that have been made for the improvement of property, and the property is to be benefited, would it not also be equitable for us to make an appropriation to pay them the million and a half back that has already been paid into the Treasury, so that you might thereby cover the whole ground?

Mr. NEAL. The gentleman does not seem to understand the situation at all. The money that has been paid into the Treasury on these special assessments was paid in by parties whose property was improved.

Mr. CANNON. In all cases?

Mr. NEAL. In all cases, so far as I know. There has been no complaint to the contrary. This is only to authorize the suspension of the collection till the improvements are made. It does not destroy any lien or right, but is a measure of justice to parties whose property has been assessed and where the money has not been expended in improvements on account of which the assessment was made.

Mr. CANNON. In other words, if I have the gentleman's idea, it is that the Government of the United States should advance the money to make these improvements by which these parties are to be benefited, and then get it back the best way they can.

Mr. NEAL. The Government of the United States has not advanced any money, and has no disposition to do it. All that these parties ask is that they shall not be compelled to pay the money until the provisions of the law are complied with and the improvements made for which the assessments were intended.

Mr. BLOUNT. I would ask my friend from Ohio this question: whether those improvements are now contemplated; whether it is expected they are to be made?

Mr. NEAL. They may be made some time.

Mr. BLOUNT. I ask my friend whether or not it is now expected those improvements will be made?

Mr. NEAL. I cannot tell you whether it is so expected or not.

Mr. BLOUNT. It is a very important thing for us to know. If the improvements are to be made this relief ought not to be had.

Mr. NEAL. Why not?

Mr. BLOUNT. Simply because the property of these people is chargeable for the improvement as much as that of others who have paid the assessment.

Mr. NEAL. Certainly; and their property is chargeable right along; and when the improvements are made they will be liable to pay the assessment under the provisions of this joint resolution.

Mr. HOLMAN. May I ask the gentleman from Ohio a question?

Mr. NEAL. Certainly.

Mr. HOLMAN. How is it possible for this work to be done on any reasonable terms, unless assessments are made from time to time to pay the contractors for doing their work?

Mr. NEAL. I suppose the State of Indiana has laws providing for special assessments, and if it has, the gentleman is no doubt familiar with their operation. And I question if he can find in any State of the Union any provision of law which authorizes special assessments for improvement until the improvements are made.

Mr. HOLMAN. The practice is quite uniform that the assessments are made from time to time during the progress of the work. Otherwise favorable contracts cannot be made. If contractors receive nothing till the entire work is done, the rate of charge is enormously high. The assessments, accordingly, are generally made so as to be collected from time to time, as the work progresses.

Mr. NEAL. This work for which the assessments are made has never been done. The committee has no interest in the matter, but presents this to the House as a sheer act of justice to the persons who have been partially ruined by the enormous assessments made upon their property.

Mr. BLOUNT. I ask the gentleman from Ohio to yield to me for a few moments. I desire to ask the gentleman what improvements there are that are affected by this joint resolution, and what is their extent?

Mr. NEAL. They are not of any large extent. As I understand, there are some improvements between Georgetown and Washington where the streets have been torn up and left in a desperate condition; and unless the improvements contemplated are made, the parties do not wish to be compelled to pay this special assessment, or to go to a court of justice and enjoin the authorities from collecting them. I went over the ground myself, and speak of what I know.

Mr. BLOUNT. It does seem to me that this resolution ought not to pass.

Mr. NEAL. And no justice ought to be done the people of this district by Congress?

Mr. BLOUNT. My friend from Ohio will allow me to proceed. He does not possess all the judgment of the House; there are others who differ with him and differ honestly.

The gentleman himself fails to tell us that there is any absence of a present purpose to complete these improvements. So far as this House knows these improvements are contemplated and will perhaps be made by the end of the year.

As already stated there was $2,000,000 of this indebtedness; one and a half millions has already been paid by property owners for these improvements, and there is one-half of a million still left unpaid. These people have been assessed, with the view of raising money in advance to make these improvements. That is nothing unusual; it is the course that would naturally occur to any mind.

I trust we shall not deviate from that course in this single instance, especially when the gentleman fails to tell us that these improvements may not be completed during the present year.

Mr. NEAL. These assessments were made eight years ago, and, so far as I know, there is no intention to complete the improvements.

Mr. BLOUNT. They may have been made eight years ago; but the gentleman does not tell us, in fact he tells us he does not know, that the improvements are not to be made at this time.

Mr. NEAL. I wish the gentleman from Georgia [Mr. BLOUNT] would take a position on the Committee on the District of Columbia, and then he would understand how utterly impossible it is for any man to know what he wants us to know. If we were omniscient we would hardly know what he asks.

Mr. BLOUNT. I am not on the Committee on the District of Columbia.

Mr. NEAL. I am sorry you are not.

Mr. BLOUNT. If I were I would endeavor to be a little more amiable with this House when I submitted a proposition for consideration which proposed to take money out of the Treasury. I would not take offense when a member on the floor asked for information.

I would not consider it my duty to rebuke or reprove every gentleman who did not see fit blindly to follow my leadership.

On the information already given us, I trust this House will not grant this relief. If these improvements are not to be made it is not to be supposed that these people will be compelled to pay for them. It is to be presumed that they are to be made, and that these assessments should stand. My friend does not understand the facts fully in reference to these improvements.

Mr. NEAL. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. In a moment, I will.

Mr. NEAL. Very well.

Mr. BLOUNT. If you will keep in a good humor about it. My friend does not himself know all the facts connected with these improvements. But he has told this House that there is one thing right sure, and that is that the courts here will uphold the rights of these people. Now if that be true, then we are on safe ground to let this matter go to the courts and be investigated there.

I suspect that if we take that course, in time these improvements will be made, and the money will go toward their payment. I trust that will be the direction the House will give the matter.

Mr. NEAL. Now, will you answer a question?

Mr. BLOUNT. Certainly.

Mr. NEAL. Do you think it right that the property of a person should be assessed for improvements and the money collected eight years before the improvements are made? I ask you if you think that is right?

Mr. BLOUNT. Mr. Speaker——

Mr. NEAL. Go on.

Mr. BLOUNT. I will, with your permission. I certainly should not think it right; but that is not the position here.

Mr. NEAL. Yes, it is.

Mr. BLOUNT. I know the gentleman seeks to formulate it in that way, but the facts do not support him in it. The gentleman himself says that there is this in addition, that it may be the purpose, so far as he knows, to complete these improvements during this year. He does not tell us that these improvements are not to be made at once. If they are, then this money will be needed, and ought to be on hand. Any bad legislation or bad administration of affairs in this District in the past does not change those simple facts.

Mr. NEAL. I want to say just one word in reply to the gentleman from Georgia, [Mr. BLOUNT.] This thing is all in a nutshell. The proposition before the House is to relieve parties whose property has been assessed from the payment of those assessments until the work is done. It does not destroy the lien that is placed upon their property by law. It simply suspends the collection of the assessments until the improvements are made, until the work is done. These assessments were made some eight years ago.

Mr. BLOUNT. Who will pay for the work as it proceeds?

Mr. NEAL. It will be paid for by special assessments, so far as I understand the law; paid under the law as it now is.

Mr. STEELE. Will the gentleman allow me to ask him a question?

Mr. NEAL. Certainly.

Mr. STEELE. Is it not the fact that certificates have been sold to enable the parties to prosecute this work? And if we pass this law will it not leave the holders of those certificates to hold the bag until the District of Columbia or the managers of the improvements may see fit to complete the work?

Mr. NEAL. Very possibly that will be the case. But I ask the gentleman from Indiana whether he thinks it right that property should be assessed and the assessments paid while the money is not applied to the improvements which were contemplated when the assessments were made?

Mr. STEELE. I think that the innocent purchasers of these certificates have just as much right to protection as the property-holders; and it is our business to ascertain why the person in charge of these improvements has not completed the work. It is not for us to say that these innocent parties shall suffer because the work has not been done.

Mr. NEAL. I stated that the board of public works under which these improvements were inaugurated was abolished, and that the District authorities since that time have never seen fit to go on with the completion of the work.

Mr. STEELE. Then in all probability the fact is they never intend to prosecute and complete the work. If the legislation now proposed be adopted the holders of the certificates may come to Congress and say, "You have abolished a certain remedy which belonged to us under the law, and now you must pay us this money because of your action." This is the first step in that direction. If we suspend payment of the certificates the holders may come up and say, "By reason of your act we cannot recover our money, and you must make it good to us."

Mr. NEAL. Does the gentleman think it right that the property-holders should be compelled to pay these assessments when they have received no benefit from them, and when the law under which the improvements were to be made has not been complied with?

Mr. STEELE. I think the first step should be to cause this work to be prosecuted to completion——

Mr. NEAL. So do I.

Mr. STEELE. And if there has been any law passed conflicting with that, it should be repealed.

Mr. NEAL. The question is simply whether these property-holders shall be compelled to pay these assessments before the work is done, or to litigate the matter in court.

Mr. STEELE. Or whether the innocent holders of these certificates shall suffer.

Mr. NEAL. These certificates were not assignable. Everybody who took them knew what he was buying, and knew what the law was. The law provided that these certificates should not be issued until the work was done.

Mr. CANNON. I wish to ask my friend from Ohio whether the Senate of the United States did not in the last Congress pass a bill appropriating out of the Treasury half a million of dollars in round numbers to pay these 8 per cent. certificates, and whether there is not a bill pending there now to do the same thing?

Mr. NEAL. The Senate of the United States never did any such thing. The Senate passed a bill to fund the 8 percents, providing that a sinking fund should be created and the money paid.

Mr. CANNON. But that the Government should be pledged to the payment of those bonds.

Mr. NEAL. Does the gentleman think that these parties ought to be compelled to pay these assessments before the improvements contemplated have been made?

Mr. CANNON. I think the House is entitled to know, after these certificates to the amount of half a million of dollars have been sold, whether the money has been misappropriated, and whether it is proposed never to make these special improvements. If there has been any misappropriation, let us hold the parties who so misappropriated the money responsible. If not, then let these property-holders who receive special benefit on account of these special improvements under the special assessments pay their money, and let the improvements be made.

Mr. STEELE. We have a right to know what has been done with the money which innocent purchasers have paid in for these certificates.

Mr. CAMP. I desire to ask the gentleman from Ohio [Mr. NEAL] whether or not these certificates to the amount of half a million dollars have been sold, and if so, where the money realized from the sale is—why it has not been used for the purpose of completing this work? I ask this question for information, and not in any captious spirit.

Mr. NEAL. The act of the Legislative Assembly—I have it not before me—provided that the governor or the board of public works might issue certificates payable in five years with 8 per cent. interest. Those certificates were sold. Then there were lien certificates issued against the property, and those lien certificates were pledged to the payment of the 8 percents. Since that time Congress has authorized a reduction of those lien certificates, and the amount has been very considerably reduced.

Mr. STEELE. But where is the money that was paid in for these certificates?

Mr. NEAL. The money was expended by the board of public works, I do not know when or where, but it was expended exactly as the $20,000,000 funded a few years ago was expended. I cannot tell anything about that; nobody can tell.

Mr. STEELE. Then the total amount assessed has been expended, and only a portion of the work has been done. Now, somebody must pay for the balance of the work, or else these innocent holders of the certificates must suffer.

Mr. NEAL. I do not know how that is. These certificates were not assignable. Everybody who took them is presumed to have known what the law was.

The committee, however, has no feeling about this matter. If members of the House do not want to relieve these parties, let them say so; let them say it is right that these men should be taxed and receive no benefit from the taxation.

Mr. CANNON. I have no feeling about it, but stand with the gentleman from Ohio ready to see the right thing done. If in fact this money has been squandered and lost and we by this action are to become liable for these certificates, then I want it to be shown how it has been squandered, so we may cover the whole ground and pledge the Government to the payment of so much as has been lost. I do not want to do it by piecemeal, and I do not want to do it on suspicion.

Mr. NEAL. This is a plain proposition. It provides that these parties shall not be compelled to pay until the work has been done for which the assessments were made.

Mr. STEELE. We are to make the innocent holders of certificates or the property assessed responsible and allow the men who squandered this money to escape by making Congress come in and foot the bill.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The House divided; and there were—ayes 40, noes 19.

So the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question now recurs on the passage of the joint resolution.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 45, noes 23.

So the joint resolution was passed.

Mr. GARRISON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL CARROLL ESTATE.

Mr. GARRISON. I am directed by the Committee on the District of Columbia to move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh by the regrading of the streets around square numbered 736 in the city of Washington, and that it be taken up for present consideration.

The bill was read, as follows:

Be it enacted, &c., That Ann C. Carroll and Maria C. Fitzhugh may prosecute a suit in the Court of Claims, according to the rules of practice and proceedings in said court, against the District of Columbia, to recover such damages as they have sustained by reason of the regrading of the streets around square numbered 736 in the city of Washington; and the said court is hereby authorized to hear and determine the said suit; and in ascertaining the damages sustained by the plaintiffs the court is directed to take into consideration the advantages, if any, to the said square numbered 736 resulting from the regrading aforesaid. It shall be the duty of the attorney for the District to defend the said suit.

SEC. 2. That it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the said Ann C. Carroll and Maria C. Fitzhugh such sum as the Court of Claims may adjudge to be due them, one-half of which sum shall be chargeable to the revenue derived from taxation within the District of Columbia.

Mr. GARRISON. Since the bill was reported we have learned these parties hold this property as the legal representatives of Daniel Carroll, deceased, and that fact will require some verbal amendments, which I ask the Clerk to read.

The Clerk read as follows:

In the first section, after the word "Fitzhugh," in the third line, insert the words, "executrices of the estate of the late Daniel Carroll, deceased."

In the first section, line 6, strike out the words "they have" and insert the words "said estate has."

In the second section, after the word "Fitzhugh," insert the words "executrices aforesaid."

Amend the title by inserting after the word "Fitzhugh" the words "executrices of the estate of the late Daniel Carroll, deceased."

The amendments were agreed to.

Mr. CANNON. I would be glad to ask the gentleman a question if he would permit me.

Mr. GARRISON. Certainly.

Mr. CANNON. Why were not these damages assessed under the general law as other damages in the cutting down of streets in the city of Washington?

Mr. GARRISON. The grading around these streets was done after the board for assessing the damages in like cases had been abolished by law. These parties have never had any tribunal before which they could bring their claim. I ask the Clerk to read the report.

Mr. HOLMAN. I suggest an amendment to the bill.

Mr. MAGINNIS. This relates to the Duddington property. The people have never had any chance to have their damages assessed, and this bill ought to pass. I can tell Mr. HOLMAN that there is no doubt about the damage.

Mr. HOLMAN. I move to insert after the word "sustained" the words "if any."

Mr. ATKINS. If the gentleman from Indiana will only go down to the property he will be satisfied that it has been greatly damaged.

Mr. HOLMAN. I do not think the District of Columbia should be compelled to pay unless damage has been done to the property.

Mr. GARRISON. I have no objection to the amendment of the gentleman from Indiana. If no damage has been done to the property the court will not render any judgment for damage.

The amendment was agreed to.

Mr. GARRISON. Let the report be read.

Mr. HOLMAN. Why is it necessary to pay this money out of the Federal Treasury?

Mr. GARRISON. It is paid like all other funds, one-half out of tax arising from the District of Columbia.

Mr. HOLMAN. Does my friend think it is right the Government of the United States should pay for these damages?

Mr. CANNON. Let the report be printed in the RECORD if it is not read.

Mr. STEELE. Let it be read.

The Clerk read as follows:

There are many claimants in the city of Washington for damages alleged to have been sustained by reason of public improvements, such as the regrading the streets and opening new streets. The most of the claimants had an opportunity to present their accounts before the board of audit provided for by the act of June 20, 1872, and their claims were adjusted by said board.

In the case of the petitioners, ANN C. Carroll and Maria C. Fitzhugh, however, the streets were run and the new grading fixed around their property, square No. 736, after the said board of audit had expired by the limitation of the act creating it. The damages having been done after the expiration of the said board, the petitioners have had no tribunal before which to present their claim and have it adjusted.

While your committee is unwilling to reopen the cases which were adjusted by the said board of audit, or which could have been presented to said board for adjudication, but by negligence were not so presented, it is believed to be right and proper that the petitioners should have a hearing, and your committee report the accompanying bill, authorizing the Court of Claims to settle this case, with the recommendation that it be passed.

Mr. STEELE. I move to strike out lines 5 and 6, and insert the words "one-half of which sum shall be paid by the District of Columbia."

Mr. NEAL. That is provided for in the last part of section 2, "one-half of which sum shall be chargeable to the revenue derived from the taxation of the District of Columbia."

Mr. GARRISON. That is the phraseology always used.

Mr. NEAL. There is no trouble about that, that the District of Columbia will have to pay one-half.

Mr. HOLMAN. Why should the General Government be compelled to pay for any portion of it?

Mr. GARRISON. It conforms to the phraseology usual in such bills.

Mr. STEELE. If that be so I do not insist on my amendment.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GIFT OF ORNAMENTAL DRINKING-FOUNTAIN.

Mr. GARRISON. I am directed by the Committee on the District of Columbia to move that the House Calendar be discharged from the further consideration of the joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington, and that the same be put on its passage.

The joint resolution was read, as follows:

Whereas Dr. H. D. Cogswell, of San Francisco, California, has offered to erect, at his own expense, an ornamental drinking-fountain in the city of Washington, and to donate the same to the Government of the United States: Therefore,

Resolved, &c., That the offer of the said H. D. Cogswell be, and the same is hereby, accepted, and authority is granted to erect the said drinking-fountain, under the supervision and direction of the commissioners of the District of Columbia, upon such part of the Government grounds in the city of Washington as the said commissioners may designate.

SEC. 2. That the said commissioners be, and they hereby are, authorized to provide and maintain such lanterns as may be necessary to light the said fountain at night, and also to use and supply the refrigerating apparatus connected with said fountain whenever they may think it proper to do so.

Mr. GARRISON. I think, Mr. Speaker, during the hot weather no one will object to the passage of that joint resolution, although the report accompanying it has not yet been printed.

The joint resolution was taken up, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE PUBLIC HIGHWAY, DISTRICT OF COLUMBIA.

Mr. GARRISON. I desire, Mr. Speaker, by instructions from the Committee on the District of Columbia, to move to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 6627) to authorize the establishment of a free public highway in the District of Columbia, and put the same upon its passage. I will say, however, that the report accompanying this bill, as I am informed, has not yet been printed, and therefore, if there be objection, I shall not insist upon considering it at this time.

The SPEAKER. The bill will be read.

The bill was read; it is as follows:

Be it enacted, &c. That the commissioners of the District of Columbia are hereby authorized and directed to locate, construct, and maintain a free public highway on and over that part of the turnpike road of the company incorporated by the name of "The President, Managers, and Company of the Washington Turnpike Company," which leads from the boundary of the city of Georgetown to the boundary of the District of Columbia, toward Rockville, Montgomery County, Maryland; said company being the same described in the act of Congress approved February 27, 1813, (volume 2 of the Statutes at Large, page 808,) authorizing said company to construct and maintain said turnpike road from the boundary of Georgetown to the boundary of the District of Columbia; and for the purpose aforesaid the said commissioners of the District of Columbia shall have power to purchase, at the price of $3,000, all real estate and franchises of said turnpike company necessary for the construction and maintenance of a free public highway.

SEC. 2. That the said purchase-money shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, upon the order of the commissioners of the District of Columbia; and such payment shall be in full of all the real estate, rights, and franchises of the said company within the District of Columbia, and shall operate as a surrender and release of said real estate, rights, and franchises to the Government of the United States: *Provided*, That the toll-house at Tennallytown is not to be included in said purchase, and the said company shall remove the same after reasonable notice: *And provided further*, That one-half of the said $3,000 shall be paid out of revenues derived from taxation in the District of Columbia.

Mr. HOLMAN. I move, Mr. Speaker, to amend the last section of this bill by striking out in the twelfth line of the second section the words "one half of the;" so that it will read: "and that said $3,000 shall be paid out of revenues derived from taxation in the District of Columbia."

My object is that the entire amount of this expenditure shall be borne by the District. It seems to be impossible for Congress ever

to place itself in the attitude of requiring the District to pay for its own works, but seems bound to appropriate one-half of all expenditures of every kind in this District, even for the purchase of a public highway for the benefit of the people here. Now, I am unable to conceive upon what principle of justice the people of this country should be taxed one-half of the expense to keep up a public highway for the rural portion of the District of Columbia. The only theory upon which it could possibly be charged to the public is the theory which actuated Congress in framing the original law providing that one-half of the expenses should be borne by the Government and one-half by the District, namely, that the Government owned a large amount of property here and should therefore pay a due proportion of the expense of improvement. But this is an entirely different matter, and even that proposition applied strictly to the city of Washington as originally designed, and did not even extend to Georgetown.

Mr. NEAL. What! Does the gentleman say that it did not refer to Georgetown? It had reference to the entire District.

Mr. HOLMAN. I refer now to the grounds on which the original provision of the law was enacted, and that was, that because the Government owned a large amount of property here it should therefore bear a fair share of the expense. But that property of the Government was confined almost exclusively to the city of Washington, and therefore I say it did not even extend to Georgetown. It is now proposed, however, not only to extend it to the entire District of Columbia, but to the rural districts surrounding the District of Columbia. It has already outgrown the limits of Washington City and penetrated the rural districts; and I think it is now about time that a halt should be called in this system of spending the people's money. I have never, as I have already said, been able to understand why it is that the whole country should be taxed for many of the improvements that are done in this city. While admitting the manifest propriety of the Government bearing its due share of the expense of certain improvements, yet I think we have already exceeded the limits of propriety in that direction. You had just as well in all fairness cross the Potomac and go into Virginia, or leave the District on the other side and go into Maryland, as to make a grant of this kind, which this bill contemplates, and then levy a tax upon the whole country to pay for it. The only ground on which Congress has ever been able to excuse itself to the country was, as I have said, because the Government owned property here, and it was therefore proper that it should bear a part of the expense. But this property is beyond the city of Washington, beyond the region of the capital of the Federal Government, and is simply for the local convenience of people outside of the city. I do insist that such a bill as this should not be passed, and that a stop should be made in this unwarrantable system.

Mr. CASSIDY. This road, as I understand it, will reach the new Signal Service station or Observatory belonging to the Government of the United States.

Mr. HOLMAN. The Signal Service stations are all over the country, as far as that is concerned, and there is no more propriety in extending a road at the expense of the people to this one, if that is the object of the bill, than there would be in extending it to any other such station.

Mr. BLOUNT. I would like to ask the gentleman from Virginia a question. Is it true the road is already constructed and that the object of this bill is to purchase it from the present stockholders for $3,000?

Mr. GARRISON. Yes, sir. In other words, at one time there were quite a number of these turnpike roads here. The present road was chartered by an act of the Legislature of Maryland, I think in 1803, and in 1813 by an act of Congress of the United States the corporators were allowed to build their road into the District and extend it from Maryland to Georgetown.

Now, all the turnpike roads except this one have heretofore, by just such acts as this, been made free; and, if I am properly informed, the lowest price paid for the franchise of any one of the other roads was $6,000. The committee have examined this particular turnpike very closely. Everybody that approaches the city from that direction, from Rockville or in the direction of Rockville, Maryland, through Tenallytown to reach this city, must pass on this road, and at Tenallytown they have to pay toll upon it; and so with persons leaving the city.

Now, the road has not been kept up by the company in as good condition as it should have been, and for that reason the committee think it ought to be under the control of the District commissioners, and that it should be kept up as a good road. We have succeeded in bidding these people down from $6,000 to $3,000, which we propose to pay for their franchise and rights, and also the real estate and road-bed.

Mr. NEAL. And the right of way.

Mr. GARRISON. Yes, the right of way of course, and everything belonging to it but the toll-house at Tenallytown, which we do not want. The construction of this road, if I am correctly informed, cost the company over $30,000; and it is in fair condition now, but will not cost the District a large amount of money to keep it in its present condition; in fact it will cost but a very small amount of money to make it a very good road. It runs right by the place selected for the new Observatory, where I suppose the Government will have magnificent grounds. Now, so far as the amendment offered by the gentleman from Indiana is concerned, I will say, as perhaps an original proposition, I might have agreed with him in some respects; but this has been done in all such cases, and it would seem to be only justice to pay for this road as the others were paid for. It belongs to the Government after this purchase, becomes its property, just as the streets and alleys of the city belong to the Government; and as the Government has paid one-half in all other cases I do not see why it should not be done here. I hope the gentleman from Indiana will not attempt, on a little bill of this character, to begin such a change of policy as his amendment contemplates.

Mr. HOLMAN. Is my friend from Virginia certain the Government of the United States have paid for setting free the other roads one-half the expenses?

Mr. GARRISON. I am so informed. I have not examined the laws.

Mr. HOLMAN. In my own experience, up to the time I left Congress—to the end of the Forty-fourth Congress—no measure of this kind had ever been even proposed. Indeed, the proposition that the Government was to meet half the expenses of this District beyond the expenses of the police and the fire departments was never suggested, I think, prior to the Forty-fifth Congress. The amount involved here is a bagatelle; but, unhappily, those bagatelles mount up to many millions. I think the public sentiment of this country has not seen this matter just as Congress has seen it. But if the Government is to be charged with one-half the expenses I insist that that shall be confined to the city of Washington, where the Government has property, and shall not extend to all the improvements made everywhere else throughout the District.

Mr. NEAL. I am informed by my colleague on the committee, the gentleman from Maryland, [Mr. URNER,] that in purchasing the other turnpikes the Government paid the whole purchase-money.

Mr. HOLMAN. If there is any instance of that kind it may be deemed conclusive, but I have never myself known of any such instance.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana, [Mr. HOLMAN,] which the Clerk will report.

The Clerk read as follows:

Strike out the words "one-half of;" so that it will read, "that the said $3,000 shall be paid out of revenues derived from taxation of the District of Columbia."

The question being taken, there were—ayes 13, noes 33.

So (further count not being called for) the amendment was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGING OF ALLEY-WAYS.

Mr. CASSIDY. I am directed by the Committee on the District of Columbia to move that the bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington be taken from the House Calendar, and that it be now passed.

The bill was read, as follows:

Be it enacted, &c., That whenever all the owners of an entire square, or all the owners of a part of a square bounded on all sides by public streets, in the city of Washington, District of Columbia, shall present to the commissioners of the District of Columbia a petition asking that any alley or alleys within said square or part of square may be closed wholly or partially, and shall in said petition offer to dedicate for public use, and shall so dedicate if in the opinion of the commissioners of said District such dedication is necessary, as alley-ways, ground owned by the petitioners in amount equal at least in area to that of the alley-way sought to be closed, and shall also present to said commissioners with said petition a correct plot of such square or part of square, signed by all of the owners thereof, upon which shall be accurately delineated the positions and dimensions of the existing alley way or ways, and a subdivision of the entire area of the alley or alleys sought to be closed into parcels according to an agreement of all said owners for the future ownership of the same, the name of the agreed future owner of each parcel being marked thereon, and showing also the position and dimensions of the new alley way or ways proposed to be substituted therefor, it shall be the duty of said commissioners, upon being satisfied of the truth of the facts stated in the petition as to ownership and of the correctness of the plot, and also that the proposed change will not be detrimental to the public convenience, to make an order declaring the existing alley way or ways closed as prayed for, and opening the new alley way or ways proposed to be substituted therefor.

SEC. 2. That the commissioners shall cause a certified copy of the order to be attached to the plot and delivered to the petitioners, who may file the same for record with the recorder of deeds of the District, who shall record the same as other instruments affecting real estate; and thereafter the right of the public to use the alley way or ways declared closed, and the proprietary interest of the United States therein shall forever cease and determine, and the title to the same shall be vested according to the agreement of the owners as shown in the aforesaid plot, each person being thenceforward the owner in fee-simple of the parcel or parcels upon which his name shall be marked as provided in section 1. The new alley way or ways described in said order and delineated on said plot shall thereafter be and remain dedicated to public use as alley-ways, and, like other alleys of said city, shall be under the care and control of the city authorities.

Mr. CASSIDY. This is a very simple little proposition. The bill simply provides that if all the people in a block desire to change the alley-way they may have the right to do so. The bill also vacates in cases of this kind the title of the Government in the old alley-way, and fixes it in the new alley-way that may be designated. That is all there is of it. The bill does not appropriate any money.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASSIDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

USE OF THE CAPITOL GROUNDS.

Mr. DEZENDORF. I call up for present consideration the bill (S. No. 789) to regulate the use of the Capitol grounds. I move that the bill be taken from the Speaker's table and that it be put upon its passage.

The bill was read, as follows:

Whereas the Capitol grounds have been formed to subserve the quiet and dignity of the Capitol of the United States, and to prevent the occurrence near it of such disturbances as are incident to the ordinary use of public streets and places: Therefore the following statute for the regulation of the public use of said grounds is hereby enacted:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That public travel in and occupancy of the Capitol grounds shall be restricted to the roads, walks, and places prepared for the purpose by flagging, paving, or otherwise.

SEC. 2. That it is forbidden to occupy the roads in such manner as to obstruct or hinder their proper use, to drive violently upon them, or with animals not under perfect control, or to use them for the conveyance of goods or merchandise, except to or from the Capitol on Government service.

SEC. 3. That it is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement, to solicit fares, alms, subscriptions, or contributions.

SEC. 4. That it is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, or other erection, or any tree, shrub, plant, or turf.

SEC. 5. That it is forbidden to discharge any fire-arm, fire-work, or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language.

SEC. 6. That it is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

SEC. 7. That offenses against this act shall be triable before the police court of the District of Columbia, and shall be punishable by fine or imprisonment, or both, at the discretion of the judge of said court; the fine not to exceed $100, the imprisonment not to exceed sixty days. But in the case of heinous offenses by reason of which public property shall have suffered damage to an amount exceeding $100 in value, said judge of the police court may commit or hold to bail the offender for trial before the supreme court of the District of Columbia, when the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

SEC. 8. That it shall be the duty of all policemen and watchmen having authority to make arrests in the District of Columbia to be watchful for offenses against this act, and to arrest and bring before the proper tribunal those who shall offend against it under their observation, or of whose offenses they shall be advised by witnesses.

SEC. 9. That it shall be the duty of all persons employed in the service of the Government in the Capitol or on its grounds to prevent, as far as may be in their power, offenses against this act, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders.

SEC. 10. That in order to admit of the due observance within the Capitol grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are hereby authorized to suspend for such proper occasions so much of the above prohibitions as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined, adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury.

SEC. 11. That in the absence from Washington of either of the officers designated in the last section, the authority therein given to suspend certain prohibitions of this act shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol police commission.

The bill was taken from the Speaker's table, read three times, and passed.

Mr. DEZENDORF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF WORKMEN.

Mr. NEAL. I am instructed by the Committee on the District of Columbia to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5058) to amend and extend the provisions of a certain clause in the act of Congress approved June 20, 1878, making appropriations for sundry civil expenses of the Government, and to provide for the payment of workmen under the late board of public works in the District of Columbia, and that the same as proposed to be amended by the committee be passed. I call the attention of the House particularly to this bill.

The bill as proposed to be amended by the committee was read, as follows:

Whereas by the act of Congress approved June 20, 1878, making appropriations for sundry civil expenses of the Government, it was, among other things, provided "that a sum not exceeding $75,000 be appropriated to pay the workingmen employed in the public improvements under the late board of public works of the District of Columbia, or the contractors of the same, whose claims for work and labor are due and unpaid from contractors whose accounts against the government of the District of Columbia had been paid prior to the passage of the act of June 24, 1874, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes:' *Provided*, That such claims shall be severally audited and paid by the proper accounting and disbursing officers of the Treasury, and that the amount found to be due to each workman shall only be paid to him in person, if living, or, in case of non-residents of the District of Columbia, by draft on the Treasury of the United States to his or their order, or to his legal representatives if dead: *And provided further*, That if said sum of $75,000 shall not be sufficient to pay all such claims filed prior to the 1st day of December next, in full, then there shall be made the required pro rata deduction on each claim, and the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workman: *Provided further*, That no such claims shall be received or audited by the accounting officers of the Treasury subsequent to the 1st day of December, 1878; and that one-half the whole amount paid under this paragraph shall be paid by the United States and one-half shall be paid out of the revenues of the District of Columbia other than that portion which is derived from the United States;" and

Whereas certain workmen were employed by and worked under contractors for the public improvements under the late board of public works of the District of Columbia, referred to in the aforesaid act, in cases where the contractors were not paid in full, and which workmen have received nothing under the provisions of said act: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of said act be, and they hereby are, extended to all cases in which said contractors were paid in full or in part, and that the claims of such workmen, or their legal representatives and assigns, shall be received and audited by the First Comptroller of the Treasury and be paid by the proper disbursing officers as other workmen under the provisions of said act have heretofore been paid.

SEC. 2. That said accounting officer, in the ascertainment of the validity and amount of said claims, and the true ownership thereof, may compel the attendance of witnesses and the production of books and papers, if necessary, by process of subpœna, to be issued by said officer and served by the marshal of the District of Columbia; all fees to be paid by each respective claimant. He may, in his discretion, examine the claimants and other witnesses, after having duly sworn them to testify the truth, the whole truth, and nothing but the truth touching such matters as they may be interrogated upon.

SEC. 3. That any person who while so being examined shall willfully state a falsehood in a material matter shall be guilty of perjury, and on conviction thereof shall be subject to the pains and penalties now prescribed for perjury in the District of Columbia; and said accounting officer shall reject any claim concerning which the owner has sworn falsely, or suborned any other person to commit perjury.

SEC. 4. That said accounting officer shall ascertain in every case under what contractor the claimant worked, and why the claimant was not paid by said contractor, and if he shall find it was because of a want of due dilligence upon the part of said claimant he shall reject the same. When he allows any claim he shall at once notify the Treasurer of the United States of said allowance, the name of the workman, under what contractor he worked, and the amount; and it is hereby made the duty of the said Treasurer to withhold said amount out of any moneys he may hereafter lawfully pay said contractor. Said accounting officer shall also notify the Attorney-General of the United States and the commissioners of the District of Columbia of such particulars, who may set up the same as a counter-claim or set-off against any suit said contractor may have against the District of Columbia in the Court of Claims, or in any other court of said District.

SEC. 5. That before any claim shall be considered by said accounting officer he must be satisfied that the person presenting the same has duly notified the contractor of his purpose to present said claim, if said contractor is a resident of the District of Columbia.

Mr. RANDALL. Let the report accompanying the bill be read.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred House bill No. 5058, report the same back with sundry amendments. They are of opinion that the matters presented in the bill, as amended, deserve the careful consideration of the House.

Mr. NEAL. I want to state for the information of the House, as it is set forth in these whereases, that in 1878 the Congress of the United States appropriated $75,000 to pay the workingmen employed in the public improvements under the late board of public works of the District of Columbia, where the contractors had not paid them. Under the provisions of the act making that appropriation the Comptroller of the Treasury made a statement of accounts and allowed about $25,000. But there were a large number of workingmen who were not paid because the law was not broad enough. This act provides:

That the provisions of said act be, and they hereby are, extended to all cases in which said contractors were paid in full or in part, and that the claims of such workmen, or their legal representatives and assigns, shall be received and audited by the First Comptroller of the Treasury, and be paid by the proper disbursing officers as other workmen under the provisions of said act have heretofore been paid.

The remainder of the bill is simply the machinery provided for ascertaining what claims are due and the amount.

The committee have no recommendation to make in regard to the bill. They submit it to the House, with the expectation that the House in its wisdom will do what it believes to be right.

Mr. CANNON. Is my friend for the bill?

Mr. NEAL. I decline to answer.

Mr. RANDALL. It seems to me that there should be some limitation of the amount. If there was appropriated originally $75,000 and $25,000 of that sum has been paid, there ought certainly to be a limitation of $50,000 beyond which they should not go.

Mr. NEAL. Do not the "whereases" cover that? It simply extends the provisions of and refers to the act which appropriated $75,000.

Mr. RANDALL. It would be more plain if you inserted "not in excess of $50,000."

Mr. NEAL. Or not to be in excess altogether of $75,000. If the gentleman desires to move an amendment I will yield for that purpose.

Mr. RANDALL. The preamble is no part of the law. The gentleman from Illinois [Mr. CANNON] sought the floor a moment ago.

Mr. CANNON. I sought the floor to ask the gentleman at the head of the Committee on the District of Columbia whether he was for the bill, and I received in answer a declination to answer.

Mr. NEAL. I am afraid if I was to say that I was for the bill the gentleman from Illinois would oppose it; therefore I decline to answer.

Mr. CANNON. No; I do not mean that necessarily.

Mr. RANDALL. The gentleman from Ohio [Mr. NEAL] cannot escape from the House in that way, although he may escape from the gentleman from Illinois. It is due to the House that the chairman of the committee should say whether the report made by the committee was intended to be favorable or unfavorable.

Mr. NEAL. I will say very frankly that I consider this legislation of very doubtful character.

Mr. CAMP. Then I move to lay the bill on the table.

Mr. NEAL. Wait till I yield the floor. Three years ago Congress enacted legislation of this character, under which $25,000 was paid to workmen. Other men equally meritorious now ask that the law be extended so as to cover their cases.

Mr. CAMP. I move to lay the bill on the table.

The question was taken; and upon a division there were—ayes 28, noes 18.

So (no further count being called for) the bill was laid on the table.

Mr. CAMP moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT ASSESSMENTS UNDER MAYOR EMERY.

Mr. NEAL. I am authorized by the Committee on the District of Columbia to ask that House bill No. 6405, to refund the assessments made under the administration of M. J. Emery while mayor of Washington, and for other purposes, now on the Calendar of the Committee of the Whole, be taken up and considered at this time.

The bill was read, as follows:

Whereas special assessments were made for certain public improvements upon real estate situate in the District of Columbia under the administration of M. G. Emery, mayor of the city of Washington; and

Whereas the entire cost of said special improvements was assessed against the property abutting upon the streets and avenues so improved; and

Whereas it has since been determined by the attorney of the District that it was illegal to assess more than one-third the cost of said improvements upon the property abutting upon the streets and avenues so improved, and in consequence thereof all said assessments have been revised and reduced to one-third the original amounts thereof, so that such property-holders as had refused to pay the same are now only required to pay the revised assessments, while others who promptly paid said assessments have paid the entire amount of said original assessments which, being declared illegal, was unjust to them, and ought to be refunded so far as illegal: Therefore,

Be it enacted, &c., That the commissioners of the District of Columbia are hereby directed to issue drawback certificates to all such property-holders as have paid said assessments in full, for two-thirds the respective amounts paid by them, which certificates shall be received for special and general taxes in arrears on the 1st day of July, 1879.

Mr. BLOUNT. If there is a report, I would be glad to have it read.

Mr. NEAL. Here is the report.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2339) to refund the M. G. Emery assessments, submit the following report:

That they have had said bill under consideration, and have arrived at the conclusion that the substitute herewith reported should become a law. The facts are, that M. G. Emery was elected mayor of Washington prior to February 21, 1871, and had a municipal council to manage the affairs of the city of Washington. That in pursuance of authority conferred by law, said municipal authorities ordered the improvements of certain avenues and streets, and made an assessment upon the property abutting upon said streets and avenues for the payment of the same; these assessments were made subsequent to February 21, 1871, the day of the approval of the act entitled "An act to provide for a government for the District of Columbia."

The Emery government resisted the establishment of the government in said act provided, and continued to exercise the functions of authority as aforesaid until it was judicially determined that the act was legal and constitutional, when they ceased longer to exercise said functions. The board of public works, created by said act, upon entering upon the discharge of their duties, established a different grade for the streets and avenues improved under the Emery government, tore up the pavements which had been laid, and reassessed the property for said improvements, by which said property was made liable to a double assessment, a very great hardship and a gross injustice to the persons unfortunate enough to own property thus doubly assessed.

Your committee are of opinion that but one of these assessments should be paid, and therefore report a substitute for the bill, providing for the redemption of said assessment certificates.

Mr. NEAL. I desire to state that the report which has been read was drawn for a prior bill, and the facts are not exactly as stated in the report, but they appear in the preamble of this bill.

M. G. Emery was mayor of the city of Washington for a period ending in February, 1871. While mayor he made assessments upon certain property for street improvements. A portion of the property-owners paid those assessments in full; the remainder did not.

It was afterward determined by the legal authorities of the District that the assessments for the full amount of the improvements were illegal; that only 33 per cent. could be collected, as was afterward the law of the District.

Mr. BLOUNT. When was that opinion reached by the District authorities?

Mr. NEAL. After a portion of these assessments had been paid.

Mr. BLOUNT. In what year?

Mr. NEAL. I cannot give the year.

Mr. HOLMAN. About 1869 or 1870.

Mr. NEAL. I have the papers in my desk in my committee-room up-stairs; but I cannot now give the year.

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] says that it was in 1869 or 1870.

Mr. NEAL. Yes, when the assessments were made.

Mr. BLOUNT. No, when the opinion was reached by the District authorities.

Mr. NEAL. No, the opinion had not been reached by that time.

Mr. HOLMAN. I referred to the time when the assessments were made.

Mr. NEAL. I will state to the House that the District Attorney decided that only 33 per cent. of the amount of the improvements could be collected. And anybody who will examine the subject will come to the conclusion that that is a fair construction. Since that time all that has been collected is 33 per cent. The persons who have paid the full assessments do not ask that the money shall be refunded to them, but they ask that drawback certificates may be given them to be used in the payment of arrears of taxes.

Mr. HOLMAN. What is the amount involved?

Mr. NEAL. Some thousands of dollars. Suppose that the gentleman from Indiana [Mr. HOLMAN] and myself owned adjoining lots, upon which assessments were made for street improvements. The gentleman from Indiana paid his assessment promptly; I did not. By not paying mine promptly I got off with paying 33 per cent. while the gentleman paid in full.

Mr. HOLMAN. When did this occur?

Mr. NEAL. Prior to 1871. Then the Emery government went out of existence, because of the establishment of a government for the District of Columbia, consisting of a governor, legislative assembly, and board of public works.

Mr. RANDALL. The original act was intended to include assessments under the board of public works; but the construction given to the law was to review as well assessments under the Emery government. Is that it?

Mr. NEAL. I do not speak about the revision but about the construction which was given to the law under which the assessments were made. It was held by the attorney of the District, whose opinion has been acquiesced in by the District authorities, and I apprehend is good law, that it is illegal to assess more than 33 per cent. of the cost of the improvement upon the property abutting the same. A few persons paid the assessment in full; a majority of the property-holders did not. The latter have paid only 33 per cent. Now those who paid in full come and ask Congress to give them drawbacks for the difference. I think the proposition is perfectly just and equitable.

Mr. RANDALL. Does this bill give relief in regard to assessments under the Emery government, and also under the board of public works?

Mr. NEAL. Of the assessments made by the board of public works I understand only 33 per cent. was ever collected.

Mr. BRIGGS. Has the assessment in his case ever been adjudicated by any judicial tribunal?

Mr. NEAL. As I understand, it has not, because the authorities of the District were so well satisfied of the correctness of the opinion of the attorney of the District that they acquiesced in it. I think the gentleman from New Hampshire, [Mr. BRIGGS,] who is an eminent lawyer, would, if he looked into the matter, be satisfied that the opinion of the attorney of the District was entirely correct.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries; who also announced that the President had approved and signed a bill of the following title:

An act (H. R. No. 797) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan.

WASHINGTON AND ATLANTIC RAILROAD COMPANY.

Mr. PEIRCE. I call up from the House Calendar the bill (H. R. No. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia.

The bill was read, as follows:

Whereas it is represented to this present Congress that the Washington and Atlantic Railroad Company, organized on the 21st day of December, 1881, under the provisions of the act of the General Assembly of the State of Maryland passed at the January session, 1876, chapter 242, embraced in the Revised Code of the State of Maryland, 1878, article 41, desire to extend their railroad into and within the District of Columbia: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Atlantic Railroad Company shall be, and they are hereby, authorized and empowered to extend their railroad into and within the District of Columbia as hereinafter provided; and the said Washington and Atlantic Railroad Company are hereby authorized to exercise the same rights and powers and privileges and be subject to the same restrictions in the extension and construction of their railroad into and within the said District as now provided by law for the incorporation of railroad companies in the District of Columbia.

SEC. 2. That before the Washington and Atlantic Railroad Company aforesaid shall proceed to construct any railroad which they may lay out or locate on, through, or over any land or improvements, or to use or take for use any earth, stone, or other material necessary for the construction of said road, or any land within the said District, they shall first obtain the assent of the owner of said land, improvements, or materials; or if said owner shall be absent from said District, or shall refuse to give such assent on such terms as the said company shall

approve, or because of infancy, coverture, insanity, or any other cause shall be legally incapable of giving such assent, then it shall be lawful for said company to apply as now provided by law for the incorporation of railroad companies in the District of Columbia.

SEC. 3. That whenever the said company, in the construction of their railroad within the said District as authorized by this act, shall find it necessary to cross or intersect any established road, street, or other way, it shall be the duty of said company to so construct said railroad across such established road, street, or other way, as not to impede the passage of persons or property along the same; and where it shall be necessary to pass said railroad through the land of any individual within the said District, it shall be the duty of said company to provide for such individual wagon-ways across the said railroad as may be necessary and proper from one part of his land to another.

SEC. 4. That the Washington and Atlantic Railroad Company may construct their railroad within the limits of the District of Columbia by the following route: Beginning at a point on the northeastern boundary line of the District of Columbia; thence to a point near the mouth of Piney Branch of Rock Creek, by a route north of and avoiding the Soldiers' Home and any property of the United States; thence by way of Rock Creek, with the necessary tunnels, to the Potomac River; thence by way of Water street in Georgetown to a point near the northeastern terminus of the Aqueduct bridge; and also to construct a branch railroad from a point on said railroad near the mouth of said Rock Creek to the foot of New Hampshire avenue by a route along or south of the right bank of the Chesapeake and Ohio Canal: *Provided*, That said Washington and Atlantic Railroad Company shall construct that part of said railroad along Rock Creek in the valley thereof, or with proper tunnels, and shall pass west of the P street bridge by means of a tunnel west of said P street bridge; and all road-crossings and said tunnel shall be constructed in accordance with plans and specifications to be first approved, in writing, by the commissioners of the District of Columbia.

SEC. 5. That the said Washington and Atlantic Railroad Company may construct such wharves, piers, and ferry-slips as may be necessary or proper to the transaction of their business, at some convenient points west of Rock Creek, on the Potomac River, such structures to be first approved by the commissioners of the District of Columbia.

SEC. 6. That the said Washington and Atlantic Railroad Company may charge and receive for tolls and transportation on all the part of said railroad within the District of Columbia a rate not to exceed five cents per ton per mile; and the said company may charge and receive for taking up and setting down any passenger within said District a sum not exceeding twenty cents; and Congress reserves the right to further regulate the cost of transportation of persons and freight over said road within said District.

SEC. 7. That nothing in this act shall be construed to exempt said Washington City and Point Lookout Railroad Company from liability to all damages that may accrue to property along the line of its road within the District of Columbia.

SEC. 8. That unless the said company shall commence the construction of said road within one year from the passage of this act, and complete the same, with at least one set of tracks, to the Potomac River within two years from the passage of this act, then this act and all the privileges hereby granted shall cease and determine.

SEC. 9. That Congress shall have power to alter, amend, or repeal this act.

An amendment, reported by the Committee on the District of Columbia, was read, as follows:

In section 7, line 2, strike out the words "City and Point Lookout," and insert "and Atlantic," so as to read "Washington and Atlantic Railroad Company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. PEIRCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. PEIRCE. I call up from the House Calendar the bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia.

The bill was read as follows:

Whereas it is represented to this present Congress that the Washington City and Point Lookout Railroad Company, organized on the 24th day of February, 1872, under the provisions of an act of the General Assembly of the State of Maryland entitled "An act to provide for the creation and regulation of incorporated companies in the State of Maryland," approved April 4, 1870, desires to extend its railroad into and within the District of Columbia: Therefore,

Be it enacted, &c., That the Washington City and Point Lookout Railroad Company shall be, and it is hereby, authorized and empowered to extend its railroad into and within the District of Columbia to a point on the Eastern Branch of the Potomac River known as Poplar Point; thence across said Eastern Branch, with a suitable draw-bridge acceptable to the Secretary of the Navy, to, at, or near where the canal empties into the said Eastern Branch; thence along said canal and its former bed to its intersection with B street southwest. The said Washington City and Point Lookout Railroad Company is hereby authorized to exercise the same powers, rights, and privileges, and be subject to the same restrictions in the extension and construction of its said railroad into and within the said District as may be now exercised by railroad companies organized under the general laws now in force for the incorporation of railroad companies in the District of Columbia; and the Washington City and Point Lookout Railroad Company shall have power to construct a railroad within the said District only along the route and to the terminal point hereinbefore indicated: *Provided*, That in the condemnation of the route along the line of the canal the amount of damages awarded shall not be less than the actual cost of filling up so much of the old canal as may be condemned and taken by said company; and the amount realized from the condemnation of said route shall be paid into the Treasury of the United States to the credit of the District of Columbia.

SEC. 2. That whenever the said company, in the construction of its railroad within the said District as authorized by this act, shall find it necessary to cross or intersect the track of any other railroad, it shall be the duty of said company so to construct the said railroad across such other railroad as to cross above or below the grade of said road; but nothing herein contained shall be so construed as to authorize the said company to enter upon and take any lot or square, or part thereof, owned by the United States or the District of Columbia, within the limits of the District of Columbia, for the purpose of locating or constructing the said railroad, or for the purpose of excavating the same or taking therefrom any materials, or for any other purposes and uses whatsoever, and the said Washington City and Point Lookout Railroad Company may connect within said District with any railroad or canal company chartered or hereafter to be chartered, by such route or routes within said District as have been or as may be hereafter determined by Congress, and upon such terms as may be agreed upon by the said companies respectively, or as may be prescribed by act of Congress.

SEC. 3. That the said Washington City and Point Lookout Railroad Company may charge and receive for tolls and transportation of freights on the part of said railroad within the District of Columbia the same rate that it shall charge and receive therefor on the part of said road without the said District; and the same rate of passenger fare may be established for distances along said road within the said District as shall be established for like distances along said road without the said District; but the right is hereby reserved to regulate the rates of transportation of freight and passengers upon said road by action of Congress.

SEC. 4. That unless the said company shall commence the construction of said railroad within one year, and shall complete the same, with at least one track, within two years from the passage of this act, then this act and all rights and privileges hereby granted shall cease and determine.

SEC. 5. That said railroad company shall not take possession of and occupy the route described in the first section of this act until the Engineer Commissioner of the District of Columbia shall examine said route and ascertain whether the sewer constructed under the said route will be in any way injured or endangered thereby; and if, in his opinion, the construction of a railroad will injure or endanger said sewer, then the grant of said route in said first section contained is hereby annulled. And in case said route is approved, before said railroad company shall proceed to construct its said road within the limits of the District of Columbia it shall have constructed at least fifty miles of its railroad within the State of Maryland.

SEC. 6. That said Washington City and Point Lookout Railroad Company shall, whenever Congress shall provide for the establishment of a union depot in the city of Washington, join with the other railroad companies, upon such terms as Congress may prescribe, for the erection and occupancy of such union depot, and shall lay its tracks in such way and over such streets, highways, and avenues in said District of Columbia as may be required by law.

SEC. 7. That the said Washington City and Point Lookout Railroad Company shall be liable for all damages that may accrue to property along the line of its road within the District of Columbia; and nothing in this act shall be construed to exempt said Washington City and Point Lookout Railroad Company from liability to all damages which may accrue to private property by reason of the location of its said road upon the route set out in this act or elsewhere in the District of Columbia.

SEC. 8. That the rights herein granted and the powers hereby conferred shall not be sold, assigned, granted, or in any wise conveyed to any other corporation or to any person or association of persons without consent of Congress; and any attempt to do so upon the part of said Washington City and Point Lookout Railroad Company shall operate as a forfeiture of all the rights and powers upon said railroad company hereby conferred.

SEC. 9. That Congress may at any time alter, amend, or repeal this act.

Mr. HOBLITZELL. I hold in my hand a communication from the District commissioners, which I desire to have read, and after the reading I propose to put a question to the gentleman in charge of the bill.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, March 16, 1882.

SIR: In reply to the letter of the committee dated March 9, transmitting House resolution No. 4760, "to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," the commissioners have the honor to report that they have heretofore recommended the granting of a charter to the Southern Maryland Railroad to enter the district and to connect with the Metropolitan branch of the Baltimore and Ohio Railroad.

The Southern Maryland Road is already partly constructed and is now being operated. The present bill proposes to grant a charter over practically the same line, the part within the city excepted, to a company which has no completed road and in regard to whose standing and responsibility the commissioners are not informed.

The commissioners are of the opinion that the charter should not be granted.

The bill is herewith returned.

By order of the board.

Very respectfully,

J. DENT, *President.*

Official copy:

WILLIAM TINDALL, *Secretary.*

Hon. H. S. NEAL,
Chairman Committee for the District Columbia,
House of Representatives, United States.

Mr. HOBLITZELL. Mr. Speaker, as the passage of this bill practically locates a new line upon a route already laid out by the Southern Maryland Railroad Company, and as the District commissioners in the letter written by them in response to inquiries of the chairman of the committee state their opposition to this bill, I desire to ask what special reasons there are for its passage?

Mr. PEIRCE. There were pending before the District Committee this bill and the bill to incorporate the Southern Maryland Railroad Company. The two roads do not, as stated in the letter of the commissioners, go over substantially the same line; they will be, however, when completed competing roads. The committee thought that as these two companies wish to build roads between the designated points it would be perfectly fair and proper to give them both the chance to do so. For that reason the committee has reported favorably both bills. That with reference to the Southern Maryland Railroad passed the House some time ago. This other bill now comes up for passage.

Mr. HOBLITZELL. But the gentleman could have informed himself of the fact (if he did not know it) that the Southern Maryland Railroad is partially constructed and in operation; and in regard to this other road the commissioners, as they declare in their communication, have no information as to what it has done or proposes to do. This looks to me very much like a competing line put upon paper for some purpose which we can only imagine until we see the effects of the measure.

Mr. PEIRCE. The commissioners say that they have no information in regard to this road; but as a matter of fact some forty or fifty miles of the road are now ready for the iron, and were so at the time the commissioners sent in this communication.

Mr. RANDALL. Mr. Speaker, I have no objection to authorizing the construction of railroads wherever capitalists, other than the Government, can be induced to build them. But I notice that in this bill one of the points fixed on this side of the Anacostia is where the canal emptied into the river; and it is provided that the road shall

follow the line of the canal. The canal has been filled up or nearly so, and if this railroad is to occupy that line it seems to me only equity it should reimburse to the Government of the United States the expense which it has been at to fill up the canal.

Mr. NEAL. That is what the bill does.

Mr. RANDALL. I could not tell from the reading of it that such provision was made.

Mr. KENNA. It is precisely that.

Mr. NEAL. I wish to say in reply to the gentleman from Maryland, that these rights do not accrue until they have constructed fifty miles of road. Moreover, the Southern Maryland comes in on one side of the city, connecting with the Metropolitan branch of the Baltimore and Ohio Railroad, while this railroad comes in on the other side. It seems to me nothing more than just we should give to one the same advantage we accord to the other.

Mr. KENNA. There is a provision in the bill that the damage to be assessed shall not be less in any instance than the cost to the Government of filling the canal.

Mr. RANDALL. I am glad to know the bill contains just such a provision.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEIRCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF DISTRICT LAWS.

Mr. URNER. I have been directed by the Committee on the District of Columbia to move that the House Calendar be discharged from the further consideration of the bill (H. R. No. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia, and to move that it be put on its passage.

The Clerk read as follows:

Be it enacted, &c., That section 534 of the Revised Statutes of the United States relating to the District of Columbia be, and is hereby, amended so as to read as follows:

"SEC. 534. Such society or congregation may assume a name, and any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed, may be elected or appointed according to the rules or discipline governing the church or denomination to which said society or congregation may belong."

That section 536 be, and is hereby, amended so as to read as follows:

"SEC. 536. The trustees shall hold office during the period stated in their certificates, and vacancies in the office of trustee may be filled by election or appointment as provided in section 534; and rules and regulations may be adopted in relation to the management of the estate and the duties of trustees, or for their removal from office, in accordance with the rules or discipline governing the church or denomination to which such society or congregation may belong, not inconsistent with the Constitution of the United States and the laws in force in the District."

That section 537 be, and is hereby, amended so as to read as follows:

"SEC. 537. At the expiration of the term of service of any of the trustees, one or more successors may be elected or appointed as provided in section 534, and a certificate of their appointment or election shall be made, verified, filed, and recorded as provided in section 535."

That section 541 be, and is hereby, amended so as to read as follows:

"SEC. 541. The trustees shall have power, under the direction of the society or congregation or the authority by whom they were elected or appointed, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations, and bequests shall be appropriated and used as directed by the person making the same."

That section 542 be, and is hereby, amended so as to read as follows:

"SEC. 542. The trustees shall have power, under the direction of the society or congregation, or the authority by whom they were elected or appointed, to execute mortgages, or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold, or to lease the same for a term not exceeding ten years. And such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KELLEY. I move to dispense with the morning hour for the call of committees for reports.

Mr. NEAL. The time has passed when we agreed to yield the floor to the gentleman from Pennsylvania.

The SPEAKER. Does the gentleman wish to call up any further business of the District of Columbia?

Mr. NEAL. I do not.

Mr. KELLEY. And I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to, two-thirds voting in favor thereof.

INTERNAL-REVENUE TAXATION.

Mr. KELLEY. I now move that the House resolve itself into Committee of the Whole on the state of the Union, to resume the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CAMP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The pending amendment offered by the gentleman from Kentucky, [Mr. WILLIS,] is as follows:

Add to section 2 the following:

"*Provided*, That the Secretary of the Treasury, from and after the 1st of January, 1883, shall grant permission to any firm, individual or corporation to withdraw from bond alcohol or any spirits containing alcohol and subject to internal-revenue tax, in specific quantities of not less than 350 proof-gallons, without the payment of the internal-revenue tax on the same or on the spirits from which it may have been distilled, for the sole purpose of use in industrial pursuits, under such rules and regulations as the Commissioner of Internal Revenue may prescribe, with the approval of the Secretary of the Treasury."

The CHAIRMAN. When the committee rose against that amendment the point of order was raised that it affected the general system of collection of revenue, internal and from customs.

Mr. HEWITT, of New York. When the gentleman from Kentucky [Mr. WILLIS] left the House he stated that he was going to Fortress Monroe to attend a sick child. He asked me to attend to this point of order. I understand the gentleman from Pennsylvania to make the point of order that it affects the general system of collection of revenue, internal and from customs. Of course any amendment to this bill which affects the internal revenue is in order.

Now, so far as it incidentally affects the revenue from customs, it is merely because there is a duty on foreign alcohol imported through the custom-house. I cannot see, therefore, that it is subject to the point of order in that respect.

Again, as to its being the substance of a bill pending in the House, which would make it amenable to the point of order. The gentleman from Pennsylvania has kindly given me the number of the bill to which he referred, that is, House bill No. 5082, "to authorize the withdrawal from distillery warehouse, without tax, of alcohol and other spirits to be used in industrial pursuits," which I understand to be a bill he thinks covers this case. Now, that bill on an examination will be found to provide for the withdrawal from bond of methylated spirits. That is absolutely a different preparation of alcohol, used in the manufactures in that form, from that covered by the pending amendment. It is therefore a substantially different bill. If the gentleman from Pennsylvania holds that because alcohol forms a part of methylated spirits it makes the amendment subject to the point of order, then every article in which alcohol enters as an ingredient might be objected to in any provision regulating the internal revenues. Until the gentleman, therefore, shows some more adequate ground for his objection, or more intimate communication than I am able to perceive between this bill and the pending amendment, I do not think his point of order is well taken and will not be sustained by the Chair.

Mr. KELLEY. I submit to the consideration of the Chair, without argument, the bill (H. R. No. 5082) to which the gentleman from New York has referred, in support of my point of order, with simply this suggestion: that alcohol may be taken out of bond under that provision, whether it be in bond in the custom-house or in bonded warehouses under the internal-revenue laws.

Mr. CARLISLE. Before the Chair passes upon the question I desire to submit one or two suggestions to him, but am willing that the Chair shall examine the bill before I proceed.

The CHAIRMAN. The Chair has already examined the bill referred to.

Mr. CARLISLE. My colleague is unable to be present for the reasons already stated by the gentleman from New York; but I received a request from him that I would give some consideration to this amendment. I desire therefore to call the attention of the Chair and the gentleman from Pennsylvania to the fact that he is entirely mistaken in supposing the amendment now pending would affect in any manner whatever imported alcohol or spirits. The amendment provides that the Secretary of the Treasury—

From and after the 1st of January, 1883, shall grant permission to any firm, individual, or corporation to withdraw from bond alcohol, or any spirits containing alcohol, and subject to internal-revenue taxes on the same, in specific quantities of not less than 350 proof-gallons without the payment of the internal-revenue tax, &c.

Mr. BUTTERWORTH. Will the gentleman now state the substance of the Willis bill?

Mr. CARLISLE. In a moment. It will be observed, Mr. Chairman, therefore, that it is confined exclusively to alcohol and spirits containing alcohol in bond and subject to internal-revenue tax. The customs duty upon imported alcohol and spirits distilled from grain or other material is $2 per gallon, and was intended to be, of course, sufficiently large to cover the amount of the internal-revenue tax imposed upon the domestic product. But that spirit pays no internal-revenue tax.

The other ground upon which the gentleman from Pennsylvania bases his point of order is that this amendment is in substance the same as the provisions contained in House bill No. 5082. The Chair having already announced that he has examined the bill and the amendment, it will not be necessary of course to hear it again. The bill contains several provisions not contained in the amendment. For instance, it provides that before any such spirits shall be withdrawn, if used, without payment of tax, they shall have been first mixed with one-ninth of their bulk in methyl or wood alcohol, of equal proof strength, and so forth. And then it proceeds to provide for imposing various penalties upon persons who shall offend against the law, whereas the amendment pending is a simple proposition to

confer authority upon the Secretary of the Treasury, under such rules and regulations as he may prescribe, to permit the withdrawal from bond of alcohol or spirits containing alcohol to be used in the arts and manufactures.

It seems to me, therefore, Mr. Chairman, that upon neither ground is the point of order well taken.

Mr. HASKELL. Mr. Chairman, upon the subject as to the point whether the amendment is the substance of a pending bill, I think we might find great light from the remarks which have been made in that connection by the gentleman from Kentucky himself on one occasion when he was in the chair, and which were to the effect that if the amendment to which the point of order was made was of such a character that it accomplished practically the purposes of the bill, so that the original introducer of the bill would find that by virtue of the adoption of the amendment he had no further cause to press or urge his bill, that it then became an amendment containing the substance of another bill, and as such was amenable to the point of order. Now, I submit that the amendment proposed by the gentleman from Kentucky takes the whole heart or pith and necessity out of any such provision pending before the Ways and Means Committee as the Willis bill, and proposes simply to incorporate it here as an amendment. I claim, therefore, that the point of order is well taken.

Mr. HEWITT, of New York. I would like to add one word in reply to the gentleman from Kansas, [Mr. HASKELL.] The gentleman from Pennsylvania, the chairman of the Committee on Ways and Means, on Saturday called the attention of the House to the fact that alcohol which had not been methylated was in use in a great variety of arts for which methylated alcohol was not used. Therefore, substantially, this must be a different bill from the original bill, which was restricted to methylated spirits; and because the present amendment covers a broader ground than a bill in relation to methylated spirits could have done, it is not substantially the same bill, but is in effect another proposition.

The CHAIRMAN. As regards the first point of order made by the gentleman from Pennsylvania, that the amendment does not relate to the same subject as the bill, the Chair is compelled to place upon the amendment the same construction as is placed upon it by the gentleman from Kentucky, [Mr. CARLISLE,] namely, that it only refers to internal-revenue taxation. That being so, it seems to the Chair that it does relate to the same subject as the bill.

In reference to the other point of order, that the amendment is in substance the same as the bill which has been produced, the bill No. 5082, the Chair finds that it differs in various respects from that bill. The Chair therefore overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross.

The message also announced that the Senate further insisted on its disagreement to the amendment of the House to the bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRIS, Mr. INGALLS, and Mr. GORMAN as the conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes.

INTERNAL-REVENUE TAXATION.

The Committee of the Whole resumed its session.

Mr. KELLEY. I desire to oppose the amendment on its merits. The gentleman from Kentucky [Mr. WILLIS] who submits this amendment appeared before the Committee on Ways and Means on more than one occasion on this bill. The Commissioner of Internal Revenue was also heard at length and has furnished us with a statement, which I shall have printed with my remarks,* of the amount of alcohol used in the arts and manufactures during the year ended April

* The following is the statement referred to with the accompanying letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 22, 1882.

SIR: At the request of the honorable Ways and Means Committee of the House of Representatives I caused the collectors of internal revenue to make inquiry in their respective districts of manufacturers and others supposed to use alcohol for mechanical, chemical, and scientific purposes as to the quantity of alcohol used in the arts and manufactures during the year ended April 1, 1882; also an estimate of the quantity which would have been used during the year if the tax had been at the rate of 50 cents per gallon, and an estimate of the quantity that would have been so used if there had been no tax on such alcohol.

I now have the honor of transmitting that information, to be forwarded to said committee.

The quantity actually reported by collectors, as shown by the accompanying tabular statement, is as follows:

	Gallons.
At 90 cents per gallon, (actual)	4,269,978
At 50 cents per gallon, would be, (estimate)	5,397,224
Free of tax, would be, (estimate)	7,367,594

From these reports an estimate has been made for the districts not heard from, making the quantity used in the arts and manufactures in the United States for the year ended April 1, 1882, as follows:

	Gallons.
At 90 cents per gallon, (actual)	4,675,301
At 50 cents per gallon, would be, (estimate)	5,910,051
Free of tax, would be, (estimate)	8,088,252

Where the collector has furnished a statement of the kinds of manufactures, &c., in which the alcohol has been used a brief summary of such statement has been entered in an appropriate column in the accompanying statement.

Respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. CHARLES J. FOLGER, *Secretary of the Treasury.*

Statement by districts, and in proof-gallons, of the quantity of alcohol used in the arts and manufactures during the year ended April 1, 1882; also the quantity estimated which would have been used in case the tax were 50 cents per gallon, and in case there were no tax.

District and State.	Quantity used and estimated.			By whom used.
	Actually used.	Estimates.		
		At 50 cts. tax.	At no tax.	
1. Alabama	4,900	7,994	13,235	Chemists, druggists, photographers.
2. Alabama	10,000	15,000	20,000	Not stated.
Arizona	1,308	1,308	1,308	Apothecaries, photographers, painters.
Arkansas	200	200	200	Not stated.
4. California	5,000	5,000	5,000	Central Pacific Railroad Company and others.
1. Connecticut	16,800	21,000	33,600	Not stated.
2. Connecticut	75,369	111,953	198,026	Not stated.
Colorado	7,832	9,148	13,045	Druggists and manufacturing chemists.
Dakota	4,000	4,000	4,000	Not stated.
Delaware	6,260	7,512	8,138	Not stated.
Florida				None, except small quantity by druggists.
2. Georgia	9,362	14,418	22,425	Druggists.
3. Georgia	43,350	43,350	54,187	Druggists, photographers, tobacco manufacturers.
Idaho	400	400	400	Druggists.
1. Illinois	41,917	43,777	46,730	Chemists, druggists; varnish, tobacco, white lead, and hat manufacturers, and photographers.
2. Illinois	16,500	16,500	16,500	Not stated.
4. Illinois	21,757	22,241	23,341	Not stated.
5. Illinois	5,000	5,500	5,500	Not stated.
7. Illinois	20,000	20,000	20,000	Not stated.
8. Illinois	13,812	15,867	18,032	Not stated.
13. Illinois	6,000	6,000	6,000	Not stated.
1. Indiana	15,511	21,472	40,358	70 per cent. by druggists in making tinctures; balance by manufacturers of furniture, machinery, photographs, and hats.
4. Indiana	4,000	4,000	4,000	Not stated.
6. Indiana	50,000	62,500	75,000	Not stated.
7. Indiana	16,948	20,116	22,538	Not stated.
10. Indiana	39,067	44,269	48,160	Railroads, machinists, brass founders, carriage manufacturers, druggists, photographers, perfumers, chemists, plumbers.
11. Indiana	12,500	12,500	12,500	Not stated.
2. Iowa	10,000	10,000	10,000	Druggists, photographers, and manufacturers of paints, oils, and flavoring extracts, &c.
3. Iowa	119,304	149,594	191,978	Four wholesale and 291 retail druggists and 180 photographers.
4. Iowa	30,000	30,000	30,000	Not stated.

1, 1882; also the quantity estimated which would have been used in case the tax were 50 cents per gallon and in case there were no tax.

This statement shows there is a very large amount of alcohol that enters into the arts at this time.

Statement by districts, and in proof-gallons, of the quantity of alcohol used in the arts and manufactures, &c.—Continued.

District and State.	Quantity used and estimated.			By whom used.
	Actually used.	Estimates.		
		At 50 cts. tax.	At no tax	
5. Iowa	6,170	6,170	6,170	Ninety druggists.
Kansas	12,000	12,000	12,000	Druggists.
2. Kentucky	.....	.....	.....	None.
5. Kentucky	25,000	30,000	75,000	Fifty leading business men.
6. Kentucky	2,000	2,000	2,000	Mostly by druggists in quantity, and by tobacco manufacturers trifling.
7. Kentucky	3,320	3,320	3,320	Eighty-three "places," principally druggists.
8. Kentucky	.....	.....	.....	None.
9. Kentucky	2,000	2,000	2,000	Druggists and others.
Louisiana	58,500	62,450	308,450	Druggists, perfumers, photographers, and tobacco manufacturers.
Maine	130,000	130,300	131,800	Druggists and 1 varnish manufacturer.
3. Maryland	169,890	226,520	339,780	Druggists and others.
4. Maryland	3,328	4,363	5,956	Druggists and others.
3. Massachusetts	732,600	769,230	805,860	Not stated.
5. Massachusetts	250,000	275,000	400,000	Tobacco manufacturers, chemists, druggists, photographers, &c.
10. Massachusetts	104,350	104,550	106,350	Not stated.
1. Michigan	113,245	150,993	198,178	Manufacturing chemists principally.
3. Michigan	7,000	7,000	7,000	Not stated.
4. Michigan	10,000	10,000	10,000	Not stated.
6. Michigan	35,000	38,500	46,667	No large manufacturers using alcohol.
1. Minnesota	11,280	11,280	11,280	Retail druggists and photographers.
2. Minnesota	13,190	17,000	25,000	Not stated.
1. Missouri	217,100	352,600	628,100	Chemists, druggists, photographers; tobacco, vinegar, paints, hats, flavoring extracts.
2. Missouri	4,000	4,000	4,000	Not stated.
4. Missouri	2,072	2,400	2,850	Not stated.
5. Missouri	10,892	11,852	12,562	Druggists, photographers, tobacco manufacturers.
6. Missouri	14,800	14,920	18,870	Not stated.
Montana	1,500	1,500	1,500	Druggists and photographers.
Nebraska	1,500	1,500	1,500	Not stated.
New Hampshire	67,500	67,500	67,500	About 6,500 gallons by painters, photographers, and manufacturers—balance by druggists.
Nevada	1,500	1,500	1,500	Not stated.
1. New Jersey	1,000	1,000	1,000	Not stated.
3. New Jersey	4,500	4,500	4,500	Druggists, photographers, &c.
5. New Jersey	83,667	312,443	396,977	Not stated.
New Mexico	1,600	1,700	2,000	Not stated.
1. New York	137,240	149,840	184,000	Chemists, druggists, hatters, photographers, tobacco, picture-frame-varnish manufacturers.
2. New York	365,000	356,000	494,000	Not stated
3. New York	55,422	55,422	83,133	Druggist and varnish manufacturers.
11. New York	35,229	44,036	52,843	Not stated.
12. New York	28,000	36,000	50,000	Not stated.
14. New York	135,000	200,000	275,000	Not stated.
15. New York	6,000	6,000	6,000	Druggists; no large manufacturers.
21. New York	4,500	5,000	5,000	Not stated.
24. New York	6,064	7,544	14,044	Not stated.
26. New York	1,800	1,800	1,800	Not stated.
28. New York	70,000	85,000	100,000	Patent medicine and perfumery manufacturers, and small lots by hatters, tobacco manufacturers, photographers, &c.
30. New York	37,104	45,598	125,000	Manufacturers of medicines, vinegar, &c.
2. North Carolina	2,310	2,425	2,772	Not stated.
4. North Carolina	3,790	4,737	7,580	Not stated.
5. North Carolina	350	350	700	Not stated.
1. Ohio	73,297	118,241	247,978	Tobacco manufacturers, photographers, manufacturing chemists, druggists, hat manufacturers, varnish manufacturers, furniture, picture frames, &c.
3. Ohio	10,405	13,960	20,720	Not stated.
4. Ohio	11,281	11,847	15,290	Druggists and manufacturers.
6. Ohio	2,818	2,818	2,828	Druggists and one paint factory.
7. Ohio	8,840	8,840	8,840	Not stated.
10. Ohio	6,000	8,000	10,000	Not stated.
15. Ohio	5,000	5,000	10,000	Not stated.
18. Ohio	65,135	195,609	280,544	Not stated.
1. Pennsylvania	150,000	195,000	195,000	Manufacturing chemists, white lead manufacturers, druggists, &c. Druggists and chemists 30,000, hat manufacturers.
8. Pennsylvania	35,000	35,000	52,500	Photographers, machinists, plumbers.
9. Pennsylvania	8,000	8,000	10,000	Druggists, photographers, varnish manufacturers.
12. Pennsylvania	19,454	26,003	35,897	Not stated.
14. Pennsylvania	7,083	8,000	10,000	Not stated.
16. Pennsylvania	7,774	8,551	8,551	Not stated.
19. Pennsylvania	15,500	15,500	15,500	Druggists, perfumers, &c.
20. Pennsylvania	23,200	23,200	23,200	Druggists, artists, &c.
22. Pennsylvania	260	260	260	One tobacco manufacturer.
Rhode Island	150,000	150,000	150,000	Not stated.
South Carolina	450	450	450	Not stated.
2. Tennessee	15,000	15,000	15,000	Not stated.
5. Tennessee	19,625	30,000	100,000	Not stated.
8. Tennessee	13,000	17,000	20,000	Not stated.
1. Texas	5,000	5,000	5,000	Not stated.
3. Texas	200	200	200	Hatters and photographers.
4. Texas	8,351	8,351	8,351	One hundred and sixty-five druggists and photographers.
Utah	8,000	8,000	8,000	Photographers and druggists.
Vermont	19,306	19,306	19,306	Not stated.
2. Virginia	7,622	10,000	14,000	Not stated.
3. Virginia	14,120	14,120	17,650	Druggists and photographers, besides tobacco and cigar manufacturers used 13,400 rum and rectified spirits.
4. Virginia	600	600	700	Not stated.
5. Virginia	2,800	4,200	5,000	Not stated.
6. Virginia	3,117	4,026	4,601	Not stated.
1. West Virginia	11,000	11,000	11,000	Druggists, 10,000; others, 1,000.
2. West Virginia	3,500	3,500	4,375	Not stated.
1. Wisconsin	2,000	2,000	2,000	Wholesale druggists and others.
2. Wisconsin	20,580	20,580	21,080	Druggists and perfumers.
3. Wisconsin	9,250	12,100	15,300	Not stated.
6. Wisconsin	10,000	10,000	10,000	Manufacturing chemists, druggists, tobacco manufacturers, &c.
Wyoming	2,000	2,500	2,750	Druggists and photographers.
Total	4,269,978	5,397,224	7,367,594	

When the mover of the amendment prepared the bills on which discussion was had in the committee he saw as clearly as did the Commissioner that to pass such a law without peculiar guards and restraints and penalties would be to open the door to much fraud upon the revenue and fraud upon honest dealers who had adhered to the provisions of the law. Accordingly, in his bill of March 13, he provided:

That any person who shall sell, use, or willfully permit the use of spirits withdrawn under this act for any other purpose than that specified herein shall, for each offense, be fined not less than $500 nor more than $5,000, and be imprisoned for not less than six months nor more than two years.

And he provided further:

That any violation of the rules and regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in conformity with this act, shall be punished by a fine of not less than $50 nor more than $100 for each offense.

In his other bill the provisions of restraint and punishment were enlarged and were more serious. It prescribed the circumstances under which and the form in which applications should be made, and required the party making such application to—

File a bond for double the amount of the tax on the alcohol or spirits to be withdrawn, with two good and sufficient sureties, to be approved by the collector, &c.

Now, sir, the Commissioner was afraid that, with all these restraints, with all these punitive provisions, the passage of such a provision would open a wide door to fraud, both upon the revenues and upon honest dealers. The gentleman, as I say, recognized this himself, and sought to provide for it in the bill. Yet now the provision has to be put into this bill without any guards or restraints other than that it shall be done under regulations to be provided by the Secretary of the Treasury. There is no provision for punishing the violations of those rules such as was embodied in the gentleman's bill; there is no penalty for other violations; no penalty for using the spirits thus withdrawn for purposes other than those for which they were nominally withdrawn. It would be opening the door to a flood of fraud; and I ask the gentleman, if such a provision is to be put into our internal-revenue laws, it shall be put in with deliberation and with proper restraints and penal provisions, such as the gentleman himself indorsed when he prepared these bills containing them.

[Here the hammer fell.]

Mr. HEWITT, of New York, rose.

Mr. HISCOCK. I desire to ask the gentleman from Pennsylvania [Mr. KELLEY] a question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HISCOCK. It is a question which perhaps my colleague [Mr. HEWITT] can answer. I desire to inquire what the effect of this amendment if adopted would be upon the revenue; how much it would reduce the revenue?

Mr. HEWITT, of New York. About three and a half millions, as near as can be estimated.

Mr. KELLEY. I would like to say, before the gentleman from New York [Mr. HEWITT] proceeds, that the best posted men who appeared before our committee failed utterly to give any estimate of what effect such a provision as this would have; not one of them was willing to stake his reputation on any estimate.

Mr. HISCOCK. I would like to inquire whether any one could give the maximum limit?

Mr. HEWITT, of New York. No one has estimated that it would decrease the revenue more than three and a half millions. But the larger the amount of revenue repealed by this provision the more important it is that the provision should be adopted, because it would go to show the extent to which alcohol is used and required in the arts.

According to my observation there is no one article embraced within the tariff or internal-revenue system which is of such universal application in the arts as alcohol. My friend from Pennsylvania [Mr. KELLEY] very properly said that it was nature's great solvent. Solvent of what? Solvent of the materials which enter into the great chemical industries of this country. And if those industries are to thrive, if they are to be able to enter into competition with similar foreign industries, this barrier must be removed.

The gentleman from Pennsylvania is my witness that there is no one article entering into American manufactures for which relief is so much demanded as the article of alcohol as used in the arts. He has told us that in 1868 he began the attempt to remove this duty. I have read a very able speech of his on the subject in 1872. And in reply to some remarks which I made upon the tariff he again, at great length, advocated the importance of relieving this article from internal-revenue taxation in order that the arts into which it entered might flourish. The gentleman now says that proper safeguards have not been provided by this amendment. I propose to offer an amendment to the amendment, which I will send to the Clerk's desk to be read, which will provide those safeguards. I desire to call the attention of gentlemen to the fact that already in two instances in the legislation of this country it is made possible to withdraw from bond alcohol free; first, where it enters into the preparation of cosmetics and other perfumery articles for exportation; and second, for the use of scientific institutions that may have occasion to use alcohol in their chemical experiments.

Now, if this withdrawal of alcohol from bond free of duty can be carried on, and is carried on now on a small scale, without danger to the revenue, surely the great Treasury Department, which has been adequate to collecting hundreds of millions of revenue and of funding thousands of millions of dollars, and is able to protect itself in the most remote corners of the country, can make such regulations as will relieve this needed article from the imposition which now interferes with many of the largest and most important industries of the country.

[Here the hammer fell.]

Mr. HISCOCK. I desire to ask a single question.

The CHAIRMAN. The time of the gentleman from New York [Mr. HEWITT] has expired.

Mr. HISCOCK. I notice in the amendment that it provides for withdrawing from bond "alcohol or any spirits containing alcohol." What is meant by "any spirits containing alcohol?"

Mr. HEWITT, of New York. I suppose it means only distilled spirits.

Mr. CARLISLE. That is what is meant.

Mr. HEWITT, of New York. I do not suppose it can have any other construction.

Mr. CARLISLE. Wines do not go into bonded warehouses.

Mr. HEWITT, of New York. I ask that my amendment be read.

The Clerk read as follows:

And provided further, That any person who shall sell, use, or willfully permit the use of spirits withdrawn under this act for any other purpose than that specified therein shall for each offense be fined not less than $500 nor more than $5,000, and be imprisoned for not less than six months nor more than two years: *And provided further*, That any violation of the rules and regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in conformity with this act, shall be punished by a fine of not less than $50 nor more than $100 for each offense.

Mr. HASKELL rose.

Mr. VALENTINE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VALENTINE. I understand that this is the rest of the bill, which the gentleman from Kentucky [Mr. WILLIS] failed to offer at first.

Mr. HEWITT, of New York. On the contrary, it is a penalty attached to a provision which has been ruled to be in order. I can offer a penalty to any provision whatever which is in order. The subject-matter of the amendment is still different from that of the bill referred to by the gentleman.

The CHAIRMAN. The Chair still thinks that this is not in substance the same as the bill referred to, although it is an additional portion of that bill.

Mr. HASKELL. This whole subject was up before the Committee on Ways and Means and was discussed exhaustively and thoroughly. For a wonder it was a proposition against which there was not a single objection made by any member of the committee that I now remember; that is, the principle of the proposition. The general idea of taking off the internal-revenue tax from alcohol to the extent that alcohol is used in the arts and sciences was not combated by a single member of the committee. Every member of the committee desired that it should be done.

But when we came to consider the bill, which is only imperfectly represented by the amendment of the gentleman from New York, a majority of the committee upon consultation with the Commissioner of Internal Revenue, feared that the bill was not sufficiently guarded, was not drawn with sufficient care; nor were the committee prepared to draft a provision which in their judgment could be adopted by the House with safety. It is easy enough to say, Mr. Chairman, that this alcohol shall be withdrawn under such rules and regulations as the Secretary of the Treasury may prescribe. But the Secretary of the Treasury cannot make law; he cannot prescribe rules which shall go to the apprehension of men who violate the law. The rules which the Secretary of the Treasury might make under the provisions of this amendment would be lame and impotent. This amendment cannot give to the Secretary of the Treasury plenary authority to legislate on the subject of free alcohol, so as to impose restrictions and penalties to be effective in the form of law.

One word in regard to the proposition to allow alcohol to be used in the arts without the payment of tax, after it has been methylated; that is, after it has been mixed with wood alcohol to such an extent as to be utterly useless except in the arts. This process has been known in England for twenty years, but only a year or two ago there was discovered a process by which the methylated alcohol could be purified. This being the fact, the committee were afraid to report a provision sanctioning the free use of methylated alcohol.

I hope that the Committee of the Whole will not adopt as an amendment to this bill a proposition which embodies a very valuable idea, but which, clothed in the phraseology of the gentleman from New York, fails utterly to protect the Treasury against imposition and fraud. [Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, I am in hearty sympathy with the objects of this amendment, and, as the chairman of the committee knows, urged the committee to report in favor of the bill of the gentleman from Kentucky, [Mr. WILLIS.] That measure provided suitable safeguards to protect the revenue. This amendment does not do so.

I do not agree with my friend from Kansas [Mr. HASKELL] that there is any danger from the use of methylated alcohol in the arts

and industrial pursuits. I deny that wood alcohol can be separated from the grain alcohol so as to use the latter in the compounding of beverages.

Within ten days experiments have been made at the Smithsonian Institution, upon my suggestion, in compounding wood alcohol (which is known as the skunk of chemistry) with grain alcohol. I have the result of the experiments at my room, together with bottles containing the preparations. The chemist who has made these experiments reports that it is practically impossible to make the separation so as to use the grain alcohol for compounding beverages, because, although the separation can be made, the process is a tedious one, and the grain alcohol, after being separated, has still the scent of the skunk alcohol, together with such a trace of the taste that even a toper would turn up his unæsthetic nose at the smell or taste of it.

I wish to say to my friend from New York that his amendment does not properly provide against frauds; and while I am as much in favor of the object sought as he can be, I am not in favor of adopting an amendment which opens the door to fraud, as this does. If the bill of the gentleman from Kentucky were before us I should favor it most earnestly; but I submit that the Commissioner of Internal Revenue cannot prescribe penalties, cannot make law, or send men to the penitentiary for violating the regulations he may adopt.

Mr. HEWITT, of New York. Would it not be possible under this amendment for the Secretary of the Treasury to require all the alcohol taken out for this purpose to be methylated?

Mr. BUTTERWORTH. I think it would. It is a question, however, how far you could punish men for violating a regulation prescribed by the Commissioner of Internal Revenue. Apart from that, there is abundant opportunity to accomplish this object in a legitimate and proper way; and heartily as I am in favor of the purpose which the amendment seeks, I am not willing to seek that purpose in a manner which the Commissioner of Internal Revenue and the Secretary of the Treasury believe will open the door to fraud. In view of the full examination they have given to this question, I would prefer to rely on their judgment rather than trust to the off-hand judgment of one who has not given the measure the full and careful consideration which it ought to receive.

The question being taken on the amendment of Mr. HEWITT, of New York, to the amendment of Mr. WILLIS, it was not agreed to; there being—ayes 47, noes 89.

The question recurring on the amendment of Mr. WILLIS, there were—ayes 58, noes 89.

Mr. TOWNSHEND, of Illinois, called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. HERBERT. I move to amend by inserting as a new section the provision which I send to the desk.

The Clerk read as follows:

SEC. —. That hereafter the special tax of a dealer in manufactured tobacco shall not be required from any farmer, planter, or lumberman who furnishes such tobacco only as rations or supplies to his laborers or employés in the same manner as other supplies are furnished by him to them: *Provided*, That the aggregate of the supplies of tobacco so by him furnished shall not exceed in quantity one hundred pounds in any one special tax year; that is, from the 1st day of May in any year until the 30th day of April in the next year: *And provided further*, That such farmer, planter, or lumberman shall not be, at the time he is furnishing such supplies, engaged in the general business of selling dry goods, groceries, or other similar supplies in the manner of a merchant or store-keeper to others than his own employés or laborers.

Mr. HERBERT. Mr. Chairman, if I can get the attention of the House for the few moments allotted me, I think I shall be able to show that this amendment ought to pass. It will work no material change in the amount of revenue received. Its simple purpose is to correct the law in a feature now deemed to be harsh and oppressive. This amendment was prepared at my instance by the Commissioner of Internal Revenue, and I have here a letter from him, in which he says:

The subject-matter of this amendment has been many times considered by this office. I am of the opinion that its passage would be judicious.

Its purpose simply is to declare that a farmer or a lumberman who buys tobacco as rations for his hands, just as he buys sugar or coffee or flour, shall not be compelled to take out a license as a dealer in manufactured tobacco, and it provides he shall sell it to no one else except his own employés, and then to an extent of not greater than one hundred pounds a year.

A few years ago Mr. Justice Woods, now upon the Supreme Bench, having to pass sentence on a defendant convicted under this law, deprecated the duty he had to perform and said the law was a harsh law. And such is the opinion, as I have shown you, of the Commissioner of Internal Revenue.

There is no reason why persons who live at a distance from stores, as is frequently the case in the South and as must be the case in sparsely-settled portions of the West, should not be allowed to furnish rations of tobacco as well as other things for the convenience of their laborers or employés.

A laborer ten miles away from a store cannot afford to go there every time he wants a plug of tobacco. The law now compels him to do it, or compels his employer, if he desires to buy a box of tobacco to furnish to his laborers, to take out a license and pay a tax as a special dealer. That tax of course must be reimbursed to the employer, and he can only reimburse himself by collecting it out of the laborers. If he buys but $20 worth of tobacco he must pay $5, or under this bill $2.40 which he must collect, ratably from the few laborers for whose convenience that tobacco is bought.

Mr. Chairman, that tobacco has already paid tax three or four times. The dealer at Lynchburgh or Richmond who first sells must take out his license. The seller in the distributing city of each State takes out a license, and he pays a tax. He sells to a dealer in a country town, who also pays a tax. This law compels the lumberman or farmer, who buys tobacco as I have said by the box, to pay a tax on tobacco which has already paid tax three or four times.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. One word in addition, if the House will indulge me. A great many indictments have been found under this law against persons who did not suppose they were dealers, and had no conception that they ought to take out license as dealers. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. I desire to say, Mr. Chairman, that this is one of the harsh provisions of the internal-revenue law. It is like that which prevents selling leaf tobacco except it is to a licensed dealer in leaf tobacco. It is an inherent part of a system. If we are to collect taxes these restraints are unavoidable, and therefore it is I am anxious to get these laws repealed, to get the tobacco tax repealed at the earliest practicable day through a formal bill, and to put spirits in such shape that the arts can have them, the importance of which cannot be exaggerated.

Mr. HERBERT. The Commissioner who is administering this law does not think it is a necessary part of the law, but that it ought to be remedied.

Mr. KELLEY. I have told my friend I sympathize with him, and if I were acting individually I would be glad to settle it. While it would be convenient to many lumbermen in the wilds and others, it would open a door that could be resorted to by others by which one class of persons while paying no tax would undersell those who met the requirements of the law.

Mr. HERBERT. Let me say the amendment prohibits them from competing with anybody else, as it allows them only to sell to their employés.

Mr. TOWNSHEND, of Illinois. I desire to offer the following amendment to the amendment.

The Clerk read as follows:

At the end of the first paragraph add the following:

"Or to sell to any person not exceeding in any one year the aggregate sum of $100.

Mr. TOWNSHEND, of Illinois. The amendment offered by the gentleman from Alabama will afford no relief to the tobacco growers of my State.

Mr. HERBERT. The gentleman does not seem to understand it. It is not for the purpose of affording relief to tobacco growers, but simply to dealers in manufactured tobacco.

Mr. TOWNSHEND, of Illinois. I wish relief for the farmers of Illinois as well as for the farmers of Alabama, and I wish it amended so as to relieve at the same time the farmers of Illinois.

And I am unable to see how any member can, consciously or consistently, vote against my amendment. We put no restriction upon the right of the farmer to sell any of the products of his soil or of his labor, except his tobacco. I simply ask in this amendment that the farmer shall be permitted to sell at least $100 worth of leaf tobacco without being compelled to hunt up a licensed dealer to find a market. If gentlemen can give a monopoly to licensed dealers for the purchase of the tobacco crops of the country, why may they not go a little further and give a monopoly for the purchase of grain, of the wheat, or corn, or any other product of the soil? And where is the fairness or justice of the law which deprives the farmer, to the extent of $100 at least, of selling to his neighbors or to anybody else tobacco of his own soil or culture?

Mr. HASKELL. I wish to ask the gentleman from Illinois a question, and if he will answer it categorically and satisfactorily I will vote for his amendment.

Mr. TOWNSHEND, of Illinois. I do not propose to allow my five minutes to be consumed by allowing the gentleman to take it up in asking questions.

Mr. HASKELL. I will only ask a single question.

Mr. TOWNSHEND, of Illinois. I decline to yield for a question. I have no time. It is just as plain as that two and two make four that this is but a simple act of justice to allow the farmer who raises tobacco by his own toil, and by the sweat of his brow, the liberty of selling the small quantity to his neighbor which I have incorporated in this amendment.

I live, Mr. Chairman, in a locality where there are few licensed tobacco dealers, and farmers of my district who raise tobacco must go sometimes many miles before he can find a licensed dealer. It is a great injustice to require such a thing. It is a hardship that, when the attention of the House is called to it, it ought to be willing to remedy, and I sincerely hope this committee will extend that small privilege to the producers of tobacco. The amendment proposed by the gentleman from Alabama would be of advantage only to the people of the Southern States. I ask the adoption of this amendment as an act of justice to the people of my section of the country as well.

Mr. HERBERT. My amendment would be of equal advantage to the people of the West as well as the Southern people.

Mr. TOWNSHEND, of Illinois. I ask this simply, I say, as a matter of right and justice.

Mr. HASKELL. Now, will the gentleman from Illinois answer me a question in my own time, and if he will answer it satisfactorily I will vote for his amendment.

Mr. TOWNSHEND, of Illinois. Very well.

Mr. HASKELL. I wish to ask how by that amendment of the honorable gentleman from Illinois the internal-revenue collector is to know whether a man has sold $100 worth of tobacco or $10 worth or $90 worth more than the law allows him to sell?

Mr. TOWNSHEND, of Illinois. I will answer in a word.

Mr. HASKELL. Do it.

Mr. TOWNSHEND, of Illinois. If the internal-revenue officials can now ascertain that he has not sold a pound of tobacco they can just as easily ascertain whether he has sold over $100 worth or not. Under the present law the farmer cannot sell a dime's worth of tobacco except to a licensed dealer. Now, if the internal-revenue officials can determine that he has not sold a dime's worth, then they can just as easily determine whether he has sold $100 worth or not.

Mr. HASKELL. In other words, if you legislate with an "if"——

Mr. TOWNSHEND, of Illinois. It is equally plain and just as readily determined.

Mr. HASKELL. In other words, if we legislate with an "if" and an "if" and an "if" then you may be able to get at the facts. But we are not legislating in that way.

Mr. TOWNSHEND, of Illinois. They can ascertain if they sell tobacco to anybody who is not a licensed dealer.

Mr. HASKELL. Not if the gentleman's amendment is adopted.

Mr. HAMMOND, of Georgia. I move to strike out the last word.

The CHAIRMAN. There is an amendment to the amendment already pending. The question is on the amendment to the amendment suggested by the gentleman from Illinois.

The committee divided; and there were—ayes 35, noes 86.

So the amendment to the amendment was not agreed to.

Mr. HAMMOND, of Georgia. Mr. Chairman, I move to strike out the last word. The gentleman from Pennsylvania says that the principle of this bill is right, and that he greatly sympathizes with the farmers of the South in the hardships under which they labor owing to the operations of the internal-revenue-tax system upon their industries. The sympathy of the gentleman is very creditable to him, but it is not worth one cent to the farmers of the South. He says this thing ought to be done to relieve them, and he would be willing to have it done in a formal bill, but not here. I introduced in this House a bill on the 20th day of last February and had it referred to the committee of which the gentleman is chairman, embracing all of the provisions of this bill so far as relief is concerned, but not going quite so far, to the extent that it did not embrace lumbermen, and which I concede is not perhaps so well guarded as this amendment is. But no action has been taken upon it. The committee present this state of facts: they say we want to do right, but it ought to be done under a formal bill; and yet we have had a bill from the 20th of last February until now which we have not acted upon. They refused to report that bill, and yet when it comes to a vote here they think this ought to be voted down, though right in itself, because it is not in proper form. I hope the committee will adopt the amendment suggested by the gentleman from Alabama; it is right and proper and gives very necessary relief.

Mr. BUTTERWORTH. I desire to offer an amendment which I think will be satisfactory.

Mr. KELLEY. Upon the amendment of the gentleman from Alabama I repeat that the internal tax system——

The CHAIRMAN. The gentleman from Pennsylvania will suspend. The Chair has recognized the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. KELLEY. I am replying on the amendment now pending. The gentleman from Ohio desires to propose another amendment.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. KELLEY. I reiterate that the internal-tax system involves hardships of the most annoying character, hardships inconsistent with our institutions, hardships that destroy the freedom of trade between American citizens. They are unhappily inherent in the internal-tax system. I have resisted the reporting of all bills which would relieve one class of tax-payers at the cost not only of the revenue but of other classes who pay their taxes, and would be in competition with the class which may have found relief.

Mr. BUTTERWORTH. I desire to offer the amendment which I send to the desk, which I think will be satisfactory to my friend from Alabama; not, however, that I would vote for his amendment even with this proviso.

The Clerk read as follows:

Add to the amendment the following:

"*Provided*, That the farmer, planter, or lumberman shall not charge for the tobacco so sold by him under the provisions hereof more than the cost of the same with cost of carriage added."

Mr. HERBERT. I will accept the amendment of the gentleman from Ohio if he will assist me in adding my amendment to the bill.

The CHAIRMAN. Does the gentleman from Alabama accept the amendment of the gentleman from Ohio?

Mr. HERBERT. Yes, sir.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama [Mr. HERBERT] as modified by his accepting the amendment offered by the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. HERBERT. I accept it in good faith.

Mr. BUTTERWORTH. I have no doubt you do.

The question being taken on agreeing to the amendment as modified, there were—ayes 65, noes 77.

Mr. HERBERT. I call for tellers.

Tellers were ordered, and Mr. RUSSELL and Mr. HERBERT were appointed.

The committee again divided. Before the vote reported by the tellers was announced,

The CHAIRMAN. The Chair votes in the negative.

Mr. CASSIDY then passed between the tellers, voting in the affirmative.

The CHAIRMAN. The vote stands 90 to 90, and the amendment is lost.

Mr. HERBERT. The gentleman from Georgia [Mr. BLOUNT] has just passed between the tellers, making one more vote in the affirmative.

The CHAIRMAN. The vote had been announced. The vote of the gentleman from Georgia is too late.

Mr. RANDALL. There is one more vote; the gentleman from Georgia has voted in the affirmative.

The CHAIRMAN. The gentleman from Georgia had not passed between the tellers when the Chair announced the vote.

Mr. RANDALL. The Chair by announcing the vote checked him when he was going through.

Mr. BLOUNT. I was here and was trying to pass between the tellers when the vote was announced. Whether the Chair saw me or not, I was in the act of passing between the tellers when the vote was announced.

Mr. HERBERT. I ask for a recount.

Mr. RANDALL. Oh, no; the amendment is carried. I say the Chair has no right to cut off a vote by making an announcement when a gentleman is in the act of passing between the tellers.

The CHAIRMAN. The Chair hopes, as there was some confusion, that there will be a recount. The Chair, when it made the announcement of the vote, understood that all gentlemen desiring to vote had done so.

Mr. RANDALL. I stated to the Chair there was another vote coming.

The CHAIRMAN. The Chair waited for some time to see if any other gentleman wanted to pass between the tellers, and then announced the result. But as the gentleman states that he desired to vote, and was about passing between the tellers when the result of the vote was announced, the Chair requests the tellers to make a recount, and the Chair desires to repeat what it stated the other day, that, in the first place, gentlemen who desire to vote in the affirmative will pass through between the tellers when requested to do so, and not until requested; then those in the negative, but not till those desiring to vote in the negative are requested to pass through. The Chair will then again request that any other gentlemen desiring to vote in the affirmative shall pass through; and the Chair will then further request that the negative vote shall pass through.

Mr. RANDALL. Gentlemen, whether they come or not when requested, have the right to pass between the tellers until the vote is announced.

The CHAIRMAN. Undoubtedly; but the announcement by the Chair had been made before the last vote, that of the gentleman from Georgia, was announced by the tellers.

The committee again divided; and the tellers reported—ayes 94, noes 98.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

INTERNAL-REVENUE TAXATION.

The Committee of the Whole resumed its session.

Mr. DIBRELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add as a new section the following:

"SEC. —. That from and after the passage of this act, farmers and others producing leaf tobacco, or persons receiving leaf tobacco for rent, may sell and dispose of such leaf tobacco to consumers and others upon the premises where raised or where received for rent to the value of $120 without the payment of any tax whatever; and all laws or parts of laws in conflict with this section are hereby repealed."

Mr. KELLEY. I make the point of order on the amendment that that matter has been disposed of already.

The CHAIRMAN. The gentleman from Pennsylvania makes the

point of order that the amendment is in substance the same as an amendment already voted on.

Mr. DIBRELL. On the point of order I desire to say that no such amendment has been offered. This requires farmers to sell on the premises and allows them to sell $120 worth. There has been no such amendment offered. It is for the benefit of sections of the country where there is no licensed dealer. In large sections of the country there are no licensed dealers and the farmers who raise such large crops of tobacco are prohibited at present from selling it.

Mr. TOWNSHEND, of Illinois. This is not at all the substance of the amendment offered by myself, if the gentleman alludes to that.

Mr. KELLEY. There were other amendments offered.

The CHAIRMAN. The Chair thinks it is very similar to some amendments which have been read.

Mr. McMILLIN. The amendment offered by the gentleman from Missouri, [Mr. HATCH?]

The CHAIRMAN. Yes.

Mr. McMILLIN. That amendment in some respects resembles this, but differs from it in this respect: the producer under the amendment of the gentleman from Missouri might sell his tobacco even in a different county. But the amendment of my colleague [Mr. DIBRELL] requires the tobacco to be sold on the premises, and in that it is very materially different from the other.

Mr. DIBRELL. And it is different in regard to the amount to be sold.

The CHAIRMAN. With the permission of the committee the gentleman from Tennessee [Mr. DIBRELL] will be allowed to speak upon the merits of his amendment, while the Chair is examining the point of order.

Mr. REAGAN. One word on the point of order. The same amendment is not to be received twice; but the substance of an amendment once acted upon, if enlarged or diminished, is receivable under the rules of the House.

Mr. DIBRELL. The object of my amendment is for the benefit of producers of tobacco in the interior where there is no licensed dealer. For instance, in the county where I live there is no licensed dealer in tobacco, while there are probably one hundred producers of tobacco in the county. Yet under the law as it now stands producers of tobacco are not allowed to sell to any one except a licensed dealer, and consequently they are practically prohibited from selling their tobacco. I hope the House will adopt this amendment for the benefit of the farmers.

Mr. WILSON. I desire to offer an amendment to the amendment.

The CHAIRMAN. It will be read.

The Clerk read as follows:

Any producer of tobacco shall be authorized to sell in open market tobacco produced by him without paying any special tax thereon: *Provided*, The amount so produced and sold by him in one year does not exceed 500 pounds: *And provided further*, That such tobacco so sold shall be subject in the hands of the purchaser to the tax now imposed by law: *And provided further*, That before making such sale he shall report the amount he proposes to sell to the collector of the district in which he resides, who shall thereupon give a written permission to make such sale.

Mr. WILSON. I would like to have the attention of gentlemen who have been opposing amendments somewhat similar to mine, while I say a word for the purpose of pointing out the difference between the amendment I have offered and other amendments which have been offered.

My amendment hedges about and throws safeguards around provisions by which it is sought to benefit the farmers. It proposes to allow producers the privilege of selling their tobacco in open market without paying special tax, the tobacco when in the hands of the purchaser to be subject to the tax now imposed by law, and the amount to be sold to be limited to 500 pounds.

Now, to meet the objection urged by the gentleman from Kansas, [Mr. HASKELL,] I propose by my amendment that before the producer shall sell his tobacco he shall report to the collector of the district what he proposes to sell, and also the amount that he proposes to sell; and that the collector shall thereupon give to him a written permission to make such sale. He may even be required to make his report under oath.

As the law now stands it amounts to almost a prohibition against the producers of tobacco in the best tobacco regions of the country from making any sales of the product of their labor. Take my section of the country, where we have that magnificent soil of limestone and loam, best adapted for the production of tobacco. Poor men in that region who purchase cheap forest lands, partially on credit, are not able to clear their land, support their families, and lay aside money enough to pay off the vendor's lien which hangs over them. Hence, when they have a few acres cleared, they engage in the production of tobacco, which yields the largest profit of any of our crops.

Some of them reside many miles from any tobacco dealer, and as the law now stands they are not allowed to sell to any one else. In the winter time especially the roads in that region are in bad condition and transportation is difficult. Hence it is that many of them have to hold their crops over and sell at reduced prices. The Committee on Commerce, influenced by the gentleman from Michigan, [Mr. HOBR.] objected to making an appropriation for the improvement of the Little Kanawha River, which would have given increased facilities for transportation to some of my constituents.

Now, if you adopt this amendment of mine, you will allow the producer of tobacco to sell 100, 200, 300, or even 500 pounds of tobacco to a merchant without paying any special tax thereon. Of course the purchaser will deduct from the amount paid the producer whatever tax he may be obliged himself to pay under the law. But the producer would very much rather pay several times the amount of that tax than to be denied the privilege of selling his tobacco at all except to a dealer.

If you do not give relief in that regard to the farmers of the country, with what propriety can we look our constituents in the face when we return to them? You have proposed to give relief to the manufacturers of proprietary medicines, to the manufacturers of matches, to all those parties who use stamps. Now, here is a great industrial interest of the country for which we ask a poor boon, hedged in with all the safeguards that the gentleman from Kansas has demanded. Why can you not extend some little relief to the farmer as well as to the moneyed men of the country?

Mr. BUTTERWORTH. I would ask the gentleman if his amendment provides that after the tobacco is sold the seller shall report the amount so sold?

Mr. WILSON. He has to report the amount he proposes to sell.

Mr. BUTTERWORTH. Should he not be required to report the amount sold and the name of the purchaser?

Mr. WILSON. I am willing to adopt that suggestion. I want to have the provisions so fixed that no imposition can be practiced, that the revenue laws shall not be evaded, that the Government shall not lose a dime or a dollar. But I do ask that the farmers shall have some benefit from your legislation here. [Here the hammer fell.] For the present, Mr. Chairman, I will withdraw my amendment to the amendment, and offer it hereafter as an original proposition.

The CHAIRMAN. In the absence of objection the amendment will be regarded as withdrawn.

Mr. DINGLEY. Mr. Speaker, I wish to call attention to one fact involved in all these amendments which have been suggested. The price of tobacco is fixed in the market by the cost of production with the tax added. Now, if you grant to a class of producers the right to sell tobacco without any one paying the tax, you practically give to that class a bounty of 16 cents a pound, because in such cases the producer obtains the producer's price of the tobacco with the tax added.

Mr. WILSON. The producer of the tobacco, in consideration of the fact that he has to pay no tax, will gladly make a concession in price to the purchaser.

Mr. DINGLEY. But the producer will of course obtain the market price, in which the tax is included, and the practical result will be to give a bounty of 16 cents per pound to all persons of the classes whom these amendments propose to favor.

Now, it seems to me the fair and square proceeding with reference to the tax on tobacco and the tax on whisky is either to retain the tax as it is, and tax all alike, or else exempt all; we should not give to one class a privilege not enjoyed by others.

Mr. DIBRELL. How can a producer sell his tobacco under the present law if there is no licensed dealer in his section of the country?

Mr. DINGLEY. Practically there is no difficulty on that point.

Mr. DIBRELL. Oh, yes; there is.

Mr. DINGLEY. All these amendments are intended simply to favor a particular class, at the expense of other classes. They are designed to create monopolies in the hands of the persons who are thus favored—a thing contrary to the spirit of our institutions.

Mr. Chairman, I have opposed the several amendments coming from the Democratic side to repeal or reduce the tax on whisky, fermented liquors, and tobacco, for the reason that these are taxes on luxuries. No principle of just and wise taxation is better settled than that taxes should be imposed so far as possible on luxuries, and as light as possible on necessaries when this taxation increases their cost. Luxuries may be dispensed with, and in case of liquors and tobacco with positive advantage, and therefore no one pays the tax imposed upon them unless he does so voluntarily. But in the case of necessaries of life any tax that increases their cost is one from which no one, however poor, can escape.

The Federal Government is supported by indirect taxation. About two hundred millions are derived from duties on imports; and one hundred and forty from internal taxes, of which all but seventeen millions comes from liquors and tobacco. The bill under consideration proposes to remove these seventeen millions. I concur in this proposition so far as the stamp tax on friction matches, checks, and medicines are concerned, amounting to about eight millions, but I should prefer not to remove the nine millions collected on deposits of banks and bankers; at least until the tariff shall be revised, and we shall ascertain how much can be taken off in directions where it will reduce the cost of necessaries of life.

If I could have my way I would at once reduce the duty on sugar and molasses to the extent of the 25 per cent. added in 1875 to supply a deficiency in the revenue. I would eventually reduce it more, but this should come off at once in order to place the duty on sugar in the relative position which it occupied from 1861 to 1875. The average duty on sugar and molasses up to 1875 was 44 per cent.; since

that time it has stood at the enormous figure of 55 per cent., yielding the present year more than $53,000,000 of revenue, or $1 to every man, woman, and child in the country.

The gentleman from Illinois [Mr. TOWNSHEND] and other gentlemen on the Democratic side have asked why the duty on sugar should be selected for a reduction in preference to common sheetings, on which he told us there is a duty of 40 per cent. levied. I will tell him. The duty on cotton goods does not increase the cost of common sheetings, for the reason that all we need are and can be produced in this country, and hence the price is determined by the lowest possible cost of production here, under the influence of competition. I have myself tested the fact that the common sheetings which the laborer uses can be bought as low in this country as in England. It is only the finer cotton goods which the well-to-do classes use, and into which our higher cost labor largely enters, that cost more than in Europe.

It is asked why impose duties on imported cotton goods if we can make them as cheaply here as in Europe? It is only the common goods, in which labor is a very small element, with whose production we can compete. We might take the duty from them if it were not for the fact that the moment we did so the English manufacturers would glut our markets at temporary reduced prices, to break down our mills.

So when gentlemen say that we impose a duty of 40 per cent. on cotton goods they willfully ignore the fact that this duty does not increase the cost of the common sheetings which families of small means use. It only increases the cost of the fine goods used as luxuries by well-to-do families, and even in their cases very rarely to the extent of the duty. The same is substantially true of woolen goods. Coarse woolens are not more than 15 per cent. higher in this country than in England. It is the fine woolens used by the wealthy and fashionable that are 40 and 50 per cent. higher.

Now, take sugar and molasses, which are used as necessaries by the poor to the same extent as the rich. The invoice value of the sugar and molasses imported into this country last year was about $90,000,000, on which there was paid a duty of a little less than $50,000,000. About $6,000,000 more came in under the Hawaiian reciprocity treaty free of duty, but of course with the duty added when it was sold. Only about $6,000,000 worth of sugar and molasses was produced in this country. If we could have produced all these articles in this country home competition would have determined the price, but as we did not produce one-twentieth of our consumption, the duty of 55 per cent. was added to the cost of every pound of sugar used in this country last year; and every family of ten, however poor, paid a tax of over $10 to the Government for the sugar and molasses which they used. But the same family did not pay a tax of a single cent on the cotton cloth which they used.

The principle by which indirect taxation is distributed is this: taxes on home products, as for example the tax on whisky and tobacco, are added to the price of the article and are paid, not by the grower of leaf-tobacco or of corn, not by the manufacturer, but by the consumer. The assertion that the farmer who grows corn or leaf tobacco is in any way affected by the tax on whisky and tobacco, except so far as either is a consumer, has no foundation.

A duty levied on imports is also added to the price of the article where the home production is not and cannot promptly be made equal to the consumption. Where an article is made, or can be promptly made at home in sufficient quantity to supply the home consumption, then the price of the article is determined by the cost of home production under the influence of competition, and the duty can rarely ever be charged to the consumer.

There is general agreement in the conviction that the time has arrived when we may begin to make another systematic reduction of the taxation rendered necessary to preserve the life of the nation. Five times before, since the war closed, has the Republican party reduced taxation—the annual reductions reaching more than $280,000,000. This has been done, too, in face of the fact that we have paid not only the interest on the war debt, and reduced the annual interest from $150,000,000 to $55,000,000, but also have paid more than $1,000,000,000 of the principal, $500,000,000 in pensions, and over $250,000,000 of claims arising from the war.

But in making further reductions of taxation Congress should be guided by the single purpose of aiding the masses and the industries of the country as far as possible, and in all indirect taxation should make the burdens fall on the luxuries rather than the necessaries of life.

The question being taken on the amendment of Mr. DIBRELL, there were—ayes 67, noes 95.

Mr. DIBRELL. I call for tellers.

Tellers were ordered; and Mr. DIBRELL and Mr. RUSSELL were appointed.

The committee divided; and the tellers reported—ayes 89, noes 99.

So the amendment was not agreed to.

Mr. WILSON. I move to amend by adding to the second section the proviso which I send to the desk.

The Clerk read as follows:

Provided, That any producer of leaf tobacco shall be authorized to sell in open market tobacco produced by him without paying any special tax thereon, provided the amount so produced and sold by him in one year does not exceed five hundred pounds: *And provided*, That such tobacco so sold shall be subject, in the hands of the purchaser, to the tax now imposed by law: *And provided further*, That before making such sale he shall report the amount he proposes to sell to the collector of the district in which he resides and who shall thereon give a written permission to make such sale; and after such sale the producer shall report to the collector the amount sold, and the names and residence of the person to whom sold, and the place of residence of each, and any person selling leaf tobacco in violation of this act shall, upon conviction, be fined in any sum not exceeding $500.

Mr. WILSON. Mr. Chairman, I hope that my Republican friends will hear me for a moment. Here is a proposition to allow the farmer to sell not more than five hundred pounds of leaf tobacco in a year, which may be all he raises. In order to do this he must first apply to the collector of the district and obtain written permission; and he is also required to report to the collector the amount sold, together with the name and residence of the person to whom it is sold.

Mr. VALENTINE. How soon must he make report?

Mr. WILSON. I hope the gentleman will let me state my amendment. The producer selling tobacco in this way is required to give the names of the parties to whom he sells and their places of residence; and any person failing to comply with these requirements is liable upon conviction to a fine not exceeding $500.

I respectfully submit that the provisions of this amendment protect the interests of the Government as clearly and completely as any provision now upon our statute-books.

The gallant mountain people whom I represent come here and say: "We are willing to relieve you bank men from your tax on deposits. This relief will be mutual, as the borrowers of money have to pay all the necessary bank expenses. We desire to borrow your money. We desire to improve our lands, to sell our timber, to bridge our streams, and to clear up our farms. We are willing to aid you in taking off the tax upon deposits and on bank checks, as the necessary means of securing to us cheap money. At the same time we ask the poor boon of being allowed to sell the small amount of tobacco that we produce so as to get a fair price for it." With those people, hemmed in behind those mountain ridges, it costs almost as much to get small amounts of tobacco to market under the present law as the tobacco will bring. Gentlemen who are to receive these boons, these favors in the way of remission of taxes, should not deny to the farmer this privilege. If you refuse this you practically prohibit, in many portions of the country, the production of the most valuable article which the farmer can raise. Poor men buy their land for farming purposes, paying a small percentage in cash and giving notes or mortgages for the balance. After a while it is necessary for them to apply to the banks to raise money to pay off the mortgage. Men in such circumstances desire the privilege of raising and selling the most valuable product that they can raise to pay off their farm debts at the earliest practicable day. Mr Chairman, I desire also to add—— [Here the hammer fell.]

Mr. HORR. Mr. Chairman, I do hope this House will not listen with any degree of credence to this talk about helping the farmer in that country on this tobacco bill. I have lived among them, and I say to you all the whole of this scheme is to dodge the tax and not pay it at all.

Mr. WILSON. So far as my amendment is concerned that is not true in whole or in part.

Mr. HORR. It will be true in this very instance, and it cannot help it. It is for the purpose of getting a way out and cheating the Government out of revenue.

Mr. WILSON. So far as my amendment is concerned that statement is utterly untrue.

Mr. HORR. I do not mean to say my friend here means to do that, but I say the machinery he puts in here is put in simply for the purpose of opening the door for fraud and letting the people through that door. [Laughter.] That is what I say. [Laughter.] Either repeal this tax on tobacco, or let it stand, one of the two; and so long as it does stand let us have it so it can be collected in a sensible business way. There is no trouble down there about men selling their tobacco if they raise it. And my friend knows it.

Mr. WILSON. I know there is trouble about selling it—trouble about getting it to market.

Mr. HORR. Of course there is risk if he tries to cheat the Government. There is risk if you violate the law, and none if you do not. To the man who keeps the law there is no risk. This whole fol-de-rol is to get up some method by which they can dodge the tax entirely, and I am opposed to it.

Mr. WHITE. Will the gentleman let me ask him a question?

Mr. HORR. I cannot.

Mr. WILSON. If the gentleman from Michigan can get enough salt to save his bacon, he thinks it is all well with everybody else. [Laughter.]

Mr. TOWNSHEND, of Illinois. Oh, they think it is right to protect the salt monopoly.

Mr. BUTTERWORTH. Mr. Chairman, it will be apparent to the gentleman from West Virginia [Mr. WILSON] that so far as his amendment is concerned it does not anywhere provide when the seller shall report the sale, whether the next day, the next week, or whether at any time before the Second Advent. [Laughter.]

Mr. KENNA. Then, why do you not move to amend it in that regard?

Mr. BUTTERWORTH. I will move to amend by striking out and inserting the following:

And provided further, That such sales and reports shall be made in conformity to such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And any person who shall violate any of the provisions of this section, or the regulations made in pursuance hereof, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $500, and imprisonment not more than one year.

I shall not vote for the amendment, but what I offer is intended to perfect it. The provision suggested by my honorable friend from West Virginia looks to tearing down all the safeguards thrown around the collection of the internal revenue of the country. I am in favor of repealing the entire tax at an early day.

Mr. WILSON. Then why in thunder don't you do it. [Great Laughter.]

Mr. BUTTERWORTH. Simply this: I want it done understandingly and with reference to the needs of the country. It will not escape observation that upon the Democratic side of the House you are not charged with nor do you feel any responsibility at all so far as the legislation of this session is concerned.

Mr. FLOWER. But you are.

Mr. BUTTERWORTH. You have introduced amendments to this bill which, if adopted and the bill should become a law, would leave the Government in default for the payment of the interest on the national debt or the pensions due to your soldiers, and you voted for every one of them.

Mr. RANDALL. And you have expended money enough on that side to ruin the Government.

Mr. BUTTERWORTH. So far as you are concerned, my friend, [addressing Mr. RANDALL,] you seek to destroy the internal-revenue system because you are bound to the wheel of the iron chariot of Pennsylvania. [Applause on the Republican side.]

Mr. RANDALL. There is not a word of truth in that.

Mr. BUTTERWORTH. I submit to the country whether my statement is correct or not.

Mr. RANDALL. The gentleman from Ohio has no right to say what he has in reference to me.

Mr. BUTTERWORTH. I am sorry I touched the gentleman on the raw. [Laughter and applause on the Republican side.]

Mr. RANDALL. When the gentleman tells an untruth about me he always does that.

Mr. BUTTERWORTH. You will have your time. You gentlemen on that side expect to catch the political "coon a-going or a-coming" next fall. [Laughter.] A part of you assail the internal revenue throughout its length and breadth, and the rest of you sit by and assail the whole tariff system; while one of you bows to his constituents and exhorts them to be faithful because he has stood by the tariff, another bows to his constituents and demands their support because of his attempt to break it down. [Laughter and applause.]

I have said you are not charged with the responsibility of the legislation of this session, and realizing that fact as you do, you feel free to vote for any and every amendment offered without regard to its fitness or propriety, or its effect upon the public revenue. And having offered and voted for every conceivable amendment, you return to your admiring constituents, and bending over a pine plank six or eight inches wide, you explain to them how each one of the amendments proposed by you would, if adopted, have brought about that perfect perennial prosperity for which a long-suffering people are sighing. [Laughter and applause.]

Mr. RANDALL. I have not here voted for a single amendment to the pending bill except in perfect good faith, and because I believed that if this Government was honestly and economically administered every dollar of the revenue now raised by internal taxation could be dispensed with.

Mr. BUTTERWORTH. I have not charged the gentleman with having shown bad faith, but simply urged his good faith to the iron interest of Pennsylvania.

Mr. RANDALL. The gentleman from Ohio says that I was chained to the iron car of the tariff so far as Pennsylvania was concerned.

Mr. HASKELL. Well, is it not so?

Mr. RANDALL. I am here as a representative of the people of my State, and when I fail to represent my people and my district I hope they will leave me at home. But in defending the interests of Pennsylvania, I defend all of those great interests which my State and my city have in common with all of this country. Sir, the American industries are common throughout the length and breadth of this land. And what do you want with the tariff in that connection? Only that incidental protection which comes from the raising of about two hundred millions of revenue. That you cannot deny us. That we will have; and I say to-day to this committee and to the American people that the Government of the United States can be administered, including every expense that is legitimate and proper, on a basis of two hundred and fifty millions of money; and yet you stand here on that side and insist upon raising four hundred millions, taking from the industries of the country one hundred and fifty millions of dollars, that there is no more warrant for demanding than there would be right in the gentleman to put his hand in my pocket and take my money out of it. It is a plunder of the industries of the country. It is a plunder upon the people of the United States. [Applause on the Democratic side.] I believe that the people of this country will see it in that light when they come to see, as they will see at the end of this Congress, that you have, outside of pensions, increased the expenditures of this Government, as shown by the appropriations, thirty millions of money.

Mr. HUMPHREY. Debts that you left behind for us to pay.

Mr. RANDALL. I deny the fact. The gentleman from Wisconsin cannot show that I have ever left any debts of the United States unpaid, so far as I am concerned, or ever objected to the payment of an honest debt due by the Government; but I have insisted upon economy in the expenditures of the Government. I am willing to stand on that.

Mr. HUMPHREY. You left in 1876 a deficiency of millions that had afterward to be supplied by additional appropriations.

Mr. RANDALL. It is not so.

The CHAIRMAN. Debate on the pending amendment is exhausted. The question is on the amendment to the amendment submitted by the gentleman from Ohio.

Mr. CARLISLE. I desire to ask the gentleman from Ohio whether he thinks——

The CHAIRMAN, (rapping with his gavel.) Debate is exhausted.

Mr. CARLISLE. I move to strike out the last word of the amendment.

The CHAIRMAN. There is an amendment to the amendment already pending. No other amendment can now be entertained.

The question is on agreeing to the amendment submitted by the gentleman from Ohio.

The amendment to the amendment was not agreed to.

Mr. CARLISLE. This vote which has just been taken, as I understand it, is on the amendment to the amendment of the gentleman from Ohio?

The CHAIRMAN. It was. Does the gentleman from Kentucky desire to be heard now?

Mr. CARLISLE. No; I have nothing more to say since the amendment has been voted down.

Mr. BUTTERWORTH. I do not think the committee understood precisely what amendment was being voted upon.

The CHAIRMAN. Debate is not in order. The question now recurs upon the amendment proposed by the gentleman from West Virginia.

The committee divided; and there were—ayes 67, noes 99.

Mr. WILSON. I am constrained to ask for tellers.

The CHAIRMAN. The gentleman from West Virginia demands tellers. [Cries of "Oh, no!"]

Mr. WILSON. In deference to the wishes of the committee I will withdraw the demand for tellers.

So (no further count being demanded) the amendment was not agreed to.

Mr. SCALES. I offer the amendment which I send to the desk as an additional section.

The Clerk read as follows:

That from and after the 1st day of July, 1883, the tax upon manufactured tobacco shall be reduced to ten cents per pound, and on distilled spirits to fifty cents per proof-gallon.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard upon the amendment?

Mr. SCALES. Let us have a vote upon the amendment.

The amendment was not agreed to.

Mr. FROST. Mr. Chairman, I move to strike out the last three words of section 2. It has been repeatedly asserted in the progress of this debate that this is a measure solely in the interest of the banks, of capital, and of monopolies throughout the country. The gentlemen urge upon us that we should begin at the other end to relieve the labor of this country from the burdens that at present bear with overpowering weight upon it. Now, sir, it is because I consider that this bill does something toward relieving the laborer of this country and removes some of his burdens that I propose to support it. Sir, if there is anything of wisdom in all the science of political economy it must be considered as established beyond question that in their ultimate effects taxes fall eventually upon labor. The state draws its revenue from wealth. Wealth is the production and creation of labor, and therefore under these circumstances it is apparent that taxes must be paid and can be paid by labor alone.

Does the wealth invested in bank capital and in bank deposits or represented by these things offer any exception to this rule? Mr. Chairman, what are banks? They are great reservoirs into which pour continually a myriad of tiny rivulets, for the most part the savings of the frugal, industrious laborer, mechanic, and retail tradesman. These rivulets are collected in these banks, the reservoirs, in order that they may be thence directed in sufficient quantity into the fructifying channels of commerce.

In these banks is contained the greater portion of the circulating capital of the country; and from circulating capital are paid the wages of labor. If the national coffers absorb from this great reservoir the circulating capital, $16,000,000 or $20,000,000, or any other amount, is it not apparent that just so much is subtracted from the wage-fund from which the laborer draws the necessities of his existence? Is it not apparent that by just so much labor is burdened, either by diminished employment or diminished wages, by this form of taxation as by every other?

Sir, the process is this: it is true that the bank pays the taxes in the first instance; but be sure the bank does not fail to charge it on the borrower. The borrower seeks the loan for the purpose of investing it in his business, either by maintaining the labor he already employs, or by bringing in additional labor to extend his business. And when the bank charges him with the tax, it just to that extent diminishes his borrowing capacity. It is a tax on credits, and it diminishes his borrowing capacity and his wage-paying capacity. And just so far it diminishes the necessities of life to the laborer who depends for employment on that wage-paying capacity.

It has also been repeatedly iterated upon this floor that this is a measure in favor of monopolies. It is an open secret, Mr. Chairman, that two of the most gigantic monopolies of this country and age of monopolies—the match monopoly, which, like death, spares in its exactions neither the palace of the rich nor the hovel of the poor, and the stamp-printing monopoly, which draws its profits alike from enthusiastic youth enthralled in the glamour of a first check-book, and from the wearied old age, whose physical infirmities find their only solace in a patent medicine—through their agents, are prowling about these lobbies, the most active and strenuous opponents of this bill. I do not blame them for it. They have got a good thing, and with the assistance of this Congress they mean to hold on to it. But for one, believing that this measure does relieve labor from some of its burdens, I will take what I can get, if I cannot get all I want.

The CHAIRMAN. Does the gentleman from Missouri withdraw his *pro forma* amendment?

Mr. FROST. Yes, sir.

Mr. CABELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the section the following:

"*Provided*, That on and after the 1st day of January, 1883, the tax upon whisky shall be reduced to 50 cents per gallon, and that upon spirits distilled from fruits to 25 cents per gallon."

Mr. CABELL. I have only to say if that amendment is adopted it will be in the interest of the people, and will at the same time yield to the Government as large a revenue as it gets now, if not more.

The question being taken on Mr. CABELL's amendment, it was not agreed to.

The Clerk read the third and last section of the bill, as follows:

SEC. 3. That on cigars of all description, made of tobacco or any substitute therefor, which shall be sold or removed for consumption or sale, there shall be paid by the manufacturer $5 per thousand; on cigarettes weighing more than three pounds to the thousand, $5 per thousand.

Mr. KELLEY rose.

Mr. RANDALL. I desire to offer a new section.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania on the left, [Mr. KELLEY.]

Mr. KELLEY. I submit the amendment of the Committee on Ways and Means, which is a substitute, in the language of the existing law, covering the tax on cigars and cigarettes, the changes being only in the figures.

Mr. RANDALL. The amendment I offer comes in ahead of the third section.

The CHAIRMAN. The second section has been passed, and the third section has been read.

Mr. RANDALL. What I submit is to come in as a new section. It comes in properly next to the special-tax section.

Mr. CALKINS. The order does not make any material difference. Let it come in as a fourth section.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania on the left [Mr. KELLEY] will be read.

The Clerk read as follows:

Strike out the third section and insert the following:

"That on cigars which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof:

"On cigars of all descriptions made of tobacco or any substitute therefor, $5 per thousand; on cigarettes weighing not more than three pounds per thousand, $1.75 per thousand; on cigarettes weighing more than three pounds per thousand, $5 per thousand."

Mr. CARLISLE. I desire to offer an amendment to the amendment.

Mr. RANDALL. The amendment I submit relates to special taxes. It should come up ahead of this.

Mr. KELLEY. Let us dispose of the amendment which I have offered, and then the other can come in and get its place.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Kentucky, [Mr. CARLISLE.]

The Clerk read as follows:

Amend the amendment by striking out, wherever they occur, the words "five dollars" and inserting "four dollars," and by striking out "one dollar and seventy-five cents" and inserting "seventy-five cents."

Mr. CARLISLE. It is not my purpose to make an argument in support of this amendment, but simply to state a few facts from which I think the committee will see at once its justice and propriety.

Prior to the year 1879 manufactured tobacco was subject to a tax of 24 cents per pound, and cigars and cigarettes weighing not more than twenty-five pounds to the thousand were subject to a tax of $6 per thousand, which was exactly 24 cents per pound, including, however, in the weight of the cigars and cigarettes the stems in the tobacco used.

In 1879 the tax on manufactured tobacco was reduced from 24 cents to 16 cents per pound, but no reduction whatever was made in the tax on cigars and cigarettes. Therefore to-day the tax on cigars and cigarettes of the class just mentioned is $6 per thousand, which, as just stated, is 24 cents per pound upon the whole quantity of tobacco used in making a thousand cigars, including the stems in that weight.

The Committee on Ways and Means now propose to reduce the rate on cigars to $5 per thousand, which will still leave the tax at 20 cents per pound upon the whole quantity of tobacco used in the manufacture of a thousand cigars, including the stems in that weight.

My amendment proposes to reduce the tax on cigars to $4 per thousand, which will make it exactly 16 cents per pound upon the whole quantity of tobacco used in the manufacture of a thousand cigars, thereby equalizing the tax on cigars with the tax on manufactured tobacco, with this difference, however, that the tobacco is taxed 16 cents per pound after the stems are taken out, while the cigars will be taxed 16 cents per pound with the stems in.

The proposition of the committee, if adopted, will reduce the amount of tax collected on cigars, according to the collections made last year, $2,666,000. If my amendment shall be adopted the amount of the tax to be collected on cigars will be reduced $5,332,000.

Now, as to cigarettes weighing less than three pounds to the thousand. The present tax is $1.75 per thousand, which is 58¼ cents per pound for the tobacco actually used in the manufacture of those cigarettes, while the tax on smoking tobacco of the same quality is but 16 cents per pound.

Mr. BUTTERWORTH. I would inquire of the gentleman if his amendment does not effect what the committee attempted to do, put all on the same plane?

Mr. CARLISLE. I am not prepared to say that the committee has attempted to do that; but my object is to equalize the tax on cigars and cigarettes with the tax on manufactured and smoking tobacco. If my amendment as to the small cigarettes shall be adopted, and the tax be put at 75 cents per thousand, it will still be a tax at the rate of more than 16 cents a pound on the tobacco used in the manufacture of a thousand cigarettes. I have named 75 cents per thousand, however, for the reason that this article of manufacture is generally put up in packages containing ten or twenty cigarettes; and it is important, therefore, to so arrange the tax that the stamps can be prepared to represent an even number of cents, or some convenient fraction of a cent.

If the tax is put at not exceeding 50 cents per thousand, the rate of tax would about correspond with the amount imposed upon manufactured and smoking tobacco, but it would be less than is proposed to be put upon cigars. If put at 75 cents per thousand, as my amendment proposes, then the tax on a package containing ten cigarettes would be ¾ of a cent, and on a package containing twenty cigarettes the tax would be 1½ cents; and the stamps could be so arranged as to suit the size of the packages.

With this simple statement of facts, and without attempting to argue the question, I desire to say that while we are reducing taxes upon some articles and some classes of business, we ought at least to equalize them as far as possible upon those articles already subject to tax and which are not to be relieved by this bill. I therefore hope that the amendment will be adopted.

I ought to say further that the adoption of the amendment proposed by me with regard to cigarettes weighing less than three pounds per thousand will reduce the revenue from that source, according to the collections of last year, $567,387.

During the last fiscal year the amount collected from cigarettes under the tax of $1.75 per thousand was $992,927.22, and the amount collected from cigars and the large-sized cigarettes at $6 per thousand was $16,095,778.78. Only $54 of this latter sum is credited to cigarettes in the Commissioner's report for the reason that the large cigarettes are generally classed as cigars in the returns of the manufacturers and subordinate revenue officials. The revenue derived from cigars during the last fiscal year was $1,888,905.29 greater than it was the year before, while that derived from the small cigarettes was $277,711.83 greater than during the preceding year. The receipts from both sources have largely increased during the current year, now nearly closed, but I am not now able to state the exact amount of the increase. If the amendment shall be adopted and the bill passed, the total apparent reduction of taxes on those articles will be $5,899,387; but to a certain extend this is apparent only because the natural increase of consumption, stimulated largely by the reduction itself, will compensate for a very considerable part of it.

Mr. SPRINGER. I desire to ask the attention of the gentleman from Pennsylvania [Mr. KELLEY] one moment. His proposition, as I understand it, is a substitute for section 3 of the bill.

Mr. RANDALL. It is an amendment to that section.

Mr. SPRINGER. I know that, but an amendment in the nature of a substitute.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania [Mr. KELLEY] to submit his proposition as an amendment.

Mr. SPRINGER. Then, if the committee shall adopt his amendment, would it be in order to move a substitute for the section as amended?

Mr. KELLEY. That will be a matter for the Chair to decide.

Mr. SPRINGER. If the gentleman will raise no point of order of that kind, then I desire to move a substitute for the section as it may be amended.

Mr. WHITE. I ask the gentleman from Illinois [Mr. SPRINGER] to withhold his substitute until I have spoken to the amendment under consideration. I understand the gentleman from Illinois desires to offer a substitute for the section.

The CHAIRMAN. Perhaps the gentleman from Illinois had better submit his substitute now.

Mr. SPRINGER. I will offer it and let it be read now and considered as pending, the other amendments to be first voted on. I offer it as a substitute for all pending propositions.

The CHAIRMAN. It seems to the Chair that the proposition offered by the gentleman from Pennsylvania [Mr. KELLEY] is in the nature of a substitute for the section, because it proposes to strike out and insert, and an amendment has been moved by the gentleman from Kentucky [Mr. CARLISLE] to that substitute. The Chair would suggest, therefore, to the gentleman from Illinois [Mr. SPRINGER] that it would be better for him to withhold his amendment until the other amendments have been voted upon.

Mr. SPRINGER. If it will then be in order, I will do so. I will ask, however, that it be now read.

The Clerk read as follows:

That from and after the 31st day of December, 1883, all laws and parts of laws imposing internal-revenue taxes upon tobacco, including cigars and all other manufactures of tobacco, and all special taxes imposed upon dealers in tobacco, or in any manufactures thereof, shall be, and the same are hereby, repealed; and on all original and unbroken packages of tobacco, or any articles manufactured therefrom, held by manufacturers or dealers on the 31st day of December, 1883, upon which the tax has been paid, there shall be allowed a rebate and drawback of the full amount of the tax. And all officials especially engaged in carrying into effect the provisions of the laws repealed by this section shall be discharged from the public service from and after the taking effect of the repeals herein provided. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

Mr. HASKELL. I make a point of order upon that.

Mr. SPRINGER. Let the point be stated.

The CHAIRMAN. The gentleman from Kansas will state his point of order.

Mr. HASKELL. The amendment is not germane to the section under consideration.

Mr. SPRINGER. It is a substitute for the section. The section itself reduces the taxes on cigars and cigarettes. This takes off the tax on tobacco entirely, and does a little more, after a certain time.

Mr. KASSON. The question comes first upon the proposition to perfect the bill.

Mr. SPRINGER. Of course; it is first in order to perfect the text before the vote is taken on the substitute; but I desire this to be considered as pending.

The CHAIRMAN. The gentleman from Kansas made a point of order which the Chair desires to hear stated.

Mr. HASKELL. I made first the point that the amendment was not germane to the section. I make the further point that it is not in order at this time even if germane, because an amendment to an amendment is pending and because the text of the section must first be perfected before a question can be taken on striking it out.

Mr. ROBINSON, of Massachusetts. We desire that no point of order shall be considered as waived by the reading of this proposed substitute.

The CHAIRMAN. It was read simply for the information of the Chair; the Chair requested it.

Mr. HASKELL. I ask that the substitue be laid aside until the amendment and the amendment to the amendment have been voted on and the section perfected.

Mr. SPRINGER. I have no objection to that.

Mr. ROBINSON, of Massachusetts. All points of order being reserved on the substitute.

Mr. SPRINGER. As the amendment of the gentleman from Pennsylvania was in the nature of a substitute for the section, I wanted to reserve the question whether that substitute, if adopted, would be open for amendment. For that reason I desired to give notice of my substitute at this time.

The CHAIRMAN. The Chair asks the Clerk to read a paragraph from the Manual.

The Clerk read as follows:

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph, comprehending what has been inserted, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.—Manual, page 78.

Mr. ROBINSON, of Massachusetts. But there is another statement in the Manual bearing upon the question—a statement to the effect, though I do not remember its exact language—that if a substantial proposition be struck out and another entire proposition be inserted, it is not in order to strike out the latter proposition and insert something else.

The CHAIRMAN. The Chair desired to call the attention of the gentleman from Illinois [Mr. SPRINGER] to the paragraph just read.

Mr. SPRINGER. Then, as I understand the Chair, in order to get a vote on this proposition I must move it as a substitute for the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The Chair so thinks.

Mr. SPRINGER. I offer it then as a substitute for the pending amendment of the gentleman from Pennsylvania.

Mr. HASKELL. The vote will first be taken on the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. Undoubtedly; the original text must be first perfected before the question is taken on the adoption of the substitute. The first question is on the amendment of the gentleman from Kentucky [Mr. CARLISLE] to the amendment of the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. WHITE. I desire to call attention to the fact that the discrimination which has been alluded to is simply between dealers themselves—not between the producers. This phrase "dealer in leaf tobacco" is misleading. It does not mean that any man who wishes to buy leaf tobacco can do so by paying a license of $12. The House might just as well understand first as last that this is not the meaning. My friend from Michigan [Mr. HORR] in his remarks a while ago showed that he totally misapprehended the meaning of the language in this bill. Now, my colleague gets up and says that the difference between his amendment and that of the chairman of the Committee on Ways and Means is simply a question of about two million and a half of dollars. The chairman of the Committee on Ways and Means proposes to reduce the tax on tobacco to the extent of $2,500,000. My colleague offers an amendment proposing a reduction of $5,200,000.

The point to which I wish to call the attention of the committee is that this is simply a question of adjusting tax between the dealers, and never reaches to the producer, for the simple reason that clause 7 of section 3244 stands between the manufacturer and the producer. The provision of that section is:

Retail dealers in leaf tobacco shall each pay $500, and if their annual sales exceed $1,000, shall each pay, in addition thereto, fifty cents for every dollar in excess of $1,000 of their sales. Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers, or to persons other than dealers in leaf tobacco who have paid a special tax; or to manufacturers of tobacco, snuff, or cigars, who have paid a special tax; or to persons who purchase in original packages for export.

When this bill says that dealers in leaf tobacco shall pay $12, it is simply an adjustment of the differences between the manufacturers and the dealers.

Now, my friend from Pennsylvania reminds me of this fact, that this is in reference to cigars. Well, the same argument holds good with all. The law we propose to amend is simply to adjust differences between manufacturers of cigars and between dealers of cigars, but it never reaches back to the former because of the provision which requires the farmer before he gets a market to sell to that man who has paid this tax of $500.

[Here the hammer fell.]

[Mr. WISE, of Virginia, addressed the committee. [See Appendix.]

Mr. KELLEY. I wish to submit an amendment from the committee to the substitute for the third section I offered, providing for rebate of tax paid on matches, cigars, cheroots, and so on in unbroken packages in the hands of dealers or manufacturers, under regulations provided by the Commissioner of Internal Revenue with the sanction of the Secretary of the Treasury.

The CHAIRMAN. The Chair desires to state there is an amendment to the amendment already pending.

Mr. CARLISLE. I suggest to my friend from Pennsylvania, as soon as the amendment I have offered is voted on his amendment will be in order.

Mr. KELLEY. Very well.

The CHAIRMAN. The question now is on the amendment of the gentleman from Kentucky.

Mr. CARLISLE. I want a division on that amendment.

The House divided; and there were—ayes 59, noes 74.

Mr. HATCH. I demand tellers.

Tellers were ordered; and Mr. RUSSELL and Mr. CARLISLE were appointed.

The committee again divided; and the tellers reported—ayes 80, noes not counted.

No further count being demanded the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania [Mr. KELLEY] as amended.

The amendment as amended was agreed to.

Mr. KELLEY. I have an amendment to offer to that amendment which I ask the Clerk to read.

The Clerk read as follows:

Provided, That on all original unbroken packages of matches, cigars, cheroots, and cigarettes, held by manufacturers or dealers on the passage of this act, upon which the tax has been paid, there shall be a rebate or drawback of the full amount of the reduction.

It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations, and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

Mr. RUSSELL. I move to amend by including stamps on checks.

Mr. KELLEY. I will accept that, and ask to have the word "check" inserted before the word "matches."

The CHAIRMAN. The question then is on the amendment of the gentleman from Pennsylvania as modified.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Illinois.

Mr. SPRINGER. I ask that it be again read.

Mr. HISCOCK. I would like to inquire if the amendment offered by the chairman of the Committee on Ways and Means includes perfumery and medicinal preparations?

Mr. HAZELTON. Such as pills and salves, and things of that kind? [Laughter.]

Mr. KELLEY. It was intended to do so.

Mr. McCOOK. I desire to ask the chairman of the Committee on Ways and Means whether in previous reductions it has been customary to incorporate a proviso such as that he has suggested?

Mr. KELLEY. Always.

The CHAIRMAN. The Clerk will now report the substitute proposed by the gentleman from Illinois.

The Clerk read as follows:

Substitute for section 3 of the bill: "That from and after the 31st day of December, 1883, all laws and parts of laws imposing internal taxes upon tobacco, including cigars and all other manufactures of tobacco, and all special taxes imposed upon dealers in tobacco or in any manufactures thereof shall be, and the same are hereby, repealed; and on all original unbroken packages of tobacco or any articles manufactured therefrom held by manufacturers or dealers on the 31st day of December, 1883, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the tax. And all officials especially engaged in carrying into effect the provisions of the laws repealed by this section shall be discharged from the public service from and after the taking effect of the repeals herein provided. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect."

Mr. KASSON. I make the point of order upon that.

Mr. KELLEY. I make the point of order that the proposed substitute is not pertinent to the bill or section under consideration. It proposes to regulate the business of the Internal Revenue Bureau. It designates certain officials for dismissal and names the time after which they shall cease to be employed. If the Chair desires to hear further argument upon the point of order, I will ask recognition.

Mr. KASSON. I make the further point of order that the motion is to strike out what the committee has just voted to complete, which is against the rule.

The CHAIRMAN. The Chair desires to state that the proposition of the gentleman from Pennsylvania was three times amended and was not a motion to strike out and insert, but after being amended was before the committee for adoption when the gentleman from Illinois offered the proposed substitute.

Mr. KASSON. I understood that this was a substitute for the third section, which has just been perfected.

Mr. SPRINGER. If the point of order is withdrawn I am ready to take a vote upon the substitute. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Pennsylvania insist upon the point of order?

Mr. KELLEY. I withdraw the point of order for the purpose of getting a vote upon the substitute.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Illinois, [Mr. SPRINGER.]

The committee divided; and there were—ayes 63, noes 97.

Mr. SPRINGER demanded tellers.

Tellers were ordered; and Mr. RUSSELL and Mr. SPRINGER were appointed.

The committee again divided; and the tellers reported—ayes 91, noes 99.

So the substitute was not agreed to.

Mr. COX, of New York. I propose what I send to the desk as an additional section.

The CHAIRMAN. The proposition of the gentleman from New York will be read.

The Clerk read as follows:

That all the provisions of existing laws which save the arrears of the taxes on legacies and successions provided for in section 17 of the act of July 14, 1870, be and the same are hereby repealed, notwithstanding section 5597 of the Revised Statutes, and all reservations of rights accrued or accruing thereunder or under any other existing law, it being the intent and meaning hereof to repeal all laws for the collection of all taxes upon legacies and successions.

Mr. KASSON. I reserve the point of order upon the proposed section.

Mr. TOWNSHEND, of Illinois. Will the gentleman from New York yield to me; if so, I will move that the committee do now rise?

Mr. COX, of New York. I will yield for that purpose.

Mr. KASSON. I saved the point of order by way of precaution, for the reason that the proposed section refers to various statutes which seem to me might embrace subjects not contemplated by the bill. These should be read, of course, in that connection, and until they are read, or some full explanation is given of the matter, I think the committee will not understand the effect of this section.

Mr. COX, of New York. Mr. Chairman, I almost wish the committee would rise and the House adjourn in order to give me an opportunity to have printed some statements of Judge Folger and Mr. Commissioner Raum in reference to the repeal of these sections covering this legacy tax.

Mr. KASSON. If the gentleman from New York will permit me, I think if that is all this amendment relates to, that I may submit without argument the point of order I made, as he must perceive that it does not cover what is contemplated by the pending bill; in other words, it is not germane.

Mr. COX, of New York. It refers to the tax upon these legacies, and refers to nothing else than the subject-matter of the pending bill.

Mr. KASSON. It is not a reduction of taxation, but simply a remission of dues to the Government.

Mr. COX, of New York. It is, in a certain sense, a remission of dues to the Government. Under prior laws which have been in existence for many years, but which are not always properly complied with, taxes of this kind have been unjustly levied through the agency of informers, who have had access to the probate offices; and there is no other method that I can now perceive by which to bring in an amendment which will correct the wrongs that have grown up under this system than by the present amendment.

I only wish, Mr. Chairman, the House would adjourn that I might publish, which I ask leave to do, the communications from the Secretary of the Treasury and the Commissioner of Internal Revenue, that this matter may be rightly understood.

Mr. KASSON rose.

Mr. TOWNSHEND, of Illinois. I move that the committee rise.

The CHAIRMAN. The gentleman from Illinois has not been recognized to make that motion.

Mr. KASSON. If the gentleman from New York has finished——

Mr. COX, of New York. I have not finished. I beg to say there have been repeals, of course the gentleman from Iowa knows it, of various laws as to taxation. Since 1870, $11,470,040 of the various arrears of taxes have been collected in all. Of this sum there has been collected $299,000 of arrears in the last year. A large part of it came from the legacy and succession tax. My proposition here is to wipe out this tax or this remnant of a tax, because it acts unequally in different sections, because it hangs as a cloud over property and real estate, and because from my own experience——

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee rise.

The CHAIRMAN. The gentleman from Iowa has been recognized.

Mr. TOWNSHEND, of Illinois. I understand that a motion that the committee rise is always in order.

The CHAIRMAN. The motion would be in order if the gentleman making it was recognized for that purpose. But the Chair has recognized the gentleman from Iowa, [Mr. KASSON.] The Chair will recognize the gentleman from Illinois to make that motion as soon as the gentleman from Iowa has been heard.

Mr. TOWNSHEND, of Illinois. I understand this is always a privileged motion.

The CHAIRMAN. It is, of course.

Mr. COX, of New York. I ask the gentleman from Iowa, [Mr. KASSON,] before he proceeds, to allow me one-half minute more. I was concluding by saying that the necessity of this amendment became apparent to me, from my own experience, years ago in Ohio, when I was endeavoring to settle my grandfather's estate. After years of quiet settlement, and after I went to New York to live, I was summoned to pay this legacy tax. I know it was a delinquency; but I had no notice of it as executor. I could not collect it of the heirs. The money was gone. I found out mine was not a singular case of hardship growing out of this law, for Judge Folger says in this communication——

Mr. KASSON. Your half-minute is running.

Mr. COX, of New York. I will not trespass further on the time of the gentleman.

The following are the communications referred to in the remarks of Mr. COX, of New York:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 21, 1882.

SIR: In reply to your letter of the 18th instant, respecting the internal-revenue taxes on legacies, I inclose herewith a copy of a letter addressed by me to the Secretary of the Treasury under date of the 20th instant, and also a copy of its inclosure.

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. S. S. COX, *M. C.*,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 20, 1882.

SIR: I have received a letter addressed to Hon. JOHN SHERMAN, under date of the 16th ultimo, by John A. Hardenburgh, of New York City, and by Mr. SHERMAN referred to me with an indorsement as follows:

"Respectfully referred to the Commissioner of Internal Revenue.

"Please enable me to answer this letter, and state what succession tax on legacies still remains unrepealed. Is there any objection to the repeal of the remaining portions of the tax?"

The taxes now collectible on successions and legacies are such as accrued prior to October 1, 1870, *i. e.*, those which became payable prior to the repeal of the law by which they were imposed. The right and authority to collect them was reserved and saved by section 17 of the act of July 14, 1870, (16 Statutes, 261,) and section 5597 of the Revised Statutes of the United States.

Under date of April 30, 1880, I made a report to Mr. SHERMAN, then Secretary of the Treasury, upon what was then House bill No. 2975.

I inclose a copy of that report. Upon page 16 of the report appear the results of the effort to collect such taxes down to June 30, 1879.

The amount assessed during the fiscal year ended June 30, 1880, is $135,532.80; the amount assessed during the fiscal year ended June 30, 1861, is $63,859.39. All, or nearly all, the taxes so assessed have been collected.

It is proper to state that the collection of taxes due under repealed laws requires special knowledge of those laws; that the present officers are not generally familiar with them, and that such collections are not regarded by the officers as part of their current work.

The facts relied upon to show liability to the taxes are usually obtained and furnished by persons seeking a reward for their information. These facts are then verified by the officers and form the basis for collections.

I fully recognize the fact that cases of hardship have arisen, and are likely to continue to arise, in the collection of legacy taxes where there has been a distribution of the property by the executor, administrator, or trustee, who, in ignorance of his liability under the law, failed to withhold the taxes from the distributees, and these taxes are afterward collected from the executor or trustee without prospect of reimbursement.

It is a familiar rule of law that a statute of limitations does not bind the United States, unless specially named.

It has been the policy of the Government ever since its foundation to allow no limitation to its right to sue for and recover moneys legally due it, and I should feel great hesitation in recommending a departure from this rule.

I think, however, it is a question deserving the grave consideration of Congress, whether it would not be judicious and wise to provide a statute of limitation in respect to the institution of suits by the United States for the recovery of unassessed taxes.

I send this to you for transmission to Mr. SHERMAN in accordance with the circular of February 12, 1880.

Respectfully,

GREEN B. RAUM,
Commissioner.

HON. CHAS. J. FOLGER,
Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, April 30, 1880.

SIR: I have received a letter from Hon. JOHN S. RICHARDSON, chairman of a subcommittee of the House Committee on the Revision of the Laws, inclosing a copy of House bill No. 2975, which bill is as follows:

"A bill to repeal section 17 of the act of June [July] 14, 1870, and chapter 10, title 35, of the Revised Statutes of 1878, and to remit taxes and penalties thereunder.

"*Be it enacted, &c.*, That section 17 of the act of July 14, 1870, and chapter 10, title 35, of the Revised Statutes of 1878, be, and the same are hereby, repealed. And all taxes now unpaid collectible under said statutes are hereby remitted."

Mr. RICHARDSON asks that the committee be informed what amount of taxes would be remitted by the repeal of the law provided for in the bill, and whether in my opinion the time has come when it would be wise to remit the taxes remaining uncollected, and he asks for any other information in my possession that would enable the committee to act understandingly upon the matter submitted to them.

The bill in question was introduced by Mr. MCCOID, December 15, 1879, and referred to the Committee on Manufactures. On the 20th of February 1880, Mr. MCCOID, from that committee, presented a report (No. 344) entitled "Legacy and succession tax," and which related entirely to that subject. It would seem, therefore, from this report, presented by the same member who introduced the bill, that the bill was designed simply to remit the uncollected portion of the taxes on legacies and successions. If it had referred only to chapter 10, and not to section 17 of the act of July 14, 1870, such would have been its effect. Chapter 10 referred to relates solely to taxes on legacies and successions. Not so, however, said section 17 of the act of 1870, which it is proposed by this bill to repeal, and to remit all the unpaid taxes thereby saved. That section so far as it relates to accrued taxes is as follows: "And all acts and parts of acts relating to the tax as herein repealed, and that all the provisions of said acts shall continue in full force for levying and collecting all taxes properly assessed or liable to be assessed or accruing under the provisions of former acts or drawbacks, the right to which has already accrued, or which may hereafter accrue under said acts, and for maintaining and continuing liens, fines, penalties, and forfeitures incurred under and by virtue thereof. And this act shall not be construed to affect any act done, right accrued, or penalty incurred under former acts, but every such right is hereby saved."

It will be seen from reading the above that the section in effect saved all the accrued and unpaid taxes of the several classes repealed, and all rights accrued or penalties incurred under former acts. Among the accrued taxes thus saved are not only the taxes on legacies and successions, but also those on the gross receipts of railroads, canals, &c., express companies, insurance companies, telegraph companies, theaters, operas &c., the special taxes on occupations other than those relating to liquors, tobacco, and cigars; the taxes on sales of certain manufactures and products, and also several other taxes of minor importance, among which was the annual tax on carriages, gold watches, billiard tables, and gold and silver plate, comprised in the schedule then known as Schedule A. But this was not all. The saving provisions of said section 17 were so broad as to cover not only the accrued taxes of the classes expressly repealed as above enumerated but also the income taxes, and the taxes on dividends, &c., which had accrued under the act specified in said section 17, but which were superseded by the new income and dividend taxes imposed by sections 6 to 16 of said act of July 14, 1870.

It would seem from the report of the Committee on Manufactures, and the foregoing enumeration of the large and important classes of taxes, the arrears of which were covered by the saving provisions of said section 17, that the unqualified repeal of said section by the bill now in question was probably not intended.

But if it were the purpose to repeal the provisions of existing laws which now save all the arrears of taxes provided for in said section 17, it is respectfully suggested that the passage of the bill in its present form would not accomplish the purpose, because that section is no longer law. It was repealed by section 5596 of the Revised Statutes of the United States. But section 5597 of the Revised Statutes expressly reserves all rights accruing or accrued, and provides that "all rights and liabilities under said (repealed) acts shall continue, and may be enforced in the same manner as if said repeal had not been made." Strictly, therefore, said section 5597 is the provision of law which now saves all accrued rights and liabilities not only under the act of July 14, 1870, but under every other act repealed by section 5596, among which are all the internal-revenue acts existing December 1, 1873.

In view of the possibility that it may have been intended by the bill now in question to remit all the arrears of taxes that had been saved by section 17 aforesaid and continued to be saved by section 5597 of the Revised Statutes, I would state that of accrued taxes under repealed and expired laws there was collected from October 1, 1870, to June 30, 1879, $11,479,640.40, of which $299,094 was collected in the last fiscal year, the greater portion of which latter sum, as will be seen hereafter, was from legacy and succession taxes.

Much the larger portion of the above sum of nearly eleven and one-half millions of dollars collected consisted of taxes saved by the aforesaid section 17 and section 5597 Revised Statutes. The amount that would be lost by remitting the uncollected arrears of the taxes thus saved, it is, in the nature of things, impossible to specify, or even estimate approximately; but I have little doubt that it would be probably many hundreds of thousands if not some millions of dollars. Collections from the same sources are being made constantly, and I have no doubt that if not interfered with by repeal large amounts will continue to be added to the public revenue therefrom for several years to come. Such revenue will be paid, too, by persons who in the great majority of cases have for ten years past or longer had the use free of interest of these moneys belonging to the Government, while the Government itself has been thereby obliged to continue during all those years the payment of interest on a corresponding amount of the public debt. It would seem that such persons have no reasonable claim to such especial favor as would be extended to them by remitting the amounts they justly owe and have so long withheld.

Investigations as to these withheld taxes are continually being carried on by internal-revenue officers and agents; and the reward offered by circular No. 93 of December 1, 1875, to persons other than internal-revenue officers or employés, a copy of which is appended to the report on this bill made by the Committee on Manufactures, has brought information to the knowledge of this office from others than officers of internal revenue which has led to the collection of large amounts of taxes. It is proper here to state that no internal-revenue officer, agent, or employée can receive or is entitled to any reward whatever for his services in connection with the collection of these taxes other than his regular salary. I have no hesitation in saying that I do not think it would be wise or just to now remit to the delinquents the hundreds of thousands, if not millions, of dollars that may be due from them for these arrears of taxes which are being from time to time discovered and collected, with good present prospects of largely increased collections from the efforts which are now being put forth. Indeed it seems probable that it is the efficiency of these efforts which has given rise to this remission movement by some of those who fear that they will be obliged to pay what they owe to the Government on legacy or succession taxes, or other taxes, unless they can induce Congress to remit their liabilities.

It is submitted whether such remission to persons who have thus far successfully evaded their just portion of the public burden would not involve great injustice to the vast body of citizens who honestly and promptly bore their part of the burden in paying their portion of these taxes. The result would seem to be unequal taxation, unjust to every citizen who paid taxes, that these delinquents are excused from paying.

Assuming, however, for the reasons hereinbefore stated, that the whole purpose of the bill now in question is to remit the arrears of legacy and succession taxes only, and that the bill will be amended by striking out all reference to section 17 of the act of July 14, 1870, I nevertheless cannot think that it would be just to the Government, representing the whole people, nor to the large portion of the people who promptly and honestly paid their legacy and succession taxes, to now remit the similar taxes due by delinquents who purposely evaded or ignorantly omitted to pay them.

The amount of legacy and succession taxes remaining yet unpaid it is impossible even to estimate, considering that it depends upon the questions, what amount in value of property, real and personal, has passed to heirs at law, devisees, legatees, or donees, by will or laws of descent, or distribution or conveyances without valuable consideration, throughout the whole of the United States from the time the taxes were first imposed (1862 as to legacies, 1864 as to successions) until October 1, 1870; and what were the respective interests of all the heirs, devisees, and legatees in the properties referred to, and the relations of such parties to the predecessors from whom the properties descended. I think, however, I may very safely say that the amount of such taxes remaining due, and that may yet be collected, will probably reach to many thousands, probably hundreds of thousands of dollars. On this point the following facts are suggestive: The amount of taxes on legacies and successions collected prior to the taking effect of the repeal of the tax, to wit:

October 1, 1870, was		$13,039,835 39
Collected from October 1, 1870, to June 30, 1871	$1,765,812 51	
Collected during fiscal year ending June 30, 1872	956,688 16	
Collected during fiscal year ending June 30, 1873	469,515 70	
Assessed during fiscal year ending June 30, 1874	103,025 55	
Assessed during fiscal year ending June 30, 1875	161,145 38	
Assessed during fiscal year ending June 30, 1876	110,927 52	
Assessed during fiscal year ending June 30, 1877	49,747 61	
Assessed during fiscal year ending June 30, 1878	127,189 94	
Assessed during fiscal year ending June 30, 1879	182,036 71	
		3,926,089 08
Total		16,965,924 47

From the foregoing it appears that of the nearly $17,000,000 collected from taxes on legacies and successions since those taxes were imposed nearly $4,000,000 have been collected since the repeal of the act. Of this latter amount, the sum of $182,000 was assessed in the last fiscal year. It will be observed that the statistics here given do not include the present fiscal year. With reference to this year, I would remark, that in one case alone, in January last, there was received for arrears of succession tax $48,930.06. And I may here repeat, as was before stated with reference to collections on account of repealed taxes generally, that through the investigations now being carried on by internal-revenue officers and others, there is a very encouraging prospect of a largely increased collection of these delinquent taxes on legacies and successions.

The lien for succession taxes was limited by its terms to five years, and has long since expired. Consequently, innocent purchasers of real estate cannot be troubled because of any such taxes due by a former owner thereof.

There are doubtless some few exceptional cases of hardship in the collection of legacy taxes, mostly confined to cases of executors and administrators, who have ignorantly made distribution of the personal estates without deducting the legacy tax due. (The succession tax was not payable by them, but by the successors themselves.) It is submitted, however, that the existence of a few such cases is not good reason for a general remission of the whole large arrearage of legacy and succession taxes. In the great majority of cases, such remission would be simply an undeserved gratuity from the Government to delinquents of taxes which they should have paid years ago, and which they can yet be made to pay.

It is to be remembered also that the legacy and succession taxes were of a kind most easily borne. Unlike taxes on products or manufactures, they were upon estates, real and personal, generally, of considerable and often of large amount, all of which came to the legatees and successors gratuitously. The failure of such parties to pay the comparatively small taxes upon what they had thus gratuitously received would seem to be inexcusable.

Your attention is called to the fact that no penalties are collected in making collections of these taxes nor even interest in any case of voluntary payment. That policy was adopted by this office as far back as March 27, 1874, over six years ago, when a circular letter of that date was issued, giving such instructions to collectors as to all taxes, the time for the assessment of which had expired, and where the tax-payers would waive the limitation, such limitation being a bar only to assessment, but not to a suit for the recovery of the taxes.

Under all the circumstances hereinbefore stated it is respectfully submitted whether it would be wise to remit the taxes proposed to be remitted by the bill now in question even if the remission is confined to taxes due on legacies and successions.

Pursuant to your circular of February 12, 1880, I inclose to you Mr. RICHARDSON's letter with the foregoing information asked for therein for transmission to him for the use of his committee.

I have the honor to be, very respectfully, yours,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. KASSON. As soon as the gentleman mentioned the subject of his amendment and said nothing else was embraced in it, the committee and the Chair were relieved of all doubt as to what disposition to make of it.

It will be observed this amendment is not part of a proposition to reduce existing taxation. There are a few parties—the Committee on Ways and Means knows of but very few, I do not know but the list could be numbered by the fingers of one hand—who owe unpaid taxes of this sort. It is simply a proposition to remit to the persons who have not hitherto paid them, the taxes they were required by law to pay; that is to make a free gift to them of what remains unpaid of old taxes.

Mr. HASKELL. They are private claims now.

Mr. KASSON. Yes, sir; they are in the nature of a private claim. There is no reason to ask it back because it is due as much as the taxes assessed to-day.

Mr. COX, of New York. You are repealing the internal-revenue taxes by this bill.

Mr. KASSON. Yes; it is proposed to repeal the tax from this time forward on certain things. But if the parties do not pay up what is due up to the date of the repeal we will not let them come in afterward and claim a remission of the taxes they ought to have paid like other people. The whole point made by the gentleman from New York is that this is old and that it is inconvenient to pay. If a separate bill came up for this purpose I might as soon give this away as have the trouble of hunting it up. But my point is that this is not germane to this bill, and that it is not legitimate legislation to take up one class of taxes and remit them, although they have been long due.

Mr. COX, of New York. On the point of order I desire to reply to my friend from Iowa. I know this is simply in the nature of a claim for the remission of a tax. But when I reflect that the claim is on the Government for a tax and that the law creating it has been repealed, it will be seen that this causes a great hardship on the people in the settlement of estates to have this tax hanging over them year after year. In the year before last——

Mr. KASSON. I would suggest to the gentleman from New York that we have both spoken on the point of order.

Mr. COX, of New York. I wish only to say that the amount assessed during the year before last was $135,000. During the year ended June 30, 1881, the amount assessed was $63,000. So that there is in one sense a reduction of taxation. Therefore my amendment properly lies outside the point of order made by the gentleman from Iowa.

Mr. KASSON. That is, this is a proposition to remit to those who have not paid taxes an amount of about $63,000.

Mr. COX, of New York. The gentleman uses the word "remit" in a peculiar sense. I say it reduces the taxes.

Mr. TOWNSHEND, of Illinois. I ask the Chair whether my motion that the committee rise is now in order?

The CHAIRMAN. The motion is in order if the gentleman will insist on it.

Mr. TOWNSHEND, of Illinois. I do insist on it.

The question being taken on the motion that the committee rise, there were—ayes 61, noes 91.

So the motion was not agreed to.

The CHAIRMAN. Under clause 7 of Rule XVI, "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." This bill provides for reducing taxes upon certain specified articles. Among those articles are not those named in the amendment of the gentleman from New York, [Mr. COX.] The Chair therefore thinks the amendment is not in order, and sustains the point of order made by the gentleman from Iowa, [Mr. KASSON.]

Mr. FLOWER. I desire to move a substitute for the entire bill.

The CHAIRMAN. The gentleman will withhold his substitute until the committee shall have acted upon the amendment proposed by the gentleman from Pennsylvania [Mr. RANDALL] as an additional section, which amendment will now be read.

The Clerk read as follows:

SEC. —. Apothecaries who sell liquor only for medicinal purposes, and according to the restrictions hereinafter specified, shall pay a special tax of $5 annually. When any apothecary who proposes to sell liquors shall, at the proper time for making application for the special-tax stamp of a liquor dealer, make and file with the collector of his district an oath or affirmation in writing, in a form to be prescribed by the Commissioner of Internal Revenue, that he is carrying on the business of preparing and compounding medicines according to prescriptions of physicians; that he does not intend to, and will not sell, or offer for sale, or permit to be sold or offered for sale at his place of business, any distilled spirits, wines or malt liquors, excepting only for medicinal purposes, and not to be drank on the premises, and in quantities of less than one pint at any one time, such apothecary shall, on payment of the special tax, receive from the collector an appropriate special-tax stamp, prepared and furnished by the Commissioner of Internal Revenue, and to be subject to all the provisions of law relating to special-tax stamps.

Mr. RANDALL. I have introduced that amendment at the instance of many apothecaries who do not desire to be classed as liquor sellers, although they take out a license. They ask that they may be relieved from this retail liquor license, and that when they take out their license they will take an oath that they will not sell liquor or allow it to be drank in their place of business, but will only use it for the purpose of compounding medicines.

Mr. KASSON. That will leave a loop-hole for apothecaries to make important mixtures of medicines, the principal article in it being spirits.

Mr. RANDALL. No, it will not.

Mr. DINGLEY. I would ask the gentleman in what respect his amendment proposes to change the existing statute? The statute now exempts apothecaries from paying taxes as special dealers in wines and spirituous liquors which they use exclusively in making up their medicines.

Mr. RANDALL. They have to take out a retail dealer's license and pay $12, while this amendment allows them to take out a license for $5. And I desire to add to my amendment a provision that they shall not be required to exhibit their license, for many of them do not want to be regarded as liquor sellers.

Mr. HORR. But to sell liquor all the same.

Mr. RANDALL. Not at all.

The amendment of Mr. RANDALL was not agreed to.

Mr. WISE, of Virginia. I move as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

That the following provision of section 3385 of the Revised Statutes be stricken out, after the word "stamp," in the fifteenth line, in the words following, to-wit: "And to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing of such stamps 10 cents shall be paid to the collector on making the entry of such transportation."

And also that the words, "the amount of tax," in the twenty-third line, after the word "pounds," be stricken out.

Mr. HASKELL. Is not that liable to a point of order?

The CHAIRMAN. Does the gentleman make a point of order upon it?

Mr. HASKELL. I understood it to refer to some section of the Revised Statutes.

The CHAIRMAN. It does. The gentleman can reserve his point of order until the gentleman from Virginia [Mr. WISE] is heard upon his amendment.

Mr. WISE, of Virginia. I ask the House to hear me for a moment in reference to this amendment. Under the Constitution of the United States no tax or duty can be laid upon exports from any State. Under the section of the Revised Statutes to which my amendment refers a stamp is required to be placed on all packages of tobacco exported from the country. Now, to the extent that this charge of 10 cents per package is in excess of the cost of the stamp, it is in violation of the Constitution. That is a clear case.

I have a letter here from the Commissioner of Internal Revenue, in which he informs the House that ninety-nine one-hundredths of this tax is in excess of the cost of the stamp. The small revenue of $7,000 per annum is all that is derived from this source. It is a tax which falls almost exclusively upon the cities of Richmond and Petersburgh, in my State. The whole amount of revenue collected from this source is $7,000 annually, and those two cities pay more than $6,000 of that sum. I ask that this amendment to the bill may be accepted. The Commissioner of Internal Revenue recommends it, and it is recommended by all the Committee on Ways and Means.

Mr. HASKELL. This amendment is a provision concerning the exportation of tobacco. It is a matter that relates to the tariff and impost duties as much as to the internal revenue. It has no place on this bill. It is a custom-house regulation. The stamp is put on the package in order to identify the tobacco which is sent out of the country for exportation.

Mr. KELLEY. There is a bill now before the House for this purpose, and I think the gentleman has copied it for his amendment.

Mr. WISE, of Virginia. Not the bill before the House.

Mr. KELLEY. There is also a bill relating to the exportation of tobacco by rail to Canada, Mexico, and elsewhere.

Mr. WISE, of Virginia. I would like to say to the House that the exporters of tobacco from my State, in addition to this tax of 10 cents, are also charged 12 cents for inspection. I do think that this reduction ought to be made in their behalf.

The CHAIRMAN. The Chair, after a very casual inspection of this section of the statutes, thinks that it does relate entirely to customs duties and not to internal-revenue taxation. If the Chair is right about that, it does not relate to the subject of the bill.

Mr. TUCKER. The export tax, as this is now held to be, has nothing to do with customs duties, because no customs duties can be laid upon articles exported, as is admitted. This is a charge upon tobacco exported from the country, which the Supreme Court of the United States held would be unconstitutional if it appeared that it was more than was necessary to pay for the cost of the stamps, for then it would be a tax on exports, which is prohibited by the Constitution.

The Committee on Ways and Means found, by inquiry of the internal-revenue collector, that the fee amounted to more than was necessary to pay the cost of the stamps, and therefore it was an export duty.

The only question is, whether this provision, which substantially

has been reported from the Committee on Ways and Means, should not be ingrafted on this bill.

The CHAIRMAN. The Chair would like to understand from the gentleman from Virginia [Mr. TUCKER] whether this amendment is substantially the same as another bill.

Mr. TUCKER. I think it is substantially.

The CHAIRMAN. If it is, the Chair must rule it out of order. The Chair sustains the point of order.

Mr. CALKINS. I send to the desk a substitute for the bill.

Mr. KELLEY. I reserve all points of order.

Mr. FLOWER. I believe I have a substitute pending.

The CHAIRMAN. The Chair does not so understand.

Mr. FLOWER. I was recognized to offer a substitute when the Chair requested me to wait until the then pending section was voted upon. My substitute is at the Clerk's desk.

The CHAIRMAN. The Chair now remembers having recognized the gentleman. His substitute will be reported.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry. I wish to know whether it is not in order to vote on additional sections before any substitute for the bill is voted upon.

The CHAIRMAN. The Chair thinks that the original text of the bill should be perfected before a substitute is voted upon.

Mr. THOMPSON, of Kentucky. Then I desire to move to amend by adding to the bill some new sections.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. THOMPSON, of Kentucky. I send to the desk the additional sections which I offer to the bill. They are printed in the RECORD of the 22d instant.

The CHAIRMAN. The Chair is informed that these additional sections are very lengthy, and also that they relate to the income tax.

Mr. THOMPSON, of Kentucky. Yes, sir.

The CHAIRMAN. The Chair supposes that the same point of order will be made upon this amendment as has been made on other amendments of this character.

Mr. THOMPSON, of Kentucky. I have heard no point of order made which is pertinent to my amendment.

Mr. KASSON. I wish it understood that there is a point of order raised against this amendment and all others of the same character.

The CHAIRMAN. The Chair thought that, as the amendment of the gentleman from Kentucky has reference to the income tax, time might be saved by allowing the point of order to be passed upon without reading the various sections in full. Does the gentleman from Kentucky desire to have these sections reported?

Mr. THOMPSON, of Kentucky. Yes, sir. I do not see how the House or the Chair can understand them unless they are reported.

The CHAIRMAN. It is the right of the gentleman to have them read if he insists upon it. The Clerk will read.

The Clerk read the following, proposed by Mr. THOMPSON, of Kentucky, to be added to the bill as new sections:

That there shall be levied and collected, as hereinafter provided, for the year 1883, and annually thereafter, upon the gains, profits, and income of every person residing in the United States, and of every citizen of the United States temporarily residing abroad, derived from any source whatever, whether within or without the United States, except as hereafter provided, and the gains, profits, and income derived from any business, trade, or profession carried on in the United States by any person residing without the United States, and not a citizen thereof, or from rents of real estate within the United States owned by any person residing without the United States, and not a citizen thereof, the following tax, to wit: 2½ per cent. on the amount of all such gains, profits, and income in excess of $4,000 up to the sum of $10,000; and 5 per cent. of the amount thereof over $10,000 and up to the sum of $20,000; and 10 per cent. on the amount thereof above the sum of $20,000.

SEC. 2. In estimating the gains, profits, and income of any person, there shall be included all income derived from any kind of property, rents, interest received or accrued upon all notes, bonds, and mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good or collectible, interest upon notes, bonds, or other securities of the United States; and the amount of all premium on gold and coupons; the gains, profits, and income of any business, profession, trade, employment, office, or vocation, including any amount received as salary or pay for services in the civil, military, naval, or other services of the United States, or as Senator, Representative, or Delegate in Congress; the share of any person of the gains and profits, whether divided or not, of all companies or partnerships; profits above costs and expenses actually received or realized in cash or cash value within the year from sales of real estate purchased within two years previous to the year for which income is estimated; the amount of sales of live-stock, sugar, wool, butter, cheese, pork, beef, mutton, or other meats, hay and grain, fruits, vegetables, or other productions being the growth or produce of the estate of such person, but not including any part thereof consumed directly by the family; and all other gains, profits, and income drawn from any source whatever, but not including the rental value of the homestead owned and used or occupied by any person, or by his family: *Provided*, That no gift, devise, or property acquired by inheritance, distribution, or succession shall be accounted as gains, profits, or income under this section.

SEC. 3. Military or naval pensions allowed to any person under the laws of the United States, and the sum of $4,000 of the gains, profits, and income of any person shall be exempt from said income tax, in the manner hereinafter provided. Only one deduction of $4,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or of husband and wife; but when a wife has by law a separate income, beyond the control of her husband, and is living separate and apart from him, such deduction shall then be made from her income, gains, and profits; and guardians and trustees shall be allowed to make the deduction in favor of each ward or beneficiary, except that in case of two or more wards or beneficiaries comprised in one family, having joint property interest, only one deduction shall be made in their favor. For the purpose of allowing said deduction from the income of any religious or social community holding all their property and the income therefrom jointly and in common, each five of the persons composing such society, and any remaining fractional number of such persons less than five over such groups of five, shall be held to constitute a family, and a deduction of $4,000 shall be allowed for each of said families.

In addition to the exemptions provided, above specified, there shall be deducted from the gains, profits, and income of any person, all premiums on insurance of life or property, and all national, State, county, and municipal taxes paid by him within the year, whether such person be owner, tenant, or mortgager; all his losses actually sustained during the year arising from fires, floods, shipwrecks, or incurred in trade, and debts ascertained to be worthless, but excluding all estimated depreciation of values; the amount of interest paid during the year, and the amount paid for rent or labor to cultivate land, or to conduct any other business from which income is derived; the amount paid for the rent of the house or premises occupied as a residence for himself or his family, and the amount paid out for usual and ordinary repairs. No deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate.

The salaries of all officers, executive, judicial, and legislative, of any State of the Union shall also be deducted from their gains, profits, and income, and be exempted from said tax; and consuls of foreign governments who are not citizens of the United States shall be exempt from any income tax imposed by this act which may be derived from their official emoluments, or from property in foreign countries.

SEC. 4. That the tax hereinbefore provided shall be assessed upon the gains, profits, and income for the year ending the 31st day of December, 1882, and for each succeeding year, as herein provided, and shall, after assessment, be due and payable upon notice and demand made as provided by section 3184 of the Revised Statutes. When said tax shall have been assessed by the Commissioner of Internal Revenue, and said lists shall have been returned to the collector, he shall at once proceed to collect the tax assessed in the same manner as all other assessed taxes are required by law to be collected; and in case of default in the payment of the tax as required, or any part thereof, the penalty of 5 per cent. and interest at the rate of 1 per cent. per month shall also be collected in the manner prescribed by law in the case of other assessed taxes. If any person liable to pay the said tax neglects or refuses to pay the same for ten days after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with, except in case of deceased, insane, or insolvent persons, the interest, penalties, and costs that may accrue in addition thereto, upon all the real and personal property of the person assessed within the collection district.

SEC. 5. That it shall be the duty of every person of lawful age having a taxable income during the preceding year to make and render a return on or before the 10th day of January, or within twenty days thereafter, to the collector of internal revenue of the district in which he resides of the gross amount of his income, gains, and profits as aforesaid; but not including the wages of minor children not received; and every guardian and trustee, executor or administrator, and any person acting in any other fiduciary capacity, or as a resident agent for, or copartner of, any citizen or non-resident alien, deriving incomes, gains and profits from any business, trade, or profession carried on in the United States, or from rents of real estate situated therein, shall make and render a return as aforesaid to the collector of the district in which he resides of the amount of income, gains, and profits of any minor or person for whom he acts.

And it shall be the duty of every collector to notify, in writing, by mail or otherwise, all such persons in his district as he shall have reason to believe had a taxable income for the preceding year to make and render a like return thereof. And such notice may be delivered to the person, or left at his dwelling or usual place of business or may be sent by mail.

Every such return shall be verified by the oath of the party rendering it, and shall be made in duplicate to the collector, who will immediately transmit one copy to the Commissioner of Internal Revenue; and the returns shall be made in such forms and manner as may be prescribed by general rules and regulations of the Commissioner of Internal Revenue, in order to ascertain the amount of his income, gains, and profits legally liable to said tax; and where the party liable to the tax shall not be a resident of the United States, the collector may in like manner require a like return of any agent of such non-resident in order to ascertain his taxable income.

SEC. 6. And it shall be the duty of the Commissioner of Internal Revenue to prepare and forward to the collectors of internal revenue the needful schedules, blanks, and instructions, with such questions as he may deem necessary in order to elicit from each person a full, fair, and unequivocal account of his income, gains, and profits liable to said tax.

If any person having a taxable income shall fail or refuse, after being notified as aforesaid, to make such return, or shall make a false return, it shall be the duty of the collector, after reasonable notice to such person of the time and place of doing so, to proceed to make such return upon such evidence as he shall be able to obtain by the examination of such person under oath, or from any other source, and shall add, as a penalty to the amount of the tax due thereon, 100 per cent. in all cases of willful neglect or refusal to make and render a return, and in all cases of a false or fraudulent return having been rendered, the tax and the addition thereto as penalty shall be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a return, or of rendering a false or fraudulent return.

Any person may appeal from the decision of the collector in such cases to the Commissioner of Internal Revenue. The form, time, and manner of proceedings shall be subject to regulations to be prescribed by the Commissioner of Internal Revenue.

And in all such proceedings any person, in his own behalf, or as such fiduciary agent, shall be permitted to declare, under oath, or otherwise show that he, or his ward, beneficiary, or principal, was not possessed of an income liable to be assessed according to the provisions of this act, or may declare that an income tax has been assessed and paid elsewhere in the same year, under authority of the United States, upon his income, gains, and profits, or those of his ward, beneficiary, or principal, as required by law, and if the collector shall be satisfied of the truth of the declaration, such person shall thereupon be exempt from income tax in the said district.

SEC. 7. It shall be the duty of each collector, on or before the 15th day of February, in the year 1879, and of every succeeding year, to make triplicate lists of all the returns within his district, giving the name, residence, gross income, exemptions, deductions, and any other facts which, under the regulations to be made by the Commissioner of Internal Revenue, may be required. The collector shall, immediately thereafter, transmit to the Commissioner of Internal Revenue one of each of the returns made to the collector, with the original and duplicate lists aforesaid, retaining one set of returns and the triplicate list in his office. Upon the receipt of said lists and returns the Commissioner of Internal Revenue shall, as soon as practicable, assess the tax due by each person, and shall thereupon transmit the original lists, with said assessments, to the collector, who shall give receipts therefor as in other cases: *Provided, however*, That no collector shall permit to be published in any manner such income returns, or any part thereof, except such general statistics, not specifying the names of individuals or firms, as he may make public, under such rules and regulations as the Commissioner of Internal Revenue may prescribe.

That if any person signing and making the return above prescribed in regard to said tax shall intentionally and fraudulently sign and make a false return, he may be indicted and convicted in any court of the United States having local jurisdiction, and shall, upon conviction, be subject to a fine of not less than $1,000 nor more than $50,000, or be imprisoned not less than one nor more than ten years, or both, at the discretion of the court.

SEC. 8. The taxes collected under this act shall be paid over and accounted for in the same manner that other internal-revenue taxes are required to be paid by

law, and the collectors of internal revenue, before proceeding to execute this act, shall renew their bonds as such, or give a separate bond, with sufficient sureties, as now provided in like cases, conditioned to discharge their duties under it, and to account for all moneys received under its provisions.

The provisions of chapter 2, title 35, of the Revised Statutes of the United States, relative to assessments and collections of internal-revenue taxes, are, when not inconsistent with any of the provisions of this act, hereby made applicable to the assessment and collection of the taxes imposed by this act.

Mr. HASKELL, (before the reading was concluded.) I make the point that this amendment is entirely out of order. Enough has been read to demonstrate that it proposes the imposition of an income tax.

Mr. ATKINS. Unless we can have some understanding, I prefer that the amendment should be read in full. If the chairman of the Committee on Ways and Means intends to keep us here all night, let us know it.

Mr. HASKELL. The amendment is simply and clearly the imposition of an income tax, nothing else.

The CHAIRMAN. The Chair has read the amendment in the RECORD; and already enough has been disclosed upon the reading by the Clerk to show that the amendment relates to a subject entirely different from that embraced in the bill. The Chair is therefore very clearly of the opinion that the amendment is not in order.

Mr. RANDALL. I submit that a gentleman offering an amendment has the right to have it read before it is ruled upon.

The CHAIRMAN. The Chair so holds.

Mr. HASKELL. He has not that right if, before the reading is concluded, it is manifest that the proposition is out of order.

Mr. RANDALL. The Chair has no right to decide the point of order before the amendment has been read.

The CHAIRMAN. The Chair has stated that the amendment must be read if it is insisted upon.

Mr. THOMPSON, of Kentucky. I insist on its being read.

The CHAIRMAN. The Clerk will continue the reading.

The Clerk resumed and concluded the reading of the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. HASKELL] raises the point of order that this amendment embraces a subject different from any contained in the bill. The Chair is prepared to rule on the point of order. He sustains the point and excludes the amendment.

Mr. KELLEY. I move that the committee rise——

Mr. THOMPSON, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] is recognized.

Mr. THOMPSON, of Kentucky. I rise to take an appeal from the decision of the Chair. I was not allowed to be heard on the point of order.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ATKINS. The Chair has not made a decision.

Several MEMBERS. Oh, yes!

Mr. ATKINS. Oh, no. The Chair said he was prepared to rule upon the question.

The CHAIRMAN. The Chair stated that he was prepared to rule, and he did rule upon it, sustaining the point of order. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. TURNER, of Kentucky. Does the Chair refuse to hear any argument on the question of order?

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those in favor will say "ay;" those opposed will say "no." The ayes have it, and the decision of the Chair is sustained.

Mr. KELLEY. I move that the committee do now rise.

Mr. ATKINS. Mr. Chairman, a division is demanded on the appeal.

Several MEMBERS. Do not vote!

Mr. COX, of New York. I serve notice on the Chair to give us a hearing.

Mr. HOUSE. Do not vote; they have no quorum here.

Mr. TOWNSHEND, of Illinois. Does the Chair refuse to hear an argument on the question?

Mr. TURNER, of Kentucky. It is the first time the Chair has refused to hear argument.

The CHAIRMAN. The committee is dividing.

Mr. SCALES. Will the Chair hear argument on the subject?

The CHAIRMAN. Does the gentleman from North Carolina wish to be heard?

Mr. SCALES. Will the Chair hear the gentleman from Kentucky [Mr. THOMPSON] on the point of order?

The CHAIRMAN. The House is dividing, and the time for discussion has passed.

Mr. ROBINSON, of Massachusetts. There will be no objection if the gentleman desires to speak on the appeal.

The CHAIRMAN. The Chair did not understand the gentleman wished to speak on the appeal.

Mr. COX, of New York. The Chair gave us no chance.

The CHAIRMAN. The Chair did not understand the gentleman rose to address the Chair.

Mr. COX, of New York. Half a dozen were addressing the Chair.

The CHAIRMAN. The Chair did not hear them. If the gentleman wishes to be heard on the appeal, the Chair will hear him.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry, and I should like to have order in the House while I state it.

Mr. ROBESON. I rise to a parliamentary inquiry.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky.

Mr. THOMPSON, of Kentucky. I wish to ask the Chair why it is that a member on this side of the House cannot be recognized by the Chair upon a question which is of a privileged character? I rose to address the Chair with a view of being heard, first, on the point of order made on the amendment which I had offered to the bill. I do not complain of the discourtesy of the Chair in not hearing me; nor do I complain of the discourtesy in not allowing me one word upon the point of order pending to my amendment, an important amendment.

Mr. TURNER, of Kentucky. One of the most important.

Mr. THOMPSON, of Kentucky. But I do complain when I rose to take an appeal I was refused recognition.

The CHAIRMAN. The Chair desires to state that the Chair did not understand the gentleman desired to be heard on the question of appeal. The Chair has already stated, so far as it is concerned, it would recognize the gentleman to be heard on that subject now.

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kentucky cannot be taken off the floor.

Mr. THOMPSON, of Kentucky. I do not yield.

Mr. BAYNE. Then I rise to a point of order against the proposition the gentleman is now making. I want to know whether it is a principle of parliamentary law that when the Chair is fully prepared to decide it is a matter of courtesy or right on the part of anybody.

The CHAIRMAN. That is another question and not the one pending at all.

Mr. THOMPSON, of Kentucky. I make no complaint of the Chair on that account.

Mr. TOWNSHEND, of Illinois. He is arguing the appeal now.

The CHAIRMAN. The Chair has stated to the gentleman from Kentucky he has recognized him on the appeal, and if he desires to speak to that the Chair will be glad to hear him.

Mr. THOMPSON, of Kentucky. I do not desire to be heard on the appeal. I wish only to insist on my right in this House, as every other member, when I rise to take an appeal, that the Chair shall recognize me for that purpose.

The CHAIRMAN. The Chair again desires to state to the gentleman from Kentucky that he had no disposition to cut the gentleman off and not permit him to be heard. The Chair did not understand that the gentleman wished to address the committee on that subject.

Mr. THOMPSON, of Kentucky. I want it understood distinctly I do not propose to have a quarrel with the Chair on this matter or to treat the Chair with discourtesy, but it is the first time in my short service in this House that I have known the Chair to cut off a member from expressing his views on any amendment. It is the first time I have ever known any member of the House to have to run a race with the Chair to be heard on an important matter pending offered by him for the consideration of the committee.

I am the only member that I have ever seen in this House refused a hearing upon his amendment when the point of order was made against it, and the only person who has ever been refused recognition to appeal from the decision of the Chair when the Chair had run rough-shod over him. That is what I complain of.

The CHAIRMAN. The Chair desires to state to the gentleman from Kentucky, that as he understands the practice it is entirely discretionary with the Chair whether or not he will listen to arguments upon the point of order. But the Chair had thoroughly considered this matter before; had carefully read the amendment of the gentleman, and had come to the conclusion that it was entirely subject to the point of order, and therefore to avoid taking up the time of the committee, the Chair felt it was his duty to rule upon it. The Chair, however, desires to state that he meant no discourtesy whatever to the gentleman from Kentucky; but having made the examination, he was prepared to rule and felt it his duty to rule simply for the purpse of expediting the business of the House, and not with a view to cutting off the gentleman from Kentucky.

Mr. THOMPSON, of Kentucky. I have no doubt the wisdom of the Chair is so great that it could not be enlightened upon any subject by any remarks which I might have seen fit to make in connection with the point of order. [Cries of "Regular order!"]

The CHAIRMAN. The Chair has no doubt that the gentleman from Kentucky might possibly have enlightened him or the committee, but the mind of the Chair was made up from a thorough consideration of the amendments, which have all been printed, and discussion would have been profitless and fruitless; and unless the gentleman from Kentucky had desired to consume the time of the committee in talking to no purpose, the Chair thought that discussion was out of order; and being fully prepared to rule upon the question, did what he believed to be his duty in that connection.

Mr. COX, of New York. What is the pending proposition?

Mr. THOMPSON, of Kentucky. I have an appeal from the decision of the Chair.

The CHAIRMAN. The Chair understands the gentleman from New York rises to discuss the appeal.

Mr. COX, of New York. I do not propose to discuss the appeal. I have endeavored time and again to get the ear of the Chair, but have failed to do so. I simply rose to ask what was the pending proposition.

The CHAIRMAN. The pending proposition is on the appeal of the gentleman from Kentucky. Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair decided by the sound the yeas had it.

Mr. THOMPSON, of Kentucky. I demand a division.

The committee divided; and there were—ayes 102, noes 4.

Mr. HOUSE. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, under the rule the Chair will order tellers to ascertain whether gentlemen desire to vote upon the proposition or not.

The Chair appoints the gentleman from Massachusetts, Mr. RUSSELL, and the gentleman from Kentucky, Mr. THOMPSON.

Mr. VANCE. I hope the gentleman will withdraw his demand.

Mr. TOWNSEND, of Ohio. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSEND, of Ohio. Is it necessary that a quorum shall vote on a question of this character? I make the point that it is not necessary that a quorum shall vote on such a question.

The CHAIRMAN. The Chair thinks a quorum is necessary. The tellers will take their places.

Mr. RUSSELL took his place as one of the tellers.

The CHAIRMAN. Will the gentleman from Kentucky act as one of the tellers?

Mr. THOMPSON, of Kentucky. No, sir; "the gentleman from Kentucky" will not.

The CHAIRMAN. Will the gentleman from New York act as one of the tellers?

Mr. COX, of New York. With the greatest pleasure, sir; it is my duty. [Applause on the Republican side.]

The committee divided; and the tellers reported—ayes 114, noes 35.

So the decision of the Chair was sustained.

The CHAIRMAN. The substitute proposed by the gentleman from New York [Mr. FLOWER] will now be reported.

Mr. COX, of New York. I do not want to lose my right to perfect the bill before the substitute is adopted.

The CHAIRMAN. The Chair will recognize the gentleman to offer his amendment as an additional section.

Mr. ATKINS. There will be several other amendments, perhaps a dozen of them.

Mr. TOWNSHEND, of Illinois. There are a great number of amendments yet to be offered.

The CHAIRMAN. The Clerk will report the proposed substitute of the gentleman from New York [Mr. FLOWER] for the entire bill.

The Clerk read as follows:

Amend House bill 5538 by striking out all after the enacting clause, and inserting the following:

"That the several sections of the Revised Statutes of the United States embraced in title 35, chapter 3, beginning with section 3232 and ending with section 3246, imposing 'special taxes,' be, and the same are hereby, repealed, to take effect on the 1st day of May, 1883; and the several sections of the Revised Statutes of the United States embraced in title 35, chapter 5, beginning with section 3335, and ending with section 3354, relating to 'fermented liquors,' and all amendments thereto; and the several sections of the Revised Statutes of the United States embraced in title 35, chapters 9 and 10, beginning with section 3418 and ending with section 3440, relating to 'stamps on specific objects' and 'legacies and successions,' and all amendments thereto, be, and the same are hereby, repealed, to take effect on the 1st day of July, 1882.

SEC. 2. That so much of section 3408 of the Revised Statutes of the United States, and all amendments thereto, as imposes a tax upon deposits of money with any person, bank, association, company, or corporation, engaged in the business of banking, and so much of said section and all amendments thereto as imposes a tax upon the capital of any bank, company, or corporation, and on the capital employed by any person in the business of banking, and so much of section 5214 of said Revised Statutes as imposes a tax on the capital and deposits of national banks be, and the same are hereby, repealed, to take effect on the 1st day of January, 1883; and that the sections of the Revised Statutes of the United States embraced in title 35, chapters 6 and 7, beginning with section 3355 and ending with section 3406, relating to "tobacco and snuff" and "cigars," and all amendments thereto, be, and the same are hereby, repealed, to take effect on and after January 1, 1884.

SEC. 3. It shall be the duty of the President and the Secretary of the Treasury to discharge from the service all officers and employés specially employed in carrying into effect the acts of Congress repealed in this act, as soon as the repeal of the taxes takes effect; and to reduce the remaining officers and employés to such number as will be required for an efficient and economical administration of the internal-revenue laws thereafter. And the Secretary of the Treasury shall report to Congress at the beginning of each regular session, after the provisions of this act shall have taken effect, what reductions of the official force have been made, and the reduced expenses in consequence thereof.

SEC. 4. That it shall be the duty of the Secretary of the Treasury to report to Congress at the beginning of the next regular session the propriety of so amending the laws relating to the taxes on distilled spirits as to provide for taxing the capacities of all distilleries, and thus enabling the Government to dispense with the entire system of collections of internal revenue as now required by law, after the taking effect of this act, and the collection of the license on distilleries through the customs officers of the Treasury Department.

SEC. 5. That all taxes assessed under the sections repealed in this act, and the amendments thereto, before this act takes effect, as provided herein, shall be collected as heretofore; and all suits, prosecutions, rights of action, liabilities, and bonds, originating under said sections and amendments thereto, shall in no wise be affected by the provisions of this act.

Mr. FLOWER. Mr. Chairman, in my remarks before this House on the tariff and tax commission bill I took the ground that all of the taxes embraced in the internal-revenue system should be abolished with the exception of the tax on distilled spirits. I believe the sixty-five or seventy millions we collect from that source, together with the five millions which would be saved from salaries were this internal or infernal system abolished, would be sufficient to pay our pensions for all time. All the rest of these taxes ought to go, for they are unnecessary, and I believe that surplus revenue is as productive of lavish expenditure in governments as it is in individuals.

To take off these taxes is in the direct line of civil service and revenue reform. When you ask me, as an abstract question, whether we should take the tax off of sugar or tobacco first, I prefer taking it off the sweeter article. But, Mr. Chairman, there are other things besides toothsomeness to be considered. There are 600,000 licensed men in this country who cannot hold up their heads before the horde of Republican office-holders as I can. The tax is not collected in the same way from sugar—mark the difference.

I have had experience in this matter of the internal-revenue system. My opponent last fall walked through the eleventh district of New York, the wealthiest district in the United States, arm and arm with one of the attachés of the Internal Revenue Department, soliciting votes from the tobacco manufacturer, from the cigar manufacturer, from the whisky dealer, from the lager-beer brewer, and the saloon-keeper. If there was anywhere a man who had ever violated the law that man was importuned to vote for my opponent.

Mr. HISCOCK. I wish to inquire if the rumor that the incomes of gentlemen in that district were largely increased is true or not?

Mr. ROBESON. You should say decreased.

Mr. FLOWER. I can say for myself I made the plain statement in my canvass that I would not purchase a vote if I never came to Congress. And that is the reason I came here.

What about the 2 per cent. assessment? On the anniversary of President Garfield's death the question as to the 2 per cent. assessment is ringing through the papers. I give you notice that with all such means to corrupt the voters of this country you cannot buy them. And I desire to say, as a member of the Democratic campaign committee of this Congress, I will not solicit a single subscription. Go on; assess. Draw in your funds from the internal-revenue system. You are welcome. Your refusal to lighten the load of the people is more than all your money can atone for.

Mr. KELLEY. I desire to say that I think the committee's bill has been better considered than the substitute of the gentleman from New York, [Mr. FLOWER,] and I hope that substitute will be voted down.

Mr. COX, of New York. In response to what has fallen from my friend from Pennsylvania, [Mr. KELLEY,] who thinks the committee has better considered their propositions than my friend and colleague from New York [Mr. FLOWER] has considered his, I beg to say to the gentleman from Pennsylvania that while he and my colleague may agree on many of the propositions in this bill, and though I think my colleague and he may vote together for the bill, even though his substitute fail, of which I do not speak advisedly, for one, unless there be some substitute or some amendment placed on this bill, in order to get rid of the great bulk of this internal-revenue machinery, I for one, representing my constituents, cannot vote for it. Although it does reduce taxation twenty millions or so, although it is a great desideratum at this time to reduce taxation, although I believe we have no chance to reduce the tariff by means of your commission machinery for two years to come, I do believe it to be the duty of this House not merely to take off the taxes from your banks, State or national, or from your bank checks, or from a certain class of manufacturers, but I would favor the radical upturning of this business, and I would favor the substitute of my colleague, that we may have an end to the coming of these vast sums into the Treasury.

I think it would be proper and right for us just now and here if possible to vote to cut up the whole internal-revenue machinery, and turn it over if you please to the customs-house for its collection. For we will always fail to be rid of these electioneering devices rehearsed by my colleague until we burn the very barn to be rid of the rats. The rats in this country have taken possession of our politics. Your assessments are a part of that sort of system. I know my friend from Iowa the other day disavowed being in favor of this business of assessment on men who earn merely their living by labor. I was glad to hear him say it. He would like to have a more general law. I hope he will vote for a section I will offer to this bill to stop the assessments to be levied on the men who will execute this machinery. We cannot expect any other law very soon. Let us therefore do our best now and follow out the suggestions made here, and made eloquently to-day in the Senate on both sides, to cut down this upas tree, this 2 per cent. assessment, on our pages, our scrubbing women, and our laborers in our navy-yards.

I speak of this matter feelingly, because the men in my district work in the navy-yard, and on my visit home they came to me in groups asking me to relieve them from the dilemma this Congressional committee had placed them in. How could I advise them except as I did the other day? One gentleman from Springfield, Massachusetts, working in the armory, said he would pay both parties rather than one. He said, "I voted for Hancock, but I voted for ROBINSON for Congress. I mean to be just, but your assessments will not allow men to be just, fair, decent, or moral in our politics

in this country." Therefore I have an amendment here I propose to submit at the proper time, and which, I have no doubt, the Chair will rule to be in order.

The CHAIRMAN. The Chair desires to state to the gentleman from New York [Mr. COX] that his amendment must be submitted and voted upon before the question is taken on the substitute offered by his colleague, [Mr. FLOWER.]

Mr. COX, of New York. Then I offer it now.

Mr. TOWNSHEND, of Illinois. There are a dozen other amendments to be offered, and we ought to adjourn.

Mr. SPRINGER. Then I will move that the committee rise.

Mr. COX, of New York. Let my amendment be read.

The amendment was read, as follows:

No assessments for political purposes shall be made on any person who shall be engaged in the execution of this law, nor shall any moneys collected under this act be used to pay political assessments.

Mr. KASSON. I reserve the point of order on that amendment.

Mr. ATKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentlemen will state it.

Mr. ATKINS. Would it be in order to move that the committee now rise?

The CHAIRMAN. It would be.

Mr. ATKINS. I make that motion.

The question was taken; and upon a division there were—ayes 64, noes 87.

Before the result of the vote was announced,

Mr. ATKINS called for tellers.

Tellers were ordered; and Mr. ATKINS and Mr. RUSSELL were appointed.

The committee again divided; and the tellers reported that there were—ayes 77, noes 92.

So the motion that the committee rise was not agreed to.

The CHAIRMAN. There is a point of order pending by the gentleman from Iowa [Mr. KASSON] on the amendment offered by the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. What is that point of order?

Mr. KASSON. My point of order is that the amendment is not germane to the bill, is new legislation, and I may add, it is totally inadequate to accomplish the purpose the gentleman professes to seek.

Mr. COX, of New York. It refers directly to the men who will execute this law; it endeavors to make them honest men.

Mr. KASSON. If I understand the proposition this bill creates no new officers at all, but simply reduces taxation. On that the gentleman proposes to ingraft some regulation totally disconnected with the provisions of the bill. I therefore say it is not germane to the bill, and can only be offered for purposes of delay.

Mr. COX, of New York. The gentleman from Iowa [Mr. KASSON] interrupts me before I get through. And the gentleman has no right to attribute to me any purpose of delay. What I propose here is in the interest of my constituents, and not for delay. They are summoned by your Congressional committee, who are about to be tried by the United States courts, if they will only accept the issue of Mr. Curtis.

Mr. KASSON. The issue was proposed by the chairman of our committee.

Mr. COX, of New York. The issue he proposed was to refer the matter to the Attorney-General.

Mr. HUBBELL. I beg your pardon; it was to refer it to him or any one else.

Mr. COX, of New York. I will ask to insert the paper of Mr. Curtis in my remarks. I have it in my desk here; and gentlemen can pray over it to-night. And when they come to Congress hereafter by means of the little pittances that they get from the pages and poor laboring-men, when they come crawling here into their seats in that way, by means of the sums collected from their one-legged and one-armed soldiers, forcing them to pay those sums by the pretension that the Administration favors that sort of a system—when that is done, it seems to me that it is about time for the elaborate legislation of my friend from Kansas to take its place on every appropriation bill, on every bill providing for the use of public money, so as to stop this business right off, *in limine*, here and now.

Mr. BROWNE. All of which I suppose is on the point of order.

Mr. COX, of New York. And the gentleman from Indiana, [Mr. BROWNE;] the gallant soldier, the man of many battles, the man of old-fashioned, motherly gumption, to think that he should approve of this J. A. Hubbell circular, and try to put me down on the point of morality, as he did the other day. [Laughter.]

Mr. BROWNE. If the gentleman will pardon me, I think that speech of his is an excellent one; I have heard it five times already. [Laughter.]

Mr. COX, of New York. Yes; and it will be repeated until some reform is made in your party.

Mr. BROWNE. I suggest to the gentleman to get up a new speech.

Mr. COX, of New York. If you will only get up and confess your sins, only take back that circular, which makes such an unpleasant odor all over the United States, if you will only get Mr. HUBBELL and the rest of you to get up and confess your sins before the American people, I will withdraw the amendment.

Mr. McCOOK. How about the Buchanan administration?

Mr. COX, of New York. I was opposed to the Buchanan administration. You did not know that; you were too young to know that. [Laughter.]

Mr. KASSON. I assume, from what the gentleman from New York [Mr. COX] has said, that he knows as well as I do that his proposition is not in order on this bill. I have only to answer briefly what he has said, for I want no concealment about this matter.

Instead of making speeches on this floor in the name of civil-service reform, if he will only tell the men who have come to him (if any of them have honestly come to him for that purpose) to refuse to pay one dime if they did not do it willingly, he will find every member on this side of the House sustaining the manhood of such a person. [Applause on Republican side.]

Mr. COX, of New York. Yes; and then you will turn him out on some pretext.

Mr. KASSON. I did not interrupt the gentleman on his "point-of-order" speech. I want to say further that you know from old Democratic precedents that you turned out the men who refused your demands——

Mr. TOWNSHEND, of Illinois. We never made any. [Laughter, and cries of "Oh!" from the Republican side of the House.]

Mr. KASSON. I refer you to the CONGRESSIONAL RECORD and to a certain speech in it which contains the particulars.

Mr. COX, of New York. Are you talking on the point of order?

Mr. KASSON. I am meeting the gentleman's point of order. One word more. I am in earnest about this thing. The manhood of this country is not to be insulted by that side of the House any more than by this. When a man in office or out is asked to pay money for political purposes he has a right and it is his duty to decline to do so if he does not wish to pay it. [Applause on Republican side.] More than that, if I find any officer of Congress, any member of the Congressional committee or of the executive government, or the man's immediate superintendent, who interferes to get him turned out, I will get up on this floor and denounce him as a tyrant. [Applause.] I have no concealment in this matter. There is no one of these men to whom I allude who will lose his place if he declines to pay.

Mr. McMILLIN. How about the children—the pages whom you have notified?

Mr. KASSON. One thing more; and I speak by indulgence of the House, as it has indulged my friend from New York. I want to go further than to depend upon the manhood of the employé and the honor of the Government officer who is the employer. I want to devise some law by which officers of the Government—at least those subordinates not nominated by the President and confirmed by the Senate—whenever they have by experience shown their qualifications shall not be turned out without cause at the will of any politician. [Applause.]

Mr. COX, of New York. Does my friend denounce that circular?

Mr. KASSON. I have stated to the gentleman my views upon that subject, so that he cannot misunderstand me. Now, I insist on my point of order upon this amendment, which is a pure political maneuver and not in fact a proposition to amend the bill.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. COX, of New York. I want to know from the Chair whether I have permission to print the letter of George William Curtis?

The CHAIRMAN. The Chair desires to state that that would hardly assist the Chair in deciding the point of order, as it would not be printed till to-morrow, and the Chair will probably have to decide this point to-night.

Mr. COX, of New York. I want authority to print what President Garfield said to you gentlemen on this subject. Shall I not print that? [Cries of "Yes!" "Yes!"]

I ask these gentlemen what they think of the system of political assessments * * * of issuing a circular calling for 1, 2, or 3 per cent. of the salaries of all the employés * * * with the distinct understanding that unless they pay, others will be found to fill their places? I call the attention of gentlemen around me to that shameful fact. The practice affords a large so-called electioneering fund which in many cases never gets beyond the shysters and the mere camp-followers of the party.

Mr. SPRINGER. I wish to say a word upon the point of order. This is a bill to reduce internal-revenue taxation. The gentleman from New York proposes to reduce infernal-revenue taxation by the Republican party or their employés. The question is simply as to the distinction between internal and infernal; for if there is one thing more infernal than another it is an enforced assessment by Republican members of Congress upon the pages and one-legged and one-armed soldiers employed about this House in order to enable these members to be re-elected to Congress.

Mr. CALKINS. I desire to say to the gentleman that there is no reason for any such remark as that. There is no such thing as "enforced assessments." He knows it, and so does everybody else.

Mr. SPRINGER. May I be allowed to print the letter of Mr. Curtis, of New York, to Mr. HUBBELL, which shows that there are enforced assessments? [Cries of "Yes!" "Yes!" "No!" "No!"]

Mr. CALKINS. I am willing that the gentleman may print the Ten Commandments if he wants to.

Mr. SPRINGER. Now, I want to know if I have the authority of the Republicans on the other side of the House to say to these little pages here and to other employés of the House—one-legged and one-

armed soldiers—that they are not expected to make any payment in response to this circular unless they really want to do so?

Mr. HUBBELL. I will say to the gentleman that so far as the pages are concerned, he has that right.

Mr. HISCOCK. I wish to say to the gentleman from Illinois [Mr. SPRINGER] that he has no authority to speak for the Congressional committee. It will speak by its own circulars and its own methods. We are not asking information from the other side as to what those methods should be. I stand here putting a fair construction—the construction intended—upon their circulars, willing now and forever to indorse them. It is right that citizens of this country—one-legged and one-armed soldiers, if you please—should contribute if they choose to the expenses of an election. And I am not here to blush for them. [Applause.]

Mr. Chairman, I would like to know what officer of this House, a one-armed or one-legged soldier, Union soldier, has asked the gentleman from Illinois to appear here as his advocate and his representative?—*In the House of Representatives, June 26, 1882.*

Mr. BUTTERWORTH. Will the gentleman yield to me for a question?

Mr. HISCOCK. Yes, sir.

Mr. BUTTERWORTH. Does not my friend from New York [Mr. HISCOCK] know that the trouble with the party on the other side of the Chamber is that they esteem themselves as being virtuous when they are in fact only impotent? [Laughter.]

Mr. HISCOCK. Most emphatically, yes.

Mr. SPRINGER. I do not see the exact force of that remark.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor. Before the gentleman proceeds the Chair desires to state that in his opinion this discussion does not furnish much light on the point of order. [Laughter.]

Mr. KASSON. I beg now to be permitted to make the point of order.

The CHAIRMAN. The gentleman from Illinois is speaking to the point of order, and will continue until he has concluded.

Mr. SPRINGER. The gentleman stated I had no authority to speak for any employé of this House in regard to these assessments.

Mr. HISCOCK. I questioned his authority to speak for any one-armed or one-legged soldier. [Cries of "Oh!" on the Democratic side.]

Mr. SPRINGER. I will state then that one one-legged soldier on the roll of the House applied to me in one of the corridors of the Capitol and stated to me he had been assessed $24 by the Republican campaign committee and that he did not want to pay it, and asked me what he should do.

Mr. HISCOCK. Not assessed $24 by the Republican party?

Mr. SPRINGER. That he was assessed $24 by this committee.

Mr. HUBBELL. No man has been assessed one cent, and I defy the gentleman to name an instance during the past ten years where a man has declined to make a contribution to the committee in response to its circular who has for that reason lost his position under the Government.

Mr. SPRINGER. He got a circular that voluntary contributions would be received, and it was always understood if he did not pay up his official head would fall into the basket.

Mr. HUBBELL. The gentleman has no right to make that statement.

Mr. WILSON. I rise to a parliamentary inquiry. [Cries of "Order!"]

The CHAIRMAN. The gentleman will state it.

Mr. WILSON. Would it be in order to read the riot act? [Laughter.]

The CHAIRMAN. The Chair thinks it would. Does the gentleman from Illinois yield the floor?

Mr. SPRINGER. Yes; I yield the floor. [Cries of "Vote!"]

The CHAIRMAN. The question is on the point of order raised by the gentleman from New York. The Chair does not think it relates to the same subject contained in the bill, and sustains the point of order.

Mr. COX, of New York. I respectfully appeal from the decision of the Chair. I wish to say that I presume there never was an amendment to the bill so thoroughly just and equitable and so near the point. I know it is germane by the way it touches gentlemen on that side. [Laughter.] I know the gentleman from Michigan, [Mr. HUBBELL,] who is receiving these vast moneys, which will be $2,000,000 before they get through, judging by the Blue Book—I know that he is a candidate for Senator in Michigan, and I hope and pray he will take and use this money for the Senatorship and not use it in our Congressional districts to corrupt the whole country. The Chair will see at once how pertinent my remarks are to the question of the appeal. [Laughter.]

Mr. WILSON. Let him take it and buy a farm with it. [Laughter.]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The motion was agreed to; and the decision of the Chair was sustained.

Mr. VANCE. I move the following amendment:

The Clerk read as follows:

Amend after section 3: "*Provided*, That the money raised under the provisions of this bill shall be turned over to the States of this Union for the purpose of educating the people in the common schools on the basis of illiteracy, as shown by the census of 1880."

Mr. KELLEY. I make the point of order that the amendment does not relate to the subject-matter of the bill.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Pennsylvania to yield to a motion to rise.

Mr. VANCE. I suppose the gentleman from Pennsylvania referred to section 7 of Rule XIV. I submit the question to the Chair.

The CHAIRMAN. The Chair thinks this amendment does not relate to the same subject as the bill. This relates to an expenditure of money for school purposes, while the bill relates to another subject.

Mr. VANCE. I ask to be allowed to print some remarks on this amendment.

The CHAIRMAN. The Chair hears no objection, and the gentleman has consent to do so. [See Appendix.]

Mr. COX, of North Carolina. I move the following amendment:

SEC. 4. That all taxes imposed upon distilled spirits or alcohol manufactured from apples, peaches, grapes, or any other fruits be, and the same is hereby, repealed; and all laws and parts of laws in conflict of the same be, and are hereby, repealed.

The amendment was rejected.

Mr. ANDERSON. I wish to offer a substitute.

Mr. SPRINGER. The substitute of the gentleman from New York has not yet been disposed of.

Mr. HOLMAN. I move to strike out of the substitute of the gentleman from New York [Mr. FLOWER] that portion which proposes to relieve the banks from tax on deposits and capital.

The committee divided; and there were—ayes 33, noes 94.

Mr. TOWNSHEND, of Illinois. No quorum has voted.

The Chair appointed as tellers Mr. TOWNSHEND, of Illinois, and Mr. RUSSELL.

The committee divided; and the tellers reported—ayes 41, noes 106.

So the amendment was not agreed to.

The CHAIRMAN. The question now recurs on the substitute proposed by the gentleman from New York, [Mr. FLOWER.]

The question was taken; and the Chair decided by the sound that the substitute was lost.

Mr. TOWNSHEND, of Illinois. I demand a division.

The committee again divided; and there were—ayes 23, noes 91.

Mr. ATKINS. No quorum has voted.

Mr. RUSSELL and Mr. FLOWER were appointed tellers.

The committee again divided; and the tellers reported—ayes 32, noes 104.

So the substitute was not agreed to.

Mr. SPRINGER. I offer the following as a substitute for the bill.

The CHAIRMAN. The proposed substitute will be read.

Mr. SPRINGER. If permitted by the committee, I will explain briefly the provisions of the proposed substitute instead of reading it.

Mr. ATKINS. I demand that it be read.

The CHAIRMAN. The substitute will be read.

The Clerk read as follows:

Amend the bill by striking out all after the enacting clause and insert the following:

"That the taxes herein specified, imposed by the internal-revenue laws now in force, be, and the same are hereby, repealed, namely: the taxes on matches, perfumery, medicinal preparations, and other articles, imposed by Schedule A following section 3437 of the Revised Statutes; the stamp tax on bank checks, drafts, orders, and vouchers; that from and after the 31st day of December, 1883, all sections of the Revised Statutes embraced in chapters 6 and 7 of title 35, and amendments thereto, entitled, respectively, 'tobacco and snuff' and 'cigars,' shall be, and the same are hereby, repealed; and on all original unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers on the said 31st day of December, 1883, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the tax; and from and after the 1st day of May, 1883, all special taxes imposed on dealers in or manufacturers of tobacco, cigars, and all articles manufactured from tobacco, shall be, and the same are hereby, repealed.

"SEC. 2. That from and after the 1st day of May, 1883, wholesale dealers in malt liquors shall pay a special tax of $46; retail dealers in malt liquors shall pay $8 40, and brewers shall pay $60, provided that any person who manufactures less than five hundred barrels a year shall pay $30.

"SEC. 3. All officials of the United States especially engaged in carrying into effect the provisions repealed by this act shall be discharged from the service as soon as the provisions of this act take effect repealing the provisions of law requiring the services of such officials. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect."

Mr. SPRINGER. One word in reference to the proposed substitute. If this substitute is adopted it will reduce the internal-revenue taxes as now collected, as I am informed by the Commissioner, about $55,000,000. This takes the tax off of matches, proprietary medicines, bank checks, and on manufactured tobacco, &c., but not on bank deposits or capital, so that in lieu of bank deposits and capital, as in the pending bill, I substitute the repeal of all tobacco taxes and on all dealers in tobacco. This, as I say, will reduce the internal revenue fifty-five millions instead of twenty-three, as proposed by the committee's bill.

A MEMBER. How about fermented liquors?

Mr. SPRINGER. It does not touch fermented liquors at all.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Illinois.

The committee divided; and there were—ayes 51, noes 98.

So the substitute was not agreed to.

Mr. KELLEY. I desire to say, Mr. Chairman, before moving that the bill be reported to the House, that my object now is to have the bill sent to the House and the previous question ordered upon it, and then to adjourn and let the vote be taken on it in the morning.

Mr. BERRY. How much time will be allowed for debate after the previous question is ordered?

Mr. KELLEY. There will be an hour.

Mr. ANDERSON. I desire to offer a substitute for the bill.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. ANDERSON. The substitute that I propose to offer is the present bill with the words "capital and" left out of the first section where they occur, and I desire to be heard a few moments upon it.

The CHAIRMAN. The Chair thinks this is the same amendment which has already been voted upon by the committee. It was proposed by the gentleman from New Jersey, as an amendment in lines 7, 10, and 12, of the first section——

Mr. ANDERSON. That may be, but I have the right to offer the substitute in this shape for the entire bill. I then offer it as a substitute with those words left out.

Mr. KETCHAM. Then offer it.

Mr. ANDERSON. I do offer it.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Kansas.

Mr. ANDERSON. I desire to be heard for a moment on the substitute. I want to say simply this, that when this Congress met there was a strong pressure brought to bear upon us to reduce taxation from all over the country. For that purpose, after a long debate, we created a tariff commission to revise the whole subject of the tariff. There was an understanding upon the part of many gentlemen, if not a general understanding, that the same pressure which rested upon reduction of the tariff should continue to rest also upon the reduction of the internal revenues, and that both subjects should be considered together. Under that impression the tariff commission was created, and to my surprise, at least, this bill was then brought in.

The people all over the country have been demanding a reduction of taxation, and you offer them this bill, which fitly terminates with the relief of that oppressed class of workers who make cigarettes! Look at the position it places you in, and which you will have to justify when you go to the people next fall and are asked, "What reduction have you made? Did you reduce the tax that we have to pay upon trace-chains, upon horseshoes, upon iron in its many forms, or that we have to pay upon salt, or upon sugar, or clothing, or blankets?"

What would be your response? "Oh, no; we could not do that; no, we did not do anything of that kind. [Laughter.] But then we did take the tax off bank capital and deposits;" and you can offer them a bottle of Mrs. Winslow's soothing sirup, for which they will pay exactly what they did before. [Laughter.]

Mr. MILLS. And smoke a cigarette.

Mr. ANDERSON. I am in all good faith and in earnest upon this, and I have a right to express what is my judgment about it. I criticise no other gentleman who may think differently.

You are making the only mistake the majority of the Republican party has made, but a great one, because you cannot fool the people a half-inch on this thing.

Several MEMBERS on the Democratic side. That is so.

Mr. ANDERSON. You cannot go before them and say, "This long-suffering, down-cast, decrepit, shriveled, oppressed class of owners of capital in banks have had relief." The thing is a fraud from top to bottom, [applause on the Democratic side;] and that is the first truth I ever knew the Democratic party to applaud. [Laughter.]

Mr. THOMPSON, of Kentucky. It is the first time we ever heard it from that side.

Mr. ANDERSON. The object of my substitute is to knock out this reduction of the tax on bank capital; I confine it to that, although I am opposed to many other things in this bill.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the time of the gentleman from Kansas be extended.

The question being taken on the substitute offered by Mr. ANDERSON, there were—ayes 68, noes 95.

Mr. ANDERSON. I call for tellers.

Tellers were not ordered, only 26 voting therefor; not one-fifth of a quorum.

Mr. KELLEY. I move that the committee do now rise and report the bill to the House with a favorable recommendation and with the amendments.

Mr. SPRINGER. I ask for a division. I want to divide on the question of reporting the bill favorably.

The question being taken, there were—ayes 109, noes 45.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMP reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation, and had directed him to report the same back to the House with sundry amendments.

Mr. KELLEY. I demand the previous question on the bill and amendments.

Mr. WHITE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE. I desire to know whether it is in order at this time to move to postpone the further consideration of this matter until the 26th day of next December?

The SPEAKER. It is not.

Mr. HOLMAN. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I desire to move a recommittal of this bill. Is that motion now in order?

The SPEAKER. It is not now in order. The gentleman from Pennsylvania moves the previous question on the bill and amendments.

The previous question was ordered.

Mr. KELLEY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE. I rise to make a parliamentary inquiry, whether it would be in order at this time to move to postpone the further consideration of this matter until next December.

The SPEAKER. It is not.

Mr. ATKINS. I move that the House do now adjourn.

Mr. KELLEY. I desire to say to the gentlemen on the other side——

Mr. ATKINS. I demand the regular order.

The question being taken on the motion of Mr. ATKINS, there were—ayes 31, noes 85.

So the motion was not agreed to.

The SPEAKER. The previous question having been ordered the question is first on the amendments to the bill.

Mr. KELLEY. I desire to say there will be one hour for debate; thirty minutes on that side and certainly not more than thirty, and probably not the thirty minutes, on this side. For my own part, I do not want any debate.

Mr. HISCOCK. If no debate is wanted, why have it?

Mr. KELLEY. Gentlemen on the other side have stated that they wanted some time for debate.

Mr. HISCOCK. I suggest that the question as to the hour's debate be left to be determined to-morrow morning.

Mr. KELLEY. I move that the House do now adjourn.

Mr. KENNA. Pending the motion to adjourn, I ask unanimous consent that the bill with the amendments be printed in the RECORD.

There was no objection, and it was so ordered.

The bill, with the amendments reported by the Committee of the Whole on the state of the Union, is as follows, (the amendments strike out the portions within brackets and insert those in italics:)

A bill to reduce internal-revenue taxation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this act, except as hereinafter provided, the taxes herein specified imposed by the internal-revenue laws now in force be, and the same are hereby, repealed, namely: The stamp-tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the [current] six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882; the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section 3437 of said Revised Statutes.

SEC. 2. That from and after the 1st day of May, eighteen hundred and eighty-[two] *three*, [rectifiers of distilled spirits shall pay a special tax of $120: *Provided*, That any person who rectifies, purifies, or refines less than 500 barrels a year, counting 40 gallons of proof spirits to the barrel, shall pay $60. Wholesale liquor-dealers shall pay $60, and retail liquor-dealers shall pay $12.] Dealers in leaf tobacco shall pay $12; dealers in manufactured tobacco shall pay $2.40; all manufacturers of tobacco shall pay $6; manufacturers of cigars shall pay $6. [Wholesale dealers in malt liquors shall pay $36; retail dealers in malt liquors shall pay $8.40; brewers shall pay $60: *Provided*, That any person who manufactures less than 500 barrels a year shall pay $30.] Peddlers of tobacco, snuff, and cigars, shall pay special taxes as follows: peddlers of the first class, as now defined by law, shall pay $30; peddlers of the second class shall pay $15; peddlers of the third class shall pay $7.20; and peddlers of the fourth class shall pay $3.60. [Manufacturers of stills shall each pay $36, and $12 for each still or worm for distilling made by him.] Retail dealers in leaf tobacco shall pay $250, and 50 cents for each dollar on the amount of their *monthly* sales in excess of [one thousand] *the rate of five hundred* dollars.

[SEC. 3. That on cigars of all descriptions, made of tobacco or any substitute therefor, which shall be sold or removed for consumption or sale, there shall be paid by the manufacturer $5 per thousand; on cigarettes weighing more than three pounds to the thousand, $5 per thousand.]

SEC. 3. *That on cigars which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: on cigars of all descriptions, made of tobacco or any substitute therefor $4 per thousand; on cigarettes weighing not more than three pounds per thousand, 75 cents per thousand; on cigarettes weighing more than three pounds per thousand, $4 per thousand: Provided, That on all original unbroken packages of checks, matches, cigars, cheroots, and cigarettes held by manufacturers or dealers on the passage of this act, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the reduction. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.*

ENROLLED BILLS SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5004) to accept and ratify an agreement with the

Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same; and

A bill (H. R. No. 5996) for the relief of J. H. Merrill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HERNDON, until next Monday, on account of important business.

To Mr. MUTCHLER, until Friday next.

To Mr. KELLEY, from evening sessions during the remainder of this session.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted, as follows:

To Mr. WALKER, in the case of W. G. Raymond, which had been referred to the Committee on War Claims; and

To Mr. DEERING, papers relating to House bill No. 2322, for the relief of S. B. Chase.

LEAVE TO PRINT.

Mr. WALKER, by unanimous consent, obtained leave to have printed in the RECORD remarks on bill H. R. No. 4460. [See Appendix.]

REPORT OF CRUISE OF UNITED STATES STEAMER CORWIN.

Mr. BUTTERWORTH, by unanimous consent, submitted the following concurrent resolution; which was referred to the Committee on printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be published in royal octavo form by the Government Printer 5,000 copies of a report of the cruise of the United States revenue steamer Corwin in the Arctic Ocean, by Captain C. L. Hooper, United States revenue marine, 900 copies for the use of the Senate, 1,800 copies for the use of the House of Representatives, and 2,300 copies for the use of the Treasury Department. The necessary illustrations to be made by the Government Printer, under the direction of the Joint Committee on Printing, the matter to be furnished by the Secretary of the Treasury, under whose direction the report is being prepared.

The motion of Mr. KELLEY was then agreed to; and accordingly (at seven o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CARPENTER: The petition of Joseph N. Gaston, for a pension—to the Committee on Pensions.

By Mr. S. S. COX: The petition of S. M. Shaw and others, for reduction of Federal taxation—to the Committee on Ways and Means.

By Mr. N. J. HAMMOND: The petition of G. M. Hook and others, citizens of Milton County, Georgia, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. KING: The petition of Charles Harrison and others, citizens of Franklin Parish, Louisiana, for an appropriation for educational purposes—to the same committee.

By Mr. H. G. TURNER: The petition of M. Hatch and 34 others, citizens of Clay County, Georgia, for an appropriation for educational purposes—to the same committee.

By Mr. C. G. WILLIAMS: The petition of William B. Whiting, of Milwaukee, Wisconsin, praying for a pension for service in the United States Navy—to the Committee on Pensions.

By Mr. YOUNG: The petition of J. L. Newcomer and Theo. T. Lawton, for the passage of a bill taxing glucose—to the Committee on Ways and Means.

SENATE.

TUESDAY, *June* 27, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the petition of George Leschot, praying for the extension of letters-patent to the heirs of Rudolph Leschot, deceased, for a diamond drill. There is a bill accompanying the petition.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Patents, and the bill will be held until the introduction of bills is reached.

Mr. ANTHONY. If it makes no difference in regard to the Journal, I should rather introduce the bill now, because I do not like the practice of a Senator introducing a bill by request when it relates to a subject of which he has no knowledge. I suggest to Senators that I think it would be better if bills which are introduced at the request of petitioners should be presented in the form of petitions, because when a bill is journalized as having been introduced by a particular Senator he is naturally looked upon as the father of it. This bill I know nothing about. It was sent to me because the company which owns the patent derives its existence from an incorporation of the General Assembly of Rhode Island.

The PRESIDENT *pro tempore*. The bill will be entered at another place in the Journal, but will be received now.

The bill (S. No. 2088) for the extension of letters-patent to the heirs of Rudolph Leschot, deceased, was read twice by its title, and referred to the Committee on Patents.

Mr. MAHONE presented the petition of John R. Traddy, late first lieutenant Fourth Regiment United States Artillery, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. PLUMB presented a petition of citizens of Kansas, praying the passage of the bill granting an increase of pension to soldiers who lost a leg or an arm in the military service of the United States; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of New York, in favor of an appropriation of $250,000 for advances made by that State for the commission for the adjudication and payment of certain claims for services of the militia in the war of 1812; which was referred to the Committee on Military Affairs.

THE SIGNAL SERVICE.

Mr. MAXEY. I beg to call the attention of the Senate for a moment to the bill (S. No. 691) to increase the efficiency of the Signal Service of the Army. At the session of the Military Committee this morning the Senator from Indiana, [Mr. HARRISON,] who reported the bill, and has been suddenly called away by sickness in his family, was instructed to ask that the bill be taken up for consideration at the earliest practicable moment. I wish to say that the sub-committee, of which the Senator from Indiana, [Mr. HARRISON,] the Senator from Connecticut, [Mr. HAWLEY,] and myself are members, have devoted a great deal of attention to the bill. It is one of national importance, and one that ought to be acted on, and acted on very promptly in view of the recent act passed with respect to the compulsory retirement of officers of the Army. Therefore I shall ask the Senate to give us at the first favorable moment an opportunity to take up the bill and consider it, and I think it will take but a very short time to dispose of it.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1275) for the relief of First Lieutenant Eugene Griffin, United States Army, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. WINDOM. I am directed by the Committee on Foreign Relations, to whom were referred the bill (S. No. 1648) to execute certain treaty stipulations relating to Chinese, and the bill (S. No. 1655) to execute certain treaty stipulations relating to Chinese, to report them back and to move their indefinite postponement, for the reason that a bill on the subject has already passed and become a law.

The report was agreed to.

Mr. WINDOM, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe, reported it with amendments.

Mr. CHILCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1819) granting a pension to Mrs. Elizabeth B. Custer, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the petition of Caroline French, widow of the late William H. French, brevet major-general, United States Army, praying for a pension, submitted a report thereon, accompanied by a bill (S. No. 2089) granting a pension to Caroline French.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, reported an amendment intended to be proposed to the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. No. 1494) for the relief of Catharine Johnson, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1733) granting a pension to Elizabeth C. Crawford, submitted an adverse report thereon.

Mr. BUTLER. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee, which will be printed under the rule.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1904) granting a pension to Sophia A. Melson, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1520) granting a pension to Ann Lally, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1237) granting a pension to Isador Rohrer, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1048) granting an increase of pension to Bernard Brady, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 803) granting a pension to Laban Connor, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (H. R. No. 450) for the relief of Elizabeth S. Seeley, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2554) granting a pension to Louis Groverman, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1606) for the relief of George A. Jaeger, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 2054) to authorize the Secretary of War to deliver to Lafayette Carver Post No. 45 of the Grand Army of the Republic, of Vinalhaven, Maine, fifty Springfield rifles and equipments, to report it adversely. I will read the bill. It provides—

That the Secretary of War be, and he hereby is, authorized and directed to deliver to the Lafayette Carver Post No. 45 of the Grand Army of the Republic, of Vinalhaven, Maine, fifty Springfield rifles and equipments.

Under the law there is a distribution to each State of arms and equipments, and the Committee on Military Affairs decide not to entertain any bills for special issues of arms and equipments, in addition to the number allowed to each State under the general law. Therefore we report the bill adversely and recommend its indefinite postponement.

The report was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 2021) authorizing the National Bank of Kutztown to change its location and name, to ask to be discharged from its further consideration, and that it be indefinitely postponed, a House bill having been passed upon the same subject.

The report was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom the subject was referred, reported a bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund; which was read twice by its title.

Mr. MORRILL. I give notice that to-morrow morning, after the bill is printed, I shall call it up for action.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1132) in relation to the port and harbor of New York, and the waters near the same, reported it with amendments; and, on his motion, the bill was recommitted to the committee.

Mr. ANTHONY, from the Committee on Printing, reported an amendment intended to be proposed by that committee to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GARFIELD MEMORIAL ADDRESS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution to give additional copies of Mr. Blaine's eulogy on the late James A. Garfield to Mr. Blaine and Mrs. Garfield, to report it without amendment and recommend its passage; and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That, in addition to the number heretofore ordered, there be printed for the use of James G. Blaine 750 copies of his eulogy upon James A. Garfield, and 750 of the same for the use of Mrs. Lucretia R. Garfield.

ALEXANDER SMILEY.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 482) for the relief of Alexander Smiley, to report it with an amendment. My desire is that the Senate take action upon the bill; it will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Finance with an amendment, to strike out in lines 4 and 5 "$874.38" and in lieu thereof to insert "$660.94;" so as to make the bill read:

Be it enacted, &c., That the Commissioner of Internal Revenue is hereby authorized and required to remit the amount of $660.94, assessed against Alexander Smiley, proprietor of distillery No. 2, in the county of Mississippi and State of Missouri: *Provided*, That he shall be satisfied that said Smiley has fully paid to the Government all taxes due for spirits actually made by his distillery from the 1st day of February to the 23d day of April, 1875.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL COLLEGE FUND INVESTMENTS.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, to report it with amendments. This is a bill merely changing section 4 of the act of 1862 to enable States that have no State stocks or debt, and consequently cannot comply with the law, to invest in either United States or other State stocks yielding not less than 5 per cent. interest. There are some States where the funds have already accumulated, and it is important that the bill should pass at the present session. I therefore ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported from the Committee on Finance was, after the word "stocks," in line 12, to strike out the following words:

Provided, That the moneys derived from the sale of said lands or said land scrip in the State of California may in that State be either invested in good stocks or loaned upon real estate, secured by mortgage, which real estate shall be of reasonably sufficient value to constitute a good security for said investment, the said investments or loans yielding not less than 5 per cent. upon the par value of said stocks or upon money loaned upon mortgage.

And to insert:

Or the same may be invested by the States having no State stocks in any other manner, after the Legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than 5 per cent. upon the amount so invested.

So as to read:

That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, or the same may be invested by the States having no State stocks," &c.

Mr. MORRILL. That is an amendment of section 4 of the act of 1862 allowing the States where the Legislatures may authorize it and engage that the fund shall yield not less than 5 per cent., to invest the fund in any manner they see fit.

Mr. McMILLAN. I should like to hear the Senator from Vermont state as briefly as he can the difference between the section as it is in the statute-book and the proposed amendment and the reason why this change is made.

Mr. HOAR. Before the Senator proceeds let me ask, does he propose to have the Legislatures guarantee the principal as well as the interest?

Mr. MORRILL. Yes, sir.

Mr. HOAR. Does the language employed do that?

Mr. MORRILL. The remainder of the bill, I think, does it. The State of Iowa, the State of California, and perhaps some other States have no State debt. They therefore cannot invest their funds so as to yield 5 per cent. either in United States stocks or their own State stocks, and in some places the fund has accumulated and is lying idle. The bill merely provides that States which shall authorize it and obligate that the fund shall yield 5 per cent., may make such investments as the State Legislatures may duly authorize.

Mr. BROWN. Does the Senator from Vermont mean that the State is to guarantee 5 per cent.?

Mr. MORRILL. Yes, sir.

Mr. BROWN. The State permits the investment, but if it does not yield 5 per cent. she must make it good up to 5 per cent.?

Mr. MORRILL. Yes, sir.

Mr. HOAR. I should like to have that part of the bill read which the Senator from Vermont thinks makes the State guarantee the principal of the fund when it has been invested at 5 per cent.

The Acting Secretary read the amendment of the Committee on Finance, as follows:

Or the same may be invested by the States having no State stocks in any other manner, after the Legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than 5 per cent. upon the amount so invested.

Mr. HOAR. I think if the State is permitted at its election to invest these funds in any way it chooses, and is required at the same time to have the fund pay 5 per cent. (which is about double, I un-

derstand from the Treasury circular received this morning, the present rate of 4 per cent. bonds, which give an interest of from 2.64 to 2.85 at different days, but the lowest is 2.64) there is an insecurity of the principal.

Mr. MORRILL. If the Senator will look at the original act he will see that it reads:

And that the moneys so invested shall constitute a perpetual fund.

We do not alter that at all.

Mr. HOAR. Certainly if you wish to compel a State to become a guarantor of the security of this fund, it is better to say so in a few words, and not to raise the difficult legal question as to whether the enactment of 1862 that this shall constitute a perpetual fund, makes the State a guarantor when considered in connection with the enactment now proposed. I move therefore to add at the end of the proposed amendment the words:

And that the principal thereof shall forever remain unimpaired.

Mr. MILLER, of California. I agree with the Senator from Massachusetts that the State ought to keep the fund at 5 per cent., but the question is whether those words are sufficient for that purpose.

Mr. HOAR. The Senator from Vermont thinks the bill is sufficient without the amendment I propose; but a guarantee that the principal shall ever remain good certainly is sufficient.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Finance.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. There is a further amendment reported by the Committee on Finance which will be stated.

The ACTING SECRETARY. In line 20, the committee propose to strike out the word "and" and to insert "provided;" so as to read:

Provided, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2091) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2092) for the relief of Major W. R. King; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SAWYER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2093) to amend section 3709 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Printing.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2094) for the relief of J. Henry Rives; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2095) granting a pension to John G. Scherzer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

REPORT OF SURGEON-GENERAL OF THE NAVY.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Navy Department 1,500 copies of the report of the Surgeon-General of the Navy.

JESSIE BENTON FREMONT.

Mr. LOGAN. The bill (S. No. 2066) for the relief of Jessie Benton Fremont has been reported formally from the Committee on Military Affairs, but believing it to be a proper subject for investigation by the Judiciary Committee, as it relates to a land title, I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

CANNON FOR MONUMENTAL PURPOSES.

Mr. MILLER, of New York. The bill (H. R. No. 5377) to authorize the Secretary of War to deliver certain cannon to the Saratoga Monument Association, to the Grand Army of the Republic post at Westminster, Massachusetts, and to the Danville Light Battery A, Illinois National Guard, Danville, Illinois, was reported adversely from the Committee on Military Affairs, and postponed indefinitely. I ask that the vote by which the bill was indefinitely postponed be reconsidered in order that the bill may be recommitted.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the bill was indefinitely postponed will be reconsidered. The Chair hears no objection. The bill will be recommitted to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1294) more effectually to suppress gaming in the District of Columbia;

A bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania;

A bill (H. R. No. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia;

A bill (H. R. No. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736, in the city of Washington;

A bill (H. R. No. 6406) to refund the assessments made under the administration of M. G. Emery, while mayor of Washington, and for other purposes;

A bill (H. R. No. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia;

A bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia;

A bill (H. R. No. 6627) to authorize the establishment of a free public highway in the District of Columbia;

A bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes;

A bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington;

A joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington;

A joint resolution (H. R. No. 247) to provide for the printing of public documents for binding and distribution to those entitled to receive them;

A joint resolution (H. R. No. 156) to provide for the suspension of collection of special assessments in the District of Columbia until the improvements which said assessments were made to pay for are fully completed; and

A joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States.

The message also announced that the House had passed a resolution for the printing of 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate of May 9, 1882, that the copies of the Atlas of Colorado, heretofore ordered for the use of the two Houses of Congress and the Department of the Interior, be suitably bound by the Public Printer, for distribution in accordance with the resolution ordering the same.

The message also announced that the House had passed the following bills:

A bill (S. No. 789) to regulate the use of the Capitol grounds; and

A bill (S. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 5004) to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same; and

A bill (H. R. No. 5996) for the relief of J. H. Merrill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the appropriation bill indicated by him be now taken up, to the displacement of the Calendar under the Anthony rule. At the hour of two o'clock the Chair will lay before the Senate the unfinished business, when the appropriation bill can take its place by proper order. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of

the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. ALLISON. Mr. President, if Senators will turn to the document called "Senate Miscellaneous Document No. 112," to be found on the desks of Senators, they will see the changes that the Senate Committee on Appropriations have proposed in this bill.

Now I ask unanimous consent that the amendments reported by the committee may be considered as they are reached in the reading of the bill, and that the bill be considered by paragraphs, so that we can get on rapidly.

The PRESIDENT *pro tempore*. The Chair hears no objection to the course suggested.

Mr. BECK. Let us understand it. Are the committee amendments to be first considered, and after they are all considered the bill will be open generally to any Senator to go back to any paragraph?

Mr. ALLISON. That is my intention.

The PRESIDENT *pro tempore*. That is the understanding of the Chair. The bill will be read through paragraph by paragraph, and the amendments of the Committee on Appropriations to each paragraph considered as the paragraph is read.

The Acting Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "legislative," in the appropriations for the "Senate," in line 15, after the word "Senate," to strike out "one hundred and eighty-one thousand eight hundred and seventy-five dollars and two" and insert "two hundred and eighteen thousand nine hundred and seventy-two dollars and thirty-two;" so as to read:

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, $218,972.32, namely.

The amendment was agreed to.

The next amendment was, in line 23, to increase the item for "hire of horse and wagon for the Secretary's office" from $600 to $1,200.

The amendment was agreed to.

The next amendment was, in line 24, after the word "clerk," to insert "and financial clerk at;" and in line 25, after the word "dollars," to insert "each;" so as to read:

Chief clerk and financial clerk at $3,000 each.

The amendment was agreed to.

The next amendment was, in line 26, after the word "and," where it occurs the second time, to strike out "financial" and insert "enrolling;" so as to read:

Principal executive clerk, principal clerk, minute and journal clerk, and enrolling clerk, $2,592 each.

Mr. SAULSBURY. I understand that the term "financial clerk" refers to Mr. Nixon. Why is he stricken out?

Mr. ALLISON. For this reason: we inserted Mr. Nixon on line 24, and therefore it is necessary to strike him out here.

The amendment was agreed to.

The Acting Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 28, after the word "each," to strike out "enrolling clerk, $2,250."

The amendment was agreed to.

The next amendment was, in line 30, to increase the item for the compensation of "librarian" from $2,000 to $2,220.

The amendment was agreed to.

Mr. VOORHEES. Allow me to inquire of the Senator from Iowa whether the matter in lines 29, 30, and 31 relates to the Librarian of Congress?

Mr. ALLISON. No; that relates to our own librarian for the Senate.

The Acting Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 32, to increase the item for the compensation of "six clerks" from $2,000 each to $2,220 each.

The amendment was agreed to.

The next amendment was, in line 33, to increase the item for the compensation of "five clerks" from $2,000 each to $2,100 each.

The amendment was agreed to.

The next amendment was, in line 34, to increase the item of appropriation for the compensation of "keeper of the stationery" from $1,800 to $2,102.40.

The amendment was agreed to.

The next amendment was, in line 37, to increase the item of appropriation for compensation of "assistant keeper of stationery" from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, in line 39, to increase the item of appropriation for the compensation of "two messengers" from $1,200 to $1,440 each.

The amendment was agreed to.

The next amendment was, in line 43, to increase the item of appropriation for the compensation of "secretary to the Vice-President" from $1,800 to $2,102.40.

The amendment was agreed to.

The next amendment was, in line 47, to increase the item of appropriation for the compensation of "messenger to the Vice-President's room, to be appointed by the Vice-President," from $1,200 to $1,440.

The amendment was agreed to.

The next amendment was, in line 56, to increase the item of appropriation for the compensation of "clerk of printing records" from $2,000 to $2,220.

The amendment was agreed to.

The next amendment was, in line 65, after the word "Library," to strike out "and;" in line 66, after the word "Census," to insert "clerk to the Committee on Foreign Relations, and clerk to the Committee on Public Lands;" and after the word "thousand," in line 67, to insert "two hundred and twenty;" so as to make the paragraph read:

For clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, clerk to the Committee on Military Affairs, clerk to the Committee on Post-Offices and Post-Roads, clerk to the Committee on the District of Columbia, clerk to the Committee on Naval Affairs, clerk to the Joint Committee on the Library, clerk to the Committee on the Census, clerk to the Committee on Foreign Relations, and clerk to the Committee on Public Lands, at $2,220 each.

The amendment was agreed to.

The next amendment was, after line 68, to insert:

For assistant clerk to the Committee on Pensions under resolution of the Senate of January 30, 1882, $1,440.

The amendment was agreed to.

The next amendment was, in line 72, to increase the item of appropriation for compensation of "telegraph operator" from $720 to $1,200.

The amendment was agreed to.

The next amendment was, after line 73, to insert:

For telephone operator, $720.

The amendment was agreed to.

The next amendment was, in line 77, to increase the item of appropriation for compensation of "Sergeant-at-Arms and Doorkeeper" from $4,000 to $4,320.

The amendment was agreed to.

The next amendment was, in line 78, to increase the item for compensation of "clerk to Sergeant-at-Arms" from $1,200 to $2,000.

The amendment was agreed to.

The next amendment was, in line 79, to increase the item of appropriation for compensation of "assistant doorkeeper" from $2,000 to $2,592.

The amendment was agreed to.

The next amendment was, in line 80, to increase the item of appropriation for compensation of "acting assistant doorkeeper" from $2,000 to $2,592.

The amendment was agreed to.

The next amendment was, in line 82, to increase the appropriation for compensation of "three messengers acting as assistant doorkeepers" from $1,200 each to $1,800 each.

The amendment was agreed to.

Mr. SAULSBURY. I understand from all these items that there has been an increase by our Committee on Appropriations. I do not object if it is necessary, but I think it is proper there should be some explanation as to why these alterations are made in the House bill. They may be proper, but I do not understand them.

Mr. ALLISON. I will state to the Senator from Delaware that the Senate Committee on Appropriations have simply provided for the salaries that are now paid to the several employés of the Senate, with two or three exceptions, where we have increased the compensation.

Mr. SAULSBURY. Then the bill came from the House without the proper allowance?

Mr. ALLISON. The bill came from the House with a complete readjustment of the salaries of the Senate employés, and the Senate Committee on Appropriations simply adhere to the salaries that are paid now, with two or three exceptions.

Mr. PLATT. I was not in when the bill was taken up. If it is neglected at this time, will it be in order when the bill has been read through to move an addition to the assistant postmaster's salary?

The PRESIDENT *pro tempore*. Amendments will be in order after the committee's amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 86, to increase the item of appropriation for compensation of "assistant postmaster and mail-carrier" from $2,000 to $2,088.

The amendment was agreed to.

The next amendment was, in line 86, before the word "mail-carriers," to strike out "four" and insert "five;" so as to read:

Five mail-carriers, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 89, to increase the item of appropriation for compensation of "superintendent of the document-room" from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was, in line 91, after the word "each," to insert:

One clerk to the superintendent of the document room, under resolution of the Senate of December 21, 1881, $1,440.

The amendment was agreed to.

The next amendment was, in line 96, to increase the appropriation for compensation of "superintendent of the folding-room" from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was, in line 99, before the word "messengers," to strike out "fourteen" and insert "twenty-four;" and after the word "thousand," in the same line, to strike out "two hundred" and insert "four hundred and forty;" so as to read:

Twenty-four messengers at $1,440 each.

The amendment was agreed to.

The next amendment was, after the word "each," in line 100, to strike out "ten messengers, at $1,000 each."

The amendment was agreed to.

The next amendment was, in line 103, to increase the appropriation for compensation of "messenger to the Committee on Appropriations, to be appointed by the committee," from $1,000 to $1,440.

The amendment was agreed to.

Mr. ALLISON. I move to strike out "two hundred," in line 106, and insert "four hundred and forty;" so as to read: "one thousand four hundred and forty dollars;" that is, for the messenger to the Official Reporter's room, placing him on a par with the other messengers.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 106, to insert:

For seven messengers during the session, at the rate of $1,440 per annum, for the following committees of the Senate, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, and Engrossed Bills, $3,370.50.

Mr. FERRY. Before that amendment is concurred in, I send to the desk an amendment to the amendment, because if it is not made now it cannot be made again.

The PRESIDENT *pro tempore*. The Senator from Michigan probably was not in when the bill was taken up.

Mr. FERRY. I was in; but if the Senate concurs in the amendment of the committee it shuts out any amendment, and while that is pending I have a right to amend it.

Mr. ALLISON. Certainly.

The PRESIDENT *pro tempore*. The Senator from Michigan is right. The amendment to the amendment will be read for information.

The ACTING SECRETARY. In line 107 it is proposed to strike out the words "during the session," and in lines 112 and 113 to strike out "$3,370.50" and insert "$10,080."

Mr. FERRY. I see that by the committee's amendment the pay of the seven messengers is provided for who were authorized in the early part of the session, in February last, I think, but they are proposed to be paid only for the session, while the other messengers, some twenty-four in number, on line 99, have $1,440 each per annum; and then, I notice in lines 102, and 103 that there is a messenger for the Committee on Appropriations provided for also at an annual salary of $1,440.

My object in the amendment is simply to put these seven new messengers, who have equally arduous duties, on the same basis with the other messengers here, as they are liable to be detailed just as the messenger of the Appropriations Committee by the Sergeant-at-Arms. I understand the Sergeant-at-Arms made a written communication to the committee asking to have this done. By some oversight, or perhaps owing to a press of labor, the committee have not done it, and I am here to offer the amendment, hoping that the committee will concur, or at least that the Senate will concur in placing these messengers on the same basis as the other messengers of the Senate.

Mr. ALLISON. It was neither an oversight nor a pressure of labor that suggested the amendment proposed by the Committee on Appropriations. When these seven messengers were appointed the report of the Committee on Contingent Expenses proposed that they should be annual messengers, but after considerable discussion and debate in the Senate the Senate decided to appoint these messengers for the session only, and the Committee on Appropriations felt bound by the decision of the Senate, and they believe that the efficiency of the working force of the Senate will not be impaired if this amendment is allowed to stand as reported by the committee.

Mr. FERRY. I am reminded by the remarks of the chairman of the Committee on Appropriations, who has this bill in charge, of the occurrence that took place when this matter was pending. I think it was the Senator from Connecticut [Mr. PLATT] who reported the resolution providing for placing them on the same basis with the other messengers of the Senate for annual pay. I think it was the Senator from Minnesota, [Mr. WINDOM,] the chairman of the Committee on Foreign Relations, who moved the amendment, thinking that the Senate would not concur—more that than any thing else; he is here present now, and perhaps after his experience, knowing the duties these messengers perform, he will concur with my amendment to place these messengers on the same basis that the other messengers are.

Mr. HARRIS. I should like to ask the Senator from Michigan if his amendment will have the effect of making these seven special messengers annual messengers, with an annual salary?

Mr. FERRY. That is my object, placing them on the same basis with the twenty-four in the paragraph above.

Mr. HARRIS. Changing the rule that the Senate adopted in originally authorizing their appointment.

Mr. FERRY. That is true. That was simply authorizing it at the time, and I remind the Senator from Tennessee that the Senator from Connecticut, who reported the resolution, placed them on the annual basis, but it was on the amendment, I think, of the Senator from Minnesota that the Senate changed them to session messengers, and the Senator from Connecticut, I believe, yielded. He is here and can speak for himself; but, as I believe, the way in which the resolution was introduced in the Senate originally it placed them where my amendment proposes to put them now.

Mr. HARRIS. Yes; but the order of the Senate was to make them special messengers for the session only.

Mr. FERRY. If the Senator will allow me, there is no discrimination whatever. They are under the control of the Sergeant-at-Arms. There is no more discrimination in relation to them than the twenty-four provided for above in lines 99 and 100. They are liable to be detailed as well as the others, and, if so, compelled to remain here and perform duties during the year. Certainly they are entitled to $1,440 as well as the twenty-four permanent messengers of the Senate.

Mr. DAVIS, of West Virginia. Mr. President, it will be observed that this bill is for the compensation of officers, clerks, &c., for next year, when the Senate will be in session probably only three months. Now it is proposed by the chairman of the Committee on Post-Offices and Post-Roads to pay the additional messengers that the Senate ordered for a special service and during the session only, for twelve months, when they will be occupied only three months unless there should be a special session.

Mr. FERRY. Why then does the Committee on Appropriations propose to pay a like messenger for that committee, perhaps having more work than the Committee on Post-Offices and Post-Roads, and yet the latter committee is continually occupied during the session? If this messenger to the Committee on Post-Offices and Post-Roads ends his service when the session ends, so also does the messenger to the Committee on Appropriations. That committee has a messenger who is paid $1,440 a year.

Mr. DAVIS, of West Virginia. The messenger at the door of the Committee on Appropriations has been there and paid annually as long as the Senator and I have been here, I expect. These seven messengers are special messengers in addition to the regular number authorized by the Senate during this session and after debate, to be paid during the session only, by a vote of the Senate, I believe.

As I observed, this bill provides the salaries for the next fiscal year, when the session of the Senate will last three months; yet as to these new messengers that were intended for special service during the session only, the Senator from Michigan proposes now to pay them for twelve months' work when only three months' service is to be performed. That is the whole question as I understand it; and the proposition is against a direct vote of the Senate at the time the special messengers were authorized to be employed. The Committee on Appropriations would have violated the order of the Senate if they had reported anything else than what is now in the bill.

Mr. FERRY. The Senator from West Virginia has made my argument. He says that the messenger for the Committee on Appropriations has been there since the Senator and myself have been in the Senate. That is true; that is simply priority of time. He performs no more duties than the messenger for the Committee on Post-Offices and Post-Roads, or the messengers for other committees here. If the Senate have neglected to do their duty hitherto, that is no reason why they should not do their duty from now henceforth.

The argument applies as well to the messenger of the Committee on Appropriations that the next session will last but three months and he gets paid for the whole year. I am not attempting to lessen the salary of the messenger of the Committee on Appropriations. I think any competent man employed for such service, who should be familiar with all the departments of this building and know where to get papers and books, should be paid at least $1,440 a year. I am only arguing that other committees have as much labor, almost, as the Committee on Appropriations; I know they have hardly as much as that committee; it has more labor than any other. I grant that; but a messenger must remain all the time; he must be active in attending around the room of the committee, as well the Committee on Claims, as well the Committee on Post-Offices and Post-Roads, as well the Committee on the Judiciary, as well all the other committees named here of the seven. If the Committee on Appropriations want their messenger paid that much—and he should have it, and I am ready to vote it, and I will vote against reducing his pay—the messengers of the other committees should be paid alike. I cannot see any difference; and I thank the Senator from West Virginia for making my argument. He has put it better than I could.

Mr. MORRILL. Mr. President, this is a very small matter. When the movement was first originated here I believe the amendment making this merely an appointment for the session was made at my own suggestion to the mover of the resolution. Subsequently upon inquiring of the Sergeant-at-Arms I found that it was his opinion that the efficiency of his staff would be promoted if they were made permanent. It is only a question of economy. It strikes me that the Sergeant-at-Arms is correct in asserting that he needs these men permanently. If he obtains them permanently it will diminish the number of temporary employés during the recess.

Mr. DAVIS, of West Virginia. May I ask my friend from Vermont a question?

Mr. MORRILL. I have said all I desired to say upon the subject. I rather think that the Sergeant-at-Arms understands his duties here and knows what it is best for us to provide for. I shall vote in favor of making these permanent messengers.

Mr. GARLAND. I should like to hear the amendment of the Senator from Michigan read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The Acting Secretary read the amendment of Mr. FERRY to the amendment of the Committee on Appropriations.

Mr. GARLAND. I think that amendment is eminently proper, because taking these committees, the Committee on Post-Offices and Post-Roads, on Finance, on Pensions, on Claims, on the District of Columbia, on the Judiciary, and on Engrossed Bills, I do not know any of the committees that have any more to do than those seven committees; and as a matter of fact ever since I have been in the Senate the messenger to the Committee on the Judiciary has been permanent. I have not heard any good reason given why he should now be limited in his pay simply to the session. That committee has about as much work as any other committee in the Senate, I believe.

Mr. DAVIS, of West Virginia. There is no proposition to change him.

Mr. GARLAND. He gets his pay only during the session by the amendment of the committee.

Mr. DAVIS, of West Virginia. There are twenty-four messengers who get annual pay, and the committees the Senator speaks of had messengers before these special messengers were appointed. These seven are new entirely, in addition to what the Senate has heretofore had at any time.

Mr. FERRY. The Senator will notice that the messenger of the Judiciary Committee is named here as one of those paid during the session.

Mr. GARLAND. That is the way I read it. I may misunderstand it.

Mr. FERRY. The Senator from Arkansas is correct.

Mr. GARLAND. I think I am. Now, the point is this: here is the messenger of the Committee on the Judiciary, under the amendment of the Committee on Appropriations to be limited in his pay to the session. He never has been so limited heretofore, within my knowledge; and I think the theory of a salaried clerk ought to carry with it the theory of a salaried messenger.

Mr. MORGAN. I will say to the Senator from Arkansas that this only refers to the supernumerary messengers, who were put in under the resolution providing for seven. The regular messenger to the Judiciary Committee is included in the twenty-four messengers, and he draws his annual salary.

Mr. GARLAND. I want to understand if the Senator from Alabama is correct. We have a messenger there who has been messenger to the Committee on the Judiciary for years. Does he get permanent pay? That is what I wish to learn.

Mr. ALLISON. I think that will depend entirely on the permanency of the messengers. Of course the Judiciary Committee had, as the Senator from Arkansas says, formerly an annual messenger; but one of these seven messengers, it seems, was assigned to the Judiciary Committee room; and of course if the provision as it stands now in the bill as reported shall pass, the messenger to the Judiciary Committee room will be a messenger for the session.

Mr. GARLAND. Then I support the amendment of the Senator from Michigan. I think it is certainly correct.

Mr. ALLISON. I will say in addition that it is perfectly in the power of the Sergeant-at-Arms to so arrange his messengers as to assign an annual messenger to the Judiciary Committee room, if he chooses.

Mr. FERRY. I should like to ask the chairman of the committee if it is designated in the bill that there shall be a messenger for the Judiciary Committee, as for the Committee on Finance or the Committee on Post-Offices and Post-Roads, whether the Sergeant-at-Arms would have the right to designate some other when it is stipulated here precisely that for those committees the messengers shall only have pay during the session. I think the Senator from Iowa is not correct on that point.

Mr. PLATT. Mr. President, I think perhaps that I can explain this amendment, having originally, as acting chairman of the Committee on Contingent Expenses, reported the resolution providing for these seven additional messengers.

If this amendment is not adopted in this bill these seven messengers will not exist. The former action of the Senate appointed seven additional messengers for this session. The Committee on Appropriations now propose to continue these seven additional messengers for the next session and to limit their pay to the session only.

When the resolution was reported by the Committee on Contingent Expenses we could see no reason whatever, if seven additional messengers were needed in the Senate, why they should not have the same pay that the other messengers had had, and I apprehend it is impossible for any Senator to state a reason why, if these messengers are needed, they should not be paid as other messengers are; but objection was made, and rather than not get them at all the amendment was agreed to that they should only be appointed for the session of Congress. I think it was said then that when we came to the general appropriation bill the matter could be considered and settled definitely as to what the future position of these messengers should be. Now, there is not a particle of question but what we need these seven messengers just as much as we need the twenty-four other messengers, if that is the number. They perform precisely the same duties, except that they are assigned to special committees, when the others are assigned to no committees at all. They are assigned to important committees. They are, in fact, the most important messengers in the Senate and in the pay of the Senate. It seems to me there is no reason why they should not be paid the same as the other messengers are.

Mr. BECK. My principal object in rising is to ask the Senator from Michigan and the Senator from Iowa to postpone this amendment without prejudice until the exact facts can be ascertained as to what is done with the twenty-five messengers employed annually and what is the necessity for the addition of seven during the period when there is no session of the Senate; and perhaps we shall reach a result more intelligently after further inquiry of the Sergeant-at-Arms while the bill is going on. But I desire, now that I am up, to say that we have had a struggle for years with the House of Representatives, and we have generally maintained the right of the Senate to designate the number of its own messengers and its own clerks, and its own organization; but if we go on from year to year, as we are going on, adding now an annual clerk for every committee, as we soon shall have, when some of the committees hardly ever meet, and increasing the annual messengers from twenty-five to thirty-two, and keep on at the rate we are going, there will be very serious ground to doubt whether the Senate can properly maintain itself in a controversy with the other House.

Mr. FARLEY. Allow me to ask a question.

Mr. BECK. Certainly.

Mr. FARLEY. What necessity is there for twenty-five annual messengers during the time when there is no session of Congress?

Mr. BECK. I am a member of the Committee on Appropriations, of which I know a good deal. The clerk of that committee and the messenger of that committee do not leave this Capitol on an average of three weeks out of the fifty-two weeks of the year.

Mr. FARLEY. The question I asked was, what use is there for a messenger when Congress is not in session?

Mr. BECK. I will explain as far as I can. Take the Committee on Appropriations. The very moment Congress adjourns it becomes the duty of the clerk of that committee, with the aid of the messenger of that committee, to obtain information from every Department of this Government relative to the appropriations they are about to ask and which we are to act upon next winter; and not only that but he has to go to the War Department, the Navy Department, the Interior Department, the Post-Office Department, and the messenger has to go to work at once.

Mr. FARLEY. That committee has two clerks.

Mr BECK. Yes, we have two clerks, and we have now another one working a good part of the time, and we ought to have more during part of the session, and the very moment the session is over we have no further use for him; but we have use for the messenger there to get the information, and when we come back here at the beginning of the next session we expect our clerk and messenger to have the work cut out and prepared for us. We are obliged to know every item of the bills, and if we cannot do that we are not fit for our work; and if we have not the means of getting information we cannot prepare it in time.

There are committees that are absolutely doing nothing, and there are other committees at work all the time. I suppose there are a certain number of men who must be kept here for the purpose of attending to them, and we have twenty-five messengers without these seven. Seven were added, and added by a vote of the Senate temporarily. It was supposed they would be needed while the Senate was in session. It was supposed if they were not needed they could be dropped at the end of the session, and the twenty-five regular messengers would be ample for the service needed. One of those twenty-five can be a permanent messenger for the Committee on the Judiciary. If this amendment is passed over for an hour, I have no doubt the Sergeant-at-Arms will say so; and if the committee has to meet and obtain information all the time, and if it has not an annual messenger, it ought to have one. Take one committee to which I belong, the Committee on Transportation Routes to the Seaboard. True it is we have had several important meetings, but the moment that committee closes its work it is at an end until December. I suppose there are half a dozen other committees of the same sort, where the messenger has no work after the session, and they do not need him while the Senate is not in session, because there is no work for him to do.

These seven that were added to the twenty-five may be very useful now, but they are absolutely useless the moment Congress adjourns. The Sergeant-at-Arms, I have no doubt, will inform the committee if you ask him, and you can do it in the course of an hour, that he does employ permanently a man for the Committee on Finance, and one for the Committee on the Judiciary, and one for the Committee on Appropriations, one for the important committees that have to work during the recess, but certain extra ones that were employed outside of the twenty-five messengers we now

have are allowed to go without pay until the Senate meets again. It is for that reason that I desire a little further information before a vote is taken on this question.

Mr. SHERMAN. Mr. President, it is evident that the bill as reported does great injustice to the messengers of seven of the most important committees of this body. It discriminates against those messengers in favor of every other messenger employed by the Sergeant-at-Arms. The House only allowed the Senate fourteen annual messengers; our Committee on Appropriations have increased that allowance to twenty-four messengers, and they are all at annual salaries.

Mr. ALLISON. Allow me to say a word. The committee have not increased it. The present force of messengers is twenty-four, exclusive of these seven.

Mr. SHERMAN. I do not criticise that. I say no doubt upon proper representations the old number was continued at twenty-four, but it is manifest that as the bill now stands it discriminates against the seven messengers who by common consent would be called the most important in the body, with the probable exception of the messenger to the Committee on Appropriations. The messenger of the Committee on Appropriations is very properly made a permanent messenger. Why? Because the duties are of a character that requires a permanent officer, an intelligent man, who can go to any Department of the Government and get the necessary information. That intelligence can only be had from a man of experience, and therefore I think the messenger of the Committee on Appropriations ought to be an intelligent, experienced man. But ought it not to be so with the messenger of the Committee on Claims, who has to go to all the different Departments of the Government; so with the Committee on Finance; so with the Judiciary Committee; so with the Committee on Post-Offices and Post-Roads? These are confidential messengers; they ought to be permanent. As to the number that ought to be employed I would follow very cheerfully the wishes of the Committee on Appropriations, but I say the messengers of these several important committees ought to be permanent officers. If they are to be turned out in the middle of July to roam about without pay until next December with the prospect that they will abandon such an uncertain employment and go into other business, you compel these important committees to get an inexperienced man totally unfitted for the service, to be employed for three months, to be discharged again without pay. It seems to me that when Congress adopted the principle of an annual salary for its members it ought to adopt the same principle and provide for annual clerks and annual messengers, because the experience acquired by these clerks and messengers is even more important than the experience acquired by a Senator. Take a conspicuous man in private life in the States and bring him here and he may make a good Senator, but such a man would not make a good messenger or a good clerk. To be such, a man must be familiar with the technical duties of his office.

I say, therefore, that the messengers employed by these seven committees that are especially prominent in this body or in any legislative body ought to be permanent officials, and if there must be a reduction in the total number it ought to be a reduction of the twenty-four; that ought to be reduced from twenty-four down to the proper number, and the seven messengers for the Committees on Finance, Post-Offices and Post-Roads, Pensions, Claims, the District of Columbia, the Judiciary, and Engrossed Bills ought to be retained. With the exception of the Committee on Engrossed Bills, all these committees are certainly committees that require a messenger of intelligence and capacity. I do not know any special reason why the Committee on Engrossed Bills should have a permanent messenger, but I do not propose to discriminate against it.

I shall vote for the proposition made by the Senator from Michigan, to put these messengers on the same footing with the other messengers. If on the whole the Senate think that too many are provided for, let us reduce in the previous clause the number from twenty-four to seventeen, which would keep up the old numbers.

Mr. BECK. I have believed that the twenty-five messengers now employed annually will furnish a messenger to each important committee of the Senate and have a good many to spare.

Mr. MORGAN. The Senator says twenty-five. Why do the committee propose twenty-four?

Mr. BECK. There are twenty-five there; twenty-four in one clause and one in the same paragraph further on. I believe this amendment of the Committee on Appropriations ought to be amended by striking out:

For the following committees of the Senate, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, and Engrossed Bills.

And I shall move to so amend it; so that the paragraph will read:

For seven messengers during the session, at the rate of $1,440 per annum, $5,370.50.

And why those several committees were named in this paragraph as though they could not be supplied out of the twenty-five messengers already provided for, I am not prepared to say. There are not important committees enough, or certainly not more than enough to employ all the annual messengers. I do not believe the Committee on Privileges and Elections have any use for an annual messenger. I understand they have not met more than once or twice during the whole year, and I know of no use for a messenger there. I do not believe the Committee on Manufactures has any use for a permanent messenger; the Committee on Agriculture, I think, very clearly has not. The Committee on Revolutionary Claims, I suppose, never does meet. The Committee on Education and Labor might very well dispense with an annual messenger; and so of the Committee to Audit and Control the Contingent Expenses; and the Committee on Transportation Routes to the Seaboard, I know, can do without one, and so on as to a number of others. If you strike out the unimportant committees, there are not twenty-five committees left that will pretend that they have any use for an annual messenger.

Mr. MORGAN. Mr. President, I do not wonder that the House of Representatives undertakes to cut down the allowance of messengers to the Senate. We are all the time increasing our complement of force here without any actual necessity, it seems to me, for as great an increase as we have made. We have now twenty-five messengers who hold their offices annually, and they receive under this bill $1,440 per year. During this session of the Senate seven additional messengers were added for the benefit of certain committees that are in a resolution introduced by the Senator from Connecticut. Those committees were Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, and Engrossed Bills. Each of these committees had a regular messenger assigned to it out of the twenty-five, and was never without such a messenger. They had these messengers at the time this resolution was introduced and adopted, and this force of seven messengers was a merely supernumerary force, an additional force supposed to be made requisite by the necessities of the respective committees therein named.

Objection was made at the time by several Senators to the passage of that resolution on the ground that it was an unjustifiable extravagance. That resolution limited the appointment of these seven messengers to the session. Now it is proposed to make in this bill these seven messengers permanent, in addition to the twenty-five that we already have, making thirty-two messengers for the committees of this body to be made annual messengers, or messengers with annual salaries of $1,440 each per annum. That is the proposition. I object to it.

The PRESIDENT *pro tempore*. The Chair begs leave to interrupt the Senator to state that the Judiciary Committee has had but one messenger, and the same messenger has been there all the time.

Mr. MORGAN. The Chair, I think, is mistaken, because the resolution added a messenger to the Judiciary Committee. That was the intention of the resolution.

Mr. ALLISON. If the Senator will allow me to interrupt him a moment, I think I can explain the matter. Until this resolution passed this winter no committee of this body had a messenger especially assigned to it except the Committee on Appropriations. All the messengers were not only assigned to duty at the committee-rooms but they were also assigned to the doors of the Senate Chamber and galleries and in various ways performed other services aside from their duties to the committees to which they were assigned for duty during the meetings of the committees. This resolution contemplated that the seven committees named in it should have a messenger specially assigned to each. These special messengers have no other duties except to attend to the door and to the work of the committee to which they are assigned, while the twenty-four messengers that are provided for in the bill are not only obliged to look after the several committees but attend to the doors during the sessions, and they do various other business about the Capitol. The object of the resolution was to assign messengers to the committees named who would have no other employment. So the President of the Senate is right when he says that a messenger has always been assigned to the Committee on the Judiciary, and that messenger before this winter did other service around the Capitol in addition to his services at the committee.

Mr. MORGAN. What I meant to say was that all the leading standing committees of this body have had messengers assigned to them by the Sergeant-at-Arms, and they have never been for a moment of time without a messenger.

Mr. CAMERON, of Wisconsin. If the Senator will allow me, I beg to suggest that statement is a little too broad. I know the mode of doing business in the Committee on Claims; the Senator was a member of that committee during several sessions, and he knows something about the mode of doing business and the amount of business before that committee. The Sergeant-at-Arms assigned a messenger to that committee. That messenger attended the room of the committee during the time that the Senate was not in session, but during the time that the Senate was in session he was withdrawn, necessarily withdrawn by the Sergeant-at-Arms and assigned to duty elsewhere.

The object of the resolution adopted by the Senate last winter was that each of the Senate committees named in that resolution should have a messenger assigned to it, and that that messenger should have no other duties. It has proved very advantageous, I know, to the Committee on Claims; an efficient gentleman was assigned to that committee and he has been constantly employed in the service of the committee since that time. Hardly a day has passed that he has not gone to one or more of the Departments for the purpose of obtaining information that it was necessary that the committee should have in order to determine upon claims before it.

If the resolution of last winter had not been adopted, he would

not have been able to go to the Departments and obtain this information, neither would it be possible for the clerk of that committee to go. The room of the Committee on Claims is almost as public as the office of a justice of the peace in this city. There are perhaps a thousand claims pending before it, and every day, and during all hours of the day, the claimants, their attorneys and friends are coming to that room for the purpose of obtaining information, and it is necessary that the door of the room should be kept open from nine o'clock in the morning until the Senate adjourns in the afternoon. If we did not have this special messenger the clerk would be compelled to remain constantly in the room of the committee, and we should have no person to send for information to the Departments, and in that way the committee would be very much embarrassed.

Mr. MORGAN. Mr. President, I was two years ago a member of that committee, before this last resolution was adopted appointing a special messenger for that committee, and I now for the first time have heard any complaint that that committee did not have quite enough of service rendered by its clerk and by the messenger that was assigned to it by the Sergeant-at-Arms; and so it is in respect of all of these other committees unless it may be the Committee on Appropriations which has a permanent messenger set apart by law. These twenty-four messengers were found to be amply sufficient until this session of Congress to discharge all the duties that were required to be performed by messengers for all the committees of this body. These seven messengers were not had for the purpose of serving the convenience of the committees, but for the purpose of serving the convenience of the chairmen of the committees. The rule itself was changed; the rule of appointment was changed. The Sergeant-at-Arms was required to appoint on the recommendation of the chairman of the committee, and the sole object of it was to provide for the chairmen of the various committees an additional power of appointment in this body. The Sergeant-at-Arms was a Democrat, or so called.

Mr. FERRY. I think the Senator is mistaken. The proposition was that they be appointed at the instance of the committee. I can speak for the one appointed for the Committee on Post-Offices and Post-Roads, that all the members of that committee were required to join in the request for the messenger. He was not appointed by the chairman of the committee.

Mr. MORGAN. The power of appointment had to be transferred to the gentlemen who represented what is called the majority of this body. That was the whole object of the resolution. The Sergeant-at-Arms was compelled to obey what they said to him, compelled to put on such persons as they selected. That was for the convenience of the chairmen of the committees more than for the convenience of this body. It was a mere addition of seven to the twenty-five, making thirty-two persons who were to be appointed merely for the convenience of gentlemen who hold chairmanships of committees. That is not just to the minority. The honorable Senator from Georgia [Mr. BROWN] has tried to relieve against that by putting it in the power of Senators here to employ clerks. I do not know that one Senator has more to do than another, according to his official duty, but there are many men here who do not occupy the position of chairmen of committees who do more work in this body than some men who do occupy the position of chairmen of committees. The Senate denies to us the right to have a clerk. That resolution was pressed on the attention of this body, and it was refused.

The resolution which the honorable Senator from Connecticut introduced was intended for an alleged temporary emergency in this body. By the terms of the resolution these offices were to expire with this session of the Senate. Now, this bill comes forward and makes them permanent, so that during the entire period of the next fiscal year we shall have seven additional messengers in this body. Mr. President, the truth is that they have got nothing to do in this body but to hold open the doors. There never was a body so overrun with supernumeraries as the Senate. You can scarcely stir about the corridors of the building sometimes lest you should run against employés of this body, who are here for nothing in the world but to adorn the corridors and to lean against the doors.

The Senator from Ohio thinks they ought to be a very talented set of men. I think they should be, to find some occupation, to find some way to amuse themselves in the sweet hours of idleness that they pass in the Senate. He thinks there are some men on this floor who are qualified to be Senators who would not make good messengers; they have not got the ability! That is a strange conclusion to come to, Mr. President, and I think we had better have a committee appointed to select the talented gentlemen who are to hold up the doorposts.

Mr. SHERMAN. I hope the Senator did not so understand me. I do not think either he or I would be good messengers. I know I would not be, and I think he would not be; it requires activity and also intelligence.

Mr. MORGAN. If it only requires activity, I am sure I should make a very fine one.

Mr. SHERMAN. I certainly would not want to perform the duties of messenger.

Mr. MORGAN. What these gentlemen want, to come down to the real facts of the case, is a convenient body servant, a man who will wait upon them in a very submissive, quiet, and excellent way. It is not for the public service, it is for private service that we are voting these messengers, and for the accommodation of a few gentlemen.

This clamor for additional force here broke out very suddenly and very recently. It was never dreamed of until a very recent date, and now it is to be made permanent. I hope the Senate will strike out the entire proposition, provide for the pay of the seven messengers for the present session, and then let the matter drop, and we can see at the next session of Congress whether we need an addition to the force of twenty-five messengers that we have here already. There may be something misleading in the language of the latter part of this amendment, and I intended to offer the same amendment that the Senator from Kentucky has suggested, to strike out the words "for the following committees," and down to the word "bills," so that the whole of the thirty-one or thirty-two messengers, if we shall have thirty-one or thirty-two messengers here, may stand upon the same footing, and that the Sergeant-at-Arms may assign them, as he has done heretofore, as the convenience of the Senate has required.

Mr. BECK. I think we ought to have a little further time to look over these committees that desire a man to wait upon them. Here is one that I think can get along without a man during the recess—the Committee to examine the several branches of the Civil Service, Mr. SAWYER chairman, and three or four other Senators on the committee. Then there is the committee "to make provision for taking the Tenth Census and ascertaining the results thereof." That census, I think, has been taken, and it is about time its results were published so that we should have the benefit of them. I do not know that a messenger is needed to hang about that door any longer. Then we have a committee "to inquire into all claims of citizens of the United States against the Government of Nicaragua." My friend from West Virginia [Mr. DAVIS] is chairman. I think he can get along without a messenger during the recess of the Senate. I do not see any use for it at all except to make a place. Then there is the committee "to investigate the condition of the Potomac River front of Washington." That has been going on for a good while, and if they have investigated anything I do not know it. I am no wiser than I was when they began to investigate. There is a committee "on the bill (S. No. 307) to provide that the principal officers of each of the Executive Departments may occupy seats on the floor of the Senate and House of Representatives." I think they can get along without a messenger waiting on them during the recess. There is a committee "on woman suffrage." We have had a report from the distinguished Senator from New York, [Mr. LAPHAM,] the chairman. I do not think he cares about a messenger hanging around that door while he is looking into that question.

Then there is a committee "on honoring the memory of the late James A. Garfield," of which the Senator from Ohio is chairman. We can honor the memory of the late President, I think, without a messenger to hang around the door of that committee. There are a number of others that I think may as well be dispensed with.

Mr. LAPHAM. I remind the Senator from Kentucky that there has been no messenger to my committee.

Mr. BECK. I am very glad to hear that there has not been one. I supposed the Senator was well enough waited upon by the distinguished ladies. [Laughter.] They could take care of him without having a messenger to guard the door. [Laughter.]

In other words, twenty-five annual messengers are obviously enough, and the seven attached by the vote of the Senate ought to stand as they were ordered by the Senate, and the Committee on Appropriations have gone quite as far as they ought; indeed, they have done just what they ought to do in reporting under the resolution of the Senate the seven extra ones to remain during the session if the Senate see fit.

Mr. VOORHEES. Mr. President, I do not think I am in harmony with this annual outbreak in favor of economy at the expense of the organization of this body. Whenever I rise to high public position it will not be by electioneering in that direction. In fact, I have no respect for the constant recurrence of this demand to economize the public service at the expense of the most laborious and the poorest paid of all the employés of the Government. Now, Mr. President, there is just one of two things about this: these messengers ought to be discharged and not employed at all, or they ought to be employed permanently. Whether there are too many of them or not I do not know, nor do I pretend to speak; but I do know that when men are induced to come here for employment it should not last merely a part of the year. When in the midst of the summer as now we adjourn, these men are thrown out of employment and they have nowhere to turn. We might as well look the matter square in the face and be honest with ourselves. These men have no place to obtain employment; their families are dependent on their income; and it is not worth while for us to attempt to deceive ourselves that possibly they may have something else to do, that they can go to work at something else when the session closes. It is not true, and I am for meeting this thing in a frank and square way. Either discharge supernumeraries who have no work to do, or pay them, as we are paid ourselves, the year round. They have no other means of support and no other employment.

Mr. President, I do not criticise the remarks of my accomplished friend from Alabama, and I do not think he sympathizes with them himself. I think the employés of the Senate do a great deal more

than lean against the door-posts. I think they are equal in intelligence, capacity, and industry to the employés in any other branch of the Government. They should be treated with respect, for they treat us with respect; and I, for one, intend to vote on the score of liberality, as well as justice, in their behalf, knowing perfectly well that they will not get too much, in fact not enough.

I have said this much to indicate my purpose. I shall vote with the Senator from Michigan upon this subject, believing that it is right and wise to do so.

Mr. CALL. Mr. President, I have no sympathy with the argument which does not recognize the two Houses of Congress as the repositories of the legislative power of fifty millions of people, nor with the argument which assumes that Senators and members of Congress come here equipped with all the information and all the agencies to act upon the important questions which come before them. Sir, it is not true. These bodies ought to be organized, and when the judgment of the Senate has been pronounced upon the fact that a committee should exist, that committee ought to be organized with a permanent clerk and with a messenger to serve its convenience. If there are too many, this body is responsible for that error and should correct it; and the Committee on Appropriations carries but little weight with it if in a recommendation as to the employés of the Senate it is not to be respected.

Why, sir, this Government ought to be regarded as a government fully equipped for the performance of its duties at any time. Who can tell when these two Houses may be convened by the proper authority for the purpose of discharging their constitutional duties? And to say that the poor men who are employed here shall be turned adrift because there may be one or two too many, or to advance the idea that, because these Committees upon Woman Suffrage or upon the Potomac River front may have little for messengers to do, therefore the messengers are merely to wait upon the chairmen of such committees, is not presenting the question correctly.

Whenever this body recommend the appointment of a committee, and the Committee on Appropriations recommend an appropriation of money for the payment of the officers of that committee, I shall cheerfully vote for it. That much respect is due, I think, to a committee of this body.

Mr. BECK. I do not care about saying anything more, except this: I admit that the Senator from Florida and every man who comes to the Senate is not fully equipped with an absolute knowledge of all the questions we are to consider. If he was, it would not be necessary for myself and the Senator from Florida to make so many speeches as we have to do to enlighten this body.

Mr. CALL. The Senator from Kentucky; not the Senator from Florida.

Mr. BECK. The Senator from Florida has been heard once or twice on the floor since I have been here, according to my recollection. [Laughter.] The Committee on Appropriations is trying to carry out the law and all that the Senator said ought to be carried out and all that is necessary to be carried out; but it is now proposed to pay men by the year for only working three months, against the vote of the Senate and against the recommendation of the committee; and it is that that I protest against.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan [Mr. FERRY] to the amendment of the Committee on Appropriations.

Mr. FERRY called for the yeas and nays, and they were ordered.

Mr. MAXEY. I want to say a few words in regard to the amendment proposed by the Senator from Michigan. I know personally the work of the Post-Office Committee, which has been mentioned by the chairman. During something more than seven years that I have been a member of that committee I do not remember a single instance where that committee failed to hold its weekly sessions, and very frequently much more often than once a week. My point in voting for a proper messenger for that committee is that it requires an intelligent, qualified man, prepared to go to any of the various branches of the Post-Office Department and get that information which we are constantly in need of in the investigation of cases that are submitted by the Senate to the committee for investigation; and I want a good man, and I believe we can get a better man at the price fixed here of $1,440 than we shall get by taking a man that is employed only during the session. It is in order to get experienced, educated talent, adapted to the business of the committee, and therefore the business of the country, that I believe in giving a competent salary to a competent man.

Mr. BECK. I only desire to say, before the vote is taken on the amendment of the Senator from Michigan to make each of these seven extra messengers, in addition to the twenty-five we now have, an annual messenger, that if it is voted down I shall move to strike out of the amendment of the Committee on Appropriations the words "for the following committees of the Senate, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, and Engrossed Bills;" leaving the seven special messengers to be paid during the sessions; striking out these words in order that the Sergeant-at-Arms may assign the twenty-five annual messengers we now have among the important committees, of which the Committee on Post-Offices and Post-Roads is one, and the Finance another, and the Judiciary another, and so through the committees named. I would go further and say——

Mr. MAXEY. Will the Senator permit me to ask, is there any more reason why the Appropriations Committee should select its messenger than the Post-Office Committee should select its messenger, when it needs a messenger with certain qualifications? Yet this bill provides that the Committee on Appropriations shall select a messenger.

Mr. BECK. That has been the law for years, and we do not propose to change the law. We do not regard the Committee on Appropriations as a committee whose duty it is to change the law as they find it. Finding that law existing for years, and no complaint against it, we allowed it to remain; but I agree that these words ought to be stricken out of this amendment, and that the Sergeant-at-Arms ought to be required to assign the twenty-five annual messengers we have in such a way as to promote the public interest. I will say further, that if the Sergeant-at-Arms, in the exercise of his duty of assigning the twenty-five annual messengers we now have, were to leave out the Committees on Post-Offices and Post-Roads, Pensions, and Judiciary, and assign them to half a dozen other committees I could name, on Woman Suffrage, Honoring the Memory of the late President, Mines and Mining, Revolutionary Claims, Agriculture, Manufactures, the Sergeant-at-Arms would not be fit to occupy the place he occupies, and I would vote for his removal as a man wholly unfit to hold the position. But I have a perfect assurance that out of the twenty-five men we give him he will assign men from the twenty-five to the important committees, and will give the Committee on Post-Offices and Post-Roads one, the Committee on the Judiciary one, and each of the important committees who ought to have a messenger one; and if this amendment is voted down, I shall move to strike out the words naming the particular committees that never ought to have been named in the resolution or in the bill, and leave it to the Sergeant-at-Arms, on his responsibility, to assign the twenty-five where they ought to be assigned.

Mr. FERRY. I have full confidence in the present Sergeant-at-Arms. I do not believe that he would formally invite the attention of the Committee on Appropriations to the necessity of making these permanent messengers unless he felt that the service demanded them.

Now, there is one point here which has not been mentioned in the service of messengers, but my colleague on the committee [Mr. MAXEY] broached it. The fact that the Committee on Post-Offices and Post-Roads and also the Committee on Finance have often suffered and have not made extraordinary complaint, is no reason why they should not be provided for when the necessity occurs. How often during the sessions of committees it is necessary to send for books and papers while the clerk of the committee is reading papers before the committee; and before we had a messenger we were compelled to send the clerk and arrest the proceedings of the committee. Now, as well stated by my colleague on the committee, we need a man whose whole attention is devoted to the interests of the committee, who knows all about its work, who is not to be detailed to these galleries when twelve o'clock arrives, who is not one messenger to-day and another the next day, and the Committee on Appropriations know that more than any other committee; and that is the reason why they set the example and asked that there should be a permanent messenger for them, and have so employed one. Now they say that we should not follow their example. I propose by my amendment to follow that example; and when this committee, so laborious, so attentive, so economical, set us such an example, I think we are very safe in following it.

I want to emphasize what has been said here, that these men, if they are fit for their places, ought to be paid a salary during the year; and I was glad to hear one Senator say that if Senators had a yearly salary when they were compelled to remain here only during the session, and could go home during the interim, the humble men who do the duties of committee messengers are entitled to the same kind of salary. Every day from the House to the Committee on Post-Offices and Post-Roads come inquiries in regard to post-routes, and there is not a day occurring here but what Senators are appealing to different committees for information, caused by their correspondence or otherwise, and they are compelled to send these inquiries or go themselves, or snap first for a page and then for a messenger to get the information. If you are left with a clerk alone, that clerk must leave his duties; he is not laboring only during the sessions of the committee in the morning hours but during the whole day, preparing matter, looking up facts to be ready for the next meeting, whether special or otherwise. So we want a man who knows something of the work. The clerk of the Committee on Post-Offices and Post-Roads sends its messenger whenever he finds occasion, whether to the Post-Office Department or to the libraries in the Capitol. He could not do it all himself. If you send down to the committee-room you may find it locked, and that must be the consequence if the clerk has to work without a messenger. If you have to send the clerk on all these errands you will find complaint. We have suffered from this, and we asked the Sergeant-at-Arms to provide us with a messenger that was competent and should remain there all the time, and I am thankful to the Sergeant-at-Arms that he has insisted on this. I know he has appealed to the Committee on Appropriations time and time again, and I am here to sustain him in it, and I hope the Senate will concur in my amendment.

Mr. HARRIS. Mr. President, believing as I do that this amendment has been debated quite sufficiently for every Senator to com-

prehend and to have made up his mind on it, I move to lay the amendment of the Senator from Michigan on the table.

Mr. FERRY. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on laying the amendment of the Senator from Michigan on the table.

The yeas and nays were taken.

Mr. ANTHONY, (after having voted in the negative.) I voted inadvertently. I am paired with the Senator from Delaware, [Mr. BAYARD.] I understand he would vote "yea." I withdraw my vote.

The result was announced—yeas 24, nays 29; as follows:

YEAS—24.

Allison,	Coke,	Hampton,	Plumb,
Beck,	Davis of West Va.,	Harris,	Pugh,
Blair,	Frye,	Jackson,	Rollins,
Brown,	George,	Jonas,	Saulsbury,
Camden,	Groome,	Jones of Florida,	Slater,
Cockrell,	Hale,	Morgan,	Vest.

NAYS—29.

Butler,	Garland,	Maxey,	Sherman,
Call,	Gorman,	Miller of Cal.,	Van Wyck,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Walker,
Chilcott,	Jones of Nevada,	Pendleton,	Windom.
Conger,	Lapham,	Platt,	
Davis of Illinois,	Logan,	Saunders,	
Ferry,	Mahone,	Sawyer,	

ABSENT—23.

Aldrich,	Farley,	Johnston,	Mitchell,
Anthony,	Grover,	Kellogg,	Ransom,
Bayard,	Harrison,	Lamar,	Sewell,
Dawes,	Hill of Georgia,	McDill,	Vance,
Edmunds,	Hoar,	McMillan,	Williams.
Fair,	Ingalls,	McPherson,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Michigan [Mr. FERRY] to the amendment of the Committee on Appropriations, upon which the yeas and nays have been ordered.

Mr. MAXEY. There is no necessity for the yeas and nays now.

Mr. FERRY. I have no desire to press the yeas and nays.

Mr. ALLISON. Let us see what the result will be.

Mr. FERRY. Very well, let us have the yeas and nays. I follow the chairman, generally.

The question being taken by yeas and nays, resulted—yeas 31, nays 21; as follows:

YEAS—31.

Butler,	Garland,	Logan,	Saunders,
Call,	Gorman,	Mahone,	Sawyer,
Cameron of Pa.,	Grover,	Maxey,	Sherman,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Van Wyck,
Chilcott,	Hawley,	Miller of N. Y.,	Voorhees,
Conger,	Hill of Colorado,	Morrill,	Walker,
Davis of Illinois,	Jones of Nevada,	Pendleton,	Windom.
Ferry,	Lapham,	Platt,	

NAYS—21.

Allison,	Davis of West Va.,	Jackson,	Saulsbury,
Beck,	Frye,	Jonas,	Slater,
Blair,	George,	Morgan,	Vest.
Brown,	Groome,	Plumb,	
Cockrell,	Hale,	Pugh,	
Coke,	Harris,	Rollins,	

ABSENT—24.

Aldrich,	Fair,	Johnston,	McPherson,
Anthony,	Farley,	Jones of Florida,	Mitchell,
Bayard,	Harrison,	Kellogg,	Ransom,
Camden,	Hill of Georgia,	Lamar,	Sewell,
Dawes,	Hoar,	McDill,	Vance,
Edmunds,	Ingalls,	McMillan,	Williams.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of two o'clock having arrived the Chair announces the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

Mr. ALLISON. I ask that that may be laid aside temporarily and the appropriation bill continued.

The PRESIDENT *pro tempore*. If there be no objection that order is made. The Chair hears no objection. With the indulgence of the Senate, however, the Chair will lay before the Senate some bills from the House for reference.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 1294) more effectually to suppress gaming in the District of Columbia;

A bill (H. R. No. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia;

A bill (H. R. No. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736, in the city of Washington;

A bill (H. R. No. 6406) to refund the assessments made under the administration of M. G. Emery, while mayor of Washington, and for other purposes;

A bill (H R. No. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia;

A bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia;

A bill (H. R. No. 6627) to authorize the establishment of a free public highway in the District of Columbia;

A bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes; and

A joint resolution (H. R. No. 156) to provide for the suspension of collection of special assessments in the District of Columbia until the improvements which said assessments were made to pay for are fully completed.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States; and

A joint resolution (H. R. No. 247) to provide for the printing of public documents for binding and distribution to those entitled to receive them.

The bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRODUCTION OF GOLD AND SILVER.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed, 8,000 copies for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,000 for the use of the Director of the Mint.

DONATION OF DRINKING-FOUNTAIN.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington.

Mr. MILLER, of California. I ask that the resolution be passed at this time.

Mr. DAVIS, of West Virginia. Has that resolution been to a committee?

Mr. MILLER, of California. I have consulted with the members of the Committee on the District of Columbia who are here, and they have examined it, and there is no reason why it should be referred. It is simply to accept a drinking-fountain which is donated by Dr. Cogswell. It will cost nothing to the Government, and there certainly can be no objection to it.

The joint resolution was, by unanimous consent, read three times, and passed.

CHANGING OF ALLEY-WAYS.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington.

Mr. ROLLINS. I ask the Senate to consider the bill at this time. It is a precise copy of a bill which has been reported favorably by the Committee on the District of Columbia on the part of the Senate. I have carefully compared it and find it to be an exact copy.

Mr. HARRIS. Let the bill be read for information.

The Principal Legislative Clerk read the bill.

Mr. HARRIS. A bill precisely similar has been carefully considered by the Senate Committee on the District of Columbia. We think it very proper, and hope the bill will pass.

The bill was, by unanimous consent, read three times, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1128) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes; and

A bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

AMENDMENTS TO BILLS.

Mr. GEORGE and Mr. JONAS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. JONES, of Nevada, and Mr. SAUNDERS submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

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LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended on the motion of the Senator from Michigan, [Mr. FERRY.]

Mr. COCKRELL. What is now pending?

The PRESIDENT *pro tempore*. The Senate decided in favor of the amendment of the Senator from Michigan.

Mr. COCKRELL. In what line?

The PRESIDENT *pro tempore*. From line 107 to 113.

Mr. COCKRELL. Before that is agreed to I want to amend the amendment. I offer the following amendment to the amendment. Add—

That each Senator, who does not as the chairman of a committee have a clerk, be authorized to employ a clerk during the session at a *per diem* salary of $6.

I offer that in view of the action of the Senate in this case. If there is to be a little favoritism, let it be extended all around. I ask that the amendment to the amendment be again read.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read the amendment to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri to the amendment.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. That would be manifestly unfair to several gentlemen who occupy chairmanships of committees where their clerks had to be employed entirely for the service of the committee and they are of no service to the chairman personally. Take the Committee on Appropriations; take the Committee on the Judiciary, or the Committee on Finance.

Mr. COCKRELL. The Committee on Appropriations has two clerks, and it is no more unfair than it is in regard to the messengers. I say to the Senator from Vermont with perfect candor that I want to see now if the Senate will distribute its favors with some equality.

Mr. PLATT. I happen at the present time to be chairman of two committees; that is to say, I am chairman of the Committee on Patents and I am acting as chairman of the Committee on Pensions. In the Committee on Pensions we have two clerks and a special messenger; in the Committee on Patents we have a clerk; but I desire to say that I have not been able to avail myself of the services of any one of these for my personal business during this session; they are entirely required for the purposes of the committees. I have no clerk.

The question being taken by yeas and nays, resulted—yeas 23, nays 27; as follows:

YEAS—23.

Blair,	Chilcott,	Jackson,	Morgan,
Brown,	Cockrell,	Jonas,	Pugh,
Butler,	Gorman,	Jones of Florida,	Slater,
Call,	Groome,	Kellogg,	Voorhees,
Camden,	Grover,	Lapham,	Williams.
Cameron of Pa.,	Hampton,	Miller of N. Y.,	

NAYS—27.

Allison,	Ferry,	Miller of Cal.,	Saunders,
Beck,	Frye,	Morrill,	Sherman,
Cameron of Wis.,	Garland,	Pendleton,	Van Wyck,
Coke,	George,	Platt,	Vest,
Conger,	Harris,	Plumb,	Walker,
Davis of Illinois,	Hawley,	Rollins,	Windom.
Davis of West Va.,	Maxey,	Saulsbury,	

ABSENT—26.

Aldrich,	Hale,	Jones of Nevada,	Mitchell,
Anthony,	Harrison,	Lamar,	Ransom,
Bayard,	Hill of Colorado,	Logan,	Sawyer,
Dawes,	Hill of Georgia,	McDill,	Sewell,
Edmunds,	Hoar,	McMillan,	Vance.
Fair,	Ingalls,	McPherson,	
Farley,	Johnston,	Mahone,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the committee as amended on the motion of the Senator from Michigan, [Mr. FERRY.]

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 114, to increase the item of appropriation for compensation of "chief engineer" from $1,700 to $2,160.

The amendment was agreed to.

The next amendment was, in line 116, to increase the item of appropriation for compensation of "three assistant engineers" from $1,200 each to $1,440 each.

The amendment was agreed to.

The next amendment was, in line 118, to increase the item of appropriation for compensation of "two firemen" from $900 each to $1,095 each.

The amendment was agreed to.

The next amendment was, in line 122, to increase the item of appropriation for "eight skilled laborers" from $720 each to $1,000 each.

The amendment was agreed to.

The next amendment was, in line 128, to increase the item of appropriation for compensation of "female attendant in charge of ladies' retiring-room" from $600 to $720.

The amendment was agreed to.

The next amendment was, in line 134, after the word "hundred," to insert "and fifty;" so as to read:

For stationery and newspapers, including $5,000 for stationery for committees and officers of the Senate, and $150 for postage-stamps for the Secretary of the Senate, and $150 for postage-stamps for the Sergeant-at-Arms, $14,800.

The amendment was agreed to.

The next amendment was, in line 137, before the word "clerks," to strike out "twenty-four" and insert "twenty-two;" and in line 138, after the word "session," to strike out "17,424" and insert "15,972;" so as to read:

For twenty-two clerks to committees, at $6 per day during the session, $15,972.

The amendment was agreed to.

The next amendment was, in line 143, after the word "each," to strike out "while actually employed" and insert "during the session, and one riding page annually at the same rate;" and in line 145, after the word "thousand," to strike out "142.50" and insert "445;" so as to read:

For seventeen pages for the Senate Chamber, including three riding pages at the rate of $2.50 per day each during the session, and one riding page annually at the same rate, $5,445.

The amendment was agreed to.

The next amendment was, in line 150, to increase the appropriation "for materials for folding" from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, after line 156, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $1,500.

The amendment was agreed to.

The next amendment was, in line 165, after the word "committees," to insert "and for inquiries and investigations ordered by the Senate;" so as to make the clause read:

For fuel and oil and cotton-waste for the heating apparatus, $7,000; for furniture and repairs of furniture, $10,000; for packing-boxes, $770; for miscellaneous items, exclusive of labor, $10,000; expenses of special and select committees, and for inquiries and investigations ordered by the Senate, $40,000; in all, $67,770.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Capitol police," in line 179, after the word "watchmen," to insert "who, in addition to their present duties, shall have and exercise the authority of policemen;" so as to make the clause read:

Capitol police:

For one captain, $1,600; three lieutenants, at $1,200 each; twenty-one privates, at $1,100 each; and eight watchmen, who, in addition to their present duties, shall have and exercise the authority of policemen, at $900 each; in all, $35,500, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, in line 185, to increase the appropriation for "contingent fund" of the Capitol police from $100 to $600.

The amendment was agreed to.

The next amendment was, in the appropriations for the "House of Representatives," in line 194, before the word "thousand," to strike out "sixteen" and insert "eighteen;" so as to read:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $318,287.60, namely.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 242.

Mr. ALLISON. In line 241, after the word "Columbia," I move to insert the words "clerk to the Committee on Agriculture." I wish to say, while I am up, in reference to these House provisions, that the Committee on Appropriations agreed with the House Committee that we would make such amendments to the House appropriations as would enable us to carry into a committee of conference the whole question of salaries between the two Houses. The Senate is well aware that there is a difference of opinion in reference to the compensation of the employés of the House and the Senate. I move the amendment in deference to the wishes of the House.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the

chair.) The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. There ought now to be an amendment increasing the aggregate amount.

Mr. ALLISON. That we can have made afterward. It would require us to go back to line 194. If the Chief Clerk will read on for the present we can go back to that later.

The reading of the bill was resumed, and continued to line 254.

Mr. ALLISON. In lines 253 and 254 I move to strike out the words "clerk to the Sergeant-at-Arms, $2,100," and to insert "one cashier, $3,000." I will say that since the passage of this bill by the House, that body has passed a bill reorganizing the force in the office of the Sergeant-at-Arms of the House. That bill was referred to the Committee on Appropriations of the Senate, but we did not feel at liberty from the information we had to report to this bill the suggested amendments. However, it was agreed that we should report such an amendment as would give the House an opportunity to make the amendment they may desire with reference to this officer.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 276.

Mr. ALLISON. After the word "for," in line 275, and before the word "messengers," I move to strike out "eight" and to insert "nine;" so as to read:

For nine messengers at $1,200 each.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 316.

Mr. ALLISON. In line 314, before the word "messengers," I move to strike out "four" and to insert "five;" so as to read:

Five messengers, during the session, at $800 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for "public printing," in line 365, before the word "clerks," to strike out "three" and insert "four;" in the same line, after the word "four," to strike out "one clerk of class 2;" and in line 366, after the word "all," to strike out "thirteen thousand six hundred" and insert "fourteen thousand;" so as to make the clause read:

Public printing:
For compensation of the Public Printer, $3,600; for chief clerk, $2,000; four clerks of class 4, one clerk of class 1, in all, $14,000.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to go back to line 244. After the words "assistant clerk to the Committee on War Claims, $1,600," I move to insert:

One assistant clerk to the Committee on Commerce, $1,500.

Mr. COCKRELL. I should like to know the necessity for that.

Mr. ALLISON. So should I. I have no knowledge of it. These are amendments, I will state to the Senator from Missouri, that are being put in merely to give the other House the proper opportunity to regulate their own affairs.

Mr. COCKRELL. This is for the House Committee on Commerce?

Mr. ALLISON. It is for the House Committee on Commerce, which now has no assistant clerk. I was asked by the chairman of that committee to have this clause inserted merely for consideration.

Mr. COCKRELL. I suppose we had better appoint about three clerks to all the committees as a matter of favor to the chairmen. I should like to see the clerical force distributed.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Library of Congress," in line 374, before the word "assistant," to strike out "twenty-four" and insert "twenty-three;" in line 375, after the word "thousand," to strike out "two hundred and fifty" and insert "five hundred;" in line 376, after the word "each," to strike out "one at $2,000" and insert "two at $1,800 each;" in line 377, after the word "each," to strike out "four" and insert "two;" after the word "each," in line 379, to strike out "two at $1,250 each" and insert "seven at $1,400 each;" in line 381, after the word "each" to strike out "eight" and insert "five;" in line 382, after the word "each," to strike out "four at $1,000 each, and;" in line 384, after the word "dollars," to strike out "per annum" and insert "one at $720 and one at $400;" and in line 386, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

Library of Congress:
For compensation of the Librarian, $4,000; and for twenty-three assistant librarians, two at $2,500 each, two at $1,800 each, two at $1,600 each, two at $1,440 each, seven at $1,400 each, five at $1,200 each, one at $960, one at $720, and one at $400; in all, $36,640.

Mr. SHERMAN. I should like to have some explanation of the reduction of the force in the Library.

Mr. ALLISON. There is really no reduction of the force in the Library. I will state to the Senator from Ohio that this is the exact force they have in the Library now, and the adjustment was made as requested by the Librarian, Mr. Spofford. We have adjusted the force exactly as he wishes it, believing that he knew more about it than we possibly could know.

Mr. SHERMAN. I see that there is a reduction.

Mr. ALLISON. There is a very small reduction.

Mr. SHERMAN. All right.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 424.

The PRESIDING OFFICER. In line 424 the word "dollars" should be inserted after "1,800."

Mr. ALLISON. That is a mistake in the print.

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Department of State," in line 443, after the word "for," to strike out "five" and insert "six;" so as to read:

For six chiefs of bureau and one translator, at "$2,100."

The amendment was agreed to.

The next amendment was, in line 446, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 446, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 447, before the word "clerks," to strike out "ten" and insert "twelve;" so as to read:

Twelve clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 459, to increase the total amount of the appropriation for compensation of the Secretary of State, assistant secretaries, and clerks and employés in the Department of State, from $121,650 to $130,550.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 499.

Mr. SHERMAN. I ask the attention of the chairman of the Committee on Appropriations to the estimates of the Treasury Department in regard to the chiefs of division. I wish to say that the present Secretary of the Treasury, and two or three of his predecessors, have recommended a slight change of the chiefs of division, which involves scarcely any expense. It is now contained in the regular estimates and is urged also by the present Secretary of the Treasury. There ought to be one chief of the division of captured and abandoned property. There was formerly an old officer of the Government there, Mr. Noerr, who was paid out of the captured and abandoned property fund. When that fund was covered into the Treasury it became necessary in order to retain his services to make him the chief of a division. Seven chiefs of division are provided for by law, and it necessarily crowded off one of the old chiefs of division, who was compelled to take the salary of an assistant chief of division.

I ask the Senator from Iowa either to allow a provision to be made for one chief of division of captured and abandoned property, or to increase the number of chiefs of division from seven to eight. That will make a reduction of the assistant chiefs, and will only make an increase of about $500 in the appropriation. There is now great injustice done to a very competent and excellent officer who has charge of the division of the mail and all the files and records of the Department, who is one of the most important officers of the Treasury Department.

As being probably the simplest form, I move, in line 496, after the word "dollars," to strike out "seven" and insert "eight;" so as to read:

Eight chiefs of division, at $2,500 each.

And in line 498, after the word "each," to strike out "six" and insert "five;" so as to read:

Five assistant chiefs of division, at $2,000 each.

I know of my own knowledge that this is an important change without involving any material expense, and it would place the chief of the mail division in his proper rank.

Mr. ALLISON. The committee considered that question very carefully, and read the letter of the Secretary of the Treasury. He desires very much to have the assistant chief in charge of the mail division made a chief; but inasmuch as we had a vast number of applications of that kind, the committee decided not to recommend the change to the Senate. I think myself there is no great harm if the amendment should be adopted. It simply adds $500 to this man's compensation. I would very much prefer the Senator to move his amendment so as to increase the assistant chiefs of division to $2,100. I think that would be better.

Mr. SHERMAN. That would still keep up the discrimination. The assistant chiefs are not responsible for anything; but this chief of the mail division, who has charge also of all the files and records

AMENDMENTS TO BILLS.

Mr. GEORGE and Mr. JONAS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

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Mr. COCKRELL. What is now pending?

The PRESIDENT *pro tempore*. The Senate decided in favor of the amendment of the Senator from Michigan.

Mr. COCKRELL. In what line?

The PRESIDENT *pro tempore*. From line 107 to 113.

Mr. COCKRELL. Before that is agreed to I want to amend the amendment. I offer the following amendment to the amendment. Add—

That each Senator, who does not as the chairman of a committee have a clerk, be authorized to employ a clerk during the session at a *per diem* salary of $6.

I offer that in view of the action of the Senate in this case. If there is to be a little favoritism, let it be extended all around. I ask that the amendment to the amendment be again read.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read the amendment to the amendment.

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Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. That would be manifestly unfair to several gentlemen who occupy chairmanships of committees where their clerks had to be employed entirely for the service of the committee and they are of no service to the chairman personally. Take the Committee on Appropriations; take the Committee on the Judiciary, or the Committee on Finance.

Mr. COCKRELL. The Committee on Appropriations has two clerks, and it is no more unfair than it is in regard to the messengers. I say to the Senator from Vermont with perfect candor that I want to see now if the Senate will distribute its favors with some equality.

Mr. PLATT. I happen at the present time to be chairman of two committees; that is to say, I am chairman of the Committee on Patents and I am acting as chairman of the Committee on Pensions. In the Committee on Pensions we have two clerks and a special messenger; in the Committee on Patents we have a clerk; but I desire to say that I have not been able to avail myself of the services of any one of these for my personal business during this session; they are entirely required for the purposes of the committees. I have no clerk.

The question being taken by yeas and nays, resulted—yeas 23, nays 27; as follows:

YEAS—23.

Blair,	Chilcott,	Jackson,	Morgan,
Brown,	Cockrell,	Jonas,	Pugh,
Butler,	Gorman,	Jones of Florida,	Slater,
Call,	Groome,	Kellogg,	Voorhees,
Camden,	Grover,	Lapham,	Williams.
Cameron of Pa.,	Hampton,	Miller of N. Y.,	

NAYS—27.

Allison,	Ferry,	Miller of Cal.,	Saunders,
Beck,	Frye,	Morrill,	Sherman,
Cameron of Wis.,	Garland,	Pendleton,	Van Wyck,
Coke,	George,	Platt,	Vest,
Conger,	Harris,	Plumb,	Walker,
Davis of Illinois,	Hawley,	Rollins,	Windom.
Davis of West Va.,	Maxey,	Saulsbury,	

ABSENT—26.

Aldrich,	Hale,	Jones of Nevada,	Mitchell,
Anthony,	Harrison,	Lamar,	Ransom,
Bayard,	Hill of Colorado,	Logan,	Sawyer,
Dawes,	Hill of Georgia,	McDill,	Sewell,
Edmunds,	Hoar,	McMillan,	Vance.
Fair,	Ingalls,	McPherson,	
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So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the committee as amended on the motion of the Senator from Michigan, [Mr. FERRY.]

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 114, to increase the item of appropriation for compensation of "chief engineer" from $1,700 to $2,160.

The amendment was agreed to.

The next amendment was, in line 116, to increase the item of appropriation for compensation of "three assistant engineers" from $1,200 each to $1,440 each.

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For one captain, $1,600; three lieutenants, at $1,200 each; twenty-one privates, at $1,100 each; and eight watchmen, who, in addition to their present duties, shall have and exercise the authority of policemen, at $900 each; in all, $35,500, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

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For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $318,287.60, namely.

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The reading of the bill was resumed, and continued to line 242.

Mr. ALLISON. In line 241, after the word "Columbia," I move to insert the words "clerk to the Committee on Agriculture." I wish to say, while I am up, in reference to these House provisions, that the Committee on Appropriations agreed with the House Committee that we would make such amendments to the House appropriations as would enable us to carry into a committee of conference the whole question of salaries between the two Houses. The Senate is well aware that there is a difference of opinion in reference to the compensation of the employés of the House and the Senate. I move the amendment in deference to the wishes of the House.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the

chair.) The question is on agreeing to the amendment offered by the Senator from Iowa.

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For nine messengers at $1,200 each.

The amendment was agreed to.

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For compensation of the Public Printer, $3,600; for chief clerk, $2,000; four clerks of class 4, one clerk of class 1, in all, $14,000.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to go back to line 244. After the words "assistant clerk to the Committee on War Claims, $1,600," I move to insert:

One assistant clerk to the Committee on Commerce, $1,500.

Mr. COCKRELL. I should like to know the necessity for that.

Mr. ALLISON. So should I. I have no knowledge of it. These are amendments, I will state to the Senator from Missouri, that are being put in merely to give the other House the proper opportunity to regulate their own affairs.

Mr. COCKRELL. This is for the House Committee on Commerce?

Mr. ALLISON. It is for the House Committee on Commerce, which now has no assistant clerk. I was asked by the chairman of that committee to have this clause inserted merely for consideration.

Mr. COCKRELL. I suppose we had better appoint about three clerks to all the committees as a matter of favor to the chairmen. I should like to see the clerical force distributed.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Library of Congress," in line 374, before the word "assistant," to strike out "twenty-four" and insert "twenty-three;" in line 375, after the word "thousand," to strike out "two hundred and fifty" and insert "five hundred;" in line 376, after the word "each," to strike out "one at $2,000" and insert "two at $1,800 each;" in line 377, after the word "each," to strike out "four" and insert "two;" after the word "each," in line 379, to strike out "two at $1,250 each" and insert "seven at $1,400 each;" in line 381, after the word "each" to strike out "eight" and insert "five;" in line 382, after the word "each," to strike out "four at $1,000 each, and;" in line 384, after the word "dollars," to strike out "per annum" and insert "one at $720 and one at $400;" and in line 386, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

Library of Congress:
For compensation of the Librarian, $4,000; and for twenty-three assistant librarians, two at $2,500 each, two at $1,800 each, two at $1,600 each, two at $1,440 each, seven at $1,400 each, five at $1,200 each, one at $960, one at $720, and one at $400; in all, $36,640.

Mr. SHERMAN. I should like to have some explanation of the reduction of the force in the Library.

Mr. ALLISON. There is really no reduction of the force in the Library. I will state to the Senator from Ohio that this is the exact force they have in the Library now, and the adjustment was made as requested by the Librarian, Mr. Spofford. We have adjusted the force exactly as he wishes it, believing that he knew more about it than we possibly could know.

Mr. SHERMAN. I see that there is a reduction.

Mr. ALLISON. There is a very small reduction.

Mr. SHERMAN. All right.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 424.

The PRESIDING OFFICER. In line 424 the word "dollars" should be inserted after "1,800."

Mr. ALLISON. That is a mistake in the print.

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Department of State," in line 443, after the word "for," to strike out "five" and insert "six;" so as to read:

For six chiefs of bureau and one translator, at "$2,100."

The amendment was agreed to.

The next amendment was, in line 446, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 446, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 447, before the word "clerks," to strike out "ten" and insert "twelve;" so as to read:

Twelve clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 459, to increase the total amount of the appropriation for compensation of the Secretary of State, assistant secretaries, and clerks and employés in the Department of State, from $121,650 to $130,550.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 499.

Mr. SHERMAN. I ask the attention of the chairman of the Committee on Appropriations to the estimates of the Treasury Department in regard to the chiefs of division. I wish to say that the present Secretary of the Treasury, and two or three of his predecessors, have recommended a slight change of the chiefs of division, which involves scarcely any expense. It is now contained in the regular estimates and is urged also by the present Secretary of the Treasury. There ought to be one chief of the division of captured and abandoned property. There was formerly an old officer of the Government there, Mr. Noerr, who was paid out of the captured and abandoned property fund. When that fund was covered into the Treasury it became necessary in order to retain his services to make him the chief of a division. Seven chiefs of division are provided for by law, and it necessarily crowded off one of the old chiefs of division, who was compelled to take the salary of an assistant chief of division.

I ask the Senator from Iowa either to allow a provision to be made for one chief of division of captured and abandoned property, or to increase the number of chiefs of division from seven to eight. That will make a reduction of the assistant chiefs, and will only make an increase of about $500 in the appropriation. There is now great injustice done to a very competent and excellent officer who has charge of the division of the mail and all the files and records of the Department, who is one of the most important officers of the Treasury Department.

As being probably the simplest form, I move, in line 496, after the word "dollars," to strike out "seven" and insert "eight;" so as to read:

Eight chiefs of division, at $2,500 each.

And in line 498, after the word "each," to strike out "six" and insert "five;" so as to read:

Five assistant chiefs of division, at $2,000 each.

I know of my own knowledge that this is an important change without involving any material expense, and it would place the chief of the mail division in his proper rank.

Mr. ALLISON. The committee considered that question very carefully, and read the letter of the Secretary of the Treasury. He desires very much to have the assistant chief in charge of the mail division made a chief; but inasmuch as we had a vast number of applications of that kind, the committee decided not to recommend the change to the Senate. I think myself there is no great harm if the amendment should be adopted. It simply adds $500 to this man's compensation. I would very much prefer the Senator to move his amendment so as to increase the assistant chiefs of division to $2,100. I think that would be better.

Mr. SHERMAN. That would still keep up the discrimination. The assistant chiefs are not responsible for anything; but this chief of the mail division, who has charge also of all the files and records

of the Department, is one of the most important chiefs of division, but by a matter beyond his control, by the action of Congress in covering into the Treasury very properly the fund out of which one of these chiefs had formerly been paid, he lost his rank.

Mr. ALLISON. There was another reason, I will say to the Senator from Ohio. We thought the division of captured and abandoned property must be in a condition where the office could be dispensed with. I do not see that there can be a very large division of captured and abandoned property in the Treasury.

Mr. SHERMAN. I will state the reason why the office is important. All the cotton claims and all the claims arising out of that large fund are constantly referred to that department. I know myself that that officer has saved many times his salary every year. Since that time there has been by law attached to his division the custody and charge of all the lands of the United States which appertain to the Treasury Department. That is a very large and a very important trust, and a great deal of saving has occurred in that way.

I know that that officer is one of the oldest and best officers in the service of the Treasury Department. He naturally complains of it, and every Secretary of the Treasury, I think, for a number of years has recommended this change; but the matter has passed *sub silentio*. In the mean time this officer, although he has the rank of a chief of division, is really paid as an assistant chief. I think it is time to correct it. I see that Mr. Folger, in a personal note to the Senator from Iowa, urges this very strongly as an act of justice, and he also, in an official letter to the chairman of the Committee on Appropriations, recommends strongly that this change should be made. It is also contained in the regular estimates. It is a small matter, but still it is a matter of justice.

Mr. COCKRELL. I raise the question of order on the amendment. Is it in order?

Mr. SHERMAN. It is in order if it was estimated for.

Mr. COCKRELL. It is new legislation.

Mr. DAVIS, of West Virginia. I was not aware of the fact that it was estimated for.

Mr. SHERMAN. It is estimated for.

Mr. DAVIS, of West Virginia. It certainly has not been recommended by any committee.

Mr. SHERMAN. It is estimated for by the Secretary of the Treasury in the regular estimates, and I have here his letter to the chairman of the Committee on Appropriations strongly urging it.

Mr. DAVIS, of West Virginia. A letter the Senator well knows will not do, but it must be in the Estimate Book.

Mr. SHERMAN. It is in the Estimate Book; the Senator will find it there. Instead of being called "chief of division," he is called "superintendent of mails" in the estimates.

The PRESIDING OFFICER. The Senator from Missouri raises a question of order. The Chair does not know whether he insists on it or not.

Mr. SHERMAN. If the Senator from Missouri will look at the estimates he will find it in the regular estimates. This officer is called there "superintendent of mails."

Mr. PLUMB. I do not think the question of its having been estimated for by the Secretary of the Treasury alone covers the point of order.

Mr. COCKRELL. Is it not new legislation? That is the point I made.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Missouri under what part of the rule he raises his point of order?

Mr. PLUMB. Pending that consideration I desire to say a word or two. I do not know the gentleman who is to be benefited, if anybody is to be, by the amendment; but I desire to say simply that there is a constant tendency toward the increase of salaries, a tendency which in my judgment is unwise and injudicious. Many officers have served the Government for the last ten or fifteen years with the salaries named in the law without complaint and with entire satisfaction. While I believe that in regard to bureau officers many increases might be made with advantage to the Government, my own opinion is that there ought not to be a great increase, if any increase at all, in the salaries of subordinate officers.

The fact is that a large number of chiefs of division are practically clerks. Their duties involve no responsibilities except what are merely clerical. They do not involve the responsibility which attaches to cashiers of banks or other persons who have the custody or investment of money, and the mere fact that the person described in the amendment of the Senator from Ohio has to dispatch the mails of the Treasury Department does not add in any effective way to his duties or his responsibility.

If we are to take up every person who happens to have devolved upon him some degree of responsibility in regard to the handling of mail matter, or for any other thing which makes responsibility to a Department, and increase the salary therefor, we shall find ourselves involved in a maze of consideration in regard to the relative merits of persons in the service of the Government.

My own theory about the matter is that when it comes to persons who have judicial responsibility, who have actual responsibility, the Government can afford to pay a large or at least a commensurate salary; but when it comes to the subordinates who simply formulate, put together, and put into shape the decisions, the rules, the regulations of the Departments, and present them to the superior officers who have the responsibility, they should not have necessarily a large salary.

Ths fact is that to-day the Government is paying for the services which it receives more in every way than is paid by private parties. There is no question about that. The Government is so paying salaries in every single department, whether it be civil or whether it be military, and this constant tendency toward the increase of salaries brings about a condition of things of which I spoke a few days ago, in which one-half of the tax-payers of this country will be levied upon to pay the salaries and the compensation of the other half—a condition of things which I think is not desirable and is wholly unnecessary.

While in this given case it may be that this particular person by comparison with some other one may be deserving, I resist it as a part of a policy to resist everything which tends to increase salaries at this particular time.

I think the judgment of the Committee on Appropriations has been wise; I think its decision has been in accordance with the facts in the case; and while this officer may be doing something which is more responsible by comparison than others with whom he is associated, I think he is not entitled to this increase. I therefore hope that the amendment of the Senator from Ohio will not prevail.

Mr. SHERMAN. Let me inform the Senator from Kansas that formerly the one who is now chief of the division of captured and abandoned property received $3,000 a year. I think this Mr. Noerr is the very man who received it. I knew him in his official capacity when he administered a trust of $60,000,000 or $70,000,000. When that fund was lessened, however, there was attached to his division the custody and care of all the lands of the United States acquired by purchase at sales, &c. Very large tracts of land are purchased at internal-revenue and other sales, amounting to probably a thousand different pieces scattered throughout the United States. This gentleman, Mr. Noerr, was formerly paid out of the special fund. When that fund was covered in, he was paid afterward as chief of division, and his salary was reduced from $3,000 to $2,500. The present Secretary of the Treasury recommended that he be made a chief of division at a salary of $2,750, and he recommends it strongly. The Committee on Appropriations seem to have declined to do that. Mr. Noerr was then appointed chief of division. That reduced the pay of one of the other chiefs of division, Mr. Johnson, by making him an assistant chief. He, also, is one of the old officers of the Government and has a very responsible position. Mr. Noerr not only has charge of all the mails, and has to stay there the last man in the Department, but he has also charge of all the records and files of the Department. Mr. Folger, in a private note to the chairman of the Committee on Appropriations, says:

> There are some officers in this Department who are deserving of more salary than they now have. One is the head of the mail-room, who labors hard and long, and has a responsible place. He cannot leave the building until all letters are signed and dispatched.

I regard the chief of the customs division, the chief of the mail division, and probably that of captured and abandoned property, as the most important chiefs of divisions in the Treasury Department. It so happened that in order to provide for Mr. Noerr, who was dropped out when the fund was covered into the Treasury, although his duties continued, Mr. Johnson was reduced down to an assistant chief. It seems to me that might be corrected without any injustice to anybody. It is only giving him $500 a year more than he gets now, but it gives him an equality of pay with the other officers of his grade.

Mr. PLUMB. Does the Senator from Ohio regard it as an imposition that this officer should stay there until the mails are dispatched?

Mr. SHERMAN. He has to stay there until seven or eight o'clock very often, while most of them only stay there until four. As a matter of course he has to stay there until all the mails are dispatched; and when you remember that the Treasury mail is a mail not only of ordinary letters but is a mail of great sums of money which are carried in that mail, you will see that it is a position of trust and responsibility.

I cannot say anything more than this. I have no interest in this question except as my attention was called to it. I see by reference to reports previously made that this was recommended by two or three of my predecessors, but was passed over without probably any one to call attention to it. It is urged again by the present Secretary of the Treasury.

I suggest that the committee allow this amendment to be made, and if there is any objection made to it in the House, I will have done my duty. I do not think they will object to it, because I think they are willing to make this change, but they were not willing to make a new officer. The Secretary of the Treasury had called this new officer the custodian of the mails, and they decided not to introduce a new officer, but by making this change no new officer will be introduced, and it will simply change the salary of one assistant chief to that of a chief.

Mr. PLUMB. The constant tendency is to create new offices, new divisions, new assumed responsibility, and consequently new salaries. While it is not as conspicuous in the civil branch as it is in

the military, perhaps, it seems to me that is enough to arrest the attention of the country.

I am opposed to the creation of new offices except those of a clerical character. I am opposed to the assumption of new responsibilities, unless they are warranted by new duties imposed by new conditions. I believe that the tendency is too much toward the increase of salaries and the increase of officers, and that within a brief period we are to be confronted with a condition of things where the constant increase of salaries and of officers will be one of those things which will be a subject of public criticism, public denunciation, and public concern, and I think it is as well now to pause as at any other time.

Mr. CALL. Mr. President, I wish for one to say that within my observation the officers of the Government of the United States are more poorly paid than any other class of people performing similar duties. The rule is a very plain and simple one. The Senate and House can easily judge whether a man is receiving an adequate compensation for a particular employment. With the exception of a sinecure here and there, no Senator can point to a salary received for the ordinary performance of official duty that is more than adequate to the most economical support of the person receiving it. Considering the place where they have to perform their duties, the salaries are not adequate to the comfortable support of a man and a small family.

I therefore, for one, think that the Government owes it as a duty to the people to employ the best talent for a place which it can obtain, and it owes it to common honesty, to say nothing of liberality, that a fair and liberal compensation should be given. An employé of the Government has no hope of large personal profit from the performance of his functions. He is confined to a limited amount. He cannot look forward to any increase. There is no amount left in the sum appropriated as a provision for his family in case of death. He is dependent entirely upon a stipulated sum. That should be an entirely adequate sum to his comfortable and reasonable support, the education of his children, and the supply of his family with the ordinary comforts of life. The salaries paid by the Government to its officials are not adequate to that as a general rule, in my opinion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The question being put, there were on a division—ayes 21, noes 10.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 26; as follows:

YEAS—19.

Call,	Davis of Illinois,	Jones of Nevada,	Sherman,
Cameron of Pa.,	Ferry,	Mahone,	Voorhees,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Williams,
Chilcott,	Hawley,	Morrill,	Windom.
Conger,	Hoar,	Rollins,	

NAYS—26.

Allison,	Coke,	Harris,	Plumb,
Beck,	Davis of W. Va.,	Jackson,	Ransom,
Blair,	Farley,	Jonas,	Van Wyck,
Brown,	Frye,	Jones of Florida,	Vest,
Butler,	Garland,	Logan,	Walker.
Camden,	George,	Maxey,	
Cockrell,	Hampton,	Morgan,	

ABSENT—31.

Aldrich,	Grover,	Lapham,	Pugh,
Anthony,	Hale,	McDill,	Saulsbury,
Bayard,	Hill of Colorado,	McMillan,	Saunders,
Dawes,	Hill of Georgia,	McPherson,	Sawyer,
Edmunds,	Ingalls,	Miller of N. Y.,	Sewell,
Fair,	Johnston,	Mitchell,	Slater,
Gorman,	Kellogg,	Pendleton,	Vance.
Groome,	Lamar,	Platt,	

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 499, after the word "each," to insert:

Assistant superintendent of the Treasury building, $2,100; estimate and digest clerk, $2,000.

Mr. BROWN. I will thank the chairman of the committee to explain the necessity of having an assistant superintendent of the Treasury building at $2,100 a year salary. Why is it necessary now when it has not been necessary heretofore, and what are his duties?

Mr. ALLISON. The chief clerk of the Treasury Department is *ex officio* superintendent of the Treasury building. Until a recent investigation there was what was called a custodian of the Treasury at a salary of $2,400. There was no provision really made for such an officer, and when the custodian had been in office some time and was discharged or resigned an $1,800 clerk was put in his place. This officer has charge of all the public property in the Treasury building, and he has the immediate charge of all the contingent fund and their expenditure. It is really one of the most important places in the Treasury. The Secretary of the Treasury wrote us a very urgent letter asking that this officer should be paid the sum of $2,100. Indeed, I believe he requested that he should be paid $2,500.

Mr. BROWN. Does this officer take the place of the custodian that the Senator speaks of?

Mr. ALLISON. Yes, sir.

Mr. BROWN. The office of custodian is abolished.

Mr. ALLISON. It is abolished. In other words, this officer takes the place of one who has been receiving for many years $2,400 or $2,500.

Mr. BECK. I hope the chairman of the committee will go on further to say that by section 4 of the bill we endeavored to cut off all special salaries and places.

Mr. ALLISON. All salaries of an indirect nature are cut off by section 4 of the bill.

Mr. DAVIS, of West Virginia. The fact is that by section 4 the man who has been heretofore acting as custodian could not be continued.

Mr. ALLISON. No; he could not.

Mr. DAVIS, of West Virginia. But he must be provided for by law. As was well said by the Senator who has charge of the bill, the person who is performing the duties now was paid out of the contingent fund, and there was no special appropriation for it, but we have stopped all that by section 4.

Mr. BROWN. Then there is no objection to the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 504, to increase the item for compensation of "Government actuary under control of the Treasury Department" from $2,000 to $2,250.

The amendment was agreed to.

The next amendment was, in line 505, to reduce the number of clerks of "class 4," appropriated for in the office of Secretary of the Treasury, from forty-three to forty-two.

The amendment was agreed to.

The next amendment was, in line 510, to increase the number of "clerks at $1,000 each," appropriated for in the office of the Secretary of the Treasury, from fifteen to sixteen.

The amendment was agreed to.

The next amendment was, in line 537, after the word "one," to strike out "paper counter" and insert "paper cutter;" so as to read:

One paper cutter at $3 per day.

The amendment was agreed to.

The next amendment was, in line 540, to increase the total amount of the appropriation for compensation of the Secretary of the Treasury, assistant secretaries, and the clerks and employés in the office of the Secretary from $494,633.25 to $498,183.25.

The amendment was agreed to.

The next amendment was, in the appropriations for the Supervising Architect's office, in line 548, to increase the item for compensation of "photographer" from $2,000 to $2,200; and in line 551, to increase the total amount of the appropriation for compensation of Supervising Architect and the clerks and messenger in his office from $19,420 to $19,620.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "First Comptroller of the Treasury," in line 570, before the word "clerks," to strike out "five" and insert "seven;" in line 572, before the word "clerks," to strike out "eleven" and insert "seven;" in line 573, before the word "messenger," to strike out "assistant;" and in line 574, after the word "all," to strike out "eighty-two thousand nine hundred" and insert "eighty-three thousand and twenty;" so as to make the clause read:

First Comptroller of the Treasury: For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division at $2,100 each; seven clerks of class 4; eleven clerks of class 3; ten clerks of class 2; eight clerks of class 1; four clerks at $1,000 each; and seven clerks at $900 each; one messenger and three laborers; in all, $83,020.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Second Comptroller of the Treasury," in line 588, after the word "pensions," to strike out "four" and insert "three;" in the same line, after the word "four," to strike out "and four" and insert "three;" in line 589, after the word "three," where it occurs the second time, to insert "and two clerks of class 1;" and in line 590, before the word "thousand," to strike out "thirteen" and insert "twelve;" so as to make the clause read:

For the following additional force in the Second Comptroller's office, rendered necessary by increase of work relating to pensions: Three clerks of class 4, three clerks of class 3, and two clerks of class 1; in all $12,600.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Commissioner of Customs, in line 595, to increase the number of "clerks at $1,000 each" from two to three; and in line 598, to increase the total amount of the appropriation from $51,630 to $52,630.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "First Auditor," in line 604, to increase the number of clerks of "class 3" from nine to ten; and in line 608, to increase the total amount of the appropriation from $83,410 to $85,010.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of Second Auditor, in line 612, to increase the number of "chiefs of division" from five to six; in line 613, to increase the number of "clerks of class 3" from twenty-nine to forty-five; in line 616, to

reduce the number of "clerks of class 2" from sixty to forty-four; and in line 619, to increase the total amount of the appropriation for the compensation of Second Auditor, deputy auditor, chiefs of division, and clerks and messengers in his office from $218,890 to $224,090.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of Third Auditor, in line 626, to increase the number of "chiefs of division" from five to seven; in line 628, to reduce the number of "clerks of class 1" from forty-three to forty, and in line 632, to increase the total amount of the appropriation for the compensation of Third Auditor, deputy auditor, chiefs of division, and clerks and employés in his office from $200,610 to $201,010.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Fifth Auditor, in line 650, to increase the number of "chiefs of division" from two to three; in line 651, to reduce the number of "clerks of class 4" from five to four: in line 652, to increase the number of "clerks of class 2" from four to five; in line 653, to reduce the number of "clerks of class 1" from six to five; in line 655, after the word "and," to strike out "one laborer" and insert "two laborers;" and in line 656, to increase the total amount of the appropriation for compensation of the Fifth Auditor, deputy auditor, chiefs of divisions, and clerks and employés in his office from $46,750 to $47,810.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of Auditor of the Treasury for the Post-Office Department, to strike out, from line 673 to line 679, inclusive, in the following words:

To provide the necessary force for examining registers on arrival and departure of mails, and obtaining information and making such examination and revision as is necessary for the proper auditing and settlement of accounts for the transportation of the mails: Four clerks of class 4; six clerks of class 3; four assorters, at $900 each; in all, $20,400.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Register of the Treasury," in line 730, to reduce the number of "clerks of class 3" from eighteen to seventeen; in line 731, to increase the number of "clerks of class 1" from nineteen to twenty; in line 733, to increase the number of "copyists" from fifty-eight to sixty; in line 735, to reduce the number of "laborers" from eight to seven; and in line 735, to increase the total amount of the appropriation for compensation of the Register of the Treasury, assistant register, chiefs of divisions, and clerks and employés in the office, from $187,370 to $188,110.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Comptroller of the Currency, to strike out lines 751 and 752, in the following words:

For expenses of special examinations of national banks and bank plates, $2,000.

The amendment was agreed to.

The next amendment was, in line 785, to reduce the total amount of the appropriation for the compensation of the officer in charge of the Bureau of Statistics and the clerks and employés in his office from $50,580 to $50,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the Bureau of Engraving and Printing, in line 795, after the word "dollars," to strike out "one clerk" and insert "two clerks;" in the same line, after the word "three," to strike out "one clerk of class 2;" and in line 800, after the word "thousand," to strike out "one" and insert "three;" so as to make the clause read:

Bureau of Engraving and Printing: For chief of bureau, $4,500; one assistant, $2,250; accountant, $2,000; one stenographer, $1,600; two clerks of class 3; four clerks of class 1; one clerk, $1,000; additional to one clerk as disbursing clerk, $200; three copyists, at $900 each; two assistant messengers; and four laborers; in all, $26,330.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of Life-Saving Service, in line 807, after the word "thousand," to strike out "six" and insert "eight;" in line 810, before the word "clerks," to strike out "two" and insert "three;" in line 811, after the word "three," to strike out "one clerk" and insert "two clerks;" and in line 814, after the word "all," to strike out "twenty-nine thousand two" and insert "thirty-two thousand four;" so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one topographer and hydrographer, $1,800; one civil engineer and draughtsman, $1,800; one draughtsman, $1,500; one principal clerk and accountant, $1,800; three clerks of class 3; two clerks of class 2; three clerks of class 1; two clerks at $1,000 each; five clerks at $900 each; one assistant messenger and one laborer; in all, $32,480.

The amendment was agreed to.

The next amendment was, in line 819, after the word "service," to insert:

And one officer from the special agency service, and one from the customs service, respectively, for duty at the Treasury Department at Washington.

So as to read:

And nothing in section 4 of this act shall be construed to prevent the Secretary of the Treasury from detailing one officer of the revenue-marine service for duty in the office of the Life-Saving Service, and one officer from the special agency service, and one from the customs service, respectively, for duty at the Treasury Department at Washington.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Supervising Surgeon-General, Marine Hospital Service," in line 835, after the word "dollars," to insert "one hospital steward, (employed as chemist,) $1,200;" and in line 839, after the word "all," to strike out "twenty-six thousand six" and insert "twenty-seven thousand eight;" so as to make the clause read:

Office of Supervising Surgeon-General, Marine Hospital Service: For Supervising Surgeon-General, $4,000; one surgeon, $3,000; one passed assistant surgeon, $1,800; one clerk, $1,800; five clerks at $1,600 each; one clerk, $1,200; one hospital steward, (employed as chemist,) $1,200; six copyists; one messenger at $50 per month; one laborer at $40 per month; and one laborer at $30 per month; in all, $27,840, the same to be paid from the permanent appropriations for the Marine Hospital Service.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Commissioner of Internal Revenue, in line 876, before the word "clerks," to strike out "twenty-three" and insert "twenty-four;" in line 877, after the word "each," to strike out "seventy-six" and insert "seventy-nine;" in line 878, after the word "each," to insert "two messengers;" in line 879, before the word "assistant," to strike out "thirteen" and insert "fourteen;" and in line 880, after the word "and," to strike out "ninety-two thousand eight" and insert "ninety-nine thousand one;" so as to make the clause read:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division at $2,500 each; five heads of division at $2,250 each; one superintendent of stamp agencies, $2,100; one superintendent of stamp vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-six clerks of class 2; twenty-four clerks of class 1; fourteen clerks at $1,000 each; seventy-nine clerks at $900 each; two messengers; fourteen assistant messengers, and thirteen laborers; in all, $295,190.

The amendment was agreed to.

The next amendment was, in line 888, to increase the appropriation "for salaries and expenses of collectors and deputy collectors" from $1,975,000 to $2,100,000.

The amendment was agreed to.

The next amendment was, in line 897, to reduce the appropriation "for stationery for the Treasury Department and its several bureaus" from $40,000 to $35,000.

The amendment was agreed to.

The next amendment was, in line 905, after the word "than," to strike out "five" and insert "one;" so as to make the clause read:

For purchase of material for binding canceled marine papers requisitions, and other important records, newspapers, books, hand-stamps, and repairs of the same, $2,600; and of this amount not more than $100 may be used in the purchase of current publications.

The amendment was agreed to.

The next amendment was, in line 909, to reduce the appropriation "for investigations of accounts and records, including the necessary traveling expenses and for other traveling expenses" from $2,500 to $1,500.

The amendment was agreed to.

The next amendment was, in line 911, to reduce the appropriation "for freight, expressage, telegrams, and car-tickets" from $4,000 to $2,000.

The amendment was agreed to.

The next amendment was, in line 917, to increase the appropriation "for purchase of subsistence of horses for office and mail wagons, including shoeing, and for wagons, harness, and repairs of the same," from $2,600 to $4,000.

The amendment was agreed to.

The next amendment was, in line 920, after the word "clocks," to strike out "six" and insert "eight;" in the same line, after the word "dollars," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the clause read:

For purchase of ice, buckets, file-holders, book-rests, and clocks, $8,600; $2,500 of this sum to be expended for shelving and file-holders in the Second Auditor's office.

The amendment was agreed to.

The next amendment was, in line 926, to reduce the appropriation "for purchase of coal, wood, grates, grate-baskets and fixtures, stoves and fixtures, blowers, coal-hods, hearths, shovels, tongs, pokers, matches, and match-safes," from $12,500 to $10,500.

The amendment was agreed to.

The next amendment was, in line 973, to reduce the appropriation "for the purchase of desks, tables, and chairs, and shelving for file-rooms, and cases, boxes, rugs, chair-covers and caning, cushions, cloth for covering desks, locks, screws, hand-saws, turpentine, and varnish," from $17,000 to $12,000.

The amendment was agreed to.

The next amendment was, in line 951, to reduce from $14,000 to $10,000 the appropriation "for washing and hemming towels, and for purchase of brooms, brushes, crash, cotton, cloth, cane, chamois-skins, dusters, flour, keys, lye, matches, nails, oil, powders, sponge, soap, tacks, wall-paper, and for repairs of machinery, baskets, spittoons, files, water-coolers, tumblers, ice-picks, bowls and pitchers, traps, thermometers, ventilators, towels, awnings and fixtures, alcohol, window-shades and fixtures, wire screens, axes, bellows, chisels, can-

vas, candlesticks, door and window fasteners, bells and bell-pulls, hammers, mallets, leather, gum and other belting, stencil-plates, tools, whetstones, wire and zinc, and other absolutely necessary articles for the use of the Department."

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of assistant treasurer at Chicago," in line 987, after the word "each," to insert "one coin and currency clerk at $1,500;" in line 990, after the word "and," to strike out "one watchman" and insert "three watchmen;" and, in line 992, after the word "all," to strike out "sixteen thousand nine hundred and sixty" and insert "nineteen thousand nine hundred;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $4,500; for cashier, $2,500; for paying teller, $1,800; for bookkeeper and receiving teller, at $1,500 each; one coin and currency clerk, at $1,500; one assistant bookkeeper and two clerks, at $1,200 each; for one messenger, $840, and three watchmen, $720; in all, $19,900.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of the assistant treasurer at New York," in line 1044, after the word "dollars," to insert "one assistant engineer, $720;" and in line 1046 to increase the total amount of the appropriation for the compensation of the assistant treasurer and the clerks and employés in his office from $167,370 to $168,090.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of assistant treasurer at San Francisco," in line 1084, after the word "dollars," to strike out "one receipt clerk, $1,600;" and in line 1087 to reduce the total amount of the appropriation for the compensation of the assistant treasurer and clerks and the employés in his office from $29,720 to $28,120.

Mr. MILLER, of California. I hope the amendment of the committee will not be adopted. The treasurer's office in San Francisco has become very important. All disbursements in the Territories for the Army and for the Navy on that coast are made at this office. The matter was brought to the attention of the Secretary of the Treasury, who recommended an increase of the force. The recommendations do not go to the extent that we expected. The assistant treasurer at San Francisco desires an increase of force in order that he may be able to perform his duties acceptably. I hope the committee will not insist on the amendment striking out this one clerk, who is certainly as necessary to the office as any other clerk in it.

Mr. ALLISON. I have no doubt that much, if not all, the Senator says is true in reference to the growing business of the assistant treasurer's office in San Francisco, but the bill gives that office an additional receiving teller, a coin teller, and a messenger, and the House in addition to that provided for one receipt clerk. The Secretary of the Treasury, I know, did make a recommendation for all these new places. At the same time, the committee thought that if the business was being transacted now with the force on hand there, they might get along this year with the additional force provided.

Mr. MILLER, of California. I will say that the increase recommended was not large enough. The assistant treasurer has been using the watchmen there for tellers and clerks, and is compelled to do that. I have myself seen in that office watchmen counting money and receiving money. It is not economy to cut down an office like that, with such a great amount of business, with functions of as much importance as that office performs. I must insist on the clause standing as it came from the House. I hope the amendment will not be agreed to.

Mr. DAVIS, of West Virginia. I suppose the chairman of the committee has stated that the House had added two new offices here, and this was the third.

Mr. ALLISON. I stated the fact as I understood it that the House had added four persons to the office of the assistant treasurer at San Francisco, and that we omitted one of the persons recommended by the House in the bill, allowing all the remainder.

Mr. DAVIS, of West Virginia. If the chairman of the committee will allow me, this is a greater increase than in any other city in the Union. We gave the office at San Francisco more than any other.

Mr. MILLER, of California. That is no argument for dispensing with this clerk. The fact is that the public business has grown to such an extent there as to require all the force provided by the House, and more too. The fact is that the increase has not been large enough. This I know of my own personal knowledge of the office, for I investigated the subject very thoroughly last fall at the request of the assistant treasurer.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee striking out the item.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of Director of the Mint, after the word "messenger," in line 1108, to strike out "one copyist" and insert "two copyists;" in line 1110, after the word "dollars," to insert "one helper at $360;" and in line 1111, after the word "all," to strike out "25,700" and insert "26,960;" so as to make the clause read:

Office of the Director: For Director, $4,500; examiner, $2,300; computer, $2,200; assayer, $2,200; adjuster of accounts, $2,000; two clerks of class 3; one clerk of class 2; two clerks of class 1; one translator, $1,200; one clerk, at $1,000; one messenger; one assistant messenger; two copyists; one helper in laboratory, $840; one helper, at $360; in all, $26,960.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Bureau of the Mint," in line 1125, to increase the item "for the collection of statistics relative to the annual production of the precious metals in the United States" from $4,000 to $4,500; and in the same line, to increase the total amount of the appropriation for contingent expenses from $8,200 to $8,700.

The amendment was agreed to.

The next amendment was, in the appropriations for the "mint at San Francisco, California," in line 1153, after the words "weigh clerk," to insert "and;" in line 1154, after the words "warrant clerk," to strike out "and register of deposits;" in line 1155, after the word "each," to insert "register of deposits, $2,600;" and in line 1160, before the word "hundred," to strike out "six" and insert "four;" so as to make the clause read:

Mint at San Francisco, California: For salary of superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,500 each; chief clerk and cashier, $2,500 each; bookkeeper, abstract clerk, weigh clerk, and warrant clerk, at $2,200 each; register of deposits, $2,000; cashier's clerk, $1,800; assayer's computation clerk, assistant weigh clerk, and superintendent's computation clerk, at $1,600 each; in all, $43,400.

The amendment was agreed to.

The next amendment was, in the appropriations for the "assay office at New York," in line 1228, to increase the item "for wages of workmen" from $23,000 to $25,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1280.

Mr. MILLER, of California. I should like to ask the chairman of the Committee on Appropriations the reason for fixing the salary of the governor of Arizona and the governor of each of the other Territories at $2,600 when the Revised Statutes, section 1845, fix it at $3,500; also why that of secretary is put in the bill at $1,800 instead of $2,500, the amount fixed in the Revised Statutes.

Mr. ALLISON. We did not see proper to change the present compensation of these officers of the Territories. It is true, I believe, that the Revised Statutes did authorize a higher rate, but the committee did not feel authorized to make an increase of compensation to these officers.

Mr. MILLER, of California. It would seem that $2,600 is rather a small salary for the governor of a Territory.

Mr. ALLISON. It would seem so, and I think it is a low salary. I quite agree with the Senator.

Mr. HOAR. Will the Senator be good enough to explain? I understood the Senator to say that the law in the Revised Statutes gave a certain higher salary, and the committee have not appropriated what the law requires because they did not feel at liberty to raise the salary. I do not understand that.

Mr. ALLISON. That may seem a little contradictory, but for several years these governors have been receiving under appropriation bills $2,600 a year.

Mr. HOAR. They can go to the Court of Claims and get the balance.

Mr. ALLISON. They could were it not for a provision in the beginning of the bill which cuts them off.

Mr. MILLER, of California. Is that all the salary they have received?

Mr. ALLISON. That is all they have received for several years. It is a reduction practically made by law in an apropriation bill.

Mr. COCKRELL. I ask the chairman of the Committee on Appropriations if I understood him to say that we were not appropriating the amount required by law for the salaries of these officers? I understood that we appropriated the amount fixed by law; whether that law was passed in an appropriation bill or not I did not know, and that was the point I wanted to ascertain, whether the amount now appropriated by this bill is not the salary fixed by law for these officers.

Mr. ALLISON. I am very glad to be catechised by my colleagues on the committee. The Senator from California stated that the Revised Statutes fixed the salary at $3,500. I stated that that was true, although for several years we have fixed a different rate in appropriation bills. If I did not make myself understood by the Senator from Missouri I am very sorry. So we have done in this bill, and we did not feel at liberty to increase the compensation to these governors of Territories.

Mr. COCKRELL. Do the Revised Statutes, which were a compilation of the laws existing at the time, govern all officers? Have there not been hundreds of amendments as to the salaries of various officers since that time, and is simply a provision of the Revised Statutes now the rule if it has been subsequently amended or modified?

Mr. ALLISON. I think if the law has been amended those statutes would not be the law now.

Mr. MILLER, of California. The Revised Statutes, section 1845, provide:

From and after the 1st day of July, 1873, the annual salaries of the governors of the several Territories shall be $3,500, and the salaries of the secretaries shall be $2,500 each.

That is the law, and if it has been modified it has been only by an

appropriation bill. It seems to me $3,500 is little enough salary for an officer who performs such high functions as the governor of Dakota, Arizona, Montana, or New Mexico. At the proper time I shall move an amendment to restore the salary to what the law fixes.

Mr. DAVIS, of West Virginia. I understand the salary named here is the salary that has been paid for several years, and it is the regular salary of all these officers. The salary named for the governor of Arizona is the salary of all the other Territorial governors. A change in one would probably call for a change in the others.

As to the Revised Statutes, we all know that at the time the compilation took place Congress had increased the salaries of all the clerks, employés, and officers, by what was known, as the Senator from Kentucky tells me, by some as "the salary grab." It was during that year; and I think if you will turn to the Revised Statutes you will find the compensation of Senators put at $7,500, and yet they receive only $5,000. Each appropriation bill appropriates the amount for the full salary of the officers named in it.

The PRESIDENT *pro tempore*. Does the Senator from California make any motion?

Mr. MILLER, of California. If this is the proper time, I will move to amend.

Mr. ALLISON. I trust the Senator from California will wait until the committee amendments are disposed of.

Mr. MILLER, of California. I will wait.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," in line 1387, to insert:

For compensation of an assistant Secretary of War, to be appointed in said Department, $3,500.

Mr. ALLISON. I move to strike out in line 1388 "to be appointed in said Department." I think those words are unnecessary.

Mr. HOAR. Is there a general law requiring that officer to be appointed?

Mr. ALLISON. There is not a general law on the subject. There is no assistant secretary now, but "to be appointed in said Department"——

Mr. HOAR. Would it not be better to say "to be appointed by the President, by and with the advice and consent of the Senate?"

Mr. ALLISON. That will be so if nothing is said about it.

Mr. HOAR. If there is nothing said about it, does the general law fix that there is an assistant secretary to be appointed by and with the advice and consent of the Senate?

Mr. ALLISON. So I understand.

The PRESIDENT *pro tempore*. But there is no provision now that he shall "be appointed by the President, by and with the advice and consent of the Senate," if that is what the Senator from Massachusetts means.

Mr. ALLISON. I move to amend the amendment by striking out after the words "to be appointed" the words "in said Department" and inserting "by and with the advice and consent of the Senate," in the usual form.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1390, to increase the appropriation for compensation of "one chief clerk" in the War Department from $2,500 to $2,750.

The amendment was agreed to.

The next amendment was, in line 1398, to increase the total amount of the appropriation for compensation of the Secretary of War, assistant Secretary of War, and the clerks and employés in his office, from $71,640 to $75,390.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1400, to strike out:

And section 3 of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," be, and the same is hereby, repealed.

And in lieu thereof to insert:

Provided, That the President may authorize and direct the commanding general of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section 179 of the Revised Statutes, and section 1222 of the Revised Statutes shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties.

Mr. BECK. I ask whether the provision for the appointment of an assistant Secretary of War does not dispense with the necessity of that amendment?

Mr. ALLISON. I will say that the Secretary of War thought it wise to have this provision in addition to that authority, because it might be possible that the Secretary and assistant Secretary might both be absent, or that before he could procure a proper assistant, one that would be satisfactory, some temporary occupation of the office might be necessary; and at his request I inserted this provision, understanding that to be the sense of the committee.

Mr. DAVIS, of West Virginia. The chairman of the committee will recollect that when this provision was inserted it had not been agreed that he should have an assistant Secretary.

Mr. ALLISON. I know, but it was understood at the last meeting of the committee, when we agreed to the assistant Secretary, that this provision should also go in, and at the instance of the Secretary of War. It can do no harm.

Mr. BECK. I believe the Senator from Iowa is right, but I thought perhaps we had omitted this after agreeing to the other.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "the office of the Adjutant-General," in line 1433, after the word "and," to strike out "twenty-five" and insert "ten;" and in line 1438, after the word "all," to strike out "sixty-one" and insert "forty-six;" so as to make the clause read:

For thirty clerks of class 1, and ten clerks at $1,000 each, to be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions; one assistant messenger; in all, $46,720.

The amendment was agreed to.

The next amendment was, in line 1444, after the word "namely," to strike out "five" and insert "thirteen;" after the word "applications," in line 1448, to strike out "called for by the Commissioner of Pensions" and insert "and soldiers' claims;" and in line 1451, after the word "hundred," to strike out "thousand six hundred" and insert "and fifteen thousand;" so as to make the clause read:

For the following additional force in the office of the Adjutant-General, namely: thirteen clerks of class 4; eight clerks of class 3; twelve clerks of class 2; one hundred and twenty-five clerks of class 1, to be exclusively engaged in preparing and making reports to expedite the settlement of pension applications and soldiers' claims; seven assistant messengers; seven watchmen; and three laborers; in all $215,060.

The amendment was agreed to.

The reading of the bill was continued to line 1465.

Mr. ALLISON. I desire to make an amendment there, and I call the attention of my associates of the committee, in order to give the Senate jurisdiction to that paragraph. I have an earnest statement from the Judge Advocate General, stating that an additional force is required, and a letter from the Adjutant-General is on the way showing its necessity. I move to strike out "one clerk," in line 1463, and insert "two clerks;" so as to read: "Two clerks of class one," so that we may make a further examination.

The PRESIDENT *pro tempore*. The Senator proposes to strike out "one clerk" and insert "two clerks?"

Mr. ALLISON. Yes, sir.

Mr. DAVIS, of West Virginia. Would it not give jurisdiction just as well to strike out that clerk? If the intention is to increase it really, then the chairman is right.

Mr. ALLISON. That is the desire, and that is what I suppose will be done. I have a letter from the Judge Advocate General, saying that under the provisions of the pension laws there are a great number of inquiries addressed to his office, and if the other force is allowed in these different bureaus it will be necessary also to give him an additional force. I know the committee examined this question and also inquired of the Secretary of War, but I am not clear that we should not give an additional force. I only want to make a further examination, and therefore to retain jurisdiction of this paragraph for the time being.

Mr. BECK. I think we had better make the letter a part of the RECORD, so that the House may see what the proposition is.

Mr. ALLISON. I would rather pass it over for the present until we have a further examination. I have not here now the letter to which I refer.

Mr. DAVIS, of West Virginia. Of course, when you get into conference you can make the change backward or forward.

Mr. ALLISON. I ask to insert "one additional clerk of class 1" in the Bureau of Military Justice.

The PRESIDENT *pro tempore*. The amendment will be agreed to to strike out "one" and insert "two" in line 1463, and make the word "clerk" "clerks," if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1510, before the word "agents," to strike out "twenty" and insert "thirty;" and in line 1512, before the word "thousand," to strike out "sixty-six" and insert "eighty;" so as to make the clause read:

For the following clerks and others to be employed by the Quartermaster-General in the investigation of claims for settlement by the Treasury Department under the act of July 4, 1864: one clerk of class 4; two clerks of class 3; four clerks of class 2; eleven clerks of class 1; two clerks at $1,000 each; eleven copyists; three assistant messengers; one watchman; and thirty agents, at $1,400 each; in all, $80,580.

The amendment was agreed to.

The next amendment was, to strike out lines 1514, 1515, 1516, and 1517, in these words:

To provide for the transportation and other necessary expenses of the agents employed while traveling on duty, at not exceeding $3 per day each, $20,000.

And in lieu thereof to insert:

For per diem of the agents employed while traveling on duty, at not exceeding $3 per day each, and for actual necessary expenses for transportation, $40,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of the Commissary-General," in line 1526, after the word "each," to insert "one messenger;" and in line 1527, after the word "all," to strike out "thirty-one thousand six hundred and eighty" and insert

"thirty-two thousand five hundred and twenty;" so as to make the clause read:

One chief clerk, at $2,000; one clerk of class 4; three clerks of class 3; four clerks of class 2; ten clerks of class 1; two clerks at $1,000 each; one messenger; one assistant messenger; two laborers; and two watchmen; in all, $32,520.

The amendment was agreed to.

The next amendment was, in the appropriations for "additional force in the office of the Surgeon-General," in line 1554, to reduce the number of "clerks of class 4" from twenty-one to fifteen; and in line 1556, to increase the number of "clerks of class 1" from fifty to fifty-nine.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Publication of Records of the Rebellion," in line 1621, to increase the appropriation for compensation of "one agent" from $2,000 to $2,400; and, in line 1630, to increase the total amount for compensation of one agent and the clerks and employés in the office from $41,120 to $41,520.

The amendment was agreed to.

The next amendment was, after line 1648, to insert:

For the additional force required for the north wing, the north half of the east wing, and two stories of the south wing of the State, War, and Navy Department building, namely: one assistant engineer for the period of nine months, at the rate of $1,000 per annum, $750; one captain of the watch, $900; one carpenter, $1,000; one conductor of elevator for the period of nine months, at the rate of $720 per annum, $540; one laborer; five firemen for the period of nine months, $2,700; twelve charwomen for the period of nine months, $1,620; one hostler, $600; two hostlers, at $540 each; one watchman, at $540; in all, $10,390.

Mr. DAVIS, of West Virginia. In providing this additional force for the War and Navy Department, I ask whether it may be occupied more than eight or seven months of next year, and whether we had not better say "so much thereof as may be necessary," instead of appropriating the absolute amount required for nine months' occupation.

Mr. ALLISON. I suppose if they are only employed seven months they will not be paid for nine, but I have no objection to the suggestion. Let it read:

In all, $10,390, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. That correction will be made.

The amendment as modified was agreed to.

The reading of the bill was resumed, and continued to line 1683.

Mr. ALLISON. The word "dollars" should be inserted after "thousand" in line 1683.

The PRESIDENT *pro tempore*. That amendment will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1710, after the word "streets," to insert "and one laborer at $480;" in line 1711, after the word "thousand," to strike out "two hundred" and insert "six hundred and eighty;" and after the word "items," in line 1718, to strike out "six thousand" and insert "five thousand five hundred and twenty;" so as to make the clause read:

For four watchmen and two laborers in the building at the corner of Seventeenth and F streets, and one laborer at $480, $4,680; and for fuel for warming the entire building, including the Ordnance Office, and for operating the ventilating fan throughout the year, repairs of steam-boiler, furnaces, and of the warming and ventilating apparatus, and pay for gas, purchase of oil-cloth and matting for halls, whitewashing, and for general repairs and miscellaneous items, $5,520; in all, $10,200.

The amendment was agreed to.

The next amendment was, in line 1722, before the word "buildings," to strike out "six" and insert "two;" and in line 1723, after the word "each," to strike out "one thousand;" so as to make the clause read:

For compensation of the superintendents of the two buildings occupied by the War Department, at $250 each, $500,

Mr. PLUMB. I move to strike out from line 1721 to line 1724. I think that will be in accordance with the provisions the committee adopted in another part of the bill, not to pay the superintendents of buildings any extra compensation.

Mr. ALLISON. I will say to the Senator from Kansas that the Secretary of War proposed——

Mr. PLUMB. The Secretary of War could not have calculated to employ superintendents at $250 each; consequently he must expect to detail somebody already employed at a commensurate salary, and this $250 is for the purpose of putting on an additional compensation. Every time we put an additional duty on a clerk, no matter whether it is examining a new account, superintending a new building, or anything of that kind, we have got to put on an additional salary. Consequently we have so much of it. If the functions of this Government enlarge somewhat and a man who has been employed in carrying on the operations of a bureau in regard to the allowance of accounts between the different States, or in regard to the allowance of accounts for the loss of horses, is required to add a new horse to his duties, or if a new State has been admitted meantime, we have got to add something to his compensation. So when we take a clerk at $1,400 or $1,600 or 1,800 or $2,000 a year, and instead of having him do clerical duty we make him superintendent of a building, (and when he superintends a building he does not do any thing else,) we pay him $250 additional.

We must come to be a little bit careful, because it is not a question what the legislative branch of the Government thinks about this business, but it is a question of the rights of the persons we employ, and we have got to be very careful that we do not cut into the vested rights of somebody whom we have employed at a certain salary. Because we make a man superintendent of a building who has heretofore been a clerk at a certain salary, I am opposed to giving him additional compensation therefor. If this business is to be done, let it be on a thorough and complete understanding. We are opening a very wide door; we are committing ourselves to a wide and enormous expenditure, and I want to know exactly what the limitation of this is to be. The moment we take a clerk and say to him "Notwithstanding you have been doing clerical duty or superintending a bureau of a Department, we will make you a superintendent of a building," which does not involve anything more, "and we will give you $250 extra compensation," we have established a precedent which compels us to give additional compensation to every person upon whom we devolve additional duties throughout the entire Departments.

Now, with what results? Here we have certain clerks who have been doing duties that have now entirely disappeared; nothing further is to be done practically in the line in which they have heretofore been employed; but the superintendents of their bureaus, or the Secretaries under whom they are employed, or Congress, devolve upon them other duties. It does not take them more than ten hours a day; it does not take them more than eight hours a day; and yet, because you have given them duties which they have not heretofore been employed about, something additional in the day, we have an additional claim for compensation.

We are increasing the civil list of the Government in an extraordinary and an inordinate way. It is an outrage, to speak plainly, upon the people who pay the taxes, that every clerk who may be detailed to take care of a building which does not take any more of his time, does not take any more of skill, does not take any more responsibility than he exercised before, should get $250 additional. We have been constantly on the increase in regard to salaries. As I said, it is an outrage. The Senator from Massachusetts, of course, smiles at that expression. Of course it is a very small amount, $250. I have no doubt he would give his check for it, if called upon to do so; but the fact is we are coming to that point where we have got to decide between the people who pay the taxes and the people who eat them up; and we are creating an enormous civil list, we are putting it upon the pension-roll, we are creating a distinction between the people who eat the taxes and the people who pay them, and it is not right to constantly and always avail ourselves of every pretext to increase the salaries of men who already are overpaid by comparison with salaries paid in civil employment.

It is said as a justification of the increase of salaries in Washington that living is higher here than elsewhere. Who made living higher here? It has been made higher by the increase of salaries. If we increased the salaries in Washington 25 per cent. to-morrow the cost of living would increase in proportion. They constantly bring them up. If we had kept salaries down, living in Washington would not be any dearer to-day than it is in Saint Louis or Chicago. I am opposed to increasing the salaries of people who do these perfunctory duties which require no more time, no more skill, no more judgment than the employment for which they were receiving a salary before. I therefore move to strike out the entire paragraph.

Mr. ALLISON. I hope the amendment of the Senator from Kansas will not prevail. One would suppose from his argument that we were doing something extraordinary and unusual here; that in this bill we proposed to increase salaries. The truth is that in every department of the Government to-day and for years the person who is superintendent of a departmental building has received additional compensation.

Mr. PLUMB. What do they do?

Mr. ALLISON. I do not know what they do in detail. I know that in many instances the chief clerk of a Department is superintendent of the building. In the Treasury Department the chief clerk is superintendent. In the Interior Department I believe the chief clerk is superintendent. Every department of this Government has a superintendent of the departmental building, and $250 additional is paid for that service, and has been for years and years. Now, all I have to say about it is, that if we are to strike these out in the War Department, let us go through with every Department and strike out the additional $250 wherever it occurs.

Mr. DAVIS, of West Virginia. We have struck this item down from six to two superintendents.

Mr. ALLISON. I was about to say that. I thank my friend for reminding me of it. The War Department has a number of buildings scattered through the city, some of them very large; there is the Winder building occupied not only by the War Department, but by the Second Auditor's office, a bureau of the Treasury. So the old Ford Theater, and a number of other large buildings. Heretofore six of these buildings have been under this supervision with a superintendent at $250. We struck down all but two of these, leaving only that great building known as the War Department proper and the Winder building, being a very large building occupied by several bureaus of the War Department and also by the Second Auditor's office.

I trust that this will not be stricken out unless we are to go back and sweep through all the Departments and cut all this expenditure

which has existed for years, and I think very properly, because the superintendent of such a building has great responsibilities.

Mr. SAULSBURY. I should like to inquire what is the particular duty of a superintendent of a departmental building. Does he go through and inspect it and determine what repairs are necessary, what should be done, and what care is taken? I do not know anything about it.

Mr. ALLISON. That is a very graphic and proper description of the duties in a general way. They go through and see what repairs are necessary, see if a gas-pipe needs repairing, or a water-pipe needs fixing, or if the furnace needs some repairing. The superintendent of the building is the man to look after all this. Every boy cannot give orders for repairs of these buildings. Some responsible officer must have charge of the service, and most of the Departments have a large contingent fund to expend for this very purpose, and in one or two instances they give bond. I do not know that these War Department superintendents give bond.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out "six" and insert "two," in line 1722, and in line 1723 to strike out "one thousand" before "five hundred."

The amendment was agreed to.

The PRESIDENT *pro tempore*. Now the question is on the motion to strike out.

Mr. HOAR. Is that in order at this time?

The PRESIDENT *pro tempore*. If there had been no amendment to the paragraph it might be a question whether it would be in order now or would have to be reserved till the end.

Mr. ALLISON. I do not make any point. We may as well settle it now.

Mr. PLUMB. I mean to say once for all that if, as the Senator from Iowa said, we have committed an error heretofore in allowing $250 extra salary, we ought not to continue it. I am willing to go back with him, or anybody else, and strike out all this extra compensation. I say it is not wise; it is not just. It does not add to the responsibility, it does not add to the duties of any person who has been employed under the Government practically to require that he should do this duty. I think we might as well stop it here as anywhere else. We are confronted with just this thing; we had it up for discussion some days ago in the case of a man employed about the Presidential office, who had to do something that he thought before that time he ought not to have done; he had to sign some patents, and he came here and wanted extra pay, and the Senate sat down upon it.

I say now as a practical man that a man drawing $1,400 or $1,600 or $1,800 from the Government never has done, and never will do, any more work because of such an additional detail than is required, so far as the hours of his work are concerned, than he would originally have done, and there is no responsibility about it in any sense to impose upon him an obligation or a responsibility that he has not before that time exercised. I think it is just as well that we sit down upon all this thing of extra pay.

Here is a man who says, "I have been assistant Secretary of War a few days." I remember when I first came here there was a bill to give somebody pay because that person exercised the duties of Secretary of War during a few days, and there have been other bills of the same kind. I say now we may as well sit down upon them. We pay a certain stipulated sum per annum, and a man does not work any more than the stipulated number of hours, and we ought not to pay him any more than the salary agreed upon. It is a wrong thing to do it.

Mr. DAVIS, of West Virginia. I agree with all that the Senator from Kansas has said, but it is not well to be too radical. I call my friend's attention, my colleague on the committee, to the fact that the six buildings provided for heretofore are reduced by the committee to two. I think it best not to be too radical and cut them all off, and next year probably I shall join my friend and cut off the whole thing.

Mr. PLUMB. Will my friend from West Virginia show us why we should not pay for the whole six as well as for the two?

Mr. DAVIS, of West Virginia. I will tell my friend, of course. The two buildings are two main, large buildings, and it is necessary, probably, that these two should be superintended, because the buildings are more important and larger than the others.

Mr. PLUMB. But my friend employs in the Cumberland coal regions a number of persons; he pays them according to the hours they serve; and will he discriminate between those people who serve him ten or twelve hours, as the case may be? Does he suppose these people serve more than ten hours a day in the superintendence of these buildings? No. Very well. We contract for something, or we contract for nothing. If we contract for two hours a day, let us understand it; if we contract for four hours a day, let us understand it; if we contract for all a person's service, let us understand that; and if we should happen to put upon any particular person enough service to make him serve eight or ten hours a day, as men do in my country who work by the month or by the day, let us not say that that constitutes an additional claim for extra pay. Men in Kansas work for ten hours a day for a dollar, a dollar and a half, or two dollars, as the case may be, and are glad to get the pay.

Now, we put upon a man service here which requires him to work two hours, and if we put on two hours' additional service he wants extra pay. I say it is not fair; I say it is not decent; I say that it is constituting deliberately by legislation an office-holding aristocracy which is offensive to the laboring class of this country that is illy paid to-day by comparison. I believe in imposing on every one of these officials, clerks and others, every single duty which they can perform during eight or ten hours' service, as the case may be, without any additional pay. We have contracted for all the time between those hours, and if they do not do any more than that, and if they are not pressed and broken down physically by it, where is the claim for additional compensation? It does not exist, and especially does it not exist by comparison. At this time all over this country men are striking because they do not get pay enough, and the Government of the United States is proposing to pay additional compensation not for hours of extra service, not for quality of service, but simply because we have put some additional duty upon some man who has not got duty enough now to do, and we say to him, "by reason of the fact that you have not got pages enough to write, that you have not got accounts enough to keep, that you have not words enough to put upon pages, we put you as superintendent of a building, and we give you something additional for doing it."

It is a slight thing to pay a man $250 a year, but this thing is accumulating. Whoever will look through the bill will see that your salaries have risen, and while that has been the case the wages of the laboring people of this country have been diminished. I say that it is not wise, it is not proper, it is not just that the Government of the United States should establish a scale of salaries and a principle of compensation which cannot be maintained in private dealings.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to strike out the paragraph from lines 1721 to 1724.

Mr. LAPHAM. Mr. President, up to 1875, according to my recollection, each of the principal Departments had an officer known as superintendent, who was paid a salary of $2,000 or $2,500 a year. In the appropriation bill for that year, by common consent, those offices were dropped, and the duties were cast primarily upon the chief clerk of the Department to act as superintendent; and he had a laborer at only a salary of $600 a year, and $250 was allowed him for the extra care he had to take necessarily of the property of the Government in the building, making only about $850 for what before the Government paid $2,000 or $2,500. I hope this clause will not be stricken out. It is a just provision—one that was made understandingly—and it ought to be carried out.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. For the current year the law reads:

For compensation of the superintendents of the six buildings occupied by the War Department, at $250 each, $1,500.

The House adhered to that provision in the bill now reported. Our committee cut it down to two buildings, and instead of $1,500 made it $500.

I sympathize very much with what the Senator from Kansas says, that we are in the habit of paying men extra compensation when they are in fact seeking these easy places to superintend. I gladly voted to cut down the six to two, and as I voted with the committee to do that, I shall be obliged to vote no on this proposition.

Mr. PLUMB. Will the Senator from Kentucky tell me why we should superintend six buildings in place of two, unless we had six that required superintendence?

Mr. BECK. The House thought we had six, and made provision for them, after six months' investigation. The Senate committee, on an investigation of a week, found that only two were necessary.

Mr. PLUMB. But the operations of a committee of conference, I am informed, are quite elastic, and I am not sure that when we come to a committee of conference we shall not find the six buildings reinstated; but if there are only two buildings in place of six, my principle and argument applies as well to the two as to the six. I say simply the fact that a man may be, as a clerk, employed to superintend a building does not authorize him to receive $250 for superintending one building or two, because he does not use up more time than the Government has contracted with him that he shall give it for the salary he receives. That is the point; and whether he is to write more words or less, whether he is to index more pages or less, whether he is to superintend more buildings or less, he can only occupy a certain number of hours a day in the public service, and those hours are only entitled to a certain compensation fixed by law and which has been accepted by him in his receipt of the employment.

So, Mr. President, this is only a device for putting up the salaries of some favored persons, and we are constantly doing it. There is not a salary reduced in this bill, not one; and yet at the same time the wages of men who labor in furnaces, on farms, in workshops, and everywhere throughout this country have been reduced during the twelve months measurably, 25 or 30 per cent., sometimes more, and 100,000 men, yea, 200,000 men, are out of employment to-day in the United States because they are not willing to accept the wages offered. And yet the Congress of the United States is here proposing to increase the wages of men already overpaid, upon the violent

assumption that they are doing more duty than they were called upon to do when they were employed.

As I said before, it is an outrage. When I say it is an outrage, I mean, of course, relatively speaking; because of course the imposition of $250 on the tax-payers is not a great outrage. It is a small thing. The men who drink liquor at fifteen cents a glass can pay it very easily. But the fact is that we are to-day establishing a rate of wages in Government employment which cannot be maintained in private employment, and we are constantly increasing that, and for work which is not equal in intelligence or in time employed to that which is required of persons in private employment. There is not a man at work to-day in the Pacific Mills, of Massachusetts, there is not a man employed to-day in any one of the manufacturing establishments of the United States that does not employ as much intelligence in his occupation as is employed by the superintendents of these buildings, getting 50 per cent., or I will say 25 per cent., less in wages than the Government pays those people that it now proposes to add $250 per annum to by reason of the fact that they are superintending buildings.

Mr. BECK. But the Senator from Kansas must not forget that the Senate committee reduced the number from six to two and the total sum from $1,500 to $500. So far from increasing the existing wages, we have cut down the number two-thirds and the amount of pay two-thirds.

Mr. PLUMB. But that does not affect the people who are not employed. That only says that four men whom the House employed shall not be employed; the other two are still to be employed at the extra wages. My objection is to the employment of the two men for unnecessary work. It does not make any difference whether the number is two or six. The House said we need six superintendents. The Senate says we need but two. I say we do not need any at increased compensation.

Mr. BECK. The Senator from Kansas has argued the case so well that even at the expense of abandoning my committee, of whom he is one, I think I shall vote with him.

Mr. ALLISON. I hope none of the rest of the committee will abandon us after we have struggled so hard to do our duty.

Mr. HALE. I have been waiting for twenty minutes to make a motion to go into executive session, hoping this question would be decided. I see it is not going to be, and I now move that the Senate proceed to the consideration of executive business. There will be further debate on this amendment evidently.

The PRESIDENT *pro tempore*. Perhaps there will be no further debate——

Mr. HALE. I see the Senator from Alabama rising.

Mr. ALLISON. I do not think the Senator from Alabama rises to debate this question.

Mr. MORGAN. I merely rose to say that the Senator from Kansas had forgotten that he ought to make an allowance in order to supply the sum necessary to comply with the circular of the Republican Congressional committee. [Laughter.]

Mr. ALLISON. That was a sad omission. I am glad the Senator from Alabama has reminded the Senator from Kansas of it. [Laughter.]

Mr. PLUMB rose.

Mr. HALE. I will insist on my motion unless a vote is taken at once.

Mr. HARRIS. The question is on the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 18, nays 32; as follows:

YEAS—18.

Beck,	Harris,	Plumb,	Vest,
Brown,	Jackson,	Pugh,	Walker,
Coke,	Jonas,	Ransom,	Williams.
Farley,	Morgan,	Saulsbury,	
George,	Pendleton,	Vance,	

NAYS—32.

Allison,	Davis of Illinois,	Hawley,	Morrill,
Blair,	Davis of West Va.,	Hoar,	Platt,
Call,	Ferry,	Jones of Nevada,	Rollins,
Camden,	Frye,	Lapham,	Saunders,
Cameron of Pa.,	Garland,	McDill,	Sawyer,
Cameron of Wis.,	Hale,	Mahone,	Sherman,
Chilcott,	Hampton,	Maxey,	Van Wyck,
Conger,	Harrison,	Miller of Cal.,	Voorhees.

ABSENT—26.

Aldrich,	Fair,	Johnston,	Miller of N. Y.,
Anthony,	Gorman,	Jones of Florida,	Mitchell,
Bayard,	Groome,	Kellogg,	Sewell,
Butler,	Grover,	Lamar,	Slater,
Cockrell,	Hill of Colorado,	Logan,	Windom.
Dawes,	Hill of Georgia,	McMillan,	
Edmunds,	Ingalls,	McPherson,	

So the motion to strike out was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6677) to regulate immigration; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 1732) to refund excessive duties levied by overvaluation of Austrian paper florin, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the petition of Second Lieutenant L. A. Thibaut, praying to be restored to his place in the Army on having the charge of desertion removed, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2096) to authorize the Secretary of War to turn over to George H. Thomas Post No. 18 of the Grand Army of the Republic, of Ottawa, Kansas, four condemned cannon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2097) for the relief of R. A. Francis; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Florida, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2098) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities; which was read twice by its title, and referred to the Committee on Military Affairs.

HOUSE BILL REFERRED.

The bill (H. R. No. 6677) to regulate immigration was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. HALE. Now I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session, the doors were reopened; and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 27, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. BLAND. I notice in the RECORD of this morning that the gentleman from Iowa [Mr. THOMPSON] has referred to a speech which I made on the 22d instant, in which speech I had incorporated a roll-call of the vote in the contested-election case of Mackey *vs.* Dibble; which roll-call, as set forth, represents the gentleman from Iowa as not voting. This occurred in consequence of an inaccurate copy of the roll-call furnished me, I am sure without any intention on the part of the gentleman who furnished the roll-call, and certainly no intention on my part, to do that gentleman any injustice. By an examination of the RECORD I find that the gentleman from Iowa did vote in the affirmative with his party. I will say for the gentleman that he is always present and always votes, and my only difficulty is that he nearly always votes wrong from the Democratic stand-point. [Laughter.]

PRESENTATION OF PORTRAIT OF EX-SPEAKER WINTHROP.

Mr. MORSE. I ask the Clerk to read the communication which I send to the desk.

The Clerk read as follows:

BOSTON, *June* 10, 1882.

GENTLEMEN: A large number of citizens of Massachusetts have united in procuring a portrait of the Hon. Robert C. Winthrop, formerly Speaker of the House of Representatives, which they wish to present to the United States, in recognition of his recent masterly oration at Yorktown, delivered at the request of Congress; and desire that it may be placed in the Speaker's room in the Capitol, at Washington.

On behalf of the donors, we would ask you to have the kindness to take charge of presenting the picture in the proper manner, and at a suitable time, to the House of Representatives.

We have the honor to be,

Very respectfully, your obedient servants,

JOHN D. LONG,
E. R. HOAR,
SA'L C. COBB,
Committee.

Hon. LEOPOLD MORSE and AMBROSE A. RANNEY,
Representatives in Congress from the city of Boston.

BOSTON, *January*, 1882.

The undersigned, recognizing the important service rendered to the country by the Hon. Robert C. Winthrop in his admirable oration upon the occasion of the national centennial celebration at Yorktown, Virginia in October last, and desir-

ing to manifest their great respect and personal regard for an honored citizen of Massachusetts, hereby contribute the sums set against their respective names for the purpose of procuring a portrait of Mr. Winthrop to be placed in the Capitol, at Washington, the scene of his early political distinction.

John D. Long.	Samuel A. Green.
E. R. Hoar.	James L. Little.
Samuel C. Cobb.	George C. Richardson.
W. Amory.	J. Ingersoll Bowditch.
William Perkins.	John L. Bremer.
W. G. Russell.	George O. Shattuck.
H. W. Paine.	Lemuel Shaw.
Franklin Haven.	John J. Clarke.
William Gaston.	Winslow Warren.
Robert R. Bishop.	Henry L. Pierce.
Robert D. Smith.	Benj. S. Rotch.
John L. Gardner.	Theodore Lyman.
Otis Norcross.	Samuel Johnson.
Charles Merriam.	George P. Upham.
Leverett Saltonstall.	George D. Howe.
George Gardner.	James S. Amory.
Phillips Brooks.	Thomas Lamb.
William B. Rogers.	Samuel G. Snelling.
Augustus T. Perkins.	Charles Deane.
Benjamin C. White.	George Lewis.
Robert M. Cushing.	F. Gordon Dexter.
Alexander H. Rice.	Richard Olney.
H. P. Kidder.	Charles U. Cotting.
F. H. Peabody.	Francis W. Palfrey.
O. W. Peabody.	Henry Whitman.
F. E. Parker.	C. F. Adams, jr.
A. P. Martin.	Charles C. Smith.
Fred. H. Bradlee.	Thomas Talbot.
S. Bartlett.	J. Edwards.
James Freeman Clarke.	J. L. Stackpole.
Frederic W. Lincoln.	Robert Treat Paine, jr.
William Minot.	J. B. Thomas.
Wm. Endicott, jr.	Mahlon D. Spaulding.
Peleg W. Chandler.	William W. Greenough
Frederick O. Prince.	J. Putnam Bradlee.
S. K. Lothrop.	R. M. Morse, jr.
F. M. Weld.	Francis A. Peters.
Ezra Farnsworth.	Joseph A. Laforme.
Samuel B. Rindge.	Marshall P. Wilder.
S. Parkman Dexter.	Charles W. Eliot.
Charles H. Dalton.	Nathaniel Thayer.
Nathaniel J. Bradlee.	H. H. Hunnewell.
Amos. A. Lawrence.	James Guild.
Charles Faulkner.	Abbott Lawrence.
S. D. Warren.	Charles Francis Adams.
Jacob C. Rogers.	Henry Lee.
Wm. C. Rogers.	D. R. Whitney.
John Cummings.	Wm. S. Appleton.
A. O. Bigelow.	George Dexter.
Augustus Lowell.	J. Q. Adams.
Samuel R. Payson.	Alpheus Hardy.
Charles H. Parker.	Arthur T. Lyman.
George E. Ellis.	Wm. R. Robeson.
Robert Codman.	George R. Minot.
Henry C. Weston.	S. W. Marston.
N. Thayer, jr.	H. Stockton.
William Parsons.	Wm. S. Dexter.
W. W. Clapp.	Charles D. Homans.
James C. Davis.	Robert H. Stevenson.
John C. Phillips.	John F. Anderson.
Isaac Thacher.	Henry B. Rogers.
C. P. Hemenway.	S. Endicott Peabody.
T. Quincy Browne.	G. W. Blagden.
Thomas E. Proctor.	David P. Kimball.
Edward Bangs.	Charles F. Choate.
J. W. Balch.	Alexander Agassiz.
F. L. Higginson.	Henry W. Longfellow.
C. A. Whittier.	Wm. C. Endicott.
Arthur W. Blake.	Thomas Motley.
George B. Chase.	Arthur Dexter.
W. D. Pickman.	Francis Parkman.
Henry A. Whitney.	R. W. Hooper.
E. Pierson Beebe.	Charles R. Codman.
Nathaniel W. Curtis.	Henry Winthrop Sargent.
Roger Wolcott.	Charles L. Pierson.
John T. Coolidge.	Nathaniel Walker.
Josiah Wheelwright.	Theodore Chase.
Thos. G. Frothingham.	George M. Barnard.
T. G. Appleton.	Timothy T. Sawyer.
O. W. Holmes,	W. Powell Mason.
Edmund H. Bennett.	Ellis Ames.
Samuel L. Crocker.	Edward Lawrence.
John C. Ropes.	T. H. Perkins.
John C. Gray.	Stephen Salisbury.
Charles P. Curtis.	Chandler Robbins.
James H. Beal.	Joshua M. Sears.
A. S. Wheeler.	E. D. Peters.
Frederick L. Ames.	George Peabody.
C. H. Joy.	

BOSTON, *January* 30, 1882.

MY DEAR SIR: The Paper, of which I inclose a copy, will give you sufficient information of an enterprise in which your neighbors and friends take a warm interest; and I am authorized on their behalf to ask your consent to the execution of the plan, and that you will select the artist, and arrange with him for giving the necessary sittings, at your earliest convenience. I remain, with great respect,

Your obedient servant,

SAMUEL C. COBB.

Hon. ROBERT C. WINTHROP.

BOSTON, *February* 3, 1882.

MY DEAR SIR: The paper which accompanied your kind note of the 30th ultimo calls for the most grateful acknowledgments.

I am deeply sensible to so unexpected a tribute from those whose good opinion and friendly regard must ever be precious to me.

Such an array of eminent names, of all professions and parties, recognizing my late oration at Yorktown as "an important service rendered to the country," lends a value to the paper altogether beyond the personal distinction which it proposes for me, and I would willingly have had the tribute end with that expression.

Yet I know not how to decline the invitation to allow my portrait to take its place, under such agreeable auspices, in the line of Speakers at Washington, according to the arrangement recently made for one of the corridors of the Capitol. No art, indeed, can obliterate the traces of the more than thirty years which have elapsed since it was my privilege, as a young man, to occupy the chair of the House of Representatives of the United States. But I may well be content that this early honor should be associated with my effort, as an old man, to illustrate the crowning triumph of our Revolutionary struggle, by the generous aid of France, on the occasion which has called forth so distinguished a compliment from my fellow-citizens and friends.

Accept for them all, and for yourself, dear sir, my sincere thanks, and believe me, with great regard,

Very faithfully, yours,

ROBERT C. WINTHROP.

Hon. SAMUEL C. COBB.

Mr. MORSE. Mr. Speaker, no more agreeable duty could be imposed upon any Representative of the city of Boston. If Mr. Winthrop had no other claim to the grateful recognition of the people of the Commonwealth of Massachusetts, it would suffice that, in obedience to the request of the national Congress, he delivered on the historic plains of Yorktown, in commemoration of the crowning triumph of our Revolutionary struggle, that noble oration which has rendered an important public service in strengthening the bonds of friendship with our ancient allies, the French people. It was frank in its acknowledgment of the debt of gratitude we owe France for her timely succor, which enabled us to bring to a speedy close a bloody war, while at the same time it told, with all the dignity of the historian, added to the charm of the gifted speaker, the true story of the nation's renown. Our allies at Yorktown were the military and naval forces of an absolute king. At our centennial celebration of the victory were the honored representatives of a powerful French Republic. Could a more cogent commentary be made of the growth of free ideas in one hundred years?

Mr. Winthrop sat in Congress from Boston from 1840 to 1850, and during the Thirtieth Congress was selected by the representatives of the people to be their Speaker.

In my judgment there is no more exalted position than that of the presiding officer of the people's House, who is the free choice of those who come every two years from the ranks of the citizens, and who must of necessity voice their will. It is, as we all know, as potential as it is exalted. Where can be found—

> The general debate,
> The popular harangue, the tart reply,
> The logic and the wisdom and the wit,

in greater perfection than here? How enduring the honor, then, of him who has so exercised his great office as to win the general applause?

In the traditions of this House Mr. Winthrop is known for his scholarship, his clear perception and luminous statement, his strict integrity, his devoted and broad patriotism, and his unfailing and gentle courtesy.

The name of Winthrop is historic. It musters, as with the blast of a trumpet, the grand array of Massachusetts heroes. By the solemn resolve of that ancient Commonwealth stands in our national Statuary Hall, as a memorial for all time, the statue of John Winthrop, the first governor of the colony, the ancestor of him whom we honor to-day. He was of—

> The Pilgrim bands who crossed the sea to keep
> Their Sabbaths in the eye of God alone
> In his wide temple of the wilderness.

Of the nineteen years he was in the colony from 1630 he was for twelve years governor, and his only reproof was for "overmuch lenity." In 1642 he gave aid and comfort to one La Tour, a Roman Catholic, and when sharply criticised therefor he responded:

> If there were not other sins which God may have a controversy with us for, I should little fear any harm from this.

But in 1642 began, under Winthrop in Massachusetts, the public-school system which has been, and will continue to be, a blessing beyond all price to the American people.

Robert C. Winthrop took up the proud heritage of an ancestry so renowned for noble deeds, and after a life well spent in the public service, hands it down to posterity, not only untarnished, but with added glory. Could a career be more fortunate?

It is the portrait of this man, in obedience to the wishes of his neighbors and fellow-citizens, men eminent in every profession and of all parties, I have the honor this day to commit to the reverent care of the House of Representatives, asking that it may take its place in the line of Speakers in the corridor of this Hall.

The inscription on the picture indicates that it is the desire of the donors to recognize Mr. Winthrop as a former Speaker of this House, and I feel honored to be privileged by the good people of the old Commonwealth to present through you, Mr. Speaker, and to my country this portrait of Robert C. Winthrop, a man known to us, and who will be remembered by those who are to follow us as the historian, the statesman, the ex-Senator and ex-Speaker, a gentleman who filled every position he ever held with such character and ability, whose utterances have become historical, that Massachusetts proudly boasts of him as one of her worthiest sons. [Loud applause.]

Mr. RANNEY. Mr. Speaker, I rise, sir, for the purpose of joining my esteemed colleague [Mr. MORSE] in the presentation of this por-

trait, and in the discharge of a grateful duty which has been assigned to us in common by the donors.

The famous poet, Lord Byron, probably in one of his cynical moods, once wrote:

> What is the end of Fame? 'tis but to fill
> A certain portion of uncertain paper;
> Some liken it to climbing up a hill,
> Whose summit, like all hills, is lost in vapor;
> For this men write, speak, preach, and heroes kill,
> And bards burn what they call their "midnight taper,"
> To have, when the original is dust,
> A name, a wretched picture, and worse bust.

However this may have been, sir, with others, the friends of Mr. Winthrop desire that it may not be thus with him. We have here, before his "original is dust," a picture, the gift of his admiring friends, whose action has been prompted and inspired by their "great respect and personal regard" for him; one which has been painted of him in his advanced age, but while still in the full vigor and plenitude of his powers; the work of a master's hand, true to the original and worthy of the artist. It is presented as a tribute by eminent citizens of Massachusetts, of all professions and parties.

Allusion has been made by my associate to the ancestry of Mr. Winthrop. But what is more and better than that in this country, he has won a name and fame which are peculiarly and all his own; and he may well be addressed, with a just pride, in the lines of Dryden:

> O true descendant of a patriot line,
> Vouchsafe this picture of thyself to see.

It is not intended, sir, to displace the one which now hangs upon the wall in the corridors of this Hall. That represents him, or is supposed to represent him, as he was when Speaker of this House, and serves exclusively as a memorial of that event and honor. This one comprehends that and much more, as will be seen by the inscription which is to be found upon the tablet of the same:

> Robert C. Winthrop,
> Speaker, 1847–'49; Senator, 1850–'1.
> Presented by citizens of Massachusetts
> After his Centennial Oration by appointment of Congress.
> At Yorktown, Virginia, 19th October, 1881.

Independently of all other associations, any one who shall in the future view this figure as it stands out, as if alive, upon this piece of canvas, will be impressed with and see only the incomparable Winthrop, the man of seventy-two years of age and over, with eyes undimmed, without any traces of decay, the orator, as he appeared when he stood at Yorktown and spoke on that memorable occasion, which will itself form a part of the history of this country.

In his felicitous letter written in reply to the invitation given him soliciting his assent to what was proposed to be done, Mr. Winthrop has himself embodied the idea of the portrait. He wrote:

> Yet I know not how to decline the invitation to allow my portrait to take its place, under such agreeable auspices, in the line of Speakers at Washington. No art, indeed, can obliterate the traces of the more than thirty years which have elapsed since it was my privilege, as a young man, to occupy the chair of the House of Representatives of the United States. But I may well be content that this early honor should be associated with my effort, as an old man, to illustrate the crowning triumph of our Revolutionary struggle, by the generous aid of France, on the occasion which has called forth so distinguished a compliment from my fellow-citizens and friends.

Mr. Speaker, this tribute is being paid to the living and not to the name of one who is dead. I have not indulged, I shall not indulge, in any eulogy, as Mr. Winthrop needs none and would desire none at my hands, or at the hands of any one else on this occasion. Nothing which could be said would add any new luster to his name. Yet I beg leave to remind the House that he is the last one surviving of that illustrious quaternion of orators and statesmen, Webster, Everett, Choate, and Winthrop, who have done and said so much of good for the State of Massachusetts and their country.

I might with equal propriety and truth say of him what I once heard him say of Everett while alive: "He needs no commendations here. His spotless character, his unrivaled accomplishments, his matchless eloquence, his ardent patriotism, are too familiar to us to require an allusion. But it is not here alone that he is known; it is not here alone that he is appreciated."

The events of Mr. Winthrop's career as member of this House, as Speaker thereof, as Senator in Congress, have passed into history. It is now some thirty years since he retired from active public life, but his services since then, in other fields of labor, have always been conspicuous, and perhaps none the less useful. This is not the time to recount, or to dwell upon them.

What his friends have contemplated, and what is now proposed is that this small tribute of respect and personal regard shall be completed upon this the scene of his earlier triumphs and honors, in what they and we believe to be a fitting recognition of the eminent services rendered by Mr. Winthrop to his country, as indicated, and to the end that this portrait may remain here as a perpetual memorial thereof. [Great applause.]

Mr. TUCKER. I do not think it necessary, Mr. Speaker, to detain the House by any extended remarks after what has been so appropriately said by the two Representatives from Massachusetts, [Mr. MORSE and Mr. RANNEY.]

A third of a century has passed away since Mr. Winthrop presided in the House of Representatives. He was Speaker at a memorable period in our history, when the war with Mexico was closing and the agitation of the Union consequent upon the acquisition of a vast domain was begun. I was a "looker-on in Vienna" at that period. I can well remember the grace, the dignity, and the justice that distinguished Mr. Speaker Winthrop as the presiding officer of this House. He was too much of a patriot to be an extreme partisan in the chair, and so true a gentleman as never to fail in that impartial courtesy to the members of the House which commanded the confidence and esteem of men of all parties and from every section of the country.

After a brief career in the Senate of the United States Mr. Winthrop has been in a large degree withdrawn from the public service. But he was fitly chosen to speak what patriotism would suggest at the centennial anniversary of our assured independence by the surrender of the British army at Yorktown.

In that splendid contribution to our centennial memories Mr. Winthrop has won the universal admiration of the people of the country, and has well merited that testimonial of the high esteem of his fellow-citizens of Massachusetts which has been tendered to this House by its Representatives to-day. As one of the Representatives of the Commonwealth of Virginia, on whose sacred soil the crowning victory of the Revolution was won, and which was so nobly illustrated in the oration of Mr. Winthrop, I beg leave to ask the immediate consideration and adoption by this House of the resolution which I now send to the desk.

The Clerk read as follows:

Resolved, That the Speaker be requested to inform the Hon. John D. Long, E. R. Hoar, and Samuel C. Cobb, a committee of citizens of Massachusetts, of the satisfaction with which this House has received their present of the portrait of Hon. Robert C. Winthrop, Speaker of the Thirtieth Congress, and to assure them it shall be placed and preserved among those of the other distinguished men who in times past have presided over the House of Representatives.

Mr. STEPHENS. Mr. Speaker, I second, and most heartily second, the resolution offered by the gentleman from Virginia, [Mr. TUCKER.] Mr. Winthrop has long been my personal and intimate friend. When I entered Congress in December, 1843, I found him one of the distinguished leaders of the Whig party in this House. His most prominent associates were Daniel D. Barnard of New York, Samuel Vinton of Ohio, Joseph R. Ingersoll of Pennsylvania, Garrett Davis and John White of Kentucky, and some others whom I need not now mention. Winthrop was the central figure of them all. In parliamentary tactics he had no superior on the floor, not excepting George C. Dromgoole, of Virginia, the Democratic leader of the House at that time.

Besides this, he was one of the most accomplished gentlemen and scholarly legislators I ever met. During that Congress, the Twenty-eighth, the first that I was a member of, the agitation was great in the country upon the annexation of Texas and her admission as a State into the Union. Strong and unyielding opposition to this measure was manifested upon the part of most of the Northern Whigs, Mr. Winthrop standing prominent among the leaders of this opposition. After an exciting contest and acrimonious debate the measure was carried. Unusual excitement upon that subject prevailed in Massachusetts as well as with the Whigs in the North generally. Threats of disunion were made. It was in this state of affairs that Mr. Winthrop had the boldness and manliness, on the 4th of July, 1845, I think it was, to give a toast expressing sentiments not agreeable to a majority of his hearers, but which sent a thrill through the heart of the entire country and produced the conviction that he was a patriot of the highest order.

The sentiment was to this effect, (I quote from memory:) "Our country, however bounded, with whatever limits, is to be cherished in all our hearts and defended by all our arms." This toast was what made him Speaker. When the next Congress assembled in December, 1847, they had a Whig majority, and the Southern Whigs from Georgia, Virginia, North Carolina, Alabama, Florida, Louisiana, Tennessee, and Kentucky, appreciating the noble sentiment, rallied in solid phalanx in support of this distinguished son of Massachusetts for the Speakership of the House, which secured his triumphant election over the venerable and able Vinton, of Ohio, who had a strong and large following, as we say in modern times, in the Western States. The Southern Whigs sustained him zealously, not because they liked Mr. Vinton less, but Mr. Winthrop more. Mr. Winthrop was elected; and as stated by the gentleman from Virginia, he made a most accomplished Speaker, always impartial, always courteous, always respectful and urbane, discharging the duties of the Chair with amenity and ability rarely equaled. He still lives to enjoy the *otium cum dignitate* which is becoming the scholar, the patriot, and statesman, and by the discharge of the high trusts confided to him connected with the Peabody fund, he is adding new luster to his ancestral name, his State, and his country.

I heartily indorse the resolution of the gentleman from Virginia upon the reception of this presentation from gentlemen of Massachusetts. [Applause.]

The question being taken on the resolution of Mr. TUCKER, it was agreed to unanimously.

JAMES REA.

Mr. LORD. I ask unanimous consent to have taken from the Speaker's table the bill (S. No. 1128) to authorize the Secretary of

State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and instructed to allow to James Rea, late consul at Belfast, Ireland, for clerk hire and other expenses incurred by him as such consul, such sum as he may find just and equitable, not exceeding $1,500 per annum for the period during which he held the office of consul of the United States at Belfast; also the further sum of $600 expended by said Rea in boarding and defending certain destitute American seamen at Belfast while he was consul.

Mr. HOLMAN. Until some explanation of this bill is made, I desire to reserve the right to object.

Mr. SCALES. Does the bill come from any committee?

Mr. LORD. The bill has been unanimously reported to this House by the Committee on Foreign Affairs. I send to the Clerk the Senate report in this case, which is brief and will afford considerable information in regard to the matter. I ask the Clerk to read the first page of the report.

The Clerk read as follows:

The committee, after a careful examination, based upon the memorial of the petitioner and the letters of the Secretary of State, find that Mr. Rea was appointed the consul to Belfast on the 16th of April, 1869, and that he entered upon the duties of his office on the 3d day of August, 1869, and served until the 11th of August, 1873. That prior to the time of his taking the charge of said office, it was customary, with the knowledge of the State Department, for the officers of said consulate to charge fees for the preparation and verification of certain papers at a sum which, in the aggregate, amounted to from fifteen hundred to two thousand dollars per year in addition to the salary of $2,000 provided by law. In that way Mr. Rea's predecessor in office received as a compensation for his services, office rent, and clerk hire about $3,700 per annum. By the act of Congress approved March 3, 1869, the fees aforesaid were abolished, and the net receipts of the office were reduced to the sum of $2,200 per year. Adopting the consular invoice fees during Mr. Rea's incumbency of the office as a basis of computation, the amount he would have received, but for the prohibition of the statute aforesaid, would have been about the sum of $4,500. While Mr. Rea was consul as aforesaid no allowance was provided by law for clerk hire.

During the year following his retirement a provision for clerk hire not exceeding $1,500 per year was provided by law, and the salary of the consul was at the same time increased from $2,000 to $2,500 per year.

The duties of the office during Mr. Rea's incumbency required the assistance of one or more clerks, the compensation for which Mr. Rea was obliged to pay out of his own salary.

During Mr. Rea's incumbency he transmitted to the Treasury about 25 per cent. more fees and did about 25 per cent. more business than either his predecessor or successor in office.

Mr. LORD. Mr. Speaker, there is no claim against Mr. Rea in this case, except a nominal one. We have letters from the present and the late Secretary of State saying there is no claim against him in equity. The fees upon which he depended for clerk hire, with the knowledge of the State Department were cut off; and about the time of his retiring from office $500 was added to the salary of the consul and $1,500 for other expenses. It so happened that Mr. Rea did not get the advantage either of the provision for clerk hire or of these additional allowances. The bill passed the Senate, I believe unanimously, and has been unanimously reported to this House by the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ATHERTON. I object.

Mr. LORD. I do not believe the gentleman would object if he knew the circumstances of the case.

Mr. KNOTT. I appeal to my friend from Ohio [Mr. ATHERTON] to withdraw his objection. This case has been twice examined by the Committee on the Judiciary.

The SPEAKER. Does the gentleman from Ohio insist on his objection?

Mr. ATHERTON. I do.

EUGENE B. ALLEN.

Mr. ARMFIELD. I ask unanimous consent to have taken from the Speaker's table and put upon its passage the bill (S. No. 1120) for the relief of Eugene B. Allen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to Eugene B. Allen, of Leavenworth, Kansas, the sum of $25,753.94, for losses sustained by said Allen growing out of a contract made on the 24th day of June, in the year 1878, between the said Eugene B. Allen and E. A. Hoyt, Commissioner of Indian Affairs, by which said Allen agreed to furnish and deliver beef-cattle at Red Cloud and Spotted Tail agencies, in the Territory of Dakota.

Mr. HOLMAN. I call for the regular order.

ELECTION CONTEST—STROBACH VS. HERBERT.

Mr. RANNEY. I rise to submit a privileged report—the report of the Committee on Elections on the contested-election case of Strobach *vs.* Herbert, from the second district of Alabama. I ask that the resolution appended to the report be read.

The Clerk read as follows:

Resolved, That contestant be allowed to withdraw his contest without prejudice.

The SPEAKER. Does the gentleman from Massachusetts [Mr. RANNEY] desire the present consideration of this report?

Mr. RANNEY. Yes, sir. It is a unanimous report.

The question being taken, the resolution reported by the Committee on Elections was adopted.

Mr. RANNEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALABAMA CONTESTED-ELECTION CASE.

Mr. THOMPSON, of Iowa. I rise to make a privileged report from the Committee on Elections.

Mr. WILSON. The gentleman yields to me.

Mr. MONEY. The demand for the regular order has been withdrawn by the gentleman from Ohio.

Mr. LYNCH. The gentleman who has the floor yields to me to call up a bill.

The SPEAKER. Gentlemen will be recognized one at a time. The question before the house is the privileged report from the Committee on Elections.

Mr. ATHERTON. I withdraw my objection to the bill of the gentleman from Michigan, [Mr. LORD.]

The SPEAKER. The question before the House is the resolutions reported by the gentleman from Iowa, [Mr. THOMPSON.]

Mr. THOMPSON, of Iowa. I have been directed by the Committee on Elections to submit a report, accompanied by a resolution, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That Charles M. Shelley was not elected as a Representative to the Forty-seventh Congress from the fourth Congressional district of Alabama, and is not entitled to retain the seat he now occupies in this House.

Resolved, That James Q. Smith was duly elected as a Representative from the fourth Congressional district of Alabama to the Forty-seventh Congress, and having deceased, the seat is declared vacant.

The SPEAKER. The report will be ordered to be printed and laid over.

JAMES REA.

The SPEAKER. The Chair is informed that the demand for the regular order of business has been withdrawn by the gentleman from Ohio, and that objection is withdrawn from the consideration of the Senate bill called up by the gentleman from Michigan for the relief of James Rea.

Mr. SPRINGER. Let the report of the House committee be printed in the RECORD, if it has not been read.

Mr. HOLMAN. I understand the report of the committee was read.

Mr. SPRINGER. No; only a portion of the Senate report was read.

The SPEAKER. The Chair hears no objection, and the report of the House committee will be printed in the RECORD.

The report is as follows:

The Committee on the Judiciary, to whom was referred the memorial of James Rea, of Chicago, Illinois, late United States consul at Belfast, Ireland, present the following report:

The United States has brought suit against Mr. Rea and his sureties on his official bond, to recover an alleged balance of $4,434, which suit is now pending under a temporary stay of proceedings by order of the Attorney-General to allow the memorialist to apply to Congress for such relief as may be just.

The committee, after a thorough examination of the papers submitted to them, are of the opinion that while Mr. Rea has no defense to the action now pending which a court of law would be authorized to receive and allow, yet there are items in his accounts of expenditures made by him in discharge of his official duties which should be allowed according to principles of justice and equity, which should greatly reduce, if not entirely discharge, the balance claimed against him.

Mr. Rea was appointed on the 16th of April, 1869, and took charge of the consulate on the 3d of the following August, and remained as such consul until the 7th day of August, 1873.

In the latter part of the year 1869, the German bark Oberbergermeister von Winter, Captain Carl Richard Schmidt, master, arrived at Belfast with a crew of eight American seamen—citizens of the United States. These seamen had been hired by Captain Schmidt in New York for the round voyage to Belfast and back. Upon arriving in Belfast Captain Schmidt repudiated his contract with them, forcibly put them off his ship, and turned them adrift in the streets without money or the chance of reshipment, there being a plethora of unemployed men in Belfast and no American vessel in port.

In this condition these seamen applied to the United States consul for assistance. The vessel being a German vessel, and the master German, the consul had no jurisdiction over them, but believing that the German consul would take jurisdiction and see that the seamen were protected in their rights, Mr. Rea laid the case before him. After frequent and persistent efforts to obtain redress for them from the German consul without success, Mr. Rea was advised and did bring the case before the Irish court of admiralty in Dublin, which court dismissed the suit on a demurrer to its jurisdiction on the part of the German consul and referred it back to him for adjudication. The court of admiralty, when all the parties are foreigners, will entertain jurisdiction or dismiss the case in its discretion.

The expenses paid by Mr. Rea for the board, lodging, and the necessary disbursements of the admiralty proceedings, amounted in the aggregate to £120 9s. 4d.

The laws of the United States do not provide for the payment by a consul of expenditures of this kind, however equitable and just they may be. Yet an American consul who failed to do all in his power to protect and redress American seamen, although shipped in a foreign vessel, when wrongfully discharged and left destitute in a foreign port, should receive the censure of the Government.

This is one of the items of credit which is disallowed.

Mr. Rea's predecessor has received as compensation for his services, office rent, and clerk hire, $3,700, or thereabouts. In 1869 certain fees that had been received prior to that time by consuls, and allowed for clerk hire and incidentals not otherwise provided for, were prohibited, reducing the compensation and office-rent to $2,200, a sum entirely inadequate for the service required at this port.

Upon this subject the committee have received the following letter and tabulated statement from the office of the Fifth Auditor of the Treasury:

TREASURY DEPARTMENT, FIFTH AUDITOR'S OFFICE,
April 9, 1878.

GENTLEMEN: Referring to the memorial of James Rea, LL. D., late United States counsel at Belfast, a copy of which has been submitted to me, I beg to state—

That my official position, being in charge of the auditing of the accounts of all our consuls abroad, made me fully aware of the duties and difficulties of his position.

That the duties involved were entirely beyond the power of any one person to perform without the assistance of one or more clerks.

That for such assistance he had to pay out of his own salary of $2,000 a year,

there being, during the time he was in office, no other provision for this purpose. Certain charges made by his predecessors in addition to the fees returned to the Government, and used for payment of clerk hire and other disbursements, were, about the time he entered upon his duties, prohibited by law. I know of no other case where the disparity was so great between the duties of the position and the compensation, all other consulates with the same business having a larger salary, and in most cases $1,000 a year additional from consular agencies under them. This will more clearly appear by a reference to the accompanying tabulated statement.

That this case was the subject of several conversations between the undersigned and the late Secretary of State, Hon. Hamilton Fish; that the latter, upon ascertaining the amount of fees collected and remitted to the Treasury, expressed earnest sympathy with Dr. Rea, and did all in his power to have a measure passed by Congress for his relief; that the Senate, in successive sessions, passed bills which would have afforded him the relief he needed, but they failed to pass the House; that the undersigned wrote Dr. Rea letters from time to time in reference to the measures which were being taken for his relief, which he hoped would eventuate successfully, but they did not—at least not in time to be of any practical benefit to him, (Dr. Rea,) who was recalled in the summer of 1873. The session of the winter of 1873–'74, however, passed the much-needed measure, increasing the salary of his successor by $500 per annum, and appropriating $1,500 for clerk-hire, which law is still in force.

Further, Dr. Rea was one of the most faithful, honest, and patriotic consuls in the service. His accounts were promptly and correctly rendered, and his remittances to the bankers in London were larger than those of his predecessors or successor in office.

I trust, therefore, I may be excused from expressing the hope that Congress will pass such a measure of relief as will, in justice and equity, reimburse the expenses which he incurred in the discharge of his official duties while in the service of his Government.

I have the honor to be, your obedient servant,

GEORGE COWIE,
Chief of the Consular Bureau.

To the honorable the JUDICIARY COMMITEEE
of the House of Representatives.

Comparative statement of fees, salary, and allowances received at the several consulates therein named, showing the great disproportion between the compensation and duties of Belfast, as compared with any other consulate in the British isles, during Dr. Rea's incumbency of it.

BEFORE DR. REA'S INCUMBENCY.

Consulate.	Salary.	Office rent.	Extra.	Total salary and allowance.	Fees accounted for to the United States.
1868.					
Belfast	$2,000 00	$200 00	*$1,500 00	$3,700 00	$8,285 90
Cork	2,000 00	200 00	.....	2,200 00	282 58
Leeds	2,000 00	200 00	†1,000 00	3,200 00	1,167 75

DURING DR. REA'S INCUMBENCY.

1871.					
Belfast	2,000 00	200 00	.....	2,200 00	11,995 38
Cork	2,000 00	200 00	(‡)	2,200 00	1,312 58
Leeds	2,000 00	200 00	1,000 00	2,200 00	2,279 75
Leith	2,500 00	250 00	1,000 00	3,750 00	5,750 55
1872.					
Belfast	2,000 00	200 00	.....	2,200 00	12,175 71
Birmingham	2,500 00	250 00	1,000 00	3,750 00	12,325 50
Cork	2,000 00	200 00	.....	2,200 00	1,363 56
Leeds	2,000 00	200 00	1,000 00	3,200 00	2,510 48
Leith	2,500 00	250 00	1,000 00	3,750 00	3,169 21
1873.					
Belfast	$2,000 00	$200 00	.....	$2,200 00	$10,713 73
Birmingham	2,500 00	250 00	$1,000 00	3,750 00	11,480 02
Cork	2,000 00	200 00	.....	2,200 00	1,158 80
Leeds	2,000 00	200 00	1,000 00	3,200 00	1,162 49
Leith	2,500 00	250 00	1,000 00	3,750 00	3,502 63

UNDER DR. REA'S SUCCESSOR.

Belfast	2,500 00	§500 00	‖1,500 00	4,500 00	8,993 95

*Made up of a fee of 25 cents allowed to the consul upon each official transaction, over and above the legal fee, which was turned into the Treasury; repealed in 1869.

†Emolument derived from agencies; this consulate also enjoyed the 25-cent fee same as Belfast previous to July, 1869.

‡From agencies.

§Act giving 20 per cent. on salary for office rent went into effect July 1, 1873.

‖Act allowing $1,500 a year for clerk hire went into effect July 1, 1874.

From the foregoing statement it will be seen that during Dr. Rea's incumbency of the Belfast consulate he transmitted to the Treasury about 25 per cent. more fees, and consequently did 25 per cent. more business, than either his predecessor or successor in office, while his salary and allowances were $1,500 per annum less than those of his predecessor, and $2,300 less than his successor receives; in other words, his predecessor for doing 25 per cent. less work received $1,500 per annum more pay, and his successor for doing 25 per cent. less work receives $2,300 per annum more pay than Dr. Rea did.

It will also be seen that during the years of Dr. Rea's incumbency of the Belfast consulate its business was about equal to that of Birmingham, yet the latter received $1,550 per annum in excess of the former; that Leith, with only half the duties of Belfast, received also $1,550 per annum more than Belfast; that Leeds, with only one-fifth of the duties of Belfast, received $1,000 a year more than the latter, while Cork, with only one-eighth of the duties, received the same salary and allowances as Belfast.

It will also be seen that Dr. Rea's remittances of fees to the Treasury during his incumbency were over $2,000 per annum greater than the amounts forwarded by either his predecessor or successor in office, so that after reimbursing him all his expenses and outlay in the service of his Government there will still remain to his credit on the books of the Department a large margin as compared with the returns of either his predecessor or successor in office.

The committee also annex copies of letters of the late Secretary of State, Mr. Evarts, of dates January 26 and February 9, 1880, and of the present Secretary of State, Mr. Frelinghuysen, of February 24, 1882, all of which letters approve the equity of the claim under consideration.

Under these circumstances the committee recommend that the Secretary of State be authorized to settle and adjust with Mr. Rea his consular accounts, making such allowances as he may deem just and reasonable, and for this purpose they recommend the passage of the accompanying joint resolution.

DEPARTMENT OF STATE,
Washington, January 26, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant. It relates to your letter of the 13th instant, in reference to the claim of Mr. James Rea, formerly consul at Belfast, Ireland, and submits certain questions upon which you desire information.

In reply I have to say that Mr. Rea was appointed consul at Belfast on April 16, 1869. By the act of Congress approved March 3, 1869, it was provided that the fee for the verification of invoices should be in full payment for furnishing blank forms of declaration and for making, signing, and sealing the consular certificate; and that any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of the declaration or certificate, should charge or receive any greater fee, should be punishable with fine and imprisonment. Previous to the date when that act took effect it was known to the Department that it was customary with consular officers to charge a small fee for postage and for the preparation of the papers connected with the verification of an invoice, including the declaration and certificate, and in many cases the preparation of the invoices. The usual charge for this service is understood to have been about the equivalent of twenty-five cents.

The ground for this custom, no doubt, was that, except as to the preparation of the consular certificate, the statutes seem to contemplate that the invoices and the declaration of the shippers thereto shall be brought to the consulate already prepared for the affixing of the consular certificate, and that it is not a part of the consul's duty himself to prepare these papers. This view had been concurred in by the Department, but upon the passage of the act adverted to, a circular instruction was addressed to consular officers, calling attention to its provisions and directing that they should be complied with. Mr. Rea took charge of the consulate on the 3d of August, 1869, and delivered the office to his successor on the 11th of August, 1873. Taking the consular invoice fees during Mr. Rea's incumbency as a basis of computation, the amount of the income to him from the additional twenty-five cents would, in the absence of the prohibitory statute, have been about $4,500 during the period.

While Mr. Rea was consul at Belfast no allowance was provided for clerk hire. Provision, however, was made by Congress in the year following his retirement to an amount not exceeding $1,500 a year, of which $1,200 was allowed by the Department. The salary of the consulate was at the same time also increased from $2,000 to $2,500 a year, and since that time an allowance of $300 a year has been provided by statute for the expense of shipping seamen at the consulate. None of these allowances were provided for while Mr. Rea held the office.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. CHARLES G. WILLIAMS,
Of the Committee on the Judiciary, House of Representatives.

DEPARTMENT OF STATE,
Washington, February 9, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant in further reference to the claim of Mr. James Rea, late consul at Belfast, for relief, now before the Judiciary Committee. In reply I have to say that it is believed that the letter addressed to you under date of the 26th ultimo on this subject contained the views of the Department on the facts in the case of Mr. Rea. It appeared therefrom that in consequence of the act of Congress passed shortly before Mr. Rea's appointment he was prohibited from receiving a part of what had theretofore been the compensation of the office, and that the allowance for clerkship and the increased salary of the consulate, both of which have been subsequently made on the recommendation of the Department, were not available during Mr. Rea's incumbency. It was stated that by the Department's computation the difference in compensation amounted at least to $4,500.

These facts were submitted to you for the information of the committee in order that such equities as the case may have might receive such attention as the committee should think proper to give them.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. CHARLES G. WILLIAMS,
Of the Committee on the Judiciary, House of Representatives.

DEPARTMENT OF STATE,
Washington, February 24, 1882.

SIR: I have the honor to return herein the papers relative to the claim of James Rea, late consul at Belfast, which you left at the Department with a request for copies of such letters as had been addressed to the committee of Congress having the matter under consideration by my predecessors on the subject. In compliance with this request, I send you inclosed copies of the letters addressed to Hon. CHARLES G. WILLIAMS, of the Committee on the Judiciary, dated January 26, 1880, and February 9, 1880.

To the statements made in these letters I desire to add that, although there has been no material increase in the business of the office since Mr. Rea's incumbency, the salary was immediately after his retirement increased from $2,000 to $2,500; $1,200 was allowed for clerk hire and $300 for the expense of shipping seamen, aggregating $4,000 for the salary and expenses of the office, while Mr. Rea was allowed but $2,000.

From a consideration of all the facts bearing on the matter, I am inclined to the belief that the claim of Mr. Rea is a just one, and as such I recommend its favorable consideration by the committee having it in charge.

I have the honor to be, sir, your obedient servant,

FREDERICK T. FRELINGHUYSEN.

Hon. HENRY W. LORD, *House of Representatives.*

Mr. HOLMAN. Let the bill be again read.

The bill was again read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ATHERTON. I demand a division on the passage of the bill.

The House divided; and there were—ayes 101, noes 9.

So the bill was passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTESTANT ORPHAN ASYLUM OF NATCHEZ, MISSISSIPPI.

Mr. LYNCH. I ask by unanimous consent that the bill (S. No. 1939) for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi, be taken from the Speaker's table and put on its passage at this time.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be authorized and required to audit, settle, and pay the claim of the Protestant orphan asylum of the city of Natchez for the use and occupation of the property of the said asylum by the United States military authorities during the late war: *Provided*, That the amount allowed shall not exceed the sum of $1,750, nor shall any allowance be made for any damage done to said property during such use or occupation, or otherwise.

Mr. HOLMAN. I ask the gentleman from Mississippi to make some explanation of the bill.

Mr. LYNCH. In the Forty-fourth Congress——

Mr. BURROWS, of Michigan. Has that bill been considered by a committee of this House?

Mr. LYNCH. It has been.

Mr. BURROWS, of Michigan. What is the report?

Mr. LYNCH. I will explain it in a minute.

Mr. BURROWS, of Michigan. Let the report be read.

Mr. LYNCH. I will explain it. A bill was introduced in the Forty-fourth Congress——

Mr. BURROWS, of Michigan. The Chair will understand the right of objection is not waived.

The SPEAKER. The Chair understands that objection is reserved.

Mr. LYNCH. The report was made in the Forty-fourth Congress unanimously, but the bill failed to pass in that Congress. It did not allow damages whatever, but appropriated $1,750 for occupancy of the building by the Federal forces during the war. It was reintroduced and was referred to the Committee on War Claims of the present House. This bill as it passed the Senate is the identical bill which was reported to the Forty-fourth Congress, and the report is the identical report submitted to the Senate at this time.

Mr. HOLMAN. I hope the gentleman from Mississippi will explain what this money is for. The War Claims Committee of this Congress has not acted on it. The gentleman from Mississippi ought to explain what the appropriation of this money is for.

Mr. LYNCH. The petition asked for $10,000 for damage to and for the occupancy of the building by Federal forces during the war.

Mr. WILSON. What building?

Mr. LYNCH. The orphan asylum building. It was occupied by the Federal forces——

Mr. ATKINS. Where is this building?

Mr. LYNCH. At Natchez. It was occupied by the Federal forces during the war, and the committee, although they allowed nothing for damages, thought that something should be allowed for the use of the building in the way of rent, and therefore recommended that the sum of $1,750 be allowed.

Mr. HOLMAN. They made that allowance in consideration of the character of the persons for whose benefit it was given?

Mr. MONEY. Exactly.

Mr. HOLMAN. This money is to go to the benefit of the orphan asylum?

Mr. LYNCH. Exclusively.

Mr. HOLMAN. I ask that the bill, which was not distinctly understood when it was read, be again reported to the House, so that the House may be clearly informed that it does not contemplate or involve the question of damages, and that this is simply in the nature of a gratuity, and does not rest upon the footing of a legal demand upon the Government for damages.

Mr. HAZELTON. If there is a report from any committee of this House I would like to know what it is.

Mr. LYNCH. There is no report from a House committee of the present Congress.

The SPEAKER. The bill will be again read, at the request of the gentleman.

The bill was again read.

Mr. BURROWS, of Michigan. I understand the gentleman from Mississippi to say that this bill has been reported by a committee of this House unanimously?

Mr. LYNCH. Yes, sir.

Mr. BURROWS, of Michigan. Let that report be read.

Mr. LYNCH. Not a report made at the present Congress. It was made in the Forty-fourth Congress.

The SPEAKER. The Chair is informed that no report has been made from any committee during the present Congress with reference to this subject.

Mr. WILSON. I hope the gentleman from Michigan will not object to this.

Mr. BURROWS, of Michigan. Has this been considered by a committee of this House?

Mr. LYNCH. Not yet; it is now before the Committee on War Claims.

Mr. BURROWS, of Michigan. I object, then, to its present consideration.

Mr. HOLMAN. I demand the regular order.

Mr. COBB. I hope the gentleman will not insist upon the demand for the regular order.

Mr. HAZELTON. I want to ask the change of reference of a bill.

The SPEAKER. The demand for the regular order will cut off all requests for unanimous consent.

Mr. PAGE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I desire to send to the Clerk's desk to be read, from the Committee on Commerce, the following paper——

Mr. COBB. I understand that there is no objection, Mr. Speaker, to the presentation of the request that I now desire to submit.

The SPEAKER. The regular order cuts off all requests for unanimous consent.

Mr. COBB. I understand that has been withdrawn. This bill simply provides for granting condemned ordnance——

Mr. CALKINS. I hope there will be no objection.

The SPEAKER. The Chair must recognize the demand for the regular order. The gentleman from California is recognized.

REGULATION OF IMMIGRATION.

Mr. PAGE. I am directed by the Committee on Commerce to submit the following for adoption:

The Committee on Commerce, after careful investigation and consideration, desire to submit the following statement and request to the House:

On Monday, the 19th instant, by unanimous consent, Mr. REAGAN, of Texas, representing the Committee on Commerce, moved to suspend the rules and pass House bill (H. R. No. 5669) to regulate immigration. The bill which he offered was handed to him by Mr. VAN VOORHIS, of New York, and purported to be the bill agreed to by the Committee on Commerce. Mr. REAGAN and the members of the committee present were misled in regard to the bill which was passed, they supposing it to be a true copy of the bill agreed to by the committee. The committee recommend and ask that the House by unanimous consent do substitute the true bill, now in possession of the committee, for the one passed.

I am directed by the Committee on Commerce to ask unanimous consent that this bill which I send to the desk, which is an original copy of the bill agreed to by the committee, be passed in lieu of the bill returned from the Senate.

The SPEAKER. The Chair will state——

Mr. VAN VOORHIS. I object.

Mr. PAGE. Let it be passed first.

Mr. VAN VOORHIS. I object.

The SPEAKER. The Chair will state that the bill to regulate immigration passed under a suspension of the rules, and was sent to the Senate; but at the request of the House——

Mr. PAGE. I desire to make a suggestion.

The SPEAKER. The Chair will hear the gentleman in a moment. The bill was sent back at the request of the House by the Senate, and is now in possession of the House. The gentleman from California asks unanimous consent that the vote by which this bill was passed shall now be rescinded. Is there objection?

Mr. VAN VOORHIS. I object.

Mr. McLANE. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. McLANE. I desire to inquire of the Chair whether the motion of the gentleman from California is not a privileged motion, and therefore not susceptible to objection? I would submit to the Chair that it is. The gentleman from California presents a question of the very highest privilege.

The SPEAKER. The Chair would state that the request of the gentleman from California may be in its character a privileged question; but to rescind the action of the House with reference to the passage of a bill by a two-thirds vote, under a suspension of the rules, cannot be a privileged motion, because no motion can be entertained to rescind it. It can only be done by unanimous consent.

Mr. McLANE. That is not the point I submit, if the Chair pleases. I understand that the motion of the gentleman from California is open to objection; but I rise to call the attention of the Speaker and of the honorable gentleman from California——

Mr VAN VOORHIS. I desire to be heard upon this as a privileged question.

The SPEAKER. The gentleman from Maryland is entitled to the floor.

Mr. McLANE. I did not mean, and do not now mean, to interfere with the motion of the gentleman from California, [Mr. PAGE.] He has made his statement to the House and has made his motion, and the gentleman from New York [Mr. VAN VOORHIS] objects. But I submit that the statement which has just been read by the Clerk raises a question of privilege under the ninth rule. That statement from the committee represents that the gentleman from New York [Mr. VAN VOORHIS] imposed upon the gentleman from Texas [Mr. REAGAN] a false representation; that he imposed upon him a bill alleging that it was a bill which had received the indorsement of the Committee on Commerce; and the statement made by the chairman of that committee is to the effect that it was not that bill. Now I submit to the Chair that statement raises the very highest question of privilege; and it is the duty of the House to proceed to dispose of

the question raised by that statement and maintain the integrity of its proceedings.

Mr. COX, of New York. I rise to a parliamentary question.

Mr. VAN VOORHIS. I rise to a question of privilege.

The SPEAKER. The Chair will state, in order that there may be no misunderstanding——

Mr. COX, of New York. If the Chair will allow me I should like the House to understand from the Speaker what is the condition of the bill which the House passed by a two-thirds vote, and which the House recalled from the Senate.

The SPEAKER. The Chair will state in answer to the gentleman from Maryland [Mr. McLANE] that it does not rule that the statement that was sent up does not present a question of privilege. But that statement is in explanation only of the action of the Committee on Commerce. To that extent it is the right of the gentleman from California, as the Chair thinks, to present it. But it does not go beyond that, because the committee has the right to make an explanation that does not vacate the vote of the House in passing the bill. The Chair thinks that can only be vacated by unanimous consent.

Mr. CARLISLE. On that very point I wish to make a suggestion.

The SPEAKER. The Chair will be glad to hear the gentleman from Kentucky.

Mr. CARLISLE. I presume under the rules of the House there is no regular way to get rid of that vote of the House, because the time for reconsideration prescribed by the rules has lapsed.

The SPEAKER. The Chair would suggest whether a motion to reconsider could be interposed at any time——

Mr. CARLISLE. Because passed under a motion to suspend the rules. But, sir, I submit to the Chair it is by no means necessary to rescind that vote. This House has the right, as every other legislative assembly has the right, to pass two bills on the same subject if it desires to do so. That vote may stand and will not preclude the House from passing a bill containing what it considers proper provisions on this subject. And even though both bills should go to the Senate the Senate would take up and act on that bill which expressed the sense of the House. So the motion made by the gentleman from California to rescind the vote by which this bill was passed is entirely unnecessary in any parliamentary view.

Mr. PAGE. I will state to the gentleman that I do not move to rescind the vote of the House, but I move to pass the other bill.

Mr. CARLISLE. Then all this House has to do is to exercise its highest privilege to correct by its vote in passing the correct bill the error made in the passage of the former bill, and to send the corrected bill to the Senate.

The SPEAKER. The Chair thinks there is no difficulty about this. In the opinion of the Chair to rescind the action of the House in passing this bill would require unanimous consent. But the Chair agrees with the gentleman from Kentucky, that the fact this bill has passed does not cut off the House from passing any other bill on the same subject; and the Chair thinks without further action of the House this bill would remain here and not go back to the Senate. It has gone once there, and having been once recalled the officers of the House, without the action of the House, would never send it back again. [Mr. PAGE rose.] The gentleman from New York [Mr. VAN VOORHIS] claims the right to address the Chair.

Mr. PAGE. I have not yet yielded the floor. Having had the floor by recognition of the Chair on a question of privilege, I desire that the Chair will allow me to make a brief statement.

I desire simply to state to the House, without intending to reflect on anybody, and without doing so at all, that if the Committee on Commerce finds it is embarrassed or annoyed at all by the action of the House on Monday of last week, it arises from the fact that some of its members yielded to the earnest solicitations of the gentleman from New York [Mr. VAN VOORHIS] without having a formal meeting of the committee, but merely consulting on the floor, and did present through the gentleman from Texas [Mr. REAGAN] a bill which he supposed and which all the members of the Committee on Commerce supposed to be the bill that had been adopted unanimously by that committee, and which it had instructed the gentleman from New York, [Mr. RICHARDSON,] a member of the committee, to report to the House. Knowing the bill was important to the people of the United States, and particularly to the people of the State of New York, at the earnest solicitation of its Representatives upon this floor the gentleman from Texas, [Mr. REAGAN,] representing the committee, reported what he supposed to be the bill adopted by the committee, and asked unanimous consent to move to suspend the rules and pass the bill. I, myself, was not consulted, because I did not happen to be in the House at the time, but came in while it was under consideration, and I made a few remarks favoring the bill. The bill as it passed was not the bill the committee could have reported under any circumstances. One whole section was stricken out, or a whole section was restored which had been stricken out, and an amendment or substitute put in its place by the committee.

I deem it just the House should consent to pass the bill as it was agreed to by the committee and let that bill go to the Senate. The Committee on Commerce could not afford to allow the bill which passed by the vote of the House to go to the Senate as the bill the committee had adopted, because they had almost unanimously rejected that bill, or had rejected some of its provisions, substituting others in their place. They could not afford to allow that bill to go as authorized by the committee because it was stated by the gentleman from Texas, [Mr. REAGAN,] my colleague, that it was the unanimous report of the Committee on Commerce, he believing conscientiously that statement was true and borne out by the facts.

I therefore ask, without reflecting upon any gentleman, without intimating that there was any desire on the part of the gentleman from New York [Mr. VAN VOORHIS] to deceive the Committee on Commerce or the House, that the House now do justice to itself and to the Committee on Commerce by passing the bill which was agreed upon by that committee and let it go to the Senate.

Mr. HOOKER. Allow me to make a suggestion to the gentleman from California, [Mr. PAGE,] after what has fallen from the gentleman from Kentucky, [Mr. CARLISLE.] As I understand it, according to original parliamentary law, you cannot pass at the same session two bills upon the same subject-matter. Yet in all deliberative bodies governed by ordinary parliamentary rules, a supplementary or explanatory bill can be introduced and passed to correct any error or mistake in a former bill. Therefore the Committee on Commerce has it perfectly within its power to report an explanatory or supplementary bill, in just the form they may desire to have such legislation passed.

Mr. VAN VOORHIS. For the last week the newspaper press of the country has been filled with publications such as I now send to the Clerk's desk to be read. I do not blame the newspapers, because the falsehoods contained in them have emanated from some member or members of the Commerce Committee of this House.

There was never a falser charge made than that I designed to deceive anybody in the passage of a bill of such momentous importance to the country. I send to the Clerk's desk the Chicago Tribune of Saturday last, and ask him to read an article I have marked therein as a specimen brick of the particular kind of bricks that have been hurled at me since the 19th of this month.

The Clerk read as follows:

The action in the House of Representatives Wednesday concerning the bill to regulate immigration is a striking instance of the folly and danger of hasty legislation. A bill on that subject was proposed by Mr. VAN VOORHIS, of Rochester, New York, which, when examined by a committee, was pronounced radically defective, and was amended in its most vital parts. The committee directed that the bill in its amended form be reported, and that the House be asked to suspend the rules and pass the bill, a legislative operation which requires but one vote. Mr. VAN VOORHIS, disliking the character of the amendments made to his bill, dexterously substituted his original bill for the one prepared by the committee, and the House unwittingly passed the bogus bill. Of course it was not read, though several speeches were made on the subject, and the bill was passed with hardly any opposition. Next day the fraud was discovered, and the Senate was asked to return the bill. The action of Mr. VAN VOORHIS was criminal, and though his purpose was merely to defeat the action of those who differed from him, it was a high-handed outrage for which no satisfactory apology can be offered. Most of the scandalous and dishonest legislation during past years was enacted in this labor-saving process of legislation. The famous act of 1873 demonetizing silver was proposed as a substitute for a pending bill, and without being read was passed by the House without opposition. The effect of that bill was not known except to a few for nearly three years after its passage. It ought to be an imperative rule that no act should be passed in either House of Congress without having been first printed and at least once read in full. Certainly no act should be passed under a suspension of the rules by a single vote without having been read or printed, or both.

Mr. VAN VOORHIS. The provision of this bill which is complained of was one of the highest public concern. I believe that every patriotic member of this House, if he will read that bill, and examine the authorities and the facts, would say that the fourth section ought to be passed exactly as it is. The New York Evening Post said the other day that if the committee did not recommend that section they ought to have recommended it.

There was no motive on my part to deceive anybody. There was no money in the bill; there was no politics in it. It was simply a question of public benefit and public good.

Now, lest my voice shall give out before I am through, I will send to the Clerk's desk a brief statement of all I had to do with that bill, and then I will make some remarks concerning the charges which have been brought against me. I stand here ready to defend myself against the Committee on Commerce and all comers. I do not fear the face of a mortal man in this House on such a question as this. No man here can impugn my veracity or my integrity and get out of this House unrebuked. I ask the Clerk to read the statement I have sent up.

The Clerk read as follows:

"On the 6th of April last I introduced in the House a bill entitled 'A bill to regulate immigration.' I introduced it by direction of the New York delegation in Congress, under the following circumstances: the delegation held a meeting at the Hamilton House and spent an evening in consultation over the immigration question. They agreed upon the kind of bill that ought to be drawn, and appointed a committee of five to draft a bill, which committee made Hon. ABRAM S. HEWITT and myself a sub-committee for that purpose. We drew a bill which met the approval of every member of the New York delegation so far as I know, and upon their direction I introduced it in the House and it was referred to the Committee on Commerce.

"The chief features of the bill were, first, the laying of a duty of fifty cents on each immigrant, upon the steamship companies which bring them into the country. Second, an inspection of the immigrants upon their arrival on board the ships, to ascertain whether

there are any paupers, lunatics, or criminals, &c., and to prohibit the landing of such persons from the ships. The effect of this provision would be, of course, to oblige the vessels to carry them back at their own expense. Third, a provision for the return to the countries which sent them here of such paupers, lunatics, criminals, &c., as might elude the vigilance of the authorities and get in the country, or might come here by way of Canada. It is well known that there are systematic and organized movements to send paupers, &c., from European countries and get them into the United States through the gateway of Canada, thus relieving the European countries from their support and entailing it upon us. Fourth, a provision that the expense of returning such persons as the vessels bringing them cannot be made to return upon the fund raised by the head-money tax, and then charging it upon the countries which sent such persons here.

"The further provisions of the bill are not important, except that the Secretary of the Treasury was authorized to make such rules and regulations as should execute the law.

"I was anxious for speedy action on the part of the committee, supposing the committee would report back the bill without material amendment, and that prompt consideration might be secured in the House. I called a number of times at the committee-room, and learned that they were so busy upon the river and harbor bill that they could not take this bill up until that was disposed of. I supposed, inasmuch as it was known that this bill originated with the New York delegation, that I would be notified if any amendments were proposed. I received no such notice, but saw by telegraphic report on a day when I was absent from Washington that the committee had reported the bill. I returned on Monday, June 12, and on making inquiry learned that Mr. RICHARDSON was authorized to report the bill, and that he had gone home. Mr. RICHARDSON returned to Washington Friday, the 16th instant, and I saw him Saturday, the next day, and asked him about the bill, and he said he had left it with Mr. WASHBURN to report in his absence. I told him I would like to see the bill, as I had heard it had been amended. He got it and showed it to me, and I told him I wanted to go before the committee and ask them to restore the fourth section substantially as it was in the original bill.

"The committee had stricken out from that section all the persons to be returned except convicts, and also that portion which allowed the expense in the first instance to be paid out of the head-money tax. I had been strenuous upon this point. My attention had been very pointedly called to it by President Anderson, for many years a member of the New York State board of charities, and by others who have given the subject of pauperism in this country much study and attention and who have frequently urged the necessity of such legislation. The other changes were chiefly verbal, some words being erased in the first and second sections, to which I gave no attention. Mr. RICHARDSON said there would be no meeting until Tuesday. I told him I wanted, if possible, to get the bill up for passage on Monday. He advised me to go and consult Mr. REAGAN about the amendments, saying that REAGAN had taken considerable interest in the bill and in having it amended. Mr. RICHARDSON then gave me the bill for the purpose of my consulting Mr. REAGAN about it.

"As soon as I could find Mr. REAGAN disengaged on Saturday I went to his seat and told him I understood he had taken an interest in the bill, and that I wanted to get the fourth section restored to its original shape. He said the committee thought the fourth section was designed to pay the steamship companies out of the head-money tax for the paupers they carried back, so that they would be paid twice. I explained to him that that was not so. I told him that the persons who were not permitted to land would not get into the country, and that therefore there would be no occasion to send them out of the country. I told him the object he had could be made perfectly certain by adding to the second section the words "but shall be returned in such vessels to the countries whence they came at the expense of the owners of such vessels." He said that would make that portion of the bill entirely satisfactory. I told him the object of the fourth section was to reach paupers, lunatics, criminals, &c., who got into the country through Canada, or through American ports by eluding the vigilance of the officials. He said that view of the section had never been presented to the committee, and that he agreed with me exactly as to the object to be accomplished.

"I told him that I would take a printed copy of the original bill and put it in shape to meet the views that he and I had concurred in, and present it to him. On that occasion I had no bill, and Mr. REAGAN saw none except the bill that Mr. RICHARDSON had handed to me. I felt very much encouraged as to the passage of the bill, in suitable shape, after this interview.

"After that interview I was called upon in my committee-room by a gentleman connected with the New York Herald, who informed me that there was much excitement in New York over the delay in passing the immigration bill, and that the New York Herald of that day had a strong editorial in relation to it. I answered some questions which he put to me about it, and told him the substance of my conversation with Mr. REAGAN, and it appeared in the Herald of the next day, in its Washington dispatches. Speaking of the committee's amendments, the Herald of Sunday, June 18, says:

"Mr. VAN VOORHIS says that the committee had acted without consulting him. He has seen the members of the committee, however, and has assurance that the sections relating to deaf and dumb, blind, maimed, and infirm persons will be restored; and that in reference to returning all persons accused of other than political offenses, or persons suffering from mental alienation, Mr. VAN VOORHIS says: 'I am certain that the bill will be restored to its original shape, and that it will be called up and passed on Monday. The committee acted unadvisedly, but I have seen the gentleman who proposed the amendments, and have shown him the importance of the measure, its operations, and its results. He has agreed to withdraw the amendments.'

"This reporter did not use my language altogether, but he has stated the substance of what I told him. I had at that time had but little conversation with any member of the committee except Mr. REAGAN. This interview was within an hour after I had the talk with Mr. REAGAN. I have seen this reporter, and he informs me that I told him Mr. REAGAN was the gentleman I referred to, and that is my recollection. I certainly based the view I gave to the reporter upon my conversation with Mr. REAGAN less than an hour before. I went to Mr. REAGAN because I knew he had caused this bill to be amended, and I wanted, if I could, to make him see the matter as I did.

"I refer to this statement in the New York Herald to show that I had had a conversation with Mr. REAGAN on Saturday, and that he had agreed to restore the bill substantially to its original form.

"On Monday morning I took a printed copy of the original bill and put it in the shape that Mr. REAGAN and I had agreed upon. I put into it all the amendments that the committee had agreed upon in the first section except that I did not erase one or two sentences which the committee had erased. I added to the second section the words that we had agreed upon. I made the fourth section read as the original bill did, inserting the word "paupers," which had been left out by the printer. I also interlined the words "who are a public charge," it not being intended to send back any one except those who were a public charge. After doing this I went to the House, but Mr. RICHARDSON was absent. I asked to be recognized immediately upon the reading of the Journal for the purpose of asking unanimous consent to consider the bill, but did not get such consent. I then went to Mr. REAGAN, and we sat upon a sofa and examined the two bills.

"I had there, and gave to Mr. REAGAN, the bill that Mr. RICHARDSON had given to me, and also the proposed bill that I had prepared, which I have already said was substantially the original bill. He read it through, and discovered in comparing the two bills that the erasures in the first section had not been made. I went to my desk and got a pen, and he erased the words in the first section to make them correspond with the erasures of the committee. He read the second section and said it was all right. The third section had never been changed. He read the fourth section and said that the words "on arrival in this country" ought to be added to the interlineation in that section, to which I assented, and wrote them in in his presence, so that the clause read "who are a public charge on their arrival in this country." He then said "If you will show that to some other members of the committee and they assent to it, I will report the bill in that shape."

"I had previously asked him if he would not make the report in Mr. RICHARDSON'S absence, and he agreed to. He asked me to show the bill to Mr. WASHBURN and Mr. TOWNSEND. I did so, and explained to them briefly that Mr. REAGAN and I had agreed to the bill in that form and he would report it if they assented. They did so, and I informed Mr. REAGAN thereof. Up to this time there had been no suggestion that Mr. REAGAN would move the passage of the bill, but only that he should report it from the committee. I treated him as representing the committee. He took the bill and handed me the Richardson copy, which I retained, and said he would watch his opportunity and report as soon as he could.

"I left Mr. REAGAN and went elsewhere.

"I felt anxious that this bill should pass that day if possible, and a little while afterward I went again to Mr. REAGAN and asked him if he could not get the consent of the Committee on Commerce to move to suspend the rules and pass the bill. I told him Mr. RICHARDSON was absent, and such a motion could only be made by a member of the Committee on Commerce. Mr. REAGAN said he would do so if the members of the committee on the floor of the House would consent. I went with him to Mr. TOWNSEND, Mr. WASHBURN, and Mr. HORR, and they assented that Mr. REAGAN might make the motion, if the Speaker would recognize him, after Mr. TOWNSEND had made a similar motion to suspend the rules and pass the revenue-marine bill. Mr. REAGAN was recognized, and did make a motion to suspend the rules and pass the immigration bill.

"The bill was read by the Clerk at the Clerk's desk, in the hearing of all members of the House who were present.

"Mr. REAGAN made a speech in its favor, as also did Messrs. COX, GUENTHER, PAGE, and myself. Speeches were also made, against the bill, by Messrs. DUNNELL and HOLMAN."

Mr. VAN VOORHIS. Mr. Speaker, the first thing I have to say is that Mr. REAGAN had a right as a member of this House to offer the bill in any form he pleased; that he was not restricted to any supposed views of the Committee on Commerce, but could exercise his own judgment in the premises; that it is a usurpation of powers which do not belong to that committee to attempt to sit in judgment upon the conduct of Mr. REAGAN because he did not offer the bill in the form some members of the committee desired.

There is not a word by which this House can know officially what

was done in the Committee on Commerce. The report which was directed and drawn by Mr. RICHARDSON cannot be found; it has never been presented to the House; it is not here.

Mr. RICHARDSON, of New York. I handed it to you.

Mr. VAN VOORHIS. Mr. RICHARDSON gave it to me and I handed it to the gentleman who offered the bill; and if anybody knows where it is he does. When the House passed the bill by a two-thirds vote, it is superlative arrogance for a committee to attempt to review and overthrow or defeat its action.

What Mr. REAGAN did in respect to this bill by way of offering it in a different shape from that agreed on in committee is a thing which is done in the House on almost every suspension day.

On the same day this bill passed the gentleman from Texas, [Mr. UPSON,] from the Committee on Military Affairs, moved to suspend the rules and pass a bill. Without consulting that committee he struck out of the bill important words which the committee had put there. A point of order was made that he could not do this without the consent of the committee. The point of order was not sustained by the Speaker, and the bill passed as thus altered by the member who made the motion. (See RECORD of June 20, page 62.) The Committee on Military Affairs understands its duty better than to arraign the gentleman from Texas [Mr. UPSON] for having made an important change in the bill.

Second. Mr. REAGAN had agreed with me on Saturday to do just what he did do on Monday in restoring the bill to its former condition. I cannot for a moment believe that he will dispute the fact that he had such a conversation with me on Saturday. Should he do so the fact that I gave that conversation to a reporter of the New York Herald, and that it was published in the Herald of Sunday, June 18, will, I think, settle the question that I did have such conversation. Many members of this House, probably Mr. REAGAN himself and the other members of the Committee on Commerce, read the statement in the Herald of that day, and knew that I stated that—

I have seen the gentleman who proposed the amendments and have shown him the importance of the measure, its operation, and its results. He has agreed to withdraw the amendments.

Now, it cannot be said that I manufactured that conversation on Saturday which was published in the New York papers on Sunday, for it would be very singular that the gentleman from Texas should do on Monday exactly what the New York Herald of Sunday stated that I said he would do. The gentleman referred to in the New York Herald was Mr. REAGAN. I have seen the gentleman, who was a stranger to me, who called on me in my room and to whom I made the statement. He said that I mentioned to him Mr. REAGAN's name as the man who had made the amendments and had agreed to restore the fourth section to the bill, and that is my recollection. I say again that I have here the bill which was passed, and which everybody can see. The writing in it is in red ink, except the erasures and the words added by Mr. REAGAN's request. Now, after having had the conversation with Mr. REAGAN on Saturday and having agreed with him that I should prepare a bill that should meet his views and mine, I prepared it. I did it at my room. Every mark I made on it before I came to this House was made in purple ink. I put in such amendments of the committee in the first section as they had made, except that I omitted to make an erasure, and the erasure you see in black ink was made by Mr. REAGAN while sitting upon the sofa in the back part of the House, for the purpose of perfecting this substitute for the original bill and getting it in a shape that would be satisfactory. He also, after the bill was sent to the Clerk's desk, came and got it and made some other erasures in the second section. They are to be seen in the bill in black ink, as I hold it here.

He made another suggestion. As I had prepared section 4, it read:

That all foreign paupers, convicts, or accused persons of other than political offenses, who are a public charge.

Mr. REAGAN said: "That is not sufficient; you want to add there 'on their arrival in this country.'" I went to my desk, got a pen, and wrote in those words in Mr. REAGAN's presence at his suggestion, so that it read, "who are a public charge on their arrival in this country." Can any person suppose (I do not know that Mr. REAGAN claims it) that he thought this was the Richardson bill? Here is the Richardson bill. Every amendment in this, except one which I wrote in inadvertently, supposing it was the other, is in black ink. There could be no mistake as to that.

Third. I say again that what Mr. REAGAN did on Monday was precisely what he had agreed with me on Saturday that he would do. He restored the bill to its original form so far as the fourth section is concerned, and improved it by adding a very proper restriction. Fortunately his agreement to do so had been published in the New York Herald on the preceding day.

Fourth. Mr. REAGAN knew that the bill he offered was not the bill agreed on in his committee, but was the bill agreed on between him and myself, and to which some members of his committee assented.

I supposed that if this bill was made satisfactory to Judge REAGAN, who had made these amendments, it would be satisfactory to all the rest of the committee. One or two of them were spoken to upon the subject, and said something to the effect that they had no objection to it. If in that supposition I made a mistake, it is the only mistake I made in this case.

It must be a humiliating confession for Mr. REAGAN now to claim that he did not know the contents of a bill which he took charge of, offered, advocated, and voted for. It was a short bill. It was read distinctly by the Clerk. It was discussed for a half hour. If he did not understand what he was about, how am I to blame for it? I cannot see how I am responsible for his want of understanding. I do not think, however, he can get out of so small a hole as that. He is too old in the service. His voice is heard daily in this House and upon all its varied business. He is the last man to be used as a cat's-paw. He is the last man who ought to be permitted to plead the baby act.

Fifth. The bill which Mr. REAGAN sent to the Clerk's desk has on its face evidence that Mr. REAGAN knew it was not the Richardson bill. It contained erasures made by Mr. REAGAN by his own hand. A part of these erasures he made after the Clerk had read the bill. He made them at the Clerk's desk. He certainly could not have supposed he was erasing portions of the Richardson bill. He would not alter the committee's bill that way, would he? If he says that he did, he gives away his whole case; for if he might alter that bill in one respect without consulting his committee, he might in another. He had the words "on their arrival in this country" written into the fourth section. Did he suppose then he was altering the Richardson bill?

In the Richardson bill the interlineations were all in black ink. Mr. REAGAN knew it. In the bill he sent to the Clerk's desk the interlineations were all in purple ink, almost red, except the words "on their arrival in this country," aforesaid, which were put in by his direction and were written in black.

I have another suggestion on this subject. I would be very glad to yield to my colleague, [Mr. HEWITT,] that he may say a word as to any conversation which occurred between him and Mr. REAGAN about this bill.

Mr. HEWITT, of New York. Does the gentleman wish me to make the statement now?

Mr. VAN VOORHIS. I would be very glad if you would.

Mr. HEWITT, of New York. I think it would be better for the gentleman to finish his statement and for the gentleman from Texas [Mr. REAGAN] to make any reply he may wish to make, before I say anything.

Mr. VAN VOORHIS. Very well.

The bill which Mr. REAGAN presented, he informed the House, was a substitute. Now, understand, the committee had directed Mr. RICHARDSON to report the bill with amendments.

Mr. GUENTHER. That is not so. I wish to inform the gentleman that the committee authorized Mr. RICHARDSON to report a substitute for the bill; not to report it with amendments.

Mr. VAN VOORHIS. The gentleman is mistaken.

Mr. GUENTHER. I am not.

Mr. VAN VOORHIS. That committee happens to be a committee of record. It has a clerk, and I have here the certificate of that clerk to the action of the committee authorizing Mr. RICHARDSON to make the report. I will read it and the gentleman from Wisconsin [Mr. GUENTHER] will see his error:

TUESDAY, *June* 6, 1882.

H. R. No. 5669 being up, was further amended, and Mr. RICHARDSON was authorized to report the same, as amended, favorably to this House.

The above is a true copy from the journal of the Committee on Commerce.

GEO. FRS. DAWSON.
Clerk of the Committee on Commerce.

Mr. GUENTHER. I simply see the error of the clerk; I do not see my error. I remember distinctly that Mr. RICHARDSON was authorized to report a substitute.

Mr. VAN VOORHIS. I do not care to be interrupted further. Of course I have no way of ascertaining what the committee did except by going to the record; and I assert that Mr. RICHARDSON's report, which I have seen, was a report of the bill with amendments.

Mr. Speaker, there was no substitute except the one Mr. REAGAN and I had agreed upon. The committee never agreed upon any substitute. The journal of the clerk of the Committee on Commerce shows that Mr. RICHARDSON was not authorized to report a substitute, but he was directed to report the bill with amendments.

The difference between a bill reported to the House with amendments and one reported with a substitute is that when amendments are reported they must be acted on by the House separately, while a substitute may pass by a single vote.

The action of the committee as certified by the clerk is the only action taken in committee authorizing Mr. RICHARDSON to make any report on that bill.

Now, the gentleman from Texas offered this bill as a substitute. He said:

Mr. REAGAN. I desire to ask unanimous consent that I may report from the Committee on Commerce, for passage at this time, a substitute for a bill of very great importance in relation to immigrants arriving on our shores.

The SPEAKER. The Chair cannot recognize in succession two gentlemen from the same committee for motions to suspend the rules, except by unanimous consent. The Chair will submit to the House the proposition of the gentleman from Texas, which is that the Chair may be permitted to recognize a second gentleman representing the Committee on Commerce. The gentleman from Texas desires to move to suspend the rules and pass a substitute for the bill the title of which the Clerk will report.

Mr. UPDEGRAFF, of Iowa. Is this proceeding by unanimous consent?

The SPEAKER. It is.

The Clerk read the title of the bill, as follows:

"A bill (H. R. No. 5669) to regulate immigration."

The SPEAKER. Is there objection to the Chair recognizing the gentleman from Texas for the purpose indicated?

There was no objection.

Mr. REAGAN. I move to suspend the rules and pass a substitute for the bill the title of which has been read. I ask the Clerk to read the substitute.

The Clerk read as follows:

Be it enacted, &c., That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury, and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels; and the payment of such duty may be enforced by any legal or equitable remedy; *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned at any port than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners, or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, or any persons who, from any attending circumstances, are likely to become a public charge, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land, but shall be returned in such vessel to the countries from whence they came at the expense of the owners of said vessel.

SEC. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss, and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign paupers, convicts, or accused persons of other than political offenses, or persons suffering from mental alienation, in the United States who are a public charge on their arrival in this country shall be sent back by the United States to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the dependent persons mentioned in this section to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return in the first instance shall be paid out of the immigrant fund created by this act. The Secretary of the Treasury shall charge the cost of the return of each person so sent back to the nation to which such person belongs, or from which such person came to the United States, and, when paid, the money so paid shall be placed to the credit of said immigrant fund.

SEC. 5. That this act shall take effect immediately.

The committee had never authorized anybody to move a substitute. Mr. REAGAN had no authority from the committee at any meeting of the committee to make any motion on that day. He only had such authority as he got from two or three members who happened to be on the floor of the House.

The committee find no fault with that; I do not find any.

Mr. RICHARDSON drew a report in accordance with the said direction of the committee, and that report I handed to Mr. REAGAN. He doubtless knows where it is. Nobody else does. It was not presented to the House and is not in the possession of the clerk of the Commerce Committee.

If Mr. REAGAN supposed he was presenting the Richardson bill, why did he not present the committee's report, drawn by Mr. RICHARDSON?

The fact that he offered a substitute is, it seems to me, conclusive evidence that he knew he was not presenting the committee's bill. He had a right to present a substitute, and when he did so every member of the committee and of the House knew, or ought to have known, that it was neither the original bill nor the bill with amendments as ordered by the committee. There was no substitute except the one that the gentleman from Texas and I had agreed upon, as I have already stated. It is a little singular that I should tell the Texas gentleman that it was the committee's bill, and he, believing it, should jump to his feet and offer a substitute.

On the 22d of June, 1882, a sub-committee of the Committee on Commerce, consisting of three members, of which Mr. REAGAN is one, and the ruling spirit, agreed on a statement to be made to the House. That statement was furnished to the press, and was published in the New York Tribune of the next day. It is as follows:

We consider it our duty to make a statement to the House in the matter of the bill to regulate immigration presented by Mr. REAGAN on Monday, June 19, 1882, and passed by the House under suspension of the rules—the Committee on Commerce, or such members thereof as were then present in the House having under misapprehension advocated or consented to its passage—and the return of which bill from the Senate has since been secured. The bill was introduced by Mr. VAN VOORHIS, of New York, April 6, 1882, and referred to the Committee on Commerce. On June 6, 1882, the committee, after carefully considering and amending the same, authorized Mr. RICHARDSON to report it as amended to the House with the recommendation that it do pass. On Saturday, June 17, 1882, Mr. RICHARDSON, at his request, handed the bill and report to Mr. VAN VOORHIS, of New York, a courtesy often extended to the authors of bills. On the following Monday, during Mr. RICHARDSON'S absence, Mr. VAN VOORHIS, with the consent of certain other members of the committee, asked Judge REAGAN to report the committee's bill, but handed to him with the accompanying report the bill afterward passed, with the statement that it was a correct copy of the bill agreed to by the said committee, when in point of fact it was a materially different bill from that which the committee had authorized Mr. RICHARDSON to report favorably to the House. Under this assurance Mr. REAGAN looked hastily over the bill and discovering what he conceived to be clerical errors of omission touching one or two amendments that he had himself offered and which had been adopted in committee, changed the phraseology to conform to his recollection of the committee's action and subsequently, still relying on the assurance of Mr. VAN VOORHIS, offered the said bill and stated that it was the bill favorably recommended by the committee.

It would seem that the committee did not know of the understanding between Mr. REAGAN and myself, had on Saturday; that they supposed the first Mr. REAGAN knew of this was when on Monday he was asked to move the passage of the bill. The fact is, the idea of his moving the bill was not thought of until Monday—after the bill had been perfected and agreed upon between him and me. We found that Mr. RICHARDSON, who had charge of the bill, was absent; and the suggestion was made to Mr. REAGAN because some member of the committee was necessary to make the motion. Not until then, not until Mr. RICHARDSON was found to be absent, not until after the bill had been perfected between Judge REAGAN and myself in a manner supposed to be satisfactory to all of the committee, not until then was there any suggestion that Mr. REAGAN should make this important motion.

In the statement Mr. REAGAN charges me with handing him a bill with the accompanying report with the statement it was the correct copy of the bill agreed to by the committee, as if he had not heard of it up to that time. Is it not a false pretense to omit all that occurred before that in respect to this bill?

Several questions suggest themselves here. Is it not a little singular that Mr. REAGAN should be placed on a sub-committee to investigate a question in which his own veracity was involved? Why did not Mr. REAGAN present Mr. RICHARDSON'S report, which would show what the committee directed? Why did he offer a substitute when the committee had not authorized any substitute? I was not a member of the committee and he was. Why should I inform him of what he himself had done in committee at a time when I was not there?

Why, Mr. Speaker, this is all a tempest in a tea-pot. This mountain, after a week's labor, has brought forth a very small mouse. It all comes of a desire some men have to shift the blame of all their offenses or supposed offenses on to some one else. It is the old story of Macbeth after he had murdered Duncan, with the damned spot upon his hand, which all the waters of old Neptune's ocean could not wash out, exclaiming, "Thou can'st not say I did it; never shake thy gory locks at me." It is the old story of the cowardly Adam, who, when confronted with his sin, sought to lay the blame upon a woman.

Would it not have been more manly in the gentleman from Texas to have assumed the responsibility of his act, instead of trying to sneak out of it in this humiliating manner? I have not language to fitly describe the ineffable meanness of the accusation the gentleman from Texas has brought against me. He has raised the issue, and I am ready for it. I say to him,

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

He has taken the sword, and if he perish by it, it will be the result of his own folly.

Mr. HAMMOND, of Georgia. Mr. Speaker, I demand that the words uttered by the gentleman from New York in the last two or three sentences be taken down.

The SPEAKER. The gentleman from Georgia will indicate the words which he wishes to be taken down.

Mr. HAMMOND, of Georgia. Where he used the words "sneaking" and "ineffable meanness." I wish the sentences in which these words occur to be taken down.

Mr. VAN VOORHIS. I withdraw these words. I did not intend to say anything objectionable. If anybody thinks——

Mr. HAMMOND, of Georgia. I do not desire them withdrawn. The House should take notice of such language on the floor. They were written out and read by the gentleman.

The SPEAKER. The words referred to will be read by the Clerk.

The Clerk read as follows:

I have not language to fitly describe the ineffable meanness of the accusation the gentleman from Texas has brought against me. He has raised the issue, and I am ready for it. I say to him,

"Lay on, Macduff;
And damn'd be him that first cries, 'Hold, enough!'"

The SPEAKER. It will be proper to say that the gentleman from New York states that he withdraws the remark as applied to the gentleman from Texas.

Mr. HAMMOND, of Georgia. The Clerk did not read the whole of the language which I asked to be taken down.

Mr. KASSON. The words are not applied personally, and after their withdrawal I hope the gentleman from Georgia will withdraw

his point. It does not touch the person of the gentleman from Texas.

Mr. HAMMOND, of Georgia. As I understand the language it characterizes the conduct of Mr. REAGAN as "sneaking." The Clerk did not read all. It referred also to the conduct of the gentleman from Texas as "ineffable meanness."

Mr. VAN VOORHIS. Oh, no!

Mr. HAMMOND, of Georgia. I think that is what it means, and I wish it reread, carrying it back several sentences.

The SPEAKER. The Chair will direct the words to be read which the gentleman from Georgia has indicated.

Mr. HAMMOND, of Georgia. I ask that the two or three sentences be taken down in which the words "sneaking" and "ineffable meanness" occurred. The Clerk has only read the latter sentence. The gentleman from New York said it would be more manly to do a certain thing than the "sneaking" thing he had done.

The SPEAKER. The Clerk will read the words.

The Clerk read as follows:

> Would it not have been more manly in the gentleman from Texas to have assumed the responsibility of his act, instead of trying to sneak out of it in this humiliating manner? I have not language to fitly describe the ineffable meanness of the accusation the gentleman from Texas has brought against me. He has raised the issue, and I am ready for it. I say to him,
>
> "Lay on, Macduff;
>
> And damn'd be him that first cries, 'Hold, enough!'"

Mr. HAMMOND, of Georgia. That certainly applies to the gentleman from Texas, if language means anything.

The SPEAKER. The Chair thinks the language as read was not at all parliamentary; but the gentleman from New York very promptly stated that he withdrew the offensive words.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. My point of order is this, that when a member rises in his place and asks that certain words which he deems unparliamentary shall be taken down, it is inevitable that they shall be taken down and reported to the House; and the Speaker has not, I submit in all deference, the power to determine what the action of the House shall be in the premises, or the right to say whether the words excepted to are liable to the point of order made against them or not.

The SPEAKER. The Chair has not undertaken to do anything of the kind. The gentleman from Tennessee certainly does not expect to have the words written out again, simply because the rule requires it, when they are already in writing and have been read to the House.

Mr. McMILLIN. Not at all; but I make the further point of order that, pending the motion, or the demand that the words shall be taken down, the gentleman from New York, without the unanimous consent of the House, could not have been recognized for the purpose of withdrawing them. When exception is taken to language, as in this case, it is his duty to take his seat, under the rule, and remain silent until the House determines what its action shall be.

The SPEAKER. When called to order for words spoken in debate, it is of course the duty of the gentleman occupying the floor to suspend his remarks until the House shall determine what action shall be taken in the premises. The Chair awaits the action of the House in this matter.

Mr. KASSON. Allow me to say to the gentleman from Georgia that the words objected to being written, and the gentleman from New York not being called to order, but merely a request made to have the words taken down, and the gentleman from New York having, when his attention was called to them, promptly withdrawn them, seems to me, in view of the action taken by the House in a similar case lately, should be considered amply sufficient to satisfy any gentleman on the subject. It will be remembered that there was no call of the gentleman to order, but simply a demand that the words which he had then uttered should be taken down. They were already down, and were read from the desk, and immediately after they were read to the House all personal references or offensive terms were promptly withdrawn. I hope, therefore, that withdrawal will be considered sufficient, as it seems it ought to be. I repeat that no point of order was made; and therefore the gentleman, not having been called to order, was on the floor for the purpose of either continuing his remarks or withdrawing, as he did withdraw promptly, the language claimed to be offensive.

Mr. HAMMOND, of Georgia. I submit, Mr. Speaker, that the argument of the gentleman from Iowa is extremely technical. The gentleman from New York in a written speech, calmly, coolly, and deliberately prepared, in its two last sentences uttered language which every gentleman on this floor knows was unparliamentary and indecent in the presence of this House. As soon as uttered the words were promptly requested to be taken down under the rule for the purpose of having the House pass upon his conduct in uttering them; and now we are told by the gentleman from Iowa that he was not "called to order." The language itself to which exception was taken was the last of his utterances; and it was in order as soon as he became silent to request that it be taken down, which request was made the moment he uttered the sentence. That request that his words be taken down, I submit, was of itself a call to order under the rule. Now, Mr. Speaker, it has been said that the gentleman from New York has withdrawn the offensive language. That may be entirely satisfactory to the House. I do not pretend to know whether it is or not; but the question whether it will satisfy the House ought to come before the House formally. Gentlemen may get upon the floor and violate the rules of decency and propriety by using language repugnant to every sense of good taste or order, and simply evade the responsibility for it by saying, "I withdraw the language." If this is satisfactory to the House, let the House so declare by its vote.

The SPEAKER. The Chair has not declined to entertain any proposition upon the subject.

Mr. McCOOK. May I ask the gentleman from Georgia a question?

Mr. CALKINS. This I submit is not debatable under the rule.

The SPEAKER. The Chair thinks this is not debatable.

Mr. CALKINS. The rule provides that it shall be decided by the House without debate.

Mr. HAMMOND, of Georgia. I offer the following resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

> *Resolved*, That the language of the gentleman from New York, as follows: "Would it not have been more manly in the gentleman from Texas to have assumed the responsibility of his act, instead of trying to sneak out of it in this humiliating manner? I have not language to fitly describe the ineffable meanness of the accusation the gentleman from Texas has brought against me," was unparliamentary, and that he should receive the censure of the House.

The SPEAKER. The question is on agreeing to the resolution.

Mr. KASSON. I think, sir, the House should reflect a little before adopting a resolution of that character. The House will remember that the words which are objected to were applied not to the gentleman from Texas but were applied to an accusation made against the gentleman from New York, which he believes firmly, as far as human minds can conjecture his meaning, to be entirely unjust and untrue. Believing this, can the House say that he had no right or that it was not natural and proper in him to condemn in strong terms such an accusation against himself? The distinction has always been drawn.

Mr. HAMMOND, of Georgia. Will the gentleman allow a question?

Mr. KASSON. In a moment. The distinction has always been drawn against an offensive adjective applied to an act and an offensive adjective or qualification applied to a person. This did not apply to the author of the act but to the accusation which he had recited as made against him. The only accusation that I know of and which he cited was one contained in a newspaper, and he quoted from that newspaper, which he supposes was inspired, I imagine. But it was the accusation contained in a newspaper upon his conduct which he characterized in that way. I am not willing to say a member of this House who believes a gross injustice has been done to him has not the right to characterize it in words no worse than those.

Gentlemen know I am no advocate of unparliamentary language. They know I would co-operate with either side of the House in censuring unparliamentary language applied to members on the floor. But I do not wish to say by voting for a resolution like this that a gentleman who supposes himself grossly wronged by a report in a newspaper, or in any other way, and characterizes an accusation of that sort in terms no stronger than this, ought to be censured by the House. I appeal to the good judgment of gentlemen to make a discrimination before they adopt such a resolution which must establish a rule and a precedent on this floor.

And further, when no sooner are the words out of his mouth than he promptly withdraws them, as was done the other day on this floor, and under all the circumstances that surround this case, without one word being applied to the character of the gentleman from Texas, and the words being based on an accusation made against him in newspapers which he connects undoubtedly in his mind with some action we do not yet know and of which we wait to hear an explanation from the gentleman from Texas, I am not willing to pass a resolution of censure for those words.

Mr. HAMMOND, of Georgia. The language is this:

> Would it not have been more manly in the gentleman from Texas to have assumed the responsibility of his act, instead of trying to sneak out of it in this humiliating manner?

How the gentleman from Iowa can justify this is inexplicable to me except upon the idea that he did not know what the language was. The further language of the gentleman from New York was:

> I have not language to fitly describe the ineffable meanness of the accusation the gentleman from Texas has brought against me. He has raised the issue, and I am ready for it, &c.

Now, Mr. Speaker, I am very tolerant of what gentlemen say in the heat of debate; and yet I would not lay it down as a proposition that this House ought not to censure unparliamentary language even uttered in the heat of debate. For I maintain that gentlemen here and everywhere should so far restrain their tempers as to use proper and decent language. No man has a right under the heat of debate to indulge in language that is unparliamentary on the floor of the House. To do so is insulting the dignity of the House, and the House should vindicate its dignity in some proper way.

The gentleman from New York does not say this was not intended

as a personal attack upon the gentleman from Texas, [Mr. REAGAN,] but I repeat the gentleman from Iowa could not, if he had remembered the exact language which I have read, taken the ground he did.

I make this motion with no feeling as to either of these gentlemen. I think it perfectly right to make it now lest the gentleman from Texas should be betrayed in the heat of debate into like language. I would like to stop it in the bud. I think gentlemen ought not to be allowed to use any such language when characterizing the conduct of each other on this floor. This was in writing, deliberately made, and we have nothing to do but simply to see whether we approve it or disapprove.

Mr. HISCOCK. While this statement was in writing every member on the floor must appreciate the fact that there has been a great deal of excitement in reference to this matter, and a great deal which would tend to arouse the feelings of a gentleman who has been attacked as Mr. VAN VOORHIS has been on this subject. I do not indorse the utterances he made. Inflamed, doubtless, as he has been by these attacks which have been made upon him, he made use of the language which has been taken down at the request of the gentleman from Georgia. But promptly, when his attention was called to it, he withdrew the words which were deemed to be offensive.

Mr. REAGAN. I ask the gentleman from New York if he understands I have ever made an attack on Mr. VAN VOORHIS anywhere?

Mr. HISCOCK. I do not understand that the gentleman from Texas has done so. I do not understand that any particular individual has made an attack upon him. But in consequence of the unfortunate occurrence of a week ago Monday he has been severely criticised by the press, and has been severely criticised in private conversation—I do not say by members of this House—and prompted by that, excited by that, he employed the language which has been taken down at the instance of the gentleman from Georgia. I believe, in this whole occurrence, he never for a moment intended an act which would reflect, however closely scrutinized, upon his honor or his integrity. Knowing him as I do, and as I have done for years, it is with the greatest pleasure that I give this indorsement to his character and to his honor——

Mr. HAMMOND, of Georgia. The gentleman from New York should not understand me as making any reflection on the character of his colleague; that is not the question.

Mr. HISCOCK. And feeling that this matter should be disposed of as rapidly and as promptly as possible, and that this House ought not to pass a resolution of censure, I move to lay the resolution on the table.

Mr. BLAND. I desire to submit a few remarks on that motion.

The SPEAKER. The motion is not debatable.

Mr. CALKINS. I ask the gentleman from New York, if there is any doubt as to his colleague [Mr. VAN VOORHIS] having withdrawn the language, to withhold the motion to lay the resolution on the table until his colleague can be recognized; because I think it is due to the House, before the motion to lay on the table is adopted, that it should be understood the language of the gentleman has been unqualifiedly withdrawn.

The SPEAKER. The motion to lay on the table is not debatable, and the Chair could not recognize the gentleman from New York [Mr. VAN VOORHIS] pending that motion without permission of the House.

Mr. HISCOCK. I understood the gentleman to withdraw the language unqualifiedly, and it was for that reason that I made the motion to lay the resolution on the table.

Mr. MCMILLIN. If the gentleman from New York [Mr. HISCOCK] will yield to me for a moment——

The SPEAKER. The motion to lay on the table is not debatable.

Mr. MCMILLIN. I understand that; but I desire the gentleman to withhold it for a moment.

I think it proper to state, having made the point of order, that I did so without any desire either to persecute or to prosecute any member of this House. I did so with the desire, which I trust will ever animate me, to try and keep aloft, above everything else here, the dignity and decorum of the House and the observance of the rules of the House.

Now, I submit in all candor to the gentleman and to the House that, when language is used that is unparliamentary, this House cannot do itself justice by simply passing it over in silence when the words are withdrawn. It is the duty of the gentleman from New York and those who do not want him censured, and it ought to be the pleasure of us all, for him not simply to withdraw the remarks, but to apologize to the House for their use, especially where they have been so deliberately used as in manuscript.

Mr. VAN VOORHIS. Mr. Speaker——

The SPEAKER. The Chair cannot recognize the gentleman from New York.

Mr. KENNA and Mr. ROBINSON, of Massachusetts, asked that Mr. VAN VOORHIS have an opportunity to speak.

There was no objection.

Mr. VAN VOORHIS. I did not intend to use an unparliamentary word. It did not occur to me that any such criticism could be made on anything that I said. The instant that anybody made the suggestion I withdrew the words, and I said what I considered was enough to amount to an apology to the House for their use. I did not intend to use a word that anybody could criticise as unparliamentary. I am glad of the opportunity to withdraw them, and to state to the House what I have said in that respect.

The SPEAKER. The question is upon the motion of the gentleman from New York [Mr. HISCOCK] to lay on the table the resolution of the gentleman from Georgia, [Mr. HAMMOND.]

Mr. HISCOCK. I hope the gentleman will now withdraw that resolution.

Mr. HAMMOND, of Georgia. As the gentleman from New York [Mr. VAN VOORHIS] pleads that he did not know that that language was unparliamentary, I think it would be cruel to press the resolution to a vote, and withdraw it.

The SPEAKER. If there be no objection, the resolution will be withdrawn.

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] is recognized.

Mr. PAGE. Before the gentleman proceeds I desire to say a word. It is but due to the gentleman from Texas [Mr. REAGAN] that I state to the House that the action taken by the Committee on Commerce was not sought at all by the gentleman from Texas. As soon as the Committee on Commerce found that they had been imposed upon by the passage of a bill not authorized by that committee, a meeting of the committee was called, and it was unanimously agreed that a resolution should be introduced into the House to recall the bill from the Senate, which was done.

There was another meeting of the committee, at which the gentleman from New York [Mr. VAN VOORHIS] was invited to be present. In response to the question as to why he had presented to the gentleman from Texas a different bill from the one given him by his colleague, [Mr. RICHARDSON,] he stated that he was opposed to the bill as reported by the Committee on Commerce and did not want that bill passed at all. The gentleman from Texas never pressed the Committee on Commerce to take any further action in the matter than such action as in the unanimous judgment of the committee was required in order to protect itself before the House. The words of the gentleman from New York [Mr. VAN VOORHIS] were entirely uncalled for when he charged the gentleman from Texas [Mr. REAGAN] with endeavoring to persecute him in this matter.

Mr. REAGAN. I know of nothing, Mr. Speaker, which could be more unpleasant to any one than to have to come before the House on an occasion of this kind. Certainly nothing could be more unpleasant to any one who is self-respecting than to be placed in a position where he is obliged to contradict or to be contradicted by another. I shall confine my remarks mainly to a statement of what has occurred in relation to the action taken by the Committee on Commerce and by myself on this bill. Before I do that I desire to say that I feel especially obliged to the chairman of the committee [Mr. PAGE] for what he has stated in regard to my action.

I was amazed when the gentleman from New York, [Mr. VAN VOORHIS,] instead of meeting the resolution presented by the committee, not at my seeking, chose to go out of the way and assume to make an issue with me, and to charge that I and others of the committee had caused newspaper publications to be made, and that I had endeavored to persecute him. I have sense of propriety enough to know that it would not be proper for me to give to the newspapers any account of the action or of the contemplated action of a committee upon a subject-matter like this, pending its consideration by the committee.

I have never said a word to newspaper men or to others that could be used against the gentleman from New York. I have never said a word or done an act that could in the most remote degree excuse or justify the course he has pursued this morning.

I shall be obliged to be a little tedious in this matter. The gentleman from New York has, not for the first time this morning, made an issue against me personally, and made it under circumstances and with a purpose and logical effect which he does not seem himself to have seen or understood.

The question is as to the irregularity by which this bill came before the House, as to the impropriety of the means by which it was brought before the House. The gentleman admits his part of it, and then undertakes to make an issue with me, and to cast odium upon me, because he says that I aided him in executing his purpose. If his statement were true, all the effect it would have legitimately and logically would be to make me infamous along with himself.

I send to the Clerk's desk the Rochester Democrat and Chronicle, and ask to have read an interview and an editorial which appear in this paper. They are rather long; but I ask members to give them attention.

The Clerk began the reading of the article, but was interrupted by

Mr. REAGAN, who said: Mr. Speaker, the reading of these articles would occupy some time, and as there is considerable business before the House I will not have the articles read by the Clerk, but will ask to have them printed in my remarks, together with an editorial in the Rochester Herald. Both these papers were published on the 21st of this month.

The SPEAKER. The gentleman from Texas asks unanimous consent to have certain newspaper articles published with his remarks. Is there objection? The Chair hears none.

The articles are as follows:

THE HEAD-MONEY BILL—INTERVIEW WITH HON. JOHN VAN VOORHIS—HE MAKES A CLEAR AND UNANSWERABLE STATEMENT OF FACTS.

Hon. JOHN VAN VOORHIS, Representative in Congress, arrived in this city last evening and will return to Washington to-night. A representative of the Democrat and Chronicle waited upon him shortly after his arrival, and the following conversation was had in regard to the passage of the head-money bill, concerning which there is so much talk:

R. When did you introduce the bill?

Mr. V. V. On the 6th of April last.

R. Under what circumstances did you introduce it?

Mr. V. V. I introduced it by direction of the New York delegation in Congress, under the following circumstances: the delegation held a meeting at the Hamilton House, and spent an evening in consultation over the immigration question. They agreed upon the kind of a bill that ought to be drawn, and appointed a committee of five to draft a bill, which committee made the Hon. ABRAM S. HEWITT and myself a sub-committee for that purpose. We drew a bill which met the approval of every member of the New York delegation, so far as I know, and upon their direction I introduced it in the House, and it was referred to the Committee on Commerce.

R. What were the chief features of this bill?

Mr. V. V. First. The laying of a duty of fifty cents on each immigrant, upon the steamship companies which bring them into the country. Second. An inspection of the immigrants upon their arrival on board the ships to ascertain whether there are any paupers, lunatics, or criminals, &c., and to prohibit the landing of such persons from the ships. The effect of this provision would be, of course, to oblige the vessels to carry them back at their own expense. Third. A provision for the return to the countries which sent them here of such paupers, lunatics, criminals, &c., as might elude the vigilance of the authorities and get in the country, or might come here by way of Canada. It is well known that there are systematic and organized movements to send paupers, &c., from European countries and get them in the United States through the gateway of Canada, thus relieving the European countries from their support, and entailing it upon us. Fourth. A provision that the expense of returning such persons as the vessels bringing them cannot be made to return upon the fund raised by the head-money tax and then charging upon the countries which sent such persons here.

R. Were there any further provisions in the original bill?

Mr. V. V. Nothing of any moment, except that the Secretary of the Treasury was authorized to make such rules and regulations as should execute the law.

R. After the bill went into the hands of the committee, what became of it?

Mr. V. V. After it was referred, I called a number of times upon Mr. RICHARDSON to see if the committee would not act upon it, and I went to the committee-room several times and learned that they were so busy upon the river and harbor bill that they could not take any bill up until that was disposed of. I suppose, inasmuch as it was known that this bill originated with the New York delegation, that I would be notified if any amendments were proposed. I received no such notice, but saw by telegraphic report on a day when I was absent from Washington that the committee had reported the bill. I returned on Monday, June 12, and on making inquiry learned that Mr. RICHARDSON was authorized to report the bill, and that he had gone home. Mr. RICHARDSON returned to Washington Friday of last week, and I saw him Saturday, and asked him about the bill and he said he had left it with Mr. WASHBURN to report in his absence. I told him I would like to see the bill, as I had heard it had been amended. He got it and showed it to me, and I told him I wanted to go before the committee and ask them to restore the fourth section substantially as it was in the original bill.

R. What change had the committee made in this section?

Mr. V. V. The committee had stricken out from that section all the persons to be returned except convicts, and also that portion which allowed the expense in the first instance to be paid out of the head-money tax. Both the New York delegation and myself had been strenuous upon this point. My attention had been very pointedly called to it by President Anderson, for many years a member of the State board of charities, and by others who have given the subject of pauperism in this country much study and attention and who have frequently urged the necessity of such legislation.

R. What other changes did the committee make?

Mr. V. V. None of any importance. They were chiefly verbal, some words being erased in the first and second sections, to which I gave no attention.

R. What did Mr. RICHARDSON say to your request to go before the committee?

Mr. V. V. He said there would be no meeting until Tuesday. I told him I wanted, if possible, to get the bill up for passage on Monday. He advised me to go and consult Mr. REAGAN about the amendments, saying that Mr. REAGAN had taken considerable interest in the bill and in having it amended. Mr. R. then gave me the bill for the purpose of my consulting Mr. REAGAN about it.

R. What did you then do?

Mr. V. V. As soon as I could find Mr. REAGAN disengaged, on Saturday, I went to his seat and told him I understood he had taken an interest in the bill and that I wanted to get the fourth section restored to its original shape. He said the committee thought the fourth section was designed to pay the steamship companies out of the head-money tax for the paupers they carried back, so that they would be paid twice. I explained to him that that was not so. I told him that the persons who were not permitted to land would not get into the country, and that therefore there would be no occasion to send them out of the country.

I told him the object he had could be made perfectly certain by adding to the second section the words "but shall be returned in such vessels to the countries whence they came, at the expense of the owners of such vessels." He said that would make that portion of the bill entirely satisfactory. I told him the object of the fourth section was to reach paupers, lunatics, criminals, &c., who got into the country through Canada, or through American ports by eluding the vigilance of the officials. He said that view of the section had never been presented to the committee, and that he agreed with me exactly as to the object to be accomplished. I told him that I would take a printed copy of the original bill and put it in shape to meet the views that he and I had concurred in, and present it to him. On that occasion I had no bill and Mr. REAGAN saw none except the bill that Mr. RICHARDSON had handed to me. I felt very much encouraged as to the passage of the bill in suitable shape, after this interview.

R. What next occurred?

Mr. V. V. Nothing until Monday morning. That morning, at my room, I took a printed copy of the original bill and put it in the shape that Mr. REAGAN and I had agreed upon. I put into it all the amendments that the committee had agreed upon in the first section, except that I did not erase one or two sentences which the committee had erased. I added to the second section the words that we had agreed upon. I made the fourth section read as the original bill did, inserting the word "paupers," which had been left out by the printer. I also interlined the words "who are a public charge," it not being intended to send back anyone except those who were a public charge. After doing this I went to the House, but Mr. RICHARDSON was absent. I asked to be recognized immediately upon the reading of the Journal for the purpose of asking unanimous consent to consider the bill, but did not get such consent. I then went to Mr. REAGAN, and we sat upon a sofa and examined the two bills I had there, and gave to Mr. REAGAN the bill that Mr. RICHARDSON had given to me, and also the proposed bill that I had prepared, which I have already said was substantially the original bill. He read it through and discovered in comparing the two bills that the erasures in the first section had not been made.

I went to my desk and got a pen and he erased the words in the first section to make them correspond with the erasures of the committee. He read the second section and said it was all right. The third section had never been changed. He read the fourth section and said that the words "on arrival in this country" ought to be added to the interlineation in that section, to which I assented and wrote them in in his presence so that the clause read "who are a public charge on their arrival in this country." He then said "if you will show that to some other members of the committee and they assent to it, I will report the bill in that shape." I had previously asked him if he would not make the report in Mr. RICHARDSON's absence, and he agreed to. He asked me to show the bill to Mr. WASHBURN and Mr. TOWNSEND. I did so, and explained to them briefly that Mr. REAGAN and I had agreed to the bill in that form and he would report if they assented. They did so and I informed Mr. REAGAN thereof. Up to this time there had been no suggestion that Mr. REAGAN would move the passage of the bill, but only that he should report it from the committee.

I treated him as representing the committee. He took the bill and handed me the Richardson copy, which I retained, and said he would watch his opportunity and report as soon as he could. I felt anxious that the bill should pass that day, and it occurred to me that possibly the consent of the Commerce Committee might be got, that some member might move to have the rules suspended and pass the bill. I went to Mr. REAGAN and asked him if he did not think that could be done. Suffice it to say such an arrangement was made.

R. Did he move the bill?

Mr. V. V. He did, and it was sent to the Clerk's desk and read.

R. Were there any speeches made upon it?

Mr. V. V. Mr. REAGAN made a speech in its favor, as also did Messrs. COX, GUENTHER, PAGE, and myself, and I dwelt especially upon that provision of the bill that gives authority to return criminals and paupers to the countries that sent them here at their expense, this being the portion of the bill about which the committee now affect to be surprised. Speeches were also made against the bill by Messrs. DUNNELL and HOLMAN, the former particularly attacking this portion of the bill.

R. I understand that there is a question of veracity between you and Mr. REAGAN. Can you give me any further facts that corroborate your statements?

Mr. V. V. Yes. Mr. HEWITT told me that Mr. REAGAN came to him before he offered the bill and said he had altered it upon consultation with me. The erasures in the first section of the bill are in Mr. REAGAN's handwriting. Mr. REAGAN is an experienced parliamentarian, and it would not be in the power of any man to deceive him in the manner he now professes to have been deceived. After my interview with Mr. REAGAN on Saturday, I told a reporter of the New York Herald who called on me that I felt confident of having the bill restored to its original shape, and I noticed in Sunday's Herald it was so published. I made this statement solely on what had occurred between Mr. REAGAN and myself.

R. Have you noticed the report of the sub-committee of the Commerce Committee virtually charging responsibility upon you, and what do you propose to do in view of it?

Mr. V. V. I have noticed it in the papers. There is no one on the sub-committee except Mr. REAGAN who has any knowledge of the facts. I was given no hearing by it. I shall denounce the statement that I said to Mr. REAGAN that the bill I handed him and which was passed was the one given to me by Mr. RICHARDSON as false, and I am prepared to have that subject investigated judicially and have no fear of the result. In all I did I acted in perfect good faith, without any suspicion that the committee would go back on Mr. REAGAN. I had no motive whatever, except to accomplish what I deemed to be a great public good.

[From the Rochester Herald.]

MR. VAN VOORHIS'S IMMIGRATION BILL.

It has been charged in the New York Tribune and some other journals that the Hon. JOHN VAN VOORHIS, of this district, had clandestinely altered an immigration bill after it had been considered by the committee and procured its passage with the amendments surreptitiously introduced. Mr. VAN VOORHIS arrived in this city last evening, and in a conversation with a representative of this journal submitted the following statements, which we give as he gave them to us. Upon his explanation the blame, if there is any, clearly rests upon Mr. REAGAN, who was a member of the Committee on Commerce, and who, with other members of the committee, consented to the amendment.

Mr. VAN VOORHIS introduced a bill on the 5th of April providing for a tax of 50 cents on immigrants, an inspection of the vessels bringing them to the country, for the prevention of the landing of paupers, idiots, criminals, and insane persons, and for the return to the countries that sent them here of such persons named as might get into our territory through Canada or any of the ports of the United States.

The design of the fourth section of the bill was to prevent and stop the systematic importation of the criminals and paupers of Europe into this country, and prevent their making of this country a poorhouse and a penal colony. The Committee on Commerce amended the bill, and the most important amendment destroyed the effect intended to be given to the fourth section. Mr. VAN VOORHIS was not a member of that committee, and learning that Mr. REAGAN, a member of that committee, had taken an interest in amending the bill, called upon him on Saturday last and had a consultation, in which Mr. REAGAN expressed himself as desiring to accomplish the same result as intended by the bill as originally drawn, but thought under the original bill the steamship companies could claim pay for paupers which they had brought over. An amendment to the second section was agreed upon, which was as follows:

"But shall be returned in such vessel to the countries from whence they came at the expense of the owners of said vessel."

The fourth section was then examined and approved by Mr. REAGAN as well as Mr. VAN VOORHIS. At that time there was no bill present except the bill that Mr. RICHARDSON had given to Mr. VAN VOORHIS. It was arranged that Mr. VAN VOORHIS was to take a printed copy of the original bill and shape it so as to correspond with the views upon which the two gentlemen named agreed. On Monday Mr. VAN VOORHIS presented Mr. REAGAN such a bill and also the committee's bill which had been given to Mr. VAN VOORHIS by Mr. RICHARDSON. Mr. REAGAN went through the bill carefully, made erasures in the printed part of the first section, and suggested the words "on their arrival in this country" should be introduced into the fourth section, and said he would report the bill in that shape if Mr. TOWNSEND and Mr. WASHBURN, two members of the committee, would agree to it.

Those gentlemen did agree to it, and Mr. REAGAN then went through the bill again, word by word and line by line, reading it aloud and examining it with great care. Afterward, instead of reporting it to the House so that it would go on the Calendar as at first intended, he moved to suspend the rules and pass the bill. The bill was read in full by the Clerk in the hearing of Mr. REAGAN and every other member present. Mr. REAGAN, Mr. PAGE, and Mr. GUENTHER, from the committee, each made speeches in favor of it. Mr. VAN VOORHIS spoke especially in favor of the provision contained in the fourth section for the return of paupers, criminals, and lunatics. Other members discussed that provision.

Mr. REAGAN knew the bill he sent to the Clerk's desk was not the bill that the committee had authorized RICHARDSON to report, and he knew that it was the bill he and Mr. VAN VOORHIS had fixed and agreed upon and to which other members of the committee had assented.

[From the Rochester Democrat and Chronicle.]

MR. VAN VOORHIS'S STATEMENT.

No fair-minded person can read the very clear and explicit statement made by Mr. VAN VOORHIS to a representative of this journal without being convinced that he is wholly in the right, and that the charges of bad faith concerning the head-money bill are without foundation. He is sustained in his averments by a number of corroborating circumstances—the dispatch to the New York Sunday Herald, his own speech when the bill was before the House, the testimony of Mr. HEWITT, and the parliamentary experience of Mr. REAGAN. It is, indeed, absurd, as Mr. VAN VOORHIS intimates, to imagine that a man of Mr. REAGAN'S legislative knowledge could be used as a cat's paw to pull anybody's chestnuts out of the fire. Mr. VAN VOORHIS had no motive either to tamper with the bill or to make any false statements about its passage. Mr. REAGAN'S motive is found in the fact that, when the Commerce Committee took him to task for assuming an undue responsibility, he sought to lay the burden upon the shoulders of Mr. VAN VOORHIS. The shoulders of our Representative are pretty broad, but he naturally objects to carrying all the sins of the late postmaster-general of the confederacy upon them.

The reputation of every public man is dear to him, and he is especially sensitive in regard to anything that affects his honor. It is not to be wondered at that Mr. VAN VOORHIS, who has had an exceptionally good character since he has been in Congress, should rebel at the insinuations that have been made against him by the Commerce Committee and by certain too eager representatives of the press. It is a matter for the congratulation of his friends that he is able to present so clear a refutation of injurious allegations as he is able to do by his own words and by corroborating circumstances. The latest dispatches indicate also that the Commerce Committee are ready to modify something of their strictures, and are likely to conclude that no case can be made against Mr. VAN VOORHIS.

There are one or two reflections that are pertinent to this business, outside of Mr. VAN VOORHIS'S connection with it. The pretensions of the Commerce Committee should not be passed over without notice. Here is a bill put upon its passage. It is distinctly read section by section, line by line, by the Clerk, and several members speak upon it on either side, one at least calling particular attention to the section about which the fuss is made subsequently, and then the committee get together, discover that it isn't precisely the bill as formulated by them, and induce the House to recall it from the Senate. For what? Not because it was not adopted in due and regular form, but because it was not in exactly the shape that certain members thought it was in, or afterward averred that they thought it was in. And right here there seems to be a suspicious circumstance connected with the indignation of the committee. The bill was printed in the CONGRESSIONAL RECORD and in the New York Herald in full, Tuesday morning; but it was not until Wednesday that the committee found how grossly they had been swindled, and vented their surprise and wrath. It may be unkind to suggest, but the thought will obtrude itself, that during the twenty-four hours that intervened between Tuesday and Wednesday mornings the agents of the steamship companies, whose enormous profits may be somewhat cut down by the section which Mr. VAN VOORHIS favored, had time to arrive upon the ground and ply their persuasive arts with the committee.

There is no doubt that the Van Voorhis bill is considerably better than the Richardson bill. Its inspiration was from men who have made the immigration abuses a special and a profound study and know what is needed. It meets the approval of the commissioners of immigration and was approved by the New York Congressional delegation. Senator MILLER, who is a member of the Senate Commerce Committee, has made an examination of the two bills, preferred that of Mr. VAN VOORHIS, and will introduce it in the Senate and urge its passage. The House should repass it, and it is to be hoped it will, now that the matter has been thoroughly ventilated. The House, as well as the committee, we take it, has some rights in the premises. If the airing that has been had shall have the effect somewhat to curb the despotism of committees and inform the House with a higher appreciation of its own sovereignty, it will not have been in vain. Meanwhile, our Representative is quite serene, and courts the fullest investigation of his conduct.

Mr. REAGAN. The Committee on Commerce some time back authorized the gentleman from New York [Mr. RICHARDSON] to report to the House a bill relating to immigration. On Monday of last week, the day for committee motions to suspend the rules, Mr. VAN VOORHIS came to me and told me that the committee or a portion o the committee desired me, in the absence of Mr. RICHARDSON, to report the bill to the House, stating to me that he and Mr. RICHARDSON had carefully compared or copied—I do not know which word was used—the bill, and he brought with it the report which had been prepared by Mr. RICHARDSON recommending the passage of the bill. I understood the gentleman to deny this morning that he brought me that report.

Mr. KASSON. No; he said he gave it to you.

Mr. REAGAN. I am glad to be corrected, because I thought he said he did not give it to me.

Mr. KASSON. No; he said he gave it to you.

Mr. REAGAN. After hearing what was said about the report, I had inquiry made. The officers of the House who have charge of these documents went to the Senate to get the report, which they tell me was sent there; and the gentleman who went for it, Mr. Lloyd, was informed that it was put in a committee room, but in what committee room he does not know, but the gentleman said that he would bring the report here at a later hour to-day.

Thus it will appear that the report sent up with the bill has been in the hands of the proper persons from that time to this, has not been lost sight of or carried away or in any manner displaced by the authority of any one.

The gentleman from New York says that he came to me on Saturday and talked over the provisions of the bill before the House and of the bill that he desired should be passed. Mr. Speaker, it is exceedingly unpleasant to have to squarely contradict anybody; but I am obliged to say that when the gentleman came to my seat on Saturday and said to me that he desired to talk to me about a bill—he may have mentioned the bill he wished to talk about—I stated to him that I was so much occupied that it was out of my power then to talk with him; that I would have to see him another time. He went away, and the subject of that bill was not mentioned between us that day. Why he should now go so far back to construct an argument to justify his conduct may possibly be apparent in the end, while it may not be altogether apparent on the surface. It is enough for me to say that he brought the bill purporting to be the bill of the committee and brought the report which had been prepared in writing by Mr. RICHARDSON, and delivered them to me with the statement that the bill was the committee's bill, except that a portion of it relating to immigration over the Canadian border had by the consent of the committee, or members of the committee, been agreed to be changed from the committee's report if I assented to it. I said "We did not discuss that in committee; but if it is the wish of the committee to change it I have no objection."

I want to say another thing. The gentleman avers that he brought to me the committee's bill and his own bill on Monday last, and that we examined and discussed them both. I wish to say, Mr. Speaker, that the gentleman brought to me but one bill, and that was the one which he said was the committee's bill and which passed the House. He did not bring me the committee's bill. He did not tell me that there was any other bill in the hands of Mr. RICHARDSON than the one he brought along with the report. I saw no such bill and acted upon no such bill. When I looked over the first section of the bill I saw there were some words in that section which the committee had stricken out, and I said to him, "Mr. VAN VOORHIS, you have made a mistake in copying this, for here are words which were stricken out by the committee." The words referred to were "for the return to the country from whence they came of criminals, lunatics, and paupers." I told him those words had been stricken out; that there had been a mistake in copying the bill. He said if that was so to strike them out, and I did strike them out, because it appeared from his statement that there had been a mistake made, taking his allegation, between himself and Hon. Mr. RICHARDSON in copying the amendments made by the committee.

Now, Mr. Speaker, it came to the knowledge of the committee subsequently, but none of the committee then knew it, that after the committee had acted upon the bill and proposed its amendments, the gentleman from New York made serious complaint to the clerk of the committee that the committee had ruined his bill—showed feeling and temper at the fact that the committee had changed his bill. That, however, we did not then know.

On the day—I believe it was that day—when the resolution asking the Senate to return the bill was adopted, the gentleman was invited before the committee, and inquiry was made of him about the circumstances under which this bill had been placed in my hands and by me brought before the House. When asked by the honorable gentleman from Michigan [Mr. HORR] why he did not give Mr. REAGAN the real bill instead of giving him the one he did, his answer was before the whole committee that he would not have voted for the committee's bill. Now, finding perhaps that that was a dangerous ground to take, and abandoning the position that he took deliberately before the whole committee, he comes in here and plants himself away behind that upon an interview which he states he had with me on Saturday, and upon a statement that he had delivered to me the committee's bill on Monday, although in answer to a question in the committee as to why he did not deliver to me the proper bill instead of the one he did he said to the committee that he would not vote for the committee's bill.

These circumstances show the motive which the gentleman had for misleading the members of the committee, and a purpose to pass a bill in opposition to the judgment of the committee, instead of the bill recommended by the committee, and that bill he prosposed to pass, as a means of misleading, accompanied by the report prepared by Mr. RICHARDSON to accompany the proper committee's bill.

Now, Mr. Speaker, with a charge like this made by the gentleman from New York, I feel, whether it be humiliating or not, a necessity for saying a single word in the line of defense. I had agreed to the committee's amendments in the committee. I had proposed some of them, and I agreed to the bill as it was amended; was in favor of the bill as it was amended; had no motive to pass any other kind of bill and no disposition to pass any other kind of bill; did not know I was recommending any other kind of bill except as to a provision in the bill which he told me the committee had proposed to change in relation to the admission of immigrants over the Canadian border, a question which we had not discussed in the committee before.

I have copies of the two bills. Here they are. You will see there is a small amendment in the first section, both alike. This is the committee's bill, and this is his bill. There is an amendment in writing across here, and there is an amendment in writing. Here words are interlined. That is the committee's bill. Here now in the bill he handed to me you will see is an amendment in writing there, the striking out of those words, he telling me it had been agreed to by the committee, and he had made a mistake in copying it. The interlineations in his bill are in his own handwriting, except as to the words stricken out by me. I submit that as evidence. I thought I was passing the committee's bill when I had the words referred to stricken out to make it conform to their action. You see the other interlineations. So, with the exception of the third and fourth sections, a casual observation of the bill might have misled any one.

The gentleman has said through the newspapers, in his interviews, and repeated it to-day, that I am too experienced a parliamentarian to be misled in a matter of this kind.

Mr. Speaker, I thank God my experience has been with that class of men generally who when they come to me on a fair business proposition, especially gentlemen clothed with the high position of members of Congress, and state to me a fact—my experience and my instincts have been to recognize the gentleman and what he utters, and to accept it. If I had to look on every member of this House as intending to cheat and defraud in his action, then I might rigidly scrutinize everything that came to me and give faith to nothing until it was proved.

I ask who it is in this House or in any other equally dignified body, when one of his associates comes to him and makes a statement, feels a disposition to cross-examine him and put him to the proof of the statement which an honest man, a truthful man, instinctively makes, and would recoil instinctively from being questioned about?

Sir, all I did was to accommodate the gentleman from New York, to help him to get a bill through that he and his colleagues attached great importance to; a bill I approved because it seemed to me it would be promotive of the public good. I accepted his suggestions supposing they were truthful, acted on them, and since that time, sir, notwithstanding all these newspaper interviews on me, my mouth has been sealed until I came here to speak before his associates and mine. I did not choose to go into the newspapers on a subject like that, especially pending an inquiry. I made no assault on him, but the gentleman, while in his interviews he distinctly attacks other members of the committee, and several of them here this morning, has leveled his attacks at me. Perhaps he thinks I live further from him than they do. Perhaps he thinks by parading the question that he is attacking the ex-postmaster-general of the confederacy he can excite popular sectional or partisan prejudice. Perhaps so. Why should he make this attack on me when I have done nothing to provoke it, done everything to serve him I could do in kindness, in good faith, with a desire to benefit him and advance his views? Yet my reward for believing his statements, my reward for having faith in his honor, is that he goes back and impeaches me with great folly for being imposed on, great weakness in being imposed on; insists, in fact, I could not have been imposed on.

Now, further, Mr. Speaker, when I introduced this bill before the House I stated that I reported the committee's substitute for the House bill. It stands so on the record, with the gentleman from New York standing by allowing me to make the statement to the House, to deceive the House and to deceive my associates on the committee, and never said a word to correct it then.

Now, sir, if he had been animated by such frankness as it seems to me ought to characterize the conduct of every member of this House, when he heard me make to the House the statement that it was the committee's bill, accompanied by the committee's report, knowing, as he declared a while ago, it was not the committee's bill, and that he never understood or meant it should be the committee's bill, would it not have been his duty to rise in his place and say I was mistaken? Would not common fairness, would not common candor, have required that course to be pursued?

Mr. Speaker, it is bad enough for gentlemen to have to disagree in their statements; but I submit, sir, that the actions of the man who invokes the confidence of another; who secures belief in himself and secures the aid and co-operation of another, cheerfully and frankly given, and then turns upon him for the purpose of relieving himself against the consequence of his own acts and assails him, as that man assails me, cannot be characterized in this House as it should be without a violation of the rules which govern the House. I like fair, manly, and straightforward dealing; I shrink from controversy; I am opposed to strife; but if I have an enemy, or dissent from what a man says, I always appeal to him as the person to whom I should first express that dissent, and make known my dissatisfaction. I would not feel well to invoke the kindly office of any man and then deceive him into doing an improper thing, and then turn upon him and try to shield myself by taking advantage of his political antecedents or party affiliations or his geographical position to change the issue to one personal to him and invoke prejudice to his disadvantage.

There is one other fact that I ought to state, which passed from my recollection in its proper sequence in this connection. The bill which I offered in the House was given me by Mr. VAN VOORHIS, with the request, as he said, coming from the committee, that in the absence of Mr. RICHARDSON I should introduce it on Monday in the House. When it was presented to me I suggested that perhaps the committee had other business which had precedence or that they would prefer to offer and I could not do it without consulting other members of the committee. I did consult with other members of the committee, and was informed by the gentleman from Ohio, [Mr. TOWNSEND,] a member of the Committee on Commerce, that he had a bill which had precedence and which he desired to introduce at that time. Then it was agreed, since the committee could not probably be recognized, to move a suspension of the rules except in a single case, that I should ask unanimous consent of the House to extend to me the privilege in behalf of the committee of moving the suspension of the rules for the passage of this other bill.

Mr. PAGE. Let me suggest to the gentleman from Texas that he now read in this connection what the Speaker said as to the character of the bill.

Mr. REAGAN. I will do so. It is as follows; I read from the RECORD:

Mr. VAN VOORHIS. I think this bill is so well understood that no time will be required for its discussion.

Mr. DUNNELL. Does this bill come from the Committee on Commerce?

The SPEAKER. It does.

Mr. DUNNELL. Is it in here by unanimous consent, or on a motion to suspend the rules?

The SPEAKER. The motion is to suspend the rules and pass the bill which has been read.

Mr. DUNNELL. I would like to inquire if the Committee on Commerce has instructed the gentleman from Texas [Mr. REAGAN] to move to suspend the rules and pass this bill?

The SPEAKER. The Chair is so informed.

Mr. REAGAN. I was so instructed by the Committee on Commerce.

I believe I called the attention of the reporter that such was the instruction of the Committee on Commerce, or that I had been authorized to make the motion. After that, and before the bill had been presented, Mr. RICHARDSON came into the House and took his seat. As soon as I saw him in his seat I went to him and took the bill which was given to me by Mr. VAN VOORHIS to report during his absence, and said I was requested in your absence to introduce this bill, but now that you are present I will hand it to you, so that you may introduce it yourself. He suggested then that perhaps I had better keep it and offer it if occasion presented itself, for the reason that possibly if I introduced the bill it might have the effect of obviating some objections which might otherwise be made on this side of the House. And upon his suggestion I brought the bill back, taking it for granted that it was the proper bill, and kept it for the purpose of introducing it myself as the bill of the committee. It was distinctly understood to be the bill of the committee, and Mr. VAN VOORHIS stood by and heard that statement made, that it was the committee's bill, but made no correction and made no question. And I want to call the attention of members to the fact that when the committee assembled to take action in reference to this matter, and called him before it, when this was a subject of inquiry before the committee, and all this was over, and inquired why he had not given Mr. REAGAN the true bill, or called attention to its not being the proper bill when it was passed, his answer was: "I would not have voted for the committee's bill." So that it will be seen, I trust, by my going to Mr. RICHARDSON and offering him again the bill and report that there was no purpose upon my part to mislead the House, or do anything but obey the wish of the committee according to the way that it was expressed by the committee.

I see in one of these interviews that Mr. VAN VOORHIS complains that we did not take action until Wednesday morning, (this matter having occurred on Monday,) and it is suggested either by him or his interviewer that in the mean time the steamship companies might have found it practicable, or words to that effect, to show the committee why they should insist upon the committee's bill and repudiate his; a direct charge upon the committee of corrupt motives and corrupt purposes. Now, what does that stand upon?

The committee when it considered the bill found in it a section providing for a charge at the rate of 50 cents a head on the immigrants as a fund for taking care of them in this country, and containing a provision that they should be returned where they were found to be improper persons to be landed here; the expenses of their return to be defrayed out of this fund primarily. When that came before the committee the committee said, "We think that is not best, because it would be an inducement to steamship companies to bring people here that should not be brought, to get double fare—fare here and fare back." To obviate that, and not in the interest of steamship companies, as I understood it, but directly the reverse, we struck that out and provided when steamship companies brought improper persons they should return them to the country whence they came at their own expense. That was our provision, not the provision of the original bill.

How under such a state of facts it could be suggested, how the motive came into the mind of any one to suggest that the committee had acted corruptly, that they had been corrupted by the steamship companies, especially when our action had been directly against their interest in correcting the provisions of the bill, I leave it for those who hear me and know the facts to determine.

The gentleman from New York, either in his interviews or his speech—I do not remember which—speaks of the fact of my having been arraigned before the committee and making an issue with him to excuse myself. Mr. Speaker, I have but to appeal to my fourteen associates that I never was arraigned before the committee or questioned before it, that I never made any issue with Mr. VAN VOORHIS or anybody else to excuse myself; and that I was even favoring the mildest possible action and going as far as we could do to excuse his act and get over it without strife rather than have such a scene as that we are now going through of personal explanation and contradiction.

These things my associates will justify me in saying, and they will show with what propriety this labored assault has been made upon me when I had given no provocation for it whatever. Perhaps the gentleman concluded there was no way to vindicate his own conduct but by assailing me in a manner that would be injurious to my reputation as a man and a member of this House. If such was his motive, God forgive him. The man who would accept friendship

and then attempt to sacrifice his friend to protect himself against the effect of his own act is to be both pitied and forgiven by God and by man.

The gentleman also said I had the right to introduce any bill I chose to introduce before this House. I had no such right on that day and at that time under the rules of the House, and I knew it and if he knew the rules he would know it too. It was the day and the hour of the day for the committees to move to suspend the rules. I was acting in the capacity that became the hour, acting as I understood it under the instructions of a committee, obeying as I understood the behest of the committee to which I belonged. I knew I had no right, or would have known if such a question had arisen in my mind, to introduce a separate bill, and above all things I would not have been willing to introduce such a bill and palm off on this House the falsehood that it was the committee's bill and introduced by authority of the committee.

The gentleman says he never pretended that was the committee's bill. I have said to you what I have to say on that subject. When he brought the report to me and the bill with it, which was the only bill he brought, he gave me to understand—of course I will not undertake to say precisely what were his words, for I had no reason to charge my memory with them—but he gave me to understand it was the committee's bill. On my examining it and finding the language to which I have referred, he gave me to understand it was the committee's bill with the exception of an amendment which he said had been agreed to by the balance of the committee in relation to immigrants coming from the Canadian border. That I assented to, because he said the other members of the committee had done so.

The gentleman says in his interview that other members of the committee, Mr. TOWNSEND and Mr. WASHBURN, and others, examined the bill, and knew it was not the committee's bill. All I can say on this subject is what I have already said. He brought but one bill to me, with the one report, and that bill purported to be the bill reported by the committee to the House.

The gentleman charges the committee with sending reports to the newspapers. I can only speak for myself. I have sent no report to a newspaper, nor made any statement, public or private, to be used to his discredit and to his injury.

The gentleman closes by saying it must be a humiliating confession for me to make that, having read a bill and having introduced and advocated it, I did not know what was in it. Mr. Speaker, I have told the House the circumstances. It came to me, and was but once hastily read; and the long rigmarole the gentleman gives about ceremonious examination I repeat to the House is absolutely untrue. It came to me, sir, in that way. It is possible that I ought to have been more vigilant.

There was another circumstance which I have not stated to the House, which ought, perhaps, to have placed me on my guard; but I have not learned to distrust and require proof from a member of this House of a statement he may make. In addition to the change I made of the words in the first section of the bill when it was read at the Clerk's desk, the gentleman from Wisconsin [Mr. GUENTHER] and the chairman of the committee called attention to the fact that there were some words in another section which had been stricken out by the committee.

Mr. GUENTHER. Allow me to correct the gentleman. I was not present when the bill was read; I was in the committee-room and was informed by the clerk that this bill was under discussion. I then came down here and examined a copy of the bill, and did not find in it this amendment. I then went to the Clerk's desk and discovered that some of the amendments which I had offered were not in the bill. I then called the attention of the Speaker and afterward of the gentleman from Texas to that fact.

Mr. REAGAN. The point I desire to make is that my attention was called by the gentleman from Wisconsin [Mr. GUENTHER] and by the chairman of the committee [Mr. PAGE] to the fact that there were other words still in the bill which the committee had determined to strike out. We examined the bill and endeavored to make it conform to the committee's bill by striking out the words which the committee had directed to be stricken out of the bill.

Now, I confess that when I found two changes in the bill I was perhaps more credulous than I ought to have been in allowing it to go on. But it simply occurred to me that there had been mistakes in copying the bill, and it never occurred to me that there had been a willful attempt to deceive the committee or myself.

I cannot, therefore, hold myself utterly blameless, for perhaps, after discovering the errors in the bill, greater prudence ought to have put me and others more upon our guard than we were. All that I can say is, that from the beginning to the end I acted in perfect good faith, with an honest purpose to carry out the wishes of the committee and to serve the gentleman from New York.

The reward I get for that service is seen in the reviews he has published in the papers and in his speech made from the Clerk's desk this morning.

Mr. PAGE. I now ask that the bill on the Clerk's desk be read and substituted for the bill which was passed under a misapprehension of the facts, and which has been recalled by this House from the Senate.

The SPEAKER. The substitution cannot be made.

Mr. PAGE. Then I ask to put that bill on its passage.

The SPEAKER. The gentleman from California, the chairman of the Committee on Commerce, [Mr. PAGE,] asks unanimous consent for the present consideration of a bill to regulate immigration, and states that the bill now reported from the Committee on Commerce is the one agreed upon by that committee.

Mr. VAN VOORHIS. I object, unless——

Mr. McLANE. I rise to a question of order.

Mr. VAN VOORHIS. I object, unless I can have one moment to make a statement.

Mr. McLANE. When the gentleman from New York [Mr. VAN VOORHIS] interposes an objection to this bill——

Mr. VAN VOORHIS. One moment.

The SPEAKER. The Chair can recognize but one gentleman at a time.

Mr. McLANE. I submit to the Chair that under Rule IX it is a question of the highest privilege for this House to maintain the integrity of its proceedings.

A statement has been submitted to the Chair that under the representation of the gentleman from New York [Mr. VAN VOORHIS] such and such a paper, which he placed in the hands of the gentleman from Texas, [Mr. REAGAN,] was such and such a bill. The gentleman from Texas under that representation moved that the House by a suspension of its rules proceed to its consideration. The House proceeded to consider and to pass another bill than the one intended. The House then sent to the Senate and brought back the bill which it did not mean to pass.

That bill is now before the House, a bill which it considered—I will not say under false representations, because I want to confine myself to the strict fact—but a bill which it considered under a misapprehension. The House will remember that the gentleman from Texas stated that the bill which he asked to have passed under a suspension of the rules was such and such a bill. Now, to make no issue with the gentleman from New York——

Mr. VAN VOORHIS. Will the gentleman permit me a question?

Mr. McLANE. In a moment.

The SPEAKER. The Chair will state that there is no difficulty about this matter. The House has heard gentlemen for above two hours on the question of explanation, and the Chair thinks that is now disposed of. The question is whether the House will proceed to consider the bill which the Committee on Commerce asks shall be considered. Is there objection?

Mr. VAN VOORHIS. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. McLANE. What I say is that the House is not bound——

Mr. VAN VOORHIS. I will withdraw my objection if——

Mr. McLANE. I must ask the Chair to submit the question to the House.

Mr. VAN VOORHIS. I desire to say that I will withdraw my objection in half a minute if the gentleman will allow me. I have been in favor of passing the best bill that we could pass on this question. If we could not pass my bill, I have been in favor of passing something which would begin Federal legislation on the subject.

I am satisfied now, in the present condition of things, that only this bill can become a law, in all probability, in the form which the Committee on Commerce desires. I do not wish to resist the committee; I never have. And if I had not supposed that the committee were entirely satisfied with the bill in the form in which it went through the House I certainly should have had nothing to do with it.

Mr. MILLS. Now let us vote on the bill.

The SPEAKER. The Chair understands there is no objection to the consideration of this bill, and the Clerk will read it.

The Clerk read as follows:

Be it enacted, &c., That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steamer or sail-vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury, and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels; and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned at any port than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for the purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to

take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

SEC. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss, and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign convicts, except those convicted of political offenses, upon arrival shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

SEC. 5. That this act shall take effect immediately.

The bill (H. R. No. 6677) was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. PAGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes; and

A bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

INTERNAL-REVENUE TAXATION.

Mr. KELLEY. I call for the regular order.

The SPEAKER. The regular order is the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation, upon which the previous question has been ordered. The question is first upon agreeing to the amendments reported from the Committee of the Whole on the state of the Union.

The amendments were agreed to.

Mr. KELLEY moved to reconsider the votes by which the amendments were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. KELLEY. I now call the previous question on the passage of the bill.

Mr. SPRINGER. Pending that I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the bill (H. R. No. 5538) to reduce internal-revenue taxation be recommitted to the Committee on Ways and Means with instructions to report a bill at the earliest time practicable repealing all internal-revenue laws and abolishing all internal-revenue offices, except section 3413 of the Revised Statutes and all amendments thereto, imposing a tax of 10 per cent. on certain circulating notes, and except also the laws relating to distilled spirits, the repeal to take effect on each particular subject of taxation at such time in the future as the committee may deem expedient, but not later on all subjects and offices than January 1, 1884; and to so reorganize the system of collecting taxation on distilled spirits as to dispense with all supernumerary officials and to secure the most economical and efficient method of raising such revenue.

Mr. ANDERSON. I rise to a parliamentary inquiry. Is it in order to call for a division of the question on this resolution, so that we may vote upon the motion to recommit as distinct from the instructions?

The SPEAKER. The motion is an entirety.

Mr. ANDERSON. Then I would like to ask another question. Is this motion subject to amendment?

The SPEAKER. Under the rules one motion to recommit is in order at this stage, and it has been held in practice that the motion cannot be amended.

Mr. ANDERSON. After this motion is disposed of, will it be in order to submit a simple motion to recommit?

The SPEAKER. It will not.

Mr. ANDERSON. So that we are compelled to vote this or nothing.

The SPEAKER. The question is upon agreeing to the resolution to recommit with the instructions read.

Mr. CARLISLE. I suggest to the gentleman from Pennsylvania [Mr. KELLEY] who has charge of this bill that we go on with the discussion before the vote is taken upon the motion to recommit.

The SPEAKER. The Chair will state to the gentleman from Kentucky that the motion to recommit is made pending the demand for the previous question; and the hour for debate could not be taken at this time except by unanimous consent.

Mr. CARLISLE. My suggestion was that by consent the hour for debate might be consumed now and afterward the vote be taken upon recommitting with instructions and upon the passage of the bill.

Mr. SPRINGER. I have no objection to that.

Mr. KELLEY. We had better proceed in regular order.

Mr. SPRINGER. I call for the yeas and nays on agreeing to this motion to recommit with instructions.

The yeas and nays were ordered.

The question was taken; and there were—yeas 57, nays, 126, not voting 108; as follows:

YEAS—57.

Armfield,	Dugro,	King,	Springer,
Atkins,	Flower,	Latham,	Tillman,
Belmont,	Forney,	McKenzie,	Tucker,
Blackburn,	Fulkerson,	McMillin,	Turner, Henry G.
Bliss,	Garrison,	Muldrow,	Upson,
Buckner,	Geddes,	Oates,	Vance,
Cabell,	Gunter,	Phister,	Warner,
Caldwell,	Harris, Henry S.	Rice, Theron M.	White,
Carlisle,	Hatch,	Rosecrans,	Whitthorne,
Cassidy,	Herbert,	Scales,	Williams, Thomas
Cook,	Herndon,	Shackelford,	Willis,
Covington,	Hewitt, A. S.	Shelley,	Wise, George D.
Davidson,	Hewitt, G. W.	Simonton,	
Dibrell,	Hooker,	Singleton, Otho R.	
Dowd,	Kenna,	Speer,	

NAYS—126.

Aiken,	De Motte,	McClure,	Shallenberger,
Aldrich,	Dezendorf,	McCook,	Shultz,
Anderson,	Dunnell,	McLane,	Smith, A. Herr
Barr,	Ellis,	Miles,	Smith, Dietrich C.
Bayne,	Errett,	Miller,	Smith, J. Hyatt
Belford,	Farwell, Sewell S.	Moore,	Spaulding,
Bingham,	Fisher,	Morey,	Spooner,
Bisbee,	George,	Morse,	Steele,
Blount,	Godshalk,	Neal,	Stone,
Bowman,	Guenther,	Norcross,	Strait,
Brewer,	Hammond, John	O'Neill,	Talbott,
Briggs,	Hammond, N. J.	Orth,	Taylor,
Browne,	Harmer,	Parker,	Thompson, P. B.
Buchanan,	Harris, Benj. W.	Payson,	Thompson, Wm. G.
Buck,	Hazelton,	Peelle,	Townsend, Amos
Burrows, Julius C.	Hiscock,	Peirce,	Tyler,
Butterworth,	Hoblitzell,	Pettibone,	Updegraff, J. T.
Calkins,	Horr,	Phelps,	Valentine,
Camp,	Hubbell,	Pound,	Van Aernam,
Campbell,	Hubbs,	Prescott,	Van Horn,
Candler,	Humphrey,	Ranney,	Van Voorhis,
Cannon,	Jacobs,	Ray,	Wadsworth,
Carpenter,	Jadwin,	Reed,	Wait,
Caswell,	Jones, Phineas	Rice, John B.	Walker,
Chace,	Joyce,	Rich,	Washburn,
Clements,	Kasson,	Richardson, D. P.	Webber,
Crapo,	Kelley,	Ritchie,	West,
Cullen,	Ketcham,	Robeson,	Willits,
Cutts,	Knott,	Robinson, Geo. D.	Wilson,
Darrall,	Lewis,	Robinson, Jas. S.	Young.
Davis, George R.	Lord,	Russell,	
Deering,	Mackey,	Scoville,	

NOT VOTING—108.

Atherton,	Dingley,	Jorgensen,	Randall,
Barbour,	Dunn,	Klotz,	Reagan,
Beach,	Dwight,	Lacey,	Rice, Wm. W.
Beltzhoover,	Ermentrout,	Ladd,	Richardson, Jno. S.
Berry,	Evins,	Leedom,	Robertson,
Black,	Farwell, Chas. B.	Le Fevre,	Robinson, Wm. E.
Blanchard,	Ford,	Lindsey,	Ross,
Bland,	Frost,	Lowe,	Ryan,
Bragg,	Gibson,	Lynch,	Scranton,
Brumm,	Grout,	Manning,	Sherwin,
Burrows, Jos. H.	Hall,	Marsh,	Singleton, Jas. W.
Chapman,	Hardenbergh,	Martin,	Skinner,
Clardy,	Hardy,	Mason,	Sparks,
Clark,	Haseltine,	Matson,	Stephens,
Cobb,	Haskell,	McCoid,	Stockslager,
Colerick,	Hawk,	McKinley,	Thomas,
Converse,	Heilman,	Mills,	Townshend, R. W.
Cornell,	Henderson,	Money,	Turner, Oscar
Cox, Samuel S.	Hepburn,	Morrison,	Updegraff, Thomas
Cox, William R.	Hill,	Mosgrove,	Urner,
Cravens,	Hoge,	Moulton,	Ward,
Crowley,	Holman,	Murch,	Watson,
Culberson,	Houk,	Mutchler,	Wellborn,
Curtin,	House,	Nolan,	Williams, Chas. G.
Davis, Lowndes H.	Hutchins,	Pacheco,	Wise, Morgan R.
Dawes,	Jones, George W.	Page,	Wood, Benjamin
Deuster,	Jones, James K.	Paul,	Wood, Walter A.

So the motion was not agreed to.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. LEEDOM with Mr. DAWES.
Mr. MARSH with Mr. EVINS.
Mr. SHERWIN with Mr. ROBERTSON.
Mr. DINGLEY with Mr. CONVERSE.
Mr. W. A. WOOD with Mr. NOLAN.
Mr. CORNELL with Mr. BLACK.
Mr. LACEY with Mr. LADD.
Mr. LINDSEY with Mr. MURCH.
Mr. FORD with Mr. HARDENBERGH.
Mr. RICE, of Massachusetts, with Mr. DUNN.
Mr. BREWER with Mr. CLARDY.
Mr. MCCOID with Mr. CLARK.
Mr. GROUT with Mr. HERNDON.

Mr. SIMONTON with Mr. HUTCHINS, on final vote on internal-revenue reduction bill.
Mr. SKINNER with Mr. BEACH.
Mr. MCKINLEY with Mr. PAGE, on internal-revenue reduction bill.
Mr. HOUK with Mr. CHAPMAN.
Mr. FISHER with Mr. ERMENTROUT, except on tariff and internal-revenue bill.
Mr. MASON with Mr. WILLIS.
Mr. WILLIAMS, of Wisconsin, with Mr. BRAGG.
Mr. FARWELL with Mr. HUTCHINS.
Mr. DWIGHT with Mr. MONEY, on the tax bill and political questions.
Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.
Mr. LOWE with Mr. HERNDON.
Mr. THOMAS, of Illinois, with Mr. CURTIN.
Mr. HENDERSON with Mr. HARDY.
Mr. RYAN with Mr. LE FEVRE.
Mr. HALL with Mr. BARBOUR.
Mr. LYNCH with Mr. BELTZHOOVER.
Mr. BARR with Mr. RANDALL.
Mr. HASKELL with Mr. ATHERTON.
Mr. HENDERSON with Mr. STEPHENS.
Mr. FROST with Mr. COX of New York.
Mr. BARR. My pair with Mr. RANDALL excepts this bill.
Mr. BELFORD. I desire to state that I was paired with Mr. BLACKBURN yesterday on this question, but as I am told the gentleman did not vote, I withdraw my vote.
Mr. KNOTT. Mr. BLACKBURN has voted.
Mr. BELFORD. Very well; then let my vote stand, and I withdraw the pair.
Mr. SIMONTON. I agreed to pair with Mr. HUTCHINS on the final vote on this bill, but that has been arranged and Mr. BELFORD substituted.
Mr. KNOTT. I voted under a misapprehension as to the scope of the instructions, and therefore change my vote.
Mr. FISHER. I am not paired on this vote with Mr. ERMENTROUT. I was paired on the Flower substitute and the Scales amendment, but, as Mr. ERMENTROUT is in favor of the bill, I have voted.
Mr. WASHBURN. I am not paired on this bill, and have voted.
On motion of Mr. KELLEY, by unanimous consent, the reading of the names was dispensed with.
The vote was then announced as above recorded.
Mr. TURNER, of Kentucky. I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. TURNER, of Kentucky. The motion was made to recommit with instructions; would it be in order to commit without instructions?
The SPEAKER. It would not.
Mr. TURNER, of Kentucky. Then I shall vote against the bill.
Mr. KELLEY. I demand the previous question on the passage of the bill.
Mr. WHITE. Is it in order to move to recommit without instructions?
The SPEAKER. It is not.
Mr. WHITE. I should like to know when it will be in order.
Mr. SPRINGER. If the demand for the previous question is voted down, would it not then be in order to move to recommit?
The SPEAKER. The Chair had better decide questions only as they arise.
Mr. SPRINGER. I desire to call attention to the fact that I will ask for a division on ordering the previous question.
The SPEAKER. The Chair might occupy a great deal of time and fall into error in deciding abstract questions.
Mr. MILLS. I demand the yeas and nays on ordering the previous question.
Mr. SPRINGER. I desire to have a division on ordering the yeas and nays, because, if the previous question is not ordered, a motion to recommit will be in order.
Mr. MILLS. I withdraw the demand for the yeas and nays.
The House divided; and there were—ayes 102, noes 48.
So the previous question was ordered.
Mr. KELLEY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. KELLEY. According to an arrangement made last evening, I propose to give half an hour to the other side, and hand it over to my friend from Kentucky, [Mr. CARLISLE.]
Mr. CARLISLE. Mr. Speaker, I have no disposition to discuss this matter further myself, and therefore, as there are gentlemen on this side of the House who do wish to be heard upon it, I will yield to them. I now yield five minutes to the gentleman from New York, [Mr. HEWITT.]
Mr. HEWITT, of New York. Mr. Speaker, it will be recollected by the House that when the tariff bill came over from the Senate it contained a provision that the commission should have jurisdiction, not only over questions relating to the customs, but of the internal-revenue laws as well. It will be also remembered that the Committee on Ways and Means reported the bill to the House with the clause referring to the question of internal-revenue taxation stricken out; and the explanation was made that they intended at this session of Congress to take up the internal-revenue subject and reduce the burden of taxation upon the people in that respect. More than that, the chairman of the Committee on Ways and Means, in his individual character, outside of this House, had gone round the country and made speeches and had written letters advocating the repeal of the whole system of internal-revenue taxation. We had reason, therefore, to believe that the Committee on Ways and Means were in earnest, and that the party which they represented were in earnest in their promise and their assurance to the country that the question of internal-revenue taxation should be taken up and substantial reforms inaugurated. Mr. Speaker, if there was ever a case in the world's history where the mountain has been in labor and the mouse has been born, it is in the bill which the gentlemen on the other side have very nearly engineered through this House. As I said at an earlier stage of the debate upon this bill, it gives no practical relief to any of the great industries of this country; and every time that an effort has been made to improve upon it it has been resisted by the solid vote of gentlemen upon that side of the House. This the country will not be likely to forget. Even on the question of free alcohol, an article which enters into many of the most important industries of the United States, in regard to the propriety of which legislation there is no possible controversy; in regard to which the chairman of the Committee on Ways and Means admitted that relief should be given, and in regard to which the gentleman from Ohio [Mr. BUTTERWORTH] said he would gladly co-operate with this side of the House to give relief, although we proposed to put it absolutely in the hands of the Secretary of the Treasury to say upon what terms the relief should be given, it was resisted also by the solid vote of the Republican side of the House, and the extraordinary spectacle was presented to this House and to the country—a spectacle I have never witnessed before—of a House divided politically as to the question of whether relief should be given to the consumers of alcohol in the industrial arts or not; a question with which party affiliations can have no more to do than with the cavities in the moon.

Let the country recognize the fact that it is not right; it is not even good judgment; it is not even the recognition on both sides of the fact that relief should be given, that is any longer to rule here in Congressional legislation. It is the caucus which rules; it is the machine which dictates; and when the people of the country, now suffering from one end of the land to the other, when labor and capital are arrayed as they are in hostile ranks against each other through a considerable part of the country, and when they come to this House and ask relief they are told that the steering committee of the Republican majority of the House have forbidden action against the judgment, against the conscience of the House at large, and against the protest of gentlemen upon this side of the House. There is only one remedy, Mr. Speaker, I say to my fellow-countrymen. There is but one remedy. The Republican majority are dead to conscience; they are dead to the appeals of the suffering industries of the land; and there is left but one effectual remedy which the people can now apply—"smash the machine." I call upon the capitalists; I call upon the laborers now upon strikes; I call upon every man who does not want to arrest the prosperity of this country to come forward in the fall elections, and smash the Republican machine; and if they can find a Democratic machine, which I have never been able to do, on this side of the House or anywhere else, I want them to smash that, too. But for once let the interests and welfare of the country come to the front. Let the intelligence of this country see that the reforms demanded by every consideration of justice and public interest are achieved by their votes at the polls. [Applause on the Democratic side.]

Mr. FLOWER. Mr. Speaker, I have voted for every amendment to this bill which looked toward a reduction of taxation. Failing in getting it amended, I shall vote for it, believing that half a loaf is better than no bread.

I am heartily in favor of the repeal of the whole system of internal-revenue taxation, except the tax on distilled spirits, and I believe our finances are in proper shape for its repeal at this time. I believe, sir, in a reduction of these taxes in the interest of public economy and in the interest of pure elections.

[Mr. CURTIN addressed the House. See Appendix.]

Mr. CARLISLE. I now yield five minutes to the gentleman from Maryland, [Mr. MCLANE.]

Mr. MCLANE. I can follow the gentleman from New York [Mr. HEWITT] and the gentleman from Pennsylvania [Mr. CURTIN] in their regrets that this bill does not afford all the relief that is desired. For myself, I have not waited for this bill to develop my earnest desire to wipe out the entire internal-revenue tax system. I regard it as the war tax of the country; and it was the duty long ago of Congress to have effaced it.

There is not now any necessity for one dollar of internal-revenue taxation. The indirect tax upon imports, even with a reduction of not less than from 30 to 50 per cent. of the present tariff duties, with a revenue duty upon articles now free from duty, will give this country $250,000,000 annually. Not a tax in the tariff list need be raised, in my judgment. I believe that without raising any tariff duty 1 per cent., but, as I have said, by reducing the tax on many articles,

provided all are subject to a revenue duty according to value, the tariff on imports will yield more than $250,000,000 a year.

On another occasion I said to the honorable gentleman from Pennsylvania [Mr. KELLEY] what I now repeat, that his well-earned reputation would have been greatly increased if he had effaced the entire internal-revenue taxation and relied altogether upon indirect taxes for the support of the Government, taking all the time necessary for a gradual reduction and reform of our revenue system.

In the few moments which I have left I do not choose to leave any doubt upon the mind of my honorable friend that I expected him to provide fully for the national debt, for a liberal support of the Government, for pensions included, not that immense mass of arrears of pensions, amounting in the future to more than $300,000,000, for that was a proper subject for debt. But the debt of the country, whether for war or for pensions, and an economical administration of the Government, can be amply provided for by revenue derived from indirect taxation.

I will vote for this bill, because I am ready to vote for any bill that reduces internal taxation. If I did not vote for the resolution to recommit, it was because I could not face my constituency with a vote in favor of taking the tax off tobacco and refusing to take it off banks. I am ready to take it off both, and have so voted. My constituency could never have excused me if I had had so little intelligence as not to perceive that a reasonable construction of the honorable gentleman's proposition would have released tobacco from taxation, but would not have released banks from at least five millions of taxation imposed by the national banking law and released by this bill.

Mr. FLOWER. We supposed it took everything off.

Mr. McLANE. I would have released both banks and tobacco from taxation, and the resolution to recommit is ambiguous and unsatisfactory. This being a substantive bill for the release of banks from taxation, I shall vote for it. In voting for this bill I am at liberty, not to reproach, but to express my sincere sorrow that the honorable gentleman from Pennsylvania [Mr. KELLEY] who has so often led us on with the promise that he would efface all this internal-revenue taxation still leaves it on the country.

Mr. FLOWER. I voted for the proposition with the understanding that it took off everything.

Mr. McLANE. It did not, in my opinion.

Mr. FLOWER. That it took off all internal taxation, including the tax on banks.

Mr. McLANE. It is open to the construction that at least five millions per annum of tax imposed by the national banking law on the banks, repealed by the law under consideration, will be left undisturbed and unrepealed.

Mr. HEWITT, of New York. We do not so understand it.

Mr. McLANE. It is so, in my opinion, nevertheless, and just as the honorable gentleman from New York [Mr. HEWITT] may have to explain his vote, I will have to explain mine.

Mr. HEWITT, of New York. I understand that it relieves the banks. [Here the hammer fell.]

Mr. CARLISLE. I yield five minutes to the gentleman from Minnesota. [Mr. DUNNELL.]

Mr. DUNNELL. The bill now pending and upon which we are soon to vote purports to be a relief bill. Its object is a reduction of taxation. The bill does not, however, relieve the burdens of the people. It does not at all meet the expectations or demands of the people.

I have believed that this Congress ought to have relieved the people of more or less of taxation. As you know, Mr. Speaker, I insisted in the early part of the session, when the tariff-commission bill was under consideration, that the tariff of the country should have undergone some revision by this Congress and at this session of Congress. Congress, however, decided to refer that question to a commission.

We now have this bill before us reducing internal taxes by some $20,000,000, but in a direction which I think will not fully meet the approval of our constituents. I am in favor of some portions of this bill, but I am not in favor of the bill as a whole. It is not unlikely that I may address my constituents in different parts of my district during the approaching campaign. To illustrate, suppose that at some quiet gathering there be two hundred voters present. They will be representative men; they will represent the farms; they will represent the shops; they will represent the industries of the district. In that meeting of two hundred voters there will be a couple of bankers, two or three druggists, and a few mechanics; four-fifths out of the two hundred will be farmers.

In the presence of these men I must give some account of my votes here given. Those farmers will not be especially anxious to know what relief my votes have given to the one or two bankers that are in my audience, for they are the most thrifty men whom I shall address in that meeting. They are the least burdened of the men who are listening to what I may have to say. And the other men we relieve by this bill are not sufferers from the system of internal-revenue taxation.

When I speak to the farming element of my audience, and say that I have voted to take off the stamp tax on matches, some intelligent man in that crowd may say to me, "If you had taken off 25 per cent. of the duty on sugar, then by the savings of a single week I could have bought all the matches I need in a year."

It will be a very poor reply to say to these men that we have relieved them from the tax on matches. It is but a mere drop compared with the relief that might have been given in some other way.

I have no war to make on the banks. I think we ought not to be under the necessity of going home and be compelled to announce that we have simply relieved the banks of their burden; simply that and nothing more. We cannot expect to meet the approval of the people.

I said the other day, Mr. Speaker, that this Congress had expended large sums of money. We shall find the appropriations of this session, when footed up, will be very large. I was sorry this morning that we had not saved more largely of our income for the past year when a proposition was made before the Committee on Ways and Means by a banker from New York to take $200,000,000 of our national debt at 2 per cent., payable after one year at the option of the Government. I would rather vote to retain these $20,000,000, that we may have funds on hand with which to meet these grand opportunities for the reduction of the national debt. [Here the hammer fell.]

Mr. BERRY. Mr. Speaker, In the short period of five minutes I can submit but few words on this measure. I suppose it is hardly worth while to attempt any argument whatever, as it is perfectly manifest that it is to become a law regardless of all argument.

This bill is brought to us with the statement that the country demands reduction in taxation. But, sir, while I am willing to admit that the taxes of this country are in a measure burdensome, the relief proposed in this bill is not the relief desired or demanded. It is not relief to those who are burdened; it is a reduction in the wrong direction, a reduction of taxes without relief to the masses of the people.

This legislation will be regarded by the great body of our people—those engaged in the development of our agricultural and the various industrial interests of our country, those busy workers who lay, broad and deep, the foundations of prosperity, and whose broad shoulders bear the burdens of taxation—as one more response by the Republican party to the demands of the money-power.

Every effort made by the Democratic side of the House to amend this bill in order that the laboring people—those who toil on the farm and in the workshop, those who really feel the burdens of taxation—might have some small measure of relief, has been resisted by a solid vote from the Republican side, with one or two honorable exceptions. King Caucus was invoked to bind your conscience upon this measure. You there solemnly declared that no amendment was to be permitted; that no substantial relief should be given to those who need it; but only the capitalists and corporations should receive consideration at your hands. This fact will not escape the attention of the people; and I am greatly mistaken if many of you will not find it hard to give your constituency a satisfactory explanation when called upon, as you surely will be.

This measure is in full accord with the legislation the Republican party has given the country, affecting the banking corporations and money-power, during the last twenty years.

The people will not fail to remember that the same power that dictates and demands this legislation demanded the exception clause in the legal-tender act, the result of which was a tremendous discount upon greenbacks, to the great detriment and injury of the country. They will remember that when the national banking system was organized their circulation was limited to $300,000,000, but the bankers came forward and demanded unlimited circulation, and the Republican party willingly granted it.

The people will remember that the banks (constituting the money-power of the country) were required to keep on deposit 25 per cent. of their circulation, but they regarded that as an onerous restriction. They came forward and demanded that they be relieved from it; and in obedience to the demand the Republican party hastened to remove the restriction to the extent of 20 per cent., requiring them to keep on deposit but 5 per cent.

The people will remember that the bonds were payable in the lawful money of the United States, but the gentry were fearful that they might be paid in greenbacks, and they demanded that their bonds should be made payable in coin, and it was done. They also demanded that their bonds should be exempt from taxation, and that was granted. Their bonds being payable in coin, could be discharged in silver as well as gold. They did not like this, so they secured the passage of an act demonetizing silver, thus making their bonds payable only in gold, thereby destroying one-half of the money of the country, and doubling the value of their bonds, as well as the debt which the people must eventually pay.

Neither will the people fail to remember that it was these bondholders and money-sharks, whose power is so potent in securing the passage of this bill, who secured the repeal of the law levying an income tax. This was the only tax that directly reached the bondholder and the capitalist of the country.

The people will see in the light of past legislation for the special benefit of the banking interest of the country that this measure is a fitting sequel to what has gone before.

This Congress, under the lash of a Republican caucus, in obedience to the demands of the money-power, are, by this bill, to remove the

last remnant of taxation upon banking institutions, whereby they were compelled to contribute something toward defraying the expenses of this Government and liquidating our large national debt.

There is scarcely a member in this House but what would be willing to remove the stamp tax on bank checks, drafts, orders, and vouchers, as well as the tax on matches. But in removing these taxes, which should be removed, you couple it with the removal of the tax on bank capital and bank deposits, and the reduction of taxes on cigars and cigarettes, as well as a reduction of the tax upon dealers and rectifiers of whisky, and dealers and manufacturers of tobacco. Coupled with these provisions, the whole bill becomes odious in the extreme and an insult to the great mass of tax-payers in this country.

It is legislation for the benefit of the few and against the many. It is of the same class and a fitting companion for that legislation given to the country by the Republican party for the past twenty years, under which has been built up the great corporations and monopolies which have robbed the people of more than two hundred million acres of the public domain and are fast absorbing the entire wealth of the land. They have virtually taken control of the Government. They dictate all legislation in which they are interested, and, as in this case, they command and it is obeyed.

It is well for us to remember the warning words of Daniel Webster, that great statesman and expounder of the fundamental principles of our Government, when he said "the freest government cannot long endure where the tendency of the law is to create a rapid accumulation of property in the hands of a few and to render the masses of the people poor and dependent." Neither should we, as legislators, disregard those just and patriotic sentiments uttered by General Jackson, in his veto message of the United States Bank, when he said:

> It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government; equality of talents, of education, and of wealth cannot be produced by human institutions.
>
> In the full enjoyment of the gifts of Heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges; to make the rich richer and the potent more powerful; the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in abuses. If it would confine itself to equal protection and as Heaven does its rains shower its favors alike on the high and low, the rich and poor, it would be an unqualified blessing.

In conclusion let me say to my Republican friends, this privileged and class legislation by which the rich are exempted from taxation and the burdens of government are imposed upon the poor, by which the laboring people are robbed of the just reward of their toil and labor; by which the rich are made richer and the poor are made poorer; by which you refuse to give relief to the overburdened and suffering, and by which you manifest a complete subserviency to the will of the corporations and money-power is producing its legitimate results.

Look abroad over our land to-day. Thousands of laboring-men, unable to earn a living, have gone on a strike, and are walking the streets of your cities and manufacturing towns.

The balance of trade is against our country, and our entire commercial and business interests are justly alarmed.

Sirs, your unjust legislation has disturbed the relations of capital and labor, and have arrayed one against the other, or rather you have permitted the money-power to dictate the legislation of the country, by which it has secured to itself exemptions and special privileges by which labor is robbed of its just reward. And to-day, notwithstanding incessant toil from early dawn until the shades of night shut out the light of day, the poor laborer finds himself without even the necessaries of life. He returns to his humble abode to meet his companion in sorrow and his children in rags and poverty.

Let me say to the Republican party a day of reckoning will come, and woe to that party when it does come. A long-suffering people will sooner or later call you to an account for your stewardship. And when they do you will call upon the rocks and mountains to fall upon you and hide you from the presence of an indignant and outraged people.

Mr. KELLEY. I yield five minutes of the remaining half hour to the gentleman from Louisiana, [Mr. BLANCHARD.]

Mr. BLANCHARD. Mr. Speaker, I have voted in favor of every amendment that has been offered to perfect or improve this bill; and had a motion to recommit the bill with proper instructions been made, I would likewise have voted to recommit. But now when all these amendments have been voted down, now when the motion which was made to recommit has failed and the question recurs upon the final passage of the bill, I find it to be within the line of my duty to support the pending measure.

Mr. FLOWER. That is just my position.

Mr. BLANCHARD. In giving my vote for the bill I act upon the policy of taking what I can get, if I cannot get all I want or am entitled to. There is just a sufficient amount of kernel in this bill to address it to my judgment in the sense of making it incumbent upon me in the line of my duty to support it.

In saying that I will support the bill I desire at the same time to protest against it. I say that the Republican majority upon the Committee on Ways and Means have been derelict in their duty to the country in failing to present here a bill adequate to meet the demands of the people. But, sir, that is a matter for the Republican majority of the Committee on Ways Means to be responsible for before the people, and I trust that at the elections this fall, when the people of the country come to consider the issues before them and the legislation of this Congress, they will hold the Republican party strictly accountable for giving them what is well-nigh a stone when they asked for bread. A loaf was demanded, but this bill meagerly and begrudgingly gives only a crumb.

But, sir, the crumb they hold out to us as their ultimatum I am constrained to take for the people I represent, on the basis that when a starving man asks for a loaf and a crumb is tendered to him he is not to refuse that crumb because the loaf is withheld. I will take it, serving notice upon the Republican majority that at a more propitious time a fuller measure of justice will be exacted. I represent a constituency which, while composed of a majority of agriculturists, there is yet a large percentage of mercantile men among them, and in their interest I shall vote for the bill, because that portion of it which provides for taking off the stamps on bank checks and bank capital and deposits will be directly beneficial to them, and to that portion of my constituency who are agriculturists it will be an indirect benefit at least, because it is in the line of cheapening money.

If these taxes on bank capital, bank checks, and bank deposits are taken off, the merchants can go to the banker and say to him, "You must loan me money at a less rate of discount than I have been before paying for it;" and when he gets his money at a less discount he can afford to loan it to the farmer and planters in the way of advance and supplies to enable them to make their crops at a less rate of interest.

It is for these reasons, Mr. Speaker, that I shall vote for this bill. Then, too, that portion of the bill which takes off the tax on matches and the tax on proprietary medicines is at least some paltry benefit to the people whose welfare is to be consulted.

Now, sir, protesting against the inadequacy and insufficiency of the bill, I shall yet vote for it on account of the small benefit, at least, to result to the people from it.

Mr. WHITE. Will the gentleman let me ask him how much of this twenty-six millions and a half the farmer will have the benefit of?

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. I yield for ten minutes to the gentleman from Massachusetts.

Mr. RUSSELL. Mr. Speaker, the internal-revenue bill now under consideration provides for the removal of all internal taxes except the tax upon tobacco, distilled spirits, and malt liquors, and reduces the income of the Government from this source about $26,000,000. With due regard for the prospective receipts of the Government, the large demand upon the Treasury for thepayment of pensions, and the uncertainty as to the effect of a revision of the tariff upon the receipts from customs duties, it is as far, in my judgment, as we should go at this session of Congress in the reduction of internal taxation.

We shall, by regular appropriations for the different Departments of the Government for the next fiscal year, including deficiencies for pensions and other items in 1882, appropriate at this session about $266,000,000. The permanent annual appropriation, including $65,000,000 for interest on the public debt, and $45,611,714.22 for the sinking fund, will amount to $126,000,000. This, added to the regular appropriations, will amount in round numbers to about three hundred and ninety-two million dollars. Deduct from this $42,000,000 for receipts from the Post-Office Department and we have a net expenditure of $350,000,000.

The estimated revenue from all sources under existing law, in the fiscal year ending June 30, 1883, is $400,000,000. Deducting the estimated expenditures as above, we have an estimated surplus of $50,000,000. Deduct from this the $26,000,000 reduction proposed by this bill, and we have but $24,000,000 surplus for the fiscal year ending June 30, 1883. With this showing, is there real cause for alarm at the prospective surplus in the Treasury?

Although the interest on the public debt will be less year by year as liquidation goes on, it is estimated that it will require for the payment of pensions in the year 1884 $150,000,000, or an increase over the year 1883, just provided for, of $50,000,000. Should the bill now under consideration become a law, unless there should be a large increase in the revenue from customs and the tax on distilled spirits and tobacco, we should not be able to meet the demand of the sinking fund in 1884. I therefore have opposed further reduction of the internal-revenue taxes.

It is proposed to revise the tariff. We have already begun the work for that purpose in the establishment of the commission. No man or body of men can tell what effect such a revision will have upon the receipts from customs; it may increase them or it may reduce them. It is expected that the tariff will be changed on raw material; perhaps some on which we nowreceive a revenue will be put upon the free list, and on others a reduction may be made, and the changes made upon manufactured goods may increase or decrease importation and thereby affect the revenue. Until the tariff is re-

vised and business adjusts itself to the new laws I submit that we should not make radical changes affecting the revenue from internal taxation as now remaining upon the two great luxuries, tobacco and whisky.

It is claimed in the discussion on this bill that it affords no relief to the poor man save on the single item of matches, but is in the interest of capital. I deny this. Take the tax on proprietary medicines, &c., amounting to $2,000,000. I claim that this class of goods is used to a greater extent by the poor than by the rich. These remedies are used mainly, whether wisely or not, by those who can ill afford to consult a physician for their minor ills.

The stamp tax on checks is paid largely by merchants and is an expense which must be added to the cost of the various kinds of merchandise sold to and used by all classes.

The removal of the tax upon bank capital and deposits is in the interest of all classes of our citizens. The tax is a burden upon business, and in the end is paid by the consumer, whoever he may be. Although the bank may in the first instance pay the tax levied, nothing can be plainer than the fact that it is next paid or assumed by the borrower of the bank's money, who is the merchant and manufacturer, and he in turn adds it to the cost of his goods, when it finally reaches the consumer, and the poorer the consumer the more burdensome the tax.

The capital in banks of deposit is largely owned in my section of the country by the savings-banks, and to the extent of relief this affords it is directly in the interest of the wage laborer, for, as I had occasion to show in my speech on the tariff, about three-fourths of the deposits in our savings-banks belong to the wage laborers.

Mr. MILLS. Do I understand the gentleman from Massachusetts to say that of the two hundred and forty millions of deposits in the savings-banks in Massachusetts three-quarters is owned by the wage laborers?

Mr. RUSSELL. That may not be true in all sections of New England. My statement and figures relate to the manufacturing cities of Lawrence and Lowell, where $16,000,000 is deposited in savings-banks so largely to the credit of wage laborers.

Mr. MILLS. Then I must say that they are very rich wage laborers.

Mr. RUSSELL. They are, and are made so by the operation of the protective tariff. It has been urged by some in this debate that relief should have been afforded at this session of Congress to the industries of the country through changes in the tariff. Now, you all know how difficult it is to deal with the tariff by piecemeal. If a single item of relief should be brought in here and considered in Committee of the Whole the whole tariff system would be loaded on to it and it would fall of its own weight.

The several attempts to afford relief by new legislation to certain industries destroyed by or suffering under errors in the law or the rulings of the Departments on technical points have not received the fair and considerate judgment of the House.

The other side of this House, or a majority of you, who are for a tariff for revenue only, have declared in speech and conversation that you would not remove all duties and destroy manufacturing industries; yet, whenever an opportunity occurs, you attempt to strike deadly blows at them when they come to Congress to seek relief.

Your votes the other day on the knit-goods question show conclusively how futile it is to expect, at your hands, fair dealing for industries that are stricken down by mistakes and technical points of law.

And your attempts on June 6, by the introduction of a bill, under a suspension of the rules, to put trace-chains on the free list when there is a duty upon the raw material used in their manufacture which makes it impossible for our manufacturers to compete with the foreign manufacturer even at the same rate of wages, show how empty are your words of promise for encouragement to home industries.

The argument in favor of rapid and large reductions in the revenue to prevent an overflowing Treasury, which might invite lavish expenditures, will be fully met and answered by the chairman of the Appropriations Committee before the close of this session.

Mr. ORTH. Mr. Speaker, taxes are regarded, and properly so, as among the necessary burdens incident to government, whether municipal, State, or national.

Those who enjoy protection to life, liberty, and property must contribute to the support of the government which gives this protection. While taxation is burdensome, it should be so regulated that its burdens fall as lightly and as equitably as possible upon the people. This is a most important and difficult duty, but it is a duty devolving upon the legislator, and his aim should be to discharge it faithfully and impartially. He should see to it that taxation shall be placed equally and fairly upon the property and pursuits of our citizens.

In a country like ours, where the material interests of the people are diversified and frequently conflicting, the difficulties incident to this duty of the legislator are correspondingly increased. To legislate for fifty millions of people occupying a continent with almost every variety of climate, soil, and production known to the world, a people possessing tireless energy, indomitable perseverance, and exhibiting unexampled progress in every pursuit of life, is a task requiring deliberate judgment, patient research, a thorough acquaintance with the wants of the people, and a disposition to act with the utmost fairness and impartiality toward all classes, interests, and sections of the country.

These suggestions are peculiarly applicable to all questions affecting revenue. It has been most truly said that "the power to tax is the power to destroy." How exceedingly important is it, therefore, that this great power shall be exercised with cool judgment and enlightened patriotism. And this remark applies with equal force to the repeal as to the levying of taxes.

Extraordinary emergencies may arise in the lifetime of a nation requiring extraordinary action, but when the emergency no longer exists, the action occasioned thereby should also cease.

In our history we have had and now have two systems of taxation for the purpose of raising national revenue. The one has been constant and enduring, the other exceptional and temporary; the one raising revenue by means of duties upon articles imported from foreign lands, the other by internal taxation upon the business of the country.

The American people have long been familiar with the tariff system, and it has always commended itself to their favor, because it is an inexpensive method for raising revenue, and if properly adjusted is equitable in its operations; besides it affords to the Government the means for protecting the various industries of the country from the injurious effects of cheap labor and low rates of interest which obtain abroad.

A discussion of the present tariff in its details would not be in order during the consideration of this bill, yet I cannot forbear saying that in my judgment, remaining substantially as when enacted in 1864, it needs thorough revision and many changes. This can be done quite well without on the one hand impairing its efficiency as a means of providing revenue, and on the other hand of affording adequate and proper protection to our various mechanical, manufacturing, and agricultural interests.

The ever varying changes in the mode and manner of business operations; the introduction of improved machinery; the application of new principles and methods; the opening of avenues of commerce; changes in the habits, tastes, and pursuits of our people, with many other causes, not only suggest but require important modifications in financial legislation. It is eighteen years since the adoption of our present tariff, and these have been years of extraordinary activity, progress, and improvement in almost all the business relations of life. The prices of fabrics, property of almost every description, together with labor, have not been exempt from the general change, and all these are potent arguments for a revision of our present tariff.

Congress during this session should have entered upon this important work, and for this reason I voted against the "tariff-commission bill," which recently became a law, because I saw in it a postponement for probably a year or two of the work which should be done now, besides, in a great measure, delegating to another body (the tariff commission) the work which under the Constitution is devolved upon Congress.

The other system of revenue by internal taxes is, as I have stated, exceptional in our history. We have adopted it three several times—during the revolutionary war, the war of 1812, and that for the suppression of the rebellion. It has never been favorably received by our people, because there are of necessity features connected with its assessment and collection, in addition to its expensive character, which are annoying to the citizen, subjecting him to a species of espionage at variance with the principles of popular government. After the Revolution and the war of 1812, when the necessity for internal taxes had ceased, the laws providing for them were repealed.

Our people then submitted to such taxation because the exigencies of war required extraordinary taxation, and so the law passed when rebellion was inaugurated is gradually becoming smaller in its proportions, and the comparatively few items remaining will, except the tax on spirits, doubtless cease altogether in the near future.

While the war and its necessities continued I voted for every dollar of internal tax necessary, and when the necessity lessened I voted from time to time to lessen such tax. It is upon this principle that I shall vote for this bill, although in some of its features it could, as I believe, be much improved.

The bill, however, is a step in the right direction—it is a reduction of taxes. Every dollar of reduced taxation lifts a dollar from the burdens of the people, and whenever we can alleviate these burdens it is our bounden duty thus to legislate.

This has been the practice and policy of the Republican party for the last twenty years, and is one of the bright spots in its history. Whenever taxes became a vital necessity we did not hesitate to assess them, trusting to the patriotism of the people for support, and the support was cheerfully given. When the necessity ceased, and we could reduce taxes, we did not hesitate to do so.

It is somewhat amusing to listen to some of our Democratic friends denouncing the reductions contained in this bill, especially so when we remember the Democratic opposition to these very taxes when national necessity required they should be assessed and collected.

THE PUBLIC DEBT AND ITS REDUCTION.

In this connection it is both interesting and instructive to glance briefly at the past and present condition of our public debt, and es-

pecially as such glance will exhibit to the people the manner in which the Republican party has managed the fiscal affairs of the Government since its accession to power.

At the close of the war our national debt had reached the highest point known in our history, the astounding sum of $2,381,530,294.96, or, speaking in round numbers, the sum of twenty-three hundred millions of dollars. This was its amount on the 31st day of August, 1865. The mind can hardly comprehend the immensity of these figures. The contemplation of the task of entering upon its reduction and final extinction might well appal the wisest statesmanship.

The Republican party was, however, pledged by every sense of national honor and of justice to our creditors to such reduction and payment, and in the face of discouragement from the timid, and whisperings of repudiation from the dishonest, it addressed itself bravely and unhesitatingly to the accomplishment of this more than herculean task. A reliance upon the patriotism and inherent honesty of the great mass of our citizens, and a firm determination to retrench the public expenditures, to enforce a rigid economy, were the means by which the Republican party expected to succeed in accomplishing the duty thus imposed upon them.

What has been the result of these efforts? The amount of our interest-bearing national debt at the close of the fiscal year, June 30, 1882, is only $1,463,810,400, showing a reduction of $917,719,894.96 in the last seventeen years, or at the rate of $53,983,523.23 each year.

Not a month, nor scarcely a day during all that time, has passed without witnessing a reduction. With this most excellent record the Republican party has justly merited the plaudit of "good and faithful servant."

The reduction in the interest of the national debt shows an equally good record.

At the foregoing date, August 30, 1865, we were paying an annual interest of $150,977,697.87, and now at the close of the fiscal year, June 30, 1882, the amount of our annual interest is only $57,360,110.75, showing a reduction of $93,617,587.12, or at the rate of $5,506,915.71 per year during the last seventeen years.

But probably the most gratifying part of this review is the fact that in 1865 the average rate of interest was 6 per cent., while now the average rate is less than 4 per cent.

This is the true financial barometer of our national credit: as the rate of interest diminishes, in the same proportion our credit rises.

A policy and a party producing these great results are not to be hastily abandoned or set aside. "Let well enough alone" is a wise maxim, applicable to all the relations of life. In fact, the financial success of the Republicans is not only without a parallel in history but stands forth as a reminder to the Democracy of their continued financial blunders and failures.

THE REDUCTION OF TAXES.

The national debt has not only been reduced, as I have already shown, but there has also been a very great reduction in the national taxes.

On the 13th of July, 1866, Congress passed the first act providing for the reduction of internal-revenue taxes, and this has been followed by other acts in time and amounts as specified in the following table, compiled from official sources, namely:

Act of July 13, 1866	$65,000,000
Act of March 2, 1867	40,000,000
Act of February 3, 1868	23,000,000
Act of March 31, 1868, } Act of July 20, 1868, }	45,000,000
Act of July 14, 1870	55,000,000
Act of June 6, 1872	21,131,000
	249,131,000

To which is to be added the reduction made in the revenue from customs by the following acts of Congress:

Act of July 14, 1870	30,000,000
Act of May 1, 1872, } Act of June 6, 1872, }	31,215,409
Making a grand total of reduction of taxes since 1866 of	310,346,409

Or, speaking in round numbers, an annual reduction of over three hundred million dollars, from which the people have been relieved by the action of the Republican party.

Yes, Mr. Speaker, I repeat, "by the action of the Republican party," for although the Democratic party had control of this House of Congress from March 4, 1875, to March 4, 1881, they have, with one or two insignificant exceptions, made no reduction in the taxes or taken any steps to relieve the people from their burdens, notwithstanding their constant professions of special friendship for the people.

THE CLAIMS OF THE SOLDIERS.

Due care must be exercised that the revenues shall not be reduced to a point which would embarrass the Government in meeting promptly all the demands legitimately made upon it, and for which appropriations are made by Congress. One of the largest, as well as the most praiseworthy, of all our appropriations is that which is passed every year to meet the claims of our soldiers. The nation has made, and must continue to make, liberal provision for those who deprived themselves of the comforts of home and risked life and health to save it from destruction. Our pension-roll, larger than that of any other country, is the proudest memorial ever erected by the justice and generosity of a nation to the bravery and heroism of its defenders. We shall continue to add to that sacred list hereafter, and death alone can lessen its numbers. The number of pensioners now is, in round numbers, 272,000. The number of unadjudicated claims for pensions now pending before the Commissioner is about 260,000, and the number of new claims now being filed is about 25,000 per month. Of the number on the pension-rolls, 15,289 reside in the State of Indiana, the annual value of whose pensions amounts to the sum of $1,638,325, and the annual payment, with arrears added, amounts to the sum of $3,106,817.

The number of pensioners residing in the ninth Congressional district of the State, by counties, is as follows:

County.	Number of pensioners.	Annual value of pensions.	Annual payment, with arrears.
Boone	209	$22,336	$42,438
Clinton	152	16,312	30,993
Hamilton	175	18,768	35,659
Madison	161	17,248	32,771
Tippecanoe	344	36,832	69,981
Tipton	158	16,856	32,026
Total	1,199	128,352	243,868

In 1862 the amount of money paid to our pensioners was $790,384.76, and during the last twenty years the amount thus paid was $506,345,044.21.

This Congress has appropriated for the ensuing fiscal year, to pay pension and arreages, the sum of $100,000,000.

My colleague, [Mr. BROWNE,] who as chairman of the Committee on Invalid Pensions is in a position to make a reasonable estimate on the subject, said in a recent speech in this House:

> We have already paid more than $500,000,000, and what is there before us that admonishes us to be vigilant while we are being just? According to the estimates more than $300,000,000 are yet to be paid for arrearages. If at the end of seven years the survivors of the Mexican war are added to the rolls at $8 per month, the grand total at the end of twenty-five years yet to be provided for will reach the enormous sum of $1,347,651,593.
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> * * * * * * *
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> Add to this sum the amount already paid, and the pension-roll at the end of the year 1906 will have taxed our resources $1,853,996,637, or to an amount exceeding our present national debt. To be sure this is an estimate only, but it is as likely to be under as above the sum that will be demanded.

CAN WE SAFELY REDUCE OUR TAXES.

In my judgment, even taking the most cautious view as to our probable revenues during the coming year, making allowances for temporary deficiencies which may arise from causes beyond legislative control, we can with perfect safety to the public interest, honor, and credit, proceed in relieving the people from taxation of not less than $50,000,000 per annum. We can do this and still provide for all legitimate and reasonable demands upon the national Treasury, and also for a continued monthly payment of the principal of our debt.

We have now an overflowing Treasury. This presents a constant temptation for all kinds of projects which will tend to its depletion without any corresponding benefit to the people. An overflowing Treasury is used as an argument for extravagance in appropriations, for so-called liberality in so-called public schemes, and the tendency is constantly to wild and visionary projects, which usually result to the benefit of the few at the expense of the many.

Prudence, economy, and retrenchment should constantly characterize the nation to the same extent as a prudent citizen manages his own private affairs.

We want no overflowing Treasury; we want no wild or visionary schemes to be undertaken by the Government simply because we have plenty of money on hand.

We must not forget that every dollar received in the shape of revenue by the Government comes directly from the people, and especially from that large and most meritorious class of the people, the producer, whose labor is the foundation of all our wealth.

At the present rate of taxation our entire debt will be extinguished inside of the next ten years. While it is at all times most excellent and praiseworthy both for individuals and nations to pay their debts, when in their power to do so, yet this generation has already been burdened by taxation to a most extraordinary degree, and the postponement of the final payment of our debt for ten or fifteen years would be a great relief to the present generation and would not entail inconvenience, much less hardship, to those who would by this course be called upon to pay comparatively a very small portion of the public debt, incurred to save a government whose benefits they will enjoy.

Let us examine the figures respecting our revenues and expenditures, and see whether I am not correct in this position.

Estimated resources for fiscal year:

Receipts from customs for the fiscal year ending June 30, 1882	$219,000,000 00
Receipts from internal revenue for the same period	146,265,486 56
From all other sources for the same period	35,000,000 00
Total of revenue	400,265,486 56
To which add "cash balance in Treasury"	140,604,474 26
Making a total of	540,869,960 82

Expenditures for fiscal year:

Pensions	$100,000,000 00
Legislative, executive, judicial, War and Navy, Indians, postal service, Agricultural Department, rivers and harbors, and miscellaneous, as appears by appropriations already made and estimates of Secretary of the Treasury	131,296,000 00
Sinking fund	45,000,000 00
Interest on public debt	57,360,110 00
Total expenditures	333,656,110 00
Surplus in Treasury	207,213,450 82
	540,869,560 82

Take from the above surplus in the Treasury the sum of one hundred millions, to remain as an available cash balance to meet any emergency, and it leaves a surplus of nearly $107,000,000.

From these figures, and they are approximately correct, founded upon official data and estimates carefully prepared by the Secretary of the Treasury, and my position is fully sustained, that Congress would be perfectly safe in making an annual reduction in our taxes, internal and tariff, of not less than $50,000,000, and still have an abundance of means to meet all demands on the Government, and a large annual reduction of our debt.

THE PROPOSED REDUCTION.

The bill now before us to "reduce internal-revenue taxation" proposes to repeal the following taxes, to wit:

First. The stamp tax on bank checks, drafts, orders, and vouchers.

Second. The tax on the capital and deposits of banks and bankers.

Third. The tax on the capital and deposits of national banks.

Fourth. The tax on matches, perfumery, medicinal preparations, &c.

Fifth. Reduction of tax on dealers in and manufacturers and peddlers of leaf tobacco and cigars.

Sixth. Reduction of the tax on cigars.

The annual reduction effected by this bill on the foregoing items will amount to the sum of $23,922,790.

It was hardly to be expected that such a diversity of opinion should exist in this House even as to this exceedingly small reduction and the articles and business embraced in this bill. The Government does not need this revenue. Indeed the reduction could easily be made much larger than is provided in this bill, and I shall cheerfully vote for it, because reduction is necessary and because, as I have already said, the internal-revenue system was inaugurated as one of the necessities of the war, and as the necessities cease the tax should cease.

In conclusion, permit me to add that I trust this "little bill" is but the beginning of efforts by Congress to revise most thoroughly our entire revenue laws, tariff and internal, to eradicate whatever defects may exist and to remedy any unjust or unequal operation, if any, of their provisions. Taxation is not one of the most desirable things of life, and especially so when we consider that its burdens ultimately rest most heavily on the producing class. You may assess your taxes upon the capitalist, upon the wealth of the country, whether of individuals or corporations, but you must not lose sight of the great fact, that however your taxes may be assessed, upon what particular business or property, it eventually but most surely is paid by the labor of the country. Let those who for the time being are charged with the management of the affairs of our Government see to it that the money of the people is prudently appropriated and honestly expended; let the people be assured that justice, wisdom, and patriotism pervades and controls such management, and all will be well.

Mr. SINGLETON, of Illinois. I ask that general leave be given to print remarks upon the pending bill.

There was no objection.

Mr. KELLEY. Mr. Speaker, I desire to say that the bill upon which we are soon to vote is, as was shown a day or two ago by the eloquent gentleman from Maine, but the continuation of a process begun just after the close of the war for the abolition of the internal-tax system. The process had gone on with a good degree of rapidity, until the financial crisis embarrassed our revenues and necessitated the restoration of some of the war taxation. We enter again, under Republican auspices, upon the work of extinguishing the war taxes known as the internal-revenue system of taxation. I would have been glad, Mr. Speaker, could the bill have made a more sweeping reduction, and I hope gentlemen on that side of the House will meet me in the December session and consider the bill I have proposed for fixing a day on which all taxes imposed on tobacco and articles produced from it shall be repealed.

Mr. SPRINGER. Why not vote upon that now?

Mr. KELLEY. The trade assembled in national convention protested against two things. One was successive repeals leaving them with stock on hand on which high taxes had been paid, while new beginners, or men whose stocks had been exhausted, would be benefited by the diminished rates. The other was against too sudden a wiping out of all, and that trade then named the 1st day of January, 1884, or the 1st of July, 1883, as the proper time for terminating it. Depending upon the condition of the finances in December, I hope to have the pleasure of having this bill reported by the Committee on Ways and Means, and stand shoulder to shoulder with those free-traders on that side who will promote a reduction of internal taxes.

My friend from Minnesota asks "What shall I say to these people when they point to your bill?" I will give him a speech ready made. On page 38 of to-day's RECORD he will find the eloquent utterances of the young Democrat from Missouri, [Mr. FROST,] and if he will commit it to memory and go before his constituents and repeat it word for word with his sonorous elocution he will answer all the questions propounded to him.

Mr. CAMP. It will be the best speech on the subject they ever heard.

Mr. KELLEY. And he will be applauded by them on that speech as he has not been at any of his six elections. As gentlemen may not be able readily to turn to it I will include that speech here:

Mr. FROST. Mr. Chairman, I move to strike out the last three words of section 2. It has been repeatedly asserted in the progress of this debate that this is a measure solely in the interest of the banks, of capital, and of monopolies throughout the country. The gentlemen urge upon us that we should begin at the other end to relieve the labor of this country from the burdens that at present bear with overpowering weight upon it. Now, sir, it is because I consider that this bill does something toward relieving the laborer of this country and removes some of his burdens that I propose to support it. Sir, if there is anything of wisdom in all the science of political economy it must be considered as established beyond question that in their ultimate effects taxes fall eventually upon labor. The state draws its revenue from wealth. Wealth is the production and creation of labor, and therefore under these circumstances it is apparent that taxes must be paid and can be paid by labor alone.

Does the wealth invested in bank capital and in bank deposits or represented by these things offer any exception to this rule? Mr. Chairman, what are banks? They are great reservoirs into which pour continually a myriad of tiny rivulets, for the most part the savings of the frugal, industrious laborer, mechanic, and retail tradesman. These rivulets are collected in these banks, the reservoirs, in order that they may be thence directed in sufficient quantity into the fructifying channels of commerce.

In these banks is contained the greater portion of the circulating capital of the country; and from circulating capital are paid the wages of labor. If the national coffers absorb from this great reservoir the circulating capital, $16,000,000 or $20,000,000, or any other amount, is it not apparent that just so much is subtracted from the wage-fund from which the laborer draws the necessities of his existence? Is it not apparent that by just so much labor is burdened, either by diminished employment or diminished wages, by this form of taxation as by every other?

Sir, the process is this: it is true that the bank pays the taxes in the first instance; but be sure the bank does not fail to charge it on the borrower. The borrower seeks the loan for the purpose of investing it in his business, either by maintaining the labor he already employs, or by bringing in additional labor to extend his business. And when the bank charges him with the tax, it just to that extent diminishes his borrowing capacity. It is a tax on credits, and it diminishes his borrowing capacity and his wage-paying capacity. And just so far it diminishes the necessities of life to the laborer who depends for employment on that wage-paying capacity.

It has also been repeatedly iterated upon this floor that this is a measure in favor of monopolies. It is an open secret, Mr. Chairman, that two of the most gigantic monopolies of this country and age of monopolies—the match monopoly, which, like death, spares in its exactions neither the palace of the rich nor the hovel of the poor, and the stamp-printing monopoly, which draws its profits alike from enthusiastic youth enthralled in the glamor of a first check-book, and from the wearied old age, whose physical infirmities find their only solace in a patent medicine—through their agents, are prowling about these lobbies, the most active and strenuous opponents of this bill. I do not blame them for it. They have got a good thing, and with the assistance of this Congress they mean to hold on to it. But for one, believing that this measure does relieve labor from some of its burdens, I will take what I can get, if I cannot get all I want.

Sir, the match tax is the most unpopular tax ever imposed by this or any other government. Gladstone's attempt to impose a tax on matches, the mere attempt to do it, paved the way for his defeat and brought in the Disraeli administration, which ended with the magnificent career of the Earl of Beaconsfield. It was the match tax more than any other one of Gladstone's mistakes which brought that about, and he had to withdraw his bill. During the war our Democratic friends in the mining districts, and wherever labor concentrated, said, "Look at them, how you are taxed; you cannot light your pipe without paying a tax. The poor, widowed mother cannot light the shavings and chips under her tea-kettle to make a warm cup in the morning without paying a tax on the match."

Now, when we propose to repeal those taxes, when those taxes have come to amount to millions a year, when the manufacture of matches has become one of the vilest monopolies in the country, when looking around upon the galleries, thin as they are, I can name members of its lobby that I see here, when to save the tax for one year they could pay one million and make four millions by the operation, I think if the gentleman from Minnesota will add those facts to Mr. FROST'S speech they may bring him an extra cheer or two.

I have no fear of going before my constituents with this bill as an entering-wedge and with the tobacco bill pending; and I shall not shrink if I go into the rural districts from planting myself straight in aid of the election of my Republican brethren on our achievements in the repeal of internal taxes and the protection of the revenues for all the vital purposes of the Government.

If I have any time and my friend from Iowa [Mr. KASSON] will use it, I gladly give it to him.

The SPEAKER. The gentleman has five minutes remaining.

Mr. KASSON. I had not intended or expected to speak even five minutes in the close of the debate. There is one feature, however, of the discussion of to-day that is calculated to produce surprise in

the minds I think of gentlemen on both sides of the House, and that is that for the first time in the history of any country where the government avows itself in need of far less revenue than it receives and demands from the representatives of the people that they reduce the burdens bearing upon the people, there is almost an organized party on one side of this House that protests against reducing taxation.

It has been the ground of opposition to executive governments in all time that they put burdens upon the people and were not disposed to take them off, but to increase them to meet the increasing wants of the government. This Republican administration has come to the popular branch of Congress and has said, "We do not want all the money that you give us; take off the taxes;" and all the speeches that we have heard against this bill have been in protest against taking taxes and burdens from the people of this country. On one side it is said you ought not to take off that, but you ought to take off something else. But the great fact that the people will understand is that it is proposed by this side of the House to take off now $25,000,000 of taxation at this session of Congress, with the hope distinctly avowed by the organs of the opinion of the majority on the floor that we will take off millions more next session. And are gentlemen willing to go back to their constituents and to say, "We refuse to take off the taxes that are burdening you, because in doing so we would take off taxes on somebody else we did not want to relieve?" Are you to go to tobacco manufacturers, as laborious, diligent, and honest a class of men as any in this country, most of them barely earning a living, and say to them, "We voted against reducing your license taxes because a paltry sum of $400,000 was in the bill stricken off the capital of national banks?" Is that the principle of statesmen or of patriots? Do we tax people because we do not like their professions, or do we tax them because we want the money for the purposes of the Government?

The whole theory of the bill is to get rid of all the taxes on all the industries of the country that it is possible to do with safety to the public interest. And I regretted to hear my honored friend from Pennsylvania [Mr. CURTIN] devote nearly all his time to the objection that we have not given the right to the producers of leaf tobacco to sell it in the open market without restriction, and he could see no reason for maintaining that restriction. I may be permitted to remind my friend that when he was struggling with the rest of us in war-times to create a revenue to keep our soldiers on foot in the field neither he nor I found any objection at that time to a system that was indispensable to the collection of the tax on manufactured tobacco.

We knew that it would escape us unless it could be followed from the field to the workshop; and hence it had to be traced, under the provisions of law, the purchaser usually paying the tax, and the producer being required to sell only to a licensed dealer, in order to be sure that tobacco would not escape the tax in the manufacturers' hands. Gentlemen know to-day that we would take it off if it could be done before we take the tax off manufactured tobacco also. It is like the license, a means of securing the tax on manufactured articles from manufacturers, so as to avoid frauds on the revenue. [Mr. CURTIN rose.] I have so short a time that I regret that I must ask the gentleman to excuse me.

The proposition is simply this: will you go upon record, and go home to your constituents and say to the farmer, "I will still make you pay two cents on every check you draw on your little fund in the bank, because if I took it off that I would have to take the tax off something else I did not want." To-day, in our part of the country, it is the farmer who makes the deposits in the banks. Will you go home and say to your constituents that you refused to take the tax off their bank checks because you did not want to take off the capital of national banks the little tax of $400,000 which was collected last year? We go for a reduction of tax to the largest possible extent.

The SPEAKER. The time of the gentleman has expired. The question is on the passage of the bill.

Mr. SPRINGER and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 80, not voting 83; as follows:

YEAS—128.

Aldrich,	Covington,	Harmer,	McClure,
Barr,	Crapo,	Harris, Benj. W.	McCook,
Bayne,	Cullen,	Harris, Henry S.	McLane,
Belford,	Darrall,	Heilman,	Miles,
Bingham,	Davis, George R.	Hewitt, Abram S.	Miller,
Bisbee,	Deering,	Hill,	Moore,
Blanchard,	De Motte,	Hiscock,	Morey,
Bliss,	Deuster,	Hoblitzell,	Morse,
Bowman,	Dezendorf,	Horr,	Neal,
Brewer,	Dowd,	Hubbell,	Norcross,
Briggs,	Ellis,	Hubbs,	O'Neill,
Browne,	Errett,	Humphrey,	Orth,
Buck,	Farwell, Sewell S.	Jacobs,	Parker,
Burrows, Julius C.	Fisher,	Jadwin,	Peelle,
Butterworth,	Flower,	Jones, Phineas	Peirce,
Calkins,	Frost,	Joyce,	Pettibone,
Campbell,	Geddes,	Kasson,	Phister,
Candler,	George,	Kelley,	Pound,
Cannon,	Gibson,	Ketcham,	Prescott,
Carpenter,	Godshalk,	Lewis,	Ranney,
Caswell,	Guenther,	Lord,	Ray,
Chace,	Hammond, John	Mackey,	Reed,
Rich,	Shultz,	Thompson, Wm. G.	Wadsworth,
Richardson, D. P.	Smith, A. Herr	Tillman,	Wait,
Robinson, Geo. D.	Smith, Dietrich C.	Townsend, Amos.	Walker,
Robinson, Jas. S.	Smith, J. Hyatt	Tyler,	Washburn,
Ross,	Spaulding,	Updegraff, J. T.	Webber,
Russell,	Speer,	Urner,	West,
Scoville,	Spooner,	Valentine,	Willis,
Scranton,	Stone,	Van Aernam,	Willits,
Shackelford,	Strait,	Van Horn,	Wilson,
Shallenberger,	Talbott,	Van Voorhis,	Young.

NAYS—80.

Anderson,	Culberson,	Hooker,	Rice, John B.
Armfield,	Cutts,	House,	Rice, Theron M.
Atkins,	Davidson,	Jones, George W.	Ritchie,
Belmont,	Davis, Lowndes H.	Jones, James K.	Rosecrans,
Berry,	Dibrell,	Jorgensen,	Scales,
Bland,	Dingley,	Kenna,	Shelley,
Blount,	Dugro,	King,	Sparks,
Brumm,	Dunnell,	Knott,	Springer,
Buchanan,	Forney,	Latham,	Stockslager,
Buckner,	Fulkerson,	Manning,	Thompson, P. B.
Cabell,	Gunter,	Matson,	Townshend, R. W.
Caldwell,	Hammond, N. J.	McKenzie,	Tucker,
Carlisle,	Haseltine,	McMillin,	Turner, Oscar
Clements,	Hatch,	Mills,	Upson,
Cobb,	Hazelton,	Morrison,	Vance,
Colerick,	Hepburn,	Moulton,	Warner,
Cook,	Herbert,	Muldrow,	Wellborn,
Cox, Samuel S.	Hewitt, G. W.	Payson,	White,
Cox, William R.	Hoge,	Phelps,	Whitthorne,
Cravens,	Holman,	Reagan,	Williams, Thomas

NOT VOTING—83.

Aiken,	Ermentrout,	Lowe,	Robinson, Wm. E.
Atherton,	Evins,	Lynch,	Ryan,
Barbour,	Farwell, Chas. B.	Marsh,	Sherwin,
Beach,	Ford,	Martin,	Simonton,
Beltzhoover,	Garrison,	Mason,	Singleton, Jas. W.
Black,	Grout,	McCoid,	Singleton, Otho R.
Blackburn,	Hall,	McKinley,	Skinner,
Bragg,	Hardenbergh,	Money,	Steele,
Burrows, Jos. H.	Hardy,	Mosgrove,	Stephens,
Camp,	Haskell,	Murch,	Taylor,
Cassidy,	Hawk,	Mutchler,	Thomas,
Chapman,	Henderson,	Nolan,	Turner, Henry G.
Clardy,	Herndon,	Oates,	Updegraff, Thomas
Clark,	Houk,	Pacheco,	Ward,
Converse,	Hutchins,	Page,	Watson,
Cornell,	Klotz,	Paul,	Williams, Chas. G.
Crowley,	Lacey,	Randall,	Wise, George D.
Curtin,	Ladd,	Rice, William W.	Wise, Morgan R.
Dawes,	Leedom,	Richardson, Jno. S.	Wood, Benjamin
Dunn,	Le Fevre,	Robertson,	Wood, Walter A.
Dwight,	Lindsey,	Robeson,	

So the bill was passed.

The following additional pairs were announced:

Mr. LOWE with Mr. HERNDON.

Mr. CAMP with Mr. BLACKBURN.

Mr. FARWELL, of Illinois, with Mr. SINGLETON, of Illinois.

Mr. STEELE with Mr. KLOTZ.

Mr. TAYLOR with Mr. TURNER of Georgia.

Mr. CONVERSE with Mr. UPDEGRAFF of Ohio.

Mr. ROBESON with Mr. HARDY.

Mr. STEPHENS with Mr. HENDERSON.

Mr. PAGE. I am paired with Mr. MCKINLEY, of Ohio. If he were here, he would vote "ay" and I should vote "no."

Mr. LE FEVRE. I am paired with Mr. RYAN, of Kansas. I do not know how he would vote if present; but I should vote "no."

Mr. SIMONTON. I am paired with Mr. HUTCHINS, of New York. If Mr. HUTCHINS were present, he would vote "ay" and I should vote "no."

Mr. CAMP. I should vote "yea" on the passage of this bill if I were not paired with Mr. BLACKBURN, who would vote "no."

Mr. AIKEN. I was paired for a week with Mr. WARD, of Pennsylvania. That week passed and another week has intervened, during which I have continued the pair with him. He is still absent, and I do not know whether it is desired that the pair shall continue to stand, for I have not seen Mr. O'NEILL, who made the arrangement with me. I have voted on the passage of this bill, but rather than disappoint Mr. WARD I will withdraw my vote, stating that if I voted I should vote "no."

The result of the vote was then announced as above stated.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 482) for the relief of Alexander Smiley; and

A bill (S. No. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

ORDER OF BUSINESS.

Mr. CRAPO. I move to dispense with the morning hour for the call of committees.

The motion was agreed to; two-thirds voting in favor thereof.

Mr. HISCOCK. I ask unanimous consent that the evening session for this evening be dispensed with.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] asks consent that the standing order of the House which requires a recess to be taken from five o'clock to eight o'clock in the evening be vacated for to-day.

There was no objection, and it was so ordered.

Mr. CRAPO. I now move that the House proceed to the consideration of business on the Speaker's table.

The question was taken; and upon a division there were--ayes 100, noes 22.

Mr. HATCH. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HATCH and Mr. CRAPO were appointed.

During the count by tellers,

Mr. TOWNSHEND, of Illinois, said: I wish to make a parliamentary inquiry. Would it be in order to antagonize this motion with a proposition to take up the naval appropriation bill? I understand that all gentlemen on this side are ready to take up that bill.

The SPEAKER. The gentleman is not in order; the House is dividing.

The House divided; and the tellers reported—ayes 112, noes 35.

So the motion of Mr. CRAPO was agreed to.

DONATIONS OF CONDEMNED CANNON.

The first business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 2202) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut.

The amendments were read, as follows:

In line 3, after the word "condemned," insert "cast iron."
In line 5, strike out "to be used" and insert "for use and ornamentation."

Mr. TOWNSHEND, of Illinois. Let the report be read.

The SPEAKER. There is no report. These are Senate amendments to a House bill.

The question being taken on concurring in the amendments of the Senate, there were—ayes 101, noes 5.

Mr. SPARKS. No quorum.

Tellers were ordered; and Mr. PHELPS and Mr. SPARKS were appointed.

The House again divided; and the tellers reported—ayes 149, noes none.

So the amendments were concurred in.

Mr. PHELPS moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business on the Speaker's table was the bill (H. R. No. 3082) granting condemned cannon to Anna M. Ross Post No. 94 of the Grand Army of the Republic, of Philadelphia.

The amendments were read, as follows:

In line 2 strike out "brass" and insert "iron."
Add to the bill "for use and ornamentation of cemetery lot."

Mr. O'NEILL. In behalf of my colleague, [Mr. RANDALL,] who is absent on important business, I move that these amendments be concurred in.

The amendments were concurred in.

Mr. O'NEILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

The amendments were read, as follows:

Page 2, line 14, strike out "four" and insert "three."
Page 2, line 14, strike out "Southern."
Page 2, line 16, strike out "and."
Strike out all after "Black Hawk," in lines 16 and 17, down to and including "of," in line 19.
Page 4, line 3, strike out "four" and insert "three."
Page 4, line 3, strike out "Davenport."
Page 4, line 5, strike out "and."
Strike out all after "Louisa," in line 5, down to and including "of," in line 8.
Page 4, line 8, strike out "Mahaska, Monroe."
Page 4, line 12, after "Poweshiek," insert "Mahaska."
Page 4, line 13, after "Greene," insert "Guthrie, Adair."
Page 4, line 14, after "Decatur," insert "Monroe."
Page 4, line 15, strike out "in" and insert "for."
Page 4, line 17, strike out "Guthrie."
Page 4, line 18, strike out "Adair."
Page 4, line 23, strike out "provided by" and insert "named in."
Strike out all after "that," in line 26, on page 4, down to and including line 5, on page 5, and insert "courts under this act shall be held at Dubuque, Keokuk, Des Moines, and Council Bluffs, at such times as are now fixed by law; at Fort Dodge on the third Tuesdays in January and June, and at Sioux City on the second Tuesdays in February and July."
Page 6, line 8, after "therein," insert "and all offenses against the laws of the United States before the passage of this act shall be cognizable in the district where committed."

Mr. McCOID. I move that the House non-concur in these amendments.

Mr. WILSON. I wish to inquire whether this bill interferes at all with holding court at Keokuk?

Mr. THOMPSON, of Iowa. It does not.

The amendments were not concurred in.

Mr. McCOID moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOAN OF TENTS.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association.

The amendment was read, as follows:

After "and," in line 11, insert "the whole."

The amendment was concurred in.

JAPANESE INDEMNITY FUND.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

The amendments were read, as follows:

Page 1, lines 12, 13, and 14, strike out "out of the fund now under control of the Department of State, known as the Japanese indemnity fund," and insert "out of any money in the Treasury not otherwise appropriated."
Page 1, lines 3 and 4, strike out "$1,516,364" and insert "$785,000.87 in legal coin, through the United Sates minister to Japan."
Page 1, line 5, strike out "in" and insert "and all."
Page 1, line 8, after "fund," insert "shall be canceled and destroyed."
Page 1, line 9, strike out "President" and insert "Secretary of the Treasury."
Page 1, line 11, strike out "254" and insert "140."

Mr. WILLIAMS, of Wisconsin. I desire to move that the House non-concur in the amendments of the Senate.

Mr. TOWNSHEND, of Illinois. I move that the bill be referred to the Committee on Foreign Affairs. I think my motion is in order.

Mr. WILSON. There is no reason for that.

Mr. TOWNSHEND, of Illinois. There are a great many reasons for it—reasons which have been developed by the debate in the Senate, as well as outside.

The SPEAKER. The motion to non-concur takes precedence of the motion to refer.

Mr. TOWNSHEND, of Illinois. Is it in order to move to non-concur with instructions to the conference committee——

The SPEAKER. There is no conference committee on this bill; perhaps there never will be any.

Mr. TOWNSHEND, of Illinois. I hope we shall vote down the motion to non-concur.

The amendments were not concurred in.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLIAMS, of Wisconsin. I desire to make a parliamentary inquiry, whether it would be proper at this time to ask to have a committee of conference on the disagreeing votes of the two Houses?

Mr. KASSON. That is not in order now.

Mr. WILLIAMS, of Wisconsin. Allow me to say, Mr. Speaker, I have been informed at this late hour of the session it has been formerly the practice to economize time in that way.

The SPEAKER. The regular practice is after the Senate has insisted on its amendments. The Chair does not undertake to decide it cannot be done by the House.

Mr. WILLIAMS, of Wisconsin. I understood that was formerly the practice.

Mr. ROBINSON, of Massachusetts. The Senate might recede.

The SPEAKER. And then there would be no necessity for a conference committee.

MILITARY CEMETERY, MOUND CITY, ILLINOIS.

The next business on the Speaker's table was the following amendment of the Senate to the bill (H. R. No. 6004) making appropriation to construct a road and approaches from Mound City, Illinois, to the military cemetery, and for other purposes.

The Clerk read as follows:

In line 1, strike out $25,000 and insert $15,000.

Mr. DAVIS, of Illinois. I move the amendment of the Senate be concurred in.

The amendment was concurred in.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKING ASSOCIATION.

The next business on the Speaker's table was the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence; returned from the Senate with sundry amendments.

The SPEAKER. The Clerk will read the amendments.

Mr. ANDERSON. I reserve all points of order.

The Clerk read the amendments, as follows:

First amendment: Page 2, line 20, after the word "law," insert "or unless here after modified or repealed."

Mr. CRAPO. I move that amendment be concurred in.
The amendment was concurred in.

Second amendment: Page 2, section 3, line 3, strike out the words "may, if he deems it necessary," and insert in lieu thereof the word "shall."

Mr. CRAPO. I move to concur in that amendment.
The amendment was concurred in.

Third amendment: Page 4, section 5, line 19, after the word "due," insert "and be forthwith paid."

Mr. CRAPO. I move the amendment be concurred in.
The amendment was concurred in.

Fourth amendment: Page 4, section 5, lines 20 and 21, strike out "until paid."

Mr. CRAPO. I move to concur in the amendment of the Senate.
The amendment was concurred in.

Fifth amendment: Page 5, section 6, line 10, strike out the following words: "and when the amount of such notes shall be reduced to 5 per cent. of the capital stock of the banks issuing the same" and in lieu thereof insert the following: "at the end of three years from the date of the extension of the corporate existence of each bank."

Mr. CRAPO. I move concurrence in that amendment.
The amendment was concurred in.

Sixth amendment: Page 5, section 6, lines 15 and 16, strike out "all of its outstanding circulation" and in lieu thereof insert "the remainder of the circulation which was outstanding at the date of its extension."

Mr. CRAPO. I move to concur in that amendment.
The amendment was concurred in.

Seventh amendment: Page 6, section 6, lines 23 and 24, strike out "or lawful money deposited therefor, as provided by law such notes," and in lieu thereof insert "they."

Mr. CRAPO moved to non-concur in that amendment.
The amendment was non-concurred in.

Eighth amendment: Page 6, section 6, line 26, strike out the words "Comptroller of the Currency" and insert "Secretary of the Treasury."

Mr. CRAPO. I move to concur in that amendment.
The amendment was concurred in.

Ninth amendment: Page 6, section 6, line 30, strike out "pay" and insert "reimburse to the Treasury."

Mr. CRAPO. I move to concur in that amendment.
The amendment was concurred in.

Tenth amendment: Page 6, section 6, strike out these words: "and all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law."

Mr. CRAPO. I move to concur in that amendment.

Mr. HOLMAN. I trust the House will not concur in that amendment, and I ask that the proviso be read as it went from the House.

The Clerk read as follows:

Provided, however, That each banking association which shall obtain the benefit of this act shall pay the cost of preparing the plate or plates for such new circulating notes as shall be issued to it, and all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

Mr. HOLMAN. I move to amend the motion of the gentleman from Massachusetts so as to non-concur.

The SPEAKER. The question will be put on concurrence.

Mr. HOLMAN. Of course. Now, the effect of this amendment is to relieve the banks getting the benefits of this law from almost all of the costs necessary in making the change. As the section passed the House the banks were to pay the cost of the plates and all other expenses incident to the substitution of the new currency for the old. That proposition was so fair and just that I believe my friend from Massachusetts acquiesced in it immediately without question. It is now proposed, however, by this Senate amendment, as I understand it, to limit the expenditure on the part of the banks for the substitution of this new currency merely to the cost of the plates. That is a comparatively simple item, as the gentleman must know. I think it is clear that the banks should pay the entire cost of the substitution of the new currency, and I do not think any argument can be addressed to the House in conflict with that position. Why should they not? Here is a large amount of money withdrawn from circulation and new notes substituted for it. The banks are the beneficiaries of this legislation, and certainly the cost of the change of the circulation should not be borne by the Treasury instead of these corporations themselves. The banks can afford to bear it; and I trust my friend from Massachusetts will see the absolute injustice of imposing this tax upon the general Treasury of the country rather than upon the banks.

Mr. CRAPO. There is a practical difficulty in carrying out the law, if the words to which I have referred are left in the bill. There cannot conveniently be, in other words, two systems of estimating the cost and paying the expense of the change of the circulating notes of the banks of those going on by the operation of existing law, and those that are privileged to extend their charters under this act. This is a question of convenience simply. It extends to only a few dollars. There would be great inconvenience in attempting to keep the two sets of accounts of banks which are authorized to extend their charters, and those whose charters have not expired, but have circulation granted to them, organizing under the law generally. The expense, too, of keeping the accounts will be greater than any possible saving that can accrue to the Government by the adoption of the amendment.

Mr. COX, of New York. This item involves pretty nearly $1,000,000.

Mr. CRAPO. How much?

Mr. COX, of New York. I think about $1,000,000.

Mr. CRAPO. Oh! nothing like it.

Mr. COX, of New York. It is an item that is not unknown to our side of the House. We have considered the matter before.

Mr. HOLMAN. It was stated at the time that this matter was in contemplation in the Forty-first or Forty-second Congress that the substitution of new notes would cost in the neighborhood of a million dollars. I have not the data myself, but when the attempt was made to substitute new currency these figures were obtained, and the cost approximately determined.

Mr. CRAPO. By the striking out of these words the banks whose charters are expiring would have circulating notes issued to them, and will pay just as the banks do now for the plates and the expense of redemption.

Mr. HUMPHREY. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREY. It is impossible, there is so much confusion in the House, to hear anything that is going on.

The SPEAKER. Gentlemen will please be seated or retire to the cloak-rooms, who desire to converse.

Mr. CRAPO. Since 1874 there have been $1,165,000,000 of national-bank bills redeemed. By a law passed at that time the expense of redemption was placed upon the banks, and they have paid since 1874 $1,842,057.72 up to the end of the last fiscal year on that account. It is proposed by this that they shall continue to pay this expense; and that there shall be no difference between banks that obtain circulation under existing laws and those which obtain it by the extension of their charters under the pending bill. The gentleman from Indiana, as I understand it, proposes that there shall be a difference.

Mr. HOLMAN. No, sir; I propose that the law shall be as it was before. When the attempt was made before, on account of certain alleged forgeries of national-bank circulation, to reissue the circulation, and when it was proposed to substitute new currency for the old, no person pretended but that the charge was a proper one against the national banks; and the House by an overwhelming vote declared the banks should pay the cost, not merely of the plates, but the entire cost of the substitution.

I admit that the bill did not pass the Senate, because the national banks and the Treasury decided that the currency should remain as it was. But now when you propose, with reference to the large body of the banks, to withdraw their entire currency and substitute new, it does seem to me that in addition to the small tax they now pay they should pay the cost of the substitution. That is all the original proposition contemplated. But by this Senate amendment they go to the extent of proposing that the banks shall pay only the cost of the plates, which is a small item, and leave the great cost of substitution entirely out of the bill. I think the banks should pay the entire cost; and therefore I hope that the Senate amendment will not be agreed to.

Mr. CRAPO. Let us have a vote.

Mr. COX, of New York. If my friend from Massachusetts desires a vote I shall not take up much time.

Mr. CRAPO. I do not wish, of course, to deprive the gentleman from New York the privilege of being heard.

Mr. COX, of New York. I simply desire to say, then, that my friend from Massachusetts should give some figures to show just what this thing would cost. I think the amendment of the Senate has stricken out altogether the idea of the banks paying this cost; or, supposing there may be new plates required——

Mr. CRAPO. New plates must be paid for under this bill by the bank.

Mr. COX, of New York. Then the data the gentleman may have may not be correct. The new plates will cost a large sum.

Mr. CARLISLE. If the gentleman from New York [Mr. COX] will yield to me, I wish to put a question to the gentleman from Massachusetts. I am not sure I understand the precise effect of this provision which the Senate has struck out. The gentleman from Massachusetts has referred to the total amount of redemption since 1874, and the cost of it. I wish to ask him whether it is not a fact that the amount of currency redeemed and the amount substituted will be largely increased under this bill over what it was heretofore? This bill proposes to extend the charters of all the national banks in the country. Therefore as a matter of necessity the currency of all the national banks in the country will have to be redeemed at the Treasury Department and a new currency substituted. It seems to me it will make a large increase in the labor of the Department.

Mr. CRAPO. And every dollar is assessed on the banks, whether the amount be greater or less.

Mr. CARLISLE. I understand that is so by the bill as it passed the House; but the Senate has stricken out that provision.

Mr. CRAPO. It is so by the act of June 20, 1874. All the cost of the redemption, the express charges, the sorting, the sending back, is all borne by the banks.

Mr. CARLISLE. Out of the 5 per cent. redemption fund?

Mr. CRAPO. No; as an independent charge. In 1881 these expenses cost the banks $2.69 for every thousand dollars of their circulation.

Mr. CARLISLE. But that is imposed on all the banks, as I understand. That is to say, if the notes of the First National Bank of New York are redeemed, the cost of redeeming them falls on all the banks of the country.

Mr. CRAPO. Oh, no; the cost for the whole year is computed, and that is divided and assessed upon the banks.

Mr. CARLISLE. But is it assessed in proportion to the amount of their notes?

Mr. CRAPO. No, sir; the banks in existence have to pay the cost of redemption for the banks that have failed.

Mr. CARLISLE. That is what I understood.

Mr. CRAPO. Twenty-six per cent. of the total redemption of bank bills is of bills of banks that have gone out of existence, and the remaining 74 per cent. of banks have to pay the whole 100 per cent. of expense.

Mr. CARLISLE. I think then I was not mistaken in my statement of the law, that whenever the notes of a bank are redeemed under the act of 1874 that bank individually is not called on to pay the cost of the redemption, but all the banks of the country are called on to pay it. Now, under this bill as it passed the House, when a bank has its charter extended and has its old notes redeemed and new notes substituted, that particular bank would pay the cost of the substitution, and that I think is correct.

Mr. CRAPO. That is provided by a subsequent section.

Mr. COX, of New York. The gentleman from Massachusetts [Mr. CRAPO] concurred in this when it passed the House, and the Senate has stricken it out. What is it they have stricken out? It is these words:

And all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

We have done something to-day to relieve these banks. We have not a perfect idea now of the cost, whether more or less, of this substitution; and I cannot see why my friend from Massachusetts should consent to give away this proposition of the House to the Senate without some reason. If there has to be a change in these notes why should not the banks, who are the beneficiaries of the change, pay for all the cost? I hope the sense of the House will not concur in this amendment of the Senate.

Mr. HOLMAN. I wish to call attention to another fact, that even as to reimbursement to the Treasury of the cost of the plates it is not provided that shall be "in addition to the tax now imposed by law." Those words are expressly stricken out by the Senate. Now, when the House bears in mind this whole arrangement is made for the benefit of the banks, I do insist the whole cost of the substitution of the new currency for the old shall be borne by the banks. I trust, therefore, the House will not concur in this amendment.

Mr. KASSON. I would like to ask the gentleman from Indiana [Mr. HOLMAN] or the gentleman from Massachusetts [Mr. CRAPO] whether the question is not between assessing the slight additional cost on the entire banking associations as is now done, or making separate accounts and putting the individual expense in a given case on the individual bank; in other words, whether it is not an expense imposed on all banking associations in one case and an expense imposed under a new system of accounts on the individual bank in the other. If so, it is not a question that affects the public Treasury, but is one that affects the banks themselves.

Mr. BUCKNER. I will remark to my friend from Iowa that what is provided for here is that each bank shall pay for the new plates, and shall also pay for the cost of the substitution.

Mr. KASSON. I see that; I was speaking of the additional cost.

Mr. BUCKNER. The question of redemption is different altogether. This is to provide for the cost of the substitution of the new currency for the old.

The SPEAKER. The question is upon the motion of the gentleman from Massachusetts [Mr. CRAPO] to concur in the amendment of the Senate.

The question was taken; and upon a division there were—ayes 78, noes 50.

Before the result of the vote was announced,

Mr. COX, of New York, called for the yeas and nays.

The yeas and nays were ordered, there being 36 in the affirmative, more than one-fifth of the last vote.

Mr. COX, of New York. In order to save time, (and I understand that the gentleman from Massachusetts [Mr. CRAPO] will agree to the proposition,) I ask that the amendment of the Senate be non-concurred in and go to a committee of conference.

Mr. HOLMAN. I think we had better have the yeas and nays anyhow.

The SPEAKER. The yeas and nays have been ordered, but by unanimous consent the order can be vacated and the question be put on the motion to non-concur.

Mr. CRAPO. I will withdraw the motion to concur.

The SPEAKER. The Chair hears no objection to vacating the order for the yeas and nays on the motion to concur, which motion the gentleman from Massachusetts withdraws, and the question recurs on the motion of the gentleman from Indiana [Mr. HOLMAN] to non-concur.

The motion to non-concur was agreed to.

The eleventh and twelfth amendments of the Senate were to section 7, to insert after the word "existence" and before the word "shall" the words "has expired or," and after the word "shall" insert the word "hereafter;" so that it would read:

SEC. 7. That national-banking associations whose corporate existence has expired or shall hereafter expire, and which do not avail themselves of the provisions of this act, shall be required to comply with the provisions of sections 5221 and 5222 of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation, as provided in section 5220 of the Revised Statutes.

Mr. CRAPO. I move that the amendments be concurred in.

The motion was agreed to.

The thirteenth amendment of the Senate was to insert, after the word "associations," the words "except as modified by this act;" so that portion of the section would read:

And the provisions of sections 5224 and 5225 of the Revised Statutes shall also be applicable to such associations except as modified by this act; and the franchise of such association is hereby extended for the sole purpose of liquidating their affairs until such affairs are finally closed.

Mr. CRAPO. I move that that amendment be concurred in.

The motion was agreed to.

The fourteenth amendment of the Senate was, to strike out section 8, as follows:

SEC. 8. That national banks now organized or hereafter organized, having a capital of $150,000 or less, shall not be required to keep or deposit with the Treasurer of the United States United States bonds in excess of $10,000 as security for their circulating notes; and such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law.

And to insert in lieu thereof the following:

That national banks now organized or hereafter organized, having a capital of $100,000 or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-third of their capital stock as security for their circulating notes; and such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: *Provided*, That the amount of such circulating notes shall not in any case exceed 90 per cent. of the par value of the bonds deposited as herein provided: *Provided further*, That all national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment; and all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June 30, 1881.

Mr. CRAPO. I move to non-concur in that amendment of the Senate.

The motion was agreed to.

Mr. CRAPO. I now move that the House non-concur in all the Senate amendments to section 9 of the bill.

Mr. HATCH. Let the amendments be read; I want to hear them.

The SPEAKER. The gentleman is entitled to have them read.

The amendments of the Senate to section 9 are as follows; strike out the words in brackets and insert the words printed in italics:

SEC. 9. That any national banking association now organized or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section 4 of the act of June 20, 1874, *entitled* "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," *or as provided in this act*, [shall be required to give ninety days' notice to the Secretary of the Treasury of its intention to deposit lawful money and withdraw its circulating notes] *is authorized to deposit lawful money and withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits; and no national bank which makes any deposit of lawful money in order to withdraw its circulating notes shall be entitled to receive any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid: Provided*, That not more than [five] *three* millions of dollars of lawful money shall be deposited during any calendar month for this purpose: [And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, but when bonds are called for redemption the banks holding such called bonds shall surrender them within thirty days after the maturity of their call.]

The SPEAKER. The gentleman from Massachusetts [Mr. CRAPO] moves to non-concur in all the amendments to the ninth section of the bill.

The motion was agreed to.

The twentieth amendment was read, as follows:

After the words "that upon a deposit of bonds as described by sections 5159 and 5160" insert the following:

"Except as modified by section 4 of an act entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' approved June 20, 1874, and as modified by section 8 of this act."

Mr. CRAPO. I move to concur in that amendment of the Senate.

The motion was agreed to.

The twenty-first amendment of the Senate was to add to the bill the following:

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing 3½ per cent. interest, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of $50, $100, $500, $1,000, and $10,000, of such form as he may prescribe, bearing interest at the rate of 3 per cent. per annum, payable quarterly at the Treasury of the United States. Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States: *Provided*, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than 3 per cent., and which shall be redeemable at the pleasure of the United States, shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

Mr. CRAPO. I move to concur in that amendment of the Senate.

Mr. CARLISLE. That section provides for the issue of $200,000,000 of 3 per cent. bonds——

Mr. CRAPO. It fixes no amount.

Mr. CARLISLE. That is correct. It authorizes the Secretary of the Treasury to receive 3½ per cent. bonds and to issue in exchange for them 3 per cent. bonds to any amount whatever.

Mr. CRAPO. Without extending the time and subject to call.

Mr. CARLISLE. I want to state to the House a fact which has already been stated to-day on this floor by the gentleman from Minnesota, [Mr. DUNNELL,] that there is now pending before the Committee on Ways and Means a proposition made by a New York banker to take $200,000,000 of bonds at 2 per cent., with the option on the part of the Government to pay them after the expiration of one year. That is to say a gentleman has come before the Committee on Ways and Means and stated distinctly that he was authorized by gentlemen in New York to make that proposition, and that he would communicate to the Secretary of the Treasury from whom we expect to receive a communication upon the same subject. Now, I think that in view of the pendency of such a proposition as that this House ought to non-concur for the present in this amendment and let it go to a committee of conference.

Mr. CRAPO. This section will facilitate just that operation. If these 3½ per cent. bonds are converted into 3 percents, there is nothing in this section which will prevent the Secretary of the Treasury, if Congress passes the law, from taking up these 3 percents the very next day and funding them in 2 percents. This section will facilitate the funding of the three-and-a-halfs into twos.

Mr. CARLISLE. I do not see how that can facilitate the transaction by multiplying the number of transactions that must take place before the one we desire is accomplished. According to the gentleman from Massachusetts [Mr. CRAPO] we will facilitate funding by first funding the three-and-a-halfs into threes and then funding the threes into twos.

Mr. KASSON. My colleague on the Committee of Ways and Means, [Mr. CARLISLE,] I think, ought to add that it was a mere verbal statement before the committee by a single gentleman from New York.

Mr. CARLISLE. I so stated, or intended to do so.

Mr. KASSON. It was accompanied by no guarantee, and at the suggestion of the Committee itself he was referred to the Secretary of the Treasury to put into writing anything he had to suggest, with such evidence of the validity of the proposition as might satisfy the Secretary of the Treasury or the House. I therefore do not think that it should be regarded as a pending proposition; it was hardly so formal as that.

Mr. CARLISLE. I stated, Mr. Speaker, or endeavored to state, that this proposition was merely an incipient one for the present——

Mr. KASSON. Rather a suggestion.

Mr. CARLISLE. That this gentleman came before the committee and said he would make a formal communication to the Secretary of the Treasury upon the subject, the committee expecting to call upon the Secretary for such information as he might be enabled to afford it.

Mr. KASSON. And the gentleman from Kentucky will remember that this gentleman did not name a single person who was behind him. I want the House to understand this fact in order that members may see the proposition is not important enough to stop the legislation of the House.

Mr. CANNON. I want to ask the gentleman from Kentucky a question. When 4 per cent. bonds of the Government can be bought at such a premium that they will yield almost 3 per cent. interest, and when some man, whose name is not given, comes and offers to take $200,000,000 at 2 per cent. with an option on the part of the Government to call in the loan at the end of a year, I want to know whether the gentleman does not think such a man is a "crank" or a fool?

Mr. CARLISLE. No, sir; I do not. I have every reason to believe that this gentleman made the proposition in good faith. My whole purpose in asking the House now to non-concur in this amendment is, that the matter may go to a committee of conference, and that in the mean time we may ascertain how much substance there is in the proposition.

Mr. KELLEY. The gentleman referred to is Mr. C. C. Norvall, of New York. He is not a banker, making the proposition for himself. He comes representing himself as speaking for bankers in New York who have authorized him to say this to the Secretary of the Treasury and to the Committee on Ways and Means.

Mr. KASSON. Will the gentleman from Pennsylvania remember that he did not use the word "authorized," but said, "after consultation with bankers in New York?"

Mr. KELLEY. I will state that officers of national banks, who find their bonds are being called in, have said to me that 2 per cent. bonds redeemable by the Government on call, after it shall have exhausted the market of 3½ percents, would be gladly taken by them, and that this would be better than for them to go into the market and buy 4 per cent. bonds at the existing premium, and especially at the premium to which they would go if the banks were forced to compete for the purchase of the 4 percents. So that whatever there may be in Mr. Norvall's proposition, I have myself, as chairman of the Committee on Ways and Means, had the proposition made to me by presidents of national banks that we should relieve them by the issue of a 2 per cent. bond. Therefore, I think it would be well for us to retain at least the option of taking advantage of such an offer, without closing the door against it.

Mr. CRAPO. This does not close the door——

Mr. KELLEY. I do not know what is the phraseology of the amendment we are considering. I was out for a moment while the amendment was read.

The question being taken on concurring in the amendment, there were—ayes 74, noes 47.

Mr. TOWNSHEND, of Illinois. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was concurred in.

Mr. CRAPO. I move to non-concur in the next two amendments of the Senate, which are to add two new sections, numbered respectively 12 and 13.

Mr. HOLMAN. I ask that the sections covered by this motion may be read.

The Clerk read as follows:

SEC. 12. That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than $20, and to issue certificates therefor in denominations of not less than $20 each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances: *Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000; and the provisions of section 5207 of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

SEC. 13. That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, 1869, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than $5,000, or shall be imprisoned not more than five years, or both, in the discretion of the court.

Mr. HOLMAN. I understand the proposition of the gentleman from Massachusetts [Mr. CRAPO] is to non-concur in section 12 as well as section 13.

Mr. CRAPO. That is my proposition, for the purpose of perfecting the section. It should be enlarged in some particulars. For instance, it provides "that the Secretary of the Treasury is authorized and directed to receive deposits of gold coin." I think that provision should be enlarged so as to include gold bullion as well as gold coin, so that these certificates may be issued upon deposit of bullion without requiring parties to go to the expense of having that bullion coined.

Mr. HOLMAN. I fully agree with the gentleman in that view.

Mr. CRAPO. I am in sympathy with the purpose of the section; but I think it needs to be perfected.

Mr. HOLMAN. Then the committee of conference will understand that the House favors the proposition so far as it goes.

Mr. SPRINGER. I wish to ask the gentleman from Massachusetts why a distinction is made between silver certificates, as mentioned in line 11, and the certificates mentioned in the first part of the section?

Mr. CRAPO. They are put upon a perfect equality.

The amendments of the Senate to add sections 12 and 13 were non-concurred in.

The SPEAKER. There is another amendment which relates merely to the renumbering of the last section of the House bill. If there be no objection this will be non-concurred in. The Chair hears no objection. There is also an amendment to the title, which will be read.

The Clerk read as follows:

Amend the title so as to read: "An act to enable national banking associations to extend their corporate existence, and for other purposes."

The SPEAKER. If there be no objection this amendment will be concurred in.

There was no objection.

Mr. CRAPO. I move to reconsider the several votes concurring and non-concurring respectively in the amendments of the Senate; and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIPLOMATIC APPROPRIATION BILL.

Mr. BURROWS, of Michigan. I rise to a privileged question. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill. There are some fifty-four amendments, and the report is quite lengthy. If there be no objection, I will state in a few words the result of the conference. The amount of the bill as it passed the House was increased by the Senate $128,125. The conference report reduces that $70,500. So the bill as reported is an increase of only $57,725. There is no new legislation in it whatever. It is a unanimous report.

The conference report and accompanying statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 18, 19, 20, 21, 32, 33, 34, 38, 41, 45, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 16, 17, 25, 27, 28, 29, 30, 31, 35, 36, 37, 39, 40, 42, 43, 44, 47, 49, 50, and 54.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Insert in lieu of the words stricken out by said amendment the following: "Switzerland, Denmark, and Portugal;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted insert the following: "For salary of chargé d'affaires to Paraguay and Uruguay, $5,000;" and the Senate agree to the same.

Amendments numbered 22, 23, and 24: That the House recede from its disagreement to the amendments of the Senate numbered 22, 23, and 24, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following: "For the consuls-general at St. Petersburg, Frankfort, and Halifax, at $3,000 each, $9,000," and insert as a new paragraph, after line 10, page 3 of the bill, the following: "For secretaries of legation and consuls-general at Vienna, Rome, and Constantinople, at $3,500 each, $10,500;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$332,100;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with amendments as follows: Strike out from the first clause of said amendment the words "fifty-seven thousand four hundred" and insert in lieu thereof "fifty-nine thousand five hundred," and insert after the word "Havre," in line 9 of said amendment, the word "Crefeld;" and after the word "Naples," in line 22 of said amendment, insert the word "Genoa;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, strike out, in line 2, page 13 of the bill, the word "ten" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

The managers on the part of the House of the conference on the consular and diplomatic appropriation bill submit the following detailed statement in explanation of the conference report submitted.

The effect of the action recommended on the amendments of the Senate will be, if ratified by the two Houses, as follows:

On amendments 2, 3, 4, 5, 7, 8, and 9: Provides for ministers-resident at the Netherlands and Venezuela at $7,500 each; provides for a minister-resident and consul-general at Bolivia at $5,000, and corrects a total.

On amendment 10: Changes title of the minister-resident to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua to envoy extraordinary and minister plenipotentiary.

On amendments 1, 6, 11, 12, 13, 14, and 15: Provides for ministers-resident and consuls-general at Switzerland, Denmark, and Portugal, and a chargé d'affaires at Paraguay and Uruguay at $5,000 each; corrects a total and fixes salary of the minister-resident and consul-general at Roumania, Servia, and Greece at $6,500.

On amendments 16 and 17: Restores secretary of legation at St. Petersburg and corrects a total.

On amendments 18, 19, and 20: Strikes out provision for a secretary of legation to Austria and to Italy and corrects a total.

On amendment 21: Fixes salary of agent and consul-general at Cairo at $5,000.

On amendments 22, 23, 24, and 25: Provides for secretaries of legation and consuls-general at Vienna, Rome, and Constantinople at $3,500 each, and fixes salary of consul-general at St. Petersburg at $3,000; corrects a total and strikes out provision for a consul-general at Copenhagen.

On amendment 26: Corrects statement of the aggregate amount appropriated by the bill for consuls.

On amendments 27 and 29: Provides for a consul at Panama and Colon at $3,000 each, in lieu of one for both places at $3,500.

On amendments 28 and 37: Increases salary of consul at Ottawa from $1,500 to $3,000.

On amendments 30, 31, 32, and 38: Increases salary of consul at Leith from $2,000 to $2,500, and decreases salary of consul at Coaticook from $2,000 to $1,500.

On amendments 33 and 34: Strikes out a consul at Lisbon at $2,000 and strikes out the consuls at Tripoli and Tunis.

On amendments 35 and 42: Provides for a consul at Jerusalem at $1,500.

On amendments 36 and 39: Provides for consuls at Amherstburg and at St. Stephens at $1,500 each.

On amendment 40: Strikes out consul at Copenhagen.

On amendments 41 and 43: Provides for a consul at Milan and Venice at $1,500 and $1,000 respectively.

On amendments 44 and 45: Strikes out consul at Christiana at $1,000 and provides for a commercial agent at Gaboon at $1,000.

On amendments 47, 48, 49, and 50 strikes out the following:

"To be expended for consular clerk hire, under the direction of the Secretary of State, a sum not exceeding $65,000, or so much thereof as may be necessary."

And inserts what follows in lieu thereof:

"For allowance for clerks at consulates, $59,500; as follows:

"For the consul at Liverpool, a sum not exceeding the rate of $2,500 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $2,000 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,500 for any one year; for the consul-general at Montreal, and the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $1,200 for any one year; for the consuls-general at Calcutta and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon, (Aspinwall,) Glasgow, and Singapore, each a sum not exceeding the rate of $1,000 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, Matamoras, and Halifax, each a sum not exceeding the rate of $800 for any one year; for the consul-general at Mexico, and for the consuls at Beirut, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demerara, each a sum not exceeding the rate of $600 for any one year.

"For an additional allowance for clerks at consulates, to be expended at the above-named places in the discretion of the Secretary of State, $4,000.

"For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State, at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year, $6,000: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated."

On amendments 51 and 52 provides as follows:

"For boat for official use of United States consul at Osaka and Hiogo, and for pay of boat's crew, $500.

"For hiring of steam-launch for use of the legation and consulate-general at Constantinople, $1,000."

On amendment 53: Appropriates $30,000 to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President pursuant to the requirements of section 291.

On amendment 54: Appropriates $20,000 for publication of consular and commercial reports.

The aggregate amount of the bill as agreed upon in conference is $1,256,655, being an increase of $57,625 over the bill as originally passed by the House, and $70,500 less than as passed by the Senate.

J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report was adopted.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SLOOP-OF-WAR PEACOCK.

Mr. JONES, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 6678) to authorize the Court of Claims to adjust and settle the claims of the heirs of the crew of the sloop-of-war Peacock; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DONATION OF CONDEMNED CANNON TO HATFIELD, MASSACHUSETTS.

Mr. NORCROSS, by unanimous consent, introduced a bill (H. R. No. 6679) donating condemned cannon to the town of Hatfield, Massachusetts, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERRITORIAL COURTS, ETC.

Mr. NORCROSS (by request) also, by unanimous consent, introduced a bill (H. R. No. 6680) amending chapter 80 of the laws of the United States approved April 7, 1874, entitled "An act concerning the practice in Territorial courts and appeals therefrom;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND SUBJECT TO TAXATION.

On motion of Mr. HAZELTON, by unanimous consent, the bill (S. No. 255) to declare certain lands subject to taxation was taken from the Speaker's table, read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

LAMBERT J. WHITELY.

Mr. HUMPHREY, by unanimous consent, submitted the following resolution, which was referred to the Committee on Accounts:

Resolved, That the salary of Lambert J. Whitely be, and the same is hereby, fixed at the same amount per month as the pages of this House.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 789) to regulate the use of the Capitol grounds; and

A bill (S. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers.

ADDITIONAL QUARTERS, ETC.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, dated the 9th instant, and its accompanying copy of the telegram from the general commanding the Military Division of the Pacific and Department of California, relative to the construction of additional quarters, barracks, storehouses, &c., within the limits of the Military Department of Arizona.

The Secretary of War recommends that, for the purpose of constructing the additional buildings referred to, the sum of their estimated cost, $205,000, be appropriated during the present session of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 26, 1882.

ORDNANCE SERGEANT GEORGE L. P. BRADFORD.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting the petition of Ordnance Sergeant George L. P. Bradford, for appointment as captain and storekeeper for retirement as of that grade; which was referred to the Committee on Military Affairs.

ELIZA H. RAMSAY.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES RYBACK.

On motion of Mr. ELLIS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the claims of James Ryback, there being no adverse report.

B. C. BAILEY AND OTHERS.

On motion of Mr. DINGLEY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of B. C. Bailey and others, owners of the ship Argo.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, in the following cases:

To Mr. BUCK, until Friday morning.

To Mr. SKINNER, indefinitely, on account of illness in his family.

Then, on motion of Mr. WILSON, (at five o'clock and thirty-seven minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The preamble and resolution adopted by the senate of the State of New York, relative to the payment of certain claims for services of the militia of that State in the war of 1812—to the Committee on War Claims.

By Mr. HARMER: The petition of the operators of Pilling & Madiley Hosiery Mills, Philadelphia, and of the operators of the Crown Hosiery Mills of Philadelphia, asking that Congress take action for the immediate correction of the error in the Revised Statutes relative to duties on woolen knit goods—severally to the Committee on Ways and Means.

By Mr. MORRISON: The petition of John G. Irwin, for increase of pension of John Gehring, of Madison County, Illinois—to the Committee on Invalid Pensions.

By Mr. STONE: The petition of the operators of the Ipswich (Massachusetts) Woolen Mills, for change of law relating to the duty on woolen knit goods—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *June* 28, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury transmitting, in answer to a resolution of June 23, certain information in regard to oaths of directors of some of the national banking associations in Richmond, Virginia, with reports of the Comptroller of the Currency thereon. The Chair calls the attention of the Senator from Kentucky [Mr. BECK] to the communication, and inquires what disposition he desires made of it.

Mr. BECK. I think that the communication should be referred to the Committee on Finance; but let it lie on the table for the present.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. BLAIR. I hold in my hand a petition of the National Federation of Labor in Washington, District of Columbia, addressed to the Senate of the United States. It is not of great length. It is a very careful, moderate, and respectful statement of the views of this national association located in the District of Columbia upon the question of the strikes which are now agitating the country; and in compliance with the desire of the petitioners and my own sense of what I think is proper in this case, I ask that the petition be printed in the RECORD. It will not be burdensome to the RECORD.

The PRESIDENT *pro tempore*. Is it lengthy?

Mr. BLAIR. It is not very lengthy.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be printed in the RECORD; and it will be referred to the Committee on Education and Labor.

Mr. FARLEY. If the reading of the petition is asked for I suggest that it be printed in the RECORD without being read at the desk.

Mr. BLAIR. It is the understanding that it is to be printed without being read.

The PRESIDENT *pro tempore*. The petition would apparently take at least two pages of the RECORD. It is very long.

Mr. HARRIS. On what subject is the petition?

Mr. BLAIR. I do not think it will take two pages of the RECORD. It may take one page in the ordinary print of the RECORD.

Mr. SAULSBURY. What is it about?

The PRESIDENT *pro tempore*. It is on the subject of labor strikes.

Mr. HARRIS. I think it a very unsafe and bad precedent to be printing petitions in the RECORD. When the Senator from New Hampshire or any other Senator shall make a report upon the subject, that will be printed. I am inclined to object to printing petitions in the RECORD.

Mr. BLAIR. This, as I stated, is a carefully drawn, methodical, respectful, and, from their stand-point, a necessary statement of the views of the workmen of the country as embodied in this official expression of the national organization in this District. Knowing of the introduction of a resolution by the Senator from Alabama, [Mr. MORGAN,] and that the national Legislature might become somewhat interested in the subject, they have carefully drawn this statement of their grievances.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Tennessee withdraws his objection, and the petition will be printed in the RECORD.

Mr. BLAIR. Then I do not care to say any more.

The petition is as follows:

Petition of the National Federation of Labor in the District of Columbia.

To the United States Senate:

Your petitioners, duly appointed to represent the National Federation of Labor in the District of Columbia, respectfully submit a somewhat cursory statement, (owing to the limited time allowed by the resolution for your report to the Senate,) in regard to some of the causes producing the widespread feeling of discontent which prevails among their fellow-workmen of the United States.

We rejoice in common with all intelligent workmen, organized and still combining throughout the country for the purpose of ameliorating their social condition, in the prospect at last held out of obtaining that amelioration through lawful means at the hands of the legislative power of the nation. They will all feel gratified to learn that your honorable committee have been instructed by the Senate to consider the subject of "labor strikes"—to "inquire into the causes thereof, and to report what measures can be properly provided to modify or remove such causes of disturbance, and to provide against their continuance or recurrence.

This is a most important national question. But there can be no doubt, in the opinion of your petitioners, as to the constitutional power of Congress to afford the remedy required. The organic law of our Government declares in unmistakable terms its purpose to be: "To establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty," equally to the people and to their posterity.

The establishment of justice is the first grand object enumerated, after the formation of government, for which the Constitution was framed by the builders, our common forefathers. That point covered, the remaining injunctions may be easily enforced.

But your petitioners respectfully submit to your enlightened judgment as Senators that the existing relations of capital and labor are not adjusted in accordance with the principles of equity or fair dealing, and so long as these unfair relations are permitted by the law-making power to exist, without some radical modification, all efforts to "insure domestic tranquillity" will be futile; order cannot be enforced where justice is violated, except by a deplorable system of tyranny which would result in wholesale destruction of life and property, perhaps.

The average wage workmen of the nation, owing to the inability of their parents to maintain them at schools and colleges, spend the days of their youth in acquiring the skill and developing the muscle necessary to fit them for their several avocations, rendering them valuable citizens and indispensable auxiliaries to the general welfare of community. When they attain manhood and quit their apprenticeship, commencing life as journeymen mechanics, they find capitalists without mechanical skill (as a general rule) in full possession of all the profitable branches of the trade or business to the mastery of which the unfortunate workmen had previously devoted their entire youth in acquiring. With this cheerless prospect before them the moneyless workmen have no recourse but to sell their dearly bought skill and labor upon such terms as the greedy capitalist aforesaid may see proper to allow them—a rate of wages generally very slightly in advance of the bare cost of subsistence. The hope of acquiring enough money to enter into competition with their employers by saving the scant surplus of their daily wages is exceedingly thin, and the mere contemplation of such an idea is in a great degree demoralizing to a young man of ambitious spirit.

The Government considers a fair valuation of capital invested to be 3½ per cent. per annum. In excess of this rate is illegal usury. The journeyman mechanic usually finds the capital invested in the prosecution of his own business yielding to the investors 40, 80, or 100 per cent. on the sale of the products of his skill and toil, after deducting his scanty wages. When the heat and burden of the day is over, and he returns after nightfall to his humble home, and hears the plaintive cry of his family for the common comforts of life, which his wages cannot afford, is not some manifestation of discontent a natural consequence of the failure on the part of Congress to fulfill the duty enjoined upon it by the Constitution, to wit, "the establishment of justice?" We submit this inquiry with all due respect and humility to the honorable Committee on Education and Labor.

The workmen see but little sympathy manifested for their hopeless condition by the rich employer, grown fat on the unrequited toil of his laborers, and exclusive in his social relations—a great gulf stands between them in the scale of society—and he naturally seeks communion and fellowship with his fellow-sufferers. They organize a trade union, with very limited knowledge of parliamentary or statute law, and endeavor in their humble way to right the wrongs which they feel themselves subjected to by means of a "strike" for better remuneration for their toil. But capital always resists such demands, and imports from abroad, with the surplus means wrung from the toil of the strikers, another hungry crowd of workmen to take their places, driving their old employés out of their homes as despised "tramps." In some cases the defeated workmen, driven to frenzy, are provoked to commit violence, and public indignation is aroused on *ex parte* statements of the case in that portion of the public press deriving support mainly from employers. Then the strong arm of the Government is invoked by capital. To do what? Do they ask for the "establishment of justice"—the paramount object of the State? No! That is not their petition. They ask you to "insure domestic tranquillity" by crushing out the strike with the bayonet of the militia or the bludgeon of the police, and thus maintain the capitalist in his "time-honored" system of unjust oppression.

It is reported that a law recently passed the Legislature of New York making it a penal offense for workingmen to combine to commit "any" act injurious to trade or commerce, which implies that a strike for higher wages is to be punished as a criminal offense. What will be the natural outgrowth of such legislation in a free government?

Why does the law-making power of the country skip the first injunction of the

Constitution and endeavor to enforce the second? is a question naturally arising among workmen. The answer to this is thought by the mass of workmen of to-day to be found in the popular belief that the working majority in charge of the machinery of the Government has been corrupted in all its branches by the more unscrupulous combinations of capitalists controlling vast corporations; so that this grand social superstructure, founded "by the people and for the people," has been converted from its legitimate purpose into an engine of oppression to the poor for the benefit of the rich, as we are taught by the debates in Congress and elsewhere more or less authentic.

Your petitioners are bound in justice to say, however, that the resolutions of the Senate which have been referred to the honorable Committee on Education and Labor indicate a new departure in the conduct of public affairs—a grand stride in the right direction toward a just solution of the labor problem.

With the foregoing outline of the causes which lead to strikes, your petitioners respectfully refer to the next succeeding proposition contained in the first resolution, to-wit: "What measures can be properly provided to modify or remove such causes of disturbance, and to provide against their continuance or recurrence?"

All that the workmen desire to accomplish by their trade unions is an opportunity to pursue their avocations under the eight-hour law and contribute to the general welfare of the nation by their labor and skill, and that they may be permitted to reap their legitimate reward for such labor, thus enabling them to improve their own condition, educate their children, feed, clothe, and comfortably shelter their families, and enjoy the blessings of liberty on a perfect equality with their fellow-citizens engaged in other useful pursuits.

We believe this result can be accomplished by the wise men of the nation assembled in Congress from time to time if they will boldly undertake to "establish justice" in the relations between capital and labor. Precedents in legislation are abundant wherein the credit of the Government has been extended to corporations organized for the "promotion of the general welfare," and if national organizations of workingmen are encouraged to incorporate under the general laws for the prosecution of their legitimate business, if deemed by the Congress to be promotive of the general welfare, it seems practicable to your petitioners that such corporations might be allowed to issue stock or bonds bearing interest at 3½ per cent. per annum to enable them to establish their manufacturing enterprises, and give to the Government a first mortgage on their factories and workshops in consideration of the Government guaranteeing the payment of the interest on such bonds as it falls due. By law the prices of such products could be controlled by the constitutional power of Congress over trade and commerce, so as to yield a fair day's wages for a reasonable day's work to every member of the corporation according to their relative degrees of merit as workmen, and at the same time protect the general community from oppressive exactions. The surplus profits derived from the business of each corporation could be utilized in building comfortable homes for the membership of each, and educating their families, raising them above the social grade which their present enforced poverty compels them to occupy. Under such a "co-operative system," regulated by national law, it is believed capital will reap its legitimate share and honest labor its equitable reward.

This theory, which is perhaps crudely presented, (though we hope your honorable committee will apprehend its drift and formulate it in what may seem to them to be a more practicable shape,) may appear to be an abridgment of the large liberty so long enjoyed by the avaricious capitalist in the employment of labor at his own terms, and selling its products at such enhanced valuation as the community can bear, without let or hinderance by law, making the rich richer and the poor poorer; but your petitioners firmly believe that their fellow-workmen, after their long period of enforced servitude, as the mere thralls of the money-centers of the country and their unscrupulous agents retained as task-masters, would hail such a beneficent measure of protection to the honest laborer as a happy deliverance from poverty, want, and social degradation, and they would speedily realize that the Federal Government in its second century of development is a blessing to the industrious workman, instead of proving, as we are now inclined to regard it, a crushing and extortionate gatherer of taxes from the working elements to be squandered among idle, vicious, and worthless political stipendiaries, who revel in the possession of unearned honors and gains, and look down upon the unrequited laborer with supercilious contempt and scorn. The public officer and the legislator under such a régime will be supported and respected as faithful public servants and benefactors, as they should be under a wise paternal government, seeking by proper measures to make our country the workshop of the world, and attracting to our shores the best skilled labor among civilized mankind.

Hoping the Great Creator will inspire your honorable committee with wisdom to rightfully consider the important subject submitted to you by the Senate for investigation, and that your report will so clearly define the powers and the duties of Congress in the premises that there will be no difficulty in fixing the responsibility for a "continuance or recurrence of these disturbances" in the future, your petitioners respectfully subscribe themselves

Your humble servants,

G. EDMONSTON, *President.*
SAMUEL E. BOYCE, *Rec. Secretary.*
GEORGE W. HEISLEY,
JOHN HENDERSON, JR.,
JOHN MURPHY,
JOHNSON P. THOMAS,
JOHN W. HOWARD,
JACOB V. LASHHORN,
B. G. McDONALD,
GEORGE O. WOOD,
EDWIN H. SNYDER,
ALEXANDER M. KENADAY,
Committee.

WASHINGTON, D. C., *June* 26, 1882.

Mr. Alex. M. Kenaday is authorized to submit this petition to the Committee of Education and Labor on behalf of the National Federation of Labor.

G. EDMONSTON, *President.*

Mr. CAMERON, of Pennsylvania, presented resolutions adopted by a committee representing the various commercial associations of Philadelphia, favoring an increased appropriation for improving the Delaware River and Bay; which were referred to the Committee on Commerce.

Mr. WINDOM presented a petition of comrades of Muller Post No. 1, Department of Minnesota, Grand Army of the Republic, praying for the passage of a bill for the erection of an Army and Navy hospital at Hot Springs, Arkansas; which was referred to the Committee on Appropriations.

He also presented a petition of 85 citizens of Minnesota praying for the establishment of a custom-house at Saint Vincent, Minnesota; which was referred to the Committee on Commerce.

Mr. DAWES. I present a petition of internal-revenue gaugers of the third district of Massachusetts, praying that that portion of the Revised Statutes which limits their compensation to $5 per day be so amended that the limitation shall be $6 a day. As there is a bill before the Senate on that matter, I move that the petition lie on the table.

The motion was agreed to.

SOPHRONIA R. HURLBUT.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary, deducting the amount already received, to report it with amendments and recommend its passage. I think there will be no objection to the passage of this and another little measure which I am instructed to report. I ask the Senate to consider the joint resolution at this time.

By unanimous consent, the joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary, was considered as in Committee of the Whole.

The first amendment of the Committee on Foreign Relations was, in line 4, after the word "appropriated," to strike out the words "the sum of $10,000;" and in lines 7 and 8, after the word "Peru," to strike out "said amount being;" so as to read:

That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Mrs. Sophronia R. Hurlbut, the widow of General Stephen A. Hurlbut, late envoy extraordinary and minister plenipotentiary of the United States to Peru, one year's salary as said minister.

The amendment was agreed to.

Mr. COCKRELL. I should like to hear some explanation of the joint resolution.

Mr. WINDOM. I will explain it in a moment. There is a further amendment of the committee.

The next amendment was read, being to add at the end of the joint resolution:

From August 1, 1881, in addition to all legal allowances, deducting the amount of salary received by said Hurlbut since that date; and also to pay the necessary expenses incurred in the removal of his remains from Peru to the State of Illinois for interment, to be paid under the direction of the Secretary of State.

Mr. WINDOM. That amendment explains itself. The resolution originally provided, I will say to the Senator from Missouri——

Mr. COCKRELL. I understand it now.

Mr. WINDOM. Very well.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA V. DE KILPATRICK.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to report back with amendments the joint resolution (S. R. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary, deducting all payments received. I ask for its present consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The first amendment of the committee was, in line 4, after the word "appropriated," to strike out the words "the sum of $10,000;" and in lines 7 and 8, after the word "Chili," to strike out the words "said amount being;" so as to read:

That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Mrs. Louisa V. De Kilpatrick, the widow of General Judson Kilpatrick, late envoy extraordinary and minister plenipotentiary of the United States to Chili, one year's salary as said minister.

The amendment was agreed to.

The next amendment was, at the end of the resolution, to add:

From June 21, 1881, in addition to all legal allowances, deducting the amount of salary received by said Kilpatrick since that date.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred a petition of the executors of John W. Forney, praying for the relief of his estate, submitted a report thereon accompanied by a bill (S. No. 2099) for the relief of the executors of John W. Forney.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. FARLEY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1789) providing for a coaling-dock and naval storehouse at Port Royal, South Carolina, reported it with an amendment.

Mr. ROLLINS, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1720) authorizing the construction of vessels of war for the Navy of the United States, and for other purposes, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1602) for the relief of William H. Powell, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

(S. No. 1139) for the relief of the estates of James Vance and William Vance, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. CHILCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 2317) for the relief of Mary Bullard, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MILLER, of California. The Committee on the Revision of the Laws, who were instructed by a resolution of the Senate of March 27 to inquire as to what further legislation is necessary, if any, to define the meaning of the words "Indian country," as used in the Revised Statutes and other laws of the United States, have considered the subject, and report a bill to define the meaning of those words, accompanied by a written report. As this is a matter which affects the whole of the Indian tribes, the committee are of opinion that the bill ought to be referred, with the accompanying papers and the report, to the Committee on Indian Affairs for their consideration. I make that suggestion.

The bill (S. No. 2100) to define the meaning of the term "Indian country," as used in the Revised Statutes and other laws of the United States, was read twice by its title.

Mr. DAWES. I seems to me that it should be examined by the Committee on the Judiciary, for it is a matter pertaining to the criminal law and does not affect the management of Indians. The same matter was before the Committee on Indian Affairs in another shape, and they caused it to be referred to the Committee on the Judiciary.

Mr. MILLER, of California. I have no objection to such a reference.

The PRESIDENT *pro tempore*. The bill will be printed and referred to the Committee on the Judiciary.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the memorial of Rear-Admiral David McDougal, United States Navy, (retired,) praying that he be allowed the pay of rear-admiral on the retired list, submitted a report thereon, accompanied by a bill (S. No. 2101) providing for the pay of Rear-Admiral David McDougal, United States Navy.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. No. 1903) granting a pension to Alfred M. Jarboe, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. JONAS, from the Committee on the Improvement of the Mississippi River and tributaries, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE, from the Committee on Claims, to whom was referred the bill (H. R. No. 2013) referring to the Court of Claims the claim of Gallus Kirchner, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. ROLLINS. By direction of the Committee on Naval Affairs I report an amendment to the sundry civil appropriation bill, with an accompanying document. The document is somewhat lengthy and need not be printed. I move its reference to the Committee on Appropriations.

The motion was agreed to.

BRIDGES IN GEORGIA AND FLORIDA.

Mr. VEST. I am directed by the Committee on Commerce to report favorably the bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LABOR STRIKES.

Mr. BLAIR. The Committee on Education and Labor, to whom was referred the resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 15th instant in relation to labor strikes with directions to report within a week, have considered the resolution, and have directed me to report a resolution as a substitute for the one referred to them.

It seemed proper to the committee to recommend to the Senate, if the investigation which was suggested should be made, that the scope of it should be somewhat enlarged; and that a resolution should be reported the terms of which would give to the committee the opportunity of calling in some information which would not be appropriate under the first resolution, and perhaps varying the investigation somewhat further. It seemed also to the committee that it was proper it should undertake the investigation, if it should be ordered by the Senate.

The PRESIDENT *pro tempore*. The resolution reported by the committee will be read.

The resolution was read, as follows:

Resolved, That the Committee on Education and Labor is hereby authorized and directed to take into consideration the subject of the relations between labor and capital, the wages and hours of labor, the condition of the laboring classes in the United States, and their relative condition and wages as compared with similar classes abroad; also the subject of labor strikes and to inquire into the causes thereof and the agencies producing the same, and to report what legislation should be adopted to modify or remove such causes and to provide against their continuance or recurrence, as well as any other legislation calculated to promote harmonious relations between capitalists and laborers and the interests of both by the improvement of the condition of the industrial classes of the United States.

Second. Said committee shall have leave to sit in vacation, and by sub-committees to visit such places in the United States as they may deem proper to obtain necessary information under these resolutions; and said committee or sub-committees shall have power to send for persons and papers, to administer oaths, and examine persons under oath or otherwise, and to cause depositions to be taken and certified under such regulations as they may adopt.

Third. Said committee shall have power to appoint a clerk at a salary of $6 a day, and to employ such stenographic aid as may be necessary, and to appoint a sergeant-at-arms from the officers or employés of the Senate; and the actual and necessary expenses of said committee properly incurred in the execution of these resolutions shall be paid out of the contingent fund of the Senate.

Mr. BLAIR. I ask for the adoption of the resolution.

Mr. BUTLER. That is an important resolution. Let it be printed and go over.

The PRESIDENT *pro tempore*. The resolution will be printed and go over, under the rule.

BILLS INTRODUCED.

Mr. DAWES. I am requested to introduce a bill. I know nothing about the merits of the bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 2102) for the relief of Hiram S. Washburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2103) authorizing the President of the United States to appoint William F. Pratt, late a second assistant engineer in the United States Navy, upon the retired list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. DAVIS, of West Virginia, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2104) to provide for the construction of a public building at Martinsburgh, West Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAMPTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2105) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMDEN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2106) to recognize and pay certain claims due by the State of West Virginia to citizens thereof for services rendered the United States in the late war, and which are properly chargeable to the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 86) confirming the call for a peace congress in Washington, District of Columbia, November 22, 1882; which was read twice by its title, and referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 5538) to reduce internal-revenue taxation, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. R. No. 58) to print Dr. John L. Hayes's pamphlet upon the husbandry of the Angora goat.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2202) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut;

A bill (H. R. No. 3082) granting condemned cannon to Anna M. Ross Post No. 94 of the Grand Army of the Republic, of Philadelphia;

A bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association; and

A bill (H. R. No. 6004) making an appropriation to construct a road and approaches from Mound City, Illinois, to the national military cemetery, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message further announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

The message further announced that the House had non-concurred

in the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 789) to regulate the use of the Capitol grounds;

A bill (S. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers; and

A bill (S. No. 1128) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland.

WITHDRAWAL OF PAPERS.

On motion of Mr. ALLISON, it was

Ordered, That the papers in the case of Daniel Scott, private Company H Sixty-fifth Illinois Infantry, be withdrawn from the files of the Senate.

PACIFIC RAILROAD SINKING FUND.

Mr. MORRILL. I gave notice yesterday morning that I should this morning call up the bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund; but not having obtained some facts that I desire, I shall not do so until to-morrow.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the morning hour is closed.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. By unanimous consent, the legislative, executive, and judicial appropriation bill will be proceeded with until the hour of two o'clock.

Mr. CAMERON, of Pennsylvania. Will the Senator from Iowa give way to me that I may have House bill No. 2592 taken up?

Mr. ALLISON. I will yield if it takes no time.

Mr. CAMERON, of Pennsylvania. I do not think it will take five minutes.

The PRESIDENT *pro tempore*. The appropriation bill is the order of business until two o'clock, when the unfinished business will come up. The Senator from Pennsylvania asks, the Senator from Iowa consenting, to have the bill indicated by him taken up and considered.

Mr. ALLISON. If it does not lead to debate.

Mr. CAMERON, of Pennsylvania. I do not think it will.

The PRESIDENT *pro tempore*. The bill will be announced.

The ACTING SECRETARY. A bill (H. R. No. 2592) granting a pension to Mary E. Murray.

Mr. HARRIS. There is an adverse report on that bill. I object to its consideration.

Mr. CAMERON, of Pennsylvania. I was going to state that the bill was reported adversely, but I think I can make it clear in a few moments that the bill ought to pass.

Mr. HARRIS. The bill being adversely reported, it will certainly lead to debate. There is no question about that.

Mr. CAMERON, of Pennsylvania. I do not think it will lead to very much debate; but if there is objection, of course I withdraw the request for the consideration of the bill.

The PRESIDENT *pro tempore*. The appropriation bill will be proceeded with, objection being made to the consideration of the bill indicated by the Senator from Pennsylvania.

LOUISIANA WESTERN JUDICIAL DISTRICT.

Mr. JONAS. With the consent of the Senator from Iowa, I ask the Senate to take up a local bill which will occupy but a moment, a bill reported from the Judiciary Committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1963) to attach the parishes of Saint Mary's and Iberia, in the State of Louisiana, to the western judicial district of Louisiana.

The bill was reported from the Committee on the Judiciary with amendments, which were, in line 8, before the word "action," to insert "civil;" and to add at the close of the bill:

But all offenses committed in either of said parishes against the laws of the United States before the passage of this act shall be cognizable in the court of the United States held at New Orleans.

So as to make the bill read:

Be it enacted, &c., That from and after the passage of this act the parishes of Saint Mary and Iberia, in the State of Louisiana, shall be attached to and compose a part of the western judicial district of Louisiana; and all process issued against defendants residing in said parishes shall be returned to Opelousas, in said district; and all civil actions or proceedings now pending at New Orleans against defendants residing in said parishes of Saint Mary and Iberia may, on the application of either party, be transferred to the court at Opelousas; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of the court at Opelousas, and the same shall proceed in all respects as though originally commenced in said court. But all offenses committed in either of said parishes against the laws of the United States before the passage of this act shall be cognizable in the court of the United States held at New Orleans.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 18, 19, 20, 21, 32, 33, 34, 38, 41, 45, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 16, 17, 25, 27, 28, 29, 30, 31, 35, 36, 37, 39, 40, 42, 43, 44, 47, 49, 50, and 54.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Insert in lieu of the words stricken out by said amendment the following: "Switzerland, Denmark, and Portugal:" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted insert the following: "For salary of chargé d'affaires to Paraguay and Uruguay, $5,000:" and the Senate agree to the same.

Amendments numbered 22, 23, and 24: That the House recede from its disagreement to the amendments of the Senate numbered 22, 23, and 24, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following: "For the consuls-general at St. Petersburg, Frankfort, and Halifax, at $3,000 each, $9,000," and insert as a new paragraph, after line 10, page 3 of the bill, the following: "For secretaries of legation and consuls-general at Vienna, Rome, and Constantinople, at $3,500 each, $10,500;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$332,100;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with amendments as follows: Strike out from the first clause of said amendment the words "fifty-seven thousand four hundred" and insert in lieu thereof "fifty-nine thousand five hundred," and insert after the word "Havre," in line 9 of said amendment, the word "Crefeld;" and after the word "Naples," in line 22 of said amendment, insert the word "Genoa;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, strike out, in line 2, page 13 of the bill, the word "ten" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The reading of the bill was resumed. The first amendment in order, reported by the Committee on Appropriations, was, in line 1728, to reduce the appropriation "for postage-stamps for the War Department and its bureaus, as required under the postal union, to prepay postage on matter addressed to postal-union countries" from $4,000 to $3,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for additional clerks and other employés in the several bureaus and offices of the War Department," in line 1738, after the words "eighteen hundred and eighty-two," to insert:

And the amounts necessary to pay the said additional clerks and other employés shall be transferred from the respective appropriations for the support of the Army for the fiscal year ending June 30, 1883, under such titles of appropriation as shall make them available for payment of the salaries of the clerks and employés hereby authorized in lieu of said "general service" or "detailed enlisted men."

The amendment was agreed to.

The next amendment was, in the same clause, line 1750, after the word "year," to insert:

Provided, That the general service and detailed enlisted men herein referred to may receive the rates of compensation and allowances now prescribed by law and regulations, until the Secretary of War shall have adjusted the said force in accordance with the provisions of this act, and that such adjustment shall be effected on or before the 1st day of October next.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause making appropriations for the "office of the Quartermaster-General," in line 1780.

Mr. ALLISON. For the purpose of securing jurisdiction over that paragraph, as I think it may want some rearrangement, I move to strike out "eight," in line 1777, and insert "six;" so as to read:

For one mechanical engineer, $1,600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for the "office of Surgeon-General," in line 1785, after the word "four," to insert "one apothecary at $1,800; one assistant apothecary at $1,200;" and after

the word "all," in line 1789, to strike out "twenty-five" and insert "twenty-eight;" so as to make the clause read:

Office of the Surgeon-General: For one clerk of class 4; one apothecary at $1,800; one assistant apothecary at $1,200; one messenger-boy at $360; seven clerks of class 1; and fifteen clerks at $1,000 each; in all, $28,560.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of the Paymaster-General," in line 1797, after the word "dollars," to insert "and one engineer for building corner of Seventeenth and F streets, $1,000; in all, $2,000; so as to make the clause read:

Office of the Paymaster-General: For one clerk, $1,000; and one engineer for building corner of Seventeenth and F streets, $1,000; in all, $2,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "public buildings and grounds," in line 1806, to increase the item for compensation of "the public gardener" from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, in line 1808, after the word "for," to strike out "a foreman" and insert "foremen;" so as to make the clause read:

For foremen and laborers employed in the public grounds, $26,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1846, to insert:

For compensation of an assistant Secretary of the Navy, to be appointed in said Department, $3,500.

Mr. ALLISON. I move to strike out, in line 1847, the words "in said Department" and in lieu thereof to insert "by the President, by and with the advice and consent of the Senate."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 1852, to insert "two clerks of class 2;" and, in line 1855, to increase the total amount of the appropriation "for compensation of the Secretary of the Navy, assistant secretary, and the clerks and employés in his office" from $36,900 to $43,200.

The amendment was agreed to.

The next amendment was, after line 1856, to insert:

For books for Department library, $2,500.

The amendment was agreed to.

The next amendment was, in line 1882, to increase the total amount of the appropriation for compensation of the clerks and employés in the office of the "Bureau of Navigation" from $7,900 to $8,080.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Iowa to this paragraph. There seems to be no addition to any of the items in it, and yet the total amount is increased.

Mr. ALLISON. That is because our clerk discovered a mistake in the computation made by the House.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1932, to insert as a heading to the appropriation beginning in line 1933, "Navy Department buildings."

The amendment was agreed to.

The next amendment was in the appropriations for the "Naval Observatory," in line 1996, after the word "grounds," to insert "two skilled laborers, one at $1,000 and one at $720;" in line 1998, before the word "laborers," to strike out "nine" and insert "seven;" and in line 1999, after the word "thousand," to insert "four hundred;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, $4,900; one clerk of class 4; one instrument-maker, $1,500; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at $1,000 and one at $720; and seven laborers; in all, $17,420.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," in line 2036, to increase the item of appropriation for compensation of "Assistant Secretary" from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2040, after the word "building," to strike out "seven clerks" and insert "superintendent of documents, $2,500; six;" so as to read:

Superintendent of documents, $2,500; six chiefs of division at $2,000 each, one of whom shall be disbursing clerk.

The amendment was agreed to.

The next amendment was, in line 2055, to increase the total amount of the appropriations for compensation of Secretary of the Interior, Assistant Secretary, and the clerks and employés in his office, from $117,230 to $118,230.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "Assistant Attorney-General," in the Department of the Interior, after the word "for," in line 2070, to strike out "one law clerk" and insert "two law clerks at;" and in line 2072, after the word "dollars," to insert "each;" so as to read:

For two law clerks at $2,250 each.

Mr. CALL. I wish to offer an amendment, if it is proper at this time.

The PRESIDENT *pro tempore*. If it is an amendment to the amendment of the committee, it is proper. The amendment of the Senator from Florida to the amendment will be read.

The ACTING SECRETARY. It is proposed to strike out the word "one," in line 2071, and insert "chief," and in the same line to strike out "two hundred and fifty" and insert "five hundred;" so as to read:

For chief law clerk, $2,500;

and strike out, in line 2072, the word "three" and insert "four;" so as to read:

Four clerks at $2,000 each.

The PRESIDENT *pro tempore*. The Senator also proposes to strike out "each," in line 2072, so as to provide for a chief law clerk at $2,500 and four clerks at $2,000 each. The Chair understands the Senator from Florida to move to amend the amendment of the Committee on Appropriations as just stated.

Mr. CALL. Yes, sir. It has come within my observation in the course of my duties here that the person performing the duties of chief law clerk in the Assistant Attorney-General's Office in the Interior Department is a man of extraordinary capacity, fully qualified to perform any judicial duty or any legal or professional duty that may be imposed upon any man in any position. It has also been made known to me by actual experience in that office, the people of my State having had many subjects of interest to them connected with the public lands before the law officers of that Department, that he is one of the most industrious men whom I have ever seen in any position, either public or private. He is thoroughly familiar with the general laws upon subjects relating to his Department, and is conversant, by an experience of many years, with all the decisions of the Department. I am informed that he stands very high in the esteem and confidence of those who have been at the head of the Department.

I made the inquiry what his compensation was. That compensation this bill proposes to make, in common with another appointee, $2,250. There is no question that in any pursuit connected with the law outside of this Department he would be able to command at least $5,000 a year. I am informed that he is a man of large family, and that he has been in this office for many years; he has no hope of increasing his compensation by any effort or any occupation in any other pursuit. It is manifest to any one who knows anything about the necessities of life and the expense of living in Washington that this amount is not adequate compensation for such a man as I have described, and that it will not afford to a man and his family more than a bare and meager support, without anything for the education of his children or as a provision against sickness and age or discharge from office.

Now, sir, I have but little personal acquaintance with this gentleman. All that I know I have learned in the course of my official relations with his Department; but I submit to the Senate that a man who has been in the service of the Government for so many years, of such eminent qualifications, every day passing upon questions involving large amounts of money, every day saving to the Government large sums of money and performing duties equally as important as those which the judges of the Supreme and the circuit courts perform in many cases, should receive a larger compensation than $2,250. I therefore submit this amendment, and I trust the Senate will give it favorable consideration.

Mr. DAVIS, of West Virginia. I take it from my examination of the Book of Estimates that the amendment is out of order. I find no estimate for the additional pay asked for by the Senator from Florida for this clerk, and as it must be recommended by a standing committee or recommended by the head of a Department or in the Book of Estimates, I think the amendment is out of order. I submit that point to the Chair.

The PRESIDENT *pro tempore*. It provides for the same number of clerks, but the Senator from Florida wants one chief law clerk at $2,500 and then four clerks at $2,000, leaving the total amount the same.

Mr. DAVIS, of West Virginia. But the rule expressly says that any amendment which tends to advance or increase the amount—and this does tend to advance and increase the amount—is not in order.

Mr. CONGER. This does not increase the amount a particle.

Mr. DAVIS, of West Virginia. I beg pardon.

Mr. CONGER. It leaves the amount just the same. It provides for a chief law clerk at $2,500, instead of two law clerks at $2,250 each, and makes one additional clerk at $2,000, leaving the amount appropriated just exactly the same as in the bill as reported.

Mr. CALL. I think myself that the officer who acts as chief law clerk in the Department of the Interior should have a higher salary and one corresponding to that paid in other Departments. He has more duties to perform than any other officer there, and still is paid as a common clerk. My amendment leaves the amount just the same, and it is a very proper change in the appropriation, leaving one clerk at $2,000, and a chief law clerk at $2,500. If gentlemen are aware of the responsibility and the vast duties performed by this officer, I think they will see the propriety of this change.

Mr. DAVIS, of West Virginia. The amendment certainly does increase a salary, and that comes under the rule.

Mr. CONGER. It increases the salary of this officer, but does not increase the amount appropriated altogether.

Mr. DAVIS, of West Virginia. That does not make any difference. It increases the salary of a particular man, and therefore comes under the rule. The Senator might take the entire salary from one and give it to another, but surely that would be out of order under the rule.

Mr. CONGER. The committee has proposed to increase the salary of one clerk. We propose to reduce that salary to $2,000, and put the other salary at $2,500. It is just and right that it should be done for the services rendered.

Mr. DAVIS, of West Virginia. This subject was considered by the committee with the information the Department had; and I believe the rate was fixed to suit it; but I insist on the question of order.

Mr. CALL. I should like the Senator from West Virginia to refer us to the rule which prohibits our increasing salaries.

Mr. DAVIS, of West Virginia. Rule 27.

The PRESIDENT *pro tempore*. Rule 27 speaks of an amendment, "the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation." One law clerk at $2,500 does not increase the appropriation at all, because there are two law clerks here at $2,250. There is no objection to that on a point of order.

Mr. ALLISON. Does the Chair decide that the point of order is not well taken?

The PRESIDENT *pro tempore*. The Chair cannot see that the point of order applies.

Mr. DAVIS, of West Virginia. Take the next rule, Rule 28. It certainly provides that the Committee on Appropriations shall have notice one day in advance of proposed amendments.

The PRESIDENT *pro tempore*. That was not the point made. When was this amendment submitted to the Committee on Appropriations?

Mr. CALL. This amendment was proposed to the House bill on the 19th of June and referred to the committee on that day.

The PRESIDENT *pro tempore*. Has the amendment been sent to the Appropriations Committee of the Senate?

Mr. CALL. Yes sir, on the 19th of June this amendment was submitted and referred.

Mr. CONGER. That gives the notice.

The PRESIDENT *pro tempore*. Of course.

Mr. DAVIS, of West Virginia. The rule reads:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate—

This has not been moved by a committee—

proposing to increase an appropriation already contained in the bill or to add new items of appropriation shall, at least one day before they are offered, be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The rule reads:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation, &c.

The Chair would like to be pointed to the place where a Senator cannot move to change an item without increasing the appropriation.

Mr. DAVIS, of West Virginia. In the first place, Rule 27 provides that no amendment shall be received unless it comes from a standing committee or is estimated for, &c. Rule 28 then goes on and says that even under these circumstances it shall be referred to the Committee on Appropriations one day in advance.

Again, according to the claim of the Senator from Michigan, there might be twenty clerks provided for in one paragraph, and you could give all their salaries to one. Surely that was never contemplated. It is where the salary of any particular person is proposed to be increased that the rule applies. You cannot reduce one and add to another and keep within the rule. You must confine yourself to what the bill provides for, and that is the salaries as provided by the bill. The Senator might say as to a paragraph for twenty clerks, "I propose to strike down ten of them and leave one or two or five." The rule expressly applies to an amendment "to increase an appropriation" for anything.

The PRESIDENT *pro tempore*. The Chair simply decides that to provide for one clerk at $2,500 and one at $2,000 does not increase the appropriation for two clerks at $2,250.

Mr. CALL. The rule is perfectly plain I submit. It has nothing of the interpretation the Senator from West Virginia puts upon it.

Mr. CONGER. It would be a rule that ought to be changed very soon if it was impossible for the Senate to change a recommendation of the Committee on Appropriations. That is all there is about this. The Committee on Appropriations have changed the bill and put in two law clerks at $2,250 each. If in the opinion of the Senate one chief law clerk should be paid a larger sum, as in my judgment he ought to be, and I believe it is admitted he ought to be, and the other clerk put in with the general class of clerks, instead of putting two law clerks at $2,250 and have no head to that branch, the Senate ought to have the right to do it. I hope there will be no objection to this change.

If the chairman of the committee is acquainted with the services of this clerk and the duties he has been performing in the examination of all the questions of trespass on public lands and legal opinions upon them and things of that kind within the last few years, he would say himself that a man so eminently fitted for that place should have a higher salary than the common law clerks in that Department, and he should be the chief. I do not propose to increase the appropriation or the expenditure at all, but to have a man suitable for that position to receive something like proper pay, and the other clerks under him receive the usual pay for such services.

The PRESIDENT *pro tempore*. The amendment is a rearrangement of the clause; that is all.

Mr. ALLISON. Mr. President, I know the officer for whom this provision is moved, and I agree that it is important to have a first-class set of men in the assistant attorney-general's office having charge of these great questions; but the committee did not feel authorized to increase the compensation of the present law clerk, he now receiving $2,250. I know he is a very worthy man and a very faithful man and very competent in every respect; but the Secretary of the Interior wants another law clerk. Now, I submit that you cannot get law clerks of the character and the ability necessary to discharge these duties without paying them the sum named in the amendment of the committee. Now, if you propose to increase the compensation, let the Senate understand perfectly what this is. If the Senate is in favor of increasing the compensation of this law clerk, then I suggest that instead of keeping the amount as it is the next law clerk authorized here should have a salary of $2,250. I do not believe you can get a law clerk competent to discharge the duties there for $2,000.

Mr. CALL. Let the chairman propose that.

Mr. ALLISON. I would therefore suggest "two law clerks, one at $2,500 and one at $2,250."

Mr. CONGER. Let that be done.

Mr. DAVIS, of West Virginia. Does the chairman suppose that is in order under the rule?

The PRESIDENT *pro tempore*. That increases the appropriation.

Mr. DAVIS, of West Virginia. Certainly it does. I have made the point of order, and I think it is well taken. I have consulted with the Senator from Florida, and there is great justice in his proposition. If it can be done within the rules, I propose to withdraw the point of order. I was surprised that my chief and leader, whom I like to follow, when he found that I had made the point of order, should attempt to raise the amount here without first considering the point of order. I like to follow him, and will follow him in trying to protect the bill; but at the same time, when I think a point of order is well made, the chairman ought not to take it from me and make a proposition in another direction.

Mr. ALLISON. I apologize to my friend for any indiscretion.

Mr. DAVIS, of West Virginia. No apology is necessary.

Mr. ALLISON. I only want to say that if a law clerk is to be appointed at all, I think we ought to appropriate enough money to secure the services of a competent man. It is said that the man who is there now is worth $2,500; if he is, I shall be glad to get another man worth equally as much.

Mr. CONGER. When the other man has had the legal experience he will deserve more than the sum now proposed for him.

Mr. ALLISON. Very likely. Therefore I suggest that the other law clerk receive the compensation we propose here, $2,250. I trust my friend from West Virginia will not make any point of order.

Mr. DAVIS, of West Virginia. It may be all right, and I will not raise the point on the chairman.

Mr. ALLISON. Let the clause read:

Two law clerks, one at $2,500 and one at $2,250.

Mr. DAVIS, of West Virginia. That I accept. I think it right and just.

The PRESIDENT *pro tempore*. The Chair will regard the question as on the amendment of the Senator from Iowa, without putting the question on the others.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2073, after the word "each," to insert "one stenographer at $1,600."

The amendment was agreed to.

Mr. ALLISON. Now the footing in line 2075 must be changed so as to make the total $13,550, instead of $9,450 as proposed in the House bill, and $13,300 as proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2092.

Mr. PLUMB. I wish to move an amendment at that point. I move to amend that paragraph, so as to make it read down to that point:

For the rent of a suitable building or buildings for the use of the Pension Bureau, to be selected by the Secretary of the Interior, $16,000.

The PRESIDENT *pro tempore*. Has the Senator the amendment in writing?

Mr. PLUMB. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be sent to the desk and read by the Secretary.

The ACTING SECRETARY. Beginning in line 2088, it is proposed

to strike out "portion of the building on the northeast corner of Twelfth street and Pennsylvania avenue, Washington, District of Columbia, occupied by the Pension Office, or any other fire-proof building or buildings that the Secretary of the Interior may select, $20,000," and to insert "suitable building or buildings for the use of the Pension Office, to be selected by the Secretary of the Interior, $16,000;" so as to make the clause read:

For the rent of a suitable building or buildings for the use of the Pension Office, to be selected by the Secretary of the Interior, $16,000.

The PRESIDENT *pro tempore*. The agreement was, as the Chair understood, to go through with the amendments of the Committee on Appropriations, and then to allow any other amendments to be moved.

Mr. ALLISON. I prefer that that should be the rule, but as my associate on the committee now offers this amendment, I will not make that point on him. I am very sorry he did not call the attention of the committee to any facts he may have bearing on this point.

Mr. BECK. I suggest to the Senator from Kansas the propriety of letting us go through with the committee amendments first. There are quite a number of amendments that I wish to suggest after the committee's amendments are through. He will not be precluded by allowing the committee amendments to be gone through with; and he had better let the rule be adhered to.

Mr. PLUMB. I have not any preference about the time, except as a matter personal to myself, which I will make no point about; but I want to say a word in regard to the suggestion of the chairman of the committee, courteous as he always is, that the facts I have should have been brought to the attention of the committee. If I proposed to say anything about that point, I might speak about some amendments put in as coming from the committee that were agreed on after the committee adjourned, and of which I had no notice.

The PRESIDENT *pro tempore*. If it is more convenient to the Senator——

Mr. PLUMB. I withdraw the amendment for the time being.

Mr. ALLISON. I hope the Senator will withdraw another statement, and that is, that amendments have been put in here that have not met the approval of the committee. I will say to the Senator from Kansas that no amendment has been suggested or offered by me as from the committee where the committee had not agreed to it.

Mr. PLUMB. I say that amendments have been put in here as from the committee which were voted down by the committee when in session and afterward put in by the suggestions of individuals who voted against them, without notice to the remaining members of the committee. That is all I have to say about that.

Mr. ALLISON. We may as well have this matter understood now as at any other time. No amendment has been suggested by me to this bill that has not been considered by the committee in the committee-room, except the amendment which this morning was suggested on the floor. The Committee on Appropriations had a meeting, at which the Senator from Kansas was not present, nor was the Senator from West Virginia, and rearranged this bill somewhat, and at which various changes were made. Of course I do not desire an imputation of that character to go against the person in charge of this bill, or any other, without resenting it as it deserves to be resented.

Mr. PLUMB. I will say that the amendment putting in an assistant Secretary of War was voted down when I was present at the committee meeting, and I was never notified of any further meeting. I was informed this morning—I may be mistaken—that that was done by passing the thing around, as the hat is passed around sometimes. I only mentioned that, not as a matter of complaint but in reply to the suggestion of the Senator from Iowa that I had not been courteous to the committee in not stating to it what I knew about this matter as to renting a building for the Pension Office.

Mr. BECK. I was not aware till the suggestion was made by the Senator from Kansas that anything improper had been done by any member of the committee, and I did not know to what he referred; but I think I know now; and I desire to say in behalf of the committee that on Saturday, before we adjourned, the chairman of the committee distinctly called the committee together for eleven or half past eleven o'clock on Monday morning for the purpose of hearing any additional suggestions that the heads of Departments and officers of bureaus might have to make, and for consultation among ourselves as to what ought to be done. At eleven or half past eleven on Monday morning the meeting was held. The Secretary of War and the Secretary of the Navy appeared before the committee—the Senator from Kansas, a member of the committee, not being present—and told us the reasons why they ought to have an assistant secretary, and they told them in a way that impressed themselves on all the members of the committee who were present. I remember the Secretary of the Navy particularly saying he would write a letter and send all the facts as to the force he has and the reasons why he ought to have an assistant secretary. The Secretary of War was equally pronounced. After they had given their reasons fairly and fully to the committee called together regularly by the chairman, all the members of the committee present agreed that each of these two Secretaries ought to have an assistant, and it was not the fault of the committee or any member of it that the Senator from Kansas was not present at that meeting. It was regularly called, and the two Secretaries were regularly heard and the reasons they gave could not have been answered and cannot be now. If the Senator from Kansas undertakes to say that the committee was wrong in giving these two assistants I desire to hear him, and then I want the letter of the Secretary of the Navy, if it is here, read in reply to whatever he may say. I do not propose to hold myself responsible for the action of the Committee on Appropriations; but I do propose to resent in any proper manner I can any suggestion from any member of the committee that the other members of that committee are not as true to their duty as he is.

Mr. PLUMB. Well, Mr. President, perhaps I have been under a misapprehension of facts; perhaps I have been mistaken as to the facts of the case. What I said was in direct reply to what I deemed a reflection on me made by the Senator from Iowa, that I had moved this amendment without having consulted with the committee about it. I was not aware myself of the meeting referred to having been called. I could not have been there if I had been notified, because I was sick in bed; I was not out of my bed that day at all, as I had not been for many days previous, except on Saturday. I did not care anything about the matter; but the statement made to me in response to my inquiry, by a member of the committee, I understood to be to the effect that the matter had been passed upon, and one or two members who had voted against making an assistant Secretary of War concluded to change their minds, and it had been done in that informal way.

If I misapprehended the facts, of course I withdraw any statement based upon that misapprehension. It was not with a design of reflecting on anybody, but I conceived it my duty to defend myself against what I considered the aspersions of the chairman of the committee that I had moved an amendment here on facts which I had not chosen to disclose to the committee, and therefore I had been guilty of a dereliction of the duty which I owed to my brother members on the committee. I stated in reply to that simply that the facts had not come to me in time to be communicated to the committee, but I would communicate them to the Senate. I conceived on the whole, upon the facts as I understood them, that I was as much relieved from blame as the other members on the committee. Probably in regard to that I was mistaken. I undoubtedly was mistaken, according to the statement of the Senator from Kentucky, and to that extent I withdraw what I said about it. But so far as this matter is concerned, the facts that have come to my knowledge only came to me yesterday, and it was with the simple design of saving to the Government $4,000 a year, which I believe we can save in the renting of a building by changing the phraseology of this paragraph, that I moved the amendment I rose to propose.

Mr. BECK. After the statement of the Senator from Kansas I regret very much if I have said anything that may sound harshly to his ear. He is a very attentive member of the committee, and on Saturday staid with us five or six hours when I know he ought to have been in his bed, and, he having been sick before, I suppose he was sick on Monday.

We met on Monday, and those two Secretaries advised us that they were about the sole representatives of the people of the United States in their respective Departments, and when their backs were turned, and they had to be away time and again, all the business of the Departments had to be transferred to the organizations over which they presided; a naval officer took charge of the duties of the Secretary of the Navy and all the matters connected with his office, and all matters pertaining to naval affairs; when the Secretary of War was absent some bureau officer had to take charge; and we found we could not make a law that would enable him to attend to the duties carefully unless we gave him an assistant secretary. The argument made was so overwhelming that every member of the committee—the Senator from Missouri was there, I was there, a majority were there—saw at once that it was the proper thing to do. That is all there is of it.

Mr. DAVIS, of West Virginia. There is a rule of the Appropriations Committee that whenever the hour appointed for a meeting comes there is considered to be a quorum present; and when the committee adjourned on Saturday, I would say to my friend from Kansas, it was understood that it would meet on Monday morning. Then neither he nor I was there, it being impossible for us to attend; but the chairman of the committee on my return told me what had occurred. It was perfectly satisfactory to me, and would have been no doubt to my friend from Kansas if he had been able to be present. I think the committee acted under its general rule on Monday and made these changes. I knew nothing of them until I saw them in the bill, and I thought they were proper.

Mr. ALLISON. Mr. President, I think I ought to say one word. I regret to have any difference with the Senator from Kansas, my associate on the committee. I did say that I thought in a matter of so much importance as the renting of a building used for the Pension Office, that if there was any light on the subject it ought to have been communicated to the committee. Of course I made no reflection upon the Senator from Kansas in that regard, although he has communicated to me several other things that he desired to put on this bill.

But when the Senator from Kansas puts upon me the imputation of rising here in my place representing the committee and suggesting amendments that have not been agreed to by the committee,

feel it my duty to resent it, because that would be the perpetration of a fraud upon the Senate, and I am not guilty, and never have been, of any such fraud as that upon the body with reference to the business of the committee which I represent.

Mr. PLUMB. I did not put any such imputation on the Senator at all. He entirely misapprehends me. What I did say was that I understood amendments had been agreed upon informally in committee of which I had no chance to be informed, and that they had been put into the bill as committee amendments; not that the Senator from Iowa had put them in in any way. That is where his misapprehension started. That was said in response to his suggestion that I had not been courteous to the committee. I thought the committee had not been courteous to me.

The Senator from Delaware [Mr. SAULSBURY] was pleased to remark to me a moment ago that disagreements between friends generally grew out of a misapprehension of facts, and that if I understood the Democratic party as he does and saw things as he sees them, I should be as good a Democrat as he. I admit very freely that I misunderstood the facts. I understood from a statement made to me by a member of the committee that this had been done in that kind of way which I stated, and I thought on the whole, inasmuch as it was made the subject of affirmative action and voted down when I was present in the committee, there was something peculiar about it; but it seems now that a meeting was called of which I did not know.

As far as the Senator from Iowa is concerned, I will say to him that if he does not know me well enough, perhaps he will some time, if he and I shall have the good luck to come back here, learn that I would not impute anything to him personally of any kind or description which he would not be perfectly willing to bear. That is the end of that.

I admit that the Senator from Iowa had the right to lecture me in regard to the courtesies of the committee. He is the chairman. I have asked him repeatedly about things which I wanted to know in regard to courtesies that prevail among members of the Committee on Appropriations. I thought on the whole he intended to impute to me the purpose of concealing from the committee some information which I had myself personally. The information only came to me yesterday. Of course I might have mentioned it to him; but I thought on the whole I had better mention it to the Senate. I was absent until just the moment that this paragraph came up, and recalling then a communication made to me yesterday privately by the Secretary of the Interior, I thought I would move an amendment which would save the Government $4,000, which ought not to be considered a very great thing, of course.

Mr. BECK. In regard to the amendment now suggested by the Senator from Kansas, I ask that it be passed over, and for this reason: the Committee on Public Buildings and Grounds, through the Senator from Vermont, [Mr. MORRILL,] has been anxiously endeavoring to reduce the rents of our rented buildings, and has got them down to a point where perhaps they are as low as they can be had; and I desire before an amendment of that sort is brought up to have a consultation with the Senator from Missouri, [Mr. VEST,] the Senator from New Hampshire, [Mr. ROLLINS,] and the Senator from Vermont, [Mr. MORRILL,] to see if anything better could be done than the House has done. That was all that I desired. I know that committee has carefully considered the matter of the renting of buildings, on an occasion when I happened to be before them on other business, and I know that they are advised exactly of what is the least we can get buildings for. I wanted to have a consultation with them before any other amendment was made on that point.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas is withdrawn for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the General Land-Office, in line 2108, after the word "dollars," to insert "one assistant commissioner, $2,500."

Mr. PLUMB. I move to amend that amendment by adding:

To be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties as may be assigned him by the Secretary of the Interior or provided by law.

Mr. HOAR. I should like to inquire of my honorable friend from Kansas whether it is customary to appoint the assistants of the heads of bureaus with the advice and consent of the Senate? There are certain officers whose duties——

Mr. PLUMB. I understood that part of my amendment to be in accordance with what had been done by the Senate in regard to other places. If not, I will withdraw that part of the amendment.

Mr. HOAR. Allow me to finish what I was saying.

There are some officers whose duty is so intimately connected with the duty of other public officers that it seems reasonable that the latter should practically have the selection, and therefore that the Secretary of the Interior, without being obliged to have the President applied to from outside, should have the power of appointing the assistant Commissioner of the General Land Office, who is to act in harmony with the Commissioner. I merely suggest that.

Mr. PLUMB. I accept the suggestion, and am willing to modify the amendment accordingly.

Mr. SHERMAN. My impression is that officers of this grade ought to be appointed by and with the advice and consent of the Senate. The assistant has the full power of the Commissioner, and I know that in other Departments that is the custom.

Mr. PLUMB. Is that true as to the heads of bureaus?

Mr. SHERMAN. It is true also as to heads of bureaus.

Mr. FRYE. But this is not the head of bureau.

Mr. SHERMAN. The assistant head of a bureau exercises the full powers of the head of the bureau during his absence.

Mr. HOAR. But I am asking now not for opposition to any suggestion of the Senator from Ohio, but simply for information, is there a single assistant head of a bureau under the Government whose appointment is not left to the head of the Department where he belongs? I do not remember any such case. Take for instance the first deputy commissioner of pensions, which office strikes my eye on a page of this bill. Is the first deputy commissioner of pensions appointed by and with the advice and consent of the Senate, or is he appointed by the Secretary of the Interior?

Mr. SHERMAN. My impression is that all deputy heads of bureaus ought to be appointed by and with the advice and consent of the Senate.

Mr. HOAR. I withdraw the suggestion. I will concede to the greater experience of my friend from Ohio.

Mr. CALL. I understand the Senator from Massachusetts to withdraw his amendment.

The PRESIDENT *pro tempore*. He withdraws his objection to the amendment of the Senator from Kansas.

Mr. CALL. I desire simply to say that it is very evident that an officer who is sometimes to be a commissioner ought to be confirmed by the Senate; and as this officer by this law will at times become the Commissioner of the General Land Office he ought to be confirmed.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. After the word "dollars," in line 2110, it is proposed to insert:

To be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties as may be assigned him by the Secretary of the Interior or provided by law.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2111, after the word "dollars," to insert "three inspectors of surveyors-general and district land offices, at $2,000 each."

Mr. MILLER, of California. I wish to ask the chairman of the committee the reason for this amendment, which creates three officers now unknown to the law, "three inspectors of surveyors-general and district land offices."

Mr. ALLISON. The Secretary of the Interior and the Commissioner of the General Land Office stated to the committee—and I believe there are letters from them to that effect—that there were a great many irregularities in the land offices and in the offices of the several surveyors-general that could only be cured by careful inspection by competent officers, and they asked for this force in order to enable them to reach this class of frauds or irregularities, and they made a good case so far as the committee could see, and we thought it was the interest of the public service to allow them these inspectors for this purpose.

Mr. MILLER, of California. I see that this has been inserted by the Appropriations Committee of the Senate. I was about to ask the chairman of that committee whether the request of the Secretary of the Interior and the Commissioner of the General Land Office had been made to the House committee before this bill was considered there.

Mr. ALLISON. I have no doubt the request was made, because these officers are regularly estimated for in the Book of Estimates. So the House committee must have had their attention called to the matter.

Mr. MILLER, of California. I notice that there is a bill before Congress, House bill No. 4697, which was introduced on the 1st of March, which provides for the creation of the offices of these three inspectors. It seems to me rather a novel proceeding to create new offices in an appropriation bill, and I should like to be convinced that there is some good reason for doing this before I can vote for it.

Mr. BECK. I can only state, as one member of the committee, the information I have. The Senator from California is aware that we have inspectors appointed now over the Indian agents, because it was said that at the Indian agencies a great many irregularities had occurred, and if men were appointed inspectors to go through from time to time, without the agents knowing when they would come, many irregularities perhaps would be stopped. They were appointed, and I believe their work has been beneficial.

Now, it is said that there are many irregularities in the sixty-five or sixty-eight land offices in the United States. Without some examination into them it is extremely difficult to detect any irregularities, or prevent frauds being perpetrated. This was said, among other things, and I believe it—the Senator from California may not be aware of it, but it is said to be a fact—that what they call "soldiers' scrip" is a very fashionable way in many of the Territories of the United States of locating land and fixing them so as to get what lands people want, and control thousands of acres in a Territory that has little water, located along the streams. A man will go

with a one-hundred-and-sixty-acre land-warrant, bought for $160, and locate one tract of forty acres. He does not really want the forty acres, but he will locate forty acres and get scrip for one hundred and twenty acres after he has located his forty acres in the land offices, and then he will locate those one hundred and twenty acres in forty-acre tracts along the streams, so as to control ten miles square of land. It is suspected that some of the persons in the local land offices may be in collusion with the men who thus obtain the scrip; but there is no way of detecting it and showing the irregularities of it unless there are inspectors to examine the land offices and see how these things are done.

That is one of the difficulties. There are a great many other things. When sixty-five or sixty-eight land offices all over the United States find they can run without examination or inspection, without anybody making any inquiry into them, and with nobody ever to examine their books, knowing that the Commissioner of the General Land Office cannot go there, they may go into combinations with men in the Western Territories and let them do pretty much whatever they please.

It was thought by the committee, and certainly thought by me after I heard what was said, that it was very desirable that some check, some curb, some examination, some investigation should be had in regard to a great many things that were done that were said to be bad.

Mr. MORGAN. There is no more important provision in this bill relating to the public lands than the one put in by the Committee on Appropriations for these three inspectors. I regret that the Secretary of the Interior did not estimate for five, instead of three, because there is a very strong, urgent public necessity for having these inspectors. It grows out of two facts: first of all, the survey is at the foundation of every title to public lands, and difficulties in surveys are frequently occurring which delay the issue of patents and bring up questions of controversy that last for a long time.

The survey of the public lands is not made by official surveyors. It is all done by contract. Surveyors-general are appointed in various surveying districts, and they have the general official supervision of all the surveys; but when you wish to have a survey made, either by the order of the Government or by private arrangement, you hire your surveyor. He passes under some sort of an examination to see whether he is competent to make a survey or not, to lay out lands in townships and subdivide them. He goes out into the public domain, makes surveys, and reports back what he has done with his plats, many of which need correction.

In consequence of the fact that this surveying must be done—for that has been the experience of the General Land Office—by private contract and not by official surveyors sent into the field, it becomes very necessary to have inspectors of surveys to go actually into the field to see if this work is properly done. It is indispensable, and the Government has suffered very much and private individuals very much more for the want of these very inspectors to look after the surveys.

Now, we have another system. Under the law as it exists a person who wishes to survey a township of land distant, I will say, two hundred miles from the outer verge of the actual surveys made by the Government, can get on the meridian lines, run out his lines to the corner of the township that he proposes to survey, take his private surveyors with him and pay the expense of that survey, or he can make a deposit of money in the Land Office and have the surveyors that are employed by the Land Office to go out there and make the survey and return the plat, and after he has made this survey he gets scrip for the amount of money that he has expended in making it, which scrip stands good for the entry of land in the local land office.

It has been found on a close investigation of this subject by a committee of this body, the Committee on Public Lands, who examined the chiefs of divisions on oath, that very serious embarrassment and difficulty had occurred in regard to these surveys. It is impossible for the surveyors-general to go into the field and examine the surveys personally. They have just as much as they can attend to at their offices, and it turns out that this is the only Department of the Government where the transaction of public business is in unofficial hands, and there is nobody to superintend the transaction of this work.

I hope the Senator from California will be satisfied that we are entitled to at least three inspectors of the public lands. I think we should have five; I have no question but that we should have five. But let us try it awhile with three and see how we get along. Perhaps after awhile the Congress of the United States will find itself adequate to the duty of providing sufficient means for conducting the public business, especially in reference to the public lands. There is no department of this Government that has suffered so much as that of the disposal of this vast trust of the public domain for the want of Congressional attention, and for the want of Congressional, I will not call it liberality, but justice, toward the men who are engaged in the disposal of the public lands.

We have never supplied them with an adequate force, and the result is now that we have 150,000 cases remaining undecided in that department. That great law court has 150,000 cases in it undecided, and of those 150,000 at least one-third are in severe litigation. Some of the divisions are fifteen or twenty years behind the business of the country. Men are living upon lands now who have been entitled to their patents, to a decision of their causes, fifteen or twenty years ago, who have not been able to get it because the Government of the United States has not supplied clerical and legal force sufficient to adjudicate the cases. I do not believe there is a more faithful set of men in the United States Government than are in the Land Office, and you will scarcely find a more intelligent set of men anywhere. It is wonderful to me that men can be obtained for the small amount of money we pay them who render the service that is rendered there.

If Senators will put themselves to the pains of looking at the sworn testimony in the report which I hold in my hand, I think many of them will be astonished at the condition of the public land system of this country, that thing in which the people have more interest than in any other you can mention, that branch of the public service upon which rests the very foundation of the titles of thousands to their homes. Congress lingers along here in a parsimonious spirit afraid to do justice to the country, and allows these cases to hang back until witnesses are dead, papers are destroyed, moth-eaten, eaten up by rats and other vermin, molded until they cannot be read, hid away in vaults that are damp where the natural decay that falls on these papers is daily wiping out the most important records of title.

I am very glad that the suggestion is made by the honorable Senator from California, because it will give us some opportunity to bring to light a little of what is going on in that office.

Mr. MILLER, of California. Mr. President, I consider myself fortunate to have been the means of bringing out the remarks of the Senators from Kentucky and Alabama, and I am very much gratified to find so high an authority in favor of the appointment of these inspectors. I believe that the surveyors-general and the officers of the different land offices ought to be brought under a rigid surveillance, and I think that if this amendment shall be adopted proper persons to perform this duty of inspection will be appointed.

I am inclined to think there ought to be an amendment to this amendment adopted requiring that these inspectors shall be persons skilled in surveying and having knowledge of the land laws of this country. If you appoint inspectors from the ordinary walks of life, men having no skill or technical knowledge of this peculiar department of public business, they will amount to nothing. You will simply have three inspectors traveling about the country at Government expense and on Government salary who will know nothing of the duties which they are expected to perform, and will not be able to make a satisfactory and intelligent inspection of these different offices.

I will therefore offer an amendment to the amendment to insert after the word "officers," in line 2112:

Who shall be persons skilled in surveying and having knowledge of the land laws of the United States.

Mr. ALLISON. That I think is a very excellent amendment. I do not object to it.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The question is on the amendment of the Senator from California [Mr. MILLER] to the amendment of the Committee on Appropriations.

Mr. JONES, of Florida. I ask if this extends to all land States?

Mr. ALLISON. All the land offices in all the land States.

Mr. JONES, of Florida. Land inspectors?

Mr. ALLISON. They are authorized to inspect all the land offices.

Mr. JONES, of Florida. Three inspectors?

Mr. ALLISON. Yes, sir.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. Now I move to amend the clause by inserting "to be appointed by the Secretary of the Interior" after the words put in by the Senator from California.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. No. 1020) to authorize the construction of a bridge across the Arkansas River at the town of Van Buren, Crawford County, Arkansas; and

A bill (S. No. 1810) to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. No. 1218) to restore to the pension-roll the name of Frederick A. Garlick;

An act (S. No. 1301) granting an increase of pension to George Gans;

An act (S. No. 251) granting a pension to Alice McMahon;
An act (S. No. 832) granting a pension to Simeon Crain;
An act (S. No. 1409) for the relief of Mrs. Jennie S. Mitchell;
An act (S. No. 1608) authorizing the Texas and Saint Louis Railway Company to build certain bridges in the State of Arkansas;
An act (S. No. 165) granting a pension to Mrs. Rosa M. Wood;
An act (S. No. 102) to provide a building for the use of the United States circuit and district courts and post-office at Erie, Pennsylvania; and
An act (S. No. 1673) to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasions and suppressing Indian hostilities, and for other purposes.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I ask consent to make a report from a conference committee.

The PRESIDING OFFICER. The Chair will receive the report.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5664) "making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1883, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 5 22, 23, 24, 25, 32, 33, 37, 38, 40, 41, 57, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 26, 27, 28, 29, 30, 31, 34, 36, 39, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 55, 56, 59, 60, 61, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, and 81, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$485,000;" and strike out, in lines 20, 21, and 22, page 1 of the bill, the following: "On page 265 of the Book of Estimates for 1883;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out from said amendment the words "one thousand" and insert in lieu thereof "five hundred;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out from said amendment the word "eight" and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$426,825;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "Architect of the Capitol and the commissioners of the District," and strike out in line 3, page 19, of the bill the following words: "the Architect of the Capitol and;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with amendments as follows: Make the sum in the amended clause $3,318, in lieu of $3,000, in line 22, page 19 of the bill; and strike out, in line 8 of said amendment, the words "fifty-eight" and insert in lieu thereof "fifty-seven;" strike out, in line 10 of said amendment, the word "twelve" and insert in lieu thereof "thirteen;" and strike out, in line 12, the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out from said amendment the words "and so forth" and insert in lieu thereof the following: "and of like character;" and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

Mr. CONGER. I should like to have some member of the conference committee give some explanation of the larger items in that report. Of course I have no means of knowing what changes are made, especially as we have no bill before us to judge by.

Mr. PLUMB. If the Senator will indicate anything he has an interest to know about I shall be glad to advise him on that point.

Mr. CONGER. There are two or three large items, three or four hundred thousand dollars or more, stated in the report.

Mr. PLUMB. That was simply in regard to the totals, the change of which was made necessary by the change in the items comprising them.

Mr. CONGER. Does this have any reference to the water-works?

Mr. PLUMB. Not at all; there was no increase in the appropriation for water-works. On the contrary, we abolished the office of superintendent of the water-works.

Mr. CONGER. Does this bill provide for the extension of the water-works?

Mr. PLUMB. It has nothing at all about that. The chief points of difference about which the committee of conference concerned itself was an item of $10,000 which the Senate struck out for the repair of streets, and which striking out the Senate has receded from; an item of $50,000 for the commencement of a sewer in the northwestern portion of the city, which the Senate struck out and which the House has concurred in; an item in regard to the number of school directors, the House having made the number nine and the Senate having made it thirteen, and the Senate recedes, leaving the number at nine as fixed by the House.

On the question of the salary of the engineer District commissioner the Senate recedes from its amendment, and the Senate yields upon the point in regard to the appropriation for the extension of Fourteenth street, making the sum $6,000, as provided in the bill as it came from the House, and restores the amount of $25,000 for the repair of country roads and suburban streets, as it came from the House. There were no serious points of difference in regard to sums of money between the two Houses. The House yields upon the point of the abolition of the water registrar, and the office of assistant inspector of gas-meters, and various things of that kind. The control of the water of the city is transferred to the Engineer Bureau, and the office of water registrar is abolished.

Mr. CONGER. I should like to have some explanation why the appropriation of $40,000 for a sewer is stricken out of the bill. I wish to know why the committee of the Senate assented to having any less appropriation for such a purpose, so absolutely necessary to the health of the city.

Mr. PLUMB. That was done by the Committee on Appropriations of the Senate and was concurred in by the Senate after debate, upon reasons which I stated then as reflecting the sentiment of the committee, and which I will restate.

In the first place, it was not deemed necessary, by comparison, that that work should be undertaken this year. In the next place, it was an appropriation for a portion of the city which by common consent had received much more than its share of appropriations heretofore made for improvements. Thirdly, and most important, it was not designed or expected that the appropriation provided for in the bill as it came from the House would complete the sewer. It was firmly believed by the committee, and acquiesced in by the Senate after debate, that to make the appropriation next year would result in giving the city the sewer completed for operation as quickly as it would if we made this appropriation now.

Mr. CONGER. In the examination of the question of sewerage and the health of the city by a committee appointed by the Senate, the testimony of a large number of residents and experts in regard to the health of the city (which has been printed for the use of the committee and which has perhaps been seen by other members of the Senate) shows very conclusively that a large part of the unhealthiness of the city arises from imperfect and insufficient sewerage, and, the necessity of the sewer referred to here for the part of the city requiring sewerage was specially dwelt upon. Congress is asked to appropriate hundreds of thousands of dollars for improving the health of the city, and here is a bill which, by the concurrent testimony of all, contains an item which is necessary for the immediate present health of a considerable portion of the city and the District.

I had hoped that there would be no diminution in appropriations for that branch of the service which would restore somewhat health to the city of Washington. I regret very much, although I do not propose to change this action, that a committee of the Senate, or a conference committee of the two Houses, should have seen fit to diminish these appropriations which look more particularly to the health of all the residents of this District.

Mr. PLUMB. I move the adoption of the report.

The report was concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6242) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The Acting Secretary continued the reading of the bill to line 2113, in the appropriations for the General Land Office, as follows:

Three principal clerks at $1,800 each.

Mr. MORGAN. I move to amend that clause by striking out "$1,800" and inserting "$2,000." However, if the committee prefer that I should wait——

Mr. ALLISON. I ask the Senator to give way until we get through with the amendments of the committee.

Mr. MORGAN. Then I will simply give notice of that amendment; and I also give notice of another amendment which I shall move, that the six chiefs of division at $2,000 each shall be taken out of the thirty-two clerks of class 4. I will not offer the amendment now, but will wait until we are through with the amendments of the committee.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2121, to increase the total amount of the appropriation for compensation of the Commissioner of the General Land Office, assistant commissioner, and the clerks and employés in the office from $360,400 to $368,900.

The amendment was agreed to.

The next amendment was, in line 2129, after the word "indemnity," to strike out "one clerk" and insert "three clerks;" in line 2130, after the word "three," to insert "two of class 2;" and, in the same line, after the word "and," to strike out "seven" and insert "two;" so as to make the clause read:

From appropriation for "settlement of claims for swamp lands and swamp-land indemnity," three clerks of class 3, two of class 2, and two clerks of class 1; in all, $10,000.

The amendment was agreed to.

The reading of the bill was continued to line 2137.

Mr. ALLISON. In line 2134 I move, not from the committee, but as I believe it is necessary to carry out the provisions of the bill, to insert, after the word "expenses," the words "of inspectors while on duty and;" so as to read:

For diagrams, parchment paper for land-patents, furniture and repairs of the same, miscellaneous items, for the actual expenses of inspectors while on duty and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, and for advertising and telegraphing, $25,000.

The amendment was agreed to.

Mr. PLUMB. In line 2137, I move to increase the appropriation from $25,000 to $40,000, which is the sum estimated for by the Secretary of the Treasury and by the Auditor for the Land Office.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Indian Office," in line 2144, to increase the appropriation "for compensation of the Commissioner of Indian Affairs" from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2145, after the word "dollars," to insert:

Assistant commissioner, $2,500.

Mr. ALLISON. After the words "assistant commissioner" I move to insert "to be appointed by the President, by and with the advice and consent of the Senate," and also that the provision relating to his duties may be inserted which was made with reference to the assistant commissioner of the General Land Office.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 2147, after the word "dollars," to insert:

Two chiefs of division, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2150, to reduce the number of "clerks of class 4" from four to three.

The amendment was agreed to.

The next amendment was, in line 2151, after the word "three," to insert:

One stenographer at $1,600.

The amendment was agreed to.

The next amendment was, in line 2152, before the word "clerks," to strike out "fifteen" and insert "sixteen," and after the word "two" to insert "one of whom shall be a draughtsman;" so as to read:

Sixteen clerks of class 2, one of whom shall be a draughtsman.

The amendment was agreed to.

The next amendment was, in line 2154, to increase the number of "clerks at $1,000 each" from six to eight.

The amendment was agreed to.

The next amendment was, in line 2156, after the word "and," to strike out "one laborer" and insert "two laborers."

The amendment was agreed to.

The next amendment was, in line 2157, to increase the total amount of the appropriation for the compensation of the Commissioner of Indian Affairs, assistant commissioner, and the clerks and employés in his office from $82,320 to $93,180.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, in line 2167, to increase the item for the compensation of the "second deputy commissioner" from $2,400 to $3,600.

The amendment was agreed to.

The next amendment was, in line 2168, to increase the item of appropriation for the compensation of the "chief clerk" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 2169, after the word "dollars," to insert:

Assistant chief clerk, $2,000.

The amendment was agreed to.

The next amendment was, in line 2170, to increase the item of appropriation for the compensation of "medical referee" from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was, in line 2171, after the word "dollars," to insert:

Assistant medical referee, $2,250.

The amendment was agreed to.

The next amendment was, in line 2172, after the word "dollars," to strike out:

Twenty examiners at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2173, after the word "four," to strike out "clerks of class 4" and insert "qualified surgeons;" in line 2174, after the word "be," to strike out "qualified surgeons and;" and in line 2175, after the word "profession," to insert "at $2,000 each;" so as to read:

Four qualified surgeons, who shall be experts in their profession, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2176, after the word "fifteen," to strike out "clerks of class 4" and insert "medical examiners;" and in line 2178, after the word "profession" to insert "at $1,800 each; twelve chiefs of division at $2,000 each; law clerk, $2,000; thirty-five principal examiners for review board at $2,000 each; twenty-four assistant chiefs of division at $1,800 each;" so as to read:

Fifteen medical examiners, who shall be surgeons of education, skill, and experience in their profession, at $1,800 each; twelve chiefs of division at $2,000 each; law clerk, $2,000; thirty-five principal examiners for review board at $2,000 each; twenty-four assistant chiefs of division at $1,800 each.

The amendment was agreed to.

The next amendment was, in line 2184, to reduce the number of "clerks of class 4" from "one hundred and nineteen" to "sixty-five."

The amendment was agreed to.

The next amendment was, in line 2186, to reduce the number of "clerks of class 1" from "three hundred and ninety-nine" to "three hundred and ninety-eight."

The amendment was agreed to.

The next amendment was, in line 2188, after the word "each," to insert:

One superintendent of buildings, $1,400.

The amendment was agreed to.

The next amendment was, in line 2192, after the word "each," to strike out "twenty copyists at $840 each, twenty" and insert "forty;" so as to read:

Forty copyists at $720 each.

The amendment was agreed to.

The next amendment was, before the word "messengers," in line 2194, to strike out "ten messengers and ten assistants" and insert "twenty;" so as to read:

Twenty messengers.

The amendment was agreed to.

The next amendment was, in line 2197, to increase the total amount of the appropriation for the compensation of the Commissioner of Pensions, deputy commissioners, and clerks and employés in the Pension Office, from $1,949,150 to $1,957,150.

The amendment was agreed to.

The next amendment was, in line 2208, after "eighteen hundred and seventy-eight," to insert the following proviso:

Provided, That the duties of first and second deputy commissioners shall be such as are now fixed by law for the deputy commissioner of pensions; and in case of death, resignation, absence, or sickness of the Commissioner his duties shall devolve upon the first deputy commissioner until his successor is appointed, or such absence or sickness ceases, and in case of the like absence of the Commissioner and first deputy commissioner, the second deputy commissioner shall act as commissioner in like manner.

The amendment was agreed to.

The next amendment was, in the appropriations for the "United States Patent Office," in line 2238, after the word "each," to insert:

Twenty-five assistant principal examiners, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2243, after the word "each," to strike out:

Twenty-five fourth assistant examiners, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 2265, to increase the total amount of appropriation for compensation of the Commissioner of Patents, assistant commissioner, and clerks and employés in the office from $548,800 to $568,800.

The amendment was agreed to.

The next amendment was, in line 2276, after the word "ice," to strike out "advertising moneys" and insert "advertising, moneys;" so as to make the clause read:

For contingent and miscellaneous expenses of the Patent Office, namely: For construction and repair of model-cases, stationery, portfolios for drawings, furniture, carpets, ice, advertising, moneys refunded, printing engraved patent-heads, paper for the same, international exchanges, and other necessary office expenses, $25,000.

The amendment was agreed to.

The reading of the bill was continued to line 2297.

Mr. HOAR. I think it will be more convenient, as the paragraph has been read, to allow me to make a motion to amend now, which, I understand, will not be objected to. This paragraph I move to amend by inserting after the word "and," in line 2293, the words:

The producing of copies of the weekly issues of drawings of patents, designs, and trade-marks to be done.

So as to make the paragraph read:

For photolithographing or otherwise reproducing copies of drawings destroyed or damaged by fire or otherwise exhausted, $34,720; the work of said photolithographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and the producing of copies of the weekly issues of drawings of patents, designs, and trade-marks to be done in the city of Washington, if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

Mr. DAVIS, of West Virginia. I was going to suggest to my friend that the chairman of the committee who has charge of the bill is out of his seat at this moment.

Mr. HOAR. I have the assent of the chairman in a letter stating that these words were omitted by a mistake of the engrossing clerk in a former Congress. I will state the point. The Senator from Iowa has now returned. The statute requires that all the photolithographing or making copies for the Patent-Office shall be done in the city of Washington, if it can be done at reasonable rates. It may be done here at reasonable rates, and still the rates be much greater than those asked anywhere else in the country, so that the Government may be a great loser.

The reason for that is that it would be a great risk to the drawings accompanying specifications for patents to have them conveyed by express away from this city to be photolithographed elsewhere, and they do not therefore want to expose those drawings to the risk even for the sake of getting the advantage of competition in other places. That is a very good reason; but the photolithographing and reproducing the copies of drawings which were destroyed by fire, partly or wholly, all the old mass of the records of the Patent Office, are not affected by that risk, and there is no reason whatever, if Mr. Osgood, in Boston, or a gentleman in New York, or anybody else may do that work cheaper than it can be done in Washington, why they should not have an opportunity to compete.

My amendment therefore limits this prohibition to go out of Washington to the copies of the weekly issues of drawings of patents, designs, and trade-marks, and leaves the Commissioner of Patents, with the assent of the Secretary of the Interior, to make the contracts out of the city if he chooses. He will never do it then if there is any possible risk or objection.

As I said, the matter got into the bill by an accident of the engrossing clerk; it did not pass in this shape when the appropriation act was passed some few years ago, and it has been kept on from year to year.

Mr. DAVIS, of West Virginia. As I understand the paragraph, the objection to having the matter leave Washington is time more than anything else. It takes time for the examination. For instance, work is going on, the proof must be seen several times probably during its progress, and if it should be sent away a thousand miles or five hundred miles, or any other distance, it consumes very much time; and in addition to that explanations cannot be made between the Patent Office and the photolithograph office. Consequently it would require so much time and be such a disadvantage as to make it almost impossible to send the work elsewhere to be done.

Mr. HOAR. Is not the Senator willing, in the matter of copying the old mass of ancient records in the Patent Office which were affected by the fire, to leave that to the combined discretion of the Commissioner of Patents and the Secretary of the Interior, both of whom must agree under the bill as I leave it before any part of it could be sent out? Let the Senator from West Virginia look at the amendment. The provision as it now stands is that all the photolithographing shall be done in the city of Washington. My amendment limits that photolithographing by inserting after the word "and," in line 2293, the words:

The producing of copies of the weekly issues of drawings of patents, designs, and trade-marks to be done—

in the city of Washington. Then it goes on as the original paragraph reads:

And the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

So that the work cannot go out of Washington, even if my amendment is adopted, except in the case of the old copies and in cases where both these officers concur.

As I said to the Senator, what I propose now is just what the committee agreed on three or four years ago, but by a mistake of the engrossing clerk that appropriation act was engrossed in the way it now stands in the bill. I have a letter from the chairman of the committee stating the fact.

Mr. DAVIS, of West Virginia. Suppose that to be so, has it not worked very well for the last three or four years? As the bill now stands, has it not worked very well for several years past?

Mr. HOAR. My colleague says he understands that the Commissioner of Patents has disregarded it all this time. I do not know anything about that.

Mr. DAWES. My impression is that it is the fact that this mistake was never brought to the attention of the Department until now. I think that if the attention of the committee had been drawn to the phraseology of the original amendment they would have inserted it. I have a recollection of the debate under which this particular branch, it was thought, ought to be done in Washington. Then the objection was raised that that would make a monopoly; and the qualification as to this particular branch of the work was that if it could be done at reasonable rates, everybody admits that it ought to be done here, if possible; but still that qualification is necessary to prevent a monopoly here in Washington. However, by a mistake of phraseology it has come to apply to other things which nobody ever supposed it would apply to. The attention of the Department has been called to it. That is the way I understand the position of the matter; that it never was intended to apply to anything but this particular branch. I think the Senator from West Virginia will see that it would be a dangerous monopoly to have every part of it forced into the city of Washington.

Mr. DAVIS, of West Virginia. Yes; but my colleague on the committee will well remember that nothing was brought to the attention of the committee.

Mr. DAWES. I understand that they never observed it until since this bill came from our committee, that their attention was drawn to this phraseology since the bill came from the committee, and they traced it back and found that it originated as my colleague has stated.

Mr. PLATT. Mr. President——

Mr. DAVIS, of West Virginia. I should be glad to hear from the chairman of the Committee on Patents on the subject.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The Senator from Connecticut has the floor.

Mr. PLATT. I have been trying to understand this amendment for a long time, and I rose to ask that it might be reported at the desk. I cannot in the confusion which is existing here understand anything about it.

The Principal Legislative Clerk read the amendment of Mr. HOAR.

Mr. HOAR. Let me repeat in simply a sentence, for the information of my honorable friend, the chairman of the Committee on Patents, that the bill as it now reads requires all photolithographic work to be done in the city of Washington, if it can be done here at reasonable rates, although it might be done at much less rates elsewhere.

The reason for that, which applies to a good deal of the photolithographing, is, in the first place, that it is dangerous and improper to carry the plates to be copied in this way, the drawings of specifications and patents on which great property rights depend, out of the city and expose them to loss in expressage. In the next place, as the learned Senator from West Virginia so well stated, you want to have the work done under the eye of the office, where explanations may be prompt and clear and rapid; but that reason does not apply to "photolithographing or otherwise reproducing copies of drawings destroyed or damaged by fire or otherwise exhausted," mentioned in lines 2287, 2288, and 2289.

There is no reason why those should not be sent to Boston or New York or elsewhere if the work can be done cheaper.

My amendment therefore limits this absolute prohibition to the patentees' drawings, which are to be copied for the Weekly Gazette, which are not to be taken out of Washington, and to the designs and trade-marks, on the true recording of which important property rights depend, leaving the other work to be contracted for out of the city, if the Commissioner of Patents and the Secretary of the Interior both concur that it is expedient to do so. It is a very plain and simple matter.

Mr. CONGER. The work of preparing for photolithographing properly any such matter is very expensive. It cannot be carried on or the plant for such an office furnished without very great expense, wherever it may be. It is absolutely necessary that there should be for the different Departments of this Government such an office in Washington or else the Government must establish such offices for itself.

This is not a new question. My friend from Massachusetts as long ago as when he honored the House with membership there, desired that this photolithographing should be done in Boston; other gentlemen desired that it should be done in New York, and this question came up. It became apparent that to have a proper office for doing the work not only of the Patent Office but of the other offices in photolithographing there would be great expense incurred by whoever could do that work, and the office should be furnished with all the material for doing it thoroughly and well. There is such an office in this city. Under this system the work has been done cheaper than it has ever been done by contract abroad.

It came to the knowledge of the committee in the House (and I refer to that as being the place where I examined the subject more) that the sending away of this lithographing business cost far more in keeping messengers and proof-readers running back and forth to the offices and in transporting from hour to hour and from day to day the material to be photolithographed and the proof returned than the expense of the photolithographing each item by itself.

It was thus that the House and Senate some years ago adopted this system. I have never heard a complaint of it except from gentlemen who desired to break up the office in this city by taking away so much of the work as would leave it with the vast amount of machinery and plant and expense unable to perform the smaller amount of work which would be left here, if so much was sent away.

Mr. HOAR. On what ground does the Senator impute such a motive as that to the person who proposes this amendment?

Mr. CONGER. What motive?

Mr. HOAR. A desire to break up the office in Washington.

Mr. CONGER. I have not imputed any such motive.

Mr. HOAR. The Senator said he never heard a complaint of this arrangement except from persons who desired to break up the office in Washington. I think he probably was not aware of the force of what he said.

Mr. CONGER. I did not apply the remark to the Senator, and if other gentlemen outside of the Senate are interested in my remarks they will call me to account. I made no such remark about the Senator.

Mr. HOAR. I was merely proposing to amend the paragraph, and made no complaint of the present system.

Mr. CONGER. I have seen complaints frequently in the papers of Boston and New York, but I did not suppose they emanated from the Senator. I should hope not.

These are the reasons why this system was changed. In years past this business was transferred to different offices in different parts of the country, some at one point and some at another, according to their contract, and the business, as the Commissioner of Patents reported at that time to Congress, was in such a condition that the work could not be properly done; that it could not be done, as the law required, under his supervision. This very bill says it shall be done under the supervision of the Commissioner of Patents, but if the work be distributed around among the different cities where there are lithographic offices, it could not be done under his immediate supervision and his control.

When I say I have heard no complaint of the present system I mean to say that in the Patent Office and by the officers in that office who have charge of this business the work is reported to have been done uniformly well and for moderate prices. It seems to me the Government ought either to establish here in Washington a lithographic office for itself or keep here those who do the business for the different departments of the office, so that more work may be done, and therefore cheaper work done for the Government.

Mr. HOAR. If the portion of the photolithographing to which I have referred can be done better out of Washington than in it, or is to be done better in Washington than out of it, the Commissioner of Patents and the Secretary of the Interior certainly will know that. There is no vast burden to be imposed upon them. The law as it will be if this amendment passes only permits arrangements to be made which have their approbation.

I shall not undertake to follow the Senator from Michigan into his accurate knowledge of the motives of persons who make a complaint or seek by an amendment to perfect an existing arrangement which got into the law by a mere accident or mistake of the engrossing clerk.

Mr. CONGER. I understood the Senator to say that this was a mere accident of the engrossing clerk; but after the fullest discussion in the House and in the Senate this form of it by an overwhelming vote was carried and made the law of the land. I disagree with the gentleman in stating that it was a mistake of any clerk.

Mr. HOAR. I understand that, but I disagree with the Senator. I suppose the disagreement will pass for what it is worth.

Mr. CONGER. It is a mutual disagreement.

Mr. HOAR. But my particular exception was to the vast knowledge of my honorable friend from Michigan, who knows what is passing in everybody's mind who has an opinion upon a question of public policy which he supports by public reason. The Senator says that nobody complains of the existing law which I seek to amend, except persons who want to break up the national office here. I think he is mistaken in that also. I do not think he knows what the motives of persons are. He certainly does not know what mine are. It is a very simple and plain matter, it seems to me.

Mr. ALLISON. The Senator from Massachusetts says that this phraseology was inserted by a mistake of the engrossing clerk, and gives as authority for that statement, I believe, some old letter of mine, written some years ago. Of course I do not remember the exact circumstances in reference to the phraseology of this paragraph. I know that from year to year there have been debates and controversies about it in both Houses in various ways. Finally, I think some four or five years ago, the phraseology which is now embodied in the bill was agreed upon, and it has remained in that language.

I do know, however, that the Commissioner of Patents and a former Secretary of the Interior thought it unwise to allow the originals to go out of the city and to be returned by express, being carried backward and forward. They thought it wise that the originals should be under the control and direction of some proper officer here, and that the work should be done here.

I have no particular objection to any amendment which will bring this matter into a committee of conference so that we may look into it further and see whether or not some modification ought to be made. That is all I desire, and I think it ought to be satisfactory to the Senator from Massachusetts.

Mr. HOAR. Entirely so.

Mr. ALLISON. If it shall turn out that it is a wise thing to send the originals to Boston, which is a very good place to send them to, of course, if they go out of the city, or to New York, so be it; but I should not like to assent to the amendment proposed by the Senator from Massachusetts as a substantive amendment without consulting the Secretary of the Interior and the Commissioner of Patents. This is a matter that so intimately relates to their work and to the detail of administration in those offices that I would not undertake here in a sort of perfunctory way to put in an amendment making the change that this amendment proposes.

Mr. HOAR. The paragraph cannot go into a committee of conference without an amendment.

Mr. ALLISON. So I understand.

Mr. HOAR. This amendment only proposes to allow the Secretary of the Interior and the Commissioner of Patents to do what they think is right about it.

Mr. ALLISON. So I understand. I understand that the Senator from Massachusetts proposes what he considers to be a wise amendment here, with all these things lying before us for weeks, coming in at the tail-end of a discussion, after the bill has been reported, and presenting to us an amendment and asking us to adopt it without understanding how it will affect a great Department of the Government. That is what I object to about these amendments.

Mr. DAVIS, of West Virginia. I ask the chairman of the committee if he has heard any complaint of the way in which the work has been done, or that it has not been done at proper prices?

Mr. ALLISON. I have heard no complaint of the manner, the method, or the price paid for the work.

Mr. DAVIS, of West Virginia. So I have understood.

Mr. ALLISON. The suggestion of the Senator from Massachusetts is the first suggestion I have heard, made here on the floor of the Senate yesterday, and we have run over the bill, and spent a whole week at it last week. The printed copy has been given out for three, four, or five weeks; and yet we have presented here, at the last moment, an amendment which may or may not affect seriously a great Department of the Government.

Mr. HOAR. I think the complaint is a little unreasonable.

Mr. ALLISON. I do not make any complaint; I merely state the fact. I know the Senator from Massachusetts is not responsible for this.

Mr. HOAR. This point was brought to my attention for the first time this morning. The bill has been before the Senate in print for two days.

Mr. DAVIS, of West Virginia. I beg to remind the Senator of the fact that the bill has been here ten days from the House.

Mr HOAR. That is another point. I am making my statement. This bill has been reported from the committee two days. A gentleman comes on here and brings in his pocket a letter, which he has shown me, from the present chairman of the Committee on Appropriations, who reported the bill and called it up yesterday morning for the first time, the letter stating that the phraseology of the bill as it now stands is not what was agreed on by the committee or the two Houses in a former Congress, but that it got into the bill by a mistake of the engrossing clerk. That of course does not affect the right or wrong of the question one way or the other, but I think it does relieve this gentleman from the charge of *laches*. He supposed that probably the chairman of the committee might bear it in mind and make the correction himself.

The question on the whole is whether it is right and proper. If that be true, it does seem to me that if the amendment shall seem reasonable to the Senate, (if it shall seem unreasonable, as it does to my honorable friend from Michigan, of course it ought not to be adopted,) then it ought to go into the bill, and if the committee of conference find there is any objection to it they will withdraw it.

I repeat, the amendment proposes only to leave this part of the work to be done outside of Washington if the Commissioner of Patents and the Secretary of the Interior concur in the opinion that it should be done outside of Washington; that is all.

Mr. COCKRELL. I wish to ask the Senator from Massachusetts a question, and that is, how did this gentleman get the knowledge or information that the law was not what the Congress that passed it intended it should be?

Mr. HOAR. I have stated that three or four times.

Mr. ALLISON. I will explain that to the Senator. It seems that I had some time in the past written a letter, I do not know when, although the Senator from Massachusetts casually exhibited to me a letter that I had written from my home in Iowa in answer to a letter received from somebody in Boston, in which I wrote him as to the phraseology which he suggested had been put in a bill either by a mistake of some enrolling clerk or by a change made by a committee of conference.

Mr. HOAR. I do not think the Senator wrote that it may have been changed in conference.

Mr. ALLISON. Changed by the engrossing clerk or in a committee of conference, I think. What I complain of is not of the Senator from Massachusetts, but of a gentleman coming on here from Boston and pretending that he has been indulging in a Rip Van Winkle sleep for four or five years and suddenly resurrecting an old letter of mine, written from my home, merely stating what had occurred, and making that the basis here of an important change in an important paragraph of the bill. That is what I complain of.

Mr. HOAR. I supposed, I will tell my friend, that this proposition would be assented to with the most absolute unanimity by every member of the Senate, it struck me as being so reasonable. I was mistaken. I supposed that when I proposed it the Senator from Iowa would get up and say that it ought to be done as a matter of

course. I had no idea that it would excite an opposition or a question or a suggestion.

Mr. ALLISON. So it seemed to me at the first suggestion, but when I came to ascertain that the basis of it was some old letter of mine I rather looked into the phraseology, and I do not know now how it would affect the bill. I am a little afraid of gentlemen from Boston or from any other part of the country who come here for this purpose at this late day, after this has been the law for five years, and after this bill has been reported and passed in the House, and after it was considered by a sub-committee of the Senate Committee on Appropriations for a week, and then considered in full committee. I will say in addition that one of the members of the sub-committee on this very bill was the colleague of the Senator from Massachusetts, and we never heard a lisp about this matter; we were told this clause was perfectly satisfactory, and yet this gentleman from Boston turns up yesterday with a remarkable letter from me, written from my home from memory, and upon that makes a basis for this change of phraseology. That is all I complain of.

I complain that this gentleman from Boston slept so long. He should have come here a week ago and said to me "Mr. ALLISON, the chairman of the Committee on Appropriations, here is what you wrote to me some time ago, and I want this phraseology changed," but he conveniently waits until the bill is reported to the Senate, until he can have an opportunity of consulting with the distinguished Senator, and then presents it here.

I do not know but that the amendment may be correct enough, and I am perfectly willing to make such an amendment in the paragraph as will place this business in the hands of a committee of conference.

Mr. HOAR. That is all I want.

Mr. ALLISON. But I do not want to commit the Senate to the proposition made by this gentleman from Boston that I know nothing or very little about.

Mr. HOAR. Mr. President——

Mr. HALE. Let the amendment be again read, so that Senators may understand it.

Mr. HOAR. I will state what it is.

It strikes me that my honorable friend from Iowa is a little unreasonable. The appropriation bills come in here by the dozen—thirteen of them I think there are in all—and there is not one of them in regard to which the committee who are in session while the bill is going on, in the interval of our sessions, do not come in with amendments by the dozen. I will venture to say that the Senator from Iowa has in his pocket or desk now amendments to this bill that the committee have agreed on since they authorized him to report the bill. If they have not agreed on such amendments, it is a very remarkable and exceptional case.

To say that the gentleman from Boston is guilty of any impropriety because he did not get here until the bill was taken up and until he saw in the newspapers that the bill was taken up, strikes me as a little, I will not say ridiculous because nothing can be ridiculous that comes from my friend from Iowa, but if it came from me it would be exceedingly ridiculous; I will say that.

The amendment does not stand on the question whether it is brought on at one time or another, or whether somebody in one part of the country or another is unreasonable. It stands on its merits. I have not heard a suggestion against its merits. If the amendment cannot commend itself to the sound judgment of the Committee on Appropriations, to that committee and nobody else in the Senate, I shall not press it.

Mr. ALLISON. I suggest to the Senator to strike out, in line 2292, the words "and the two preceding" before "paragraphs," and to change the word "paragraphs" to "paragraph." That will give us jurisdiction to examine the matter in conference.

Mr. HOAR. Very well, I will consent to that. I am willing to stand by the Senator's own examination and that of the Senator from West Virginia. Let the committee simply consult the Commissioner of Patents, and if as an expert and a man of practical sense he thinks it ought not to be done, they will not do it; if he thinks it ought to be done, they will consider it further. That is all I ask.

Mr. CONGER. The amendment suggested by the Senator from Iowa takes out all the appropriation of any account, and if that amendment is made, we might as well require all the work to be done abroad. It only leaves about a quarter of the appropriation to come within the provisions of this bill. If it is not desirable to keep up such an establishment in Washington, let us have no law at all about it, but let the work go wandering around all over the country. I object to the amendment now suggested more than to the other amendment.

Mr. ALLISON. Very well; I withdraw the amendment. I do not care anything about it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

Mr. CONGER. I might make the point of order that the amendment of the Senator from Massachusetts changes existing law. I have saved that point of order for the last, if it should become necessary.

Mr. HOAR. This appropriation act is only a law running from year to year. It is not a permanent law.

Mr. CONGER. Still it is the law until it is changed.

Mr. HOAR. Every year there is this particular condition or limitation upon the appropriation, and now when it is proposed to renew it I propose to modify that part of it, and it cannot be said that it is a change of existing law by striking something out of the bill.

Mr. CONGER. The bill merely leaves the law as it is.

The PRESIDENT *pro tempore*. What is done by appropriation committees from year to year can be changed.

Mr. HOAR. I renew the amendment of the Senator from Iowa.

The PRESIDENT *pro tempore*. Then the Senator withdraws his other amendment?

Mr. HOAR. I withdraw my former amendment, and on the suggestion of the chairman of the committee, in line 2292, I move to strike out the words "and the two preceding," before "paragraphs," and to change "paragraphs" to "paragraph."

Mr. DAVIS, of West Virginia. That I understand is to give jurisdiction over the matter in the committee of conference.

Mr. HOAR. That is all.

Mr. ALLISON. I do not commit myself, of course, to the language one way or the other.

Mr. DAVIS, of West Virginia. The object of the Senator from Massachusetts, I understand, is not to commit the Senate to his amendment.

Mr. HOAR. It does not commit the Senate. It is so understood. If the committee do not find it reasonable, I shall not press it any further.

Mr. DAVIS, of West Virginia. I want it understood that the Senate is not committed to the amendment.

Mr. HOAR. That is so understood.

Mr. CONGER. That leaves out of the provisions of the bill the paragraph in regard to producing plates for the Official Gazette, and the main reason given for all this is that the photolithographing for the Official Gazette should be done here. To adopt this amendment leaves that to be sent off wandering around the country, if anybody desires it. It is worse than the other amendment a good deal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was rejected.

The PRESIDENT *pro tempore*. With the consent of the Senator from Iowa, the Chair would like to lay some formal business before the Senate, so that it may be journalized.

Mr. ALLISON. Very well.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, on motion of Mr. DAWES, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 22d instant, with accompanying papers, submitting the draft of a proposed clause for insertion in one of the pending appropriation bills to provide for the payment for improvements made by certain settlers on the Jicarilla Apache Indian reservation, in New Mexico.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 28, 1882.

NATIONAL BANKING ASSOCIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

Mr. ALLISON. I move that the Senate insist on its amendments and ask for a conference with the House.

Mr. BECK. I desire to hear what the motion is. I think the bill had better be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The motion is that the Senate insist on its amendments disagreed to by the House and ask for a conference on the disagreeing votes.

Mr. ALLISON. Does the Senator from Kentucky object to the motion?

Mr. BECK. My idea was to let the bill go to the Committee on Finance, because there are several matters connected with the subject that I hope to be able to get the Committee on Finance, either through a conference or in some other way, to add to the bill. The House has rejected quite a number of important amendments, and there are other amendments which I hope may be so arranged that when the bill goes to a committee of conference they can be examined.

For example, we received a communication from the Secretary of the Treasury to-day by which it appears that the provisions of the law have been violated requiring directors of national banks, whose charters we are about to extend for twenty years, to take an oath to comply with the provisions of the law that they will not charge more interest than is allowed by the laws of the States in which they are located, and those oaths have to be filed with the Comptroller of the Currency and kept by him. If the oath is not taken, or if the provision of law is violated in regard to it, the charters of the offending banks are required to be forfeited.

Having information that the Comptroller of the Currency was

allowing oaths to be taken varying from those prescribed, especially in the city of Richmond, and I suppose all over the United States, but having the information about the city of Richmond, I made the statement that it was alleged that those things were being done and I sent for the information and have before me now the oaths of the directors of the National Bank of Virginia, in the city of Richmond, and of the Merchants' National Bank, in the city of Richmond, filed year after year, taken for four or five years. I want to see if we can arrange the bill so as to prevent such violations of law by the Comptroller. This is a specimen of the oaths they take:

Oath of directors.

STATE OF VIRGINIA, *City of Richmond, ss:*

We, the undersigned, directors of the National Bank of Virginia, of Richmond, of the State of Virginia, do each of us solemnly swear that we are citizens of the United States, and residents of the State of Virginia, and that we will severally, so far as the duty devolves on us, diligently and honestly administer the affairs of said bank; and that we will not knowingly violate, or willingly permit to be violated, any of the provisions of the Revised Statutes of the United States under which this bank has been organized—

Then here is an interpolation—

except as to the present law of this State with regard to the rate of discount, and that each of us is the *bona fide* owner, in his own right, of the number of shares of stock subscribed by him or standing in his name on the books of the said bank, and required by said Revised Statutes; and that the same is not hypothecated, or in any way pledged as security for any loan or debt.

MARK DEWEY, Jan. 9, '77.	LUCIEN B. TATUM, Jan. 9, '77.
E. O. NOLTING, Jan. 9, '77.	T. WM. PEMBERTON, Jan. 10, '77.
WM. K. WATTS, Jan. 9, '77.	THOS. C. WILLIAMS, Jan. 10, '77.
JAMES T. GRAY, Jan. 9, '77.	JAMES W. ALLISON, Jr., Jan. 16, '77.
H. K. ELLYSON, Jan. 9, '77.	THOS. W. McGANCE, Jan. 16, '77.
JOHN F. ALLEN, Jan. 9, '77.	WM. H. PALMER, Jan. 29, '77.
CLAIBORNE WATKINS, Jan. 9, '77.	

Subscribed and sworn to 9th day of January, 1877, before the undersigned, a ——— of said county.

Subscribed and sworn to on the dates opposite their names before the undersigned, a notary public for the city aforesaid.

[SEAL.] J. M. MURRAY, *N. P.*

—

Form No. 3.—Oath of directors.

OFFICE OF COMPTROLLER OF THE CURRENCY.

STATE OF VIRGINIA, *City of Richmond, ss:*

We, the undersigned, directors of the Merchants' National Bank of Richmond, of the State of Virginia, do each of us solemnly swear that we are citizens of the United States, and residents of the State of Virginia, and that we will severally, so far as the duty devolves on us, diligently and honestly administer the affairs of said bank; and that we will not knowingly violate, or willingly permit to be violated, any of the provisions of the Revised Statutes of the United States under which this bank has been organized; and that each of us is the *bona fide* owner, in his own right, of the number of shares of stock subscribed by him or standing in his name on the books of the said bank, and required by said Revised Statutes; and that the same is not hypothecated, or in any way pledged as security for any loan or debt, except in so far as this affidavit restricts us to the rate of interest prescribed by law.

W. J. JOHNSON.
THOMAS POTTS.
R. C. MORTON.
WM. E. DIBRELL.
THOS. BRANCH.
FRED R. SCOTT.
WM. J. LEAKE.
J. W. PICKRELL.

Subscribed and sworn to this 10th day of January, 1877, before the undersigned, a notary public of said county.

J. F. GLENN, *N. P.*

Subscribed and sworn to before me by W. J. Leake this 10th day of January, 1877.

[SEAL.] J. F. GLENN, *N. P.*

Subscribed and sworn to before me by J. W. Pickrell this 13th day of January, 1877.

[SEAL.] J. F. GLENN, *N. P.*

For five years, under a provision of law requiring them to take an oath that they will not allow any of the provisions of that title of the Statutes to be violated, the Comptroller has accepted—and I have the proof in my hand—from 1876 up to 1881, from all the directors of the Merchants' National Bank, in Richmond, and the National Bank of Virginia, in Richmond, oaths excepting therefrom the obligation not to charge more interest than the law requires; and that is in the face of section 5147, which requires that every director shall take a certain oath; of section 5197, which limits the rate of interest to that provided by law; and in the face of section 5239, which requires the Comptroller, if any of these provisions are violated, to proceed in court to forfeit the charters of such banks. Those sections of the Revised Statutes are as follows:

SEC. 5147. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his office.

SEC. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding 7 per cent., and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a bona-fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight-drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

SEC. 5239. If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

All these oaths have to be filed with the Comptroller, and they have been filed with him from 1876 up to 1881, each one of them interpolating that they will agree to violate the law as regards interest.

Before the national-bank charters are extended for twenty years, I want a provision impeaching, if necessary, or dismissing from office any Comptroller of the Currency who shall accept a false or a modified oath from any set of bank directors. That has been done here, and the Comptroller tells us he did not know it, when for five years it has been done, and he is the custodian of the oaths. If he did not know it he is not fit for the place he occupies. If he did know it he ought to be dismissed.

It is like the overcertification of checks which I brought up. The Comptroller reported to us in 1879 that banks were overcertifying checks to the amount of $100,000,000, and then the next year he apologized. By law the banks forfeited their charters by such an act, but the Comptroller did not have it done. I want the bill to go to the Committee on Finance, and to have these papers and records examined before it goes into a committee of conference, so as to see what punishment shall be inflicted upon the Comptroller for what I think is a known violation of his duty.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky move to refer the bill?

Mr. BECK. I move to refer the bill and amendments to the Committee on Finance.

Mr. ALLISON. All that the Senator from Kentucky has said may be true——

Mr. BECK. It is true.

Mr. ALLISON. I do not know but that some legislation is necessary in reference to the matters to which the Senator alludes, but evidently such matters cannot now, at this late stage of the bill, be put on the bill. After the House has concurred in a portion of the amendments sent to it and non-concurred in others, I do not see how it is possible, under the rules of the two Houses, to materially amend the amendments which we have already made. I suggest that we go on with this bill and send it to a committee of conference, and I hope the Senator from Kentucky will be a member of that conference, I will say to the Presiding Officer, in order that he may present his views intelligently, as he always does, to the committee of conference. I think that is the most satisfactory way.

Mr. BECK. I have examined the action of the House. They have concurred in some of the amendments of the Senate and non-concurred in others, and seek to modify others. There are plenty of places where the concurrence of the House can be had with the Senate amendments with amendments, in my opinion.

I not only will not be, but ought not to be, a member of the committee of conference, because I voted against the bill. Of course I do not desire to be a member of it, and ought not to be a member of it; but having looked over the Senate amendments that the House concurred in and those they did not concur in, I find that there are many important amendments made in the Senate, and it is perfectly proper for the Senate to confer with the House in regard to those amendments, of which the matter of which I spoke would be one, and it would be perfectly germane to some of the amendments. At any rate I desire the Committee on Finance to examine and look into the matter. What I have asked all the time is to require the national banks to obey the law and not to defy it. I make the motion to refer the bill and amendments to the Committee on Finance.

Mr. MORRILL. I hope the bill will not be referred to the Committee on Finance, for that committee will have all that it can do without this bill. So far as the suggestion of the Senator from Kentucky is concerned, he will see himself that it would be impossible for a committee of conference on the part of the Senate to propose amendments to the amendment to which he referred, unless the House should offer some amendment to it. We cannot agree to it with an amendment.

I therefore hope that the bill will not be referred to the committee, but that a committee of conference will be appointed at once. It is evident that the Senator from Kentucky is not for the bill, either with or without amendment.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill and amendments to the Committee on Finance.

Mr. ALLISON. Does that motion take precedence of a motion to ask for a conference?

The PRESIDENT *pro tempore*. The Chair understands that a motion to commit takes precedence.

Mr. ALLISON. I supposed that the rule provided that a motion

which would bring the two Houses nearest together would be the motion first in order. Here is a disagreement between the two Houses, and the motion first in order ought to be a motion to bring them together.

The PRESIDENT *pro tempore*. Rule 43 provides that—

When a question is pending—

And the question is pending here that the Senate insist upon its amendments and ask for a conference—

no motion shall be received but—

To adjourn,
To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend;

which several motions shall have precedence in the order in which they stand arranged.

The motion of the Senator from Kentucky is to commit the bill to the Committee on Finance.

Mr. MILLER, of California. I should like to ask what it is that the Senator from Kentucky moves to commit?

The PRESIDENT *pro tempore*. The bill.

Mr. MILLER, of California. He has not offered an amendment to be proposed to it.

Mr. MORRILL. He cannot offer an amendment.

Mr. HARRIS. The bill comes back here I suppose with the non-concurrence of the House to certain of the Senate amendments, and the motion of the Senator from Kentucky is certainly in order, to commit it, if the Senate sees proper so to refer it, in order that the committee may consider those amendments and see whether they will modify them or what disposition they will make in regard to them.

Mr. MORRILL. Let me say to the Senator from Tennessee that the only action which can possibly take place on the part of the committee or of the Senate would be to recede from the Senate amendments, and that would not be agreeable to the Senator from Kentucky or perhaps to any one else.

Mr. HARRIS. I beg to suggest to the Senator from Vermont that he is mistaken. It would be perfectly competent for the committee to recommend modifications of the amendments disagreed to by the House. They are open for the action of this body through its committee.

Mr. MORGAN. I wish to make an inquiry. If the bill is recommitted, that is equivalent to a vote to reconsider the action by which the bill was passed?

The PRESIDENT *pro tempore*. Every Senator must answer for himself upon that point. The Chair cannot tell the Senator. The Senator from Iowa moved that the Senate insist upon its amendments which have been disagreed to by the House. Pending that question the Senator from Kentucky has moved to commit the bill, which motion is first in order.

Mr. MORGAN. There must be some parliamentary consequence which follows the motion to commit, if it prevails in the Senate; and what is it? It is either to reconsider the vote by which the bill was passed, or it is to commit the bill with the amendments and the disagreement of the House to the Senate committee for a recommendation as to such action as the Senate shall take thereupon. It must have one effect or the other.

I do not think that it is legitimate to refer the bill back to the committee at this time, unless the Senate shall agree to reconsider the vote by which it passed the bill, for that committee is shut out by the action of the Senate of record here from the consideration of any other matter than the mere question of the agreement or disagreement to the action proposed by the House.

Mr. SHERMAN. I do not remember that I ever knew of such a motion as this to be made. On the contrary, the parliamentary rule——

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Ohio that a similar motion was made the other day by the Senator from Kansas [Mr. INGALLS] on a bill sent to his committee. The reference was made so that the committee might consider whether the Senate should recede from its action or insist upon it.

Mr. SHERMAN. But that is quite different. This bill has passed both Houses of Congress. The Senate made certain amendments to the bill. The House have agreed to some of them and disagreed to others. The only question between the two Houses that by possibility can now be presented to either House is the pending disagreeing amendments. Here is the rule, one of the oldest joint rules of Congress:

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairmen, meet in the conference chamber and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

I do not deny that under the general parliamentary law, the Senate having agreed to a bill, and having proposed amendments to that bill, it may in case of disagreement defeat the bill or lay it on the table.

The PRESIDENT *pro tempore*. The House has not asked for a conference. It has concurred in some of the amendments and non-concurred in others.

Mr. SHERMAN. It has not asked for a conference because by custom it is usually allowed to us to make the request. It may be that we will recede from the amendments, and with the exception of one amendment disagreed to I am in favor of receding from them; but it seems to me we are departing from the parliamentary rule which always tends to promote an agreement between the two Houses. The bill has passed beyond our consideration; the text of the bill cannot be changed even by the unanimous consent of the Senate; it would be a violation of the rules of the Senate and of the rules of parliamentary order. We cannot play Indian in this game; we cannot pass a bill and then recede from it afterward. We may recede from the amendments that we proposed to the House which are in our power, or we may go and confer with them, and if the amendments are not agreeable to the Senate we may change them somewhat or abandon them, or we may get the House conferees to agree with us; but there is nothing pending between the two Houses except the disagreeing votes of the two Houses on the amendments.

It is a violation of the rules to bring any new matter into this debate. I remember when a distinguished Senator of this body, the present Postmaster-General, Mr. Howe, undertook, by consent of a committee of conference, to introduce new matter, the Senate practically reproved him, so much so that Mr. Howe refused to consent to serve on any future committee in regard to that subject matter, because it was deemed to be a violation of his duty to vary in the slightest degree from the question between the two Houses, which was the question of the pending amendments disagreed to by one of the Houses.

It would be an extraordinary proceeding for us to send back this bill to the Committee on Finance with a view to introduce matter not contained in the pending amendments. It would be an extraordinary proceeding, and I trust the Senate will not do it. No doubt if there is any matter that the Senator from Kentucky thinks important he may introduce it as a separate bill and refer it to the Committee on Finance; but now this bill has gone beyond that stage of legislation in which anything can be considered except the disagreeing votes of the two Houses.

Mr. PLUMB. Will the Senator from Ohio permit me to ask him a question? Why would it be improper for the Senate to ask the advice of the Committee on Finance as to whether we should concur in the action of the House on the pending amendments? There is no assumption in such a reference that some new matter is to be inserted, but it is simply a proposition to send the bill to the committee by which the bill was originally considered, and to take, upon the question of concurrence or non-concurrence, the judgment of that committee, as we took the judgment of the committee upon the bill as it came from the House originally.

Mr. SHERMAN. The Senator from Kentucky himself states, with the usual frankness which always distinguishes him, that he desires certain extraneous matter not embraced in the amendments, but which is new matter, inserted in the bill.

Mr. PLUMB. That is not a part of the motion. The motion is simply to refer the bill.

Mr. SHERMAN. I merely desire to say that the Committee on Finance should be the last body to proceed to open up these questions after they have gone beyond a certain stage. It never would do; you never would get the two Houses to concur, if at every stage either House could introduce new matter, or if the bill should be referred back to the committee from which it had been reported. I do not say that the Senate may not do that. The Senate may kill this bill by laying it on the table; it may refer it to the Committee on Finance or any other committee; it may do with it what it pleases; because until it is passed finally it is not a law of the land. But we have agreed to the bill with certain amendments, and those amendments we submit to the House and simply ask their concurrence. They say they have concurred with the great body of the amendments, but upon some of them they want further information, and as the chairman of the committee there properly said, (and I have a right to quote what he said in a public debate,) they wished to enlarge some of the amendments of the Senate, and they proposed to do that after a conference with the Senate.

It is now proposed to refer the bill back to one of our organs, after the Senate has passed upon the bill, with a view to get up another controversy with the House. I say if it is within our power it is unwise and ought not to be done. All questions of conference between the two Houses form the most delicate process of legislation. We cannot add one single thing to the proposition we have made to the House. We have passed the bill with certain conditions; and they could, in spite of our efforts, call up the bill and agree to our amendments and pass the bill while we had it referred to the Committee on Finance.

Mr. BECK. I suppose all know, as it is every-day practice, that when the House disagree to certain amendments of the Senate to their bill and agree to others, it is entirely competent for the Senate, where the House has asked for no committee of conference, to remit the bill back to the committee from which it came to see whether

we shall concur with the House in their disagreement to our amendments or whether we shall insist upon our amendments, as we have a right to do.

The Committee on Finance having charge of the bill, and desiring now to inaugurate a new system to last for twenty years, if that committee found that something the House had disagreed to could be agreed to with an amendment, and that this matter which I suggested was a proper amendment to insert, it has the absolute power to propose it. At any rate that was the committee which considered the bill in the first instance. Certain amendments reported by that committee to the Senate, which were agreed to by the Senate, have been non-concurred in by the House.

The question is, shall we agree with the House in its non-concurrence absolutely, or shall we refuse to do it? Shall we trust it to two or three men, or trust it to the Committee on Finance and then to the Senate? When the House asks for a committee of conference, we may agree to it, after we have instructed our committee of conference how far we will agree with the House, how far we will modify, if we do not entirely take back the amendments we had put in the bill, in in order to see if the House will not agree to the amendments as modified, and then send them to the House and agree to a conference if they desire it. It is neither unusual nor improper.

Mr. ALLISON. Does the Senator hold that the difference between the two Houses could now be removed by the Finance Committee? Take for illustration the two sections that they have disagreed to, as I understand, the section relating to gold certificates and the section relating to certified checks. Those are two matters in dispute.

Mr. BECK. There are a great many other matters.

Mr. ALLISON. I know; but those are the two principal matters. Can the Committee on Finance in any way aid in solving those difficulties? The House must either agree to those amendments and themselves suggest amendments, or we must recede from them. That seems to me to be the only parliamentary course open to us.

Mr. BECK. We can recede from any amendment we have made with an amendment, and submit that to the House.

Mr. ALLISON. I do not see how that can be done. We can concur with an amendment, but I do not see how we can recede with an amendment.

Mr. BECK. We can concur with an amendment, which means to strike this all out and put in a different clause, as has been done a hundred times, and the Senator from Iowa has helped to do it; but before action by a conference I want the benefit of the opinion of the Committee on Finance in regard to the bill.

The PRESIDENT *pro tempore*. The question is on the committal of the bill to the Committee on Finance.

Mr. MORGAN. I move to amend by adding to the motion to commit the following:

With directions that the committee advise the Senate whether or not they should adhere to the amendments to which the House has disagreed.

Mr. ALLISON. I suggest to the Senator that he should say "insist" and not "adhere."

Mr. MORGAN. That is the proper language, "whether or not they should insist upon the amendments to which the House has disagreed."

I am not willing that there shall be a general committal of this bill to the Committee on Finance. I think it is a violation of parliamentary law to do it. It undertakes to open up a question that we cannot open in that way. The time for the reconsideration of this bill has passed under our rules, and no man could reach it except by unanimous consent, and perhaps not in that way, to reconsider the vote by which the bill was passed in the Senate. It has been in the possession of the House and has been there amended by the agreement of the House to certain of our amendments, so that it does not come back to us as a new bill, but as a bill improved by amendments that the House has agreed to and that the Senate has concurred in. Therefore the only question at issue between the two Houses is the question of disagreement, and not the question whether the bill should pass. The bill has passed, and we cannot get behind that.

I think that if any committee of this body is to take the subject in charge now it should be specially limited, so that we may know precisely what that committee is to do. We have a right to take their views, perhaps, as to whether the Senate ought to recede from its amendments so far as the House has non-concurred in them; but that is as far as that or any committee is allowed to go.

Mr. SHERMAN. I ask the Senator from Alabama if it is not better to allow the matter to go to a committee of conference?

Mr. MORGAN. I shall vote against the motion to commit, even when amended. I wish to say that since I have had the honor of a place in the Senate I have frequently seen what I will characterize as an abuse, to which the Senator from Kentucky has referred to-day, and which he says he and the Senator from Iowa have frequently participated in. I mean by that, legislation in the conference committees, and legislation after bills have passed both bodies. I do not agree that we have any right to do that. It is not constitutional legislation. The matter has not been brought before the Houses and read three times on three several days, or on the same day by unanimous consent. Legislation of that kind that creeps in through the action of a conference committee is dangerous in the last degree, and I have always disapproved of it.

Mr. MORRILL. The Senator from Alabama is entirely right. If this bill should go to the Committee on Finance and come back and receive the instructions of the Senate, we could not have a committee of free conference.

Let me say another thing. The abuse on the part of one or two banks in Richmond in relation to the oath will not be likely to be reproduced again. I have no doubt that the Comptroller of the Currency would rather go to prison for two or three years or pay a fine than to receive another scolding from the Senator from Kentucky. This being a solitary instance, in which the Senator from Kentucky has taken a deep interest, and one that is not likely to be again repeated, I hope that the usual course in relation to a bill of this kind will be allowed to be taken, and that the bill will go to a committee of conference, and if the committee on the part of the House see fit to propose any amendments to the amendments that are still pending and not ratified by the House, of course a committee of conference can agree to them or not, as it may see fit.

Mr. BECK. The chairman of the Committee on Finance seems to take great pride in asserting that I am a common scold, because of the objections I have made to the action of the Comptroller of the Currency, and he and his friends take a common good care that that Comptroller's action is not investigated as it ought to be. All I can do, being in a minority on the committee and on the floor of the Senate, is to call attention to violations of the law, and to the failure of the Comptroller of the Currency to do his duty. I do not know but that there are one hundred banks, it may be a thousand or two thousand, where the same oaths are permitted by him to be taken that are in the two that my attention happened to be called to. When I was told of them I laid the matter before the committee without bringing it before the Senate, and sent to the Secretary of the Treasury and to the Comptroller for information. I have a letter before me now, in which they fail to give any information that there were any such oaths filed in the Comptroller's office. It was only when I knew the fact to be true, by corresponding again with gentlemen in Richmond, after the Comptroller had refused a member of Congress from Virginia permission to see them, after he had refused the district attorney for the district the right to see them, that I had a resolution passed through the Senate demanding that the information should be sent here, and it had to come. When it did come, it showed that the directors of the Merchant's National Bank and of the National Bank of Virginia in the city of Richmond had filed oaths in plain violation of law, excepting from the oaths and from the provision of the title of the Revised Statutes, the right to charge usury, and they have been doing it, and doing it, as they say, without being guilty of perjury, because they excepted it from the oath that was held by the Comptroller.

I called attention the other day to the fact that eleven of the great banks in New York were certifying checks when no money was deposited there, and when the laws were positively against it, and a forfeiture of their charters was the penalty. I read the report of the Comptroller himself in 1879 when he was piqued at the banks, in which he said that practice had grown to be an enormous evil up to a hundred million dollars. The question was asked, "Have you sought to punish any bank for a violation of the law." No, he had sent examiners there, and he said in the next report if they did not quit it he would punish them, but he never has done so. When this bill was before us an amendment was sent by him which had to be taken back because they did not do what he wanted, or he did not want the Senate to understand what he did want to do.

I only ask that the Comptroller of the Currency shall, as a faithful public officer of the people of the United States, punish those banks for violations of law; that he shall not allow false oaths to be filed in his office, and that he shall not allow banks to certify checks when there is no money, without punishing them as required by law. When I ask that, it is not scolding at him. I demand as a representative of one of the States of this Union that the officer who does allow false oaths to be filed, who does allow false certification of checks, who does anything in violation of his known duty, shall be dismissed from office or shall be punished, and I do not mean to scold him. You may protect him. The Senator from Vermont is perhaps able to protect him against all I may say, but here in my place when any officer of this Government, whether he is a Comptroller of the Currency or any other, violates his known duty, I expect always to expose the fact and call upon the representatives of the people to see that he does not violate the law, as he is their public servant.

Mr. MORGAN. I am entirely in sympathy with the Senator from Kentucky in his desire to bring this subject to public attention; and I am not trying to protect this officer against exposure or against any penalty that might properly be visited upon him. But the Senator from Kentucky ought to bring in his bill to rectify this evil, if a bill is necessary. I deny the constitutional power of the Senate at this moment of time to put that subject on this bill. That is the proposition I advance. I would very gladly go into it if the bill was now before the Senate and the subject was in reach of us; but I do not believe it is.

The PRESIDENT *pro tempore*. The question is on the amendment

of the Senator from Alabama to the motion of the Senator from Kentucky, proposing instructions to the Committee on Finance.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Kentucky to commit the bill and amendments, with the instructions moved by the Senator from Alabama.

Mr. COKE called for the yeas and nays, and they were ordered.

Mr. ALLISON. What is the use of referring this bill to the Committee on Finance with these instructions? The amendments that are disagreed to by the House are amendments that were put on the bill in the Senate, and they are important amendments. One of them is the amendment of the Senator from Kentucky, and another is the amendment of the Committee on Finance in reference to gold certificates. Why take the sense of the Committee on Finance as to whether we should insist on these amendments or recede from them? Certainly the Senate will not recede from these amendments until they have had an opportunity of further consultation with the House.

Mr. DAVIS, of West Virginia. Will the Senator from Iowa tell me what he thinks the best course?

Mr. ALLISON. I think the best course is to insist on our amendments now and ask for a committee of conference and confer with the House in regard to them, and let them know at once that we insist on the amendments.

Mr. DAVIS, of West Virginia. In other words, the Senator thinks we had better have a committee of conference.

Mr. ALLISON. Yes, sir.

Mr. BECK. That means to have three men in the Senate and three in the House confer without any advice from the Committee on Finance or any chance for the House to judge.

Mr. DAVIS, of West Virginia. Has not the Senate already passed on what the Senator from Kentucky proposes? I take it that the committee of the Senate will adhere to what the Senate has done.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "yea."

Mr. GORMAN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

Mr. McDILL, (when Mr. MITCHELL's name was called.) The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call having been concluded, the result was announced—yeas 16, nays 37; as follows:

YEAS—16.

Beck,	Coke,	Harris,	Saulsbury,
Brown,	George,	Jackson,	Voorhees,
Butler,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Plumb,	Williams.

NAYS—37.

Allison,	Davis of W. Va.,	Lapham,	Rollins,
Anthony,	Dawes,	Logan,	Saunders,
Blair,	Ferry,	McDill,	Sawyer,
Call,	Frye,	Mahone,	Sewell,
Camden,	Hale,	Miller of Cal.,	Sherman,
Cameron of Pa.,	Harrison,	Morgan,	Van Wyck,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Windom.
Chilcott,	Hoar,	Pendleton,	
Conger,	Jonas,	Platt,	
Davis of Illinois.	Jones of Florida,	Pugh,	

ABSENT—23.

Aldrich,	Gorman,	Jones of Nevada,	Mitchell,
Bayard,	Groome,	Kellogg,	Ransom,
Edmunds,	Hawley,	Lamar,	Slater,
Fair,	Hill of Georgia,	McMillan,	Vance,
Farley,	Ingalls,	McPherson,	Vest.
Garland,	Johnston,	Miller of N. Y.,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Iowa [Mr. ALLISON] that the Senate insist on its amendments disagreed to by the House of Representatives, and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. MORRILL, and Mr. BECK were appointed.

JAPANESE INDEMNITY FUND.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

Mr. MORGAN. I scarcely know whether it is my duty to move in this matter or that of the Senator from Vermont.

The PRESIDENT *pro tempore*. The bill as amended is really the bill of the Senator from Vermont.

Mr. MORRILL. I move that the Senate insist on its amendments and ask for a committee of conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

The PRESIDENT *pro tempore*. The Chair has to go outside in some respects of the Committee on Foreign Relations. In Jefferson's Manual, on page 271 of our compilation, it is said:

Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it. (Hakew., 146; Town., col. 208; D'Ewes, 634, col. 2; Scob., 47;) or, as is said, (5 Grey, 145,) the child is not to be put to a nurse that cares not for it. (6 Grey, 373.) It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. (Scob., 46.)

This bill was really taken charge of by the Senator from Vermont, who seems to have dominated it, and the Chair appoints as the committee of conference Mr. MORRILL; Mr. FERRY, of the Committee on Foreign Relations, who voted with the Senator from Vermont; and Mr. MORGAN. Those three are the conference committee.

HOUSE BILL REFERRED.

The bill (H. R. No. 5538) to reduce internal-revenue taxation was read twice by its title, and referred to the Committee on Finance.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The Acting Secretary resumed the reading of the bill. In the appropriations for the Bureau of Education the Committee on Appropriations proposed, in line 2304, after the word "dollars," to insert:

Collector and compiler of statistics, $2,400.

The amendment was agreed to.

The next amendment was, in line 2313, after the word "dollars," to insert:

One engineer and skilled laborer, at $1,200.

The amendment was agreed to.

The next amendment was, in line 2317, to increase the total amount of the appropriation for compensation of the Commissioner of Education and the clerks and employés in his office from $42,180 to $45,780.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Commissioner of Railroads, in line 2344, after the word "three," to strike out "one clerk of class 2;" and in line 2346, after the word "all," to strike out "sixteen thousand and" and insert "fourteen thousand six hundred and;" so as to make the clause read:

Office of Commissioner of Railroads: For commissioner, $4 500; bookkeeper, $2,400; assistant bookkeeper, $2,000; railroad engineer, $2,500; one clerk of class 3; one copyist, $900; one assistant messenger; in all, $14,620.

The amendment was agreed to.

The next amendment was, after line 2351, to insert:

For books and book-cases, $1,200.

The amendment was agreed to.

The next amendment was, in line 2364, after the word "grounds," to insert "who, in addition to their present duties, shall have and exercise the authority of policemen;" so as to make the clause read:

Under the Architect of the Capitol: For person in charge of heating apparatus of the Congressional Library and Supreme Court, $864; for one laborer in charge of water-closet in central portion of the Capitol, $660; and for three laborers for cleaning Rotunda, corridors, and Dome, at $660 each; for the pay of six watchmen employed on the Capitol grounds, who, in addition to their present duties, shall have and exercise the authority of policemen, at $720 each; in all, $7,824.

The amendment was agreed to.

The next amendment was, in the appropriation for the "office of the Director of the Geological Survey," in line 2377, to reduce the item for compensation of the "Director" from "$6,000" to "$5,000."

Mr. CALL. I object to the amendment of the committee, and hope it will not be concurred in. This is the only purely scientific department in this Government. The director is one of the most eminently scientific men to be found in any country. He is one of the most laborious. His work is creditable to the American people, and is highly useful in the advancement of science and in its benefit to the people of this country. In mining, in agriculture, in the classification of the land, in the advancement of intelligence of the highest order, there is no department of this Government to compare to it.

Look at the salary allowed to similar officers. The Superintendent of the Coast Survey, for instance, has $6,000; the salary of the Commissioner of Internal Revenue is $6,000. This amendment proposes to reduce the salary of this eminently worthy, capable, and useful scientific man to the same amount as that given to the assistant fish commissioner, $5,000. If this were a sufficient remuneration for a man of eminent capacity, if it was what his talents could obtain in other employment, it would not justify the reduction proposed in this bill, because, contrary to the position that has been taken in the Senate time and again, for which there is not the slightest shadow of reason, the Government does not owe a man simply what it can get his services for; it owes him a generous and a liberal compensation; it owes him upon any principle of sound morality and fair dealing a sufficient support for himself and his family in the station or position in which his duties require him to be placed.

There is just as much reason for giving this officer $5,000 or $8,000

as there is for giving the judges of the Supreme Court and the President of the United States the salary awarded them. If he were in any foreign government his services would command not $6,000 but $20,000, for he has no superior, as all men who have any acquaintance with scientific matters will readily admit when they come in contact with him and examine the work of his department, that he has no superior in the paths of scientific research which he has followed. The work performed in the Geological Bureau of the Government has no superior anywhere in the world in its accuracy, in its comprehensiveness, and its usefulness to the practical and scientific purposes of the day.

I say, then, that in my judgment there is no kind of warrant for the reduction of the salary proposed by the committee, and I hope it will not be concurred in.

What is the effect of this constant cry for reducing the salaries of those who serve the people in public places. It does not lessen the amount of the taxes in any material respect. It does not make the poor man richer, increase his wages, or enhance the value of the products of the farmer. These will be secured only by having the people well served, by enabling poor men of capacity to turn from the more profitable pursuits of business and private life to the service of the people in public places without consigning themselves and their families to poverty and want, and to inferior social position to those who follow the pursuits of private life.

What Senator, Representative, or President has the influence, either social or political, of the great railroad kings and the great speculators of the country? How will the public service be promoted by advertising to the country that the offices of the Republic must be filled alone by either the rich, who can live independent of salaries, or by those who can get nothing else to do? How will it be promoted by degrading high intellectual attainment by giving to it the lowest compensation, and placing those who have rendered great and eminent services to science, who have advanced the resources and developed the productions of labor, so that the people may, if the laws will allow them, become prosperous and independent, on a smaller scale of compensation than others who have not so distinguished themselves, and so benefited their people and the whole country? No, this cry of saving money to the tax-payer by degrading the offices of those who serve the people is in the interest of those who would deprive the people of power. So far from reducing taxation, it increases it many hundreds of millions of dollars; it closes all public preferment to the great majority of the people; it takes away the hope of eminent reward and distinction from the son of the poor man.

It affixes poverty and beggary and dependence as the penalty on the poor man for having an honorable ambition to be distinguished in science and to confer benefits on his country and the world by serving them in high public places. The people have no sympathy with such opinions. They honor those among them who have accomplished distinction and are actuated by a real sympathy with them. The people are proud of the attainments of their scientific men, of their learned divines, of their great lawyers, judges, and statesmen. They are not niggardly and mean, and they understand that this cheap economy, this driving good men out of public office by inadequate compensation is in the interest only of the politician who makes public clamor on this subject.

Mr. President, I take no part in these sentiments. I do not sympathize with those who think the tax-payer, the people, are to be deluded with the cry of cheap men at cheap prices, as the great remedy for public evils and the great motive-power for the advancement of the comfort and the social and political interests of the people. They know that in this age science has led labor into new fields of increased production and remuneration.

The hundred thousand workmen who are now demanding what they consider reasonable compensation for labor are not converts to this favorite doctrine of the Senate—cheap labor at cheap prices in all public offices. No, sir; for the statesmen, for the social scientist who will give a practical solution of the problem of distributing production so that labor can be well clothed and comfortably housed and abundantly fed and thoroughly educated and protected in sickness, calamity, and age, they will provide the highest honors and the largest measure of remuneration.

To this great result no bureau and no official of this Government has contributed more than the Geological Bureau, and no man has contributed more to aid in industrial development and prepare new and inviting and profitable fields for labor than Major Powell, for which the committee ask the Senate to punish him by reducing his salary $1,000.

Mr. BECK. The chief clerk of this bureau, I understand, gets $2,400. The House cut him down to $2,000.

Mr. CALL. I was not speaking of the clerk.

Mr. BECK. I make that remark to begin with. Another clerk was cut down in the same way. The Committee on Appropriations restored the salaries of the clerks in this office and allowed the Director of the Geological Survey $5,000. That is all the Senator from Vermont, [Mr. MORRILL,] the chairman of the Committee on Finance, is allowed; and it seems to me that $5,000 salary for a place of this sort is ample, and instead of cutting down the subordinate clerks from $2,400 to $2,000 each and keeping him at $6,000, if we give him the salary of a Senator, $5,000, and allow the subordinates to have $2,400 each, we are coming a good deal nearer to doing justice all around than by cutting down the subordinates and allowing the director to have $6,000 instead of $5,000.

Mr. BUTLER. Why do the committee allow $6,000 to the Superintendent of the Coast Survey and $6,000 to the Commissioner of Internal Revenue? Where is the distinction?

Mr. BECK. The Commissioner of Internal Revenue is handling, to begin with, and is responsible for the management of over $135,000,000 a year.

Mr. BUTLER. His services are not more meritorious than those of the Director of the Geological Survey.

Mr. BECK. His services are of a character that may make or detract from the revenues of the Government ten to twenty million dollars a year, dependent upon his management. This bill as we amended it allows the Director of the Geological Survey $5,000 and refuses to strike down the two clerks from $2,400 each to $2,000, as proposed by the House.

Mr. VOORHEES. Has the salary heretofore been $6,000 or $5,000?

Mr. BECK. It was made $5,000 for a gentleman who declined to serve, Clarence King, who was said to be a very worthy man.

Mr. VOORHEES. The gentleman who now occupies the station is fully competent to discharge the duties. If $6,000 was not thought too much for anybody else, it is not too much for the man who now occupies the position.

Mr. BECK. That is a matter of opinion for different Senators. I state the reason why I voted the way I did in committee. I do not believe that the Director of the Geological Survey does any more work or half as valuable work as the Senator from Indiana and myself are required to do, and we have to do our work for $5,000 a year.

Mr. FRYE. I should like to ask the Senator from Kentucky if he thinks that the director, a scientific gentleman, necessarily so, should receive only the same salary that the assistant fish commissioner receives, who need not have any science at all? The bill gives the assistant fish commissioner $5,000 and the Geological Director only $5,000.

Mr. BECK. I do not know anything about the assistant fish commissioner, but the law only gives the Senator from Maine $5,000, and I suppose he is a gentleman who has spent many of the best years of his life in qualifying himself to fill the place he now holds, quite as long as the Director of the Geological Survey did to qualify himself to occupy the place he fills.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out "six" and insert "five," in line 2377.

The question being put, a division was called for, and the ayes were 30.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. LOGAN. I desire to say one word before this vote is taken. Without disclosing anything that occurred in the committee, I may say that I was not in favor of this amendment at first, but finally I did suggest it myself. Mr. Powell is a friend of mine. He is an Illinoisian. I know him well. He is an excellent man, a good man, a scientific man, a man worthy of the confidence of this country. The determination seemed to be to strike down the salary of two of his most important clerks that do the most of the work in that office. They were reduced by the House $400 each, making their salaries $2,000 instead of $2,400. I suggested that it would be well to take a thousand dollars off the salary of the director and put back the $400 on each one of the subordinate officers, who perform a great deal of labor, and that was agreed to by the committee. I think it is fair and I think it is right. I am voting when I vote to do this to cut down the salary of one of my best friends, and I do it because I think it is just to these other men.

Mr. SAULSBURY. I voted for the amendment of the committee, not because I have any want of appreciation of the services of Mr. Powell. I have no doubt he is a very faithful and competent man for the position he occupies; but there is evidently a growing tendency in this country to increase the salaries of the employés of the Government. This very bill I think contains sufficient evidence to satisfy us that there ought to be a check put to this constant increase of the salaries of persons who are engaged in the civil service of the country.

Mr. Powell, I have no doubt is a very competent man for his position, but $5,000 is a pretty fair salary. It is regarded as a fair salary for members of the Senate, and there are not many members of the Senate but have spent their whole lives in acquiring the fitness they possess to occupy the positions they hold here. The members of the Senate occupy positions that require the expenditure of money. I do not refer to political expenses, but they occupy positions that require them to be liberal in their expenditures in other regards.

I do not think that the true interest of this country is in paying heavy salaries to those engaged in the public service. We are a republican government in form; we profess to be republican; we started out with republican simplicity in the origin of our Government, but we are now imitating the crowned heads of Europe in our lavish expenditure of public money. I suppose the expenditures of public money this year will not be much short of $400,000,000. Young as I am, I can remember something of the administration of James Buchanan, when complaints were made against his administration because the expenditures were $60,000,000. My friend from Ala-

bama, [Mr. PUGH,] who remembers further back, perhaps, than I can remember, says that under the administration of Van Buren a great complaint was made because there was an expenditure of $36,000,000. But we are a progressive people. In the last twenty years we have run up from $60,000,000 to about $400,000,000. When we inspect this very bill we find that part of that vast expenditure is in the increased pay allowed to the employés of the Government.

I voted for this amendment of the committee because I believe that the committee, examining this whole question, thought that the salary of $5,000 was sufficient for Mr. Powell, or any person else occupying the position he occupies. We ought to have some reference in the appropriations of the public moneys we make to the tax-payer of the country who pays the money into the Treasury, but the tax-payer is the last man on earth who is thought of. We are putting officers on the retired list, giving them ample salaries, and yet nobody proposes to put the tax-payer on the retired list or to grant him a respite from the burdens under which he has groaned for the last several years.

Let us practice a little economy, pay the public servants what is a fair compensation for their services, and give them nothing beyond what is a proper compensation for the services they render the country.

Mr. CONGER. Mr. President, when this office was established, after a very careful examination of the whole subject, the salary was fixed at $6,000. It has remained so from that time until now. I never have heard any reason why this officer, remarkable as he is for procuring information and carrying on a work which is thought to be of very great importance for the whole country, to every part of it, has failed in any particular whatever to fulfill all the duties required of that office. When the office was created it was by the consolidation of three offices which in the aggregate gave far higher salaries to their three heads than was given to this one taking their place as the head of these different divisions.

I think the present incumbent of the office, Major Powell, by a long series of most wonderful and active explorations, far beyond those of any man in the whole United States, has earned at least this distinction, that he shall not in the second year of his service have his salary struck down, showing to the American people as well as to himself that he is considered unworthy of the same salary affixed to the office when it was created, and which his predecessor enjoyed while he continued in it, and which he himself has received up to the present time.

It is no sufficient reason for me that the House cut down the salary of other employés under him, and that therefore his salary should be cut down, or that if we restore them to the place where they properly belong we should not restore to him the salary which he has already received. I think it would be a discredit upon the scientific branch of this Government, upon the acquirement of scientific and agricultural and practical knowledge committed to this service, for the United States to cast that blur upon this officer or his office.

Mr. LOGAN. I desire to say but a word, and I do it for the purpose of showing something in connection with the history of this office. I did not expect to be drawn into a debate about it, but I happened to be on the committee and happened to be the one that suggested the amendment, and I suppose I shall have to defend myself.

The Senator from Michigan is mistaken in his proposition as to when and how this office was first created. It was called "Director of the Geological Survey," it is true, and put at $6,000. Before that, however, it was an office the same as it is now, but it was not called the "Director of the Geological Survey." It may be well enough to give a little history of this affair, for I think I know as much about it as anybody in the Senate. I say that because I claim to be the originator of the Geological Survey of the United States, as I can demonstrate.

Formerly the geology of the United States was taken by the Engineer Corps. They detailed officers for that purpose, and it was a part of the work of the Army. But in the House of Representatives, at the time I introduced the proposition requiring Army officers to be confined to their legitimate duties, I made a proposition in the appropriation bill appropriating $10,000 for the purpose of establishing a civil geological survey and had Mr. Hayden appointed in that bill by name as the head of the Geological Survey of the United States. From that proposition of mine appropriating $10,000 and appointing Mr. Hayden at the head of the Geological Survey has grown this office that exists to-day. Hayden was at the head of the survey until two years ago, or a little more, when the Secretary of the Interior removed him and appointed Clarence King. When Mr. King's name came before the Senate it is not necessary to speak of what occurred. He was appointed by the Secretary of the Interior and Mr. Hayden was removed from his office, a man who had held it for years. This Geological Survey grew up under Professor Hayden to be what it is to-day almost, and Professor Hayden received $3,500 a year for his services and no more, and never until two years ago did the head of the Geological Survey receive over $3,500 a year.

Professor Hayden for twenty years had traversed the mountains and had done more scientific exploring in reference to discoveries in geology than any man in the United States, but he was removed and King put in his place. When Mr. King became the head of the Geological Survey he undertook to group everything within his office. He came before committees and asked for $400,000—I was present when it was done—tried to increase it, magnify and aggrandize it in a most stupendous form. He finally declined to serve any longer, for the reason that he could not get the amount of money appropriated that he thought was necessary to carry on the survey according to his notions, and in all probability he was right about that. He was certainly a very scientific man—nobody disputes that—but he declined the office. He got the salary increased to $6,000 and then declined the appointment, and Major Powell was appointed in his place. I do not know that I had anything particular to do with his appointment, but I certainly recommended him very strongly for the position. He stepped into it at $6,000. He is a man of science, as I said, a good man and an honest man; but when it comes to cutting down the salary of the men who perform the most of the labor in the office, I do not think it is fair, nor do I think it is right.

Mr. BUTLER. That is restored.

Mr. LOGAN. Yes, by a compromise in the committee, cutting this down, and that is the way it was done. I say to Senators here that I have had as much to do in keeping up this Geological Survey and supporting it as any man in this Chamber. As I said, I am the originator of it and the record will show that. There never was such a thing as a geological survey of the United States until I got one established by my own propositions in the House. As I said, this man is my friend. I vote for this amendment because I think it is a better thing for him than to let his salary stand at $6,000 a year. I think it is a better thing for the Geological Survey. I think it is better that the head should not receive so great a salary and the subordinates who do the work be cut down to a small pittance. I think the best thing to satisfy those who do the work, the employés, is to give them a reasonable salary and not give the head of the office an unreasonable salary. That was the consideration that actuated me in committee.

I say this much in defense of my own position in reference to this thing, because I do not want it understood that I have attempted to cut down the salary of a friend of my own, lest some person might think I had a personal pique at him. Not so. I did it because I considered it for the good of the survey, and, more than that, I consulted with men belonging to it before doing it, without giving their names; and I feel safe in saying to-day that every man in that survey, from the head down, is satisfied with what the committee did.

Mr. CONGER. Mr. President, I did not have the honor to originate any of the great measures of this Government. I regret it very much. It has been my fortune to have been an humble follower of those who originated the great measures, to support what I thought was desirable, and to oppose what I thought was wrong. I thought at least that, not as the creator of these measures, but as one who assisted for several years in perfecting these systems of investigating the regions of the United States which had not before been explored, I might claim the credit of having attempted to do what I could to develop the resources of this great country.

Now, sir, I do not know who originated all these geological surveys. The Senator from Illinois probably did, but I do know that many, many years ago there were surveys across this continent, across the Territories, in the mountains and in the valleys, geological, ornithological, zoological, geodetical, and if I was familiar with all the great leading and high-sounding names which refer to all these examinations I might continue the list.

Why, sir, there are thirteen great volumes mostly taken up with the reports of such surveys, published before I had the honor to have anything to do with public life, in the United States at least, long before the war. I refer to the great railroad explorations, which, when published, opened to the eyes of the people of this country and of the world the most magnificent domain on earth. Long before the time the Senator speaks of, separate appropriations had been made for the Colorado River exploration.

Mr. LOGAN. Will the Senator allow me right there?

Mr. CONGER. Yes, sir.

Mr. LOGAN. I suppose there is such a thing as fairness, or there ought to be at least, in this Chamber. I did not claim that I originated these surveys at all; I said that prior to this time they were under the Department of War, and that the surveys were made by the Engineer Corps, but that the Geological Survey in the civil department of the Government grew up from my proposition and from my amendment to the bill that passed. That is what I said.

Sir, I do not claim that I originated geological surveys, but I claim that I introduced the first proposition that made this a distinct department of the Government, which is true. I only say to the Senator that his sarcasm is far-fetched when he undertakes to apply to me the insinuation that I claim that I was the originator of all these great things that have been accomplished. No, sir; I do not claim that; nor do I claim to stand high, especially in the estimation of the Senator from Michigan, with himself as the originator of any great proposition.

Mr. CONGER. I accept the apology of the Senator from Illinois, [laughter,] or rather his explanation.

Mr. LOGAN. That is very sharp. That is wit beyond comprehension!

Mr. CONGER. I have said that long years ago these examinations and explorations, geological, geodetic, zoological, ornitholog-

ical, had been carried on by this Government at great expense. I have said that the exploration of the Colorado River by the incumbent of this office revealed to the world one of the most astonishing and wonderful formations in geology in the excavation of rivers thousands of feet down into the depths of the earth that ever were known. The explorations under the Engineer Department were carried on by different parties. There were the explorations and examinations of Professor Hayden in the civil service of the United States, which I have no doubt the Senator from Illinois, as he says, brought into active practice and originated. I do not doubt it, though I do not remember who did it. It was worthy of him or of any other man that desired to develop the vast resources of the grandest country in the world. A man may well link his name and his memory with the origination and carrying on of those wonderful discoveries and explorations. But, sir, what I did attempt to say in a feeble and perhaps imperfect manner was, that a few years ago there were all these different modes of exploration, the geodetic survey, the triangulation, the explorations under the Engineer Department, the explorations under Professor Hayden, than whom a better or more scientific explorer, perhaps, does not exist, and who was my choice for the place of Director of the Geological Survey when this office was established—all these were going on, and hundreds more. Then Congress saw fit to consolidate all these into one and have them under one head, under the hand and control of a man of superior ability and science and knowledge and enterprise, to move them along together for the general benefit of the American people. Mr. Clarence King was appointed to the office when the office was established, not afterward, the office made by Congress at a salary of $6,000 a year. Mr. Clarence King, after holding the office a time, found he could receive such compensation as a mining geologist exploring the gold and silver mines and determining upon their value as made it undesirable for him longer to continue in this office, and this present incumbent was appointed.

Now, sir, I say, without any disparagement to any other living man in the world, that the enterprise and energy of that one-armed soldier, as he has passed down the rapids of the Colorado, as he has climbed the mountains of the continent, as he has explored the whole range of the formerly unexplored regions of the United States, is a perfect romance; it is a wonder; it is a marvel. There is nothing like it in the explorations of any one man, in the diversity of his operations, in the extent of his discoveries, in his unfolding to the view of the American people the greatness and the grandeur and the mineral wealth and the forestry wealth of the United States; and he did all that on a pitiful compensation, less than a teller in a bank gets, not enough to live upon, not enough to support his family while he was making these explorations, as I have reason to know——

Mr. DAWES. That was in the past?

Mr. CONGER. That was in the past.

Mr. DAWES. But how now?

Mr. CONGER. Now, when the whole system of surveys is consolidated in one, when if ever we want the best man in the country at the head, and it is supposed he has been placed there—at least he was the choice of the Government, and the Senate confirmed him—now when he has served all this time, as if to teach him that he was not worthy of the place or of the salary, his pay is to be cut down without anybody's requesting it that I know of, without a complaint, with nothing but praise for his services, with nothing but the admiration of the American people for the developments which he has made. We do not remove him, we do not abolish the office, but we cut it down to show that really it is not of so much importance as the Congress of the United States once thought it was.

Mr. ALLISON. I agree with all the Senator from Michigan has said with reference to the chief of this survey and the value of his services; but it must be remembered that when this bureau or department was established it was established by making a lump appropriation, fixing only the salary of the chief. We appropriated $100,000, I believe, and fixed the salary of the chief only. Every subordinate had just such compensation as the Secretary of the Interior, with the advice of and on consultation with the chief, fixed. When we came to examine into these salaries we found a proposition from the executive officer, who came to the committee and said: "I ought to have, instead of $3,000, $4,000." The chief executive officer, who is appropriated for here at the rate of $3,000 per annum, said: "Three thousand dollars is not sufficient compensation." He said: "I have been receiving $4,000." Then we examined into the different salaries of these subordinates, and of this chief, and we found that four or five of them have been receiving $4,000 apiece, doing undoubtedly very important work, but receiving for that work a larger pay than is paid by our best colleges for the same character of scientific attainment.

Mr. BUTLER. In what Department?

Mr. ALLISON. In the Interior Department. They are selected by the chief, and Professor Hayden is one of them. Professor Hayden is now and has been in the employ of this Geological Survey nearly all the time, and receives $4,000 per annum, and in addition to that, if I understand it correctly, receives all his expenses while he is in the field. There are four in all that now receive this compensation, and the executive officer has received hitherto $4,000. We said that in our judgment this sum, in comparison with the salaries we are paying to other employés of the Government, is rather more than we ought to pay, but we could not reduce the salary of the subordinates to the chief unless the salary of the chief himself was reduced, and I understand, though I may be mistaken in this, that Major Powell is content with the salary we propose to give him in this bill.

Mr. CALL. I have the pleasure of knowing Major Powell but very slightly. All the information that I have is gathered as a student of his works. Neither have I any connection with the organization of this bureau; but as an American citizen and as a Senator I am proud of the work which has come from him; and I am willing and desire to separate myself broadly from that sentiment that proposes to discriminate against the American citizen of learning and attainments. I think, sir, that it should have no place in the Senate. When an American of this great nation has conferred honor and distinction upon our name, to give him a smaller compensation than is given to those who perform the ordinary duties of the offices of the country is to discriminate against intelligence, nationality, genius, and learning.

Why, sir, any foreign country, as all scientific and cultivated men who will examine his works will agree—I say it, stranger as I am to him—would give him a compensation of the largest proportions and discriminate in favor of his genius that they might encourage others to attain the high eminence which he has won for this scientific department of our Government. No friend of republican institutions or of the people wishes to degrade their public servants. This poor economy, this cheap economy in the name of love of republican institutions, has no just place in any proper patriotic sentiment, in any interest of the National Government or of the States, in any pride in the genius of its achievements or any desire to elevate the poor people of this country to high places of distinction and open the path of promotion to the poor and to all classes of the people.

Why, sir, we must encourage the spirit of learning, of high attainment, and not let it be said that the American Senate, different from foreign and despotic nations, proposes to brand those of her sons who are most eminent in the paths of learning and of science.

The distinguished Senator from Delaware [Mr. SAULSBURY] seems to suppose that this great nation, with fifty millions of people, is what it was thirty years ago, and that for some unexplained reason salaries should be now the same as then, and that competency for the public service was the same then as now.

There is nothing in this suggestion, for we are as different as the Old World was from the New, as different as the duties and necessities of the administration of government for fifty millions of people are from those for twelve or fifteen millions, as different as the economic and social questions which grow out of density of population, of crowded occupation and appropriation of the soil, and of high development of art, of substitution of machinery for labor are from sparsity of population, insufficient occupation of the soil, and easy and equal distribution of production. Then subsistence was cheap and rents low, now it is dear and rents so high that the two exhaust a small income.

It has also been suggested that the salary allowed in the bill is as much as is paid to many scientific men in colleges. But this does not touch the question even in the point of providing the bare necessaries of life as the measure of just compensation for those who serve the people, which is the standard set up in the bill, for the expense of the necessaries of life in Washington and in the country places where colleges usually are bear no comparison to each other.

Another Senator says the committee thought it best to reduce the salary of the chief in order to increase that of his subordinates. But why do injustice to one that justice may be done to another, when the people are willing and able to be just and generous to both?

It is poor economy. It cannot be justified on any ground of reason or right to say that when a man gets an office you may pay him what he is willing to take. Major Powell, I am informed, is as modest as he is intelligent and learned and indefatigable and laborious, and if not content with anything that you give him he doubtless will not complain. But that is not the question. The question is whether we are to degrade American genius and learning and the highest scientific attainments.

I do not know what his predecessors may have been, but I do know that in the estimation of scholars abroad and scientific men at home this man, in his own special subjects, stands chief and head above others, at least in our own country; and, therefore, I as a Senator from one State, wishing to express an appreciation for American learning, for distinguished cultivation, for practical and laborious and successful effort, desire to give him a compensation at least as much as the House bill proposed to allow, and having at least some relation to the value of the results of his labor to all the great industrial interests of the country and the people.

The question being taken by yeas and nays, resulted—yeas 34, nays 20; as follows:

YEAS—34.

Allison,	Coke,	Harris,	Ransom,
Beck,	Davis of W. Va.,	Hawley,	Saulsbury,
Blair,	Dawes,	Jackson,	Saunders,
Brown,	Garland,	Logan,	Sherman,
Camden,	George,	McDill,	Vest,
Cameron of Pa.,	Gorman,	McMillan,	Williams,
Cameron of Wis.,	Groome,	Maxey,	Windom.
Chilcott,	Hale,	Morrill,	
Cockrell,	Hampton,	Pugh,	

NAYS—20.

Butler,	Frye,	Jones of Nevada,	Morgan,
Call,	Harrison,	Lapham,	Sawyer,
Conger,	Hill of Colorado,	Mahone,	Sewell,
Davis of Illinois,	Hoar,	Miller of Cal.,	Voorhees,
Ferry,	Jonas,	Miller of N. Y.,	Walker.

ABSENT—22.

Aldrich,	Grover,	Lamar,	Rollins,
Anthony,	Hill of Georgia,	McPherson,	Slater,
Bayard,	Ingalls,	Mitchell,	Vance,
Edmunds,	Johnston,	Pendleton,	Van Wyck.
Fair,	Jones of Florida,	Platt,	
Farley,	Kellogg,	Plumb,	

So the amendment was agreed to.

Mr. VOORHEES. I move that the Senate adjourn.

Mr. ALLISON. Will the Senator from Indiana wait till this paragraph is completed, and then I will give way?

Mr. VOORHEES. Very well.

The Acting Secretary resumed the reading of the bill. The next amendment was, in line 2379, to increase the item of appropriation for compensation to "chief clerk" of the Geological Survey from $2,000 to $2,400.

The amendment was agreed to.

The next amendment was, in line 2379, before the word "disbursing," to insert "chief;" and in line 2380, after the word "thousand," to insert "four hundred;" so as to read:

Chief disbursing clerk, two thousand four hundred dollars.

The amendment was agreed to.

The next amendment was, in line 2380, after the word "dollars," to strike out "one clerk of class 4 in charge of publications" and insert "librarian, $2,000."

The amendment was agreed to.

The Acting Secretary continued the reading of the bill to line 2392.

Mr. HALE. Before the Senator from Indiana makes his motion I wish to offer an amendment to the clause just read, so that it may be pending. I move to add to the paragraph:

And no salary or compensation, except such as may be paid under the law to the Director of the Geological Survey, shall be paid or allowed to any person connected with the work of said survey to an amount exceeding $3,000 per annum.

Mr. CONGER. I desire to give notice that to-morrow I shall offer an amendment to line 2405 of the pending bill, increasing the salary of the surveyor general of the Territory of Dakota from $2,000 to $2,500.

AMENDMENTS TO BILLS.

Mr. CAMDEN, Mr. FERRY, Mr. HARRIS, Mr. HAWLEY, Mr. JACKSON, and Mr. SAWYER submitted amendments intended to be proposed by them respectively to the bill (H. R No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BECK submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK. I offer an amendment to the river and harbor bill, asking for the construction of a lock and dam near the mouth of the Licking River, opposite Cincinnati, Ohio, according to the report of the engineer. I move its reference to the Committee on Commerce, and that it be printed.

The motion was agreed to.

Mr. VOORHEES. I offer an amendment to the deficiency appropriation bill, with accompanying papers. I move that the amendment be referred without printing to the Committee on Appropriations, and I ask their especial attention to the matter.

The motion was agreed to.

Mr. PLUMB. I offer an amendment to the internal-revenue bill, and move its reference to the Committee on Finance and that it be printed.

Mr. BECK. Let that amendment be read. I desire to know what it is.

The Acting Secretary read the proposed amendment, as follows:

That the imposition of an increase of 25 per cent. upon the import duty on the products of cane imposed by section 3 of the act of March 3, 1875, being chapter 127 of the statutes of 1875, be, and the same is hereby, repealed, and the duty on the products of cane imported into the United States after the passage of this act be restored to the rate prevailing before the passage of said last-mentioned act.

Mr. PLUMB. That is intended, I will say to the Senator from Kentucky, to repeal the 25 per cent. import duty imposed on sugar by the law of 1875 and restore it to the duty that prevailed before the passage of that act.

The amendment was referred to the Committee on Finance, and ordered to be printed.

Mr. BECK. I should like to offer an amendment to the same bill. I did not know amendments to it were being offered now. Let it be referred to the Committee on Finance after being read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky to the revenue bill will be read.

The Acting Secretary read as follows:

That from and after the passage of this act the tariff duty of $28 per ton on Bessemer steel rails shall be reduced to $14 per ton.

The amendment was referred to the Committee on Finance and ordered to be printed.

BANKRUPTCY SYSTEM.

Mr. VOORHEES. I move——

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 28, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HUBBELL. Mr. Speaker, I desire unanimous consent——

Mr. McMILLIN. I demand the regular order. I understand we are going to the consideration of an appropriation bill, and I think nothing ought to intervene to prevent that. Let us get them out of the House as soon as possible.

The SPEAKER. The regular order is the call of committees for reports.

AMERICAN CITIZENS IN FOREIGN PRISONS.

Mr. ORTH. I rise to present a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The Clerk will read the resolution reported by the Committee on Foreign Affairs.

Mr. ROBESON. Mr. Speaker, I desire to move to dispense with the morning hour in order, after that is done, to move to go into Committee of the Whole on the state of the Union for the purpose of considering the naval appropriation bill, and for that reason I raise the question of consideration on the resolution submitted by the gentleman from Indiana.

The SPEAKER. The gentleman from Indiana submits a report from the Committee on Foreign Affairs which is a privileged report.

Mr. PACHECO. And was recognized by the Chair to submit it.

Mr. ROBINSON, of New York. I hope this matter is not now to be stifled, sir.

The SPEAKER. And against that report the gentleman from New Jersey raises the question of consideration.

Mr. ORTH. The consideration will not occupy ten minutes.

Mr. ROBESON. If the gentleman will insure that, I will not raise the question of consideration.

Mr. ORTH. I will certainly do so, unless overruled by the House.

Mr. ROBESON. But I fear the gentleman cannot control our "rampant lions" on this question.

Mr. ORTH. I think it will take but a short time.

Mr. ROBESON. If we can get unanimous consent of the House that the consideration of this report will not take more than twenty minutes, I shall not interpose any objection.

The SPEAKER. The Chair will direct the Clerk to read the resolution reported by the Committee on Foreign Affairs, after which the question of consideration may be raised if the gentleman desires.

The Clerk read as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to communicate to this House any additional correspondence called for by resolution of the 25th of April and not heretofore communicated to Congress; and also whether any proposition has been made by any person holding office under the United States, to any American citizen in British prisons, to accept their release upon conditions; and if so, by whom such proposition was made and the nature thereof.

Mr. ORTH. I move the previous question on the adoption of the report.

Mr. HISCOCK. I understand the question of consideration is raised.

Mr. ROBESON. Not if this will lead to no debate.

Mr. ROBINSON, of New York. I have an amendment I desire to offer. I claim the right to be heard——

The SPEAKER. The gentleman is not now in order.

Mr. ROBINSON, of New York. I wish to be heard——

The SPEAKER. The gentleman cannot be heard and is not in order at this time.

Mr. ROBINSON, of New York. Will it be in time after the previous question is ordered to offer an amendment?

The SPEAKER. It will not.

Mr. ROBINSON, of New York. I have an amendment to offer which I have the right to present——

The SPEAKER. The gentleman from Indiana demands the previous question upon the adoption of the report.

Mr. ROBINSON, of New York. I call for the yeas and nays upon that motion. This is an effort to stifle American sentiment.

The SPEAKER, (rapping with his gavel.) The gentleman from New York is not in order.

Mr. ROBINSON, of New York. I will be heard in time.

The SPEAKER. The gentleman from New York is not in order, and must be seated.

Mr. ROBINSON, of New York. I now respectfully repeat to the Chair that I will be heard in order. This is an effort to stifle all American sentiment, and I will not submit to it. I insist upon——

The SPEAKER. The Chair will state to the gentleman from New York that he is not at liberty to defy the House and the Chair by saying he will be heard contrary to the rules.

Mr. ROBINSON, of New York. I will be heard in order.

The SPEAKER. The gentleman from New York will resume his seat. The Sergeant-at-Arms will see that the gentleman is seated.

Mr. ROBINSON, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman must be seated.

Mr. ROBINSON, of New York. I have a right to be heard when I am in order.

The SPEAKER. The Sergeant-at-Arms will require the gentleman to resume his seat if he persists in speaking out of order.

Mr. TOWNSHEND, of Illinois. I think, if the Chair will permit me, that the Chair has misunderstood the remarks of the gentleman from New York.

The SPEAKER. The gentleman stated that he would be heard, as the Chair understands, in defiance of the Chair.

Mr. TOWNSHEND, of Illinois. I am satisfied, if the Chair will permit me to say, that the gentleman from New York has been entirely misunderstood. The gentleman stated that he would be heard in order and in time.

The SPEAKER. The gentleman from New York now qualifies his statement and says he will be heard in order; but his first declaration was that he would be heard in spite of the Chair.

Mr. ROBINSON, of New York. The Chair has misunderstood me. I did not say that. I claimed the right to be heard in order.

The SPEAKER. The gentleman was proceeding out of order. The gentleman from New York demands the yeas and nays upon ordering the previous question.

The yeas and nays were not ordered.

Mr. ROBINSON, of New York. I demand tellers on the yeas and nays.

Tellers were not ordered.

The previous question was ordered.

Mr. ROBINSON, of New York. I want to give notice now to the House that I will move to-morrow to impeach the minister at the Court of Saint James, which is a privileged motion; and I shall object to all requests for unanimous consent, and let no motion of that kind pass in this House hereafter until the close of the session.

The SPEAKER. The gentleman is not in order.

Mr. ROBINSON, of New York. I shall let no motion pass without a quorum for the remainder of the session.

The SPEAKER. The gentleman is not in order. The question is on agreeing to the resolution.

Mr. TOWNSHEND, of Illinois. Let the resolution be again read.

The SPEAKER. The resolution will be again reported.

The Clerk again read the resolution.

Mr. ORTH rose.

The SPEAKER. Does the gentleman from Indiana desire to be heard?

Mr. ORTH. For a moment. I have no desire to enter into any discussion upon this resolution. I am aware of the press of business on the House——

Mr. HISCOCK. Is this debatable?

Mr. TOWNSHEND, of Illinois. The gentleman has an hour after the ordering of the previous question.

The SPEAKER. The gentleman is not entitled to an hour, but he is entitled under another rule of the House to fifteen minutes.

Mr. ROBESON. As there was no debate previous to the ordering of the previous question, there can be none afterward.

The SPEAKER. The Chair thinks otherwise. The Clerk will read paragraph 3 of Rule XXVIII:

The Clerk read as follows:

When a motion to suspend the rules has been seconded it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. The Chair thinks under the latter clause of this rule one-half hour's debate may be had, and a fair interpretation of it is that fifteen minutes should be occupied on each side.

Mr. WILSON. That is right. That is all we ask.

Mr. ORTH. I have no desire myself to debate this proposition. I wish to state to the House that this resolution is the unanimous report of the committee. It simply calls for any additional information which may have been received by the State Department since the last communication. The gentleman from New York is exceedingly desirous of being heard. I told him yesterday that, owing to the press of business and the temper of the House, he could not expect much time. I made the motion for the previous question, believing I understood the rules of the House with regard to the time that was allowed for debate.

Mr. WILSON. What time will you give me?

Mr. ORTH. I desire to yield the fifteen minutes allowed for debate to the gentleman from West Virginia [Mr. WILSON] and the gentleman from New York, [Mr. ROBINSON,] and they can divide that time between them.

Mr. WILSON. Mr. Speaker, so much of the time of this House during the present session has been occupied with the consideration of this question that I desire, by the resolution which I hold in my hand, to bring this subject to a finality, as far as this House is concerned, and test, as far as this House can test it, the meaning of section 2001 of the Revised Statutes of the United States. That section makes it the duty of the President, when any of our citizens are unjustly deprived of their liberty in foreign governments, to demand of such government the reason of such imprisonment; and if the imprisonment appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizens.

I will now ask the Clerk to report the following resolution:

Whereas this House has information from the State Department that American citizens are deprived of their liberty under the authority of the Government of Great Britain by being imprisoned in jail in Ireland: Therefore,

Resolved, That the President be, and he is hereby, requested to forthwith demand from the Government of Great Britain the reasons of such imprisonment, (if he be not now in possession of such reasons;) and if it shall appear to him that such imprisonment is wrongful and in violation of the rights of American citizenship, that he shall forthwith demand the release of such citizens, in accordance with precedents and usage which exist between the two governments; and if the release so demanded shall be unreasonably delayed or refused that he use such measures, not amounting to an act of war, as he may think necessary or proper to effect such release, and that he report all the facts and proceedings relative thereto as soon as practicable to Congress.

Mr. McLANE. I suggest to the gentleman to strike out that portion of his resolution containing the words "not amounting to an act of war."

Mr. WILSON. The suggestion of the gentleman from Maryland I think is a good one, and I will cheerfully adopt it. My object was to draft the resolution so as to make it conform as nearly as possible to the section of the statutes to which I have referred. I had not completed the draft of it when the gentleman from Indiana [Mr. ORTH] had offered the report to the Committee on Foreign Affairs, or I should probably have dropped out the words to which the gentleman from Maryland refers.

The object that I have in view, Mr. Speaker, is to bring this subject to a speedy conclusion, with a view that our fellow-citizens who are now confined in Irish prisons shall have the benefit of such relief as this Government can extend to them.

I should have said, Mr. Speaker, that I had the unanimous consent of the Committee on Foreign Affairs to bring this subject to the attention of the House, and to submit the resolution I have offered with a view of testing the sense of the House upon that subject. It will be borne in mind that section 2000 of the Revised Statutes secures to all naturalized citizens of the United States while in foreign countries the same protection of person and property which is accorded to our native-born citizens. It is therefore immaterial to us here to inquire whether the citizens so unjustly confined in Irish prisons are native-born or naturalized. They occupy the same plane, are entitled to the same protection, and it is the abstract right and duty of this Government to interpose in their behalf.

We owe it to ourselves, we owe it to our nationality, we owe it to the great principles which underlie our republican form of government, to take care that no foreign power shall unjustly seize our citizens, native-born or naturalized, and deprive them of their liberty without sufficient cause. While the statute referred to has clothed the President with full power upon this subject, I think all Congressional interposition in this behalf has rather tended to delay than to facilitate a final conclusion. The President, with becoming modesty, might properly say that he will decline to act when Congress has assumed control of the matter. Send it back to him. Let him make the demand which the law has imposed upon him, and if this demand be inefficient he will report all the facts and proceedings in relation thereto to Congress, and then will be the time for Congress to act.

This is not the first time that this question has occupied the attention of the two countries. On former occasions other citizens of the United States have been imprisoned by Great Britain; and subjects of Great Britain have been arrested and imprisoned by this Government. The books are full of precedents, and those precedents may perhaps amount almost to usage. They will operate as a guide to the President, and, I hope, will enable him to reach a speedy and satisfactory conclusion, by which full and ample justice may be done to our suffering fellow-citizens who have been ruthlessly plunged into British bastiles. The proceedings heretofore taken before our committee have savored too much of inquiry and too little of action. Now, I want to see action, final and definite.

Mr. Speaker, on February 2, 1870, when citizens of the United States were imprisoned in Ireland, Hon. Thomas Swan, of Maryland, then a member of this House and of the Committee on Foreign Affairs, in reporting to the House a resolution upon that subject, held the following language:

It is the first duty of a government, Mr. Speaker, to protect her citizens, to throw around them the panoply of her power, and to defend them when assailed, at every sacrifice, against oppression and wrong, come from what source it may.

Not less imperative is the moral duty of friendly remonstrance when the principles of right and justice are forgotten, and nations, like individuals, become blinded by distorted views of their own interest.

I also desired, Mr. Speaker, to quote from the distinguished gentleman from New York [Mr. COX] some pertinent and appropriate remarks which he made on the same occasion and in the same connection, but I have not the record at hand. And then I desired also to quote from various authors on international law, and from distinguished diplomates of this and other countries, but my limited time will not permit. It is enough to say that it is the right and the high and imperative duty of this Government to throw around our citizens, native or naturalized, at home or abroad, in prison or at liberty, that protection which their personal liberty and right of property demand.

I do not desire to be understood as saying, Mr. Speaker, that if our citizens so confined in British prisons have committed any offense against the laws of that country they should not be tried and punished if found guilty. But this much I do say: that they should have the benefit of speedy and fair trial. If found guilty they are punishable; if not guilty, they are entitled to an immediate release. We can ask nothing more, and we should submit to nothing less.

By the permission of the House I desire to omit from my resolution the words "not amounting to an act of war," as suggested by the honorable gentleman from Maryland. I hope it will be the pleasure of this House to adopt this resolution unanimously. It will, I suppose, supersede the necessity of the State Department furnishing to this House the information called for by the resolution presented by the Committee on Foreign Affairs.

Mr. ROBINSON, of New York. I ask fifteen minutes to reply to what has been said on the other side.

The SPEAKER The gentleman has seven and a half minutes.

Mr. ROBINSON, of New York. I decline to occupy that time further than to say this: I have here documents which would bring the blush of shame to the face of any American. I have been wanting to get this matter before the House, but the House has refused to listen to it. All kinds of garbage and nonsense about commissions and other less important matters have been considered by the House, and gentlemen after having occupied an hour have had another hour given them, and I cannot have fifteen minutes to state the condition of native as well as adopted citizens now wrongfully imprisoned in British jails.

At this time nine American citizens, instead of five, as was the case when we commenced, are now pining in prison. The President of the United States for a hundred days has been on his knees before Lord Granville, and I can show here by the documents that Lord Granville is spitting in his face and insulting this nation, and refusing to listen to the prayer, not the demand, but the prayer of the President of the United States.

Every possible thing can come in here but a proposition for the relief of these men. Seventeen American citizens have been imprisoned, as guiltless, ay, more guiltless, than you or I, and there they lie in defiance of the President's wish for their release, and no relief is given to them. I can show by the documents here before me that messages are sent from this House to Lord Granville to tell him we are not in earnest here, and to hold fast.

Extracts from the New York Tribune have been sent to Lord Granville by Mr. West, in words as treasonous as ever were uttered by the men that Washington hunted into the sea on Saint Patrick's day in 1776, including the ancestor of this James Russell Lowell, who was a tory, and whose descendant is a tory—all these things I have before me here to show that the New York Tribune's treasonable utterances against American principles are sent by Mr. West, the minister of her majesty here, and inclosed to Lord Granville, telling him that he need not pay any attention to the nonsense of this House; that we do not mean it except to curry favor with the Irish vote.

I have all these things here at my hand to expose the blackest page that ever was written in diplomatic history. And yet I am not to be allowed fifteen minutes to expose these things. I will take an hour on the occasion of the impeachment of this descendant of a tory. And I will object to all measures that come before this House on a request for unanimous consent. And I will sit here for the remainder of the session, and no measure shall pass without a quorum is present, if I am alive. I scorn the seven minutes flung to me here to plead for American citizens who are bleeding and suffering and sickening and dying in filthy English prisons, and no opportunity given to the American Congress except to pass the milk-and-water resolution offered by the chairman of the sub-committee, [Mr. ORTH,] and the other resolution, rather better, but not manly and stalwart enough, offered here by the other member of the committee, [Mr. WILSON.] I decline to degrade American citizenship by taking the seven minutes.

Mr. WILSON. I desire to ask the gentleman how much further he could go in view of our Constitution than to ask the President to demand their immediate release?

Mr. ROBINSON, of New York. I offered a resolution to that effect on the 25th of January, in the language the gentleman has now quoted. Can you count from that time till now? January, February, March, April, May, June—all those months have gone by, while nine American citizens are rotting in jail, and there is not sufficient courage here in the American Congress to say whether the British lion's tail shall be wrung or the American eagle's neck twisted. [Laughter.]

Mr. ORTH. Mr. Speaker, as I announced a few minutes ago, I have no desire to occupy the time of the House with any remarks on this resolution. It is a very plain proposition, simply an amendment to the resolution offered by the gentleman from New York, [Mr. ROBINSON,] calling upon the President for certain information. We have changed the phraseology of the resolution, and changed it to the gentleman's entire acceptance.

In conclusion, I only wish to say the diplomatic history of the Government shows fully that the President has not been derelict in his duty with regard to any American citizen imprisoned in Ireland or elsewhere. I now call for the question.

The resolution was adopted.

Mr. ORTH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILSON. I now desire to offer the resolution which I have had read.

The SPEAKER. Is this a privileged report?

Mr. WILSON. I have the unanimous consent of the committee to make this report.

A MEMBER. Is it privileged?

The SPEAKER. The Chair does not know. It is not everything coming from the Committee on Foreign Affairs that is privileged.

Mr. WILSON. I have the authority of the committee to offer the resolution now.

The SPEAKER. Is it a report on a resolution of inquiry referred to the committee?

Mr. WILSON. All that subject was before the committee. It was unanimously agreed that I should have authority to submit this from the committee.

Mr. WILLIAMS, of Wisconsin. The action of the committee, as I understood, was a bare permission that the gentleman from West Virginia might present this resolution as his own.

The SPEAKER. The Chair does not think it is a privileged report.

Mr. WILSON. I hope the resolution will be allowed to come in now for the purpose of having this subject disposed of.

The SPEAKER. Is there objection to allowing the gentleman to submit this resolution for consideration?

Mr. WILSON. I will ask no time to discuss it.

The SPEAKER. The Chair hears no objection. The resolution will be read.

The Clerk read as follows:

Whereas this House has information from the State Department that American citizens are deprived of their liberty under the authority of the Government of Great Britain by being imprisoned in jail in Ireland: Therefore,

Resolved, That the President be, and is hereby, requested to forthwith demand of the Government of Great Britain the reasons for such imprisonment, if he be not now in possession of such reasons; and if it shall appear to him that such imprisonment is wrongful, and in violation of the rights of American citizenship, that he shall forthwith demand the release of such citizens; and if the release so demanded shall be unreasonably delayed or refused, that he use such measures as he may think necessary and proper to obtain or effect such release; and that he report all the facts and proceedings relative thereto as soon as practicable to Congress.

Mr. WILSON. I demand the previous question.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROBESON. I move that the morning hour for the presentation of reports of committees be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

HUSBANDRY OF THE ANGORA GOAT.

Mr. VAN HORN. I rise to make a privileged report. I am directed by the Committee on Printing to report back without amendment the joint resolution (S. R. No. 58) to print Dr. John L. Hayes's pamphlet upon the husbandry of the Angora goat.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Commissioner of Agriculture be, and hereby is, authorized and directed to employ Dr. John L. Hayes to prepare for publication his pamphlet upon the husbandry of the Angora goat, and to have 10,000 copies of the same printed for distribution—3,000 by the Senate and 7,000 by the House of Representatives.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. VAN HORN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. SPRINGER. I ask unanimous consent that the bill (S. No. 329) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications

from July 4, 1776, to March 4, 1881, be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. A number of gentlemen desire to submit reports; but the regular order being called for, the Chair cannot recognize anything except privileged matters.

Mr. ROBESON. I desire to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the naval appropriation bill; but pending that motion, I will yield to gentlemen on each side for the presentation of reports.

COLLECTOR OF CUSTOMS, CHICAGO, ILLINOIS.

Mr. KASSON, from the Committee on Ways and Means, reported, as a substitute for House bill No. 3580, a bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONTESTED ELECTIONS.

Mr. KASSON also, by unanimous consent, reported back without amendment, from the Committee on Civil Service Reform, the bill (H. R. No. 6379) to charge the Court of Claims with certain duties in cases of contested elections; which was placed on the House Calendar, and the accompanying report ordered to be printed.

JULIA A. NUTT.

Mr. HOOKER. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Heller Nutt, deceased. This bill met, I believe, the unanimous approbation of the Senate committee. I trust there will be no objection to its immediate passage.

Mr. HISCOCK. I shall be compelled to call for the regular order, and allow no further business to be done except the introduction of reports.

The SPEAKER. The Chair thought the gentleman from Mississippi wished to submit a report.

Mr. HOOKER. I hope the gentleman will not object.

Mr. HISCOCK. I must object.

Mr. HOOKER. Very well; send the bill back. I shall hereafter object to the consideration of anything except the regular order of business.

The SPEAKER. The regular order is the motion submitted by the gentleman from New Jersey.

Mr. ROBESON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering the naval appropriation bill.

Mr. HOOKER. I give notice to the House that I shall join my friend from New York, [Mr. ROBINSON,] and that I shall object to anything except the regular order.

ENROLLED BILL SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill (S. No. 1128) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland; when the Speaker signed the same.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I insist on my motion to go into the committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. PAGE in the chair.)

The CHAIRMAN. The House is in Committee of the Whole, and the first business in order is the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. The Clerk will read the bill the first time for information.

Mr. ROBESON. I move that the first reading of the bill for information be dispensed with.

Mr. ROBINSON, of New York. I object.

The CHAIRMAN. Does the gentleman from New York object to dispensing with the first reading of the bill for information.

Mr. ROBINSON, of New York. Yes, I object to it.

The Clerk proceeded to read the bill.

Mr. CANNON. Mr. Chairman, I now ask that the further reading of the bill for information be dispensed with.

The CHAIRMAN. The Chair hears no objection, and the first reading of the bill is dispensed with.

Mr. ROBESON. Mr. Chairman, this bill as presented from the Committee on Appropriations appropriates the sum of $15,351,996.70.

Mr. ROBINSON, of New York. What has become of my objection?

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asked unanimous consent after the Clerk had commenced reading the bill that the further reading of the bill be dispensed with. The Chair in a loud tone of voice called for further objection and there was no response.

Mr. ROBINSON, of New York. I have not withdrawn my objection.

The CHAIRMAN. It is too late.

Mr. ROBINSON, of New York. I know it is a matter——

The CHAIRMAN. The gentleman from New Jersey is on the floor, and objection now comes too late.

Mr. ROBINSON, of New York. It will only give more trouble hereafter. I shall be more on my watch hereafter.

The CHAIRMAN. The Chair asked for further objection in a loud tone of voice, and there was no response in any part of the House.

Mr. ROBINSON, of New York. Some gentleman was speaking to me to withdraw it. At the time I intended to withdraw it, but hereafter I shall be more on my guard.

Mr. ROBESON. This sum of money amounts to less than $365,000 beyond the appropriations which have been made for the service of the last fiscal year. By the terms of the bill the money is applied in the ordinary way, except that the application of the money appropriated for the Bureau of Construction and Repair and the Bureau of Steam-Engineering of the Navy is so regulated that certain portions of them may be used for certain specific purposes according to the recommendations of the committee. The bill accomplishes this purpose without any large increase of contemplated expenditure during the coming fiscal year, by reducing the expenditure upon other parts of the service where, in the opinion of the committee, it can be dispensed with without injury or inconvenience.

The bill also contains a large reduction in the future of the number, and naturally of the expense, not only of the military but of the civil establishment of the Navy; because the difficulty in the past has been, that while the country has been not wholly illiberal in its appropriations for the Navy, the naval establishment itself has been and is so large that it consumes all for the *personnel* and movement of the naval service and leaves nothing for the material increase of the Navy itself.

This defect your committee have endeavored to remedy, and in doing so it has been necessary to cut somewhat the public service. But your committee had entered upon that task, always an ungrateful and a difficult one, with the fixed determination to do no injury, but only good. The service is congested. It is too much by the head, as the sailors say; it is too top-heavy. It must take medicine if it is to be relieved, and it is no answer for the child of the Government to say, I will not take medicine, I would rather die.

We have also endeavored in this blil to put the Department and the service in the way of great future economy, by recommending and enforcing upon them, as far as they may think it wise, the propriety of concentrating all their work at fewer and more appropriate points, to the end that the large civil estimates which are necessary to be carried on in various parts of the country under the present system may be, in time, reduced, and the money appropriated to the service more directly applied to its immediate and legitimate objects.

For this purpose we have cut down the whole appropriation for the civil service of the Navy just one-half. It may be that that was cutting too deeply; but your committee think not. If it should, however, turn out to be so; if in the opinion of Congress, when the subject is tried, it turns out to be too heavy, the remedy is of course in the hands of the legislative power. But you can never cut down the growing civil service of any country unless you try to do it. You can never bring it down to the proper level unless you apply the knife with a firm and skillful hand.

Mr. BLOUNT. I would like to ask the gentleman from New Jersey, if he will permit me, if the idea of the committee is to close up some of the present navy-yards?

Mr. ROBESON. If the gentleman from Georgia will read the bill he will see that we have said if the Secretary of the Navy regards it as unwise or impossible to carry on the work at all of the navy-yards now maintained, upon the money we have appropriated, which is just one-half of the sum appropriated last year, then he shall not make a deficiency for that purpose, but shall close those yards which he finds can be best dispensed with for the interest of the Government, and concentrate and carry on the work in the others. We do not pretend to say which are the proper yards to be closed. There are many questions which enter into the determination of that question. The question of climate enters into it. Sometimes it is necessary to have a northern yard to be used as a refuge to check the ravages of tropical diseases. At some seasons of the year it is necessary to have a southern yard to avoid the interference of ice and allow work to go on in cold weather. In our condition it is proper and economical to have stations and yards near the points of interest for ready remedy.

All these questions, including so much and with so many conflicting considerations, involving the whole consideration of our coast line, our immediate necessities, our general service over the country, extending through all degrees of latitude from the frigid to the tropical sections of the world, we have left to the consideration and the determination and to the trial of the executive department to meet these difficulties and determine its conduct. But we have insisted, so far as an appropriation committee can insist, that the eight navy-yards and stations on the Atlantic and Pacific coasts shall be reduced in time of peace; not that they shall be destroyed, not if the work of material improvement, if necessary, or the work of build-

ing up yards for future operations shall be discontinued, but that work in these scattered yards shall not necessarily be carried on in time of peace.

Mr. Chairman, I have gone generally over the subject-matter of this bill. It has been for a considerable time before the House printed with its report. It has excited some interest and is generally understood. Time is not now more abundant than we desire, and therefore, not wishing myself to make any other than this general statement in the beginning of the consideration of the bill, I shall now move——

Mr. CALKINS. Will the gentleman yield to me for a moment before he makes the motion. I wish to ask simply a question.

Mr. ROBESON. Certainly.

Mr. CALKINS. I desire to ask the gentlemen from New Jersey a question or two. I notice in the bill an item of $2,000,000, or about that, appropriated for the purpose of finishing some monitors that have been laid up for several years; and I wish principally to ask the gentleman from New Jersey whether or not in his judgment the time has not already passed when this class of vessels are of any very great importance in the naval service of this or any other country? Whether the improvements in arms and armament for the last three or four years have not demonstrated that this class of vessels is now out of date; and I want to hear the gentleman upon that subject, because an appropriation of this sum to be put upon some vessels which when completed would be of no practical benefit, if that be true, is a matter which the House ought to be informed upon, and I would be glad to hear the gentleman's theory upon that subject.

The gentleman from New Jersey will allow me to make one further statement. We have of course no coast defenses; we ought to have some. These monitors, if completed, as I understand it, will answer neither as harbor defenses nor for the purposes of being seaworthy and being sent abroad; that is, taking into consideration the improvements that have been made recently in that service. I should like to hear the gentleman from New Jersey on that subject.

Mr. ROBESON. I shall be glad to speak on that subject; but I do not want to enter on it fully just now.

Mr. CALKINS. All I want is that general debate shall not close until we have heard the gentleman's views on that subject.

Mr. ROBESON. I do not desire that general debate shall close now. I only want to have the time fixed when general debate shall close.

I will say to the gentleman at this time, however, that these monitors for which we now appropriate a million dollars—not two millions—for the purpose of launching them from the yards of the contractors in which they are for the purpose of finishing their engines and machinery, are the accepted type which the experience of all the maritime nations of the world has adopted as the most efficient vessels for the purpose of harbor and coast defenses. They are not vessels that always please the naval officers, because they do not belong to that great class of sea-going iron-clads that sail around the world carrying each a thousand men and making the dignity and circumstance of an admiral of the Navy, and representing the power of this Government around the world. But for the defensive purposes of a peaceful nation, with harbors like ours, with exposed ports like ours, I say to the gentleman what I know when I say it, and what he himself will be convinced of when he has examined it, that all the naval powers of the world for those purposes have come back to the type of the iron-clad monitor.

Mr. CALKINS. Will the gentleman allow me——

Mr. ROBESON. Certainly; that is the first point.

Mr. CALKINS. I will wait till you have spoken of the other point.

Mr. ROBESON. What was your second point?

Mr. CALKINS. The point I was about to call the gentleman's attention to is this: in the very limited time I have had, and in the general way I have examined the matter, I have observed that almost all the naval officers of experience, not only in this country but throughout the world, agree that harbor and coast defenses in the future must be provided for, not by monitors or by iron-clads or the like, but by these tremendous rams, the torpedoes, and the improved guns; that the navies of the world hereafter will not consist of vessels that will sail into harbors and batter down the forts; that is past, and I cannot conceive of any purpose that these monitors could be put to save those that we put them to during the war; and that time has gone, as I understand it, and gone forever. I understand that hereafter we must depend in our defenses upon these improved rams and torpedoes and these improved guns that now throw a projectile that will go through eight inches of solid iron. No vessel can stand that. And I am sure the gentleman from New Jersey will not claim for these monitors that they will be able to live a moment, so to speak, beneath such a fire as I have described. And if they cannot, and if they are not good to go to sea, then, in the name of God, of what use are they? That is what I want to know.

Mr. ROBESON. I do not desire now to go into the general discussion of this question. The gentleman from Indiana, by his inquiries, has forced me out of my original intention not to enter upon these questions at this particular time. But I want to say now that in the first place what the gentleman says is generally true. Torpedoes will be a great protection to harbors and coasts. But they are not and cannot be the only protection.

Mr. CALKINS. I did not say the only protection.

Mr. ROBESON. The gentleman will admit that forts, with whatever ordnance you have, will be a great protection to harbors, but they cannot be the only protection, for they are stationary, and experience has shown that vessels of rapid movement, at night, and under favorable circumstances, may pass them. It is necessary for the complete defense of our coasts and harbors that we should have floating batteries, which these monitors are, that will take exactly the position which is needed, that will meet everything that comes, that will carry the heavy guns which the gentleman speaks of, that will resist the shot which the gentleman speaks of, and these will do both—and which are themselves the rams which the gentleman requires. These monitors as planned and as we propose to finish them are rams in the first instance of great power.

Mr. CALKINS. What power? What blow will they strike?

Mr. ROBESON. Why they will strike a blow such as, when it strikes a vessel, will sink any vessel in the world.

Mr. CALKINS. How many pounds?

Mr. ROBESON. The tonnage of these vessels, of some of them, is 5,000 tons. Nothing can stand before them. They will carry these guns which pierce this iron; they will resist the shot themselves. They will be of such a draught, of such a character, that they will be able to engage and destroy, if necessary, any iron-clad of any naval power in the world that is able to cross the 3,000 miles of stormy ocean and enter our harbors. But I do not propose to say anything more about that now.

Mr. CALKINS. I want to ask the gentleman another question on another point.

Mr. ROBESON. I do not want to get into general discussion until we fix the time for closing general debate.

Mr. CALKINS. I do not want to interfere now with the course of action proposed by the gentleman; but I wanted to ask if he intended to speak further on the bill at a future time. If so, I desire to get some further information with reference to the bill, because, if possible, of course I should like to assist in passing it; but if wrong, I should like to assist in trying to amend it, and as at present advised, unless the gentleman is able to satisfy me on some features of the bill, I must necessarily try to have the bill amended.

Mr. ROBESON. I desire now, having made this general statement, which is much longer than I intended it should be, to move that the committee rise, that the House may fix a time for general debate.

Mr. O'NEILL. What time?

Mr. ROBESON. For myself I have no desire to limit it, but I want the House to fix the time. I move that the committee rise.

Mr. ATKINS. I would suggest to the gentleman from New Jersey [Mr. ROBESON] that he had better let the debate run for a few hours, and then we can better determine what limit to put upon it.

Mr. O'NEILL. I want to make the same suggestion to my colleague on the Committee on Appropriations, [Mr. ROBESON.] The fixing now the limit for general debate will embarrass a great many gentlemen, because from what I can learn throughout this House there is to be a long debate on this bill, and I think very properly so. This is a bill to uproot the Navy of the United States, to destroy the Navy of the United States, not only in reference to the men of the Navy but to the means of increasing our Navy, if such increase shall be necessary. I therefore hope the gentleman will not now ask for a limit to general debate.

Mr. ROBESON. There are other reasons of an important character which the Committee on Foreign Affairs have suggested to me why the committee should now rise. I will not attempt to limit debate more than the House may desire; I have no desire myself to limit the debate, I only want to obtain the opinion of the House upon the subject. I therefore move that the committee rise.

The question was taken; and upon a division there were—ayes 73, noes 12.

So (no further count being called for) the motion was agreed to.

The committee accordingly rose, and the Speaker resumed the chair.

Mr. PAGE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

Mr. ROBESON. I understand that the Committee on Foreign Affairs, by reason of some mistake in the wording of a resolution adopted this morning, have got into some difficulty, which they wish to correct at once. I will therefore yield the floor for that purpose.

AMERICAN CITIZENS IMPRISONED IN IRELAND.

Mr. WILSON. In the hurry of making the draft of the resolution this morning there was omitted these words: "in accordance with such precedents and usages as exist between the two governments." I ask consent to have those words inserted in the resolution which I offered.

Mr. ROBINSON, of New York. I suggest to my friend that he had better let it stand in the weak sense it now has.

The SPEAKER. Is there objection?

Mr. ROBINSON, of New York. I object.

Mr. WILSON. I rise to a question of privilege. Some time ago my friend said——

Mr. ROBINSON, of New York. Well, I will withdraw my objection, though I wish he would let it stand as it is.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] asks consent to have inserted in the resolution which was adopted on his motion the words which the Clerk will read.

The Clerk read as follows:

In accordance with such precedents and usages as exist between the two governments.

Mr. ROBINSON, of New York. That is all nonsense.

The SPEAKER. Is there objection?

Mr. COX, of New York. I do not object, but I would like to inquire whether this is the resolution the House adopted some time ago?

The SPEAKER. It is a resolution which the House adopted to-day.

Mr. COX, of New York. This morning?

The SPEAKER. This morning.

Mr. ROBINSON, of New York. It is simply weakening in the face of the enemy; that is all.

Mr. WILLIAMS, of Wisconsin. I desire to say, in justice to the gentleman from West Virginia, [Mr. WILSON,] that the moment his attention was called to the omission, which is important if not vital, he said he would correct it.

Mr. ROBINSON, of New York. It is simply weakening in front of the enemy.

Mr. WILSON. It was left out in the hurry of copying the resolution.

The SPEAKER. The Chair hears no objection, and the words will be inserted.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the naval appropriation bill. Pending that motion, I desire to ask gentlemen on the other side of the House and on this how much time they would like to have for general debate.

Mr. ATKINS. So far as I am concerned, having been upon the sub-committee with the gentleman from New Jersey, [Mr. ROBESON,] I desire very little time; not more than ten or fifteen minutes perhaps. But there are other gentlemen on this side of the House who, I am informed, desire to discuss this question at length. I think, therefore, the best plan would be to allow debate to proceed for a time, and then we can determine better as to the limit to be placed upon general debate than we can now.

Mr. ROBESON. I will say to my colleague on the committee [Mr. ATKINS] that in the present condition of affairs I think we had better fix the time, giving all the time that may be wanted, in order that the House may know pretty nearly what it is to do. I would like to have some suggestions as to what limit shall be made.

Mr. ATKINS. I will say to the gentleman that there are two members of the House now absent who I understand desire to discuss this subject, and they will not be here to-day.

Mr. ROBESON. I am perfectly willing to give all the time necessary to gentlemen who desire to speak; but I am not willing to extend the time for general debate for the purpose of accommodating those who are absent when they come back.

Mr. HEWITT, of New York. Will the gentleman yield to me for a moment?

Mr. ROBESON. I will do so.

Mr. HEWITT, of New York. I will say to the gentleman from New Jersey that I expected to take part in this debate, and to be ready to go on to-day; but I am in such a condition of health that I find it absolutely impossible to do so. I trust the gentleman from New Jersey will so arrange matters that I may get the floor to-morrow.

Mr. ROBESON. I am perfectly willing that the gentleman from New York should speak to-morrow by special agreement. I do not want to concede that we are going to continue general debate on this bill for the next two days; but I am perfectly willing that the gentleman from New York, if not able to speak to-day, shall be allowed to speak to-morrow by general consent, notwithstanding the previous closing of the general debate. For the purpose of determining this question, I move that general debate on this bill be closed—is there no suggestion from the other side?

Mr. BOWMAN. Will the gentleman allow suggestions from this side?

Mr. ROBESON. Certainly. I wanted to hear from the other side first. If there is no suggestion from that side, I will hear from gentlemen on this side.

Mr. ATKINS. I think the gentleman from New Jersey must now see the propriety of my suggestion to allow this debate to proceed for the present without limitation. It may be closed much sooner by not fixing a time than by fixing a time.

Mr. BOWMAN. I desire to make a suggestion. It is perhaps superfluous to state that this is a very important bill. I should say in justice to the committee that it is really not an appropriation bill with legislation ingrafted on it, but a legislation bill with an appropriation ingrafted on it—a bill changing vital principles concerning the Navy. I think it ought to be fully discussed. It seems to me the gentleman can afford for a little while at least to let the debate run on until the full scope of the question is ascertained and the measure understood. I hope the gentleman will not insist to-day on limiting debate.

Mr. ANDERSON. Will the gentleman from New Jersey permit another suggestion? The House has agreed to a resolution that Congress adjourn on the 10th of July. Now, while gentlemen here are so anxious to be heard upon this bill, I wish to suggest to them in the interest of all of us who want to get away from here, that there should be as much economy of time as possible. Cannot these gentlemen get through to-day?

The SPEAKER. There is no question pending before the House.

Mr. ROBESON. For the purpose only of testing the sense of the House, I move that general debate be closed to-day at five o'clock, reserving to the gentleman from New York the right to speak to-morrow if he should not be able to speak to-day.

Mr. ATKINS. So far as I am concerned—I do not know that I have any more right to speak on the subject than any one else, but having been on the sub-committee with the gentleman from New Jersey I take the liberty to do so——

Mr. ROBESON. You have every right that I have.

Mr. ATKINS. From what I have heard from various gentlemen around me, I am satisfied that the House will not be willing to close debate at five o'clock this evening, reserving only to the gentleman from New York the right to speak to-morrow.

Mr. BURROWS, of Michigan. The question can be tested in one moment by a vote of the House.

Mr. HISCOCK. I do not believe that the experience of the House has created any sentiment in favor of allowing general debate to run upon any public measure without a limit being fixed at the outset. We have had a great deal of that sort of thing in this House, and if I know anything about the sentiment of the House it is against any further continuance of that practice. I therefore move as an amendment to the motion of the gentleman from New Jersey that general debate on this bill be closed at four o'clock this evening.

Mr. SPRINGER. I will say to the gentleman from New York that it will not be satisfactory to this side of the House to fix any time to-day for closing this debate. At least six gentlemen on this side desire to speak, and will require an hour each. If the majority should force this bill to a vote before fair discussion is had upon it they must expect that it will be resisted on this side of the House by the breaking of a quorum.

Mr. HISCOCK. I wish to say a single word in reply to the gentleman from Illinois, [Mr. SPRINGER.] There is no intention on the part of any gentleman on this side to prevent full and fair discussion of this and all other questions. After what the gentleman has said it is entirely proper that we should have a vote upon this question to see how far he represents the sentiment of members upon the other side of the House in the expression which he has just made.

The SPEAKER. The gentleman from New Jersey moves that when the House shall go into Committee of the Whole for the further consideration of the naval appropriation bill, general debate close at five o'clock to-day; which motion the gentleman from New York moves to amend by striking out "five" and inserting "four."

Mr. ROBESON. I have also moved that the right be reserved to the gentleman from New York [Mr. HEWITT] to speak to-morrow.

The SPEAKER. That is a matter for unanimous consent.

Mr. HISCOCK. I withdraw my amendment.

Mr. TALBOTT. I desire to make a suggestion to the gentleman from New Jersey, [Mr. ROBESON,] if he will allow me.

Mr. ROBESON. Certainly.

Mr. TALBOTT. I suggest that we fix two o'clock to-morrow as the hour for closing general debate.

Mr. ANDERSON. Then there will be the five-minute debate after that.

A MEMBER. That you cannot avoid.

Mr. TALBOTT. I suggest that to-morrow at two o'clock be fixed for closing the debate. That will give everybody who wants to speak a chance to do so.

A MEMBER. Say one o'clock to-morrow.

Mr. TALBOTT. No; I suggest two o'clock.

Mr. BOWMAN. I move to amend by providing that the general debate shall close to-morrow at four o'clock.

Mr. TALBOTT. I made my suggestion as a compromise.

Mr. ROBESON. I will accept the suggestion of the gentleman from Maryland, and agree to two o'clock to-morrow.

The SPEAKER. The gentleman from New Jersey modifies his motion so as to fix the time when general debate shall close at two o'clock to-morrow. The question will be on that motion, that all general debate on the naval appropriation bill shall close to-morrow at two o'clock.

The motion was agreed to.

Mr. ROBESON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. I understand, Mr. Speaker, that the time for closing general debate is fixed for to-morrow at two o'clock, without reference to any arrangement as to the gentleman from New York, [Mr. HEWITT,] suggested by the gentleman from New Jersey earlier in this proceeding.

The SPEAKER. No arrangement could be made without unanimous consent.

Mr. HISCOCK. The reason I make this suggestion is that we may now understand it, so that in the distribution of time, as it is only fair, the gentlemen who favor this bill should have the close of the debate.

The SPEAKER. No arrangement has been made.

ROCK ISLAND AND SOUTHWESTERN RAILWAY COMPANY.

Mr. ROBESON. I now move to go into committee.

Mr. McCOID. I rise, Mr. Speaker, for the purpose of asking unanimous consent to take from the Speaker's table the bill (S. No. 1810) to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois, and to pass it in lieu of the one passed the other day by the House. I will say that I have to go away to-night, and will be gone until next week. I ask, therefore, as a special favor, to be allowed to pass this Senate bill in lieu of the one passed by the House the other day.

The SPEAKER. Is there objection to taking up the Senate bill?

Mr. WHITTHORNE. I object.

Mr. ROBESON. I insist on my motion then, to go into committee for the purpose of proceeding with the consideration of the naval appropriation bill.

Mr. McCOID. I think objection will be withdrawn to taking up the Senate bill.

Mr. WHITTHORNE. I will withdraw my objection if it will give rise to no debate.

Mr. McCOID. It will not, I think.

The SPEAKER. This purports to be the same bill the House passed a few days ago. Is it the desire of the House that the bill shall be read?

Mr. HOLMAN. These are important matters, and I ask that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Rock Island and Southwestern Railway Company, a corporation organized under the general incorporation laws of the State of Illinois, its successors and assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a bridge across the Mississippi River at or near the city of New Boston, and lay on and over said bridge a railway track or tracks, for the more perfect connection of its road to be constructed, and such other roads as may now be or hereafter may be constructed to said river from its east and west banks, and to build and lay on and over said bridge ways for wagons and vehicles of all kinds, and for the transit of passengers on foot, and also of live stock, for such reasonable rates of toll as may be approved from time to time by the Secretary of War, and to keep up and maintain said bridge for the purposes aforesaid: *Provided*, That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot draw, over the channel of said river usually navigated, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans shall not be less than two hundred and fifty feet, and said spans shall not be less than ten feet above extreme high-water mark and not less than thirty feet above low-water mark, measured to the bottom chord of the bridge, and the piers of said bridge shall, as nearly as practicable, be parallel with the current of said river: *Provided*, That said draw shall always be opened promptly upon reasonable signal; and said company, or its successors and assigns, shall at all proper times keep and maintain all proper lights on said bridge during nights, so that its presence may always be noticed by vessels and craft navigating the channel of said river. And all plans for the construction of said bridge and approaches thereto must first be submitted to the Secretary of War for his approval; and when the same shall be approved by said Secretary the work thereon may be commenced and prosecuted to completion: *And provided further*, That said bridge shall, as nearly as may be, be constructed at right angles with said river or the current thereof: *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said company may then proceed with the construction according to said change: *And provided further*, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said company to change the construction thereof so as to avoid any serious and substantial obstruction to the navigation of said river, at the expense of the owners of said bridge.

SEC. 3. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route, upon which no higher charge shall be made for the transportation of the mails of the United States and the troops and munitions of war, or for passengers or freight passing over said bridge, than the rate per mile paid to railroads and transportation companies leading to said bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 3 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 5. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872.

SEC. 6. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steamboats, and other water-craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any district court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal at the expense of the owners thereof whenever Congress shall decide that the public interest requires it, is also expressly reserved.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. GUNTER. I ask unanimous consent to take from the Speaker's table Senate bill No. 1020, to allow the Saint Louis and San Francisco Railroad Company to construct a bridge across the Arkansas River, and put it upon its passage.

Mr. GODSCHALK. I object.

Mr. GUNTER. I hope the gentleman will not object. This bill is similar to the one just passed. The railroad company is ready to do the work, the rest of their line being nearly completed, and they want to commence work at once.

Mr. GODSCHALK. I withdraw the objection.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Saint Louis and San Francisco Railway Company, a corporation organized under the laws of the State of Missouri, be, and is hereby, authorized to construct, or cause to be constructed, and maintain, a bridge and approaches thereto over the Arkansas River at the town of Van Buren, Crawford County, Arkansas. Said bridge shall be constructed to provide for the passage of railway trains, and at the option of the corporation by which it may be built may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of tolls as may be approved from time to time by the Secretary of War as to railway trains, and as to wagons, vehicles, animals, and foot-passengers, such rates as may be provided by the laws of Arkansas.

SEC. 2. That any bridge built under this act is subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, and for passengers or freight passing over the said bridge, than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That said bridge shall be constructed with a draw or pivot span, which shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot-pier shall be not less than one hundred and sixty feet in the clear, and, as nearly as practicable, both of said openings be accessible at all stages of the water; that the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge; that the piers and draw-rests of said bridge shall be built parallel with the currents at that stage of the river which is most important for navigation; and that no riprap or other outside protection for imperfect foundations be permitted to approach nearer than four feet to the surface of the water at its extreme low stage, or otherwise to encroach upon the channel-ways provided for in this act: *Provided*, That said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Arkansas in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them desiring such use, shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2, in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any questions arising as to the sum or sums to be paid to the owners of said bridge by the said companies for the use of said bridge.

SEC. 5. That any bridge authorized to be constructed under this act shall be built or commenced and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built or commenced; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

SEC. 6. That whenever the Secretary of War shall have good reason to believe that the bridge hereby authorized to be constructed is an obstruction to the free navigation of said waters, by reason of difficulty in passing the draw-opening of

said bridge of rafts, steamboats, or other water craft, it shall be the duty of the said Secretary of War, on satisfactory proof thereof, to require the company or persons owning such bridge to cause such aids to the passage of said draw-openings to be constructed, placed, and maintained at their own costs and expense in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, or other water craft safely through said opening as shall be specified in his order in their behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary of War shall proceed to cause the same to be built or made at the expense of the United States and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute in the name of the United States proceedings in the district court of the United States in which said bridge or any part thereof is located, for the recovery of the cost thereof, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The bill was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. GUNTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. KETCHAM. I desire to submit a privileged report from the committee of conference on the District of Columbia appropriation bill.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 22, 23, 24, 25, 32, 33, 37, 38, 40, 41, 57, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 26, 27, 28, 29, 30, 31, 34, 36, 39, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 55, 56, 59, 60, 61, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, and 81.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,000," and strike out in lines 20, 21, and 22, page 1, of the bill the following: "On page 265 of the book of estimates for 1883;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "6,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out from said amendment the words "one thousand" and insert in lieu thereof "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out from said amendment the word "eight" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$426,825;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by the said amendment insert the following: "Architect of the Capitol and the commissioners of the District;" and strike out in line 3, page 19, of the bill the following words: "the Architect of the Capitol and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with amendments as follows: Make the sum in the amended clause $3,318 in lieu of $3,000, and strike out in line 8 of said amendment the words "fifty-eight" and insert in lieu thereof "fifty-seven;" strike out in line 10 of said amendment the word "twelve" and insert in lieu thereof "thirteen," and strike out in line 12 the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with amendments as follows: Strike out from said amendment the words "and so forth," and insert in lieu thereof the following: "and of like character;" and the Senate agree to the same.

J. H. KETCHAM,
FRANK HISCOCK,
WILLIAM H. FORNEY,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The managers on the part of the House of the conference on the District of Columbia appropriation bill, submit the following detailed statement in explanation of the report herewith submitted.

The effect of the action recommended on each amendment will be ratified by the two Houses as follows:

On amendments 1, 2, 3, and 4: Appropriates $50,000 for repairs of concrete pavements; strikes out amount for northwestern intercepting sewer; corrects total of the paragraph, and provides that in crediting the commissioners with the amounts expended for replacement of wooden pavements, such expenditures as were chargeable to street-railway companies shall be excepted.

On amendment 5: Appropriates $6,000 for widening, grading, and improving Fourteenth street.

On amendments 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, all of which relate to the Reform School: Provides $3,000 for four teachers; $360 for two matrons of family; increases salaries as follows: for shoemaker, $60 per annum; tailor, $120 per annum; and cook, $120 per annum; and in lieu of three watchmen, at $360 each, authorizes employment of five at $216 each; increases appropriation for meat $500; appropriates for dry goods, $2,200; for coal, $2,000; for farm implements and seed, $500; for harness and repairs, $150; and for miscellaneous expenditures, $1,310.

On amendment 19: Strikes out provision contained in the bill as it passed the House that $3,600 of the $15,000 for relief of the poor should be expended for use of the central dispensary and Emergency Hospital.

On amendment 20: Appropriates $6,500 for the National Association for Colored Women and Children.

On amendment 21: Provides that the supervision heretofore exercised by the Secretary of the Interior over the Government Hospital for the Insane shall be continued.

On amendments 22, 23, 24, and 25: Appropriates $1,160.11 to make salary of engineer commissioner $5,000; provides $2,160 for secretary of board of commissioners, and corrects total of a paragraph.

On amendments 26, 27, 28, and 29: Provides for one clerk at $1,600 in lieu of $1,800; one license clerk and one clerk at $1,200 each in lieu of two clerks at $1,200 each; and for temporary clerk hire in assessor's office, $2,700, and corrects total of a paragraph.

On amendments 30 and 31: Strikes out salary of and abolishes office of assistant inspector of gas and meters.

On amendments 32, 33, and 34: Provides for one clerk at $1,900 in the engineer's office; corrects total of a paragraph, and requires that the number of overseers and inspectors employed on public works and sums paid each shall be annually reported to Congress.

On amendment 35: Provides for binding and care of records in surveyor's office, $500.

On amendments 36, 37, 38, and 39: Provides $25,000 for current repairs to county roads and suburban streets; corrects total of a paragraph, and strikes out provision to improve intersection between Vermont avenue and Thirteenth street.

On amendments 40 and 41: Provides $760 as salary for assistant superintendent of parks, and corrects total of a paragraph.

On amendments 42, 43, 44, 45, 46, and 47, all of which relate to the Metropolitan police: Provides for one clerk at $900; for sixteen station keepers at $720, in lieu of $516 each; for forty in lieu of fifty lieutenants; for repairs to ambulance and purchase of one ambulance, and corrects total of a paragraph.

On amendments 48, 49, 50, 51, 52, and 53, all of which relate to the telephone service: Provides for salary of superintendent, $1,600; for three electricians, one at $1,200 and two at $1,000 each; for general supplies and repairs of batteries, $4,500; for purchase of new poles and other materials, $3,000, and corrects total of a paragraph.

On amendments 54, 55, and 56: Provides for salaries of superintendents, teachers, and others connected with the public schools, and for miscellaneous items for same $426,825, for one clerk at $800 in lieu of $750, and corrects total of a paragraph.

On amendments 57, 58, 59, 60, and 61: Provides that the new school building in the seventh school division shall be between First and Seventh streets. Provides that the plans and specifications for the new school buildings shall be prepared by the inspector of buildings and approved by the Architect of the Capitol and commissioners of the District, and that the entire cost of sites, buildings, and heating same shall not exceed the sum appropriated.

On amendment 62: Provides for purchase of lots in rear of Anacostia school-house, $750; and that only $57,000 of the $70,000 appropriated for reconstruction of the Jefferson school building shall be expended for that purpose, and that of the balance of said appropriation, $6,000, may be used for purchase of furniture for new school buildings, $3,800 for additional ground for Seaton School, for rent of rooms $1,200, and for school apparatus, $2,000, and extends time for completion of Jefferson building to October 31, 1882.

On amendment 63: Provides $10,000 for increasing facilities of escape from fire in the school buildings.

On amendments 64 and 65: Provides that the board of school trustees shall consist of nine members.

On amendments 66 and 67: Appropriates $1,000 for miscellaneous expenses of markets.

On amendment 68: Provides as follows: "For books for register of wills, printing, checks, damages, payment of surplus on sales of property for taxes by the late corporations of Washington and Georgetown, and for payment of moneys received by said corporations on sales of property for taxes erroneously made, and miscellaneous items, and miscellaneous items not otherwise provided for, $3,000; in all, $12,100."

On amendments 69, 70, and 71: Provides $1,440 for laborers in the health department and corrects total of a paragraph.

On amendment 72: Makes immediately available the appropriation for judgments against the District.

On amendment 73: Inserts the following: "For the payment of damages to lots 14 to 26, both inclusive, in block 9 of the official subdivision of Rosedale and Isherwood, as recorded in liber Gov. A. R. S., page 13, by placing thereon the boundary intercepting sewer, $1,000, said sum to be paid only upon the execution of a proper deed conveying a perpetual right of way to the District of Columbia for the ground or right occupied by said boundary sewer."

On amendment 74: Makes a verbal correction in the text of the bill.

On amendment 75: Strikes out the following: "That the following sums are hereby appropriated, to be paid wholly from the revenues of the water department of the District of Columbia, unless otherwise noted;" and in lieu thereof inserts: "That hereafter the operations of the water department of the District of Columbia shall be under the direction of the engineer's office of the District, subject to the control of the commissioners; and the following sums are hereby appropriated to carry on such operations, to be paid wholly from the revenues of the water department of the District unless otherwise noted."

On amendments 76, 77, and 78: Strikes out $2,400 for one water registrar; corrects total of a paragraph, and makes a verbal change in the text of the bill.

On amendments 79, 80, and 81: Provides that the commissioners shall not make requisition upon the appropriation from the Treasury for a larger amount during the fiscal year 1883 than they make on the revenues of the District during that year.

The amount appropriated by the bill as it passed the House was $3,412,298.08; as agreed on and recommended in this report it appropriates $3,400,376.02, or $11,922.06 less than as it passed the House.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HOLMAN. Will the gentleman from New York [Mr. KETCHAM] please state the effect of the recommendations of the committee of conference?

Mr. KETCHAM. I will state that the bill as agreed to by the committee of conference appropriates about $12,000 less than the bill as it originally passed the House.

The report of the committee of conference was adopted.

Mr. KETCHAM moved to reconsider the vote by which the report

of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I move that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. PAGE in the chair,) and resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. ROBESON. How much time have I consumed?

The CHAIRMAN. The gentleman from New Jersey has used seventeen minutes of his hour.

Mr. ROBESON. I reserve for the present the remainder of my time.

Mr. ATKINS. I do not expect to occupy the attention of the committee very long at this time; but being a member of the sub-committee which prepared this bill, I have thought it due to the committee, to the House, and to the country, that I should give some explanation of my views on the bill.

I frankly say I agree to many of the propositions which the gentleman from Massachusetts [Mr. BOWMAN] calls legislation and which are correctly so described that are contained in the bill. There are a great many reforms in this bill; I will refer to them in a moment. Before, however, doing so, I propose to notice the amount appropriated in the bill. It carries $15,351,996.70. The bill of last year carried $14,566,037.55. There is a deficiency for this year of $393,130. That deficiency is not justly chargeable to the appropriation of last year. Indeed, I will say in general terms that every year ought to be charged with its own deficiency. This appropriation was made last year, in the year 1881, for the year 1882; and the Departments have exceeded what was appropriated by Congress by the amount of $393,000. That should not be added, as it is added in the report which has been submitted to the House by the chairman of the sub-committee, to the appropriations of this year. It is justly to be deducted from them. Taking that out, and taking that view of it, the appropriation of this year exceeds the appropriation of last year by $785,959.15. But it is fair to the gentleman from New Jersey to say that he proposes in this bill several things to which I will refer after awhile that are not included in the bill of the current year—I mean the bill for the year ending 30th of June, 1882.

There are several important reforms in this bill. Among them, Mr. Chairman, is the proposition to prohibit the appointment of persons from civil life to positions in the Navy except as to surgeons and chaplains. I shall not attempt to explain it, but merely call the attention of the House to it, for that is sufficient.

Another reform is in the organization of the Medical Corps, the active list of the Pay Corps, the active list of the Engineer Corps, and the appointment of the Marine Corps from the Navy; in the Engineer Corps the bill provides for a reduction of one hundred and fifty-five officers; I believe that was not alluded to by the gentleman from New Jersey in his statement with regard to the bill this morning.

The reforms referred to, if carried out, would save to this Government in a very few years millions of dollars—there is no question about that; and I will be suffered to say right here that some of these reforms I have in a feeble way endeavored to bring about heretofore, for I have had charge of this bill for two years preceding this. But, sir, it was not possible, and it is not necessary for me to give the reasons, it was not possible for me to bring it about. I am happy to see them brought about in this bill, and I hope the House will adopt them. I am aware, sir, that there will be bitter war made upon some of these propositions, some of these reforms of which I have spoken, upon both sides of the House. I hope, sir, the House will look into them, and will act upon them dispassionately. If it shall adopt them it will save the Government in a very few years, as I have already remarked, millions of dollars.

But one of the most important reforms is the reduction of the civil establishment. As the gentleman from New Jersey told the House, the civil establishment has been top-heavy. That is one of the subjects to which I have addressed my attention heretofore, but on which I have not been able to accomplish a reform. In this bill we propose to cut down the civil establishment one-half. There are too many officers, there are too many employés in the navy-yards, and this bill proposes to reduce this establishment one-half, and it is believed that the service will be quite as efficient if this civil establishment is reduced and these employés are assigned to other duties or entirely discharged from the service. It is believed that the service will be quite as efficient or more so with the civil establishment reduced one-half than it is to-day. I have no doubt that proposition will meet bitter opposition on the floor. I will not elaborate that statement. It carries its own explanation on its face, and it is not necessary to elaborate it.

Another important reform proposed in this bill is the cutting off the appropriations that would be required to keep up on their present basis all the navy-yards that are now extant in the land. That is an important matter, and will address itself in my opinion to the sound sense and approval of this House and the country. There is no necessity for so many navy-yards; none at all. I am not here to discriminate, as it has not happened to be my province to do so. I am not here to say what navy-yards should be retained and what should be dispensed with. That is a subject which is submitted to the judgment of the Secretary of the Navy and to such boards of advisers as he may select. If I were to give a guess, and I desire always to be frank, I would say that the public service would require that the navy-yards at Brooklyn, at Norfolk, and upon our western coast, at Mare Island, should be kept up; and I do not believe there is any necessity for any other navy-yard in this country. But this bill does not propose to dismantle entirely the Washington navy-yard. It proposes to retain that for the purpose of manufacturing chains and some other things.

It does not propose to entirely dismantle the navy-yard at Boston, but to keep it for the purposes of a rope-walk, which is proper enough. But it does cut off appropriations to keep up all these navy-yards at their present standard; and if Congress shall pass this bill, it will become necessary for the Secretary of the Navy and the authorities of the country to dispense with them.

Now, I have no war to make on anybody's navy-yard, none at all. This bill is not conceived in any such spirit. The framers of this bill have no idea of striking at anybody, at any interest, at any section, at any city; none whatever. They have simply brought forward a recommendation upon this particular subject, in accordance with what the sub-committee and the whole Committee on Appropriations unanimously—however, I believe I am not quite correct in that—but a large majority of the committee, believe to be in accordance with the interest of the country.

Well, Mr. Chairman, I have spoken very briefly of matters in this bill that I approve of. It is due to frankness that I state to the House that there are some things in the bill in which I do not concur with the gentleman from New Jersey.

But there is one other which occurs to me, and which I will mention, in which I do concur. This bill appropriates $250,000 for the completion of the iron-clad Miantonomoh. She is now on the Delaware, finished, except that she requires her turrets to be placed upon her to contain the guns with which the vessel is to be armed. I have heretofore declined twice, in reporting the naval appropriation bill, to report any appropriation, and Congress has adopted the suggestion, for the completion of the Miantonomoh or any other of the iron-clads. I now believe it is for the public interest to finish the Miantonomoh. It only needs $250,000 to complete that vessel. When she gets her ordnance placed upon her and is ready for sea we will then know at once whether she is fit for service or whether she is unfit. There is a doubt in the public mind whether she is or not, but it will then be determined.

I believe that the best judgment of the naval authorities is that she will be fit for service when she is finished. At least it will only take an appropriation of $250,000 to put her turrets upon her, and therefore, so far as I am concerned, I am for that appropriation, and think that the vessel ought to be finished.

Mr. BERRY. How about the Monadnock?

Mr. ATKINS. In regard to the Monadnock, the Puritan, the Terror, and the Amphitrite, I am opposed to making the appropriation which this bill provides, of a sufficient sum of money to complete two of those vessels. Only two are proposed to be completed by this bill.

I am opposed to that simply because for two or three years I have had an impression fixed upon my mind that they could not be made seaworthy if they were finished. In that opinion I am sustained by some very high authorities. I will read from House Miscellaneous Documents, second session, Forty-fifth Congress, volume 7, page 365, from the report of the naval constructor of the United States, Captain John Lenthall, and the chief engineer of the United States Navy, B. F. Isherwood. In referring to the board of naval officers, of which Rear-Admiral Mullany was president, the report says:

> There only remains for us to say, in answer to the questions specifically asked by the honorable chairman of the Naval Committee of the House of Representatives, that our professional opinions and judgments are:
>
> First. Neither plans nor specifications were drawn for the construction of the new Puritan; nor were any measures adopted to ascertain whether, when built, she would sink or swim. The failure or success of a first-class national iron-clad was thus put to the hazard of mere chance.
>
> Second. This vessel, as far as constructed, and if finished as contemplated, is a total failure; nor can any changes now practicable make her efficient—meaning, by that term, equality with foreign iron-clads of the same size and type.

This report refers to the report of Rear-Admiral Mullany and to the report of Commodore Stephens—I believe that was his title—and speaks of those reports as both being adverse to the finishing of the Puritan and all these other vessels. Here is what Secretary Hunt said only last December:

> The monitors are at present simply bad copies of old models built in an emergency, worthless for the defense of our coasts and entailing a considerable expense for their preservation.

This is the statement of ex-Secretary Hunt, dated November 28, 1881.

Mr. McCOOK. Does he cite any naval authorities for that opinion?

Mr. ATKINS. I do not know that he does.

Mr. HOLMAN. That covers all times.

Mr. ATKINS. Of course it does; it covered all the past. It is not my purpose to discuss the bill or go into the merits of these vessels, for I am no naval man; I know very little about naval affairs. But it is sufficient for me, having had charge of this naval bill for two years, and now being on the sub-committee, backed by these authorities, not to undertake to make an appropriation for what is at least a doubtful experiment.

Speaking specifically with regard to the merits of these vessels, I did not feel that I was authorized to aid in making an appropriation of $1,000,000 to finish vessels which the very highest naval authority in the country has pronounced worthless. For this reason I might right here stop my remarks on that point.

I believe it is conceded that if we are to have a navy, it is hardly necessary that it be composed of great iron-clads. The United States does not look for her defense to ocean warfare. The United States is secure within her own borders; and if it would not seem an egotistical national boast, I would say that the United States does not fear the whole combined world if it wants to come to our shores and contest our sovereignty and our rights.

But it is not our policy, it never has been our policy, to make ourselves a first-class naval power. And so rapid are the improvements in naval warfare, so rapid are the improvements in projectile power and in the means of resistance, that, if we do design to have a navy it is perhaps well that we have not done much toward it up to this time, because the changes have been so rapid and so great that it is very likely if we had appropriated much money to adapt ourselves to these changes it would have been to a very great extent thrown away.

I believe it is conceded now that the inventions in projectile power have surpassed the inventions in the power of resistance. I believe it is conceded there is no iron-clad that it is possible to float which can resist the projectile power that has been invented within the last two or three years. Therefore it seems to me we could not rely upon iron-clads for our defense. I would rather have sand forts. It was proved at Fort Sumter that a sand fort is a better means of resistance than any iron-clad that can be constructed. There is no doubt about that, if we are to go into an investigation of subjects of this kind to determine our opinions as to the propriety of finishing these vessels. Having said that much, I have only to add that I am not in favor of the appropriation to finish these vessels.

Mr. BUCKNER. The gentleman will allow me to ask whether the finishing of the first-named vessel, which he is in favor of, will tend to demonstrate in any way whether the finishing of the other vessels, to which he is opposed, would be a proper subject of Congressional legislation?

Mr. ATKINS. I have thought of that, Mr. Chairman, but I am not sufficiently acquainted with the construction of the Miantonomoh and these other vessels to fairly answer that question. It might or it might not be so. I can say this, that at least the Puritan is not a sister ship of the Miantonomoh; whether the Monadnock is or is not I do not know, but I know that the Puritan is not. This I gleaned from my reading of the reports which have been made with regard to the completion of these vessels.

Mr. Chairman, it follows as a matter of course that I am opposed to this large increase for the Bureau of Steam Engineering—an increase of $1,113,000. I am opposed to that, because the purpose is to complete the machinery for two of these vessels. But it would do more, it would complete those vessels, and probably go very far toward the construction of one if not two new steel cruisers.

Whether or not it is the policy of Congress to inaugurate a new navy upon an appropriation bill is to be determined by the action of the House upon this bill. For my own part, I do not propose to take that business from the Committee on Naval Affairs. As a member of the Committee on Appropriations I do not propose to take from the Naval Committee the question whether we shall begin a navy or not. If a majority of the House and a majority of the Senate are in favor of building a navy or of beginning a new navy it should be done in the proper and usual way—upon a report from the Committee on Naval Affairs. I do not propose, so far as I am concerned, by any action that we may take upon this bill, to take that subject from the Naval Committee. I think it is a subject which Congress should discuss maturely and deliberately; and we should begin the work in earnest if we begin it at all. It should not be done piecemeal upon this bill. Therefore I am opposed to this large increase in the Bureau of Steam Engineering and in the Bureau of Construction and Repair, it being the purpose in these cases to begin to construct two new cruisers, as well as to finish two of these iron-clads.

Mr. McCOOK. Can you separate the items?

Mr. ATKINS. There is no difficulty about that; it is a matter of administration and is left entirely to the Secretary of the Navy.

Mr. ROSECRANS. The appropriation covers four vessels.

Mr. ATKINS. It covers the construction of the machinery for two of the iron-clads, and also the construction of two new cruisers.

Mr. Chairman, I will reserve the residue of my time. How much time have I remaining?

The CHAIRMAN. Thirty-five minutes.

Mr. WHITTHORNE. Mr. Chairman, not very long since the Republican party on this floor regarded it as very vicious and dangerous to incorporate new or independent legislation into an appropriation bill. In this idea, according to my recollection, every Republican member of the present Committee on Appropriations concurred. And yet, Mr. Chairman, no appropriation bill ever submitted to this House contained more new and independent legislation than the present one. I need not define the proper office of a regular appropriation bill. It is in brief words the authority under legal grant then and thereby given to draw from the Treasury such moneys as are necessary to execute law already in existence. The pending bill proposes as changes in existing law—

First, to retire certain naval officers.

Second, to change materially the organization of the line and staff corps of the Navy.

Third, it proposes to change the management of the navy-yards by investing the Secretary of the Navy with the very dangerous power in his discretion of dismantling navy-yards. Shall that be Brooklyn, League Island, Boston, Pensacola, Norfolk, or New London? Shall it be done as it was done in the disgraceful manner that characterized the dismantling of the Philadelphia navy-yard under the discretion of a former Secretary of the Navy?

Fourth, the completion of the monitors.

Fifth, the sale of ships and materials.

Now, there are some features in these recommendations which, if in making provisions for their execution proper safeguards against abuses, extravagance, and corruption were made, it would be well enough to adopt as general laws. But, sir, I cannot resist the impression that their appearance in this bill was intended by the author of the bill to perform the office assigned to "the tub" when "thrown to the whale."

I beg leave to commend to the reflection of both sides of the House the dangers that ever attend that character of legislation known in parliamentary language as "riders."

Believing, Mr. Chairman, as I do that the hand and cunning of a master workman are displayed not only in the appropriation sought but as well in the time selected for the presentation and for the consideration of this bill, inasmuch as every step taken manifests consummate skill. The general body of this House, anxious to close its labors, will not tolerate lengthy discussions and expositions of the merits or demerits of the bill, but is ready to accept without inspection what is presented, and so whatever "design" the "master workman" may have had is accomplished.

Down beneath the specious displays of reform in this bill, Mr. Chairman, there lies the autocracy of the Secretary of the Navy, which unchecked will resurrect and revive the dangerous disregard and violations of law which characterized and disgraced the administration of the Navy Department from 1872 to 1877.

You are called upon to complete the monitors commenced by the administration referred to, and when that Secretary did commence them it was in utter disregard of law.

Now you are to complete them. Look at the bill. Are there any measures taken upon the face of the bill to protect the Government? And I respectfully appeal to the honored chairman of the Committee on Appropriations that when he looks at this bill and at the recommendation of the Stevens board, and looks at the official letter of May 20, 1880, of the late Secretary of the Navy, Mr. Thompson, made on the Preble board, he will see that it is officially reported that "if completed at all the plans and models of these vessels must be materially changed." Have you provided for it in this bill?

Have you taken a single step to protect and guard the interests of the Government? Not one. Yet it is to be hurried through here. And that is the part we are called on to perform.

Again, you are called upon to commence the building of two cruisers. How and by whom?

Again, let the honored chairman of the Committee on Appropriations, or any member of that committee, answer me, under this bill, whether it is to be done at the navy-yards or by contract? If so, and as stated in this bill to be in substantial accordance with the recommendations of the Committee on Naval Affairs, then I ask you if these recommendations are not doubled in that respect, some to be completed at the navy-yards and some by contract? How are these two to be done? Answer from this bill whether at the navy-yards or by contractors. Are there new jobs hidden here?

Again, will you remember, Mr. Chairman, that it is proposed by this bill that the dismantling of certain of the navy-yards shall be under the discretion of the Secretary of the Navy. Is the Secretary of the Navy to dismantle those that are able to roll iron plates where they have on hand the machinery? He dismantles them and compels the execution of these jobs by contractors. Is that to be done? Where, sir, have you protected the interests of the Government? Yet you ask this body to pass upon them.

The bill does not show it. You are called upon to invest the Secretary of the Navy with power to dismantle navy-yards. Which will he select? If we have a corrupt Secretary of the Navy, if that is possible in the history of this country (?) and we find, as we do, intimations from the public papers of the country that a job is concealed at Brooklyn, that another job at another navy-yard is contemplated, are we to invest that Secretary of the Navy with this dangerous power to confederate with those who would sell city lots? What vast powers of mischief and corruption are you not placing in the

hands of the Secretary of the Navy, with no legal check or restraint whatever?

It behooves the committee, it behooves the House and the country to look at this bill as perpetuating the autocracy of the Secretary of the Navy.

You are called on to reorganize the *personnel* of the Navy. I speak of it as *personnel*—it is officers here.

Now, Mr. Chairman, I desire the attention of all right-thinking men of all parties on this floor. Read that bill for a moment and see again the dangerous power, the very great tyrannical power with which the Secretary of the Navy is invested. Commodores are to be retired and a board is to be organized so that if they choose, on the finding of that board that a captain or a junior commodore is promoted over the head of a senior commodore, that the senior commodore may be placed on the retired list as a rear-admiral. Sir, it is a power over the men who fought and won your battles during the civil war, and who have honored your flag at all times, that no man should be invested with.

You, sir, know, and I know, what it means when the Secretary of the Navy can appoint a board of this character. You and I know that it sometimes happens that they are kept on being appointed and reappointed until the purposes and objects of an unscrupulous or prejudiced secretary which may be hidden, are carried into operation; and I appeal to you that this large power will utterly demoralize the harmony and efficiency of the naval service, and the brain in which it was conceived must have had something else in it than the good of the service. At the bottom of the project it may be that personal motives are to be found.

Again, sir, in that connection I have said that the monitors are recommended to be completed. True, the explanation already tendered us by the members of the committee as to the completion of them is that only a little is to be expended; that it is a little thing under Construction and Repair, and a little thing under Engineering. Ay, Mr. Chairman, there is not a man on this floor that would vote one single dollar to these monitors but for the fact that the United States had already invested over three millions of dollars in them; and yet in the face of all of that you invite the committee and the Government to an expenditure of two millions of dollars, or something near that amount, toward the completion of these vessels. But I shall have something to say about these monitors further on in my remarks. I inquire only now who does not know that this appropriation granted means the entire completion of these vessels, inefficient ones as they are, as I shall attempt to show before this discussion closes.

In view, then, of this looseness in protecting the interests of the Government, which becomes apparent in the bill when we look at the other provisions of it, which are very exact in their estimates or statements as to what shall be expended on wooden ships, I feel warranted in saying that we are simply asked here to return to the days and to the manner of the management of the Navy previous to 1877 or between the years 1872 and 1877. You are invited, you are asked, ay, my friends on the Republican side, you are seduced into an indorsement of that administration, its modes, methods, and management, by the peculiar cunning and skill displayed in this bill; and it is to that administration I ask you now to give attention and say whether, when we are done with a review of it, you are prepared to indorse it.

THE FORMER NAVY—ITS ADMINISTRATION FROM 1870 TO 1877.

Mr. Chairman, the Navy of the United States in 1860 was constituted of about eighty-two vessels, and in 1860 it was the pride not only of the American nation but of all who admired naval architecture in the world. It was equal not in numbers but in every other respect equal to any navy on the face of the globe, and in some respects it was superior to all.

The war of 1861 intervened. During that war—and in order to be exact in what I state I beg leave to read to the committee what is said as to the numbers of the Navy by Mr. King, the chief engineer, in his work The War Ships and Navies of the World:

> During the civil war the United States built of armored vessels 63; of unarmored vessels, 102; with 12 tugs, transports, and torpedo boats the number of vessels was 177 built by the Government.
>
> In addition to the foregoing list of 177 vessels built during the four years of the war (a few only not completed) the Navy Department purchased 497 vessels from the mercantile marine, * * * and they added to the Navy the grand total of 674 vessels; * * * also, 80 not armed and equipped.

A large number of these vessels were lost during the war and a great many were sold immediately after its close; their names and number are accessible to any member who chooses to refer to Executive Document No. 280, second session of the Forty-fifth Congress; but waiving these details we come down to the year 1869, just prior to or just after the inauguration of the administration which was elected in November, 1868, and we find then the number of 203 vessels borne upon the United States Naval Register. Right here I desire the attention of my friend from New York [Mr. HEWITT] to this, because of a statement I saw in his hands a few days ago as to the number of vessels sold and the proceeds of materials sold. Prior to 1869, or it may be up to 1871, there was paid over into the Treasury of the United States from this source about the sum of $12,000,000. There was covered into the Treasury on account of old ships sold and material disposed of, from 1872 down to the present time, a little less than $1,000,000. Now, of the administration that in its time was denounced by the Republican party upon this floor for being corrupt and extravagant in its management of the Navy Department, to wit, that of Mr. Welles, it appears that the country received from ships and materials sold belonging to the Navy Department about $12,000,000, while from the same source during the year 1871 down to the present time there has been paid into the Treasury from the same source less than $1,000,000. Now, as I say, there were 203 vessels. There was sold during the administration of Mr. ROBESON, as I recollect—and I speak only from recollection, but on demand can give the exact numbers and names—there was sold or destroyed about sixty-one or sixty-two vessels; I will come after a while, Mr. Chairman, to a consideration of what became of these vessels, and why they were sold, &c. I come now back to the number of vessels on this register in 1869, and which have been placed there since. Assuming in 1869 two hundred and three vessels, this, with the building of eight sloops of war, authorized by Congress, and two torpedo-boats, and the purchase of four small vessels, makes a total of two hundred and seventeen to be accounted for. Now, take from that the number that has been lost, six; the number sold before July, 1871, twenty; sold after July, 1871, thirty-one; and the number broken up and destroyed after 1871, twenty, there remains upon the Register, as appears by the report of my friend from Massachusetts, one hundred and forty vessels of all sizes, characters, and descriptions.

Now, Mr. Chairman, I ask your attention to this further fact: after the disappearance of this number of vessels there were sold, exchanged, bartered, delivered away from the United States Government a large number of boilers, engines, stores, and materials, and I ask any gentleman who feels interested in this humiliating story as I am relating it to turn to volume 7, Miscellaneous Documents, third session of Forty-fifth Congress, pages 180 to 201, and on page 342 they will see the immense quantity of stores, materials, boilers, and engines, amounting in their cost to millions of dollars, which have been sold and bartered away from the United States. Where are they represented. It is not shown to be in the Treasury of the United States, where it ought to have been, where under the law, and if the administrators of the law had respected their oaths of office, it would have been to-day. It is not there. I will come to inquire in a few minutes where it did go to.

In addition to all that quantity of material and the number of ships on hand I call your attention to the official document which I hold in my hand, giving the appropriations made for the Bureau of Steam-Engineering, the Bureau of Construction and Repair, the Bureau of Equipments and Recruiting, and the Bureau of Ordnance. I am not dealing in any mysteries; I am down on hard-pan as to what does go into the construction and repair of your ships for efficient service.

Here is the official statement of the expenditures, beginning with the fiscal year ending June 30, 1869, and running down to 1878. It is as follows:

For the Bureaus of Construction and Repair, Steam-Engineering, Equipment and Recruiting, and Ordnance.

Fiscal year ending June 30—	Bureau of Steam-Engineering.	Bureau of Construction and Repair.	Bureau of Equipment and Recruiting.	Bureau of Ordnance.	Total.
1869	$2,004,495 76	$3,338,548 37	$1,588,901 74	$500,133 86	$7,432,079 73
1870	733,927 18	3,841,267 81	2,584,000 57	645,112 83	7,803,408 39
1871	157,369 19	4,231,370 69	1,467,455 80	508,255 50	6,364,451 18
1872	1,295,249 93	4,269,311 60	1,605,668 45	948,116 20	8,118,346 18
1873	1,682,099 00	4,545,957 54	1,837,268 43	1,153,515 59	9,218,840 56
1874	2,779,340 57	5,813,519 60	1,837,722 12	935,431 74	11,366,014 03
1875	1,812,046 25	4,334,257 81	1,175,547 61	509,392 53	7,831,244 20
1876	1,803,876 88	3,275,801 56	1,330,903 92	537,132 61	6,947,714 97
1877	942,499 66	1,949,063 45	781,721 49	333,678 70	4,006,963 30
1878	2,002,372 67	2,338,114 50	693,389 13	276,215 14	5,310,091 44
Total	15,212,377 09	37,937,212 93	14,962,579 26	6,346,984 70	74,399,153 98

It will be seen that the total amounts to $74,399,153.98.

Before noticing the answer by the Navy Department to the Hewitt resolution, to which I will refer in a few moments, I beg to say that if you will take the expenditures for these bureaus for the three years prior to July, 1869, and for the three years subsequent to 1878—and this will cover the period embraced in the answer to the Hewitt resolution—you will have the amount of money expended for all purposes by these bureaus in that time. In the absence of official data I assume an average of expenditures for these years, and take the three years prior to 1878; they present the lowest average of any three years in this list. That shows an average of $5,000,000 a year, or $30,000,000 for six years. This statement, which no one will controvert and which corresponds with the years furnished in answer to the Hewitt resolution, shows that during this period of time there was expended over $100,000,000 in these bureaus alone.

Now, then, gentlemen, the inquiry comes up, what has become of the ships? What has become of these boilers and engines and all this material? What has become of this vast sum appropriated for the construction and repair of the Navy? Where is it to-day? Who has got it? I propose, Mr. Chairman, to go along logically if I can,

and by the record, and show at least where it ought to have gone to, and to show it has not gone there.

The Hewitt resolution called for a statement of expenditures and for specific information by the years, and by what bureaus. The answer came to that resolution, and from the answer to that resolution—and I beg the attention of the committee—it appears that the expenditures as shown by that document (Executive Document No. 30) by periods of years were as follows:

1865–1869	$5,599,050 32
1869–1877	28,064,813 10
1877–1881	8,466,833 21

Making the expenditures according to that official statement, for the construction and repair of the Navy, $42,130,696.63 since 1865.

I have here, but will not read it, the approximate estimate of these expenditures by bureaus. But waiving that for the moment, I have now to call the attention of the committee to this state of facts, not shown in the answer to Mr. HEWITT's resolution. I proceed to read to the committee a list of vessels and amounts that are not shown in that answer that ought to have been shown; and before I am through with this I shall ask the attention of the committee to the methods by which this answer to Mr. HEWITT's resolution was prepared, as I have learned of them.

On the Galena, under Porter, there was an expenditure of $5,226.70; under Hanscom, $268,623.18.

On the Miantonomoh, under Porter, there were two amounts, one of $36,965.70 and one of $57,813.42; and under Hanscom $259,000. And when I say Hanscom, the committee will understand me as meaning the Secretary of the Navy that hailed from the State of New Jersey.

On the Terror, under Porter, $48,222.34, and another sum of $29,748.09; under Hanscom, $159,800.

On the Monadnock, under Porter, $16,586.07; under Hanscom, $194,869.05.

On the Yantic, under Porter, $11,941.06; under Hanscom, $171,830.05.

On the Tallapoosa, under Porter, $17,364.56; under Hanscom, $6,112.03, and another sum of $200,692.

On the Nipsic, under Porter, $51,073; under Hanscom, $152,929.

On the Quinnebang, under Hanscom, $305,407.59.

On the Marion, under Hanscom, $427,493.56.

On the Vandalia, under Hanscom, $589,948.43.

On the Amphitrite, under Hanscom, $97,200.

On the Puritan, under Hanscom, $227,500.

Making, as I foot it up, the sum of $3,336,346.83 not included in the repairs, &c., upon the vessels named in the answer made to Mr. HEWITT's resolution.

Now, gentlemen, why this concealment? And this is not all of it. I dare assert upon this floor that when the exact truth is known there will be found to be $3,000,000 more hid away in these figures, so as not to be read as you run, not to be seen by the inexpert mind, or upon the face of this document when you come to look over these figures.

I turn you for proof of what I say to an answer made by Isaiah Hanscom under oath in the year 1876, when called by the Naval Committee of the House to answer and to render a—

Statement of vessels repaired under the cognizance of the Bureau of Construction and Repair of the Navy Department since March 1, 1869, where the repairs have exceeded in cost $3,000—

Taken, says this answer, from the bureau records.

Now, gentlemen, I have here, and I will give you the name of the document, volume two, of the investigations of the Navy Department, first session, Forty-fourth Congress. See page 536 *et seq.* of appendix. Turn there and read the answers, and the vessels I have named and some that I have yet to name. You will see that in pretending to answer the resolution of Mr. HEWITT they did not give the required and correct answer, if this former answer be the truth.

Now, I ask you, can you believe either one of these parties? Who was it that prepared the answer to this Hewitt resolution? I am standing here in the presence of men who know the facts, and if I misstate them I desire them to correct me. I say that I am informed that the man who prepared this answer, or was engaged about its preparation for the Construction Bureau, is B. F. Hanley. Dare any man say he is not the man who did the work? Who is B. F. Hanley? Go ask the late Secretary of the Navy, Richard W. Thompson, and ask him for what he discharged B. F. Hanley from the Navy Department, and then ask, in view of the fact that he was discharged for cause, as alleged, how it happens that he is back here making up an answer to a resolution of this House?

I do not wish to-day to speak from anything than from the record. I will read from the record. Rudolph Knapp was recalled and further examined before the Committee on Naval Affairs, June 6, 1878:

Question. When you were last before the committee you were asked in regard to the preparation of fictitious statements, and in your reply thereto you stated, as I remember, that you had made out an estimate of the cost of building the eight sloops of war, which was subsequently changed. Is this paper now shown to you [handing a paper to witness] a statement made out by yourself, and which you then regarded as the true cost of these vessels, according to the books of the bureau?

Answer. Yes, sir, [identifying the following statement, dated January 8, 1876, of the cost of building eight steam sloops of war, under the cognizance of the Bureau of Construction and Repair, Navy Department:]

* * * * * * * *

Q. The paper which you produce here next is the paper as you were directed to make it out afterward?

A. Yes, sir; this is the paper.

I have here before me the true paper, the paper as the records of the Department show it. I have also before me the paper that he was directed to make out. The records of the Navy Department show an expenditure of $3,687,518.60 on eight sloops of war. The law authorized the Secretary of the Navy to expend only $3,200,000. When Congress was calling for the correct information, and the books showed that appropriation had been exceeded, it was necessary to doctor the statement so as to bring it within the terms of the law. That was done and that second statement was prepared. I refer to volume 7, House Miscellaneous Document, second session, Forty-fifth Congress, pages 411 to 414, for what I quote from this witness.

Mr. HARRIS, of Massachusetts. Which is correct?

Mr. WHITTHORNE. I should say the books of the Department were correct.

Mr. HARRIS, of Massachusetts. Not necessarily.

Mr. WHITTHORNE. Again the witness was asked:

Question. By whom were you directed, and who made the changes or alterations?

Answer. They were made by Mr. Hanscom.

Q. Do you know whether that was done with the knowledge of the Secretary of the Navy?

A. Yes, sir; it was done with his knowledge. He (Hanscom) went up stairs to see him.

Q. You were asked in relation to making out a statement of the expenditures of the Bureau of Construction and Repair on account of the removal of the navy-yard from Philadelphia to League Island?

A. Yes, sir; I was told to put those accounts in.

I have here the statement from the books of the Department as sworn to by that witness, which shows the legitimate expenditure of $137,938 as the correct amount chargeable to the fund for the removing property from the Philadelphia navy-yard to League Island. This House was investigating the expenditure of public money, and in making out the statement Mr. Knapp, again under the direction of the bureau, brings it in as $543,985.45. And in another portion of my remarks I will probably have occasion to read what those expenditures were for.

I am sorry that just at this moment the author of this bill has disappeared from his seat. I will ask some friend of his to take a note of the page I refer to, and what was said. I went on to ask the witness:

Question. Do you know of the preparation and changing of any other papers?

Answer. Yes, sir; I know about some of them.

Q. What were they?

A. Well, there was one statement asked for, giving the amount expended in repairing ships exceeding $3,000, or something of that kind. I know that I made out a statement which was afterward changed.

Q. You made out your first statement according as the books or records were?

A. Yes, sir; and then Mr. ROBESON said I had amounts in that did not belong to it; that I did not understand the question; and he took the statement away and gave it to Mr. Hanley. Mr. ROBESON said: "You give it to Mr. Hanley and let him make it out;" and Mr. Hanley took it away. I think the statement was in answer to a question from your committee.

Now, I show a want of harmony and an inconsistency between the several documents submitted to this House. I show by whom these things were made. I show that the witness swears that he was engaged in the work of making out false and fictitious statements. I show that it was done with the knowledge of the then Secretary of the Navy. And I stand here to-day and say, and say it boldly, upon information, that one of the clerks employed in this work was dismissed by Mr. Thompson, and is found back at the Navy Department engaged in the work of preparing this answer with the knowledge of the man who has reported this bill.

Now, in answer to the Hewitt resolution, because we are upon the line of expenditures in the Navy Department, I have shown you that $42,000,000 were said to have been expended. I have shown you also that over $3,000,000 more ought to have been included in the statement. That appears from the statement made in 1876 by Mr. Hanscom.

I now come to another item. I am now after the expenditures in the Navy Department, to which should be added repairs on vessels whose names are not reported in answer to said resolution, thirty-two in number, as shown by the investigation of the Forty-fourth Congress and the report of the minority on naval investigation to the Forty-fifth Congress, amounting to $1,630,787.57.

Now, Mr. Chairman, add all these together, and there were expended $47,097,830.93. Add the amount that should be charged, which appears in the official documents to which I have referred, and it will show that over $50,000,000 have been expended since the year 1865 in the construction and repair of the Navy. I was not here a few days since when I understand it was boasted upon this floor that the United States Navy is equal, vessel for vessel of class and kind, to any navy in the world; and that this is the work of the Secretary of the Navy who occupied that place from 1870 to 1877. I propose, Mr. Chairman, to ask the attention of the committee to the expenditures made upon the different classes of vessels—the expenditures on the thirty-eight cruisers mentioned in the Harris report, which constitute the serviceable vessels in the United States Navy at this time—and an analysis of these expenditures shows that the boast is not warranted.

There was expended from 1865 to 1869 $3,369,362.77. From 1869 to 1877 there was expended $15,692,481.54. From 1877 to 1881 there was expended $7,127,559.50. In other words, according to the re-

port made in response to the Hewitt resolution, there was expended upon these cruisers by way of repairs $26,189,403.81. (See appendix No. 1.)

I now turn to the second list, embracing the expenditures on iron-clads, excluding the five monitors. From 1865 to 1869 there was expended $105,364.65; from 1869 to 1877, $3,965,776.49; from 1877 to 1881, $165,768.94; making $4,236,910.08 expended upon these iron-clads. (See appendix No. 2.)

There was expended upon the vessels which I have included in the first list, which I will publish in my speech (see appendix No. 3)—worthless vessels, according to the Harris report—$1,630,787.57. On tugs there was expended $1,104,000. On the Dictator and Roanoke—worthless, according to the Harris report—there was expended $434,684; and on the Antietam and others—worthless vessels, according to the Harris report—there was expended, from 1865 to 1869, $1,000,942.33.

Mr. HARRIS, of Massachusetts. During what periods are the expenditures to which the gentleman is referring?

Mr. WHITTHORNE. I am stating the years. I continue the statement. From 1869 to 1877 the amount expended was $3,531,201.74; from 1877 to 1881, $719,038.18; making the expenditure upon vessels of this class $5,251,185.

Mr. HARRIS, of Massachusetts. Is there anything in what the gentleman calls the "Harris report" which shows that the vessels at the time of the expenditure were worthless?

Mr. WHITTHORNE. I will publish my friend's report with my remarks. (See appendix No. 5.)

Mr. HARRIS, of Massachusetts. I ask the gentleman whether there is anything in the report which shows that the vessels were worthless at the time the moneys were expended upon them? I think that is a fair question and should be answered.

Mr. WHITTHORNE. I will answer the gentleman in the course of my remarks. I will do the gentleman no injustice. He will see that I have classified these different vessels. Upon vessels of doubtful value (see Harris report) there was expended from 1865 to 1869 $865,906.49; from 1869 to 1877, $3,750,137.10; from 1877 to 1881, $235,131.37, making in round numbers $4,851,000. (See appendix No. 6.)

Upon the eight steam vessels (see Harris's report) there was expended from 1865 to 1869 $58,606.92; from 1869 to 1877, $4,297.89; from 1877 to 1881, $126.12, making $63,030.90. (See appendix No. 7.)

Recapitulating, the amount expended in repairs is $47,097,830.93.

I have gone through the expenditures by years. I propose now to go through them by administrations. There was expended by the Robeson administration, as near as it can be calculated from the answers made to the Hewitt resolution, as follows:

Mr. Robeson expended on—	
Cruisers*	$15,692,481 54
Iron-clads†	3,965,776 49
Worthless‡	3,531,205 44
Doubtful§	3,750,137 10
Worthless	4,297 89
Dictator and Roanoke‖	383,922 28
On first list, (estimated—not in answer to HEWITT)	630,000 00
Tugs‖	736,991 56
Omitted¶	3,336,346 83
Not given	
Total	32,031,159 83

*Appendix No. 1. †Appendix No. 2. ‡Appendix No. 3. §Appendix No. 4. ‖See Executive Document No. 30, first session Forty-seventh Congress. ¶Appendix No. 9.

And for a sum not given but warranted, and which upon an issue being made I will undertake to show was further expended by that administration, $3,000,000. Thus you have expended by the Robeson administration, from 1869 to its close, about $35,000,000 in the line of construction and repair. It is for this sum, as members of the committee will remember, that that Representative claimed to have made "a navy." I shall in a few moments call attention to that claim and make a comparison of the cost of the vessels. I have here, Mr. Chairman, a statement showing in the same manner the expenditures by the Welles administration and the Thompson administration. I incorporate those statements in my remarks. (See appendix:)

Mr. Welles expended on—	
Cruisers*	$3,369,362 77
Iron-clads*	105,364 65
Worthless*	1,000,942 33
Doubtful*	865,906 49
Worthless*	58,606 92
Worthless*	1,000,787 57
Tugs†	150,404 19
Total	6,451,374 92
Dictator and Roanoke†	48,462 97
	6,499,837 80

Mr. Thompson expended on—	
Cruisers*	7,127,559 50
Iron-clads*	165,768 94
Worthless*	719,038 18
Doubtful*	235,131 37
Worthless*	126 12
Dictator and Roanoke†	2,298 33
Tugs†	216,910 75
	8,466,833 21

*See appendix. †See Ex. Doc. No. 30.

The inquiry made by my friend from Massachusetts [Mr. HARRIS] is a proper and pertinent one. Why, sir, it would appear that the administration of Mr. ROBESON expended upon worthless vessels, or such as I have characterized and are now characterized as worthless, nearly or quite $12,000,000. In my judgment it ought not to have been done. But it is due to a candid statement of the facts that I should say that ten years ago the vessels then being repaired were not probably in such condition as they were at the time when my friend from Massachusetts made his report. There are circumstances which have intervened between that time and the present which might have excused or justified some of the repairs which were made. Is not this a just and fair statement? It is responsive, I take it, with all that my friend has asked me to state, and it is the statement which I intended to make; because I come now, Mr. Chairman, to make a comparison of the cost of the Navy.

Here you have, as I have said, $35,000,000 in money expended by ROBESON. Do my friends on this floor know what that means—$35,000,000! I can, if you please, show what it means in a naval point of view. I quote from King's War-Ships and Navies of the World, page 379:

> The total number of vessels of all classes built by and for the Navy Department from April 1, 1861, to April 1, 1865, was as follows:
>
> Armored vessels: Two broadside sea-going ships; two first-class iron single-turret vessels; nine wood and iron double-turret vessels; forty-five single-turret iron river monitors; five river casemate vessels—making a total of sixty-three armored vessels, having an aggregate of 62,367 tons, carrying one hundred and eighty-five guns, and costing in the aggregate $35,848,212.

Here, sir, the United States, amid all the clamor of war and the prevailing high prices, built this armored fleet, more in number, nearly twice in number of that presented to the admiration of his countrymen by the late Secretary of the Navy, and built for an equal sum of money.

Take again from this same book what is said in reference to unarmored vessels:

> Unarmored vessels: Six first-class screw corvettes; fourteen second-class screw corvettes; twelve third-class screw corvettes; twenty-three screw gun-boats; twenty-seven wooden paddle-wheel double-enders; eight iron double-enders; twelve other paddle-wheel steamers; making a total of 102 unarmored vessels, having an aggregate of 99,842 tons, carrying 899 guns, and costing in the aggregate $27,061,374.

Seven or eight million dollars less than the sum of money expended by the late Secretary of the Navy in the repair and reconstruction of our modern United States Navy. Is this a matter to be boasted of?

But I am not done, Mr. Chairman, with that——

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to ask him a single question?

Mr. WHITTHORNE. Certainly.

Mr. HARRIS, of Massachusetts. Does not the gentleman think it would have been better for Congress ten years or twenty years ago to have authorized some Secretary of the Navy to commence the construction of new vessels rather than to waste money in the repair of old ones?

Mr. WHITTHORNE. I think it would.

Mr. HARRIS, of Massachusetts. Would it not be, in his judgment, economy for us now to begin that work? I ask these questions because I understand the gentleman from Tennessee to have opposed the construction of a single new ship.

Mr. WHITTHORNE. The gentleman has been misinformed. If they will put an honest man at the head of the Navy Department—if they will put at the head of the Navy Department my friend from Massachusetts, I will vote for almost anything in the shape of a Navy which he will recommend.

Mr. HARRIS, of Massachusetts. I am obliged to the gentleman for his compliment.

Mr. WHITTHORNE. But they do not put such men as you are there; depend on that.

Mr. HARRIS, of Massachusetts. That is a pleasant compliment, but it does not answer my question.

Mr. WHITTHORNE. I did answer your question when I said you were misinformed. I will come to that after a while.

Now, Mr. Chairman, in order to show this committee, and that the people of the United States may see how their money goes, and to make a comparison, I will make this statement: thirty-eight vessels are called cruisers in the Navy of the United States. Here I have a calculation taken from the estimate made by the advisory board as to the cost of thirty-eight vessels as recommended by them, eighteen of them being steel, and it foots up $26,110,000. Here it is shown by experts, by the men in whom you are bound to have confidence, who come and tell you they can build for you three steel vessels, fifteen knots, and there are none of that kind in the United States Navy; five of fourteen knots an hour, and there are none of that kind in the United States Navy; ten of thirteen knots, and there are none of that kind in the United States Navy, (only one which claims to go above that, and that only semi-occasionally;) ten of thirteen knots an hour, all being of steel, and twenty of the ten-knot class as recommended by that advisory committee, and it foots up, as I have said, a cost of $25,110,000. If I show you that a new navy, built of different material, more costly material, and a great deal better vessels in every respect can be built for nine millions of money cheaper, less than the sum expended by that Secretary of the Navy, are not you prepared to answer me that there has been that amount of money squandered somewhere along the line?

Once more, gentlemen, I ask your attention. Turn to the estimates of iron vessels made by the constructors and engineers of the Navy, and you will find that they will build the same number of vessels which are now borne on your cruiser list for $21,000,000 and give three of them fifteen knots an hour, five fourteen knots an hour, and ten thirteen knots an hour, and twenty of ten knots, and that shows to you, though most of your vessels borne on the cruiser list are wooden vessels and they had the benefit of the foundation to build upon, it shows to you that that Secretary of the Navy has deliberately squandered between fifteen and twenty million dollars in this work of reconstruction and repair, and yet he boasts that he has built our modern Navy.

But do you want more proof of it? I will give it to you.

Take, if you please, and turn now to the report of the advisory board, and you will remember that it was recommended by that board for the construction of two first-rates, ten second-rates, twenty fourth-rates, five steam rams, ten torpedo gunboats, and other vessels, making a total of sixty-eight, the entire estimated cost of which was $29,607,000. An entire new and efficient Navy, with thirty more vessels. Here, then, with this expenditure to build up and complete the Navy, you find that the Secretary of the Navy exceeded it during his administration by about $6,000,000.

Now, Mr. Chairman, I might pause here, these comparisons show sufficiently and satisfactorily the waste of public money. I do so, only asking the attention of the committee to the testimony of Commander Mead with reference to the cost of construction of naval vessels when examined before the Naval Committee as to the cost of the navies of the world, all of which would go to sustain the proposition I have made; but I proceed to other matters, asking you to reflect upon this comparison of the expenditures made for the repair and construction of our modern Navy. We have, as I have shown, $104,000,000 in money expended by the Bureaus of Ordnance, Equipment and Recruiting, Construction and Repairs, and Steam-Engineering, out of which I have shown that, as given in answer to the Hewitt resolution and other official sources, about $50,000,000 in the way of construction and repair was expended, and that out of this sum I believe at least $15,000,000 was lavishly and foolishly expended by the Robeson administration. Then there is about $54,000,000 to be accounted for. At least forty millions of this was expended between the years 1870 and 1877. Where did it go? What became of it? I submit to you, and many of you are business men, that the Secretary of the Navy should show that that $54,000,000 is represented somewhere, in some material, or in some other manner. Ought it not to be shown? As a business proposition is it not so? In what timber, iron, articles, or stores of any description is this money accounted for?

WHERE ARE THE NAVAL STORES?

Now, Mr. Chairman, I stand here upon my responsibility as your corepresentative, I stand here on my responsibility as a man to assert, and dare and defy that administration to show an increase in the volume of stores. I am not talking again without the books. I beg to call your attention to the official proof in that connection. I ask the committee now to turn to page 169 of this volume 7, of the miscellaneous documents of the second session of the Forty-fifth Congress, and examine the answers made to a question with reference to the amount of stores belonging to the Bureau of Steam-Engineering. It is here stated that the amount of stores on hand at the several navy-yards and stations in January, 1871, was $2,421,396.37. On January 6, 1878, it was $2,260,649, showing a decrease, notwithstanding the large appropriations made to it.

I call attention particularly to this report or return from the Bureau of Steam-Engineering, to show that those stores have been decreasing. I ask the attention of the committee also to page 334 of the same volume, which shows the total amount of stores on hand in the Bureau of Construction and Repair on January 1, 1871, was $6,247,205.71, while on January 1, 1878, it was but $6,007,768.30. So that the committee will see that in the principal bureaus there are not on hand the stores that should be on hand to represent this $54,000,000. What has become of this vast sum of money? Where has it gone? It does not represent labor in construction and repair, for that is shown in the cost of repairs on reports already given. It cannot be that it is for support of navy-yards for that comes from a different appropriation.

Adopting the suggestion of my friend from Massachusetts, I beg leave simply and without comment at present to call the attention of the committee to the mode and manner under which and in which in my judgment this vast sum of money has disappeared. I will refer to these bureaus, the Bureau of Construction, Bureau of Steam-Engineering, and Provisions and Clothing, and I will elaborate and print details if no one objects.*

BUREAU OF CONSTRUCTION AND REPAIRS.

In the Bureau of Construction the first thing to note is the sale of vessels; the next is the exchange of vessels; the next is the destruction of vessels and the exchange of material. The cost of vessels and materials so sold, bartered, and exchanged is to be seen on pages 300 to 332 of the volume to which I have already referred—and it amounts to millions of dollars.

*For personal reasons I will not here avail myself of this privilege. I will simply call over the points as a lawyer would do the heads of his argument.

Mr. Chairman, what law is there to authorize any Secretary of the Navy to destroy a vessel borne upon the Register of the Navy? What authority did the late Secretary of the Navy possess to destroy any single vessel? Again, what authority did he have for exchanging? And in this connection I ask leave to read to the committee and to commend to their consideration the opinion of Attorney-General Taney upon a barter-and-exchange transaction. On the 11th of September, 1833, upon a question "arising on an agreement made by Lieutenant Symington, and afterward sanctioned by the head of the Ordnance (War Department) Office, with Harrison Gassaway for a quantity of gun-skidding, to be paid for in old castings at $20 per ton," and of which he says, among other things relating to the facts: "It is sufficient to say that the contract to pay in old iron was executed by breaking up and delivering sundry cannon reported to be unfit for service," &c., upon which he gives the following opinion:

The transaction was, in its nature, a barter of the guns for the skidding. There is no power under any law of Congress to make contracts of barter; but all articles directed to be purchased are intended to be paid for in money; and if the contract can be legally justified it must be on the ground that it was a sale of the iron to Mr. Gassaway at the price specified in the contract; and in order to support it as a sale it must appear that the head of the Ordnance Department had lawful authority to break up and sell any cannon which he supposed to be unfit for service and sell at private sale for such iron as he thought it was worth.

This opinion is conclusive against the alleged right and custom to barter; and yet, sir, an ex-Secretary of the Navy bartered and exchanged twenty vessels, destroyed them, bartered and exchanged their material; and these vessels, according to my recollection, cost over $12,000,000. Again, he sold others costing a large sum of money to the contractors in payment for the work done and to be done for the Navy Department. I shall call attention in my printed remarks to the character and to the amount of these losses, representing property that cost, as I have said, the Government millions of dollars.

Mr. Chairman and gentlemen of the committee, I state to you that there were between forty and fifty millions of pounds of old iron, so called, delivered by the Navy Department, from one bureau alone, to John Roach; that this quantity of iron went into his hands to enter into the construction of these so-called double-turreted monitors. I say to you that by the record it can be demonstrated that the Navy Department performed the office of a deposit bank for the benefit of John Roach.

Again, I would show that Mr. Robert, an iron manufacturer of Philadelphia, says that in some of these barter transactions and exchange business there was a profit of between $30 and $40 per ton, and this is manifest by other proof. All this was contrary to law, and in a number of instances especially so, because it was an advance payment. I would show that these contracts were made with the knowledge and consent of the Secretary of the Navy.

Mr. Chairman, I would further, if I had time, show to the committee that Swift, a timber-dealer, paid Southard to get out of his way as contractor, $10,000; that he paid to S. P. Brown to get out of his way, $4,500; that he paid to Cattell $37,500 for his influence merely with the Navy Department. I would show that Bigler paid to Cattell a large amount; that Brown got $5.03 a ton for coal from the Bureau of Engineering, when, from the same yard, and at the same time, the Bureau of Equipment got its coal, the same kind, at $4.37 a ton; I would show that Brown was paid on a large amount of timber $10 to $15 per thousand feet more than the market price; and, in another instance, he was paid $90 per thousand feet on a lot of 600,000 feet of lumber delivered at the Washington navy-yard, the market or schedule price being $55 per thousand feet. I would show another transaction by which there was filched directly from the United States for a lot of iron bought in the city of New York and shipped to Mare Island, and which lies there now unused, the sum of $12,114, the United States being swindled out of that amount in that one transaction.

I would show again: Trickey sold to the Government pine lumber at $45 per thousand feet, when he bought it from Fogg, and Fogg delivered it at the Boston navy-yard, getting $32 for it. I would show that Hatch, Loud & Co. were paid $62 for live-oak delivered at the Philadelphia navy-yard; the same timber that Mann & Co. had made a contract to deliver at $40. Hatch, Loud & Co. bought them off and sold the same at $62 a thousand feet. I would call attention to the purchase of the Burlington and the dry-dock, the circumstances of which are familiar to the late Secretary of the Navy. I would call attention to the disgraceful transactions attending the sale of the Philadelphia navy-yard, and the removal of the property therefrom to League Island.

I would call attention to the fact that when the Government of the United States, or Congress, authorized $5,000 a year to be paid to timber agents in Florida, the late Secretary of the Navy, or his heads of bureaus, appointed a man who remained in the State of New Jersey, sitting in his law office and drawing salaries for work said to have been performed in the State of Florida; and the appointment of preachers and politicians as timber agents who never were within hundreds of miles of the Florida navy-timber lands, and who drew salaries out of this appropriation.

I might go on and multiply instances of this kind. But, as a remarkable transaction, I desire the Clerk to read what I send up, because it is about a navy with which the chairman of this Committee of the Whole [Mr. PAGE] is familiar. I ask it to be read as showing among other things the way and manner in which things were done under the administration to which I refer.

The Clerk read as follows:

[Private.]

UNITED STATES NAVY PAY OFFICE,
San Francisco, February 24, 1875.

DEAR SIR: Pay Inspector R. C. Spaulding will forward by this mail an explanation requested in your letter to me.

If investigations are the order of the day, and while we are not disposed to shrink from the most searching scrutiny concerning the manner in which business has been done in this office, (provided such examination is carried on in a spirit of fairness,) yet for your own information and for the purpose of showing where the responsibility rests of paying more than the "market rates," I submit the following facts:

In 1873 shipment of "white-oak plank," "beam fillings," "white-oak timber," by J. Bigler & Co., (Eastern contractors,) was made to navy-yard, Mare Island, at the instance of the Department, and $72,794.75 was paid for the same. The material so delivered was valueless.

In 1872 the ship Fleetwood, from Brooklyn navy-yard, delivered at Mare Island oak timber and white-oak plank amounting to $21,073.15, all of which material was condemned by the inspector at Mare Island navy-yard. (The above material was for the bureau of "C. and R.")

In 1873 a cargo of coal was offered to the Government by a prominent dealer in this city for the Bureau of "E. and R.," at $17.50 (currency) per ton. The offer was declined, and the same cargo immediately purchased of one S. P. Brown, another Eastern contractor, by Bureau of "Steam Engineer," for $23 per ton, (currency,) by authority of the Secretary of the Navy.

The same year 300 tons of pig-iron was purchased in the East by one Babcock, on requisition from Mare Island, for $73 per ton. Bids for the same by a San Francisco dealer were put down at $63 per ton. The responsibility of this transaction rests with Engineers Wood and Lawton, of Bureau of "Steam Engineering."

Another case—Babcock & Co., Eastern dealers, furnished rubber hose for Bureau of "Y. and D.," charging and receiving $6,000 more than was bid by San Francisco dealers for the same material. Chief Clerk Merritt, of the Bureau of "Y. and D.," Washington, is most likely responsible for this purchase, or for putting up the job.

Another case, not quite so bad—an engine for a new tugboat at our navy-yard, was built in the East, without receiving bids at all in California. Engineers Wood and Lawton are chargeable with this neglect of the home manufacturers.

Chief Engineer Wood, of the Bureau of "Steam Engineering," in connection with Lawton of this yard, are responsible for the purchase in the East of $10,000 worth of *second-rate quality* of tools, consisting of lathes, planes, drills, &c., when a first quality of similar tools was offered in San Francisco for the same price.

There are many other irregularities which an expert, with authority to investigate affairs at our navy-yard, could not fail to meet with if earnest in the pursuit of facts, and which I do not now consider necessary to intrude upon your attention.

* * * * * * *

I remain, very truly, yours,

GEORGE M. PINNEY.

Hon. A. A. SARGENT, *Washington, D. C.*

Mr. WHITTHORNE. I would refer also to the great loss in the purchase of "promiscuous timber," and would challenge the fact alleged as to the quantity on hand, and venture to say that whenever a true account is taken, a large deficiency will be shown in value as well as quantity of timber and lumber.

BUREAU OF STEAM-ENGINEERING.

I now pass on from the Bureau of Construction and Repair and call attention to the mode and manner in which things were disposed of in the Bureau of Steam-Engineering. I refer to the deposition of Mr. Schock, to the deposition of Mr. King, and to the reports made by Mr. King to the late Secretary of the Navy, Mr. Thompson. I refer also to the testimony of the late Chief Engineer Sprague, by which I would show that the United States lost in a reckless disregard of the law, in that autocratic spirit which governed and controlled the Navy Department, and which acknowledged no dominion or control from any source except its own will—I would show by the testimony referred to, and which I have here, that the Government of the United States lost hundreds of thousands of dollars in the sale of boilers, engines, copper, iron, &c., much of it new and available for use. I would show thousands lost in prices paid for boilers and engines. I refer to volume 7, Miscellaneous Documents, second session, Forty-fifth Congress.

BUREAU OF PROVISIONS AND CLOTHING.

But I pass from that bureau to the Bureau of Provisions and Clothing. I ask the attention of the committee to the testimony of Mr. Cutter, late Paymaster General, who says, on page 567 of the same document, in answer to an inquiry in regard to the price of clothing:

Question. Were those prices high?

Answer. Yes, sir; I think both were high, except some blue cloth, which I think cost $4 a yard; that is a very fair valuation for it; it is double width. Other things are very high—the flannel and satinet.

Q. As a matter of fact it is nothing to the Government, if to the sailor, what price may be paid by you for the sailor, for under the law he pays it back again?

A. No, sir.

Q. And really, if there is any imposition by high prices, it is imposed on the sailor; that is where it reaches?

A. That is where it reaches, and that is the end of it.

Now, that administration, not content with robbing the people of the United States, not content with plundering them, sought out poor helpless Jack and robbed him. I would call your attention here to the large quantity of supplies bought by that bureau. An examination was made, directly after the close of the administration referred to, to see the surplus of stock on hand. There was found on hand tea enough for thirty years; evaporated potato enough for twenty years; onions for four years; pea-jackets and monkey-jackets for thirty years; blue cloth trousers for six years; satinet trousers for four years; Barnsly sheeting frocks for eighteen years; blue satinet for nine years; beeswax for thirty years; thread for twenty years, and ribbon for twelve years, and so with a great many other articles. That is the way the money goes which does not belong to them, when some one else has to pay for the music. Be it said to the credit of Mr. Thompson's administration that the prices were reduced for the benefit of the sailor.

Now turn to the disposition of property which was made by private and confidential transactions between the head of the Bureau of Provisions and Clothing and one William Matthews of the State of New York. Trace the history of William Matthews and his connection with that administration. Trace the avenues by which he reached all the heads of bureaus and the head of the Department. Trace back the connection, and you will see that in that bureau alone the Government of the United States from first to last must have been swindled in its connections with Matthews and McKnight out of more than a million of dollars.

It is by such means and methods that the large sums which have been appropriated for the support of the Navy were made to disappear. Not one of the provisions made by the law for the security of the public money and property was observed.

The law requiring advertisement, the law requiring written contracts, the law requiring bond and sureties, the law requiring public sales, the law requiring reports to be made to Congress were constantly ignored and disregarded. The law prohibiting expenditures in excess of appropriations, the law prohibiting transfer of appropriations were disobeyed. I pause here as to those methods.

DOUBLE-TURRETED MONITORS.

I have hurried through with the purpose of coming to the monitors, for I have a word or two to say about them. I am sorry my time is limited, that my lungs are so weak, and the weather so oppressive that I cannot continue much longer. But I ask the attention of the committee to the monitors, how conceived and how brought forth—conceived, mark what I say, in open, palpable, direct contempt and violation of the law; and the man or men who made the original contract or agreement for the rebuilding of these monitors did it in contempt of the law.

Now, I ask your attention right here to this statement, and I wish my friend from Indiana [Mr. CALKINS] was here to follow the transaction step by step. In the fall of 1873, Mr. Chairman, you will remember the Virginius excitement; you will remember that under it the then Secretary of the Navy made large expenditures of money. And you will remember that he came to the Congress of the United States at the commencement of its session in 1873, and asked for an appropriation of $4,000,000 to reimburse him for his expenditures. I have here his letter asking for that appropriation. I have here the debate that occurred upon it, and I will read you the closing sentence of the communication of the then Secretary of the Navy, addressed to both Houses, asking for this appropriation of $4,000,000. Read it, honest, earnest, and thoughtful Republicans:

If—

Says the Secretary—

If our force is to be increased or if the powerful double-turreted monitors Miantonomoh, Monadnock, and Puritan are to be put into a condition of usefulness, at least $1,000,000 more will be required.

There is no doubt that the Secretary wanted that money, is there? He came before the committees of both Houses and they declined to grant the appropriation. The late Senator from the State of California, [Mr. Sargent,] in the discussion upon the subject in the Senate, after the rejection of this request of the Secretary, said:

Mr. President, my objection to this bill is that it appropriates $1,000,000 too little. The Secretary of the Navy, in the letter which has been read at the desk, after stating that the $4,000,000 provided for in this bill are necessary in order to complete the fitting out of the vessels which are now in hand, says that if the Navy is to be strengthened $1,000,000 more ought to be appropriated for this purpose. He has reference to the double-turreted monitors carrying four 15-inch guns each, now dismantled and useless.

Mr. Sargent, then Senator from California, regretted that Congress would not give to the Secretary of the Navy $1,000,000 more; yet if he had known how artful, how ingenious, how respectful to the law was that Secretary, he would not have had any occasion for regret, for he would have found that the Secretary of the Navy in less than nine months thereafter, under a provision of law authorizing an appropriation taken from the Pensacola floating dock to be made available for the purpose of completing the repairs on the double-turreted monitors, was able to dispense with the authority which he had asked from Congress. Congress refuses, but the Secretary wills. He came before Congress with what appears to be a deliberate fraud in asking the diversion of that appropriation for the benefit of the Pensacola dock. You will see by reference to the act of June, 1874, that the Secretary is allowed to use the balance of this fund for the purpose of completing the repairs on these monitors. Were there any repairs then going on or contracted for? I answer no, by the record. Was not Congress then deceived? But a contract is made for the purpose of building these monitors. And never—mark what I say—never in a single report made to Congress does he tell Congress and the country what he is doing. If he had, Congress might have checked him.

Never does he report to Congress that he has destroyed the Puritan, that he has destroyed the Miantonomoh, that he has destroyed the Terror and the Amphitrite, and that he has destroyed about fifteen other vessels. If he had, Congress might have arrested his work. Never does he tell Congress or the country what he has done with their material. Is that all, Mr. Chairman? I state further that no plans for the Miantonomoh, no plans for the Puritan, no plans for the Terror, no plans for the Amphitrite are officially upon the records at the Navy Department unless they have been put there since the investigation was made by the committee of the Forty-fourth Congress.

Yet contracts involving the people of the United States in a liability of millions of dollars, the end whereof no man could then foresee, are made with no plan, no specification, and no measure taken to protect the Government of the United States; no bond or sureties required for the contractors; none of the provisions of law intended for the security of the public moneys or property observed.

Let us look for a moment to the amounts already expended and to be expended on these monitors. There has been paid on them (see the report on this bill, page 8, Secretary Chandler's letter)—

MIANTONOMOH AND PURITAN.

Miantonomoh		$1,136,191 87
Puritan		687,798 24

Now add to these sums the cost of the vessels delivered to Mr. Roach, the contractor, as follows, (see page 330, volume 7, Miscellaneous Document, second session Forty-fifth Congress:)

Cohoes	$594,012 10	
Nansett	578,110 98	
Niobe	592,587 32	
Modoc	513,353 13	
Napa	506,366 33	
Miantonomoh	1,310,733 08	
Puritan	1,974,622 93	
Hero	529,996 99	
Piscataqua	620,445 52	
Nevada	521,103 79	
Severn	489,176 34	
Add cost of boilers, engines, &c		
		8,230,508 51

MONADNOCK.

Monadnock, amount expended on new	684,490 71
Add the old Monadnock, original cost	981,439 45

AMPHITRITE.

Amphitrite	503,324 96
Add original cost	1,156,323 83
Add Koka	545,694 81
Add Minnetonha	395,000 00

TERROR.

Terror	516,774 80
Add original cost	1,016,071 18
Add Otsego	648,070 99
Add Algoma	589,535 70
Add Shawnee	581,818 50
Add Wassuc	552,374 51
Total cost in money and the original cost of vessels paid over on account of these monitors	18,225,418 06
Amount estimated cost to finish and complete as effective war vessels, (see answer to HEWITT's resolution, Executive Document No. 30, first session Forty-seventh Congress)	6,202,200 00
	24,427,618 06

This amount of $24,427,618.06 represents the money and property of the Government placed and to be placed in these vessels.

WHAT ARE THEY WORTH?

I repeat that in these expenditures of money and property no single step was ever taken to protect the people of the United States; not one. Yet now, after these expenditures of about $18,000,000, you are asked to make an appropriation which before you get through will amount to over $6,000,000 to finish these vessels. When you have completed them what are they worth? Turn, if you please, to the testimony of Captain Selfridge. He says, (see Harris's report, page 95:)

Mr. MORSE. Wherein is your ship better than those vessels of our own, which are now unfinished on the stocks?

Captain SELFRIDGE. It is better in power of armament. The ships that are on the stocks are of no use at all.

Mr. MORSE. The principal point with you is—what?

Captain SELFRIDGE. The necessity of building iron-clads—armored vessels—to defend our forts and coast.

Mr. MORSE. Would you finish those vessels that are now on the stocks?

Captain SELFRIDGE. No; I would not. The turrets, with the present artillery that I have spoken of, (the guns being 40 feet in length,) would have to be at least 44 feet in diameter; and the turret with its two guns would weigh at least 1,000 tons, so that it would be impossible to turn it. The European nations have got to adopt this citadel principle. The Inflexible is the last ship that will be ever built by the English navy with turrets. The French have taken up the citadel plan, and the English are bound to follow it.

Captain William N. Jeffers, writing to Secretary Thompson, (see page 381, volume 7, Miscellaneous Document, second session Forty-seventh Congress,) says, after commenting on the report of the Mullany board on the Puritan:

She (the Puritan) is, therefore, for the purposes for which she was designed absolutely useless.

Chief Engineer Isherwood and ex-Chief of Bureau of Construction and Repair Lenthall pronounced the Puritan also a failure. My colleague, General ATKINS, has read their views.

Lenthall's opinions on the double-turreted monitors are fully given in Executive Document No. 82, second session, Forty-sixth Congress, page 11 *et seq.* He says of the Miantonomoh:

A close imitation of the old original, which, though excellent when built, it would be folly now to copy.

All of the board that have examined them recommend essential changes and modifications.

Chief Engineer King, in his work on the War Ships and Navies of the World, says, on page 387, that—

The advantages possessed by the Miantonomoh over the last two named vessels are lighter draught and a greater number of guns. The advantages are an armor too thin for protection against heavy modern projectiles and the system of the turrets as here applied the same as Ericsson adopted for the first monitors at a time when projectiles were light in weight and discharged with comparatively little power. As good as was the arrangement, the experiences of the war have disclosed in it vulnerable points, and shown that the energy with which modern projectiles are discharged, even from guns of 8 inches and 10 inches caliber, render necessary essential modifications.

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The CHAIRMAN. The gentleman's time has expired.

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After reciting other details and stating what contractors were here and that the monitors were the "boats" spoken of, he was asked the following questions, to which he gave the following answers:

Question. I ask you if, at the time you speak of, there were not here what might be termed a congregation of contractors about the Department.

Answer. Yes, sir.

Q. Did you get information from any quarter or quarters that these contracts were likely to be made?

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Q. If I understand you correctly, you say that every time you saw the Secretary of the Navy he informed you that the contracts would not be let out for want of an appropriation sufficient to make them?

A. Yes, sir; he said that his appropriation would not pay the amount of work that had already been done on them.

As appropriate to this closing scene of a "contracting administration," I would refer to the immense amount of purchases made in its last hours. I would draw for you the pictures of the contractors gathering around the carrion which they supposed to be there at that time, and that it was their last opportunity, and that in the letting of these contracts for completing these monitors, and the making of contracts for timber, &c., and the payments to favorites, a legacy to the United States Government of over $7,000,000 of liabilities beyond appropriations was left, a costly memorial of the Robeson administration.

And I intended in that connection to refer to the report of the late Secretary of the Navy, Hon. R. W. Thompson, as to this indebtedness; and I intended, as I do now in my closing remarks, to say in reference to that administration, it was to be expected from the author of the Clews letter, (which see in appendix,) and that it was to be expected from the associate of E. G. Cattell and others—but the time allotted me is too brief, and I can but thank the committee for their attention.

APPENDIX No. 1.

Statement showing cost of repairs on cruisers.

Vessels.	1865-'69.	1869-'77.	1877-'81.	Totals.
Alarm	.....	$351,092 60	$21,331 86	$372,424 46
Adams	.....	70,093 90	105,056 41	175,150 31
Alert	.....	73,372 14	77,527 52	150,899 66
Alliance	.....	43,439 40	72,759 91	116,199 31
Alaska	$1,089 94	657,885 04	213,470 07	872,445 05
Ashuelot	48,462 52	158,406 26	55,585 13	262,453 91
Brooklyn	236,757 49	772,162 75	332,303 10	1,341,223 34
Essex	.....	77,212 74	85,389 99	162,602 73
Enterprise	.....	37,955 49	91,055 59	129,011 08
Galena	18,219 22	93,858 65	256,629 92	368,707 79
Hartford	63,190 03	758,275 40	440,686 38	1,262,151 81
Iroquois	71,937 06	424,631 96	196,081 96	692,670 98
Juniata	349,452 67	423,274 33	171,741 07	904,468 07
Kearsarge	148,909 45	673,266 52	236,404 75	1,058,850 72
Lancaster	411,630 99	328,608 97	752,933 04	1,493,175 00
Lackawanna	77,863 71	972,440 04	203,505 20	1,253,808 95
Marion	.....	252,023 58	58,993 41	311,016 99
Mohican	322,006 02	305,433 40	76,744 14	704,183 56
Monocacy	32,402 54	123,721 78	58,938 19	215,062 51
Nipsic	55,895 46	235,814 75	145,037 27	436,747 48
Omahee	48,745 43	236,662 88	109,483 30	394,891 61
Ossippee	274,926 19	599,520 64	36,208 57	910,665 40
Powhatan	186,019 63	539,182 66	145,508 69	870,310 98
Pensacola	144,450 60	1,271,582 25	342,711 10	1,758,743 95
Plymouth	86,776 89	434,584 64	45,223 68	566,585 21
Quinnebaug	14,952 12	173,782 73	139,404 94	328,139 79
Ranger	.....	59,192 65	123,098 20	182,290 85
Richmond	402,588 86	361,098 59	535,750 56	999,438 01
Swatara	11,493 45	428,670 03	214,076 38	654,239 86
Shenandoah	26,035 09	543,389 71	239,577 91	809,002 71
Tennessee	51,646 36	1,469,261 49	411,000 64	1,931,908 49
Ticonderoga	35,525 16	484,382 34	345,798 91	865,706 41
Trenton	.....	148,458 74	55,179 46	203,638 20
Tuscarora	256,871 31	578,765 33	135,776 59	971,413 23
Vandalia	.....	197,672 23	104,845 90	302,518 13
Wachusett	16,988 83	422,196 98	276,522 30	715,708 11
Wyoming	12,978 88	601,607 06	87,606 23	702,192 17
Yantic	51,546 82	309,500 89	217,611 27	578,546 82
Total	3,369,362 77	15,692,481 54	7,127,559 50	26,189,403 81

APPENDIX No. 2.

Statement showing cost of repairs on single-turreted monitors.

Vessels.	1865.	1869-'77.	1877-'81.	Totals.
Ajax	.....	$233,230 23	$13,883 95	$247,114 18
Canonicus	$18,633 37	334,729 01	12,674 66	365,036 34
Camanche	26,693 33	273,487 55	25,300 89	325,481 77
Catskill	2,175 64	269,578 69	16,261 42	288,015 75
Jason	5,360 91	246,371 88	9,080 36	261,448 25
Lehigh	3,982 30	258,740 88	5,697 52	268,420 70
Mahopac	9,698 69	306,555 07	17,314 53	333,568 29
Manhattan	1,866 09	305,030 36	20,718 74	327,615 19
Montauk	1,192 20	265,150 14	5,987 38	272,329 72
Nahant	5,511 54	233,199 94	6,756 30	245,467 78
Nantucket	1,791 88	202,463 89	771 33	205,027 15
Passaic	5,037 52	277,787 87	12,464 36	295,289 75
Saugurs	23,421 18	239,035 24	3,313 76	265,770 18
Wyandotte	.....	249,281 65	7,543 69	256,825 34
Total	105,364 65	3,965,776 49	165,768 94	3,965,776 49

APPENDIX No. 3.

Statement showing cost of repairs on vessels not included, in answer to Hewitt's resolution.

Saratoga	$21,443 95
	3,279 50
America	10,342 45
	3,048 99
Mahongo	3,708 20
Severn	11,566 70
	5,902 91
Idaho	7,776 19
Periwinkle	98,135 04
Relief	6,211 51
Macedonian	19,533 84
New Hampshire	14,909 40
Constitution	85,285 76
California	21,656 97
	4,935 47
Portsmouth	44,800 94
	16,663 74
Jamestown	9,913 45
	27,077 75
Sabine	58,298 81
	42,531 22
Dale	5,477 35
Seminole	21,808 45
Saginaw	7,791 08
Saint Mary's	150,054 38
	9,430 54
Monterey	4,682 84
	6,083 39
	32,376 82
Independence	18,578 02
	5,847 20
	159,772 23
	14,312 47
Saranac	8,421 10
	3,438 01
Savannah	13,910 49
	34,017 44
Resaca	82,733 22
Supply	19,932 47
Cyane	12,893 31
	9,115 79
Pawnee	51,218 60
	49,900 71
Guerriere	131,879 19
	150,928 25
	17,154 02
Constellation	22,348 28
	5,082 73
Dacotah	26,729 17
Guard	21,026 40
	5,538 62
	6,282 46

APPENDIX No. 4.

Statement showing cost of repairs on vessels named. (*See Harris's report.*)

Vessel.	1865-'69.	1869-'77.	1877-'81.	Total.
Antietam	.....	$2,135 70	$15,657 64	$17,793 34
Colorado	$241,939 53	748,502 81	68,793 09	1,059,235 43
Dispatch	.....	83,142 45	100,834 24	183,976 69
Franklin	200,155 03	405,282 16	124,951 10	730,394 29
Intrepid	.....	353,031 12	3,931 15	356,962 27
Iowa	43,950 83	10,520 57	3,986 54	58,457 94
Minnesota	334,467 48	716,214 28	119,773 57	1,170,455 33
Michigan	45,473 02	40,790 66	8,954 90	95,218 58
New York	.....	.....	.....	.....
Wabash	71,114 07	959,816 93	44,305 47	1,075,236 47
Tallapoosa	63,842 37	211,768 76	227,839 48	503,450 61
Total	1,000,942 33	3,531,205 44	719,033 18	5,251,180 95

APPENDIX No. 5.

[Extract from Harris's report.]

The Naval Register last issued brings official information concerning the Navy down to January 1, 1882. The list of one hundred and forty vessels there given is made up of the following classes:

Steam-vessels:	
First-rates	13
Second-rates	20
Third-rates	27
Fourth-rates, including two torpedo-boats	8
Total	68

Yet contracts involving the people of the United States in a liability of millions of dollars, the end whereof no man could then foresee, are made with no plan, no specification, and no measure taken to protect the Government of the United States; no bond or sureties required for the contractors; none of the provisions of law intended for the security of the public moneys or property observed.

Let us look for a moment to the amounts already expended and to be expended on these monitors. There has been paid on them (see the report on this bill, page 8, Secretary Chandler's letter)—

MIANTONOMOH AND PURITAN.

Miantonomoh		$1,136,191 87
Puritan		687,798 24

Now add to these sums the cost of the vessels delivered to Mr. Roach, the contractor, as follows, (see page 330, volume 7, Miscellaneous Document, second session Forty-fifth Congress:)

Cohoes	$594,012 10	
Nansett	578,110 98	
Niobe	592,587 32	
Modoc	513,353 13	
Napa	506,366 33	
Miantonomoh	1,310,733 08	
Puritan	1,974,622 93	
Hero	529,996 99	
Piscataqua	620,445 52	
Nevada	521,103 79	
Severn	489,176 34	
Add cost of boilers, engines, &c		
		8,230,508 51

MONADNOCK.

Monadnock, amount expended on new	684,490 71
Add the old Monadnock, original cost	981,439 45

AMPHITRITE.

Amphitrite	503,324 96
Add original cost	1,156,323 83
Add Koka	545,694 81
Add Minnetonka	395,000 00

TERROR.

Terror	516,774 80
Add original cost	1,016,071 18
Add Otsego	648,070 99
Add Algoma	589,535 70
Add Shawnee	581,818 50
Add Wassuc	552,374 51
Total cost in money and the original cost of vessels paid over on account of these monitors	18,225,418 06
Amount estimated cost to finish and complete as effective war vessels, (see answer to HEWITT'S resolution, Executive Document No. 30, first session Forty-seventh Congress)	6,202,200 00
	24,427,618 06

This amount of $24,427,618.06 represents the money and property of the Government placed and to be placed in these vessels.

WHAT ARE THEY WORTH?

I repeat that in these expenditures of money and property no single step was ever taken to protect the people of the United States; not one. Yet now, after these expenditures of about $18,000,000, you are asked to make an appropriation which before you get through will amount to over $6,000,000 to finish these vessels. When you have completed them what are they worth? Turn, if you please, to the testimony of Captain Selfridge. He says, (see Harris's report, page 95:)

Mr. MORSE. Wherein is your ship better than those vessels of our own, which are now unfinished on the stocks?

Captain SELFRIDGE. It is better in power of armament. The ships that are on the stocks are of no use at all.

Mr. MORSE. The principal point with you is—what?

Captain SELFRIDGE. The necessity of building iron-clads—armored vessels—to defend our forts and coast.

Mr. MORSE. Would you finish those vessels that are now on the stocks?

Captain SELFRIDGE. No; I would not. The turrets, with the present artillery that I have spoken of, (the guns being 40 feet in length,) would have to be at least 44 feet in diameter; and the turret with its two guns would weigh at least 1,000 tons, so that it would be impossible to turn it. The European nations have got to adopt this citadel principle. The Inflexible is the last ship that will be ever built by the English navy with turrets. The French have taken up the citadel plan, and the English are bound to follow it.

Captain William N. Jeffers, writing to Secretary Thompson, (see page 381, volume 7, Miscellaneous Document, second session Forty-seventh Congress,) says, after commenting on the report of the Mullany board on the Puritan:

She (the Puritan) is, therefore, for the purposes for which she was designed absolutely useless.

Chief Engineer Isherwood and ex-Chief of Bureau of Construction and Repair Lenthall pronounced the Puritan also a failure. My colleague, General ATKINS, has read their views.

Lenthall's opinions on the double-turreted monitors are fully given in Executive Document No. 82, second session, Forty-sixth Congress, page 11 *et seq.* He says of the Miantonomoh:

A close imitation of the old original, which, though excellent when built, it would be folly now to copy.

All of the board that have examined them recommend essential changes and modifications.

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A. Yes, sir; he said that his appropriation would not pay the amount of work that had already been done on them.

As appropriate to this closing scene of a "contracting administration," I would refer to the immense amount of purchases made in its last hours. I would draw for you the pictures of the contractors gathering around the carrion which they supposed to be there at that time, and that it was their last opportunity, and that in the letting of these contracts for completing these monitors, and the making of contracts for timber, &c., and the payments to favorites, a legacy to the United States Government of over $7,000,000 of liabilities beyond appropriations was left, a costly memorial of the Robeson administration.

And I intended in that connection to refer to the report of the late Secretary of the Navy, Hon. R. W. Thompson, as to this indebtedness; and I intended, as I do now in my closing remarks, to say in reference to that administration, it was to be expected from the author of the Clews letter, (which see in appendix,) and that it was to be expected from the associate of E. G. Cattell and others—but the time allotted me is too brief, and I can but thank the committee for their attention.

APPENDIX No. 1.

Statement showing cost of repairs on cruisers.

Vessels.	1865-'69.	1869-'77.	1877-'81.	Totals.
Alarm		$351,092 60	$21,331 86	$372,424 46
Adams		70,093 90	105,056 41	175,150 31
Alert		73,372 14	77,527 52	150,899 66
Alliance		43,439 40	72,759 91	116,199 31
Alaska	$1,089 94	657,885 04	213,470 07	872,445 05
Ashuelot	48,462 52	158,406 26	55,585 13	262,453 91
Brooklyn	236,757 49	772,162 75	332,303 10	1,341,223 34
Essex		77,212 74	85,389 99	162,602 73
Enterprise		37,955 49	91,055 59	129,011 08
Galena	18,219 22	93,858 65	256,629 92	368,707 79
Hartford	63,190 03	758,275 40	440,686 38	1,262,151 81
Iroquois	71,937 06	424,631 96	196,081 96	692,670 98
Juniata	349,452 67	423,274 33	171,741 07	904,468 07
Kearsarge	148,909 45	673,266 52	236,404 75	1,058,850 72
Lancaster	411,630 99	328,608 97	752,933 04	1,493,175 00
Lackawanna	77,863 71	972,440 04	203,505 20	1,253,808 95
Marion		252,023 58	58,993 41	311,016 99
Mohican	322,006 02	305,433 40	76,744 14	704,183 56
Monocacy	32,402 54	123,721 78	58,938 19	215,062 51
Nipsic	55,895 46	235,814 75	145,037 27	436,747 48
Omahee	48,745 43	236,662 88	109,483 30	394,891 61
Ossippee	274,926 19	599,520 64	36,208 57	910,665 40
Powhatan	186,019 63	539,182 66	145,508 69	870,310 98
Pensacola	144,450 60	1,271,582 25	342,711 10	1,758,743 95
Plymouth	86,776 89	434,584 64	45,223 68	566,585 21
Quinnebang	14,952 12	173,782 73	139,404 94	328,139 79
Ranger		59,192 65	123,098 20	182,290 85
Richmond	402,588 86	361,098 59	535,750 56	999,438 01
Swatara	11,493 45	428,670 03	214,076 38	654,239 86
Shenandoah	26,035 09	543,389 71	239,577 91	809,002 71
Tennessee	51,646 36	1,469,261 49	411,000 64	1,931,908 49
Ticonderoga	35,525 16	484,382 34	345,798 91	865,706 41
Trenton		148,458 74	55,179 46	203,638 20
Tuscarora	256,871 31	578,765 33	135,776 59	971,413 23
Vandalia		197,672 23	104,845 90	302,518 13
Wachusett	16,988 83	422,196 98	276,522 30	715,708 11
Wyoming	12,978 88	601,607 06	87,606 23	702,192 17
Yantic	51,546 82	309,500 89	217,611 27	578,546 82
Total	3,369,362 77	15,692,481 54	7,127,559 50	26,189,403 81

APPENDIX No. 2.

Statement showing cost of repairs on single-turreted monitors.

Vessels.	1865.	1869-'77.	1877-'81.	Totals.
Ajax		$233,230 23	$13,883 95	$247,114 18
Canonicus	$18,633 37	334,729 01	12,674 66	365,036 34
Camanche	26,693 33	273,487 55	25,300 89	325,481 77
Catskill	2,175 64	269,578 69	16,261 42	288,015 75
Jason	5,360 91	246,371 88	9,080 36	261,448 25
Lehigh	3,982 30	258,740 88	5,697 52	268,420 70
Mahopac	9,698 69	306,555 07	17,314 53	333,568 29
Manhattan	1,866 09	305,030 36	20,718 74	327,615 19
Montauk	1,192 20	265,150 14	5,987 38	272,329 72
Nahant	5,511 54	233,199 94	6,756 30	245,467 78
Nantucket	1,791 88	202,463 89	771 38	205,027 15
Passaic	5,037 52	277,787 87	12,464 36	295,289 75
Saugus	23,421 18	239,035 24	3,313 76	265,770 18
Wyandotte		249,281 65	7,543 69	256,825 34
Total	105,364 65	3,965,776 49	165,768 94	3,965,776 49

APPENDIX No. 3.

Statement showing cost of repairs on vessels not included, in answer to Hewitt's resolution.

Saratoga	$21,443 95
	3,279 50
America	10,342 45
	3,048 99
Mahongo	3,708 20
Severn	11,566 70
	5,902 91
Idaho	7,776 19
Periwinkle	98,135 04
Relief	6,211 51
Macedonian	19,533 84
New Hampshire	14,909 40
Constitution	85,285 76
California	21,656 97
	4,935 47
Portsmouth	44,800 94
	16,663 74
Jamestown	9,913 45
	27,077 75
Sabine	58,298 81
	42,531 22
Dale	5,477 35
Seminole	21,808 45
Saginaw	7,791 08
Saint Mary's	150,054 38
	9,430 54
Monterey	4,682 84
	6,083 39
	32,376 82
Independence	18,578 02
	5,847 20
	159,772 23
	14,312 47
Saranac	8,421 10
	3,438 01
Savannah	13,910 49
	34,017 44
Resaca	82,733 22
Supply	19,932 47
Cyane	12,893 31
	9,115 79
Pawnee	51,218 60
	49,900 71
Guerriere	131,879 19
	150,928 25
Constellation	17,154 02
	22,348 28
	5,082 73
Dacotah	26,729 17
Guard	21,026 40
	5,538 62
	6,282 46

APPENDIX No. 4.

Statement showing cost of repairs on vessels named. (*See Harris's report.*)

Vessel.	1865-'69.	1869-'77.	1877-'81.	Total.
Antietam		$2,135 70	$15,657 64	$17,793 34
Colorado	$241,939 53	748,502 81	68,793 09	1,059,235 43
Dispatch		83,142 45	100,834 24	183,976 69
Franklin	200,155 03	405,283 16	124,951 10	730,384 29
Intrepid		353,031 12	3,931 15	356,962 27
Iowa	43,950 83	10,520 57	3,986 54	58,457 94
Minnesota	334,407 48	716,214 28	119,773 57	1,170,455 33
Michigan	45,473 02	40,790 66	8,954 90	95,218 58
New York				
Wabash	71,114 07	959,816 93	44,305 47	1,075,236 47
Tallapoosa	63,842 37	211,768 76	227,839 48	503,450 61
Total	1,000,942 33	3,531,205 44	719,033 18	5,251,180 95

APPENDIX No. 5.

[Extract from Harris's report.]

The Naval Register last issued brings official information concerning the Navy down to January 1, 1882. The list of one hundred and forty vessels there given is made up of the following classes:

Steam-vessels:	
First-rates	13
Second-rates	20
Third-rates	27
Fourth-rates, including two torpedo-boats	8
Total	68

Sailing-vessels:	
Second-rates	4
Third-rates, first-class	6
Third-rates, second-class	8
Fourth-rates	5
Total	23
Iron-clads	24
Tugs	25
Total number of vessels of all classes	140

On the 10th day of January last this committee made a report (No. 139) to the House on the subject of the bill (H. R. No. 677) entitled "A bill to provide a permanent construction fund for the Navy, and for other purposes," in which they give a list of eight steam-vessels which are unfinished on the stocks in the navy-yards, rotten and utterly worthless. That list is as follows:

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
Connecticut	1867	21	2,869	4,450	Boston navy-yard.
Pennsylvania	1867	22	2,490	4,000	Boston navy-yard.
Java	1867	21	2,490	4,000	New York navy-yard.
Colossus	1867	4	2,127	.....	New York navy-yard.
Massachusetts	1867	4	2,127	.....	Portsmouth, N. H.
Oregon	1867	4	2,127	.....	Boston navy-yard.
Virginia	1818	.....	2,600	4,150	Boston, partly cut down.
New Orleans	1818	.....	.....	4,150	Sackett's Harbor.

Another list is given of fourteen vessels, which includes only worn-out, obsolete, and worthless vessels, which it would be shameless folly and unpardonable extravagance to attempt to repair, having no possible present or prospective use, and which cost annually a considerable sum to guard and save from depredation by harbor thieves. That list is appended:

STEAM-VESSELS.

Names.	Age.	Guns.	Tonnage.	Displacement.	Location.
FIRST RATE.					
Niagara	1855	12	2,958	5,440	Boston navy-yard.
Florida	1864	12	2,135	4,220	New London navy-yard.
SECOND RATE.					
Susquehanna	1850	23	2,213	3,980	New York navy-yard.
Congress	1867	16	2,000	3,050	Portsmouth, N. H., navy-yard.
Worcester	1867	13	2,000	3,150	Norfolk navy-yard.
Benicia	1867	12	1,122	2,400	Mare Island navy-yard.
Canandaigua	1862	9	955	2,130	Norfolk navy-yard.
Monongahela	1862	9	960	2,100	Mare Island navy-yard.
THIRD RATE.					
Narragansett	1858	5	566	1,235	Mare Island navy-yard.
Kansas	1863	3	410	900	Portsmouth, N. H., navy-yard.
Saco	1863	3	410	900	Mare Island navy-yard.
Nyack	1863	3	410	900	Mare Island navy-yard.
Shawmut	1863	3	410	900	Norfolk navy-yard.
FOURTH RATE.					
Frolic, (purchased)	1864	8	614	1,300	Washington, D. C., navy-yard.

Still another list is given which includes eight old sailing-ships and two iron-clads, all of which, with perhaps the exception of the iron-clad Dictator, are utterly worthless for naval purposes and wholly unworthy of repair. That list is as follows:

SAILING-VESSELS.

Ohio	1820	5	2,700	4,250	Boston navy-yard.
Constitution	1797 and 1876	6	1,335	2,200	League Island navy-yard.
Sabine	1855	22	1,475	2,450	Portsmouth, N. H., navy-yard.
Savannah	1842	.....	1,475	2,330	Norfolk navy-yard.
Cyane	1837	2	695	950	Mare Island navy-yard.
Guard, (purchased)	.....	2	925	.....	Portsmouth, N. H., navy-yard.
Relief	1836	2	468	.....	Washington, D. C., navy-yard.
Supply	1846	2	547	.....	League Island navy-yard.
Dictator	.....	2	1,750	4,500	League Island navy-yard.
Roanoke	.....	6	2,260	.....	Chester, Pa.

Of the twenty-five "tugs, &c.," borne on the Naval Register, the committee estimate that at least ten are worn out and useless and which should be sold or demolished. If the committee are correct in their estimate, here are forty-two out of one hundred and forty vessels of all classes whose names appear as part of the "Navy of the United States," representing not only no naval power whatever but which can hereafter serve no useful purpose, and which are, moreover, a constant drain on the appropriations for the support of the Navy, and a consequent loss to the Government to the extent of the cost of their protection, which aggregates annually no small sum.

As an illustration, we may take the case of the Niagara, at Boston, which has been tied up to her dock, a worthless hulk, since the attempt to repair her, nearly or quite eighteen years ago, was abandoned. She has cost for her care alone since that time more than $98,000, and it is doubtful if she is worth to-day or will bring $25,000 at auction. Other instances of the same kind are numerous, and the statistics on that subject are in preparation and will be laid before Congress. We regret that we are unable to present them in this report for want of time for their completion.

From the list of one hundred and forty vessels whose names are borne on the Register, forty-two thus fall out at once, without question or doubt, and we are left with a total Navy of only ninety-eight vessels of all classes. But this does not by any means tell the story of our naval weakness, for of these ninety-eight fifteen are but navy-yard tugs, which are not serviceable for war purposes. We therefore treat them as tools, useful in navy-yards and naval stations, as are other tools and machines, as a part of the plant rather than as vessels of the Navy, and we strike them out of the ninety-eight, leaving only eighty-three as the total number of our vessels of the Navy capable of service.

But our humiliation is not yet complete. Of these eighty-three fourteen are old sailing-vessels of a bygone age and of an outgrown and abandoned system. We give their names, ages, tonnage, guns, and their present location and use:

Name.	When built.	No. of guns.	Tonnage.	Displacement.	Location and use.
New Hampshire	1818	15	2,600	4,150	Repairing at Norfolk for training-ship for boys.
Vermont	1848	19	2,400	4,150	Receiving-ship at New York.
Constellation	1797 and 1854	10	1,236	1,886	Practice-ship at Naval Academy.
Independence	1814	22	1,891	3,270	Receiving-ship at Mare Island, California.
Santee	1855	48	1,475	2,430	Gunnery-ship at Naval Academy, Annapolis, Maryland.
Portsmouth	1843	12	846	1,125	Apprentice training-ship.
Jamestown	1844	12	888	1,150	Fitting for apprentice training-ship.
Saratoga	1843	12	757	1,025	Training-ship at Washington; a hulk.
Saint Louis	1828	.....	431	830	Receiving-ship at League Island, Pa.
Saint Mary's	1844	8	766	1,025	Public Marine School, New York. Lent to that State.
Dale	1839	8	320	675	Practice-ship at Naval Academy, Annapolis, Maryland.
Pawnee	1858	.....	872	1,650	Store-ship at Port Royal
Onward	(*)	3	704	.....	Store-ship at Callao, Peru.
Freda	(*)	.....	.....	.....	Mare Island, California

*Purchased.

By deducting these our list falls from 83 to 69. These 69 include steam-vessels only and were intended for war purposes. This number must be again reduced by withdrawing the name of the Arctic ship Rogers, which was purchased for and sent out on the humane mission of rescuing lost Arctic explorers, and the names of four double-turreted iron-clad monitors, now on the stocks in the private yards of contractors at Wilmington, Chester, Philadelphia, and Mare Island, with the question of their fate still undecided, namely: Amphitrite, Puritan, Terror, and Monadnock; and also the name of the Miantonomoh, now afloat at League Island, Pennsylvania, new and in perfect condition and ready for sea; except that having neither turrets nor guns she has no excuse for going to sea. With this reduction our list falls to 63. But if we seek our present real naval power for active service at sea we must continue this dissolving view. The following table gives the names, ages, displacement, tonnage, guns, and present use of several steam-vessels of the Navy, some of which are not in present condition for service, some of which can never be made so, and all of which are of very doubtful value to the service:

Name.	When built.	Guns.	Tonnage.	Displacement.	Present location, condition and use.
Franklin	1854	39	3,173	5,170	Receiving-ship at Norfolk.
Colorado	1855	46	3,032	4,700	Receiving-ship at New York
Minnesota	1855	46	3,000	4,700	Training-ship at Newport Rhode Island.
Wabash	1854	45	3,000	4,650	Receiving-ship at Boston.
New York	1865	21	2,490	4,070	A frame on the stocks at New York; live oak; worthy of being finished.
Iowa	1865	25	2,019	4,000	Probably worthless; at Boston; machinery taken out; white oak; built at close of the war; very fast; did no service.
Antietam	1865	21	2,490	4,000	A mere hulk; at League Island; white oak; launched in 1874; used as store-ship and marine barracks; no machinery on board.
Michigan	1844	8	450	685	Iron paddle-wheel lake boat at Erie, Pa.; should give place to a vessel of war to fill treaty rights of United States.
Tallapoosa	1863 and 1874	2	650	1,270	A transport used by Navy Department; lately repaired; a good vessel and useful to the Government in this service.
Dispatch	Purchased.	4	730	.....	A mere dispatch vessel; a purchased pleasure yacht; fast, and useful to the Government in this service.
Intrepid	1870	.....	311	800	Built for torpedo service; strong and able, but too slow; could be made useful if completed; no torpedo machinery on board.

It is manifest that these vessels can be of little if any practical service in actual war, and we deduct them from our list, which reduces the Navy to fifty-two. But of this reduced number 14 are of the single-turreted monitor class, not suited for cruising service, and only to be relied upon for coast and harbor defense. They are good vessels of their class, have been rebuilt of iron, or rather have had their old wooden beams replaced with iron since the war. Whether good or bad, they are all we have in the nature of iron-clad harbor defenders afloat and armed, and yet there is not one breech-loading rifled gun of any size in the entire fleet. They are all armed with smooth-bore guns of large caliber, but of small power and short range. They did good service during the war in a contest with an enemy which had no navy. Some of them bear the scars of war, and are objects of respect and

veneration, but it is unsafe longer to rely on them as our sole defense against the powerful navies of modern times. They are all classed as fourth-rates, and are as follows, with their guns, tonnage, &c.:

Name.	When built.	Guns.	Tonnage.	Displacement.	Location.
Ajax	1865	2	550	2,100	City Point, James River.
Canonicus	1864	2	550	2,100	Navy-yard, Pensacola.
Camanche	1865	2	496	1,875	In ordinary, Mare Island, California.
Catskill	1863	2	496	1,875	City Point.
Jason	1863	2	496	1,875	League Island, Pennsylvania.
Lehigh	1866	2	496	1,875	City Point.
Mahopac	1864	2	550	2,100	City Point.
Manhattan	1864	2	550	2,100	City Point.
Montauk	1863	2	496	1,875	In commission, Washington.
Nahant	1863	2	496	1,875	League Island.
Nantucket	1863	2	496	1,875	Annapolis, Maryland.
Passaic	1862	2	946	1,875	Receiving-ship, Washington.
Sangus	1864	2	550	2,100	Laid up at Washington.
Wyandotte	1866	2	550	2,100	In commission, Washington.

We have now left to account for only thirty-eight vessels, and in this number is to be found all the naval power for ocean service of the United States. We annex a table of these thirty-eight vessels, their ages, tonnage, displacement, and guns, their present service, or location, if out of active service. We give them by classes as they stand in the Register:

Name.	When built.	Tonnage.	Displacement.	No. of guns.	Kind of guns.	Service.
FIRST RATE.						
Tennessee	1863	2,840	4,840	21	18 s. b., *3 rifle.	Flag-ship, North Atlantic squadron.
SECOND RATE.						
Powhatan	1850	2,182	3,980	16	14 s. b., 2 rifle.	Paddle-wheel, on special duty.
Trenton	1876	2,300	3,800	11	11 8-inch rifle.	Out of commission, at New York.
Lancaster	1858	2,120	3,250	20	20 s. b	Lately repaired, European station.
Brooklyn	1858	2,000	3,000	18	16 s. b., 2 rifle.	Flag-ship, South Atlantic station, *en route.*
Pensacola	1858	2,000	3,000	22	20 s. b., 2 rifle.	Flag-ship, Pacific station.
Hartford	1858	2,000	2,900	16		Rebuilding, at Boston; to have rifled 8-inch converted.
Richmond	1858	2,000	2,700	14	12 s. b., 2 rifle.	Flag-ship, Asiatic squadron.
Alaska	1867	1,122	2,400	12	10 s. b., 2 rifle.	Pacific station.
Omaha	1869	1,122	2,400	12	12 s. b.	Repairing at Portsmouth, N. H.
Plymouth	1867	1,122	2,400	12	12 s. b	Repairing at Portsmouth, N. H.
Lackawanna	1862	1,026	2,220	9	6 s. b., 3 rifle.	Pacific station.
Ticonderoga	1862	1,019	2,220	9	6 s. b., 3 rifle.	Lately returned to New York.
Vandalia	1874	981	2,080	8	7 s. b., 1 rifle.	North Atlantic squadron.
Shenandoah	1862	929	2,100	9	6 s. b., 3 rifle.	Flag-ship South Atlantic squadron.
THIRD RATE.						
Juniata	1862	828	1,900	8	7 s. b., 1 rifle.	Repairing, at New York; nearly complete.
Ossipee	1861	828	1,900	8	8 s. b	Repairing, at League Island.
Quinnebang	1866	910	1,900	8	6 s. b., 2 rifle.	European station.
Swatara	1865	910	1,900	8	7 s. b., 1 rifle.	Asiatic squadron.
Marion	1874	910	1,900	8	7 s. b., 1 rifle.	S'th Atlantic squadron.
Mohican	1858	910	1,900	8	7 s. b., 1 rifle.	Repairing, at Mare Island, California.
Iroquois	1858	695	1,575	7	7 s. b., 1 rifle.	Repairing, at Mare Island, California.
Wachusett	1861	695	1,575	7	6 s. b., 1 rifle.	Pacific station.
Wyoming	1858	726	1,560	7	6 s. b., 1 rifle.	Naval station, Port Royal.
Galena	1862	910	1,900	8	7 s. b., 1 rifle.	European station.
Tuscarora	1861	726	1,560	7	6 s. b., 1 rifle.	Repairing, at Mare Island, California.
Kearsarge	1861	695	1,550	7	6 s. b., 1 rifle.	North Atlantic station.
Adams	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Alliance	1874	615	1,375	6	5 s. b., 1 rifle.	Lately returned from Arctic voyage.
Essex	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Enterprise	1874	615	1,375	6	5 s. b., 1 rifle.	North Atlantic station.
Nipsic	1863 and 1879	615	1,375	8	6 s. b., 2 rifle.	European station.
Ashuelot	1865	786	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Monocacy	1866	747	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Alert	1874	541	1,020	4	3 s. b., 1 rifle.	Asiatic station.
Ranger	1874	541	1,020	4	3 s. b., 1 rifle.	On surveying duty in the Pacific.
Yantic	1864	410	900	5	4 s. b., 1 rifle.	North Atlantic station.
FOURTH RATE.						
Alarm	1873	311	1,550	1	1 s. b., 15-inch	In commission, at Washington.

It may seem useless to further point out the weakness of our Navy, but it is best that the whole truth be known now, so that we who have the responsibility for the future peace and safety of the country upon us may have the perils and dangers of neglect of present duty clearly before us. A careful examination of the last table, in which is displayed the whole of our offensive naval power, will satisfy any person that many of the vessels there named are old and nearly worn out, slow in speed, feeble in offensive power, and utterly deficient in defensive power, even in the power of running away from danger, and which, when war comes, will only be safe behind fortifications or unapproachable harbors.

APPENDIX No. 6.

Statement showing cost of repairs on vessels named. (See Harris's report.)

Vessels.	1865–'69.	1869–'77.	1877–'81.	Totals.
Benicia	$27,720 13	$301,862 56	$12,005 85	$341,588 54
Canandaigua	60,167 26	533,351 76	70,223 31	663,743 33
Congress	58,690 89	223,106 48	1,085 45	282,882 82
Florida	101,400 24	157,596 67	61 86	254,058 77
Frolic	3,020 19	270,231 60	1,077 62	274,329 41
Kansas	3,281 62	310,472 94	955 44	314,710 00
Monongahela	96,197 44	697,462 87	102,206 13	895,866 44
Narragansett	129,673 68	219,917 12	92 58	349,683 38
Niagara	99,158 51	45,222 59	3,121 95	147,503 05
Nyack	14,715 79	9,688 26	8 40	24,412 45
Shawmut	58,114 84	401,822 53	381 48	460,318 85
Susquehanna	84,845 03	14,882 56		99,727 59
Saco	64,748 03	261,218 01	43,911 30	369,877 34
Worcester	64,172 84	303,301 15		367,473 99
Total	865,906 49	3,750,137 10	235,131 37	4,851,174 96

APPENDIX No. 7.

Statement showing cost of repairs on vessels named. (See Harris's report.)

Vessels.	1865–'69.	1869–'77.	1877–'81.	Total.
Connecticut	$34,731 13	$635 50		$35,366 63
Java		299 10		299 10
Massachusetts	4,195 79	1,373 61	$126 12	5,695 52
Oregon	6,493 74	1,299 92		7,793 66
Pennsylvania	13,186 26	689 96		13,876 02
Virginia	(?)	(?)		(?)
New Orleans	(?)	(?)		(?)
Total	58,606 92	4,297 89	126 12	63,030 93

APPENDIX No. 9.

Statement showing cost of repairs not given on vessels named in answer to Hewitt's resolution.

Vessels.	Porter.	Hanscom.
Galena	$5,226 70	$268,623 18
Miantonomoh	36,965 70	259,000 00
	57,813 42	
Terror	48,222 34	159,800 00
	29,748 09	
Monadnock	16,586 17	194,869 05
Tallapoosa	17,364 56	6,112 03
		200,692 00
Nipsic	51,073 00	152,929 00
Quinnebaug		305,407 59
Marion		427,493 56
Vandalia		589,948 43
Amphitrite		97,200 00
Puritan		227,500 00
Yantic	11,941 06	171,830 05
Total, (Porter and Hanscom)	3,336,346 83	

APPENDIX No. 10.

Extract from letter of Secretary Robeson to Henry Clews, in relation to selection of Jay Cooke as fiscal agent of the Government at London. (See Brooklyn testimony, Forty-fourth Congress; investigation of the Navy Department, page 260, volume 3:)

NAVY DEPARTMENT,
Washington, May 23, 1871.

MY DEAR CLEWS: I have your letter of the 19th instant, in regard to the appointment of a fiscal agent of the Government abroad. I am sorry I was absent when you were here, for I could have explained to you personally much more fully and satisfactorily the situation of this matter. The truth is that the Navy Department really has no fiscal agent abroad, but has hitherto kept its accounts with Baring Brothers & Co., of London. This account I transferred about the 1st of the month to Jay Cooke's house abroad. This I did for the broadest political as well as financial reasons, looking to the good of the service abroad, as well as the strengthening of the party and the Administra ion at home.

The house of Jay Cooke & Co. has, as you know, large and extended interests and influence throughout the country. Their connection and influence with the national banks; with the Pennsylvania Railroad, which controls the State of Pennsylvania, and which, absorbing the Camden and Amboy Railroad, now controls New Jersey, and stretches from its western terminus across many of the Western States far toward the Pacific; their interest in the Northern Pacific, and their general interest in the country, make them very powerful friends when actively interested in the success of the Administration, and dangerous enemies in vital localities when indifferent or unfriendly.

* * * * * *

Very truly, your friend,

GEO. M. ROBESON.

[During the delivery of the foregoing remarks the hammer fell.

Mr. ELLIS. I suggest that the gentleman's time be extended by unanimous consent; and I will ask the same courtesy for the other side when the reply shall come.

Mr. HISCOCK. How long does the gentleman want?

Mr. BOWMAN. Will the gentleman allow me in all courtesy to say that because the time for the discussion of this bill has been limited against the wishes of many on this side of the House as well as of many gentlemen on the other side, to ask whether he would print the rest of his remarks, or if it would be equally satisfactory to him to do so? I only throw this out as a suggestion in view of the fact I have stated.

Mr. HARRIS, of Massachusetts. I hope the time of the gentleman will be extended, and an equal extension given to this side of the House.

Mr. McMILLIN. Certainly.

Mr. HISCOCK. The time for general debate is limited——

Mr. HARRIS, of Massachusetts. I hope unanimous consent will be given——

The CHAIRMAN. How much time does the gentleman propose?

Mr. ELLIS. I should suggest half an hour's additional time be allowed.

Mr. BOWMAN. If the time allowed for debate can be extended beyond two o'clock to-morrow, then I should not object to an extension of half an hour.

Mr. ROBESON. I hope the time will be given.

Mr. STEELE. I object if the extension continues the debate beyond two o'clock to-morrow.

Mr. BOWMAN. I am perfectly willing that the gentleman from Tennessee shall go on if he does not wish to print the remainder of his remarks; but it is apparent that it takes half an hour away from some other gentleman who has not yet had an opportunity of being heard.

Mr. ELLIS. I hope the extension of time will be given, and there will be no question as to the extension of an equal length of time to gentlemen on the other side.

Mr. CANNON. I want to ask if there is anybody who wishes to say anything on this bill?

Mr. BOWMAN. I know some gentlemen on this side of the House who do.

The CHAIRMAN. The Chair hears no objection to the request that the gentleman be allowed to continue for half an hour.

Mr. STEELE. With the understanding that this does not extend the time beyond two o'clock to-morrow.

The CHAIRMAN. It cannot be extended beyond that time unless by order of the House; the committee cannot do it. The gentleman from Tennessee will proceed.

Mr. WHITTHORNE then resumed and concluded his remarks as above.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries.

The message also announced the approval of bills and joint resolutions of the following titles:

An act (H. R. No. 2313) authorizing the Sioux City and Pacific Railroad Company to construct and maintain a bridge over the Missouri River;

An act (H. R. No. 6410) to amend section 2 of an act entitled "An act to provide for the sale of the lands of the Miami Indians in Kansas," approved May 15, 1882;

An act (H. R. No. 6335) authorizing the national bank of Kutztown to change its location and name;

Joint resolution (H. R. No. 229) authorizing the Secretary of War to turn over to the governor of Minnesota such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment;

An act (H. R. No. 4842) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia;

An act (H. R. No. 4710) to vacate a certain part of Rock street in Georgetown, in the District of Columbia; and

Joint resolution (H. R. No. 239) making an appropriation to continue the work of observation and exploration in the Arctic seas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment House bills and joint resolution of the following titles:

Joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington;

A bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooker, in the States of Georgia and Florida; and

A bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington.

The message also informed the House that the Senate had agreed to the reports of the conference committees on the disagreeing votes of the two Houses on the bill (H. R. No. 5664) making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes; and

The bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message further announced that the Senate had passed a bill and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

Joint resolution (S. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary;

Joint resolution (S. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary; and

A bill (S. 1963) to attach the parishes of Saint Mary's and Iberia, in the State of Louisiana, to the western judicial district of Louisiana.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. O'NEILL. Mr. Chairman, I hoped when the time of the gentleman from Tennessee [Mr. WHITTHORNE] was extended he would address some of his remarks to this committee in reference to some provisions in the bill which some of us are opposed to. I supposed when he rose to speak this morning he was going to persuade the committee that certain provisions contained in the bill should not be adopted. Instead of that, in place of discussing the bill itself, he has given us his history of the Navy for the last ten or twelve or fourteen years. I suppose to himself it is very interesting. He may have rewritten his speech or not; I do not know; but at all events he has not helped those of us who wish to have certain provisions of the bill stricken out.

Now, at the close of his address he mentioned the name of a gentleman, Mr. Cattell, whose acquaintance I have enjoyed during many years of my life, and the abuse of whom comes with a bad grace from the gentleman from Tennessee. He has no right here in this committee to arraign the character of any gentleman who has done business with the Government Departments and who is not present to defend himself. I protest against it.

Mr. Chairman, this appropriation bill does not appropriate a very extraordinarily large amount. The aggregate is something over $15,000,000. That aggregate is reached in a very peculiar way, for the amounts submitted by the Navy Department through the Secretary of the Treasury in his letter of estimates as to what would be required for carrying on the business of the Department for the next fiscal year have been very largely cut down, the general rule of the Committee on Appropriations being that all the estimates must be reduced in the appropriation bills reported by that committee. While I have been ready to co-operate with the Committee on Appropriations in the interest of proper economy in expenditures of the Government, I am not one of those who adhere closely to the idea of that kind of reform which is a hinderance to the operations of the Departments or which impairs their usefulness. Hence, I object to many of the provisions contained in this bill; and while it should have remained simply an appropriation bill, it has in it much new legislation, more, I may be permitted to say, than any other appropriation bill for the Navy Department I have ever known.

Now, sir, I am opposed to that provision, in the first instance, which seems to lodge absolutely in the discretion of the Secretary of the Navy the power to close certain of the navy-yards, or rather to take from certain of the navy-yards work which usually would be done in them. I have not heard of any letter communicated to this House from the Secretary of the Navy asking for such power. I do not know what his ultimate idea may be, or what conclusion he may have reached in connection with this subject; but it has never been communicated to the House in any public manner, and I do not believe in giving him the power to begin to take one step in the way of abolishing navy-yards by showing a preference of one over the other as to doing or not doing work in any particular yard, which the adoption of this proposition would certainly allow.

Of course I do not mean to be understood as asserting that this bill or that this provision of the bill abolishes certain navy-yards. My whole point is this, that through this bill there is an effort made to put an absolute power in the hands of the Secretary of the Navy to shut up whatever navy-yards he may see fit; in other words, to take from certain navy-yards the work which should be sent to them and give that work to other yards which might be selected by him. Now, I ask the gentleman who has reported this bill whether he does not know to-day that there is a power of that kind lodged in the Secretary of the Navy; not a power so absolute that he can take from one navy-yard the entire work going on and give it to another, but does he not know it is in the power of the Secretary of the Navy to-day when a ship comes off a cruise to say into what navy-yard it shall go to be repaired?

Hence I fear we do not understand thoroughly this provision of the bill. The Secretary of the Navy, when a vessel comes off a cruise which has to be repaired, orders absolutely what navy-yard that vessel shall go to to have those repairs made. He has always had that power, and no one knows better than the gentleman from New Jersey himself, because he may recollect when he was Secretary he had many a visit from me to ask him to have a vessel or vessels sent

to the League Island navy-yard that the skilled laborers and mechanics of Philadelphia might have an opportunity of doing work—work unsurpassed by the work of any laborers or mechanics in the country. I say there is power enough now in that direction in the Secretary of the Navy. He also now can direct in which of the navy-yards new ships shall be built, but Congress I think will not be inclined by such radical legislation as is here proposed to grant in these respects additional power to that already vested. I do not want this power extended in the slightest degree. In other words, I want to see this provision stricken out of the bill. The next proviso here is also very remarkable:

Provided further, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting, and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard.

We are asked here to legislate to maintain these two navy-yards. That is, we are giving to the Secretary the idea that those yards must be retained for some purpose or other. I do not believe, however, that the retention of the Boston navy-yard for the purposes of a rope-walk will be satisfactory to the gentleman representing the locality in which that navy-yard is situated. I do not know about the Washington navy-yard. I do not know what the wishes of the officers of the Navy and the people who are interested in it may be.

Mr. ATKINS. May I ask the gentleman from Pennsylvania a question?

Mr. O'NEILL. Yes, sir.

Mr. ATKINS. Does the gentleman not believe there are more navy-yards than are necessary?

Mr. O'NEILL. Mr. Chairman, that is rather a pointed question, but I will answer it.

Mr. ATKINS. Is not the legislation proposed by this bill what the people want?

Mr. O'NEILL. No, sir; the legislation of Congress for the past twenty years on this subject was the legislation demanded by circumstances as they arose, and has been the legislation that the people wanted. Now, what does the gentleman think of that answer?

Mr. ATKINS. I think it is a very poor answer to my question. I do not think it is an answer at all.

Mr. O'NEILL. No doubt the gentleman thinks it is a very poor answer. But I recollect the day when every navy-yard open in this country was wanted, and when it was used, and used well, and used according to the wishes of the people of the country.

Mr. ATKINS. I will ask the gentleman from Pennsylvania another question, if he will permit me. Does he not believe the naval authorities are better qualified to decide what are the wants of the service as to the number of navy-yards and where they should be located than either he or I?

Mr. O'NEILL. Whom do you mean by the naval authorities?

Mr. ATKINS. I mean the Secretary of the Navy, with all the sources of instruction from naval officers at his command.

Mr. O'NEILL. No, sir.

Mr. ATKINS. And the President of the United States, who is the commander of the Army and the Navy.

Mr. O'NEILL. No, sir; I will take any individual man who has been Secretary of the Navy and any individual officer of the Navy, and I will not yield to him that he has a better idea of where a navy-yard should be or what a navy-yard should be than I, as a member of the House of Representatives, or any other member of the House of Representatives. I claim that a member of this House has as good judgment as any gentleman who has ever been Secretary of the Navy or any man who has been an officer of the Navy.

Mr. ATKINS. If it will not interrupt my friend from Philadelphia, I should like to ask him another question.

Mr. O'NEILL. It does not annoy me at all to be interrupted; I rather like it.

Mr. ATKINS. My question is one pertinent to this bill. We ought to understand what we are to do about this bill. Does the gentleman believe if this House should conclude there are too many navy-yards this House should strike out certain navy-yards and order certain others to be retained?

Mr. O'NEILL. Why, Mr. Chairman, I have to obey the mandates of this House. Whatever legislation this Congress or this House of Representatives proposes and carries through, though I may be opposed to it, as I would be opposed to abolishing any navy-yards, of course I would have to yield to the law of the land. But so long as I have a voice in this committee, and on the floor of the House, I will stand here and protest against abolishing navy-yards which have cost the Government a great deal of money to properly prepare for naval purposes and which the Government in accepting property as gifts from certain localities for navy-yards has in all equitable construction of the laws under which the property was accepted pledged the donors that navy-yards should be maintained thereon.

The gentleman who reported this bill is exceedingly able to defend himself, and I do not propose to undertake his defense in any particular. I only want to say something to him just here.

The day was, while he was performing the duties of the Secretaryship of the Navy, when every navy-yard upon the Atlantic coast showed its great usefulness and its great convenience. No one knows it better than he does. I need not tell him when that was. We all recollect very well the Virginius excitement. Many of us were here at the time. I only want to say to the gentleman who reported this bill, the ex-Secretary of the Navy, that even in the midst of war, yes, even in the midst of the rebellion, no man who ever occupied that position ever did more for the honor and credit of the country than he did when he asked for and expended $4,000,000 in fitting up a navy the best he could to show the Government of Spain that we would protect our rights, and his patriotic exertions in preparing vessels for active duty almost of itself prevented then a war with that power.

It was one of the crowning honors he was permitted to have placed on his brow in the midst of his administration, so patriotic and so noble, of the Navy Department of the Government. Then every navy-yard on the Atlantic coast was of service to the Government—at Portsmouth, at Boston, at New London, at Norfolk, at Philadelphia, at Pensacola—and so they may be again.

But I am getting away to a certain extent from the provisions of the bill. I do not say that the bill proposes to legislate out of use these navy-yards; but it is a step in that direction. I want to warn my colleagues and other gentlemen in the Committee of the Whole to beware how they vote to put this power into the hands of the Secretary of the Navy, who has never asked it of this committee or of the Committee on Appropriations.

I will say here that I have studied the history of our Navy a great deal. I have looked a great deal into the management of the Navy Department. It has been one of the Departments of the Government where it has been my privilege and my pleasure to go time and again, more often perhaps, or as often as any member on this floor.

I desire to say that if the administration of that Department, such as we have had for the last five years, had been allowed to go on much longer we would have had no Navy at all. We have not much of a Navy as it is; but if the ideas of the two last occupants of that Department had been continued much longer our Navy would have been dwindled to nothing. They either had not the courage to ask for appropriations whereby they could begin to build up a Navy or to renew our Navy, or they seemed to fear and tremble when they were called upon to expend a dollar for the purpose of making the Navy even what under the appropriations granted, or which should have been urgently asked for, an American Navy should have been.

I am glad that to-day we have a man of energy at the head of that Department, a man of business tact, a man who I know will conduct his administration in a way that will gratify and satisfy the American people. I do not intend to say much more upon this bill. I want to give an opportunity out of my time to my friend from Massachusetts [Mr. BOWMAN] to speak. I would like to hear from twenty-five or thirty other gentlemen who represent portions of this country in which navy-yards are located. I would like to hear their sentiments, because I know that they each of them represent the sentiments of the people.

The people of the country will be shocked when the day comes that any of these navy-yards are abolished, after the expenditure of money upon them and their uses in the past of which we all know; shocked because they know the day may come when these navy-yards may be useful again. They are so located that everything that goes into the building of ships can be found almost upon its native soil, so to speak.

Let the navy-yards remain where they are; the navy-yards as we have them to-day. There may not be opportunities of getting such locations again. I do not know but there may be an idea in the minds of some of establishing some new navy-yard. I do not care about that. Let us hold on to what we have, and do not by adopting this section step over a threshold which may lead to the abolition of most of the navy-yards of the country.

Do we not want navy-yards on the Atlantic coast? Suppose that the navy-yards should be reduced to those at Brooklyn and at League Island. Of course I know that never by the vote of Congress will the League Island navy-yard be abolished. And then there are the navy-yards at Norfolk and Mare Island which Congress would not abandon. Why should we not have a navy-yard at Portsmouth and at New London? We cannot do without those which have been established and are in operation. They all have been carefully selected and are judiciously located.

I feel very warmly on this subject. I believe in a navy. I do not believe in the idea advocated by my colleague on the Committee on Appropriations, the gentleman from Tennessee, [Mr. ATKINS.] I believe that this country could and should sustain a great navy. I do not know that it is necessary for us to rank as the greatest naval power of the earth, but 50,000,000 of people in a country like ours I believe should have a navy commensurate with their greatness, their progress, and with the immensity of their commercial business interests. And I for one must object to another part of this bill, because it does not provide for finishing the five iron-clads. I think there should be in the bill an appropriation large enough to finish them. I do not know that it is necessary for me to go over their names; they are pretty hard names to get over, but I think I can do it. I mean the Monadnock, the Puritan, the Terror, the Miantonomoh, and the Amphitrite. I believe it ought to be considered the duty of this committee and of the House to appropriate sufficient money to finish those monitors and put them all in order.

As the gentleman who reported this bill has well said, they are

monitors and vessels of war which could almost destroy any vessel known in the world by their power and force.

I do not like to separate from the members of the Committee on Appropriations on this bill. It has been adopted by a large majority of that committee, almost every member in a general way. But I believe in being ever ready to protect the interests of this country, and that the American people are attached to the Navy. They like their naval heroes. They will never forget the heroes of all our wars who have graced the Navy of the United States and distinguished the country. I do not like many of the ideas which are contained in this bill, and which are entering-wedges for the destruction of certain navy-yards and for the reorganizing of the Navy, so as to legislate in a few years out of service men who have distinguished themselves greatly and who have helped to save us in our day of tribulation.

As I want my friend from Massachusetts [Mr. BOWMAN] to be heard, I will yield the remainder of my time to him.

Mr. BOWMAN. Although one of the largest and best equipped navy-yards of the United States is in the district which I have the honor to represent, I trust I shall be able to look at this question moved by no personal prejudices and by no local claims, but wholly in a public spirit. Before making the criticisms which I have to make upon this bill, I desire not only to disclaim any attack upon the distinguished gentleman [Mr. ROBESON] who reported the bill but to offer my tribute of respect to him, and that sympathy which he does not need in regard to any assaults made upon him. He enjoys to-day the title of which he may well be proud—the father of the American Navy; for if it had not been for him and the thirty ships which he set afloat, we should have nothing to-day deserving the name of a Navy. When it was necessary to take responsibility, he took it; he went forward boldly, and those ships were built, which are a credit to him and have been the only credit to the country on the seas, because they have been the only ships afloat that were worthy the name of ships. Whether he has made mistakes or not, he is worthy of the patriotic remembrance and consideration of the country for his services in this respect.

Mr. Chairman, I think that in this bill there are several objectionable features which merit the careful consideration of this House. I said before that the committee are hardly amenable to the charge of having ingrafted legislation upon an appropriation bill, because this seems to be a legislation bill with an appropriation bill ingrafted upon it. It reminds one of Lord Dundreary and his conundrum, "Why does a d-d-dog wag his tail? Because the t-t-tail is smaller than the d-d-dog. If the t-t-tail was larger than the d-d-dog, the t-t-tail would wag the d-d-dog instead of the d-d-dog wagging the t-t-tail." [Laughter.] This bill is in a similar position: the legislative part wags the appropriation part. Throughout it is a legislative bill, embracing new legislation which changes almost all the principles on which the Navy has heretofore been founded or carried on.

I now ask attention, Mr. Chairman, to what I think is a fair statement of the changes contemplated by this bill, or the policy of the bill. It may be considered under four heads:

First. An abandonment of the policy of repair, and leaving all our present vessels to go to destruction.

Second. The abandonment and closing up of one-half, at least, of our navy-yards.

Third. Giving all offices, both of the line and staff, to graduates of the Naval Academy, thus shutting out all civilians from the high offices in the Navy either of honor or profit.

Fourth. The new work contemplated to be done by contractors mostly, rather than in the navy-yards and by the workmen of the Government.

If we are prepared to establish these four general principles in regard to the Navy, then we shall be prepared to pass this appropriation bill, notwithstanding that it has ingrafted upon it these legislative feature, these changes, which properly ought to be made, if at all, by an independent bill.

I think it is not too much to say that it is a most extraordinary thing to have such vital and sweeping changes incorporated by way of legislation upon a mere appropriation bill, and this bill must have the same care and examination and criticism as if it were the bill for the reorganization of the Navy.

It might be interesting, if one had the time, to inquire why the Appropriation Committee should assume to itself the right of not only passing appropriation bills but taking upon itself the duties of other committees and reporting changes of law. "Upon what meat doth this our Cæsar feed, that he hath grown so great?"

Now, in regard to the first point, the abandonment of the policy of repair and the leaving all our present vessels to go to destruction; if I understand the theory of the committee it is that they wish new vessels to be built, but instead of perhaps frightening the country or alarming Congress by bringing in appropriations for the necessary additional amounts, they propose not to raise materially the appropriations, but to leave the navy-yards and the present vessels to go to ruin, and to use the money ordinarily necessary for their repair and preservation for the construction of new vessels.

During last year about $1,500,000 was used in the construction department alone in the necessary repairs of the vessels in the Navy, and this year it is proposed to allow only $400,000 to be so used. If the new construction scheme passes and becomes a law, I suppose it will be admitted that none of the new iron-clads can be set upon the water in less than a year and a half, or possibly two years, and in the mean while there are vessels, good vessels, vessels as good perhaps as any wooden vessels afloat, which need to be repaired, and for the repairs of which estimates have already been made by the boards of survey.

For example, the board of survey on the Trenton has reported $119,000 as necessary in construction alone. She is at New York and cannot go to sea until the work is done. She is one of the largest and best ships afloat. Shall that vessel be allowed to go to destruction when it only needs a comparatively small part of her cost to be expended in repairs?

The Adams, at Mare Island, is in commission and awaiting repairs, the cost of which is estimated by the board of survey at $17,000. These are repairs absolutely necessary to make her a good vessel. The Kearsarge is at Norfolk in commission, requiring five or six thousand dollars the coming year. The Vandalia, at Kittery, needs repairs amounting probably to $15,000; the Ticonderoga, at New York, about $60,000; the Juniata, at New York, about $10,000; the Omaha, at Kittery, about $40,000; the Ossipee, home from Samana Bay, about $4,000; the Swatara, lately from the East Indies, where she has been for five years, now in commission, about $5,000; the Marion, one of the best ships, I believe, afloat, and built by Secretary Robeson, lately from Brazil, about $60,000; the Monongahela, at California, about $50,000; the Ossipee, of League Island, about $25,000. That was not the Ossipee which I mentioned as home from Samana Bay, and I forget the name of that vessel. The Brooklyn, run down in the harbor of Montevideo, and under repair there, so that the bills must be paid, perhaps $20,000; the Alert, run down in the Chinese waters, about $10,000; the Richmond, under repair in the East Indies, about $5,000.

These I am informed are the correct figures.

Mr. HISCOCK. What is the aggregate?

Mr. BOWMAN. I have not footed up the aggregate.

Mr. ROBESON. Eight hundred thousand.

Mr. BOWMAN. Four hundred thousand dollars is the limit for repairs in this bill in the Construction Department. In the Construction Department alone for necessary repairs last year $1,500,000 were required. The repairs of this year, if they are carried out in the same way, will probably amount to as much as they did last year.

Here we have arrived for the first time, I believe, under an appropriation bill at a fork of the road where we are to decide which of two policies to adopt, and we are to say whether we will take this road and keep our vessels and our yards in reasonable repair, as we have done, or take the other road and course and abandon them and let them go to ruin and expend all our money in building up a new Navy and the construction of new iron-clads. In other words, although iron-clads are better, yet since we have vessels like the Trenton, Kearsarge, Vandalia, Ticonderoga, and others, which are as good as any wooden vessels, why should we not keep them in repair in the same way as we have heretofore done, and raise the money for the new iron-clads and for carrying out the new system of construction in the way which I understand was contemplated by the Naval Committee of this House in their construction bill and by an independent fund, to be raised partly by Congress and partly by selling old and condemned ships of war rotting at the navy-yards and not worth the cost per annum of the watchmen who have to take charge of them?

Now, if we allow these ships to remain as they are and do not carry out the system of repair, in a few years what will be the result? We may have one, two, or three iron-clads, but all our other ships, our cruisers, the vessels which are abroad in the Chinese and European waters and which do for cruising ships, if not available, or rather valuable, in time of war—all of these will have to disappear from the ocean. We will have only a few iron-clads until many years have passed, and then only provided Congress chooses to spend the money in future to build up a fleet of iron-clads. These would all have to be built up to take the place of the present wooden fleet.

Mr. HISCOCK. Has the gentleman any information that $800,000 is not enough for these repairs?

Mr. BOWMAN. I have this information, that the repairs necessary to be made on the ships that I have specified will cost as much during the coming year as the repairs of last year; that as many repairs must be made as during the last year, when $1,500,000 was spent in the construction department. We know that but few ships were repaired during the last year.

Mr. HISCOCK What I wish to know is whether the gentleman has any authority from any one connected with the Navy Department that more than $800,000 can be well spent in the next current year in the direction of repairs?

Mr. BOWMAN. Not being a member of the committee, not therefore receiving any official communications from the Navy Department, I have no authority and I do not pretend to speak by the record; and I only do what I suppose all of us have a right to do, and it is the only thing we can do, namely, bring our judgments to bear on these bills, examine these questions in the best way we can, get what information we can, and submit here to committee and to House whether we are correct or not. I believe, from all the information I can get, that as much money will be needed during the com-

ing year for repairs as during the last. I will ask the gentleman by and by, when he speaks on this question, to show us why there is not as much work to be done on all these and other vessels during the coming year as there was during the past year; and whether he does not contemplate abandoning some of these vessels and putting the money thus saved into this new scheme for the construction of new iron-clads.

Mr. HISCOCK. We do contemplate they shall be tested by the latter provisions of this bill, known as the provisions of the Harris bill. We do propose that vessels upon which repairs are to be made shall be tested by the provisions of that bill.

Mr. BOWMAN. Precisely, but I am informed that we have thirty-seven vessels afloat that are worth keeping afloat, known as first, second, and third rate vessels according to the Navy Register, and for the repairs of these thirty-seven vessels (the money being cut down from the estimate of $1,500,000, for instance, in the Bureau of Construction and Repair, to $400,000, and the working force, or civilian force I believe you call it, cut down one-half in the yards) it will not suffice, and this policy of repairing vessels then must be abandoned under this bill if it be adopted as it is, and that before the two years shall expire when the new iron-clads can be made available the present vessels worth repairing will have reached such a condition that the cost of repairing them will be largely in excess of what it would be at the present time even if they are then in a condition to be repaired at all. In other words, it seems to me the policy is something like that of the man who owns a house which is not quite a new house and perhaps not handsomely finished or as weather-tight or desirable as a house of more modern style, and he says to himself, "although this is a pretty good house; although it is a very comfortable home to live in, and it is in such a condition that I may use it for some purposes or even sell it if I want to, yet I will not put any repairs upon it; I will not change the roof so as to prevent leakage; I will not put in a pane of glass when broken out or a new sill which is rotting away, but I will let the house go to ruin and save the amount of money that I have heretofore put into it in the shape of repairs annually, and with that sum build a new house." Now, that, I say, may be the best policy with reference to the Navy.

I do not pretend to know; but it seems to me that we should, before entering upon that policy, give full consideration to the question as to whether it is the best policy before we adopt it, and that we cannot well give such consideration upon an appropriation bill and in the hurried, closing days of the session.

Mr. ROBESON. Will my friend allow me to make a suggestion to him in this connection?

Mr. BOWMAN. I will be glad to hear the gentleman's suggestion.

Mr. ROBESON. The gentleman from Massachusetts is right in his enumeration of the vessels that are worth repairing, with perhaps one or two exceptions; but the question is not whether they shall be allowed to go to pieces, but whether sufficient money shall be spent upon them during the coming year to keep them in good condition, and allow the Navy to go on with building modern iron or steel vessels, or whether these vessels shall be substantially rebuilt, so that at the end of five or six years we would have the same thing to go over again. Now, $400,000 appropriated for the Bureau of Construction and Repair, and $400,000 for steam engineering, making $800,000 in all, gives, on the principle of merely maintaining in their present condition, or perhaps of not permitting them to deteriorate, all that is necessary to keep the ships that are now afloat in order; and I am familiar with them all, for I have either built or rebuilt every one of them, contrary to law, perhaps, but still I did it, and it is too late to impeach me now. [Laughter.]

I am familiar with every one of them, and I think that sum will be enough to keep them in good condition, provided we are going to have the policy of other ships. I merely suggest that to the gentleman from Massachusetts, and the gentleman will understand and pardon me for suggesting it to him, that when you say the Ticonderoga, for instance, will take $60,000 to repair, that $60,000 will not be spent on her during the coming year. Eight hundred thousand dollars on thirty-seven ships will be almost $22,000 on an average for each of them, and many of them will not need more than $5,000 or $10,000 for repairs. That $60,000, if necessary to thoroughly repair her, would therefore run into the next fiscal year.

Mr. BOWMAN. Will the gentleman allow me to ask if the repairs necessary to be made, unless the principle in regard to construction and repairs shall be changed, will not be as great during the coming year as in the past?

Mr. ROBESON. I think not, because we propose in this bill that no wooden ship shall be repaired when the estimate for her repair is more than 30 per cent. of her original cost; and that will stop the mere putting of money on your wooden ships, which at the end of six years will have to be again rebuilt. But those which are worth repairing, and the gentleman as I have said has named them with considerable accuracy, I think will be and should be kept in reasonable repair.

Mr. BOWMAN. I believe, Mr. Chairman, in the principle or policy of repairing old ships when the cost of the repairs is less than 30 per cent. of the value of the vessel. I think it should be followed up——

Mr. REED. If the gentleman from Massachusetts will permit me to interrupt him a moment, I would like to suggest to the gentleman from New Jersey that this bill provides for the expenditure of not more than $400,000, which shall be applied to the repairs of any wooden ships; and that none of it shall be applied where the expense of such repair shall exceed 30 per cent. of the appraised value of the same. Now, I understood him to say a moment ago that this referred to 30 per cent. of the original cost.

Mr. ROBESON. No, it refers to the appraised value. That is what I meant. In other words you shall not put on the repairs of any ship more than 30 per cent. of what she is worth at the time the repairs are made.

Mr. BOWMAN. How much time have I?

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. BOWMAN. I believe in that principle as stated by the gentleman from New Jersey; but I am informed that for the carrying out of that principle, for the repair of the vessels named, including the incidental expenses, which would come out from that appropriation, like expenses of shops, &c., in the navy-yard, the amount of $400,000 is wholly inadequate. It only needs an account of the expenses at the different yards, which I have here, in the Bureau of Construction and Repair during the past two years, to show that you cannot accomplish in that department, for example, for $400,000 what has heretofore cost a million and a half. Until the gentleman can demonstrate that in this year $400,000 will do what a million and a half did last year and the year before, I do not see how his proposition can be demonstrated.

Mr. MORSE. Unless there be a better administration.

Mr. BOWMAN. Unless, as my colleague suggests to me, there is a better administration, which I do not propose to question. Still miracles cannot be performed. Although a multitude might be fed from a few loaves and fishes $1,500,000 cannot be produced out of $400,000. We have a Secretary of the Navy, able, interested in the matter, and energetic, and who, I believe, will be one of the most efficient Secretaries whom we ever had, but I doubt if even he can work out that problem to a satisfactory solution.

I have here a statement of the expenses of the Kittery, Boston, New York, League Island, Washington, Norfolk, Pensacola, and Mare Island navy-yards, comprising all the navy-yards, but I will not detain the House by giving the schedule. Suffice it to say that in the years 1880 and 1881, and in the first nine months of the present financial year, not yet expired, the amounts were much larger, very much larger than those appropriated by the present bill. And all I wish to say in regard to this question is, that it does seem to me that the committee ought to report enough money to carry on the repairs under the rules stated by the gentleman, and to keep the ships in good order, or at least from going to ruin.

Mr. MORSE. At least until after the coming election.

Mr. BOWMAN. I believe in a new navy, but I believe the people are willing that we should appropriate the money necessary for starting such new navy, without at the same time indulging in the wasteful policy of letting our present ships go to ruin. Now, I would like to ask the gentleman reporting this bill if it is not true that really this bill contemplates closing up about one-half the navy-yards? The reply is, that that is in the discretion of the Secretary of the Navy. Grant it. But do we not know and does the committee not believe that probably one-half of the navy-yards are to be closed up, and is not that the intention at least of the committee?

Mr. MORSE. Will my colleague allow me to ask him a question?

Mr. BOWMAN. With pleasure.

Mr. MORSE. Do you not think that is one of the wisest provisions in the bill, from the fact that for the last ten years none of the yards have been able to employ more than one-half of the time the men they had there? And does my colleague not think it would be better for him and for me, if we were to remain in Congress, to have our yards closed up and no work being done rather than to have the men employed ten days in and ten days out, or five days in and five days out, as may suit the convenience of those in charge, not getting employment more than 25 per cent. of the time?

Mr. BOWMAN. I do think so, if this state of things is to continue and this hardship upon the workmen in the yards is to last, and if under the new construction bill or otherwise work is not to be given to the yards.

This question of the abandonment and closing up of half the navy-yards I want to see met fairly and squarely. I believe under the provisions of this bill it is intended that all the navy-yards shall be closed up except the New York, California, and Norfolk yards; and I am led partly to this belief by finding a coincidence in the sundry civil bill which was reported I believe to-day. I find in the sundry civil bill that by a coincidence, although repairs were asked for in the Charlestown yard and other places, the committee have only made an appropriation for expenses in the New York, California, and Norfolk yards. Although there is a comparatively small fund for repairs for general purposes at the discretion of the Secretary of the Navy, $60,000 was asked for necessary work and a caisson at the dry-dock in Charlestown, and that was not granted.

Mr. HISCOCK. May I interrupt the gentleman to ask him a question?

Mr. BOWMAN. Certainly.

Mr. HISCOCK. Is the gentleman in favor of appropriating $605,000 to support the navy-yards and to keep them open when we have not work to be done in them?

Mr. BOWMAN. I am in favor of the committee and this Congress doing one of two things; meeting this question fairly and squarely, as was proposed by my colleague [Mr. MORSE] in his bill, and as has been proposed in a bill concerning the New York navy-yard, and deciding in Congress whether navy-yards shall be kept or not, and what navy-yards are necessary, and what navy-yards should be sold, or appointing a commission to investigate and report upon all the facts of this complicated question.

I am not in favor of keeping the navy-yards and keeping them closed. If we want them, use them; if we do not want them, sell them. This half-way policy of keeping a yard, and keeping it closed or partly closed—sometimes work, sometimes none—keeping all the workmen in suspense and a ferment, so that they do not know what to look forward to or what to anticipate, is provocative of endless trouble, and my colleague [Mr. MORSE] has well referred to the evils of such uncertainty. I am not in favor of keeping this question, whether a certain navy-yard shall be run or not, any longer dangling between heaven and earth. I am not in favor of keeping a navy-yard in existence and allowing the people to suppose it is to remain, and holding out to employés hopes of work in the future, when it is intended to be always an empty yard, with no work, and of no use to workman or merchant or to city; and to keep the yard there only in name, when it shall be of no earthly use to any one; of keeping the yard in a place where it is utterly useless, and not used for navy-yard purposes, so that no merchants can use it, no railroads can use it, no private individuals can purchase it, and when it has no taxable value for the benefit of the city or the State. It is there useless and worthless, waste and valueless property to every one, blocking the way for merchant vessels and commerce, and only injuring the population, which has grown up in the habit of being dependent on the navy-yards for work.

For example, a practical question is presented which is well worth examining. The navy-yard at Charlestown, for example, has caused to grow up a population which has gone through an apprenticeship, or otherwise learned a trade, of skilled workmen, such, for example, as boat-builders, ship-builders, &c., in which occupations they can at present find no employment outside of the navy-yard. What can a boat-builder or a shipwright do when thrown out of employment there? You say of the line officer, having educated him at Annapolis, that it is wrong to turn him out when he has learned no business but that honorable one to which he has devoted his life.

But after you have had the shipwright taught in your navy-yard, and he has become dependent upon it with his family, you tell him this yard is to be stopped and sold, and that he must go somewhere else; or the Secretary says he must suspend this yard for a while, and so you keep him dangling along, and give him the idea it is to be opened again, thus holding always before him the delusive hope that he will in time find work in the closed yard by waiting for it. It is a delusion and a snare to close up the yard. It is better to dispose of it, and to have certainty for uncertainty, and that all should know just what to expect.

I believe the leading yards should not be closed or sold, but I have no time to go into that question now. To say nothing of your having trained up skilled workmen, and having held out hopes of work and employment to them, and of the injustice and inhumanity (never practiced upon the favored graduates of West Point and Annapolis) of turning them out upon the world, if this is done, this body of skilled and ingenious workmen will scatter and be lost, the tools and plant will be destroyed, skill will vanish, no new generation of apprentices is coming forward; the artisan, mechanic, expert, the tools, the experience, all are gone, and when the sudden exigency of war arises you have no skilled workmen or tools, and you are helpless. You are destroying your reserve force by abolition of the navy-yards.

But if it is deemed best to do away with some of the yards, as it may somewhere be, let a commission be appointed to gather facts and statistics as to all of them, their value, fitness for their purposes, location, value for defense to the country, demand for the location for mercantile purposes, and see by a broad survey of the whole question which of the yards can best be spared. They should not be temporarily closed or permanently sold by any hap-hazard, guessing operation like this.

This never ought to be done by this Congress. This matter ought never to be left in such a shape as under this bill, when the struggle would commence before the Secretary of the Navy on the part of the friends of each navy-yard, who would bring all the pressure they could to bear on him to keep their particular navy-yards open, and thus the whole land, so far as the navy-yard States are concerned, would be kept in commotion.

Why not settle the matter now in the way I have proposed? If you do not need all these navy-yards, then why not propose a commission, as once suggested by my colleague, though he did not introduce the resolution which he was to introduce—but I hope he will—why not appoint a commission to report at the next Congress what navy-yards shall be sold, and thus settle this question? In the mean time, when there is business for these yards, I submit that this question shall not be decided by political influence, by the men who can bring the most pressure to bear upon the Secretary of the Navy, thus exposing him to infinite trouble and annoyance, but let it be settled after full examination on the ground of which is the best navy-yard and which can be best dispensed with.

I will not refer now, though I may when the time for amendment comes, to the discrimination shown by the Committee on Appropriations, who have put in this bill a provision that the Charlestown navy-yard shall be suspended anyhow, except as a rope-walk. Why not leave that also to the Secretary of the Navy? Why should this best navy-yard in the United States, with a dry-dock that cost more than a million of dollars, with the best machine-shops and ship-houses, with all the facilities required in a navy-yard—why should the Secretary be told in advance that this one yard in Massachusetts shall be selected and closed under this act, and the other yards kept open?

Mr. MORSE. Because your district is all right anyhow.

Mr. BOWMAN. Possibly; but Sam Slick said "doubtful things are always uncertain." How much time have I left?

The CHAIRMAN. The gentleman has five minutes.

Mr. BOWMAN. I wish I had more time, for there are two other points upon which I wish to speak, and more at length than I can do in five minutes. I want to speak of the provision confining the selection of the officers of the line and staff to graduates of the Naval Academy. I think a superficial examination of this subject will convince the House that in that respect this bill is wrong.

Heretofore the staff offices have been open to civilians. What hope do you hold out now to a man in the Army or the Navy? Talk about the aristocracy of Russian or other European armies or navies! Why, sir, you are establishing a more exclusive aristocracy than these in the Navy. Your ships go up and down the Mississippi River and around to the Atlantic cities enlisting boys from the schools or the streets, telling them they can learn to be good seamen and can have all the advantages of "a life on the ocean wave," and the protection of the Government.

You then tell that boy that no matter how gallant and brave he may be, no matter how he may spend his nights in study, no matter if he shall become the best seaman in the United States, and the best expert in nautical knowledge, he never can rise to the rank even of a staff officer in the Navy; that unless he shall have had the advantage of graduating from the Naval Academy he can rise just so far and no farther, whatever his merits or his record may be.

It is true that is somewhat so in the Army. But is it right in principle? I recognize the gallant services of our line officers, but I do not believe that when the line officers wish to extend their sphere, knowing how difficult it is to find places for all of them, they should come in and crowd out civilians, these children of the people, who have not had the advantage of being educated at the expense of the Government. One boy has the great privilege of having his food, his clothing, and his education paid for by the United States, and, *ergo* he is to be protected during his whole life. Yet if I, a poor boy, go to school and pay my own expenses, if I make myself expert, if I pay for all of my food, my clothing, and my education, is it right for the United States Government to go further and say that because I was not cared for by the Government and did not graduate from the Naval Academy, I cannot do as others have heretofore done, become an assistant constructor, or a constructor, or a steam engineer, or even a paymaster in the Army?

Open competition for the best men for these offices, a chance to win them upon merit and by hard work and a good record, a chance to fight his way to the top in those callings, if he has the qualities which fit him for it, this is better, and will produce better results, than the arbitrary rule that these offices shall be filled only by those who graduate from a particular institution.

If I had time I would like to show the statistics on this question. I would like to show you how the United States line officers perhaps need to secure these places in order to find occupation and to show the *raison d'etre*. I would like to show you how the United States steamship Lancaster in the war, when they were on active duty, had only eleven line officers, and to-day, in time of peace, there are thirty line officers on that vessel. I would like to show how, in time of war, on the Hartford, about the time she sailed up Mobile Bay, there were sixteen line officers, while to-day, when there is nothing to do but cruise, it has twenty-six line officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEZENDORF. In what I have to say on this bill I shall speak from entirely unselfish motives. First, because I believe that if any navy-yard at all is to be kept up under the provisions of this bill, the navy-yard at Norfolk, from its situation, location, advantages of climate, &c., must be one of those to be retained.

Second, because as I am unfortunately situated at present, although I have been a life-long Republican who has never supported any other than the national Republican party and its principles, this Republican administration, to whose election I contributed according to the best of my means and my ability, is now using its entire power to crush me. Therefore, whatever I may say to-day I shall say from an entirely unselfish stand-point.

Mr. Chairman, I am in favor of building up a navy; and per consequence I am opposed to the provisions of this bill. This bill, while pretending to commence the building of a new navy, and pretending to repair the old ships of the Navy, will do neither. I am opposed to it because it is carrying out the "penny-wise and pound-foolish" policy which has heretofore characterized the action of the Democratic party.

In illustration of what I say I have only to point to a ship now

laid up in the Norfolk navy-yard, the Canandaigua. When that ship was surveyed five years ago it was estimated that $50,000 would put it in shape to go to sea, to make a cruise. Owing to the policy of which I have spoken, the Navy Department was unable to expend the $50,000 for that purpose. What is the consequence? That ship was put in Rotten Row, and when recently, six months ago, a survey was made it was estimated that it would cost $204,000 to put her in repair, and she has been condemned.

This, Mr. Chairman, is the reason why we have no navy; this is the reason why the Navy of the United States to-day is a by-word and a reproach to this great nation of 50,000,000 people.

Now we are told that we are to have $400,000 appropriated to the Bureau of Construction and Repair for the repairing of the thirty-eight vessels of the Navy. Why, sir, the Trenton, the best ship in the Navy, as good a ship of her class as there is in any navy, will require, according to the estimate of the board of survey, $119,000 in construction alone. When gentlemen get up here and talk about this construction fund of $400,000 and the steam-engineering fund of $400,000 I tell them that I have lived close to a navy-yard for the last eighteen years, and I know the distinction between these two bureaus. Any man who knows any thing at all about the repair of a ship knows that when the board of survey says it will cost $119,000 it means that the cost will be $150,000.

What else? The Bureau of Steam-Engineering estimates that the expenses upon the Trenton—the best vessel in the Navy, as I have said—will be $100,000 for steam-engineering. There is more than one-half of your money gone on a single ship.

Now on account of construction and repairs there was expended last year a million and a half of dollars; but it was not all spent upon construction and repair proper. Five hundred thousand dollars was spent in stores and expenses incident ot the bureau, and $1,078,000 in construction proper during that year. Now, will gentlemen please tell me why and how we are to get along without spending the same amount upon these ships next year? It will be necessary to spend more, because as the ships grow older it costs more to repair them. Let me tell you a fact: I have seen a ship come home to Norfolk, and when she fired a salute I have seen the knees drop out of her. I have seen a ship come home in such a condition that you could take a cane and punch it right through her side. I ask you, members of the House of Representatives, whether it is right to send "hearts of oak" to sea in ships of punk?

Mr. Chairman, I am in favor of building up a navy; but I am not for any such bill as this, which means in the shape in which it now stands not only no navy, but no officers. I see in this bill a provision that $1,000,000 may be applied by the Bureau of Steam-Engineering to "building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror."

Why, sir, what has steam-engineering to do with that? The officers of the Steam-Engineering Bureau do not know any more about the launching of a ship than a horse knows about algebra; it is not a part of their business. This $1,000,000 legitimately belongs, by all the customs of the Navy Department, to the Bureau of Construction and Repair.

As I have said, it will be necessary to spend a large portion of this money for materials. You must remember that at the close of the war the navy-yards were full of material. The stock has been drawn upon from that time to this until there is hardly a stick of serviceable timber in any navy-yard of the country; and it will require at least as much money for material next year as it did last year, when there was spent $421,876.88 for material alone.

Mr. Chairman, as I said in the outset, I am in favor of building up a navy. I am in favor of keeping up the repairs upon the thirty-eight ships which we now have. But I undertake to say that under the provision of this bill "that no ship shall be repaired if the repairs cost more than 30 per cent. of its appraised value," not a single ship of the Government can be repaired. What is the appraised value of a man-of-war? How do you determine it? You can get at the appraised value of a merchant ship by ascertaining how many trips she can make, how many cargoes she can carry. But what is the basis upon which to appraise the value of a man-of-war? How are you going to appraise its value? If the committee had said 30 per cent. of the original cost of the ship, then there would have been some basis to have gone on. Then, perhaps, they might have been able to repair some of the ships. I undertake to say, and it is the judgment of some of the best officers in the Navy, that not a single ship in the Navy can be repaired under the provisions of the bill.

Now, Mr. Chairman, I am in favor of building up a navy, and I am in favor of building it up in such a way it will do the people of this country some good. I was in favor, and voted in the Naval Committee for the bill to build a new navy and appropriate $10,000,000 therefor.

And I was in favor and advocated, then and there, that those ships should be built in the navy-yards of the country. Why? First, because I thought it was right to distribute this money among the different sections of the country. I did not believe, nor do I believe it is right now to take that $10,000,000 and put it all in New York and Pennsylvania, giving it to contractors. But, sir, I believe part of those ships should be built at Portsmouth, a part at Boston, a part at League Island, a part at Norfolk, a part at Pensacola, and a part at Mare Island, California; and then by completing the iron-clads you would have this money distributed throughout the different sections of the country, and have given the outside contractors a fair share of the work.

When gentlemen ask me if I am in favor of appropriating money to keep up the navy-yards, I say yes, I am in favor of appropriating money to keep up the navy-yards, and I am in favor of appropriating money to put work in those navy-yards. Why should not we do it? I am not afraid of being attacked by the Democratic party for spending money, so it is spent judiciously. Why, sir, their penny-wise and pound-foolish policy has, with other things, kept them out of power for the last twenty years, and I thank God for it; because while I am tabooed by the Administration I am now as good a Republican as I ever was, and I expect to be. [Applause on the Republican side.]

But, sir, the effect of the provisions of this bill, as has been justly said, will be to close up the navy-yards on the Atlantic coast except, perhaps, two, and the navy-yard at Mare Island. I am opposed to that. It does not make any difference to me personally, for the more work they have in Norfolk the worse it will be for me individually. But I am opposed to it, for I think it is unjust to the people and the localities in which these navy-yards are situated. I think that the true policy for the Republican party to pursue is to build a new navy and build it in the navy-yards. For I undertake to say that the work can be done just as cheaply in the navy-yards as it can outside. I know that some gentlemen will look at me and scratch their heads, and say, "Why, the work in the navy-yards has cost more than the work outside." Why, that, sir, is to be attributed to the penny-wise and pound-foolish policy I have been talking about.

They appropriated a small amount of money, and the result was that only that certain amount could be spent during that fiscal year. What then? You will see these men in the navy-yard working ten days or five days a month, or on half time, or one set of men coming in to-day and working on a job and to-morrow going out and another set coming and taking their places. That is the reason why the work in the navy-yards has cost so much more money than outside, if it has cost any more.

If you will appropriate the money to build these ships, and build them in the navy-yards, giving the workmen continuous work, you will find you will not only get your work done as cheaply but a great deal better than it can be done outside.

I have heard gentlemen say it will cost as much to put the plant in the navy-yards to build these new ships as it will to build the ships. Now that is not so. I speak from experience regarding the Norfolk navy-yard. I say that I do know and I assert here to-day that it will not cost over $50,000 to put that yard in shape to build one of the largest of these ships.

Mr. Chairman, there are many other features of this bill I should like to speak about. I think it does great injustice to the old officers of the Navy, to those men who went through fire and blood in defense of the country. Those men who have received the thanks of Congress for their services by this bill are set aside. Those men to whom the faith of this Government was pledged that they should be officers of a certain rank for the balance of their natural lives are by this bill set aside, and I for one do not feel that I can vote to violate any such pledge as that.

There has been a great deal said upon the other side in relation to this bill, and I have been trying to find out under what section of the bill it came in. I do not propose to answer it, or to try to answer it. I think the late Secretary, upon whom the attack was made, is abundantly able to take care of himself. I think that whatever may have been done in the past is past, and that the thing for us to do now is to look to the future, and to start and build up a navy which shall reflect credit upon this great nation of ours. I think that for us longer to delay doing this thing is almost a crime. I believe this country never will be in better condition than it is to-day to start upon this great work, and I for one would be willing to-day to vote for the entire proposition as contained in the report of the naval advisory board, which contemplated an expenditure of $29,000,000 to build up a navy. I say, Mr. Chairman, I do not believe that this Government will be in a condition when it can better afford to do that work than it is now.

Mr. MORSE. And it will take six years to use it any way.

Mr. DEZENDORF. Yes, sir; as my friend suggests, you cannot do this thing within six years. But instead of that we find this committee coming in and presenting a bill without consulting the Naval Committee at all, which appropriates, as I said before, only $400,000 for the repair of vessels, and it does not appropriate enough toward building a new ship to lay down her keel hardly. What else? Why there is not a gun in the Navy that is fit to be called a gun, according to the modern definition of that term, and we find they appropriate in this bill the sum of $100,000 for ordnance and $60,000 for torpedoes! Why, gentlemen tell me that we have to depend for our defense upon sand-forts and land-batteries, when they have ships in some foreign countries which carry guns that can send a ball ten miles. Where are your sand-forts then? When they get ten miles outside of the harbor of New York and commence flinging solid shot and hot shot into that place, where will your old forts be?

Mr. REED. Why, we will have to move the sand forts out against them; that is what they meant for us to do. [Laughter.]

Mr. DEZENDORF. Yes, sir; that is about the only way we can get at it. The Committee on Naval Affairs recommend a half million for the purchase of torpedoes, and yet this Committee on Appropriations come in and report $60,000! What is the matter? Have we not the money? Yes, we have the money, and it is believed to be the proper thing to do to purchase torpedoes for the defense of our harbors in the absence of iron-clads. Why not do it? And right here I want to say a word or two upon the iron-clad question. I undertake to say to-day that if there was not a single pound of iron in one of these ships, and you were to commence the construction of iron-clads, that you would adopt the same models that these self-same vessels are built upon, notwithstanding that Mr. Thompson and Secretary Hunt and some other Secretaries have said that they were bad examples of old models.

Why, sir, I would rather take the advice of some old sailor that has had practical experience than all these Secretaries of the Navy. One of them that I heard of once, when he came and looked down into the hold of the ship, showed his acquaintance with naval architecture by exclaiming, "Why bless me, the damned thing's hollow." [Laughter and applause.] That is about as much as a good many of them know about the subject; all their knowledge on the subject is entirely theoretical. But now, sir, what do we find here? We find this advisory board, composed of the very best officers in our Navy, recommending the completion of these iron-clads; that is, they individually recommend them, if not as a board. We find the present Secretary of the Navy—and right here I want to say that I have just as much confidence in his ability and integrity, and I think he knows more about ships than some others did, and I would just as lief take his authority as that of any other man that has ever held the position—says that we ought to complete them. I say that we ought to complete them; in my judgment that is the very thing we should do. I have seen them. I pretend to know a little something about construction, not so much perhaps about ship-building as about some other things, but I was educated as an architect and engineer. I believe these are good ships. I believe they, properly completed, can be made the most serviceable and perhaps the most formidable ships in the world. Now, when they talk about the possibility that they will not float, one of the contractors told me that he would undertake to finish them, and would not ask a single dollar of pay until they were finished, and then if they did not float he would not ask a cent for his work. That is a pretty safe proposition. I believe they ought to be completed, and that they will be all right when they are completed. I believe that we ought to spend a large sum in the construction of iron-clads for our home defenses. I believe in the policy of a nation having the means at hand for its own defense. Why, gentlemen tell me we have no cause to fear any nation coming here to attack us; I say that is all true. For one, I believe we could beat the whole combined armies of the world if they came here.

But, sir, we must provide against contingencies. Go with me to San Francisco. Look at that port, which is entirely defenseless. I undertake to say that the little power, Chili, could come right into San Francisco, levy tribute on its people, burn down the town, and you have nothing in this world to keep them outside that harbor. But if you are going to complete the Miantonomoh at Philadelphia, the Monadnock at San Francisco should be completed. This is the place where there is danger under present circumstances, the place where there may be at any time complications between this Government and a foreign power. I believe, in other words, we ought to do what any other nation would do similarly situated with us. With an overflowing Treasury and with people needing employment it is our duty to go to work and make an appropriation, not such a miserable flimsy thing as this which is brought in here, but a good, solid appropriation for building up a good and efficient navy that will reflect honor and credit on our Government, no matter whom it may meet or where it may go. [Applause.]

The CHAIRMAN. If no other member desires to take part in the general debate the Clerk will commence reading the bill by paragraphs for amendment.

Mr. HATCH. I move that the committee rise if no one desires to speak. I understand that by arrangement general debate is to close at two o'clock to-morrow.

Mr. BURROWS, of Michigan. We might go on and consider part of the bill by sections and then let general debate go on to-morrow.

The CHAIRMAN. As no gentleman rose to address the committee the Chair ordered the Clerk to proceed to read the bill by sections for amendment.

Mr. SHALLENBERGER. I desire to say a few words.

Mr. HATCH. A good many have left not expecting that the bill would be considered by paragraphs.

The CHAIRMAN. For what purpose did the gentleman from Pennsylvania [Mr. SHALLENBERGER] rise?

Mr. SHALLENBERGER. I rose to speak on this bill.

Mr. HATCH. Then I withdraw my motion.

Mr. SHALLENBERGER addressed the committee. [See Appendix.]

Mr. HARRIS, of Massachusetts, next addressed the committee, [see Appendix,] but before concluding,

Mr. ATKINS said: As the gentleman from Massachusetts [Mr. HARRIS] is about to begin another branch of his argument, and it is now near five o'clock, I would inquire if it would be agreeable to him to yield for the committee to rise.

Mr. HARRIS, of Massachusetts. I will yield for that purpose.

Mr. ROBESON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. PAGE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ROBESON and Mr. REED moved that the House adjourn.

Mr. DUNNELL. I desire to submit a resolution for reference to the Committee on Printing.

Mr. HISCOCK. I desire to make a suggestion to the gentleman who moved that the House adjourn, if it would not be agreeable to take a recess until to-morrow morning at ten o'clock.

Many MEMBERS. Oh, no.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 1052) in relation to the Japanese indemnity, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. FERRY, and Mr. MORGAN.

The message also announced that the Senate had insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. MORRILL, and Mr. BECK.

REPORT OF COMMISSIONER ON FORESTRY.

Mr. DUNNELL. I ask permission to offer a resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That there be printed 20,000 extra copies of the annual report of the Commissioner of Forestry, transmitted to the House in May last by the Commissioner of Agriculture; 13,000 copies for the use of the House, 5,000 for the Senate, and 2,000 for the Commissioner of Forestry.

There being no objection, the resolution was received and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. REED. I will withdraw the motion to adjourn, provided the vote can be taken at once on the motion for a recess.

Mr. HISCOCK. I will move that the House now take a recess until to-morrow morning at ten o'clock.

Mr. McCOOK. Why not make it half past eight at once.

BRIDGES OVER RIVERS IN GEORGIA.

Mr. COOK introduced a bill (H. R. No. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. WILLIAMS, of Wisconsin. I ask unanimous consent that the House agree to the conference asked by the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1052) relating to the Japanese indemnity fund.

There was no objection, and it was so ordered.

The SPEAKER announced the appointment, as conferees on the part of the House, of Mr. WILLIAMS of Wisconsin, Mr. RICE of Massachusetts, and Mr. DEUSTER.

PAYMENT OF GOVERNMENT EMPLOYÉS.

Mr. PEELLE. I ask unanimous consent to take from the Calendar of the Committee of the Whole House the House joint resolution No. 69——

Mr. ATKINS. I call for the regular order.

Mr. PEELLE. I know the gentleman will not insist upon the regular order if he will only wait until I announce the purpose of my motion. It is to call up and act upon at this time a joint resolution to pay the employés of the Government Printing Office for the time which they lost during the obsequies of the late President Garfield. It is a matter of simple justice to them. The joint resolution has been reported unanimously from the Committee on Printing, and at the request of the printers I now ask consent that the joint resolution be considered and passed at this time.

Mr. SHALLENBERGER. I ask consent to offer an amendment to include the employés under the Superintendent of Public Buildings and Grounds.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

A joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized

and directed to pay the employés of the Government Printing Office the pay deducted from them for the time lost during the obsequies of the late President James A. Garfield, during the month of September, 1881.

Mr. BLOUNT. I would like to ask the gentleman how much is involved in this joint resolution?

Mr. PEELLE. All that is involved is payment for six days, during which time these printers were compelled to suspend work. These employés, believing that they were legally entitled to compensation for the time work was so suspended, and that there was no occasion for legislation on the subject by Congress, requested the Public Printer to submit the question to the honorable First Comptroller of the Treasury for his opinion. Accordingly, the Public Printer, on the 30th day of September, 1881, addressed a letter to the First Comptroller of the Treasury Department, submitting for decision the "question whether or not the employés can be paid for the entire time the office was closed on account of the death of the late President, and whether the pay-rolls therefor will be recognized by the Treasury Department."

The Comptroller, in an elaborate opinion, in which he cites many authorities in support of his views, decided that the employés were entitled to pay for the entire time the office was closed, or work suspended, except for the 26th day of September, which was designated by the President for observance throughout the United States as a day of humiliation and mourning, being the day on which the remains of the late President were interred at Cleveland, Ohio.

The joint resolution of April 16, 1880, allows compensation for all legal holidays, including days for fast and for thanksgiving, but it was held not to include "a day of humiliation and mourning." The Comptroller held that they could be paid for five of the six days. The Committee on Printing have reported that they should be paid for the whole six days.

Mr. BLOUNT. Then this joint resolution is to pay them for one day?

Mr. PEELLE. It includes six days.

Mr. BLOUNT. I understood the gentleman to say that the accounting officers held that they could be paid for five of the six days.

Mr. PEELLE. So he did; but the Public Printer differed from the First Comptroller, and they have not been paid for any of those days.

Mr. SHALLENBERGER. The Committee on Public Buildings and Grounds, of which I have the honor to be the chairman, have considered very carefully and agreed to a proposition to pay the day laborers under the Superintendent of Public Buildings and Grounds, who were compelled by order to give up work during these obsequies. They are as much entitled to their pay as are the employés of the Government Printing Office. It will involve not more than $200, and will give rise to no discussion. I ask consent to offer it as an amendment to this joint resolution.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] will be read.

The Clerk read as follows:

And the Superintendent of Public Buildings and Grounds, District of Columbia, is also authorized to pay the employés under his charge the pay deducted from them during the same time.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. PEELLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SHALLENBERGER. I move to amend the title by adding the words "and for other purposes."

The amendment was agreed to.

MONUMENTAL COLUMN, BATTLE OF MONMOUTH.

Mr. ROSS. I ask unanimous consent to have taken from the Speaker's table for present consideration Senate bill No. 188, which I think will elicit no objection, and will occupy but a moment.

The Clerk read as follows:

A bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth.

Whereas an association by the name of "The Monmouth Battle Monument Association," incorporated by the Legislature of the State of New Jersey, secured by grant a portion of the battle-field of Monmouth for the purpose of erecting a monument thereon, which land is now held in trust for such object; and

Whereas under a law of said State, passed March 14, 1881, a commission has been appointed to erect a monument thereon and improve the grounds; and

Whereas the sum of $20,000 has been raised or secured toward erecting such monument and caring therefor, and improving the grounds where it will stand; and

Whereas the sum of $20,000 is inadequate to erect a monument befitting the historic significance of the event it is designed to commemorate and the present greatness of the nation: Therefore,

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by said commission in erecting and completing on the battle-field of Monmouth a suitable monument, the money to be paid to the commission aforesaid under the direction of the Secretary of War: *Provided, however*, That the said Monmouth Battle Monument Association and the said commission shall have raised, to be expended in the erection of said monument and in the improvement of the site, at least the sum of $20,000: *And provided further*, That the design for the said monument shall be approved by the Secretary of War; and the sum herein appropriated shall not be available until a contract is made to complete the work within that sum.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. ROSS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. Mr. Speaker, I understand that the gentleman from Massachusetts [Mr. HARRIS] prefers to resume his remarks tomorrow morning at eleven o'clock. Therefore I will not press the motion for a recess.

Mr. ROBESON. I move that the House adjourn.

SETTLERS ON INDIAN RESERVATION, NEW MEXICO.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 22d instant, with accompanying papers, submitting the draft of a clause for insertion in one of the pending appropriation bills to provide for the payment for improvements made by certain settlers on the Jicarilla Apache Indian reservation, in New Mexico. The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 28, 1882.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 2202) donating condemned cannon and cannonballs to the Soldiers' Monument Association, of Birmingham, Connecticut;

A bill (H. R. No. 3082) granting condemned cannon to the Anna M. Ross Post No. 94 of the Grand Army of the Republic, of Philadelphia;

A bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association; and

A bill (H. R. No. 6004) making an appropriation to construct a road and approaches from Mound City, Illinois, to the national military cemetery, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES, of New Jersey, indefinitely, on account of sickness.

To Mr. BROWNE, for two days, on account of public business.

The question being taken on the motion of Mr. ROBESON, that the House adjourn, it was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The resolutions of Post 41, G. A. R., of Pittsburgh, Pennsylvania, urging the passage of the bill providing an increase of pension to Union soldiers who lost an eye—to the Committee on Invalid Pensions.

By Mr. CANDLER: The petition of operatives of the Allston Mills, Brookline, and of the operatives in the Dudley Hosiery Mills at Wellesley Hills, in the State of Massachusetts, for the immediate correction of the error in the Revised Statutes relative to the duty on woolen goods—severally to the Committee on Ways and Means.

By Mr. CRAPO: The petition of Otis Norcross and 34 others; of William F. Perkins and 37 others; of Torrey, Bright & Capen and 42 others; and of Thomas Dana & Co. and 42 others, citizens of Boston, Massachusetts, asking the passage of laws at the present session which will stop the accumulation of silver coinage in the national Treasury—severally to the same committee.

Also, the petition of the operatives of the Fall River (Massachusetts) Merino Company, for an immediate correction of error in the Revised Statutes by which knit goods are made subject to a much lower duty than the pound duties on raw material—to the same committee.

By Mr. DEUSTER: The petition of Commodore William B. Whiting, United States Navy, for a pension—to the Committee on Pensions.

By Mr. HARMER: The petition of citizens of the United States, requesting the passage of an act amending section 2983 of the Revised Statutes, relating to duty on imported sugars deposited in any bonded warehouse—to the Committee on Ways and Means.

By Mr. ORTH: The petition of William F. Coulson, of Indiana, asking that the charge of desertion against him be removed—to the Committee on Military Affairs.

By Mr. GEO. D. ROBINSON: The petition of A. Fellows and 170 other operatives of Springfield, Massachusetts, for a correction of an error in the duty on woolen knit goods—to the Committee on Ways and Means.

By Mr. STONE: The petition of citizens of Ipswich and others, for change of law relating to duty on woolen knit goods—to the same committee.

SENATE.

THURSDAY, *June* 29, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. VOORHEES presented two petitions of delegates to the convention held in Saint Louis, in October last, in the interest of the improvement of the Mississippi River, praying for the adoption of a certain plan for the improvement of that river; which were referred to the Committee on Commerce.

Mr. HAWLEY presented the memorial of the American Baptist Home Mission Society, setting forth the unhappy condition of the Indians under the past and present management of the Government, favoring appropriations for bettering their condition, and praying that their lands be given to them in severalty and be made inalienable for twenty years; also that they may be made citizens of the United States, and that the Indian Territory be constituted a State; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PENDLETON. I am instructed by the Committee on Foreign Relations to report a bill on a subject committed to them by the action of the Senate, and I ask that it be read twice and put upon the Calendar.

I desire to say in the hearing of the Senate that this is a bill intended to correct as far as possible the imperfections of the law as it exists relating to the administration of civil and criminal law in the consular courts in the Levant and the eastern countries. There has been a very instructive report printed at this session of the Senate by its order, being Miscellaneous Document No. 80, to which I wish to call also the attention of the Senate, in order that when I call up the bill, as I am instructed by the Committee on Foreign Relations to do, Senators may be advised as to its contents and be prepared to take action upon the bill. It is a subject that I am certain will commend itself to the judgment of Senators, and it is very important that action should be had at this session.

The bill (S. No. 2107) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4082 to section 4130, inclusive, was read twice by its title.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2202) donating condemned cannon and cannonballs to the Soldiers' Monument Association of Birmingham, Connecticut;

A bill (H. R. No. 3082) granting condemned cannon to the Anna M. Ross Post No. 94 of the Grand Army of the Republic, of Philadelphia;

A bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association; and

A bill (H. R. No. 6004) making an appropriation to construct a road and approaches from Mound City, Illinois, to the national military cemetery, and for other purposes.

BILLS INTRODUCED.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2108) for the relief of Samuel Paxton; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2109) for the relief of Robert Clarke & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOAR. I ask leave to introduce a bill for the erection of a public building at Haverhill, Massachusetts. I desire to say to the Committee on Public Buildings and Grounds that this is a city of more than twenty-two thousand inhabitants, and is growing very rapidly, and has a very large postal business. The city has been visited since the beginning of the present session of Congress with a very disastrous fire, eating out its whole business center, and the construction of a modest and reasonable post-office building would be a great assistance to the people in their calamity. A bill to that effect, introduced on conference between myself and the Representative from that district, was reported in the House of Representatives some weeks ago, but in order that its consideration may be hastened in the Senate I desire to introduce it here. I ask my honorable friend from New Hampshire, [Mr. ROLLINS,] who knows the locality very well, it being quite near his own home, to be kind enough to give the bill proper attention in committee, as I am sure he will.

Mr. ROLLINS. The committee will give the subject early attention. The facts stated by the Senator from Massachusetts are within my own personal knowledge.

By unanimous consent, leave was granted to introduce a bill (S. No. 2110) for the erection of a public building at Haverhill, Massachusetts; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2111) to compensate John W. Smith for losses sustained by him during the war of the rebellion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2112) granting a pension to Lewis L. Cannaday; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2113) to correct the record of William S. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

DISTRICT COLORED-SCHOOL LOTS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to obtain and communicate to the Senate a statement of all lands or lots of ground in Washington and Georgetown that have been given or purchased for the use of colored schools; first, those which have been given by the General Government, if any, or any benevolent institutions, and second, those which have been purchased for their use by trustees, with the names of the trustees who purchased each piece or parcel and the amount paid for each, with the date of the purchase, designating the location of each lot.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Is there further morning business? The Chair hears no response, and the morning hour is declared closed.

Mr. ALLISON. I move then to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORGAN. I hope the Senator will allow me to call up the resolution in reference to labor strikes. It will not take long probably to dispose of it.

Mr. ALLISON. It is absolutely essential that the pending appropriation bill should be disposed of to-day.

Mr. SHERMAN. I trust the Senator from Iowa will allow me a minute to call up a bill that was up the other day, and which I think will pass in a moment of time.

Mr. ALLISON. If there is to be no debate upon it——

Mr. SHERMAN. I called it up the other day——

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] has the floor, if the Senator from Iowa yields it.

Mr. ALLISON. If the Senator from Alabama has the floor, that ends it, of course.

The PRESIDENT *pro tempore*. The Chair states that the Senator from Iowa has the floor on the motion to take up the appropriation bill.

Mr. ALLISON. I will say to the Senator from Alabama that I very much desire to finish the legislative appropriation bill to-day, but of course I do not want to interfere with current morning business that will take no time. If the Senator from Alabama thinks his project will take no time, of course I shall not interfere with him.

Mr. MORGAN. I do not think it will, but I cannot say. I prefer to yield to the Senator from Iowa if he will go right on with the appropriation bill and not yield to anybody else; but I do not want to yield the floor to have it thrown into the hands of other Senators.

Mr. SHERMAN. I want to have a little bill passed that is a matter of some importance. I trust the Senator from Alabama will allow me to have a bill passed which is pressed upon me.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. ALLISON. I will yield to the Senator from Ohio if the Senator from Alabama will allow me to do so, if the bill he wishes to have considered takes no time.

Mr. MORGAN. I have no control of the business of the Senate or of the Senator either. I have yielded to the Senator from Iowa with the understanding that he will go on with the appropriation bill.

Mr. ALLISON. I will yield to the Senator from Ohio, but not for anything that will occupy time.

INSPECTION OF HULLS AND BOILERS.

Mr. SHERMAN. I ask the Senate to take up House bill No. 3831. I am assured that there is necessity for establishing an inspection of hulls and boilers on the Ohio River. It is a matter of local importance.

Mr. DAVIS, of West Virginia. I wish to say that when the bill was up before, at my instance, it went over, but I have since examined it, and think it ought to pass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels. It proposes to create, for the inspection of hulls and boilers of steam-vessels, a local board of inspectors to be located at Gallipolis, Ohio, in which there shall be one inspector of hulls and one inspector of boilers, one of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may be receiving at the time of the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 1052) relating to the Japanese indemnity fund, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. G. WILLIAMS of Wisconsin, Mr. W. W. RICE of Massachusetts, and Mr. PETER V. DEUSTER of Wisconsin the conferees on the part of the House.

The message also announced that the House insisted on its disagreement to certain amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. W. CRAPO of Massachusetts, Mr. N. DINGLEY, jr., of Maine, and Mr. A. H. BUCKNER of Missouri the conferees on the part of the House.

The message further announced that the House had passed the bill (S. No. 1432) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth.

The message further announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3207) giving the assent of Congress to the mayor and city council of Nashville, Tennessee, to construct a free bridge over the Cumberland River;

A joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes; and

A joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate now proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORRILL. I ask the Senator from Iowa to allow me to bring up the bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund, which was reported by the Committee on Finance.

Mr. ALLISON. I cannot yield this morning. I want to finish this bill. After this bill is completed there will be a little time when we can pass bills of that kind.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment submitted by the Senator from Maine, [Mr. HALE,] which will be read.

The PRINCIPAL LEGISLATIVE CLERK. At the end of line 2392, in the clause making appropriations for the "office of the Director of the Geological Survey," it is proposed to insert:

And no salary or compensation, except such as may be paid under the law to the Director of the Geological Survey, shall be paid or allowed to any person connected with the work of said survey to an amount exceeding $3,000 per annum.

Mr. HALE. I have examined the subject-matter touched by my amendment, and have concluded that it is wiser, instead of presenting it in this form, to withdraw it for the present. With the consent of the Senate I will withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The reading of the bill will be continued.

The reading of the bill was resumed and continued to line 2406.

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. CONGER] announced last evening that he desired to submit an amendment to line 2405, increasing the salary of the surveyor-general of the Territory of Dakota from $2,000 to $2,500; but he is not in the Chamber.

Mr. ALLISON. He can submit his amendment afterward.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Post-Office Department," in line 2456, after the word "dollars," to insert "one copyist;" in line 2457, after the word "messenger," to strike out "one assistant messenger" and insert "two assistant messengers;" and in line 2458, after the word "all," to strike out "twenty-seven thousand and ten" and insert "twenty-eight thousand six hundred and thirty;" so as to make the clause read:

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,200; stenographer, $1,800; appointment clerk, $1,800; law clerk, at $2,250; and one clerk of class 4, (office of assistant attorney-general for Post-Office Department;) one clerk of class 3; one clerk of class 2; three clerks of class 1; one clerk at $1,000; one copyist; one messenger; two assistant messengers; in all, $28,630.

The amendment was agreed to.

The next amendment was, in line 2460, to increase the item of appropriation for compensation of "First Assistant Postmaster-General" from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2464, to increase the number of "clerks of class 3" from eighteen to twenty.

The amendment was agreed to.

The next amendment was, in line 2466, to increase the number of "clerks of class 1" from twelve to eighteen.

The amendment was agreed to.

The next amendment was, in line 2467, to increase the number of "clerks at $1,000 each" from four to five.

The amendment was agreed to.

The next amendment was, in line 2475, before the word "assistant" to strike out "one" and insert "two," and after "assistant" to strike out "messenger" and insert "messengers;" so as to read:

Two assistant messengers.

The amendment was agreed to.

Mr. ALLISON. In line 2476 the word "labor" should be "laborers," and "blank agency" should be in parenthesis; so as to read:

Three laborers, (blank agency.)

The PRESIDENT *pro tempore*. That modification will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2477, to increase the item of appropriation for compensation of "superintendent of free delivery" from $2,100 to $2,500.

The amendment was agreed to.

The next amendment was, in line 2480, to increase the total amount of the appropriation for compensation of First Assistant Postmaster-General and the clerks and employés in his office from $90,960 to $103,980.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Second Assistant Postmaster-General," in line 2482, to increase the item for compensation of the "Second Assistant Postmaster-General" from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2486, to increase the number of "clerks of class 4" from nine to ten.

The amendment was agreed to.

The next amendment was, in line 2487, to increase the number of "clerks of class 3" from thirty-two to thirty-four.

The amendment was agreed to.

The next amendment was, in line 2488, to increase the number of "clerks of class 1" from seventeen to eighteen.

The amendment was agreed to.

The next amendment was, in line 2489, after the word "each," to insert:

Three female clerks, at $900 each.

The amendment was agreed to.

The next amendment was, in line 2490, to increase the number of "assistant messengers" from two to three.

The amendment was agreed to.

The next amendment was, in line 2491, to increase the total amount of the appropriation for compensation of Second Assistant Postmaster-General, and the clerks and employés in his office, from $133,600 to $143,720.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Third Assistant Postmaster-General," in line 2502, to increase the number of "female clerks at $900 each" from forty-seven to forty-eight; and, in line 2506, to increase the total amount of the appropriation for compensation of the Third Assistant Postmaster-General, and the clerks and employés in his office, from $213,860 to $214,760.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "superintendent of foreign mails," in line 2518, after the word "two," to insert "one clerk of class 1;" and in line 2519, after the word "all," to strike out "fifteen thousand seven" and insert "sixteen thousand nine;" so as to make the clause read:

For superintendent of foreign mails, $3,000; chief clerk, $2,000; one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks at $1,000 each; one assistant messenger; in all, $16,920.

The amendment was agreed to.

The next amendment was, in line 2532, before the word "watchmen," to strike out "three" and insert "four;" in the same line, before the word "laborers," to strike out "four" and insert "five;" and in line 2533, after the word "thousand," to strike out "five

hundred and forty" and insert "nine hundred and twenty;" so as to make the clause read:

For the following additional force required in the building or buildings occupied by the office of the money-order system, namely: One engineer, $1,000; one fireman; four watchmen; and five laborers; in all, $6,920.

The amendment was agreed to.

The next amendment was, in line 2549, before the word "clerks," to strike out "two" and insert "four;" and in line 2553, after the word "all," to strike out "thirty-nine" and insert "forty-one;" so as to make the clause read:

For topographer, $2,500. For the following force in the topographer's office, heretofore paid from appropriation "for the preparation and publication of post-route maps:" Two clerks of class 4; three clerks of class 3; two clerks of class 2; five clerks of class 1; four clerks at $1,000 each; seventeen female clerks at $900 each; one assistant map-mounter at $720; two watchmen; and one assistant messenger; in all, $41,880.

The amendment was agreed to.

The next amendment was, in line 2558, after the word "(accountant,)" to strike out "one clerk of class 1 (storekeeper)" and insert "two clerks of class 1;" in line 2563, after the word "dollars," to strike out "one fireman, $720," and insert "two firemen, at $720 each;" in line 2568, before the word "laborers," to strike out "twenty-seven" and insert "thirty;" in the same line, after the word "laborers," to insert "one plumber, $900; one awning-maker, $900;" and after the word "all," in line 2569, to strike out "44,300" and insert "50,000;" so as to make the clause read:

For office of disbursing clerk and superintendent of building: Disbursing clerk and superintendent, $2,100; one clerk of class 2, (accountant;) two clerks of class 1; one engineer, $1,400; one assistant engineer, $1,000; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; two firemen, at $720 each; one carpenter, $1,200; one assistant carpenter, $1,000; captain of the watch, $1,000; for nineteen watchmen and thirty laborers; one plumber, $900; one awning-maker, $900; in all, $50,020.

The amendment was agreed to.

The next amendment was, in line 2576, after the word "gas," to strike out "six" and insert "five;" in line 2577, after "gas-fixtures," to strike out "four thousand" and insert "three thousand one hundred;" in line 2580, after the word "carpets," to strike out "six" and insert "four;" in the same line, after the word "furniture," to strike out "six" and insert "four;" in line 2582, before the word "hundred," to strike out "two" and insert "five;" in line 2589, after the word "items," to strike out "ten thousand" and insert "nine thousand one hundred;" and in line 2590, after the word "all," to strike out "sixty-six thousand six" and insert "sixty thousand one;" so as to make the clause read:

For contingent expenses of the Post-Office Department: For stationery and blank-books, $9,000; fuel, and for repairs to engine, boilers, and heating apparatus for the General Post-Office building, including the Auditor's Office, $4,400; for gas, $5,000; plumbing and gas-fixtures, $3,100; telegraphing, $5,000; painting, $4,000; carpets, $4,000; furniture, $4,000; keeping of horses and repair of wagons and harness, $1,500; hardware, $1,500; for rent of topographer's office, $1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Auditor of the Treasury for the Post-Office Department, $8,000; miscellaneous items, $9,100; in all, $60,100.

The amendment was agreed to.

The next amendment was, in line 2617, after the word "dollars," to strike out "one law clerk, $2,000," and insert "two law clerks, at $2,000 each:" in line 2624, before the word "laborers," to strike out "two" and insert "four;" and in line 2625, after the word "all," to strike out "$2,750" and insert "$6,070;" so as to make the clause read:

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; three assistant attorneys-general, at $5,000 each; one assistant attorney-general of the Post-Office Department, $4,000; solicitor of the internal revenue, $4,500; examiner of claims, $3,500; law clerk and examiner of titles, $2,700; chief clerk and *ex-officio* superintendent of the building, $2,200; stenographic clerk, 1,800; two law-clerks, at $2,000 each; five clerks of class 4; additional for disbursing clerk and clerk in charge of pardons, $200 each; one clerk of class 3; one clerk of class 2; four clerks of class 1; one telegraph operator, at $1,000; six copyists; one messenger; three assistant messengers; four laborers; three watchmen; one engineer, $1,000; superintendent of the building, $25; and one fireman; in all, $86,070.

The amendment was agreed to.

The next amendment was, in line 2679, to reduce the appropriation "for salary of the reporter of the decisions of the Supreme Court of the United States" from "$5,000" to "$2,500;" and after the word "dollars," in line 2680, to strike out the following words:

The reports of the decisions of said Supreme Court shall hereafter be printed at the Government Printing Office, under the supervision of the reporter, and sold by the Public Printer at cost of publication with 10 per cent. in addition thereto.

Mr. BECK. That amendment was not a unanimous report of the committee. We can have the amendment of the committee acted upon now, or I will wait until any time that is desired, reserving it. Perhaps it had as well be acted upon now. I was inclined to agree with the action of the House, and mainly for the reason set forth in the report made by Mr. TOWNSHEND from the Committee on the Judiciary of the House of Representatives on the 29th of March, which states all the reasons quite as well as I could state them. I ask the Secretary to read that report. It covers a page and a half of print, and will save my saying anything. I object to striking out that portion of the bill as it came from the House of Representatives.

The Acting Secretary read as follows:

Mr. TOWNSHEND, from the Committee on the Judiciary, submitted the following report, (to accompany bill H. R. No. 5539:)

The Committee on the Judiciary, to whom were referred bills H. R. Nos. 1279 and 1849, submit the following report:

Under the present law the reporter of the United States Supreme Court receives $4,000 annually from the national Treasury by way of salary when he issues two volumes of the reports yearly, and in addition thereto he receives such profit or royalty on each copy sold as is provided in his contract with the publishers. The reports are now published by Little, Brown & Co., of Boston, for the reporter, under terms of which the committee has no knowledge. These reports were published and sold at $5 and $6 per volume, until something over one year ago, when the price was reduced by the publishers to $3. This reduction was undoubtedly occasioned by the passage in the House during the last Congress of a bill similar to those which are now under consideration. Yet, for the 300 copies which are furnished to the Secretary of the Interior by the reporter, the Government pays at the rate of $5 per copy.

This committee is advised that if the contract for publishing the reports was open to public bidding, and the reporter confined for his remuneration to a fixed salary to be paid by the Government, that these reports could be profitably published and sold at from $1.50 to $2 per volume, in paper, type, presswork, binding, and style not inferior to the reports known as "Otto's Reports."

Indeed a responsible law-publishing firm has stated to members of this committee that if the emoluments of the reporter are limited to a fixed salary, to be paid from the national Treasury, it would take the contract to publish the reports, in paper, type, presswork, and style not inferior to Otto's Reports, furnish 300 copies to the Interior Department gratuitously, and obligate itself to furnish all the reports called for by any person at $2 per volume.

The price at which the reports of the different States are now published warrants the belief that the Federal reports can be furnished at the price last mentioned, and a good profit realized by the publisher.

From this statement it will be seen that under the present law the public is compelled to pay an unreasonable price for the reports.

Your committee is of the opinion that a reasonable salary should be fixed for the reporter, and that he should be limited to such salary for compensation. The system which allows him a copyright on the reports for which he prepares head-notes, and the power to levy such royalty upon them as he may demand, is open to abuse and injustice to those who are compelled to purchase these reports.

The Public Printer has furnished your committee with estimates of the cost of the different volumes of Otto's Reports, if they had been issued at the public printing establishment. A table of these estimates is attached hereto and made a part of this report, from which it will be seen that if the thirteen volumes of Otto's Reports had been published by the Public Printer the cost of each would have been as follows:

Volumes.	Estimated cost of first edition of 2,000 copies.	Estimated cost of second edition, each additional 1,000.	Volumes.	Estimated cost of first edition of 2,000 copies.	Estimated cost of second edition, each additional 1,000.
No. 1	$2 75	$0 88	No. 8	$2 54	$0 84
No. 2	2 86	0 90	No. 9	2 86	0 90
No. 3	2 64	0 86	No. 10	2 76	0 88
No. 4	2 96	0 92	No. 11	3 03	0 94
No. 5	2 87	0 90	No. 12	2 77	0 89
No. 6	2 76	0 88	No. 13	3 05	0 96
No. 7	2 72	0 87			

or at an average cost of $2.81 for each copy of the first edition of 2,000 copies, and eighty-nine cents for each copy of the second edition of 1,000 copies.

The committee has been unable to ascertain the number of copies of the reports that are now printed. When the attorney of the present publishers was before the committee opposing the passage of this bill, he declined to furnish this information, although he was invited to do so. But considering the number issued by the publishers of Wallace's Reports, who were the predecessors of the present publishers, the committee is of the opinion that more than 3,000 copies of each volume are issued and sold.

These reports should be placed within the reach of the public at the lowest price without incurring additional expense to the Government, and the committee therefore recommend that a plan similar to that in force for printing and disposing of the Revised Statutes should be adopted; that the size of the volumes, the paper, type, presswork, binding, and style be not inferior to those of the reports known as Otto's, and that they should be supplied to persons who may desire to purchase them at a price not exceeding 10 per cent. in addition to the cost of printing and binding said reports; and in order to prevent speculators from buying up the editions and forcing the public to pay an unreasonable price for them, we recommend that no person shall be permitted to purchase said reports for resale unless he shall give bond as provided in the bill accompanying this report.

It is believed than an annual salary of $4,000 where the reports of the decisions shall constitute one volume, and an additional sum of $500 where more than one volume is printed and published per year, is a reasonable compensation for the services of the reporter, as his privilege to engage in the practice of law is in no wise restricted.

The committee recommend the passage of the accompanying bill, which is a substitute for bills H. R. Nos. 1279 and 1849.

Mr. BECK. These are the reasons assigned by the House committee for fixing the salary of the reporter at $5,000 a year, and printing the reports at the Government Printing Office. I thought the reasons were good, and therefore was unable to agree with the committee in striking out the clause.

Mr. GARLAND. The amendment of the Committee on Appropriations to this bill is an amendment that the Committee on the Judiciary recommended favorably to the consideration of that committee and reported here and had referred to them. This amendment, if Senators will observe it, simply keeps the matter of the publication of the reports of the Supreme Court just where it is now under the law.

It has been deemed best by the Committee on the Judiciary in considering this matter that the publication of the reports of the highest court in the land should be kept directly and strictly under the hands of the reporter, with his responsibility attached to it, and not be put

out as ordinary work to the highest bidder, or placed in the Government Printing Office, as is the provision in the bill from the House. I am satisfied that if any Senator will examine the reports published by Otto, he will see that those reports are by far the best in their make-up, better than other issues, both as to the material used and the way and manner they are put up, and better as to reporting the cases properly and reporting the arguments of counsel.

I do not believe that any reporter in his work heretofore has compared with Judge Otto in the make-up of his reports, and the reporters of that court have been distinguished jurists, such as Wheaton, Cranch, Black, and others.

The report just read by the Secretary, made in the House in reference to this matter, speaks of the comparative cost of different reports. Let me call the attention of the Senate directly, as a matter of contrast, to two volumes that I have in may hand. I have here the last of the Otto Reports, the thirteenth volume, and the last volume of the Court of Claims Reports, the sixteenth volume. The volume of Otto that I hold in my hand compares with any reports, whether published in this country or England, or elsewhere, that I have ever seen. It is a volume of nine hundred and four pages. That volume is sold at $3. Here is the last volume of the reports of the Court of Claims, which is disposed of under the programme designated by the provision in the bill as it came from the House. Is it fair to say that you can compare this book with the volume of Otto? You can contrast it, and it is a contrast in every particular.

This book contains six hundred and ninety-eight pages and you pay $5 for it. You pay $3 for the volume of Otto of nine hundred and four pages. You pay $5 for the smaller book—you can see for yourselves how it is got up—and $3 for the volume of Otto.

Mr. CAMERON, of Wisconsin. But the Senator knows very well that perhaps ten times as many of the Otto Reports are sold as there are of the reports of the Court of Claims.

Mr. GARLAND. Very well. That does not affect the particular question here. The report which the Senator from Kentucky has had read seeks to contrast the different reports that are sold in the markets with Otto's. I invite the comparison; I invite the contrast.

Mr. SHERMAN. I ask the Senator what the Public Printer asks for the reports of the Court of Claims? What is the cost to the Public Printer?

Mr. GARLAND. That I am not aware of. I am not informed upon that point, but the price we pay for this volume when we buy it is $5.

Mr. FRYE. Has the Senator forgotten that the price we paid for Otto was $5 or $6 until the last year?

Mr. GARLAND. It is only $3 now.

Mr. FRYE. But it became $3 under the threat of the bill which passed the House in the last Congress. It never was $3 before that.

Mr. GARLAND. It may be the effect of a threat, perhaps.

Mr. FRYE. It was $5 to the Interior Department for the three hundred copies furnished them last year.

Mr. GARLAND. It is now sold at $3 a volume. The report of the House committee attempts to compare other volumes. I have a statement here which I shall have read directly, taking the reports of all States and Territories to be compared with what Judge Otto gets.

The Senate must bear in mind another thing, that the reporter furnishes his own stationery and his own office room, and gets nothing from the Government except simply his pay for this business, and out of that he defrays all the expenses, and under the rules of the Supreme Court he is prohibited from practicing law, and he is one of the best lawyers, as I am told by the persons who know him perfectly well, in this country; and when it is summed up, all told, he does not get exceeding the sum of $6,000, out of which he must defray all the expenses of stationery, clerical assistance, and so on.

This matter was before the Judiciary Committee two years ago. That committee reported adversely to this proceeding of changing the law on this subject, and I beg leave to have its report read in full to the Senate, and that is all I care to say in addition to what I have said.

The Acting Secretary read the following report, submitted by Mr. DAVIS, of Illinois, from the Committee on the Judiciary, May 24, 1880:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 1493) entitled "An act defining the duties of the reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distributing of said reports," have had the same under consideration, and submit the following report:

The provisions of the existing law, which the bill repeals, require the reporter to print and publish the decisions, and to deliver, within a specified time, three hundred copies of each volume of his reports to the Secretary of the Interior. He is entitled, for his services and the delivery of that number of copies, to an annual salary of $2,500, when his report of the decisions in any one year constitutes but one volume.

If by direction of the court he prints and publishes more than one volume in any one year he is entitled to an additional compensation of $1,500.

This has been, in its essential features, our legislation on the subject since the act of March 3, 1817, (3 Statutes at Large, 376.) The reporter then received from the Treasury $1,000, and furnished the Government eighty copies of each volume of his reports. No more were then required for distribution to the judges and other public officers entitled to receive them, and such was the limited number of cases on the calendar that those decided at each term could be embraced in a single volume. The act was a temporary one, expiring by its own limitation three years thereafter. It was continued in force, however, by the acts of May 15, 1820, March 3, 1823, and subsequent acts. By the act of August 29, 1842, the reporter received an increased compensation, but was required to furnish an additional number of copies, the act providing for their distribution to certain designated public officers, increasing the number to be delivered for the use of each House of Congress, and providing that the residue should be deposited in the Library of Congress. The acts of July 23, 1866, and March 2, 1867, contain the provisions embodied in the existing law. (See sections 681, 682, 683, Revised Statutes.)

The bill under consideration provides that the reports shall be printed by the Public Printer, who, after delivering 300 copies to the Department of the Interior, is to sell the remainder to the public "at a price not exceeding 10 per cent. in addition to the cost of printing and binding" them, and one section provides that no person shall be permitted to purchase them for resale until he shall give a bond in the penal sum of $1,000, to be approved by the judge of any United States court, with good security, that he will not sell the same at a greater price than the cost of printing and binding, with 25 per cent. added.

The object of our legislation upon this subject has hitherto been, and should continue to be, to insure at the smallest charge to the Treasury the authoritative publication of the decisions of our court of last resort in a substantial and becoming form, at a price not exceeding that of other law works of the same size and quality. The mechanical execution of "Otto's Reports" is equaled by few publications in this country or in England, and is excelled by none. The work is eminently satisfactory to the court and profession, and in point of paper, type, and press-work is a great improvement upon the reports of any of his predecessors. The price of the volumes to be hereafter published will be $3 each, and in view of the style of the work, the number of pages, and its general excellence, is lower than that of any similar work. A table of the prices of the reports of the several States and of the circuit courts of the United States, which is believed to be entirely accurate, is appended hereto and establishes this fact:

Comparison of Otto's Reports with other reports by proportion of size and price.

Reports.	Publisher.	Volumes taken as a basis of calculation.	Average number of pages to a volume.	Average number of words to a page.	Average number of words to a volume.	Selling price.	Proportionate price as it would be if volume contained as much as Otto's.	Per cent. proportionately dearer than Otto's.
Otto*	Little, Brown & Co	6 vols. now out	817	430	350,000	$3 00	.....	.....
Wallace†	W. H. & O. H. Morrison	Last 6 volumes	701	380	270,000	3 00	$3 88	29
United States Court of Claims	W. H. & O. H. Morrison	Last 6 volumes	717	450	325,000	5 00	5 40	80
Miller's Decisions	W. H. & O. H. Morrison	All 4 volumes	844	470	395,000	5 00	4 43	48
McArthur	W. H. & O. H. Morrison	Both volumes	694	440	305,000	5 50	6 30	110
Blatchford	Baker, Voorhis & Co	Last 6 volumes	614	420	260,000	6 00	8 00	166
Benedict	Baker, Voorhis & Co	Last 6 volumes	620	390	240,000	8 00	11 50	283
Bissell	Callaghan & Co	Last 6 volumes	579	396	230,000	6 00	9 00	200
Dillon	Egbert, Fidlar & Co	All 4 volumes	662	396	265,000	6 00	7 90	163
Sawyer	A. L. Bancroft & Co	All 4 volumes	761	390	300,000	6 00	7 00	133
Alabama	Joel White	Last 6 volumes	710	490	350,000	5 00	5 00	66
Arkansas	Reporter	Last 6 volumes	742	340	260,000	5 00	6 70	123
California	S. Whitney & Co	Last 6 volumes	743	390	290,000	3 50	4 20	40
Colorado	Reporter	All 3 volumes	723	370	270,000	7 50	9 70	223
Connecticut	Reporter	Last 6 volumes	635	380	250,000	4 50	6 30	110
Delaware, (Houston)	James & Webb	All 4 volumes	687	380	265,000	10 00	13 20	340
Florida	Reporter	Last 6 volumes	794	350	280,000	6 00	7 50	150
Georgia	Reporter	Last 6 volumes	761	390	300,000	7 00	8 00	166
Illinois	Reporter	Last 6 volumes	721	370	267,000	2 25	‡2 95	.....
Indiana	Reporter	Last 6 volumes	664	370	250,000	3 50	4 90	63
Iowa	Mills & Co	Last 6 volumes	762	380	290,000	5 00	6 00	100
Kansas	Reporter	Last 6 volumes	721	407	295,000	3 00	3 55	18
Kentucky, (Bush)	J. P. Morton & Co	Last 6 volumes	877	370	325,000	5 00	5 35	78
Louisiana	F. F. Hansell	Last 6 volumes	929	515	480,000	8 50	6 20	106
Maine	Dresser, McLellan & Co	Last 6 volumes	663	407	270,000	4 00	5 15	71
Maryland	Reporter	Last 6 volumes	721	360	260,000	5 00	6 70	123

Comparison of Otto's Reports with other reports, &c.—Continued.

Report.	Publisher.	Volumes taken as a basis of calculation.	Average number of pages to a volume.	Average number of words to a page.	Average number of words to a volume.	Selling price.	Proportionate price as it would be if volume contained as much as Otto's.	Per cent. proportionately dearer than Otto's.
Massachusetts	Houghton, Osgood & Co	Last 6 volumes	690	430	300,000	$3 25	$3 86	26
Michigan	State	Last 6 volumes	677	390	265,000	3 00	4 00	33
Minnesota	Reporter	Last 6 volumes	606	360	220,000	5 00	7 95	165
Mississippi	Reporter	Last 6 volumes	899	390	350,000	6 00	6 00	100
Missouri	Ramsay, Millett & Co	Last 6 volumes	696	407	285,000	3 00	3 70	23
Missouri Appeals	F. H. Thomas & Co	All 3 volumes	670	360	245,000	5 00	7 15	171
Montana	Reporter	Both volumes	717	380	275,000	6 00	7 60	183
Nebraska	Mills & Co	Last 6 volumes	591	360	215,000	2 50	4 07	35
Nevada	A. L. Bancroft & Co	Last 6 volumes	485	390	190,000	2 50	4 60	53
New Hampshire	J. B. Sanborn & Co	Last 6 volumes	668	576	385,000	4 50	4 10	36
New Jersey Law	State	Last 6 volumes	647	370	240,000	4 50	6 50	116
New Jersey Equity	State	Last 6 volumes	671	370	250,000	3 50	4 90	63
New York Court of Appeals	A. B. Banks	Last 6 volumes	739	350	260,000	§2 50	3 37	12
New York, (Barbour)	W. C. Little & Co	Last 6 volumes	717	370	265,000	4 50	5 90	96
New York, (Howard's Practice Reports)	William Gould & Son	Last 6 volumes	656	396	260,000	3 00	4 00	33
New York, (Abbott's Practice Reports)	Ward & Peloubet	Last 6 volumes	587	370	220,000	5 00	8 00	166
New York Superior Court Reports	Ward & Peloubet	Last 6 volumes	620	330	205,000	6 00	10 25	241
North Carolina	State	Last 6 volumes	695	350	245,000	4 50	6 40	113
Ohio	State	Last 6 volumes	745	350	260,000	2 50	3 37	12
Oregon	A. L. Bancroft & Co	Last 6 volumes	512	400	205,000	4 50	7 65	191
Pennsylvania	Kay & Bro	Last 6 volumes	585	610	355,000	4 50	4 45	48
Rhode Island	Reporter	Last 6 volumes	681	418	285,000	5 50	6 75	125
South Carolina	R. L. Bryan	Last 6 volumes	570	480	275,000	5 00	6 35	111
Tennessee	Reporter	Last 6 volumes	684	300	205,000	3 50	5 20	196
Texas	E. H. Cushing	Last 6 volumes	744	385	290,000	5 50	6 60	120
Texas Court of Appeals	F. H. Thomas & Co	All 4 volumes	758	408	310,000	5 00	5 60	83
Vermont	Reporter	Last 6 volumes	727	444	325,000	4 00	4 30	43
Virginia, (Grattan)	State	Last 6 volumes	980	306	300,000	6 00	7 00	133
West Virginia	State	Last 6 volumes	833	342	285,000	3 50	4 25	41
Wisconsin	Callaghan & Co	Last 6 volumes	751	350	265,000	2 50	3 70	23

* *This table was prepared in June, 1879, and six volumes of Otto were then published, the last six volumes of other sets were taken as a basis of comparison. The price of Otto's Reports, as here given, is that which is to be charged from the present volume, (Otto, vol. 10, or United States Supreme Court Reports, vol. 100.)*

† Wallace was published at $6, and afterward at $5, per volume. Separate volumes are now sold at the latter price. A set of 23 volumes is sold for $69; and this, the lowest wholesale price, is the one here taken for comparison.

‡ This is five cents cheaper per volume than Otto's Reports; but comparison will show that the latter are printed on much better paper and are better bound than the Illinois Reports.

§ The average price of the volumes from volume 1 to volume 68 is here taken for fair purposes of comparison. The actual contract price on late volumes is now 48 cents, but this is a temporary result of bitter rivalry among publishers, and is so far below cost that it is already the source of trouble and litigation to the State.

It has been urged in some quarters that should the bill under consideration become a law the members of the legal profession might be able to purchase the work at a lower price. If that result should be accomplished, it would furnish no justification for imposing, as the bill does, an additional burden on the Treasury. It provides the same salary as that to which the reporter is now entitled, should he publish two volumes a year, and by the existing statute the Government receives, in that event, 600 copies a year without paying therefor. But there is no reason to suppose that the profession at large can purchase the volumes for less than $3 each, to which the publishers have now permanently reduced them, as will be seen by the letters hereto appended.

No specific price is named in the bill, and the required bond of the purchaser to whom the volumes are sold by the Public Printer, to prevent the sale at a higher profit than 25 per cent. of the original cost, if it really amounts to anything, will not prove an effectual limitation upon the price of the volumes in the hands of the retail bookseller who resides outside of the city of Washington and its immediate vicinity. The proposed measure will rather tend to enhance their price and diminish their circulation, while it is the interest of the present publishers to extend it as widely as possible. The Court of Claims Reports, now printed at the Government Printing Office, are sold at the law bookstore in this city at $5 per volume, and in point of execution are in every respect inferior to "Otto's Reports."

The reporter is not furnished by the Government with office accommodations, clerical assistance, or stationery. These necessary expenses must be borne by himself. At the time of the appointment of the present incumbent a rule of the court was adopted forbidding the reporter to practice at its bar, and he is expected to give his undivided attention to the arduous duties of his office, the efficient performance of which requires an accomplished lawyer and scholar. No other is qualified to fill acceptably an office which has been adorned by the learning and culture of Dallas, Wheaton, Black, and other distinguished members of the profession. For such services the salary provided by the bill is, in view of the expenses to which the reporter is unavoidably subject, grossly inadequate, far less than the nature of the duties should command, or that of any bureau officer of the Government, and less than that realized by the reporters in many of the States. Were there no other objections to the bill, this, in the opinion of the committee, is an insuperable objection, one which can only be obviated by imposing an additional burden upon the public Treasury, which should, if practicable, be avoided.

Regarding the subject in all its aspects the committee is of opinion that the proposed change in the existing law is inexpedient, and they recommend the indefinite postponement of the bill.

WASHINGTON CITY, *January* 12, 1880.

MY DEAR SIR: Inclosed I send you the letter of Messrs. Little, Brown & Co. to me. Please read it and hand it to Mr. Thurman, to be submitted to the Judiciary Committee of the Senate.

Very respectfully, yours,

NATHAN CLIFFORD.

Hon DAVID DAVIS, *United States Senate.*

LITTLE, BROWN & COMPANY,
254 *Washington street, Boston, January* 10, 1880.

DEAR SIR: In answer to your recent inquiry, we beg to inform you that we will meet the wishes of the court and bar by reducing the price of the United States Supreme Court Reports, commencing with volume 100, to $3 a volume.

Hoping this will prove entirely satisfactory,

We are, yours, very respectfully,

LITTLE, BROWN & CO.

Hon. NATHAN CLIFFORD.

Mr. BECK. For the current year the salary of the reporter of the decisions of the Supreme Court is $2,500 and what he can make out of the books he prints, and no one knows what that is. The House committee say that when the attorney for the publishers was before the committee opposing the passage of the bill he declined to furnish the information as to the number of copies of the reports printed, although he was invited to do so. The policy, I think, is generally to pay public officers a fixed salary, instead of having a contingency out of which they can make something.

Mr. HOAR. Did not the reporter, Mr. Otto, furnish that information?

Mr. BECK. Mr. TOWNSHEND, from the Committee on the Judiciary of the House, made a report in which he makes the statement I have made.

Mr. HOAR. I thought the Senator certainly would not question Mr. Otto's statement that he furnished the information.

Mr. BECK. I read this:

When the attorney of the present publishers was before the committee opposing the passage of this bill he declined to furnish this information, although he was invited to do so.

That was all I said, and I read it from the report.

Mr. HOAR. I am sure the Senator did not understand me, because I think if he did he would not leave off quite there. The Senator read from the House report, which I presume is true, that the attorney before the committee, on being invited to furnish certain information, did not furnish it; whether he had it to furnish is not said. The practical question here is whether the information was furnished or withheld. It was furnished by Mr. Otto, the reporter.

Mr. BECK. I judge from the report of the House committee that they were unable to get it. This is the whole sentence, and the Senator from Massachusetts will understand it quite as well as I do:

The committee has been unable to ascertain the number of copies of the reports that are now printed.

They assert their inability, and I suppose that comprehends all sources of information. Then they use the language which I read a moment ago, and proceed:

But considering the number issued by the publishers of Wallace's Reports, who were the predecessors of the present publishers, the committee is of the opinion that more than 3,000 copies of each volume are issued and sold.

The reason I said I was in favor of the House provision was, first, because it was well to pay public officers of the United States a fixed salary for their work. I have no doubt that Mr. Otto is a man of ability; I have no doubt that he is required to give his whole time to the preparation of this work, and the Senator from Arkansas

says he has done it well. I believe he will continue to do it well, and can afford to do it well for $5,000 a year, and there will be no falling off in the character of his work because we see fit to pay him $5,000 a year for that work instead of giving him the chance of what he may make at the price he can sell the reports for.

The district judges of the United States are men of ability, very many of them at any rate; they have to give their whole time and attention to the duties of their office; they cannot practice law; and yet they are content with $3,500 a year salary, in many cases, and they are usually quite the equals of Judge Otto in ability, and certainly they have more labor to perform. I do not think that the reporter of the Supreme Court will complain, when the district judges of the United States have to work from one end of the year to the other deciding all sorts of important questions, that he is badly treated when he is allowed $5,000 a year for his services as reporter of the Supreme Court, and the character of his work will be just as good when the change is made as it is now.

I am advised by gentlemen who have consulted with Mr. Morrison and other booksellers that $2 apiece will be the price of these books if they are published in the way proposed by the House.

Mr. MAXEY. Does not the Senator know that the opinion of the Supreme Court is against this change?

Mr. BECK. I take it for granted the Supreme Court will stand by its reporter getting all he can. Every one of the judges, I have no doubt, is opposed to the change.

Mr. MAXEY. The Supreme Court think the best thing to be done for the bar of the country is to let the matter remain as it is.

Mr. BECK. The best thing to be done for the bar of the country is to give them as good a report for $2 as they are now paying $3 for, and for which they paid $5 until last year. It does not require a judge of the Supreme Court to answer that question. If every lawyer in America who has to use the decisions of the Supreme Court—and they are coming to be used more every day—can buy the same book for $2 that he now pays $3 for, that is his interest, and all the judges of the Supreme Court might decide otherwise, but nobody would believe them. The House report says:

> For the three hundred copies which are furnished to the Secretary of the Interior by the reporter the Government pays at the rate of $5 per copy.

Mr. JONES, of Florida. Is the Senator sure that the result will be what he states?

Mr. BECK. That was the information the House had. That is the information that members of the committee who consulted with booksellers here affirm, and I believe the Senator from Missouri was one of them.

Mr. HOAR. May I ask the Senator a question at some convenient time? If I understand him he suggests that probably three thousand volumes are sold.

Mr. BECK. That is what the House committee say.

Mr. HOAR. He proposes to give them to the profession at $2 instead of $3 a volume. That is a saving of $3,000 to the bar of the country. Now, to create that saving you put $2,500 on to the Government for the additional salary of the reporter. That is to say $2,500 of it we pay for the benefit of the bar, out of the Treasury; and then in addition do we not give up the six hundred or three hundred copies in the case of the single volume a year, which we now get for nothing for the Government? Thus the Government would be really spending $4,000 or $5,000, to say nothing of the judgment of the court as to the deterioration of the value of the work, and to say nothing of the probability that the price will run up as that of the Court of Claims Reports has done. Thus we shall be spending several thousand dollars more than we save to the bar. What is the answer to that suggestion?

Mr. FRYE. Does the Senator understand that we get 600 volumes for nothing?

Mr. HOAR. Three hundred of each volume; that is, 600 a year.

Mr. FRYE. I do not so understand. I understand we paid $5 a copy last year.

Mr. HOAR. The reporter has to furnish 300 copies to the Government gratuitously, as I understand.

Mr. FRYE. I do not so understand it.

Mr. HOAR. That is so. You will find it in the report.

Mr. BECK. I have said about all I care to say on this question.

Mr. HOAR. May I restate this proposition for a moment, and if I am wrong in any particular the Chair or the Senator from Kentucky will correct me.

Mr. BECK. I will yield the floor altogether in a minute.

Mr. HOAR. I thought the Senator had finished.

Mr. BECK. No.

Mr. HOAR. I beg pardon.

Mr. BECK. I was remarking that I had said about all I desired to say on this subject. The Senator from Texas asked me about the opinion of the Supreme Court in regard to this, and I answered in the way I did. I have had many difficulties in regard to matters connected with the Supreme Court, the highest body in the land, of course; but if the Senator from Texas will inquire, I think he will find that each one of its judges has now a messenger or some one that waits upon him, and I have been unable to find any law or any appropriation for it, or where the money comes from to pay those men who are waiting on the members of that court. I am very anxious to ascertain about that, not that I object to their having such service; but I want to know the law whereby the appropriation is made and how it is obtained. That court takes as good care of itself as any other body, but it seems to be provided for in ways that I do not understand. So I am not looking to them particularly for information where to retrench expenditures or to furnish facilities or to do anything to cut down perquisites.

Mr. MAXEY. If the Senator will allow me, what I said about the judges of the Supreme Court was simply that they had better information on this subject than anybody else.

Mr. HOAR. Mr. President, this whole case can be stated in a nutshell, and I would like to have the attention of the Senator from Kentucky and the Senator from Maine, and see if in any respect I am in error, because I want to be corrected if I am.

The reporter at present gets $2,500 a year salary. If he publishes two volumes in the year he gets an additional $1,500. That makes $4,000. Then he gets a certain percentage on the sales, which never comes up, as he says—and nobody will question his words—to quite $6,000 a year. Out of that $6,000 he has got to pay office rent; he has got to have the entire services of a capable clerk, whom he pays for himself, and pay for his own stationery. He is being written to by lawyers all over the country to know whether the Supreme Court have decided this, that, or the other matter affecting an interest under their charge, and he has to write an ample explanation of what the court have decided. Certainly he will not have more than about $4,500 or $4,700 a year left to him. There has to be given to the Government out of the publication 300 copies of each volume. If there is one volume published in the year the Government gets 300; if there are two volumes published the Government gets 600. What does the Government pay? It pays, taking one volume a year alone, $2,500 a year, and that is all on the present system, unless there are two volumes, in which case it is $1,500 more; but I am taking it on the one-volume theory.

Now suppose, as the Senator from Kentucky thinks, under this new provision the bar get the volume for $2 where they are now getting it for $3, and there are 3,000 volumes sold. The lawyers all over this country have saved $3,000, that is a dollar apiece on 3,000 volumes; but the Government has paid out $2,500 of that $3,000 in the added salary of the reporter. It has lost its 300 copies of the reports, which, being worth $2 apiece, amounts to $600, making $100 more than the entire saving. That is the statistical view.

That being the fact, the Supreme Court unanimously and the Judiciary Committee unanimously, and the Committee on Appropriations of the Senate, not unanimously but by a majority, agreed that the present system is the best, and why? Because we have tried the other system in the Court of Claims, and in the first place we get very much inferior work in type and execution in our vast Government Printing Office than we do if we have printers selected especially for their skill in publishing law-books. In the next place you will not save this money to the profession throughout the States, and why not? If you buy a book at cost to the Government Printing Office you have got to order it in advance, and that is a way nobody does. What member of the Senate or what lawyer who has a friend a member of the Senate will send to the Government Printing Office a year beforehand and deposit $3 by a postal order and have it there, paying in advance for this book? He will buy it of the next bookseller, and the result will be that somebody will buy up as many as he chooses to order in advance.

Mr. Morrison, or somebody else here, will order the books from the Government Printing Office on speculation, and he will resell to the booksellers throughout the country at a certain moderate increase, as the bill provides he shall, and he is to be under bond too, but the booksellers throughout the country will tack on to that price whatever they can get for the book in their neighborhood. That is the way it works in the case of the Court of Claims Reports, which, while they are published under this system at cost, are sold and retailed throughout the country at $5 a volume, so that you have added a considerable sum to the annual expenditures of the Government, and you have added also a considerable sum to the cost of the book to the profession, and you have diminished very largely its quality. That is the whole story.

Mr. BECK. I rely upon the report of the Committee on the Judiciary of the House that the 300 copies furnished the Secretary of the Interior by the reporter were paid for by the Government at $5 a volume, and if the system is changed those 300 copies will be furnished at $2 a volume. There is $3 that the Government makes to add to the present salary, and that is an easy way of getting it, and it brings it to within a few dollars. There is the Revised Statutes [exhibiting the volume] printed at the Government Printing Office and furnished at $2.80—three times the size of a volume of Otto's Reports.

Mr. HOAR. Will the Senator from Kentucky allow me to settle a question of fact? I suppose it is not quite proper to appeal to the Presiding Officer of the body when he sits in the chair, but as he made the report that has been read and a particular fact is stated in the first sentence of it, may I be permitted by the Senate to ask the Chair whether there is any doubt that these 300 copies are now furnished gratis by the reporter?

The PRESIDENT *pro tempore*. The reporter furnishes 300 copies.

Mr. HOAR. Of each volume?

The PRESIDENT *pro tempore*. Of each volume, free of expense to

the Government, and there have been issued two volumes every year for eight or ten years.

Mr. MORGAN. Mr. President, I am opposed to the system of paying our public officers for public service by emoluments. I shall be glad to get rid of that system on any occasion that is presented. I think it would be better if the circuit court clerks and district court clerks of the United States were paid salaries instead of fees, and so of the marshals; but in respect of the reporter of the Supreme Court, I think there can be no doubt that it is a very much better system for him and for the people to pay him a salary and have no emoluments attached to that office.

There is another feature of the law, which I had never observed before this morning, and at which I must confess my surprise, and that is a copyright on the reports of the decisions of the Supreme Court of the United States. I take it for granted that that copyright has the sanction of the court; otherwise they would not permit it to be put in the book in every volume that is issued. The reporter of the Supreme Court of the United States has no more right to a copyright upon those decisions or upon his statement of the cases than the Secretary of State has upon the compilation of the Statutes of the United States which he has to publish under existing laws. The decisions of the Supreme Court of the United States are the supreme law of the land, and stand in every respect upon the footing of the statutes. Every professional man in the United States ought to have access, at least, to a copy of these reports. I do not see how a lawyer can afford to hold himself out as being a proper and competent adviser to his clients unless he has some means, at least, of access to the supreme law of the land. We are blocked out by our former system of an opportunity to many of the profession in the United States of having access to the Supreme Court Reports. Whatever shall cheapen these reports, and place them most largely in access to the people and the bar, is the best policy, and it is our duty, it seems to me, to resort to that plan whenever we can do it. If we can put these reports, decently printed from the Government Printing Office, in the hands of lawyers of the United States at $2 a volume, it seems to me there can be no question that it is our duty to do so, and I would rather give to Mr. Otto a salary of $10,000 a year than cut off the bar of the United States from the opportunity of having these reports printed cheaply and having them circulated largely in their midst. I would take off this copyright, for instance, and allow any publisher to print these reports who chooses to do so. Then we shall find men coming into competition with the Government on this question, and these reports, instead of being $2 a volume, perhaps will be $1.50 or $1.60, and be then circulated, and there can be no doubt that while the system proposed by the House of Representatives is in some respects imperfect, it is a better system than the one we have got from our own committee. I hope, therefore, that the report of the committee will not be concurred in, but that the action of the House will be allowed to stand, that these reports may be circulated through the country at as low a rate as the Government can possibly afford to put them at.

Mr. HAWLEY. Mr. President, I do not thoroughly understand this whole case; but so far as I have gone into it, it is my general impression that we shall obtain no advantage by throwing this work into the hands of the Public Printer. That office is now immensely overburdened. It is quite possible that if we put this work there in addition we may be a year, a year and a half, or two years, or two years and a half in getting these reports.

It will be difficult for lawyers throughout the country to get them unless they send their orders in advance under the law as it stands, and if we provide that the Public Printer shall print a certain supply in advance we shall probably soon find that he has on hand $50,000, $100,000, $150,000, or $200,000 worth of back volumes, and we shall be embarrassed by it. We shall add to his force and to his duties without in my opinion any corresponding advantage.

This volume furnished at $3 by Little, Brown & Co. is very handsomely printed, on very handsome paper, and excellently bound. It is a very creditable specimen of work. I do not believe that anything as well done as that ought to be furnished by the Government or anybody else at less than $3. In my opinion, if we give it to the profession generally at $2.75, $2.50, or $2.25, we shall be supplying the profession at the expense of the Government. The book is worth $3 a volume as it lies here now on the table.

I think if the present system is satisfactory to the bar, if they get the reports promptly printed and promptly delivered at $3 a volume, it is better to "let well enough alone."

Mr. CONGER. Mr. President, this seems to be a simple question between the reporter and his publishers and the public, and the point for the Senate to determine is whether they will legislate in favor of an old right which has remained with the reporter for a great many years, with a salary of $2,500 a year, and all the profits he can make out of the legal profession of the United States added to it, or not.

The sale of the law reports of the United States, both under the General Government and in the States, has been one of the greatest wrongs upon the profession and upon the people that has existed in the whole country. It is but a few years ago since every court report of every State cost $5 a volume. Now you can get the same work for between $1 and $2, the same size, better bound and better printed.

The whole professional fraternity and all who desired to know what the law of the United States was, both in its statutes and in the decisions of the Supreme Court, up to last year were compelled to pay $5 a volume for all these reports. What was the consequence? Good lawyers all over this country were compelled to go and buy up old digests to get a little smattering idea of what the courts had decided. The libraries of the country are full of them, without law, without decisions, without authority. It has been a burden intolerable upon the profession; and every man here who is a lawyer, unless he lives in the immediate neighborhood of the booksellers or unless he had wealth to buy these reports, knows with what trouble he could gather together, all over the Western country at least, by hook and crook and by economy and care, even a few of the reports of Supreme Court of the United States giving the decisions on the law of the land.

I am one of those who think that the opinion of members of the Supreme Court on this matter of trade and barter by their reporter is not the best opinion for the profession generally throughout the country. I think it is not best for the reporter of the decisions of the Supreme Court of the United States to be placed in a position where he buys and sells and peddles the law of the land at a price to suit himself and to increase his salary. It is neither dignified nor honorable. I make that assertion without fear of contradiction from anybody. It is not dignified or honorable for the United States to place in the hands of the reporter of the decisions of the august tribunal for which he reports the temptation to increase prices, to decrease prices, to peddle the decisions of that court among the profession over this broad land. I think a better time has come and is coming from this fact: in the last Congress the House of Representatives adopted and passed the same provision which is in this bill, but, unfortunately, this conservative Senate, following the usages for years, struck it out; but—and I call the attention of the Senate to it—that warning itself in an inchoate bill on a mere amendment, which was rejected, brought down the price of the Supreme Court reports from $5 to $3 a volume; and for one year, without law, by the mere force of the threat of that amendment, the publishers and the reporter have sold the reports for $3 a volume to purchasers throughout the country, although they charge $5 to the United States. That is an auspicious beginning. If this provision of the House bill even fails in the Senate, it will bring down the price half a dollar, perhaps, to the professional men throughout the country.

Now, sir, the men who endeavor to learn the law and be the interpreters of the law throughout the whole extent of this land, the young men entering the profession and trying to obtain a knowledge of the law of the land and the decisions of the courts which are the exponents of the law of the land, are not rich; they are not inheritors of fortunes; they are not lawyers by descent and inheritance. Thank God, the door to the legal profession is open to the poorest boy in the land, to his energy, to his enterprise, to his acquirement of learning, and he goes into it in nine cases out of ten with debts lying upon him for the very education that enables him to carry on his profession.

I say in nine cases out of ten in this land that is so; and he is met here by a usage grown up from the beginning, which compels him to pay $5 for a book which can be printed and bound and furnished to him, as the report of the Public Printer shows, just as good as it is now, and abundantly good for his purpose, for $2, and even less; ay, as the report and estimate of the Public Printer shows, on the second edition of 1,000 and on the third edition they can be furnished for less than $1, and 10 per cent. added, as provided by law. They can be furnished cheaply at $1.50. Why should the profession of this country pay $5 or $3, or any sum whatever, to aggrandize an officer of the Government? Why not let the Secretary of State charge for the publication and printing of the consular reports or the diplomatic correspondence? Why not let any officer of the Government, who is paid a salary to perform his duty, barter and peddle with those who want the documents he issues all over this country? It is not dignified, it is wrong in principle.

Now, sir, I think the provision of the House bill which was inserted a year ago, and two years ago, although it did not then become a law, has done more for the people of the United States in bringing to their doors the laws of the land and the decisions of the Supreme Court thereon than any other measure which has been passed in Congress for years. At one swoop, even the shadow of the forthcoming law struck down the price of these reports two-fifths; they are sold for that except to the Government now. If this officer has a salary let him do his work; do not put a copyright and the profits of a copyright upon the laws of the land. Every man is expected to know the law; and yet you fix a price on that knowledge beyond the means of nineteen-twentieths of the people of the United States.

Whether the Senate adopt this provision of the House bill or not, I hope the opposition to striking it out will be so strong that the advance be made so much upon the old system that at least it will be a warning to the publishers and to the reporter of these decisions that they must continue to diminish the price and stop expecting exorbitant rewards for the privileges of an officer of the Government.

Mr. VOORHEES. Mr. President, I think it has been repeated on all hands that the reports of the decisions of the Supreme Court at

this time are well made and are well published, are clear, perspicuous, and ably done, and the mechanical execution of the books is acceptable to those who love to look at good books. All that, I believe, is conceded.

Now, here are two books lying before me. One, as the Senator from Arkansas has stated, contains over nine hundred pages; the other, some six hundred pages.

Mr. COCKRELL. Will the Senator contrast the Revised Statutes with Otto, and not the Court of Claims reports?

Mr. VOORHEES. I expect you to do that when I get through. I have two law-books here before me; and if there is a lawyer in this body who would not rather give $10 for the Otto with its additional size rather than $5 for this book printed at the Government Printing Office, I should be at a loss to know how to account for his taste.

Mr. MAXEY. I ask the Senator if he has ever seen any of the works published by the Government Printing Office at all equal in execution to that volume of Otto now lying before him?

Mr. VOORHEES. I certainly never did. There is a certain type that stands on all good work in the highest description of books that can never be mistaken, and I never saw such a type of execution on a work emanating from the Government Printing Office. I do not intend to make any assault upon the work done there; but the large mass that is done there has seemed to preclude the possibility of the highest excellence when it comes to books for permanent places in libraries. I have never seen that kind of paper, that kind of type, that kind of mechanical execution that becomes a law library in any work emanating from the Government Printing Office. This book with its binding belongs to a class of itself, and this book that I hold in my hand, 13 Otto, compares favorably with the very best work that is done in England or elsewhere, and that is what we want. That is the kind of work we want on the reports of our decisions of the Supreme Court.

I cannot enter the wide domain of theory with the same success as my distinguished friend from Michigan, but I can look at two books and compare them just as well as anybody of no better opportunities than I have had in life, and when I see this large book of between nine hundred and a thousand pages, so well executed that it is a pleasure to any book man to look at it, selling for $3 to the profession, and this report of the Court of Claims emanating from the Government Printing Office, with not much more than half the matter in it contained in the volume I have just mentioned, selling for $5, I am staggered about the argument that we ought to turn this book over to the Government Printing Office, and I do not feel at liberty to do it. I do not see my way clear; I do not see the benefit to the profession; I only see a deterioration and a degradation of a great work that is now well done.

Mr. President, the position assumed by the Senator from Arkansas and by myself and others is that which has the sanction of the Committee on Appropriations. I am not much wedded to authority, but when I find the Committee on Appropriations agreeing to a proposition, it commends itself somewhat to my mind. Again, when that same proposition receives the indorsement of the Committee on the Judiciary, especially if the subject relates to matters in the hands of that law committee, it acquires additional weight; and then when I learn that the judges of the Supreme Court themselves are in favor of the views which I entertain, it carries great weight to my mind.

The distinguished Senator from Michigan, as I understood him at this distance, seemed to think that the indorsement of the judges of the Supreme Court did not amount to a great deal on a matter of this kind; that their opinion was not worth much more than that of anybody else. Why, Mr President, it is worth anything. If they are men of integrity and men of sense, there is nobody in the world who knows so well as they whether their decisions are acceptably reported. Nobody knows as well as they whether their opinions are presented in a manner entitling them to weight. It is their work that is reported; their mental labors are there put down. I ask the Senator from Michigan whether after he makes one of his able speeches and it is reported to-morrow in the RECORD, I should be as good a judge of the fidelity and accuracy and justness of that report as he would himself be, the author of the speech? I should say not.

Mr. CONGER. I will answer the Senator in one word. I say the profession all over this country want these reports. They do not want the binding nor the beautiful paper; they want the reports. The judges want a beautiful book of course. We all do. That is what I mean. If we can only have for the profession in the United States such a book as we have for all other purposes, printed at the Government Printing Office, good enough for everything else under heaven, the profession can get along with it, even if the judges should desire a little more illuminated form.

Mr. VOORHEES. The Senator from Michigan will pardon me if I remind him that I think he assumes to speak for too many people. He says the profession want a cheap book and care nothing about the binding. While he was uttering that a distinguished member of the profession sitting right by me said that the profession wanted the binding and wanted it all in good order. Sir, if I should say that the profession wanted a handsome book well bound, I should have as much authority for my statement as the Senator has for his that they care nothing about the binding and want a mere cheap book, and that only judges of the Supreme Court want a handsome book. I undertake to say that the profession, especially those men who have reached eminence enough to have business before the Supreme Court, want fair, well-executed books, and well bound.

According to the argument of the Senator from Michigan it would do to put out the decisions in pamphlet form, with yellow-back binding, because he could read it, he could understand it just as well in that form as any other. It would be cheap, and pretty soon it would be dirty and wear out; but still we could learn the law in that way. That I undertake to say is not what the profession desire on this subject.

Now, Mr. President, a word more. I know Judge Otto well. I have had that honor since my first entrance into the affairs of life. He is one of the most erudite and accomplished lawyers in the United States, a man of wide and varied learning outside of his profession as well as inside of it. A more honorable, a more upright, a more conscientious man does not live. He is a man of competency and of integrity, and I would take his judgment, in a matter even where he had a personal interest, as binding on me on a subject where his knowledge was so much greater than my own. I have known Judge Otto for thirty years, and such is my estimate of him that whatever he tells me on this subject I would believe, from his matured judgment, and I would act upon it as I would upon my own conviction. I do not believe that he is making one-half, not one-third the amount he could make at his profession. He has been out of the active practice of the profession for some time, and perhaps does not desire to return to it; but Judge Otto is not making $6,000 out of his position as reporter when he pays the expenses, and a lawyer of his high, acknowledged, and commanding ability and acquirements can double and treble that amount any time he proposes to return to the practice of the profession.

I say, Mr. President, it is a privilege to have such a reporter, it is a privilege to have such books; and I hope the Senate will stand by the conclusion reached by the Committee on Appropriations in striking out the House provision, and make the law stand as it has stood for these years past. When a thing is well enough, let it alone.

Mr. DAWES. Mr. President, there is one view of this subject which I have not heard presented. I have been out a few moments and it may be that it was mentioned in my absence. The proposition is to print this book at the Government Printing Office. It then becomes a public document. It must do one of two things: it must take the course of all public documents, or it must be produced by a separate and independent establishment, separate from the rest of the public documents. If it takes the course of all public documents it must go through the same type with a public document, take the chances of all public documents, and come out as public documents come out.

No law-book is of any value that is not subjected to a much severer test of accuracy than any public document running through any ordinary method of publishing public documents. Law proof-reading is a profession of itself. There are a few law-book publishers who publish for the profession, who have a type altogether different from the type that we have at the Government Printing Office, and who have a system of publishing altogether different, who have a proof-reader who is acquainted with law terms and law references and the manner of referring, and who can see and determine in the proof that which is of infinite value to the profession. All that can be done at the Government Printing Office, but it can only be done by erecting an annex to the present office, separate from all the rest. Otherwise, as I have said, it would come out in that character. And when would it come out? When would the courts obtain it? No man could tell beforehand when to rely upon the publication of these reports.

Then it becomes a public document, going free through the mails like the Agricultural Report; and as the Senator from Michigan says, one great desideratum is for the profession to obtain it as cheaply as possible. The next thing you will find here would be the printing of extra copies, and every Senator and every Representative would have more than one friend in the profession who would feel it a very trifling thing to write to his Representative or his Senator to send him through the mail this document. The temptation will be to multiply extra copies of this print at the public expense, as the temptation has been irresistible thus far to print very costly books to give the Senators and Representatives an opportunity to meet this demand upon them. All this comes simply from the desire to meet the demand which the Senator from Michigan suggests of having a book as cheap as possible for the profession.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to ask him who at this time prints the decisions of the Supreme Court of the United States?

Mr. DAWES. I do not know.

Mr. CAMERON, of Wisconsin. Are they not printed by Little & Brown, of Boston?

Mr. DAWES. I do not know. I live a good ways from Boston. I never asked who printed them; I never knew who printed them.

Mr. CAMERON, of Wisconsin. I inquired of the Senator supposing that he would know.

Mr. DAWES. I did not happen to know, so the Senator may have

the benefit of my ignorance on that point. I know no more about Little & Brown, in Boston, than my distinguished friend from Wisconsin, nor so much.

Mr. CAMERON, of Wisconsin. Quite likely.

Mr. DAWES. The Senator from Wisconsin gives daily evidence of his knowing more about the books published by Little & Brown than I do.

Mr. CAMERON, of Wisconsin. That I concede. [Laughter.]

Mr. DAWES. I do not know who publishes the Supreme Court Reports. Very likely they are published by Little & Brown. The Senator has for the first time informed me of that. I pay Little & Brown for the reports of the courts of Massachusetts, and they are printed in a manner that can be relied upon. They do not look very much like a public document. My anxiety, and, so far as I know, the anxiety of the profession for cheap law-books does not lead me to desire to have them printed in pamphlet form, like the document here upon our tables, with no more certainty of accuracy, no more certainty of the time when you can obtain them, and no more certainty as to the cost except to those who can get them for nothing through the mails.

Mr. LOGAN. Mr. President, I desire merely to call the attention of the Senate to one or two points in reference to this matter. This question was very thoroughly examined by the Judiciary Committee before the Committee on Appropriations agreed to strike out the provision of the House.

There is one thing I desire to call the attention of Senators to in reference to the House provision. It provides that the decisions of the Supreme Court shall hereafter be printed at the Government Printing Office under the supervision of the reporter, and sold by the Public Printer at the cost of publication with 10 per cent. added. If that provision obtains, we shall find this condition of things: the Public Printer is not restricted in the sale as to the number printed, except under the supervision of the reporter. That means, I presume, merely that the reporter shall see that the books are properly printed. Any person could make application to the Public Printer for these books, no matter who. He is not to be required to furnish them to lawyers, he is not to be required to furnish them to the courts of the country everywhere, but he is to sell them at 10 per cent. advance on the cost of the printing. Any bookseller in this town can do exactly what has been done time and again; that is, take up all the books, or as near all as he can get, and then add to the cost whatever amount he desires, and make a monopoly of it.

If the provision of the House should be agreed to by the Senate, it certainly ought to be changed very materially so as to make some restriction at least to govern the sale of these books. My judgment is that the proposition of the committee to strike out the House provision is exactly what should be done. Why? As to the printing of these books it is immaterial who prints them, whether Little, Brown & Co., or anybody else. I believe that is the name of the firm which has the contract for printing these reports, and they are certainly very well printed. They are sold in the market after being printed at a cheaper rate than the reports that we print ourselves, which are very much inferior to the reports printed by Little, Brown & Co.

Mr. CAMERON, of Wisconsin. Here is the last Wisconsin Report, printed by Callaghan & Company, of Chicago, and sold at $1. Look at it.

Mr. LOGAN. It is a very nice book; there is no question about that. I do not know what the sale of the Wisconsin Reports is, and I did not know the price of the book.

Mr. CAMERON, of Wisconsin. It costs just as much to print the Wisconsin Reports as to print these.

Mr. LOGAN. That may be true. The recommendation of the committee is in accordance with that which has been agreed to and carried out by the reporter of the Supreme Court, indorsed by the Supreme Court, and which has been continued for a number of years until some person, I cannot say who, got an idea that there was a speculation in these books by having a great number of them to sell. I had not heard of any attempt to amend the law in the House until about two years ago.

Mr. COCKRELL. Then the reports were being sold at $5 and $6 a volume.

Mr. LOGAN. Perhaps that is true. Our reports of the Court of Claims to-day are sold down on the street at $5 a volume, purchased by booksellers in the city of Washington from the Public Printing Office under a provision similar to what is proposed here. You pay $5 a volume for them, and they are certainly, as every lawyer who has examined them will say, a very inferior publication, much inferior to the publication of Little, Brown & Co., and yet we are required to pay $5 a volume for them.

Mr. COCKRELL. The Senator will pardon me for the interruption, but let me ask, is he familiar with the law which authorizes the publication and sale of the Court of Claims Reports?

Mr. LOGAN. I am not.

Mr. COCKRELL. I would thank some Senator who has contrasted the reports of the Court of Claims with the United States Supreme Court Reports to point out the law under which the Court of Claims Reports are published in that way. I should like to see it.

Mr. LOGAN. They are published at the Public Printing Office, and they are sold by the Public Printer. You provide here that the Supreme Court Reports shall be sold by the Public Printer without any restriction whatever. They may not all be sold.

Mr. COCKRELL. I understand the statement in regard to the Court of Claims Reports, but I should like to see the law by which the Public Printer has any right to sell them, and by which they are published. Under the general law, when a document is about to be published, anybody can go and subscribe for it at the Public Printing Office and take a certain number, and then he can go into market and sell them at what he pleases; but I should like to see the law which requires the Public Printer to publish the Court of Claims Reports and sell them at any particular price to the public generally after they have been published.

Mr. LOGAN. I do not know how that is. This provision, however, is as I say, and I suppose it is similar to the provision in regard to the Court of Claims Reports, that the Public Printer shall print these books and sell them at 10 per cent. advance on the cost of publication. If he were to publish 10,000 volumes he might sell every volume to one book dealer. The whole of the number might be subscribed for by one man, and in that way the price put up as I have suggested.

My own judgment about it is that this publication had better be permitted to remain as it is. The court having had experience in reference to this publication and a knowledge of it, it is in better shape to-day to remain where it is than it would be to change it to the Public Printing Office, and have them employ some person, which would have to be done at Government expense, for the purpose of examining the reports and seeing that they were properly printed.

I have another objection to this provision. There has not been a book printed at the Public Printing Office of any kind whatever or any report which has been printed there but what to some extent becomes a public document. It will be remembered that when the Revised Statutes were printed so many copies were allowed to each Senator and Representative free of cost. They were sent to their friends. Why this was done I do not know, but that is the fact. It became a great annoyance to Senators and Representatives, at least it did to me, because every lawyer in the country wanted a copy of the Revised Statutes, and he would write to a Senator or a member of the House to send it to him.

So it has been with the reports and other documents published at the Public Printing Office, and if you publish the reports of the Supreme Court at the Public Printing Office, within the next twelve months or two years some member of the Senate or House of Representatives who desires to please some constituent will introduce a resolution giving so many copies for distribution to each Senator and Representative. That has always been the case, and that will follow just as sure as the provision is retained in the bill.

There is but one other thing which I desire to say, and it is in the same line with what the Senator from Indiana [Mr. VOORHEES] said, that it is important to the lawyers of the country and the judges of the courts that they shall obtain these reports, and when they obtain them, that they shall know certainly that they are correct. I have not time to turn to it, nor do I desire to do so, but I will merely mention the fact that the supplement to the Revised Statutes, which was printed at the Public Printing Office, and I do not say this by way of criticism on the Public Printers, for they are generally very correct, but you will find two pages in that supplement to the Revised Statutes that do not belong there, which got in there by accident at the Public Printing Office, and five hundred copies of that book, which were recently ordered, have been printed and sent out with the mistake of two pages in the book. So you find the same condition of things in reference to one of our publications here.

The reason for that is because sometimes the Public Printing Office has such a large amount of matter on hand that they have to hurry it and rush it through, and in that way mistakes are made. It is impossible to prevent mistakes occurring in that way. So, if we desire to have these reports printed absolutely true and correct, and at a reasonable price, my judgment is that it is better to leave the matter where it is than to change it.

So far as the suggestion of the Senator from Alabama [Mr. MORGAN] in reference to the copyright of this book is concerned, I find that a report made by a gentleman at the other end of the Capitol states that to be a fact. It is very simple to remedy that. There is no reason why that should interfere with the printing of this publication under the supervision of the reporter of the Supreme Court as provided by law. If that is improper (I do not wish to discuss it at the present time) it is very easy to add a provision to the bill now that no copyright shall be given for the Supreme Court Reports. That could be done in a simple line which would not interfere with it in the slightest degree, and I do not know but that would be correct according to the suggestion of the Senator from Alabama. As I said, I do not wish to enter upon a discussion of that now, but the two committees having examined this question, the Supreme Court having examined it, it having been reported on time and again by the Judiciary Committee and by the Appropriation Committee after examination, I think it is not wise for the Senate to disagree with the recommendation of the Committee on Appropriations.

Mr. MAXEY. Mr. President, as the question before the Senate is important to the bar, I beg to add a very few words to what has been said.

If I were to express an opinion about the wish of the bar, it would be that they want a book to be good inside and out. I think that would express the exact idea. In a report of the Supreme Court decisions we expect a syllabus, clear, terse, distinct, pointing out the points decided by the Supreme Court. That can only be done by an able man, educated for the profession, and having the qualifications to catch points promptly. We expect a brief statement of the facts, showing the exact facts which were before the court. We expect a brief report of the arguments, in which the reporter is bound to grasp the exact points made on either side. We expect an alphabetical index, giving an abstract of the points made. So much for the inside.

Every lawyer who prides himself in his profession is proud of his library. He wants his books to be properly arranged in such a manner that he can lay his hand on any book on any subject at the moment. These reports we have to take with us to the court-house. They are bandied about in court, as we all know, and they need to be mechanically well executed. Besides, most lawyers who have any large reputation begin to need pretty large print. We expect the print to be clear and large.

The law has given the Supreme Court the appointment of a reporter, with a view of getting a reporter who may make up the inside of the book as the book ought to be made up. Then when any man makes a book it becomes to him a child; he is proud of sending that book out into the world properly clothed. Give the publication of this book to the reporter, and we shall get a better book mechanically executed than it is possible to get from the Public Printing Office, where nobody would take particular charge of the book. That is the point, in my judgment.

From the first all the way down there has been improvement after improvement, for a good portion of the time quite gradual, until we reach the Wallace Reports. There we find the best executed volumes mechanically of any of the reports up to that time, except perhaps the two Blacks. From Wallace, Otto has gone on until we have reached a point as near perfection perhaps as we shall reach in the way of a mechanically executed book, and the inside is equal to the execution of the outside. That book is furnished to the bar at $3.

I have always been willing to let well enough alone. No Government Printing Office or anybody else, in my judgment, can put that book up at a reasonable profit for less than $3. I have heard no complaint from the bar in regard to this matter; the complaint comes simply from competitors. I have heard no member of the bar complaining that he has to pay $3 for such a volume of Otto as the volume which has been on exhibition this morning. It is a fair copy, it is an honest price to the buyer, it is an honest price to the seller.

The system has worked all right from the foundation of the Government to the present time. The book is now as near mechanical perfection as we can expect to get it, and the reporter is a most able man. If there are any perquisites connected with his position they ought to go in to finish out the mere trifle of $2,500 that we give him as the salary of a reporter. Taking into consideration what has been said as to the clear judgment of so many bodies in regard to this matter, it seems to me that we ought to go slowly about this proposed change.

But I heard something bordering upon a taunt as to the views of the Supreme Court upon a question raised in that court. What goes into the Supreme Court Reports ought to be not only their own opinions but a full statement of the facts on which the opinions rest. The reputation of every member of the court is bound up in that. The whole thing is under their control, as their reporter is under their control, and we have the benefit of their judgment about that. However others may differ, I have the highest respect for the opinion of the Supreme Court in a matter of such great concern as that now before us.

Mr. HARRIS. I should like to ask the Senator from Texas if under the bill as it came from the House the reporter is not to supervise the printing of the reports and to prepare the syllabus, even though they are printed at the Government Printing Office?

Mr. MAXEY. I will say in reply that I noticed that also, but as I have before stated, my purpose was to take as little time as possible. I have never yet seen any volume of public documents since the printing of public documents was introduced comparable in mechanical execution with the Wallace Reports or with the Otto Reports. It is true that the bill provides that the reporter may go into the Government Printing Office and supervise the publication; but does he have anything to do with the mechanical work? Although he sees that his brain-work goes in there right, he has nothing to do with the mechanical work.

Mr. HOAR. May I ask the Senator from Texas how it is possible that he should supervise it under the existing arrangements of the Government Printing Office, which is under the control of public officers?

Mr. MAXEY. I think it is impossible. I stated that he could supervise the getting out of his brain work there, but the mechanical work is not under his control. There is a Government Printer under an enormous bond who is responsible to the Government for his work and not to the reporter, and how could the reporter control him? Under the present system, if Little, Brown & Co. publish this book of the reporter, it would be expected and it would be demanded by the bar, as well as by the Supreme Court and the seller, that the publishers should put the book out in a manner as near perfect as possible. I have practiced law a great many years, and I wish again to say that a lawyer loves his library above all things. It may be fancy, but I never saw a good lawyer in my life who did not like to have a good book put up in good style.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee to strike out the provision of the House and reducing the salary of the reporter of the decisions of the Supreme Court from $5,000 to $2,500 a year.

The question being put, a division was called for; and the ayes were 17.

The PRESIDENT *pro tempore*. There is not a quorum in the Chamber.

Mr. VOORHEES. I ask for the yeas and nays. That is the easiest way to secure the presence of a quorum.

The yeas and nays were ordered.

Mr. ALLISON. As we are to have the yeas and nays upon this question, I desire to say just one word. We are launching out into a new public document under the guise of printing these law reports. That is number one. We are placing these reports in the hands of the Public Printer, not knowing whether they will come out six months or one year after they are in the hands of the Printer. I have on my table his last report, showing various public documents of great importance, the printing of which was ordered two years ago, that do not yet appear.

Mr. MAXEY. I call the attention of the Senator from Iowa to the fact that the Agricultural Report is generally over a year behind.

Mr. ALLISON. The Agricultural Report for 1880 has not yet been printed.

Mr. COCKRELL. Will the Senator explain that? Will he state the reason given before the committee?

Mr. ALLISON. There are various reasons given for it. One was of course that the copy was not furnished in time, but the copy has been in the hands of the Public Printer a long time. The Public Printer is compelled to print the current work of Congress from time to time.

The committee carefully examined this question, and they believe that it is not a wise thing to add this to the enormous amount of public printing already done by the Public Printer. The more I have examined the question the more I am convinced that it is a wise thing for us not to enlarge the printing of the Public Printer. We are spending this very year $2,600,000 for public printing, and the estimate for next year is $3,000,000. Here it is proposed to add to the great amount of public printing the printing of the Supreme Court Reports. I hope it will not be done.

Mr. COCKRELL. I want to say one word. The Senator from Iowa knows that the delay in those publications is because of the appropriations not being made by Congress. The charge is that the publication of these decisions will be delayed. I tell the Senator from Iowa and the Senate that every one of these decisions is first published in the Public Printing Office before it is ever printed anywhere else. Every Senator knows that every one of these decisions is first printed in the Public Printing Office at public expense, and furnished to the judges of the Supreme Court in confidence. Senators talk about the delay that will occur. The decisions are published at public expense, and first furnished in sheet form to the judges of the court.

Mr. GARLAND. Will the Senator from Missouri pretend to say that they are published in the form in which they go into this book?

Mr. COCKRELL. No, sir; but they are printed from type.

Mr. GARLAND. They are printed, but not printed in the form in which they go into this book.

Mr. COCKRELL. That may not be, but they are printed at the Public Printing Office.

Mr. GARLAND. There is no "may not" about it. Here is the form in which they are printed. [Exhibiting.]

Mr. COCKRELL. They are printed in as good form. I have hundreds of them. I know certainly what I am talking about.

Mr. GARLAND. The Senator does not seem to answer the question.

Mr. COCKRELL. Every man knows they are not printed in the form in which they are in the book. I am not saying that they are, but I say, and the Senator knows it, that every decision of the Supreme Court is first set in type in the Public Printing Office at public expense, and it can be set in the same type and form in which it is printed in the book, if it is so desired.

Mr. HOAR. May I ask my friend from Missouri, what is his authority for saying that the decisions are printed at all at the Government Printing Office? Are they not printed by the clerk of the court at his expense? The decisions are printed by the clerk of the court at his expense.

Mr. COCKRELL. Where are they printed?

The PRESIDENT *pro tempore*. They are printed in town.

Mr. HOAR. They are printed in town, wherever the clerk chooses to get them printed.

Mr. COCKRELL. I have always understood that they were printed at the Public Printing Office.

Mr. GARLAND. That is a sad mistake, and I want to correct it. I have here three of these decisions. They are printed by the clerk

of the court at his own expense wherever he chooses to have them printed. The Government Printing Office has no more to do with this publication *per se* than the Queen of England has to-day. I want the Senate to see that the printing of these reports in this form does not facilitate the printing of them in book form one particle, for it might as well be the New Testament that is printed for all practical purposes.

Mr. COCKRELL. The Senator from Arkansas, the Senator from Indiana, and several other Senators have taken occasion to hold up before the Senate the Court of Claims Reports at $5 and the Supreme Court Reports at $3. I ask the Senator from Indiana to hold up the Revised Statutes and compare that with the Supreme Court Reports. Two dollars and ninety cents is the Government price for the Revised Statutes.

Mr. HOAR. What is the number printed?

Mr. COCKRELL. I refer to the Revised Statutes of the United States, 1878, second edition. Here is a volume of the Supreme Court Reports. Take them and compare them. One is done at the Public Printing Office and is for sale at $2.80, and the other is sold at $3, printed at private expense.

The bill as it came from the House simply provides that the reporter of the Supreme Court shall have a fixed salary, and he shall make up the reports, and that the reports shall be printed at the public expense under his direction and control, just as they are now printed at a private establishment. There is no difference. The quality will be the same; everything will be the same; the reports will be the same; the same matter will go into each volume. I say the Public Printer will do just as good binding and have just as good paper as the reports now have. If Senators will take the trouble to compare the prices furnished by the Public Printer to the committee of the House they will see that the reports would come even below $2.

Why was it that this monopoly was granted so long to the reporter of the Supreme Court? He got from $5 to $6 per volume for the reports of the Supreme Court until the House of Representatives took the matter in hand and began an investigation. What was the result? Without any legislation coming into law the cost dropped down to $3, and the cost can still be reduced below that.

The question is simply whether we, controlling the publication of these reports, shall permit them to be published and distributed at from $2 to $2.50 or even less than that, or whether we by law shall fix the price upon the publication at $3. That is the only question. The publication can take place at the Public Printing Office just as rapidly and as quickly and as neatly and as perfectly as at any other office in the country.

I hope the amendment of the Committee on Appropriations, which was adopted, I will say, as it has been referred to so often, by a bare majority of that committee, will not be agreed to.

Mr. VOORHEES. If the Senator from Missouri made any statement clear and positive it was that the decisions of the court by Otto were printed first by the Government Printer, that they were set in type there. I am authorized to say that the Government Printer has never set the type of one word, line, or page.

Mr. COCKRELL. I made the correction, and stated to the Senate that I was so informed and had been repeatedly.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HOAR, (when the name of Mr. DAWES was called.) My colleague [Mr. DAWES] is paired with the Senator from Alabama, [Mr. MORGAN.]

Mr. MORGAN, (when his name was called.) On this vote I am paired with the Senator from Massachusetts, [Mr. DAWES.]

The roll-call having been concluded, the result was announced—yeas 33, nays 22; as follows:

YEAS—33.

Allison,	Grover,	Logan,	Pugh,
Anthony,	Hale,	McDill,	Saulsbury,
Blair,	Hampton,	Mahone,	Sewell,
Call,	Harrison,	Maxey,	Sherman,
Chilcott,	Hawley,	Miller of Cal.,	Voorhees,
Davis of Illinois,	Hill of Colorado,	Miller of N. Y.,	Walker,
Farley,	Hoar,	Morrill,	
Ferry,	Ingalls,	Platt,	
Garland,	Jones of Florida,	Plumb,	

NAYS—22.

Beck,	Conger,	Harris,	Sawyer,
Brown,	Davis of W. Va.,	Jackson,	Slater,
Camden,	Frye,	Jonas,	Van Wyck,
Cameron of Wis.,	George,	Pendleton,	Vest.
Cockrell,	Gorman,	Ransom,	
Coke,	Groome,	Rollins,	

ABSENT—21.

Aldrich,	Fair,	Lapham,	Vance,
Bayard,	Hill of Georgia,	McMillan,	Williams,
Butler,	Johnston,	McPherson,	Windom.
Cameron of Pa.,	Jones of Nevada,	Mitchell,	
Dawes,	Kellogg,	Morgan,	
Edmunds,	Lamar,	Saunders,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed.

Mr. MORGAN. I have an amendment that I desire to offer at this point.

The PRESIDENT *pro tempore*. It was the agreement that the amendments of the Committee on Appropriations should first be acted upon, and then other amendments would be in order to any part of the bill.

Mr. MORGAN. I was going to save time by offering the amendment now; that is all.

The PRESIDENT *pro tempore*. Of course the Senator has the right to offer an amendment, but the Senate has been proceeding under the idea of acting on the amendments of the Committee on Appropriations and then considering other amendments.

Mr. MORGAN. I shall not interfere with the order of procedure.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 3, after the word "shall," to strike out "hereafter" and insert "after the 1st day of October next;" so as to read:

That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall, after the 1st day of October next, be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of Government, except only at such rates and in such numbers respectively as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year.

Mr. SHERMAN. Mr. President, before the amendments to sections 4 and 5 are acted on, I wish to call the attention of the Senate to the extraordinary nature and character of the legislation embraced in those sections of this appropriation bill. We are so much in the habit of passing appropriation bills without care, letting them run along, that oftentimes there is legislation put upon them without exciting the attention of a single Senator.

The legislation contained in sections 4 and 5 of this bill is revolutionary in its character, changing the habit of the Government of the United States from the beginning. It is only the expansion of a system which has grown within the last twenty years so as to change practically the nature of the statutes of the United States.

In the last twenty or thirty years nearly all the legislation of Congress has been embraced in appropriation bills. They have swollen greatly. Thirty or forty years ago there was but one appropriation bill. Afterward there were three or four; now, I believe, there are twelve. Here is one of the appropriation bills containing one hundred and sixteen pages of printed matter. In my judgment, this appropriation bill could be reduced down to ten pages without the slightest difficulty, without interfering in the least with the convenience of legislation, and thus prevent the swelling of these appropriation bills into large volumes.

In my deliberate judgment, and I record it as a matter of criticism which has grown up in time, the object of swelling the appropriation bills is to enable committees of Congress to introduce new legislation in the appropriation bills without having it called to the attention of either House of Congress. In this bill all the way through it there is legislation; there is scarcely a page in the bill but what contains legislation, and new legislation; but the fourth and fifth sections are a substantial revolution in regard to great masses of appropriations. If these sections are adopted, although the Committee on Appropriations of the Senate has changed them somewhat, I venture to predict that within one year from this time loud complaints will come from all departments of the Government, growing out of the provisions contained in this bill, and if the bill is logically carried to its sequence we shall have it swelled next year to at least five hundred pages instead of one hundred and sixteen.

Let us see what is proposed in section 4. The first clause of the section reads:

That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé, shall hereafter be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year.

Suppose that should be made a law; every officer and agent and employé in the Printing Office would have to be named and designated by number, and the rate of compensation, and every officer, agent, and employé in the Bureau of Engraving and Printing would have to be designated, rated, and numbered, in the appropriation bill, and the principle of the section, although not the language, would extend to the designation of the number of employés and workmen on every public building in the United States. This lays the foundation for introducing into an appropriation bill the number, designation, rate of wages, &c., of every custom-house officer, of every inspector, of every employé in the list of one hundred thousand names in your Blue-Book.

In section 5 of the bill I read this provision:

That from and after the 1st day of July, 1882, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of the permanent and indefinite appropriations for collecting the revenue from customs which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury.

Then follows the clause:

And it shall be the duty of the Secretary of the Treasury to include in his next estimates to Congress, and annually thereafter, a statement specifying in detail

the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as cannot be otherwise specifically provided for.

Why is this legislation? Why make estimates in detail for every petty office in the United States scattered through the country? In order that Congress may by specific items make the appropriations for that service. Suppose that instead of confining the bill to the Departments and bureaus of the Government you have this information put in detail in regard to every custom-house and internal-revenue office in the United States; it would swell the appropriation bill largely.

The object no doubt is a good one. Congress never proceeds in a matter of this kind unless there is some plausible reason at hand. The reason is that every item of expenditure should be brought to the attention of Congress. That is no doubt a good idea; but when you undertake to spread all the items annually in large appropriation bills which go into the statutes of the United States you depart from the custom and habit of the Government.

Formerly the items of appropriation for a bureau were contained in a single sentence. I will take any of the Departments; it would say: "For the Commissioner of Internal Revenue and the clerks and other officers belonging to that bureau," so much. That would be the only classification. Now the appropriation goes on and sets out every officer, the amount of his salary, the number of clerks in each division and in each bureau, all set out in detail. They are all provided for and regulated by law, the salaries are fixed by law; and what is the use of swelling the appropriation bills to that extent?

I rise now not with a view of making an issue with the committees on this question, but merely for the purpose of entering my prophecy that this system cannot be adopted and put in practice; that you cannot spread upon your statute-book every year the amount appropriated for each officer of the Government. The provisions of this fourth section which repeal all the appropriation acts for particular services will involve you in irretrievable confusion. However, the best way to find that out is by making the experiment.

Take the appropriations made for the Internal-Revenue Bureau. Here is an item of about two million dollars for the collectors and deputy collectors all over the United States. Suppose you should undertake to classify and give the number and designation and character of the officers employed in each internal-revenue district. There are more than a hundred districts; that would swell the bill enormously; and that is proposed by this section. Suppose you set out in this bill the number and designation of officers that would be required at the custom-house in New York; that would swell it enormously. An appropriation is now made for the collection of customs, $3,000,000, or whatever it may be. So an appropriation is now made for the collection of internal revenue, for the payment of collectors and their deputies, $2,000,000, or whatever the sum may be. An appropriation is made for a given object, for the erection of a public building. In the construction of the bill for the building you do not undertake by law to say that there shall be one superintendent, so many draughtsmen, and so many persons of various grades engaged, but you appropriate half a million dollars for the construction of the public building, limiting the amount.

You cannot conduct the business of this Government unless you are willing to trust the executive officers with some of these details, and when you undertake to set out these details in the form of law you defeat the very object you have in view. The object you have in view no doubt is to call the attention of Congress every year to each item of expenditure; but there is no object in printing all the items in detail in your law and repeating them parrot-like year after year, and making your statutes a great volume of laws at every session containing the appropriations of money prescribed by law.

Our English cousins know a great many things that we have not yet found out, and in this respect and in respect to saving in the bulk of laws, they are much wiser than we are. I have here all the general laws passed by Parliament in a single session for a single year, and a very important session. Here is the vote of supply. I will read it for the purpose of showing the method adopted in that old country, where nearly all the contests in Parliament arise upon the question of supply, and more governments change on votes on the supply bill than upon any other. Here is the recital of the act:

An act to apply certain sums out of the consolidated fund to the service of the years ending on the 31st day of March, 1879, 1880, and 1881, and to appropriate the supplies granted in this session of Parliament.

Then it goes on in two pages, and grants so much out of the consolidated fund:

All sums granted by this act and the other act mentioned in schedule (A) annexed to this act out of the said consolidated fund toward making good the supply granted to her majesty, amounting, as appears by the said schedule, in the aggregate to the sum of thirty millions one hundred and seventy-seven thousand one hundred and twenty-nine pounds thirteen shillings and one penny, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the acts mentioned in the said schedule (A) for the purposes and services expressed in schedule (B) annexed hereto.

Here is a schedule in general of these appropriations, covering about ten pages, and that is the whole of the supply bill of Great Britain, where the amount appropriated every year is larger than it is in our Government. But all the details of these appropriations, which are examined also, and upon which the ministry stand or fall, are given in what is called their budget. Here is a volume of the budget, where every officer, every employé, with his rate of wages, the time employed, all the details are given. These do not enter into the statutes, they do not encumber the volumes as is the case with our volumes that now are growing upon us so rapidly. They are published in the budget, they are carefully examined by the committee of supply in the House of Commons; the details are all fixed upon if necessary by a vote in committee of the House of Commons; but they are passed in the form of a general supply bill such as I have read. Here is an amplitude of detail much more full than ours, much more satisfactory, because every body wishing to see what expenditures are being called for can take this book and with all its voluminous details can tell to the last penny what is appropriated by Parliament and what is embraced in the large sum of money appropriated by the general law.

Mr. President, I want to show you the evil of the system in which we have gradually grown, because it has only grown up by slow degrees in the last thirty or forty years. As I said before, formerly, I believe for the first fifty years of our Government, there was a supply bill, in which all the appropriations were grouped together, and then they were classified in general phrase. For instance, according to the old supply bill there would be so much for compensation to the Secretary of the Treasury, two assistant secretaries, so many clerks, so many assistants, so many of the different grades, and all that would be in a few sentences. Here the appropriations for the Treasury Department, which might be included in a small space are spread over many pages, twenty or thirty probably, without the slightest object whatever except parrot-like to repeat what the law now is, that so many clerks shall be in the Fifth Auditor's Office, so many clerks in the Fourth, so many in the Third, and so on. What is the use of repeating that over and over in the law? The danger of it is very manifest.

I ask any Senator if he can tell me from the pages of this appropriation bill what is now the law? Here are appropriations made, for instance, for the First Auditor, $3,000; for deputy auditor, for three chiefs of division, four clerks of class 4, five clerks of class 2, five clerks of class 1, and clerks of different classes, naming the number and giving the amount appropriated to each. Does any Senator here know that that is now the law? Can you say here, from the information you have on the face of the bill, that this is a repetition of existing law? No; you do not know it. You assume, as a matter of course, that the law still stands, but how do you know it? You have not the means of knowing it unless you look at the old laws and find the items there.

If, on the other hand, the bill simply appropriated for the office of the Secretary of the Treasury and for the assistants and clerks authorized by existing law, so many thousands or hundreds of thousands of dollars, then you would know that in that provision for the Treasury Department there has been no increase of the clerical force; but as the bill is now framed you cannot tell.

I see in these pages, as I look over them, from my knowledge of the subject, that there have been increases made. They may have been made in the House by the bill as reported there, because there is no distinction there. No member of the House can tell whether the clerks provided for in the bill as printed are to be new or old. When the bill comes here we cannot tell from the print whether the House have added to or subtracted from the clerks. All the matter is printed in the same type. It is true we can tell by the mode of printing whether the Senate committee propose any change in the bill as it passed the House, but not whether they propose any change of existing law. The result is that neither the Senate nor the House acts with any knowledge whatever as to the changes proposed in existing law unless Senators and members examine carefully the statutes fixing the number and grade of officers in each of the different departments and divisions of the Government of the United States.

I say that the fourth and the fifth sections of this bill are faulty. Suppose an appropriation is made for a given object. An appropriation was made three or four years ago for gathering information in regard to lands belonging to the United States other than the public lands in the United States. Under the laws that then existed the Secretary of the Interior would be able to select a man skilled for that particular business and set him to work to ascertain and find out the nature and character of the title of the United States, the value of the property, &c. But under this provision, by express terms, the head of the Department cannot employ a single soul from a lawyer to a messenger to do anything whatever, however important or necessary, unless the Committee on Appropriations has specifically named that particular person for the office.

That is the effect of section 4; not a single person, clerk, messenger, lawyer, employé of any kind can be employed about the public Departments here unless he is named in the appropriation bill. I say you cannot get along with the Government of the United States in its extended character unless you are willing to trust the executive officers, and, therefore, you ought to appropriate in the first place enough money to carry out existing law, and you need not cover one hundred and twenty pages in doing that, but in a few brief paragraphs you can appropriate what is necessary for each Department to carry into execution existing law, and then if you want to

change the law put those changes by themselves, so that we may know and see and act upon them as they are proposed.

Remember, I do not call in question either the motive or the object of this proposition. I know it is the desire of Congress to bring before it and before both Houses in detail all the manifold expenditures of this great Government. That is right. But I say that the mode in which it is being done is not the best mode; that it ought to be done by estimates, columns of figures, which the Committee on Appropriations could take up, as in the British budget, and say that is too much or too little, and go through with it by columns; but there is no occasion to spread all these details every year in the laws which are published at public expense and distributed, but in a few brief phrases, more copious than the English system, because we have a greater variety of expenditure, but still in a few pages you might group all the general expenditures of the Government as provided for by existing law, adding then only such provisions as would be necessary to carry out any new provisions of law you might make.

Here is a clumsy provision which illustrates the nature of this bill. Here are appropriations- and you have made a great number of them this year—for public buildings. All the drafts, all the plans are prepared here; the contracts are made here in the Treasury Department. By the operation of this fourth section not a single employé can be designated to carry those details into effect, except what is contained in a provision that has been inserted to avoid that difficulty. The framers of this bill seem to have considered and found the difficulty in applying their principle to this office. Here is an appropriation for the Supervising Architect in the construction branch of the Treasury building. It goes on naming clerks, and then says:

> And the services of skilled draughtsmen, civil engineers, computers, accountants, modelers, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary, may be employed in the office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from such appropriations.

Here is an attempt to make an exception to the general rule contained in section 4 of this bill, but it is a most lame and impotent one. That general provision provides that no head of a Department shall appoint anybody, any messenger, any clerk, any employé of any kind whatever, unless he is named and designated by salary and rank and his pay fixed by law; and yet you depart from that principle here to a certain extent when applying it to the public buildings.

So also in the case of the collection of customs. How is it possible to designate the number of officers required to collect the customs in the city of New York? Sometimes they have to be increased, sometimes they have to be greatly diminished; sometimes a superior inspection force must be set at work. It must vary, and that varying must depend on the intelligent co-operation of executive officers. But this bill is framed on the idea that no man can be trusted to perform any duty as an executive officer, no man shall be allowed to designate a clerk, a messenger, unless the pay has been already fixed and prescribed by law.

Why, sir, if you compare the rate of pay allowed by executive order with the rate of pay allowed by Congress, you will find that in all cases, taking all classes of the service, the pay allowed by executive officers is less than that allowed by Congress. Congress allows more pay than any other branch of this Government in all its details, except in the higher grades. You pay your messengers, your watchmen, your laborers, at a higher rate of pay than is paid in any custom-house in the country. The grades are higher for this class of service when fixed by Congress than when fixed by executive officers. You have here endeavored to reduce, by section 3 of this bill, the pay of watchmen and laborers to a certain grade. I think it reduces them in every case.

Mr. ALLISON. Not below existing law.

Mr. SHERMAN. In some cases they are employed in custom-houses and other places where the service may be for only a portion of the year; sometimes they are only employed for two days in a week, sometimes more and sometimes less; but under this general Procrustean law we shall have to pay the men for service when they are not required, simply because the law says that a messenger shall have six hundred and odd dollars a year, and therefore you must pay him when he is not needed.

All these laws are founded upon a narrow jealousy of executive officers. They ought to be held strictly to the performance of their duties; but when you undertake by legislation to regulate them in these petty details, you sometimes defeat the very purpose you have in view.

Without desiring to interfere with this legislation, I now prophesy that this whole experiment of attempting to spread upon the statute-books of the United States every year all the details of our public expenditures must fail. It has already grown to such an abuse that it ought to be corrected, and I earnestly ask the attention of the Committee on Appropriations, which is a very able one, to the necessity of bringing about a reform, a condensation and reduction in the size of these appropriation bills.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. SAULSBURY. Have not these detailed provisions of appropriation for the employés of the Government grown out of the fact that there has not been a wise discretion used where discretion has been extended to some of the heads of Departments? I remember some years ago there was a general appropriation left to the discretion of the Secretary of the Treasury of some $20,000 or $24,000, to be used to aid in the administration of his office. During the administration of the Treasury Department by a former Secretary, instead of giving that to additional employés, there was a complaint that the money was distributed among those already receiving high salaries. I remember hearing such complaints.

Mr. SHERMAN. I have no doubt of it.

Mr. SAULSBURY. It occurs to me that the specific appropriations arose from the abuse of discretion which had been vested in heads of Departments.

Mr. SHERMAN. I have no doubt that such abuses are liable to occur, and that is a thing which cannot be avoided. They are more liable to occur under a bill that defines with unnecessary detail the number of employés, &c., because the nature of the service varies from time to time. Sometimes you want more and sometimes less. During the session of Congress all the departments of the Government want more clerical force than at other times. There must be some case, some motion, some reduction of expenditure at times and an increase at others. You cannot keep up a Procrustean organization all the time. The very moment Congress adjourns certain branches of the service are very much reduced. The enormous demands made by your calls for information require probably two hundred clerks in the Treasury Department that may be dispensed with at other times. There must be some give and take.

These remarks are made to the Committee on Appropriations not in any spirit of captiousness, because as I have served on those committees I trust they will not feel that I am criticising their action. There are two reforms that ought to be made at once. In the first place, the bulk of these appropriations ought to be largely reduced. I can take and the Committee on Appropriations can take this bill of one hundred and sixteen pages and reduce it to twenty pages without omitting a single item that is necessary to be entered upon the statute-books.

What is the use, when you are providing for the Fifth Auditor, of naming all the clerks and employés in his office? They are all fixed by law. Why not say: "For the Fifth Auditor and the clerks and employés in his office, so many thousand dollars;" and if anybody wants to know how many there are in that office, let him turn to your Book of Estimates, which is copious and is annually spread before you. So in the Secretary's Office, which contains one hundred and twenty different employés, why not say: "For the Secretary of the Treasury, assistant secretaries and clerks, and employés in his office, so many thousand dollars." You have in a few lines the whole thing. Why spread all the details out over many pages except to conceal changes that may be made from time to time? The two committees of the two Houses may change all the items of your expenditure, may increase the number of clerks in your bureaus, may swell even their salaries, and we are not informed of it, we do not look to it; and to some extent that is done. It is done in this bill. There are several officers added in this bill. I do not call in question the necessity of it, but I say it is done, and persons looking over this bill would not know it. In the ordinary print of the bill, as sent to us by the House of Representatives, there are officers added and officers changed, and no one can find it out; but if there was a simple appropriation made to carry on each bureau or each division of the public service, allowing so much as is necessary, giving the amount exactly, copied from the estimates containing in detail the items of the amount, then you could see at a glance that we were appropriating only to carry into execution existing law. If, then, the law is proposed to be changed, let it be put in as a separate and distinct matter in the bill, so that we can see what is new law and what is old law, what is to carry into execution existing law and what is to carry into execution the new law proposed. In this way all the members of the Senate and the members of the House will be on a footing of equality with the members of the two Committees on Appropriations.

I say that this bill is too bulky, and that by wise supervision it could be reduced; and the Senate can do it as well as the House. The Senate might make upon this bill a model of a bill, if they chose to do it; not at this session, but at the next.

Then, in the next place, we must leave general objects of expenditure in the different Departments more or less to the discretion of the Departments. There may be, as my friend from Delaware says, an abuse of that discretion. Call them to account for that abuse, and it is very easy to detect it. Place in their hands a given sum of money for a given object, and require of them the strictest accountability for the expenditure.

That is the natural way; but when you attempt to limit them and curb them as to their mode and manner of executing the law, you only tie withes around their arms and disable them from doing what is best for the public service.

I do not know that I shall make a contest, but I am opposed to the fourth and fifth sections of this bill as revolutionary in character, injurious to the public service, tending to promote extravagance and waste in public money, and to largely swell the volume of our laws needlessly and uselessly.

Mr. ALLISON. Mr. President, the Senator from Ohio makes a

general criticism upon the conduct of the Committee on Appropriations with reference to the details of this bill, and a special criticism with reference to sections 4 and 5. Now, I desire to say one thing in the beginning with regard to these two sections. I regret as much as the Senator from Ohio can regret that legislation is placed upon appropriation bills; and the complaint made by him in that regard is, I think, a just complaint. The Senate Committee on Appropriations, so far as I know, in this bill and in every bill they have presented for the last two years to the Senate, have endeavored as far as they could to keep off legislation, and they have only taken up and considered such questions of legislation as were presented to them by the several bills as they came from the House of Representatives. The legislation complained of by the Senator from Ohio is legislation sent to us by the House of Representatives, and the Committee on Appropriations have endeavored to amend that legislation so as to cure the very evils of which he complains. We know perfectly well that when an appropriation is made for a specific purpose, such as an appropriation for engraving and printing in this city, an appropriation for the erection of the Washington Monument, or an appropriation for public buildings and grounds, in the nature of things labor must be employed that cannot be specifically enumerated in the appropriation bill. Therefore, if the Senator from Ohio will turn to the amendments to the fourth section, he will see that the Committee on Appropriations have, at least, made an honest endeavor—they may have fallen short of success—to cure the evils which we found in this bill when it came to the Committee on Appropriations of the Senate.

Now, why is this fourth section in the bill? It is, as was intimated by the Senator from Delaware, because, from time to time, at least in the judgment of members of the House, and members of this body, abuses have grown up in the several Departments with reference to the compensation of employés not specifically enumerated in any of the appropriation bills. Take, for example, the very illustration given by the Senator from Ohio in the Supervising Architect's office. If you turn to the Book of Estimates you will see a very small number of clerks provided for there, and yet the Supervising Architect, having buildings to construct in all the various States of the Union, has a lump sum from which he can draw. There is an appropriation, for example, for erecting a custom-house in the State of North Carolina or South Carolina; that appropriation is in the discretion of the Secretary of the Treasury by existing law, and if he chooses to pay $8 a day to a superintendent of that custom-house he can do it; if he chooses to pay $8 a day or $10 a day he can do it.

The object of the fifth section is to amend the budget.

The Senator from Ohio turns properly to the budget presented to the British Parliament. Our budget is in the Book of Estimates. That is intended to be our budget. How is this budget made up? It is made up, as I understand, by the several heads of Departments of the Government presenting to the Secretary of the Treasury at a certain period various details with reference to their respective Departments. These details are supervised by the Secretary of the Treasury, and are sent to us in the Book of Estimates for each year. This Book of Estimates does not contain—that is the trouble—all the expenditures in detail from year to year. There is more detail in the Treasury than in any other Department of this Government, and why? Because, in 1870, under what was known as the Kellogg bill, there was a complete reorganization of the Treasury Department, specifying in detail the heads of divisions, the assistant secretaries, and largely enumerating the clerks by classes; but if you will turn to any other Department of this Government you will find no law at all. I may exaggerate in this, but in my judgment all the law there is for two-thirds of the clerical service in the Departments here is the law contained from year to year in the appropriation bills.

If, therefore, we were to bring in a bill as suggested by the Senator from Ohio, simply appropriating for clerks that exist by law, I do not believe that this Senate could in a month find out how many clerks in any Department of this Government exist according to law, except those enumerated in the Treasury Department in the law passed in 1870. The number of clerks is increased from year to year in all the Departments, and I placed upon the table of every Senator, the day before this bill came up for consideration, every change that we propose in this bill, and in gross the number of clerks in this bill that are not now specifically provided for by law or by previous appropriation bills. So we furnished to the Senate all the information that we could furnish to the Senate in reference to the details of the bill.

Now, if we are to improve the method of forming appropriation bills in the future, it must be done by a complete reorganization of every Department of this Government. You take, for example, the Pension Office; where is the law that fixes the number of clerks in the Pension Office? That law is found nowhere except in appropriation bills, just such as the one pending here. There is no separate and distinct statute fixing the number of clerks in the Pension Bureau.

Mr. SHERMAN. I will ask my friend from Iowa whether it would not be a wise law for the Pension Office to give to the Secretary of the Interior the power to employ sufficient clerical force to carry the pension laws into execution. I have no doubt that with $100,000, if he was not limited and restrained by your strict regulations, he could employ more clerical force and do more service than with $200,000 appropriated in the way it is done now.

Mr. ALLISON. If the Senator from Ohio asks my individual opinion on that question, I agree with him; but that is an impracticable thing under our system of government.

Mr. PLATT. That is substantially what this bill does. The Commissioner of Pensions has simply said to the Committee on Appropriations just what force he wants to carry on the office, and the Committee on Appropriations have provided the force just as he asked for it. What could be more reasonable than that?

Mr. SHERMAN. But what is the use of putting it upon the statute-book? If you trust the discretion of the Secretary of the Interior, why not say "such clerical force as he deems necessary to execute the provisions of the law?"

Mr. ALLISON. We have added in this bill clerical force to the Pension Office alone aggregating, I do not remember now the exact figures, but largely over a million of dollars in cost; and there is no other law, and will be no other law justifying the service of all these clerks and employés except that found in this appropriation bill. If you take the present clerical force of the Pension Bureau, now aggregating nearly eight hundred persons, you will not find a single law upon your statute-books directing their employment except the appropriations of money that are found from year to year in your appropriation bills. Therefore the suggestions made by the Senator from Ohio, although they may have great value, do not apply and cannot be made to apply to the existing state of things in our Government.

The first step in the direction of the reform of which the Senator speaks is to aggregate and concentrate this force in some substantive law, so that the Committee on Appropriations will know from year to year what they are to do, and so that when the several heads of Departments gather up their budget in the form of the Book of Estimates they will have a law before them. Now there is no law. Suppose there are one hundred clerks in the Interior Department, and the Secretary of the Interior wants one hundred and five; in this Book of Estimates he makes an estimate for one hundred clerks, and then for five additional clerks, and says "submitted." There is no law for either, and we go on in this way from year to year embodying in our appropriation bills all there is with reference to the clerical force.

Now a word as to sections 4 and 5 of this bill. I think very likely there will be trouble in the practical enforcement of section 4, and some confusion will arise in the several Departments here in making the change to the system proposed in this bill as compared with the existing system; but I think Senators will be perfectly amazed to find that there are eight hundred and forty clerks in the several Departments at the seat of Government that are not appropriated for at all. The Senator from Ohio says he knows nothing about the details of this bill and cannot know anything about them. It furnishes at least some modicum of information to the Senate as to the number of clerks we appropriate for, but here rest in the discretion of the heads of the Departments at the seat of Government eight hundred and forty clerks that have not been provided for in any appropriation bill hitherto specifically.

Mr. BROWN. How were they paid?

Mr. ALLISON. They were paid out of general appropriations. For example, there is an appropriation to furnish carpets and furniture for the custom-house in the city of Chicago. I find that clerks have been employed in the Treasury Department and paid out of that appropriation. There is an appropriation for purchasing carpets for public buildings outside of the Treasury Department, and there are found upon the books of the Treasury employés paid out of these general appropriations.

The object of the section is to bring into a concentrated form these several employés in order that we may know who they are and what they receive and from what appropriation their services are paid.

Mr. SAULSBURY. If such an appropriation was made as the Senator has referred to for Chicago for the purpose of buying carpets and was specifically directed to that object, is there any warrant of law that can authorize the head of a Department to divert it from that purpose to apply it to another?

Mr. ALLISON. That is a question that I do not care to argue at this moment. The Treasury Department have so construed the laws making appropriations as to enable them to do this thing. They do it because a certain force is necessary here to manage all these appropriations relating to public buildings, and under a construction which they give to these several laws they employ a clerical force for that purpose here in the city of Washington.

So you may take the Bureau of Education, which is another illustration. We have hitherto appropriated $15,000 for gathering statistics with reference to the educational interests of the country; and nearly the whole of that $15,000 was consumed in the payment of clerical force in the Bureau of Education. Now, this bill appropriates in detail for this purpose. So of a number of items that I might name in the bill.

So I think the intent and purpose of the fourth section is in the right direction, as the Senator from Ohio believes. It is in the direction of reform in that it gives to Congress specific knowledge of how the several appropriations are expended. If the Senate Committee on Appropriations have failed to make necessary amendments to bring this fourth section into practical conformity with the exist-

ing state of things, then I trust Senators will take the liberty of proposing additional amendments for the same purpose.

Mr. BECK. Mr. President, I never expected to hear quite such a speech as I have listened to from the Senator from Ohio. I had believed that all men of all parties agreed that it was important, and becoming more and more important, to curtail by exact legislation and by orders from Congress the power and the discretion of the Executive Departments, and to do what was in the power of the representatives of the people to curb them in the expenditure of the public money. And now, when an honest, earnest effort is made, in the face of facts so well known that it is almost unnecessary to repeat them, how are we met? The investigation made by the Committee on Appropriations, embodied, in a volume of perhaps 2,500 pages, relative to the management of the Treasury Department in the last few years, would furnish ample evidence of the necessity of the curtailment of executive authority. But in the face of the well-known facts, to see a Senator rise in his place and hear him say that a section like this, seeking to curtail executive authority, seeking to tell what shall be done and how the money of the people shall be expended, is revolutionary in character, dangerous in principle, destructive of the public interests, and injurious to all the best interests of the country—for I think these were the words with which he closed his speech—was what I never expected to witness on this floor.

Why, sir, the difficulty we have had all the time is to require men to obey the law; and when the Senator from Delaware put the question a little while ago to the chairman of the committee, whether or not it was in the power of any of these Departments to divert the money from the purposes for which Congress gave it and apply it to other purposes, the best answer that the Senator from Iowa could make was that that was the construction of the Treasury Department, and they had done it. I will read to the Senator from Delaware exactly what the law is on this subject, so that he will see that his question was a proper one and well put:

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

We passed that when I was a member of the Committee on Appropriations of the House in 1870, July 12, together with this section:

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

There are a great many other stringent laws endeavoring to bind these officials; and if the views of the Senator from Ohio prevail we have utterly failed. The only power we have to require them to comply with the laws is to pass just such a section as is here inserted by the House, and to make it, if possible, more stringent, instead of destroying it, as the Senator from Ohio asks us to do.

While the Senator from Ohio was speaking I sent to the document-room for a report that I now hold in my hand, recollecting that one of the reasons why these laws were passed, that in the Treasury Department over which he presided so long, it was ascertained that there were a large number of employés not provided for by any appropriation bill, and Congress could not understand how that could be. Mr. Boutwell was then Secretary of the Treasury, and we sent a resolution to him demanding to know how many employés he had, where they were employed, and how they were paid. I sent to the document-room and obtained, and now hold in my hand, Executive Document No. 93, second session, Forty-first Congress, sent by that Secretary, giving the names of the parties employed, the amount paid, where they were employed, in what division or bureau; and while I have not had time to add it up in the last few minutes since I got it from the document-room, my recollection is that it developed the fact that he had then over 3,400 people employed in the Treasury Department at Washington, while we were making appropriations for less than 1,600.

The question was asked how was it done, and it seemed they had a fund of 1 per cent. or 3 per cent. of something in connection with the refunding of the public debt from which they had a surplus, and they took that money, amounting to $18,000,000, and expended it to suit themselves for anybody they pleased. And the Secretary organized in the Secretary's office seven distinct bureaus with heads of bureaus and paid them whatever he liked, without the shadow of law and in defiance of law. It took the House of Representatives five years under the lead of Mr. Kellogg, a Representative from Connecticut, to bring that Treasury Department into an organization that had something like the semblance of law. But now the Senator from Ohio calls all these efforts revolutionary, destructive of the public interests, injurious to the country, and he wants us to return back to the system when Secretaries were autocrats, when they could do as they liked with the money, do what they pleased, call it "carpets," and buy lemonade and ice cream with it and then say that was for the good of the public service!

No, sir; the trouble is not that we are holding them to too strict an account; it is that we are not holding them to a strict enough account. The late Secretary of the Treasury, now Senator from Ohio, when the question was put to him by the Committee on Appropriations two years ago as to whether it was not a proper thing to do to convert a large number of appropriations known as permanent indefinite appropriations into a form where they would come before Congress, said what? We showed him that the so-called supervisors of elections and marshals were paid out of a permanent fund; that the expense of collecting the customs revenue was paid out of a fund raised by fines and forfeitures that Congress knew nothing about, and men got just what the Department pleased to allow. There are four pages of the Revised Statutes of such permanent appropriations. Let me read one:

SEC. 3687. There is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,750,000, for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, draygage, labor, and services.

Who knows what sum that produces? Who knows who gets it? Who knows whether it is a campaign fund or whether it is in fact paid, or whether a man is paid 10 per cent. more than he wants or is entitled to, provided he will subscribe the 10 per cent. to run the primaries? Now, you come to section 3689:

SEC. 3689. There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

And then comes a list extending from the top of page 724 down to page 729 of the Revised Statutes, in which millions of dollars are placed in the hands of public officials for all sorts of purposes about which Congress absolutely knows nothing, either as to amounts or as to anything else, so far as I know. That was so flagrant that when the Committee on Appropriations called upon the Secretary of the Treasury, Mr. Sherman, for a number of those things that ought to be brought before Congress annually, instead of as now seeking to take away from us even what we are doing, he wrote this letter to the then chairman of the Committee on Appropriations:

TREASURY DEPARTMENT,
Washington, D. C., January 28, 1880.

Hon. H. G. DAVIS,
Chairman Committee on Appropriations, United States Senate:

SIR: Referring to Senate bill No. 886, for the repeal of certain laws relating to permanent and indefinite appropriations, recently submitted for an expression of my views regarding its provisions, and for a statement of the appropriations which will be affected thereby, I have the honor to state that while the system of annual appropriations which gives to Congress proper supervision of all appropriations and expenditures is undoubtedly correct, its general adoption should not be enforced without allowing sufficient time for a proper consideration of the estimates of amounts required to replace the appropriations to be repealed, especially so as the estimates of the various Departments for next year have been already submitted to Congress, and in many cases reported upon by the committees having them in charge.

In view, also, of the inconvenience, if not embarrassment, that would for a time attend this change of system, I would respectfully recommend that the date of repeal be changed to take effect from and after June 30, 1881, which, it is believed, is as early a date as would be wise to adopt for the repeal of so large a class of appropriations.

The following form of bill, which provides for the disposition of such balances as may remain to the credit of these appropriations at the expiration of the period of limitation, is believed to cover more fully all points at issue than the one already introduced, and it is respectfully suggested that it be substituted therefor, viz.

Which is almost a literal copy of the bill passed by the Senate some months ago, which I had proposed to offer, and now think I will offer as an amendment to section 4 of this bill or as an additional section, adding one or two things which perhaps did not meet with much favor from the Secretary. I propose to add to the bill drawn by the Secretary himself in order to give us the supervision which we are now seeking and which section 4 endeavors to give in the following form:

Provided, That nothing herein shall be construed to repeal, change, or in any manner alter the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," or chapter 186, supplement to the Revised Statutes, entitled, "An act to promote the education of the blind:" *And provided further*.

I propose that change of his bill, because I found on examination that the Secretary, in telling us the large number of bills that would be affected by this and the permanent appropriations which would be destroyed if it were passed, included in the list the act of February 28, 1878, twentieth volume Statutes at Large, page 25, entitled, "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character." I did not care to repeal that, nor did I care to repeal provisions that were made for the blind asylum, situated in the city of Louisville. They were, when the bill was drawn by the Senator from West Virginia, omitted, because his attention was not specially called to them, but the Secretary had his attention called to them, and in the list, which contains seventy-five or eighty, these will be found. I hope Senators will get report No. 334, second session Forty-sixth Congress, and they will see just what the then Secretary of the Treasury proposed to do, not only what we are doing now in the fourth section of this bill, but sent us a list of appropriations so as to bring under our annual consideration millions beyond what the fourth section will now bring, and I think it was the best suggestion made by that distinguished gentleman while he was Secretary of the Treasury.

Why should the custom-houses in New York and the custom-houses all over the country employ whom they please and pay what fines, penalties, and forfeitures they may choose to anybody they please to employ at any price? Why should these executive officers have the right to refund fines or penalties to anybody they please,

or refuse to refund to anybody they please? In other words, why should they be absolute masters of the situation? When you come to look over this list, which is an appendix to the bill furnished by the Secretary, you will see what immense sums of money are used without any sort of supervision by Congress. I am rather glad the question has come up, because this will call the attention of the Senate to the high authority of the distinguished Senator. The sums are not trifling.

Collection of revenue from customs, fines, penalties, &c., not given by years, from 1865 to 1879, but in the year 1879 the amount was $5,500,000, the total during these years being $79,851,000, all of which passed through the hands of employés without Congress being even asked "by your leave," because the appropriation had been made permanent. I forget the amount of money paid to supervisors of election, but it was a pretty large sum, because that too was one of the permanent things. So "refunding the duties on steam agricultural machinery." I see "distributive shares of fines, penalties, and forfeitures $2,520,000." How was that distributed? Distributed under that old moiety system, to the spy and the informer that anybody saw fit to appoint, and nobody knew anything about it. I am quoting from Executive Document No. 3, third session Forty-sixth Congress, which contains the full list.

But I do not propose to argue this elaborately. I propose to show to the Senate that so far from the proposition now made to the Senate being dangerous or revolutionary, every suggestion in it three years ago met the approval of the Senator from Ohio while he was Secretary of the Treasury, and he drew the bill that passed the Senate to make all these permanent indefinite appropriations come before Congress annually, because he approved the principle and said that they ought to come here; and now he denounces a movement in that direction as being revolutionary in character and dangerous to the public interest, if not to the public liberties.

Why, sir, the Secretary of the Navy came before us the other day and in looking over the expenditures he said—and whatever a Secretary says to a committee I suppose is public—"give me an additional clerk here." We asked, "Why do you want it?" He told us. It was reasonable; it looked right; we gave it to him. He said, "I have consented to strike down sixteen copyists, sixteen very respectable ladies that my predecessor put there and paid out of some sort of contingent fund. If they have ever done anything I do not know it; if there is anything for them to do now I do not know it. If you appropriate for them I will try to find them something to do, but I shall be soundly abused for letting them go." But they are gone. That is the condition of things the Senator from Ohio desires to bring about—to let the Secretary of the Navy have a fund out of which he can employ whom he pleases and pay what he pleases and do what he pleases with that fund, just as Secretary Chandler found sixteen highly respectable ladies of large influence living in Washington borne on the rolls of his Department, put there by his predecessor, with no use for them, no business to do except to draw their salaries, and each of them will become very indignant, and so will her friends, because her employment is withdrawn.

Mr. SAULSBURY. Do I understand the Senator from Kentucky to say that for years such things could be done without any record of them?

Mr. BECK. No, I beg pardon; I did not say there were no data; I said the matter never came before Congress. Of course reports were made to the proper Auditor of the Treasury, but it is not reported to us except we find it in hunting over the Auditor's or the Treasurer's reports, and you would not know what it meant when you came across it, and you are never asked to look at it. So it is with all that class of cases. We have to give now in one of the bills to the Commissioner of Internal Revenue two or three hundred thousand dollars here and a hundred and fifty thousand dollars there to employ what he calls revenue agents, informers, and detectives, and he employs whom he pleases and puts them where he likes, and pays them what he pleases. We are seeking now to have them reported to us, why he employed them, and what he paid them, so that Congress will have some sort of knowledge where the money goes. That is called revolutionary by the Senator from Ohio.

There never was, in my judgment, a section drawn better intended and more calculated to promote the public good than the fourth and fifth sections of this bill, and the only trouble is that they do not go far enough and they ought to be amended, and I hope will be, by adopting the bill which was passed by the Senate on the motion of the Senator from West Virginia, as drawn by the then Secretary of the Treasury, Mr. SHERMAN, himself, abolishing the permanent indefinite appropriations, so that we shall know where the money goes and how it is expended and what amounts are paid.

Mr. SHERMAN. Mr. President, I listened, as I always do, with pleasure to the Senator from Kentucky, and tried to comprehend exactly what he meant, but I have failed in this instance. So far as annual appropriations by Congress are concerned, I stand with him and with those who go the farthest. I think the appropriations should be made by Congress annually, and permanent appropriations should only be made for the public debt and a few particular objects of appropriation which have by common consent been made the subject of permanent appropriation from the foundation of the Government; I mean such appropriations as involve the public credit.

But that is not the question that I am discussing, although the Senator from Kentucky seemed to think it was. Annual appropriations should be made by Congress. How? They should be made by Congress so that a plain man could understand when he read the bill whether it was made in pursuance of law or whether it was the creation of a new law. The first complaint I made of these appropriation bills was, that you may read them from beginning to end, and you cannot tell how much is in accordance with law, how much is for new objects of appropriation not before that time in the law. Take this bill as it comes to us from the House of Representatives. Is there anything in the bill to indicate that some of these items had been already regulated and fixed by law? Nothing of the kind. The Senator from Iowa himself says that a large body of the expenditures of the Government depends upon annual appropriations made from year to year, and that the Treasury Department contains a regular organization provided for by law. Has not that organization been fixed? Why not take the bill fixing the organization, and not repeat in parrot form these appropriation bills from year to year.

But, sir, after you have exhausted your individual appropriations that you have in providing for all the regular employés and clerks, the great body of the expenditure of the Government is made in bulk, and you cannot have it otherwise; you cannot make it otherwise. What is the bulk of your expenditure? There is the Army, there is the Navy, there are the public works on rivers and harbors done under the direction of the Engineer Corps; there are the public buildings, built under the direction of the Treasury Department and the Architect of the Capitol; there are the pensions, one hundred and odd millions; there is the collection of customs, there is the collection of internal revenue. How can you define these? I would not venture to say exactly how much are the regular appropriations fixed by law, but I would say in general terms that four-fifths of the aggregate of the appropriations made by Congress are made in general terms, from their nature indefinable. You direct a public building to be erected at Hartford and appropriate $350,000 to construct it. That is all the law there is on the subject. How can you undertake to regulate who shall be employed to construct that building? You cannot do it. You may by general law say that contracts shall be let to the lowest bidder; you may make limitations or qualifications, but practically you must leave the details to an executive officer.

The Senator from Kentucky says there is no accountability. Why, surely there is. The money is disbursed by one set of officers and accounted for by another, and finally it undergoes the surveillance of the Treasury officials, who are independent officers, created so by law, absolutely independent of the President or of the Secretary or of anybody else. The accounting officers pass finally upon these accounts, and they are published. What greater guards can you throw around them?

But it is said that sometimes clerks have been employed out of general appropriations for such purposes. So they are, and necessarily have to be. How can you erect a public building without a superintendent and a clerk and an agent and various paraphernalia? Where is the law that fixes the number of clerks needed in erecting a public building in Texas? You are going to have one in Frankfort, Kentucky, now. Where is the law to regulate the number of clerks and the wages of the superintendents and men required there? You cannot do it. You must leave such things to the superintendence of executive officers. For instance, the superintendent of the building at Frankfort might be of one class, because it will not be a very expensive building, while the superintendent of the building at Cincinnati, a building costing several millions of dollars, must be a man of the very highest professional attainments. You cannot regulate the pay.

Mr. DAVIS, of West Virginia. Does the Senator think section 4 relates to what he is now talking about? It does not relate to the subject the Senator is talking about, the erection of buildings.

Mr. SHERMAN. I know that; but it does relate to those employed here who prepare plans.

Mr. DAVIS, of West Virginia. Then there is provision for that.

Mr. SHERMAN. I know that. I read it awhile ago, when the Senator was not here. I understand what I am about; I say four-fifths of the expenditure of the Government must be made from general appropriations, and you cannot limit them in the way you do by this appropriation bill. What can you do about these appropriations? Are you going to attempt to regulate all this vast expenditure of money? You cannot do it.

We are called upon to appropriate about $17,000,000 for harbors and rivers, &c. Whom are you going to trust that to? Necessarily to the officers having in charge that expenditure. Can you regulate that expenditure? No; and that expenditure is more wisely cared for, more scrupulously and exactly accounted for than any appropriation that is under the supervision of Congress. Congress, while it may talk all the time about having a watchful care over the Treasury and over the expenditures of the Government, can regulate the number of clerks that shall be employed; it may regulate the number of bureau officers; it may fix their salaries; it may limit them—that it may do, and that is the end of it. Your boasted supervision of public expenditures comes to this: that while you may regulate the regular employés of the Government here in Washington, you must depend upon executive officers to expend the money. There is

no guard that you may throw around its expenditure that I would not vote for; there is no protection in the disbursement of the public money that I would not cheerfully vote for, but in the disbursement of that money you must trust to the discretion of the executive officers, because they are not definable by legislation.

I criticise, therefore, not the Committee on Appropriations, because I believe we never had a better one in the Senate, but I criticise this bill, first, that it is too ample, not in substance but in detail; that two lines could express what fifty lines here contain. The result would be then that we should know that those two lines contained no appropriation of public money that was not already regulated by law or fixed by a previous appropriation. If there is no law fixing the number and salaries of the various employés, then take the last appropriation as the number, and in a single line you can appropriate for a whole bureau or whole division all that is necessary, either according to the existing law or according to the number and amount of the previous appropriation. Suppose you appropriate for the Fifth Auditor's Office "for the Fifth Auditor and for the clerks and employés of his office during the current fiscal year," so much. Then you have it all.

But, sir, as the bills are framed and brought to us we cannot tell but what they give a dozen new clerks in this Auditor's Office. There is nothing to indicate it in the bill, and you have got to go to the law and to previous appropriations before you can ascertain. The Committee on Appropriations no doubt will find it out, but their bill when reported to us does not and cannot give us this information.

Now, as to the permanent appropriations I think I could show, if it was allowable, that several of these provisions—the most important on the statute-books now—are provisions that were put into the statutes at a time when I had something to do with the appropriation bills, and especially the limitations in regard to permanent appropriations. The permanent appropriations are in the statutes of the United States. There is no secrecy about them, no trouble about them. Here they all are, printed in black and white.

When I was called upon to say whether or not some of these might not be covered into the Treasury and be made annual I recommended that the great body of them should be made annual, excepting only those which related to the public credit. No man would desire to have the appropriation for the interest on the public debt to depend upon the accidental inability of Congress to pass the appropriation bill before the 1st of July. Suppose, for instance, that the interest on the public debt was made annual, dependent upon this appropriation bill; it could not be paid on the 1st day of July. There would be a breach of the public faith, caused simply by the neglect to pass an annual appropriation bill in time. By the permanent law of the land since the foundation of the Government certain appropriations have been made permanent in their character. One of them is the collection of the customs; one of them is the payment of the interest on the public debt; another is certain military appropriations made for the support of the Army, especially for distributing arms among the States. Appropriations of that kind were held to be proper subjects of permanent appropriation. Here are five pages of them in the Revised Statutes. The great body of these could properly be covered into the Treasury and made annual, because they are not such that if there was a neglect of a day to pass the appropriation there would be no harm to the public credit. Therefore I have always been in favor of it.

Here is another little provision of this bill that will create embarrassment. I think the Senator from Kentucky will feel it if he should ever be called upon to enforce a law as well as to make a law. It is provided in the fourth section:

> And hereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.

Since the beginning of the Government, I may say, whenever a clerk or employé has been absent without pay, the head of the Department has been allowed to employ some one as a substitute to take his place, and there has been no loss to the Treasury, no want of accountability, but it has been done, and these lapsed funds have been the basis of many of the employments complained of. Why should not that continue? Suppose clerks want to go away for two or three or four months, to be absent without losing their places, to be absent on leave and without pay; why should not their salaries be used to employ other clerks to perform their duties? No abuse can arise out of it.

But the Senator says that at one time there were 3,500 employés on the Treasury rolls, and only 1,600 provided for by appropriations. How easy that is explained. The great body of the employés of the Treasury Department at the time Mr. Boutwell was Secretary were employed in the Bureau of Engraving and Printing. All those employés went to make up the number of 3,500. They were employed by the day or by the piece. More than one-half of the employés today in the Treasury Department are employed by the day or the piece, and are not upon a Treasury roll except as laborers in the Bureau of Engraving and Printing. They are not named; they are not designated; they are not prescribed for in this bill, and there will be grave complications when you come to consider and apply the principles of this bill to such bureaus as the Bureau of Engraving and Printing; you must appropriate a gross sum for that business. Indeed, I do not know even the names or the character of the employés. I know there are plate-printers, and plate-wipers, and typesetters, and I do not know what other classes of employés; I cannot describe them. How can you say how many shall be needed at any time during any particular month or year? Now and next year, in spite of this law, from the necessity of the case and the necessities of employment, more than one-half the persons employed in this city in the Treasury Department will not come within the limits of your appropriation, and yet the work will go on all the same; it must necessarily go on.

You appropriate $300,000, or $500,000, or whatever it may be, for printing and engraving, and that is all the law there is about it. Upon that basis the Secretary of the Treasury, through the chief of that division, employs plate-printers by the hundred, plate-wipers, and all the various employés necessary to carry on this most difficult work. Among them are some of the highest paid employés of the Government—engravers, skilled men who have to be selected and kept with care. They are not provided for by your annual appropriation bills; they are paid out of a gross sum of money, and necessarily must be so, because they vary from day to day.

I say, then, the safer guide is to make your laws rigid to guard the expenditure of public money in every way possible, and then make the appropriation broad and liberal, holding the executive officers to accountability.

When Congress resolves itself into a department to execute its laws it fails in its functions. It is utterly idle for you to attempt to regulate all these various items of disbursement. They must depend upon the discretion of executive officers. Congress being the highest authority in this country, its powers must be general, not special, not reduced to detail. It may declare principles, it may appropriate money, but after all you must depend on the honesty, integrity, and fidelity of executive officers in the disbursement of that money. No guard of yours, no paper law, no provisions like this can prevent the necessary employment of executive agents.

Mr. President, I am as much in favor of guarding the public expenditures as any one; but when you undertake to do it in this way, so as to embarrass the public service, I know that at the next session of Congress the Senator from Kentucky and the other members of the Committee on Appropriations will be reporting provisions to guard against and avoid the very provisions contained in this bill.

Mr. BLAIR. Mr. President, I rise merely to correct what I think to be an erroneous impression under which the committee itself is laboring, and which the chairman of the committee, perhaps inadvertently, has conveyed to the Senate, and of course to the country, in regard to the expenditure of the contingent fund appropriation by the Commissioner of Education. He spoke of it as a lump sum of $15,000 appropriated to be expended in work outside of the office, but which the Commissioner, to a large extent, has seen fit to expend in the office for clerical labor performed in the office. I think from the possibly somewhat step-fatherly way in which the committees of both the Senate and the House have treated the Bureau of Education in the appropriations of this year, that they have acted under this misapprehension. If they will be at the trouble to examine the law itself of last year—and it was similar in years previous—they will see that this $15,000 which has been the subject of considerable talk and controversy is a contingent appropriation, made under terms covering work both in the office and out of the office, and it has always been partially expended in payment for clerical services rendered in the office, according to the varied necessities which might exist there and outside.

The remark of the Senator from Iowa was that this money, appropriated to be expended outside of the office, had been used for the purpose of compensating clerks employed within it. This was in the exercise of a discretion which it will be seen that the Commissioner had under the law itself, and the greatly increasing interest which has been felt in the cause of education throughout the country during the last year made it imperatively necessary that a larger proportion of this $15,000—some two-thirds of it, in fact—should be expended for clerical work in the office itself during the last year, and for no other reason whatever was it thus expended; and the appropriation which has been so necessary and hitherto so largely expended outside in the collection of statistics by experts, and in the writing of reports by experts, has thus been trenched upon in the ordinary necessary performance of the duties of the office itself.

Why, Mr. President, during the last year the amount of correspondence in that office has more than doubled; and I have here a list of the subjects mentioned in inquiries for information which they are obliged to reply to. Every topic itself suggests and requires a treatise almost, and of course a very large amount of labor, not merely clerical labor, but intelligent, expert labor in the office itself is made necessary, and thus this $15,000 has been trenched upon by expenditures in the office. Look at the list:

> Letters requiring special attention have been received within a recent date on the following subjects:
> 1. Laws taxing school property.
> 2. Statistics of educational benefactions.
> 3. The value of the classics in college curricula.
> 4. School lands in Dakota and their waste.
> 5. System of night-schools.
> 6. The grading of city and town schools.
> 7. School architecture and school hygiene.
> 8. National aid to common schools.
> 9. Standing of medical colleges, bogus diplomas, &c.

10. Collegiate degrees.
11. Military instruction in schools.
12. Organization, growth, and training in normal schools.
13. Industrial training.
14. School systems in cities.
15. Text-books.
16. Education of women, collegiate or special.
17. Coeducation.
18. Educational statistics of European countries.
19. Education of the colored race.
20. Education of the Indians.
21. The number of Americans educated abroad.
22. Influence of stimulants and narcotics on the brain.
23. Crime, pauperism, prison discipline, &c.
24. Care of the insane.
25. Applications for positions as teachers.
26. Exchange of documents with foreign nations.
27. Requests for documents of other Departments of this Government.
28. Requests for office publications.
29. Diseases that affect school children.
30. Object lessons in primary schools.
31. Compulsory education.
32. Corporal punishment.
33. Science of pedigogy.
34. School average attendance, how computed.
35. School apparatus.
36. Books for school libraries.
37. Color-blindness among school children.
38. High schools.
39. Hours of study, &c., in foreign schools.
40. Illiteracy.
41. Legal rights of children.
42. Manual-labor schools.
43. Metric system.
44. Education of neglected children.
45. Rural schools, (ungraded.)
46. Salaries of teachers.
47. State systems of schools.
48. Truancy and duties of truant officers.
49. Weal legislation.
50. Summer schools.
51. Valuation of school property.
52. Courses of study.

I wish that this matter should be distinctly understood, and I will call attention to the language of the law itself as it has been hitherto, because most certainly the criticism of the chairman of the committee was unjust. The law under which the expenditure is made is this:

For collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $15,000.

So it is quite apparent that it covers necessarily work done in the office as well as work done out of the office if in the discretion of the Commissioner it is necessary that it be there performed.

Acting upon this erroneous impression, as I suppose it must be—I do not see what other reason there can be—the committee have this year very properly made a direct appropriation for the increased clerical work necessary in the office itself, and they have specified the clerks, they have specified the amount that is to be paid to each, which is all very well, and it is a fair treatment of the office itself. But, on the other hand, while the demand is increasing for expert labor for the preparation of reports on various subjects outside of the office, they have reduced the appropriation from $15,000, which might have been thus expended for this increased labor within the office, to $2,200. I think it is an injustice to the office, based upon a misapprehension, and at the proper time I desire to ask the Senate to correct it.

Mr. ALLISON. Mr. President, I ask unanimous consent that debate on these fourth and fifth sections may be limited to five minutes by each Senator.

The PRESIDENT *pro tempore*. Is there objection? The order will be made if there be no objection.

Mr. BECK. Does that apply to amendments to the sections?

Mr. ALLISON. Yes.

Mr. DAVIS, of West Virginia. I think you had better apply it to the whole bill from this out. I suggest that.

Mr. ALLISON. Very well.

Mr. DAVIS, of West Virginia. I ask the chairman whether he wishes to take up the House resolution before I proceed, the resolution which ought to be acted on to-day to which he has called my attention?

Mr. ALLISON. I would be glad to have taken from the table a joint resolution which must be passed and signed by the President before to-morrow night. I ask that it be read.

The PRESIDENT *pro tempore*. By unanimous consent the pending bill will be laid aside.

Mr. ALLISON. It is a joint resolution relating to appropriations that I wish acted on.

GOVERNMENT EXPENDITURES.

The joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government was read the first time, as follows:

Resolved, &c., That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1882, be and they are hereby continued and made available for a period of fifteen days from and after that date, unless the regular appropriations hereafter provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1883; and in case the appropriations, or any of them, hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended thereafter than will be in the same proportion to the appropriations of the fiscal year ending June 30, 1882, as fifteen days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding and for all other miscellaneous objects provided under the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects: *And further provided*, That all sums expended under this act shall be charged to, and be deducted from, the appropriations for like service for the fiscal year ending June 30, 1883.

Mr. ALLISON. I will say that this joint resolution is substantially a copy of the joint resolution passed in 1876, found in the 19th volume United States Statutes, page 65.

Mr. GARLAND. I recollect that, but I suppose it would be better to put this at twenty days instead of fifteen.

Mr. BECK. That is so, but I suppose we can extend it hereafter rather than embarrass it now by amending it. It ought to be twenty days.

Mr. ALLISON. I think so, and I think it might as well be amended to twenty days now. I therefore move to strike out "fifteen" and insert "twenty," so that it may go back to the House at once.

Mr. HARRIS. The same amendment will have to be repeated in two or three places.

Mr. ALLISON. Wherever the word "fifteen" occurs let it be changed to "twenty."

The joint resolution was read the second time and considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the joint resolution by inserting "twenty" in lieu of "fifteen" wherever it occurs.

The amendments were agreed to.

The resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the resolution to be read a third time.

The joint resolution was read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3207) giving the assent of Congress to the mayor and city council of Nashville, Tennessee, to construct a free bridge over the Cumberland River was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes, was read the first time by its title.

Mr. ANTHONY. I have been requested by several Senators to ask for the present consideration of that resolution.

Mr. DAVIS, of West Virginia. I think it had better go to the committee. It can be reported to-morrow.

The joint resolution was read the second time by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. ANTHONY, Mr. DAWES, Mr. FERRY, Mr. GARLAND, and Mr. HARRISON submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES, from the Joint Select Committee on Additional Accommodations for the Library of Congress, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1810) to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois;

A bill (S. No. 1020) to authorize the construction of a bridge across the Arkansas River at the town of Van Buren, Crawford County, Arkansas;

A bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes;

A bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes; and

A joint resolution (S. No. 58) to print Dr. John L. Hayes's pamphlet upon the husbandry of the Angora goat.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate as in Committee of the Whole, resumed the considera-

tion of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The Senate is now considering section 4. The first amendment of the Committee on Appropriations is, in line 3, to strike out "hereafter" and insert "after the 1st day of October next."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. Mr. President——

The PRESIDENT *pro tempore*. Is it the understanding that the limitation of debate to five minutes shall prevail?

Mr. INGALLS. Not to the bill, but to these sections. Without knowing what amendments are to be proposed hereafter I shall object to a limitation of five minutes being applied to the entire bill.

The PRESIDENT *pro tempore*. It was only to these two sections.

Mr. ALLISON. Sections 4 and 5.

Mr. DAVIS, of West Virginia. I think section 4 is a movement in the right direction. It is intended to uncover and to bring to light a good many abuses that have heretofore occurred in the Departments. I regret that the Senator from Ohio [Mr. SHERMAN] is not in his seat. It will be noticed that section 4 applies only to the District of Columbia, not to the country generally, and therefore it does not apply to anything outside of the District.

Now, to show how many people have been employed and paid from miscellaneous funds not known to either House of Congress, I find in a document just printed, House report No. 1276, first session Forty-seventh Congress, that in the office of the Secretary of the Treasury proper this year there are one hundred and ten persons employed and paid out of miscellaneous funds. If the Senator from Ohio were in his seat I should ask if he knew how they were paid. I find that there are one hundred and ten persons paid from some fund or other in the Treasury Department that very few if any of us know anything about. That is about one-fourth of the whole force in the office.

I turn to the office of internal revenue and I find there are forty-nine persons there employed and paid out of some fund or other that that Commissioner has in some way not known to us. Again, in another branch of the Department, the Light-House Board, I find there are twelve persons paid under the appropriation bills proper and twenty-four paid out of miscellaneous funds, so that there are two to one in that office paid out of some fund or other that Congress has had no knowledge of heretofore. I find in the topographer's office there are thirty-eight paid out of miscellaneous funds and one paid under the appropriation bill regularly.

Mr. BUTLER. May I ask a question?

Mr. DAVIS, of West Virginia. Certainly.

Mr. BUTLER. I understand the Senator to say that nobody in Congress knows from whence the Departments derive their funds. Does he know where they get the money to pay these employés.

Mr. DAVIS, of West Virginia. I do not know out of what special fund, but it is out of some of the miscellaneous funds voted for some other purpose, instead of for the direct compensation of employés. I know that a part of this was from the stationery fund, a fund appropriated for the purchase of stationery, and out of that fund they pay half a dozen clerks and pay others out of the carpet fund. Here are twelve cabinet-makers paid out of miscellaneous funds when heretofore not one has been provided for specially by law. They have been employed without authority of law. There has been a regular cabinet shop started in the Treasury to make furniture of every kind, and the employés are paid out of some fund that different Secretaries find in the Department.

I find the summary of this is that there are 5,315 clerks and employés paid from the regular list and there are 840 persons in the several Departments about Washington paid from miscellaneous funds.

The PRESIDENT *pro tempore*. The Senator's five minutes are up.

Mr. DAVIS, of West Virginia. I should have been glad to be able to go on and state what are the facts.

Mr. COCKRELL. Mr. President, in part answer to the inquiry of the Senator from South Carolina, I can show one way by which a fund has been created and temporary employments made out of it. We prescribe by law that there shall be a certain number of clerks of classes 1, 2, 3, and 4. A vacancy occurs in class 4. They refuse to fill that vacancy; they decline to put anybody in that vacancy, and that is a lapsed salary, and that lapsed fund is taken to pay Tom, Dick, and Harry employed without any previous authority of law.

Mr. BUTLER. On a temporary roll?

Mr. COCKRELL. On a temporary roll, and that lapsed fund can be made almost indefinitely large. That is in addition to the contingent fund that the Senator from West Virginia has spoken of. I know of one instance where a clerk receiving the highest pay in a bureau was changed; the office became vacant, and that office had remained at the time I obtained the information about one year without anybody having been put in, at a salary of $1,800, I think. That enabled two or three to be put on temporary duty at $60 or $75 a month.

The object of this section is simply to prescribe the particular classes of persons that can be employed, to make specific appropriations for them, and stop their doing anything else. It is right, it is just, it is proper, and it is the interest of every head of every Department of this Government to have this become the law. Make this the law, and there will then be no danger of any scandal or anything of that kind growing up in the service.

Mr. BECK. I should like to say a word. The best illustration of the necessity of making appropriations specific was developed by what took place in the Patent Office ten or twelve years ago. Up to that time we had not required the money which was received by the Patent Office to be paid into the Treasury, but allowed them for years to expend all the money received from inventors. They spent it just as fast as they got the money in. No matter what the amount, they spent it all. The House of Representatives and the Senate at last passed a law requiring all the money to be paid into the Treasury, and the expenses to be drawn out of the Treasury, and instead of taking $300,000, $400,000, or $500,000, and spending it all, the very moment we required that to be done the receipts exceeded the expenditures by from $100,000 to $200,000. They spent it for temporary clerks, for every purpose, and spent the last dollar that came in. The very moment the money received had to be paid into the Treasury, and they had to account for whom they employed and what they were doing, all that was stopped.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 9, after the word "year," to insert:

But in case of appropriations for any specific purpose where the compensation of the necessary employés or laborers is not named, the officer or person having charge of the expenditure of such appropriations may pay the rate usual and proper for such employé or laborer for the time actually employed; and after the 1st day of October next.

And in line 15, after the word "and," to insert "after the 1st day of October next;" so as to read:

But in case of appropriations for any specific purpose where the compensation of the necessary employés or laborers is not named, the officer or person having charge of the expenditure of such appropriations may pay the rate usual and proper for such employé or laborer for the time actually employed; and after the 1st day of October next, section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers or other employés at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed.

The amendment was agreed to.

The next amendment was, in the same section, after the word "and" in line 23, to insert "thereafter;" and in line 27, after the word "and," to strike out "hereafter" and insert "thereafter;" so as to read:

And thereafter all details of civil officers, clerks, or other subordinate employés from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was to add the following proviso to section 4:

Provided, That the sums herein specifically appropriated for clerical or other force heretofore paid for out of general or specific appropriations may be used by the several heads of Departments to pay such force until the said several heads of Departments shall have adjusted the said force in accordance with the provisions of this act; and such adjustment shall be effected before October 1, 1882. And in making such adjustment the employés herein provided for shall, as far as may be consistent with the interests of the service, be apportioned among the several States and Territories according to population: *Provided further*, That any person performing duty in any capacity as officer, clerk, or otherwise in any Department at the date of the passage of this act who has heretofore been paid from any appropriation made for contingent expenses or for any contingent or general purpose, and whose office or place is specifically provided for herein, under the direction of the head of that Department may be continued in such office, clerkship, or employment without a new appointment thereto.

The amendment was agreed to.

Mr. BECK. I desire to ask the Senator from Iowa whether he expects to finish the bill to-night?

Mr. ALLISON. I hope to finish it to-night. I think we can probably do so.

Mr. BECK. At this point I proposed to move to insert as an additional section the bill which passed the Senate almost unanimously in regard to permanent appropriations, but if it is likely to embarrass this bill I can offer it as an amendment to the sundry civil bill just as well.

Mr. HALE. I suggest to the Senator from Kentucky to put it on the sundry civil bill.

Mr. BECK. If the bill is not finished to-night I shall offer it in the morning; if the bill is to be finished to-night I shall not offer it.

The Principal Legislative Clerk read section 5 of the bill.

The next amendment of the Committee on Appropriations was to strike out section 6 to the word "employed," in line 16, in the following words:

That the Secretary of War is directed to transfer all the records in the office of the Surgeon-General of the Army from which the evidence is furnished for the settlement of claims for invalid pensions, and also the clerks and others employed upon such records, to the office of the Adjutant-General of the Army, if in his judgment the work of furnishing such evidence will be facilitated or the number of clerks employed upon such work can be materially reduced in number by such transfer. And in the event of such transfer there shall be set apart and used, under the orders of the Secretary of War, so much of the funds appropriated for the contingencies of the Surgeon-General's Office as has or may be estimated necessary to provide the stationery, blank books, furniture, and other articles necessary for the use of the clerks and others transferred, and for the proper dispatch of the business upon which they shall be employed.

Mr. PLUMB. I hope this first amendment to section 6, striking out that section from line 1 to line 16, inclusive, will not be agreed to. It will be observed that it provides for the transfer practically by the Secretary of War, upon his judgment, of the records of the office of the Surgeon-General, so far as they relate to pensions, to the office of the Adjutant-General.

The theory of the provision is that it will promote the settlement of pension claims. I thought myself, when this proposition was first made, that it ought to be carried. Reflection, and information which I have received since that time, satisfy me entirely that we shall not only save a very large amount of money by such a transfer, but that we shall do what is of a great deal more consequence at a much earlier period, that is, settle the claims of pensioners who have got a just and specific obligation against the Government, than we can by striking out the language as the committee propose.

I understand, although I was not present at the time the Commissioner of Pensions was before the committee, that the Commissioner of Pensions was very decidedly of that opinion.

I have been informed from sources which I regard as entitled to the utmost credit that under the process and plan of doing business now prevailing in the Surgeon-General's Office it amounts to a suspension of business, rather than to a completion of it. Inevitably when an inquiry is made from the Pension Office in regard to the record of a soldier who has made an application for a pension, that inquiry must be divided in the Pension Office, one branch of it going to the Adjutant-General's Office and the other going to the Surgeon-General's Office. The clerical work alone of taking care of two or three hundred thousand applications for pensions is in itself an enormous thing. That duplication of inquiry is further duplicated in the operations of the offices themselves in making replies, so that there is a very large force necessarily employed for the purpose of the clerical work necessary to make these inquiries, which otherwise could be employed in searching the records and in making the statement of facts upon which the judgment of the examiners is based as to the merits of the application for a pension.

In the next place, there is nothing sacred about these records. There is nothing about them that does not belong as much, for all practical purposes, to the Adjutant-General's Office as the Surgeon-General's Office. The hospital records of the late war are in no way the property of the Surgeon-General's Office in the sense that they pertain to his office particularly. They are a part of the military history of the country and a part of the military history of each soldier who was in hospital and who was treated there. They belong just as much to the Adjutant-General as they do to the Surgeon-General anyhow, and for the purpose of the inquiry necessary to be made to determine whether a given person should have a pension or not they are a thousand-fold more the property of the Adjutant-General than of the Surgeon-General.

We ought now to consolidate these functions. We shall appropriate this year $100,000,000 for pensions. We appropriate it because the law requires it to be paid. We appropriate it because we believe the persons who are to receive this money ought to have it as soon as possible. It is money which is due to these men; it is money which will lighten many a weary load; and it is money which they ought to have at the earliest possible moment. We ought to give it to them at that earliest possible moment, and we ought to do it also with the least possible expense to the Government; and that we can do by bringing together these records, obviating the necessity of the employment of a large force of clerks and vivifying the whole thing under the control of the Adjutant-General of the Army, who is in sympathy with this effort to get the business out of the way, and the Commissioner of Pensions is similarly minded.

Mr. ALLISON. Mr. President, I have examined this question with as much care as I could, and I am very clear in the opinion that instead of promoting what the Senator from Kansas thinks would be promoted by retaining the language of the section, the result would be the very reverse of it.

Mr. PLUMB. I ask the Senator from Iowa, what the opinion of the Commissioner of Pensions was on that subject?

Mr. ALLISON. The Commissioner of Pensions did not mention the subject. He did not say anything upon this topic to any member of the committee, so far as I know, in the committee-room. So far as the Commissioner of Pensions is concerned, I do not know what his opinion is in reference to it; but here is a most radical change proposed in the organization of the War Department, because you cannot dissever and divide these records. It is practically transferring the records of the Medical Bureau of the Government to the office of the Adjutant-General.

If there is not a good system in the Surgeon-General's Office now for the examination of these claims, we have provided here an Assistant Secretary of War, and we have done other things for the very purpose of overseeing and overlooking the various bureaus in the War Department and making such arrangements as will make them efficient.

Although sympathizing thoroughly with the views of the Senator from Kansas as to the advisability and necessity of facilitating the examination of pension cases, I am satisfied that this provision would have the very reverse effect. Certainly for six months it would have such an effect, because it would take six months to rearrange and reorganize these great volumes in the Surgeon-General's Office and place them under the control and direction of the Adjutant-General.

Mr. DAVIS, of West Virginia. May I supplement what the chairman is saying by just a word, and that is that no one claims it would be of any benefit after the pension cases are examined. It is to be only temporary, for a year or two, and then probably the records will be transferred back, or you would disarrange the Department altogether.

Mr. COCKRELL. Mr. President, I am very much astonished at the position of the chairman of the Committee on Appropriations in regard to this matter. What is this proposition? Is it proposed to put a bureau under the War Department which is not already under it? The Surgeon-General's Office to-day is a part of the War Department. So is the Adjutant-General's Office. What do we have to-day? The Commissioner of Pensions wants to know a soldier's record, and whether he was wounded. What does he have to do? He writes one letter to the Surgeon-General, and another letter to the Adjutant-General. That is occurring daily. Two letters are written by the Commissioner of Pensions. To get what? The military record and the hospital record of one soldier. The answer is made by the Adjutant-General one day. It is briefed and filed away. It may be a week or a month before the report comes in from the Surgeon-General. Then that letter is taken up by the clerks. Then, if the information is not quite specific, they have to do the same thing over again. Thus, in every pension case two letters have to be written by the Commissioner of Pensions; two letters have to be written to the Commissioner of Pensions in answer; and they have to be briefed and examined.

It is simply proposed to place the jurisdiction and control of these records under the Adjutant-General. There is no occasion for his removing them from where they are; there is no necessity for one particle of change in the *personnel* of the bureau now working. You put it under the direction of the Adjutant-General. He becomes responsible for it. Then one letter is addressed to the Adjutant-General, asking for the military record and the hospital record, and one letter is written in answer to it to the Commissioner of Pensions, and it is all done in that way, and half the labor saved.

This is not wresting from the Surgeon-General anything that belongs to him; it is simply placing the control and the management of these records under the Adjutant-General for the facilitation of business, the saving of money, and the expedition of the pension cases now pending in the Pension Office.

Mr. PLATT. If the Commissioner of Pensions desires any such thing as this he certainly has not communicated it to me, and as acting chairman of the Committee on Pensions, and having been long a member of that committee, I have had frequent talks with him on the general subject.

Mr. COCKRELL. Will the Senator permit me to ask him a question? Is it probable that the Commissioner of Pensions, belonging to the Interior Department, would suggest to the Committee on Pensions a change in the management of another Department or bureau?

Mr. PLATT. I understand that it was stated here that the change is desired by the Commissioner of Pensions.

Mr. COCKRELL. I did not state that.

Mr. PLATT. If the Commissioner of Pensions desired it, I think he would be as likely to state it to the chairman of the Committee on Pensions as to any other person.

Mr. PLUMB. As I made the statement, I will say that I understood the Commissioner so stated to one or more members of the committee when it was put to him in the form of an inquiry; and I understood from the sub-committee that he believed (or perhaps his language was stronger than that) that this consolidation would facilitate the replies to inquiries which he necessarily had to make of the Surgeon-General and of the Adjutant-General in regard to the military history of applicants for pensions. Perhaps I ought not to have stated it, but I had it from good authority.

Mr. PLATT. What he has stated to others, of course I cannot say. He has stated nothing to me of the sort.

I am clearly of the opinion, from some investigation I have given this matter, that the business of the adjudication of pensions will not be facilitated, but will be delayed by this proposition. I cannot conceive how it is possible that the transfer of the records of the Surgeon-General's Office to the Adjutant-General's Office will facilitate or hasten in any way the adjudication of pensions. As was well remarked by the chairman of the Committee on Appropriations, that it must cause utter confusion and derangement for the next six months, and the business of getting answers from the Surgeon-General's Office to the Pension Commissioner, as it seems to me, would be almost entirely at a standstill for a long time.

Let us see how the situation is. The military history of the soldier is contained in one set of books; they are in the charge of the Adjutant-General. The hospital or surgical history of the soldier is contained in another set of books; they are in charge of the Surgeon-General. The Adjutant-General's records are up at the War Department; the Surgeon-General's records are down on Tenth street, at the old museum building. There are under the charge of the Surgeon-General's Office more than eighteen thousand volumes which have to be consulted in order to ascertain the surgical history of soldiers. There are in addition to these volumes a large number

of pamphlets or rolls. Eight million names appear upon those volumes and rolls; that is to say, every soldier is entered over and over again, so that there are 8,000,000 entries there.

This matter has been under the charge of the Surgeon-General for years. Whether his office has been administered with the same vigor and the same system that it might be, it is not necessary to inquire here; but there are one hundred and forty clerks there who are familiar with this business and familiar with the location of these records. To say that these records are to be transported and put all together with the Army records, it seems to me it needs only the statement to show that the facts cannot be as quickly ascertained under the Adjutant-General as under the existing arrangement.

I am very free to say that I think improvements can be made in the Surgeon-General's Office, and I am free to say that I believe they will be made. A large addition has been made to the force of clerks in the Surgeon-General's Office, and I believe that with that addition and the improvements which will be made the delays which have occurred will be less numerous, that they will not extend over the same period that they have extended.

I do not believe that to take these records from the Surgeon-General and put them under the Adjutant-General, who is unfamiliar with them, will in any way facilitate the settlement of pension cases, and I do believe that for a long time to come it will very greatly delay the settlement of pension cases.

I feel very earnestly in this matter. I want the 265,000 pending claims in the Pension Office to be settled as quickly as possible. I do not want three months or six months to be wasted in the Adjutant-General getting control and getting the run of the hospital records. If they are not to be moved, if they are to continue there in the room where they are, certainly it will not facilitate the business, for if he left the records where they are the Adjutant-General would be compelled to have somebody there in charge of them.

As to what the Senator from Missouri says about two letters being written, that necessity would exist in the same way. If the records remain there the search has got to be made at two different points by two different individuals. If they are to be taken up to the War Department, there is no room for them; room will have to be obtained. I do not know how they could be brought together so that one person could make the same search. It seems to me that it would be all wrong to make this transfer.

Mr. PLUMB. It will be observed by the Senate that this provision does not absolutely require the transfer to be made, but that it authorizes the Secretary of War to do so "if in his judgment the work of furnishing such evidence will be facilitated, or the number of clerks employed upon such work can be materially reduced in number by such transfer." I think the Secretary of War will be competent to settle this question of detail, perhaps much more than we. Still the limited knowledge that I have of the operations of the Pension Bureau has led me to a definite conclusion upon this point, and the reasons which I offer may be multiplied, I have no doubt they could be, in the experience of many others.

For instance, A B makes an application for a pension. He sends down his application, his affidavits, &c. The first thing is to ascertain his military history. That military history may consist not only of what is found upon the muster-rolls of his company, but it also consists of the records of the hospital in which he may have been while sick. The inquiry may be addressed to the Adjutant-General for this information. He directs that the rolls of this man's company be searched to ascertain whether he was enrolled or not, and when he enlisted, when he was discharged, if at all, and for what cause, and whether he was recorded upon those rolls as ever having been in hospital. If he is not recorded upon the rolls as having been in hospital, a search of the hospital records is absolutely unnecessary; but as it is now an inquiry goes to the Adjutant-General for the military history to be found in the company roll, and it also goes to the Surgeon-General to find if the man is borne on the rolls of any hospital, and if so, what his treatment was, his disease, &c. In one case you may get by one examination all that you get in the other by two examinations. You get it by one inquiry in place of two inquiries, and the Commissioner of Pensions may get an answer by one reply in place of getting it by two replies.

It is a fact we all know that the Commissioner of Pensions declines to answer inquiries from individual applicants for pensions in regard to the standing of their claims, because he says that it would put the entire force of his office at the mercy of these correspondents, and he cannot do it. He limits himself, therefore, wisely or unwisely, to answering the inquiries preferred by members of the House and Senators. It can readily be seen that in the case of 300,000 correspondents, all of them desirous of knowing from day to day and from week to week about the condition of their claims, foot-sore and weary and worn down by poverty induced by wounds received in the service of their country, they would write a good many letters, and it would put the whole available force in the Pension Office at their disposal. The consequence is that the letters cannot be written.

When you take out all that, you still have a very large amount left in the correspondence of Senators and Members of the House. Then the correspondence between the Commissioner of Pensions and the Adjutant-General and Surgeon-General is in itself an enormous thing. Out of the $2,000,000 which is to be appropriated this year for the purpose of carrying on the operations of the Pension Bureau, that is, the clerical force for that purpose, I venture to say that 25 per cent. will be exhausted in correspondence alone. Any step which we can take here which will relieve the Pension Office of that burden will not only be a saving of money to the Government, but what, as I said before, is a great deal more, it will relieve these needy, deserving people to whom the Government is under great obligation from the delay which otherwise will inevitably ensue.

Mr. HARRISON. Will the Senator from Kansas allow me to ask him a question?

Mr. PLUMB. Certainly.

Mr. HARRISON. Is there anything in the law now, or in the regulations of the War Department, that restrains the Secretary of War from ordering the hospital records to be placed in the same building with the Adjutant-General's records?

Mr. PLUMB. I think there is not; and I do not understand that this provision requires a displacement of one single page of these records. It would simply put over them as the head the Adjutant-General in place of the Surgeon-General, leaving the *personnel* precisely the same.

Mr. HARRISON. Then I desire to make a suggestion. If these records are brought conveniently together, a letter goes forward to the Adjutant-General to have the examination made in the ordinary roll. If the roll has a reference to the hospital in which the soldier has been treated, the same letter may be filed to the chief clerk, or whoever is managing the hospital records under the Surgeon-General's Office, and go through precisely as it would if they were all under one head, the Secretary of War being treated as the head of both.

Mr. PLUMB. I have no doubt a great many things could be done that never will be done except under the sanction of law. It used to be said in the Army in early days that two corporals could get together on a beat and fraternize, but that two major-generals would always get together and fight. That is exactly the condition of things now. The Adjutant-General, the Surgeon-General, the Secretary of War, and so on, do not get together for the purpose of settling the difficulty, but each of them for the purpose of revolving in his own orbit in his own way and for his own purposes—I will not say for his emolument; I do not mean that—but the idea of course is that every man has his own theory about the service irrespective of the general good. I do not speak of that as an offense, but no mere civilian ever undertakes to interfere in any radical way with the *personnel*, with the duties, with the general management of one of these bureaus, but he finds a certain system has been going on until they are "indurated," according to the statement of the Senator from California, made some time ago in regard to Chinese people, in such a way that he, in his four years' term, is not going to undertake to interfere with it.

Mr. PLATT. If the Secretary of War is authorized to do anything under this section which it is proposed to amend, it is just this:

That the Secretary of War is directed to transfer all the records in the office of the Surgeon-General of the Army from which the evidence is furnished for the settlement of claims for invalid pensions, and also the clerks and others employed upon such records, to the office of the Adjutant-General of the Army.

Mr. PLUMB. Does the Senator think that means a manual transfer?

Mr. PLATT. I do think so.

Mr. PLUMB. How about the clerk himself? Will he have to be removed to another building?

Mr. PLATT. I think it means just this, if it means anything: it means to take the records away from the Museum building on Tenth street and put them under the control of the Adjutant-General in his office in the War Department. If it does not mean that there is nothing to be gained by it under any possible view of it.

There is one thing I intended to say when up before. Congress by an act directed the Surgeon-General to prepare a Medical and Surgical History of the War. That is in progress. It is near completion. This would arrest that.

Mr. PLUMB. It ought to arrest it.

Mr. PLATT. I do not know anything about that; I do not say anything about that; but Congress has directed it; it has appropriated for it; the work is going on. If you want to arrest it, do it in some other way and do not do it in this indirect way.

Mr. LOGAN. Mr. President——

Mr. BUTLER. After the Senator from Illinois concludes I shall move that the five-minute rule be applied to the sixth section of the bill also. I shall make the motion after the Senator from Illinois gets through.

Mr. ALLISON. I hope that will be done by unanimous consent.

Mr. LOGAN. I do not wish to detain the Senate more than a few moments, but I desire to call attention to one proposition in the section. I have just as much confidence in the Secretary of War as has our friend from Kansas; so have I in the Adjutant-General; but let us see the effect of this provision.

I presume if any person would offer an amendment here to transfer the records of the Ordnance Department to the Engineer Department of the Army, anybody could see the reason for that. It would be saying to the Engineer Corps, "You are in disgrace because you do not do your duty; therefore we will transfer your records to somebody else."

That is exactly what you would say. If we were to transfer the

Adjutant-General's books and papers to-day to the Engineer Corps, the Adjutant-General ought to resign, because he would say, "I am incompetent to perform the duty, and hence Congress has transferred my books to somebody else." I do not believe in making a declaration of that kind.

I notice that you cannot find a bureau in any Department of the Government that will not commence reaching out to get possession of some other bureau. You will find it is always so. We find all the Departments of the Government that we have reach for power. It is perfectly natural; it is human nature. I do not know what the Adjutant-General says about this matter; I have never talked with him about it. I presume the Secretary of War would do exactly what we suggest to him in this bill.

There is a great deal in what the Senator from Connecticut says, that these medical histories of the war are in progress of preparation to-day. The Senator from Kansas says they ought to stop. I disagree with the Senator from Kansas.

The Medical and Surgical History of the War, as prepared by the Medical Department of this Government, has furnished greater evidence to the scientific world in reference to surgery than has ever been furnished before. The whole scientific corps in surgical colleges and elsewhere are trying to get hold of the Medical and Surgical History of the War, for the reason that there is more evidence in those volumes in regard to science than they have ever found in all the other books that have ever been published since the world began. I do not want them to stop. I think they are important—important for the Army, important to surgery, important to the medical fraternity of this and other countries.

The very moment that you take possession of these records in the Medical Department of this Government and transfer them to the Adjutant-General's Department they pass from under the control of the Medical Department. Not only that, but you say to the Medical Department, "You are not fit to have control of these records; you do not perform your duty; hence we will transfer them to an entirely different department to perform the duty." That is not a very nice thing to do. It is not very well for us to say to this Department, "You are incompetent."

The duplicate-letter business which has been talked about is a very small affair. As was well suggested by the Senator from Indiana, the same letter that goes to the Adjutant-General's Office can be referred to the Medical Department, and there they can act on it without a duplicate.

There is no trouble about this matter, but the one we have had heretofore has been this: we failed to furnish that Department with a sufficient number of clerks to perform the duty until recently. They were 30,000 inquiries behind a year and a half ago on account of want of sufficient clerical force to perform the duty. They are now going forward and performing the duty with a great deal more facility than they have heretofore been able to do, and with the number of clerks which are now provided for the War Department, and which can be applied to the Adjutant-General's Office and the Medical Department both, there ought to be no difficulty whatever in getting a reply to a letter in a very short time.

Mr. PLATT. Will the Senator from Illinois allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. PLATT. In the getting of evidence to grant pensions upon, you have to send to the Quartermaster's Department very often?

Mr. LOGAN. Certainly.

Mr. PLATT. Why not transfer the records of the Quartermaster's Department to the Adjutant-General's Office?

Mr. LOGAN. There are many things I could suggest about transferring different Departments and bureaus. They are really but one. To illustrate: suppose a soldier has failed to get his commutation of rations, where does he write? He writes to the Adjutant-General of the Army for his record to show when he was discharged, where he was discharged, and where he had to go to his home. He has not had commutation of rations. His case has to go to the Commissary Department. Will any man say that because some of the soldiers of this country have claims for commutation of rations, and those claims have to go to the Adjutant-General's Office first, and afterward to the Commissary Department, therefore the records of the Commissary Department should be transferred to the Adjutant-General's Office, in order to facilitate the payment of claims for commutation of rations? Will anybody say that? That case is exactly like this, except that there are so many more claims for pensions than there are for other matters connected with the Army, that some person has got it into his head that all the records of the Army should be transferred to the Adjutant-General's Office, where they certainly do not belong and ought not be placed.

Suppose in examining claims in the Quartermaster's Department you write a letter to the Adjutant-General, or you write a letter to the Secretary of War; you present your case, or ask that a certain claim shall be examined. That is referred to the Quartermaster's Department. Will anybody say because that is a bureau of the War Department, and the records are in the Adjutant-General's Office, and the confederate records are there too, that for the purpose of examining the confederate records to see whether he was a Union man or not, all the records should be transferred to the Adjutant-General's Office? I presume nobody would say so. It is for the Quartermaster-General under the law to pass upon such claims, and hence they go to his department. So it is in reference to the Medical Department.

The records have to show the wounds, the disease, or if in hospital how they got there, whether they went from the regiment, whether they were wounded and taken there. All of these things appear certainly and properly under the Medical Department, and I say now to Senators that to take the records belonging to one bureau of the War Department or one bureau of any Department, and transfer them to another bureau, unless you abolish the bureau from whence you transfer them, is putting the officers at the head of that bureau in disgrace. That is exactly the effect of it, and it is what you say in the bill when you do it. Suppose you transfer the records of the Land Office to the Agricultural Department and do not transfer the Land Office there, would not the Commissioner of the General Land Office say that he was in disgrace; that he was not competent to perform the duties, and would he not resign? He ought to resign in such a case. So it is in any Department of the Government.

In my judgment, whether the Adjutant-General desires this transfer or whether the Secretary of War desires it, is immaterial; it is not a proper thing to do. The records do not belong to the Adjutant-General's Office any more than the records of the Ordnance Department belong to the Adjutant-General's Office. They belong to the Medical Bureau of the War Department, and there they should remain. If the officer in charge is inefficient and fails to perform his duty, there is a remedy for that; and what is it? The remedy is for the Secretary of War to relieve him from duty and put somebody else in charge. He has the power to do it. Congress has no business doing this thing. The President to-morrow can remove any bureau officer and put somebody else in charge. He has a right to do that, and if they fail to perform their duties there is a remedy; but it is not by taking the records away from them and putting them in disgrace.

Mr. ALLISON. I ask unanimous consent that the five-minute limit to debate be applied to the sixth section of the bill.

The PRESIDENT *pro tempore*. The Chair hearing no objection, the five-minute rule is adopted.

Mr. ALLISON. Now I want to say one word.

The PRESIDENT *pro tempore*. The Chair will apply the rule to the Senator from Iowa.

Mr. ALLISON. I desire a paper, a document, a statement from any living person asking for this change. I asked the Secretary of War about it; he said he had not examined it. The Commissioner of Pensions did not mention it. It comes here as a specific, positive measure of legislation upon this bill, without any father. I believe instead of doing what the Senator from Kansas says it will do, it will have the very reverse effect, to embarrass and delay every pension case for several months, in order to dig up these records of eighty or ninety thousand volumes, covering the period of the war.

Mr. LOGAN. I will only say, if the Senator will allow me, suppose you take the medical record of the Adjutant-General's Office where wounds of a certain character are described, can the Adjutant-General, as a professional medical man, tell anything about it, and will he not have to detail a medical officer to make the reports?

Mr. PLUMB. Does the Senator from Illinois mean to suggest that the Surgeon-General himself receives all these letters and replies to them?

Mr. LOGAN. No, sir.

Mr. PLUMB. Then no other officer would be expected to do it; and the Senator knows it as well as I do.

Mr. ALLISON. I wish to say further that it is not proposed to change the locality of the medical records. The north wing of the War Department, so called, is not large enough to contain the records now under the control of the Surgeon-General, and if you will read the very next portion of the section you will see that it is not in contemplation to change the location of the records at all.

Mr. DAWES. Although I readily coincide with the attempt to be more specific in these appropriations, one defect in the whole bill seems to have manifested itself more particularly here than anywhere else. It is an attempt in Congress to interfere with executive duties. This is all a question of administration, the whole of it. The medical records are one kind of records and the Adjutant-General's are another kind, all under one head; but we here in Congress have an idea that we can manage the executive department a great deal better than the executive can itself. If Senators will turn to the one hundred and fifteenth page, the next page, in the thirty-second line of this sixth section, they will find "that the occupancy of the north half of the east wing, except the two rooms aforesaid, and of the fourth story and attic of the south wing of the State, War, and Navy building" is to be assigned to particular clerks and to particular officials under the Secretary of War, not by the Secretary of War, not by the President, over them all, but by us here in Congress. That is a defect in the bill as it comes to us from the House, and the amendment of the committee striking out this attempt on the part of Congress to regulate executive duties here, and a like amendment to which I have called the attention of the Senate on the next page, are, it seems to me, necessary, if we will let the executive department do its duty and try as well as we can to do ours.

Mr. BECK. Mr. President, I agreed with the committee in striking out this portion of the section, mainly for the reasons given by

the Senator from Illinois. They were given by him in committee, and he knows more about military affairs than I do. But it occurred to me that as we had given the Adjutant-General one hundred and thirty-eight more clerks, and had given the Surgeon-General one hundred and ninety-one more, and had given the Commissioner of Pensions eight hundred and sixteen more than he had in order to hasten up the payment of pensions and the arrears of pensions, we could allow the records to remain as they are and allow one office to be a check upon the other, so as to see whether we could not have some little check on pension claims so as to have more assurance that they go to proper claimants.

All men who claim pensions are not the foot-weary soldiers the Senator from Kansas spoke of. There have been a good many cases rejected in this Congress and a good many have been rejected by the Commissioner of Pensions; and there might be a good many more perhaps rejected if careful investigation was had. If the Adjutant-General makes a report on a certain set of facts and the Surgeon-General makes a report on a different set of facts, that would be some check, and perhaps the Commissioner of Pensions would look into it to see whether there was not something wrong about that case; but to transfer all the records of the two bureaus to one bureau, where one man has to make a report upon all the facts which now appear in the Adjutant-General's Office and the Surgeon-General's Office, would destroy one of the checks you now have in ascertaining whether a case is a fair one or not.

I am not disposed to remove any of the checks. I desire each pensioner honestly entitled to a pension to be paid, but I desire every man claiming a pension who is not entitled to it to go through all the ordeal necessary. While I am willing to furnish the means to do it as rapidly as possible, I want all the checks that now exist to prevent men not entitled to pensions from receiving them, and I hope the Committee on Pensions will devise still further means in order to see that men not entitled to them do not get them. I think the transfer of these records and the consolidation of the offices would have a tendency to remove a very important check in this direction, and therefore I agreed to strike out the clause.

Mr. ANTHONY. Is it in order to move to strike out the sixth section?

The PRESIDENT *pro tempore*. The amendment is to strike out down to the word "employed," in line 16.

Mr. ANTHONY. But is it not in order to move to strike out the whole section?

The PRESIDENT *pro tempore*. The Chair supposes that the committee amendment can be amended; but there are other amendments to the section proposed by the committee.

Mr. ANTHONY. When the proper time comes I shall move to strike out the whole section. It gives the President and Secretary of War no authority that they do not have now, and merely imposes a legislative restraint upon their discretion.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations to strike out from line 1 to line 16 of the section.

Mr. COCKRELL. Is not a motion to strike out the whole section in order?

The PRESIDENT *pro tempore*. Not now. There are other amendments of the committee in the section. After they are disposed of a motion to strike out the whole section will be proper.

The amendment was agreed to.

The Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in section 6, line 16, after the word "that," to insert "so much of;" in line 20, after the word "and," to insert "so much of;" and in line 22, after the word "State," to insert "as may, in the judgment of the President, be available for such purposes;" so as to read:

That so much of the north half of the east wing of the State, War, and Navy building, now occupied by the War Department, except the two rooms on the second story now occupied by the Secretary of War, and so much of the fourth story, and the attic of the south wing of the said building, now occupied by the Department of State, as may, in the judgment of the President, be available for such purposes, shall be occupied by the War Department for the storage of records now stored in insecure rented buildings, and for clerical purposes connected with said records.

The amendment was agreed to.

The next amendment was, in the same section, line 26, after the word "the," where it occurs the second time, to strike out "corridor of the fourth story" and insert "corridors of the second and fourth stories;" in line 28, after the word "the," where it occurs the second time, to strike out "fourth story" and insert "second and fourth stories;" in line 31, after the word "the," to strike out "fourth story" and insert "second and fourth stories;" so as to read:

That the partition wall separating the corridors of the second and fourth stories of the east wing from the second and fourth stories of the south wing of the State, War, and Navy building shall be removed, so as to afford easy access from one wing to the other on the second and fourth stories of said building.

The amendment was agreed to.

Mr. SAULSBURY. I should like to inquire as to the necessity of making these alterations in that new public building. I do not know what effect they may have on the building. There ought to be some explanation. If we are to undertake in the Senate to make such alterations in public buildings we ought to know the reason.

Mr. ALLISON. As the bill came from the House there was an absolute direction as to how various apartments in what is known as the State, War, and Navy Department building should be occupied. We did not think that was a wise thing for us to do. Therefore we so altered the section as to give the discretion to the President. That is all we mean by the amendments. The original section required a certain portion of this building to be occupied by the Secretary of War, not only what he occupies now, except two rooms, but all the new north wing, which will be completed about the 1st of December. There is a controversy with reference to the south wing, that portion now occupied by the State Department, and also with reference to a portion of the east wing, which the Navy Department occupies. We think it wise to allow these different Secretaries to state their suggestions to the President and let him decide between them. He has that power, undoubtedly, without any legislation. So I shall not be particularly mortified if the whole section goes out.

Mr. DAVIS, of West Virginia. In addition to what the chairman has said, I will state that the committee wanted to get these rooms ready for occupation at as early a day as possible, so as to have the different bureaus move in them and save the rent paid for other buildings.

Mr. PLUMB. The remedy suggested is an appeal to Executive discretion from time to time without any act of Congress.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 6, after the word "building," in line 32, to strike out the following words:

That the occupancy of the north half of the east wing, except the two rooms aforesaid, and of the fourth story and attic of the south wing of the State, War, and Navy building by any portion of the War Department shall cease on the completion and occupancy by the War Department of the west wing and the center wing of the said State, War, and Navy building; and that thereafter the north half of the east wing and the fourth story and attic of the south wing of said building shall be controlled and occupied by the Navy Department and the Department of State, respectively.

The amendment was agreed to.

Mr. ANTHONY. I move to strike out the whole of section 6. What do we know about the occupancy of the second story and the two rooms, and the connecting of the State Department with the War Department? It is a matter of executive administration, and we should not attempt to interfere with it.

Mr. BECK. The State Department shuts itself off so that neither the Senator nor I can get from one wing to another of the building without going out into the street and then going back into the building.

Mr. ANTHONY. I recollect proposing that question once to Mr. Fish when he was Secretary of State, and he was very strongly opposed to allowing communication. He did not wish the State Department to be connected with the other Departments and have the clerks running from one to the other. I thought his reason was very good. At all events I am willing to leave the matter to executive discretion. This is the very "mint, anise, and cumin" of legislation.

Mr. BECK. Why should a concern of that sort occupy one whole front of that great building and exclude by a wall all entrance from other parts of the building, so that nobody can get to it from there? It has rooms lying useless that the War and Navy Departments absolutely need, and the State Department can get on with less room than it has. They would take another wing if you could give it to them. I go there with very great caution and always with my hat in my hand, and I think we had better take a little of the style off that concern and let it come down to the level of the other Departments. Open the doors and use them and let it be understood that the State Department is not necessarily one of the royal family because it is carrying on diplomatic negotiations with her majesty.

Mr. SHERMAN. I think the section as it now stands is satisfactory, and I think something of that kind ought to be provided for. There are now walls two or three feet thick between the State Department and the Navy Department, and I know it was a matter of complaint that winds coming from the south could not pass through there because of these walls. The Secretary of State always objected to the removing of that partition wall. My impression is that no injustice is done to the State Department by letting two of these stories be opened sufficiently to allow fresh air to pass through and have the vacant space occupied. So I do not think there is much objection to the section as amended.

Mr. SAULSBURY. I am very well satisfied that if this were left entirely to the President, there would be no alteration if the Secretary of State opposed such alteration. He is the premier of the Administration, and the President will make no order in contravention of his wishes. If, therefore, it is desirable to have the change, it should be made mandatory. Under all the circumstances, perhaps it would be better to appoint a commission of nine experts to ascertain whether or not this thing shall be done. I am very well satisfied, however, if you leave it to the discretion of the President and the Secretary of State opposes it, as has been intimated by the Senator from Rhode Island, you will have no alteration, however necessary that alteration may be for the other Departments.

Mr. DAVIS, of West Virginia. That part of it is mandatory I say to my friend.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, to strike out section 6 as amended.

The motion was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 7, in the following words:

SEC. 7. That no part of the contingent fund appropriated by this act shall be expended in payment of clerks employed by Senators or Members of the House of Representatives.

The amendment was agreed to.

Mr. SHERMAN. I do not see why that should be stricken out.

The PRESIDENT *pro tempore*. The committee amendments have been gone through with.

Mr. VOORHEES. I offer the following amendment. On page 56, after line 1357, insert:

For the salaries of the commissioners appointed under an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, $25,000; and the salaries of said commissioners are hereby fixed at the rate of $5,000 per annum each.

I did not suppose this would lead to any discussion, and I do not think it will when I make a single statement. As the bill here referred to originally passed it provided for the salaries at $3,000. Afterward the Senate passed a separate bill fixing these salaries at $5,000 per annum, and that bill has gone to the House where it is not likely to be reached in time to be acted upon, and hence I seek to carry out the declared will of the Senate by the amendment which I have proposed, and I do not suppose it will meet with any objection in the Senate, the Senate having passed a bill exactly similar in character.

The amendment was agreed to.

Mr. SHERMAN. I desire to submit an amendment, which I attempted to do the other day without sufficient information, to correct an injustice in regard to the chiefs of divisions in the Secretary of the Treasury's Office. By one of the amendments to this bill one of the chiefs of division is practically reduced or legislated out of office. I have shown the estimates to the chairman of the Committee on Appropriations, and will now submit a motion to insert in line 496 the words:

One chief of division of captured and abandoned property, $2,750.

Mr. Noerr, the officer in charge of that division, is one of the old officers of the Government. I do not know where he comes from; but at any rate he has received $2,750, and in the revised estimates of the Secretary of the Treasury, which I hold in my hand, to conform to this law, I see it is inserted.

The fund from which this officer was paid is covered into the Treasury by the general operation of this bill, and in the revised estimates there are ten chiefs of divisions estimated for. In the bill as it stands there are but nine. You have also by this bill reduced the chief of the captured and abandoned property division from $2,750 to $2,500 by putting him in with the class of "seven chiefs of division."

I move, after the word "dollars," in line 496, to insert:

One chief of division of captured and abandoned property, $2,750.

Mr. ALLISON. I have examined the revised estimates, and if the revised estimates state the present organization of the Treasury, the Senator is right; but I suggest that instead of making a new division he simply provide for "eight chiefs of division," where the bill now provides for seven.

Mr. SHERMAN. I think that probably would be well. If the Senate is not disposed to give him his former salary, that would be the proper way. This gentleman is one of the old officers, having charge of all the cotton claims. Although that money is covered into the Treasury and can only be paid out by appropriation, yet it is extremely important to retain the services of the gentleman in charge of that division, and I do not desire to reduce his pay; but if there is objection to giving him his old pay, I will adopt the suggestion of the Senator from Iowa and move to strike out the word "seven" and insert "eight" before "chiefs of division, at $2,500 each," in line 496.

Mr. DAVIS, of West Virginia. Is that not an increase? The bill is "seven."

Mr. SHERMAN. But there is under the present law a chief of captured and abandoned property, who was paid differently, paid out of one of the appropriations now covered into the Treasury. You will find in the revised estimates "ten chiefs of division."

Mr. ALLISON. As the bill now stands I understand there is one less division than the present organized force in the Treasury.

Mr. DAVIS, of West Virginia. Out of what fund has that been paid heretofore?

Mr. SHERMAN. The captured and abandoned property fund. This officer also has charge of the real estate.

Mr. DAVIS, of West Virginia. That is one of the many people we did not know anything about.

Mr. SHERMAN. I see by the revised estimates that the Secretary of the Treasury sought to meet this case and provide for a "chief of captured and abandoned property division."

Mr. DAVIS, of West Virginia. I understand the Senator from Ohio changes his amendment so as to strike out "seven" and insert "eight."

Mr. SHERMAN. I do that, although I think this officer ought to have $2,750. I move now to strike out "seven" and insert "eight," in line 496 so as to read "eight chiefs of division." The aggregate will have to be changed, but that can be left to a subsequent time.

Mr. COCKRELL. I should like the Senator from Ohio to explain what this chief of division will have to do, what service he has to do, and why it was that heretofore it was changed?

Mr. SHERMAN. The captured and abandoned property division has charge of all property, mainly the cotton, that was captured during the war; but since that, by act of Congress, there was put upon him the custody and care of all lands of the United States other than public lands. Under the internal-revenue laws we sometimes acquire large tracts of land throughout the United States, which seemed to have no place or home, and they were placed under the custody of this gentleman as in the nature of loose property. I will say to the Senator that there has been sold each year since that appropriation was made many thousands of dollars of this property. One tract in Indiana or Illinois was sold that reached twenty or thirty thousand dollars. He has charge of all this property and all the cotton claims that arise.

Mr. COCKRELL. The money on the cotton claims has been turned into the Treasury.

Mr. SHERMAN. It has been turned into the Treasury, but claims are pending in the Court of Claims, in the Supreme Court, and in Congress, and this gentleman has charge of all the papers and makes very many reports in regard to them. We call upon him frequently for information.

Mr. HOAR. We passed a bill, I will say to the Senator, the other day authorizing the Court of Claims to hear a cotton claim amounting to $300,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The aggregate amount at the end of the paragraph will be changed, to correspond with this amendment, to $500,683.25.

Mr. ALLISON. That is right.

The PRESIDENT *pro tempore*. That amendment will be made.

Mr. FERRY. I send to the desk an amendment recommended by the Committee on Post-Offices and Post-Roads, and also by the Postmaster-General, whose letter I hold in my hand. On page 102, line 2495, I move to strike out "three thousand five hundred" and insert "four thousand;" so as to read:

For Third Assistant Postmaster-General, $4,000.

The First, Second, and Third Assistants have heretofore received a salary of $3,500. This bill as it stands adds $500 to the First and Second Assistants, and leaves the Third Assistant out. The Third Assistant does more work in the way of mail matter than the other two assistants combined. He has the whole charge of the financial interests of the Department; the whole $40,000,000 that come in as the postal revenues of the Government are under his supervision. He also has the management of the dead-letter and the registry system; so that his labors are really greater than the other assistants, and they all rank alike. If the Postmaster-General is away, and the First Assistant absent, and the Second Assistant, the Third Assistant takes the place, and is acting Postmaster-General. To leave the bill as it is would be an invidious discrimination against the Third Assistant, and the amendment is but an increase of $500. If the other two are to be increased in their salaries, certainly the Third Assistant Postmaster-General ought to have the same. I hold in my hand the letter of the Postmaster-General recommending it. I will not take up the time of the Senate by reading it, unless its reading is asked for.

The amendment was agreed to.

Mr. FERRY. I have another amendment, recommended by the Postmaster-General, in line 2548——

The PRESIDENT *pro tempore*. Wait a moment. The aggregate in line 2506 will have to be altered by striking out "214,760" and inserting "215,260," to correspond with the amendment just made.

Mr. DAVIS, of West Virginia. I thought first that the question of order ought to have been raised on the amendment of the Senator from Michigan, but as the chairman did not make it, I did not. Now I give notice that I mean to raise the question of order on these different amendments. That will be the shortest way to get rid of them.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. The amendment had not been referred to the Committee on Appropriations, and therefore was out of order.

Mr. FERRY. I wish to disabuse the mind of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. That is over.

Mr. FERRY. It was recommended by a committee.

Mr. HARRIS. The amendment has been disposed of.

The PRESIDENT *pro tempore*. There is no question pending.

Mr. FERRY. I offer, on line 2548, to amend by inserting "four" instead of "three." There has been a reduction of the force in the office of the topographer of the Post-Office Department. The Postmaster-General was here to-day and asked me to have this amendment made so as to give the additional clerks. If it is not done the work will have to be diminished, and it really ought to be increased. Senators and members are asking for maps and work that comes within the topographic office, and it cannot be done unless they have the same number of clerks as before. This is estimated for in the Department.

Mr. ALLISON. The Postmaster-General asked me to have this correction made in line 2548. He stated to me to-day that he now has in that office four clerks of class 3, and asked me to make the correction. I stated to him that I would submit the question to the Senate, not having an opportunity of discussing it with my colleagues on the committee, and I could not say what the committee would do, but if the amendment is to be agreed to, where we have inserted "four clerks at $1,000 each" we should insert "three," and I ask unanimous consent to make that change in the bill.

Mr. DAVIS, of West Virginia. The amendment is no more in order because the chairman offers it than if any other Senator offered it.

Mr. ALLISON. I do not claim that it is.

Mr. DAVIS, of West Virginia. I understand that, and it is not in order at all. The chairman of the Post-Office Committee, of course, has considered this subject, and the chairman of the Committee on Appropriations.

Mr. ALLISON. I have not considered it. I have stated all I know about it. The Postmaster-General states that he has now in this office four clerks of class 3, and we have given him but three.

Mr. DAVIS, of West Virginia. I understood the Senator to say that he favored this change and asked unanimous consent for it, and on that statement I was making——

Mr. ALLISON. I did not state whether I favored it or not.

Mr. DAVIS, of West Virginia. I was stating that I would not raise the question of order under these circumstances.

Mr. ALLISON. Now, I say if that change is made, although we have agreed to "four clerks at $1,000 each," we ought to reduce the number to "three," and I must ask unanimous consent for that.

Mr. DAVIS, of West Virginia. That can be done, and I will not object to the other.

Mr. ALLISON. I move, then, to insert "four clerks of class 3," in line 2548, in place of "three clerks of class 3," and where "four" is inserted, in line 2549, to change it to "three;" so as to read "three clerks at $1,000 each."

The PRESIDENT *pro tempore*. The question is on the amendment as stated by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. The total amount of the appropriation in line 2553 of that clause should be changed to $42,480. I move that amendment.

The amendment was agreed to.

Mr. FERRY. I submit the following amendment, on page 108, line 2657, between the words "dollars" and "chief clerk," insert:

One law clerk, $2,500.

Mr. ALLISON. I make the point of order on that.

Mr. FERRY. I will not insist on it.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. FERRY. I desire to say this much, however, that we have a clerk there at $1,800 who writes all the opinions, who is sent all over the United States to attend to suits where the United States are interested, going into court and defending the United States, and he is paid but $1,800 for that work.

Mr. ALLISON. That may be, but neither the Postmaster-General nor the Attorney-General has called our attention to it.

Mr. FERRY. I did not give notice by reference in this case, and I yield to the point of order.

Mr. BLAIR. I ask unanimous consent to move an amendment in line 115 on the sixth page. By a mistake, as the chief engineer of the Senate informs me, for it must be a mistake, the text reads "three assistant engineers, at $1,440 each," when it should be "four assistant engineers;" and "conductor of elevator," in the one hundred and seventeenth and one hundred and eighteenth lines, "at $1,200," should be stricken out. The elevator has been placed under the charge of an assistant engineer and has been so for some nineteen months, and an assistant engineer has been performing these duties. He is an assistant engineer as much as the other three discharging like duties, but he is paid some $240 less. It would seem to be only just, the attention of the Senate being called to it, that the pay should be amended. Therefore I ask unanimous consent to strike out the word "three" and insert "four," in line 115; and also to strike out "conductor of elevator, $1,200," in lines 117 and 118.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. HOAR. I move the following amendment, to follow line 2689, on page 110:

The salaries of the judges of the following district courts of the United States shall hereafter be at the rate of $5,000 per annum each, namely: the northern district of Illinois; the southern district of Illinois; the districts of Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota; the eastern district of Louisiana; the eastern district of Missouri; the three districts of New York; the southern district of Ohio; and the eastern district of Pennsylvania.

Mr. PLUMB. Is not that subject to the point of order? I raise the point of order.

Mr. HOAR. The amendment has been referred to the Committee on the Judiciary, authorized by them to be reported, and then by them referred to the Committee on Appropriations. I am not aware that the Committee on Appropriations make any objection to it. I do not understand that they do so.

The PRESIDENT *pro tempore*. On that state of facts the Chair cannot say that the point of order is properly taken if the amendment was before the Committee on Appropriations.

Mr. LOGAN. It was before the committee.

Mr. HOAR. Mr. President——

Mr. PLUMB. What is the decision of the Chair on the point of order?

The PRESIDENT *pro tempore*. If the amendment was recommended by the Judiciary Committee and referred to the Committee on Appropriations, and they did not report it, it still can be proposed as an amendment.

Mr. PLUMB. Notwithstanding it is legislation on an appropriation bill?

Mr. SHERMAN. It changes the law.

Mr. PLUMB. I made all the points of order.

The PRESIDENT *pro tempore*. That is another thing, of course.

Mr. HOAR. We have a right to raise a salary provided for by the existing appropriation bill. It may be raised by an appropriation bill.

The PRESIDENT *pro tempore*. The Chair is very much in favor of this amendment; but——

Mr. HOAR. I hope my friend from Kansas will withdraw his point of order.

Mr. DAVIS, of West Virginia. I think it is in order.

Mr. COCKRELL. It is clearly not in order within the rules of the Senate.

Mr. HARRIS. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment of Mr. HOAR.

Mr. VOORHEES. Allow me to inquire of the Senator from Iowa whether he desires to conclude the bill to-night?

Mr. ALLISON. Yes, sir; I think we can do it in a short time. It will take two or three days to prepare this bill in the Secretary's office to send it back to the House, and it is very important that it should be finished to-night.

Mr. HOAR. I wish my friend from Kansas would allow me to make a statement, and withdraw his point of order.

The PRESIDENT *pro tempore*. The Senator from Arkansas wishes to make a statement to the Senator from Kansas; does the Senator yield for that purpose?

Mr. HOAR. Certainly.

Mr. GARLAND. I want to say to the Senator from Kansas——

Mr. PLUMB. I shall not withdraw the point of order; I will listen to any statement.

Mr. GARLAND. I have no doubt the point of order under Rule 29 is well taken, but I wish to say to the Senator from Kansas that the Committee on the Judiciary have had a great deal of labor with this question throughout this entire session. Petitions to increase the salaries of a great many district judges came before this committee, and after considering all we had and getting before us all the responses to letters we sent out, we concluded that the district judges here named ought to be dealt with at this session of Congress before we adjourn, leaving the other judges not provided for here until the next session of Congress, when we can make general provision for them. That is the reason the committee made this report and had it sent to the Committee on Appropriations, and, for one, I should be glad if the Senator from Kansas would find it according to his duty to withdraw the point of order.

Mr. HOAR. If the Senator from Kansas will allow me now to make my statement to him, I shall be very much obliged to him.

Mr. President, there are in the commercial cities of this country district judges who have also the jurisdiction and duty of holding circuit courts, who, in the case of a war, will be the exponents and representatives of the jurisprudence of this country to the entire civilized world. Those named in this amendment are the persons who the committee found are worked all the year round. They have to decide cases of very great importance and magnitude, and their salaries are $3,500 and $4,000 only, not a fifth part of what any of these men could make in practicing law in the cities of New York, Philadelphia, Baltimore, Chicago, or the other cities where they have jurisdiction.

I noticed that yesterday the district judge who holds court in Boston was engaged in the trial of a case of very great importance, I suppose involving many hundreds of thousands of dollars, in which the late distinguished Senator from New York, who occupied a seat in front of where the Senator from Kansas sits, was counsel. The judge is a gentleman with five children, one of them a boy studying law, one just entering college, two others a few years younger, and a daughter sixteen or seventeen years old, and without property substantially. That gentleman, the successor of Judge Peleg Sprague, has a salary of $4,000 a year. He waited upon me just before I came here on last December, saying that he would be compelled to resign his judgeship, and that he was then in search of an office to locate himself to practice law. I told him I hoped he would wait until the session of Congress was over, that the sense of Congress might be taken. Judge Choate, who was appointed for New York, a most admirable judge, resigned his seat about a year ago I think because he could not live on the salary. We pay our State judges in Massachusetts $6,000 and $6,500, and I suppose the State judges in New York are paid some $10,000 or $15,000; I do not remember now, but some very

large salary; one of them, I understand from the Senator from Illinois, gets $17,000.

Now, I ask my friend from Kansas if he will not, in a matter of such great moment to these hard-worked and faithful public officers, of so great importance to this country, at least allow the Senate to express its judgment upon what is just and reasonable in this matter, and not prevent it being considered at all by a point of order? That is all I ask.

The Judiciary Committee went upon this principle: they selected those judges who appeared to them to be worked hard all the year round and made special provision for those, leaving the other district judges in the country to be considered, if they should be considered, hereafter after the passage of the bill which the Senator from Illinois has introduced, proposing that if they acted upon the new circuit court in banc, it would be ascertained how much of their time was taken, and the Congress then could determine whether any reconsideration of their salaries was necessary. We put up from $4,000 in some cases and $3,500 in others this number of judges to $5,000. Many of these judges have to travel. The judge in Kentucky, I understand, has to hold court in four different places; he has a river front of several hundred miles, with large duties in regard to internal-revenue cases that come up.

Now, I appeal to the sense of justice of my friend from Kansas whether—as two committees of the Senate have considered this question, first the Judiciary Committee selecting all this information, then the Committee on Appropriations having prepared themselves to deal with the question—it is not fair and just to allow the Senate to vote upon it.

Mr. PLUMB. Inasmuch as some appeals have been addressed to me of a personal kind, I desire to state the reason for my insisting on the point of order. In the first place I will say that I have been advised by two or three Senators on the floor that if I withdrew it they would renew it, so that on the whole my withdrawal would amount to nothing, and I would not withdraw it if I could; not that I want to act as the dog in the manger, but I believe the Committee on the Judiciary have acted on a partial, incomplete, and unsatisfactory statement of the conditions affecting the salaries and labors of the district judges throughout the United States.

The Senator from Arkansas says let this go through, and next year we will even the thing out. A bird in the hand was always "worth two in the bush" when I was a boy, and it is so now. I say the district judge of the district of Kansas—I do not speak of anybody else—is just as much entitled to $5,000 as the judge of the district of Massachusetts, about whom we have been appealed to. He not only holds the district court, but by reason of the very large country embraced in that circuit, he holds inevitably three-fourths of the time the circuit court for that circuit. He holds court at three different places in that State and travels more in going from one place to another than he would be required to travel ten times over the entire State of Massachusetts. I am not speaking about his relative ability, and I do not know anything about his ancestry, but I can say for him that he has not the advantage of having appear before him those gentlemen who have been cultivated like the Senator from Massachusetts, and consequently that ought to be counted in his favor and his salary ought to be increased on that account. He has to take the ordinary clodhopper attorney and listen to him, his dreary hum and buzz, and that probably ought to be accounted a mortification which ought to be compensated by increased salary.

Mr. DAVIS, of West Virginia. Has Kansas one or two judges?

Mr. PLUMB. Kansas has one judge. I am willing to admit that $3,500 is not an adequate salary for any person who is qualified to hold a district court of the United States anywhere within the bounds of this country. But so far as the war questions are concerned we have a war out there in that country three or four times a week sometimes, and they never have war in Massachusetts; their war questions are settled. The only people we have engaged in fighting are Indians and the frontier people, and they are out there in our jurisdiction.

Mr. HOAR. And the Senators.

Mr. PLUMB. The Senators do not fight, they run. [Laughter.] I do not want to interfere with the expression of judgment of the Senate on this matter, but I desire to say, as I have a right to say, representing that district here, that the Committee on the Judiciary has not considered fairly this entire question, and I will interpose that objection, which I consider it my duty to do. I therefore raise the point of order.

Mr. HOAR. Let me say of the committee's amendment that if there is any case left out, that can be remedied by amending the amendment. The committee thought instead of taking every district judge in the country, the whole fifty-four judges, the true way was to take those who were worked all the year around on their own statement and do a full year's work instead of only a partial year's work, and make them $5,000, and then that the others would undoubtedly be dealt with when the bill of the Senator from Illinois shall pass.

Mr. PLUMB. The question whether a man works nine months or twelve varies. Some men work more rapidly than others. The district judge in Kansas does just as much work, so far as the quality of it is concerned and the quantity of it is concerned, as any man ought to do for $5,000, and more than he ought to do for $3,500.

Mr. GARLAND. I understand the Senator from Kansas insists on the point of order.

The PRESIDENT *pro tempore*. He does; and the point is well taken.

Mr. GARLAND. That being settled, I wish to call the attention of the Senator who has charge of the bill to page 2. I am inclined to offer an amendment, but I do not wish to do so if the Senator from Iowa, who has charge of the bill, will explain the matter so that we can understand it. On page 2, line 24, the Committee on Appropriations brought in the financial clerk of the Senate at a salary of $3,000. I think that is right and proper. I think also the principal executive clerk, the principal clerk, the minute and the journal clerk should be brought up to that standard also, and as a reason for that I see on page 9, lines 199 to 201, that the officers of the House similar to these that I have indicated receive a salary of $3,000.

I should like to understand the reason of that distinction between the principal clerk and principal executive clerk, and the journal and minute clerk here, and those several clerks of the House who have $3,000, while those of the Senate have but $2,500. If there is an explanation of it, I do not wish to offer an amendment. If not, I shall have to offer an amendment to make the correction.

Mr. ALLISON. I have no explanation to offer except that we have hitherto insisted that the Senate should regulate the salaries of its own employés and we have permitted the House to do the same thing with their employés. They insist that a large number of Senate employés receive salaries beyond those paid by the House of Representatives. Now, it so happens, as the Senator states, that the clerks at the desk in the House of Representatives receive more than the clerks at the desk here; but we did not feel at liberty, in view of the contest going on between the Senate and House in reference to this question of salaries, to increase the salaries of our own employés except in a very few instances, and I think we have only increased the compensation in about three instances of employés about this Capitol. We have increased the compensation of the financial clerk for the reason that, as the Senate very well knows, he has a place of great responsibility, financially and otherwise, and that he is obliged to give a large bond, is obliged to stay here every day of the year and transact the business of the Senate, and we thought under those circumstances he was entitled to an increase of compensation.

We have so adjusted this bill as to leave the whole question of compensation between the Senate and House open to an adjustment by the committee of conference. By that I do not mean to say that we wish the Senate to understand that we propose in that committee to increase the compensation of any of our own employés; but if the House of Representatives shall make the point that our employés and theirs shall be equal, then our officers at the Secretary's desk must be raised, or the officers performing like services in the House must be cut down.

Mr. GARLAND. In view of the statement made by the Senator from Iowa, I feel constrained to offer an amendment. After the words "chief clerk," on line 24, I move to insert "principal executive clerk, principal clerk, minute and journal clerk," so that it will bring the officers of this body similar to the officers of the other House to exactly the same grade and the same compensation. I am not aware that similar officers in the House perform any more labor than these here. While I recognize to the fullest extent the propriety of the amendment bringing the financial clerk up to $3,000, I think the same reason applies to these other officers, and it is a sort of self-abnegation on our part that I do not sympathize with, and in fact do not appreciate, to say that we can regulate the pay of our officers and let the House put their salaries for similar officers $500 above ours. I move that amendment, to come in on line 24, after "chief clerk:"

Principal executive clerk, principal clerk, minute and journal clerk.

Mr. ALLISON. If the point of order lies against this amendment, I make it.

The PRESIDENT *pro tempore*. The point does apply.

Mr. HARRISON. I desire to propose this amendment from the Committee on Territories, which was referred to the Committee on Appropriations:

On page 52, in line 1261, after the word "dollars," insert:

"*Provided*, That the governor, chief justice, and the speaker of the house of representatives, and the president of the council during the last session of the Legislature of the Territory of Montana shall constitute a board, who shall assemble at the capital of the Territory on the call of the governor; and such board, or a majority thereof, shall have power to organize any new county not now organized which may contain five hundred or more inhabitants, and appoint temporary officers therefor, and fix the boundaries of the same. And such board, or a majority thereof, shall reapportion the members of the council and house of representatives of said Territory upon the basis of the population as it exists at the time of their assembling as may truly appear to them from the best sources of information; and the governor shall issue notice of such apportionment, and the next Legislature shall be elected in accordance therewith, as provided by law. The members of this board shall be allowed the same compensation per diem as is allowed the presiding officers of the Legislature. All acts of this board shall be subject to the revision of the Legislative Assembly."

Mr. ALLISON. That of course is liable to a point of order, but I think it is legislation of importance, and therefore I do not feel like raising the point of order.

Mr. HARRISON. The amendment was agreed upon unanimously by the Committee on Territories. The Delegate from that Territory

desires it. The situation is just this: the Legislature adjourned without making an apportionment. There must either be a called session of the Legislature at great expense, or this amendment.

The PRESIDENT *pro tempore*. Does the Senator from Iowa raise the point of order?

Mr. ALLISON. No, I do not.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

Mr. MILLER, of California. I now desire to offer the amendment which I gave notice of yesterday. On page 52, line 1262, I move to strike out the words "two thousand six hundred" and insert "three thousand five hundred."

The PRESIDENT *pro tempore*. The Chair thinks this proposition was voted down yesterday.

Mr. ALLISON. And I make the point of order on it now.

Mr. MILLER, of California. I think the Chair will remember that no such amendment was offered, and at the request of the Senator from Iowa I deferred the offering of it till now. Inasmuch as the law fixes the salaries of governors of Territories at $3,500 and the salaries of secretaries at $2,500, and as this bill does not——

Mr. LOGAN. That law is repealed.

Mr. MILLER, of California. No.

Mr. LOGAN. Yes.

Mr. MILLER, of California. When was it repealed?

Mr. SHERMAN. If that is the law, the amendment is in order.

Mr. MILLER, of California. It is the law, and it has never been repealed. Congress has failed to make the necessary appropriation from year to year. They have appropriated $2,600 instead of $3,500, which the law fixes as the salary of the governor.

The PRESIDENT *pro tempore*. The question——

Mr. DAVIS, of West Virginia. I thought the chairman raised the point of order.

Mr. MILLER, of California. I do not believe the point of order is well taken.

The PRESIDENT *pro tempore*. The Chair is waiting to hear a point of order.

Mr. ALLISON. I made the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. LOGAN. On page 37, line 893, I move to insert:

Provided, That the maximum salary of gaugers shall not exceed $6 per diem.

Mr. ALLISON. Under the direction of the committee I am bound to raise the point of order, although I agree with the Senator from Illinois about the propriety of it; $5 a day is the pay now by law.

Mr. LOGAN. I wish to state to the Senate that we have had a committee of gaugers here, and they have been examined, and they show this to be the fact: the maximum now is $5 per diem, and they only get that provided they gauge that quantity of spirits. Sometimes they gauge beyond it, so that their salaries would amount to $20 or $25 a day if they were allowed pay for all their gauging.

Sometimes they go for days and days when they have no work to perform. In the city where I live—and I presume it is so in all the other cities where there are great distilleries—the very best class of men are selected for this position, men who can be relied on, men who are recognized and known as men of character and integrity, and the fact that they are engaged only a portion of the time gives them a very small pittance in the way of pay. They said that if it was raised to $6 per diem with the average that it made it would give them a living salary. It was recommended by the Commissioner of Internal Revenue, and I hope there will be no objection to it, and that the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. BECK. The chairman of the committee made the point of order.

The PRESIDENT *pro tempore*. The Chair did not hear it. If the Chair had he would have stopped the Senator from Illinois, because of course the point of order is well taken.

Mr. PLUMB. I now move on page 86, line 2093, to strike out "twenty" and insert "sixteen," so as to reduce the appropriation for rent of the Pension-Office building to $16,000, and in line 2096 to strike out "twenty" and insert "sixteen."

Mr. ALLISON. I want to call the attention of the Senator from Kansas to the fact that I have received a letter to-day from the Secretary of the Interior asking me to insert "and for rent of other buildings." He states that he should like to have this total amount for other rents.

Mr. PLUMB. I am entirely content with that; but I want the rent for the one building made $16,000.

Mr. ALLISON. Then add "and for rent for other buildings, $4,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I now move, in line 2088, to make the clause read "for the rent of a suitable building or buildings for the use of the Pension Office, to be selected by the Secretary of the Interior, $16,000," so as not to specify any building at all. That I state is in accordance with the wish of the Secretary himself, and as he believes will tend to economy.

The amendment was agreed to.

Mr. PLUMB. After the word "Interior," in line 2092, I move to strike out the words "may select."

The amendment was agreed to.

Mr. FERRY. I understood the Senator from California [Mr. MILLER] to have moved an amendment to this bill to carry out the salary fixed for the governor of Arizona. The chairman of the Committee on Appropriations made a point of order that because he asked for an increase of salary to conform to the salary fixed by law—was that the point?

Mr. ALLISON. It increases the appropriation.

Mr. FERRY. Then the point of order is not well taken. I will read the rule:

27. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

Now here is the point:

And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

The law fixes the salary at $3,500, but the appropriation is only $2,600. Now, the Senator proposes to raise the appropriation to the salary according to existing law. The point is not well taken.

Mr. ALLISON. I understand that the law relating to the salaries of governors of Territories in the Revised Statutes has been repealed. Of course I cannot turn to it just now.

Mr. MILLER, of California. I should like the Senator to show the repealing act. He cannot find any such thing.

Mr. DAVIS, of West Virginia. Every appropriation bill that has been passed since 1876——

Mr. MILLER, of California. That law is not repealed. There has merely been a failure of Congress to appropriate the money.

The PRESIDENT *pro tempore*. What statute does the amendment come under?

Mr. MILLER, of California. Section 1845:

From and after the 1st day of July, 1873, the annual salaries of the governors of the several Territories shall be $3,500, and the salaries of the secretaries shall be $2,500 each.

Mr. HALE. Now, if the Senator will examine the act whereby the salaries of these governors were reduced he will find that it is there provided that thenceforward the salary of the governor should be at the amount fixed in the appropriation bill.

Mr. MILLER, of California. Please show me that statute; I cannot find it.

Mr. ALLISON. I will read the appropriation bill of last year appropriating for these identical salaries:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1882, for the objects hereinafter expressed, namely:

Then section 4 provides:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. FERRY. That does not repeal the law.

Mr. DAVIS, of West Virginia. It has been in every appropriation bill for five or six years.

Mr. FERRY. That applies to the current year. That does not repeal the law. It simply applies to that year. For instance, this year the appropriation from the committee might have been $3,500, and then it would have been proper. The law stands, and the amendment offered by the Senator from California is certainly in order. I hope the Senator will renew it.

The PRESIDENT *pro tempore*. The law as read by the Senator from California fixes the salaries of these officers at $3,500. Now, unless that has been repealed his amendment is in order.

Mr. MILLER, of California. I renew the amendment.

Mr. SAULSBURY. The law read by the Senator from Iowa repealed that law, and you cannot repeal a law for one as intimated by the Senator from Michigan.

The PRESIDENT *pro tempore*. It does not repeal the law fixing salaries unless it so specifically states.

Mr. RANSOM. Does the Chair hold that the clause in the appropriation just read by the Senator from Iowa suspends the law for a year and does not repeal it?

The PRESIDENT *pro tempore*. Let it be read again. It fixes the salary. Will the Senator from Iowa read the law?

Mr. ALLISON. The Senator from Massachusetts has it.

The PRESIDENT *pro tempore*. The Chair wishes to see the state of the law on the subject, and then he will decide quickly.

Mr. DAWES. The enacting clause is in these words:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1882, for the objects hereinafter expressed, namely.

Then the fourth section of the act is—

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

The PRESIDENT *pro tempore*. Will the Senator send that to the Chair?

Mr. DAWES. Certainly.

The PRESIDENT *pro tempore*. The Chair holds that this is a very improper way of repealing a general law, but it is repealed. Congress can repeal by an appropriation bill as well as in anything else. The salaries of these governors were fixed at $3,500 for a number of years; the salaries of judges were fixed at $3,000; and the Chair for a number of years complained very bitterly about that; but it was held by the Senate that year by year they appropriated so and so. The act says:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1882, for the objects hereinafter expressed, namely.

The governors by this act were paid $2,600; and it provided further:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

This statute is in conflict with the provision as to the salaries of governors. The Chair decides that the point of order is well taken.

Mr. COCKRELL. I do not think we can get through with this bill to-night, and therefore I move an adjournment.

Mr. ALLISON. Let us try for a few minutes longer.

Mr. COCKRELL. Very well.

Mr. MORGAN. By direction of the Committee on Public Lands, I offer the following amendment on page 87——

Mr. DAVIS, of West Virginia. I appeal to the chairman of the committee. I want to submit to him—of course I shall be governed by what he says—had we not better adjourn and finish this bill to-morrow?

Mr. ALLISON. If it is the judgment of members of the committee that we had better adjourn, I shall not press the matter.

Mr. COCKRELL. I move that the Senate adjourn.

HOUR OF MEETING.

Mr. GARLAND. I wish before adjournment to offer a resolution to lie over:

Resolved, That on and after the 3d of July next the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

Mr. DAVIS, of West Virginia. Let that go over.

ASSISTANT POSTMASTER OF THE SENATE.

Mr. CALL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the compensation of the assistant postmaster of the Senate shall be $2,238 per annum, to date from the 1st day of July, 1882.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The Senator from Alabama had the floor and was offering an amendment.

Mr. DAVIS, of West Virginia. The Senator from Alabama will yield for an adjournment.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

Mr. DAVIS, of West Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and sixteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 29, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of the proceedings of yesterday was read and approved.

FORT ABERCROMBIE MILITARY RESERVATION.

Mr. WASHBURN. I ask unanimous consent to take from the Speaker's table the bill (S. No. 1432) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands, for present consideration.

Mr. ROBINSON, of New York. I rise to a question of privilege.

Mr. WASHBURN. While the Clerk is looking for the bill I will state for the information of the House that this is a proposition to restore to the public domain——

Mr. HOLMAN. The right to object is reserved.

The SPEAKER. Undoubtedly. The gentleman from Minnesota [Mr. WASHBURN] asks by unanimous consent to take from the Speaker's table for present action the bill (S. No. 1432) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands.

Mr. HOLMAN. I object to any bill which proposes to extend the provisions of the pre-emption laws. If the gentleman strikes that part out I will not object.

Mr. WASHBURN. A word of explanation will satisfy the gentleman from Indiana. This was formerly a military reservation. It was turned over by the War Department, or rather it was restored to the public domain, about eleven years ago. In the mean time it has been settled and taken up by homesteads. An exactly similar bill has been reported by the Committee on Public Lands of this House; a bill precisely the same as this bill which has been passed by the Senate. It simply restores to the public domain this reservation which was abandoned long and long ago. There is no reason in the world why it should not be subject to the same conditions as the balance of the public domain in our State.

Mr. HOLMAN. Does the Secretary of War recommend this?

Mr. WASHBURN. He recommended it in the last Congress. I was on the Committee on Public Lands in the last Congress, and the bill was submitted to him, and he recommended it. He stated that the reservation had been abandoned for military purposes, and was turned over to the Interior Department.

Mr. HOLMAN. If the gentleman is willing to strike out the pre-emption feature I have no objection. I object to the continuance of a law under which frauds are being perpetrated every day and in conflict with the homestead law.

Mr. WASHBURN. I am ready to strike it out.

The bill was read, as follows:

Be it enacted, &c., That the military reservation of Fort Abercrombie, in the State of Minnesota, be, and the same is hereby, abolished; and the Secretary of the Interior is hereby authorized to have the lands embraced therein made subject to town site, homestead, and pre-emption entry and sale the same as other public lands: *Provided*, That the rights of all actual settlers entitled to the benefits of the homestead and pre-emption laws of the United States, who now occupy in good faith any portion of the land embraced within said reservation, shall date from the day of their actual settlement thereon; and in perfecting their titles thereto, under the homestead or pre-emption laws, the time such settlers have occupied and improved their said lands shall be allowed.

The SPEAKER. Is there objection to taking the bill from the Speaker's table for present consideration?

Mr. HOLMAN. I desire to say a word while retaining the right to object.

Mr. WASHBURN. I have no objection, and will move to strike out the word "pre-emption" wherever it occurs.

Mr. PAGE. I do not wish to interfere with the gentleman's bill, but the word "pre-emption" should be in it. There is no reason why these lands should not be subject to the same conditions as other public lands.

Mr. HOLMAN. I was going to add, reserving the right to object, that there is trouble in applying the principle of homestead exclusively to lands which have been long reserved where the country has been settled and the lands largely increased in value. Perhaps the true rule is to provide for the sale of the lands. I think in all other cases the homestead principle should be applied to every acre of the public domain. I think Congress is making a great mistake in allowing any public land to be sold under the pre-emption laws or any other way. We have reached the point when the principle of the homestead law should be applied to every acre of the public lands.

I concede in the case of the lands withdrawn for settlement for years and the country around has been settled up, there is difficulty in applying the principle. I ask the gentleman from Minnesota whether it would not be juster to the Government, inasmuch as none of these are valid claims, to provide for the sale of these lands. I am not familiar with the surrounding country and the extent to which these lands have been increased in value by other people to know what properly should be done, but I insist that word "pre-emption" shall be stricken out.

Mr. BURROWS, of Michigan. I desire to ask the gentleman from Minnesota [Mr. WASHBURN] whether it has been considered by any committee of this House?

Mr. WASHBURN. It was considered by the Committee on Public Lands and unanimously reported to this House.

Mr. BURROWS, of Michigan. I ask that the report of the committee be read.

Mr. SPRINGER. Before the objection is withdrawn I wish to state that I have received a letter from some settlers in Western Minnesota in regard to some bill of this kind, but I cannot put my hand on it, protesting against the passage of that bill, if it is the same bill.

Mr. WASHBURN. This is not the same bill.

Mr. BURROWS, of Michigan. Let the report of the committee be read.

The report was read, as follows:

The Committee on the Public Lands, to whom was referred the bill H. R. No. 819, having had the same under consideration, report:

That this bill has for its purpose the restoration to the public domain of that portion of the military reservation of Fort Abercrombie in the State of Minnesota, and also authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale, the same as other public lands.

Your committee find this reservation has been abandoned for military purposes for a long time; and the Secretary of War, in answer to the inquiries of the Public Lands Committee of the Forty-sixth Congress on this subject, said "that the reservation was relinquished to the care and control of the Interior Department by the War Department March 25, 1871."

In answer to an inquiry of your committee, the Secretary of the Interior transmits the opinion of the Commissioner of the General Land Office in regard to this bill, in which the Commissioner says:

"Inasmuch as the town of McCauleyville is known to be situated upon a portion of the lands to be affected by this bill, I would suggest that the lands be made subject to entry under the town-site as well as the homestead and pre-emption laws."

Your committee see no reason why the lands embraced in this reservation should not be subject to the same terms of entry and sale as other lands in the State; and, in order to render the bill complete in this respect, recommend that it be amended by the insertion of the word "town-site" in the sixth line of bill as printed, so that the sentence shall read: "And the Secretary of the Interior is hereby authorized to have the lands embraced therein made subject to town-site, homestead, and pre-emption entry, and sale, the same as other public lands." Believing it to be the true policy of the Government to afford every facility for the opening up and settlement of the public lands, your committee would therefore recommend the passage of this bill as above amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS, of Michigan. I desire to inquire of the gentleman from Minnesota whether the bill conforms to the suggestions of the Department in all its provisions?

Mr. WASHBURN. It does, sir.

Mr. STRAIT. It was considered by the Committee on Public Lands and unanimously recommended by them.

Mr. HOLMAN. There will be no objection if the clause in reference to pre-emption is stricken out. It occurs, I believe, three times in the bill.

Mr. WASHBURN. I move to amend the bill by striking out the word "pre-emption" wherever it occurs in the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I suggest that the title be amended to conform thereto.

The SPEAKER. Without objection, the title will be amended.

ORDER OF BUSINESS.

Mr. ROBESON. I demand the regular order of business.

Mr. HOUSE. I ask unanimous consent to take from the House Calendar and put upon its passage the bill (H. R. No. 3207)——

Mr. ROBESON. As the time for closing the general debate upon the naval appropriation bill is fixed by a positive order of the House, I feel it due to both sides of the House to call for the regular order.

Mr. HOUSE. This will not take two minutes. I hope the gentleman from New Jersey will withhold his demand for the regular order until this bill can be passed.

Mr. ROBINSON, of New York. I have risen to a privileged question, and claim the right to hold the floor.

Mr. HOUSE. I hope the gentleman from New Jersey will withhold his demand, as this will take but a moment.

Mr. ROBESON. I will yield to the gentleman from Tennessee.

BRIDGE OVER THE CUMBERLAND RIVER.

Mr. HOUSE. Then I ask unanimous consent to take from the House Calendar the bill to which I have referred and put it upon its passage.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections to its present consideration.

The Clerk read as follows:

A bill (H. R. No. 3207) giving the assent of Congress to the mayor and city council of Nashville, Tennessee, to construct a free bridge over the Cumberland River.

The bill was read. It is as follows:

Be it enacted, &c., That the assent of Congress be, and the same is hereby, given to the mayor and city council of Nashville, Tennessee, to construct a free bridge over the Cumberland River at some convenient point between the former city of Edgefield and the city of Nashville: *Provided*, That the navigation of said river shall not be obstructed thereby.

The Committee on Commerce recommend the adoption of the following amendment:

Strike out, after the word "provided," in the seventh line, the words "that the navigation of said river shall not be obstructed thereby" and insert in lieu thereof "that the plan and location of said bridge shall first be submitted to the Secretary of War, and be by him approved as a proposed bridge that will not obstruct, impair, nor injuriously modify the navigation of the Cumberland River, due regard being had to the character of said navigation and to the bridges already built."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY APPROPRIATIONS.

Mr. HISCOCK. I desire to submit a privileged report from the Committee on Appropriations. I am directed by the committee to report the following joint resolution, and ask that it be put upon its passage.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

Be it resolved, &c., That all appropriations for the necessary operations of the Government under existing law which shall remain unprovided for on the 30th day of June, 1882, be, and they are hereby, continued and made available for a period of fifteen days from and after that date, unless the regular appropriations therefor, provided for in bills now pending in Congress, shall have been previously made for the services of the fiscal year ending June 30, 1883; and in case the appropriations or any of them hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations for the fiscal year 1882 as fifteen days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of the appropriations to be hereafter made for said objects: *And provided further*, That all sums expended under this act shall be charged to and deducted from appropriations for like services for the fiscal year ending June 30, 1883.

The joint resolution was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTENSION OF NATIONAL-BANK CHARTERS.

Mr. CRAPO. I rise to make a privileged motion. I move that the House insist on its disagreement to the amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and agree to the conference asked for by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair announces as the conferees on the part of the House Mr. CRAPO of Massachusetts, Mr. DINGLEY of Maine, and Mr. BUCKNER of Missouri.

CONTESTED ELECTION—SMALLS VS. TILLMAN.

Mr. WAIT. I rise to submit a privileged report from the Committee on Elections in the contested-election case of Smalls *vs.* Tillman, from the fifth Congressional district of South Carolina. The gentlemen who represent the minority are not present, but I know that they desire that their views shall be printed with the report of the majority of the committee. I ask the Clerk to read the resolution reported by the majority.

The Clerk read as follows:

Resolved, That George D. Tillman was not elected as a Representative to the Forty-seventh Congress from the fifth Congressional district of South Carolina, and is not entitled to retain the seat he now occupies in this House.

Resolved, That Robert Smalls was duly elected as a Representative from the fifth Congressional district of South Carolina to the Forty-seventh Congress, and is entitled to his seat as such.

Mr. WAIT. I ask that the resolutions reported on behalf of the minority prepared by the gentleman from Missouri, [Mr. DAVIS,] with whom I have conferred as to presenting them at this time, be also read.

The Clerk read as follows:

Resolved, That Robert Smalls was not elected as a Representative to the Forty-seventh Congress of the United States from the fifth Congressional district of South Carolina, and is not entitled to occupy a seat as such.

Resolved, That George D. Tillman was duly elected as a Representative from the fifth Congressional district of South Carolina, and is entitled to retain his seat as such.

The SPEAKER. The report of the Committee on Elections, together with the views of the minority, will be ordered to be printed, and will be laid over.

WATER SUPPLY OF WASHINGTON CITY.

Mr. NEAL. I present the report of the committee of conference on Senate bill No. 1723.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 1723, to increase the water supply in the city of Washington, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective House, as follows:

That the Senate agree to the amendment of the House numbered 1, providing for a fish-way at the Great Falls of the Potomac, and they also agree to recommend the following as a substitute for the amendment numbered 2 of the said bill:

"That one-half the cost of said improvement, excluding the fish-way, shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that interest at the rate of 3 per cent. per annum thereon shall be annually computed and charged to said account, and that any surplus of water-rents over and above the expenses of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water-works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created until the same shall be finally extinguished, and the water-rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of

said account, and until further action by Congress, the surplus water-rents shall be paid into the Treasury of the United States."

HENRY S. NEAL,
MILTON G. URNER,
ABRAM S. HEWITT,
Conferees on the part of the House.
ISHAM G. HARRIS,
A. P. GORMAN,
Conferees on the part of the Senate.

Mr. BLOUNT. I ask to be heard on this matter.

Mr. NEAL. I move the previous question on agreeing to the report of the conference committee.

Mr. BLOUNT. I hope the previous question will not be ordered. The report is in violation of the vote of this House.

Mr. NEAL. There will be time for debate after the previous question is ordered.

The SPEAKER. The question is on ordering the previous question.

The question being taken, there were—ayes 55, noes 32.

Mr. HOLMAN. No quorum.

The SPEAKER. The point being made that a quorum has not voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. NEAL, and the gentleman from Indiana, Mr. HOLMAN.

Mr. HOLMAN. I think time would be saved by allowing some debate. There is no occasion for hurrying this matter.

Mr. ATKINS. Has it been agreed by the House that the time occupied by this matter shall not be taken out of the time allowed for the discussion on the naval bill?

The SPEAKER. There has been no extension of time for the debate on the naval bill.

Mr. ATKINS. I hope that by unanimous consent as much additional time will be allowed for general debate on the naval bill as has been occupied from the reading of the Journal till now, and as shall be occupied till we take up the naval bill.

Mr. HOLMAN. I think this bill should not be forced through without debate.

The SPEAKER. The Chair will submit hereafter the proposition of the gentleman from Tennessee. The Chair will now state that if the previous question is ordered on the report of the committee of conference there is one-half hour allowed for debate.

Mr. DINGLEY. I desire to make a suggestion. The matter is not well understood by the House. No explanation has been made by the gentleman from Ohio.

The SPEAKER. This is not debatable. Gentlemen will pass between the tellers.

Mr. BLOUNT. I ask the gentleman from Ohio to withdraw this report for the present.

The SPEAKER. Debate is not in order.

Mr. BLOUNT. I ask unanimous consent——

The SPEAKER. The House is dividing.

Before the result of the vote by tellers was announced,

Mr. NEAL said: A quorum has not yet voted, and with the consent of the House I will withdraw the report until a quorum is present.

Mr. SPRINGER. I call for the regular order.

PERSONAL EXPLANATION.

Mr. ROBINSON, of New York, rose.

The SPEAKER. The gentleman from New York [Mr. ROBINSON] states that he rises to a question of privilege.

Mr. ROBINSON, of New York. I ask the Clerk to read the extracts I have marked in the RECORD of this morning.

The Clerk read as follows:

Mr. ROBINSON, of New York. I have an amendment I desire to offer. I claim the right to be heard——

The SPEAKER. The gentleman is not now in order.

Mr. ROBINSON, of New York. I wish to be heard——

The SPEAKER. The gentleman cannot be heard and is not in order at this time.

Mr. ROBINSON, of New York. Will it be in time after the previous question is ordered to offer an amendment?

The SPEAKER. It will not.

Mr. ROBINSON, of New York. I have an amendment to offer which I have the right to present——

The SPEAKER. The gentleman from Indiana demands the previous question upon the adoption of the report.

Mr. ROBINSON, of New York. I call for the yeas and nays upon that motion. This is an effort to stifle American sentiment.

The SPEAKER, (rapping with his gavel.) The gentleman from New York is not in order.

Mr. ROBINSON, of New York. I will be heard in time.

The SPEAKER. The gentleman from New York is not in order, and must be seated.

Mr. ROBINSON, of New York. I now respectfully repeat to the Chair that I will be heard in order. This is an effort to stifle all American sentiment, and I will not submit to it. I insist upon——

The SPEAKER. The Chair will state to the gentleman from New York that he is not at liberty to defy the House and the Chair by saying he will be heard contrary to the rules.

Mr. ROBINSON, of New York. I will be heard in order.

The SPEAKER. The gentleman from New York will resume his seat. The Sergeant-at-Arms will see that the gentleman is seated.

Mr. ROBINSON, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman must be seated.

Mr. ROBINSON, of New York. I have a right to be heard when I am in order.

The SPEAKER. The Sergeant-at-Arms will require the gentleman to resume his seat if he persists in speaking out of order.

* * * * * * * *

The SPEAKER. The gentleman stated that he would be heard, as the Chair understands, in defiance of the Chair.

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The gentleman from New York now qualifies his statement and says he will be heard in order; but his first declaration was that he would be heard in spite of the Chair.

Mr. ROBINSON, of New York. The Chair has misunderstood me. I did not say that. I claimed the right to be heard in order.

The SPEAKER. The gentleman was proceeding out of order. The gentleman from New York demands the yeas and nays upon ordering the previous question.

Mr. ROBINSON, of New York. Now, Mr. Speaker, if I can get your attention and the attention of the House for two minutes, I think it will be for the benefit of the order and tend to expediting business in this House, if I am heard without interruption.

I stated yesterday, and I meant what I said, that I would to-day bring up a resolution impeaching Mr. Lowell. I shall have a word to say upon that, when I get through with this matter, which altogether will not take more than two or three minutes.

The SPEAKER. The gentleman will proceed.

Mr. ROBINSON, of New York. In regard to what has been read from the RECORD, I wish to say here that the Speaker himself will now see that he did me injustice, as he did on a former occasion when there was a controversy between the gentleman from New Jersey [Mr. ROBESON] and myself, arising from a misunderstanding which the Speaker did not explain, and which if explained would have prevented that controversy. And although I think I suffered great injustice by that report in the RECORD going into history, I did not rise to correct it as I have done in this case.

The Speaker will see, from the report in the RECORD which has been read, that yesterday I rose and asked for the yeas and nays, and in a kind of undertone said something else of no importance, such as other gentlemen frequently say without objection. What I rose for was to call for the yeas and nays, and the Speaker said that I was not in order.

By and by I rose and said that I rose to a parliamentary question. The Speaker said: "The gentleman from New York is not in order, and the Sergeant-at-Arms will see him seated." I tried to get the question before the Speaker, but I could not be heard, and the second time he called upon the very benevolent Sergeant-at-Arms, (who I see is now watching me, perhaps for the purpose of laying hands on me.) [Laughter.] The second time the Speaker called upon the Sergeant-at-Arms without any provocation on my part, except proposing to ask a parliamentary question.

Then, when the Speaker began to explain, he stated that I had said that I would be heard in defiance of the Chair and the House. Now, I refer the Speaker to the report which is in the RECORD, and which shows no such thing.

The first thing I said was, that I would be heard in time. Then I said I would be heard in order, all through violating no rule of this House, only trying to say something, the same as other gentlemen are indulged in doing every day.

I have no more to say upon that point. I ask for no censure; I leave it, Mr. Speaker, to your own good sense and judgment whether it was fair, upon a former occasion to which I could refer, or upon the present occasion, that whenever I rise to say something upon a question which I consider of more importance than anything we have been discussing here, the Sergeant-at-Arms, in defiance of his own good intentions toward me, is perpetually set upon me. [Laughter.] That is all I have to say upon that point.

One word more and I have done. I made a threat yesterday which I intended to carry out, and which I could carry out by raising the question of a quorum on all occasions, and insisting upon everything being read that was in order to be read. Somebody yesterday got rather the advantage of me on that point, but that will not occur again. I could make a great deal of delay in that way.

Now, I have only this to say: on reconsidering the matter, considering the pressure of business in the House, the bill now pending and other matters of more importance, if I should move to impeach Mr. Lowell it would take up a great deal of time; even if you ruled me out of order all the time it might take a long while before I would consider myself out of order. [Laughter.]

I desire to say that the resolution which I first introduced six months ago is the only one which should have been adopted by this House, and if it had been adopted then it would have saved a great deal of time and preserved the credit of the nation. That resolution required the President of the United States to make a demand under the law of 1868 for the immediate release of our citizens from jail, and then to report the proceedings to Congress for our action.

I have now made up my mind not to block legislation in the way I intended, but to leave the matter until we see what action shall be taken under this vigorous resolution—not quite so vigorous as it ought to be, but still a pretty vigorous resolution for this House to adopt—offered by the gentleman from West Virginia [Mr. WILSON] yesterday. I therefore desire to say that I will not object to any one getting unanimous consent, and will not insist upon a quorum on all occasions for the transaction of business. [Laughter and applause.]

The SPEAKER. The Chair desires to state that he did not intentionally do the gentleman from New York any injustice. Taking what had been privately stated on yesterday to the Chair by the gentleman from New York, together with what was said by the gentleman, and which is correctly quoted from the RECORD, the Chair thinks that when the gentleman insisted upon proceeding to make a speech after he was called to order, it was its duty, not to

itself, but to the House, that the gentleman should be warned that he could not proceed, as he was doing after the previous question had been moved, in violation of the rules. If there was any injustice in that the Chair certainly did not intend it.

ORDER OF BUSINESS.

Mr. ROBESON. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

The SPEAKER. The Chair will state that the gentleman from Tennessee [Mr. ATKINS] asks that the time for general debate on the naval appropriation bill be extended, to make up for the time which has been occupied in other business this morning.

Mr. ATKINS. I ask that the time for general debate be extended till three o'clock.

Mr. HEWITT, of Alabama. One hour has not been occupied in other business.

The SPEAKER. Fifty minutes.

Mr. ATKINS. Well, let the extension be for fifty minutes.

The SPEAKER. If there be no objection the time for general debate will be extended for fifty minutes.

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I move that the House now resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. PAGE in the chair,) and resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The CHAIRMAN. The gentleman from Massachusetts, [Mr. HARRIS,] who held the floor when the committee rose yesterday, has forty minutes remaining.

Mr. HARRIS, of Massachusettss, addressed the committee. [See Appendix.]

Mr. HEWITT, of New York. I desire at the outset, Mr. Chairman, to express my thanks to the gentleman from New Jersey [Mr. ROBESON] for the courtesy of allowing me to defer the delivery of my remarks from yesterday till to-day. But I am sure he will be as sorry as I am that his courtesy has been in vain, for I feel less able to-day to engage in this discussion than I was yesterday.

Mr. ROBESON. As the gentleman from New York is not well, I hope order will be preserved in the House, so we may hear his voice.

Mr. HEWITT, of New York. I do not know I will be able to speak in any voice, but I shall make the effort. I think the House, Mr. Chairman, has some reason to find fault with the Committee on Appropriations for the delay which has taken place in reporting this bill. If the bill is intended only to support the Navy and to carry on its current operations, there could have been no reason why it should have been delayed until the last week of the fiscal year. If, on the other hand, the bill was intended for general legislation in addition to providing for the ordinary course of expenditure, then the House certainly has a grievance that it comes in at the very tail of the session, when no opportunity is afforded for the consideration of these general provisions, or for determining the effect they are going to have on the future of the Navy.

My own conclusion is, it must have been withheld for the latter reason. I find in it provisions of a very extraordinary nature which have never been in any naval appropriation bill at any time within my memory.

To two of these items I propose to give some attention. The first is the provision for beginning the construction of two new vessels of war. The second is the provision for the completion of the monitors.

Those who will read the bill attentively will find there is a very curious distinction made in the bill between the appropriations for these two purposes. In reference to building the new vessels the language is that the Secretary *may* use the money. There is no obligation imposed on him. The provision is permissive. While in regard to the completion of the monitors the language is that he *shall* expend a million of dollars, which is appropriated for their completion. This provision is mandatory and not permissive.

Now, whether this be accident or design, it seems to me that it gives the key to the delay which has taken place in reporting this bill and to the peculiar provisions of the bill. In other words, this is a bill designed in fact to secure the completion of the monitors.

THE MONITORS.

I have no wish to enter into a history of those vessels. The humiliating story has often been told. What I desire to do is to call attention to a very extraordinary fact in the history of these monitors which is brought out by the provisions of this bill, and which shows that they have no legal existence, and that the effect of this appropriation is for the first time to give them a legal recognition.

The monitors existed in 1874. They were live vessels. No suggestion was ever made from any quarter I can discover, and I have endeavored to read every line referring to this transaction—no suggestion was ever made except for the repair of these monitors. The Secretary of the Navy refers to them in his annual report of 1874–'75, and again in his annual report of 1875–'76; and in both cases he speaks of the repairs of these monitors. In the investigation which took place in the Forty-fourth Congress the Secretary made a personal statement before the committee, and in that statement, as I have read it from beginning to end and many times, in defense of his action in regard to these monitors it was always put upon the ground of repairs. There is no suggestion anywhere in any official report, either of the Secretary or of any head of bureau, that any new vessels were to be built.

The question for which the Secretary was called to account, if I may be permitted to use the language, in the Forty-fourth Congress, was whether he was justified in using old materials of the Navy for the repair of these monitors, not in the navy-yards of the United States, for about that there was no controversy, but in the ship-yards of contractors. I will do the Secretary the justice to say in his statement he expressed grave doubts as to whether he had any such authority. He says he consulted the Committee on Appropriations, and the evidence shows that he did so; and there the question is always, may the old material be used for the repair of vessels which are to be repaired in private navy-yards and not in the navy-yards of the United States?

The Secretary took that authority. My own opinion is it was unlawful, but nevertheless it was the exercise of a discretion which if properly exercised could have done no harm to the public interest, and I should be the last man to call him to account for the exercise of authority in excess of the law which he thought he had and which was intended for the public good.

Now, bearing in mind that repair was the object of the transactions which have resulted in giving us these five monitors now to dispose of, here comes a very remarkable fact as to one of these vessels unquestionably, and as to the others probably, but in what I say now I shall refer only to monitor Puritan, now in the dock of Mr. John Roach, at Chester.

In his report of 1874 Secretary Robeson says:

Of the iron-clad or armored vessels sixteen are of a class and in condition for actual and efficient service. Four of the class of powerful double-turreted monitors are actually in hand undergoing repairs, and the fifth is well worth the same attention. [*Note*—The fifth was the Puritan.] But the remainder may be counted as really useless for any actual or efficient purpose.

Now, the Secretary sits in his office and accepts, as in the very nature of things he must accept, as facts the reports of his heads of bureaus. So I turn to the report of Mr. Isaiah Hanscom, dated December 3, 1874, to the Secretary, and from which undoubtedly the Secretary himself made up his report, and find:

As yet no work has been done to the Puritan, owing to the want of funds; but a design is being prepared to make that vessel a powerful iron-clad with a high rate of speed, to be armed with four 10-inch rifled guns, to be heavily plated, &c.

Now, let it be remembered that this was December 3, 1874, on the very day when the letter of Mr. Hanscom to Mr. John Roach, or Mr. Roach to Mr. Hanscom—I forget the exact order, but for the present purpose it is immaterial—in regard to the Puritan is dated.

Now we come to the report of 1875–'76, and in this the Secretary says, under the head of "iron-clads:"

Five of them—

That, of course, means the other four and the Puritan, namely, the double-turreted monitors Amphitrite, Monadnock, Miantonomoh, and the Terror—

are in process of complete repair,—

Note the word "repair;" under repair always until the pending bill, which now for the first time provides for their completion as new vessels—

requiring from four to six months to finish.

And I may state, in passing, that there is a strange discrepancy in regard to the time that is allowed for the completion of this work between the head of the bureau and the statement of the contractor, Mr. Roach, who names eighteen months in his letter to the head of that bureau. But there is no evidence to show that the Secretary knew anything of the correspondence between Mr. Hanscom and Mr. Roach.

Now, in the report of Mr. Hanscom, which bears date November 17, 1875, a few days before the report of the Secretary, he says:

Plans for alteration and repair of the Puritan have been prepared by the bureau and her repairs have been commenced.

Now, remember, the official statement that the Puritan was under repair is here made on the 17th day of November, 1875. This statement appears not only in the report of the head of the bureau but in the report of the Secretary of the Navy himself. Now what was the fact? The Puritian, at the time when this report was written, and for several months afterward, was not at Chester at all in the yard of Mr. John Roach, but was lying at League Island, and had never been away from League Island. The order for its removal was not given until January 29, 1876, and it was not delivered at Chester until February 3, 1876.

Yet here is the head of a bureau informing the Secretary of the Navy, and the Secretary believing in his head of bureau, as he ought to have done, informs the President and the President informs Congress that repairs are going on upon the Puritan in the yard of John

Roach at Chester, when the Puritan was at League Island, twenty miles off, and not one particle of work had ever been done upon her in the way of repair. I believe that the Secretary was deceived. I have known him too long and too well to believe that he would have informed Congress and the country that a ship, upon which nothing had been done, was under repairs when the ship being built from the hull up was in one place and the ship said to be under repair was twenty miles distant in another place. I have referred to this fact, Mr. Chairman, for only one reason.

I want this House to understand how dangerous is the system which allows the public money to be expended by the heads of bureaus, responsible to no one except to the Secretary of the Navy, who from the very nature of the case must take their word as true; and who, being a civilian, is not expected and cannot know the nature of the work going on in the various navy-yards of the country. That same Secretary who was thus deceived, hood-winked, bamboozled—for there is no other word for it—by his head of bureau, Mr. Isaiah Hanscom, now brings a bill in here and asks us to appropriate money to finish this identical ship among others; that is to say, it may be one, for the Secretary has the right of selection, and being so he will most probably take the Puritan as one of those to be finished under this bill. I say this gentleman brings in a bill without one single safeguard provided against the waste and expenditure of the public money under a similar condition of affairs which may arise at any time. That is the moral I want to draw from this history of the monitors. I confirm every word that has been said by the chairman of the Committee on Naval Affairs in regard to the importance of interposing between the Secretary and heads of bureaus the supervisory board, that shall take charge of the expenditures for the Navy Department. My purpose then to-day, and it is my sole purpose, for I would not revive these scandals for any mere personal annoyance, but I revive them only now in the public interest, that it shall be made impossible for any head of a bureau, honest or dishonest, to deceive the Secretary of the Navy so that he will be put into the humiliating attitude of saying to Congress that a ship is under repair at one place, when the facts of the matter are that it is twenty miles distant in a different yard, and no work being done upon it at all, while an entirely new ship is being built somewhere else.

VALUE OF THE MONITORS.

No safeguard is provided, then, against the wasteful expenditure of this money. Whether these monitors were, as I believe, conceived in sin and brought forth in iniquity, or whether they are the fruit of lawful commerce between the contractors and the Navy Department, which I do not believe, nevertheless we have got the ships; we have paid three millions and a half of the public money on them; we are invited to spend four millions and a half more to finish them; and the question is presented to us as intelligent Representatives whether we had better throw away the money which has been expended, or cast good money after bad and lose that also. If these ships will be good ships, valuable ships, such as my friend, the chairman of the committee, would recommend this Congress to build after his years of patient study of these questions, after his honorable service in this House, to which I wish to bear testimony—if they are such monitors as he, with his judgment, founded upon the experience of the best minds in the Navy, will recommend this House to build, then I say let us appropriate the money for building them. But if they are of even doubtful utility they ought not to be finished, because four million and a half of dollars will give us two or three of those swift cruisers of which the gentleman has been speaking this morning, and in the importance of which I absolutely agree with him. They will give us two of those mighty rams that will run down any ship that may seek to enter our harbors.

Therefore take the money, if we are going to spend it, and let us cease to cry over spilled milk; let us use this money in doing some good work which will satisfy the just expectations of the country. For a navy we want, and a navy this country will always have. But, as I said the other day, it is a real navy and not a sham navy that the people of this country want. They are willing to wipe out the past; they are willing to forgive the men who have wasted their money, lawfully or unlawfully. But they say to us here, "Let there be an end to this business; now, go to work and give us a navy." And I go hand in hand with my friend, the chairman of the committee, in his efforts. They have been most intelligent. We owe him a debt of gratitude for the manner in which he has pursued this business from the beginning to the end, and for that vast amount of testimony, most valuable and most suggestive, which he has taken in the course of this investigation. And if I intervened at any point in this matter, I want him to understand now that it was not my purpose to obstruct him but to help him.

From the study I had given the subject I saw there was not information enough for this House to proceed intelligently to pass upon the bill of the chairman of the committee for which he wished to secure discussion; I say there is not information enough now. There remain questions to be answered which I have formulated in a resolution of the gravest consequence before we act intelligently on that bill which he has drawn up so carefully with safeguards which receive my approbation, and which are in striking contrast to the total absence of safeguards in this bill reported by the Committee on Appropriations.

Now, how do the Appropriations Committee bolster up, so to speak, in this House the recommendation which they make as to the completion of these monitors in their report which I hold in my hand?

Mr. ATKINS. If it will not interrupt the gentleman I should like to ask him, at the point he is at now, what would he do with these ships if he would not finish them?

Mr. HEWITT, of New York. I know the gentleman asks the question in good faith.

Mr. ATKINS. I do.

Mr. HEWITT, of New York. If they are not going to make such ships, the best possible ships, such as we want in this country, I would sell them for old iron and begin again. But if they are good ships, such as we want, I would go on and finish them. But I will say to the gentleman from Tennessee that I disclaim entirely to speak as an expert in this business. I have not so spoken. I am only studying this subject, as I said the other day. But in my opinion the best use to be made of the money proposed to be expended on these monitors would be to build entirely new ships of the type most approved by the best minds of the country, proceeding on the knowledge we have got and the recent experience of other nations.

One would infer from this report that this application of money to finish the monitors was approved by three parties; first, the Secretary of the Navy, Mr Chandler, who writes a letter recommending it. So far as I know, this is his first official act. I cannot say it is a very good beginning. I have great respect for the Secretary of the Navy, for his ability, and, when he knows his business, for his capacity to do work. I have experienced it myself in other spheres of action. No man ever did more faithful work for his party than he did in 1876; and if he does as good work for the Navy as he then did for the Republican party, he will be the best Secretary of the Navy we have ever had in this country. [Laughter.] He quotes Mr. Thompson, who he says recommends it, while Mr. Thompson simply acted upon the report of a board. He does not quote Mr. Hunt, who does not recommend it. Now, I think the value of the opinion of Mr. Thompson and Mr. Hunt and Mr. Chandler is just about equal, each to the other, as to this business of finishing monitors. It is very possible neither one of them ever saw a monitor; I am not quite sure about that, however.

The next authority presented by the committee consists of an extract from the report of Admiral David D. Porter to the Secretary of the Navy, dated November 6, 1874, in which the recommendation is distinctly made that monitors of the kind which we now have upon the stocks would be valuable vessels, and that they ought to be built.

The first thing that struck me with surprise on reading that extract was the date of the letter, in 1874, about eight years ago. The gentleman from Massachusetts [Mr. HARRIS] has told us what a revolution eight years has produced in naval warfare. What was good eight years ago is utterly worthless now. So I wrote a note to Admiral Porter, telling him that I had found that recommendation in the report of the committee, and asking him whether he still adhered to it. I will read his answer:

1710 H STREET, NORTHWEST,
June 26, 1882.

MY DEAR SIR: I beg leave to acknowledge the receipt of your communication of the 24th instant.

You will observe in my annual report for 1881, addressed to Mr. Secretary Hunt, page 96 of Secretary of the Navy's report, that I recommended these monitors should be finished on the plan recommended by the late Chief Constructor Lenthall, if finished at all.

I call the attention of the Committee of the Whole to the fact that even Mr. Lenthall's recommendations, which are to be found in a very elaborate document printed in 1880, and which I have here on my desk—even Mr. Lenthall's recommendations as read this morning, by the way, by the gentleman from Massachusetts, [Mr. HARRIS,] are of the most qualified sort. He condemns the monitors on any plan that had up to that time been adopted for their completion. He does suggest in 1880 certain modifications which if made might make them useful vessels of war. Admiral Porter further says:

Mr. Lenthall made a minority report on this subject, which report is referred to by me in my annual report above mentioned. I inclose you a copy of Mr. Lenthall's report which will give you all the necessary information.

I think if the monitors are finished on the plan proposed by the board they will not amount to much; finished on Mr. Lenthall's plan they would help protect our ports against Spanish ships of war, as that power has not any very heavily plated iron-clads, and is the country with whom we are most likely to have trouble.

Now, it is certain that any vessel that can take care of an English or a French or an Italian iron-clad, can also take care of a Spanish iron-clad, but any vessel that will only take care of a Spanish iron-clad would be like a card-box against the vessels of the other great naval powers. Admiral Porter concludes as follows:

As to finishing these vessels without a carefully devised plan, or without following Mr. Lenthall's suggestions, they will be no better than the vessels they are copied after. Many officers of the Navy think the vessels should not be finished at all; but there is some good in them as far as they go, and if Mr. Lenthall's plans are carried out they can be made serviceable for harbor defense, as I before remarked.

I think the reports I have mentioned will give you what you require in the way of information.

Very respectfully, yours,

DAVID D. PORTER, *Admiral.*

Hon. A. S. HEWITT, *M. C.*

I think that disposes of the authority sought to be given to this recommendation by the great name of Admiral Porter.

Mr. WHITTHORNE. Will the gentleman from New York [Mr. HEWITT] just in that connection allow me to call attention to the report made by the Committee on Appropriations, which purports to give an extract from the report of Secretary Thompson, made to Congress May 20, 1880? If the gentleman is going to refer to it himself, well and good; I will not interrupt him.

Mr. HEWITT, of New York. The only reason why I have not made larger extracts from that report is simply because I had so little time that I thought I could not afford it.

Mr. WHITTHORNE. If I do not interrupt the gentleman, I beg leave to call his attention and the attention of the committee to the wrong impression that would be made in that regard by the report from the Committee on Appropriations, in that it quotes only a part of what Secretary Thompson said, and fails to quote just what he did say in connection with and in pursuance of the idea of Admiral Porter as just now read, and of the report of the late constructor, Lenthall.

Mr. HEWITT, of New York. The next authority quoted by the committee is from Rear-Admiral Worden in a recent letter dated April 15, 1882. I addressed a similar letter to Admiral Worden, but I have been informed that he is ill and out of Washington, and I have received no answer.

Now, I beg to call the attention of the committee to the fact that the letter of Admiral Worden simply contains an approval of the monitor system. He approves of monitors, but is careful to refrain absolutely from uttering one word of recommendation in reference to these monitors of ours. So far as his authority goes, he simply supports the general doctrine that monitors are good for vessels, but says nothing in favor of these monitors.

There is another significant fact, that the advisory board convened by Secretary Hunt for the express purpose of considering what vessels we should provide for a navy, never so much as gave an intimation that these five monitors are of any value or ought to be finished. They fight shy of them. The omission of the board, even to refer to these vessels, I hold to be an absolute condemnation of these ships, so far as any claim that they are such ships as this country wants us to provide for a navy.

More than that; there was a conference held between the Committee on Naval Affairs of the House, the Committee on Naval Affairs of the Senate, this advisory board, and Secretary Hunt. I have the documents here and will refer gentlemen to them. In that conference not one word was uttered in regard to these five monitors, nor was any recommendation made for their completion.

But at that conference there was the most absolute condemnation of the methods upon which the money appropriated to the Navy Department has been expended, that is to say, by the heads of bureaus, responsible to no human being, unless it be to the Secretary of the Navy, who from the very nature of his training is not competent to pass upon their action, as I have already shown.

It is all summed up in the remarks of Commander Evans, and I propose to read them as concluding all that is necessary to say on the subject of providing an intermediary tribunal as contemplated in the naval bill, and which has been urged so strongly by the gentleman from Massachusetts, [Mr. HARRIS,] and for which I propose to provide by an amendment which I shall offer to this bill at the proper stage:

The CHAIRMAN. Is not that the system that must be adopted in order to build these ships successfully?

Commander EVANS. It seems to me so. The way that the work has gone on in the Navy heretofore has been, to say the least of it, ridiculous. The old plan was this: when a ship was to be built the constructors would build her hull; when that was done, and the engineers came to look at it, they would say: "Hallo, there is no room here for the engines." So they would put her down a foot more in the water; and then when the ordnance officer came along he would say the hatches were too close to the water-ways, so that the guns couldn't be mounted; then the equipment officer would complain that he couldn't swing men enough to fight the guns, and so on. I think it is time that system was stopped.

The CHAIRMAN. Do you think it is possible to make any progress until we have a head to this business; one executive and a board of advisers at the head?

Commander EVANS. I think that to build these ships successfully you must have a board to do it, and the plans must be prepared by that board. The plans of the engines must be given to the engineer to build; and the plan of the hull to the constructor, and so on throughout each department of the ship. You must say to each, "There are your plans; do not vary an inch one way or the other;" and then, if the parts do not fit when the ship is finished, you had better hang some of these people.

The CHAIRMAN. Do you not know that in the Navy in the past there has been a strong hostility to an advisory board of this character?

Commander EVANS. No, sir; not in the Navy, I think. There has been, though, in the Navy Department. The bureau officers, naturally, will always be opposed to anything that cuts their power or authority.

The CHAIRMAN. Do you not think that it existed among the line officers as well as the staff?

Commander EVANS. No, sir; I think not. I never heard a line officer express that feeling in my life. On the contrary, I have heard a great many of the line officers pray for the day when we would have a board organized. You see the line officer is the man who suffers most from the evils we have been speaking of. The line officer finds himself sent to sea in ships that cannot fight and that are utterly unseaworthy. I have had some experience in one of them myself, the Delaware, in China. That vessel rolled thirty-seven degrees each way, and if you had cast a gun loose it would have taken charge of the whole concern.

The CHAIRMAN. Where is that ship now?

Commander EVANS. She is now the hospital ship at New York.

The CHAIRMAN. And worthless for any naval purpose?

Commander EVANS. Utterly so. She was commenced in the latter part of the war and finished just about the close of the war. Her tonnage was about 3,200 tons. She went to China on one cruise, and that is about all she has ever done.

Nothing can add to the force of a statement of that sort coming from so accomplished an officer; but there are confirmations from all quarters, and I have collated a large number of just such specimens of testimony. But I leave the matter there.

Now, waiving questions of order for the present, unless this bill be amended so as to provide for practical supervision in the expenditure of this money, either upon the monitors or upon new ships, I think I am justified in saying that it will be money absolutely thrown away; and perhaps it was intended to be thrown away. I do not know how this may be, but at any rate I think I may appeal to fair-minded men on both sides to concede the necessity of adopting proper safeguards as to the expenditure of this money.

Now, I come to the value of these monitors. I have shown you that there is the very gravest doubt as to whether they will be of any use when they are done. There is, however, one set of men who have no earthly doubt about the propriety of finishing these monitors—no earthly doubt that they will be the best ships in the world when finished; and these men are the contractors. They had a hearing on February 16, 1882, before the Committee on Naval Affairs, of which my friend from Massachusetts, [Mr. HARRIS,] who has been indefatigable in trying to get at the truth in this business, is chairman. Mr. Gause, of the Harlan & Hollingsworth Company, makes the following assertion:

Opposition to these monitors has come from a certain quarter. It grows mainly out of the fact that a monitor is the most undesirable ship for a line officer to go to sea in that ever was constructed, because in a monitor they have to live comparatively under water. That is one of the great objections to these monitors for line officers, and I do not blame them for it. The idea of cruising in a monitor for months is something appalling to think of.

This is the testimony of a contractor—that after you have finished these ships the idea of putting a line officer on board, to say nothing of the crew and the engineers and firemen, is simply appalling. Do we want to build dungeons? Is that what we are after? Surely some other type of ship will be devised free from these objections. Other nations do not build such sepulchers, and we ought not to build them. I for one will not vote a dollar for the purpose of sending a line officer, possibly a De Long or a Melville or a Danenhower, to be sacrificed in a vessel which this contractor says it is appalling to think of.

OPPOSITION TO THE MONITORS.

Opposition to these monitors is not confined to line officers. It comes mainly from the staff officers; it arises from the fact that they were begun before they were designed. They have been designed many times since they were begun. Every new board or expert directed to examine them finds grave defects in the various designs, that must be corrected at the expense of the Government for the benefit of the contractors. The money thus far expended on them without authority of law has been thrown away, and further expenditure would be a further waste of money until the plans for completing them have been subjected to a critical examination, the computations verified, and specific contracts for the work to be executed entered into with responsible men. Opposition on the part of Congress and the public is based on the fact that these unfinished monitors have no legal existence.

In regard to the Puritan, I understand—and I have given you the evidence—that she was built as a new vessel from the word "go," when the old vessel was twenty miles away. Is there a lawyer in this House who will tell me that the Puritan in the yard of John Roach is a legal structure to-day?

Opposition must inevitably exist to the completion of these monitors on the part of every law-abiding, honest man in this country who examines into their origin and progress and who is not prepared to sanction the assumption by a subordinate staff officer of the Navy Department of the powers conferred on Congress alone. For let it be remembered that the order to build that ship was not given by the Secretary of the Navy; I find no evidence of that; the order was given by Isaiah Hanscom, an ordinary bureau officer, in an ordinary letter, without any contract being drawn by any human being.

In the various documents which have been submitted to Congress in relation to these unfinished monitors, in the testimony that has been reluctantly given by the contractors themselves, there is abundant proof that, with the exception of the Monadnock, they were ordered to be built by the chief of the Bureau of Construction, not only without authority of law but, so far as can be ascertained, without authority from the President or Secretary of the Navy, and in the case of the Puritan without even the knowledge of his associates in the Department.

Curiously enough tenders were received for the Monadnock. It is the duty of the chief of the Construction Bureau to report annually to the Secretary, and to attach to the report a list of the tenders he has accepted. There is no such report as to the Puritan, the Terror, the Amphitrite, or any of the others except the Monadnock. In the case of the latter vessel there is attached to his report a statement that tenders were opened and that the work was awarded to the lowest bidder. Here is the confession of this man that there was a legal obligation to give the work upon tenders to the lowest bidder. I do not know why he made this confession; but plainly there is a negative pregnant: in the one case he did it; why did he not do it in the case of the other four? If it was not a corrupt job, why was no competition permitted?

I repeat that except in the case of the Monadnock they were or-

dered to be built by the chief of the Bureau of Construction, not only without authority of law, but, so far as can be ascertained, without authority from the President or Secretary of the Navy, unless the Secretary will tell us to-day that he gave the authority, and I hope he will tell us when he takes the floor. There is nothing on record to show that the Secretary ever gave such an order, and in the case of the Puritan work was done without even the knowledge of the officer's associates in the Department. Two of the bureaus—the Bureau of Construction and Repair, headed by that honest and able man, John Lenthall, and the Bureau of Steam-Engineering, headed by Isherwood—did not know that the order had been given; so these officers have stated.

Mr. ROBESON. Does the gentleman know that Lenthall and Isherwood had neither of them been in the bureau for five years before that?

Mr. HEWITT, of New York. I said "without the knowledge of his associates in the Department." I did not say that they were heads of bureaus at the time. I know that the place was made too hot to hold those honest men.

ARE THEY LAWFUL STRUCTURES?

I say that Congress cannot appropriate money to complete these monitors without tacitly acknowledging their legal existence and admitting that a subordinate naval officer who happened to be on duty as a chief of bureau in a Department was justified in involving the Government in an expenditure of ten or twelve million dollars in defiance of law and without regard to consequences.

Instead of appropriating money for the completion, Congress should instruct the legal officers of the Government to institute proceedings to recover what has been already spent on these vessels. I do not know how much responsibility the Secretary may choose to assume, but if ever I was clear on any subject I am convinced by the evidence I have stated that there was a corrupt bargain between Isaiah Hanscom and the contractors, who are therefore *participes criminis*, and entitled to no consideration and no indulgence from this House.

In the statement which the Secretary made before the committee in the Forty-fourth Congress, he very properly and carefully says that all a Secretary can do is to approve of the general principle by which the old material was to be used in the repairs of new vessels. But he says the work must be done by the heads of bureaus, "experts," as he calls them; and he never issued an order himself in reference to any of these details. And I think the Secretary tells, as he always endeavors to tell, the exact truth. I cannot discover the evidence of any such order, although I find plenty of orders issued by his subordinates.

Now, let some one point out the specific or the general authority of Congress for this expenditure on these monitors. I have pointed out the peculiar manner by which the Secretary explains how he came to take the responsibility; that as he had the right to use the old material in repairs in the navy-yards, he thought by parity of reasoning he might, if he made a contract with a contractor, take the old materials and pay the contractor with them instead of money. While the law and the practice is clear as to the navy-yard, but there is no law and there was no precedent for paying a contractor with anything but money, and there is no safety in any other course. I often have occasion to say I am no lawyer, but there are some propositions which offend one's sense, that underlying sense, I suppose, upon which all law is built up, and I cannot discover the slightest justification by which these materials were turned over to the contractors in payment for what? In repair of ships? I have shown it was not repair, but for building an entire new ship, twenty miles away from the ship that was said to be repaired.

It would seem impossible more forcibly to illustrate the need of reform in our naval administration, but the worst remains to be told. The origin of the new Puritan appears in an offer made to Mr. Hanscom, dated December 3, 1874, by Mr. John Roach, of Chester. That is the date when Mr. Hanscom signs his letter to the Secretary in which he says that nothing is being done on the Puritan. On that very date, and, I suppose, within five minutes after he signed his name to that statement, Mr. John Roach, of Chester, makes his offer. On the 12th of December, 1874, nine days after the above offer was made, Mr. Hanscom accepts it with a statement that when the exact dimensions of the new vessel were ascertained a further and more explicit acceptance will be made. Think of contracting to build a vessel, estimated to cost $2,000,000, before her dimensions were determined!

Compare this with the years of study and the elaborate computations which are made preparatory to building an iron-clad in Europe. Another board reported the hull of the Puritan at load-water line would displace about 1,700 tons less than the weight of material the contractor and this chief of Bureau of Construction had finally decided to put on it and in it. In other words, the Puritan would be another of the "totally submerged" class of monitors designed by the Bureaus of Steam-Engineering and Construction and their assistants. In every case the weights to be carried have been reduced by the boards appointed to investigate.

To overcome the difficulty compound armor instead of laminated has been proposed, coal capacity and engine power have been reduced, and various other devices proposed that would enable these vessels to float with the loads they must carry, in order to be worthy the name of iron-clad.

Just how much dependence can be placed on the assertions of the contractors who are here from time to time in person, and are always represented by others in and out of office when this question is being discussed, I will now demonstrate to the House.

On page 4 of their statement in relation to the unfinished monitors Mr. Roach makes the following assertion:

> In order to show you the caution and care taken in the designing of these vessels and their fitness for the use intended for them, I will give you some little information.

The "caution and care taken in the designing of these vessels" is aptly illustrated in the report of what is known as the "Mullany board," convened in June, 1877, two years and six months after the Puritan had been begun. It is there recorded that it was necessary for the board to prepare plans from which to compute her displacement. There did not exist up to that time, three years after she was contracted for, a plan from which her displacement could be computed.

I will now read the conclusions of another board in relation to the Puritan:

> First. Neither plans nor specifications were drawn for the construction of the new Puritan, nor were any measures adopted to ascertain whether, when built, she would sink or swim. The failure or success of a first-class national iron-clad was thus put to the hazard of mere chance.
>
> Second. This vessel, as far as constructed, and if finished as contemplated, is a total failure, nor can any changes now practicable make her efficient—meaning by that term equality with foreign iron-clads of the same size and type.

The Committee of Naval Affairs has been told by the present Secretary of the Navy, who quotes from one of his predecessors, that "the unanimity of opinion in reference to each of these vessels would seem to leave no room of doubt," &c. Reading over all that has been reported by the several boards and experts who have examined these vessels, there appears to be anything but "unanimity of opinion" except as to one point, which is that they cannot under any circumstances be completed as originally contemplated, and that they cannot under any circumstances be made efficient iron-clad vessels compared with those that have been recently built or are now under construction in the same state as these unfinished monitors are. There is not even "unanimity of opinion" as to the necessity of iron-clads of their class at all. When we review the origin and progress, and compare the cost of iron-clads, and examine closely into their achievements, we find that the few naval officers who lead in the already rapid reaction toward unarmored vessels for fighting have reasons and facts undisputed and indisputable as the foundation of their objection.

THE PURITAN AND THE DEVASTATION.

As a further illustration of the attempt that has been made to throw dust in the eyes of Congress in relation to the comparative merits of these vessels, we find Mr. Roach recklessly declaring that the British iron-clad Devastation "could not enter the ports of New York, Philadelphia, and Baltimore, or any of the other ports" except Portland, Boston, and New London, owing to her great draught, and that "she could not carry coal enough for the purpose of crossing the ocean." He then proceeds to "compare the cost of the Puritan with that of similar ships on the other side of the water," and gives the cost of the Inflexible, Devastation, Ajax, and other British vessels.

The Devastation was designed in 1869, before the compound engine had been adopted; completed in 1873, and has had seven years of service. The Puritan was not designed at all, but commenced in 1874, five years after the Devastation was designed, and one year after she was completed, and the Puritan is still on stocks in embryo—not even an egg—a shell merely, to which all the vast improvements in machinery, armor, and armament that have been made during the last ten years may be applied with the result of increasing the resisting power of her armor and penetrating power of her guns as much as 20 per cent., and the economy of her engines as much as 60 per cent.

Why should we compare the Puritan with the Devastation, the future with the past? The only reason for such a comparison would be to throw dust in the eyes of Congress, while we hurrah for the old flag and secure a big appropriation. Mr. Roach's assertions that the Devastation "could not enter New York, Philadelphia, Baltimore, or any of the other ports, except Boston, Portland, and New London at high tide," and that "she could not carry coal enough for the purpose of crossing the ocean" are unqualifiedly false.

From the official report of Chief Engineer King, entitled "European ships of war, 1877," on pages 37-45, you will find a complete description of this vessel; from which it appears that the Devastation carries ordinarily in her regular bunkers 1,350 tons of coal, and extraordinarily in various places available for the purpose 250 tons more. Steaming at the rate of ten knots per hour, she can with 1,600 tons of coal, her maximum capacity, complete a distance of 5,572 knots, or nearly double the distance from New York to Queenstown, and nearly double that from Plymouth to Halifax, two British stations, one on each side of the Atlantic.

Steaming at her maximum sea-speed of twelve knots per hour, she could go from Plymouth to New York in ten days, and have coal enough left for an attack. The Devastation can keep the sea for twenty-three days, steaming at the rate of ten knots an hour, and yet Mr. Roach goes before a committee of this House and deliberately

states that "she could not carry coal enough for the purpose of crossing the ocean."

The Devastation's maximum draught of water is officially reported by the same authority as 27 feet and 1 inch. She would at this draught displace 9,298 tons, having on board 1,350 tons of coal. Having crossed the Atlantic at the rate of ten knots per hour, and consumed two-thirds of her coal, (900 tons,) her maximum draught would then be less than 26 feet. This depth of water is carried in and out of the port of New York on an average of twice a month by regular transatlantic steamers.

THE MIANTONOMOH.

The ignorance displayed by Mr. Roach in his statement is the only excuse for his assertions. The qualities he ascribes to the ideal Puritan and other vessels that he is building exist only in his own imagination. It is impossible to compare a vessel that has never been designed, although partly built, with others that have been designed and built. Until some definite plans are formed for the Puritan, Terror, Amphitrite, and Monadnock, discussing their comparative qualities would be profitless. But the Miantonomoh has advanced to a stage that permits a comparison between her and "similar" vessels cited by Mr. Roach, the Ajax and Agamemnon among them. A comparison with these vessels would not have been made had it not been provoked. Their draught is such that they may enter every one of our important ports. They were very carefully designed about the same time the new Puritan was ordered to be built by the chief constructor of our Navy before he had quite decided on her dimensions. Their keels were laid in 1876; they were launched in 1879, and are now much nearer completion that the Miantonomoh.

The hull of this vessel is protected with a belt of solid iron armor 7 inches thick amidships, 5 inches and 3 inches at the ends, backed by wood varying in thickness from 20 inches to 24 inches. The Ajax and the Agamemnon have an armor belt around them composed of two thicknesses of iron, one 10 inches, the other 8, and two thicknesses of wood, one 10 inches, the other 9, or 18 inches of iron and 19 inches of wood. The comparative resistance of these two belts of armor may safely be stated as 3 to 1 in favor of the Ajax and Agamemnon. The turrets of the Miantonomoh are not yet definitely designed; they cannot exceed 10 inches in thickness of compound armor, for she could not carry thicker in addition to the other weights still to be placed on board. The thickness of solid armor of the English turret is 16 inches, composed of 10¾ inches of iron faced with 5¼ inches of steel, and termed compound armor.

The resistance of the turrets of the Ajax and Agamemnon will be nearly double that of the Miantonomoh. Guns will project from the turrets.

The guns of the Miantonomoh are not yet built. Those designed for her, the heaviest she can carry, are four 10-inch breech-loading rifles, weighing about 20 tons, that will throw a broadside of 1,600 pounds with a power capable of penetrating about 15 inches of iron armor at 1,000 yards. These guns are purely ideal. The guns of the Ajax are 12½ inches in diameter, breech-loading rifles, weighing 38 tons each; they will throw a broadside of 3,374 pounds with a force capable of penetrating 17¾ inches of solid iron at 1,000 yards.

Differently expressed, the Miantonomoh's guns will not penetrate the Ajax armor at any point, while the Ajax's guns will go right through the Miantonomoh's side armor, in one side and out the other, and easily penetrate her turret.

The Ajax can carry 700 tons, or six days' supply of coal, to steam at the rate of 13 knots per hour. The Miantonomoh carries 531 tons and may steam at the rate of 10 knots per hour. At full speed the Ajax and her class can steam about 500 miles farther than the Miantonomoh. At 10 knots per hour, the Ajax could steam almost twice across the Atlantic, while the Miantonomoh only half way across.

It was evidently impolitic for Mr. Roach to provoke a comparison between the two vessels as to qualities. As to cost, the estimated cost of the two vessels is about equal if we take account of material delivered to Mr. Roach in part payment for his work, and admit that the estimates for completing the Miantonomoh are correct. But the cost per ton displacement of the Miantonomoh will be at least double that of the Ajax, in spite of her vast inferiority in every particular.

I will now quote Chief Engineer King on the comparative qualities of the Miantonomoh and other vessels that she could not decline to fight:

> The offensive and defensive powers of this vessel (the Miantonomoh) can perhaps be best shown by comparison with the British and French coast defenders. This may readily be made by reference to the descriptions and dimensions previously given of the British vessels Glatton, built upward of ten years ago, and Conqueror, now building, and the French coast defenders Tonnerre, put afloat in 1878, and others.
>
> It will be seen that the Glatton has the same speed, but that her armor is 12 inches thick above water and 10 inches below water, while that of the Miantonomoh is but 7 inches maximum with reductions at the ends and below water. As the armament of either ship may be changed to suit the times no comparison in this respect can be made at present. The Glatton carries her guns 6 feet higher above water than those of the Miantonomoh. She has, however, 4½ feet greater draught of water.
>
> The Conqueror, which is much more powerful, may be regarded as a sea-going vessel, her upper decks being 9 feet 6 inches above the load-water line, with comfortable quarters aft above this deck, while her 240-ton breech-loaders will be mounted so high above water as to be capable of being worked at sea in any weather. Her armor, which is compound, (iron faced with steel,) is 12 inches thick on the water-line and on the turret, and her indicated horse-power of 4,500 will give an estimated speed of thirteen knots an hour.
>
> The Tonnerre, like the Glatton, is a breastwork monitor, carrying one turret, in which at present are mounted two 12½-inch breech loading rifles; her speed is recorded at fourteen knots, and her armor is 13 inches thick on the water-line and 14 inches on the turret. Her guns being mounted high above water, she also is capable of going to distant seas, and may be regarded as a powerful vessel.
>
> The advantages possessed by the Miantonomoh over the last two named vessels are lighter draught and a greater number of guns. The disadvantages are an armor too thin for protection against heavy modern projectiles.

Mr. King failed to add other conspicuous disadvantages of the Miantonomoh, such as lower speed, vastly inferior sea-going qualities, cramped quarters, small coal capacity, and inferior power of armament.

Let gentlemen who are in doubt as to whether we shall appropriate money for completing these vessels read a report of the veteran distinguished chief constructor, Lenthall, dated April 27, 1880, in Executive Document 82, Forty-sixth Congress, second session, and remark the "unanimity of opinion" alleged by our new Secretary in favor of completing this vessel. And I warn Congress of the inevitable consequences of recognizing by any law direct or indirect the existence of these unfinished monitors. Just as sure as such recognition is made the Government will be called on to pay an infinite variety of charges for work on these vessels and space occupied by them. This is already intimated in the statements of the contractors, who now have no standing whatever in the matter and must seek redress from those who illegally contracted with them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ATKINS. I desire to move to extend the time of the gentleman from New York, and the gentleman from New Jersey can also have his time extended.

The CHAIRMAN. That cannot be done in committee.

Mr. HEWITT, of New York. If the gentleman will allow me a moment, I desire to say that I have reached now a point in my remarks where the remainder has been reduced to writing, and even if the committee gave me permission to continue I should not feel able to do so to-day. I will therefore simply ask leave to print the remainder of this work, and thank the committee for its attention.

There was no objection.

THE ROBESON NAVY.

The gentleman from New Jersey, in charge of this bill, [Mr. ROBESON,] said, during the debate on the deficiency appropriation bill:

> Thank God, every ship that now bears the flag of America and carries its guns was built by me or was substantially repaired under my direction, and I am responsible for it.—*Congressional Record*, June 8, page 36.

Subsequently Mr. BLOUNT made the following statement:

> As to the vessels used in that connection, [putting down the rebellion which was rife in the southern part of this country—ROBESON,] Congress passed laws providing for their sale. They ought to have been sold; but objection was made, and the gentleman in spite of an universal sentiment that they were worthless, went to enormous expense in repairing those vessels; and everybody admits that they are worthless at this hour.—*Congressional Record*, June 8, page 36.

To which Mr. ROBESON replied:

> So far is the gentleman's statement from being accurate when he says that everybody agrees that the ships I undertook to provide for the defense of this country were good for nothing, I affirm that every respectable authority from that time to this has pronounced them the best of the kind that could have been provided.—*Congressional Record*, June 8, page 36.

Thus it appears that the gentleman from New Jersey accepts the responsibility for the vessels "built," "substantially repaired," and "rebuilt" during his administration of the Navy Department. The expression "undertook to provide" covers all cases.

I expressed my own opinions as follows during that debate:

> I believe he [Mr. ROBESON] was the victim, if victim he was, of the bureaus of the Navy Department, which recklessly squandered these vast amounts of money, and if any more money is to be put into the custody of those bureaus it will follow the money which heretofore has been put into their hands and thrown away, and result in a worthless Navy, as it is declared to be by the Secretary of the Navy and by the Naval Committee.—*Congressional Record*, June 8, page 37.

My purpose now is to substantiate these assertions by submitting facts and comparisons that cannot be disputed, and which so far as possible are derived from the answers to the resolution of inquiry which I offered in January last, and which is numbered Executive Document No. 30, Forty-seventh Congress, first session. For convenience of treatment I will divide the vessels that Mr. ROBESON "undertook to provide for the defense of this country" into four groups. Group 1 will comprise seven of the eight vessels authorized to be built by "act of February 10, 1873;" the Huron having been lost, no information was furnished about her. Group 2 will comprise the unarmored vessels that were "substantially" repaired. Group 3 will comprise all the iron-clad vessels that were "substantially repaired;" group 4, those that he ordered to be rebuilt.

The vessels comprised in group 1 are the Adams, Alert, Alliance, Enterprise, Essex, Ranger, and Trenton. The first six of these are in active service in commission. The Trenton is laid up in the Brooklyn navy-yard. We will consider this vessel separately, owing to the persistent manner in which she is cited on all available occasions by naval constructors and engineers as a sample of what they can accomplish in marine architecture and engineering. The act of Congress authorizing the construction of these vessels reads as follows:

> That the Secretary of the Navy be authorized to construct eight steam-vessels of war, with auxiliary sail-power, and of such class or classes as in his judgment will best subserve the demands of the service, each carrying six or more guns of large caliber; the hulls to be built of iron or wood, as the Secretary may determine: *Provided*, That the aggregate tonnage of the whole number shall not exceed

8,000 tons, and that the cost of building the same shall not exceed $3,200,000: *And provided*, That four of said vessels shall be built, in whole or in part, in private yards, upon contract with the lowest responsible bidder therefor, upon public competition and proposals, due notice thereof being given by advertisement, upon models, specifications, and drawings, furnished by the Navy Department and under its direction and supervision, if, upon full examination and consideration, the same shall be deemed practicable by the Secretary of the Navy; or the hulls of any portion of said vessels may be built upon private contract in the Government yards upon like proposals, models, specifications, drawings, and supervision, and upon like examination and consideration, the Government in either case furnishing such materials as may be deemed practicable by the Secretary of the Navy.

SEC. 2. That neither of said vessels shall be commenced until full and complete models, specifications, and drawings shall be made for its construction in all its parts. And after such models and drawings are approved by the proper authority, they shall not be changed in any respect when the cost will exceed $100,000, except upon the recommendation of a board of survey composed of not less than five officers of the Navy, and approved by the Secretary of the Navy; and if changes are thus made, the actual cost of, and damage caused by, such changes shall be estimated by such board of survey; and the terms of the contract shall provide that the contractors shall be bound by the estimate of said board as to the amount of increased or diminished compensation they are to receive, if any, in consequence of any such changes.

With such a large discretion, and with the certainty that Congress would make additional appropriations to complete the vessels if the $3,200,000 granted in the act was found insufficient, the country had a right to expect "eight steam vessels of war" of which it would not be ashamed and on which it could rely to some extent for national defense. In anticipation of the objection that may be raised to an assumption that Congress would appropriate more money, I will here state that the expenditure on hulls and motive power (which includes spars, sails, and machinery) of the "eight steam vessels of war" aggregated more than $4,810,000 in money, according to various official statements of the Department that have been put together, besides an unknown quantity of machinery and materials consumed and transformed in their construction, and for their equipment and outfit.

With the vast stores of timber, machinery, iron, and other materials, and with a costly plant in the various navy-yards lying idle and available for all the operations involved in the construction of "eight steam vessels of war," the $3,200,000 appropriated specifically for their construction would have been ample to create the finest vessels that have ever borne our flag. Now, let us critically examine and compare the cost and qualities of these vessels, and from this determine whether or not Congress would be justified in making any more appropriations to be spent at the unlimited discretion of the Secretary and his irresponsible chiefs of bureaus.

The first six vessels of this group displace 7,740 tons; the expenditure of money on their hulls and motive power, according to the information furnished, aggregates a little over $3,000,000, or at the rate of $387 per ton of displacement, which is the most convenient and, indeed, only possible standard of comparison for vessels of similar types. If we include the cost and value of pieces of machinery utilized in the construction of their engines, and of materials consumed in the construction of their hulls, spars, rigging, and sails, these six "steam vessels of war" will be found to have cost the Government certainly not less than $5,000,000, and possibly much more, which would be at the rate of $646 per ton displacement. This estimate is based on proportionate value of material to labor in construction of vessels. Comparing the actual money outlay, $387 per ton displacement, with the cost of the hull and motive power of the best merchant steamers, it will appear that the money expended on the hulls and motive power of these vessels is fully four times the cost of hulls and motive power of merchant steamers.

It is conceded that naval vessels must be stronger, more carefully built, and better finished; but how four times the cost of similar vessels in the merchant service could have been spent on these six steam vessels of war is a problem that needs solution by those who spent it before Congress would be justified in intrusting to them any more money. As to the durability of these vessels we are happily in a position to judge by the information furnished in answer to my resolution. In spite of their excessive cost these six vessels have required an expenditure of more than $800,000 in repairs during the six years of their service; and what is still more startling, we find from the information furnished by the Bureau of Steam-Engineering that four of these vessels need new boilers that will cost $400,000 more by the time they are in place and ready for service.

What better illustration could be given of the inefficiency of the system under which these vessels were constructed and the incompetency of the men that designed them and supervised their construction than these two pertinent facts: original cost at least four times more than it should have been; construction so inferior as to necessitate an outlay of 26 per cent. (not including proposed new boilers) of the first cost in repairs during first six years of service—a period during which, in the merchant marine, 15 per cent. of first cost is considered adequate for deterioration and repairs.

We come now to the question of efficiency; and the only way by which we may arrive at the degree of efficiency of these "six steam-vessels of war" is to compare them with an equal amount of tonnage of foreign navy built about the same time and of a similar type. This type is the ocean unarmored cruiser, which in time of war may be called upon to blockade any enemy's ports, destroy its commercial vessels, and escape from or fight its cruisers.

It must be evident that high speed is the first essential quality of such a type; without it blockading is a farce, pursuit of an unarmed vessel vain, and escape from an armed one impossible. The highest speed that can possibly be obtained by either of these six vessels is ten and three-quarter knots per hour. This is about the average speed at sea under ordinary conditions of the common freight steamers of the merchant marine. It is two to three knots less than the speed of the same classes of vessels in foreign navies built about the same time. It is five knots less than the average speed of some of the transatlantic steamers built about the time these vessels were designed. In the matter of speed, therefore, these six new vessels are failures. Next to speed comes economy in the consumption of fuel. The importance of this quality in an American vessel of war may be appreciated by remembering that we have no coaling stations away from our home ports that would be available in time of war.

A wide discrepancy exists between the rates of consumption of the engines of these vessels given in the statement of Bureau of Steam-Engineering (Executive Document No. 30, part 3) and of the same bureau in the appendix to the report of the honorable Secretary of the Navy for 1875, (page 119.) In the former, the consumption of coal per indicated horse-power per hour of the Adams is given as 1.92 pounds; while in the latter it is given as 2.25 pounds. A difference of .33 pound per hour in the consumption of fuel means a great deal. It means in the case of this vessel that with the lower rate of consumption she could steam one-sixth further on the same amount of fuel than she could at the higher. The Ranger, one of the six vessels of group 1, consumes 3.06 pounds of coal per indicated horse-power per hour. We find on page 125 of the same report (Secretary Navy's, 1875) that this vessel's engines were designed by the Bureau of Steam-Engineering, and built at Chester, Pennsylvania, presumably by Mr. J. Roach. She has engines identically the same as the Alert, which consumes 2.8 pounds per hour, the two vessels being identically the same, displacement and model.

It appears that the average rate of consumption of coal per indicated horse-power per hour of these six new "steam-vessels of war" is 2.65 pounds. This is at least three-quarters of a pound per hour in excess of the ordinary compound engines built at the time their engines were built. This difference put in another way is equivalent to stating that the engines built at the same time for merchant ships of the United States and for foreign vessels of war and merchant ships of the same power are nearly one-third more efficient and economical than those designed by the Bureau of Steam-Engineering, and built either by that bureau or by contract under its supervision.

Is not this the fullest justification for my conviction that the engineers of the Navy have not shown themselves to be as capable of designing engines as they are in spending money on their construction? The hulls, as well as the motive power of these six vessels, afford food for reflection. The Bureau of Construction reports an expenditure of $225,400 in repairs on their hulls in the first five years of their existence, a period during which they ought not to have cost a dollar for repairs. It is hardly worth while to discuss the armament of these vessels separately. The worthlessness of their armaments is conceded even by the Bureau of Ordnance that created them. We will return to the subject of our naval guns and the appropriations for the Bureau of Ordnance later on.

THE TRENTON AND THE BACCHANTE.

We come now to the Trenton, the pride of naval constructors and engineers, and described by some of our naval officers as the most formidable unarmored vessel afloat. A foreign naval officer once described the Trenton as a "formidable looking vessel." Attracted by her formidable appearance he got permission to examine her, and when asked by one of his brother officers on his return to his vessel what he had seen, he answered "nothing." Surprised that such an opinion should be expressed by an intelligent foreign officer on the pride of our Navy, it occurred to me to make a comparison between the essential features of the Trenton and some vessel of the same size built at the same time for a foreign navy. The Trenton displaces 3,900 tons, the Bacchante, a British ship, 4,070 tons; they were designed and completed about the same time, and for the same purpose. The object in view was an unarmored cruising ram of good speed and powerful battery. The hull of the Trenton is built of wood; that of the Bacchante is iron, specially strengthened to resist the racking of high speed, sheathed over outside, and covered with zinc below the water-line to prevent fouling.

The relative strength of the two hulls by actual computation, regarding them as girders or any other structures, is as 1 for the Trenton to 3 for the Bacchante. Their relative durability is as 1 to 4½ in favor of the Bacchante. The cost of the Trenton in money was $1,485,000, and in material on hand used in her construction about $900,000, making a total of say $2,385,000, not including her armament and outfit. The cost of the Bacchante was $1,115,000, not including armament, but including outfit. The relative values of the materials and labor in the two vessels, taking into account prices in the two countries, is as 1 for the Trenton to 2½ for the Bacchante.

The motive power of the Trenton cost at the rate $235, that of the Bacchante $69 per maximum indicated horse-power. The engines of the Trenton, costing three and a half times those of the Bacchante, consume at the rate of 2.95 pounds of coal per indicated horse-power per hour; those of the Bacchante 1.93, or one-third less. The maximum speed of the Trenton is 12.83 knots per hour; that of the Bacchante 15.06 knots per hour. Using two-thirds of her indicated horse-

power, the Bacchante steams at the rate of three-quarters of a knot faster than it is possible for the Trenton to steam, using all of the power that can be got out of her engines. With one-third of her power the speed of the Bacchante is within a knot an hour of the highest possible speed of the Trenton with her maximum power. The Bacchante can steam at the rate of ten knots per hour, 2,630 knots. The Trenton at the same rate only 1,300 knots, or less than half as far, due partly to too small comparative capacity for coal and large comparative consumption.

The Trenton throws at one discharge of her broadside (six guns) a weight of 1,074 pounds of metal with a muzzle velocity of 1,450 feet per second; the Bacchante from her nine rifles in broadside 1,053 pounds with a muzzle velocity of 1,525 feet per second, and from her 64-pounder 64 pounds more with a velocity of 1,383 feet per second. The vessels are about evenly matched as far as their batteries are concerned, but in every other respect the Bacchante, although costing far less than the cost of the Trenton, is superior and more useful and more durable as a vessel of war. On page 303, volume 2, The British Navy, by Sir Thomas Brassey, there is this statement: "The second-class cruisers of the French navy have a conspicuous advantage both in speed and coal endurance over the English ships." What, I may add, must be the measure of their "conspicuous advantage" over the Trenton.

As to the durability of the Trenton we may judge by the fact that $34,200 was spent in repairing her hull during the first five years of her life, and now the Bureau of Construction reports that six months and $120,000, and the Bureau of Steam-Engineering three months and $150,000, are necessary in order to fit her for service.

Mr. ROBESON'S statement that every respectable authority has pronounced the ships he undertook to provide for the Navy "the best of the kind that could have been provided," so far as the eight steam vessels of war that he built are concerned, has thus been proven absolutely groundless. It would be unreasonable and unjust to blame the Secretary of the Navy alone for this failure. The people and their Chief Executive do not expect him to be a designing marine engineer and ship-builder.

Congress has provided the men for these duties. The chiefs of Bureaus of Construction and Repair and of Steam-Engineering are responsible under our present system for the designs and proper construction of naval vessels. They cannot shift the responsibility on other shoulders; it belongs to them, and they must answer for the grossest of extravagance and the worst of failures in the design and construction of these vessels, and it will be shown subsequently the failure to design other vessels that Mr. ROBESON undertook to provide.

THE UNARMORED VESSELS.

We will now consider group 2, the unarmored vessels of war, exclusive of tugs, &c., "substantially repaired" during Mr. ROBESON'S administration. No one has ever expected a Secretary of the Navy to know enough about the profession of which he is the nominal head to personally decide whether or not a vessel shall be substantially repaired. On this and on all strictly professional matters he must necessarily be guided by the advice of the naval experts at the heads of the bureaus of his Department; and until it is proven otherwise it is but fair to assume that Mr. ROBESON was advised to "substantially repair" the vessels in group 2.

These vessels are as follows: Alaska, Ashuelot, Benicia, Brooklyn, Canandaigua, Colorado, Congress, Franklin, Hartford, Iroquois, Juniata, Kansas, Kearsarge, Lackawanna, Lancaster, Minnesota, Mohican, Monocacy, Monongahela, Narragansett, Omaha, Ossipee, Pensacola, Plymouth, Powhatan, Richmond, Shawmut, Shenandoah, Tennessee, Ticonderoga, Tuscarora, Wabash, Wachusett, Wyoming, and Yantic. The "substantial repairs" executed on these vessels during Mr. ROBESON'S administration of the Navy cost in money $20,219,645, besides an enormous expenditure of material on hand, of which it is impossible to estimate the value. The money expenditure alone would have given the Navy ten of the most efficient armored vessels that could have been devised if honestly expended. Even squandered as other sums were it would have given the Navy thirteen vessels of the size, class, and power of the Trenton.

It will not do to plead that there was no authority of law for such a course, for the authority was found by the Secretary, and the rebuilding of the following named steam-vessels, or commencing to rebuild them, took place during his administration of the Navy: The Amphitrite, Catskill, Galena, Marion, Miantonomoh, Monadnock, Nipsic, Puritan, Quinnebaug, Swatara, Tallapoosa, Terror, and Vandalia, besides sailing vessels that we know nothing about. I have searched in vain for the authority of Congress for this proceeding. But it may have been good policy, and the Secretary must have believed that he had discretionary power in the matter. Certainly if he had discretion as to whether he should repair or rebuild thirteen vessels he had it for others, and so accepting his construction of the law, it is right to hold him to the responsibility he courts. It will save time and I hope present this question of "substantial repairs" more forcibly if we separate group 2 into two sections, those in commission in active service, and those that are either laid up or in commission not in active service. The first comprises the Tennessee, Kearsarge, Yantic, Brooklyn, Shenandoah, Lancaster, Pensacola, Lackawanna, Wachusett, Richmond, Iroquois, Ashuelot, and Monocacy.

The first vessel on this list is the now famous Tennessee. The cost of substantial repairs to her hull and motive power during Mr. ROBESON'S administration was $1,434,503 in money. In addition to this sum Mr. Roach, the contractor, for executing the repairs to her engines received her first engines, then as good as new, that had cost the Government $764,515. The Tennessee displaces 4,840 tons. Estimating the value of her first engines at $250,000, (which is below the ratio of values allowed in this country for simple engines when they are turned over to engine-builders for conversion into compound,) we may regard the cost of substantially repairing the hull and motive power of the Tennessee per ton displacement as about $350. At such a price we may reasonably expect that the hull and motive power of the Tennessee will require no additional repairs for a long time. But an examination of the information furnished will show that repairs to the hull and motive power of this vessel by the Government since she was delivered up by Mr. Roach amounts to $306,000.

As her boilers were built in 1871, they must now need renewal. Her hull is rapidly decaying, as it is of wood. Her machinery is of very inferior type, proven by the fact that the maximum speed of this costly vessel is ten knots; and that she consumes 2.95 pounds of coal per indicated horse-power per hour, which is over a pound more per horse per hour than common compound engines built at the same time. The model of this vessel is famous for its perfection. Her lack of speed must be blamed to her new engines, which cost about $450,000 in money and material, and have in three years required repairs amounting to $126,606 more. These engines built by Mr. Roach cost in money $264 and in money and material $438 per indicated horse-power. Mr. Roach testified before the Committee of Naval Affairs on May 8, 1876, in regard to those engines, as follows:

I found that there was a disposition to go to Europe to purchase the engines, and I made a proposal to the Secretary of the Navy to guarantee to build the engines of the Tennessee as good as he could get abroad, if not better, for the same price. I made the proposition and gave the guarantee. I lost $15,000, and the Government has the advantage of all the experiments with the compound engine, which were so costly.

It is perfectly legitimate, therefore, to compare the cost and performance of these and the amount paid Mr. Roach for them with the cost and performance of compound engines built in England at the same time for the British navy by contract.

We find that the cost per indicated horse per hour of engines of equal power with boilers built at the same time by contract in England, and completely fitted in place for service, averages $65, one-fourth what was paid to Mr. Roach in money, and more than six times the equivalent in money and material he actually received for the Tennessee's engines. In no case does the English engine consume more than 2 pounds per indicated horse per hour, or about two-thirds the consumption of the Tennessee. How much wiser it would have been for the Government to have saved Mr. Roach his $15,000, while saving itself about $300,000 and securing a better article. The worst feature of the Tennessee's engines remains to be told. In spite of their excessive cost and inferior quality, they weigh more and occupy more space in the vessel than their power justifies.

An exact comparison between the space occupied by the Tennessee's motive power (engines, boilers, and coal) and that of equal-powered vessels in foreign navies is not possible until data sent for is received. But a fair estimate shows that the Tennessee's engines weigh about one-half more per developed horse-power than they ought to weigh, and that the space occupied by her motive power is about double what the speed of the vessel justifies. The importance of this comparison will be apparent when we again recall the fact that we have no coaling stations.

As to the advantages derived from experiments with the compound engine which Mr. Roach declared the Government had acquired at his expense, some of his admirers und defenders should point them out. To the ordinary mind the Government appears to have paid for the experience of which Mr. Roach secured as the advantages, both tangible and experimental.

The next vessel on this list is the Kearsarge. The money expended on this vessel in "substantial repairs" during Mr. ROBESON'S administration was $667,000, or at the rate of $436 per ton of displacement, and more than double her first cost. This takes no account of the old material on hand and consumed in her repairs. Now, it must be admitted that the fame of this vessel justifies the perpetuation of her name as long as we have a Navy. But I contend that the money thrown away on substantial repairs could have been, and should have been, spent in rebuilding the vessel of such a type and power as to be of some service in the future, and be less liable to involve the name in disgrace in the event of war. In foreign navies the names made famous by victories such as that won over the Alabama are given to the best vessels that are built. Now, as to the efficiency of the Kearsarge after double her first cost was spent in substantially repairing her during Mr. ROBESON'S administration. To begin with, we find that so unsubstantial were these repairs that there has been spent on additional repairs $242,000 more since Mr. ROBESON left the Department. Thus we find that $908,000 in money alone has been spent in repairing the hull and motive power of a vessel since 1868 that cost only $246,916 in 1861, according to the information given on page 10, Executive Document 30, part 4. As to the comparative qualities of this vessel: her engines are the old-

fashioned type; they consume 4.27 pounds of coal per indicated horse-power per hour, about two and a half times the reported consumption of the Adams, one of the eight new vessels that have already been discussed. This means that not only would the cost of new engines for the Kearsarge been much less than the cost of repairing the old ones but the cost of operating the new ones, producing the same results, would have been one-third that of operating the old ones.

It appears from the information furnished that the "substantial repairs" to the Kearsarge's old engines have cost more in money alone than the whole cost of new compound engines of equal power, of the latest type, put into vessels that were rebuilt without direct authority of law. And as to speed, we find the Kearsarge inferior in this respect to the slowest freight-steamers, and having considerably less speed than the new vessels of our own service. Could there be a more forcible presentation of the utter inefficiency of the bureau system? It is a strain on the charitable side of our nature to refrain from charging criminal incapacity to any one who advised or directed that this vessel should be repaired. The avoidance of such mistakes in future can only be secured by placing the control of the expenditure in a properly constituted board of supervision.

The story of the Kearsarge is essentially that of all the vessels substantially repaired. It is by no means the worse instance that can be cited. Let us take another vessel, the Pensacola. There was expended in money alone on substantial repairs to hull and motive power of this vessel, during Mr. ROBESON's administration of the Navy, $1,238,800, and since its close $316,800 more, making a total expenditure of money on the repairs to this vessel $1,555,600 during and since Mr. ROBESON entered the Department as its head. Comparing this with the expenditures on the Trenton during the same period, we find that the substantial repairs on the Pensacola are $50,000 in excess of the amount expended in building the Trenton and repairing her during her five years of service. Now, let us compare the two vessels: the Pensacola displaces 3,000 tons; the Trenton, 3,900 tons.

The cost per ton of substantially repairing the old Pensacola exceeds that of building and keeping in repair the New Trenton $17 per ton. The Pensacola has a speed of 9 knots per hour, and consumes 3.494 pounds of coal per indicated horse-power per hour, (see report 1875, page 119,) and 3.56 by the return to my resolution. The Trenton has a speed of 12.83 knots per hour, and consumes 2.04 pounds of coal per indicated horse-power per hour. Put this comparison in a different form, and it will read that the Trenton can steam more than a fourth faster than the Pensacola on 60 per cent. of the coal expended. In action, in cruising, in peace, and in war the superiority of the Trenton is overwhelming. As to battery, that of the Trenton is as superior to that of the Pensacola as this is to the batteries used in the war of 1812.

In an action between the Pensacola and the Trenton the latter could choose her distance and her position and destroy the former while remaining out of range of her guns. And yet in the same period the expenditures on substantial repairs on the Pensacola have exceeded the cost of building the Trenton by $50,000. Whether the responsibility for repairing the Pensacola belongs to the civilian at the head of the Department or to the so-called experts who were at the head of the Bureaus of Engineering and Construction and Repairs, the conclusion is irresistible that money should no longer be voted for new work until this utterly faulty system of administration shall have been changed.

The expenditure in money for substantial repairs to the other ten of the thirteen vessels comprising the first section of group 2, during Mr. ROBESON's administration, compared with the cost of rebuilding those that were rebuilt will only yield the same result and intensify the pressing need of a change in our system of naval administration. The remainder of group 2, comprising twenty-one unarmored vessels that were "substantially repaired" during Mr. ROBESON's administration are not now in active service, but afford an equally striking illustration of the absurdity of repairing obsolete types instead of pursuing a uniform policy of entirely rebuilding after condemning obsolete vessels. The Congress, Canandaigua, Narragansett, Kansas, Saco, Shawmut, and Wyoming are reported as worthless. There was spent in repairing the hulls and motive powers of the three first, during Mr. ROBESON's administration, $1,048,000. It would be interesting to know how many miles these vessels have steamed since the close of that administration, for as far as I can ascertain they have not been in active service any considerable time, and yet, having cost in repairs over one million of dollars, they are now universally condemned as "worthless" or "not worth repairing."

We will now compare the cost of substantially repairing the other four—Kansas, Saco, Shawmut, and Wyoming—during Mr. ROBESON's administration, with the cost of building an equal amount of new tonnage during the same period. The aggregate displacement of these four worthless vessels is 4,260 tons, that of the Adams, Essex, Enterprise, and Ranger, four of the new vessels built by Mr. ROBESON by authority of Congress, aggregates 4,415 tons. The cost of repairs to hull and motive power of the four worthless vessels during Mr. ROBESON's administration was $1,572,364; that of building the four new ones $1,825,440. From this it appears that the money spent on four absolutely worthless vessels would have built three absolutely new ones, even at the extravagant cost of the new ones.

REPAIRING AND REBUILDING COMPARED.

If the comparison is made with vessels that were rebuilt the same result is arrived at. It is difficult to understand how it was possible for sane men to recommend or approve the repairing of vessels, that must have been known to be worthless, at a cost almost equal to the buiding of new ones. Until we can fix the responsibility for such imbecility where it belongs, it is asking too much to expect Congress to allow the same imbecility to have the disbursement of the naval appropriation in future.

Of the remaining seventeen vessels of this group, four are reported as requiring extensive repairs to hulls and machinery that will cost (estimated) $1,300,000. Yet on these four vessels there was expended during Mr. ROBESON's administration no less than $2,788,500, and there has been expended since $460,900, making $3,249,400; and yet before they can be of any service in war they must absorb $1,300,000 more. My judgment is that Congress should prohibit by specific enactment the spending of another dollar on these vessels, for they are obsolete types, discarded by all other nations for fighting purposes, and will cost more to refit than they are worth.

Of the remaining eleven reported as in good condition and requiring repairs that are estimated to cost $2,660,000, not one will render the service adequate to this expenditure. They are also of obsolete types, low powered, with slow and old-fashioned engines that consume from two to three times the coal that modern engines of equal power consume. Let us take the Hartford as an example. She is an historic ship, her name should be perpetuated, and the ship that bears it should be worthy of it. This vessel has cost in repairs to her hull and motive power during and since Mr. ROBESON's administration $1,187,179. Her engines are of the old type, and will consume double the amount of coal per indicated horse-power that the Trenton's engines consume. Her speed cannot be more than three-fourths of the Trenton, and she will not be anything like as efficient a vessel, and yet she has cost for repairs to hull and engines more than the Trenton cost to build. We will dismiss group 2 without further comment. It does not contain a single vessel worthy to bear the flag of the United States in battle.

THE IRON-CLADS.

The vessels comprising group 3, (the iron-clads,) the Galena, Marion, Nipsic, Quinnebaug, Swatara, and Vandalia, were rebuilt, without authority of law, as I understand it, during the administration of Mr. ROBESON. These six and the seven new vessels built by authority of law comprise the only vessels of our Navy that can be considered as available for the formation of a cruising or blockading fleet in war. While the rebuilding of these vessels may have been judicious, I want to point out their enormous comparative cost and marked comparative inferiority to foreign vessels of the same class, built during the same time, as a further illustration of the imperative necessity for creating a deliberative body that will have control of the expenditures on naval vessels, and shall be invested with the power of revising or setting aside, if need be, the ill-considered plans of the Bureaus of Construction and Engineering.

The six vessels aggregate 10,875 tons displacement, and have cost for hulls and motive power in money $4,386,908, and no one seems to know how much more in material. This is at the rate of $403 in money per ton of displacement. From the information furnished it appears that the cost of repairs to these vessels since they were built has amounted to $475,448. Two of them now require new boilers. This proves beyond question that the enormous cost of these vessels must not be attributed to their exceptional strength or durability. Their comparative efficiency is arrived at by briefly considering their speed, consumption of coal, and battery. The fastest—the Quinnebaug—has a maximum speed of 12.9 knots per hour, and consumes 2.96 pounds of coal per indicated horse-power per hour. The slowest has a maximum speed of 10¼ knots and a consumption of 2.7 pounds of coal per indicated horse-power per hour.

From the official documents relating to the French navy we find that vessels of this class built at the same time, (1870–'74,) such, for instance, as the Champlain and Du Petit Thouars, have a maximum sea speed of 14.3 and 15.1 knots per hour, consume about 1.8 pounds of coal per indicated horse-power per hour, and carry rifled batteries vastly superior in penetrating power and range to the guns on our vessels. In an action between two fleets formed of equal tonnage of these classes of vessels the French fleet by the virtue of the superiority of more than two knots per hour in speed and in the range of their guns could take up a position beyond the range of our guns and proceed with due deliberation to worry our vessel to destruction or surrender.

The brilliant successes of our insignificant Navy in the war of 1812 were due to the superiority of speed and guns in vessels equal in tonnage to the British vessels they engaged. Victory in the future as well as in the past depends upon these same conditions.

Group 4. Vessels ordered to be rebuilt comprise what are now termed on the latest Navy list "serviceable iron-clads" on which substantial repairs were, indeed, made during Mr. ROBESON's administration. The first on the list of these so-called "serviceable iron-clads" has the suggestive name of Ajax. In answer to my resolution the Navy Department reports that $246,703 has been expended for repairs on this vessel since 1870 by the three bureaus, Steam-Engineering, Equipment and Recruiting, and Construction and Repair. We

may reasonably expect, therefore, that she is now in serviceable condition, or has been performing an exceptional amount of service during the eleven years covered by this expenditure.

The service performed by her, however, consists of one trip from Philadelphia to Key West and return, and her total steaming does not exceed 2,500 miles. Just how serviceable and efficient she really is may be determined from page 2 of "statement concerning engines," &c., furnished by the Bureau of Steam-Engineering. There it is recorded that her boilers "are not worth repairing," her engines are in "fair order," and that her hull "can be repaired." The Bureau of Construction and Repair reports that she has cost to October 1, 1881, $780,842.76. The estimate for repairing this vessel is $120,000.

The second on the list of serviceable iron-clad vessels is the Canonicus. From the same sources of information (page 2, statement concerning engines, &c.) we learn that this vessel has boilers "not worth repairing," a hull that "can be repaired," and engines "in fair order." But the Bureau of Construction and Repair reports that she "requires extensive repairs." From information furnished by this bureau it appears that this vessel has cost $868,495, of which $350,000 has been expended for repairs since 1870, and she has performed no service beyond her single voyage to the Gulf and return, having steamed about 2,500 miles.

A significant fact in connection with this item for repairs on the Canonicus is the expenditure of $65,475.26 by the Bureau of Equipment and Recruiting since 1870, of which $63,100 was spent in the seven years 1871–'78, $40,000 of the latter sum being spent in two years, 1874 and 1875. How such a sum could have been expended for repairs to the equipment of a monitor without masts or sails, and that had made but one short voyage, it would be impossible to explain without examining the items.

The Ajax and Canonicus are fair examples of the cost, the condition, and the service that has been rendered by these thirteen "serviceable iron-clads" since 1870.

BRITISH AND AMERICAN SHIPS COMPARED.

To avoid repetition we will now group these thirteen vessels into a fleet for the defense of any port, and compare them as such with an equal amount of British iron-clad tonnage designed and constructed before these vessels were rebuilt. The aggregate displacement of the thirteen American serviceable iron-clads is 23,510 tons; their aggregate cost has been $10,403,438. These sums do not include the cost of armament. The cost of these vessels has been, therefore, $442 per ton of displacement. In order to make the comparison with scrupulous fairness, we will select the same class of British iron-clads; that is, turreted iron-clads for coast and harbor defense. The Cyclops, Gorgon, Hecate, Hydra, Hotspur, and Rupert were designed in 1868–'70, and it has long been an open secret that they were intended for operations in American ports in case of possible war growing out of the Alabama claims' negotiations then pending. It is eminently fair, therefore, to make the comparison between our vessels rebuilt in 1870–'78 expressly for the defense of our ports, and these British vessels designed and built previously, expressly to attack them.

The aggregate displacement of the six British vessels is 23,370 tons, or 140 tons less than the aggregate of our thirteen. Their total cost was $4,756,790. This sum is exclusive of armament, and the cost of these vessels has been therefore about $203 per ton displacement, much less than one-half the cost of ours.

The next step in this comparison is that of efficiency. The measures for determining comparative efficiency of this class of vessels are, weight and penetrating power of armament, resisting power of armor, speed and maneuvering qualities, economy of motive power, fuel capacity, sea-going qualities, and crew accommodations. These are the qualifications that would decide an action. Our thirteen serviceable iron-clads mount twenty-four 15-inch and two 11-inch smooth-bore guns, weighing with the carriages 750 tons, which gives about thirty-one tons of displacement for every ton of armament.

The British fleet mounts eighteen 10-inch and two 12-inch rifles and four 64-pounders, aggregating in weight, including carriages, 590 tons, giving about 39 tons of displacement to every ton of armament. The relative powers of the two armaments are best arrived at by a comparison between the American 15-inch smooth-bore and British 10-inch rifle, and this is certainly not unfair to the American vessels.

The American 15-inch smooth-bore will penetrate or rather crush its way through 8¼ inches of solid iron armor at 1,000 yards, provided the projectile does not break up on impact. The British 10-inch rifle will penetrate 12 inches of solid iron at 1,000 yards with much less likelihood of the shot breaking up on impact. In order that the thirteen American iron-clads should be able to engage the six British ones on equal terms, considering the relative penetrating power of their armaments, the resisting power of the armor on the American vessels should be at least one and a half times that of the latter.

Instead of this we find that the British vessels have iron armor varying in thickness from 9 inches to 12 inches on the turrets and from 6 inches to 8 inches on their sides, both backed by timber from 9 inches to 14 inches thick, while the armor of our vessels nowhere exceeds 6¼ inches and is generally 3 inches to 5 inches in thickness without backing of any consequence. While the armament of the British vessels exceeds in power that of the American 37 per cent., the British armor has more than double the resisting power. The six British vessels could take up a position 1,000 yards distant from the thirteen American, and proceed to destroy them without risk of injury.

Considering that the thirteen serviceable iron-clads were rebuilt and substantially repaired expressly to defend our ports against the British fleet built to attack them, we naturally expect to find vast superiority in the next most important measure of efficiency, namely, speed and maneuvering qualities, for with superior speed our thirteen vessels would soon dispose of the six British, without regard to power of guns and resistance of armor, by doubling up on them and ramming them. Turning to the source of information on this all-important point, and accepting as accurate the American estimate both of their own and of the British vessels, we find that the maximum speed of the American vessels is recorded as from "five to six knots per hour," while the maximum speed of the slowest of the six British vessels is eleven knots per hour, or double that of the American. It does not require a trained naval mind to appreciate the advantage of double speed, double resisting power of armor, and nearly one-half more powerful armament in a naval action.

As to maneuvering qualities, double speed necessarily involves vast superiority in this respect. The disparity between our thirteen vessels and the six British becomes still more painfully apparent when the fact that ours are all single screw and the British all twin screw is stated. Twin screws enable a vessel to turn almost without change of position, while a single screw necessitates a radical change of position in order to turn the direction of the vessel's bow. With one-half the speed we may with confidence expect to find that our thirteen vessels were more economical in the consumption of coal and had much larger relative storage capacity for fuel than the six British. But even in this reasonable expectation we are doomed to disappointment. The highest consumption of coal per indicated horse-power per hour of the six British vessels is 2¾ pounds, while the lowest for the thirteen American is about 3½ pounds.

The fuel capacity of the former enables them to steam a distance of 2,300 knots, while that of the latter limits them to about nine hundred miles. A fleet composed of the six British vessels could readily steam across the Atlantic from Plymouth dock-yard to Saint John's, Newfoundland, the distance being 1,900 miles; but a fleet composed of the thirteen American vessels could not venture to steam from Boston to Saint John's, as they would have no coal left on reaching that port. These comparisons may be tedious, but they are significant in determining the relative efficiency of the two fleets for war operations.

The two remaining measures of efficiency for comparing the British and American vessels are sea-going qualities and crew accommodations. The superior sea-going qualities of the six British vessels are fully demonstrated by the fact that they have all made sea voyages without escorts, while not one of the thirteen American vessels has ever been trusted at sea without an escort and in tow. As to crew accommodations the American vessels are notoriously deficient, while the British are famous for the ample space provided for their crews. It is impossible to arrive at the exact figures, but an estimate of the cubic contents of the inhabited spaces of the two fleets indicates that the British officer and sailor are allotted three times the space that is allotted to the American.

In the event of a war with Great Britain, if we were allowed to select from the serviceable armored vessels of the British navy a fleet equal in tonnage to our thirteen "serviceable iron-clad vessels," the six vessels with which they are composed are the very ones we would select, and the last ones England would send against us, because they are regarded there as no longer efficient fighting vessels. The vessels that England could send to operate against our thirteen serviceable iron-clads are as superior to those with which our vessels have been compared as those are to our vessels. The lesson taught by all this is clearly that the officers who are responsible for spending such vast sums in repairing and rebuilding obsolete types of vessels, and in building new vessels of such inferior qualities, ought not to be trusted with the expenditure of any more money for rebuilding the Navy.

THE BUREAU SYSTEM A FAILURE.

The irresponsible bureau system has been tried and has utterly failed. The engineers and constructors who have heretofore exerted the predominant influence in the Navy Department have proved themselves unworthy of confidence and incapable of designing a modern vessel of war. They retain their powerful influence over legislation and over the Navy solely because they control the expenditure of the largest part of the naval appropriation and know how to use the secret but irresistible influence of contractors.

The time has come when an end must be made to this baneful system of administration. I have entered into this long and tedious examination of the facts disclosed by the imperfect replies to my resolution of inquiry, demonstrating that the Navy "constructed" by the gentleman from New Jersey [Mr. ROBESON] was bad in design, extravagant in cost, worthless in its results, not in order to cast obloquy on him, but in order to show that the existing system, the same system which prevailed when he was Secretary, ought to be overthrown, and that not a dollar should be appropriated for completing monitors or building new ships until a supervising board is created,

to be composed of the best trained officers of the Navy in their respective departments, into whose hands the work of planning and building a new navy shall be placed. To pursue any other course is to invite a repetition of the scandals, of the blunders, and of the disgrace which are connected with the administration of the Navy since the close of the war.

ARMAMENT.

I had intended to say something in regard to guns, but the subject is too large for present treatment. But guns must precede ships. We have not a single gun in the Navy which to-day is of any real value. It will require three years to produce the first cast-steel 10-inch rifled gun for either the monitors or the new ships.

Why then worry now in an appropriation bill about monitors or new ships, when we have made and are making no provision for the armament? The condition precedent is a 100-ton steam-hammer. This does not exist in this country. It will cost a million of dollars and cannot be built in less than two or three years.

If we had an advisory board of control they would not ask for monitors or new ships now, but they would ask us to get ready to produce guns, without which ships are of no use. In this respect the appropriation bill is fatally defective, and the only safe thing is to strike out the items which give money for ships we cannot arm, and make provision for building the guns which must be ready when the ships are built.

Mr. HISCOCK. Mr. Chairman, it was charged by the gentleman from Tennessee [Mr. WHITTHORNE] in the course of his remarks, and it certainly has been insinuated by my colleague from New York, [Mr. HEWITT,] that this appropriation bill on account of its present form has been delayed or withheld up to the present time for some improper purpose; I suppose to avoid its discussion. I deny most emphatically that the Committee on Appropriations have ever had any desire to bring this bill in at such a time in the session as to forbid it that consideration to which it is entitled, or that the committee seeks to prevent that consideration now. There have been very many good reasons in my opinion for withholding this bill, why it was not brought in at an earlier day, and that justify this side of the House, Mr. Chairman, in determining three months back the present session of Congress should accomplish some work before its adjournment other than the passing of the appropriation bills.

It was determined that the session should not end without the adoption of certain measures the majority believe to be of pressing importance to the country. There has been no design to hold back this bill or any other bill to prevent their proper consideration. That has not been the purpose; but this bill and the other appropriation bills have been held back for reasons which I have no hesitation in frankly avowing to the House and to the country. And they have never been concealed. This side of the House was disposed to compel and has compelled the consideration of certain questions, and we held back this bill, the legislative bill, and the sundry civil bill to compel that consideration. We were disposed to compel the consideration of certain election cases, the title of certain gentlemen to their seats here. We held back this bill, and the others to which I have referred, in order that we might compel their consideration, and we did compel it. We held back the bills until we had compelled the consideration of the $23,000,000 bill of the gentleman from Pennsylvania, the chairman of the Committee on Ways and Means, which provided a reduction of about that amount in the internal revenue taxes of the country. We avowed our purpose at the time, and it was well understood. And we held back the bills for still other reasons of public importance. We compelled the consideration of the revenue bill to which I have referred; and we held back the appropriation bills until we had also compelled the consideration of the bill extending the charters of the national banks.

It was the avowed policy of this side of the House to consummate the decisions and legislation I have referred to. We believed the country demanded it of us; and we employed what we believed to be the only means at our disposal to compel it. We believed it was right; we believed it was our duty, and that wise statesmanship demanded it at our hands, and we held bills back until we had secured the consideration of public measures. The measures having been disposed of, we have brought in the appropriation bills as promptly as the House could dispose of them.

The naval appropriation bill, one of those that it was deemed advisable should be held back for the reason I have specified, is here to-day inviting the scrutiny of this committee.

Now, Mr. Chairman, I do not propose to discuss this bill very much in detail; but there are certain points or certain of its features that I shall very briefly allude to. It proposes to strike down, or rather to reduce the staff and the line of the Navy. That is one of its principal features. It is perhaps radical in that direction, and we were invited to this measure upon the bill by the facts to which I now call the attention of the committee. The officers upon the active list of the Navy to-day number 2,136.

According to the report of Mr. HARRIS, chairman of the Naval Committee, we have of serviceable vessels in the Navy thirty-eight. Section 1417 of the Revised Statutes makes the entire enlisted force of the Navy, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, 8,250. For the enlisted force, 8,250 in the aggregate. There are 2,136 staff and line officers. We have been accustomed to vote for the Navy, for its repairs, for the navy-yards and the depots, and for the pay of the Navy—for the whole establishment—we have been accustomed to vote, I say, at least the sum of $14,987,637. The proportion holds good, in the expenditure of that money, of one officer to four enlisted men; $1 in payment to the officers of the Navy out of every $4 voted to sustain the whole naval establishment.

We believed, Mr. Chairman, that we were expending upon the staff and line more money than was necessary, more than was needed with the available force of ships and men that we have. The official register of the Navy shows an increase of 50 per cent. of the line officers on vessels of war in 1882, as compared with 1864. These startling facts, Mr. Chairman, compelled the Committee on Appropriations to bring in a measure looking to the reduction of the staff and line officers of the Navy. We believe the attention of the House and of the country should be called to it, and we have brought in the pending bill the provision looking in that direction for the consideration of the House.

Mr. Chairman, I do not desire to say more upon this feature. I now desire to call attention very briefly to the work of repairing or building the vessels of the Government in the navy-yards. I can state no more than is stated in the report. Nevertheless I think it proper here and now, in this general discussion, to invite the attention of the House to the facts. The report shows that for the five years of 1877, 1878, 1879, 1880, and 1881 $10,566,171 were expended for maintaining the yards alone, while for material and labor upon the naval establishment of the Government was expended the sum of only $11,957,803.65. To keep up the yards, maintain their civil establishment, over $10,000,000 were expended in those years. And for work and labor upon our Navy, without counting the pay of the naval officers, were expended $11,957,803.65. One dollar went for salaries and for maintaining the housekeeping expenses of the Government at its yards for every dollar that went into our ships, that went into material, that went into labor.

Now, is the Committee on Appropriations to be criticised when, finding these facts before it, it has sought in some measure, in some degree, to remedy this great abuse? Was it not the duty of that committee to bring in here a bill with provisions in it which would remedy this wasteful expenditure of money and ask this House to criticise its provisions, better them if it could, but to join hands with the committee in correcting the evil? Why, Mr. Chairman, to sustain the civil establishment and for clerical force alone in the navy-yards $191,016.75 has been expended this year. Were we to submit a bill continuing this great abuse—for I do not use too strong language when I characterize it as such?

Therefore it is that this bill looks to the closing up of certain of the navy-yards, provided the Secretary of the Navy concurs in the views of the Committee on Appropriations and this House joins with the Committee on Appropriations and adopts the recommendations it has made.

We expect, Mr. Chairman, upon this question to meet with opposition. We expect to meet with local opposition alone, however. Those localities where they fear that their navy-yards may be put in peril because the Government does not need them, will join hands I doubt not in an attempt to break down this feature of the bill, and we have the right to call upon men upon both sides of this Chamber that are in favor of economy, and of making the money go as far as possible on the works of the Gowernment—we have the right to call upon both sides of the House to sustain us in the position which we have taken.

There is another fact in this connection to which I desire to draw attention. I do not know but there may be gentlemen here who will oppose the recommendations of the bill, and of the sundry civil bill, as regards the feature to which I am about to allude. The estimate for the next year for the navy-yards and docks and depots of the Government is $3,253,938. The yards and docks are out of repair, and largely out of repair, and the American Congress confronts to-day the fact that the yards and docks so far as they cannot be used with economy must either be closed or it must appropriate over $3,000,000 to repair and take care of them, preserve them and put them in a proper condition for doing work. Now, in view of the statement that it costs one dollar for salaries and for ordinary repairs to every dollar that is expended on the Navy, shall we make this appropriation of $3,253,938 for the navy-yards and docks for the coming year?

Mr. Chairman, the policy of the Forty-fourth and of the Forty-fifth and of the Forty-sixth Congresses was to cut down the appropriations, if anything, decreasing the amount from year to year that should be expended in the repairs of the Navy, and against the building of new ships. And the result has been reached as portrayed by the report of the Naval Committee—thirty-eight ships in the service and thirty-eight ships only, as I understand from the report of Mr. HARRIS, the chairman of the Naval Committee, which are serviceable.

Mr. HARRIS, of Massachusetts. That is, exclusive of the fourteen iron-clads.

Mr. HISCOCK. Yes, exclusive of the fourteen iron-clads. The number of the line and the staff of the Navy has been constantly increasing, and the number of effective ships has been constantly decreasing. This fact, as we believe, justified us in putting upon this bill the radical measures which have been reported in it. We would

reverse the course of proceeding, and instead of increasing the line and staff of the Navy we propose to decrease them; instead of increasing the expense of the navy-yards or the expense of the Government works, we propose to stop it by closing those not needed; instead of diminishing and rendering less effective the American Navy we would make it more effective, out of the decrease in the expense of the Government yards and decrease in the pay in the line and staff of the naval force.

There is ingrafted upon this bill a provision for the completion of the monitors; we propose it in a very modest sort of a way. I do not know but that in attempting this the Committee on Appropriations has gone beyond its legitimate jurisdiction; but we believe it has not.

It seems to be agreed upon both sides of the House that if the monitors are all that is claimed for them they should be completed. Our authority for entering upon this work was the letter of the Secretary of the Navy, which has been referred to here. In addition to that we had the recommendation, unanimous, I believe, of the Committee on Naval Affairs of this House. My colleague from New York [Mr. HEWITT] has paid a deserved tribute to the chairman of that committee, the gentleman from Massachusetts, [Mr. HARRIS.] I confess that I rely more upon his judgment than I do upon the opinions which I have found in the reports upon that subject, although so far as I have examined the question I believe the weight of authority is overwhelmingly in favor of the completion of the monitors; and I shall take occasion to insert in my remarks as they shall be printed the recommendations which I have found upon that subject, with the letter of the Secretary of the Navy and the resolution of the Naval Committee, to which I have referred:

IN THE HOUSE OF REPRESENTATIVES, *April* 6, 1882.

Mr. TALBOTT submitted the following resolution, which was referred to the Committee on Appropriations:

Resolved, That the defense of our harbors, the preservation of our influence in America and our honor and dignity among nations all require that our Government should have at command at least a few armored ships fitted for service in the waters of our continent, and powerful alike for attack and defense; that the five double-turreted monitors now belonging to the Government and in process of completion present the general type of vessels accepted by the experience of the world as best fitted for these purposes, while their present condition and the large sums already expended upon them make their completion possible within a reasonable time and at a reasonable expense for vessels of their class and power; that the completion of these ships as promptly as the same can be economically done, with such improvements in their armor and armament as are necessary to bring them to their highest measure of efficiency, is hereby earnestly recommended, and the Appropriations Committee is respectfully requested to report, for the action of the House, an item appropriating the sum of $2,500,000 for that purpose.

Attest: EDW. MCPHERSON, *Clerk*.

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NAVY DEPARTMENT,
Washington, May 24, 1882.

SIR: I have the honor to reply to your letter of April 19, inclosing the resolution proposed by the House Naval Committee, recommending an appropriation for completing the monitors Miantonomoh, Amphitrite, Terror, Monadnock, and Puritan, and asking my judgment on certain points stated by you relative thereto.

I. It will be wise for the Government to proceed to finish the vessels. There has already been expended on the—

Miantonomoh:		
Hull	$713,605 72	
Machinery	422,586 15	
		$1,136,191 87
Amphitrite:		
Hull	393,324 96	
Boilers	110,000 00	
		503,324 96
Terror:		
Hull	406,774 80	
Boilers	110,000 00	
		516,774 80
Monadnock:		
Hull	574,490 71	
Boilers	110,000 00	
		684,490 71
Puritan:		
Hull	484,098 24	
Boilers	203,700 00	
		687,798 24

It would be highly censurable to waste the above sum of $3,528,580.58 by failing to finish the vessels on which it has been deliberately expended, unless some good reason for condemning them is shown. None such exists, and no person favors such condemnation. The Secretary of the Navy, Hon. R. W. Thompson, who had previously arrested work on them, stated in a communication to the House of Representatives of May 20, 1880, the conclusions of various boards carefully appointed by direction of Congress, in a joint resolution of April 2, 1880, to inquire whether it was for the interest of the Government to complete these monitors; and the Secretary then adds:

"The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the Government requires the completion of all of them. In this opinion I concur for two controlling reasons:

"First. That to leave them uncompleted after so large a sum of money has been expended upon them would be bad economy, inasmuch as the loss would be very heavy to the Government; and

"Second. Because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world." (House Executive Document 82, part 2, Forty-sixth Congress, second session.)

II. No substantial modifications should be made in the original plans for the machinery. That of the Miantonomoh is finished, in the ship, ready for active service, and was tested by a board of engineer officers in May, 1879, and found satisfactory.

Such modifications should be made in the plan for the hulls as are recommended by the foregoing boards appointed in pursuance of the resolution of April 2, 1880.

III. The only substantial alteration in the hulls should be the substitution of steel for iron armor.

IV. The estimated cost of finishing the vessels in accordance with the present views of the Department will be for the—

Monitors.	Machinery.	Hull.
Miantonomoh	Completed.	$275,000
Amphitrite	$230,000	684,500
Terror	230,000	684,000
Puritan	420,000	839,614
Monadnock	285,000	639,222
Total	1,165,000	3,122,836
	4,287,836	

V. The completion of the Miantonomoh should be proceeded with immediately. There is also no valid reason for much longer delaying work upon the other vessels. It ought not to be postponed a single day after Congress becomes convinced of the wisdom or necessity of its resumption, and should be carried forward as rapidly as it can be performed efficiently and economically.

VI. The machinery and turret-gear should be first contracted for or commenced, and should be carried well forward within the next fiscal year. The work on the armor and turrets may be delayed until the following fiscal year, although preparation therefor should be made earlier by contracting for the plating.

VII. The estimated appropriations for the next fiscal year will be as follows:

Monitors.	Machinery.	Hull.
Miantonomoh	Completed.	$275,000
Amphitrite	$185,000	455,000
Terror	185,000	455,000
Monadnock	200,000	320,000
Puritan	225,000	500,000
Total	795,000	2,005,000
	2,800,000	

In conclusion, I have only to state that I agree with Secretary Thompson and the House Naval Committee in advising the completion of these five monitors, substantially on the present plans, within the shortest practicable time. Unless the United States Navy is to become antiquated and powerless, some new vessels must be built. To construct and display around the world new steel unarmored cruisers, while leaving longer unfinished these superior iron-clads, which, after absorbing $3,528,580.58, have been left without progress for five years would be a most injudicious policy.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. FRANK HISCOCK,
Chairman of Committee on Appropriations, House of Representatives.

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WASHINGTON, D. C., *April* 15, 1882.

SIR: I take the liberty of writing to you to express briefly my convictions as to the value of the "monitor" class of vessels for the defense of our coast and harbors; their peculiar construction, solidity of build, together with the improved steel-faced armor, and the comparatively small surface they present to the projectiles directed against them, rendering them less liable to damage and more nearly impregnable than any class of vessels yet constructed. With these defensive qualities, their comparatively small draught of water, and the facility with which they can be handled in the shoaler waters of our harbors, would render them very effective as movable batteries, in conjunction with the fixed harbor defenses, in preventing the access to our ports of a hostile fleet of iron-clads. In the event, however, of such a fleet having successfully passed our harbor defenses and approaching our commercial cities this class of vessels could follow them up, keeping in shoal water where the hostile vessels with their great draught of water could not approach them, and they could so harass and worry those vessels as to render their position untenable, and force them almost necessarily to retire. A few rams and torpedo-boats of great speed acting in connection with them would most probably cause the destruction of such a fleet.

The Government, supplied with a number of this class of floating batteries, and having them distributed at different points upon the coast, could concentrate quickly at any point threatened by a naval attack a sufficient number of them to prevent with reasonable certainty anything more than a mere raid upon our seaboard cities.

With my strong belief in the value of this class of vessels, for the purpose named, I deem it an important policy of the Government to add gradually to their number.

I am, sir, very respectfully, your obedient servant,

JOHN L. WORDEN,
Rear Admiral, United States Navy.

Hon. FRANK HISCOCK, *M. C.*,
Chairman Committee, &c., House of Representatives, Washington.

[Extract from report of Admiral David D. Porter to the Secretary of the Navy, November 6, 1874.]

Of the double-turreted monitors, the Monadnock, Miantonomoh, Amphitrite, Roanoke, and Terror (really valuable vessels) want thorough repair, and entire new hulls of iron and new engines. They could not now go with safety from port to port, although intended for sea-going vessels, and capable, when in order, of making long voyages. Some of these vessels are now under repair, and, as they may be converted into fine iron-clads, I would recommend that they be altered as follows:

I propose that their hulls should be built on the bracket-plate arrangement, like the British armor-plated vessels, and like the torpedo-boat Alarm, the latter the first vessel built on this plan in the United States.

This would give these monitors a double bottom and double frames throughout, and would enable them to carry nearly twice the thickness of iron on hull and turrets, or at least, enough to make them invulnerable against the 9, 12, and 18 ton guns generally in use in foreign navies.

If solid oak backing is used the resisting power would be still greater.

These vessels should have engines of great power and simplicity of design, of the compound type, which would enable them to cross the ocean or cruise on our coast in the heaviest weather.

Both the Monadnock and the Miantonomoh have given evidence of their ability to make long sea-voyages with comfort to officers and men, and this kind of vessel would no doubt live in a gale where an ordinary frigate would founder. In the reconstruction of these vessels I would recommend a change in the manner of revolving the turrets, either having them move on balls or rollers, or have high coamings fitted with India-rubber packing to reach to the sill of the gun port, for the present system is liable to the objection of water getting in in a sea-way. The turrets have also unreliable machinery to raise them, to say nothing of the danger of being completely disabled, while revolving on their pivot, by heavy shot.

Great diversity of opinion has existed in the minds of experienced men with regard to the best form of fighting-ship; and after examining over a hundred different plans of foreign iron-clads, I think I am justified in the conclusion that vessels like the Monadnock and Miantonomoh are better adapted for protecting our coasts and harbors and for fighting than any others yet built.

I have seen the Monadnock in all weathers and riding out heavy gales at anchor on our coast, yet she rode the sea like a duck.

This class of vessel has a fore and aft as well as a broadside fire, and no ship can be considered an efficient fighter unless so constructed.

To make these monitors more enduring against shot their plating should be solid on the sides and turrets, or each thickness of plate should be at least 5½ inches, the heaviest we are able to roll in this country. The laminated plates placed upon our vessels during the rebellion were of 1 inch thickness and adopted from necessity, we having, in the early period of the war, no rolling-machines that could turn out heavy plates.

Besides, at that time, the laminated plates were sufficient to resist the enemy's projectiles; but the solid plate has the advantage, inasmuch as so great a weight of iron is not needed when it is used, since experiments prove that a properly-rolled 4-inch plate has greater resisting power than 6 inches of laminated plates.

The double turreted monitors, when reconstructed, could be made to carry 20-inch turrets, of 5-inch plates, or thicker if they could be obtained. This would bring them down about 9 inches more in the water, and additional draught would also be caused by the side-plating, which could be remedied, however, by raising the sides, giving the vessels more free-board, and allowing height for larger boilers.

No ship is a complete fighting-vessel unless she is able to ram her antagonist, and it will be found in the event of war between two great powers that the fleet possessing the best rams, other things being equal, will win the battle.

In ramming, the crushing process is superior to the piercing, and I would recommend that the bows of our iron-clads be made very strong and especially adapted to this purpose.

The present system of naval tactics will serve very well to keep a fleet in order and to concentrate the vessels previous to an action, but when the battle commences and the ships are enveloped in smoke there is an end to order and signaling by flags, and every captain must act on orders previously given or on his own responsibility. It is evident that rams and torpedo-vessels will have matters pretty much their own way then, and the more smoke there is the better it will be for them.

It would be impossible for an enemy to avoid rams and torpedo-vessels in a dense smoke, unless continually maneuvering for the purpose, thereby breaking up the order of battle.

The decks of our monitors have hitherto been insufficiently protected. Their deck-armor should be increased to 3 inches of steel, covered with wood, for, being of rather low free-board, these vessels are liable to damage from plunging shot.

[Extracts from report of Admiral David D. Porter, November 13, 1875, to the Secretary of the Navy.]

The double-turreted monitors, however, offer a greater scope for the talents of constructors and engineers, provided they duly consider what will be required of these vessels.

* * * * * *

There is now an opportunity to commence what has long been advocated, namely, the construction of a class of vessels that could appear in line of battle, twenty-four of which would represent the naval strength of this nation, as the twenty four heaviest iron-clads of England and France indicate the naval power of those countries, and constitute a force that would drive an enemy from their shores.

* * * * * * *

For fighting purposes I prefer turreted vessles, of the monitor class, to any others; and the more I examine the various systems of foreign navies the more I am convinced that we started on the right plan for coast defense, and should now perfect it by building vessels unsurpassed in invulnerability, guns, and speed, and with a crushing power that nothing can withstand.

[Extract from Secretary Thompson's Report to Congress, May 20, 1880.]

The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the Government requires the completion of all of them. In this opinion I concur for two controlling reasons:

First. That to leave them uncompleted, after so large a sum of money has been expended on them, would be bad economy, inasmuch as the loss would be very heavy to the Government; and

Second. Because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world.

[Extract from report of J.W. Easby, Chief of Bureau of Construction and Repair, October 26, 1877, to the Secretary of the Navy.]

The Terror, Puritan, Miantonomoh, Amphitrite, and Monadnock, all double-turreted twin-screw monitors, are in course of construction by contract; work, however, being suspended at present on all but the Miantonomoh and Monadnock. These five vessels, being the most powerful we have, should be finished without delay, and it is earnestly asked that Congress may make the required appropriation to complete them.

I would rather take the authority of the gentleman from Massachusetts after all the research he has given the question, I would rather indorse his views upon the subject as expressed upon the floor to-day, than the authority of my distinguished colleague from New York. I admit that upon this subject I am not profoundly learned; and if I must stand here and decide which of those gentlemen I must follow, I will part with my colleague from New York and tread in the steps of the gentleman from Massachusetts.

In this connection I ask the committee to consider the attitude now and heretofore of the Democratic party upon the question of giving to the country a navy. My colleague from New York says that the United States must have a navy; that he is in favor of it. He takes that position as boldly and as openly as I do. But if you bring before the House any measure to provide for building one, he places himself at the head of the opposition to it. I am willing to declare that you might allow him to write a bill to provide for building new ships, and, distinguished and patriotic as he is, he will refuse to support that bill if a Republican administration is in power.

The Democratic party had the control of this great question during the Forty-fourth, Forty-fifth, and Forty-sixth Congresses, and it did nothing. When we come in here and propose to do something, they offer no proposition to improve the bill, but seek to defeat it. They say we must have new ships; this great nation must have a navy; but they say this is not the way in which the ships should be built, and that these are not the ships that should be built. And when we propose to complete ships upon which the Government has already expended over four millions of money, gentlemen on the other side spend one minute in criticising the ships and four minutes in criticising the Secretary of the Navy under whom their construction was begun years ago.

The iron-clads have been the stock in trade of the Democratic party for the last three Congresses; they have been the point at which they have chosen to attack the Republican party. The cry of fraud, of corruption, of giving money to the contractors, was commenced upon the monitors.

That subject has been fully investigated. A Democratic Congress investigated all that question fully and completely; and unless my memory is at fault the Democratic party has never brought before any Congress the facts and testimony upon which that issue could be tried.

I have not the time that I wish I had to go into this question. But I proclaim here that it is unfair and unmanly for gentlemen to bring in a side issue of this kind, when they have had six years in which they could have made an attack directly upon the Administration and have it fairly tried before Congress and before the country. In the Forty-fifth Congress, my distinguished colleague from New York [Mr. HEWITT] was on the Committee on Appropriations, I believe. I am not sure, but I think he had charge of the naval appropriation bill.

Mr. HEWITT, of New York. Never.

Mr. HISCOCK. Very well, I was mistaken in that. But there was ample opportunity under the lead of the Committee on Appropriations of that Congress, if they had chosen to do so, yes, if they had dared to do so, after all the investigation they had given the subject, to have tried in Congress and before the country the question of the merits of these ships and the legality and honesty of the contracts under which they were being builded or repaired.

They now say that they must not be completed, that they must not be finished, because they can bring one side of the case here that they were conceived in fraud; because the gentleman from Tennessee, [Mr. WHITTHORNE,] who I believe in the Forty-fifth and Forty-sixth Congresses was chairman of the Committee on Naval Affairs, can bring the case of the prosecution here, when we have neither time nor opportunity to enter into an investigation of the facts; and when it is of no account if there was fraud eight years or more ago; the question and the only proper question now before Congress being, are they worth completing? Shall the Government lose the $3,500,000 or more it has expended upon them?

I have said that, relying upon the weight of the recommendation that we have found in the various reports, relying most of all upon the recommendation of the Committee on Naval Affairs, which was sent to our committee, and to which I have already referred, we have concluded that at least three of these ships should be finished, one for the Atlantic coast, one for the Gulf coast, and one for the Pacific coast.

The recommendations had been to complete them all. It has been the intention of the Committee on Appropriations to keep down the appropriations for the naval establishment. We do not care to spend more money than is necessary. We do desire to break down the system of expensive work in the yards, and also to cut off the amount now being paid to unnecessary staff and line officers, and to an unnecessary civil establishment. I believe that enough can be saved, if it is done in five years' time, to furnish this Government with as good a navy as it desires or as the people desire for it.

Mr. Chairman, I have but a word more to say; and that is in reference to still another feature of the bill—the building of new ships. Upon the other side it is said, "New ships must not be built upon an appropriation bill;" and the pillars upon which this great Government rests are trembling, in the judgment of gentlemen upon the other side, because we have inserted in this bill a provision in favor of it. The chairman of the Committee on Naval Affairs [Mr. HARRIS, of Massachusetts] asked this House to give consideration to a bill looking in that direction. A majority—a large majority—of the House voted in favor of the proposition; but it was defeated (a two-thirds vote being necessary) by gentlemen on the other side who are constantly howling in favor of a navy for the United States. They are always in favor of a navy, provided a Republican administration is not to be responsible for it, or is not to have the credit of it. In view of that majority vote indorsing the bill of the gentleman from Massachusetts, we have in a modest manner put upon this bill provisions looking to the construction of two new vessels.

The bill is here to be bettered. If its provisions need to be more guarded, the Committee on Appropriations will thankfully receive suggestions from the gentleman from Massachusetts, [Mr. HARRIS.] Ay, if they need to be more guarded, and my colleague [Mr. HEWITT, of New York] agrees that ships should be built, we invite him to help us mature the provisions of the bill in that respect.

Mr. HEWITT, of New York. Will the gentleman allow me to print in the RECORD of to-morrow just such an amendment?

Mr. HISCOCK. I certainly shall not object to the gentleman printing anything that he chooses in the RECORD, but what I ask him to do, what the Committee on Appropriations ask of him is to unite with us in bettering the provisions of this bill if they can be bettered. They may be subject to criticism, but I believe that we have not violated the rules of the House; we have not exceeded our authority by incorporating in the bill provisions for building

these two new ships. I yield the residue of my time to the gentleman from New Jersey, [Mr. ROBESON.]

The CHAIRMAN. The gentleman from New Jersey has forty minutes.

Mr. HISCOCK. I ask to have here printed certain portions of the report of the Committee on Naval Affairs upon the present condition of our Navy:

The Naval Register last issued brings official information concerning the Navy down to January 1, 1882. The list of one hundred and forty vessels there given is made up of the following classes:

Steam-vessels:	
First rates	13
Second rates	20
Third rates	27
Fourth rates, including two torpedo-boats	8
Total	68
Sailing-vessels:	
Second rates	4
Third rates, first-class	6
Third rates, second-class	8
Fourth rates	5
Total	23
Iron-clads	24
Tugs	25
Total number of vessels of all classes	140

On the 10th day of January last this committee made a report (No. 139) to the House on the subject of the bill H. R. No. 677, entitled "A bill to provide a permanent construction fund for the Navy, and for other purposes," in which they give a list of eight steam-vessels which are unfinished on the stocks in the navy-yards, rotten and utterly worthless. That list is as follows:

Name.	Age.	Guns.	Tonnage.	Displacement	Location.
Connecticut	1867	21	2,869	4,450	Boston navy-yard.
Pennsylvania	1867	22	2,490	4,000	Boston navy-yard.
Java	1867	21	2,490	4,000	New York navy-yard.
Colossus	1867	4	2,127	.....	New York navy-yard.
Massachusetts	1867	4	2,127	.....	Portsmouth, N. H.
Oregon	1867	4	2,127	.....	Boston navy-yard.
Virginia	1818	.....	2,600	4,150	Boston, partly cut down.
New Orleans	1818	.....	.....	4,150	Sackett's Harbor.

Another list is given of fourteen vessels, which includes only worn-out, obsolete, and worthless vessels, which it would be shameless folly and unpardonable extravagance to attempt to repair, having no possible present or prospective use, and which cost annually a considerable sum to guard and save from depredation by harbor thieves. That list is appended:

STEAM-VESSELS.

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
FIRST RATE.					
Niagara	1855	12	2,958	5,440	Boston navy-yard.
Florida	1864	12	2,135	4,220	New London navy-yard.
SECOND RATE.					
Susquehanna	1850	23	2,213	3,980	New York navy-yard.
Congress	1867	16	2,000	3,050	Portsmouth, N. H., navy-yard.
Worcester	1867	13	2,000	3,150	Norfolk navy-yard.
Benicia	1867	12	1,122	2,400	Mare Island navy-yard.
Canandaigua	1862	9	955	2,130	Norfolk navy-yard.
Monongahela	1862	9	960	2,100	Mare Island navy-yard.
THIRD RATE.					
Narragansett	1858	5	566	1,235	Mare Island navy-yard.
Kansas	1863	3	410	900	Portsmouth, N. H., navy-yard.
Saco	1863	3	410	900	Mare Island navy-yard.
Nyack	1863	3	410	900	Mare Island navy-yard.
Shawmut	1863	3	410	900	Norfolk navy-yard.
FOURTH RATE.					
Frolic, (purchased)	1864	8	614	1,300	Washington, D. C., navy-yard.

Still another list is given which includes eight old sailing ships and two iron-clads, all of which, with perhaps the exception of the iron-clad Dictator, are utterly worthless for naval purposes and wholly unworthy of repair. That list is as follows:

SAILING-VESSELS.

Ohio	1820	5	2,700	4,250	Boston navy-yard.
Constitution	1797 and 1876	6	1,335	2,200	League Island navy-yard.
Sabine	1855	22	1,475	2,450	Portsmouth, N. H., navy-yard.
Savannah	1842	.....	1,475	2,330	Norfolk navy-yard.
Cyane	1837	2	695	950	Mare Island navy-yard.
Guard, (purchased)	.....	2	925	.....	Portsmouth, N. H., navy-yard.
Relief	1836	2	468	.....	Washington, D. C., navy-yard.
Supply	1846	2	547	.....	League Island navy-yard.
Dictator	.....	2	1,750	4,500	League Island navy-yard.
Roanoke	.....	6	2,260	.....	Chester, Pa.

Of the twenty-five "tugs, &c.," borne on the Naval Register, the committee estimate that at least ten are worn out and useless and which should be sold or demolished. If the committee are correct in their estimate, here are forty-two out of one hundred and forty vessels of all classes whose names appear as part of the "Navy of the United States," representing not only no naval power whatever, but which can hereafter serve no useful purpose, and which are, moreover, a constant drain on the appropriations for the support of the Navy, and a consequent loss to the Government to the extent of the cost of their protection, which aggregates annually no small sum.

As an illustration, we may take the case of the Niagara, at Boston, which has been tied up to her dock, a worthless hulk, since the attempt to repair her, nearly or quite eighteen years ago, was abandoned. She has cost for her care alone since that time more than $98,000, and it is doubtful if she is worth to-day or will bring $25,000 at auction. Other instances of the same kind are numerous, and the statistics on that subject are in preparation and will be laid before Congress. We regret that we are unable to present them in this report for want of time for their completion.

From the list of one hundred and forty vessels whose names are borne on the Register forty-two thus fall out at once, without question or doubt, and we are left with a total Navy of only ninety-eight vessels of all classes. But this does not by any means tell the story of our naval weakness, for of these ninety-eight fifteen are but navy-yard tugs, which are not serviceable for war purposes. We therefore treat them as tools, useful in navy-yards and naval stations, as are other tools and machines, as a part of the plant rather than as vessels of the Navy, and we strike them out of the ninety-eight, leaving only eighty-three as the total number of our vessels of the Navy capable of service.

But our humiliation is not yet complete. Of these eighty-three fourteen are old sailing vessels of a bygone age and of an outgrown and abandoned system. We give their names, ages, tonnage, guns, and their present location and use:

Name.	When built.	No. of guns.	Tonnage.	Displacement.	Location and use.
New Hampshire	1818	15	2,600	4,150	Repairing at Norfolk for training-ship for boys.
Vermont	1848	19	2,400	4,150	Receiving-ship at New York.
Constellation	1797 and 1854	10	1,236	1,886	Practice-ship at Naval Academy.
Independence	1814	22	1,891	3,270	Receiving-ship at Mare Island, California.
Santee	1855	48	1,475	2,430	Gunnery-ship at Naval Academy, Annapolis, Maryland.
Portsmouth	1843	12	846	1,125	Apprentice training-ship.
Jamestown	1844	12	888	1,150	Fitting for apprentice training-ship.
Saratoga	1843	12	757	1,025	Training-ship at Washington; a hulk.
Saint Louis	1828	.....	431	830	Receiving-ship at League Island, Pa.
Saint Mary's	1844	8	766	1,025	Public Marine School, New York. Lent to that State.
Dale	1839	8	320	675	Practice-ship at Naval Academy, Annapolis, Maryland.
Pawnee	1858	.....	872	1,650	Store-ship at Port Royal
Onward	(*)	3	704	.....	Store-ship at Callao, Peru.
Freda	(*)	.....	.....	.....	Mare Island, California.

* Purchased.

By deducting these our list falls from 83 to 69. These 69 include steam-vessels only and were intended for war purposes. This number must be again reduced by withdrawing the name of the Arctic ship Rogers, which was purchased for and sent out on the humane mission of rescuing lost Arctic explorers, and the names of four double-turreted iron-clad monitors, now on the stocks in the private yards of contractors at Wilmington, Chester, Philadelphia, and Mare Island, with the question of their fate still undecided, namely: Amphitrite, Puritan, Terror, and Monadnock; and also the name of the Miantonomoh, now afloat at League Island, Pennsylvania, new and in perfect condition and ready for sea; except that having neither turrets nor guns she has no excuse for going to sea. With this reduction our list falls to 63. But if we seek our present real naval power for active service at sea we must continue this dissolving view. The following table gives the names, ages, displacement, tonnage, guns, and present use of several steam-vessels of the Navy, some of which are not in present condition for service, some of which can never be made so, and all of which are of very doubtful value to the service:

Name.	When built.	Guns.	Tonnage.	Displacement.	Present location, condition, and use.
Franklin	1854	39	3,173	5,170	Receiving-ship at Norfolk.
Colorado	1855	46	3,032	4,700	Receiving-ship at New York.
Minnesota	1835	46	3,000	4,700	Training-ship at Newport, Rhode Island.
Wabash	1854	45	3,000	4,650	Receiving-ship at Boston.
New York	1865	21	2,490	4,070	A frame on the stocks at New York; live oak; worthy of being finished.
Iowa	1865	25	2,019	4,000	Probably worthless; at Boston; machinery taken out; white oak; built at close of the war; very fast; did no service.
Antietam	1865	21	2,490	4,000	A mere hulk; at League Island; white oak; launched in 1874; used as store-ship and marine barracks; no machinery on board.
Michigan	1844	8	450	685	Iron paddle-wheel lake boat at Erie, Pa.; should give place to a vessel of war to fill treaty rights of United States.

Names of vessels, when built, guns, tonnage, &c.—Continued.

Name.	When built.	Guns.	Tonnage.	Displacement.	Present location, condition, and use.
Tallapoosa	1863 and 1874	2	650	1,270	A transport used by Navy Department; lately repaired; a good vessel and useful to the Government in this service.
Dispatch	Purchased.	4	730	.....	A mere dispatch vessel; a purchased pleasure yacht; fast, and useful to the Government in this service.
Intrepid	1870	.....	311	800	Built for torpedo service; strong and able, but too slow; could be made useful if completed; no torpedo machinery on board.

It is manifest that these vessels can be of little, if any practical service in actual war, and we deduct them from our list, which reduces the Navy to fifty-two. But of this reduced number fourteen are of the single turreted monitor class, not suited for cruising service, and only to be relied upon for coast and harbor defense. They are good vessels of their class, have been rebuilt of iron, or rather have had their old wooden beams replaced with iron since the war. Whether good or bad, they are all we have in the nature of iron-clad harbor defenders afloat and armed, and yet there is not one breech-loading rifled gun of any size in the entire fleet. They are all armed with smooth-bore guns of large caliber, but of small power and short range. They did good service during the war in a contest with an enemy which had no navy. Some of them bear the scars of war, and are objects of respect and veneration, but it is unsafe longer to rely on them as our sole defense against the powerful navies of modern times. They are all classed as fourth-rates, and are as follows, with their guns, tonnage, &c.:

Name.	When built.	Guns.	Tonnage.	Displacement.	Location.
Ajax	1865	2	550	2,100	City Point, James River.
Canonicus	1864	2	550	2,100	Navy-yard, Pensacola.
Camanche	1865	2	496	1,875	In ordinary, Mare Island, California.
Catskill	1863	2	496	1,875	City Point.
Jason	1863	2	496	1,875	League Island, Pennsylvania.
Lehigh	1866	2	496	1,875	City Point.
Mahopac	1864	2	550	2,100	City Point.
Manhattan	1864	2	550	2,100	City Point.
Montauk	1863	2	496	1,875	In commission, Washington.
Nahant	1863	2	496	1,875	League Island.
Nantucket	1863	2	496	1,875	Annapolis, Maryland.
Passaic	1862	2	946	1,875	Receiving-ship, Washington.
Sangus	1864	2	550	2,100	Laid up at Washington.
Wyandotte	1866	2	550	2,100	In commission, Washington.

We have now left to account for only thirty-eight vessels, and in this number is to be found all the naval power for ocean service of the United States. We annex a table of these thirty-eight vessels, their ages, tonnage, displacement, and guns, their present service, or location, if out of active service. We give them by classes as they stand in the Register:

Name.	When built.	Tonnage.	Displacement.	Number of guns.	Kind of guns.	Service.
FIRST RATE.						
Tennessee	1863	2,840	4,840	21	18 s. b., 3 rifle.	Flag-ship, North Atlantic squadron.
SECOND RATE.						
Powhatan	1850	2,182	3,980	16	14 s. b., 2 rifle.	Paddle-wheel, on special duty.
Trenton	1876	2,300	3,800	11	11 8-inch rifle	Out of commission at New York.
Lancaster	1858	2,120	3,250	20	20 s. b.	Lately repaired, European station.
Brooklyn	1858	2,000	3,000	18	16 s. b., 2 rifle.	Flag-ship, South Atlantic station, *en route*.
Pensacola	1858	2,000	3,000	22	20 s. b., 2 rifle.	Flag-ship, Pacific station.
Hartford	1858	2,000	2,900	16	.....	Rebuilding at Boston, to have rifled 8-inch converted.
Richmond	1858	2,000	2,700	14	12 s. b., 2 rifle.	Flag-ship, Asiatic squadron.
Alaska	1867	1,122	2,400	12	10 s. b. 2 rifle.	Pacific station.
Omaha	1869	1,122	2,400	12	12 s. b.	Repairing at Portsmouth, N. H.
Plymouth	1867	1,122	2,400	12	12 s. b.	Repairing at Portsmouth, N. H.
Lackawanna	1862	1,026	2,220	9	6 s. b., 3 rifle.	Pacific station.
Ticonderoga	1862	1,019	2,220	9	6 s. b., 3 rifle.	Lately returned to New York.
Vandalia	1874	981	2,080	8	7 s. b., 1 rifle.	North Atlantic squadron.
Shenandoah	1862	929	2,100	9	6 s. b., 3 rifle.	Flag-ship South Atlantic squadron.

Names of vessels, when built, guns, tonnage, &c.—Continued.

Name.	When built.	Tonnage.	Displacement.	Number of guns.	Kind of guns.	Service.
THIRD RATE.						
Juniata	1862	828	1,900	8	7 s. b., 1 rifle.	Repairing at New York, nearly complete.
Ossipee	1861	828	1,900	8	8 s. b	Repairing at League Island.
Quinnebaug	1866	910	1,900	8	6 s. b., 2 rifle.	European station.
Swatara	1865	910	1,900	8	7 s. b., 1 rifle.	Asiatic squadron.
Marion	1874	910	1,900	8	7 s. b., 1 rifle	South Atlantic squadron.
Mohican	1858	910	1,900	8	7 s. b., 1 rifle.	Repairing at Mare Island, California.
Iroquois	1858	695	1,575	7	7 s. b., 1 rifle.	Repairing at Mare Island, California.
Wachusett	1861	695	1,575	7	6 s. b., 1 rifle.	Pacific station.
Wyoming	1858	726	1,560	7	6 s. b., 1 rifle.	Naval station, Port Royal.
Galena	1862	910	1,900	8	7 s. b., 1 rifle.	European station.
Tuscarora	1861	726	1,560	7	6 s. b., 1 rifle.	Repairing at Mare Island, California.
Kearsarge	1861	695	1,550	7	6 s. b., 1 rifle.	North Atlantic station.
Adams	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Alliance	1874	615	1,375	6	5 s. b., 1 rifle.	Lately returned from Arctic voyage.
Essex	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Enterprise	1874	615	1,375	6	5 s. b., 1 rifle.	North Atlantic station.
Nipsic	1863 and 1879	615	1,375	8	6 s. b., 2 rifle.	European station.
Ashuelot	1865	786	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Monocacy	1866	747	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Alert	1874	541	1,020	4	3 s. b., 1 rifle.	Asiatic station.
Ranger	1874	541	1,020	4	3 s. b., 1 rifle.	On surveying duty in the Pacific.
Yantic	1864	410	900	5	4 s. b., 1 rifle.	North Atlantic station.
FOURTH RATE.						
Alarm	1873	311	1,550	1	1 s. b., 15-inch	In commission at Washington.

It may seem useless to further point out the weakness of our Navy, but it is best that the whole truth be known now, so that we who have the responsibility for the future peace and safety of the country upon us may have the perils and dangers of neglect of present duty clearly before us. A careful examination of the last table, in which is displayed the whole of our offensive naval power, will satisfy any person that many of the vessels there named are old and nearly worn out, slow in speed, feeble in offensive power, and utterly deficient in defensive power, even in the power of running away from danger, and which, when war comes, will only be safe behind fortifications or unapproachable harbors.

The Powhatan will serve as an illustration. She is our second ship in size in active service and is at the head of our list of second rates. She was built in 1850—more than thirty years ago—and is propelled when under steam by the paddle-wheel, which is now seldom seen at sea. She is little more than a sailing vessel with auxiliary steam-power. She could not fight with the smallest vessel of our Navy. The little torpedo-boat Alarm, with her one smooth-bore 15-inch gun and more rapid speed and her wonderful capacity of so maneuvering as always to keep her sharp deflective armored prow and great gun to the front, would be an antagonist with which the Powhatan would never successfully engage. And if, in addition to her gun, the Alarm would bring her bow torpedo into play, in a contest with the Powhatan, the trial would end in a few minutes by the sinking of that first of our second-rate vessels of war.

The Omaha, the Plymouth, the Ossipee, and other of our vessels are now out of active service, awaiting destruction or repair as future necessity or policy shall determine, and it is extremely doubtful whether a wise economy does not dictate their abandonment as vessels of war. The Lancaster has lately been rebuilt at enormous cost, and we cannot but entertain a doubt whether every dollar spent upon her has not been wasted. She is really a new ship, and in many respects better than she was at first, but she is a new ship on an old and outgrown model, and possessed of but few of the qualities required in modern cruising vessels of war. It is often said of her, that she is a fine ship in times of peace.

But we have little respect for a ship of war which is only good in times of peace. Profound respect is paid to that ship in times of peace or war which is ready for war, and such vessels, and such only, few in numbers though they may be perhaps, are those which this country can afford to maintain. One such vessel is worth a whole navy of obsoletes. The Hartford is undergoing the same process at large cost and will soon be completed, but when finished and afloat she will be only a new ship on an old plan, as good as before and no better. The progress of an age has been made—an age of startling development in war and the arts of naval architecture—since she was conceived and brought into being. When she first took the sea and proudly bore her flag she was the equal in speed and in offensive and defensive power of any vessel of her class in the world. When she achieved her victories and won glory for herself and immortal fame for her great commander, she was but five years old and as good as any vessel of her class afloat. She was built of wood, and so were most of the war ships of her time.

Other vessels have within a few years been brought back from "rotten row" into the service in the same way and at great cost. The process may go on indefinitely unless a different and wiser policy is now established.

Had the money which has thus been expended (and properly expended in the absence of authority of Congress to make wiser use of it, perhaps) been applied to the completion and armament of our double-turreted iron-clad monitors we should not now be, as we confessedly are, helpless to defend our own shores and great commercial centers against the attack of the smallest nation of the earth which may have had the courage and wisdom to buy and to fit out a modern iron-clad vessel of war effectively armed.

The double-turreted iron-clad monitor Monadnock is now on the stocks in the private ship-yard of Mr. Burgess, at Vallejo, California, half finished. She was

intended to be a defense for the city of San Francisco and the west coast. The money which has been expended in rebuilding obsoletes of wood since work on the Monadnock was suspended would have finished and armed that vessel with the most powerful guns of modern times, and San Francisco, the great center of our Pacific commerce, would be in no danger from any enemy. We are not probably in danger of falling into new difficulty with Chili; but that people have just passed through a great war with Peru. They are flushed with victory. They may, like other nations under similar circumstances, feel able to resent supposed insults, and may treat gentle expostulation as intended threat. War generally comes without sufficient cause and with short notice. Should Chili find cause to make war on us she would have it all her own way from the start, and in one day would inflict greater injury upon our people than the cost of fifty Monadnocks could repay. Chili has three European-built iron-clads in her navy, namely:

Name of vessel.	Thickness of armor, in inches.	Displacement, in tons.	Speed, in knots.	Number and description of guns.	Remarks.
Almirante Cochrane.	4½ to 9	3,560	12.8	6 9-inch 12½-ton guns.	Full sail-power.
Blanco Encalada ..	4½ to 9	3,560	12.8	6 9-inch 12½-ton guns.	Full sail-power.
Huascar	4½ to 5½	1,100	11	2 300-pdrs 4 40-pd'rs.	Captured from Peru.

"The United States naval force on this—the South Pacific—station consists of 4 unarmored wooden vessels, namely, Pensacola, (flag-ship,) Alaska, Lackawanna, and Adams. The Pensacola can make 8 knots per hour; the Alaska, 11 knots; the Lackawanna, 8 knots; and the Adams, 11 knots. Not one of these vessels could either overtake or run away from the Almirante Cochrane or the Blanco Encalada. The entire squadron is not of sufficient force to compete successfully with even one of these two iron-clads, and not of sufficient speed to avoid a hopeless conflict."

It is manifest that in a conflict with this small nation the United States would be helpless to resist the first attack, the most important thing to do in war always, and Chili could levy tribute on the city of San Francisco or seal up the Golden Gate as with an iron wall.

Mr. ROBESON. Mr. Chairman, in the performance of my duty as chairman of the sub-committee reporting this bill, I have in the forty minutes allowed me two roads before me, one of which I must choose. Debate in opposition to the bill has divided itself, or has been divided by those who made it, into two branches—one consisting of attacks upon the bill and its propositions; the other embracing attacks upon its humble advocate, his character, and his history. "I perceive here a divided duty;" but I recognize that it is first incumbent on me to discharge, regardless of my personal feelings and inclinations, my duty to the committee and to the country in explanation of the provisions of the bill itself, and to postpone if need be to a later opportunity (which may come before this bill is entirely disposed of) the pursuit of that path of personal interest which perhaps I ought to enter upon. I have been associated with members of this House, some of them for many years—all of them during the present Congress, most of them during two Congresses. My character and my conduct have been observed by you all. You are familiar with my public processes; you are acquainted with my personal demeanor. I can safely trust my character for two or three days in your hands until I have discharged more pressing duties. I do but repeat, perhaps, in substance the remark of a distinguished statesman when I say that what I have been in character and in principle I am, and what I am I expect to continue to be. Circumstances and opponents may defeat my efforts and overcome my purposes; but they shall not defeat my self-respect nor overcome my temper.

With these remarks, gentlemen, I shall proceed at present to the consideration of the provisions of this bill. The principal point of attack has been the building of the double-turreted monitors. Upon those I wish to say to all men that I consider myself responsible for them. I shall shelter myself in no degree behind the responsibility of any man, living or dead. The repairs of those monitors—for they are called repairs in conformity with the practice of the Navy Department, since that Department commenced, when it undertook to thoroughly repair or even completely rebuild a ship which had a name and position upon the Navy Register—those repairs were entered upon in the year 1874. They were entered upon in accordance with the recommendation of Admiral Porter. I hold in my hand his recommendation on that subject, which is quoted in the report of the committee. I will take time to read a sentence of it:

Of the double-turreted monitors, the Monadnock, Miantonomoh, Amphitrite, Roanoke, and Terror (really valuable vessels) want thorough repair, and entire new hulls of iron and new engines.

Now, the gentleman from New York [Mr. HEWITT] complains that while those new engines were being built, and while the new iron frames for the new hull were being rolled at the workshops on the Delaware, the old hull was not floated down; and he says no man can pretend that a vessel was being repaired while she was twenty miles away from the shops. Why, her iron plates and beams must be rolled, all her material must be prepared, before being put together.

If anything is done with her engines and her machinery, that must be done at the workshop, and not on board the ship. How ridiculous this flimsy pretense seems when tried by common reason and ordinary practical sense!

I propose—

Says Admiral Porter—

that their hulls should be built on the bracket-plate arrangement, like the British armor-plated vessels, like the torpedo-boat Alarm, the latter the first vessel built on this plan in the United States.

Their hulls were built on that arrangement exactly as they were recommended. Such were the plans, such are the results.

This would give these monitors a double bottom and double frames throughout, and would enable them to carry nearly twice the thickness of iron on hull and turrets, or, at least, enough to make them invulnerable against the nine, twelve, and eighteen ton guns generally in use in foreign navies.

They have double bottoms and double frames throughout, exactly as recommended.

If solid oak backing is used the resisting power would be still greater.

Solid oak backing is provided.

These vessels should have engines of great power and simplicity of design, of the compound type, which would enable them to cross the ocean or cruise on our coast in the heaviest weather.

They have new engines of simple design of the compound type, with twin screws to make them turn almost upon their center, and will be able to cross the ocean, or at least to navigate along our coast and the waters of this continent, with perfect safety.

Both the Monadnock and the Miantonomoh have given evidence of their ability to make long sea-voyages with comfort to officers and men, and this kind of vessel would no doubt live in a gale where an ordinary frigate would founder. In the reconstruction of these vessels I would recommend a change in the manner of revolving the turrets.

That also is provided for.

Great diversity of opinion has existed in the minds of experienced men with regard to the best form of fighting-ship, and after examining over a hundred different plans of foreign iron-clads, I think I am justified in the conclusion that vessels like the Monadnock and Miantonomoh are better adapted for protecting our coasts and harbors, and for fighting, than any others yet built.

I have seen the Monadnock in all weathers, and riding out heavy gales at anchor on our coast, yet she rode the sea like a duck.

To make these monitors more enduring against shot, their plating should be solid on the sides and turrets, or each thickness of plate should be at least five and a half inches.

Their armor is solid. It is twelve inches on the turrets and seven inches, I think, on the armor of the sides, fulfilling, and more than fulfilling, the recommendation of the Admiral.

No ship is a complete fighting-vessel unless she is able to ram her antagonist, and it will be found in the event of war between two great powers that the fleet possessing the best rams, other things being equal, will win the battle.

These vessels are so constructed that they are to be used with rams, with all the immense weight of their hulls and machinery; their bows are so fixed that they are to act as rams according to this recommendation.

The decks of our monitors have hitherto been insufficiently protected. Their deck-armor should be increased to three inches of steel covered with wood.

Their deck-armor is increased. Then from his next report he says:

The double-turreted monitors, however, offer a greater scope for the talents of constructors and engineers, provided they duly consider what will be required of these vessels.

* * * * * * *

For fighting purposes I prefer turreted vessels, of the monitor class, to any others; and the more I examine the various systems of foreign navies, the more I am convinced that we started on the right plan for coast defense, and should now perfect it by building vessels unsurpassed in invulnerability, guns, and speed, and with a crushing power that nothing can withstand.

And now when these monitors have been built exactly on those plans, when they have been found to be successes by actual experiment, because after they were questioned here by an interest which I will not characterize, after it was said by experts, Mr. Lenthall and Mr. Isherwood, they would sink if launched, the Miantonomoh was finished, clothed with armor, fully finished to her oil-cups, with nothing left to put on her but her turrets, with weights absolutely calculated and calculable, with her engines and machinery in her, "and she floats like a duck," to use the phrase of Admiral Porter, from a foot to eighteen inches higher out of water than was calculated.

And yet these very men upon whose authority we are now asked to condemn the sister vessels of the Miantonomoh gave as their solemn opinion as experts that she would sink when launched. These other vessels, except the Puritan, are sister ships exactly, line for line, inch for inch, weight for weight, with this difference in favor of the others that the Miantonomoh is armored with iron, that the new ones may be armored with steel, lighter, with more floating capacity than even the Miantonomoh.

All this subject-matter was examined over and over again. Board after board has been appointed to investigate it. Eighteen officers in the various bureaus, line officers, rear-admirals, commodores, engineers, naval constructors—five engineers, I believe, and four contractors—have all recommended the completion of these vessels, saying that, with small modifications which they recommended, principally in the character and arrangement of the armor, but only amounting to about $12,000, they will be the best vessels we can have. But one single person appears upon the record, Mr. John Lenthal, as opposing them, and upon him the gentleman from New York [Mr. HEWITT] and the gentleman from Tennessee [Mr. WHITTHORNE] take their stand.

Now, Mr. Lenthal, like Mr. Hanscomb, is dead. I have nothing to say against him. But I do say that he was an old ship-builder of the ship-carpenter type; and when the original Monitor was proposed

to be built he threw so many obstructions in its way during the war that it had to be taken from the Bureau of Construction and Repair, of which he was the head, and given to the Bureau of Yards and Docks, under old Admiral Joe Smith; that the only vessels that were built by that bureau in the shape of iron-clads were what were called the river and harbor monitors, which before they were even finished had to be raised in their free-boards, being the origin of the claims of the iron-clad contractors of that period of which we have heard so much, and twenty-two other vessels. What were they? They were the light-draught monitors built under the supervision of the Bureau of Construction and Repair, with Mr. Lenthal at its head, and the Bureau of Steam-Engineering, of which Mr. Isherwood was the head; and when they came to be launched it was found they were absolutely good for nothing. They would not carry guns or men, but they flooded their decks under water before they had any stores or armor on board; and yet in the face of that fact this is the authority, standing alone and unsupported against all of these other naval authorities, upon which we are asked to condemn the monitors.

Mr. Chairman, the Naval Committee in the last Congress—the Democratic Naval Committee—examined this whole subject, examined the contractors, visited the navy-yards, examined these ships, took testimony upon the subject, and passed a resolution that they ought to be finished, which resolution I believe, although I speak only from memory, and I do not know that I am correct about it, was reported to this House by Hon. John Goode, of Virginia.

I know that it was proposed, at all events, to be put on as an amendment to the sundry civil appropriation bill in the second session of the last Congress but was ruled out on the point of order. The present Naval Committee have visited also these ships and examined the subject carefully; and their investigation has led them to adopt a resolution recommending their finishing, upon the ground that it is necessary they should be finished for the honor and for the dignity of our country and for our influence upon our continent on both its shores, as well as for the best protection and command of our harbors and coast lines.

These general remarks, Mr. Chairman, will be all that I shall submit upon that branch of the subject. I will let them stand as an appeal, not only to the good sense of this committee, but to its patriotism and its honor, as I will let them stand an appeal to the patriotism and the honor of the American people.

Mr. ATKINS. If the gentleman from New Jersey will not consider it an interruption, and if he does I will not ask the question, I would like to have him state if the committee is to understand him to say that the Mullany board and the Stevens board both recommended the completion of these five vessels?

Mr. ROBESON. The gentleman will understand me to say that the naval board——

Mr. ATKINS. And if the gentleman has the data or has the reports of these boards I would like very much for him to read them.

Mr. ROBESON. I have neither the publication of the Mullany board nor of the Stevens board, but I have here the report of the board appointed by Mr. Secretary Thompson, and their recommendations are quoted in the report accompanying this bill, or rather a quotation from that board and its report upon that subject, which I will read. Here is what Mr. Thompson says upon that subject in a communication addressed to Congress on the 20th of May, 1880, the conclusion of the various boards upon the subject by direction of Congress under a joint resolution of April 2, 1882, to inquire whether it was for the interest of the Government to complete these monitors. The Secretary adds:

> The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the Government requires the completion of all of them. In this opinion I concur——

Mr. BLOUNT. Will the gentleman allow me to interrupt him for a moment; I wish to ask if he has finished the sentence in Secretary Thompson's report to which he has referred?

Mr. ROBESON. I am proceeding to complete it.

> That the interest of the Government requires the completion of all of them. In this opinion I concur for two controlling reasons.

Mr. BLOUNT. Now, I would ask the gentleman from New Jersey, if he will allow me, if the Secretary does not call attention to the fact that in his opinion these should be completed only upon condition that modifications should be made in the original plans for their construction?

Mr. ROBESON. All right. I am ready to come to that in a moment.

> In this opinion I concur for two controlling reasons:
> First. That to leave them uncompleted, after so large a sum of money has been expended upon them, would be bad economy, inasmuch as the loss would be very heavy to the Government; and,
> Second. Because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world.

Now I go on—

> No substantial modifications should be made in the original plans for the machinery. That of the Miantonomoh is finished, in the ship, ready for active service, and was tested by a board of engineer officers in May, 1879, and found satisfactory.
> Such modifications should be made in the plan for the hulls as are recommended by the foregoing boards appointed in pursuance of the resolution of April 2, 1880.
> The only substantial alteration in the hulls should be the substitution of steel for iron armor.

Is that what the gentleman from Georgia was calling attention to?

Mr. BLOUNT. I did not hear the gentleman.

Mr. ROBESON. I only asked if that was what the gentleman was calling attention to.

Mr. BLOUNT. I did not hear that part of what the gentleman read.

Mr. ROBESON. That is the opinion of R. W. Thompson, against whom even the gentleman on the other side cannot find it in his heart to make even the faintest insinuation.

You will find that this recommendation of the committee does not affect the hulls of these ships at all. What does it provide for? It provides, first, that the turrets shall be put on the Miantonomoh, a ship which is completed and pronounced satisfactory, and waits only for her turrets. It is supposed they will be put on of steel or steel-faced armor, making them capable of resisting anything that can cross the ocean and enter our harbors. Second, we provide what, with regard to the other ships, will cost from $250,000 to $275,000. For the other four ships we provide that they shall be launched. They are now, and have been for five or six years, in the dock-yards of private owners, but we have refused either to pay for the occupation of their yards or to permit them to go on and finish the ships. The bill provides they shall be launched; that they shall be launched to the best advantage, so that whatever armor may be found necessary, upon further examination, can be put on either at the navy-yards or wherever it is best to do it.

Third. What does it provide? That the engines and the machinery of at least two of them shall be finished. But, says Secretary Thompson, nobody has ever complained of the engines, not even Lenthall and Isherwood; not even the gentleman from New York; not even the member from Tennessee. And yet that is all we provide. To finish the Miantonomoh; that is, to finish her turrets and to put in the engines and machinery, which is comparatively inexpensive and will not take long time. And to finish two others, one on the California and one on the Atlantic coast. Is there anything wrong in that recommendation? Is there anything in it that does not appeal to the common sense of honest men? Is there anything in it that does not appeal to and challenge the patriotism of every man who loves his country, its dignity, and its honor?

If we had had the Monadnock finished last summer she could have floated into the harbor of Callao; she could have been on the coast of Peru, and a sister republic need not have been dismembered for the purpose of filling the pockets of English dealers and contractors. We could have dominated the situation if we are to build a canal across the Isthmus. These are the ships that could with safety ride through a gale that would founder a frigate, says Admiral Porter. They would represent the interests in that quarter of the dominant and responsible nation of the western hemisphere.

I am advocating no policy. But to be respectable and respected a nation must be powerful. To be yielded to in her principles and in her policy she must have the means to enforce them against all comers. This is a small expenditure. One million of dollars for the great American Republic with an overflowing Treasury towards maintaining the dignity and the honor, the influence and the power of the Republic, and the member from Tennessee and the gentleman from New York oppose it—on what ground? I leave you to imagine.

Mr. Chairman, there are other points in this bill which I ought to discuss. We provide for shutting up substantially several of the navy-yards where work is being done. The statistics of the Navy Department show that during the last five years—and I quote the figures for those years only because it is convenient, the system was just as vicious under my control as it was under that of my successors, but I could not escape from it any more than they could—the statistics show that in the last five years for $11,950,000, or near that sum, expended in labor and materials in the various navy-yards on the Atlantic coast, $10,500,000 was expended in the maintenance of the yards and the civil service necessary to expend that labor. If you have a business worth $100,000, and yet it takes you $99,000 to pay your store rent and your clerks, that is the difficulty; I cannot help it.

I live nearer a navy-yard than any man in this House. When I look out of the window of my home I have before me the flag that flies upon the League Island Navy-Yard, nearer to it than the gentleman from Philadelphia, [Mr. O'NEILL,] who has spoken on this subject—nearer to it than any other man here. But I cannot, as a faithful representative of the people, I cannot, as a representative of the great party which declares and means reform, the Republican party of the country, I cannot, when I have the power, forbear to do what I can toward rationally and calmly and deliberately putting such pressure as an appropriations committee may upon this subject, so as to compel the concentration of the work in the few points which will greatly enlarge the efficiency of the appropriation and make $400,000 or $800,000 go a great deal further.

If it takes $10,500,000 to expend $11,900,000 upon our Navy, then if you cut down the civil establishment and the expense of the maintenance of the yards to half the present amount, you will save half of that sum; and $400,000 will grow into $600,000 or $750,000 in the hands of economical managers.

I appeal to the Republicans of this House, can we afford, on a mere question of personal patronage or of local interest, to strike at the very central idea of our party? Which is the better on the whole

for everybody, to do right and command support, or to do wrong and buy support? I put that question to gentlemen of the House of Representatives.

Another suggestion. In the fifteen years since the war, or fourteen years, if you choose, about thirty ships in the American Navy have been built and rebuilt and substantially repaired. I have no time now to refer to the papers to confirm exactly what I state. They were all built and rebuilt during the eight years that I was in that Department. Everything that there is to-day that carries the flag of the American Republic in the face of the world was built by me or under my supervision, and I am responsible for it.

Since the Democratic party has been in power in this House, under the lead of the member from Tennessee, [Mr. WHITTHORNE,] not a ship has been built nor a single gun put afloat.

A MEMBER. Except the Nipsic.

Mr. ROBESON. The Nipsic was substantially finished when I left her; she has been launched since. She was rebuilt, gentlemen say, contrary to law. I say that if there were any doubts, and there are none, if there were any doubts in the construction of the law I resolved them in favor of my country, and I will stand before the world taking that responsibility.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIS. I ask unanimous consent that the gentleman may have his time extended.

Mr. ROBESON. I have no right to that, and do not ask it.

Mr. ELLIS. Unanimous consent can do anything.

The CHAIRMAN. The extension of time cannot be granted by the Committee of the Whole.

Mr. ROBESON. I do not ask it. I only ask the indulgence of the House for one minute longer, to say that under the policy of the Democratic party, as represented by the member from Tennessee, in reference to the Navy, $73,000,000 have been spent in the last five years, and not a ship launched except the Nipsic which I had finished, and not one new gun put afloat. [Great applause.]

The CHAIRMAN. The time fixed by the House for general debate upon this bill has been exhausted. The Clerk will now proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1883, and for other purposes:

For the pay of the Navy, for the active list, namely: For one Admiral, one Vice-Admiral, twelve rear-admirals, eight chiefs of bureau, twenty-four commodores, forty-nine captains, eighty-nine commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred and one masters, one hundred ensigns, eighty-two midshipmen, fifteen medical directors, fourteen medical inspectors, fifty surgeons, seventy-nine passed assistant surgeons, ten assistant surgeons, twelve pay-directors, thirteen pay-inspectors, fifty paymasters, thirty passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, one hundred passed assistant engineers, thirty-five assistant engineers, seventy-three cadet-engineers, (graduates,) twenty-four chaplains, twelve professors of mathematics, ten naval constructors, seven assistant naval constructors, ten civil engineers, one hundred and ninety-one warrant-officers, forty-one mates, two hundred and one cadet-midshipmen, (on probation,) one hundred and two cadet-engineers, one hundred and thirty cadet-midshipmen, (not graduates;) in all, $4,044,500: *Provided*, That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large as now provided by law for cadet-midshipmen, and all the undergraduates at the Naval Academy shall hereafter be designated and called "naval cadets;" and from those who successfully complete the four years' course at the academy appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and various staff corps of the Navy and of the Marine Corps: *And provided further*, That no greater number of appointments into these grades shall be made each year than shall equal the number of vacancies which has occurred in the same grades during the preceding year; such appointments to be made from the graduates of the year, at the conclusion of their four years' course at the academy, in the order of merit, as determined by the academic board of the Naval Academy; the assignment to the various corps to be made by the Secretary of the Navy upon the recommendation of the academic board; and if there be a surplus of graduates from the academy those who do not receive such appointment shall be given a certificate of graduation, an honorable discharge, and one year's sea-pay as now provided by law for cadet-midshipmen.

Mr. ROBESON. I am directed by the Committee on Appropriations to move sundry amendments to the paragraph just read. In line 43, on page 3 of the printed bill, I move to strike out the word "four" and insert "six;" also, in the same line, strike out the words "at the Academy," so that it will read "at the conclusion of their six years' course, in the order of merit," &c.; also, in line 48, strike out the words "from the Academy," so that it will read "and if there be a surplus of graduates, those who do not receive such appointment," &c.

The amendments were agreed to.

Mr. ELLIS. I move to amend line 16 of the bill by inserting, after the word "surgeons," the words "two assistant-surgeons not in the line of promotion," so that it will read "ten assistant-surgeons, two assistant-surgeons not in the line of promotion, twelve pay directors," &c. I also move to amend line 27 so as to make the appropriation $4,048,300. The reason for these amendments is this: the Forty-sixth Congress passed an enabling act authorizing the President of the United States to appoint Dr. Thomas Owens and Dr. William Martin assistant-surgeons in the Navy of the United States not in the line of promotion. They have passed their examination, have been confirmed by the Senate and commissioned by the President, and are now on duty, one at New Orleans and one in this city. The bill as reported fails to provide for their payment, and this amendment is simply to provide for the pay of these two officers, and I understand it is acceptable to the entire Committee on Appropriations.

The amendments were agreed to.

Mr. SHALLENBERGER. I move to strike out all of the pending paragraph from and including the word "provided" in line 27 of the printed bill to the end of the paragraph, as amended by the committee. The portion proposed to be struck out is as follows:

Provided, That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large, as now provided by law for cadet-midshipmen, and all the undergraduates at the Naval Academy shall hereafter be designated and called "naval cadets;" and from those who successfully complete the four years' course at the Academy appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and various staff corps of the Navy and of the Marine Corps: *And provided further*, That no greater number of appointments into these grades shall be made each year than shall equal the number of vacancies which has occurred in the same grades during the preceding year; such appointments to be made from the graduates of the year, at the conclusion of their six years' course, in the order of merit, as determined by the academic board of the Naval Academy; the assignment to the various corps to be made by the Secretary of the Navy upon the recommendation of the academic board. And if there be a surplus of graduates, those who do not receive such appointment shall be given a certificate of graduation, an honorable discharge, and one year's sea-pay as now provided by law for cadet-midshipmen.

The object of my amendment is to strike out that new legislation in this bill which proposes to change the entire engineer corps of the Naval Academy. I do not think that the last hours of the session on an appropriation bill is the time or the place to change a system which has been in successful operation for sixteen years.

I trust this portion of the bill will be stricken out, and that the Naval Academy will remain as it is to-day, a school for cadet-midshipmen and cadet-engineers, and that in the future the Committee on Naval Affairs of this House will mature a bill which will reduce and very largely reduce the personnel of the Navy.

The distinguished gentleman from New York [Mr. HISCOCK] has said that the number of the line officers of the Navy was entirely too great. I most heartily agree with the gentleman in that statement, and I say here and now that if the Committee on Appropriations desired to make any reduction, they should have made a very much more extensive reduction in the force of line officers, and not have been content with a sweeping reduction of the engineer and other staff officers.

When the distinguished gentleman from New York says that the staff corps of the Navy is larger than it was in 1864, I desire to take issue with him. When he says that the line of the Navy is larger than it was in 1864, I heartily agree with him. The unfortunate thing about this bill is that while it strikes down the staff corps, a corps which has a larger proportion of its officers on active duty than any other—while it strikes that corps down in some instances from 50 to 100 per cent., including the engineers, it does not at all reduce directly the number of the line officers of the Navy, which is greatly in excess of the needs of the Navy.

I find by reference to the Navy Registers that in 1864, in time of war, when every one of our vessels was supposed to be fully manned, we had on the steamship Lancaster eleven line officers, and we now have thirty. We had twelve staff officers; we now have eleven. On the steamers Hartford and Pensacola we had sixteen line officers in time of war, when the ships were fully manned; now we have twenty-six line officers, in time of peace. Engineer officers in 1864, ten; in 1882, six. The same disproportion exists in all our vessels. The staff has not been increased, but, in some cases, reduced. The proportion of staff officers doing sea-service to-day is largely in excess of any other corps. Yet the gentleman from New Jersey in reporting this bill allows the line to remain substantially just where it is, with all its great force of officers in time of peace, and strikes down the staff corps, especially the engineer force, and this against the protest of the engineer-in-chief, indorsed by the Secretary of the Navy.

While I agree to a reduction, while I wish a much larger reduction, I would like to see the reduction begin where it should, with the largely excessive force of line officers. I heartily favor the feature of the bill which retains in the service only enough graduates to fill vacancies.

On January 1, 1882, with two hundred and seventy-three engineer officers, including forty cadet-engineers, we had on sea service a larger proportion than of any other corps, and yet no more than the Secretary of the Navy and the engineer-in-chief say were necessary. We have 52 per cent. of the engineer corps on sea service, but only 48 or 49 per cent. of the line. If we are to reduce at all, we should reduce where the reduction will tell in the interest of economy and fair play. We must not allow a bill to come in here framed insidiously—I venture to say this because there has been and is a jealousy between the line and the staff, between the line and the engineer officers of the Navy—we must not allow a bill to come in here insidiously designed, I fear, to weaken the engineer corps and wipe out the best school of mechanical and marine engineering in the world. Consideration and due reflection should be given by the House to such radical changes in existing law.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, the provision in the bill amounts to this: that the Corps of Engineers—the officers of the staff and those of the line—shall all be graduates of the Naval Academy. The gentleman proposes to strike out this provision, but suggests nothing

in its place. The idea of the Committee on Appropriations was that, to prevent all the differences of opinion, all the antagonisms which have grown up in the service, much to its detriment, it is best that all these officers should have the same mode of appointment, the same course of study, the same certificate of graduation, the same recommendation and examination for the service; that upon the recommendation of the academic board they should go into the particular branches of the service to which their talents or natural aptitude may best adapt them; that after graduating from the academy they should all go to sea together, not knowing themselves who were to be engineers or who line officers; that every young cadet should take his turn in the engine-room, every future engineer should take his watch on deck, so that those who are to control the motive power of the ship may know something about her command on deck, and those who are to be deck officers may know something of the power and capacity of the engines; that afterward those who are assigned to staff duty, such as the engineer service, should pursue a special course of study and training with reference to that particular duty.

Now, it is admitted that there are too many officers in both branches of the Navy. There are one hundred and twenty more engineer officers in the service than there were in 1870. This bill reduces the number to one hundred, but not by striking at any man who is in the service. We propose by this section, when it shall have been perfected according to the views of the committee, to provide that there shall be no reduction in the higher grades. We propose to strike out "thirty-five," in reference to the engineers, and substitute "forty-five." We propose not to strike at anybody who is in the service; we leave all who are there.

[Here the hammer fell.]

Mr. HISCOCK. I move to strike out the last word and yield my time to the gentleman from New Jersey, [Mr. ROBESON.]

Mr. ROBESON. The gentleman from Pennsylvania [Mr. SHALLENBERGER] says that we propose no reduction in the officers of the line. We do. All the cadets who are appointed to the Naval Academy to-day go into the line. The naval cadets are a separate corps. We propose to abolish those twenty-five naval cadets who graduate every year, thus making a reduction to that extent in the line. For every graduate appointed to the staff corps there is a corresponding reduction in the line.

The whole body of the staff will be taken out of the line in time, and the line will be reduced to that extent. We also propose in this bill another reduction of officers of the line. We propose to cut off at the top, as the bill now is, twenty-five commodores, which is a very material reduction.

Mr. SHALLENBERGER. Will the gentleman allow me to ask him a single question?

Mr. ROBESON. Certainly.

Mr. SHALLENBERGER. As I understand it, there is not any real reduction. Our late apportionment bill gives us three hundred and twenty-five members of Congress, thirty-two more than we now have, and there will be thirty-two more nominations than we now have in the Navy. Hence that reduces only a possible twenty-five and increases thirty-two; so that you will have the line greater than at present, and 50 per cent. greater than before.

Mr. ROBESON. But this bill provides that every officer of the staff shall be appointed from that body which now all goes into the line. So by every appointment in the staff you reduce the line one in the future. That is too clear to talk about.

In the year of 1870 the number of engineer officers was two hundred and fifty, in 1874 two hundred and fifty-four, and it is now, including naval cadets, three hundred and seventy-two, nearly ten, quite ten for every ship we have afloat. I would do no injury to any one, but I say we must stop this increase. I am in favor of the educated engineer. I am the father of that system. I appointed the cadet-engineers. I established that school of education. I think it is better, instead of having these three hundred and seventy-two engineers for thirty-seven ships now in commission, and twenty-five more each year, to reduce and let these appointments come where they properly should come from, the representatives of the people. It is a democratic institution which takes these appointments for the staff as well as the line from every district of the country, consolidating every interest, "tarring them all with the same brush," as they say in the Navy, bringing them out of the same port-hole, putting them on the same quarter-deck and in the same engine-room, letting no one feel his superiority over the other, all children of the same beneficent action of a parent government, the ship, instead as now of being in the hands of people with diverse interest and antagonistic feeling with regard to her propulsion in the engine-room and with regard to her movement and direction, being in the hands of one harmonious, smoothly moving establishment.

It will be in the end better for the engineers themselves, better for the line officers, better for the service. If they represent the highest talent of the service, their highest talent will gravitate toward the highest duty.

Mr. KASSON. I wish the attention of the gentleman for a moment to one difficulty which I, in common with others, share in dealing with these questions. I beg him to state for my information and that of others whether this change in the initial system of the Navy is recommended by the Navy Department?

Mr. ROBESON. I will say in answer to the gentleman that it has been carefully considered by the present Secretary of the Navy, and all his heads of bureaus, both line and staff, and is advocated and recommended by them all.

Mr. KASSON. In an official communication?

Mr. ROBESON. No, in a direct communication.

Mr. KASSON. Is there anything to show it?

Mr. BOWMAN. Let me ask the gentleman a question. Does he mean to say——

Mr. KASSON. Permit me to finish.

Mr. ROBESON. I mean to say this change of policy at the academy has been agreed to by all. I have the letter of the chief of engineers on that subject. The reduction of the number of the engineer corps is not agreed to.

Mr. KASSON. The point I wish to be informed about is the authority upon which the House is asked to make an essential change in the organization of the Navy. I am not prepared to argue the question with a gentleman who has once been connected with the Navy Department, and has more knowledge than I have on the subject. There is a principle of action which I think most of the members of the House have felt it important to observe, and that is that either through the proper organization of the House committee a serious modification should be recommended or by the Navy Department itself, and I confess that my vote on many of the provisions of this bill would be guided by that fact. Now, if the gentleman says that the Navy Department has officially communicated either to the House or to his committee an indorsement of this entire proviso which the gentleman from Pennsylvania proposes to strike out, I should be inclined to support it on the strength of the official recommendation; or, if it has been recommended by the Naval Committee of the House. And that is why I ask the gentleman from New Jersey to state simply whether this which is proposed to be stricken out has been officially recommended by the Secretary of the Navy or any naval board, or by the Naval Committee of the House.

Mr. ROBESON. We have no official communication from the Secretary of the Navy addressed to us recommending this particular measure; but the Secretary of the Navy, and I state it as a fact, told me that it was considered by him and his chiefs of bureau, and that all of the provisions which are moved to be stricken out, not those reducing the service, were agreed to by him and by them and met their approval.

Mr. SHALLENBERGER. I think it is due to the committee that we should have any letter bearing upon the subject communicated to the House.

Mr. ROBESON. I will communicate it to the gentleman at any time. I happen not to have it with me at present; but the recommendation was also made directly in that way, as I have stated.

Mr. KASSON. I will only add, Mr. Chairman, the one difficulty which occurs to me in this proposition, as stated by the gentleman in the closing part of his speech, is that I fear we may lose that perfection of training and skill in the engine-room which concerns not only success in naval action, but the permanent safety of the entire armament and the ship itself. If these officers are all to be educated alike, and no special education, no technical training, as has heretofore been given, shall be allowed to the engineers, it is, it seems to me, a radical change in our policy in that regard which may greatly retard, or rather injure, the efficiency of the service.

Mr. KNOTT. I would like to be permitted to ask the gentleman from Iowa a question.

Mr. KASSON. Yes, sir.

Mr. ROBESON. Will the gentleman from Kentucky permit a moment, and then I will yield the floor to him, simply to say that the committee thought this six years of training, both at the academy and on board ship, of the whole crew, the whole mass of cadets, (for we propose to perfect the section,) would give the cadets who go aloft to the deck some practical knowledge of the engine-room; and we propose that the Secretary of the Navy shall have authority to give to the engineers and constructors the same special training that they now have at home or abroad.

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. KNOTT. I renew the *pro forma* amendment for the purpose of saying that I hope the motion to strike out will not be adopted.

I am in favor, Mr. Chairman, of the provision as it now stands, simply because it is, in my judgment, a step in the right direction. It is a a step toward the final abolition of a large class of officers in the naval service who are as utterly useless and unnecessary as would be a fifth wheel to a wagon. I allude to officers on the staff corps. I maintain, sir, that our cadet-midshipmen are educated in the course through which they are required to pass at the academy in all the branches necessary to fit them for the discharge of any duty required of any staff officer.

While this is true, sir, we have pay directors appointed from civil life with the rank of captain, and inspectors with the rank of commander, chief engineers with the rank of captains, and chief engineers of the rank of commanders, and so on with paymasters, assistant paymasters, assistant engineers, and passed assistant engineers, corresponding in rank with the various ranks in the line. Now, sir, when a line officer is abundantly competent and qualified by education to discharge any of the functions of a staff officer, I see no reason why, when occasion requires, he shall not be assigned to that duty instead of having a separate office instituted and main-

tained at the public expense for that purpose. Take, for instance, our engineers. We have, as has been intimated already by the honorable gentleman from New Jersey, ten engineers to every vessel we have in commission, the functions of which might be as easily performed by officers detailed from the line, and possibly better performed in some cases. I have nothing personally to allege against any gentleman in the engineer service of the Navy, nothing whatever; but I know from personal observation, as well as from information, that there is not one of them whose functions may not be well enough, perhaps better, performed by an officer detailed from the line.

While we have ten engineers to every steam-vessel in commission, in the French navy they have no engineers at all. They have artificers, who go down into the engine-room and do the work; and, by the way, that is practically what we are compelled to have now.

Our engineers, with their kid gloves on and handsome uniforms, do not go into the engine-room and perform the duties technically of the engineer. That is done by artificers; and I doubt very much if there is one of them in the whole Navy who ever entered the manhole of a boiler in his life. I say, therefore, that there is little need for this class of officers, since the work is done by the same class of persons who are employed in the French navy for that purpose. With one hundred and seventeen steam-vessels in that navy they have only seventy-eight machinists; and in the English navy they have only three engineers to the vessel in commission, and they are, as I am informed, seriously entertaining the proposition of abolishing them and employing artificers such as are employed in the engine-room of the merchant marine of that great nation.

The CHAIRMAN. The gentleman's time has expired.

Mr. MILLER took the floor and yielded to Mr. SHALLENBERGER.

Mr. SHALLENBERGER. Mr. Chairman, the distinctive feature of this engineer school at Annapolis, which I am sorry to see broken up by this bill, is free competition for admission. This bill proposes to allow the Secretary of the Navy to appoint one cadet from each Congressional district; that cadet to be nominated by the member of Congress from the district. There is therefore an exclusive privilege belonging to only one person in the entire Congressional district every six years.

Now, I say this. The highest talent in mechanics in applied mathematics, in physics, is demanded by the progress of the age for the American Navy.

When we send to sea an iron-clad, when we put in that vessel machinery worth $600,000 or $1,000,000, when we place on her a crew and full corps of officers, treasures of life and property, I say we want the best mechanical talent of the country to be educated in special course for duty in the engine-room, abundantly competent to take hold of such machinery when out of repair and put it in order; abundantly competent, not alone by education, but by practical tests at sea, to design machinery and construct war-ships. It is not as the gentleman from Kentucky has said. On every ship at sea the assistant engineers and the passed assistant engineers do stand watch in the engine-room.

In the present era of steam-vessels the safety, the efficiency, the standing of the Navy largely depend on the engineer corps. But it has few attractions for the average cadet, who prefers the line. Young men everywhere who have a taste and talent for the corps should have the chance as now to compete for it. If we depend on nominations of Congressmen, I fear but few of the best mechanics in the country will be caught, and under this bill, no matter how well fitted a young man may be or how much desire he may have to enter the engineer corps, he is absolutely shut out unless nominated by political influence; and those nominated may have a distaste for the corps.

I do say the growing importance of the engineer corps of the Navy is felt more and more every day. As we are now designing iron-clads, as we are now seeking to raise ourselves up as a nation of the first importance in our commercial marine, we need these educated young men. I favor the provision of this bill for remanding to civil life graduates when vacancies do not exist. But every such graduate goes out an educated young officer who can be called in case of exigency to re-enter the volunteer navy, and thus serve the country which has educated him. And at the same time these graduates will form nuclei all over the land for the diffusion of education in these important branches. [Here the hammer fell.]

Mr. ATKINS. I think the gentleman from Pennsylvania [Mr. SHALLENBERGER] has failed to show the necessity for the adoption of his amendment to strike out the legislation to which it refers. As has been stated by the gentlemau from New Jersey, [Mr. ROBESON,] much better than I can state it, this part of the bill practically consolidates all these different corps in the appointment of naval cadets to fill those places, except those of chaplain and surgeon, instead of taking them from the outer world, as is now done.

The effect of this legislation, Mr. Chairman, is to reduce the number of officers by one hundred and fifty-five. It reduces ten assistant surgeons, twenty paymasters, ten passed assistant paymasters, five assistant paymasters, ten chief engineers, fifty passed assistant engineers, and fifty assistant engineers. This is a very important reduction.

Be it remembered also that this legislation provides that if there is any one of these cadets that may show himself to have peculiar fitness for the Navy, and there is no place for him, he may be allowed to resign with one year's pay. And those who do not come under that head of peculiar fitness, as a matter of course are discharged, as they ought to be.

The gentleman from New York, [Mr. HISCOCK,] the chairman of the Committee on Appropriations, stated this morning, if I heard him correctly, in speaking of the civil establishment of the Navy, that it was top-heavy. We have too many officers for the men in the Navy. This legislation looks to the reduction of this naval force; and it looks to the utilization of all of it that is valuable and fit for the service. It proposes to dispense with the useless material; and it ought to be dispensed with. That needs no argument. The statement of the proposition carries with it its own evidence, and it needs no argument to show that useless material should be dispensed with. We ought to provide for that as we do in this bill. The whole system is top-heavy, and we want to cure that evil.

I hope the House in looking at this legislative provision will see it is for the purpose of strengthening that arm of the service; that it is for the purpose of benefiting it, and at the same time looking to that reform in the service which this Government ought to adopt, if such reform shall prove to be effectual and worthy.

I hope, therefore, that the Committee of the Whole will not strike out this legislation, will not adopt the amendments of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] but will leave the bill as it is in this respect. Although the point of order has not been made against it, I have no doubt that this portion of the bill would have been sustained, for the reason that it is a reduction of expenditures, and therefore within the rule. I withdraw my *pro forma* amendment.

Mr. BLOUNT. I move to strike out the last word. I trust that this side of the House at least will commend the Committee on Appropriations in the matter of reducing the number of officers in the Navy.

It has been admitted for a quarter of a century, in all the reports and in the debates of both Houses of Congress, that one great difficulty in the Navy was that it was top-heavy in the matter of having a useless number of officers. Out of the appropriation of $15,000,000 which this committee has recommended $7,000,000 is for the pay of the officers and men of the Navy. That has been the case for several years.

I hold in my hand the naval appropriation bill for the fiscal year ending June 30, 1882. In that bill there is appropriated for the Bureau of Equipment and Recruiting $825,000; for the yards and docks throughout the whole country $440,000; for the Bureau of Construction and Repair, designed to keep all our vessels afloat, $1,500,000; and for the Bureau of Provisions and Clothing, $1,200,000. Gentlemen can go through all the various appropriations in that bill, and they will find them all meager so far as it relates to the construction and repair of the Navy; but in regard to the pay of officers, enough is appropriated to supply officers sufficient for the entire British navy. We are keeping up officers sufficient to command the best navies in the world, and yet at the same time we are always admitting that of all countries in the world we have the least occasion for a navy.

Various expedients have been resorted to to correct this evil. I remember that at one time Congress provided a board, which, by examination, should reduce the number of officers of the Navy, and in that way met this difficulty. That board met, the number of officers was reduced, and then immediately, in consequence of personal appeals, Congress enacted legislation which reinstated all of them.

That is the difficulty which surrounds us here now. The officers connected with the Navy ramify all portions of the country; they bring social pressure to bear upon all of us. Unrepresented as they are, their influence is exceedingly potent in our midst.

Now, I trust that, notwithstanding all this, when the Committee on Appropriations comes in here proposing a reduction of the number of officers of the Navy to the extent of one hundred and fifty, those of us who have continually denounced this extravagance and have demanded reform will not oppose them on a mere matter of detail.

The proposition here may not be all that we want. I should like myself very much to see some amendments made. But I think that this provision containing this reduction is far better than to perpetuate the present abuse. And I trust that, as these gentlemen on the Committee on Appropriations have concluded to meet the opposition they are likely to encounter from the Navy and from social influences, the Committee of the Whole will see fit to stand by them and commend them in their patriotic purposes.

For one, I take pleasure in giving my support to it, and I trust it will be adopted by this House. And I hope that the gentlemen having charge of the matter will stand by these reforms if the issue is made by the Senate. I withdraw my *pro forma* amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. SHALLENBERGER. I ask for a division on that amendment, and that the vote be first taken upon that portion of my amendment which proposes to strike out the first proviso of this paragraph, beginning in line 27 and ending in line 38; that is, the provision which proposes to abolish the present cadet-engineers.

Mr. ROBESON. You propose to leave the present corps of cadet-engineers?

Mr. SHALLENBERGER. I propose to leave the law as it now stands in that regard.

The first question was upon striking out of the paragraph the following:

Provided, That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large as now provided by law for cadet-midshipmen, and all the undergraduates at the Naval Academy shall hereafter be designated and called "naval cadets;" and from those who successfully complete the four years' course at the academy appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and various staff corps of the Navy and of the Marine Corps.

The question was taken upon that branch of the amendment; and it was not agreed to.

The CHAIRMAN. The question now recurs upon the second branch of the amendment, which is to strike out the second proviso of the paragraph as amended.

Mr. SHALLENBERGER. I will withdraw that amendment.

Mr. ROBESON. I am instructed by the Committee on Appropriations to move to further amend the bill, in line 34, by striking out the word "four" and inserting the word "six;" and also, in line 35, by striking out the words "at the academy;" so that it will read "and from those who successfully complete the six years' course, appointment shall be made," &c.

The amendment was agreed to.

Mr. BOWMAN. I move to amend, in line 37 of the pending paragraph, by striking out the words "and various staff;" so that it will read:

And from those who successfully complete the six years' course appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line corps of the Navy and of the Marine Corps.

I appeal to members for their attention, because I cannot believe that this amendment if understood will be rejected. It has been said that every boy is a possible President. Every shipwright's apprentice working to-day with his ax and saw, every shipwright working in the yard, is a possible naval constructor, looking forward in his ambition to possibly wearing the shoulder-straps. Our present constructors were apprentices and learned their trades thoroughly with ax and saw in hand. The constructors of England and France were dock-yard mechanics, dock-yard apprentices, learning their trades thoroughly.

Here is a body of expert shipwrights in our yards, to whom this career and ambition is now open by the possibility of obtaining staff offices in the Navy. All our constructors and assistant constructors were practical mechanics.

Yet it is proposed by this bill to tell these men, many of them ingenious and all of them educated in their calling, that they shall never do anything but handle the ax and the saw, and that however perfect they may become they will hereafter find that promotion in the line of the Navy is open to no civilian without the stamp of the Naval Academy upon them.

We propose to say, "If you are a young man who has had four years' instruction at the Naval Academy, who has been educated at the expense of the Government, you may thrust aside these shipwrights of twenty, thirty, or forty years' experience in practical work." Under the provision of this bill, the greatest shipwright in England or in this country could not come here to-day and be a constructor unless he went into the Academy; he could not compete for a position of this kind with any boy just out of the Academy who never has had any practical experience.

I do not believe in the apparent tendency of the times to say that a man shall not do the work he is well calculated to do because he has not attained a certain standard of education. You might just as well and just as honestly say that no man shall be a master carpenter, however skilled he may be, or a master mason, however well qualified, or a master architect, however distinguished his ability, unless he has a diploma of graduation from the Naval Academy. Do you believe in experts or do you believe in scholars? Do you believe in practical experts, who have handled the ax, who have learned their trade practically by hard work, or do you believe that scholars who have gone through the Naval Academy shall push such men aside? Is it not better to have open competition throughout the country, to pick out from the whole field the best and most distinguished practical men who will do most credit to the Navy, rather than to say that only graduates shall take these positions which heretofore have been open to civilians? Every one of these offices to which so much credit has attached, the duties of which have been performed so successfully, is to-day filled by a civilian who learned his trade by hard work as an apprentice and learned it practically.

Mr. Chairman, it is not a democratic measure to have this educated aristocracy extend their lines and drive out from the service the skilled mechanics of the country. All that these ask is that if they show excellence and superiority in their business, if they demonstrate that they are the best men, they may come into competition with cadets and may be allowed to obtain these positions if they are qualified for them. Any other principle is undemocratic and wrong. I hope the amendment will be adopted.

Mr. HISCOCK. As I understand the gentleman's proposition, it is that the staff shall be filled from civil life——

Mr. BOWMAN. Just as before, in all the history of the country.

Mr. HISCOCK. That is your proposition—that the staff shall be filled from civil life.

Mr. BOWMAN. That the staff positions shall be open to competition, just as they have been from the foundation of the Government; that these positions, which are generally mechanical or, as in the case of the paymasters, clerical, shall be open to civilians if they are as competent as graduates.

Mr. ATKINS. Are not appointments to the Naval Academy now open to persons in civil life?

Mr. BOWMAN. No, sir.

Mr. ATKINS. Then where do the appointees come from?

Mr. BOWMAN. If the gentleman will allow me to answer, I will say that these appointments, though made from civil life, are made upon the nominations of Congressmen, and are thus confined to a few hundred; they are not open to the great body of mechanics or men in the country; there is no open competition from civil life.

Mr. ATKINS. The Congressman is elected by his constituency.

Mr. BOWMAN. One person out of 140,000 receives an appointment to the Naval Academy.

Mr. HISCOCK. I yielded to the gentleman from Massachusetts to answer my question. If his answer is now complete, I am entirely satisfied. I wish to say that this amendment of the gentleman from Massachusetts would substantially defeat all that the committee has aimed at. I am satisfied that upon this point as upon others we are perhaps to meet with a sharp contest, because it is a question of patronage for somebody; the efficiency of the service is not in view at all; it is simply the perquisites of party, nothing more or less, that are sought to be preserved by this amendment. I certainly hope it will be defeated.

Mr. BOWMAN. I move to amend the amendment by striking out the last word. I would not say anything further if the gentleman from New York [Mr. HISCOCK] had not made a personal charge. He said, as I understood, that everything done here by way of amendment was intended to be for political patronage.

Mr. HISCOCK. I said that the purpose of this amendment is political patronage; that is the object to be gained by it.

Mr. BOWMAN. If the gentleman knew how constructors are appointed he would not make that statement. The gentleman does not know what he is talking about. Naval constructors are appointed upon examination of their skill. I have not heard of any political patronage being used to get constructors or assistant constructors appointed, and it would not amount to much if there was any such patronage. Is it acting for political patronage to oppose a provision which is in the interest of an educated, a privileged class? Is it working for political patronage to appear here for the people and urge that the best mechanics of this country should be allowed to take part in a competitive examination for these offices? It is proposed by this bill to say that these positions shall not be open to the mechanics of the country but only to graduates from a certain academy, who shall take the positions, however unfit they may be for them, however little experience they may have had, and if they have never handled an ax, for it is not supposed—is it?—that they are going into the dock-yard to handle the ax and the saw, and get practically acquainted with the work.

Is it supposed they are going into the ship-yards? Certainly not. Therefore I am willing, if there is any opprobrium in it, to stand here the advocate of the right to free competition and the right of mechanics, even if not educated in a naval academy, even if not scholars, even if not posted in Greek and Latin and French and grammar and the higher mathematics, to come in here and be master shipwrights; for to be a constructor in the Navy Department is to be an expert shipwright, if the appointments are made as they ought to be.

Mr. ROBESON. The future navy is to be of iron and steel, and not to be constructed by the axes of shipwrights, but upon lines and displacements.

Mr. BOWMAN. My remarks apply to machinists just as they apply to shipwrights.

The question recurred on Mr. BOWMAN'S amendment.

The committee divided; and there were ayes 57, noes not counted.

So the amendment was rejected.

Mr. REED. I ask whether there is any serious objection to omitting naval constructors. If not, I will submit an amendment to "except naval constructors."

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk.

Mr. REED. It is to insert after the the word "corps" in line 37 the words "except naval constructors."

Mr. ROBESON. As the future of the navy is to be iron and steel, and special training and education are required in both classes of officers——

Mr. REED. Perhaps it is not entirely certain that will be the result. If we are going to have naval constructors we ought to have practical men, and the Naval Academy can never be brought into such a condition that the whole body of naval constructors can be educated there.

Mr. HISCOCK. I will make a suggestion to the gentleman from Maine to withhold his amendment, as it seems to be confined to naval constructors, till some future time, when we can return to this paragraph.

Mr. REED. I have no objection. I only make the suggestion in the best interest of the service.

The Clerk read as follows:

That the appointment of cadets to positions in the line or in the staff corps shall not create vacancies for appointments to the Naval Academy until two years after the completion of the four years' academic course, as now provided for cadet-midshipmen.

Mr. ROBESON. I am directed by the committee to offer the following amendment. Strike out the paragraph just read and in lieu thereof insert the following:

That the Secretary of the Navy may prescribe a special course of study and training at home or abroad for any naval cadet assigned to a staff corps.

The amendment was agreed to.

The Clerk read as follows:

That the active list of the engineer corps of the Navy shall hereafter consist of ten chief engineers, with the relative rank of captain; fifteen chief engineers, with the relative rank of commander; thirty-five chief engineers with the relative rank of lieutenant-commander or lieutenant, and one hundred assistant and passed assistant engineers with the relative rank for each as now fixed by law; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this act for the several grades.

Mr. ROBESON. I move the following amendment from the committee:

On page 4, line 79, strike out "thirty-five" and in lieu thereof insert "forty-five."

The amendment was agreed to.

Mr. WHITTHORNE. I move to strike out the clause referring to engineers. I do so in the nature of a *pro forma* amendment for the purpose of making the remark that in making this large reduction in this corps, in my judgment, in the future the action of the House taken at the present time will be reversed.

This reduction, if it were equalized in every other corps in the Navy, might be just and proper.

If, again, this House and the country knew what was to be the character of the future Navy of the country it might act advisedly, but from what has happened and from what has been said on this floor it must be known that the future navy of America is to be a steam navy; that we are to resort to steam-vessels almost entirely; that we are to resort to rams and torpedoes; that the duties imposed on engineer officers are to be increased rather than decreased, are to be multiplied rather than diminished. You have put the pruning-knife into this corps very largely. You have not done so correspondingly in the other corps of the Navy. When gentlemen come practically to reflect on this they will see the *personnel* of the Navy is its most material and necessary branch. I believe for one, sir——

Mr. HISCOCK. Will the gentleman allow me to ask him a question?

Mr. WHITTHORNE. Certainly.

Mr. HISCOCK. What does the gentleman understand to be the practical duties of the members of the engineer corps?

Mr. WHITTHORNE. If the gentleman will possess himself for a moment I will answer him. I was going to say this corps ought to be reorganized. If I individually had the power I would diminish the number of engineer officers and increase the class of men known as machinists. I would make the engineer corps a corps of skill and talent. I would make them what they are now, practically, supervising officers or overseers of the work of the machinists of the Navy. But, sir, without attempting that kind of reform, or that kind of reorganization, you come in ruthlessly and cut down a number of officers without regard to what may be the demand of the Navy and the country in the future.

I have made, sir, these remarks and my proposition to amend, only for the purpose of calling the attention of the committee to this matter, and giving notice that in my judgment the future action of Congress will be to reverse what is done here to-day in this respect.

I withdraw the amendment.

Mr. ATKINS. My colleague will observe that we do not reduce the number of chief engineers at all. They remain just as they are.

The Clerk read as follows:

For pay of the retired list, namely: For forty-two rear-admirals, twenty commodores, twelve captains, ten commanders, fifteen lieutenant-commanders, eight lieutenants, eleven masters, five ensigns, two midshipmen, twenty-two medical directors, two medical inspectors, two surgeons, five passed assistant surgeons, seven assistant surgeons, nine pay directors, two pay inspectors, three paymasters, two passed assistant paymasters, one assistant paymaster, nine chief engineers, nineteen passed assistant engineers, twenty-five assistant engineers, nine chaplains, seven professors of mathematics, three naval constructors, ten boatswains, five gunners, thirteen carpenters, and ten sailmakers; in all $697,925: *Provided*, That hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That when a vacancy in the grade of rear-admiral shall occur in time of peace, it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy: *And provided further*, That any commodore over whom a junior in rank is thus promoted may, upon his own application, be placed upon the retired list with the rank and pay of rear-admiral; and the provisions of the laws retiring other naval officers shall apply in all respects to the Admiral and Vice-Admiral of the Navy. And sections 1446 and 1461 of the Revised Statutes of the United States are hereby repealed, except that such officers as have upon the recommendation of the President of the United States received by name a vote of thanks of Congress shall receive the full pay of their grade until they shall have been fifty-five years in the service of the United States.

Mr. MORSE and Mr. ATKINS addressed the Chair.

Mr. KASSON. I wish to reserve the point of order upon one of the provisions of this section.

Mr. ATKINS. I raise the point of order upon that portion of the paragraph contained between lines 124 and 127, beginning with the words "and provided further" and ending with "rear-admiral."

Mr. CALKINS. Will the gentleman from Tennessee allow me to suggest that he reserve the point of order while I move to strike out the whole paragraph?

Mr. MORSE. That is a motion that I had intended to make.

Mr. ATKINS. I would prefer not, for the reason, I will state to the gentleman from Indiana, that with the exception of the words referred to by myself, and upon which I have made the point of order, I prefer that the remainder of the paragraph should not be stricken out. For that reason I would rather not yield for the motion.

Mr. CALKINS. If the gentleman will allow me, if the whole paragraph goes out on the motion to strike out, then of course the words he objects to as being subject to the point of order will go out also.

Mr. ATKINS. But I do not want the whole paragraph to go out.

Mr. CALKINS. If the gentleman will bear with me a moment, it perhaps will save time if he will allow me to make this motion, because if the point of order is made now and discussed, and subsequently a motion is made to strike out the whole paragraph, which prevails, of course the time taken in the discussion of the point of order will be that much time lost.

Mr. ATKINS. I will state the point of order and let it be determined before the other motion.

Mr. KASSON. I desire to reserve the further point of order on that portion of the paragraph after the words "rear-admiral," in line 127——

The CHAIRMAN. The Chair can entertain only one point of order at this time. The gentleman from Tennessee is recognized.

Mr. BLOUNT. I desire to make the point of order upon the proviso beginning with line 118——

Mr. ATKINS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. I have made a point of order on a portion of this paragraph, and believe the Chair has recognized me to enforce it.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. ATKINS. Now, the gentleman from Georgia is making another point of order, and I am afraid unless one or the other is decided we may get into confusion.

Mr. BLOUNT. I am only calling attention to this portion of the paragraph which I believe is subject to the point of order, but do not desire now to press it upon the attention of the committee.

Mr. ATKINS. The language I have referred to, Mr. Chairman, is new legislation and not in the interest of economy, and therefore obnoxious to the rule.

Mr. CALKINS. Will the gentleman state the language to which he objects?

Mr. ATKINS. I will read it, beginning with line 124:

And provided further, That any commodore over whom a junior in rank is thus promoted may, upon his own application, be placed upon the retired list with the rank and pay of rear-admiral.

Now the pay of a commodore at sea is $5,000 per annum, on shore duty $4,000, and on leave or waiting orders $3,000 per annum; while the pay of a rear-admiral is $6,000 at sea, $5,000 on shore duty, &c., while three-fourths of these amounts is retired pay.

Now, if a commodore shall be retired upon a rear-admiral's pay, he would be retired at a sum equal to his own pay while on the active list; and therefore there would be no economy whatever in the retirement of such an officer. Let the commodore retire upon the commodore's pay. None of these officers are compelled by this bill to be retired, but they may be retired. However, the bill does not enforce it; but if they are to be retired on the pay of a rear-admiral they will be retired on the same pay as they are entitled to under the law while on active duty. The bill as it stands would increase the expenditures of the Government some $12,000 per annum. I maintain, therefore, that the portion I have read is subject to the point of order.

Mr. CALKINS. Mr. Chairman, I would like to be heard on the motion to strike out.

The CHAIRMAN. The Chair desires to hear discussion upon the point of order before entertaining the proposition to amend.

Mr. CALKINS. There is another provision of the bill which is also obnoxious to the point of order, and which has been raised by the gentleman from Iowa.

The CHAIRMAN. There cannot be two points of order pending at the same time. The Chair will hear the gentleman from New Jersey on the point of order.

Mr. ROBESON. Mr. Chairman, this whole provision is a provision to clear from the service the twenty-five commodores whose pay on shore duty is $5,000 per annum, making a reduction in the number of officers and a reduction in the amount of salary when executed of $125,000 a year.

Mr. ATKINS. Will my colleague on the committee allow me to suggest that that is when they are all retired?

Mr. ROBESON. Undoubtedly. The whole scope of the provision

looks to that; and that is what the new legislation is intended for. Now, as a qualification of that new legislation, and in the order of its processes, we make a provision, to make it just, which stops that reduction perhaps $12,000 when it is done; but that is all. This proviso is only a qualification of the other, and the whole provision is a provision which looks to economy and retrenchment in the public service. It will not do to say when you have a provision for retrenchment that every word in it shall look to retrenchment, that everything in the provision must tend toward it. Suppose we should say that we shall strike down a man's salary $5,000, less $500; that looks to $4,500 reduction. Is the whole provision because of the proviso "less $500" obnoxious to the point of order, while the whole provision and the very aim of it is to accomplish the purpose of retrenchment? Every proposition of this kind must be made up of parts. All advance in the direction of economy must be by separate steps. When you make them part of the whole movement, one step may be behind the other; but if the whole proposition is in the line of economy it is not open to objection.

The CHAIRMAN. The Chair is of the opinion that the three provisos should be construed together as each one relates to the other. The first proviso is that hereafter promotions to the grade of rear-admiral shall be made by selection from the grades of commodore and captain, and that no more promotions to the grade of commodore shall be made. If the Chair is rightly informed the promotion necessarily involves an increase of pay; and while the Chair has not had time to give the point as much of his attention as he should have liked to do the Chair is of the opinion the point of order is not well taken.

Mr. BLOUNT. I raise the question of order on the proviso beginning with line 118, which is as follows:

And provided further, That when a vacancy in the grade of rear-admiral shall occur in time of peace it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy.

It cannot be said this provision is any part of this scheme looking toward retrenchment. The simple idea of this provision is as to the mode of promotion. Under the law as it now stands an officer would go up by seniority. This proviso directs a board shall be convened of three officers, who shall select the names of five officers to be recommended to the President, one of whom he shall nominate to fill the vacancy. With this provision out, the remainder of the paragraph would not be at all interfered with. This stands entirely by itself. It is new legislation, and it does not retrench at all.

I do not propose now to discuss this on its merits. The gentleman from New Jersey [Mr. ROBESON] will hardly allege that this proviso is not a change of existing law, or that it contributes to this part of the bill anything in the nature of retrenchment.

Mr. HISCOCK. The answer of the gentleman from New Jersey to the point of order made by the gentleman from Tennessee is a perfect answer here to the point of order made by the gentleman from Georgia. If you read the whole paragraph together it is clear what it seeks to accomplish and what it will accomplish. It gets rid of one grade of officers in the Navy and in the end terminates the expense of that grade in the Navy. In the end no appropriation will be necessary to be made for the pay of that grade. This is one of the provisions by which that result is worked out. You cannot single out one of those provisions and strike it down; they are interwoven; they are together a system which produces a certain result, and that result, as I have stated, is in the line of retrenchment.

Mr. BLOUNT. I am surprised at the argument of the gentleman from New York, which is made up of assertions directly in contradiction of what appears in this paragraph. This proviso has nothing to do with abolishing the office of commodore. It is a naked provision, standing by itself, and is no part of the system the gentleman has referred to. It simply provides when a vacancy in the grade of rear-admiral shall occur in time of peace it shall be filled by the intervention of a board instead of by seniority. It does not make any part of this system. It does not touch it. Every other provision would operate completely without it.

Mr. HISCOCK. It is absolutely necessary to have this board in order to get rid of that intermediate grade.

Mr. BLOUNT. I will read it again:

And provided further—

If it were in a separate paragraph it would have just the same effect.

And provided further, That when a vacancy in the grade of rear-admiral shall occur in time of peace, it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy.

Is that a part of any system to abolish the office of commodore? Would not the provision on that subject operate without it? Does not this stand nakedly and alone, and would this bill be touched at all as regards this part of it, if this stood in a separate paragraph?

I can well understand the disposition of the gentleman from New Jersey to carry successfully every provision of this bill through; but I cannot understand how he should insist the point of order does not lie against this proviso.

Mr. ROBESON. The proviso against which my friend from Georgia has made his point of order is not only open to the same construction as that to which the point of order was made by the gentleman from Tennessee, but it seems to me the case is still stronger for this proviso on the point of order. It is a part of the provision which permits the appointment of a captain to be rear-admiral without any promotion to the corps of commodores, whereas if it were not for that provision there would be a new officer put into the line of commodore; it would make a new commodore. This decreases expenditure by leaving out of that movement one commodore for every promotion to rear-admiral, provided a captain is appointed.

The CHAIRMAN. The Chair thinks that if the point of order made by the gentleman from Georgia [Mr. BLOUNT] were made against this provision standing by itself, and not in connection with the other provisos in this paragraph, it might be a sound one. But from line 112 to line 129 inclusive, in the judgment of the Chair, each provision relates to the others, and one cannot be stricken out without affecting the others. These provisions, in the judgment of the Chair, by intention upon their face retrench expenditures, and therefore the Chair overrules the point of order.

Mr. KASSON. I desire to make a point of order against that portion of the paragraph after the word "rear-admiral" in line 127, believing that the Chair is in error in regarding, if he does, what follows that word as part of the scheme of retrenchment contained in this paragraph.

I call the attention of the Chair to this point: all of the paragraph after the word "rear-admiral," in line 127, relates exclusively to the two grades of Admiral and Vice-Admiral. No officer is affected by the remainder of this paragraph except the Admiral and Vice-Admiral. Those officers have no successors, their offices terminating with the lives of the present incumbents, and no officer succeeding them in those offices.

If the Chair will examine lines 134, 135, and 136 of this paragraph he will find that they propose a change of law so as to retire the Admiral and Vice-Admiral, but that change does not effect a retrenchment of expenditures. That portion of the paragraph provides that an officer who has "received by name a vote of thanks of Congress" shall receive the full pay of his grade until he shall have been fifty-five years in the service of the United States.

My point of order is that all of the paragraph after the word "rear-admiral," in line 127, affects only the two officers I have mentioned, the Admiral and Vice-Admiral, and is a change in existing law without effecting any retrenchment of expenditures.

The CHAIRMAN. Will the gentleman from Iowa [Mr. KASSON] send up the law to which he refers?

Mr. KASSON. I send up the Revised Statutes, and call the attention of the Chair to sections 1446 and 1461.

The CHAIRMAN. The Chair is of opinion that the point of order made by the gentleman from Iowa, [Mr. KASSON,] that the portion of the paragraph referred to by him changes existing law and that it does not retrench expenditures, is well taken, and therefore the Chair sustains the point of order.

The committee rose informally, and Mr. BRIGGS took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, a joint resolution of the following title:

Joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. CALKINS. I move to strike out of the pending paragraph the provisos contained in lines 112 and 124 inclusive.

The portion proposed to be struck out is as follows:

Provided, That hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That when a vacancy in the grade of rear-admiral shall occur in time of peace it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy.

Mr. CALKINS. There are two points to which I desire to call the attention of the committee, and which are contained in that portion of the paragraph which I have moved to strike out. The rank of commodore in the Navy corresponds with the rank of brigadier-general in the Army. Now, if you allow the provisions of this bill to remain as they now are, you will in time have a navy without any intermediate rank between that of captain and that of rear-admiral.

By the law as it now stands, (the law of 1866,) provision is made for twenty-five commodores in the Navy, to thereafter remain upon the active list, corresponding in rank, as I have said, with brigadier-generals in the Army. There would be just as much sense and pro-

priety in striking down the rank of brigadier-general in the Army as there is in striking down the rank of commodore in the Navy.

When this rank was created the doors were opened for the promotion of certain officers who had earned their positions in the Navy by service in the awful conflict of war. Many of them went into the Navy because, under the law as they saw it, they could tell precisely at what time they might attain the rank of commodore if the law remained substantially unchanged, and therefore be released from some of the hardships of actual service on water, and be enabled to remain the balance of their lives holding this honorable rank of commodore of the Navy. This was one of the inducements which was held out by Congress to men to enlist and become permanently a part of our Navy. To say to these men now after years of service, "We will sweep your rank from under you; we will stop your promotion, and allow you to remain the rest of your lives with the rank of captain which you now have," is simply practicing false pretenses upon them.

It is not the part of wise or honorable legislation in my judgment, after we have held out this inducement to these men, to deny them now, when they are falling into the "sere and yellow leaf," the promotion we have promised them.

More than that, we said to the brightest boys who graduated from our naval schools, "if you will stay in the Navy, the office of commodore awaits you after you have attained a certain age." And now, after they have given the best part of their lives to this service, to deny them this promotion is ingratitude. This committee ought not to hesitate one moment to strike out such a provision. As to the saving, it amounts to only $7,000 a year—a mere bagatelle, a pittance; no man can ground his vote upon that.

Mr. Chairman, if I could reach the ear and the heart of this committee, no member here would vote to retain this provision in the bill; but in the five minutes allowed me I must simply make an appeal to the younger men of the House and the country, and say to them, "Do not let the younger men of the Navy be sacrificed; give them this rank." We all know how the advance of one grade in the Army or Navy is cherished by these officers. I have in my hand letters of Lord Nelson, one of the grandest sailors, if not the grandest, that ever commanded a ship on the ocean. In one of these letters he says that the smallest advancement in rank is worth to him as much as one of his hardest-earned victories is to his country.

Mr. Chairman, I protest against this provision as an act of injustice and ingratitude to these young officers whom we have induced to enter our Navy.

[Here the hammer fell.]

Mr. UPDEGRAFF, of Ohio, obtained the floor, and yielded to Mr. CALKINS.

Mr. CALKINS. Mr. Chairman, I hope to see in my life-time the American Navy standing as it did at the close of the war, at the head of all the navies of the world. We have the material. We have the best sailors. We have the best educated men from whom to select its officers. We are advanced as far in all the arts, sciences, and appliances necessary to build up a navy as any nation of the world. I am in favor of holding out to these men every inducement to make the American Navy what it will be, if we give it half a chance, the best that floats on the sea.

This bill also provides for a board of examination. Mr. Chairman, I am not in favor of allowing the Army or the Navy to entangle itself in any way with the politics of the country. I ask attention to the provision of this bill by which a board is to be appointed to select five captains or commodores for promotion to the rank of admiral when vacancies occur, from whom the President is to make a selection of one. I would rather trust this power with one man, as at present, than allow so many to make these recommendations for promotion. The men, with whom this board have not been intimately associated, who have not served under them, although they may stand away up on the list of captains, will naturally be overlooked in recommendations for promotion, because the officers of the board have not had such personal knowledge of their services as they may have had of those in the junior ranks, with whom they have been associated. In this way the board is liable all the time to do injustice.

The men composing this board will of course be subject to the same influences as other men. It may be that an officer desiring promotion is intermarried with the family of some member of the board or connected with him by the ties of kinship. We can imagine how strong would be the motive in such a case to send to the President for appointment the name of this relative. I submit that this provision should be stricken from the bill, and the power of promotion remain where it is at present—with the Secretary of the Navy and the President.

Mr. ROBINSON, of Massachusetts. Is there not some constitutional objection to this clause providing that a board shall select five officers and that the President must nominate for promotion one of the five?

Mr. CALKINS. Yes, sir; there is a constitutional objection to it, which I have not time to advert to.

Mr. ROBINSON, of Massachusetts. The bill proposes to confine the President in his selection to the five men named by this board, whereas apart from this provision he could select from the whole field.

Mr. BRIGGS. There is nothing in that constitutional objection. If it were sound, Congress would have no right to provide that the President, in making promotions, shall select from the rank next below that in which the appointment is to be made.

Mr. McLANE. I should like to ask the gentleman from Massachusetts, while he is on that point, whether it is not manifestly an unconstitutional provision? What right has this Congress to control the President of the United States in nominating a rear-admiral?

Mr. CALKINS. From any class of men.

Mr. McLANE. The power is in the President to nominate.

Mr. ROBESON. If the gentleman will admit that, and say the law is that now, and take that position, I have no objection; but the law is not so now.

Mr. CALKINS. All this will be obviated if gentlemen will simply vote this provision out of the bill and let the bill stand with this eliminated, as I hope they will do.

[Here the hammer fell.]

Mr. ROBESON. I move to strike out the last word.

Now, Mr. Chairman, I know no person with whom I would rather agree than my friend who has just taken his seat. I recognize the qualities of his heart as well as those of his head, and I think if he understood this question better as to the matter of information he would change his opinion.

As the law now stands the President has no volition at all, constitutional or unconstitutional. As the law now stands, and has been followed for the last fifty years, he has no volition.

In a time of peace admirals are appointed as men grow old, only the survival of the stupidest on the roll instead of the promotion of the best. [Laughter and applause.] That is true. The man with brains and energy, the man of character and activity, wears out and frets out before he has a chance to reach the rewards of his profession. But the man who takes neither interest in his country nor in his service, but who vegetates along from year to year on the pay his country gives him, survives, and, by reason of lapse of time, when he gets too old to do duty he is made a rear-admiral to command the fleets of the country. That is just what happens now, with a few highly honorable exceptions. The brains, the capacity, the nerve, the advancement, the talent, the progression of the Navy has no chance.

Now, then, who does it interfere with? We have cut down the staff officers of this Navy about one hundred and forty-five by this bill. We strike at the line with even-handed justice. Whom do we strike? We strike the twenty-five commodores, men who have no parallel in any naval service in the world.

No naval system of any European country has a commodore. He is too big for a ship and too small for a squadron. [Laughter and applause.] He can command nothing but a navy-yard, or be the chief of a bureau. We never had him in the service before the war. Post-captain was the highest legal grade in the service. Men were called commodores by courtesy when they had commanded squadrons. All our naval battles were fought and carried by captains.

When we came to reorganize the Army and Navy, in order that there might be a regulation of even precedence, in order that there might be some officer to correspond with brigadier-general in the Army, a new grade was created, one-half horse and one-half alligator, [great laughter,] good for nothing in any organization of the service in the world.

There are many honorable men among them. They could not help getting there. *Anno Domini* was too much for them. [Laughter.] They were growing old and were promoted in the regular course of succession from captains to commodores.

We propose this: that the admirals of the Navy who are to command our fleets in time of war, who are to do the directing and fighting, shall be taken by selection, not by this regular course of degradation, but shall be taken by selection from the whole list of captains.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROBESON. I would like to conclude these remarks.

Mr. CALKINS. I will withdraw the amendment and you can renew it.

Mr. ROBESON. I renew it. Now, then, Mr. Chairman, who is injured by this? Not the young men of the Navy. The only people who are possibly injured are a few captains who stand near the top of the list, and they are injured, how? Because we have provided that there shall be no more promotions to the rank of commodores and it shall die out——

Mr. CALKINS. Will the gentleman allow me to ask him a question?

Mr. ROBESON. Certainly.

Mr. CALKINS. How can you interfere with the top of the list without injuring it all the way down?

Mr. ROBESON. I will show you. Twenty-five or thirty in the rank of captain will remain captains for the next ten or fifteen years anyhow. Five or six years will enable us to get clear, under this process, of this grade of commodore without doing any injury to any individual man, and the men that are now in the body of the captaincy, or who are in the body of the commanderships, will then be just twenty-five numbers nearer the head of the list.

Mr. KELLEY. I would like to ask the gentleman from New Jersey whether every grade is not affected just as well as the captains and commanders?

Mr. ROBESON. I will state to the gentleman——

Mr. HISCOCK. I hope the gentleman from New Jersey will yield, so that I may make a motion that the committee now rise, as it is nearly five o'clock, when by an order of the House a recess is to be taken.

Mr. ROBESON. I will yield to the gentleman for that purpose.

Mr. HISCOCK. I move that the committee do now rise.

Mr. HEWITT, of New York. Will the gentleman from New York allow me to offer some amendments to be printed in the RECORD?

Mr. HISCOCK. Not to be offered as pending amendments?

Mr. HEWITT, of New York. No, sir; simply offered for information, to be printed in the RECORD.

Mr. HISCOCK. I have no objection to that.

Mr. HEWITT, of New York. Then I offer the following amendments, to be printed in the RECORD:

Provided, (1.) That from and after the passage of this act all matters pertaining to the design, construction, equipment, armament, manning, and repair of all vessels now belonging to the Navy, or that may hereafter be built, rebuilt, or purchased for the Naval service, shall be submitted by the chiefs of bureaus of the Navy Department to the Secretary of the Navy, who shall submit them to an advisory board for examination and report as hereinafter provided.

This advisory board shall be composed of six commissioned officers of the active list of the Navy, who shall be selected as follows: one from either of the grades of rear-admiral or commodore; one from the grade of captain; one from either of the grades of commander or lieutenant-commander; one from the grade of lieutenant; one from the grade of chief engineer, with the relative rank of captain, commander, or lieutenant-commander; and one from the grade of naval constructor, with the relative rank of captain, commander, or lieutenant-commander.

The members of this advisory board shall take rank and have precedence at all times, in all places, and under all circumstances, according to the dates of their respective commissions as officers of the Navy.

The first term of service of the first senior member of this advisory board shall be one year; the first term of service of the first member second in rank shall be one year and six months; the first term of service of the first member third in rank shall be two years; the first term of service of the first member fourth in rank shall be two years and six months; the first term of service of the first member fifth in rank shall be three years; the first term of service of the first junior member shall be four years.

The second term of service and all subsequent terms of service of all other members shall be three years.

The five senior members of the advisory board shall not be eligible for two or more consecutive terms of service.

The junior member of the advisory board shall not be eligible for more than two consecutive terms of service.

The members of this advisory board shall be appointed by the President, by and with the advice and consent of the Senate.

Officers who are for the time being chiefs of bureaus of the Navy Department shall not be eligible for appointment as members of this advisory board.

Vacancies in the membership of this advisory board shall be filled for the unexpired term only. Promotion to a higher grade of any member shall not create a vacancy, but retirement from active service from any cause whatever of any member shall create a vacancy.

Members of the advisory board shall not be removed for any cause whatever without trial by court-martial, and only by sentence thereof in due form according to law.

Any member of the advisory board who may, from any cause whatsoever, be absent from the meetings of the board for six consecutive weeks shall by virtue of such absence be deemed no longer a member of the board, and shall not be eligible for reappointment.

A new member shall be appointed by the President, by and with the advice and consent of the Senate, for the unexpired term of such member.

It shall be unlawful for the President, the Secretary of the Navy, or any one in authority to give any order to any member of the advisory board, during the term of office of such member, that would prevent his attending the meetings, participating with the fullest freedom in the discussions and proceedings, and recording his vote on all questions that may come before the advisory board.

The discussions, proceedings, votes, and conclusions of this advisory board shall be recorded exactly as they occur, and at the time, by a sworn stenographer under the immediate supervision of the recorder of the advisory board, who shall be held responsible for the accuracy of the report.

The proceedings of the advisory board shall be conducted with open doors, in an orderly manner, and according to rules to be established by the board.

Four members shall be a quorum; and a vote of four members shall be requisite to adopt, alter, or amend any rule.

The record of the proceedings shall be preserved in the archives of the Navy Department and shall be accessible to all citizens of the United States who may desire to examine them.

The Secretary of the Navy shall be the president ex-officio of this advisory board.

The junior member shall be the recorder.

The Secretary of the Navy may, at his discretion, take part in person in the deliberations, proceedings, and discussions of the advisory board, and he may at his discretion record his vote for or against any measure.

In the absence of the Secretary of the Navy the senior member present of the advisory board shall preside.

Whenever there may be a tie vote in the advisory board the presiding officer shall notify the Secretary of the Navy who shall then vote on the pending question and decide it.

The advisory board shall proceed immediately to the consideration of all matters submitted to it by the Secretary of the Navy, and in the order in which they are submitted, unless the Secretary of the Navy shall direct in writing that any particular measure or measures shall have precedence.

The meetings and sittings of the advisory board shall be continuous daily, except Sunday, from 10 a. m. until 3 p. m. pending the consideration of any measure submitted to it that shall have been accompanied by a notification that its decision on such measure or measures is required with all possible dispatch consistent with a thorough examination of the questions involved.

The advisory board shall have power by a vote of the majority to summon and examine under oath, in accordance with the rules prescribed for naval boards, any officer, enlisted or appointed man of the Navy not on duty in a commissioned vessel on a foreign station, any civil employé of the Navy or any contractor engaged in work for the Navy, but such examination shall be promptly proceeded with, and shall not extend beyond the matter or matters immediately under consideration.

In the event of two-thirds of the advisory board desiring to summon any officer on duty or on a vessel in commission in a foreign station, the Secretary of the Navy shall issue the requisite order to such officer unless the public interest would materially suffer thereby, in which case a full statement of his reasons for declining to issue the order shall be communicated to the advisory board and spread on the record of its proceedings.

No vessel shall be purchased for the Navy until this advisory board has made a thorough examination into her condition and a practical test of her qualities and submitted a report, signed by the majority, that she is adapted to the service required of her in the Navy, and that her value is equal to the price agreed upon by the Secretary of the Navy and the owner.

No vessel shall be built or rebuilt for the Navy until detailed designs specifications, computations, and estimates for the hull, motive power, armament, and equipment shall have been carefully examined in every particular and approved of in writing by a majority of this advisory board.

Detailed plans, specifications, and estimates for repairs to all vessels of the Navy involving an expenditure of $10,000, or more, shall be submitted to the advisory board for examination and approval before they shall be executed.

The advisory board may, at the discretion of the majority, before rejection, return to the Secretary all or any part of the designs, specifications, computations, and estimates for building, rebuilding, repairing, arming, equipping, and manning any vessel of the Navy, with their objections in writing specifically set forth, in order to afford the bureau having cognizance of the parts objected to by the advisory board an opportunity to modify or alter the designs, specifications, computations, and estimates.

The decision of the advisory board shall be final on all matters pertaining to the construction, repair, equipment, armament, and manning of all vessels that now belong to the Navy, and all vessels that hereafter may be built, rebuilt, or purchased for the naval service, except as hereinafter provided.

These decisions shall be signed by those voting therefor, and shall be communicated to the Secretary of the Navy immediately after they are arrived at.

No minority reports or protests of any kind shall be submitted.

The Secretary of the Navy shall not alter, amend, or modify any decision of the advisory board; but he shall have power to reject such decision.

Whenever he shall deem it his duty in the interests of the public service to reject such decision, he shall immediately place on file, with the proceedings of the advisory board, a written statement setting forth in detail his reasons therefor.

The Secretary of the Navy shall cause to be executed all decisions of the advisory board which he shall not reject.

The chiefs of bureaus having cognizance of all matters affected by the decisions of the advisory board shall duly execute these decisions without regard to their individual judgment, opinions, or wishes.

Any person in the naval service who shall violate any provision of this act shall be punished as a general court-martial may decide.

A penalty not exceeding $5,000 and imprisonment not to exceed two years may be inflicted on any civil officer of the Government or any contractor for the Navy who shall be found guilty of violating any part or parts of this act.

All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HISCOCK. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. PAGE reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. No. 6616) making appropriations for the naval service of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no conclusion thereon.

VACATION OF ORDER FOR EVENING SESSION.

Mr. HISCOCK. Mr. Speaker, I ask unanimous consent that the previous order of the House providing for a recess from five o'clock until eight o'clock this evening be vacated for this day.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. No. 58) to print Dr. John L. Hayes's pamphlet upon the husbandry of the Angora goat;

A bill (S. No. 1020) to authorize the construction of a bridge across the Arkansas River at the town of Van Buren, Crawford County, Arkansas;

A bill (S. No. 1810) to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois;

A bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington; and

Joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington.

Mr. BELMONT, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes.

Mr. WARNER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes.

PRIVATE LAND CLAIM, ANTONIO VACA.

Mr. PACHECO, from the Committee on Private Land Claims, reported back the communication from the Department of the Interior respecting the private land-claim case of Antonio Vaca, with a recommendation that an appropriation be made in compliance with the request of the Secretary of the Interior; which was referred to the Committee on Appropriations.

AMERICAN CITIZENS IMPRISONED ABROAD.

Mr. HILL. Mr. Speaker, I ask unanimous consent to present a petition of the Davitt Land League of Paterson, New Jersey, in re-

gard to American citizens imprisoned in Ireland, with request that the same be referred to the Committee on Foreign Affairs, and printed in the RECORD.

There was no objection, and it was ordered accordingly.

The petition is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Members of the Davitt Land League, Paterson, New Jersey, respectfully call the attention of your honorable body and the Committee on Foreign Affairs to the following facts that have been brought to their notice in the debate in the British House of Parliament on Thursday last, which is as follows:

"The House took up clause 12, which provides for the application of the alien act to aliens in Ireland.

"Baron de Worms, who on Monday had given notice that he would ask Mr. Gladstone whether the United States Government had refused to agree to the expulsion of American suspects from Ireland as a condition for their release, asked if there were any Americans still confined there.

"Sir Charles Dilke, in reply, said he 'believed there were still some American citizens imprisoned in Ireland.'"

We desire to know if this is true. When England has released her own subjects, is it solely because of their American citizenship she continues to keep those Americans in prison? How long shall these things be? Hoping for a favorable report, we respectfully submit the above for your consideration.

CONDEMNED CANNON—CHICOPEE, MASSACHUSETTS.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes, and that the same be put upon its passage.

There was no objection.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to deliver to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, four condemned cast-iron cannon for monumental purposes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY APPROPRIATIONS.

Mr. HISCOCK. I desire, Mr. Speaker, to call up from the Speaker's table the joint resolution (H. R. No. 248) adopted this morning by the House, providing temporary appropriations for the expenditures of the Government, with the view to concurring in the Senate amendments thereto.

The SPEAKER. The Senate amendments will be read.

The Clerk read as follows:

Strike out, where it occurs in the joint resolution, the words "fifteen days" and insert in lieu thereof "twenty days;" so that it will read "for a period of twenty days from and after that date." Also strike out the word "fifteen," where it occurs the second time in the joint resolution, so that it will read as "twenty days' time bears to the whole of said fiscal year."

Mr. HISCOCK. I move to concur in these Senate amendments where they occur in the joint resolution.

The motion was agreed to.

Mr. HISCOCK moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRAND ARMY OF THE REPUBLIC, BISMARCK GROVE, KANSAS.

Mr. HASKELL. I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas, and that the same be put upon its passage.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c. That the Secretary of War be, and he is hereby, authorized to supply the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas, to be held in September, A. D. 1882, four pieces of artillery and such tents as can be conveniently spared, taking a sufficient bond for the return thereof after the encampment in as good condition as when received, all cost of transportation and other expenses to be borne by said encampment.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF CANNON.

Mr. CANNON. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

Mr. HOLMAN. I wish to ask the gentleman from Illinois whether it would not be better to pass a general law on this subject and leave its administration to the Secretary of War?

Mr. CANNON. I think it would. At the same time, as quite a number of such bills have already been passed, I hope my friend from Indiana will not object to this one.

Mr. HOLMAN. I do not object.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to deliver to the Grand Army of the Republic Post at Westminster, Massachusetts, four condemned cast-iron cannon for monumental purposes; and also four condemned cast-iron cannon to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

GRAIN MILLS ON CANADIAN BORDER.

Mr. HAMMOND, of New York. I ask unanimous consent to take from the Speaker's table for present consideration and passage the bill (S. No. 1026) to permit grain brought by Canadian farmers to be ground at mills in the United States adjacent to Canadian Territory, under such rules and regulations as may be prescribed by the Treasury Department.

Mr. REAGAN and Mr. BAYNE reserved the right to object until the bill should be read.

The bill was read.

Mr. KASSON. This is a bill identical with one which has been reported by the House Committee on Ways and Means, and I suppose there will be no objection to it.

Mr. REAGAN. It seems to me that to permit grain in this way to come in free of duty would be a practice liable to abuse. I would suggest also that those who are urging high protection must take the bone along with the meat. I must object to the present consideration of the bill.

Mr. KASSON. I ask the gentleman to hear me for a moment. This is a practice that has continued for sixty years, until recently an officer of the revenue decided it was against the letter of the law. This bill is only to meet the case of those who come with wagon-loads of grain from Canadian territory to the nearest mill on our side and take back the grist, except the toll, which they leave behind.

Mr. BERRY. Have they got no mills on the Canadian side?

Mr. McKENZIE. If the bill is before the House I move to amend it by putting salt on the free list.

Mr. TOWNSHEND, of Illinois. And pig-iron.

The SPEAKER. Is there objection to the present consideration of the bill?

Several members objected.

HENRY Z. BLINN.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 6684) authorizing the muster-in and discharge of Henry Z. Blinn; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ONE HUNDRED AND EIGHTH OHIO INFANTRY.

Mr. STEELE, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One hundred and eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment and which is now in the custody of the Secretary of War; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MARK WALKER.

Mr. STEELE also, by unanimous consent, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1401) for the relief of Mark Walker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOYCE, for two weeks, on account of important business.

To Mr. URNER, for two days, on account of important business.

To Mr. POUND, for one week, on account of important business.

To Mr. McCOID, until Monday next, on account of important business.

To Mr. RICHARDSON, of South Carolina, for ten days, on account of his health.

NATIONAL CEMETERY AT NEW ALBANY.

Mr. STOCKSLAGER. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1825) making appropriation for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery near said city.

Mr. ATKINS. I object.

Mr. HOLMAN. I hope the bill called up by my colleague will at least be allowed to be reported to the House.

The SPEAKER. The Chair understands objection has been made.

Mr. ATKINS. I withdraw the objection.

The SPEAKER. The objection having been withdrawn, the bill will be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That $12,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery near said city, to be expended under the direction of the Secretary of War: *Provided*, That no part of said sum shall be expended for right of way, nor shall any part thereof be expended unless the entire improvement can be made and completed for the amount herein appropriated: *And provided further*, That the road-bed shall first be properly graded and prepared without expense to the United States.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STOCKLAGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth.

TAX ON OLEOMARGARINE.

Mr. DUNNELL, by unanimous consent, from the Committee on Ways and Means, reported, as a substitute for House bill No. 142, a bill (H. R. No. 6685) to tax the manufacture and sale of oleomargarine; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the House now adjourn.

Mr. AINSLIE. I ask unanimous consent to take from the Speaker's table a bill——

Mr. ATKINS. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from New York [Mr. HISCOCK] that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HISCOCK: The petition of 200 citizens of Syracuse, and of 258 citizens of Onondaga County, New York, asking for the repeal of all internal-revenue taxes—severally to the Committee on Ways and Means.

By Mr. JOYCE: Six petitions of operators of woolen mills in Vermont, for an immediate correction of the error in the Revised Statutes relative to the duty on knit goods—severally to the same committee.

By Mr. RAY: The petition of Hon. D. W. Johnson and 6 others, of Judge William Clark and 9 others, of Hon. H. W. Parker and 44 others, of Hon. George H. Stowell and 83 others, and of Herbert Bailey and 55 operatives in the Bailey knitting mill, citizens of Claremont, in the State of New Hampshire, for the correction of error in the Revised Statutes relating to duties on knit goods—severally to the same committee.

By Mr. ROSS: The petition of citizens of Rahway, Union County, New Jersey, for an appropriation for educational purposes—to the Committee on Education and Labor.

SENATE.

FRIDAY, *June* 30, 1882.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following prayer:

O Thou great and eternal God, who art the creator, the preserver, and the Supreme Ruler of the universe, it becomes us as Thy children, who were created in Thine own image and in Thine own likeness, and who are dependent upon Thee for life and for all its blessings, to acknowledge Thee in all our ways and to be obedient to all Thy commandments.

We thank Thee for all Thy great goodness and mercy to us as a people, for Thou hast blessed us above all the nations of the earth; Thou hast ordered our lot in a land of light, and of liberty, and of great abundance. We pray that we may never by our ingratitude and disobedience forfeit Thy favor, which is life, and Thy loving kindness, which is better than life.

Bless, we pray Thee, our rulers, the President of the United States, the President of the Senate, the Senators and Representatives in Congress, and all others in authority. Guide and assist them in the discharge of their responsible duties as the guardians of this great country.

O Thou great and merciful God, it hath seemed good unto Thee in Thine inscrutable providence to remind us again impressively of the shortness and uncertainty of life, and of the importance of being ever ready for our departure, by the sudden and unexpected death of one of the members of this Congress. Sanctify to us all this dispensation of Thy providence. So teach us to practice our duties that we may apply our hearts unto wisdom. We commend to Thy fatherly care and blessing those who have been sorely bereaved by this dispensation of Thy providence.

God, be merciful unto us, and bless and cause His face to shine upon us, and give us pardon and peace and eternal life, through Jesus Christ, our redeemer. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government; and it was thereupon signed by the President *pro tempore*.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. By direction of the Committee on Appropriations I report back with amendments the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. I give notice that after the bill and amendments are printed, to-morrow morning, at the close of the morning business, I shall ask the Senate to take up the bill for consideration.

The PRESIDENT *pro tempore*. Or, the Chair suggests, at the close of the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HALE. Or at the close of the consideration of the pending appropriation bill, if that bill shall be continued until to-morrow.

Mr. VOORHEES. The pending appropriation bill will be disposed of very shortly, I should think.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 9th instant, all papers and reports relating to the bill (S. No. 1333) to authorize the payment to the Delaware Indians of the amount awarded to them under the provisions of the treaty of July 4, 1866, &c.; which was referred to the Committee on Indian Affairs.

DEATH OF REPRESENTATIVE HAWK.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, communicated to the Senate the intelligence of the death of Hon. ROBERT M. A. HAWK, late a member of the House from the State of Illinois, and transmitted the resolutions of the House thereon.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The resolutions were read, as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. ROBERT M. A. HAWK, late a Representative from the State of Illinois.

Resolved by the House of Representatives, (the Senate concurring herein,) That a special joint committee of seven members of the House and three members of the Senate be appointed to take order for superintending the funeral, and to escort the remains of the deceased to their last resting place, and that all necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate the foregoing resolutions to the Senate.

Resolved, That, as a mark of respect to the memory of the deceased, the House do now adjourn.

Ordered, That Mr. GEORGE R. DAVIS, Mr. L. E. PAYSON, Mr. S. W. MOULTON, Mr. W. H. CALKINS, Mr. G. C. CABELL, Mr. J. A. MCKENZIE, and Mr. W. CULLEN be members on the part of the House.

Mr. LOGAN. Mr. President, I offer the following resolutions:

Resolved, That the Senate has received with profound sensibility the message of the House of Representatives announcing the death of Hon. ROBERT M. A. HAWK, a Representative from the State of Illinois.

Resolved, That the Senate concur in the resolutions adopted by the House of Representatives, and that the President *pro tempore* of the Senate appoint three Senators to escort the remains of the deceased in conjunction with the committee on the part of the House, as provided in said resolutions.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions. [Putting the question.] The resolutions are unanimously adopted. The Chair appoints the Senator from Illinois, [Mr. LOGAN,] the Senator from Iowa, [Mr. MCDILL,] and the Senator from Mississippi, [Mr. GEORGE,] as the committee on the part of the Senate.

Mr. LOGAN. Out of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 30, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WATSON, for one week, on account of sickness in his family.

DEATH OF REPRESENTATIVE HAWK, OF ILLINOIS.

Mr. HENDERSON. Mr. Speaker, the sad duty is devolved upon me of announcing to the House the death of my late colleague, Hon. ROBERT M. A. HAWK, a Representative in Congress from the fifth Congressional district of the State of Illinois. He died at his rooms in this city last night at the hour of ten o'clock and fifty minutes p. m., after a very brief illness.

I will only say at this time that all of us who remember Major HAWK, as in his crippled condition he came into and went out of this Hall, will no doubt feel saddened at this announcement.

I offer the resolutions which I send to the Clerk's desk, and ask for their adoption.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. ROBERT M. A. HAWK, late a Representative from the State of Illinois.

Resolved by the House of Representatives, (the Senate concurring herein,) That a special joint committee of seven members of the House and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to their last resting place; and that the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate the foregoing resolutions to the Senate.

Resolved, That, as a mark of respect to the memory of the deceased, this House do now adjourn.

The resolutions were unanimously adopted.

Before the announcement of the result,

The SPEAKER said: The Chair has been furnished with the names of the following members to accompany the remains:

GEORGE R. DAVIS of Illinois, LEWIS E. PAYSON of Illinois, SAMUEL W. MOULTON of Illinois, WILLIAM H. CALKINS of Indiana, GEORGE C. CABELL of Virginia, JAMES A. MCKENZIE of Kentucky, and WILLIAM CULLEN of Illinois.

The Chair will also state that the following members of the House will act as pall-bearers:

THOMAS J. HENDERSON of Illinois, JAMES W. SINGLETON of Illinois, CHARLES G. WILLIAMS of Wisconsin, WILLIAM D. KELLEY of Pennsylvania, WILLIAM M. SPRINGER of Illinois, DUDLEY C. HASKELL of Kansas, GEORGE D. ROBINSON of Massachusetts, SAMUEL S. COX of New York, J. PROCTOR KNOTT of Kentucky, and JOHN H. LEWIS of Illinois.

And then, in pursance of the last resolution, (at eleven o'clock and seventeen minutes a. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRIGGS: The petition of James Duffy and 25 others; of James O. Eddy and 78 others; and of P. C. Hancock and 33 others, employés of Walter Aiken, knit-goods manufacturer, for correction of error in Revised Statutes relating to duties on knit goods—severally to the Committee on Ways and Means.

By Mr. ERRETT: Papers relating to the pension claim of William H. Banner—to the Committee on Invalid Pensions.

By Mr. JOYCE: The petition of 237 citizens of the first Congressional district of Vermont, relating to the call for a peace congress, to be held in Washington, District of Columbia, November 22, 1882—to the Committee on Foreign Affairs.

By Mr. KASSON: The petition of 33 citizens of the seventh and ninth Congressional districts of Iowa, relative to the call for a peace congress, to be held in Washington, District of Columbia, November 22, 1882—to the same committee.

By Mr. KETCHAM: The petition of citizens of the District of Columbia, for the confirmation of the call for a peace congress, to be held in Washington, District of Columbia, November 22, 1882—to the same committee.

By Mr. LACEY: The resolution adopted by the Michigan Commercial Travelers' Association, in reference to the regulation of commerce between the States so far as it relates to commercial travelers—to the Committee on Commerce.

Also, the petition of C. W. Bennett and 44 others, citizens of Quincy, Michigan, for the restoration of fractional currency—to the Committee on Banking and Currency.

By Mr. NORCROSS: The petition of Henry A. Willis and others, of Fitchburgh, Massachusetts, asking that a pension be granted to George L. Lawrence—to the Committee on Invalid Pensions.

By Mr. ROSS: The petition of the operatives of the Norfolk and New Brunswick (New Jersey) Hosiery Company, for the immediate correction of the error in the Revised Statutes by which knit goods are made subject to a much lower duty than the pound duties on raw wools—to the Committee on Ways and Means.

By Mr. WEST: The petition of the operatives of the Massasoit Mills, owned by Munson Manufacturing Company, and of other petitioners, embracing the names of operatives of seventeen knit-goods manufacturers of the State of New York, for an immediate correction of the error in the Revised Statutes relating to the duty on knit goods—severally to the same committee.

SENATE.

SATURDAY, *July* 1, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

FEES OF WITNESSES.

Mr. HALE. I ask unanimous consent to report back at this time from the Committee on Appropriations the joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882, which it is very essential should be passed at once. It will only take a few moments to dispose of it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate $60,000 to meet a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

Mr. HILL, of Colorado, rose.

Mr. HALE. Let me explain the object of this measure before the Senator proceeds. There are a large number of star-route witnesses here in town waiting for money to be paid them; they cannot get out of town, and the Attorney-General writes a letter stating that it is very important that the joint resolution should be passed this week. I presume there will be no objection to it. The Senator from Colorado has an amendment to present.

Mr. HILL, of Colorado. I desire to offer an amendment, which I send to the desk.

Mr. HARRIS. Does the joint resolution come from a committee?

Mr. HALE. Yes; the Committee on Appropriations have considered it and directed me to report it.

The PRESIDENT *pro tempore*. The amendment of the Senator from Colorado will be read.

The ACTING SECRETARY. It is proposed to add at the end of the joint resolution:

Provided, That all persons residing west of the Mississippi River, excepting those who are by law entitled to a higher compensation, who have been or are in attendance at Washington, District of Columbia, under subpœna as witnesses in any of the courts of such District, in any of the cases known as the star-route prosecutions, shall be entitled to receive a total per diem of $2.50 per day, and mileage to and from their place of residence, by the usual route of travel, at the rate of eight cents per mile; and an amount of money sufficient to pay the same is hereby appropriated, out of any money not otherwise appropriated.

Mr. HALE. That last clause can be stricken out, because the joint resolution as I reported it contains the appropriation. I suggest to the Senator to strike that out.

Mr. HILL, of Colorado. I did not know but this was needed as an additional appropriation. I do not know whether $60,000 will be sufficient.

Mr. HALE. I think that would be ample.

Mr. HILL, of Colorado. Then I agree that the last clause making the appropriation shall be stricken out.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. DAVIS, of West Virginia. I should like to know what change the amendment makes in the existing law. I think it hardly proper that we should make changes in the law in regard to the attendance of witnesses on a joint resolution of this kind without an explanation or consideration. I hardly think it a good thing to do.

Mr. HALE. The Senator from Colorado will explain his amendment, I suppose.

Mr. HILL, of Colorado. I think that no Senator who is acquainted with the circumstances under which these witnesses have been brought to Washington and detained here will object to giving them this additional allowance. Many of them have been here for over a month. They receive one dollar and a quarter a day, which is inadequate to defray their expenses. They come from Oregon, California, Nevada, and all the extreme western States and Territories. They are most of them poor men. They have had to leave their business at great personal sacrifice, and I think that it is just and right that they should have this additional allowance, which would be barely enough to cover their expenses.

Mr. SHERMAN. The Senator proposes an increased allowance for mileage?

Mr. HILL, of Colorado. From five to eight cents. It is an exceptional case.

Mr. DAVIS, of West Virginia. I think it an improper thing to give a special compensation to one set of witnesses over and above another, and I see no good reason for it.

Mr. SLATER. Will the Senator allow me to ask him a question?

Mr. DAVIS, of West Virginia. Certainly.

Mr. SLATER. Is it an improper thing to do an act of justice?

Mr. DAVIS, of West Virginia. That depends a good deal on what justice is. Sometimes simple justice to one person is not justice to another. I doubt very much whether it would be justice in this case. I object to changing the law as it now exists for any set of witnesses, not star-route witnesses merely, but any set of witnesses. If the law is proper for one class of people it ought to be for another. As I understand the question which is just presented here, it is proposed to double the compensation of the witnesses now attending the star-route cases over and above other witnesses, and I do not think that a proper thing to do.

Mr. HALE. I should like to say to the Senator this is a very exceptional case, and the amendment allows these witnesses but $2.50 a day.

Mr. DAVIS, of West Virginia. Every case that takes money out of the Treasury is exceptional. I must object to the amendment, as it proposes to change the law in this way.

Mr. GARLAND. Allow me to state to the Senator from West Virginia that the position he takes, as a general proposition, it cannot be denied is right; the principle that he states cannot be questioned as a general proposition; but this is a very peculiar case and a very remarkable case. There are gentlemen from the State of Arkansas, who have been summoned here as witnesses in this matter, who have been here from six to eight weeks expecting to go upon the stand five and six weeks ago, and who have not yet been called because the testimony up to this time has been almost purely documentary. These persons have not been reached, and it is a hardship to keep them here any longer.

I would not have favored the amendment, which I do favor, offered by the Senator from Colorado, which he showed me before he presented it to the committee, but that I think this is such an exceptional case that if the Senator from West Virginia will consider it a moment he will not object to it. I agree with him clearly as to all cases, of course, but I ask him to look at this case for a moment. There are gentlemen from the State of Arkansas, absolutely poor, who have been unable to pay their expenses, and have been here six, seven, or eight weeks to testify, but who have not been called on the stand because the vast amount of documentary evidence has first to be gone through with.

Mr. DAVIS, of West Virginia. May I ask what change the amendment proposes to make in the existing law?

Mr. GARLAND. It gives them a dollar and a quarter a day additional, and eight cents instead of five cents mileage.

Mr. DAVIS, of West Virginia. I do not see any reason why the mileage should be increased. There might be some good reason for the increase of per diem. If the Senator from Colorado chooses to let the law as to mileage stand, because I see no justice in changing that, I shall withdraw the objection as to the increase of per diem.

Mr. HILL, of Colorado. I did not hear the Senator's suggestion.

Mr. DAVIS, of West Virginia. The Senator from Arkansas says that the amendment proposes to double the daily compensation and to increase the mileage from five cents a mile to eight cents. I submit that the cost of travel in the case of these witnesses is no greater than in the case of other witnesses. It may be that on account of their detention here a dollar and a quarter a day will not pay their board, but five cents per mile largely more than pays their traveling expenses.

Mr. MAXEY. There are quite a number of men from the State of Texas. I will say to the Senator from West Virginia, who have been summoned to be in attendance on these trials. I am not prepared to say what the mileage is elsewhere, but I have a feeling knowledge of what it is in the State of Texas. There it is five cents a mile, and it is impossible for a man to come that distance, as most of these men have come from the frontier of Texas, across that great State and come here and pay their expenses here at a dollar and a quarter a day. In the mean time their business at home is suffering very greatly. Most of them are plain, poor men, farmers, and it seems to me that as they are here by the command of the Government, and as they have no spare money to spend and have to pay their own way, the proposition of the Senator from Colorado, about which I consulted with him before it was presented, is but fair. I think the Government would not suffer in that way. I think it is a just measure to the poor men who have been brought here by the coercion of a subpœna and are kept here against their will at the expense of their business at home.

Mr. SLATER. I desire to add to what the Senator from Texas has said that the States of Oregon and California have had a large number of witnesses drawn from there, and any person who reflects a moment will know that they cannot come that distance at five cents a mile. On many of the railroads the actual expense of traveling is greater than that.

Mr. MAXEY. I stated that in Texas the fare is five cents a mile on the railroads there.

Mr. SLATER. More than that, it is utterly impossible for them to pay their expenses on the allowance of $1.25 a day. To give them this compensation is nothing more than a simple act of justice, and does not nearly indemnify them for the losses sustained.

Mr. BUTLER. May I inquire what the amount involved is?

Mr. HALE. The appropriation given by the joint resolution as it came from the House is $60,000. It was presumed that that will cover all these cases; but after listening to what has been said I purpose, if the amendment of the Senator from Colorado is adopted, out of precaution, to move to make the amount $70,000 instead of $60,000, so that it will certainly cover the extra expenses incurred.

Mr. SAULSBURY. I have no doubt that all these witnesses have incurred more expenses than will be covered by the joint resolution or the amendment added by the Senator from Colorado, but whatever we do now with reference to mileage of witnesses will become a standing precedent to govern all cases where witnesses are summoned before committees of Congress or before the courts of the country. While it might not be more than sufficient to indemnify those who are brought here for the expenses they have incurred, I doubt exceedingly whether we ought to adopt the amendment in reference to mileage and make it a precedent to be followed hereafter in all cases, whether the parties have lost by coming or not. I am satisfied that no witnesses are summoned before committees of Congress or before the courts without making sacrifices when they have to come in response to the summons served upon them; such witnesses have always made sacrifices; but the question now for us to determine is whether we shall adopt a precedent that must hereafter be followed in reference to all cases of this character.

I shall vote very cheerfully for the increase of the per diem, because everybody knows that a witness cannot maintain himself here upon $1.25 a day, but I doubt exceedingly the propriety of altering the general law in reference to mileage.

Mr. BUTLER. May I ask the Senator from Maine whether or not the Attorney-General has written a letter on this subject?

Mr. HALE. He has. His letter is as follows:

DEPARTMENT OF JUSTICE, *June* 20, 1882.

SIR: It is of much importance to the Government that the deficiency appropriation of $60,000, or for fees of witnesses, United States courts, 1882, should be acted upon before the rest of the deficiencies asked for. If by a joint resolution of Congress it could be passed this week and be available at once it would relieve the Government of much embarrassment, save a large sum, and send home witnesses now waiting for their fees. An early consideration of the matter is respectfully urged upon your attention.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. BUTLER. Do I understand that these witnesses have been examined?

Mr. HALE. The witnesses are here, and most of them, perhaps all, have been examined, and are waiting for money in order to get home. It is a very urgent case. I do not think, after examining the amendment of the Senator from Colorado, that it is wise to object to it, although I realize the danger as a matter of precedent. It is a singular case, the summoning of men from their homes, thousands of miles away, to Washington to attend trials of this great national importance. It is a case which of itself, perhaps, will never be repeated. We have got to run some risk in all such special legislation of its being invoked in other cases not half so extreme as this; but I felt for one that I was willing to run that risk, although I do not like to do it. I hope we may get a vote upon the amendment, for I do not want to be in the way of the chairman of the Committee on Appropriations, who has the legislative, executive, and judicial appropriation bill ready for further action.

Mr. SAUNDERS. Mr. President——

Mr. MAXEY. Will the Senator from Nebraska permit me to add one remark to what I suggested?

Mr. SAUNDERS. Certainly.

Mr. MAXEY. I do not wish to be misunderstood. The roads in Texas, as I stated, make a charge of five cents a mile, and the witnesses have come here under that rate. Under a recent act of the Legislature of that State, which goes into effect some time this month—I do not remember what day—witnesses shall be allowed to travel for three cents, but they all come here, as I stated, at five cents a mile.

Mr. SAUNDERS. I simply desire to say that I happen to know personally some of these witnesses. I know two of them who live seventy-five miles from any railroad; they cannot get nearer than that to their homes by railroad, and have to take their chances of private conveyance or stages to get to their homes. I know at any rate that a number of witnesses here are now suffering, and in need of some relief of this kind.

So far as making a precedent is concerned, which was stated by the Senator from Delaware, [Mr. SAULSBURY,] I am in favor of making good precedents myself, and this is a good one. Let every case of this kind stand upon its own merits. These parties are suffering for the need of this money. I know that of my own personal knowledge, and I hope that some amendment of the kind proposed will pass.

Mr. MORGAN. I concur with the Senator from Nebraska that it is our duty to establish this precedent, and it is our duty to make a better provision of law than we are doing for the administration of

justice. The Constitution requires that a party indicted in a criminal case shall be confronted with the witnesses, and when the offense occurs in the District of Columbia, and the witnesses live on the Pacific coast or elsewhere, very far from here, we must either refuse to administer justice or we must pay the expenses in a reasonable way of getting the witnesses here to confront the defendant, or else we must tax the administration of justice upon poor men who are unable to bear the expense.

The Government of the United States, if it can do anything at all, can afford to pay for the administration of justice. It is not the punishment of a single man and locking him up in the penitentiary, but it is the wholesome administration of the law and the enforcing of its power and authority against the commission of crime.

We have no trouble about paying marshals large fees, about paying judges good salaries who sit in causes, and so with all the other officers of the courts; and I think it is not right, indeed I think it is very wrong, that the expenditures necessary for the administration of justice under our Constitution should be taxed upon men who are unable to bear them. I hope the precedent will be established, and that the law will be reformed in this particular.

Mr. SAULSBURY. I should like to ask the Senator from Alabama whether five cents per mile will not pay the expenses of witnesses in traveling?

Mr. MORGAN. That may be sufficient for mileage, but a dollar and a quarter a day will not pay a man's expenses and feed his family while here a month in the administration of public justice when a man has been called away from his home.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia propose an amendment to strike out "eight cents per mile?"

Mr. DAVIS, of West Virginia. I was about asking for a division of the question. I will let the Senate vote upon it. Let the question be first upon the per diem and then upon the rate of mileage.

Mr. HILL, of Colorado. I am perfectly satisfied from the investigation I have made of this subject that five cents a mile will not cover the actual expenses of these witnesses in traveling. Many of them have traveled hundreds of miles in coaches, paying from a dollar to a dollar and a half for each meal. Nothing less than eight cents a mile will cover the traveling expenses of witnesses from the far West.

I have in my hand a brief memorial from these witnesses, in which they state their own case, which I should like to have read. It will take but a short time.

The Acting Secretary read as follows:

To Hon. BENJAMIN H. BREWSTER,
Attorney-General, Washington, D. C.:

SIR: We, the undersigned, citizens of Colorado, Nebraska, Wyoming, Montana, New Mexico, Texas, Nevada, California, Oregon, Idaho, Utah, and Arizona, would most respectfully represent that we have obeyed the subpœnas of the United States Government, and are here as witnesses in the star-route cases and have been in attendance since being subpœnaed.

We would further represent that the allowance of five cents per mile and $1.25 per diem is wholly inadequate to meet the expenses to which each and every one of us has been subjected, for the reason that some of our number have discontinued labor for monthly wages months ago and have been out of employment ever since because of their being subpœnaed in these cases, and their families are now without proper means of support. Others are on salaries from two to three thousand dollars per annum, and are not only losing their salaries, but are jeopardizing their positions.

Some are stock-growers; and for a stock-grower to lose the months of May and June from his business is nearly equal to losing the entire year.

One of our number is a railroad contractor, working two hundred men. The business greatly suffers from his absence even for a week or a day.

Many of our number have traveled several hundred miles more than the present regulation allows us to receive credit for; and they have paid as high as twenty cents per mile over stage lines and a dollar each for their meals while on the way; and all have paid more west of Omaha than the mileage allowed. Consequently they are out of pocket considerable sums of money for this trip and the one made in February when subpœnaed before the grand jury.

Others, again, have left their crops half planted, and thus, in effect, lose the entire work of the year.

Then others have sold their business at a great loss to themselves because of the necessity of attending these trials.

Some of our number are professional men, who have left their practice at a serious loss to themselves.

We present these facts for your favorable consideration; and while none of your memorialists expect to be paid for their entire loss, we would pray that provisions be made that will compensate us in a measure for these losses, and would most respectfully ask that we be allowed five cents per mile each way for the number of miles actually traveled and $1.25 per diem in addition to what is now allowed by law, and that you, as the honorable Senate and House of Representatives of the United States, will take such active steps and make such recommendations as will secure the above-named amounts to us. For which we ever pray.

Mr. HALE. I hope we may have a vote now on the amendment of the Senator from Colorado. I call the attention of the Senate to the fact that the Senate recognizes the necessity for additional mileage in the case of these far-away witnesses under one of its standing rules, where it provides generally that a witness before the Senate or its committees shall receive—

For each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way: *Provided*, That witnesses residing west of the one hundred and tenth meridian shall be paid the sum of seven cents each way for each mile they shall travel in coming to or going from the place of examination when the place of examination shall be east of the Mississippi River.

Thus the Senate in regard to its committees recognizes the difference as to the scale of mileage between witnesses living in the East and those beyond the Mississippi River.

I hope that we may have a vote now upon the amendment of the Senator from Colorado, because I do not desire to take any more time of the Senate.

The PRESIDENT *pro tempore*. The Senator from West Virginia desires a division of the question on the amendment. The question first is on agreeing to that portion of the amendment fixing the total per diem at $2.50 per day.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment that the mileage to and from their places of residence by the usual route of travel shall be eight cents per mile.

Mr. HALE. I move to make that seven cents, in accordance with the rule of the Senate. I hope nobody will object to that.

Mr. DAVIS, of West Virginia. Applying to those west of the Mississippi River in accordance with the rule of the Senate?

Mr. HALE. That is the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Colorado reads:

That all persons residing west of the Mississippi River, excepting those who are by law entitled to higher compensation.

Mr. HILL, of Colorado. I will accept the amendment suggested by the Senator from Maine, making the mileage seven cents.

The amendment was agreed to.

Mr. HALE. I move to amend the joint resolution further by striking out "$60,000" and inserting "$70,000."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. COKE presented a memorial of citizens of Pickton, Texas, in favor of international arbitration for preventing war between the nations of America; which was referred to the Committee on Foreign Relations.

He also presented the petition of Elizabeth M. and Lydia M. Thornton, descendants of Obed Mitchell, of Nantucket, Massachusetts, in favor of the passage of the French spoliation bill; which was ordered to lie on the table.

Mr. INGALLS presented a petition of the National Maimed Union Soldiers and Sailors' League, of Washington, District of Columbia, indorsed by U. S. Grant, in favor of the passage of a bill to grant an increased pension to soldiers who lost an arm or a leg or suffered an equivalent disability thereto in the service of the United States in the late rebellion; which was referred to the Committee on Pensions.

He also presented the petition of Martin A. Patterson, late private of Company F, First Colorado Volunteer Infantry, praying for an increase of pension; which was referred to the Committe on Pensions.

Mr. MILLER, of California, presented a memorial of manufacturers of matches on the Pacific coast, remonstrating against the repeal of the stamp tax on matches; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes; and

Joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas.

The message further announced that the House had passed the following bills:

A bill (S. No. 1825) making appropriations for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery near said city; and

A bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts, also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth;

A bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington;

Joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington.

REPORTS OF COMMITTEES.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2005) to increase the pension of Elijah W. Penny, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2634) for the relief of Norton L. Newberry, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 70) granting a pension to Sarah Hayne, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge, to report it without amendment, and to submit a report thereon. It is suggested that I ask for the immediate consideration of the bill. This is the daughter and the only surviving child of ex-President Taylor. She is in great destitution. She is the widow of Colonel Bliss, of the Army. Subsequent to his death she married again, and has lost her second husband. He died leaving her in extreme poverty. She is now dependent upon charity, and must remain so unless assisted by the Government. I ask for the present consideration of the bill.

Mr. HALE. I hope there will be no objection to the passage of this bill. It is a case that will appeal to everybody. It is one of great necessity. This lady is the daughter of an ex-President. Her husband was well known, as well as her father, and I hope the Senate will let the bill go through without any objection.

Mr. MORGAN. I shall not object to the passage of the bill, but I desire to amend it by the insertion of the name of Mrs. Letitia Tyler Semple, the daughter of ex-President Tyler, who is here now in the Louise Home, a lady who has lost her eye-sight, and who is entirely destitute, and who is one of the most worthy and excellent ladies in the country.

Mr. COCKRELL. Let the bill go over if it is to be amended.

Mr. HALE. I hope the Senator will withdraw his objection to the bill.

Mr. MORGAN. I do not object to it. I want the bill to go through, but I want to amend it.

Mr. BLAIR. It is entirely impossible to hear the suggestions of Senators on account of the confusion.

The PRESIDENT *pro tempore*. The Senator from Alabama wishes to amend the bill, and other Senators, in view of the pressing business before the Senate, object to its consideration.

Mr. BLAIR. I suppose a Senator has the right to object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. SAUNDERS. I am directed by the Committee on Territories to report a bill establishing the Territory of Pembina and providing a temporary government therefor, and I call the attention of the Senate for one moment to this bill.

Some time ago a bill was presented for the purpose of admitting Southern Dakota as a State and providing a territorial form of government for the northern part, which is included in this bill. If that bill had become a law there would be no necessity for this; but it is so late in the session that it is very doubtful now whether that bill can become a law at this session, and therefore the committee present this bill for the organization of a new Territory, taking off the northern part of Dakota.

What I want to say is, that this bill will be printed by Monday, and I wish every Senator interested in it—and I think all Senators are—to examine the bill, so that by Wednesday of next week it may be called up and acted on. It is an important matter, and it has been delayed for the reason I have stated.

The bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor was read twice by its title.

Mr. BUTLER. I consented to the report of that bill, but I reserved the right, as the chairman on his own account did, to submit any amendments which I may choose to present.

OFFICIAL RECORDS OF THE REBELLION.

Mr. ANTHONY. I am directed by the Committee on Printing, to which were referred the joint resolution (S. R. No. 39) authorizing the printing of 15,000 additional copies of the Official Records of the War of the Rebellion, and a concurrent resolution providing for printing 1,000 additional copies of the records of the war of the rebellion for the use of the War Department, to report a new joint resolution as a substitute for both; and I ask for its present consideration.

The joint resolution (S. R. No. 87) authorizing the printing of 2,500 additional copies of the Official Records of the War of the Rebellion was read twice, as follows:

Resolved, &c., That there be printed and bound of the Official Records of the War of the Rebellion 2,500 additional copies; of which 1,000 copies shall be for the use of the War Department, 1,000 copies for the use of the Department of the Interior, and 500 copies for sale by the Public Printer.

Mr. SHERMAN. That involves over a hundred volumes.

Mr. ANTHONY. It will spread over a good many years.

Mr. SHERMAN. I do not see why they should be printed for the Departments. A provision is made for public sale, I see.

Mr. ANTHONY. Here is a letter from the Secretary of War. I will give the substance of it.

Mr. COCKRELL. Let the original joint resolution be read.

The Acting Secretary read Senate joint resolution No. 39, as follows:

Resolved, &c., That there be printed and bound of the Official Records of the War of the Rebellion 15,000 copies in addition to those now authorized by law, to be distributed as follows: 3,500 copies for the Senate, 10,000 copies for the House of Representatives, 500 copies for the Executive Departments, and 1,000 copies to be distributed under the direction of the Secretary of War to such persons as have contributed valuable records to the war-records office of the War Department.

Mr. COCKRELL. I should like to know why the joint resolution is so completely changed. The report makes a complete change in the whole structure of the resolution. I should like to have some reason for that.

Mr. HOAR. Is the joint resolution before the Senate under the rule?

The PRESIDENT *pro tempore*. It is a report of the Committee on Printing, a standing committee, and the Senator from Rhode Island asks for its present consideration.

Mr. HOAR. I should like to have it go over until Monday. I should like to move an amendment, if the Senator from Rhode Island will not object, providing for a proper system of distribution of these records, and get the House to adopt it.

Mr. ANTHONY. I should like to say that the original resolution contemplated the printing of 15,000 copies for the use of the Senate and House and the Departments. The committee have cut the number down to 2,500—1,000 for the use of the War Department, 1,000 for the Interior Department, and 500 for sale, and none for members of Congress. The War Department had 1,000 copies of the original edition. That has proved insufficient to supply military posts, officers of high rank, and especially persons who contributed valuable papers for publication, particularly from the confederate side. Many of these officers have been very liberal indeed, and have sent the original papers, retaining no copies of them. We thought it but a slight courtesy to them to give each a copy of this publication. That is the object of giving copies to the War Department.

Mr. PLATT. Before the matter goes over I should like to make an inquiry of the chairman of the committee. I do not know whether anything practical can be done in the way of carrying out the suggestion which I make. It had occurred to me that perhaps if these documents were stereotyped——

Mr. ANTHONY. They are.

Mr. PLATT. A small extra edition of the first volume might be printed for sale. I find that in a great many instances there is a call for the first volume to make up the full set, and if a small extra edition of the first three volumes should be printed they would all find ready sale. I merely make the suggestion.

Mr. ANTHONY. The resolution provides for printing 500 copies for sale.

Mr. PLATT. That extends to the whole list?

Mr. ANTHONY. It extends to the whole list.

Mr. PLATT. But there is much greater demand for the first volumes, by reason of the fact that some of them were distributed by members of the Senate and House who have since gone out, so that the present members of the Senate and House are unable to furnish them to the persons to whom they desire to supply copies.

Mr. ANTHONY. The same condition will apply to the second and third volumes in the course of time.

Mr. PLATT. Certainly it will.

Mr. HOAR. What is the probable number of these volumes?

Mr. ANTHONY. It is impossible to tell; I dare say 75 or 100.

Mr. INGALLS. The Public Printer told me that the number would amount to at least 90, and possibly exceed 100.

Mr. HOAR. What is the cost to the volume in round numbers?

Mr. ANTHONY. From fifty cents to a dollar.

Mr. HOAR. I allude to the cost of the edition.

Mr. ANTHONY. I should say 75 cents, 80 cents, or 90 cents a volume.

Mr. HOAR. How many volumes are published in the whole?

Mr. ANTHONY. Ten thousand.

Mr. HOAR. About ten thousand volumes in round numbers at ninety cents or a dollar a volume would take about a million dollars. The chairman of the Committee on Printing states that probably about a million dollars are to be expended for this one publication. It would be more likely that there are 15,000 copies, when the amount would be increased to a million and a half. We have no system for the distribution of these volumes which insures their preservation in the libraries where the public in the various neighborhoods in the respective States can have access to them. We have no system which insures the volumes of the set going to the same person or the same place, but they are used very largely by members of the Senate and of the other House simply to pay a compliment to gentlemen for whom they like to show their respect.

It is a very easy thing to send a gentleman by mail a volume worth a dollar or two; and some volumes published at Government expense

are worth twenty times that amount. He puts it on a shelf, and makes the Senator or member of Congress his friend. He never reads it; he is not likely ever to read it; but he is selected as a person likely to be a friend of the Senator.

I understand that the Senate has repeatedly expressed its judgment that the system ought to be changed. The distinguished chairman of the Committee on Printing has proposed a remedy for that state of things by recommending a bill providing for a different system of distribution. The librarians of the country have met in convention, and have memorialized Congress on the subject more than once, and they proposed the form of a bill to cure this vast evil, but the House of Representatives has never taken it into consideration.

It seems to me that we ought to annex to the resolution providing for the printing of these documents some such system as that which met the approval of my friend from Rhode Island for their distribution. I hope he will make this the occasion to put such an amendment on, and send it back to the House, and then they will consider it.

For that reason I desire the joint resolution to go over. I ask the chairman if he is not willing to allow it to be recommitted to the Committee on Printing, with a view of putting on it the measure which he has himself introduced, and which the Senate have passed on his recommendation. If he will consent to that, I will make a motion to recommit.

Mr. ANTHONY. I think the matter had better lie over, and the Senator from Massachusetts can present his amendment if he wishes.

The PRESIDENT *pro tempore*. The resolutions go over on objection.

HALL'S ARCTIC EXPEDITION.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a message of the President transmitting a communication from the Secretary of the Navy suggesting the publication of a second edition of "Hall's Arctic Expedition," to report it back and ask to be discharged from its further consideration. I hope that will meet the approbation of the Senator from Missouri, [Mr. COCKRELL.]

The report was agreed to.

INTEROCEANIC COMMUNICATION.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a letter from the Secretary of the Navy transmitting the report by Lieutenant John T. Sullivan on the problem of interoceanic communication by way of the American Isthmus, to report a concurrent resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Lieutenant John T. Sullivan, United States Navy, on the problem of interoceanic communication by way of the American Isthmus, be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

Mr. INGALLS. Let us hear some explanation about John T. Sullivan's report.

Mr. HOAR. I object to the consideration of the resolution. Let it go with the other.

The PRESIDENT *pro tempore*. The Senator from Kansas asks the chairman of the committee to explain the resolution.

Mr. INGALLS. The Senator from Massachusetts objects and the resolution goes over.

The PRESIDENT *pro tempore*. The resolution goes over on objection.

CRUISE OF THE TICONDEROGA.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a message of the President transmitting the report of Commodore R. W. Shufeldt of his cruise around the world in the United States steamer Ticonderoga, to report a concurrent resolution, and recommend its passage.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Commodore R. W. Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

Mr. HOAR. Let that go over.

The PRESIDENT *pro tempore*. The resolution goes over on objection.

STEAMBOAT COMMUNICATION IN FLORIDA.

Mr. ANTHONY, from the Committee on Printing, to which was referred the letter of the Secretary of War transmitting the report of Lieutenant-Colonel Q. A. Gillmore on opening a steamboat communication from Saint John's River by Topokalija Lake to Charlotte Harbor, on Peace Creek, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the report of Lieutenant-Colonel Q. A. Gillmore on opening a steamboat communication from Saint John's River, by way of Topokalija Lake, to Charlotte Harbor, on Peace Creek, be printed, and that 1,000 additional copies be printed for the use of the War Department.

SIGNAL SERVICE REPORT.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a message from the President transmitting a letter from the Chief Signal Officer to the Secretary of War asking for the publication of 10,000 copies of the report of the Chief Signal Officer, to report a concurrent resolution directing that one-quarter of that number be printed.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound for the use of the Signal Office and the Department of War 2,500 copies of the annual report of the Chief Signal Officer for 1881.

Mr. COCKRELL. What will that report contain?

Mr. ANTHONY. The report of the Signal Service. The Chief Signal Officer desires these to give to people who furnish gratuitous information. The Army surgeons at all the posts where there are no Signal Service stations make meteorological observations and transmit them to the Signal Office. He writes a very pressing letter asking for 10,000 copies. The committee have thought that 2,500 might answer. There are none for distribution by members of Congress.

Mr. INGALLS. That resolution might as well go over with the rest.

The PRESIDENT *pro tempore*. The resolution goes over with the rest.

Mr. ANTHONY. I will try one more.

The PRESIDENT *pro tempore*. The Chair will receive the report.

DISTRIBUTION OF DOCUMENTS.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 247) to provide for the printing of public documents for binding and distribution to those entitled to receive them, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ANTHONY. The usual number of documents is 1,900, of which one is given to each Senator and each Representative, a certain number to the document-rooms and libraries of each House, and a certain number to the Interior Department for distribution among public libraries according to the designation of Senators and Representatives. Sometimes when a document is ordered to be printed on an appropriation bill, as is frequently done, the distribution of it is fixed by law, so many for the House of Representatives, so many for the Senate, and so many for the Departments, and then the usual number which is printed when that document is ordered to be printed simply, is not added, and there are none for the document-rooms nor the folding-rooms nor for the libraries. This is to provide for that defect.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ANTHONY. I have had such poor luck that I shall not go on any further, but I hope that the Senators who have objected to the consideration of our resolutions will regard them as in their charge, and will be prepared to offer their amendments and call up the resolutions.

RAILROAD DOCUMENTS.

Mr. KELLOGG. I am directed by the Committee on Railroads to report the following resolution, and I ask for its immediate consideration:

Resolved, That the librarian of the Senate and the clerk of the document department of the Senate be, and they are hereby, required to furnish to the Commissioner of Railroads, for the use of his office, one copy of all reports and other documents relating to any of the subsidized railroads of the United States, of which there may be duplicate copies in the library of the Senate or in the document department.

Mr. COCKRELL. Why the necessity for that?

Mr. KELLOGG. The Commissioner of Railroads addressed me a communication asking that this resolution be submitted to the Senate, as he desires the data asked for by the resolution. He cannot procure them otherwise. The resolution gives him a copy of all reports made to Congress in regard to subsidized railroads for his information as an officer of the Government. I send his letter to the desk, and ask that it be read.

Mr. McMILLAN. I move to amend the resolution by inserting the words "land grant" instead of "subsidized."

Mr. KELLOGG. I have no objection to that. The information is what he wants, and it is in the document-room.

Mr. SHERMAN. Both terms ought to be used. It ought to be "subsidized or land-grant railroads."

Mr. INGALLS. Let the letter of the officer be read, so that we may know what he wants himself.

Mr. KELLOGG. I ask that the letter be read.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, June 29, 1882.

SIR: I am very desirous of gathering into this office such documents as will facilitate the examination of questions touching the subsidized railroads, as many inquiries are made here which, for lack of access to the necessary documents, cannot be answered satisfactorily.

I submit to your consideration copy of a resolution which, if it meet your approval, I shall be glad to have passed by the Senate. A similar request has been

sent to the chairman of the House Committee on Pacific Railroads, who approves it and will offer it for adoption.

I think it would be found of public convenience if all documents touching these roads could be found in one place.

Very respectfully, &c.,

W. H. ARMSTRONG,
Commissioner.

Hon. WILLIAM P. KELLOGG,
Chairman Committee on Railroads, United States Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota to insert the words "or land grant;" so as to read:

Subsidized or land-grant railroads.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2115) for the relief of Columbian University; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLAIR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2116) for the relief of Isaac Polhamus, jr., and others; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2117) fixing the salaries of the judges of the district courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KELLOG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2118) for the admission of marble columns free of duty for the Catholic church at Donaldsonville, Louisiana; which was read twice by its title, and referred to the Committee on Finance.

MARIA B. CRAIG.

Mr. BUTLER. On the 9th of May the bill (H. R. No. 3833) for the relief of Mrs. Maria B. Craig was reported from the Committee on Pensions adversely and postponed indefinitely. I ask that the vote by which the bill was postponed indefinitely may be reconsidered, and that it be placed on the Calendar for further investigation. I have been requested to have this done.

The PRESIDENT *pro tempore*. There being no objection, the order postponing indefinitely the bill will be reconsidered. The Chair hears no objection. The bill will be placed on the Calendar.

L. S. ENSEL.

Mr. HOAR. I ask unanimous consent to have the bill (H. R. No. 230) for the relief of L. S. Ensel placed upon the Calendar. It is a case where I myself made an adverse report from the Committee on Claims, and the bill was postponed indefinitely. I move that the action indefinitely postponing the bill be reconsidered and the bill put upon the Calendar, at the request of a member of the House who desires that action.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

CATHARINE JOHNSON.

Mr. HARRISON. The bill (S. No. 1494) for the relief of Catharine Johnson was reported adversely by the Pensions Committee on the 27th of June, and indefinitely postponed. I have the consent of the acting chairman of the committee [Mr. PLATT] and of the Senator who reported it [Mr. CAMDEN] to ask that the order indefinitely postponing the bill be reconsidered, and that it be recommitted to the committee for further examination.

There being no objection, it was so ordered.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning business is finished.

Mr. ALLISON. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. BLAIR. Will the Senator allow me to give a notice at this time?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. I wish to say that the resolution reported by the Committee on Education and Labor, relative to strikes and the consideration of the labor question generally, now upon the Calendar, must necessarily give place to the appropriation bills, but I should like to call that resolution to the attention of the Senate next Tuesday morning immediately on the close of the morning business. Even if appropriation bills are then pending, I shall ask of those who are in charge of them the courtesy of a few moments to dispose of this resolution at that time.

Mr. COCKRELL. Tuesday will be the Fourth of July. Does the Senator want it considered on the Fourth of July?

Mr. BLAIR. Well, the day following.

Mr. ALLISON. That will be a good day for it.

Mr. BLAIR. If the Senator from Missouri desires to consider it on that occasion, I have no objection, but of course I wish it understood that it shall be considered on the legislative day immediately following Monday next.

The PRESIDENT *pro tempore*. If the Senate is not in session that day, it can be taken up subsequently.

NEW ORLEANS AND NORTHEASTERN RAILROAD BRIDGES.

Mr. KELLOGG. I ask the courtesy of my friend from Iowa to permit me to call up a bill which has been upon the Calendar some time, which was reported from the Committee on Commerce, authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain. Northern Senators have succeeded in getting eight or ten such bills reported from the Committee on Commerce passed, and I do not think there has been one from the South. Now, it does seem to me that this ought to be conceded me as representing that section, and I ask unanimous consent to take up the bill and pass it.

Mr. ALLISON. On the sectional appeal made by my friend from Louisiana, I yield for that purpose if the bill causes no debate.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain.

The bill was reported from the Committee on Commerce to strike out all after the enacting clause and to insert:

That the New Orleans and Northeastern Railroad Company, a corporation organized for the purpose of constructing a railroad between New Orleans, Louisiana, and Meridian, Mississippi, be, and is hereby, authorized and empowered to construct, build, and maintain bridges over and across the navigable waters of the United States on the route of said railroad from New Orleans, Louisiana, to Meridian, Mississippi, as now located, or as said route may hereafter be located, for the use of said company, and the passage of its engines, cars, passengers, mails, and merchandise thereon: *Provided, however*, That said company shall construct its bridges over and across the waters known as East Pearl River, West Pearl River, and Lake Pontchartrain, in accordance with such plans devised for the safe passage of vessels as shall be approved by the Secretary of War; and that said company shall construct and maintain such facilities and be governed by such regulations for the passage of vessels as the Secretary of War shall approve.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers and freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridges shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main spans shall be over the main channels of the rivers and lakes across which said bridges may be constructed, and the bridges shall be at right angles to and their piers parallel with the current of said rivers and lakes: *Provided*, That if the same shall be constructed as draw-bridges, the draws or pivots shall be over the main channels of said rivers and lakes at accessible points, and the spans shall not be less than one hundred and sixty feet in length in the clear, and the piers of said bridges shall be parallel with and the bridges at right angles to the current of the channels, and the spans shall not be less than ten feet above high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridges: *Provided*, That said draws shall be opened promptly by said company, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said rivers and lakes; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridges. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said rivers caused or alleged to be caused by said bridges, the case may be brought in the district court of the United States of the States of Louisiana and Mississippi in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt these bridges from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War, upon hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2 in regard to charges for passenges and freight across said bridges shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridges by said companies for the use of said bridges.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers and lakes as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridges and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river or lake, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream or lake, the location of any bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be built; and should any change be made in the plan of said bridges during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the act (S. No. 1128) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. Now I move to proceed with the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. ALLISON. I have three or four amendments that I desire to offer.

The PRESIDENT *pro tempore*. There is an amendment of the Senator from Alabama [Mr. MORGAN] pending.

Mr. ALLISON. I ask the Senator from Alabama to withdraw it for a moment.

Mr. MORGAN. Very well, I will withdraw it.

Mr. ALLISON. On page 7, line 158, I ask unanimous consent to strike out the second "one" and insert "two;" so as to read:

For folding speeches and pamphlets at a rate not exceeding $1 per thousand, $2,500.

That making the amount for Senate folding $2,500, instead of $1,500. The Sergeant-at-Arms says he cannot get along with less than $2,500.

The amendment was agreed to.

Mr. ALLISON. Now, on page 17, line 385, after the word "hundred," I move to insert "and eighty." There is a mistake in the amount for one of the assistants to the Librarian of Congress. It should be $480, instead of $400.

The PRESIDENT *pro tempore*. The correction will be made, there being no objection.

Mr. ALLISON. In the next line, the total should be changed correspondingly by adding $80.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. ALLISON. On page 34, line 810, after the word "dollars," I move to insert "one clerk of class 4." It relates to the Life-Saving Service.

Mr. DAVIS, of West Virginia. I suppose the chairman understands that that is adding an additional clerk.

Mr. ALLISON. I do, but I propose to strike out "three," where it occurs in the next clause, and insert "two," so as simply to provide for a fourth-class clerk instead of one of the third-class clerks.

Mr. DAVIS, of West Virginia. You add one of the fourth class, and strike out one of third class?

Mr. ALLISON. Yes; restoring the "two" struck out in line 810.

The PRESIDENT *pro tempore*. So as to read, "one clerk of class 4;" and in line 810, restore the "two" and strike out "three" before "clerks of class 3."

Mr. CONGER. The Superintendent of the Life-Saving Service is very anxious that the reduction should be in the next line, striking out "two" and inserting "one;" so as to read, "one clerk of class 2." I hope the Senator will not forget that. I have gone over his list and the officers we have that are necessary. Instead of striking out "three clerks of class 3" it is proposed to strike out "two" before "clerks of class 2" and insert "one." That will correspond with the necessities of the office.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the suggestion of the Senator from Michigan?

Mr. ALLISON. The Superintendent asked me to insert "one clerk of class 4," and take him from the clerks of class 3, provided for as the bill now stands.

Mr. CONGER. The Senator will remember that the Superintendent asked that the three clerks of class 3 might remain, and one reduced in the number of class 2. I have had a long conversation since then with him.

Mr. ALLISON. Very well; I will not be particular about that. The amendment is to strike out "two clerks of class 2," so as to read "one clerk of class 2," as the bill came from the House.

The PRESIDENT *pro tempore*. The amendment may be put in that shape.

Mr. CONGER. How will it read as amended?

The PRESIDENT *pro tempore*. "One clerk of class 4, three clerks of class 3, one clerk of class 2," &c. The Chair hears no objection to the amendment in this shape, and it is agreed to.

Mr. FERRY. The aggregate in lines 814 and 815 will have to be changed.

Mr. ALLISON. It makes a difference of $400, instead of $200 as I proposed.

The PRESIDENT *pro tempore*. That correction in the footing will be made, adding $400.

Mr. ALLISON. In line 822 I propose to insert:

Nor to prevent the Commissioner of Internal Revenue from detailing one revenue agent for duty in his office.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. Is it the intention to give the Commissioner two men?

Mr. ALLISON. On inquiry I find that the special agency service has no relation whatever to the Commissioner of Internal Revenue; but inasmuch as the Treasury Department requested that to be inserted, I do not feel at liberty to strike it out now without further inquiry. I have not had time this morning to make inquiry.

Mr. DAVIS, of West Virginia. It can be corrected in conference, if necessary.

Mr. ALLISON. Yes, sir; but the amendment I have suggested is essential to the retention of one of these revenue agents here.

Mr. DAVIS, of West Virginia. The Senator will recollect that in committee we thought it was necessary to have one here, and this carries out that idea.

The amendment was agreed to.

Mr. CONGER. I ask the attention of the chairman for a moment. I called the attention of the Senator this morning to page 98, lines 2404 and 2405. By some mistake the surveyor-general of the Territory of Dakota is put at $2,000, and each of the other surveyors-general for the other seven Territories has $2,500, while Dakota has the largest amount of lands and the greatest influx of settlers. I ask that that may be changed to $2,500.

The PRESIDENT *pro tempore*. Is there objection to the amendment of the Senator from Michigan?

Mr. ALLISON. I think that ought to be done. Every Territorial surveyor-general except the one named by the Senator from Michigan receives $2,500. The Territory of Dakota is the most important surveyor-generalship we now have in the Territories. I know of no reason for the discrimination against him, and therefore I shall make no point of order.

Mr. DAVIS, of West Virginia. The attention of the Committee on Appropriations was not called to it, and it looks just.

Mr. ALLISON. No; our attention was not called to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan, [Mr. CONGER.]

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama [Mr. MORGAN] will now be read.

The ACTING SECRETARY. In the appropriations for the General Land Office, on page 87, line 2114, the amendment is to strike out "$1,800" and insert "$2,000;" in the same line, after the word "each," to insert "seven chiefs of division, at $2,000 each," and to strike out "thirty-two," in line 2114, and insert "twenty-five;" so as to make the clause read:

Three principal clerks, at $2,000 each; seven chiefs of division, at $2,000 each; and twenty-five clerks of class 4.

Mr. MORGAN. The effect of this amendment will be to decrease the number of clerks of class 4 by seven and also to add $200 to the pay of each of these clerks and make him a chief of division. It will also add $200 to the pay of the three principal clerks named in the statute and also in this bill. It distributes $2,000 among ten chiefs of division in the General Land Office. The former Secretary of the Interior and General Williamson, the late Commissioner of the General Land Office, recommended this change some two or three years ago, and the present Secretary has also recommended it, and it is in the Book of Estimates.

I wish to state very briefly to the Senate the reason for making this increase in the pay, and also in the authority of the persons named.

There is no chief of division in the General Land Office except by the assignment of clerks. Three principal clerks were authorized by the act of 1836, and their pay was put at $1,800. Since that time we have raised the number of clerks of class 4 to thirty-two, without making any allowance for those who are assigned as the chiefs of division. This is found to be unjust and also inconvenient in the Land Office, for the men who occupy the position of chiefs of division ought to have some discrimination made in their salaries. They have greater responsibilities, and have more duties to perform than the ordinary clerks of class 4.

More than that, this is a very modest demand; it has been long urged upon the attention of Congress, and has been neglected, very much, I think, to the detriment of the public service. I have had occasion during this session of the Senate at several times to call the attention of the Senate to the fact that the General Land Office is very much neglected in the force we provide for it, and particularly in the classification of the clerks. There are men in this town who have made from $50,000 to $100,000 in the last ten or twelve years who received their education in the General Land Office. They are excellent men; they have done well; they are honorable men; but after they had become experts in the General Land Office, not receiving a sufficient compensation for the support of their families, they retired from the office and went into the practice of the law.

Some of the gentlemen who are there now have a good deal of professional pride; they have pride in their office; they have made up records which reach back through many years. I can cite par-

ticularly the chief of the mineral land division, who has been there since that division was organized, not many years ago, it is true, and who has accomplished himself I should say in rather an extraordinary way for the discharge of the duties of his office. He is working at a salary of $1,800 a year, when I suppose that he could receive compensation anywhere practicing the law upon the specialty I have mentioned of from five to eight or perhaps ten thousand dollars a year.

I hold in my hand some six or seven of the decisions that have been made by the chief of that division, and other divisions also, and some of these cases involve as much as a million dollars' worth of property. The records on which these decisions were based were, at least in many cases, a thousand pages of manuscript. It would require one of these eighteen-hundred-dollar clerks from two to three or four weeks to investigate the cause. The Commissioner of the General Land Office has very rarely overruled any of their decisions. They have been remarkably exact and remarkably painstaking and careful and successful in their decisions.

I submit that the Government of the United States ought not to expect to avail itself of talents of this character, and of information and accomplishments of this character, at the moderate pay of $1,800 a year, particularly when the Department has been so long urging this increase on the attention of Congress.

The growth of the Land Office since 1836 is something simply marvelous. Our country has grown enormously in that period of time, and we have neglected to provide for these officers a compensation at all in comparison with the mere growth of the business, to say nothing of the importance of it.

I trust that the Senate will concur with the recommendations of the Department and allow these gentlemen to have this very moderate allowance. It places a chief over each of the ten divisions of the General Land Office, all of which have been estimated for, and will start at least a very much better system of organization in the Land Office than now prevails. I assure the Senate that I believe there is no branch of the public service that requires attention more than that. I hope the amendment will be allowed to be made.

Mr. ALLISON. I make the point of order, being instructed by my committee to do so.

Mr. BLAIR. I hope the Senator from Iowa will not make any point of order. As is undoubtedly known to the Senate a sub-committee of the Committee on Public Lands, of which the honorable Senator from Alabama who has just addressed the Senate was the chairman, investigated the condition of that office during the vacation and the early part of the present session. All that the Senator has stated is true and very much more——

The PRESIDENT *pro tempore*. Will the Senator from New Hampshire suspend? The Senator from Iowa will state his point of order.

Mr. ALLISON. My point of order is that the amendment changes existing law.

Mr. BLAIR. And the existing law ought to be changed; it very much needs to be changed, and I hope the objection will not be made on that ground.

Mr. MORGAN. I should like to say this about a change of the existing law: I do not think the objection taken by the Senator from Iowa is good under the rule, because whenever we increase an appropriation here we change the existing law, and this bill contains a great number of changes. It does not rest with the Committee on Appropriations to change the existing law. The object of this rule was to cut off the Committee on Appropriations, as well as any Senator, from making any proposition in a bill of appropriations to change the general law. I never have believed that it referred to that change in the general law which was exactly germane to the subject under consideration, as, for instance, the increase of an appropriation or even a reduction of an appropriation. Those changes that are contemplated in the rule, I submit to the President of the Senate and to the Senate, relate to the introduction of foreign matter—that is to say, general legislation respecting the whole country—upon an appropriation bill. There is no effect of this as general legislation, except that it takes a few more dollars out of the Treasury and pays them to the employés of the Government. It does not incorporate a system of law different from that which prevails for the general administration of public affairs, but it applies to a special subject and is entirely germane to that subject. I have never known this rule to be applied to a case of this kind.

Mr. PLATT. Is not this making an appropriation for the clerks in the General Land Office? Is it not making a law? Is there any law for the purpose except as we make it this year?

Mr. MORGAN. As to three of them there is an act of 1836, to which I referred a while ago, that created the three principal clerks in the Land Office and fixed their salary at $1,800. As to the remainder there is no general law, as the Senator from Connecticut suggests; this is the making of a law and every appropriation bill is the enactment of a law on this general subject. If this rule is to be applied to this case I do not know why it might not be applied everywhere. I could object to almost every appropriation in this bill because its effect is to change, as is said, the existing law.

That was not the object of the rule. The object of the rule was to prevent the Committee on Appropriations, as well as any Senator, from changing the general law of the land through riders imposed upon appropriation bills, but it never was intended to prevent the Congress of the United States from dealing with the subject of appropriations and saying whether a particular salary was large enough or was too large. If we change it in one direction, we can change it in another. I do not think the point is well taken, and I hope the Senator from Iowa and the committee will not insist upon it. It is a very great hardship. Here is change after change of this character made in the Senate as to almost every department of the Government, and there is no Senator who can rise and state a stronger case than is proven in this instance by the sworn testimony of the officers of this department to which I have just referred as to the necessity of this improvement in the condition of that office.

The PRESIDENT *pro tempore*. What provision of law is there on this subject? Is there any general law, or is it altered every year by the appropriation bill?

Mr. MORGAN. It is altered every year?

Mr. ALLISON. Three principal clerks were established, as the Senator from Alabama has stated, by a law of Congress. Now, there is another law which provides for the force in the several Departments, and it grades the clerks into first, second, third, and fourth class clerks. Of course, this proposition is to establish a new class of clerks in the Land Office.

Mr. MORGAN. It proposes only to raise the salaries of ten of these clerks, seven in one class and three in another, from $1,800 to $2,000 a year. It is not the change of a general law of the land, nor is it general legislation within the meaning of the rule which prohibits the committee, and the Senate also, from introducing measures of general legislation on these bills.

I confess I am surprised at the committee coming in with this objection now after I thought I had an understanding that no objection was to be made. The committee, I think, are not acting with the sort of liberality that ordinarily influences them. But I am not appealing to the liberality of the Senate, I am appealing to its justice, and I am appealing to a duty that we owe to the people of this country to enable these cases to be decided and to enable the business of that department to progress. Congress has obstructed it long enough; it is time that the homes of the people were free from the difficulties that environ and embarrass their titles, and that they had patents for their lands. We have got their money and promised them patents, promised an adjudication and a decision of their causes, and we withhold the force and the proper organization necessary to have this promise fulfilled.

Mr. ALLISON. After what the Senator from Alabama has stated, I think I ought to explain that the committee considered this question as fully as they could when the bill was before them. The Senator from Alabama has already reported a bill upon this subject.

Mr. MORGAN. No; not touching this particular branch of it.

Mr. ALLISON. But on the general subject of the reorganization of the General Land Office. We have inserted here, as the Senator very properly stated, new officers. The Senator could have made the point of order, doubtless, upon the additional assistant-commissioner reported to be provided.

Mr. MORGAN. I never thought it was any part of my business merely to obstruct public justice.

Mr. ALLISON. So on the inspectors; but the Senator made no point, and no other Senator made a point. The committee instruct me to make this point of order, and therefore I feel bound to do it.

The PRESIDENT *pro tempore*. The point of order is well taken, inasmuch as the amendment changes the existing organization of the Land Office.

Mr. MORGAN. I ask whether the point of order is well taken as to the seven chiefs of division where there is no statute? It may be as to the three, but not as to the seven. There is no statute which requires that there shall be seven clerks or any other number of clerks of class 4.

The PRESIDENT *pro tempore*. The act, as the Chair understands, is silent on that subject; then adding to it changes the existing organization. The Chair would rather not accumulate points of order on the Senator from Alabama, but he must decide upon the law as it is.

Mr. MORGAN. I will appeal and test the sense of the Senate to see whether or not the Senate believe this is such a change of the existing law as is contemplated in the rule.

The PRESIDENT *pro tempore*. The Senator from Alabama takes an appeal from the decision of the Chair. The question is, Shall the decision of the Chair stand, notwithstanding the appeal?

Mr. SHERMAN. On this question of order there is but one side. I have no objection to the amendment if it can be made in order.

The PRESIDENT *pro tempore*. The Chair decided that the amendment of the Senator from Alabama changed the existing organization of the Land Office, and therefore sustained the point of order. The Senator takes an appeal from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. Let the amendment be read once more.

The Acting Secretary read the amendment of Mr. MORGAN.

Mr. BECK. The Senator from Alabama has made some serious charges against the Committee on Appropriations. He charges that there was an understanding that they would not make any question on this amendment, and notwithstanding that they make the point of order. I should like to know what he means by that.

Mr. MORGAN. I do not go to committees for agreements. I have presented this question to the Senate.

Mr. BECK. What was the understanding referred to that the point of order would not be made?

Mr. MORGAN. I presented the amendment to several gentlemen of the committee, and I understood they would not make any point of order.

Mr. BECK. It was not the committee that made the point. The chairman of the committee has made the point of order.

Mr. MORGAN. But he said it was done by order of the committee.

Mr. BECK. There is no member of the committee who has not a desire constantly to do whatever is recommended as being necessary for the good of the service in connection with the General Land Office, and the best evidence of it is in the official paper I hold in my hand. In 1879, three years ago, the total number of employés in that bureau was 169, in 1882 the total number allowed was 229, an increase in number in those three years of sixty employés in order to facilitate the public business. The amount allowed in 1879 was $220,360, the amount allowed in 1882 was $287,820, an increase in the amount of 1882 over 1879 of $67,460, and a further increase is allowed in this bill, the efforts of the committee all the time having been to move forward as rapidly as it was possible to do consistent with the provision that had to be made for the other branches of the public service.

I have no doubt that each bureau of each Department of the Government, if a special committee was appointed to report just what it wanted, would demand more than it has at this time. You cannot go to any bureau and follow its opinions of what is best without having demands made for increase of salary, increase of force, increase of accommodations. But the Land Office, being regarded as a very important bureau, there is no bureau in any Department of this Government that in the last three years has been advanced one-half as much; I leave out the Pension Office, growing out of our changes of the law—a number of them quite unfortunate, in my opinion—but I have said enough about that, and I do not care to start that again. Aside from the Pension Office no bureau in any Department of the Government has been advanced as rapidly, either in the amount allowed to it or in the increase of employés, as the General Land Office.

I have looked over the very able report of the Senator from Alabama, and I have looked over the increase recommended; and I now present the statement to which I have referred, showing the allowance of force to the General Land Office in 1879 and in 1882.

Clerical force General Land Office.

Officers, &c.	Number, 1879.	Number, 1882.
Commissioner	1	1
Chief clerk	1	1
Law clerk	1	1
Recorder	1	1
Principal clerks	3	3
Clerks of class 4	5	16
Clerks of class 3	22	30
Clerks of class 2	40	40
Clerks of class 1	70	62
Clerks at $1,000	6	30
Draughtsman	1	1
Assistant Draughtsman	1	1
Assistant Messenger	7	9
Laborers	8	12
Packers	2	6
Copyists	.....	15
Total number	169	229
		169
Increase in number 1882 over 1879	.....	60

Amount for 1879	$220,360
Amount for 1882	287,820
Increase in amount for 1882 over 1879	67,460

This bill still further increases the force, and is a fair limitation upon the amount necessary to be expended in justice to the other bureaus of the various Departments. I have no doubt that the demands of the General Land Office will be cared for faithfully, as they have been in the past. It was because we had done so much, because we were inquiring and endeavoring to ascertain whether the Commissioner was making his present force do all they could, or whether he was getting this great increase from us to allow the old routine methods to prevail without requiring good service from those we were giving him, that we thought we should not go further at present, and hence thought the point of order ought to be made to give us a chance to see whether or not we were getting service in proportion to the advance we were making. Here sixty additional employés have been given and $67,460 additional money to pay them within three years, and additional employés are given now and additional money appropriated now, and it is time we were inquiring with some care whether the Commissioner is using that force and using that money as efficiently as they ought to be used.

Mr. MORGAN. Mr. President, the honorable Senator from Kentucky evidently has not read that report, or he would not make an intimation that the officers of the General Land Office were not diligent in the discharge of their duties, or that there was any waste of time or any neglect of the public business in that office.

Mr. BECK. I do not say there is, but we want to know what the facts are.

Mr. MORGAN. The Committee on Public Lands made a report based upon sworn testimony; they did not rely upon ordinary statements; they swore the witnesses, and every chief of division in that office but one, I believe, swore that very frequently he occupied a large part of the Sabbath, and almost daily he occupied many hours outside of office hours as required by the regulations, both day and night, in the transaction of public business. I undertake to say that there is no department of this Government in which the men are so hard worked as they are in the General Land Office, and there is not one that can be named in which they are more faithful or more intelligent.

If the labors of that committee in bringing this subject to the attention of Congress have not passed simply for nothing, then the Senator's remarks are entirely unfounded, and he as a member of the Committee on Appropriations, which seems to have charge of all the public business of this country, ought to have informed himself before he assumed the responsibility of making any such intimations. They are totally unfounded; not only that, but they are contrary to the fact.

Mr. BECK. Will the Senator state what I said that he so pronounces?

Mr. MORGAN. I understood the Senator to say that we had furnished more force to that department than to any other, and that the officers in the Land Office were not discharging their duty to the public.

Mr. BECK. I said no such thing, and the ears of the Senator from Alabama are very bad if he assumes that I said that. I said that in my judgment we had furnished more proportionate increase to that bureau than to any other bureau outside of the Pension Office, and I said we desired to ascertain whether they were working up the force we had given them to the best advantage, before going much further in that direction.

Mr. MORGAN. There is the proof, and I sent it before the Committee on Appropriations, the sworn evidence, which informs the Senator, if he has read it, as evidently he has not done, as to what is being done in this department. We cannot take as *ex cathedra* all the remarks made by the Senator from Kentucky when he states them right in the teeth of the evidence presented to his committee, and which he never has read. A guardianship of the public interests of that sort does not amount to much. It may do to talk about on the floor of the Senate, but it does not amount to anything in favor of the people.

If the number of employés in the Land Office has been increased more rapidly than in any other bureau than the Pension Office, what is the reason for it? It is because the business of the Land Office has increased more rapidly than that of any other department. It has outstripped all expectation and calculation; and we here, with a vast domain added by acquisition from Mexico since 1836, are proceeding with the same number of principal clerks we had then, without a responsible chief of division in any of the divisions of the Land Office. We have neglected our duty on this subject, and from this time forward I shall know where the responsibility rests.

The Committee on Appropriations, to whom the Senate refers evidence taken under oath on this question, neglect even to inform themselves of the contents of the paper, and then come in here and make statements directly the reverse and in contradiction of that record, and assume the responsibility of making a technical point of order to prevent the people from having their rights from this Government. That is the situation the Appropriations Committee put themselves in. They can stand in that position if they choose to do so, but their responsibility shall be perfectly understood by this country.

Now, sir, here is the General Land Office with one hundred and fifty thousand undisposed-of cases. As I have stated frequently on the floor of the Senate, at least fifty thousand of these cases are in severe litigation. The highest-paid officer, head of a division, in that department is an eighteen-hundred-dollar clerk, and cases, as I have stated here and the record shows it, that involve more than a million of dollars of money and a thousand pages of record are decided by an eighteen-hundred-dollar clerk; and when for three or four years the Commissioner of the General Land Office and the Secretary of the Interior have urged upon the Senate in regular annual reports some rearrangement of the business force in that office, Senators arise and make questions about what?

Do they challenge the truth of these reports made by the Secretary of the Interior, or do they challenge the testimony found in the report of the Committee on Public Lands, which they never have condescended to read? No, sir; nothing of that kind. They assume to themselves the responsibility, and they shall have it, too of deciding that the people of this country shall not have patents to lands that they have paid for, some of these cases being now twenty to twenty-five years old, and are standing there merely because Congress has not furnished adequate force to work up the cases. The current business in the Land Office cannot be transacted by the force

we have now got. That the committee ought to know, but they do not know it, or if they do they will not believe it, although witnesses swear to it. The current business in the Land Office cannot be discharged day by day by the force in that office, and hence this great accumulation, this mass of business which has grown up like a burden upon the conscience as well as the business of the country in consequence of the neglect of some department of Congress to make the proper appropriation.

The Secretary of the Interior comes here from term to term of Congress and makes application for these little sums of money to enable him to do the public work; but because these land titles that we owe to the people are perhaps nine-tenths of them due to men who have not got the money or the influence to come here and make lobby demands for their titles, we cannot have anything done. Put a man here with a pension claim or any other claim against the Treasury of the United States, it makes no difference how absurd it may be, and let him have a lawyer to come about here to stir up the conscience and memory of Senators about it, and we find these claims brought in here and agitated before Congress, leaving one hundred and fifty thousand undisposed-of cases in the General Land Office, where we have got the money of the people and refuse them titles, and that, too, upon technical objections which are extremely technical, and which, applied to this committee and applied to the amendments that have been offered here, would tear this bill in tatters and leave nothing of it.

Sir, I am for justice, and nothing but that. I have not come here to put in a plea for the General Land Office; I do not want to beg any money out of the Senate of the United States to increase the salaries of the employés of the General Land Office; but, sir, I do want something done here that will enable the people who are clamoring for their titles to get them out of that office. There the papers lie in those vaults and in those presses, and they are being destroyed by vermin. Here is the sworn testimony showing that many a land title that once was good and could have been perfectly established has been lost because Congress has refused to make an appropriation until the vermin and the damp and the mold have destroyed the records upon which the titles depend.

Now, sir, I do not believe that this objection is well taken. This is not an amendment that proposes general legislation. Rule 29 is that—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received—

This is admitted to be germane—

nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto—

This does directly relate thereto—

and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

That is Rule 29. Now Rule 28 is:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce, &c.

I do not find in any section of these rules any statement that new legislation shall not take place. That phrase I do not find in the rules, and yet it is often quoted here as if it was in the rules. The object of the rules was not to prevent new legislation, but it was to prevent general legislation, for if we want to reduce the amount of an appropriation for last year which a person received, that would be in a sense new legislation, but it would not be general legislation, and so if we wish to increase it. But here the Committee on Public Lands recommend the increase; the Secretary of the Interior recommends it; he puts it in the Book of Estimates; it is carried before the Committee on Appropriations; it is in every authentic form that it can be put unless the Congress of the United States, in reference to the General Land Office, intends to require of the Committee on Public Lands that they shall bring in a bill fixing the salary of every man in that office.

Why, sir, the inconvenience of such a construction as that is shown in this very debate, for there is no trouble about this case at all except that arising out of the act of 1836. That act provided that three principal clerks should be appointed in the General Land Office to receive a salary of $1,800 each; there is nothing said about the other seven; and if the point of order obtains at all, if it is valuable anywhere, it is only as against the three, and not as against the seven. These seven clerks are already provided for with salaries of $1,800; not the thirty-two clerks that are allowed by this bill. I move to change them merely as to the price, that is all, and call them chiefs of division, and it is not the creation of a new office, and if it was it would be entirely germane to the bill, as I think, and it ought to be adopted.

The PRESIDENT *pro tempore*. The Chair decided that this point of order was well taken, upon the ground that the act creating the General Land Office was radically changed by this amendment. It provides for "seven chiefs of division;" the whole system is changed; it changes the existing law on that subject. An estimate of a Department cannot justify an amendment if it changes existing law. The Committee on Appropriations can adopt it, it is true, but the rule says an amendment may be proposed in pursuance of estimate, and this is proposed in pursuance of an estimate of the head of a Department, but that estimate changes the existing law. "Seven chiefs of division" changes the existing law.

Then, again, it is said here this is not general legislation. The whole bill consists of general legislation from one end to the other. Any thing is general legislation that changes the existing law. This bill, from one end to the other, is full of general legislation.

Mr. MORGAN. I should like to say this: I have never seen any act creating the General Land Office which said whether there should be or should not be chiefs of division.

The PRESIDENT *pro tempore*. The Chair used to be very familiar with the law creating the General Land Office, as he had more business in that department than any other, and he is perfectly aware without its being pointed out to him that this changes the general organization of the Land Office.

Mr. MORGAN. I have examined the law with some care myself, and I find only this: that there are three principal clerks provided for in the act of 1836. It says nothing about chiefs of division one way or the other; it neither provides for them nor against them, but does provide for three principal clerks.

The PRESIDENT *pro tempore*. The Chair would vote for the amendment if he had opportunity to do it, but the Chair believes the point of order is well taken.

Mr. MORGAN. I have no doubt the Chair does believe it; but if the whole of this bill is general legislation then this committee have taken large liberties with the Senate and with the law of the land, for they have no more right to change the general legislation of the country than I have got as a Senator on this floor, or to propose a change.

The PRESIDENT *pro tempore*. Unless the Senate sustains them.

Mr. MORGAN. Unless the Senate sustains them! But we ought to have some understanding about this. I understand that the rules of the Senate are for the regulation of committees as well as for the regulation of Senators, and that no committee has a right of its own motion to violate the rules of the Senate. I know they take those liberties; I understand that perfectly well; but after they take as many of them as they choose I think it is a little harsh in them to come in and object on questions of order where somebody else wants to be heard. It has got to be so that a man has no place in the Senate, no power, no right unless he is on the Committee on Appropriations.

I do not think, Mr. President, the term "general legislation" mentioned in Rule 29 relates to such alterations as are germane to an appropriation bill, and in that sense of the word I do not think that all the provisions of the appropriation bill are general legislation. If they be so, it puts the legislative power upon appropriation bills exclusively in the hands of one committee, and I do not think that was the intention of the rule. The object of this rule is plain enough. It is that an appropriation bill shall not be allowed as a vehicle to carry into execution purposes of legislation not germane to the bill. That is the object of it.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DAVIS, of West Virginia. The Senator from Kentucky stated that previous to the present year there had been an increase in the General Land Office of $67,000 appropriated and of sixty clerks. In addition to that I wish to state that this bill provides nineteen new clerks for the Land Office, fifteen of which were added by the House and four by the Senate; also an assistant commissioner of the General Land Office, and that the amount of compensation this year over that of last is a little upward of $50,000, showing that there has been a large increase in this particular bill as it was reported to the Senate.

Mr. MORGAN. I ask the Senator if he knows how much the increase of business in the General Land Office has been the last year?

Mr. DAVIS, of West Virginia. I do not know.

Mr. MORGAN. It has been very great.

Mr. DAVIS, of West Virginia. I do know this: that the committee heard all that the representatives of the Land Office had to say, and that they believed they gave it full as many clerks as were necessary to perform the business. The committee heard the Land Office chief, with others, and this was the conclusion.

Now, as to the arrangement that the Senator wishes, that is another question. I sympathize with him to a considerable extent in the amendment he wishes, but you must bear in mind that the Committee on Appropriations have increased this bill largely, and if the Senator's amendment prevails he himself will see that it ought to be reduced in other particulars; and as it stands now, as I understand it, it is accepted in the Land Office as being a proper way of working in that office.

Mr. MORGAN. I am not so informed. I am informed just the reverse; that the Secretary of the Interior is not satisfied with it.

Mr. ALLISON. Only one word, Mr. President. I sympathize with this proposed increase in the General Land Office myself personally, and I believe that the business in that office is constantly on the increase; but we have provided in this bill as it came from the House sixteen fourth-class clerks additional.

Mr. MORGAN. The Senator will certainly do me the justice to say that I am not asking any increase in the number of clerks.

Mr. ALLISON. I understand that; but I am saying this in response to some remarks made by the Senator to the effect that the responsibility of not keeping up the current work of the Land Office would be upon this committee, because we had not furnished the necessary force. Now, there are sixteen additional fourth-class clerks proposed for the Land Office in this bill; there are ten clerks of class 3 proposed additional in this bill; and there are twelve clerks of class 2 proposed additional in this bill. We have given the Commissioner an assistant commissioner, which he has never had before. We have provided, also, for an increase in some of the miscellaneous appropriations for the Land Office. So that the Committee on Appropriations, as the Senator from Kentucky says, has dealt liberally with this office. We did not do all that it asked us to do; and because we did not do that another committee or a member of a committee having in charge the reorganization of this office (which measure, when it comes up, I doubt not that I shall vote for) comes in and scolds the Committee on Appropriations because we do not, forsooth, do all that he wants us to do. I should be glad to have my friend from Alabama upon the Committee on Appropriations for a little while to see how he would like to have every Department and every bureau of this Government come to us with voluminous papers, covering pages of writing and printed matter, asking changes and alterations and new provisions in these appropriation bills.

Mr. MORGAN. Will the honorable Senator indulge me in one remark? If I was a Senator on the Administration side of this Government, I would bestow what little power and effort I had to make the force of the Government adequate to the public wants and necessities, if it did cost money to do it.

Mr. ALLISON. We have made an honest endeavor to do that thing; and I will say to the Senator that if the current business of the Land Office does not appear to be up with the demands of the service when we come together here in December, I shall be willing to increase still further the clerical force of this department. But we have added fifty-six employés to the force in the General Land Office in this very bill; and yet, because we did not recommend seven chiefs of division, the Senator from Alabama finds fault with the committee.

Mr. BECK. I desire only to say a word or two in reply to the criticisms of the Senator from Alabama about never having read anything or knowing anything and about usurping power, and stating what I did not know to be true——

Mr. MORGAN. The honorable Senator will not regard me as having said that he stated as a fact that which was not so.

Mr. BECK. The RECORD will substantially show, I think, that the Senator made such statements as I have just mentioned.

Mr. MORGAN. I said this, which the Senator admitted, that he had not read the report and the evidence.

Mr. BECK. I said before the Senator made that statement that I had read that report.

Mr. MORGAN. The evidence?

Mr. BECK. No; your report.

Mr. MORGAN. The evidence was what I spoke of.

Mr. BECK. It was because the Senator from Alabama came to me and asked me to read his report that I did read it, and it was because I did read that report that I called upon the clerk of the Committee on Appropriations to let me know what we were doing for the General Land Office; and when he showed me that we had given them in three years sixty additional clerks and $67,000 additional appropriation, with a further increase in this bill; and when the sub-committee who had charge of it were looking into it carefully, and I asked them what they were doing, and they showed me that they had given fifty-odd thousand dollars more in this bill, added to the $67,000 given before, I thought they were acting liberally. That having been done, and it being more than was done for any other bureau or any other Department of the Government, because I took the pains to learn that much at the request of the Senator from Alabama after reading his report, thinking something ought to be done, then we are told that we are a set of usurpers who are constantly changing the law; that we have no regard for the public; that no man has any right here unless he is a member of that committee. Now, I propose to him to resign my place on that committee and put him there.

Mr. MORGAN. I will accept.

Mr. BECK. You will accept it now? Very well, let the change be made to-day, and let him go on in my place. Mr. President, I now request that to be done. I resign my place upon the Committee on Appropriations, and ask that the Senator from Alabama accept it.

The PRESIDENT *pro tempore*. There is another question before the Senate. The question is on the appeal of the Senator from Alabama from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The question being put, the decision of the Chair was sustained.

Mr. BECK. Now I ask that my resignation as a member of the Committee on Appropriations be accepted, and I ask for the appointment of the Senator from Alabama in my place.

The PRESIDENT *pro tempore*. The Chair might accept the resignation, but the Chair is engaged on this bill at the present time, and the interposition of another matter is not in order.

Mr. VOORHEES. I heard it stated once by a very wise man in this country that it was no time to swap horses while we are crossing the stream. I would suggest that.

The PRESIDENT *pro tempore*. This bill is before the Senate, and no foreign matter can be entertained by the Chair.

Mr. KELLOGG. I desire to ask that this bill be amended on page 21, line 496, by inserting after the word "dollars," in that line, the words:

Chief of appointment division, $3,000.

I desire to state that, following in the line of my friend from Alabama, I want to unload some complaints or criticisms upon the Senate that I think are well taken. The Secretary of the Treasury addressed a communication to the Committee on Appropriations calling attention to three officers in his Department, stating that their duties were arduous and difficult, and urging an increase of their compensation. The Committee on Appropriations for some reason saw fit to grant the request of the Secretary of the Treasury as to two; but, not intending to do an act of injustice, have omitted to include the other officer whose compensation was asked to be increased by the Secretary of the Treasury. I am sure it was an unintentional omission, because the Secretary of the Treasury gives better and stronger reasons why the officer omitted should have the benefit of an increase of salary than he does in the other two cases. It must be known by every one who knows anything about the office and the duties incumbent on the officer that the appointment division chief should have his salary increased, if either of the other two should. I do not suppose there is any objection on the part of any of the members of the Committee on Appropriations because they do not like this man or because he has not done them any favors.

Mr. COCKRELL. Who is the man? I never heard of him.

Mr. KELLOGG. The chief of the appointment division of the Treasury Department.

Mr. COCKRELL. Who is he? I do not know him. I never heard of him that I know of.

Mr. KELLOGG. The chief of the appointment division of the Treasury Department.

Mr. COCKRELL. I should like to know his name.

Mr. KELLOGG. The three officers were the head of the mail service, the topographer, and the chief of the bureau of appointments. These three officers were recommended to the Committee on Appropriations as diligent officers whose duties were onerous and difficult, requiring a superior order of talent, making special exactions on their time and ability, and the Committee saw fit to increase the salary of two, but omitted one. It seems to me that is an unjust discrimination, and I stand here for justice. I have no sort of feeling in the matter, but it has been brought to my attention, and I should like to know if it is improper to inquire in this august body of the Committee on Appropriations how it happened that they discriminated against this very efficient officer, for I think all will admit that he is an efficient officer?

Mr. ALLISON. I raise the point of order.

The PRESIDENT *pro tempore*. It is sustained.

Mr. FERRY. On page 108, line 2657, in the appropriations for the office of the Solicitor of the Treasury, between the words "dollars" and "chief clerk," I move to insert:

One law clerk, $2,500.

Mr. ALLISON. I raise the point of order.

Mr. FERRY. And, in the same line, I move to strike out "four" and insert in lieu thereof the word "three," as the number of clerks of class 4. The object of my amendment is not to increase the number of clerks, but to simply give the law clerk of the Solicitor's Office, who writes many of the opinions, and is detailed by the Department to defend the United States in suits throughout the country, adequate pay. He is now paid as a fourth-class clerk, $1,800; this is increasing his pay to $2,500.

I take the ground, if that duty is necessary, we should pay properly a man who is competent to discharge that duty for the Government, and in doing that we ought to pay him such salary as is adequate to the duties performed, and certainly $1,800 cannot command a proper lawyer to discharge the duties which are now imposed upon him.

Mr. COCKRELL. I was simple enough to believe that the Solicitor of the Treasury wrote the opinions and was paid for that service. If this clerk writes those opinions and does the responsible duties of the office, and the others are mere figure-heads, they ought to be retired in the interest of the public service, and this man placed at the head.

Mr. FERRY. If the Senator had observed exactly what I said he would have seen that I did not say that he wrote all the opinions; I simply said he wrote many of them. It is very common, as the Senator well knows, and none knows it better than the Senator from Missouri, that many subordinates do a large amount of work that perhaps the superiors get credit for. That pertains to all pursuits and departments of life. The solicitor cannot perform all these duties, and therefore this clerk is required to aid the solicitor in their discharge. Now, because that is a necessity, ought you to require a clerk to do such duties on the pay of $1,800, that of a fourth-class clerk? It is great injustice to a legal mind employed in the discharge of duties connected with the Treasury Department. I have no re-

flection to make on the Solicitor of the Treasury. I know him well; he is an able man and discharges his duties faithfully; but I find in my duties here as a Senator—and I believe I am about as industrious as the average of this body—that I am unable to perform all the duties required of me. I have to have a secretary, a short-hand reporter, for I cannot write all my letters.

Mr. COCKRELL. And you voted against every other Senator having one.

Mr. FERRY. What?

Mr. KELLOGG. I rise to a question of order.

Mr. FERRY. What does the Senator from Missouri mean?

Mr. COCKRELL. I mean that you voted against other Senators having the same privilege you have, under the resolution offered a few days since.

Mr. FERRY. I state to the Senator that on the simple proposition of authorizing every Senator who has not a secretary to employ one I should vote for it. What more does the Senator want?

Mr. COCKRELL. That was precisely what the Senator voted against the other day.

Mr. FERRY. Yes, in an appropriation bill, where it was not applicable, I did vote against it there, at the same time telling the Senator that I would vote with him on the general proposition, and I think I was for it before. That was why I plead for the messengers. I favor it because I believe that our legislation would be wiser if every Senator had a secretary, so that more of his time could be given to presence here and to reflection and study and research upon questions that come before the Senate. I am compelled to come in here with both pockets full of letters and to catch time here at my desk to answer these letters, letters that it is necessary for a Senator himself to answer, for there are many letters that cannot be dictated. That is known to all Senators. If that be the case, then some provision ought to be made; and if the Senate is not willing to give a secretary to every Senator, we must take help as we can get it; then certain ones must have it, certain messengers must be employed, and so we are coming to it step by step.

In this case, when this law clerk at $1,800 does this duty and necessarily because the Solicitor cannot do it all himself, I say it is rather niggardly if we refuse to pay him an adequate compensation for his discharge of important duties.

Mr. ALLISON. I make the point of order on the amendment.

Mr. FERRY. What is the point of order?

Mr. KELLOGG. I desire to call the attention of the Chair to the fact that at the conclusion of the few remarks I submitted in support of the amendment I offered a while ago, my friend from Iowa simply rose in his seat and, pointing his august finger at the Chair, said, "I make the point of order," and I sat down when the Senator made the point of order. He made the same point of order in the same manner quite as emphatic at the conclusion of the remarks made by my friend from Michigan, and this debate has gone on for ten or fifteen minutes now. I should like to resume the debate on my amendment. I want the same chance. I stand again for justice.

Mr. FERRY. But the Senator was more quiescent than I propose to be. He took his seat without responding to the Senator from Iowa. What is the point of order?

Mr. ALLISON. This is the creation of a new office. That is the only point I have made.

Mr. FERRY. This is simply increasing the pay of a clerk.

Mr. ALLISON. There is no such officer known now.

Mr. FERRY. Designating him as law clerk does not make a new office; he is simply a clerk. Putting "law" before "clerk" does not make an office, and the number is reduced in the next line, so that it is not an increase of the number, but simply designating one as law clerk. He is still a clerk.

The PRESIDENT *pro tempore*. "One law clerk, at $2,500," is making a new office.

Mr. FERRY. Then I have a right to amend my amendment by striking out "law;" so as to read:

One clerk, at $2,500.

The PRESIDENT *pro tempore*. Then that increases the appropriation.

Mr. FERRY. It increases the appropriation $700 in the aggregate. That is the complement of my amendment. I have reduced one clerk of class 4. It does not increase the number of clerks, but increases the pay of one clerk by saying "one clerk, at $2,500," and reducing in the next line the number one, leaving the same number of clerks, but giving one clerk $2,500 instead of $1,800.

The PRESIDENT *pro tempore*. It does in the aggregate increase the appropriation. The Senator has a right to test the sense of the Senate as to a rearrangement if thereby the aggregate is not increased.

Mr. FERRY. But I add to the aggregate, as has been done in several cases.

The PRESIDENT *pro tempore*. The point of order is raised that the amendment in the aggregate increases the appropriation.

Mr. FERRY. Then on what grounds is it ruled out? I have given notice, and I have the recommendation of the committee.

Mr. ALLISON. I ask consent, pending this matter, that the five-minute rule as to debate be applied to this bill during the remainder of the day.

Mr. MORRILL. On the amendments?

Mr. ALLISON. On the amendments and the bill.

Mr. FERRY. My amendment is in print, and I have the recommendation of the Committee on Finance. I think it comes within the requisition of the rule.

Mr. ALLISON. I ask unanimous consent that the five-minute rule be applied to debate on this bill and all amendments to it.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the rule be applied that each Senator may speak five minutes and not more than once.

Mr. COCKRELL. That was not the motion as I understood it.

The PRESIDENT *pro tempore*. The Chair thought so.

Mr. COCKRELL. I understood the motion was to limit debate to five minutes to each Senator, not saying anything about a Senator speaking more than once.

Mr. ALLISON. The usual five-minute rule.

Mr. COCKRELL. But not a limitation that no Senator shall speak more than once.

The PRESIDENT *pro tempore*. That is the limitation in the language of the rule.

Mr. ALLISON. That is on any particular amendment.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the enforcement of that rule?

Mr. COCKRELL. Certainly not.

The PRESIDENT *pro tempore*. The judgment of the Chair is that the amendment of the Senator from Michigan changes the law concerning the office of the Solicitor of the Treasury, that it creates an additional clerk, so that the amendment is not in order.

Mr. FERRY. Before the Chair concludes his decision may I ask if increasing the clerks named in the bill is creating a new office any more than increasing the amount of an appropriation named in the bill, coming within the rules otherwise?

The PRESIDENT *pro tempore*. It creates an office.

Mr. DAVIS, of West Virginia. I submit also that it is increasing the appropriation, and is out of order on that ground.

Mr. FERRY. If I have given notice of my amendment and had it referred to the Committee on Appropriations and have it recommended by a Department, I have met the rules and have a right to increase the appropriation.

Mr. DAVIS, of West Virginia. From what committee does it come?

Mr. FERRY. The Committee on Finance, I have already stated. That committee includes the Senator from Iowa, [Mr. ALLISON,] who is posted on all questions intelligently.

Mr. DAVIS, of West Virginia. Did I understand the Senator to state that the Committee on Finance recommended an additional clerk here?

Mr. FERRY. They recommended the amendment that I proposed to offer.

The PRESIDENT *pro tempore*. "One law clerk" was the amendment as offered.

Mr. FERRY. I have stricken out "law," so that it now reads "one clerk."

Mr. DAVIS, of West Virginia. That is something new, for the Committee on Finance to recommend the appointment of a clerk.

Mr. FERRY. Does the Chair rule that I have no right to amend my amendment?

The PRESIDENT *pro tempore*. The amendment as recommended was "one law clerk." Why the Committee on Finance should recommend this, the Chair cannot say. It is not appropriate to that committee.

Mr. ALLISON. It is rather a mystery to me.

Mr. BUTLER. I rise to a point of order. I understand the Chair has decided the question.

The PRESIDENT *pro tempore*. The Chair has already decided it, and if debate is to continue after questions are decided the bill will never be got through with.

Mr. MORGAN. I offer the following amendment, to come in on page 109, after "dollars," in line 2680:

Provided, That no copyright shall be allowed on any volume of the reports of the decisions of the Supreme Court of the United States, and said reports hereafter published shall not be sold by the reporter at a price exceeding $2.50 per volume.

Mr. ALLISON. I rise to a point of order. That is legislation.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. MORGAN. It is new legislation, but it is only an amendment of new legislation reported by the committee.

The PRESIDENT *pro tempore*. That makes no difference. The point of order is well taken.

Mr. MORGAN. I appeal from the decision of the Chair——

The PRESIDENT *pro tempore*. The committee can legislate, but——

Mr. MORGAN. I deny that proposition.

The PRESIDENT *pro tempore*. The Chair means that the committee can report anything that they choose——

Mr. MORGAN. I very respectfully deny that proposition.

The PRESIDENT *pro tempore*. At any rate, the point of order is sustained.

Mr. MORGAN. I have appealed from your decision, sir. Now, Mr. President, I desire to be heard. I am willing to yield my time to the Senate of the United States, but I cannot do it under compulsion. I cannot be forced to do it at all.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Alabama that anything in relation to the reporter of the Supreme Court of the United States is legislation. The House legislated upon that subject. The Committee on Appropriations moved to strike out that legislation, and the Senate agreed to the committee's amendment. Now the Senator from Alabama moves general legislation upon that subject, that the reporter shall not have a copyright in his reports. If that is not general legislation, the Chair does not know what is.

Mr. HOAR. If I may be pardoned for a moment, let me ask the Senator from Alabama, is he aware that the Supreme Court have directly decided in the case of Wheaton *vs.* Peters that there can be no copyright in these reports?

Mr. MORGAN. I had the impression that there was such a decision.

The PRESIDENT *pro tempore*. No copyright in the decisions of the court.

Mr. HOAR. Of course, I suppose, the reporter might treat his own particular form of head-notes as something to be copyrighted; that is the statement of the case.

Mr. MORGAN. That is the very point I desire to meet by this amendment. The reporter is a salaried officer of the Government of the United States and makes up these reports.

Mr. HOAR. Practically anybody who wanted to publish a new series of the decisions, as Judge Curtis did, as the Senator will recollect, could make his own head-notes. The facts are not capable of copyright, nor the decisions; so that I say with great deference to my honorable friend from Alabama that practically there is no copyright now.

Mr. MORGAN. I was informed the other day when this subject was up by the Public Printer that the cost of printing and binding in sheep the reports of the Court of Claims is from seventy-five to eighty cents a volume. They are sold for $5 by some speculative arrangement which I do not understand at all. But with the information that reports of that character can be printed for from seventy-five to eighty cents per volume and bound in sheep in the manner in which that is done, I thought it was the duty of the Senate to reduce the price of these reports to $2.50, and I supposed that inasmuch as the House itself had legislated upon this subject and we had stricken out that legislation and had changed it back to a salary of $5,000 for the Supreme Court reporter without any other change in the law——

The PRESIDENT *pro tempore*. The Senator is mistaken in that; the change leaves the salary just as it was.

Mr. MORGAN. I mean $2,500; I miscalled the figures.

The PRESIDENT *pro tempore*. The Senate struck out all the legislation in that regard.

Mr. MORGAN. Twenty-five hundred dollars is the salary the reporter now receives from the Government of the United States. I thought it was not only germane but entirely in order that we should further legislate upon the subject by saying that he should not receive as a part of his compensation a copyright upon the book or that he should not receive more than $2.50 per copy. The law now provides for $3, and I have always understood that an amendment which reduced the public expenditure was in order, so that if I wanted to reduce the price of the reports which he has a right to sell for $3 a volume to $2.50, that would be in order.

After having made that statement I will not press this matter, because I find that nothing is in order upon this bill that is not desirable.

Mr. COCKRELL. I should like to hear the amendment of the Senator read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment of Mr. MORGAN.

Mr. MORGAN. I wish to make one additional statement about this matter. At the time this subject was up I arose and suggested that I had some amendment I wanted to offer. It was then suggested that we go through with the committee amendments, and then go back to the bill. In my opinion, if I had offered this amendment at that time it would have been all right; but it is not right now. I shall have to submit, I suppose, to a decision that it is out of order.

My proposition is to reduce the price of the reports from $3 to $2.50; and that reduces the expense to the Government and to the people also. It is further provided that the reporter shall have no copyright, which, as the honorable Senator from Massachusetts says, is the law now as decided by the Supreme Court, only making it applicable to the statements of the cases, instead of to the decisions.

Well, sir, at some future time perhaps I shall have an opportunity of bringing the subject to the attention of the Senate and of the country, and I shall not fail to do so.

Mr. BECK. Is the appeal still pending?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BECK. If so, I desire to say that when the Senator from Iowa called up the bill I asked the question whether or not the committee amendments were first to be acted on and then the bill would be open to all other amendments by other Senators; and the Chair and the Senator from Iowa both answered "yes," as the RECORD shows. The House had legislated upon this subject, and the Senator from Alabama would have had a perfect right at that time to add anything to that provision of the House that he saw fit, because this House cannot determine any question of order relative to the action taken by the other House, and the House of Representatives having inserted new legislation in these words:

The reports of the decisions of said Supreme Court shall hereafter be printed at the Government Printing Office, under the supervision of the reporter, and sold by the Public Printer at cost of publication with 10 per cent. in addition thereto.

That was part of the bill as it came to us and was not subject to a point of order. Every right of every Senator to make any amendment to the bill as it came from the House was reserved, because as a matter of convenience the right was given to the committee to have their amendments acted on first without prejudice to the rights of any other Senator; and the RECORD shows that fact at the very beginning of the consideration of the bill.

I do not believe the Senator from Alabama is in any worse position now as to moving any amendment to the House provision than he would have been in if he had moved it as the section was read, because the action of the committee was allowed to go on without any interruption until they were through with their amendments to the bill, and then it was to be open as though the bill had just come from the House, with every word in it as it came from the House, or else I misunderstood the whole thing.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate, notwithstanding the appeal of the Senator from Alabama?

Mr. MORGAN. I withdraw the appeal, and give notice that I will move this amendment in the Senate and ask for a separate vote on the amendment put on the clause by the committee.

Mr. COCKRELL. Reserving the committee amendment for separate action?

Mr. MORGAN. Yes, reserving everything on that.

Mr. INGALLS. I call the attention of the chairman of the Committee on Appropriations to the clerical force now employed in the Bureau of Military Justice, as it appears upon page 73 of the bill between lines 1772 and 1775 inclusive. A very large increase of clerical force has been allowed the Pension Bureau, and for the purpose of facilitating the decision of cases pending there additional force has been permitted to be reported in favor of the Surgeon-General's Office and the Adjutant-General's Office and the other offices in which the evidence in support of pension claims is examined.

The Judge-Advocate-General, who is at the head of the Bureau of Military Justice, informs me that with the force at his disposal as reported in this bill it will not be possible to facilitate the consideration of pension cases, which has been contemplated by the additional force allowed the other Departments. It appears to me that in order to make the system symmetrical, if it is the design of the committee that the consideration of these cases shall be expedited, it is absolutely essential that an increase of force should be allowed the Bureau of Military Justice, where a very large portion of the evidence that is considered in these cases is to be found. If the channel through which the evidence flows is not made entirely open and unobstructed in its course from the beginning to the end, nothing will be practically gained by the great addition to the force of the Pension Bureau. If there is a congestion or a stoppage in any one of these different offices where testimony is required, so far as the decision of these cases is concerned it might as well exist in all of them. I would suggest to the Senator from Iowa whether or not it would not be advisable to allow the small additional number of clerks that the Judge-Advocate-General suggests is necessary in order to carry out the purpose of the committee in regard to the adjudication of pension cases.

Mr. ALLISON. The committee considered this question. The Judge-Advocate-General presented to us a letter at some length giving the character of the duties of his office, stating that quite a number of these pension cases were referred to his office for one purpose or another, and we were inclined I think to give him the force that he asked for; but on further examination and inquiry of the Secretary of War he stated that he thought this additional force was not required, and therefore we did not put it in. I confess to the Senator from Kansas that my mind is not quite clear on that subject, and if the committee will consent, I should be glad to add one or two clerks here, so that we may fully consider this question in conference.

Mr. DAVIS, of West Virginia. Is it proposed to add one?

Mr. ALLISON. I suggest that we add one of each class; that is, one clerk of class 4 and one clerk of class 2.

Mr. INGALLS. The Judge-Advocate-General handed me a memorandum comprising what he thought was the requisite force for the transaction of the additional business that would necessarily come to his office in consequence of the acceleration of business resulting from the increased clerical force in the other Departments. He says there should be one chief clerk. I now read his schedule, irrespective of what appears in the bill. There should be one chief clerk, two clerks of class 4, two clerks of class 3, one of class 2, four of class 1, and one clerk at $1,000; two copyists at $900; one messenger, one assistant messenger, and one laborer.

Mr. ALLISON. I cannot think all that force is necessary.

Mr. INGALLS. The addition would be two clerks at $1,800, one at $1,400, one at $1,200, and one laborer, making an addition of four clerks and one laborer to the force now employed.

Mr. ALLISON. I move to insert "one clerk of class 4;" and I

hope my friend from Alabama will not make the point of order on that additional clerk of class 4 that he is not authorized by the statute.

Mr. SAULSBURY. I should like to inquire of the Senator having charge of this bill how many clerks have been added to the Pension Bureau by this bill?

Mr. ALLISON. The Pension Bureau, or all of these offices?

Mr. SAULSBURY. All connected with the adjudication of pension claims.

Mr. ALLISON. The report of the committee gives an exact list. I think seven hundred are added.

Mr. DAVIS, of West Virginia. The chairman has reference to the Pension Office now; nearly eight hundred are added in the Pension Office, twelve hundred in all.

Mr. ALLISON. The Pension Office increase is between seven and eight hundred; I think nearer to seven hundred.

Mr. SAULSBURY. There is a practical illustration of the error of taking the first wrong step. We commenced with the arrears-of-pension act, and this is the legitimate fruit and outcome of that act; and now, after the committee with great liberality have provided for nearly twelve hundred additional clerks connected with pensions, another application is made by the Senator from Kansas for the purpose of making the symmetry complete, that we shall have four more additional clerks.

Mr. President, I think we ought to stop somewhere the expenditure for this purpose, and especially the expenditure of public money for clerks. If we took 2 per cent. of the salaries of those already in the service and put that in the hands of the Pension Commissioner, he, perhaps, could secure all the additional force required; but every additional clerk that is added in this bill becomes a part of the machinery to run the Republican party hereafter by imposing on them 2 per cent. of their salaries to help defray the expenses of the campaign. I do not say this proposition is drawn for that purpose, and yet that will be the result; and I am for several reasons, and for one political reason, opposed to this multiplication of offices.

Mr. ALLISON. I move to add "one clerk of class 4" to the Bureau of Military Justice.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be agreed to. The Chair hears no objection.

Mr. INGALLS. Let the aggregate be changed in that subdivision.

Mr. ALLISON. That will be a necessity. Add the salary of one fourth-class clerk to the footing, $1,800.

The PRESIDENT *pro tempore*. That change will be made.

Mr. CALL. On line 496, page 21, I move to insert "one chief of division at $2,750;" and in the same line to strike out "seven" and insert "six;" so as to read "six chiefs of division at $2,500 each."

Mr. ALLISON. The word "seven" has already been stricken out and "eight" inserted, so that the latter part of the amendment cannot be considered. While I am not clear that a point of order lies to this amendment, I hope it will not be adopted. It is in order to continue the chief of the division of captured and abandoned property at a salary of $2,750. We voted yesterday that we would not do it. I hope we shall not reverse that action to-day.

Mr. CALL. I understand that the Senator from Ohio [Mr. SHERMAN] withdrew his motion yesterday and no vote was taken upon it, and the chairman of the committee accepted a proposed substitute inserting "eight" instead of "seven." I do not understand that there was any vote on the subject. However, I have introduced the amendment because I was requested to do so, and I think the officer has a right to be heard on the subject.

Mr. DAVIS, of West Virginia. I understand that very clause was amended yesterday.

The PRESIDENT *pro tempore*. "Seven" has been changed to "eight," in line 496.

Mr. DAVIS, of West Virginia. It was amended yesterday by adding one chief of division, which gives this officer $2,500, and I know the only object of the amendment of the Senator from Florida is to give this officer $2,750.

Mr. ALLISON. That is what it is.

The PRESIDENT *pro tempore*. The Senator from Ohio moved substantially the same amendment as the Senator from Florida does now, but afterward, on consultation with the chairman of the committee, it was agreed to raise "seven" to "eight" chiefs of division.

Mr. DAVIS, of West Virginia. At a salary of $2,500.

Mr. ALLISON. I hope my friend from Florida will not persist in this amendment. I think this clerk, whoever he is, ought to be satisfied and not pursue this question much further.

Mr. CALL. The Senator from Iowa will acknowledge that every employé of the Government ought to have a hearing, and if he presents a good case it ought to be decided. Now, I do not know this gentleman; I never heard of him before. I am simply responding to a request from him, with some papers, stating that he thinks he has a right to this compensation. The papers which he has presented to me very clearly evidence that fact. He is estimated for by the Secretary at $2,750, the salary which he has been receiving all the time. I understand from the papers which have been presented to me that his duties are as follows:

1. To preserve the captured and abandoned property records and files and confederate archives, and to furnish information therefrom generally, or in special cases in response to resolutions of Congress and calls of the several committees thereof.

2. To answer rules of the Court of Claims for information and papers, if not injurious to the public interest.

3. To furnish to the Attorney-General all facts, information, and proofs which are or may be within the knowledge or in the possession of the Department in all cases brought against the United States in the Court of Claims, including all cases arising under the general jurisdiction of the court.

4. To examine and refer for payment judgments of the Court of Claims, and to determine questions of set-off against such judgments.

5. To furnish to the Secretary of State for the use of the French and American claims commission information from the books, records, and papers of the Department and confederate archives in claims before said commission.

I am informed that this officer has rendered very laborious and very valuable service, saving a large amount of money to the Government under that provision of his duties.

6. The preservation of the records of the Southern claims commission and furnishing information therefrom upon the request of committees of Congress and in answer to inquiries of claimants.

7. The custody and protection of lands and other property of the United States.

8. The preservation, collection, or sale of wrecked, abandoned, or derelict property, &c.

9. To prepare and furnish duly authenticated copies of the books, records, and papers of the Department in all proper cases under Treasury order of October 20, 1880.

10. To answer letters and verbal inquiries of individuals desiring information in regard to captured and abandoned property, claims against the United States, lands in charge of the Treasury Department, and generally all matters pertaining to the foregoing.

I am informed that these duties are reported by the Secretary as important duties—they manifestly are upon their face—and that the officer performing them has rendered very valuable service, and is necessary to the proper performance of the public service, and he has estimated for him the salary which he has been receiving for years, and I understand states it is right he should have it. Under these circumstances I think it proper to submit the amendment, and I hope the Senate will concur in it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

The PRESIDENT *pro tempore*. There is a correction needed in one amendment inserted the other day. In line 244, after the word "dollars," to strike out "one" and insert "four." The correction will be made, no objection being interposed.

The bill was reported to the Senate as amended.

Mr. ALLISON. I ask for a general concurrence in the amendments, unless some Senator desires to reserve any one.

Mr. MORGAN. I wish to reserve the amendment on page 109 in regard to the Supreme Court reports.

The PRESIDENT *pro tempore*. That amendment will be reserved. Is there any other amendment which any Senator desires to reserve? [A pause.] Will the Senate concur in the amendments, except the one on which a separate vote is desired by the Senator from Alabama?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The amendment reserved at the suggestion of the Senator from Alabama will be read.

The ACTING SECRETARY. On page 109, line 2679, the Senate, as in Committee of the Whole, struck out "five thousand" and inserted "twenty-five hundred; and in line 2680, after the word "dollars," struck out the following words:

The reports of the decisions of said Supreme Court shall hereafter be printed at the Government Printing Office, under the supervision of the reporter, and sold by the Public Printer at cost of publication with 10 per cent. in addition thereto.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment just read.

Mr. MORGAN. I move to amend the amendment of the committee by substituting in place of the words stricken out, after the word "dollars," in line 2680, the following:

Provided, That no copyright shall be allowed on any volume of the reports of the decisions of the Supreme Court of the United States; and said reports hereafter published shall not be sold by the reporter at a price exceeding $2.50 per volume.

Mr. HOAR. I make the point of order on that amendment. The Chair has already ruled that it is out of order.

The PRESIDENT *pro tempore*. The whole bill is in the Senate now; the question is whether it is not open to amendment.

Mr. HOAR. Certainly, but it is not in order to move to a general appropriation bill a new substantive piece of legislation, under our rules.

The PRESIDENT *pro tempore*. That is another point.

Mr. HOAR. That is equally true whether the bill as it comes from the House has one substantive piece of legislation in it or not. The Senator is not moving to amend any provision which is in the bill. He proposes a new legal enactment, giving the force of a positive statute to a principle in regard to the right to copyright these reports.

The PRESIDENT *pro tempore*. The Chair has no doubt about that point. The Chair was consulting the Senator from Tennessee [Mr. HARRIS] whether an amendment was allowable at all, as this was simply a question to concur with the committee.

Mr. MORGAN. I desire to say this——

The PRESIDENT *pro tempore*. The point is well taken. The Chair believes that this is a new subject-matter proposed to be introduced in the bill, and that it is general legislation. In the opinion of the

Chair it is immaterial whether the subject to which it relates was general legislation proposed by the House of Representatives or not; but the amendment here, if the point is taken, is open to that objection.

Mr. MORGAN. I do not wish to detain the Senate about this matter, but I think the Senator from Massachusetts would hardly make the point of order if he realized the actual situation of the case before the Senate at this time. This bill as it is here now is the bill as it came from the House of Representatives, with the proposed amendment by the Committee on Appropriations. That proposed amendment is to strike out "$5,000" in line 2679, and that was new legislation put in this bill by the House, because the salary of the Supreme Court reporter before that time stood at $2,500. That is the attitude of the case now, and in that attitude of the case I propose to amend in concurrence with the report of the committee.

Mr. HOAR. The Senator is not making the point as strongly for himself as I understand it to be. I did not understand that he was moving to amend the mere amount of the salary, but the motion was to insert after the word "dollars," in line 2680, the other part.

Mr. MORGAN. That is my motion.

Mr. HOAR. It is stronger for the Senator than he is stating it.

Mr. MORGAN. That is my motion.

Mr. HOAR. My point is this: suppose it to be true that the House of Representatives propose in an appropriation bill that the reports of the decisions of the Supreme Court shall be printed at the Government Printing Office, and sold at 10 per cent. in addition to the cost; that undoubtedly is before the Senate as it came from the House. We cannot by our rules limit what they shall send to us. It is undoubtedly new legislation. That I concede. But it is none the less true that Rule 29 affects all amendments which may be proposed in the Senate, and we cannot propose to the new legislation offered us by the House other new legislation distinct under the guise of amendment, although it relates to the same subject-matter. The House say that the reports shall be printed at a certain place and sold at a certain price. The Senator proposes to add to that a new enactment about the ownership of the copyright. That I object to.

Mr. MORGAN. The Senator from Massachusetts still does not comprehend my position. Perhaps I am unfortunate in not being able to state it so that he can comprehend it. It is this: the bill we are acting upon now is the text of the bill as it came from the House. I think that proposition will be undisputed. It being the text of the bill as it came from the House, the Senate has no right to raise a question of order on the House as to whether there is new legislation in it or not. It has a right to vote it down if it wishes, but it has no right to raise a point of order. Therefore, the text of this bill is in order before the Senate.

The Senate Committee on Appropriations proposed to amend by striking out "$5,000" and inserting "$2,500." They proposed further to amend by striking out all that follows in that clause: "The reports of the decisions of said Supreme Court," &c. I propose to amend the amendment of the committee by allowing them to strike out what follows, and substitute in place thereof an amendment which is germane to the subject that the House put upon the bill; and if the text, as the House sent it here, is a proper subject for consideration and not open to a point of order, then I have the right to substitute in place of that something else germane to the same subject, but varying the character of the legislation. If that were not so, we should be compelled always to take what the House sends to us and vote it up or vote it down without any opportunity to change the frame of it or to change the purport and meaning of it at all. I therefore think the objection of the Senator from Massachusetts on the question of order is not well taken, that this subject is before the Senate, and is therefore open to amendment in the Senate. That is the proposition I make and only that.

The PRESIDENT *pro tempore*. Is there an appeal from the decision of the Chair?

Mr. MORGAN. I will not appeal.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate of February 28, 1882, to print 1,000 additional copies of the list of merchant vessels.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6689) to remove the political disabilities of James I. Waddell;

Joint resolution (H. R. No. 174) for printing the report of the Life Saving Service;

Joint resolution (H. R. No. 249) amending a paragraph in the "act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department," approved May 1, 1882, "and to correct an error in the enrollment thereof;" and

Joint resolution (H. R. No. 250) authorizing the Secretary of the Treasury to issue 2 per cent. bonds or certificates in exchange for bonds bearing a higher rate of interest.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels; and

A bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida.

AMENDMENTS TO BILLS.

Mr. BECK submitted an amendment intended to be proposed by him to the bill (H. R. No. 6675) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. JOHNSTON and Mr. JONAS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal taxation; which were referred to the Committee on Finance, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 6689) to remove the political disabilities of James I. W. Waddell was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service, was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. R. No. 250) authorizing the Secretary of the Treasury to issue 2 per cent. bonds, or certificates, in exchange for bonds bearing a higher rate of interest, was read twice by its title, and referred to the Committee on Finance.

GRAND ARMY ENCAMPMENT IN KANSAS.

The joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas, was read twice by its title.

Mr. INGALLS. If there is no objection, I should like to have that joint resolution passed. It is in the ordinary form, and merely authorizes the Secretary of War to issue tents, &c., to a Grand Army celebration at Bismarck Grove, in my State, in September.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move to take up the deficiency appropriation bill, House bill No. 6243.

The PRESIDENT *pro tempore*. The Chair first lays before the Senate its unfinished business, being the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States. The Senator from Maine [Mr. HALE] moves that this bill be laid aside temporarily for the purpose stated. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. HALE. I ask unanimous consent that the amendments of the Committee on Appropriations be considered as they are reached in the order of reading of the bill.

The PRESIDENT *pro tempore*. That will be the order, if there be no objection.

Mr. MORRILL. Now, may I ask the Senator from Maine to allow me ten minutes to bring up the bill to further regulate the investment of the Pacific Railroad sinking fund. I do not think it will take ten minutes.

Mr. INGALLS. Is it a House bill or Senate bill?

Mr. MORRILL. It is a Senate bill. There is nearly a million dollars now lying idle that ought to be invested and cannot be until this bill is passed.

Mr. HALE. Upon the condition that if it gives rise to debate the Senator will withdraw it, I yield.

Mr. MORRILL. If it takes any time I will withdraw it.

Mr. HALE. I will yield to it for five minutes or ten.

PACIFIC RAILROAD SINKING FUND.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund.

Mr. MORRILL. There is about $500,000 received from each of these railroad companies that is now lying idle in the Treasury Department in consequence of the protest on the part of the companies against buying bonds at a high rate of premium, and the bill here presented is one approved by the Finance Committee, having been received from the Secretary of the Treasury, allowing the fund to be converted in the first mortgage bonds of the companies.

I wish to call attention for a moment to the very large amount which the Government has already advanced or pledged itself to pay, amounting to over $40,000,000, for each of these companies, and also to the very surprising statement of the amount that was invested by the Union Pacific since 1879 in the bonds and stocks of other corporations. The amount in 1879 was $7,226,000, while in 1881 they had invested in the bonds and stocks of other corporations $28,705,000. It seems to me very astonishing that the Government of the United States is not to obtain a larger amount of the debt due it from a company that is able in two years to increase its investment in other stocks from $7,000,000 to $28,000,000, but I have no further comment to make upon that.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. Now, let us go on with the deficiency bill.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The amendments of the Committee on Appropriations will be acted on as they are reached in their order, according to the suggestion of the Senator from Maine.

Mr. COCKRELL. I would suggest that where a Senator desires to amend an amendment, that be considered before the amendment is disposed of, and then we shall save the trouble that we had on the other bill.

Mr. HALE. I supposed the order carried that with it.

Mr. COCKRELL. Let that be the understanding.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER. It is the right of any Senator to move to amend an amendment of the committee.

Mr. HALE. I so understand.

The Acting Secretary proceeded to read the bill. The first amendment reported from the Committee on Appropriations was, under the head of "State Department," after line 9, to insert:

For contingent expenses of the Department of State for the fiscal year 1882, $900.

The amendment was agreed to.

The next amendment was, in line 31, after the word "cents," to insert:

Including $300 additional compensation to William S. Gilman for acting as disbursing officer of the commission.

So as to make the clause read

For the additional amount required to carry out the provisions of the joint resolution of February 18, 1881, authorizing and requesting the President to extend to the Government and people of France and the family of General La Fayette an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia, including the expenses of the officer of the War Department detailed to take charge of the military ceremonies at Yorktown, and the liabilities incurred by the Yorktown centennial commission, $32,328.92, including $300 additional compensation to William S. Gilman for acting as disbursing officer of the commission, or so much thereof as may be necessary, payable upon accounts specifically stated, and to be audited and paid by the Secretary of State.

The amendment was agreed to.

The next amendment was, after line 50, to insert:

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $3,000.

The amendment was agreed to.

The next amendment was, after line 54, to insert:

For defraying the expenses incurred in the transmission and reception of cable and domestic telegrams by the Department of State and legations abroad owing to the illness and death of the late President, $10,000.

The amendment was agreed to.

The next amendment was, after line 58, to insert:

To meet the expenses of the special mission to Peru, Chili, and Bolivia, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "foreign intercourse," after line 76, to insert:

To reimburse the resident commissioners of the United States to the international congress of electricians held in Paris in 1881, $1,000.

Mr. COCKRELL. I should like the Senator from Maine to explain that item and the next one.

Mr. HALE. This was a very important scientific convention held abroad called the international congress of electricians. The United States was represented there by five gentlemen who received letters from the Secretary of State, not in a formal way, but accrediting them to the meeting. They went there and paid their own bills, traveling expenses, and expenses while there, not calling upon the Government at all; but it was a thing of international interest, a subject which everybody is greatly concerned in, and there was a thousand dollars of expense connected with the part that the commissioners there took—not their own expenses, for they were paid out of their own pockets.

Mr. BUTLER. Were they American citizens?

Mr. HALE. Oh, yes. They needed a secretary, and Mr. Philip Walker, who was in the consular service at $4 a day—I will speak of both items now—resigned his place and acted as their secretary, giving his whole time to it, giving up his Government employment, and they ask authority to pay him at the same rate that he was receiving pay in the consular service. That is the next item which appropriates for Philip Walker $2,000. These items were put in the bill in the House of Representatives by the Committee on Appropriations there, but went out on a point of order. The Committee on Appropriations of the Senate on examination believe that while there was no law authorizing any appointment of commissioners to represent the United States and they were not appointed, still it was a subject-matter of national interest, and it was nothing more than fair that this thousand dollars should be paid and the pay of the secretary allowed. That is all there is of it.

Mr. COCKRELL. The Senator will correct me if I am not right. I understand that application was made to the Government to recognize and authorize participation in an international congress of electricians, and Congress peremptorily and unqualifiedly refused to have anything to do with it. Then these distinguished gentlemen voluntarily got together and held what they pleased to call an international congress, a scientific association, and the gentlemen who went from the United States being gentlemen received letters of introduction to the consuls of the United States and its diplomatic agents abroad. They held their congress, and then they come to the Government to pay their expenses, $1,000, and also to pay a secretary. If we recognize this it is a precedent to pay every voluntary association that may meet in any part of the world. We have had the Pan-Presbyterian assembly, and we have had divers other international conventions and assemblages, and this one has no more right to be compensated in this instance than any other voluntary meeting.

Mr. HALE. The Senator is mistaken as to the commission or these gentlemen being compensated for their expenses. That is not asked for. This is only a thousand dollars that was paid out of their pockets, aside from their expenses, being that portion of necessary expenses assessed upon the American part of the exhibition.

Mr. COCKRELL. Upon the American delegates as citizens, and not as representatives of the United States Government, for they had no authority, directly or indirectly, to represent the Government. They were individual American citizens, and not representatives of the Government.

Mr. HALE. That is just as the Senate sees fit to put it. It was assessed upon the American part of the exhibition, a very interesting and valuable exhibition, which brought out very marked and distinguished features of American ingenuity and enterprise; an exhibition that our citizens traveling abroad were glad and proud to attend, and in the end a thousand dollars was assessed as the American part, and these gentlemen paid it out of their pockets, and if Congress does not see fit to pay it back now, these gentlemen of course will pocket the loss.

There is no claim here to pay their expenses; it is not contended that they represented the Government, because if they had they would have come in for their entire expenses, and instead of $3,000 in all, there would have been here a bill for $25,000. But certainly, considering its importance, that it was not a meeting of a few gentlemen who had got together themselves and hobnobbed together about something uninteresting to the world, considering that it was a matter of great national and international importance, it seems to me clear and plain that we can do no better than to pay this little sum and be glad to get rid of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 80, to insert:

To compensate Philip Walker, late secretary of the commission, for his services, $2,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 101.

Mr. BECK. Lines 98 to 101, inclusive, read:

For freight charges due Adams Express Company, being a deficiency for the year 1880, $11,967.50.

That is a provision which the House inserted in the bill. Is there no deficiency for that express company for 1881 and 1882, and if there is, why are not all the items put in this deficiency bill? My

recollection is that the Director of the Mint advised us that there was about $29,000 due to the express companies. If that is the case, I do not see why it is divided into parts.

Mr. ALLISON. I think in the immediate deficiency bill, so called, we provided for a portion of the deficiency.

Mr. BECK. That explains it. I believe we did. That is where I heard the matter come up.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," in the appropriations for "mints and assay offices," in line 105, after the name "Alexander Ramsey," to insert "and S. O. Houghton;" and in line 109, after the word "dollars," to insert "each, and to pay the expenses of Thomas L. Young, also designated by the Secretary of the Treasury for the same purpose, $900; in all, 2,900;" so as to make the clause read:

For compensation of Alexander Ramsey and S. O. Houghton, designated by the Secretary of the Treasury to investigate the management of the United States mint at San Francisco, and expenses connected therewith, $1,000 each, and to pay the expenses of Thomas L. Young, also designated by the Secretary of the Treasury for the same purpose, $900; in all, $2,900.

The amendment was agreed to.

The next amendment was, after line 118, to insert:

Five and 6 per cent. bonds:

That section 170 of the Revised Statutes of the United States be so modified that the Secretary of the Treasury be, and hereby is, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $9,570, as follows:

For the office of the Secretary of the Treasury, $5,283.14.

For the office of the Register of the Treasury, $1,804.42.

For the office of the Comptroller of the Currency, $482.44, as a reasonable additional compensation to the employés of the Treasury Department who were actually employed during the months of April, May, June, July, and August, 1881, in addition to the usual business hours, on account of the work of continuing, at a lower rate of interest, the 5 and 6 per cent. bonds of 1881; the amount specified above to be paid by the Secretary of the Treasury to those actually engaged as aforesaid, in such sums as shall seem to him to be just and equitable, having reference to the value of the services rendered to the Government by each employé, respectively.

For the office of the First Comptroller: for two clerks, at $1,000 each.

Mr. COCKRELL. I should like for the Senator who was the distinguished Secretary of the Treasury at that time to give us some reason why these persons should receive this additional and extra compensation over and above their regular salaries.

Mr. WINDOM. When the refunding operations of last summer were in process there was no money to hire any additional clerks. The bonds came in for exchange with such rapidity that it became necessary to work a large force a great part of the night in order to keep up with the demand. I remember that on one day over $30,000,000 of the bonds were returned. The Secretary of the Treasury at that time, not having any funds to employ additional clerks, said to the head of the bureau having charge of the loan division that if the clerks would work at night, out of hours, additional time, he would ask Congress to make a reasonable compensation for that extra night service. The work was done, and done promptly and well, by men who worked during the heat of those months to twelve o'clock midnight and sometimes to two or three o'clock in the morning, and thereby accomplished the work for which there was no appropriation.

I am informed that this estimate is made from keeping an actual account of the hours' work beyond the ordinary time in which the clerks were employed, and that this is compensation merely for the extra number of hours worked by the men, at the regular annual rate.

Mr. COCKRELL. I should like to ask the Senator if we have not heard in the past a good deal about the refunding process costing nothing? I want to know if the Senator himself has not delivered some speech or written some letter claiming great credit for the Republican party that it had reduced the interest upon the bonds from 5 and 6 down to 3½ per cent., and had done it all at no cost to the tax-payers?

Mr. WINDOM. I am very much obliged to the Senator from Missouri. I have made no such speech, nor do I know that anybody else has made any such speech, as he has intimated, but I am under obligations to him for permitting me to state one or two facts.

There were about $700,000,000 of 5 and 6 per cent. bonds refunded at 3½ per cent., and the total cost, including three or four agents sent to Europe, printing and everything else until this amount is asked for, was about $10,000. If the Senator from Missouri can count the infinitesimal per cent. which $10,000 is to $700,000,000 he will know something of the economy with which that work was done. This amendment proposes to add about $9,000, making a total of less than $20,000 for converting $700,000,000 of United States bonds from 5 and 6 per cent. to 3½ per cent.

I will say to the Senator, who says I have made a boast of that, I never have boasted of it, but he affords me the opportunity to do it to-day. I say that the economy of that transaction is something of which I am profoundly proud, and I stand here to confess it in the presence of the Senator from Missouri.

Mr. COCKRELL. I understood in some proceedings heretofore occurring that the Senator from Kansas, not now in his seat, referred to some claim of that kind which the Senator had made. I did not say the Senator had made any; I wanted to know; and if the Senator had claimed the credit of having done this at no expense at all, I wanted him to have an opportunity of explaining why this after-clap came in of $9,000 or $10,000. That was all.

Mr. WINDOM. I never have made that claim; but I want to ask the Senator from Missouri if he does not think $20,000 a very moderate expense for converting $700,000,000 of bonds from 5 and 6 per cent. into 3½ per cent.?

Mr. HALE. It is the next thing to nothing, any way.

Mr. HAWLEY. The Senator has omitted the gas-light and the shoe-leather.

Mr. COCKRELL. It is not a very large amount of money, it is true, but if credit had been claimed before the tax-payers of the country for having done it for nothing, then it would be an extraordinarily large sum. That is the only difference.

Mr. WINDOM. Nobody is foolish enough to say that it was done for nothing.

Mr. COCKRELL. Here is the point in the case: we pay these employés of the Department as a matter of course. I want equal and exact justice done to them; but they are receiving their regular salary and I wanted the Senator to explain what additional work they did beyond the usual hours, and to explain further whether every time an employé in the Treasury Department works a few hours over the seven or eight hours a day he becomes entitled to extra compensation. I wanted that explained so that we might understand it.

Mr. WINDOM. In my opinion he does not become so entitled; but when you ask gentlemen and ladies to work until midnight or later for two or three months in order to accomplish a great public work, it does seem to me that they ought to be paid for it. I ask the Senator from Missouri if he thinks they ought to have done that work for nothing, or is there any private establishment in the country that would have expected such work to have been done for nothing?

Mr. COCKRELL. No; I do not think they ought to have done the work for nothing, but they were receiving a considerable salary at the time. I work a great many nights until much later than twelve o'clock. I ask no additional compensation for it. What I wanted to understand is if the rule is being established in the Departments that every time an employé of the Government works a few hours beyond the designated office-hours he thereby becomes equitably entitled to additional compensation over and above his salary?

Mr. WINDOM. I do not think there is any such rule. I certainly knew of none during the short time I served in that capacity. I want to say to the Senator that if he thinks $10,000 is too much to convert $700,000,000 of bonds he is under not the slightest obligation to pay this sum. Nobody is under any obligation. The Secretary of the Treasury at that time did not commit the Government to it; he simply said to these gentlemen, "I will ask Congress to do it." He did say further, however, that if he remained in office and it was not done he would grant to those men an additional leave of absence in order to compensate them for the work. He is out of office and therefore cannot keep that promise, and he would like to see them paid for that work done out of hours.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 190, to insert:

TERRITORIAL GOVERNMENTS.

For legislative expenses, Territory of Montana, namely: For printing house and council journals of the eleventh regular session of the Legislative Assembly, being for the service of the fiscal year 1879, $1,145.85.

The amendment was agreed to.

The next amendment was, after line 197, to insert:

For legislative expenses, Territory of Washington, namely: To pay the members and officers of the Legislative Assembly for the extra session from December 2 to December 8, 1881, (six days,) convened by proclamation of the governor of November 28, 1881, $1,194.

The amendment was agreed to.

The next amendment was, in the appropriations for "miscellaneous objects," after line 209, to insert:

To pay the Western Union Telegraph Company $114.66, being expenses incurred by the Surgeon-General of the Marine-Hospital Service under the provisions of the act of April 29, 1878.

The amendment was agreed to.

The next amendment was, after line 245, to insert:

To pay the legal representatives of Eben Eveleth, late commissioner of the Court of Claims, for services rendered by said Eveleth and his legal assistant, $5,000.

The amendment was agreed to.

The next amendment was, after line 277, to insert:

To pay William H. Johnson an amount sufficient to cover payments made by him to certain supervisors of election in New York City for legal services rendered by the same: *Provided*, That the amount does not exceed $1,885.

Mr. PENDLETON. I should like to have an explanation of that amendment from the Senator who has charge of the bill.

Mr. HALE. This amendment covers certain small items for supervisors of elections in New York City in 1880. They were small bills running from $5 to $15 and $20. Instead of being presented to the Treasury, they were turned over to William H. Johnson, who paid the parties the money. He brought the accounts all properly vouched and certificated to the Department, and a check was given to him. It was afterward found on their reaching the Comptroller, that the

provision of the statute forbidding payments to assignees stood in the way, and Mr. Johnson paid back the money into the Treasury. The object now is to compensate him for the advances that he made to these men, thereby relieving the Treasury.

I will say to the Senator from Ohio that the bills have all been filed and duly certificated. Mr. Johnson is out of his money, and this is simply to repay him what he has paid.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 282, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Francis E. Spinner, late Treasurer of the United States, with the sum of $47,097.65, amount of the deficiency of June 2, 1875, carried to his debit on the books of the Register of the Treasury, per Auditor's report numbered 200,925; and he is further authorized and directed to pay to the Treasurer of the United States, out of any moneys in the Treasury not otherwise appropriated, the sum of $650.61, to reimburse said Treasurer for an amount appearing on his books as a deficiency, and konwn as the deficiency of February 18, 1875.

The amendment was agreed to.

The next amendment was, after line 297, to insert:

To enable the Secretary of the Treasury to pay to the State of Kansas 15 per cent. of the amount of her quota of the direct tax of 1861, on account of the proper costs for assuming the collection of the same, $10,761.50.

The amendment was agreed to.

The next amendment was, after line 303, to insert:

To enable the Secretary of the Treasury to refund to the sureties of C. H. Davis, late postmaster at Vernon Springs, Alabama, the amount collected upon a judgment of court in excess of the actual amount due the United States from said postmaster, as appears of record in the office of the Auditor of the Treasury for the Post-Office Department, $731.07.

The amendment was agreed to.

The next amendment was, after line 311, to insert:

For amount due Enos Richmond for salary and expenses as agent of the late Southern claims commission, being a deficiency for the fiscal year 1880, $215.96.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in the appropriation for the "Quartermaster's Department," line 360, after the word "paid," to strike out "until a final decision shall be had in respect of each case in dispute;" so as to read:

For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts, but in no case shall more than 50 per cent. of the full amount of the service be paid, $125,000.

The amendment was agreed to.

The next amendment was, in line 362, after the word "provided," to strike out:

That such payment shall be accepted as in full of all demands; being for transportation during the fiscal year ending June 30, 1881.

And in lieu thereof to insert:

That such compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for said services: *And provided further*, That any such land-grant roads as shall file with the Secretary of the Treasury their written acceptance of this provision shall hereafter be paid for like services as herein provided; and all accounts of such railroads for services heretofore rendered shall be audited and paid as herein provided upon application of such roads and their acceptance of such sum in full of all claims for such services.

The amendment was agreed to.

The next amendment was, after line 375, to insert:

The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department employed by Major J. J. Dana, quartermaster, United States Army, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

The amendment was agreed to.

The next amendment was, in the miscellaneous provisions for the War Department, after line 390, to insert:

For the payment to Demott Bishop, carpenter; N. Mayer, blacksmith; Joseph Valentine, engineer; John T. Carroll, stonemason, and Charles Schmidt, quarryman, employed in the military prison at Fort Leavenworth, Kansas, for balance of pay due for the fiscal years 1878 and 1879, $200 each, $1,000.

The amendment was agreed to.

The next amendment was, in line 429, after "1883," to strike out "ninety-five" and insert "one hundred and fifteen;" so as to make the clause read:

For payment of amounts for arrears of pay to two and three year volunteers who served in the war of the rebellion, which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $115,000.

The amendment was agreed to.

The next amendment was, in line 441, before the word "thousand," to strike out "twenty-five" and insert "five hundred and fifty;" so as to make the clause read:

For payment of arrears of pay to officers and soldiers of the United States Army which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $550,000.

Mr. PENDLETON. That proposed appropriation may be all right, and I have no doubt a very satisfactory explanation can be made; but it seems to me the increase is so large that we ought to have it explained.

Mr. HALE. It is a very large increase, and it is an instance of the claims which are constantly being made upon the Treasury by the officers of the Army and Navy in the nature of increase of allowances. Under the law relating to what is known as longevity pay, an officer in the Army and in the Marine Corps adds a percentage of his pay for every five years' service—10 per cent. If he starts at $2,000, in five years the longevity gives him $2,200; in five years more, he gets $200 more; in five years more, $200 more. That has been the theory upon which longevity pay has been estimated.

Some years ago a very ingenious person, whether in the Army or some attorney outside of the Army, conceived the notion that the longevity pay should be compounded; that is, if an officer starting at $2,000 salary in five years gets $200 more, 10 per cent. is added to that, and when he comes to the second five years the 10 per cent. is reckoned, not upon the $2,000, but upon the $2,200, thus compounding the longevity pay. The accounting officer of the Treasury resisted it, of course, and the matter was carried into the court. It was decided against the Government, and the Treasury finds itself now confronted with this new demand that it has got to pay.

Mr. MORGAN. What court was it carried into?

Mr. HALE. The Supreme Court, in the famous Tyler case. The claims are coming in. I will say to the Senator from Ohio and to the Senate that the committee has put in an additional $525,000, but that is not going to pay all. When these claims have all come in they will aggregate perhaps considerably more than a million dollars to come out of the Treasury.

This is a thing which can be cured for the future, and that has already been done, because upon the Army appropriation bill the Appropriations Committee reported a clause providing in terms as distinct as the ingenuity of the committee could make it, with a hope that there might be some possibility of holding these officers to a rule such as everybody else besides them understands with reference to their pay. It may be a hopeless task, but that has been attempted and it has been cured so far as it can be. That is the reason why this appropriation is proposed.

Mr. DAWES. The law is altered now.

Mr. HALE. Yes, the law is altered now by statute, but this is a claim which cannot be avoided. It is a claim which has passed through the courts, and has been submitted to a final adjudication, and they are entitled to it and get their pay.

Mr. MAXEY. Has it been corrected so as to bring it back to what was evidently the original purpose, to add the percentage only on the starting pay? Is there any statute that makes it right now?

Mr. HALE. I have endeavored to show that this has been cured, so that hereafter the 10 per cent. will be reckoned upon the original starting pay.

Mr. DAVIS, of West Virginia. It was so provided in the Army appropriation bill.

Mr. HALE. Which has already passed and become a law. I made a reckoning in a certain case that in a single year it made a difference of over $400. Senators can easily see how soon it will roll up to a million dollars when applied to the Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 441, to insert:

For payment of amounts for additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department up to June 30, 1883, $80,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 462, to reduce the appropriation "for the Bureau of Construction and Repair" from $150,000 to $75,000.

The amendment was agreed to.

The next amendment was, after line 475, to insert:

For accrued mileage to naval officers and officers of the Marine Corps under the act approved June 30, 1876, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Temple, $50,000.

The amendment was agreed to.

The next amendment was, after line 480, to insert:

For accrued longevity pay of officers of the Marine Corps, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Tyler, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," in the appropriations for the "public land service," after line 556, to insert:

For salaries and commissions of registers and receivers of district land offices for the fiscal year 1882, $25,481.

The amendment was agreed to.

The next amendment was, after line 560, to insert:

For the payment to the heirs of E. G. Moore, deceased, late register of the land office at Lecompton, Kansas, for fees and commissions due him for the calendar year 1859, as per letter of the Commissioner of the General Land Office of date of May, 1881, $423.61.

The amendment was agreed to.

The next amendment was, in the appropriations for "Indian affairs," line 625, after the words "support of," to strike out "Hualapai Apaches in Arizona," and insert "Mojave Indians;" so as to read:

For this amount, or so much thereof as may be necessary, to pay indebtedness incurred under "support of Apaches of Arizona and New Mexico," "support of

Mojave Indians," "support of Arrapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas," "telegraphing and purchase of Indian supplies," and "transportation of Indian supplies," for the fiscal year 1881, $94,387.56, (of which sum $61,313.61 is appropriated to readjust balances, and involves no expenditure of money from the Treasury.)

The amendment was agreed to.

The next amendment was, after line 640, to strike out:

To pay to John R. Baylor amount of certificate numbered 5830, due him as special Indian agent, "for 1879 and prior years," as per House Executive Document No. 202, Forty-seventh Congress, first session, $417.25.

Mr. BECK. The Senator from Texas [Mr. COKE] desires that those words shall be retained. The Senator from Texas is absent in attendance on the Committee on Commerce, which is sitting by special permission of the Senate, and I ask that the amendment be passed over until he comes in.

Mr. MAXEY. I have been here waiting for this item to be reached. I desire some explanation in regard to it.

Mr. HALE. The clause was stricken out because the item is included in the provision found on pages 71 and 72.

Mr. MAXEY. So that Mr. Baylor will get his money under another part of the bill?

Mr. HALE. Under another clause.

Mr. MAXEY. Then it is all right.

Mr. BECK. I was not aware that the Senator from Texas [Mr. MAXEY] took an interest in the matter, but his colleague spoke to me and said he hoped it would not be acted on in his absence.

Mr. MAXEY. I did not wish the amendment agreed to, but the explanation made by the Senator in charge of the bill explains it, and it is all right.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his request to have the amendment passed over.

Mr. BECK. I withdraw it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after line 735, to insert:

To pay the expenses of the Ute commission provided for under section 2 of the act of June 15, 1880, $2,000.

The amendment was agreed to.

The next amendment was, after line 738, to insert:

To pay expenses of the board of Indian commissioners, namely: For salary of the secretary, $2,000; for salary of messenger, $600; for rent of office, $400; for contingent expenses of office, $200; and for traveling expenses of members, $700; in all, $3,900.

The amendment was agreed to.

The next amendment was, after line 745, to insert:

To pay James L. Henry, of Asheville, North Carolina, for services as attorney in behalf of the North Carolina Cherokee Indians, in the case of Polly Tatham, administratrix of Thomas C. Tatham, deceased, against the Eastern Band of Cherokee Indians of North Carolina, $150, to be paid out of any funds in the Treasury belonging to said Indians.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," after line 826, to insert:

To pay in full for transferring the foreign mails through the city of Chicago from November 1, 1879, to June 30, 1883, $6,000.

The amendment was agreed to.

Mr. HALE. It is desired to have an executive session, and I now move that the Senate proceed to the consideration of executive business.

THE BANKRUPTCY SYSTEM.

The PRESIDING OFFICER. The Chair will first lay before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States. That bill being pending the Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of exective business. After thirty-five minutes spent in executive session the doors were reopened, and (at four o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 1, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

INDIAN RESERVATION IN NEBRASKA.

Mr. HASKELL, by unanimous consent, reported back with amendments, from the Committee on Indian Affairs, the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CONTESTED ELECTION—SMITH VS. SHELLEY.

Mr. BELTZHOOVER. I desire to present the views of a minority of the Committee on Elections in the contested-election case of Smith *vs.* Shelley, from the fourth district of Alabama. I ask that the views of the minority be printed with the report.

The SPEAKER. It will be so ordered.

ISSUE OF 2 PER CENT. GOVERNMENT BONDS.

Mr. KELLEY. I ask unanimous consent for the immediate consideration of the joint resolution which I send to the Clerk's desk to be read. I will state briefly that it was prepared under the auspices of the Secretary of the Treasury and is approved by the Committee on Ways and Means. It provides for the emission of $200,000,000 of 2 per cent. bonds or certificates in exchange for the 3½ per cent. bonds now outstanding.

Mr. MILLS. At what time will these bonds be redeemable?

Mr. KELLEY. Redeemable all the time after the 3½ per cent. bonds have been called. That is the advantage which the takers of these bonds will receive. The joint resolution expresses clearly the retention of the Government option.

The joint resolution was read, as follows:

Joint resolution authorizing the Secretary of the Treasury to issue 2 per cent. bonds or certificates in exchange for bonds bearing a higher rate of interest.

Be it resolved, &c., That the Secretary of the Treasury be, and he hereby is, authorized and empowered in his discretion to issue bonds or certificates of indebtedness of the United States in such form, being $50 or multiples of that sum, as he shall see fit, to the amount of not more in the aggregate than $200,000,000, bearing interest at the rate of 2 per cent. per annum, payable half yearly, and the principal and accrued interest payable at any time at the option of the United States. He shall issue them only in exchange for the obligations of the United States bearing a higher rate of interest than 2 per cent. per annum, and at the par value of the several obligations exchanged. The bonds or certificates of indebtedness hereby authorized shall not be redeemed until all the bonds of the United States bearing a higher rate of interest, and which are also payable at the option of the Government, shall have first been paid off or called. The bonds or certificates hereby authorized shall be called in for payment in the inverse order to that in which they shall have been issued and in such sum at each call as the Secretary of the Treasury may determine. They may be used by the national banking associations as security for the payment and redemption of their circulating notes, and by national-bank depositories as security for deposits with them of public moneys at the same rates and subject to the same regulations as other obligations of the Government are now received and held for those purposes respectively. They shall be redeemable at the Treasury of the United States in coin of the present standard value; and the interest thereon shall be payable in that coin at that place. They shall be exempt from all taxes or duties of the United States, and from taxation in any form by or under State, municipal, or local authority. Nothing herein contained shall be held or construed to authorize any increase whatever of the bonded debt of the United States.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. HASELTINE. I object.

Mr. HOLMAN. I wish to inquire whether the proper interpretation of this measure is that the payment of these 2 per cent. bonds is only postponed until after the payment of the extended fives and sixes.

Mr. KELLEY. Exactly.

Mr. HOLMAN. No further?

Mr. KELLEY. No further; and they are subject to call any time when those shall have been paid.

Mr. RANDALL. The probability is that the owners of the extended 5 per cent. bonds would be the purchasers of these bonds.

Mr. KELLEY. That is possible.

Mr. RANDALL. There are no other bonds (except, I think, about $30,000,000 of 6 per cent. bonds) which have been extended at 3½ per cent.; and there is likely to be very soon a call of $15,000,000 of that part of the indebtedness. So that the great bulk of these 2 per cent. bonds would be taken by the present holders of 5 percents extended at 3½.

Mr. DINGLEY. I think that if the gentleman from Missouri [Mr. HASELTINE] understood this joint resolution he would make no objection to it. It does not postpone the payment of the debt one hour, but simply reduces the rate of interest, in cases where the holder may consent to it, to 2 per cent. There ought not to be any objection to the measure. I hope the gentleman from Missouri will withdraw his objection.

The SPEAKER. Does the gentleman from Missouri insist on his objection?

Mr. HASELTINE. I object to the present consideration of the bill.

Mr. KELLEY. I implore the gentleman to withdraw his objection. Why should we pay 3½ per cent. interest on $200,000,000 when we are solicited to accept that amount at 2 per cent.?

Mr. HASELTINE. I object to considering a measure of this importance without proper opportunity for examination and discussion.

Mr. DINGLEY. Let it come before the House, then, for consideration.

Mr. KELLEY. I have only asked that it come before the House for consideration. If the gentleman has any objection to urge, he will have the fullest opportunity. [Cries of "Regular order."] I trust the regular order will not be called. This is a very important measure.

The SPEAKER. Objection is made.

Mr. MILLS. Who objected to the consideration of the joint resolution?

The SPEAKER. The gentleman from Missouri, [Mr. HASELTINE.]

CORRECTION OF ENROLLMENT.

Mr. HOLMAN, by unanimous consent, reported from the Committee on War Claims a joint resolution (H. R. No. 249) amending a paragraph in the act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, approved May 1, 1882, and to correct an error in the enrollment thereof; which was read a first and second time.

Mr. HOLMAN. I ask the immediate consideration of this resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the following paragraph in the act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, approved May 1, 1882, "to Fred. Henninger, surviving partner of Henninger & Gillaspie, of Franklin County, $80," be amended to read as follows, namely, "to Fred. Henninger, surviving partner of Henninger & Gillaspie, of Franklin County, $46."

Mr. HOLMAN. I ask that a letter from the Secretary be read to show the basis upon which this joint resolution is founded.

The letter is as follows:

TREASURY DEPARTMENT, *May* 15, 1882.

SIR: I have the honor to invite the attention of Congress to the inclosed copy of a statement from the Third Auditor of the Treasury, of the 13th instant, in regard to the appropriation made to Fred. Henninger, surviving partner of Henninger & Gillaspie, of Franklin County, Pennsylvania, on page 16 of private act No. 49, approved May 1, 1882, providing for the payment of certain claims allowed under the act of July 4, 1864.

From the statement of the Auditor it appears that the claimant demanded only $46; that the vouchers on which he based the claim called for only that sum, and that the accounting officers allowed and reported only that sum; yet the sum of $80 is appropriated to Mr. Henninger in the act referred to.

There is nothing in the papers in the case as they were returned to this Department from Congress which could suggest an allowance of a higher amount than $46, and the presumption is, therefore, that the increased allowance resulted from clerical error.

The papers are herewith returned to Congress for such action as may be deemed necessary in the case.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. J. W. KEIFER,
Speaker of the House of Representatives.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF MILITARY LANDS FOR SCHOOL PURPOSES.

Mr. PACHECO. Mr. Speaker, I ask by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 77) to donate certain military lands and possessions in the county of Inyo, State of California, for school purposes for present consideration. It is in the interest of education, and I hope there will be no objection to it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to convey to the counties of Inyo and Mono, State of California, through a board of trustees hereinafter provided for, for the purpose of creating, establishing, and maintaining a high school, all those certain pieces, parcels, and tracts of land known as Camp Independence, situate, lying, and being in the county of Inyo and State aforesaid, described as follows, namely: The east half of lot number one of the northeast quarter of section number one, in township number thirteen south, range number thirty-four east, and the fractional west half of lot number one of the northwest quarter of section number six, in township number thirteen south, range number thirty-five east, base and meridian of Mount Diablo, containing about eighty acres, together with all the improvements thereon, rights, tenements, hereditaments, and appurtenances thereunto belonging.

SEC. 2. That said property so conveyed shall not be sold, assigned, nor converted by the said counties of Inyo and Mono, or either of them, for any other purpose than the one contemplated by this act: *Provided*, That said school and property shall be managed and controlled for the purposes herein contemplated by a board of trustees, consisting of three resident tax-payers of the county of Inyo, and two resident tax-payers of the county of Mono, who shall be appointed as follows, namely: three by the board of supervisors of said Inyo County and two by the board of supervisors of said Mono County: *And provided*, That said board of trustees shall be appointed by said boards of supervisors of the respective counties at their second meeting after the approval of this act; the said board of trustees to hold their offices for the term of three years from the 1st day of January succeeding their appointment, and until their successors are appointed: *And provided further*, That the Secretary of War shall require of each of said counties, by resolution, and by the appointment of such trustees by their respective boards of supervisors, an acceptance and agreement to the conditions of this act before making the conveyance herein provided; and he shall make such resolution of acceptance and a duly certified transcript of such agreement a part of his deed of conveyance.

SEC. 3. That the Secretary of War be, and he hereby is, authorized and directed to transfer the remainder of the Camp Independence military reservation to the Secretary of the Interior, for disposition under the provisions of the general land laws: *Provided, however*, That the present settlers upon such lands shall be recognized as entitled to the first right of entry.

Mr. HOLMAN. I reserve the right to object until some explanation has been made of this bill.

Mr. HISCOCK. This will lead to discussion, and I must object.

Mr. HASELTINE. I withdraw my objection to the proposition reported from the Ways and Means Committee by the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. HOLMAN. I must object to the bill of the gentleman from California until we have some time to look into it. It is an important measure and should not pass without full consideration.

FUNDING—JOINT RESOLUTION.

Mr. HASELTINE. I withdraw my objection to the consideration of the funding proposition reported from the Ways and Means Committee by the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. HISCOCK. I must demand the regular order of business.

Mr. KELLEY. I hope not, as against the joint resolution I have reported.

Mr. HISCOCK. What will come before the House if I withdraw my objection?

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania again on the funding proposition.

Mr. CANNON. How much time will it take?

Mr. KELLEY. If it provokes debate I will withdraw it. I ask its passage by unanimous consent.

Mr. HISCOCK. I understand from the gentleman in charge of the appropriation bill that the gentleman from Pennsylvania says if his proposition provokes discussion he will withdraw it.

Mr. KELLEY. Certainly.

Mr. HISCOCK. With that understanding I withdraw my demand for the regular order.

Mr. KELLEY, by unanimous consent, from the Committee on Ways and Means, reported joint resolution (H. R. No. 250) authorizing the Secretary of the Treasury to issue 2 per cent. bonds or certificates in exchange for bonds bearing a higher rate of interest; which was read a first and second time.

Mr. MCMILLIN. Let the report be read.

The SPEAKER. There is no report accompanying the joint resolution.

Mr. KELLEY. This is a joint resolution reducing interest on bonds from 3½ to 2 per cent. without extending the time.

The joint resolution was again read.

Mr. ATKINS. I wish to ask the gentleman from Pennsylvania a question. Is it the purpose of this joint resolution to extend any of these bonds beyond 1907?

Mr. KELLEY. Not beyond the three-and-a-halfs. They are to be called immediately on the expiration of the time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DUTIES ON RAW WOOLS.

Mr. RUSSELL. I ask that by unanimous consent a petition relating to duties on raw wools be referred to the Ways and Means Committee, and printed in the RECORD.

The SPEAKER. The Chair hears no objection, and the petition will be referred to the Ways and Means Committee, and the body, without the names, printed in the RECORD.

The body of the petition is as follows:

To the Senate and House of Representatives in Congress assembled:

We, the operatives of the Shaw Stocking Company, of Lowell, Massachusetts, engaged in the manufacture of knit goods, earnestly appeal to Congress for the immediate correction of the error in the Revised Statutes by which knit goods are made subject to a much lower duty than the pound duties on raw wools, as we believe that this error, if it remains uncorrected, must of necessity throw thousands of us out of employment in our American mills for the manufacture of knit goods.

LIFE-SAVING SERVICE.

Mr. COBB. I ask unanimous consent——

The SPEAKER. The Chair recognizes the gentleman from Missouri to a privileged report.

Mr. BRAGG. I wish to notify gentlemen who want cannon-balls that this is the last chance they will have.

Mr. ROBESON. I move to dispense with the morning hour.

Mr. VAN HORN. I rise to make a privileged report. I am directed by the Committee on Printing to report back House resolution No. 174, for printing the report of the Life-Saving Service, with the recommendation that it do pass.

The joint resolution was read, as follows:

Resolved, &c., That there be printed 10,000 copies of the report of the operations of the United States Life-Saving Service for the year ending June 30, 1881, including the instructions to mariners in case of shipwreck, and the tables showing the location of stations, but without the other accompanying tables, for distribution among the officers of our merchant marine, through the collectors of customs, under the direction of the Secretary of the Treasury.

Mr. COX, of New York. Mr. Speaker, the House, if not the country, is aware of the deep interest I feel in every laudable effort to make "life saving" a practical reality. This bill introduced by the gentleman from Missouri [Mr. VAN HORN] is a part of that system which provides for this humane service. Since Louisville has championed the re-enforcement of the system through her indefatigable member, [Mr. WILLIS;] since Kentucky has been thrilled by the recent successful effort at her "falls," where many precious lives were saved by the efforts of the crew at her new station; since, though "inland far we be," in making this service beautiful and useful, it is not wonderful that the gentleman from Missouri [Mr. VAN HORN] should demonstrate his kindly interest, the time may come when the inland waters which he so vigilantly represents may have the benefit of this benignant system. I hail, therefore, "my cousin of Buckingham," for we are connected through this noble family, as a co-worker in this grand endeavor in behalf of the imperiled. The gentleman [Mr. VAN HORN] has asked me to second his graceful effort for this additional measure for the Life-Saving Service. This I will gladly do.

I ask to state the reasons for the publication of an edition of the Life-Saving report for distribution among merchant marine. The principal reason for having an edition of the annual report of the Life-Saving Service for distribution among mariners is that the report educates them in the methods of co-operation with the life-saving crews in case of disaster. In many instances the life-saving crews have had considerable trouble in effecting rescues, owing to the ignorance of the sailors on board, who did not know what to do, either when the life-saving boat came up alongside or when life-lines were sent on board through the instrumentality of the wreck-gun. For example, at the stranding of the Nuova Ottavia on the coast of North Carolina in 1876, a number of lives were lost owing to the precipitate manner in which the sailors endeavored to enter the surf-boat as it came up under the bulwarks, the boat in this instance being capsized by the rush, and the entire life-saving crew and nine of the mariners being sacrificed.

At the stranding of the C. E. Trumbull in 1880, a failure to co-operate with the life-saving crew, by cutting the vessel's main sheet and letting the boom swing forward, was the cause of a disaster which cost the lives of three of the life-saving crew, the boom being in the path of the boat's only practicable approach, and finally striking and capsizing her. In a number of instances where rescues were to be effected by the life-car or breeches-buoy, delay and obstruction were created by the sailors not handling properly the lines got to them through the agency of the wreck-gun. In some cases the hawser and hauling-lines have been attached too low on board the vessel, so that the persons to be rescued were subject to perilous immersion on their shoreward passage, or to the wash of the seas. In other cases the lines have been simply allowed to lie across the vessel's deck unused, through ignorance of what was to be done with them.

In one instance, that of a Norwegian vessel, the shot-line fell across the vessel's deck and was allowed to lie there for hours, no amount of gesticulation or pantomime from the surfmen on shore being sufficient for all that time to make the sailors comprehend that they were to haul in the line, and by so doing drag the hauling-lines on board, which was the initial condition of their deliverance. It has been found that the remedy for these evils is in the dissemination among mariners of the peculiar information contained in the life-saving reports. Sea-faring men reading the accounts of the operations of rescues, such as those found, for example, between pages 19 and 76 of the report for 1881, or of the services of life-saving crews, between pages 98 and 199, become acquainted with the methods employed by the service for saving them in case of disaster, and learn what they can do in co-operation with the life-saving crews to assist or facilitate rescue.

To make them still more proficient in these methods, a specific manual of instructions to mariners how to co-operate with the life-saving crews in case of shipwreck has been published as a section of the last annual report. (See page 233.) The information contained on these points in the reports has been found so important that in a number of instances demand has been made by the collectors of customs, through whom in former years they have been distributed, for an increased supply, and their effect has been shown in a steady decrease of the inaptitude or ignorance on the part of shipmasters, which the service in past years had frequent reason to deplore.

The reports generally afford shipmasters the fullest information of every kind respecting the Life-Saving Service, showing the location by latitude and longitude of the stations, the nature of their equipments with reference to the character of the aid they are prepared to render, the fact that this aid will be rendered without expense to them, and, in a word, all that they need to know in regard to the establishment, besides the particular directions given how to comport themselves in the event of marine disaster.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VAN HORN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIST OF MERCHANT VESSELS.

Mr. VAN HORN also, from the Committee on Printing, reported back the following Senate resolution; which was read, considered, and agreed to:

Resolved, &c., That 1,000 additional copies of the list of merchant vessels, published under the direction of the Secretary of the Treasury, for 1881, be printed for the use of the Department of State.

Mr. VAN HORN moved to reconsider the votes by which the several resolutions reported from the Committee on Printing were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS, UNITED STATES.

Mr. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported back, as a substitute for the resolution of Mr. BUCKNER, of the 26th of June, the following:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House as to the number of public buildings authorized to be erected since December 1, 1865, outside the District of Columbia, the place where said public buildings are located, the cost of construction and furnishing the same, the Government officers accommodated by said buildings, including United States courts, the rent, cost of repairs, &c., paid by the Government for the use of its officers and the courts of the United States prior to the construction and occupancy of said buildings, and the cost to the Government of preserving and keeping in order each of said buildings.

Mr. RANDALL. I wish to ask the gentleman from Pennsylvania if this resolution provides also for the dates of the acts authorizing the construction of these public buildings.

Mr. SHALLENBERGER. The object of the amended resolution was to embrace all of these points.

Mr. RANDALL. Because if it does not I would like to have that done.

Mr. SHALLENBERGER. I think it is already included in the resolution. This covers all acts for the construction of public buildings since 1865.

Mr. RANDALL. I have no objection to the far-reaching character of the resolution with respect to the dates covered by it, but I think the point to which I have alluded should be incorporated in it, and I hope the gentleman will not object to it if it is not already embodied in the resolution.

Mr. HOLMAN. The date of the act authorizing these structures will be quite important.

Mr. RANDALL. If the gentleman from Pennsylvania does not object I would like to move that as an amendment.

Mr. SHALLENBERGER. I think from the wording of the resolution as read it will be seen perhaps that that point is embraced in it, but I have no objection to its being made more specific if desired——

The SPEAKER. The Chair thinks that while the resolution covers the information with reference to these buildings, their cost, &c., extending back as far as 1865, yet that it does not specifically provide for the dates of the several acts authorizing their construction.

Mr. RANDALL. Then I would ask the gentleman to allow such an amendment to be offered as will include that information.

Mr. SHALLENBERGER. There can be no possible objection to that, as it was contemplated in the resolution, if not directly expressed. The object of the resolution is to give the full history of these buildings, which, of course, embraces the dates of the acts authorizing their construction.

Mr. RANDALL. Then I offer the following amendment:

Insert, after the words "District of Columbia," the words "the dates of the several acts authorizing the same respectively."

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. THOMPSON, of Kentucky. Does the gentleman from Pennsylvania include in this resolution the amount originally appropriated by the act authorizing the construction of the buildings, and then the additional expense which has been incurred subsequently? For instance, some of these buildings had originally a few hundred thousand dollars appropriated for them, and many have gone up into the millions before they were completed.

Mr. SHALLENBERGER. I am not authorized by the committee to make any amendment of that character. But the resolution as reported seems to cover all necessary information.

Mr. THOMPSON, of Kentucky. I would like to have the resolution amended so as to show what the original act called for, and the amounts finally expended before the buildings were completed.

Mr. ERMENTROUT. That seems to be covered by the language of the resolution which gives the full history of each one of these structures.

Mr. SHALLENBERGER. I will say to the gentleman from Kentucky that the information to which he refers can be obtained from the reports of the Supervising Architect of the Treasury.

Mr. THOMPSON, of Kentucky. I am aware of that; and we can also get the same information by going through a dozen or more of the volumes of the statutes here; but while you are aggregating this information, it seems that it would be just as well to cover all these points. This one is a matter of importance. I wish the resolution also to be so broad in its character as to know how much the Government is paying for the cost of taking care of each one of these buildings, for janitors, &c.

Mr. SHALLENBERGER. I do not quite gather from the statement of the gentleman exactly the point to which he refers, but the proposition of the Committee on Public Buildings and Grounds was to so amend the resolution of the gentleman from Missouri as to broaden the field of inquiry, going back to the year 1865 and giving a complete history of the public buildings authorized since that date. This proposes also to ask information as to the cost of keeping said buildings in repair, furnishing, heating, &c., the uses to which said buildings have been put, and also the amount of rent paid by the Government prior to the act authorizing the construction of the buildings, with other points connected necessarily therewith. So that I think the gentleman from Kentucky will find the resolution is sufficiently broad to give all the information which will be of positive use to the House and the committee.

Mr. THOMPSON, of Kentucky. A very important item of cost in connection with these buildings is that of keeping them in order—

watchmen, janitors, &c. I hope the resolution will be sufficiently broad to cover all the facts of importance in connection with this matter.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SHALLENBERGER moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROBESON. I move to dispense with the morning hour for the call of committees.

Mr. STEPHENS. I hope the House will not agree to dispense with the morning hour. Several committees here have reports which they are ready to make and which can be placed before the House in a few moments.

The House divided; and there were—ayes 78, noes 12.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

Mr. ROBESON. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the unfinished business; and pending that motion I will yield to gentlemen to submit certain reports from committees.

FALSE CERTIFICATES OF ARRIVALS AND DEPARTURES OF MAILS.

Mr. LACEY, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 4951) to punish postmasters for making false certificates of arrivals and departures of mails; which was referred to the House Calendar, and the accompanying report ordered to be printed.

EXTENSION OF POST-ROADS.

Mr. LACEY also, from the same committee, reported back the bill (H. R. No. 5029) authorizing the Postmaster-General, in certain cases, to extend post-roads; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FRANCIS M. BELL.

Mr. LACEY also, from the same committee, reported, as a substitute for House bill No. 4236, a bill (H. R. No. 6686) for the relief of Francis M. Bell; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMPANY B, FOURTEENTH INFANTRY.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AARON SNYDER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1488) granting a pension to Aaron Snyder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AGREEMENT WITH SIOUX INDIANS.

Mr. DEERING, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. No. 6503) to provide for making an agreement with the Sioux Indians residing upon the great Sioux reservation, in the Territory of Dakota, for a cession of a part of said reservation to the United States and to define the boundaries of separate reservations for the various tribes of said Indians; which was referred to the Committee of the Whole House on the state of the Union, and the amendments and report ordered to be printed.

VIOLATIONS OF POSTAL LAWS.

Mr. MOREY, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. No. 4954) making certain violations of the postal laws a misdemeanor; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 989 OF REVISED STATUTES.

Mr. MOREY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4956) to amend section 989 of the Revised Statutes, extending its provisions to officers and employés of the postal service; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 3893 OF REVISED STATUTES.

Mr. MOREY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4963) to amend section 3893 of the Revised Statutes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PERSONATION OF POST-OFFICE INSPECTOR.

Mr. MOREY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4958) making it an offense to personate a post-office inspector; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 5480 OF REVISED STATUTES.

Mr. MOREY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4961) to amend section 5480 of the Revised Statutes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 5463 OF REVISED STATUTES.

Mr. MOREY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4962) to amend section 5463 of the Revised Statutes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JOHN C. WHITE.

Mr. THOMPSON, of Iowa, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. No. 2494) for the relief of John C. White; which was referred to the House Calendar, and the accompanying report ordered to be printed.

EVAN MILES.

Mr. THOMPSON, of Iowa, also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1940) for the relief of Evan Miles; which was laid on the table, and the accompanying report ordered to be printed.

MANUFACTURE OF SALT IN THE INDIAN TERRITORY.

Mr. BUCK, from the Committee on Indian Affairs, reported, as a substitute for House bill No. 5919, a bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REGISTRATION OF TRADE-MARKS.

Mr. RITCHIE, from the Committee on Patents, reported, as a substitute for House bill No. 5057, a bill (H. R. No. 6688) relating to the registration of trade-marks; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COPYRIGHT.

Mr. RITCHIE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 5583) to amend acts relating to copyright; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JONAS P. LEVY.

Mr. LORD, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 251) for the relief of Jonas P. Levy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. V. DAVIS.

Mr. HILL, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. No. 4769) for the relief of J. V. Davis; which was laid on the table, and the accompanying report ordered to be printed.

SCHOONER TWILIGHT.

Mr. HILL also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 233) in regard to correction of error in the name of David S. Parker, &c., pertaining to a claim for the schooner Twilight; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES I. WADDELL.

Mr. REED, from the Committee on the Judiciary, reported a bill (H. R. No. 6689) to remove the political disabilities of James I. Waddell; which was read a first and second time.

The SPEAKER. What disposition does the gentleman desire made of the bill?

Mr. REED. If it is in order I would like to have the bill passed now, as it is one of the last bills of the kind undisposed of.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the political disabilities imposed upon James I. Waddell by the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed.

There being no objection, the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK HORAN.

Mr. LEWIS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 6501) granting a pension to Patrick Horan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

FRANCISCA SANCHEZ DE ESCAUDOR.

Mr. PEELLE, from the Committee on Claims, reported adversely the bill (H. R. No. 2185) for the relief of Francisca Sanchez de Escaudor; which was laid on the table, and the accompanying report ordered to be printed.

LOUIS A. SENGTELLER.

Mr. PEELLE also, from the same committee, reported adversely the bill (H. R. No. 5878) for the relief of Louis A. Sengteller; which was laid on the table, and the accompanying report ordered to be printed.

W. G. ADKISSON.

Mr. PEELLE also, from the same committee, reported adversely the petition of W. G. Adkisson, of Giles County, Tennessee, asking pay for a horse lost in the Mexican war; which was laid on the table, and the accompanying report ordered to be printed.

PITTSBURGH ARSENAL GROUNDS.

Mr. BAYNE, from the Committee on Military Affairs, reported adversely the bill (H. R. No. 1473) to authorize a street to be opened through the United States arsenal grounds in Pittsburgh, Pennsylvania; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. KASSON. I am instructed unanimously by the Committee on Foreign Affairs to ask consent that a bill be now taken from the Committee of the Whole on the state of the Union and considered at this time. It is a bill of but seven lines and it is deemed important on both sides of the House that it should pass at this session. If it does not give rise to any debate I will ask that it be now considered; if it does I will not press it.

Mr. PAGE. I have been waiting to submit some reports. I thought the gentleman from New Jersey [Mr. ROBESON] yielded to allow reports to be presented.

The SPEAKER. The gentleman is correct; he will be recognized to submit his reports at this time.

ESTABLISHMENT OF LIGHT-HOUSES.

Mr. PAGE, from the Committee on Commerce, reported back the following; which were referred to the Committee on Appropriations, and the accompanying reports ordered to be printed:

A bill (H. R. No. 6267) making an appropriation for the purpose of establishing a light-house at or near South Pass, Vermillion Bay, Louisiana, with amendments;

A bill (H. R. No. 6373) to establish a light-house at the entrance of Gray's Harbor, Washington Territory; and

A bill (H. R. No. 6374) to establish a first order light-house and fog-signal on Destruction Island, Washington Territory.

DUTIES ON SUGAR IN BOND.

Mr. KASSON. I now ask consent to call up for consideration at this time the bill (H. R. No. 2222) to amend section 2983 of the Revised Statutes of the United States so that the duties paid upon sugars shall be assessed upon the quantity delivered from instead of the quantity entered into bonded warehouses.

Mr. BRAGG. I reserve my right to object until the bill is read.

Mr. KASSON. That is right.

The bill was read, as follows:

Be it enacted, &c., That section 2983 of the Revised Statutes be, and the same is hereby, amended by adding thereto the following:

"*Provided*, That the duties on imported sugars deposited in any bonded warehouse established under authority of law shall be assessed upon the quantity delivered from the warehouse instead of the quantity entered into the warehouse."

Mr. KASSON. I will say that the simple point of the bill is this: owing to the payment of duties on shrinkage——

Mr. BRAGG. I object.

The SPEAKER. Objection being made, the bill is not before the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington; and

Joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Coggswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I now move that the House resolve itself into Committee of the Whole for the purpose of further considering the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAGE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. The pending question is upon the amendment of the gentleman from Indiana, [Mr. CALKINS,] to strike out what the Clerk will read.

The Clerk read as follows:

Provided, That hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That when a vacancy in the grade of rear-admiral shall occur in time of peace, it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy.

The CHAIRMAN. Upon this amendment the gentleman from New Jersey [Mr. ROBESON] is entitled to the floor for two minutes.

Mr. ROBESON. Mr. Chairman, when the committee rose on the day before yesterday I had the floor on the question of dispensing with the office of commodore. I had shown, I think, that in seeking the reduction of this grade we are seeking the reduction of a grade which is without utility to the service. Another reason is that under the operation of our present laws nobody goes upon the retired list of the Navy until he gets to be a rear-admiral by age. The result is that we have to-day forty-eight rear-admirals upon the retired list; and I understand that another goes upon that list to-day, making forty-nine. Now, in the service of most of the European nations men go upon the retired list at lower rank, because they are not promoted in regular succession as they are here. Men who are ordered to duty by selection and are chosen with a view to the effectiveness of the service are promoted, while those who are of no use to the service reach the age for retirement before they are promoted. All along the line in the English service you see retired lieutenants, retired commanders, retired captains, making the retired list of that great service hardly more expensive than our own.

Under our system no one is retired until he has gone through all the grades of the service, carrying with him to the retired list the highest pay known to the law. The result is that the whole expenditure for the retired list is paid to officers of the highest rank.

[Here the hammer fell.]

Mr. DEZENDORF. I am opposed to the pending provision of this bill, because it blots from the Naval Register a rank which has from time immemorial shed a halo of glory over the service. From the days of John Paul Jones down to the time when Farragut, lashed in the rigging, passed the forts at New Orleans this rank, although, as the gentleman from New Jersey says, held by courtesy, has been a rank conferred by the people; and a rank which, as I have just said, has shed a halo of glory over the service. If this is a rank held by courtesy, I feel about it as "Old Abe" did about Grant's whisky: I wish there was more of just such courtesy in the service.

The gentleman from New Jersey [Mr. ROBESON] says that these men are too big for a ship and too small for a squadron. But, Mr. Chairman, they have always been big enough to win the victories in any battle in which they have been engaged. I am opposed to this proposed change, because to-day this rank is held by law, and these sections do injustice to commodores who now hold rank by law in permitting junior officers to be promoted over them.

I am also opposed to the provision because it does injustice to captains. There are now upon the retired list five captains who are heroes of two wars, who are now just about at that time of life and at that grade in the service when they have the right to expect promotion; and this cuts them off from that promotion.

I am opposed to the provision because it calls for nominations by selection, which means nominations by favoritism, and not by seniority. I am in favor of promotions by seniority because they are an incentive to ambition and the faithful discharge of duty. Promotions by selection are calculated to break down the *esprit du corps* of the Navy. I hope, therefore, that these sections will be stricken from the bill.

Mr. ROBESON. I withdraw the *pro forma* amendment.

Mr. KNOTT. I renew it. Mr. Chairman, I agree with the distinguished gentleman from New Jersey [Mr. ROBESON] that our present system of promotions in the Navy has its inconveniences, not to say its hardships. It is inconvenient, perhaps, to some aspiring young captain who stands near the lower end of the list, and who carries such a superabundance of talent and energy that his scull is perhaps liable to explode if he waits upon the slow processes of "*anno Domini*." It is a hardship, too, upon the political parasite that infests the skirts of authority and "crooks the pregnant hinges of the knee, that thrift may follow fawning."

It is a hardship, too, perhaps to some who might be good officers in time were it not for those vile guns and whose only commendation is to be found in the princely patrimony lavished in sumptuous feasts to those upon whose shoulders they would climb into place and power.

To relieve these hardships resting upon all these classes the bill as it now stands is admirably adapted. All that is to be done is for the Secretary of the Navy in the first place to be manipulated to select carefully three retired rear-admirals and to indicate to them a list of five captains from whom the vacancy is to be filled. When that selection is made it is very easy, with the confidential relations existing between the Cabinet minister and the President, for the particular favorite to be indicated.

While these hardships might be relieved by passing the bill as it now stands, I cannot shut my eyes to the fact that greater evils may possibly result from this system of promotion than from that which is carried out by the kind offices of old "*anno Domini*."

Therefore, sir, I think it wisdom "to bear the ills we have, than fly to others that we know not of." I hope the amendment offered by the gentleman from Indiana will prevail, and this whole proviso will be stricken out.

Mr. ROBINSON, of Massachusetts. I have the same trouble I had when I made a suggestion on a former day in reference to the provision which restricts the President in his appointments to the concurrence of a board to be selected by the Secretary of the Navy.

Mr. ROBESON. I have no objection to a separate vote on that.

Mr. HISCOCK. Does the gentleman from Massachusetts concede the right of Congress to make any such provision?

Mr. ROBINSON, of Massachusetts. I do not concede it.

Mr. ROBESON. I am willing to have a separate vote on that.

Mr. ROBINSON, of Massachusetts. And I shall ask to have a separate vote on that provision. I did not have the good fortune to hear the remarks on that proposition the other day. The President, we all know, has the right to nominate, and, with the advice and consent of the Senate, to appoint officers of the United States including the military, naval, and civil service as well. There is no limitation on that power.

Mr. HISCOCK. Does the gentleman claim there is no limitation now?

Mr. ROBINSON, of Massachusetts. I am going to come to that. Let me state it. Congress has the right, under the Constitution, to raise armies and establish a navy, and next to make rules for the government and regulation of the land and naval forces. That is all. Now, within that third line, the regulation and government of the land and naval forces, Congress may legislate, but not outside, if I understand it properly. Therefore, if this Congress has the right to say that the President shall be confined in his selection to the action of a board selected by the Secretary of the Navy who may present the names of five men, we may, of course, in the same line say that board may present the name of one man whom the President shall select or appoint. In other words, by law you provide that a board, not appointed by the President, but appointed by the Secretary of the Navy, may suggest to him the name of a person whom he shall appoint.

Mr. BLOUNT. I should like to ask my friend from Massachusetts what the mode of promotion now is as he understands it?

Mr. ROBINSON, of Massachusetts. Now, that does not meet the difficulty by saying they have another one at the present time. Let us work this from the foundation; that is the most proper and logical way. If it is wrong, it does not make it right by finding some one else in error. We find other statutes authorizing provisions for boards, but they are boards to examine into the physical and mental qualifications of the different persons. I apprehend that might fairly come within the power of Congress to adopt rules for the regulation and government of the land and naval forces; that is to say, it would be entirely competent for Congress to provide a method to determine whether different persons are physically and mentally qualified at all to do the duty they will be required to perform. It seems to me that is an entirely different field of investigation.

But this does not propose that at all. It says, in so many words, to the President, "Instead of your having the right to select, we will put upon you a board that shall confine you just to five men."

Now, to illustrate it, and to emphasize it, I say you might as well by law make it one man as the result of that selection, and if you can, then of course the President is set one side entirely.

Mr. TALBOTT. Let me make a suggestion to the gentleman from Massachusetts. Is not this board obliged under the law to act in conjunction with the other board to inquire into the physical and mental qualifications of the applicants for promotion?

Mr. ROBINSON, of Massachusetts. My answer to that is, this proposes to go much further than that. It does not stop at that point. It says the President shall be bound by their determination as to whom he appoints, merely as a matter of personal preference if you please. In other words, the Secretary of the Navy may make the rear-admiral. That is all it amounts to. The Secretary of the Navy may select his own board, and that board, under the Secretary of the Navy, may make the admiral. The President simply registers the decree. I do not believe that is in the power of Congress.

Mr. TALBOTT. I do not think the gentleman from Massachusetts understands my question. In your judgment would not this board of three have to act in conjunction with the board which would have to inquire into the mental and physical condition of officers making application?

Mr. ROBINSON, of Massachusetts. I did not understand the gentleman. There is nothing in this act which requires them to do so. Therefore I think they might well go alone.

The CHAIRMAN. The gentleman's time has expired.

Mr. SHALLENBERGER. I will take the floor and yield to the gentleman from Massachusetts.

Mr. ROBINSON, of Massachusetts. I have said all I wish to.

Mr. KNOTT. I withdraw the amendment.

Mr. HISCOCK. I renew it.

I wish to confine myself, Mr. Chairman, in what I have to say to the feature of this bill which reduces the number of the line of the Navy, rather than to this clause which provides for the promotion of certain officers. There are two propositions there; and it is to the reduction feature that I shall address myself at this time.

We have been told here upon the floor during this debate that this grade of commodore is a time-honored grade; and that we are almost sacrilegious, absolutely impious, when we attempt to strike it down and remove it from the service. Why, Mr. Chairman, that grade in our Navy was created in the year 1862, when nearly two years of the war had been fought. The war had actually begun and had been going on for that time before it was dreamed of creating it at all. The balance of the war was fought with only eighteen of these commodores, and that was the whole number then deemed necessary. After the close of the war the number was increased to twenty-five; and gentlemen here would seem to think that we were taking these officers absolutely from their ships and retiring them from the service. The inference might be drawn from what has been said on this subject that these officers are actually in command somewhere, and discharging their duties upon the sea.

Now I desire, sir, briefly to call the attention of the committee to the facts in connection with this matter, and to show what I believe to be indisputable, that this whole force of commodores, without a single exception, is to-day employed upon shore duty, and not one of them is in command of a vessel. In the first place, we do not propose to displace any of these men. We propose to allow them to continue in the discharge of their duties. But we find the Navy absolutely top-heavy. In 1862, when the Navy was upon a war footing, we only had thirty-six captains. At the close of the war we increased it to fifty. We had seventy-two commanders at the close of the war and increased them to ninety, and we had one hundred and forty-four lieutenants, which number we have increased on a peace footing to two hundred and eighty. Now, the reason why all this is done was for the purpose of affording to meritorious officers in the volunteer service of the Navy additional rank. It was done for the purpose of the promotion of meritorious officers who had won distinction in the Navy, and it was done as a reward of merit, a recognition of services. Eighteen years have elapsed since they won their promotions, and I would do nothing to remove the honor or distinguishing rank which has been placed upon these men. But a new generation has come in.

In these piping times of peace we do not need the services of these officers. We do not need to expend the money upon the line and staff of the Navy. We need to expend what we can expend in that direction upon ships for the Navy. That is the policy of this bill.

Again, Mr. Chairman, there are to-day one hundred and thirty men upon the retired list of the Navy from the line and one hundred and thirty-two from the staff, and to-day we have a retired list that is costing us $697,925.

The question then is whether we shall go on accumulating or increasing this retired list and adding year by year to this expenditure?

The point for our consideration is whether we shall maintain this large Navy establishment to-day, one-half of which is really and in effect a peace establishment?

I have these figures which have been furnished me by the Navy Department, and to which I desire to call attention. We have to-day of commissioned officers six hundred and forty at sea, and that is all. We have four hundred and eighty on shore duty.

[Here the hammer fell.]

Mr. CANNON took the floor and yielded to Mr. HISCOCK.

Mr. HISCOCK. We have one hundred and forty-two officers on waiting orders in addition to that, and, as I have said, four hundred and eighty upon shore duty—duties that they can properly discharge, but the duty, Mr. Chairman, that is performed by them could be performed by one-half the number——

Mr. CANNON. May I ask the gentleman a question?

Mr. HISCOCK. Certainly.

Mr. CANNON. I want to see if I understand the gentleman correctly. This bill does not propose to interfere with those worthy people who have been promoted in the service?

Mr. HISCOCK. Not at all.

Mr. CANNON. But after taking care of them, it then, as I understand it, in a time of peace proposes that all of these men who never saw war shall not be allowed to be the beneficiaries of the Government and of its liberality, which was designed for those who won promotion in time of war.

Mr. HISCOCK. This bill simply contemplates, Mr. Chairman, that the men who have been promoted in the Navy for distinguished service, or for long service, shall continue in the rank they now hold; but it further proposes that there shall be no more promotions, and that the line shall be reduced in number and the rank shall be decreased as it may be by death or resignation, or the placing of its members upon the retired list. It contemplates the gradual reduction of this top-heavy system. It provides that it shall no longer be built up from the lower ranks, but that as members fall out, by death, promotion, or retirement, the system shall be gradually reduced and the members decreased. With four hundred and eighty officers, as I have already said, forced into the discharge, really and substantially, of civil duties, it is manifest that the Navy is overburdened with super-

numeraries, which must be further evident from the fact that we have one hundred and forty of them with nothing whatever to do at this time.

Mr. ANDERSON. Those two together make up the number.

Mr. HISCOCK. Certainly; those two together are equal to the whole number that are engaged in service upon the sea.

Mr. Chairman, all I desire in this matter is to have the committee fully possessed of these facts. Something was said the other day by the gentleman from Indiana about the pride with which these men point to the new decorations which they receive by promotion. Decorations, now, won how? Not in fighting with their ships, but decorations won simply by age, not by service. The decoration to which Lord Nelson referred was one which he won in conflict with the enemy, and not one which came to him simply by rusting away in the discharge of clerical duties in connection with a bureau.

The CHAIRMAN. Debate is exhausted on the formal amendment.

Mr. HISCOCK. I withdraw it.

Mr. BLOUNT. I renew it. There are two provisions, as I understand, which the amendment proposes to strike out; one relating to the convening of a board to select persons to be recommended for promotion, and the other looking to the abolition of the rank of commodore. I would have been glad had the amendment been confined to striking out the first of those provisions instead of its striking out both. I entirely concur with the committee in the proposition to abolish the office of commodore. I have before me the Naval Register of the United States, showing the commodores on the active list, twenty-five in number. The only sea service these twenty-five gentlemen have done is as follows: one of them has seen eleven months' service; another has seen one month's service; and the remainder, making twenty-three, have not seen a single moment of sea service during the time they have held their commissions.

Mr. DEZENDORF. Not as commodores, but they have all seen sea service in other grades.

Mr. BLOUNT. I hope my friend from Virginia will not take up my time. I would be glad to yield to him if I had time.

So far as the commodores are concerned, I say that only two of them have seen any service during the period they have held their commissions. I have not stated that they had not seen sea service before their promotion. I am simply discussing the question of the rank of commodore and stating these facts to illustrate what the gentleman from New Jersey has said, that these commodores fill a useless office in our Navy. They are too large for a ship and too small for a squadron, and they are used for home service.

We have about one-third of our Navy now doing sea duty, one-third of it on shore duty, and the other third doing absolutely nothing. Why, sir, should this be? Why should we not find something for the officers of the Navy to do as well as for the officers of the Army? Why should we keep up this system in which it is impossible to employ more than one-third of the officers of the Navy? If this is true, then why shall we not make this reduction? Does not the good of the service require it? There is no need for them. There is great complaint that the number of officers in the Navy is too large. It is nearly double now in the matter of compensation what it was before the war. Why should we not, on the ground of economy, the public service being benefited by it, consent to these reductions?

I hold, sir, that whenever the public interest is to be subserved by the abolition of any office in any branch of the public service we ought to respond to that demand of public necessity.

As to the provision—

That when a vacancy in the grade of rear-admiral shall occur in time of peace it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy—

I am opposed to that. They now go up under statute by seniority rule, not by Presidential appointment. There is no abridgment of Presidential power by this provision. He has more power under this provision than he has under the present law; and it is for that very reason that I am opposed to it. They go up as the law now stands under the seniority rule, subject to the qualification that they shall be examined by a board to ascertain their mental, moral, physical, and professional condition; and when they shall have passed this board, then they are entitled to their position. I want to keep the officers of the Army and of the Navy intact from Presidential influence. I do not want the appointments to be made in this method. Every single one of them feels that now, under the laws of the land, he has a guarantee that he has but to discharge his duty as a faithful officer, and no political influence in this land can touch him. So I would keep him. I would not make it possible that the Executive by favoritism in the appointment of boards could yield to political influence to forward the purposes of political friends over deserving officers. I shall vote against this amendment with a view to offering an amendment striking out the first proviso.

Mr. BLACKBURN. I shall support the effort inaugurated by the gentleman from Massachusetts [Mr. ROBINSON] looking to the division of this question; and I am very glad to see that the gentleman from New Jersey, [Mr. ROBESON,] having charge of the bill, indicates his willingness to have the question divided.

I shall favor, Mr. Chairman, that portion of this paragraph which abolishes the grade of commodore in the American Navy, because I do not believe that we have any necessity for such a grade of office. I shall, however, support the amendment that moves to strike out that part of the paragraph consisting of the proviso which begins in line 118 and extends to line 124; I mean that portion of this bill which provides for a board of three rear-admirals to select five names from which the President shall nominate where promotion is to be had. I do not believe that this House, upon calm and deliberate consideration, will adopt that provision of this bill.

Mr. BLOUNT. If my friend from Kentucky will allow me, I will say that I understand the gentleman from New Jersey does not seriously object to that going out.

Mr. BLACKBURN. I understand the gentleman from New Jersey accedes to a demand for a division of this question, and I addressed myself to that portion of the bill extending from line 118 to line 124, which provides a method of promotion.

I do not believe that upon mature reflection this House will keep in that portion of the bill and crystallize it into law. It will result, as we may readily see, in putting promotions to the grade of rear-admirals in commission. These rear-admirals, I care not how honest, how impartial, or how fair they may endeavor to be, when they come to select five names from which one is to be taken for promotion, will of necessity lean to those subordinate officers who have seen service with them afloat, and will of necessity and in spite of their own efforts be prejudiced in behalf of the officers with whom they have been in personal contact and against those who have not seen service with them.

Mr. HISCOCK. Will the gentleman allow me to make a suggestion?

Mr. BLACKBURN. Certainly.

Mr. HISCOCK. I make it for his benefit as well as for the benefit of the gentleman from Massachusetts, [Mr. ROBINSON.] How would it suit him to have the provision so changed that the President in his discretion may adopt the recommendation of that board?

Mr. BLACKBURN. I think substantially the same objection would apply. I was coming to the second objection which I have to this method of promotion. First, I say that it will be impossible for these three rear-admirals, culling and selecting from lower grades of naval officers, to be judicial, impartial, and perfectly fair.

But admit that they could be, and I doubt not they would try to be—admit that they could be—and what would be the result? We will then have five names sent to the President from which one must be taken by him. The instant you do that there will not be an atom of influence, Congressional or political, on either side, in either House of Congress, that will not be whipped into service and dragooned into use and brought to bear upon the President in the interest of each of these five candidates. You will have the somewhat novel, and certainly not pleasing, spectacle presented of five officers of equal grade and rank, saving date of commission, all struggling through political influence, and through extraneous influence, to induce favorable action on the part of the Executive; and four of the five necessarily endeavoring to defeat the just aspirations of the other.

Now I do not believe that this House, when it comes to consider this question calmly and deliberately, will agree to make that the law instead of that which has existed from the organization of our Navy until now, and under whose wise and just provisions every deserving officer of the Navy has even chances, according to his grade and the date of his commission.

I trust that feature of the bill will be stricken out. I trust that some other method may be suggested by the gentleman in charge of the bill, if indeed he means to change the present routine of promotion at all; for this scheme I am sure will not answer the purpose that I am satisfied the gentleman from New Jersey is seeking to accomplish.

I hope a division of the question will be granted and that we will have an opportunity to vote upon the two distinct and separate propositions: first, whether we will abolish the grade of commodore in the Navy as a useless ornamental branch of the service; and, second, whether we will agree to accept this method of advancement and promotion in the naval service of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ATKINS. I ask the gentleman from New Jersey [Mr. ROBESON] if he will consent——

The CHAIRMAN. The Chair proposes to recognize the gentleman from Maryland, [Mr. MCLANE.]

Mr. ATKINS. Before the gentleman proceeds, I would suggest that in line 123 of the bill the word "shall" may be stricken out and the word "may" inserted; so that it will read "one of whom may be nominated by the President to fill such vacancy."

Mr. BLOUNT. Had you not better wait until we get through with this amendment?

Mr. ATKINS. I am offering it as an amendment to the amendment.

Mr. HISCOCK. That amendment will be acceptable.

The CHAIRMAN. If no objection is made, the amendment proposed by the gentleman from Tennessee [Mr. ATKINS] will be considered agreed to.

There was no objection, and the amendment to the amendment was adopted.

Mr. ATKINS. I will remark while I am up, though I did not rise for the purpose of saying anything——

The CHAIRMAN. The gentleman from Maryland [Mr. McLANE] is recognized.

Mr. ROBINSON, of Massachusetts. With the permission of the gentleman from Maryland, I will say right there that if the Committee on Appropriations is ready to accept "may" instead of "shall," they must be quite ready to admit a very feeble proposition; therefore it shows that they do not care very much about it, for it does not amount to anything.

Mr. ATKINS. The word "may" is intended to leave it discretionary with the President.

Mr. McLANE. I hope there will be no division of the amendment at all, and that the Committee of the Whole will be at liberty to vote upon the motion to strike out the whole matter, embracing the several provisos.

As to this rank of commodore, it is the rank of high honor and distinction in the service. It is the rank under which all the great battles of the war were fought; and although it was then a rank of courtesy, it was still as well established as if it had been provided for by law.

Prior to our own war of the rebellion the rank of captain was the highest rank known to the law; but Stewart, Hull, Decatur, Perry, Porter, McDonough, Jones, and others, and all the heroes of our foreign wars were known as commodores, and by courtesy every man who commanded a fleet was recognized by the title of commodore.

Mr. ATKINS. I trust the gentleman will allow me to interrupt him a moment, for I know he does not want to misstate the facts. If he will turn to the Naval Register he will find that the total sea service of these twenty-five commodores amounts, in one case, to one year and eleven months, in another case to one year and two months, in another case to three months, and in another to one month; and that is all the sea service that all the commodores now on the active list ever performed.

Mr. McLANE. I am not going to get away from the question, and I have made no reference to the sea service of either commodores or admirals. I have only five minutes to state the case. Section 1363 of the Revised Statutes gave the effect of law to these ranks of commodore and admiral; and the two following sections provide how the promotions shall be made. The present bill destroys the effect of these latter sections, which constitute an admirable law. By the existing enactments it is provided that in time of war men shall be taken from any grade, if they have rendered honorable and distinguished service and have received the thanks of Congress, and in time of peace they shall be nominated as admirals by seniority only when they are shown to be qualified upon examination. This bill does away with that examination and substitutes for it the capricious judgment of five admirals. A more vicious mode of promotion could not be devised. With what propriety should five officers, who are already admirals, decide which of their brother officers shall come into their corps? Why open all this matter to the favoritism and personal caprice of men in the service? They are the last men in the world who ought to be selected to indicate who shall be promoted to their own grade. Why should we interfere with the President at all except to provide proper rules and regulations for the government of the Navy.

By this bill you abolish section 1366, which provides for an examination; and in my judgment it is questionable whether you do not also abolish section 1365, which enables the President to promote from any rank a man who has been distinguished for gallant service, and has received the thanks of Congress.

As to this idea that commodores are useless, if there is anybody useless to-day it is the admiral, with our present naval force. There is no command for admirals, but ample for commodores. I am not disposed to interfere with the admirals, however; but if you are going to argue that there is a useless grade in the Navy, it must be the highest grade, for which you have no proper command. You have ships, you have squadrons, however small; they are sufficient to constitute a commodore command.

But with your present Navy you never have a proper command for an admiral. If you want to reduce, stop promotions. I do not say that officers shall be dismissed, but promote no more men to be admirals until you have a fleet for an admiral to command. You have to-day fleets for a commodore. The idea that the rank of commodore is useless is frivolous. The rank of commodore is an active rank, as much so as that of commander or captain or lieutenant. It has its proper place; and I will add, Mr. Chairman, it is the only rank that has any proper place in the Navy to-day. [Here the hammer fell.]

Mr. BRAGG obtained the floor.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be regarded as withdrawn.

There was no objection.

Mr. BRAGG. I renew the *pro forma* amendment. Mr. Chairman, I do not profess to have any very great familiarity with the Navy; but I do profess to have some knowledge of the operations of the "kitchen cabinet," whose members wine and dine and leg about Washington from Department to Department until influence is secured by which, in times of peace, incompetent men under the power of selection are placed over the heads of better men than they—men upon whom the country relies when it needs service.

I am in favor of making appointments by selection in time of war; for then the merit of the man will compel the appointing power to make the selection from the proper officers. But when we make selections for "piping times of peace" we have the "kitchen cabinet" making soft places for their friends, while soldiers and sailors of merit are compelled to hold subordinate positions until war brings them again to the front.

It is utterly impossible in the way society is organized and political influences brought to bear in this country in times of peace to give the power of promotion by selection and have it properly exercised. Look at the Army. See men who are junior in rank, not superior in merit, not superior in qualification, not superior in action in the field, appointed over the heads of their seniors, who, while the appointees were mere brigade commanders, commanded corps and brought honor and glory to the American flag. They are appointed why? Because by marriage or by some other relation they reach the Presidential ear. The soldier is struck down and the favorite promoted.

I hope the provision will be stricken from the bill.

Mr. ROBESON. Mr. Chairman, I think there is a misunderstanding as to the real condition of this question. In the ordinary processes of advancement in the Army and the Navy, education and experience are allowed to have their proper progression. When we come, however, to those positions which carry with them general command, there it is the policy of all other nations, and it is the policy of this Government with regard to the Army, to make appointments by selection. In the Army of the United States officers advance by regular promotion up to the rank of colonel. From that point when nominations are made for responsible commands, selections of those who shall be generals are made from the men who have illustrated their power of combination and comprehension and energetic action. That is the policy of the Government which has been established by a practice since the Government began, and it has worked satisfactorily all along the line.

Now, then, we have here, by a provision of the law of 1862, that promotions from commodores to rear-admirals shall be made in the regular order of progression, limiting the whole power of the President. The gentleman from Massachusetts [Mr. ROBINSON] objects to our provision because he says it restricts the power of the President. Our provision enlarges it. If a statute can control that power, it is already absolutely controlled.

Mr. McLANE. Does the gentleman say Congress can control the President's power to appoint?

Mr. ROBESON. I do not say we can, but I do say this, that there is a great difference between the power to restrict the appointments and the naming of the class from which the appointments shall be made, and the universal practice of the legislation of this country since Congress has undertaken to regulate these things has recognized the power of the legislative branch to fix the limits, define the class, and regulate the particular persons from whom the selection shall be made. If a man were sent by the President from civil life to the head of the Navy or Army and confirmed by the Senate, I know, Mr. Chairman, that it would present a difficult and doubtful question for the Supreme Court of the United States to decide. But, I say, so far as the constant practice of the legislation of this country is concerned, it has been to restrain and limit the class, to point out the particular number of particular persons, the particular situations they shall occupy, from whom these appointments shall be made.

In striking at this list of commodores I have only this to say, that we have selected that grade which is admitted to be, not only by the opinion of every man who knows anything about the service itself, but by the action of the Navy Department always, an utterly useless grade. If you will take that list of twenty-five commodores you will see that but two of them have ever been to sea as commodores, one of them for eleven months and one of them for one month.

Mr. ATKINS. Let me correct the gentleman from New Jersey—one for one year and eleven months, one for one year and two months, one for three months, and one for one month.

Mr. ROBESON. Under their present commission?

Mr. ATKINS. Yes, sir; under their present commission. That is all the service they have ever performed as commodores.

Mr. ROBESON. I find the gentleman is mistaken. If he will look at the first designation under the term "commodore" and "sea service under present commission" he will find one was in commission, that is Commodore Shufeldt, who commanded a ship that went around the world, one year and eleven months, and one of them for one month, that is Commodore Luce, at the bottom of the list, who has been to sea one month in command of the school-ship.

Mr. McLANE. Will the gentleman allow me one word?

Mr. ROBESON. Presently. That is all the service they have ever had.

As I have said, we have stricken out one hundred and forty-five officers of the staff corps. Let us strike down all useless officers, admitted useless officers of this grade.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I move to amend the amendment by striking out in lines 118 to 124 the following words:

And provided further, That when a vacancy in the grade of rear-admiral shall occur in time of peace, it shall be the duty of the Secretary of the Navy to convene a board of three officers not below the grade of rear-admiral, who shall select the names of five officers not below the grade of captain, one of whom shall be nominated by the President to fill said vacancy.

I do not care to take up the time of the House in discussing that amendment to the amendment. It has been already argued here, and I shall merely ask for a vote. [Cries of "Vote!"] I understand the gentleman from New Jersey does not object to my amendment to the amendment.

Mr. BLOUNT's amendment to the amendment was agreed to.

Mr. KNOTT. Is it not in order at this time to move an amendment in the way of perfecting the text which it is proposed to strike out?

The CHAIRMAN. An amendment of that nature is in order.

Mr. KNOTT. I offer the following amendment: I move in line 15 to insert, after the word "made," the words "after July, 1883," so it will read "and no more promotions to the grade of commodore shall be made after July 1, 1883." I understand, Mr. Chairman, there is no objection made to this amendment to the amendment by the gentleman from New Jersey.

Mr. ROBESON. I do not object to the amendment to the amendment moved by the gentleman from Kentucky.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Indiana to strike out——

Mr. TALBOTT. I desire to offer an amendment to the effect that no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness——

Mr. ROBESON. That is not affected by this provision of the bill in any way or shape. I am willing to accept the amendment if I understand it.

The CHAIRMAN. The gentleman from Maryland will reduce his amendment to writing. In the mean time the gentleman from Pennsylvania is recognized.

Mr. CURTIN. Mr. Chairman, so far as the amendment of the gentleman from Kentucky, [Mr. KNOTT,] which has just been adopted, is concerned, I regard the action of the committee upon it as perfectly proper and legitimate. There is no efficient military or naval service existing in the world where promotions are not made by seniority. The stimulus to the performance of duty and the hope of reward by promotion are unquestionable incentives to all officers whether in the Army, Navy, or civil life.

But it is said that the commodores of our Navy are not at sea, and this has been alleged as one of the reasons for abolishing the grade. Well, we have no ships, as has been acknowledged on all hands, consequently it is not their fault that they are not at sea. It is said also that this bill, by the retirement of that grade, saves money. Seven thousand dollars for the present is the extent of the saving in that direction. That, Mr. Chairman, would not build ships creditable to the nation or formidable to enemies. We compare it with the cost of the repair of monitors, to which reference has been made in this debate. But if the commodores are not at sea and there are no ships in which to employ them, is there any reason why, in the interest or in the direction of economy we should strike out that grade in the Navy altogether? We had new grades made of ensigns, of commanders, and of commodores and admirals, and it is said that on our retired list there are large numbers of admirals; that they served but a short time, and are now performing other duty, but that notwithstanding the length of service of many of them, now in their old age they must be turned out upon the common without a support from the Government. If we want to turn the admirals out and promote economy in the Government in that respect, or in the reduction of their pay, I must confess that I have heard no substantial reason from the gentleman who introduced this bill, or from those who advocate it on this floor, why we should strike at the grade of commodore. They are useful at the navy-yards and stations throughout the country, as the gentleman himself admits. They are useful in the various Departments of the Government in this city, as has been admitted on all hands; and that they are certainly useful in the command of squadrons no one has denied in the advocacy of this bill.

As said by the gentleman from Maryland, we have no fleets to command, and therefore our admirals are unemployed. It has also been said, Mr. Chairman, on the other side of the Chamber, and reiterated in eloquent terms by the distinguished gentleman from Maryland, that the grade of commodore is a well-established grade in the American Navy and in the minds of the American people. The heroic men who illustrated gloriously the power of our Navy in the war of 1812 and 1813, when our armies were defeated or surrendered, and the Capitol burned by an invading army, who by their gallant acts at sea bore aloft the standard of the United States to victory and raised this country to its proud eminence, were called by the people commodores. The men who commanded squadrons are by the American people called commodores. It is a name well known, and with it the names of illustrious men are cherished. I regret, therefore, Mr. Chairman, to see this attempt to strike down that time-honored and distinguished grade in our Navy. If it be for the interest of economy that changes should be made in the naval service, let it be made all along the line wherever reform is necessary to produce economy, and not strike out the names of those men who have earned promotion by gallant services rendered to the country.

The officers of the Navy of the United States are the peers of those of any of the navies of the world by training, education, and faithful service. Of the officers, the commodores who have earned their rank as a class are creditable to the nation, and their example is an incentive to captains to attain that rank. We may have use for the Navy when, if ever, we build one, as no one can foresee when or for what reasons the calamity of war may fall to this nation, as we are not exempt from the destiny of nations. I do trust we will not do a great wrong and injustice in the interest of an economy so parsimonious. [Here the hammer fell.]

Mr. TALBOTT. I now offer the amendment of which I gave notice a moment since.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

And provided further that no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes.

Mr. ROBESON. There is no objection to that amendment.

The amendment was agreed to.

Mr. BRIGGS. I now offer an amendment to come in after the one just adopted.

The Clerk read as follows:

That whenever, on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct or want of capacity not caused by or in consequence of the performance of his duty, he shall not be placed on the retired list of the Navy, and he shall be discharged.

Mr. HISCOCK. I desire to call the attention of the gentleman from New Jersey a moment to the amendment which has just been accepted, offered by the gentleman from Maryland, and also to the provision which has just been offered by the gentleman from New Hampshire. As I understand it, the text of the bill is amended in so far as it provides for a board, &c. Now, is there any reason why the subsequent provision, which provides that any commodore over whom a junior in rank is promoted shall be placed on the retired list, should not be stricken out of the bill?

Mr. ROBINSON, of Massachusetts. That is just what I was about to suggest.

Mr. HISCOCK. And the result is the amendment of the gentleman from Maryland [Mr. TALBOTT] and the amendment of the gentleman from New Hampshire [Mr. BRIGGS] would certainly not be in order and would not be pertinent, because we would not then be interfering with the law as it now stands with reference to promotion. If the gentleman from New Jersey sees no objection, I ask unanimous consent that the provision which has been amended by the gentleman from Maryland, with the amendment, go out of the bill; I mean down to the word "Navy," in line 128. As I understand, the balance of the section has been ruled out on a point of order. The provision which I think should go out of the bill with the amendment of the gentleman from Maryland commences with the words "and provided further," at line 124, namely, the words "that any commodore over whom a junior in rank is thus promoted may, upon his own application, be placed upon the retired list," &c., down to the word "Navy," at the end of line 128, according to the print I have of the bill. The amendment of the gentleman from Maryland [Mr. TALBOTT] and that of the gentleman from New Hampshire [Mr. BRIGGS] will be included in that as part of the text which should now go out of the bill.

The CHAIRMAN. Will the gentleman from New York state precisely what he proposes?

Mr. HISCOCK. I ask that by unanimous consent the proviso of the bill I have referred to, with the amendment of the gentleman from Maryland, go out of the bill.

Mr. TALBOTT. Beginning with line 112?

Mr. HISCOCK. No, sir.

Mr. ATKINS. Does the gentleman from New York state that that part of the bill beginning with "and provided further," in line 124, to "rear-admiral," in line 127, has been stricken out?

Mr. ROBINSON, of Massachusetts. No; but he says it should be.

Mr. ATKINS. The portion which follows has been stricken out upon a point of order raised by the gentleman from Iowa, [Mr. KASSON,] namely, these words:

And the provisions of the laws retiring other naval officers shall apply in all respects to the Admiral and Vice-Admiral of the Navy.

Those are the only words in that part of the paragraph that are out.

Mr. HISCOCK. I understand that is out. Now I have suggested and the gentleman from Massachusetts [Mr. ROBINSON] was about to suggest that with the clause of the bill which provides for a board of examination the subsequent provision in the bill should also go out.

Mr. ATKINS. I think so.

Mr. ROBINSON, of Massachusetts. Because they are directly connected.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment offered by the gentleman from Maryland [Mr. TALBOTT] shall be considered as stricken out of the bill.

Mr. TALBOTT. If it all goes out, I have no objection.

The CHAIRMAN. Will the gentleman from New York again state what he desires?

Mr. ROBESON. I think I can state it so that it will be understood. If the proposition of the gentleman from New York [Mr. HISCOCK] is accepted all the bill beginning with the words "and provided further," in line 118, down to the words "United States," in line 136, will be out, and there will be inserted in it the provision of the gentleman from Maryland [Mr. TALBOTT] and the provision offered as an amendment by the gentleman from New Hampshire, [Mr. BRIGGS.]

Mr. REED. That is, there will be nothing left of the section after the word "act" in line 118.

Mr. ROBESON. That is right.

The CHAIRMAN. Is there unanimous consent that all that portion of the paragraph which has just been indicated be stricken out and that the amendments of the gentleman from Maryland [Mr. TALBOTT] and the gentleman from New Hampshire [Mr. BRIGGS] be inserted in their place?

There was no objection.

Mr. BLOUNT. I move to amend by striking out, in line 113, the words "made by selection." As the law now stands—

During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

During peace, vacancies in the grade of rear-admirals shall be filled by regular promotion from the list of commodores, subject to examination according to law.

Which examination relates to the mental, moral, physical, and professional qualifications. I think that law ought to stand. A few moments ago the committee, with a view to returning to that law, struck out the provision from line 118 to line 124. I find on examination of the bill, however, the words "made by selection." The law of seniority is still overturned, and in a more offensive way than it would be with that board remaining in the bill. I trust the committee will see fit to strike that out.

I do want to see the hand of political influence kept off the Army and the Navy. I do want those men to feel when they have devoted their lives to their professions that no political cabal shall deprive them of their rights, and I trust the gentleman from New Jersey will leave us with the law as it has been standing for years and years.

Mr. REED. As the matter stands now, the proposition is before the House to abolish the grade of commodore and make no promotions after July 1, 1883. That amendment, so made, removes some of the objections which have heretofore existed, namely, that some officers who were distinguished in the war were deprived by this proposed amendment, as it originally stood, to the law of the chance of promotion which they now have under the law as it stands.

The question we have got to consider is whether that grade ought not to be abolished. The gentleman from New Jersey has shown conclusively that there is no need whatever of it in the service. Consequently the only argument that can be urged in favor of its retention is the personal argument on the part of gentlemen who are in the naval service. I grant you that ought to have just and proper weight. I grant you that it is in the nature of a *quasi* vested right, and ought not to be disturbed except for good, sound reasons. But, on the other hand, the Government has some rights, and the people of the United States ought to exercise their power if they deem it for the good of the naval service; and these two arguments ought to be weighed against each other. There never will come a time when the personal argument cannot be used.

There seems to be no reason from the necessities of the public service why this grade should be continued. It ought therefore to be abolished. It is an unnecessary excrescence, the sole purpose of which is to give assimilated rank with officers of the Army, which is not needed now and was but a sentiment originally. After you rise from the position of captain you have got a grade which needs something more than routine service. It means abilities on a great scale.

An admiral is a different man from a captain. The office of admiral requires different powers and different capacity. A man may make a good captain and a poor admiral; and there ought to be the same system that is in use in the Army. After you get above the grade of the command of a single ship there ought to be power in the President to appoint a man who is capable of managing a fleet, just as the President now has power to appoint as general a man who has the capacity of managing an army.

But I wish to say in addition, in regard to this matter of abolishing the grade of commodore, that when you compare the rate of promotion in the Navy with the rate of promotion in the Army, rank by rank, you will find that the Navy has been more liberally treated than the Army has been; and even if we abolish this rank of commodore it will still continue so.

There is no good reason why the two arms of the service should not be on an equality, and an equality which will be of use and advantage to the country. [Here the hammer fell.]

Mr. MCLANE. I have no desire to detain the committee further, and would not say a word more if I did not think that both the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Maine [Mr. REED] have not responded to the objection I made to this paragraph.

It has been treated somewhat as if it were in the line of economy, while it is in just exactly the opposite line. This rank of commodore, I have said, is a necessary rank and gives a man the command of a squadron when he ceases to command a single ship, for that is the proper command of a captain. If you have two or three ships, that will be the proper command for a commodore; and if you have a larger fleet, that will be the proper command for an admiral.

And here comes in the question of expense in making commands for your commodores and admirals. The Secretary of the Navy has fallen into the habit of giving to admirals the command of all squadrons, large or small. That is the reason why, if you take the Navy Register, as the gentleman from Tennessee [Mr. ATKINS] did, you see that the commodores never go to sea as commodores. That is because the Secretary of the Navy prefers to send admirals to sea. If he has a little squadron of two vessels cruising about at the north pole, or at the south pole, or anywhere else in the wide world, he sends out an admiral instead of a commodore to take command of them.

The effect of abolishing your rank of commodore, which is a rank for small commands, will be to make admirals of all your officers above captains. And all your officers above captains when retired will be retired as admirals; whereas to-day they are retired as commodores as well as admirals. Therefore, the only practical effect of this provision in the bill will be to increase the expense of your retired list, and in the end to render it very unpopular and an unnecessary burden on the country.

The very men whom you would retire now as commodores at the age of sixty-two, you will hereafter retire, if this provision of the bill shall become law, as admirals, because then the captain will go straight to the rank of admiral; and then when he reaches the age of sixty-two, he will be retired as admiral on three-fourths of the pay of admiral. But if you do not abolish the rank of commodore, the captain will be promoted to be commodore, and at sixty-two will be retired only on commodore's pay.

This provision of the bill, therefore, is directly in the line of increasing the expense of the Navy, and it destroys harmony in the service. It takes from the Navy a proper rank, a proper grade, and it puts every captain when he is promoted at once into the rank of admiral. I think, therefore, this portion of the bill should be stricken out and the integrity of the service maintained in accordance with existing laws.

Mr. ROBESON. I have only to say in reply to the gentleman from Maryland that his proposition cuts off promotion from the whole line of active officers of the Navy, and leaves the list of captains to go unpromoted. The bill provides that selections may be made from commodores and captains.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BLOUNT. I move to strike out the last word, for the purpose of saying that while this amendment may be subject to the criticism made by the gentleman from New Jersey, [Mr. ROBESON,] though I doubt it, if it is subject to that criticism it can be changed so as to avoid that trouble.

As the law is proposed to be changed this whole matter is put in the hands of the Secretary of the Navy and the President, and these appointments are made political appointments and political influences will control them. I would vote against any provision in this paragraph rather than see the Navy subject to such influences.

I had trusted that the gentleman from New Jersey would see fit to consent that these political influences should not have play in the Navy. While I am in favor of the provision in reference to commodores, if this little saving is to take place at the expense of cursing the higher officers in the Navy with political influences, then for one I shall vote for the continuance of the law as it now is as to commodores. But if the gentleman will consent that the law shall stand as it has been for years in the matter of promotions, as the law has been tried and proved, instead of seeking to place this legislation on an appropriation bill, then I will be content with the other proposition. But never, so far as my vote and words may go, shall the appointment of the highest officers of the Navy be subjected to political influences.

Mr. ROBESON. I have yielded to the wishes of my friend from Georgia all along the line to-day. I have allowed him until now to perfect this section according to his ideas. Now if there is to be any effective service in the Navy, if the men who served during the war are to have their chance for promotion while they have life and activity, if we are to have in command of our fleets men who have some blood in their veins, men of energy, courage, and capacity, we must apply to the Navy precisely the same rule which we now apply to the Army. This section accomplishes that. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. BLOUNT, to strike out the words "by selection," in line 113, it was agreed to; there being—ayes 40, noes 31.

The question being taken on the amendment of Mr. CALKINS, to strike out from the word "provided," inclusive, in line 112, down to and including the word "act," in line 118, there were—ayes 42, noes 31; no quorum voting.

Tellers were ordered; and Mr. ROBESON and Mr. CURTIN were appointed.

The committee divided; and the tellers reported ayes 28, noes 73.

So the amendment was not agreed to.

The Clerk read as follows:

For pay to petty officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey Service, not exceeding 8,250 in all, $2,490,000.

Mr. ROBESON. By direction of the committee I move to amend by inserting after the paragraph just read what I send to the desk.

The Clerk read as follows:

That the active list of lieutenants of the Navy shall hereafter consist of two hundred; and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred no promotion shall be made to fill vacancies occurring in said grade: *Provided*, That no lieutenant now in the service shall be reduced in rank or deprived of his commission by reason of the provisions of this act.

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Navy, namely: For rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons and livery and express fees and costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, and information from abroad; and all other emergencies, and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, $100,000.

Mr. ATKINS. I move to amend by striking out at the close of this paragraph "$100,000" and inserting "$80,000." Out of this contingent fund for the present year, there has been expended about $20,000 for clerical force. That force has been provided for at this session in the legislative appropriation bill. Therefore I think the appropriation ought to be reduced to $80,000.

Mr. ROBESON. I will remind my friend from Tennessee [Mr. ATKINS] that the appropriation for this fund by the law of last year was $100,000; and although $20,000, or nearly this sum, which was expended last year for clerical force, has been provided for at this session in another bill, yet there is a deficiency this year for this purpose of $16,500. The whole difference between the amount here proposed and the actual expenditure during the last year is $3,500. Hence we thought (and I supposed the gentleman from Tennessee [Mr. ATKINS] agreed with me) that it was better to leave the appropriation at the old figure.

Mr. ATKINS. No, sir; I did not agree with the gentleman.

The question being taken on the amendment of Mr. ATKINS, it was not agreed to.

The Clerk read as follows:

Bureau of Navigation:

For foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ship, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries for ships of war; naval signals and apparatus, namely, signal-lights, lanterns, rockets, running-lights, drawings, and engravings for signal-books; compass-fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship, including those for the cabin, ward-room, and steerage, for the holds and spirit-room, for decks and quartermasters' use; bunting and other materials for flags, and making and repairing flags of all kinds; oil for ships of war other than that used for the engineer department, candles when used as a substitute for oil in binnacles and running-lights, for chimneys and wicks, and soap, used in navigation department; stationery for commanders and navigators of vessels of war, and for use of courts-martial; musical instruments and music for vessels of war; steering-signals and indicators, and for speaking-tubes and gongs, for signal communication on board vessels of war, $100,000.

Mr. BLOUNT. I move *pro forma* to strike out the last word of this paragraph, for the purpose of calling attention to what I look upon as an error in the manner of making up these appropriations for the Bureau of Navigation. In all the appropriation acts for a number of years past specific appropriations have been made for the various particular objects. For instance, in an act of a former year I read:

For foreign and local pilotage and towage of ships of war, $45,000.

For services and materials in correcting compasses on board ship and for adjusting and testing compasses on shore, $3,000.

I might read more than a page of these itemized appropriations. But the present bill in appropriating for the Bureau of Navigation simply designates the different objects, and then provides an appropriation in gross of $100,000. This, it seems to me, is taking a backward step in the matter of appropriations. The tendency has been to appropriate more and more by detail, and to hold the Departments to a strict conformity to the various expenditures authorized. Not only has this practice been growing on our part, but in the British Government it is wonderful to observe the detailed methods of estimating and making appropriations.

The pending paragraph provides in bulk an appropriation of $100,000 which may be used for any or all of these purposes. I have not had opportunity to examine this bill in time to prepare amendments with the view of separating these items. Therefore I do nothing more than call attention to the point. I know it is urged sometimes that by appropriating the fund in gross there can be a more economical use of the money. Theoretically this may be true; but practically the best interests of the Government are found in requiring every item to be estimated and the expenditures to be held down strictly to the amounts appropriated.

You have the check of the estimate and of your appropriation bills against abuse in any of these items. I withdraw the amendment, as I simply wished to call the attention of the House to what I regard as an abuse.

Mr. ATKINS. There is a large reduction in this item for contingent expenses of the Bureau of Navigation. As the committee will see, there are a great many items for which this appropriation is made, such as freight and transportation of navigation materials, postage and telegraphing on public business, &c. I believe the bill of last year carried $222,000, while this does not carry so much by many thousands of dollars.

Mr. BLOUNT. The gentleman from New Jersey says it is only a reduction of $11,000.

Mr. ROBESON. On that one item.

Mr. ATKINS. Oh, it is more than that. The bill carries $128,000, so that there is a reduction of nearly $90,000 for this Bureau of Navigation. It was suggested that much money could be saved by letting the appropriation be made in bulk to cover all of these small items. That is the justification of the action of the committee.

The Clerk read as follows:

For the civil establishment at navy-yards and stations, $5,208.62.

Mr. BOWMAN. I move to amend by striking out $5,208.62, and inserting in lieu thereof $10,417.25.

Now, Mr. Chairman, I think as this is the first item in which we strike the question of suspending work in the navy-yards, it ought to be brought to the attention of the House and voted on.

It will be observed that concerning similar items on all the bureau accounts the committee have reported one-half of what is asked for by the Department in the Book of Estimates. The Department says in order to carry on the necessary work as it has been carried on, such and such items are necessary, which items the committee have split in half, and this is the first item for the civil establishment in the navy-yards.

Now, Mr. Chairman, I do not oppose, but I might favor dismantling some of the navy-yards, but I submit we ought not in this haphazard and guessing sort of way to say that those yards shall be closed up or what yards shall be closed. I do not think in this haphazard way we ought to decide this question, but that it should be investigated by a commission. It should be decided just what yards shall be closed, just what yards are most available, and then a legislative bill should be brought in closing up those yards which are not necessary.

But the committee, as against the estimate of the Navy Department, proposes here to cripple the yards, leaving this question of closing them unsettled, and cuts in two the appropriations which have been decided to be necessary.

And this involves likewise, Mr. Chairman, the question of whether the necessary repairs shall be carried on or abandoned, because the Navy Department likewise says that to carry on these necessary repairs, and in order not to abandon the policy of keeping the present vessels in decent repair, these sums are necessary, and the committee have halved the sums. It does seem to me, until Congress shall establish what yards shall be closed and whether they shall be sold, we ought not to incorporate this legislation on an appropriation bill. [Here the hammer fell.]

Mr. HOLMAN. Now, Mr. Chairman, I wish to say that this is not a reduction on former appropriations, even as the text stands in the bill. This is not one of the items where the gentleman from New Jersey proposes to reduce the amount one-half. I find in the former appropriation bills the proposition stands as follows:

For contingent expenses of the Bureau of Navigation, namely: For freight and transportation of navigation materials; postage and telegraphing on public business; advertising for proposals; packing-boxes and materials; and all other contingent expenses, $3,000.

This is in the appropriation bill of the first session of the Forty-fourth Congress, and then there was no deficiency. The same provision, if I recollect aright, is contained in the next appropriation bill if my recollection serves me right, where the same amount of $3,000 was appropriated. This bill appropriates $4,000 for the Bureau of Navigation, and the gentleman from Massachusetts proposes $10,000.

Mr. ROBESON. We have passed from the paragraph providing for the contingent expenses of the Bureau of Navigation. We are now on the civil establishment of navy-yards.

Mr. HOLMAN. The gentleman is correct, and I find the pending paragraph is about one-half of what it was last year, but he is not correct as to its being one-half of the appropriation of former years. I misapprehend the paragraph before the House for consideration.

Mr. HARRIS, of Massachusetts. I move to strike out the last word. At a meeting of a quorum of the Committee on Naval Affairs on yesterday I was instructed, or authorized, by the committee to move to increase this appropriation from $5,000 to $10,000. But, Mr. Chairman, if we are to do no more in our navy-yards than we are at present doing, I should not object to the proposed reduction of this sum to $5,000 or any other amount. I agree with the Committee on Appropriations that unless the navy-yards are to be made of some

more use than at present we had better close them all. At a later point in this bill I shall move an amendment authorizing the construction of five new vessels of war——

Mr. BLOUNT. Will the gentleman yield to me for a question in this connection?

Mr. HARRIS, of Massachusetts. Certainly.

Mr. BLOUNT. I wish to ask if the gentleman has any objection, with the consent of the gentleman from New Jersey, to pass this amendment informally and return to it hereafter?

Mr. HARRIS, of Massachusetts. No, sir; that is the point I was about to make. I would like to pass over all of the provisions of this portion of the bill and down to the Bureau of Construction and Repair, until the matter is hereafter settled as to whether any work shall be done.

Mr. BLOUNT. I meant with reference to this particular item.

Mr. HARRIS, of Massachusetts. I have none; and I think if the House will agree to the amendment authorizing the construction of five ships of war that we will want to go over all of these provisions and increase the appropriations to correspond.

Mr. BLACKBURN. Mr. Chairman, I trust this amendment will not prevail. We have upon our Pacific coast but one navy-yard. We have upon the Atlantic seaboard a navy-yard at Portsmouth, one at Brooklyn, one at Norfolk, one at League Island; we have one at Charlestown, one at Washington, and one on the Gulf coast at Pensacola. Now it is perfectly patent, Mr. Chairman, what the Committee on Appropriations meant by this particular item in the bill. It is plainly to be seen that when it inserted in the bill the sum of $5,000 for the maintenance of the civil establishment at the navy-yards it had in view a reduction of the yards in the sum appropriated of exactly one-half. This amendment proposes to restore the original sum. The Committee on Appropriations make a provision here for the closing of worthless or useless or unnecessary establishments, and in my judgment the committee have acted wisely in this matter. It has not acted without full consideration on the subject. The superintendent of Yards and Docks has been before the committee and was interrogated and closely questioned with reference to this proposition. He said that there were several of these yards that were of no use whatever; that they were expensive to keep in repair; they were of little service to the Government, and ought to be closed. He has gone even further, and said that some of these yards might be given away with profit to the Government, or that their total cost up to this time might be donated as a bonus to anybody who would take them off the hands of the Government and relieve it from the further care of them.

Mr. WHITTHORNE. Will the gentleman from Kentucky permit me to ask him if that chief of bureau named the navy-yard——

Mr. BLACKBURN. He was speaking generally upon the subject——

Mr. WHITTHORNE. And, if so, I would like to know which one it was, and then to ask if the committee has recommended the abolition of that yard?

Mr. BLACKBURN. I will answer the gentleman no, and for this reason, and I supported the action of the committee enthusiastically and thoroughly: they proposed by the provision now under consideration to leave that question to the discretion of the Navy Department to close one-half of the Atlantic seaboard navy-yards. It necessarily requires that one-half of them shall be closed, and no one left in them in the shape of a civil establishment except an officer in charge of the public property. The Committee on Appropriations, in my judgment, as I have stated, acted wisely in this recommendation, and also in its refusal to recommend the closing of any particular navy-yard, but decided to leave the matter entirely in the discretion of the Secretary of the Navy to close such as he might deem unnecessary to keep open for the naval purposes of the country, in order that coming Congresses might act advisedly in directing the sale of such property or making such disposition of it as might be advisable.

This, Mr. Chairman, is not experimental legislation; it is deliberately taken after mature examination and conclusion. In my opinion, it is the wisest thing that can be done with reference to these yards. I cannot see anything myself, nor have I heard a word brought before this committee in the shape of argument, in support of the advisability of the policy that looks to the maintenance of seven navy-yards—six upon the Atlantic coast and one upon the Gulf coast—while we have but one upon the whole Pacific seaboard. We are not utilizing them to-day. There was a proposition before the committee to establish a new one at New London, but the committee refused to appropriate for it upon the conviction that we had already more than we really had use for, and that it would be a needless and extravagant expenditure of the public money. I trust the committee will be supported——

Mr. BLOUNT. Does the gentleman say there is no navy-yard at New London?

Mr. BLACKBURN. There is not a navy-yard there. Land was donated to the Government for the purpose of establishing a navy-yard there, and it has been accepted, but no navy-yard has yet been constructed, and none exists there to-day. The Committee on Appropriations——

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS took the floor and yielded to Mr. BLACKBURN.

Mr. BLACKBURN. I thank the gentleman; I only want to use a minute more.

The Committee on Appropriations rejected a proposition looking to the appropriation of $150,000 for the establishment of a navy-yard at New London. There were strong arguments urged in favor of having a navy-yard at that point. It is natural those arguments were urged upon the committee and their weight was recognized in many respects; and nothing in my judgment prevented that committee from recommending an appropriation of $150,000 for building a navy-yard at that point except the conviction which had possessed them, coming from the best information they could command, that we had too many already, and that instead of building new ones, wise statesmanship, a just regard for economy in the expenditure of the public money, and common reason dictated and demanded the closing of some already in existence.

Mr. BLOUNT. Will my friend from Kentucky allow me to say now in this connection that the Forty-fourth Congress had almost this identical provision in the naval bill, and had the same purpose as the present committee in regard to the navy-yards.

Mr. BLACKBURN. I ask my friend from Georgia whether the Forty-fourth Congress reduced by one-half the appropriations of the year before for the maintenance of the civil establishment of the navy-yards?

Mr. BLOUNT. I do not want to take up the gentleman's time or I would answer him. I will answer directly in my own time. There was a large reduction and the committee of that Congress had the same purpose as the present one.

Mr. BLACKBURN. Then I want to emphasize the purpose of the committee of that Congress. My recollection is, and a friend who sits by me corroborates it, that that proposition of the Forty-fourth Congress was voted down in the Senate Chamber and did not become a law. But whether it did or not it does not affect the question pending before this House at the present time.

I insist that this Government is maintaining eight navy-yards where it needs no more than five, or perhaps four. And I insist that the committee in this bill does right when it proposes to put a premium on the closing of surplus and useless navy-yards. No interest of the naval service, I am sure, will suffer. The discretion of the Secretary of the Navy is left without trammel or limitation. It is advisory legislation for the use of subsequent Congresses, and I sincerely trust the amendment will be rejected. [Mr. BOWMAN rose.] Before the gentleman from Massachusetts proceeds I desire to correct a statement I made a moment ago. My recollection now is that the legislation referred to failed by being defeated in the House.

Mr. BLOUNT. Yes, that is true; by the Republicans all voting with a faction over on this side of the House.

Mr. BOWMAN. I move to strike out the last word for the purpose of making a suggestion. I understand the committee to suggest they would be willing this should be passed over until we should see what would be done with the rest of the bill and what the amount of work and property would be that would go to the navy-yards, and what would be the work outside. If they have no objection to this being passed over for the present, I will withdraw the amendment.

Mr. ROBESON. As we have got into the discussion of this question, and have already taken half an hour upon it, I think we had better dispose of it now.

Mr. CANNON. I was for this provision in the committee, and I am for it now. Navy-yards in this country, if maintained at all, should be maintained for the general good. If ships are to be built at all, I suppose in the future, as in the past, they will very largely be built in private yards; and that in any event navy-yards will only be used for repairs. The object of the committee was, as has been stated, that a part of these navy-yards should be closed; and no one has controverted the assertion that they can be properly closed, and still all repairs made and all ships built that are necessary.

Mr. BOWMAN. Mr. Chairman, in reply to the gentleman from Illinois [Mr. CANNON] I only want to say one word.

Now I think we have for the first time found the milk in the cocoanut, and found just what is under this change of law. For the gentleman from Illinois announces what I understand to be the policy of the committee, which has not thus been announced before. The gentleman says, if I understood him, that undoubtedly hereafter all ships will be built in private yards, and that the navy-yards will be used only for repairs.

Mr. CANNON. I beg the gentleman's pardon, if he will allow me. In what I said as to where the ships should be built I did not speak for the committee. But I did say that whether new ships were built or not, one-half of these navy-yards, with or without private yards, were sufficient to make all repairs and build all new ships, and therefore we ought to dispense with some of them.

Mr. BOWMAN. I do not wish to discuss the question as to whether men-of-war could best be built in private ship-yards or in public. But I mean to say that I think the Committee on Appropriations have forestalled this question, and intend a policy to be adopted under this bill of having certainly one-half, and probably the whole of the new ships of war built in the private ship-yards by contract.

I do not discuss it. I suppose the expense of maintaining the yards

would build a splendid ship of war every year. But I do say, Mr. Chairman, that when we have these great navy-yards completely stocked with extensive "plants" of the best machinery prepared to build vessels, and with expert mechanics in them, it is absurd to consider the question of maintaining those yards and yet to have the building of the new ships go on outside in private ship-yards not so well stocked as the public ones, and to adopt this policy on an appropriation bill.

Mr. ATKINS. I desire to say only one word with regard to this proposition. The gentleman from Massachusetts [Mr. BOWMAN] was too eager to grab at a remark made by the gentleman from Illinois [Mr. CANNON] and to say that it was an admission fatal to this clause in the bill. The gentleman from Illinois, as he has already announced to this committee, spoke for himself; he did not speak for anybody else. And I will say more, that the gentleman from Illinois, for the first time this morning, announced any expression of opinion of that kind, so far as I have heard any expression of opinion from him. I heard no such opinion from him in the Committee on Appropriations or from any other member of that committee in reference to cutting down one-half the expense of our civil establishment in connection with navy-yards. Allow me to say to the gentleman from Massachusetts that no expression of opinion was made in the Committee on Appropriations that our ships should hereafter be constructed in private ship-yards, and nothing of the kind was said that looked to any such proposition.

Mr. BOWMAN. Will the gentleman allow me to ask him one question?

Mr. ATKINS. No, sir.

Mr. BOWMAN. Not one question?

Mr. ATKINS. Not now; I would rather not at this point.

I hope this committee will come to a conclusion on this proposition and assert its policy, so that it may run through the whole bill. The whole question is what the gentleman from Kentucky [Mr. BLACKBURN] has announced to you—the whole question as to whether we shall continue all these navy-yards or not as involved in the proposition now before the Committee of the Whole; and I trust members of the committee will look to it carefully and determine it.

Do we need all these navy-yards? There is not a naval man of distinction in the United States, I venture to assert, who will say to-day that there is any necessity for all these navy-yards.

Mr. TALBOTT. Is there a single navy-yard in the United States which has not to-day four or five vessels in it for repairs, according to the Naval Register?

Mr. ATKINS. That may be so; but I believe it is the opinion of the naval authorities that most of them are not worth the repairing.

The proposition in this bill is not to destroy all the navy-yards, but only to cut down the expense of the civil establishment one-half. Why may not one-half of the navy-yards which we are now maintaining be maintained up to the present standard with one-half of the appropriations which have heretofore been made? As a matter of course they can.

As I intimated the other day in the remarks which I made upon this subject, I believe the common judgment of the country, the opinion of the Secretary of the Navy and of everybody else, is that we need maintain only two navy-yards on the Atlantic coast and one upon the Pacific coast. And if it is necessary, in the opinion of the Secretary of the Navy, to retain one on the Gulf coast he can do so.

This is no proposition to let out the construction of future ships of the Navy of this country to private contract; no such proposition is contained in the bill. And the gentleman from Massachusetts [Mr. BOWMAN] need not attempt to distort the remark made by the gentleman from Illinois [Mr. CANNON] as an expression of the opinion of the Committee on Appropriations.

Mr. BOWMAN. Will the gentleman now let me ask him one question?

Mr. ATKINS. Certainly.

Mr. BOWMAN. I think it is due to me in all courtesy.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. ATKINS] has expired.

Mr. HISCOCK. The reason why the proposition was declined to pass over this item until the question of how many ships should be built was disposed of, was because the Committee on Appropriations have not inaugurated in this bill any policy in reference to where the ships shall be built, if they are to be built, whether in private yards or in public navy-yards.

This, however, is true: if they are to be built in the public yards I think every gentleman who knows anything about our navy-yards will agree with me that the expenditures upon certain yards should be discontinued, and all the expenditure concentrated upon a few of our navy-yards, so that they might be put in condition to build these ships.

It is a notorious fact that if we should undertake to build one of these ships there is not now a navy-yard in the United States which is prepared to undertake its construction. I appeal to the chairman of the Committee on Naval Affairs [Mr. HARRIS] to state if there is to-day a navy-yard in the United States with all the docks and necessary appliances for the building of one of these ships.

The money to be expended upon our navy-yards should be concentrated and expended upon fewer yards, if it should be the policy for the Government in the future to build its own ships. It is because this proposition in the bill is in no way connected with the question whether we shall build new ships or they shall be constructed in private navy-yards, it was because that was in no way connected with this proposition that we have declined to pass over this provision for the present.

Mr. BOWMAN. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. BOWMAN. A question which I have been trying for five minutes to have answered?

Mr. HISCOCK. Certainly, I will yield to the gentleman for a question.

Mr. BOWMAN. It is whether it was not contemplated by the committee that if these new ships were to be built, at least one-half and perhaps more of them were to be built in private yards?

Mr. HISCOCK. Not to my knowledge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN. A little further on in this bill I shall offer an amendment.

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. REAGAN. I move *pro forma* to amend by striking out the last word. Inasmuch as the question of the number of yards to be preserved is being discussed, I wish to say a word. I thoroughly agree with the policy indicated by the Committee on Appropriations—the inauguration of a plan to reduce the number of navy-yards. For economy and efficiency in the public service I think this policy is undoubtedly right. While there is nothing in the bill looking to the particular yards to be discontinued or preserved, some of the gentlemen who have discussed this matter have indicated that perhaps there ought to be two navy-yards on the Atlantic and one on the Pacific coast. This I think right; but in determining the yards which ought to be continued, my judgment is that the one at Pensacola ought to be preserved as a yard of repairs, if for no other purpose. While it might not be absolutely necessary for that purpose in time of peace it would be very convenient. Vessels cruising on the Gulf—vessels in the revenue-marine service and others—might well be repaired there, as the work could be done at much less expense than to carry them far up the coast. But in case of war there would be a Gulf frontier of 1,500 miles with but two places having any pretense of fortification. The coast, except at those two places and those inadequately fortified, would be entirely exposed to the ravages of the enemy.

It seems to me that as a matter of national policy it would be dangerous to leave that extensive sea-coast, exposed as it is, in such a condition that vessels upon the Gulf could not even be repaired. In time of war, if a vessel should be crippled upon the Gulf of Mexico or any part of its extensive coast, it would be a matter of great difficulty and danger to remove it out of the Gulf, around the capes of Florida, and up the Atlantic coast to any point at which there might be a navy-yard.

Hence it seems to me of essential importance to preserve the Pensacola yard as a yard of repair. I submit that it would be a great mistake to abolish that yard. The expense to the Government of maintaining it would be overcome by its convenience and advantages. The retention of the yard there would strengthen our maritime defense at a point where it is most exposed of all others in the country and where it would be most costly and difficult to secure repairs of vessels.

Inasmuch as the general subject is not up, I desired only to make these remarks expressing my full agreement with the committee in the policy of reducing the number of these yards, and at the same time my opinion as to the propriety of preserving the yard at Pensacola as a yard of repair.

Mr. WHITTHORNE. Mr. Chairman, as regards the policy indicated by the committee of abolishing certain navy-yards and stations, I for one am in favor of it. Some years ago, as a representative of the then Naval Committee of the House, I advocated a proposition of this kind which was recommended by that committee. The gentleman from Massachusetts [Mr. BOWMAN] has precipitated, as I think, the discussion of the real merits of the proposition submitted in this bill. My opinion has been indicated by the question which I put to my friend from Kentucky. In my judgment the Brooklyn, Norfolk, and Mare Island navy-yards should be kept as yards for construction and repair; the yards at New London, League Island, and possibly Kittery, ought to be abolished as navy-yards.

Mr. REED. Not "possibly Kittery."

Mr. WHITTHORNE. It might be kept as a repairing station.

Mr. REED. I only wanted to call attention to what I knew was an inadvertence.

Mr. WHITTHORNE. The Charlestown or Boston navy-yard and the navy-yard at Washington might be continued as manufacturing yards.

But the mistake, as I think, which the committee has made (and I will discuss it more fully hereafter) is in providing that the question as to the policy of discontinuing yards and the selection of the yards to be abolished shall be left to the discretion of the Secretary

of the Navy. That officer, when vested with this discretion, may differ with every gentleman on this floor. He may dismantle the Brooklyn yard, the Norfolk yard, the League Island yard, the Pensacola yard. While the power is in our hands as representatives of the interests of the people I think we ought to exercise it, or, if necessary, delegate to some competent authority the investigation of this question, requiring a report to be made to Congress, so that we may act intelligently upon the subject. The danger is that in the exercise of the discretion proposed a vast destruction of the property interests of the Government may occur, without power on our part to remedy it.

In the policy of the committee, so far as it looks to the reduction of navy-yards and the expenses of the civil establishment, I heartily concur. The only difference that may arise between us will be as to the manner of effecting this reform.

Mr. HARRIS, of Massachusetts. I desire to say now, that the committee may understand what is contemplated by the Committee on Naval Affairs, and I desired to say yesterday, when this bill was considered generally, that when we came to the proposition contained in it to abolish certain navy-yards and to the several provisions reducing the pay of the civil establishment one-half, we grouped those questions all together and came to this conclusion: that this subject had not received from the proper committee full investigation; and one member of the Committee on Naval Affairs, my friend from Philadelphia, [Mr. O'NEILL,] was authorized at the proper stage in this debate to offer an amendment instructing the Speaker of this House to appoint three members and the President of the Senate to appoint three Senators and the Secretary of the Navy one gentleman, who should constitute a commission which should during the vacation investigate this whole subject, visiting all the yards, and report at the opening of Congress in December next what yards should be closed, what yards should be sold, if any, and in what manner the yards for the future should be used, which for constructing and repairing yards and which for manufacturing yards.

We feel—I feel myself this striking down the civil establishment now and crippling the yards at once would be unwise, and therefore I prefer these several questions should be taken all together at one time, in order if possible to inaugurate some plan by which this whole question of the use of the navy-yards in the future can be wisely considered. I make this statement in order that gentlemen on the floor may understand what is coming during this debate.

Mr. REAGAN. I wish to ask the gentleman from Massachusetts whether he would not undertake for his committee to do this work and not ask for a commission. We seem to have reached the idea we can do nothing without a commission. When we had a commission for the rights of women, and a commission on whisky, I thought we had exhausted the subject. [Laughter.] Now let us try to do something ourselves.

Mr. HARRIS, of Massachusetts. Perhaps it was considered too immodest to suggest the whole subject should be committed to the Committee on Naval Affairs of this House.

Mr. REAGAN. I should much prefer to have that committee consider it.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I renew the amendment, as I understand the gentleman has withdrawn it. We do not desire on this bill to say what navy-yards shall be discontinued, nor do we desire the Secretary of the Navy to say what yards shall be permanently discontinued and disposed of. Bring in your bill providing for something of that sort. What we provide for is this: if there be certain navy-yards for which we have no use now, let the Secretary of the Navy keep them in their present condition. We provide for a force by which they may be watched and taken care of, and closed if he pleases. We are not looking to the sale and disposition of navy-yards. That is not the policy of the committee at all.

The appointment of a commission on this bill would be out of place. Whenever gentlemen desire to put in a proposition to sell certain navy-yards let them do it by a separate bill. We are giving the Secretary of the Navy no discretion to dispose of yards at all. If he has no use for them, if there is nothing to be done in them, if there is no work to be carried on in them, let him provide for watching and taking care of them, and spend no more money on them. That is the policy of the bill.

Mr. KELLEY. Mr. Chairman, I have very many earnest convictions on the subject of these navy-yards on different points. I think there should be a reduction in number. I think it should be judiciously done, either by recommendation of the joint committee or otherwise. I believe that the Government workshops are seeds at once of corruption and extravagance, and I think the enlightened nations of the world are all learning to depend on private workshops. I wish to say a word about League Island. The city of Philadelphia, as I thought and said at the time, when invited by the then Government to learn what terms League Island could be obtained for a naval station, foolishly agreed to make it a present, and purchased the island conditioned that it was to be paid for when the Government should have accepted it. The money derived from the sale of the old yard was, as part of the contract, to have been applied to League Island.

Now, as an American, I rejoiced in the fact that the Federal Government had come into possession of a naval station on fresh water, the cure of iron ships from disease inflicted on them by salt water; while I rejoiced they had a station so far in the interior as to be beyond the reach of the most potent agents that foreign governments could establish, that it was near, in the opening year of iron and steel vessels, to the coal and iron fields of the country, and to a population skilled in every branch of the industries involved in the maintenance of a great naval station, for any character of workshops—while, I say, as an American citizen I rejoiced at all this, as a Philadelphian I grieved, and did not hesitate to express my personal grief, that two and a half miles of the best river front of that city should have been surrendered to Government workshops, seeming to me to be an outrage upon the city then and upon the posterity of its then citizens; and I would, as an individual citizen of Philadelphia, rejoice if the Government of the United States would restore League Island to Philadelphia on condition that that city reimburse the Government for all permanent expenditures made on that island.

None of the proceeds of the sale of the old yard went to this improvement. Faith was not kept by the Government. There are on two and a half miles of river front a petty workshop that does not give employment to 25 per cent. of the number of men employed in many of our private workshops. The work is uncertain, fitful, and too often used for political ends. Therefore, Mr. Chairman, instead of standing here to plead for the maintenance of the navy-yard at that point, I ask for a scientific investigation of the subject; and if it be determined to retain any part of League Island, that the investigating board shall determine how much of the river front and the back channel of the river may with safety to the Government be ceded to the patriotic city that presented it to the then administration with Abraham Lincoln at its head; and who, with Gustavus C. Fox and Gideon Welles administering the Navy, decided it to be the best site for an iron-clad construction yard and for the rendezvous of iron vessels returning from sea that the world presented.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

Mr. BOWMAN. Mr. Chairman, I only desire to say a word in response to the gentleman from New York.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. BOWMAN. I move, then, to strike out the last two words. In reply to the gentleman from New York I have only to say that I have insisted this question ought to be examined, as all great questions are examined, by a scientific commission. The gentleman from New York says the Committee on Appropriations did not propose to say, "close the navy-yards."

Well, will the gentleman allow me to ask what he would propose to say or to do, then, to close them? They want, he says, to give the power to the Secretary of the Navy to dismantle the navy-yards, and he may remove all of the property from one to another yard, and when in another year the question comes up as to what navy-yard shall be maintained, Congress is to determine that matter. Two yards, then, come in competition, one of which has been stripped of everything, and the other the recipient of all of the property which has been taken from the first. One question, then, to be considered would be perhaps of economy in the disposition of the property on hand and the cost of its return to the yard whence it was taken. And I would like to ask my friend if dismantling the yard is not, therefore, practically deciding the question beforehand? I am in favor myself of closing some of the yards; and yet, although I think it would be wise to do so, I know there are many questions which ought to be investigated and fully considered, and which it was essential that the Committee on Appropriations should have understood before they could have acted upon the subject or recommended any positive action to this body.

There are many questions which the committee should have asked and have been able themselves to answer; and I venture the assertion that the committee can answer none of them. For example, could they answer the question as to the value of the Philadelphia, Boston, or Kittery yards? What is the value of the real estate of these yards? Is there a demand for the property? Could it be sold if placed in the market? Do merchants want it? Do the railroads want it? What is the character of the buildings as compared with other yards? What is the cost of maintaining them as compared with other yards? Are they on deep water? Is it necessary to dredge every year to maintain communication between your navy-yards and the ocean? What is the character of the machinery as compared with other yards? What is the comparative cost of construction there as compared with other yards? All of these questions are important to be considered in that connection, and yet none of them, I venture to assert, can be answered by the Committee on Appropriations; and yet we are asked to take action upon a matter of this magnitude and importance when the committee itself is without the necessary information. [Here the hammer fell.]

Mr. ROBESON. If there is to be further debate upon this paragraph, I shall move that the committee rise to limit it.

Mr. HOLMAN. I hope the gentleman will yield for a moment; I oppose the proposition of the gentleman from Massachusetts, but I ask the attention of the gentleman having the bill in charge for a moment. I find that in the first session of the Forty-fourth Congress

the sum appropriated for all of the civil establishments in the navy-yards was $85,000, and the following provision was ingrafted upon the appropriation bill:

And the Secretary of the Navy is hereby directed to organize a naval board of five commissioned officers in the Navy as soon as practicable, three of whom shall be senior officers on the active list of the Navy, whose duty it shall be to examine fully and determine whether any one of the navy-yards can be dispensed with and abandoned; and if so to report the best manner of making disposition of the same, and further to inquire, &c.

Now, the question I wish to ask the gentleman from New Jersey is whether that board was ever organized, and if so whether it made a report?

Mr. ROBESON. I will answer the gentleman just here if he will permit me. The board was organized and was composed of Admiral Porter, Vice-Admiral Rowan, Rear-Admiral Charles H. Davis, a naval constructor, and a naval engineer. They reported that the yards at New York, at Norfolk, and at Mare Island, should be kept open; that the yard at Pensacola should be kept in good condition, and the other yards put in ordinary.

Mr. HOLMAN. Now, Mr. Chairman, my recollection is substantially as the gentleman from New Jersey has stated it. The House has been informed through an official channel of just what may be done, and its recommendation is in harmony with the provisions of this bill. I trust, therefore, the committee will not hesitate to sustain the provision just as it stands. I would remark further that the appropriations made by both sessions of the Forty-fourth Congress were but $85,000, for the purpose of compelling, if possible, the adoption of what was demanded by the principles of economy and securing the thorough management of such navy-yards as should be actually kept up. I do not think the reduction here is large enough——

Mr. ROBESON. I will say to the gentleman, if he will permit me again, that the appropriations for the maintenance of the civil service at the various yards are scattered through all the bureaus. This is only an appropriation for a single bureau. In each bureau the appropriation has been stricken down fully one-half.

Mr. HOLMAN. I understand that. The only difference between what is now proposed and what was done in the Forty-fourth Congress is that then the whole was appropriated in a single item, $85,000. Here it is distributed through the various bureaus. But I consider it should be dispensed with entirely; and that was the view taken by gentlemen who examined the matter thoroughly in the Forty-fourth Congress. I do not see why so large a sum as $65,000 should be appropriated for the purpose; because that is within $20,000 of what was appropriated in both sessions of the Forty-fourth Congress, and yet there was no deficiency.

Mr. WHITTHORNE. The gentleman having ascertained what was the report of the commission appointed in the Forty-fourth Congress, will he offer a proposition to incorporate that report in this bill? Then we will know what is to be done, and it will not be left to the discretion of any one.

Mr. HOLMAN. I think the result of that report is substantially incorporated in this bill as it stands; substantially, not in terms, I admit, but it takes an important step in that direction, I think.

The CHAIRMAN proceeded to put the question on agreeing to Mr. BOWMAN's amendment.

Mr. ATKINS. I desire to say one word.

The CHAIRMAN. The committee is dividing.

Mr. ATKINS. I will reserve what I have to say until another paragraph is reached.

The amendment offered by Mr. BOWMAN was not agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, which informed the House that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 6014) to admit free of duty articles intended for the exhibition of art and industry to be held at Boston, Massachusetts, during the year 1883;

An act (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes;

An act (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes; and

Joint resolution (H. R. No. 248) to provide temporarily for the expenditures of the Government.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk resumed the reading of the bill, and read the following paragraph under the head "Bureau of Ordnance:"

For steel rifled breech-loading guns, with carriages and ammunition, $100,000.

Mr. BAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 245 add these words:

"*Provided*, That the guns herein provided for shall be made on not less than two of the latest improved systems of breech-loading."

Mr. BAYNE rose.

Mr. HISCOCK. I reserve the point of order.

Mr. BAYNE. I would like to hear what is the gentleman's point of order.

Mr. HISCOCK. Let the amendment be reported again.

The amendment was again read.

Mr. BAYNE. Recent developments and investigation in the Ordnance Department have shown the fact to be that if there is not some direction on the part of Congress as to the kind of arms and guns that may be used, some special arm, or some special plan or system has been adopted; and the investigation has shown that there was to a certain extent favoritism, and that certain guns that had been invented many years ago and that had been tested for a considerable period of time, had been suffered to remain for many years untested, while other guns had been taken up and an effort had been made to bring them into a condition which would authorize the Government in using them; but that every one of those guns had signally failed, and that the Government had expended hundreds upon hundreds of thousands of dollars in vain efforts to patch up and make good a bad and rotten system.

Now, sir, in order to preclude, if possible, an effort in the same direction hereafter, although a board has been appointed and sat upon various systems and made various recommendations, in order to preclude hereafter any such course as that on the part of those who may be immediately interested, I submit that an amendment of this kind should be adopted and added to the bill, so that there will be at least a rivalry between the two systems as to which should turn out the best, and then we shall have the judgment of those who use these guns, and we shall have an opportunity of bringing into competition systems that vary from each other to a very considerable degree and thus get the best guns into the service.

I think that unless Congress takes some step of this kind you will find that but one single system will be adopted, and that it will be just as likely as not that that system will not be the best, but in all probability will be one of the worst, a system which has some influential supporters, and which, through those influential supporters will be tested and applied while better ones remain in abeyance.

[Here the hammer fell.]

Mr. DEZENDORF. I would ask the gentleman from Pennsylvania how many of those latest improved guns can be built for $100,000?

Mr. BAYNE. In reply to that inquiry, I will say that two guns can, and that will test two systems.

Mr. HARRIS, of Massachusetts. The estimate on which this appropriation was based was for $220,000. During the investigation which the Committee on Naval Affairs had upon the subject of guns, ships, &c., we found that the purpose of this appropriation was to make an effort to construct two guns in the navy-yard at Washington.

It is probable that the construction of no gun can be attempted in that navy-yard larger than a 6-inch rifled gun. Now, I am not much in favor of spending money in that way. The guns which the ships of the Navy carry should be 10-inch breech-loading rifled guns, which have been demonstrated to be the most effective guns in the world. And I am not much inclined to expend money on experiments on little 6-inch rifled guns.

I rose, however, to say that in my opinion this item of the bill should be passed over for the present, and for this reason: the Committee on Naval Affairs propose to ask the House to authorize in this bill the construction of two steel ships of war to be armed with rifled guns of the very best character, and the estimate which we give covers the ships and the guns. After that shall have been done we could then put on that portion of the bill the limitation on the kind of guns which my friend from Pennylvania [Mr. BAYNE] desires. I hope this paragraph will be passed over for the present, to be considered hereafter.

The CHAIRMAN. The question is upon the amendment moved by the gentleman from Pennsylvania, [Mr. BAYNE.]

The amendment was not agreed to.

Mr. HARRIS, of Massachusetts. I now ask that this item be passed over for the present, to be considered hereafter.

The CHAIRMAN. That requires unanimous consent.

Mr. HARRIS, of Massachusetts. I ask that unanimous consent.

Mr. ROBESON. The objection we have to that is that the estimate for this proposition was $220,000. After close investigation we ascertained from the Bureau of Ordnance that they could get along with perhaps from $100,000 to $150,000; that that amount would do for this year in deciding upon other plans, experimenting in materials, and making arrangements for perfecting the guns. We have therefore given them only $100,000 for this year.

The CHAIRMAN. The Chair understands there is objection to the proposition of the gentleman from Massachusetts [Mr. HARRIS] to pass over this paragraph for the present, and further debate is not in order.

Mr. THOMAS. I move to strike out the paragraph. The investigation that was had by the Committee on Naval Affairs disclosed the most wonderful state of affairs in the Ordnance Bureau of the Navy Department that the world has ever seen. It is only equaled by the man whom Gulliver found in the island of Laputa, who had been engaged for eight years in endeavoring to extract sunbeams

from encumbers with a view of warming the king's garden on raw days. [Laughter.]

This Ordnance Bureau is in itself an experiment; it is continually engaged in some of the most hair-brained experiments that have ever been heard of. The officers of that bureau seem to learn nothing from the experience of other nations. They seem to have been hung up on the pegs of the past, and to be able to learn no lessons of wisdom whatever from the experiments of intelligent investigators in other nations of the world on the subject of naval ordnance.

The chief of that bureau came before our committee and was closely questioned as to what he proposed to do in case money was put at his disposal. He said he proposed to go on and look into the question and investigate and experiment, and hoped that in the course of three years, possibly in two years, he might produce one gun. He wanted $250,000 for that purpose.

Now, it seems to me that if the Congress of the United States has any sort of regard for the interest of the Government or of the people it will make an appropriation expressly for certain guns which have been found to be the kind of guns that can be used in case of war—high-power, breech-loading, steel guns, such as are employed by the other navies of the world, and stop this nonsense, this frittering away and squandering of the people's money to keep up a style of so-called experiment in the Ordnance Bureau of the Navy Department.

I tell you, Mr. Chairman, that we have reached the time when we ought to look on the question intelligently, as men of business. We ought to make an appropriation to build some first-class, high-power steel guns that could be effective in case of war. We have now popguns enough such as the Ordnance Bureau have been producing, and which are of no earthly use whatever. That bureau is simply expending the people's money to keep up a kind of experimental shop and to gratify the taste of some inquiring minds, chiefly that of the head of the bureau.

Mr. ROBESON. I trust that this paragraph will not be stricken out. If we are to have any guns we must have them constructed under the intelligent and scientific supervision of the Department and bureau to which their construction is intrusted. If we are to have any effective guns they must be produced, judged of, and accepted by the intelligent, scientific knowledge of that scientific bureau to which that question is presented.

We cannot here pass appropriations for the guns of inventors which we are not competent to judge of. We cannot here pass appropriations for special gun factories and furnace shops whose capacity we do not know anything about, and the production of which might not be safe for our Navy nor dangerous to an enemy.

Here is a proposition which authorizes this bureau to proceed this year in an experimental way, for that is about all that it does. We have to determine what guns we will have before we can get to work and produce them.

Mr. THOMAS. Have not these experiments been going on for the last twenty years, and has there been one solitary gun produced by the bureau that can be regarded as even fifth rate?

Mr. ROBESON. I do not know about the last twenty years; but if the complaint is that the thing has not been done, that is no reason why we should not do it now. We have an appropriation here which will allow this bureau to produce and try one or two rifled steel breech-loading guns of large caliber, which will be models for the guns to be cast for these new ships. We must have these models, and they must be tested, before we can venture to provide guns. If we do not adopt a provision of this kind, then when we get our new ships we shall have nothing to go upon in providing them with guns; we shall have to go abroad and buy our guns from Krupp & Co., or somebody else. This appropriation is for the very purpose of making the experiments necessary to put into our hands the means of completing the armament of the new ships, for which the gentleman from Illinois and myself are both advocates.

The question being taken on the amendment of Mr. THOMAS, it was not agreed to.

The Clerk read as follows:

For the civil establishment of navy-yards and stations, $18,953.12: *Provided*, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the Government for the amounts in this act appropriated for the maintenance of and civil establishment at the navy-yards, he shall not make any deficiency for these purposes, but he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein; and at the yards so closed only such officers and employés shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged: *Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard: *And provided further*, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor.

Mr. HARRIS, of Massachusetts. I ask the Committee of the Whole to go back for a moment to the paragraph beginning with line 260, to which I wish to offer an amendment. It is in regard to torpedoes, for which the committee have for some reason inserted in the bill an appropriation of only $60,000. I think there should be a larger appropriation for this purpose; and I wish to offer an amendment to increase the amount to $200,000.

The CHAIRMAN. Is there unanimous consent to go back to the paragraph indicated, that the gentleman from Massachusetts may offer an amendment? The Chair hears no objection.

Mr. HARRIS, of Massachusetts. I move to amend by striking out $60,000, in the paragraph making appropriation for the torpedo corps, and inserting $200,000.

Mr. Chairman, the torpedo has now become a very important weapon of defense; all other countries of the world are arming themselves with torpedoes. In this country we have practically but one torpedo of any value, which by reason of the improvements that have been made is now practically antiquated. I refer to the Lay torpedo, a specimen of which can be seen at the navy-yard here. Commodore Sicard, chief of the Bureau of Ordnance, said before the committee that in his opinion the Government ought to spend a considerable sum of money in providing torpedoes for the defense of our harbors. The torpedo which he would probably purchase is the fish torpedo, now used extensively in the English navy. The cost of these torpedoes is about $7,000 apiece. The English Government has bought, for the sum of $80,000, the right to use that torpedo, purchasing also at the regular price fifty torpedoes ready for use. It was in our country that the torpedo originated, and here the greatest improvements in it have been made. There is hardly a torpedo in the world that has not in some way derived advantage from American inventions.

Experiments on torpedoes known as the rocket torpedo have been carried on by the Ordnance Department for the last four years. The inventor of that torpedo spent twelve years in the service of the Government without one dollar of pay, expecting that he would some time be rewarded for his services. He has at last placed his invention in the hands of a private firm, who have gone to work for its complete development. That torpedo moves on the water at the rate of one hundred miles an hour. It carries at its head a charge of dynamite or gunpowder, and explodes as may be desired either at the surface or beneath the surface. If you use the more powerful explosive, you may explode the torpedo at the surface with terrible destructive power. If you use gunpowder you may explode the torpedo under a ship's bottom ten or fifteen feet below the surface of the water. I do not know that this torpedo will ever be of any value; but the Government of the United States ought to have a sufficient appropriation provided to purchase or construct the most effective weapon of this kind which the world produces.

It is proposed in this bill to appropriate $60,000 for this purpose. What will be done with it? Every dollar of it will be carried to Newport and spent in experimenting by certain torpedo officers. I think the Secretary of the Navy should have power to purchase some torpedoes of real value.

Mr. HISCOCK. Mr. Chairman, the provision in this bill with reference to torpedoes is not unlike that in regard to ordnance, and was inspired by the same spirit on the part of the committee. In preparing the bill, we had in view first to strike down the expensive naval organization which exists to-day, and then to do something to add to the strength of the Navy.

And I say to the committee we were prompted by the desire to cut down the appropriations. We do not desire largely to increase them, because we do not think it is necessary. There is no purpose, there is no object, I say, now of putting the American Navy on a war footing. We believe we can do it by degrees. We believe the first work we should set about is the building of more ships, and that so far as ammunition is concerned, and to a certain extent torpedoes are of that character and of speedy manufacture comparatively, we should confine ourselves to the limit of experiment. We believe we should take the money and devote it to the construction of new vessels for the Navy. That has been our policy, and I believe it has been a wise policy on the part of the Committee on Appropriations, and I believe it is a policy which should be adopted by this Committee of the Whole House and adopted by the House.

The provisions of the bill as they stand compared with the existing law in full operation as far as we have gone with them will reduce the expenditure over half a million of dollars a year. Now, let us devote our time and attention to developing those features of the American Navy which are more demanded. We do not want torpedoes unless we have ships. Well, we do not want them as much as we want ships. The gentleman says we want them just as much as we want ships. We do not want them as much as we want ships. Ships are the prime necessity, and let us devote ourselves for a time to them. This, as I have said, Mr. Chairman, has been the policy of the Committee on Appropriations, and I hope it may be indorsed.

The amendment of Mr. HARRIS, of Massachusetts, was rejected.

Mr. REAGAN. I move the following amendment:

Amend by adding after "navy-yard," in line 326, these words:

"And the navy-yard at Pensacola, Florida, shall be preserved for repairs of vessels of war and other Government vessels."

Mr. Chairman, I desire to say a word in offering that amendment. The committee, in framing the bill, has indicated that the Washington navy-yard should be reserved for recruiting purposes. The committee has also indicated that the Boston navy-yard should be reserved for recruiting purposes. Now, I wish the bill to indicate also that the Pensacola navy-yard shall be reserved for repairs of vessels of war and other Government vessels.

I stated a few moments ago the great extent of sea-coast on the

Gulf of Mexico, and the exposed condition of that sea-coast in case of war, and the difficulty of getting vessels, if crippled, out of the Gulf and up the Atlantic coast to a place of repair. When we remember the city of New Orleans is the second city in the amount of exports in the Government; when we regard the vast amount of commerce coming out of the Mississippi and requiring protection and security there; when we remember that Pensacola, Mobile, Galveston, Indianola, Corpus Christi, Brazos Santiago, and a number of other places have a commerce exposed to depredation in case of hostilities, we find there is a national necessity, so large, so important, and unprotected it seems to me in this bill, inasmuch as there is a purpose to indicate one or two other yards shall be preserved for given purposes, that the Pensacola navy-yard ought not to be lost sight of as one that should be preserved for the purpose of repair.

Now, I say this, Mr. Chairman: while fully agreeing with the committee that some course ought to be adopted for the reduction of the number of navy-yards, I do not think that extensive sea-coast, exposed and defenseless as it is, with its rapidly growing commerce and interests, should be left entirely without the means of repairing the vessels of war and the repair of other Government vessels, especially those engaged in the revenue marine. Therefore I hope the committee will adopt the amendment.

Mr. HISCOCK. I am opposed to putting anything in this bill that may be considered to be a direction or a limitation upon the Secretary of the Navy in this respect. I say very frankly when you once take out a yard here and a yard there, and I appeal to the gentleman from Texas if that is not the case, when you commence by this bill to give a direction to his discretion, that the result will be any reform measure in this bill will fail.

Mr. REAGAN. Will the gentleman allow me——

Mr. HISCOCK. I do not believe the provision the gentleman has offered is at all necessary. I do not believe the Secretary of the Navy would do other than he would have him do in reference to that navy-yard. He is in a certain respect responsible, and to that degree he is responsible he must be trusted on a question of this kind, and the moment we attempt to legislate on it we are entering the realm of a commission, and we have not sought to have a commission in reference to this.

We do not propose to dispose of any navy-yard anywhere, but we do propose the Secretary of the Navy, if he has not any use for any one of them, if there is nothing to do there, this enormous expenditure of one dollar for civil establishment to one dollar spent for ships of the country shall not be kept up.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. BLOUNT. In carrying out the idea of the Committee on Appropriations, which the gentleman seems to entertain, that this matter should be left to the discretion of the Secretary of the Navy, and not specifying as to any particular yards, but leaving the matter entirely to him, I ask why not leave the proviso in reference to the work to be done at Washington yard and in reference to the rope-walk at the Boston navy-yard in the same condition as the others are? In other words, why not allow the suggestion contained in the bill, for I take it to be only a suggestion, in reference to the Washington navy-yard and the Boston rope-walk to go out altogether, and let them stand on the same footing as with reference to all other yards, leaving the matter to the discretion of the Secretary of the Navy?

Mr. ROBESON. If the gentleman from New York will permit me, I would like to answer the question of the gentleman from Georgia. He asks why we put in a provision that the Secretary of the Navy may in his discretion continue work in the Equipment and Ordnance Bureaus of the Washington navy-yard and in the rope-walk in the Boston navy-yard. In reference to this rope-walk, I will answer him by saying that it is the only rope-walk in any of the Government yards, and it is deemed by the Committee on Appropriations to be a matter of considerable importance that it should be kept up if necessary, for it will be observed in this proviso that discretion is still lodged with the Secretary to continue this work if desired. The second answer to the first part of the question is that the Bureau of Ordnance has its machinery, its shops, its magazines, and its appliances here for the making of all of the percussion ammunition for the service, and for filling shells and finishing them; and the Bureau of Equipment and Recruiting has its special shops here for the manufacture of anchors and chains. These things, Mr. Chairman, have to be carefully done. Every chain has to be tested thoroughly, because in the strength of every single link of every chain often depends the safety of the ship itself as well as of the lives upon it. It is necessary, therefore, that this work should be done here under the special care and direction of this bureau; and provision in the other navy-yards is not made for such tests as this character of work requires.

Mr. REED. It is also necessary because the general authority in the bill is to discontinue the whole yard. This provides for special work in particular yards.

Mr. REAGAN. I move to strike out the last word. It may be, Mr. Chairman, as suggested by the gentleman from New York, that the Secretary of the Navy would do exactly as the gentleman has suggested, and that in the exercise of his discretion he will take into consideration the public interests and the public necessities and would preserve for public purposes the navy-yard at Pensacola. But I do not understand the logic which the gentleman uses when we are told that it is necessary to preserve the rope-walk at the Boston yard, or the works of construction and ordnance at Washington, by special enactment of law, and that the discretion of the Secretary of the Navy should control as to the defense of the fifteen hundred miles of sea-coast which is isolated from the Atlantic coasts by the capes of Florida, where there is nothing in the shape of defense or fortification whatever, and that this may be neglected.

Can it be conceived, Mr. Chairman, that the means of defense for 1,500 miles of our coast, or the means of preserving itself, can be of less interest or importance than the establishment and maintenance of a rope-walk for the Navy? I think the gentleman certainly misapprehends the question when he places that upon a footing with the other questions which are involved in this discussion. You might as well say that the navy-yard at Mare Island may be left to the discretion of the Secretary of the Navy. Why not? Why has this not been done by the committee? Because the committee undoubtedly recognized the fact that it was a navy-yard—and the only one—for the long, isolated Pacific sea-coast, and there was every reason in the world why for that reason it should be preserved. The very reason which induced the committee to preserve it ought to be a reason for naming and preserving another navy-yard on a separate portion of our sea-coast, isolated from the defenses which belong to the Atlantic coast.

Mr. HISCOCK. We have not saved in this bill the Brooklyn navy-yard from being discontinued and closed. We have not saved the Mare Island navy-yard from being discontinued and closed; and, as was well said by the gentleman from Maine, this discretion is to close yards if the Secretary so elects. Now, here is put into the bill a provision, as the gentleman from Maine said, an authority to keep certain of the yards open for a specific purpose, and nothing more.

Mr. REAGAN. I withdraw the *pro forma* amendment.

Mr. BLOUNT. I renew it. Mr. Chairman, I cannot see the logic of the explanation in the way the gentleman from Maine does, and as the gentleman from New York uses it. There is a provision put into the bill that the yards and stations shall have a certain amount of money for a specific purpose; and a discretion is given to the Secretary of the Navy to close such number of them as in his judgment or discretion he may see fit to close. He may keep every one of the yards in operation if he desires. He may close up one, and may close up the yard at Boston, except as to the rope-walk. He may keep open the Washington yard for the purpose indicated by the gentleman from New Jersey. Now, these two provisions of the bill are either surplusage, that do not mean anything at all, or else they mean that the Secretary of the Navy, in addition to the sum used for all these yards, limited in this bill, may under this provision create additional liabilities for these two purposes.

If that is not it, if there is no purpose to allow him to go beyond the appropriations for these two specified objects, then it is mere surplusage and simply calculated to suggest what the gentleman seems so anxious to avoid, that some other yard should be put in here. I do not think at these two yards it amounts to anything at all.

Mr. REED. I desire to express my concurrence in the view expressed by the gentleman from Texas. I believe the way we all feel is that some navy-yards should be abolished, but above all not the navy-yard we are interested in. I feel a good deal of sympathy with that view, and I give notice that if one navy-yard is excepted I shall move to except another, of the virtues and merits of which I can give a long catalogue.

Mr. ROBESON. Before the vote is taken I only desire to say that this does not dismantle or destroy any yard. It merely puts them in ordinary as we have our forts in ordinary. We only take away the perishable property; and in time of war the Pensacola navy-yard, if it should happen to be shut in the discretion of the Secretary of the Navy, or the Kittery navy-yard, could be opened in a moment, and go on just as the exigencies of the war required, and be just as valuable as ever. This is sufficient to put them on a peace establishment; and if you except one you will have to except all.

The question being taken on Mr. REAGAN's amendment, it was not agreed to.

Mr. TALBOTT. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 333 and 334 strike out the words "for the Bureaus of Equipment and Recruiting, and Ordnance;" so that it will read:

"*Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard, and that work may be continued in the rope-walk in the Boston navy-yard."

Mr. TALBOTT. My amendment means that the Washington navy-yard shall be maintained as a manufacturing yard. I do not see and cannot possibly understand why the steam-engineering should not have been included in that paragraph. I am told that engines and boilers can be constructed at that yard, the machinery being there for the purpose. I am told that plates for iron vessels can be rolled out in that yard with the machinery which is there now, and that with a moderate expenditure of money plates for steel vessels of the second class at any rate can be made, with all the anchors, &c; and that with the new machinery for this purpose, which would not cost

over $50,000, a vessel could be constructed within the walls of that navy-yard. Therefore, I think the House should adopt this amendment, which would leave the Washington navy-yard as it is now, taking into consideration all the machinery and appliances that are there.

The question being taken on Mr. TALBOTT's amendment, it was not agreed to.

Mr. DEZENDORF. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 317, strike out all after the word "cents" down to and including the word "for" in line 340, and in lieu thereof insert the following:

"*Provided*, That a commission of seven members is hereby constituted, three of whom shall be appointed by the President of the Senate from the members of the Naval Committee of the Senate, and three of whom shall be appointed by the Speaker of the House from the members of the Naval Committee of the House, and one of whom shall be appointed by the Secretary of the Navy, who shall examine into the question as to which, if any, of the navy-yards of the country are unnecessary and ought to be sold, closed, or operations suspended therein, and said commissioners shall report their conclusions to Congress at its meeting in December next; and said commission shall have authority to visit the various navy-yards of the country during the recess of Congress, and the necessary expenses for clerk hire and traveling of said commission shall be paid in equal proportion out of the contingent funds of the two Houses."

Mr. HISCOCK. I make the point of order on that amendment that it is new legislation. It provides for the creation and for the expenses of a commission. Instead of being new legislation which decreases expenditure it is new legislation which increases expenditure.

The CHAIRMAN. The Chair is of opinion that the amendment is clearly in violation of the rule, and sustains the point of order.

Mr. BOWMAN. I desire to offer an amendment, which I understand will be agreed to by the Committee on Appropriations.

The Clerk read as follows:

After the word "yard," in line 336, add the following:

"And that this shall not be construed as directing the Secretary of the Navy to discontinue the work in any one of the departments in said two yards."

So that it will read:

Provided further, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard; and that this shall not be construed as directing the Secretary of the Navy to discontinue the work in any one of the departments in said two yards.

Mr. HISCOCK. That is not agreed to.

Mr. BOWMAN. I certainly showed that amendment to the gentleman from New Jersey [Mr. ROBESON] and the gentleman from New York, [Mr. HISCOCK.] And I ask the gentleman from New York did he not say there was no objection to it?

Mr. ATKINS. I do not agree to it.

Mr. HISCOCK. The gentleman presented his amendment——

Mr. BOWMAN. Does this come out of my time?

The CHAIRMAN. Certainly; it comes out of the gentleman's time.

Mr. HISCOCK. The gentleman showed me the amendment, and so far as I was concerned at the time I saw no objection to it. But the very moment the gentleman from Texas [Mr. REAGAN] took the floor I did see an objection to it, and I have continued to see it from that time to this. I do not propose to put in this bill anything that directs the Secretary of the Navy with reference to the yards which he shall keep open or close.

Mr. BOWMAN. I hope the House will notice that half of my time has gone without my saying a word. All I want is that the committee shall say that both of those yards shall be put on a level with other yards. This clause says that work may be continued in the rope-walk in the Boston navy-yard. Now, on the well-known principle, *expressio unius, exclusio alterius*, if that does not mean the Secretary cannot do work in any other department, I do not know what it does mean.

Here is a section of the Revised Statutes, section 1403, which provides that cadet-engineers may be appointed as assistant naval constructors. The last two Secretaries of the Navy, Mr. Thompson and Mr. Hunt, both said that since the statute declared that cadet-engineers may be appointed as assistant naval constructors, the appointment of such constructors was limited to them, and they could only appoint from graduates from the Naval Academy. And I do not want the Secretary to say that Congress said to him work may be continued in the rope-walk of the Boston navy-yard, and therefore on the doctrine of the expression of one thing excluding the other, work might not be continued in any other department. It is a fair, legal construction which I understood the committee to agree to, and they did so; but because the gentleman from Texas made an indpeendent motion they withdraw their consent.

The CHAIRMAN. The question is upon the amendment of the gentleman from Massachusetts, [Mr. BOWMAN.]

The question was taken; and upon a division there were—ayes 6, noes 28.

Mr. BOWMAN. I call for tellers.

Mr. HISCOCK. Oh, no.

Mr. BOWMAN. This is an amendment to which the Committee on Appropriations saw no objection. It puts the navy-yards on a level and does not strike a blow at any of them.

Mr. ATKINS. The gentleman from New Jersey [Mr. ROBESON] and the gentleman from New York [Mr HISCOCK] are not all the members of the Committee on Appropriations.

The CHAIRMAN. The question is upon ordering tellers upon the amendment of the gentleman from Massachusetts.

Tellers were not ordered, there being but two in the affirmative.

So the amendment was not agreed to.

Mr. WHITTHORNE. I propose an amendment to the pending paragraph, which I ask the Clerk to read.

The Clerk read as follows:

In lines 325 and 326, strike out the words "and transfer all perishable stores and property therefrom to other yards for use therein," and insert in lieu thereof the words "and report the facts and the reasons governing his action to the next session of Congress."

Mr. WHITTHORNE. I shall not argue that amendment, but will submit to the Committee on Appropriations that it is a proper one. Under this bill the Secretary may close such navy-yards as he chooses, and can remove within a short period of time perishable stores and property, and do an immense amount of mischief. I simply propose to strike out that portion of this paragraph, and direct the Secretary of the Navy, after having closed the yards and before removing any property, to report the facts to the next session of Congress.

Mr. HISCOCK. I will say to the gentleman that we are willing to accept that portion of his amendment providing that the Secretary shall report to the next session of Congress; that is proper. So far as the removing of perishable property is concerned the Secretary of the Navy must act upon his peril; but that portion of his amendment which provides for a report to Congress is proper, and we accept it.

Mr. WHITTHORNE. I will take just whatever the Committee on Appropriations will consent to; but I respectfully suggest to them this consideration: for instance, if valuable machinery here in the Washington navy-yard, by which copper is rolled and rerolled, shall be removed it cannot well be replaced.

Mr. ROBINSON, of Massachusetts. Do you call that perishable property?

Mr. WHITTHORNE. We might differ as to what was perishable stores; but machinery that is not attached to the freehold might be held by the Secretary of the Navy to be perishable stores.

Mr. HISCOCK. I would sooner let him exercise the discretion of removal than not to give him the power of removal at all.

Mr. WHITTHORNE. I will accept the proposition of the Committee on Appropriations, and will modify my amendment so as to insert after the words "transfer all perishable stores and property therefrom to other yards for use therein" these words, "and report the facts and the reasons governing his action to the next session of Congress."

The amendment was agreed to.

The Clerk read the following:

BUREAU OF PROVISIONS AND CLOTHING.

For provisions for the seamen and marines; commuted rations for officers, seamen, and marines; expenses of the handling and transportation of provisions; of inspections and storehouses; and for purchase of water for ships, and for provisions and commutation of rations for seven hundred and fifty boys, $1,000,000.

Mr. ROBESON. I am instructed by the Committee on Appropriations to move to amend the paragraph just read by inserting after the words "water for ships" the words "for cooking and drinking purposes."

The amendment was agreed to.

The Clerk read the following:

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, $1,750,000: *Provided*, That not more than $400,000 of the foregoing sum shall be applied to the repairs of any wooden ships, and that none of it shall be applied to the repairs of any wooden ship where the expense of such repair shall exceed 30 per cent. of the appraised value of the same; and any part of the said appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board, as approved by the Committee on Naval Affairs of the House of Representatives in their report, numbered 653, made to the House of Representatives March 8, 1882.

Mr. REED. I desire to move an amendment to this paragraph.

Mr. RANDALL. Allow me to suggest that we are now entering upon the consideration of the construction clause of the bill and there is a very thin House here.

Mr. ROBESON. We can perfect the text.

Mr. RANDALL. I do not want to impede the bill in any way, and yet I feel that we ought to have a fuller House to consider it than we now have. We might pass over this portion for the present.

Mr. REED. Let my amendment be read.

Mr. HISCOCK. The amendment of the gentleman from Maine [Mr. REED] is really to perfect the text.

The CHAIRMAN. The amendment of the gentleman from Maine will be read.

The amendment was read, as follows:

Strike out these words:

"*Provided*, That not more than $400,000 of the foregoing sum shall be applied to the repairs of any wooden ships, and that none of it shall be applied to the repairs of any wooden ship where the expense of such repairs shall exceed 30 per cent. of the appraised value of the same."

And insert in lieu thereof the following:

"*Provided*, That none of the foregoing sum shall be applied to the repair of any wooden ship where the expense of such repair shall exceed 30 per cent. of the estimated cost of a new vessel of the same size."

Mr. ATKINS. I think that before the amendment of the gentleman from Maine [Mr. REED] is considered we should determine whether we intend to appropriate $1,750,000 for this Bureau of Construction and Repair, as provided in this bill.

Mr. REED. I would like to submit some remarks on my amendment.

Mr. ATKINS. For myself I am not in favor of giving that much.

The CHAIRMAN. The gentleman from Maine [Mr. REED] is entitled to the floor for five minutes.

Mr. ROBESON. As the provisions in the bill which will excite interest and cause debate are now being approached; that is, the provisions relating to the Bureau of Construction and Repair and the Bureau of Steam-Engineering; and as it is now late Saturday afternoon, with very oppressive weather and a thin House, the Committee on Appropriations propose that after the text of the pending paragraph has been perfected as the amendment of the gentleman from Maine proposes, those two provisions shall be passed over for the present, and we can proceed with the consideration of the remainder of the bill, about which there will probably be no dispute, leaving these other questions to be determined when we go into committee again.

Mr. RANDALL. That is all right.

The CHAIRMAN. That can be done by unanimous consent. Is there unanimous consent to passing over for the present these two subdivisions of the bill which have been indicated?

Mr. REED. Not just now.

Mr. HISCOCK. Let the text be perfected first.

Mr. REED. Mr. Chairman, I wish to premise that this amendment meets the approval of the gentleman in charge of the bill, and I think upon explanation it will be approved by the gentleman from Tennessee, [Mr. ATKINS.] We are now proposing a new departure; we are undertaking to build up a new kind of navy. We intend to build iron ships for this new navy. But while we are doing this, it is necessary for us to retain for some years the present wooden navy. Hence, it will be necessary for us to repair the ships which compose it. In order to do this we need a sum of money the amount of which we cannot now estimate; but it is perfectly apparent to persons of experience that $400,000 will not be sufficient. We have thirty-seven or thirty-eight vessels which we must keep in repair for a considerable number of years until our new navy shall be large enough to enable us to dispense with the old wooden ships. At the same time, although the sum necessary for repairs cannot be fixed, it is very undesirable to leave the matter of repairs entirely within the discretion of the Department, because we might have repairs made perhaps to an extent that would be unjustifiable in any private establishment. Therefore, it is proposed to limit the discretion of the Navy Department in this matter of repairs to 30 per cent. of the estimated original cost of a vessel of the same size and character.

Mr. ATKINS. Why not say the same size and material?

Mr. REED. I am willing to modify my amendment in that way. The Clerk will note the change.

Mr. ROBESON. Let it read "of the same size and like material."

Mr. REED. I so modify the amendment.

Mr. RANDALL. The only amendment I would make in the remarks of the gentleman from Maine [Mr. REED] would be to insert after the word "iron," wherever used by him in regard to our future Navy, the words "or steel."

Mr. REED. I meant to include both.

Mr. RANDALL. I think that the Navy of the future is to be of steel.

Mr. REED. I believe that after this explanation the amendment will commend itself to the good sense of the House as the only practical thing that can be done in the anomalous circumstances in which we find ourselves.

Mr. HISCOCK. The amendment of the gentleman from Maine [Mr. REED] is accepted by the Committee on Appropriations.

The CHAIRMAN. It cannot be accepted unless by unanimous consent. Is there objection?

Objection was made.

The CHAIRMAN proceeded to put the question on agreeing to the amendment of Mr. REED, and it was declared agreed to.

Mr. COBB. I call for a division.

Mr. HOLMAN. I hope the proposition will be read again.

Mr. ATKINS. Let it go over with the other propositions connected with this subject.

Mr. REED. That would only complicate matters. This is an amendment which no one ought to object to.

Mr. HISCOCK. Let me appeal to the gentleman from Indiana, [Mr. COBB.] We desire this shall be treated as a committee amendment, just as if it were a part of the original bill. We ought to be allowed to do that.

A MEMBER. And debate it afterward?

Mr. COBB. I may be wrong in my understanding of this matter; but as I understand, the bill in its present form limits the expenditure on these vessels by the Bureau of Construction and Repair to $400,000. The amendment of the gentleman from Maine I believe removes that limitation.

Mr. REED. But it provides a more proper limitation, which is that no money shall be spent in repairing any vessel where the cost will be more than 30 per cent. of the cost of building a new ship.

Mr. COBB. I understood that provision was already in the bill.

Mr. REED. No, sir. And this is a practical limitation.

Mr. HOLMAN. I insist on a vote.

Mr. REED. We cannot ascertain beforehand how much is needed, but we can intelligently say beforehand we will not repair a vessel which will cost more than 30 per cent., and I submit that is a practical amendment.

Mr. HISCOCK. It does not say 30 per cent. of the original cost.

Mr. BERRY. Thirty per cent. of the value.

Mr. REED. As to the phrase "value" I should not know what it meant.

Mr. HISCOCK. The Secretary of the Navy agrees to this suggestion.

Mr. HOLMAN. I demand a division.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine, [Mr. REED.]

The committee divided; and there were—ayes 48, noes 5.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN appointed Mr. HOLMAN and Mr. REED as tellers.

Mr. ROBESON. I now renew my proposition.

The CHAIRMAN. The committee is dividing.

Mr. ROBESON. I ask by unanimous consent to make a suggestion.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. ROBESON. My proposition is to pass over the provisions in regard to these two Bureaus of Construction and Repair and Steam-Engineering for the present, and allow the Clerk to read the rest of the bill, about which there is no question.

The CHAIRMAN. Is there unanimous consent?

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. It is understood that the amendment of the gentleman from Maine was not adopted.

The CHAIRMAN. It was neither rejected nor adopted.

The Clerk read as follows:

NAVAL ACADEMY.

For pay of professors and others: For two professors, heads of departments, namely, one of mathematics and one of chemistry, at $2,500 each; three professors, (assistants,) namely, one of physics, one of Spanish, and one of English studies, history, and law, at $2,200 each; six assistant professors, namely, four of French, one of English studies, history, and laws, and one of drawing, at $1,800 each; swordmaster at $1,500, and two assistants at $1,000 each; boxing-master and gymnast at $1,200; assistant librarian at $1,400; secretary of the Naval Academy, $1,800; three clerks to Superintendent at $1,200, $1,000, and $800, respectively; one clerk to commandant of cadets, $1,200; one clerk to paymaster, $1,000; one dentist, $1,600; one baker, $600; one mechanic in department of physics and chemistry, $730; one messman, $288; one cook, $325.50; one messenger to Superintendent, $600; one armorer, $529.50; one gunner's mate, $469.50, and one quarter-gunner, $409.50; one cockswain, $469.50; one seaman in the department of seamanship, one seaman in the department of astronomy, and one seaman in the department of physics and chemistry, at $349.50 each; one bandmaster, $528; twenty-one first-class musicians at $348 each; seven second-class musicians at $300 each; in all, $52,506.

Mr. ROBESON. I move, on page 19, line 452, to strike out the words "heads of departments."

The amendment was agreed to.

The Clerk read as follows:

For necessary repairs of public buildings, pavements, wharves, and walls inclosing the grounds of the Naval Academy, and for improvements, repairs, and furniture and fixtures, $21,000.

Mr. TALBOTT. I move to insert the following at the end of line 528:

For the repair of the naval hospital building at Annapolis, $2,000.

Mr. ROBESON. There is no objection to that amendment.

Mr. HOLMAN. Why, we have here $21,000 for the necessary repairs of public buildings, &c.; and that has been a standing appropriation for a number of years for this purpose. I do not see the necessity for the amendment, and hope it will be rejected.

Mr. TALBOTT. No money has been appropriated for this purpose at all. The Committee on Naval Affairs last February were at Annapolis, and their attention was called to this by the Superintendent, Captain Ramsay. The building cost $150,000. It has been used but once or twice; and they have but one or two persons there. The Superintendent stated the building was going to decay and about $2,000 was required to put it in order. He wrote me a communication asking for $2,000, and it was referred to the committee.

Mr. BLOUNT. If we have no use for it had we not better sell it?

Mr. TALBOTT. It will sell for more if we repair it. The communication I referred to was called to the attention of the Committee on Naval Affairs, and that committee sent it to the Committee on Appropriations with the recommendation that the appropriation should be included in this bill. I will modify the amendment so as to provide for $2,000 for the repair of this building.

Mr. HOLMAN. It seems this building is unnecessary for any purpose of the Academy. If it is necessary to repair it, we have $21,000 for that purpose in this item.

Mr. TALBOTT. But none of that is for this building.

Mr. HOLMAN. This is for the repair of public buildings, walls, wharves, &c., at the Academy.

Mr. TALBOTT. That is for buildings at the Naval Academy, but this is on the Government farm. It is true, and I will admit it, that building is seldom used, but if it is the policy of the Government to keep it up, it should be kept in repair.

Mr. HOLMAN. It is manifestly a building that is not required.

The amendment was disagreed to.

The Clerk read as follows:

SEC. 2. That it shall be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy Department, in which account shall be stated the original cost of each article and the date of purchase, so far as the same is known, and cause an appraisement of the present value of such stores and supplies to be made and entered in such account; and said appraised value, when so entered, shall hereafter be the price at which they shall be charged in accounting with the several bureaus. Such appraisal shall be made by boards of officers of the Navy to be designated by the Secretary; and all such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury.

It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as practicable after they shall return to the United States, and hereafter all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years when practicable; and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, those which cannot be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion. And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register. And such vessels shall thereupon be appraised in such manner as the Secretary of the Navy may approve. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold for cash to the person or persons or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made.

The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 25 per cent. of the amount of the offer or proposal, and also a bond, with two or more sureties, to be approved by him, conditioned for the payment of the remaining 75 per cent. of the amount of such offer or proposal within the time fixed in the advertisement. And in case default is made in the payment of the remaining 75 per cent. or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act. And in that event said cash deposit of 25 per cent. shall be considered as forfeited to the Government, and shall be applied first to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury: *Provided, however*, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions.

Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury. But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. No old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for future use. When any such old material cannot be profitably used as aforesaid, the same shall be appraised and sold at public auction, under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old material shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of vessels and materials made under the provisions of this act, and the expenses attending such sales. In case any vessel now in process of construction in any navy-yard is found to be unworthy of being completed, and shall be condemned under the provisions of this act, which cannot properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold.

Mr. HARRIS, of Massachusetts. In obedience to a promise I made to the gentleman from New York, [Mr. HEWITT,] I move, in line 40, to strike out "three" and insert "four," so the advertisement should be for four instead of three months.

The amendment was agreed to.

Mr. HARRIS, of Massachusetts. I ask to print two amendments in the RECORD, which I shall move when this bill is again taken up for consideration.

Amendments proposed to be offered by Mr. B. W. HARRIS:

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, $5,000,000: *Provided*, That four millions of said appropriation may be applied toward the construction of two cruising vessels of war, the same to be constructed of steel, of domestic manufacture, having a tensile strength of not less than 55,000 pounds to the square inch, and a ductility in eight inches of not less than 25 per cent.; said vessels to be provided with full sail-power and full steam-power.

One of said vessels shall be of not less than five thousand nor more than six thousand tons displacement, and shall have the highest attainable speed, and shall be armed with not more than four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than twenty-one breech-loading rifled cannon, of high power, of not less than 6-inch caliber; one of said vessels shall be of not less than four thousand three hundred nor more than four thousand seven hundred tons displacement, and shall have the highest attainable speed, and shall be armed with four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than fifteen breech-loading rifled cannon, of high power, of not less than 6-inch caliber, one steam-ram, having a displacement of not more than 2,000 tons, to have an average speed at sea of not less than thirteen knots per hour, and to be constructed of steel of the quality and kind hereinbefore designated; and two torpedo gun-boats of not less than four hundred and fifty tons displacement, having an average sea speed of not less than thirteen knots per hour, and the fullest maneuvering power, and capable of carrying each one breech-loading rifled gun, of high power, of not less than 10-inch caliber.

The Secretary of the Navy is hereby empowered and directed to organize a board of naval officers and experts for his advice and assistance, to be called the "naval board of advice and survey," to serve during the period required for the construction, armament, and trial of the vessels hereby authorized to be constructed, and no longer. Said board shall consist of five officers on the active list of the Navy in the line and the staff, to be detailed by the Secretary of the Navy, without reference to rank and with reference only to character, experience, knowledge, and skill, and two persons of established reputation and standing, experts in science and in the arts of ship-building, steam-engineering, and naval ordnance, to be selected from civil life and employed for this sole duty by the Secretary of the Navy, and to be paid such sum, out of the appropriation hereby made, not exceeding $50,000, as he may direct: *Provided, however*, That no person shall be a member of said board who has any interest, direct or indirect, in any invention, device, or process, patented or otherwise, to be used in the construction of said vessels, their engines, boilers, or armament.

It shall be the duty of said board to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor, but shall in all things be subject to the order and direction of said Secretary.

Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $100, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes.

The Secretary of the Navy is hereby authorized to cause either or any of the six cruising vessels of war aforesaid to be provided with interior deflective steel armor, if the same, upon full investigation, shall seem to be practicable and desirable, and if the same shall be approved by said board, or a majority thereof, in writing. Before any of the vessels hereby authorized shall be contracted for or commenced, the Secretary of the Navy shall, by proper notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, having or controlling regular establishments and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy, having plans, models, or designs of any vessels of the classes hereby authorized, or of any part thereof, within any given period, not exceeding sixty days, to submit the same to said board; and it shall be the duty of said board to carefully and fully examine the same and to hear any proper explanation thereof, and to report to the Secretary of the Navy, in writing, whether, in their opinion, any such plan, model, or design, or any suggestion therein, is worthy of adoption in the construction of said vessels, their engines, boilers, or armament; and if in such construction any such plan, model, design, or suggestion shall be adopted, for the use of which any citizen not an officer of the Navy would have a just claim for compensation, the Secretary of the Navy shall report the facts to Congress, with a statement of the amount which in his opinion should be paid to such person.

For the civil establishment, $40,000.

BUREAU OF STEAM-ENGINEERING.

For repairs, completion, and preservation of machinery and boilers in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores and patent rights; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, and instruments, $2,200,000: *Provided*, That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: to building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of said vessels as he may on examination think most expedient and best for the interests of the service.

Mr. HOLMAN. I desire, Mr. Chairman, to make a *pro forma* amendment, to strike out, in lines 74 and 75 of this section, the words "unless the President of the United States shall otherwise direct in writing."

Now, this provision of the bill allows vessels of the Navy, condemned or otherwise useless, to be sold for not less than their appraised value, unless the President of the United States shall otherwise direct in writing. Inasmuch as the provisions of this paragraph present a well-considered limitation upon the mode of proceeding with the sale of these vessels, it does not seem to me to be the part of wisdom to divide the responsibility. I think it better it should rest entirely upon the Secretary or upon the head of the Department instead of allowing a division of the responsibility, as these words which I have quoted would indicate.

Mr. HARRIS, of Massachusetts. If the gentleman will allow me, I will explain the reason for that in a moment.

Mr. HOLMAN. I think the gentleman from New Jersey in charge of the bill will see the propriety of omitting these words.

Mr. HARRIS, of Massachusetts. Will the gentleman allow me a moment?

Mr. HOLMAN. Certainly.

Mr. HARRIS, of Massachusetts. Under existing law the President can order the sale of any ship of the Navy in any part of the world. This is a power that is already lodged in his hands. Now, the section of the bill under consideration provides that no ship shall be hereafter sold without an appraisal, and not then for less than the appraised value. I anticipate, therefore, that it would sometimes happen, or a case would arise, where a ship had been appraised and offered for sale and nobody had bid its appraised value, in such case it will remain upon the hands of the Government, unless provision is made to meet such a case. This provision simply allows that the President shall have it in his power to say that if the appraised value cannot be obtained it may be sold for a less value, and that is the only purpose of this provision.

Mr. HOLMAN. That does not seem to be a sufficient answer for retaining these words in the bill——

Mr. HARRIS, of Massachusetts. But the gentleman from Indiana will see that if you cannot get a bid equal to the amount of the appraisement it must be left upon the hands of the Government, for the Secretary cannot sell it under the law for less than that value. I think the President should have power to direct its sale at a less price than the appraised value.

Mr. HOLMAN. In such a case, if it should arise, I apprehend that under the general power given to the Secretary of the Navy he could order a reappraisal of the vessel.

Mr. HARRIS, of Massachusetts. That might be possible.

Mr. HOLMAN. The President of the United States in all such cases would act under the advice of the Secretary of the Navy. It will be far better to recommend the reappraisement of the property than to allow a departure from the rule here laid down. I think it will be far better, Mr. Chairman, to adhere to the text just as it is, omitting the extraordinary power proposed to be conferred upon the President in contravention of the general provisions of the bill.

Mr. HARRIS, of Massachusetts. My purpose is this, and I am not tenacious of my views upon this point. I only want to secure a sale of the vessels which may be desirable in the best manner; but if the gentleman from Indiana insists upon his amendment, I shall not object to it.

The CHAIRMAN. Does the gentleman from Indiana insist upon his amendment?

Mr. HOLMAN. I would rather have the amendment adopted; I think it is an anomalous feature of the bill.

The CHAIRMAN. The gentleman stated that he offered a *pro forma* amendment.

Mr. HOLMAN. I did, but I now offer an amendment to strike out the words which I have indicated after the word value, in line 74.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Strike out, in lines 74 and 75, the words "unless the President of the United States shall otherwise direct in writing."

The committee divided; and there were—ayes 25, noes not counted.

So (no further count being insisted upon) the amendment was agreed to.

Mr. ROBESON. I now renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. PAGE reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, had come to no conclusion thereon.

INDEX TO THE JOURNALS OF CONGRESS.

Mr. ROBESON. I desire to submit a privileged report from the Committee on Rules, with respect to the printing of the index of the Journals of Congress as far as it has been completed.

The SPEAKER. The report of the committee will be read.

The Clerk read as follows:

The Committee on Rules, to whom is committed the preparation of a general index of the Journals of Congress, submit the following report of the progress that has been made in the work:

Since the last report of the committee the index of the Journals of the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Congresses, embracing the period from 1809 to 1821, has been completed, and is submitted herewith.

Sufficient progress has been made to indicate that at the next session of Congress we shall be able to report the index completed from the Seventeenth to the Twenty-fifth Congresses, which, under the original plan of the committee, will enable the publication of the first volume of the index to embrace the first fifty years of the existence of the Government.

We recommend that the index accompanying this report be printed, in order that it may be subjected to the revision necessary before its final publication.

The SPEAKER. Without objection, the report will be printed in the RECORD, and the index as far as completed ordered to be printed.

There was no objection, and it was ordered accordingly.

RAILROAD BRIDGE ACROSS SAULT SAINTE MARIE RIVER.

Mr. HUBBELL. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 121) to authorize the construction of a railroad bridge across the Sault Sainte Marie River. If the House will indulge me one moment I will make a brief explanation, and I think there will be no objection to the passage of the bill, which makes provision for an international bridge across the rapids of the Sault Sainte Marie River. It was introduced in the Senate and referred to the Secretary of War, who made certain suggestions as to amendments, which were adopted by the Senate. It was also referred to the Secretary of State, who examined the bill and suggested certain amendments, which were also adopted. The same bill was referred to the Committee on Commerce of the House, and they have reported unanimously in its favor.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Sault Sainte Marie Bridge Company, a corporation duly organized by and under the laws of the State of Michigan, whenever due authority shall have been given to any person or corporation by the Dominion of Canada, with the sanction of the British Government, to build or join in the building of a bridge for such purpose, to build a bridge across the Sainte Marie River at or near the rapids in said river, in Chippewa County, Michigan, for the use of and connection of railroads whose business crosses or will cross the river at said locality, and whose lines of road are now or may hereafter approach the river at that place; and that, when constructed, all the trains of all the roads terminating at said river at that place, or opposite thereto, shall be allowed to cross the said bridge, for reasonable compensation to be made to the owners thereof, under the limitations and conditions hereinafter mentioned; and in case of litigation arising from any obstruction or alleged obstruction to the free navigation of the said river within the waters of the United States, the cause may be tried before the district court of the United States of the State in which any portion of said obstruction or bridge touches.

SEC. 2. That it shall be the duty of said Sault Sainte Marie Bridge Company, before entering upon the construction of said bridge, to submit to the Secretary of War, for his approval, a drawing and description fully showing the plan and location proposed for said bridge; and the construction thereof shall not be entered into until such approval of the plan and the location of the site of the bridge has been obtained.

SEC. 3. That any bridge constructed under the provisions of this act shall have one pivot draw-bridge over the ship-canal connecting lakes Huron and Superior, convenient for the passage of ships, vessels, and steamboats, and of the entire width of said canal, clear of all obstructions of every kind from said bridge, and twenty-five feet additional over the tow-path on either side whenever said draw is open, said draw-bridge to be of such length as to conform to these conditions; and the said bridge shall not be less than ten feet high above high-water mark in said canal, measuring to the bottom chord of the bridge; and the said draw shall be opened promptly, upon reasonable signal, for the passage of boats and vessels, except when trains are passing over the same, but in no case shall unnecessary delay occur in opening said draw during or after the passage of trains; and the operation or working of said draw-bridge shall at all times be under the supervision of the Secretary of War, and shall be subject to such rules and regulations as he may prescribe.

SEC. 4. That any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads or public highways leading to said bridge.

SEC. 5. That said bridge company shall have the right to locate, hold, and possess said post-route and bridge and right of way for the width which the length of the draw-bridge will require for space to swing in. It shall also be lawful to place ice-breakers or piers above the said bridge in said river for the safety and protection of said bridge: *Provided*, That the rights of navigation and of private parties be in all cases respected.

SEC. 6. That any bridge constructed under the provisions of this act may be constructed not only for the purposes of railroad business, but also for travel of persons, horses, teams, and carriages, in which case the said company or corporation may charge reasonable toll therefor, subject to regulation and revision from time to time by the Secretary of War of the United States.

SEC. 7. That all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such reasonable terms and conditions and subject to such rules and regulations as shall be prescribed by the Secretary of War of the United States, upon hearing the allegations and proofs of the parties, in case the parties themselves be unable to agree: *Provided*, That the provisions of section 4 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Mr. HOLMAN. This bill is a very important measure. It not merely affects a locality, but is one of general interest. Still, if it is recommended by the Secretary of War——

Mr. HUBBELL. It is recommended by the Secretary of War. It was submitted to the Secretary of State and has his approval. It has been passed by the Senate, and it has been considered and approved by the House Committee on Commerce.

Mr. HOLMAN. I hope the report of the Secretary of War will go into the RECORD.

The SPEAKER. If there be no objection, the report of the committee, embracing the report of the Secretary of War and other papers, will be printed in the RECORD.

There was no objection.

The report of the House committee is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 6282) to authorize the construction of a railroad bridge across the Sault Sainte Marie River, having had the same under consideration, beg leave to report as follows:

The bill provides for or authorizes the construction of an international bridge across the Sainte Marie River, the boundary line between the Dominion of Canada and the United States, for the purpose of connecting the Canadian and the American systems of railroads.

The subject-matter of this bill has been referred to the Secretary of State and to the Secretary of War for their respective opinions and suggestions. Each of these gentlemen have approved of the same, with certain amendments suggested by them, all which amendments have been incorporated into this bill, and as now reported by this committee it is an exact copy of a similar bill which passed the

Senate on June 2, 1882, at which time the amendments above referred to and suggested by the Secretaries of State and War, respectively, were adopted by the Senate, as will more fully appear by reference to the Senate proceedings of June 2, 1882, on page 17 of the CONGRESSIONAL RECORD.

Your committee are informed that there are no serious objections from any quarter to the passage of this bill, and upon investigation are unable to develop any, and are well satisfied that it is sufficiently well guarded in all of its provisions to save harmless and protect not only the rights of the United States but also of all interests engaged in the commerce of that river and of the Great Lakes which it connects.

Your committee append hereto and make a part of their report letters from the Secretary of War, the Chief of Engineers, and the Secretary of State, addressed to Hon. S. J. R. MCMILLAN, chairman of the Senate Committee on Commerce, for the better information of the House, and recommend the passage of the bill.

WAR DEPARTMENT,
Washington City, January 30, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, inclosing Senate bill No. 121, to authorize the construction of a railroad bridge across Sainte Marie River, Michigan, and a draft of joint resolution (S. R. No. 1) on the same subject, with request that the views of this Department thereon may be communicated to you.

In reply I beg to invite your attention to the inclosed report of the Chief of Engineers, to whom your letter was referred, and to state that the recommendations of that officer therein contained meet my approval.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 26, 1882.

SIR: In reply to the reference of a letter of the 12th instant from Hon. S. J. R. MCMILLAN, chairman of the Senate Committee on Commerce, inclosing Senate bill No. 121, to authorize the construction of a railroad bridge across Sainte Marie River, Michigan, and a draft of joint resolution (S. R. No. 1) on the same subject, with request on behalf of the committee for such suggestions and recommendations as may be deemed proper, I beg leave to suggest that the bill be amended so as to provide that the location of the site where the bridge would cross the canal should be approved by the Secretary of War before the company is permitted to enter upon its construction, and that the draw-bridge (provided for in section 2) when opened should leave a clear distance of twenty-five feet, instead of eight, on either side from the nearest bank of the canal, and that the tow-path for this width should be clear of obstructions of every kind; and further, that the operation (or working) of the draw-bridge should be subject to such rules and supervision as the Secretary of War may prescribe.

With regard to the resolution (S. R. No. 1) I would suggest that the convening of a board of engineers, as therein provided, should be amended so as to make it discretionary with the Secretary of War instead of obligatory, as perhaps the assembling of such a board may not be found necessary when the precise location of the bridge by the company is submitted for approval as suggested.

The above amendments will be found upon the accompanying copy of the bill.

The communication of Hon. Mr. MCMILLAN, with its inclosures, is herewith returned.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major-General.

Hon. ROBERT T. LINCOLN,
Secretary of War.

DEPARTMENT OF STATE, *Washington, May 24, 1882.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant. It is accompanied by a copy of Senate bill No. 121, entitled "A bill to authorize the construction of a railroad bridge across the Sainte Marie River," (with proposed amendments by the committee,) and requests suggestions upon the subject, especially with reference to any conflict between the provisions of the bill and treaty stipulations between the United States and any foreign power.

In reply I have the honor to state that Congress may be regarded as having the right to authorize the bridge so far as it may extend over land or water within the jurisdiction of the United States. This jurisdiction, however, is understood to be limited to the middle of the River Saint Mary's. In order lawfully to extend the structure beyond that limit it is supposed that it would be advisable and necessary to obtain not only the permission of the Canadian Government, but that also of Great Britain, the sovereign of the region north of the lakes and of their connections, recognized as such by the United States in the articles relating to the boundary in the treaties of 1783, 1794, 1814, and 1842, and in the decisions of the commissioners thereunder.

In regard to the bill itself, allow me to suggest that in section 1, line 5, the words "shall have been" be substituted for "is," and in line 6, after the words "Dominion of Canada," insert "with the sanction of the British Government." In section 4, line 5, I would omit the words "troops and munitions of war" as not being necessary for us and as not likely to be regarded with favor by the other parties.

I have the honor to be, sir, your obedient servant,

FREDK. T. FRELINGHUYSEN.

Hon. S. J. R. MCMILLAN,
Chairman of the Committee on Commerce, United States Senate.

The bill was taken from the Speaker's table, read three times, and passed.

Mr. HUBBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] is recognized.

Mr. COBB. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels; and

A bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN AERNAM, for two days, Saturday and Monday, July 1 and 3.

To Mr. MACKEY, for six days.

To Mr. SHACKELFORD, indefinitely, on account of important business.

To Mr. WEBBER, until the 5th instant.

HEIRS OF LOIS L. WEEKS.

On motion of Mr. DINGLEY, by unanimous consent, the bill (H. R. No. 5434) for the relief of the heirs of Lois L. Weeks, reported adversely by the Committee on Invalid Pensions, was taken from the table and referred to the Committee of the Whole House on the Private Calendar.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOWMAN, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Robert Chisolm, referred to the Committee on Claims, there being no adverse report thereon.

LEAVE TO PRINT.

Mr. BLANCHARD, by unanimous consent, obtained leave to have printed in the RECORD some remarks on Senate bill No. 750. [See Appendix.]

Mr. DINGLEY, by unanimous consent, obtained leave to have printed in the RECORD some remarks on the joint resolution (H. R. No. 250) authorizing the Secretary of the Treasury to issue 2 per cent. bonds and certificates in exchange for bonds bearing a higher rate of interest. [See Appendix.]

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Indiana, [Mr. COBB,] that the House do now adjourn. The Chair will state there is on the Speaker's table a message received from the President of the United States vetoing an important bill. The Chair would suggest that the message ought to be read.

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. COBB] to withdraw his motion, to let the veto message be read.

Mr. COBB. I insist on my motion.

The question being taken on the motion to adjourn, it was not agreed to.

EXPORT TAX ON TOBACCO.

Mr. TUCKER. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco, and that it be put upon its passage.

This is a bill which we asked to propose as an amendment to the internal-revenue bill the other day. It is for the repeal of export tax on tobacco, and is the unanimous report of the Committee on Ways and Means. It was ruled out as an amendment because there was a bill on the Calendar substantially the same as the amendment proposed.

Mr. WHITE. I call attention to the fact that this gives no relief to the farmer.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON. I object at present.

Mr. TUCKER. I hope the gentleman will not object.

Mr. ANDERSON. I withdraw my objection.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That section 3385 of the Revised Statutes, as amended by the act approved June 8, 1880, be amended and re-enacted so as to read as follows:

"SEC. 3385. Manufactured tobacco, snuff, and cigars intended for immediate exportation may, after being properly inspected, marked, and branded, be removed from the manufactory in bond without having affixed thereto the stamps indicating the payment of the tax thereon. The removal of such tobacco, snuff, and cigars from the manufactory shall be made under such regulations, and after making such entries, and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. There shall be affixed to each package of tobacco, snuff, and cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp indicative of such intention. Such stamp shall be provided and furnished to the several collectors as in the case of other stamps, and they shall account for the use of the same. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with the requirements of law and the regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco, snuff, and cigars to be shipped, the number and kinds of packages, the number of pounds, the marks and brands, the State and collection district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said tobacco, snuff, and cigars are to be exported, and the route or routes over which the same are to be sent to the port of shipment. Upon the presentation to the collector of internal revenue of a detailed report from the inspectors of customs and a certificate of the collector of customs at the port from which the goods are to be exported that the goods removed from the manufactory under bond and described in the permit of the collector of internal revenue have been received by the said collector of customs, and that the said goods were duly

laden on board of a foreign-bound vessel, naming the vessel, and that the said merchandise was entered on the outward manifest of said vessel, and that the said vessel and cargo were duly cleared from said port, and on the payment of the tax or deficiency, if any, the bonds which have been given or shall hereafter be required to be given under the provisions of this section shall be canceled. Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded within the jurisdiction of the United States any manufactured tobacco, snuff, or cigars which have been shipped for exportation under the provisions of this act, without properly entering such tobacco, snuff, or cigars at the custom-house, and paying the proper customs and internal-revenue tax thereon, or who receives such relanded tobacco, snuff, or cigars, and every person who aids or abets in such relanding or receiving such tobacco, snuff, or cigars, shall, on conviction, be fined not exceeding $5,000, or imprisoned not more than three years, and all tobacco, snuff, or cigars so relanded shall be forfeited to the United States."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. TUCKER. I move to reconsider the vote by which the bill was passed; and I also move that the motion to reconsider be laid on the table.

Mr. ANDERSON. I call for a division. I would like to know something about the bill.

Several MEMBERS. Too late.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. ANDERSON. I rise for the purpose of raising the point of no quorum on the passage of this bill.

The SPEAKER. The question is now on the motion to lay upon the table the motion to reconsider the vote by which the bill was passed.

The motion to lay on the table the motion to reconsider was agreed to.

WOMAN'S CHRISTIAN NATIONAL LIBRARY ASSOCIATION.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 2033, to authorize the sale of certain lands in the city of Hot Springs, Arkansas, to the Woman's Christian National Library Association.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Woman's Christian National Library Association, incorporated under the laws of the State of Arkansas, be authorized and entitled to enter and purchase, within six months next after the passage of this act, for the reserved purposes of such association, lots numbered 11 and 12 in block numbered 127 in the city of Hot Springs, Arkansas, now subject to sale under the direction of the Secretary of the Interior, by paying to the receiver of public moneys at the land office at Little Rock, Arkansas, at the assessed value of said lots as placed thereon by the commissioners appointed under the acts of 1877 and 1878.

Mr. HENDERSON. I would like to inquire why it is that these lots cannot be purchased now, without the passage of this bill?

Mr. TOWNSEND, of Ohio. They are in the reservation.

Mr. HENDERSON. But the bill itself says that the Secretary of the Interior is authorized to sell them.

Mr. TOWNSEND, of Ohio. This bill is to authorize him to sell these particular lots to this association.

Mr. SINGLETON, of Illinois. Some one should explain the size of the lots, tell us something about them. We do not know what we are voting on at all.

Mr. TOWNSEND, of Ohio. These are two small lots, and this association desire to erect a building on them in the town of Hot Springs. This Woman's Christian National Library Association is composed of benevolent ladies.

Mr. ATKINS. Is there any appraised value fixed on the land?

Mr. TOWNSEND, of Ohio. I do not know of any value.

Mr. CRAVENS. I can explain all about this bill. There was a bill reported from the Committee on Public Lands of the House donating outright these lots to this association. The lots are valued at $50 each. There is about to be a sale of the lots, and in order to hasten up the matter this bill was passed through the Senate, authorizing the association to purchase these lots at the appraised value of $50 each, and it is now asked that that Senate bill be passed instead of the House bill, which proposed to donate these lots outright to this association.

The SPEAKER. The Chair will state that it has received communications from various persons on this subject.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. COBB. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 2068, authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns, for monumental purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver to Captain W. D. Lewis, for the use of the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron cannon to be used for monumental purposes.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now adjourn.

Mr. ERRETT. I desire to call up a bill for consideration at this time.

Mr. AINSLIE. I would like to get a little bill through for the Territories that has no appropriation in it.

GEORGE G. COBB.

Mr. ERRETT. I desire to take from the Private Calendar the bill (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill was read, as follows:

Whereas on the 18th of May, 1871, United States Treasury draft numbered 5468, on the assistant treasurer of the United States at New York, was issued to George G. Cobb, late an assistant assessor, for the payment of $432.95; and

Whereas no administrator has been appointed on the estate of said deceased, and his heirs desire that payment should be made to a trustee for their benefit: Therefore,

Be it enacted, &c., That the Treasurer of the United States be and is required to pay, out of any money in the Treasury not otherwise appropriated, to J. E. Cobb, of Tuskegee, Alabama, the sum of $432.95 in trust for the use and benefit of the children and heirs of said George G. Cobb, deceased, and that payment shall be in full satisfaction and discharge of the Treasury draft aforesaid.

Mr. ERRETT. This draft was originally issued to George G. Cobb, an assistant assessor in the State of Alabama. Before it reached him he died, leaving a number of minor children. Those children are now scattered in different States, and it is supposed that the expense of administering upon the estate in three different States would eat up the entire proceeds of the draft. He left no other estate, and it is proposed, for the benefit of these minor children, to reissue the draft to the uncle of the children.

There being no objection, the bill was taken from the Private Calendar, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ERRETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I must insist now upon my motion that the House adjourn. It is quite late Saturday evening.

Mr. AINSLIE. I have a little bill for the Territories which I want to get through; it has no appropriation in it.

Mr. BUCKNER. I ask unanimous consent to take from the Speaker's table Senate bill No. 96 for the relief of Joseph Conrad, of Missouri.

Mr. HOLMAN. I insist upon the regular order.

Mr. ERMENTROUT. This is a bill for the benefit of a man who was shot all to pieces.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] insist upon his call for the regular order?

Mr. HOLMAN. I do.

VETO MESSAGE—CARRYING PASSENGERS BY SEA.

The SPEAKER. There is a message from the President of the United States vetoing a bill which has been passed. The message will be read, if there is no objection.

There was no objection; and the message was read, as follows:

To the House of Representatives of the United States:

Herewith I return House bill No. 2744, entitled "An act to regulate the carriage of passengers by sea," without my approval. In doing this I regret that I am not able to give my assent to an act which has received the sanction of the majority of both Houses of Congress.

The object proposed to be secured by the act is meritorious and philanthropic. Some correct and accurate legislation upon this subject is undoubtedly necessary. Steamships that bring large bodies of emigrants must be subjected to strict legal enactments, so as to prevent the passengers from being exposed to hardship and suffering; and such legislation should be made as will give them abundance of space and air and light, protecting their health by affording all reasonable comforts and conveniences, and by providing for the quantity and quality of the food to be furnished, and all of the other essentials of roomy, safe, and healthful accommodations in their passage across the sea.

A statute providing for all this is absolutely needed, and in the spirit of humane legislation must be enacted. The present act, by most of its provisions, will obtain and secure this protection for such passengers, and were it not for some serious errors contained in it would be most willingly approved by me.

My objections are these: in the first section, in lines from 13 to 24, inclusive, it is provided "that the compartments or spaces," &c., "shall be of sufficient dimensions to allow for each and any passenger," &c., "a hundred cubic feet, if the compartment or space is located on the first deck next below the uppermost deck of the vessel," &c., "or one hundred and twenty cubic feet for each passenger," &c., "if the compartment or space is located on the second deck below the uppermost deck of the vessels," &c. "It shall not be lawful to carry or bring passengers on any deck other than the two decks mentioned," &c.

Nearly all of the new and most of the improved ocean steamers have a spar-deck, which is above the main deck. The main deck was in the old style of steamers the only uppermost deck. The spar-deck is a comparatively new feature of the large

and costly steamships, and is now practically the uppermost deck. Below this spar-deck is the main deck. Because of the misuse of the words "uppermost deck" instead of the use of the words "main deck," by this act the result will be to exclude nearly all of the large steamships from carrying passengers anywhere but on the main deck and on the deck below, which is the steerage deck, and to leave the orlop, or lower deck, heretofore used for passengers, useless and unoccupied by passengers. This objection, which is now presented in connection with others that will be presently explained, will, if this act is enforced, as it is now phrased, render useless for passenger traffic and expose to heavy loss all of the great ocean steam lines; and it will also hinder emigration, as there will not be ships enough that could accept these conditions to carry all who may now wish to come.

The use of the new and the hitherto unknown term "uppermost deck" creates this difficulty, and I cannot consent to have an abuse of terms like this to operate thus injuriously to these large fleets of ships. The passengers will not be benefited by such a statute, but emigration will be hindered, if not for a while almost prevented for many.

Again, the act in the first section, from line 31 to line 35 inclusive, provides: "And such passengers shall not be carried or brought in any between-decks, nor in any compartment," &c., "the clear height of which is less than seven feet." Between the decks of all ships are the beams; they are about a foot in width. The legal method of ascertaining tonnage for the purpose of taxation is to measure between the beams from the floor to the ceiling. If this becomes a law the space required would be eight feet from floor to ceiling, and this is impracticable, for in all ships the spaces between decks are adjusted in proportion to the dimensions of the ship; and if these spaces between decks are changed so as not to correspond in their proportions with the dimensions of the vessel the ship will not work well in the sea, her sailing qualities will be injured, and she will be rendered unfit for service.

It is only in great ships of vast tonnage that the height between decks can be increased. All the ordinary sized ships are necessarily constructed with seven feet space in the interval between the beams from the floor to the ceiling. To adopt this act, with this provision, would be to drive out of the service of transporting passengers most of all the steamships now in such trade, and no practical good obtained by it, for really, with the exception of the narrow beam the space between the decks is now seven feet. The purpose of the space commanded by the act is to obtain sufficient air and ventilation, and that is actually now given to the passenger by the seven feet that exists in all of these vessels between floor and ceiling.

There is also another objection that I must suggest. In section 12, from line 14 to line 24, it is provided: "Before such vessel shall be cleared or may lawfully depart, &c., the master of said vessel shall furnish, &c., a correct list of all passengers who have been or are intended to be taken on board the vessel, and shall specify," &c. This provision would prevent the clearing of the vessel. Steamvessels start at an appointed hour, and with punctuality. Down almost to the very hour of their departure, new passengers, other than those who have engaged their passage, constantly come on board. If this provision is to be the law they must be rejected, for the ship cannot, without incurring heavy penalties, take passengers whose names are not set forth on the list required before such vessel shall be cleared. They should be allowed to take such new passengers upon condition that they would furnish an additional list containing such persons' names. There are other points of objection of a minor character that might be presented for consideration if the bill could be reconsidered and amended, but the three that I have recited are conspicuous defects in a bill that ought to be a code for such a purpose, clear and explicit, free from all such objections. The practical result of this law would be to subject all of the competing lines of large ocean steamers to great losses. By restricting their carrying accommodations it would also stay the current of emigration that it is our policy to encourage as well as to protect. A good bill, correctly phrased, and expressing and naming in plain, well-known technical terms the proper and usual places and decks where passengers are and ought to be placed and carried, will receive my prompt and immediate assent as a public necessity.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July* 1, 1882.

Mr. HORR. I move that the bill be referred to the Committee on Commerce.

Several MEMBERS. Oh, no.

Mr. HOLMAN. I rise to a parliamentary inquiry. If the House should adjourn now, will the consideration of this message go over as unfinished business? If so, I move that the House adjourn.

The SPEAKER. The motion to refer is in order, but the motion to adjourn takes precedence, and the Chair thinks if the House should adjourn this matter would go over as unfinished business.

Mr. HOLMAN. I prefer that it should go over.

Mr. RANDALL. There is not now a quorum present.

OREGON SHORT-LINE RAILWAY COMPANY.

Mr. AINSLIE. I ask unanimous consent for the present consideration of Senate bill No. 972, creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

Mr. HORR. What has been done with the veto message?

The SPEAKER. Nothing has been done with it. The Chair has stated that the motion to adjourn would take precedence of the motion to refer; and if the House should adjourn, the consideration of the veto message would go over as unfinished business. It is only by unanimous consent that the Chair can now entertain any other business.

Mr. AINSLIE. I hope there will be no objection to considering this bill. The Committee on the District of Columbia is allowed by this House two days every month; but the eight Territories of the United States are not allowed one day in the course of a year. This bill contains no appropriation. It is a very short bill.

The Clerk read the title of the bill, as follows:

A bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

Mr. HOLMAN. I understand there are objections to this bill on the ground that this is not a *bona fide* corporation engaged in the construction of a railroad. Is that true?

Mr. AINSLIE. I can state the circumstances in a moment. The laws of Congress prohibit the Legislatures of the Territories from passing any act granting special privileges or franchises. The Legislature of Idaho, in passing the general incorporation act which it was authorized by the laws of Congress to pass, omitted the word "railroad." Hence this company was compelled to organize under the laws of the Territory of Wyoming. The Legislature of Idaho will not meet for about a year. This bill has already passed the Senate, and has been unanimously reported by the Committee on Railways and Canals.

The SPEAKER. The bill will be read, subject to the right of objection.

The Clerk read as follows:

Be it enacted, &c., That the Oregon Short-Line Railway Company, a corporation of that name duly incorporated and organized under the laws of the Territory of Wyoming, the amended articles of incorporation of which were duly filed in the office of the secretary of the said Territory on the 12th day of July, A. D. 1881, be, and the same is hereby, made a railway corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho which are secured to railway companies by the act of Congress approved the 3d day of March, A. D. 1875, entitled "An act granting to railroads the right of way through the public lands of the United States:" *Provided*, That the said corporation shall at all times hereafter be subject to all the laws and regulations in relation to railroads of the United States, or of any Territory or State through which its line of road may pass. And suits against said corporation may be instituted in the courts of said Territories, or either of them, having jurisdiction by the laws of such Territory.

SEC. 2. That Congress may at any time add to, alter, or repeal this act.

Mr. STONE. I object to the consideration of the bill at this time.

Mr. AINSLIE. I hope the gentleman will withdraw his objection. There is nothing in the bill granting any money.

The SPEAKER. Objection is made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. ATHERTON, until July 15, on account of important business;

To Mr. BLAND, indefinitely, on account of sickness in his family.

WITDRAWAL OF PAPERS.

The SPEAKER. The Chair lays before the House the request which the Clerk will read.

The Clerk read as follows:

Mr. SHALLENBERGER asks leave to withdraw from the files of the House papers in the case of Mrs. Marian Haney.

Mr. HOLMAN. The other day, in a case where we granted permission to withdraw papers, they proved to be papers which the Committee on Claims had obtained from one of the Departments after considerable trouble; they were valuable papers, and there was no assertion that they were the property of the party filing the claim. When requests of this kind are made I shall insist it shall be shown satisfactorily to the House that there has been no adverse report and that the papers were filed by the party asking to withdraw them.

The SPEAKER. The Chair thinks that under the rules no order for the withdrawal of papers by a claimant would include papers belonging to the files of any Department.

Mr. RANDALL. I think we ought to revoke the action of the House in the case to which the gentleman refers. I quite agree that under an order of this kind no officer of the House would be justified in giving up papers belonging to one of the Departments; and I do not think that any officer who understood his duty would do so. But if this has been done there ought to be a revocation of the order.

Mr. SHALLENBERGER. There are no such papers in this case, and there has been no adverse report.

The SPEAKER. The Chair repeats that an order authorizing any person to withdraw papers from the files would not allow him to take papers belonging to one of the Executive Departments.

Mr. HOLMAN. I do not say that these papers belonged to an Executive Department; but they had been called for by the committee from one of the Departments, and they should not have been withdrawn from the files.

Mr. RANDALL. I think, if the gentleman is correct in his statement, he should pursue the matter further.

There being no objection, the leave requested by Mr. SHALLENBERGER was granted. [Cries of "Regular order!"]

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCK: The petition of Abel Leigey and others and of S. J. Chaffee and others, citizens of New Britain, and of Randolph Berry and others, citizens of Bristol, Connecticut, for correction of error in Revised Statutes relating to duty on knit goods—severally to the Committee on Ways and Means.

By Mr. CANDLER: The petition of the operatives of I. and S. Beless's mill and of operatives of Scotton Bros., of Highlandville, Massachusetts, for the correction of error in Revised Statutes relating to duty on knit goods—severally to the same committee.

By Mr. CARLISLE: Papers relating to the claim of Boehm Bros.—to the same committee.

By Mr. CARPENTER: The petition of citizens of Spirit Lake, Iowa, for the passage of a bill granting land warrants to soldiers of

the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HALL: The petition of Edwin C. Bean and others, citizens of Belmont, and of Moses Sargent and others, operators in Gilmanton Mills, New Hampshire, for correction of error in Revised Statutes relating to duty on woolen goods—severally to the Committee on Ways and Means.

By Mr. HARMER: The petition of the operatives of twenty-six mills in Philadelphia, Pennsylvania, embracing 2,747 names, for the correction of error in Revised Statues relating to the duty on knit goods—severally to the same committee.

By Mr. JOYCE: The petition of 97 operatives of George Rockwood, manufacturer of knit goods, for the correction of an error in the Revised Statutes—to the same committee.

By Mr. KETCHAM: The petition of Mr. KETCHAM, for the establishment of a post-route from Philmont to Harlemville, in the State of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. SCALES: The petition of 61 citizens of the fifth Congressional district of North Carolina, for a confirmation of the call for a peace congress—to the Committee on Foreign Affairs.

By Mr. J. W. SINGLETON: The petition of citizens of Newton County, Mississippi, for the regulation of charges for railway transportation—to the Committee on Commerce.

By Mr. STONE: The petition of citizens of the sixth Congressional district of Massachusetts, for a congress of all independent countries of North and South America—to the Committee on Foreign Affairs.

Also, the petition of operators employed in mill at Ipswich, Massachusetts, for correcting of law relating to duty on knit goods—to the Committee on Ways and Means.

By Mr. P. B. THOMPSON: The petition of Sarah A. Murphey, for a pension—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of 221 citizens of Vermont, for the confirmation of the call for a peace congress—to the Committee on Foreign Affairs.

By Mr. WEST: The petition of citizens of Johnstown, New York, for the passage of a national bankrupt law—to the Committee on the Judiciary.

SENATE.

MONDAY, *July* 3, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

FISHERIES REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from Spencer F. Baird, United States Commissioner of Fish and Fisheries, transmitting a special report upon the food fishes of the United States, with an account of the methods and apparatus by which they are captured, together with certain statistics of the American fisheries in general.

Mr. ANTHONY. I move that the communication be laid on the table, and that the question of printing it be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so ordered. The report does not accompany the letter. It will probably be received in the course of the day. When received the subject of printing will be referred to the Committee on Printing.

Mr. ANTHONY. Very well.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the operatives of different factories in Massachusetts engaged in the manufacture of knit goods, praying Congress "for the immediate correction of the error in the Revised Statutes by which knit goods are made subject to a much lower duty than the pound duty on raw wool," &c.; which was referred to the Committee on Finance.

He also presented a petition from W. A. A. Carsey, president, and D. M. Lew, secretary, of Independent Labor party of the city of New York, praying Congress to raise the capitation tax on immigrants from 50 cents to $100 per head; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition from 115 citizens of Vermont, praying for the confirmation of the call for a peace congress to be held in Washington, District of Columbia, November 22, 1882; which was referred to the Committee on Foreign Relations.

Mr. MAXEY presented a memorial of citizens of Titus County, Texas, in favor of the proposed Eads ship-railway across the Isthmus of Tehuantepec; which was ordered to lie on the table.

Mr. MORGAN presented additional papers to accompany the bill (S. No. 2092) for the relief of Major W. R. King; which were referred to the Committee on Commerce.

PREFERENCE OF DISABLED SOLDIERS.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to submit a report on the resolution offered on the 16th of March by my colleague, [Mr. VOORHEES,] directing that committee to inquire into the enforcement by Departments of the Government of section 1754 of the Revised Statutes. I desire to state that this is the report of a majority of the committee. A minority dissented from the majority.

Mr. COCKRELL. It is the report of a majority of the committee. The Senator from Texas [Mr. MAXEY] and myself, and probably one or two other members of the committee, did not consent to the report of the majority.

The PRESIDENT *pro tempore*. The report will be printed, under the rule.

PUBLIC BUILDING AT ASHEVILLE.

Mr. ROLLINS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 996) to provide for the erection of public buildings at Asheville and Greensborough, North Carolina, to report it with an amendment.

Mr. RANSOM. I ask for the present consideration of that bill. I hope that there will be no objection to it.

The PRESIDENT *pro tempore*. The bill will be read for information, and it will be considered if there be no objection.

The ACTING SECRETARY. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other offices of the Government at the town of Asheville, North Carolina. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in any adjacent building by an open space of not less than fifty feet, including streets and alleys, and no appropriation for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of North Carolina shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That for the purposes herein indicated the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MORRILL. There are two similar bills that will be, as I understand, favorably reported from the Committee on Public Buildings and Grounds. I think these bills ought to be taken up together whenever one of them is taken up.

Mr. MAXEY. I would like to inform the Senator from Vermont that there is a bill for a public building at Dallas, Texas, of great importance to us that I would be glad to have taken up this morning.

Mr. MORRILL. I understood that the committee were to report some other bills as soon as this or any similar bill was reported. Therefore I hope there will be no action taken on this bill this morning.

Mr. RANSOM. I trust that the Senator from Vermont will hear me a second. I am very anxious that this bill should pass. I hope no objection will be made to it.

Mr. COKE. I hope the Senator from Vermont will not object to this bill, and I hope the Texas bill will come in to-morrow morning. I am anxious to have the Texas bill passed, but I do not see any reason why it should interrupt the passage of this bill because the other one is not reported.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. HOAR. Will the Senator from North Carolina tell what the population of that town is?

Mr. RANSOM. It will have a very large population. It is a place of very great promise. I will inform the Senator from Massachusetts, if he will pardon me, on what I know is the point which he wishes to reach, that there is a very large amount of public business connected with the revenue done in that place. It is the center of a mountain country of a diameter of four hundred miles, and this will be the only public building in that area. It is destined to be a railroad center of great importance, and perhaps to be the first mountain city in the country.

Mr. HOAR. We have a town in Massachusetts which has no such building which is on a planet, the diameter of which is about 8,000 miles.

Mr. RANSOM. I will not discuss that question of geography or population this morning. I hope this bill will pass.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a public building at Asheville, North Carolina."

THE CONGRESSIONAL GLOBE.

Mr. ANTHONY, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and he is hereby, authorized to exchange, under the direction of the Joint Committee on Printing, duplicate volumes of the Congressional Globe in his custody for volumes of which there may be a deficiency.

INDIAN CIVILIZATION FUND.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate a detailed account of the Indian civilization fund, its origin, original and present amount, and in detail what portion, if any, of it has been expended.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco; and

A bill (H. R. No. 5536) to reissue a Treasury draft, originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent.

The message also announced that the House had passed the following bills:

A bill (S. No. 121) to authorize the construction of a railroad bridge across the Sault Sainte Marie River;

A bill (S. No. 2033) to authorize the sale of certain lands in the city of Hot Springs, Arkansas, to the Woman's Christian National Library Association; and

A bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns for monumental purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

TIMBER ON INDIAN LANDS IN WISCONSIN.

Mr. DAWES. There is a little bill reported from the Committee on Indian Affairs which it is of great importance should be passed at an early day, if at all. I ask the Senate to proceed to the consideration of the bill (S. No. 2060) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the morning hour is closed. The Senator from Massachusetts asks for the consideration of the bill indicated by him. The Senator from Maine [Mr. HALE] first moves that the deficiency appropriation bill be now taken up, and then he will give way to the Senator from Massachusetts, the Chair understands.

Mr. DAWES. The Senator from Maine consents to have Senate bill No. 2060 called up. I will state in a moment what it is.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. CONGER. From what committee is that bill reported?

Mr. DAWES. The bill comes from the Committee on Indian Affairs. I will state the purpose of the bill. There is a large tract of pine timber upon this reservation which is of no present use to the Indians. It is almost entirely grown timber, and a good deal of it is fallen. It is liable to be utterly destroyed by fire in any catastrophe of that kind which may occur. It was believed by the Indian Bureau and the Committee on Indian Affairs that it was wise to cut it off and convert it into a fund for the benefit of the Indians.

The bill has that purpose, and that only. Whether it is sufficiently guarded or not, those gentlemen like the Senator from Michigan and the Senators from Wisconsin, who are more familiar with that kind of business, can ascertain and determine better than I can myself. It provides, first, that the timber shall all be appraised in a manner under the control and direction of the Secretary of the Interior; that the proper notice shall be given, and then it may be sold at public auction at any amount above the appraisal. It further provides that if the Indians are of such character, and in the opinion of the Secretary of the Interior it is feasible for them to do manual labor of this kind, the Indian agent may be authorized to cut off any portion of this timber himself, using the Indians as laborers, and convert it into money in that way—one or the other of these ways.

The object of the bill is to convert that timber, which is of no present use to the Indians, and which is liable to be destroyed at any moment, into a fund for the benefit of the Indians. I do not know myself whether the bill is sufficiently guarded or not, but I believe it is. It has received very careful attention from the Committee on Indian Affairs, and the Senator from Wisconsin [Mr. CAMERON] would himself have reported the bill had he been present.

Mr. MCMILLAN. I should like to ask the Senator from Wisconsin whether there is any restriction in this bill as to the amount of timber that may be sold to any one person, and if not, what would be the effect as to a beneficial sale of such a restriction if inserted in the bill?

Mr. CAMERON, of Wisconsin. It is provided in the bill that the sale shall be made in tracts not exceeding eighty acres, but any one person can purchase as many eighty-acre tracts as he chooses.

Mr. MCMILLAN. One person can buy as many of those tracts as he may see proper, if he pays more than anybody else.

Mr. CAMERON, of Wisconsin. Yes, if he pays more than any one else.

Mr. MCMILLAN. I should like to ask the Senator what would be the effect upon the sale of inserting a limitation in the bill as to the number of tracts that one person may buy, whether it would probably increase the value of the timber or not?

Mr. CAMERON, of Wisconsin. I think it would decrease the value of the timber. My colleague [Mr. SAWYER] has experience in those matters, and he is of the opinion that it would decrease the amount for which the timber would sell. I think the bill is carefully guarded. It has received the approval of the Commissioner of Indian Affairs, and the committee has considered it very carefully.

Mr. SAWYER. The object of the bill is to make a disposition of timber which is constantly going to waste, where fires run through, and the value of that timber, or a large amount of it, is constantly being wasted. I travel over that country every year; large fields have gone down by fire; and unless something is done very soon the Indians are going to lose the entire value of the timber. The bill provides that the timber shall be appraised and then offered for sale and sold at public auction at not less than the appraisal, and in quantities not exceeding eighty acres, so as to give every man who can buy eighty acres an opportunity to buy it. It is restricted as well as it can be. As my colleague well suggests, I think the tendency would be to get less for the timber than now if it were sold in large tracts.

The bill provides, further, that the Secretary of the Interior may sell a portion of the timber even if he cannot get what it is worth. He can sell a portion of it at a time or he can log it, just as he sees fit. I think it is a bill that ought to pass for the interest of the Indians.

Mr. CONGER. The chairman of the Committee on Indian Affairs says this bill is carefully guarded, and in some respects it is; but I think the very provisions which are supposed to be safeguards here are the most dangerous that are in the bill. Some of them are unnecessary and are mere blinds, of no earthly consequence in the world, and those are the ones that seem to guard the bill most particularly.

Mr. SAWYER. I should like to say to my friend, if he will suggest anything that will make it more safe we shall be glad to accept it.

Mr. CONGER. I was about to say that the bill provides that the timber shall be sold, and that no timber less than a foot in diameter shall be sold. Of course, no lumberman will ever buy any such timber, less than a foot in diameter. If the bill required that in addition to the appraised value it would add to the safety and interest of the Indians. That is one point.

There is another provision, which to lumbermen seems the strangest provision in the world. What is it? That that part of the tree which is of no earthly use to anybody in lumbering, which is a damage to the land where it is left, shall be left. The hollow butt and the tops shall be left there, those things that cause fires to run.

Mr. CAMERON, of Wisconsin. That provision was put in by the Commissioner of Indian Affairs, and he insisted that it should remain in the bill.

Mr. CONGER. He ought to have had the advice of some gentlemen who understand lumbering.

Mr. CAMERON, of Wisconsin. He had the advice of my colleague, and did not choose to take it.

Mr. SAWYER. I will state that that appeared to be a provision which did not do any good or any harm; but at the same time——

Mr. CONGER. Let me get through. If I can get rid of this lumberman's views on it, I can say what I want to.

When the timber that is over a foot in diameter is taken off, and when all the tops and refuse are left there, there is nothing to do but have the fire to run and destroy all the rest, as every lumberman knows. If there were a provision that the tops and waste should be burned up and destroyed, then it would be valuable; but for fear that there should be some such obligation upon the men lumbering to remove the waste, the causes of fire, this bill is made to prevent the necessity of their burning up or destroying that which furnishes the great fuel for all the great fires in the land. That is guarded—guarded not for the Indians, not for the remaining land—but guarded so that the lumbermen shall not be put to any greater expense than to get out just what is valuable and leave all the dangerous part of it there.

The chairman of the Committee on Indian Affairs, I presume, is not familiar with the question of lumbering, but somebody ought to have told the gentlemen who were getting up this bill that it contained safeguards for those who buy the land and only for them, leaving all the danger and the liability to fire and injury carefully protected by this proposed law, so that the lumbermen shall not be compelled to remove them at all.

There is another thing to which I wish to call the attention of the friends of this bill, and what is the serious objection to it. The Commissioner of Indian Affairs is authorized to sell this land by eighty-acre parcels, wherever inside of the limits the bids are and wherever he is able to sell it. As long as a great tract of pine lands is left uncut and undisturbed all through its center, there is no great danger of fire; as every lumberman knows, fire does not spread there; but

wherever the best of these pine lands are scattered around here and there and all through the reservation, the bill provides that they may be sold. The cutting goes on, the tops are left; by mere force of the bill everything that is inflammable is to be left there. The lumbermen cannot remove it if they would. They shall not burn the tops; they shall not burn the hollow butts.

It is a bill as carefully provided to introduce fires all through that region by letting tracts be picked out here and there, and all over this pine reservation, as any bill could possibly be drawn; and if it were done to protect the Indians, as the chairman of the committee says, I do not know of a bill that could be drawn to injure their property in future, and prepare for its injury more carefully, than this bill has been drawn.

The objection to selling it here and there in eighty-acre lots around through this great lumber tract is a great objection. I say to the Senators on this floor that there is no lumberman of the Northwest who could be called before a committee but what would testify that in his own tract, if he owned such a tract of land, he never would sell eighty acres in the middle of his tract, or in the interior, or scattered around, without selling the whole.

Mr. CAMERON, of Wisconsin. In what part of the bill does the Senator find the provision that eighty acres in the center of the tract shall be sold?

Mr. CONGER. I understand the bill provides that after being appraised it may be offered for sale and that it shall be sold in eighty-acre lots, and that if it is not all sold that year it may be reappraised the next year. The bill contemplates that it is to be sold in parcels through the land.

Mr. CAMERON, of Wisconsin. Not necessarily through the land; that is in the discretion of the Secretary of the Interior. He can direct that the sale shall commence at one side of the reservation or at one end of it, and go clear through as far as they go, if he desires to do so. It is left entirely to his discretion.

Mr. CONGER. The bill does not say so.

Mr. CAMERON, of Wisconsin. The bill leaves it to his discretion.

Mr. CONGER. The bill allows each purchaser to pick out the land.

Mr. CAMERON, of Wisconsin. It does not do any such thing.

Mr. CONGER. It does not compel anybody to buy what he does not choose, but——

Mr. CAMERON, of Wisconsin. Of course you cannot compel anybody to buy what he does not choose to buy.

Mr. CONGER. The Senator understands lumbering some. Does he not know that selecting eighty acres here and there through that tract, and lumbering it, makes the best preparation possible for fire through the whole?

Mr. CAMERON, of Wisconsin. But there is nothing that authorizes anybody to select eighty acres here and there. If men buy any portion of the reservation they must buy such portion as the Secretary of the Interior directs shall be sold.

Mr. CONGER. And the bill directs him to sell it all.

Mr. CAMERON, of Wisconsin. No; the bill does not direct him to sell it all. The bill leaves it entirely to his discretion whether he sells any of it or not.

Mr. CONGER. There is no limitation that it shall all be sold clean as you go, from one side or one end.

Mr. CAMERON, of Wisconsin. That is left entirely to the Secretary of the Interior.

Mr. CONGER. That is leaving it to the wrong place——

Mr. CAMERON, of Wisconsin. I think not.

Mr. CONGER. Because if the Secretary of the Interior has made a provision in the bill, and it is said he suggested it, that the tops and the waste shall by the law be left there——

Mr. CAMERON, of Wisconsin. I would not discuss that any more.

Mr. CONGER. It is pretty ridiculous, I must say.

Mr. CAMERON, of Wisconsin. The Senator has talked about it until we understand it perfectly.

Mr. CONGER. That is a provision which looks so ridiculous that I called it up with a great deal of reluctance.

Mr. CAMERON, of Wisconsin. The Senator appears to have dwelt on it with a great deal of pleasure. If the Senator thinks the bill is not sufficiently guarded, perhaps it had better go over to-day in order to allow him to suggest such amendments as he may desire.

Mr. CONGER. I make these suggestions for the benefit of those in charge of the bill. I will venture to say that there is no Senator in whose State lumbering operations are carried on but knows that the objections I make are strong ones against the particular form of selling this land proposed. No man will say but what in the preservation of the little remaining pine in the United States, if there can be a tract of 200,000,000 acres of pine, as I understand this is, on an Indian reservation that can be preserved from destruction for the future, it is very desirable that it should not be sold now.

Mr. CAMERON, of Wisconsin. It may be desirable for others, but not desirable for the Indians who own it.

Mr. CONGER. The pine timber is being cut up and destroyed from the three great Northwestern pine States with a wonderful rapidity, and such a tract of land of two hundred million acres ten years hence will be worth double what it is to-day, if it can be preserved from fire and be preserved intact.

Mr. CAMERON, of Wisconsin. I wish the Senator would impress that upon the pine-land owners of Michigan.

Mr. SAWYER. The clause the Senator speaks of about not taking timber over a foot in diameter was recommended by the Commissioner of Indian Affairs. I agree with the Senator, but the committee did not feel at liberty, and I did not, to strike it out, because it was recommended by the Commissioner. I do not think it does any harm or any good. I do not think anybody cares about the provision, but as long as the Commissioner of Indian Affairs recommended to have it put in the friends of the bill did not feel at liberty to leave it out. That is the amount of it.

So far as the point is raised about having the land sold in separate tracts, the object was to get competition, to get bidders, so that every man who had money enough to buy eighty acres could compete with any man who had a million dollars, and who could buy the whole tract. To allow it to be sold in one entire tract would lead to a combination, and the timber might not bring what it is worth.

Mr. DAWES. I do not feel justified in taking up the time, as has been done so unexpectedly, of the Senator from Maine, [Mr. HALE.] If the Senate think that this all ought to be put up in one tract, so that one large timber dealer alone could bid it in, let them say so.

Mr. CONGER. There has been no suggestion of that kind by me, but it was that beginning at one side of this tract it should be sold clean as it went, so that the remainder of it should not have these lumber portions through the midst of it.

Mr. DAWES. There is no provision in the bill to put any common sense into the Indian Office. That may be a defect in the bill, but that did not occur to us at the time. I think that ought to be in a separate bill.

Mr. CONGER. Such legislation would have directed itself most favorably not to the Indian Office but to the committee.

Mr. DAWES. That may be. That is what is the trouble with the Senator from Michigan. The Senator should have been put at the head of this committee, and I will take particular pains myself that he shall be hereafter; but these lumbermen from Wisconsin and the rest of the committee seemed to have some little sense, and as we could not put any more particular wisdom into the Indian Office in this bill, we thought we would run the risk. The Senator from Michigan thinks it is too great a risk, and perhaps we had better let the bill go over, but I should like to have it pass if there is no objection.

Mr. HALE. If the Senator from Massachusetts can have his bill passed, I do not object.

Mr. CONGER. I hope by personal reflections upon myself the Senator will not distract the attention of the Senate from the consideration of this bill and the rights of the Indians and the interest of the country. It is immaterial whether I am a younger Senator or not, if the objections are good they are good, let them come even from as humble a member of the Senate as I am.

Mr. DAWES. Nobody but the Senator from Michigan can reflect himself, that is certain; and nobody will attempt to do it. Any objection which the Senator submits to this bill, to meet the approval of the Senate, I suppose he will offer as an amendment. The Senator contents himself, however, with making objections to the bill, dropping it there. The objections to the bill are those which go to the discretion of the Indian Office. If the Senate has not any confidence in that office the bill had better not pass at all. It must be administered by the Indian Office. If the Senate thinks that it can sell timber up in Michigan—no, up in Wisconsin; I know it cannot in Michigan, as well as the Senator from Michigan—but if the Senate thinks the seventy-six members here can dispose of timber up in Wisconsin better than the Indian Office, I think the bill had better not pass.

Mr. CONGER. My own opinion is that the Government had better not engage in the lumbering business at any rate. I might say that as a whole, as to the Senate, the Indian Commissioner, or anybody else, let them sell land when they want to sell it, and use the avails for the benefit of the Indians.

Mr. DAWES. The fires having burned off the timber in Michigan, one would suppose the Senator from Michigan would have learned something from experience.

Mr. CONGER. And the Senator from Michigan knows that the great fires in Michigan and in Wisconsin were caused by leaving the waste of the trees scattered all through the forest and inviting those immense fires which have destroyed life and property to such an alarming extent. The bill provides that those means shall remain on the ground for the purpose of adding fuel to the flame.

Mr. DAWES. Then move to strike it out.

Mr. HALE. I have been waiting to see which of the Senators would get the last word. Now, unless the bill is going to be passed, I object to it; and let it go over.

Mr. DAWES. Let us have a vote.

Mr. HALE. I do not object to a vote.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. Was there a vote called for?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CONGER. It was so mild that it passed without notice. I should like to have a vote on that bill, just to give one vote.

The PRESIDENT *pro tempore*. The Chair will put the question again on the passage of the bill.

The bill was passed.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. GORMAN. I ask for the consideration of Senate bill No. 2084. It will take no time.

Mr. HALE. I do not want the Senator from Maryland to run across the Senator from Michigan. I will yield if it involves no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe.

Mr. ALLISON. What committee reported the bill?

Mr. GORMAN. The Committee on Foreign Relations.

Mr. ALLISON. It is a pretty important bill.

Mr. GORMAN. It is in conformity with similar acts passed heretofore.

Mr. ALLISON. It gives this company authority to lay cables anywhere on the Atlantic shore. It involves the whole question of charter privileges to corporations for telegraphic purposes. I do not know that I have any objection to the bill. I only want to call attention to its importance.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Foreign Relations will be read.

The ACTING SECRETARY. The first amendment is, in line 9, after the word "cables," to insert:

Provided, That said company shall begin to lay said cable or cables within one year from the passage of this act: *And provided further*.

Mr. GORMAN. I move to strike out "one year" and insert "two years." The committee's amendment limits the laying of the cable to one year from the passage of the act. I move to amend the amendment, to make it "two years."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to add as section 3 the following:

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges herein contained.

The amendment was agreed to.

Mr. ALLISON. Is there a clause authorizing the alteration, amendment, or repeal of the act?

The PRESIDENT *pro tempore*. It will be read.

The ACTING SECRETARY. The committee propose to add as section 4 the following:

SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives to the said bill, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia.

ALLOWANCE OF CLAIMS—ERROR.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 249) amending a paragraph in the act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, approved May 1, 1882, and to correct an error in the enrollment thereof.

Mr. CAMERON, of Wisconsin. I ask that that resolution be considered at this time. It corrects an error made by the enrolling clerks.

By unanimous consent, the joint resolution was read three times, and passed.

GEORGE G. COBB.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent; and it was read twice by its title.

Mr. MORGAN. I ask the Senate to consider that bill. A moment's explanation, I think, will satisfy the Senate that the bill ought to be passed.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Acting Secretary read the bill.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco was read twice by its title, and referred to the Committee on Finance.

PATENTS FOR MINING LANDS.

Mr. MILLER, of California. I ask leave to call up Senate bill No. 1830. It is a short bill, the passage of which is desired very much by the Committee on Mines and Mining.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1830) to amend section 2325 of the Revised Statutes of the United States.

Mr. INGALLS. What is the subject treated of by that section of the Revised Statutes?

Mr. MILLER, of California. There are certain amendments to the bill reported.

Mr. ALLISON. Let the section of the Revised Statutes be read.

Mr. INGALLS. I will observe, before the section is read, that a more vicious method of altering the law than that provided by this bill cannot be devised. It leaves the subject wholly in the dark, and I would suggest to the Senator from California that he change the bill by having the section included as it will read when amended.

Mr. MILLER, of California. This is an addition to the section, and I do not think it leaves anything in the dark.

Mr. INGALLS. Let it be read.

Mr. MILLER, of California. The section of the Revised Statutes can be read from the Clerk's desk.

The Acting Secretary read as follows:

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: the register of the land office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that $500 worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of $5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

Mr. INGALLS. Now read the amendment.

The Acting Secretary read as follows:

That section 2325 of the Revised Statutes be, and the same is hereby, amended by adding thereto the following——

Mr. MILLER, of California. Read it as amended by the committee.

The Acting Secretary read as follows:

Provided, That when a protest or objection shall be made to any proceeding under this chapter in the General Land Office, the party or parties protesting or objecting, in case they fail to sustain said protest or objection, shall be liable to the applicant for patent or his grantees for all costs and expenses which shall be incurred by or result from the filing of such protest or objection.

Mr. MILLER, of California. The amendment is designed to correct an abuse which has grown up of parties filing pretended protests against the granting of patents, thus tying up the title to valuable mining property. This bill merely provides that when a protest is made and the party fails to make it good he shall pay the costs and expenses of the proceeding. It is designed to stop this practice of blackmail, which is now resorted to in the West to a great extent as all the Senators from that part of the country very well know.

Mr. CHILCOTT. Mr. President, if the Senator from Kansas will listen to me a moment I will make an explanation of this bill.

Mr. INGALLS. I shall be happy to hear it.

Mr. CHILCOTT. Mr. President, I desire to occupy the time of the Senate but a few minutes on this amendment to the mining laws, and shall only do so by way of explanation, as the object of the amendment may not be generally understood.

The amendment proposed to section 2325 of the Revised Statutes of the United States is intended, and will undoubtedly operate, as a check against the common practice resorted to by unscrupulous and

irresponsible parties of filing objections, or protests, to the issuance of patents to mining claims, in cases where no cause of complaint exists, and where the protestant (after having due notice under the law) failed to file an adverse claim.

The notice required to be given under the law by the applicant for a patent is ample for the protection of the rights of all parties.

The law provides that a notice shall be posted on the claim in the local land office where the case is pending and in a newspaper of general circulation nearest the location of the mine for which the patent is sought continuous for sixty days. Hence it will be observed that adverse claims may be filed at any time during said sixty days' notice, thereby staying all proceedings until the controversy is settled, or decided by a court of competent jurisdiction, or the adverse claim waived.

But there is a marked difference between an adverse claimant before the local land office and one who files an objection or protest against the issuance of a patent before the General Land Office. The former files his adverse claim in good faith, asserting his title to a part or the whole of the tract for which an application is pending, and where every opportunity is given the contestant to substantiate his rights to the property; whereas the latter, who has utterly ignored his rights before the local land office, and who has no pecuniary interest whatever in the property, may file a protest in the General Land Office by getting up fraudulent affidavits alleging irregularity or non-compliance with the law in the proceedings before the local land office by the applicant for patent, and thereby prevent the issuance of a patent for months or for years, to the great detriment of the rightful owners, and without the shadow of title thereto.

These protests in cases before the General Land Office are generally made for the purpose of forcing a compromise or consideration from the rightful owners for the withdrawal of the protest.

All these things operate disastrously against the applicant for patent, especially in cases where a sale is pending, or where funds are required for the development of the mine.

The object of this bill is not to jeopardize the rights of any person, but to fix a penalty against the protestant who fails to sustain his allegations with proper proof, which will, in my opinion, materially lessen, if not entirely overcome, the common practice of filing fraudulent protests in the General Land Office.

My further purpose in presenting this amendment at this time is to protect the rights of every one engaged in the actual development of the mineral resources of the country. Men who risk their all in the development of the mines should be protected from mine-jumping sharks and blackmailers.

In every case where an application for a patent has been filed for a valuable mine before the General Land Office a protest has followed, and in every instance by parties who had every facility for offering adverse proof at the proper time if they had so desired. This doctrine of filing protests not only works a hardship to parties who are wealthy, and who have liberally spent their money in developing the mines, but it works a greater hardship to the poor man who, by economy and hard labor, has performed the required amount of labor to entitle him to a patent for his claim, and who has given the usual notice under the law inviting adverse claimants to appear and show cause why a patent should not issue if they desired to do so; but all such cases (if the mine is of great value) are also met at the General Land Office by a protest or objection to the issuing of a patent therefor, and in many cases, not having the necessary means to follow the case to the General Land Office, is compelled to accept a small compensation or lose his claim. This bill has the indorsement of the Secretary of the Interior, as well as all mining men; and although I consider the bill as presented to the committee the proper bill to pass, I am willing to accept it as amended for the present, believing it will be better than the present law.

Mr. GARLAND. In connection with the statute sought to be amended by this bill, which relates to a very important subject, I beg to suggest that I think the general rule of amending so as to incorporate the statute intended to be amended should be followed in a matter of this importance. I propose to amend in lines 4 and 5 by striking out "by adding thereto the following" and inserting "so as to read as follows;" and then it will read:

That section 2325 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Then incorporate the entire section down to the proviso, and then follow on with the proviso as proposed in this bill.

I think the amendment offered by the Senator from California is right and proper and will prevent captious objections to the issuing of patents, and will only allow a contest where there is really a just claim or a supposed just claim. I propose to re-enact the section and add to it this amendment. I think that is the only proper way of doing the thing, and then the title of the bill will have to be amended by adding after "United States" the words "touching the issuance of patents to mineral lands."

Mr. MILLER, of California. I see no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendments of the Committee on Mines and Mining. They have not yet been acted on.

The ACTING SECRETARY. After the word "be," in line 6, the committee propose to strike out "filed" and insert "made to any proceeding;" in line 7, after the word "chapter," to insert "in the General Land Office;" in line 9, after the word "sustain," to strike out "their claim by proof" and insert "said protest or objection;" in line 11, after the word "all," to insert "costs and;" and in the same line, after the word "expenses," to strike out "and damages;" so as to make the proviso read:

Provided, That when a protest or objection shall be made to any proceeding under this chapter in the General Land Office, the party or parties protesting or objecting, in case they fail to sustain said protest or objection, shall be liable to the applicant for patent or his grantees for all costs and expenses which shall be incurred by or result from the filing of such protest or objection.

The amendments were agreed to.

The PRESIDENT *pro tempore*. Now the question is on the amendment of the Senator from Arkansas [Mr. GARLAND] to strike out in line 4 "by adding thereto the following" and inserting "so as to read as follows," and inserting the section in the Revised Statutes to come in before the word "provided" in the amendment reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 2325 of the Revised Statutes of the United States touching the issuance of patents for mineral lands."

PROPOSED ADJOURNMENT TO WEDNESDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourn to-day it be to meet on Wednesday.

Mr. HOAR. We had better not do that now.

The PRESIDENT *pro tempore*. Perhaps the motion had better be deferred until after the deficiency bill is through.

Mr. CAMERON, of Pennsylvania. No; I should like a vote on the motion now.

Mr. HOAR. I hope it will not be passed now. It is getting late, and every little thing causes the loss of a day.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. HALE. I hope the Senator will withdraw that motion until after we pass the deficiency bill, in order that we may see whether we are surely going to get through with it to-day.

Mr. CAMERON, of Pennsylvania. I do not think any Senator will object to staying here to-day until the bill is passed.

Mr. HALE. The motion will go through easier if it is offered afterward.

Mr. CAMERON, of Pennsylvania. I think it will go through easily enough now.

The PRESIDENT *pro tempore*. Does the Senator withdraw the motion for the present?

Mr. CAMERON, of Pennsylvania. I withdraw it for the time.

ANTONIO VACA.

Mr. BAYARD. The Committee on Private Land Claims instruct me to return a message of the President containing a communication from the Secretary of the Interior in relation to the claim of Antonio Vaca, deceased. It was inadvertently sent to the Committee on Private Land Claims. I return it to the Senate and ask that it be sent to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Committee on Private Land Claims will be discharged from the further consideration of the subject, and the communication sent to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts and joint resolution:

An act (S. No. 789) to regulate the use of the Capitol grounds;

An act (S. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers; and

A joint resolution (S. R. No. 58) to print Dr. John L. Hayes's pamphlet upon the husbandry of the Angora goat.

BILL INTRODUCED.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2119) for the relief of Martin L. Bundy; which was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. G. CANNON of Illinois, Mr. FRANK HISCOCK of New York, and Mr. J. D. C. ATKINS of Tennessee, managers at the conference on its part.

The message also announced that the House had passed the bill (S. No. 62) to provide for the erection of a public building for the

nse of the post-office and Government officers at the city of Terre Haute, Indiana.

The message further announced that the House had passed a bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi, in which it requested the concurrence of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Now, Mr. President, I hope we may go on with the deficiency bill.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The reading of the bill was resumed at page 35, line 830, of the first section. The Committee on Appropriations proposed to amend the bill by inserting under the head "Department of Justice," after line 831:

For contingent expenses of the Department, $2,750.

To pay the balance due for rent of four floors of the Freedman's Bank building to and including May 31, the date of the transfer of the property to the United States, $4,587.90.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 865, after the word "dollars," to strike out "for fees of witnesses, $40,000;" and in line 866, after the word "all," to strike out "four hundred and thirty-two" and insert "three hundred and eighty-six;" so as to make the clause read:

For the year 1882: For fees and expenses of United States marshals, $50,000; for fees of district attorneys, $25,000; for fees of clerks, $55,000; for fees of United States commissioners, $55,000; for fees of jurors, $20,000; in all, $386,000.

The amendment was agreed to.

The next amendment was, in line 868, after the word "Utah," to strike out "for the year 1881, $4,000; for 1882, $2,000; in all, $6,000;" and insert "for 1880, $2,877.76; for 1881, $10,032.22; in all, $12,909.98;" so as to make the clause read:

For Territorial courts in Utah for 1880, $2,877.76; for 1881, $10,032.22; in all, $12,909.98.

The amendment was agreed to.

The next amendment was, after line 899, to insert:

SENATE.

For the payment of mileage to Senators who attended the special session of the Senate convened on the 10th day of October, 1881, by proclamation of the President, the sum of $33,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 905, to insert:

For clerks to committees and pages, $2,500.

The amendment was agreed to.

The next amendment was, after line 907, to insert:

For pay of folders, $500.

The amendment was agreed to.

The next amendment was, after line 908, to insert:

For miscellaneous items, $24,000.

The amendment was agreed to.

The next amendment was, after line 909, to insert:

To enable the Secretary of the Senate to pay George B. Edwards for services as clerk to the special committee appointed to investigate the affairs of the United States Soldiers' Home, from January 11, 1882, to March 7, 1882, inclusive, fifty-six days, at $6 per day, $336.

The amendment was agreed to.

The next amendment was, after line 916, to insert:

To enable the Secretary of the Senate to pay the clerk to the Committee on Appropriations of the Senate the difference between the salary received by him and the amount paid to the clerk to the Committee on Appropriations of the House of Representatives for services as clerk to that committee for the fiscal years 1880 and 1881, such sum as may be necessary is hereby appropriated.

The amendment was agreed to.

The next amendment was, after line 924, to insert:

To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 1st day of December, 1881, to the 1st day of December, 1882, inclusive, $440.

The amendment was agreed to.

The next amendment was, after line 931, to insert:

To enable the Secretary of the Senate to pay to the messengers in his office the difference between their present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $144 each.

The amendment was agreed to.

The next amendment was, after line 937, to insert:

To enable the Secretary of the Senate to pay to Joseph McGuickian the difference between his pay as special policeman in the office of the Secretary of the Senate and that of a messenger of the Senate of the United States, from July 1, 1879, to June 30, 1880, $144, he having performed the duties of a messenger during that period.

The amendment was agreed to.

The next amendment was, after line 945, to insert:

To enable the Secretary of the Senate to pay George A. Clarke, messenger to the reporters' room of the Senate, the difference between his present pay and that of a messenger of the Senate of the United States, from July 1, 1881, to June 30, 1882, $240.

The amendment was agreed to.

The next amendment was, after line 951, to insert:

To enable the Secretary of the Senate to pay George Gilleland an amount equal to the difference between his pay as laborer on the rolls of the Senate and that received by messenger in charge of the reporters' gallery, which position he was detailed to fill from December 5, 1881, to June 30, 1882, inclusive, $412.85.

The amendment was agreed to.

The next amendment was, after line 959, to insert:

To enable the Secretary of the Senate to pay S. H. Colbath the sum of $1,258.89, the balance of salary due by law to one discharging the duties performed by him as a messenger of the Senate from April 1, 1877, to May 5, 1879.

The amendment was agreed to.

The next amendment was, after line 966, to insert:

To enable the Secretary of the Senate to pay Thomas B. Bailey for services rendered by him as page in the Senate Chamber from November 9 to December 4, 1882, inclusive, $67.50.

The amendment was agreed to.

The next amendment was, after line 971, to insert:

To enable the Secretary of the Senate to pay John S. Hickcox for services as assistant in folding-room from July 1, 1881, to June 30, 1882, inclusive, $240, this amount being the difference between the pay he receives and that of assistants in the document-room: *Provided*, That hereafter no officer or employé of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

The amendment was agreed to.

The next amendment was, after line 981, to insert:

To enable the Secretary of the Senate to pay Daniel O'Neill for forty-five days' services as a watchman on the Capitol police force, $112.50.

The amendment was agreed to.

The next amendment was, after line 985, to insert:

For work on the Capitol and general repair thereof, and for fire-proofing the rooms adjoining the Hall of the old House of Representatives, $2,000.

The amendment was agreed to.

The next amendment was, after line 988, to insert:

For payment of expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress, $1,500, to be paid to the estate of the late Alexander R. Esty.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," after line 994, to insert:

For compensation of Members of the House of Representatives and Delegates from the Territories, $286.47.

The amendment was agreed to.

The next amendment was, after line 997, to insert:

For mileage, $1,485.60.

The amendment was agreed to.

The next amendment was, after line 1001, to insert:

For newspapers and stationery for members of the House of Representatives, $4,500.

The amendment was agreed to.

The next amendment was, in line 1060, after the word "pay," to strike out "F. M. Lynn" and insert "F. W. Lynn;" so as to read:

To pay F. W. Lynn, as messenger of the House of Representatives, $128, balance due him from December 15, 1877, to February 1, 1878.

The amendment was agreed to.

The next amendment was, after line 1064, to insert:

To pay John B. Trainer, for services as messenger of the House of Representatives during the years 1877 and 1878, $267.74.

The amendment was agreed to.

The next amendment was, after line 1069, to insert:

To pay Frank L. Donnelly, for services as page in the House of Representatives at the extra session and regular session of the Forty-fifth Congress, $92.50.

The amendment was agreed to.

The next amendment was, after line 1073, to insert:

To pay C. W. Coombs, Department messenger of the House of Representatives, for services from January 10 to April 6, 1882, at $1,200 per annum, $289.77, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1079, to insert:

To pay George W. Julian expenses of contest with John S. Reid for a seat in the House of Representatives, Forty-first Congress, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," in the appropriations for the "public schools," in line 1125, after the word "dollars," to insert:

For two extra brick ventilating shafts for Tenth and H streets school building, $750; for two extra brick ventilating shafts for First street and Massachusetts avenue school building, $750.

The amendment was agreed to.

The next amendment was, after line 1131, to insert:

To enable the Commissioners of the District of Columbia to pay to the janitors of the Franklin, Sumner, Jefferson, Seaton, Curtis, Randall, Abbott, and John F. Cook school buildings the amounts withheld from the pay of said janitors on account of quarters in said buildings during the fiscal year 1880, from which quarters they were removed for sanitary reasons after the appropriations for said year had been made, $1,344, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1178, to insert:

For the purpose of enabling the Commissioners of the District of Columbia to complete the investment of the 10 per cent. retained under the contract for the construction of the first section of the Boundary street sewer, a sufficient sum is hereby transferred from the money paid into the Treasury for the year 1881, and made applicable to the year 1879.

The amendment was agreed to.

Mr. INGALLS. Does the Senator from Maine desire to have the committee amendments first acted upon? I should like to offer an amendment at the close of the District appropriations.

Mr. HALE. We are running through with the amendments of the Committee on Appropriations.

Mr. INGALLS. Very well; let the reading proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Miscellaneous," after line 1197, to insert:

To pay Thomas J. Hobbs for disbursing the appropriations for the construction of the National Museum building, under appointment of the Secretary of the Treasury of March 28, 1879, $250.

The amendment was agreed to.

The next amendment was, after line 1202, to insert:

To pay John S. Williams, of the General Land Office, for extra services in compiling and supervising the Biennial Register for 1879, $200: *Provided*, That hereafter no extra compensation shall be allowed any officer or clerk of the Interior Department for compiling the Biennial Register.

The amendment was agreed to.

The next amendment was, after line 1208, to insert:

To pay General M. C. Meigs for expenses incurred for drawings and advertising under the provisions of the sundry civil act for 1882 relating to a new Pension-Office building, $306.19.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "War Department, claims allowed by the Third Auditor and Second Comptroller," in line 320, to increase the item "for incidental expenses of Quartermaster's Department for same period" from $2,096.09 to $2,296.09.

The amendment was agreed to.

The next amendment was, in the same section, under the head of "Navy Department, claims allowed by the Fourth Auditor," in line 383, to increase the item of appropriation "for pay of the Navy prior to July 1, 1879," from $19,692.20 to $20,343.78.

The amendment was agreed to.

The next amendment was, in section 3, after line 81, to insert:

Interior Department:

For pay of Indian agents, 1879 and prior years, $492.97.

For contingencies of Indian Department, 1879 and prior years, $46.

For incidental expenses of the Indian service in Arizona, 1879 and prior years, $180.

For incidental expenses of the Indian service in Nevada, 1879 and prior years, $83.40.

For support of Apaches, of Arizona and New Mexico, 1879 and prior years, $1,280.89.

For telegraphing and purchase of Indian supplies, 1881, $39.

The amendment was agreed to.

The next amendment was, in the same section, under the head of "Claims allowed by the Third Auditor and Second Comptroller," after line 134, to insert:

For Army pensions, 1879 and prior years, $500.90.

The amendment was agreed to.

The next amendment was, in section 5, after line 4, to insert:

To pay D. F. Murphy, Official Reporter of the Senate, for extra services and for clerk hire paid out by him, $1,000, for the first session of the Forty-seventh Congress.

Mr. HALE. I move in section 5, line 5, before the word "to," to insert "and," to precede the committee's amendment, and to strike out the period at the end of the House section. That puts the two clauses for the reporters of the two Houses on the same footing, so that the whole section as to both will be before the committee of conference striking out the period.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That amendment will be agreed to if there be no objection. The question is on the amendment as amended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was to strike out section 6 of the bill, in the following words:

SEC. 6. That in all cases in this act where the year for the use of the appropriation made is stated, for instance, the year "1881," it is intended to indicate the year ending June 30, 1881, and the same with any other year stated, it in all cases indicates the fiscal year. In all cases where no year is indicated it is understood that the appropriation is for the year ending June 30, 1882, for which deficiencies this act is principally intended.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear, examine, and determine all questions arising out of said claims and proposed allowances, and shall make and award in each case for services rendered, or supplies furnished, which, when received, shall be taken in full compensation of all demand whatsoever; that said board of audit shall issue a certificate, signed by each member of said board, setting forth the amount awarded to each person, and on account of what services rendered, or supplies furnished, and shall transmit said certificate to the Secretary of the Treasury, who shall cause to be paid to the several persons named therein, or their legal representatives, the amount so certified; and to enable the Secretary of the Treasury to pay said awards the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $52,500 in all shall be certified and paid for medical services and allowance; and in making said awards it shall be lawful for said board to make allowances to employés of the Government for extra services in amounts not exceeding three months of their current pay: *Provided*, That no claim shall be considered and no allowance shall be made by said board on or after January 1, 1883: *And provided further*, That the aggregate amount of awards made by said board shall not exceed the amount hereby appropriated.

Mr. VEST. I make the point on this section that it is not authorized by any existing law, does not come within the province of the Committee on Appropriations, and is general legislation. In addition to that, a spirit of comity would prevent us now from taking up this matter in view of the position of this claim, if it may be so termed, in the House of Representatives. On April 19, 1882, as I see by the paper I hold in my hand, a report was made in the House of Representatives—a majority report and a minority report. This matter has laid there in the House from that day to this. The minority of that committee have demanded and implored time and again that the matter should be taken up in the House of Representatives, but without avail. Not one particle of testimony has been offered, as I am informed, in regard to these claims; not one scintilla of proof has ever been made, and the extraordinary fact is presented to the American Congress and people that for surgical attendance upon a pus cavity, without ever noticing the wound which killed the President, we are now to pay $52,500 to a lot of physicians.

Mr. HALE. I suppose the Senator does not propose to go on and consider the merits of the claims of the physicians in making his point of order?

Mr. VEST. No, sir; I am not doing that; I am speaking simply of the fact that this matter is pending in the House of Representatives—I have a right to mention that—and that now it is presented here in the Senate without any proof whatever. But if the Senator wishes that the rule shall be strictly enforced I simply make the point of order.

Mr. HALE. Mr. President, setting aside every question there may be as to the force of the point of order raised by the Senator from Missouri, I ask him to consider for a moment before insisting on making it the desirability of Congress putting all of these matters appertaining to the last illness and death of the late President out of the way, so that they may be known to be disposed of entirely. The committee believed that instead of introducing upon the floor of Congress a discussion as to the merits of the physicians, as to the relative size of the bills that should be allowed to each, and all of the questions that would follow about the treatment of that great case, it was much better that a tribunal of suitable dignity should be chosen by Congress, to whom all of these matters should be sent for determination. The committee in casting about finally settled upon the two Comptrollers and the Treasurer, in the Treasury Department, the greatest officers in that Department next to the Secretary. These officials, made a board for determining all these questions, can receive all the claims, all the bills, and under a limitation fixed in amount can consider every question in whatever shape or form it may arise, and certify the result to the Secretary, and have the sums found due paid.

I, for one, am not desirous that all of the subjects-matter involved in the rivalry of physicians, the question who shall be paid the most, the question whether the attendance was worth so much or not so much, shall be settled by us and by the House of Representatives. There has been no desire on the part of the Committee on Appropriations to interfere with the special committee of the House of Representatives; but as the Senator from Missouri says, the whole matter has lain there for weeks and months and the session is in its waning days——

Mr. HOAR. I rise to a point of order. Is this a debatable question?

The PRESIDING OFFICER. Debate goes on by general consent.

Mr. HOAR. I object to it.

Mr. HALE. I had said all I wished to say. We have no desire to interfere with the House committee, but we want the matter settled at this session. I hope the Senator from Missouri will not insist on his point of order.

Mr. ALLISON. I want to say one word before the Chair decides the point of order, if I can do so.

Mr. HOAR. I do not object, of course, to any suggestion as to the point of order.

Mr. HALE. I only desire to speak to that.

Mr. HOAR. Very well.

Mr. ALLISON. This whole question was referred to the Committee on Appropriations by a proposition sent to it by the Senator from Vermont [Mr. EDMUNDS] in the early part of the session, and the committee of the Senate has just as much power to consider this question, having had the matter referred to it, as any committee of the House. It is certainly in order for us to propose an appropriation for this purpose; and that being in order, it is certainly in order beyond that to make a suggestion as to the method of auditing these claims, as they are not claims that can be audited in the ordinary course of the present method of auditing claims through the accounting officers.

The PRESIDING OFFICER. Will the Senator from Missouri state his point of order?

Mr. VEST. The point of order I make is that this is general legislation that has not been before acted upon by Congress, and does not come properly within the scope of a deficiency bill.

The PRESIDING OFFICER. That it is not relevant to the bill?

Mr. VEST. Not relevant to the bill, and there is no act of Congress authorizing it. It is just exactly like incorporating in this bill a private claim. It is a private claim, it is no deficiency, and there is no pretense that there is any deficiency in any Department of the Government for which it provides, but it is a claim of certain physicians, if you can call it a claim, for a gratuity from the Government of the United States for medical attendance, or what purported to be medical attendance, upon the wounded President.

The PRESIDING OFFICER. The Secretary will read Rule 29.

The Acting Secretary read as follows:

29. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received, nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and decided without debate, and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

The PRESIDING OFFICER. The rule requires that questions of relevancy shall be submitted to the Senate and decided without debate. The Chair submits that question to the Senate: Is the amendment relevant to the bill?

Mr. HOAR. Can there be anything irrelevant to a deficiency bill?

Mr. INGALLS. Is debate in order?

The PRESIDING OFFICER. The question of the Senator from Massachusetts is a question for the Senate to decide, not for the Chair.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. Senators in the affirmative who are of the opinion that the amendment is relevant to the bill will say "ay;" the Senators in the negative will say "no." [Putting the question.] The Chair is unable to decide by the sound.

Mr. HALE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. Will the Chair permit me to make a suggestion?

The PRESIDING OFFICER. It can be made only by unanimous consent.

Mr. HARRIS. Is not the question of order submitted to the Senate?

The PRESIDING OFFICER. It is submitted to the Senate by the rule.

Mr. HARRIS. Is it not debatable when submitted to the Senate?

The PRESIDING OFFICER. Not under Rule 29.

Mr. VEST. The first objection which I made has been passed over by the Chair, and that is that this amendment is general legislation. The first point I make in regard to the amendment being in order is "that no amendment which proposes general legislation shall be received to any general appropriation bill." This is general legislation, clearly and emphatically so; and I ask the Chair to decide upon that point, because if the Chair holds that this is general legislation it is unnecessary to submit the second branch of the subject to the Senate. I say that this is "general legislation."

The PRESIDING OFFICER. The Chair, having submitted the question to the Senate, will not decide any part of it, but will submit the whole question to the Senate.

Mr. WINDOM. What is the question submitted? Is it anything except relevancy?

The PRESIDING OFFICER. The Senator from Missouri raises the point that it is new legislation also.

Mr. WINDOM. Is that also submitted?

The PRESIDING OFFICER. That is also submitted.

Mr. WINDOM. The question of general legislation is debatable, is it not?

The PRESIDING OFFICER. It is.

Mr. WINDOM. I do not desire to debate it, but it occurs to me that this is not general legislation. Here is $75,000 appropriated, and all the committee do is to direct how that sum shall be disposed of. I think it has always been held on appropriation bills that where a specific sum is appropriated and the legislation merely directs how that sum for that year, not running through a period of years, shall be disposed of, it does not come within the rule. I can see nothing else in the amendment except a mode of disposing of the $75,000 which is appropriated by it.

Mr. HALE. So far from its being general legislation, does not the whole force and operation of it cease when this particular clause has been worked out under the bill?

Mr. WINDOM. Of course.

Mr. HALE. There is nothing left on the statute-book touching the allowance, or any other subject in the amendment, as it applies to nothing but this $75,000. It dies of itself after it is exhausted.

The PRESIDING OFFICER. The question is, is this amendment liable to objection under Rule 29, covering all the points?

Mr. VEST. That is, it is not germane.

The PRESIDING OFFICER. The Chair understands the Senator to raise all the points of order under the rule.

Mr. VEST. I understand that under Rule 29 the only question submitted to the Senate is the question of relevancy. The rule reads:

And all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

That is the only question the Chair can lay before the Senate. As to the question of its being general legislation, that cannot be submitted to the Senate under Rule 29.

The PRESIDING OFFICER. The Chair is obliged to submit the question of relevancy to the Senate, but the Chair has a right to submit any question of order to the Senate.

Mr. VEST. I understand, though, that the Chair is proceeding under Rule 29, and under that rule he now submits to the Senate the question of relevancy alone.

The PRESIDING OFFICER. The Chair submits all the points of order raised by the Senator from Missouri, unless any Senator desires to have them divided.

Mr. COCKRELL. Then it must be a debatable question.

The PRESIDING OFFICER. It is debatable under the modified objection of the Senator from Missouri, [Mr. VEST.]

Mr. VEST. I have stated already, as fully as I care to do, the authority for my objection that this is general legislation. There is no act of Congress which authorizes the appropriation of this money. The Senator from Minnesota says that a specific amount is appropriated, and therefore that it is not subject to the objection which I make. Mr. President, that is not the point. This appropriation is not to carry out any existing law, and that is the very essence and meaning of a deficiency bill. Where is the law which authorizes this appropriation? If the Senator from Minnesota is correct in his position, then under a deficiency bill Congress can provide for every claim that has come before Congress during the whole session. Is that the meaning of a deficiency bill? The very definition of "deficiency" is that there is an existing law and Congress has failed to provide the pecuniary means or instrumentality to carry it out and make it effective, and then under a general deficiency bill we provide for that defect.

Here is the very case provided for in Rule 29. The Committee on Appropriations bring in here not a deficiency, they bring in here a piece of legislation *de novo*, and I beg the Senators on the other side of this Chamber and upon my own side to put this case on no partisan ground; to look upon it as no partisan question. If the position of the Senator from Minnesota is correct, then the meaning of a deficiency bill is utterly destroyed as it has always been understood under the rules of Congress and in parliamentary proceedings. Where is the deficiency? To be a deficiency there must have been an object appropriated for and sufficient money not provided, and therefore a deficiency. Where is the law that made this appropriation? You might just as well bring in a bill for John Smith for horses, Tom Jones for wagons lost in the service of the country, never heard of before in the Halls of Congress, and tell me that is a deficiency, when no existing legislation has ever provided for it.

And, Mr. President, I want now and here distinctly to disclaim any sort of feeling in regard to this matter from a personal or partisan stand-point. If I know myself, I abhorred the assassination of the late President as deeply and sincerely as his most intimate political friends, but I have sincere convictions in regard to this appropriation. I am prepared to show that it is the most infamous piece of work, in my judgment, that was ever brought before the American people. I am prepared to show, as I believe, and I stand here now to show it if the opportunity is presented, that so far from being compelled to pay——

Mr. HOAR. Mr. President, I rise to a question of order.

Mr. VEST. Well, what is the question?

Mr. HOAR. The Senator is not at liberty to debate the merits of the appropriation.

Mr. VEST. I understood the Senators on the other side did debate the merits of the question, but I waive that.

The PRESIDENT *pro tempore*. The present occupant of the chair was not in when the debate began.

Mr. VEST. Very good. Then, Mr. President, I have no disposition to trespass upon the patience of the Senate or any rule of the Senate. I simply ask the Chair now whether in the first place the Chair will submit to the Senate the question of whether this is general legislation or not? The question of relevancy under Rule 29 is to be submitted to the Senate, but it is for the Chair to decide whether this is general legislation or not within the meaning of the other rule, and I ask the present occupant and the regular occupant of the chair to make that decision.

Mr. HAWLEY. Allow me to ask the Senator's attention to a decision under both Rule 30 and Rule 29. Rule 30 is that which says:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The Senate had under consideration a similar bill.

The Senate having under consideration the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government, &c., on the question to agree to the reported amendment, (to refund to the city of Baltimore certain moneys,)

A question of order was raised, namely: That the object of the amendment was to provide for a private claim, and was not in order under the thirtieth rule.

It seems to me it is quite analogous to the pending question.

The Chair submitted the question to the Senate, Is the amendment in order under the thirtieth rule?

It was determined in the affirmative—yeas 37, nays 15.

A second question of order was then raised, namely: That the amendment proposed general legislation to a general appropriation bill, and was not in order under the first clause of the twenty-ninth rule.

The Chair submitted the question to the Senate, and it was decided that the amendment was in order.—*Senate Journal*, third session Forty-fifth Congress, page 416.

In this case, though there may be conflicting precedents, I propose, and especially that I may avoid the kind of discussion intimated by the Senator from Missouri, to give the benefit of the doubt in favor of the amendment reported by the committee.

The PRESIDENT *pro tempore*. The Chair has no doubt about the point raised. This is "general legislation," clearly and unmistakably.

Mr. HOAR. I understood that the predecessor in the chair of our President had already submitted that matter to the Senate, and it is now pending before the Senate.

Mr. ALLISON. The yeas and nays have been ordered on it.

The PRESIDENT *pro tempore*. He submitted the question of relevancy to the Senate.

Mr. HOAR. Both questions had been submitted distinctly as one point by the Senator from Rhode Island [Mr. ANTHONY] when in the chair, and the yeas and nays were called on it and ordered.

The PRESIDENT *pro tempore*. Very well, then, the Chair will not make any decision.

Mr. HOAR. I desire to call the attention of the Senate and of the Chair to the fact that a mere provision for a private claim which begins and ends so that no law is in force after this is exhausted has never been held to be "general legislation" in the Senate; and the precedent cited by the Senator from Connecticut is to that effect.

The PRESIDENT *pro tempore*. The Chair himself has no doubt on that point; but if it was submitted, the sense of the Senate will be taken.

Mr. HAWLEY. That identical point was decided 37 to 15 in the Senate in the Forty-fifth Congress.

Mr. VEST. Yes, sir; the Senate generally decides what it wants on questions of order. This rule is clear and explicit. If the present occupant, the regular Presiding Officer of the Senate, sees proper to submit it, well and good.

The PRESIDENT *pro tempore*. The Chair submits it because it has been submitted already.

Mr. VEST. I understand.

The PRESIDENT *pro tempore*. The Chair himself would have no hesitancy in deciding it. The Secretary will call the roll.

Mr. COCKRELL. What are we to vote on?

Mr. HALE. The question submitted was, as I believe, Is the amendment in order under Rule 29? That is all we are voting upon, as I understand.

Mr. COCKRELL. Under that rule we cannot vote on the question of whether this is legislation or not.

Mr. ALLISON. The point to be voted on is whether the amendment is in order under rule of the Senate.

Mr. HALE. Under any rule, whether the amendment is in order.

Mr. HARRIS. The question is, is the amendment in order under the rules of the Senate?

Mr. HOAR. That is it.

The PRESIDENT *pro tempore*. That is the question. Is the amendment in order under the rules of the Senate? That broadens it so as to apply to any rule.

Mr. BECK. Let me ask, do not those who believe it is general legislation, and, therefore, not in order, vote "nay?"

The PRESIDENT *pro tempore*. Yes; and those who believe that it is not relevant to a deficiency bill vote "nay." Those who think it is in order will vote "yea."

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER, (when Mr. CALL'S name was called.) I was requested by the Senator from Florida [Mr. CALL] to state that he is unavoidably absent from the Senate and he is paired, but I do not now remember with whom.

Mr. CAMERON, of Wisconsin, (when his name was called.) The Senator from Mississippi, [Mr. GEORGE,] who is absent by order of the Senate, requested me to pair with him. I am paired with him on this and other questions.

Mr. PENDLETON, (when the name of Mr. JONAS was called.) The Senator from Louisiana [Mr. JONAS] requested me to announce that he is paired to-day with the Senator from Minnesota, [Mr. McMILLAN.]

Mr. MILLER, of California, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. JOHNSTON, (after having voted in the negative.) I withdraw my vote as I am paired with the Senator from Pennsylvania, [Mr. MITCHELL,]

Mr. McMILLAN. I am paired with the Senator from Louisiana, [Mr. JONAS.]

Mr. ALLISON, (after having voted in the affirmative.) I am paired with the Senator from Georgia [Mr. BROWN] on general questions. I am advised by the Senator from Alabama [Mr. MORGAN] that I ought to be regarded as paired on this question, and I withdraw my vote.

Mr. BUTLER. The Senator from Florida [Mr. CALL] is unavoidably absent, and I understand the Senator from New York [Mr. MILLER] is also absent; I have therefore paired Mr. CALL with Mr. MILLER. As already announced, the Senator from Georgia [Mr. BROWN] is unavoidably absent, and is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. BECK. My colleague [Mr. WILLIAMS] is necessarily absent to-day. He is paired on all questions with the Senator from Nebraska, [Mr. SAUNDERS.] My colleague would vote "nay" if he were here.

Mr. CONGER. My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. HILL, of Colorado, (after having voted in the affirmative.) I am paired with the Senator from Nevada, [Mr. FAIR.] I forgot it, and now withdraw my vote.

Mr. GARLAND, (after having voted in the negative.) I am paired with the Senator from Vermont, [Mr. EDMUNDS,] and I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

The result was announced—yeas 20, nays 19; as follows:

YEAS—20.

Aldrich,	Conger,	Hoar,	Rollins,
Anthony,	Dawes,	Kellogg,	Saunders,
Blair,	Frye,	Mahone,	Sawyer,
Cameron of Pa.,	Hale,	Morrill,	Van Wyck,
Chilcott,	Hawley,	Plumb,	Windom.

NAYS—19.

Bayard,	Davis of Illinois,	Jackson,	Pugh,
Beck,	Gorman,	Jones of Florida,	Slater,
Butler,	Grover,	Maxey,	Vest,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

ABSENT—37.

Allison,	Garland,	Lamar,	Ransom,
Brown,	George,	Lapham,	Saulsbury,
Call,	Groome,	Logan,	Sewell,
Camden,	Harrison,	McDill,	Sherman,
Cameron of Wis.,	Hill of Colorado,	McMillan,	Vance,
Davis of W. Va.,	Hill of Georgia,	McPherson,	Voorhees,
Edmunds,	Ingalls,	Miller of Cal.,	Williams.
Fair,	Johnston,	Miller of N. Y.,	
Farley,	Jonas,	Mitchell,	
Ferry,	Jones of Nevada,	Platt,	

The PRESIDENT *pro tempore*. The Senate decides that the amendment is in order. The question is on the adoption of the amendment reported as section 6. Those in favor of it——

Mr. VEST. Mr. President, I do not propose that this provision shall go through without debate, in this sort of fashion, if I can help it. As I was about proceeding to say when Senators on the other side raised the question of order in regard to general debate, I can with perfect propriety refer to the legislative record of the other branch of Congress as to matters in the past regarding legislation. I find that on the 19th of April, 1882, a majority report of the select committee to audit the expenses of the late President James A. Garfield's illness and burial was submitted to the House. Here was a special tribunal organized by the House of Representatives for the purpose of disposing of this question. The minority report of the committee was filed at the same time. These papers have remained upon the Speaker's desk of the House of Representatives from that day until this, when for the first time any debate is permitted on this question in the Senate.

Mr. President, in view of the extraordinary circumstances attending the death of the late President of the United States, I know how liable to misconstruction and to hostile criticism is anything that may come from a Democrat on that subject. I am prepared, however, to leave to history, to the cool and unbiased judgment of the American people, whether the Democratic party, directly or indirectly, contingently or in the most remote possibility of imagination, can be held, except in sheer malice and absurd hatred, to be at all responsible for that terrible event. Therefore, as a representative of a State, I shall discuss this question in my representative capacity freely, earnestly, and openly. I intend to do no injustic to the gentlemen whose claims are presented now for the first time for discussion before the Congress of the United States. I have no personal acquaintance with any of them. I know neither their political, their social, their religious, nor their personal affinities; but here, as a Senator of the United States, disposing of the people's money, at the close of a session, it is my duty to speak frankly, and I shall do so.

Mr. President, if anything is established by human testimony, if anything is creditable in regard to this case, it is that the late lamented President of the United States was—I will not use the word "butchered"—but unquestionably malpractice was had upon him in his last illness preceding his death. It is admitted by the medical authorities who had charge of the case, and the autopsy put it beyond any sort of question, that he was treated for a pus cavity, while the wound which hurried him to the grave never for a moment came under the attention of those eminent surgeons. I allude to this in no spirit of malevolence; but I allude to it as a matter of legitimate discussion to show that these gentlemen from a medical and scientific point of view are not entitled to the enormous fees

which they now bring as a claim against the Government of the United States.

I do not put this question upon grounds of legal technicality or obligation. I represent the people of my great State when I say that they want no higgling; they want no penny policy in regard to the payment of these expenses; but I want as an honest man to put this claim as I would put any other claim, upon the basis and principle of ordinary justice between man and man or between the citizen and the Government. If this claim was presented in a probate court against the estate of James A. Garfield, (which is the tribunal where it ought to be adjudicated,) what Senator on this floor would stand up and say this is not an exorbitant, enormous, and oppressive charge? And, Mr. President, when we consider the fact that the principal recipient of this bounty, (whom I do not know, as I have said before,) for it is nothing else than a bounty from the Government, was a volunteer in the case, that he came here under no contract, that he got into this case, if human testimony is to be believed, against the will of the President and the will of his family, then, by all rules and principles of justice and right, scrutiny should be made of a claim so enormous and so disproportioned to the services rendered. On the table of the House of Representatives now are two letters from the highest surgical authority in the United States, not excepting the eminent gentleman who attended upon the death-bed of the President, Dr. Gross and Dr. Sayre. In these letters they announce the true principle which should govern the adjudication and settlement of this question. They say that if this great life had been preserved to the Government, if God had blessed great skill on the part of the surgeons and had given to the people of the United States their chosen Chief Executive, then an exceptional case would have been instituted under the laws of medical practice, and millions of dollars would not have attested too much the gratitude of a great people for the preservation of a great life.

But when that life was lost in defiance of ordinary skill—I say so deliberately—when for eighty days this heroic sufferer was physicked, and leeched, and probed, and lanced, while the bullet's flight was not known to these physicians, it is not right, justice, or reason to come here and ask for fifty-odd thousand dollars for such practice as that. Sir, if a countryman had been knocked down in a country neighborhood and treated by a country doctor in this way, a jury of the country might have been called upon to attest whether it was manslaughter or not.

Mr. President, I made the statement that the principal physician in this case was a volunteer. Will the Secretary be kind enough to read what is not contradicted, and what comes from the most intimate personal and medical friend General Garfield had upon earth, and from the devoted and loving wife upon whose bosom his dying head was pillowed; and if that authority is not sufficient to enforce the statement I do not know what can do it.

The Acting Secretary read as follows:

[New York Tribune of April 26.]

MENTOR, OHIO, *October* 14, 1882.

This certifies that on or about August 8, 1881, the late President, James A. Garfield, made the following statement to me in presence of Mrs. Garfield, namely: That Dr. J. H. Baxter had been his physician for many years, and that he still considered him as his physician. He also stated that he had no knowledge of ever having placed himself under the professional care of Dr. D. W. Bliss, and he did not believe Dr. Bliss had ever spoken one word to him upon the subject.

Mrs. Garfield stated at the same time that she had never been consulted by Dr. Bliss upon the subject, and had no knowledge of the President having chosen Dr. Bliss as his attending surgeon.

S. A. BOYNTON, *M. D.*

Indorsed as follows by Mrs. Garfield:

MENTOR, OHIO, *October* 24, 1881.

I have read the statement of Dr. Boynton made to-day, and will say that it is entirely correct.

LUCRETIA R. GARFIELD.

DR. BLISS'S OWN STATEMENT.

[Testimony in the Guiteau trial, November, 19, 1881. Dr. Bliss under cross-examination by Mr. Scoville.]

Question. Who called you to attend this case?
Answer. The Secretary of War sent for me.
Q. When?
A. At the time of the shooting; within a few minutes after it his carriage came for me.
Q. Did you find any physician there when you arrived?
A. Yes, sir; I did. There were two physicians.
Q. Who were they?
A. Dr. Townshend and Dr. Purvis.
Q. After the President was removed to the White House who then requested you to stay or to take charge of the case, if any?
A. Do you mean the day of the shooting?
Q. Yes.
A. There was nothing said about it that day.
Q. When was there anything said about it?
A. The next morning.
Q. Who then made such a request?
A. The President.
Q. Any one else?
A. No one else. Mrs. Garfield and the President and myself were together.
Q. That was all?
A. That was all.

Mr. VEST. I leave that testimony to be determined by the credibility of the gentleman who makes this claim, by the wife of General Garfield, and by the statement of his most intimate medical and personal friend, and I think I am authorized by these facts, in stating that Dr. Bliss, the principal recipient of this bounty, was a volunteer in the case, and that he is entitled simply to payment on a *quantum meruit*, and upon that basis and that alone.

Mr. President, there is a remarkable similarity between the amounts appropriated in the majority report of the House committee and in the amendmet now pending before the Senate. In the report of the majority of the committee of the House of Representatives, which has lain upon the table there since April the 19th, Dr. D. W. Bliss receives $25,000, Drs. Hamilton and Agnew $15,000 each, Drs. Reyburn and Boynton and Mrs. Dr. Edson $10,000 each, making a total for professional services of $85,000. In the amendment offered by the Committee on Appropriations is the provision that "to enable the Secretary of the Treasury to pay said awards the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $52,500 in all shall be certified and paid for medical services and allowance."

Mr. COCKRELL. If my colleague will permit me, the difference between the amendment of the committee and the House provision is the difference between $52,500 and $85,000.

Mr. HALE. If the Senator will allow me, the difference upon this simple matter of allowance to physicians in attendance, including all of them, is $33,000.

Mr. VEST. I understand, and I violate no logical propriety when I state that every dollar of this $52,500 will be found to be due. In my brief legislative experience in State and national affairs I have never known a provision of this sort in which the auditing board did not come up to the amount fixed by the legislative jurisdiction. I have never known them to pay back into the Treasury, or rather to fail to give to the recipients of the bounty of the legislative tribunal, one cent less than that tribunal authorized to be paid. While this provision is not mandatory, it is a legislative suggestion.

Mr. HALE. The Senator knows that there are other claims incident to this affair not covered by medical or surgical attendance, and that those other claims would swamp all the balance that there is of the appropriation over and above the $52,500.

Mr. VEST. I suppose, so; it will all be "swamped," to use the expression of the Senator. It is a swamping process in every view of it. Let me read the provision again:

And to enable the Secretary of the Treasury to pay said awards the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $52,500 in all shall be certified and paid for medical services and allowance.

What the award will be is one thing; what the deficiency will be at the next session of Congress is another. If these gentlemen see proper to make an award of $150,000 or $200,000, as a matter of course at the next session of Congress we shall hear that the Congress of the United States would be deficient in every element of patriotism, in every instinct of personal propriety and national decency, if they did not appropriate the last dollar which was found by this tribunal to be due to these gentlemen.

Mr. HALE. Does the Senator from Missouri really believe that, under this limitation, as clearly and definitely fixed as human language can make it, any awards would be made by the tribunal created by this amendment for medical and surgical services and attendance to a sum exceeding the $52,500? Does the Senator believe that there is any danger of any such award?

Mr. VEST. I should not be surprised at any such award. I notice that the last portion of the section reads:

And provided further, That the aggregate amount of awards made by said board shall not exceed the amount hereby appropriated.

Mr. HALE. If the Senator has any doubt, I ask him by the invocation of all the devices in the use of human language, of which he is expert, to submit some language for this amendment that shall be so qualified in its limitation that it cannot be got around. I cannot do anything more than what is put in the bill. I ask his assistance to make it clear.

Mr. VEST. As I regard the sum of $52,500 most enormous, outrageous, and excessive, I shall certainly be a party to providing no limitation by which that amount even could constructively be allowed to these gentlemen.

There is, to make this matter short, but one criterion of common justice and of plain equity by which the whole matter should be settled. It can do Garfield and his glorious memory no good, especially in view of the testimony which the Chief Clerk has read, to pay these claims out of the Treasury of the people who loved him so well. It can illustrate no virtue of his, public or private. It is a plain question of dollars and cents now upon the record made by these physicians in their claim against the American people. No glamour, no necromantic touch of rhetoric can disguise or hide the facts in this whole case as they have passed into history.

Mr. President, I say there is but one criterion by which justice can be done in this claim. The laws of the land provide tribunals in which to adjust all claims for medical attendance against the estate of a dead man. If this claim were presented in a probate court what Senator upon this floor would dare to say that it would not be thrown out of court as outrageous and oppressive? For eighty days' attendance Dr. Bliss, this volunteer physician, according to the testimony, (I make no statement outside of the testimony of Garfield's own family,) is allowed $15,000. If he were allowed $100 a day it would be an enormous charge, a charge which would be equivalent to the services of the most eminent surgeon in the whole country, accord-

ing to Dr. Gross and Dr. Sayre. For the eighty days he would receive $8,000—I say nothing of the other fees, because Dr. Bliss stands out in bold relief as the principal party and the principal claimant in this transaction—$8,000 for eighty days' attendance, when the wound that took the life of the dying President was never for one instant attended to by these physicians.

There is another aspect of this case of which I choose to say but little. In the papers of the time and of the city of New York, (and the original papers can be had if there is any question in regard to the statement,) painful as it is, outrageous almost beyond belief in the enormity of the statement, which was publicly made—and the *fac similes* are published, and the originals are in existence in this Capitol—the life's blood of Garfield was peddled out upon the bricks of Wall street in order to make money in stocks; and while the public bulletins declared one thing the cipher dispatches to brokers in the city of New York, signed by the son of Dr. Bliss, contradicted those bulletins, and the stocks ebbed and flowed with the life's blood of the President of this great nation.

Sir, is it possible that the American people, with such a charge as that publicly made, openly stated, with the originals, as I have said, in existence in this Capitol, will pay this enormous fee of fifty-odd thousand dollars, of which $15,000 is to go to one individual? I know not what the explanation is. I care not what it is. I know simply that the charge has been made, and that it ought to be investigated in order to preserve the honor, the dignity, the sacred instinct of the American people forever to be associated with this horrible death and the sufferings of this heroic martyr.

I leave it to those who press this claim to say how far that investigation shall be had. I simply say now that if this claim were put before any probate tribunal in this broad land, $100 a day, with the highest degree of skill, with the most eminent science, with the most assiduous nursing, with the most careful scrutiny on the part of the physician, would be considered not only a liberal but almost an exorbitant fee. Is it said that this gentleman gave up his professional practice, and therefore he must be compensated not only for his loss of time and for his labor, but for the loss of practice? To-day he stands upon a pedestal, so far as making money out of his profession is concerned, which never could have been obtained by him except for the peculiar position which he held as the confidential and almost sole medical attendant of the President during those long and trying hours.

Mr. PLUMB. Does the Senator from Missouri think that that ought to be taken into account in settling the compensation?

Mr. VEST. I think it ought to be taken into account if it is also taken into account that he lost any of his practice by reason of becoming the attendant of the dying President. Let one go with the other.

Mr. PLUMB. It seems to me that the Senator is jumping the stile before he comes to it. Is anybody saying here that the person he has named is to have any particular compensation? Is not all that question remitted to the board to be constituted for that purpose, and is the Senator warranted in saying that that board will not take into account all things proper to be taken into account regarding this person as well as the other persons connected with the illness of the President?

Mr. VEST. My friend from Kansas, for whom I have very great respect, knows full well that $52,500 will be given by this tribunal to these physicians, and that the larger portion of it in the medical department will be given to Dr. Bliss. It is useless to spend words about that; it is a self-evident proposition; there is no question in regard to it. Dr. Bliss has figured in the public prints, both at his own instance and in the comments made by the public, as the principal physician in the whole case from beginning to end. By the report in the House, which is, permit me to say respectfully, the substratum of the amendment now offered in the Senate, he would receive the lion's share of this bounty, the enormous sum of $25,000.

It is mere quibbling, I say respectfully to the Senator from Kansas, to assert that I have jumped the stile before I have come to it. All this matter has been discussed; all of it has been criticised and commented on by the public, and the argument to which I alluded, desiring not to trouble the Senate more, has been made again and again, that Dr. Bliss deserves this enormous gratuity because of the sacrifice of his private practice in obedience to the commands of duty at the bedside of the President.

Mr. PLUMB. Why does the Senator from Missouri call it a gratuity?

Mr. VEST. Because there is no contract. It is simply a gratuity on the part of the American people, and the proper way in which to bestow it would be to let these gentlemen prove their claim. Let them prove it before a probate court and against the estate of James A. Garfield, and whatever that probate tribunal allows, I pledge myself, first and forever, now here, to vote that amount in order that that estate shall be held free and harmless from it.

Mr. PLUMB. Would the Senator rather vote the sum awarded by a probate court in the State of Ohio than that awarded by officers of the United States Government after passing upon the claims?

Mr. VEST. Yes, sir; a hundred times over. No tribunal in the District of Columbia for me on claims of this sort.

Mr. PLUMB. That rather seems to argue against the officers of the Government.

Mr. VEST. I do not choose to go into any personal discussion, but you can discern in the air what this award would be. The Senator knows, and I know, what the surroundings are and the influences in this District and around this Capitol as to claims against the Government, especially a claim like this. I do not choose to go into that, although I shall do so if necessary to substantiate the proposition that every dollar in this bill of $52,500 will be exhausted by the award of that tribunal.

Why is it that the claim of these physicians should not go before a probate tribunal, as the claim in the case of any other dead man? Why is it that here now, without proof, without anything except an amendment put on an appropriation bill, this question is taken away from a committee of Congress and sent to a few officers of the Departments who can pursue their own mode, make an *ex parte* examination if they choose to do so, never cross-examine a single witness; being no court under the safeguards of the law or the practice of the law, but an irresponsible tribunal, subject to all the influences which can be so subtly used in cases of this sort by an ingenious and talented claimant? I say these physicians are no better and no worse than the average claimant who comes to the Treasury of the country demanding relief.

What safeguard is there for the Government in the adjudication of this case? Who represents the Government? What law binds the officers named; what rule of testimony? They take the case and make the award; the money goes from the Treasury of the people up to a certain amount as certainly and irrevocably as I stand here to-day.

Mr. President, not one scintilla of testimony was taken by the committee in the House of Representatives, not one particle of proof, legally speaking, to show that Dr. Bliss ever administered a single draught to the dying President, or ever used a probe on that pus cavity. This report was made, I am authorized to say, "out of hand," to use a Western expression, without one particle of testimony in regard to it.

We are told by the Senator from Maine, "Hush; tread quietly and silently near the grave of Garfield; we want no examination." Sir, I deny that a claim like this touches the memory or the ashes of the dead President. I have my convictions in regard to his treatment, which are such that I would absolutely refuse to give any such amount to these people for any such service. If in the practice of my own profession I had tried a case and tried the wrong issue from beginning to end, withered be my arm and palsied my tongue if I should ever stand up and ask $15,000 or $50,000 for such a blunder.

It is no question of poultice and pill and injection; it is a question of material handling and physical evidence; for I say the surgeon who does not know the structure of the human body, and who treats one part when the wound is in another, is like the carpenter who knows not cellar from garret, or the shipwright who knows not the mast from the hull. He is a quack. I do not care what his evidence on paper is; there is no excuse for it. For eighty days James A. Garfield lay and sweltered and agonized and suffered. Bulletin after bulletin went to the anxious hearts and ears of the American people. "We probed the wound; we have found the bullet; the electric machinery responds under the great laws of nature until we have located the bullet to a hair's breadth;" and he died with the far-off look in his eye across the dim and distant ocean, and the autopsy showed that they never came within a foot of the bullet, and that they doctored and probed and lanced the pus cavity for eighty long days, and the amendment proposes to give over $50,000 for this exemplification of scientific skill. Sir, I shall not do it, for one.

Mr. HALE. Mr. President, I am not responsible for going into this field of the past and opening up the subject-matters which roll so freely from the tongue of the Senator from Missouri. I have no such desire, and the Committee on Appropriations have had no such desire.

There are some things that it is fitting should be said here and now. To begin with, the committee has had jurisdiction of this subject ever since last December, when bills presenting it were introduced here and referred to the Committee on Appropriations, upon whose files they have remained since. Yet the committee was in no hot haste to act or to bring forth premature action before the Senate, because in the other branch of Congress a special committee had been raised to consider the subject, for the reason that there is no legal claim, there is no tribunal anywhere under the sun before which any man who furnished ice, or cooling apparatus, or any of the things that were necessary to make that precious life more comfortable in those dreadful days could present a claim to be paid.

There is no court, probate or otherwise, before which these claims could be presented as against the Government. Therefore, in accordance with, as I supposed, common consent and a general feeling throughout the country, not only were bills introduced here and sent to the Committee on Appropriations, which has charge of the revenues of the Government in their expenditures, but in the House a special committee was raised. The Committee on Appropriations has waited for action on the part of that committee till now in the waning days of the session the Committee on Appropriations sees that this subject-matter is likely to be given the go-by entirely, and that nothing is to be done, so that the legitimate claims upon the Government which every man, even the Senator from Missouri, will admit exists, are likely to be passed by without any provision being made for them, after the report of the special committee of the House

has lain upon the table for months, and there is no immediate prospect that it will be taken up. Therefore, the Committee on Appropriations has submitted this section of the bill as a quietus of this whole matter, taking it from the domain of discussion here, referring it to dignified and exalted officers of the Government, the three leading subordinate officers in the Treasury Department, to consider all of these claims.

I do not propose in any discussion here to be made the medium of the jealousy or spite of any man. If there be any man who believes that he did not have his part and parcel in attending upon the President in those last days, with him I have nothing to do. That is not a fit thing to be discussed here. Whether one man was kept out of attendance in the beginning, or another man was put in, is not a thing that we can deal with. That the President was struck down and that all hearts and all eyes turned to him, and that the occasion stood imminent where the most skillful services that could be invoked should be invoked, was admitted by everybody.

Mr. VEST. Will the Senator permit me a second? I hope I do not understand the Senator from Maine to say that I represent any disaffected physician here. I state now once for all that I have never directly, indirectly, by word of mouth, by letter, or in any other way had any communication with any physician on this subject. What I say here I say on my own volition and responsibility, and I simply know what is known to the public, and comment upon it as a public man.

Mr. HALE. What I wish to say, and was going to say when the Senator rose, was that the Committee on Appropriations has not been approached, either as a committee or through its individual members, by any of the physicians who are named in the House report, or by any who by chance might be considered as having any claim. I have heard no word from one of these men; not one of them has been to the committee; not one of them has rung at my door-bell; not one of them, so far as I know, has made out a bill and presented it to the Government. But the committee has recognized what I believe, whether the Senator from Missouri agrees with me or not, is a general expectation on the part of the American people that there shall be proper compensation made for the long days and the long nights, the unceasing vigils, the attendance that never wavered, and the execution of the best skill that the physicians were capable of in that great case.

Does the Senator know that in any case in any way like this in any other country, where there has been great anxiety about a ruler in a monarchy or a president in a republic, whatever the result has been, whether the chances of life and death were at last cast in favor of life or death, the people always have recognized the services of the attending physicians? There was no end to the honors and emoluments and rank that could be conferred by the British people through its Parliament upon the physicians who attended upon George the Third in the days of his malady.

Mr. VEST. He recovered.

Mr. HALE. There also never was a time, if the Senator will go back to the records of those days, when he will not find that the British public was divided as to the skill or lack of skill bestowed upon that monarch.

The committee in dealing with this question has sought to avoid extravagance in the appropriation of the money of the people to pay these physicians. The report of the House committees provides that $85,000 shall be paid to Drs. Bliss, Agnew, Hamilton, Reyburn, and Boynton, and Dr. Susan Edson. The Committee on Appropriations, on such discussion and investigation as it was able to give to this matter, concluded that the sum was too large; that so much was not needed, and cut it down 30 per cent. or more to $52,500. It did not believe and does not now believe that the Senate or the House of Representatives is a proper tribunal to apportion and award that money to the different physicians. I do not think that the Senate is such a tribunal as should consider such questions, or that the House of Representatives is.

Mr. GARLAND. In view of an amendment which I expect to offer to this paragraph, I should like to ask the Senator from Maine a question right here, if it does not disturb the course of his argument. Upon what testimony or state of facts, if any, did the committee reach the conclusion that $52,500 should be paid these physicians, and that $75,000 would be commensurate with the entire amount of the claim?

Mr. HALE. So far as the claims aside from medical attendance and service go, the amounts were easily ascertained, because the bills have been filed. That disposes of the Senator's question so far as the balance above the $52,500 goes. The bills are all filed to cover that amount. So far as the $52,500 was reached by the committee, I am bound to say to the Senator that that was simply an expression of the judgment of the committee, because a limitation was needed and the committee did not think it suitable that this should be sent to a tribunal with no limitation.

Mr. GARLAND. I do not want to interrupt the course of the argument of the Senator, but I want to offer an amendment in good faith directly. Does the Senator remember now the entire amount of all the claims that were filed outside of the medical services? We have them here, I believe.

Mr. HALE. I have a memorandum here of just the whole amount. It is twenty-one thousand and odd dollars, aside from the doctors.

With this view, Mr. President—and I do not mean to occupy much time of the Senate—the Committee on Appropriations, to settle this matter, to end it so that it shall never be heard of again, has provided for this tribunal to hear the doctors and to hear any other testimony necessary to throw light upon the subject-matter. If the amendment prevails and this tribunal enters upon this work and makes its award and issues its certificates and the money is paid to the doctors and to the claimants I believe that the American people will be profoundly satisfied. I do not think that many men care to go back now to rake up and dig up any of the questions that arose by that death-bed.

The Senator from Missouri has concluded, I am bound to believe, from a profound examination and investigation, that the whole course of medical attendance on that dread occasion was a stupendous blunder. He may know that; he talks as if he does know it. I do not. I do not claim to be so profoundly skilled in the treatment of the human frame under such conditions as to set my judgment against that of those who give days and nights and who can have but one object, and that is to bring the sufferer out of danger into life instead of into death, and who never have from the earliest day down to the present time admitted that their whole course was what the Senator calls it, a stupendous blunder. But there is no good discussing that. There is no good in going back.

That these physicians gave attendance as faithful, as earnest, as laborious as men could do nobody doubts. That they were men who stood high in the profession and had gained a reputation by long years of illustrious services as great practitioners everybody admits. That they gave their time, day and night, to this great case the Senator will not deny. Notwithstanding his opinion that it was all a stupendous blunder, I believe that the American people generally to-day have the belief that the President, from the day when he fell in the station in Washington, was a doomed man and that it was beyond the power of human intervention to bring back that great life so fraught with the fortunes and destinies of the country. But whether that be so or not, what avails it that we here should bring these things up and discuss them? What boots it to any interest whatever that we should go and rake that over and bring it up and make it a part of the discussion of this question?

That the physicians are entitled to liberal, generous pay nobody will deny. That one man believes that the scale should be that fixed by the House committee, and another man believes that it should be that fixed by the Senate committee, and another man believes that it should be a lower scale, we are all aware; and how shall it be so well settled as by selecting three impartial men, who shall take this question into the retiracy of some room where all the testimony can be heard, and, giving such time as need be, shall bring out a result which shall be just and approved by the American people?

Mr. GARLAND. Mr. President, I desire to offer an amendment, two amendments, really. In lines 4 and 5 of section 6, I move to strike out the words "and the determination of all allowances," and in line 7, after the word "examine," to insert:

All of said claims and proposed allowances, and take the testimony in each, and certify the same, with all papers connected therewith, with their opinion as to the justice of each and all of such claims, to the President of the United States, to be by him laid before Congress at its next annual session.

And then strike out the remainder of the section. The amendments which I have suggested if adopted would make the clause read thus:

That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear and examine all of said claims and proposed allowances, and take the testimony in each, and certify the same, with all papers connected therewith, with their opinion as to the justice of each and all of such claims, to the President of the United States, to be by him laid before Congress at its next annual session.

The Senate has determined that the committee's amendment is not obnoxious to the objection that it is general legislation. Not believing in that decision, I however yield to it, and offer this amendment to make the section more perfect, and as I consider better adapted to the purposes for which the section is to be inserted in the bill. It is, as the Senator from Maine has stated, of course a delicate step, but of such is life made. It is unpleasant to see our friends and families sick, and to see them die; but still we have to submit to it, and we have to submit to paying the expenses of their sickness and their death and their burial. It will not do, in the hurried march of the events of human life, to linger long by the grave of departed friends. Probably we all do too much of that.

This is a business transaction at last, affecting the Government directly, affecting the interest of these claimants most directly, affecting the sense of justice of the civilized world, and putting to test that science that I call the remedial and curative science, the science of medicine.

It will not do, in my judgment, to undertake to settle these claims by half-way testimony or by no testimony at all. It will not do for us to jump at a conclusion in reference to this matter. If the late President had been a private citizen, or possibly anybody less than the President of the United States, these persons would have been compelled to have gone into the surrogate or probate court at the place of his residence to establish these claims, and as tender and delicate as the duty may be we must consider it in that light and in none other.

Mr. HOAR. I desire to ask, as the Senator has repeated what the Senator from Missouri said as to the law in Ohio, if claims against a perfectly solvent estate of a deceased person are prosecuted in the surrogate or probate courts?

Mr. GARLAND. I do not know.

Mr. HOAR. It is not the law with us. It would be a suit tried before a jury, like any disputed claim.

Mr. GARLAND. I do not know as to that. The jurisdiction may not be that in Ohio; I am not posted in that respect; but I am stating the general proposition. It would go into the court where the estate of Mr. Garfield would be administered in the first instance; that is all I meant to say; you may call it any term you please.

Mr. HOAR. It would be settled by a lawsuit against the executors.

Mr. GARLAND. The probate court in my State has jurisdiction of that kind of claim, with the right of appeal and trial by jury.

Mr. HOAR. It is not so in my State, and is not so in Ohio.

Mr. GARLAND. I hope the Senator understands the point.

Mr. VEST. In the Western States it would go before the probate court.

Mr. GARLAND. Yes, with the right of appeal to the circuit court; and in that controversy, whether it went into the surrogate's or probate or orphans' court, whatever you choose to call it, every question of legitimate defense would come up as to the length of service, the reasonableness of the bill, the competency of the person performing the service, and so on. The defendant would have the right to plead his set-off, his recoupment, or what not. He could claim any defect resulting from the want of attention, from malpractice, from mispractice, ignorance, or anything else.

As delicate as it may be, I do not propose to pass to a vote on this matter until I have testimony satisfactory to me upon those points. At the same time I want every person who administered to the President in his last illness, who cooled his brow or made him rest more comfortably, or who contributed to prolong his days upon this earth, paid every cent that in reason and law and justice he is entitled to receive.

I waive the question entirely that the minority of the committee of the House makes, that there is no law for paying for the medical attendance and the medical services performed for the late President. There is a point to be made upon that, but I do not choose to make it, and I waive it, that he being Commander-in-Chief, whether the doctors who belong to the Army were not compelled to wait upon him and attend him; but I do not care for that. I wish to pay them every dollar that they earned, but not one dollar more.

I asked the Senator from Maine, in the best of faith, by what criterion the committee reached the sum of $52,000 for medical services and allowances. When the committee comes here with these bills curtailed, there is established at once, to begin with, the opinion that some of these claims in some of their amounts are unjust and improper.

Mr. HALE. Does the Senator desire me to answer him now?

Mr. GARLAND. I said I propounded the question to the Senator in the course of his remarks, which he answered, as I understood him.

Mr. HALE. I thought the Senator was asking me for a more definitive statement.

Mr. GARLAND. No; I simply stated the question to which the Senator responded.

Mr. HALE. If the Senator will turn to page 5 of the report of the House select committee he will find that in making up their sum at the head of their list stands Dr. Bliss.

Mr. GARLAND. I have seen that, and I am going to refer to it in a moment.

Mr. HALE. I was going to tell the Senator that that report gives Dr. Bliss $25,000; Dr. Agnew $15,000; Dr. Hamilton $15,000; Dr. Reyburn $10,000; Dr. Boynton $10,000; Dr. Susan Edson $10,000. The Committee on Appropriations thought that that whole scale was too high, and taking that basis of $85,000 we cut the total down to $52,500, but of course the basis that we started upon in order to move from was that fixed by the House committee.

Mr. GARLAND. That is precisely upon what the amendment of the Committee on Appropriations is based. Here come six physicians, whom we wish to reward amply, and they claim $10,000 more than the entire amount of $75,000 limited by this section.

Mr. ALLISON. Will it disturb the Senator if I interrupt him?

Mr. GARLAND. Not in the least, because I want to get information.

Mr. ALLISON. As I understand all the facts to be, the physicians named in the House report absolutely disclaimed any pretense of presenting a bill. They made no claim to the House of Representatives, and expressly refused to make any claim for any sum whatever; so that there is no claim of any physicians in either House.

Mr. GARLAND. But where do the Senator and the committee come in possession of the items making the $75,000? That is like the man who went up to a bar when it was not permitted to sell whisky. He asked for a drink and took it, and said, "What shall I pay?" The barkeeper said, "We cannot take anything." The man replied, "I am very much obliged to you; I will not pay anything;" and he retired. Yet these parties are willing to take something, and I ask the Senator from Iowa the question, where does he get the items making $25,000, $15,000, $15,000, $10,000, and $10,000?

Mr. HALE. From the House committee's report.

Mr. GARLAND. Where did the House committee get them? I am at a loss to understand this matter. It did not fall out of the clouds; it did not spring like a vapor from the earth. There must have been an account presented somewhere or some time or other, and we want to know the facts.

Mr. HALE. If the Senator will read the House report he will find that in one portion of it they discuss the question of the great fees received by eminent physicians and surgeons in private cases, and they go on considering that in some cases physicians receive as much as $1,000 a day; and taking all of these things together, the importance of the case, its critical nature, and its responsibility, the House committee arrived at that scale.

Mr. GARLAND. Then I want to know the facts upon which that was done, because, *presto*, change, from one end of the Capitol to the other, here comes a committee that strikes down the allowances of the House committee and reduces the aggregate to but little over one-half what the House committee allowed for the leading physician. Where is the evidence? It is the facts I want to get at. I want to get at the facts on which the committees of both Houses have acted. If you can strike down the account of Dr. Bliss to nearly one-half, why may you not strike it all out? Why can you not, if you are going upon that ground, say you will give him only $10,000, and strike Dr. Edson down to $2,500?

This is a proceeding, confessedly by both the Senators, that must be based upon facts. It is the facts that we want. If these physicians have earned $25,000 apiece let them have it; if they have earned $100,000 let them have it; but no more. I am unwilling to slap these physicians in the face in this kind of style. Fifty-two thousand five hundred dollars of the entire sum is proposed to be paid to the physicians, when the House committee recommends the sum of $85,000. The House committee recommends claims for over $120,000, and the Senate committee brings the total down to $75,000. I want to understand the facts and the figures upon which that recommendation was based. Forty-five thousand dollars is now cut away from the amount.

Look where this is going to operate. Look where it is going to damage. It will probably not affect the large attendants, but here is a number of small claims for attendants and attention to the President in his last illness, upon page 6 of the report of the House. They have got to contribute their *pro rata* of reduction as a matter of course, and they will be the sufferers in the distribution of this money, but not the large claimants like the physicians.

Therefore I want this to go before a board simply to take testimony and send it to the Congress of the United States to pass upon. Congress is the only proper arbiter, in my opinion, under the laws and Constitution that can pass upon this case. There may be a long delay; it may be some time before it is completed; but let us do justice to all parties. At most the amendment reported by the committee makes the limit January, 1883, and we may have before that time the entire report in the hands of the President and laid before Congress, so that it may act upon it on the testimony and the facts in each case.

Mr. HALE. Will the Senator permit me to ask him a question about the first portion of his amendment? He moves to strike out in line 5 the words "all allowances," I understand.

Mr. GARLAND. I move first to strike out, in lines 4 and 5, the words "and the determination of all allowances."

Mr. HALE. Let me explain to the Senator why those words were put in. They were inserted for the very reason stated by the Senator from Iowa, that the physicians have declined to make out bills and present them against the Government. They say "we ought not to be asked to measure our services here; it is a matter of public repute; everybody understands it; and to ask us to measure ourselves and fix a scale is more than should be done." Therefore they do not present their bills, and the committee has put in those words in order to give the tribunal jurisdiction in cases where no bills are presented.

Mr. GARLAND. The explanation is not satisfactory, with due deference to the Senator, because the purport of my amendment is simply to make this a board of inquiry as to the testimony and the facts; to make it simply what you would be held down to under the law by the meaning of the word "audit," not that they shall pass judgment upon the question. When you send a claim into a court of equity to be audited, or when you direct an account in the administration of an estate to be audited, the finding of the auditor is not final; it is simply something upon which the chancellor or probate judge is to act. I want these gentlemen to audit first upon testimony, and then to send their auditing and their testimony to Congress, for Congress to say whether we shall pay it or not, and when and how it shall be paid. That is what I am after; and the action of the committee here makes it absolutely necessary, because we see that they take the report of the other House and cut it down $45,000 upon the entire sum. They are not satisfied with that, and I for one am not satisfied with the reason they present here for doing it.

Mr. COCKRELL. Does the Senator think our committee has made the amount too small?

Mr. GARLAND. The Senator from Missouri has asked me a very good question. I am sorry to say to him that I cannot answer it, because I have no facts upon which to predicate my judgment, and I do not believe the committee had any. The Senator from Missouri asked me if I believed the committee made it too small. I have no facts upon which to base a judgment upon that point, and therefore my judgment would be worth nothing; but I want to see whether the Senate committee did cut it down too much, and whether the House committee made it too large. I want to see just exactly the facts pertaining to this whole matter.

Public repute, as stated by the Senator from Maine, will not answer, because I say to him that if public repute is to figure in this matter and is to answer, the widow and children of Mr. Garfield ought to pursue those doctors to their graves to recover damages and every other remedy that may be placed in their hands by the laws of the land. That is my judgment upon it so far, but I withhold my judgment until I can get the facts upon which to base it.

One week before that man was carried to his final resting-place they said they had found the ball in his right groin, and used a term that I could not find in any medical dictionary that I hunted the town here for. When the ball was found it appeared, according to the size of the President, eighteen inches from the place they had located it. According to the telegrams at that time, if he had had sufficient strength they would have cut for that ball, but he lived only seven or eight days after that. If public repute is to settle the question as to these physicians, I vote not one dollar; yet I want to pay them. It is a crucible through which the testing of these questions must pass.

I waive the question, as I said, as to the law in regard to paying anything at all. I am willing to pay what is established as right and proper, but I am not willing to exempt these claimants from the ordinary law in the country requiring claimants to prove the justice or their claims. The dispatches that went out every day that the President was better to-day, and would be up to-morrow, that he would be around about the next day, only befooled the world, only gulled the unsuspecting and illiterate of the country. It was like the doctor who, when a young fellow had been thrown from his horse, went and examined him and reported to his mother in his medical way in reply to her question what was the matter with him. A neighbor came a little while after and said, "Mrs. Smith, what is the matter with Johnny?" She replied, "Oh, well, the doctor says, there is not much the matter with him; he has got a slight confusion of his abominable parts; that is all;" when the doctor had really told her that he had a slight contusion in the abdominal parts; and the poor woman lived and died not knowing any difference between the phrase she employed and what was absolutely stated by the doctor. This was the kind of public repute, this healthy and commendable pus that Garfield was discharging every day, and these telegrams that were befooling the country, these false hopes that were raised that to-day he was better and to-morrow he would certainly be up and about his business, that to-day he ate a little beef and it may be drank a little beef tea, and all that.

Mr. President, painful as it may be, this is business, and I want to make it business. If these doctors have passed through this crucible, and there is an attempt to fix any amount, I will vote every dollar they are entitled to, every solitary cent, but we cannot ascertain it except through a direct and legal investigation by some tribunal or other.

The two committees themselves stand as far apart almost as the two poles. They are wide asunder upon this proposition. According to the report of the House somebody is to lose $45,000 if we adopt this measure. How are you going to make that distribution without testimony? My amendment institutes a fair and legitimate inquiry for these claims to be presented to the board of audit and the testimony taken and sent to Congress at the next session, when it will be time for Congress to pass its judgment upon the claims.

Mr. HAWLEY. Mr. President, this is to me a painful discussion, an indescribably painful discussion, and I know it is to the great mass of the American people. The surgeons and physicians who had that case in charge had the profound sympathy of their professional friends and the good people all over the country; and they are entitled here at least in common charity to kind and courteous treatment. I insist that no man has any justification, in the evidence before the two Houses or anywhere else, for reflection upon their personal character or upon their motives. There have never been since the world of science began men more seriously and painfully and awfully anxious to do their whole duty than were all the men and women gathered about that bedside, and the electric wire quivered minute by minute with suggestions from all their professional brethren throughout the land who had a voice worthy of being heard.

I personally know but one of those gentlemen, and I must say a word in his behalf. I have known Dr. Bliss at least twenty years. He had a most extraordinary experience in the war. He had under charge, within sight of this window, the Armory Square Hospital, and sometimes there were three or four buildings filled with hundreds, and, at times, thousands of the most desperately-wounded cases brought up here from the Wilderness and Cold Harbor, and kindred fields. Going through those hospitals from day to day, which were all under his general command and direction, he was called on time and again, and was qualified if a man ever was, to perform great operations.

I do not pretend to discuss the skill displayed or the lack of skill in that dreadful time, but I do believe that the great mass of the profession throughout the world think these men pursued on the whole a course such as they would have pursued if they had been there. I believe the most eminent men in that profession in this country and the Old World are not now passing censure upon these gentlemen or alluding to them as unworthy members of the profession or blunderers in their treatment. I believe they have the charitable and respectful consideration of all the members of that profession everywhere.

A very painful point has been made here as to whether Dr. Bliss was entitled to be in the case or was lawfully employed. I do not discuss it for one moment. He was called there by the Secretary of War. He spent the whole eighty days by that bedside. At any hour or moment of all that time, day or night, he would have left that house never to return again upon the least suggestion of those in authority; nobody doubts it. He remained; he was allowed to remain; he was urged to be there; he was sent for at any hour of the day or night; he spent the whole time there; he wasted his strength and his constitution there. I am the last man to judge him harshly, nor will I sit by when his motives are improperly impugned.

I think the committee is entitled to thanks from the public in general for the reasonable and proper course it has suggested for us.

I beg that the amendment of the Senator from Arkansas may not be adopted. Who desires to have a volume of testimony brought in here covering the daily treatment of that case? Who desires that we shall open our technical arsenals here and talk about a *quantum meruit*, about the hours employed, the miles traveled, and bring in expert testimony as to the character of skill displayed by these men? I hope we may have an end of it. I hope this matter may go to a reasonable and proper tribunal, such as is suggested, and whatever the award is that we shall pay it. If any man has a secret belief that it might well have been $15 less or twenty-five cents more, I hope he will hold his tongue forever.

If the kind of discussion that we have had here is to go on in the Senate now, and to be renewed on the report of that board, and to be renewed again in the House, I beg this Congress to take the whole matter out of these Halls. Let us shut our mouths forever. We can easily go to some of the gentlemen of this land of means and beg a hundred thousand dollars to pay these claims and silence them, and have history close this chapter now. It cannot be a creditable one to the American Congress that this thing is made a matter of party strife or of personal abuse, or of continued investigation into that sacred grave. Let us come away from that body. Come away from it, and do not invite hungry pettifoggers to be thrusting their filthy fingers into those sacred bones. Let us have an end of this case.

Mr. HOAR. Mr. President, I wish to express my thanks to the Committee on Appropriations for the very judicious disposition which they seem to me to have made of this delicate and unpleasant matter. I understand there are two things which ought to be accomplished by legislation on this subject at this time. The first is the one which I understand the Senator from Missouri and the Senator from Arkansas do not desire to accomplish—I do desire to accomplish it and so, I believe, do the vast majority of the American people of all parties—and that is, that these claims shall not be presented to the widow or children of the dead President.

The Senator from Missouri thinks it would be fitting that these doctors and nurses and undertakers should go to Ohio and bring a suit against the executors: for that is, as I am told, the only remedy in that State, as it would be in mine; those executors being the widow of the deceased President and her brother. Now, think of it. Think of it, Senator from Missouri! Are you in earnest when you propose that these disputed questions which you have discussed shall be litigated by that lady and her brother before a tribunal in the State of Ohio? I believe that on reflection my honorable and generous friend would rather pay the whole claim out of his own pocket, if he were able to do it, than have such a thing happen.

The first and great object of this provision is that the expenses of this sickness and burial shall be defrayed by the American people, and that none of that distressed family shall ever be compelled to hear of them again. That is the first and the great thing that the committee do. The next thing to be accomplished is that the investigation shall be taken out of the public eye, and shall be taken from the two Houses of Congress, as unfit a tribunal as you can conceive to deal with such questions, and shall be referred to a tribunal of three officers, whose duty and practice it is to protect the Treasury and cut down exorbitant claims, with whom they will be entirely safe. I think the committee have acted wisely, if that were the only thing to be accomplished. These things ought to be got out of Congress, got out of the public consideration.

I desire, Mr. President, to move an amendment to come in at the end of the section which will make perfectly clear that the section accomplishes what I understand to be its great and principal object:

And provided further, That no claim shall be considered under this section unless the person filing the same shall file a release under seal of all claims against the representatives of the late President growing out of the said illness and burial.

Mr. INGALLS. Is that in order now? An amendment in the second degree is now pending.

Mr. HOAR. It is an amendment to a different part of the section.

Mr. GARLAND. The amendment that I offer strikes out all that portion of the section, and the question will come up first on my amendment.

Mr. HOAR. The vote will not be taken on mine until the Senator's is disposed of, of course.

Mr. SHERMAN. The only feeling I wish to express in this debate is a strong desire that this matter may be settled now without further controversy and without more discussion than is necessary. I believe with the Senator from Massachusetts that it would be very unpleasant and, I think, disgraceful to the American people to have these bills presented in the ordinary way against the executrix of the late President. She is in no condition to decide upon these matters. It would involve with her questions of peculiar delicacy.

Undoubtedly each of these parties, especially the physicians who were called in to attend the President in his last sickness, has a legal claim, not against the United States, not against the people of the United States, but against the estate of the deceased; and yet every one of us would be shocked if the people of the United States would not meet this claim and pay it, whatever it is. It would be disgraceful to our country to have this matter presented to the executrix with a view to have it diminish the estate of the deceased. President Garfield died in the service of his country, as much so as any soldier that fell in war. He was killed because he was President; he suffered because he was President; and therefore these expenses should be paid by the country just as the expenses of a battle-field are paid, and they should never be presented to the private estate of the deceased. I hope, therefore, that this will be settled now.

Upon one point I sympathize a little with the Senator from Missouri. I think the bills made out in favor of these physicians, not by them, are grossly exorbitant, and if presented against a private citizen they would be hooted at. I believe that the allowance made by the House committee for eighty days' service, or whatever was the time employed, is amply sufficient to pay the annual compensation of each one of these physicians, eminent as they may be; and I do not think it is exactly the thing either for us to allow or for these physicians to receive an extraordinary pay for this professional service.

I like the proposition submitted by the Committee on Appropriations. It refers this controversy to a tribunal that is impartial and fair, that will be just and liberal. These are the same officers that pass upon all claims against the United States. The two Comptrollers pass annually upon claims amounting to two or three hundred million dollars. They may, therefore, properly be left to decide finally this claim. They are independent officers, entirely independent of the President; they pass upon his pay as well as upon that of others; they are independent of the head of the Department to which they belong; they are men eminent in ability. These three officers therefore will probably render what would be the fair and average judgment of the American people, and whatever decision they make I hope will be final, never to be reported to Congress for revision, but paid out of the Treasury, published in the public expenditures, and closed forever. That is the only wish I have. It will be, as a matter of course, paid out of the public Treasury and reported in the general expenses of the Government.

If I voted for any amendment of this proposition I would vote to reduce the compensation allowed to the physicians to about one-half what is allowed by the committee; and that would be a higher pay than these gentlemen would receive in the ordinary course of their professional duties, although they live in the largest cities of the country. If anybody chooses to submit a proposition to reduce the amount of allowance made to these physicians I will vote for it cheerfully. I think an allowance of $25,000 would be liberal, giving to each of them a larger daily pay than he would actually earn in his profession either in New York, Philadelphia, or Washington. When you come to divide up the amount allowed to these physicians, or that would be included in the allowance of $52,500, it is a larger daily compensation than these physicians would receive anywhere practicing in the United States.

Mr. COCKRELL. Mr. President, I intend at the proper time to offer an amendment to reduce this $52,500 very largely. I did not catch exactly the suggestion of the Senator from Ohio. I think the amount ought to be reduced, and propose to offer an amendment to reduce it. How much was the amount the Senator from Ohio thought ought to be allowed?

Mr. SHERMAN. I should vote to allow them $25,000. I think that fairly divided among these physicians would be a larger compensation than they could possibly have earned in their profession if General Garfield had never been wounded by the assassin.

Mr. VAN WYCK. I desire to ask a question of the Senator from Ohio. From the nature of his remarks the Senator seems to have the impression that the sum fixed by this committee is to be the sum which this board are to allow, that the only power which they have is to divide the $52,500 as in their judgment may seem best. Now, do I understand that to be the intent and purpose of the committee, to fix the sum at $52,500 and the only power this board has is, not to adjudicate as to the amount of professional services, but merely to divide it according as their judgment dictates among the claimants? Is that the proposition?

Mr. SHERMAN. The allowance made by Congress under this section would be $52,500 for medical attendance on the President, and we know the natural effect of such an allowance by Congress would be to cause that sum to be divided among the physicians. When you fix a maximum in a bill, the accounting officers usually take that maximum as the sum to be allowed, although in some cases they do not. I have no doubt these commissioners would feel themselves instructed, as the amount is fixed at the sum of $52,500, to divide that sum among the different physicians.

As to the suggestion with regard to testimony, let me say that this is not a question of testimony. The Senator from Arkansas wants testimony in this matter. I hope these commissioners will not take any testimony at all. Every citizen of the United States able to read and write has got a pretty good idea of the nature and character of the services rendered. They cannot decide between the doctors on a controverted question, but all the facts are known; they are matters of history. We do not want proof, oral or written, to show a matter of history like the death of General Garfield, the circumstances that led to his death, his long sickness; they are engraven on the mind of every man and woman who is able to read, and every one has an opinion of his own. Every member of Congress is just as able now to fix a reasonable limit to the amount of money to be paid to these surgeons as he would be after hearing tomes of testimony, and probably is better able to do it.

I hope, therefore, and if I felt that I was justified by my position as a Senator from the State from which General Garfield came I would appeal to the Senate to settle this matter now, not to let it go into the settlement of his estate in Ohio. Under our laws in Ohio funeral expenses are the first things paid; they are required to be paid promptly, and that is the first disposition of the estate. The matter ought to be settled promptly by Congress. To allow it to remain open would only embarrass the settlement of the estate. We surely can decide the amount we are willing to allow. I do not believe that any of these surgeons will repudiate or refuse to receive the amount that may be allowed. None of them has claimed any money; they have all acted honorably. No man has ever mentioned the subject to me; I have never heard a word about it except in public debate; and I think the physicians by that course, if in no other way, have earned the respect of the American people in awaiting the action of Congress on this subject, and whatever that action is I have no doubt they will at once concur. Let us settle it now to-day, and then forever after dismiss this unpleasant subject from the debates of Congress and, if possible, from our recollections and thoughts.

Mr. PLUMB. Mr. President, I think this debate illustrates the wisdom of the proposition made by the Committee on Appropriations. The questions suggested by the Senator from Arkansas will be just as pertinent a year from now as they are now. We shall have just as much controversy next January as to the relative merit and actual merit of all these surgeons as we have now, and we shall never be in a better condition to settle it than we are now, because, as the Senator from Ohio well says, it is not to be settled by testimony at all.

If the Senator from Arkansas were called on to-day to say what should be a reasonable fee for arguing a case in the Supreme Court he would not want the testimony of a lot of attorneys as to what had been paid in some other case. He would know it himself and would state it himself, and would vote for the proper amount on his judgment as a legislator and a man.

Mr. GARLAND. I should have to know the facts.

Mr. PLUMB. The Senator from Arkansas would not have any more facts in that case than he has now in his head; than he has at all times with him for the purpose of discharging every duty that devolves on him as an attorney and as a legislator, and he would not ask it. If he were to get all the reports which could be made by comptrollers, by professional and by unprofessional men, he would never be any nearer a conclusion than he is now. In fact he expressed a very decided one a moment ago, which satisfied me that he not only does not need testimony but that he has made up his mind in advance of testimony.

Mr. GARLAND. Oh, no. I stated in answer to the Senator from Maine, who said that the public mind had already fixed this amount, that I would not vote any claim on that ground.

Mr. PLUMB. There will never happen anything that will modify the public repute in the Senator's opinion. There is no single fact in this case that can ever have one single ray of light thrown upon it that has not been thrown upon it now.

In regard to the question of skill, of course there may be a thousand differences of opinion about it: but the highest judgment that was ever expressed in favor of a fellow-citizen anywhere was expressed in a Western community when they buried a man under the sod there and put over his tomb-stone, "He did his level best," and that is all that you can say for anybody. These men did their level best, and I think their level best was worth a little more than it would have been if it had been rendered in the service to a private individual; and why? Because the intelligence, the judgment, the sympathy of the entire world were acting upon these men; they were under a stress, mental, professional, physical, which could not have attached to them in any way if they had been dealing with the case of a private individual stricken as the President was.

This takes it out of the domain of the ordinary transactions affecting the relations of physicians to their patients; and more than all

that, we are dealing here in the light of a public judgment, deliberately formed, and expressed as distinctly as any public judgment ever has been, that we shall pay these bills in some way. This is a Government of public sentiment. We are here to respond to it in a decent and reasonable way. It is expected that we shall pay these bills. It is not expected that we are going to higgle about them; that we shall, as the Senator from Connecticut well said, open up that grave; that we shall dig into it, ghoul-like, and see whether or not this man did his duty or that man did his duty, or whether the other one did his duty relatively to some third person. We are expected to pay these bills in some way.

Now, suppose we had these items before us, suppose it was proposed to pay Dr. Bliss $25,000—and I believe that sum has been mentioned in a casual way—Dr. Hamilton $15,000, some other person $15,000, and some other person $15,000, the judgment to be expressed by the Senate would correspond in a large degree with the present feeling of the persons expressing it. It would have no other basis than that. The moment we get away from that which can be proven, as the Senator from Arkansas says, in a court of justice, we have nothing except fancy to govern ourselves by; and so one man would say "Dr. Bliss was no better than Dr. Hamilton, and I think on the whole he did not render any more service. Dr. Agnew is not any better than Dr. Hamilton, he is just as good; Mrs. Edson, being a woman, is a great deal better." And the result would be that we should have a bill that would be out of all proportion to the actual services rendered. Congress is the last body in the world to settle that kind of question. It cannot be done judiciously here or in the other branch.

Now, in regard to the question of limiting the amount, cutting it down, about which the Senator from Ohio spoke, I am not tenacious myself about that, and still I hope an amendment of that kind will not prevail. I say now the question of this amount is not half as much to be considered as the question of doing the thing which shall easiest and soonest and most completely close this entire controversy. If this question were submitted to the medical profession and we had them to say, each man for himself, what should be awarded, who can doubt the answer? Let any lawyer on this floor say what he thinks would be the judgment of lawyers as to a question of attorneys' fees, and they have been tried time out of time in the knowledge of every one here who has had to do with the trial of causes. Take an attorney and give to him a case of that kind and let him say what his judgment would be as to the fee to be paid, and it would be large enough.

Suppose, then, we were trying this question before the medical fraternity of the world, considering the character of the patient, the circumstances of the shooting, all the circumstances which surrounded the case, the great interest not only in this country but throughout the civilized world, the immense responsibility which it brought with it, not only care but accumulative care everywhere to all these men at all times; submit that to the medical profession of the world, and they would not higgle about this question; they would say whether it should be $1,000 more or less than a named sum was a matter of no consequence.

The service rendered was not only great because these men were professionally great, but it was great because of their immense responsibility; and the medical profession would say that we ought not to higgle about it. Let each one of us ask himself about that question when we go home to our people, let us submit it to the judgment of our consciences as legislators, and we must say that we ought not to higgle upon the question of pay. The American people will not justify it. We ought not to be wildly and widely extravagant, but we ought not on the other hand to be niggardly about it; we ought to do the fair and decent thing, if we do anything at all.

There is no claim, in the ordinary sense of the term, that we should pay anything. There is not a single item in this deficiency bill that could be preferred against the Government in a court of the United States. In one sense it is entirely a gratuity, and this is a gratuity; but it is a gratuity to be paid in deference, as I said, to this public judgment that has been expressed, this public judgment that expects Congress will pay the expenses of those eighty days of suffering, and that it will not only pay them but that it will pay them as it ought to pay them, with a decent degree of liberality, which ought to characterize the Congress of the United States in dealing with such a question.

So I hope, Mr. President, we shall not unwisely limit the discretion of the officers who are to pass on these claims in regard to the amount. A committee of the House had fixed $120,000 as the total sum, and the Senator from Arkansas says that he cannot accept the judgment of the Committee on Appropriations of the Senate, because it fixes a lower sum. He thinks the fact that we dissented from that judgment is evidence that our judgment ought not to be followed. But all human judgment is liable to result in a compromise on some point. The Senate committee looked at these items and thought them too large. They said, "Here is a response to a perhaps exaggerated idea of what public sentiment requires, and of what the professional services of these gentlemen were worth." Looking at it in a cooler way, in a calmer way, with a disposition on the whole to be somewhat economical, they said, "We will take what we consider the safer and the middle course; we will not fix the pay of these men at $85,000, and the gross sum at $120,000, but we will fix their pay at about $50,000, and we will put the whole sum at $75,000." That was a compromise, and all legislation and all recorded judgment which requires the assent of more than one person is always a compromise. This was a compromise. It seems to me to be a fair and a decent one. It seems to me in the first place to comport with the dignity of the occasion, with the responsibility that we are under, and with that sentiment of justice on the whole which we ought to feel ourselves liable to.

I think, Mr. President, that the solution offered in the committee amendment is one that not only is fair, but one which in the adoption of every member of the Senate will feel that he has done a decent and a creditable thing in voting for, taking it exactly as it is. Suppose it is too much; I hope I shall never have to reproach myself with anything worse than having voted too much for an object of that kind. I am willing to go back to my constituents under a reproach of that kind at least. Let it be too much. Let us deal with it, if we deal with it at all, in the spirit of a decent liberality. We have fixed a sum which is fair, which is reasonable, which will be regarded so everywhere. We cannot afford to be under the reproach of having done any less than that.

Mr. ALLISON. Mr. President——

Mr. ANTHONY. Will the Senator allow me one moment. I do not wish to interfere with this bill, but I would suggest that this debate has become so prolonged that it is time to apply the five-minute rule.

Mr. ALLISON. I will ask unanimous consent, if the Senate will allow me, to apply the five-minute rule to this bill.

The PRESIDENT *pro tempore*. The question is, Shall the five-minute rule of debate be applied to this bill. The Chair hears no objection, and it is so ordered.

Mr. ALLISON. Mr. President, I have no desire and shall not undertake to allude to the sad scene of that melancholy day when President Garfield fell. I had hoped that the amendment suggested by the Committee on Appropriations would be agreed to without any debate, or at least without a debate such as we have had upon it, and I would not rise now except to place upon record a correction of an apparent error. It has been alleged that the Committee on Appropriations have undertaken in this instance to do what they had no jurisdiction to do. I want to call the attention of the Senate, and also the attention of such members of the House as may find fault with our action, to the fact that early in this session, in December last, the Senator from Vermont [Mr. EDMUNDS] introduced a bill for the purpose of adjusting these claims, and sent that bill to the Committee on Appropriations by reference in the Senate. The Committee on Appropriations, after looking over the bill, asked me to make such investigation as I could make with reference to the amount that ought to be allowed, and I set myself about that business as early as December last, and called to my aid Colonel Rockwell and General Swaim, two intimate friends of General Garfield. I wrote to the Pennsylvania Railway Company and other parties that I supposed had bills against the Government or the estate of President Garfield, for the purpose of ascertaining the proper amount that we should put in some appropriation bill for the purpose of liquidating these expenditures.

I want to call the attention of Senators to the fact that we have jurisdiction in this body of appropriation bills. There is no limit in the Constitution as to our power of amendment. Having that jurisdiction, I endeavored as nearly as I could to ascertain the total amount that ought to be appropriated, and, as I said a moment ago, in trying to ascertain the amount I addressed a letter to the President of the Pennsylvania Railroad Company, and I want that letter placed on record now for use of the Senate, and for the gratification I think it will be to the country to know the generosity with which that company has treated this question. I send the letter to the desk to be read.

The Acting Secretary read as follows:

PENNSYLVANIA RAILROAD COMPANY, OFFICE OF THE PRESIDENT,
Philadelphia, December 28, 1881.

MY DEAR SIR: I am in receipt of your esteemed favor of the 25th instant, and beg leave to say in reply that our company had not at the time, nor have they now, any intention to make a claim for compensation for courtesies extended to our late President and his family, or to the Government.

We felt it to be not only a duty but a pleasure to do what we could to increase the comfort and aid in restoring the health of President Garfield.

Very truly, yours,

G. B. ROBERTS, *President.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

Mr. ALLISON. I have felt it my duty to place on record this generous statement of the president of this railway company.

Mr. WINDOM. I am obliged to the Senator from Iowa for placing that on record, for I know well what was done by the Pennsylvania Railroad Company; but I should feel that I was not doing justice to another company did I not state that they tendered the use of their railroad free for any demands that might be made upon it. I mean the Baltimore and Ohio Railroad Company.

Mr. ALLISON. I only wish to add one word more. The committee may have erred in fixing the maximum amount to be paid to these physicians, but I do hope that the Senate will not reduce the amount by vote, but will leave that question to the eminent men

who will have charge of the auditing of these expenses, the Treasurer and two Comptrollers of the Treasury.

A word further in partial response to what has been said on this floor with reference to these physicians. It is true that Dr. Bliss only occupied eighty days of time: but it is also true that Dr. Agnew, of Philadelphia, confessedly at the head of the profession of surgery in this country, was called from his home to a distant place and with fidelity and with courage followed up this case to the very end; and so of Dr. Hamilton, of New York City; and I ask if in the presence of the knowledge that we have of these eminent surgeons, who by a long life of study and practice and attention to the difficult and arduous profession of surgery have acquired great reputation for skill and ability, we are going to higgle here about daily compensation to such men when the patient was the President of the United States? Let others do as they will, but as for myself, I will put here a maximum compensation that will at least by the medical profession and by the other learned professions of our country be regarded as some compensation to the eminent men who engaged in this service and were called by telegraph at midnight on the 3d day of July, 1881, and who came here by special train for the purpose of rendering such services as they could render.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. ALLISON. I am much obliged to the President. I will only add one word more. I hope that the Senate in fixing this maximum amount will consider the character of the eminent men who attended the President during his illness, without regarding the question whether they were successful or not.

Mr. PENDLETON. Mr. President, I do not question the jurisdiction of the committee to report this amendment to the bill. I would very much have preferred, however, inasmuch as the House had taken jurisdiction of this question and appointed a special committee to determine it and that committee had made a report, that it should have been left to the initiative of the House until it was prepared for action here in the Senate.

I sympathize almost entirely with what my colleague has said. There are points of delicacy and difficulty about this question. There are all those points that touch upon the tender and delicate relations of the family, still surviving, to the deceased. It would be a monstrous wrong and scandal that they should be troubled in the courts of Ohio by the claims of these physicians, and I am glad to have observed in the debate to-day that no Senator has indicated in the least degree that the settlement of this question should in any way be remitted to them; I mean in its pecuniary relations.

But after that is settled, after it is determined that the Congress of the United States shall stand between the family of the late President and those who are supposed to have claims for attendance upon him in his last sickness, then I say that pale of delicacy passes away and we are dealing with them, as has been already stated, either upon a contract or a *quantum meruit*.

When the Government of the United States steps in between the family of the deceased and those who have claims against it and declares that there shall be no annoyance or irritation to the family arising out of the painful scenes connected with his last illness and his death, then I say we are dealing with those who have claims against the estate of that family in an entirely business relation. I am willing to pay them for whatever services they rendered, pay them somewhat in relation to the anxiety occasioned by the position and elevation of their patient, pay them also for whatever they may have lost by reason of their attendance upon him, pay those who came from New York and Philadelphia in disregard of their ordinary practice, pay them all liberally, pay them well. I will higgle, to use the expression that has sometimes been used here to-day, with none of them upon a question of fair compensation; but when we get, as I said, to a question between the Government and these physicians or these nurses or anybody else who except for our intervention might have a claim against the personal estate of the President, then I will apply to them somewhat the same rules that we apply to ordinary claimants against the Government; and it is because I sympathize entirely with the idea that in one aspect this is a delicate and difficult question to deal with, and in the other aspect that it is not difficult and not delicate to deal with, that I shall be glad to vote for the amendment suggested by my colleague if anybody shall offer it.

Mr. COCKRELL. I move, in line 20 of the amendment of the committee, to strike out "seventy-five thousand" and insert "fifty-two thousand five hundred," and in line 22 to strike out "fifty-two thousand five hundred" and insert "thirty-thousand." Now, let it be read with the amendment as it is proposed.

Mr. GARLAND. Does the Senator want to take the vote on his amendment before mine?

Mr. COCKRELL. Yes, sir; I prefer taking it now.

Mr. GARLAND. Very well.

Mr. HALE. Before that amendment is offered I wish to make one from the Committee on Appropriations, a correction of a misprint in line 23. At the end of the line the word should be "attendance," instead of "allowance."

The PRESIDENT *pro tempore*. The correction will be made, there being no objection.

The ACTING SECRETARY. In line 20 it is proposed to strike out "seventy-five thousand" and insert "fifty-two thousand five hundred," and in line 22 to strike out "thirty-two thousand five hundred" and insert "thirty thousand;" so as to read:

And to enable the Secretary of the Treasury to pay said awards the sum of $52,500, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $30,000 in all shall be certified and paid for medical services and attendance.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL] to the amendment.

The question being put, there were on a division—ayes 14, noes 21; no quorum voting.

Mr. ALLISON called for the yeas and nays.

Mr. ANTHONY. I think if all will vote there is a quorum.

Several SENATORS. We had better have the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I do not like to vote to fix a definite sum to be paid because I do not know how much these parties are entitled to. If I had my way with this whole subject and had the authority, I would devolve the duty on the late Secretary of State and the late Secretary of the Treasury who were members of the political household of the late President; I would authorize them to ascertain, determine, and pay all claims connected with the sickness and death of the late President, and I would place at their command a sum of money sufficient to meet those expenses, whatever they might be. I think that would have been a very proper thing to have done. They were members of the political household of the President and around him all this time. I would not have let the family be troubled with anything of the kind; but to the late Secretary of the Treasury and the late Secretary of State I would have given ample authority to have ascertained and determined what was proper and due, and devolved on them the responsibility of paying what claims were proper. I do not like to say that $30,000 is enough; I do not know whether it is enough or not, and I do not want to give $52,500 because I do not know but what that is too much. We are left here in the dark in reference to the whole matter. If I had my way with this whole question, I would remit it to some responsible parties who were at that time connected with the President, and under their charge appropriate money to pay proper bills.

Mr. BLAIR. It seems to me that we are pursuing a very peculiar course in this matter. These physicians rendered their services to a private individual, and the estate of that individual is responsible to them legally, and no other party whatever is. From that private individual they would be entitled to precisely the same compensation that they would be entitled to receive from any other private individual. Some of these physicians, from their eminence, from the reputation which they have in the country, are able to command from seventy-five to one hundred and fifty or two hundred thousand dollars a year for their services. They would have a legal right to pursue the estate of President Garfield for a sum proportionate. Having that legal right, the Government of the United States, feeling that it would be humiliated by permitting this compensation to be taken from that private estate when the deceased died in their service, propose to tender to these physicians a limited sum of money beyond which they as an aggregate shall not go, with no knowledge whatever previously obtained as to the nature of the services, the value of the services, the extent or the real amount which they could in law and before a jury collect of that private estate.

Now, it does seem to me that the suggestion of the Senator from Delaware is the most honorable suggestion which has been made, to place at the disposition of some tribunal a sum of money which that tribunal may use in the appropriate and honorable payment and discharge of these claims; not to say to these physicians, "Here, you shall take so much, and shall not have your legal right as against the estate." Who is to compel them to release the estate at all? We are dealing with this as a matter of business, and we are exhibiting a disposition to higgle about it altogether too much, it seems to me, when, after they have received their money, we claim that we have done an honorable thing in assuming a legal liability and relieving the private estate of the individual concerned.

The report of the House committee showed that some of those physicians receive $1,000 per day for their services in some instances; and the amount that has been allowed to Dr. Bliss is only $15,000 for the entire service rendered, and the evidence they say before them was that Dr. Agnew and Dr. Hamilton during the entire continuance of this sickness gave at least one-half of their time. It does seem to me that we had better do precisely as the committee propose, and not amend it at all. The sum which the committee propose is niggardly enough, and there ought to be something to come and go upon, something to leave to the discretion of the tribunal that is to apportion whatever we give as between the different parties.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the Committee on Appropriations, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

Mr. MILLER, of California, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] I do not know how he would vote.

The roll-call was concluded.

Mr. GROVER. I wish to announce that I am paired with the Senator from Louisiana, [Mr. KELLOGG.] He is with the committee and I am for the amendment.

Mr. MCMILLAN. I am paired with the Senator from Louisiana, [Mr. JONAS.]

Mr. SAUNDERS. I learn that the Senator from Kentucky [Mr. WILLIAMS] has left. I have a general pair with him, and therefore will not vote.

Mr. BUTLER. I desire to announce a pair of the Senator from Florida [Mr. CALL] with the Senator from New York, [Mr. MILLER.]

Mr. WINDOM. I am paired with the Senator from West Virginia, [Mr. DAVIS.] I do not recognize this as a party question. Therefore I feel at liberty to vote.

Mr. ALLISON. I desire to say that my colleague [Mr. MCDILL] is absent on the order of the Senate. I have no doubt he would vote "nay," if he were here.

Mr. RANSOM. I have a general pair with the Senator from Illinois, [Mr. LOGAN.] Therefore I shall not vote.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Beck,	Harris,	Pendleton,	Vance,
Butler,	Ingalls,	Pugh,	Van Wyck,
Cockrell,	Jackson,	Rollins,	Vest,
Coke,	Maxey,	Sherman,	Voorhees,
Hampton,	Morgan,	Slater,	Walker.

NAYS—21.

Aldrich,	Conger,	Hawley,	Plumb,
Allison,	Davis of Illinois,	Hill of Colorado,	Sawyer,
Anthony,	Dawes,	Hoar,	Windom.
Blair,	Frye,	Mahone,	
Cameron of Pa.,	Hale,	Morrill,	
Chilcott,	Harrison,	Platt,	

ABSENT—35.

Bayard,	Ferry,	Jones of Florida,	Miller of Cal.,
Brown,	Garland,	Jones of Nevada,	Miller of N. Y.,
Call,	George,	Kellogg,	Mitchell,
Camden,	Gorman,	Lamar,	Ransom,
Cameron of Wis.,	Groome,	Lapham,	Saulsbury,
Davis of W. Va.,	Grover,	Logan,	Saunders,
Edmunds,	Hill of Georgia,	McDill,	Sewell,
Fair,	Johnston,	McMillan,	Williams.
Farley,	Jonas,	McPherson,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Massachusetts, [Mr. HOAR,] which will be read.

The ACTING SECRETARY. The proposed amendment is to add to the amendment of the committee:

And provided further, That no claim shall be considered under this section unless the person filing the same shall file a release, under seal, of all claims against the representatives of the late President growing out of said illness and burial.

The amendment to the amendment was agreed to.

Mr. HALE. In line 9 a verbal correction is needed. The word "and" should be "an," so as to read, "and shall make an award."

The PRESIDENT *pro tempore*. That verbal correction will be made. The question now is on the amendment of the Senator from Arkansas, [Mr. GARLAND.]

Mr. HALE. Let that be read so that the Senate will understand it.

The ACTING SECRETARY. After the word "claims," in line 4, it is proposed to strike out "and the determination of all allowances," and after the word "examine," in line 7, strike out the remainder of the section, and insert:

All of said claims and proposed allowances and take the testimony in each, and certify the same, with all papers connected therewith, with their opinion as to the justice of each and all of such claims, to the President of the United States, to be by him laid before Congress at its next annual session.

Mr. HALE. That brings the matter right back to Congress again.

Mr. GARLAND. That is where I want it brought.

Mr. HALE. I hope it will not be adopted.

Mr. GARLAND. In line 7, after the word "hear," I propose to insert "and;" so as to read "hear and examine."

The PRESIDENT *pro tempore*. That correction will be made. The question is on the amendment of the Senator from Arkansas to the amendment.

Mr. GARLAND called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I suppose he would vote "nay." I should vote "yea."

Mr. MCMILLAN, (when his name was called.) I am paired on this question with the Senator from Louisiana, [Mr. JONAS.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] I do not know how he would vote. I should vote for the amendment if he were present.

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call was concluded.

Mr. GROOME. I am paired generally with the Senator from New York, [Mr. MILLER.] If he were present, I should vote "yea."

Mr. MILLER, of California. I am paired with my colleague, [Mr. FARLEY.]

Mr. RANSOM. I am paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. GROOME. I am just informed by the Senator from South Carolina [Mr. BUTLER] that another Senator is paired with the Senator from New York, [Mr. MILLER.] Therefore I vote "yea."

Mr. BUTLER. The Senator from Florida [Mr. CALL] is paired with the Senator from New York.

The result was announced—yeas 17, nays 26; as follows:

YEAS—17.

Bayard,	Hampton,	Pendleton,	Voorhees,
Beck,	Harris,	Pugh,	Walker.
Butler,	Jackson,	Slater,	
Coke,	Maxey,	Vance,	
Groome,	Morgan,	Vest,	

NAYS—26.

Aldrich,	Davis of Illinois,	Hoar,	Rollins,
Allison,	Dawes,	Ingalls,	Sawyer,
Anthony,	Frye,	Jones of Florida,	Sherman,
Blair,	Hale,	Mahone,	Van Wyck,
Cameron of Pa.,	Harrison,	Morrill,	Windom.
Chilcott,	Hawley,	Platt,	
Conger,	Hill of Colorado,	Plumb,	

ABSENT—33.

Brown,	Ferry,	Kellogg,	Mitchell,
Call,	Garland,	Lamar,	Ransom,
Camden,	George,	Lapham,	Saulsbury,
Cameron of Wis.,	Gorman,	Logan,	Saunders,
Cockrell,	Grover,	McDill,	Sewell,
Davis of W. Va.,	Hill of Georgia,	McMillan,	Williams.
Edmunds,	Johnston,	McPherson,	
Fair,	Jonas,	Miller of Cal.,	
Farley,	Jones of Nevada,	Miller of N. Y.,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended.

Mr. COCKRELL. I move to strike out "$75,000," in line 20, and insert "$57,500," and then in line 22 to strike out "$52,500" and insert "$35,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

Mr. COCKRELL called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MCMILLAN, (when his name was called.) I am paired on this measure with the Senator from Louisiana, [Mr. JONAS.]

Mr. MILLER, of California, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

The roll-call having been concluded, the result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Bayard,	Hampton,	Pendleton,	Vance,
Beck,	Harris,	Pugh,	Van Wyck,
Butler,	Ingalls,	Rollins,	Vest,
Cockrell,	Jackson,	Saunders,	Voorhees,
Coke,	Maxey,	Sherman,	Walker.
Groome,	Morgan,	Slater,	

NAYS—22.

Aldrich,	Conger,	Hawley,	Platt,
Allison,	Davis of Illinois,	Hill of Colorado,	Plumb,
Anthony,	Dawes,	Hoar,	Sawyer,
Blair,	Frye,	Jones of Florida,	Windom.
Cameron of Pa.,	Hale,	Mahone,	
Chilcott,	Harrison,	Morrill,	

ABSENT—31.

Brown,	Ferry,	Jones of Nevada,	Miller of Cal.,
Call,	Garland,	Kellogg,	Miller of N. Y.,
Camden,	George,	Lamar,	Mitchell,
Cameron of Wis.,	Gorman,	Lapham,	Ransom,
Davis of W. Va.,	Grover,	Logan,	Saulsbury,
Edmunds,	Hill of Georgia,	McDill,	Sewell,
Fair,	Johnston,	McMillan,	Williams.
Farley,	Jonas,	McPherson,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Appropriations as section 6, as amended.

The amendment as amended was agreed to.

Mr. HALE. I have one or two matters from the Committee on Appropriations. On page 38, line 908 of section 1, I move to strike out "five hundred" and insert "one hundred and fifty-eight;" so as to read:

For pay of folders, $158.

The amendment was agreed to.

Mr. HALE. On page 40, line 970 of section 1, "1881" should be inserted instead of "1882" as the date.

The amendment was agreed to.

Mr. HALE. On page 63, after line 300 of section 2, I move to insert what was left out by mistake:

Fulfilling treaty with Flatheads and other confederated tribes, 1873 and prior years, to pay balance found due by the accounting officers to Charles S. Jones, late Indian agent, on settlement of his accounts, $719.32, as per letter of Secretary of the Treasury of June 22, 1882.

The amendment was agreed to.

Mr. ANTHONY. I offer an amendment, which I gave notice of and had referred to the Committee on Appropriations, to come in under the head of "Senate" at the end of line 993 of section 1:

To enable the Secretary of the Senate to pay Charles N. Richards the difference between the pay of keeper of stationery and assistant keeper of stationery of the United States Senate for the period of time between the 1st day of May, 1880, and the 1st day of November, 1881, $454.10.

The amendment was agreed to.

Mr. ANTHONY. I have another amendment, of which I also gave notice, to come in under the head of "tenth census," on page 32 of section 1, after line 755:

For one month's extra pay to the employés of the Census Bureau to whom certificates of service were issued after June 1, 1881, $66,000, or so much thereof as may be necessary.

Mr. PLUMB. Will the Senator explain the amendment?

Mr. ANTHONY. I have agreed, at the suggestion of the Senator who has the bill in charge, to reduce this one-half to half a month's pay, $30,000, and to add this proviso to it:

That in all cases the payment shall be made in person to the employé to whom such certificates were issued.

These clerks of the census, who are the poorest paid of any of the clerks in any of the Executive Departments, were kept out of their pay for five and a half months by the failure of Congress to make the appropriation. They were obliged to submit to such terms as the brokers imposed upon them, and many of them had to sacrifice 10 per cent. upon the face of their certificates. Since then they have been kept out of their pay for two months, and they are kept out now. I think it fair, since it was no fault of theirs, since if they had not gone on with their work great loss and expense would have been imposed on the Government, to give them this small allowance.

Mr. INGALLS. May we hear the amendment read again?

Mr. ANTHONY. Let it be read as I propose to amend it. I send it up in that form.

The ACTING SECRETARY. After line 755, on page 32, it is proposed to add:

For one-half month's extra pay to the employés of the Census Bureau to whom certificates of service were issued after June 1, 1881, $30,000, or so much thereof as may be necessary: *Provided*, That in all cases the payment shall be made in person to the employés to whom such certificates were issued.

Mr. HOAR. Does that mean that the person must come here to the Treasury?

Mr. COCKRELL. I make the point of order on the amendment.

Mr. ANTHONY. I trust the Senator will not make the point of order. I offered this amendment and inquired of the Chair if it was necessary to go to another committee, and I was informed that it could go direct to the Committee on Appropriations. I trust that since I have reduced the allowance one-half, the Senate will give this little measure, not of generosity but of simple justice, to these poor hard-working clerks who are paid just enough to keep soul and body together, some of them only $60 a month; I think most of them only $60 a month; and who are kept out of their pay and who cannot live without it and are compelled to go to the brokers and sell their certificates for just what the brokers choose to give them.

Mr. HARRIS. I hope the Senator from Missouri will withdraw the point of order, for I apprehend it is well taken if insisted upon. I do not think there is any demand made upon this body more just than the one incorporated in the amendment of the Senator from Rhode Island. I chance to know that a large number of employés, who could not be paid because of the failure of appropriations, as volunteers went on and performed the service, receiving certificates which they were compelled to sell at large discounts. If they had not so volunteered to proceed with the work, the work would have been delayed for months, involving a much larger cost as well as the inconvenience resulting from delay. Every consideration of justice demands that that loss that these employés sustained shall be made up to them, and I hope the Senator from Missouri will withdraw his point of order and allow the Senate to vote upon the amendment.

Mr. COCKRELL. This amendment was pending before the committee and was voted down, and I suppose the persons in charge of the bill would insist on that action. I opposed the amendment in committee; but as I am not responsible for the administration of the Government now and for the appropriations that are being made by a Republican Congress, I withdraw the point of order.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Rhode Island.

The amendment was agreed to.

Mr. INGALLS. There is a deficiency, Mr. President, in the appropriation for the expenses of the District of Columbia for the past fiscal year amounting to about $165,000. This does not result from any extravagance on the part of the commissioners, nor from any unwarranted expenditures, but merely from the fact that in consequence of a construction that has been placed by the Comptroller of the Treasury upon a section of a statute previously passed in regard to the payment of taxes by what are known as drawback certificates, the income of the District has been reduced. In order that the expenses may be met I offer the following amendment, to come in after the word "nine," in line 1186 of section 1, after the amendment of the committee already agreed to at that point:

And the remainder of the unexpended balance in the Treasury to the credit of the District for the year 1881 is hereby made available for the expenses of the District for the year ending June 30, 1882: *Provided*, There shall be paid from the Treasury of the United States to the commissioners of the District, under section 2 of the act approved March 3, 1881, a sum equal to the amount of all general taxes paid in drawback certificates.

Mr. PLUMB. I desire to reserve the point of order, if it will not interfere with my colleague presenting any argument to the Senate in favor of this matter, but I shall raise the point of order at the proper time and state the reason for it.

Mr. INGALLS. If the point of order is to be raised, of course it had better be decided now. I have no desire to make any explanation that will be idle and useless. It is very essential that the amendment should be adopted in order to carry on the District government without further deficiency; but I am aware that the amendment has not been reported from the District Committee, nor has it been sent to the Committee on Appropriations. I presume that it is amenable to the point of order; but inasmuch as it simply provides for the appropriation of an unexpended balance out of the Treasury, and for the construction of a statute that will give it what it is believed was the original intention of the Legislature, to wit, to give the District of Columbia credit for the entire amount of these drawback certificates, which were issued for excessive assessments, rather than to only allow them credit for 50 per cent. of them, it appears to me that it is just that the amendment should be allowed. Still if the point of order is to be raised, I do not wish to submit any argument or any figures on the subject.

Mr. HARRIS. I would suggest to the Senator from Kansas that if a full and clear statement of the exact facts of this case is made to the Senate, I am satisfied that neither his colleague nor any other member of the committee will make the point of order.

Mr. PLUMB. That is an entire mistake. I think I am as thoroughly advised on this point as I ever expect to be. It is one of those things which have come within my province as chairman of the sub-committee of the Committee on Appropriations, that had charge of the bill making appropriations for the expenses of the District of Columbia, and there I had occasion to consider it.

The committee adopted a provision which they deemed to be in exact accordance with the theory which now prevails in regard to the relationship of the General Government to the District of Columbia. They do not feel warranted in waiving that. They believe that was fully carried out in the bill as adopted. It was adopted by the entire committee, by the conference committee, by affirmative action on the part of the Senate, and I cannot, without violating what I conceive to be my duty as a member of the committee having this matter in charge, do otherwise than I have, raise the point of order.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. SAUNDERS. On page 19, after line 449, I move to add:

To pay John W. Dear for buildings included in the lines of Fort Robinson military reservation, $3,000.

This man Dear was a trader with the Indians near Fort Robinson, in the western part of Nebraska, some years ago, and in the course of time they wanted more land for the reservation of Fort Robinson, and they extended the boundary and included his buildings within it. That, of course, broke up his business, and he made a claim on the War Department for damages, and for his buildings, &c. I represented the case at the time; went with him, and they decided that he was not entitled to any damages, but that he would be entitled to something for his buildings, whatever they were worth. General Sheridan ordered a board to investigate the matter and appraise them, and the letter I send to the desk will tell exactly what was done.

Mr. ALLISON. I raise the point of order.

Mr. SAUNDERS. I hope the point of order will not be raised. Let the letter be read.

The Acting Secretary read as follows:

WAR DEPARTMENT,
Washington City, July 3, 1882.

SIR: In response to your letter of this date concerning the appraised value of the buildings belonging to John W. Dear, which were included in the lines of Fort Robinson military reservation, I have to say that it appears that a board was appointed by Lieutenant-General Sheridan, under direction of the Secretary of War, of July 15, 1881, which board fixed the value of the buildings referred to at $3,000. The appraisal was approved by the Lieutenant-General.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

Hon. A. SAUNDERS, *United States Senate.*

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw the point of order?

Mr. ALLISON. No, sir.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. BECK. I desire to offer an amendment to come in after line 640, page 27:

That the Secretary of the Treasury is directed to pay to the legal representatives of George C. Johnston the amount, not exceeding $10,510, which may be ascertained to be due to them under the provisions of an act of Congress approved March 3, 1843, entitled "An act for the relief of George C. Johnston."

I submitted the amendment on the 12th day of June and had it referred to the Committee on Appropriations. I will state the case. It is a very old case, and I know nothing about it except that some one has asked me to present the amendment.

Mr. HALE. I must reserve the point of order.

Mr. BECK. Certainly. Many years ago the Congress of the United States passed an act containing among other provisions this:

For an additional compensation to the Shawnee Indians for their reservation at the Wapaughkonitta, in Ohio, an annuity of $2,000 per annum, for fifteen years.

That was away back in 1832. In 1843 they passed another act for the relief of George C. Johnston, in these words:

That the Secretary of War be, and he hereby is, authorized to pay to George C. Johnston the amount due and to become due to the Shawnee Indians under the act of Congress approved July 14, 1832, on account of a debt due from said Indians to said Johnston, and which the said Indians have ordered to be paid out of the annuity granted by said act: *Provided*, The sum paid pursuant to this act shall not exceed the sum due to said Johnston by said Indians exclusive of interest, to wit, $18,510.50.

The sub-committee did not understand what it was. I could not explain it, but at the request of the chairman I wrote to the Auditor, and here is his answer to me:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., July 1, 1882.

SIR: In reply to your request for a certificate that a balance of $10,510, said to be due to George C. Johnston, under an act for his relief approved March 3, 1843, (6 Stat., 901,) has not been paid, I have the honor to report as follows:

The act referred to authorized the Secretary of War to pay to George C. Johnston, from an annuity of $2,000 per annum for fifteen years granted to the Shawnee Indians by the act July 14, 1832, (4 Stat., 594,) a sum not exceeding $18,510 on account of a debt due from said Indians to said Johnston.

The records of this office show that the following payments have been made to Johnston: March 6, 1843, $500; May 4, 1843, $1,500; July 25, 1843, $2,000; April 10, 1845, $2,000; September 4, 1846, $2,000, making a total payment of $8,000, and leaving $10,510 still due.

No evidence has been found of any payments to Johnston other than the five herein specified.

Very respectfully,

O. FERRISS, *Auditor*.

Hon. JAMES B. BECK, *United States Senate*.

Here is the act of Congress requiring payment. The amendment I offered at first was to pay it to him, but when I came to examine it, it occurred to me that all that ought to be done, although there was a law requiring it to be paid, was to authorize the Secretary of the Treasury to examine and see what amount, if any, was due to him, and to pay that and that only. He died a year or two after, in 1846. In 1870 we passed an act requiring all balances unpaid to be covered into the Treasury; and if there is nothing due it ought not to be paid, and if under this act of Congress there is any balance due to him it ought to be paid. Therefore I have moved the amendment in its present form.

Mr. COCKRELL. Suppose the fund has all been paid to the Indians?

Mr. BECK. That is provided for in my amendment and in the law; but they were to be paid in fifteen years, and the act of Congress was passed within ten years; so that if there was $10,000 due to them it could not have been paid before the act of Congress was passed giving it to him.

I told the committee when we were examining it that I would make the investigation. I will withdraw it and offer it to the sundry civil bill, or have it passed on now, just as the committee like.

Mr. HALE. I hope the Senator will withdraw the amendment. I must insist upon the point of order if he does not. If he will let it go to the sundry civil bill we can examine it more fully and see what has become of this fund.

Mr. BECK. Very well. I promised to make an examination and I have done so.

Mr. HOAR. Why should not the case go to the Committee on Claims?

Mr. BECK. If the Committee on Appropriations think it best, I will withdraw the amendment and reserve it for the sundry civil bill. I know nothing about it except what I have stated.

Mr. HALE. It is a very "old settler."

Mr. BECK. It is, but the Auditor's letter is reasonable; I will withdraw it for the other bill.

Mr. PLUMB. I offer an amendment to come in after line 449, on page 19:

To pay John H. Morgan as acting sergeant-at-arms of the committee of the Senate required to investigate the Cheyenne Indian raid of 1878, twenty days' service, $120.

The amendment was agreed to.

Mr. PLUMB. I now offer an amendment which I sent to the Committee on Appropriations, to come in after the amendment that I have just offered:

For the payment to J. C. Hall, assignee of W. Goodman, president, for certain drafts in payment for mail transportation, returned and canceled in April and May, 1866, as allowed by the Sixth Auditor of the Treasury, $4,636.01.

Mr. HALE. I raise the point of order.

Mr. PLUMB. One moment till I make my statement. That is recommended in House of Representatives Executive Document No. 26, Forty-seventh Congress, first session, page 77, in the following language:

Allowed by the Sixth Auditor, under section 4, act of June 14, 1878:

Certificate No. 137. The Mississippi Central Railroad Company: For amount of Post-Office Department drafts in favor of W. Goodman, president of the Mississippi Central Railroad Company, dated August 17, 1861, in payment for mail transportation from April 1 to May 31, 1861, returned and canceled in April and May, 1866, $4,636.01.

I am advised that this is the amount which was found to be due to that railroad company as evidenced by the items of drafts drawn on postmasters in certain Southern States not paid in 1861, and therefore returned and canceled.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. McMILLAN. I offer the following amendment, to come in on page 41, after line 993:

To pay Henry Jones as messenger from April 20, 1879, to May 21, 1879, both inclusive, $126.50.

Mr. HALE. I make the point of order.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. McMILLAN. What is the point of order?

Mr. HALE. It increases the appropriation.

Mr. COKE. At the request of the Senator from Louisiana, [Mr. JONAS,] who is unavoidably absent to-day, I call attention to an amendment heretofore submitted by him, and I ask that it be now acted on. The amendment has been before the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. After line 945, on page 39, it is proposed to insert:

To pay David L. Ward, being the difference between his salary as paid, $1,000 a year, and that of a Senate messenger, the duties of which position he performed, at $1,440 a year, from May 14, 1879, until May 31, 1881, $880.

Mr. HALE. I make the point of order.

Mr. COKE. It has been before the Committee on Appropriations.

Mr. HALE. And rejected.

The PRESIDENT *pro tempore*. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands;

A bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri; and

A bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

AMENDMENTS TO BILLS.

Mr. BECK, Mr. COCKRELL, Mr. SAUNDERS, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6675) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 6675) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE submitted an amendment intended to be proposed by him to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

ADJOURNMENT TO WEDNESDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it adjourn to meet on Wednesday next.

The motion was agreed to; there being on a division—ayes 27, noes 15.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1875) for the erection of public buildings at Harrisonburgh and Abingdon, State of Virginia.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 121) to authorize the construction of a railroad bridge across the Sainte Marie River;

A bill (S. No. 1825) making appropriation for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery near said city;

A bill (S. No. 2033) to authorize the sale of certain lots in the city of Hot Springs, Arkansas, to the Woman's Christian National Library Association;

A bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard at Danville, Illinois, for monumental purposes;

A bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns for monumental purposes;

A joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas;

A joint resolution (H. R. No. 247) to provide for the printing of public documents for binding and distribution to those entitled to receive them; and

A joint resolution (H. R. No. 249) amending a paragraph in the act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, approved May 1, 1882, and to correct an error in the enrollment thereof.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PUBLIC LANDS IN ALABAMA.

The bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands, was read twice by its title.

Mr. PLUMB. The bill is a copy of one which has been on the Calendar from the Committee on Public Lands of the Senate, and will presently be reached in order, and I ask that it be now considered.

Mr. INGALLS. Let it be read for information.

The Acting Secretary read the bill.

Mr. SHERMAN. That ought to be printed. I cannot understand it.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

Mr. PLUMB. Then I ask that the bill lie on the table and be not referred.

The PRESIDENT *pro tempore*. It will lie on the table.

EXPENSES OF CIRCUIT JUDGES.

Mr. MAHONE submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing by bill or otherwise for the payment of the proper expenses of circuit judges of the United States necessarily incurred while on their circuit on duty away from their homes.

THE BANKRUPTCY SYSTEM.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States.

Mr. INGALLS. I move that the Senate now proceed to the consideration of executive business.

Mr. BUTLER. I move that the Senate adjourn.

Mr. HOAR. We want two minutes executive session.

Mr. SHERMAN. It is time to adjourn.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 3, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures, and also resolutions calling for executive information, are in order.

CONSOLIDATION OF NEVADA AND CALIFORNIA.

Mr. BERRY introduced a bill (H. R. No. 6690) to authorize the Legislatures of the States of California and Nevada to attach the territory embraced within the State of Nevada to the State of California, and to abolish the State government of the State of Nevada, thereby forming but one State, to be known as the State of California; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GENEVA AWARD.

Mr. TOWNSHEND, of Illinois, (by request,) introduced a bill (H. R. No. 6691) amendatory of and supplementary to the "Act re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONDEMNED CANNON, ETC., MAQUOKETA, IOWA.

Mr. FARWELL, of Illinois, introduced a bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cannon, balls, and muskets for soldiers' burial-ground at Maquoketa, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE L. LAWRENCE.

Mr. NORCROSS introduced a bill (H. R. No. 6693) granting a pension to George L. Lawrence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM VAN ASSUM.

Mr. STONE introduced a bill (H. R. No. 6694) for the relief of Abraham Van Assum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, PEABODY, MASSACHUSETTS.

Mr. STONE also introduced a bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD L. ADAMS.

Mr. SPAULDING introduced a bill (H. R. No. 6696) for rerating the pension of Edward L. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH D. RUSSELL.

Mr. LACEY introduced a bill (H. R. No. 6697) granting a pension to Sarah D. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURT, WINONA.

Mr. DUNNELL introduced a bill (H. R. No. 6698) to provide for a term of the circuit court of the United States in and for the district of Minnesota, to be held at the city of Winona, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES P. JUDD.

Mr. DUNNELL also (by request) introduced a bill (H. R. No. 6699) for the relief of Charles P. Judd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA EARLE.

Mr. DUNNELL also introduced a bill (H. R. No. 6700) granting a pension to Louisa Earle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRITISH MINISTER AND CONGRESSIONAL DEBATERS.

Mr. ROBINSON, of New York, submitted the following preamble and resolution; which was referred to the Committee on Foreign Affairs:

Whereas the Constitution of the United States, article 1, section 6, in relation to Senators and Representatives in Congress, provides that "For any speech or debate in either House, they shall not be questioned in any other place;" and

Whereas so sacred has this privilege been held in former times that John Randolph of Roanoke, then a Senator, would not allow Henry Clay, then Secretary of

State, to challenge him to fight a duel for language, however severe, spoken in the Senate, though quite willing to meet him on any other ground; and

Whereas Lionel S. Sackville West, the accredited minister of British monarchy in this city, on the 25th day of January, 1882, the day after Mr. ROBINSON, of New York, made his first speech on the imprisonment of American citizens in British jails, did, in violation of this constitutional privilege, call upon Mr. Frelinghuysen, our Secretary of State, and "questioned" Mr. ROBINSON'S remarks, delivering his judgment on Mr. ROBINSON. He also called the attention of the Secretary to the language used in debate and to the terms of the resolution offered by Mr. ORTH, of Indiana, by the unanimous vote of the Committee on Foreign Affairs and adopted by a unanimous vote of this House, "questioning" their propriety, and dictated to the Secretary of State, not only his disapprobation of Mr. ROBINSON'S remarks, but also his disapproval of the wording of the resolution of the committee; and

Whereas the said British minister, on the 8th day of April, 1882, inclosed to Lord Granville copies of the New York Tribune, containing its disapprobation of the law of 1868, and its unfavorable comments on the movement in favor of the release of our imprisoned citizens, which he indorsed as "satisfactory" to the friends of monarchy: Therefore,

Resolved, That the Secretary of State is hereby directed to inform this House, without reference to incompatibility with public interest, whether the said British minister suggested any punishment for those who had spoken in this debate of January 24, 1882, without his leave; whether he suggested the appointment of a British censor to revise, before publication in the RECORD, the speeches delivered in this House and the Senate; whether he suggested the person best fitted in this House to administer soothing sirup to the British lion when disturbed by any movement of the eagle's wings; whether he suggested the official recognition of the New York Tribune, "founded by Horace Greeley," a member of the "Irish Directory of 1848," as the British organ in the United States, in manifest injustice to the equal claims of the New York Times; and whether the said British minister suggested that as we had saluted the British flag at Yorktown he supposed we had permanently pulled down our own; together with the substance, as full as possible, of the conversation between the said minister and our said Secretary of State on said 25th day of January, 1882.

UNIVERSAL PEACE CONGRESS.

Mr. VANCE, by request, introduced a joint resolution (H. R. No. 252) confirming the call for a peace congress in Washington, District of Columbia, November 22, 1882; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MARY TURMINE.

Mr. NEAL introduced a bill (H. R. No. 6701) to grant a pension to Mary Turmine, widow of Samuel Kent, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GARFIELD MEMORIAL HOSPITAL.

Mr. NEAL also introduced a bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers and Sailors' Orphan Home to the Garfield Memorial Hospital; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ETHAN A. SAWYERS.

Mr. GEORGE, by request, introduced a bill (H. R. No. 6703) for the relief of Ethan A. Sawyers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TITLES UNDER ADVERSE POSSESSION.

Mr. BARBOUR introduced a bill (H. R. No. 6704) to confirm titles to real estate where adverse possession has existed for forty years against the United States Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. M. M. B. M'CULLOCH.

Mr. MOSGROVE introduced a bill (H. R. No. 6705) granting a pension to Mrs. M. M. B. McCulloch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DOUGLASS SYPHAX AND OTHERS.

Mr. PAUL introduced a bill (H. R. No. 6706) for the relief of Douglass Syphax and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATILDA M'PHAIL.

Mr. PAUL also introduced a bill (H. R. No. 6707) for the relief of Mrs. Matilda McPhail; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LYDIA ILETT.

Mr. STRAIT introduced a bill (H. R. No. 6708) granting a pension to Lydia Ilett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH C. KELLER.

Mr. URNER introduced a bill (H. R. No. 6709) for the relief of Joseph C. Keller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. G. COCKEY.

Mr. URNER also introduced a bill (H. R. No. 6710) for the relief of S. G. Cockey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. V. COLCLAZIER.

Mr. LADD, by request, introduced a bill (H. R. No. 6711) granting a pension to D. V. Colclazier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERKS COUNTY (PENNSYLVANIA) AGRICULTURAL SOCIETY.

Mr. ERMENTROUT introduced a bill (H. R. No. 6712) for the relief of the Berks County agricultural society, of Berks County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DR. AUGUSTUS E. PHILLIPS.

Mr. COX, of New York, submitted the following resolution of inquiry; which was read and referred to the Committee on Foreign Affairs:

Resolved, That the President is requested to communicate to the House of Representatives a copy of the record and proceedings of the Spanish-American commission and a copy of the decision of the umpire of said commission, in the case of the American citizen, Dr. Augustus E. Phillips, formerly vice-consul at Santiago de Cuba, and who was expelled from Cuba by the Spanish volunteers in consequence of the publication of his official dispatches to the Department of State, and to advise the House of Representatives what measures have been taken or should now be taken to obtain reparation therefor.

AMERICAN BRIG MARY LOWELL.

Mr. COX, of New York, also submitted the following resolution of inquiry; which was read and referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States is requested to communicate to the House of Representatives a copy of the record and proceedings of the Spanish-American commission, and a copy of the decision of the umpire of said commission in the cases of the American citizens Charles H. Campbell and Augustine A. Arango growing out of the seizure of the American brig Mary Lowell, on the high seas in time of peace, by a Spanish man-of-war, and to advise the House of Representatives, if not incompatible with the public interest, whether or not said seizure was sanctioned by international law, and if not, what measures have been taken, or should now be taken, to obtain reparation therefor.

DUTIES ON CHINA AND EARTHENWARE.

Mr. BREWER introduced a bill (H. R. No. 6713) to correct decisions and to simplify duties on china and earthenware; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills, joint resolutions, and resolutions of inquiry has now been concluded.

Mr. BRAGG. I ask unanimous consent to submit some reports at this time from the Committee on Military Affairs.

There was no objection.

DONATION OF CONDEMNED CANNON, ETC.

Mr. BRAGG, by unanimous consent, from the Committee on Military Affairs, reported back with favorable recommendations the following bills; and the same were referred to the Committee of the Whole on the state of the Union, and the accompanying reports ordered to be printed:

A bill (H. R. No. 6593) donating four condemned cannon and four cannon-balls for the soldiers' burial lot in the Hudson (New York) Cemetery; and

A bill (H. R. No. 6558) donating condemned cannon and cannon-balls to Alexander Post of the Grand Army of the Republic, at Piqua, Ohio, for ornamental and monumental purposes.

Mr. BRAGG also, from the same committee, reported back with amendments the following bills and joint resolutions; and the same were referred to the Committee of the Whole House on the state of the Union, and the reports and amendments ordered to be printed:

A bill (H. R. No. 6526) donating condemned mortars and balls to General Harrison Post of the Grand Army of the Republic, at Kokomo, Indiana;

A bill (H. R. No. 6525) donating two mortars and four cast-iron balls to the post of the Grand Army of the Republic at Peru, Indiana;

A joint resolution (H. R. No. 214) authorizing and empowering the Secretary of War to deliver arms and accouterments, ammunition, and tents to the soldiers' reunion committee of the Northwest;

A joint resolution (H. R. No. 215) to grant the use of tents to be used at the soldiers' reunion to be held in Cherokee, Iowa, in 1882; and

A joint resolution (H. R. No. 231) to grant the use of tents to be used at the soldiers' reunion to be held in Nevada, Story County, Iowa, in 1882.

EUGENE WELLS.

Mr. BRAGG also, from the same committee, reported back with adverse recommendations the following bills; and the same were laid upon the table, and the accompanying report ordered to be printed:

A bill (S. No. 416) for the relief of Eugene Wells; and

A bill (H. R. No. 962) for the relief of Eugene Wells.

ALVIN WALKER.

Mr. PARKER, by unanimous consent, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 3717) granting a pension to Alvin Walker; which was referred to the Committee of the Whole House on the Private Calendar, and the amendments and report ordered to be printed.

SOLOMON SPITZER.

Mr. HUTCHINS, by unanimous consent, from the Committee on Claims, reported back with amendments the bill (H. R. No. 4780) for the relief of Solomon Spitzer; which was referred to the Committee of the Whole House on the Private Calendar, and the amendments and report ordered to be printed.

ELIZA H. RAMSAY.

Mr. STEELE, by unanimous consent, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TIME OF SERVICE OF JURORS.

Mr. NORCROSS, by unanimous consent, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. No. 15) to prescribe the time of service of jurors; which was laid on the table, and the accompanying report ordered to be printed.

PROCEEDINGS IN UNITED STATES COURTS.

Mr. NORCROSS also, by unanimous consent, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 524) to regulate proceedings in United States courts, and giving appeal to the Supreme Court in certain cases; which was laid on the table, and the accompanying report ordered to be printed.

REDEMPTION OF SPECIAL ASSESSMENT CERTIFICATE.

Mr. NEAL, (by request,) by unanimous consent, introduced a bill (H. R. No. 6714) to provide for the redemption of special assessment certificate No. 130; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING AT TERRE HAUTE, INDIANA.

The SPEAKER. This being the first Monday of the month motions by individual members to suspend the rules are the regular order. The gentleman from Indiana, [Mr. PEIRCE,] at the time of the adjournment on the first Monday of June, had pending a motion to suspend the rules, and which is the first now in order. The gentleman from Indiana moves to suspend the rules and pass the bill (S. No. 62) which the Clerk will read.

The Clerk read as follows:

A bill (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site, and to cause to be erected, at the city of Terre Haute, in the State of Indiana, a suitable building for the use and accommodation of the post-office and other Government offices in said city, with fire-proof vaults extending to each story; the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $150,000; and the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and the completion of said building: *Provided*, That there shall be an open space of not less than fifty feet upon every side of said building, including streets and alleys, and that no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of Indiana shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. McMILLIN. I call for a second, in order that the report may be read and some explanation made of this bill.

The SPEAKER. If there be no objection the second will be considered as ordered.

There was no objection, and the second was ordered.

Mr. HOLMAN. I suppose the report will be read.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill.

Mr. TOWNSHEND, of Illinois. Is there nothing to be said in favor of this bill? We should have some explanation of it.

Mr. PEIRCE. I ask the Clerk to read the two letters which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT, *January* 30, 1882.

SIR: I am in receipt from the Commissioner of Internal Revenue of your letter of this date, and, as requested therein, have the honor to submit herewith a copy of a letter of February 15, 1881, from the Commissioner of Internal Revenue to the Secretary of the Treasury regarding the necessity for a Government building at Terre Haute, Indiana.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. D. W. VOORHEES, *United States Senate.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 15, 1881.

SIR: I have received a letter from Hon. D. W. VOORHEES, United States Senate, making inquiry in regard to the needs of the internal-revenue service at Terre Haute, Indiana, for a suitable public building for the transaction of business at that point.

In reply I will state that the collection district is composed of fifteen counties, and it would seem probable that the district would be maintained as long as the internal-revenue system of taxation is continued.

The collections of said district have been large for a number of years, and for the last fiscal year amounted to $1,531,283. Including the collector, there is a force of thirteen persons required in the office for the transaction of the public business. On the 1st of February of this year the collector was charged on the books of this office with $1,080,473 of internal-revenue stamps, and usually keeps that amount on hand.

The office is now located in an ordinary brick building, not intended to be fire-proof. While the stamps and other valuables are kept in a vault and safe in said office, the great bulk of the records and files of the office are in ordinary wooden file-cases, subject to be destroyed in the event of a fire.

The rent now paid for the use of said office is $900 per annum.

Terre Haute is a growing city of, say, 30,000 inhabitants. The post-office service must certainly require a very considerable amount of house room. If a post-office and an internal-revenue office could be combined in one fire-proof building of suitable size and planned and erected with an eye to economy, it would, in my opinion, be a judicious expenditure.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN, *Secretary of the Treasury.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 8, 1882.

SIR: In reply to your inquiries of the 7th instant, I have the honor to state that the records of this office show—

First. The amount of revenues collected in the seventh collection district of Indiana for the fiscal year ended June 30, 1881, was $2,253,760.27. For the six months ended December 31, 1881, it was $763,098.91.

Second. The average value of stamps kept on hand by the collector is $1,000,000.

Third. The amount paid for rent of the collector's office per annum in Terre Haute is $600.

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. R. B. F. PEIRCE, *House of Representatives.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 8, 1882.

SIR: In reply to your letter of yesterday, I would say:

Gross receipts for 1881, (Terre Haute,) $33,415.62.
Postmaster's salary, $3,000.
Allowance for clerks, $6,100.
Allowance for rent, $900.
Allowance for fuel, $108.
Allowance for light, $495.
The lease of the present quarters does not expire till December 15, 1887.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. R. B. F. PEIRCE, *House of Representatives.*

Mr. BURROWS, of Michigan. Mr. Speaker——

The SPEAKER. Does the gentleman rise to oppose the passage of the bill?

Mr. BURROWS, of Michigan. I do. I rise to ask the gentleman from Indiana [Mr. PEIRCE] some questions in regard to the merits of his bill. While it is a most ungracious and thankless task to oppose the passage of any bill for the erection of a public building anywhere in the United States, and while in my judgment no opposition to the erection of any public building anywhere will be of any avail, yet, nevertheless, I do wish that the House should understand the merits of this case.

And in saying what I propose to say I beg that the gentleman from Indiana [Mr. PEIRCE] will not consider that it is from any feeling personal to him, but it is simply the discharge of what I conceive to be a public duty, and an attempt to arrest what seems to me to be a wasteful expenditure of the public money.

In the first place, public buildings have been authorized by this House for various reasons. At some places they are authorized on account of population, and we are told that the business of the United States Government at the particular locality has nothing to do with the question; that whether they have courts or not is of no consequence; that whether there is a post-office there or not is of no consequence. It is a mere question of population, and if the population there is large then a public building should be erected. Under that plea the bill goes through.

Another case is presented, (and there have been several cases of that kind,) where the population is but three or four thousand, and a public building has been authorized at the place and we have been told that population has nothing to do with it; that the question is whether the United States has any business at the place, and if it has business then a public building should be erected there.

The reason for constructing this building, I understand, is based on the population. There is no United States court at Terre Haute, either district or circuit; but it has a population by the last census of 26,042. Because of this population at that place we are asked to erect a public building there.

The business of the United States at Terre Haute is the collection of internal revenue and the carrying on of a post-office. The letter just read, upon which the argument is based for the erection of a public building at this place, is directed to the great amount of revenue there collected.

Now, it is well understood that a sentiment is gaining ground in this country which will soon become so strong that it will lead to wiping out the whole system of internal revenue. Hence it seems to me that we ought not to base an argument for the erection of a public building at Terre Haute upon the fact that to-day a large amount of internal revenue is being collected at that place, because, as I have just stated, the system of internal revenue may at a very early day be entirely destroyed. Therefore the only argument in favor of the erection of this building is that they have there a population of 26,000, and they also have a post-office. Now what is the rent paid by the United States Government for the post-office at Terre Haute? The Government pays an annual rental of $900 for a post-office at Terre Haute.

I have simply laid these facts before the House. I have not the slightest feeling about this matter, and I have not the slightest expectation that the bill will be defeated; but I do submit that this proposition has not the least particle of merit in it and ought not to be approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, in-

formed the House that the Senate had passed without amendments joint resolutions of the House of the following titles:

Joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas; and

Joint resolution (H. R. No. 247) to provide for the printing of public documents, for binding and distribution to those entitled to receive them.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; and

Joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations to pay the fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

The message also announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain; and

A bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I ask the gentleman from Indiana [Mr. PEIRCE] to yield to me for a moment.

Mr. PEIRCE. I will do so.

Mr. CANNON. I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, which has just been returned to the House by the Senate with amendments. My object in doing so is to move to non-concur in the Senate amendments, so that the bill may be got into conference as early as possible.

Mr. HOLMAN. Some of these amendments, I think, should be considered in Committee of the Whole, unless it is considered that this motion of the gentleman from Illinois [Mr. CANNON] is not a merely formal motion. If it is a merely formal motion then I must insist upon the consideration of the Senate amendments in Committee of the Whole. If my friend from Illinois intends his motion as a real expression of the opinion of the House against the amendments of the Senate, then of course I will not object.

Mr. CANNON. While perhaps some of the amendments of the Senate ought to be concurred in, I am satisfied that the great majority of them ought not to be. But the gentleman will have his remedy when the report of the committee of conference is made. I make this motion now merely to expedite the consideration of the bill.

Mr. HOLMAN. This matter is subject to a point of order I believe?

Mr. CANNON. Certainly, if the gentleman desires to make the point.

Mr. ATKINS. I suggest that if the gentleman from Indiana objects to the motion, we had better not undertake to consider the amendments now, but let them go to the committee.

Mr. CANNON. I think the gentleman from Indiana will be safe in consenting to the motion to non-concur.

Mr. HOLMAN. These amendments embrace some increases of offices——

Mr. CANNON. I am aware of that.

Mr. HOLMAN. If upon the subject of increases of salaries and offices this motion to non-concur is to be understood as a *bona fide* motion, and the House is to be regarded as opposed to such legislation upon this bill, then I am content that the gentleman's motion should be adopted. But if the gentleman intends to yield those points, I object.

Mr. CANNON. I suppose when this matter goes to a conference it will be a free conference. Of course when the conference report comes in it will be subject to ratification or rejection by the House.

Mr. HOLMAN. When the report comes in I presume it will pass *nem. con.*, as is generally the case with conference reports.

The SPEAKER. The question is on the motion of the gentleman from Illinois, [Mr. CANNON,] that the House non-concur in the amendments of the Senate.

Mr. HOLMAN. The bill is still subject to a point of order, I believe.

The SPEAKER. Does the gentleman insist on his point of order? The Chair does not understand that the gentleman from Indiana [Mr. PEIRCE] gave way for the purpose of going into Committee of the Whole.

Mr. CANNON. He did not.

The SPEAKER. Is the point of order insisted upon?

Mr. HOLMAN. With the understanding that this is a *bona fide* vote and that the House is opposed to the amendments increasing offices and salaries, I have no objection.

Mr. ATKINS. Mr. Speaker, as a member of the committee that reported this bill, I do not think the gentleman in charge of it or anybody else can make any pledges as to what shall be done about the bill in conference.

Mr. CANNON. Certainly not.

Mr. ATKINS. The gentleman from Indiana had better make his point now or waive it altogether.

Mr. HOLMAN. I am not asking any pledge at all. I am well satisfied that the House shall non-concur in these amendments. All I ask is that it be understood the House by this vote expresses its opposition to increasing offices and salaries on this bill.

Mr. O'NEILL. I wish to say a word to my colleague on the committee, [Mr. CANNON,] who has made this motion. I had hoped his motion would be that the amendments be printed and lie over for consideration, so that we could have an opportunity to examine them before they are acted upon. I am very sure that I, as a member of the sub-committee of the Committee on Appropriations upon this bill, would approve many of the amendments of the Senate, as I did not entirely approve the bill either in the sub-committee or in the Committee on Appropriations itself. I am very sure that upon many of these amendments my views would coincide with those of the Senate. I believe that by some of these amendments the bill is greatly improved. Hence, I would like to have an opportunity to vote in favor of some of them. Differing as I did from members of the sub-committee, I wish the gentleman would move only that the amendments be printed and not urge action at present upon concurrence or non-concurrence.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. CANNON] to non-concur in the amendments of the Senate.

The motion was agreed to.

Mr. CANNON moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CANNON. I now ask that the bill with the Senate amendments, numbered, be printed.

The SPEAKER. In the absence of objection that order will be made.

There was no objection.

PUBLIC BUILDING AT TERRE HAUTE, INDIANA.

The SPEAKER. The question now recurs on the motion of the gentleman from Indiana [Mr. PEIRCE] to suspend the rules and pass the bill for the erection of a public building at Terre Haute.

Mr. PEIRCE. Mr. Speaker, I do not suppose that the gentleman from Michigan [Mr. BURROWS] intended to make any misrepresentation of the reasons which we give for the erection of this public building at Terre Haute. He stated, however, that the only reason we have to offer is that we have a post-office there. I wish to say to the gentleman and to the House that in addition to the post-office we have an office for the collection of internal revenue. The letter from the Commissioner of Internal Revenue, indorsed by the clerk, shows that the revenue collected at Terre Haute for the fiscal year ending June 30, 1881, was $2,253,760.27; and for the purpose of collecting this revenue a large corps of officers must be supplied with an office for the transaction of business. The letter further states that the average amount of internal-revenue stamps kept on hand by the collector at that place is a million of dollars. So that the gentleman did not state the circumstances correctly when he said that the fact of a post-office being located at Terre Haute was the only reason given for the erection of this public building. At Terre Haute is transacted the business of one of the largest collection districts of the West.

Terre Haute, instead of having only 26,000 population, as stated by the gentleman from Michigan, has over 30,000. It is one of the most rapidly growing cities of the West. Being the center of a rich section of the country, it has large railroad and manufacturing interests. Large sums of money have been invested in permanent improvements and various kinds of business enterprises. Among the prominent business institutions of the city I mention the following: two blast furnaces; nail works; distillery, second only in capacity to distilleries of the world; large car works; five large flouring mills; many large stores, factories, and cooper-shops; hominy mills; hub and spoke factories; the Vandalia railroad shops, employing over a thousand men.

Terre Haute is situated upon the following railroads: Terre Haute and Indianapolis, 73 miles in length; Terre Haute and Logansport, 115 miles; Evansville, Terre Haute and Chicago, 192 miles; Saint Louis, Vandalia and Terre Haute, 183 miles; Indianapolis and Saint Louis, 256 miles; Terre Haute and Cincinnati, 40 miles; Evansville and Crawfordsville, 109 miles; Illinois Midland, 147 miles.

The Government has no building of its own in which to transact its large internal-revenue and postal business, and in view of these facts it does seem to me that this House should pass this bill to erect such a building as this immense business demands.

The gentleman makes the point that there is no Federal court at Terre Haute. I will say to him that in consequence of the great increase of business there is a pressing demand for a Federal court there, and one must soon be established. A very large portion of the business now transacted at Indianapolis comes from our section of the State, and our people suffer great inconvenience in not having a United States court more convenient.

Mr. BURROWS, of Michigan. I understood the gentleman to state that the population of Terre Haute is over 30,000, and that I was in error in stating the population as reported by the last census to be 26,042.

Mr. PEIRCE. That was the population by the last census.

Mr. BURROWS, of Michigan. Then I was not in error in making that statement.

Mr. PEIRCE. But the gentleman said the present population is 26,000.

Mr. BURROWS, of Michigan. I stated the population by the last census.

Mr. PEIRCE. But during the last year four hundred new dwellings have been erected in that city.

Mr. BURROWS, of Michigan. But the gentleman misunderstood me. I did not state 26,000 as the present population but as the population by the last census.

Mr. PEIRCE. I consent that the gentleman may stand corrected.

Mr. BURROWS, of Michigan. The gentleman will allow me one further remark. He says I alleged the only reason for asking a public building at Terre Haute was the fact of there being a post-office there. I stated distinctly that one reason urged by those who advocate this measure is that at present a large amount of internal-revenue is collected there; but I said that as internal-revenue taxation is to be rapidly reduced a public building should not be erected for any such reason as that.

Mr. HOLMAN. I wish to ask my colleague whether he does not think $100,000, the sum reported by the House Committee on Public Buildings and Grounds, would be an adequate and ample appropriation for this purpose?

Mr. PEIRCE. I do not. I think it should be $150,000 as it is in the bill. There is an effort now being made for the establishment of a Federal court there. Owing to increase of business in that part of the State it is found to be necessary, and Terre Haute and other counties have been urging bills for the establishment of a United States court. In the very nature of things, as I have said, there is a necessity now, and the necessity will be growing stronger all the time, for the establishment of a Federal court at Terre Haute. If we are to have a public building, then, let us have a public building that will answer for all purposes, and not put up a part now and after we have established a court have no place for its accommodation.

Mr. HOLMAN. Federal courts are now held at four different places in Indiana. Terre Haute is an enterprising little city, but there is no necessity for Federal courts at that place. All the accommodation now required is for a post-office. The incidental matter of internal revenue is hardly to be taken into account, for we know that is temporary, and the system will likely come to an end before this building is erected. Does not my colleague think, therefore, that for the accommodation of a post-office in the city of Terre Haute an appropriation of $100,000 is sufficient?

Mr. PEIRCE. For a post-office merely that would be sufficient, but then we have to take into consideration the necessary accommodation for the collection of the revenues.

Mr. HOLMAN. But the collection of the internal revenues is merely a temporary matter and requires no permanent building. I cannot, consistent with views of reasonable economy, vote for more than the committee reports, $100,000.

Mr. PEIRCE. It is a very large business there. The Senate committee did unanimously report in favor of the amount named in the bill—$150,000.

Mr. HOLMAN. There are other districts where the internal-revenue business is much larger, and where no public building is asked to be constructed. My own district pays over $3,000,000 internal revenue annually.

Mr. PEIRCE. Does not the gentleman know that none of the Federal courts now established in Indiana are convenient to the citizens of Western Indiana?

Mr. HOLMAN. That is true as to Western Indiana, and also true as to Southeastern Indiana. I do not agree with my colleague that there is any public reason for increasing the number of Federal courts in Indiana. On the contrary, I think two of them should be discontinued.

Mr. PEIRCE. I do not care to discuss further the necessity of a court at Terre Haute, because there may be a diversity of opinion upon its necessity; but I do insist that a public building there is necessary for the present postal and revenue business. Indiana is not receiving her share of appropriations for public purposes, and I regret to see the gentleman antagonizing her interests in this way.

Mr. McMILLIN. Mr. Speaker, I wish to call the attention of the House to this bill, especially for the purpose of directing attention to the system of legislation, in my judgment vicious, which has grown up here during this session of Congress in regard to the construction of public buildings. We have already built public buildings in many places, or authorized them to be constructed, where there is not any real necessity for them, and where the trade, travel, and commerce are hardly sufficient to keep the pennyroyal and dogfennel tramped down in the streets. As my friend from Michigan [Mr. BURROWS] has stated, we go on authorizing a public building at this place for post-office accommodation and at another place for the accommodation of internal-revenue offices.

In this particular case of Terre Haute the gentleman from Michigan has stated the amount of rent paid for the post-office is $900 a year. This bill provides for the expenditure of $150,000 for the construction of a public building, or rather it appropriates now $75,000 and authorizes the construction of a public building to cost $150,000.

The gentleman from Indiana has said there are large internal revenues collected in that district. In the district from which I come we have collected, I doubt not, as much internal revenue as is collected in the Terre Haute district. For the last ten or twelve years a building has been rented for the officers. I presume the rent has not been exceeding $1,000 a year.

I have no particular animosity toward this district, and regret I have to oppose the bill. But I must remember and this House should not forget that there are interests of fifty millions of people to be considered in connection with all these measures. A recklessness in reference to authorizing the construction of public buildings has characterized this Congress never before seen since the organization of the Government.

Mr. DE MOTTE. How much more has been appropriated by this Congress than by former Congresses?

Mr. McMILLIN. Ten times as much for public buildings, I suppose.

Mr. DE MOTTE. By this Congress more than by the forty-sixth Congress?

Mr. McMILLIN. Certainly.

Mr. DE MOTTE. I think the gentleman is all wrong.

Mr. McMILLIN. I do not remember the exact figures, but I think there have been more public buildings authorized to be constructed during this session than for the same time during any previous session of Congress. What I had reference to when I said "ten times as much by this Congress as by the Forty-sixth" was that there had probably been that many more public buildings authorized, and not ten times as much money spent.

Mr. DE MOTTE. I do not want to see the gentleman go wrong.

Mr. McMILLIN. I do not wish to be wrong, and I think the statement I have made is entirely right. I thank the gentleman for his paternal care, and will be glad to receive any suggestion from his superior wisdom.

Mr. DE MOTTE. My superior wisdom amounts to little, but I happen to have seen the figures, and I say now to this House this Congress has not appropriated as much as the last Congress for public buildings.

Mr. McMILLIN. Yes; but you must remember this Congress has not yet gone through one session, and that there are many bills yet to be acted on which the committee have reported favorably. You have from thirty to forty new public buildings recommended, and no doubt they will have the same favorable action the preceding ones have had. When you take into consideration the fact that we have to go through another session of Congress, my statement will be found within limits. To compare this one session of Congress with the preceding three sessions of Congress is not a fair contrast. My friend from Indiana [Mr. DE MOTTE] must remember that our Republican brethren on his side of the House left us a legacy of indebtedness on buildings commenced which had to be completed by us when we got control of the House.

Mr. DE MOTTE. Possibly. I also remember that we left you other legacies—legacies of principle—of which I fear you have not been so careful.

Mr. TOWNSHEND, of Illinois. By permission of the gentleman from Tennessee, I desire to say that the amounts appropriated for public buildings during the last three Congresses was to a very large extent due to the buildings authorized to be constructed by the previous Republican Congresses. They were unfortunate legacies or rather incumbrances left by the Republican party. Notably the expensive buildings for post-offices, &c., at St. Louis, Chicago, New York, and other cities. It became necessary for the last three Congresses to appropriate millions in order to continue the works already commenced.

Mr. DE MOTTE. Many of the appropriations made for public buildings have been made to carry on works begun by the Forty-sixth Congress.

Mr. TOWNSHEND, of Illinois. You ought not to have left us such legacies. You ought to have appropriated enough to finish them and not left such burdens for us to carry.

Mr. McMILLIN. I wish to say in the statement I have made I referred to the works which originated in the preceding Congress. If we make a contrast between the number of works authorized in the preceding Congress and the number already authorized during this Congress, and yet to be acted upon by the House, we will see that in the statement I have made I am strictly correct. I do not undertake to say that we have already appropriated more money for such purposes than was appropriated in the last Congress during the whole of its sessions, and taking into consideration what had to be continued from former Congresses; but in matters which have originated in the present Congress, and bills which have been passed and reported favorably for the erection of public buildings, I do undertake to say that it has never been surpassed in extravagance in that direction by any Congress in the history of this Government.

Mr. DE MOTTE. And I have examined and am prepared to deny that it compares unfavorably with other Congresses in that respect.

Mr. McMILLIN. To return to the propriety of building, the interest on the cost of this building will be $4,500 a year even at 3 per cent. The rent paid there at present by the Government for the post-office is only $900; and so far as the internal-revenue taxes are concerned, it seems, judging from the tone of this Congress and the sentiment prevailing in the country, that system is not to be continued forever. There is little need for appropriating a large sum of money for constructing a public building to provide offices for its collection. I hope, Mr. Speaker, this Congress will call a halt at last in the matter of these appropriations, and that some little economy in this respect will prevail. I do not expect to defeat this bill. I have not

seen one of them defeated during this Congress. I hope it can be defeated, although, to speak candidly, I do not believe it will be; yet I want to enter my protest against this reckless system of legislating and against the extravagance which has characterized this Congress, and against the course we seem to be determined to continue, notwithstanding all protest to the contrary.

Mr. PEELLE. Mr. Speaker, I rise to favor the motion——

The SPEAKER. The time allowed for debate has expired. The question is on agreeing to the motion of the gentleman from Indiana.

Mr. SHALLENBERGER. I desire to ask whether all the time in opposition to the bill has expired?

The SPEAKER. It has.

Mr. SHALLENBERGER. I hope the gentleman will accept the House bill providing for an expenditure of $100,000 for this purpose.

The SPEAKER. Further debate is not in order. The question is on agreeing to the motion of the gentleman from Indiana to suspend the rules and pass the bill which has been read.

The House divided; and there were—ayes 83, noes 42.

Mr. McMILLIN and Mr. BRAGG. No quorum.

Mr. BURROWS, of Michigan. I demand the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. As many as are in favor——

Mr. BURROWS, of Michigan. I wish to inquire whether a quorum has voted?

The SPEAKER. The Chair was submitting the question on the demand of the gentleman from Michigan for the yeas and nays on the last vote.

Mr. BURROWS, of Michigan. I wish to inquire before that if a quorum has voted.

The SPEAKER. The gentleman from Michigan now, as the Chair understands, makes the point that a quorum has not voted.

Mr. BRAGG. I made the point of order that no quorum had voted immediately on the announcement of the vote.

The SPEAKER. The Chair understands the gentleman as now making the point, but the yeas and nays have been demanded.

Mr. TOWNSHEND, of Illinois. Was there a two-thirds vote in favor of this motion, as announced by the Chair.

The SPEAKER. There was a two-thirds vote.

Mr. BRAGG. I made the point of order that there was no quorum before the demand for the yeas and nays.

Mr. McMILLIN. I also made the point of no quorum.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 54, not voting 117; as follows:

YEAS—119.

Aldrich,	Dezendorf,	Matson,	Shultz,
Anderson,	Dibrell,	McCook,	Singleton, Jas. W.
Barbour,	Dunnell,	McKinley,	Smith, A. Herr
Barr,	Errett,	McLane,	Smith, Dietrich C.
Bayne,	Evins,	Miles,	Smith, J. Hyatt
Belford,	Farwell, Sewell S.	Money,	Spooner,
Bingham,	Ford,	Moore,	Springer,
Bisbee,	Frost,	Morey,	Steele,
Blackburn,	Fulkerson,	Morrison,	Stephens,
Blanchard,	Garrison,	Mosgrove,	Stockslager,
Bliss,	George,	Muldrow,	Stone,
Blount,	Gibson,	Mutchler,	Talbott,
Briggs,	Gunter,	Neal,	Thomas,
Browne,	Harmer,	Norcross,	Thompson, Wm. G.
Brumm,	Hazelton,	O'Neill,	Tillman,
Buck,	Henderson,	Orth,	Townsend, Amos
Butterworth,	Hill,	Page,	Tyler,
Candler,	Hubbell,	Parker,	Updegraff, J. T.
Cannon,	Hubbs,	Paul,	Upson,
Carpenter,	Jones, George W.	Peelle,	Valentine,
Cassidy,	Jorgensen,	Peirce,	Van Horn,
Chace,	Kelley,	Pettibone,	Wait,
Cobb,	Kenna,	Phister,	Walker,
Colerick,	Ketcham,	Ray,	Wellborn,
Cravens,	Lacey,	Rich,	West,
Davidson,	Lewis,	Ritchie,	White,
Davis, Lowndes H.	Lord,	Robertson,	Williams, Thomas
Dawes,	Lynch,	Robinson, Jas. S.	Wilson,
Deering,	Manning,	Robinson, Wm. E.	Young.
De Motte,	Mason,	Rosecrans,	

NAYS—54.

Arnfield,	Culberson,	House,	Simonton,
Atherton,	Dowd,	Hutchins,	Strait,
Belmont,	Dwight,	Jones, James K.	Taylor,
Berry,	Fisher,	Klotz,	Thompson, P. B.
Bragg,	Forney,	Knott,	Townshend, R. W.
Buchanan,	Geddes,	Ladd,	Turner, Henry G.
Buckner,	Hall,	Latham,	Turner, Oscar
Burrows, Julius C.	Hammond, N. J.	McMillin,	Updegraff, Thomas
Carlisle,	Harris, Benj. W.	Oates,	Wadsworth,
Clements,	Haseltine,	Phelps,	Warner,
Converse,	Haskell,	Prescott,	Whitthorne,
Cook,	Hewitt, G. W.	Ranney,	Wise, Morgan R.
Cox, Samuel S.	Holman,	Reagan,	
Cox, William R.	Horr,	Robinson, Geo. D.	

NOT VOTING—117.

Aiken,	Cabell,	Cornell,	Denster,
Atkins,	Caldwell,	Covington,	Dingley,
Beach,	Calkins,	Crapo,	Dugro,
Beltzhoover,	Camp,	Crowley,	Dunn,
Black,	Campbell,	Cullen,	Ellis,
Bland,	Caswell,	Curtin,	Ermentrout,
Bowman,	Chapman,	Cutts,	Farwell, Chas. B.
Brewer,	Clardy,	Darrall,	Flower,
Burrows, Jos. H.	Clark,	Davis, George R.	Godshalk,
Grout,	Joyce,	Pound,	Sparks,
Guenther,	Kasson,	Randall,	Spaulding,
Hammond, John	King,	Reed,	Speer,
Hardenbergh,	Leedom,	Rice, John B.	Tucker,
Hardy,	Le Fevre,	Rice, Theron M.	Urner,
Harris, Henry S.	Lindsey,	Rice, William W.	Vance,
Hatch,	Lowe,	Richardson, D. P.	Van Aernam,
Heilman,	Mackey,	Richardson, Jno. S.	Van Voorhis,
Hepburn,	Marsh,	Robeson,	Ward,
Herbert,	Martin,	Ross,	Washburn,
Herndon,	McClure,	Russell,	Watson,
Hewitt, Abram S.	McCoid,	Ryan,	Webber,
Hiscock,	McKenzie,	Scales,	Williams, Chas. G.
Hoblitzell,	Miller,	Scoville,	Willis,
Hoge,	Mills,	Scranton,	Willits,
Hooker,	Morse,	Shackelford,	Wise, George D.
Houk,	Moulton,	Shallenberger,	Wood, Benjamin
Humphrey,	Murch,	Shelley,	Wood, Walter A.
Jacobs,	Nolan,	Sherwin,	
Jadwin,	Pacheco,	Singleton, Otho R.	
Jones, Phineas	Payson,	Skinner,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following pairs were announced:

Mr. SHERWIN with Mr. ROBERTSON.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. KENNA with Mr. MURCH.

Mr. GODSHALK with Mr. BELTZHOOVER.

Mr. LOWE with Mr. HERNDON.

Mr. VAN AERNAM with Mr. CALDWELL.

Mr. DAVIS, of Illinois, with Mr. McKENZIE.

Mr. CALKINS with Mr. CABELL.

Mr. WASHBURN with Mr. MOULTON.

Mr. CULLEN with Mr. HATCH.

Mr. JOYCE with Mr. DUGRO.

Mr. MACKEY with Mr. KING.

Mr. WEBBER with Mr. ERMENTROUT.

Mr. McCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. RICE, of Massachusetts, with Mr. DUNN.

Mr. SKINNER with Mr. BEACH.

Mr. WATSON with Mr. SHACKELFORD.

Mr. PAYSON with Mr. SPARKS.

Mr. FARWELL, of Illinois, with Mr. SINGLETON, of Illinois.

Mr. HEILMAN with Mr. BLOUNT.

Mr. WARD with Mr. AIKEN.

Mr. McCOID with Mr. CLARK.

Mr. GUENTHER with Mr. DEUSTER.

Mr. RYAN with Mr. LE FEVRE.

Mr. CAMP with Mr. VANCE.

Mr. ROBESON with Mr. HARRIS, of New Jersey.

Mr. HOUK with Mr. CHAPMAN.

Mr. LINDSEY with Mr. RANDALL.

Mr. SHALLENBERGER with Mr. FLOWER.

Mr. BREWER with Mr. CLARDY.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. BLANCHARD. I move to dispense with the reading of the names.

Mr. BRAGG. I object.

The names of members voting were read, and the result of the vote was then announced as above stated.

PUBLIC BUILDING AT OXFORD.

Mr. MANNING. I move that the rules be suspended, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi, and that the same be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of Oxford, in the State of Mississippi. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Mississippi shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BURROWS, of Michigan. I demand a second.

The SPEAKER. If there be no objection a second will be considered as ordered.

Mr. BURROWS, of Michigan. I object.

The SPEAKER. A second having been demanded, the Chair under the rule will order tellers, and appoints the gentleman from Mississippi, Mr. MANNING, and the gentleman from Michigan, Mr. BURROWS.

The House divided; and the tellers reported—ayes 108, noes 9.

So (further count not being called for) the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] is recognized to control the time in opposition.

Mr. BURROWS, of Michigan. When this matter was called to the attention of the House recently I took occasion to make some statements with reference to the population and the necessity, or the want of necessity, for a public building at the place named in this bill. I desire now to reiterate what I said then, with some modification. I was in error as to the amount paid for rent for the use of United States courts, and in justice to the gentleman from Mississippi I desire to say that the amount paid is somewhere in the neighborhood of $500 a year for the rent of buildings for the United States court. There is no internal-revenue collector at that place, so that argument, I suppose, will not be used in this case. The rent paid for the post-office is paid by the postmaster, and the gross receipts of the post-office at this place are in the neighborhood of $2,400. The population by the last census——

Mr. MANNING. Will the gentleman allow me to interrupt him?

Mr. BURROWS, of Michigan. Yes, sir.

Mr. MANNING. I did not hear what the gentleman said as to the rent paid for the court-house.

Mr. BURROWS, of Michigan. I made the necessary correction of my former statement. It is in the neighborhood of $600 or $700.

Mr. MANNING. I have a letter from Jonathan Tarbell, of the office of the First Comptroller of the Treasury, dated the 7th of June, the day following the issue joined formerly between the gentleman from Michigan and myself, and he states that the amount paid is $730.

Mr. BURROWS, of Michigan. There has been some reduction since that, I understand. But we will not differ as to that. The amount is in the neighborhood of $700. There has been no collection of internal revenue and no rent paid for internal-revenue offices. And there is no rent paid for the post-office except such as is paid by the postmaster; the gross receipts of the post-office being in the neighborhood of $2,400.

Mr. FISHER. I would ask the gentleman what right has the Government to pay any rental in a place like that where the gross receipts are but $2,400?

Mr. BURROWS, of Michigan. They do not pay it, and they ought not to pay it.

The population in 1880 of the city of Oxford was 1,534. The population in 1870 was 1,422. There was an increase in ten years of one hundred and twelve people.

In view of the vote just taken for the Terre Haute building, I suppose this bill will pass. I have no argument to make. I simply state the facts. There is one reason for the passage of this bill, I will say frankly, which did not exist in the last case. There is a United States court here. There was not any at Terre Haute.

I have not the slightest idea this bill ought to pass. And yet we have just passed one for $150,000 at a place where there is not a court, and this provides $50,000 for a building at a place where there is a court. I make these statements to put myself right, and at the same time reassert what I said before, that I think the bill ought not to pass.

Mr. MANNING. I am very much indebted to the gentleman from Michigan, [Mr. BURROWS;] he is almost ready to support this bill. I do not want any comparison instituted between this bill and other bills that are not now under consideration. I voted for the bill which was just passed, a bill not so meritorious as this one, in my opinion, but a proper bill to pass under the circumstances.

Mr. WILSON. Have you a United States court at your place?

Mr. MANNING. I will remark that the United States court has been held at Oxford and vicinity for more than half a century. The clerk writes to me (and I have his letter upon my desk) that the cases brought during his long term of service have averaged one hundred and forty-four annually. The judge writes an earnest letter, addressed to the Committee on Public Buildings and Grounds, which I dare say largely influenced that committee in making their favorable report of this bill to the House.

The gentleman from Michigan [Mr. BURROWS] tells us that the town of Oxford is small. I have heard that suggested with reference to other bills, but I have failed to appreciate the objection.

The only matter which this House should consider in connection with that point is the population of the district, the number of people within the jurisdictional limits of the court. What matters it if there are no people there, if process runs a great distance and can reach a large number of people?

In this district there are twenty-two large counties, averaging nearly five hundred square miles each, and aggregating about eleven thousand square miles, a larger extent of territory than any one of seven States in this country which could be named. In the twenty-two counties of this district reside between three and four hundred thousand people, more than the population of any one of six different States of this Union. In addition to that, we have in the district taxable property that foots up over $40,000,000. Now, all this property, all this population, all these square miles are subject to the jurisdiction of the court held at Oxford.

Need I add anything to this? Will it be disputed that where there is a court held there should be comfortable provision made for the judge and the different officials, and adequate protection given to the records of that court? What business man would expose his valuable papers as the Government of the United States exposes the papers of the United States courts, where they have no vault or anything more than a board box in which to put those papers? The papers in the office of the clerk of the district court for the northern district of Mississippi are confided to the custody of the clerk, who has nothing but a plain board box to keep them in.

My friend from West Virginia [Mr. KENNA] suggests to me that every county in every State in this country has seen proper to erect a court-house. In this case the United States court is sandwiched between the State court, the chancery court, and the circuit courts of that State.

I do not intend to speak more than a moment longer; but I want to say something for the benefit of the gentleman from Tennessee, [Mr. MCMILLIN,] who I hope will not antagonize this bill. It is in reference to a statement which he made when the last bill was under consideration. I desire to read from a statement made by Mr. MORRILL, of the Senate, a member of the Committee on Public Buildings and Grounds, and who always takes pains to ascertain the merits of the bills submitted to his committee. He says:

> The idea that this Congress has appropriated an extravagant sum for public buildings at the present session is entirely baseless. There have been a larger number of bills for buildings reported favorably, but the gross amount does not exceed the amount that was appropriated in the Forty-fifth or at the Forty-sixth Congress. Up to Monday—

These remarks were made by Senator MORRILL on the 7th of June:

> Up to Monday there had been but $460,000 of money absolutely appropriated by Congress. The whole sum of the bills that have been passed by the House and Senate amount, when the buildings shall have been completed, to the sum of $3,400,000, and the amount appropriated this year will be a little over $2,000,000. The amount appropriated in the Forty-fifth Congress was $6,466,067; in the Forty-sixth Congress, $6,268,923; so that it will be seen that unless the next session of Congress shall appropriate a larger sum than has been appropriated at this session, the amount that will be appropriated for the Forty-seventh Congress will be about the same as in the Forty-fifth or the Forty-sixth.
>
> I may also add another fact in the matter that was contributed by a member of the House, Mr. WILLIS, who has taken pains to ascertain the amount of rentals paid throughout the country, and he finds the fact that if we were to capitalize the amount of buildings we propose to put up, in both Houses, the rentals now paid would exceed 4 per cent. on the whole amount.

I have here a report made in the Forty-fourth Congress from the Committee on Expenditures on the Public Buildings, from which I read a single paragraph:

> The total amount annually expended for rented premises in all the departments exceeds one and a quarter millions of dollars; a sum equivalent to 4 per cent. interest on more than $31,000,000. This amount, judiciously expended, would construct several hundred handsome public buildings; enough to supply the needs of the public service for half a century to come, and put one in every important city in the Union not already supplied.

I ask in this bill for only $50,000, for the erection of a plain, substantial, secure building that will give comfortable provision for the officers and those in attendance on the court, and provide proper security for the records of that court. That amount is all that I have ever asked for, and I believe that at the time I introduced this bill it was the smallest amount that any gentleman had seen proper to ask for.

Mr. BURROWS, of Michigan. I desire to say only one word in reply to what the gentleman from Mississippi [Mr. MANNING] has said, and also upon the same point made by the gentleman from Tennessee [Mr. MCMILLIN] when the other bill was before the House. It is to the point that we have not appropriated as much in this Congress as was appropriated by the last Congress for this same purpose.

Now, in no sense is the erection of public buildings a party question. I regret exceedingly that the question should have been raised as to how much was appropriated for this purpose in the last Congress and in the preceding Congresses, and that a comparison should have been drawn between the Democratic party and the Republican party in making appropriations for public buildings. It has nothing to do with the question. I have not touched upon it, and shall not do so. This question is purely a matter of business.

Mr. MANNING. I did not believe that it had anything to do with the question; but gentlemen who oppose the bill had seen proper to speak of it.

Mr. BURROWS, of Michigan. I understand.

Mr. MANNING. And it has been frequently adverted to in former discussions.

Mr. BURROWS, of Michigan. I do not criticise the gentleman for what he has said. I simply say this ought to be a business transaction, passed upon by business men. If as a matter of business it appears proper that a public building should be erected at Oxford, Mississippi, then let it be erected; but if not, let it be voted down. I wish that every bill coming before this House for the construction of a public building could be passed upon upon its merits and upon business principles, just as we would consider the construction of a building upon our own premises. I regret to believe that these bills for the erection of public buildings go through by the votes of gentlemen who have had buildings authorized in their districts, or who desire them; and these two influences combined are too strong for successful resistance.

Mr. MANNING. The gentleman will hardly insist that he is now speaking to the merits of this case.

Mr. BURROWS, of Michigan. Well, I think it has a bearing on the case. It bears on the point I am making, that in passing any bill of this character we should be governed by business principles solely.

Mr. MANNING. One fact which I omitted to mention a minute

ago is that the records of this office are kept by the clerk in a separate room, far removed from the room in which the court is held.

Mr. BURROWS, of Michigan. I have nothing further to add upon this question. The House is in possession of the facts.

Mr. SHALLENBERGER. Mr. Speaker, I wish to say a word in favor of this bill.

The SPEAKER. The gentleman will be heard in the time of the gentleman from Mississippi, [Mr. MANNING.]

Mr. MANNING. I yield to the gentleman.

Mr. SHALLENBERGER. I desire to say that the Committee on Public Buildings and Grounds have considered this as purely a business question. We quite agree with the gentleman from Michigan. It ought not to be regarded as a political question.

Now, Mr. Speaker, I did not fully approve of the bill which just passed, making an appropriation of $150,000 for a public building at Terre Haute, Indiana, because our committee, after careful consideration, believed that an appropriation of $100,000 would be quite ample for that place and consistent with the general policy of the House committee to reduce the ultimate cost of these buildings. In almost every instance we have reported a less amount than the Senate. Otherwise I favored the bill. The bill we are now considering asks for $50,000 to construct a court-house at a central point for over 300,000 people and twenty-two counties. The Government of the United States is bound to provide accommodations for transacting public business with decency and dignity and in a safe, convenient, and economical manner. Conceding the fact that the United States has before its circuit and district courts in the State of Mississippi public business in which twenty-two counties are interested, and a central point like Oxford where the business must be transacted and the records kept, and where the convenience of the court and of parties interested and the safety of valuable papers and records must be provided for, this becomes purely a business question. We do not hesitate to say that the State of Mississippi, which, until within a few years, has been unwilling to cede jurisdiction to the United States over one foot of territory, but is now willing and anxious to make such cession, should have within its borders just such buildings, owned and occupied by the Government, in which to uphold the dignity of judicial procedure among those people. This measure as a business proposition should become a law. Hence, I favor it. [Cries of "Vote!" "Vote!"]

The question being taken on the motion of Mr. MANNING to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

DUTY ON WOOLEN GOODS.

Mr. KELLEY. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill to correct an error in section 2504 of the Revised Statutes of the United States.

Be it enacted, &c., That the paragraph beginning with the words "clothing, ready-made, and wearing-apparel," under Schedule M of section 25 of the Revised Statutes of the United States, be, and the same is hereby, amended by the insertion of the word "wool" before the word "silk" in two places where it was omitted in the revision of the said statutes; so that the same shall read as follows:

"Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except wool, silk, and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except wool, silk, and linen, made up, or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem."

Mr. BRAGG. I make a point of order on this bill.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. This House, after deliberate discussion, decided that it did not know enough to revise the tariff so as to reduce it; and in accordance with that judgment rendered against ourselves, I make the point that the House is not competent to increase duties if it is not competent to reduce them.

The SPEAKER. That is not a point of order.

Mr. MORRISON. I demand a second.

The SPEAKER. Is there objection to considering the motion to suspend the rules seconded.

Mr. MILLS. I object.

The SPEAKER. Does the gentleman from Texas insist on a vote on it?

Mr. MILLS. I do. I wish to have a second.

The SPEAKER. The Chair appoints Mr. KELLEY and Mr. MORRISON as tellers.

The House divided; and the tellers reported—ayes 107, noes 2.

Mr. MILLS. I hope this side will let them get a quorum by themselves.

The SPEAKER. Members are requested to vote, as no quorum has voted.

The House further divided; and the tellers reported—ayes 136; noes 10.

So there was a second.

Mr. MILLS. One hundred and forty-six is not a quorum; 147 are required for a quorum.

The SPEAKER. One hundred and forty-six is a majority of 291. The Chair now recognizes the gentleman from Illinois to control the time in opposition.

Mr. MORRISON. Some weeks ago this bill was rejected by the House. Then it was offered, as it now is, under a suspension of the rules to shut out amendments and to prevent the correction of other abuses and hardships of the tariff, especially to prevent any modification or reduction of the high rates of duty which come down to us from the war, and which were adopted professedly as war measures for purposes of revenue. This is in violation of the positive assurance long since made by the majority of the Ways and Means Committee through the gentleman from Kansas [Mr. HASKELL] that an opportunity would be given for a vote on a modification of war duties.

Under existing tariff laws, as interpreted by the courts, imported hosiery and knit goods made on frames pay a duty of 35 per cent. Should this bill pass it will so increase the duty on these goods that they will pay, none of them, except the finest goods, less than 85 per cent., and some of them as high as 100 per cent. When this question was considered a few weeks ago its advocates insisted that justice demanded this change from the lower to the higher rate, because it was alleged the lower rate of 35 per cent. was the result of an error or mistake made in the revision of the statutes, by which the law was changed, not revised. I had not then examined for myself whether or not there had been such error or mistake by the revisers of the statutes, and was ready to accept as true the statements of the gentleman from Iowa [Mr. KASSON] and others who assumed to know the facts. I conceded that though the court had not so decided it was probably true that an omission or error of revision had been made, since it was true that some other similar goods were taxed at a higher rate than 35 per cent. Since then I have carefully examined the subject, and I do not believe any such error of revision was made; on the contrary, I find that the revisers left the law as they found it and did not change it, as asserted.

This controversy is older than the revision of the Statutes. I have here a copy of protests made to then Collector Arthur at New York, September 8, 1873, protesting against the collection of the higher rate, "because said merchandise, being gloves, wristlets, and similar articles made on frames not otherwise provided for, is only liable to duty, under the twenty-second section of tariff act of March 2, 1861, and the twentieth section of the tariff act of July 14, 1862, at the rate of 35 per cent. ad valorem." This was long after the act of 1867, which it is insisted changed the duties on these knit goods—such as miners' caps, socks, and men's underwear—to the high rate of 85 to 100 per cent. This controversy began soon after the law of 1867 was passed, and Messrs. Heyl, Morgan, and Ogden, the acknowledged government experts at New York, Philadelphia, and Baltimore, in their several books on tariffs and tariff rates, have from then until now, before and since the revision of the statutes, stated the rates of duty on knit goods "made on frames" to be 35 per cent. ad valorem.

That the higher duty was demanded and collected until the court decided it to be illegal resulted, it is said, from the action of the appraiser, who is required to report facts on each invoice and who reported to the collector "knit goods, value 80 cents per pound," and did not report the other fact "made on frames," a controlling fact in fixing the rate of duty. It may be that in 1867, when the woolen manufacturers met here and made a tariff for themselves which Congress enacted into a law—as it has enacted into a law every demand made by protectionists for twenty years last past—and when they put a duty of 85 to 100 per cent. on knit goods, "except such as are composed in part of wool not otherwise provided for," they did not intend to except these knit goods made on frames composed in part of wool and which were otherwise provided for. If such was the intention, this is an instance in which greed did not get all it intended to take.

When the wool duties were fixed in 1867, they were made higher to compensate for internal income taxes and taxes on manufactures; 10 per cent. or more of the duty then imposed was to compensate for these taxes. These internal taxes were long since removed, but the gentlemen who are here to-day demanding that the duty on knit goods shall be increased to the rate they insist was intended by the law of 1867 do not propose to abate anything for the internal taxes taken off, yet they assume to demand this legislation in the name of justice. They will not do that justice which for fifteen years they have denied.

The claim made that these knit goods should pay the higher rate of duty because of the high duty on wool is even less meritorious than the other specious reasons urged in support of this measure. These goods are largely made of cotton, and shoddy, and when the tariff was made it was known they would be made largely of such material. Now gentlemen are insisting upon this tariff on knit goods being made so high as to compensate for all-wool goods made of imported wool paying a high rate of duty. The duties on wool are claimed to be higher than the duties on the woolen goods.

From statements presented here by the gentleman from Connecticut, [Mr. BUCK,] taken from the census, the fact appears there are but fourteen cents' worth of wool in every dollar's worth of woolen knit goods. Less than $4,000,000 buy all the wool in more than $28,000,000 of knit goods.

Mr. BUCK. And is not that over 5 per cent. on all the product?

Mr. MORRISON. If the wool used was all imported and duty paid on it, the duty would be but 5 per cent., or five cents on every dollar's worth of knit goods made; but the fact is that this official cen-

sus statement shows that less than 6 per cent. of the wool used in this knit-goods industry is imported and that the duty paid on the wool used to make goods valued at $1 is less than one cent. Except when it suits them, the advocates of this measure do not admit that tariff adds to the cost of goods not imported. For sake of the argument, and for the sake of truth as well, we will admit them to our side now, since now they admit tariff on goods for the use of manufacturers does increase their cost. When we have admitted what in argument is apparently claimed, that the tariff increases both the imported and domestic wool to the extent of the duty on what is imported, yet 5 per cent. will compensate for all the wool used, which is, as I have said, but fourteen cents of value in each $1 in value of goods made.

We are again met with the old, old story, which we meet as often as somebody wants higher duties that he may gather from the people more bounty on his products. This bill, it is said, will give employment and good wages to the laboring poor. The honorable gentleman from Iowa [Mr. KASSON] told us, when discussing this bill, more than 100,000 persons were engaged in this industry, which were in great danger of loss of employment if this bill failed to pass. The facts presented by the gentleman from Connecticut show that the gentleman from Iowa overstated three or four times the number engaged in this industry, and he is equally at fault in asserting that this bill will affect the wages or employment of a single person.

Mr. COX, of New York. And they do not get the protection either.

Mr. MORRISON. No, by no means. They get in this industry $230 for the year, seventy-seven cents per day, (three hundred days to the year,) while $490 of capital earns $230. A fair business profit on $490 of capital would be $49. Protection in knit goods increases this $49, which is capital's rightful share of earnings, to $230. How much of the $230, which each laborer receives for a year's work, shall I credit to protection? Deduct the wages paid and cost of materials used in making knit goods, and it leaves $7,118,952 for the year to $15,133,991 of capital invested, which is 47 per cent. for capital. To continue this condition of things in the name of labor is to mock labor.

Mr. BUCK. But the gentleman from Illinois will remember that there are 28,000 persons employed in this industry, and that it supports a population of about 100,000 people. That was the statement that was made in reference to it.

Mr. MORRISON. More than 100,000 engaged was the statement. There are no doubt about five in population to one employed, where persons employed are heads of families. If 28,000 heads of family were employed, it would represent an average of about five to each, or 140,000 persons; but that is not this case, for only about 7,000 of these are heads of families; the rest are women and children. Three thousand of them are called youths, and seven thousand only are men who have families. Seventeen thousand of them are females over fifteen years of age. It is not for these laborers, or any of them, this legislation is asked—it is for capital.

I believe I have said all I desire to state in connection with this matter, and will yield the remainder of the time to the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CARLISLE. Mr. Speaker, the report submitted by the chairman of the Committee on Ways and Means, accompanying this bill, states that its purpose is to correct an error in the Revised Statutes. Now, sir, so far as the time allotted to me will permit, I shall undertake to show that for a period of at least forty years continuously there has been a clear distinction made in the tariff laws of the United States between knit goods made on frames and other knit goods and wearing apparel. I shall show by a reference to the laws enacted prior to December 1, 1873, and in force at that date, that there was no mistake or omission in the revision, so far as it relates to this subject, and that there is therefore no such justification as the report alleges for this irregular and sudden attempt to increase the duties on the clothing of the people. The province of the commission was to revise and codify the existing laws, and not to make new ones, and in this particular instance, at least, that duty was faithfully performed.

In the tariff act of 1842 it was provided that—

> On woolen and worsted mitts, gloves, caps and bindings, and on woolen and worsted hosiery, that is to say, stockings, socks, drawers, shirts, and all other similar manufactures made on frames, a duty of 30 per cent. ad valorem.

On all other wearing apparel a duty of 50 per cent. ad valorem was imposed by that law. By the act of 1846 the classification and duty were left unchanged; and in the act of 1857 the same distinction between knit goods made on frames and other knit goods and wearing apparel was preserved, but the duty was reduced on this description of goods from 30 per cent. to 24 per cent. ad valorem. The law so remained until the passage of the act of March 2, 1861, which reimposed the duty of 30 per cent. ad valorem, but expressly retained the classification and description of knit goods "made on frames" as separate and distinct from other kinds. The language of that act is:

> Caps, gloves, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, worn by men, women, or children, and not otherwise provided for.

It is not claimed that the act of July 14, 1862, made any change in the law, and consequently it is unnecessary to quote its provisions on this subject. It merely increased the duties and left the classifications and descriptions as they stood before. We come now to the debatable ground—the act of June 30, 1864—which the report of the committee says repealed the act of 1861 so far as it related to hosiery composed of silk, linen, or wool, or of which those materials should be component parts. While all the gentlemen who advocate the passage of this bill insist that the act of 1861 had been repealed before the revision of 1873–'74, they have not been able to agree among themselves as to the time when the supposed repeal was made. The committee and the gentleman from Connecticut [Mr. BUCK] claim to find the repeal not only in the act of 1864 but also in the act of March 2, 1867, while other gentlemen, equally as well advised, find it in only one of those acts, but do not agree with each other as to the particular one. Here is the act of 1864, and the clause relied upon by gentlemen reads as follows:

> On shirts, drawers, and hosiery of wool, or of which wool shall be a component material, not otherwise provided for, 20 cents per pound; and in addition thereto 30 per cent. ad valorem.

I call the attention of gentlemen to the fact that the operation of this clause of the act of 1864 is by its express terms confined to those classes of woolen goods "not otherwise provided for," and that this class of knit goods, this particular description of woolen hosiery, was otherwise provided for by the act of 1861 and therefore could not have been embraced in the clause just read by any rule of construction known to the law. There is not a word in this clause inconsistent with the act of 1861, and even if the words "not otherwise provided for" were not contained in it there would have been no repeal. The former act contained a specific designation and description of the articles embraced by it, that is, "caps, gloves, mitts, socks, stockings, wove shirts and drawers," &c., "made on frames," while the terms of the latter act were general and could not rationally be so construed as to alter the duties imposed upon the specifically designated and enumerated articles.

The Supreme Court of the United States, in not less than a dozen well-considered decisions, has uniformly held that when goods subject to duties under the customs laws are particularly classified and described in one statute and duties prescribed accordingly, that classification is not changed and those duties are not repealed or altered by the general language of a subsequent statute, although that language might ordinarily be broad enough to embrace them. This rule was expressly reaffirmed in the decision which has created the occasion for the introduction of the bill now under consideration. In that decision the court said:

> It is also well settled that when Congress has designated an article by its specific name and imposed a duty on it by such name, general terms in a later act or other parts of the same act, although sufficiently broad to comprehend such article, are not applicable to it. (Movius *vs.* Arthur, 95 U. S., 144; Arthur *vs.* Leary, 96 U. S., 112.)

I have shown that hosiery and knit goods made on frames have been known and designated in our tariff laws as a separate and distinct class of articles ever since 1842, and it is clear, therefore, that they would not be affected by any subsequent statute which did not mention them by that special designation and description. In the case of De Forest *vs.* Lawrence, 13 Howard, 274, the Supreme Court said:

> When Congress, in legislating on the subject of duties, has described an article so as to identify it by a given designation for revenue purposes, and this has been so long continued as to impress on it a particular designation as an article of import, then it must be treated as a distinct article, whether there be evidence that it is so known in commerce or not. It must be taken as thus known in the sense of the revenue laws, by reason of the legal designation given to it, and by which it has been known and practiced on at the custom-house.

This rule has never been departed from by the court in a single case, and if it is to be repudiated now by Congress it will not be because the rule itself is wrong, but merely for the purpose of affording a pretext for a large increase of duties upon necessary articles of wearing apparel in common use among the laboring people of the country. Bearing these decisions in mind, let us turn now to the latest act upon the subject before the revision, the act of March 2, 1867, which is quoted in the report of the committee and is inserted word for word in the Revised Statutes. So far as it relates to the question now under consideration, it is as follows:

> Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound; and in addition thereto, upon all the above-named articles, 35 per cent. ad valorem.

Here, again, we find not only that general terms were used which, according to the uniform current of decisions, could not alter or repeal existing specific provisions, but we find also that by the express language of the act it was intended to apply only to flannels, blankets, hats of wool, knit goods, &c., "not otherwise provided for." What woolen knit goods, except those "made on frames," were otherwise provided for at the time the act of 1867 was passed? No gentleman has even attempted to show why the words "not otherwise provided for" were embraced in the act if they were not intended to exclude from that classification hosiery and knit goods made on frames. Sir, the claim set up in the report and in the

speeches of gentlemen here on the floor, that the act of 1861, so far as it related to woolen hosiery made on frames, was repealed either by the act of 1864 or the act of 1867, is wholly without foundation. It is as baseless as the other assertion that if this bill is not passed all the establishments engaged in the manufacture of this class of goods will be forced to close and throw their laborers out of employment.

The act of 1861, as modified, not repealed, by the act of 1864, was in full force when the revision of the statutes was made, and if the commission had undertaken to except woolen goods from the provision in Schedule M, they would have been changing the law instead of merely revising it. The gentleman from Illinois [Mr. MORRISON] has just called the attention of the House to the fact that the recognized Treasury experts, Messrs. Ogden, Morgan, and Heyl, in all their annual publications upon the tariff laws and rates of duty from 1864 down to the present time have concurred in holding that the goods affected by this bill were dutiable at 35 per cent. ad valorem, and were not subject to the double specific and ad valorem duties which are now sought to be imposed upon them. I have their books here on my desk, but it is not necessary to read from them, as nobody will question the accuracy of the gentleman's statement. They are standard authorities in the custom-house, and are supplied annually to all the principal officers engaged in the collection of import duties. Even if there were room for a reasonable doubt as to the proper construction of the various statutes upon this subject, the concurrent opinions of these three recognized authorities ought to turn the scale in favor of the lower rate of duty, and inspire the members of this House, for once at least, with a determination not to sacrifice the interests of the consumer and the Government to the unjust demands of protected capital.

Stripped of its artificial surroundings, this is a simple proposition to more than double the tariff tax upon a large class of necessary articles worn by the men, women, and children in all parts of the country, and the only way to treat it fairly is to consider it as a measure to increase the profits of protected capital and diminish the rewards of unprotected labor. Within a week this House, by a very considerable majority, has passed a bill to relieve banks and bankers from an annual tax of more than $9,500,000 upon their capital and deposits and to relieve depositors in banks from a tax of $2,500,000 on checks. This was done upon the plea that we were collecting too much money from the people, and yet every attempt to extend the measure of relief by reducing or repealing other taxes which really affected the great body of the people was promptly voted down by the advocates of that bill. Having relieved the banks and bankers, who are neither more nor less meritorious than those engaged in other pursuits, upon the avowed ground that they were being taxed too much, the advocates of the present bill, in order to be logical and consistent, ought to urge its passage upon the ground that the people are not being taxed enough. But whatever may be the real motives of gentlemen upon the other side, the important fact to be borne in mind is that the legislation repealing taxes on capital is now to be supplemented by legislation increasing taxes on labor. The bill passed last week repealed taxes and reduced the revenue; this one will increase taxes without adding a dollar to the receipts of the Government, and consequently the people will bear a heavier burden, while the Treasury will receive no corresponding benefit.

During the present session of Congress a law has been enacted creating a tariff commission to make certain investigations with a view "to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests;" and now, sir, before that extraordinary body has even commenced its labors we are asked to suspend all the rules of the House and pass, without opportunity to offer amendments, a bill changing the tariff laws in a most important particular. When we protested against the delegation of our powers to a commission to be appointed by the President, we were invariably told that Congress was not competent to deal with so great and complicated a subject as the tariff; that the representatives of the people could not be safely trusted to legislate on a matter of such vital importance without advice and assistance from an executive commission, and especially that it would be unwise and dangerous to attempt to make changes in the tariff laws without the most careful consideration of the entire subject in all its parts. Legislation by "piecemeal," as it was styled, was especially deplored as the greatest evil that could possibly overtake the industries of the country. Upon these grounds, urged here day after day for more than a month, the tariff-commission bill was passed, and those of us who did not indorse either the character or purpose of the measure had no alternative but to submit and wait with such patience as we could command for the vindication of our position. That vindication has come earlier than we expected. Before the commission had been appointed, almost before the two hundred applicants for places on it could transmit their names to the President, appeals began to reach Congress for relief from the inequalities and hardships of the tariff, and in every instance these appeals came from the very interests which had denied the competency of Congress and demanded the commission. The millions of consumers, who at last pay all the duties, with interest and profits added, knew very well that the creation of the commission was fatal to all their hopes for early relief, and they have kept silent.

The demand for immediate legislation comes now from another source, from the protected classes, from the gentlemen who want higher duties and larger profits at the expense of the people, who are compelled by law to pay whatever they choose to ask or do without the necessaries and comforts of life. If the tariff commission is still supposed to be competent to perform the work it was professedly appointed for, if it is competent to make such recommendations as will result in a revision of the tariff on a scale of "justice to all interests," why this hot haste to comply with the demands of the manufacturers of hosiery and knit goods? If the people at large can wait, as they must wait, for justice at the hands of the commission, why cannot the manufacturers and the advocates of the commission wait also? If this Congress is the representative of all the people, and not merely the representative of a part of them, it will treat them all alike, and will either disregard the commission act entirely and proceed to make a thorough revision of the tariff in the interest of the whole country or compel the manufacturer as well as the consumer to wait for relief from its hardships.

This legislation is all on one side. When the consumer asks for a reduction of duties upon his clothing and the tools and implements of his trade, the doors of the committee-rooms and the House are slammed in his face, and he is told to carry his complaint to the commission, but when the man to whom he pays tribute demands the privilege of increasing his exactions, all the rules which govern ordinary legislation and afford opportunity for ample debate, amendments, and deliberation in the enactment of laws must be summarily suspended upon a mere motion, and nothing can be done, not even a second motion to adjourn can be made, until the demand is fully complied with. A few more such illustrations of the great Republican doctrine of "equality before the law" will certainly be sufficient to satisfy all reasonable men that it is nothing more than an empty sound, a seductive phrase to tickle the ears of the unwary voter while greed rifles his pockets.

On its face this bill appears to be a very simple and harmless measure; but a very little examination will be sufficient to show how unjustly and injuriously it proposes to affect the consumers of woolen hosiery and knit goods. Under the statutes already referred to, and under the decision of the Supreme Court in a case involving this identical question, the legal rate of duty on these articles is now 35 per cent. ad valorem. Now it is proposed, by simply inserting the word "wool" in two places in the Revised Statutes, to so increase the duties that they will be not less than 85, and may be over 100, per cent. ad valorem, except upon the finest and most costly quality of the goods. These excessive duties have been imposed for many years in violation of law, but since the court has declared what the law really is, the Secretary of the Treasury has issued instructions to refund the money to the importers. The consumers, however, who in fact not only paid all these excessive duties when they purchased the imported goods, but also paid millions of dollars in addition on account of the increased price of the domestic product, will get no relief under the Secretary's order or otherwise. Nothing can be refunded to them. What has been the effect of these high duties illegally imposed by the customs officers? The official reports show that on some grades of the goods they were almost absolutely prohibitory, the revenue received by the Government amounting to only a few dollars per annum. For instance, in the year 1880 the whole revenue derived from one grade of these goods was only $9.65, and from another only $39.39, the rates of duty on them being 96½ and 92 per cent. respectively. In 1881 the whole amount collected on one grade was $24.15, and on another $19.86, the rates of duty being 89½ and 88½ per cent. respectively. On the finest and most costly grade much larger amounts were collected in each of the years named, because, as is generally the case under our tariff system, the ad valorem rate of duty was much less on the fine goods than on the coarser and cheaper goods. If the law is permitted to remain as the court has declared it, that is, with a 35 per cent. duty on all grades and qualities of woolen hosiery and knit goods, the Government will hereafter derive a large revenue from that source, the consumers will not be taxed half as much as this bill proposes to tax them, and the domestic manufacturer will be amply protected against any disadvantages under which he is supposed to labor in the production of these articles.

According to the last census report the total capital invested in the manufacture of these goods in 1880 was $15,133,991, and the value of the product was $28,613,727. The whole cost of labor was $6,530,576, and the whole cost of material used in the manufacture was $14,954,199, making a total of $21,484,775 for labor and materials. The excess of the value of the product over the total cost of labor and material was $7,128,952, or 47 per cent. on the whole amount of capital invested. If this capital of $15,133,991 had been loaned at 6 per cent., which is about twice as much as the farmers of the country receive annually on their investments, it would have yielded an income of $908,039.46; but being invested in the manufacture of hosiery and knit goods, and being protected at the expense of the consumers by high rates of duty, it in fact yielded, as already stated, $7,128,952, or nearly eight times as much as the usual legal rate of interest on money.

The owners of this capital, the recipients of this enormous income, actually have the courage to look the Representatives of the people in the face and declare that unless this bill passes they will be compelled to close their establishments and deprive their laborers of employment! I entertain no unkind feeling toward the gentlemen themselves or the business in which they are engaged, and would not purposely prevent them from receiving a fair and reasonable

profit upon their investments; but, sir, in view of the facts disclosed by the official statistics, it is a severe trial to one's patience to listen calmly to such declarations as these. What did they pay to their laborers during the year when their own income was 47 per cent. upon their capital? The same report shows—and it is their own report made to the special agent of the Census Bureau—that they paid for labor less than 23 per cent. upon the value of the product, while, without the increase proposed by this bill, they will still be protected to the extent of 35 per cent.

The gentleman from Illinois [Mr. MORRISON] has already stated that the average daily wages of the laborers employed in these establishments was only 77 cents. In fact it was only 74 cents per day, if we reckon six working days for each week in the year; and in some localities it was much less even than that.

At Cincinnati there were 321 hands employed, and the total wages paid amounted to $55,425, being $172.70 per year, or $3.32 per week, which is only 55¼ cents per day.

At Chicago the number of hands was 525, and the wages paid amounted to $66,966, being $127.17 for the year, or $2.45 per week, which was 41 cents per day.

At Detroit the number of hands was 198 and the wages $21,960, which was an average of $110.90 to each hand for the year; that is $2.13 per week, or 35½ cents per day.

These are the average amounts paid for labor. Of course some employés received more and many received even less than these amounts. How any human being can live in a city on such wages and provide such food, clothing, and shelter as an American laborer ought to have is beyond my comprehension. It will, I think, require all the ingenuity of gentlemen on the other side to convince these laborers that they have received any large measure of protection, or benefit in any way, from the high rates of duty illegally imposed upon this class of goods during the last fifteen or twenty years.

But the gentleman from Connecticut [Mr. BUCK] and others appeal to us to suspend the rules and pass this bill on the ground that the duty imposed by law on imported wool is higher than the existing rate on hosiery and knit goods, and we are told that by reason of this fact there is an actual discrimination against the domestic manufacturers. There would be more force in this appeal if gentlemen were able to show that these articles are in fact manufactured from imported wool. Let us see what the actual facts are as shown by their own returns to the census agent for the year 1880. The whole cost of material used was $14,964,199, but only $3,821,183, or about 25 per cent. of this sum, was paid for wool of all kinds, foreign and domestic. Only 448,758 pounds of foreign wool were used during the year, which is less than 5¼ per cent. of the whole quantity consumed.

According to the gentleman from Connecticut this foreign wool belonged to what is known as raw or unmanfactured wool of the first class, and is subject to a duty of 12 cents per pound and 10 per cent. ad valorem, which in the year 1880 was equivalent to 41.61 per cent. ad valorem. The reports from the Bureau of Statistics show that the average cost of this class of imported wool during the whole of that year was less that 37¼ cents per pound. The 448,758 pounds of imported wool, therefore, cost $168,284.25, upon which the duty, at 41.61 per cent. ad valorem, amounted to $70,023. This is not quite one-fourth of 1 per cent. upon the value of their annual product. Now, sir, we are gravely asked to believe that a duty of 35 per cent. upon their product will not compensate them for a duty upon the imported wool used by them amounting to less than one-fourth of 1 per cent. upon the same sum. This is too large a draft upon our credulity, and gentlemen must excuse us if we refuse to honor it.

Mr. Speaker, the decisions of the Supreme Court declaring the legal rate of duty to be thirty-five per cent. ad valorem under the statutes, was pronounced on the 14th day of March, 1881, more than fifteen months ago, as appears by the records of that tribunal, and consequently if it be true, as stated, that the manufacturers have accumulated a large stock of goods, it is clear that they have been made since the law was correctly expounded. The suit itself was commenced in March, 1876, and from that time to this there has been notice to everybody concerned that the interpretation given to the revenue laws by the Treasury Department, was disputed, and that a judicial settlement of the question had been involved. Under these circumstances, there is no more occasion for immediate legislation in this particular case than there has been for years in hundreds of other cases under the tariff laws.

If the manufacturers of these goods are injured or oppressed by the law as it now exists, they have a perfect right to seek redress at the hands of the same tribunal which their Representatives have provided for all the other citizens of the United States, and they should be required to go there. Or, if the commission is to be ignored at the demand of one class or interest, it should be ignored for the benefit of others, and we should proceed in the regular and ordinary way to grant relief to all the victims of this unjust legislation. We should have no favorites here. Every consideration of justice and duty demands that we should listen as kindly and respond as promptly to the appeals of the people who labor themselves as to the appeals of the people who live and grow rich upon the labor of others. Associated capital is generally capable of taking good care of its own interests, while labor is generally dependent and powerless.

Our tariff laws can be so revised and amended as to do justice to all interests—to the Government, to capital, and to labor; but this desirable end will never be accomplished unless we repudiate all such partial legislation as is proposed in this bill and determine to deal with the question fairly and impartially. Revenue for the Government with incidental protection for labor, but no bounty for capital, is the policy demanded by the intelligence and patriotism of the country, and the time has now come when it ought to be inaugurated.

Mr. KELLEY. I yield two minutes to the gentleman from New York, [Mr. ROBINSON.]

Mr. ROBINSON, of New York. When this subject was up before the House on a former occasion I voted against the bill. I think I was wrong, and the maniiest thing a man can do when he thinks he is wrong is to get over to the right side as quickly as possible.

The gentleman from Illinois, [Mr. MORRISON,] in the course of his remarks said that only about twenty-eight thousand people would be turned out of employment.

Mr. MORRISON. I did not say that; I did not say anything like that.

Mr. ROBINSON, of New York. Then I withdraw the statement; I do not mean to misrepresent the gentleman. I understood him to say that the number affected by this was represented to be 100,000, when it was only 28,000. However that may be, if only 1,000, or if only 500 American workmen or American working girls are affected here, that is sufficient to make us pause and not inflict an injury on that class.

I believe a mistake has been made in the law, which ought to be corrected. And I believe that a large number of people are to be injuriously affected by the continuance of the law as it is. It is not an argument to me that when we have created a commission for reforming the tariff we will hold a bad law in existence so as to bring them up to the mark and make them act on the subject of revising the tariff. I believe if girls instead of men, as the gentleman from Illinois has stated, are to be affected, that is a strong argument, because these girls are working for the support of their mothers and sisters; and that is a strong argument with me why this thing should be corrected.

One single word more—it is all I have time to say. As this law stands it is against the interests of the American workman. It is only for the benefit and the upbuilding of foreign competition against our own labor; and I am for American labor against all parts of the world.

Mr. KELLEY. I yield five minutes to my colleague on the committee, the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. It is utterly impossible for me in five minutes to answer the attack that has been made on the position taken by the committee that the present revision of the statute was in violation of the law, and a clear and palpable error. It is enough for me to say, admitting all that my colleague on the committee, the gentleman from Kentucky, [Mr. CARLISLE,] has said as to what the law used to be in 1842, in 1861, and in 1864, it is enough for me to say that in 1867 this law, quoted by the gentleman from Kentucky, referring to flannels, blankets, hats of wool, and knit goods, was enacted, and that by the provisions of that law all other provisions concerning knit woolen goods were repealed by direct terms. For it says this provision shall be in lieu of the tariff heretofore collected upon these articles.

But further than that, Mr. Speaker, I desire to show to this House that two Secretaries of the Treasury have decided that this was an error—Mr. WINDOM and Mr. Folger.

Mr. BUCK. And Mr. Boutwell.

Mr. HASKELL. Gentlemen on my left say Mr. Boutwell and Mr. SHERMAN, also. Then four Secretaries of the Treasury have decided it was an error. Mr. MORRILL, the author of the old tariff of 1861, says it was an error. I am informed the man who wrote out in the Revised Statutes the words you now see there claims himself it is an error.

In the circuit court of the United States in the State of New York, in the case of Vietor against C. A. Arthur, collector of the port of New York, it was held that the old act of 1867, before the revision, gave the duties that we desire to give by this bill, the decision of that court in the State of New York showing it was an error. The Supreme Court of the United States has decided, in language as near as it possibly could upon a question not immediately before it, that it was an error; that is the language of it.

Mr. MORRISON. It decided the duty was 35 cents.

Mr. HASKELL. But the Supreme Court says that if it was called to pass upon the act of 1867 instead of upon the section of the Revised Statutes, its decision might be different; and that is all the Supreme Court ever does say in such cases.

Mr. CARLISLE. But the Supreme Court did not consider that question.

Mr. HASKELL. Of course it did not; but it says that if it had considered it it gives you clear intimation that it would have decided it to be an error.

And more than that comes that great overwhelming argument in favor of the proposition that it was an error: if it was not an error, then a number of protection committees, a lot of men in favor of the protection of home industry, actually went to work and framed a law that will tax the American manufacturer 20 per cent. for the privilege of manufacturing goods in America. Why, sir, a free-trader would not do that, and it is absurd to charge that. Here was a protection Congress planting itself upon its desire to protect American industry. Now, unless this is an error, such a Congress as that imposed

a tax of 20 per cent. upon American manufacturers for the privilege of making goods in America.

There has never come a proposition before the Committee on Ways and Means that appeals so strongly to my sense of justice and equity as this bill. There are appealing to us 28,000 people, and $30,000,000 of productions about to be stricken down, who are asking for life at the hands of a Congress sworn to protect them.

The SPEAKER. The time of the gentleman has expired.

Mr. KELLEY. I now yield two minutes to the gentleman from Indiana, [Mr. PEELLE.]

Mr. PEELLE. When this bill was up before I gave it my support, and I shall do so again. The Committee of Ways and Means, through its chairman, [Mr. KELLEY,] uses this language in reporting this bill to the House:

The purpose of the first section of this bill is to correct an error made in revising the Statutes, which error is found in a paragraph near the bottom of page 474 of the Revised Statutes, edition of 1878. This paragraph is found in Schedule M, called sundries, of the tariff law. Schedule L provides for all duties on wool and woolen goods, and is a re-enactment and embodiment of the statute of March 2, 1867, which repealed all former duties on wools and woolen goods, and imposed pound duties on wools, and corresponding pound duties on woolen goods; the object being to set off one pound duty against the other, and, in addition, 35 per cent. on the manufactured article. The revision on page 471 is the act of March 2, 1867, word for word, which imposed duties in lieu of all former duties on wools and woolen goods. This statute provides as follows:

"Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at above 40 cents per pound, and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound, and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound; and, in addition thereto, upon all the above named articles, 35 per cent. ad valorem."

The duties above prescribed were made to correspond with the value of the goods, and the higher-priced woolen goods were made to pay a duty of 50 cents per pound. These rates were collected prior to and since the revision of the statutes down to the decision of the United States Supreme Court in the case of Vietor and others against C. A. Arthur, collector of the port of New York, rendered about fifteen months ago.

The paragraph in which the error occurs is found in Schedule L of the tariff laws, and reads as follows:

"Clothing, ready made, and wearing apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for; caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem."

It will be noticed that the word "wool" is found in the first exception of the above paragraph, but is omitted from the other two exceptions included in the same paragraph, and it is plain that the three exceptions were intended to exclude all articles of wearing apparel made of wool, silk, or linen from the rate of duty levied by the paragraph. The clause which causes the hardship on American manufactures of knit goods is found in the paragraph of Schedule M, above quoted, and reads as follows:

"Caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed," &c.

There was no exception of wool, silk, or linen in the original paragraph, because the law had not yet been passed that excepted them; but by the act of June 30, 1864, a special provision was made for these articles on pages 208, 209, 210, volume 13, Statutes at Large. By the act of June 30, 1864, wool, silk, and linen goods were excepted, and this paragraph applied to cotton goods alone, and should have been placed in the revision in the cotton Schedule A. The revisers recognized the fact as to silk and linen, and begun right with wool in the first exception, but neglected it in the second and third exceptions. The act of March 2, 1867, page 561, volume 14, Statutes at Large, provides for all manufactures of woolen goods.

Until that decision of the Supreme Court the Treasury Department construed the law to be precisely what it will be if this bill shall become a law. I am not prepared to say whether the duty imposed by the ruling of the Treasury Department was too high or not, but certain it is that if this bill shall become a law it will not operate to take it out of the jurisdiction of the commission which this Congress has created for the purpose of revising the tariff, and I am willing that that commission shall correct whatever abuses there may be in the rate of duty imposed upon this and all other articles, but here we find what the committee report to be a manifest error in the revision of the law by the omission of the word wool, and the first section of the bill under consideration seeks to correct that error by amending section 2504 of the Revised Statutes of 1878.

I believe the correction of this error to be in the interest of the wool-growers of this country, and in my State they ask that this error be corrected.

Believing, as I do, from a careful examination of the report made by the committee, that this was an error in the revision of the law, and that great hardships would result to the business interests of the country if not corrected, I think it but just to that interest and the large number of laboring-men employed that Congress should correct the error. In voting for this bill I simply vote to conform the law to what has been the uniform practice of the Treasury Department. These are the reasons which impel me to support this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. KELLEY. I now yield to the gentleman from New Hampshire, [Mr. BRIGGS.]

The SPEAKER. How much time?

Mr. KELLEY. I desire to reserve time enough to give the gentleman from Michigan [Mr. HUBBELL] one minute.

Mr. BRIGGS. Mr. Speaker, I hope this bill will receive the favorable consideration of this House. Its defeat, or the failure to pass it, will strike down a new and important industry now carried on in nineteen States of this Union. In New Hampshire it is one of great importance. The census reports for 1880 show that in that State there are twenty-four establishments engaged in this industry; the capital invested therein is $1,224,000; the number of operatives employed, 1,753; the amount of wages paid annually, $536,117. They consume 76,000 pounds of foreign and 1,680,333 pounds of domestic wool. The value of materials consumed, including wool, is $1,249,600, and he value of the manufactured product is $2,362,779. But these statistics from the Census Bureau giving the number of people employed do not give us and the country full information.

These statistics simply embrace the operatives employed in the mills. There are but few of these establishments which complete the product in the mills. A large portion of these goods is woven in a circular web like the sleeve of your coat; they are cut out by machinery in the shape of stockings, and are then sent out by the hundreds and thousands among the people in the surrounding country to be toed and heeled, seamed and finished into completed stockings. This furnishes employment to a large number of people of whom the census takes no account whatever. Many families are earning from five to twenty dollars per month from this employment alone.

If you refuse to pass this bill you will not only stop the twenty-four hosiery mills of the State of New Hampshire but the three hundred and fifty-four establishments scattered through the nineteen States in which this industry has grown up. The following schedule, taken from the last report of the Census Bureau, shows the extent of this industry and the States in which it is carried on:

Hosiery and knit goods.

State.	Number of establishments.	Capital.	Hands employed.				Amount paid in wages.	Wool consumed.				Value of materials, (including wool.)	Value of products.
			Males over sixteen.	Females over fifteen.	Youths.	Total.		In the condition received.		Foreign and domestic scoured.	Value.		
								Foreign.	Domestic.				
								Pounds.	*Pounds.*	*Pounds.*			
The United States	354	$15,133,991	7,395	17,397	3,536	28,328	$6,530,576	448,758	8,146,137	5,927,692	$3,821,183	$14,954,199	$28,613,727
Connecticut	14	1,966,431	659	1,187	365	2,211	664,293	126,174	975,501	587,113	377,371	1,013,949	2,432,271
Illinois	14	105,800	160	471	76	707	92,385	.....	60,000	60,000	21,600	290,895	484,124
Indiana	5	45,000	26	201	57	284	24,700	.....	.....	.....	.....	103,280	158,200
Iowa	3	2,200	3	3	.....	6	460	.....	.....	.....	.....	1,554	2,908
Maine	1	500	1	20	.....	21	801	.....	.....	.....	.....	1,800	3,000
Maryland	1	250	.....	1	.....	1	100	.....	.....	.....	.....	500	720
Massachusetts	57	1,467,375	786	2,413	212	3,411	608,067	7,266	1,081,418	674,009	446,760	1,394,748	2,483,596
Michigan	11	147,389	80	706	176	962	92,324	.....	180,000	90,000	60,000	226,627	377,249
Minnesota	1	8,000	8	4	.....	12	2,819	.....	.....	.....	.....	5,000	10,000
Missouri	4	29,400	3	114	1	118	19,300	.....	.....	.....	.....	41,575	85,000
New Hampshire	24	1,224,000	540	1,098	115	1,753	536,117	76,000	1,680,332	1,118,078	755,903	1,249,600	2,362,779
New Jersey	6	804,570	320	604	146	1,070	239,761	5,400	169,784	113,552	82,266	258,043	861,181
New York	74	5,304,876	2,364	4,436	990	7,780	2,018,627	186,326	2,362,643	2,084,734	1,373,524	5,042,606	9,829,540
Ohio	23	187,000	53	574	118	745	94,858	.....	.....	.....	.....	241,583	418,825
Pennsylvania	104	3,328,190	2,240	5,294	1,249	8,783	2,022,463	47,592	1,235,126	857,373	498,353	4,696,838	8,451,647
Rhode Island	1	6,000	6	24	9	39	8,400	.....	.....	.....	.....	14,838	36,000
Vermont	6	492,000	138	227	18	383	101,037	.....	401,333	342,833	206,006	359,938	595,270
West Virginia	1	5,000	2	.....	2	4	700	.....	.....	.....	.....	1,700	2,600
Wisconsin	4	10,010	6	20	2	28	3,364	.....	.....	.....	.....	9,125	18,817

In the city where I reside one of these manufacturers contracted to deliver $125,000 worth of knit goods the coming fall, but since the decision recently rendered by the Supreme Court these orders have been countermanded, and I understand that is the condition of many of the other manufacturers in the country. If they have not the means to carry their goods over to another season and you fail to furnish them the relief asked for by the passage of this bill, their factories must be closed, their operatives turned out of employment, and their business ruined and destroyed.

Gentlemen contend that there is no error in the statutes to correct, and that the present law is what the Congress intended it should be. In this, I think, gentlemen are certainly in error, and a brief examination will demonstrate the truth of my statement.

By the act of March 2, 1861, (12 Statutes at Large, 191,) a duty of 30 per cent. ad valorem was imposed on a large number of articles, among which were the following: Clothing, ready made, and wearing apparel of every description, of whatever material composed, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer; also the following: caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, worn by men, women, or children, and not otherwise provided for; also the following: articles worn by men, women, or children, of whatever material composed, made up wholly or in part by hand, not otherwise provided for.

By the act of July 14, 1862, (12 Statutes at Large,) 556, an additional duty of 5 per cent. ad valorem was imposed on all the foregoing as well as on many other articles.

By the act of June 30, 1864, (13 Statutes at Large,) 208, the duty on "shirts, drawers, and hosiery of wool, or of which wool shall be a component material, not otherwise provided for," was changed to 20 cents per pound, and in addition thereto 30 per cent. ad valorem. By the same act, page 207, the duty on "clothing, ready made, and wearing apparel of every description, composed wholly or in part of wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except hosiery," was changed to 24 cents per pound, and in addition thereto 40 per cent. ad valorem. By the same act, page 209, besides providing for certain manufactures of flax not mentioned in the paragraphs quoted in the act of March 2, 1861, the duty on "all other manufactures of flax or of which flax should be the component material of chief value, not otherwise provided for," was changed to 40 per cent. ad valorem. By the same act, page 210, the duty on "all manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for," was changed to 50 per cent. ad valorem.

By the act of March 2, 1867, (14 Statutes at Large, 561,) new rates of duty "in lieu of the duties heretofore imposed by law" on all the articles, if made of wool, before mentioned, were imposed as follows: "Woolen clothes, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and in addition thereto 35 per cent. ad valorem; flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every discription composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at 40 cents per pound, and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound, and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound, and in addition thereto upon all the above-named articles, 35 per cent. ad valorem. Clothing ready made and wearing apparel of every description, and balmoral skirts and skirting and goods of similar des-ription or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, 50 cents per pound, and in addition thereto 40 per cent. ad valorem." This act did not affect manufactures of silk and linen, but left them dutiable as before.

It is very plain that at the time of the revision of the statutes, in which no one questions that the laws in force December 1, 1873, without any alteration affecting the sense, were intended to be embodied, no article mentioned in the three paragraphs quoted from the act of March 2, 1861, remained dutiable, under that act, if made of wool, silk, or linen. The revisers incorporated in Schedule L of section 2504 the paragraphs quoted from the act of March 2, 1867, under which, from that date until the enactment of the Revised Statutes on June 22, 1874, all the articles mentioned in those three paragraphs were, if made of wool, clearly dutiable.

But the revisers in incorporating in one paragraph, in Schedule M, those three paragraphs from the act of March 2, 1861, which still remained in force as to articles made of cotton, although they properly inserted the words "except wool, silk, and linen" in the first of the three paragraphs, only inserted the words "except silk and linen" in the second and third, as follows:

Clothing, ready-made, and wearing apparel, of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for; caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for; articles worn by men, women, or children, of whatever materials composed, except silk and linen, made up or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem.

The Supreme Court having held that the articles specifically mentioned in the second clause of this paragraph, from Schedule M, if made of wool, are dutiable under Schedule M, and not under Schedule L, which contains only a generel description of them, one single question is now presented for the consideration of the House, to wit, shall this error of the revisers be corrected? Shall the law be made as Congress intended it should be, and what it was at the time of the revision? From this brief history of the legislation upon this subject I think it will be apparent to all that an error occurred in the revision of the statutes. But, sir, it is immaterial to me whether there was an error in the revision of the Statutes or not. This industry has grown up very largely since 1867, and under the law as construed by the Treasury Department, which imposed the pound duties in addition to the ad valorem duty of 35 per cent.

The decision of the Supreme Court changes the construction of that law and removes all duties except 35 per cent. ad valorem, and under that construction of the law this industry will be blotted out of existence.

Now, whether it was an error which crept into the revision of the Statutes or arose from the improper interpretation of the statutes by the Department, so far as this great industry is concerned it is immaterial. Its condition is just as hopeless, its burdens are just as great, its perils are just as serious, and the demand for relief is just as equitable and urgent, whether the difficulty arises from the one cause or the other; and I trust that gentlemen will not vote against this bill but permit it to pass, and thereby save from destruction this growing industry, keep in operation these mills scattered throughout the country, and which furnish employment for so many honest and worthy employés. [Here the hammer fell.]

Mr. KELLEY. I yield the remainder of my time to the gentleman from Michigan, [Mr. HUBBELL.]

Mr. HUBBELL. I desire only a minute or so to call attention to the statement made by the gentleman from Illinois, [Mr. MORRISON.] That gentleman undertook to state here (and I suppose he thought he was stating what was exactly true) that in the manufacture of these goods a great amount of cotton is used; that there was but little wool used in the manufacture of any of these goods.

I cannot say how that is in other States; but I know that in my own State there are several large manufactures of these knit goods, and I know they use all wool in their manufacture. They simply rent or hire some carding manufactory and run it the entire time on these knit goods, using the wool the farmers produce, and then to make up the goods they employ the hundred boys and girls in the towns and country around about.

A large number of people in my State are thus employed, using entirely wool grown by our farmers. Hence it is but an act of simple justice that this bill should pass; and I hope it will receive the favorable consideration of this House.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. KELLEY] to suspend the rules and pass the bill.

Mr. MILLS. On that question I call for tellers.

Tellers were ordered; and Mr. KELLEY and Mr. MORRISON were appointed.

The House divided; and the tellers reported—ayes 140, noes 5.

The SPEAKER. The Chair votes in the affirmative, making a quorum.

Mr. CARLISLE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 49, not voting 107; as follows:

YEAS—134.

Aldrich,	Farwell, Sewell S.	Lynch,	Shallenberger,
Anderson,	Fisher,	Mason,	Shelley,
Atherton,	Ford,	McCook,	Shultz,
Barr,	Frost,	McKinley,	Smith, A. Herr
Bayne,	Fulkerson,	McLane,	Smith, Dietrich C.
Belford,	Geddes,	Miles,	Smith, J. Hyatt
Bingham,	George,	Moore,	Spaulding,
Bisbee,	Gibson,	Morey,	Spooner,
Bliss,	Hall,	Mosgrove,	Steele,
Bowman,	Hammond, John	Mutchler,	Stone,
Brewer,	Harmer,	Neal,	Talbott,
Briggs,	Harris, Benj. W.	O'Neill,	Taylor,
Browne,	Harris, Henry S.	Orth,	Thomas,
Brumm,	Haskell,	Page,	Thompson, Wm. G.
Buck,	Hazelton,	Parker,	Tillman,
Burrows, Julius C.	Henderson,	Paul,	Townsend, Amos
Butterworth,	Hepburn,	Peelle,	Tyler,
Campbell,	Hill,	Peirce,	Updegraff, J. T.
Candler,	Hiscock,	Pettibone,	Updegraff, Thomas
Cannon,	Hoblitzell,	Phelps,	Urner,
Carpenter,	Horr,	Prescott,	Valentine,
Caswell,	Hubbell,	Ranney,	Van Horn,
Chace,	Hubbs,	Ray,	Wadsworth,
Converse,	Humphrey,	Rice, John B.	Wait,
Crapo,	Jacobs,	Rich,	Walker,
Curtin,	Jorgensen,	Ritchie,	West,
Dawes,	Kasson,	Robeson,	White,
Deering,	Kelley,	Robinson, Geo. D.	Williams, Chas. G.
De Motte,	Ketcham,	Robinson, James S.	Willits,
Dezendorf,	Klotz,	Robinson, Wm. E.	Wilson,
Dingley,	Lacey,	Ross,	Wise, Morgan R.
Dwight,	Ladd,	Russell,	Young.
Ermentrout,	Lewis,	Ryan,	
Errett,	Lord,	Scranton,	

NAYS—49.

Atkins,	Cravens,	Knott,	Stockslager,
Berry,	Culberson,	Le Fevre,	Strait,
Blackburn,	Davidson,	Manning,	Thompson, P. B.
Blount,	Davis, Lowndes H.	Martin,	Townshend, R. W.
Buchanan,	Dibrell,	Matson,	Tucker,
Buckner,	Dunnell,	McMillin,	Turner, Henry G.
Carlisle,	Forney,	Mills,	Turner, Oscar
Cassidy,	Gunter,	Morrison,	Warner,
Clements,	Hewitt, G. W.	Oates,	Wellborn,
Cobb,	Holman,	Phister,	Willis.
Colerick,	House,	Reagan,	
Cook,	Jones, George W.	Rosecrans,	
Cox, Samuel S.	Jones, James K.	Springer,	

NOT VOTING—107.

Aiken,	Dowd,	Kenna,	Richardson, Jno. S.
Armfield,	Dugro,	King,	Robertson,
Barbour,	Dunn,	Latham,	Scales,
Beach,	Ellis,	Leedom,	Scoville,
Belmont,	Evins,	Lindsey,	Shackelford,
Beltzhoover,	Farwell, Chas. B.	Lowe,	Sherwin,
Black,	Flower,	Mackey	Simonton,
Blanchard,	Garrison,	Marsh,	Singleton, Jas. W.
Bland,	Godshalk,	McClure,	Singleton, Otho R.
Bragg,	Grout,	McCoid,	Skinner,
Burrows, Jos. H.	Guenther,	McKenzie,	Sparks,
Cabell,	Hammond, N. J.	Miller,	Speer,
Caldwell,	Hardenbergh,	Money,	Stephens,
Calkins,	Hardy,	Morse,	Upson,
Camp,	Haseltine,	Moulton,	Vance,
Chapman,	Hatch,	Muldrow,	Van Aernam,
Clardy,	Heilman,	Murch,	Van Voorhis,
Clark,	Herbert,	Nolan,	Ward,
Cornell,	Herndon,	Norcross,	Washburn,
Cox, William R.	Hewitt, Abram S.	Pacheco,	Watson,
Covington,	Hoge,	Payson,	Webber,
Crowley,	Hooker,	Pound,	Whitthorne,
Cullen,	Houk,	Randall,	Williams, Thomas
Cutts,	Hutchins,	Reed,	Wise, George D.
Darrall,	Jadwin,	Rice, Theron M.	Wood, Benjamin
Davis, George R.	Jones, Phineas	Rice, William W.	Wood, Walter A.
Deuster,	Joyce,	Richardson, D. P.	

So (two-thirds voting in favor thereof) the motion to suspend the rules was agreed to, and the bill (H. R. No. 6715) was passed.

The following pairs were announced from the Clerk's desk:

Mr. EVINS with Mr. MARSH.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. WILLIAMS, of Alabama, with Mr. NORCROSS.

Mr. SCOVILLE (who would vote "ay") with Mr. COX of North Carolina, (who would vote "no.")

Mr. KENNA with Mr. MURCH.

Mr. MONEY with Mr. SPEER.

Mr. MILLER with Mr. MULDROW.

Mr. GARRISON (who would vote "no") with Mr. HEWITT of New York.

Mr. REED with Mr. HAMMOND of Georgia.

Mr. SINGLETON, of Mississippi, (who would vote "no,") with Mr. HARDENBERGH.

Mr. MORSE with Mr. WHITTHORNE.

Mr. GROUT with Mr. BENJAMIN WOOD.

Mr. SHALLENBERGER with Mr. FLOWER.

Mr. AIKEN. As I am paired with the gentleman from Pennsylvania, [Mr. WARD,] I have refrained from voting; but I desire to have it recorded that if Mr. WARD were present, I would vote "no."

Mr. MONEY. If I were not paired on this question, I would vote "no."

Mr. SIMONTON. My attention being called away at the moment, I failed to vote when my name was called. I wish to say that I would have voted in the negative.

The result of the vote was announced as above stated.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. I move that the House insist on its non-concurrence in the amendments of the Senate to the legislative, executive, and judicial appropriation bill, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House the gentleman from Illinois, Mr. CANNON, the gentleman from New York, Mr. HISCOCK, and the gentleman from Tennessee, Mr. ATKINS. The gentleman from Pennsylvania, [Mr. O'NEILL,] who was a member of the sub-committee on this bill, has, for reasons satisfactory to himself, declined to serve on the conference committee.

CROW INDIAN RESERVATION, MONTANA.

Mr. MAGINNIS. I move to suspend the rules so as to take from the Speaker's table and pass the bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same. I suggest that the Clerk, in reading this bill, read only the legislative part, omitting the agreement recited, which has been twice read heretofore at the Clerk's desk, and will be found in the RECORD of April 25.

The SPEAKER. The gentleman from Montana asks unanimous consent that the agreement recited in the bill, which has heretofore been read, be now omitted from the reading, and that the Clerk read only the legislative portion of the bill.

Mr. BRAGG. I object.

Mr. ROBINSON, of Massachusetts. Reserving the right to any one to demand the reading of the agreement if it shall be deemed necessary.

The SPEAKER. Certainly.

The bill is as follows:

Be it enacted, &c., That a certain agreement made between the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in that behalf by the Secretary of the Interior, of the one part, and the Crow tribe of Indians resident on the Crow reservation, in the Territory of Montana, acting under the supervision and with the approval of the Secretary of the Interior, of the other part, be, and the same is hereby, ratified and confirmed. Said agreement is executed by a majority of all the adult male Indians of the Crow tribe occupying or interested in the lands therein more particularly described, in conformity with the provisions contained in article 11, of the treaty with the Crow Indians of May 7, 1868, and is in the words following, namely:

"Whereas by section 1 of an act of Congress approved July 2, 1864, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route,' (thirteenth Statutes at Large, page 365,) the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely, beginning at a point on Lake Superior in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound; and

"Whereas by section 2 of said act Congress granted to said company the right of way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations; and

"Whereas by said section 2 Congress provided that the United States should extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, the Indian titles to all lands falling under the operation of this act and acquired in the donation to the road named in the act; and

"Whereas by treaty between the United States and the Crow Indians concluded at Fort Laramie, May 7, 1868, and duly ratified and proclaimed, (fifteenth Statutes at Large, page 649,) a district of country in the Territory of Montana was set apart as a reservation for the absolute and undisturbed use and occupation of said Indians; and

"Whereas there is no provision or stipulation in said treaty authorizing said company or recognizing its right to construct its road through said reservation; and

"Whereas the said company did, on the 25th day of June, 1881, file in the Department of the Interior a map showing the definite location of its line of railroad from the one hundred and seventh degree of longitude west from Greenwich westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of 1864, the company having first obtained the permission of the Secretary of the Interior to survey its line in said reservation; and

"Whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act so to do:

"Now, therefore, in order to fulfill the obligations of the Government in the premises, this agreement, made this 22d day of August, A. D. 1881, between the Crow tribe of Indians, resident on the Crow reservation, in the Territory of Montana, represented by their chiefs, head men, and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, the said Indians acting under the supervision and with the approval of the Secretary of the Interior of the United States, of the one part, and the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth: That for the consideration hereinafter mentioned the Crow tribe of Indians do hereby surrender and relinquish to the United States all their right, title, and interest in and to all that part of the Crow reservation situate in the Territory of Montana and described as follows, namely:

"A strip of land not exceeding four hundred feet in width, that is to say, two hundred feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation between the one hundred and seventh degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, containing 5,384 acres, more or less. An official copy of said map of definite location was, on this 22d day of August, A. D. 1881, produced before said special agents and the Indians in council, was fully explained to said Indians, and is hereunto attached, marked A, and made a part of this agreement. Also the several parcels of land situate along and adjoining the said strip of land hereinbefore mentioned between the one hundred and seventh degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, as defined and described on a map produced before said special agents and the Indians in council on the day and date above mentioned, and fully explained to and understood by said Indians; said tracts being designated on the aforesaid map by the letters A, B, C, D, E, F, G, H, I, J, and K, and containing, respectively, the following area, that is to say: Tract A, 26.23 acres; tract B, 28.54 acres; tract C, 26.23 acres; tract E, 26.23 acres; tract F, 26.23 acres; tract G, 26.23 acres; tract H, 26.23 acres; tract I, 26.23 acres; tract J, 28.32 acres; tract K, 26.23 acres, aggregating two hundred and sixty-six acres, more or less, said map being hereunto attached, marked B, and made a part of this agreement; which last-mentioned tracts are intended for the use of said Northern Pacific Railroad Company for station-houses, depots, switches, &c. It is further stipulated and agreed that the United States will not permit the said railroad company, its employés or agents, to trespass upon any part of the lands of the Crow Indian reservation not hereby relinquished, nor permit said company, its employés, or agents, to cut any timber, wood, or hay from the lands embraced in said reservation.

"And it is further stipulated and agreed that the Secretary of the Interior, upon such terms as he may see fit to impose, may permit to be constructed, maintained, and used within said Crow Indian reservation wagon-roads not exceeding three in number, in addition to any established wagon-roads which may now be in use therein; the said three roads to connect with the line of said railroad at such points as the Secretary of the Interior may designate; all of which wagon-roads shall be under the control of the Government of the United States.

"In consideration of the lands hereby relinquished amounting in the aggregate to 5,650 acres, more or less, and for the privileges herein granted, the United States stipulates and agrees to pay to the Crow tribe of Indians the sum of $25,000, to be deposited in the Treasury of the United States to the credit of the said tribe of Indians upon the ratification of this agreement by Congress, and the necessary appropriation made therefor, the sum aforesaid to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to

be in addition to any and all moneys to which the said Indians are entitled under the provisions of the treaty of May 7, 1868, hereinbefore mentioned.

"All provisions of existing treaties with the Crow Indians not affected by this agreement are to remain in full force and effect, and this agreement is to be subject to ratification by Congress.

"Executed at Crow Agency, in the Territory of Montana, this 22d day of August, A. D., 1881, as witness the following signatures."

SEC. 2. That for the purpose of carrying the provisions of this act into effect, the sum of $25,000 is hereby set aside, out of any moneys in the United States Treasury not otherwise oppropriated, to be deposited in the United States Treasury to the credit of the Crow tribe of Indians, and to be expended for the benefit of the said Indians in such manner as the Secretary of the Interior may direct.

SEC. 3. That the right of way over the land relinquished by said agreement to the United States for the construction of said Northern Pacific Railroad, and the use of the several parcels of land so relinquished intended to be used for depots, stations, sidings, &c., for said railroad, are hereby granted to said Northern Pacific Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land, or any part thereof, relinquished to the United States by said agreement shall not be used for railroad purposes by or for the said Northern Pacific Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of $25,000 hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time file with the Secretary of the Interior its written acceptance of the conditions of this section; nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Northern Pacific Railroad Company, its successors or assigns, except upon the further condition that said company, its successors or assigns, will pay any and all damages which the United States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of said company, its successors or assigns, its agents or employés, or on account of fires originating by or in the construction or operation of said railroad, the damages in all cases to be recovered in any court of the Territory of Montana having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages as in his discretion may be just; and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors, or assigns.

SEC. 4. That all moneys accepted or recovered under the provisions of section 3 of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

Mr. RYAN. I hope the gentleman from Montana will explain this bill so we may understand it.

Mr. HOLMAN. I trust it will be understood that there has been a second.

The SPEAKER. If there is no objection the motion to suspend the rules will be considered as seconded.

Mr. MAGINNIS. I have no objection to that.

Mr. HOLMAN. I hope there will be no objection, for the reason I wish to ascertain whether this has been recommended by the Commissioner of Indian Affairs and whether it has been before any committee of this House.

The SPEAKER. The motion to suspend the rules is seconded.

Mr. MAGINNIS. Mr. Speaker, I believe that the briefest statement of the facts will convince the House that this bill should be passed. I hold in my hand an executive document containing the message of Chester A. Arthur, the President of the United States, which contains the letter of Secretary Kirkwood, lately the Secretary of the Interior, transmitting copies of this agreement to Congress and recommending its passage. Also, the letter of Hiram Price, Commissioner of Indian Affairs, in whose office I believe the bill was drawn, asking for its favorable consideration.

If desired, I will have these letters read at the conclusion of my remarks, but members can find them in Senate Executive Document 61, as also in the report of the House Committee of Indian Affairs, on a precisely similar bill to this. That committee, I may remark, unanimously reported in favor of the passage of the bill. The House report can be found on the Calendar, No. 582.

It will, however, save time, and I am sure my friend from Indiana [Mr. HOLMAN] will accept my statements, while I go over in a few moments the points involved in the pending measure.

The line of the Northern Pacific Railroad runs across the northeastern corner of the Crow reservation. This reservation, by the way, is, notwithstanding its recent reduction, as large as a good-sized New England State. When the company reached this reservation in the course of the construction of its road the company made the claim that they possessed the right of way across the reservation under their charter. Their charter outdated by many years the creation of the reservation by treaty. The company therefore claimed their legal rights to take this land without compensation. Secretary Kirkwood conceded the legality of the claim, but he urged upon the company that it would be a matter of good policy and equity to hold a conference with the Indians and to pay them for the lands occupied, setting aside all legal questions.

This was agreed to. A commission consisting of one of the assistants of the Attorney-General and two other trusted officers of the Interior Department were sent out. They held a conference with the Indians and made this agreement for the right of way. This agreement was signed by a large majority of the chiefs, head men, and warriors of the Crow tribe. The Indians granted the right of way through their lands, or the lands they claimed, and also certain lands for stations and side-tracks, and for this concession the United States agreed to pay the Indians $25,000, that amount being paid into the Treasury by the railroad company. So that the House will see that this bill makes no charge on the public Treasury. The company has already built their grade and occupied the Indian lands. Now, all there is in this bill is to permit the railroad to pay according to the agreement, and that is all there is of it. The amount of land covered by the agreement is 5,653¼ acres.

Mr. HOLMAN. Does it grant any land to this railroad?

Mr. MAGINNIS. Certainly not. As I have said, the total number of acres is the 5,650 acres covered by the agreement.

Mr. HOLMAN. As I understand the gentleman that is included in the right of way.

Mr. MAGINNIS. Certainly. I believe now, Mr. Speaker, that there is no further objection urged to this bill, and unless some further explanations be demanded I ask that it be put upon its passage.

The rules were suspended, two-thirds voting in favor thereof; and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (S. No. 996) to provide for the erection of a public building at Asheville, North Carolina, in which concurrence was requested.

It also announced the passage of a concurrent resolution that the Public Printer be, and he is hereby, authorized to exchange, under the direction of the joint Committee on Printing, duplicate volumes of the Congressional Globe in his custody for volumes of which there may be a deficiency.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, disagreed to by the House, and asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed as managers of such conference on its part Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia.

SALE OF OLD POST-OFFICE SITE, NEW YORK.

Mr. McCOOK. Mr. Speaker, I move to suspend the rules and take from the Speaker's table and pass the bill (S. No. 1774) authorizing the sale of land and premises formerly occupied as a site for the post-office in the city of New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell at public auction in the city of New York to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of New York, the land and premises formerly occupied as the site of the post-office in the city of New York, lying upon Nassau street, between Cedar and Liberty streets, and known as the Old Post-Office site; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $500,000, with power to reject any and all bids, and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof; and if he deems it best for the public interest, he may subdivide said land into parcels and sell in such parcels.

Mr. HOLMAN. For the purpose of having some explanation I demand a second.

The SPEAKER. If there be no objection, the motion to suspend the rules will be considered as seconded.

Mr. TOWNSHEND, of Illinois. No; let us have a vote on seconding the motion to suspend the rules.

Mr. McCOOK. I ask the gentleman from Illinois to allow a second in order that there may be an explanation.

Mr. TOWNSHEND, of Illinois. Raise the price from $500,000 to $1,000,000, and I will withdraw my objection.

Mr. McCOOK. Will members of the committee have an object to question the passage of this bill?

Mr. TOWNSHEND, of Illinois. I will withdraw my objection to allow a second to suspend the rules.

The SPEAKER. The Chair hears no further objection, and the motion to suspend the rules is seconded.

Mr. McCOOK. Mr. Speaker, I do not know I have anything to say at this time in regard to this bill, nor will I have anything to say unless the gentleman from Indiana [Mr. HOLMAN] or some one opposed to it shall make statements requiring correction. This is a Senate bill. It has met the approval of the committee of this House, I believe the unanimous approval of that committee. I believe every member of the House of Representatives from the city of New York, six Democrats and one Republican, favor it. It is a bill which should pass the House. As soon as gentlemen objecting to it, if there be any, have been heard, I hope the chairman of the Committee on Public Buildings and Grounds [Mr. SHALLENBERGER] will be heard, and also the gentleman from Georgia, [Mr. COOK.]

Mr. HOLMAN. Mr. Speaker, I have received several communications from citizens of New York in regard to the proposed sale of this piece of property, and it has been suggested that at least there should be a greater limitation placed upon the property than that which this bill indicates. It is said the property is worth $1,000,000, and that only a small portion perhaps of the men actively engaged in business in that city desire its sale. It is believed by others, and has been so expressed, that the interests of the Government would

be best served by retaining possession of it for Government purposes. These conflicting views are worthy of serious consideration before making any disposition of it in the manner proposed by this bill. Questions may arise when it may become desirable that this property should be owned by the Government, and our experience in the past has demonstrated the fact that we always sell our property at very cheap rates, and purchase, when we have occasion to purchase, at extravagant prices.

Now, I suggest to the gentleman from New York who makes this motion that the price here fixed as a minimum should be increased to $1,000,000 at least, as I regard that, in view of all the facts connected with this matter, as only a reasonable and fair value to place upon that property; and I also suggest this with the view of preventing any possible combination which may be formed in New York to control the sale of the property—for that city is as liable to combination as other cities—that no combination shall be able to obtain control of the property at a less price than its value, in view of the fact that the Government is not compelled to sell it, certainly not compelled to sell it for less than it is worth. I had a letter from a very intelligent gentleman from New York City, whose name I cannot now recall, but I remember that he was long identified with the principal business interests of the city, and upon that letter I also base my suggestions, as well as for the reasons I have already mentioned, first, that there is no reason why the property should be sacrificed for a dollar less than its value; and, in the second place, there is no pressing necessity for selling it.

Again, by changing the minimum fixed in this bill and placing it at $1,000,000 instead of $500,000 it will prevent any possible combination, and secure to the Government the full value of the property. I trust, therefore, the gentleman from New York will consent to an amendment fixing the amount at the sum I have indicated.

Mr. TOWNSHEND, of Illinois. Will the gentleman from Indiana yield to me the remainer of his time?

Mr. HOLMAN. Yes, sir; I have said all I desire to say.

Mr. TOWNSHEND, of Illinois. Then I prefer to reserve the time until after I shall have heard from the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. SHALLENBERGER. The propriety of selling this old post-office site has not been doubted so far as I know by any Secretary of the Treasury for the last six or eight years. On the contrary, the present Secretary of the Treasury has strongly recommended to Congress that the property should be sold at public auction. The last preceding Secretary of the Treasury made a like recommendation, stating that in his judgment the property was not now needed nor would it be for public uses. It is a piece of property 185 by 115 feet, and is in the heart of the city of New York. It is too small for any prospective use of the Government, and, besides, it is much too valuable as a site on which to construct a public building for purposes likely to be demanded by the Government.

I need not stop to name the several reasons which have been urged for the sale of this property. It cost the Government $250,000 in 1850, $50,000 of which was contributed by citizens of New York, and has been recommended to be sold by the last three Congresses. These several bills failed to become laws, although the sale has been strongly recommended by the several Committees on Ways and Means of the House to whom the bill was then referred, merely because, under the rules of the House, one objection defeated the several attempts at consideration. The proposition to sell this property has never been discussed upon its merits before the House, or otherwise it would have carried. We now propose to bring it before the House on its merits; but regret that we have only fifteen minutes in which to favor its passage. This bill which comes to us from the Senate, and which it is now proposed to pass under a suspension of the rules, is a duplicate of the bill reported favorably from the Committee on Public Buildings and Grounds of this House with slight amendment. The House bill has been upon the Calendar, with a report which I hold in my hand, one of the most exhaustive and carefully prepared reports the Committee on Public Buildings and Grounds has prepared during this Congress.

We gave notice of our desire to hear any and all gentlemen from New York who had a word to say as to the propriety of selling this piece of property. We had members of Congress from the city of New York before us. We had the Chamber of Commerce of the city of New York through its representatives, and took stenographic notes of the proceedings in committee. The New York press had called attention to the fact that this was in contemplation, and they got up a public interest in the question which tended to develop all the opposition that could legitimately be brought against the proposed sale. We invited the freest and fullest possible discussion of the measure. We invited gentlemen who were opposed to the bill to come and discuss it in committee. But a single gentleman from the city of New York appeared in opposition to it, and he is the lessee of this piece of property, who is making his thousands of dollars out of the lease yearly. No other gentleman from the city or any part of the State of New York came before the committee to urge a single objection to the sale of the property. As I have stated, the Treasury Department under different administrations recommended the sale under proper regulations. Committees of this House in three or four Congresses have reported in favor of sale.

Now, I take it, under these circumstances the question of disposing of this property has been settled affirmatively. The next question to be considered is, is this bill carefully guarded as to the terms of sale? I think it is. First, we provide this property cannot be sold until after thirty days' public notice in four of the leading newspapers in the city of New York, and within ninety days after the passage of this act. More than that, we provide that if in the judgment of the Secretary of the Treasury he does not deem it best to sell the property as a whole, he may subdivide it and sell it in parcels. We provide that he shall sell it after the largest possible competition, and, if necessary to protect the Government, he may readvertise the property as often as he may deem it best, said notice of thirty days previously given.

Mr. TOWNSHEND, of Illinois. Does the bill provide the property shall be offered as a whole or in severalty, or is it left to the discretion of the Secretary?

Mr. SHALLENBERGER. The bill leaves it to the discretion of the Secretary of the Treasury. It enjoins upon the Secretary to get the largest price possible for the property, and in order to sell it advantageously he may readvertise it from time to time, having only in view the best interests of the Government.

Now, I say that in my judgment and in the judgment of the members from the city of New York, and in the judgment of the press of the city of New York, no bill ever before this House has been more carefully guarded than this so as to secure all the rights of the Government. We limit the price to a minimum of $500,000. We do not know what it will bring.

Mr. TOWNSHEND, of Illinois. Why not make the minimum a million dollars?

Mr. SHALLENBERGER. We do not put it at a million because there is a wide diversity of views as to the value of it, and there may be $900,000 offered as the very best bid that can be secured. We say in the case of property costing $250,000, and after the most liberal advertising, after all the capitalists and corporate bodies in the city of New York or elsewhere have had a chance of bidding at a public sale, the Government ought not to deny itself the advantage of selling this property merely for a possible difference of $100,000, more or less.

Mr. TOWNSHEND, of Illinois. Is it not conceded generally the property is worth at least a million dollars?

Mr. SHALLENBERGER. There is no concession of that kind. We simply say we limit it as a minimum to $500,000. Responsible gentlemen from the city of New York have said that is all it is worth. Others say it is worth $550,000; others say $600,000; some say $700,000; some have gone as high as a million, and I am not quite sure but that some have put it at $1,250,000. What we say is, put it up for sale at the proper season of the year, under regulations such as we name, and at public auction; let every real-estate man in New York, after reading the advertisement for thirty days, come and bid; and if any man or company of men think the property is worth a million, or can be resold for a million, will they suffer it to go for $500,000? I guess they will not. All the safeguards that can be thrown around the sale of public property have been thrown around this. The requirements of the Government for this property for public purposes have ceased for years. The Secretary of the Treasury says we shall not need it. The proceeds of sale are to be turned into the Treasury of the United States. The Committee of Public Buildings and Grounds, after careful investigation, therefore recommend that the bill, as it comes from the Senate, substantially the bill we have prepared, shall pass this House.

Mr. BRAGG. I desire to ask the gentleman a question. Why should not the word "shall" be used instead of the word "may," so as to compel the property to be sold in subdivisions, which would bring it within the reach of men of lesser capital?

Mr. SHALLENBERGER. I will say the only reason is that the property may be wanted for a specific purpose, and that it may bring a larger price as a whole than it would if sold in subdivisions.

Mr. BRAGG. I thought that would be the answer. But is not that fully met by the suggestion that if the property be subdivided and if a combination desire to buy the whole of it they may buy each separate parcel and acquire a title to the whole? But putting it up in separate parcels gives a chance to individual bidders, and a higher price will be obtained.

Mr. SHALLENBERGER. But some one might get one of the parcels, and then the balance of the property might be utterly worthless, at least inadequate for the purposes for which a larger price might be paid.

Mr. BRAGG. I ask the gentleman if in his judgment any property in that section of New York will ever be worthless?

Mr. SHALLENBERGER. It might be very valuable for a specific purpose; and property bought for that specific purpose might bring a larger price. Hence we do not want to enforce on the Secretary of the Treasury the necessity of selling the property in parcels, as that provision would prevent him possibly from securing the largest price from the class of bidders who would use the entire lot for a very expensive structure of great height perhaps, and thus be able to pay more proportionately for the ground. But the present Secretary of the Treasury will fully protect the Government, I am sure, in the exercise of the proper discretion we have given him. The Government has no need for this property and has no right to hold it in its dilapidated condition. If gentlemen will read our report and the

testimony of the lessee, who profits by delay in passing this bill, they will find that he has inspired many of the objections urged upon this floor to the passage of the bill.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, which informed the House that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 713) granting to the Springfield Street Railway Company the right to lay tracks in Mill street, in Springfield, Massachusetts;

A joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expense of the centennial celebration to be held in that city in the year 1883;

An act (H. R. No. 5996) for the relief of J. H. Merrill;

An act (H. R. No. 2202) donating condemned cannon and cannonballs to the Soldiers' Monument Association of Birmingham, Connecticut;

An act (H. R. No. 3082) granting condemned cannon to the Anna M. Ross Post No. 94 Grand Army of the Republic, of Philadelphia;

An act (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association;

An act (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30; 1883, and for other purposes; and

An act (H. R. No. 5664) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes.

SALE OF OLD POST-OFFICE SITE, NEW YORK.

Mr. McCOOK. I yield for a moment to my colleague from New York, [Mr. COX.]

Mr. COX, of New York. In the absence of my colleagues [Mr. FLOWER and Mr. HEWITT] I beg to say one word. I never was invited to this committee that I am aware of. I believe this property to be worth, and I believe it will bring in the market, at least $1,000,000, provided there is a fair sale to the highest bidder by auction. I do not know but my friend from Pennsylvania [Mr. SHALLENBERGER] has properly described this bill; but I will say to the House that there appears to be some little jealousy or caution about putting this sum of $1,000,000 into the bill. I do not know what it springs from; but I think the property being worth $1,000,000 it would be a wise thing for the gentleman from Pennsylvania to insert $1,000,000 instead of $500,000.

Mr. McCOOK. On what does my colleague base his estimates?

Mr. COX, of New York. On the statements of men who told me they would put up $750,000 for the property, and would bid a million for it. I can get nothing better than that.

Mr. McCOOK. I will ask the chairman of the committee [Mr. SHALLENBERGER] what was the highest estimate of the value of the property before that committee?

Mr. COX, of New York. At the time that estimate was made as to the value of this property, perhaps there was not full intelligence given to the committee.

Mr. McCOOK. Perhaps so.

Mr. COX, of New York. The Chamber of Commerce of the City of New York wanted it for a sum that would enable them to get pay for an old debt. That is wiped out of this bill now.

Mr. SHALLENBERGER. Altogether?

Mr. COX, of New York. I think that my friend from Pennsylvania will be able to pass the bill if he will fix the limitation at $1,000,000.

Mr. McCOOK. Two previous Congresses put the limitation at $250,000.

Mr. COX, of New York. All property in that part of the city, from the nadir to the zenith, has become intensified in value; so valuable that you could rent this property at almost any percentage on a million of dollars.

Mr. McCOOK. My colleague [Mr. HEWITT] stated that in his judgment this property was worth in the neighborhood of $750,000.

Mr. TOWNSHEND, of Illinois. He said that it was worth a million of dollars.

Mr. McCOOK. That it might be; and it will bring that amount if that is correct.

Mr. COOK. He did not say so to the Committee on Public Buildings and Grounds.

Mr. COX, of New York. I am only telling the House, from what I know of tricks sometimes vain and sometimes not vain, that we ought to guard this bill carefully, and there can be no better guard than fixing the minimum at $1,000,000.

Mr. SINGLETON, of Illinois. The reason the gentleman from New York [Mr. COX] was not before the committee was that he was not here, for I made it my business to try and look him up, and I could not find him. The other members from the city of New York were present, and all concurred in the propriety of reporting a bill for the sale of this property.

Mr. HOLMAN. I now yield two minutes to the gentleman from New York, [Mr. ROBINSON.]

Mr. TOWNSHEND, of Illinois. I believe that the remainder of the time of the gentleman from Indiana [Mr. HOLMAN] was yielded to me.

Mr. HOLMAN. I trust the gentleman will yield for a minute or two.

Mr. TOWNSHEND, of Illinois. How much time have I left of the time of the gentleman from Indiana, [Mr. HOLMAN?]

The SPEAKER. The gentleman has ten minutes left.

Mr. TOWNSHEND, of Illinois. The gentleman from Indiana [Mr. HOLMAN] spoke only about four minutes.

Mr. HOLMAN. I hope the gentleman from Illinois [Mr. TOWNSHEND] will yield to the gentleman from New York [Mr. ROBINSON] for two minutes now.

Mr. TOWNSHEND, of Illinois. I will do so, and then I think I shall have ten minutes left.

Mr. ROBINSON, of New York. I simply want to say that when this subject of the sale of this property was first broached I was written to by a very prominent real-estate agent in New York, who informed me that the property was worth at least $1,000,000; I understood him to say that he could get buyers for it at that sum. I have made inquiries about the matter, and I think it is worth at least one and a quarter million of dollars.

In conversing with my friend from New York, [Mr. McCOOK,] I understood from him that the bill was in such a shape that there would be full advertising and fair competition for this property before it was sold. Under these circumstances, with proper guards, I have no doubt the property will bring its full value. I am in favor, however, of making the limit at least $1,000,000, if not more.

Mr. TOWNSHEND, of Illinois. I have no more interest in this matter than the gentleman from New York [Mr. McCOOK] or any other member; but I have just as much interest in it as he or any other member on this floor, and so has the constituency which I represent here as much interest in this property as any other constituency. Therefore it is my duty to see that the rights of the public are carefully guarded; I am governed by that motive alone.

Some four years ago a bill was reported from this committee recommending the sale of this property at a minimum of $250,000, of which sum about $25,000 was allowed to the Chamber of Commerce or Stock Exchange, or some other commercial body, in payment of some old claim.

Mr. COX, of New York. To the Chamber of Commerce.

Mr. TOWNSHEND, of Illinois. To be given to the Chamber of Commerce. That has been eliminated from this bill, and the minimum price has now been fixed at $500,000.

Four years ago, about the time when the question was up for the sale of this property at $250,000, I was standing one day opposite the property, in New York, in company with an ex-Secretary of the Treasury, and he stated to me then that the property was then worth every dollar of $1,000,000, and I was told by others that a combination was organized with a view to obtain the property at a less value than it was really worth.

I am not desirous of defeating the purpose of the Committee on Public Buildings and Grounds to secure the sale of this property; but I want to put such restrictions on the bill as will prevent it falling into the hands of a combination of speculators at less than its real value. This bill provides that the property shall be sold for cash. It is not likely that any party will purchase it on those terms except some combination of capitalists. It ought to provide for a sale on time, as is generally done, except where forced sales are made. Prudence dictates this as the surest way to obtain the best price.

Another objection to the bill is that it is left discretionary with the Secretary of the Treasury whether the property shall be sold in subdivisions or not. I am glad the gentleman from New York [Mr. COX] and his colleague [Mr. ROBINSON] have given us the benefit of their knowledge upon the value of this property. I am well convinced that the opinion of a majority of the best judges of real estate in New York City is that this property is worth more than $1,000,000. Now, sir, I understand the Government is paying rent in that city of over $75,000 for the use of buildings for governmental purposes.

Mr. SINGLETON, of Illinois. The gentleman has got that three times too much.

Mr. TOWNSHEND, of Illinois. Do I understand you to say three times more? Do they pay more?

Mr. SINGLETON, of Illinois. They are not paying over $27,000.

Mr. TOWNSHEND, of Illinois. I am informed that my friend is mistaken, and that the Government is now paying over $75,000 for rents of buildings used for pension agencies, for Quartermaster's Department, and various other purposes. I cannot say of my own knowledge how much is paid for rent, but I have been advised by those who claim to fully understand the facts that the figures I have given are correct. Now, Mr. Speaker, good business men in New York, on Wall, Broad, and Broadway, believe that this is an excellent location for some of the purposes of the Government, especially for the pension agencies.

Mr. McCOOK. Will the gentleman vote for an appropriation to put up a building there?

Mr. TOWNSHEND, of Illinois. Where is this property located? It is at the corner of Cedar and Nassau streets, within two blocks of

the Stock Exchange, within two blocks of Wall street, and within one block of Broadway. It is in the very heart of the business part of the city and of the most valuable real estate in New York City. Yet this property, which I am confident is worth $1,000,000, this bill proposes to offer at a minimum price of $500,000. If the minimum suggested by the gentleman from New York, [Mr. COX,] $1,000,000, were agreed to, I would not oppose the bill, because I see that there are interested parties in New York who are determined the property shall be sold, and sooner or later they will secure a sale. I will not, then, oppose the sale of the property, although it is believed by many prudent men in New York that it is far better for the Government to hold the property and make use of it in erecting upon it needed Government buildings. It may not be long before a clamor will be raised for new public buildings in New York; then you will find that the Government will be compelled to pay an enormous price for the ground to place them upon.

Why this great eagerness to sell this property? It is becoming more valuable every day. Four years ago it was stated by some to be worth only $250,000. Now the committee comes in and admits that it is worth $500,000, and, as I have already said to you, some of the very best business men and judges of the value of real estate in New York assert that it is worth over $1,000,000. Indeed I have heard it estimated at $1,250,000.

While this property is growing in value every day, why do gentlemen insist that it shall be sold at all? And if sold at all, why insist on fixing as the minimum figure half its actual value? The Government, with a plethoric Treasury, is not compelled to sacrifice this property. In fairness to the interests of the people and the public Treasury, why not accept the amendment fixing the minimum at $1,000,000? If I owned the property and were able to hold it, I would not accept one cent less than a million dollars for it; and if I could not get that price to-day, I would hold the property till I could get it; for that is no more than it is worth. I have nothing further to say, except that if the amendment to fix the minimum price at $1,000,000 be accepted I shall not object further to the passage of the bill; but as the Government is under no necessity to sell the property, I do not wish to leave open the danger of a sacrifice of this property.

Mr. McCOOK. I yield one minute to the gentleman from Illinois, [Mr. SINGLETON.]

Mr. SINGLETON, of Illinois. Mr. Speaker, no subject before the Committee on Public Buildings and Grounds at this session has received so much careful investigation as that involved in this bill. We had before us the best men from the city of New York; we had all the members from that city before us, except my friend from New York, [Mr. COX,] who at that time, I believe, was absent from the city. Every person heard before our committee concurred in the conclusion of the committee that the property ought to be sold and that the limit of $500,000 was a safe one. Nobody has estimated the value of the property at $1,000,000. The gentleman from New York, [Mr. HEWITT,] his colleague, [Mr. FLOWER,] and various other gentlemen said it was valuable property, and there was no telling what price it might command because it was so desirable for private purposes.

But for the Government it is not desirable. The Quartermaster's Department is the only branch of the Government needing a building in New York City at this time. So far from the Government paying $75,000 for rental in that city, as my colleague asserts, the highest amount paid in that way is $33,000, according to the report made by Mr. Conant, the present lessee of the building, who has been hanging around the halls of this House and the room of our committee for the purpose of preventing the sale of the property, so that he might continue its lessee. He admits that $33,000 is all that the Government is called to pay in the way of rent. I will only add that under this bill the Secretary of the Treasury will have the power to advertise and readvertise the property as often as he pleases until it commands what it is worth in the market.

Mr. McCOOK. I yield one minute to the gentleman from Georgia, [Mr. COOK.]

Mr. COOK. As a member of the committee to which this bill was referred, I wish to say that the testimony of a very large number of gentlemen as to the value of this property was taken before the committee; and not one of them thought that the property was worth $1,000,000. The estimates ranged from $350,000 to $500,000 and $600,000; and one was as high as $700,000. This property is rented for $12,500 a year to a gentleman who has been here constantly, and has taken very great interest in protecting the Government by preventing the sale of the property.

Mr. TOWNSHEND, of Illinois. Why does not the Government raise the rent on him?

Mr. COOK. This property is to be vacated on six days' notice; but I think he could pay a larger rent than he does. In my opinion the property is worth more than $500,000; I have no question of it; but I believe, under this bill, which intrusts the sale to the Secretary of the Treasury, the property will bring every dollar of its market value. A minimum is named in the bill, because everybody thought there ought to be some limitation of that kind; but I have no doubt, notwithstanding this limit, that the property under the provisions of this bill will bring its full market value.

[Here the hammer fell.]

Mr. McCOOK. Mr. Speaker, I regret exceedingly that my colleagues, [Mr. HEWITT and Mr. FLOWER,] who appeared before the committee, are not here to-day. They are both owners of real estate in New York City and to some extent experts in regard to its value. I profess to know nothing in regard to the value of this property, save what I hear from them and other competent gentlemen. I do not believe, however, from what I hear, as that seems to be the question on which this turns, that this property is worth $1,000,000. If it is worth $1,000,000, certainly no bill since I have had the honor to hold a seat in this House has been brought into the House more carefully guarded than this is.

And this is a Senate bill. It has passed the scrutiny of that body; it has passed the scrutiny and received the unanimous approval of the Committee on Public Buildings and Grounds of this House.

Personally, sir, I care nothing about the passage of this bill. I believe it is in the best interest of the Government of the United States, and I believe in addition to that it is in the best interests of the city of New York.

Mr. COX, of New York. Will not my colleague agree to insert $750,000 in the bill?

Mr. McCOOK. I would not insert a cent; I would not change it if the property was never sold. The Government can hold that property and deprive the city of New York of $50,000 of tax as long as it pleases.

Mr. COX, of New York. This has nothing to do with partisanship.

The SPEAKER. The time for debate has expired.

The question recurred on Mr. McCOOK's motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 84, noes 37.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. Does the gentleman make the point of no quorum?

Mr. HOLMAN. I will demand the yeas and nays.

Mr. TOWNSHEND, of Illinois. Have the yeas and nays been ordered? I insist there is no quorum unless we can have the yeas and nays.

The SPEAKER. Nineteen have voted in favor of the yeas and nays, which in the judgment of the Chair, is not a sufficient number.

Mr. TOWNSHEND, of Illinois. No quorum has voted.

The SPEAKER. The point comes too late.

Mr. TOWNSHEND, of Illinois. I made it as soon as the gentleman from Indiana withdrew it.

The SPEAKER. But the gentleman withdrew it.

Mr. TOWNSHEND, of Illinois. I immediately made the point of no quorum unless we could have the yeas and nays.

The SPEAKER. And immediately withdrew it.

Mr. HOLMAN. I ask a count on the other side on the demand for the yeas and nays.

Mr. TOWNSHEND, of Illinois. I rose to my feet and made the point of no quorum, and remained on my feet insisting on the point of no quorum. The gentleman from Indiana made the point, but withdrew it, and I renewed it unless we could have the yeas and nays.

Mr. HOLMAN. I think the Chair is mistaken. I did not withdraw the point of no quorum.

Mr. TOWNSHEND, of Illinois. I am willing, if we can have the yeas and nays to show how these members vote, to withdraw the point of order.

The SPEAKER. Nineteen have voted in the affirmative and sixty-seven in the negative, and one-fifth having voted in the affirmative the yeas and nays are ordered. The Chair desires to state, in answer to the gentleman from Illinois, that it does not think the yeas and nays can be demanded and at the same time the point of no quorum reserved. Nor can there be any conditional withdrawal. The demand for the yeas and nays necessarily vacated the point of order that no quorum was present.

The question was taken; and it was decided in the negative—yeas 92, nays 73, not voting 125; as follows:

YEAS—92.

Aldrich,	Deering,	Kelley,	Scranton,
Anderson,	De Motte,	Lewis,	Shallenberger,
Barr,	Dingley,	Lord,	Shultz,
Bayne,	Dunnell,	Mason,	Singleton, Jas. W.
Bingham,	Ellis,	McCook,	Smith, Dietrich C.
Bisbee,	Errett,	Miles,	Spaulding,
Blanchard,	Evins,	Moore,	Spooner,
Bowman	Farwell, Sewell S.	Morey,	Taylor,
Briggs,	Fisher,	Neal,	Thomas,
Browne,	Ford,	O'Neill,	Thompson, Wm. G.
Buck,	Fulkerson,	Orth,	Townsend, Amos
Buckner,	Hall,	Parker,	Tyler,
Butterworth,	Hammond, John	Paul,	Updegraff, J. T.
Campbell,	Hammond, N. J.	Peelle,	Updegraff, Thomas
Candler,	Harmer,	Peirce,	Valentine,
Cannon,	Hill,	Prescott,	Van Horn,
Carpenter,	Hiscock,	Ray,	Wadsworth,
Caswell,	Horr,	Rich,	Wait,
Chace,	Hubbell,	Ritchie,	Walker,
Cook,	Hubbs,	Robeson,	White,
Crapo,	Humphrey,	Robinson, Geo. D.	Whitthorne,
Cravens,	Jacobs,	Robinson, Jas. S.	Willits,
Dawes,	Kasson,	Robinson, Wm. E.	Wilson.

NAYS—73.

Armfield,	Davis, Lowndes H.	Latham,	Smith, J. Hyatt
Atherton,	Dibrell,	Le Fevre,	Stockslager,
Atkins,	Dowd,	Manning,	Strait,
Berry,	Dwight,	Martin,	Talbott,
Blackburn,	Ermentrout,	Matson,	Thompson, P. B.
Blount,	Forney,	McLane,	Tillman,
Bragg,	Frost,	McMillin,	Townshend, R. W.
Brewer,	Garrison,	Mills,	Tucker,
Buchanan,	Gunter,	Muldrow,	Turner, Henry G.
Carlisle,	Harris, Henry S.	Phelps,	Turner, Oscar
Cassidy,	Hazelton,	Phister,	Upson,
Clements,	Hewitt, G. W.	Reagan,	Warner,
Cobb,	Hoblitzell,	Rice, John B.	Wellborn,
Converse,	Holman,	Robertson,	Willis,
Cox, Samuel S.	House,	Scales,	Wise, George D.
Cox, William R.	Jones, James K.	Shelley,	Young.
Culberson,	Klotz,	Simonton,	
Curtin,	Knott,	Singleton, Otho R.	
Davidson,	Ladd,	Smith, A. Herr	

NOT VOTING—125.

Aiken,	Flower,	Leedom,	Richardson, Jno. S.
Barbour,	Geddes,	Lindsey,	Rosecrans,
Beach,	George,	Lowe,	Ross,
Belford,	Gibson,	Lynch,	Russell,
Belmont,	Godshalk,	Mackey,	Ryan,
Beltzhoover,	Grout,	Marsh,	Scoville,
Black,	Guenther,	McClure,	Shackelford,
Bland,	Hardenbergh,	McCoid,	Sherwin,
Bliss	Hardy,	McKenzie,	Skinner,
Brumm,	Harris, Benj. W.	McKinley,	Sparks,
Burrows, Julius C.	Haseltine,	Miller,	Speer,
Burrows, Jos. H.	Haskell,	Money,	Springer,
Cabell,	Hatch,	Morrison,	Steele,
Caldwell,	Heilman,	Morse,	Stephens,
Calkins,	Henderson,	Mosgrove,	Stone,
Camp,	Hepburn,	Moulton,	Urner,
Chapman,	Herbert,	Murch,	Vance,
Clardy,	Herndon,	Mutchler,	Van Aernam,
Clark,	Hewitt, Abram S.	Nolan,	Van Voorhis,
Colerick,	Hoge,	Norcross,	Ward,
Cornell,	Hooker,	Oates,	Washburn,
Covington,	Houk,	Pacheco,	Watson,
Crowley,	Hutchins,	Page,	Webber,
Cullen,	Jadwin,	Payson,	West,
Cutts,	Jones, George W.	Pettibone,	Williams, Chas. G.
Darrall,	Jones, Phineas	Pound,	Williams, Thomas
Davis, George R.	Jorgensen,	Randall,	Wise, Morgan R.
Deuster,	Joyce,	Ranney,	Wood, Benjamin
Dezendorf,	Kenna,	Reed,	Wood, Walter A.
Dugro,	Ketcham,	Rice, Theron M.	
Dunn,	King,	Rice, William W.	
Farwell, Chas. B.	Lacey,	Richardson, D. P.	

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

The following additional pairs were announced:

Mr. RUSSELL with Mr. KENNA.

Mr. WISE, of Virginia. I move to dispense with the reading of the names.

Mr. COBB. I object.

The result of the vote was then announced as above recorded.

Mr. FORNEY. I move to suspend the rules——

Mr. COBB. I insisted that the names should be read. I made objection to dispensing with the reading of the names, and have not withdrawn it.

Mr. VALENTINE. The gentleman did not rise from his seat to object.

The SPEAKER. Does the gentleman from Indiana insist that the names shall be read?

Mr. COBB. I do insist.

Mr. VALENTINE. The gentleman did not rise from his seat, and it is now too late.

Mr. WILSON. Why take up the time of the House in having the names read?

Mr. COBB. I think it will be in the interest of economy to do so.

The SPEAKER. If the gentleman from Indiana states that he rose in his place and objected to dispensing with the reading of the names the Chair will order them to be read.

Mr. COBB. The Chair rather gets me on that question. [Laughter.] I did not rise.

The SPEAKER. The Chair thinks, then, that the gentleman makes his objection too late.

MINERAL LANDS IN ALABAMA.

Mr. FORNEY. I move to suspend the rules, discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the law relating to mineral lands, and put the same upon its passage.

The SPEAKER. The bill will be read.

The bill was read. It is as follows:

Be it enacted, &c., That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands: *Provided, however*, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale: *And provided further*, That any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May 10, 1872, entitled "An act to promote the development of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

Mr. DWIGHT. I demand a second on the motion to suspend the rules.

The SPEAKER. Without objection, the second will be considered as ordered.

There was no objection.

Mr. DWIGHT. I would like to know whether this bill has been reported by a committee of the House, or considered in Committee of the Whole House?

Mr. FORNEY. My motion is to discharge the Committee of the Whole from its further consideration and put it upon its passage.

Mr. DWIGHT. I understand this bill has never been considered by the Committee on Public Lands of this House.

Mr. FORNEY. During the last session of Congress it was referred to the Committee on Public Lands, who reported favorably upon it. During the present session the Speaker sent it to the Committee on Mines and Mining, and they have reported the bill unanimously.

It proposes to take all these public mineral lands in the State of Alabama and offer them at public sale to the highest bidder, so the Government will get the fullest price for them that is possible to be received, and after they are disposed of the remainder of the public lands in the State shall be subject to disposal only as other agricultural lands belonging to the Government.

Mr. ANDERSON. Where are these lands?

Mr. FORNEY. In the northern and northwest portions of the State of Alabama. This simply places the State of Alabama with reference to the public lands in that State upon an identical footing with Kansas, Michigan, Minnesota, and other States.

Mr. DWIGHT. My objection, Mr. Speaker, is that in the first place the State of Alabama has already received a large proportion of the public lands, altogether something over four and a half million acres; and further, I object because this bill has not been considered in either the Committee on Public Lands or by the Committee of the Whole. It is an important bill; it disposes of too much of the public property, and is entirely too important to be passed in this summary manner. I hope it will be voted down.

Mr. FORNEY. The gentleman fron New York is certainly mistaken in the objects of this bill. This simply proposes to sell the mineral lands, or to put them up at public sale to the highest bidder. If you do not make some such disposition, what do you propose to do with them?

Mr. CASSIDY. This does not donate an acre of land of the State of Alabama.

Mr. FORNEY. Not an acre.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The House divided; and there were—ayes 93, noes 17.

Mr. DWIGHT. No quorum has voted.

The SPEAKER. The Chair will appoint tellers.

Mr. DWIGHT and Mr. FORNEY were appointed tellers.

The House again divided.

Before the vote was announced,

Mr. DWIGHT said: Mr. Speaker, there does not seem to be a quorum present. Now, I have no objection to the bill if it is right. If it is right and proper to pass it I should be as glad to see it passed as anybody who has voted for it. My objection to it, however, is that it involves a good deal, and I do not believe there is anybody here who knows how much it really involves or what its provisions are. Now, if the gentleman from Ohio, [Mr. CONVERSE,] who, I am informed, examined this bill last year, will explain its provisions satisfactorily I shall have no objection to withdrawing the point of no quorum.

Mr. FORNEY. Mr. Speaker, I will now explain briefly the provisions of this bill in the presence of the gentleman from Ohio, [Mr. CONVERSE,] who will, I am sure, bear out my statements. The lands in Alabama were offered for sale in 1819. The graduation act came along in 1852, and these identical lands were offered at 12½ cents an acre, and could find no purchaser. Recently, in 1879, the Secretary of the Interior, supposing they contained some valuable coal and minerals, sent a geologist down to examine them. He reported that there were some valuable coal lands among them. Since that time there has not been an acre of them sold. The Commissioner of the General Land Office is in favor of this bill, and drafted it and sent it here as a substitute for a bill of the same character. The bill proposes that all the mineral lands in Alabama which have been withdrawn by the order of the Secretary of the Interior shall be sold at public sale so that the Government will get its highest price for them.

Mr. DWIGHT. In what manner?

Mr. FORNEY. At public sale under the general law at not less than $1.25 an acre. Then after public sale these lands are open and subject to entry as agricultural lands. Now, what more do you want? The Government gets the money. If they are valuable lands they will bring more than $1.25. If they will not bring more they will have to be sold as agricultural lands at $1.25 per acre.

Mr. CONVERSE. I desire to say that the statement of the gentleman from Alabama is substantially right. This was recommended by the land department last year.

The SPEAKER. Is the point of no quorum withdrawn?

Mr. DWIGHT. Yes, sir; as it is apparent that the House is quite unanimously determined to pass the bill and further objection will

not change the result. Still I insist the bill should not be passed in this manner if at all.

Mr. STRAIT. I renew the point of order as to a quorum.

The SPEAKER. The tellers will resume their places.

Mr. STRAIT. This bill opens mineral lands to homestead and pre-emption.

Mr. WILSON. Oh, no; the bill is all right.

Mr. STRAIT. The bill is not all right.

The tellers resumed the count and reported—ayes 137, noes 9.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent; and

Joint resolution (H. R. No. 249) amending a paragraph in the "act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department," approved May 1, 1882, and to correct an error in the enrollment thereof.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1830) to amend section 2325 of the Revised Statutes, touching the issuance of patents for mineral lands;

A bill (S. No. 2060) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin; and

A bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe.

PUBLIC BUILDING AT SAINT JOSEPH, MISSOURI.

Mr. FORD. I move that the rules be suspended and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 929) for the erection of a public building in the city of Saint Joseph, in the State of Missouri, and that the bill be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vault extending to each story, for the accommodation of the post-office, custom-house, bonded warehouse, internal-revenue offices, and other Government offices, at the city of Saint Joseph, in the State of Missouri. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $125,000: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, and until the State of Missouri shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil processes therein.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended toward the construction of said building.

Mr. HOLMAN. I ask for a second on this bill.

The SPEAKER. If there be no objection, a second will be considered as ordered.

Mr. HOLMAN. I object.

Mr. BRAGG. I move that the House do now adjourn.

The question being taken on Mr. BRAGG's motion there were—ayes 16, noes 62.

Mr. BRAGG. I call for tellers.

Tellers were not ordered, only nine members voting therefor; not one-fifth of a quorum.

Mr. BRAGG. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 6; not a sufficient number.

Mr. BRAGG. I call for tellers on the yeas and nays.

Tellers on the yeas and nays were not ordered, only eight members voting therefor; not one-fifth of a quorum.

So the motion was not agreed to.

Mr. YOUNG. I desire to move that when the House adjourns to-day it be to meet on Wednesday next.

The SPEAKER. That motion is not now in order. The gentleman from Indiana [Mr. HOLMAN] has demanded a second on the motion of the gentleman from Missouri, [Mr. FORD.] The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. FORD] will act as tellers.

The House divided; and the tellers reported—ayes 119, noes 11.

Mr. HOLMAN. The gentleman from Missouri [Mr. FORD] agrees that a motion may be entered to reduce the amount of the limit in the bill from $125,000 to $75,000.

Mr. FORD. I am willing to amend the bill as indicated by the gentleman from Indiana.

Mr. BRAGG. I make the point of no quorum.

Mr. HOLMAN. I will state to the gentleman from Wisconsin that it is agreed a motion may be entered to reduce the limit.

Mr. BRAGG. I make the point of no quorum.

The SPEAKER. The tellers will resume their places.

The tellers resumed the count and reported ayes 130, noes 16.

So the motion to suspend the rules was seconded.

Mr. FORD. I consented to admit an amendment to the bill making the limit $75,000, presuming there would be no further opposition to its consideration. I now insist on the consideration of the original bill.

Mr. HOLMAN. I think my friend from Missouri should not do that. I was very eager to accomplish that purpose, but the gentleman from Wisconsin [Mr. BRAGG] objected. I think the gentleman should allow the amendment.

Mr. FORD. In deference to the gentleman from Indiana, I will do so.

The SPEAKER. The gentleman from Missouri [Mr. FORD] now moves to pass the bill with an amendment making the limit of the expenditure $75,000.

Mr. BURROWS, of Michigan. I wish to inquire of the gentleman from Missouri how much is now paid in the city of Saint Joseph for rent?

Mr. FORD. At this time the rent is quite insignificant.

Mr. BURROWS, of Michigan. How much?

Mr. FORD. Three hundred dollars for the post-office.

Mr. BURROWS, of Michigan. How much for the use of the United States courts?

Mr. FORD. We have no court there.

Mr. BURROWS, of Michigan. How much for an office for the collector of internal revenue?

Mr. FORD. The collector uses his own premises and charges no rent.

Mr. BURROWS, of Michigan. The entire amount then paid as rent is $300?

Mr. FORD. Yes, sir.

The rules were suspended (two-thirds voting in favor thereof) and the bill as modified, by striking out "$125,000" and inserting "$75,000," was passed.

PUBLIC BUILDINGS AT HARRISONBURGH AND ABINGDON, VIRGINIA.

Mr. PAUL. I move to suspend the rules and take from the Speaker's table and pass at this time Senate bill No. 1875 for the erection of public buildings at Harrisonburgh and Abingdon, State of Virginia.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices at Harrisonburgh, State of Virginia. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site selected shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for the said building shall be vested in the United States; nor until the State of Virginia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. Also, a like sum is hereby appropriated upon the same terms and conditions for a site and public building at Abingdon, Virginia.

Mr. HOLMAN. I demand a second on the motion to suspend the rules.

Mr. BRAGG. I move that the House now adjourn.

Mr. ATHERTON. Pending the motion to adjourn, I move that when the House adjourns to-day it be to meet on Wednesday next.

The SPEAKER. That motion is not in order.

Mr. BRAGG. Is not my motion subject to amendment?

The SPEAKER. It is not, and never was in the history of parliamentary bodies.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 28, noes 58.

Before the result of this vote was announced,

Mr. BRAGG called for tellers.

Tellers were not ordered, there being but 12 in the affirmative; not one-fifth of a quorum.

Mr. BRAGG. I call for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays, and there were 15 in the affirmative; not one-fifth of the last vote.

Mr. BRAGG. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, their being but 12 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered and tellers were not ordered, and the motion to adjourn was not agreed to.

The SPEAKER. The question recurs upon the motion of the gentleman from Virginia [Mr. PAUL] to suspend the rules and pass the bill which has been read. Upon this question the gentleman from Indiana [Mr. HOLMAN] has demanded a second. If there is no objection the second will be considered as ordered.

Mr. HOLMAN. I object to that, and ask for a count.

Tellers were ordered; and Mr. PAUL and Mr. HOLMAN were appointed.

Mr. ATHERTON. Would it now be in order to move that when the House adjourns to-day it be to meet on Wednesday next?

The SPEAKER. The Chair thinks not, pending the motion to suspend the rules.

The House again divided; and the tellers reported that there were—ayes 127, noes 19.

So the motion to suspend the rules was seconded.

Mr. BRAGG rose.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN] as entitled to control the time in opposition to this motion.

Mr. HOLMAN. I will yield to the gentleman from Wisconsin [Mr. BRAGG] if he desires to address the House.

The SPEAKER. How much time does the gentleman yield?

Mr. HOLMAN. Ten minutes.

Mr. BRAGG. The purpose of my rising, Mr. Speaker, is simply to obtain some information in regard to this bill. All the information I have yet received upon the subject of the thrift and growth and business of these two large towns at the head of the valley is that pennyroyal and sassafras grow largely in their streets, and there has not been business enough there to keep down their growth so that children can move about without danger of getting lost in the woods. [Laughter.] I desire to know whether this is true or not?

I desire also to inquire something about the population of these towns; whether they are able to sustain and support an ordinary country store there; what are the receipts of the post-office; how many days in a year they hold courts, and the extent and amount of litigation, and what large sums the Government has been paying out in the way of rent, and about how much it will cost for janitors for these two buildings.

This is a bill which, if passed, will give the Forty-seventh Congress the reputation of having in one instance produced twins. [Laughter.] Heretofore the births have been single; but this is a double-barrel concern and has twins in it, and I think we should be well posted about it.

I know that my friend, one of the tellers, says that we should not interfere with this bill because they are such little twins. [Laughter.] I remember to have heard that story offered in excuse once for somebody, I will not say of what sex, accused of having suffered some sort of imposition by reason of which an additional soul was brought into the world. [Laughter.] The excuse was that it weighed only two and one-half pounds, and therefore there should not be any heavy charge made against the party. [Laughter.] Now, I should like to know whether these little twins are to be excused on that principle; whether this is to be passed simply because they are so small; whether there is to be some reasonable excuse given for a bill to provide for the construction of two court-houses in two little country towns. I should like to have some explanation, because I desire to vote understandingly on the subject.

Mr. PAUL. How much time have I?

The SPEAKER. The gentleman having made the motion to suspend the rules is entitled to control the fifteen minutes of debate in favor of the bill.

Mr. PAUL. I shall occupy only ten minutes, and will yield the remaining five to my colleague, [Mr. FULKERSON.] Mr. Speaker, I believe the gentleman from Wisconsin [Mr. BRAGG] is exceedingly anxious to vote intelligently on this question. He showed that by the opposition of a factious character which he made. I am afraid he showed it by sitting here stock-still, holding the business of this House suspended for half an hour, and refusing to vote to make a quorum.

Mr. BRAGG. I would like to suggest to the gentleman that if I did "sit here stock-still," I did not as a teller leave my place to go out and drum votes.

Mr. PAUL. If I did anything of that sort, sir, I did it with a perfect sense of my duty, and I did not think it a breach of the privileges of the House. Being a new member and not acquainted with the rules, I thought it my duty, in the interest of my constituents, to get as many persons to vote for my bill as I could. If what I did was a breach of the etiquette of this House, I respectfully apologize to this body. At any rate, if I had been here as long as the gentleman from Wisconsin and he had been standing in my shoes, I never would have put upon him the mortification of drawing attention to the fact that he had violated the courtesies of the House.

Mr. BRAGG. Oh, I did not say that.

Mr. PAUL. Now, Mr. Speaker and gentlemen, this is no "pennyroyal" bill. I live in as respectable and prosperous a town as any in the gentleman's State. I live in a flourishing town of 4,000 inhabitants; and there is not anywhere in the broad limits of this Union a prettier town or a more energetic, industrious, and sober people.

Let me now call the attention of the House to the merits of this measure. I do not wish to impose upon the House any bill that has not true and genuine merit in it. What is it we ask? We do not come here, as gentlemen have come from other States, with bills asking appropriations of half a million or a quarter of a million or $300,000 or $200,000 or $125,000 for a single court-house. We come in a modest way; we do not ask you to appropriate a large sum for our building. We will be content with a reasonable amount. We will take $50,000 for one court-house and $50,000 for another. Thus the General Government gets two court-houses for less money than you have appropriated here time and again for a single building. [Laughter and applause.]

Now, the most obstinate objector on this floor to these bills for the erection of public buildings has conceded the fact—it was conceded this morning upon the bill of my friend from Mississippi [Mr. MANNING]—that where you have a United States court you ought to have a building in which that court shall hold its sessions.

I speak for my own town, and my remarks will apply substantially to the town of Abingdon, which is in the district of my colleague, [Mr. FULKERSON.] We have in Harrisonburgh a United States circuit and district court. We have an internal-revenue office. Our town is in the center of a district that paid into the Treasury last year through this internal-revenue office, $228,000. Court is held there twice a year for two or three or even four weeks at a time.

The State of Virginia has paid into your Treasury since 1873 $86,000,000; and what have you given her in return for it? Two little court-houses, one at Danville, one at Lynchburgh. Yet when we come here with a modest proposition of this sort, you gentlemen who have been sharing in the payments which Virginia has made into your Treasury get up and talk about "pennyroyal" towns and undertake to belittle a State that has paid more money into the Treasury of the General Government than your own. Virginia stands seventh among all the States in this Union in the payment of revenue; and when she comes here and presents a bill presenting all the requisites that have been demanded by the extremest opponents of these public buildings, does it not look picayunish, to say the least, to try to laugh her out of this House when you have been living and battening and fattening by the labors of her people during the last seventeen years?

Now, Mr. Speaker, I have made a plain statement of this question. This bill was favorably reported in the Senate by Mr. MORRILL, who has the reputation of being a cautious, prudent, and economical statesman. After you gentlemen have sat here all this session voting money for public buildings, having appropriated $1,500,000 to erect four public buildings in the State of New York, it would be an act of injustice and ingratitude to refuse to the State of Virginia $100,000 for the erection of two public buildings. All the conditions precedent, all the requirements for a public building are presented here, and there can be no excuse on the part of any member on either side of the House for refusing this act of simple, even-handed justice.

The SPEAKER. The gentleman's ten minutes have expired.

Mr. BRAGG rose.

The SPEAKER. Does the gentleman wish to be heard now?

Mr. BRAGG. I do.

Mr. HOLMAN. I will yield to the gentleman from Wisconsin.

Mr. BRAGG. Mr. Speaker, all I desire to say, and I say it in real earnest, is, that I think it is high time it should be said to the people of this country that those States which profess to have paid so much money into the public Treasury are not the States from which the money was derived. They do not pay the tax; they are simply the medium through which the taxes are paid, and the tax is collected in every village, in every town, and in every city in the United States. Yet they come here into this House and boast of the amount of money they pay as if they paid the tax, when they themselves pay but a very small tithe of the taxes. The people at large pay the tax, not them.

Now, it is true these two bills simply call for $50,000 each. The experience of this House, the experience of all who have ever examined into that question is, that the $50,000, or $100,000, or $150,000, which the original appropriation made, is not the limit nor the extent of the appropriation. On the contrary, the precedents are uniformly against it.

Persons come into this House with bills, applications are made, grants for the commencement of public buildings are made under the assumption they are to cost but a limited sum of money, members of this House are invited to vote for these bills because they are such small bills, and are so modest; but when that money becomes once invested what is the result? The report made by the architect is there is a deficiency in the completion of the building; one story is only completed; the foundation is only completed; what is to be done? The very same gentlemen who urge now we shall vote for these bills because they are so small and so modest, will then come to the House and say: "What! will you permit the Government to lose that $50,000 when $50,000 more will put it under cover and save what you have already expended? It is useless to waste money, squandering it in this way; give us another $50,000 and we will preserve the first $50,000." [Laughter and applause.]

When they get the building under cover, what then? Then, as was done in the last Congress, $75,000 is asked to finish the approaches to this little modest building! Next they will want from $60,000 to $90,000 to furnish the inside of this little modest building. Then we have to pay a janitor $1,200 to take care of this little building, when the original rent of the building in which the court or post-office was held did not cost as much as the janitor to take care of the new building.

I have often thought when I saw the Committee on Public Buildings and Grounds come in and report for such a building, because the Government is paying so much rent and the interest on the principal will be near as much, that never yet has that committee stated the public building will be kept in charge of a janitor at a greater salary than was the rent of the building used by the Government in these small country towns.

Mr. HOLMAN. I wish to ask the gentleman from Virginia if he is informed how much rent is paid in each of these places?

Mr. PAUL. I am not acquainted with Abingdon. In the town of

Harrisonburgh the Government has been paying $500 for a court-house. I know until recently $350 a year is being paid for a revenue office, and $250 I think, for a post-office. I am not sure whether the district attorney pays for his own office or the rent is paid by the Government.

Mr. HOLMAN. What is the population of these two towns?

Mr. PAUL. Harrisonburgh has not over 4,000, and Abingdon, I am informed, has about the same. Both are situated in fine fertile districts. My colleague [Mr. FULKERSON] represents the southwest and I represent the valley of Virginia.

Mr. HOLMAN. The rent paid, then, is between $500 and $600 a year.

Mr. PAUL. It is over $1,000 a year at Harrisonburgh alone.

Now, there is another point, Mr. Speaker, which I failed to refer to, and that is the records of the court are now exposed to loss and damage, and I need not dilate upon the serious inconvenience which would result if they were lost or damaged. I yield to my colleague the time remaining.

Mr. FULKERSON. How much time is left?

The SPEAKER. The gentleman has five minutes.

Mr. HOLMAN. I wish to ask the question whether it is not regarded as an unusual policy to combine a number of public buildings in one bill? Has that not been disapproved by the action of the House?

Mr. PAUL. I never heard of it. I thought the main question involved was, not the number of buildings to be built, but the amount of money to be appropriated.

Mr. FULKERSON. Mr. Speaker, these bills were introduced separately, but in the bill now pending before the House, coming from the Senate, both buildings have been included in one bill. We are not responsible for that. Abingdon, one of the places mentioned, is a small town of about 3,000 inhabitants.

I am asking for an appropriation for the erection of a building for the use of the United States courts and for the accommodation of the people of nineteen counties representing a population of over 220,000 people. Mr. Speaker, we only ask this sum, and it is a small one which this bill covers, and do not expect hereafter to ask to have it increased. These nineteen counties lie west of the Alleghany Mountains, and form perhaps the richest portion of the State of Virginia. It is a region unsurpassed in mineral wealth, in vast water-power, in fine timber, and is rapidly developing, and the business of that district is greater perhaps than that of any other district in Virginia, except it be the Norfolk district. We have there no building suitable at all for the purposes which this bill contemplates. We have the post-office in an old building entirely unsuitable for it. We have the United States courts held in the garret of the county court-house, and the internal-revenue office is established in another building in all respects unsuitable and inconvenient. All of these buildings together rent for about $1,000 a year, showing the inferiority of the buildings and their unfitness for public purpose, because if they were proper buildings and were adapted to the uses to which they are now applied they would rent for a far greater sum. The records and public papers stored in these buildings are in a very insecure condition, and must necessarily be so from the character of the buildings and their surroundings.

The taxable wealth of my district is $48,000,000. The revenue paid into the Government is $230,000 per annum. The State of Virginia paid last year into the United States Treasury, from the tax on tobacco and whisky alone, over $6,000,000, and as my colleague has just stated, since the year 1873 that State has paid into the Federal Treasury from these sources not less than $85,138,622. Every dollar that Virginia has ever received from the Government since its foundation down to the present time for these purposes has been only $859,961.11. We have already established court-houses at Norfolk, at Richmond, and at Danville; and a bill passed the House a few days ago for the construction of one at Lynchburgh. These are the only public buildings of that kind in the State, and these points named in this bill are the only other points in the State where the United States courts are held. We have made a demand which I think will be conceded to be entirely a reasonable and proper one. We do not ask it as a gratuity, but as a question of right, as something to which the State is entitled; nor do we ask this for a small town, but for a large, wealthy, and populous district. I hope, sir, there will be no objection on the part of the House to performing this small act of justice.

The SPEAKER. The question is on the motion of the gentleman from Virginia to suspend the rules and pass the bill which has just been read.

The bill was passed, two-thirds having voted in favor thereof.

PUBLIC BUILDING, POUGHKEEPSIE, NEW YORK.

Mr. KETCHAM. I move, Mr. Speaker, to suspend the rules and take from the Speaker's table the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill.

Mr. BRAGG. I rise, Mr. Speaker, to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. I desire to inquire if it is possible at any time to have the Speaker recognize a motion to adjourn until such time as the list that he has agreed to recognize shall have been proceeded with and completed.

The SPEAKER. The Chair will state to the gentleman from Wisconsin that the gentleman was himself twice recognized to-day to submit the motion to adjourn.

Mr. BRAGG. No, Mr. Speaker——

Mr. SPEAKER. The Chair cannot enter into a colloquy with the gentleman.

Mr. BRAGG. I have no desire to enter into a colloquy.

The SPEAKER. And the Chair has recognized the gentleman from New York to submit a motion.

Mr. BRAGG. But I insist upon my right to be heard.

The SPEAKER. The gentleman must be heard in order.

Mr. BRAGG. I did not make the statement as broad as the Speaker has stated it.

The SPEAKER. The gentleman will be in order.

Mr. BRAGG. I propose to be heard in order; and I desire to know whether a motion can be received or recognized, or will be received and recognized by the Speaker before such time as the Speaker shall have recognized a motion to suspend the rules, when the motion to adjourn can be interposed——

The SPEAKER. The Chair has already stated that the gentleman has been recognized, and has not been refused recognition to submit such motion.

Mr. BRAGG. I have noticed that the Speaker on several Mondays has denied the motion to adjourn until the bill was read, and then applied the rule that only one motion to adjourn could interpose pending a motion to suspend the rules.

The SPEAKER. The Chair thinks the gentleman from Wisconsin is not making a parliamentary inquiry.

Mr. BRAGG. But I claim, Mr. Speaker, that this is a denial of the right of every member of this House to make that motion, and I have the right as a member to call the attention of the House to the ruling of the Speaker in such cases, and to ask its correction. Now, I claim the right to know if the House is to be cut off from its right to adjourn until such time as the list is gone through with.

The SPEAKER. The Chair will state to the gentleman from Wisconsin that when the question arises it will be decided. No gentleman proposed to make a motion to adjourn since the Chair recognized the gentleman from New York, [Mr. KETCHAM.]

Mr. BRAGG. I did myself.

The SPEAKER. Does the gentleman from Wisconsin now move to adjourn?

Mr. BRAGG. No, sir. I made the motion, but the Speaker's eye went yonder.

A MEMBER. The Speaker has the right of recognition.

Mr. BRAGG. He has that right; but I have a right also to state what are my rights here as much as the Speaker has the right to violate the spirit of the rules of the House.

The SPEAKER. The gentleman can have his remedy when the question arises.

Mr. KENNA. I desire to say a word upon this. It is well understood under the rules the Chair has the right of recognition. That has been the invariable practice; and I know of no right which the gentleman from Wisconsin enjoys to be recognized for any purpose over any other gentleman, until that purpose has been communicated to the Chair. And if the Chair, in the exercise of his discretion, recognizes a gentleman to make a motion to suspend the rules, the Chair must then deal with the motion to adjourn as it presents itself under the rules.

Mr. BRAGG. I thank the gentleman from West Virginia for his suggestion. I do not claim any privilege that other gentlemen are not entitled to have. The motion to adjourn is a question of privilege. [Cries of "Regular order!"] And it is to that question of privilege I rise. [The Speaker rapped to order.] And what I complain of is, that, in violation of my privilege, the motion to adjourn is declared not to be in order, the Chair looking the other way, and thereby a privileged motion is not in order until it is too late.

The SPEAKER. The gentleman is not in order. The Chair will state to the gentleman from Wisconsin it is not in order to proceed to debate a matter that is not before the House. The Clerk will read the bill.

Mr. BRAGG. I rose to a question of privilege.

The SPEAKER. The gentleman has stated his question, and it has been disposed of. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Poughkeepsie, in the State of New York, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office and internal-revenue offices, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $75,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys: and for the purposes herein mentioned the sum of $75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

ENROLLED BILLS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas; and

Joint resolution (H. R. No. 247) to provide for the printing of public documents, for binding, and distribution to those entitled to receive them.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. No. 121) to authorize the construction of a railroad bridge across the Sainte Marie River;

A bill (S. No. 1825) making appropriation for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery, near said city;

A bill (S. No. 2033) to authorize the sale of certain lots in the city of Hot Springs, Arkansas, to the Woman's Christian National Library Association;

A bill (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes;

A bill (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns, for monumental purposes; and

Joint resolution (H. R. No. 249) amending a paragraph in the act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, approved May 1, 1882, and to correct an error in the enrollment thereof.

PUBLIC BUILDING AT POUGHKEEPSIE, NEW YORK.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. KETCHAM] to suspend the rules and pass the bill which has been read.

Mr. HOLMAN. I demand a second.

The SPEAKER. If there be no objection, a second will be considered as ordered.

Mr. HOLMAN. I object.

The SPEAKER. The Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York, [Mr. KETCHAM.]

Before the result of the vote by tellers was announced,

Mr. HOLMAN said: It is suggested that unanimous consent be given that the gentleman from New York shall move to suspend the rules and pass the bill with an amendment reducing the limit of expenditure to $65,000 instead of $75,000.

Mr. KETCHAM. I agree to that proposition.

The SPEAKER. The gentleman from New York [Mr. KETCHAM] asks unanimous consent to modify his motion and to pass the Senate bill amended by reducing the amount of expenditure from $75,000 to $65,000. Is there objection? The Chair hears none.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill, amended as indicated, was passed.

PUBLIC BUILDING AT SHREVEPORT.

Mr. BLANCHARD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (S. No. 750) providing for the erection of a public building at Shreveport, Louisiana, and to pass the same.

Mr. ROBINSON, of Massachusetts. I move that the House adjourn.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] is recognized for a motion to suspend the rules.

Mr. HISCOCK. Pending the motion to adjourn, I move that when the House adjourns to-day it be to meet on Wednesday next.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules, take from the Speaker's table the bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana, and pass the same.

Mr. RYAN. I move that the House do now adjourn.

Mr. ELLIS. I hope the motion to adjourn will be withdrawn. There have been three or four recognitions on that side of the House for bills of this character. This bill has passed the Senate, and I ask the House now to pass it.

The SPEAKER. If the motion to adjourn be insisted upon, the Chair will put it.

Mr. HISCOCK. Does the Chair understand that pending the motion to adjourn I moved that when the House adjourns to-day it be to meet on Wednesday next?

Mr. KENNA. I make the point of order that that motion is not in order.

The SPEAKER. The Chair thinks the motion is not now in order.

Mr. BLACKBURN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I insist that pending a motion to adjourn a motion to fix the time to which the House shall adjourn is in order, and expressly so under the rule, and that the motion to fix the time to which the House shall adjourn takes precedence. There is a difference in that respect between the rule in the Senate and the rule in the House. I ask the Chair to refer to the rule and have it read.

The SPEAKER. The Chair remembers the rule very well, and the gentleman states it quite accurately as a general rule; but the rule that applies when a motion to suspend the rules is pending is a rule that admits of only a motion to adjourn.

Mr. BLACKBURN. I admit that; I did not know the Chair was entertaining the motion of the gentleman from Louisiana [Mr. BLANCHARD] to suspend the rules.

The SPEAKER. The Chair has entertained the motion of the gentleman from Louisiana.

Mr. BLACKBURN. Then the Chair and I do not disagree at all.

Mr. RYAN. I will withdraw the motion to adjourn.

The SPEAKER. The Clerk will read the bill called up by the gentleman from Louisiana.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building of bricks or stone, with fire-proof vaults, for the accommodation of the post-office, United States courts, internal-revenue, Signal Service, customs, and other Government officers at the city of Shreveport, State of Louisiana; and that for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, to be expended under the direction of the Secretary of the Treasury, who shall, upon the passage of this act, cause the proper plans and specifications to be made, so that no expenditure shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated upon the plans to be previously approved by the Secretary of the Treasury: *Provided*, That no part of the money herein appropriated shall be expended until a valid title to the site of said building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys, shall be vested in the United States, and until the State of Louisiana shall duly relinquish and release its jurisdiction over the same, and its right to tax said site and the property thereon belonging to the United States.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill which has just been read.

Mr. WHITE. On that motion I demand a second.

The SPEAKER. If there is no objection, the second will be considered as ordered.

Mr. BRAGG. I object.

Mr. WHITE. I hope the gentleman from Wisconsin [Mr. BRAGG] will withdraw his objection. I desire to have some explanation of this bill.

Mr. BURROWS, of Michigan. I move that the House now adjourn.

Mr. KENNA. Is that in order?

The SPEAKER. That motion is in order.

Mr. BURROWS, of Michigan. Would it be in order now to move that when the House adjourns to-day it be to meet on Wednesday next?

The SPEAKER. Not pending the motion to suspend the rules.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 36, noes 61.

Before the result of the vote was announced,

Mr. BRAGG called for tellers.

Mr. HISCOCK. Will the Chair now entertain a motion to adjourn over until Wednesday next?

The SPEAKER. The motion to suspend the rules is pending.

Mr. BURROWS, of Michigan. I desire to inquire if by unanimous consent a motion could now be entertained and voted upon that when the House adjourns to-day it be to meet on Wednesday next?

The SPEAKER. Undoubtedly.

Mr. BURROWS, of Michigan. Then I make that request.

Mr. HEWITT, of Alabama. I object.

Mr. ROBINSON, of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of Massachusetts. My point is this: in the attitude in which the House is now placed, a motion to adjourn having been made under the rules, (and the Chair seems to be clearly right that that is the only motion in order pending the motion to suspend the rules,) it is not in order to move that when the House adjourns to-day it adjourn over until Wednesday next.

Now, if no one can be recognized by the Chair prior to the introduction of a motion to suspend the rules and pass a bill, it will be impossible for the House to try the question of adjourning over. I wish to submit the inquiry to the Chair, and see if he can contrive some way in which the House can be permitted to test that question, some way that a motion to adjourn over will be in order.

The SPEAKER. The Chair will state that there is no very great difficulty in the mind of the Chair about "contriving" a way to let that motion be made; but it cannot be done, under the rules, pending a motion to suspend the rules.

Mr. ROBINSON, of Massachusetts. I quite agree with the Chair in that, but I would like to get an opportunity to submit that motion.

The SPEAKER. If it be the judgment of the House, the Chair will

try to ascertain that. After the pending motion to suspend the rules shall have been disposed of, the Chair will recognize some gentleman to make that motion.

Mr. ROBINSON, of Massachusetts. I would like an opportunity to make it myself, if no other gentleman makes it.

Mr. HISCOCK. I suggest to the gentleman who is now moving to suspend the rules that he withdraw that motion so that I may make the motion to adjourn over.

Mr. BLACKBURN. Upon this condition——

The SPEAKER. There is pending now a motion to adjourn, upon which the gentleman from Wisconsin [Mr. BRAGG] has demanded tellers.

Mr. BLACKBURN. I ask unanimous consent, by way of solving this difficulty, that the gentleman from Louisiana [Mr. BLANCHARD] be allowed to withdraw his motion to suspend the rules and pass the bill which has been read, in order that a motion may be made to adjourn over until Wednesday; and that it shall be unanimously agreed that the gentleman from Louisiana shall not lose the advantage he now has in the pending status of the bill, but that it shall come up as unfinished business upon a motion to suspend the rules, just as it now stands.

Mr. BURROWS, of Michigan. When?

Mr. BLACKBURN. Whenever the business is again reached.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] asks consent that this bill go over until Wednesday next as unfinished business.

Mr. BURROWS, of Michigan. No; as unfinished business when in order.

Mr. BLACKBURN. When will that be?

The SPEAKER. If the House should now adjourn it will necessarily come up as unfinished business.

Mr. BLACKBURN. Then I will put my request in this shape: that the motion of the gentleman from Louisiana be now withdrawn by unanimous consent, in order that the motion to adjourn over until Wednesday be made and adopted, or disposed of in some way; with the agreement that when the House meets on Wednesday the bill of the gentleman shall be considered as unfinished business, as it now is.

The SPEAKER. That is the way the Chair understood the gentleman before.

Mr. BLACKBURN. Well, I make that proposition now.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] asks unanimous consent that this bill may go over and come up as unfinished business on Wednesday next, on the motion to suspend the rules.

Mr. HISCOCK. I can see no objection to this arrangement: that after the motion to adjourn until Wednesday has been made and passed upon, then the Speaker, if he desires to do so, can recognize the gentleman from Louisiana to submit his motion and suspend the rules and pass this bill; the result will only be that this motion will be postponed for a time. That is the attitude I desire to leave him in; that he be again recognized to submit his motion, after the motion to adjourn over has been acted upon.

The SPEAKER. The appeal must be made to the gentleman from Louisiana.

Mr. BLACKBURN. That is all agreed.

ADJOURNMENT TILL WEDNESDAY.

Mr. HISCOCK. Then I move that when the House adjourns to-day it adjourn until Wednesday next.

The SPEAKER. Does the gentleman from Louisiana [Mr. BLANCHARD] withdraw his motion for that purpose?

Mr. BLANCHARD. With that understanding I do.

Mr. HISCOCK. With the understanding simply that he is to be recognized after this motion is disposed of.

The SPEAKER. The gentleman from New York, [Mr. HISCOCK,] with the consent of the gentleman from Louisiana, who withdraws his motion for that purpose only, moves that when the House adjourns to-day it adjourn to meet on Wednesday next.

The question being taken, there were—ayes 81, noes 34.

Mr. HEWITT, of Alabama. No quorum.

Tellers were ordered; and Mr. HEWITT, of Alabama, and Mr. HISCOCK were appointed.

The House divided; and the tellers reported—ayes 102, noes 25.

Mr. HEWITT, of Alabama. I do not press the point that no quorum has voted.

So the motion of Mr. HISCOCK was agreed to.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, SHREVEPORT, LOUISIANA.

Mr. BLANCHARD. I now renew my motion.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules, to take from the Speaker's table and pass the bill (S. No. 750) to provide for the erection of a public building at the city of Shreveport, State of Louisiana.

Mr. BURROWS, of Michigan. What has become of the motion to adjourn?

The SPEAKER. It was disposed of by unanimous consent.

Mr. BURROWS, of Michigan. By unanimous consent the gentleman from Louisiana was permitted simply to withdraw his bill until the motion to adjourn over until Wednesday had been voted upon.

The SPEAKER. The motion to adjourn may be regarded as pending.

Mr. BURROWS, of Michigan. On that motion the gentleman from Wisconsin [Mr. BRAGG] had demanded tellers.

The SPEAKER. The Chair will submit the motion to adjourn.

FEES AND MILEAGE OF WITNESSES.

Mr. HISCOCK. I ask unanimous consent to take from the Speaker's table, for concurrence in the amendments of the Senate, the joint resolution (H. R. No. 243) to provide for a deficiency in the appropriation for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882. The exigency of the case is my reason for making this request.

The amendments of the Senate were read, as follows:

Strike out "sixty," in line 1, and insert "seventy."

At the end of line 7 add:

"*Provided*, That all persons residing west of the Mississippi River, excepting those who are entitled by law to a higher compensation, who have been or are in attendance at Washington, District of Columbia, under subpœna as witnesses in any of the courts of such District in any of the cases known as 'star-route prosecutions,' shall be entitled to receive a total per diem of $2.50, and mileage to and from their places of residence by the usual route of travel at the rate of seven cents per mile."

Mr. HISCOCK. Allow me in a single word to explain. The amendment of the Senate provides that witnesses who have been subpœnaed here from beyond the Mississippi upon the star-route trials now going on shall be paid seven cents per mile going and coming. Under the present law they would receive only five cents. It is represented, and I believe it is true, that five cents a mile each way would not cover the actual traveling expenses of these witnesses. The amendment of the Senate further provides that these witnesses while here may be paid a per diem of $2.50, the present law allowing $1.50. We all understand that $2.50 a day is doubtless necessary for their support while here.

There being no objection, the amendments of the Senate were concurred in.

Mr. HISCOCK moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK, by unanimous consent, reported from the Committee on Appropriations, as a substitute for House bill No. 6675, a bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was read a first and second time.

Mr. HOLMAN. I reserve all points of order on this bill.

Mr. HISCOCK. I move that the bill be referred to the Committee of the Whole House on the state of the Union and printed.

The motion was agreed to.

Mr. HISCOCK. I give notice that I shall ask the House to consider this bill immediately upon the conclusion of the consideration the naval appropriation bill.

ORDER OF BUSINESS.

Mr. BLACKBURN. I rise to a parliamentary inquiry. If a motion to adjourn should now be made and should prevail, will the motion of the gentleman from Louisiana [Mr. BLANCHARD] come up on Wednesday next as unfinished business?

The SPEAKER. It will not unless that day should be within the last six days of the session; but it will come up as soon as motions to suspend the rules are in order.

Mr. BLACKBURN. I asked unanimous consent that the gentleman from Louisiana might withdraw his motion in order that the motion to adjourn over until Wednesday might be made, with the understanding that when the motion to suspend the rules should be renewed by the gentleman it should go over till Wednesday as unfinished business.

The SPEAKER. The Chair will submit the question to the House.

Mr. HISCOCK. That was the proposition which was made by the gentleman from Kentucky, [Mr. BLACKBURN.] I then asked the gentleman to forbear making his motion and I would call up the joint resolution which has been disposed of and he could then be recognized again and his rights would be the same they were.

Mr. BLACKBURN. I am sure no gentleman wanted to take any advantage; I know the confusion which was reigning at the time, and I am satisfied no gentleman will seek to take any now.

I am frank and candid in the statement that I advised my friend from Louisiana [Mr. BLANCHARD] to withdraw his motion in order that the motion might be made and voted on to adjourn over until Wednesday, with the understanding, by unanimous consent, his motion was to stand as unfinished business when the House should meet on Wednesday. If I was in error it was my own error, as I thought unanimous consent had been given to it and so advised him. I now ask through the Chair that it shall be so considered.

The SPEAKER. Is there objection to the motion to suspend the rules of the gentleman from Louisiana [Mr. BLANCHARD] coming up as unfinished business on Wednesday next, immediately after the reading of the Journal? The Chair hears no objection.

Mr. HISCOCK. I object, because there is no doubt the gentleman will have a chance to get this bill before the House——

Mr. BLACKBURN. If the gentleman will hear me a moment I am sure he will not object, no matter whether it was the gentleman from New York or not——

Mr. HISCOCK. I withdraw my objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

PARIS MONETARY CONFERENCE.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of April last, calling for information in regard to the reassembling of the Paris monetary conference during the current year, and other matters connected therewith, I transmit herewith a report on the subject and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July* 3, 1882.

LEAVE TO PRINT.

Mr. RAY, by unanimous consent, was granted leave to print some remarks on House bill No. 6715. [See Appendix.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DEZENDORF, for three days, on account of important business.

To Mr. JACOBS, for one day, on account of illness.

Mr. COX, of North Carolina, for three days.

JAMES RYBACK.

On motion of Mr. McLANE, by unanimous consent, leave was granted to withdraw from the files of the House the papers of James Ryback, there being no adverse report.

And then, on motion of Mr. BURROWS, of Michigan, (at six o'clock and two minutes p. m.,) the House adjourned until Wednesday next.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: The petition of Addison M. Copen, for a pension—to the Committee on Pensions.

By Mr. BRIGGS: The petition of Frank M. Rollins and 37 others, of O. J. Smith and 39 others, of W. H. Hurst and 35 others, operatives in the employ of Samuel Hodgson, knit-goods manufacturers, and of H. F. Moulton and 97 others, operatives in the Gilford hosiery mills of Laconia, New Hampshire, for correction of error in the Revised Statutes relative to duty on knit goods—severally to the Committee on Ways and Means.

By Mr. CARLISLE: The petition of George Van Valkenburg and 59 others, citizens of New York, asking for a repeal of the act of March 1, 1879, and to prevent the distillation of alcoholic spirits in vinegar factories—to the same committee.

By Mr. DUNNELL: Papers relating to the claim of Anna W. Osborne—to the Committee on Claims.

By Mr. HERNDON: The petition of citizens of Marengo County, Alabama, in favor of the construction of a ship-railway across the Isthmus of Tehuantepec—to the Committee on Railways and Canals.

By Mr. HUTCHINS: The petition of Ambrose Snow and others, for the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. McLANE: The petition of William P. Spencer and others, supervisors of election in Baltimore, Maryland, for additional compensation for services rendered—to the Committee on Claims.

By Mr. PETTIGREW: Papers relating to the claim of Brooke Mackall, jr.—to the same committee.

By Mr. SHULTZ: The petition of William P. Sands and 169 others, veteran soldiers, protesting against the passage of so much of House bill No. 6675 as is included in lines 1390 to 1402 relating to the pensions of veteran inmates of the national soldiers' homes—to the Committee on Appropriations.

By Mr. AMOS TOWNSEND: Papers relating to the claim of John H. King and others, for compensation for use of a certain patent by the United States Government—to the Committee on Patents.

By Mr. TUCKER: The petition of the heirs of Robert Ridgeway, for relief—to the Committee on Elections.

By Mr. WEST: The petition of Booth & Co. and others, citizens of Gloversville, New York, for the enactment of a national bankrupt law—to the Committee on the Judiciary.

Also, the petition of Ira B. Sampson and others, soldiers and sailors of the late war, asking that a pension be granted to all soldiers and sailors who were confined in confederate prisons—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

SENATE.

WEDNESDAY, *July* 5, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Monday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present a memorial of the Bath Board of Trade, State of Maine, which indorses by resolution a petition for a commission to consider the mercantile marine and its necessities. I do not know where to send this paper. There is no committee of Congress of either House that takes the slightest interest in the commercial marine of the United States. There is no head of a Department that has jurisdiction over the subject. It is an orphan, really, without any orphan's court or guardian. It is a waif without any home. It is a tramp to whom nobody is obliged to give cold victuals even. I present the memorial, but what to do with it I do not know.

The PRESIDENT *pro tempore*. The Chair suggests that it be referred to the Committee on Commerce.

Mr. FRYE. The Committee on Commerce is entirely taken up with the consideration of the river and harbor bill, I believe, in both Houses at this time.

Mr. GARLAND. To what subject does the memorial relate?

The PRESIDENT *pro tempore*. To the commercial marine.

Mr. FRYE. That there should be a commission established is beyond question, and the time is coming when Congress will find itself compelled absolutely to take this matter into consideration and do something with it.

The PRESIDENT *pro tempore*. The Chair suggests that it would be proper to send the memorial to the Committee on Finance. They can determine what ought to be done with it. The memorial will be referred to the Committee on Finance.

Mr. FERRY presented the petition of William H. Pullen and others, citizens of Fowlerville, Michigan, praying for the passage of a bill increasing pensions to one-armed and one-legged soldiers to $40 per month; which was referred to the Committee on Pensions.

He also presented the petition of D. H. McComas and other one-armed and one-legged soldiers of Michigan, praying for the passage of a bill granting increase of pensions to such persons; which was referred to the Committee on Pensions.

Mr. SEWELL presented a petition of citizens of New Jersey, praying for the passage of an act to prevent the taking of menhaden and other fish with purse-nets and by steam-vessels within two miles of the coast; which was referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Erie County, Pennsylvania, praying for the passage of a bill to prevent the infringement of patents; which was referred to the Committee on Patents.

PUBLIC BUILDING AT DALLAS.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 6394) for the erection of a public building at Dallas, Texas, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. How does that bill come up?

The PRESIDENT *pro tempore*. It is reported by the Committee on Public Buildings and Grounds.

Mr. VEST. It is a House bill for the erection of a public building at Dallas, Texas.

Mr. HOAR. How many inhabitants are there going to be there?

Mr. VEST. There are 20,000 inhabitants there now and the probability is that there will soon be 100,000.

Mr. INGALLS. Are the United States courts held at Dallas?

Mr. COKE. There is a United States court held there. They need a post-office and they need a court-house. It is a city already of about 20,000 inhabitants, and is the most rapidly growing city in Texas, located in the wealthiest and most densely populated portion of the State.

Mr. INGALLS. How many public buildings are there in Texas now?

Mr. COKE. I do not think there are over two, one at Austin and one at Galveston.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims to submit an adverse report on the bill (S. No. 290) for the relief of John Taylor.

Mr. COCKRELL. Let that be placed on the Calendar until I can have an opportunity to see the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed under the rule.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1907) for the relief of John Jett,

submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. WINDOM, from the Committee on Foreign Relations, to whom was referred a letter from the Acting Secretary of State to the acting chairman of the Senate Committee on the Judiciary, relative to moneys in the custody of the Secretary of State, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 1931) for the relief of Agnes W. and Sarah J. Hills, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. SLATER. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2627) for the relief of Ann Stuchell, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 1750) granting an increase of pension to Mrs. Ann W. Mulvey, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. SLATER. I am directed by the Committee on Pensions, to whom was referred the bill (S. No. 1694) granting an increase of pension to Grace F. Edes, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. No. 1688) authorizing the Secretary of the Treasury to pay Henry H. Bingham the compensation allowed to disbursing agents for public buildings, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 1987) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land warrants lost while in the possession of the officers of the Government, reported it with an amendment.

HUMPHREY H. LEMON.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably, without amendment, the joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to direct the Board of Capitol Police to place upon the roll of the Capitol police, as an additional member, Humphrey H. Lemon, formerly belonging to the force, who was maimed for life while in the discharge of his duties; and when appointed under the authority of the resolution, Lemon is to be assigned to the duty now performed by him as a watchman in the Dome of the Capitol.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom were referred the bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, and the bill (S. No. 2096) to authorize the Secretary of War to turn over to George H. Thomas Post No. 18 of the Grand Army of the Republic, at Ottawa, Kansas, four condemned cannon, to report them favorably without amendment.

The PRESIDENT *pro tempore*. Does the Senator from Missouri ask for the present consideration of these bills?

Mr. PLUMB. I was going to suggest to the Senator from Missouri that he ask for the immediate consideration of the bills.

Mr. COCKRELL. I have no objection to their present consideration. It has been usual to consider such bills when reported. They are both in the usual form.

The PRESIDENT *pro tempore*. There being no objection, the bills will be considered in the order in which they were reported.

By unanimous consent, the bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

By unanimous consent, the bill (S. No. 2096) to authorize the Secretary of War to turn over to George H. Thomas Post No. 18 of the Grand Army of the Republic, at Ottawa, Kansas, four condemned cannon, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2120) to amend title 33 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2121) for the relief of Terrence Delozier; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 88) authorizing the appointment and retirement of Samuel Kramer a chaplain in the Navy of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. COCKRELL (by request) asked and, by unanimous consentt obtained leave to introduce a bill (S. No. 2122) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 243) to provide for a deficiency in the appropriation for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

The message also announced that the House had passed the bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana.

BEN HOLLADAY.

The PRESIDENT *pro tempore*. If there be no further routine morning business the morning hour is closed.

Mr. COCKRELL. The regular order.

Mr. CAMERON, of Wisconsin. Before proceeding to the consideration of the Calendar under the Anthony rule, I move that the Senate proceed to the consideration of the bill for the relief of Ben Holladay.

Mr. COCKRELL. I ask for the regular order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin can, by the vote of a majority of the Senate, have the bill taken up. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of the bill (S. No. 1683) for the relief of Ben Holladay. That bill has been reached on the Calendar.

Mr. MORRILL. I hope that at this late hour in the session we shall not take up a bill that will evidently consume several days. This is an old matter, and I hope it will not be taken up now when we have so much other business that seems to demand a higher regard.

Mr. HOAR. It seems to me that the failure to act upon the bill is as much a disgrace to this Government as if it should repudiate its bonds. It is suggested one day that there is not time, and another day when it was proposed, a week ago, there was some other reason urged why the bill should not be considered. Whether the claim be honest or not, it ought to be met and understood and disposed of once for all.

Mr. INGALLS. This claim is old because Congress has with persistent and conspicuous injustice refused to consider it. It has been often debated before the Senate, and the facts are familiar probably to every Senator who hears me. I unite with the Senator from Wisconsin and the Senator from Massachusetts in expressing the hope that this long delayed matter of justice may at last be taken up and acted on.

Mr. PLUMB. What my colleague has said is partly true, and perhaps it may be entirely true in one aspect of the case; but I call attention to the fact that for a number of years this case was not presented to Congress at all; that for at least ten years it was allowed to remain and sleep. I am not saying it ought not to be decided, but I desire to say that there are a number of measures of public importance on the Calendar which ought to be acted upon. If such measures are to be made special, I want to give notice now that I shall antagonize this bill with the House bill reported from the Committee on Agriculture for the extension of the powers of the Department of Agriculture. I shall have the chance, I hope, of testing the sense of the Senate as to whether a claim of this kind, which has waited so long at the option of the claimant himself, shall be taken up to the displacement of matters of great public importance.

Mr. HOAR. Will the Senator allow me to state to him that this claim accrued in 1862, 1864, and 1865, and was presented by the claimant on the 26th of January, 1866?

Mr. PLUMB. It was rejected by Congress simultaneously at about the next session of Congress, and was not brought up until about ten years afterward.

Mr. HOAR. It was not rejected; it passed both branches in the year 1866, and fell through by reason of the failure of the conference committee to arrange the differences between the two branches.

Mr. PLUMB. That shows that notwithstanding the familiarity which the Senator from Massachusetts ought to have with this claim, he is misinformed.

Mr. HOAR. I have looked at the record within three weeks.

Mr. PLUMB. I will submit the matter to the record myself.

Mr. MORRILL. The claim that fell through was a very different one from this.

Mr. PLUMB. I was about to say that.

Mr. MORRILL. It was merely to allow for articles taken by the military authorities.

Mr. PLUMB. Amounting to about 10 per cent. of the entire claim. So that Congress has practically rejected the entire claim after consideration in the conference committee, and it was about ten years or more before it was ever presented again. I am not saying that that is conclusive against the claim. I am perfectly willing to discuss the claim upon its merits when it comes before Congress; but I insist that at this late hour of the session, with matters of public importance pressing upon us, in the interest of public business this bill should not be taken up under the whip and spur of a delayed and belated adjournment.

Mr. VOORHEES. This bill has been more thoroughly considered, it seems to me, than any claim I ever knew before Congress. When we had this matter before us in the last Congress it was conceded, and conceded conspicuously and for a purpose, by those on the floor who were unfriendly to the bill, that a large sum of money was due to Mr. Holladay. It was thought to be just to him that that concession should be made by those who had been most conspicuous in opposing the payment of the claim at that time. Since then the matter has again been thoroughly investigated and is now again reported upon. It was very fully debated when it was considered by the Senate before, and I do not believe it can under any circumstances lead to extensive discussion now.

I hope that in the interest of long-delayed justice this bill may be taken up and passed in some shape, for it is conceded on all hands that there is money due to this man, and for my part I am anxious that he shall be paid.

Mr. PLUMB. Is the motion subject to amendment?

The PRESIDENT *pro tempore*. It is not.

Mr. PLUMB. Is it in order to move a substitute for the motion?

The PRESIDENT *pro tempore*. No; it will be necessary to vote definitely on the motion of the Senator from Wisconsin to take up the bill.

Mr. PLUMB. I move to lay the motion on the table.

Mr. FERRY. Before I vote on the question I wish to inquire of the Senator from Wisconsin whether he intends to take up more time than until two o'clock each day on the bill?

The PRESIDENT *pro tempore*. Its consideration cannot extend beyond two o'clock.

Mr. FERRY. Not unless the Senator from Wisconsin moves to continue the consideration of the bill. I suppose the unfinished business could be displaced by a majority of the Senate.

The PRESIDENT *pro tempore*. Of course.

Mr. CAMERON, of Wisconsin. That would be for the Senate to decide.

The PRESIDENT *pro tempore*. There is unfinished business after two o'clock.

Mr. FERRY. I have a bill which I desire to bring up.

Mr. CAMERON, of Wisconsin. I do not think that the discussion of this bill can possibly occupy more than two or three hours. Those who favor the bill are perfectly willing, in order to save time, to let it stand upon the report of the committee, and they will not enter into any extensive discussion of the bill. I do not intend myself to say anything in support of the bill unless it be necessary to say something to correct the egregious errors which I fear some of those who oppose the bill may possibly fall into.

Mr. PLUMB. Before the motion is put I desire to make a suggestion for the benefit of my friend from Wisconsin, and also for the benefit of the Treasury, of which he is a guardian as a member of the Committee on Claims. The bill as it was reported before made an appropriation of about $400,000.

Mr. CAMERON, of Wisconsin. Five hundred thousand dollars.

Mr. PLUMB. That makes it better still. The bill went back to the committee, and the committee reduced it about $200,000. I think, on the whole, if it should go back again the committee would be able to do as well the next time, and thus earn fully as much as they are liable to earn in any other way. I think for that reason, for the benefit of the Treasury, the claim ought to be postponed.

I wish to say further, that when the case comes up I by an unfortunate circumstance shall perhaps be led to some extent to take a leading part in opposition to the bill. I have not had time (which is perhaps my own fault) to examine the report now made. It embraces calculations in regard to values, accounts, &c., which require a great deal of care, and I shall ask that the bill may not receive final consideration to-day, so that I may have time to go over those accounts again, because if we pay this person I desire to guard the Treasury with reference to the claims of more than 1,000 men who are similarly situated in the United States, who carried the mails upon star-route lines, that the basis of the compensation to be paid to this person may be fixed in some authentic way, in order that the precedent which is set shall not lead to a very large depletion of the Treasury.

Mr. SAUNDERS. Mr. President, I have left this matter mainly with the committee to examine this subject and see what this man was entitled to receive. I did have some knowledge of the subject at the time the work was performed; I was then in the West myself and knew this man, and knew a great deal about what was going on. I will say that at the time he was working, and when the losses occurred, I did not know of any man who was working for the public who was receiving greater sympathy from the people and expressions of the people than he. At the time I met him there was but one sentiment and one expression, and that was in favor of his getting what they called his rights. I have followed the matter in general from that time to this, and I believe he is entitled to something. I take it that the committee has fixed upon about the true amount. I do hope the matter will be settled now. I am in favor of giving something for the great losses that he sustained.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of the bill.

Mr. HARRIS. Did not the Senator from Kansas [Mr. PLUMB] move to lay the motion on the table?

The PRESIDENT *pro tempore*. No, sir.

Mr. HARRIS. I understood him so to move.

Mr. PLUMB. Yes, I made such a motion.

Mr. HARRIS. I simply wanted to suggest that the motion is not debatable, and I shall raise the objection from this time on.

The PRESIDENT *pro tempore*. The Chair did not hear the motion of the Senator from Kansas.

Mr. BUTLER. What is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to take up Senate bill No. 1683 in preference to proceeding to the consideration of bills on the Calendar under the Anthony rule. There is a motion pending to lay that motion on the table, and it is not debatable. The Chair was not aware of the motion of the Senator from Kansas.

Mr. BUTLER. I know a motion to lay on the table is not debatable, but I simply desire to say that I have more than twice given notice of——

The PRESIDENT *pro tempore*. That the Chair thinks is debating the motion by telling the Senate that the Senator wishes to consider something else. If that is not debating it, the Chair does not know what is.

Mr. BUTLER. I want to give notice, then, that I shall ask to take up the bill to form a government for the Territory of Alaska. I have endeavored again and again to call the attention of the Senate to that matter.

The PRESIDENT *pro tempore*. Pending a motion to lay on the table, nothing is in order; it is not even in order to give a notice.

Mr. MORGAN. If I understand the situation of this bill it is now before the Senate really under the Anthony rule, because the bill was passed over without prejudice.

Mr. COCKRELL. No, it was passed over on objection.

Mr. MORRILL. The Senator from Alabama is mistaken.

The PRESIDENT *pro tempore*. This is a motion to take up the bill outside of the Anthony rule.

Mr. MORGAN. Then I was entirely mistaken.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas [Mr. PLUMB] to lay the motion of the Senator from Wisconsin [Mr. CAMERON] on the table.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. Those who are in favor of laying the motion of the Senator from Wisconsin on the table will vote "yea," and if that motion prevails it carries with it the bill for the time being.

Mr. HOAR. I beg the Chair's pardon; it does not carry with it the bill; the bill remains at its place on the Calendar.

The PRESIDENT *pro tempore*. The bill does not lose its place on the Calendar. The Chair probably was misunderstood. He meant to say that it carries with it the bill for to-day, if the motion to lay on the table prevails. The bill does not lose its place on the Calendar, but the Senate cannot go on and consider it to-day. The Chair probably was not choice in his phraseology, but supposed that he was understood.

The question being taken by yeas and nays, resulted--yeas 23, nays 29; as follows:

YEAS—23.

Bayard,	Coke,	Jonas,	Ransom,
Brown,	Davis of Illinois,	McMillan,	Saulsbury,
Butler,	Davis of W. Va.,	Maxey,	Slater,
Call,	Gorman,	Morrill,	Vest,
Camden,	Harris,	Plumb,	Walker.
Cockrell,	Johnston,	Pugh,	

NAYS—29.

Allison,	Ferry,	Jones of Nevada,	Sewell,
Anthony,	Frye,	Kellogg,	Sherman,
Blair,	Garland,	Miller of Cal.,	Vance,
Cameron of Pa.,	Hawley,	Morgan,	Voorhees,
Cameron of Wis.,	Hoar,	Platt,	Windom.
Chilcott,	Ingalls,	Rollins,	
Conger,	Jackson,	Saunders,	
Dawes,	Jones of Florida,	Sawyer,	

ABSENT—24.

Aldrich,	Groome,	Hill of Georgia,	Mahone,
Beck,	Grover,	Lamar,	Miller of N. Y.,
Edmunds,	Hale,	Lapham,	Mitchell,
Fair,	Hampton,	Logan,	Pendleton,
Farley,	Harrison,	McDill,	Van Wyck,
George,	Hill of Colorado,	McPherson,	Williams.

So the motion to lay on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Wisconsin.

Mr. COCKRELL. I have no objection to the consideration of this bill, but it is well known that it will take some time to consider it. It always has taken considerable time in its consideration. I wish to suggest to the friends of the bill, in view of the fact that it will be impossible to take action on it at this session, that they fix some day when it shall be taken up and considered at the next session, the first day of the next session or any other early time, and let it be the regular order and disposed of then. If it is taken up now it simply stops the consideration of all further business on the Calendar. That is the reason I am opposed to its being taken up at this late hour of the session.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of the bill for the relief of Ben Holladay.

Mr. PLUMB and others called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. JOHNSTON, (when his name was called.) I voted on the last vote, forgetting that I was paired with the Senator from Pennsylvania, [Mr. MITCHELL.] I am paired with him on this vote.

The roll-call having been concluded, the result was announced—yeas 31, nays 24; as follows:

YEAS—31.

Allison,	Ferry,	Ingalls,	Rollins,
Anthony,	Frye,	Jackson,	Saunders,
Blair,	Garland,	Jones of Florida,	Sawyer,
Cameron of Pa.,	Hale,	Jones of Nevada,	Sewell,
Cameron of Wis.,	Harrison,	Kellogg,	Sherman,
Chilcott,	Hawley,	Miller of Cal.,	Voorhees,
Conger,	Hill of Colorado,	Morgan,	Windom.
Dawes,	Hoar,	Platt,	

NAYS—24.

Bayard,	Cockrell,	Harris,	Pugh,
Beck,	Coke,	Jonas,	Saulsbury,
Brown,	Davis of Illinois,	McMillan,	Slater,
Butler,	Davis of W. Va.,	Maxey,	Vance,
Call,	Farley,	Morrill,	Vest,
Camden,	Gorman,	Plumb,	Walker.

ABSENT—21.

Aldrich,	Hampton,	McDill,	Ransom.
Edmunds	Hill of Georgia,	McPherson,	Van Wyck,
Fair,	Johnston,	Mahone,	Williams.
George,	Lamar,	Miller of N. Y.,	
Groome,	Lapham,	Mitchell,	
Grover,	Logan,	Pendleton,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1683) for the relief of Ben Holladay.

Mr. PLUMB. I now move to postpone the further consideration of this bill in order to take up House bill No. 4429, and in order that I may not be accused of filibustering, I simply want to say that before this bill is considered I wish to get the data in the first place to disclose the error of my friend from Massachusetts [Mr. HOAR] in his statement that this claim was favorably considered by Congress, and in the next place matter used in a former debate which I thought I had at my desk but do not find——

The PRESIDENT *pro tempore*. The motion as made is not in order. A motion to postpone to a day certain would be in order.

Mr. HOAR. I said a bill for relief had passed both branches of Congress and had been submitted to a committee of conference.

The PRESIDENT *pro tempore*. A motion to postpone to a day certain is in order.

Mr. PLUMB. I move to postpone this bill until Monday next.

The PRESIDENT *pro tempore*. If the motion is carried, the Senator can then move to take up another bill.

Mr. PLUMB. I move to postpone the further consideration of this bill until next Monday in order to take up the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture.

The PRESIDENT *pro tempore*. The motions cannot be coupled.

Mr. PLUMB. I can add that by way of explanation——

Mr. HARRIS. I move to postpone until the first Monday in December next.

Mr. COCKRELL. I hope my friend from Tennessee will withdraw his motion, as I rise to move, because I think full opportunity should be given for the consideration of this case at the very earliest practicable time, and it is now very near the close of the session——

Mr. INGALLS. How near?

Mr. COCKRELL. Probably within two or three weeks at most, and the taking up of this bill interferes materially with the consideration of the cases on the Calendar to which there is no objection. I can see no reason why the friends of this bill should not fix a day when it can be the order and be disposed of regardless of all objection. Therefore I move that the case be set for two o'clock on the second Monday in December next. That will be immediately after the assembling of Congress, after the committees have been organized. Then it can be taken up and disposed of, and there will be no objection to its disposition. I hope that the friends of this bill will agree to this motion.

Mr. CAMERON, of Wisconsin. The Senate has determined to take it up now, at this time.

Mr. INGALLS. I would ask the Senator from Missouri if he did not make that same motion two years ago?

Mr. COCKRELL. I did just at the heel of the session, the favorite time when this bill is pressed—the very last day I believe it was of the session.

Mr. HARRIS. I withdraw the motion I made, and shall vote for the motion of the Senator from Missouri.

Mr. COCKRELL. It was I who moved to postpone it till the next session then, and it was taken up and disposed of at that session. It can be done precisely in the same way now. I propose the first possible time that the Senate will have a chance to consider it, and that is the second Monday in December at two o'clock.

The PRESIDENT *pro tempore*. The longest time will be put first.

Mr. HOAR. Is the motion in order?

Mr. HARRIS. I withdraw the motion I made in favor of the motion of the Senator from Missouri.

The PRESIDENT *pro tempore*. The motion to postpone——

Mr. HOAR. It is not to postpone to a day certain, but to fix an hour for the consideration of the bill, which is not one of the motions enumerated in the rule.

The PRESIDENT *pro tempore*. That portion of the motion is not in order.

Mr. COCKRELL. I withdraw the particular hour, and move to postpone to that day.

The PRESIDENT *pro tempore*. A motion to postpone to a day certain is in order, though the hour named might not be.

Mr. COCKRELL. I withdraw that part of it.

The PRESIDENT *pro tempore*. The motion is that the Senate postpone to the second Monday in December next this bill.

Mr. HOAR. That motion, of course, is practically an indefinite postponement. Everything which comes in before this under the rules of the Senate takes precedence. The motion is to postpone to a fixed day——

The PRESIDENT *pro tempore*. The Senator from Missouri was right. The Senate can fix an hour at which a bill shall be considered.

Mr. COCKRELL. I will then put it at one o'clock on that day.

Mr. HOAR. Will the Chair have the rule read?

The PRESIDENT *pro tempore*. "Any subject or matter may, by a vote of two-thirds of the Senators present, be made a special order; and when the hour fixed for the consideration of a special order shall arrive"——

Mr. HOAR. What rule is that?

The PRESIDENT *pro tempore*. Rule 10. It continues: "it shall be the duty of the Presiding Officer to lay such special order before the Senate."

Mr. COCKRELL. I made the motion to postpone until the second Monday in December.

The PRESIDENT *pro tempore*. And to make it a special order for that day?

Mr. COCKRELL. No, sir. It will then come up and be the special order. Now, I say that it is not a final disposition or rejection of this claim. The Senator from Massachusetts would leave the impression that if it is postponed till that time it cannot then be considered. The Senator from Massachusetts knows that when this bill was up at the close of the first session of the Forty-sixth Congress, it was postponed until the beginning of the next session, and was taken up in January and acted upon and passed.

The PRESIDENT *pro tempore*. The question is on postponing to the second Monday of December next.

Mr. PLUMB. What became of my motion?

The PRESIDENT *pro tempore*. This supersedes it. The question is on the motion of the Senator from Missouri.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER, (when Mr. HAMPTON'S name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from Tennessee [Mr. JACKSON] on this question.

Mr. JACKSON, (when his name was called.) I am paired on this question with the Senator from South Carolina, [Mr. HAMPTON.] If he were here, I should vote against postponement.

The roll-call having been concluded, the result was announced—yeas 24, nays 29, as follows:

YEAS—24.

Bayard,	Cockrell,	Harris,	Pugh,
Beck,	Coke,	Jonas,	Saulsbury,
Brown,	Davis of Illinois,	Maxey,	Slater,
Butler,	Davis of W. Va.,	Morgan,	Vance,
Call,	Farley,	Morrill,	Vest,
Camden,	Gorman,	Plumb,	Walker.

NAYS—29.

Allison,	Ferry,	Jones of Florida,	Sherman,
Anthony,	Frye,	Jones of Nevada,	Van Wyck,
Blair,	Garland,	Lapham,	Voorhees,
Cameron of Pa.,	Hale,	Miller of Cal.,	Williams,
Cameron of Wis.,	Hawley,	Platt,	Windom.
Chilcott,	Hill of Colorado,	Rollins,	
Conger,	Hoar,	Saunders,	
Dawes,	Ingalls,	Sawyer,	

ABSENT—23.

Aldrich,	Hampton,	Lamar,	Miller of N. Y.,
Edmunds,	Harrison,	Logan,	Mitchell,
Fair,	Hill of Georgia	McDill,	Pendleton,
George,	Jackson,	McMillan,	Ransom,
Groome,	Johnston,	McPherson,	Sewell.
Grover,	Kellogg,	Mahone,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from Kansas [Mr. PLUMB] to postpone the bill until Monday next.

Mr. PLUMB called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER, (when Mr. HAMPTON's name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from Tennessee [Mr. JACKSON] on this question.

Mr. JACKSON, (when his name was called.) I would vote "nay," but for my pair with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

Mr. SEWELL, (when his name was called.) My attention has been called to the fact that my colleague [Mr. MCPHERSON] is absent, and I now announce my pair with him.

The roll-call having been concluded, the result was announced—yeas 24, nays 30; as follows:

YEAS—24.

Bayard,	Cockrell,	Harris,	Ransom,
Beck,	Coke,	Jonas,	Saulsbury,
Brown,	Davis of Illinois,	Maxey,	Slater,
Butler,	Davis of W. Va.,	Morrill,	Vance,
Call,	Farley,	Plumb,	Vest,
Camden,	Gorman,	Pugh,	Walker.

NAYS—30.

Allison,	Ferry,	Jones of Nevada,	Sawyer,
Anthony,	Frye,	Kellogg,	Sherman,
Blair,	Garland,	Lapham,	Van Wyck,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees,
Cameron of Wis.,	Hawley,	Morgan,	Williams,
Chilcott,	Hill of Colorado,	Platt,	Windom.
Conger,	Hoar,	Rollins,	
Dawes,	Ingalls,	Saunders,	

ABSENT—22.

Aldrich,	Hampton,	Lamar,	Miller of N. Y.,
Edmunds,	Harrison,	Logan,	Mitchell,
Fair,	Hill of Georgia,	McDill,	Pendleton,
George,	Jackson,	McMillan,	Sewell.
Groome,	Johnston,	McPherson,	
Grover,	Jones of Florida,	Mahone,	

So the motion was not agreed to.

Mr. BUTLER. I move that this bill be postponed till Tuesday next, and that the Senate proceed to the consideration of Senate bill No. 1153.

Mr. INGALLS. That is not in order.

The PRESIDENT *pro tempore*. A motion can be made to postpone the bill to another day.

Mr. BUTLER. I do not understand the Chair.

The PRESIDENT *pro tempore*. The Senator from South Carolina can move to postpone to a day other than the days which have been voted on; but he cannot couple with it the purpose for which he does it or what bill he intends to move afterward.

Mr. HARRIS. That is no part of the motion.

Mr. BUTLER. I simply proposed to give notice of my purpose.

The PRESIDENT *pro tempore*. Notice can be given.

Mr. BUTLER. I move, then, to postpone the bill until Friday next, and if that motion succeeds I give notice that I shall ask the Senate to proceed to the consideration of the bill (S. No. 1153) providing for the organization of the district of Southeastern Alaska, and providing for a civil government therefor.

Mr. HOAR. Mr. President, is this motion debatable?

The PRESIDENT *pro tempore*. It is debatable, except upon the merits of the bill.

Mr. HOAR. I hope the motion will be withdrawn. I understand that the honorable Senator from Vermont, [Mr. MORRILL,] who has given great attention to this subject, has a speech all ready in opposition to the bill, an admirable speech. The documents are on his table now.

Mr. MORRILL. I prefer to speak for myself rather than have the Senator from Massachusetts speak for me. I say that if the question does go on, I have all the documents that I want except one. I have not been able to procure the original petition, but I shall be able to show that the Senate put their foot upon this claim when it was first brought here.

The PRESIDENT *pro tempore*. The Senator is not in order.

Mr. HOAR. I hope the Senator from South Carolina will let our friend from Vermont make his speech.

Mr. BUTLER. I am much obliged to the Senator from Massachusetts for his suggestion, but I shall insist upon my motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves to postpone the consideration of the bill until Friday next.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. CAMERON, of Wisconsin. I desire to inquire of the chairman of the Committee on Appropriations whether or not it is probable that an appropriation bill will be ready for consideration on Friday next? I understand the river and harbor bill will be reported to-day, and if there is no other appropriation bill ready that will probably be considered to-morrow, and it cannot be completed to-morrow, and its consideration will go on during Friday.

The PRESIDENT *pro tempore*. The motion is to postpone the further consideration of the bill until Friday next.

The Acting Secretary proceeded to call the roll.

Mr. BUTLER, (when Mr. HAMPTON's name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. JACKSON, (when his name was called.) I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.

Bayard,	Cockrell,	Jonas,	Saulsbury,
Beck,	Coke,	Maxey,	Slater,
Brown,	Davis of W. Va.,	Morrill,	Vance,
Butler,	Farley,	Plumb,	Vest,
Call,	Gorman,	Pugh,	Walker.
Camden,	Harris,	Ransom,	

NAYS—29.

Allison,	Frye,	Jones of Nevada,	Sherman,
Blair,	Garland,	Kellogg,	Van Wyck,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees,
Cameron of Wis.,	Harrison,	Morgan,	Williams,
Chilcott,	Hawley,	Platt,	Windom.
Conger,	Hill of Colorado,	Rollins,	
Dawes,	Hoar,	Saunders,	
Ferry,	Ingalls,	Sawyer,	

ABSENT—24.

Aldrich,	Groome,	Jones of Florida,	McPherson,
Anthony,	Grover,	Lamar,	Mahone,
Davis of Illinois,	Hampton,	Lapham,	Miller of N. Y.,
Edmunds,	Hill of Georgia,	Logan,	Mitchell,
Fair,	Jackson,	McDill,	Pendleton,
George,	Johnston,	McMillan,	Sewell.

So the motion was not agreed to.

Mr. BUTLER. I hope that the Senator from Wisconsin will not insist on having this case heard this morning.

Mr. CAMERON, of Wisconsin. The Senate has agreed to my motion; I have nothing further to do with it. The Senate have determined to take up the bill.

Mr. BUTLER. Then I move that it be postponed until next Tuesday.

Mr. INGALLS. Mr. President, it is obvious that the minority of the Senate have decided, for satisfactory and I have no doubt entirely proper reasons, to resort to parliamentary tactics for the purpose of obstructing the consideration of this bill. I find no fault with this; it is a right which the minority, or any single member of the Senate, has; but I submit when the question has been once fairly presented to the Senate and a pronounced majority upon various motions that have been submitted has decided that this case is one that deserves and is entitled to consideration, whether it is not wise and manly and under all the circumstances fair and just that a claim which by common consent has some foundation in justice, which has long been before the body in various aspects for consideration, should now have a hearing. Where is the justice in attempting by motion after motion, against the sense of a majority of the body, to prevent the case from being heard? It is not a matter that involves any great principle. It is not a political matter. It is simply a matter between a citizen and the Government. The Senate has once by a decided vote agreed to allow a very considerable sum upon this claim; it has been considered by a committee of this body that has reported in favor of it, and the only thing now for the Senate to say in passing upon the testimony is whether a greater or less amount should be allowed. The facts are in the possession of the Senate; the documents are printed; the whole matter can be considered in an hour or two, and I appeal to the minority that they permit this case to be heard.

It is a delicate matter to touch upon, but I may say that to the claimant this is a matter of paramount and supreme importance. He is in circumstances that render action one way or the other upon this claim of the very highest moment to him, and inasmuch as it is a question to be determined upon evidence that has been taken by order of the Senate, I ask that these motions may now desist, and that we may have a hearing and a vote upon the claim.

Mr. BAYARD. I have not taken a great deal of interest in this matter, but I ask the Senator in the general drift of the business of the body is it just that a private claim like this should be taken up to the exclusion of the ordinary business of the morning hour? It is a very old claim; it has been discussed a great deal in the Senate; there is an opinion as to its merits, and I believe that the Senate have already passed one bill giving this claimant $100,000. His claim, I think, at one time amounted to a million and a half. It was cut down to $250,000. I think the Senator from Wisconsin [Mr. CAMERON] reported a claim of some size. That bill was amended by the Senate after a very thorough debate, and I believe they passed it to give $100,000. Now where is that bill?

Mr. CAMERON, of Wisconsin. That bill went to the House, but was not acted on there.

Mr. BAYARD. May I now ask whether that was at the present Congress?

Mr. INGALLS. No, sir; it died with the last Congress.

Mr. BAYARD. It can hardly be said that there has been no day in court for the claimant. He has been heard in the Senate to my knowledge many times over for many years, and a bill has been passed in the way I have stated. I was not aware, for I have not got the run of the Calendar, whether the bill was passed at the present Congress or not.

Mr. CAMERON, of Wisconsin. It was in the last Congress.

Mr. BAYARD. If that bill was to be revived, I only say to Senators we are here in the morning hour, we are here near the close of the session. It is a question simply of economy of time. I think there are other measures more important to be considered.

Mr. BUTLER. Inasmuch as I have made one or two motions upon this subject, I desire simply to say in reply to the Senator from Kansas that I have not resorted to these motions simply for the purpose of filibustering.

Mr. INGALLS. I made no imputation of that kind on the Senator. I said the motions were proper and just, and the Senator had a right to make them. I conceded that fully; but I appeal to his reason and sense of justice whether or not we may not have a hearing of the claim.

Mr. BUTLER. Now I desire to appeal to the reason and sense of justice and fairness of those Senators who are pressing this claim with so much haste. It has been intimated again and again, clearly intimated, in fact it has been stated positively by Senators who have good grounds for opposing the bill, that they have not their papers in the Senate Chamber upon which to discuss it. Now, I appeal to the sense of fairness of the Senator from Kansas, to a very large minority of this body, if it is proper under these circumstances to insist upon the hearing of this case this morning? I have not the slightest objection to having it considered at the proper time. The Senator from Missouri, [Mr. COCKRELL,] the Senator from Vermont, [Mr. MORRILL,] and other Senators here desire to oppose it upon fair grounds, and still the Senator insists that we shall proceed with the case against this request of a very large minority of the Senate; and when it comes to a question of fairness I think we have just as much ground to stand upon as the Senator from Kansas.

Mr. CAMERON, of Wisconsin. The Senate by a decided majority determined to take up the bill this morning.

Mr. BUTLER. That is true, but that decided majority would not insist upon it if the Senator from Wisconsin himself was not behind that proposition.

Mr. CAMERON, of Wisconsin. I am not pushing it forward; I have simply voted as one of the majority.

Mr. BUTLER. Precisely.

Mr. MORRILL. Let me appeal to the Senator from Wisconsin, as the morning hour is so near the close that we manifestly cannot get through the bill this morning. I shall not perhaps want to occupy so much time as half an hour. I was perfectly willing to have the Senate vote on the bill after the motion was carried, made by the Senator from Wisconsin, to take it up this morning, but the time having been so far consumed, and the Senator from Kansas [Mr. PLUMB] having left his papers at home, and the Senator from South Carolina [Mr. BUTLER] also having left his papers at home—I ask no favors on my own account—I suggest that this case go over until to-morrow morning, to be considered the first thing after the morning business to-morrow, in order that we may have full time to consider it. I think that will be fair to all sides.

Mr. CAMERON, of Wisconsin. If there can be unanimous consent that the bill shall be taken up to-morrow morning and considered at that time, I have no objection to allowing it to go over.

Mr. MORRILL. I will give my consent, though I am ready to go on and say what I have to say now.

Mr. INGALLS. To come up at the conclusion of the morning business to-morrow?

Mr. MORRILL. At the conclusion of the morning business.

The PRESIDENT *pro tempore*. Is there unanimous consent?

Mr. BUTLER. I cannot give unanimous consent. There are so many other bills of so much more importance to the country than this that I cannot consent.

Mr. CAMERON, of Wisconsin. Very well, then, we will go on now.

Mr. SHERMAN. I think, notwithstanding the dissent of the Senator from South Carolina, it is better not to waste another half hour, but the Senate to-morrow can, after the morning business, take up this bill and go on with it.

Mr. INGALLS. The Senator from Vermont says he is ready to go on with the remarks he desires to make now.

Mr. MORRILL. But I do not think it quite right, because the Senate may not be called on to consider the subject as a whole now. I want to present what few remarks I have to make when the Senate is going to consider the subject.

Mr. INGALLS. I understand that the bill will be considered now if we go on with it.

Mr. MORRILL. I know, but we shall not get through by two o'clock.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina insist upon his objection?

Mr. BUTLER. Yes, sir.

The PRESIDENT *pro tempore*. The motion is to postpone the consideration of the bill until Tuesday.

Mr. SHERMAN. Now I appeal to the Senate not to waste any more time about this matter, but to accept *sub silentio* the proposition that to-morrow a motion shall be made to take up this bill, and a majority can then act upon it.

Mr. MORRILL. It can be made anyhow.

Mr. SHERMAN. So far as I am concerned, I am following a committee of the Senate which I am told has unanimously or substantially unanimously reported this bill.

Mr. CAMERON, of Wisconsin. Unanimously.

Mr. SHERMAN. I never read the papers, but it seems to me under those circumstances, as it has been objected to in the course of the Calendar and now goes over and is taken up by a decided vote of the Senate, we ought to give this man a hearing. I am ready to sit as an impartial juror in the case.

Mr. BUTLER. I have not the slightest objection to his having a hearing, but there is only half an hour of the morning hour left.

Mr. SHERMAN. I say it ought not to be pressed now. Let it go over until to-morrow. The Senator from South Carolina ought to give way to-morrow and let it be heard.

Mr. BUTLER. The Senate will have a perfect right to consider the case to-morrow.

Mr. INGALLS. We have tried to consider it to-day, but the majority have been prevented from doing so by the motions that have been made under the rules of the Senate to postpone and otherwise procrastinate proceedings. Under the parliamentary methods they are correct and proper, and we have no assurance that the same proceedings will not be repeated to-morrow, and then we shall hear again at half past one that but half an hour of the morning hour remains, and that therefore we had better postpone to a more convenient season.

I see nothing to be gained by further procrastination, if we are to have exactly the same transactions repeated to-morrow morning, and of course the rights of the minority will be the same then as they are now. The Senator from South Carolina has said that he will not consent that the bill shall be taken up at the conclusion of routine business to-morrow morning; therefore how shall we proceed further with this business then than we can to-day?

Mr. BUTLER. I simply stated that I could not consent that unanimous consent should be given, and I shall commit myself no further than that. I have no desire whatever to prevent this case being considered if the Senator in charge of it will give those opposed to it a fair opportunity to discuss it, and we are not prepared to-day to discuss it. I think it is not asking too much of that very small majority to allow the bill to go over until to-morrow.

Mr. HOAR. I hope that will be acceded to, as a friend of the bill. What the Senator from South Carolina has now said will be to him a reason why he would not make filibustering motions, I am sure, to-morrow.

Mr. INGALLS. How does the Senator know that?

Mr. HOAR. Because I know enough of the honorable Senator from South Carolina to know that. I know perfectly well that if the honorable Senator from South Carolina asks the majority of the Senate to postpone this bill until to-morrow morning in order that gentlemen may get their papers, he is as absolutely incapable as any man I know of from then coming in with filibustering motions after the papers are obtained.

Mr. BUTLER. The Senator from Massachusetts is perfectly safe in saying that I have no desire whatever to throw any unnecessary obstruction in the way of the consideration of this matter. All that I said was that I could not give unanimous consent, and I repeat that; but I have no desire whatever to throw any unnecessary obstruction in the way of the consideration of the measure if the friends of the measure will give the opponents of it a fair opportunity to discuss it, and that they have not done, in my judgment.

Mr. INGALLS. Then it is the understanding that to-morrow morning at the conclusion of the formal routine morning business this bill is to come up for consideration?

Mr. BUTLER. No, I give no unanimous consent.

Mr. SAULSBURY. Before the matter passes away I desire to say that I have voted for the motions to postpone not with any desire to prevent the Senate taking up any measure it wishes to take up, but on the statement made by the Senator from Kansas [Mr. PLUMB] that he had not the papers here which he desired to have in order to discuss the question which we all know he made the most thorough examination of in opposition to the bill the last time it was before the Senate.

There is another reason why I think we ought not to take up this measure now. We are approaching the close of the session, and for one I am in favor of passing the necessary bills to maintain the Government, and then going home. We have been here long enough. This question ought to have been brought in at an earlier day, or it ought not to be brought in at this session, and it will provoke a debate that will keep us here perhaps two or three days longer than otherwise.

Mr. PLUMB. I will not give unanimous consent that this bill shall have the right of way to-morrow to the exclusion of everything else, because that is postponing the entire public business, the whole order of business of the Senate, and putting everybody on his

honor that nothing else shall be done to-morrow. I said myself that I did not make my motion to postpone for a dilatory purpose, but simply that I might have an opportunity for preparation. It is true I did not appeal to that which is called courtesy of the Senate; but some gentlemen thought on the whole it was necessary to have protection for persons voting against the bill. I find that this committee had this bill from about the first day of the session to the 11th of April, a period of about four months. The dilatoriness was on the part of the committee, a committee that had examined this question before and had all the facts before them in regard to it. They waited from December to the 11th of April to know whether they should throw off a couple of hundred thousand dollars in this bill. I do not see anything else in the report that could occupy time.

I say that with reference to the complaint that enemies of the bill are pursuing it with dilatory tactics. The dilatory tactics practically have been on the part of the friends of the bill. I say simply that if it comes up to-morrow it will take its chances with me whether I shall object or not. I will make no pledges. I have never made agreements except in one or two cases. I think myself the Senators who have this bill in charge would have expedited it very much if they had consented that it might have gone over till Monday, so that there might be ample time to examine it. The river and harbor bill is to come up, and there are other things of importance demanding attention. I have not been able to be in attendance on the sessions of the Senate as I should like; but I know there are a great many other measures which I regard of more importance than this. Whatever I think my duty to the Senate requires me to vote to take up I shall vote for, not pledging myself as to any particular proposition.

Mr. DAVIS, of West Virginia. It is strange that this bill should be called up each session near the close of the session. I believe it has been uniformly so. During my early service in the Senate I was a member of the Committee on Claims, and among other claims that were referred to that committee and to myself as a sub-committee was this claim. I went through it as thoroughly as I knew how, gave considerable time to it, perhaps a week, in examining it. I reported it, and my recollection is now that that report was adverse. The committee and the Senate unanimously adopted the report. That is my recollection of it.

Then the claim was altogether different from what it is now. One examining the claim then and now would hardly know it was the same claim. New points have been presented. When one would go out, another would come in to supply the place, and so it has been running its course in the Senate for perhaps ten or twelve years. Sometimes a session or two has slipped by without any movement being made to take it up. It is a claim that many Senators believe has some merit. I thought at the time I examined it it had no merit and I think the Senate took that view of it. That is my recollection now.

I hardly think it ought to be pressed at the close of the session. I think it will take some time, and I agree with the Senator from Kansas, [Mr. PLUMB,] who just made reference to a bill that he had in charge. I believe it to be far more important to the country than the present bill. The Senator from Kansas has given notice that he will ask for the taking up soon of what is known as the agricultural bill. That bill passed the other branch of Congress almost unanimously. It has received the unanimous report of our Committee on Agriculture. It is one that more than half the people of this country are interested in, and one that ought to have its day. This bill has had a great many days. I hope the Senator from Kansas will press that bill. I think it ought to be taken up; the Senate ought to act on it. The large interest that that bill represents should be taken care of in preference to any private bill, no matter what it may be.

Mr. CAMERON, of Wisconsin. Mr. President, this bill was reported from the Committee on Claims on the 11th day of April last. It is No. 539 on the Calendar. When it was reached in its regular order its consideration was temporarily objected to by, I think, the Senator from Kansas who sits in my rear, [Mr. PLUMB.] I gave notice then that I would move to take it up at an early day. I have endeavored two or three times to get it up since then, but it has been crowded out by other measures pending before the Senate. I think this is just as good a time to consider it as will occur during this session or any other.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina to postpone the further consideration of the bill until Tuesday next.

Mr. CAMERON, of Wisconsin. I will consent that the bill go over. I am afraid that no general consent can be obtained to consider it to-morrow, but I give notice now that immediately after the routine business of the morning hour has been gone through with to-morrow I will then move to take up the bill.

The PRESIDENT *pro tempore*. The bill goes over.

AGRICULTURAL DEPARTMENT.

Mr. PLUMB. I now want to give notice that immediately after the conclusion of the morning hour to-morrow I shall move to take up the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the following acts:

An act (S. No. 1020) to authorize the construction of a bridge across the Arkansas River at the town of Van Buren, Crawford County, Arkansas; and

An act (S. No. 1810) to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois.

W. S. KIMBALL AND OTHERS.

Mr. JOHNSTON. I ask the Senate before proceeding with the Calendar to take up and consider the bill (S. No. 1377) for the relief of W. S. Kimball and others.

Mr. COCKRELL. I ask for the regular order.

Mr. JOHNSTON. This bill will only take a minute.

Mr. COCKRELL. We shall reach it on the Calendar.

Mr. SHERMAN. What is the bill?

Mr. JOHNSTON. It is a bill reported by the Finance Committee.

Mr. COCKRELL and others. Regular order!

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. INGALLS. The Senator from Virginia has a right to make his motion.

The PRESIDENT *pro tempore*. Does the Senator wish the sense of the Senate tested?

Mr. JOHNSTON. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Virginia moves to proceed to the consideration of Senate bill No. 1377.

Mr. INGALLS. Will not the Senator from Virginia state what is the purpose and object and scope of the bill, in general terms?

The PRESIDENT *pro tempore*. The Senate is dividing.

Mr. INGALLS. I should like to hear the subject of the bill stated. I should like to vote intelligently.

Mr. JOHNSTON. The purpose of the bill is to refund certain taxes on tobacco. The law imposed a tax of twenty cents on tobacco, and on the 3d of March, 1875, the tax was raised to twenty-four cents. That law, however, did not take effect until the President signed it on the evening of the 3d of March. On the day of the 3d of March, before the President signed the bill, parties paid the tax at twenty cents, and the Department afterward required them to pay the twenty-four cents, making a difference of four cents a pound, the tax having been paid before the bill was actually signed by the President.

Mr. INGALLS. What is the aggregate amount to be refunded?

Mr. JOHNSTON. From ten to fifteen thousand dollars; I do not know exactly. The bill leaves it to the discretion of the Secretary of the Treasury after proof of the fact that the tax was actually paid before the signing of the act.

Mr. INGALLS. Has that bill been reported by the Finance Committee?

Mr. JOHNSTON. Reported unanimously by the Finance Committee.

Mr. BECK. The bill is a perfectly good one, in my opinion, and has been reported unanimously by the Finance Committee. The only trouble is that there are a dozen or two just as good cases ahead of it. Let it come up in its order. If we displace the Calendar once we shall displace it all the time.

Mr. COCKRELL. This is order of business No. 703 on the Calendar. We are now on the regular call of the Calendar at No. 577. There are a number of bills of precisely the same character reported before this from the Finance Committee, one particularly nearly fifty numbers ahead of this reported from the same committee and of the same character. It is a great injustice to these other cases that we should consume the entire time of the Senate in taking this up and considering it instead of running through the Calendar and considering them all in order.

Mr. JOHNSTON. We could have passed the bill by this time.

Mr. COCKRELL. You will not get it passed this morning.

Mr. JOHNSTON. I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia to take up for consideration the bill named by him.

The question being put, there were on a division—ayes 18, noes 12; no quorum voting.

Mr. COCKRELL and Mr. INGALLS. Call the Senate.

Mr. SHERMAN. I think the Senator from Virginia does not care to break us up. This bill undoubtedly will be passed before the close of the session. I am in favor of the bill. There are several tobacco bills.

Mr. COCKRELL. We can reach it if we stick to the Calendar.

Mr. JOHNSTON. I do not want to consume the time of the Senate. I withdraw the motion.

The PRESIDENT *pro tempore*. The first case on the Calendar will be called.

Mr. INGALLS. Has not the want of a quorum been disclosed?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SHERMAN. The Chair can ascertain if a quorum is present by counting the Senate.

The PRESIDENT *pro tempore*. The Chair by count finds that there

is a quorum. Forty-five members are present. The Senate will proceed to the consideration of cases on the Calendar under the Anthony rule.

ELIZA E. HEBERT.

The bill (S. No. 386) for the relief of Mrs. Eliza E. Hebert was announced as first in order on the Calendar.

Mr. CAMERON, of Wisconsin. That bill was not reported unanimously from the Committee on Claims. There was a minority disagreeing to it, though no minority report was filed. I think it had better go over.

The PRESIDENT *pro tempore*. The bill is objected to.

PROPERTY OF LITTLE SISTERS OF THE POOR.

The bill (S. No. 1612) to provide for the closing of an alley in square 751, in the city of Washington, in the District of Columbia, and for the relief of the Little Sisters of the Poor, was announced as next in order on the Calendar.

Mr. INGALLS. That stands on a motion to reconsider, having once been passed by the Senate.

The PRESIDENT *pro tempore*. The Senator from Rhode Island, [Mr. ALDRICH,] who made the motion to reconsider, is not in his seat.

Mr. HOAR. That does not belong on the Calendar.

The PRESIDENT *pro tempore*. A motion to reconsider a bill which has passed is always entered on the Calendar. It can be called up hereafter.

Mr. INGALLS. I should like to have that bill remain in its place on the Calendar because it ought to be disposed of.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

PUNISHMENT OF HOUSE-BREAKING.

The bill (S. No. 1754) to punish breaking and entering banks, shops, stores, and other buildings in the District of Columbia, with intent to commit larceny or any felony therein, was announced as next in order.

Mr. HARRIS. There is a House bill on the same subject that is substantially the same, that was referred to the Committee on the District of Columbia, and I was instructed to report it back. I ask that the House bill be considered instead of this Senate bill on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. Where is the House bill?

Mr. HARRIS. It has not been reported formally.

Mr. HOAR. I should like to inquire, while the Senator is looking for his bill, whether this is not an offense now?

Mr. INGALLS. It is not now an offense defined by the laws of the District, and this bill was forwarded to us from the law officer of the District for the purpose of covering the defect existing in the criminal code.

Mr. HOAR. Is it not an offense under the Maryland law to break into and enter a building?

Mr. INGALLS. Not under the peculiar circumstances defined in this bill. The necessity for it arose from the fact that the offense had been committed, and the offender being arrested it was found there was no statute under which he could be punished. The committee thought, on the recommendation of the law officer of the District, that it was advisable that the bill should be reported.

Mr. HOAR. I do not make clear the point of my question. If this be an offense now, if there is anything defined in this bill which is now an offense, and the bill creates either a new punishment or a new definition, it of course renders every person who has committed the offense already free from punishment.

Mr. INGALLS. In other words it cannot be executed retroactively.

Mr. HOAR. No; repealing the old law.

Mr. INGALLS. This does not repeal the old law, it is simply an addition to the crimes that are now defined.

Mr. HOAR. Does the Senator say that there is no law now existing in the District of Columbia, either inherited from Maryland or under any statute, which makes the breaking and entering of a bank with intent to commit larceny a punishable offense?

Mr. INGALLS. The Senator evidently has not read the bill.

Mr. HOAR. I heard it read and listened carefully to it.

Mr. INGALLS. And I can state to him that upon information derived from the law officer of the District the particular offense that is described in this act is not now one that is punishable under the laws of the District.

That whoever in the District of Columbia, with intent to commit a larceny or any felony, breaks and enters in the day-time, or enters without breaking in the night-time, any dwelling-house, or breaks and enters any office, bank, shop, store, warehouse, vessel, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment not less than one nor more than ten years; but if no person was lawfully therein and put in fear, by imprisonment not more than five years, or by fine not exceeding $500.

The difference between the offense which the Senator from Massachusetts has in his mind and that contemplated in this bill is the fact of a "person being lawfully therein and put in fear." Of course it is an offense unquestionably to break into a store or dwelling-house or a bank, but the peculiar case that arose was in regard to the custodian, it appearing that under certain circumstances of occupancy or custody the offense was not one that was sufficiently described by existing statute to make it an offense that would be punishable under the statutes that now exist.

Mr. BECK. I wish to ask the Senator from Kansas a question. The bill provides for the punishment of persons entering shops, stores, &c., with intent to commit larceny. I have always believed it was better not to fix a minimum punishment in the law unless it was indispensable, but to leave it to the discretion of the court. For instance, some poor, ignorant person might break into a shop to steal a head of cabbage, and somebody might be alarmed, and might not the court punish sufficiently by imposing imprisonment for a year? I have always thought it better not to have a minimum if it can be avoided, but to trust to the discretion of the court as to the punishment.

Mr. INGALLS. Fixing a maximum merely.

Mr. BECK. In some cases a year's punishment might be enough. Here five years is the minimum.

Mr. INGALLS. I think there is force in what the Senator from Kentucky says.

Mr. BECK. I do not want a minimum. I want a maximum punishment to which the court can go, but let the minimum be in the discretion of the court. The minimum here is fixed at five years. It may be very severe in some cases which might come technically within the law.

Mr. HOAR. I want to come back for a moment to a point which I made before. This statute provides that all cases of breaking and entering a dwelling-house with intent to steal or commit any other felony——

Mr. INGALLS. That is not every element of the offense.

Mr. HOAR. Let me go on with my point.

Mr. INGALLS. I thought the Senator was through.

Mr. HOAR. No; it provides for all cases of breaking and entering in the day-time, and for all cases of entering without breaking in the night-time a dwelling-house, bank, or other building. It provides if anybody be therein, and put in fear, one punishment; and then the alternative, if nobody is therein and put in fear, another punishment. So it provides for every possible case, only there is an alternative punishment, because there can be no case of a breaking and entering, with intent to steal or commit other felony, where there is not somebody there put in fear or somebody not there and not put in fear. It provides for every possible case.

Mr. INGALLS. It ought to.

Mr. HOAR. Then the Senator is mistaken in what he said just now. If it provides for every possible case, it repeals the existing law, and under the familiar principle of the common law that nobody can be indicted who has committed the offense before this time, it lets off scot-free every person who has committed this offense of breaking and entering any building with intent to steal or to commit any other felony, before the passage of the statute. It ought therefore to contain (and that was the point of my original suggestion) an enactment that it shall not affect any offense committed before the passage of the act.

Mr. HARRIS. Let the Journal show that by direction of the Committee on the District of Columbia I report back the House bill on this subject as it was referred to that committee. I ask that a letter be read of the commissioners of the District of Columbia, and that is all I desire to say about it.

The PRESIDENT *pro tempore*. The Senator from Tennessee reports without amendment from the Committee on the District of Columbia the bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes. The hour of two o'clock has arrived.

Mr. HARRIS. It will take but a moment to read the letter and to dispose of the bill, I am inclined to think.

The Acting Secretary read as follows:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, April 18, 1882.

SIR: The commissioners have the honor to transmit for the consideration of your committee the inclosed draft of a bill to punish breaking and entering banks, shops, stores, &c., in the District of Columbia, with intent to commit larceny or any felony therein, and copy of letter of Hon. W. B. Snell, judge of the police court of the District, inclosing the same to them.

The commissioners join in Judge Snell's recommendation that this or some more efficient measure looking to the same end be enacted as soon as practicable. There is no law in force in the District under which persons guilty of such trespass can be punished.

By order of the board.

Very respectfully,

THOS. P. MORGAN,
President pro tempore.

Hon. H. S. NEAL,
Chairman Committee for the District of Columbia,
House of Representatives, United States.

P. S.—A similar communication has been addressed to the chairman of the Senate Committee for the District of Columbia.

DEAR SIR: In the case of Flemming's carpenter shop, entered by thieves who blew open his safe and destroyed much property, the attorney finds no law to cover such offenses. I have copied the statute of Maine, and recommend that this or some more efficient substitute be immediately passed.

WM. B. SNELL.

Major T. P. MORGAN,
Commissioner District of Columbia.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes.

Mr. SAULSBURY. So far as I can judge from the reading of the bill, the objection which the Senator from Massachusetts raised to the other, that there is no saving there of the punishment of offenses already committed, applies. It seems to me it is very strange if there is no law in this District to punish burglary and house-breaking and offenses of that character. Notwithstanding the opinion of Judge Snell, I am inclined to believe that up to this time the District has not been left in that condition, with offenses of that kind not punishable somewhere. There is usually in all criminal codes a provision that offenses indictable at the common law are indictable under the State law. I presume there must be some such provision here. At any rate, I think that the saving clause suggested by the Senator from Massachusetts ought to be attached to the bill.

Mr. HOAR. It will do no harm certainly. If it be true that none of the offenses described in this bill are punishable now, the amendment can do no harm.

Mr. INGALLS. What amendment does the Senator suggest?

Mr. HOAR. If any of these acts are punishable it is necessary to have an amendment. I move to add:

This act shall not affect any offense committed or indictment found before its passage.

Mr. HARRIS. Would not any act of Congress intended to affect any such transaction be *ex post facto?*

Mr. INGALLS. Would not that be re-enacting the Constitution?

Mr. HOAR. No, sir; it is very different from a re-enactment of the Constitution. You cannot make a punishment to which any person shall be liable for an offense committed before the act passed, but suppose the offense of house-breaking with intent to steal be punishable by imprisonment in the State prison or in the penitentiary a certain time. Now you pass a new law. The prisoner cannot be convicted under the old law because the new law repeals it, being a new provision on the same subject. He cannot be convicted under the new law, because that was not in force when he committed the offense In a great many States that blunder has been committed and new criminal laws have been passed which have had the effect of discharing every offender whose offense was committed before the passage of the law. The effect of my amendment is not to make anybody punishable who is not punishable now, or to say that he shall not be, but it is to save the right to indict and punish all persons who are punishable.

Mr. HARRIS. This bill was drafted by Judge Snell with a very accurate knowledge of the state of the law on the subject. I regret the necessity of any amendment, because it involves the necessity of the bill going back to the House.

Mr. HOAR. It is barely possible that there may be gentlemen in the Senate who know as much law as the police justice of the District of Columbia. It is not an absolute reason why he should legislate for it.

Mr. HARRIS. I do not know whether any of us knows as much upon exactly that class of questions.

Mr. HOAR. I make no such claim for myself; but I understand it to be a perfectly well settled doctrine that if you pass a new penal law it repeals, unless prior offenses are expressly saved, the old law, and nobody can be convicted under the old law because that is repealed; nobody can be convicted under the new law because that was not in force when the offense was committed. It is necessary, therefore, to put in this saving clause. It will do no harm.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

Mr. HOAR. I now move, at the end of section 1, line 10, to strike out the words "less than one year nor;" so as to read:

Shall be imprisoned not more than ten years.

The amendment was agreed to.

Mr. HOAR. In section 2, line 13, I move to strike out the words "less than one year nor;" so as to read:

Shall be imprisoned not more than fifteen years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

IOWA JUDICIAL DISTRICTS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

Mr. GARLAND. I move that the Senate insist upon its amendments disagreed to by the House, ask for a conference on the disagreeing votes, and that the Chair appoint the conferees on the part of the Senate.

Mr. ALLISON. I do not wish to object to the motion, but I should be glad if the Judiciary Committee would consent to recede from its amendments.

Mr. GARLAND. I did not hear the Senator from Iowa distinctly.

Mr. ALLISON. I call the attention of the Senator from Arkansas to the condition of the bill. The differences, I understand, chiefly relate to the number of places of holding court. I should be glad if the Judiciary Committee could recede from its recommendation.

Mr. GARLAND. I will state in reply to the Senator from Iowa that this bill received a great deal of attention from the Judiciary Committee. The bill as it was reported back was a unanimous report, and instead of fixing eight places at which to hold the courts, as the bill provided as it came from the House, the bill as reported here provided that there should be only six. So far from the Judiciary Committee, as I am advised, acceding to the provision of the House, if they were compelled to do anything they would object to any bill at all and stand upon the present law, affording four places in the State of Iowa at which to hold the United States court.

For that reason I made the motion that the Senate insist upon its amendments and ask for a conference, for I am satisfied that the Judiciary Committee would not go further than it has already gone in its recommendations upon the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas insisting upon the amendments of the Senate to the bill of the House and asking for the appointment of a committee of conference.

The motion was agreed to.

Mr. GARLAND, Mr. INGALLS, and Mr. HOAR were appointed as the conferees on the part of the Senate.

BANKRUPTCY SYSTEM.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States. The pending question is upon the amendment of the Senator from Massachusetts [Mr. HOAR] to strike out all after the enacting clause of the bill and to insert as a substitute what is known as the Lowell bill.

Mr. INGALLS. Considering the state of the public business and the period of the session, I am convinced that no action can be had by the Senate at this session upon this very important subject. Not desiring to fire in the air myself, but preferring that the discussion when commenced shall be continuous until the subject is concluded, I ask that the bill and amendments be made the special order for the first Wednesday in December next.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas, [Mr. INGALLS.]

Mr. HOAR. That takes precedence of all other orders, I suppose.

The PRESIDENT *pro tempore*. It takes precedence from that day forward of all other orders, unless there is unfinished business.

Mr. HOAR. By making it a special order it takes precedence.

The PRESIDENT *pro tempore*. The Chair will read the rule. Rule 10 provides that—

Any subject or matter may, by a vote of two-thirds of the Senators present, be made a special order; and when the hour fixed for the consideration of a special order shall arrive it shall be the duty of the Presiding Officer to lay such special order before the Senate, unless there be unfinished business of the preceding day, in which case the unfinished business shall have precedence.

The hour ought to be specified.

Mr. INGALLS. One o'clock.

Mr. HOAR. I am very sorry that the Senator from Kansas finds a condition of facts existing which makes it necessary or proper for him to make this motion. It is the desire of a very large number of persons all over the United States that the bankruptcy bill be considered at the present session; and it has been the hope that at last the Senate might send this measure to the House to be considered there and disposed of at the beginning of the next session. I had not anticipated such a request from the Senator from Kansas, and the order of my remarks might seem almost a discourtesy. If it had not been for his request I should not have submitted my remarks upon the bill.

Mr. INGALLS. I really hope the Senator from Massachusetts will not put me under the necessity of stating what the facts are as I understand them as to that debate, because I cannot afford to be put in a false position.

Mr. HOAR. If there are any facts of misunderstanding the Senator will state certainly the facts as he understands them, and I will state the facts as I understand them.

Mr. INGALLS. If the Senator claims that the bill was called up when I made the motion to take it up for my own advantage, or in compliance with the dictates of my own judgment, he is very much mistaken.

Mr. HOAR. I do not claim that at all.

Mr. INGALLS. The Senator stated to me that he desired specially, for reasons personal to himself, that I should call the bill up to enable him to present his amendment and to make a speech upon it.

Mr. HOAR. That is true.

Mr. INGALLS. Therefore when the Senator states that he regrets that I felt called upon to take the course I have taken he is slightly uncandid.

Mr. HOAR. No, I think the Senator misunderstands altogether my purpose in making any such suggestion. In making my remarks, before the Senator himself had explained the bill, and in advocating

an amendment before the Senate, I was put in a position of seeming to be discourteous to him, and it was only his preference that I should go forward that made me make the speech at that time instead of waiting for the Senator. I did request the Senator, for very strong personal reasons which I stated to him, to bring up the bill at that time. I had a very strong desire that it should come up. I am speaking, not of bringing up the bill at that time, but of the order of the speeches.

Mr. INGALLS. The order of speeches was the Senator's own suggestion, and not mine. I said to him that it was not my purpose to call up the bill at this session, and he stated to me that it was his personal desire for reasons that were of great importance to him that I should call up the bill, not for the purpose of making my speech, but to enable him to make his. Therefore, when the Senator endeavors to cast the burden of this transaction upon me, he is slightly unjust to the courtesy that I extended to him in order to enable him to present the views that he desired upon the amendment.

Mr. HOAR. The Senator misunderstood me then or misunderstands me now. I did not make any suggestion reflecting upon him, but I requested the Senator to bring up the bill at that time for the reason I stated.

Mr. INGALLS. And I did it.

Mr. HOAR. The Senator very courteously to me consented to bring up the bill at that time, for which he has my acknowledgments, but I did not expect when it was brought up at that time to proceed with an attack on the bill before the Senator himself had made the argument. When it was called up the Senator came to me and asked me if I had any objection to going forward upon it. I said I had not. When I got through my argument the Senator stated to the Senate that he was ready to go on with the bill on that day; there was no difficulty, but he thought it would be better for the reason he stated to let it go to the following morning.

What I wish to call attention to is not the fact that the bill had been called up and put over by the Senator, but that the effect had been to make my argument. The Senator says he does not wish to fire in the air, because he does not wish to separate his argument from the vote. He leaves me in the position of having made my argument in the Senate, and then the matter going over until next December.

Mr. INGALLS. That is expressly what the Senator told me he desired to do. He said that in consequence of the importunities and representations of some of his constituents in the city of Boston, it was absolutely essential that he should make his speech. There was no intimation made on his part that he desired that his speech should be made contemporaneously with mine or coincident with action on the bill.

I regret that the Senator by placing me in such a position has called upon me to make this statement, but the bill was called up for his special advantage and at his instance to enable him, as I understood, to make the speech that he delivered on the Lowell amendment to the bill of the Judiciary Committee.

Mr. HOAR. That is all true, but it is not the whole truth by any means. The Senator need not regret making any statement about it. There is nothing private to me which I am not willing to have public.

I hope that the measure will go forward and be disposed of at the present session.

Mr. GARLAND. I will simply say that I am in hopes the motion of the Senator from Kansas in regard to this bill will prevail. This is a very important subject, and there is very great pressure in the country for something to be done, but the views in reference to that something which should be done are very conflicting. The consideration of this measure will necessarily take up a great deal of time. The bill which the Judiciary Committee has reported to the Senate is certainly a very great innovation upon the question of bankruptcy proceedings, and it will challenge the closest attention of the Senate when it comes up. We could not hope to finish the bill under two weeks. When the bill was called up for the Senator from Massachusetts to make his remarks upon it, that was eight or ten, or probably eleven days ago, and if we had proceeded then continuously with the consideration of the bill we should have been nearly through with it now; but we have not been permitted on account of other business to do that; so that we are now so situated in reference to the measure that we cannot give it the necessary consideration at this session. We can proceed with it on the 6th of December, the day indicated by the Senator from Kansas, take it up then, and go through with it regularly and come to some conclusion in reference to it. As one of the committee with the Senator from Kansas, I second his suggestion in relation to it.

Mr. BUTLER. I ask the Senate to proceed now——

Mr. INGALLS. Let us act on this motion first.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks the Senate to proceed to the consideration of a bill on the Calendar.

Mr. INGALLS. There is a motion pending which I suppose the Senator would have no objection to our disposing of.

Mr. BUTLER. No; I have no objection to a vote on the pending motion.

The PRESIDENT *pro tempore*. It is moved by the Senator from Kansas that the bankruptcy bill, which is now the unfinished business, be made the special order for the first Wednesday in December at one o'clock.

Mr. INGALLS. I will say the first Wednesday after the first Monday, in order to make it sure.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I ask leave, from the Committee on Commerce, to make a report. I am instructed by that committee to report back the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, with amendments. I desire to give notice that I will ask the Senate to-morrow morning, after the close of the morning business, to take up the bill for disposition.

AMENDMENTS TO BILLS.

Mr. GARLAND and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GARLAND, from the Committee on the Judiciary, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

TERRITORY OF PEMBINA.

Mr. SAUNDERS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nebraska.

Mr. BUTLER. I first addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Nebraska first addressed the Chair after the announcement of the vote just had.

Mr. BUTLER. I thought it was understood that I was recognized. I did not take my seat.

The PRESIDENT *pro tempore*. But the Senator from Nebraska rose and addressed the Chair first after the decision of the motion to postpone the bankruptcy bill. The Chair believes that it is very important the measure which the Senator from South Carolina has in charge should pass, that it is much more important than any other, but he must decide that the Senator who first addressed the Chair is entitled to the floor.

Mr. COCKRELL. I call for the regular order under the Anthony rule.

The PRESIDENT *pro tempore*. The regular order is the Calendar. The Senator from Nebraska rises for some purpose.

Mr. SAUNDERS. I move to take up the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. BUTLER. The Senator from South Carolina also rose for some purpose.

The PRESIDENT *pro tempore*. But the motion of the Senator from Nebraska takes precedence.

Mr. COCKRELL. I do hope we can have a consideration of the Calendar for the remainder of the day. We could dispose of a very large number of cases on the Calendar.

Mr. SAUNDERS. The regular order, the unfinished business, has been disposed of.

Mr. COCKRELL. The regular order is the Calendar, and it is so decided by the Chair. I call for that. The Senator from Nebraska wants to set it aside.

The PRESIDENT *pro tempore*. The motion of the Senator from Nebraska is in order.

Mr. VOORHEES. I do insist that the Senator from South Carolina has the right of way on the organization of Territories. Alaska comes first. I think that is fair.

Mr. BUTLER. I am not inclined to antagonize the bill the Senator from Nebraska has in charge.

Mr. SAUNDERS. It is a bill that I do not think will meet with any opposition on the final vote, at any rate. It may require some amending, but it is called for, I think, by all parties and all people connected with that part of Dakota.

Mr. BUTLER. I simply desire to say that I am quite willing to vote for the report of the committee upon that bill; but here is a large part of the domain of this country which has no government at all. I refer to the Territory of Alaska. The condition of the people in that country is really getting to be a scandal upon this Government. I therefore hope the Senate will not take up the bill proposed by the Senator from Nebraska, but will proceed to the consideration of the bill to provide a Territorial government for Alaska.

Mr. VEST. If the Senator from Nebraska is under the impression that his bill will go through without debate and opposition he is very much mistaken. As a member of the Committee on Territories I was not present at the meeting when it was decided to report the bill, and I shall certainly oppose it to the extent of my ability. I move to lay the motion of the Senator from Nebraska on the table.

The PRESIDENT *pro tempore*. The question is on the motion of

the Senator from Missouri to lay the motion of the Senator from Nebraska on the table.

Mr. MORGAN. I suggest to the Chair that the motion of the Senator from Nebraska is not in order. Under Rule 13 the Calendar is the regular order of business, and his motion should be to set aside the regular order with a view to take up the bill he has indicated.

The PRESIDENT *pro tempore*. That is right. That is what the Senator from Nebraska intended to do evidently. He has moved to set aside the regular order with a view to take up the bill indicated by him. The Senator from Missouri moves to lay that motion on the table. The question is on the motion of the Senator from Missouri.

The question being put, there were on a division—ayes 17, noes 18; no quorum voting.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. I simply desire to say before the vote is taken that I am not opposed to the bill urged by the Senator from Nebraska, but I think it is of much more consequence to take up the bill for the establishment of a territorial government in Alaska. I shall therefore vote to lay the motion of the Senator from Nebraska on the table, not that I am opposed to the bill at the proper time, for I am in favor of the bill.

The PRESIDENT *pro tempore*. The roll will be called on the motion to lay the motion of the Senator from Nebraska on the table.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.] Were I at liberty to vote, I should vote "nay."

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. BUTLER, (when Mr. HAMPTON'S name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from Massachusetts [Mr. HOAR] on this question.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. HOAR, (when his name was called.) I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call having been concluded, the result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bayard,	Davis of W. Va.,	Pendleton,	Voorhees,
Beck,	Farley,	Pugh,	Walker,
Butler,	Grover,	Ransom,	Williams.
Call,	Harris,	Saulsbury,	
Cockrell,	Maxey,	Vance,	
Coke,	Morgan,	Vest,	

NAYS—22.

Aldrich,	Conger,	Hawley,	Rollins,
Allison,	Davis of Illinois,	Jones of Nevada,	Saunders,
Anthony,	Dawes,	Lapham,	Sawyer,
Blair,	Ferry,	Miller of Cal.,	Windom.
Cameron of Pa.,	Frye,	Platt,	
Chilcott,	Harrison,	Plumb,	

ABSENT—33.

Brown,	Hale,	Jones of Florida,	Mitchell,
Camden,	Hampton,	Kellogg,	Morrill,
Cameron of Wis.,	Hill of Colorado,	Lamar,	Sewell,
Edmunds,	Hill of Georgia,	Logan,	Sherman,
Fair,	Hoar,	McDill,	Slater.
Garland,	Ingalls,	McMillan,	Van Wyck.
George,	Jackson,	McPherson,	
Gorman,	Johnston,	Mahone,	
Groome,	Jonas,	Miller of N. Y.,	

So the motion to lay on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Nebraska to dispense with proceedings under the Anthony rule, with a view to take up the bill indicated by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Nebraska now moves to take up the Pembina Territorial bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. SAUNDERS. At the end of section 18 I move to add:

And the governor, together with the superintendent of public instructions and treasurer of said Territory, when such officers shall be elected, shall have power to lease for the benefit of public schools any of the lands reserved in this section for a term not exceeding three years nor in any case beyond the time when the Territory may become a State, said leases to be in writing and in the name of the Territory, and in every instance to express that in no case shall the person occupying lands under said lease be considered to have acquired any legal or equitable interest in said land by reason of the improvements placed thereon by them, and any occupation of said land except under lease as hereinbefore provided shall be held to be trespass, and may be prosecuted in the name of the Territory before any court of competent jurisdiction.

That amendment is offered because heretofore in all Territories when they have been organized the school lands have remained in the hands of the Government until the Territory has become a State, and no action can be taken upon the matter either by sale or lease. It is proposed by this amendment not to interfere with the title in any way, but simply to allow the lands to be leased for a term of three years and not to extend beyond the time of admission of the State into the Union, and in no case to affect the title to the land. It is believed a considerable sum of money might be raised in this way. In fact, I have every reason to believe that such would be the case, and without any interference in any way with the right of the Government to the land or of the future State.

Mr. INGALLS. Let the amendment be again reported.

Mr. SAUNDERS. I ask that section 18 be first read, and then let the amendment be read.

The PRINCIPAL LEGISLATIVE CLERK. Section 18 is as follows:

That when the land in said Territory shall be surveyed under the direction of the Government of the United States, sections numbered 16 and 36 of the public lands in each township of said Territory of Pembina shall be reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

It is proposed to add:

And the governor, together with the superintendent of public instruction and treasurer of said Territory, when such officers shall be elected, shall have power to lease for the benefit of public schools any of the lands reserved in this section, for a term not exceeding three years, nor in any case beyond the time when the Territory may become a State; said leases to be in writing and in the name of the Territory; and in every instance to express that in no case shall the person occupying lands under said lease be considered to have acquired any legal or equitable interest in said land by reason of the improvements placed thereon by them; and any occupation of said land except under lease as hereinbefore provided shall be held to be trespass and may be prosecuted in the name of the Territory before any court of competent jurisdiction.

Mr. INGALLS. I think that amendment is a very dangerous innovation. It is a departure from the policy heretofore pursued in regard to the land reserved in the Territories for the use of public schools in the States to be thereafter created, and it places a dangerous and questionable power in the hands of the board created by the amendment. It appears to me that serious complications might arise, and that it is very doubtful whether any advantage would inure to the Territory or the State thereafter to be created which might not be far outweighed by the difficulties that would attend the operation of the amendment.

Unless the Senator in charge of the bill has some more potential reasons to urge than those he has yet presented, my hope would be that the Senate would disagree to the amendment which is so wide a departure from the policy heretofore pursued in such cases.

Mr. SAUNDERS. The strongest argument that I could bring in favor of the amendment would be that it would enable money to be raised by the use of these lands for the purpose of educating the children. It is known, I suppose by every Senator here, that the people of a Territory have no right to use the school lands in any way, shape, or form for the benefit of their schools.

The amendment simply allows them, while Pembina remains a Territory, to lease these lands, not exceeding three years at a time, and not exceeding the time when it shall be admitted into the Union as a State, and that whatever they may raise in this way shall go to educate their children, which now has to be done out of the pockets of the patrons of the schools.

If the amendment needs anything more to restrict it and relieve it from any such dangerous position as the Senator from Kansas alludes to, let him offer an amendment to it. I think, however, the matter is worthy of consideration. I have of course no personal interest in it, but it has been urged upon me by parties, and it did not take much to urge it upon me, I can tell the Senate, to offer it, because I thought I saw in it some good to the people of that new Territory, who need the advantages of all the money they can raise, inasmuch as this proposition interferes in no way with the title to the land. I cannot see where there is any danger attending it.

Mr. INGALLS. The amendment appears to me to be fatally defective in omitting to say what is to be done with the money that may be secured by any of the leases provided for therein. Nothing is said about where it is to be deposited, nor is there any bond to be executed or undertaking given for the faithful discharge of the trust, nor in case the land should happen to be timber land is there any provision against waste or destruction, so that obviously a great many difficulties would arise. The amendment is not sufficiently guarded. There is no limitation as to the power of these parties to lease, no limitation upon their liability, no provision made as to what is to be done with the money.

Mr. SAUNDERS. Oh, yes; there is a limitation. The lease is not to extend beyond three years.

Mr. INGALLS. No provision is made as to where the money is to be deposited, what is to be done with it, how it is to be paid out.

Mr. SAUNDERS. That is to be regulated by the Legislature, as everything else connected with the territorial matters. I do not see any harm in the provision.

The PRESIDING OFFICER, (Mr. PLATT in the chair.) The question is on agreeing to the amendment of the Senator from Nebraska, [Mr. SAUNDERS.]

The amendment was rejected.

Mr. HALE. In section 20, line 5, after the word "act," I move to insert:

Except chapters 54 and 137 of the general laws passed by the Dakota Territorial Legislature at its last session.

So as to read:

That the inhabitants of said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Dakota, and to its inhabitants; and the laws in force in the said Territory of Dakota at the time of the passage of this act, except chapters 54 and 137 of the general laws passed by the Dakota Territorial Legislature at its last session, shall continue to be operative and valid in the said Territory of Pembina, so far as the same may not be incompatible with the provisions of this act, until the same shall be altered, modified, or repealed by the governor and Legislative Assembly of the said Territory of Pembina.

Mr. INGALLS. What are those chapters?

Mr. HALE. Those are chapters that the Dakota Territorial Legislature passed for the purpose of enabling certain counties to get rid of the process of courts that was out against the counties. They were made not applicable to special counties, but in general terms applying to all the Territory. One of them, for instance, was an act which provided that the resignations of county officers should take effect at once upon their filing without any notice being given.

Mr. INGALLS. Has the Senator the acts at hand, so that they may be read?

Mr. HALE. I have not them here. This matter has come up unexpectedly to me. I have got a reference to them. The operation of that was that where process of the courts, as executions, is out against municipalities and against counties the officers upon whom the process might be served, in order to attach the property of a county or to get at its funds, resign at once, and no process would lie.

Mr. INGALLS. Why were these laws passed?

Mr. HALE. They were passed for the purpose of avoiding judgments that were out against counties.

Mr. INGALLS. Are those judgments valid and binding?

Mr. HALE. Those judgments have passed through the tests of the territorial courts, have been appealed to the Supreme Court of the United States, and judgment has been rendered upon final appeal after full argument and hearing. I do not want in this new Territory any act of that kind to be allowed to remain in force.

Mr. INGALLS. What was the amount of the judgment?

Mr. HALE. There were several judgments.

Mr. INGALLS. What was the aggregate?

Mr. HALE. Amounting to some $30,000 or $40,000 in all, I think.

Mr. INGALLS. For what were the bonds issued?

Mr. HALE. The bonds were issued for a railroad.

Mr. INGALLS. Was the railroad built?

Mr. HALE. The railroad was built and is running. It is the medium through which the people of the territory do their business and transact their travel.

Mr. CAMERON, of Wisconsin. I would inquire if the judgments to which the Senator from Maine refers, or any of them, were recovered against counties which under this bill are included in the Territory of Pembina?

Mr. HALE. Undoubtedly not. If the acts had only applied to special counties I should not have asked for this amendment here; but they were made general and will apply hereafter if allowed to remain and encourage any other county in the same line of transaction. That is why I want this amendment made.

Mr. CAMERON, of Wisconsin. I think it would be well for the Senator to send for the general laws of Dakota; they can be found in the Library.

Mr. VEST. Will the Senator from Maine permit me to interrupt him?

Mr. HALE. Certainly.

Mr. VEST. The very thing has occurred which I endeavored to anticipate and avoid this morning. I had not the most remote idea that this bill would be called up out of order. It was reported on the 1st of July. I was not at the committee meeting when the bill was considered. It is a part and parcel of the Dakota bill. I have all the authorities in my room, and can produce them here if a little time is given. As to the acts of the Territorial Legislature of Dakota, I would say to the Senator from Kansas if he will look at this pamphlet he will see references to the acts referred to by the Senator from Maine.

Mr. HALE. I have them all at home, as the Senator has.

Mr. INGALLS. Will the Senator from Missouri permit me to ask him a single question here?

Mr. VEST. Certainly.

Mr. INGALLS. I understand that in response to the Senator from Wisconsin the Senator from Maine stated that the counties affected by these territorial acts are not included in the area of the proposed Territory of Pembina.

Mr. VEST. That is true.

Mr. INGALLS. And therefore that his amendment must necessarily be intended merely as a menace or admonition to the counties which are so included that it would not be wholesome or salutary to them to enact such statutes hereafter. I would be as far as any person from encouraging repudiation, but it appears to me that if the counties affected by this legislation are not in this proposed Territory the amendment is not germane to the matter of the bill.

Mr. HALE. The Senator is mistaken. These counties are included in the operation of the territorial acts referred to.

Mr. INGALLS. Then what was the statement of the Senator upon the interrogation of the Senator from Wisconsin?

Mr. HALE. The Senator from Wisconsin asked whether the counties in the proposed territory are the counties the acts of which caused those laws to be passed. The laws are general, but the counties whose conduct gave rise to this transaction are not in this territory, which is what the Senator from Wisconsin referred to. The acts are general.

Mr. VEST. I am very well satisfied that this bill cannot be finished to-night. I am anxious myself to make some remarks upon it. The authorities are not here; the bill was taken up suddenly. I was not at the committee meeting, as I stated, when the bill was agreed to be reported, and I understand from my colleagues on the committee, the Senator from Arkansas [Mr. GARLAND] and the Senator from South Carolina, [Mr. BUTLER,] with whom I have conferred upon it, that they did not agree to report the bill favorably, but only that it should come before the Senate for consideration. I move that the consideration of the bill be postponed until a week from Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

Mr. GARLAND. I wish to make a statement in reference to the bill. The Senate will bear in mind that during this session of Congress there were several propositions sent to the Committee on Territories for the admission of a State in Southern Dakota, and also a proposition at the same time to take the northern part of Dakota and convert that into a territorial government of itself. The question was before the committee a good many different times, and finally it was suggested to the committee to report this bill, or a bill similar to it, providing for the organization of the Territory of Pembina from the northern part of Dakota Territory. The Senator from South Carolina [Mr. BUTLER] and myself upon that committee, reserving all questions of objection to the bill, agreed, as there was a majority of the committee favoring it, that it might be reported, but not that we should agree to take it up or should favor the bill, because the question suggested now by the Senator from Maine was a stumbling-block in the way, which he presented some months since in reference to the making of a State out of the southern part of Dakota.

In regard to the motion made by the Senator from Missouri, [Mr. VEST,] I hope it will prevail, because the bill in its present condition is very crude in reference to what has transpired already in the Senate with regard to the indebtedness, or at least the alleged indebtedness, of certain counties; but we can take it now that it is an absolute indebtedness, because the highest court in the country has so decided. In that respect I say the bill is crude and needs considerable reformation. Whether these counties are in the proposed Territory of Pembina or in the other portion of the Territory of Dakota, it would make no difference as to the legal liability of this new territory, if the old territory was liable for those debts or for any portion of them.

Mr. HARRISON. Will the Senator allow me to interrupt him? This was not a territorial debt at all, but a county debt, and there could be no question, I think, that no county in this new territory would be held answerable for the debts that are in controversy. They were municipal debts of particular counties, which are in the southern part of Dakota Territory.

Mr. GARLAND. The interruption of the Senator from Indiana is of course permissible, but it does not meet what I was stating. I remarked that if the present Territory of Dakota was in any way liable for these debts, or any of them, the liability would attach to the new territory *pro rata*.

Mr. MAXEY. I ask the Senator why not insert a clause in the bill to that effect?

Mr. GARLAND. That may be done. Admitting that the Senator from Indiana is entirely correct about this matter, that it is simply a municipal debt with which the territory, whether southern, northern, or what not, has nothing to do, yet there are obligations of Dakota Territory that necessarily follow all of this territory, however it may be dismembered, however it may be separated, however it may be divided. We had this question arising in reference to the debt of West Virginia and old Virginia, in which, in 11 Wallace's Reports, the Supreme Court held, as was the law recognized in this country and in England, that in the dismemberment of a territory the debt of the old territory followed that territory wherever it went.

Mr. HARRISON. Will the Senator allow me to interrupt him again? Is he able to state to-day that the Territory of Dakota as now organized has any territorial debt.

Mr. GARLAND. As I stated just now, I think she has, but whether she has or not I want to put it in this bill so that there can be no litigation, so that there may be no controversy about it; that if she has liabilities this new territory shall bear the burden of those liabilities *pro rata*. In view of that I wish time to look into the bill and prepare an amendment to it, and also that the amendment suggested by the Senator from Maine may be prepared according to the real facts of the case and the authorities as he has them.

Mr. HOAR. What does the Senator mean by *pro rata*? In what proportion? Population, or wealth, or size?

Mr. GARLAND. I mean in proportion to territory, to wealth, and to population. Some authorities go so far as to hold (and I think this is correct) that the new territory is liable for all the debts of the old or original territory.

While I do not wish to throw any obstruction in the way of the

consideration of this bill, I hope the motion of the Senator from Missouri will prevail.

Mr. SAUNDERS. Mr. President——

Mr. BUTLER. Will the Senator from Nebraska permit me to make a statement for a moment? When this question was considered by the Committee on Territories I was one of the members of that committee present and consenting to the bill being reported to the Senate. The Senator from Nebraska, the chairman of the committee, came to me afterward on the floor of the Senate and submitted an amendment which he has offered this morning, and to which I urged no objection. At the same time, I said to him that of course I should reserve the right to submit any amendment I chose on the floor of the Senate, although I had consented to report the bill. I state now that I did favor the reporting of the bill and have no objection to it.

I think there is great force in what the Senator from Arkansas and the Senator from Missouri have said. There are some very complicated and difficult questions that might come up in the consideration of this bill. As to how far this new territory may be liable for these debts, whether it is liable or may be liable at all, is a legal question. How far the territory of Southern Dakota may be liable, if liable at all, is also a legal question.

I therefore submit to the Senator from Nebraska that while I consented to a favorable report upon this bill, I think he would perhaps expedite its passage by consenting to the motion of the Senator from Missouri.

Mr. SAUNDERS. I thank the Senator for his candid and fair statement of the action of the committee. The Senator from Missouri was not present at the time the bill was reported. All the rest of the committee were in favor of reporting the bill or gave their consent to it. The Senator from Missouri was, I believe, in New York at the time and was not consulted, as he would have been if he had been here.

The objections raised by the Senator from Arkansas do not amount to anything, I think, when we come to inquire into the facts of the case, which are that there is, as we have been informed by the territorial officers of the Territory of Dakota, no debt against the Territory that is not provided for. The debt that is alluded to by the Senator from Arkansas and by the Senator from Maine is a county debt. The county in which Yankton is located voted certain bonds to a railroad, conditioned that the railroad company should build its road and its depots, &c., in accordance with the compact. That question is in suit; it is in court; it is now a matter to be settled by the court; but there is nothing, as I understand, that is not provided for in some other way; that is, by assessment against the property to pay all the debts of the Territory, as I have been told.

Mr. HALE. Let me ask the Senator, does he mean to say that the controversy between the bondholders and the county of Yankton is now in court?

Mr. SAUNDERS. I understand that it has been in court, at any rate.

Mr. HALE. It has passed entirely through; the courts have exhausted their process, and it is only the legislation that took place at the hands of the Territorial Legislature which prevented the mandate and process of the court from being executed. There is nothing further that the bondholders can do in court.

Mr. HARRISON. As I understand the Senator from Nebraska, he is practically right. It may be that this claim has gone to final judgment, and in the highest court; I think that is true; but still it stands as a judgment upon the dockets of the United States court in Dakota, and the process of that court is out for its collection, so that it is practically in court still.

Mr. HALE. By no means. That is precisely where the arresting hand of the Legislature of Dakota came in, in its rude and lawless fashion, to prevent what was the final judgment of the court from being executed—a most glaring and atrocious piece of repudiation, I tell the Senator from Indiana; one that neither he nor I can stand upon for a moment. If he investigates it he will not vote for it; he will not sustain it for a minute, nor will the Senator from Nebraska.

Mr. HARRISON. I have never believed that that question was involved here. I had supposed that if the creditors had an honest debt, as I believe they have, they will reach ultimately the collection of their debt, but I have not believed that the Senate of the United States should make itself a bailiff's officer to collect anybody's debts.

Mr. HALE. Does the Senator believe that when a Territory knocks at the doors for admission, with its hands fouled with the worst piece of repudiation, which it persists in carrying out, we have not a right to ask any questions about it?

Mr. HARRISON. So far as the amendment of the Senator from Maine is concerned, I have no objection to it as a member of the Committee on Territories. This discussion as to the relation of Southern Dakota, or those counties there, to that debt which is due to some of the Senator's constituents has no place here at all. I am entirely agreed to putting on the amendment he suggests, and that these laws which he regards as so obnoxious shall not by this bill we are now about to pass be made applicable to the Territory of Pembina.

Mr. HALE. That is my amendment.

Mr. HARRISON. I am entirely agreed to that, and I do not think there will be any serious controversy over it. We shall come to the other question when the debate is on upon the admission of Southern Dakota as a State. The question now is whether we shall organize the northern part of the present Territory of Dakota as a new Territory. I think there was not a member of the Committee on Territories, certainly not more than one, who, upon the statements made to us by the Delegate from that Territory of the geographical relations of the northern part of the Territory to the southern, did not agree that it was due to the people of the northern part of that Territory that they should have an independent government. I am told that access from the northern part of that Territory to the southern is by way of Saint Paul; that the people in the northern part of the Territory in order to reach the capital of their Territory must come entirely out of the Territory to Saint Paul and then go to Yankton, and that it is a distance of seven or eight hundred miles from parts of that Territory that they have now to travel to the seat of government. The two parts of the Territory are practically isolated, more so than many States in the Union which are five hundred miles apart.

I think it will be made clear when the discussion is on upon the merits of this bill that it is a simple act of justice to those people to give them an independent Territorial organization.

So far as the matter of the debt is concerned, as I have already said, I take it there will be no objection on the part of the Senator who is in charge of the bill to the amendment of the Senator from Maine. I do not know whether the legislation to which he refers changed the law at all. If I were to speak off-hand on this subject, I should say the resignation of those officers would take effect without reference to the law, from the time the resignations were filed with the proper person to receive them.

However that may be, I do not desire that that shall be drawn into this controversy. I am entirely willing that the amendment of the Senator from Maine shall be adopted and those particular laws which he regards as obnoxious shall not be by this enabling act made a part of the law of the Territory of Pembina.

The suggestion of the Senator from Arkansas is simply seeking in the clouds for objections. No one has affirmed upon the floor of the Senate that there is a debt to be divided. My impression is that there is none; that there is no debt now of the Territory of Dakota which we need by legislation to provide for apportioning between these two parts when they are severed by this enabling act; but if there is any debt at all, it is one that grows out of the construction of a public building in Southern Dakota, and the building will remain, and the debt to pay for it ought to remain on the southern part of the Territory.

We have a bill here that was introduced many months ago and that the entire body of the Committee on Territories present agreed should be reported. The Senate has by vote to-day determined to take it up, and we have already consumed some little time in a scattering discussion of some of its provisions. I hope we may go on to consummate it. There is abundant time (we shall hardly finish the discussion of it to-day) for any Senator to examine the bill and prepare any amendments that he thinks ought be incorporated in it.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska obtained the floor and yielded. Does he desire to go on?

Mr. SAUNDERS. I only wished to say when I rose and the Senator from Maine intervened that I do not know whether I shall object to his amendment when I hear the acts referred to read. My own opinion is, however, that we do not want to trammel the bill with anything connected with the difficulties of other Territories, and I hope no obstacle will be thrown in the way unless there shall be something that is really deserving proposed. I hope the amendments will be voted down and that the bill may be passed. Here is a country extending all the way from the northern boundary of Nebraska to the British possessions and from the western boundary of the State of Minnesota to the Territories of Wyoming and Montana which is all included in one Territory.

Mr. MORGAN. I desire to ask the chairman of the committee, for information, whether there is any mountain barrier or any desert country toward the center of Dakota which would prevent the people of the northern part of the Territory from coming down to the south by an overland route?

Mr. SAUNDERS. I do not think the country would prevent it; but there is no good road, as I have been told.

Mr. BUTLER. If the Senator will permit me I will make a statement.

Mr. SAUNDERS. One word more while I am on this point. There are no railroads running north and south through that Territory; the roads are all running from the east to the west and making their way to the mountains. In consequence of that to go by rail you would have to go, as was stated, by way of Saint Paul in order to reach the capital of the Territory.

Mr. MORGAN. If the Senator will allow me just there. What I wish to ask is, suppose the capital of the Territory of Dakota were removed to some point toward the center of the Territory, would not that entirely obviate the necessity of going around the elbow to get to the nose?

Mr. SAUNDERS. Certainly not; because it would only be removing it up in the level lands. The difficult lands to pass through would be still all north of that, because if the territorial capital were

removed it certainly could not go beyond about half way where they propose now to make the southern line of the new territory. There is not a member of the Senate here, I presume, who does not think that the present Territory of Dakota will be made two different States in coming time.

Mr. MORGAN. The country is entirely practicable for railroads, I understand, from its northern to southern boundary through the center.

Mr. SAUNDERS. The Senator is probably aware that railroads from the north to the south have not been built extensively, mainly because they do not pay, while they have from east to west; and in new countries we are glad to get roads built from the east to the west. By and by roads in that country will be built on north and south lines, but not at the present.

Mr. MORGAN. My question had no reference to the condition of the railways, but the practicability of building them from the northern boundary of Dakota to the southern boundary through the center of the Territory. I believe there is no dispute about that. It is an entirely practicable country for railways.

Mr. SAUNDERS. There are six degrees of latitude lying between the northern boundary of Nebraska and the British possessions, and that is all covered now by one Territory. There will be railroads in both these territories running from the east to the west at an early day; and I am told by parties who live in the northwest part of that Territory that it takes them more than a thousand miles' travel to get to their capital—more than a thousand miles of travel on any regularly traveled routes or in any way without crossing the wild lands, as we term them; I mean unsettled lands, or through the Indian reservations. It seems to me that as an act of justice we ought not to fail to pass a bill of some kind which will organize a separate territory for these people.

Now, Mr. President, in the other House—I know it is not proper to speak of what they are doing—but I will say that already a bill is pending there to add a fifth member to the judiciary, so as to accommodate this part of the country with a court. In the event that this bill should become a law, we should only have six judges in the whole Territory—I mean in both territories—and they will ask for five in case this thing is not done, for the one territory.

So far as these people are concerned, there is no kind of doubt of their having the necessary numbers. They had about thirty-five thousand in 1880, and they say themselves on an estimate they have made from the lands that have been entered, and from other data, that last January they had at least 60,000 people in the Territory that will be included within these boundaries. Surely, then, in any sense, these people are entitled to our consideration and to favorable consideration at this session.

We have put this matter off on account of the proposition that was made to make a State of Dakota. I believe that it should have been done; I believe it ought to be done yet. There are 150,000 people at least in that Territory, possessed with all the advantages of towns and of railroads to such a degree as no other Territory ever had, and with a wealth that no other Territory ever had when it was admitted into the Union; and we are about to close this session without passing any bill for their relief. I saw plainly that that bill would fail to become a law at this session, and therefore I urged on the committee the consideration of this bill at this time; and I must say that I had hoped that this bill would not meet with any opposition from either party or from the Representatives of any portion of our country.

It seems to me it is one of those things that appeal not only to the people of the Northwest, who are sympathizing with them greatly, because they know the wants of their neighbors, but the South, the East, and all other quarters ought to come up to consider the rights of these people, and consider not only what their rights are, but what our duty is to them, because they cannot do it for themselves. They cannot erect themselves into a territory; it requires Congressional action; and I think, now that we have got this bill before us, we should not delay taking action longer. It can be passed through, in my opinion, to-day, or within an hour as well as it can be within a week's time. Everybody knows something of what is required to be put in an act organizing a territory; we are all more or less acquainted with it; and many Senators here have helped to make numbers of such acts. If there is any amendment needed, let it be proposed. If amendments are proper admit them; if they are not, vote them down; but let us go on with this bill and not postpone it a day longer, but pass it now while we have it before us.

Mr. BUTLER. As I stated a while ago, I gave my consent to this bill in committee for the reasons that have been stated by the Senator from Arkansas, [Mr. GARLAND,] the Senator from Nebraska, [Mr. SAUNDERS,] the chairman of the committee, and the Senator from Indiana, [Mr. HARRISON.] It appeared to me from the showing made by the Delegate of that Territory and by a large delegation of very respectable and reputable gentlemen of intelligence, character, and property in that Territory, that there was very great reason why the Territory should be divided as is proposed by this bill.

As the Senator from Nebraska has stated, it was represented to us that the railroads all ran east and west, none running north and south, and the consequence was that the people living in the northern part of Dakota were subjected to very great inconvenience in getting to their capital. It is true that might be obviated to a very large extent by moving the capital to the central part of the Territory; but it was also demonstrated that railroads, for some cause which it is not necessary now to inquire into, did not run north and south, and it appeared to me that there was great reason in their request.

There is another matter which has not been stated. This Territory has, as I understand, geographically an area of about 150,000 square miles, an enormously large area, furnishing ample territory for two large States, and for one I shall have no objection at the proper time to their being admitted. I did oppose the admission of Southern Dakota as a State, and I shall continue to do it until I become satisfied that they have a population which will entitle them at least to one Representative in the lower House of Congress, but beyond that I do not propose to go.

I see no earthly objection to the people in the northern part of the Territory, thirty-five or forty, or perhaps fifty thousand inhabitants, having the benefits, if there are benefits, of a territorial organization, and hence I consented to the bill being reported.

As to the question of the debt of Yankton County, as I stated a while ago, it is very questionable how far the legislative department of the Government can or may properly go in the enforcement of an execution. Those are questions, however, which ought to be considered, and considered deliberately. I am perfectly frank to say that the conduct of the people of Yankton County in refusing to pay this debt is wholly indefensible, and I agree with the Senator from Maine [Mr. HALE] that it is thoroughly unjustifiable. If there ever was a case of justifiable repudiation, this is certainly a case that has no justification whatever.

Mr. VEST. I should like to ask the Senator from South Carolina a question. I ask him if the people that want this territorial government now were not parties to that repudiation, and did not vote for it? Here is the law that they passed in which they nullified the decision of the Supreme Court of the United States and made themselves parties to it, and if the people of Yankton were guilty the people who now apply for this territorial government are equally guilty, and here is the act that proves it.

Mr. BUTLER. That is a question which I do not undertake to enter into. I do not intend to endeavor to settle such questions. Whether or not the people of Northern Dakota were parties to this repudiation is a question which I think does not enter into this issue at all. As I said a while ago, I think it is entirely indefensible upon any possible principle, and I do not intend to justify it; but how far the Senate of the United States can correct the conduct of people in refusing to pay a judgment of a court is a question I shall not attempt to decide. I think it very likely, as the Senator from Missouri has said, that the very people who are now applying for the organization of a separate territorial government were as reprehensible as those who live in Southern Dakota; but whether that is to deprive them of a separate territorial organization is extremely doubtful. If the Senator from Maine, or any other Senator, proposes an amendment to this bill which will make them liable, if they are liable, I shall vote for it.

Mr. HARRISON. In response to the Senator from Missouri, I would say simply that it seems to me this is carrying this business very far, especially when we have so many States in the Union that have not a few municipalities that are in default upon their debts and have resorted to measures more extreme and indefensible than is represented to have been the case with Yankton County in Southern Dakota. I say that we are going a great way when we say to the people of the northern part of this Territory, "We will not admit you at all into territorial relations to the United States because the members of the Legislature from that part of the Territory in the Territorial Assembly voted for an obnoxious law." The Senator from Missouri says that the people of the northern part of Dakota, that portion of the people now proposed to be organized into a separate territory, are responsible for this repudiation or for this debt. I repeat again, that as to the debt they are no more responsible than his State or mine. It is a municipal debt, and the people of the northern part of this Territory are no more responsible for the debt of Yankton County than the people of Missouri are for the debt of any county in Missouri that may have defaulted on its obligations. It was upon the strength of the county, upon its tax duplicate, upon its assessable property, whatever it was, that this credit was given and these bonds issued. They are not territorial bonds. So that it is perfectly clear that they are not responsible for the debt, that if they were to remain forever a part of the Territory of Dakota not one dollar of the debt could ever be levied or assessed upon the property of a single inhabitant of Northern Dakota.

Mr. VEST. Nobody has ever stated that.

Mr. HARRISON. If nobody has stated that, I pass to the other proposition, which is that they are in some sense morally unfit to be organized as a territory because their delegates in the Legislative Assembly voted for this obnoxious law. Now I submit, Mr. President, that we have no information on that subject. I do not know whether the Senator from Missouri has gone through the vote on that bill, and is able to state here to-day that the representatives from the northern part of the Territory of Dakota voted for it.

Mr. VEST. There was no opposition.

Mr. HARRISON. There may have been no opposition to it; and where do we come now? The Senator from Missouri says that a brave people like those who occupy Northern Dakota, a people made up of immigrants from all our States, a people as intelligent, a people as well grounded in public and private morals as any in our States, are to be cut off from these relations and denied a territorial government because some members of the Legislature from Northern Dakota did not enter their protest against the passage of this law. I think the Senate is hardly ready to come up to that. I grant there is no information that they did it, but it is simply said there was no opposition to it. I submit, Mr. President, that this is a very slender ground for opposing the organization of this territory, that we must find something more substantial to resist what the Senator from South Carolina has conceded to be and what I think all the members of the Committee on Territories, except perhaps the Senator from Missouri, conceded to be a most reasonable request under the circumstances.

If the amendment of the Senator from Maine is adopted, then this obnoxious law is not in force in the northern part of this Territory, and I do not believe the Senators on either side of this Chamber are prepared to support the position of the Senator from Missouri, that because the delegates from the northern part of this Territory did not set themselves in opposition to these laws, therefore the people that they represented, or misrepresented if you choose, those who were there then and elected them and those who voted against them and the great population that has poured in there since are to be denied what would otherwise be their due because of the default or misfeasance of these members of the Legislature.

Mr. VEST. Mr. President, as the Senator from Nebraska stated, I was not present at the meeting of the committee when this bill was in a *quasi* sort of fashion agreed to be reported to the Senate. I was not in the city of New York, I would inform the Senator, though it is not at all disreputable to be there, but I was attending the Committee on Commerce, working upon the river and harbor bill, which has been reported to-day. I would much rather have been in New York if I had consulted my own convenience.

But, Mr. President, I put myself upon no new ground in regard to repudiation. I have fought it wherever it has lifted its head, in State, national, or municipal matters. The Senator from Indiana says that muncipalities in the various States have repudiated their obligations. Yes, sir; I do not know a State, the Senator's State, my own State, Illinois, Iowa, Nebraska——

Mr. HARRISON. Will the Senator particularize as to Indiana?

Mr. VEST. Does the Senator say that no municipality there has ever had any question about its indebtedness?

Mr. HARRISON. I do not say that. There are many that have, but I think he will find difficulty in designating one that ever repudiated its debt.

Mr. VEST. Well, Mr. President, if the Senator will state that there has been no municipality in his State that has ever questioned its indebtedness and litigated its indebtedness——

Mr. HARRISON. I cannot say that, because there are many municipalities that very justly and honestly contest debts that are presented against them, and some have in Indiana; but I do not recall, and I do not think the Senator can recall, any municipality in Indiana that has repudiated its debt. It may have litigated its debt to a judgment, but I do not know of any now that has not paid its debt.

Mr. VEST. I use the word "repudiation" because it has been used in this debate and generally in the debates of the Senate as applying to all those cases where municipalities have contested their indebtedness until the courts have decided against them. I know no case in the Northwestern States, in my own State particularly, where a municipality has refused to pay an honest and a legitimate indebtedness. The courts have decided against those counties upon technicalities and upon great principles of commercial law.

Mr. HARRISON. No; I asked the gentleman whether there have not been counties where the same thing has been done in Missouri that is charged here, where officers have resigned with a view of evading the process of the courts telling them to levy assessments to pay municipal debts.

Mr. VEST. I recall now one or two cases where county officers have resigned, but I recall no case—and that is the point to which I am coming to wipe away with one single sentence all the imputations made by the Senator from Indiana, or by those who agree with him in regard to this bill—there is no case in which the State of Missouri directly or indirectly through its Legislature ever indorsed any evasion of municipial indebtedness.

Mr. HARRISON. I made no such suggestion as that.

Mr. VEST. That is the point in the case. I know it has been published here in the public papers, by the Delegate from this Territory in the Republican of this city, that it came with poor grace from me to say anything about repudiation in Dakota when I came from a State that was honeycombed with repudiation.

Mr. HARRISON. I hope that reflection of the Delegate has not been attributed by the Senator from Missouri to the committee. I hope he will not allow that imputation to lead him into opposition to this bill.

Mr. VEST. I will undertake to defend my own convictions on this subject in my own fashion and not be influenced by anything of that sort. I allude to it simply to show the line of argument, or rather the unfair and false pretense to an argument which has been used to influence the public mind upon this question. The State of Missouri, let me say now once and for all time, indorses no such conduct as the people of Dakota were guilty of, or the people of Yankton and another county in that Territory, and which the whole Territory of Dakota indorsed. That is the point of the case.

The action of the municipality there repudiating its indebtedness, if permitted to stop there, would simply be the isolated case of that municipality; but when the Supreme Court of the United States had decided in favor of the bonds, bonds which they themselves induced parties to buy—and here is the evidence of it—bonds which they themselves put upon the market for the purpose of raising money to build a railroad that opened to them the civilization of the world; after all this had been done at their own instance and request, and the Supreme Court had decided that these bonds were honestly due and should be paid, then what was the result? After they had exhausted all legal remedy in the tribunal of last resort in the Union, the Territorial Legislature passed this act and nullified the decision of the Supreme Court, and the very people who are here to-day asking for a territorial government were parties to it.

Mr. HARRISON. Now, right there will the Senator allow me to ask him a question?

Mr. VEST. Yes, sir.

Mr. HARRISON. Has he any record to show first that any territorial representative from Northern Dakota voted for that bill?

Mr. VEST. Yes, sir. If the Senator wants the record I can produce it.

Mr. HARRISON. Then I want to ask a second question, whether he believes the people of that Territory should be denied territorial representation because their member or members of the Legislature did not vote in the way that he thinks would be consistent with right and justice upon a particular law?

Mr. VEST. If the Senator from Indiana will possess his soul in patience, I think I will remove any doubt upon that question. After the Supreme Court of the United States had decided in favor of this indebtedness, and in terms so emphatic and distinct that there could be no question in regard to it; after they had said the judgment of the supreme court of the Territory shall be reversed, and the cause remanded with instructions to reverse the judgment of the district court and direct judgment for the plaintiff on the facts as for such amount as shall appear to be due on the coupons sued for; after all that had been done, and there was but one solitary thing for honest people to do without nullification, and that was to pay the money and meet this judgment of the Supreme Court, the governor of that Territory called the Territorial Legislature together. They proceeded, then, without one dissenting voice, with a unanimous vote, a unanimous Legislature, to nullify the decision of the Supreme Court of the United States, and to say to that tribunal, "Your judgment shall go for nothing inside the territorial limits of the Territory of Dakota." They nullified it by passing certain acts which put it in the power of those municipalities to evade and destroy absolutely the judgment of the Supreme Court.

But before I read that act let me say to the Senator from Indiana that he knows as I know that the very gentlemen who apply now for this territorial government appeared before the Committee on Territories in connection with the same gentlemen who proposed a State government for Southern Dakota and defended this very legislation. They were asked in regard to their part of the indebtedness, one hundred of them being present, Northern Dakota being fully represented, and they defended this very action and said to this committee that there had been some little unpleasantness about the bonds, but the thing was all settled. How was it settled? It was settled by their passing acts of that Legislature which nullified the decision of the Supreme Court, and which makes it impossible to-day to collect one dollar of that honest indebtedness.

The Senator asks what did Northern Dakota have to do with it? Has Northern Dakota ever protested? Did not Northern Dakota help to pass the law? Did not Northern Dakota appear before our committee and defend it? What else could they do? Has there ever been any protest or any statement here that they had nothing to do with this legislation? The whole Territory stand by it as they stood by it then. Now let us see what they did do. The Senator from Indiana says there was nothing in the act which allowed these officers to resign so that the process of the courts should not be served upon them.

Mr. HARRISON. I suggest to the Senator whether their resignation would not have been sufficient.

Mr. VEST. No. The law was that they should remain in office until their successors were duly elected and qualified; but they determined that they would not stay in office. They resigned in order to avoid the mandamus of the United States court, refusing to levy any tax to pay this judgment. They then met at daylight in the morning, and in the fog and dew they levied a tax for ordinary territorial purposes and left out any tax to pay this judgment.

Mr. HARRISON. Lest the Senate may misunderstand, the gentlemen you are speaking of now are the county commissioners of Yankton County.

Mr. VEST. Yes, sir. They did that under this law, and under a law which Northern Dakota passed. That is the point. They did it with the instrumentality that these very gentlemen applying here to-day put into their hands. Here was the act:

CHAPTER 137.—RESIGNATIONS.

An act to amend section 1 of chapter 22 of the political code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. [Resignation of elective county officers.] That subdivision 4 of section 1 of chapter 22 of the political code be, and the same is hereby, amended to read as follows: "4. Of all elective officers by filing or depositing such resignation in writing in the office of the county clerk, except that of county clerk, which shall be filed or deposited with the board of county commissioners, which resignation, unless a different time is fixed therein, shall take effect upon such filing or deposit."

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 12, 1881.

(See Session Laws of Dakota for 1881, page 219.)

In other words, in order to evade this judgment they left the county without any county officers at all; and it remained in that condition, disorganized and without any political organization at all, for months and months for the simple and sole purpose of carrying out this repudiating intent. But more than that, here is the act which did the mischief; here is the act upon which they relied. There was not a solitary vote from Northern Dakota against it:

CHAPTER 54.—COUNTIES—JUDGMENT AGAINST.

An act to amend section 14 of chapter 21 of the political code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. [Power of commissioners to assess tax.] That section 14 of chapter 21 of the political code be, and the same is hereby, amended to read as follows:

"SEC. 14. When any judgment is obtained against a county the board of county commissioners shall have power, at any time after the expiration of six months from the rendition thereof, to assess and collect a sufficient amount of revenue, under the provisions of said chapter 21, to pay off and discharge said judgment, in addition to the ordinary expenses of the county. But the property of the county and of persons owning property, situated or liable to taxation therein, shall in no case be subject to judgment lien or liens, nor to seizure or sale upon execution or other process of any court."

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Indorsed: "Received at executive office, February 11, at 5.30 p. m."

NOTE BY THE SECRETARY OF THE TERRITORY.

The foregoing act having been presented to the governor of the Territory for his approval, and not having been returned by him to the Council of the Legislative Assembly, in which it originated, within the time prescribed by the organic act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.

(See Session Laws of Dakota, 1881, pages 63 and 64.)

This act was passed after the judgment of the Supreme Court was rendered, and it provides in the first place that for six months the county commissioners shall have no power to levy any tax at all to pay a judgment, and it provides in the second place that even if they do under a mandamus of the Supreme Court or the circuit court of the United States levy such a tax it shall be absolutely null and void, because no property of the municipality and the property of no individual in the municipality shall ever be taken for the payment of that judgment under mandamus. By that act they absolutely nullified the decision of the Supreme Court of the United States. It is worth to-day not the paper on which it is written unless this act of the Territorial government of Dakota is wiped out of existence. And yet in the face of that, with this great abuse, with this outrageous violation of the confidence placed in them by the Congress of the United States, they have the insufferable impertinence to come here and ask for another territorial government, and the Senator from Indiana wants to know the reason why these people should not be again trusted. I point to that statute-book; I point to the degradation that they have brought upon the judiciary of the United States; I point to the stigma they have inflicted upon common honesty and public credit; and I ask now if this Congress is to put in the hands of these men the very same trust which they have before violated and outraged. Sir, are we to be told that we cannot investigate the conduct of a territorial organization when a part of that same organization comes here and asks now to be given the very same powers which they had before misused?

But, sir, I do not propose to elaborately discuss this matter. I have the proof, the documentary proof of every assertion that I have made. I can show it by the record of the Territorial Legislature. The Senator from Indiana knows that common cause was made by Southern and Northern Dakota for these two bills. They are part and parcel of the same legislative scheme. The Senator from Nebraska had two bills to report, one for a territorial government in Northern Dakota and the other for the admission of Southern Dakota as a State. When he found that opposition, and strenuous opposition, was made to the admission of Dakota as a State on the grounds which I have imperfectly delineated here to-day, then the Senator falls back upon his territorial bill, and if that is carried and a new territory is organized under this act, then it follows as a logical deduction that the State of Dakota must come in in spite of the legislation to which I have referred. I submit to the representatives of sovereign States whether you can take one single step toward the admission of a State (because its territorial form is simply its childhood, afterward to be perfected in the form of a State government) with this legislation unrepealed and unrepented, standing here to-day before the world defended by the people, defended by the authorities, with incipient candidates for the Senate and for Congress and for governor upon these very bills. I submit to the Senate whether the representatives of sovereign States can afford to take even one step toward the creation of a State with a people entertaining such sentiments and such practices?

It is not for me to allude to debates in the past when the party to which I belong has been stigmatized as the party of repudiation. It is not for me to allude to those heroic declamations we have heard here in favor of public credit and public honesty. The Southern States have been denounced as repudiating organizations and communities, because under the insufferable agony of degradation and bankruptcy, brought on by an unfortunate war, they have not met their obligations. Municipalities in the Northwest have failed to meet their indebtedness, but I say now and here, and I pledge myself as a public man to it, that I shall be true to the record that I have always made upon this subject of repudiation. I will never vote for any Territory, I will never vote for any State which comes to Congress stained with repudiation as these people of Dakota stand to-day. If they want to show themselves fit for a territorial government let them get rid of the acts which under the territorial government they have placed upon the statute-books.

Mr. SAUNDERS. Will the Senator vote for the bill if the amendment of the Senator from Maine is accepted?

Mr. VEST. With certain amendments and with very considerable amendments, I might be induced to vote for this bill.

Mr. BUTLER. Will the Senator from Missouri yield for a motion to go into executive session?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. VEST. I yield to that motion.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. SAUNDERS. I hope a vote will be taken on the bill.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 25, noes 15.

Mr. ROLLINS called for the yeas and nays, and they were ordered.

The Acting Secretary proceeded to call the roll.

Mr. RANSOM. I am paired generally with the Senator from Illinois, [Mr. LOGAN.] This seems to be taking rather a political cast, but the Senator from South Carolina [Mr. HAMPTON] is not here, and with the approbation of his colleague I have paired Mr. HAMPTON with Mr. LOGAN. I vote "yea."

Mr. CAMERON, of Wisconsin, (after having voted in the negative.) I am paired with the Senator from Mississippi, [Mr. GEORGE,] and withdraw my vote.

Mr. ALLISON, (after having voted in the negative.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.] I therefore withdraw my vote.

Mr. GARLAND, (after having voted in the affirmative.) I withdraw my vote. I do not know how the Senator from Vermont [Mr. EDMUNDS] would vote if here. I withdraw my vote, as I am paired with him.

Mr. JOHNSTON, (after having voted in the affirmative.) I withdraw my vote also, as I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The result was announced—yeas 29, nays 25; as follows:

YEAS—29.

Bayard,	Davis of W. Va.,	Jones of Florida,	Vance,
Beck,	Farley,	Maxey,	Vest,
Brown,	Gorman,	Morgan,	Voorhees,
Butler,	Grover,	Pendleton,	Walker,
Call,	Hale,	Pugh,	Williams.
Cameron of Pa.,	Harris,	Ransom,	
Cockrell,	Jackson,	Saulsbury,	
Coke,	Jonas,	Slater,	

NAYS—25.

Aldrich,	Frye,	McMillan,	Saunders,
Anthony,	Harrison,	Mahone,	Sawyer,
Blair,	Hawley,	Miller of Cal.,	Sherman,
Chilcott,	Hill of Colorado,	Morrill,	Windom.
Conger,	Hoar,	Platt,	
Dawes,	Ingalls,	Plumb,	
Ferry,	Lapham,	Rollins,	

ABSENT—22.

Allison,	Garland,	Jones of Nevada,	Miller of N. Y.,
Camden,	George,	Kellogg,	Mitchell,
Cameron of Wis.,	Groome,	Lamar,	Sewell,
Davis of Illinois,	Hampton,	Logan,	Van Wyck.
Edmunds,	Hill of Georgia,	McDill,	
Fair,	Johnston,	McPherson,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened, and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 5*, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Monday's proceedings was read and approved.

PUBLIC BUILDING AT SHREVEPORT.

Mr. BLANCHARD. I ask for the regular order of business.

The SPEAKER. The regular order of business coming over by unanimous consent from Monday is the motion of the gentleman from Louisiana [Mr. BLANCHARD] to suspend the rules and take from the Speaker's table the bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana, and pass the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building of bricks or stone, with fire-proof vaults, for the accommodation of the post-office, United States courts, internal-revenue, Signal Service, customs, and other Government officers at the city of Shreveport, State of Louisiana; and that for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, to be expended under the direction of the Secretary of the Treasury, who shall, upon the passage of this act, cause the proper plans and specifications to be made, so that no expenditure shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated upon the plans to be previously approved by the Secretary of the Treasury: *Provided*, That no part of the money herein appropriated shall be expended until a valid title to the site of said building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys, shall be vested in the United States, and until the State of Louisiana shall duly relinquish and release its jurisdiction over the same, and its right to tax said site and the property thereon belonging to the United States.

Mr. HOLMAN. I would like to ask the gentleman from Louisiana if there is any limitation fixed upon the cost of this building before the amount appropriated can be made available? There is nothing said about the limitation as far as I have been able to gather from the reading of the bill.

Mr. BLANCHARD. I will state to the gentleman from Indiana that this is a Senate bill and appropriates $100,000, which is the total amount to be expended for the construction of this public building. It passed the Senate in the early part of April, and came here as a Senate bill. It found here upon the Calendar of the Committee of the Whole on the state of the Union a similar bill which had been unanimously reported favorably by the House Committee on Public Buildings and Grounds, agreeing to the same sum of $100,000.

Mr. HOLMAN. That is not the point to which I desire to call attention. My friend will notice, as I gather from the reading of the bill, that there is no limitation as to the cost of this building.

Mr. BURROWS, of Michigan. I presume it had better be understood that a second is ordered.

The SPEAKER. Without objection it will be so understood.

There was no objection.

Mr. HOLMAN. What I desire to call attention to is that I believe there is no limitation except the appropriation of $100,000 named in the bill——

Mr. BLOUNT. I would ask the gentleman from Louisiana if he has any objection to limiting the expenditure to $100,000?

Mr. BLANCHARD. I have no objection to it whatever; but an examination of the bill will show that it is already limited to $100,000, and there is no necessity for such an amendment. If an amendment is adopted it will compel the bill to go back to the Senate for concurrence; and as there is no need for the amendment, I do not wish it to take that course and risk its passage.

Mr. HOLMAN. But the gentleman misapprehends altogether my purpose. The present law provides that the Secretary of the Treasury shall not allow the expenditure of any money for such purposes until there is a limit fixed to the expenditure for construction. I move to add as an amendment to this bill that the cost of the building shall not exceed $100,000.

The SPEAKER. A motion to amend the motion of the gentleman from Louisiana would not now be in order.

Mr. ATKINS. I will ask the chairman of the Committee on Public Buildings and Grounds if it is not usual to place a limit in bills providing for the construction of public buildings?

Mr. SHALLENBERGER. Invariably.

Mr. BLANCHARD. This bill limits the amount, as will be seen, to $100,000.

Mr. HOLMAN. I find on examining that it provides that—

For this purpose there is hereby appropriated $100,000; * * * and that no expenditure shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated, &c.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Louisiana.

Mr. BURROWS, of Michigan. I desire, in order that the House may act with its usual moderation in these matters, that the gentleman from Louisiana will explain the necessity for this building.

Mr. BLANCHARD. I will do it with pleasure. If my friend from Michigan had read the RECORD of yesterday morning, he would not have needed to ask an explanation of the bill, for I carefully prepared, and by consent of the House had printed in the RECORD a statement giving the reasons and necessities for the erection at Shreveport of this building. I will say to my friend from Michigan that there is but one public building in the State of Louisiana, belonging to the Federal Government, and that is in New Orleans. That was constructed something like forty years ago. Since that time it has paid for itself over and over again, so that so far as the General Government is concerned it is not out of pocket any money for the construction of public buildings in Louisiana.

The city of Shreveport is the second city in importance in the State of Louisiana. It is in the southwestern part of the State, while New Orleans is in the southeastern portion. The United States courts are held at Shreveport. It is the headquarters of the internal-revenue department of that district and the internal revenue collected there averages about $30,000 a year, as I am informed by the deputy collector. The post-office at Shreveport does quite an important business and pays over $5,000 a year net revenue to the Government. Besides this, there is a marine hospital established there; there is a signal service or meteorological office, and some years ago it was made a port of delivery, and there is a customs officer stationed there continually. The Secretary of the Treasury, over his own signature, shows that the rental paid for the public buildings now used there by the Government amounts to about $1,800 a year, and the accommodations thus provided are entirely inadequate.

Mr. BURROWS, of Michigan. May I ask the gentleman from Louisiana when the United States courts were authorized to be held in that city?

Mr. BLANCHARD. I will say to the gentleman from Michigan that before the war Louisiana constituted two Federal judicial districts, and that since the war up to 1880 it only constituted one district, and the Federal courts were held only in the city of New Orleans. But in the Forty-sixth Congress the State was divided into two judicial districts, the eastern and the western, and Shreveport is the principal city of the western district.

Mr. BURROWS, of Michigan. That law was passed, I believe, on the 3d of March last year.

Mr. BLANCHARD. It was passed in the Forty-sixth Congress, but the exact date I am not able now to give, not having been a member of that House. The district judge, I will say, lives in that city, and also the district attorney.

Mr. BURROWS, of Michigan. I only desire to say a word with reference to this matter. The western district of Louisiana was established on the 3d day of March a year ago. The act establishing that district went into effect on the 1st day of July, so that it has only been about a year since that district was established. By the act creating the western district the United States courts were authorized to be held at four different places in that district—Alexandria, Shreveport, Monroe, and some other place—perhaps the gentleman can state what it is.

Mr. ELLIS. Opelousas.

Mr. BURROWS, of Michigan. United States courts were authorized to be held at four different places in that district. Now I submit this to the attention of the House, whether we are not acting hastily in erecting a public building at Shreveport within one year after the district is created, before we can know what ought to be known as to the point where business would naturally center. I am advised that the entire expense of these four courts—three perhaps only have been held in the year—is a little over $12,000 for the whole district, including marshals' fees, witness fees, and jurors' fees—something over $12,000. There was no business whatever at Shreveport in July, 1881, as appears by the report of the district attorney.

Mr. BLANCHARD. What does the gentleman state?

Mr. BURROWS, of Michigan. The report of the district attorney for the July term, 1881, shows there was no criminal business at that point.

Mr. ELLIS. That shows the morality and virtue of the people.

Mr. BLANCHARD. The gentleman by reference to the report will observe that there were cases on the docket.

Mr. BURROWS, of Michigan. There were some cases on the docket, but they were not tried. The report of the district attorney for the May term of this year, which I saw this morning, states there was not sufficient business to justify the drawing of a jury. That was in May, at Shreveport. At Monroe there were over eighty cases. And there seems to be greater reason for erecting a public building at some other point, I will say to my friend from Louisiana, than at Shreveport; for while the report shows there was no business, or very little business, at Shreveport, at other points, or at least at one point, there were nearly one hundred cases on the calendar.

I simply submit to the House and to my friend from Louisiana whether we are not acting prematurely in erecting a public building at Shreveport within one year after the district is created and when by the law the court is to be held at four different places in that district? Would it not be well to wait until we see where the business would center, and we can then erect the building at the point where it seems most to be demanded?

Mr. BLANCHARD. I will say to the gentleman from Michigan that in May, when the United States district court held its sittings there, it was during the period when that country, or a large part

of it, was under water. And I will say to him that if a jury had been drawn to attend that Federal court on that occasion it would have been with the greatest difficulty that jurymen could have gotten there.

Mr. BURROWS, of Michigan. Will the gentleman allow me to say that in the month of July there were no criminal cases pending, as appears by the report of the district attorney.

Mr. BLANCHARD. I will say to the gentleman that the parish of Caddo, of which Shreveport is the county seat, is, next to the parish of Orleans, the richest parish in the State. The State district court sits there the entire year, with the exception of three months in the summer; and the only reason in the world that there was not a crowded docket of the Federal district court in May was that that was the first time under the rules of the court, after this court was established, that the term was held, and you know where a term is held for the first time in a city there are very few cases on the docket. But the fact that the State district court—that parish constituting one State judicial district—sits the entire year round, and that its docket is crowded with cases, goes to show that is the place outside of the city of New Orleans where there is the greatest amount of litigation.

I yield to my colleague, [Mr. ELLIS.]

Mr. ELLIS. I would like to state that Shreveport, doing a very large business with the States of Texas and Arkansas, selling and buying goods in those two States, and also having commercial relations with the Indian Territory, there is bound to be a great deal of Federal business in the Federal court at Shreveport. And, Mr. Speaker, I do not know why this opposition should spring up, when, day after day and time after time, public buildings are voted to towns and villages with not one-fourth of the population, with not one-tenth, ay, not one-twentieth, of the commercial importance of Shreveport—to Harrisonburgh and places like that, and a place in Illinois where there is no Federal court at all.

Mr. RYAN. And two places in Missouri where there are no Federal courts.

Mr. ELLIS. That there is no criminal business speaks well for the morals and virtue of that most excellent community, and I trust there never will be any criminal business on its docket. But there is bound to be very large and very important litigation, especially in cases arising from the river, involving questions of maritime jurisdiction, while the fact that the State district court occupies the court-house nearly the entire year will not permit it to be used for the United States court, as is the case at Monroe. Now, Monroe has a large and commodious court-house which can be used for the Federal court, the State court not using it more than four months in the year, while the State district court and the supreme court, sitting in Shreveport, occupy its court-house nearly the entire year.

I ask the House to vote for this bill and pass it as a matter of justice and a matter of right.

The SPEAKER. The question is upon the motion of the gentleman from Louisiana [Mr. BLANCHARD] to suspend the rules and pass the Senate bill which has been read.

The question was taken; and upon a division there were ayes 82, noes 32.

Mr. BURROWS, of Michigan. It seems to me that we had better have tellers on that motion; it will not take long.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] calls for tellers.

Mr. BRAGG. I make the point that no quorum has voted; that will settle the question of tellers.

Tellers were ordered; and Mr. BLANCHARD and Mr. BRAGG were appointed.

The House again divided; and the tellers reported—ayes 113, noes 33.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 6241) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I ask consent that the general deficiency appropriation bill, just returned from the Senate with amendments, be printed with the Senate amendments numbered.

There was no objection, and it was so ordered.

DUTIES ON SUGAR AND MOLASSES.

Mr. ALDRICH, by unanimous consent, introduced a bill (H. R. No. 6717) to repeal so much of an act approved March 3, 1875, as imposes additional duties on sugars and molasses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. ALDRICH also, by unanimous consent, introduced a bill (H. R. No. 6718) to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BIDS FOR MAIL ROUTES.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. No. 6719) to amend section 3953 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ROBESON. I move to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. ROBESON. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the naval appropriation bill.

Mr. TALBOTT. I ask the gentleman to yield to me for one minute.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is called for, which is the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAGE in the chair.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. The pending amendment is the one offered by the gentleman from Maine, [Mr. REED,] and will be read.

The amendment was read, as follows:

On page 17 of the printed bill, strike out all after the word "provided," in line 396, to and including the word "and," in line 399; also strike out the word "it," in line 399, and insert in lieu thereof the words "the foregoing sum;" also strike out the words "appraised value of the same," in line 401, and insert in lieu thereof the words "the estimated cost of a new vessel of the same size and of like material;" so that it will read:

"*Provided*, That none of the foregoing sum shall be applied to the repairs of any wooden ship where the expense of such repair shall exceed 30 per cent. of the estimated cost of a new vessel of the same size and of like material."

Mr. BLOUNT. I desire to make a point of order on that proviso before the amendment is voted upon.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. My point of order is that the proviso changes existing law and does not retrench expenditures.

Mr. HISCOCK. It is too late to make the point of order now against the proviso.

Mr. BLOUNT. Not at all.

Mr. REED. It is too late to make it against the amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] will state his point of order.

Mr. BLOUNT. It is that the proviso changes the existing law in many particulars. First, where it declares that "not more than $400,000 of the foregoing sum shall be applied to the repairs of any wooden ships;" second, that "none of it shall be applied to the repairs of any wooden ship where the expense of such repair shall exceed 30 per cent. of the appraised value of the same;" and also that "any part of the appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board."

The first two propositions I object to because they change existing law and provide that certain things shall be done which now may not be done, and do not retrench expenditures. The last proposition in reference to construction of new cruising vessels is in violation of the statute which provides that no contract shall be made by the Navy Department until an appropriation shall be made adequate to its fulfillment. It is not claimed here that the appropriation is adequate to the fulfillment of this contract. On the contrary, the commencement of these vessels is authorized out of a part of this fund.

Mr. HISCOCK. This proposition has been under consideration and an amendment has been offered to it and the amendment voted upon. It is too late now to make the point of order.

Mr. REED. You might as well make the point of order next week.

Mr. BLOUNT. An amendment was offered, but not to all of these propositions. I do not understand that because an amendment has been offered to one part of a section which is not liable to a point of order, therefore a point of order cannot be made against another part. All points of order were reserved on all of these provisions before we went into Committee of the Whole.

I understand that the amendment of the gentleman from Maine [Mr. REED] to which reference has been made is simply a proposition to strike out the provision as to the 30 per cent., and nothing more. It was also agreed in Committee of the Whole that this provision should be passed over and taken up to-day.

Mr. ROBESON. That proposition and agreement, I will remind the gentleman, were not made until after the amendment had been offered, voted on, and carried, and the point of no quorum made.

Mr. BLOUNT. Then nothing has been done.

Mr. HOLMAN. The point of order, as I understand, applies to the amendment offered by the gentleman from Maine.

Mr. BLOUNT. I have made, if the gentleman will allow me, several points of order. The amendment of the gentleman from Maine refers, as I remember, to the 30 per cent. provision. My point relates to several other propositions. It would be singular if, where there are several legal propositions, and to one of those a point of order is not made, but an amendment, the vote on that amendment precludes the consideration of a point of order as to the other succeeding propositions.

The CHAIRMAN. The Chair is of opinion, from an examination of the RECORD and from his recollection of what occurred, that the point of order comes too late. When this clause of the bill was reached no point of order was made against it. The gentleman from Maine [Mr. REED] then offered an amendment to perfect the text, to which there was no point of order; and the gentleman proceeded to debate his amendment. Therefore the Chair is clearly of opinion that the point of order comes too late.

Mr. BLOUNT. Does the Chair rule that it is too late to raise a point of order as to every proposition of law in this paragraph, or simply that it is too late to raise a point upon the proposition to which the amendment of the gentleman from Maine relates?

The CHAIRMAN. The Chair will decide that question when it arises. The point of order which the Chair understands the gentleman now to make is against the amendment offered by the gentleman from Maine.

Mr. BLOUNT. Not at all; my point of order goes to the several legal propositions in this bill.

The CHAIRMAN. It is now too late, the Chair holds, to raise a point of order against the paragraph, as an amendment to it has been offered and discussed.

Mr. BLOUNT. Do I understand the Chair to hold that where there are three distinct propositions and an amendment has been offered to one it is necessary before that amendment is disposed of that a point of order shall be raised on the several succeeding propositions or the right to do so is forfeited? I ask this question for information.

The CHAIRMAN. The Chair holds that as this matter was passed over, and by agreement the gentleman from Maine offered an amendment to perfect the text of the paragraph, and as there was no point of order made at the time, the point of order now comes too late. The question is upon the amendment offered by the gentleman from Maine.

Mr. BLOUNT. Do I understand the Chair to rule that every succeeding proposition is subject to a point of order?

The CHAIRMAN. The Chair will rule upon succeeding points of order when made.

Mr. BLOUNT. I have made a point of order on the succeeding propositions; and I simply desire to understand the ruling of the Chair, which I trust I may be allowed to do.

Mr. HISCOCK. I suppose that when a bill has been read to a certain point and an amendment is offered and considered it is too late to make a point of order upon what has been read.

Mr. BLOUNT. I do not understand the gentleman's argument to go as far as that of the Chair.

The CHAIRMAN. The Chair will cause the Clerk to read from the RECORD the proceedings upon this matter.

Mr. TALBOTT. The entire paragraph was read.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, $1,750,000: *Provided*, That not more than $400,000 of the foregoing sum shall be applied to the repairs of any wooden ships, and that none of it shall be applied to the repairs of any wooden ship where the expense of such repair shall exceed 30 per cent. of the appraised value of the same; and any part of the said appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board, as approved by the Committee on Naval Affairs of the House of Representatives in their report, numbered 653, made to the House of Representatives March 8, 1882.

Mr. REED. I desire to move an amendment to this paragraph.

Mr. RANDALL. Allow me to suggest that we are now entering upon the consideration of the construction clause of the bill and there is a very thin House here.

Mr. ROBESON. We can perfect the text.

Mr. RANDALL. I do not want to impede the bill in any way, and yet I feel that we ought to have a fuller House to consider it than we now have. We might pass over this portion for the present.

Mr. REED. Let my amendment be read.

Mr. HISCOCK. The amendment of the gentleman from Maine [Mr. REED] is really to perfect the text.

The CHAIRMAN. The amendment of the gentleman from Maine will be read.

The amendment was read, as follows:

"Strike out these words:

"'*Provided*, That not more than $400,000 of the foregoing sum shall be applied to the repairs of any wooden ships, and that none of it shall be applied to the repairs of any wooden ship where the expense of such repairs shall exceed 30 per cent. of the appraised value of the same.'

"And insert in lieu thereof the following:

"'*Provided*, That none of the foregoing sum shall be applied to the repair of any wooden ship where the expense of such repair shall exceed 30 per cent. of the estimated cost of a new vessel of the same size.'"

Mr. ATKINS. I think that before the amendment of the gentleman from Maine [Mr. REED] is considered we should determine whether we intend to appropriate $1,750,000 for this Bureau of Construction and Repair, as provided in this bill.

Mr. REED. I would like to submit some remarks on my amendment.

Mr. ATKINS. For myself I am not in favor of giving that much.

The CHAIRMAN. The gentleman from Maine [Mr. REED] is entitled to the floor for five minutes.

The CHAIRMAN. The Clerk will now read from the Manual.

The Clerk read as follows:

But after a question has been stated and its discussion commenced, it is too late to raise the question of consideration.—*Journal*, 1, 17, pages 296, 297.

[It is too late, after the House has proceeded to the consideration of a proposition, to make a "point of order" that such proposition is not in order under the rules.]

Mr. BLOUNT. That is not my point. I ask the Clerk to read the amendment of the gentleman from Maine.

The Clerk again read the amendment of Mr. REED.

Mr. BLOUNT. I ask to be heard a single moment. The ruling which the Chair has had read is that where an amendment has been offered and debated a point of order does not lie. I am not making a point of order on the amendment of the gentleman from Maine. I acted under that very rule. I do not think that the amendment of the gentleman from Maine is liable to the point of order at this time. When that shall have been disposed of, it seems to me, the rule will then operate on the balance of the paragraph. But it was not to his amendment I made the point of order; and if it will be more satisfactory to the Chair I will wait until it is acted on, and then raise the question of order. It is to the bill I am making the point of order, and the rule relates to the amendment.

The CHAIRMAN. The Chair understood the question which was being considered to be on the amendment of the gentleman from Maine. [Mr. BLOUNT rose.] In a moment. The Chair understood the gentleman from Georgia to raise the point of order that it changed existing law, and it was on that point of order the Chair ruled. It has not ruled on the other question, but will when the time comes.

Mr. BLOUNT. I have no doubt the ruling of the Chair is correct. If I lose no right by doing so, I am willing to wait until the amendment of the gentleman from Maine is acted on. But I desire to reserve all points of order.

Mr. ROBINSON, of Massachusetts. It must not be assumed by our silence the gentleman from Georgia is correct, because I am of opinion he is manifestly wrong. When he says he does not waive anything he must not take it for granted we assent to his proposition.

Mr. BLOUNT. I am not trying to gain any advantage. I reserve all points of order in order that the amendment of the gentleman from Maine may be acted on, and in order that I may be under no disadvantage.

Mr. ROBINSON, of Massachusetts. I am perfectly willing my friend shall reserve all points of order he has, but we do not want him to get anything he has not now.

Mr. REED. The gentleman from Georgia does not reserve anything when he reserves the point of order, for after the consideration of a question it is impossible to raise a question of order on it.

Mr. BLOUNT. I think the gentleman misunderstands me. I am not reserving any question of order on his amendment.

The CHAIRMAN. The gentleman from Georgia, the Chair understands, reserves his rights under the rule and nothing more.

Mr. REED. He is entitled to those.

Mr. HOLMAN. I ask that the amendment in connection with the text of the bill be again reported to the House, so we may understand exactly what will be its effect if adopted.

The amendment was read as suggested.

Mr. BLOUNT. I do not like to trouble the House, but I should like to have that amendment again read. It is a very important one, and it should be thoroughly understood before it is adopted.

The amendment was again read.

Mr. ATKINS. As I suggested to the gentleman from Maine when this bill was last up, it would seem it would be more regular for the House to consider first what sum it would appropriate, and therefore I suggested to the gentleman the other day to make a motion to reduce the amount to $1,500,000.

Mr. REED. What is it?

Mr. ATKINS. The appropriation in the bill is $1,750,000. I propose an amendment reducing the sum to $1,500,000.

Mr. REED. We had better take the matter up in its regular order.

Mr. ATKINS. That would be the regular order, because we have passed over the sum appropriated, and the gentleman moves to amend the proviso, the appropriation preceding that proviso.

Mr. REED. But the gentleman in charge of the bill desires this to be put on as expressive of the sentiments of the committee. He desires it to be adopted as part of the presentation of the matter to the House, and therefore perhaps it will be well to adopt that, and then we can take up the next question.

Mr. ATKINS. If that is the wish of the gentleman, I yield.

Mr. REED's amendment was adopted.

Mr. HARRIS, of Massachusetts. I send to the Chair a substitute for the whole of the section.

Mr. BLOUNT. I rise to a point of order.

The CHAIRMAN. The Chair has recognized the gentleman from Massachusetts to offer a substitute.

Mr. BLOUNT. I raise the point of order I suggested awhile ago. Mr. REED'S amendment does not touch any part of the appropriation——

The CHAIRMAN. The Chair cannot understand when there is so much confusion and two or three gentlemen are talking at the same time. The gentleman from Massachusetts [Mr. HARRIS] offered an amendment, when the gentleman from Georgia [Mr. BLOUNT] rose to a point of order against the entire paragraph. The Chair will hear the point of order.

Mr. HARRIS, of Massachusetts. If the gentleman from Georgia will yield to allow this to be read, he will perceive that the amendment which I offer is one covering the balance of this portion of the bill and includes the amendment offered by the gentleman from Maine [Mr. REED] and just adopted by the committee. The point of order the gentleman seeks to make lies against the amendment, as I understand it, incorporated in the section, and will not be involved or interfered with by allowing this amendment to be considered first.

Mr. BLOUNT. We will come to that in due order.

Mr. HARRIS, of Massachusetts. It is in due order now.

Mr. BLOUNT. Well, we differ about that.

The CHAIRMAN. The Chair will hear the gentleman from Georgia to state the point of order.

Mr. BLOUNT. The point of order that I make is against that portion of this provision which provides that—

Any part of the said appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance of the recommendation of the naval advisory board as approved by the Committee on Naval Affairs of the House of Representatives, &c.

The point I make is that this provision of the bill changes existing law. The statute——

Mr. HISCOCK. It is understood, Mr. Chairman, that the question as to whether this point of order is made in time is not waived. I make the point of order now that the gentleman from Georgia delayed making the point of order against this paragraph of the bill until too late; and I wish it to be understood that that question is not waived.

The CHAIRMAN. The Chair is simply hearing the gentleman from Georgia on his point of order.

Mr. HISCOCK. But the point of order, heretofore made, that he is too late in making this point of order is not waived.

Mr. BLOUNT. My friend replies to the point of order before I get through.

Mr. HISCOCK. No, I am not replying to the point of order, but simply calling attention to the fact that the gentleman from Georgia is undertaking to discuss this point upon its merits. If that be so, the first question to be considered is whether the point of order was made in time.

Mr. BLOUNT. If allowed to proceed, Mr. Chairman, I will state my question of order before the gentleman from New York undertakes to decide upon it.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. BLOUNT. I desire to call the attention of the Chair in this connection to section 3732 of the Revised Statutes, in the following words:

No contract or purchase on behalf of the United States shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Now, here is authority to provide for the commencement of the construction of certain vessels not authorized by this statute or any existing law. Here is authority to proceed to make contracts for the construction of vessels, without any allegation, assertion, or pretense that the sum here claimed will do anything more than merely commence them. I therefore make the point of order without entering into a further discussion of it, that this portion of this bill is not in order, is not in pursuance of existing law, and is a repeal of an existing statute.

Mr. ROBESON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBESON. I desire to know whether the gentleman from Georgia is discussing the point of order or the merits of the proposition, and whether the Chair is listening to him on that question; or whether the point of order of any character will lie against this provision of the bill?

Mr. BLOUNT. The proposition which seems to me to be obnoxious to the point of order I have already stated to the Chair.

Mr. ROBESON. I could not hear the statement of the gentleman from Georgia.

Mr. BLOUNT. My point of order is that here is legislation on an appropriation bill which does not retrench expenditures, which legislation, *pro tanto*, repeals a section of the law which prohibits the making of any contract on behalf of the United States, or the appropriation of money therefor except in pursuance of law.

Mr. ROBESON. I understand the point of order as made by the gentleman from Georgia to refer to the authority for this legislation under the law, and does not embrace the question of the merits. It is simply a question of orderly and regular proceeding.

Mr. BLOUNT. The Chair, as I understand, has distinctly stated that the question of order previously made related to the amendment of the gentleman from Maine, and if I understood him correctly there was no ruling as to any other portion of it.

Mr. ROBESON. No; and upon that proposition I desire to be heard if necessary.

The CHAIRMAN. The Chair is clearly of opinion without taking up the time of the committee in hearing further discussion, that the point of order made by the gentleman from Georgia cannot now be entertained. When this paragraph of the bill was reached it was read by the Clerk, and an amendment was offered and discussed, and no point of order was made against the paragraph. Therefore the Chair decides that the point of order does not lie, for the reason that it is too late now to be entertained.

Mr. ROBINSON, of Massachusetts. The Fourth of July has intervened between.

Mr. REED. And the rain-storm and fire-works.

Mr. BLOUNT. Gentlemen may have a good memory upon that point.

Mr. ATKINS. I move to strike out, in line 396, the words "seven hundred and fifty" and insert "five hundred," so that it will read $1,500,000 instead of $1,750,000. That reduces the item of appropriation for the Bureau of Construction and Repair to the same amount as for the current and last year. Now this increase of $250,000 proposed in this bill is based upon an idea that one or two cruisers shall be constructed for the Navy; and it is, it seems to me, a question which the committee should now decide whether or not it intends——

Mr. HARRIS, of Massachusetts. I rise to a point of order. I desire to ask whether the amendment which I sent to the desk a few moments since was not in order first. The gentleman from Tennessee is now offering an amendment——

The CHAIRMAN. The gentleman from Massachusetts rose to offer an amendment, but immediately preceding that the gentleman from Georgia had arisen to a point of order. The Chair entertained the point of order, and after deciding that recognized the gentleman from Tennessee to offer his amendment.

Mr. HARRIS, of Massachusetts. I thought I was recognized and that my amendment was only waiting the decision of the point of order of the gentleman from Georgia.

The CHAIRMAN. An opportunity will be given for submitting all the amendments.

Mr. ATKINS. The chairman of the Committee on Naval Affairs waived his right by failing to be on his feet to demand the attention of the Chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. ATKINS] will proceed. The Chair will recognize the gentleman from Massachusetts in due time.

Mr. ATKINS. As I was proceeding to say, this increased appropriation, for that appears from the bill, is based on the idea of the construction of two vessels outright, and the committee must now determine whether or not it will commit itself to the proposition of building two new vessels before it takes action upon this appropriation. The sum of $1,500,000 is certainly enough for the Bureau of Construction and Repair, if none of it is to be applied to the construction of new vessels. Indeed, it may be said that in view of the fact that there has been a general reduction in the other bureaus, this bureau might share something of a reduction. But I do not ask that. I only ask to put it at what it was before and what it is now. And I want this question to be sharply brought before the committee in voting upon this increase of $250,000, or for this bill giving $1,750,000. I want the issue sharply brought before the committee whether or not it intends to appropriate money for the erection of two new vessels.

Now, sir, I think an appropriation bill is not the proper place to consider the great question of the reorganization of the Navy. This is a proposition to commence rebuilding the navy. And I do not think, sir, that the proper place for that is in considering an appropriation bill. We have had too many precepts, we have had too many lectures, we have had too many lessons read to us on that side of the House for the committee now to commit itself, especially as that side has the majority, to that theory and that practice.

I think, sir, if we are to begin a navy we had better begin it right away. It is certainly a matter of sufficient importance to command the attention of Congress. It is no unimportant matter; it is a very important matter and one that should receive attention to itself and not be mixed up with an appropriation bill. I hope, sir, the committee will decide to take a different course and not attempt to begin to reconstruct the American Navy by amendments to appropriation bills. If the committee will so decide, if that should be its judgment, then there is no necessity for this increased appropriation. And now, as I see the hammer about to fall, I say again, let it be understood that if the appropriation is to be increased to $1,750,000, it is the judgment of this committee that these two new vessels shall be built. [Here the hammer fell.]

Mr. WHITTHORNE. What I intended to say has been pretty well said by my colleague from Tennessee, [Mr. ATKINS.] That is to say, on this proposition made by himself the issue is sharply de-

fined which will be presented, I understand, in the amendment proposed by the gentleman from Massachusetts, [Mr. HARRIS.]

If you intend to build a new navy or enter upon the construction of cruisers, then you are appropriating too small an amount of money, and you have not now the time, nor is this the occasion, to deliberately consider what character that future navy should be. What now you ought to do, as has been said by my colleague, is to appropriate simply a sum sufficient to sustain the actual navy as it exists now, and then at the proper time, and upon the proper occasion, enter upon the question as to the future character of the navy.

My friend from Massachusetts [Mr. HARRIS] intends, as I learn from the amendment proposed, and which I have seen in the RECORD, to present this issue. For the nonce I shall be with my colleague from Tennessee, [Mr. ATKINS,] and vote in favor of a reduction; but if the motion of my colleague is defeated, then I say, if you intend to make this experiment, you should make it with the liberality contemplated by the gentleman from Massachusetts.

Mr. HARRIS, of Massachusetts, rose.

Mr. ATKINS. If the gentleman will allow me, I will perfect my amendment. In addition to striking out $1,750,000, in line 396, and inserting $1,500,000, I move to strike out from line 401 to line 409, namely, these words:

> And any part of the said appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board, as approved by the Committee on Naval Affairs of the House of Representatives in their report, numbered 653, made to the House of Representatives March 8, 1882.

Mr. HARRIS, of Massachusetts. If the gentleman from Tennessee [Mr. ATKINS] and his colleague [Mr. WHITTHORNE] had allowed the amendment I offered, and which was certainly pending when the point of order was decided, to be read, they would have seen the purpose of that amendment. You have ruled, Mr. Chairman, that this appropriation for new vessels is in order. The Committee on Appropriations have given but $1,750,000 for the repair of the old vessels, and the purchase of materials, and the commencement of new cruisers. Now, the amendment which I offered does not increase the appropriation a dollar, but it provides safeguards for the expenditure of that money——

Mr. BLOUNT. I desire to say that I reserve the point of order on the gentleman's amendment.

The CHAIRMAN. The amendment has not yet been read.

Mr. HARRIS, of Massachusetts. The amendment which I offer throws around this appropriation, whatever it may be, whether $200,000 or $500,000—it must be a very small sum—the guards and protection which the Naval Committee have thrown around the appropriation of $10,000,000 in their bill. We have provided for an advisory board as there intended, and we have provided in the amendment which is offered that this advisory board shall not only prepare the plans for the new cruisers, but shall be engaged in preparing estimates and plans for the other vessels recommended by the advisory board. Now, Mr. Chairman, if it is in order to commence the construction of a new navy with any sum, this House ought certainly to be willing to give the Secretary of the Navy $400,000 or $500,000, for that is all this bill will do, to commence the construction of two of the best ships recommended by the Naval Committee. I hope the amendment of the gentleman from Tennessee will not be adopted. I had intended to move an amendment to appropriate $5,000,000 for this purpose instead of $1,750,000 recommended in the bill. But out of deference to the wish of the Committee on Appropriations I shall not move that amendment.

Mr. TALBOTT. The gentleman from Tennessee [Mr. ATKINS] has said that this is not the proper place to consider a question of this importance. I would like to remind that gentleman of the fact that the Committee on Naval Affairs, through its chairman, submitted a proposition to the House to suspend the rules and fix a day for the consideration of House bill No. 5001, and also a bill, the number of which I now forget, to create a permanent construction fund for the Navy. That motion to suspend the rules failed to obtain a two-thirds vote.

Now, it will not do for a gentleman who voted against the Naval Committee, having a day to consider these important measures, to tell us now that we should not consider this important subject on an appropriation bill. This subject should be considered by the Committee of the Whole, and by the House, and by Congress.

It is proposed by this bill to appropriate $15,000,000 to maintain and provide for the pay of an admiral and vice-admiral and other officers of the Navy down to petty officers and seamen, when in fact according to the statement of the Admiral of the Navy, you have not a single vessel to-day that could stand up and make a fight against the vessel of the English navy which is considered a failure, the Warrior, built some ten years ago. Why did not these gentlemen vote to give us a day for the consideration of a bill providing for the reconstruction of the Navy? I hope the motion of the gentleman from Tennessee [Mr. ATKINS] will be voted down. And I hope that the Chair will overrule the point of order raised against the amendment of my colleague on the Committee on Naval Affairs, the gentleman from Massachusetts, [Mr. HARRIS,] and will rule that that amendment is in order.

Mr. ROBESON. The gentleman from Tennessee, [Mr. ATKINS,] my colleague on the Committee on Appropriations, has presented the question squarely to the House. The amendment which he has moved raises the simple question whether we shall have any navy or not.

As the appropriation bill came to us last year and the year before, it was designed to give us no new navy, to give us no more effective naval force, no different kinds of ships, no more powerful armament. As the bill is presented this year it is designed to begin a new system in the Navy, to provide for new iron and steel cruising vessels.

The result of the policy which was carried out in the appropriation bill of last year, as everybody admits to be true, is that we have no respectable navy and we are not trying to provide for any. The proposition in this appropriation bill is an endeavor in the right direction.

We have not gone to the full extent of what was recommended unanimously by the Committee on Naval Affairs of this House, including members of that committee from both sides of the House, because we did not care to load down an annual appropriation bill with more money than was necessary for that particular fiscal year. But we have adopted the policy as recommended by that Naval Committee, and as was approved by this House by a vote of 145 to 90.

Under that recommendation of the Naval Committee, under the recommendation of the Navy Department, under the recommendation of the advisory board, and under the recommendation of this House, the Committee on Appropriations has adopted that policy, and has put on this bill what we thought was necessary for that purpose to be spent during the current fiscal year. If that policy is to be accepted by the House the sum here named must not be reduced. If it is not to be accepted, if the American Congress now means to vote that the American Republic shall before the world have no navy to protect its commerce or to vindicate its honor, then the proposition should be voted down.

Mr. ATKINS. Will the gentleman allow me to ask him one question?

Mr. ROBESON. Certainly.

Mr. ATKINS. I hope he does not intend to say that we have no navy now.

Mr. ROBESON. I mean to say that the Committee on Naval Affairs of this House in their report says that we have no navy now at all comparable to other navies of the world. All our navy now is of wood, and it requires a constant yearly expenditure to repair it. It requires almost as much of the $1,500,000 to keep it afloat as it would to commence the building of a new navy.

Mr. HEWITT, of New York. Does the gentleman say there are no iron-clads?

Mr. ROBESON. I say there are fourteen iron-clads.

Mr. HEWITT, of New York. The gentleman said our navy was all wood.

Mr. ROBESON. That has nothing to do with this subject. We have iron-clads for the protection of our coasts, but our cruising vessels are not iron.

Mr. BLOUNT. If any one will take the pains to read the report of the distinguished gentleman who had charge of this bill last year, as well as the report of the gentleman who has charge of this bill, his pride in the American Navy would be very greatly excited, and he would wonder how all of this denunciation came to be presented to the American people at this time.

I regret that the amendment of my friend from Tennessee [Mr. ATKINS] does not go further, and I shall at the proper time offer an amendment not only embracing this proposition, but the additional provision that not more than $400,000 of this appropriation shall be applied to the repairs of any wooden ship, and that none shall be so applied when the expense of such repairs would exceed 30 per cent. of the appraised value of the ship.

I have been informed by officers of the Navy that the effect of this 30 per cent. provision would be to destroy all the wooden ships of the Navy; that we shall have none left, and will be obliged to resort to new and enormous contracts in order to have any navy at all.

But we have here not only a provision restricting repairs to vessels of that class, but an appropriation of the pitiful sum of $400,000 to repair your navy. Year after year we have been assailed from the other side of the House on the ground that we were not giving money enough to keep our navy in repair; yet here is a proposition in effect to sell out all that we have and to put ourselves in such a condition that we must of necessity resort to enormous expenditures to build up perhaps such a navy as the gentleman would have us build, a navy which will compare favorably with that of the great naval powers of the world.

This bill, while on its face it does not seem extravagant, carries with it the seeds of enormous expenditures, far beyond what now appear. I trust the Committee of the Whole will see fit to vote down all these provisions and leave us what we should have, simply a naval appropriation bill.

Why, sir, the only excuse that has been offered for this extravagant appropriation has been a reference to little, insolvent, powerless Chili. [Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KASSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr.

SYMPSON, one of their clerks, announced that the Senate had passed without amendment House bills and joint resolution of the following titles:

A bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes;

A bill (H. R. No. 6394) for the erection of a public building at Dallas, Texas; and

Joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 2096) to authorize the Secretary of War to turn over to George H. Thomas Post No. 18 of the Grand Army of the Republic, at Ottawa, Kansas, four condemned cannon.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. HARRIS, of New Jersey. Mr. Chairman, during this session I have paid some attention to the objects of the bill under consideration. It seems to me that it seeks to accomplish the secondary and unimportant at the expense and to the neglect of the necessary and important.

We are asked to complete the unfinished monitors, and that is all. Comparatively no attention is given in the direction in which we are most deficient and have made the least progress.

Projectile force has far advanced in recent years beyond devices for resistance. The Krupp gun can throw a ball through any feasible thickness of armor at seven miles distance. We have scarcely any of modern type—none in fact of high power and long range. And it would seem we are to have none, since the bill under consideration appropriates but $100,000 for steel rifled breech-loading cannon.

The testimony taken by the Naval Committee at this session shows that breech-loading rifled cannon of 10-inch caliber could be made in our own country in time if entered upon. I consider it a duty not to be delayed to provide, either by purchase abroad or construction at home, the guns to defend our great cities and the masses of wealth upon our shores. The sum appropriated it is needless to say is insufficient to provide the means to build a single gun of large caliber, and would not purchase five. The hammer for the purpose would cost a million, and it would take three years to build the necessary plant.

No provision is made for the construction of rams, now recognized as one of the two or three most valuable means for harbor defense. I remember the gentleman from New Jersey, my colleague, said the other day that the monitors were rams, but they would be unwieldy and ineffectual under many circumstances. The Naval Committee recommended the construction of one designed by Admiral Ammen and approved by the advisory board and by other high authority both in and out of the Navy. Its cost is but $500,000, and it is capable of construction in from eight to ten months. It can deliver at a speed of thirteen knots a blow of 69,000,000 pounds. A more terrible engine of destruction could not be devised.

No appropriation is made for torpedo boats. We have now but one, the Alarm, an experimental vessel, having a large smooth-bore gun. Sixty thousand dollars only is appropriated for the torpedo corps, and this is to cover labor, outfits, repairs to buildings, wharves, grounds, &c.

The remainder of $3,750,000, after being devoted to the variety of purposes of the Bureau of Construction and Repair, and the Bureau of Steam-Engineering, sufficient in their needs to absorb nearly the whole, is to be devoted to building two new cruisers of iron or steel. The Committee on Naval Affairs did not, as quoted in the report of the Committee on Appropriations, recommend iron. The testimony of officers of the Navy, ship-builders, and manufacturers of iron and steel was all in favor of steel and steel only, (page 22 of report.) So we see that the building of new fast steel cruisers, the purchase or construction of modern long-range rifled cannon, the building of rams, the construction of torpedo-boats and torpedoes, all of which are demanded by our age and time, are thrust aside and rendered subsidiary to the completion of the unfinished monitors. Whether they ought ever to be completed I have not for myself decided, because I am not sufficiently informed concerning them, but I will say that the testimony of some of our naval experts and the experience of other nations with vessels of the same class may well cause us to hesitate, especially when we have not yet begun to acquire the new great agents of naval warfare to which I have referred.

The amendment adopted the other day preventing promotion to the grade of lieutenant till the present number of two hundred and eighty is reduced by promotion to two hundred was, I think, improvident and unconsidered. It works a great injustice to a large number of officers below that grade, thrusting every one of them back five years, and some of them have been in the next grade eight or ten years.

It is a wrong to every master, ensign, midshipman, and cadet in the service.

I do not sympathize with the clamor about the "top-heaviness" of our Navy.

Maintaining none except to a very limited extent, because relying in case of emergency upon our ability to build or buy ships, it seems to me good policy to keep up our body of educated, skilled, and experienced officers, especially those who are young and vigorous. A naval officer is not made in a day nor a year. Long experience and technical education are absolute requisites. Let us keep them, so that when war comes (and when it comes it will be upon the sea) we shall have the men to uphold the honor of our arms.

Picayune economy always strikes a few dollars from the salary of a clerk or employé or minor officer, and votes lavish millions to gigantic schemes.

This is a great country, and with its fifty-five millions of people, its boundless wealth, its unmeasured resources, its vast extent, washed by the waves of two oceans, and locking within its borders five seas, needs its naval officers and can afford to maintain them. [Applause.]

[During the delivery of the foregoing remarks, when the time of Mr. HARRIS, of New Jersey, had expired, Mr. HEWITT, of New York, obtained the floor, and yielded to Mr. HARRIS, of New Jersey.]

Mr. BLOUNT. I withdraw the *pro forma* amendment.

Mr. BELMONT. Mr. Chairman, I move a *pro forma* amendment. I believe that measures should be taken to place our Navy on a proper footing. But I cannot agree with the gentleman from New Jersey [Mr. ROBESON] when, in his zeal for the passage of this bill, he says that had there been in the harbor of Callao last summer such an iron-clad as he would now build, the dismemberment of Peru need not have taken place. If I thought this was a correct conclusion it would have great influence in determining my vote upon this bill, because anything that we can do to better our position in South America I think ought to be done. But the gentleman is, I think, in error. I should be sorry to say so unless I were secure in the facts of the case, and I feel it incumbent upon me, therefore, to present those facts somewhat in detail.

The country has been surfeited with the scandals of Mr. Shipherd and his Peruvian company—scandals of which it is enough to say that they would have been impossible had the State Department always been administered with propriety and dignity. I do not now propose to speak of these scandals in detail. But there is a much more grave and important aspect of our South American relations, of which too little heed has been taken, and of which the mischievous significance is daily increasing.

We have lately heard a great deal of an alleged American policy. It should be understood, however, that the treatment of the questions arising out of the unfortunate war between Chili and Peru and Bolivia during the recent administration of the State Department contrived in the short space of six months not only to gamble away the moral influence of the United States in South America, and to discredit American diplomacy throughout that part of the world, but actually resulted in opening the way to a direct European interference in South American affairs and in giving a color of necessity to such an interference.

To make this perfectly clear I must ask the House to allow me to sketch the story of these South American troubles as briefly as the nature of the subject will permit and as plainly as I am able to do.

In the year 1879 war broke out between the Republic of Chili and the allied republics of Bolivia and Peru. This event attracted the anxious attention of three leading powers of Europe—England, France, and Germany—each of whom carries on an important trade with the west coast of South America, and each of whom has a direct pecuniary interest in the condition of these republics. Of the thousand millions of dollars to which in round numbers the aggregate public debts of the South American nations are estimated to amount, very nearly one-third, or about three hundred millions, are represented by the public debts of Chili, Bolivia, and Peru, Peru being much the more heavily indebted of the three states. The European creditors of the three republics were seriously alarmed at the outbreak of hostilities which could not fail to cripple the resources of their debtors, and the war had scarcely begun when overtures were made from Europe to the United States with the view of ascertaining whether something could not be done to end the conflict. The fact that the direct pecuniary interest of the European states in the re-establishment of peace was far greater than that of the United States, obviously offered the Government of this country a decided moral advantage in the work of amicable intervention to check the progress of the war, should it be deemed the policy of this Government to interfere at all. Of course, therefore, the creation of any important American claim on the resources of either of the belligerents was a thing to be avoided if order and prosperity were to be restored in South America through the influence of this country, especially when such a claim was of a doubtful character.

Bearing these facts in mind, let us now consider the progress of events.

THE WAR ON THE PACIFIC.

The conflict has been a contest for the practical control of the nitrate and guano trade of the world by means of the possession of the Province of Tarapaca, which lies within the boundaries of Peru and close to the territories of Chili and Bolivia.

The nitrates cannot be exported without considerable preparation; the Peruvian Government had, on this account, apportioned them among a number of foreign commercial houses, and had levied an export duty upon them.

The revenue thus obtained, though great, was insufficient for the purposes of the Peruvian Government, whose debt in 1860 amounted to twenty millions of dollars, and which had grown to more than two hundred and fifty millions at the breaking out of the war of 1879. It is said that half of this debt is held in England, and more than one-fourth of it in France and Holland. Harassed by the complaints of the bondholders, Peru tried to satisfy them by raising the export duty on the nitrates from eighty-eight cents to $2 per ton. Finding that even this strong measure failed to produce sufficient revenue, the Government of Peru reclaimed the nitrate beds from the foreign houses and assumed control of them itself.

The result of this experiment was precisely the result which always attends such government operations; the expense of production left only a nominal profit, and the national debt was largely increased. Moreover, new nitrate beds were discovered at Antafogasta, in Bolivia, which were ceded by the Bolivian Government to the Anglo-Chilian house of Gibbs & Co., and were worked with such success as to overstock the market and lower the price of the nitrates, thus adding to the financial difficulties of Peru.

In 1874 an old standing boundary question between Chili and Bolivia had been settled by a treaty under which Bolivia agreed to impose no new taxes on Chilian industries in the Bolivian districts of Antafogasta, Mejillones, Caracoles, and Salinas. In 1878 the Bolivian congress, holding that this agreement did not affect taxes previously levied and unpaid, insisted on collecting a considerable amount of taxes from the Anglo-Chilian houses at Antafogasta, and gave notice that in case of default the works there would be occupied and sold. Thereupon the Chilian minister at La Paz demanded his passports, and a Chilian force landing at Antafogasta drove out the Bolivian authorities without firing a shot and occupied the place. On this, Peru, as a neutral, in March, 1879, sent a special minister, Señor Lavalle, to Chili with offers of mediation.

The government at Santiago, having been informed that a secret alliance existed between Peru and Bolivia, interrogated Señor Lavalle on this point. He denied all knowledge of such a treaty. On the 14th of March the Chilian minister at Lima, Señor Godoy, received orders to demand a declaration of neutrality from Peru. Peru declined to make such a declaration at Lima, stating that Señor Lavalle had been sent to assure Chili of the neutrality of Peru. On the 24th of March the Chilian Government instructed Señor Godoy at Lima to insist that the question of Peruvian neutrality should be discussed not at Santiago, but at Lima, to demand an explanation of the Peruvian armaments, and to request an immediate and explicit avowal or disavowal of the alleged secret treaty between Peru and Bolivia. The Peruvian Government responded by avowing that a treaty conditional in its terms had been concluded between Peru and Bolivia February 6, 1873, with the object of strengthening the Peruvian Government's control of the nitrates, and that this treaty provided in its eighth article for arbitration in case of any international difficulty, and in its second article for an alliance in case the integrity of the territory either of Bolivia or Peru should be threatened. To this Chili replied that the case for an alliance had not occurred, as Chili "did not intend to conquer a hair's breadth of Bolivian territory;" and finally, considering herself really threatened by an alliance long before consummated, Chili, on the 7th of April, 1879, formally declared war against Peru.

The language of the eighth article of the treaty between Peru and Bolivia runs thus:

> The contracting parties bind themselves to employ with preference, whenever it is possible, conciliatory measures in order to avoid a rupture or to put an end to war, holding as the most effective the arbitration of a third power.

It is not necessary here to express an opinion as to which party at the outset of this war was in the right; it is enough to know that these were the circumstances in which it began.

THE TIME FOR OUR GOOD OFFICES.

Clearly this was an occasion when other powers might properly tender their good offices to the belligerents in order to make more easy some adjustment of the dispute, especially as arbitration was already provided for in the treaty of 1873 between Peru and Bolivia, and was not objected to by Chili in 1879. This important fact as to Chili appears from a conversation held at Santiago by Mr. Osborn, the American minister, with Mr. Fierro, the Chilian minister of foreign affairs, and reported to Mr. Evarts in a dispatch dated April 3, 1879, in which Mr. Osborn says:

> In response to a suggestion from Mr. Fierro, I remarked that I did not doubt that the United States Government would cheerfully lend its efforts to an amicable arrangement of the difficulties, if the governments engaged in the controversy should request it to do so.

Of this dispatch no notice whatever seems to have been taken by Mr. Evarts. Although familiar beyond most of our public men with the methods and the merits of the great principle of arbitration, as exemplified in those Geneva conferences in which he took so eminent a part, this opportunity for applying that principle to the immense advantage of three sister republics in South America, and to the honor and advantage also of the United States, seems entirely to have escaped his attention. He was not even reminded of it when, a fortnight afterward, April 19, 1879, Mr. Osborn sent to the State Department the war manifesto of Chili announcing the outbreak of these deplorable hostilities. The only notice taken of this communication appears to have been such a formal expression of conventional regret as might have been expected from the Government of Portugal or of Siam, and even this was uttered not by the Secretary of State, but by his assistant, Mr. Seward, in the following cool and indifferent terms:

> Whatever may have been the causes leading to this war, its commencement and continuance cannot but be regretted by the United States, and it is hardly necessary to add that the announcement of an early peace between the two governments, as also with Bolivia, would be news most welcome to the Government of the United States.

In justice to Mr. Evarts, I may here observe that, unlike his successor, he was for a time at least consistent in his course, or rather in his attitude; for he sat perfectly still and did not trouble himself to do anything until in June, 1879, about four months after the outbreak of hostilities, Lord Salisbury telegraphed to the British minister in Washington "that the English and German Governments greatly regretted the war, which was largely waged at the neutral powers' cost, and that he wished to know whether the United States Government would be disposed to join those two powers in offering their mediation." Mr. Evarts, who could find no time to reply to his own ministers on the subject of American arbitration between the belligerents, instantly replied to the appeal of the neutrals in the negative:

> This Government—
>
> He said—
>
> has been and is ready to assist in the restoration of peace between the belligerents whenever its good offices may be usefully proffered. It does not, however, favor a premature effort in combination with other neutral powers which would carry the impression of dictation or coercion in disparagement of belligerent rights.

Mr. Evarts doubtless remembered that many years had not elapsed since the United States Government had felt its very existence to depend on maintaining belligerent rights to their full extent, and he was not at first disposed to stultify himself by helping to abridge the rights for which we had so long and so strenuously contended. It does not appear that he took any step whatever to interpose between the combatants. Nevertheless, it is evident that he was not altogether easy in his isolation; he had in fact, through his neglect to notice the information given him by his ministers in the belligerent States, incurred a serious responsibility; although he had said not a word which showed a double motive, it is clear that he wished not only to respect belligerent rights himself, not only to forego interference on our part, but to keep England and Germany aloof. This was a position he could not long hold. If the United States would not act with England and Germany, the United States must act alone, or run great risk of forfeiting their influence, and also of unpleasant complications with foreign states. So at least Mr. Evarts seems to have thought, for when, in the following September, the British minister returned to the subject, and inquired whether it was true, as the newspapers alleged, that our Government had expressed its willingness to offer its good offices independently of European powers, Mr. Evarts replied:

> That our ministers have given and are giving attention to the wishes of this Government in favor of peace at the earliest indication of the readiness of the belligerents to consider such good offices acceptable.

This is all very well, and was meant to satisfy the British minister, but there is no evidence in the dispatches to show that Mr. Evarts was giving attention to the action of our ministers. The important point is, that our Government refused to co-operate with England and Germany, on the alleged ground that Mr. Evarts desired to do nothing "in disparagement of belligerent rights." It is, perhaps, unnecessary to raise the question whether the unasked mediation of the United States, even thus acting alone, was strictly in accordance with this desire, but from the moment Mr. Evarts decided to have recourse to mediation, after having declined the offer of England and Germany, he assumed for the United States to a certain extent the moral obligation to succeed in the undertaking thus imposed upon the country by him, and it was obvious that a failure in such circumstances must deeply injure the proper influence and position of the United States.

While, then, Mr. Evarts was thus answering the British minister in Washington, his envoy (Mr. Christiancy) at Lima was actually offering the good offices of the United States in behalf of peace, as it appears from the dispatches dated September 17th and 24th:

> In the mean time I have taken the liberty, in a confidential and informal manner, (which I deem much the best in the present stage of the case,) to inform the minister of foreign affairs that our Government is ready to tender its good offices to bring about peace whenever it shall be satisfied that such a course will be agreeable to all the belligerents.
>
> In a long and frank conversation yesterday with the minister of foreign affairs I again gave him the assurance (mentioned in my dispatch No. 59) that our Government was ready to tender its good offices to all the belligerents in behalf of peace whenever there should be good reason to believe that it would be acceptable to all the belligerents. I offered to make this tender formally, and officially, if he preferred; but, like me, he thought best to leave it in this informal shape for the present.

On the 13th of October Mr. Evarts approved Mr. Christiancy's course in a dispatch in which he expresses the distinct condition that it should be the "evident desire of all the parties to the struggle" that such a course should be adopted.

The fact is that neither of the belligerents now asked intervention, despite these overtures of our agents. By this time the positions of the United States and the belligerents, thanks to Mr. Evarts's

neglect at the outset to notice the intimations of his ministers, had become completely reversed. Our ministers were now seeking in vain the opportunity which Mr. Evarts at the beginning might have accepted, but did not. Neither of the belligerents in October desired our intervention, and it might have been expected that self-respect would have induced the Secretary of State to desist from overtures which were not encouraged. But Mr. Evarts had exposed himself to a growing pressure from the neutral powers. He had assumed in dealing with them a responsibility which he could neither meet nor shake off. Nearly a year passed, and it became more and more evident that Peru was in great peril. On the 9th of May, 1880, we find Mr. Evarts in vain urging Mr. Osborn at Santiago to induce Chili to turn to the United States as an arbitrator. This was just about a year after the time at which Mr. Evarts had treated with absolute neglect Mr. Osborn's intimations that Chili would then have entertained such action by the United States Government. Mr. Christiancy, on the 12th of June, 1880, got to the point of renewing the offer of his services, this time directly to the "supreme chief of Peru," Pierola, who had established a dictatorship. The offer was made with very little reference to any reservation as to the "evident desire of all the parties," but instead of a favorable answer, which he was unable to obtain, Mr. Evarts's minister thought fit to send his own inferences, in the following terms:

He (the supreme chief) received my suggestions in the kindest manner, and, though he did not say so in so many words, I thought I could perceive by his manner that he would be glad to secure peace on any reasonable terms, and would feel grateful to our Government for any effort which might lead to such a result.

If we bear in mind the declaration of Mr. Evarts that the United States would not interfere by way of mediation, excepting in case this Government was requested to do so by the belligerents, it may appear strange that on the 29th of July, 1880, he addressed the following telegram to our ministers:

Press upon Chilian Government our desire to aid in restoring peace on honorable terms between nations to which we are sincerely and equally friendly. A like instruction is sent to-day to Lima.

PERU ENCOURAGED TO EXPECT OUR AID.

Step by step Mr. Evarts had drifted forward until he had altogether lost sight of his starting point. Under the force of circumstances and the supposed necessity of keeping up appearances in the eyes of neutral powers he had reached a position where Peru was encouraged to expect the aid of the United States Government.

If the policy of intervention was to be adopted at all, why was not a decision reached in April, 1879, at the beginning of the war? It might then have been more easy to restore peace on "honorable terms." But to seek for such a result in July, 1880, by a simple moral pressure, when the victories of Chili had been so marked, was to court a failure which the conference of Arica emphasized and made ridiculous.

Nevertheless, the policy being fairly adopted, it became necessary to know what means our Government had of intervening with effect. It was known what Chili would demand. Five months before this time, on the 5th of March, 1880, our minister in Chili, Mr. Osborn, had written that no one in Chili presumed to question the annexation of Tarapaca, and that "no proposition for peace, which should exclude such a settlement, would be seriously considered by the Chilian Government." Whether this was true of the Chilian people or not, may be open to question. But it was the only information our State Department had any right to act upon.

Notwithstanding this information, the only instructions which our diplomatic agents received were to the effect that they should "aid in restoring peace on honorable terms." Surely this seems somewhat vague, if intended to serve as a guide to men charged with the duty of mediators in so important a conference as that about to be opened at Arica. Our Government might either have told Peru that she must submit to the fortunes of war and lose Tarapaca, or else that she should have the support of the United States in refusing to do so. As a matter of fact neither course was followed, but on the strength of this vague dispatch of July 29, and after laborious negotiations, the belligerents were induced at least to listen to, if no longer to solicit, the mediation of the United States.

The conferences were opened on the United States ship Lackawanna on the 22d of October, 1880. After three sittings the conferences came to an end on the 27th. Chili made propositions which were declined by the allies. These, on their part, proposed the arbitration of the United States, which Chili rejected.

Our Government remained silent for some weeks, but on the 25th of December, Christmas day, Mr. Evarts began again. Two months had elapsed since the failure of his conferences at Arica. There is nothing on record to show that in the interval either victorious Chili or the vanquished allies or the despairing neutrals had solicited his good offices. But suddenly the silence of the State Department was broken, and the riotous republics of South America were solemnly called to order. This time Mr. Evarts distinctly intimated that the President of the United States would be willing to be made arbitrator. He caused this to be made officially known to the three belligerent governments in the following note to Mr. Osborn:

SIR: My attention has been called to the following passage of your remarks at the conference held at Arica, Peru, on the 25th of October last, as reported in the second protocol of those conferences:

"His excellency Mr. Osborn remarked that it seemed proper to him as well as to his colleagues to place upon record that the Government of the United States does not ask the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and, while he could not doubt that this Government would accept the position if properly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction."

As it is not quite clear what the meaning and scope of your remarks on that occasion was, I will thank you for explanation on the subject. There was no impropriety in your making it clear to the representatives of the belligerent states that this Government had no desire to unduly urge its arbitration upon them. If, however, it was your purpose to convey the impression that we would not cheerfully assume any labor and trouble incident to arbitration in the interests of peace and the service of justice, you have not correctly appreciated the views and wishes of this Government. It is the sincere desire of the President to see an honorable and lasting peace secured among the South American republics now engaged in war, and he will shrink from no effort or responsibility which can properly tend to the accomplishment of such a desirable result.

In order to remove a possibly wrong impression which your language may have made upon the representatives of the belligerent powers, you will read this instruction to the minister for foreign affairs of Chili, and I will instruct Mr. Christiancy and Mr. Adams to read a copy of it to the ministers for foreign affairs of Peru and Bolivia, respectively.

In this dispatch, for the first time, we see our Government, thanks to Mr. Evarts and Mr. Osborn, assuming something very like a hostile attitude toward Chili, the so far victorious belligerent.

Mediation is one thing, arbitration another. A mediator is a friend, an arbitrator is a judge. A mediator can stop when he will, an arbitrator must assume the responsibility of arriving at a conclusion. Moreover, Chili, at Arica, had refused our arbitration. Had anything happened since the conference at Arica to make Mr. Evarts suppose she would accept it?

The Chilians marched on Lima. The situation had become more grave than ever, and Mr. Evarts could offer no acceptable suggestion, could impose no restraint.

On the 10th of February, 1881, still pressed by the neutral powers, Mr. Evarts again wrote to Mr. Osborn:

Urge upon Chili the desire of the United States to bring about peace. Now that the Chilians have captured Lima and Callao, it is believed that Peru will accept the mediation of the United States.

Naturally enough! In answer Mr. Osborn wrote to Mr. Evarts on the 8th of March following:

I cannot urge upon the Chilian authorities the mediation of the United States, because Chili has decided to accept no foreign mediation.

Perhaps Mr. Evarts's appeal, almost pathetic, after all that had happened, would have been ineffective, yet it is still a question to be decided between him and Mr. Osborn whether these instructions so given ought not to have been obeyed with alacrity.

ADVENT OF THE FRENCH COMPANY.

The State Department was evidently at a loss what to do. Then it was that the French Société Generale du Credit Industriel et Commercial was brought to the notice of Mr. Evarts. On the 20th of January, 1881, the plan was laid before the State Department. This plan required immense resources, but it was not resources which were in question. It was the active intervention of our Government, without which nothing could be done, and in the face of the refusal of Chili at that moment to accept our intervention it is difficult to understand the official recommendation which was given by Mr. Evarts to the propositions of this company. The Credit Industriel offered to assume for a term of years the Peruvian debt of two hundred and fifty millions; to assume a war indemnity of twenty millions, and to pay an annuity sufficient to meet all the national obligations both of Chili and Peru; and in return it required that Chili should surrender to Peru the conquered territory, subject to a protectorate of the United States guaranteeing to the Credit Industriel the free and unobstructed shipment of guano and the nitrates for the same term of years. The proposition was equivalent to erecting this French company into a mediating power between Chili and Peru. It involved a protectorate and guarantee by the United States of Peru, as regards Chili, should Peru ask it.

The agent of the company was informed that the United States could not use compulsion to enforce its decision; yet that the instructions to our ministers at Lima, Santiago, and La Paz would be renewed, and that they would be directed to proceed most earnestly to convince the belligerents of the necessity of terminating the fratricidal war; that the plan of the Credit Industriel would be commended to their consideration; that this plan was regarded as a means which might aid considerably in settling financial difficulties; and that though they would not seek the position of international trustee, as was proposed by the company, yet the United States would willingly accept it if the belligerents should agree on that point.

The Secretary of State entered so fully into the plans of the company that he thought it important for it to have some American status to bring it more directly within the range of American interests. To this suggestion, made by our own State Department, we owe the subsequent tender of an American agency made by this company to the American house of Morton, Bliss & Co.

One point, and one point only, needed to be settled with perfect clearness, and this was whether Chili should or should not be allowed to annex the nitrate district of Tarapaca. Upon the decision of the United States in this respect all other plans depended, and until the United States decided this point the unfortunate South Americans must continue to destroy each other from sheer inability to agree.

Peru would not submit so long as Mr. Evarts and the Credit Industriel were trying to save her from dismemberment, nor would Chili, on the other hand, surrender Tarapaca. Peru was encouraged and Chili was not discouraged.

On the 17th of February, 1881, Mr. Evarts had sent the "programme" of the Credit Industriel to Mr. Christiancy, adding, "that as the plan might be calculated to assist in the restoration of peace, it is proper that it should be laid before the representatives of the United States in Peru and Chili, that it might form an element in the calculations of the belligerents in settling the terms of peace; that the agents of the company come under respectable introductions, and the financial bodies and persons whom they represent are well known and of much weight in financial circles."

Mr. Evarts admits in the same dispatch that this plan might place the United States under actual obligations, by saying:

Any further responsibility of the Government can only be determined by actual negotiations between the belligerents, asking the United States Government to assume them.

The country has never learned the extent of the responsibility, financial or political, Mr. Evarts so lightly accepted in advance.

One of the agents of the company went to Lima with his "programme" and the "moral support of the United States," imparting some mysterious sanction to his acts in the eyes of Peru. Thus ended this diplomatic campaign, which certainly did not benefit our position or that of any one concerned. It did not give South America peace or the State Department any visible honor.

THE NEW SECRETARY.

When the new Secretary of State took up the threads of our foreign relations one year ago he found the South American affair in the condition I have described. His first act had a martial appearance. He removed Mr. Osborn to send General Kilpatrick to Santiago; and he removed Mr. Christiancy in order to substitute General Hurlbut at Lima. In the meantime the Government of Peru had gone to pieces. On the 5th of May the Department received from Mr. Christiancy a dispatch announcing that the people of Peru were divided into two bodies, one of which recognized the military dictator Pierola as its head, while the other was trying to set up a provisional government under Mr. Calderon.

Each Government—

Said Mr. Christiancy—

from time to time contrives to get statements of acts of adhesion signed by many citizens, and these often come from the same locality, the population being divided. But, upon the whole, the evidence as yet is quite clear that the overwhelming majority of the people of Peru are opposed to the provisional government.

I know not what there was in this statement which decided the Secretary's action, but it is certainly a fact that on May 9, four days after hearing from Mr. Christiancy that the overwhelming majority of the Peruvians were opposed to Calderon's government, he paid Mr. Christiancy the compliment of recognizing the Calderon government.

RECOGNITION OF CALDERON.

This abrupt disregard of the opinion contained in the dispatch of our minister to Peru was probably due to the long note of Señor Elmore, at that time the confidential agent at Washington of the Calderon government, dated May 4, containing an earnest plea for the recognition of Calderon as a provisional government.

The first and most important act of Señor Garcia Calderon's government—

Says this note—

will be to conclude a treaty of peace with Chili, thus securing to Peru its sovereignty as an independent nation. Now, it is especially for this high and noble purpose that Peru appeals to the United States of America, and it is most particularly to this end that the provisional government of Peru (Calderon) has appointed the undersigned as his organ of communication with your excellency's government.

It is evident that without this recognition Calderon was powerless. The recognition was, no doubt, of great assistance to Calderon, but it carried with it grave responsibilities for our Government. Was the subject in all its proportions and its probable consequences laid before the Cabinet? However that may be, the two new ministers set out for their posts, and on the 15th of June the Secretary of State gave them their instructions. To prevent Chili from annexing the nitrate district was the objective point of the new administration as it was of the old. This is the more evident as Mr. Blaine, having before him Mr. Evarts's instructions to ministers in Peru and Chili, and his recommendations of the French company's plans, left them in force, and entered immediately into relations with the agents of the Credit Industriel. One of the agents of that company (Suarez) had returned from Peru and advised the Secretary of all negotiations to which he had been a party. The Secretary of State was now acting in concert with the plans of the Credit Industriel, and with Mr. Elmore, the Peruvian envoy, then representing the Calderon government, upon which these plans depended. The instructions to General Hurlbut of June 15 embraced all these parties.

A comparison of the instructions given to General Hurlbut with those given to General Kilpatrick plainly shows that General Kilpatrick was expected and directed to co-operate with General Hurlbut in bringing about the establishment in Peru of the Calderon government, and the adjustment of a peace which should not involve the cession of Tarapaca by Peru to Chili. To rescue the province of Tarapaca from the grasp of Chili was the purpose for which General Hurlbut toiled, and to accomplish which he was instructed to recognize and uphold the Calderon government. Calderon, as provisional president, had completely adopted the plan of the Credit Industriel under its continuing contracts with the Peruvian Government, and Mr. Elmore's instructions were to endeavor to have the plan adopted here in Washington.

General Kilpatrick was instructed by the Department of State, under date of June 15, 1881—

First. That it is evident from the protocols of the conference at Arica that Chili was prepared to dictate and not discuss terms of peace, and that the arbitration of the United States upon any questions of difference with Peru and Bolivia was not acceptable and would not be acceptable to Chili.

Second. That therefore this Government cannot anticipate that the offer of intervention would be agreeable to Chili.

Third. That it would scarcely comport with self-respect that such an offer should be refused.

Fourth. That nevertheless Chili should also know that if at any time the interposition of the good offices of this Government can contribute to the restoration of peace, they will on proper intimation be promptly offered.

Fifth. That Mr. Kilpatrick must not give advice officially which is not sought.

Sixth. That this Government does not wish to discuss the security for the future which Chili's interest may seem to require.

Seventh. That if Chili seek only a guarantee of future peace, Peru and Bolivia should be allowed to offer such indemnity and guarantee before the annexation of territory is insisted upon.

Eighth. That if those powers fail to offer what is a reasonably sufficient indemnity and guarantee, that it becomes a fair subject of consideration whether such territory may not be exacted as the price of peace.

Ninth. That at the conclusion of a war avowedly not of conquest, to make the acquisition of territory a *sine qua non* of peace is calculated to cast suspicion on the professions with which war was declared.

Tenth. That the forced transfer of territory is not a case in which a power desiring the territory can be accepted as a safe and impartial judge.

Eleventh. That the United States Government does not pretend to express an opinion whether or not such an annexation of territory is a necessary consequence of this war, and it believes that it would be better that such territorial changes should be avoided as far as possible.

Twelfth. That they should never be the result of mere force, but should be decided and tempered by discussion.

Thirteenth. That at present such a discussion is impossible.

Fourteenth. That for a provisional government to succeed in obtaining the confidence either of its own people or of foreign powers it must be allowed a freedom and force of action which cannot be exercised while Chili holds absolute possession and governs by military authority.

Fifteenth. That the Department of State would be gratified if Chili is induced to postpone settlement of all questions of territorial acquisition to diplomatic negotiations.

Sixteenth. That the United States hope that the peace negotiations shall be conducted and the final settlement determined without either side invoking the aid or intervention of any European power, and that this Government will regret to be compelled to consider how far that feeling might be affected and a more active interposition forced upon it by any attempted complication of this question with European politics.

The same day the Secretary instructed General Hurlbut:

It is to be hoped that you will be able, in your necessary association with the Chilian authorities, to impress upon them that the more liberal and considerate their policy, the surer it will be to obtain a lasting and satisfactory settlement. The Peruvians are certainly aware of the sympathy and interest of the people of the United States, and will, I feel confident, be prepared to give to your representations the consideration to which the friendly anxiety of this Government entitles them. The United States cannot refuse to recognize the rights which the Chilian Government has acquired by the successes of the war, and it may be that a cession of territory will be the necessary price to be paid for peace. It would seem

TO BE INJUDICIOUS FOR PERU

to declare that under no circumstances could the loss of territory be accepted as the result of negotiation. The great objects of the provisional authorities of Peru would seem to be to secure the establishment of a constitutional government, and next to succeed in the opening of negotiations for peace without the declarations of preliminary condition as an *ultimatum* on either side. It will be difficult, perhaps, to obtain this from Chili, but as the Chilian Government has distinctly repudiated the idea that this was a war of conquest, the Government of Peru may fairly claim the opportunity to make propositions of indemnity and guarantee before submitting to a cession of territory. As far as the influence of the United States will go in Chili, it will be exerted

TO INDUCE THE CHILIAN GOVERNMENT

to consent that the question of the cession of territory should be the subject of negotiation, and not the condition precedent upon which alone negotiation shall commence. If you can aid the Government of Peru in securing such a result you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post. As you are aware, more than one proposition has been submitted to the consideration of this Government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed. Circumstances do not seem at present opportune for such action, but if, upon full knowledge of

THE CONDITION OF PERU,

you can inform this Government that Peru can devise and carry into practical effect a plan by which all the reasonable conditions of Chili can be met without sacrificing the integrity of the Peruvian territory, the Government of the United States would be willing to tender its good offices toward the execution of such a project.

These two documents, taken together, prove that the Secretary of State recognized in theory Chili's right by conquest to annexation, but that he was searching for means of avoiding it in practice. This position may partly be understood from the relations which the Secretary thought fit to establish with the representatives in this country of the contending states. While the Peruvian envoy, Mr. Elmore, was encouraged, as he himself says, to believe that the United States Government meant actively to intervene in behalf of the territorial integrity of Peru, the Chilian envoy, Mr. Martinez, was assured, as he himself says, on more than one occasion, that the United

States Government regarded the annexation of Tarapaca by Chili as a legitimate result of the war. There can be no doubt that it was expected and intended eventually to accomplish whatever objects might have been involved, through a pressure to be put by the United States Government upon Chili whenever the negotiations for peace took a practical form.

It is impossible not to be struck by the contradictory character of the dispatches except so far as they refer to an indemnity to be furnished by the Credit Industriel. While they concede that the United States cannot refuse to recognize the rights which the Chilian Government have acquired by conquest, and admit that the annexation may be the necessary price to be paid for peace, at the same time the cause of Peru is openly advocated, Chili is taxed with bad faith, a suspicion of the motives actuating that government is expressed, and finally a more active interposition threatened. The mission of General Kilpatrick to Chili was intended to be subordinated to the mission of General Hurlbut to Peru, and for the success of the mission of General Hurlbut the Secretary relied upon the financial intervention of the Credit Industriel in the affairs of Peru. If Chili would accept the intervention amiably, so much the better. If she would not so accept it she was to be exposed to the danger of putting herself in an attitude not only of unfriendliness but of provocation toward the United States, the central point aimed at in the whole policy, as outlined to the ministers at Lima and Santiago, being the retention by Peru of the territory of Tarapaca. This was essential to enable the Peruvian Government, in the Secretary's words, to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity, or supply the required guarantee, to Chili.

THE POSITION OF KILPATRICK.

The relations established between the minister at Lima and the minister at Santiago by the State Department cannot be fully understood or appreciated without considering for a moment the relations of both these ministers to the Secretary himself. General Hurlbut was a personal friend and a close political ally. General Kilpatrick had no such relations. He had previously served as United States minister to Chili under President Grant. From the beginning the Secretary took pains to make it clear that he relied mainly upon the legation at Lima and not upon the legation at Santiago to bring about the success of his programme in South America. The whole of the programme, therefore, was not confided to General Kilpatrick. This appears from the dispatches to both ministers.

As to the recognition of Calderon, Mr. Christiancy had written on the 21st and 28th of June, first, that the Calderon government is not a government *de facto;* secondly, that the Calderon government is not yet worthy of recognition; and even on the 9th of July, after the recognition of Calderon, he wrote that this act was premature, and that he justified his own formal act of recognition only on the ground that it was in obedience to State Department orders. Mr. Suarez, the agent of the Credit Industriel, after full conferences with the Secretary, accompanied General Hurlbut to Peru, and, about the same time, on the 9th of July, Mr. Elmore, the agent of the Calderon government went to Paris with Mr. R. E. Randall, the counsel of the company.

The conduct of General Hurlbut during the next four months has been severely criticised. It must be said, however, that he at least stated his opinions openly, and acted upon them without hesitation. In his earliest dispatch, dated August 10, 1881, he laid down the rules which were to guide him, and these rules were precisely such as were required by the principles on which the Department had acted.

It is in my deliberate and carefully considered judgment—

Said he—

the proper time for the United States to act as a friend to both parties, and to say very kindly but very firmly to Chili, that war has fulfilled all its legitimate purposes; that longer continuance of the state of war would be disastrous to both countries, and an unnecessary invasion of the rights of neutrals engaged in commerce, or owning as they do large properties in Peru; and that a peace, honorable to both countries, should be concluded as soon as possible on fair terms as to indemnity. Inasmuch as Peru offers to pay and can pay a money indemnity, the forcible annexation of territory ought not to be permitted. By such action on the part of our Government we would gain the highest influence in South America; we should subserve the purposes of a truer civilization and inaugurate a higher style of national and international law on this continent.

There can be no doubt that General Hurlbut understood what his Government wanted, especially since his view fully accords with the subsequent expressions and the previous acts of the Secretary of State. He went on to ask for an explicit approbation by telegraph, because circumstances would probably oblige him to act very speedily, and he warned the Secretary that if the emergency should arise before he heard from the Department he would not hesitate to interpose a protest against the demands of Chili. Before this dispatch had reached the Department the expected emergency arose, at least in General Hurlbut's opinion

On the 24th of August Admiral Lynch, the Chilian commander, called upon General Hurlbut and requested an explanation in regard to rumors afloat as to the attitude of the United States, and General Hurlbut not only told him with the utmost frankness what his own views were but he stated them as the views of the United States Government, and that there might be no doubt as to this he embodied them in a formal memorandum which he sent to Admiral Lynch next day, and which Admiral Lynch caused to be published.

It is perfectly clear that General Hurlbut's theory of intervention depended on the co-operation of the Credit Industriel. He looked upon Peru and the Credit Industriel as allied, and his instructions authorized him in doing so. Mr. Elmore, the Peruvian minister, has made no secret of this alliance, and of the fact that the State Department, as well as the Chilian Government, was aware of it.

It does not appear that Peru could, through any other financial combination, find the capital necessary to pay an indemnity of $40,000,000, upon which its territorial integrity then depended.

The machinery which was to liberate Peru was the same which had been approved by Mr. Evarts.

General Hurlbut's dispatch, containing a copy of this memorandum to Admiral Lynch, was received at the Department on September 27, 1881. It lay there unacknowledged and unanswered for nearly two months. As a matter of fact General Hurlbut's action was not disavowed, and he evidently believed it was approved.

When the news reached Washington of a disagreement between General Hurlbut and General Kilpatrick the Secretary of State, in writing to the former on the 22d of November, 1881, made some curious remarks about the "construction" put upon his language and conduct. He said:

I must consider the interpretation of your words and acts as the result of some strange and perhaps prejudicial misconception. I would have preferred that you should hold no communication with Admiral Lynch on questions of a diplomatic character.

Now, this is not in accord with the instructions to General Hurlbut of June 15, 1881, in which such diplomatic communications were expressly authorized, nor had this authorization been in any manner revoked. On the contrary, in those instructions the Secretary says:

It is to be hoped that you will be able in your necessary association with the Chilian authorities [Admiral Lynch was the supreme Chilian authority in Lima] to impress upon them that the more liberal and considerate their policy the surer it will be to obtain a lasting and satisfactory settlement.

It should also be remembered that Mr. Christiancy had already exchanged diplomatic communications with the Chilian authorities, and General Hurlbut simply followed this precedent. In the same dispatch of November 22 to General Hurlbut criticism is also made upon Admiral Lynch:

I do not conceive that he had any right to ask or receive any assurances as to the opinion of your government.

If the Secretary had authorized General Hurlbut to give the opinions of his Government to Chilian authorities, Admiral Lynch had at least the right to receive them. He makes a further criticism on the Chilian Government for having questioned General Kilpatrick as to what General Hurlbut had done, and then he adds:

Having said this, I must add that the language of the [Lynch] memorandum was capable of not unnatural misconstruction. While you said nothing that may not fairly be considered warranted by your instructions, you omitted to say with equal emphasis some things which your instructions supplied and which would perhaps have relieved the sensitive apprehensions of the Chilian authorities. For while the United States would unquestionably "regard with disfavor" the imperious annexation of Peruvian territory as the right of conquest, you were distinctly informed that this Government could not refuse to recognize that such annexation might become a necessary condition as a final treaty of peace. As the main purpose of your effort was expected to be not so much a protest against any possible annexation as an attempt by friendly or unofficial communications with the Chilian authorities (with whom you were duly associated) to induce them to support the policy of giving to Peru, without the imposition of harsh and absolute conditions precedent, the opportunity to show that the rights and interests of Chili could be satisfied without such annexation. There is enough in your memorandum, if carefully considered, to indicate this purpose, and I only regret that you did not state it with a distinctness and, if necessary, with a repetition which would have made impossible anything but the most willful misconception.

So far as General Hurlbut is concerned, the Secretary criticises the form and approves the substance of his memorandum to Admiral Lynch. This is the more remarkable in view of the official note addressed previously to our Government by Mr. Martinez, then Chilian minister in Washington, on the 27th of October, 1881, in which the unfriendly attitude of General Hurlbut toward Chili is commented on, and in which was inclosed a note from the Chilian Government instructing its minister to ascertain if the views of the United States Government were in accord with those of General Hurlbut.

BAY OF CHIMBOTE.

In regard to the convention relating to the Bay of Chimbote, the proposition of its cession to the United States was declined by the Secretary, though he stated that "it is a desirable arrangement." On the 20th of September, 1881, at the moment we were insisting that Chili should not annex Peruvian territory, this convention was concluded with the Calderon government, which granted to us a Peruvian port. This was not disavowed by telegraph and without reservation, as it might have been, but the Secretary waited until November 22, to write by mail that we reserved to ourselves the right of taking advantage eventually of this "innocent convenience."

The fact that the Peruvians knew or believed that we intended to ask this concession from them may be considered as justifying them in counting on our support and assistance. At the same time General Hurlbut accepted from President Calderon the grant of the Chimbote Railroad, on which Peru had already spent $9,000,000, and which General Hurlbut received as trustee, meaning to transfer it to some American company, to be finished at a cost of $10,000,000 more. These acts, whatever we may say as to their propriety, implied, and were of course intended to proclaim, that Peru and the Calderon

government were under the protection of the United States. A few days later Admiral Lynch responded by suppressing the Calderon government. Calderon then convened congress in order to choose a vice-president to carry on the government in case the Chilians should seize him, and accordingly Admiral Montero was elected, mainly because he was then outside the Chilian military lines. The documents and papers of the Calderon government were taken to the United States legation.

Every Peruvian was then convinced that the United States were responsible for the integrity of Calderon's government, and every Chilian must have known that it was not Calderon but the United States minister who stood in their path, and that if the minister was acting under instructions, any further attack upon Calderon must produce a rupture of diplomatic relations. The United States then stood on the brink of war.

THE PERUVIAN COMPANY.

Leaving General Hurlbut for a time in this dramatic situation, let us go back for a moment to see by what steps he had reached it. On the 15th of June Mr. Blaine had instructed General Hurlbut:

Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me after you have reached your post. As you are aware, more than one proposition has been submitted to the consideration of this Government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed.

It is perfectly clear from this dispatch that important verbal instructions had been given to General Hurlbut. What were these instructions?

The unfortunate death of General Hurlbut, at the moment when he was preparing to leave his post in order to lay before Congress and the country the history of this extraordinary episode in our diplomatic annals, has deprived us of the only direct and trustworthy testimony as to this point upon which we could have relied. But it was testified before the committee that General Hurlbut, in a private letter, commenting, not without bitterness, upon the Secretary's dispatch of November 22, said:

My conversations with President Garfield and Mr. Blaine cannot appear, but they were the real motive of my course.

In these "conversations" the question of the ability of Peru, either "singly or with the assistance of friendly powers," to supply an indemnity or guarantee must, of course, have been fully considered. In the instructions of June 15, General Hurlbut is expressly reminded of this, and Mr. Trescot, who no doubt drafted these instructions, has testified that the Credit Industriel was the agency then intended. "As you are aware that more than one proposition has been submitted to the consideration of this Government looking to a friendly intervention by which Peru might be enabled to meet the conditions which would probably be imposed."

"More than one proposition?" What proposition had been submitted? A proposition called the Cabrera proposition was submitted by the representative of Bolivia. The terms of this proposition were published in the Mercurio newspaper at Valparaiso by the Chilian Government, and an English statement of the proposition was made public at Washington, February 18, 1881. It involved the "formation of a company in the United States of captalists to work and manage the guano and nitrate deposits of Peru and Bolivia," under a "guarantee" to be given by the United States Government to the company of "the undisturbed possession and control of the guano and nitrate business in the territories now claimed and occupied by Chili."

Another proposition has been already alluded to and described as made by the Credit Industriel of Paris. Mr. Elmore, the Peruvian minister, says of this proposition in a letter to the press:

Valid and solemn contracts exist between the Government of Peru and a most honorable and powerful financial society of Paris called the Société de Credit Industriel et Commercial. Among these contracts are those of January 7, 1880, and February 1, 1881, which are intended to secure the payment of the foreign creditors of Peru, and other national debts, by placing in the hands of the Credit Industriel the management and working of the Peruvian guano and nitrate deposits. Now, in consequence of these legal national contracts, negotiations between the said Credit Industriel and Peru were begun more than a year ago, (of which Secretary Evarts and Secretary Blaine as well as the Chilian Government were advised,) with the object of affording Peru means of satisfying the rightful claims of Chili in respect to a war indemnity, without sacrificing the integrity of Peruvian territory.

A third proposition was that of Mr. Shipherd, submitted in behalf of his then inchoate Peruvian Company, in a series of communications to the Executive during April and May, 1881. Of this proposition, though it occupied the time and the attention of the State Department, to the exclusion of much practical business and to the great scandal of the Government and its officers, it is difficult to speak seriously.

It was based on two alleged claims against Peru, vast and indefinite in amount, originating with citizens of France, and bought in part or in whole by American citizens as a matter of speculation. It invited the United States Government to perform a grand financial operation. The Secretary of State was asked to give Peru to understand that if Peru would recognize these claims in whole or in part a colossal and speculative company would be founded in the United States upon that recognition, and, being so founded, would take all the guano and nitrate territories of Peru under the protection of the United States, and administer the same, paying to Chili the ransom of those territories, defraying the public expenses of Peru, and dividing the rest of the revenues derivable from the guanos and the nitrates among Mr. Shipherd and his associates.

The United States Government apparently was to be content with the obstetrical honors of this truly brilliant and remarkable operation. As we have seen, Mr. Shipherd had made approaches to the Executive in April and May. Mr. Shipherd and Senator BLAIR made their first joint appearance in the story only at the end of July, 1881. Up to the moment they came upon the scene, our diplomacy, as to South America, is comparatively intelligible. The Department had received the propositions of the Credit Industriel as the only serious financial propositions available for the purpose of effecting a peace between Chili and the allies on the basis of an indemnity under the auspices of the United States Government. Instructions had been given to our ministers, based on these propositions, which so far as they relate to them may pass as consistent enough.

But from the moment Shipherd and Senator BLAIR appear, all logic and consistency vanish. These persons represented a claim against Peru of Alexander Cochet, a French citizen, who said he had discovered the commercial value of the guano deposits in Peru, and therefore, according to Peruvian law, was entitled to one-third of the value of the guano, in round numbers, $900,000,000. A French and Spanish commission had decided against the claim in 1861, and the claimant died in Paris in the year 1864 in an almshouse. The French Government had declined to support his claim, which had finally fallen into the hands of Mr. Shipherd, and was estimated by that gentleman as amounting, "within safe limits," including principal and interest, to $880,000,000, the right to which Shipherd appears to have bought for the consideration of $1 in currency from a certain Dr. Stewart in Philadelphia.

Together with this claim, which constituted all the available capital of Mr. Shipherd's Peruvian company, Mr. Blaine brings into the business by a dispatch to General Hurlbut, dated August 4, 1881, another claim, alleged to be derived from Mr. J. T. Landreau, also a French citizen, who, in the year 1856, seems to have informed the Peruvian Government that he had discovered some guano deposits, and who, in the year 1865, obtained from the Peruvian Government a decree on the subject of his claim, the third article of which bound him and his representatives never to agitate any question growing out of the concession except in the Peruvian tribunals, and to renounce expressly all diplomatic intervention under penalty of the absolute forfeiture of his whole claim. On this basis a contract was made. In 1868, however, the Peruvian Government annulled its contract. The French Government investigated that affair, but thus far has not interfered, although it is said that even now Mr. J. T. Landreau is in Paris trying to interest his government in the matter.

A part of this claim, it is alleged, belonged to J. C. Landreau, a brother of J. T. Landreau, who claims to have been a partner in the affair. As this person is represented as a minor, under eighteen years of age, in 1857, some years after the alleged discoveries were made, his partnership in law may be questioned. Not until ten years afterward, on June 3, 1867, did he become, as he alleges, a citizen of the United States, at New Orleans, although a search in that city has thus far failed to bring to light the record of his naturalization.

In 1871, however, J. C. Landreau wrote to the State Department complaining of the Peruvian Government for not fulfilling the contract which it had made with him. After repeated rebuffs from Mr. Fish, he at length got a favorable report from Mr. O'Connor, the examiner of claims in the State Department. On the strength of this report, Mr. Fish, in 1874, called the attention of Mr. Thomas, then United States minister in Peru, to Landreau's claim, expressly stating, however, to Mr. Thomas that he must move in the matter, if at all, "unofficially."

The Peruvian foreign office took express notice of this reservation, and nothing was done by Peru to advance Landreau's claim. At the close of the second administration of President Grant, in February, 1877, Mr. J. C. Landreau was appointed United States consul at Santiago de Cuba, which office he still holds; and this House, on the 20th of February, 1880, adopted a resolution requesting the President to "take such steps as in his opinion may be proper and in accordance with international law to secure to the said John C. Landreau a final settlement and adjustment of his claim." This resolution was sent to the Senate and has slept in committee ever since. It never reached the President at all.

In the first interviews with Mr. Blaine at the end of July Mr. Shipherd and Senator BLAIR seem to have suggested the probability of some arrangement under which the Cochet and Landreau claims might be thrown together as the basis of a vast "Peruvian company," representing a capital "within safe limits" of some $1,200,000,000. In fact it has been proved that Shipherd had the audacity to send General Hurlbut, the new minister to Peru, before he left for that country, a memorandum offering to reserve, "say, $250,000 of the pool stock" of this prospective company subject to the minister's "advice."

Within a week after his first interviews with Shipherd and Senator BLAIR, the Secretary of State sent to the minister at Lima a dispatch, dated August 4, 1881, (the only dispatch sent for months to that minister,) in which, after a brief allusion to the Cochet claim,

the merits of the Landreau claim are assumed and urged, and the minister is thus explicitly instructed:

You will take especial care to notify both the Chilian and Peruvian authorities of the character and status of the claim in order that no definitive treaty of peace shall be made in disregard of the rights which Landreau may be found to possess.

Mr. Shipherd's conduct has been explained on the theory that he is not morally responsible; that he labored under an "indefinable hallucination." Lunatic he may be, but if so he was a lunatic introduced, supported, and advised by persons of such influence and position and in such a manner that he met with nothing at first but cordiality and confidence, whatever may be said about his subsequent treatment.

To take up Mr. Shipherd and his Peruvian company was to throw over the Credit Industriel, on whose capital and connections the scheme for rescuing Peru had up to that time rested, and which, as Mr. Trescot testified, was "unquestionably" the only one referred to in the instructions of the State Department of June 15, 1881. Nothing yet made public on this subject adequately explains this sudden and violent change of policy which in a few hours altered the whole scheme of action and threw all parties connected with the affair into a state of embarrassment and confusion from which they never again escaped.

On the 19th of November the Secretary wrote to General Hurlbut that "agents of the Credit Industriel had visited the Department of State and ineffectually endeavored to enlist the interest of this Government in their behalf. However trustworthy the Credit Industriel may be, I did not consider it proper for the Department to have anything whatever to do with it. It is a foreign corporation, responsible to French law, and must seek its patronage and protection from France." This is inconsistent with the facts in regard to the past relations of the Credit Industriel with the State Department, but it proves Mr. Shipherd's assertion that the Credit Industriel was thrown over.

This is the more inexplicable because this company was in the closest connection with the Calderon government, and was the only agency which our Government had hitherto endeavored to employ to carry out its fixed idea of ransoming Tarapaca. To say that any real friend of Peru would, at such a time, have thrown Mr. Shipherd and his vicious schemes in the path of a settlement, even were it that proposed by the Credit Industriel, is absurd.

The truth is, that this unaccountable dispatch of August 4 produced the wildest confusion among the subordinates of the Department. It led to their massacre in detail in every direction. The first and most conspicuous victim was an unexpected one—no less a person than our minister in Paris. The firm of Morton, Bliss & Co., of which he is a member, entered into an agency for the sale of nitrates in the United States by a contract with the Credit Industriel, and it was agreed that the continuation of this agency should depend on the success of the United States Government in carrying out the programme of the Credit Industriel. I will say nothing of the propriety of the contract, but I will say that, in my belief, if this transaction was known to our minister, he must have supposed that he was rendering essential service to the Government. This contract was dated August 27, just one month after Mr. Shipherd had taken possession of the State Department. It is clear that our minister at Paris had received no warning of that event; he still may have supposed the Credit Industriel to be the essential agency—the central pivot of our South American policy.

Our minister in Paris and his commercial house were, however, only the victims of this sudden and violent change of policy, but our minister in Peru was in a worse case; he was almost a martyr. The dispatch of the Secretary of State of August 4 reached General Hurlbut in the middle of September and disturbed him very much, as his reply shows, (page 552 of the correspondence,) but he promised to obey orders. Then came a shower of letters from Shipherd announcing that the State Department at Washington had been put under Mr. Shipherd's control, and that the fate of Chili and Peru depended on a settlement of the Cochet and Landreau claims. Rumors began to circulate that General Hurlbut, after all, represented nothing but a speculative enterprise. These suspicions were fatal to his moral influence; they undermined his position. The Chilians clamored about these claims, in which they charged that Calderon and Hurlbut were partners. Had the country been at peace these suspicions would have been hard enough to bear, but the country was terribly racked by war, and General Hurlbut, single-handed, had undertaken to establish a government, put down internal faction, and eject 30,000 Chilians. Against such odds, to load the American minister with Mr. Shipherd and the Peruvian company was the crowning stroke of this so-called vigorous diplomacy!

The Chilians at last, on November 2, seized upon Señor Calderon and sent him to Chili.

MR. BLAINE REPUDIATES GENERAL HURLBUT.

Meanwhile the Secretary, on the 27th of October, had sent a curious telegram to General Hurlbut. Mark that although the Lynch memorandum and the Garcia letter had long since been received at the Department, neither then nor for six weeks thereafter was there expressed the smallest disapproval of those documents, which had no other object than to carry out the policy of aiding Peru by saving Tarapaca, thus enabling the Credit Industriel to pay the Chilian indemnity. This telegram of October 27 was on another subject; it ran thus: "Influence of your position must not be used in aiding the Credit Industriel, or any other financial or speculative association."

Whatever else this meant, it at least meant that the Secretary had found out his mistake in patronizing Shipherd, and was trying to get rid of him. If we turn to the explanatory letter of November 19, we find the Credit Industriel and the Peruvian company for the first time yoked together in order to cover them both in the same gentle oblivion for a time!

Finally, if we turn to the Secretary's letter of November 17, in which there is no reference whatever to the Credit Industriel, it is only too clear that the Secretary's mind was greatly harassed by the conduct of Mr. Jacob R. Shipherd. In fact, between August 4 and November 22, 1881, except for a brief order to continue the recognition of Calderon's government after it had been suppressed, Shipherd and the Landreau claim were the burden of Mr. Blaine's instructions. On the 22d of November he wrote to General Hurlbut disapproving for the first time and in a very qualified manner all his acts—the Lynch memorandum, the Garcia letter, the Chimbote cession. On the 3d of December the disapproval was made more emphatic. It is noticeable that this dispatch to General Hurlbut was written on the same day that the Secretary also sent a letter to Shipherd, by which the latter was at last discarded by the Department of State, and in which it is stated that only Shipherd's apparent mental irresponsibility saved him from prosecution. Finally he announced that the President would send a special mission to cover General Hurlbut's withdrawal.

The instructions to Mr. Trescot, the special commissioner, required a disavowal by Chili of the "impression" that Calderon's arrest was due to his continued recognition by the United States; they forbade any disavowal of General Hurlbut, in spite of the Secretary's pretended disapproval of that minister, and on the crucial point, the cession of Tarapaca, they used the following language:

This Government holds that between two independent nations hostilities do not, from the mere existence of war, confer the right of conquest until the failure to furnish the indemnity and guarantee which can be rightfully demanded. The annexation of Tarapaca, which under proper administration would produce annually a sum sufficient to pay large indemnity, seems to us to be not consistent with the execution of justice.

Thus it appears, then, that after six months of confusion, after reciprocal insults, after the buffoonery of Shipherd, we come back to the exact point we started from: should Chili have Tarapaca? Throughout the whole period neither Peru nor Chili had asked for our mediation or intervention in any form, but on the other hand the Credit Industriel did ask that Tarapaca be retained, so that the contracts with Peru might be carried out; and so, also, did the Landreau claimants ask to be secured in their pretended rights over the same territory—whether that territory was to go to Chili or remain in the possession of Peru.

On the 22d of November the Secretary formally tells General Hurlbut that he is all wrong in saying that the President would not consent to the cession of Tarapaca, and one week later, on December 1, he still more formally tells Mr. Trescot that the President does not consent to it. All these dispatches bear the marks only of the struggles between the rival interests of the Credit Industriel and the Landreau claimants. The Landreau claim survived the last word of the Secretary on the 16th of December, being an intervention in behalf of that claim.

With the mission of Mr. Trescot Mr. Blaine's official share in these transactions draws near to its close. That mission was of his devising. Mr. Trescot, under Mr. Blaine's direction, drew up the instructions of June 15, 1881, given to General Hurlbut and General Kilpatrick. Mr. Trescot, still under Mr. Blaine's direction, drew up that fatal dispatch of August 4, 1881, to General Hurlbut, in which the United States Government formally extended its shield over the Landreau claim, and thrust upon Chili and Peru the necessity of recognizing that claim as a condition precedent to any negotiation of peace on the west coast.

What was the object in sending Mr. Trescot to South America? In the answer to this question surely we ought to find, if we are to find it anywhere, a thread of purpose throughout this deplorable story.

From the instructions given to Mr. Trescot by Mr. Blaine on the 1st of December, 1881, it appears that the special commissioners sent to South America were instructed to insist on two points mainly. One of these was to exact from Chili, on pain of a rupture of diplomatic relations with that country, a formal disavowal of any intent to offend the United States Government in the seizure and removal from Peru of the provisional president of that republic, Señor Calderon, together with the manifestation of a sincere purpose on the part of Chili to aid Peru either "in restoring the present provisional government," (note this curious turn of expression!) "or in establishing in its place one which will be allowed the proper freedom of action necessary to restore internal order, and to conduct real negotiations to some substantial result." The other was "to impress upon Chili" the strong objection of the United States to any attempt on her part at exacting from Peru a cession of territory, and the strong desire of the United States that Chili should allow Peru the opportunity of ransoming her territory by a reasonable, not "an extravagant," indemnity.

CHILI MUST NOT HAVE TARAPACA.

Was this really the last word of the Secretary's official diplomacy in regard to the conflicts in South America? If so, what explanation can be given of the previous dispatch sent by cable October 27, 1881, to General Hurlbut at Lima: "Influence of your position must not be used in aid of the Credit Industriel or any other financial or speculative association?" How was Tarapaca under this policy to be rescued from the grasp of Chili otherwise than through the plan of the "Credit Industriel?" Was there any other possible way in which Tarapaca could be redeemed from the power of Chili save the payment by Peru of an indemnity to Chili? Had not Mr. Evarts admitted this when he first entertained the propositions of the Credit Industriel as a great body of the foreign creditors of Peru? If the United States meant to save Tarapaca in June, why was the minister of the United States at Lima peremptorily ordered in October not to "use the influence of his position" in aid of the company which was to be the instrument of saving Tarapaca?

Whatever may be said of the plan of the Credit Industriel it cannot be said that it sought the "aid" of the United States as a "financial and speculative association." Its contracts with the Government of Peru arose out of the debts of Peru in Europe, and long antedated the negotiations conducted by the Secretary. If this cable dispatch of October 27 was not intended to cover some unacknowledged scheme still hidden in the general terms "any other financial or speculative association," it must have been intended to check and thwart any negotiations then going on at Lima for a peace to be based on the plans of the Credit Industriel, or, in other words, to check and thwart the ostensible object itself of all this "brilliant policy"—the settlement, namely, of the troubles on the west coast with indemnity to Chili, without loss of territory to Peru, and under the disinterested influence of the United States!

Mr. Blaine surrendered the portfolio of State to Mr. Frelinghuysen on the 17th of December, 1881, and on the very day before doing so he sent a dispatch to Mr. Trescot, which, with the permission of the House, I will read from the volume of correspondence, as follows:

DEPARTMENT OF STATE,
Washington, December 16, 1881.

SIR: Some erroneous statements, now being circulated in a portion of the American press, may reach Santiago and create an injurious impression in the minds of the Chilian Government; and I write you this instruction from excess of caution, in order that no enduring harm may result.

The erroneous statements in the press to which I especially refer are those which represent this Government as in some way giving encouragement to the Cochet claim against Peru, which, being acknowledged, should enable the United States to pay an indemnity to Chili and then practically own Peru, either directly or through an association of American citizens.

This is the extreme statement, and it has many shadings and variations.

You will take prompt and special care to anticipate any evil that might result from these rumors being circulated by a disavowal and denial of them in whole and in any part.

The only claim for which this Department has instructed our minister at Lima to use his good offices is that known as the Landreau claim, and this to the extent only of insisting that Mr. Landreau should be permitted to have an authoritative investigation of his claim by the Peruvian Government, and that if found to be good and valid it should be provided for in any treaty with Chili which might affect the property to which it attaches.

The law officer of the Department of State, as long ago as 1874, made an exhaustive report on this claim, and recommended that this Government should interpose its good offices in behalf thereof.

On the 26th of July, 1874, my predecessor, Mr. Secretary Fish, instructed our minister at Lima to use his good offices with the Peruvian authorities in behalf of Mr. John C. Landreau, "with a view of securing from that government a speedy investigation and adjustment of his claim."

On the 20th day of February, 1880, the House of Representatives of the last Congress unanimously passed the following resolution:

"That the petition of John C. Landreau the report made thereon by the Committee on Foreign Affairs, and the accompanying papers be transmitted to the executive department, with the request that the President take such steps as, in his opinion, may be proper, and in accordance with international law to secure to the said John C. Landreau a final settlement and adjustment of his claim against the Government of Peru; and that, if in his opinion it is proper to do so, the President invite the Government of France to co-operate with the United States in this behalf."

I inclose herewith, for your further information, copies of my instructions to Mr. Hurlbut on this subject. It gives me pleasure to say in this connection that Mr. Hurlbut's action in regard to both the Landreau and Cochet claims has been marked by entire prudence and discretion.

While disabusing the mind of the Chilian Government of any impression that the United States meditates intervention on behalf of private claims, beyond the use of its good offices, you will say that justice seems to demand that Landreau should have an opportunity to be heard in support of his claim before a tribunal in Peru competent to decide it, and that, if decided in his favor, a treaty of peace which might cede territory to Chili should not be made in disregard of any rights which Mr. Landreau may be found, after an impartial judicial investigation, to possess.

Further than this the Department of State has not felt authorized to go, and I must express the hope that the Governments of Peru and Chili, to both of which you are accredited, will recognize the moderation and justice of the request made by this Government.

What is the plain meaning of this extraordinary and, as we may perhaps call it, this testamentary dispatch? We do not want its meaning by construction. We want its true meaning in connection with the whole course of the diplomatic correspondence of which it is the culmination and the close.

To reach this let us consider—

That on the 15th of June General Hurlbut, then going out as United States minister to Peru, was instructed that "the most pressing service" incumbent upon him was to aid the Government of Peru in securing from "friendly powers" assistance which should enable her to escape a cession of territory by enabling her to pay a reasonable war indemnity to Chili; that is to say, by the agency of the Credit Industriel.

That on the 4th of August General Hurlbut, then at Lima, was instructed to make both Peru and Chili understand that no definitive treaty of peace would be permitted by the United States to be made "in disregard of the rights" which an alleged American citizen, Landreau, "might be found to possess" under a contract made by his brother, a French citizen, with the Government of Peru.

That on the 27th of October General Hurlbut was instructed by cable that he must not use the influence of his position in aid of the Credit Industriel, which had proposed to enable Peru to pay a reasonable war indemnity to Chili.

That on the 1st of December Mr. Trescot was instructed to "express the dissatisfaction of the United States," should Chili refuse to permit the formation of any government in Peru not pledged to consent to a cession of Peruvian territory; and to threaten an appeal to the other republics of the continent should Chili refuse the good offices toward peace of the United States based on the right of Peru to demand an opportunity to find indemnity and guarantee without any cession of her territory.

And that on the 16th of December, finally, the Secretary instructs Mr. Trescot that "justice seems to demand" a hearing for Landreau before a competent Peruvian tribunal, and that no treaty of peace ceding territory to Chili must be made in disregard of any rights which Landreau might be declared by such a tribunal to possess.

Why this haste to press such claims before the restoration of self-government in Peru?

If the Secretary on the 4th of August had really sought—as he seemed to do on the 15th of June—the success of a "policy" in South America, would he at that date have interposed an alleged American claim of vast proportions between the prostrate Republic of Peru and the victorious Republic of Chili, insisting that the one should entertain this claim before tribunals not then in existence, and that the other should agree to accept this claim as a "lien" in advance upon any settlements to be made of the questions at issue between herself and her defeated antagonist?

The Landreau claim, as urged on the 4th of August, 1881, became a very awkward obstacle in the way of peace between the warring republics. It belittled and degraded the position of the United States in these negotiations. Instead of an impartial arbiter, to whose action the European powers looked for the adjustment of the claims of their subjects, and the warring American states for the effectual assertion of an American system of international justice, the American Government, in the light of these dispatches of August 4 and December 16, 1881, became a speculative operator upon the helplessness of Peru, the claims of European creditors, and the fears of Chili; and this in behalf of pretensions to which in no circumstances has the American Government any right or authority whatever to lend the weight of its official intervention.

Is it possible to explain this extraordinary incoherence, not in terms alone but in aims and in object, between the South American diplomacy of the State Department, in March, 1881, and in December, 1881?

On the 2d of July, 1881, the tenure of office of the Secretary of State was suddenly challenged by a national calamity. From that dark day to the day in September on which the long agony of President Garfield ended at Long Branch, the question whether the administration of the State Department should remain in the hands of the Secretary hung daily on a single wavering life. Between the 19th of September, when President Garfield died, and the 17th of December, when Mr. Frelinghuysen entered the State Department, the position of Mr. Blaine grew daily more and more uncertain, and he seems to have been willing to leave to his successor a legacy not only of complicated and unsettled public business but of confusion worse confounded in all the foreign relations of the United States. Illustrations of this will readily occur to the House in connection with other questions. I need only turn this light to-day upon the dispatches touching the Credit Industriel, and upon the dispatch of December 16, 1881, touching the Landreau claim, which was sent to Mr. Trescot at Santiago.

What does it recall to us? To answer this final question fairly and fully, we must ask ourselves what would have been the consequences if Mr. Trescot had been permitted by Mr. Frelinghuysen to exact of the Chilian Government a full compliance with the demands which he was authorized by the ex-Secretary in his instructions to make upon that government? As the Landreau claims were urged upon him by the ex-Secretary on the 16th of December, he must have required the Chilian Government to agree, before proceeding to negotiate any terms of peace at all with Peru, that the settlement of the Landreau claim should be adequately guaranteed, the amount of it being of course uncertain and dependent as an ultimate Peruvian adjudication.

Need I take up the time of the House in showing that to make such a demand as this upon Chili was to insure its rejection by that republic? The cession of Tarapaca, that is, the dismemberment of Peru, was to be debated after such a basis of negotiations had been reached. But the governments both of Chili and Peru were to be notified from the outset that provision for the settlement of the Landreau claim must be made before any effectual negotiations for peace could be undertaken. To insist upon this was to make such

a negotiation impossible, and to make such a negotiation impossible was to leave the administration of President Arthur face to face with the alternative of surrendering all the pretensions of the United States to influence in South America, or of imposing the will of the United States upon the victorious Republic of Chili by war.

It is not difficult, therefore, to conceive the circumstances in which a necessity might be created for building a large navy, when this House might be absolutely compelled to vote appropriations which would dwarf the sums asked for in this bill. But the diplomacy of this Government from March to December, 1881, went quite far enough in the interest of claimants and speculators upon Peruvian territory. This course prevented the proper and legitimate influence of the United States from being felt, and more than anything else brought about the final dismemberment of Peru. I will not ask the House to listen to the reading of dispatches from which these conclusions are drawn, but I ask leave to print them in the RECORD. A hundred iron-clads in the harbor of Callao could not prevent the unfortunate position in which this Government was placed by its State Department. I do not say that there was a deliberate purpose to bring things to such a pass in our relations with the belligerent states on the Pacific, but I have stated and have endeavored to sum up the results of this diplomacy, and I leave it to this House and to the country to decide what verdict shall be rendered upon such stewardship of such a trust. [Applause.]

[During the delivery of the foregoing remarks, when Mr. BELMONT'S time had expired Mr. SPRINGER obtained the floor and yielded to Mr. BELMONT.]

Mr. O'NEILL. I wish to ask the gentleman from Massachusetts, [Mr. HARRIS,] chairman of the Committee on Naval Affairs, whether it was not his intention to offer an amendment or a substitute proposing the appropriation of a large amount of money to commence the building of a new navy.

Mr. HARRIS, of Massachusetts. I had prepared three different amendments in the nature of substitutes for the provisions of this bill. One proposed an appropriation of $10,000,000 to be spent under the guards and upon the system devised by the Committee on Naval Affairs, set forth in House bill No. 5001 and explained in the accompanying report. I afterward felt that perhaps on an appropriation bill this might be asking too much, and on consultation with the Committee on Appropriations I proposed to offer a substitute appropriating $5,000,000 and authorizing the beginning of the construction of six ships of war, one ram, and several torpedo boats. But the appropriation of $5,000,000 would not complete the work. Upon consultation with a few members of my committee, (for we have not been able to obtain a quorum of late,) and in obedience to the expressed desire of the Committee on Appropriations, I have at last consented to offer no substitute for any portion of this bill, but simply to move to apply to the appropriation of $1,750,000 the same provision guarding and directing the expenditure which we would have applied to the entire appropriation of $10,000,000.

Now, Mr. Chairman, all that we can do under the ruling of the Chair upon this bill is to decide whether or not this Government will begin the construction of some new cruising ships of war and whether we shall in this bill provide for the sale of the old and utterly worthless ships which are costing for their care every year $100,000.

We expect to do no more at present. This bill appropriates $1,750,000 for construction and repair; and by the provisions of my amendment and the bill itself so much of this sum as may not be necessary for the purchase of material and the repair of old wooden ships may be expended in laying the keels and beginning the construction of two steel cruisers of war.

Mr. HEWITT, of New York. Will the gentleman be good enough to tell us how much of this there will be left for that purpose?

Mr. HARRIS, of Massachusetts. I wanted to say to the gentleman from Georgia, [Mr. BLOUNT,] when he was discussing a part of the bill which has long since gone out, providing that $400,000 only shall be expended in the repair of old ships, that if you buy the material and repair wooden ships of the United States which are worthy of being still kept upon the sea, you will require more than $1,000,000, perhaps $1,250,000.

So that the Naval Committee, after all their labor, and I think I am entitled to say honest and faithful labor, are able to get through the instrumentality and friendship of the Appropriations Committee $500,000 only to commence the work which the Committee on Naval Affairs design for beginning the construction of two of the best ships of war which float on the ocean. For we want the best, or none.

Now, the gentleman from Tennessee [Mr. ATKINS] comes in and proposes to strike it down to $1,500,000. I hope he will allow us, even on an appropriation bill, as the only means by which we can reach the subject at this session, to have a little money, guarded as we have guarded it and as it is guarded in the amendment, for the commencement of work which the whole country demands. In my judgment there is not a gentleman on that side of the floor who does not agree with me the time has arrived when some wise and prudent legislation should be undertaken in behalf of the Navy of the United States. [Here the hammer fell.]

Mr. O'NEILL rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BELMONT. I withdraw the *pro forma* amendment.

Mr. O'NEILL. I renew it. Now, Mr. Chairman, had I been chairman of the Committee on Naval Affairs I do not think I would have gone to the trouble of consulting the Committee on Appropriations in reference to naval matters peculiarly within the jurisdiction of the Naval Committee. In the first place, the Committee on Appropriations has brought in a bill here, as has been frequently said during this debate, which is not strictly an appropriation bill, but on the contrary contains general legislation never estimated for, either by the Navy or any other Department of the Government.

Mr. HARRIS, of Massachusetts. To what does the gentleman refer?

Mr. O'NEILL. I refer to what has been inserted in the bill, relative to completing the construction of some of the monitors.

Mr. HARRIS, of Massachusetts. We are not now on that branch of the bill.

Mr. O'NEILL. I understand that, but I am not confining myself in these remarks absolutely to any particular branch of the pending bill. Had I been the chairman of the Committee on Naval Affairs I certainly would not have followed in the direction of the Committee on Appropriations, but would have endeavored to have had inserted a substitute for a much larger amount than the amount of money proposed to be expended in the building of ships provided for in this bill. I consider the clause in the bill as reported has no more right to be in it under a point of order than the clause which the chairman of the Committee on Naval Affairs, as I understood, thought of submitting to the Committtee of the Whole for adoption. It would certainly be in order as much as other paragraphs in this bill already full of new legislation.

Mr. Chairman, I should like to say here to my colleague on the Committee on Appropriations, the gentleman from Tennessee, [Mr. ATKINS,] that this is not strictly an appropriation bill as framed by the Committee on Appropriations, and to the gentleman from Georgia [Mr. BLOUNT] that it is not an extravagant bill, as far as it appropriates money. I think the amount proposed is within a very fair limit as compared to former naval appropriation bills.

But, sir, I am desirous, if we could, to have inserted in this bill several millions of dollars to go on with the building of a navy. I am desirous of that, because I think the country needs a navy. I am also desirous of it because as we have given the discretion to the Secretary of the Navy to take work from one navy-yard to put it in another, or to close certain navy-yards, I want to give him also an opportunity to aid in building up a navy and thus utilize the navy-yards belonging to the Government in various parts of the country which are so convenient in situation and so replete in machinery, and where mechanical skill and labor can be so amply supplied in all of them.

I am not, as I said before in this debate, in favor of closing the navy-yards. I am in favor of constructing a navy, and, in my judgment, the original idea of the gentleman from Massachusetts in that regard should have been carried out, and he should have presented his substitute and insisted upon it. The Secretary of the Navy would have had then ample work to keep open all the navy-yards on the Atlantic coast, as well as the Mare Island navy-yard. The country certainly wants a navy, and I do not know whether the gentleman from Massachusetts should not even yet offer a substitute to this bill taking out all which has been inserted by the Committee on Appropriations in the shape of new legislation, and making instead ample appropriations for constructing vessels, thus keeping up the Navy establishment of the country as it should be maintained.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw the *pro forma* amendment?

Mr. O'NEILL. I do.

Mr. ATKINS's amendment was rejected.

Mr. HARRIS, of Massachusetts. I offer the following substitute.

The Clerk read as follows:

Strike out all after the word "dollars," in line 396 to the end of line 409, and insert in lieu thereof the following:

"*Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent. of the estimated cost of a new ship of the same size and like material. Any portion of said sum not required for the purposes aforesaid may be applied toward the construction of two steam cruising vessels of war, which are hereby authorized, the same to be constructed of steel, of domestic manufacture, having a tensile strength of not less than 60,000 pounds to the square inch, and a ductility in eight inches of not less than 20 per cent.; said vessels to be provided with full sail-power and full steam-power.

"One of said vessels shall be of not less than five thousand nor more than six thousand tons displacement, and shall have the highest attainable speed, and shall be armed with not more than four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than twenty-one breech-loading rifled cannon, of high power, of not less than 6-inch caliber; one of said vessels shall be of not less than four thousand three hundred nor more than four thousand seven hundred tons displacement, and shall have the highest attainable speed, and shall be armed with four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than fifteen breech-loading rifled cannon, of high power, of not less than 6-inch caliber.

"The Secretary of the Navy is hereby empowered and directed to organize a board of naval officers and experts for his advice and assistance, to be called the 'naval board of advice and survey,' to serve during the period required for the construction, armament, and trial of the vessels hereby authorized to be constructed, and no longer. Said board shall consist of five officers on the active list of the Navy in the line and the staff, to be detailed by the Secretary of the Navy, without reference to rank and with reference only to character, experience, knowledge, and skill, and two persons of established reputation and standing, experts in science and in the arts of ship-building, steam-engineering, and naval ordnance, to be selected from civil life and employed for this sole duty by the Secretary of the

Navy, and to be paid such sum, out of the appropriation hereby made, not exceeding $50,000, as he may direct: *Provided, however*, That no person shall be a member of said board who has any interest, direct or indirect, in any invention, device, or process, patented or otherwise, to be used in the construction of said vessels, their engines, boilers, or armament.

"It shall be the duty of said board to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor, but shall in all things be subject to the order and direction of said Secretary.

"Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $100, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes.

"The Secretary of the Navy is hereby authorized to cause either of the said cruising vessels of war aforesaid to be provided with interior deflective steel armor, if the same, upon full investigation, shall seem to be practicable and desirable, and if the same shall be approved by said board, or a majority thereof, in writing. Before any of the vessels hereby authorized shall be contracted for or commenced, the Secretary of the Navy shall, by proper notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, having or controlling regular establishments and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy, having plans, models, or designs of any vessels of the classes hereby authorized or of any part thereof, within any given period, not exceeding sixty days, to submit the same to said board; and it shall be the duty of said board to carefully and fully examine the same and to hear any proper explanation thereof, and to report to the Secretary of the Navy, in writing, whether, in their opinion, any such plan, model, or design, or any suggestion therein, is worthy of adoption in the construction of said vessels, their engines, boilers, or armament; and if in such construction any such plan, model, design, or suggestion shall be adopted, for the use of which any citizen not an officer of the Navy would have a just claim for compensation, the Secretary of the Navy shall report the facts to Congress, with a statement of the amount which in his opinion should be paid to such person: *Provided*, That said board of advice and survey herein provided for shall, under the direction of the Secretary of the Navy, prepare plans, drawings, and specifications for vessels, their machinery and armament recommended by the late naval advisory board not herein authorized to be built."

Mr. BLOUNT. I raise the question of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLOUNT. My first point of order, sir, is that it provides for the construction of two new cruising vessels, with many provisions of legislation in reference to their construction, describing particularly how they shall be built, and entering into details of material, &c. In the next place, it provides in detail for an advisory board, and their duties are prescribed by the same amendment. These propositions are changes of existing law and do not retrench expenditures, and therefore are not in order on an appropriation bill.

Mr. WHITTHORNE. Mr. Chairman, I think, with due deference, of course, to the opinion of the Chair, that while in the ruling recently made the Chair may have been in error in holding the text of this portion of the bill to be in order, I submit, that having been done, the amendment of the gentleman from Massachusetts to perfect that text, being a provision for two cruisers, is entirely within the scope of that same provision and necessarily in order. Then I submit to my friend from Georgia that this proposition or amendment is intended as a safeguard to protect as far as possible the interests of the Government in the making of contracts necessary for the building of these vessels of war. The amendment is intended in that way, and as being a safeguard or measure of protection. While I might agree with my friend from Georgia and differ with the Chair upon the ruling recently had, still, if the text of the bill be in order, necessarily this amendment, which is in the interest of economy and protects the public interest, is unquestionably in order. It cannot be ruled out for the same reason that the text of the bill shall not be ruled out.

Mr. HARRIS, of Massachusetts. Mr. Chairman, when it was determined that this House might in this appropriation bill apply a certain portion of this amount of $1,750,000 for the construction of new vessels of war, I take it that it has the right at the same time to provide any method that it might legitimately use for the wise expenditure of that money. This amendment provides that the ships shall be built of steel. All this provision in the bill is new legislation, and therefore the authority to build the ships is new legislation. The authority to build them of steel is new legislation, and the authority to throw around the vessels the board of advice and survey, to see that the money is properly expended, is also new legislation. It seems to me if the appropriation in the first instance is in order, as stated by the gentleman from Tennessee, [Mr. WHITTHORNE,] then we have the right to limit the expenditure of the money in any manner we may see fit, and therefore it is a legitimate subject for an amendment to this portion of the bill, and is in order.

Mr. HISCOCK. Mr. Chairman, to my mind there can be no question but what the amendment of the gentleman from Massachusetts is in order. As has been well stated by the gentleman from Massachusetts himself and by the gentleman from Tennessee, when an appropriation is in order in the first instance looking to the building of new ships, and that legislation is before the committee for consideration and for amendment, any and every amendment is in order that is germane to that proposition. Every possible restriction that can be conceived, every direction that Congress wishes to give to the Navy Department in the expenditure of that money, must be legitimate and in order as being a part of the original proposition.

Mr. ROBESON. Mr. Chairman, there is an underlying mistake and misconception of the law, I think, in the minds of many gentlemen with regard to the powers and duties of the Navy Department, and that mistake often leads them astray upon points of order. We hear it frequently stated here upon this floor that ships of war cannot be built without express legislation, and that to authorize their building is new legislation. This is a mistake. The contrary is true. As the law now stands the Navy Department, acting under the orders of the Executive, as all heads of Departments act under his orders, has a right to build any ship it pleases, provided Congress appropriates money enough for it. And if an appropriation of $10,000,000 in a round sum were appropriated to that Department there is discretion already lodged there, without additional legislation, to build as many ships as that sum would build. The act organizing the Navy Department defines that. It will be found in section 417 of the Revised Statutes:

The Secretary of the Navy shall execute such orders as he shall receive from the President—

As all Secretaries or heads of Departments do—

relative to the procurement of naval stores and materials, and the construction armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment.

So that the Navy Department, when unrestricted by law, if they have an appropriation, are entitled to build ships therewith. It does not require new legislation to apply such fund to the building of ships. They are restrained, Mr. Chairman, by statute when the statute exists. Now, there is no law on the statute-book which restrains the building of these or any other kinds of ships. There is no law on the statute-book which says the President and the Secretary of the Navy, acting under his orders, shall not construct, rebuild, substantially repair, or build from keel to deck any ship; and the law is explicit on that point. So much for that mistake.

Now, then, if that is the law, what are we doing here? We are appropriating money for the construction of ships, according to law. We seek to appropriate $1,750,000 for that purpose. In making that appropriation, the power that makes the appropriation has a right to make it upon conditions which they themselves impose. They have a right to make a special appropriation upon rules upon regulations under safeguards and according to conditions which they themselves impose. I do not think it can be said under any circumstances that Congress, if they have a right to appropriate without conditions, may not also appropriate under appropriate and proper safeguards. If that be true, there can be no point of order lying against this amendment.

Mr. HOLMAN. Whether the one position or the other may be the correct one—the position that the point of order would have laid to the original text touching these new vessels or the position of the gentleman from New Jersey [Mr. ROBESON] that that appropriation was clearly in order—whether the one proposition or the other be correct, I submit that that portion of this amendment which goes beyond the mere appropriation of money is clearly within the rule of objection of legislation upon appropriation bills. For instance, the gentleman says this is but a restriction, a method of controlling the legislation. I have heard that argument submitted over and over again during this session to the Chair. It has been said you may say, by way of amendment and to control the expenditure of money, no part of it shall be applied to political purposes. But that was held to be out of order because it was a restriction on the expenditure of the money, necessarily involving a new principle of legislation.

Now, this amendment goes away beyond anything proposed heretofore, for it proposes the organization of an independent board; and that board, the Chair will observe, not composed merely of naval officers with certain definite powers, but it goes to the extent of employing persons from civil life for whom of course compensation must be provided.

Therefore whatever may be said as to the original question whether an appropriation like this is in order for the building of a ship, it is very clear that legislation proceeding beyond the appropriation of money comes within the third clause of the twenty-first rule of the House.

Mr. BLOUNT. Mr. Chairman, the gentleman from New Jersey [Mr. ROBESON] might very well have come down to a later period than the act organizing the Navy Department to have ascertained whether there had been any improvements upon it suggested by experience. I have before me two sections which, I think, materially modify and which destroy the power beyond question which the gentleman claims. Section 3732, which was passed in 1861, reads thus:

No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment.

except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

And in 1870, for the very purpose of taking from the Departments the power the gentleman claims, the following section was enacted:

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract for the future payments of money in excess of such appropriations.

Where then, unless Congress shall have provided for it by law, unless Congress shall have provided the appropriations, does the gentleman get the authority which he claims? And the gentleman will remember that in reference to the Puritan and various other vessels about which he made a contract on the day before the expiration of his term of office, whether he was right or wrong, from that hour until this the Navy Department have held there was no law for it, and have refused to go forward with it. It was not my purpose to bring that up save for illustration, as an instance of recent date, illustrating the action of the Department.

As to the other argument, suggested by my friend from Tennessee [Mr. WHITTHORNE] and the gentleman from Massachusetts, [Mr. HARRIS,] that there being a provision for new cruisers, that having been decided to be in order, therefore it was in order to make additional legislation—let us see. The rule declares that no legislation shall be in order upon an appropriation bill unless the same is germane thereto and retrenches expenditures in ways specified, by reducing the amount, &c. The Chair will bear in mind that this vague constructive idea of retrenchment, of better legislation and better regulations in the manner of the expenditure of funds, is excluded by a specification of what the rule does mean, by reducing the amount in the bill, reducing the number of officers, &c. That, the Chair will observe, is the rule.

The proposition is made here containing legislation, and it is allowed by the Chair on the ground that the point of order was not made upon it in time—upon that distinct proposition before the House—nothing more; and it is ruled in for that reason. Now, it is argued that the subject-matter being before the House, you can bring forward additional legislative propositions. Does this argument proceed from any fair construction of this rule? The first never would have got in but for the fact that the point of order was not made in time. Whenever it is in, is it to be held that any amendments can be made containing additional propositions? I think not. If that be true why does the gentleman from Massachusetts say "two" vessels? He has got the subject here; why restrain himself at all? You have got the subject of the reconstruction of the Navy here; you are going to let your old ships rot; you are going to prevent their repair; you are looking forward to the building of a new navy; why not take the whole subject in? Why is not everything in order, if this argument is to be regarded? Here is a proposition in reference to two cruising ships. The gentleman from Massachusetts comes forward with a proposition for two vessels, prescribing their dimensions, prescribing all the details as to the character of the vessels, as to the mode of their construction, providing an advisory board and prescribing its duty, fixing all these details as a matter of law, which does not exist in this bill and does not exist in any present law. But gentlemen ask the Chair to hold, in the face of that rigid rule excluding legislation on an appropriation bill, that this liberal view shall be taken and that this bar shall be broken down. If it is not to be adhered to essentially why regard it at all?

Mr. SPRINGER. In reference to the point of order made by the gentleman from Georgia, [Mr. BLOUNT,] I desire to add the further point, that this proposition is in substance the same as a bill now pending before the House, namely, House bill No. 5001, authorizing the construction of vessels of war for the Navy of the United States, and for other purposes. If the Chair will look at the second clause of the pending amendment, he will find that it is in substance the same as section 4 of the bill to which I have referred, and which I will send to the Chair. I read from that section:

SEC. 4. That the Secretary of the Navy is hereby empowered and directed to organize a board of naval officers and experts for his advice and assistance, to be called the "naval board of advice and survey," to serve during the period required for the construction, armament, and trial of the vessels hereby authorized to be constructed, and no longer. Said board shall consist of five officers on the active list of the Navy in the line and the staff, to be detailed by the Secretary of the Navy, without reference to rank and with reference only to character, experience, knowledge, and skill, and two persons of established reputation and standing, experts in science and in the arts of ship-building, steam-engineering, and naval ordnance, to be selected from civil life and employed for this sole duty by the Secretary of the Navy, and to be paid such sum, out of the appropriation hereby made, not exceeding $50,000, as he may direct, &c.

Then the Chair will find other sections of the bill set forth *verbatim* in this amendment. In reference to the point of order made by the gentleman from Georgia, [Mr. BLOUNT,] I was somewhat surprised at the novel doctrine announced by the gentleman from New Jersey, [Mr. ROBESON,] that unless there was some statute forbidding a thing to be done, it was not a change of existing law to authorize a thing to be done not mentioned in existing statutes. It is a change of existing law to authorize anything to be done that cannot now be done under the statute?

Mr. ROBESON. Will the gentleman pardon me one moment?

Mr. SPRINGER. Certainly.

Mr. ROBESON. If the law authorizes the construction of ships, restrained only by the provision that they shall not be constructed unless there is an appropriation for that purpose, is it a change of existing law to make in an appropriation bill an appropriation for the purpose?

Mr. SPRINGER. That is not the point.

Mr. ROBESON. That is the whole point here.

Mr. SPRINGER. In addition to the appropriation here proposed is a provision authorizing a board of advice and survey to be appointed, two of the persons constituting that board to be taken from civil life, and the sum of $50,000 is appropriated for the purpose of paying the expenses and salaries of that board under the discretion of the Secretary of the Navy.

Now, that is a most extraordinary provision, and is brought before this Committee of the Whole under the guise of a provision in the interest of economy, retrenchment, and reform, as gentlemen over there are now pleased to advocate. They reform by creating a new board; they retrench by authorizing the Secretary of the Navy to expend $50,000 to pay the expenses of that board.

The board is to have full control of all the designs, plans, models, specifications, and contracts for such vessels and all their parts, is to have full authority relative to the materials to be used; in fact, it is to be a most extraordinary board, having power to build a new navy. And gentlemen say that it is not a change of existing law, and that it retrenches expenditures. Now, let us see what the rule is. I read from clause 3 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, there is nothing of that kind in this amendment. What is the existing law on this subject? The gentleman from Georgia has very kindly furnished me with the statute on that subject. Section 3679 of the Revised Statutes is as follows:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Now, there being no appropriation by existing law sufficient to do the work provided for in this bill, gentlemen propose to make a law by which this expenditure can be begun and unlimited expenditures incurred for the future. There is no proposition in this bill to make this a complete work to finish these vessels. It is the beginning of an end which will cost from forty to fifty millions of dollars before it is reached. And gentlemen claim that they are inaugurating this reconstruction of the Navy in the interest of economy, and under a rule which prohibits it on an appropriation bill.

Mr. KASSON. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. I will.

Mr. KASSON. I wish to ask the gentleman if he is opposed to the continuance of the Navy or to the construction of any new vessel for the Navy?

Mr. SPRINGER. I will answer the gentleman. I am opposed to the provisions which are now attempted to be inaugurated upon an appropriation bill. When the Democratic party was in power in this House gentlemen over there took exceeding alarm at a few simple clauses in an appropriation bill which were intended to secure freedom of elections. And now, in the very first session after they have come into power again in this House, they have brought in more legislative provisions on appropriation bills than were attempted during the whole six years the Democratic party had control of this House. The first bill brought in here to make appropriations for the support of the Navy contains provisions to provide for the reconstruction of the Navy. And the amendment proposed now by the honorable gentleman from Massachusetts [Mr. HARRIS] and others which have been suggested open up this bill to a magnificent expenditure of money, to the construction of a magnificent navy, which will cost sums of money that no man can now estimate or compute.

The amendment is clearly out of order, and I am opposed to using this appropriation bill for the beginning of the construction of a new navy.

Mr. HISCOCK. I desire to call the attention of the Chair to the following language, beginning in line 391:

And any part of the said appropriation not used for repairs may be applied toward the construction of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board, as approved by the Committee on Naval Affairs of the House of Representatives in their report, No. 653, made to the House of Representatives, &c.

The amendment offered by the gentleman from Massachusetts simply formulates what we find in that report. The original text of the bill refers to a certain report and provides that these ships shall be built in accordance with the recommendations contained in that report. It is the charter according to which they are to be built; it contains the instructions. It recommends the appointment of an advisory board. Now, the Committee on Appropriations, having in the original text of the bill provided that these vessels shall be con-

structed in accordance with that report, the gentleman from Massachusetts now comes in and presents in a formulated and detailed manner the instructions contained in the report. That is all he proposes to do. The amendment does nothing more than exhibit in detail the plan embraced in the report; it does not add anything. If the bill should be passed with the clause in its original form, these ships would have to be built in accordance with the plan embraced in that report; yet for certainty it is better that the amendment should be adopted.

Perhaps it is unnecessary to allude to the last point made by the gentleman from Illinois, [Mr. SPRINGER.] The substantive part of the bill to which he has referred is an appropriation of $10,000,000. Then there were added details for the expenditure of the money. The main feature of the other bill was the appropriation of this sum, and a specification of the manner in which it should be expended. Now, we propose the expenditure of a smaller sum of money, and have simply adopted some of the details of that bill with reference to the expenditure. The amendment certainly is not repugnant to the subdivision of the rule to which attention has been called. But whether it be repugnant or not, I say, sir, that when you confront the provisions of the bill to which I have last called attention, the only question for you to consider is whether the amendment is germane.

I cannot understand the policy of gentlemen on this floor who object to the amendment. I cannot understand why the gentleman from Georgia, of all men in the world, should object to it. This amendment proposes simply to provide a protection to the Government in the expenditure of the money. It embraces provisions to guard against the Department doing or attempting to do that which is not desired or contemplated by Congress. It is a restriction upon the power of the Department; and I certainly cannot understand why the gentleman from Georgia should oppose it.

The CHAIRMAN. The Chair is prepared to decide the question of order. The gentleman from Tennessee [Mr. WHITTHORNE] intimated that as the Chair had ruled to admit the original text of the bill this amendment was germane and ought therefore to be admitted. The Chair desires to state that upon the point of order raised by the gentleman from Georgia upon the text of the bill the Chair ruled that the point came too late, and did not decide whether the provisions of the text were obnoxious to the rule or not.

Now the Chair finds no difficulty in deciding that so far as regards the appropriation for new vessels, ample authority is given in section 417 of the Revised Statutes, which the Clerk will read.

The Clerk read as follows:

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment.

The CHAIRMAN. The Chair thinks that this section of the Revised Statutes gives ample authority to the House of Representatives to vote money for the building of new vessels. It puts it in the power of the Secretary of the Navy to carry out the provisions of a law of this kind when authorized and instructed so to do by the President of the United States. Hence so far as regards that portion of the amendment of the gentleman from Massachusetts relating to this branch of the subject the Chair finds no difficulty in determining the question of order. But in reference to that portion of the amendment providing for the appointment of an advisory board, to be paid out of this appropriation, the Chair is in doubt, and this being a matter of some moment to the country he believes it proper to submit to the Committee of the Whole for determination the point of order raised by the gentleman from Georgia.

Mr. ROBESON. The point as to the advisory board?

The CHAIRMAN. While the Chair has no doubt as to any portion of the amendment except that relating to the advisory board, he desires to submit the whole question to the Committee of the Whole, to be decided by it. The question is, Shall the point of order submitted by the gentleman from Georgia be sustained?

Mr. HOLMAN. I rise to a point of order. While the gentleman from Georgia made his point against the whole amendment he especially called the attention of the Chair to that portion providing for the advisory board.

The CHAIRMAN. The Chair is aware of that.

Mr. HOLMAN. That is an important feature of this proposition, and that portion of it in any event should be submitted to the House unembarrassed by the other portions of the proposition. I hope the Chair will submit it.

The CHAIRMAN. The Chair desires to submit the whole question of order for the decision of the Committee of the Whole. The point of order involved in the proposition of the gentleman from Massachusetts goes to the construction of new vessels and to the appropriation for that purpose as well as to provision for an advisory board. While the Chair has no doubt as to the amendment, except as to the last clause providing for an advisory board, it desires to submit the whole question to the Committee of the Whole to determine it as a point of order lying against the whole amendment.

Mr. HOLMAN. But the Chair overlooks the fact that the point of order was made specially against this advisory board portion.

The CHAIRMAN. The Chair thinks it best to submit the whole question to the Committee of the Whole for determination. The question is on the point of order raised by the gentleman from Georgia, [Mr. BLOUNT,] and those in favor of sustaining the point of order will vote "ay," and those against it will vote "no."

Mr. HOLMAN. I demand a division.

The committee divided; and there were—ayes 29, noes 62.

Mr. SPRINGER. No quorum has voted.

The CHAIRMAN appointed Mr. SPRINGER and Mr. ROBESON as tellers.

The committee again divided; and the tellers reported—ayes 31, noes 93.

So the point of order was overruled.

The CHAIRMAN. The question now recurs on the substitute of the gentleman from Massachusetts, [Mr. HARRIS.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, the amendment I propose is substantially that found in House bill No. 5001. That bill was designed after much labor.

Mr. SPRINGER. That is the point of order I made and which the Chair has not ruled on, that it was substantially House bill No. 5001.

The CHAIRMAN. The Chair, in view of the decision by the committee, overrules the point of order.

Mr. SPRINGER. The gentleman from Massachusetts says it is the same bill, and the Chair overrules the point that it is, but the law is always with the court.

Mr. HARRIS, of Massachusetts. For the last four Congresses this very question which is now embodied in this amendment, this system, has been proposed by the Committee on Naval Affairs. Under the lead of the gentleman from Tennessee the Committee on Naval Affairs reported to this House two or three bills, in each of which an attempt was made to rebuild the Navy, but in order to secure harmony in the action of the Navy Department, in order to prevent great failures in the future, as there have been great failures in the past, we have felt it the duty of Congress in authorizing the expenditure of money to say to these heads of bureaus, "While we are willing to give you authority to spend money in your several departments and to manage your several departments, we shall insist on it you shall begin no ship until the entire design of that ship, including hull, engine, &c., has been first considered to determine whether being combined they make a harmonious whole."

That is the purpose of the Committee on Naval Affairs, and that has been the purpose of that committee during the last five or six years. I have brought here as representing the Naval Committee no new system, but I have undertaken to bring here a perfected system, so far as we have been able in the committee to perfect it.

On one of our bills we recommended a board, called a board of assistants, with a power somewhat akin to the old admiralty board.

At one time we assembled at the Navy Department and listened to the advice of naval officers, and our bill was changed in obedience to their views. To-day the amendment now before this House has the approval of every intelligent officer of the Navy who has done us the honor of calling on us and giving us his opinion. It has the approval of the present Secretary of the Navy.

Now, we believe if you begin the construction of cruising ships of war you should begin and guard the expenditure of money, so that the hull, the engine, and everything else should be arranged beforehand. The experience of the past has been that a good hull and a good engine, and good guns which do not fit each other make a worthless ship. That is the experience of the past, and we would guard against it in the future.

Now, sir, we are only authorizing the building of two ships here, but we establish a board of advice and survey to whom every proposition relating to these ships must be first submitted by the Secretary. The original bill which the Committee on Naval Affairs designed and proposed to submit for the consideration of the House contemplated the construction of two first-class ships, four of the second class, one steel ram, and several torpedo-boats, and the amount contemplated for this purpose was estimated at $10,000,000. In that bill we also provided for the board of advice and survey to take into consideration questions arising in connection with their construction. But this provides for only two ships, and yet it still provides for same protection to be derived from the experience and recommendations of the board of advice and survey. And this morning I have written for the first time an amendment which is appended to the printed amendment I submitted a few days since, that this board of survey and advice should, under the direction of the Secretary of the Navy, go forward and occupy their time devising plans, models, and specifications for other ships not authorized in this bill. I confess, sir, my gratification at being able to get once before the United States House of Representatives a proposition involving a policy for the future with regard to the American Navy. I trust the amendment will be adopted, and I believe if it is adopted we shall in the future have a navy worthy of our flag and worthy of the officers who belong to our Navy.

Mr. ATKINS. Mr. Chairman, I will occupy the attention of the committee but very briefly. Now, the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Massachusetts [Mr. HARRIS] in one breath would have this committee understand that we have scarcely any navy to-day. The gentleman from New Jersey [Mr. ROBESON] was very anxious in his remarks to convey the impression

that Congress should make sufficient appropriations to build one ship that would be worthy of the nation. Now I read:

We have some twenty live-oak ships—they are wooden ships to be sure, but they are good ships, good cruising vessels, and they are exhibiting the flag of the country in all the waters of the earth, and they have ever been sufficient to secure for us in all harbors and oceans that respect which the Stars and Stripes at the head of a naval vessel of the United States ought always to command.

"Twenty good live-oak ships—good cruisers." That is the language of the Secretary of the Navy himself in his recent speech at the Revere House in Boston. Now, sir, the impression is sought to be conveyed here in this debate that we have no ships worthy to be called ships; while here the Secretary of the Navy himself says that we have twenty good ships, ships worthy of the country, floating our flag upon all the waters of the earth. Besides that he says:

We have fourteen iron-clads fit for service.

Now, I do not see any very great necessity for being in a hurry about building up a navy. Let us wait, sir, until naval invention and naval construction shall have reached that perfection which will present a model that we may safely adopt. Naval construction is constantly changing. There is no fixed model by which we could be safely guided in such a large expenditure. Up to this time naval authorities have differed widely as to what kind of vessels we should construct. And besides, I repeat, there is no imminent necessity, nor is there any emergency resting upon this Government at this time which demands any such hasty action. We have no foreign complications that require us to begin, as the gentleman from Massachusetts, the chairman of the Committee on Naval Affairs, has just admitted we should begin, a great naval policy. Is it the purpose of this committee, is it the purpose of the gentleman at the head of the Naval Committee of this House, and is it the purpose of the Administration to begin to construct a navy which shall be equal to the first-class naval powers of the earth?

Of what avail is that to us? Why, sir, there is nothing in that to force us to take such an extraordinary step. We are not forced by any present or prospective complications to have a navy to defend ourselves. We have a commerce, it is true, but we have already a navy sufficient to defend that commerce. It is not menaced. It is true that we need a merchant marine, but that is a totally different thing from a naval establishment such as is contemplated here; and if the gentleman from Massachusetts and those who agree with him in his views on this question would inquire where the trouble is with regard to our merchant marine, he would find that it exists in your tax laws; in your laws with regard to the building of ships; laws that have existed upon the statute-books for nearly a hundred years. There is where the trouble is, and also in your protective tariff. There lies the difficulty, and there, Mr. Chairman, is where the trouble exists. But, I repeat, sir, we do need a merchant marine; I admit that, and, while admitting it, claim that it is an entirely different proposition from that which is before the House or that which is attempted to be inaugurated here, a policy which, if entered upon, as the gentleman from Illinois has well said, would involve this Government in an expenditure of from forty to fifty millions of dollars.

Mr. HARRIS, of Massachusetts. Mr. Chairman, I move to strike out the last word. The gentleman from Tennessee does me some injustice when he says that as chairman of the Committee on Naval Affairs I am trying to inaugurate the policy of building up a great navy which shall be equal to that of the maritime powers of Europe. I deny such a statement for myself—nothing can be found in my remarks to justify the belief that such are my views, and if the gentleman from Tennessee will do me the honor to read the report submitted by the committee he can find no such thing in it.

Mr. Chairman, we have thirty-eight ships now called cruising vessels of war. The Kearsarge is one of them, and I call her to mind now because I referred to her the other day in the speech I made. To-day she is a better and abler ship than she was when she won that victory over the Alabama. She carries at midships the same guns with which she won that victory; and those guns when she was in the ports of England and France were looked upon as the most powerful guns afloat in the world. The Kearsarge can fight another Alabama to-day with as good a chance of winning the victory she did in 1864. And yet she is not a match for any cruising ship of any great naval power in the world. Why? Because while we have waited all Europe has moved in the manufacture of guns until the Kearsarge could be beaten and not get within range of the enemy. We have other ships, good ships, in time of peace as good and better than the Kearsarge, but they are not the ships of to-day.

I say to my friend from Tennessee that George Washington, the father of our country, said, I do not quote his exact words, "In time of peace we should prepare for war." We are in a time of profound peace. We are not prepared for war. No man will rise in his place and say we are reasonably prepared.

And now, sir, the gentleman says I propose to inaugurate a great policy. If I used the word "great," which I do not remember, I did not mean great in the sense in which the gentleman from Tennessee uses the word. I meant that good, sound, and substantial policy which should govern the construction of all ships of war in the United States in the immediate future. We want no great navy. We have no colonial dependencies to keep in subjection. We have no enemy upon our border whom we expect to fight. The war of the future with this country is to be a war upon the ocean, and the victories are to be won in ships of war.

Now, sir, we may look back through the history of the world and satisfy ourselves that any nation that is unprepared for war invites it; and that any nation that is fully prepared is always in a condition to escape war. This, sir, is the policy of the Committee on Naval Affairs; and every gentleman, every Republican and every Democrat on the committee have acted harmoniously on this. We are a unit, and no politics have got into this bill until it got on the floor of this House. The policy of every member of the Naval Committee is a policy which is patriotic in every purpose. We will put our country on the ocean in a condition of respectability before the world, and put it in a condition to defend our honor. This is the policy of the Committee on Naval Affairs.

[Here the hammer fell.]

Mr. ELLIS. Mr. Chairman, I congratulate my friend from Tennessee [Mr. ATKINS] on having performed a feat this morning that nobody else has performed or ever can or ever will be able to perform. We were told by the Naval Committee of the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses all Democratic committees, that there was no navy. My friend's colleague, [Mr. WHITTHORNE,] who was then the chairman of the committee, said in his report to the Forty-fifth Congress:

In comparison with the leading naval powers of the world, we occupy a very humiliating and unsatisfactory condition; but we had better know and appreciate it now, and, if possible, provide the remedy, than be startled by the revelation at a period of impending danger.

It is for Congress to say, with the evidence before it, what measures shall be taken to place the country in a condition for defense, and to provide the means for carrying the flag of the country in honor and safety upon the sea. The people of the United States will not long consent to this present condition of weakness and possible danger.

The Committee on Naval Affairs in the Forty-sixth Congress say:

We want a navy capable of protecting our commerce in all seas, of defending our own borders from invasion, and of destroying the commerce and sea-going cruisers of any nation which may make war on us.

To do the first, we should put our iron-clad fleet in condition of the greatest efficiency; we should also develop the torpedo system to its fullest extent. This arm of defense is American in origin, and has performed its greatest service on this side the Atlantic. It deserves our fostering care. It may be improved and carried to a state of perfection not now conceived of if we will invite and encourage our inventors to give the subject their best efforts. With our iron clad fleet in condition for coast and harbor defense, and our torpedo system perfected, 45,000,000 Americans may defy all danger of foreign invasion.

The following is the language of the President of the United States in his message at the opening of the present Congress:

I cannot too strongly urge upon you my conviction that every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of our Navy.

With a full appreciation of the fact that compliance with the suggestions of the head of that Department and of the advisory board must involve a large expenditure of the public moneys, I earnestly recommend such appropriations as will accomplish an end which seems to me so desirable.

The Naval Committee of this Congress say in their report:

Longer to delay action looking to the building up of our Navy would, in the opinion of your committee, be not only folly but even crime. No nation can afford to be shorn of its powers of offensive or defensive war, and this great nation, bounded by two oceans and having a sea-coast line of greater extent than that of any other nation on the globe, and furnishing material for commerce greater than that of any other nation, is practically defenseless at home and could strike but a feeble blow on the sea. The wasteful extravagance of such a condition would be manifest in one day of war with any great naval power. To block up for a single day the great harbor of our commerce by the fleet of our enemy would cost our people more than would be the cost of an invincible navy. To shut up our great seaports, from which flow out to the markets of the world our surplus products, for one week, would work a mischief incalculable and cause a loss greater than the cost of a hundred of the heaviest ships of war of the world. Readiness for war will prevent such calamity. To be unprepared for war is to invite it. No maritime nation is less prepared for war than ours to-day.

Every report of every Secretary of the Navy, every message of every President in recent years has testified to the pitiable and humiliating condition of the American Navy. And yet, sir, the gentleman from Tennessee, [Mr. ATKINS,] by some curious glass, one never known to mariner, never known to the explorer of the heavens, has this morning found a good navy floating the flag of the United States.

Mr. ATKINS. I read the speech of the present Secretary of the Navy. He is very good authority.

Mr. ELLIS. Here is his report.

Mr. ATKINS. Here is his speech, later than his report. And what the gentleman from Louisiana refers to is not his report; he is mistaken.

Mr. ELLIS. How am I mistaken?

Mr. ATKINS. The present Secretary of the Navy has made no report to Congress.

Mr. ELLIS. The Secretary of the Navy commences his annual report with this earnest appeal in behalf of the Navy:

The condition of the Navy imperatively demands the prompt and earnest attention of Congress.

Mr. ATKINS. That was the language of Secretary Hunt. Here is Secretary Chandler's speech.

Mr. ELLIS. I do not know that Secretary Chandler has spoken. But it is a fact, a palpable and humiliating fact, that the United States is without a navy worthy of the name. She has thirty-eight ships capable of cruising; and it is a known fact there is not one of them that could catch an ordinary mail packet, one of the merchant

marine of England. An ordinary ship in the merchant-marine service of Great Britain would outrun the best and swiftest ship of war that floats under the United States flag.

And yet the gentleman has—I will not say the effrontery, I will not say the temerity—the gentleman rises in his place and informs us that we now have a good navy of twenty ships of war.

Mr. Chairman, I am heart and hand with the Committee on Naval Affairs in their efforts to rehabilitate and reconstruct the American Navy. If we ever expect to obtain commercial supremacy, if we ever expect to have our proper rank among the commercial nations of the earth, we must have a navy.

The gentleman from Tennessee says, "Wait; wait until experiments have been made; wait until we can find out the best improvements, the best materials, and the best models for a navy." Is that the principle upon which a nation of ordinary sense conducts its business? Wait! Why did not our fathers wait before making the flint-lock musket and continue to use the old match-lock? Why did they not rest content with the old flint-lock smooth-bore gun while other nations were using Enfield rifles and rifles of other patterns? Sir, it behooves every nation to keep pace with the progress of the world in all these matters.

I shall support the proposed amendment with all my heart. I ask this House to wake up to the necessity of immediately taking steps to rebuild our Navy.

The gentleman from Tennessee [Mr. ATKINS] says we have a navy, and that there is no danger. Why, sir, four or five weeks ago the skies were clear. To-day, while we are debating here, the music of the English and French guns may be jarring the waves on the coast of Africa.

Ireland is to-day stretched once more upon the dissecting table of British policy. We all know the strong Irish feeling in this country. We know the number of Irish voters in this country. And we can well understand that sooner or later that question will enter into our politics. We all know that our democratic people are swayed by influences like these, which may possibly lead to a complication with England.

Mexico is now undergoing a physical conquest by our people. Our railroads and other enterprises are permeating her territory. Before long Mexico will wake up to the fact that she is gradually being subjugated by the United States; and then will come the recoil and the revolt, and the United States may be called upon to conserve the interests and property of her citizens there.

[Here the hammer fell.]

Mr. TALBOTT. I will move to strike out the last word, and will yield my time to the gentleman from Louisiana, [Mr. ELLIS.]

Mr. ELLIS. I thank my friend from Maryland, [Mr. TALBOTT.] Here is the little puerile power of Chili. If we could be insulted by that puerile power we have had the slap full in the face. Yet we have not a single ship of war—no, our entire Navy could not go down there and stand before the Huascar, one of her ships of war.

Sir, you might select a single ship from one of nine different navies in the world that could destroy our entire Navy in three or four hours. And yet the gentleman from Tennessee [Mr. ATKINS] says that we have a navy; that there is no danger; that we should wait.

I have this to say in conclusion: in case of trouble, and trouble may come—wars occur in the lives of all nations—in case that danger comes, in case our people are awakened from their security by the terrible music of bursting shells all along our coasts, by great iron-clads stopping up our ports, laying cities under contribution, ravaging our coasts and subjugating our people, I would not for my right arm be the American Representative who had refused to support a measure like this. I should have to call upon the rocks and the mountains to fall upon me and hide me from the just indignation of an abused and outraged people whose trust I had betrayed.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Massachusetts, [Mr. HARRIS.]

The question was taken; and upon a division there were—ayes 95, noes 7.

So (no further count being called for) the amendment was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. BLOUNT. Before that is done I desire to offer an amendment, to strike out all from the word "provided," in line 396, to and including the word "material," in line 401.

The CHAIRMAN. Those words have already been stricken out and the amendment of the gentleman from Massachusetts [Mr. HARRIS] has just been inserted.

Mr. BLOUNT. I propose to amend that portion of the amendment which prohibits the repair of any wooden vessel except where the expense of such repair shall not exceed 30 per cent. of the estimated value.

Mr. TALBOTT. I make the point that the gentleman cannot move to amend an amendment which has already been adopted.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] will indicate his amendment, so that the Chair may be able to rule upon it.

Mr. BLOUNT. The proposition of the gentleman from Massachusetts [Mr. HARRIS] contains the same thing which is in the printed bill and I propose to strike it out.

The CHAIRMAN. The amendment of the gentleman from Massachusetts [Mr. HARRIS] contains the amendment which was offered to the original bill by the gentleman from Maine, [Mr. REED.]

Mr. BLOUNT. Certainly it does.

The CHAIRMAN. All that portion of the bill was stricken out and the amendment of the gentleman from Massachusetts has been inserted in its place.

Mr. BLOUNT. I understand that, and I propose to amend the amendment.

The CHAIRMAN. The Chair thinks that is not in order.

Mr. TALBOTT. I make the point of order that the gentleman cannot now move an amendment to an amendment which has been adopted; he could have moved it before the amendment was adopted, but not now.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph, comprehending what has been inserted, providing the coherence to be struck out be so substantial as to make this effectively a different proposition.—*Manual*, page 125.

Mr. BLOUNT. I am not proposing to strike out the amendment, but only a part of it.

Mr. TALBOTT. The gentleman moves to strike out a part of the amendment already adopted.

The CHAIRMAN. The Chair thinks the amendment is not in order. The Clerk will read.

The Clerk read as follows:

BUREAU OF STEAM-ENGINEERING.

For repairs, completion, and preservation of machinery and boilers in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; and patent rights, purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postage, telegrams, advertising, freight, photographing, books, and instruments, $2,200,000: *Provided*, That not more than $400,000 of the foregoing sum shall be applied to the mere repairs of the engines and machinery of wooden ships, and that none of it shall be applied to the repair of the engines and machinery of any wooden ship where the expense of such repair shall exceed thirty per cent. of the appraised value of the same: *And provided further*, That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: to the building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of such two of the last-named vessels as he may on examination think most expedient and best for the interests of the service; and that any part of the appropriation for said bureau not used as above specified may be applied toward the construction of engines and machinery of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board, as approved by the Committee on Naval Affairs of the House of Representatives in their report numbered 653, made to the House of Representatives March 8, 1882.

Mr. MARTIN. I move to amend——

Mr. BLOUNT. Before the gentleman moves an amendment I desire to raise a question of order on this paragraph.

The CHAIRMAN. The gentleman from Georgia is recognized to make his point of order.

Mr. KNOTT addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. KNOTT. To make a point of order on the proviso commencing in line 427.

The CHAIRMAN. The gentleman from Georgia makes a point of order, as the Chair understands, upon the entire paragraph.

Mr. BLOUNT. And I propose to make it specifically as to the several provisions of the paragraph. One of them is:

Provided, That not more than $400,000 of the foregoing sum shall be applied to the mere repairs of the engines and machinery of wooden ships.

Now, as to the matter of repairs of engines and machinery it would be competent under the present law for the money to be used in the way that this proviso prohibits; and it makes no reduction of expenditures.

Then, again, the paragraph contains a proposition that none of this money shall be applied to the repair of the engines of any wooden ship where the expense of such repair shall exceed 30 per cent. of the appraised value of the same. That is a legislative provision and does not retrench expenditures.

In the proviso beginning in line 427 it is provided—

That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh, and for various other objects not authorized by law.

Again, it provides that—

Any part of the appropriation for said bureau not used as above specified may be applied toward the construction of engines and machinery of two new cruising vessels of iron or steel in substantial accordance with the recommendation of the naval advisory board.

This is all legislation and does not retrench expenditures. These are simply provisions as to how this fund may be used. I make the point of order as to the paragraph, and I make it independently as to these several provisions.

Mr. KNOTT. I rose to make a point of order upon the proviso, commencing in line 427, which proposes to authorize the construction of monitors. I make the point that there is no law authorizing their construction.

I make this point upon the authority of the following statement, made by the gentleman from New York [Mr. HEWITT] in his remarks on Thursday last:

I have no wish to enter into a history of those vessels. The humiliating story has often been told. What I desire to do is to call attention to a very extraordinary fact in the history of these monitors which is brought out by the provisions of this bill, and which shows that they have no legal existence, and that the effect of this appropriation is for the first time to give them a legal recognition.

Whether this statement is true or not, I do not know personally, as I have not examined the subject sufficiently to be advised. If it is true that the construction of these monitors is authorized by existing law, that fact can be shown affirmatively by the production of the law. If it cannot be thus shown, I take it as a matter of course that the point of order must be sustained.

Mr. HISCOCK. I desire to suggest that this clause, without any struggle over it and with all the points of order which have been made still applying, be amended by striking out all after the word "substantial," in lines 439 and 440, down to and including the word "two," in line 445.

The CHAIRMAN. The Chair desires to say that no amendment can be entertained while the point of order is pending.

Mr. HISCOCK. I was asking unanimous consent that this amendment be made, as it might simplify the question somewhat.

Mr. HOLMAN. I wish to call the attention of the Chair to section 417 of the Revised Statutes, upon which the Chair based his ruling on the former point of order. I submit that the provision of this paragraph, after line 422, comes in conflict with that provision of the statutes directing the manner in which the expenditure shall be made.

Mr. HARRIS, of Massachusetts. Mr. Chairman, is a point of order pending?

The CHAIRMAN. A point of order is pending; but the gentleman from New York asks unanimous consent that an amendment be made——

Mr. BLOUNT. I must object.

The CHAIRMAN The gentleman from Georgia objects. The Chair will hear the gentleman from Georgia on the point of order, if he desires to be heard. [A pause.] The Chair is of opinion that this paragraph is not subject to the point of order made by the gentleman from Georgia. The rules provide:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

The Chair thinks that these are works already in progress, for which appropriations have been made, and therefore the appropriation in this paragraph is clearly in order.

Mr. BLOUNT. I desire to inquire of the Chair whether the cruisers provided for in lines 438 and 439 of this paragraph are already in progress?

The CHAIRMAN. It has been always held by former chairmen of the Committee of the Whole that the committee have a right to define appropriations and the manner in which they shall be used, and the Chair thinks, therefore, anything limiting the appropriation is clearly in order.

Mr. MARTIN. The chairman of the Committee on Naval Affairs has exhibited to me an amendment covering exactly the point I intended to present.

Mr. HARRIS, of Massachusetts. Let it be read, and if it does not then the gentleman can submit his proposition.

Mr. MARTIN. I am willing to accept the gentleman's amendment in lieu of my own.

Mr. HARRIS, of Massachusetts. I offer, then, the following amendment.

The Clerk read as follows:

Amend by striking out, after the word "*Provided*," in line 421, down to and including the word "same," in line 427, and inserting in lieu thereof the following:

"That no part of said sum shall be applied to the repair of the engines and machinery of wooden ships where the estimated cost of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power; that $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of said vessels as he may on examination think most expedient and best for the interests of the service."

Strike out all after the word "and," in line 427, down to and including the word "two," at the end of line 445.

Mr. HEWITT, of New York. I rise to a parliamentary inquiry. If that amendment be adopted, will it be in order to offer additional amendments, or should such amendments be offered now?

The CHAIRMAN. The Chair is unable to hear the gentleman from New York.

Mr. HEWITT, of New York. Is it necessary to offer amendments to this amendment at the present time, or can we wait until this has been adopted?

The CHAIRMAN. This is to perfect the text, and after it has been adopted it will be in order to move amendments to it.

Mr. HEWITT, of New York. By striking out part of it, if necessary.

The CHAIRMAN. That is in order.

Mr. BLOUNT. It seems to me, Mr. Chairman, that the Navy Department has sufficient regulations in the matter of expenditure on vessels under existing law. I cannot understand the purpose of this as a matter of regulation. I will first call attention to sections 1538, 1539, 1540, and 1541 of the Revised Statutes. I should consume my time if I should attempt to read them, and therefore I will simply refer to them.

It is provided no more than $3,000 shall be expended on the hull and spars of a vessel without the matter having been submitted to a board appointed by the Secretary of the Navy and that board has recommended it. The same thing is provided as to the repair of sails and rigging.

Then there is a moderate provision directing where vessels are useless to the public service the President himself may direct their sale. The Secretary of the Navy is authorized and directed to sell at public sale such vessels. Then the Secretary is directed to provide the mode of selling unserviceable vessels and materials.

Therefore we have the safeguard of a board in the matter of the improvement of your ships, your rigging, your hull, or any other matter where it involves over $3,000.

We have a provision for the sale of vessels and materials where they are unserviceable, and that provides for a board and is sufficiently guarded. Therefore this proposition in reference to a board has an ulterior object of much more consequence than the mere mode of disposing of old vessels. It directs where the repairs shall exceed 30 per cent. in value of the vessel that nothing shall be done with it. Why? Is there complaint that these boards and former Secretaries have abused their positions? I am informed by an intelligent officer of the Navy that the result of that provision in the Bureaus of Steam Engineering and Construction and Repair will be to annihilate the present Navy, which the present Secretary, in a speech referred to by my friend from Tennessee, [Mr. WHITTHORNE,] has seen fit to declare of very great value, and has seen fit to declare that committees of Congress have exaggerated the condition of the Navy.

The purpose of this proposition, in my judgment, is to destroy the present Navy and embark us on a system of extravagant expenditure in the construction of new vessels. I trust the amendment of the gentleman from Massachusetts and the provision in this bill alike will be stricken down.

It is rather amusing that the Committee on Naval Affairs and the distinguished gentleman in charge of this bill in hunting about for some favorable cause to incite these appropriations should have found Chili.

In this report the chairman of the Committee on Naval Affairs says:

It is manifest that in a conflict with this small nation the United States would be helpless to resist the first attack, the most important thing to do in war always, and Chili could levy tribute on the city of San Francisco, or seal up the Golden Gate as with an iron wall.

Why, sir, it is ludicrous to attempt to extort an appropriation to build up a navy to compete with the great powers of the earth by the possibility of war on our part with the Government of Chili. If the absence of an iron-clad, as indicated by the gentleman from New Jersey, saved us from an imprudent and a criminal war with Chili, it is far better that we should continue to have no navy at all, but rely upon an emergency to create one, rather than in this way to give license to the violation of law, and involve us in foreign wars or difficulties.

Mr. WILSON. Mr. Chairman, no expression of opinion by any gentleman on this floor could more fully inform this House of the condition of our Navy than the reports of the Committees on Naval Affairs of the Forty-fifth and Forty-sixth Congresses, of which the honorable gentleman from Tennessee [Mr. WHITTHORNE] was chairman.

I clip the following from the report of his committee, Forty-fifth Congress:

In comparison with the leading naval powers of the world we occupy a very humiliating and unsatisfactory condition: but we had better know and appreciate it now, and, if possible, provide the remedy, than be startled by the revelation at a period of impending danger.

It is for Congress to say, with the evidence before it, what measures shall be taken to place the country in a condition for defense, and to provide the means for carrying the flag of the country in honor and safety upon the sea. The people of the United States will not long consent to this present condition of weakness and possible danger.

And I also clip the following extract from the report of his committee in the Forty-sixth Congress:

In comparison with the navies of Great Britain, France, Italy, and even Spain, the American Navy is immensely inferior in ships and armament. And yet these nations have in the construction of their navies but followed out and improved upon American examples and models.

In view of these facts the committee believe it to be our duty to begin at once to prepare for the work of building up a navy adequate to the national defense and to the preservation of the national honor. We cannot expect at once to build up a navy powerful enough to meet in mid-ocean and successfully contend with the monster iron-clads of England, France, and Italy, nor do we desire that the attempt should be made.

We have no colonial dependencies to hold in unwilling subjection, nor jealous rival nation upon our borders to overawe by any exhibition of power. We have no temptation to make aggressive war for conquest upon any transoceanic nation. We have an empire equal to our ambition, not too large, let us hope, to be successfully governed as one nation upon republican principles.

We want a navy capable of protecting our commerce in all seas, of defending our own borders from invasion, and of destroying the commerce and sea-going cruisers of any nation which may make war on us.

From these reports we see that in comparison with the leading powers of the world our Navy occupies a humiliating and unsatisfactory position.

I hold in my hand, Mr. Chairman, a pamphlet giving "statistics in relation to the navies of the world."

It fully sustains the views of the Committee on Naval Affairs. It shows that our sea-coast everywhere is in an unprotected, defenseless condition. As an illustration, take our South Pacific station. I read the following:

The United States naval force on this, the South Pacific station, consists of four unarmored wooden vessels, namely, Pensacola, (flag-ship,) Alaska, Lackawanna, and Adams. The Pensacola can make eight knots per hour; the Alaska, eleven knots; the Lackawanna, eight knots; and the Adams, eleven knots. Not one of these vessels could either overtake or run away from the Almirante Cochrane or the Blanco Encalada. The entire squadron is not of sufficient force to compete successfully with even one of these two iron-clads, and not of sufficient speed to avoid a hopeless conflict.

Now, look for a moment to the navy of Chili. The following extract will explain:

THE NAVY OF CHILI.

Name of vessel.	Thickness of armor, in inches.	Displacement, in tons.	Speed, in knots.	Number and description of guns.	Remarks.
Almirante Cochrane	4½ to 9	3,560	12.8	Six 9-inch 12½-ton guns.	Full sail-power.
Blanco Encalada	4½ to 9	3,560	12.8	Six 9-inch 12½-ton guns.	Full sail-power.
Huascar	4½ to 5½	1,100	11	Two 200-pdrs., four 40-pdrs.	Captured from Peru.

Thus it will be seen, Mr. Chairman, that any one of Chili's war vessels could run down and destroy the four war vessels which the United States have at that station. It could even continue its course, enter the harbor of San Francisco and put your city of San Fracisco, Mr. Chairman, (Mr. PAGE being in the chair,) under contribution.

From the statistics to which I refer it will be seen that Denmark has more efficient armored ships than the United States. Even Sweden, small as she is, has more efficient war vessels. Norway has 4 monitors and 22 gunboats. Brazil, 18 armored vessels and 52 unarmored vessels. Two of her armored vessels have a maximum thickness of armor of 12 inches and are armed with 10-inch rifle guns. So that it will be seen, Mr. Chairman, any one of the fourth or fifth rate powers could run their war vessels into our exposed cities of Boston, New York, Philadelphia, or Baltimore, and put them under forced contribution. Can any gentleman conceive of a more humiliating condition for this great country to occupy, in so far as the harbor and coast defenses are concerned? One object of the bill under consideration is:

And provided further, That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of such two of the last-named vessels as he may on examination think most expedient and best for the interests of the service; and that any part of the appropriation for said bureau not used as above specified may be applied toward the construction of engines and machinery of two new cruising vessels provided for by this act.

I am heartily in accord with this provision of the bill, and desire to see these monitors completed, unless there shall be some good reason to the contrary. Has any gentleman any reliable information tending to show that there is such good reason? From all I have heard in this debate, and from what is presented by the various reports, I know of none such. On the contrary, Mr. Chairman, it fully appears that there is no such reason, and upon that subject I beg to read from the report of the Secretary of the Navy, and it will be seen that that report incorporates the views of his predecessor, Hon. R. W. Thompson. It is in the following language:

It would be highly censurable to waste the above sum of $3,528,580.58 by failing to finish the vessels on which it has been deliberately expended, unless some good reason for condemning them is shown. None such exists, and no person favors such condemnation. The Secretary of the Navy, Hon. R. W. Thompson, who had previously arrested work on them, stated in a communication to the House of Representatives of May 20, 1880, the conclusions of various boards carefully appointed by direction of Congress, in a joint resolution of April 2, 1880, to inquire whether it was for the interest of the Government to complete these monitors; and the Secretary then adds:

"The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the Government requires the completion of all of them. In this opinion I concur for two controlling reasons:

"First. That to leave them uncompleted, after so large a sum of money has been expended upon them, would be bad economy, inasmuch as the loss would be very heavy to the Government; and

"Second. Because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world." (House Executive Document 82, part 2, Forty-sixth Congress, second session.)

We owe it to ourselves, Mr. Chairman, as the representatives of the people, we owe it to the country to prepare, and prepare in time, to meet emergencies that may at any moment arise. It is a maxim of political statesmanship "In time of peace to prepare for war." True, there is no pressing emergency just now; but no human foresight can tell when an emergency may arise.

Mr. WHITTHORNE. Mr. Chairman, I move to strike out the last two words. I do not think, if my friend from West Virginia will take the trouble to read page 2 of Secretary Thompson's report, that he will publish what he indicates that he will publish.

Recently, sir, when the member from the State of New Jersey concluded his speech in the general debate, he made a Parthian shot, in which he said, as I remember, although it did not appear exactly so quoted in the CONGRESSIONAL RECORD, that during the last five or six years $73,000,000 had been expended by the Democratic party under the leadership of the member from Tennessee, and that they had not built a vessel or put a gun afloat.

Now, that member should have remembered that of the years to which he refers at least twenty months were under his administration as Secretary of the Navy. He should have remembered that he left as a legacy a large deficiency to his successor. He should have remembered that he left to it over $7,000,000 of liability. He should have remembered that he handicapped his successor, Hon. R. W. Thompson, from the State of Indiana, with illegal contracts. He should have told the country that the Democratic party made no expenditure at all; that it was a Republican Secretary of the Navy that made these expenditures; that the Democratic party upon this floor simply in response to the demand of the head of that Department gave him what he asked for the conduct of the Navy. He should have remembered further, or on turning to the official reports of Secretary Thompson he would have found that that Secretary boasted he left the Navy in a more efficient condition than he found it. He should have remembered that when he boasted of thirty-eight cruisers as efficient, that that Secretary of the Navy had expended over $8,000,000 for the purpose of making them efficient.

I desire in that connection to call the attention of the committee to a table I will publish with my remarks, showing all the expenditures of the last five years under Secretary Thompson and Secretary Hunt, and the expenditures of five years immediately preceding under the Secretary of the Navy who hailed from the State of New Jersey, and I will show a difference of $39,495,570.32 expended by that Secretary. Here is the table:

Five years under Thompson and Hunt.		*Five years under Robeson.*	
1881	$15,686,671 66	1876	$18,963,309 82
1880	13,536,984 74	1875	21,497,626 27
1879	15,125,126 84	1874	30,932,587 42
1878	17,365,301 37	1873	23,526,256 79
1877	14,959,935 36	1872	21,249,809 99
	76,674,019 97		116,169,590 29

Or $39,495,570.32 more expended by the Robeson administration in the five years preceding the Thompson administration than was that expended by Hon. R. W. Thompson and Hon. W. H. Hunt in their five years.

We heard on the floor to-day that the United States Navy did not have a ship. That was the statement my colleague from Tennessee [Mr. ATKINS] was referring to a few moments ago when he spoke about there being no navy. I stand, if you please, Mr. Chairman, upon the report made—and from which I quoted, as referred to by Mr. ELLIS—by my distinguished friend from Massachusetts. There is no navy compared with the navies of the world. I repeat that. But, sir, you are now asked to throw more money away.

Mr. WILSON. The Department is carrying out exactly your recommendation.

Mr. WHITTHORNE. No, sir. Never have I said I will give a dollar for these iron-clads. I have stood opposing it for the last six years. I have said you might as well throw your money into a rat hole as give it in that direction. They cannot stand against a Chinese gunboat to-day. [Here the hammer fell.]

Mr. SCALES obtained the floor, and yielded his time to Mr. WHITTHORNE.

Mr. WHITTHORNE. I heard the remark made the other day that nobody but Isherwood and Lenthall had condemned these vessels. Now, William M. Jeffers, late head of the Bureau of Ordnance, one of the most distinguished officers belonging to the United States Navy, says of the Puritan:

She is for the purposes for which she is designed absolutely useless.

Turn to the testimony of Captain Selfridge before the Naval Committee and you will find that when you have built these turrets on these vessels according to their original design you cannot put an efficient gun inside of them.

It cannot be done, even when you have changed them according to the plans recommended by the various boards. I ask you to turn to what Secretary Thompson reports. I cannot read it now, but I ask you, for your own sakes as well as for the sake of the country, to turn to that report. And I stand here and say that the Preble board, the Mullaney board, the Stevens board, and every board that has seen them have recommended material alterations in the plans and designs of these vessels. I say Secretary Thompson said the same thing. And, gentlemen of the Republican party, if you rely on the report submitted by the Appropriations Committee as to what Secretary Thompson recommended you have been misled. Here it

is, and I state that Secretary Thompson said that in the completion of these vessels he recommended an alteration in their plan and models. You do not propose to do that in this bill. And there is no board, no officer, not even a mere tyro, that has seen these things but recommends a change in their plans.

Mr. WILSON. Did not Secretary Thompson say that when completed they would be equal if not superior to anything in the world?

Mr. WHITTHORNE. There is his recommendation. [Handing Mr. WILSON the report.] And now, Mr. Chairman, as to the vast expenditure of money on these vessels; after it is demonstrated that they cannot carry an efficient naval gun you are asked by this bill to launch upon a movement that means the expenditure of over $6,000,000. Pause, my dear friends, pause all honest men, pause all reflecting men, before you thus extravagantly waste the public money. I am for a navy, and if you will take the money you are about to expend upon these useless vessels and go to the building of steel cruisers you will find an earnest, warm advocate in myself for it; but this diversion of the public money is extravagant and wasteful.

Mr. SPEER. I cannot hope in anything I will say to rival the vehement and impassioned utterances of my genial and accomplished friend [Mr. WHITTHORNE] who has just concluded. But there is a passage or two from the history of our own country which I think the House should remember at this time. I read, sir, from a British historian an account of the achievements of our small but most efficient Navy in the war with Great Britain in 1812:

> But if the Americans were unsuccessful on one element, they met with extraordinary and unlooked-for triumphs on another, which excited the greater sensation that they shook the general belief which at that time prevailed of British invincibility at sea, and opened up, to the jealousy of other nations at our commercial greatness, hopes of its overthrow at no distant period.

The historian proceeds to give with great reluctance manifestly an account of the combats between the Constitution and the Guerrière, the Frolic and the Wasp, the Macedonian and the United States, the Java and the Constitution, the Hornet and the Peacock, in all of which the Americans were victorious. I quote the accounts he gives of these engagements:

> The Constitution fell in on the 19th August with the Guerrière, Captain Dacres, and a most obstinate action took place. The American frigate was decidedly superior, both in the number and weight of its guns, and the number of its crew; but notwithstanding that disadvantage, Captain Dacres maintained a close fight, yard-arm to yard-arm, for upward of an hour, with his formidable antagonist. At the end of that time, however, his vessel was a perfect wreck, wholly dismasted, rolling about in the trough of a tempestuous sea, incapable of making any further resistance, with seventy-nine men killed and wounded, including among the latter Captain Dacres himself, and thirty shots in the hull below water-mark; while the Constitution had only seven killed and as many wounded. In these circumstances further resistance was evidently hopeless, and the English colors were mournfully lowered to the broad pennant of their emancipated offspring.
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> Hardly had the English recovered from the shock of this unwonted naval disaster when other blows of the same description succeeded each other with stunning rapidity. On the night of the 16th October, the Frolic, British sloop of eighteen guns, fell in with the American brig Wasp, of the same number of guns, but considerably superior both in weight of metal, tonnage, and crew. The crew of the Frolic were laboring to repair their rigging, which had been severely damaged the day before in a gale, when the action commenced, and was kept up with equal skill and spirit on both sides. But the rigging of the British ship was in so shattered a condition from the effect of the previous storm that in ten minutes she lay an unmanageable log in the waters, which gave her opponent such an advantage that in twenty minutes more she was compelled to strike.
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> But a more serious disaster soon occurred. On the 25th of October the American frigate United States hove in sight of the British frigate Macedonian. As usual on all these occasions, the American vessel was superior by nearly a half, in tonnage, crew, and weight of guns. From the very commencement of the combat, which for some time was at long-shot only, it was evident that the Americans were cutting the British to pieces with comparatively little loss on their side; and when at length the English commander succeeded in engaging the enemy in close fight, which Commodore Decatur, of the United States, willingly joined in, the superiority of the enemy's fire was such that the Macedonian was soon dismasted. She had received nearly a hundred shots in her hull, and her lower tier of guns, owing to the rolling of the vessel in a tempestuous sea, were under water, while a third of her crew were killed or wounded. On the other hand, the American vessel, having no sail which she could not set except her mizzen-topsail, remained perfectly steady. Even in these desperate circumstances, however, the native spirit of British seamen did not desert them. As a last resource an attempt was made to carry the enemy by boarding, and the moment this intention was announced, every man who could move was on deck, several of whom had lost an arm but a few minutes before in the cock-pit; and the universal cry was, "Let us conquer or die." At this moment, however, the fore-brace was shot away, and the yard, swinging round, threw the vessel upon the wind, so that boarding was impossible. The United States then stood athwart the bow of the Macedonian without firing a gun, and passed on out of shot. It was at first supposed she was making off by the British sailors, who loudly cheered. But this was only to refill her cartridges, which had been expended; and soon tacking, she took up a raking position across the stern of her now defenseless antagonist, and soon compelled her to strike her colors. The superiority of the American force, as well as her weight of metal, was then very apparent; for while the Macedonian had thirty-six killed and sixty-eight wounded, the United States had only five killed and seven badly wounded.
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> Nor was this the last of the discomfitures which at this period befel the British navy. The Java, forty-six guns, had sailed from Spithead on the 12th of November, with a motley crew of three hundred and ninety-seven persons, nearly one-half of whom were wholly inexperienced; and on the 28th they discharged six broadsides of blank cartridges, being the first that the majority of the crew had ever assisted in firing. Captain Lambert, who commanded her, had warmly remonstrated against this wretched ship complement, declaring that with such people he was not only no match for an American of superior, but hardly for a Frenchman of equal size. But all the answer he got from the admiralty was, that "a voyage to the East Indies and back would make a good crew." Obliged to submit, the English captain set sail, and on the 28th of December fell in with the American frigate Constitution; and, notwithstanding the superior bulk and weight of his antagonist and the wretched condition of his crew, Captain Lambert immediately made up to the enemy, although nineteen of his men were away with a prize he had shortly before made. The Constitution at first stood away under all sail before the wind, to gain the distance at which the American gunnery was so destructive, but finding the British frigate gained upon her she shortened sail, and placing herself under the lee bow of the Java, a close action immediately commenced. The first broadside of the English frigate told with such effect on the American hull that the latter wore to get away; but the skillful Englishman wore also, and a running fight ensued for a considerable time, during which Captain Lambert's superiority of seamanship was very apparent.
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> After a desultory engagement of this sort for forty minutes, during which the Java, notwithstanding the superior weight of the enemy's metal, had suffered very little, the two vessels came within pistol shot and a most determined action ensued. Captain Lambert now resolved on boarding, but just as he was making preparations for doing so, the foremast of the Java fell with a tremendous crash breaking in the forecastle and covering the deck, and soon after the main topmast came down also, and to complete their misfortunes, Captain Lambert fell mortally wounded. The command now devolved on Lieutenant Chad, but he found the vessel perfectly unmanageable, and the wreck of the masts falling over on one side, almost every discharge set the vessel on fire. Still the action continued with the most determined resolution, but at length, after it had lasted three hours and a half, the Java was found to be rapidly sinking, while the Constitution had assumed a raking position where every shot told and not a gun could be brought to bear on her. In these desperate circumstances Lieutenant Chad at length struck, and the vessel was so disabled that as soon as the crew were taken out the American captain blew her up. In this desperate and unequal engagement the Java had twenty-two killed and one hundred and two wounded, the Constitution ten killed and forty wounded.
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> Another action between smaller vessels, but terminating in the same result, took place on the 14th of February, 1813, between the British sloop Peacock and the American brig Hornet. In this, as in all the previous instances where the Americans had proved successful, the superiority on their side was very decided; but the action which ensued was, nevertheless, of the most bloody and destructive kind. It lasted an hour and a half; at the end of which time the effect of the American's fire was such that the Peacock was found to be in a sinking state. A signal of distress was immediately hoisted, which was answered with praiseworthy humanity by the brave Americans, and every effort was made by the crews of both vessels to save the disabled ship. But notwithstanding all their efforts she went down in a few minutes, with thirteen of her own crew and three of the Hornet's, who were engaged in the noble act of striving to save their enemies.
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> No words can convey an adequate idea of the impression which the successive capture of these three frigates and two sloops made, not only in Great Britain and America but over the whole civilized world. The triumphs of the British navy for above a century had been so uninterrupted, and the moral influence the nation had in consequence acquired had become so prodigious that it was generally believed both at home and abroad that they were invincible, and that no other nation had any chance of success in combatting them on the ocean, except with the most decided superiority of force. When, therefore, it was seen that in repeated instances of combats of single vessels of the same class against each other the ships of the United States had proved victorious, the English were stunned as by the shock of an earthquake, the Americans were immeasurably and with good reason elated, and the other nations in Europe thought they discerned at last the small black cloud arising over the ocean which was to involve the British maritime power in destruction. The majority of men in the continental states, ever governed by the event and incapable of just discrimination, took no trouble to inquire whether or not the vessels opposed to each other had been equally matched, but joined in one universal chorus of exultation at the defeat of a nation which had so long been the object of their avowed dread and secret jealousy. And it was generally said, apparently not without reason, that a naval power which with the command only of four frigates and eight sloops had in so short a time achieved such successes might look forward at no distant period, when its navy was enlarged, to wresting from Great Britain the scepter of the ocean.

He then concludes as follows:

> In truth, the succession of disasters, like all calamities which occur in such numbers together as to be obviously beyond the effect of chance, gave much subject for serious reflection, not merely to the heedless multitude, but to reflecting statesmen. It was now painfully evident that the English were not invincible on their favorite element; that foresight in preparation, as well as energy in action, were necessary to sustain their fortunes, and that, if these were neglected, they had no exemption from the common lot of humanity. The few who looked beyond the mere surface of things saw, indeed, to what cause the disasters had been owing. The British Government maintaining a hundred ships of the line, and five hundred smaller vessels actually in commission, and carrying on war at once in every quarter of the globe, could not by possibility man their vessels with the same picked and skilled crews as the Americans, who had merely a few frigates and sloops to fit out from the resources of a great commercial navy. The frigates and brigs of the United States, built with extraordinary skill and in a peculiar manner, to which there was no parallel in the British navy, were at once too swift sailers to be overtaken by ships of the line, and of too heavy metal to be a fair match for frigates nominally of the same class. This peculiarity in the construction of their vessels had been wholly overlooked by the admiralty, who anticipated no danger from so diminutive a marine as that of the United States, though it was well known, and had been the subject of anxious solicitude to better informed individuals in the community.

So it was against a navy of a hundred ships of the line and five hundred smaller vessels in commission, that our small Navy of a few frigates and sloops of war carried our banner gloriously all over the ocean; and the names of Bainbridge, Decatur, Hull, and the other heroes of that war are perpetuated by the efficiency of those few ships.

We do not need a large navy. A few ships, swift, efficient, and adequately manned, will be a terror to the great commercial nations of the earth, and in that way we will be able to protect ourselves most adequately from war with them.

It was for this reason that I voted for the amendment of the gentleman from Massachusetts, [Mr. HARRIS.] I think this chapter of our history should be read with care by Representatives in the consideration of this question.

Mr. HARRIS, of Massachusetts. While I do not propose to engage in this controversy about the iron-clads, I wish to bear my testimony to the statement made by the distinguished gentleman from Tennessee, [Mr. WHITTHORNE.] He never has advocated the finishing of these iron-clads. He has fought the Puritan with a vindictiveness, if he will allow me to use that word, that could not have been exceeded had the Puritan been the late Secretary of the Navy himself.

But when the gentleman undertakes to say that these ships have been condemned, I ask him to pause and consider whether any man has condemned the hulls of the Puritan, the Monadnock, the Miantonomoh, the Terror, and the Amphitrite? There are no better hulls

afloat in the world than those. The men who do not believe that these ships should be finished in the way they were originally designed, still admit that about their hulls.

Mr. WHITTHORNE. Will the gentleman allow me? I refer him to Chief Engineer King in his work on the War Ships and Navies of the World, and to Constructor Lenthall.

Mr. COBB, (to Mr. HARRIS, of Massachusetts.) Are these vessels of iron?

Mr. HARRIS, of Massachusetts. They are of iron; they are double hulls on the bracket system. And I want to ask my friend from Tennessee [Mr. WHITTHORNE] if during the whole period he was chairman of the Committee on Naval Affairs he ever set eyes on either of them? Unfortunately the gentleman who made the report never saw the ships he talks about.

These ships are large, double-bottom, bracket ships, built upon the most approved style. The question has been whether the original design provided for adequate armament and guns. I say no. The world has moved since their keels were laid. To-day the art of iron ship-building is far in advance of what it was at that time; and the art of making armament and getting up ordnance has advanced.

But these ships are good ships, and all we have to do now is to finish them so that they shall be effective. How shall that be done? By putting upon them steel turrets and making them modern ships.

The gentleman from Tennessee says that Mr. Selfridge condemned these ships. I have great respect for Mr. Selfridge, but unfortunately he came into the committee-room on Naval Affairs with the design for a new iron-clad which was his hobby. What did he say about that design? That it was to be a ship of 8,000 tons burden, 3,000 tons more than the Puritan, with engines of six or seven thousand horse-power, and to cost several millions of dollars. He came before the Committee on Naval Affairs and urged that plan for a ship; and when a naval officer has a hobby of his own he is very apt to condemn the hobby of any other person.

Now, what does this bill propose? It proposes to launch these ships; to take them off private hands; to put new turrets and good turrets on the Miantonomoh, and then go on and provide steam machinery for these ships; that is all. And we can do no less than that.

The CHAIRMAN. The time of the gentleman has expired, and debate upon the pending amendment has been exhausted.

Mr. HARRIS, of Massachusetts. I have modified my amendment.

The CHAIRMAN. The amendment will be read as modified.

The Clerk read as follows:

Strike out all after the word "provided," in line 421, down to and including "1882," in lines 444 and 445, and insert in lieu thereof the following:

"That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power. That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of said vessels as he may on examination think most expedient and best for the interests of the service. And that any part of the appropriation for said bureau not used as above specified may be applied to the construction of engines and machinery of two new cruising vessels provided for in this act."

Mr. SPEER. I withdraw my *pro forma* amendment.

Mr. HEWITT, of New York. I move to amend the amendment by striking out the portion beginning with the words "that $1,000,000," and ending with the word "service."

The Clerk read as follows the portion proposed to be struck out:

That $1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror; and to the completion of the engines and machinery of said vessels as he may on examination think most expedient and best for the interests of the service.

Mr. HEWITT, of New York. Mr. Chairman, it will be seen that my amendment looks to taking out of the bill all provision for completing monitors. I have given as conscientious and careful study to this subject as has been in my power; and the gentleman from Massachusetts will bear me witness that I have co-operated with him in his efforts to secure an effective navy. His contention has been from first to last that whatever money we may expend should be expended for the purpose of getting a navy. The provision for the completion of these monitors looks to the expenditure of $4,300,000 in round numbers upon certain hulls of ships which the gentleman from Massachusetts says are good hulls. That is not the question. The question is whether when the money is expended they will be good ships. If they will not be good ships (and by that I mean such ships as include the latest improvements and are up to the demands of naval warfare) then it is throwing money away to expend $1,000,000, to be followed by three million and a half more, upon these monitors.

I have come to the conclusion that the money will be thrown away; that the ships will, when finished, be worthless; and for a reason which the gentleman from Massachusetts did not give—that these hulls, however good, cannot carry armor sufficient to resist modern ordnance, and that these turrets, however well designed they were for the past, cannot be made sufficient to resist the great guns of this day. In other words, if you put the armor upon these hulls and the turrets upon the decks the vessels will sink to the bottom; I mean the armor and the turrets necessary to resist the modern ten, twelve, and fifteen inch guns.

Now, it is a question of fact that I submit to this House. I am prepared to say it is a fact that when you have put on the steel-faced armor and the turrets recommended by the last board these vessels will still be totally inadequate to resist the modern ten and twelve inch guns such as are mounted on the Ajax and the Agamemnon. The figures upon these points were included in my remarks the other day—that portion which I was too unwell to deliver. They will be found in the RECORD of June 30. I then said:

The comparative resistance of these two belts of armor—

That is the armor on the Ajax and Agamemnon, as compared with that on the corresponding armored vessel, the Miantonomoh—

may safely be stated as three to one in favor of the Ajax and Agamemnon.

Think of that. At this day when we are called upon by every consideration of patriotism to produce good vessels we deliberately go to work and build a vessel which has only one-third of the resisting power of the Ajax or the Agamemnon.

The turrets of the Miantonomoh are not yet definitely designed; they cannot exceed 10 inches in thickness of compound armor, for she could not carry thicker in addition to the other weights still to be placed on board.

Mr. HARRIS, of Massachusetts. Whose opinion is the gentleman quoting?

Mr. HEWITT of New York. I am giving the results of the examination of the board that sat upon the Miantonomoh, the board which recommended the placing of 10-inch armor upon her and figured up what would be the strength of the vessel when thus armored.

The thickness of solid armor of the English turret is 16 inches, composed of 10½ inches of iron faced with 5½ inches of steel and termed compound armor.

You propose to put 10-inch armor on the Miantonomoh. One of these English ships could come right alongside of her and overthrow her turret—knock it all to pieces with one shot.

The resistance of the turrets of the Ajax and Agamemnon will be nearly double that of the Miantonomoh. Guns will project from the turrets.

This brings us to another consideration. The Miantonomoh is recommended to be armed with 10-inch breech-loading rifles. Ten inch guns must be 26 calibers long. They must project at least five feet permanently from the turret, which is limited by the dimensions of the vessel to 22 feet.

Mr. BERRY. I will take the floor and yield my time to the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. I am much obliged to the gentleman.

The CHAIRMAN. The *pro forma* amendment is withdrawn and the gentleman renews it.

Mr. HEWITT, of New York. I do.

The guns must project permanently from the turrets of the Miantonomoh. When she goes into action the guns are openly exposed to every shock of the enemy. The old, recognized, and proper method is, of course, to be able to withdraw the guns inside the turret after they are fired. That cannot be done in the case of any one of these ships.

The guns of the Miantonomoh are not yet built. And here I want to say another word about guns. The reason why neither these ships nor the ships we have to-day provided should be begun is this: we cannot build a steel breech-loading gun in the United States. I mean we cannot, by any possibility, go beyond a 6-inch gun. The largest hammer in this country will forge a piece of steel adequate for a 6-inch gun and no more. What are you going to do? Build ships and leave this country dependent on foreign nations for guns? How are you going to get them in time of war? You cannot get your first 10-inch gun, if you started to-morrow, under three years. You have to build a hundred-ton steam-hammer, which will cost $1,000,000, and will require two years to build, if the money was in the pocket of the contractor to-day.

Mr. HARRIS, of Massachusetts. Will the gentleman yield to me for one moment?

Mr. HEWITT, of New York. Certainly.

Mr. HARRIS, of Massachusetts. Does the gentleman think this country should have 10-inch steel rifles?

Mr. HEWITT, of New York. Yes; beyond any doubt.

Mr. HARRIS, of Massachusetts. Has he any doubt, if this country would let the manufacturers of guns have an opportunity to build them, they will build them here as well as they build them in foreign countries?

Mr. HEWITT, of New York. I want to give them an opportunity and it is the first thing that ought to be done. And if the Committee on Appropriations had apprehended the necessities of this country and been willing to take, as they have taken, the responsibility of building a navy, they should have brought in a measure by which a hundred-ton steam-hammer should be secured by the Government or some contractor. That is my answer to the gentleman. And he knows as well as I do, for he has reported over and over again, the steam-hammer is the fundamental basis on which steel guns rest.

Mr. HARRIS, of Massachusetts. If the gentleman had consented that the bill of the Naval Committee should be considered in this Congress he would have found that we provided for the purchase in

this country of nearly one hundred steel guns in the bill itself, and made an appropriation for them.

Mr. HEWITT, of New York. I will answer the gentleman.

Mr. HARRIS, of Massachusetts. I will guarantee if you will give the gun manufacturers a contract for fifty guns they will provide the machinery with which to make them.

Mr. HEWITT, of New York. Yes; and it will require three years to produce the first gun for the Miantonomoh whose turrets you are asking to finish in the next six months. What is it to do when it is finished? Lie idle waiting for guns for two and a half years? I say to the gentlemen they are beginning at the wrong end.

I wish to add that the Miantonomoh is not capable of carrying a 10-inch steel gun. Until you can appropriate the money to secure vessels to carry 6 and 10 inch guns you are throwing money away. Now, then, differently expressed, the Miantonomoh's guns will not penetrate the Ajax's armor at any point whatever. If you throw the two ships alongside of each other, finish the Miantonomoh, put the 10-inch gun on her, and lash her alongside the Ajax and fire it off, it could not penetrate the turret of the Ajax, while the Ajax gun will go right through the Miantonomoh's armor—in on one side and out the other—and penetrate the turret.

Mr. HARRIS, of Massachusetts. Who said that?

Mr. HEWITT, of New York. I say it.

Mr. HARRIS, of Massachusetts. That is exactly what I want to know.

Mr. HEWITT, of New York. I will give the gentleman the authority. I say it from the official figures and the report made to me by the Navy Department as to the penetrating power of her guns, and from the testimony taken by the gentleman from Massachusetts before the Naval Committee, and which I have on my desk. I have had the figures given by his own witnesses in making the computation.

Further testimony is to be found in the opinion of Chief Engineer King, who says finally, in comparing the Miantonomoh with the Glatton:

> The advantages possessed by the Miantonomoh over the last two named vessels are lighter draught and a greater number of guns. The disadvantage is an armor too thin for protection against heavy modern projectiles.

Now you are going to finish the monitors when every respectable authority, at least so far as I have ever heard, deems them to be worthless.

Mr. ROBESON. Mr. Chairman, four boards constituted by the Navy Department have pronounced in favor of these monitors. Two Naval Committees have visited the monitors, and these have also pronounced in their favor. The Secretary of the Navy, in reply to a searching communication sent to him by the chairman of the Committee on Appropriations, says that "no person questions the propriety of their completion;" and I have taken pains to inquire what he means by "no person." He stated that after the examination of every report he finds they are recommended by every officer that has examined them with the exception of Mr. Lenthall. He says that he called his bureau officers together when he received that letter, and every one of them recommended that they should be finished. He said that he sent for Admiral Porter, and said to him, "What do you say about these iron-clads?" His reply was: "Why, they must be finished, of course. Nobody says I have said they should not be finished."

I do not know whether that is the last utterance of that distinguished naval authority or not, but at all events it is his last official utterance. Now, we have been told for the last five years that these ships would not float on the same authority that the gentleman from New York rests upon to-day and which I suppose prepared his memoranda. We have been told by that same authority, in the face of the combined views of all the experts of the country, that these ships would sink if they were launched. One of them has been launched, and she did not sink. One would have thought that demonstration would have been sufficient to stop that line of criticism. Time was, Mr. Chairman, "that when the brains were out the man was dead; but now they rise and seek to push us from our very stools." In the very face of the fact which stares every man who looks, or who will go to the navy-yard at Philadelphia where the Miantonomoh floats six inches above what she was calculated to float, this statement is repeated. She rests there ready to carry forty-ton guns to-day, the same size as the guns of the Ajax, and her displacement will warrant it. There she floats, and we ask only to put on her turrets with ten inches of iron faced with steel, which would give us the same thickness of armor that the Ajax carries.

Mr. HEWITT, of New York. The gentleman will pardon me. I think——

Mr. ROBESON. I may not have given the figures exactly, but the turrets of this vessel, as now contemplated, are the same which are now on the unfinished English ship Ajax. The Ajax draws twenty-four feet of water—twenty-five feet when loaded. The Miantonomoh draws about fourteen feet, I believe. The Ajax will be effective for a short distance only, being confined to the deep waters of Europe. It is necessary for our harbors and the protection of our coast line that we should have monitors of light draught; and the great problem presented to naval constructors was to secure such light-draught monitors with sufficient speed and capable of bearing armor of sufficient resistance for our purposes. This has been accomplished by the construction of the monitors now under consideration.

But, Mr. Chairman, we are told that these monitors are not effective. Let me call the attention of the committee for a moment to a comparison. The United States steamer Miantonomoh is two hundred and fifty feet long. The twin iron-clads of the same class of England are such ships as the Cyclops. She is 225 feet long. The Miantonomoh has a breadth of 55 feet and 6 inches, the Cyclops of 45 feet; the Miantonomoh has a draught of 14 feet and 2 inches, the Cyclops has 15 feet and 6 inches; the displacement of the Miantonomoh is 3,815, that of the Cyclops 3,430. The maximum speed of the Miantonomoh is twelve knots an hour, the maximum speed of the Cyclops is from ten to eleven knots an hour. The number of turrets on the Miantonomoh is two, that of the Cyclops is two. The number of guns is four on each. The steel armor of the Miantonomoh is seven inches in thickness, that of the Cyclops from five to seven inches. [Here the hammer fell.]

Mr. KASSON took the floor and yielded to Mr. ROBESON.

Mr. ROBESON. Now I will compare briefly another class of vessels. The Glatton is another class which approaches the Miantonomoh. The Miantonomoh has a speed of twelve knots against nine and ten knots of the vessels of the class of the Glatton. She carries twice as many guns as the others. She has twice the power of resistance in her armor.

But there is included in these another vessel, the Puritan, which will be vastly superior to any of those which are named by the gentleman, a vessel which is to have a single turret and one 14-ton gun, the same that is carried by the Inflexible and the Devastation. Now, let us see the advantages: we have a ship here which is to have fourteen knots' speed against twelve and thirteen knots' speed; a ship that is equal to any ship in the world, and far superior to any ships which can enter our harbors.

You must remember that these great English iron-clads draw twenty-five, twenty-six, twenty-seven, and twenty-eight feet of water. There is no harbor on our coast, except that of Portland, Maine, which carries twenty-eight feet of water over its bar; and a vessel drawing that much can go over the bar in that harbor only with skillful pilots. New York will not carry ordinarily more than twenty-five feet of water over its bar; Philadelphia not quite so much, Baltimore not so much, Charleston not so much, New Orleans not so much, and then only under the direction and management of skillful pilots.

Mr. BERRY. How about San Francisco?

Mr. ROBESON. San Francisco has deep water in its harbor and needs to be protected. Let me say in regard to San Francisco that the channel through the gate is thirty feet deep, but the stream there runs like a mill race, and torpedoes will not avail there because they cannot be surely anchored.

What you must have for the defense of San Francisco is an iron-clad such as is now designed and half built on the California coast, to lie in the pathway of invasion, and to present a resistance to any country, responsible or irresponsible, which may dare to flaunt its flag in the face of American honor. With the Monadnock there, assisted by the Camanche which is already there, a small but slow single-turreted monitor, with the assistance of swift torpedo-boats that can rush out and ply their deadly weapons directly against an enemy, you will have an adequate protection.

But you will not have protection if the policy of the gentleman New York [Mr. HEWITT] and the members here who follow him shall be pursued. You will not have protection if we are to wait three years for guns, and then three years to finish the ships, and then three years for something else, until some new change shall be designed.

If it is going to take all this time to protect ourselves, in God's name let us stop this debate and begin to-day. Why delay a moment longer?

We ask nothing in this bill except to finish the turrets for the Miantonomoh, an iron-clad which is finished all but her turrets, and to launch the other ships which are now in the private yards of their manufacturers. When they are launched, if they sink, then the question is solved, and Mr. Isherwood and the gentleman from New York [Mr. HEWITT] will be right. But if they float, then they will be wrong upon that point.

What else do we ask? To finish the engines of these ships, which it will take more than a year to complete. When they are done, if these ships shall have been proved not to be good, they can go into other ships, for they will be just as effective in other ships as in these.

We ask that we shall go on with this work now, because this is a work which it will take time to perform. We propose nothing in the way of armament, nothing for the hulls of these ships, except to launch them, leaving the lapse of time and the increase of knowledge and the progress of science to determine when the engines are done what shall be done in the way of the armament of the ships.

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. McCOOK. I move to strike out the last word. A moment ago, when the Committee of the Whole adopted the amendment of the gentleman from Massachusetts, [Mr. HARRIS,] we inaugurated a policy that will result, as at all events I hope, in creating a navy worthy the name and worthy the traditions of the American nation.

I hope to live to see the day when the Navy of the United States will be equal to that which carried Decatur and Hull and Bainbridge, to whom the gentleman from Georgia [Mr. SPEER] referred.

But the question now presents itself (and it seems to me it is a simple and plain question) whether the policy which we inaugurated a few moments since of constructing large vessels of steel, with enormous power, sufficient to prey upon the commerce of the enemy, is to be perverted—if I may use that expression—by constructing monitors which it is notoriously the fact are not sea-going, or, if sea-going, cannot remain at sea for any length of time?

Early in this session, when the fortification appropriation bill was before the House, the gentleman from New Jersey [Mr. ROBESON] developed his policy by opposing any increase in the appropriations for the construction of the fortifications of the country, and suggested at the time that the country would have to rely upon the Navy for the defense of its harbors.

I do not propose, Mr. Chairman, to put my military opinion against that of the gentleman from New Jersey in regard to the method of defending the harbors of this country; but I will refer him to men who have written scientifically upon this subject, and whose opinion is uniform that the defense of the harbors of this country must depend upon fortifications, upon torpedoes, upon rams of tremendous power, and upon torpedo boats.

Now, if the gentleman from New Jersey can satisfy me that any one of these proposed monitors will fulfill the conditions either of a ram of enormous power, or a torpedo boat sufficient to attack an iron-clad, I will vote for the appropriation. But until he can do this it seems to me it is practically a waste of money to expend $4,000,000 in addition to what these vessels have already cost—a sufficient amount of money to build at least three or four of these large-class cruisers—for the purpose of entering upon the policy of restoring to our Navy a lot of iron-clad vessels, necessarily sea-coast vessels, that have never been able, so far as I understand, to keep the sea for any length of time.

Mr. WHITTHORNE. One word further, and I shall close all that I have to say on this question. No one has said that the Miantonomoh and her sister ships would sink when launched. Every expert, however, who has examined the Puritan has said she would sink when launched, if completed according to her original design.

Again, no board has ever said in regard to the Miantonomoh, the Terror, the Amphitrite, the Puritan, and the Monadnock, "finish them according to the original plans." On the contrary, every board that has examined these vessels has recommended important modifications and changes.

Now, here is an existing issue of fact. I beg leave to quote from Secretary Thompson's report, Executive Document 82, part 2, Forty-sixth Congress, second session:

The board which examined the Puritan says:

"That it is not to the interest of the Government to complete her wholly according with existing plans, models, and agreements."

That which examined the Amphitrite and Terror says:

"That it is not to the interest of the Government to complete these vessels according to the existing plans, but that changes specified below should be made to increase their safety and qualities of attack and defense."

And that which examined the Monadnock suggests certain modifications of the existing plans and models.

It appears, therefore—

Says the Secretary—

that, according to the opinions of these boards, it is desirable, if these vessels are completed, that the work upon each of them should be done upon plans and models differing somewhat from those originally contemplated. These conclusions are attributable to the fact that since these original plans were designed repeated experiments made in Europe at immense cost have demonstrated the necessity of changes in the construction of vessels, varying them from those of the old type, and thereby greatly increasing their efficiency both for attack and defense.

I appeal to gentlemen who favor this provision to put upon it an amendment in accordance with the official report of the board that has examined this matter.

In reply to an inquiry of a gentleman beside me, I will say that the original design of these vessels (I may be mistaken) was that they should have a speed of twelve knots an hour, but in fact they will not make ten.

Mr. HARRIS, of Massachusetts. I wish to say a word in reply to the gentleman from New York, [Mr. MCCOOK.] He says that none of these vessels will be sea-going vessels. I want to remind him that the old Miantonomoh, after she had performed service in the American Navy for some years, made the voyage from New York to San Francisco successfully, while her convoy was obliged to put into port, the Miantonomoh thus proving the better ship of the two. The wooden Miantonomoh made the voyage from the United States to Russia and back, and when she returned to the United States she was broken up. The Miantonomoh of to-day is as far superior to the Miantonomoh of that period as it is possible to conceive.

Mr. MCCOOK. I said that these were not vessels which could keep the sea. That I still insist on. I am sure the gentleman from Massachusetts will not pretend to tell the committee that any iron-clad ever built in this country is a sea-going vessel in the sense that a war-cruiser is.

Mr. HARRIS, of Massachusetts. No man has ever claimed, I trust—I certainly never have—that the single or double turreted monitors were to be considered as cruising ships. While the Miantonomoh, the Monadnock, the Terror, the Amphitrite, and the Puritan might all make long sea voyages, that is not their office. They are intended to protect our harbors and our sea coast. When you talk about sea-going iron-clads you must remember you talk about $5,000,000 to a ship. They are to be armed with 7 and 10 inch guns, and rifles at that. If these are completed on the best plans they will be good vessels for the defense of our harbors and sea-coast against any ships with which foreign powers can come against us.

Mr. ATKINS. Does the gentleman believe that the turrets of the Miantonomoh can be made to carry a 10-inch rifle gun?

Mr. HARRIS, of Massachusetts. I do not undertake to settle that question, but I do undertake to say, inasmuch as an iron-clad fires her guns through her port-hole on each side and then turns from the enemy in a fight until she is prepared to fire that side again, it is not necessary those guns should be wholly in the turrets, and the hull of European ships are not built on that plan.

Now, gentlemen come here and say she cannot meet the Ajax and she can meet the Agamemnon and she can meet some eight or ten ships in the world. Suppose I were to admit it. Three-fourths of the iron-clad fleet of England cannot stand before either of these ships when properly armed. Two-thirds of the iron-clad fleet of France would be whipped by either of these vessels in a fair fight. So, if we are not building the biggest iron-clads in the world to meet the other biggest iron-clads in the world, we are building some which will meet most of the iron-clads belonging to the great powers of Europe. [Here the hammer fell.]

Mr. ROBESON rose.

The CHAIRMAN. There being no objection the *pro forma* amendment will be withdrawn.

Mr. ROBESON. I renew it.

Mr. KASSON. Let me ask a question for information. A statement was made by the gentleman from Tennessee that the object of the proposition was to finish these vessels according to the original plan, and read authorities to show that should not be done. I wish to inquire if there is anything in the bill looking to the completion of these vessels according to the original plan?

Mr. ROBESON. There is nothing in the bill which looks to the completion of the hulls at all in any way or shape.

As to the question of armor, which is the only thing the reports are against, it was upon these ships before steel armor was contemplated. They recommended steel armor. Everybody agrees it should be put on. Their modification is that of armor. The other alterations are simply alterations recommended with regard to bulk-heads, quarters, &c., and, in the Puritan, do not amount to $12,000 all told. It is a mere matter of arrangement.

We are not going into the question of how these ships shall be armored or how the hulls shall be finished. We are going into the question of turrets on one which is finished, and putting engines in the others, and launching those half done now occupying places in ship-yards.

Now, these are not the most powerful monitors in the world. I admit that; but they are powerful enough to meet and overthrow any monitor which can cross the seas and enter one of our important ports. I will say to the gentleman from New York they are rams also, the Puritan, being a ram of great power, the most powerful perhaps in the world. I will say to him also the defense of the harbor of New York, for instance, cannot exist alone in land fortifications. I admit mere naval defense is not enough; I admit that. I think his forts should be armed with the heaviest ordnance known to the world, and when the War Department adopts any plan on that point the gentleman will find me, as I told him before, with him.

Mr. MCCOOK. Will the gentleman permit me to interrupt him?

Mr. ROBESON. Certainly.

Mr. MCCOOK. And yet the Committee on Appropriations, of which the gentleman from New Jersey is a member, appropriated only $500,000 for all these necessities.

Mr. ROBESON. Because the War Department told us they were not ready to go into it, that they had a board examining the subject and wanted us to wait with our appropriations until it was done.

I say to the gentleman these are sea-going ships, and the Miantonomoh or Puritan can steam to any harbor on the Atlantic coast in Europe or Africa. The Miantonomoh, with the coal she can carry, can steam along our coast.

I say it would be a gross folly, particularly for those gentlemen who represent great monetary interests concentrated in cities, to adopt and vote for appropriations for offensive policy in the Navy, to vote for cruisers to go out on the seas and attack the commerce of the enemy and have nothing to protect the concentrated wealth gathered on the shores of our harbors and in cities resting on the banks of navigable rivers. It would be the worst folly for the American people to invite attack by sending forth fleet cruisers against the commerce of the enemy and yet have no protection at home.

The CHAIRMAN. The *pro forma* amendment by unanimous consent is withdrawn, and the amendment recurs on the amendment to the amendment.

The committee divided; and there were—ayes 46, noes 68.

So the amendment to the amendment was rejected.

Mr. HOLMAN. Mr. Chairman, I move the following amendment to the amendment of the gentleman from Massachusetts:

Add to the amendment these words:

"*Provided, however*, That the work to be done on the said iron-clad vessels respectively shall be done under the direction of the Secretary of the Navy, by and

under contracts let to the lowest responsible bidder, after due advertisement for proposals, under such regulations as the Secretary of the Navy shall prescribe; but advertisements inviting such proposals shall be published in newspapers of general circulation in at least three cities of the United States, and for not less than sixty days. And the Secretary of the Navy shall prescribe the terms of the contracts which shall be made, the security to be given, and all regulations and supervision necessary to secure the full performance of such contracts and the proper completion of such work."

I wish, Mr. Chairman, to say but a word in behalf of this proposition. As I understand it, the work upon these five iron-clads, so far as it has progressed, has been done under contracts made without competition, and these vessels, in an unfinished condition, are now in private ship-yards. I have before me a statement, made by a gentleman of experience in the construction of iron vessels, as to the cost of the completion of these iron-clads, or a part of them, under the contracts of March 3, 1877, in comparison with what the cost would be under the contracts which can be made at this time, and suggesting at the same time that it was possible that the contracts of March 3, 1877, might be revived by this bill. He further suggests that the four vessels, the Terror, Amphitrite, Monadnock, and Puritan, could now be completed for $1,382,627.17 less than the sum which was to be paid for their completion under the contracts of March 3, 1877.

Mr. ROBESON. Will the gentleman allow me to make a suggestion?

Mr. HOLMAN. Yes, sir.

Mr. ROBESON. There is no possible objection, so far as I know, with regard to the turrets. But of course with reference to the launching of the ships, as they are already in the private ship-yards or in the yards of constructors, that cannot be done. In regard to the contracts for the engines and boilers I would suggest to the gentleman from Indiana that they are already under contract, and will be furnished much cheaper than they could be contracted for now. They are under contracts which have all of the safeguards and stipulations which the gentleman mentions, and are guarded just as he proposes to guard these, so far as I understand it.

Mr. HOLMAN. When were these contracts made?

Mr. ROBESON. In 1875 or 1876, I think, although I am not able to give the exact date from memory.

Mr. HOLMAN. In 1875 or 1876?

Mr. ROBESON. And when work and material were much cheaper than they are now. I am perfectly willing to accept the amendment if the gentleman will put in it the words "where they are not now under contract."

Mr. HOLMAN. But it is claimed that the work can be done now at a much cheaper rate, that if done by contract made at this time under competition a saving on the old contracts of March 3, 1877, of over a million of dollars would be made to the Government. If this be true, I hope the gentleman from New Jersey will consider it.

If these contracts of March 3, 1877, are binding on the Government, I concede we cannot let the same contracts to anybody else. But that is a matter to be determined.

Mr. ROBESON. There are but five or six ship-building yards in the United States, and each one of these has a contract now for one of these monitors. I do not believe you can get a contract for anything like what you now have.

Mr. HOLMAN. If I understand correctly, the contracts now in existence were made, as I have stated, on the 3d of March, 1877.

Mr. ROBESON. I think they were made before that date.

Mr. HOLMAN. For the building of the machinery of the vessels, for I presume those contracts only embrace the machinery and boilers?

Mr. ROBESON. Yes, sir.

Mr. HOLMAN. And it is proposed to give effect to these contracts by this legislation; that is, they are proposed to be the contracts under which the machinery is to be constructed?

Mr. ROBESON. Nobody has yet found fault with these contracts. Every board reported that they are right. They report that the engines are right, and nobody found any fault with them, not even those who have been able to find fault with the armor and the ships themselves.

Mr. HOLMAN. It is asserted that these contracts were made on the 3d day of March, 1877, and not prior to that time.

Mr. ROBESON. I think the gentleman is mistaken.

Mr. HOLMAN. I have a statement here from the late Secretary of the Navy, showing that the contracts were made on March 3, 1877, for the completion of the iron-clad monitors Puritan, Monadnock, Amphitrite, and Terror, amounting to $2,103,642. At that time there was no money available in payment of the contracts, and a provision was inserted in the contracts that no payment should be made until an appropriation available for the purpose was made by Congress. This is the statement of the Secretary of the Navy on the 30th of November, 1877.

Now, the point is this: it will be seen very clearly that if these contracts are valid, when this appropriation is made they at once go into effect; in other words, you give effect to the contracts by providing the money to carry them into execution. I hope the gentleman will explain this, and if it is true that they are favorable contracts and are binding contracts, then of course let them continue.

But I hold in my hand the statement of Mr. Nathaniel McKay, a leading ship-builder, showing that these contracts are greatly too high. I have already referred to it. He shows item by item that new contracts can now be made for the completion of the four vessels named, saving $1,382,627.17 on the contracts of March 3, 1877. Referring to the report of the Secretary of the Navy made on the 3d of March, 1877, it is clear the contracts were made on the 3d of March, 1877.

The statement of Mr. Thompson, Secretary of the Navy, is as follows:

There were contracts made by the Department March 3, 1877, for work to be done by this bureau for the completion and fitting the iron-clads Puritan, Monadnock, Amphitrite, and Terror, amounting to $2,103,642. There being at that time no money available in payment of these contracts a provision was inserted in them that no payments should be made under them until appropriations applicable to the purpose were made by Congress. I deemed it my duty also to suspend these contracts, inasmuch as I regarded them as not authorized by law, and to submit to Congress to decide whether they shall be recognized or canceled, and if these vessels are to be completed in what manner it shall be done.

I insist that if these vessels are to be completed the work shall be done under contracts openly made with fair competition.

The committee informally rose, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, disagreed to by the House of Representatives, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARLAND, Mr. INGALLS, and Mr. HOAR to be the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HEWITT, of New York. I desire to offer a substitute for the amendment offered by the gentleman from Indiana. I send it to the desk and ask that it be read.

The Clerk read as follows:

And provided further, The Secretary of the Navy shall not expend any portion of the money hereby appropriated for the completion of the monitors until detailed plans and specifications of the work to be done shall have been carefully made by the board of advice and survey hereby created: *And provided further*, That he shall advertise the same for open competition and shall award the contract to the lowest responsible bidder in each case; and the contractor shall have the right to do the work in any United States navy-yard suitable for the purpose, or elsewhere, at his option. And nothing herein contained shall be construed to recognize the validity of the alleged contracts of March 3, 1877, in relation to the said monitors or to admit any claim for damages for the use and occupation of space in ship-yards for delay or for any other cause whatever.

Mr. ROBESON. That amendment, Mr. Chairman, if I can see its scope and purport, is to allow any bummer that comes and chooses to bid without plant, without establishment, without responsibility, to compete for this work and build the ships in the United States navy-yards.

These ships can only be built by the great ship-builders of the country. If we are to have good ships we must have them built by them. If that is not your object, then you can leave them to your Mackays and any other adventurers you choose who want to come in and make money under some proposition such as this.

There is no navy-yard in the United States to-day that can build one of those ships. The Boston navy-yards may be able to roll some of the plates and some of the iron, but there is no navy-yard where a ship of that kind can be built.

Mr. HEWITT, of New York. The object of this amendment is not the encouragement of bummers. That day in the Navy Department I trust is gone by. The object is to give out this work to free competition, to responsible bidders. I will ask the Clerk to add, after the words "the lowest responsible bidder in each case," the words "and such contractor shall give security, to be approved by the Secretary of the Navy."

The gentleman says that all the yards in this country that could complete these monitors have got a monitor. Well, they are pretty well subsidized. But I am told by the gentleman from Massachusetts that these vessels are ready to be launched. Therefore, when we take them out of the yards——

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to correct that statement? It will cost to launch them $50,000 for the Puritan and $25,000 for each of the others.

Mr. HEWITT, of New York. They are ready to be launched, and when launched they can be taken to a navy-yard to be completed, and the contractor, whoever he may be, can get his iron plates and bolts and his armor from where he will. What he wants is a place to do the work, and the amendment allows this to be done in these idle yards that the gentleman proposes to close up. I want to put them to some use; and I want free competition. And I say now, if the contracts made on the 3d of March, 1877, are on more favorable terms even than the bids put in now, it would not be for the interest of this country to allow work to be completed on contracts made, as those contracts were, without advertisement, without competition, on a mere bureau order. We have some higher duties than even to save dollars. We want to give a fair and open competition to every

man who can build engines in this country. And I say all the engine builders of this country are not comprised in the five yards the gentleman speaks of. There are a dozen or twenty large establishments outside of them that can build steam-engines in this country adequate for these ships, and we want these large establishments to have a fair chance of competition. I have no doubt, notwithstanding the assertion of the gentleman from New Jersey, it will result in a saving of money and not a loss of money to the Treasury.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. HEWITT] for the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. CONVERSE. I ask that it be again read.

The Clerk again read the proposed substitute.

Mr. HISCOCK. I desire very briefly to oppose the amendment, and especially two features of it. It has been asserted here that contracts have already been made for this work, and that the economy and cheapness of those contracts have never been questioned. If those contracts are valid contracts and are binding upon the Government, I am opposed to any legislation here which repudiates that obligation. I do not believe, Mr. Chairman, that we can afford to repudiate a legal obligation against the Government if there is such an obligation, and render the Government liable to such damages as it would be liable to for such repudiation.

I am opposed to the amendment for another reason. I am opposed to turning over the navy-yards of the Government to any contractor, I do not care who he is. This proposition gives to the contractor, to any person who may have got the contract, the right to take possession of a Government navy-yard and control it. We are to turn over and surrender to the successful bidder, whoever he may be, the Government works. I am opposed to any such application as that of the navy-yards.

And I may say that to a certain extent that provision is in direct conflict with certain other provisions of the bill looking to some extent to the closing of certain navy-yards. There is, in my judgment, no propriety, whether the Government requires a navy-yard or not, in allowing a contractor to take possession of one, as he would be enabled to do under this amendment.

Mr. CONVERSE. I desire to ask the author of this amendment a question or two. I desire to know whether he means by the words "or elsewhere" that the contractors may do this work out of the country?

Mr. HEWITT, of New York. I do not mean that.

Mr. CONVERSE. Is not the language such that any one living out of the country might bid for this work and take it to be done out of the country?

Mr. HEWITT, of New York. To avoid any misconception I will add the words "in the United States."

Mr. SPRINGER. I move to strike out the last word. I would like to inquire of the gentleman who has this matter in charge whether these contracts that are to be carried out if this bill shall pass embrace the contract with William Cramp & Sons, of Philadelphia?

Mr. HEWITT, of New York. That is one of them.

Mr. SPRINGER. The gentleman from New York says that is one of them. I want to call the attention of this committee to the fact that that firm made a contract with a man of the name of J. W. Fralick for the purpose of securing legislation in reference to confirming that contract. I ask the Clerk to read what I have marked.

The Clerk read as follows:

[*Copy.*] Memorandum of an agreement made this 24th day of March, A. D. 1878, between William Cramp, Sons & Company, of the city of Philadelphia, of the first part, and John W. Fralick, of the second part, of said city, with party of the first part, agree to pay the party of the second part the sum of 5 per cent. for services rendered and to be rendered in securing special instructions from the Navy Department favorable to securing an additional appropriation from Congress in the further construction and completion of the "monitor" now on our docks; and further, this contract to hold good and in force on any similar transaction between J. W. Fralick, of the first part, and W. Cramp, Sons & Company, of the second part, as heretofore mentioned, and the United States Government.

CHAS. H. CRAMP,
For WM. CRAMP & SONS,
S. & E. B. Co.

Mr. SPRINGER. The gentleman with whom this contract was made, Mr. Fralick, sued Cramp & Sons, of the city of Philadelphia, for the purpose of recovering under the contract, and they compromised by paying him $1,000. He testified to the facts and produced this contract in evidence in the case. It appears, therefore, that this contract was made by a company who it is now claimed should be allowed to carry out their contract with the Government, although that company had made a contract with this Fralick for the purpose of procuring a favorable recommendation from the Secretary of the Navy in reference to this very work. We are now asked to appropriate money to carry out a contract where the parties having the benefit of it have endeavored to corruptly influence one of the Departments of the Government.

Mr. KELLEY. I happen to know something about this alleged transaction. The man alluded to, whose name is Fralick, had obtained contracts, from a number of manufacturers and ship-builders of Philadelphia to get contracts for them in some of the South American states, which he was about to visit. He went down there, but obtained no contracts that I know of; though there may have been some unimportant ones.

After his return to this country he presented to the Messrs. Cramp a paper like that which has been read—possibly this is a copy of it—and on its presentation the firm disavowed it; no member of the firm had had any transaction with him on any such matter as it set forth. One member of the firm had signed what he supposed was a contract, together with other Philadelphia manufacturers, for work to be obtained for them. They made his claim known to me, and I went at once to the Navy Department and to the Executive Chamber and laid the transaction before the then Secretary of the Navy.

Mr. WHITTHORNE. Will my friend yield a moment right there, because I think it is necessary?

Mr. KELLEY. I will hear the gentleman, for he knows something about this matter.

Mr. WHITTHORNE. I desire to make this statement, because I think it is due to the gentleman from Pennsylvania, [Mr. KELLEY,] whose name has been connected with the publication made.

Mr. SPRINGER. I did not connect it.

Mr. WHITTHORNE. I say that it has been connected with that publication. During the last Congress some information came to me of the character that is now appearing in the public prints. Just about that time there was a pending proposition to complete these monitors.

My friend from Pennsylvania [Mr. KELLEY] was talking to me upon the subject. The day after having himself mentioned the matter to me, he came to me and said, "I have certain information, or an intimation, that there has been something improper about these monitors, and I beg to say to you that I am making inquiries, and if I ascertain that there is anything improper about them I will wash my hands entirely of the matter." The gentleman made that statement to me without any knowledge whatever that I had any information in regard to it. Before I disclosed it to him he stated to me that he intended to call upon the President and the Secretary of the Navy and ascertain the truth of the matter and would report to me.

I then said to him, "I have information of this kind;" and then I told him what it was. The day afterward the gentleman from Philadelphia [Mr. KELLEY] told me that he had called upon the President and upon the Secretary of the Navy, and that one of the Cramps had been telegraphed for. I felt that it was due to the gentleman that I should make this statement.

Mr. KELLEY. To resume. Mr. William H. Cramp came to me, as I have stated, disavowing any such contract, any agreement to make any such payment on account of Government work. He said that the Baldwin Locomotive Works, William Sellers & Co., machine manufacturers, and others, had given this man contracts, or had entered into an agreement to pay him a commission to obtain for them South American contracts, and that their firm had given him such a contract.

I went to the Secretary of the Navy and laid the matter before him. He said that he had never seen or heard of Fralick, and that it was evidently an attempt to black-mail the Cramps. I went to the President also, whose official note-paper and whose envelopes, with the executive stamp, Fralick had used, and I laid the matter before him. He, too, denounced the man as an impostor, and said that he would appear in court as a witness or do anything he could if the scamp should attempt to enforce his claim.

I called the attention of the President to the fact that this man's black-mailing letters were on the executive note-paper, were dated at the Executive Mansion, and were mailed in envelopes bearing the executive stamp; that Fralick was a friend of the President's private secretary, Mr. Rogers, and that his honor and the good name of his closing administration required him to take action in the matter. Soon after this, through the influence of Mr. Rogers, impelled by the President, Fralick surrendered the fraudulent paper, which is now produced as a contract between him and the Cramps to pay for Fralick's influence with the executive department of the United States.

I thank the gentleman from Illinois for having thus brought this paper to public attention; and I thank the gentleman from Tennessee for coming forward promptly, as he has done, to say that while on behalf of this family of constituents of mine, these men who have honored the name of my city and our country by their skill as naval architects and ship-builders, I was urging upon him, as chairman of the Naval Committee, the completion of the Terror and the release of their ship-yard from the incumbrance of this vessel, I heard a whisper of this thing and hastened to tell him that I had heard it; that I proposed to investigate it, and that meanwhile he should consider me as indifferent to the matter; that I brought to him not only the testimony of the Cramps, one of them in person, but the action of the Secretary of the Navy and the President of the United States, showing that the whole scheme was a black-mailing one upon the Cramps. [Here the hammer fell.]

Mr. SPRINGER. Will the gentleman from Pennsylvania state——

Mr. KELLEY. I will do so in the gentleman's time if he has any.

Mr. SPRINGER. The gentleman from Pennsylvania has given this firm a good name; but does he deny——

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SPRINGER. I withdraw the amendment.

Mr. REAGAN. I renew it, and yield to the gentleman.

Mr. SPRINGER. The gentleman from Pennsylvania has given this firm a very good name. I am not acquainted with them; I am very glad to have his indorsement of them; but——

Mr. KELLEY. I am acquainted with them. From my early childhood I knew the venerable man, recently deceased, who founded the great house that has built for Russia some of her finest iron war ships.

Mr. SPRINGER. Does the gentleman state that this contract was not signed by a member of that firm in behalf of the firm?

Mr. KELLEY. I do say that that contract was not signed; that the paper the gentleman supposed he was putting his name to was a duplicate of the contracts signed by other manufacturing firms to give this man a commission for contracts he might obtain on private account.

Mr. SPRINGER. He did put his name then to this paper.

Mr. KELLEY. He put his name to a paper; but he says he has no recollection (and he is an honorable man) of any feature of that paper. He is ready to declare upon oath that he believed he was signing, as seventeen or twenty Philadelphia firms did, a contract to send an agent to seek foreign contracts. Now, I will ask you, sir, [addressing Mr. SPRINGER,] whether you believe Fralick, the man who presents——

Mr. SPRINGER. He is one of your constituents; I do not know anything about him.

Mr. KELLEY. Well, I will tell you, sir, that the penitentiary is in my district, and it contains, in my judgment, many better men than Fralick.

Mr. SPRINGER. I should presume so, from the character of the contract he made with one of your constituents.

Mr. KELLEY. He made no such contract.

Mr. SPRINGER. He says he did.

Mr. KELLEY. Aye, the perjured scoundrel upon whom you rely, and who tried to blast the fame of an honest firm, says that he did.

Mr. SPRINGER. I rely upon nothing except the fact that this firm did pay this man a thousand dollars on their contract.

Mr. KELLEY. They may have paid him a thousand dollars, as did other manufacturers in Philadelphia, on account of the expenses he said he had incurred in going to South America.

Mr. SPRINGER. Fralick is the agent of the firm; he is not my constituent, nor my friend. I do not know him.

Mr. KELLEY. He is your constituent on this occasion.

Mr. SPRINGER. No, sir.

Mr. KELLEY. It is upon his word you are assailing the character of one of the most honorable of our Philadelphia firms, and in this matter he is your sole constituent.

Mr. SPRINGER. He was the agent of the firm; you acknowledge it. You have stated that they paid him $1,000 for important services with foreign governments.

Mr. KELLEY. No; I have not said "with foreign governments," but for trying to get them contracts in foreign countries.

Mr. SPRINGER. Very well. But this firm that was competent to build ships for Russia and to found one of the great houses of Philadelphia seems to have signed a contract without knowing what it contained and to have employed a man who, as the honorable gentleman says, (and I take his word for it,) ought to have been in the penitentiary instead of transacting important business with foreign governments.

Mr. KELLEY. Thank God I stand by men whose reputation is known, and the gentleman opposes me on the interested allegation of a man who defrauds the criminal law of the land so long as he remains outside the bars of a penitentiary. [Laughter.]

Mr. SPRINGER. He is the man who was employed to do the dirty work. He is not the kind of man with whom the Government should make a contract. I am not here to indorse him. I denounce him and his contract and everybody else who had anything to do with it.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I suggest to the committee whether it is not time to go forward and complete this bill. The gentleman from New York [Mr. HEWITT] is opposed to this paragraph. He has opposed it consistently and strenuously. He does not want any appropriation for the completion of these iron-clads or the building of any ships on this bill. He has been defeated by a decided majority of the full committee. Now he comes in with an amendment to turn over the navy-yards to anybody who has a mind to bid, by an amendment, which I wish to say, with all due respect to him and to his business capacity, is not in my opinion offered in good faith, but to embarrass this bill at this stage. Therefore I hope the committee will vote his amendment down and proceed with the bill.

Mr. HEWITT, of New York. I understand the gentleman to impugn my good faith, and I want to ask him a question.

Mr. CANNON. I will yield for a question.

Mr. HEWITT, of New York. I understood the gentleman to impugn my good faith?

Mr. CANNON. No, sir.

Mr. HEWITT, of New York. To impute bad faith to me?

Mr. CANNON. I beg the gentleman's pardon.

Mr. HEWITT, of New York. I ask for the reading of the words.

Mr. CANNON. I will save you the time of reading the words, and will state what I did say. I said the gentleman from New York was opposed to this proposition in whole and in part, and opposed to any appropriation for building ships on this bill; that he had been defeated, and in my opinion, with his business ability and holding the views he does, that he did not offer this amendment in good faith to perfect the bill, but to further embarrass it.

Mr. HEWITT, of New York. Then I say to the gentleman from Illinois that he must be an inexperienced legislator, indeed, if, having been defeated on the main proposition, he still does not think it right to perfect the bill in the public interest. I offered the amendment in good faith, to save the Treasury of the United States from plunder. It has been plundered enough in this business, and I want to stop it, and I had no other object whatever. I should like to stop the entire work, but if I cannot do that I want to see the money expended honestly and under proper supervision.

Mr. CANNON. One further word in reply to the gentleman from New York. He having said he offered the amendment in good faith, of course I am bound to take his word on that matter, and I say in my opinion he does offer the amendment in good faith, because he says so. But I want to say, if these contracts exist, as claimed, then the Government should stand up to them, and if they do not exist, then the Navy Department, under the law, will make the contracts, as it always has made such contracts. Again, I want to say on the top of that that the proposition to throw this work open to the bidding of the world, to persons with or without machine-shops, with or without experience, and the further proposition to turn over any or all the navy-yards to private bidders to do the work in, and the implied proposition to perfect the navy-yards so they would be available, which, I take it, is fairly implied, does not do that credit to the gentleman's business capacity which ought to be done to it, considering what his capacity is.

The CHAIRMAN. The Chair understands the *pro forma* amendment has been withdrawn.

Mr. HEWITT, of New York. I renew it. My business capacity and reputation will have to take care of themselves. I do not think anything the gentleman from Illinois has said or can say will affect it in the estimate of the public.

Mr. CANNON. I have no desire to do so.

Mr. HEWITT, of New York. The whole tone of the gentleman's remarks was, first, to impute bad faith, and then when good faith was asserted to impute what might be called incompetency of judgment.

Mr. CANNON. I was merely disagreeing with you in your judgment, and I have the right to do that.

Mr. HEWITT, of New York. The gentleman must disagree in different language if he wants to disagree with me.

Mr. CANNON. The gentleman will pardon me. I wish to say now in the remarks I made I did not intend to impute to the gentleman want of good faith touching this matter, for he said it was in good faith. The remark I made touching his business capacity did not impugn that capacity, but combated the correctness of his judgment as to the last clause of this bill, and was intended to be respectful to the gentleman, for that is the opinion I entertain in regard to him.

Mr. HEWITT, of New York. The gentleman from Illinois has just seen great business firms of high standing in the Government signing contracts, not knowing what they were doing, and yet he impugns my business capacity. I have never signed such a contract yet. I know something of the way in which great business firms do their work, and they are not in the habit of putting their names to such contracts.

Now, in regard to the substance of this proposition. In deference to the suggestion of my colleague from New York, before the gentleman from Illinois spoke I went to the desk and modified this portion of the proposition, as far as it relates to the control of the navy-yards, to meet his objections, which I ask to be read.

The CHAIRMAN. The Clerk will report the proposed substitute as modified.

The Clerk read as follows:

And provided further, That the Secretary of the Navy shall not expend any portion of the money hereby appropriated for the completion of the monitors until detailed plans and specifications of the work to be done shall have been carefully made by the board of advice and survey heretofore created: *And provided further*, That he shall advertise the same for open competition and shall award the contracts to the lowest responsible bidder in each case; and such contractor shall give security to be approved by the Secretary of the Navy; and the contractor may, with the assent of the Secretary of the Navy and subject to his control, have the right to do the work in any United States navy-yard suitable for the purpose or elsewhere in the United States, at his option; and nothing herein contained shall be construed to recognize the validity of the alleged contracts of March 3, 1877, in relation to these monitors, or to admit any claim for damages for the use and occupation of space in ship-yards for delay or for any other cause whatever.

The CHAIRMAN. The question is on agreeing to the proposed substitute.

Mr. ROBESON. Mr. Chairman, I desire to make a single remark in reply to an expression that fell from the lips of the member from New York when he was on his feet a little while ago. He says his amendment was made in good faith for the purpose of stopping plunder in these things, of which there had been enough already.

Now, Mr. Chairman, that remark was utterly without a shadow of foundation, and rests upon the statement of no man except the member from New York himself. All along the line of this investigation every board, the Mullaney, Stevens, Preble, Selfridge, every one of them, and every Secretary of the Navy expressly says that on thorough investigation there was not a shadow of suspicion of any

bad faith or fraud on the part of any contractor for any of these iron-clads. And on the face of this statement, which is spread on the records of this House over and over again, it does not become the gentleman from New York with specious pretense of superior honesty to stand up here and attack the character and impugn the honesty of men as respectable at least as himself in the eyes of every community.

Now, I say if this substitute is voted down I am willing to accept the amendment of the gentleman from Indiana, with a single clause, to which I do not believe he objects, to wit, "except there shall be found to be a valid contract already existing for the said work," or a similar provision. With that addition I shall have no objection to it.

The CHAIRMAN. The question is on the substitute of the gentleman from New York for the amendment to the amendment offered by the gentleman from Indiana.

Mr. WILSON. Let that be reported again.

The CHAIRMAN. It has already been reported three times.

Mr. BERRY. The amendment of the gentleman from Indiana is the one we want to have read.

The CHAIRMAN. The question will first be taken upon the substitute.

The committee divided; and there were—ayes 45, noes 76.

So the substitute was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment to the amendment offered by the gentleman from Indiana.

Mr. BERRY. I call for the reading of it again.

The amendment was again read.

Mr. HISCOCK. Mr. Chairman, I hope that this amendment will not be adopted. If these contracts which have already been made are valid, if they are binding upon the Government, they should be respected. We have here a system of statutes providing how contracts may be made—and when they may be made. We certainly have not had time to go through and compare the provisions of this amendment with existing law upon that subject, and I prefer, for one, to turn this matter over to the Secretary of the Navy and let him, upon his responsibility as a public officer, expend this money.

Mr. HOLMAN. Mr. Chairman, I do not understand even from the gentleman from New Jersey that these contracts embrace the whole of the work to be done, but, on the contrary, I understand that these contracts made on the 3d of March, 1877, were applicable only to the engines and boilers of these various iron-clads. That is what I have understood during the course of this discussion and is in accordance with my best recollection. Am I correct in that?

Mr. ROBESON. As I understand, there are contracts for some of them already existing. Where there are no contracts existing, of course the Secretary of the Navy will have to make contracts according to existing law, which provides all the necessary securities and safeguards.

Mr. HOLMAN. But there is no law requiring him to invite proposals to do this work.

Mr. ROBESON. Yes, there is.

Mr. HOLMAN. The contracts of March 3, 1877, were not made in that way.

Mr. ROBESON. They were made on proposals.

Mr. HEWITT, of New York. Advertised?

Mr. ROBESON. No; not advertised.

Mr. HEWITT, of New York. How was it done?

Mr. ROBESON. Strictly according to law.

Mr. HOLMAN. I find the following statement, made by the Secretary of the Navy in December, 1877:

> I deemed it also my duty to suspend these contracts, inasmuch as I regarded them as not authorized by law—

This was the language of the Secretary of the Navy in December, 1877—

> and to submit to Congress whether they should be recognized or canceled.

Now, I am willing to accept the proposition of the gentleman from New Jersey that to the extent there are now valid contracts outstanding to do this work, to that extent this proposition shall not apply; but as to the work to be done where there are now no valid contracts there shall be fair and open competition.

Gentlemen have to bear in mind this work is being done in private yards, and that the work done to this time was under contract. And now it is proposed to allow the balance of the work to be done without inviting proposals to do it, and without any fair and open competition. I am only asking fair and open competition for the doing of this work, that no fraud shall be perpetrated on the public Treasury. That, and nothing else, is the effect of this proposition.

I will modify my amendment further, for I do not intend to allow any possible ground to exist by which these millions shall be expended under private contracts without any opportunity for fair and open competition. I will modify my amendment by adding at the end of it the following words, which I ask the Clerk to read.

The Clerk read as follows:

> But valid and legal contracts now existing touching any part of said work shall not be affected by this provision.

Mr. REED. I do not know for my part whether the existing laws require what the gentleman from Indiana has in his amendment. If they do not require it, then I think we ought not to require it here. I believe that it is a violation of sound business principles. Now, that may seem to be strange to gentlemen who have been in the habit of regarding competition as the sole principle of doing business. I believe there is something more than that. What we need is not economy as the first thing, but a construction that will be sound and effective. It is not a question of what money we pay so much as a question of what we get for our money. What we need is character on the part of builders rather than low bids. And I maintain that the business principle upon which the best navy of this world is constructed is not the principle of the lowest bidder.

No supervision by outside parties can ever make up for any lack of faithfulness on the part of men who do the work. The English Government build no engines in their yards. They let them all out to contract. They never invite general proposals and do not let the contracts out to the lowest bidders. On the contrary they select a few firms in whose character they have complete confidence and invite proposals from them and act upon them, and the result is that they get work made not upon inspection but what is far better upon honor.

I am well aware of the principle adopted by the gentlemen on the other side, notably by the gentleman from Illinois, [Mr. SPRINGER,] that the great business of life is to watch and see if you can get some mean thing against somebody implying that they have been stealing money. I know that is the way his mind runs, and he is not in the slightest to blame for it; because people act according to their methods.

The way in which this attack was brought on seems to me very singular. The gentleman from New York [Mr. HEWITT] proposes his lowest-bidder compound navy-yard arrangement; and then it is followed up by the gentleman from Illinois, for he is the gentleman that usually attends to that department, by bringing forward a little contract business which has been thoroughly and completely exploded. And then, under cover of that, they endeavor to violate what seems to me to be true business principles, namely, the getting of what you want; for when you make a navy you have got to have something that is as nearly perfect as you can get. I know the United States Government always pays more than other people do for the work they get. But they are obliged to insure the nature of that work. It will not do to have it scamped in any way. I remember there was a vessel built in the navy-yard by contract, and when they got through they found that instead of driving copper bolts into holes that were a little smaller than the bolts, nine out of ten of them were driven into holes of the same size as the bolts. The consequence was, when the inspector came around the men were busily engaged in driving the bolts into the small holes, and when he went out of sight they drove them into the large holes. The result was, when she was launched she leaked like a sieve; and when she was taken up into the docks she looked like a pepper-box in full operation. [Laughter.] And that is just what might have been expected. With these gentlemen lowest-bidder economy is the great business of their lives. They want economy in vessels. Now, what we want is vessels, with economy; but we are willing to pay what they are worth. And I tell you the device of doing things by the lowest bidder never will get the worth of a dollar and a half for a dollar.

We in this world always have to pay in the long run a dollar for a dollar's worth. When men do business they select agents of high character, of such character as the gentleman from New York [Mr. HEWITT] occasionally advertises himself to be. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASSON. I will take the floor and yield my time to the gentleman from Maine.

Mr. REED. I thank the gentleman. I have but little more to say, except to re-enforce what I have already said; that when you employ it is as much a question of the character of the man you employ as of the bids which are made. I say this is sound business. When we come to thoroughly respect our public officials, as we are bound to do in time, after this era of slander has gone by, we will trust them to make contracts, and the result will be that we will have public works as England has when we construct our public works on the principle that England adopts.

Mr. BAYNE. I beg leave to dissent from the views expressed by the gentleman from Maine, [Mr. REED.] I must believe that in making contracts opportunity may be afforded for favoritism. Special friends may have opportunities which the general public may not have.

I think it is a wise course on the part of Congress to surround all of these things with such safeguards and such protection as will secure for the Government the best work for the least money. There is nothing that I can discover in existing law that requires the Secretary of the Navy to take such steps as will open this work to all the ship-builders of the country. Under existing law he may see fit to let the contract to this ship-builder or to that ship-builder. He may select a ship-builder who is not so good as some other one, and let the contract to him at a price that will be excessive.

The amendment of the gentleman from Indiana [Mr. HOLMAN] will preclude that sort of thing and enable everybody to enter into an open, fair competition, and make bids for the work. The work which they may do will be subject to the scrutiny and supervision of the Navy Department all the while it is progressing. If the ship-

builder fails to do that work according to the contract, then, as is well known, the Government always holds its contractors to a rigid accountability.

I must think that, in order to exclude anything like favoritism, in order to get work done on sound business principles, it is as much the duty on the part of the Government as it is on the part of an individual to get the best work for the least money; and this direction should be given to the Secretary of the Navy, in order that he may procure the work to be done in that way.

I see nothing in the statutes that requires the Secretary of the Navy to act on rigid business principles. I do not know that the Secretary of the Navy will not pursue rigid business principles. I do not know what influences may be brought to bear upon the Secretary of the Navy. I assume that he is an honorable and an honest man; I know nothing to the contrary.

But I do know that men occupying official stations are subject to much pressure from many influential quarters, and it is wise on the part of Congress to direct those officers to prosecute their work on sound business principles, so that the Secretary of the Navy, when pressure is brought to bear on him, when he is asked to do things which he should not do, can point to the statutes and say that his course is there laid out for him.

There is an openness, there is a fairness, there is a justice about presenting this matter to the whole public, about advertising it in the papers, and letting the world know what is going on in the Navy Department and in every other Department. I want it done in that way, and for that reason I am going to vote for the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HISCOCK. The gentleman from Pennsylvania [Mr. BAYNE] is right in this, that there is no provision in the statutes that work of this kind shall be advertised and let to the lowest bidder. It is true that there never has been any statute passed by Congress providing for advertising and letting to the lowest bidder a certain kind of work.

I desire to call the attention of this committee to the fact that when it comes to the building of machinery, when it comes to the construction of engines, when it comes to the construction of that kind of work which requires a high degree of skill, it has never been the policy of the Government that the work should be let to the lowest bidder. It has never been the policy of any government to do that.

Where by an inspection of the goods you can fairly tell from an examination what is the quality of the article which is offered to the Government, there it should be open to competition in the open market. But when the lives of men, when vast property interests may depend upon the exercise of great skill, in all cases of that kind the Government has always reserved the right to employ men of honor and of proved skill to do the work. And it has always been the policy of Congress to trust the officers of the Government to that extent.

Mr. HOLMAN. I wish to ask the gentleman a question. Has he not already informed the committee that this very machinery, the engines of these proposed vessels, is now contracted for?

Mr. HISCOCK. I understand it is; and I understand the gentleman puts in his amendment a provision that it is to apply only in those cases where contracts are not already out. Now if there are such cases, I propose for one to trust the Government in the making of those contracts, and not to change the statutes of Congress and the policy of the Government ever since its foundation.

Mr. HOLMAN. In other words, the gentleman would rather trust the Secretary of the Navy, surrounded by influences which naturally would produce favoritism, to give out these contracts without limit as to price than to open competition among the business men of this country.

Mr. HISCOCK. There is nothing to prevent competition. I am unwilling to bind down the Navy Department to give this class of work to the lowest bidder. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I move *pro forma* to amend the amendment by striking out the last word. The gentleman from Maine [Mr. REED] has made light of the suggestion I made that there was perhaps something improper in regard to the obtaining of some of these contracts.

Mr. REED. I will say to the gentleman that if I "made light" of his remarks it is more than he ever made of them himself.

Mr. SPRINGER. If the gentleman has anything funny to say I will give way to him, because it is his forte to say something sharp and sarcastic—according to his opinion. There never has been a time in my legislative career when I was not willing to yield to the gentleman from Maine, because I know that when he opens his mouth a chunk of wisdom always flies out.

I did state that a contract had been made by a firm in Philadelphia with a Mr. Fralick for the purpose of securing favorable action from the Navy Department in regard to these very contracts now under consideration; and because I referred to this fact the gentleman from Maine seeks to throw ridicule upon me for calling the attention of the committee to a matter of this kind. He does not want to see anything of this sort; he prefers to "go it blind" and to heap up appropriations of millions to be expended lavishly without any limitation; and whoever questions the propriety of this policy meets his scorn and contempt.

Now, I did state that a contract corrupt in its nature had been made by a Philadelphia firm with regard to procuring these contracts; and upon an examination of the evidence I find that the firm does not deny that the contract was signed by the president of the firm, nor that he knew what he was about when he signed it. I ask the Clerk to read the extract in the New York Sun which I have marked, which will show the nature of this whole transaction now sought to be legalized by the action of Congress.

The Clerk proceeded to read the following:

Some time in March, 1879, when the monitor builders were especially anxious for the interests of their jobs, a contract was drawn between John W. Fralick and Charles H. Cramp, in which Fralick undertook "to secure special instructions from the Navy Department favorable to securing an appropriation from Congress" for the completion of the Terror, and Cramp agreed to pay Fralick for this service 5 per cent. of the money appropriated. Cramp's Sons wanted something over half a million; Fralick's 5 per cent. on the job would amount to nearly $30,000.

This agreement was signed by Charles H. Cramp, president of the company. Although it was nominally with Fralick it was really with Fralick and William K. Rogers. The original draft of the agreement is in existence. It is in the handwriting of Mr. Hayes's private secretary.

The contract itself is not in existence. It was burned about a year ago in Philadelphia in the presence of Mr. Cramp. It was put out of the way for reasons which will appear.

After Fralick had made the written agreement with the president of the Cramp company, he was furnished with letters of introduction to Charles H. Secor, who is interested in the Phineas Burgess contracts on the Monadnock, building in California, and to Gause, the manager of Harlan, Hollingsworth & Co., of Wilmington, at whose yard the Amphitrite is waiting appropriations. There was a conference between several of the contractors at a hotel in Philadelphia, at which the proposals of Fralick were discussed. This meeting was arranged by Secor by telegraph from here, where Fralick awaited the decision. Fralick claims that on the part of these other contractors there was an unwritten agreement to join with the Cramps in compensating him for his influence with the Hayes crowd. Everything went swimmingly at the Executive end of the line. Thompson became more and more convinced of the necessity of completing the lumbering iron-clads as a measure of national defense; and Hayes sent in Thompson's recommendations to Congress and said a good word in private for the job when opportunity offered.

Before the reading of the extract was concluded Mr. SPRINGER's time expired.

Mr. SPRINGER. There is a very small portion of the extract which the Clerk has not read. I ask consent that it may be printed in the RECORD.

The CHAIRMAN. If there be no objection it can be printed in the RECORD.

Several members objected.

Mr. ROBESON. Let the gentleman print the whole of it if he wants to.

The CHAIRMAN. The Chair heard objection.

Mr. SPRINGER. I desire simply to have printed in the RECORD the remainder of the extract which I have marked. I want to know whether there is objection.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. SPRINGER. I want to state further that Mr. Rogers retained his position under President Hayes until the close of that administration.

The question being taken on the amendment of Mr. HOLMAN to the amendment of Mr. HARRIS, of Mississippi, there were—ayes 54, noes 75.

Mr. HOLMAN. No quorum has voted. I call for tellers.

Tellers were ordered; and Mr. ROBESON and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 58, noes 89.

So the amendment to the amendment was not agreed to.

The question then recurred on the amendment of Mr. HARRIS, of Massachusetts.

Mr. HOLMAN. I move to amend by inserting the following at the end of the pending proposition:

That no part of the money appropriated by this act shall be used for political purposes or be subject to any political assessment to aid in the election of any person to any office or to a seat in the Congress of the United States.

Mr. HISCOCK. I make a point of order on the amendment.

Mr. HOLMAN. I wish to be heard on the point of order. The Chair has already ruled where the object of the proposition is to impose a limit on an expenditure it is in order. The Chair had occasion to so rule in passing on the point of order made on this very paragraph. It ruled that under the third clause of the twenty-first rule of the House the proposition to limit expenditures and impose restrictions on the expenditure of the public money was in order. And that is just what this provision does. It requires that no part of this money shall be expended for political purposes or to aid in the election of any person to office or to a seat in this House. It is a clear limitation, and it seems almost impossible the Chair can decide it to be out of order, in view of the decision he has already made. From the extraordinary vote just taken, when it was shown by fair computation a million of dollars might be saved, it is easy to see what will be the effect of leaving this matter entirely to the discretion of an officer of the Government without imposing any restriction upon him whatever.

Mr. HISCOCK. My point is this, that the amendment is new legislation, not in the line of economy, and that it is not germane to this proposition. Here is a provision of law providing affirmatively for the expenditure of money, and its being used for any other purpose is excluded by the provision itself. The amendment of the gentleman from Indiana, providing it shall not go in a certain direction, is certainly not germane to the bill.

Now, Mr. Chairman, I am willing on all occasions whenever it is proper that provision should be introduced here and voted on limiting the expenditure of money for political purposes, but I can but regard the attempt to do it at this time and in this way—and I use the word in no offensive sense to the gentleman from Indiana—as a pure piece of demagogism which it is the duty of every man connected with this bill in reporting it to this House to resist, and therefore I do it.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. HOLMAN. I desire to submit a remark touching the ruling of the Chair. An amendment was offered providing that no part of this sum should be applied to repairs of any wooden ships where the estimated cost of such repair exceeded 35 per cent. of the estimated cost. The Chair ruled that the amendment was in order. Here is a simple declaration this money shall not be used for certain other purposes.

I wish to say in regard to the term "demagogism" used by the gentleman from New York that I am perfectly willing to let that go to the country with the spectacle of the chairman of the Committee on Appropriations, who ought to guard the public Treasury, deliberately permitting a line of policy to be adopted which may in the way of favoritism take millions of dollars out of the Treasury.

Mr. KASSON. I wish to say one word as it touches a precedent, and it proposed to settle it contrary to what the principle was some days ago on an appropriation bill where the point was ruled against me. If the Chairman follows that precedent he must rule it out of order.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. KASSON. I was stating when the attention of the Chair was called away that a different chairman on one of the appropriation bills ruled against the proposition I had the honor to offer regulating the disbursement of funds. If the present chairman adheres to that precedent, of course this must be ruled out of order.

Mr. HOLMAN. The cases are not analagous. The other case was a provision for a system of examination.

Mr. KASSON. One other word. Under this law and under the laws of the United States it is impossible that an officer of the Government can expend any of this money for political purposes.

Mr. HOLMAN. He can.

Mr. KASSON. It is impossible, for every expenditure is made on a voucher showing it is for an object provided for by this law.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Let me demonstrate the fact.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. KASSON. Wait a moment. If it is of no use in that direction what is it the gentleman proposes? That the man who receives the money for honest work shall not expend it for political purposes. Either the Government must pay it or the man who receives the money must do it. The Government cannot do it under existing law, and every gentleman on the floor knows it. Then does the gentleman wish to prevent the recipient of the money from doing it? Then he is endeavoring to restrict the liberty of the individual in the disbursement of his own money. [Applause on the Republican side.]

Mr. HOLMAN. The gentleman from Iowa will permit me——

Mr. KASSON. I think the gentleman from Indiana will admit that I have the floor by the rule.

Therefore the only use that such an amendment can possibly lay claim to (and I am disposed always to look to the effect of these things) is to restrict the improper use of money. Now when you can properly restrict the improper use of money I am with you. But to claim, under a proposition to pay these men the money that is due to them for their labor or material, the right to say they shall not use it as their own money is a proposition to which I can never give my consent. It is entirely foreign to our legislation here, and is not germane to this bill, which is a bill to pay men for labor and material, and not to tell how they shall use the money they are entitled to receive.

Mr. ROBINSON, of Massachusetts, rose.

Mr. TOWNSHEND, of Illinois. I think the Chair ought to alternate in the recognitions on this question.

The CHAIRMAN. The Chair has already recognized gentlemen on both sides.

Mr. TOWNSHEND, of Illinois. Two gentlemen have spoken upon that side——

Mr. KASSON. The gentleman from Illinois has spoken twice on the question, however.

Mr. ROBINSON, of Massachusetts. I desire to say, Mr. Chairman, something on the point of order. I think I can talk on that without discussing the merits.

Is this proposiiion in order? I think it clearly is not; and if we will lay down our feelings about the merits, we will have no difficulty in arriving at a proper conclusion on that point. It is, in the first place, an attempt to legislate upon an appropriation bill——

Mr. SPRINGER. The whole bill is for that object.

Mr. ROBINSON, of Massachusetts. If my friend from Illinois will not make his speech all along the line of my remarks, he will accommodate me very much indeed.

Mr. UPDEGRAFF, of Ohio. And everybody else. [Laughter.]

Mr. SPRINGER. Truth offends the gentleman from Massachusetts more than the gentleman from Illinois.

Mr. ROBINSON, of Massachusetts. Nothing offends that comes from the gentleman from Illinois. What he says is quite immaterial.

Mr. SPRINGER. This is important because it is the truth.

Mr. ROBINSON, of Massachusetts. Important to himself perhaps, but I hope he will withhold it and allow me to proceed without interruption. I mean no disrespect whatever, but I want to go on.

What I desire to say, Mr. Chairman, is this. This is simply a repetition of what my friend from Indiana offered when we were considering another bill making appropriations a short time ago. He now proposes that none of the money appropriated by this act shall be used for political purposes. Now, what moneys are appropriated by this act? Plainly not only money used for the construction and repair of ships in the Navy, &c., but also money that is paid for salaries—money earned by men for their labor.

Then the gentleman proposes to say that Mr. Jones or Mr. Brown or Mr. Smith, who has a salary or compensation for work done for the Government, or for material furnished, shall not, after he has received the money and put it in his pocket, use it for certain purposes. Now, if it is right for my friend, in a parliamentary way, to place that restriction upon the earnings of these men, with equal propriety might he say they shall not apply the money thus received for the purchase of cotton cloth, or anything else whatever. He may even say that they shall not journey in Indiana with that money if this right is conceded. He may make laws to control the expenditure of any money that ceases to be the property of the United States when it has been paid over, and in that way control the expenditure of any individual or the private expenditures of any person whatever who receives compensation from the Government. It means that or it means nothing.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. ROBINSON, of Massachusetts. Certainly. I will yield for a question and on that point.

Mr. HOLMAN. It is on that point that I desire to ask it. Does it not mean that whoever of the officers of the Government have the power to apply this money shall not thereby enlarge the contracts or otherwise appropriate the money to be used corruptly for political purposes?

Mr. ROBINSON, of Massachusetts. My friend is plainly answered when I say that if he means that he is competent to draw an amendment that says that.

Mr. HOLMAN. The amendment says that and nothing else.

Mr. ROBINSON, of Massachusetts. If you mean nothing else, or if you mean anything more, write the amendment over and let us talk on the point of order again; but I want to meet the proposition which the gentleman has submitted. He has contrived something here which he wants to go further than the proposition would seem, or than that which meets us at the threshold. Now I propose to meet his proposition right away at the threshold.

Mr. HOLMAN. I propose, if the gentleman will pardon me, that the officers of this Government in the expenditures of this money shall not directly or indirectly use it for corrupt political purposes.

Mr. ROBINSON, of Massachusetts. The law is sufficient as it is, so far as the expenditure of the moneys of the United States is concerned, but my friend wants to go further and say that the men who earn the money shall not expend as they please their own earnings. That the law shall exercise a censorship and control of the money even after it has passed to the individual. That is the substance and the purport of the amendment; and as to the point of order, it is new legislation and out of order on this bill. It is a discrimination, a dictation as to the use of the individual means not warranted by law or reason. It has no applicability to the subject under consideration; it has no place in this legislation, and if the gentleman wants to enact it he had better seek a more appropriate place.

Mr. WILSON. I have been very much interested in the remarks of the gentleman from Massachusetts. It occurs to me his theory is altogether too fine-spun. It cannot be intended or supposed that this money can be followed into the hands of the man who earns it as salary, or by furnishing materials. The amendment cannot be so construed. Under the Constitution and under the law, this Congress has the power to determine and the authority to say how the money shall be used. Now, I think I can show to my friend across the way how it can be found this money is used for political purposes without following it into the hands of the receiver, the man who earns it either for labor or materials furnished. Take one of these Government contractors, one of these ship-builders who has to disburse the money. Let him have applications from a dozen gentlemen to furnish the material or do the work. They will not promise him to vote the Republican ticket. Another party corresponding in number to those may agree, if they get the work, that they will vote the Republican ticket.

Mr. ROBESON. Does it require a law to make that unlawful?

Mr. WILSON. You can at least make that provision on the face of the statute, and I think it is competent for this House to do so under the rules.

Mr. KASSON. I would ask the gentleman from West Virginia,

would he think it right to put into the legislative, executive, and judicial bill a clause which would be practical in its result providing that no part of the salaries paid to members of Congress shall be expended for political purposes?

Mr. WILSON. When the mechanic receives his money he has the right to do with it what he pleases; and if he chooses to make a voluntary contribution, no power on earth can prevent it.

Mr. BRAGG. I desire to reply to a suggestion made by the gentleman from Iowa, [Mr. KASSON,] that this money could not be used to advance political interest, because the law requires the Secretary to show a voucher for the expenditure of every dollar. If the law was as we desire to have it, I would concede his conclusion is true. But the Republican majority of this House have just decided that there shall be no competition as to bids, but that the disposition of this money shall be left absolutely to favoritism, to be settled and determined by the Secretary of the Navy alone.

Mr. KASSON. Will the gentleman allow me——

Mr. BRAGG. The gentleman from Iowa declined to permit me to ask him a question.

Mr. KASSON. I merely asked the gentleman to wait a moment.

Mr. BRAGG. Then I ask the gentleman from Iowa to wait. You have decided it must be left entirely to the discretion of the Secretary of the Navy.

Now, go back to the history of the campaign of Florida in 1876, and see the sagacity of the general-in-chief of the Republican forces in Florida; and when you have considered and fully weighed that sagacity and management, see how great a stretch of it it will be for him to say to one favorite when he comes to him, "I can let you have this contract if you will contribute $100,000 to support the Cameron ticket in Pennsylvania;" or to another one, "I will let you have it if you will contribute so much for the good of the party; otherwise we must let it go to somebody else." Thus you get your hundred thousand or half a million of dollars for the benefit of the party and you get your voucher back on the contract all slick and smooth. And whenever anybody shall peach as to the truth of the transaction and show what the agreement has been, you can say to him as of Fralick to-day: "He is a perjured scoundrel; who believes any Republican would ever do that?" [Laughter.]

The CHAIRMAN. The Chair is ready to decide the point of order. The amendment of the gentleman from Indiana is proposed as an amendment to the amendment of the gentleman from Massachusetts, which is a substitute for the portion of the bill from line 396 to the end of the paragraph. The Chair thinks the amendment applies to the entire bill, and is not in order at this time.

Mr. HAMMOND, of Georgia. I desire to make a parliamentary inquiry. The Chair states that the amendment of the gentleman from Indiana is not in order at this time. Will the Chair please state at what stage of the bill it will be in order?

The CHAIRMAN. When that question arises the Chair will decide upon it. [Laughter.]

Mr. TALBOTT. I offer the following amendment, which I think will be accepted by the gentleman from Massachusetts [Mr. HARRIS] and also by the Committee on Appropriations. I propose to insert, at the end of the amendment of the gentleman from Massachusetts, what I send to the desk.

The Clerk read as follows:

That all plans for the completion of the armor and armament of the said iron-clad vessels provided for in this bill shall be submitted to the board of advice and survey created by this act for its approval or disapproval.

Mr. ROBESON. I accept that.

Mr. TALBOTT. I ask unanimous consent to print some remarks on this bill.

There was no objection. [See Appendix.]

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland, [Mr. TALBOTT.]

The amendment was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Massachusetts [Mr. HARRIS] as amended.

The amendment as amended was agreed to.

Mr. ROBESON. We have now finished the bill. I desire to offer an amendment to come in as a new section.

The Clerk read as follows:

Add as a new section the following:

"SEC. 3. Officers of the Navy shall, whenever the Secretary of the Navy may deem it advisable, be required to perform such duties at the navy-yards and stations as have hitherto been performed by civil employés paid from the appropriations for the civil establishments, and no officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment; and all other officers when not at sea shall be placed on leave of absence, on waiting orders, or on furlough, as the Secretary of the Navy may direct."

Mr. SPRINGER. I would like to have this amendment explained.

Mr. BOWMAN. I rise principally with the view of endeavoring to obtain some information concerning the scope of this amendment, which it seems to me is rather an important proposition.

As the bill now stands, if I understand it correctly, it will in the near future drive out of the service of the Navy all civilians from staff positions. Shipwrights, engineers, and others from civil life cannot hold any staff position in the Navy, unless they happen to be graduates of the Naval Academy. And this amendment now proposed provides that all the remaining positions in the navy-yards of the country, which may now be filled by civilians, experts in their different trades and callings, may be filled by the line officers of the Navy who are graduates of Annapolis. That, in substance, shuts all the yards against civilians, if, in the discretion of the Secretary of the Navy, or of the line officers who may possibly have influence with him, it may be deemed advisable. It seems to me that we have gone far enough in that direction, though perhaps I have misapprehended the object of the amendment.

Mr. HISCOCK. The gentleman misapprehends entirely the intention of the amendment. In the first place, this proposition prohibits the Secretary of the Navy from assigning officers to shore duty when there is no shore duty for them to perform.

Mr. McCOOK. Has he ever done that?

Mr. HISCOCK. It is claimed that it has been done, and that there is a great abuse in this direction. Whenever the exigencies and necessities of the service require that a man shall be assigned to shore duty he should be so assigned. This provision is directory upon the Secretary of the Navy in that respect.

I will state another purpose of the amendment. It is absolutely necessary that some service, such as that indicated by this provision, should be given to officers in the Navy, or else they will have nothing in the world to do.

There are now four hundred and eighty-one officers of the Navy assigned to shore duty, and in the majority of instances shore duty means just no duty at all. If they are to be paid, what reason is there why they should not be assigned to duty at the navy-yards, or at any other place where they can be employed upon respectable work, and where their services can be made valuable to the Government.

Mr. KASSON. I think that that portion of the amendment of the gentleman from New Jersey [Mr. ROBESON] after the printed parts ought to be explained satisfactorily or left out of the amendment. For the purpose of raising the question, I will move to strike out all after the printed clause which authorizes the employment of officers of the Navy at the navy-yards. That is left discretionary with the Secretary of the Navy, and therefore I have no objection to it. The other part of the amendment takes away certain rights and privileges of the Navy, and a certain discretion which I think ought to exist somewhere.

Mr. ROBESON. The discretion is left entirely with the Secretary of the Navy. The amendment provides only that no officer shall be ordered to shore duty unless the Secretary of the Navy determines that the employment of an officer on that duty is for the interest of the service, and will so state in his orders. That is done in view of the fact that there are more than four hundred and fifty men employed on shore duty, and one hundred and ninety-three line officers are employed on shore duty here in the city of Washington.

Mr. HOLMAN. I desire to offer an amendment, to come in immediately preceding the amendment of the gentleman from New Jersey.

The CHAIRMAN. It must, to be in order, be an amendment to the amendment of the gentleman from New Jersey.

Mr. HOLMAN. I wish to offer it to come in at the close of the paragraph as amended on motion of the gentleman from Massachusetts.

The CHAIRMAN. That is not now in order. The gentleman from New Jersey [Mr. ROBESON] has offered an amendment, and the gentleman from Iowa [Mr. KASSON] moves an amendment to that amendment. The question is on the amendment to the amendment.

Mr. REED. I think that this amendment of the Committee on Appropriations will do nothing but harm to both the Navy and the navy-yards. A navy-yard is in its very essence a civil establishment, and I think as many officers are now employed in our navy-yards as it is for the public interest should be so employed. There is no reason in the world why they should seek to drive the civilians out of a civilian establishment. You might just as well direct that the officers of the Navy shall do clerical work in the Department as to adopt this amendment providing for their performing clerical work in the navy-yards. I think this proposition will demoralize the navy-yards and demoralize the service. If we cannot find anything else for the naval officers to do, the sooner we give them a year's pay and let them go the better.

Mr. KASSON. I will withdraw my amendment to the amendment, and let the vote be taken on the original amendment.

Mr. BLOUNT. I move to strike out the last word for the purpose of asking the gentleman in charge of this bill a single question. I understood him to say that there are now one hundred and ninety-three officers on shore duty in the city of Washington.

Mr. ROBESON. Yes, sir.

Mr. BLOUNT. I would like to know what that shore duty is?

Mr. ROBESON. The Navy Department reports that there are one hundred and ninety-three officers; fourteen of them are warrant officers, so that there are now one hundred and eighty regular commissioned officers of the Navy on shore duty here in Washington, according to the Register of the Navy for 1882.

Mr. BLOUNT. Does the gentleman consider that shore duty generally useless?

Mr. ROBESON. I think not, but I think there are one hundred too many officers on that duty.

Mr. HOLMAN. I move to amend the amendment of the gentleman from New Jersey by adding the following:

That no part of the money appropriated by the foregoing provision touching said iron-clads shall be used for political purposes or be subject to any political assessment to aid in the election of any person to any office or to a seat in the Congress of the United States.

Mr. HISCOCK. I make a point of order upon that amendment.

The CHAIRMAN. The Chair sustains the point of order.

The question being taken on the amendment of Mr. ROBESON, it was agreed to; there being—ayes 101, noes 9.

Mr. ROBESON. I move to amend by adding as a new section what I send to the desk.

The Clerk read as follows:

SEC. 4. After all vacancies in the lower grades of the line and staff corps of the Navy and of the Marine Corps shall have been filled, nothing herein shall be construed to prevent the promotion into the appropriate corps and grades of not more than ten of the remaining graduates of the year at the conclusion of their six years' course who may stand highest in the order of merit as determined by the academic board of the Naval Academy.

Mr. ROBESON. The effect of this provision can be explained in a word. By this bill we put a stop to promotions in several corps until they reach a certain number. But in the mean time we wish to provide by this amendment, at the suggestion of the Navy Department, that the ten highest graduates at the academy shall not be excluded from entering the service even if there shall not be an exactly appropriate vacancy for them, but they shall go in among the body of cadet-midshipmen for promotion when an opportunity arises.

The amendment was agreed to.

Mr. REED. By unanimous consent I was authorized to offer an amendment, which I now send to the desk.

The Clerk read as follows:

After the word "corps," in line 38, page 3, insert the following:
"But naval constructors and assistant naval constructors may be appointed from civil life."

Mr. RANDALL. The existing law makes the same provision as this amendment. What is the need of adopting it?

Mr. HISCOCK. Because the provisions in this bill repeal the existing law.

Mr. RANDALL. Then strike out what you have put in.

Mr. ROBESON. We provide in the bill that certain classes of officers shall be appointed only from the graduates at the Naval Academy. This amendment makes an exception as to constructors and assistant constructors, who, under the amendment, may be appointed from civil life, thus leaving the Department a little more latitude.

Mr. REED. I ask that a letter from the Chief of the Bureau of Construction and Repair upon this subject may be printed in the RECORD.

There being no objection, leave was granted.

The letter is as follows:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
May 16, 1882.

SIR: In compliance with your request for an expression of opinion from me relative to Senate bill No. 1578, introduced by Senator MCPHERSON on March 27, 1882, I have the honor to make the following statement:

While I have some ideas relative to the several subjects embodied in the bill, I have considered it best to refer to such portions only as have, or would seem to have, a bearing upon the naval constructors, and such other matters as pertain more particularly to this bureau.

Section 6 of the bill provides, "That hereafter all commissioned officers of the Navy (except medical officers and chaplains) and one-half the commissioned officers of the marine corps shall be appointed from graduates of the Naval Academy who shall have passed its prescribed examinations."

As the above-quoted section includes the naval constructors and the assistant naval constructors, and as I am thoroughly convinced that, under the present system, it is impossible to educate the cadets at the Naval Academy so as to qualify them for the responsible positions of naval constructors, I cannot concur in the provisions thereof.

Section 1403 United States Revised Statutes provides that cadet-engineers graduated with credit from the mechanical class at the Naval Academy, and recommended by the academic board, may be immediately appointed assistant naval constructors. Two cadet-engineers were appointed under this law, but not immediately upon their graduation; they having devoted two years to the prosecution of their studies at the Royal Naval College, England. And the facts of the case now are, while these men are undoubtedly good men theoretically, and will be able to perform good service in the drawing-room, after their three years' course at school, they will require many years of experience in the navy-yards of our country before they will be competent to conduct work in which practical mechanical knowledge is requisite, and in which is involved the proper and judicious expenditure of very large sums of money.

I have had considerable correspondence with Chief Naval Constructor William H. White, of the English navy, who, for over two years, and while the two cadet-engineers herein referred to were at the Royal School, was the instructor in naval architecture, and while he accords these cadets much credit for the advancement made, states that they illustrate how very necessary a previous practical knowledge of the work in building a ship is; that they will undoubtedly make splendid draughtsmen, and when in time they have acquired the requisite knowledge and experience they will be valuable men.

The naval constructors in the English navy have for years been supplied from a small body of students who begin their careers as shipwright apprentices, three of whom are admitted each year to a course of three years at the Royal Naval College, Greenwich, England. This course is the highest pursued at the college, and is of the very first importance to the naval service. These students are obtained by a very simple and admirable method adopted by the admiralty for the appointment and training of shipwright apprentices in the dock yards. From among those who have served five years are selected, by competitive examination, the three who are to have the course of study at the Royal College. On passing the examination at the end of the three years' course they are appointed assistants to foremen at the dock-yards, and later to positions as assistant draughtsmen, draughtsmen, assistant constructors, constructors, and chief constructors; the highest position being that of director of naval construction.

The best way for our Government to educate our future naval constructors is to commence by appointing to the position of shipwright apprentice young men who have a first-class common-school education, and who, after three or four years of practical training in our navy-yards, could be examined competitively, and three selected annually to be sent to the Naval Academy for further study in the higher branches of mathematics, mechanics, and the French language; after being graduated from there they should be sent abroad and entered at the Royal Naval College, Greenwich, for a full course in naval architecture.

By this means, and no other, can we expect to educate the naval constructor of the future, that he may be able to keep pace with and participate in the great strides now making in the science and art of naval construction.

Respectfully submitted,

T. D. WILSON, *Chief of Bureau.*

Hon. WM. E. CHANDLER, *Secretary of the Navy.*

The amendment of Mr. REED was agreed to.

Mr. HOLMAN. I move to amend by adding as a new section what I send to the desk.

The Clerk read as follows:

SEC. 5. That no part of the money appropriated by this act shall be used for political purposes, or be subject to any assessments to aid in the election of any person to any office or to a seat in the Congress of the United States.

The CHAIRMAN. The Chair has already ruled upon this amendment.

Mr. HOLMAN. The Chair ruled out a similar amendment on the ground that it was not in order at that time and with reference to the then pending provision. I now offer it as an independent section.

The CHAIRMAN. The Chair is of opinion that this amendment not only proposes to control the expenditure by the Navy Department of the money appropriated in this bill, but it proposes to control the manner in which the money shall be used after it has been paid out by the Government to individuals. Thus it would change existing law, and is subject to a point of order.

Mr. HOLMAN. I appeal from the decision of the Chair. I ask the Chair to state the point of order, and also the decision, so that the Committee of the Whole may vote advisedly upon the appeal.

The CHAIRMAN. The Chair has stated the grounds of his decision, from which the gentleman from Indiana appeals, and the question now is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 81, noes 40.

Mr. HOLMAN. No quorum.

The CHAIRMAN appointed Mr HOLMAN and Mr. ROBESON as tellers.

The committee again divided; and the tellers reported—ayes 99, noes 48.

So the decision of the Chair was sustained.

Mr. ROBESON moved that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAGE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. ROBESON demanded the previous question on the bill and amendments.

The previous question was ordered.

Mr. ROBESON moved to reconsider the vote ordering the previous question; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBESON. I move that the amendments be agreed to.

Mr. REED. I move that the House adjourn. I think we had better do it.

The House divided; and there were—ayes 55, noes 68.

So the House refused to adjourn.

Mr. BRAGG. I wish to have a separate vote on every amendment.

The first amendment was read, as follows:

Page 2, strike out "44" and insert "48;" and strike out "5," in line 27, and insert "23."

The amendment was agreed to.

Mr. HAMMOND, of Georgia. I move that the House now adjourn.

The House divided; and there were—ayes 52, noes 65.

Mr. HAMMOND, of Georgia. I demand tellers.

Mr. ROBESON. Rather than detain the House longer to-night I will move the House adjourn.

Mr. HISCOCK. Let the vote be taken over.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent;

A bill (H. R. No. 6394) for the erection of a public building at Dallas, Texas;

A bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes;

Joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force; and

Joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER, by unanimous consent, laid before the House a communication from the President of the Washington and Georgetown Railroad Company, transmitting treasurer's report of receipts and disbursements of said company for the year ending December 31, 1881; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JEFFERSON'S GRANDCHILD.

Mr. ROBINSON, of New York, by unanimous consent, was granted leave to print some remarks on the bill proposing a pension to Jefferson's grandchild. [See Appendix.]

LEAVE OF ABSENCE.

Mr. JONES, of Arkansas, by unanimous consent, was granted indefinite leave of absence on account of sickness.

The motion to adjourn was agreed to; and accordingly (at six o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial and petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLACKBURN: The petition of citizens of Lexington, Kentucky, for the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BUCK: The petition of Charles Baxter and others, for the correction of error in Revised Statutes relating to the duty on knit goods—to the Committee on Ways and Means.

By Mr. S. S. COX: Memorial of the Independent Labor party of New York, relative to the head-money tax on immigrants—to the Committee on Commerce.

By Mr. DEUSTER: The petition of J. C. Adams, protesting against the passage of bill (H. R. No. 6666) relating to the Stockbridge and Munsee Indians in the State of Wisconsin—to the Committee on Indian Affairs.

By Mr. JOYCE: The petition of operatives employed by George A. Wattles, knit goods manufacturer, for the correction of error in the Revised Statutes relating to the duty on knit goods—to the Committee on Ways and Means.

By Mr. MASON: The petition of Virgil L. Mathews and others, citizens of the State of New York, asking for the passage of a bill granting land warrants to the officers and soldiers of the war of the rebellion—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. McKINLEY: The petitions of Anthony Howe and others, of Youngstown, and of Richard J. Read and others, of Canton, Ohio, for the passage of a bill fixing the rates of duty on manufactures of iron and steel, &c.—severally to the Committee on Ways and Means.

Also, the petition of manufacturers of china and earthenware, of Steubenville, Ohio, for increase of duty on earthenware—to the same committee.

By Mr. McLANE: The petition of Samuel H. Travers, for indemnity for seizure by the Government authorities of the brig Solferino—to the Committee on War Claims.

By Mr. PHISTER: The petition of C. D. Outten and 14 others, United States storekeepers and gaugers, of the ninth collection district of Kentucky, for increase of pay and for one month's leave of absence with pay—to the Committee on Appropriations.

By Mr. E. W. ROBERTSON: The petition of citizens of Osyka, Mississippi, and Taypaho, Louisiana, relative to the enactment of a law for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. RYAN: The petition of members of the bar of Leavenworth, Kansas, for the passage of the Senate bill creating United States appellate courts—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: The petition of the American Home Mission Society, praying that justice be done to the Indians in the matter of needful appropriations under existing treaties and that they be allowed lands in severalty, &c.—to the Committee on Indian Affairs.

By Mr. VANCE: The petition of R. P. Vance, for the establishment of a post-route from Davidson's River to Hope via Enon; also, from Hominy Creek to Hotton via Brown's Knob, in the State of North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: The petition of Frances J. Russum, for compensation for property taken and occupied by the United States authorities during the war of the rebellion—to the Committee on War Claims.

SENATE.

THURSDAY, *July* 6, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent;

A bill (H. R. No. 6394) for the erection of a public building at Dallas, Texas;

A bill (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic, at Chicopee, Massachusetts, for monumental purposes;

A joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force; and

A joint resolution (H. R. No. 243) to provide for a deficiency in the appropriations for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of Captain James Mercur, Corps of Engineers, of an examination of Oregon Inlet, North Carolina, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented a petition of 369 ex-Union soldiers, citizens of Seneca Falls, New York, and a petition of citizens of Oswego, New York, praying for the passage of a bill granting a pension of $40 per month to those who lost an arm or a leg in the service of the Government during the late war; which were referred to the Committee on Pensions.

He also presented a petition of citizens of the city of New York, praying for the passage of an act to prohibit the taking of menhaden and other fish with purse nets and by steam-vessels within two miles of the coast; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented a petition of citizens of Monmouth, New Jersey, praying for the passage of a bill to prevent the taking of menhaden and other fish with purse nets and by steam-vessels within two miles of the coast; which was referred to the Committee on Foreign Relations.

Mr. ALDRICH presented the petition of Patrick Cook, of the city of Washington, praying for relief and allowance of amount awarded to him by the board of experts of the late board of audit, District of Columbia, for damages to his property in Washington; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 156) to provide for the suspension of collection of special assessments in the District of Columbia until the improvements which said assessments were made to pay for are fully completed, reported adversely thereon; and the joint resolution was postponed indefinitely.

Mr. HOAR, from the Committee on Patents, to whom was referred the bill (S. No. 1812) for the relief of Michael H. Collins, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HOAR. The Committee on the Judiciary, to whom was referred the bill (S. No. 2117) fixing the salaries of the judges of the district courts, instruct me to report it with an amendment and recommend its passage. I ask for the present consideration of the bill. It merely increases the salaries of the judges $500 apiece with one exception.

Mr. CAMERON, of Wisconsin. Let the bill be read for information.

Mr. DAVIS, of West Virginia. Let it be read as it would stand if amended.

The ACTING SECRETARY. The Committee on the Judiciary propose, in line 5, after the word "law," to strike out "shall hereafter be at the rate of $5,000 per annum each" and in lieu thereof to insert "shall hereafter be increased by the addition of $500 per annum each;" so as to make the bill read:

Be it enacted, &c., That the salaries of the judges of the several district courts of the United States, except the district of California, (in which the salary shall remain as now fixed by law,) shall hereafter be increased by the addition of $500 per annum each.

Mr. DAVIS, of West Virginia. I ask the Senator who reports the bill if it is intended to reach all the district judges and to increase all the salaries $500?

Mr. HOAR. It merely adds $500. This is the best solution that we could make of the difficulty. The bill raises the salaries of those now receiving $3,500 to $4,000, and of those who are now receiving $4,000 to $4,500. It does not affect the salary of the district judge in California, who now receives $6,000.

Mr. BECK. I do not propose to object to the consideration of this bill because it was presented and read before I was able to say what I proposed to do. I shall, however, endeavor (and I have no doubt I shall be somewhat blamed for doing it) to have the Calendar called, and shall object to the consideration of anything except in regular order from this time on. I desire to make the statement now, so that when I do it it will be when there is no bill up and no Senator can take offense, as several have done.

Mr. SAULSBURY. Is an objection in order to the bill now?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SAULSBURY. Then I object.

Mr. HOAR. I ask my friend to hear me. This matter has been brought before the Senate. I am assured that a very considerable majority of the Senate are in favor of making the salary of all these judges $5,000. There are three or four districts in the country, not more, where there is a feeling on the part of some Senators that the judge is not occupied enough to warrant such a salary; but this bill proposes simply to add $500. In New York now, for instance, the district judge receives only $4,000, and so in Boston and Philadelphia, where they are employed all the year round.

It seems to us that the Senate would probably be willing to make this slight addition, which would be some relief to these gentlemen who are overworked, as a compromise, and then when the bill of the Senator from Illinois passes, if it should ever pass, Congress can deal with the subject, if it shall see fit. I hope my friend from Delaware will not object.

Mr. SAULSBURY. I believe as a general rule the district judges are amply paid. There may be individual exceptions, but this is a proposition now to increase the salaries of all the district judges. To that I am opposed. I help to pay the taxes as other people help to pay the taxes which pay these judges. Why should we give judges who are already sufficiently compensated an additional increase? I know that in the district in which I reside, which is a very small one and where very little business is done, the district judge is paid $1,000 or $1,500 more than the chief-justice of our State court, more than the chancellor of the State. Our people have had to practice economy with their limited revenues, and they do not believe in large salaries, and I am here to represent them.

I say that I am opposed to this general increase of the salaries of the district judges. There may be individual exceptions, and if they can be provided for I am perfectly willing the salaries should be increased in those cases, but as to this general sweep, giving to all judges increased pay, I am opposed to it simply because they have enough.

Mr. MORGAN. If the business of the morning hour is concluded——

The PRESIDENT *pro tempore*. It is not.

Mr. MORGAN. I desire to raise a question of order.

Mr. COCKRELL. I call for the regular order, if the morning hour is closed.

The PRESIDENT *pro tempore*. It is not closed. Reports of committees are still in order.

Mr. MORGAN. Then I object to any debate upon any question until the morning hour is closed.

The PRESIDENT *pro tempore*. Objection being made to the consideration of the bill reported by the Senator from Massachusetts, it will be placed on the Calendar.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1294) more effectually to suppress gaming in the District of Columbia, reported it with amendments.

Mr. BUTLER. I am directed by the Committee on the District of Columbia, to whom was referred the petition of George R. Herrick and others, praying additional compensation as members of the Metropolitan police force of the District of Columbia under the joint resolution approved February 28, 1867, to report it favorably, accompanied by a report, with a recommendation to the Committee on Appropriations that the following clause be inserted in the proper appropriation bill, to wit:

To enable the Secretary of the Treasury to pay to the officers, clerks, and employés of the Metropolitan police force of the District of Columbia or their legal representatives the amounts due them under the joint resolution of Congress of February 28, 1867, $46,846.86.

The PRESIDENT *pro tempore*. The report will be printed, under the rule, and the proposed amendment will be referred to the Committee on Appropriations.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. No. 2049) for the relief of John P. Walworth, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 392) for the relief of the heirs of Maurice Grivot, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6627) to authorize the establishment of a free public highway in the District of Columbia, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 282) for the relief of James Bridger, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. No. 5538) to reduce internal-revenue taxation, reported it with amendments.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to authorize the Secretary of State to purchase 500 copies of Cummings' edition of Hickey's Constitution and 200 copies of the same for the use of each Senator and Representative of the Forty-seventh Congress, designed as an amendment to the sundry civil appropriation bill, ask to be discharged from its further consideration. The printing under the resolution would cost about $160,000. The amendment was referred to the Committee on Printing, to be considered by them with a view of referring it to the Committee on Appropiations on the sundry civil bill.

The report was agreed to.

REPORT OF SURGEON-GENERAL OF THE NAVY.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print for the use of the Navy Department 1,500 copies of the report of the Surgeon-General of the Navy, have instructed me to report it with an amendment reducing the number to 1,000. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution, which was reported with an amendment, to strike out "1,500" and insert "1,000;" so as to read:

Resolved, That there be printed for the use of the Navy Department 1,000 copies of the report of the Surgeon-General of the Navy.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator if any copies of that report have been published for use other than by the Surgeon-General?

Mr. ANTHONY. None.

Mr. COCKRELL. Why are so many printed for the Surgeon-General and none for any one else?

Mr. ANTHONY. It is a publication of great scientific and medical value, and there has been a great demand for it from medical societies and from surgeons. When a Senator or Representative receives a request for a copy he can send to the Surgeon-General and get it in that way, which the committee thought better than having the report distributed by members of Congress indiscriminately.

The resolution as amended was agreed to.

ORANGE-TREE CULTURE.

Mr. ANTHONY. The same committee, to which was referred a concurrent resolution of the House of Representatives for printing 5,000 copies of the report on insects affecting the orange tree, have directed me to report it back without amendment, recommend its passage, and ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 5,000 copies of a special report from the Department of Agriculture, on insects affecting the orange tree, with the necessary illustrations, 2,500 copies of which shall be for the use of the House of Representatives, 1,500 for the use of the Senate, and 1,000 for the use of the Department of Agriculture.

ECONOMIC ENTOMOLOGY.

Mr. ANTHONY. The same committee, to which was referred a concurrent resolution of the House of Representatives for printing 1,000 copies of a special report entitled Bibliography of Economic Entomology, for the use of the Department of Agriculture, has had the same under consideration, and instructed me to report it without amendment, and to ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed for the use of the Department of Agriculture 1,000 copies of a special report entitled Bibliography of Economic Entomology.

FOREST-TREE INSECTS.

Mr. ANTHONY. The same committee, to which was referred a concurrent resolution of the House of Representatives to print 2,000 copies of the fifth report of the United States entomological commission for the use of the Department of Agriculture, has instructed me to report it without amendment, and to ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed, for the use of the Department of Agriculture, with necessary illustrations, 2,500 copies of the fifth report of the United States entomological commission, being a special report on the insects affecting forest trees.

SUEZ CANAL REPORT.

Mr. ANTHONY. The same committee, to which was referred a letter from the Secretary of the Navy recommending the publication of Professor Nourse's report on the Suez Canal, have had the same under consideration, and instructed me to report a concurrent resolution, and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the report of Professor Nourse on the Suez Canal be printed, and that there be printed 5,000 additional copies, of which 1,500 copies shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the Navy Department.

OFFICIAL RECORDS OF THE REBELLION.

Mr. ANTHONY. There was a report made from the Committee on Printing the other day, which was laid over. It is a joint resolution authorizing the printing of 2,500 additional copies of the Official Records of the Rebellion. I understand that the Senator from Massachusetts [Mr. HOAR] is now satisfied with the resolution as it was reported.

Mr. HOAR. I should like to repeat in regard to this measure what I have said, that our present method of distributing and printing public documents is one of the most wasteful, extravagant, and unbusiness-like arrangements which we have under the Government. The Senator from Rhode Island, representing the Committee on Printing of the Senate, has repeatedly endeavored to have a bill passed providing for a more proper system. The librarians of the country have agreed upon a measure which they desire. I understand that the Senate has more than once passed such a bill, but it does not get consideration in the other branch.

I am satisfied that the only mode of compelling the consideration of such a bill is to put upon a resolve providing for printing and distributing particular documents a suitable system of distribution. I propose, therefore, to do that, but I will not detain the Senate by insisting on a consideration of that matter on this resolution, which is a great improvement on what has come from the House; but I give notice that when the provision for printing and distributing the census or some other report which is of great public importance comes up, I shall insist on trying the sense of the Senate as to the propriety of annexing to that a condition for the proper distribution of the publication.

Therefore, I will withdraw the objection I made the other day to this particular resolve.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 87) authorizing the printing of 2,500 additional copies of the Official Records of the War of the Rebellion. It provides that there be printed and bound of the Official Records of the War of the Rebellion 2,500 additional copies, of which 1,000 copies shall be for the use of the War Department, 1,000 copies for the use of the Department of the Interior, and 500 copies for sale by the Public Printer.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Senate joint resolution No. 39 and the concurrent resolution, for which the joint resolution which has just been passed was reported as a substitute, will be postponed indefinitely.

SIGNAL SERVICE REPORT.

Mr. ANTHONY. There are two or three other resolutions that were laid over that I should like to have action upon.

The PRESIDENT *pro tempore*. The resolutions referred to by the Senator from Rhode Island will be called up in their order.

The Senate proceeded to consider the following concurrent resolution for printing the report of the Chief Signal Officer for 1881, reported from the Committee on Printing July 1:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound for the use of the Signal Office and the Department of War 2,500 copies of the annual report of the Chief Signal Officer for 1881.

Mr. ANTHONY. The Department asked for 10,000 copies and the committee have reduced the number to 2,500.

The resolution was agreed to.

CRUISE OF THE TICONDEROGA.

The Senate proceeded to consider the following concurrent resolution, reported by Mr. ANTHONY from the Committee on Printing July 1:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Commodore R. W. Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

The resolution was agreed to.

INTEROCEANIC COMMUNICATION.

The Senate proceeded to consider the following concurrent resolution, reported by Mr. ANTHONY from the Committee on Printing July 1:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Lieutenant John T. Sullivan, United States Navy, on the problem of interoceanic communication by way of the American Isthmus, be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

The resolution was agreed to.

PUBLIC BUILDING AT POUGHKEEPSIE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York, which was, in line 11, to strike out "seventy" and insert "sixty;" so as to read:

The site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $65,000.

Mr. CAMERON, of Wisconsin. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. ROLLINS, Mr. CAMERON of Wisconsin, and Mr. VEST were appointed as the conferees on the part of the Senate.

BILLS INTRODUCED.

Mr. DAVIS, of West Virginia, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2123) for the relief of the employés who worked in, and the contractors who furnished castings to, the United States armory at Harper's Ferry, West Virginia, and were not paid from January 1, 1861, to April 17, 1861, inclusive; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2124) for the relief of George C. and William J. Munro; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. No. 89) directing the Secretary of War to loan tents and camp equipage to the Second Regiment of Virginia Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. MILLER, of California, it was

Ordered, That the Committee on Claims be discharged from the consideration of the papers relating to Senate bill No. 2005, and that David D. Tryon have leave to withdraw the same from the files of the Senate.

SORGHUM-SUGAR REPORT.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Agriculture be directed to furnish for the use of the Senate a copy of the report of the Committee of the National Academy of Sciences upon the subject of sorghum sugar.

LAWRENCE S. BRUMIDI.

The PRESIDENT *pro tempore*. If there be no further routine business, the morning hour is closed.

Mr. MCMILLAN. In pursuance of the notice given yesterday, I move that the Senate proceed to the consideration of House bill No. 6242.

Mr. MORRILL. I wish to make a report from the Committee on Public Buildings and Grounds, out of order. The bill ought to have been reported a month or two ago.

The PRESIDENT *pro tempore*. The Chair will receive the report.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1516) for the relief of the heir of Constantino Brumidi, to report it favorably without amendment. I ask to have the bill placed on the Calendar.

Mr. VOORHEES. Why not consider it now? I think it ought to be considered at once. I ask for the present consideration of the bill, unless the Senator from Vermont thinks it ought not to be considered at this time,

Mr. MORRILL. If there is no objection, the bill ought to be considered.

Mr. VOORHEES. Let us consider it and pass it at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Lawrence S. Brumidi, heir of the late Constantino Brumidi, under his last will, dated June 27, 1879, filed in the office of the register of wills for the District of Columbia, $1,500, in three annual installments of $500 each, as payment in full for designs made by Constantino Brumidi for the embellishment of the belt of the Rotunda of the Capitol.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I stated yesterday that after the routine business of the morning hour had been gone through with to-day I would move to proceed to the consideration of the bill (S. No. 1683) for the relief of Ben Holladay. I now make that motion.

Mr. McMILLAN. A motion is pending which I have already submitted to the Senate.

The PRESIDENT *pro tempore*. The Senator from Minnesota has submitted the first motion, which is to proceed to the consideration of the river and harbor bill.

Mr. MORRILL. I want also to say that the Senator from Kansas [Mr. PLUMB] is confined to his bed and sent word by a messenger to me to ask the Senator from Wisconsin to allow the bill to go over until he could be present.

Mr. CAMERON, of Wisconsin. I do not think that is a good reason. I am aware that the Senator from Vermont has given a great deal of attention to this case.

Mr. MORRILL. I do not ask it on my account; but I think under such circumstances the Senator would not insist upon taking up the bill when he knows that the Senator from Kansas does not feign sickness, but is absolutely sick and confined to his bed.

Mr. CAMERON, of Wisconsin. All the time that the Senator from Vermont has been able to take from the consideration of the tariff question he has devoted to the Ben Holladay claim; and I am confident that he can state in half an hour every objection that can be made to the passage of the bill. I think that the absence of the Senator from Kansas really ought not to suspend the consideration of the bill at this time.

Mr. McMILLAN. Mr. President——

Mr. CAMERON, of Wisconsin. I will ask my friend from Minnesota not to call up the river and harbor bill until two o'clock.

Mr. McMILLAN. I am instructed by the Committee on Commerce to move to proceed to the consideration of the bill now. There have been quite a number of applications made to lay it aside for other business. Yielding in one case would imply yielding in all. I think the bill will take precedence as an appropriation bill.

Mr. CAMERON, of Wisconsin. I cannot of course stand in the way of the bill represented by the Senator from Minnesota.

Mr. SAUNDERS. I want to know if the Senator from Minnesota expects to continue the consideration of the river and harbor bill after the morning hour expires.

Mr. McMILLAN. We will continue it until it is disposed of. I hope to get through with the bill to-day. I suppose it will not take more than to-day, or perhaps part of to-morrow.

Mr. SAUNDERS. The Pembina bill is the unfinished business.

The PRESIDENT *pro tempore*. That bill is the unfinished business, and of course it will be disposed of some time or other.

Mr. MORGAN. I do not think that the chairman of the Committee on Commerce ought to press the river and harbor bill in the morning hour. It is only printed this morning and we have not had time to look over it. I do not know what it contains; I have not had time to read it.

Mr. McMILLAN. I ask that the question be put on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to take up the river and harbor bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channel of Pearl River and Lake Pontchartrain; and

A bill (S. No. 1549) for the relief of William J. Pollock.

The message also announced that the House had passed a joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the reckoning of longitude and in the regulation of time throughout the world, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana;

A bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana;

A bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; and

A bill (S. No. 1875) for the erection of a public building at Harrisonburgh and Abingdon, State of Virginia.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. McMILLAN. I ask the unanimous consent of the Senate that the amendments reported by the Committee on Commerce be disposed of as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks that the amendments of the Committee on Commerce be read along with the paragraphs in which they occur, and that they be disposed of before any other amendments are offered to the bill. That order will be taken unless objection is made now. The Chair hearing none, that will be the order.

Mr. McMILLAN. Before the Secretary proceeds to read the bill I wish to say that as it came from the House it appropriated for the improvement of the rivers and harbors of the country $17,367,875. The Committee on Commerce of the Senate in examining and considering the bill have added to that amount $2,096,100, making a total of $19,463,975.

Some of the principal items of this increase I will call to the attention of the Senate, that they may discover the distribution of this amount.

The appropriation for the improvement of the Mississippi River, under the direction and supervision of the Mississippi River commission, to be applied from the head of the passes of that river to Cairo, is increased $877,000, making the appropriation in this bill for that portion of the river $5,000,000.

There is an increase in the appropriation for the Missouri River of $100,000 for the improvement of that river from its mouth to Sioux City, and an increase of $15,000 for the surveying of the river from the mouth to Fort Benton.

There is an increase of $35,000 appropriated to the canal at the Cascades of the Columbia River, and to the Lower Willamette and Columbia Rivers, from Portland to the sea, an increase of $25,000.

There is in the appropriation for the examination and survey and incidental repairs of the harbors an increase of $50,000, at the request of the Chief of Engineers, who represented to the committee the fact that it was necessary that that increase should be made.

To the waters in the harbor of New York and the different harbors and rivers in that State there is an increase in the aggregate of $107,000.

To the harbors on the shores of Lake Michigan there is an increase of $102,000.

To the Wilmington River and Harbor, in Delaware, there is an increase of $10,000, making the appropriation there $50,000.

To the harbor at Calumet, in the State of Illinois, there is an increase of $15,000.

To the harbor of Wilmington, in California, there is an increase of $50,000, and for a harbor of refuge at Wood's Holl, Massachusetts, $52,000.

These are some of the principal items of appropriation in the increases of the Committee on Commerce of the Senate.

There is one other appropriation which I will now mention, which is a new item inserted in the bill, authorizing the Secretary of War "to survey, lay out, and construct a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal," and for this work the committee propose to appropriate $100,000.

This will give to the Senate a fair idea of the items of increase. It will be observed that they have all been directed to important improvements upon the coast of the Atlantic and the Pacific and the great and important harbors of the lakes and the principal rivers of the country. I now ask the Secretary to proceed with the reading of the bill.

Mr. BECK. I desire to know in advance, is the formal reading of the bill dispensed with, and are the committee amendments to be acted on first?

Mr. McMILLAN. Yes, sir; as they are reached in the reading of the bill.

Mr. BECK. And then after they are acted on, any other amendments will be in order?

Mr. McMILLAN. Yes, sir; that order was made at my request.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) That is the order.

Mr. DAVIS, of West Virginia. In the event of the amendments offered by the committee being adopted, I ask the Senator whether it will be in order to amend the amendments afterward, or whether he wishes Senators to offer amendments as they pass along?

Mr. McMILLAN. After the amendments of the committee are disposed of, the bill will be open to amendment.

Mr. DAVIS, of West Virginia. Will it be in order to amend those amendments afterward?

The PRESIDING OFFICER. The Chair understands the Senator from West Virginia to ask whether, if the amendments of the committee are adopted, those amendments can be amended in any particular. They cannot be.

Mr. DAVIS, of West Virginia. So I supposed.

The PRESIDING OFFICER. An amendment to an amendment

must be moved at the time the question is pending on an amendment of the committee.

Mr. DAVIS, of West Virginia. That was my understanding, and I want to have that understood generally.

The Acting Secretary proceeded to read the bill. The first amendment reported by the Committee on Commerce was, in line 28, to increase the appropriation for "improving harbor at Plymouth, Massachusetts, continuing improvement," from $5,000 to $14,000.

The amendment was agreed to.

The next amendment was to insert after line 38:

Improving harbor and breakwater at Block Island, Rhode Island: Continuing improvement, $19,000.

The amendment was agreed to.

The next amendment was, in line 69, to increase the appropriation for "improving harbor at Great Sodus Bay, New York, continuing improvement," from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, in line 71, to increase the appropriation for "improving harbor at Little Sodus Bay, New York, continuing improvement," from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, in line 79, to increase the appropriation for "improving harbor at Oswego, New York, continuing improvement and enlargement of harbor," from $50,000 to $80,000.

The amendment was agreed to.

The next amendment was to insert after line 80:

Improving Oak Orchard Harbor, New York, $10,000.

The amendment was agreed to.

The next amendment was, after line 85, to insert:

Improving Gowanus Bay: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, in line 88, after "New York," to strike out "continuing" and insert "completing;" and in line 89, after the word "improvement," to strike out "three" and insert "eight;" so as to make the clause read:

Improving harbor at Port Jefferson, New York: Completing improvement, $8,000.

The amendment was agreed to.

The next amendment was to insert after line 92:

Improving Sumpawanus Inlet, Long Island, New York, $2,000.

The amendment was agreed to.

The next amendment was, after line 123, to insert:

Improving Saint Jones River, in the State of Delaware: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 128, to increase the appropriation for "improving harbor at Wilmington, Delaware, deepening the channel and improving Christiana River from the Delaware River to Wilmington," from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

Improving harbor at Annapolis, Maryland, $20,000.

The amendment was agreed to.

The next amendment was, in line 147, to increase the appropriation for "improving harbor at Brunswick, Georgia, continuing improvement," from $15,000 to $25,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 149.

Mr. CALL. Do I understand that it will be in order to move amendments after the committee amendments are through?

The PRESIDING OFFICER. Yes, sir.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 203, after the word "dollars," to insert:

Also the sum of $20,000 for constructing a steam-dredge to be used in executing said work.

So as to make the clause read:

Improving harbor at Michigan City, Indiana: Continuing operations at inner harbor, $20,000; continuing operations at outside harbor, $60,000. Also the sum of $20,000 for constructing a steam-dredge to be used in executing said work.

The amendment was agreed to.

The next amendment was, in line 207, before the word "thousand," to strike out "twenty" and insert "thirty-five;" so as to read:

Improving harbor at Calumet, Illinois: Continuing improvement, $35,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 207, to insert:

Provided, That with a view to the improvement of the Calumet River, in the State of Illinois, from its mouth to the Fork at Calumet Lake, the Secretary of War shall appoint a board of engineers who shall examine said river and report upon the practicability and the best method of perfecting and maintaining a channel for through navigation to said Fork at Lake Calumet, adapted to the passage of the largest vessels navigating the Northern and Northwestern Lakes, limiting and locating the lines of channel to be improved by the United States, and of docks that may be constructed by private individuals, corporations, or other parties, and clearly defining the same under the direction of the Chief of Engineers, United States Army; and the Secretary of War shall report to Congress the result of said examination, and the estimated cost of the proposed improvement; also what legislation, if any, is necessary to prevent encroachments being made or maintained within the limits of the channel designated as above provided for.

The amendment was agreed to.

The next amendment was, in line 239, to increase the appropriation for "improving harbor at Black Lake, Michigan, continuing operations," from $4,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 246, to increase the appropriation for "improving harbor at Frankfort, Michigan, continuing improvement," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 252, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in the same line, after the word "dollars," to insert "of which $25,000, or so much thereof as may be necessary, may be used in dredging the bar in the middle of the harbor;" so as to make the clause read:

Harbor of refuge at Lake Huron, Michigan: Continuing operations, $75,000, of which $25,000, or so much thereof as may be necessary, may be used in dredging the bar in the middle of the harbor.

The amendment was agreed to.

The next amendment was, in line 259, to increase the appropriation for "improving harbor at Manistee, Michigan, continuing improvement," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, after line 269, to insert "improving mouth and harbor of Cedar River, Michigan, continuing improvement," $15,000.

The amendment was agreed to.

The next amendment was, in line 274, to increase the appropriation for "harbor of refuge at Portage Lake, Michigan, continuing improvement," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 280, to increase the appropriation for "improving harbor at Saugatuck, Michigan, continuing improvement," from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, in line 282, after the word "dollars," to insert, "and $3,000 for removing obstructions in and dredging channel of river to railroad bridge;" so as to make the clause read:

Improving harbor at South Haven, Michigan: Continuing improvement, $7,000. And $3,000 for removing obstructions in and dredging channel of river to railroad bridge.

The amendment was agreed to.

The next amendment was, in line 314, to increase the appropriation for "dredging Superior Bay, Wisconsin, continuing operations," from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was, in line 325, to increase the appropriation for "improving harbor at Duluth, Minnesota, continuing improvement," from $40,000 to $45,000.

The amendment was agreed to.

The next amendment was, in line 333, to increase the appropriation for "improving harbor at Wilmington, California, continuing improvement," from $75,000 to $125,000.

The amendment was agreed to.

The next amendment was, after line 352, to insert:

For construction of a harbor of refuge at Wood's Holl, Massachusetts, $52,000.

The amendment was agreed to.

The next amendment was, in line 361, to strike out "Saybrook Bar" and insert "the channel of Salmon River;" so as to make the clause read:

Improving Connecticut River, Connecticut: Continuing improvement below Hartford, $45,000, $5,000 of which for the improvement of the channel of Salmon River.

The amendment was agreed to.

The next amendment was, after line 436, to insert:

Improving Indian River, in the State of Delaware, $10,000.

The amendment was agreed to.

The next amendment was, in line 467, after the word "from," to strike out "lead mines in Wythe" and insert "mouth of Wilson, in Grayson;" and in line 469, after the word "River," to strike out "and from mouth of Greenbrier up, and for continuation of work from lead mines down;" so as to make the clause read:

Improving New River, Virginia and West Virginia: Continuing improvement from mouth of Wilson, in Grayson County, to mouth of Greenbrier River, $12,000, of which sum $5,000 shall be expended between the lead mines in Wythe County and the mouth of Wilson, in Grayson County.

The amendment was agreed to.

The next amendment was, after line 500, to insert:

Continuing the improvement of the Little Kanawha River, in West Virginia: To complete lock and dam, as estimated for by engineers, $31,000: *Provided*, That no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge, in any manner, any tolls for this improved navigation.

The amendment was agreed to.

The next amendment was, in lines 512 and 513, to increase the appropriation for "improving Cape Fear River from the ocean to Wilmington, North Carolina, continuing improvement," from $140,000 to $225,000.

Mr. MORRILL. I notice that for the improvement of rivers and harbors in North Carolina there have been five amendments reported increasing the appropriations as they came from the House, and six that are new and additional. I should like to hear from the chairman of the Committee on Commerce the reason for increasing this

above the appropriation made by the House. One hundred and forty thousand dollars was proposed by the House, and the committee have offered an amendment making it $225,000. Now, unless there are sufficient reasons for this large increase in a bill of the magnitude of this which is now before the Senate, I think we had better husband some of our resources, and try if possible even to diminish the amount proposed by the House.

Mr. McMILLAN. The amounts recommended by the engineers for the improvements in North Carolina are contained in the report of the engineers in possession of the Senate. In addition, the Senator from North Carolina [Mr. RANSOM] has other reports from the Chief of Engineers in addition to those contained in the regular volume. The improvements in North Carolina seem to have been omitted somewhat in the House bill, and the attention of the committee was called to this omission, and upon looking at the reports in the volume before us and the additional reports furnished us we deemed it but just to the improvements which should be made there that the amendments should be made, and especially this amendment as to Cape Fear River.

The Senator from North Carolina I know has some more detailed information in regard to these particular items than I can give, for that is his State, but so far as the reports are concerned in the regular volume and the additional reports from the Chief of Engineers, I think the Senate will find that they present entirely satisfactory reasons for the amendments.

Mr. RANSOM. Mr. President, I only desire to say that I am sure the Senator from Vermont will be satisfied when he hears that this amendment is $75,000 less than the amount stated as necessary by the engineer, who is a most skillful and economical one, none more so in this country, Colonel Craighill of the Army. The amendment is $75,000 less than the sum which he and the War Department, acting through the Engineer Corps, say is necessary for the continuation of this improvement.

Mr. MORRILL. I prefer to have a vote of the Senate upon this question to see whether it is possible that any reduction can be made. I see here, as I stated at first, that nearly all the appropriations for North Carolina are increased, and six more items are added.

Mr. McMILLAN. Before the question is put I desire to read from the report of the Chief of Engineers, part 1, page 149, the money statement in regard to Cape Fear River:

Amount (estimated) required for completion of existing project	$410,000
Amount that can be profitably expended in fiscal year ending June 30, 1883	300,000

Upon that statement we thought the amendment was a reasonable one. The small amount appropriated to this item and the omission of some others which were recommended by the engineer seemed to commend the amendments to the favor of the committee, and, I think, will commend them to the Senate.

Mr. RANSOM. I am very much obliged to the chairman of the Committee on Commerce for the very clear statement he has made in reference to the improvement at Wilmington in reply to what the Senator from Vermont had just said, and I will remark that the amendments on this bill for improvements on North Carolina's harbors and streams appear to be large, but an examination of the bill will satisfy Senators that the bill came from the House with but very small appropriations, and with but few appropriations for my State. I hope the Senate will remember that North Carolina has a very extended sea-coast running from the Virginia to the South Carolina line, and that it is one of the most dangerous coasts of this country; that it has the Roanoke River, the Tar River, the Neuse River, and the Cape Fear River running from the ocean two hundred or three hundred miles into the interior, and that it has Currituck Sound, Albemarle Sound, Pamlico Sound, and bays without number?

I do not care to detain the Senate a long time over this amendment. I simply again say to the Senator from Vermont that there are no two points on the coast north or south, on the Atlantic or the Pacific, more important to the shipping of his own section of the country than Beaufort Harbor and Wilmington Harbor. They are harbors of refuge for all the disabled vessels that meet with trouble on Cape Hatteras. But I feel that it is unnecessary to detain the Senate.

Mr. MORGAN. Mr. President, the Senator from Vermont surely does not remember the experience some Senators have had in this body in encountering the Senator from North Carolina on questions of the improvement of the rivers, and harbors, and sounds, and bays, and inlets of that famous and disastrous coast; otherwise he would not have ventured, I think, to dissent from this amendment.

The Senator from North Carolina says, and says correctly too, that this bill came into the Senate with a smaller allowance of appropriations for that State than we have been in the habit of seeing appropriations heretofore made. He has with commendable zeal and faithfulness in the representation of his State moved for various amendments, and has increased the sum total of this bill very considerably. But it is hardly worth while to controvert with the Senator from North Carolina on a question of this sort. I remember distinctly well when the honorable Senator from Iowa [Mr. ALLISON] on one occasion entered the lists with the Senator from North Carolina, and went to the dust; and then again the Senator from Minnesota, [Mr. WINDOM,] who was at the time chairman of the Committee on Appropriations, undertook on one occasion to restrain the honorable Senator from North Carolina in his demands for increased appropriations, and he bit the dust; and I had the misfortune on one occasion also to encounter him upon this same subject, and I went down; and I have come to the conclusion that the Senate will consult economy of time by granting to the Senator from North Carolina pretty much all that he demands.

The Senator says the bill came in here from the House with a very small allowance. It seems to have been very considerably increased now, and I have no doubt very properly increased so far as the people of North Carolina are concerned. I do not know whether that increase is of advantage to the general commerce of the United States or not.

The Senator's success on this subject, however, reminds me of an affair that occurred in Alabama that is mentioned in the celebrated historical romance called Life and Adventures of Simon Suggs.

It will be remembered that the great experimenter upon moral ideas went to a camp-meeting in Alabama for the purpose chiefly of improving his temporal fortunes. While there by some mistake or other, I suppose it was, he embraced religion, and thinking that it was not altogether according to his way of doing business to have merely one good thing at a time, desiring to improve as the Senator from North Carolina always does all opportunities that are afforded to him, after he embraced religion, and under the enthusiasm of his new zeal, carried around the hat and took up a collection among the brethren and sisters for the purpose of building a church in his neighborhood. He got quite a considerable collection and then he went out to a clay-root in the neighborhood and got on his knees and implored the Lord to give him directions what he should do with it. Before he got up from his meditations and prayers he concluded that the best thing he could do was to pocket the fund, whereupon he came back and announced to the congregation that he had had remarkable success in his struggles with the Lord and had received direct information as to what he was to do with this money; but he was a little indisposed to communicate to the congregation precisely what he intended to do with it, and he said he would pass that question over to a future time and to future consideration. He turned around and, soliloquizing with himself, said he, "Simon, you are a success; you went in on nary a pair and you won a pile." [Laughter.] So the Senator from North Carolina gets in here from the House with nary a pair, and he always goes out with a pile.

I shall not oppose anything that the Senator from North Carolina hereafter demands for that afflicted State. I notice that in the French Broad item from Smith's bridge up there is an appropriation of some thousands of dollars, perhaps five or ten. I do not stop to count how many thousands, because I knew he would get it anyhow, it makes no difference what I might do.

I had the ill fortune while a soldier in the confederate army to camp once at Smith's bridge, and it was in a very navigable stage of the water in French Broad River. It was in the month of February when the tides are generally pretty high in these mountain streams, and there was no man who was riding the smallest mule in my command that did not have the greatest ease possible in fording French Broad River above Smith's bridge. Whether the bridge is there yet I do not know. I suppose we shall have to put a draw on that bridge the next thing we do, or perhaps the honorable Senator from North Carolina can inform me whether the bridge is washed away or has been removed.

Mr. RANSOM. I remember that the Senator's cavalry went across that river.

Mr. MORGAN. Yes, sir; and in the midst of our haste we scarcely wetted our legs above our boots in crossing the French Broad above Smith's bridge. I have no concern about this matter except to know what has become of that bridge. I should like to know, if the Senator will inform me, whether Smith's bridge is there and whether there is to be a draw put in it to accommodate the navigation of the French Broad?

Mr. RANSOM. I should be a very bad man not to thank my friend from Alabama for the kind words he has spoken of me and I know he did not mean to disparage North Carolina. I suppose he imagines that there is some fitness in what he has said; but if the Senator would take the time to look at the water resources of North Carolina, if he would take a few minutes to look at the map of the State——

Mr. MORGAN. Does the Senator include the mineral water resources?

Mr. RANSOM. Yes, sir; I might also include the mineral water resources of North Carolina, for they are very great; but I did not allude to them at that time. If the Senator would just look at the map and see what North Carolina is, with 53,000 square miles and a population of a million and a half of people, one of the oldest settled States in the Union, with four great streams flowing from her bosom to the sea, and as I said before, four or five large sounds, and numberless bays and a long line of sea-coast; with her productions of corn, wheat, cotton, tar, pitch, turpentine, rice, naval stores, lumber, timber—as my friend from Wisconsin [Mr. CAMERON] says—peanuts or ground peas, tobacco, sweet potatoes, water melons, vegetables, fruits, everything and all things. I have been told by the head of the Census Bureau that there is not one agricultural production in the census tables which North Carolina does not make, that there is not a blank line in the census opposite North Carolina, rais-

ing as she does all the productions of the North and all the productions of the South, from rice and cotton to wheat and corn, from sugar to ice.

Mr. President, it has been the custom of the Senate, and it has been the custom of the House, for many years, on account of the mere use of a little expression some fifty years ago, to criticise the waterways of North Carolina. I should do myself, and I should do the State injustice, if I were to undertake at this late day to answer such suggestions about that State. I shall certainly attempt no eulogy of her to-day. There she stands, the earliest State in this Union to declare her independence of the mother country, and without disparaging any other State in the Union, her people are the most law-abiding, the most orderly in this country, industrious, honest, sober, frugal, minding their own business and letting other people's alone; honorable, conscientious, truthful in all things, at all times, and never selfish or unpatriotic for any purpose; and to-day she is here and asks the Senate for a modest appropriation to develop her great resources. I would not utter a word of discrimination against other States, but I will remind my kind friend from Alabama that if he will look over the list and examine the appropriations which have been granted to other States he will, I know, not find any fault because of the action of the Committee on Commerce toward North Carolina.

Mr. MORGAN. I only want to put this proposition to the honorable Senator: inasmuch as he boasts rightfully that North Carolina was the first to declare her independence of the British rule, I hope she will be the first to declare her independence of the United States Treasury, and rely on her great resources for improving her own streams.

Mr. MORRILL. North Carolina has so many virtues that I think she will be ready to consent to the same appropriation that we made last year for this object. That was $140,000 for this identical improvement.

Mr. RANSOM. Does the Senator from Vermont expect North Carolina to be the Rip Van Winkle of this Union? Does he not wish that State to improve, to advance, to do something for herself and something for the country?

Mr. MORRILL. I think if we make the same appropriation that we made last year, which was a very liberal one, we shall discharge our full duty to North Carolina, and that she will be entirely content. I therefore insist upon a division of the Senate on the question of continuing this appropriation as it was sent to us by the House.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

The amendment was agreed to—ayes 37, noes not counted.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 513, to insert:

Improving Cape Fear River from Wilmington to Fayetteville, North Carolina, $30,000.

The amendment was agreed to.

The next amendment was, in line 517, to increase the appropriations for "improving Cententnia Creek, North Carolina, continuing improvement," from $5,000 to $10,000.

The amendment was agreed to.

Mr. RANSOM. That should be "Contentia" Creek, instead of "Cententnia."

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, after line 517, to insert:

Improving Yadkin River, North Carolina, $25,000.

The amendment was agreed to.

The next amendment was, after line 522, to insert:

Improving Beaufort Harbor, North Carolina: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, in line 526, after the word "improvement," to insert "from Smith's bridge up;" so as to make the clause read:

Improving French Broad River, North Carolina: Continuing improvement from Smith's bridge up, $5,000.

The amendment was agreed to.

The next amendment was, after line 527, to insert:

Improving New River, North Carolina, $5,000.

The amendment was agreed to.

The next amendment was, after line 531, to insert:

Improving Meherin River, North Carolina, $5,000.

The amendment was agreed to.

The next amendment was, in line 535, to increase the appropriation for "improving Neuse River, North Carolina, continuing improvement," from $5,000 to $35,000.

The amendment was agreed to.

The next amendment was, after line 535, to insert:

Improving Roanoke River, North Carolina, $5,000.

The amendment was agreed to.

The next amendment was, in line 539, to increase the appropriation for "improving Pamplico and Tar Rivers, North Carolina, continuing improvement," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 541, to increase the appropriation for "improving Trent River, North Carolina, continuing improvement," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 546, to insert:

Improving Santee River, South Carolina: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, after line 575, to insert:

Improving the Savannah River above the city of Augusta: To continue improvement, $15,000.

The amendment was agreed to.

The next amendment was, in line 590, to increase the appropriation for "improving Choctawhatchee River, Florida and Alabama, continuing improvement up to Newton, Alabama," from $12,000 to $20,000.

Mr. CALL. I desire the chairman of the Committee on Commerce to consent to a division of that appropriation. Instead of having it, as is proposed, one sum of $20,000, I would ask that it be divided so as to appropriate $8,000 for the channel from the mouth of the river up to Freeport, Florida, leaving the other $12,000 to stand as the House provided, up to the town of Newton, in Alabama. I would divide the appropriation and give the $8,000 increase to opening the channel from the mouth of the Choctawhatchee River to the town of Freeport. I will state that there is a town there which is the *entrepôt* of a considerable commerce and trade in timber and cotton, and a trade to some extent with foreign countries, furnishing a portion of the timber that goes to Pensacola for shipment abroad. They are not able to conduct that commerce with convenience, or with safety, or with economy, because of the obstructions in the channel at this little town.

I ask, therefore, that $8,000 be appropriated to open the channel at the mouth of the Choctawhatchee River. It is a wide bay, and a very shallow one in portions of it; and at the mouth of it is the most considerable town, I believe, along its whole extent, the town of Freeport.

Mr. McMILLAN. Let the Senator's amendment be read.

The ACTING SECRETARY. After the word "improving," in line 588, it is proposed to insert "mouth of," and after the word "river," to insert "up to the town of Freeport, $8,000;" so as to make the clause read:

Improving mouth of Choctawhatchee River up to the town of Freeport, $8,000; continuing improvement up to Newton, Alabama, $12,000.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. PUGH. I object to that. The amount appropriated for the Choctawhatchee by the House bill and by the Senator's amendment is less than one-half the amount of the estimates. The estimate for that improvement from Pensacola Bay up to Geneva is $25,000, and the total amount appropriated is only $20,000. The House bill only put in about one-half of the estimate. The Choctawhatchee River runs through a populated country which is without any means of transportation, rail or water, except the Choctawhatchee River; it has a great many capabilities for agricultural production, and I insist upon the amendment made by the committee. If the Senator from Florida desires an amount provided for the part of the river he asks for, let him propose it separately.

Mr. VEST. The amendment only divides the appropriation; it does not decrease the appropriation for the Choctawhatchee River.

Mr. PUGH. I object to the division.

Mr. VEST. The amount remains the same.

Mr. PUGH. I wish the appropriation devoted to clearing out the river from Geneva to Newton. There has never been any work on that river except there.

Mr. McMILLAN. That is in accordance with the recommendation of the engineer. Geneva and Newton are the points mentioned in his report. I do not know where the other locality is. I think it better to adhere to the recommendations of the engineer, and to retain the clause as it is.

Mr. PUGH. This appropriation is in accordance with the estimate and recommendation of the engineer, and I object to disturbing it.

Mr. CALL. I have a word to say about that. The Senator is entirely wrong in his geography and in all the facts of the case except that the engineer does report that it will take $25,000 properly expended at the headwaters of this river to open navigation to Geneva. I do not object to that appropriation. I think it very proper. The Choctawhatchee River, running into Choctawhatchee Bay, at its mouth is a large stream. When it gets up to Geneva it becomes a little river, scarcely navigable at all and only at particular seasons of the year, but still it may be made eminently useful. At the mouth of the Choctawhatchee River, where it enters into the Gulf of Mexico, is a harbor some miles up, the bay being a long wide reach of water extending for a considerable distance along the coast of Florida, and being a sound upon which a large portion of the heavy timber which constitutes the great foreign commerce of Pensacola is transported.

The bill appropriates $20,000 to open this river where it has become a small and almost obscure stream, and we simply ask, giving them $12,000 for that purpose, that $8,000 shall be appropriated to

open the channel to the actual seaport, having an entrance into the sea at the mouth of the Choctawhatchee River and around Choctawhatchee Bay, which rests upon one of the little streams that run into it.

I do not think the Senator from Alabama, whose State is only embraced in this river when it becomes a little stream needing to be opened for the purposes of navigation, ought to object to a division of this appropriation so that a portion of it shall go to the seaport at the mouth of the river. That leaves $12,000 for the upper part of the stream, where it is scarcely a river at all, and all we ask for the legitimate purposes of the commerce of the sea-coast at the mouth of this river is $8,000. The whole extent of the river where it is a real river, three-quarters of a mile wide, is in the State of Florida; and the only port on the Choctawhatchee River from its mouth to its source, with the exception of the little town of Geneva, which is just within the borders of Alabama—the only town of any considerable extent anywhere connected with the waters of the Choctawhatchee River is Freeport, to which I have referred.

Mr. CONGER. It is safe probably in making these appropriations to make them in accordance with the reports and estimates of the engineers. This appropriation is made on the report and estimate of the engineers for the purpose mentioned in the bill, for improving the river Choctawhatchee from Geneva to Newton. The engineer's report says:

> The amount expended to June 30, 1881, is $27,367.38, and has resulted in making navigation as far up as Geneva comparatively safe, 140 miles on this section of the river having been improved. No work was done between Geneva and Newton.
>
> The appropriation of $25,000 asked for is to be applied to clearing the river of all snags, stumps, and overhanging trees, from the mouth to Geneva, and to the removal of the remainder of the wreck of a steamer, and to obtaining a high-water channel from Geneva toward Newton, as far as the appropriation will permit.

The committee think it a safe rule where we make an appropriation on the recommendation and estimates of the engineers to make it correspond with the plan and estimate, and to make it as far as may be in the language of the plan and of the estimate, which the committee have followed in this case. I think it is unsafe to change the wording of the appropriation, because it ought to be made with reference to the plans and estimates, if made at all. I should hope there might be no change in the proposed plan.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida to the amendment of the committee.

Mr. McMILLAN. This appropriation leaves it at the discretion of the engineers to apply this sum on this river up to Newton. There is no restriction whatever in the appropriation; the engineers can dispose of this money as they see proper from the mouth of the river up to Newton, and we had better leave it to their discretion and not interfere with them by dividing the amount and placing a limitation upon the engineers as to the manner in which they shall expend it. As the Senators from Florida and Alabama differ upon this matter, I think the Senate had better retain the appropriation as it is.

Mr. PUGH. I desire to state that no part of the appropriation heretofore made has ever been expended except on the river from Geneva to Newton.

Mr. McMILLAN. So the engineers state distinctly in their report.

Mr. PUGH. Not one dollar. This river runs for about sixty miles into Alabama and through a good country, but those people are without any means of transportation whatever, water or rail, and I simply ask (and that was the object of the increase by the committee) that the Senate give us enough to secure us some navigation upon that river.

Mr. MAXEY. You are satisfied with the amendment of the committee?

Mr. PUGH. I am, and object to the change.

Mr. MORGAN. I desire to call the attention of the Senate further to the report of the engineers on this subject, which I think explains the matter so fully that we need have no doubt about the propriety of the manner in which the appropriation is to be applied:

> The commerce in the country along the Upper Choctawhatchee River, from Geneva to Newton, and above Newton, consists principally of cotton, corn, oats, and fruit, very little being done in the timber business. About 8,000 bales of cotton are annually shipped from Newton, and these, as well as necessary plantation supplies, have to be hauled to and from Chattahoochee, Eufaula, or Troy, a distance of from fifty to seventy miles.
>
> No work having been done on the improvement of the river above Geneva, no increase in trade has taken place, but it is estimated that by improving the river for high-water navigation to Newton, Newton will be the shipping point for a radius of country of from forty to fifty miles, and that from 25,000 to 30,000 bales of cotton will be shipped from that county annually.
>
> The supply of corn, provisions, guano, and plantation supplies, &c., will be proportionate to the number of bales of cotton raised. As a consequence of the improvement made during the last six years, and particularly so during the last working season, three steamboats and a barge were put in the trade between Pensacola and Geneva, and a steam-launch, a large barge, several schooners, sloops, and flats in the Holmes Valley trade.

The engineer goes on to give a very excellent account of the results of this improvement upon the Choctawhatchee River. Now, I submit to the Senator from Florida that if this appropriation is allowed to be expended under the care of the engineers as it is, without any restriction of so much for one section of the river and so much for another, expense will be saved, and the engineer can have a more intelligent idea of the relief that ought to be given to the navigation of this river.

I hope that the Senator will not insist that the appropriation shall be divided into two sections, because there is no conflict between Florida and Alabama about this matter. Alabama has the same interest that Florida has in keeping open the mouth of the river. It is useless to have navigation from Newton to Geneva, unless the mouth of the river is open. Of course the engineers will see to that in the expenditure of the appropriation, that steamboats which may run up as high as Newton will have free access to the Choctawhatchee Bay, and from that down to Pensacola.

Mr. CALL. If the Senators from Alabama and the chairman of the committee will consent to insert such language as will give the engineer discretion in applying any part of this money to opening the channel to Freeport, at the mouth of the river, I shall be content to leave it in his discretion; but as it now stands he has no such discretion.

The Choctawhatchee River flows into the sound or bay of Choctawhatchee, and vessels go thence to Pensacola. It is not a trade which goes upon the Gulf. The vessels that enter into Choctawhatchee Bay must travel along the sound to Pensacola. At the mouth of that river there is a small town called Freeport, upon a bayou connected with the bay, not strictly upon the river nor upon the bay, but on a little bayou or deep cut, a tide-water creek running to it. Holmes Valley is similar to it, and Freeport and Holmes Valley are the outlets for a considerable trade.

As the bill stands no part of the money can be applied to the improvement of the only settled portions on that river, except when you get away up into Alabama, where there is scarcely any river; no part of this money can be applied for the benefit of Freeport or of Holmes Valley. If you leave it in the discretion of the engineer by inserting such language as will enable him to apply any part of the money appropriated for the Choctawhatchee River to the lower part of the river, I am content; but as it stands I call attention to the fact that all that portion of the Choctawhatchee River which is on this lower section and empties into the bay is excluded from the advantage of the appropriation.

Mr. MORGAN. I confess I do not see any language of exclusion in these words:

> Improving Choctawhatchee River, Florida and Alabama: Continuing improvement up to Newton, Alabama, $20,000.

There are no words of exclusion there.

Mr. CALL. The fact is that there is nobody upon Choctawhatchee River in Florida. The settlements are on the little bayous off the river. For instance, you would have to say, "Improving Choctawhatchee River, including the channel or bayou to Freeport, and including the channel to Holmes Valley." The river is a wide stream running through great swamps, and only here and there is there to be found land inhabitable upon which people live. It is off the river, upon these cuts, bayous, or channels, that there are settlements, and so far as Florida is concerned the appropriation is of benefit to the commerce of the country in the language here employed.

Mr. MORGAN. Now, what the Senator from Florida wants is instructions in this bill, as I understand, that the engineer shall apply a portion of this money to the making a channel to Freeport.

Mr. CALL. Not at all. As I tell the Senator, the topographical effect of the situation of the country is this: the river is a wide stream running through swamps, and the towns which form settlements upon that river are upon bayous three or four miles off.

Mr. MORGAN. What I wish to do is to leave it to the engineer; put it, as the committee have put it, in the discretion of the engineer to use the money on the Choctawhatchee River.

Mr. CALL. For years this appropriation has been made, and for years not one cent of this money has ever been expended for the benefit of those people living in the immediate vicinity of the river and upon the channels that enter into it, and therefore I ask that the language shall be made definite.

Now, I will state another fact. There is a railroad projected through that country which has been partly built by a donation of the State of Florida, and it runs right along within two miles of the river, and before next fall that railroad will be constructed and ample communication will be furnished for those people, and yet the Senator from Alabama will not allow one dollar of this money to be appropriated for the whole length of Florida, which comprehends all the river that is really of any value.

Mr. PUGH. The railroad about which the Senator speaks is fifty to seventy-five miles south of the country that I wish to get the benefit of this navigation above Geneva. There is no part of the improvement about which he speaks that is considered by the engineer in making this estimate, and if he desires to include it in the work reported by the engineer let him move to amend by raising the amount to $25,000. The amount of the engineer's estimate is $25,000 for this work upon the Choctawhatchee River, mainly for the improvement of the Choctawhatchee above Geneva. I do not wish the estimate of the engineer disturbed. The $8,000 does not approach the estimate that he made as necessary for this work without any reference to what the Senator from Florida desires, and I do not suppose the committee will object upon his statement to raising the amount to the estimate of the engineer for the other work, and if he will offer that amendment I will vote for it, and then I am willing that the phraseology shall be changed; but I cannot consent to divide the $20,000 in the way he wishes, in the face of the fact that it

does not come within $5,000 of the estimate of the engineer for the work upon the Choctawhatchee River.

Mr. CALL. If the chairman will agree to it, I will move to increase the amount to $25,000.

Mr. McMILLAN. I cannot consent to any increase of the appropriation here. This has been a very liberal appropriation for the improvement proposed by the engineer. The engineer has stated the necessities in regard to this stream and has asked for a certain appropriation. The House of Representatives have sent this bill to us, Representatives there framing this appropriation, because the Senate committee did not frame the appropriation. This comes as the Representatives of those districts have settled it in the House, and I do hope Senators will permit it to stand as it is, because any diversion or change of this language would be without any basis in the report of the engineers, and that we cannot consent to.

I hope the Senator from Florida will withdraw his amendment.

Mr. CALL. I withdraw the first motion I made and move to increase the appropriation to $25,000. I wish to state that the chairman of the committee is entirely unadvised in regard to this report, begging his pardon, though very much advised perhaps on other subjects. It is, I believe, the rule with this bill to take away the appropriations from the harbors, from the sea-coast, and deprive them of all benefits under it. I am perfectly willing to vote for all the money that is needed to open the internal communications of the rivers, but I think there ought to be some consideration paid to the foreign commerce of the country, some to the sea-coast. My own State has been largely, I may say entirely neglected in this respect in the bill. I wish to read from the report of the engineers. They propose to improve this river for forty miles above Geneva.

The condition of the river on June 30, 1881, is such that steamers drawing four feet of water can ascend as far as Geneva with comparative safety.

It is above that point, above the four feet of water in the river, that the improvement is proposed to be made. The report does not say one word about the value of the commerce that is to come from above there. I know something about it, and I know it ought to be done, and I am in favor of it; but I have said before that the commerce of this river comes from below, and so the report states, and so the committee must have ascertained. The report says:

Previous to the improvement the annual shipment of cotton down the river—

From where?—

from Walton, Washington, and Holmes Counties, Florida, and Geneva County, Alabama—

There are four points of shipment, Geneva County, Alabama, being just outside of the Florida line—

did not exceed fifteen hundred bales, from the fact that only very small steamers and light-draught barges could ply the river, and then only in high-water seasons.

I ask that a part of this money shall be applied, and that such language shall be used as to render it definite, to the counties of Washington, Holmes, and Walton, in Florida, and Geneva, in Alabama, and to the town of Freeport, their port of shipment, instead of the whole of it being applied to Alabama. That is all.

Now, I move that this appropriation be raised, if it meets the sense of the committee, to $25,000.

Mr. CONGER. The general appropriations running through this bill, based on what the engineers consider may be economically used for the year, are cut down to about one-third, sometimes one-half. Where a work can be completed with a moderate appropriation, it is put in in full; but in almost all cases the appropriations are about 33 per cent. of the engineer's estimates. Now, the proposition is to increase this item to the full amount on a stream which must have additional appropriations, for the estimate is for larger appropriations from year to year. The committee found that the House appropriated $12,000 for this river. They found it led into a country where there was but little communication by rail and not much advantage for shipping away the products of that country, as in many other parts of the Union, by rail, and after considering the matter they added $8,000 to the appropriation.

I think if we commence putting in this bill appropriations up to the amount which the engineers suggest can be economically used we shall have a bill somewhat exceeding $40,000,000. It is for the Senate to consider whether it is best to do that. Here is a work that is going on; the work seems to have been very successful. There is no estimate and no recommendation for any appropriation at the mouth of this river, and, as I said before, I do not think it safe by specifications in the bill to declare that the engineers shall expend the money which we appropriate where they have made no survey, no estimate, and no plans. Of course the adding of $5,000 here or there is not material except to conform to what seemed to the committee, and I trust will seem to the Senate, to be some reasonable limits in the amount of the appropriations made in the bill.

I have no choice about it except that the appropriation shall be made in accordance with the plans and estimates, and not be diverted to places where there has been no survey and no plan and no estimate, as the Senator from Florida suggests.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. CALL] to the amendment of the Committee on Commerce.

The question being put, there were on a division—ayes 11, noes 14, no quorum voting.

Mr. PLATT. There is a quorum in the Senate, evidently.

The PRESIDING OFFICER. The Chair thinks there is a quorum in the Senate. The Chair will put the question again.

The question being again put, there were on a division ayes 18, noes 25. So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Commerce, in line 590.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 611, to insert:

For improving the roadstead which leads into the Back Bay of Biloxi, on the Mississippi Sound, according to survey and estimate made, $5,000.

The amendment was agreed to.

The next amendment was, after line 633, to insert:

For removing obstructions at mouth of Bayou La Fourche, and improving said bayou from its mouth to a point twenty-four miles below Lockport, $15,000.

The amendment was agreed to.

The next amendment was, after line 648, to insert:

Continuing improvement of Bayou Teche from Saint Martinsville to Port Barre, Louisiana, $5,000.

The amendment was agreed to.

The next amendment was, in line 664, before the word "improvement," to strike out "continuing" and insert "complete;" and after the word "improvement" to strike out "50,000" and insert "94,500;" so as to make the clause read:

Improving ship-channel in Galveston Bay, Texas: Complete improvement, $94,500.

The amendment was agreed to.

Mr. CONGER. That should be "to complete improvement." The word "to" should be inserted before "complete."

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 685, to insert:

Improving White River, Arkansas, above Buffalo Shoals: Completing improvement, $12,600.

The amendment was agreed to.

The next amendment was, after line 691, to insert:

Improving Current River, in Arkansas and Missouri, from Doniphan to its mouth, $5,000.

The amendment was agreed to.

The next amendment was, after line 709, to insert:

For continuing the improvement of Red River, a tributary of the Cumberland, in Tennessee, $5,000.

The amendment was agreed to.

The next amendment was, in line 745, to increase the appropriation for "improving Detroit River, Michigan, continuing improvement," from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "improving Fox and Wisconsin Rivers, Wisconsin," after the word "available," in line 779, to insert:

And $3,000 of this appropriation, or so much thereof as may be necessary, may be expended above Portage City, to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately, or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

The amendment was agreed to.

The next amendment was, before the word "Wisconsin," in line 789, to insert "Minnesota and;" and in line 790, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Improving Saint Croix River below Taylor's Falls, Minnesota and Wisconsin: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "reservoirs at headwaters of Mississippi River," after the word "sustained," in line 831, to strike out the following proviso:

And provided further, That the States of Minnesota and Wisconsin shall cede to the United States exclusive jurisdiction over the land so to be taken during the time the same may be used for the purpose herein stated.

Mr. BECK. I should like to hear from the Senator from Minnesota about this question of "Reservoirs at the headwaters of Mississippi River: Continuing operations, $300,000." Does anybody suppose that is going to aid the navigation of the Mississippi River below the Falls of Saint Anthony in any form? I have always looked upon that as one of the matters that I should like more information about, believing that there is no sort of practicability in it. It will be an enormously expensive affair, and the idea of affecting the river below the Falls of Saint Anthony by any system of reservoirs at the headwaters of the Mississippi seems to me, if not ridiculous, certainly very near it. There may be information that I have not got as to that item in the bill. With no desire to disparage improvements in that northwestern country, I should like to hear some explanation of the item.

Mr. McMILLAN. I suppose the Senator from Kentucky is aware of the fact that when General Warren was in charge of the river and harbor improvements of the district embracing the Mississippi

River through the State of Minnesota a survey was made of the headwaters of the Mississippi for the purpose of ascertaining what effect these reservoirs would have upon the navigation of the river. After his survey was made and the calculations were all made and reported to the Secretary of War and communicated to Congress, his report shows that he is decidedly in favor of this improvement and believes that it will benefit navigation. Colonel Farquhar, who succeeded him, made a most careful calculation and survey of the same ground and waters, and made his report to the War Department, which is communicated to Congress, emphasizing the opinion of General Warren, going into details, and giving an opinion which certainly should be considered as having great weight, because he is one of the principal engineers in the Army, in favor of the same measure, recommending this improvement upon the ground of its benefit to the navigation of the Mississippi River.

The present engineer in charge of that district of the public improvements has made still further surveys and more detailed examinations and has made very full and accurate reports on the subject, sustaining the positions of his predecessors, and going further he thinks it will affect most favorably the navigation of the Mississippi River far below the mouth of the Saint Croix to the head of Lake Pepin.

These reports have all been in the possession of Congress; they have been called to the attention of Congress heretofore when an appropriation was made for the purpose; and if the opinions of the engineers are of any weight at all, there seems to be no doubt about the fact that this improvement will add very materially to the navigation of the Mississippi River down to Lake Pepin, affecting it most favorably at Saint Paul and below that region, giving good navigation throughout the year.

Mr. BECK. I do not know enough about this matter to make any motion in regard to it.

Mr. HARRISON. Will the Senator from Kentucky allow me to interrupt him a moment?

Mr. BECK. Certainly.

Mr. HARRISON. I simply desire to interrupt the Senator to say that I have prepared an amendment which I intend to offer when the proper time arrives, striking out this appropriation of $300,000 for reservoirs and inserting an appropriation for continuing observations and surveys; and at the time I offer it I propose to call the attention of the Senate to the report of the Mississippi River commission on this subject of reservoirs in order that we may ascertain exactly the situation. I shall be prepared to show the Senate that in the opinion of that commission there are as yet no sufficient data collected to justify such an appropriation.

Mr. McMILLAN. I think it will appear that the Mississippi River commission know nothing about it.

Mr. HARRISON. I dare say that is the opinion of the Senator from Minnesota. I suppose we are not voting on this question now. I did not desire to interrupt anything the Senator from Kentucky might desire to say, but I wished to notify him that I intended to offer such an amendment and to call the attention of the Senate to what has been said by the Mississippi River commission, who were directed by Congress to report upon this subject.

Mr. BECK. I rose only to say that I had not sufficient information to enable me to make any motion in regard to this matter; but a year or two ago when I was at Saint Paul, Minnesota, I went to the office of the engineer—Major Allen, I think, was then in charge—and examined all the maps, plats, and plans, being very anxious to see whether anything could be done in that direction, because suggestions were made of an effort to improve the Ohio River in the same way by reservoirs at the headwaters; and after looking it all over, having gone before that time over one hundred miles up the Mississippi River above the falls, and going again the year after up as far as a man could very well go without wading in many places, I was utterly unable to see, and am to-day utterly unable to understand, how they could do more than to throw water into the Upper Mississippi that will enable saw-logs to float down the Falls of Saint Anthony. Below that I have no idea they will be able to make any impression upon that river by these reservoirs.

This will be—mark what I say—another evidence of the absurd notions that very distinguished persons will sometimes seek to impose upon men who do not know or are not presumed to know as much as they do about matters that belong to them. I may be all wrong; I hope I am; but I think this is the most useless expenditure that could possibly be imagined for any practical purpose. For that reason I asked the question. I have no motion to make.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 863, to insert:

That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the construction of a dry-dock at the Des Moines Rapids Canal, on the Mississippi River, at such site as may be selected thereon by the Secretary of War; said dry-dock to be used for the construction, examination, repairing, and use of boats, dredges, barges, scows, and other vessels of the United States, and the construction, examination, and repair of vessels for private parties, under such regulations and for such compensation as may, from time to time, be fixed and regulated by the Secretary of War; this appropriation to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, after line 876, to insert:

That whenever the Government shall not further use the old dock of the Sault Sainte Marie Canal it shall be converted into a dry-dock for the repair of Government dredges, revenue-cutters, and other craft belonging to the Government, and for other craft belonging to private persons, on such terms as the Secretary of War shall prescribe; and for the expense of such construction the amount of $65,000, balance of tolls in the possession of the State of Michigan and offered to the United States for this purpose, be accepted by the United States.

Mr. CONGER. There is a clerical error in the second line of the amendment. The word "dock" should be "lock," in line 878.

The PRESIDING OFFICER. That correction will be made.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 916, to increase the appropriation for "improving Missouri River from its mouth to Sioux City, Iowa," from $800,000 to $900,000.

The amendment was agreed to.

The next amendment was, in line 920, to increase the appropriation for "survey of Missouri River from its mouth to Fort Benton, Montana, continuing the survey," from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, in line 931, after "California," to strike out "continuing" and insert "completing;" and in line 932, before the word "thousand," to strike out "eight" and insert "fourteen;" so as to make the clause read:

Improving Petaluma Creek, California: Completing improvement, $14,000.

The amendment was agreed to.

The next amendment was, in lines 942 and 943, to increase the appropriation for "constructing canal around Cascades of Columbia River, Oregon, continuing construction," from $265,000 to $300,000.

The amendment was agreed to.

The next amendment was, in line 949, to increase the appropriation for "improving Lower Willamette and Columbia Rivers, Oregon, continuing improvement from Portland, Oregon, to the sea, including bar at mouth of Columbia River," from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, in line 969, after the word "hundred," to insert "and fifty;" and in line 971, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

Examinations, surveys, and contingencies of rivers and harbors: Examinations and surveys, and for contingencies, and for incidental repairs of harbors for which there is no special appropriation, $150,000, of which sum $50,000 for surveys and $100,000 for contingencies, including incidental repairs of harbors.

The amendment was agreed to.

The next amendment was, in line 981, after the word "sum," to strike out "five thousand" and insert "seven thousand five hundred;" so as to make the clause read:

Improving Susquehanna River above and below Havre de Grace, Maryland, $25,000, of which sum $7,500 shall be expended above the bridge, and $5,000 for the completion of the channel to the Fishing Battery light-house, and for strengthening and extending the piers and breakwater for the protection of said channel.

The amendment was agreed to.

The next amendment was, in line 992, to increase the appropriation for "improving harbor at New Buffalo, Michigan," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 994, to increase the appropriation for "improving Appomattox River, Virginia," from $20,000 to $35,000.

The amendment was agreed to.

The next amendment was, in line 1000, to increase the appropriation for "improving Cocheco River, New Hampshire," from $10,000 to $28,000.

The amendment was agreed to.

The next amendment was, in line 1046, after the word "dollars," to insert "of which amount the sum of $10,000 may be expended in improving the East Neebish;" so as to make the clause read:

Improving the Hay Lake channel of the Sault Sainte Marie River, via the Middle Neebish, $200,000, of which amount the sum of $10,000 may be expended in improving the East Neebish.

Mr. CONGER. After the words "East Neebish," I move to add the word "channel."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 1073, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and construct a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water-line and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden, and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal

and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures as may be necessary for the safe and convenient navigation of the said canal and branch.

That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal, with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located, and before the work thereon shall be commenced.

That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and the laws of the State of Illinois relating to the subject of condemning private property for public use shall apply to and govern the condemnation of lands for the purposes mentioned in this act; and in such proceedings said courts shall be governed by the laws of the State of Illinois so far as the same may be applicable to the subject of condemning private property for public use.

That the Secretary of War shall cause said canal and branch to be made and constructed upon the land to be taken and appropriated as is hereinbefore provided; and that he shall cause said work to be entered upon and commenced as soon as practicable, and within not exceeding six months after this act goes into effect, and shall cause the same, with all necessary locks or lock-houses, waste-weirs, guard-gates, basins, and bridges, to be constructed and completed, ready for navigation, at the earliest possible day consistent with the public interests; and for that purpose he shall detail a sufficient number of the most skillful and experienced officers from the Corps of Engineers as he may deem best and necessary, who shall superintend and direct said work, under such orders and rules as he may prescribe.

That the Secretary of War, if in his judgment it will be to the interest of the United States, may cause said work, or any part of the same, to be put under contract to the lowest bidder; and in such case he shall invite proposals for any work or any material or labor for any part of said work; and there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work; and he shall report to Congress, on the first Monday of December of each year, or as soon thereafter as may be, all the bids, with the names of the bidders, and to whom the contracts for the construction of the work have been awarded: *Provided*, That no contract shall be made except after public advertisement for proposals in such form and manner as the Secretary of War may direct, and to secure general notice thereof; and the same shall only be made with the lowest responsible bidder therefor, upon security deemed sufficient in the judgment of said Secretary.

That the Secretary of War shall cause said work to be constructed in accordance with the provisions of section 1 of this act, and of the size, depth, and dimensions in every respect specified and set forth therein, which shall be of permanent and substantial material and in good workmanlike manner. The same, and every part thereof, and the locks and waste-weirs, basins, bridges, lock-houses, and other erections and fixtures connected therewith, and to be constructed thereon, shall, at all times and after the same shall be made, be kept and maintained in good order and repair and condition for the use and navigation thereof; and when thus completed the said canal and branch shall be a military, naval, postal, and public highway connecting the waters of Lake Michigan and the Illinois, the Mississippi, and Rock Rivers, and shall be established as such to the United States and the people thereof forever; and no obstructions shall be placed therein which shall impede or interfere with the uninterrupted navigation thereof.

That the Secretary of War shall have power to establish all needful rules and regulations, not inconsistent with the laws of the United States, concerning the use and navigation thereof, and provide such penalties for the violation of such rules and regulations as may be deemed expedient; and a copy thereof shall be filed in the office of the clerk of the district court of the United States for the northern district of Illinois, and a copy thereof, certified by said clerk under his hand and seal of his office, shall be received in all courts of law as *prima facie* proof that such rules and regulations were so established; and suits for the violation of such rules and regulations, and to recover such forfeitures, may be prosecuted in said district court, and in any district court of the United States where one of the parties defendant in such suit may reside: *Provided*, That Congress may at any time revise or abrogate any of such rules and regulations.

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River at or near the town of Hennepin with the Mississippi River at or above the city of Rock Island: *Provided*, That the State of Illinois shall have first surrendered to the United States the improvements made by said State on the Illinois River above Hennepin, and the canal connecting the Illinois River with Lake Michigan at Chicago, and shall consent to the provisions of this act by act of her Legislature, before this act shall take effect and be operative.

Mr. McMILLAN. After the word "Island," in line 1200, I move to insert "and the branch thereof;" so as to read:

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River at or near the town of Hennepin with the Mississippi River at or above the city of Rock Island, and the branch thereof.

The amendment to the amendment was agreed to.

Mr. BECK. Will the chairman of the committee advise us by what general authority a new canal of this sort forms a part of the river and harbor bill?

Mr. McMILLAN. I cannot hear the Senator.

Mr. BECK. I desire to know whether the Committee on Commerce regards this as necessarily or properly a part of the river and harbor bill. I ask that because the Committee on Transportation Routes to the Seaboard is considering the feasibility of another canal, which has been pressed upon our consideration from time to time, and the Hennepin Canal was considered also in part. If the one project is to be put on the bill very likely the other would come in as part of it. I wish to know how the Committee on Commerce, in dealing with a river and harbor bill, undertakes now to insert a grand canal project costing God knows how much, and allowing the Secretary of War to do as he pleases. I should like some explanation about it. I think it is subject to a point of order, but I want to hear it explained.

Mr. McMILLAN. I think it is part of the bill properly, and I suppose it would not be subject to a point of order. During the present session of Congress a separate bill was introduced in the same terms as those embraced in this amendment. It was referred by the order of the Senate to the Committee on Commerce. There was no objection made to that reference by any member of the Committee on Transportation Routes to the Seaboard or any other person.

Mr. BECK. I beg the Senator's pardon; there was no objection to its going to the Committee on Commerce. I only wish they had had the Chesapeake and Delaware Canal project before them. What I desire to know is why the Committee on Commerce did not submit this as a separate measure to Congress to determine whether it should be done or not, and then in the river and harbor bill make the appropriation necessary to carry out the law that Congress saw fit to pass, if it should pass it.

Mr. McMILLAN. I understood the Senator's question to be whether it is in the province of the Committee on Commerce to insert the amendment in the river and harbor bill. As I said, a separate bill for this improvement was introduced in the Senate at this session, and referred to the Committee on Commerce. There was no objection to that reference, and we supposed that of course the matter was properly within our jurisdiction. We considered that bill, and as a separate measure it was reported with a favorable recommendation to the Senate, and is now upon the Calendar. The same measure, having had a favorable report from the Committee on Commerce, was offered as an amendment by the Senator from Iowa [Mr. ALLISON] to the river and harbor bill. Having acted upon the original bill and made a favorable report, and the subject being under consideration by the Senate, the committee did think that it was proper to insert it as an amendment to the river and harbor bill, because we understand that this improvement does connect the channels of the great lakes with the Mississippi River and with the other navigable waters of the country.

Mr. BUTLER. May I ask the Senator from Minnesota whether this contemplated improvement is on the line of some navigable stream?

Mr. McMILLAN. It utilizes a portion of a river as a canal.

Mr. BUTLER. Is it navigable?

Mr. McMILLAN. Oh, yes; a navigable stream, from Chicago out; one of the streams running into Lake Michigan.

Mr. BUTLER. Can the Senator inform us, then, how much of the Hennepin Canal is to be outside of navigable streams?

Mr. McMILLAN. There will be about sixty-five miles of the improvement embraced in the amendment connecting the waters of the lakes, then uninterruptedly, with the waters of the Mississippi River and the great navigable streams of the country.

Mr. BUTLER. Is it proposed to make free navigation through this canal?

Mr. McMILLAN. The provision was inserted by the committee, the original bill having been so amended, that no toll should be collected upon this canal at any time.

Mr. BUTLER. Then may I inquire how the canal is to be maintained?

Mr. McMILLAN. I will read the provision in the pending bill, from line 1285 to line 1288, inclusive:

That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels passing through any canal or other work for the improvement of navigation belonging to the United States.

Mr. BUTLER. Do I understand the Senator to say that the navigation is to be absolutely free?

Mr. McMILLAN. I do.

Mr. BUTLER. Then I should like to inquire how the canal is to be maintained? By an annual appropriation by Congress? By taxation on the whole country?

Mr. McMILLAN. It is to be maintained by the Government.

Mr. BUTLER. Has the Senator any idea of what the annual cost of maintaining it would be?

Mr. McMILLAN. I am not advised in regard to the precise amount of the cost. The sum would not be a very considerable one compared with the great benefit that this improvement would be to commerce. The Senator from South Carolina will remember that if this connection is made between the waters of the lakes and the Mississippi River a new channel of communication from the Mississippi River to the Atlantic coast will be opened up and brought into contact and competition with all the lines of railroad crossing this continent, and it will affect materially and favorably the freights on every railroad in the country. The only mode of communication now is from the head of Lake Superior, down that lake and the great chain of lakes to the waters of the East. This brings a communication from the center of the Mississippi Valley and makes connection with the Atlantic coast.

Mr. BUTLER. I have no doubt about that. My inquiry was simply to get information, if I could, from the Senator.

Mr. McMILLAN. I am very willing to give the Senator all the information I can.

Mr. BUTLER. I wish information as to what will be the probable cost of the construction of this canal, and then what will be the probable annual cost of the maintenance of the canal. It seems to me before we embark on an enterprise of this kind, some such estimate ought to be furnished to the Senate.

Mr. McMILLAN. The Senator is aware that this is not a very new project.

Mr. BUTLER. I do not know how old it is.

Mr. McMILLAN. This project has been very fully and ably considered for many years by the Engineer Department of the country.

Mr. BUTLER. Have the engineers furnished any information?

Mr. McMILLAN. Oh, yes, sir; and the Committee on Transportation Routes to the Seaboard considered it fully and particularly, and made a recommendation in its favor very strongly. The Mississippi River conventions from time to time have considered it and recommended it to Congress as one of the most important improvements that could be made. The Legislatures of various States, including the States of Minnesota and Iowa certainly, have passed resolutions instructing their Senators to vote for this measure, and to contribute what they could to its passage.

Mr. HOAR. Does the Senator mean to say that it is decided how much the cost of constructing the work or how much the annual expense of maintaining it will be?

Mr. McMILLAN. I have not the knowledge of the precise expense or of the annual cost.

Mr. HOAR. I know, but the Senator is not asked precisely. He is asked as a general opinion how much will it cost to make it and how much will it cost to maintain it, not precisely. Has he any estimates?

Mr. McMILLAN. I will not undertake to say definitely.

Mr. HOAR. Will the Senator undertake to say indefinitely?

Mr. McMILLAN. I will ask the Senator from Iowa, [Mr. ALLISON,] who has the papers, to state more distinctly the amount. He can make the statement better than I can.

Mr. VEST. Does the Senator ask for the supposed amount?

Mr. HOAR. I ask for a general idea of the cost of the work and how much it will take annually to maintain it.

Mr. ALLISON. One hundred and fifty thousand dollars per annum.

Mr. VEST. I will only say in regard to the inquiry of the Senator from Massachusetts that it was stated before the committee that $8,000,000 probably would be the cost.

Mr. ALLISON. There has been a careful estimate of this work, and the engineers estimate the cost to be only $3,900,000.

Mr. McMILLAN. There are but sixty-five miles of canal.

Mr. BUTLER. Will the Senator from Iowa tell us how much lockage there is in the canal? What is the amount?

Mr. ALLISON. There is a lockage of two hundred and seven feet up and ninety-two feet down. That is all.

Mr. BUTLER. How many locks?

Mr. ALLISON. Nine locks one way and twelve the other.

Mr. BUTLER. They are to be maintained, as I understand, by an annual appropriation of Congress.

Mr. ALLISON. To be maintained as all other canals owned by the Government are maintained.

Mr. McMILLAN. The canal at Sault Sainte Marie is maintained in the same way; the canal on the Ohio River at Louisville, and all the canals belonging to the United States are maintained at the expense of the Government.

Mr. ALLISON. The Muscle Shoals and the Columbia River Canals.

Mr. McMILLAN. All the others are maintained at the general expense of the Government.

Mr. BUTLER. By annual appropriations?

Mr. McMILLAN. Yes. This would be maintained in the same way, because it is for the general purposes of commerce, and will be a great national improvement if it is made. It seems to me that one of the great benefits from this improvement will be the effect that it will have upon the transportation of freight to and from the Atlantic coast. It will affect most favorably that transportation, certainly.

Mr. BUTLER. I have not indicated any opposition to the amendment; I simply want to get information about it. I do not exactly agree with the Senator from Iowa and the Senator from Minnesota when they say that this will compare with the Muscle Shoals Canal, or with the Kanawha Canal, or any other of those canals which are simply intended to improve the navigation of navigable waters. This canal, I understand, is to be dug through a State, the State of Illinois.

Mr. ALLISON. It is to connect navigable rivers.

Mr. BUTLER. It is to connect navigable rivers, but it is not intended to improve any navigable river; and it may be a very serious question, one which I am not prepared at this time to answer, whether Congress has the constitutional power to do it. I simply desire to get information on the subject.

Mr. McMILLAN. I shall not enter into a discussion of that question at this time. It has been very fully considered by the statesmen of the country, not only of this day but of former times, and I think the opinion may be regarded as settled that we have the constitutional power. At least it is so implied in this bill. If we have not, of course that would affect the opinion of Senators in regard to the amendment.

Mr. BECK. I desire to ask the Senator from Minnesota, if he will allow me, first, whether nearly every argument he is now making was not made, and made for years, with great emphasis and urgency in behalf of a canal connecting the Mississippi with the lakes, from the mouth of the Wisconsin and the Fox River by Portage City, and whether four or five millions, I do not know how many, but several millions certainly, have not been spent on that improvement, believing Green Bay on the lake and the mouth of the Wisconsin River to be great objective points for all the hauling to the Rocky Mountains on one side and high navigation below the mouth of the Wisconsin on the other, and if after years of work and millions of expenditure that does not now stand a confessed failure?

Mr. McMILLAN. So far as that improvement is concerned, I believe it is still in progress. There is an appropriation in this bill to continue it.

Mr. BECK. An appropriation of $2,000 to keep it from being overflowed. I saw that.

Mr. McMILLAN. I presume the difficulty in regard to that improvement is that a sufficient amount has not been appropriated at any one time to complete the work. That was one of the routes considered by the Select Committee on Transportation Routes to the Seaboard. So far as the improvement has been conducted, I believe it affords great facilities for transportation in the country through which it passes. It has not been completed to the Mississippi River. There is an appropriation which was not objected to in any way, as I remarked, for the continuation of that improvement. If it shall be determined to make that improvement efficient, it can be done without interfering with this improvement, and there are certainly features in this work which are distinct entirely from that.

Mr. BUTLER. May I inquire of the Senator further, if he will pardon me, upon what information the committee acted in making this recommendation?

Mr. McMILLAN. The Senator from Iowa has the reports in regard to this matter.

Mr. BUTLER. Was there any report from the engineers of the Army, and, if so, from whom?

Mr. McMILLAN. The Senator from Iowa is directly interested in this improvement, as representing the State of Iowa, and I have asked him to refer to the papers that we have had, and present the views of his own people in regard to this matter.

Mr. BUTLER. Do I understand that the committee have no report from the Engineer Department?

Mr. ALLISON. So far from that being true, there has been a full survey made by the Engineer Bureau of the War Department under Colonel Macomb, one of the most eminent engineers of the Army, and made under the direction and authority of an act of Congress. In that report he states the total cost of this canal as proposed in the amendment to be $3,900,000. I have not that report at hand, but if the Senator desires to have it read I can send for it; it is in my committee-room.

Mr. BUTLER. Does the Engineer Department recommend this scheme as practicable?

Mr. ALLISON. They not only recommend it as practicable, so far as I know, but they recommend it as one of the most important and essential works under the charge of the Engineer Bureau of the War Department. Of course that is not found in the report of last year; but I am speaking of the report of a preceding year.

Mr. BECK. I only desire to say one other word about this proposition. I have looked into it in part. I have no doubt the chances are that the canal, if built, would be very important; but in considering the question of the proposed canal from Baltimore to the Delaware Bay, Colonel Craighill made a full report, General Wright was before our committee, and everybody seemed to think that it would be a very great improvement; that it would serve as an interior line of defense in time of war between the Chesapeake and the Delaware, and that it would cheapen freight from a cent and a half to two cents a bushel upon grain; and the men east of the Alleghanies and the people who are raising wheat in Iowa, Kentucky, Wisconsin, and elsewhere have been clamoring for it.

The committee that I have the honor to belong to, having no river and harbor bill to which we could attach that measure, after serious reflection determined that when the Hennepin Canal question was up, whether we reported first from the Transportation Committee in regard to the Chesapeake and Delaware Canal, or whether the Committee on Commerce reported first with regard to the Hennepin Canal, the advantages, the disadvantages, the rights of the United States, the benefits of the work to the citizens, could all be fairly considered; and it having been considered in committee, which is the place where it ought to be considered, as independent measures of each bearing upon the commerce of the country, the matter could be passed on by the Senate in a proper way.

The obtaining of cheap transportation is beyond all question one of the things we have to look at in the future. The competition of our great water-ways with the railroads is doubtless one way to secure it. A canal leading from Baltimore to the Delaware Bay is beyond question one of the means of securing it. The Hennepin Canal, I hope, is going to have better success than the Fox and Wisconsin improvement. If it is not, I shall regret it very much.

I do not think that grave questions of this sort, whether they pertain to the Chesapeake and Delaware Canal or the Hennepin Canal, ought to be made adjuncts to a river and harbor bill and forced through by the pressure of necessity, but ought to stand upon their own merits and be acted on after full discussion. As independent measures let them be passed upon and be carried out, and let us determine what is best.

I will mention one other fact. The Senator from Maryland [Mr.

GORMAN] sent word here this morning by telegraph that he is sick and unable to be in the Senate to-day. He expressed a great anxiety to be here when this amendment was considered. He has been before our committee time and again, and in arguments of great ability has shown the importance of the Chesapeake and Delaware Canal. He desires to present the claims of that canal in connection with the Hennepin Canal scheme. His colleague, [Mr. GROOME,] and other gentlemen, have pressed that matter before us for months. While I make no point of order upon this amendment, I have felt as though the Senator from Maryland ought to be here and that the two questions ought to be considered together, and the whole subject ought to be detached, if possible, from an ordinary river and harbor bill. If the Hennepin Canal has merits, and I hope there is a great deal of merit in it, let it stand upon its merits. The only objection is that after I have voted time and again money for the Fox and Wisconsin improvement, having been made to believe it was to be a great thing, it seems to me that it is a failure now, so far as I know. I hope the Senator from Wisconsin will tell us if it is not. I do not want to go into any other experiment or any other canal project until after full discussion and full information.

Mr. CAMERON, of Wisconsin. I cannot tell the Senator from Kentucky that the Fox and Wisconsin improvement was not a failure.

Mr. BECK. I was afraid of that.

Mr. CAMERON, of Wisconsin. The improvement of the Fox River and the canal connecting the Fox and Wisconsin Rivers are nearly completed. There has been little work done as yet on the Wisconsin River, but no one in Wisconsin is of the opinion that the improvement is a failure, neither is the Engineer Bureau of the Army of that opinion. We have just as high hope of it as we had when the Senate first voted money for the improvement.

Mr. BECK. I am very glad to hear it. I shall make no point of order on the amendment.

Mr. BUTLER. It is proposed to appropriate $100,000 by the amendment, and yet I see that the very first clause of the amendment provides—

That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and construct a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River.

If it is true—and I have, of course, no right to doubt its truth—that there has been a survey and a report made by a board of Army engineers, what is the necessity for an additional survey? It seems to me that we are groping rather in the dark. I would prefer to have some more light on this subject before I go blindly in my support of this measure and not know what I am doing.

Mr. ALLISON. If the Senator will send for the report of the Chief of Engineers of 1870, and look at page 57, he will see the survey, and then in the report of 1875—I do not remember the exact page—he will find another report. I will send for those two volumes.

Mr. BUTLER. I wish the Senator would, so that we may get the estimates and know what they are. The Committee on Commerce appear to have no information on the subject.

Mr. CALL. I wish to offer an amendment to the amendment of the committee. At the end of the amendment I move to add:

And $200,000 for a ship-canal across Florida, at such point as the Chief Engineer shall select, to be expended under the direction of the Chief Engineer in commencing the construction of a canal.

Mr. McMILLAN. There has been no estimate or recommendation for that at any time or in any way by any one.

The PRESIDING OFFICER. Does the Senator from Minnesota make the point of order?

Mr. McMILLAN. Yes, sir.

The PRESIDING OFFICER. The point of order is well taken.

Mr. MORGAN. I make the point of order upon the amendment of the committee.

The PRESIDING OFFICER. What is the point of order?

Mr. MORGAN. The point of order is that under Rule 29 it is liable to several objections: first, it proposes general legislation on an appropriation bill; second, it is not germane or relevant to the subject-matter contained in the bill.

Mr. McMILLAN. Will the Senator read the rule, if he pleases?

Mr. MORGAN. I make the point of order under Rule 29 and Rule 28 both; it is amenable to both.

Mr. McMILLAN. Will the Senator please read the rule?

The PRESIDING OFFICER. Does the Senator from Alabama make two points of order, and, if so, under what rule does he make them?

Mr. MORGAN. I make the point under Rule 28 and also Rule 29—Rule 29 first.

The PRESIDING OFFICER. In the case of Rule 28 what is the point of order the Senator raises?

Mr. MORGAN. It is that it is general legislation on an appropriation bill. That is the first point. Second, it is new matter not germane or relevant to the subject-matter contained in the bill.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate.

Mr. MORGAN. Is it now debatable?

The PRESIDING OFFICER. The point of order as to general legislation is debatable.

Mr. MORGAN. I desire to explain the ground of my point of order. The bill is entitled "A bill making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes." The words "and for other purposes" do not mean anything as giving a definition to the character of the bill itself, for if they were to mean anything it would enable us to include anything under the term "for other purposes" that we saw proper to include. It makes no difference whether it was germane to the bill or a subject of general legislation or a subject entirely foreign to the general subject-matter of the bill.

When the bill was brought from the House it was brought as an appropriation bill for the improvement of rivers and harbors. It was so referred to the Committee on Commerce and so considered by that committee. No one but the committee ever attempted to introduce into the bill any other subject than that of "the construction, repair, and preservation of certain works on rivers and harbors," which is the title of the bill.

There is nothing in common between the measure which is sought to be ingratted upon the bill by way of amendment and the bill itself, except that they relate to water intercommunication between different points. Rivers and harbors upon which certain works exist, for the construction, repair, and preservation of which this bill was designed, are not canals which are yet undug. They are not canals which stretch across the country at great elevations, as mentioned by the Senator from Iowa in some remarks that he made in reply to the Senator from South Carolina. In other words, it is utterly absurd to call that a river, or a harbor, or an existing channel of water communication upon which the surveys have not yet been made. A bill to construct such a projected canal as that is not a bill to construct a work upon a river, or a harbor, or any existing line of water communication. I will not detain the Senate by amplifying that idea, because I think there is scarcely a school-boy in this country who cannot understand it.

The Senate Committee on Commerce on the 14th of June reported a bill for the very purpose mentioned in the pending amendment to the river and harbor bill. It is an elaborate project, and one that deserves the serious consideration of the Senate of the United States. It is a project which the Committee on Commerce brought in here, its own report, an apparently unanimous report, to be submitted to the consideration of the Senate without the pressure behind it of an enormous appropriation bill relating to other subjects which are legitimate under the Constitution and the practice of the Government of the United States. That committee, after having reported that bill to the Senate, and having offered to us the opportunity to discuss it upon its merits, as I understand, without its having been referred to that committee as an amendment to the river and harbor bill, again present it in this form.

Mr. McMILLAN. The Senator is mistaken about that.

Mr. MORGAN. Then that is a mistake. However, the committee, if the bill has been referred to it, has seen proper to change the bill in many particulars. I will ask the Senator from Minnesota whether the bill which was heretofore reported on the 14th of June by the Senator from New York [Mr. MILLER] is the same bill which was referred to the Committee on Commerce?

Mr. McMILLAN. Substantially so. I do not remember particularly. I have not compared very lately the bill as reported by the committee with the amendment, but it is substantially the same thing. The amendment was offered by the Senator from Iowa, [Mr. ALLISON.] I think it embraced the bill just as it was reported by the Committee on Commerce. The Committee on Commerce did not report the original bill introduced by the Senator from Iowa and referred to it but reported an original bill, making some amendments. I do not know what copy of the bill the Senator holds in his hand. We amended the bill referred to the Committee on Commerce, and it was reported back in that way. The Senator from Iowa subsequently offered an amendment to the river and harbor bill which embraced, as I understood, the bill as reported from the Committee on Commerce.

Mr. MORGAN. I find no amendment in the text of Senate bill No. 2020 which was reported by the Senator from New York, [Mr. MILLER.] It may be an original bill reported by the committee. I do not know about that; but there are no amendments reported to the bill, at least none are italicized and so printed in the bill that I hold in my hand.

Thus the Committee on Commerce did furnish us with a complete bill for the purpose of constructing the Hennepin Canal, and submitted to the Senate the privilege of voting upon that bill and so amending it as to give a better law if one could be enacted by this body.

Then it appears that the Senator from Iowa upon his own motion caused a bill similar in substance to the one reported to be referred to the Committee on Commerce, and that bill, with some probable modifications, (I do not know how that is,) has been reported back to the Senate as an amendment to the river and harbor bill.

The point of order that I make is certainly a valuable protection to the rights of Senators on this floor, if the point is well taken at all; and it seems to me if it be not well taken there is nothing that relates to the subject of transportation from point to point which might not be included in a river and harbor bill.

It is said that the amendment is germane to the general sub-

ject-matter of the bill because it relates to commerce. That is a begging of the question. A railway bill is just as germane, because that relates to commerce; a bill to erect a telegraph line is just as germane, because it relates to commerce. If it is the increase of the facilitation of commerce that this bill, by the liberal construction sought to be imposed upon it, is to include, then there is no vehicle of commerce, whether railway or what not, that may not be included in a river and harbor bill.

Those who framed this rule never gave to it that interpretation. On the contrary, the rule was established for the purpose of excluding that interpretation. If the rule means anything at all, it is that whatever appropriations shall come in upon a general appropriation bill shall be germane to the subject of that bill. The subject of this bill is not commerce or commercial facilities, but it is transportation by water routes, and not only transportation by water routes, but it is transportation by such routes as exist, and I believe, and have always believed, such routes as would be fairly construed to be navigable within the meaning of the laws of the United States upon that subject at the time when the bill itself might be introduced or passed upon by the Senate.

Therefore this amendment is not germane. More than that, we are informed by the Senator from Kentucky [Mr. BECK] that the Senator from Maryland [Mr. GORMAN] has prepared an elaborate paper as an amendment in some form for the purpose of having it ingrafted on Senate bill No. 2020, which was reported by the Senator from New York. I should like to know why that amendment of the Senator from Maryland is not in order if this is in order? Is it because the Committee on Commerce have not considered it?

Mr. McMILLAN. It has never been referred at all to the Committee on Commerce. I do not know what other committee may have had charge of it.

Mr. MORGAN. But the Committee on Commerce is estopped from raising that question here. If Senate bill No. 2020 was referred to the Committee on Commerce and they reported it back as a separate measure, they themselves have disrobed themselves of authority over this very subject by reporting a measure to the Senate in the form of Senate bill No. 2020, which covers the whole ground. After they made such a report as that it would not have been according to rule, it would not have been according to the order of the Senate as heretofore observed, to have referred that same bill back to that committee, unless upon a motion to recommit, and there was no motion to commit.

Mr. McMILLAN. If the Senator from Alabama will allow me to state the facts, I think he will see that he is entirely incorrect. As I said when I occupied the floor before, a separate bill for this improvement was introduced by the Senator from Iowa and referred to the Committee on Commerce. The Committee on Commerce considered that separate bill, and reported it back to the Senate favorably, with amendments. That bill is on the Calendar. Subsequently to that report the Senator from Iowa submitted an amendment to the river and harbor bill, and had it referred to the Committee on Commerce, embracing the substance of the separate bill. The Committee on Commerce were called upon to consider that amendment to the river and harbor bill. They did consider it, and they have reported it as a part of the river and harbor bill now before the Senate. It is not offered on the floor of the Senate as an amendment to this bill; it is an amendment reported from the Committee on Commerce; and it seems to me that the point of order made by the Senator from Alabama that this is an amendment to the bill is not well taken, for it is the bill itself as reported by the Committee on Commerce of the Senate.

Mr. SAULSBURY. Let me ask the Senator from Minnesota, are we not now dealing with the amendments of the committee?

Mr. McMILLAN. We are dealing with the bill as it is reported by the Committee on Commerce.

Mr. SAULSBURY. Are we not now passing upon the amendments proposed by the committee to the bill as it came from the House?

Mr. McMILLAN. They are a part of the bill.

Mr. SAULSBURY. Then they are amendments to the bill?

Mr. McMILLAN. They are a part of the bill. The bill came to us from the House, and we have reported a bill which is amended. Of course the Senate must act upon those amendments, but there is no amendment here offered in the Senate to the bill reported by the committee. This is a part of the bill itself.

Mr. ALLISON. Mr. President——

Mr. MORGAN. I have not yielded the floor. I was interrupted by the Senator from Minnesota without having yielded the floor. I have not yet stated my point.

Mr. ALLISON. Does the Senator decline to be interrupted further?

Mr. MORGAN. No; I do not. I thought the Senator from Iowa was taking the floor in his own right. If the Senator has any question he desires to ask me, of course I will hear him.

Mr. ALLISON. No; I thought the Senator was through.

The PRESIDING OFFICER. The Chair will remind the Senator from Alabama that on the question of relevancy debate is out of order unless by unanimous consent. On the point of order as to general legislation, debate is permitted. The rule is explicit, the Senator will see. If there is no objection, the Senator from Alabama will proceed.

Mr. MORGAN. It is almost impossible to determine whether this is general legislation without determining its relevancy to the bill in hand. We are in this attitude upon the question as to whether it is general legislation: the Committee on Commerce did report Senate bill No. 2020, which I have in my hand. That same bill, it appears, was submitted by the Senator from Iowa and referred to the Committee on Commerce as an amendment to the river and harbor bill. We have it, then, in two forms here. It is upon our Calendar for consideration as a measure of general legislation, and it is also upon the river and harbor bill as an amendment to that bill. Is it general legislation, or is it special legislation, relating to the improvement of rivers and harbors? Which is it? The committee have taken both horns of the dilemma; they have reported it in both forms. They now seek to withdraw from one form, leaving the bill on the Calendar as one they should never have reported, for if it was a mere amendment to the river and harbor bill; if that was the effect of it from the beginning; if that is the effect of it in substance and in its essence, then it should never have been reported otherwise than as an amendment to the river and harbor bill.

After the committee have reported it as a separate, independent, substantive measure, taking the measure upon its face, they now report it as an amendment to the river and harbor bill, as a provision entirely new, not found in any river and harbor bill ever enacted by any Congress, relating to a new topic, making broad and careful provision for the erection and carrying into effect of a great public work that we are told is to cost not less than nine or ten million dollars. The committee seek now to put that upon an appropriation bill, and to require us either to vote for that measure, or to vote against all other important measures here for the preservation of public works upon the great rivers and harbors of this country.

Sir, I can characterize that as being nothing less than an abuse of the rule, an abuse of the law, and it is something that the Senate ought not to allow. There are Senators here who desire to vote for this river and harbor bill when it shall contain those provisions for which the people of the United States at large ought to be taxed, but there are some who are not willing to vote for measures of this kind when the taxing power of this country is resorted to in order to raise money to build works of internal improvement in which the nation itself has no general interest and where nature has made no line of demarcation upon the bosom of the earth to indicate and intend that a drop of water should ever flow through it or about it except upon the surface of the earth from the natural rainfall.

I object to having these measures carried through in this way. Often and often have I sat in the Senate and listened (and I have always sympathized with that view of the case) to objections being made where it was sought to fasten upon general appropriation bills measures that were not germane, not relevant, and that were new and general in their ordinary acceptation and beyond dispute.

I have ventured to make this point of order because I thought that it was my duty as a Senator to attempt to protect my rights and the rights of other Senators on an appropriation bill for works of internal improvement, an appropriation bill for the construction, preservation, and repair of works upon rivers and harbors, so that I could vote fairly for such measures as this without being compelled to take up some other measure which, standing by itself or in connection with some amendment that might be proposed to it, I might not find it to be my conscientious and constitutional duty to vote for.

I believe in limiting the power to raise money by taxation in the United States to the legitimate purposes of Government. I believe the most dangerous abuse that this country can be exposed to is the abuse of the power of taxation. The great tyrant of every free government is the power of taxation. It is true that where people have no power of resistance to it liberty itself is destroyed. It is like a law of impressment; like a law of forced enlistment; like a law of conscription; like a law for carrying on the military operation of a government in time of war. It is an irresistible decree of the supreme legislative power; and when you say that you do anything in virtue of the taxing power of the Government of the United States, every man who undertakes to resist that must be at a great disadvantage. Even the judges upon the bench find the greatest possible difficulty in restraining or limiting the power of taxation.

Here we are taxing now $10,000,000 out of the people of the United States to build a canal through the bosom of a great State of this country, and a State that is just as able to build the canal to-day, and far more so, than New York was when it built the great line of which De Witt Clinton was the founder. We propose now to tax the people it is said not less than $10,000,000 in the outcome, to use the taxing-power of this country to do this, and in order to reach the subject you attach it to a bill of internal improvements where there can scarcely be liberty of speech or action upon it.

If this measure is adopted under this restraint, under this force, under this compulsion, it will be a measure of which it will be hereafter said it could not pass on its merits, subject to debate or amendment, when it came into the Senate of the United States, and its friends had to tack it on an appropriation bill in order to get it through.

Sir, if you indulge this license in this case look out for the future,

for the time will not be far distant when every section of this country that can muster power enough to get a few recruits by combinations and log-rolling with other sections of the country will build canals at the expense of the people of the United States at large. Then the taxing power of this country will be abused to its last degree.

Mr. ALLISON. Mr. President, I find in looking at the title of the bill as it came to the Senate from the House, because the title is not proposed to be amended in the Senate, it is "a bill making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes." If we are to judge of the amendments that are in order from the title to the bill, if this amendment was offered by any Senator it would be in order. But as I look over the bill I see it bristling with just such appropriations as we propose with reference to this canal. There are in the bill separate and distinct appropriations for two other canals.

I wish to call the attention of the Senator from Alabama now to a question with regard to these canals. I call his attention to the fact that there is an appropriation in this bill of $250,000 to improve the Muscle Shoals in the State of Tennessee, and what is that improvement but the building of a canal thirty-one miles in length, the estimated cost of which is over $3,000,000, and for which we have appropriated already nearly $1,000,000 in river and harbor bills?

Mr. HARRIS. Under existing law.

Mr. ALLISON. Under existing law. What law? The law of appropriation bills in regard to rivers and harbors, and no other.

Mr. MORGAN. The Senator will allow me to say that nature had built the Tennessee River and the banks thereof, and the effort of Congress is merely to connect them by removing obstructions.

Mr. ALLISON. Undoubtedly, and nature has provided the great Mississippi River and the chain of Northern lakes and the Illinois River, and has put a little neck of land of sixty-five miles instead of thirty-one between them, and we only propose to connect those two great systems of water communication.

I call attention to another feature of this bill, and not of this bill only, but of another bill. What is the power and authority under which these improvements are made from year to year? It is the power and the authority of authoritative surveys made by engineers according to law, and appropriations made in pursuance of such surveys. In 1870—there is the statute—the Hennepin Canal was authorized to be surveyed. It was surveyed, and the estimated cost of its construction according to that survey is $3,900,000, and not $10,000,000, as stated by the Senator from Alabama.

Again, in 1873 Congress thought it of so much importance to improve the water-ways of our country that a special committee of the Senate was raised for that purpose, composed of the Senator from Minnesota [Mr. WINDOM] as its chairman, my honored friend from West Virginia, [Mr. DAVIS,] and my honorable friend from Kentucky [Mr BECK] I believe was also a member of that committee, besides several other leading Senators of that time. The committee made a most elaborate and useful report, covering the great question of transportation, than which there is no more important question for us to consider either now or at the time it was considered by that committee. In that report they reported favorably to certain water-routes from the Atlantic to the seaboard and favorable to the great Mississippi River. Upon the heels of their report we appropriated five and a half million dollars for the single purpose of building jetties at the mouth of that river and opening it up to navigation. They reported other measures, and among others this Hennepin Canal, and it is second to none in their report. They demonstrated with the absolute truth of mathematics that on every bushel of wheat that should be carried through that canal or transported through the Mississippi River to the lakes there would be a saving to the farmers and producers of from five to ten cents per bushel. Of the 275,000,000 bushels of corn produced in my own State, according to the report of the Senator from Minnesota, as chairman of that committee, there would be a saving, if that was transported to Chicago, of from five to ten cents per bushel, or of, say, $27,000,000 per annum to the people of the State of Iowa.

Mr. MORGAN. Will the Senator from Iowa allow me to state my point of order further, so that he may argue upon it?

Mr. ALLISON. I am on the point of order, and the Senator from Alabama was on the point of order.

Mr. MORGAN. The Senator will allow me to state my point of order so that he may argue on it if he chooses. I also raise the point of order under Rule 27. The following is the text of the rule:

> 27. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

I make the point in that connection that this increases the appropriation; it is a new item of appropriation to the bill as it came from the House, and the Committee on Commerce is not the committee that can move an appropriation of that character; it must be done by some other committee than the one which considers the appropriation bill.

The PRESIDING OFFICER. Does the Senator desire a ruling on that point?

Mr. MORGAN. I do not. I stated the proposition so that the Senator from Iowa might argue upon it if he chose. It is for the Chair to say whether he prefers to rule upon it now or not.

The PRESIDING OFFICER. The point of order made by the Senator from Alabama is confined to the recommendation of a standing or select committee, as the Chair understands the point of order.

Mr. MORGAN. I say this amendment adds a new item of appropriation; that it is an increase of appropriation.

The PRESIDING OFFICER. The rule forbids a new item of appropriation "unless the same be moved by direction of a standing or select committee of the Senate."

Mr. MORGAN. Upon that branch I raise the point of order. I say the standing Committee of the Senate on Commerce has no right, on its own motion, to move an amendment of this character to the bill; that it must be done on the suggestion of some other committee.

The PRESIDING OFFICER. The rule does not state which standing committee; it simply says a standing committee of the Senate. The Committee on Commerce is a standing committee of the Senate, and therefore the Chair overrules the point of order.

Mr. ALLISON. I was stating that this proposition was recommended by a committee selected by the Senate to investigate this special subject. It will be found most elaborately recommended in their report and the reasons are there given for it. In pursuance of their recommendation, in the river and harbor bill of 1874—I am endeavoring to state this matter somewhat historically—there was a statute passed directing the Engineer Bureau of the War Department to make a survey of the four water-routes recommended by the special committee and to make estimates of the cost, which survey was made so far as the connection between Chicago and the Mississippi River is concerned, in pursuance of the law of 1874. In 1870 the statutes of the country had directed the Engineer Bureau of the War Department to make the surveys and estimates of cost.

In 1875 this very identical bill, almost in the language employed here, was introduced as an amendment to a river and harbor bill and passed the Senate by a vote of 29 to 16. I believe it was finally struck out in committee of conference. So that this question is just as much before the Senate and just as much in order with reference to rivers and harbors as any question that is presented in the bill.

Why is it that we have an appropriation here of $5,000,000 attached to this bill for the improvement of the Mississippi River? I live on the banks of that river and I am in favor of making that improvement and shall vote for it; but I say here in the presence of my own people that I regard this appropriation for the Hennepin Canal as more important than the appropriation for the Mississippi River. If this is not in order, the appropriation for the Mississippi River itself is not in order, because we passed in this body a separate bill for that same purpose, and according to the logic of the Senator from Alabama because we have considered a bill separate and apart from the river and harbor bill, therefore we cannot take it up again and consider it in another form in connection with that!

Take the provision in this very bill looking to the establishment of reservoirs at the headwaters of the Mississippi River. The very same provisions are in the bill as it came from the House appertaining to the condemnation of land, &c., as are found in the amendment with reference to the Hennepin Canal. So of other matters.

With regard to the imposition of great expenditures by means of these appropriations, my friend from South Carolina was a good deal in earnest about ascertaining what the cost of this work would be. Does not my friend know that the cost is just as accurately ascertained, nay more so, than is the cost of the improvement of Charleston Harbor?

Mr. BUTLER. I was not making the inquiry with a view of drawing any contrast between Charleston Harbor and any other place. If the Senator will pardon me, I only wanted to get information about it. As I said a while ago, I do not know that I am opposed to the measure if I can get the proper kind of information. The Senator stated on a previous occasion that we made an appropriation for the building of the jetties of the Mississippi River, but the Senator must consider that that was done after the most elaborate discussion. It was done on the recommendation of the Committee on Transportation Routes to the Seaboard.

Mr. ALLISON. It was done on a river and harbor bill.

Mr. BUTLER. Captain Eads undertook to make those jetties at his own risk, and was not to get one dollar until he accomplished certain results. I ask the Senator if anybody will attempt to build the Hennepin Canal on those conditions? My objection to the whole business as it now stands is that it appears to have been considered very crudely by the committee. The Committee on Commerce confessedly admit that they know nothing about it.

Mr. MCMILLAN. We have made no such admission, if the Senator from South Carolina pleases. I referred the Senator from South Carolina to the Senator from Iowa as having possession of the documents, to whom he could refer, and who would give him more accurate information.

Mr. BUTLER. I applied to the chairman of the committee.

Mr. ALLISON. I took charge of the reports.

Mr. BUTLER. I have been informed that there was no evidence

before the committee except the statement made by the Senator from Iowa and perhaps the Senator from Illinois.

Mr. ALLISON. The presumption is that Senators have ordinary knowledge of the affairs of our Government with reference to these matters as with reference to others.

Mr. BUTLER. It is not exactly safe to act on presumption always in matters of legislation of so much consequence as this. I should be very glad if the Senator from Iowa would inform the Senate precisely what the estimates are for this work.

Mr. ALLISON. I will do so.

Mr. BUTLER. If I can get that information the chances are that I shall vote for this proposition; but it seems to me it has been very crudely presented to the Senate.

Mr. ALLISON. The estimate of cost for the work, as made by the engineer who made the survey, is $3,800,000.

Mr. BUTLER. Can the Senator refer me to that report? I should like to see it for my own information.

Mr. ALLISON. It is found in the two pages marked here, which I hand the Senator. That is the estimate of the engineer who made this survey under the direction of Colonel Macomb, one of the most eminent engineers in the Engineer Corps of our Army, who was then stationed at Rock Island, Illinois. But of course I do not say that that will be the exact cost of this canal. I think very likely it could be built for much less now. I wish to call the attention of Senators to the unreliability of such estimates. They are not made or pretended to be made with absolute accuracy. They may fall $100,000 or $200,000 short of the actual cost. Take the harbor of Charleston. That has how many hundred thousand dollars in this bill?

Mr. BUTLER. Three hundred thousand dollars.

Mr. ALLISON. The harbor of Charleston has $300,000 in this bill. Can anybody tell me what it will cost to improve that harbor upon the scale in which the money is being expended?

Mr. BUTLER. I will say to the Senator that there was not one dollar appropriated to Charleston Harbor until General Gillmore, the engineer in charge, had given the most accurate estimate.

Mr. ALLISON. So I know.

Mr. BUTLER. And upon that Congress made the appropriation.

Mr. ALLISON. So I know.

Mr. BUTLER. I would be perfectly willing to vote this money for the Hennepin Canal if we had some such evidence before us.

Mr. ALLISON. The estimate of General Gillmore was $1,800,000. Another estimate has been made of $2,750,000 upon the scale of the jetty system at the harbor of Charleston. I am for that improvement; I intend to vote for that improvement, because I believe in improving the rivers and harbors of our country, although I submit to the Senator from South Carolina, who criticises this amendment, that all the commerce which comes into or goes out of the harbor of Charleston is not one-thousandth part of the commerce that will go over this canal when it is constructed. There is no sort of comparison which can be made between that work, costing $2,750,000, and this work, which will cost $3,900,000.

The progress of this country in the Northwest is without parallel in the history of any nation. Take Chicago, the great central, pivotal point, being at the head of this great system of the Northwestern lakes, having nine railroads terminating there from the East and seven diverging there from the West, with a population in 1870 of only 280,000 people, with a devastating and desolating fire in 1871 destroying in a single night more than $300,000,000 of property, recuperating and recovering so that in 1880 it had a population of 503,000 people. It is for the purpose of distributing by cheap waterways the great commerce that concentrates at Chicago and Saint Louis and diverges from those points to the nine or ten or eleven million people who dwell in that region of the Northwest that this improvement is urged, and it does not relate to any single class of commercial transactions. It does not relate alone to the products of wheat and corn and the heavier and bulkier products of the farm; it relates to what we consume as well. Every single pound of salt that goes to those 11,000,000 people in that region must go either from the State of Michigan or from the State of New York; it must be transported by rail from Chicago or Milwaukee unless we can have a cheap water-way.

Mr. HOAR. What will be the capacity of the vessels?

Mr. ALLISON. Two hundred and eighty tons burden, eighty tons burden more than those on the Erie Canal, which in 1880 transported six million tons of the heavier freight of our country from Buffalo to tide-water.

That is the character of the improvement that we propose to make here with $3,900,000, affecting as it does the commerce of this whole country, affecting as it does the price of railway transportation. We have a railway property in the Northwest aggregating in capital $400,000,000, and covering lines of railway extending for thousands of miles, diverging to the South and Southwest and to the North and Northwest and West. And we are to be met here by a point of order from the Senator from Alabama on the ground that this is a mere local improvement pertaining to the State of Illinois alone. It has nothing to do materially with the State of Illinois as compared with the vast region of country to be benefited, both East and West. Not only that, but take the bulkier product of coal. Travel through the State of Iowa, in which I live, during the inclement season of the year, and you will find that in every town we are burning the anthracite coal that comes from the coal-fields of Pennsylvania. We burn that coal coming to us by rail from the city of Chicago at an enormous price per ton, coming as it does to Chicago by waterway nearly the whole distance; and the cost of transportation by rail is greater from Chicago to the city in which I live than it is from the mines where it is mined to the city of Chicago.

Mr. MORGAN. If the Senator from Iowa will indulge me in a question, I want to ask him if the Senate has not as much right to put an amendment on this bill to build a railway across the State of Illinois as it has to put an amendment upon it to build a canal across the State of Illinois?

Mr. ALLISON. The Senate has the right to build water-ways by this bill. That is what it is doing; it is not building railways. It has a right to improve the water-ways by such methods as it thinks wise and judicious, whether it be by the building of a canal a mile long or sixty miles long. Does not the Senator from Alabama know that the Sault Sainte Marie Canal which connects the lake system with the Northwest was built by the Government of the United States, and paid for, and is a free canal, and that to-day all commerce that goes by lake passes through that Sault Sainte Marie Canal, and that it was all done upon river and harbor bills?

Mr. DAVIS, of West Virginia. I wish to submit to my friend a proposition. As the Senator from Iowa knows, the Senator from Maryland, [Mr. GORMAN,] who is now sick and at his home, telegraphed me this morning asking me if possible to have this proposition delayed until to-morrow. I ask my friend from Iowa and the friends of the amendment whether they will not let this amendment be passed over without the point of order being decided, and take it up to-morrow, when the Senator from Maryland will be here. I think that would answer the whole purpose. Otherwise, I say to my friend from Iowa I shall feel it to be my duty, under a telegram from the Senator from Maryland, to offer as an amendment to the amendment the bill introduced by the Senator from Maryland, providing for the Chesapeake and Delaware Canal. I hope and believe the Senator from Maryland will be here to-morrow. Neither Senator from Maryland is now in his seat, and I think it would do no harm to let this matter go over until the morning. The rest of the bill can be proceeded with.

Mr. McMILLAN. If the Senator from Iowa will permit me, I will say to the Senator from West Virginia that such an amendment would not be in order until the amendments of the committee are disposed of, and when the Senator from Maryland returns he can then offer his amendment to the bill and the Senate can pass upon it.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. McMILLAN. That is an entirely distinct measure.

Mr. DAVIS, of West Virginia. The chairman is mistaken. If offered at all it must be offered as an amendment to the pending amendment. The chairman is mistaken about that, but I do not want to get into a wrangle on the subject. I hope it will be agreeable to delay the amendment until to-morrow. It will do no harm to anything to pass it over until the morning, when the Maryland Senators will be in. The Senator from Iowa knows what their feeling is toward the whole question.

Mr. ALLISON. I do not wish to occupy the time of the Senate at length, and I should not have done so but for the fact that the Senator from Alabama does not seem to have studied geography with reference to this question. He does not seem to know that a canal sixty-five miles in length will connect the great water-ways of this country, and make a water-line from Saint Paul to the Atlantic Ocean; or if he does, he has failed to call the slightest attention to it in his criticisms upon the amendment.

Mr. MORGAN. The Senator does me great injustice. I know that a water-line sufficiently long, say 5,000 miles, would connect the Atlantic and Pacific Oceans.

Mr. ALLISON. I have looked over this bill, I have studied it somewhat, and I want to say that if we cannot have the amendments made to the bill which are necessary to carry on the commerce of the country the bill and all there is in it might just as well go. I have looked over the bill. Take the Little Kanawha River, in the State of West Virginia, as an illustration. What is that? There is an appropriation for that improvement in this bill. It is to extend the navigation of the little Kanawha twelve miles beyond the point where a navigation company has improved it. Take the New River in Wythe County, Virginia.

Mr. MORGAN. The Senator will do me the justice to say that I always vote against those measures.

Mr. ALLISON. I am only speaking of the singularity of the Senator from Alabama in waiting until forty-three pages of the bill had been gone over bristling with items that are not in order, according to his theory, and waking up in a moment to attack a great commercial canal that is intended to affect the price of all the products that are transported from the Mississippi River to the Atlantic Ocean. That is what I complain of, and I have a right to complain of it.

Mr. SAULSBURY. Will the Senator from Iowa allow me a question?

Mr. ALLISON. Yes, sir.

Mr. SAULSBURY. One of the objections is the question of power in Congress to make this canal, and the Senator from Alabama propounded the question to the Senator from Iowa whether Congress

would not have the same right to build a railroad over the same point of ground. I should like to hear the Senator on the power of Congress to build such a canal as is proposed.

Mr. HOAR. What is the question before the Senate? What is the point of order before the Senate?

The PRESIDING OFFICER. The Senator from Alabama has raised a double point of order, that the amendment is general legislation, and that it is irrelevant to the subject-matter of the pending bill.

Mr. HOAR. Is not that required by the rules to be submitted without debate?

The PRESIDING OFFICER. The Chair stated at the outset that as the Senator had coupled the relevancy of the amendment with the point as to general legislation, the Chair was compelled to submit it as one question to the Senate. As the question of relevancy is not debatable, the Chair asked if there was unanimous consent to debate it, and unanimous consent was given. If the Senator from Massachusetts objects the Chair will arrest debate.

Mr. HARRIS. Has unanimous consent been given to debate the merits of the proposition?

The PRESIDING OFFICER. Unanimous consent was given to debate the question of order.

Mr. BUTLER. I hope the Senator from Iowa will be allowed to proceed.

Mr. HOAR. The question has run beyond, far into the merits, but very little has been said about the question of order.

Mr. ALLISON. I shall not trespass further on the Senate.

Mr. HOAR. I do not object.

The PRESIDING OFFICER. The Chair has been generous in permitting debate, because the Senator from Alabama was allowed to proceed on the merits.

Mr. COCKRELL. There will certainly be no objection to the Senator from Iowa proceeding.

Mr. HARRIS. I do not intend to cut off the Senator from Iowa.

Mr. ALLISON. I had about finished what I was saying.

The PRESIDING OFFICER. If there is no objection the Senator from Iowa will proceed.

Mr. ALLISON. What I cannot understand is the Senator from Alabama sticking in the bark about this amendment.

Mr. HARRIS. If the Senator from Iowa will allow me I shall be glad to hear him through, but I desire to give notice that I shall object to any debate on the merits of the proposition after the Senator from Iowa has concluded.

Mr. ALLISON. I shall not occupy more than a minute more, because I do not wish to trespass on the rules of the Senate. I only want to call the attention of the Senators to the fact that the bill is full of little items which do not affect the general commerce of the country, and I have instanced the one from West Virginia. I have voted for that project hitherto, and I expect to vote for it again, but I do not understand how Senators can object to the provisions of this amendment and then stand by and see all those provisions pass without objection.

Take the one little river in Virginia which we have appropriated for now for four or five years. The engineers report that there is only one foot of water in it, and that the object of the improvement is to secure two feet of water navigation in that river. So I might go through State by State and show that there are local improvements and local measures in it which do not affect the great body of the people of this country, as this great measure of the Mississippi River affects the people, and as this Hennepin Canal does, from the fact that it connects the water-ways of the great East with the water-ways of the West and forms competing routes both North and South for all the products of the people who live in the Northwestern States.

That is all I desire to say. I do not want this amendment ruled out in a perfunctory manner, without understanding and investigating the merits of the whole case. I want Senators to understand what there is in this proposition.

Mr. VEST. Will the Senator, before he takes his seat, point me to a single case in the bill where an artificial mode of transportation or connection, a canal, a railroad, or a turnpike, is provided for inside the limits of a State? That is the question.

Mr. ALLISON. I do not want to get into a controversy with my friend on these questions, but I call his attention to the canal around the Dalles in the Columbia River; I call his attention to the canal in Tennessee, to the Fox and Wisconsin Rivers, and to a great many other smaller or greater appropriations which are in this bill. I cannot detail them now.

Mr. VEST. But the Senator will find no appropriation for any such canal, unless it is to obviate obstructions in a navigable stream. That is the point I make.

Mr. ALLISON. Certainly; and that is exactly what this is.

Mr. VEST. Not at all.

Mr. ALLISON. It is to remove the obstructions that lie between the Mississippi River and the great chain of Northwestern lakes, for the benefit of the agricultural interests of this country.

Mr. VEST. The Senator will excuse me; there is no pretense nor can there be a shadow of a pretense that there is any navigable stream near this proposed canal.

Mr. McMILLAN. I will remind the Senator from Missouri that in the improvement of the Fox and Wisconsin Rivers there is a canal there which connects two distinct streams on the same principle that is proposed in this case.

Mr. VEST. Does the Senator from Minnesota——

The PRESIDING OFFICER. The Chair will remind Senators as they are warming up that they must address the Chair, or the Chair will not recognize them.

Mr. VEST. Mr. President, will the chairman of the Committee on Commerce or any other Senator who advocates this project, as the question of geographical knowledge has been invoked on this floor, point me to a navigable stream along the route of this canal for sixty-five miles the obstructions to which are obviated by the construction of this work?

Mr. CONGER. I want to remark on that proposition when the Senator has finished.

Mr. HOAR. I thought the Senator from Tennessee gave notice that he would arrest debate after the Senator from Iowa concluded. If he does not do so, I shall.

Mr. HARRIS. As my friend from Missouri is on the floor, I desire to say that I shall raise the question of order upon him or any other Senator who proposes to debate the merits of the amendment. The debate must be confined to the question of order. That is the pending question.

Mr. CONGER. Upon that I wish to make a few remarks whenever the Senator from Missouri has done.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. VEST. As a matter of course I will yield for any question to the Senator from Michigan. I have asked a question, and if the Senator from Michigan can answer it I shall be glad to hear him.

Mr. CONGER. As to the relevancy of this amendment? I suppose the relevancy of this amendment to the subject-matter of the bill is the point of order.

The PRESIDING OFFICER. And that it is general legislation. There are two points of order in one.

Mr. CONGER. The whole bill is general legislation affecting commerce and transportation, and nothing else.

Mr. HOAR. I make the point of order that the matter must be submitted without debate.

Mr. CONGER. I do not know what particular object the Senator has in raising the point of order on me, but the time may come when I may return the courtesy, which I shall do with pleasure.

Mr. VEST. Mr. President——

Mr. HARRIS. I call the Senator from Missouri to order.

Mr. HOAR. I made the suggestion. I did not have the slightest idea of applying it to the Senator from Michigan. The Senator from Tennessee insists that on the point of order raised by the Senator from Alabama debate is out of order. The Chair must decide. There has been a point of order made by the Senator from Alabama. What is it?

Mr. CONGER. I just say that the time may come when the hitch may not be all on one side, and when the point of order may be raised when another Senator desires to speak.

Mr. HARRIS. I call the Senator to order. The Senator from Alabama was fully heard and the Senator from Iowa has been fully heard. I insist upon the enforcement of the rule as to all Senators.

Mr. WINDOM. I rise to a point of order.

The PRESIDING OFFICER. The Chair will state the pending point of order. The Senator from Alabama has made two points of order—one that the amendment is general legislation, and the other that it is irrelevant to the subject-matter of the bill. He has referred to both Rule 28 and Rule 29. As to Rule 28 the point of order has no application, but the points of order are covered by Rule 29, as Senators will see by looking at the rule. The Chair will now have the rule read and submit the question to the Senate whether the amendment is general legislation or is relevant to the subject-matter of the bill.

Mr. WINDOM. I desire to ask a question with reference to the point of order. As I understand it two points have been made: one that the amendment is not relevant, the other that it is general legislation. The point of order as to relevancy is not debatable. The point of order as to general legislation is debatable. Can a Senator prevent debate upon a point of order which is debatable by coupling it with another point of order which is not debatable?

The PRESIDING OFFICER. The Chair, when a point of order is made on a non-debatable question and the rule is mandatory, is required to submit it to the Senate. No Senator called for a division of the question.

Mr. WINDOM. I call for a division of the question.

The PRESIDING OFFICER. The Senator from Minnesota calls for a division of the question. Then the Chair will submit the two points separately.

Mr. CONGER. The rule says:

> And all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

The Chair had already stated that the question of general legislation comes in, which may be debated under this rule.

The PRESIDING OFFICER. The Senator from Michigan will observe that the Chair stated that the Senator from Alabama made

two points in one. It was not for the Chair to separate them; but the Chair suggested to the Senator from Minnesota [Mr. WINDOM] that no Senator had called for a division of the question, which was divisible. A division has now been called for and the Chair will put the two questions separately, first the one of general legislation, which comes first and which is debatable.

Mr. CONGER. On that I desire to be heard. Mr. President, a decision that such a proposition as this is general legislation would rule out of this bill the improvement of Charleston Harbor directly and absolutely. It is a canal formed by embankments for miles through a sand bank in the ocean; just as much a canal as if made on dry land above water.

Mr. BUTLER. May I ask the Senator——

Mr. CONGER. I will finish my remarks first.

Mr. BUTLER. Why does the Senator select Charleston Harbor for his remarks?

Mr. CONGER. That improvement is by the extension of dikes and dredging, making a canal for miles from the inner harbor out into the ocean through sand banks, some of them above water and some beneath water. It is a canal.

In this bill are many propositions to straighten rivers by cutting a canal through dry land. In this bill there are many propositions to turn the water from one river toward its mouth into another channel by a canal advocated here by gentlemen, and I can name them—a canal which is not the water-course of the river. A question of degree cannot determine this, whether it is a short canal or a long canal. The very opening of the mouth of the Mississippi through the South Pass was taking a place where there was no channel navigable, only six or seven feet of water, and cutting a canal by some means for two miles through the sand banks into the Gulf. That was a canal by jetties.

Mr. HARRIS. Will the Senator from Michigan allow me to ask him——

Mr. CONGER. When I get through the Senator can be heard. He refused to let me be heard at all, and I do not propose to give him my time.

The PRESIDING OFFICER. The Senator from Michigan declines to be interrupted.

Mr. CONGER. When he gives me the time I will give him a part of it.

Now, sir, as I say, there are propositions in this bill where the improvement proposed consists in opening a channel from one river by a canal into another or into a bayou. Why, sir, we have a proposition in this bill not only to dig a canal, but to make a lock in Louisiana—if Senators will look they will find it—to make and construct a lock through a marsh where there is no navigation at all. This bill bristles all over with propositions to dig artificial channels either through land above water or through land under water which is unnavigable; it is so all over the South, and I tell the gentlemen that if this point of order can be raised upon this proposition it will stop the progress of dozens and dozens of works provided for in the bill at the South in the marshy region, in the bayou region, and all over that country. It does not affect the Hennepin Canal alone, but it stops with a jerk dozens of these improvements at the South.

What is the object of this bill that you call this improvement "general legislation" on it. The whole bill is to improve the means of transportation by water, whether it be by building canals to connect navigable waters in one place with navigable waters in another, or whether it be with dredges to dig a canal where there has been a channel of some kind where water has flowed. Where is the legislation in this amendment? I do not speak to the merits of the work at all, but I do say that almost half of the appropriations in this bill have been made to dig canals through the earth under water or over water for navigation. There is not one of the improvements, from New York Harbor clear around the Gulf to Corpus Christi, but what has for its object the making an artificial canal from the mouths of rivers and bays out into the ocean, that are filled with earth or sand. The object is to provide for transportation that vessels may go and come, that they may carry freight, that they may be useful to the people.

Apply this rule, and who shall say whether the channel through a sand-bank or through other ground is excluded under such a rule as this? Is it relevant? Is it relevant to the object? The object is to make communication along water-courses or between water-courses. Where would the Louisville Canal have been if this rule had been applied, or the Keokuk Canal with its eight or ten or twelve miles of channel dug out upon the river, outside of its banks in many cases, or the Sault Sainte Marie Canal, dug through dry ground from the bed in the lake below to the river above, connecting Lake Superior and Lake Huron? They are all canals. It is a mere question of degree whether they are longer or shorter, and the question of degree cannot control any such case as this.

This work takes the improvements which have already been made from Lake Michigan down to Hennepin, a distance of some seventy miles, and there, instead of following the Illinois River two or three hundred miles to the Mississippi, makes a short cut across the land to the Mississippi of sixty-five miles, shortening navigation the whole distance.

Any one familiar with the appropriations made in the river and harbor bills for the last thirteen years will know that in a great many cases, in a majority of cases for improving harbors and improving streams, the engineers have recommended new cuts out of harbors by a shorter passage to the ocean or to the lake, a canal where there was no stream at all, and Congress has approved it. Why? Because the object was an outlet for the navigation of those waters to the greater waters beyond by the shortest, most expeditious, most convenient, most economical route.

Now the friends of this measure say that by digging a canal of sixty-five miles they can save some five or six hundred miles of navigation through the winding, tortuous channel of the Illinois River and the Mississippi River, and will save greatly the expense of transportation and even the expense of improving the Illinois and the Mississippi Rivers. That has been done in other cases North and South and all over this country. The purpose is to connect navigable waters; it is to dig canals along the channel of rivers where there is no navigable water. Half the appropriations in this bill are with a dredge to dig out the undisturbed earth that has lain for ages in the bottom of some of these streams and make a canal. You may say a river flowed there once. You might as well say the whole earth was deluged with water once, and land and stream were all submerged.

In principle, then, the one proposition is as germane to the subject of improving the navigability of the waters of the United States as another. It is only a question of degree. If this object is not of importance enough, the proposition being to connect two such great water-systems, the whole chain of the upper lakes with the great Father of Waters, the Mississippi, by the most convenient and direct and shortest route, then this ought not (when we come to the question) to be voted for, but as long ago as 1819, and from that time until now, this very project has been urged by almost every successive administration to connect the waters of the Mississippi with the great lakes and bring into communication by shipping the waters of the Mississippi and its tributaries and the waters of the great lakes.

NAVAL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; in which it requested the concurrence of the Senate.

Mr. HALE. I ask that the bill just received from the House of Representatives be referred to the Committee on Appropriations, and printed.

The bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. DAWES, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAULSBURY (by request) submitted an amendment intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian, to be used in the reckoning of longitude and in the regulation of time throughout the world, was read twice by its title, and referred to the Committee on Foreign Relations.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BUTLER. Mr. President, the Senator from Michigan [Mr. CONGER] calls me up with a pretty sharp turn because I propounded certain inquiries for the purpose of getting information myself. I think that if the Senator had given us a little more information and a little less venom, we should have got along a great deal better in this matter.

I have not made any point of order against this amendment; I have manifested no opposition to the amendment. The Senator from

Iowa [Mr. ALLISON] says I criticised it. Certainly I criticised it. I had a right to criticise it. He appeared to put me in opposition to the amendment when I was simply asking for information, and the Senator from Michigan gets up and talks about the Charleston Harbor and says the works in the South will be stopped. I take it for granted the South can stand it as well as any other part of the country. I had no idea of injecting into this debate anything of that sort, but the Senator gets up and arraigns me and says that the Charleston jetties are just as much a canal as the Hennepin Canal. If the Senator had informed himself about what the cost of the Hennepin Canal would be and had given us some information upon that subject rather more than his vague opinion as to what a canal is, I should have been very much obliged to him. I do not say this in any spirit of disrespect to the Senator; but if he has no more knowledge of what the Hennepin Canal is than that which he has manifested in the remarks he has just made, I think he can scarcely ask any Senator on this floor to vote for it.

The Senator from Iowa says it will cost three million and some odd hundred thousand dollars. I have examined the report of the engineers made in 1870, and I find that one of the estimates is that the canal and feeders will cost over $12,000,000. What are the facts about it? The Senator from Michigan is a member of the Committee on Commerce, and he has not vouchsafed to give us one particle of information on that subject, and no other Senator that I have heard has done so; and yet we are asked to vote blindly for an amendment appropriating $100,000 for something which nobody on this floor seems to know anything about.

Mr. President, I agree entirely with the Senator from Iowa that it is very important to open these water-ways, and I have been as liberal as any Senator on this floor on that subject, and propose to be, and when I have the information which will justify my vote I think it quite likely that I shall vote for this measure; but I do not think it entirely fair when I ask for information that I should be arraigned as opposing the river and harbor bill. I have not criticised the amendment in any adverse or hostile spirit.

Mr. McMILLAN. I understood the Senator from South Carolina to object to this item in the bill, that it provided for creating a canal, that it was not the improvement of a stream of water.

Mr. BUTLER. I did not object to it on that ground. I asked the chairman of the committee for information, for I really did not have it; I was not posted and informed as to what the canal was, and simply because I asked him his opinion as to the constitutional power of Congress—I expressed no opinion of my own—I was very glad to hear the Senator commit himself——

Mr. McMILLAN. I refer to the case of the Santee River and the Musquito Creek improvement, which is the construction of a canal, straightening a channel and making a stream of water.

Mr. BUTLER. Precisely; but that was a navigable creek.

Mr. McMILLAN. It is proposed here to cut a channel from one to the other.

Mr. BUTLER. Precisely. I have not said Congress has not the right to do this.

Mr. McMILLAN. I misunderstood the Senator.

Mr. BUTLER. I have simply asked the chairman of the committee to give me information as to what it will cost, but he has not been able to give it.

Mr. McMILLAN. The chairman has referred the Senator from South Carolina to the reports that have been made. I have told the Senator from South Carolina that the books were in the immediate possession of the Senator from Iowa. He has referred the Senator from South Carolina to them; he has given him the specific information conveyed to Congress, to the Secretary of War, to the different Departments of the Government; and if the Senator from South Carolina cannot understand that, I cannot explain it more fully to him.

Mr. BUTLER. I cannot understand that report at all. The chairman of the Committee on Commerce brings a bill into the Senate with an important amendment to it, and when he is asked for information he loses his temper and refers me to another Senator.

Mr. McMILLAN. No temper whatever has been lost by me, sir. I have referred to the reports of the engineers just as we have the reports of the engineers for the improvement of Charleston Harbor, for the improvement of the Santee River, for the proposition to cut a canal from Musquito Bay so that an outlet can be given to Winyah Bay. All these matters are contained in the reports of the engineers, and I leave them just where they are left in the reports.

Mr. VEST. The Senator does not mean to say that there is anything about the Hennepin Canal in those estimates?

Mr. BUTLER. Not one word.

Mr. McMILLAN. Not in this volume of reports, but it is in reports of the engineers which the Senator from Missouri has in his possession.

Mr. VEST. I have never had them in my possession. I have heard the Senator from Iowa state in committee and here that the cost of that work would be $3,900,000. There is another estimate here by an engineer, Mr. Low, that makes it $12,000,000.

Mr. HAWLEY. And another $19,000,000.

Mr. VEST. And another $19,000,000. Which is it? It was stated that it would only cost two and a half millions. I want to know which one of the charmers is to make us happy.

Mr. HAWLEY. Are we discussing the point of order, or the merits of the amendment?

The PRESIDING OFFICER. The point of order.

Mr. HAWLEY. Is discussion of the merits in order?

The PRESIDING OFFICER. It is not.

Mr. HAWLEY. I have been waiting to say a few words on that subject, but nearly all I intended to say has been said on the point of order. I call for a decision on the point of order.

The PRESIDING OFFICER. The Senator from Alabama has made the point of order that this is general legislation and not in order. The Chair submits the question to the Senate, is this amendment in order under the exception taken by the Senator from Alabama?

Mr. VEST called for the yeas and nays, and they were ordered.

Mr. BUTLER. What does the Chair rule?

The PRESIDING OFFICER. This is not the question of relevancy but of general legislation. There are two points of order raised by the Senator from Alabama, but they were grouped. They were divisible and have been divided. Now, the question is on the point of order whether this is general legislation that will exclude it as a proper amendment to the bill under Rule 29. Those who so believe will vote "yea;" those who do not so believe will vote "nay." The Secretary will call the roll.

Mr. ALLISON. Wait a moment. Those who believe that this is proper legislation vote "nay?"

The PRESIDING OFFICER. Yes. The point of order is that this amendment is not in order, being general legislation. Those who so believe will vote "yea;" those not so believing will vote "nay."

Mr. INGALLS. That looks like putting the cart before the horse.

Mr. HAWLEY. Is not the question, Is this relevant?

Mr. HARRIS. The question is, Is the amendment in order under the rule? If so, those who believe it is in order vote "yea," and the contrary opinion "nay."

The PRESIDING OFFICER. That is a question of taste. The Chair will so put it if the Senator from Tennessee desires.

Mr. HARRIS. I think that is the proper way.

The PRESIDING OFFICER. Is this amendment in order? Senators so believing will vote "yea."

Mr. HOAR. I thought the Chair was dividing the question.

The PRESIDING OFFICER. It has been divided before.

Mr. HOAR. Is the Chair throwing it together now?

The PRESIDING OFFICER. It is separated. Does the Senator desire to divide it still further? If so it is not divisible any further.

Mr. HOAR. On which branch of the question are we voting?

The PRESIDING OFFICER. On general legislation, not on relevancy.

Mr. HOAR. The Chair does not put that question.

The PRESIDING OFFICER. The Chair has so stated.

Mr. HOAR. I beg the Chair's pardon. I understand the Chair to put the question, Is the amendment in order? If that be true, the Senate having voted that it is in order, it concludes all questions. I have no objection to it; but I want the Senate to understand it.

The PRESIDING OFFICER. The Chair stated distinctly that the points made were divided, and that the point of order now made, which came first, was whether this was general legislation; and if so, that it was excluded by the rule. The Chair now puts the question, under that separation, whether this amendment is in order or is inadmissible as being general legislation.

Mr. INGALLS. Has the division been requested?

The PRESIDING OFFICER. It has been by the Senator from Minnesota, [Mr. WINDOM.] The Chair was appealed to to divide the points.

Mr. MORGAN. I think the Senator from Massachusetts is entirely right about this. I made the point that this amendment was not in order. I cited a certain rule of the Senate under which I insist it is not in order. The Chair submits that question to the Senate. I think, therefore, the vote is upon the question as to whether the amendment is in order under the rules of the Senate. Those who think it is will vote "yea."

The PRESIDING OFFICER. In answer to the Senator from Alabama, the Chair states that the points were divisible: the call for a division was made by the Senator from Minnesota. The Chair is now putting it according to the demand of the Senator from Minnesota, and the point of order coming first is: Is this general legislation? And, if so, under the rule is it excluded? Those who believe that this amendment is in order under the clause of the rule excluding general legislation will say "yea;" those who believe it is not will say "nay." The Secretary will call the roll.

The yeas and nays were taken.

Mr. ALDRICH. I am paired with the Senator from Maryland, [Mr. GORMAN.]

Mr. COCKRELL. I am paired with the Senator from Colorado, [Mr. HILL.] Not knowing how he would vote if present, I will not vote.

The result was announced—yeas 33, nays 18; as follows:

YEAS—33.

Allison,	Call,	Dawes,	Hale,
Anthony,	Cameron of Wis.,	Ferry,	Harrison,
Blair,	Chilcott,	Frye,	Hawley,
Butler,	Conger,	George,	Hoar,

Jackson,	Kellogg,	Pugh,	Van Wyck,
Johnston,	Lapham,	Ransom,	Walker.
Jonas,	McMillan,	Saunders,	
Jones of Florida,	Mahone,	Sawyer,	
Jones of Nevada,	Mitchell,	Sewell,	

NAYS—18.

Beck,	Hampton,	Platt,	Vest,
Coke,	Harris,	Rollins,	Voorhees,
Farley,	Maxey,	Saulsbury,	Williams.
Garland,	Morgan,	Slater,	
Grover,	Pendleton,	Vance,	

ABSENT—25.

Aldrich,	Davis of W. Va.,	Ingalls,	Morrill,
Bayard,	Edmunds,	Lamar,	Plumb,
Brown,	Fair,	Logan,	Sherman,
Camden,	Gorman,	McDill,	Windom.
Cameron of Pa.,	Groome,	McPherson,	
Cockrell,	Hill of Colorado,	Miller of Cal.,	
Davis of Illinois,	Hill of Georgia,	Miller of N. Y.,	

The PRESIDING OFFICER. The Senate declares the amendment in order under the clause of the rule as to general legislation. The question now recurs on the second point of order as to relevancy. Is this amendment in order under that clause of the rule?

Mr. MORGAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 33, nays 17; as follows:

YEAS—33.

Allison,	Ferry,	Jonas,	Ransom,
Anthony,	Frye,	Jones of Florida,	Rollins,
Blair,	George,	Jones of Nevada,	Saunders,
Butler,	Hale,	Kellogg,	Sawyer,
Call,	Harrison,	Lapham,	Sewell,
Cameron of Wis.,	Hawley,	McMillan,	Walker.
Chilcott,	Hoar,	Mitchell,	
Conger,	Jackson,	Platt,	
Dawes,	Johnston,	Pugh,	

NAYS—17.

Beck,	Grover,	Pendleton,	Voorhees,
Brown,	Hampton,	Saulsbury,	Williams.
Coke,	Harris,	Slater,	
Farley,	Maxey,	Vance,	
Garland,	Morgan,	Vest,	

ABSENT—26.

Aldrich,	Edmunds,	Lamar,	Morrill,
Bayard,	Fair,	Logan,	Plumb,
Camden,	Gorman,	McDill,	Sherman,
Cameron of Pa.,	Groome,	McPherson,	Van Wyck,
Cockrell,	Hill of Colorado,	Mahone,	Windom.
Davis of Illinois,	Hill of Georgia,	Miller of Cal.,	
Davis of West Va.,	Ingalls,	Miller of N. Y.,	

The PRESIDING OFFICER. The Senate declares the amendment in order.

Mr. HAWLEY. Mr. President, I am somewhat in the condition of others here; I am quite willing to vote for a reasonable proposition for a Hennepin Canal upon proper surveys and estimates. I say I am willing, and I suppose I should be, for I presume that those estimates would show that the thing was feasible; but I submit that we have not the proper estimates now. I have been carefully looking over the two reports referred to in the debate, but I cannot find such estimates there.

Let me call the attention of the Senator from Iowa to these reports. The survey of 1875 was under the general orders of Colonel Macomb, conducted by Mr. F. C. Doran, a civil engineer, to whom was allotted that part of the work. That was the survey of a great canal with locks 375 feet by 75, and I suppose the Senator would not like to be confined to that in his estimate for $3,900,000, because the estimate for that is $19,780,534.84, with an omission, as Macomb says in his letter of transmission, of some necessary items concerning locks in a certain place which would raise it $641,284, giving it in Macomb's letter as $20,421,819. That cannot be the one; but if it were the one, after getting through with five or six pages, he says:

With a small party I repaired to the field, but the inclement weather interfered very seriously with the work. The bad state of the weather continuing and the close of the season being at hand, it was determined to postpone this part of the work until the opening of another season.

During a hurried examination of the country I found another reason for deferring the work in the fact that this survey should, to accomplish the best result and to furnish the information desired, embrace a resurvey of the entire western division of this route.

The notes collected are too meager to base an estimate upon, and I refrain from expressing an opinion as to the probable relative advantages of certain proposed terminal points.

That, then, disposes entirely of the 1875 report as any basis of judgment or legislation; but now I go to the only other one that has been referred to.

Mr. FARLEY. When was that report made?

Mr. HAWLEY. In 1875. It is in part second of the Engineer's report for 1875–'76.

Mr. ALLISON. That report was made wholly with reference to that portion of the canal lying between Hennepin and the city of Chicago, and the engineer who makes the report expressly refers to the former survey made by another engineer, so that he did not undertake and he was not instructed to undertake a survey of that portion of the line from Hennepin to the Mississippi River, and of course he did not make it.

Mr. HAWLEY. I am in search of information. Macomb says to General Humphreys that he presents the report of Mr. F. C. Doran, assistant engineer, who was charged "with the duty of making the surveys and estimates for the Hennepin Canal route, and particularly for the extension to Chicago."

Mr. ALLISON. Yes, sir.

Mr. HAWLEY. Do we not undertake that extension at all in this bill?

Mr. ALLISON. Not now.

Mr. HAWLEY. It has nothing to do with it?

Mr. ALLISON. Nothing whatever.

Mr. HAWLEY. Then the Senator was mistaken originally in referring to the report of 1875 as having anything to do with it, and I lay that aside. The report of 1870 is by Colonel Macomb, transmitting the report of Mr. Gorham P. Low, jr., civil engineer and assistant, a very brief report.

If that report covers the Hennepin Canal it covers a very different canal from the one we have under consideration:

I have, therefore, estimated for a ship-canal section 160 feet in width at the water-line, and 7 feet deep, with slopes of 2 to 1; and for locks 350 feet long and 75 feet wide.

That is 200 feet longer in the locks and 15 feet wider; I will not attempt to go into the other details which are here set forth at some length; but toward the close about half a page is all that refers to the canal named in this amendment. It is all that is to be found mentioned in his report anywhere referring to this proposition—less than half a page as an appendix.

That part of the report giving estimates for a commercial canal between Hennepin and the Mississippi River—

That is what we are considering here, I suppose—

will be of interest to the canal commissioners of the State of Illinois, and to that part of the community whose interests would be promoted by such a line of communication; and as the ship-canal survey—

Which is evidently the general work—

afforded the data for such an estimate, I authorized it to be appended to the report upon the ship-canal survey.

After going through with this ship-canal survey, which Doran estimates at a cost of $12,479,693.37—twelve and a half millions in round numbers—and completing his remarks on that, he says:

The facts in relation to the large canal having been brought to your notice, you verbally directed me to report and estimate upon a canal of smaller section. I have, therefore, proposed a canal section 60 feet wide at the water-line and 6 feet deep, and having slopes of 2 to 1, with locks 150 feet in length and 21 feet in width.

I recall these two figures as in this amendment; I do not remember any other dimensions now.

These dimensions correspond to those adopted by J. O. Hudnutt, civil engineer, in his estimates for a canal over nearly the same route, based upon surveys made in the summer of 1866.

And he goes on to give various estimates that I need not trouble the Senate with, concerning the locks and swing-bridges, &c., very brief, and in very general terms, the amount of water required for the canal, for evaporation, for lockage, and the demand from Rock River, at Dixon, for a feeder, &c., and then he gives his estimates by sections.

The locks proposed for this work will admit boats of a capacity of two hundred and eighty tons.

That is the figure given in the amendment; so I suppose this is the estimate on which it is based:

At three locksful to a boat, 18,760 tons could be passed daily.

Freight could be brought in tows from points on the Upper Mississippi to the canal, and then by horse-power through this canal to the Illinois River, and through the Illinois and Michigan Canal to Chicago without breaking bulk. I have not considered it any part of my duties to report upon the commercial advantages of this project, nor have I at hand sufficient data for the purpose. I have endeavored to make the estimate sufficiently high, and am of the opinion that the amount stated above would fully cover the cost of construction. The amount of earth-work would probably be somewhat reduced upon a final location.

And here comes the innocence of this civil engineer:

No estimate has been made for land damages, but it is presumed that the counties and cities immediately benefited by the work would relieve the Government from any expenditure under that head.

Colonel Macomb says:

I cannot say that I agree with Mr. Low in the conclusion that, in case of the construction of the canal, "the counties and cities immediately benefited by the work would relieve the Government from any expenditure for damages," but the great cost of the ship-canal will probably prevent the Government from immediately undertaking the work, especially in view of the good water communication between the lakes and the Mississippi by the Illinois River improvement now in progress.

Then he refers to the minor or commercial canals as being of interest to the canal commissioners of Illinois. Now we are asked to undertake a work costing at the lowest possible estimate very near $4,000,000, when there is not put into that estimate the cost of land damages anywhere, the purchase of houses and farms, and the damage to houses and farms by the inevitable leakage that every one knows accompanies a canal. Nor is there put in it the damages that would be claimed by the people enjoying the benefits of Rock River by reason of the very great reduction in the volume and force of that river by taking out so much of it for a feeder.

Mr. BUTLER. Nor of maintenance.

Mr. HAWLEY. Of course nothing is said about maintenance, and that should be capitalized also. I am sure I am utterly unable to make any estimate of that. I should like to know some of these things be-

fore I vote; to know whether it will cost $50,000 or $200,000 a year, or what it will cost to keep the canal in order and run it, because that annual cost is to be capitalized and added to the original cost in all fairness.

These are reasons why I find it exceedingly difficult to vote for this amendment without some estimate. There is none but an incidental appendix of less than half a page referring to the canal in general terms.

Mr. McMILLAN. Before the Senator sits down——

Mr. HAWLEY. There is nothing that I have found. I am seeking for information. I may be wrong.

Mr. McMILLAN. The reports of the engineers are all accompanied with appendices in every volume, and they are not more than half a page any of them. You can find important improvements here, two or three on a page, in all the reports.

Mr. HAWLEY. But the main report here occupies three or four pages.

Mr. McMILLAN. Here are two volumes of appendices to the report of the Chief of Engineers, constituting the reports of the local engineers.

Mr. HAWLEY. There are maps and profiles, of course, besides these.

Mr. ALLISON. I want to say a word or two in reference to these reports, and I am very sorry they do not satisfy my friend from Connecticut. Of course it is impossible for any report to contain the details of mathematical demonstration as to the cost of any of these improvements. Take, for instance, the harbor at Cleveland, Ohio; I will illustrate by that. Two or three years ago the local engineer estimated that it was a wise thing to enter upon a new improvement there, and that improvement was entered upon by an appropriation in a river and harbor bill, the cost of which when completed will be $1,200,000. Of course if a detailed report had been put in and it had been proposed here to appropriate $1,200,000, somebody would have said it was a great expense; but we go on by degrees, and in this very bill is $150,000 for the harbor at Cleveland, being a part of the $1,200,000, or whatever it may finally turn out to be when the harbor is completed. So these reports, as the Senator from Minnesota very properly says, are of necessity brief.

Now let me turn to the report read by the Senator from Connecticut, made in 1875. I read now from volume 2, part 2, of the Engineer's report for 1875-'76, page 525. Colonel Macomb states:

In considering the Hennepin Canal as a part of the water-communication desired for connecting some point on the Mississippi River, near Rock Island, with Lake Michigan, at Chicago, it appears that the basin at Hennepin is about 100 feet below the level of the Mississippi River in the vicinity of Rock Island—

It is 100 feet below the level of the Mississippi at Rock Island—

and nearly 140 feet below the level of Lake Michigan.

So that you have a fall between Hennepin and Lake Michigan, which is an inexhaustible reservoir, I will say to my friend from Connecticut, of 140 feet, and that is the way water will get into the river Illinois when this improvement is completed.

A survey was made to ascertain if the lockage required to pass this depression of the Hennepin basin could be avoided. This survey led to the conclusion that, on every account, the Hennepin Canal and Upper Illinois River, and enlarged canal from Joliet to Chicago, will afford the best through route for navigation between the Mississippi River and Lake Michigan that can be secured in this vicinity.

Ought not that to be satisfactory?

Mr. HAWLEY. Do I understand that there is no feeder required?

Mr. ALLISON. I will come to the feeder question presently. This is Colonel Macomb's statement:

In the estimates originally made for a commercial canal, due consideration was not given to the necessity of having the locks large enough to pass such barges as are used for freight on the Upper Mississippi, and I therefore caused estimates to be prepared for locks of one hundred and seventy feet in length and thirty feet in width, which will increase the estimate for the Hennepin Canal, or third division of the route, by some $641,284.

And that sum is added to the $3,900,000. Colonel Macomb states that in order to pass the barges that are in use upon the Mississippi River it is necessary to have a lock thirty feet wide rather than a lock twenty-one feet wide; but since this report was made the barge width on the Mississippi River has been changed in a great degree, and I am told by the best informed people that a lock twenty-one feet wide will enable the barges now in use on the Mississippi River from Saint Paul to go through to Chicago without breaking bulk if this Hennepin Canal is built. That may not be a desirable thing; it may not be a desirable thing to have communication with Chicago direct from Saint Paul by means of this canal; that is for the Senate to say. I think it is.

Mr. BUTLER. If it does not interrupt the Senator, I should like to call his attention to a difference in the estimate made by Mr. Low, civil engineer, and the dimensions of this canal as provided in this amendment. As I understand, his estimate is based on a canal sixty feet wide, and this provides that the canal shall be seventy feet wide.

Mr. ALLISON. The Senator will bear in mind that I said that there was a variation, as engineers make slight variations, just as they do in Charleston Harbor, if my friend will not be offended by my referring to that. When Mr. Doran made his report under instructions from Colonel Macomb, he was not instructed to go into the Hennepin question again; he was instructed to make an estimate for the enlargement of the Illinois and Mississippi Canal and not to look into the question of the Hennepin Canal. However, he says in this report I call attention to, page 530:

November 14 I received an order to resurvey a part of the western division of the Hennepin Canal route, and to examine the country lying between the Rock and the Mississippi Rivers.

The Rock and the Mississippi Rivers at that point are probably eight miles apart. Why did Colonel Macomb give him that order? For the purpose of having a more accurate survey of the Hennepin route? Not at all. He states why—

The survey to be conducted especially with a view to ascertain the most favorable point on the river at which to establish the western terminus of this route.

Colonel Macomb did not think it worth while to resurvey this route in 1875, because under the orders of Congress in 1871 and 1872 one of his engineers had made a very careful survey, and all he asked this engineer to do was to resurvey the western terminus of this canal. Here is the report made by the engineer under instructions to Colonel Macomb.

I repeat what I have said hitherto about Colonel Macomb; he is one of the best engineers and one of the most careful engineers in the Army, and one having the longest experience probably with one or two exceptions of all the engineers in the country, and Colonel Macomb sent this careful engineer to make this survey.

Why was it that a survey was made for a ship-canal? It was because the law directed such a survey. The law of 1870, which we passed, directed that a survey for a ship-canal should be made from Hennepin along to the Mississippi River, and Colonel Macomb of course gave his instructions to carry out that view, but he did instruct Mr. Doran to ascertain what the cost of a commercial canal would be, and he makes that report. My friend from Connecticut finds fault with the fact that this engineer did not state in detail in this report why he thought it would only cost $3,900,000 to make this canal. He says that he rather overestimated the cost. Of course that was a canal sixty feet wide with locks twenty-one feet in width. He gives the whole cost:

The eastern division, from the Illinois River to the feeder, is estimated to cost $1,467,202.44, or $56,736.37 per mile; the western division, from the feeder to the Mississippi, $1,429,708.50, or $36,241.03 per mile; the feeder, $1,002,811.79, or $26,306.71 per mile; making the total for the whole work $3,899,722.64, or $8,579,970.63 less than for the larger canal.

It could not have been a very imperfect and *ad captandum* survey that would get the figures down to sixty-four cents. He evidently made this survey for a commercial canal (I call the attention of my friend from Connecticut to that point) with some little degree of accuracy when he brought it down to a sixty-four-cent suggestion. He made it of course upon calculations of the cost of excavation and embankment and the cost of masonry, and so on. He says:

A tabular detailed statement of this estimate accompanies this report.

What does that mean?

Mr. BUTLER. Where is that?

Mr. ALLISON. Where is it? It is in that great reservoir called the War Department. Of course we do not haul down these reports. If we had the detailed statements here accompanying the reports, with respect to the items in this river and harbor bill, they would fill one-half the Senate Chamber. We do not call for these reports. Senators are not so exact in reference to other matters as they seem to be in reference to this Hennepin Canal. He refers to the very place where you can get accurate and detailed information, and he says he transmits it with his report:

The surveys were made wholly for the purpose of locating a canal 160 feet wide, and the narrower section would probably admit of following the bluffs more closely and thus effect a large saving of earth-work.

There is the statement; and I submit to Senators that it is as full and in as much of detail as it is possible to make under the circumstances.

Now, one word with reference to the feeder. There seem to be some people somewhere about the Capitol who are interested in defeating this object; I do not know where they come from, and I do not even suggest where they come from; but I submit that gentlemen do not come into the Senate Chamber and circulate minority reports without having some occasion to do it. The Senator from Connecticut has fallen into an error which has been suggested from a minority report put upon his table doubtless, as it has been placed on mine.

Mr. HAWLEY. I have the pleasure of saying that nobody under the sun has said a word to me against this canal. A great many have spoken to me in favor of it, and I have never seen any minority report.

Mr. BUTLER. That is precisely my experience. I have not heard a human being say a word against it. I have received many communications in favor of it.

Mr. ALLISON. I am glad the Senator has, because a great many communications have been sent in favor of it, and I am sorry Senators have not had more, because it is a thing that a great many people are deeply interested in, for they want if they can to cheapen the cost of the transportation of the great products of a region comprising one-third of the area of the States of this Union.

But I was calling attention to the question of the water-power. This engineer in estimating the water-power for a ship-canal to be

used constantly did say that there would be a lack of water from the Rock River; but when you come to the question of water-power for a commercial canal only, I state upon my reputation that there is ample water-power for the use of this canal without disturbing in the slightest degree any manufacturing industry in the region of Rock River or any that is likely to be established there within the next century. There is an ample surplus of water-power there for their purposes.

That, then, has no relation whatever to this matter, and there is no question of damages. There may be some people who may want damages, but there can be no question of a reduction of water-power upon the basis of a commercial canal.

I submit to my friend from Connecticut that although he has not had and does not have from these reports that absolute accuracy which he may seek with reference to this improvement in order to enable him to vote intelligently, yet he must trust in these matters to the distinguished engineers of our country without going, and I would not undertake now to go, into an investigation of how many yards of embankment, how many yards of excavation, how many perches of stone are to be put into this canal. I cannot do that.

I must trust that to the trusted men of our Army whose business it is to make these calculations and to expend the public money in this regard and whose education enables them to do it with accuracy and, I am glad to say, with absolute integrity. We are asking that this work shall be done by the Government, and that it shall be done with the greatest care; that it shall not be done, however, by any portion of our people as a monopoly whereby money can be charged to the transportation of products, but that it shall be open to all the people who desire to use it for the purposes of transportation.

I submit that we have practically all the information that we can get upon this subject to vote intelligently.

Mr. HAWLEY. I think I am substantially correct in saying that all we have in regard to this canal is half a page of the report of 1870, twelve years ago, and that that is subsidiary to the main purpose of the report then made, Low having been sent out by Macomb to survey for a large ship-canal and having afterward been orally, or as the engineer says, "verbally directed" to make an estimate for a commercial canal of smaller dimensions. That, therefore, is merely subsidiary and by way of appendix, and Macomb in transmitting it makes no recommendation whatever to the Government concerning it. He says it will be of interest to the canal commissioners of the State of Illinois. As to his big ship-canal, which he did send out men to estimate for, he says the great cost will probably prevent the Government from undertaking the work.

One more point. The Senator from Iowa said nothing about the land damages. I take it, of course, we expect something to be paid for land damages. The engineers make no calculations as to the commercial value of these enterprises; that is not their duty. They do not undertake to tell us how many boats will go over; how much the lockage will cost; how much the annual maintenance will be; what the probable benefit to the regions of country surrounding will be. That they consider a little out of their field. They confine themselves to the technical engineering work only.

Now, as I understand, in one place there are 409 feet of rise and fall, and in another I understand, rather from the Senator from Iowa himself, that they are to go up about 207 feet and come down 92 feet. There are twelve large locks up and nine down.

I should like to know how much it is going to cost. One of these boats carries about the contents of an ordinary freight-train, and it has got to be lifted two hundred and seven feet and taken down ninety-two feet in going seventy-seven miles. All these things are matters of cold calculation to business men. If the Hennepin Canal seventy-seven miles long would cost only $4,000,000 and promised a great profit, many of the enterprising capitalists of the East would have put their money there long ago instead of throwing it away in Nevada and other silver-mines. I am willing to be convinced on a good thorough estimate, commercial as well as engineering.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. Before that motion is put I should like to submit an amendment to this amendment, with a view of having it considered to-morrow.

Mr. MCMILLAN. I suppose we cannot finish the bill to-night, and it will be the unfinished business to-morrow.

The PRESIDING OFFICER. Certainly.

Mr. BUTLER. I submit to the Senate the following amendment to the amendment of the committee:

Strike out all after the word "surveys," in line 1091, and insert in lieu of what is stricken out in that paragraph "and that the annual cost of the maintenance of said canal when completed shall be estimated for and accompany the report of the said survey." Then retain all from and including lines 1098 to 1107; then strike out all after the word "commenced," in line 1107 to line 1193, inclusive; and in line 1194, insert after the word "dollars," "or so much thereof as may be necessary."

I submit the amendment, which I will hand to the Secretary.

Mr. LAPHAM. Before the motion is put I call the attention of the chairman of the Committee on Commerce to line 84 of this bill, where there is a clerical error which ought to be corrected. The words "by removal of sunken rock" have been inadvertently inserted, following a prior appropriation which was for the purpose of removing rocks. The rocks have now been removed, and if it is thus limited it will destroy the force of the appropriation. I ask that those words be stricken out.

Mr. MCMILLAN. The committee have made no amendment to that clause of the bill. That is the language of the bill as it came from the House.

Mr. LAPHAM. Certainly it is; and my colleague, who had charge of it, being absent, by inadvertence it has not been noticed.

Mr. CONGER. That amendment can be made hereafter.

Mr. LAPHAM. Very well.

Mr. INGALLS. I insist on my motion.

Mr. SAUNDERS. I hope the Senator will allow me to have the unfinished business laid before the Senate.

The PRESIDING OFFICER. That will be understood.

Mr. INGALLS. That will appear on the Journal.

The PRESIDING OFFICER. The unfinished business was temporarily laid aside for the consideration of the river and harbor bill. The unfinished business is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor. The unfinished business will be temporarily laid aside for the river and harbor bill.

Mr. INGALLS. It is important that we should have an executive session. I ask that the question be put on my motion.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-nine minutes spent in executive session the doors were reopened, and (at five o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 6, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

FORT NIOBRARA MILITARY RESERVATION.

Mr. VALENTINE. I ask unanimous consent to take from the Speaker's table and pass the bill (S. No. 835) to restore certain portions of the Fort Niobrara military reservation, in the State of Nebraska, to the public domain, and for other purposes.

Mr. THOMPSON, of Iowa. I am compelled to object.

Mr. O'NEILL. Is it designed to have the unanimous consent go around?

The SPEAKER. The Chair would be glad to do so.

Mr. O'NEILL. The House is not half full, and we might do a great deal of business by unanimous consent.

The SPEAKER. Is the regular order demanded?

Mr. O'NEILL. Nobody has demanded it.

BRIDGES OVER PEARL RIVER, LOUISIANA.

Mr. SINGLETON, of Mississippi. I ask unanimous consent, Mr. Speaker, to take from the Speaker's table and put upon its passage Senate bill (No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain.

The SPEAKER. The bill will be read, subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That the New Orleans and Northeastern Railroad Company, a corporation organized for the purpose of constructing a railroad between New Orleans, Louisiana, and Meridian, Mississippi, be, and is hereby, authorized and empowered to construct, build, and maintain bridges over and across the navigable waters of the United States on the route of said railroad from New Orleans, Louisiana, to Meridian, Mississippi, as now located, or as said route may hereafter be located, for the use of said company, and the passage of its engines, cars, passengers, mails, and merchandise thereon: *Provided, however*, That said company shall construct its bridges over and across the waters known as East Pearl River, West Pearl River, and Lake Pontchartrain, in accordance with such plans devised for the safe passage of vessels as shall be approved by the Secretary of War; and that said company shall construct and maintain such facilities and be governed by such regulations for the passage of vessels as the Secretary of War shall approve.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers and freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridges shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main spans shall be over the main channels of the rivers and lakes across which said bridges may be constructed, and the bridges shall be at right angles to and their piers parallel with the current of said rivers and lakes: *Provided*, That if the same shall be constructed as draw-bridges, the draws or pivots shall be over the main channels of said rivers and lakes at accessible points, and the spans shall not be less than one hundred and sixty feet in length in the clear, and the piers of said bridges shall be parallel with and the bridges at right angles to the current of the channels, and the spans shall not be less than ten feet above high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridges: *Provided*, That said draws shall be opened promptly by said company, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board shall prescribe. No

bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said rivers and lakes; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridges. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said rivers caused or alleged to be caused by said bridges, the case may be brought in the district court of the United States of the States of Louisiana and Mississippi in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt these bridges from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War, upon hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2 in regard to charges for passengers and freight across said bridges shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridges by said companies for the use of said bridges.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers and lakes as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridges and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river or lake, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream or lake, the location of any bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be built; and should any change be made in the plan of said bridges during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Mr. SINGLETON, of Mississippi. This bill, I will explain briefly, has been passed by the Senate and is in the exact form of the other bills of this character which have been passed by the House. The plans, specifications, and diagrams of the bridges have to be submitted to the Secretary of War and receive his approval before their building is permitted; and all power necessary to alter, change, or amend the law is reserved in the bill. The interests of commerce and the Government are fully preserved and every precaution taken to guard the public interests in connection with the matter.

The bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BINGHAM. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 1549——

Mr. UPSON. I object.

Mr. HOLMAN. I demand the regular order.

Mr. ANDERSON. This is simply a relief bill.

Mr. UPSON. I call for the regular order.

Mr. REED. I would like to have an opportunity to get before the House one or two bills of public interest.

The SPEAKER. The regular order being demanded will prevent the recognition of any gentleman to ask unanimous consent.

Mr. O'NEILL. Can I not ask unanimous consent to pass a private bill?

The SPEAKER. The regular order is insisted upon.

Mr. BINGHAM. I understand the gentleman from Texas withdraws the demand for the regular order.

The SPEAKER. The Chair understands the regular order as having been demanded by other gentlemen.

COMMON PRIME MERIDIAN.

Mr. BELMONT. I rise to a privileged motion. I now call up the motion to reconsider the vote by which the House refused to order the engrossment and third reading of the joint resolution H. R. No. 209:

Joint resolution to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the reckoning of longitude and in the regulation of time throughout the world.

The SPEAKER. The question is on the motion of the gentleman from New York to reconsider the vote by which the House refused to order the engrossment and third reading of the joint resolution, the title of which has just been read.

Mr. BELMONT. I have called this joint resolution up, Mr. Speaker, for the second time, and I now make this motion to reconsider the former action of the House with reference to it for the reason that I believe there was some misapprehension on the former occasion when I introduced it, possibly owing to my own fault. When the gentleman from Kentucky made some suggestions about the possible result of this commission, that their action might require the reconstruction of all our present maps and charts, I was under the impression that the gentleman was objecting to the consideration at that time and that the House had refused unanimous consent which I had asked. Instead of that, however, the objection was of the character I have just stated, and the House proceeded to a vote upon the joint resolution, as I believe, under a misapprehension, nothing having been said in favor of it. I do not know that there is anything that I can now say that will have much effect in influencing the judgment of the House——

The SPEAKER. Unanimous consent was given by the House for the consideration of the joint resolution, but the House refused to order its engrossment and third reading. It is now the motion to reconsider that vote which is pending.

Mr. BELMONT. It was my mistake——

The SPEAKER. The motion is not debatable.

Mr. BELMONT. I only desire to say that the joint resolution had the unanimous recommendation of the Committee on Foreign Affairs, and some such statement in reference to it was due to the House on the former occasion; but, as I have just said, I was under a misapprehension as to the point made by the gentleman from Kentucky.

Mr. KASSON. I hope the motion to reconsider will be adopted.

The SPEAKER. The question is on the motion of the gentleman from New York to reconsider the vote by which the House refused to order the joint resolution to its engrossment and third reading.

The motion was reconsidered.

The SPEAKER. The question now recurs on ordering the joint resolution to be engrossed and read the third time.

Mr. FLOWER. Mr. Speaker, this joint resolution was introduced by myself and referred to the Committee on Foreign Affairs. There are over three thousand scientists in this country who ask the passage of this resolution. It was drawn up by General Hazen and is distinctively an American measure. If this convention is not convened by us it will be by other nations. It will not cost the Government one dollar.

Mr. CARLISLE. I would like to ask the gentleman from New York if he will not accept such an amendment to this joint resolution as will provide for the appointment of these delegates by the President either from the officers of the Navy or from the Engineer Corps? These are already paid by the Government of the United States, and there is no necessity for subjecting the Treasury to additional expense in the selection of such a board from outside scientists, when officers capable of performing the service are already being paid by the Government. We have a board of competent officers connected with the Observatory, the Coast Survey, and the Engineer Corps of the Army, from whom such selections could be made.

Mr. KASSON. The scientific people of the country are almost unanimous in their recommendations touching the importance of this matter. I have a letter myself from President Barnard, of Columbia College, New York, and have seen papers from others who suggest that it should be left to the discretion of the President to select this board.

Mr. CARLISLE. Still, if some one already in the service and pay of the Government is not selected, this will be followed up at some future time by a bill or joint resolution to pay out a large amount.

Mr. KASSON. The amount cannot be large; it will be very small, if any.

Mr. BELMONT. I do not think that necessarily any compensation will be paid to the delegates. The delegates from foreign governments will, of course, look to their own governments. Our own delegates will only be three in number.

Mr. FLOWER. I desire to have printed as part of my remarks the report submitted by my colleague [Mr. BELMONT] from the Committee on Foreign Affairs.

The report is as follows:

The Committee on Foreign Affairs, to whom was referred joint resolution No. 209, authorizing the President to call an international congress to fix and recommend a common prime meridian, having had the same under consideration, make the following report:

There is at present no common and accepted standard for the computation of time for other than astronomical purposes. In the absence of agreement serious embarrassments are felt in the ordinary affairs of modern commerce, especially since the widespread extension of telegraphic communication and railroad transportation, and, owing to the diversity of methods now in use for indicating points on the earth's surface, navigators, geographers, and all who have occasion to use charts or maps, are put to the greatest inconvenience. International agreement upon this subject is demanded more imperatively every day, both by science and by trade. We have had as provisional or partial standards the meridians of Alexandria, the Canary Islands, Toledo, Cracow, Uranbourg, Copenhagen, Goes, Pisa, London, Paris, Rome, Greenwich, Vienna, Ulm, Berlin, Nuremberg, Venice, Bologna, Augsburg, Rouen, Dantzig, Milan, Washington, and other places. As long ago as the time of Richelieu an attempt was made to put an end to the confusion arising out of so great a variety of usages, and a congress was invited to assemble in Paris, in 1630, to agree, if possible, upon a common meridian. In speaking of this congress, Professor Barnard, of Columbia College, says:

"The island of Ferro, the most southwesterly of the Canary Islands, was fixed upon, and a royal order establishing this decision was promulgated in July of the same year. Unfortunately, however, the exact latitude of Ferro with reference to any point on the continent of Europe was at that time unknown. The determination of its position was never made by authority, and at length, in 1724, it was resolved to assume it as 20° west from Paris. To name the island, therefore, without naming the point in it, was to leave the meridian unfixed, even had its general position been better known; at any rate this effort to establish uniformity was without practical result."

The Government has by section 435 of the Revised Statutes adopted the Green-

wich meridian for nautical purposes, but the establishment of the Meteorological Bureau and Signal-Service system, with postal and other stations extending over nearly four hours of solar time in North America, has already compelled the adoption of the standard time of 7.35 a. m. at Washington, as the moment of making telegraphic reports from all stations, and the observations on our naval vessels are made at the same hour of Washington time. There is already pending in this Congress a measure (H. R. 5969) for securing national standard time to our ports of entry and principal cities. This would accomplish what is desired in the regulation of time in the United States, and might be incorporated in any internal system to be adopted, but the remaining points as to the construction of charts and the reckoning of longitudes would require the concurrence of other nations, and could only be determined by an international convention.

The propositions embodied in this resolution have been discussed in this country and in Europe by various commercial and scientific bodies, and the necessity for an international convention is generally conceded. At the recent meeting in Cologne and Venice the idea of holding such a convention in Washington was very much favored. It is obvious that the United States having the greatest extent of continuous longitudinal area of any country traversed by railway, postal, and telegraph lines, should take the initiative in a movement so important to science and to the world's commerce. The committee therefore recommend the passage of the joint resolution.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FLOWER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair is informed that the gentleman from Texas [Mr. UPSON] has withdrawn his objection to the consideration of the bill called up by the gentleman from Pennsylvania, [Mr. BINGHAM.]

Mr. McMILLIN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. Was not the regular order called for by the gentleman from Indiana?

The SPEAKER. The Chair understood the call for the regular order was withdrawn.

Mr. McMILLIN. Then I renew it.

Mr. BINGHAM. I ask the gentleman not to insist on the regular order. The Chair has already recognized me.

WITHDRAWAL OF PAPERS FROM THE FILES.

The SPEAKER. The Chair is in possession of a communication from the Clerk of the House on the subject of the withdrawal of papers from the files under the rules of the House. If there be no objection the communication will be referred to the Committee on Rules, and will be printed in the RECORD.

There was no objection.

The communication is as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., July 5, 1882.

SIR: The remarks made in the House on Saturday respecting the "withdrawal of papers" from the files suggest this communication.

This office strictly enforces the rule of the House on this subject, which is as follows:

"No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom certified copies thereof shall be left in the office of the Clerk."

It has been the uniform ruling of this office that the permission to withdraw covers only papers belonging to the claimant, and in no case applies to papers obtained from the Departments. If any papers of the latter class have been withdrawn it has not been done through this office, or any one connected with it.

The old rule required that all motions to withdraw papers from the files of the House "shall be referred to the committee which last considered the case, who shall report without delay whether or not copies shall be left on file; but original papers shall not be withdrawn in any case where an adverse report has been made, and whenever the report is adverse the same shall be in writing, and ordered to be printed."

Under the present rule there is no intervention of a committee, but the consent of the House obtained through the Chair, and in the inevitable absence of explanation is an absolute authority for withdrawal. This change in the rule has undoubtedly facilitated the withdrawal of papers, and has materially weakened the safeguards which should surround the files. It is a matter of observation that permission to withdraw papers is frequently asked and given at the request of parties who anticipate an adverse report from the committee in charge, and who seek by the withdrawal of the papers and the consequent discharge of the committee from their consideration, to prevent that action. If the requests for the withdrawal of papers were referred to the committee having them in charge, this abuse could not exist.

When leave has been given to withdraw papers which are in the possession of a committee of the House it frequently happens that the party in interest applies for and procures such papers from the clerk of the committee having them in charge, and the protection of the files in each such case is therefore the discretion of the clerks of the respective committees, who may or may not surrender departmental papers, who may or may not keep copies, and who may or may not take specific receipts for return to and preservation in the Clerk's office. It rarely happens that the withdrawal of papers is asked except for a strong personal reason, which is often inconsistent with the interest of the public service; and the readiness with which this consent is given is leading to the gradual depletion of the files of the House. Whatever authority is vested in this office to protect them I will gladly exercise, but under the existing rule and practice this authority is very slight.

In no instance has this office failed under the new rule to require the leaving of certified copies of papers withdrawn through it, or to offer all proper facilities for the making of these copies without expense to the claimant; but I am unable to say how generally the rule has been observed in the case of withdrawals from the committees of the House.

My observation of the effects of the present system during this session leads to the conclusion that it is singularly defective; that better safeguards should be thrown around the files; and that the jurisdiction of a committee over the question of withdrawal, while it will involve some labor and vexation, will supply a very important protection both against a multiplicity of applications and the granting of incautious and injurious consent.

Very respectfully, yours,

EDWD. McPHERSON,
Clerk House of Representatives.

Hon. J. WARREN KEIFER,
Speaker House of Representatives.

ORDER OF BUSINESS.

Mr. PAGE. I ask the gentleman from Tennessee [Mr. McMILLIN] to withdraw the call for the regular order, that I may introduce a joint resolution for reference.

Mr. McMILLIN. I withdraw the demand for the regular order, that the bill called up by the gentleman from Pennsylvania [Mr. BINGHAM] may be read.

WILLIAM J. POLLOCK.

Mr. BINGHAM. I ask unanimous consent that the bill (S. No. 1549) for the relief of William J. Pollock be taken from the Speaker's table and be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be, and they are hereby, authorized, in settling the accounts of William J. Pollock, late collector of internal revenue for the second district of Pennsylvania, to credit said Pollock with the amount, not exceeding the sum of $3,433.33, of the unused coupons attached to the stubs of special-tax stamps deposited by him in the post-office at Philadelphia, February 12, 1875, but lost in transmission to the Commissioner of Internal Revenue, in the city of Washington.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope unanimous consent will be given to the gentleman from Pennsylvania to explain the bill, the right to object being reserved.

Mr. BINGHAM. I will state that this bill has been reported three times from the Committee on Ways and Means unanimously. It has now passed the Senate, and the same bill has been again reported by the Committee on Ways and Means. The committee find that the coupons are—

Of no actual value to any one but said Pollock, and only to him for the purpose of obtaining proper credit at the Treasury Department in the final adjustment of his accounts as collector.

The Commissioner of Internal Revenue states:

I have to say that, from the evidence filed here, the claim is believed to be an eminently meritorious one, and if this office were authorized by law to make an allowance in such cases, the evidence is of so conclusive a character that I have no hesitation in saying that the claim would be promptly allowed.

They are simply the unused coupons.

Mr. RANDALL. This bill is right and ought to pass.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. BINGHAM moved to reconsider the motion by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. UPSON. I ask unanimous consent to take from the Speaker's table for present consideration Senate bill No. 1620.

Mr. HISCOCK. I call for the regular order.

Mr. REED. I hope the regular order will not be called. Let us get through these personal bills.

Mr. UPSON. I ask the gentleman from New York to withdraw the call for the regular order.

The SPEAKER. The regular order is insisted on.

Mr. PAGE. I ask unanimous consent to introduce a joint resolution for reference.

The SPEAKER. The Chair cannot submit the request against the demand for the regular order.

NAVAL APPROPRIATION BILL.

The SPEAKER. The regular order is the further consideration of the naval appropriation bill. The question is on agreeing to the amendments. The first amendment has been agreed to.

Mr. HOLMAN. I presume it is in order to move now to recommit the bill?

The SPEAKER. Not at this time.

Mr. HOLMAN. Does the Chair decide it is too late to make that motion?

The SPEAKER. It is not too late; the time has not arrived. The gentleman from Wisconsin [Mr. BRAGG] last evening demanded a separate vote on each of the amendments. Is that insisted on? If no separate vote is demanded, the question will be put on agreeing to the several amendments, not yet concurred in by the House, reported by the Committee of the Whole House on the state of the Union.

The question being taken, the amendments were concurred in.

The SPEAKER. The question is now on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ROBESON. I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. ROBESON move to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBESON and Mr. HOLMAN rose.

The SPEAKER. Does the gentleman from Indiana desire to submit his motion to recommit at this time, or at the close of the debate? The Chair will state, one motion to recommit is still in order.

Mr. HOLMAN. I desire to submit that motion.

The SPEAKER. Now?

Mr. HOLMAN. Yes, sir; I move to recommit the bill to the Committee on Appropriations, with instructions to add——

Mr. TOWNSHEND, of Illinois. Let me suggest to the gentleman from Indiana that it might be well for him to wait until after the gentleman from New Jersey [Mr. ROBESON] submits his remarks. The House is rather thin at this time.

Mr. HOLMAN. If the gentleman from New Jersey prefers proceeding now, I will withhold for the present the motion to recommit.

The SPEAKER. The gentleman will send up his proposition.

Mr. HOLMAN. The gentleman from New Jersey [Mr. ROBESON] has not indicated whether he desired to proceed now or not.

The SPEAKER. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to say that he preferred to submit his motion now.

Mr. HOLMAN. I move to recommit the bill to the committee with instructions to add to the paragraph relating to the completion of certain work on the iron-clads the provision which I send to the Clerk's desk.

The Clerk read as follows:

Provided, however, That the work to be done on the said iron-clad vessels respectively shall be done under the direction of the Secretary of the Navy, by and under contracts let to the lowest responsible bidder, after due advertisement for proposals, under such regulations as the Secretary of the Navy shall prescribe; but advertisements inviting such proposals shall be published in newspapers of general circulation in at least three cities of the United States, and for not less than sixty days. And the Secretary of the Navy shall prescribe the terms of the contracts which shall be made, the security to be given, and all regulations and supervision necessary to secure the full performance of such contracts and the proper completion of such work.

But valid and legal contracts now existing touching any part of said work shall not be affected by this provision.

Mr. HOLMAN. I call for the yeas and nays on that proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 104, not voting 110; as follows:

YEAS—76.

Aiken,	Curtin,	Ladd,	Scales,
Armfield,	Davidson,	Latham,	Simonton,
Atherton,	Davis, Lowndes H.	Le Fevre,	Singleton, Otho R.
Atkins,	Dibrell,	Manning,	Springer,
Barbour,	Evins,	Martin,	Thompson, P. B.
Beach,	Flower,	Matson,	Tillman,
Belmont,	Forney,	McLane,	Townshend, R. W.
Berry,	Fulkerson,	McMillin,	Tucker,
Blount,	Hardenbergh,	Morrison,	Turner, Henry G.
Bragg,	Hardy,	Mutchler,	Turner, Oscar
Buchanan,	Hewitt, Abram S.	Oates,	Updegraff, Thomas
Buckner,	Hewitt, G. W.	Phelps,	Upson,
Caldwell,	Hoge,	Phister,	Vance,
Clements,	Holman,	Randall,	Warner,
Cobb,	Hooker,	Reagan,	Wellborn,
Colerick,	House,	Robertson,	Whitthorne,
Cook,	Hutchins,	Robinson, Wm. E.	Williams, Thomas
Cravens,	Klotz,	Rosecrans,	Wise, George D.
Culberson,	Knott,	Ross,	Wise, Morgan R.

NAYS—104.

Aldrich,	Dwight,	Lacey,	Ryan,
Barr,	Ellis,	Lord,	Scranton,
Bayne,	Errett,	Mason,	Shallenberger,
Bingham,	Farwell, Sewell S.	McCook,	Shelley,
Bisbee,	Fisher,	McKinley,	Shultz,
Bowman,	Ford,	Miller,	Smith, A. Herr
Brewer,	George,	Money,	Smith, Dietrich C.
Briggs,	Guenther,	Moore,	Spaulding,
Browne,	Hall,	Morey,	Spooner,
Brumm,	Hammond, John	Neal,	Stone,
Buck,	Harmer,	Norcross,	Strait,
Burrows, Julius C.	Harris, Benj. W.	O'Neill,	Talbott,
Butterworth,	Haseltine,	Orth,	Taylor,
Campbell,	Hazelton,	Pacheco,	Thomas,
Candler,	Henderson,	Page,	Thompson, Wm. G.
Cannon,	Hepburn,	Parker,	Townsend, Amos
Carpenter,	Hill,	Peelle,	Tyler,
Crapo,	Hiscock,	Peirce,	Updegraff, J. T.
Crowley,	Horr,	Prescott,	Valentine,
Cutts,	Hubbell,	Ray,	Van Horn,
Darrall,	Hubbs,	Reed,	Wadsworth,
Dawes,	Humphrey,	Rich,	Ward,
Deering,	Jones, George W.	Ritchie,	Washburn,
De Motte,	Kasson,	Robeson,	West,
Dingley,	Kelley,	Robinson, Geo. D.	Williams, Chas. G.
Dunnell,	Ketcham,	Robinson, Jas. S.	Young.

NOT VOTING—110.

Anderson,	Blanchard,	Calkins,	Chace,
Belford,	Bland,	Camp,	Chapman,
Beltzhoover,	Bliss,	Carlisle,	Clardy,
Black,	Burrows, Jos. H.	Cassidy,	Clark,
Blackburn,	Cabell,	Caswell,	Converse,
Cornell,	Hatch,	McKenzie,	Singleton, Jas. W.
Cox, Samuel S.	Heilman,	Miles,	Skinner,
Cox, William R.	Herbert,	Mills,	Smith, J. Hyatt
Covington,	Herndon,	Morse,	Sparks,
Cullen,	Hoblitzell,	Mosgrove,	Speer,
Davis, George R.	Houk,	Moulton,	Steele,
Denster,	Jacobs,	Muldrow,	Stephens,
Dezendorf,	Jadwin,	Murch,	Stockslager,
Dowd,	Jones, James K.	Nolan,	Urner,
Dugro,	Jones, Phineas	Paul,	Van Aernam,
Dunn,	Jorgensen,	Payson,	Van Voorhis,
Ermentrout,	Joyce,	Pettibone,	Wait,
Farwell, Chas. B.	Kenna,	Pound,	Walker,
Frost,	King,	Ranney,	Watson,
Garrison,	Leedom,	Rice, John B.	Webber,
Geddes,	Lewis,	Rice, Theron M.	White,
Gibson,	Lindsey,	Rice, William W.	Willis,
Godshalk,	Lowe,	Richardson, D. P.	Willits,
Grout,	Lynch,	Richardson, Jno. S.	Wilson,
Gunter,	Mackey,	Russell,	Wood, Benjamin
Hammond, N. J.	Marsh,	Scoville,	Wood, Walter A.
Harris, Henry S.	McClure,	Shackelford,	
Haskell,	McCoid,	Sherwin,	

So the motion to recommit was not agreed to.

The following pairs were announced:

Mr. SHERWIN with Mr. KING.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. GODSHALK with Mr. BELTZHOOVER.

Mr. LOWE with Mr. HERNDON.

Mr. DAVIS, of Illinois, with Mr. MCKENZIE.

Mr. CALKINS with Mr. CABELL; if not paired, Mr. CABELL would vote "ay."

Mr. CULLEN with Mr. HATCH.

Mr. JOYCE with Mr. DUGRO.

Mr. MCCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. RICE, of Massachusetts, with Mr. DUNN.

Mr. PAYSON with Mr. SPARKS.

Mr. FARWELL, of Illinois, with Mr. SINGLETON, of Illinois.

Mr. HEILMAN with Mr. BLAND.

Mr. HOUK with Mr. CHAPMAN.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. MURCH.

Mr. WALKER with Mr. COX of North Carolina.

Mr. RUSSELL with Mr. CARLISLE.

Mr. RYAN with Mr. HOUSE.

Mr. RANNEY with Mr. STOCKSLAGER.

Mr. DEZENDORF with Mr. GARRISON.

Mr. MILES with Mr. SCOVILLE.

Mr. COVINGTON with Mr. URNER.

Mr. KENNA with Mr. CAMP.

Mr. SKINNER with Mr. GUNTER.

Mr. WEBBER with Mr. ERMENTROUT.

Mr. BELFORD with Mr. BLACKBURN.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs upon the passage of the bill, upon which the previous question has been ordered. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. PAGE. I ask the gentleman to yield to me for a moment to introduce a joint resolution.

Mr. ROBESON. I will do so.

COMMITTEE CLERKS, PAGES, ETC.

Mr. PAGE, by unanimous consent, introduced a joint resolution (H. R. No. 253) in relation to committee-clerks, pages, and other employés of the Senate and House of Representatives; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

FISHERIES REPORT.

Mr. VAN HORN, by unanimous consent, submitted the following, which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be, and is hereby, instructed to print, in quarto form, a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and the fisheries of the United States; the engravings to be in relief, and to be contracted for by the Public Printer, under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 5,500 extra copies printed, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the cost of publication and 10 per cent. thereon added.

ORDER OF BUSINESS.

Mr. HOOKER. I ask the gentleman from New Jersey [Mr. ROBESON] to yield to me to have a short Senate bill taken up and passed.

Mr. ROBESON. I have agreed to yield for any report; but I must decline to yield for the purpose of allowing any bill to be considered. I should be delighted to accommodate the gentleman, but he will excuse me.

NAVAL APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. No. 6616)

making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor for one hour.

Mr. ROBESON. Mr. Speaker, in the discussion of this bill, it becomes me, before it is finally submitted for the action of the House, to reiterate somewhat in detail the policy it embodies, the evils it seeks to remedy, and the results which it attempts to produce. An establishment like the Navy, in the discharge of duties entirely outside of and apart from the ordinary business and common interests of the people, is very apt to be misunderstood, if not wholly unnoticed and unappreciated in the progress of national development. An official establishment, absolutely necessary in time of war, but the daily necessity of which is not so apparent in peace, is apt not to receive proper consideration from the ignorant or the thoughtless, who neither take the trouble to understand its duty nor are able to appreciate its value. Let me then say at once that the naval organization is maintained in time of peace for use in time of war. Our experience has shown that ours is essentially a military people; that it needs but the call of patriotism or honor to fill our armies with the active and the brave, and to command them with intelligent and competent officers.

But the naval officer, competent to command a ship in its navigation of the seas, to control its machinery, to insure its safety, to develop its power, and to achieve its full success as a warlike engine, is the result of careful education and strict discipline, through the severe training of long years of service.

Therefore, it is far more necessary that we keep up a complete naval organization in time of peace than that a large army should be maintained. Besides, materials of naval warfare are so costly in their character, in their nature so expensive of time and money, so slow in their construction and preparation, that it is wise economy and prudent precaution, in time of profound peace and prosperity, deliberately to organize and prepare these great establishments of national defense against the time when they are needed for our safety or our honor. Let us remember the advice of the Father of his Country, so often quoted on this floor, "In time of peace prepare for war," and those additional words, equally wise, but not so well known, "taking care always to keep ourselves by suitable establishments in a respectable defensive position, we may safely trust to temporary alliances for extraordinary emergencies."

But, Mr. Speaker, we must be careful lest such an organization as I have described is allowed to grow with its own growth until it becomes cumbersome and unwieldy, a source of weakness, deterioration, and destruction to itself and of useless expense to the country. The growth of a great system like this, established for the honor and ingrafted in the affections of the people, is unperceived in the lapse of years, and almost insensibly to its friends and to itself it goes on swelling in numbers and in pretensions until it stumbles in its progress and topples in its overgrown weakness.

At the conclusion of the late war the acknowledged value to the country of the naval service inaugurated a large increase of its force, and a large increase of rank to its members. The generous heart of the country, grateful for their services, responded freely to their desires, and through the progress of years from that time to this the organization has grown year by year, until it has become too large for our present necessities and too unwieldy for our present use.

This growth of the *personnel* of the service, extraordinary and as it seems to us useless, requires a great expenditure of money for its payment and support. The result is, and here I desire the attention of the Representatives of the country, that more than three-fourths of all the appropriations for the naval service is expended for the maintenance of the *personnel*, the officers and men of the Navy, their comfort, their convenience, their instruction, and the performance of their duties; whereas but a small amount of the appropriations year by year is expended for the maintenance of the Navy itself. Out of appropriations of fourteen or fifteen million dollars yearly not more last year than two millions and a half went to the maintaining and strengthening of the Navy itself. The yearly appropriation for pay alone is over $7,000,000. Add to that clothing, provisions, transportation, houses, civil establishments, medicine, instruction, and the arming and equipping of ships when built, together with all those necessary appliances of a great system and all these make the extraordinary expenditure which the people generally and naturally suppose, and which is often charged in the columns of newspapers and on the lips of irresponsible orators to be an extravagant expenditure of the Department itself for its ordinary purposes. In fact, it is only the expenditure according to law for pay, provisions, &c., and the rest of the appropriation spent for the Navy itself is often not more than two or three million dollars—rarely if ever over $4,000,000. With this sum our Navy is to be kept afloat, our navy-yards maintained, our wooden ships patched, our engines rebuilt, our boilers repaired, and the general scientific and professional duties of the service performed and paid for, so that only the small surplus, eked out from the appropriation by practical administration, can be applied to the increase of the naval power itself.

I that speak to you, who occupied the position of the head of the Navy Department for nearly eight years, have often been charged by the ignorant, the malicious, and the false with expending enormous sums of money which were in fact never even appropriated. I believe it has been reported in the organs of that interest which I have above characterized, that I had stolen, I think, $265,000,000. I believe I saw that insignificant figure once in the head-lines of a New York newspaper, representing the views of those who attacked me. Mark how bald the misrepresentation, how gratuitous the lie, since in fact the whole sum of all the appropriations made for the whole Navy during the whole time I was at the head of the Department was less than $153,000,000; and of that appropriation only about $43,000,000 were, during that whole course of eight years, appropriated to the Bureau of Steam-Engineering and the Bureau of Construction and Repair—the working bureaus of the Department. Thus for eight years, shortly after the close of the war, with a navy exhausted by a tremendous struggle, with ships built of white-oak timber fresh cut in the forest, with worn-out engines, with great masses of useless machinery, used up, broken, and useless, with all the extravagance of the war piled upon the Department, with gold at a premium of 30 per cent. when that administration commenced—all that was expended for every purpose in the Navy Department, through the working Bureaus of Steam-Engineering and Construction, amounted during those eight years to a little over $43,000,000, for all the purposes of maintenance, repair, construction, and increase of naval vessels of all kinds.

It is impossible, in the short time for which it is proper to detain the House, to go into details upon the particular objects of naval expenditure. I could myself scarcely recall them, and you would not understand their details. But the question between reckless extravagance and practical administration may be fully tested upon broader principles by simpler processes. The practical means at command will be a comparison of the cost of my administration, in view of its circumstances and its results, with those which immediately preceded and which have followed it. Here is a test which appeals to the judgment of practical men, which will arrest the attention of the business community, and which the least intelligent may understand. It will be remembered that the two administrations of the Navy Department immediately preceding the war were in the hands of trusted Democratic officials, and that the administration which followed my own during the last five years has been carried on under the eye of the persons who have all the while been engaged in attacking me, and has been the enforced representative of their policy in its workings and in its results. Let us apply to each the test of actual expenditure and practical results. "By their fruits ye shall know them," is a maxim of high sanction which applies to all.

During the eight years of my administration, from 1869 to 1877, the sum of all the appropriations for the Bureau of Construction and Repair, the building bureau of the Department, was $31,726,000. This included about $1,000,000 applied to the construction of the steam-engines and boilers of the eight new sloops, so that in round numbers and including all the extraordinary expenditures made necessary by the excitement of the threatened war with Spain at the time of the Virginius massacre and subsequently, the actual appropriation for this Bureau of Construction during my administration was less than $31,000,000. During the eight years immediately preceding the war, from 1853 to 1861, under the Democratic administrations of Pierce and Buchanan, while Mr. Dobbin and Mr. Toucey, respectively, were Secretaries of the Navy, when steam-vessels of war were little known and our Navy contained only a few side-wheel steamers and one or two ships with auxiliary steam-power; when the bulk of our force was made up of sailing ships with no engines, no machinery, and comparatively no expenditure for the fuel, officers, and employés required for the use, repair, and removal of the same; when the military roster was far smaller than at present, and the civil list scarcely half as great, the sum of the appropriations for the Bureau of Construction and Repair alone were $33,566,000, or at least $2,500,000 more than was spent by that bureau during my whole administration; and that, too, in piping times of peace, when our money was good, our credit at a premium, and while the Navy and the country were under the economical control of Democratic policy.

As I have said, Mr. Speaker, time will not permit me to enter into the details of all that was done or left undone during the eight years of my administration. The hour allotted to me would not avail to repeat, much less to attempt to refute, the slanders upon me and upon the service which have been hashed and rehashed, here and in the newspapers, and served hot and cold to suit the taste of changing times. I can, as I have said, only try these questions by the test of the general means provided and the general results obtained, and present these unquestioned and unquestionable propositions as a firm foundation for right opinion and just judgment by Congress and the country. I repeat, $31,000,000, during my eight years, of steamers, machinery, boilers, gold at a premium, threatened war, and the immense establishment and accustomed extravagance inherited from the rebellion, against $33,500,000 for the eight years immediately preceding the war.

During that time there were built, in my administration, built or effectually repaired, and practically added to the Navy, or saved from destruction, not less than forty-two ships. Ten were built absolutely, namely, the eight new sloops of war and the Intrepid and Alarm. Two more were bought and twelve others were rebuilt, as it was called; and as I have been criticised for that by gentlemen who, if they do not display their malevolence, certainly illustrate their ignorance on these subjects, I will explain what this means. The law

provides that there shall be no two ships of the same name in the service, and when it is found proper to preserve an old and honored name and at the same time to rebuild substantially the old ship, this rebuilding is often commenced while she is in service, sometimes while she is actually at sea; and this action it is the custom of the service, and always has been its practice, to call rebuilding, as the rebuilding of the Constitution, (she was rebuilt three times, once under my administration,) and the rebuilding of the Marion, of the Vandalia, of the Swatara, of the Quinnebaug, and of the Galena.

I cited yesterday the law authorizing this, and it is conclusive upon the subject. The Secretary of the Navy is authorized, without specific authority or without specific appropriation, if he has money enough to do it, to proceed to the construction of any new ship he pleases. And for the purpose of maintaining the old and honored associations of the Navy, at the same time that he pursues a practical and economical policy, he usually, when he desires to retain the name of an old ship and yet build a new one, calls it "rebuilding." The list of old ships thus practically replaced by new and superior ones contains many time-honored names. The Constitution, the John Adams, the Princeton, and the Franklin are a few only of the most marked instances.

But to return to the ships. Twelve of them were thus rebuilt. Eighteen others were so substantially repaired as to be as good as new; some of them, it is true, as the gentleman from New York complains, with their engines and machinery built in the workshop while the ship was twenty miles away, and some with their iron beams and plates rolled and even their wooden frames hewed out when the ship was not present. With eight navy-yards on the Atlantic coast, and employing at the same time the skilled labor of the great ship-yards of the country, we did not establish our workshops in the hulls of the ships that we desired to rebuild even while their namesakes were in actual service. I give that as a complete answer to the unmeaning fling of the gentleman from New York, [Mr. HEWITT.]

In addition to these forty-two ships thus made actually or substantially new, almost all of the ships of the Navy that were really worth anything were more or less repaired, and the result was that the Navy, at the close of my administration, was in far better condition, in every respect, than at its commencement.

I do not ask you to rely upon my own statement upon this subject, but I quote from the report of Hon. Mr. Harris on the naval investigation of 1876 the statements which prove this conclusion:

> Taken in connection with the facts stated by Commodore Ammen, Captain Shufeldt, Constructor Hanscom, and others, and the statements published in the testimony showing beyond doubt that the present Navy is in a vastly better condition than it was in 1869, we think this comparison of the testimony relied upon by the majority of the committee to justify their extravagant charges is a fair illustration of the soundness and value of their conclusions.
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> The real fact is that during the last five years, besides building eight new sloops and two torpedo-boats, the Department has almost entirely rebuilt the Navy; almost all its efficient ships have been put in good condition; several of its most convenient cruisers, which would otherwise have been wholly lost to the service, are rebuilt of live-oak; the whole fleet of monitors, which before could not fire a gun, has been put in a state of permanent efficiency, and its powerful double-turreted iron-clads are in progress of thorough repair.
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> The condition of the ships in 1869 and 1876, respectively, was as follows:
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> In 1869 there were in good condition only 12 vessels, while in 1876 there are 70 vessels; in 1869 there were in that condition known as fair 25 vessels, while in 1876 there are only 14; in 1869 there were wanting important repairs 24, in 1876 only 16; in 1869 there were wanting extensive repairs 76, in 1876 only 15; there were in 1869 unfit for repairs 58 vessels, and in 1876 there were only 10.
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> The credit for this improved condition of our Navy is due to the present Secretary, and yet the majority are so unfair and partisan in their statements that they cannot accord to him this credit which, in our opinion, he so fully deserves.

I have thus shown in comparison the appropriations and expenditures for the eight years preceding the war, and the appropriations and expenditures during my administration, for I seek to compare nothing with the extraordinary and wholly abnormal conditions of the war itself or of the two or three years which immediately followed it.

I will now try this question by another test, which cannot be called unfair. I mean by the test of the appropriations and the results of the last five years, comprising the time which has elapsed since I left the Department. In the few remarks which I had the honor to submit upon this bill the other day, I said that for the five years which had elapsed since I left office there had been $73,000,000 spent without result under the policy inaugurated and maintained by the opinion which is represented by the gentleman from New York and the member from Tennessee. I desire to be wholly within the mark, and therefore I repeat from the official statements the amount which I then alluded to generally. The real amount expended since the 1st day of July, 1877, up to the 1st day of July, 1882, is $76,701,722.16.

We were reminded on the floor yesterday that there was a deficiency when I left office. This is true. There was a deficiency, but what was the cause of it? I had made contracts to finish these iron-clads, which this House has voted half a dozen times during the last week to sustain, and had proposed to finish them; but the party in power and in control of this House at the time I left office, under the lead or at the instigation of men who cared nothing for the country or its defense if they could accomplish a party purpose, who recked not of private character or individual honor if they could achieve a political end or fulfill a personal enmity, refused during the last two years of my administration to make the necessary appropriation to carry these contracts into effect. The contracts were made and entered into in good faith, as has been proven by half a dozen investigations, but the appropriations were not made to carry them out, and therefore when I retired from office a deficiency of about $2,300,000 in round numbers existed, and was afterward supplied by Congress.

Mr. ATKINS. I dislike very much to interrupt the gentleman from New Jersey; but I feel, sir, it is due to myself that he should allow me to say in this connection that for the last two years, having had the honor of reporting this naval appropriation bill, and having failed to recommend an appropriation to finish the monitors, it is proper that I should say the failure to do so was not on account of any partisan purpose whatever.

Mr. ROBESON. I acquit the gentleman from Tennessee [Mr. ATKINS] thoroughly. He is a man of too high honor and too good character himself either to be a party to partisan attack or to suspect the motives or malign the conduct of others. I have a high respect for the gentleman, and I wish now to thank him for the cordiality and good spirit with which he has accepted our feeble efforts to effect a reform in this service. I thoroughly understand the difficulties that were in his way, and I repeat that I acquit him most heartily of anything except the strictest performance of his duty along the line which he conceived that it carried him.

But, to return to my statement, Mr. Speaker, it will be seen that there has been spent during the five years since I left office, exclusive of the deficiency to which I have referred, about $74,000,000, $12,400,000 of which were in the Bureaus of Construction and Repair and Steam-Engineering, and yet there has not been during that period a new ship produced in any form or a new gun put afloat under the flag. I do not make this statement as an attack upon the administration of my successors. They could not help it. They could only pursue, with such means as was given them, the policy with regard to the Navy to which I have already alluded; a policy which was born of a natural, though perhaps in some instances unconscious, dislike of military establishments of the Government, and which has been carried on until they have been rendered almost inefficient, without appreciating the necessities of our country and apparently without regard to its interests or its honor. Under this policy during the last five years the appropriations for the Navy have been made strictly for house-keeping, little has been given that could be used to preserve the Navy itself from decay and destruction, and nothing for improvement or extension. The money has been expended in pay, in support of the military and civil establishment, in the navy-yards, in patching, mending, and repairing, and in all those little items of expenditure which are consumed in the ordinary occupation and the daily life of a great military establishment. There has not been a dollar appropriated that could be fairly expended in the real improvement of the Navy itself; and it is no attack upon my successors to say that they have been hampered by this policy enforced by the legislative department of the Government in making appropriations for the service. It would be still continued if we had not to-day successfully resisted and overcome the endeavors of the gentleman from New York and the member from Tennessee.

As a result of all this it will be seen that every ship that now floats bearing the American flag around the world, every ship that now carries a gun to respond to the demands of your Government, was built, rebuilt, or substantially repaired by me. All that there is of the American Navy to-day I built; and there is not one, not a single one of these ships, for the building of which I was not abused. You have not a ship to-day that carries your flag, not a single cruiser, monitor, or torpedo-boat upon which you must rely for the defense of your harbors or the vindication of your honor, that the same spirit which for the last week has stood in the way of this bill has not denounced and vilified me for building or preserving. For maintaining your interests with a constancy which became me I have been decorated with the censure of the weak, the thoughtless, and the partisan, and honored with the hatred of the malevolent and the disloyal. But I believe I did not shrink from or fail of my duty; and whatever there is of responsibility in the pursuit of a policy demanded by the interests of my country which is open to criticism, I am ready now, as I always have been ready, to assume and avow.

I am neither engineer nor constructor, ordnance officer nor naval expert, but the policy of maintaining the Navy of the country with such means as the national Legislature provided for that purpose, to the fullest extent of my power, without shrinking from the censure of the malevolent or the vicious, without falling back before the assaults of the ignorant, the interested, or the disloyal, I did accept then and do accept now. It was natural, perhaps, that many who were again admitted to a share in the Government should be hostile to and jealous of its military power, and almost unconsciously induced to assault and obstruct any policy looking to its improvement. I received these assaults and encountered these obstructions, but I am proud to say I neither wavered nor turned back. But one thing I must be permitted to say. That if I had courage in behalf of my country's welfare I was forced to be content with the approval of my own conscience, for my countrymen were not allowed to hear of, much less to understand it. The days of Gales and Blair, of Ritchie and Seaton, of Bailey, of Greeley, and of Raymond, are passed, and the avenues of public information from the capital of the nation are

largely in the hands of men who have not the inclination to deal fairly with any question which assumes a party aspect, or who have neither the knowledge nor the experience necessary for the comprehension of broad principles or comprehensive policy.

It will be interesting, Mr. Speaker, to inquire into the circumstances which produced this condition of affairs in the American Navy. The origin of this policy, the motive of its inauguration, and the spirit in which it has been pursued will make an interesting chapter in American history. The era to which that chapter will refer will be as disgraceful as any since our Government began. It will tell how a great party, patriotic in its pretensions if not in its history, flushed with success and unaccustomed to the responsibilities of power, impelled by an unpatriotic sentiment which lurked in its organization and swayed in the hands of wicked and designing men, became a mighty instrument of evil to themselves, their country, and its citizens.

With the advent of the Forty-fourth Congress the Democratic party came into power in this House. Calling itself a Democratic Congress, it was used for the worst purposes of irresponsible tyranny. Professing to love the freedom of the people, it perpetrated the greatest wrongs upon the freedom of citizens and upon the rights of individual men; it prostituted the name of Democracy; it trampled upon the Constitution; it broke through the laws; it attacked individual rights and inflicted wrongs upon persons, property, and character which no individual man would have dared to attempt, which only strong political excitement availed to protect from universal condemnation, and from which most of the men who accepted and enforced it as members of the party would have shrunk with personal horror. In these days of calmness and candor it is difficult to realize the conditions of those times or to understand the spirit which controlled them. The secret of their origin, however, is not doubtful.

As the result of a national convention, the cipherer of Gramercy Park was put in nomination for the Presidency under the banner of "reform." The only sure way through which pretended reformers can find acceptance in the public mind is by attacking other people.

When "the Artful Dodger" was chased through the streets of London, after picking the pocket of the old gentleman, he was found round the first corner, at the head of the hue and cry, shouting "Stop, thief!" "Stop, thief!"

True to the teachings of this practicable philosophy, when the distinguished cipherer was put at the head of the great "reform movement," and all his cohorts of reform were rallied to sustain and assist him, it became at once necessary that an attack should be made upon every man who stood in a position prominent enough to warrant or invite it. A general assault was ordered along the whole line, and the Democratic column rushed to the conflict with a shout of fierce exultation, which sounded in the ears of the peaceable people of this country very like the "rebel yell" with which they had once been familiar, but which they had then almost forgotten.

The scent of carnage was on the air, and the field was like to be covered with the dying and the dead. Certain newspapers, the carrion birds of such a conflict, took up and echoed the cry. The Southern Annihilator and the Southwestern Tomahawk shouted aloud in their mad eagerness for the fray. The Western Buzzard, the National Cesspool, and the New York Scavenger reveled in anticipation of the filth in which they were to dip their dirty beaks, to satisfy their own foul hunger, and scatter the remains among the people to pander to a prurient public appetite. And the Northern Pecksniff and the New England Pharisee, born of the union of stock-jobbing and monopoly, prepared to depreciate everything and to denounce everybody, that they might themselves assume a high position as the representatives of honorable principles and assure the people that they were the agents of honorable purposes. It was, as I have said, a most disgraceful era in our history, and men are only now beginning, in the light of legal judgments and popular reaction, to realize the wrongs then done. Congressional investigation, with unlimited powers for personal or for party purposes, were then the regular order of every day. Reckless men, inspired with brutish instincts, were clothed with extraordinary powers to penetrate every man's private life and throw open the penetralia of his family circle to the unholy inspection of the vulgar and the malevolent.

The Navy Department, of which I was then the head, sustained the full brunt of the fiercest assault. Passing the sphere of legitimate investigation its tide was turned against myself individually—my father's grave was dishonored, my mother's dowry inquired into, my wife's estate investigated, my children's portions examined. The details of my household life and expenses were under this—how shall I characterize it—most brutal proceeding, held up for the examination of the world. I have no further words with which to describe it. I must leave it to your own conscientiousness to supply the picture.

And all this was done with the sanction, or at least with the acquiescence of the American Congress, and in the presence of the American people. I cannot recur to it without passion, or speak of it without feeling. But I thank God that it is not in my temperament to turn my back upon friend or foe, and that I was able for myself and for my party to stand my ground against the onset, more filthy and more tremendous than was ever poured upon any other man in our times.

It was, indeed, a trying moment. "Then shrieked the timid, and stood the brave." In the shock of that battle false friends fell off and new enemies came on, and with the cry of ravening wolves the concentrated force of a great party was precipitated upon the devoted head of a single individual, not because of himself, but because he stood in the breach and held the key of the defense. I would not charge all this without reservation upon the whole party which was then in power. I make much allowance for the infectious effect of excitement and passion. Men are most dangerously and strongly influenced and acted upon in masses, and we all know how often in the sweep of such judgments reason is subservient to passion. But in truth the American Congress and its power were upon this subject delivered into the hands of the most reckless and irresponsible of its members.

If there was a member of Congress lately in rebellion against the Government who, though early forgiven through its clemency, still retained in his malignant heart all his ancient malevolence against its institutions and its defenders, he was a proper representative of the political policy then inaugurated. If there was a man who, in his own State, had the accusation resting against him, true or false, of having stolen its school fund——

Mr. WHITTHORNE, (rising and advancing.) That is a lie, whoever tells it or repeats it——

Mr. ROBESON. If there was a man who had been accused at home, truthfully or falsely, of having, with his companions, carried off, in gold, the school fund of his State, and with them lived upon its proceeds during the closing years of the rebellion, his home reputation singled him out as a fit investigator of the charges then made.

Mr. WHITTHORNE. That is a lie.

Mr. PEELLE. I ask that the words of the member from Tennessee be taken down.

Mr. HOUSE. The words on the other side should be taken down.

Mr. ROBESON, (to Mr. PEELLE.) Never mind. I mean to keep strictly within the rules of parliamentary propriety. I have mentioned no one by name. If any man recognizes himself by the description, let him step forward and deny it. [Applause on the Republican side.]

Mr. HOUSE. That is not candid.

Mr. ROBESON. If there was a member of Congress the character of whose daily life was so dissolute and vicious that he had received among his associates a disgusting cognomen, synonymous of weakness and debauchery, he was the fit representative of the morality which was then to be illustrated. If there was any man so debased in his habits, so vile in his practices that he considered it a personal attack when the police of the city watched and raided upon the lowest of its brothels, and invoked a Congressional investigation upon it as an invasion of his Congressional privilege, such a man was a fit leader in this investigation, since he was the chosen associate of its vilest agents.

Mr. McLANE. I call for order.

The SPEAKER. The House will come to order, and gentlemen will resume their seats.

Mr. PAGE. I hope order will be restored, and that members will take their seats.

The SPEAKER. The gentleman from New Jersey will suspend until order is restored. [After a pause]—

Mr. ROBESON. If there was a man on this floor who had brought his own brother from the inmost recesses of an inland State to enter as a contractor under a District government which he was daily denouncing as fraudulent and corrupt, such a man was a fit person to denounce and blackmail honest contractors. If there was a man who in the days of his pretended decency had sought and obtained through the head of a Department a provision for the support of a member of his family, which he still holds and enjoys through the favor of the Government and the bounty of the then Secretary of the Navy, such a man would be fitly qualified, by that malevolence which grows in mean natures from the enjoyment of undeserved favors, to strike at the character and reputation of the benefactor of his family. I name no man; I ask my friends to name no one; but I ask the gentlemen on the other side of the House to wake their recollections, to review their memories, and to say in their hearts if I have fitly characterized any man.

The result of such action and such leadership and direction I have not time fitly to describe; but I will read to the House for its information and for that of the country some extracts from the views of the minority of the committee charged with the investigation of the Navy Department, which, in mild but forcible terms, in moderate though strong language, fitly characterize it. Says that report:

> This investigation has extended over a period of six months, during the first four of which the Secretary of the Navy and the subordinates of the Department, the persons likely to be most affected by it, were carefully excluded from the committee-room, and the seal of secrecy was placed upon the lips of the members of the committee. Hundreds of witnesses were examined and discharged, not only in Washington but at the various navy-yards on the Atlantic coast; and when the committee had completed the testimony a mass of nearly three thousand pages was placed in the hands of the Secretary of the Navy, and he was told that he might have the privilege of replying!
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> The committee held no consultation whatever in relation to a report. The matter of a report was never talked of in the committee-room, and no one was authorized by the committee to prepare one, no sub-committee appointed, and no general discussion had as to what it should contain; but the members of the committee were notified to be present on the morning of the 18th instant in the com-

mittee-room to hear a report. When the committee was assembled the chairman produced a report and was proceeding to read it when a Republican member of the committee inquired of the chairman by what authority the report had been prepared, the matter never having been brought to the attention of the committee. To this question the chairman replied, "I recognized my political friends on the committee and have consulted them only," and proceeded to read the report.

During the reading of the report it became apparent that it had been already agreed to and passed upon by the majority of the committee. Its reading having consumed the entire day, the 18th, the Republican members of the committee on the next day proposed to take it up, subject by subject, and discuss and amend it. This proposition was voted down by a party vote in the committee, thus depriving the minority of any influence in determining the conclusions and character of the report of a committee of which they were members.

A report so made is likely to be but the reflex of the political sentiments of its authors, adapted to what they may deem the political necessities of their party.

It is, in fact, a partisan document, made on the eve of a great political contest, and is designed for political effect. While we will not hesitate to condemn and censure and demand punishment for any persons connected with the administration of naval affairs, from the highest officer to the lowest, for any act of fraud, corruption, or wanton neglect of duty, yet we cannot consent that false interpretations shall be put upon the lawful acts of the officers of the Navy Department, or that unjust censure shall fall upon those charged with the responsible, the important, exacting, and multifarious duties thereof.

* * * * * * *

The same party spirit which has manifested itself in the report dictated the policy of secrecy at the commencement of our labors, and closed the doors of the committee-room to anything like fair and impartial investigation. It is almost impossible to characterize in language of propriety the manner and spirit of the investigation itself, and it will be wholly impossible for the American mind to realize the fact that such oppressive wrongs have been carried on against our citizens in the American Capitol, under the protection of the Constitution and laws, and by a committee of Congress. The Constitution expressly provides that any person accused shall "be informed of the nature and cause of the accusation and be confronted with the witnesses against him." And yet day after day, for more than five months, witnesses were examined before this committee from every part of the country, heard with closed doors under the pledge of secrecy, and without notice to any person supposed to be affected by their testimony.

Every discharged employé, every disappointed contractor, every dissatisfied officer, who thought or imagined that his views or his interests had not been sufficiently considered; in short, every person who supposed or represented that he had cause of complaint, every bitter partisan who thought he could do injury to the Navy Department and the present Administration, every personal enemy who was disposed to attack its chief or any of its officers, was encouraged to appear and give his statement, not only of what he knew but what he had heard and what he imagined; everything that he thought might do injury, in secret session, without fear of intelligent cross-examination or opportunity for explanation of the real facts: and to facilitate all this the committee was divided up into subcommittees and sat in distant parts of the country, apparently that opportunity might be given for the retail of local gossip or the venting of petty personal malice. During all this time and until the Secretary of the Navy actually forced his way into the committee-room, by appeals to the committee which public opinion constrained them to regard, not only were the persons supposed to be affected kept in ignorance of the names of the witnesses and the subjects to which their testimony was directed, and even of the fact that such subjects were under investigation, but the members of the committee themselves, interested in eliciting the truth, while they were of course ignorant of most of the matters inquired into, were excluded by the injunction of secrecy even from seeking the sources of correct and proper information, and were thus debarred from developing the real facts, either by intelligent cross-examination or explanatory testimony.

Every protest against these proceedings was met with the reply that this was an examination into the system and manner of administration, to the end that appropriate legislation might be recommended, not an investigation of any person. But the manner of the investigation, the spirit in which it was carried on, the character of the witnesses, and the way in which their testimony has been used in the report of the majority, as well as the substance and spirit of the report itself, show that this investigation, so conducted, at an immense expense to the Government, was not, in fact, an investigation for the benefit of the service, but was mainly for the purpose of a partisan attack upon the Navy Department, its officers, and its head.

The report itself, as we have said, is in perfect consonance with the investigation, both in manner and spirit. Throughout its whole length facts and figures are perverted, and parties misrepresented. Everything is assumed against the Department and the Secretary, and nothing in their favor. *Ad captandum* statements and assumptions are given as facts, while the testimony which wholly refutes them is entirely ignored.

The speculations of single witnesses, who are supposed to establish some wrong or abuse, are quoted, while the sworn and legal testimony of the many which contradicts and destroys these speculations is never mentioned. The malignant givings-out of malicious enemies are assumed as true, while the testimony of honest witnesses is garbled and wrested from its intended meaning. Throughout the whole report every single thing which has occurred during the last seven years, with which the majority think they can find fault, is characterized as a great "abuse and fraud," and every exercise of legal authority about which they can find room for doubt or dissent is declared to be a violation of law. We propose to analyze, as far as may be, in the short time allowed us, the report of the majority, and the testimony upon which it is based, and in a general way to lay before Congress and the country what we believe to be the true and correct results of this long and laborious investigation.

* * * * * * *

It appears from the testimony of Captain Shufeldt, chief of the Bureau of Equipment and Recruiting, (at page 676, miscellaneous proof,) that he visited on a tour of inspection in March last all the ships belonging to the North American squadron. When asked the condition of the Navy to-day as compared with what it was in 1869, he says:

"I think it is in a great deal better condition to-day than it was in 1869."

According to his statement the condition of the ships in 1869 and 1876, respectively, was as follows:

"In 1869 there were in good condition only twelve vessels, while in 1876 there are seventy vessels; in 1869 there were in that condition known as fair twenty-five vessels, while in 1876 there are only fourteen; in 1869 there were wanting important repairs twenty-four, in 1876 only sixteen; in 1869 there were wanting extensive repairs seventy-six, in 1876 only fifteen; there were in 1869 unfit for repairs fifty-eight vessels, and in 1876 there were only ten."

In the appendix to the miscellaneous proof, page 357, appear the detailed tables upon which Commodore Shufeldt founded his foregoing statement.

When Secretary Robeson took charge of the Navy there were two hundred and three vessels of all classes. It is asserted by the majority that the Navy has greatly diminished since, as if to intimate that the fault or error is justly attributed to the Secretary. Of these two hundred and three vessels there were condemned and sold, between January 1 and July 1, 1869, ten, as appears by the Register of July 1, 1869. From July 1, 1869, to the present time there have been condemned and sold thirty-eight, as appears by miscellaneous proof, page 604. There have been broken up, since July 1, 1869, ten, and there have been wrecked and lost at sea four, the Oneida, the Polaris, the Saginaw, and the Saranac, leaving of the navy of 1869 only one hundred and thirty-five vessels. To this number have been added eight sloops of war now nearly completed, two torpedo-boats, and two purchased vessels, the Dispatch and the Rio Bravo, showing the whole Navy as it now exists to be one hundred and forty-seven.

It is certainly not the fault of the present Secretary of the Navy that so many ships were, at the time of his advent to office, worthless and fit only to be sold; and who, if not Congress, is at fault if we have not a larger navy at the present time? The gentlemen of the majority of the committee condemn the Secretary for rebuilding old ships which would have otherwise long since been sold at auction or sent to the wrecking-yard. They condemn him for having purchased the Dispatch and the Rio Bravo. Had he acted as the report implies he should have acted, instead of one hundred and forty-seven vessels, most of which are now in good, serviceable condition, we should not have had over one hundred vessels. There have been repaired of the single-turreted iron-clads fifteen, which are now in good serviceable condition. Without repairs they would have been utterly worthless. Of the double-turreted monitors, five have been rebuilt, or are in process of being rebuilt, with iron frames.

* * * * * * *

It should also be understood that the Navy to the control of which he succeeded was largely composed of vessels built of bad materials during the war. Of these, many were already worthless; many others were fast going to decay and would soon become of no value. To merely patch up and repair such vessels so as to keep them afloat would be folly of the grossest kind and a waste of the public money; and a navy so maintained would have been a delusion and a snare. Take a vessel with a rotten white-oak frame, and how could it be repaired? To put in a new frame is what the majority call rebuilding and creating a new vessel. In rebuilding such a ship it would be folly to have an old and obsolete model, if a new and improved one were possible.

The Secretary, out of the annual appropriations, since 1869, has rebuilt under the name of repairs, if it is necessary to use that expression, the following vessels, and they are all far better ships now than they were before. Many of them are larger, on new models, and from sailing vessels some of them have been converted into steam-vessels of great speed.

The list includes the Amphitrite, Miantonomoh, Monadnock, Puritan, Terror, Quinnebaug, Swatara, Galena, Vandalia, Marion, Mohican, and Nipsic. We hold the conduct of the Secretary open to no objection. Congress appropriates from year to year a certain amount of money to be expended according to the judgment of the Navy Department in the construction and repair of vessels, and it would be absurd to hold that without special authority from Congress he could not substantially rebuild a vessel, if in doing so he could produce a better ship with less money than he could by repairing an old and worthless one. The committee complain of him for not keeping up the Navy, and yet would limit his power merely to the duty of repairing old and worthless vessels! We may well ask what sort of a navy we should now have had he acted upon any such construction of the law!

* * * * * * *

Again, we pronounce all these suggestions, inferences, and insinuations against the Secretary of the Navy to be wholly false and unfounded. They would be utterly unworthy and improper if there was no other proof in the case than that alluded to by the majority; but they know, though they are careful not to mention it, that there never was a more complete negative shown than has been proved by the Secretary in this case. Not only did he himself declare, and defy contradiction, that he never interfered as to the prices of purchases or the persons of whom they should be made, or as to the prices of contracts or the individuals who should receive them, but he was sustained on that point in the fullest manner by the testimony of every officer who is now or has been a chief of a bureau of the Navy Department since he has been in office, and every purchasing paymaster who has been on duty in New York, Philadelphia, or Washington at any time during that period—twenty-three gentlemen of the highest rank and established position, comprising almost every man who has made a contract or purchase of any kind for the Navy during the last six years, every one of them declared on his oath that the present Secretary of the Navy has never interfered in any way whatever in the making of their purchases or contracts; has never said one word about persons or prices, or ever ordered or dictated, or suggested or hinted at any favoritism to any one in regard to purchases or contracts. If anything could be more conclusive than this we are unable to conceive of it, for we are wholly unable to understand how an officer can be even suspected of fraud in contracts or purchases who, it is shown, never made or interfered with them in behalf of any one.

The report of the majority of the committee, while wholly ignoring this testimony, seeks to evade its force by suggesting that the Secretary has sometimes decided questions arising on contracts which were referred to him by chiefs of bureaus or by parties interested; that he has referred applications made to him to the proper bureaus, and that he has, in one or two instances during the last seven years, in signing for an absent chief of a bureau, put his signature in some formal way to an order. But these suggestions are utterly unworthy, and by their very feebleness show the irresistible force of the proof to which we have referred.

It is suggested by the majority that if the Secretary does not control the contracts in his Department he should do so, and that he should be held responsible for every fault that can be found in relation to them. This seems to us a strange misconception of the relations of the head of the Navy Department to the contracts and purchases for the naval service. No one would think of holding the Secretary of the Treasury responsible for the contracts and purchases made in relation to the public buildings which are erected under the authority of his Department, nor for any frauds or irregularities which might take place in the custom-houses or on the wharves of the various cities.

No one would think of holding the Secretary of War responsible for the contracts and purchases of the Quartermaster's and Commissary Departments of the Army, or for the contracts and work under the charge of the Chief of Engineers; yet the naval service is much more diversified in its nature and much more widely scattered in its operations than either of those above mentioned. The peculiar nature of the service requires more than any other the employment of experts in making contracts and purchase in every one of its branches. The law has provided for them in every bureau and has apportioned to them their various duties and responsibilities. The whole is, of course, under the general direction of the Secretary, who settles the general policy and gives general directions for carrying it out and who is generally responsible as an executive officer for the proper administration of his Department; but each chief of a naval bureau is a quartermaster-general in his own department, and the Chief of the Bureau of Provisions and Clothing is the commissary-general of the Navy.

The purchasing-paymasters in the various cities, and with the fleets abroad, are the assistant quartermasters and commissaries of the service; and it would be as manifestly improper for the Secretary of the Navy to attempt to interfere with the details of contracts and purchases in the several bureaus as it would be for the Secretary of War to dictate contracts and prices to General Meigs or his subordinates, or to the Commissary-General or his assistants. The present Secretary of the Navy has so completely abstained from such interference that, even in cases where his confidence has been abused and his friendship betrayed, he is able to defy alike the aspersions of personal enemies and the persecutions of partisan spirit.

* * * * * * *

In view of this action on the part of the majority, and of our own settled convic-

tion after a full examination of all the testimony, we recommend the adoption of the following resolution:

Resolved, That in this investigation no fraud, corruption, or willful violation of the law has been shown or appears to have been committed by Hon. GEORGE M. ROBESON while in the discharge of the duties of Secretary of the Navy; and we find no reason to censure or find fault with his conduct in the administration of the Navy Department.

That report was drawn by the honorable gentleman from Massachusetts, [Mr. HARRIS,] whose eloquent words you heard yesterday upon this floor, and the moderation and truth of whose character is known of all men here. It was signed by him and his associates, Mr. Danford, of Ohio, and Mr. Hays, of Alabama. I will not degrade him by comparison with the author of the majority report, but will cheerfully and confidently leave the commendation of him and his associates to weigh before Congress and the country against any and all of the malignant slanders of such a man as I have characterized and those who follow or imitate him. I will only add that the report of the member from Tennessee was, on examination, rejected by the Judiciary Committee of his own party.

I regret very much, Mr. Speaker, that I have but little time left to review the presentation of these subjects made by the gentleman from New York, [Mr. HEWITT.] That presentation was specious, though it pretended to be candid; was extravagant, though it assumed to be careful; was false, though it claimed to be frank. Though it was evidently founded upon information gathered from the malevolence and misrepresentations of others, the gentleman who presented it gave it the stamp of his approval with all that reckless confidence which seems to be his nature when called upon to indorse anything which impugns the conduct or misrepresents the motives of others. But time will only permit me to answer him in general terms.

The gentleman from New York, while admitting in his speech that the ships I have spoken of had been built, criticised them in character, criticised them in results, and criticised them in speed, efficiency, and durability. I have no time left to go into many details in reply, but I will detain the House only to make some comparative statements which will absolutely refute the assertions of the gentleman.

I will show in reply that the ships which I built were better, faster, stronger, and more effective, ship for ship, than any of their class in the English or in any foreign navy. Speed in ships comes from great displacement and great size, with larger space for powerful machinery. All our ships are not of the greatest size. Ships for general cruising purposes should usually be small, since they take small complements of officers and men and are maintained and operated with greater economy. I would not therefore compare the 1,000-ton ships which I built with larger and more powerful vessels built abroad. I built such ships only as the laws of Congress authorized and their appropriations justified, and upon them I rest my case.

And, ship for ship and class for class, I claim that the ships I built were better than those of any other navy of the world. And I am ready here with the tables to compare them with their corresponding class for speed, economy, and endurance with those of England, the very ships which the gentleman from New York himself cited. Let us review, in the light of the record facts, his criticism of the Trenton in his comparison of her with the English ship Bacchante.

Without going into any mathematical calculations of the relative strength of the English iron ship and the United States wooden vessel, it is to be admitted that iron and steel are believed to-day to be better as ship-building materials than even live-oak. But the Trenton was built of the best material at the command of the Navy Department; she has proved herself the best ship that our Navy possesses, and equal in speed and economy to any foreign vessel she ever met in five years of cruising; and she has a hull and machinery to-day worthy of the best breech-loading guns that can be made.

Her speed on trial for eight continuous hours at sea, with full stores and coal and not specially fitted for a maximum trial, was over fourteen knots per hour, and she developed nearly thirty-five hundred horse-power at a cost of less than two pounds per horse-power, a performance in economy rarely reached by the best of compound machinery made here or abroad.

In his comparisons with this, Mr. HEWITT has given the maximum speed of the Bacchante, and on trial trip for a measured mile on the smooth water of the Thames, and compared it with the average hourly speed of the Trenton at sea.

The Trenton has a coal capacity to steam 2,800 miles at ten knots, equal in that respect to the vessel Mr. HEWITT quotes, which has a larger displacement by several hundred tons, and horse-power greatly in excess, as is herewith shown:

Trenton:	
Length, (feet)	253
Draught, (feet)	19½
Tons	3,900
Horse-power	3,265
Speed, (knots)	14
Bacchante, (English:)	
Length, (feet)	280
Draught, (feet)	22
Tons	4,310
Horse-power	5,250
Speed, (knots)	14.8

THE ADAMS AND RANGER CLASS.

Now, in regard to the vessels of the "Adams" and "Ranger" class built by the Navy Department, the gentleman from New York says, with truth, that the only way to arrive at their degree of efficiency is by comparison with foreign ships of the same character and class. But he is in error when, in making that comparison, he states that the highest rate of speed of our ships is about ten knots per hour, when the truth is that their logs show on trials that they have made as follows: Twelve and a half knots on trial trips for over six consecutive hours, and at a coal consumption of only 1.9 pounds per horse-power, and the engines indicated nearly 1,000 horse-power.

This speed, continuing for hours, exceeds that of the English vessels made for a few moments over a measured mile, and the cost per horse-power in coal is as economical as the best results obtained for foreign vessels, and they produce as large a power for their weight of machinery as any war vessels afloat.

The gentleman from New York again quotes the English vessels at their maximum for speed and coal on short trials, and cites the results of our own Navy at their cruising averages in varying conditions of service.

Comparing them with the English vessel, namely:

Adams class, (5 vessels:) Feet, 185; tons, 1,375; horse-power, 926; knots, 12½.

Pelican class, English, (14 vessels:) Feet, 170; tons, 1,224; horse-power, 1,060; knots, 11.

Alert class, (3 vessels:) Feet, 175; tons, 1,020; horse-power, 700; knots, 10½.

Albatross class, English, (6 vessels:) Feet, 160; tons 900; horse-power, 884; knots, 10.

Now, let us also compare the rebuilt ships of the Vandalia class with those of like class in the English Navy:

THE VANDALIA CLASS.

The comparison extended to this class of ships reconstructed during 1872 to 1876 is still more marked. One of the best vessels in the English navy is taken and official records in each case bear out this statement, namely:

Vandalia class, (5 vessels:) Length, 260 feet; tonnage, 2,400 tons; speed, 12¼ knots per hour, (cruising.)

Garnett class, English, (6 vessels:) Length, 220 feet; tonnage, 2,383 tons; speed, 13 knots per hour, (measured mile.)

THE DOUBLE-TURRETED MONITORS.

In regard to the double-turreted monitors, by this bill proposed to be finished, the gentleman from New York indulges in lengthy but imperfect criticism. Neither his statements nor his comparisons will stand the test of trial by the record.

DOUBLE-TURRETED IRON-CLADS.

Mr. HEWITT states that the proposed guns of the Miantonomoh are the heaviest that she can carry, namely, 20 tons each. This is a mistake; the design of the guns and the turrets are not yet determined; but the displacement of the Miantonomoh will permit guns of double that weight, and she can be fitted, if necessary, with steel-faced armor on her turrets. The guns of this ship should be and can be made equal to those of the Ajax, quoted in comparison with her, and the gun-makers of America are ready to-day to build them.

The gentleman further states that the Miantonomoh has only coal capacity to steam half-way across the Atlantic. This also is error. The Miantonomoh with 500 tons of coal on board can steam to any port on the Atlantic coast of Europe at an average speed of 10 knots per hour, while her full speed will reach 12 knots per hour.

In comparing the two vessels it must be considered that the Miantonomoh has 3,815 tons, with draught of water 14 feet, and the Ajax (English) 8,492 tons, with draught of water 23½ feet; so that the gentleman from New York is comparing the American iron-clad with an English one more than twice her size and weight and much greater draught of water, a draught which would make her almost useless on our shores or to attack our harbors.

The compound armor referred to by the gentleman as of such importance on the Ajax and Agamemnon (both of which are unfinished and untried British iron-clads) is identically the same as that proposed for the Miantonomoh turrets. He is certainly also misinformed on the subject of the contemplated thickness of the turrets of the Miantonomoh. The last board on that vessel recommended them to be 10¾ inches steel, and the surplus displacement of this vessel with all cruising weights on board will permit both side-armor and turrets to be increased in thickness.

The English Glatton has but one turret, while the Miantonomoh has two, with double the number of guns.

The gentleman states that no plans were prepared for these vessels, especially for the Puritan; but it is a fact capable of proof that her plans were all made and were verified by the Mullany inspecting board, and were found to correspond with the calculations upon which the bureau and builders' estimates were made regarding turrets, weights, &c.

It is further a fact that the bracket principle, double hull, &c., of these English ships and of the American Miantonomoh and her sister ships and of the Puritan are almost indentically the same.

Now, Mr. Speaker, the gentleman from New York does not profess

to be a ship-builder nor a naval expert, I suppose, any more than I do. He has, I suppose, taken his information from false sources; and as the information cannot rise above the source from which it is derived, he is thus led into these errors. The man from whom he takes his information, as I believe, is a man who was dismissed from the Navy Department before I went into it at the request of Admiral Porter, and as one of the first acts of General Grant's early administration——

Mr. HEWITT, of New York. At this point permit me. The only source of information which I have had was the reply of the Navy Department to my resolution. I wish to disabuse the mind of the gentleman from New Jersey of what he now says. I have had no information whatever of any kind from the person of whom he speaks, nor any communication with him directly or indirectly, nor can I even conjecture the name of the person to whom he refers.

Mr. ROBESON. How can the gentleman deny that he "has had any communication" from the person of whom I speak, if he is not able to conjecture his name?

Mr. HEWITT, of New York. I say that I have had no information except through the Navy Department; and that I have not had any communication from anybody who has been dismissed from the Navy. I do not know to whom the gentleman refers.

Mr. ROBESON. I recognize, I am sure, a similarity not only of statement but of expression, line for line, point for point, and measure for measure, in some reports and utterances of Chief Engineer Isherwood and in the statement of the gentleman from New York.

Mr. HEWITT, of New York. If the gentleman from New Jersey will name the gentleman to whom he refers——

Mr. ROBESON. I refer to Chief Engineer Isherwood, for the last ten years the Democratic expert in these attacks on the Navy Department.

Mr. HEWITT, of New York. I have had no communication, direct or indirect, with Chief Engineer Isherwood in any form, shape, or manner.

Mr. ROBESON. I must then give the gentleman the full benefit of his denial; and I say to him that he has at least fallen into this error in comparing the speed of ships without the aid of an expert, namely, that he has taken the speed of the English ships over the measured mile on the Thames upon their trial trips, and has compared that with the daily log of our ships cruising on the ocean.

The gentleman from New York has also undertaken to question the quality and durability of the ships I built by quoting the estimated cost of the needed repairs. I need not remind him, however, that I am neither responsible for not keeping them in repair after I left the Department nor for any sums large or small which it may now be proposed to spend upon them. They were built, however, of the best material at the command of the Department, the best then used in the world, and they have the ordinary life-time and durability of the best ships of their class and material. And I will inform the gentleman of one other fact, perhaps unknown to him, but with which my experience in the Department has made me familiar—the fact, that the useful life of a wooden sea-going steamship is not over eight or nine years, that at the end of that period she requires expensive repairs, and after that, unless she is wholly or almost wholly rebuilt, you had better lay her up than waste much money upon her repairs. I will say also, what the gentleman ought to know, that the life of the boilers of the sea-going ship is not more than seven years; that at the expiration of such period these boilers must be renewed or most expensively repaired. This is a complete answer to the criticisms of the gentleman upon the durability of these ships, (many of them built ten or twelve years ago,) which the gentleman prints in his speech as an attack upon their quality and their endurance. They were built of American live-oak, the best material that was then afforded for our ships; and they remain to-day valuable ships ready to be compared favorably with any of their material and class in the world.

I will append to these remarks a short table comparing the most efficient cruising ships which remain in our Navy with those which approach nearest them in size and class in the English navy; so that gentlemen may see once for all how our Navy, as far as it goes, compares in quality and efficiency with the ships of England.

In addition to the ships of which I have spoken, I had also left me as a legacy of the war fourteen single-turreted iron-clads of the monitor class like the original monitor which beat the Merrimac in Hampton Roads. Those I also throughly rebuilt with iron beams and frames of iron, so that though slow ships, not effective to go away from our own shores, they add greatly to the strength of our Navy for the defensive purposes of a peaceful nation.

All this work was done out of the ordinary current appropriations of the Navy, with the exception of $3,200,000 appropriated for the eight steam sloops of war: and the Trenton, which the gentleman so severely criticises, to-day stands before the world as the proudest monument of American ship-building—the equal and superior of every ship of her character and class that she has met in cruising round the world for the last six years, till the Broad Arrow, published in London, has in editorial remarks called the attention of the British admiralty to her achievements and to her success. Again I say that class for class, ship for ship, power for power, material for material, the ships that I was enabled to build out of the meager appropriations for the Navy will stand as well in comparison as any others of that date in the world.

And now by this bill, Mr. Speaker, we are proposing to build new ships of a superior class, according to modern ideas, and with improved material, machinery, and armament. We are trying to do it without laying unnecessary burdens upon the people. We are trying to save on the luxuries what we seek to spend on the necessities of the service. We here cut down the expenses in the navy-yards, where the record shows it takes two dollars to spend one. We have curtailed the civil list, already far too large for the work required. We have reduced the superfluous roster of an overgrown service, seeking to bring them face to face with the real condition of things, that they may see the necessity not only of submitting to but of themselves inaugurating, reforms. We have sought also to bring back harmony and good feeling to the service, and to give a healthy and consistent action to the whole organization, by bringing all its representative officers out through the same process of education and graduation, launching them in the service on an equal plane of honorable duty and efficiency, and giving, as far as rules and laws may accomplish it, superior respect to superior merit alone. [Here the hammer fell.] My time is exhausted, Mr. Speaker, and I would only say in closing that what I have done in the past and what I am now striving to do I believe to be for the best interests of the Navy and of the Government which maintains it. My opinion may be antagonized and my efforts frustrated, but I shall have at least the approval of my own conscience. In conclusion I recall the words of the great cardinal:

> Let all the ends thou aim'st at be thy country's,
> Thy God's, and truth's; then if thou fall'st, * * *,
> Thou fall'st, a blessed martyr.

Comparison between English and American unarmored ships.

Name and class of ship.	Length between perpendicular.	Extreme breadth.	Draught, (mean.)	Displacement.	Immersed section.	Maximum horse-power.	Maximum speed.*
	Feet.	*Feet.*	*Feet.*	*Tons.*	*Sq. ft.*		
U. S. S. Trenton	253	48	19½	3,900	780	3,165	14½
H. M. S. Eurylusand and class, (6 vessels)	280	45	21½	3,932	.....	5,270	14½
U. S. S. Alaska and class, (4 vessels)	280.5	38	16½	2,400	473	1,200	12½
H. M. S. Comus and class, (9 vessels)	225	44.6	17	2,383	.....	2,300	13
U. S. S. Vandalia and class, (5 vessels)	216	39	17¼	2,080	516	1,276	12½
H. M. S. Garneh and class, (6 vessels)	220	40	16½	2,162	.....	2,000	12½
U. S. S. Adams and class, (5 vessels)	185	35	14½	1,375	360	926	12½
H. M. S. Pelican and class, (14 vessels)	170	36	14½	1,124	.....	1,060	11
U. S. S. Alert and class, (3 vessels)	175	32	12½	1,020	300	696	10½
H. M. S. Albatross and class, (6 vessels)	160	31.4	13	894	.....	884	10

*In knots.

The SPEAKER. The time for debate has expired. The question on the passage of the bill must, under the rules——

Mr. WHITTHORNE. Mr. Speaker——

The SPEAKER. Debate is exhausted.

Mr. HOOKER. I move that the time of the gentleman from New Jersey [Mr. ROBESON] be extended. [Cries of "Oh, no!"] Oh, yes! Why not?

The SPEAKER. Objection is made.

Mr. HOOKER. I move that the time of the gentleman from New Jersey—— [Cries of "Regular order!"]

The SPEAKER. Under the rules the yeas and nays must be taken on the passage of the bill.

Mr. WHITTHORNE. I rise to a question of privilege.

Mr. HOOKER. I move to suspend the rules by which the yeas and nays are ordered, so as to allow the gentleman——

The SPEAKER. The motion is not in order.

Mr. HOOKER. Why not? I ask unanimous consent.

Mr. RANDALL. I understand the gentleman from Tennessee to rise to a question of personal privilege.

The SPEAKER. The gentleman from Tennessee addressed the Chair, but has no time allowed for debate. The question is upon the passage of the bill.

Mr. WHITTHORNE. I rise to a question of personal privilege.

Mr. RANDALL. I submit that the Chair should listen to the gentleman from Tennessee, or any other member who states that he rises to a question of personal privilege.

The SPEAKER. No member, so far as the Chair understood, has risen and made that statement. The gentleman from Tennessee sought to proceed with the debate; and the Chair does not understand that the vote on the passage of the bill may be interrupted in that way.

Mr. RANDALL. I so understood the gentleman from Tennessee.

Mr. HOUSE. I heard him distinctly, that he rose to a question of privilege.

The SPEAKER. Just now?

Mr. HOUSE. Yes, sir.

Mr. HAZELTON. Not when he first got up.

The SPEAKER. When the gentleman first rose he did not make that statement.

Mr. RANDALL. I did not think I could be wrong.

The SPEAKER. The question is on the passage of the bill. The gentleman can have his time.

Mr. RANDALL. That is all right.

The SPEAKER. He can have his time at the proper time.

Mr. CURTIN. Is there general leave to print?

The SPEAKER. The Chair does not understand there is.

Mr. CURTIN. I ask leave to print my remarks.

Mr. THOMAS. I ask the same privilege.

The SPEAKER. The Chair hears no objection. [See Appendix.]

The question recurred on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 119, nays 76, not voting 95; as follows:

YEAS—119.

Aiken,	Ellis,	Lewis,	Shelley,
Aldrich,	Errett,	Lord,	Shultz,
Anderson,	Evins,	Lynch,	Smith, A. Herr
Barr,	Farwell, Sewell S.	Mackey,	Smith, Dietrich C.
Bayne,	Fisher,	Mason,	Speer,
Belford,	Ford,	McCook,	Spooner,
Bingham,	George,	McKinley,	Steele,
Bisbee,	Guenther,	Miller,	Stone,
Bowman,	Hall,	Moore,	Strait,
Brewer,	Hammond, John	Morey,	Taylor,
Briggs,	Harmer,	Neal,	Thomas,
Browne,	Harris, Benj. W.	Norcross,	Thompson, Wm. G.
Brumm,	Haseltine,	O'Neill,	Tillman,
Buck,	Henderson,	Orth,	Townsend, Amos
Burrows, Julius C.	Hepburn,	Pacheco,	Tyler,
Butterworth,	Hill,	Page,	Updegraff, J. T.
Campbell,	Hiscock,	Parker,	Updegraff, Thomas
Candler,	Horr,	Peelle,	Valentine,
Cannon,	Hubbell,	Peirce,	Van Aernam,
Carpenter,	Hubbs,	Prescott,	Van Horn,
Cassidy,	Humphrey,	Ray,	Wadsworth,
Caswell,	Jacobs,	Rice, John B.	Ward,
Crapo,	Jadwin,	Rich,	Washburn,
Cutts,	Jones, George W.	Ritchie,	West,
Dawes,	Jorgensen,	Robeson,	White,
Deering,	Kasson,	Robinson, Geo. D.	Williams, Chas. G.
De Motte,	Kelley,	Robinson, Jas. S.	Willits,
Dingley,	Ketcham,	Ryan,	Wilson,
Dunnell,	Lacey,	Scranton,	Young.
Dwight,	Ladd,	Shallenberger,	

NAYS—76.

Armfield,	Curtin,	House,	Robinson, Wm. E.
Atherton,	Davidson,	Hutchins,	Rosecrans,
Atkins,	Deuster,	Klotz,	Ross,
Belmont,	Dibrell,	Latham,	Scales,
Berry,	Dowd,	Le Fevre,	Simonton,
Blackburn,	Flower,	Manning,	Singleton, Otho R.
Blanchard,	Forney,	Matson,	Springer,
Blount,	Fulkerson,	McMillin,	Thompson, P. B.
Bragg,	Geddes,	Mills,	Townshend, R. W.
Buchanan,	Gunter,	Money,	Tucker,
Buckner,	Hammond, N. J.	Morrison,	Turner, Henry G.
Caldwell,	Hardenbergh,	Muldrow,	Turner, Oscar
Clements,	Hardy,	Mutchler,	Upson,
Cobb,	Harris, Henry S.	Oates,	Vance,
Colerick,	Hewitt, Abram S.	Phelps,	Warner,
Converse,	Hewitt, G. W.	Phister,	Wellborn,
Cook,	Hoblitzell,	Randall,	Whitthorne,
Cravens,	Holman,	Reagan,	Williams, Thomas
Culberson,	Hooker,	Robertson,	Willis.

NOT VOTING—95.

Barbour,	Dezendorf,	Leedom,	Richardson, Jno. S.
Beach,	Dugro,	Lindsey,	Russell,
Beltzhoover,	Dunn,	Lowe,	Scoville,
Black,	Ermentrout,	Marsh,	Shackelford,
Bland,	Farwell, Chas. B.	Martin,	Sherwin,
Bliss,	Frost,	McClure,	Singleton, Jas. W.
Burrows, Jos. H.	Garrison,	McCoid,	Skinner,
Cabell,	Gibson,	McKenzie,	Smith, J. Hyatt
Calkins,	Godshalk,	McLane,	Sparks,
Camp,	Grout,	Miles,	Spaulding,
Carlisle,	Haskell,	Morse,	Stephens,
Chace,	Hatch,	Mosgrove,	Stockslager,
Chapman,	Hazelton,	Moulton,	Talbott,
Clardy,	Heilman,	Murch,	Urner,
Clark,	Herbert,	Nolan,	Van Voorhis,
Cornell,	Herndon,	Paul,	Wait,
Cox, Samuel S.	Hoge,	Payson,	Walker,
Cox, William R.	Houk,	Pettibone,	Watson,
Covington,	Jones, James K.	Pound,	Webber,
Crowley,	Jones, Phineas	Ranney,	Wise, George D.
Cullen,	Joyce,	Reed,	Wise, Morgan R.
Darrall,	Kenna,	Rice, Theron M.	Wood, Benjamin
Davis, George R.	King,	Rice, William W.	Wood, Walter A.
Davis, Lowndes H.	Knott,	Richardson, D. P.	

So the bill was passed.

During the roll-call Mr. KENNA said: If not paired, I would vote "no" on this bill.

The following additional pairs were announced from the Clerk's desk:

Mr. WEBBER with Mr. ERMENTROUT.

Mr. SPAULDING with Mr. HOGE.

Mr. HASKELL with Mr. WISE of Virginia.

Mr. CROWLEY with Mr. BLISS.

Mr. WATSON with Mr. TALBOTT.

Mr. MCCLURE with Mr. LEEDOM.

Mr. CALKINS with Mr. CABELL. If Mr. CALKINS were present, Mr. CABELL would vote "no."

Mr. MCLANE with Mr. URNER.

Mr. HAZELTON with Mr. COX, of New York. If Mr. COX were present, Mr. HAZELTON would vote "yea."

Mr. HOLMAN. My colleague, Mr. STOCKSLAGER, has been called home by sickness, and if present he would vote "no."

Mr. VAN HORN. My colleague, Mr. RICE, is absent on account of sickness.

On motion of Mr. ELLIS, by unanimous consent, the reading of the names was dispensed with.

Mr. ROBESON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. WHITTHORNE. I rise to ask the indulgence of the House for a few moments upon a question of personal privilege.

Mr. Speaker, a short time since the member from New Jersey, having charge of the naval appropriation bill, and being entitled under the rules of the House to the hour given by those rules to the conclusion of the argument and disposition of that bill, availed himself of the privilege thus secured in explaining and enforcing the reasons why the bill should be passed to go entirely out of his way to make a hypothetical assault upon some one. At the time he made it, and in alluding to the school fund of a State, I had no question in my mind that I was the person referred to, for the reason that prior to the discussion upon this bill I had information that that member, following the instincts which governed him when he was Secretary of the Navy, as I infer, was getting up information personal to myself in connection with the school fund of the State of Tennessee. Either emissaries or friends were engaged in this work; hence immediately upon reference being made to it I made a personal application, and I now very coolly and quietly state to you, and through you to the House and to the country, that with the school fund of the State of Tennessee I never had any connection directly or indirectly whatever. It is true in the past political history of our State some reference had been made to the connection of Governor (now Senator) Harris with that fund; but the remotest connection I had with it was the fact that I was adjutant-general under him. Now, again, having thus temporarily disposed of the matter, so far as I am concerned, I believe it to be due to Governor Harris, having mentioned his name to-day, that any intimation that he had any improper connection with it is entirely untrue and unwarranted.

Now, sir, I pass to another matter. It suited that member to say during this discussion that upon my advice and counsel a brother of mine came to the city of Washington and obtained a contract from an administration which I had continually and persistently denounced. Allow me to say right here with equal coolness, calmness, and deliberation, that that is not the truth. I had a brother who obtained a contract under the present administration of the District of Columbia for a short time only. The truth of the matter is, I advised him against coming here, and advised him to sever that connection as soon as possible.

Again, I understood the member from New Jersey to intimate to-day that I had legislated a son of mine into office in some connection. That is not the truth.

Now, sir, another reference was made by him, that I had incited an investigation of the police in which my personal conduct and habits were involved. I did not induce that investigation, but the member has referred to it, and I stand here to repeat now to this country and in the face of that member that, when charged by the rules of this House—when charged by them—and in the discharge of my duty to the country to investigate the condition of the Navy Department, I undertook that work, and labored without fear, favor, or affection. I went deliberately, diligently, laboriously, and industriously into that work. I did what I conceived to be my entire duty in connection with it. A short time after I had commenced the work I was made aware of the remarkable fact that there were detectives from the Navy Department watching me day and night in the performance of my work and at other times. Who authorized them? By what authority they were to surround me to shadow my actions and observe my movements I did not know and I do not know now. But, sir, at the close of that investigation, and when it became my duty to make a report upon it, a colleague of mine, who is now here upon this floor and within hearing of my voice, came to me and said that there had been detectives upon my track to inquire into my moral habits and conduct, and that he had received information from a very reliable source that, in the opinion of the men who were conducting that investigation, they had me.

That colleague requested as a personal favor that I would not ask the name of the gentleman who had come to him and given the information. I replied to him—and it was General ATKINS, my friend, and I know of no man with whom I would more willingly intrust my honor and reputation—that I accepted such a pledge, and would not seek from him the name of his informant. He thereupon proceeded to tell me what they said they had against me. I character-

ized the allegations then as utterly false and without a shadow of foundation, and told my colleague that I believed it was a scheme devised for the purpose of black-mailing me, and an attempt to deter me from the performance of my duty to the House and to the country. I also told him to go back to the responsible man from whom the information came and say to him that if hell yawned three feet in advance of me, I would go on and do my duty regardless of consequences. [Applause on the Democratic side.]

Now, Mr. Speaker, I did not know the full extent of this nefarious work. I did not know, nor do I now, who was engaged in it. But, sir, there appeared before that investigation the member from the State of New Jersey, and in his testimony, upon oath taken before that committee, he said that he had communicated this fact as a friend to Mr. HALE with a view that Mr. HALE might communicate it to some friend of mine, and that he knew nothing of it. Why, sir, in the face of all the responsibility that belongs to me I believe that when that member swore that he swore a lie. I believe that, sir; I do not know it. If I did know it I would have another recourse, or would have taken it then; that is to say, I would have consulted the gentleman personally, not offensively, of course.

For my personal conduct or my official conduct I am at all times ready to answer. But, sir, that member, as an excuse for this, has said that the investigation conducted by myself was a secret one. Does not that member know that long before that investigation was closed by order of the committee the testimony was handed over to him for his inspection, and ample opportunity given him for cross-examination? That was the fact.

Again, the gentleman says—I beg pardon; the member says—that in that investigation his private affairs were touched upon, that his mother's dower and his wife's private property were asked for. I tell him again that he there sticks in the bark with the view of uttering that which is not true.

Mr. HISCOCK. Mr. Speaker, I believe——

Mr. ROBESON. I hope my friend from New York will let him go on. Let the galled jade wince.

Mr. WHITTHORNE. The galled jade has winced.

Mr. MILLER. Who is wincing now?

Mr. CANNON. Who is the galled jade?

Mr. HISCOCK. I am entirely willing that this explanation should go as far as the limits of propriety will allow, but I believe it is entirely out of order to indulge in charges against a member on this floor of the character that have been made by the gentleman from Tennessee. I ask that the words be taken down.

Mr. HOOKER. Well, take them down.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] asks that the words of the gentleman from Tennessee be taken down.

Mr. HISCOCK. At the instance of the gentleman from New Jersey, I withdraw the request.

The SPEAKER. The gentleman from New York withdraws his demand that the words be taken down. The gentleman from Tennessee will proceed.

Mr. WHITTHORNE. In the course of the investigation referred to, because it was deemed proper—I will not say by the committee, although I never proceeded without the assent of a majority of the committee, but I take the responsibility myself—in the course of the investigation there was developed the relation of the Secretary of the Navy with the firm of A. G. Cattell & Co. and with one Simeon M. Johnson. By the proof in the case of Hungerford, it was shown that Simeon M. Johnson had divided a fee with some one, and as I looked at the proof I was satisfied there were but two parties connected with that case. Those were the Secretary of the Navy and Simeon Johnson, and Simeon Johnson paid some one a large sum of money.

Again, the most intimate relations were shown to exist between the firm of A. G. Cattell & Co. and the Secretary of the Navy; Cattell & Co. being engaged in real estate operations in the District of Columbia and in the city of Long Branch. It was shown by the proof that over $300,000 had been collected by the firm of A. G. Cattell & Co. for the sale of naval influence. Now, it occurred to me as a little singular that a Secretary of the Navy who, according to the proof, had no money, but was a poor barrister at law—that that man should be handling as much property and investing as largely as he was without some other source of revenue than the legitimate salary he was receiving. And the proof showing that Cattell & Co. had sold naval influence, that they were his friends prior to his becoming Secretary and were his partners while he was Secretary, it occurred to me that on a proper investigation of the facts it could be shown this money received by Simeon Johnson and the money received by the Cattells was a swag to be divided between that Secretary of the Navy and these parties. I believed it then; I believe it now; and believing that, I believed I had a right to resort, and as I think, a majority of the committee had a right to resort, to the method which was adopted to demonstrate it.

I again say, and I say it now here in the face of the country, that when I approached the domain of the domestic family there I paused, leaving it for that Secretary of the Navy in his explanation to go further if he saw proper. And I say now, if he had opened the door himself, which he would not or dared not do, or refrained from doing—if he had opened the door himself it would have been established to the satisfaction of the country that the firm of A. G. Cattell & Co. ramified itself all through the Navy Department. When A. G. Cattell, the ex-Senator, swore he was a partner——

Mr. HISCOCK. I desire to ask the Chair whether the personal privilege attaching to this explanation has not now been exhausted. I am very anxious to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill.

The SPEAKER. The Chair has frequently held, following the precedents, that the personal privilege must be confined to the particular thing that the gentleman regards himself aggrieved about. It never extends the right to a member, who avails himself of the rule to raise a question of personal privilege, to make an attack upon any one else any further than is essential to an answer to the particular charge against himself.

Mr. RANDALL. The gentleman is alluding to the testimony.

The SPEAKER. And the Chair will hold, if the point is made——

Mr. HISCOCK. I make the point——

The SPEAKER. That the gentleman is out of order if he proceeds to make an attack on any person foreign to the answer which he desires to make.

Mr. WHITTHORNE. I respectfully submit to the Speaker that when the member from New Jersey alleged that without cause and without propriety there was an investigation of his private affairs, the statement of the facts which in my judgment made that investigation necessary is proper to be heard by the country.

The SPEAKER. The Chair will direct the Clerk to read the rule as it has heretofore been enforced.

The Clerk read as follows:

When the privilege [of making personal explanation] is given, the member must confine his remarks to the matter upon which he has been criticised, and in regard to which he has asked consent to make a personal explanation.

Mr. RANDALL. I submit that the gentleman from New Jersey himself spoke of this whole subject of the investigation, and that the gentleman from Tennessee naturally and properly has the right to refer to anything that is in the testimony gathered in that investigation——

Mr. HISCOCK. This whole subject has been under discussion——

Mr. RANDALL. And the charges that were made by the gentleman from New Jersey against the gentleman from Tennessee in connection therewith.

Mr. HISCOCK. This whole subject has been under discussion upon a previous day. The gentleman from Tennessee has had his day before the House; has had two hours nearly, in which the career of the gentleman from New Jersey was criticised and reviewed. Not one-tenth of the time taken by the gentleman from Tennessee in reviewing that career has been taken by the gentleman from New Jersey in answering the charges that were brought against him. Now, I insist that this speech which the gentleman from Tennessee is now making is simply a duplication, a going over substantially, not entirely, but to some extent, of the same grounds which he has before been over. I insist that it is a mere matter of argument, a mere matter of discussion; and the discussion upon this bill has been closed, for the bill has been passed.

Mr. BLACKBURN. I desire to say that I deprecate as much as any gentleman can the unpleasant personal features that this discussion has assumed. But I desire that the Chair shall consider this: the gentleman from New Jersey complained of an investigation to which he had been subjected in a former Congress. In the course of that complaint, as he stated it to the House, it became necessary, in the judgment of the gentleman from Tennessee, for him to rise to a personal explanation.

Now, by way of vindicating his official action as the chairman of the committee that conducted that investigation, I insist that the well-known sense of fairness by which the Chair is actuated will not allow him to preclude the gentleman from Tennessee from referring to matters that are of record in the testimony, in the proof, in order to show whether the complaint of the gentleman from New Jersey as to the institution of that investigation was well founded or not. As I understand it, the gentleman from Tennessee up to this time has not traveled outside of the line of the proof taken by that committee in its investigation.

Mr. HISCOCK. The gentleman from Kentucky [Mr. BLACKBURN] is a fair man. I ask him now to indicate how much time the gentleman from Tennessee ought to have, so that we may allow him to go into the subject as much as he pleases, and how much time the gentleman from New Jersey should have in reply——

Mr. ROBESON. I do not want any.

Mr. HISCOCK. So that we may get to the end of the matter.

Mr. BLACKBURN. I am obliged to the gentleman from New York [Mr. HISCOCK] for that inquiry, for it enables me to add what I should have said before. It seems to me that not only does the gentleman from New Jersey arraign the gentleman from Tennessee for the institution of that investigation but he arraigns at this time a former Congress for authorizing and for conducting it.

I think the gentleman from Tennessee should have ample time to vindicate, as far as the proof and the testimony may enable him to do so, not only his own action in that regard but that of the Congress which authorized the investigation. And I shall be among the last, I shall be the very last, that will put a gag in the mouth of the gentleman from New Jersey if he desires to reply.

Mr. HISCOCK. I fear it will take until the 1st of August if all the time necessary for that purpose shall be given to the gentleman from Tennessee.

The SPEAKER. The Chair only feels called upon to enforce the rule. The Chair thinks the gentleman from Tennessee must confine his remarks wholly to the statement he chooses to make in answer to the remarks which he feels aggrieved about. In other words, he must confine his remarks to an answer to the criticism that he claims was made upon him personally. In this the Chair simply follows the universal practice. The gentleman from Tennessee will confine his remarks to an answer to the remarks in which he feels he was criticised wrongfully.

Mr. WHITTHORNE. Mr. Speaker, I cheerfully submit, though I or my party may suffer, to the decision of the Chair, and I know what that estoppel means. Possibly I would have been led on to a fuller explanation if permitted. But, sir, protesting that in all this investigation in the past I have been animated only by a sense of my official duty as the organ of the House of Representatives; knowing all the difficulties that lay in my way; knowing all the means that were resorted to to thwart that investigation; knowing that I had to combat the influence of the Department and the wealth that surrounded it; knowing that I had to encounter falsehood and perjury at every step; knowing that I risked that which man holds more dear than life itself, I have without fear gone along in the discharge of that duty. But now, sir, after having done that duty, when accused of improper motives or improper conduct, I stand in the face of the country and with all the responsibilities that belong to me attach to the forehead of that member falsehood and perjury. [Applause on the Democratic side.]

Mr. ROBESON. Mr. Speaker, since the member from Tennessee has accepted by acknowledgment the application of all that I said to himself, though I did not so apply it, I am willing to rest before Congress and the country without reply to any suggestion of a man who recognizes himself in the portrait which I drew. [Applause on the Republican side.]

The Speaker rapped to order.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana;

A bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana;

A bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians, for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; and

A bill (S. No. 1875) for the erection of a public building at Harrisonburgh and Abingdon, State of Virginia.

PACIFIC RAILROAD SINKING FUND.

Mr. KELLEY. I ask unanimous consent to have taken from the Speaker's table for reference to the Committee on Ways and Means the bill (S. No. 2090) to further regulate the investment of the Pacific Railroad sinking fund.

Mr. ANDERSON. I object.

Mr. RANDALL. The Committee on Ways and Means has nothing to do with that question.

Mr. KELLEY. There is a million of dollars needing investment.

Mr. ANDERSON. All right. I object.

The SPEAKER. Objection is made.

REPORTS OF SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM.

Mr. SPRINGER. I rise to make a privileged report from the Committee on Printing. The committee has directed me to report back without amendment the joint resolution (H. R. No. 144) authorizing the Public Printer to print reports of the Smithsonian Institution and National Museum.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of 1,900 copies of any matter furnished him by the Secretary of the Smithsonian Institution relative to the operations, researches, and explorations of the Institution and the National Museum, to be capable of being distributed in parts, and the whole to form annual volumes in quarto or octavo, as may be required, with suitable illustrations, to be made under the direction of the Joint Committee on Printing; the extra edition of said works to consist of 5,000 copies, of which 2,500 shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,500 for the use of the Smithsonian Institution, for distribution to public libraries and for exchange, the returns for which to be placed in the Library of Congress.

Mr. RANDALL. I hope the gentleman reporting this proposition will tell us the probable cost of this printing.

Mr. SPRINGER. I will; I have the figures here.

Mr. RANDALL. One of the greatest abuses connected with the Government is this unlimited printing, which is not only done under the action of Congress itself, but which permeates every department of the Government.

Mr. SPRINGER. I have here an estimate of the cost of printing these reports for several years past.

Mr. HISCOCK. Is this matter privileged over an appropriation bill?

The SPEAKER. The Committee on Printing has the right to report at any time and to have its reports considered.

Mr. HISCOCK. I call up the sundry civil appropriation bill.

The SPEAKER. The Chair thinks that the report from the Committee on Printing is in order now.

Mr. HISCOCK. Then I raise the question of consideration upon this report.

Mr. SPRINGER. This matter can be settled sooner than the question of consideration can be disposed of. I desire to state to the House——

Mr. RANDALL. The question of consideration is not debatable.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] raises the question of consideration against this report. The question is, Will the House proceed to the consideration of the joint resolution which has been read?

Mr. SPRINGER. I have no desire to press this matter against the wish of the House; I withdraw the report.

ORDER OF BUSINESS.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to, two-thirds having voted therefor.

LUCRETIA R. GARFIELD.

Mr. TAYLOR. I had intended to call up at this time House bill No. 5889, for the relief of Lucretia R. Garfield. It is, however, impossible perhaps for me to engage the attention of the House at this time in antagonism with an appropriation bill. For another reason also, from the fact that the Senate has already acted upon the main part of this bill and the subject will be before us in another way, when discussion will be as general as upon the bill, I do not feel called upon to press the bill now except in one particular. The first section of this bill, relating merely to the salary of the President for the year, I should like to have the consent of the House to pass at this time as a separate proposition.

The SPEAKER. Has the gentleman drafted what he desires?

Mr. TAYLOR. I have. I desire to say, inasmuch as some comment has been made on it at the other end of the Capitol, that at all times since this report has been made that committee and myself have been anxious to have the matter considered, but other questions have arisen and their consideration has prevented it, sometimes one and sometimes another. I am willing now to let the subject be acted on in the appropriation bill and to let the House dispose of it there, with the exception of this first section, relating merely to the salary of the President for the year.

The SPEAKER. The gentleman from Ohio asks unanimous consent to present a bill for consideration, which the Clerk will read.

The Clerk read as follows:

A bill for the relief of Lucretia R. Garfield.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lucretia R. Garfield, widow of James A. Garfield, late President of the United States, or in the event of her death before payment, then to the legal representatives of said James A. Garfield, the sum of $50,000, less any sum paid to James A. Garfield or to his widow on account of salary as President of the United States.

Mr. SPRINGER. Where does this come from?

Mr. McMILLIN. Has this been referred to any committee?

The SPEAKER. It is a portion of a bill already reported.

Mr. McMILLIN. I have no objection to its being introduced and referred.

Mr. TAYLOR. It has been reported by the committee, and this is literally a transcript of a portion of it.

Mr. BLACKBURN. I ask the gentleman from Ohio not to subdivide the report of the committee, of which he is chairman, but to call it all up for action by the House.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Let it be referred.

The SPEAKER. It is a portion of a bill already reported to the House.

Mr. BLACKBURN. I ask the gentleman to call up the whole report.

Mr. TAYLOR. I have already stated to the House why I am not disposed at this time to call up the whole report for consideration. In the first place, I am not disposed to antagonize the appropriation bill, inasmuch as the Senate has acted on the remaining portion of the report of the committee and attached it to that bill.

Mr. BLACKBURN. In reply I desire to say, Mr. Speaker, that the Senate had no jurisdiction of that matter, and its action is not preclusive on this House. On the 19th of April the gentleman from Ohio filed a majority report, a portion of which he now culls in the shape of this bill. He gave notice, as the RECORD shows, it would be his pleasure to call that report up at an early day. That was, if I remember, on the 19th of April. From then until now, as a member of the committee filing a minority report, I have pressed and

pleaded with the gentleman from Ohio to call it up for consideration. I want it now, and I want it all here before this House, and I do not want this House to be precluded by any flank movement that a sub-Committee on Appropriations of the Senate may have attempted.

Mr. HISCOCK. Mr. Chairman, I object to the consideration of the bill.

Mr. TAYLOR. May I say one word by consent of the House in reply to the gentleman from Kentucky? At the time this bill was reported I gave notice of my intention to call it up for the consideration of the House at an early day. I then intended of course to do it. I have intended ever since to do it. I remember, and I have not had my attention called to that particularly, that the gentleman from Kentucky did once, I think, and only once, call attention to bringing the bill before the House.

Among other considerations why there has been delay was this: I said at that time to the gentleman from Kentucky I would only call this bill up in his presence. There was one time that it might have been called up when he was absent, and that was the time when he was absent on the order of the House, and I said to him before he went I would keep my word and would not call it up at that time. When he returned from that visit to West Point he subsequently came to me and said he was desirous of being absent for a while, and then he wished the bill to come up. It would have come immediately before this bill. I said I would do so. I intended to do so, but I found I could not successfully. That is all. I had no idea of not calling it up except this reason, developed without my knowledge, and which I supposed would be satisfactory to everybody.

The SPEAKER. Objection is made to the bill which is before the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is in committee, and the question under consideration is the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes. The bill will be read a first time for information.

Mr. HISCOCK. I move to dispense with the first reading of the bill.

The motion was agreed to.

Mr. HISCOCK addressed the committee. [See Appendix.]

Mr. HISCOCK. I move the committee rise for the purpose of limiting general debate.

Mr. BLACKBURN. Mr. Chairman, I desire to ask my colleague, the chairman of the Committee on Appropriations, what limit he proposes to put upon the debate; for certainly he does not intend to refuse ample opportunity for those of us who may want to be heard on this subject, and on all matters either cognate or irrelevant to the matter which he has reported?

Mr. HISCOCK. Mr. Chairman, it has not been the policy of this side of the House to refuse to the other side all legitimate discussion, and we shall not do it now.

Mr. BLACKBURN. Then, what time does the gentleman propose?

Mr. HISCOCK. It would seem proper that the suggestion as to time should come from the other side. How much time do you want?

Mr. RANDALL. Let the debate run a while.

Mr. SPRINGER. That can be settled if the debate has been allowed to proceed.

Mr. BLOUNT. That is the way you used to try to run us.

Mr. HISCOCK. I desire to say this to the committee: it is very desirable that this bill should be got at the earliest practicable moment over to the Senate. We are working, at least the Committee on Appropriations is working, to get an adjournment on the 17th, and therefore it is that I may be pardoned if I insist upon limiting this debate to some reasonable time.

Mr. BLACKBURN. I trust I may be permitted to suggest, as a minority member of the sub-committee that has been charged with the preparation of this bill, that it was no more my purpose to make a speech upon the bill than it seems to have been the purpose of the gentleman from New York, who has not touched it. I did not believe I wanted to be heard more than the time that would have been accorded to me under the operation of the five-minute rule. But I did not know what a wide scope the debate was likely to take upon a sundry civil bill. Now, I am satisfied after hearing what the gentleman has said that I shall want to be heard for an hour in response to the campaign speech which the gentleman has made. Again, if the gentleman had been desirous of having the appropriation bills passed there was no reason why the sundry civil bill should not have been reported to the House five weeks ago, for it was ready at that time.

Mr. HISCOCK. I agree to it.

Mr. BLACKBURN. Now, the gentleman from New York, with that candor for which he is justly proverbial at all times, has all of this time admitted that it was to be held back until the contested elections were disposed of.

Mr. HISCOCK. I have never admitted it——

Mr. BLACKBURN. The gentleman promised me to make that statement on the floor of the House, and it was made in open committee.

Mr. HISCOCK. And I desire here to make the same statement that I made to the gentleman, and which I made to other gentlemen, that the appropriation bills would not be pressed in this House to the exclusion of legitimate and proper business which should come before the House for consideration. I said I would not press the bills here to the exclusion of the consideration of the election cases.

Mr. BLACKBURN. Will the gentleman answer a question?

Mr. HISCOCK. Any question.

Mr. BLACKBURN. I desire to ask the gentleman——

The CHAIRMAN. The Chair will state to the gentleman from New York that it is now within one minute of the expiration of his hour.

Mr. BLACKBURN. I wish to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield for a question?

Mr. BLACKBURN. Unless the Chair interposes, the gentleman has already yielded.

Mr. HISCOCK. All I can say in reference to the question of the gentleman is what has been stated already, that these bills should not be pressed to the exclusion of the consideration of the public business. That is entirely correct.

Mr. BLACKBURN. Did not the gentleman from New York say in the room of the Committee on Appropriations, and in open committee, that if the question was pressed upon him on the floor of the House he would answer to the House in candor that these bills would not be presented—not pressed for consideration, but not presented—until such contested-election cases were disposed of as the Committee on Elections had in hand?

Mr. HISCOCK. The gentleman asked that question as if he was launching at me something that I am unwilling to respond to.

Mr. BLACKBURN. You seem loath to give the answer.

Mr. HISCOCK. I answer the gentleman without hesitation that I did so state.

Mr. BLACKBURN. That is it.

Mr. HISCOCK. That I did so state, and, sir, instead of my blushing for it now, or admitting that it was wrenched from me as from a witness on the stand, I calmly proclaimed that such was my purpose, and have never hesitated to avow it.

Mr. BLACKBURN. This is not the first time the gentleman has gloried in that which was not creditable.

The CHAIRMAN. Does the gentleman from New York insist upon his motion?

Mr. BURROWS, of Michigan. Regular order.

Mr. BAYNE. I simply want to make a suggestion.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BAYNE. For this purpose: I desire to say that it would be well enough to let the general debate run a little while before attempting to fix a limit.

Mr. BLACKBURN. You cannot close it; you have no quorum.

Mr. BAYNE. Let this debate run for a while, and then it will be time enough to fix a limit to the general debate; and I ask the gentleman from New York to withdraw his motion that the committee do now rise that debate may go on this evening.

Mr. HISCOCK. I cannot withdraw it. I am entirely willing to agree with gentlemen on the other side on any fair limit to this debate, and when we get into the House we will then and there agree upon it.

Mr. BLACKBURN. We will rather defeat your motion. You will have no quorum in the House.

The CHAIRMAN. The question is on the motion that the committee rise.

The question being taken, there were—ayes 64, noes 55.

Mr. SPRINGER. I call for tellers.

Mr. HISCOCK. When the committee has risen we can agree upon a fair length of time to be allowed for debate.

Mr. SPRINGER. What was the vote?

The CHAIRMAN. There were, ayes 64, noes 55.

Mr. SPRINGER. I withdraw my demand for tellers.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no conclusion thereon.

Mr. HISCOCK. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill; and pending that I move that all general debate on the bill be limited to three hours.

Mr. BLACKBURN. Say six hours.

Mr. HISCOCK. Oh, no.

Mr. BLACKBURN. Then we will have a vote. I demand the yeas and nays.

Mr. HOLMAN. I suggest that the gentleman from New York shall agree to let general debate run till two o'clock to-morrow.

Mr. BLACKBURN. I desire to call the attention of the gentleman from New York, before this motion shall be put, to the fact that he has occupied one hour in general debate and he still holds his rights unimpaired under the rule in the matter of conclusion.

Mr. HISCOCK. Of that hour I will agree to yield one-half to the gentleman from Kentucky.

Mr. BLACKBURN. That is not fair. The gentleman from New York has already had his hour. Let us see what the result would be as to the division of time between the supporters of the bill and its opponents.

Mr. HISCOCK. I say let the time for general debate be limited now to three hours; and if gentlemen on the other side of the House at the expiration of that time seem to feel or think they require more time, I myself will make the motion that the committee rise, so that the time may be extended.

Mr. BLACKBURN. Let me make this suggestion to the gentleman from New York: he has had one hour, and if he fixes a limit now of three hours, that will give to the opponents of the bill the pittance of one hour and a half, while the other side will have had two and a half hours, the gentleman having his rights in addition in the matter of conclusion. That surely is not a fair division. I suggest then to the gentleman from New York that general debate shall run till to-morrow at three o'clock.

Mr. HISCOCK. We are to have a session this evening, and certainly that evening session can be well devoted to debate. Or I am entirely willing to devote it to the consideration of this bill by paragraphs under the five-minute rule.

Mr. HOLMAN. I move to amend the motion of the gentleman from New York so that general debate on this bill shall terminate at two o'clock to-morrow.

Mr. BLACKBURN. I move as an amendment to the amendment of the gentleman from Indiana to make the time three o'clock; and my amendment as fixing the longest time, takes precedence.

Mr. BURROWS, of Michigan. I desire to ask the gentleman from Kentucky whether he takes into consideration the fact that we have a standing order for an evening session to-night? Does he intend that general debate on this bill shall continue this evening?

Mr. BLACKBURN. I intend this debate shall go on until such time as the committee see fit to rise and the House to adjourn. Let the evening session, if you want one, be for debate only; but my proposition is that the general debate on this bill shall close at three o'clock to-morrow, and that we shall then proceed to consider it under the five-minute rule by paragraphs for amendments.

Mr. BLOUNT. I desire to make an appeal to the gentleman from New York, [Mr. HISCOCK.] I will remind him that during the last Congress, as he will remember, oftentimes when similar questions came up, his side of the House took the position that they did not want the debate limited at the beginning. They had the power to compel this side of the House to comply with their wishes. Frequently we took issue with them, but at last we were compelled to yield. We are in the same position now. We have gone on smoothly thus far this session; and I ask the gentleman to agree to let the debate run to a reasonable time.

Mr. HISCOCK. I will accept the proposition to let the debate run till two o'clock to-morrow.

Mr. BLACKBURN. Two o'clock will do.

Mr. SPRINGER. Let it be understood that one-half the time shall be given to this side, to be controlled by the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. That can be settled by arrangement with the gentleman from New York.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] modifies his motion so that general debate on the bill shall close at two o'clock to-morrow.

The motion as modified was agreed to.

Mr. HISCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. KASSON in the chair,) and resumed the consideration of the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union to resume the consideration of the sundry civil appropriation bill. By order of the House all general debate on the bill will be closed at two o'clock to-morrow.

Mr. BLACKBURN. I intend, at least in a degree, to follow the example of the honorable gentleman from New York, [Mr. HISCOCK,] the chairman of the Committee on Appropriations, and not undertake to inflict upon this Committee of the Whole a speech upon this bill. But I do not intend to follow his very questionable example in delivering a campaign speech upon every subject in the world except the measure depending here for determination.

Mr. HISCOCK. Is the gentleman addressing me?

Mr. BLACKBURN. "The gentleman" is addressing the Chair, as he is required to do under the rule. I do not know that there is anything involved in this bill which the members of the sub-committee charged with its preparation cannot fully and fairly and elaborately discuss under the operation of the five-minute rule; at least such was my purpose and such is yet my intention.

This bill carries between twenty-three and twenty-four millions of money. I intend to be entirely fair and perfectly frank. I admit that as a rule, in the main, I am satisfied that this bill, whether wisely drafted or not, has been carefully considered and carefully prepared. It has been in course and process of preparation for more than three months, during the greater portion of which time the attention of the sub-committee charged with its construction has been given to it at night as well as during the day.

There are provisions in the bill which I shall oppose. As we reach them I will ask the indulgence of the House, not to argue them, but simply to state the objections that I hold to them.

In the main I believe that the bill is at least a fair bill. It is a liberal bill, liberal in its close approximation to the estimates submitted by the Departments for appropriations; liberal in the consideration that has been given to every question which has been presented to that sub-committee, with a view to its incorporation in this bill. I desire to do more and to go further; and to bear testimony to the zeal and the energy and the perfect sincerity that has characterized the action of my *confrères* on that sub-committee. I have not, from the beginning to the end of their labors, discovered a single instance in which fair dealing was not conspicuous and a full and fair consideration accorded to every interest and to every member who appeared there with any claim or demand upon its consideration.

But while that is true, there are features in this bill that seem to me to be too liberal, to be verging very close upon ground that would subject them to criticism upon the score of prodigality. I am not to be deterred from the expression of this protest, as we shall reach the various paragraphs of the bill, by reason of the parade of deficiencies which the gentleman from New York [Mr. HISCOCK] has thrust upon the attention of the House.

There are but few of us who have not some general acquaintance with the history of deficiencies in appropriation bills of Congress. There are none of us but know that deficiencies are the products of recent years. Prior to the conclusion of the war deficiencies constituted the exception, and not the rule, as they have stood for the last seventeen years.

The gentleman from New York need not undertake in his political harangue, which doubtless was intended rather to aid a campaign committee than to throw light upon the sundry civil appropriation bill—he need not undertake to make the Democratic party responsible for the deficiencies that have occurred during the last six years.

He knows as well as I that from the day his party came into power in the American Congress down to this time deficiencies have been the rule every year in every bill for every department of this Government. He knows more. He knows that, notwithstanding the increase of the appropriations which this Congress is passing and making into law, as certain as the ides of next December shall come, he, as chairman of the Committee on Appropriations, will come back to the second session of this Congress and demand deficiency appropriations for every department of this Government.

He need not undertake to explain away the increase of appropriations for the current fiscal year upon the ground of the parsimony displayed by the Democratic party, lately in power in this House, in the matter of pensions. He knows, as well as he knows anything, that as a member of the Committee on Appropriations in the Forty-sixth Congress he sat there and saw us call the then Commissioner of Pensions before us and take his estimates, accept his calculations, and vote to him every dollar that he said his bureau needed.

And if deficiencies came in that bureau they arose, not because the then existing Congress refused to grant the estimates he made for appropriations, but they arose simply because the head of that bureau himself blundered. Whatever crimes the Republicans may charge to the account of Democratic Congresses, they cannot truthfully upon the records say that they ever refused every dollar that the Pension Commissioner asked.

Mr. HISCOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. BLACKBURN. Certainly.

Mr. HISCOCK. I have been subjected to a cross-examination which I rather courted by the gentleman from Kentucky in reference to what occurred in the committee-room.

Mr. BLACKBURN. The gentleman will do me the justice, however, to admit that that was never referred to except when the gentleman himself stated in the committee-room that he would repeat that statement in the House.

Mr. HISCOCK. The gentleman will pardon me if I ask him if he was in favor of the increase of clerks for the Pension Bureau?

Mr. BLACKBURN. The gentleman would have gotten his answer without his question if he could only have curbed his natural impatience. If he would be more patient when other men are on the

floor he would sometimes be answered without the necessity of interrupting them. I was coming to that.

I was coming, Mr. Chairman, to that very feature of the gentleman's harangue, though I was doing it in my own way and in my own good time. But the answer shall be full enough to meet his demands.

The gentleman has told us of the necessity for this unusual procedure, that the great omnibus appropriation bill of Congress, the reservoir into which everything in the shape of an appropriation that does not belong specifically anywhere else is dumped—the sundry civil appropriation bill is here to-day past meridian, on the 6th day of July, the sixth day of a current fiscal year, for the first time shown in print either to the House or to the country. The gentleman has sought to explain this upon the ground that the majority party of this House has had its hands too full since the 1st of last December to conclude its labors earlier. He has told you of the many valuable services that the majority party here has rendered to the country during this session. He has pointed to the enactment of a bill which was to settle the question of caste and race upon the Pacific seaboard. I do not blame him that in the depth of his party poverty he has grasped at a thing that never belonged to him or his party; I do not blame him for claiming the credit of that which would not be a statute law to-day except that his party was powerless to prevent it. He wants credit for the Chinese bill, to which the other side of the House, with scarcely an exception, voted in opposition, and upon which a Republican President put the seal of his veto. He wants to go to the country claiming credit for having saved the Pacific slope from the tidal wave of Mongolian immigration that threatened to ingulf it.

In the depths of that same bankrupt political condition, he comes to claim credit for the passage of the most miserable political abortion that ever went forth from this or any preceding Congress in the shape of a tariff-commission bill, which already bears an unsavory flavor in the nostrils of honest people.

He goes further and claims credit for having relieved the tax-burdened people of this country from the onus of grievous taxation. Whom did you relieve? Nobody on this continent except the capitalist, the banker, and the dealer in drugs who makes his fortune out of proprietary medicines. The gentleman knows that there was not a decree entered in the secret caucus and council chamber of the bankers of this land that his party did not include in the passage of what is termed its "little"—its very "little revenue bill," which carried not one atom of relief to a single producer in this land.

The gentleman tells us that these things were matters of mighty weight, of great moment, which of necessity kept back the Appropriation Committee in its work until the other day you found yourselves in such a predicament that we had to come up to your rescue and pass through this House without objection, in less than sixty seconds, a joint resolution extending the appropriations in all the Departments of the Government for the fiscal year ending on the 30th of last month, in order to hide from the American people the deformities of negligence and inefficiency which stamped themselves upon this Republican majority.

You had no bills to consider, you had no legislation to enact; or if you had, you neglected to do so until we found ourselves thrust into another fiscal year without a dollar appropriated with which to carry on the departments of the Government. Yet this is the paradeful boast that the chairman of the Committee on Appropriations comes in here to make as an opening campaign speech for the coming Congressional contest.

No, sir. This bill was finished in the room of the Committee on Appropriations five weeks ago. It was ready for report then. Your tariff-commission bill had passed. The edict of the banker had practically been obeyed. The banking question was practically settled. There was no excuse offered in that committee-room for withholding from the House these appropriation bills except that party necessity demanded that certain contested-election cases should be disposed of.

I believe this constitutes a field of worthy service over which the chairman of the Committee on Appropriations has disjointedly traveled, except one matter which I was about to omit—the one great service upon which, I doubt not, the gentleman proposes to recommend his party to the good opinion of the moral people of this country. He says his side of the House has delayed appropriation bills and held back needful legislation in order that the great Mormon question might be determined. He says that past Congresses have failed to grapple with that overwhelming issue. He claims credit for the manhood, the courage, the reckless boldness that actuated an unbridled and powerful majority to declare by vote that a man who had received 18,568 votes against 1,367 cast for another was not elected to a seat in this Congress. The Mormon question is one that the Republican party took charge of twenty years and more ago. That party has never yet dared to execute the law of its own creation against the Mormon community. It has never yet dared to demand an execution of its own statutes. But it contents itself with catching one worthy and reputable representative of that community three thousand miles from home and making faces at him by voting him out of a seat to which he was elected by thousands of his people.

There is not, Mr. Chairman, to be found in the records of this country an epoch in its political history when any member or exponent or mouth-piece of any party rested under heavier responsibility to make out a case for a delinquent party; and the gentleman from New York will not escape it either in this House or on the hustings, through the press, nor through the public speakers of the land. This party in majority here to-day must answer that account. It devolves upon it to explain why in seven months' continuous legislative session it could not find time to prepare and pass the bills needed for the maintenance and support of the different departments of this Government.

I do not wonder that he who opened this discussion and is charged with the conduct of this business abandoned his post of duty at the outset, never undertook to enlighten this House for ten minutes' time as to what was within the general purview or purpose of this measure, never dealt for any length of time whatever with the expanding necessities the Departments make on us for additional appropriations, but contents himself with asking of me the question whether I or others favored this increase of clerical force in the Pension Bureau of the country. I answer and tell him no; and I stand prepared to give my reasons. You are paying out to-day sixty millions of money for pensions.

The Commissioner of Pensions came before that committee and told us that he wanted $100,000,000 voted for the coming fiscal year. He told us he wanted $150,000,000 for the year succeeding that, and he told us in order to utilize these double and treble amounts he wanted twelve hundred additional clerks in the Pension Bureau of the country.

I answer frankly and candidly, and say to the gentleman from New York that I did not deem it wise to grant those suggestions. I do not see the necessity for doubling this year and trebling next year the pension burdens of the country, when you know, according to the testimony of the late Commissioner of Pensions, Mr. Bentley, that a large percentage of necessity passes to-day upon forged and fraudulent papers into the pockets of men no more entitled to pensions than you or myself. Why? Because the department is overburdened. Its work is done in the midst of a rush. No counsel appears for the Government. Under the present system of taking proof to establish claims and inserting names on the pension-rolls of the country the Government is represented by no one. *Ex parte* statements in the shape of affidavits constitute the only testimony upon which those names find their way on the pension-rolls. And the Pension Commissioner lately gone out of service told the Committee on Appropriations over and over again the rush was so great that it was impossible to sift and get down to the merits of each individual case.

On the back of a statement like that comes a statement from the Commissioner, I doubt not capable and efficient as his friends claim him to be, but a new man, freshly inducted into the office, with a proposition to increase the clerical force of the Pension Bureau twelve hundred men. And it is done, and done to-day so far as the action of this House is concerned, to raise your pension list from $60,000,000 to $100,000,000 for the current year, and to raise it further to $150,000,000 in the next coming year.

I defy the man that lives to take the record of former Congresses and point to a single instance in which this side when dominant ever refused or withheld the fullest measure of consideration and pay to the pensioners of this land. I do not understand it is a cause of political disagreement simply because there may be a difference of opinion between one gentleman and another as to when the whole pension system shall be settled, in twelve months, or in three years, or in five years.

You are carrying a pension list to-day larger than the aggregate expenses of the American Government ever touched from the day of its foundation up to the outbreak of the war. You propose to double it, and next year treble it, and you have to-day, in round numbers, 260,000 men on your pension rolls. You have to-day a quarter of a million more pending on application before your Pension Bureau, to say nothing of the flood that comes in both Houses of Congress, representing claims which in the main have failed before the Commissioner under the provisions of the law.

These are some of the features, sir, I would have been glad the gentleman from New York had discussed instead of ranging the wider field of open national politics. I shall simply ask, Mr. Chairman, as this debate progresses to be heard on those sections of this bill to which I am opposed under the limitation of the five-minute rule. I repeat the assertion with which I began, that in the main I believe this to be a carefully prepared bill. I believe there are strong objections which lie to certain paragraphs and certain features of it.

I believe that one general criticism will lie against the whole bill, and that is that the Committee on Appropriations has not cut down or pruned as closely the estimate submitted as it might have done; and here just let me suggest a remark that I am sure will commend itself to the calm judgment and consideration of every member of this House. We all know that when the heads of Departments come to make estimates for their maintenance they are usually submitted upon the idea that the Committee on Appropriations will cut them down. They know by precedents that Congresses, both Republican and Democratic, have been disposed to a greater or less extent to shave and reduce the estimates of the Departments. Consequently, when a Secretary or head of a Department makes his estimate, he justly puts in a liberal estimate or allowance for the reduction which

he expects to be made. We know when an appropriations committee comes to deal with the estimates, they deal with them with that fact firmly fastened in their minds. The consequence is that we will, and doubtless often do, here cut or reduce an estimate too much because we are misled by the conviction that the officer of the Government who makes the estimate has made it with a view to its possible reduction. I am sure, Mr. Chairman, that the good judgment of this House will in the consideration of this bill find more instances than one where the Committee on Appropriations has erred in not making that investigation and a corresponding reduction of the estimates.

Until then, sir, I shall content myself with the discussion of the bill by paragraphs or clauses as it comes before the committee for our consideration in that form, and yield the remainder of my time to my colleague, [Mr. WILLIS.]

Mr. TOWNSHEND, of Illinois. Before the gentleman from Kentucky yields the floor I desire to know, as I was not present during his remarks, whether the last Committee on Appropriations allowed all of the clerical force that was called for by the then Commissioner of Pensions?

Mr. BLACKBURN. I will answer the gentleman from Illinois by saying every dollar that was asked for for the payment of pensions was given by the committee.

Mr. TOWNSHEND, of Illinois. Then I would like to ask this further question, since the gentleman from New York was unable to recall the circumstances to mind, whether in any case before the Committee on Appropriations during that Congress any member of that committee, either Republican or Democrat, asked an increase of the force beyond what was allowed by the committee?

Mr. BLACKBURN. I will state, in response to this question, that the same rule of politeness and courtesy prevailed in the sub-committee of the last Congress that prevails in this one, and the gentleman from Michigan, [Mr. HUBBELL,] whom I do not now see in his seat, was chairman of the sub-committee on pensions in that Congress, and I was a member of the sub-committee; and when the then Commissioner of Pensions came before us I am sure it did not take thirty minutes to transact the business for which he came before us and perfect the bill, because we wrote into the bill every dollar he said the pension service of this country would require for that year. I now yield the floor.

Mr. CANNON. The answer of the gentleman from Kentucky, I think, would not be quite perfect, if the gentleman will allow me, with reference to these two questions without giving the estimates of the Commissioner of Pensions for the additional clerical force required; and I call the attention of my friend from Illinois, who was not present when the gentleman from Kentucky made his speech, to the fact that now, when the Republican side is in the majority in this House, the gentleman from Kentucky, as well as other members of the Committee on Appropriations, not only did not favor but did absolutely oppose the increase of clerical force required by the Pension Office to work upon these claims.

Mr. BLACKBURN. Will the gentleman state the figures? I have already said in the plainest Anglo-Saxon of which I am master, and I am sure, Mr. Chairman, that the committee will bear with me when I repeat, that I was opposed to the increase of that force to the extent of twelve hundred additional clerks by the bill which has lately passed this House; and that I was opposed to adopting the suggestions made for raising the pension appropriation for the present fiscal year to $100,000,000 and $150,000,000 for the next year. That I did oppose.

Mr. CANNON. So I understood the gentleman; but I wanted the question and answer to go with the questions of my colleague——

Mr. BLACKBURN. The gentleman is at perfect liberty to interject any portion of his own good speeches into mine.

Mr. TOWNSHEND, of Illinois. I desired to meet the statement of the gentleman from New York, the chairman of the Committee on Appropriations, when I asked these questions, for the reason that he could not remember whether the Republicans of that committee desired an increase or not; but I desire to know whether in the Committee on Appropriations in the last Congress the gentleman from New York, or any other Republican member of that committee, sought to increase clerical force?

Mr. BLACKBURN. No, sir; upon the contrary, as a member of the sub-committee on pensions of the last Congress, of which, as I have said, the gentleman from Michigan [Mr. HUBBELL] was chairman, there was never a conference with the then Commissioner of Pensions but as I have stated; and there was but one instruction, and that was to draft a bill and give every dollar the Commissioner asked.

Mr. HISCOCK. The gentleman from Kentucky, I think, does not answer the question of the gentleman from Illinois——

Mr. BLACKBURN. Which gentleman from Illinois?

Mr. HISCOCK. On the other side of the House. The question was whether you gave all that was asked for clerical force, and for agents to investigate the pensions——

Mr. BLACKBURN. I have already answered that——

Mr. ATKINS. Will the gentleman from Kentucky allow me to answer the question?

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me another question? The gentleman now refers to the creation of a corps of examiners or surgeons——

Mr. HISCOCK. No; I refer to the ordinary corps of clerks in the various bureaus to investigate the claims.

Mr. BLACKBURN. I will state briefly, and then turn the gentleman over to the late chairman of the Committee on Appropriations, that Mr. HUBBELL, of Michigan, was chairman of that sub-committee, and that the instruction given to him by myself and his other Democratic associates upon that sub-committee was to take every dollar the Commissioner wanted and write it into the bill.

Mr. HISCOCK. The gentleman knows as well as I do that the pension bill does not carry one dollar for a force to investigate and determine claims.

Mr. ATKINS. The gentleman from Kentucky [Mr. BLACKBURN] yields to me a minute or a half minute, in which I may state to the committee in response to the inquiry made by the chairman of the Committee on Appropriations that that Committee on Appropriations gave every dollar for every part of the clerical force that was asked for by the Bureau of Pensions.

Mr. RANDALL. Just the estimate.

Mr. ATKINS. We gave what they asked; and if there was any diminution or refusal on the part of the committee I was not cognizant of the fact.

The CHAIRMAN. The gentleman from Kentucky [Mr. BLACKBURN] has thirty minutes of his time remaining.

Mr. BLACKBURN. I yield the remainder of my time to my colleague, [Mr. WILLIS.]

Mr. WILLIS addressed the committee. [See Appendix.]

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I move the gentleman's time be extended. I know of no gentleman on this side who desires to occupy the time of the committee on this bill.

Mr. HISCOCK. I move the committee rise for the purpose of vacating the order for a session this evening. The House can again return into committee and the debate can be continued until later than five o'clock, if such be the wish of members.

The motion was agreed to.

The committee accordingly rose; and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had according to order had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

Mr. HISCOCK. I suppose the other side does not wish an evening session for debate, although the time has been fixed for closing the general debate, and I now move that the order for an evening session be rescinded so far as the session for this evening is concerned.

The SPEAKER *pro tempore*. So far as this evening's session is concerned it is proposed to rescind the existing order.

Mr. HISCOCK. Yes, sir.

The motion was agreed to.

Mr. HISCOCK. I move the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of continuing the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

Mr. SPRINGER. I now ask, Mr. Chairman, that the gentleman from Kentucky [Mr. WILLIS] be allowed to continue his speech for thirty minutes, to be taken out of the time allowed for general debate.

Mr. BUTTERWORTH. To be taken out of the time allowed to those opposed to the bill?

Mr. SPRINGER. Certainly.

Mr. BUTTERWORTH. If that is satisfactory to the other side, all right.

Mr. HASKELL. I hope the time will be allowed to the gentleman from Kentucky, if it be satisfactory to the other side; that it shall come out of the time allowed for general debate on that side.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Kentucky will proceed.

Mr. WILLIS resumed and concluded his remarks. [See Appendix.]

Mr. ATKINS obtained the floor and said: I yield my time to the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. TOWNSHEND, of Illinois. If it is agreeable to the gentleman from Pennsylvania, [Mr. BAYNE,] I will move that the committee rise. It is now nearly five o'clock.

Mr. ROBINSON, of Massachusetts. If you do that, you will not get your time for debate. The hour for closing the debate is fixed at two o'clock to-morrow, and it will not be extended.

Mr. TOWNSHEND, of Illinois. I withdraw the suggestion.

Mr. BAYNE. Mr. Chairman, I propose to offer at the proper time an amendment to this bill which will make provision for carrying into effect section 1753 of the Revised Statutes. I ask the Clerk to read the amendment.

The Clerk read as follows:

The sum of $25,000 to defray the necessary expenses of carrying into effect section 1753 of the Revised Statutes.

Mr. BAYNE. The section referred to in the amendment is familiar to members of the House. The object of the appropriation is to enable the President to carry that section into effect. The range,

however, of the amendment and the object comprehended by the section are limited in their nature. I desire on this occasion to devote myself to a wider and more important field.

Governments derive "their just powers from the consent of the governed," says the Declaration of Independence. The word governments, as here used, means their structure as well as their functions; the constitution and laws as well as the administration of them. The broad significance of the proposition is that the constitution and laws and the exercise of the authority conferred by them shall be acceptable to the people. Our system of government is supposed to embody more distinctly and fully than any other government on the face of the globe the principle of popular consent. I believe it does, but I am constrained by the logic of past and passing events to inquire if it be not possible to violate this principle to a dangerous extent, or in other words, to substitute under the forms of the Constitution and laws, a system of administration in conflict with it? I, for one, think that it is. It will almost inevitably result from the coalition of two conditions, one of which is ever present, which is the structure of the Government itself. The other is the occupation of the official positions of the Government by selfish, bad men.

Let me briefly analyze what I shall call the structural condition first. In round numbers the civil list of the National Government reaches an aggregate of a hundred thousand. Of these the people choose but two hundred and ninety-five, two hundred and ninety three of whom are members of the House of Representatives, and the other two of whom are the President and Vice-President, who are substantially chosen by the people. The seventy-six members of the Senate are chosen by the Legislatures of the States, and in some instances to my certain knowledge in defiance of the will of the majority of the people.

Clause 2 of section 2 of article 2 of the Constitution empowers the President to nominate, and, by and with the advice and consent of the Senate, to appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for, and which shall be established by law. But Congress may vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of Departments.

Under this provision of the Constitution and the laws that have been enacted by Congress, nearly all the appointments are made by the President and the heads of Departments. A very limited number of appointments are made by the judges of the courts. The great bulk of them, aggregating nearly a hundred thousand, are made by the President and heads of Departments. In reality all these are made by the President, for he appoints the heads of Departments and the maxim of *qui facit per alium facit per se* is not only applicable but there is no man living who has a more tender regard for the principle involved in that maxim than the American politician of the period.

The only appointable civil officers who are secure in their tenure are the 9 judges of the Supreme Court, the 9 judges of the circuit courts, the 54 judges of the district courts, and the 6 judges of the courts of the District of Columbia, making 78. The twenty-odd attachés of the President; the Secretary of State and the eighty-odd subordinates in his office, and the three hundred-odd ministers, consuls, &c., who represent our country abroad; the Secretary of the Treasury and the 3,000 subordinates in his office here, and the 10,000 under his Department through the country; the Postmaster-General and the 500 in his office here, the 3,000 in the railway mail service, and the 45,000 postmasters and their subordinates through the country; the Secretary of the Interior and the 1,700 in his office and bureaus here, and the 5,000 who have positions over the country; the Attorney-General and his fifty-odd subordinates here, and the 54 United States district attorneys and 54 United States marshals and their deputies through the country; the Secretary of War and the seven hundred-odd civilians in his Department here, and the thousands at large under the Engineer's Department; the Secretary of the Navy and the 150 civil subordinates here, and the thousands employed at large; the Commissioner of Agriculture and his one hundred-odd subordinates; the Public Printer and his 1,500 employés; all these, and many I have not included, for my estimates are but approximate, though I think I have kept well within the mark, hold their positions subject only to the will of the President.

A mere caprice may actuate him to remove one, ten, or a thousand, and to appoint others in their places. Party zeal, personal pique, factional spirit, selfish ambition, the frenzy of intoxication, or the madness of passion, any motive may influence him to sweep out the entire civil list, with the exceptions I have named, and to appoint any persons he may choose to fill it up again.

What enormous power! The extent of it is scarcely conceivable. No emperor, monarch, or potentate in any civilized nation of the world has equal power. The power of some of the executive authorities of European nations may be more arbitrary in some respects, but no one of them can exert a more influential and controlling domination than the President of the United States. The Queen of England is powerless as compared with him.

But is there no limitation on this power of the Executive? Is he subject to no restraint?

There is no adequate limitation or restraint. The Executive may do many mischievous things without subjecting himself to the restraints provided by the Constitution. He may be impeached, but he must commit treason, bribery, or other high crimes and misdemeanors to incur that condemnation. As to those appointments which are made by and with the advice and consent of the Senate, there would be some limitation on the exercise of the appointing power of the President during the portion of the year the Senate is in session, if the Senate would exercise its authority in the spirit of the Constitution, but all hope of such salutary intervention is dead and buried with the bones of the fathers. The nominations of the Executive are confirmed on a principle that was discovered by Andrew Jackson during his administration, but was wholly unknown before that time, namely, that the Executive is responsible and should make such appointments as he sees fit.

Now, there is not a line in the Constitution that confers on the President the power of removal from office. There is nothing in the spirit of the Constitution and the laws which puts that power in his hands. On the contrary, Congress has power to make all laws which are necessary for carrying into execution all powers vested by the Constitution in the Government of the United States or in any department or officer thereof; and when Congress created a fixed tenure of four years, as it has done in regard to United States district attorneys, marshals, certain classes of postmasters, and other officers, and when it placed no limitation on the tenure, as is the case of collectors of internal revenue, it absolutely precluded the right of the Executive to remove any officer during his term, except for good and sufficient cause. And the power of the Executive to remove for cause can be supported only on the principle of necessity. Why, think of it! Did the framers of the Constitution intend that the people should be governed by law? If they so intended, the construction I contend for must obtain. If, on the other hand, they intended that the people should be governed by the will of the Executive, then the laws of Congress fixing a tenure of office encroach on the Executive authority, and ought to be repealed without delay.

But how does this conclusion comport with the proposition that governments derive their just powers from the consent of the governed? It is generally believed in this country that the laws of Congress embody the popular will. It is thought, too, that these laws are binding on everybody, even on the Executive. Nay, it is a popular impression that the Executive is particularly bound to respect and obey the laws, because it is his sworn duty to faithfully execute them. If his will be the supreme law of the land, and I unhesitatingly say that the removal of a faithful officer during his tenure is an assertion of that supremacy, the sooner we abolish the Constitution and laws and relapse into a thorough autocracy the better. Such a course would save much bickering and agitation and make the system of personal government secure and perfect.

And still another test may be applied to show the weakness and futility of the Constitution and the laws, if the latter-day construction of them be accepted. There is no man in the country so feeble intellectually as not to know that if Garfield had lived the policy of his administration would have been as unlike that of the present Executive as the administration of Washington or Jefferson was unlike that of Jackson or Van Buren. Garfield believed in the reign of law. The present Executive believes in personal government. According to the theory of those who concede to the Executive the right to do about as he pleases, because he is responsible, a single human life only may stand between systems of administration as opposite as the antipodes. The bullet of an assassin may in the twinkling of an eye precipitate a revolution in the methods of administration, and all this change may take place in accordance with the Constitution and laws!

No; that will not do. What is wanted is the construction put upon the Constitution by the fathers. What is wanted is, not a limited, but an enlarged responsibility. What is wanted is that citizens, whether in official station or not, shall be alike subject to law. It would promote these ends to have open executive sessions of the Senate, that every Senator, if he so acts, shall be held responsible for the removal of capable officers during their term and for the appointment of political henchmen in their places. And it would promote these ends to have Senators elected by the people and not by Legislatures so that they may feel their responsibility. To effectuate this last proposition I introduced, on the 9th day of January, 1882, a joint resolution proposing an amendment to the Constitution making Senators elective by the people, and apportioning them to the States at the rate of one for each million of inhabitants over two millions. I should like to see the Judiciary Committee favorably report that resolution.

The personal control of the administration of affairs, instead of the control of law, is not only a violation of the Constitution as it ought to be interpreted but it entails a multitude of consequences inimical to the public welfare and the good of individuals.

One of the Kings of England once said, "While I can appoint the bishops and judges, I can have what religion and laws I please."

The influences which the President can exert under existing methods have a wider range and a greater potency than those involved in the proposition of the King. Making appointments to office by the Executive at the personal solicitation of Senators and Representatives is almost necessarily mutually demoralizing. It is particularly so in reference to the Executive and Senators, because

of the power of the Senate to confirm a large number of the most important appointments. It is calculated to beget a lively sense of favors received. It has two manifestly demoralizing effects: one is to disarm criticism of the Executive on the part of the Senator or Representative, and the other is to tempt the Executive to go further in the wrong direction than he would otherwise dare to go. If the Executive knows that the United States Senate stands ready to justify and vindicate his acts, of course he will be bold, serene, and happy.

In a friendly correspondence between John Adams (afterward President) and Roger Sherman, the question was discussed as to whether the President should have the exclusive right to appoint to office, or by and with the advice and consent of the Senate. Adams insisted that the power should be wholly in the President, because of the corruption the other method superinduced. Sherman argued that it should be by and with the advice and consent of the Senate, because of the danger to the safety and liberties of the people, if such vast power were in the hands of the President alone. Adams said:

It has a natural tendency to excite ambition in the Senate. An active, ardent spirit in that house, who is rich and able, has a great reputation and influence, will be solicited by candidates for office; not to introduce the idea of bribery, because, though it certainly would force itself in, in other countries, and will probably here, when we grow prosperous and rich, yet it is not yet, I hope, to be dreaded. But ambition must come in already. A Senator of great influence will be naturally ambitious, and desirous of increasing his influence. Will he not be under a temptation to use his influence with the President, as well as his brother Senators, to appoint persons to office in the several States who will exert themselves in elections to get out his enemies or opposers, both in Senate and House of Representatives, and to get in his friends, perhaps his instruments? * * * In this point of view I am very apprehensive, and this defect in our Constitution will have an unhappy tendency to introduce corruption of the grossest kinds, both of ambition and avarice, into all our elections. And this will be the worst of poisons to our Constitution; it will not only destroy the present form of government but render it almost impossible to substitute in its place any free government, even a better limited monarchy, or any other than a despotism, or a simple monarchy.

The apprehensions of both these eminent men were well founded. Unfortunately, however, all the apprehensions of Madison have been realized, while the advantages hoped for by Sherman have not; for the President's power seems to be as complete and absolute practically as if the intended restraint on its exercise by the Senate had no place in the Constitution. How and by whom and for what purpose appointments to office are now made, for instance, are well known facts to this House and to the country. Formerly these things were mostly done in secret. The audacity to do them in open day and before witnesses remained to be developed by the practical politicians of the present Administration. In the New York Tribune of the 16th instant I find the following, which the Clerk will please read.

The Clerk read:

AN IRATE SENATOR.

WASHINGTON, *June* 15.—A few weeks ago Senator VAN WYCK heard that the postmaster of a little office in Nebraska was about to be removed, and he protested against it. The man was, however, removed during the Senator's absence. Upon his return he called upon First Assistant Postmaster-General Hatton and learned that it had been done upon the recommendation of the "contingent Congressman" Majors, an additional Congressman whom the people of Nebraska had been electing on the ground of their large population, in the hope of his admission. In the mean time Majors's credentials had been rejected by the House committee. The new postmaster had resigned after a few days' service, and after learning how small the compensation of the office was, Senator VAN WYCK suggested that the old postmaster be reinstated, and Mr. Hatton promised that this should be done. It was not done, however, and yesterday Senator VAN WYCK called at the Post-Office Department to see about it. He was informed by Mr. Hatton that the matter had been referred to Postmaster-General Howe, and was requested to go into the latter's room and see about it. Senator VAN WYCK did so, finding the Postmaster-General at his desk, and two or three other gentlemen, including Secretary Teller, also present. The interview is reported to have been both interesting and amusing.

The Senator made known his errand, and Mr. Howe in reply made some criticism upon the Senator's course in the Senate.

"What's the matter?" queried the Senator in surprise.

"Why," rejoined the Cabinet officer, "you don't stand by your friends."

"I do stand by my friends," said the Senator. "What do you mean?"

"Well, how did you vote upon the Worthington case?"

"Oh, I didn't vote at all upon that. I was absent. I was opposed to Worthington, and did all I could against him. I paired. What next?"

"Well, how about the Buckner case?"

The Senator did not recall the Buckner case at once, having been absent from town when it was brought up. This was the case fully detailed in the Tribune, where Mr. Wilson, as internal-revenue collector, holding the highest grade in the service, was removed after being two years in office, to make room for a Grant man.

When the Postmaster-General had concluded his catechism, the Senator, who, though exceedingly good-natured, has no hesitation in expressing his opinions in unequivocal terms, turned upon his questioner and said: "This accounts for the delay, does it? I want to know if you intend me to understand that because I vote according to my convictions in the Senate my suggestions are to be unheeded by this Administration? Is that what you mean? If it is, tell me so plainly and I will never darken your doors again. I just want to know the fact, so it may be made known to my constituents that, simply because of my votes in the Senate, their representative is to be denied all influence in the Departments under this Administration."

Mr. BAYNE. To comment on this would be a work of supererogation. I pause only to commend it to the consideration of my countrymen in connection with the prophecies of Madison.

SPOILS SYSTEM.

Another great evil resulting from the personal government of the Executive is what is popularly known as the spoils system. This system is operated by a combination of active politicians, of whom the Executive is necessarily and *ex officio* the chief. Without the consent and co-operation of the Executive the system is imperfect, if not impossible. The objects of the combination are power and plunder. The power resides in an official who can mediately or immediately make appointments to office. The plunder is the emoluments of the offices. To attain or to retain power the politicians in the combination sedulously inculcate the idea through their newspaper organs that the party to which they belong must have leaders who are adroit managers.

These managers have their grades. These managers are popularly known now by the name of bosses. There is a chief boss, who is over all. Then there are subsidiary bosses, whose grades vary with their power and efficiency. Like the general of an army, the chief boss issues his orders, and all the subsidiary bosses and the organs implicitly obey. The discipline among the commissioned officers, who are the bosses, big and little, is almost perfect. Obedience is rewarded; disobedience is punished. If any member of the party ventures to protest against the methods of the bosses, he is treated as a mutineer; if he refuses to vote for any candidate the bosses have nominated, he is cashiered for desertion. He must vote for an ox if that animal be on the ticket. No insubordination whatever is tolerated.

The bosses secure the appointment of themselves or some of their reliable henchmen to all the offices. They are so anxious that the offices should be filled by reliable men that they see to it whenever they can that offices of honor as well as offices of profit are given to persons whom they select. And as the Queen of England will confer the star or garter on those who serve her with distinction, so the progressive bosses of our Republic have constituted a political knighthood, and awarded a bronze medal as a badge of membership to the brave men who stand firm at a trying time for the maintenance of their cause. To be a Sir Knight of that fraternity is now a good thing for those who want a Federal office.

Having filled the offices, the bosses raise funds, not by assessing themselves, as is erroneously supposed by some people, but by assessing the subordinates in the various offices. Refusal on the part of the assessed to honor the demand is adequate cause for removal; while payment of the demand, coupled with active political work in the interest of the boss, is indisputable evidence of "ascertained fitness." Having plenty of funds and a well organized and thoroughly disciplined force of active men, and a lot of newspaper organs, which teem with praise of the boss and derogation of those who dispute his authority, the boss is prepared for work. He is able to choose committees, to carry primaries, to control conventions, and to nominate candidates for all elective offices, from the President down, with about as much certainty as he names Federal officers with an administration at his back.

The boss system is made practicable by a variety of causes, of which the Federal appointing power is the chief one. Through that power of the Executive a vast number of active, keen, and often influential, men become its ready supporters and defenders. Then these men represent official authority, which naturally adds to their influence as political workers. They know whence their appointments come, and ordinary gratitude, one of the best of human attributes, naturally responds to the demands made upon it. Then again they depend in many cases on the positions they hold for the support of themselves and their families. When appointments are held at the arbitrary will of one man, it is perfectly natural that the allegiance of the appointees should run up to him, and he can be a tyrant if he will. His more immediate subordinates, who are recognized as having authority to speak and to act for him, partake of the arrogance of his power, and can be tyrants also if they will, in the spheres of their political or official action. The concentration of political as well as official power is the inevitable result of such a system, and nothing short of an organic change, which I shall hereafter point out, will effectually overthrow it.

I do not believe the masses of the people realize the dangerous extent to which this system has developed. Nobody knows better than the managers that the civil service must be reasonably good and efficient, so far as actual administration is concerned. It is unquestionably so administered in the main. But this only mitigates the evils of the system, and in mitigating them makes them more insidious and therefore dangerous. There is no use denying that these evils exist. If the civil service be free from the improper influences that largely make and control it, why do not our national and State conventions say so? Why do they condemn the office and the influence of the spoilsmen? In 1876 the Republican National Convention adopted a platform which contained the following plank:

Under the Constitution the President and heads of Departments are to make nominations for office; the Senate is to advise and consent to appointments, and the House of Representatives to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected: that Senators and Representatives, who may be judges and accusers, should not dictate appointments to office. The invariable rule in appointments to office should have reference to the honesty, fidelity, and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service, and the right of all citizens to share in the honor of rendering faithful service to the country.

That admits all. The Democratic party, unwilling to be outdone in the way of making fair promises, adopted a similar plank in its platform. General Hayes, in his letter of acceptance, committed himself to the policy of that plank. And because Hayes in a large

measure practiced the precepts of that plank during his administration he was denounced, berated, and belittled by the managers, and they became so offended at his "amiable obstinacy," as his firmness was called, in maintaining the principles of the platform that the great managers, the tremendous fellows, without whom the party would go to the dogs, refused to speak to him and kept away from the White House with more fidelity than they ever did anything else in the world.

In 1880 both parties again made good promises regarding the civil service. Plank 5 of the Republican platform is as follows:

The Republican party, adhering to the principles affirmed by its last national convention, of respect for the constitutional rules governing appointments to office, adopts the declarations of President Hayes, that the reform of the civil service should be thorough, radical, and complete. To this end it demands the co-operation of the legislative with the Executive Departments of the Government, and that Congress shall so legislate that fitness, ascertained by proper practical tests, shall admit to the public service.

Here is a reaffirmation of the explicit and sound declarations of 1876 and an indorsement of President Hayes's course in this regard. Garfield accepted the platform, and would have largely carried it out if he had been permitted to live. And Mr. Arthur accepted too. And in his letter of acceptance he says:

The resolution referring to the public service seems to me deserving of approval. * * * It seems to me that the rules which should be applied to the management of the public service may properly conform, in the main, to such as regulate the conduct of successful private business. Original appointments should be based upon ascertained fitness. The tenure of office should be stable. Positions of responsibility should, so far as practicable, be filled by the promotion of worthy and efficient officers.

And now, with a view to showing in a general way the lengths to which personal government may go to serve a small minority of the people as against the wishes of the masses, I will give a brief *résumé* of Mr. Arthur's administration.

July 15, 1880, Mr. Arthur made that promise to the people of the United States. A little over eight months ago he became the President. And how has he discharged his duties? I will not undertake to specify cases; my time would not be sufficient; nor is it necessary; for localities, communities, whole States can answer the question. The people of New York and the people of Pennsylvania, the people of Massachusetts and the people of South Carolina, the people of Illinois and the people of Virginia, the people of the entire Union can answer that question. President Arthur has violated his promises and set at naught the principles of the Republican party. He has removed many faithful and competent officers without cause and while in commission, thus not only violating his promise but, as I believe, the Constitution and laws as well.

I will show what he has done as to internal-revenue collectors by way of example. He has changed twenty-four of them, who have 1,428 subordinates. That is a good deal to do in half a year.

Who will say that these changes of internal-revenue collectors, and the numerous changes of postmasters, marshals, &c., are made with a view to improving the service? It will be noted that promotions are rarely made. The appointees as a rule are new and untried men. There must be a motive for making these changes, for even Mr. Arthur would hesitate, in view of his declarations and the protest of the masses of the people, if he were not impelled by some motive which imparts a considerable degree of hardihood. There is a motive, and that motive is to establish and maintain a political machine. This Administration very soon after its accession began to make appointments on a well-defined proscription for political opinions, and the wayfaring man cannot help but see that the object is to intrench itself and its factional following in the official positions of the Government with a view to perpetuating its ascendency and control. It is not the success of the Republican party that is sought, but the resurrection of a minority of that party by the systematic dispensation of patronage.

In a word, the Executive and those from whom he takes advice have undertaken the peculiar task of stalwartizing the Republican party, and that too when the very name of stalwart has become a reproach. The stalwarts compose not only a minority of the party but a very small minority. There is not a corporal's guard of stalwarts in any of the Western States except Illinois. In Ohio, Indiana, Michigan, Iowa, Minnesota, Kansas, and Nebraska there are no stalwarts worth mentioning. Enough cannot be found to fill the offices. If there be, I should be glad to have it stated by any of the Representatives from those States. Illinois has a few, but the independent Republicans outnumber the stalwarts ten to one, I am told, in that State. If I am in error, I would be glad to be corrected by any of the Representatives from that State.

Mr. THOMAS. The gentleman is mistaken as to that.

Mr. BAYNE. I may be. I am not so fully advised as to California, Oregon, Nevada, and Colorado, but I doubt not the stalwarts could be easily enumerated in those States.

Mr. STEELE. In Indiana we are neither independents nor stalwarts, as you are in Pennsylvania, but all Republicans.

Mr. BAYNE. Maine, New Hampshire, Vermont, Connecticut, and Rhode Island are singularly free from this political incubus of stalwartism. Massachusetts has only enough of them to fill a part of the offices. New Jersey has very few of them. Pennsylvania and New York have the largest proportion of them, but I am sure that a vast majority of the Republicans of these States are not stalwarts. This faction cannot retain power. The support of the most powerful corporations of the country in connection with the entire patronage of the Government, though the latter reach a hundred thousand appointees with a hundred millions of dollars in salaries, will not suffice to bring about so deplorable a consummation. Nor will combinations with repudiators or leagues with the merchantable portion of the Democracy avail. The bullet of Guiteau made a mark on the forehead of stalwartism that can never be effaced.

Here again we are confronted with the imperfection of the Constitution as it has been construed for the last fifty years. It becomes again evident that the administrative functions of the Government are capable of and afford opportunities for the most serious abuses, and the condition precedent to the perpetration of such abuses is that the Executive should be a bad or a weak man.

REMEDY.

The evils which I have to some extent undertaken to point out are palpable enough. What is the remedy?

The civil-service associations of the country seem to unite in recommending a plan similar to the English civil-service system. They have indorsed, I believe without exception, a bill introduced into the Senate by Senator PENDLETON, of Ohio, which provides a commission which shall examine all applicants for position in the subordinate civil service of the Government, and recommend those in the order of their merit who fulfill the applied tests. Promotions shall be made on the grounds of qualification. The bill fixes no term, and is therein essentially defective. The most vital element of such a law would be a fixed, stable tenure, which is the only protection, in connection with the proper construction of the Constitution, against Executive aggression.

The intention of the bill is good, and if perfected and put into operation and carried out in good faith it would undoubtedly ameliorate the condition of the civil service. But it will be a mistake to rest the hopes of reform of the civil service on any such plan. It must be preceded by more radical measures. The Executive who is capable of removing a competent officer without cause, in the face of the Constitution and the laws of Congress which fix the tenure of his office, would have no difficulty in extinguishing the whole system. The Executive and his subordinates would be intrusted with its execution. What power shall compel the Executive?

The efficacious remedy for the evils of administration must be planted in the Constitution. And the first thing to be done in that direction is to diminish the power of the Executive and increase the power of the people. The way to accomplish this is simple and plain. It is this: make every officer of the Government, where it is practicable, elective by the people. With a view in some measure to this end, I introduced into the House on the 13th day of February last a joint resolution proposing an amendment to the Constitution, which I will ask the Clerk to read.

The Clerk read:

Joint resolution proposing an amendment to the Constitution providing for the election of certain United States officers by the people.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths of said Legislatures, shall become and be a part of the Constitution, namely:

"ARTICLE —.

"SECTION 1. All postmasters, revenue collectors, marshals, and United States district attorneys for the district courts of the United States shall be elected by the people of the States in which their duties are to be performed.

"SEC. 2. Congress shall have power to enforce by appropriate legislation the provisions of this article."

Mr. BAYNE. I should like to see the provisions of this amendment extended to all officers whom it is practicable to elect by the popular vote. Many reasons can be given for the adoption of such an amendment. In the limited time I have I can do but little more than state some of them:

1. It would limit the executive power. I have shown how necessary that is.

2. It would enlarge the power of the people. No objection will lie against this that will not lie against the whole theory of government of the people, for the people, and by the people. It may be said that conventions are so manipulated that the fittest and best qualified are not chosen. That may occur, but the fittest and best qualified are not appointed, and the danger of one man making a mistake is infinitely greater than that a multitude of men will make a mistake. Besides that, there are always two parties, and sometimes more. If the majority party becomes reckless in proposing candidates it may be taught a lesson at the polls by the rejection of its candidates. The minority party is mostly on its good behavior, and it will see to it that acceptable candidates are proposed. That gives the people the choice, and therein lies the great safeguard of popular government.

3. It would create official responsibility to those immediately concerned in the administration of the offices. The responsibility of the elected to the people would be direct, and the responsibility of the subordinates would be next to direct. That this plan works well is abundantly attested by experience. Nearly all the officers in the various States are elected by the people. Many of the State officers formerly appointable are now elective. The evolution of this tendency is visible everywhere in the States. The fact implies a departure from the monarchical form of government, and the development and crystallization of the idea of self-government.

4. It would remove the corrupt and corrupting alliances between the Executive and Senators and Representatives in Congress.

5. It would leave Senators and Representatives in Congress free to criticise the Executive.

How advantageous that would be to the assertion of individuality and honest conviction can be better understood here than anywhere else in the country.

6. It would free the Executive from undue influence on the part of members of Congress.

7. It would relieve members of Congress from the embarrassment of recommending appointments.

8. It would secure the selection of a better class of Senators and Representatives.

9. It would result in the choice of the best administrative officials.

10. It would uproot and destroy the spoils system, so far as that is practicable in human affairs.

Now, sir, I have given a number of reasons why the fundamental change I propose should be adopted. There are many more that could be given. I feel that I have only hinted at them. The subject is new. It requires much thought, many minds, the attention of the press, to present it fully. It must challenge attention, earnest attention, if popular government is to remain. I cannot say in words too earnest, nor in phrase too expressive, that it is my deliberate conviction that our Government must be relieved from the internal and dangerous tendencies that beset it if it shall long live.

It will be difficult, sir, I know, to make constitutional changes, and particularly that kind of change which will involve the surrender of power. The history of the world shows but few instances where governmental authority has been voluntarily given up. The menace of revolution, or revolution itself, has nearly always been necessary to check the aggrandizement or diminish the force of this acquisition. Here we have party power and we have official power, and whatever party may be in control, may be expected to resist any innovation that will have a tendency to weaken these supposed elements of strength and perpetuity.

All these things are obstacles in the way of modifying the Constitution. But that modification must come. The people are sovereign, and if they will make secure and safe self-government, it is their highest and most patriotic duty to eliminate out of their system of government the corrupting and corroding influences of centralized executive power, and to choose themselves in all practicable cases those who shall make, adjudge, and administer their laws.

And now, sir, one word more and I shall finish. I disclaim all authority to speak for anybody but myself. But, sir, if I understand the views of the masses of the people of the country, without regard to party, they are in accord with what I have said. If I may judge the Republican party by what it has done, if I comprehend its purposes and aspirations, the vista of its further progress and achievements opens on the high plane I have but too feebly essayed to portray. Believing that my party is imbued with this spirit I cannot sit silent in the presence of the evils that menace it from within and put on its fair fame undeserved reproaches. At the very citadel of its power and in the zenith of its glory its trusts are abused, its confidence is shaken, and its hopes are frustrated. I believe it to be an imperious duty to say that the Republican party is not responsible for these things.

Mr. WAIT. Mr. Chairman, I do not propose to enter upon any mere political discussion, but shall confine myself to a matter of deep interest to my constituents involved in an amendment I shall offer at the proper time to the sundry civil appropriation bill. The amendment in brief is to appropriate $75,000 to build a quay-wall to protect the river front of the New London navy-yard. I shall ask the committee to amend the bill in the manner that I have indicated, on two grounds, which, in my opinion, not only deserve full and impartial consideration but should command the support of a majority of the members of the House.

I ask this action on the part of the committee, first, because the appropriation that the amendment which I have presented calls for is not for the purchase of any addition to the territory embraced in the yard for the erection of any new and expensive buildings or of any structure that immediate necessity does not imperatively demand; it is solely and simply to appropriate the means required to build a quay-wall, recommended by Rear-Admiral Nichols, the present very intelligent chief of the Bureau of Yards and Docks, in his report to the Secretary of the Navy in December last, it being absolutely necessary in order to protect the water-front of the yard from being seriously impaired by the currents of the river and the tidal waves which daily dash against the gravel bank, cutting that away and carrying the soil into the ship-channel in front of the same, and gradually but certainly diminishing the depth of the channel.

I also ask for this appropriation because I claim that when the State of Connecticut purchased the lands constituting the yard and generously gave the same to the United States the Government, speaking through Congress, accepted the gift with a full and explicit understanding that it should be forever held and used as a naval station, forever kept in repair, and gradually developed and improved. There can be no doubt but that this was the distinct understanding between the high contracting parties when the one executed and presented the instrument conveying the same, and the other, in view of all the facts obtained from a most careful investigation, accepted and received the property conveyed.

Let me briefly sketch the history of this navy-yard on the Thames. In March, 1867, Congress passed an act by which the Secretary of the Navy was "directed to receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land situated on the Thames River, near New London, Connecticut, and with a water-front of not less than one mile, to be held by the United States for naval purposes." The first overtures, mark you, for this transfer of property to be used as a navy-yard came from the General Government. Can there be any misinterpretation, I ask the committee, of the language that Congress in its act of March, 1867, addressed to the State of Connecticut? Can it bear any other meaning than this: that if the State of Connecticut would, by deed of gift, present to the United States this magnificent site for a naval station on the banks of the Thames, then, in that event, the General Government would forever honorably maintain and generously improve the same, until it should become in fact one of the leading naval stations of this Union if not of the world?

And Congress had every inducement to assume the obligations that this agreement with the State of Connecticut imposed upon the United States. The united and uncontradicted testimony of intelligent and impartial witnesses, given at different times in response to official inquiries, have established the fact that for the purposes of a first-class naval station this site is unsurpassed by any other site on the entire Atlantic coast. It had been pronounced by a commission of senior officers of our Navy, soon after the close of our revolutionary struggle, as "the best harbor in the United States" in which to "establish one grand yard and depot for the entire American Navy." And this judgment was subsequently concurred in by Commodores Hull, Rogers, Decatur, Jones, Morris, and Biddle, all stationed there prior to or during the war of 1812–'15, and who, by daily observation, knew whereof they spoke; and more recently by such distinguished naval commanders as Admirals Foote, Stringham, Paulding, Gregory, Lanman, Wyman, and Fairfax, and Commodores Van Brunt, Gardiner, Ringgold, Simpson, and Hopkins, several of whom have been, at different periods, in charge of the yard.

In response to this invitation, extended by the Congress of the United States to the State of Connecticut, the Legislature of the State, at the annual session of the same, in May, 1867, authorized the condemnation and purchase by the State for the use of the United States of a tract of land selected by commissioners appointed by the Navy Department acting in conjunction with commissioners appointed by the State. In this manner a clear and indefeasible title to the territory embraced in this yard was obtained, and in 1868 the same was conveyed by the State of Connecticut to the United States, and formally accepted by the latter for the uses and purposes for which it was conveyed.

And here let me say to the committee that it is apparent from the facts which I have already stated that Congress did not enter blindly upon this arrangement with the State of Connecticut and accept this free gift of a naval site from the State without a full knowledge of its capabilities and advantages. At an earlier day that body had caused a careful examination to be made of the fitness of this site for a first-class naval station. Upon the recommendation of Hon. Gideon Welles, then Secretary of the Navy, Congress in 1862 authorized him to appoint a board of trained naval officers and skilled engineers to examine the harbor of New London and the river Thames in connection with other proposed sites for a navy-yard. When these officers and engineers had completed the work assigned to them, they made a formal report, which embraced facts that gave intelligent and indisputable evidence of the superior advantages of this site for a first-class permanent naval depot and yard. The action of this commission, composed as it was of distinguished and experienced naval officers, was fully indorsed by the Committee on Naval Affairs of the Thirty-eighth Congress, who, by order of the House, made a personal inspection of the harbor of New London and the river Thames, heard the arguments, and weighed the evidence presented for and against the site, and then recommended it to Congress as possessing all the requisites of a great naval establishment.

Among its leading advantages, as set forth in the two reports, to which I have called the attention of the committee, I will briefly cite the following:

1. One continuous mile of available water-front, with a channel adjoining of from 27 to 36 feet in depth.

2. An adjoining basin or roadstead, with good anchorage, ample to contain the whole Navy of the United States—a very important condition for a first-class naval station.

3. Easy access to and from the ocean, with a channel free from ice, fast or floating, at all seasons.

4. An ample area of land, which can be extended to meet any possible requirement of the service.

5. The land is nearly a level plateau, at an elevation sufficient to protect it from the tide, affording secure foundations for heavy superstructures without the necessity of piling.

6. Granite and timber may be found in abundance in the immediate vicinity, sufficient for the construction of walls, docks, and buildings of every description.

7. Railroads and steamboats connect the site with the great sources of supply of ship-timber, labor, and materials used in such an establishment.

8. The location of the site seven miles from the mouth of the river places it out of the range of any known projectile, while the presence of Forts Trumbull and Griswold and a formidable water battery at the entrance of the harbor renders it not only defensible but already defended.

9. The protection of the city of New York and its commerce is of paramount importance. The location of the new yard must afford that protection, without its own defense being involved in that of the city. The site at New London happily answer these conditions. It is nearly opposite the entrance to Long Island Sound from the ocean. By this entrance New York is exposed to the approach of a

hostile fleet on the east. Long Island Sound, with Gardiner's Bay and adjacent waters, is a great roadstead, which, once entered by an enemy's fleet, would furnish anchorage and a haven from which he could threaten the city of New York, and cut off the commerce of New England from its accustomed market. It was here that the British fleet lay during the war of 1812, threatening our whole coast line. This entrance, in the event of a naval war, must at all hazards be kept inviolate. New London, by its strategic position, is the key to this gateway, and the presence of an adequate naval force at the station on the Thames, within less than an hour's steaming, would, in the judgment of eminent naval authorities, afford the best possible security against the lodgment of a hostile fleet in this great natural roadstead. The defense of this gateway contributes alike to the security of the city and the station, but the loss of neither necessarily involves the safety of the other.

The harbor of New London is admirably protected from violent storms and irruptions of the sea by the high lands on each side of the same. In the coldest winters it is never obstructed by ice, and is therefore accessible to vessels of every description at all seasons of the year. There is adequate depth of water and ample space for anchorage for ships of the largest class, and in violent gales hundreds of the coasting vessels that are constantly passing through Long Island Sound seek its shelter and ride out the storm in safety. Not only the harbor of New London but the river Thames is scarcely ever obstructed by ice below Allyn's Point, the terminus on the same of the Norwich and Worcester Railroad, four miles above the site of the navy-yard. And vessels which are engaged in the transportation of iron, coal, lumber, cotton, and the various other materials required by the great and almost countless mechanical and manufacturing industries that are scattered throughout the New England States have at all times and seasons free access to this point.

I wish for a few moments to call the attention of the committee to the present status of the yard. It is not only, as I have endeavored to show, ever free from the obstruction of ice, having a proper depth of water to float the largest ships along its entire shore-line, with a soil upon which large buildings and heavy machinery can be placed upon solid foundations, with a quarry on its eastern side from which the finest granite can be obtained in unlimited quantities; with sand in another locality in abundance for all building purposes; with an exhaustless supply of water, as soft and as pure as the dropping rain, that can be reached by shallow wells; with a natural pond in its immediate vicinity, and on an elevation one hundred feet above it, from which a volume of water can at all times be drawn ample to propel the machinery used in the construction and repair of vessels of war; located in a climate that is unsurpassed for healthfulness; but, in addition to all these great natural advantages that cluster around this site, it has already been so improved by appropriations heretofore made that if it can be protected from impairment, in the manner contemplated by the amendment which I shall offer to the bill, the Government would be able with comparatively small expenditures to utilize it for many purposes connected with the Navy. Some twenty acres of the ground contiguous to the river have been graded and prepared as the site for such structures as the future requirements of the yard will demand; two large brick storehouses, dwellings for the commandant and other officers and the employés stationed at the yard, have been erected; a brick building 180 feet in length by 40 feet in breadth has been built the last year, under the orders of the late Secretary of the Navy, Hon. Mr. Hunt, for the use of the apprentices on the training-ships, and a wharf 1,600 feet in length was constructed some years ago, at which the largest vessels in our Navy may lie.

I have called the attention of the committee to the fact that this yard is so admirably located near the eastern entrance to Long Island Sound, called the Race, that it can be made an important means of defense to the great and rapidly increasing commerce that floats upon the sound, and the towns and cities that line the entire Connecticut and Long Island shores. In support of this claim I would cite a part of the report of the Committee on Naval Affairs, who examined this site, as I have stated, in obedience to a resolution passed by the Thirty-eighth Congress:

> New London, lying within a half-hour's steaming, is the natural key and strategic protection to this gateway, and it is the judgment of the highest military and naval authorities that a rendezvous of iron-clads, to put to sea at short notice, together with some slight fortifications at the "Race" itself, would be a complete defense to the eastern approach to New York and the whole coast line of Connecticut. An enemy's fleet once within this gateway and safe in Long Island Sound—a great man-of-war's harbor of itself—would not only have the best natural roadstead on this continent from which to sally forth to cut up our commerce and lay our cities under contribution but would imperil the commercial metropolis of the country.
>
> Through Long Island Sound is carried, by various means of transportation, the raw material to the New England spindles, much of which is returned in the manufactured articles to New York for domestic and foreign markets. So large has this commerce become that more than fifty thousand vessels have passed New London light-boat, off the mouth of the harbor, in a single year, calling forth the memorable remark of Daniel Webster, "that the importance of this Mediterranean of the Western Hemisphere would justify its being lighted up like a ballroom."
>
> These have seemed very important considerations to your committee; and if by the selection of a site which unites so many essential advantages of its own, commercial interests so vast and so extended also derive incidental protection, the establishment of the proposed yard at this point would appear to raise the question to one of national importance and necessity.

The commerce on the sound has more than doubled since this report was made to Congress. In the light of these telling facts the leading business men of the city of New York have long looked upon this site of the navy-yard on the Thames as the strategic point which guarded the entrance to the sound and protected the commercial interests of New England and New York. Twice has the Chamber of Commerce in that city, entertaining similar opinions, in earnest and eloquent words called upon Congress to give liberally for the improvement of this yard. I quote from one of their addresses:

> Situated nearly midway between two great commercial cities, with ample means for obtaining supplies of all kinds at short notice; in the midst of an industrious and ingenious people, whose labor is skillful and cheap; of easy communication by land and water with all parts of the country and the world, the site on the Thames River possesses every requisite for a first-class naval establishment; and the entrance to Long Island Sound defended, its waters kept inviolate by ships of war and other means to be found at a navy-yard, the vast commerce, estimated by millions, and thousands of persons daily passing over this inland sea, its coasts, towns, villages, and cities, including Stonington, New London, Norwich, Middletown, Hartford, New Haven, Bridgeport, and the great cities of New York, Brooklyn, and Jersey City, would be forever secure from the approach of a hostile fleet from the East; thus, in the language of the Committee on Naval Affairs, before quoted, "raising the question to one of national importance and necessity."

Major-General McClellan, Generals Dix, Totten, Barnard, and Macomb, and Colonel Gates, all of whom stand in the first rank as military engineers, have united in declaring that "no harbor in the United States is more susceptible of defense than that of New London."

Before closing my remarks I must call the attention of the committee to the emphatic declarations of two distinguished gentlemen who have, within the last ten years, successively filled the office of Secretary of the Navy, and whose official position gave them excellent opportunities to judge of the superior advantages that this site possesses for a leading navy-yard and naval depot. I first cite the opinion of the very distinguished member of this House from the State of New Jersey, expressed in his annual report to Congress when Secretary of the Navy, made in 1872, and a more intelligent and impartial witness I certainly could not bring before this body to testify in support of my claim that Congress is bound in honor to do justice to Connecticut:

> I have heretofore spoken of the claims of the New London station on the liberality of Congress. Some of these are to be found in a good harbor, easy of access from all directions, an industrious and ingenious people, whose labor is skillful and cheap, and a site for the station already acquired through the liberality of the State, to the improvement of which the Government seems to be virtually pledged. It is already a station of convenience to the service, and with moderate expenditure its use could be largely increased. (Secretary Robeson, 1872.)

I will next call ex-Secretary Thompson to the witness stand, and I trust the committee will listen to his testimony:

> As a strategic point it is of great importance to the defense of the city of New York, the commerce of Long Island, and the whole coast of Connecticut. Batteries or monitors could easily prevent an enemy from penetrating the harbor. (Secretary Thompson, 1877.)
>
> The harbor is very fine and admirably protected, and in reference to both it and the yard I can only invite attention to what was contained in my last annual report. (Secretary Thompson, 1879.)

That Secretary Thompson fully appreciated the value of this naval station, realized the importance of continuing the work there, and recognized the paramount obligations of the Government to the State of Connecticut to preserve and improve the same, is shown by a letter he addressed to Hon. Mr. ATKINS, then chairman of the Committee on Appropriations, in response to one from the committee inquiring as to the amount required for necessary improvements at this yard. I ask the Clerk to read the portions which I have marked.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, April 8, 1878.*

SIR: I have the honor, in reply to a communication from the Committee on Appropriations, of which you are chairman, to make the following suggestions in reference to the naval station at New London. In 1867 the State of Connecticut, with *magnificent liberality*, donated to the United States a tract of land situated on the river Thames, near New London, to be held for naval purposes. The acceptance of this grant has an *implied agreement* on the part of the Government that the necessary steps should be taken within a reasonable time thereafter to develop the property for the use contemplated. With this view appropriations have from time to time been made and expended in order to the building and equipment of a navy-yard at that point.

* * * * * * *

New London has always been regarded as possessing one of the best harbors on the Atlantic coast, and as unsurpassed by any other in the country as a site for a navy-yard. This opinion has been expressed by some of our most distinguished naval officers, and some years ago was concurred in by a board appointed for its examination by the Secretary of the Navy. The station is situated twenty-five miles from the ocean, and about six miles from Long Island Sound. It has a water front of more than a mile in length, with a depth of channel opposite from thirty to forty feet. The depth of water to the ocean is from twenty-seven to thirty feet at the lowest tide. It is not subject to obstructions from ice, and is accessible at all seasons of the year. In the future construction and repair of vessels it will afford great facilities in acquiring skilled labor, with which the vicinity is abundantly supplied. On the score of healthfulness it is not surpassed by any point in the country. These considerations are sufficient, in my opinion, to justify an appropriation of the sum above indicated at the present session of Congress.

Very respectfully, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

Hon. J. D. C. ATKINS,
Chairman of Committee on Appropriations, House of Representatives.

Mr. WAIT. When the Navy Department was subsequently seeking for a station on the Atlantic coast as a rendezvous for the training ships, where the hundreds of apprentices on board the same would be away from the corrupting allurements of cities, and the healthfulness of which was unquestioned, the attention of the Department was again called to the New London yard through the Committee on Appropriations, and I beg leave to have the letter

read that was then addressed by Secretary Thompson to the chairmain of the committee, Hon. Mr. ATKINS:

NAVY DEPARTMENT, *Washington, March* 10, 1880.

SIR: I have the honor to acknowledge your reference to this Department for examination and report of a resolution of Hon. Mr. WAIT, with a letter addressed by him to you in relation to putting the New London navy-yard in a state of thorough repair and efficiency.

This yard is admirably situated upon the waters of a bay unsurpassed on the coast, in a healthy region of the country, and if put in a state of thorough efficiency would add greatly to the facilities for repairing ships. The waters of the bay are not seriously affected by ice in the winter season, and on this account the Department has considered it a desirable station for the Minnesota—one of the vessels engaged in training boys for the Navy. She is now there, and has been for several months, and important advantages to the boys are expected to be derived from it on account of their removal from injurious influences to which they were likely to be exposed in the harbor of New York.

The question whether this yard shall be put in a condition of "thorough repair and efficiency" is one peculiarly belonging to Congress, and can only be decided by reference to the general policy which may be adopted in regard to the future building of ships for the Navy, and the sufficiency of the present completed yards for that purpose. There are now there two brick storehouses, each 100 by 40 feet, two stories high, the lower story of one of which is used as a drill-room for the boys on the Minnesota. As the floor of this building is concrete, much inconvenience is complained of on account of the dust raised while the drill is going on, and if its use for that purpose is continued a plank floor will be required to replace the one now there. But as a possible point for permanent use by training ships it is well to consider whether it would not be better to improve the yard with reference to that fact. If this shall be considered expedient, a storehouse 65 by 275 feet should be built. Such a building is supposed by the commandant to be required for immediate use in view of the necessities of the training service. If erected, this building can be partitioned off so as to provide storage for all material of the different bureaus, and at one end shop-rooms for minor repairs of ships and machinery can be erected, space for drilling under cover and for rigging lofts can be provided, and it will also provide a place for the accommodation of the sick. It is estimated that such a building will cost $100,000. There is also needed a bathing and swimming house, with steam for heating and pumping, bath tubs, &c.

Such a building, 20 by 40 feet, with the necessary fixtures, will cost $10,000. Besides the foregoing, there is a shed for spars and boats required, 40 by 150 feet, at a cost of $1,000. The commandant has no house, as in the cases of other yards, and it is desirable that one shall be erected for his use. It can be done for $10,000. For grading the grounds the sum of $5,000 is needed, and $10,000 for repairs of the wharves and the buildings already erected.

The above may be summed up as follows:

Building 65 by 275 feet	$100,000
Bathing and swimming house	10,000
Spar and boat house	1,000
Commandant's house	10,000
Grading grounds	5,000
Repairs of wharves and buildings	10,000
Total	136,000

I am, very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations, House of Representatives.

The superior advantages for an important naval station that the site upon the Thames presents has not only been made the subject of examination and recommendation by the prominent naval authorities whose opinions I have already cited, but Rear-Admiral Nichols, Chief of the Bureau of Yards and Docks, emphatically recognized the same in his report, made through the Secretary of the Navy, to Congress in December last. I will read a brief extract from this report:

NAVAL STATION, NEW LONDON, CONNECTICUT.

On a recent visit to this station I was strongly impressed with its advantages as a site for an important naval station. Situated on the left bank of the Thames River, five or six miles from its mouth, with deep water along its entire front, the ground sloping back from the river's edge, a dry, gravelly soil, interspersed with the best of granite for building purposes, it seems to possess all the advantages for the making of a first-class yard.

* * * * * * * *

Whatever use is to be made of this property, it is manifest that its entire length should be faced with a quay-wall in eighteen to twenty feet of water, and this should be the first work undertaken, not only for the protection of the shore but for the formation of a space in which to deposit the material which must be removed from the surface in establishing building sites. I have asked for an appropriation for the commencement of this work, and I think it would be a wise measure to appropriate $200,000 annually to carry it to completion.

In connection with this station it will be well to look to the possibilities of the future. The property comprised in the two navy-yards at New York and Boston is year by year becoming more and more valuable for commercial purposes. Pressure has been brought to bear upon the Government to force a relinquishment of these properties. It is not unreasonable to suppose that, under the fostering care of Congress, our shipping and commercial interests will be greatly enlarged, and the demand for wharf and warehouse room at these two important cities will be so great that the pressure upon the Government may not be resisted. Situated nearly midway between these two sea-ports, and with every advantage for creating a first-class yard, would it not be the part of wisdom to recognize the possibilities, and commence the work that will eventually make of New London the leading navy-yard of the country?

All that the people of Connecticut at this time ask is that Congress will stand by the terms of the agreement made by and between the State authorities and the General Government when Connecticut donated this site on the Thames to the United States. As Secretary Robeson declared in 1872, this valuable property was acquired through the liberality of that State, and to its continued improvement

THE GOVERNMENT IS VIRTUALLY PLEDGED.

I trust that this House will not now so legislate as to violate the plighted faith of the nation. I do not ask for an appropriation to construct the buildings named in the letter of ex-Secretary Thompson, which has been read, but for a sum which is at this time required to prevent this yard from being permanently impaired. If I have been correctly informed the sub-committee that had this matter under consideration favored an appropriation of $75,000 to commence the work proposed. That sum, judiciously expended, will save the river front from being washed away and the depth of the channel abutting on the same diminished. In the light of all the facts now presented Congress cannot refuse to make the small appropriation that intelligent and scientific men assert to be absolutely necessary to prevent this public property from going to decay.

Mr. HISCOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

JACKSONVILLE AND KEY WEST RAILROAD COMPANY.

Mr. UPSON, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 6577) granting the right of way to the Jacksonville, Tampa and Key West Railroad Company through the military reservation at Tampa, Florida; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ABERDEEN, MISSISSIPPI.

Mr. MULDROW, by unanimous consent, introduced a bill (H. R. No. 6720) to provide for the erection of a public building at Aberdeen, Mississippi, for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS' MONUMENT, HAVERSTRAW, NEW YORK.

Mr. BEACH, by unanimous consent, introduced a bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURROWS, of Missouri, indefinitely, on account of sickness.

To Mr. HALL, indefinitely, on account of important business.

To Mr. MOSGROVE, indefinitely, on account of ill health.

To Mr. STOCKSLAGER, indefinitely, on account of sickness in his family.

TERRITORIAL LAWS.

The SPEAKER, by unanimous consent, laid before the House duplicate copies of the Territorial laws of Washington Territory; which were referred to the Committee on the Territories.

And then, on motion of Mr. HISCOCK, (at six o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, memorial, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: The petition of the auxiliary corps of letter-carriers of Philadelphia, Pennsylvania, for an increase of pay—to the Committee on the Post-Office and Post-Roads.

Also, the petition of the board of health of Philadelphia, Pennsylvania, for the continuance of the bulletins of the National Board of Health—to the Committee on Appropriations.

By Mr. BLANCHARD: The petition of Mrs. Amire Hertzog, for compensation for property destroyed by the United States Army during the war of the rebellion—to the Committee on War Claims.

By Mr. DAVIDSON: The petition of citizens of Calhoun and Washington Counties, Florida, for the establishment of a mail-route from Wewahitchka to Saint Andrew's Bay, in the State of Florida—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: The petition of Joseph Beers, for compensation for services rendered during the late war—to the Committee on War Claims.

By Mr. McKINLEY: The petition of William Bramnin and 40 others, of J. T. McKelvy and 29 others, of John Conely and 56 others, of W. W. Pickford and 67 others, and of H. J. Fraser and others, citizens of Ohio, for the passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. O'NEILL: Memorial of the board of health of Philadelphia, Pennsylvania, urging an appropriation in the sundry civil appropriation bill for continuing the publication of the Bulletin of the National Board of Health—to the Committee on Appropriations.

By Mr. C. G. WILLIAMS: The letter of the Secretary of State, recommending that A. S. Stream, keeper of the life-boat station at Shoalwater Bay, Washington Territory, be allowed to accept a medal which the British Government awarded him in recognition of the services rendered to the shipwrecked crew of the Lammerlow, of Liverpool, on the 30th of October, 1881—to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *July* 7, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

POTOMAC FLATS—PERSONAL EXPLANATION.

Mr. RANSOM. Mr. President, my attention has been called to an article in the local columns of the Washington Post of this morning, which I ask the Secretary to read.

The PRESIDENT *pro tempore*. The Secretary will read the article.

The Acting Secretary read as follows:

THE POTOMAC FLATS.

It was rumored at the Capitol yesterday that in consequence of dissatisfaction having been expressed concerning the result of the special committee on the Potomac flats another investigation was to be ordered. It was claimed by those alleged to have all the facts in their possession that the greater portion of the $12,000 appropriated for the committee to sit during the recess to consider the best means of improving the river flats was outrageously squandered. As far as known up to date no report as to the expenditure of this money has ever been made to the Senate, and it is said that unless some statement is shortly forthcoming another investigation will be ordered.

Mr. RANSOM. I now ask the Secretary to read his own letter to me, written to-day, in reference to the expenses of the committee.

The Acting Secretary read as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
FINANCIAL ROOM,
Washington, July 7, 1882.

SIR: In reply to your inquiry concerning the expenses of the select committee appointed under resolutions of May 9, 1881, and of December 13, 1881, to investigate the condition of the Potomac flats in front of the city of Washington, from the date of the original resolution creating said committee, I submit the following statement of expenses, as shown by the books in this office:

Expenses of members of the committee attending three meetings during the recess of Congress	$234 95
Expenses of deputy sergeant-at-arms, summoning witnesses to appear before the committee	36 50
Expenses of witnesses summoned and examined by the committee	120 00
Expenses of reporting proceedings and evidence	249 95
Hire of clerk	1,188 00
	1,829 50

Respectfully,

F. E. SHOBER, *Acting Secretary.*

Hon. M. W. RANSOM,
Chairman, &c., United States Senate Chamber.

Mr. RANSOM. By this it will be seen that there is no foundation whatever for the statement in the Post.

Mr. VEST. As a member of that committee I want to make a statement more personal to the chairman of the committee than to myself.

In justice to the Senator from North Carolina, the chairman of the committee, I will state that so far from his having been a party or accessory in any way to the grievance of which the newspapers of this city now complain, that is, that the appropriation for the Potomac flats has not been placed upon the river and harbor bill, he has urged such an amendment in the Committee on Commerce, of which we are both members, and he came to me yesterday as a member of that committee and of the Senate and personally requested that I should give in my adherence to that amendment.

I opposed the amendment in committee, I am frank to say, for the reason that I believed it was not germane to the river and harbor bill; that it was not a commercial improvement, and should not be placed upon that bill, while at the same time I am in favor of improving the Potomac flats, and have always been in favor of it, and am to-day.

Let me say another word. In an evening paper here yesterday evening was the atrocious charge that the amendment had not been placed on the river and harbor bill because the members of the sub-committee, or the Committee on Commerce rather, were influenced by improper motives in regard to some company that they say is connected with the flats. I never heard of such a company before, or if I did it made so little impression that it passed from my mind. I have never been approached by any human being on this question, except by citizens of Washington who were urging the improvement.

One thing further. Three members of the sub-committee, the Senator from Pennsylvania, [Mr. CAMERON,] the Senator from Maryland, [Mr. GORMAN,] and the Senator from Michigan, [Mr. CONGER,] are all owners of valuable real estate in the city of Washington. They have their residences here, and they are directly interested aside from their official duties in the improvement of this city.

In conclusion, I care nothing about these statements myself, but I have just this to say: I congratulate the people of Washington City upon the ability displayed by these most astute and intelligent editors in making friends in the last few days for the Potomac improvement. If they continue their able and eloquent efforts upon paper, their persuasive eloquence, as my friend from Ohio [Mr. PENDLETON] suggests, it is safe to say that the friends of the Potomac flats improvement will become smaller and beautifully less.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PENDLETON presented the petition of Friberg & Workum, the Boone County Distillery Company, and 35 other firms in Ohio and Kentucky, praying for the passage of a bill for the extension of time on bonded whiskies for a period of five years from the date of original entry of deposit in distillery warehouse; which was ordered to lie on the table.

Mr. MORRILL. I present the petition of John Gibson, Son & Company, of Philadelphia, and various other holders of spirituous liquors, praying that they may have an extension of time for two years on the amount of spirits that they now have, and that all spirits manufactured hereafter shall be three years in bonded warehouse. I move that the petition lie on the table.

The motion was agreed to.

Mr. HARRIS presented additional evidence to accompany the bill (S. No. 909) to correct the military record of William S. Smith, of Tennessee; which was referred to the Committee on Military Affairs.

Mr. SAULSBURY presented a petition of citizens of the city of Washington, praying to be indemnified for damage done to their property on the line of F street west of the new State, War, and Navy Department building, by work done under the direction of the late Board of Public Works; which was referred to the Committee on the District of Columbia.

SIXTH NORTH CAROLINA COLLECTION DISTRICT INVESTIGATION.

Mr. VANCE, from the select committee to examine into the collection of internal revenue in the sixth district of North Carolina, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of copies of the proceedings of the select committee to investigate the sixth collection district of North Carolina, be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its amendment to the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. SHALLENBERGER of Pennsylvania, Mr. J. HYATT SMITH of New York, and Mr. J. W. SINGLETON of Illinois, managers at the conference on the part of the House.

BILLS INTRODUCED.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2125) for the relief of Thomas J. Prosise; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2126) for the payment of certain awards in favor of parties therein named; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2127) to retire enlisted men in the regular and volunteer Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2128) for the relief of Mrs. Catherine E. Whitall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2129) to punish postmasters for making false certificates of the arrivals and departures of mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2130) to provide for the irrigation of Snake River Valley, in the Territory of Idaho, and to promote the settlement thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2131) to repeal all laws and parts of laws granting public lands to the State of Missouri to aid in the construction and extension of the Iron Mountain Railroad, or the Saint Louis and Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to the southern boundary line of said State, and to declare such lands forfeited to the United States, and to relieve said Saint Louis and Iron Mountain Railroad from any duty or obligation imposed by any acts making said grants of transporting the property, troops, or mails of the Government of the United States free of toll or other charges, or at rates below those charged for commercial traffic; which was read twice by its title, and referred to the Committee on Public Lands.

BILL RECOMMITTED.

Mr. ROLLINS. Yesterday morning I reported adversely from the Committee on the District of Columbia the bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia, and the bill was indefinitely postponed. It has come to the knowledge of the committee that parties interested desire to be heard in regard to the bill. I ask therefore that the vote by which the bill

was indefinitely postponed be reconsidered, and that the bill be recommitted to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The order indefinitely postponing the bill will be reconsidered by unanimous consent. The Chair hears no objection. The bill will be recommitted to the Committee on the District of Columbia.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from South Carolina [Mr. BUTLER] to the amendment of the Committee on Commerce.

Mr. INGALLS. Let it be reported.

The ACTING SECRETARY. The amendment to the amendment is to strike out all after the word "surveys," in line 1091, to the end of the paragraph, in line 1097, and to insert:

And that the annual cost of the maintenance of said canal when completed shall be estimated for and accompany the report of the said survey.

Then retain all from and including lines 1098 to 1107; then strike out all after the word "commenced," in line 1107, to line 1193, inclusive; and in line 1194 to insert, after the word "dollars," "or so much thereof as may be necessary."

Mr. McMILLAN. I hope that the Senate understands the amendment to the amendment.

Mr. CAMERON, of Wisconsin. I do not know that I understand exactly what the amendment to the amendment means. I presume the Senator from South Carolina will explain his amendment.

Mr. BUTLER. The amendment that I offered yesterday evening is to strike out in the first paragraph of the amendment of the Committee on Commerce on page 45, after the word "surveys," in line 1091, to the end of the paragraph, and insert the following in lieu of what is stricken out:

And that the annual cost of the maintenance of said canal when completed shall be estimated for and accompany the report of the said survey.

Then retain, from line 1098 to line 1107, inclusive; then strike out from line 1108, down to and including line 1193.

Mr. CAMERON, of Wisconsin. If the amendment were adopted the measure would provide for a survey.

Mr. BUTLER. To survey and to lay out the canal. I also move to strike out the words "and construct," in line 1075. The practical effect of my amendment is to provide for an ample survey and give $100,000, or so much thereof as may be necessary, directing the Secretary of War to transmit to Congress the report of the engineer.

Mr. CAMERON, of Wisconsin. But the Senator's amendment does not provide for the construction of a canal.

Mr. BUTLER. No, sir. That is the only difference between my amendment and that of the committee.

Mr. CAMERON, of Wisconsin. I understand it.

Mr. LOGAN. I should like to ask the Senator from South Carolina why he desires a new survey?

Mr. BUTLER. For the very simple reason that there has not been a satisfactory survey.

Mr. LOGAN. There has been a satisfactory one. There have been three surveys of the work by the best engineers of the country reported to the War Department, and transmitted to Congress, with the estimate of the cost, the length, depth, width, and everything.

Mr. BUTLER. If the Senator will be good enough to explain just exactly what those surveys are he will do more than any other Senator on this floor has done. There is certainly a conflict in the reports of the engineers, and I think when the Senator comes to investigate the matter he will find himself that there has not been such a survey as would justify this appropriation.

Mr. CAMERON, of Wisconsin. Those three surveys were referred to yesterday. If the Senator from Illinois has them before him, he will see exactly what they were. One was a survey for a ship-canal, a very extensive work; another was for a much smaller canal, and another was a partial survey of a portion of the proposed work.

Mr. LOGAN. Were the reports read?

Mr. CAMERON, of Wisconsin. The substance of them was stated.

Mr. BUTLER. I will state further that there is no estimate as to what will be the cost of the maintenance of this canal, and it seems to me to be a very important element of the work. Those reports were all read yesterday.

Mr. LOGAN. If the reports were read, of course it is not necessary to read them again. One survey was made in 1871 by Gorham P. Low, a civil engineer. Was that report read?

Mr. CAMERON, of Wisconsin. Yes, sir.

Mr. LOGAN. The Senator from South Carolina does not pretend that that was an estimate for a ship-canal?

Mr. BUTLER. The one of 1875 was.

Mr. LOGAN. The Senator will find by an examination of these reports that there were two estimates, one for a ship-canal and one for an ordinary commercial canal, commonly so called; that the estimate for the ship-canal amounted to some eleven million dollars, and the one for the ordinary canal, as is proposed by this amendment to the bill, amounted to a little over three million dollars. One estimate was four million dollars and something, and another three million dollars and something.

Mr. BUTLER. The Senator is mistaken.

Mr. LOGAN. I am not mistaken.

Mr. BUTLER. One was for $12,000,000 and the other for $3,900,000.

Mr. LOGAN. I beg the Senator's pardon. I know what I am talking about. I have the estimates right here.

Mr. BUTLER. There is a difference in the reports; that is all.

Mr. LOGAN. The estimates were made by J. H. Wilson, Lieutenant Colonel Thirty-fifth Infantry, and Brevet Major General United States Army, who belonged to the Engineer Corps, and William Gooding, a United States civil engineer; and the estimates made by those persons were based on the estimates made by Low and Macomb for a ship-canal, $18,217,242.56. This is the language of the estimate of Wilson and Gooding:

For a canal sixty feet wide and six feet deep, the cost, together with that of the feeder, has been estimated at $4,600,000, and it would not probably exceed that sum, while it would secure a cheap and direct navigation to the lakes, and a choice of markets to all the country drained by the Upper Mississippi and its tributaries.

Afterward estimating the Illinois and Michigan Canal in connection with these others, for a ship-canal running through, the estimate was $18,000,000 and over, but for the purpose of making a canal as is proposed here their estimate was that the cost would not exceed $4,600,000. The report goes on to recommend an appropriation to the amount above stated. The report says:

The importance of the improvement which we have surveyed and estimated is greatly enhanced by the fact that surveys have demonstrated the entire practicability of a canal from the Illinois River, at or near the mouth of the Bureau, to the Mississippi, at or near Rock Island. The length of the canal would be about sixty-four miles, and it would be supplied with water by a navigable feeder, thirty-eight miles in length, from Rock River at Dixon.

That is the survey precisely that is proposed in the amendment. It was made three times. The last estimate was made by Colonel Wilson, based on these others, by an actual survey.

I noticed in the remarks made here yesterday a good deal was based on the idea that the survey was for a ship-canal much wider than the proposition here, and it was suggested that a great expense would be attached to it by reason of the condemnation of property along the line for that purpose. I do not know whether an estimate was given here yesterday or not as to the cost of that. If not, I have it myself. The length of canal and feeder is in miles 103, which at 320 rods to the mile, makes the length of the canal and feeder in rods 32,960. If you make the width of the right of way 12 rods, it will require 395,520 rods, or 2,472 acres, of land for the right of way. That is the amount of land it will take if the Government has to pay for every foot of it. You may estimate that land at the highest possible price, $60 per acre. My opinion is the land can be procured at a much less rate, but estimate the whole length at $60 per acre, and it would be for the right of way $148,380, which is doubtless a very liberal estimate so far as the cost of the land is concerned; and $148,380 is a mere bagatelle so far as the expense of procuring the right of way is concerned.

In reference to the cost of keeping up the canal, the Senator from South Carolina objects, because he says there is no estimate for that. If you will take the Illinois and Michigan Canal as any data whatever you will find by a report made of the expense of that canal and the profits arising therefrom, you will find by parity of reasoning that the expenses of keeping up this canal will be a mere bagatelle and the profits will be very great. I have reports up to the year 1877, when the Illinois and Michigan Canal was not nearly so profitable as it is now. That canal runs from Chicago and empties into the Illinois River not very far from where this canal is proposed at Hennepin. I will go back as far as 1866:

The gross tolls of the Illinois and Michigan Canal for the year 1866 were $302,000. Deducting all expenses and funds for repairs the canal has yielded, under all disadvantages, an average net income for ten years past of $157,000.

So that, as I stated, by parity of reasoning, when this canal is finished the expense will be a mere nothing while the profits will be very much beyond the expenses.

Mr. BUTLER. I understand that no profits will be derived from this canal; that it is to be free.

Mr. LOGAN. But I am speaking of the Illinois and Michigan Canal. It belongs to the State of Illinois to-day.

Mr. BUTLER. The Senator is not speaking of the proposed Hennepin Canal?

Mr. LOGAN. No, sir. As the Senator spoke of the amount that would be required to keep up the canal, I only say that there is no way to estimate that except to take a canal that is already in operation and see the expense attached to that; and I take the Illinois and Michigan Canal, which is certainly as expensive a canal, if not more so, than the Hennepin Canal would be. As I said, the profits in 1866 were $302,000, (I do not remember what they are now, but they are much more,) and the net profits were $157,000 at that time.

Mr. BUTLER. The excess would be about $150,000.

Mr. LOGAN. Yes, for that canal, and it is a smaller canal so far as expense is concerned than the one now proposed.

Mr. BUTLER. Does the Senator know what number of locks are on the Illinois and Michigan Canal he speaks of, because I should

think the expense of maintaining it would depend very largely upon that.

Mr. LOGAN. I will show the Senator after awhile what it is. The State of Illinois improved the Illinois River before it was turned over to the Government. The Illinois and Michigan Canal connects the lakes with the Illinois River. On the Illinois River the locks, dams, and all cost about half a million dollars. As a matter of course I cannot tell what the locks and dams would cost on this proposed canal, because they are included in the grand total. The grand estimate is made at $3,000,000 and something over.

Mr. BUTLER. The Senator from Iowa yesterday stated the number of locks. I forget the number.

Mr. ALLISON. Twenty-one.

Mr. LOGAN. They are included in the grand total.

Mr. BUTLER. I understand that, but the point of my inquiry is as to the expense of maintaining them and keeping them up. I do not know much about such matters, but I suppose it would be more expensive to keep up a canal with a large number of locks than one with a fewer number. That is the point.

Mr. LOGAN. I suppose that is very true; I do not doubt it; but if the locks and dams are properly constructed there is very little expense attached to keeping them up. The expense of keeping up a canal is not very great any way, if the canal runs through a country where it can be properly constructed. As a matter of course, I am not an engineer officer; I have made no estimate of the expense.

Mr. BUTLER. I am not making it as a point of objection. I do not desire to be understood as objecting to this enterprise at all; I am not objecting to it, but I simply want to get that information which it seems to me is so important in order to vote intelligently upon the question. I am not objecting to the amendment. I think if my amendment to it were adopted we could have a survey with a full report by next December, and there would not be the slightest difficulty about it. That is my judgment.

Mr. LOGAN. So far as that is concerned, there never can be any better survey made than has been done.

Mr. BUTLER. There seems to be very great difference of opinion about this matter.

Mr. LOGAN. I do not know of any difference of opinion in regard to the survey among the friends of the measure. I do not know of any man who says that the survey which has been made is not a competent survey, or that all three different surveys which have been made are not competent. There have been surveys made for a ship-canal, and surveys made for a commercial canal.

Mr. BUTLER. I wish to direct the Senator's attention to one fact in the amendment. The amendment provides for a canal seventy feet wide and six feet deep. The estimate to which the Senator refers was based upon a canal sixty feet wide and seven feet deep. There is a very great disparity at once between what is proposed by the amendment and what was suggested in the report of the engineers. As for the cost of the work, there is that difference, which is a very material one, to begin with.

Mr. LOGAN. The canal is to be seventy feet wide.

Mr. BUTLER. That is contemplated in the amendment, and the estimate was made for a canal sixty feet wide.

Mr. ALLISON. That only increases the cost $200,000.

Mr. BUTLER. I do not know. None of us can tell.

Mr. ALLISON. Let me say a word on that subject.

Mr. LOGAN. Certainly.

Mr. ALLISON. Colonel Macomb made an estimate for thirty-feet locks instead of twenty-one-feet locks, and said the additional cost of thirty-feet locks would be only $641,000. If you have thirty-feet locks you must have a wider canal than sixty feet, so it is perfectly demonstrable that there can be no great additional expense by widening the canal.

Mr. LOGAN. So far as additional expense is concerned, if you make it according to the estimate that was made, considering it to be a continuation of a ship-canal, then it would not cost the amount of money the Senator understands it would cost. The estimate for the ship-canal the whole length, sixty miles, was but $18,000,000.

Mr. BUTLER. The Senator is mistaken.

Mr. LOGAN. No, sir, $18,217,242.56 was the estimate for making a ship-canal the whole way from Chicago to the Mississippi River, but the estimate for making a ship-canal sixty miles long with twenty-eight, or call it thirty miles of a feeder from the Rock River at Dixon, the whole estimate to make it a ship-canal, including locks, dams, and everything, was not over $11,000,000.

Mr. BUTLER. I call the Senator's attention to another thing in this amendment, which was not contemplated evidently when the estimate was made. The amendment provides that:

> Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden.

I confess very frankly that I do not know how many branches are to be built. It contemplates a branch canal.

Mr. LOGAN. It is a feeder. There is but one feeder, and that is from Dixon on the Rock River to the Illinois River. That is the only one estimated for and the only one thought of by anybody. You may call it a branch; it is called a feeder.

Mr. BUTLER. It is called a "branch" in the amendment.

Mr. LOGAN. No matter what it is called, that is what it means. You may call it a branch or a feeder.

Mr. McMILLAN. "A branch canal or feeder."

Mr. LOGAN. That is estimated for in the estimates. I did not get up to make any extended remarks; but as the Senator spoke of the feeder I call his attention to the remark of the engineer in the last report made that I was referring to and from which I read a little while ago. Perhaps he did not hear it. Speaking of this improvement the report says:

> The length of the canal would be about sixty-four miles, and it would be supplied with water by a navigable feeder, thirty-eight miles in length, from Rock River at Dixon.

That is what he speaks of as a branch canal and that is estimated for. Take the estimate made by Gorham P. Low, civil engineer, for the same character of canal; take the estimate made by Colonel Wilson, which was a survey from Chicago, a survey of the Illinois and Michigan Canal in connection with the proposed canal, making the whole of it a ship-canal, and then afterward he put in an estimate for this canal only sixty feet wide, which, as I said, is commonly called a commercial canal. If you read the report of Low on this subject you will find that it gives the objections which are made to the construction of the canal. One was by people who say it would drain Rock River to such an extent as to injure the water-power. He answers that objection, and then says:

> The proposed enlargement of the Illinois and Michigan Canal, and the lock and dam in course of construction in the Illinois River, contemplates the passage of iron-clad gun-boats between the Gulf and the lakes; but since boats suitable for use on the Gulf and lakes would be unfit for the Upper Mississippi, it is inferred that this project is for commercial purposes only. This being the case, a smaller canal would probably be better suited to the situation, both from its reduced cost and the smaller amount of water required by it.
>
> The facts in relation to the large canal having been brought to your notice, you verbally directed me to report and estimate upon a canal of smaller section. I have, therefore, proposed a canal section 60 feet wide at the water-line and 6 feet deep, and having slopes of 2 to 1, with locks 150 feet in length and 21 feet in width.
>
> These dimensions correspond to those adopted by J. O. Hudnutt, civil engineer, in his estimates for a canal over nearly the same route, based upon surveys made in the summer of 1866.
>
> * * * * * * *
>
> The line recommended for this work corresponds nearly with that shown upon the maps for the larger canal, and the elevation of its water-surface and bottom are indicated by broken and dotted lines upon the profile. Upon the main portion the bottom of the channel corresponds with that before proposed, making its water-line 1 foot lower. Composite locks have been estimated for, and in number, location, and lift are similar to those already enumerated. No swing-bridges or inside protecting walls will be necessary. The amount of water required for this canal is estimated as follows: For evaporation and leakage, 1.33 cubic feet per mile per second, or 130 cubic feet per second for canal and feeder; for two hundred lockages in twenty-four hours, 87 cubic feet per second, making a total demand from Rock River at Dixon of 217 cubic feet per second. With a feeder 50 feet wide and 6 feet deep, with slopes of 2 to 1, the sectional area will be 228 square feet, and the velocity required to the above quantity 0.95 feet per second. To obtain this velocity through the above section, it will be necessary to give to the bottom of the feeder an inclination of 0.16 feet to the mile, or 6 feet fall from Dixon to the junction with the main line.
>
> The eastern division from the Illinois River to the feeder is estimated to cost $1,467,202.44, or $56,736.37 per mile; the western division, from the feeder to the Mississippi, $1,429,708.50, or $36,241.03 per mile; the feeder, $1,002,811.70, or $26,306.71 per mile; making the total for the whole work $3,899,722.64, or $8,579,970.63 less than for the larger canal.
>
> A tabular detailed statement of this estimate accompanies this report.
>
> The surveys were made wholly for the purpose of locating a canal 160 feet wide, and the narrower section would probably admit of following the bluffs more closely and thus effect a large saving of earth-work.

The total estimate was made on the idea that the canal was to be one hundred and sixty feet wide.

Mr. BUTLER. That was the $12,000,000 estimate.

Mr. LOGAN. Yes, sir. Then he makes an estimate of the canal when reduced in its proportions, the number of locks, &c., at sixty feet wide; then he speaks of the cost, and makes the total of the whole work $3,899,722.64; or $8,579,970 less than for the larger canal.

> The surveys were made wholly for the purpose of locating a canal one hundred and sixty feet wide, and the narrow section would probably admit of following the bluffs more closely, and thus effect a large saving of earth-work.

Then he makes the estimate of the proposed canal as suggested here, except that the suggestion is seventy feet instead of sixty feet in width. Suppose you take the ten feet added to the sixty feet, consider it one-seventh of the cost of the canal, and take that one seventh and add it to the cost of the canal, and it will not make much over $4,000,000 all told. Consider the cost $3,000,000, or consider it $4,000,000; take the one-seventh of the four million and add it to the four million, and the addition of the ten feet could not be in excess of the one-seventh of the cost of the whole; the canal is not even then an expensive project.

If I had time, which I have not, for I did not intend to even attempt an argument, as the matter was debated yesterday, I would read from a report which I have in my hand to show the amount in different years of the products of that part of the country without taking in the estimate of the amount that would come down the Mississippi River, that naturally would go through this canal to Chicago, and it is perfectly enormous. The value saved to the producers by transporting the products of that country over a water line would astonish any man who would examine the question.

Mr. VEST. Will the Senator from Illinois permit me to call his attention to a part of the report which he has already read, of which I ask some explanation from the friends of this measure? I refer to the part of it the Senator can find in the bound volume:

> The most important and costly part of the route across this section of the coun-

try is the portion between Hennepin and Chicago, for this part is essential as affording an eastern outlet for the Hennepin Canal traffic, and for perfecting the navigation to Chicago from the Lower Mississippi River through the Illinois River, which is now being improved for steamboat navigation from the Hennepin Basin down to the Mississippi River. Indeed, the Hennepin Canal, without the improvement of the Upper Illinois River and the enlargement of the eastern portion of the Illinois and Michigan Canal, would be useless as an outlet for the freights of the Upper Mississippi River.

* * * * * * * *

It will be seen by the report of the assistant engineer that the estimate for the route as above sketched out for a navigable water-way from the Mississippi River, near Rock Island, to Chicago, on Lake Michigan, is $19,780,535; to which should be added the amount of increase in estimate for locks of proper size on Hennepin Canal, $641,284; making a grand total of $20,421,819.

This is the report of Macomb, and I understand this estimate refers to what is called the commercial canal and not the ship-canal. I may be very much mistaken.

Mr. LOGAN. The Senator is mistaken.

Mr. VEST. At any rate the assertion of the engineer here is that without the improvement of the eastern end of the route the western end will be perfectly useless.

Mr. LOGAN. The Senator will understand that prior to this project being attempted as a Government matter, the State of Illinois itself was improving the Illinois River:

The Legislature of the State of Illinois, by an act approved February 28, A. D. 1867, made provision, so far as in the judgment of that body the State could do, for deep-water communication between Lake Michigan and the Mississippi River, by the improvement of the Illinois River, the enlargement of the existing canal, the extension of the same to the Mississippi River at or above Rock Island, and the improvement of Rock River.

The State of Illinois appropriated money and levied a special tax for that purpose, built locks and dams on the Illinois River, and then the Government of the United States, by the consent of the State of Illinois, took possession of that improvement on the Illinois River and appropriated money for it, and appropriates money every year for it and has it in charge—opening up the Illinois River, passing by Hennepin, where this canal will make a junction with the Illinois River. The Illinois River improvement is so far completed now that commerce can pass up and down to the Illinois and Michigan Canal. It does so to-day and does constantly. It needs improvement as do the various harbors named in the bill, and as do the rivers that are being improved by the Government for the benefit of navigation. The improvement exists, and is to-day a part of the improvement system of the Government of the United States.

The estimate the Senator refers to was made before this improvement was completed, and it was made including the Illinois and Michigan Canal, the widening and deepening of that canal to make it a ship-canal; but the proposition has been changed, not to make a ship-canal from Chicago to Rock Island by way of the Illinois River, but to make what is known as a commercial canal, which avoids the expense of the deepening and widening of the Illinois and Michigan Canal, and of its continuation, reducing the estimate very materially.

Mr. BUTLER. May I ask a question for information?

Mr. LOGAN. Certainly.

Mr. BUTLER. I understand the contemplated Hennepin Canal runs from a point on the Mississippi River near Rock Island to the town of Hennepin on the Illinois River?

Mr. LOGAN. Yes, sir.

Mr. BUTLER. That distance is about sixty-five miles, which would have to be excavated?

Mr. LOGAN. Yes, sir.

Mr. BUTLER. Is there water communication between Hennepin and Chicago?

Mr. LOGAN. Certainly.

Mr. BUTLER. All the way?

Mr. LOGAN. Certainly.

Mr. BUTLER. There is water communication then from Hennepin to Chicago?

Mr. LOGAN. Certainly. It is part of the system. There are locks and dams on the Illinois River.

Mr. INGALLS. Is there not also a canal from La Salle, on the Illinois River, to Chicago?

Mr. LOGAN. Certainly.

Mr. BUTLER. Is this intended to be a continuation of that water-way?

Mr. LOGAN. Certainly, that is the object of it; and I will state further, for the purpose of making this thing perfectly plain, that I understood when the State of Illinois undertook to improve the Illinois River it was with that view, because the Illinois and Michigan Canal was made by the State itself; it belongs to the State. It undertook to improve the water-way from Chicago to Rock Island by way of the Hennepin Canal, and to commence the improvement of the Illinois River, the Illinois and Michigan Canal having been completed, and it expended large sums of money on the improvement of the Illinois River, and then turned it over to the Government of the United States with the idea of making it a Government work clear through from Chicago to the Mississippi River. Our State constitution prohibits turning over the Illinois and Michigan Canal except by vote of the people, and that proposition is before the people of the State of Illinois to-day, having been submitted by the Legislature.

Mr. BUTLER. May I ask one other question?

Mr. LOGAN. I would prefer that the Senator should allow me to finish this point. That proposition is before the people of Illinois to-day, having passed our Legislature at its last session, so that by turning over the Illinois and Michigan Canal to the Government the Government will then have the water-way from Chicago to Rock Island; and this contemplated canal makes connection with the Mississippi River, so that the Government then will have charge of the system from the outlet of Lake Michigan clear through to the Mississippi River, with a view in the future to connecting the lakes together, and running a water-way clear through to the eastern shore somewhere. That is the idea. Whether it will be carried out or not I cannot say; but that is the design of this provision.

Mr. VEST. Will the Senator from Illinois permit me to make a suggestion? Living in an adjoining State, I know some little about matters in Illinois, and my understanding is that the constitutional convention of Illinois in 1870 prohibited the State Legislature forever from voting a dollar to the construction of this project, the Hennepin Canal. Am I correct in that?

Mr. LOGAN. I do not know that I can quote the provision *verbatim*, but this is it——

Mr. VEST. I have the provision here.

Mr. LOGAN. It is the last section of the constitution of the State of Illinois, referring to the Illinois and Michigan Canal, which deprives the Legislature of Illinois of the power of transferring or assigning it except by a vote of the people.

Mr. VEST. As I understand further the meaning of that constitutional amendment, it took away from the Legislature of Illinois absolutely the power to make any appropriation for the Hennepin Canal.

Mr. LOGAN. Oh, no; it applies to all railways and canals.

Mr. VEST. The debates of the convention, which are perfectly accessible, show that this very question was up, and that was the salient point in that discussion. It has been considered settled since that time that the State of Illinois had nothing further to do with it.

I do not want to take the Senator off the floor by occupying his time, but if I understand the Senator from Illinois, after that time the General Government took control of the improvement upon the Illinois River. The report from which I read is dated in 1875, five years after that, and in that report Macomb uses this language:

Indeed, the Hennepin Canal, without the improvement of the Upper Illinois River and the enlargement of the eastern portion of the Illinois and Michigan Canal, would be useless as an outlet for the freights of the Upper Mississippi River.

So that the General Government had then practical control of this work.

Mr. LOGAN. It had control of the Illinois River.

Mr. VEST. Exactly; and that is the point I make, that under the report of Colonel Macomb in 1875, five years after the General Government took control, it would require then $20,000,000 in order to make this work effective at all.

Mr. LOGAN. I beg the Senator's pardon.

Mr. VEST. That is the report. Here it is.

Mr. LOGAN. That report is based upon the idea of making a ship-canal from Chicago to the Mississippi River.

Mr. VEST. This is the commercial canal.

Mr. LOGAN. I beg the Senator's pardon. I have it here, too, the report of Hudnutt and Low, on which all these reports have been based, and the estimate was then $12,479,000. Afterward the report of Wilson estimated, including the whole canal from Chicago, eighteen million dollars and something over. Of course there was a slight difference in their estimates, but that included the whole water-way from Chicago to the Mississippi River, and not merely the Hennepin Canal, and that water-way was in contemplation as a ship-canal one hundred and sixty feet wide.

Mr. BUTLER. I think the Senator will find out when he gets the letter of Colonel Macomb transmitting the report of Mr. Low that he does not concur in the opinion expressed by Mr. Low. I think he will find that to be the fact. The Senator from Connecticut [Mr. HAWLEY] stated that fact yesterday. I understand that Colonel Macomb does not concur in the estimates made by the civil engineer, Low. The Senator from Connecticut stated yesterday, and I think read from his letter of transmission, that he could not concur.

Mr. HAWLEY. He transmits it without a word of comment one way or the other except on the one single matter pertaining to land damages. He says the engineer is mistaken about the people giving the land for nothing, but the rest of it is transmitted without a word either of approval or disapproval.

Mr. LOGAN. Now I will read Macomb's letter:

ROCK ISLAND, ILLINOIS, *May* 15, 1871.

Is that the letter the Senator speaks of?

Mr. HAWLEY. Yes.

Mr. LOGAN. Very well.

Mr. VEST. The report of 1875.

Mr. LOGAN. This is the letter transmitting the report of Low:

ROCK ISLAND, ILLINOIS, *May* 15, 1871.

GENERAL: I send to you to-day by express a box containing the maps and report of Mr. Gorham P. Low, jr., civil engineer, assistant in charge of the survey for a ship-canal from Hennepin, on the Illinois River, to Watertown, on the Mississippi River, some eight miles above here, showing a length for the canal some sixty-five miles and a feeder some thirty-eight miles. This report was completed by Mr. Low

and presented at my office during my absence on a tour of duty to Phœnixville, or it should have been forwarded at an earlier day.

I cannot say that I agree with Mr. Low in the conclusion that, in case of the construction of the canal, "the counties and cities immediately benefited by the work would relieve the Government from any expenditure for damages," but the great cost of the ship-canal will probably prevent the Government from immediately undertaking the work, especially in view of the good water communication between the lakes and the Mississippi by the Illinois River improvement now in progress. That part of the report giving estimates for a commercial canal between Hennepin and the Mississippi River will be of interest to the canal commissioners of the State of Illinois and to that part of the community whose interests would be promoted by such a line of communication; and as the ship-canal survey afforded the data for such an estimate, I authorized it to be appended to the report upon the ship-canal survey.

The box now sent by express contains the following papers: Mr. Low's manuscript report to me, twenty-two pages, and the tabular statements, and six sheets of maps mentioned in the report.

All of which is respectfully submitted by your most obedient servant,

J. N. MACOMB,
Colonel of Engineers, United States Army.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

That shows that Colonel Macomb disagreed with Mr. Low in this, that the people on the route would not save the Government from expense by donating the land. That was the first proposition in which he disagreed with Low. The next proposition he disagreed with him in was as to making it a ship-canal; but you do not find anywhere in this letter that he disagreed with the estimate of Mr. Low for making it a commercial canal.

Mr. BUTLER. If I heard the letter correctly, there is not anything in it commending the estimates of Mr. Low as to the commercial canal.

Mr. LOGAN. I will read, and let us see:

That part of the report giving estimates for a commercial canal between Hennepin and the Mississippi River will be of interest to the canal commissioners of the State of Illinois—

That was at the time they themselves were trying to make this improvement. Hence he says it will be of interest to them—

and to that part of the community whose interests would be promoted by such a line of communication; and as the ship-canal survey afforded the data for such an estimate I authorized it to be appended to the report upon the ship-canal survey.

There is not a word in opposition to that.

Mr. BUTLER. Colonel Macomb does not concur in it. That is the point.

Mr. LOGAN. The Government had nothing to do with it at that time. Colonel Macomb says it is of interest to the canal commissioners of Illinois, because the State of Illinois was then engaged in this project; and hence he authorized this report to be made and appended for the benefit of the canal commissioners of Illinois, who had the thing under their charge.

Mr. HAWLEY. The Senator will allow me to remind him that it was the year before that that the State of Illinois had by her constitution absolutely prohibited the State from loaning its credit to this identical canal in any way. That was in the year 1870. This report was in 1871.

Mr. LOGAN. Very well, suppose the people of Illinois had done so, does that interfere with the report that was made? We are now attempting to do a thing that Illinois cannot do, and we are now calling attention to this report in reference to the question whether this is proper; not as to whether Illinois can do it, for that is not the question. If Illinois could do it, probably she would not ask Congress to do it; but inasmuch as she cannot do it, this report is just as good if Illinois cannot do it as it would be if Illinois could build the canal. What effect has that on the report? The report presents the question for the Government of the United States to consider at this time, and it is not a question as to whether Illinois has the power to make the canal or not.

Mr. BUTLER. There is one other element entering into this question which I think ought to be considered by the Senate. That report was made eleven years ago. There may have been a great many changes in the conditions on which the estimate was made; labor may be higher, and there may be a thousand other things entering into an estimate which it would be very important for us to have. I say to the Senator from Illinois with perfect frankness that I concur in all he says as to the importance of having this water-way opened and I expect to support it most cheerfully when I see the proper foundation laid, and I am extremely anxious to do it.

The Senator asks me what is the necessity for having another survey? This very amendment, part of which I propose to retain, beginning in line 1098, directs the Secretary of War to "cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal." I submit that if there had been a satisfactory survey already, one upon which a business man would undertake to make a contract, it would be quite unnecessary to have that language in this amendment.

Mr. LOGAN. In reference to a satisfactory survey, I would ask the Senator whether any person belonging to the Engineer Corps, whether any man informed in the State of Illinois, whether any man informed in the State of Iowa, or in any of those States that are interested in this matter, has objected to the survey heretofore made? Has any one said it did not run on the right route? Everybody is satisfied with the survey, for the reason that it was made on the best location where the canal can be made; it avoids the towns and all the places where the Government would be involved in great expense; it goes around the ridge of the hills, where a canal can be made the cheapest. If the line were to be surveyed a thousand times it would be made, in my judgment, over the very location where it is located now. You find nobody who ever investigated the question who objects to the survey. That is not the question and never has been. It is not the question in the Engineer Department or anywhere else as to whether the survey is a correct one or not. Nobody has ever questioned that.

The Senator from Missouri said that this estimate was made by Macomb for the commercial canal. He will find by referring to Macomb's own letter that he is mistaken in that, because Macomb says he sends the estimate for a ship-canal, and appends the estimate for the commercial canal to it, thinking it would be of interest to the canal commissioners of Illinois, showing that he does not at all give his estimate for the commercial canal, but does it for the ship-canal from Chicago to Rock Island.

Mr. BUTLER. What is the distance from Hennepin to Chicago?

Mr. LOGAN. I do not remember now.

Mr. ALLISON. Ninety-two miles from Chicago to La Salle and nineteen from La Salle to Hennepin.

Mr. LOGAN. I think that is the exact distance.

Mr. BUTLER. About one hundred and ten miles. Does the Senator know what that canal cost?

Mr. LOGAN. I do not know now.

Mr. ALLISON. I think it cost about $6,000,000.

Mr. LOGAN. Over six millions.

Mr. BUTLER. Six and a half million dollars, I see by the figures in one of the reports. Is that canal the size it is proposed to make this canal, or is it smaller or larger?

Mr. LOGAN. We propose that that canal shall be widened so as to be on a par with this canal. It is wide enough to be used, and is used all the time.

Mr. BUTLER. I understand, then, that the estimate of three or four million dollars which Mr. Low makes does not include the expense of widening and enlarging the Illinois and Michigan Canal.

Mr. LOGAN. Certainly not; it only includes the Hennepin Canal. If the Government of the United States would take the Illinois and Michigan Canal and widen that canal, it would be of more benefit to the people of the Northwest than anything the Government can do almost in this connection.

Mr. BUTLER. I have no doubt about that.

Mr. LOGAN. It is a question for the Government hereafter whether it will widen that canal or not. I have no doubt they will.

Mr. ALLISON. I do not wish to prolong this debate, but in response to a suggestion made by the Senator from South Carolina I wish to read from Mr. Doran's report of 1875, not 1870. I merely mention the date of the report to show what his view was at that time:

The surveys that have already been made of the principal part of this route render it possible to begin the location and actual construction of the work at as early a day as may be convenient to the authorities in charge.

He states that the survey is in such condition and the location in such condition that the work can be begun——

Mr. HAWLEY. Is he not referring to the larger canal, the $10,000,000 canal?

Mr. ALLISON. No, sir. I will read:

Third division.—November 14 I received an order to resurvey a part of the western division of the Hennepin-Canal route, and to examine the country lying between the Rock and the Mississippi Rivers.

He makes that statement relative to the Hennepin Canal; he makes that statement with reference to the condition of the work; and Colonel Macomb, in transmitting that report, speaks in the highest manner of this portion of the work. In it he alludes to what the Senator from Missouri has referred with regard to the cost of enlarging the Illinois and Michigan Canal in order to make it equal to the dimensions of the canal proposed between Hennepin and the Mississippi River. But since that time a great deal of work has been done in the way of improving the Illinois River below La Salle and above Hennepin, both by the General Government and by the State of Illinois. The State of Illinois regarded this very work as so important that she expended $450,000 of State funds to build a single lock on the Illinois River, and I think that is the identical lock at Hennepin which will be transferred absolutely by the recent act of the Illinois Legislature referred to by the Senator from Illinois.

Mr. VEST. And yet the State of Illinois, which considers this work so important—I presume the Senator from Iowa refers to the whole Hennepin-Canal project—in 1870 adopted the following amendment to her constitution:

The General Assembly shall never loan the credit of the State or make appropriations from the treasury thereof in aid of railroads or canals: *Provided*, That any surplus earnings of any canal may be appropriated for its enlargement or extension.

Mr. ALLISON. Let me call attention to the fact right there that in that same constitution they prohibited the Legislature of Illinois from ever transferring that canal to private parties or to any authority without a vote of the people, showing that they regarded the Illinois and Michigan Canal as the most valuable improvement in that State.

Mr. VEST. Mr. President, it is true that the people of Illinois

prohibited the Legislature from transferring the Illinois and Michigan Canal, which had cost the people of Illinois six million and odd thousand dollars. I read the provision from the reports of the constitutional convention of Illinois:

> The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election.

In other words, the constitutional convention, by a vote of nearly 5 to 1—47 to 11—said to all subsequent Legislatures: You shall never pass away the title to the Illinois and Michigan Canal, which has cost us six and a quarter million dollars, but you shall never give a dollar to the construction of the Hennepin Canal, which was an extension of the Illinois and Michigan Canal from the Illinois River to the Mississippi River. Now, if the Senator from Iowa is correct in his eloquent declamation yesterday and to-day as to the inestimable value of this great improvement, there are no people that know better its inestimable value than the people of Illinois, because it is exclusively within the territorial domains of that great State; and yet deliberately, by a vote of nearly 5 to 1, the people of Illinois said: We want no more canals; you shall not give the assent of the Legislature, or a single dollar——

Mr. McMILLAN. Does the Senator infer from the fact that a State has adopted as one of its constitutional provisions a prohibition against the loan of its State credit for building railroads and canals, or other public improvements, therefore it is opposed to the construction of those improvements? That provision is one of the most wholesome ones that can be embraced in a State constitution, and you will find it in the constitutions of most of the other Western States; but to argue that that was an objection to the construction of the Hennepin Canal is a very far-fetched argument, it seems to me.

Mr. VEST. The far-fetchedness is on the other side of the question. It is far-fetched when it is in the channel of the Commerce Committee; but the gentlemen who advocate this project tell us that it is of overpowering importance; that it is of such inestimable value, when the constitutional convention of Illinois directly and absolutely prohibited one dollar from being given by the State to the construction of this canal, although it had given six and a quarter million dollars to the construction of another. It shows that they were satisfied with the canal system——

Mr. ALLISON. Allow me to ask a question?

Mr. VEST. Certainly.

Mr. ALLISON. I ask the Senator what argument he draws from that statement? Would the State of Missouri, for example, be willing that the credit of that State should be loaned to obtain a million dollars for the improvement of the Missouri River, which is found in this bill? Would they not say that should not be done? Why? Because the improvement of the Missouri River is not a local thing; it is a thing that pertains to a great region of country outside the State of Missouri. So as to this canal.

Mr. VEST. Mr. President, permit me to ask the Senator from Iowa if the people of Illinois believed that the construction of these canals was a national matter, why did they expend six and a quarter million dollars in the construction of the Illinois and Michigan Canal?

Mr. LOGAN. I think I can answer that if the Senator will allow me, when he takes his seat.

Mr. VEST. As a matter of course I desire nothing but information in regard to it; but here the people of Illinois, after constructing a canal at an expense of six and a quarter million dollars, should then put in this constitutional provision with direct allusion and reference to the Hennepin Canal itself, because the debates of the convention show that the Hennepin Canal was under discussion, and, as I said before, was the salient point in this whole matter. Illinois had tried one canal at a cost of over $6,000,000, and then the question was, should she build another, and the very arguments *in totidem verbis* which we have heard here from the Senator from Iowa yesterday and the Senator from Illinois to-day were used in the convention, that it was necessary to give an outlet to the Mississippi River so as control the trade of the Upper Mississippi River; and with these arguments made and presented forcibly the State of Illinois deliberately said that for all time they would never give another dollar to the canal system.

A few other words in regard to this amendment to this bill. As a member of the Committee on Commerce I voted against the amendment, and I desire to give very briefly my reasons for that vote. I voted against the amendment in committee, and oppose it here on the floor of the Senate, because, in the first place, it never has been the policy of the United States Government to give its appropriations to artificial communications inside particularly of a single State. When gentlemen invoke precedent here in the way of the Louisville and Portland Canal, the Sault Sainte Marie Canal, and other canals that have been mentioned, they will find upon investigation that in every such instance those canals have been constructed in order to go around and blockade the impediments in great national river courses in the country. The Louisville and Portland Canal was necessary in order to give free communication through the whole length of the Ohio River, and so in every other case.

But if the Congress of the United States has the power and establishes the precedent of constructing a canal inside of the geographical limits of one State under the pretense that it is necessary to the great commercial system of the country, where is it to stop? Is there any end or any limit to a power like that?

Mr. McMILLAN. Will the Senator permit me to call his attention to one fact?

Mr. VEST. Well.

Mr. McMILLAN. The improvement already in progress and under the charge and expense of the Government of the United States, known as the Fox and Wisconsin Rivers improvement, is entirely within one State, and between the very same great bodies of water that this one is, Lake Michigan and the Mississippi River, and the canal is cut through land to connect the streams together on that route, and the Senator has voted for an appropriation of $250,000 for that improvement in this very bill, and has been doing so for years.

Mr. VEST. Mr. President, the Fox and Wisconsin Canal is an unfortunate illustration for the Senator. It is in order to obviate a natural obstruction in those two rivers at their junction, as I understand, that that canal has been made, and to make an entirely continuous water-course; but even if it were absolutely true that the Senate has done that in this instance——

Mr. McMILLAN. One runs into the Mississippi River, the other into Lake Michigan, and this canal connects them together.

Mr. VEST. Yes, sir; for a very short distance.

Mr. McMILLAN. I suppose the distance or length of the canal does not make much difference in the principle; whether it is five miles or fifty miles, the principle is the same.

Mr. VEST. That canal, as the Senator from Wisconsin tells me, is one mile long; here is a canal of sixty-five miles.

Mr. McMILLAN. Does the length of the canal make any difference in principle? Will the Senator from Missouri answer?

Mr. VEST. I suppose not to the Senator.

Mr. McMILLAN. Does it make a difference with the Senator from Missouri?

Mr. VEST. Yes, sir. I say this makes the very greatest difference, because here is the construction of a canal sixty-five miles long which is the absolute creation of a new mode of communication. In the other case it is simply like cutting through an embankment, you might say, or dredging a river, which has been done over and over again.

Mr. McMILLAN. Precisely the same as the Hennepin Canal, except that one is shorter than the other.

Mr. VEST. One is sixty-five times as long as the other, and it makes no sort of difference, then, to the Senator in the principle. We have straightened rivers; we have cut through embankments; we have cut down cliffs in order to straighten water-courses; but we have always done it as an adjunct. We have done it in the case of the Fox and Wisconsin Rivers as an adjunct to those two streams. Here is a canal running without any pretense that it goes near any water-course; it goes away from one; it goes from the Illinois River to the Mississippi, and there is no pretense that there is any navigable stream near it or jurisdiction of the United States obtained over it.

Mr. President, if we can construct this canal, if the constitutional power exists now in the Government of the United States, I boldly assert here that we can make a railroad inside of a State; we can make a turnpike inside of a State; we can make a line of telegraph poles or telephone poles or any other improvement that the Government of the United States sees proper to adopt. And as to the assertion that it is necessary to commerce, let any gentleman take my place upon the Committee on Commerce, and hear the arguments repeated there day after day in favor of all the creeks of the country, when we are told in most eloquent tones session after session that if this stream, this river, this harbor, is not improved, and that immediately, Liberty lies bleeding in the streets and the Constitution is worth nothing. There is not a stream in the United States, the representative of which——

Mr. McMILLAN. Will the Senator permit me to read him an expression from one of the great statesmen of the country, to whose opinion perhaps he will assent?

Mr. VEST. I have no doubt twenty-five years from now that the declarations of the Senator himself will be read as precedents. I can find in the CONGRESSIONAL RECORD declarations for any monstrosity.

Mr. McMILLAN. That would be a higher honor than I can hope for; but if the Senator will permit me to read a sentence I will give him an expression of views from one of the great statesmen of the country. Perhaps he will recognize him as one of his own political friends.

Mr. VEST. Oh, yes; go ahead.

Mr. McMILLAN. Mr. Calhoun, when Secretary of War, was called upon by a resolution of the House of Representatives to report to that House at their next session "a plan for the application of such means as are within the power of Congress for the purpose of opening and constructing such roads and canals as may deserve and require the aid of Government, with a view to military operations in time of war, the transportation of munitions of war, and also a statement of the works of the nature above mentioned which have been commenced, the progress which has been made, and the means and prospect of their completion; and, together with such informa-

tion as in the opinion of the Secretary shall be material in relation to the objects of the resolution." And he remarks:

I have the honor to make the following report:

A judicious system of roads and canals, constructed for the convenience of commerce, and the transportation of the mail only, without any reference to military operations, is itself among the most efficient means for "the more complete defense of the United States."

And he proceeds with a long report in answer to that resolution, signed by himself, and addressed to Hon. Henry Clay, Speaker of the House of Representatives, in which he fully sustains the doctrine which the Senator here disputes.

Mr. HAWLEY. I suggest that it is too late to send the mail by canal as Mr. Calhoun suggested.

Mr. McMILLAN. That does not change his views of the matter.

Mr. HAWLEY. The whole problem is changed.

Mr. McMILLAN. Does that change the constitutional principle?

Mr. HAWLEY. No.

Mr. VEST. As the Senator from Minnesota has relieved himself of that historical quotation, I have simply to say that in the declarations of gentlemen who have been infected with the Presidential fever you can find every sort of assertion of that kind. Mr. Calhoun was a great man, a great statesman, but he was like every other statesman who became infected with the desire to be President of the United States. There is no limit to the affability and the complacence of a gentleman afflicted with that desire in regard to public questions. I do not care what Mr. Calhoun said; I do not care what any other statesman, living or dead, said on this question. I say that if the proposition is once established by the Congress of the United States that we can go into the limits of a State, and that without reference to a navigable stream we can take jurisdiction of the naked land and construct a railroad or a turnpike or a canal, then there is no limit to the expenditure and the extravagance that will follow such a claim of power.

Why, Mr. President, just look at it! This is no partisan question. Let us look at it as Senators representing sovereign States. What is this project? Suppose we build this canal; whether it costs three million or twenty million or one hundred million, what is the legitimate corollary and the logical result? The Government of the United States owns it absolutely without reference to the State of Illinois, for that is the provision of the bill. Illinois must cede all jurisdiction. It is, then, a Government work; the officers are appointed by the Government; the agents who control it are officers of the Government.

The Senator from Minnesota invokes principle. Very good; let us have principle. If you can build a canal sixty-five miles from Hennepin to a navigable water highway, you can build one for six hundred and fifty miles, and the next thing we hear will be an immense canal to connect the Atlantic and Pacific Oceans, or to connect the Lakes and the Gulf of Mexico by a great governmental highway controlled by the Government, officered by the Government, paid by the Government, used by political partisan administrations to control the Government, and where is the end? I protest against the principle as one destroying absolutely the fundamental idea of a representative and free government. There is no end to it. You talk of centralization; I say it in no partisan sense. Establish this doctrine of the right of the Government to build a canal, a railroad, a turnpike, inside of a State and away from the water jurisdiction of the Government, and you give at once away forever the principle that this is a government by the people under limited constitutional and written powers.

Now, Mr. President, as to the cost of this work. The Senator from Illinois says that the estimate is $3,000,000; and the Senator from Iowa stated it yesterday at $3,900,000. I confess my inability to understand the reports if that is the case. The report of Colonel Macomb made on January 25, 1875, five years after the State of Illinois, by constitutional amendment, had given up the control of this improvement, after it had been in the hands of the Government, uses these words:

Indeed, the Hennepin Canal, without the improvement of the Upper Illinois River and the enlargement of the eastern portion of the Illinois and Michigan Canal, would be useless as an outlet for the freights of the Upper Mississippi River.

The Senator from Illinois says that refers to a ship-canal. It must refer to a commercial canal, because it refers to the freights of the Upper Mississippi, and to vessels coming from the Upper Mississippi, barges such as are used on the Mississippi River for the transportation of grain, and he says that without the enlargement of the eastern portion of this canal the western portion of it will be absolutely useless, and he says that this improvement will cost the Government at least $20,421,819.

But, Mr. President, that is not all of it. The Senator from Iowa yesterday spoke in regard to the water-power. I have before me, connected with the minority report made in the House, a letter from citizens of Illinois, which I ask the Secretary to read, and I ask the Senator from Illinois in regard to the standing of these gentlemen. I suppose he has seen it. I ask the Secretary to read the letter commencing where I have marked. That letter is addressed to Mr. TOWNSEND, of Ohio, and is appended to the House minority report. I know one of the gentlemen who signs it; I do not know the rest.

The Acting Secretary read as follows:

By the report of Colonel John N. Macomb made to the Chief of Engineers, United States Army, January 25, 1875, it will be seen that his assistant, Mr. F. C. Doran, who had charge of the survey of the Hennepin Canal, estimates the amount of water required for such improvement at 2,064 cubic feet per second. He does not give a gauge of the flow of water in Rock River, but one is given by a former assistant to Colonel Macomb, Mr. Gorham P. Low, who reported April 10, 1871, "We were fortunate in making a careful measurement of the amount of water flowing in the Rock River at a time, October 11, 1870, when, according to the residents of that city, the river was at its lowest known stage. The amount of water at that date was found to be 2,446 cubic feet per second."

If 2,064 cubic feet per second is needed for the canal, then in low water 84.38 per cent. of the total flow of water will be diverted, or, practically speaking, the whole river would be turned into the canal and all water-power below that point totally destroyed.

The cities of Sterling and Rock Falls, with a population of 8,000 people, have been built up almost entirely by manufacturing enterprises which have been located on the water-power afforded by the Rock River, which flows between them. The loss to the manufacturing establishments by the destruction of the water-power could possibly be estimated by taking into account the sum of $200,000,000 invested therein, and the sum of $600,000,000 of manufactured articles shipped therefrom every year. But it is impossible to estimate or pay for the loss to other individuals in these cities whose business is not manufacturing, but whose prosperity or ruin is involved in the success or failure of the manufacturing interests. It would be well to mention here that there are several other manufacturing points on Rock River below us, which would be injured and would also look to the Government for relief.

In the estimate above referred to, for the amount of water required, a ship-canal is provided for, and as the main agitators of the Hennepin scheme are always claiming that it is a work of national importance, it is but fair to assume that the ship-canal is what they are really after.

Secondly. We are opposed to this bill because of the enormous expenditure of the public money involved in the scheme when fully developed, the first step being an appropriation of a single million of dollars, and the ultimate result the payment of at least $125,000,000 from the Government Treasury. The engineers' estimate of a commercial canal from Hennepin to Rock Island, as reported to Colonel Macomb April 10, 1871, was $3,899,723.

In his later report, dated January 25, 1875, Colonel Macomb says: "Indeed, the Hennepin Canal, without the improvement of the Upper Illinois River, and the enlargement of the eastern portion of the Illinois and Michigan Canal, would be useless as an outlet for the freight of the Upper Mississippi River." He therefore gives as his estimate of the total cost of a commercial canal, or, as he calls it, "a navigable water-way from the Mississippi River, near Rock Island, to Chicago on Lake Michigan," the sum of $20,421,819.

We have no estimates of Government engineers of the cost of enlarging the Illinois and Michigan Canal to the ship-canal size, but assuming the increase of cost over that of enlarging to the smaller size canal to be in the same proportion as the two estimates for the Hennepin Canal part, which are as $4,000,000 to $12,500,000, and we have the estimate of Colonel Macomb of $20,500,000 for a commercial canal raised to $64,000,000 for a ship-canal from river to lake. Now, keeping in mind the fact that Government works constructed in the past under the management of Government engineers and paid for by partial appropriations by Congress from year to year have generally cost nearly double the original estimates, (as for a notable instance the canal around the Des Moines Rapids of the Mississippi River, which was originally estimated at about $2,600,000 and actually cost about $5,000,000,) and we have, as before intimated, as the final result of this entering-wedge of an appropriation of $1,000,000, the expenditure of not less than $125,000,000.

That we are not alone in regarding this Hennepin-Canal scheme as an entering-wedge to other gigantic schemes for the spending of public money for local benefits is evident by the following extract from the Chicago Tribune of March 11, 1882. The extract is from an article giving an account of the views of Messrs. Martin Kingman, of Peoria, and B. F. Shaw, of Dixon, canal commissioners of the State of Illinois, on various questions pertaining to the Illinois and Michigan Canal. The article concludes as follows:

"As to the effect of the success of the Hennepin-Canal scheme upon the Illinois and Michigan ditch, the commissioners thought it would be beneficial, and they hope the friends of the measure would succeed in getting Congress to grant the subsidy asked for. The completion of the Hennepin Canal would, they believed, be the entering-wedge to the embankment and deepening of the Illinois and Michigan Canal, and making it eventually a ship-canal of sufficient capacity to accommodate the largest lake vessels, and even to transport men-of-war from the lakes to the Mississippi River."

Thirdly. We are opposed to this bill as inaugurating a scheme for the unnecessary expenditure of millions of the people's money.

The advocates of the canal claim a Government appropriation for building a national highway to cheapen transportation. They publish a map of the route, on which they give a statement comparing railway rates with what they assume rates will be through the proposed canal, and endeavor to show a saving of 50 per cent.

This statement is erroneous and defective. For instance, they give as the average cost of transporting a bushel of grain by rail to Chicago from Saint Paul, Winona, La Crosse, and Prairie Du Chien, 18.9 cents. We know from actual shipments made during the past five years from these points that the all-rail rate has not exceeded 12 cents per bushel on wheat, coarse grains being carried at lower rates; and at this low rate millers are allowed to stop the wheat at any point on the line, manufacture into flour, reload and ship through without further charge.

They assume the average cost of water transportation from these four points to be 10.5 cents per bushel. In this assumed rate they add nothing for elevator charges, cost of transfer to barges, or insurance on river and canal. If these necessary additions are made to their fictitious water rate, it would be increased to more than the actual rates now and heretofore charged by the railroads.

The State of Illinois many years ago, at great expense to the people, built the Illinois and Michigan Canal, and that canal, in connection with the Illinois River, was, for a considerable period, of great advantage to the country through which it passed. But this water-way has nearly outlived its usefulness, on account of the construction of two of the most prosperous railroads in the State, the Chicago, Rock Island and Pacific, and the Chicago, Alton and Saint Louis, one on either side of the canal, and in close proximity to it. The canal, having the advantage of being built first with elevators and warehouses located on its banks along its entire length, has gradually lost the grain carrying trade, until now an examination of the line of the canal will show that the elevators have either been removed to the railroads or are going to decay about as fast as the weather will permit.

The railroads along the line of the canal are carrying nine-tenths of the grain, and at rates no less than are accepted by roads running through the northern part of the State, and not in the vicinity of the canal. This shows conclusively that our present canal cannot successfully compete for the freight in the section through which it passes, and to-day the citizens of Illinois would gladly turn it over to the General Government.

Now, if the railroads carry the grain shipped from points along our present canal, is it safe to assume for the proposed canal that the railways west of the Mississippi

River will act as willing feeders to it, and collect the products of the country through which they pass, and deliver them over to the water-way at a rate which would be against their own interests?

Is it not much more reasonable to suppose that the railways now traversing Illinois, some fifteen in number, and which either own or control all the connecting lines west of the Mississippi River, will carry the freight through from the river to the lake at an expense but little, if any, greater than would be the cost to transfer to vessels or barges, and thus save to the shipper the entire expense of freight and time of shipment by the water-way proposed?

Finally, while we are willing to admit that there are some minor local advantages, both real and imaginary, which will benefit some of the friends of the scheme, such as the expected drainage of a large amount of swamp lands owned by interested parties, the building and maintaining at Government expense of a substantial stone dam at Dixon, the spending of further large sums of public money in and about Rock Island and Davenport, and the furnishing of much-needed sewerage for the city of Chicago, we at the same time earnestly protest against a scheme which, having actually no real merit as a national enterprise, will result in depriving the State of Illinois of numerous and valuable water-powers on Rock River, the only stream in the State which can furnish facilities for building up manufacturing enterprises that will be as valuable to her as those on the Merrimac are to Massachusetts.

Respectfully, yours

B. C. CHURCH,
D. I. JENNE,
A. P. SMITH,
W. A. SANBORN,
Committee.

Hon. AMOS TOWNSEND,
Chairman Committee on Railways and Canals,
United States House of Representatives.

Mr. VEST. I have had this communication read. I know but one of the gentlemen signing it, as I stated, and him very slightly. The Senator from Illinois can state whether they are reputable men or not. They are a committee representing a meeting of two towns in the State of Illinois. They addressed the communication to a Representative in Congress, who placed it in his minority report on this question. If their statements are correct, this improvement works a manifest injury and a most serious one to the people on the route of this canal; it destroys the water-power; it does away, as they say, with the investment of millions upon millions of dollars of capital, and it is a most serious question whether the Government of the United States does not make itself responsible for this damage if the facts as stated by these petitioners or remonstrants against this project be at all true. I have had it read for what it is worth. It shows that the overwhelming advantages depicted so eloquently by the Senator from Iowa are not appreciated by the people on the route of this canal and within the State of Illinois.

But, Mr. President, let me say further that the era of canals has passed in this country; it is over; and you can no more go back to the canal system to-day than you can go back to the old mail-bag carried on the outside of a slow horse or a lazy mule. The era of canal building is ended in the United States. The temperament of our people, the genius of the age, the essence of our civilization, are all opposed to the canal system. It has been a failure. It has given way to the railroad. Even the highways which God himself created, and into which He pours the dews and rains of heaven, have given way to steam and electricity. Upon the great river on which I live, the Mississippi, the railroads have more than competed successfully with that great arterial highway of the continent. And yet gentlemen propose to expend millions of dollars upon the shallow and sluggish and artificial system created by men and denominated a canal. Pennsylvania has tried the canal system, and to-day it is a failure; not that the canals are not used, but wherever they come in competition with a railroad line the canal is useless and worthless. Virginia has sold her canals, the Senator from Alabama says, to a railroad company at about one-half, I believe, what they cost. Take the list of canals. Take the Fox and Wisconsin Canal, to which the Senator from Minnesota referred. The State of Wisconsin, after receiving a grant of land, begged the United States to take it off her hands, and they did so in 1856, and it has never been worth anything to commerce or navigation since. Take the list of the canals which I have before me: the Wabash and Erie, running from Evansville on the Ohio River to Toledo; the Miami Canal, from Cincinnati to Toledo; the Ohio Canal, from Portsmouth, on the Ohio River, to Plymouth on Lake Erie. The time was, before the snort of the locomotive was heard in the western wilderness, when these canals were considered great mediums of communication between respective communities. What are they to-day? Their sluggish and slimy trace is hardly ever disturbed, except by a rotten team that drags its slow length along in the wake of the hustling locomotive that connects the cities and binds together the commerce of the continent.

Look at the Chesapeake and Ohio Canal, right at our doors here. How does it compete with the Baltimore and Ohio Railroad? For months past to my certain knowledge not one single canal-boat has marked its murky surface, while the Baltimore and Ohio Railroad has poured millions upon millions of valuable freight into New York and into Baltimore, and into Philadelphia. The era of canals has passed and gone; the civilization of the country has left them far behind. It is useless for gentlemen to-day to talk of depleting the Treasury to build a canal when a railroad at one-third the cost would do five times the work and be five times the assistance and value to the people of the United States.

But Senators say they want a water communication between the Illinois River and the Mississippi. Why, to-day, sir, there are six lines of communication, six systems running from Chicago to the Mississippi River, competing lines of railroad—the Chicago, Milwaukee and Saint Paul, the Illinois Central, the Chicago and Northwestern, the Chicago, Rock Island and Pacific, the Chicago, Burlington and Quincy, and the Chicago and Alton Railroad. All these roads connect the State of Illinois in the north with that great grain-producing country in the Northwestern States; and I say it in no spirit of invidious distinction, for the great State of Illinois is a neighbor to my own State, and our people are bound together by a thousand ties of blood and of commercial relations. Illinois received from the Government, in order to build the Illinois and Michigan Canal, an enormous grant of the public lands amounting to near 300,000 acres. On the 2d of March, 1827, 290,915 acres of the public domain were granted to the State of Illinois for the construction of the Illinois and Michigan Canal. Besides that, Illinois since that time has received a *pro rata* distribution of the expenditures of the Government in the annually recurring river and harbor appropriations.

Now, Mr. President, is it right, is it proper, to strike down the great principle upon which our river and harbor bills have been enacted? Complaints are already made throughout the country at the reckless expenditures of Congress on the river and harbor bill. It is called to-day in the slang newspaper cant of the hour the monster steal, the elephantine plunder, and the newspapers of the land with their accustomed fertility in the use of pen and ink are to-day besmearing Congress with all sorts of adjectives because we have brought in a bill here of $20,000,000 for the natural highways of the country.

The Senator from Minnesota taunts me with having voted for this appropriation and that. God forgive me, Mr. President, I have voted under the duress of legislation for items in the annually recurring river and harbor bills that were against my judgment and against my conscience. I confess it. I was forced to do it by the necessities of my State and of the great section to which I belong. The great rivers and natural highways of the country came to this House loaded down with the trout streams and the miserable little inlets, and the argument made over and over again was that they were adjuncts to the great national highways, that they floated down their proportionate and *pro rata* share of the productions of the country to the great arterial modes of communication which God had created. But can there be even that argument for this project and this scheme? Can there be even the miserable pretext that this canal has ever been created in the smallest degree a natural highway for any purpose whatever? What water-course is it to serve? What great stream does it help to remove the obstructions in? It is made, as I said before, out of demands springing from the imagination or the inventive faculty of men. I assail no one's motive; I make no pretext that this is any other than a legitimate enterprise in all its purposes; but I attack it on the broad principle that when $100,000, $50,000, $10,000, or $1 is given outside of the principles upon which we have hitherto based our river and harbor improvements—that is, the improvement of the great natural water-courses of the country and of the streams that are subsidiary and adjunct thereto—when you break down this principle you let in a flood compared to which the resounding ocean is a mere rivulet trickling down a hillside. There is no end to it. Afterward the Government will be called upon to take possession of any scheme and every scheme that is necessary, as it is alleged, to the commerce of the country. Instead of being the representative of the people under a limited and written constitution, the Government becomes a limitless and expanding agency for spending the money of the people for political purposes.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina, and providing a temporary government therefor.

Mr. McMILLAN. Let it be laid aside temporarily.

The PRESIDENT *pro tempore*. It is moved to lay aside temporarily the unfinished business to proceed with the consideration of the river and harbor bill. If there be no objection such will be the order. The Chair hears no objection.

Mr. LOGAN. Mr. President, I do not wish to enter into a general discussion with the Senator from Missouri or any other Senator as to the constitutionality of this measure. As far as I am concerned, I have no doubt of the power of Congress to do what is here proposed. I will only make a suggestion in response to him by way of interrogatory. I believe a part of the system that is known as the Mississippi River improvement (if I may term it a system) includes, at least in theory, the making of a canal across the northern part of the isthmus of Florida. I do not mean that that is included in this bill, but I mean that that is part of the argument, and it is finally to be the result. I am speaking of what I know the advocates of that proposition finally propose, a canal across Florida for the purpose of making a water-way. Democrats propose it and Republicans propose it. Whether it will be done or not is another question.

So far as the question of internal improvements within the States is concerned, the only answer I desire to make to the Senator from Missouri is this: but a few years ago the same argument, that has been used to-day against the proposition to make this canal from Rock Island to Hennepin was made against improving rivers within a State; precisely the same argument, that it was unconstitutional,

and by the same political organization that we hear it from to-day. I find, however, that the Constitution has been so construed here latterly that rivers, very small rivers, in the Senator's own State, in North Carolina, South Carolina, Georgia, Alabama, and elsewhere are being appropriated for. That was unconstitutional a few years ago. I never believed it was unconstitutional. I have always believed the Government had power to do it for the benefit of commerce if they considered that it was necessary. I believe so now. Senators come here and ask for money for the cutting away of a bar in the Tennessee River, a bar that prevents any kind of a boat passing over it for a mile and a half or two or three miles; cutting a canal through it really. It is making through that bar, that rock channel, an absolute canal, and you appropriate money for it. It is unconstitutional to throw up earth on each side and make a water-way, but perfectly constitutional to cut for fifteen or twenty miles through stone to make a water-way for steamers! That is what you do when you vote for it. You take your rivers all over the South, and you have asked us to vote to cut away bars, rock bars, to cut through stone to open rivers to give you a channel so that boats may pass up and down; but on the prairies of Illinois if we desire a system to connect the Mississippi River with the lakes and connect the lakes together so as to give us an outlet east by water transportation it at once becomes unconstitutional. It is perfectly constitutional in the estimation of the Senator from Missouri to build levees from one end of the Mississippi River to the other to keep the water within its channel; but it is unconstitutional to throw the dirt out and build levees on the side to let water in.

If the water is already there it is constitutional to make a levee, but if the water is not there it is unconstitutional to make a levee to let the water in! That is the argument of the Senator; that is his position. It is perfectly constitutional to appropriate $6,000,000 for cutting points off the Mississippi River, making levees in the Mississippi River, running levees up sloughs and bayous and things of that kind to keep it in its channel; but it is unconstitutional to connect the Illinois and Mississippi Rivers! That may be in the estimation of the Senator good logic, but I cannot see it.

Now, I will call the Senator's attention to another thing. He made a report at this session of Congress, which I have in my hand, in favor of the Government of the United States giving a subsidy of $50,000,000 to build a railroad across the Isthmus of Tehuantepec to pass ships over from one ocean to the other. He made that report himself. That was constitutional. Why? Because it is outside of the United States; but if you propose to do it inside of the United States it would be unconstitutional! That is the reason, is it? Under our Constitution we can do anything on top of God Almighty's earth if we go off our own soil, but we cannot do it on our own soil. We have jurisdiction on our own soil to do certain things, but certain other things that we undertake to do by Congress we must march outside of the United States to do! I cannot understand it. My mind is so constituted that I cannot see the distinction. I cannot understand how it is that we can constitutionally appropriate $50,000,000—we have not done that, but the Senator can be in favor of it—as a subsidy for building a railroad called the Eads railroad across the Isthmus to pass ships over because the ships do not go in the water! If we undertake to dig a canal for them to run over, it is unconstitutional; but to make a railroad to pull them over is perfectly constitutional! I suppose if we were to employ Mr. Eads to build a railroad from Rock Island to Hennepin to run ships over it would be perfectly constitutional; but if we undertake to dig in the ground and put in water to float them over it is unconstitutional!

I listened to the Senator's argument, and he had a letter read, written by some gentlemen in Illinois; very nice gentlemen. I have nothing to say against them. They live at Sterling, a manufacturing town in my State. Some of the manufacturers there were alarmed for fear Rock River was going to be run dry by this canal, and they opposed it; but, strange to say, Whiteside County, the county in which Sterling is situated, by the last Legislature was added to the Congressional district represented by General HENDERSON, of Illinois, and General HENDERSON in Congress has been a leading advocate of the Hennepin Canal all the time that he has been in Congress, some eight years; and the very town from which this letter came, and that county being added to General HENDERSON'S district, was the first county which unanimously asked him to run for Congress again within the last few weeks. He is the advocate of the canal that is going to ruin these people. I do not want to discuss that proposition. About the notions of those men I have nothing to say. They are very good people, but it is idle for the Senator to tell me that that is an argument against the proposition.

The Senator asked why it is that Illinois should put a provision in her constitution prohibiting the people from being taxed to build a railroad or a canal if canals are of any profit. Now, I will try—I do not know whether I can succeed or not—to answer that. In the first place, are canals profitable? He says certain canals are not; it depends on their locality as to whether they are profitable or not. So it does with railroads; so with any other kind of business. It depends on where the canals are, what they connect with, the country through which they pass, and so on. Suppose the Senator takes the great canal of New York, the Erie Canal, for illustration. Is that profitable? Railroads run right along by the side of it. Do they carry all the freight and leave the canal to dry up? Has the Senator ever examined to see whether that canal has given profit to the State of New York or not? If so, he will find it has afforded a balance, after all expenses have been paid, to the treasury of New York of over $41,000,000.

Take the Illinois and Michigan Canal, running from Chicago to the Illinois River, that we propose to make a continuous line to the Mississippi by making this Hennepin Canal. It cost $6,500,000. It has long since paid that into the treasury of the State, and over $150,000 net profit annually. It was not because of the fact that it did not pay anything and was drying up that the constitutional inhibition was imposed. Go along that canal to-day, and a railroad traverses it from one end to the other almost, and you see it filled with canal-boats carrying lumber and all kinds of products, and they carry them to your own State, from Chicago to the city of Saint Louis. It is a profitable canal; but the State of Illinois has had sad experience in reference to internal improvements. In 1835 she undertook to build railroads in the State. Canals were regarded as part of the general improvement system of the State of Illinois. Many years ago, before I knew anything about these systems or the politics of the State, Illinois undertook to build the Illinois Central Railroad, and other roads traversing the State. The State expended about $13,000,000, and then abandoned the improvement system because it was discovered that the State, having charge of it, it perhaps would be a failure to a certain extent, and it was turned over to the Illinois Central Railroad Company by the State of Illinois, after having a portion of it graded, because it could be better managed and more easily perhaps by a company. The people got alarmed at the increase of the debt. About the time they proposed that Illinois should not appropriate money for railroads and canals, the State of Illinois was emerging from debts, getting them paid off, and they determined that the State should not be embarrassed any more, and to-day it is one of the States of the Union that does not owe one cent in the world. They made their arrangements that the Illinois Central Railroad, when they turned over the charter to the company, should pay annually into the treasury of Illinois 7 per cent. of their earnings. That goes into our treasury. The people of Illinois do not wish to enter into any internal-improvement system. When they commenced the system the people did not know where it would end; it was feared the State might undertake large and extensive systems of railroads and canals; and hence they put that provision in their constitution, and very wisely, in my judgment.

There was another reason for it. All the people of this country, or nearly all, had about come to the conclusion that these great improvements for commercial purposes had better be made by the Government of the United States; just as you gentlemen on that side of the Chamber ask the Government to make them in your States. We in Illinois came to about the same conclusion, that these things were better made for the benefit of commerce by the Government of the United States; hence we were willing to turn over these projects to the Government of the United States, that it might handle them under the charge of the Engineer Corps of the Army. Upon the same principle that the Senator from Missouri asks money to improve the rivers and navigable waters of his State, instead of the State itself doing it, Illinois acted, and said, "We will turn these improvements over to the National Government." It was on account of that, and not because the canal had been an expensive improvement to the people of Illinois, as intimated by the Senator.

Mr. President, there is a difference sometimes as to where an improvement is, as to the influence that it has upon our minds. Of course the Senator from Missouri believes this is a violation of the Constitution of the United States, but my honest judgment is, if it was between Saint Louis and Chicago, not that he would look at it as constitutional, but his opposition would not be near so strong. It is unfortunately so situated that it is north of Saint Louis, that it goes across from the Mississippi River to the Illinois River and connects the Mississippi River with the chain of lakes; and it is expected in the future, and I have no doubt that it will be done some day, that Lake Michigan and Lake Erie will be connected, so that the canal that runs across through that part of the State of New York will be a continuous system across the lakes, in connection with the Mississippi River and the Illinois River. I believe the time will come when that will be done, and it will be a great and important work when it is done.

I would not detract from the importance of the opening of the Mississippi River and of lines that would naturally benefit the people of the State of Missouri and my own State, too; but there is a grand, large, growing western country that must have more of outlet than that; and when Senators stand here and tell me that the time has passed for such things, that this is the day and age of railroads, I agree that it is the day and age of railroads, but being the day and age of railroads the people of this country must have something at least to have an effect and an influence upon the railroads so that they shall not be robbed at every step they go. The very arguments that are made against the canal system that has been proposed here are the arguments that are made by the president of every railroad company that runs to Chicago and that crosses west. To-day you cannot find one of them but will argue against the Hennepin Canal, against the water-ways generally, against the appropriation of money to improve the rivers. Every one of them will tell you that the day has passed for that thing, the time has come when

the whole country will be checkered with railroads and every product will be gathered in cars and carried over the iron rails from one part of the country to the other. That may be so. It certainly will be so if we are determined that the people of this country shall have no water improvements and that railroads shall do all the carrying trade. But I say to the Senator from Missouri that the farmers of the West, when they understand that the profit they might make on their wheat, their corn, their oats, their barley, and everything else that they raise is fixed and determined by the great corporations of this country, will inquire into it. When there is a good crop year the railroad companies see exactly what it costs to produce their commodities and then charge enough as the cost of transportation to swallow up all the profit, so that the farmer only gets a bare recompense for his labor. These people ask that you shall do something that will relieve them from the onerous burdens that are affixed upon them all over this country. I say to Senators to-day that I believe in railroads as much as anybody else, but I want them conducted so as to treat the people fairly, and the only way you can cause them to do exactly what is right with the people is to show them that there is something else that can carry the products of this country besides the railroads. Give us an opening to the seaboard, give us a water-way from the West to the seaboard, and our farmers throughout the country will have profit to put in their pockets as well as the great corporations of the country. It is idle for any one to tell me that a man can put fifty millions in his pocket by the honest profit made by transportation in this country where fair prices are charged. It is all nonsense to tell me that every corporation becomes rich that transports the products of this country, and that everybody connected with them becomes rich and they become rich merely from fair charges against the farming and producing classes. The very men that we should protect in this country and see that they are protected against extortion are the men who ask that this thing shall be done, so that you shall give them a connecting line between the Mississippi River and the Illinois River, whereby they can have water transportation clear through to New York finally.

Now, Mr. President, as to the cost of this canal. Suppose it should cost $10,000,000 finally—so much this year, so much next year, so much the following year——

Mr. VEST. If I do not interrupt the Senator, let me make a suggestion in order to settle that question. I understood him to say when he was on the floor before that he did not think any report of Macomb could be produced for 1875 stating that this would cost $20,000,000. I have sent for the report and I ask the Senator to look at it if he has any doubt about it. The date of this report is "Rock Island, Illinois, January 25, 1875." It refers to the commerce of the Upper Mississippi River and says the cost will be $20,421,819.

Mr. LOGAN. The cost of what?

Mr. VEST. A commercial canal.

Mr. LOGAN. The Hennepin Canal?

Mr. VEST. The Hennepin Canal.

Mr. LOGAN. I beg the Senator's pardon.

Mr. VEST. Here is the report.

Mr. LOGAN. I will examine the report. The Senator will find this to be the fact, that there is no estimate of that kind made unless it is based upon the future expense of opening communication clear through to Chicago, and is not for the Hennepin Canal merely. That is exactly what it says, and that is exactly what I say, that the estimate was $18,000,000 and something over, made by Wilson in the last report made, and that was for completing a canal from the Mississippi River to Chicago, opening the Illinois River and widening the Illinois and Michigan Canal. That is what that report is.

Mr. VEST. With the Senator's permission I call his attention to the fact that Colonel Macomb says in this report that the western part of the canal is absolutely useless unless the improvement is made on the eastern.

Mr. LOGAN. The Senator has repeated that several times, and I have tried to answer it.

Mr. VEST. There it is.

Mr. LOGAN. Mr. President——

Mr. CONGER. The Senator will excuse me a moment. Since that report was made the Congress of the United States has appropriated for the improvement mostly of that upper end of the canal between three and four hundred thousand dollars.

Mr. LOGAN. That includes the Illinois River from Hennepin to La Salle. That improvement is going on to-day; whether you build this canal or not you expend the money, and there is the strange thing to me, that the Senator still keeps putting that in, that it costs that, continually. It makes no difference whether you build the Hennepin Canal or not, you are still expending that money that he is counting now against the Hennepin Canal. It is in this bill to-day.

Mr. VEST. The Senator is mistaken.

Mr. LOGAN. No, sir, I am not mistaken. The money appropriated for the Illinois River is for the improvement of the Illinois up to where that canal intersects the Illinois River at La Salle. That is the very part of the river from La Salle to Hennepin. The State has a lock and dam there that cost $450,000 and turned them over to the Government, and you are appropriating money now for the completion of that improvement.

Mr. VEST. I dislike to interrupt the Senator; I beg his pardon in advance. I suppose we want the facts in regard to this matter. If I understand the Senator from Illinois and the Senator from Michigan, it is asserted that we are appropriating money yearly to make the very improvement of which Colonel Macomb speaks.

Mr. LOGAN. On the Illinois River.

Mr. VEST. Does the Senator from Michigan pretend to say that we have appropriated a dollar for the enlargement of the Illinois and Michigan Canal?

Mr. LOGAN. Nobody has said that.

Mr. VEST. Then I call the attention of the Senator to the fact that he is palpably mistaken, because Colonel Macomb says:

> Indeed the Hennepin Canal, without the improvement of the Upper Illinois River—

If he stopped there the Senator would be right—

> and the enlargement of the Eastern portion of the Illinois and Michigan Canal would be useless.

Therefore we are not appropriating money for the improvement spoken of by Colonel Macomb; it is partially appropriated for the Illinois River, but the largest portion of it goes to the enlargement of the Illinois and Michigan Canal.

Mr. LOGAN. When the Senator says that he is probably a little mistaken. It is a very nice thing to make himself right by technicalities. I have asserted all the time, I assert it again, that this canal is to intersect the Illinois River at Hennepin; that the Illinois and Michigan Canal intersects the Illinois River at La Salle, and that the Illinois River between Hennepin and La Salle is appropriated for now, and has been for years, and that is the very improvement of the Illinois River of which Macomb speaks. I said nothing about the Illinois and Michigan Canal, but the very improvement of the Illinois River referred to by Colonel Macomb is being appropriated for every year by Congress, and has been for the last five years. Hence that part of the Senator's argument goes for nothing. So far as the Illinois and Michigan Canal is concerned that is an after question; it has no connection with this at this time. If you build the commercial canal from Hennepin to Rock Island it will connect with the Illinois and Michigan Canal, which is a commercial canal to-day from Chicago to La Salle. If you make the commercial canal from Rock Island to Hennepin you then have practically a commercial canal from Rock Island to Chicago, because the Illinois and Michigan Canal is a commercial canal to-day and boats pass up and down every day of the year transporting lumber and other products of the country. So, for the purpose of having a commercial canal, appropriations are already made and work has already been done. So far as the work on the eastern part of the canal is concerned, what does the Senator refer to? Does not the Senator know that within the last few years the people of Chicago themselves have done the work, they have turned the Chicago River, so that instead of running into Lake Michigan to-day it has been deepened and widened and cut into the canal until Lake Michigan runs through the Chicago River into the canal. So that part of the work has been done by the citizens of Chicago. The Chicago River has been turned, and, instead of running as it did formerly, it now runs toward its source, and to-day is part of the canal we may say. So when you come to examine this question and the objections you make, a portion of the objections are obviated and already done away with.

Then take the whole system. You build this Hennepin Canal, as it is called, and with the Chicago River turned from the lake into the canal as it is to-day, not estimated for, but done by the people of Chicago themselves, having become as it were, a part of the canal, you then have running water from Lake Michigan down to the mouth of the Illinois River, and you have a channel that boats can pass through from Lake Michigan, through Chicago down to La Salle, and down the Illinois River and through the Hennepin Canal to Rock Island. So vessels can come back and get into the lake. To give us an outlet from the lake there and communication from the river to the lake is one of the most important things, in my judgment, that could be done, for that portion of the country. I do not speak of Illinois alone; I speak of Illinois, of Iowa, of Wisconsin, of Minnesota, and all the country north that borders on the Mississippi River. There is not one of those States that to-day does not understand and know the necessity absolutely of this improvement for that purpose.

I understand perfectly well that it might cut off some of the freight on some of the railroads that run through there and cross at Rock Island and run through Iowa and to Saint Louis. I want to see a competing line, a water route which will compete with that character of transportation, so that the people may have an opportunity at least of getting some profit from the products of the soil.

Mr. President, I have said all that I desire to say. If I had been here when this question came up, probably I should have discussed it in a different way. I returned only last night, after an absence of several days, and merely picked up the discussion that was on yesterday without being able to examine it any further at this time. Therefore, I desire to say no more than what I have said in reference to the matter.

Mr. VEST. Mr. President, a single word in reply to the Senator from Illinois. The Senator has seen proper to intimate that my opinions on this question are influenced by locality.

Mr. LOGAN. Oh, no; I did not intimate that.

Mr. VEST. Because I live in the State of Missouri.

Mr. LOGAN. I did not intimate that. The Senator misunderstood me. I said it would not change the Senator's opinion so far as the constitutional question was concerned; but that, if it was lower down, perhaps he might not be so strongly opposed to the proposition. That is what I said.

Mr. VEST. In other words, the Senator uses the *suggestio* instead of the actual affirmation. For my own part, I would always prefer the affirmation. "If it was lower down," my constitutional opinion might be different!

Mr. LOGAN. Not at all. I did not say that.

Mr. VEST. To settle that question, let me say that, as to what are the merits of this proposition, it makes no difference what my constitutional opinion is, or that of the Senator from Illinois, one way or the other. He presents his arguments; I present mine; and in the great forum of public opinion, which after all regulates the affairs of this country, the two will be weighed without reference to any personalities.

The Senator from Illinois lives in the great city of Chicago. I would not intimate for a minute that his locality influences that Senator. I confess for myself that I am so imperfectly constructed and organized that locality, to some extent, does influence me. Upon this question my constitutional opinions will apply to any canal in any portion of the Union of similar construction. I shall oppose all of them, I say now, inside of a State and not auxiliary to the great water-courses of the country, whether they are north, south, east, or west.

One other word, and I am done. The Senator from Illinois refers to a report which I had the honor to make in favor of the Tehuantepec Railroad. I do not envy the logical accuracy of any gentleman's mind who is able to draw a parallel between the Hennepin Canal scheme, or a similar scheme, and the Tehuantepec Railroad. The clause in the Constitution of the United States which gives to Congress the absolute power to regulate the foreign commerce of the United States has received immediate construction by the Supreme Court. I take it there is no shadow of doubt, as a military proposition and a commercial proposition, in any aspect of that clause, that the Congress of the United States has power to construct a railroad or to donate money for that purpose. It is a question so great that the limits of this debate will not permit me now to go into it. I had hoped at another time in the session before this, but for the providential interposition which struck down the principal projector of that enterprise, to have brought that great subject to the attention of the Senate of the United States. I could now, it seems to me, say so much in its favor, and so much in regard to the constitutional phase of it, that even the Senator from Illinois, who has intimated his opposition to that proposition, would not make a shadow of a stand upon that branch of the case at least.

Mr. LOGAN. How is that? The Senator from Illinois said nothing about his opposition to it.

Mr. VEST. I understood the Senator to say that we had not given $50,000,000, and he said it in such a way that I inferred he did not propose to give it.

Mr. LOGAN. No, I said Congress had not yet given it. I said nothing about my opinion.

Mr. VEST. Then I beg the Senator's pardon.

Mr. LOGAN. I did not propose to give my opinion about it. I have an opinion on the subject, that is very true, but I did not propose to give it on this occasion. I merely said that by way of remark. I said nothing about my opinion, nor did I criticise the Senator's opinion in that particular. I only said in reference to the argument which has been made here on the Constitution that I did not see how the Constitution could sustain that measure and reject this.

Mr. VEST. The Senator does not think that is unconstitutional?

Mr. LOGAN. I think this proposition of ours is clearly constitutional.

Mr. VEST. I understand that.

Mr. LOGAN. I did not say that the Senator's proposition was unconstitutional, but I was showing the analogy, as I made the argument with the Senator on one side and then on the other; that was all.

Mr. VEST. Very good. Then I confine myself to the single assertion that there is no analogy in a constitutional point of view between the two propositions. Under the power to regulate foreign commerce, which the Supreme Court has decided is the power to absolutely control it, the Congress of the United States would have the right for military purposes, if for no other, to use the Treasury of the people to make a railway anywhere, and for commercial purposes to construct a canal anywhere.

Mr. LOGAN. Very well. I will ask the Senator if under the Constitution in its broad sense in reference to regulating commerce between the States, Congress should take a notion to build a canal across Illinois from the Mississippi River to Lake Michigan, in the State of Illinois, and then between Lake Michigan and Lake Erie, and so on to the border, would it not have power to do it? If that is the theory, would not that be regulating commerce between the States as much as the other proposition would be regulating the commerce of the world?

Mr. VEST. It is a very broad field of discussion, and one in which the Senator from Illinois and myself have both played some part, my own part very modestly and obscurely compared to his. My opinions are fixed upon that question. I do not choose now to go into so elaborate a discussion, but I will say that my construction of the Constitution of the United States is that ours is a dual government under a written constitution, with limited and specific grants of power; that the General Government under this written Constitution is the agent of the States which have created it for national purposes, and national purposes alone; and that when the States granted to Congress the power to regulate foreign commerce they gave to the General Government the exclusive right to say what should be done outside of the States, outside of the domain of the United States, for commercial or military purposes; but that the Constitution also limited the power of the General Government in so far as the territory of the States themselves was concerned, and where a State could do a work of improvement for itself the General Government had nothing whatever to do with it.

The power to improve the rivers of the United States, permit me to say to the Senator from Illinois, rests upon the ground that the jurisdiction of the United States under the Constitution extends like a mantle over the navigable waters of this country. The United States Government has no more right to improve a stream that is not navigable than it has to construct a turnpike or a canal upon the territory of a State. The only reason why these improvements are made is because reports are obtained from engineers in every case, and assertions are made by members of Congress in every case that all these little streams are navigable and Congress can vote upon them and remove certain obstructions. The great principle upon which we have always stood, both parties I will say, because in the exigencies of political affairs while both parties have wandered from fundamental principles still the principles have remained and have not been attacked by the leading members of either party, notwithstanding sporadic assertions made, I say respectfully to their memories, for electioneering purposes—the great principle has been that, jurisdiction going with navigation, the United States Government had the exclusive right and therefore the necessity rested upon the Government to improve these navigable streams.

This canal is not a navigable stream. It is an artificial work made where there is no navigable water. If it can be constructed, a railroad can be made anywhere, a canal can be put anywhere, if Congress can only be convinced that it is necessary as a connecting link to the commerce of the whole Union.

Mr. LOGAN. I wish to ask the Senator a question. If I understand the argument of the Senator, it would go to this extent. Take the railroad charters, for instance, which are given by each State; no matter what their extortions might be, the power they exercise is unlimited unless restricted by their charters, and Congress could have no power to control, govern, or regulate a railroad.

Mr. VEST. The Senator is opening up another large question.

Mr. LOGAN. I ask the Senator's view as to the question.

Mr. VEST. I have my opinion upon that. I was in hopes a bill would come from the House of Representatives, in the discussion of which I proposed to state what I believe in regard to it. Permit me to say very respectfully to the Senator from Illinois that that does not touch this question. Whether we can control railroads already built across States, under the power to regulate commerce, is a mooted question. I do not propose to discuss that now. The question before us now is, have we a right to make an artificial stream where the jurisdiction of the Government does not extend inside of a State, within the limits of a State, where there is no pretense that it goes from one State to another; have we the right by the Constitution to make such a communication as that?

Mr. HOAR. I should like to ask the Senator a question if it does not disturb him.

Mr. VEST. Not at all.

Mr. HOAR. It may show that my mind is in the condition in which he stated he did not envy the logical faculty of anybody in that condition, I am afraid. I agree with the Senator in believing that the Eads ship-railway project is a constitutional and an expedient project. The clause which gives Congress power is in these words:

> To regulate commerce with foreign nations, and among the several States.

It is in the same sentence. If we may constitutionally connect two great water-ways, the Atlantic and Pacific Oceans, for the purposes of foreign commerce, by building a railroad or canal across the single foreign State of Mexico, within which we have no other jurisdiction, why can we not connect the two great water-ways, the Mississippi River and Lake Michigan, for the purpose of commerce among the several States, which will be conducted from one of those water-ways to another across the single State of Illinois, having no other jurisdiction there? I cannot see myself, and I wish the Senator would state, why the analogy suggested by the Senator from Illinois is not as absolute and perfect as it can be in such a case.

Mr. VEST. I am obliged to the Senator for bringing home to me my statement as to not envying a gentleman who will draw that parallel. I am still unable to do it. Unfortunately I may be so mentally constituted as not to see what the Senator from Massachusetts seems so positive about. The clause of the Constitution to which he refers says that Congress shall have the power "to regulate commerce with foreign nations." That is a broad, limitless power.

Mr. HOAR. Any more than commerce among the States?

Mr. VEST. Much more so, if the Senator will permit me, in this——

Mr. HOAR. In what word of that sentence does the Senator find a more extensive jurisdiction in regard to the one matter than the other?

Mr. VEST. Because the latter part of the clause, referring to the States, says "between the several States."

Mr. HOAR. No; it does not.

Mr. VEST. Read the sentence.

Mr. HOAR. It reads, "among the several States."

Mr. VEST. Yes; "commerce with foreign nations and among the several States." What is the meaning of the phrase "among the States?" If the Senator's proposition is correct that any section of a railroad may be constructed in any county in the middle of a State, where is there any limit upon that power at all?

Mr. HOAR. I will state the proposition, if my honorable friend will permit me to interrupt him again. A railroad in a State, made for the purpose of accommodating the commerce of the citizens of that individual State with one another, does not come within this clause; but, to use Mr. Webster's phrase, when a railroad or a canal beginning in South Carolina and ending in South Carolina becomes of national importance and concern by reason that it accommodates and regulates and increases the commerce of the citizens of one State with the citizens of another, then it becomes subject to precisely the same power as the commerce with foreign States.

Mr. VEST. With due deference to the Senator, we have heard that argument over and over again from the time all of us entered public life; but here, after all, it comes down to this: if the Senator from Massachusetts is correct the logical deduction must be that Congress can construct a road anywhere that it pleases, for the reason that Congress believes that the road is necessary to national commerce.

Mr. HOAR. Exactly, anywhere for that purpose, undoubtedly. Take another illustration put by the Senator from Illinois, which the Senator from Missouri has not answered. It is proposed for the sake of the commerce of New Orleans with Europe and with the North to build a shore-line, to so call it, of water-ways, a part of which is within the State of Georgia or South Carolina, and a part of which consists in cutting a canal across the northern part of the peninsula of Florida. That canal is all within the State of Florida, but it is to be used by the commerce of the Southwest and the Northeast. Does the Senator himself question the power of Congress to build that canal, or does he say that if we had happened to admit East and West Florida as two separate States Congress could build it, but having admitted Florida as a single State it cannot build it?

Mr. VEST. We can dispose of that question when it comes before Congress. Each of these cases stands *sui generis* and by itself. I have my opinion in regard to that proposition. I have never heard it connected, I will say to the Senator from Massachusetts, with the Mississippi River scheme.

Mr. LOGAN. That is the theory.

Mr. VEST. I have never heard it. I was unfortunate, perhaps, in that. In answer to the Senator from Massachusetts I simply say that I do not believe the convention of 1787, which framed the Constitution, meant any such thing as he says. I do not believe it, because if they had meant it they would never have put in the clause, "among the several States." If they intended that Congress should have the power to construct a road or to make an improvement wherever it pleased, they would have left it without words of limitation; they would have said that Congress should have power to construct works of internal improvement, and that would have been the end of it. The phrase "among the several States" is a limitation or it is nothing. If it is a limitation it means more than one State. There has been no project in any State in this Union that has not been advocated upon the ground that it was necessary to a great commercial system, to a national system, but I do not choose to go into that question.

Mr. HAWLEY. Of course, Mr. President, I am not going to detain the Senate at any great length. I am sorry it is not acceptable to the friends of this measure that we should provide for a very thorough survey and a complete estimate of the cost of this canal, to be reported to us in December, for I believe there would be a very large majority in favor of anything like a reasonable provision, but I do insist that there is not full information upon this subject. I insist that the only report we have directly applicable to it is the closing portion of the report of Civil Engineer Low in 1870, and he was not detailed for that work. He was sent to estimate for a large ship-canal. Afterward by word of mouth he was told by Macomb to inquire into this commercial and smaller canal that appears in the report. Low says to Macomb, "I was verbally instructed by you to make some estimates upon the smaller commercial canal," or words to that effect. That report is very brief; he does not cover the whole ground. He says that the general course of the new canal is indicated by dots on his former plan, and that by reason of this small cross-section it probably would follow the bluffs more closely, and thus effect a considerable saving in earth work. That is all.

There is an estimate outside of the ordinary duty of the engineer which I should like to have. I wish some person familiar with the management of canals would tell me how economical it is likely to be to take boats across the sixty-seven miles. I want the information for this reason: these boats are to be lifted two hundred and seven feet up and then let down about ninety or a hundred feet. That is a very serious problem. There are to be twenty-one very heavy locks to do it. Along the side of the canal, and all around it we may suppose, railroads will be running that will take freight at a rate of a cent a ton a mile, or upon long runs at seven mills per ton per mile, and they will go more than ten times as fast as you can possibly get the freight through the canal. It seems to me very reasonable to say that boats will require from two to three days to go through the sixty-seven miles. When left to themselves upon a canal on a long level they will make something like two miles an hour. That is my recollection of the Erie Canal, near which I once lived, but if there is any interruption at all a mile and a half an hour is a very good rate. But here are twenty-one locks, and if the canal is profitable at all the boatmen will find themselves crowded on in coming to the locks, and it will take considerable time to go through. I think it will be found to take from two to three days for a boat to go through. We will say, however, that the boat goes two miles an hour, but the freight train goes along easily at twenty miles an hour, and none of them think of making less than ten miles an hour, and each train takes as much as one of these large canal-boats.

These are the economical reasons that do not appear in the report which was made eleven years ago and were not required of the engineer; these are the reasons that make it exceedingly doubtful whether this thing is worth the cost, economically and commercially. Of course physically it is entirely possible.

With these general considerations is the fact that the canal business, the exploiting with canals, has become a very different thing now from what it was thirty years ago. There was a great fever of speculation in canals in this country between 1830 and 1835. Some five thousand miles of canal were projected, although not more than three thousand miles were ever built, and large lines which were then built have been entirely abandoned.

An eighty-mile canal was run across my State up to Northampton, Massachusetts, through a tolerably busy and fertile country, as nearly all New England is, which some thirty years ago was abandoned and now is grass-grown, and along by it runs the Canal Railroad. The State of New York built nine hundred miles of canal, more than five hundred miles of which were run at a loss. The Erie Canal is paying something like 3½ per cent., and if there was ever a canal in the world that by its location was entitled to expect a profitable return it was the Erie Canal; but the system has cost as a whole far more than the return, in apparent dollars and cents at least. I do not say that the Erie Canal has not been a great blessing to New York and to the country; but so far as the apparent dollar-and-cent investment is concerned she has paid far more money for those things than she has gained, and the Erie Canal has become, as all New Yorkers know, a very serious problem.

The State of Pennsylvania constructed canals, but after a time Pennsylvania got tired of them and sold out her canals. Ohio was very liberal and progressive in that matter and built extensive canals, but in 1861 Ohio sold her canals at one-tenth of 1 per cent. upon the cost of them. So that canals have been and are going out of fashion except in exceptional cases, like at the falls of the Saint Mary, and there they are generally what are called ship-canals, canals of greater width and greater depth than the one contemplated here, like the canal around the falls at Louisville. There is an immensely large lock, a lock more than twice the length of this, and of a very considerable width, I have forgotten, but at least one hundred and twenty-five feet long, at Louisville; they take a large steamboat through.

This is a very small and petty affair. It will inevitably be necessary, if this canal is good for anything at all, to double the size of the locks, and doubling the locks to make it good for anything you may as well count upon this as an expenditure of $10,000,000 to-day. You had just as well say this is a canal to cost $10,000,000, and if you accept from Illinois the profit of working a hundred miles of canal from Chicago to La Salle and on to Hennepin, you will then have the whole one hundred and eighty-six or one hundred and ninety miles upon your hands, to be converted by an irresistible pressure within ten years into a ship-canal drawing from ten to eighteen feet and forty or fifty feet wide at the bottom. That is what you are coming to beyond all question.

I have another suggestion to make on this matter. I am sorry to talk on it at all after so long a debate. This is a poor, petty thing: locks 21 feet wide and a canal 6 feet in depth. At the very outset you are to connect with this the Illinois and Michigan Canal, running from Chicago to La Salle, but that is a seven-foot canal. Your very bill provides for only a six-foot canal, and you propose to run in connection with it a canal with 7 feet depth. The boats that work with advantage in the Illinois and Michigan Canal cannot go into the Hennepin Canal at all, because that draws only 6 feet. If you are to make this valuable you ought to connect it with the Erie, but the Erie allows 7 feet draught and is 56 feet wide at the bottom. The width of the Erie you do not care so much about, but you want to allow boats which use the Erie and your own Illinois and Michigan Canal, which will directly connect, to go through the Hennepin Canal.

The whole scheme, Mr. President, to use a common and forcible expression, is "half-baked." If we are to have a connection from

Albany straight through to Rock Island, let us have it deliberately counted upon and estimated and explained to us. You will have to give the Hennepin Canal, within a very few years, 7, 8, 10, or 12 feet draught to make it good for anything, and I have serious doubts myself whether your sixty-seven miles of canal carrying boats 207 feet in the air and letting them down 90 feet is going to pay. I should not be surprised to see you abandon it within ten years. You will have either to abandon it or quadruple its capacity.

Mr. LOGAN. I merely wish to correct the Senator in one particular. He said there was no report except the report of Macomb to which he referred.

Mr. HAWLEY. Low's report.

Mr. LOGAN. Which was in 1871.

Mr. HAWLEY. In 1871. It is the only one I found in the engineers' volumes here.

Mr. LOGAN. I ask the Senator if he has read the report of Colonel Wilson, which was made in 1867?

Mr. HAWLEY. To cover this precise work?

Mr. LOGAN. Yes, sir.

Mr. HAWLEY. No, sir; I have not seen it. Does it contain an estimate for the same sized canal?

Mr. LOGAN. The same sized canal, 70 feet wide and 6 feet deep, at $4,600,000. That is the estimate made in 1867.

Mr. HAWLEY. He is more reasonable than the other man, who estimated it at $3,900,000.

Mr. LOGAN. He speaks of this canal as a necessity. The Senator knows Colonel Wilson very well, of course.

Mr. HAWLEY. Yes, sir. This proposition, I think, would be immensely stronger and more satisfactory if we had the sort of survey we ought to have, covering not only the maintenance of the work but the commercial view of it.

Mr. WINDOM. Mr. President, I propose to detain the Senate but a very few moments on this question; but having very carefully investigated it some nine or ten years ago in connection with a special committee appointed by the Senate, I cannot consent that the vote shall be taken without at least expressing my opinion about it.

I have not the least doubt as to the constitutionality of this measure. I will not discuss that. I think if we can open the Illinois River to connect it with the Mississippi River, so that steamers may pass around from one point to the other, we can cut across the narrow neck of land between those rivers. I believe that if we can cut around the narrows or falls on the Ohio River at Louisville, so as to connect the two parts of that river, we can, under the Constitution, connect one part of that river with a part of another river if it is cheaper to do it. I believe nobody would doubt that we could open the Illinois River to the Mississippi, so as to pass vessels around that sharp point.

If the argument presented by the Senator from Missouri [Mr. VEST] be sound we could not cut a single mile across the narrow neck between the Mississippi and the Illinois Rivers, because that would be a violation of the Constitution. I have no doubt, as I say, upon that subject. I do not believe that very many Senators have doubts about it, in view of all that Congress has done on the subject.

I wish to say with reference to the merits of this proposition that I believe there is no more meritorious proposition before the Senate. I believe there never has been a more meritorious proposition so far as the commerce of this country is concerned. It is proposed by the amendment to connect two of the greatest water systems in the world—so far as I know—the lake system and the Mississippi River system, separated now only by sixty-five miles, which it is proposed to cut by this canal.

In the investigations which were made on this subject by the special committee whose report has been quoted here to-day, it was ascertained upon proof taken from all over the country, in almost every State in the Union, from railroad men, from men connected with canals, and men in every other business connected with transportation, that transportation by water is about one-half cheaper than transportation by rail. It was so at that time; I do not think that quite so great a difference exists to-day so far as canals and railroads are concerned. There has been an improvement in the construction of railroads to some extent; but I believe that any fair, unprejudiced investigation of that question to-day will lead any Senator to the conclusion that there is at least 30 per cent. in favor of any reasonably well constructed canal as against the railroads of the present day.

Here is a neck of land, I may say, to use that expression, between the Mississippi River system and the great lake system, which can be spanned by sixty-five miles of canal, thereby connecting the two and affording complete water transportation from one to the other.

I do not believe I overstate it when I say that to all the States of the Northwest beyond the Mississippi River the construction of this canal will save four or five times its cost every year. I believe that it is not a local measure. Illinois is not, in my judgment, as much, certainly not more, interested in the proposition to-day than are the States of Minnesota, Iowa, Nebraska, and all those States lying west of the Mississippi River.

I shall therefore most cordially give to this measure my support. I believe that it is the best regulator of railroads that can possibly be devised. We have been talking year in and year out about legislative provisions to regulate railway charges. I believe that something in that direction is practicable, and I hope before this Congress closes to see some legislation carefully matured that will regulate that subject in the interest of cheap transportation, but at the same time I believe that there is no legislative regulation that is at all comparable to that kind of regulation which operates beyond the power of combinations. By that I mean water transportation, where every man can put on his own vessel, without contributing to the great railroad combinations through the corporations that control the country.

Mr. Fink, the railroad commissioner at New York, stated a year or two ago that the Erie Canal regulates the price of freight not only along its lines but regulates it as far south as Mobile. I believe that to be true, and in this way: whenever the Erie Canal opens the railroads along its line are compelled to put down their freights; for gentlemen may say what they please as to canals having gone out of fashion and out of date, and all that kind of thing, yet it is a fact which every transporter of freight from the West knows, that whenever the Erie Canal opens the railroads along its line put down their freights very largely. I do not know what per cent., I cannot state it, but we all know that there is a very great reduction in the price of those rates.

Here lies the New York Central right alongside of the Erie Canal. Whenever that canal opens the New York Central is compelled to reduce its freights or it gets none to carry; or at least in order to secure the freights it must reduce them. When the New York Central reduces its freights the Pennsylvania Central follows suit, and the Pensylvania Central compels the Baltimore and Ohio, and the Baltimore and Ohio the Chesapeake and Ohio, and so on the influence extends, as Mr. Fink the railroad commissioner told us, as far South as Mobile.

I believe that the opening of the Hennepin Canal will regulate the price of transportation on every line of railroad almost connecting the Mississippi River with the lakes, and will regulate it without any law, without any Congressional enactment. It is a constant regulator, working all the time, and is beyond the power of combinations.

I believe the people of the West demand that these two great water systems shall be connected, and I believe that the people of New England and the East will be equally benefited by it, for whatever cheapens transportation between the great grain-growing regions of the West and the grain-consuming regions of the East is equally a benefit to both. I sincerely hope that the amendment will prevail.

Mr. SHERMAN. Mr. President, the Hennepin Canal is part of a magnificent plan of constructing canals in aid of transportation. It was a part of a scheme thoroughly investigated by a committee of the Senate in 1873, a committee of which the Senator from Minnesota [Mr. WINDOM] was chairman, and I was also a member of it. We examined into all these various schemes, but the panic of 1873 immediately followed the investigation and the whole scheme fell through. The plan contemplated an expenditure of millions of dollars for the building of canals and other aids to navigation between the waters of the great rivers and lakes.

I can state in a moment why I shall vote against the Hennepin Canal. It is to be a short canal of about sixty-five miles between Hennepin, an important town upon the Illinois River, and Rock Island, a point about sixty-five miles off. Not a single bit of the water of the Illinois River will float into this canal, nor will any water from the Mississippi float into the canal. It therefore has no connection with the two rivers; it is not in aid of the navigation of either. The building of this canal would no doubt greatly shorten the line between Chicago and the Mississippi River, because the Illinois River runs at an acute angle to the Mississippi River, and it is probably a distance of about five hundred miles from Hennepin to the point which is reached in the Mississippi.

Mr. BUTLER. May I ask the Senator a question, for I did not understand what he has just stated? Do I understand him to say that the water of this canal will not be supplied by the Mississippi or the Illinois River?

Mr. SHERMAN. By neither. Not a drop from either river will flow through the canal.

Mr. BUTLER. Where will the water come from?

Mr. SHERMAN. I will state in a moment. The canal crosses what may be called a ridge of table-land lying between the Illinois River and the Mississippi River. The Illinois River is lower at Hennepin than the Mississippi River is at Rock Island. The ascent made by the canal from Hennepin is about two hundred feet. I may not state it exactly, for I have not looked at the matter recently, but I think the ascent is from one hundred and ninety to two hundred feet, and then it falls again into the Mississippi River about one hundred and forty feet, so that the ascent is about two hundred feet and the descent is I think about one hundred and forty feet. If I am wrong about the figures I ask to be corrected.

Mr. BUTLER. The fall is ninety-one feet.

Mr. ALLISON. The rise is two hundred and seven feet.

Mr. SHERMAN. This canal is to make a shortened line between those two points across a ridge, say, two hundred and seven feet high. There will have to be twenty-eight locks constructed in the sixty-five miles. The Senator from South Carolina asks me where the water will come from to supply the canal. At the apex of this

ridge, by the aid of an irrigating canal, or what is called in the bill a "feeder," about thirty or forty miles long, they strike the headwaters of Rock River, which they drain into it, and that supplies the water for feeding the canal. It is the headwaters of Rock River which is to supply the canal with water.

Mr. BUTLER. Does Rock River come right on the summit of the ridge?

Mr. SHERMAN. By the aid of this runner or feeder the water of Rock River will be brought into the canal.

Mr. BUTLER. It is to come in both directions, then, and run into the canal?

Mr. SHERMAN. Rock River lies between the Illinois River and the Mississippi River. By running from a point in the canal northward you strike Rock River. They can bring the water from Rock River into the canal and thus feed the canal with water. All the water that is to supply the canal will come from Rock River. The first objection will be, if the water is diverted from Rock River into the canal there will be at once a claim for reclamation for the lost water from Rock River to supply the canal. Rock River is a rapidly falling and a rapidly flowing stream which supplies a large number of mills with motive power. It seems to me that the first difficulty will be that we shall divert Rock River from its natural channel into a feeder for the canal and thus make a ground for the reclamation of damages.

When we were considering this matter in 1873 the estimated cost of the work, if I remember aright (and if I am wrong Senators will correct me) was about $19,000,000 or $20,000,000, of which I think about $12,000,000 was to deepen the channel and improve the navigation of what is called the Illinois and Michigan Canal, which runs from Chicago and finally into the Illinois River. The Government improves every year the Illinois River, and the State of Illinois still controls and governs the canal. It is proposed to transfer to the United States the canal with a view at some future time to have it deepened so as to be six or seven feet deep instead of its present condition, and then make this canal across the peninsula between Hennepin and the Mississippi River.

If this is regarded as an important proposition—and I have no doubt it is—it ought to be considered in a bill by itself. It has no connection with the river and harbor bill, because it is not the improvement of a river; it is rather a cut-off between two great rivers. The journey around by these two rivers would probably be about five hundred miles. If this canal were made it would make a communication across this peninsula of about sixty-five miles, and to that extent no doubt it would greatly benefit navigation. It may be a very important improvement; but it is not a pertinent or proper amendment to a river and harbor bill. It is true that in the river and harbor bills there have been other improvements which relate to short canals. There is a short canal around the falls of the Ohio, but that was merely to make an artificial channel around a natural obstruction in the Ohio River. So there is one at the Des Moines Rapids in the Mississippi River, where a canal has been built to relieve the navigation of the Mississippi River from a very serious obstruction in the Des Moines Rapids as they are called. That improvement has been made. Those aids to navigation are perfectly proper in a river and harbor bill, because they are for the improvement of the river; they furnish the river a sure and safe channel instead of one that is difficult and dangerous.

The work through Wisconsin, in my judgment, ought to have been abandoned by the Government long ago. At the time the Fox and Wisconsin Rivers improvement was first designed it was before the great lines of railroad had been completed, and then those rivers contained much more water than they do now. It was easy to make a connection between the headwaters of these two streams, because they came within a mile or so of each other at one point, and so they made a connection across; but now they find it necessary practically to make canals of the rivers or to improve the old rivers, or to make an artificial connection practically between the Mississippi and the upper lakes. It seems to me it would be better to abandon the scheme.

Besides that, I believe if this canal was built now with the present facilities for railroads across that beautiful country, a railroad would dry up the canal; that it would make it unprofitable to navigate the canal even if it was constructed.

Since these projects were contemplated the navigation of the Mississippi River has totally changed. Instead of steamboats which were formerly the mode of transportation on that great river, barges are now used which are towed all the way down the river to New Orleans, and the wheat, &c., which is carried in those barges is shipped in vessels to eastern ports and also to Liverpool.

It seems to me now that to undertake this scheme as a mere amendment to an appropriation bill is not a wise thing to do. If it is done at all, it ought to be done as an independent proposition with ample means commensurate to the object in view. But now it is proposed to appropriate $100,000 to commence this work. Sir, it is not a fleabite in the commencement of this work; it is merely an entering-wedge. If the Government of the United States accepts the gift from the State of Illinois of the Illinois and Michigan Canal, it will accept an elephant, and it will involve undoubtedly the expense of widening and deepening the channel of that canal and the making of this canal from Hennepin to Rock Island. If this question is taken in its entirety, it will not only cost the construction of this canal but a large sum in addition to complete the navigation of the canal which is now owned by the State of Illinois.

The experience of Ohio and Indiana has shown that canals as they are now cannot compete with railroads. Probably if we had a great ship-canal between these two points it would be an enormous aid to navigation. In Ohio our experience with canals is that while formerly they were very useful, they are now of but very little value. Scarcely anything is transported on the Ohio Canal, which cost many millions of dollars. The Miami Canal from Toledo to Cincinnati is now an unimportant thoroughfare carrying only lumber and coal and heavy articles of that kind, which is no doubt convenient, but scarcely paying expenses. My colleague may know more about that, as I do not live near any of these canals, but my impression is that the canals in Ohio which cost so many million dollars barely pay the expense of maintaining them in a reasonable condition, and there is constant complaint that the private parties to whom the State of Ohio has given her canals merely to keep them in repair do not keep them in repair. The result is that they are practically superseded by railroad transportation. The Ohio Canal was a magnificent canal, second only to the Erie Canal; it extended from Cleveland on Lake Erie to Portsmouth on the Ohio, some three hundred miles, but it is now practically abandoned to merely local traffic in coal and lumber, while the railroads have gridironed the State, in some cases running right along the line of the canals and have practically taken all their business.

On the very line where it is proposed to build this canal, or near it, within a convenient distance, there are two or three important lines of railway. Some of the great railways of the West run within a short distance and on the very line it is proposed to run this canal. I am not familiar enough with the railroads of Illinois to name them, but I have been over the railroads between Chicago and Rock Island which pass through some of the very towns mentioned in this amendment.

It seems to me it is unwise now in this collateral manner to take up the question of building a ship-canal. I tell my friend from Minnesota, with whom I examined this subject nine years ago very thoroughly, that if the United States would undertake to build a great ship-canal between the city of Chicago, the most important mart of our western country, striking somewhere across to Rock Island or in that neighborhood, and build it so that tow-boats can transport flats or barges through from the Mississippi River to Chicago, it would be a great and beneficent work; but it is not a work to be entered into in this way. It ought to be considered as a subject by itself; it ought to be considered as a great line of improvement, not merely a canal of seventy feet wide on the surface of the water and six feet deep, but it ought to be considered as a ship-canal. All the estimates that were made formerly were upon the basis of the construction of a ship-canal between these points, and I am quite sure that the lowest estimate made by any engineer was $19,000,000. I think the Senator from Illinois stated that fact.

Mr. LOGAN. Eighteen million dollars.

Mr. SHERMAN. Eighteen millions or thereabouts. I have not looked at the figures recently.

Mr. LOGAN. That was from Chicago clear down—a ship-canal.

Mr. SHERMAN. I say the whole project was then considered as a work to extend from Chicago. This work from Hennepin to Rock Island is purely a local work. It is only valuable in connection with the greater improvement to be made from Chicago through Joliet, which, I believe, is the name of the town, to Hennepin, and then the canal from Hennepin to Rock Island must be made commensurate with the demands of trade in the enlargement of the Illinois and Michigan Canal.

I trust, therefore, that the amendment, which tends to obstruct the action of the Senate upon this bill, will not be agreed to. This very project was considered in the House at the present session, and I am informed by a member of the House that the committee of the House refused to put it in the bill because it was not in the true sense a river or harbor improvement, but was the entering-wedge to an important proposed improvement for the establishment of a ship-canal between Chicago and Rock Island.

Mr. LOGAN. Inasmuch as the Senator has alluded to the action of the House, if he will look at the record he will find that they came within two votes of having the requisite two-thirds vote in the House. They only lacked two votes of attaching the amendment to the bill under the rule requiring a two-thirds vote.

Mr. SHERMAN. The bill was a separate and distinct measure?

Mr. LOGAN. No, sir.

Mr. SHERMAN. On this bill?

Mr. LOGAN. On the proposition to put the measure on this bill.

Mr. SHERMAN. As a separate bill?

Mr. LOGAN. As a separate proposition.

Mr. SHERMAN. That is the way it ought to be considered.

Mr. LOGAN. I know exactly what the intention was. A two-thirds vote was required to take it up. The proposition was to add it to this bill, but it lacked two votes or a few votes of having the requisite two-thirds, and under the rule of the House they could not get it on the bill, and that is the reason why it is proposed here.

Mr. SHERMAN. If the committee of the House had reported this amendment to the bill a majorty of the House could have put it on

the river and harbor bill, just as easily as a majority of the Senate can now put it on the bill.

Mr. VEST. If the Senator from Ohio will permit me——

Mr. SHERMAN. Let me answer first this point. When this bill was pending in the House it was open to amendment like any other bill. It was debated item by item just like any other appropriation bill; and it would have been perfectly in order for them to have added this as an amendment to the appropriation bill if a majority of the committee had reported it as an amendment to the bill and a majority of the House had been in favor of it.

Mr. ALLISON. It is not so under their rules, and the presiding officer so decided.

Mr. LOGAN. It was expressly declared to be out of order.

Mr. SHERMAN. That makes no difference. I do not see why if it had been reported from the committee a majority of the House could not have retained it in the bill. Their rule, I believe, is somewhat like ours. Why not leave it to stand as the House left it? Why not leave it to stand on its own merits? I do not know in this country of any canal that has been built by the United States like this. I know of several canals which have been built by the United States. There was one in Tennessee in the Tennessee River, one in the Ohio River, one in the Mississippi River; and others have been built at different places; but all of them were to carry the water of a river around a natural obstruction, and thus improved the navigation of the river at that place. I now yield to the Senator from Missouri, who wishes to make a statement.

Mr. VEST. If the Senator from Ohio will permit me, no little attention was paid to this matter in the Committee on Commerce. I do not propose to say what occurred there, but I call attention to lines 1159 and 1160:

> That the Secretary of War shall cause said work to be constructed in accordance with the provisions of section 1 of this act.

There is no section 1 of this act. The truth is that the canal bill was offered by the Senator from Iowa, and was just taken up and put in this bill in a body.

Mr. SHERMAN. I do not think there is anything in that point, because there is only one section in the bill, I suppose, and it is all the first section of the bill, as there is no other section.

Mr. VEST. Then they ought not to have called it "section 1."

Mr. LOGAN. The Senator from Ohio I suppose will not object to my calling his attention to one or two points.

Mr. SHERMAN. Not at all. I may have been inaccurate in some of my statements.

Mr. LOGAN. He spoke of the feeder of the canal being taken from the headwaters of Rock River.

Mr. SHERMAN. From Rock River somewhere.

Mr. LOGAN. But he spoke of the headwaters as though it would drain the river. Rock River commences in Wisconsin, and this feeder will strike it at Dixon, Illinois, away west of Chicago a great distance, in the center of the State.

Mr. SHERMAN. I beg leave to amend my remarks by striking out the word "head," so as to say "waters of Rock River." It does not make any difference.

Mr. LOGAN. It makes this difference: if it commenced at the source it might take all the water out of the river, but where it is to commence Rock River is quite a large river and could feed half a dozen canals without any trouble.

Mr. SHERMAN. I am told on the other hand that the owners of mill rights along Rock River have remonstrated and complained that the withdrawal of the water from Rock River would impair their rights.

Mr. ALLISON. Would it disturb the Senator for me to say a word?

Mr. SHERMAN. No, sir.

Mr. ALLISON. The proposed canal with two hundred lockages per day, which is eighty more than the Erie Canal has to-day, will only take one-twentieth of the water out of Rock River at Dixon, so that it will have no perceptible influence upon the volume of water in Rock River. That is the fact with reference to this canal, I do not care what the pretenses of those men may be.

Mr. SHERMAN. All I know is that people along Rock River, below the place from whence this water will be drawn, say this will impair their riparian rights.

Mr. ALLISON. They say distinctly in the very paper read here to-day that their objection was upon the basis of a ship-canal, and not upon the basis of a commercial canal, as proposed by the amendment. That would of course drain a large amount of water.

Mr. SHERMAN. This is merely a canal to shorten the distance of navigation between Chicago and the Mississippi River. It is purely a local canal, not supplied by the waters of either of the rivers sought to be improved, but supplied by another stream, Rock River, which is not navigable to any considerable extent. I know what Rock River is where we cross it on the railroad and see it. As a matter of course it is not a navigable stream; it is a small stream between the Illinois and the Mississippi Rivers, and it seems to me it is not the kind of work that is contemplated by a river and harbor bill. It is one of those works that were contemplated by a magnificent scheme of canal and water navigation which was intended to be put on foot just before the panic of 1873, and which was arrested by that panic, and from that time to this has slumbered. Among the other water-ways provided for by that scheme was one to extend the Chesapeake and Ohio Canal across the mountains to reach the borders of Ohio. Another was to connect the waters of the Savannah with the waters of the Tennessee River. Another was to absorb the Erie Canal and enlarge it, and to build a ship-canal around the Falls of Niagara on the south side, so as to compete with the Canadian canal on the opposite side. It was a part of a vast scheme, and the whole scheme ought to be considered together.

I therefore feel it to be my duty to vote against this amendment, although I should be perfectly willing to enter into a full and fair consideration in regard to the building of a ship-canal, if that were feasible, on this route.

Mr. MORGAN. Mr. President, I regret that the Senator from Ohio was not here yesterday to have brought his support to the motion I made to reject this amendment to the bill because it was not in order under the rules of the Senate. I am glad to find that he concurs with me in the opinion that it was not in order. We could thereby have had a great economy of time on this business, and economy of time is a matter of very great public importance at this moment.

I am either old-fashioned enough or stupid enough not to find warrant in the Constitution of the United States for this legislation. It is a matter of indifference to me upon which ground it is placed; but if you put it upon the ground of my stupidity, I simply have to protect myself by a reliance upon the opinions of some of the most eminent of all the statesmen who have adorned our history. I find in the concluding sentence of this amendment an open and plain declaration by the committee of the unconstitutionality of this measure, as I read it. It is in these words:

> That the State of Illinois shall have first surrendered to the United States the improvements made by said State on the Illinois River above Hennepin and the canal connecting the Illinois River with Lake Michigan at Chicago, and shall consent to the provisions of this act by act of her Legislature before this act shall take effect and be operative.

We are engaged in legislation here, as we call it, which we admit on the face of this amendment we have no power to make operative or effective unless with the consent of the State of Illinois. I put it to the Senate now, under the decision of the Supreme Court upon what is called the Thurman bill, whether we have the right without the consent of the State of Illinois to pass this measure? I presume that there is no answer to be made affirming that we have any such right. If, then, we have not the right to pass this legislation without the consent of the State of Illinois so as to make it operative and effective, we are engaged in a mere proposition of legislation which requires the concurrent action of another sovereign legislative power before it can have the effect of a law.

Why is it necessary to obtain the consent of the State of Illinois to this proposition before it becomes effective as a law? It is because Congress has not got the power without that consent to make it operative within the borders of that State.

That brings up another question. Can the State of Illinois by its subsequent consent, its consent hereafter to be given to legislation that we now enact, confer upon this body the constitutional power to make an enactment? The question might be in some respects different, I will not say it would or would not be, if Illinois had already made a proposition of this kind to the Congress of the United States; but for us to pass a measure which is not to become a law even after it is approved by the President, until the State of Illinois shall accept it and consent to its becoming operative, is to do a purely nugatory act, and one that we are not required to do, nor are we permitted to do it, by the Constitution of the United States. An enactment to be complete must be complete at the time it receives the signature of approval by the President of the United States. It becomes an act of Congress from that date, operative and effective, else it is no act of Congress, but a mere proposition of legislation.

The point I make rests upon the broad constitutional proposition that the State of Illinois has no power to confer jurisdiction upon the Congress of the United States to do anything. She may or may not consent to the operation of certain laws within her borders under certain circumstances, but she cannot confer upon the Congress of the United States the power and the jurisdiction to make this enactment or any other enactment; yet we declare that this measure shall not take effect and be operative until we obtain the consent of the State of Illinois.

Mr. President, I am curious to know upon which of the powers given to the Congress of the United States in the Constitution the right to make a canal within the borders of a State is to be vested. Some Senators say it is upon the power to regulate commerce; others say that it is upon the power to provide for the general welfare. I believe the majority of opinion, so far as it has been expressed on this occasion, undertakes to rest this legislation upon the power to regulate commerce. That is supposed to be the basis of our right to spend these many millions of dollars, as some say amounting to $10,000,000 in the outcome, for the purpose of building a canal within the State of Illinois. I wish to inquire for a moment on this point, not expecting, however, to get the attention of the Senate to a matter that is so old-fashioned and out of time and out of place as the discussion of a constitutional question. I will address myself to the

reporters, of course, and to the country through them. The power to regulate commerce as it is given in the Constitution reads thus:

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

I will not stop to enter into a disquisition here upon the meaning of the words "to regulate commerce." Whether the phrase means to create avenues of commerce, channels of commerce, and vehicles of commerce, or whether it means to regulate the manner of conducting commerce, is a question that I have my opinions about, but I shall not detain and worry the Senate by any expression of them on this occasion. However, by looking at section 9 of article 1 of the Constitution, we find something else on the subject of the regulation of commerce, and to it I should like to invite the attention of some of the gentlemen who profess to be Democrats in the Senate, and who profess to have followed heretofore the views which the leaders of that party in many years past have espoused and advocated before the country:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Every act of Congress which undertakes to regulate commerce is subject to that restraining qualification in the sixth clause of section 9 of article 1 of the Constitution. The eighth section provides that Congress shall have power "to regulate commerce," but by the ninth section "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." If in your effort to regulate commerce either by building a canal or by building a railroad, or in any other respect, you must necessarily give a preference to the ports of one State over those of another, you exercise that power in a manner which is prohibited under the Constitution in express terms. I shall not detain the Senate by any elaboration of that proposition. The statement of it carries its own logical force, and carries it in a manner that I think no Senator will venture to deny, but I will apply it for a moment to the provisions of this proposed law.

The commerce of the Upper Mississippi finds its way upon the vehicles of commerce, barges, steamers, or whatever they may be, and floats on down with the current of that stream until it strikes Rock Island. The Congress of the United States interposes at that point, and to prevent that commerce from going through that stream to its proper, natural exit into the sea, it constructs a canal for the purpose of carrying that commerce from the Mississippi River across to Lake Michigan, and it is said that that is a regulation of commerce. Sir, it is a regulation with a vengeance. It is a regulation which deprives the Mississippi of its legitimate commerce, and the towns and cities and ports that are upon the Mississippi River of their legitimate rights to that commerce as guaranteed in the Constitution, for here is an express guarantee, and it turns the commerce away from its natural flow as it was at the time of the adoption of the Constitution, to a port of another State, thereby making a clear and undeniable discrimination against the ports which may be upon the Mississippi River, and which had the right naturally and under the Constitution to enjoy that commerce.

There never was in any bill framed or sent before a Congress a more particular and definite and a more closely designed measure for the purpose of diverting the commerce from the Mississippi River and carrying it to Chicago than is found in this amendment to the pending bill. A project existed, and has been reported upon, it seems, to dig a ship-canal across to connect the waters of the Mississippi with the waters of Lake Michigan. That has been abandoned. Some other projects were also devised for the purpose of regulating commerce between the Mississippi River and Lake Michigan, for that is the whole of it. Finally, the friends of this measure have come down to the proposition as presented in this amendment, which contains the singular limitation that—

Said canal and said branch shall not be less than 70 feet wide at the water-line, and not less than 6 feet in depth of water, with locks not less than 150 feet in length and 21 feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden.

In other words, it is limited that it shall be a canal for the accommodation merely of ordinary canal-boats, ordinary barges, not built with sufficient strength or capacity even to warrant them to be carried out on the Mississippi. When one of these barges is turned from the Mississippi River into this canal, and through that canal down through the Illinois River to Chicago, what becomes of the traffic there, and what is the meaning of this amendment in that particular? You might just as well have said in the measure, in order to make it entirely specific, these barges shall there be unloaded by elevators, and the grain carried into steamers or schooners or sloops. That is the purpose of it; no man can deny it. You must break bulk at Chicago.

Therefore the measure is designed and intended also, yes expressly designed and expressly intended, to draw the commerce from the Mississippi River, carry it in barges to Chicago, where it must be unloaded, and there is but one port in the United States that can receive the benefit of this legislation, and that is the port of Chicago. That is an undeniable proposition; and if it be true, what becomes of that restraint upon your power that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over the ports of another?"

Here you pass a bill with the express intention and purpose to giving that preference. It is so plain that no one can deny that that is the purpose; and yet with this restraining clause in the Constitution upon the exercise of the power to regulate commerce, as it is called, we give a preference to Chicago over New Orleans, which is intended to take the grain that floats down the Mississippi River away from New Orleans and carry it to Chicago.

That argument, it seems to me, ought to be sufficient to show that the digging of a canal is not a regulation of commerce. If we can plant canals where we please, and where we can get the water to supply them, if we can carry them so as to discriminate against one port of the United States and in favor of another port, and if we can exercise the power in that way and call it a regulation of commerce, Congress being the supreme judge of what is right and what is wrong in such matters, we can wipe the Constitution entirely out of the way. I know there would not be much objection to doing that in a great many quarters. I know that that instrument has gone into disuse, and a man can scarcely claim to be respectable who in this day and time avows his adhesion to its true principles and a determination to support it.

The term "regulation of commerce" in the Constitution of the United States never had reference to the construction of a canal or the building of a railway, nor did it have any reference either to the cleaning out of a river. That is not a regulation of commerce; it is providing additional facilities for commerce; that is the whole of it. That phrase was never used in the Constitution of the United States at the time it was ordained with respect to the idea that it should open in any latitudinarian sense, or in any sense indeed, the power to Congress to take money taxed out of the people for the purpose of building vehicles or channels of commerce. It never was so intended. At the time of the adoption of the Constitution so much of the Mississippi River as belonged to us, like all the rest of the great streams of this country, was included in its provisions. A port upon that river within our dominion, like a port upon the Hudson River within our dominion, is within the protection of the sixth clause of the ninth section of the first article of that instrument, and we have no right to take those ports and places, those natural channels of commerce, and in undertaking to improve them or in undertaking to enlarge their capacity, or in any other thing we may undertake about them, to discriminate between the ports of one State and the ports of another.

What protection have the States against the use of this power in this unlawful, this illegitimate way, unless we confine ourselves to the requirements and the mandates of the Constitution on this subject? Sir, we have no protection. For one I am not in favor of abandoning the protection that the Constitution gives to the ports of every State in this Union. It is an absolute guarantee, and one that we have no right to waive or to fritter away.

I have been looking over General Jackson's veto of the Maysville Road bill, and it has occurred to me that it might be somewhat an affliction upon the Senate to hear a part of it read, but still perhaps it is due to the country that the people should have an opportunity of refreshing themselves at that fountain of wisdom and patriotism, for I confess that I have the greatest respect not only for the character of the man but for his wisdom as a statesman and an expounder of the Constitution of the United States.

Mr. BLAIR. Will the Senator permit me to ask him a question for the purpose of being sure that I understand him?

Mr. MORGAN. Certainly.

Mr. BLAIR. Does the Senator mean to say that he thinks it beyond the power of Congress under the Constitution to so legislate as to turn the commerce of the country from what may be to-day its most natural channel to some other port? For instance, does he think it a violation of the Constitution to charter a railroad which should divert the internal commerce of the country, say to the port of San Francisco, rather than permit it to go down the river to New Orleans or to find transit to some eastern port? Would he consider that as a discrimination in favor of the port of any particular State or States?

Mr. MORGAN. If the Senator from New Hampshire should claim a power of this kind under the provision of the Constitution which gives Congress the right to regulate commerce among the States and with foreign nations, I would then quote to him simply the language of the other provision which I have already read, that in the exercise of that power we must not give a preference to the ports of one State over those of another.

Mr. BLAIR. I understand that very well. The Senator does not answer my question in asking another and a very different one or raising a supposition as to my advancing a proposition which I have not done. I was asking for information myself. I understood the Senator to say substantially that it is a violation of that provision of the Constitution which prohibits a discrimination in favor of the ports of one State over those of another for Congress to authorize the construction of this canal, for instance, thus affording an avenue for the commerce of the Northwest to the eastern shore of the continent, rather than pursuing its way down the Mississippi River, which is, perhaps, its natural water channel. I ask the Senator if it is a fair construction of that provision of the Constitution to say that general legislation opening new avenues for general commerce either by land or water, having that paramount purpose in view, is

to be considered specially with reference to the provision prohibiting discrimination in favor of the ports of particular States? Does he not in so doing, in other words, make the incidental improvement or the avenue of a port subservient to the great ends of the promotion of avenues or the creation of avenues for the commerce of the country? Does he not make the incident superior to the principal thing?

Mr. MORGAN. I do not believe that the Congress of the United States under the power to regulate commerce has the right to build a railroad or to build a canal. If it has that right at all, it is under some other power of the Constitution.

Mr. BLAIR. Would the Senator be so kind as to state under what power it is, unless under that of regulating commerce as between the States or commerce generally, that the United States may charter a railroad company or construct a railroad having connections with more than one State?

Mr. MORGAN. The Congress of the United States has a jurisdiction which is qualified and limited by the territory within which it is to operate. By the express terms of the Constitution it is made the legislative tribunal for the unorganized Territories of the United States, and by all the acts we have passed it has the right of control so far as to repeal the legislation of Territories that we may organize. It has exclusive right of legislation also for the District of Columbia and other places that I could mention. Within that area the power of the Congress of the United States to legislate carries with it the right to legislate upon any subject that Congress may legitimately take into its jurisdiction. It may be that within the Territories under this power to legislate for and to dispose of the Territories, Congress would have the right to charter a railroad company, or to build a railroad perhaps, to apply the money of the people of the United States to it. It is not necessary that I should discuss a question that is so far away from this subject as that, at this moment of time, but I affirm that I do not believe the power to regulate commerce conveys the right to build railways or to build canals. I do not believe that the power to provide for the general welfare conveys that authority to Congress. It is not my conviction that Congress has any right to dispose of money taxed out of the people for any other than a governmental purpose.

Mr. BLAIR. Will the Senator allow me to ask him, then, if I am to understand that he denies the power of Congress to regulate commerce, except it may be in the Territories, and exclusive of its relation among the States?

Mr. MORGAN. I deny that it is in the power of Congress to regulate commerce by building a railroad or by building a canal. Regulate it by passing laws which require that commerce shall be conducted in a certain way; regulate it by fixing the proper dues for all commerce, but do not regulate it by employing horses and teamsters and having them haul freight back and forth, as is to be done in this measure, from Hennepin to Rock Island, and that, too, without any compensation, for there is no compensation provided here for the service. That is no regulation of commerce. You might as well undertake to regulate the management of the drays in the streets of the city of Washington, and call that a regulation of commerce, or in the streets of the city of New York, and call that a regulation of commerce.

You had just as well undertake to pass an act of Congress to unlock the strike between the freight-handlers and the railway companies in the city of New York, and claim that to be a regulation of commerce by the facilitation of the carrying on of commerce. That idea is not included in what our fathers had in their minds at the time they put these ordinances into this instrument. The power to regulate commerce is not the power to create the instrumentalities by which commerce shall be carried on. If so, you can build steamships, and freight them under the direction of the officers of the United States, and carry on commerce with foreign powers. I do not think that these words have any such construction, or admit of it, and the reason why I do not think so is because the other words which are found in the eighth section of the first article are qualified in the manner that I have already called the attention of the Senate to in the ninth section and in the sixth clause thereof.

I now ask the Secretary to read the part that I have marked of the message of President Jackson vetoing the Maysville road bill, on the 27th of May, 1830.

The Acting Secretary read as follows:

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority surrendering the claim of jurisdiction. In the first view, the question of power is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the Government was, "that whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse, and for its conservative effect upon some of the most valuable principles of the Constitution.

The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution—an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption, and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the Constitution, appropriating upward of two millions and a half of dollars out of the national Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects under this power, the administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution; and superadding to these avowals his opinion that a restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution. I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but that on further reflection and observation his mind had undergone a change; that his opinion then was: "That Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last Administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognized and exercised by it.—*Jackson's Maysville Road Veto. The Statesman's Manual*, volume 2, pages 816–818.

Mr. MORGAN. General Jackson was not an illiberal man in his views of the Constitution. He was a broader and more catholic man in his views than a great many of his followers who have professed to esteem him very highly. The doctrines which he lays down in the message I have just asked to be read, fortified, as they are, by references to the opinions of Mr. Jefferson, Mr. Madison, and Mr. Monroe, ought to be safe guides for men in this day and time; and the further we get away from the period at which he uttered them the more necessity we find for their application to the affairs of this generation.

We are admonished now that the Senator from Maryland [Mr. GORMAN] intends to offer an amendment to this proposition for the building of a ship-canal between the Chesapeake and the Delaware, a very large project and perhaps one that may be of interest to the entire people of the United States, or it may not be of any account to anybody. I am not prepared to give any opinion on that subject. The Senator from Florida [Mr. CALL] yesterday offered an amendment for the survey of a ship-canal across the peninsula of Florida. I dare say that other Senators have in their minds now projects that they expect to bring forward, such, for instance, as opening an inland line of communication from Norfolk far down on the coast of North and even South Carolina; other Senators probably have projects in their minds for the connection of the waters of the Tennessee with the waters of the Alabama River, and also for connecting the waters of the Alabama River with those of the Savannah and other rivers in the South and Southwest. There is no end to the schemes that are now working in the minds of Senators, based upon the proposition that Congress can assume to itself the right to tax the people of the United States at large for the building of these works, as they are called, of internal improvement. These measures are already mapped out; many of them have been written about by persons who suppose themselves to be particularly informed in reference thereto. Magazines and newspapers and briefs and pamphlets

are circulated through the country at large for the purpose of encouraging the building of these numerous and very expensive schemes of internal improvement.

The Congress of the United States has not yet deliberately placed itself upon record in the act of building a canal to connect the navigable waters of one river which is navigable with another river or a lake which is navigable. I do not remember, at least, that any scheme of that sort, even a mile long, has received the sanction of Congress.

There is an attentive country looking on at this moment while we are breaking ground upon this very important question, and it will not do for us lightly to estimate the consequences of the passage of this bill if this amendment should prevail. The Congress of the United States will for the next fifty years, if our prosperity continues, be engaged in levying taxes upon the people of the United States at large for the benefit of certain localities who may be able through their membership in both Houses to effect certain combinations which will be found to be always requisite for carrying these schemes into effect. Now, sir, I trust that Senators who are engaged in the effort to put this amendment on this bill will not find fault with me if I say that this is in the nature of a combination, for that is the way it strikes my mind. This measure if reported as a bill by itself and allowed to stand, as the Senator from Ohio [Mr. SHERMAN] suggested, purely upon its merits and disconnected with any other measure whatsoever, would receive a much more impartial consideration than it can possibly do upon an appropriation bill. The bill was reported by the Committee on Commerce to the Senate, and, as I observed yesterday, we had the right to expect that the Committee on Commerce would not recall its bill from the Senate and undertake to place it as an amendment on an appropriation bill, that the Committee on Commerce in submitting this question to the Senate upon their responsibity as a committee were willing to have it considered separate and apart from all other measures of legislation. It certainly is of sufficient magnitude in warranting the Senate to enter upon that as a separate subject of legislation disconnected from all others. The value of the precedent, if nothing else, connected with this question would be of sufficient importance to require us to consider it alone, to consider it by itself; and it seems to me that it is a duty that the Senate owes to the country always to take the consideration of great measures like this under such circumstances as that they shall be able to pronounce an impartial judgment upon the measure to the country and that the country will be willing to receive it in that light.

But, sir, after the bill was reported it was recalled to the committee, and the committee have fastened it upon an appropriation bill. Now, what does that mean? Here is an appropriation bill which, without this scheme, has about nineteen and a half millions of money in it, and there is not a section of the United States which is not directly interested in the passage of this appropriation bill. If this measure can be fastened upon this general appropriation bill as an amendment it draws to itself the influence and the support of every proposition that is in the bill besides, numbering some hundreds. I submit to the Senate of the United States if this is a proper way in which to consider this novel measure, this initial project for the spending of untold millions of money to be taxed out of the people of this country.

I must be pardoned, Mr. President, and I hope that the imputation of being a demagogue will not be cast on me by any Senator within the sound of my voice if I express some solicitude for those who bear the burdens of taxation in this country. If there is a duty resting on me which I value more highly than another, it is that I shall exercise the power vested in me as a Senator, so far as it is connected with the taxation of the people, with great deliberation and caution, and that I will not pervert the powers of the Government by a construction of my own so as to authorize me to place burdens upon their necks that they cannot shake off in a century to come, and which may bring want and perhaps death into many a family in this land.

I cannot shut my eyes to considerations of this kind. One hundred thousand dollars is the sum of money said to be appropriated in this amendment. Do the Committee on Commerce expect to escape a public judgment that may hereafter come up by alluding to the fact that $100,000 only is appropriated by this amendment, when they say that it shall be the duty of the Secretary of War, "and he is hereby authorized and directed," is the language, "to survey, lay out, and construct a canal" sixty-five miles in length, about which there is a difference of opinion whether it will cost $4,000,000 or $20,000,000?

Mr. ALLISON. Is not that true in respect to nearly every item in this bill? If we were to act with reference to the future appropriations that are to follow the several appropriations in this bill there would be fifty or one hundred millions in the bill now lying on the table.

Mr. MORGAN. The honorable Senator speaks to me as if he thought I was responsible for something in this bill.

Mr. ALLISON. No.

Mr. MORGAN. I am not a member of the Committee on Commerce, nor have I voted for one of these appropriation bills since I have been in this body; never. I have found them transgressing on all grounds the rights and powers and duties of Congress and placing burdens on the people of the United States that in my solemn judgment are utterly illegitimate. I have taken occasion sometimes to express my opinions about matters of this kind, when they were received without the slightest approbation of my colleagues in this body. I deem that this bill throughout in almost all of its provisions, certainly in a great many of its provisions, is a transgression of Congress against the people; it is an abuse of the taxing power of the country which men who get contracts and who are wealthy and who transport commerce from place to place and who receive the dividends and profits of the interchange of commerce, middlemen and capitalists, do not feel. The poor laboring men, the toiling people of this country feel it; yes, sir, they feel it wofully. It has happened to me in my experience in life that I know exactly what it costs for a poor man to earn a dollar of money, and knowing that I must be excused if I have some sympathy with the men who in this country have to toil to pay the taxes that we so lavishly waste upon works that are called works of internal improvement.

I believe that Congress has not followed its duty in guarding and protecting the people against this enormous taxation, for it is nothing else. This bill might just as well be entitled a bill to tax the people twenty millions of money to build works, so called, of public improvement as to call it a bill for the development of the resources of the country or "for the improvement of rivers and harbors," for this bill is worth nothing unless it is supported by the money the people have to pay in the form of taxation, and we should remember while we are doing this that there are guarantees in the Constitution, and more than that, there are guarantees of good faith that ought to keep us very closely restricted to the duties we owe to the country as far as we may be able to for its commercial wants, not to launch out into these lavish schemes of improvement that are meant to benefit one single town, perhaps, or one single section of the country at the expense of all the rest.

The honorable Senator from Illinois [Mr. LOGAN] to-day boasted that his State was out of debt. I was glad to hear him say so. But, sir, living in a State that is in debt, a State that has to tax her people enormously for the purpose of paying debts that they never contracted, and that never were honestly due from her people, I must confess that I feel some reluctance to having my people taxed a dollar to build a great work of internal improvement in a State that does not owe a dollar. That magnificent empire, I may call it, the State of Illinois, with its wonderful Queen City seated upon Lake Michigan, commanding the commerce of all that great line of water communication, backed by an area of territory the fertility of which is beyond that of the Delta of the Nile, out of debt, is willing to give us a canal that cost over six millions of money provided we will tax ourselves and our people twelve or twenty millions, as the case may be, for no man knows what is to be the outcome, to build a line of water communication there which will conveniently garner all the grain that comes from the northern Mississippi, and cut it off from New Orleans, and prevent New Orleans from having any access to it at all after you have built this national line of intercommunication.

Mr. LOGAN. Will the Senator allow me right there to say to him that I think if he will examine the records in reference to taxation he will find that the State which I represent is not asking other States to be taxed very much for her benefit; the benefit comes from us. The State of Illinois alone pays sixteen millions of taxes annually on one article to the United States Government.

Mr. MORGAN. Is that whisky?

Mr. LOGAN. Yes, sir.

Mr. MORGAN. I am very glad to hear that it is all consumed there, for Illinois whisky has not got a very good reputation in the South, and I am glad to hear they drink it in Illinois.

Mr. LOGAN. It makes no difference about its reputation. Illinois pays more taxes on two articles to the United States Government than—I will not say half a dozen States like the Senator's, for I will not make that remark—but it pays more taxes in one year for the benefit of your people than your people ever will pay in twenty-five years for the benefit of Illinois.

Mr. MORGAN. Still I cannot believe the State of Illinois drinks sixteen million dollars' worth of whisky in a year; I cannot believe that. Some other State must buy it and must consume it, naturally, necessarily, or otherwise Illinois is the worst drinking State we have. I do not believe that about Illinois. I dare say her whisky finds markets all over the United States and foreign markets also, and her industry in the distillation of whisky is very greatly prized by the outside world, and is contributed to with a benevolence and generosity that the Senator does not seem to appreciate, for while she makes the whisky the balance of the world drinks it.

Mr. LOGAN. If the Senator is correct in saying that the State I in part represent asks other States to contribute for her benefit, when he makes that statement let him show what his State contributes to the United States Government, and make the comparison; and if he does he will see how the case stands. I see that I was mistaken in the statement that I made. My State contributes in that one article $23,000,000 a year, and one little city of 30,000 inhabitants contributes in four months' taxation enough to build this whole canal.

Mr. MORGAN. If Illinois contributes $23,000,000 a year on whisky, I am afraid that Alabama pays $3,000,000, for unfortunately we buy $3,000,000 of Illinois whisky in a year.

Mr. LOGAN. That may be, but that is the tax we pay on the production.

Mr. MORGAN. It is our misfortune to be poor. It is not a crime on our part.

Mr. LOGAN. The Senator will understand me; I am not calling in question the poverty or richness of anybody.

Mr. MORGAN. We are not ashamed of being poor.

Mr. LOGAN. I do not suppose you are; but I want the Senator to understand when he talks about contributions being made by other States for improvements in my State that that is very far fetched when he comes to examine the amount of taxes the State of Illinois pays to the Government of the United States.

Mr. MORGAN. I have no doubt Illinois will pay her own quota of this taxation and Alabama will pay her quota, and so of all the other States of the Union. I was not complaining that Illinois was able to do it. I was rejoicing in that fact. I was complaining that Alabama is not able to contribute anything. I wish she were richer than she is; and if you would not pass these unjust laws discriminating against her and putting additional burdens of taxation, if you would give her a chance to live, in a few years we should be as rich as Illinois, perhaps richer too; but with these yokes and burdens on us I do not know when we shall ever be worth anything. I am trying to get for my State a chance to live, and while the honorable Senator has his State in such an excellent condition as to be able to boast here that it pays $23,000,000 a year taxation upon a single article to the Government of the United States, it seems to me he ought to forbear, at least for a while, taxing the rest of the country out of even a shilling for the building of this canal through the bosom of his own State.

I am not quarreling with the Senator from Illinois for taking care of his own people. I rather admire his genius and ability as exhibited in this proposition in that particular, for allow me to ask what part of the commerce of New Orleans that comes from Texas, or from Alabama, or from South America, or from the Caribbean Sea, or from the West India Islands, can be carried upon any vehicle of commerce that the Senator can now name from New Orleans to Chicago through this canal that you propose to construct. There will never be one boat loaded at New Orleans with products of that country to be landed in Chicago over this canal. It is a physical impossibility, and so designed in the measure. The canal is constructed so that it will accommodate nothing but little barges; no steamer can run through it, and New Orleans will never have the opportunity of selling one pound or one dollar's worth of her productions in the harbor of Chicago through the instrumentality of this canal; and yet you call it an international enterprise.

Mr. LOGAN. The Senator will allow me a word right there. I do not know that I am better informed on this subject than he is; perhaps I am not as well; but these broad statements sometimes carry very erroneous impressions. I suppose the Senator certainly understands that on the Mississippi River to-day there are large barge lines carrying goods from Saint Louis to New Orleans, and the very system of barge lines established there has been done within a very few years. The very barges to-day are taken in tow from Saint Louis to New Orleans, and from New Orleans back to Saint Louis, which are going to be the great carriers of heavy freight on the Mississippi River hereafter in my judgment. To-day they pass up the Illinois River and through the Illinois and Michigan Canal to Chicago.

Mr. MORGAN. There is no difficulty in Chicago sending anything she wishes to New Orleans through this canal, but there is a difficulty that is insuperable in New Orleans loading a canal-boat to go to Chicago through this canal with sugar or anything else that she may have to contribute to the commerce of that section of the country.

Mr. LOGAN. Why?

Mr. MORGAN. The difficulty is that you cannot get a barge that will stand a tow up the Mississippi River of the dimensions mentioned in this bill unless you build it of steel or iron. The barges that go through this canal, I am credibly informed—I do not know about that myself—are not of sufficient tonnage to warrant their being hauled by tugs from the mouth of the Mississippi River. That is my information.

Mr. LOGAN. I will say to the Senator that I have known what are called canal-boats start right at Chicago and go down the Mississippi River and come back again heavily laden. That is of frequent occurrence. The Senator is entirely mistaken.

Mr. MORGAN. I may be mistaken in that statement. I made it on the authority of another gentleman.

Mr. LOGAN. I have known canal-boats right where I was raised, in Southern Illinois, to go to Chicago through the Illinois and Michigan Canal and the Illinois River, and to come back and go down the Mississippi River, on which I was raised. I have seen them loaded with lumber, and towed back again and come back to the place whence they started time and again, years ago. That was done over and over again right from my own home.

Mr. MORGAN. I ask the Senator if these canal barges came back loaded?

Mr. LOGAN. Certainly, loaded with lumber. They took it right from the mills where I was raised, took it to Saint Louis and to Chicago, and went back and forth. The Senator is mistaken. There is no difficulty about the boats going up and down the Mississippi heavily laden. He is certainly very much mistaken about that.

Mr. MORGAN. I think it is a matter beyond dispute that the intention of this amendment is simply to provide for carrying the grain and other products of the Northern Mississippi to Chicago. If there was any purpose to carry to New Orleans we should have a different direction to the canal. Where is the use of running from Chicago over to Rock Island and then down the Mississippi River, and to reach Chicago going back by the same route of commerce, and call that a facilitation of commerce? What would you do in competition with railroads with a canal adequate to commerce from New Orleans?

Mr. LOGAN. The Senator talks of going back to New Orleans through this canal. It would not have to go through this canal at all, but boats would come up the Illinois River from New Orleans to La Salle and through the Illinois and Michigan Canal. The boats that would go through this canal would be the Upper Mississippi boats; they would come down the Mississippi and then go through the canal up to Chicago. The Southern Mississippi boats would come up the Illinois River.

Mr. MORGAN. Then that proves the proposition for which I am contending. There is an open water-way now from Chicago to New Orleans, as I understand the Senator, partly by canal and partly by river. That is a sufficient water-way to supply all the commerce of the Lower Mississippi River, I suppose, between Chicago and New Orleans, or any other part below the point of entrance of the Ohio River into the Mississippi. Therefore this amendment is not intended to increase or to advantage the commerce of the Lower Mississippi or of any part of the Mississippi River below Rock Island.

Mr. WILLIAMS. Will the Senator allow me to say that I have been up and down from Chicago in barges, and I never saw a loaded barge come back from New Orleans? I think they go down loaded and come back empty. The current carries them down; and I have seen great numbers of barges, a quarter of a mile long, carried by one little tug; but they come back empty.

Mr. MORGAN. I am therefore safe in my proposition, on the statement made by the Senator from Kentucky, that the purpose of this canal is to assist in getting the commerce of the Northern Mississippi River into Chicago. That is the whole of it. We may as well be plain about it. I suppose the Senator from Illinois does not deny it.

Mr. LOGAN. That is where the commerce of the Northern Mississippi goes and you cannot change that by any character of legislation. But the question is whether you are going to have those people compelled to pay the high rates they are forced to pay now, or whether you will give them facilities in competition with the railroads that will give them a chance to make a profit on their products. You cannot change the commerce of the Northern Mississippi any way you may fix it. You may force them, however, to transport by rail. That is what you do by your objection here—force them to pay extraordinary prices. It has no influence so far as changing the commerce is concerned. It is only to cheapen transportation and give a water line, as I stated, to the East instead of forcing everybody to have exorbitant prices taxed on his products by the railroads.

So far as barges coming up the Mississippi River are concerned, I do not know anything more than I stated, that where I was raised I have seen them go up the Mississippi River and be towed up laden. I have seen that, and know it to be a fact, because I have gone to Saint Louis on them myself when I was a boy. Whether they can or cannot come up the Mississippi laden is not the fault of the canal, but the fault of the Mississippi River, I suppose. Now, you propose to fix the Mississippi River so that they can come up. Is not that the proposition on this bill? They cannot do it now, but it is proposed to fix it so that they can do it, so that you can take any kind of a boat or barge or steamboat, or anything else there; but you propose that the barges which can go as far as Saint Louis shall stop there and not go any farther. Is that the idea? If it is not I should like to understand the proposition. I want to open this so that they can go on up the Illinois River to Chicago or go around by way of this canal from the northern Mississippi to Chicago. We want water transportation both ways.

Mr. MORGAN. It does not occur to me that it is one of the decrees of Providence that the commerce of the Upper Mississippi is obliged to go to Chicago.

Mr. LOGAN. It is not a decree of Providence, but it is a fact, nevertheless, that is indisputable.

Mr. MORGAN. That is a fact which Chicago has a right to enjoy. I do not envy her the benefit of that fact if it exists, and I would not take from her a single opportunity to preserve it and to increase it and increase the advantages which she derives from it; but when we come to what Providence has done for this continent, we find the Mississippi flowing from the northern lakes down to the Gulf of Mexico, and whatever commerce belongs to that river it seems to me it is the duty of Congress to provide that it shall remain there rather than that it shall be diverted from it. I do not understand that the power to regulate commerce includes the power to take from a river like the Hudson, for instance, or the Alabama, or the Mississippi, commerce that naturally and legitimately belongs to it, and divert it by the expenditure of the people's money into some other channel. That is carrying the doctrine a little too

far, and that is the proposition in this measure: that it is the duty of Congress to make commerce between the Mississippi River and Lake Michigan cheaper by building a water-way where none exists now. That is carrying the doctrine to what we might call a romantic extent.

Mr. LOGAN. If that is the proposition of the Senator I will ask him a question. Take his own State, where Providence, as he says, has decreed that a river shall run through it that steamboats cannot pass up. Why is it that he tries to change the decrees of Providence and appropriate money to make it so that boats can go up? That is changing the course of commerce, is it not. Why do that?

Mr. MORGAN. We do not change the course of it. We make a better accommodation for commerce in the course that Providence designed for it, if you have Providence at work.

Mr. LOGAN. If Providence did not give you water enough to run your boats down there, Providence did not design any such thing. If Providence designed it Providence would have put the water there. You propose to improve on Providence by some of the appropriations for rivers in your State. If you have a little creek down there that a boat cannot run up you propose to dig it out so that a boat can run up. If we propose to cut a channel so that boats can come to our towns, it is unconstitutional and not in accordance with the decrees of Providence. I cannot understand that argument.

Mr. MORGAN. I have no occasion for pleading guilty to any such charge as that brought against me by the Senator from Illinois, for I have always voted that while we might furnish facilities for those streams that were navigable and so considered at the time of the adoption of our Constitution, and so provided for in a law that was enacted almost contemporaneously with the adoption of the Constitution, I never have adhered to the doctrine, nor have I advocated it on any occasion, of making navigation where none existed and where it was absolutely impossible. I have never done so.

There is a proposition which has received credit in the Congress of the United States almost without dispute, that where a natural barrier intervenes in a river that is navigable above and below the barrier for such vehicles of commerce as we are in the habit of using in the transportation of our productions from one place to another, Congress has the right to remove that barrier. That is a doctrine which has always obtained here, yet it has never obtained here upon my authority as a Senator.

I have not even voted for that, for it is my belief that the States themselves, if they would go to work and raise money out of their own people by taxation for improving their own harbors and their own rivers in the interior of their States, would benefit themselves and the country, and especially their own people, very much indeed. I believe if you take the $20,000,000 that are in this bill and distribute it equitably among the States of this Union to-day, they would make a better use of it than Congress will in the improvement of their internal means of intercommunication. It is the money of the people, after all; we tax it out of them; it does not grow in the Treasury; it does not descend upon it like the manna from heaven; it comes through the toil and sweat of the people, and if we relieve them of their taxation and allow them to have a chance to enjoy the prosperity that really and legitimately belongs to them, we shall find these States springing up with power in their hands to improve their internal navigation, with such wisdom of expenditure and such economy as would startle this country and be a great blessing to it. But then I am in a current which I cannot stem, and I am obliged to follow along the precedents which have been established for me. I do not propose to set myself against the volume of authority and opinion of the people of the United States so often expressed and in so many appropriation bills. I confine myself to this to-day.

I remember the men who furnish the money; I remember the tyranny of the taxing power when it is used illegitimately; I dread to employ it, and I must be conservative in the use of it, and I do not feel that there is any necessity resting upon me now to vote a bill to assist as rich a State as Illinois out of the meager contribution that the people of Alabama are able to make in their poverty and distress at this time to build this canal, even if I believed it was constitutional. I think the Senator would do justice to his State and us also if he would forbear to press this proposition until the Southern States get into a better position of prosperity than they are now. A light burden now is a terrible thing to us. We are now almost in a condition where the last feather is about to break the back of the camel. We are struggling and striving and doing all that men can do; we are refusing to pay our judges and other State officers anything like decent salaries; our State expenses are cut down to the lowest possible grade in order that we can contribute something to the school fund; and any increase of taxation is a great burden to us, and any relief from taxation is an unpronounceable advantage and relief to us; so that the Senator must not consider that we are either straight-laced or parsimonious when we refuse to be taxed by our own votes for measures of this kind.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER] to the amendment of the committee.

Mr. MORGAN. If the debate is closed upon this amendment, with a view to test the sense of the Senate, I move to lay it on the table.

Mr. BUTLER. I appeal to the senator from Alabama to permit a direct vote on my amendment.

Mr. MORGAN. I will not make the motion.

Mr. BUTLER. I ask the Secretary to report my amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

Mr. BUTLER. I have made a slight modification.

THE ACTING SECRETARY. In line 1091, after the word "surveys," it is proposed to strike out the remainder of the paragraph and to insert:

> The cost of construction, the annual cost of maintenance, and the economy of use of said canal when completed, shall be estimated and accompany said surveys.

Then it is proposed to strike out from line 1108 to line 1193, inclusive, and in line 1194, after the word "dollars," to insert "or so much thereof as may be necessary."

Mr. ALLISON. I only desire to say a word with reference to the amendment of the Senator from South Carolina, and that is that for all practical purposes the surveys already made cover substantially the cost of this canal; it may be that the actual cost will be two or three hundred thousand dollars more or less than the amount estimated, but there is a substantial estimate made for this purpose. I call the attention of the Senator to the fact that these estimates always vary. I take as an illustration the State of the Senator from Connecticut. We put up a public building at Hartford in his State not long ago. We put in the law that it should cost only $400,000. We have already expended $825,000 on that building, and it is not completed yet. So we go on. These estimates are only intended as an approximation to the amount necessary for the improvement. The great question for us here to decide is whether this is an improvement of such a national character as to justify the representatives of the people in the use of the public money to make the improvement, and I hazard my reputation for good judgment and sense when I say that there is not an item in this bill that has the merit of this proposed canal, not even that item of $6,000,000 for the improvement of the Mississippi River, which is intended of course to be a rival line to the line extending east of the Mississippi River to Chicago. So I submit that we have estimates enough to proceed with this work, and it is important that we should settle the question whether the United States is to undertake this work or whether it is not to undertake it. As has been stated by the Senator from Alabama, there are other incidental questions connected with this improvement that make it important to the people who desire to avail themselves of the benefits of this canal that they shall know what the public policy of the Government is to be, at the earliest possible moment.

Mr. HAWLEY. It is just because that building in Hartford, intended or promised at $400,000, has cost $900,000, that I am very jealous of all these things. That was a public scandal and a vexation to our people. Those derricks stood there nearly ten years and Uncle Sam was paying 15 per cent. for supervision of the cutting of granite cut somewhere in Maine, I do not know where, until our people were sick of the sight of it. They gave the Government one of the prettiest and most valuable pieces of land in our city, and they started I think with $200,000, and it will cost $900,000 before it is done. Did the Senator mean to intimate that we were to take this canal in proportion?

Mr. ALLISON. No, sir; I meant nothing in reference to that. I will illustrate in another way. Does the Senator expect that we can get an accurate estimate of this canal to dollars and cents before we commence the construction? That is an impossibility, I submit. I only desired to state that this canal may cost $300,000 or $400,000 or $500,000 more than the estimate, as the Hartford custom-house did, as the New York custom-house did, and as the Cincinnati custom-house did, and so on through all these estimates. We have estimates here for various purposes, and yet we appropriate year after year in addition to the estimates. Why? Because the public service requires that the expenditure shall be made, and we go on and make it. Therefore I submit to my friend from Connecticut that if this is such a work as requires and justifies the intervention of the General Government, whether it shall cost $4,000,000 or $5,000,000 is but a drop in the bucket to the millions of people who are benefited by it with reference to the products which they raise in the Northwestern States, which they must have a market for, and with reference to the products they receive from the great New England States, and from the Southern States, and from all the States along the border that they themselves cannot produce.

If it is not a national work I want it to go under the table. It is not worth anything if it is not worth four or five or six million dollars. Therefore I say that no further survey is necessary for the purpose of enabling us to form a judgment as to whether it is worth that to enter upon this as a national work, or whether we shall abandon it forever.

Mr. BUTLER. Why does the Senator provide for additional surveys in the amendment? If they are not necessary why provide for them?

Mr. ALLISON. I want this canal surveyed, of course, in absolute detail.

Mr. BUTLER. I understand the Senator to say that the surveys are ample for all practical purposes.

Mr. ALLISON. I say they are ample to begin this work.

Mr. HAWLEY. We are told in regard to public buildings now that it is not necessary to have any more such blunders. We have been assured by the distinguished chairman of that committee within two or three weeks that now we may calculate on contracts being made for the completion of public buildings within the sum signified; nor would it be impossible if this survey were really complete and thorough to make a contract for the completion of the work within the figures named; but I will not insist upon that precisely. This is the point I made before, and I will renew it in just about half a dozen lines: this amendment in this bill is not candid as it stands now; it is put before us as a part of a system, a fine large canal from Chicago clear through to Rock Island; and yet the one hundred and nineteen miles of that which are substantially completed now will allow boats of seven feet draught, and this canal is put down at six feet draught, and when I said before that must be seven feet, the Senator from Iowa nodded, and I say further that if we accept the one hundred and nineteen miles to be offered us by the State of Illinois from Chicago to La Salle, and thence to Hennepin, we shall then have the whole one hundred and eighty-six miles under our charge, and we shall be expected to make a fine ship-canal of it if it is worth anything. That is what is to be done with it. I would like the whole thing laid before us from Chicago to Rock Island, with a fair estimate of the fifteen to forty millions necessary to make a good ship-canal; and if it will do what gentlemen imagine, I am not sure but that it would be a good investment; but I warn the Senate, and I put it on record, that this is but a drop in the bucket in the cost of this great canal.

Mr. DAWES. Mr. President, I have heretofore voted against river and harbor bills as they have come up here and in the other branch. In doing so I have more than once stated that it was not because I was unwilling that the Treasury should contribute to the improvement of the harbors and of the great rivers of the country, for I was willing to the extent of the Treasury itself to appropriate every dollar that could be economically and under our system honestly expended to promote the navigation of great rivers and the improvement of the great harbors of the country. I would not stop at the amount, but it was because river and harbor bills came to me for a vote, in which a very different spirit predominated, it seemed to me, when they were filled up with appropriations that could in no sense be considered contributions to the great channels of commerce and the opening and deepening and improving of the great harbors through which that commerce was to come and go. I was compelled because these river and harbor bills were of that character to sacrifice, so far as my vote was concerned, those great and worthy objects because the bills were loaded down with such provisions.

But, sir, here is a bill which, notwithstanding it is filled with these objectionable features, carries along with it measures which do look to great and grand improvements of the water-courses and of the great harbors of the country, and I propose for one to let them carry the objectionable features of the bill, rather than to sacrifice them because of the objectionable features. I shall vote for this bill. I shall vote for it more because it has the six millions for the improvement of the Mississippi River in it and because it proposes to do this very work, than because it has in it appropriations for smaller rivers. I do not desire to criticise or particularize, but every one knows the features which in the aggregate count for more in this bill than these grand provisions which contemplate a permanent and lasting improvement to the commerce and carrying trade of the country. I accept this measure as the beginning of an undertaking that will make a grand ship-canal in the end, if the needs of commerce shall require it, from Chicago to the Mississippi River. I accept it as an undertaking to make a channel through from Chicago to the Mississippi River that shall meet the demands of commerce as from time to time those demands shall grow upon the country.

I admit, as the Senator from Connecticut says, that the estimates that the engineers report are not sufficient to justify the plan of the work, to justify the carrying out and undertaking of it as a whole; but I vote for this provision as a committal of the United States to a grand undertaking, which to say that they are not able to do is to belittle both the commerce and the appreciation of the commerce of this country. We are able to do it; we are able to make just such a water-course between those points as the commerce of the country shall demand; and it is our duty to do it, and not to expend in the aggregate more money fourfold than will be required for such a work as this upon streams that will when the money shall have been expended be left small and immaterial tributaries to the commerce of the country. Here is a grand thoroughfare; here is a grand water-course so easily to be made, so full of promise to the development and the growth of this country, contributing to all parts of it, that I shall be willing for one to carry a very large load of objectionable features and provisions in this bill, which I cannot rid it of, rather than lose the opportunity to do this much in the development of the commerce and the carrying trade of the country which its needs every year are requiring at our hands.

For this reason, sir, for the first time in many years I vote for the river and harbor bill.

Mr. VOORHEES. Mr. President, it is now five o'clock. I think there are others that desire to contribute something to this interesting debate, and it is apparent that a vote is not likely to be reached this evening. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had on the 5th instant approved and signed the following acts:

An act (S. No. 2034) to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster, Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes; and

An act (S. No. 2068) authorizing the Secretary of War to deliver to the Jeff. C. Davis Post No. 16 of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns for monumental purposes.

The message also announced that the President had on the 6th instant approved and signed the act (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth.

AMENDMENTS TO BILLS.

Mr. ALDRICH, Mr. BLAIR, Mr. HOAR, and Mr. MORRILL submitted amendments intended to be proposed by them respectively to the bill (H. R. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB. I submit the following amendment to the bill (H. R. No. 5538) to reduce internal-revenue taxation, to come in as an additional section:

SEC. —. That the increase of 25 per cent. on the import duty levied on all molasses, concentrated molasses, tank-bottoms, sirup of sugar, cane-juice, melada, and on sugars, according to the Dutch standard in color, imported from foreign countries, imposed by section 3 of the act of March 3, 1875, being chapter 127, statutes of 1875, be, and the same is hereby, repealed, and the duty on said articles hereafter imported into the United States from foreign countries be, and is hereby, restored to the rate prevailing before the passage of said last-mentioned act: *Provided*, That the classification established in the succeeding portion of said section shall not be affected hereby.

The amendment was ordered to lie on the table and be printed.

Mr. GROVER submitted an amendment intended to be proposed by him to the bill (S. No. 1086) to indemnify the State of Arkansas for swamp and overflowed lands within said State sold by the United States since March 3, 1857, and for other purposes; which was ordered to lie on the table and be printed.

Mr. ROLLINS submitted amendments intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

The Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at six o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 7*, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

CORRECTION.

Mr. ROSS. I am recorded as having voted in favor of the passage of the Navy appropriation bill when I loudly and distinctly voted against it. I ask that the Journal be corrected in that regard.

The SPEAKER. The gentleman's vote will be recorded in the negative.

ORDER OF BUSINESS.

Mr. O'NEILL. I ask unanimous consent to take up and pass a bill for the relief of Mark Walker.

Mr. HISCOCK. I demand the regular order.

Mr. UPSON. I should like to pass a little bridge bill.

Mr. HISCOCK. The reason I demand the regular order is this: general debate is ordered to be closed to-day at two o'clock on the sundry civil appropriation bill, and there are more applicants for that time than can be accommodated.

Mr. O'NEILL. It does not come with good grace from the gentleman from New York, who has had unanimous consent to pass an important public building bill, to now call for the orders of the day to prevent others obtaining unanimous consent. I hope the demand will be withdrawn.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

Mr. O'NEILL. I still ask, Mr. Speaker, unanimous consent, and hope the gentleman will yield, to enable me to call up for consideration at this time this bill to which I have referred.

Mr. HISCOCK. After the disposal of this bill, during the next week, there will be ample opportunity for all such requests.

Mr. O'NEILL. I am asking to get up a bill for the relief of a man which if not granted in a very few days will render him but long-deferred relief.

Mr. TAYLOR. I hope to-day may be set apart, as provided by the rule, for the consideration of the Private Calendar. There are many cases upon the Calendar that should be considered, and therefore I ask that the House proceed under the rule to consider the regular order for this day.

Mr. HISCOCK. I must raise the question of consideration if it be in order. If we desire to adjourn and get away from here within any reasonable time it is important that the sundry civil bill should be disposed of.

The SPEAKER. The Chair will suggest to the gentleman from New York that the question of consideration would not lie against the demand for the regular order of business fixed by the rule for this day, which is the Private Calendar.

Mr. O'NEILL. There is not a quorum of members present, and there may very well be fifteen or twenty minutes allowed this morning for the consideration of private bills to which there will be no objection. I think it unkind and ungracious in the gentleman to insist upon proceeding with the regular order to the exclusion of matters of this kind which can be disposed of in a moment or two. I permitted his bill to come up.

Mr. HISCOCK. I move to dispense with the private business for to-day.

The SPEAKER. That motion is in order, and can be adopted by a two-third vote.

The House divided; and there were—ayes 70, noes 9.

So (two-thirds having voted in favor thereof) the consideration of the private business was dispensed with.

Mr. O'NEILL. I now ask unanimous consent to take up Senate bill No. 297, for the relief of Mark Walker, and put it upon its passage.

Several members demanded the regular order.

Mr. HISCOCK. I move that the House resolve itself into Committee of the Whole on the state of the Union to proceed with the further consideration of the sundry civil appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SHOBER, their Acting Secretary, announced that the Senate disagreed to the amendments of the House to the bill of the Senate (S. No. 1095) for the erection of a public building at Poughkeepsie, New York, and asked a conference on the disagreeing votes of the two Houses thereon; also, that the Senate had appointed Messrs. ROLLINS, CAMERON of Wisconsin, and VEST as managers at said conference on the part of the Senate.

PUBLIC BUILDING, POUGHKEEPSIE, NEW YORK.

Mr. KETCHAM. Mr. Speaker, I move that the House insist upon its amendment to the bill (S. No. 1095) for the erection of a public building at Poughkeepsie, New York, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER appointed Mr. SHALLENBERGER, Mr. SMITH of New York, and Mr. SINGLETON of Illinois as the conferees on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I renew the motion that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

Mr. HOLMAN addressed the committee. [See Appendix.]

The CHAIRMAN, (after a pause.) If no gentleman claims the floor the Clerk will proceed with the reading of the bill. The Chair will remark that if gentlemen of the committee who expected to be recognized should come in he will take it for granted that prior to two o'clock the reading of the bill may be interrupted in order that the general debate may proceed.

The Clerk proceeded with the reading of the bill, and read the following:

For the custom-house, court-house, and post-office at Memphis, Tennessee: For continuation of building, $75,000, and the law requiring that the marble used in this building shall be cut and dressed at the site of the building is hereby amended so as to permit the cutting and dressing of the said marble at any point within the limits of the State of Tennessee.

Mr. MOORE. I offer an amendment, which is acceptable to the Committee on Appropriations, and that is, at the end of line 101, to add the words "as the Secretary of the Treasury may direct."

Mr. ATKINS. What is that amendment, as I did not hear it read?

Mr. MOORE. I move to add in line 101 the words "as the Secretary of the Treasury may direct."

Mr. ATKINS. That is a matter of course anyhow.

The amendment was adopted.

The Clerk read as follows:

For a marine hospital at New Orleans, Louisiana, $100,000.

Mr. HISCOCK. I move the following amendment by direction of the Committee on Appropriations:

The Clerk read as follows:

For constructing a marine hospital at Baltimore, Maryland, $100,000.

The amendment was agreed to.

The Clerk read as follows:

For a marine hospital at Cairo, Illinois, $60,000. And the sums respectively appropriated for the three hospital buildings are in full in each case for the completion of the same, and their cost is hereby limited to the sums in each case herein provided.

Mr. HISCOCK. I move, by direction of the committee, in line 102, to strike out "three" and insert "four;" so it will read, "four hospital buildings."

The amendment was adopted.

Mr. HISCOCK. I ask unanimous consent to go back to line 135 for the purpose of moving an amendment from the committee.

The CHAIRMAN. The Chair hears no objection, and the gentleman will submit his amendment.

Mr. HISCOCK. I move, after line 135, to insert the following.

The Clerk read as follows:

To enable the Secretary of the Treasury to purchase a site in the city of Dallas, Texas, and cause to be commenced the erection thereon of a suitable building for a court-house and post-office, $37,500.

The amendment was agreed to.

Mr. HISCOCK. I am directed by the committee to move the following amendment.

The Clerk read as follows:

For the extension and repairs and extension of the custom-house and post-office at Buffalo, New York, $30,000.

The amendment was agreed to.

The Clerk read as follows:

For the Treasury building at Washington, District of Columbia: For annual repairs to the Treasury building, $20,000.

Mr. O'NEILL. I offer the following amendment.

The Clerk read as follows:

For the purchase of ground for the extension of the United States mint at Philadelphia, $400,000.

Mr. HISCOCK. I make the point of order on that.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. In the first place I believe it is the substance of a bill pending before the House, and in the second place it requires legislation.

Mr. O'NEILL. I do not see it is any more subject to the point of order than amendments which the gentleman himself has offered to this bill, and which have been adopted.

The CHAIRMAN. That was for a public building, the commencement of which was authorized by Congress.

Mr. O'NEILL. One was for building a marine hospital at Baltimore, Maryland.

Mr. COX, of New York. No point of order was made against it.

Mr. HISCOCK. No point of order lies against it. It was introduced and referred to the Committee on Commerce and recommended by the Committee on Commerce to be built, reported back to the House, and by the House referred to the Committee on Appropriations to make an appropriation.

Mr. O'NEILL. Mr. Chairman, I can make a similar statement in reference to the bill for the purchase of ground to extend the United States mint at Philadelphia. That was a bill offered in this House. The bill passed the Senate for that purpose. It seems to me as much in order to this bill as the amendment to provide for the building of a marine hospital at Baltimore, Maryland.

The CHAIRMAN. No point of order was raised against it.

Mr. O'NEILL. I did not wish to raise a point of order against it, for I am in favor of building a marine hospital there. At the same time I do not think the gentleman from New York can raise the point of order against this proposition of mine after a similar proposition was made by him for building a marine hospital at the city of Baltimore. I think in all fairness he should withdraw the point of order.

The CHAIRMAN. The point of order being raised against the amendment the gentleman from Pennsylvania must confine himself to the discussion of that point of order.

Mr. O'NEILL. There may be legislation pending, as a bill certainly has passed the Senate, and by an unfair method of treatment some weeks ago that bill was not taken up, hence I have taken the body of the Senate bill and offered it as an amendment. It seeks to reach the same purpose of the Senate bill, and I think it is as much in order as many other things contained in this sundry civil appropriation bill. Why, sir, a sundry civil appropriation bill consists to a great extent of new legislation.

What is it for? What is the purpose and object of such a bill?

It is, so to speak, an omnibus bill, embracing a variety of legislation; and if an amendment to such a bill is a good amendment for one purpose and not subject to the point of order an amendment for a similar purpose is likewise a good amendment and not subject to the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Pennsylvania to say that the Senate bill is pending now in the House?

Mr. O'NEILL. Yes, sir. I want to be frank and fair in my statements. The Senate bill is now pending before the House. But I do not ask you to pass the Senate bill. I do not offer that bill as an amendment here. I offer a distinct proposition of three lines; and while it may be that the amount which I have placed in this amendment is the same as that embodied in the Senate bill, still, in order to make a new amendment, if it be necessary, I will increase or decrease the amount covered by the amendment and make it $401,000 or $450,000. In that case there is no such pending proposition before either branch of Congress.

The CHAIRMAN. The clause of the rule to which attention is drawn in connection with this point of order provides as follows:

No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, the substance of another bill or resolution pending before the House.

Now, in the opinion of the Chair, the substance of the bill is the extension of the Philadelphia mint, irrespective of the proposed sum to be appropriated for its extension.

Mr. O'NEILL. I take it for granted, Mr. Chairman, that the important point to be considered in such connection is the amount to be appropriated; and if it would suit the chairman of the Committee of the Whole better, or if it shall meet the objections which might be urged against that clause of the rule which has been read, then I propose to make the amount $450,000, for the purchase of the ground contiguous to the mint, and for the extension of the building. That is entirely different legislation from that contained in the Senate bill, and removes any possible objection that may be proper against the proposition under the clause of the rule to which the Chair has just referred.

Mr. HISCOCK. There is no doubt but that legislation affirmative is necessary to authorize this extension. Now, under the twenty-first rule, to which the Chair has called attention, the Committee on Appropriations have no right to report a bill, and no amendment to a bill is in order which makes an appropriation, unless it is in pursuance of existing law.

The CHAIRMAN. The language is a little broader than the gentleman quotes.

Mr. HISCOCK. An amendment would be in order if it reduced expenditures, but if it increased expenditures it would certainly not be in order under that rule.

Mr. O'NEILL. I do not desire, Mr. Chairman, to take up the time of this committee unnecessarily, but I would like to have read for the information of the committee, and to show the connection between that amendment and the one which I now offer, the amendment just adopted at the instance of the chairman of the Committee on Appropriations. I ask that it be read, so that the committee may see its precise terms.

The CHAIRMAN. The Chair understands that the provision just incorporated into the bill for the construction of a public building at Dallas, Texas, was in pursuance of instructions.

Mr. COX, of New York. And no point of order was made against that provision.

Mr. HISCOCK. It was done in pursuance of law.

Mr. O'NEILL. I will yield that point with reference to this building at Dallas; but no such claim can be set up for the amendment just adopted in favor of the erection of a marine hospital at Baltimore. It was incumbent upon the chairman of the Committee on Appropriations, under his own construction of the rules, and the rights that we have here as members of this Committee of the Whole, to have objected himself to such an amendment, or to have refused to offer it, for it is new legislation, and not warranted by law.

The CHAIRMAN. That is hardly a matter for the consideration of the Chair, when no member rose to object to it.

Mr. O'NEILL. Well, suppose a member does not wish to oppose it. Now, I did not desire to set myself up in opposition to the wishes of the Committee on Appropriations, and did not desire to raise the point of order against the amendment. I believe it unnecessary to antagonize the committee in such matters; but it is, I think, a matter of necessity to appropriate the money to extend this mint, and while believing that, I hope I will never rise in my place to object to a proposition simply because it may not be within the exact language of the rule when a strict construction is applied to it. I believe that the rules are intended for the wise conduct of the business of the House, and not to place obstructions upon appropriate and necessary legislation. But the point that I make, Mr. Chairman, is that there has not been any legislation, as far as I am aware, certainly there has been no statement of the fact that there has been authority of law for an appropriation for that hospital in Baltimore. The chairman of the Committee on Appropriations offers an amendment to provide for its construction, and I, as a member of this Committee of the Whole, have the right to get up and offer an amendment of the same character; and I do not think in view of the fact which I have just stated that the chairman of the Committee on Appropriations should raise the question of order and attempt to rule that amendment out.

The CHAIRMAN. The gentleman can make an appeal to the gentleman to withdraw the point of order.

Mr. O'NEILL. I am not, Mr. Chairman, in the habit of making appeals to that or any other gentleman on this floor. I have ceased making appeals to the members of this House. Members are disposed to get all they can for themselves, but as a general rule they are inclined to yield but little to others; and so far as my observations have gone, there is little use in making appeals to them. I stand here, sir, making no personal appeal, but I take the position that I have a right to take as a member of this House and a member of the Committee of the Whole and move the adoption of an amendment for the interests of the public service of this country and ask this committee to adopt it.

Mr. FLOWER. I want to ask the gentleman from Pennsylvania a question. Is this the same bill that was beaten the other day in the House?

Mr. O'NEILL. This is the same bill that was beaten by the selfishness of the New York members, the gentleman who puts that question to me and his colleagues, representing a locality where they never can get an appropriation for a public mint.

Mr. COX, of New York. I rise to a point of order.

Mr. FLOWER. I thought the House beat it.

Mr. O'NEILL. It was beaten at the instigation of you and your colleagues, following the dictates of your own selfishness.

Mr. COX, of New York. I call the gentleman from Pennsylvania to order. I say the gentleman, speaking to a point of order, has no right to attribute selfish motives to any member or any delegation.

Mr. O'NEILL. I had to say "selfishness," because I could not help it.

The CHAIRMAN. The Chair has indulged the gentleman from Pennsylvania, knowing his representative interest, further perhaps in the latitude of debate than was legitimate——

Mr. COX, of New York. More latitude than longitude.

Mr. O'NEILL. I have latitude and longitude enough to take care of the gentleman from New York.

The CHAIRMAN. The gentleman from Pennsylvania, unless he has further remarks to make on the point of order, will now allow the Chair to decide the point.

Mr. O'NEILL. I think I have said sufficient to the Chair to lead him to rule as I desire him to rule. [Laughter.]

The CHAIRMAN. The proposition submitted by the gentleman from Pennsylvania the Chair prefers to decide upon that clause of the rule which forbids the amending of a bill by annexing or incorporating the substance of another bill pending before the House. It is admitted that such a bill is pending, the substance of it being the object and amount that are involved in this amendment. Under these circumstances the Chair is obliged to rule the amendment out of order.

Mr. FLOWER. That gives that a rest till another session.

The Clerk read the following paragraph:

To enable the Commissioner of Agriculture to erect a suitable brick building, to be used for storing, packing, and shipping seed, $25,000.

Mr. SPRINGER. Before we enter on the clause appropriating for the Agricultural Department, I desire to offer an amendment.

The CHAIRMAN. The pending paragraph relates to the Department of Agriculture.

Mr. SPRINGER. I rose before the Clerk began to read it, and desire to offer an amendment to come in just before that paragraph.

The Clerk read the proposed amendment, as follows:

After line 194 insert as follows:

"To enable the Secretary of the Treasury to purchase additional grounds adjoining the United States court-house and post-office at Springfield, Illinois, $25,000, or so much therof as may be necessary: *Provided*, That the Secretary of the Treasury may be satisfied that the purchase of such additional ground is necessary for the security of said building."

Mr. HISCOCK. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HISCOCK. My point of order is that for this amendment to be in order there should be a law authorizing the purchase of this land. There being no such law, it necessarily involves new legislation, which is not in order upon this bill unless it decreases expenditure.

Mr. SPRINGER. I desire to say a word on the point of order. The Government has authorized the purchase of ground and the building of a court-house and post-office at Springfield, Illinois. That building is completed as originally designed. But the lot upon which the building is located is on a corner, and is surrounded by private property so nearly adjacent to it as greatly to endanger it in case of fire originating on the adjoining property; and when some parts are built up it will very much impair the utility of the building by reason of darkening the surroundings, and cutting off the circulation.

Now, this having been authorized already, and the ground being already held, I submit that the purchase of this additional ground is in the nature of repairs since they are required for the security of property owned by the Government. If the gentleman will allow me, on the merits of this proposition, I will have printed as a part of my remarks a report submitted to me by the officers of the United

States court-house and post-office, and the judge of the court at Springfield, showing the great necessity for this appropriation.

The CHAIRMAN. The Chair would like to hear the gentleman from New York [Mr. HISCOCK] on that clause of the third paragraph of Rule XXI, being the only one that suggests a doubt to his mind, which says no amendment shall be in order for any expenditure not previously authorized by law "unless in continuation of appropriations for such public works and objects as are already in progress." This amendment proposes something in the nature of a continuation of an appropriation for an existing public work. The Chair will be glad to hear the gentleman from New York on that point.

Mr. HISCOCK. There was a law passed authorizing the erection of a public building at Springfield—will the gentleman from Illinois say when?

Mr. SPRINGER. It was within the last decade. The building has been completed.

Mr. HISCOCK. During the last decade a law was passed authorizing the erection of a public building at that place. When the building was erected the power of the Secretary of the Treasury under that law was exhausted. It was a completed work. The building was finished upon the land which was purchased. The work was completed. This amendment does not contemplate the continuation of that work; it contemplates the purchase of more real estate; it contemplates a change of that original work for which new legislation is required. As I understand it, this is not even a part of the site: the additional ground lies across the street.

Mr. SPRINGER. Not across the street.

Mr. HISCOCK. So far as that is concerned, I may be mistaken; but the work is completed; it is finished, and I insist, under any fair construction of this rule, it is not legitimate upon this bill to introduce legislation which looks to the change of completed work or to additions to that work when it has once been completed.

Mr. ROBINSON, of Massachusetts. I desire to make a suggestion as to the rule the Chair has referred to, because I believe these rules should be construed very carefully in regard to appropriation bills in a conservative way, in the interest of the Treasury.

Now, the clause of the rule which the Chair has cited is right in point only that the case does not come up to it. "In continuation of appropriations for such public works and objects as are already in progress." That is, works not now done, but works going forward. This Springfield building is now completed, was completed years ago. If it be in order to move this amendment to purchase additional land, or to make any addition to the building, a like amendment would be in order for any public building in the country, no matter whether completed five years ago or twenty-five years ago.

It seems to me that, in the face of the statement that this building was completed some time ago, within the last decade, that no work is now going on there, no work at all is now in progress there, the Chair must see at a glance that the clause of the rule to which reference has been made does not apply to the case in point.

The CHAIRMAN. The Chair would be very glad to have further views of members of the committee on this point. The old rule, as the Chair understands it, has not been changed in this respect, and he has a distinct recollection that it was also intended to apply to an existing construction, an existing work, though such work may have been finished up to a certain point, supposed to be all that was needed at the time, as in the case of a fortification, or for the purchase of a certain number of guns for a fort, and many other instances where the work was completed up to a point supposed to meet the wants of the Government at the time the appropriations were stopped.

Congress continually makes appropriations for repairs of buildings, for adding a story to a building, for making changes in a building, for completing a work already constructed so as to meet the conditions requisite at the time the new appropriation is suggested. It is stated, as one of the reasons which the Chair should take into account in construing the rule, that the present building in this case is in danger of fire, and that this appropriation, in other words, is for the purpose of preserving an existing work. That is suggested as an argument for the admission of this amendment.

The Chair desires to administer the rule and to apply it in exact conformity to its original purpose, and would therefore be glad to hear a little further upon this point.

Mr. HASKELL. I have a word or two to say in connection with this matter. This bill is an appropriation bill, and amendments to such bills are uniformly ruled out of order if authority must be conferred by the bill upon an officer of the Government to go on and do the work. The amendments are always ruled out of order if there cannot be found somewhere an existing law authorizing an officer of the Government to expend the money.

Here is a proposition to make an appropriation, not at all for the purpose of repairing a building; not in the nature of an appropriation for the preservation of a building. Before this money can be expended the Government must acquire title to the land, the Government must obtain jurisdiction over the land. This amendment contemplates an appropriation of money which is to be expended for the purchase of property which to-day is the private property of individual citizens of the United States.

Now, there is no law in existence that allows the Secretary of the Treasury to obtain possession of that private property. There is now no law that authorizes the Government to obtain jurisdiction of the ground upon which this addition is to be built. Two distinct declarations of law must be made before this appropriation can be operative; one directing the Secretary of the Treasury to acquire title to this land, and the other directing him to acquire for the United States Government jurisdiction over the land. This amendment contemplates enacting these two requirements of law before the appropriation can become operative.

If this was a piece of Government land, if the United States had now the title to it and jurisdiction over it, and it was contemplated to build a "lean-to" for the preservation of this building, it might possibly come within the rule. But here is contemplated an appropriation of money in this bill to enable the Government of the United States to go upon private land and acquire title to it and jurisdiction over it. Now, the rule says you cannot do that; that you must have a preceding act of Congress to authorize it to be done. There is no preceding act of Congress, and the proposed appropriation is one without warrant of law, and has no place on a general appropriation bill under Rule 21.

Mr. COX, of New York. I think the point of order is well taken, and for one simple reason. If the gentleman can offer an amendment as to one acre, or forty feet of ground around this building, he could with like reason offer an amendment as to a thousand feet around the building or a thousand acres of ground. There would be no limit to amendments of this kind if this is held to be germane, and no end to the expenditure of money without the existence of some law authorizing it. Look at the language of the rule:

> No appropriation shall be reported to any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works.

What does the word "such" mean? The rule says "such public works and objects as are already in progress." Not works that are already completed, that have been completed some time during the past decade. In my opinion if the Chair does not sustain this point of order, any amendment will be in order involving the expenditure of any amount of money and the purchase of any amount of property.

Mr. ROBESON. Undoubtedly the amendment of the gentleman from Illinois is obnoxious to the general provision of the rule. The only question is whether it comes within the exception—whether it is the continuation of an appropriation for a public work now in progress. Can there be any pretense, after a work has been entered upon and finished, all land that was thought necessary for it purchased and acquired, the jurisdiction of the United States settled over that land, that it is the continuation of a public work still in progress to buy new land and commence the erection of new public works?

Waiving the whole question how much is mere repair to a public building, waiving the whole question how much is mere continuation of a public work in progress, if applied to the building itself, applied directly to property to which the Government already has title, this amendment requires not only an appropriation but new legislation—that is, authority to purchase and take title to land and acquire jurisdiction over it.

Mr. SPRINGER. I modify my amendment by striking out the word "security" and inserting the word "preservation;" so that the proviso to the amendment will read:

> *Provided*, That the Secretary of the Treasury may be satisfied that the purchase of such additional ground is necessary for the preservation of said building.

Now, if I may be allowed a moment I will explain——

Mr. HISCOCK. It seems to me we had better confine ourselves to the point of order.

Mr. SPRINGER. I am confining myself to the point of order. There is an appropriation already in this bill, beginning with line 178, "for repairs and preservation of public buildings." The Committee on Appropriations has put in this bill a clause for the preservation of public buildings; and I now offer a clause making a particular expenditure for that purpose.

If I could be allowed a moment to discuss this amendment on its merits, I could satisfy the committee as to its necessity.

Mr. ROBINSON, of Massachusetts. I suggest to the Chair that the modification of the amendment does not remove the point of order.

The CHAIRMAN. The Chair so understands.

Mr. SPRINGER. If gentlemen will give me their attention a moment I will explain the situation of this building. It is located on the corner of a block, and adjacent to the building on the south and east sides is an area of about thirty feet belonging to the Government; but outside that area, fronting on Sixth street, there is property belonging to private parties, and on the Monroe street side, within thirty feet of this Government building, is a large livery stable, the upper part of which is filled with most combustible material, such as hay. It is a wooden building; and if it should take fire this magnificent structure of the Government, which has been erected at a cost of $250,000, would be almost certainly destroyed. It is believed by officers of the Government that the building belonging to the United States is greatly imperiled by having this inflammable structure so near it—a structure which the insurance companies will not insure. This public building, containing all the rec-

ords of the court as well as the post-office and internal-revenue office, is within thirty feet of this inflammable structure; and we should not hesitate about making a little appropriation of twenty or twenty-five thousand dollars in order to secure additional ground, that the Government property and the public records may not continue to be in so hazardous a situation. It is for the preservation of the property of the Government that the amendment is offered.

The CHAIRMAN. The Chair is prepared to rule on the question of order. If this proposed appropriation applied to existing property of the Government, even in the way of enlargement, the Chair would have no trouble in holding the amendment in order as an appropriation for a public work in progress; for in the opinion of the Chair a public building is always in progress; and it is in order to provide for anything relating to existing work belonging to the Government for which appropriations have been made. But this proposition is for the purchase of real estate entirely outside existing property rights of the Government; and in view of the total separation of the property proposed to be acquired from the existing work, although it may be proposed after the acquisition to connect it with the existing rights and interests of the United States, the Chair rules the proposition out of order.

The Clerk read as follows:

That all parties owning, occupying, or operating bridges over any navigable river shall maintain, at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges as may be required by the Light-House Board for the security of navigation; and all persons owning, occupying, or operating any bridge over any navigable river shall, in any event, maintain all lights on their bridge that may be necessary for the security of navigation.

Mr. HOLMAN. I wish to move an amendment to this paragraph at line 383; and I suggest to the gentleman from New York [Mr. HISCOCK] that the last clause of this paragraph only makes the provision ambiguous or uncertain.

The CHAIRMAN. Will the gentleman from Indiana be kind enough to state his amendment?

Mr. HOLMAN. I move to amend by striking out after the word "navigation," in line 383, these words:

And all persons owning, occupying, or operating any bridge over any navigable river shall, in any event, maintain all lights on their bridge that may be necessary for the security of navigation.

I submit to the gentleman from New York that the paragraph without that is much better. It will then read:

That all parties owning, occupying, or operating bridges over any navigable river shall maintain, at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges as may be required by the Light-House Board for the security of navigation.

That is specific and definite; but the other language creates an ambiguity, and I trust the gentleman from New York will consent to its being stricken out.

Mr. HISCOCK. The legislation of the provision which is in the bill was prepared by the Light-House Board and submitted to the Committee on Commerce, and at their request and the request of the Light-House Board, it was incorporated in the bill. The Light-House Board said it was necessary there should be that provision in the law for the purpose of enforcing its regulations. It was investigated by the Committee on Commerce and recommended by the committee and referred to the Committee on Appropriations.

Mr. HOLMAN. I think it is still not understood, and I believe if the Light-House Board had their attention called to that last clause of the paragraph it would be seen that to some extent it negatives the first proposition. I ask the gentleman from New York to agree to add the following words: "in addition thereto;" so it will read:

And in addition thereto all persons owning, occupying, or operating any bridge over any navigable river shall, in any event, maintain all lights on their bridge that may be necessary for the security of navigation.

That is necessary in order that the first proposition may not be negatived. The first proposition is undoubtedly correct. The Light-House Board should have absolute power over this subject. It should designate where lights should be placed, and the whole matter should be under the absolute control of that board. My object is to leave this matter unequivocally under the control of the Light-House Board.

Mr. HISCOCK. I have no objection to the gentleman's amendment, that is, the last amendment which he suggests, and which I understand to be to add after "and," in line 383, the words "in addition thereto."

The CHAIRMAN. The Chair understands the gentleman to modify his amendment, and to move after the word "and," in line 383, to insert the words "in addition thereto."

Mr. HOLMAN. Yes, I modify my amendment in that way.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Ohio is now recognized for general debate, in accordance with the order of the House.

Mr. BUTTERWORTH. Mr. Chairman, I promise not to trespass on the time or good nature of the House for many minutes. I had not expected to take any part in this debate except possibly under the five-minute rule, and if the discussion had been confined to the provisions of this bill I am sure I should not have done so. I feel absolutely certain that all that need be said in defense of the several provisions of this bill is to explain them as they come up before the House for consideration. In the preparation of the bill every clause received full and careful consideration, and I think it is due to the chairman of the Committee on Appropriations, [Mr. HISCOCK,] who was also chairman of the sub-committee which prepared this bill, to say that if, as suggested by my friend from Kentucky, [Mr. BLACKBURN,] there is in any one of its provisions a tendency toward extreme liberality, it cannot be charged to the chairman of the committee, but rather laid at the door of the gentleman from Kentucky and myself, who acted with the chairman in investigating the several subjects to which the bill relates. And I think my honorable colleague [Mr. BLACKBURN] and myself, not unfrequently against the admonition of the chairman, drifted in the direction of liberal treatment of subjects in which we deemed the people generally have important interests to be subserved.

Mr. BLACKBURN. I ask the gentleman to yield to me.

Mr. BUTTERWORTH. Certainly.

Mr. BLACKBURN. I wish to say one word, and that is that the gentleman's statement as to the action taken by him and myself does not apply to certain features of this bill, and I do not want to accept it as the rule.

Mr. BUTTERWORTH. My friend might point out some exceptions, but I think they will be rare.

Mr. BLACKBURN. I insist that statement as it applies to me constitutes the exception and not the rule.

Mr. BUTTERWORTH. Then I shall be compelled to take my friend's ominous silence when considering the items of the bill for dissent, for he was amiable touching nearly all its provisions, and while not unjustly liberal, yet he was fair and just toward all branches of the public service.

Mr. BLACKBURN. My friend will not say there are not many provisions in this bill I opposed as strenuously as I could.

Mr. BUTTERWORTH. Oh, yes; I think my colleague did sometimes fall into an error in that regard.

Mr. BLACKBURN. Well, that is all right.

Mr. BUTTERWORTH. I repeat that except under the five-minute rule I shall not refer to the various items in detail. The bill certainly has not been discussed in that view. It has received so far no discussion whatever from gentlemen upon the other side, except that my friend from Kentucky [Mr. WILLIS] did refer to it simply as a means of pointing his wit. He was witty over the appropriation to afford facilities for observing the transit of Venus. My friend was not happy in selecting that item as a legitimate subject for wit, although I concede that I smiled at his effort, not because he was witty, but because he was my friend and I liked to please him. He is a scholarly man and knows the importance of that observation too well to speak to an intelligent constituency in denunciation or in ridicule of it.

He next proceeded to speak of the triangulation of the country, which is indispensable in establishing base lines for accurate surveys, and to secure correct and accurate maps of the country. That gentleman may pronounce the word "triangulation" among his constituents with the idea that they will imagine it a new word and a term for playful wit, but the gentleman himself knows too well the importance of this triangulation and the necessity for the appropriation for the prosecution of the work, to say to an intelligent constituency that the appropriation is not wisely ordered.

He then proceeded, and it ought to have touched my colleague on the committee, Brother BLACKBURN, to assault our action in the matter of the appropriation for the Fish Commission. I submit to my friend WILLIS that if he had given a tithe of the attention to that subject which my colleague on the committee, General BLACKBURN, and myself gave to it, he would, I am sure, instead of attempting to ridicule or suggesting a decrease in that appropriation, have voted to increase it.

Mr. BLACKBURN. I say so.

Mr. BUTTERWORTH. Certainly. I knew you would, because you have investigated the subject and know its importance. Mr. Chairman, if there is a provision in this bill thoroughly and wholly defensible, pre-eminently so over most others, it is this provision to which I am now referring. It is one that is in the interest of the whole people of this country; and I may here observe that it is perhaps not generally known how successful the efforts to supply the streams of the country with food-fishes have been. The gentleman himself might have shad upon his table to-day from the Ohio River; and while it is a fact that, under the processes of nature as shown by investigation, not more than perhaps 3 to 5 per cent. of the fish-spawn hatches or matures, under artificial processes adopted by the Fish Commissioner, strange as it may seem, 95 per cent. of the spawn is hatched, and your Fish Commissioner has within the last few months shipped to various parts of this country over a hundred million of young fishes to stock the various rivers and lakes of the country to supply food for our people. My friend Mr. HUBBELL calls my attention to the fact that it is possible, nay, entirely practicable, to supply our lakes with white-fish, and with a supply so ample for all food purposes that there need be no laws to prevent the catching of fish at any season when they are fit to be used for food. The Fish Commissioner has demonstrated his ability to do this; and, in fact, under the fostering care of the Government, it is being done.

The report of Professor Spencer F. Baird, that eminent and thoroughly practical scientist, will show fully and conclusively how important to our country the Fish Commission is. I trust, sir, that in

the interest of the whole people we shall continue to give a cordial support to the efforts of the Commissioner having this important business in charge, with a view to supplying food-fishes in abundance in every section of the country. It is apparent that my friend in searching through the bill has not been happy in selecting subjects for the display of his wit, still I do not question his right to select subjects at random and according to his judgment. So far as the matters he named are concerned I am sure he was indulging in pleasantry.

Now, Mr. Chairman, as I have already stated, so far as this bill is concerned its objects and purposes have been little considered in discussion by the members of this House, certainly by those upon the other side of the Chamber. But they have seized upon the occasion to arraign the Republican party as being opposed to reform in the civil service of the country, as opposed to everything that is calculated to build up and extend and maintain the public good. My friend from Kentucky [Mr. WILLIS] provided some considerable campaign literature in that behalf. My honorable friend from Pennsylvania [Mr. BAYNE] was pleased to ignore the question before the committee and to discuss certain matters concerning the civil service of the country, and announce views which were in the main sound, and would receive the support and commendation certainly of a great majority of the members of this House. But that was not evidently the ultimate object of his speech, but it was to arraign the present Chief Magistrate of the nation for some grievance apparently of a personal character of which I have no knowledge. I shall refer to that further along, or possibly I may as well now.

I am not called upon here, Mr. Chairman, to stand up as the special champion and defender of the present Chief Magistrate of this country. I am not called upon to be his special champion in any behalf. I am called upon to say, as a member of this House, and I am satisfied that every member upon this floor will assent to the correctness of the utterance, that his administration up to this time needs no special champion from any quarter. It has been and is its own champion, its own vindication; it is its own defender. Mr. Chairman, my honorable friend from Pennsylvania, in the exuberance of his zeal to criticise the Administration, began first by alluding, and very properly, to the late President of the United States. Him he applauded, and in that applause we all most heartily and cordially join. There is no man on this floor but holds in grateful recollection the name and memory of the late Chief Magistrate of the Republic—General Garfield. His name and deeds will be always dear to the American people.

They furnish to us and our children an example of moral and political probity, of patriotism and unselfish devotion to the right. And the gentleman from Pennsylvania cannot go before me in doing honor to the deceased President. He was my friend. I honored him and loved him living, and revere his memory now that he is dead, and shall teach my children to hold him and his doings in grateful recollection. But, sir, honor to the dead does not warrant injustice to the living. This country will bear me witness that not since the Republic had its birth did a President come into office under more adverse, trying, and perplexing circumstances, under conditions better calculated to try all that there was or could be in a man. Bending under the weight of a grave responsibility, standing by the tomb of one "the deep damnation of whose taking off" impressed every one, criticised and pursued, upon the one hand, with many praying that he might be unsuccessful, with others hoping he would attempt to achieve success by dubious means, he yet walked forward to the performance of the functions of his high office in a manner which ought to command and does command the admiration of right-thinking men everywhere, [applause;] neither swayed from that direct line by those who would have him incline to their particular opinions, nor yet moved by the unfriendly criticism of those who seemed to regard his as the unlineal hand that snatched the scepter from their grasp; unmoved by any of these influences, unawed by the hostile attitude of those whose support he had a right to expect, he has devoted himself unselfishly and patriotically to the honest, sincere, and conscientious discharge of the high duties devolving upon him.

I will hardly be accused of being of those who rush inconsiderately to the defense of any officer of this Government whose public conduct stands in need of criticism. I am not of any clique, clan, or faction which in bitterness or disappointment seeks to find anything in the administration of the Presidential office except a devotion to the public good. I am free to judge and criticise, however. I trust I am in a position to be just. Sir, the people will judge of the course of the Administration by the impress it leaves upon the country's history rather than by the degree in which it happens to interfere with the private or public ambitions of any man or set of men.

I want to say to my honored friend from Pennsylvania, to whose patriotism and earnestness and honesty in good work I desire to bear testimony, that in the exuberance of the zeal which led him caustically to criticise the Administration he has fallen into error. He first speaks of the deceased President as all that was good and law-abiding, as being the very soul of devotion to law; and so he was; and to all the good things the gentleman can say about the late President I can and do respond amen and amen.

The gentleman then turns to draw the contrast, and in his own language says the present occupant of the Presidential chair is the exact antipode of what President Garfield was and would have been in his administration. If this were true in the sense suggested by the gentleman, the present President should be impeached for malfeasance and misfeasance in his high office; if it savors of truth he deserves the public censure.

The gentleman proceeds to prove his allegations by referring to the matter of removals and appointments to office. I was curious to know how far the statements of my honored friend were justified by the record, and I have appealed to that record to ascertain whether or not the utterances of my distinguished friend were justified by the facts which he summoned to bear witness to the correctness of his statement. I have before me, Mr. Chairman, an exhibit which shows the removals and appointments to office in the United States during the administration of the great and good man whose loss we deplore, and also those made during the occupancy of the Presidential chair by the present Chief Magistrate.

One would have supposed from the statement of my honorable friend that as soon as the present Executive assumed the Presidential office, that in the plenitude of his power he had swept through the States as a besom of destruction, striking off official heads here and there and everywhere, and that he could be tracked by the decapitated official heads that lay scattered along his pathway. What are the facts? Let us submit the plain showing to a candid country and a candid world and learn whether some other motive may not move us in arraigning public men than simply a desire to serve the public good. Let us see if the newly developed love of civil-service reform may not have been sprouted in private grief, however just, or in disappointment, whether merited or not.

I hold in my hand a statement of the removals made by the late President and by the present occupant of the executive chair, and desire to call to it the attention of the House and of the country. I am here to justify the course of General Garfield, and to defend the course of the present Executive, at least until something shall be shown other than the mere assertions of a single individual or a score of individuals that in one case or the other the President was moved by other than a desire to promote the public good.

General Garfield occupied the Presidential chair something less than four months; not succeeding to a Democratic administration, but succeeding to an administration, however it may have been criticised by men who suffered from disappointment, as many did—whatever may be said of it, it was the purity of that administration, its freedom from taint, its freedom from corruption, that gave us this Republican House. It was its freedom from corruption, its freedom from taint in every department, that carried our candidate triumphantly into the Presidential chair in 1880. Succeeding to that administration General Garfield proceeded, in the exercise of that ripe wisdom and patriotism which we all know were characteristic of the man, to make the following changes in office. There were reappointments and removals. The complaint of my honorable friend from Pennsylvania is that the present Executive has indulged in widespread removals either to gratify his personal malice or to satisfy some longing and lurking ambition he is supposed to have. Let us see how plain a tale shall set that utterance down.

During the special session of the Senate, commencing March 4, 1881, and ending May 20, 1881, President Garfield made two hundred and sixty-six reappointments and fifty-one removals. Draw the distinction between reappointments made at the end of an official term and removals with or without what might be deemed sufficient cause, for I do not inquire into that—I take it for granted they were wisely, justly, and properly made—he made in less than three months two hundred and sixty-six reappointments and fifty-one removals. During the recess of the Senate he made thirty-five reappointments and thirty-eight removals; in all three hundred and one reappointments and eighty-nine removals. Of the changes in office made by President Garfield over 22 per cent. were removals from office. During the ten months of his administration President Arthur has made eight hundred and seventy-four appointments to office, of which the number of removals is forty-nine; or 5 per cent. of removals as against 22 per cent. of removals made by his worthy predecessor.

Now, one would infer from the remarks of the gentleman from Pennsylvania [Mr. BAYNE] that the President had stalked through that grand old Commonwealth from east to west, gathering in official heads in wanton malice or playful pleasure as he went along. What is the fact about it? There are in the State of Pennsylvania of Presidential offices one hundred and eighty-six; of Federal offices, appointments, &c., 3,847. Now, of the one hundred and eighty-six Presidential appointments, how many changes—removals—do you suppose President Arthur has made? One hundred? No. Seventy-five? No. Fifty? No. Twenty? No. Ten? No. He has made five out of the one hundred and eighty-six, and two of the five were for violations of the statutes. Of the five mentioned, three were postmasters, two of them removed because they were defaulters. [Great applause.] Now, gentlemen, I call the deliberate attention and consideration of the House and of the country to this as a matter of simple justice to the living, and not as a rebuke to the honored and worthy dead.

I in no wise question that the late President acted conscientiously and patriotically and wisely in making the removals; and I as little

call in question the honesty and patriotic wisdom of the present Executive in making the few removals he has felt it his duty to make; nor will the caviling or unfriendly criticism of ambition or disappointment induce me to reverse my judgment. But again. In the State of New York there are two hundred and seventy-six Presidential appointments. You will observe that New York has been cited before the country as presenting a mass of mangled official flesh and blood, a State in which the President has indulged in merciless and causeless removals from office. Now, what is the fact? Of the two hundred and seventy-six Presidential officers in the State of New York (there being 3,098 Federal appointments altogether) the President has made five changes, two of them removals for cause that nobody questioned or criticised. He has made three removals out of the two hundred and seventy-six Presidential appointments in the State of New York. What a shocking decimation of officials! [Laughter.]

In Ohio, of the one hundred and forty-five Presidential offices one removal has been made. Another exhibition of Executive trespass.

Now, sir, in the history of no administration from George Washington down to this hour has there ever been more considerate regard for the public service as disclosed by the public records. And yet the President is arraigned before this House and the country as if he only lived for the purpose of carrying out the designs and the schemes of a few malcontents.

Mr. BAYNE. Will my friend allow me to interrupt him just there?

Mr. BUTTERWORTH. With pleasure.

Mr. BAYNE. My friend says that never from the administration of George Washington down has there been so much consideration in the way of making appointments. Did a single President before the time of Andrew Jackson make a single removal from office unless it was for cause?

Mr. BUTTERWORTH. Unless for cause?

Mr. BAYNE. Unless for cause.

Mr. BUTTERWORTH. Oh, no; but the question is, my friend will observe, as to what was deemed sufficient cause. If my friend had studied the history of civil-service reform in this country as carefully as he has studied to secure facts to enable him to assail this Administration he would have found that the moment Thomas Jefferson took his seat in the Presidential chair he began to ask where it would be convenient to lop off the Federal office-holder, and he took the ax for that purpose, and used it vigorously and effectively in the cause of Republicanism. Why? Because he acted upon the suggestion of George Washington, who said: "While I have the honor to occupy the Presidential chair I shall never appoint to any office of consequence any man who is not in sympathy with the plan and the purposes and the objects of my administration. [Great applause.] Such a course," said George Washington—he was really a patriot——

Mr. HAZELTON. He was a good one.

Mr. BUTTERWORTH. "Such a course," said George Washington, "would have been greatly embarrassing if not in fact suicidal." I will publish his exact words in my remarks.

Mr. FISHER. Will the gentleman from Ohio [Mr. BUTTERWORTH] allow me to interrupt him a moment right here?

Mr. BUTTERWORTH. Certainly.

Mr. FISHER. I desire to call the attention of the gentleman from Ohio as well as of my colleague [Mr. BAYNE] to a sentence in the remarks of my colleague yesterday. In speaking of the Pendleton bill my colleague said:

> Promotion shall be made on the ground of qualification. The bill [Pendleton bill] fixes no term, and is therein essentially defective. The most vital element of such a law would be a fixed, stable tenure, which is the only protection, in connection with the proper construction of the Constitution, against Executive aggression.

On the 19th of June, three weeks ago, when the gentleman from Minnesota [Mr. DUNNELL] brought in a bill from the Committee on Ways and Means to limit the tenure of office of collectors of internal revenue to four years, my colleague [Mr. BAYNE] made a speech here denouncing the very proposition which he upheld yesterday, using the following language:

> Until within a very short time it has never been a cause of complaint that officials who discharge their duties faithfully and well should have a limit put upon the tenure of their offices; and no such law has been demanded until within a comparatively recent period, and, as I must think and believe, for no other purpose in the world than to promote, not the good of the service, but purely political objects.

[Laughter and applause.]

Mr. BUTTERWORTH. I——

Mr. BAYNE. Will the gentleman yield to me for a moment?

Mr. BUTTERWORTH. Oh, yes; but this is "side-bar," and I prefer to proceed.

Mr. BAYNE. I want to make a very brief reply, not more than a minute or two.

Mr. BUTTERWORTH. Suppose you reply after I get through; I will yield then. I would only answer my friend from Pennsylvania [Mr. FISHER] by saying that so far as the language of his colleague [Mr. BAYNE] is concerned it had escaped my memory. It presents another case of deciding one way when it is your ox that is gored, and another way when the other fellow's ox is gored. It depends upon who is hurt.

I am also prepared to show in this connection the removals or changes which have been made from March 4, 1881, to this time, and will with the consent of the House insert the statement, with explanations, in my remarks, so that the country may be advised as to what has taken place:

Appointments by President Garfield.

RECAPITULATION.

State.	Reappointments.	To fill vacancies.	Removals.	State.	Reappointments.	To fill vacancies.	Removals.
Maine	2	2	2	Kentucky	1	1	.....
New Hampshire	2	.....	.....	Tennessee	1	4	5
Vermont	.....	2	2	Michigan	3	3	2
Massachusetts	4	4	.....	Wisconsin	3	3	.....
Rhode Island	1	1	.....	Minnesota	5	3	.....
Connecticut	3	4	.....	Iowa	5	2	.....
New York	9	17	5	Missouri	2	6	.....
New Jersey	2	2	.....	Arkansas	.....	.....	1
Pennsylvania	9	11	1	Kansas	1	5	1
Maryland	.....	1	.....	Nebraska	1	3	.....
District of Columbia	.....	3	.....	California	3	4	3
Virginia	1	1	1	Oregon	2	1	.....
West Virginia	.....	2	2	Colorado	.....	2	1
North Carolina	1	1	1	Dakota	.....	5	.....
South Carolina	2	3	.....	Montana	.....	3	.....
Georgia	1	2	1	Idaho	1	4	1
Florida	2	1	.....	Washington	.....	1	.....
Alabama	1	.....	.....	Wyoming	.....	1	.....
Mississippi	3	5	.....	Utah	2	.....	.....
Louisiana	1	.....	.....	Arizona	1	2	1
Texas	.....	5	1	New Mexico	.....	1	1
Ohio	1	7	.....	Indian Territory	.....	.....	1
Indiana	4	6	.....	Diplomatic and miscellaneous	.....	40	17
Illinois	8	4	1				
	57	84	17		31	94	34
					57	84	17
					88	178	51

Appointments under President Arthur.

RECAPITULATION.

Maine	8	9	.....	Kentucky	4	9	1
New Hampshire	8	3	.....	Tennessee	4	4	.....
Vermont	7	2	.....	Michigan	22	19	.....
Massachusetts	51	11	.....	Wisconsin	32	8	1
Rhode Island	.....	.....	.....	Minnesota	9	7	.....
Connecticut	15	3	.....	Iowa	17	15	1
New York	36	23	5	Missouri	7	13	1
New Jersey	15	7	1	Arkansas	3	6	.....
Pennsylvania	29	29	5	Kansas	8	8	1
Delaware	2	1	.....	Nebraska	7	4	2
Maryland	5	5	.....	California	10	9	5
District of Columbia	1	1	.....	Oregon	5	3	.....
Virginia	1	8	1	Nevada	4	2	.....
West Virginia	1	.....	.....	Colorado	4	9	1
North Carolina	1	6	.....	Dakota	3	5	1
South Carolina	2	2	.....	Montana	3	3	2
Georgia	1	10	2	Idaho	.....	2	.....
Florida	3	5	.....	Washington	2	9	.....
Alabama	1	4	.....	Wyoming	.....	1	1
Mississippi	1	3	1	Utah	3	2	.....
Louisiana	5	10	1	Arizona	.....	5	1
Texas	12	11	4	New Mexico	.....	5	5
Ohio	26	22	1	Indian Territory	.....	.....	.....
Indiana	21	9	.....	Alaska	.....	.....	.....
Illinois	39	39	.....	Miscellaneous	.....	78	10
	291	223	21		137	223	28
					291	223	21
					428	446	49

Recapitulation.	Reappointments and to fill vacancies.	Removals.
Nominations by President Garfield during special session of Senate commencing March 4, 1881, ending May 20, 1881	266	51
Appointments by President Garfield during recess	35	38
	301	89
Percentage of removals by President Garfield, .22		
Nominations by President Arthur during special and regular sessions	874	49
Percentage of removals by President Arthur, .05		
Pennsylvania Presidential offices	186	
New York Presidential offices	276	
Ohio Presidential offices	145	

This is all I desire to say in response to the remarks of my friend from Pennsylvania; supplementing what I have said by a publication of the list of removals in all States in this Union, showing how many removals and how many reappointments have been made. It further appears by the records that of eighty-five nominations made by the late President Garfield, President Arthur sent in every name but thirteen, thus following in the footsteps of his predecessor as nearly as possible, while allowing himself some independence of judgment, being responsible to the people for the proper administration of his office.

Mr. BURROWS, of Michigan. Will the gentleman permit a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. BURROWS, of Michigan. Is it not a fact that in over two-thirds of the States the present Administration has not made a single removal?

Mr. BUTTERWORTH. That is, I think, the fact; at least it is the fact that in very many of the States not a single removal has been made. I think there has not been one in the gentleman's own State, not one in Wisconsin, and none in most of the other States.

Mr. HUMPHREY. There has been one removal or change in Wisconsin—only one.

Mr. DE MOTTE. Will the gentleman state what number of removals there have been in the State of Indiana?

Mr. BUTTERWORTH. I can answer the gentleman by looking at the record which I have here. There has been no removal in the gentleman's State. Possibly there ought to have been some. [Laughter.]

Now, Mr. Chairman, I had not thought of speaking further on the subject of the sundry civil bill [laughter] until we reached its discussion under the five-minute rule. But my friend from Kentucky, [Mr. WILLIS,] who is *par excellence* a civil-service reformer, and represents a party thoroughly and utterly devoted after its own peculiar fashion to civil-service reform, [laughter,] was pleased here to arraign the committee of this House which is dedicated to that service, and myself individually, and to suggest by innuendo, by insinuation, that from such a committee the House could hardly hope to receive a bill which would tend to purify the public service; and he was actively and greatly concerned touching my own political morality at a certain time. He referred also to the fact that this House, in the Forty-sixth Congress, manifested and expressed the same lively concern as to whether I was elected to the Forty-sixth Congress by methods which a Democratic Congress could approve—by methods to which a Democratic conscience could reconcile itself. If that had been the only question I would have said boldly and defiantly, "I know of no methods, however diabolical, to which you have not on many occasions reconciled your conscience." [Laughter.] It was not a question of reconciling diabolical methods to a Democratic conscience, but a question of inquiry whether Democratic methods had been practiced by Republican candidates to secure a seat on this floor. They suspected that they had. They claimed, and with good reason, a patent-right on all the methods of stuffing ballot-boxes, cutting throats, and driving men from the polls with bludgeons, and they thought that possibly I had in my district infringed the patent. [Laughter.] I did not infringe the patent. The investigation disclosed the fact that I had prevented the utilization of their patent methods by my competitor's friends and supporters.

I am going to take this time and seize this opportunity to give a brief history, which your committee did not, of the election in the district which I represent and in the district represented by my honored colleague, [Mr. YOUNG.] It was known of all men in Northern Kentucky and in Southern Ohio that the first and second Ohio districts had been represented in this House for years by men elected by fraudulent votes; and few men to-day have the hardihood in my part of the country to deny it.

My friend from Kentucky swells with virtuous indignation at the name of Ephraim Holland. He refers to him as a gambler and a ballot-box stuffer. Well, if his party in my district does not know Mr. Holland entirely, inside and out, then he is unknown. Certainly he was prior to 1878 guilty of the delinquencies mentioned. He was the chief counselor, however, in all the quiet meetings of the Democracy in my district. His word was largely law to the Democratic party, and was known to be; they feared to thwart his wishes. In 1876 (and this is not denied by anybody) he was the representative of Samuel J. Tilden; he handled the Tilden fund in part; and all through election-day could be heard the tramp, tramp, tramp of the repeaters through the city of Cincinnati, marshaled and managed by that man. It was openly said that the Democratic majority returned from certain wards was not determined by the number of voters in such wards, but by the size of the ballot-box. [Laughter.] They filled it. In 1876, gentlemen, you all know—it is part of your country's history, spread upon the records of the courts—eight or more men who had stuffed ballot-boxes and repeated were convicted and sent to the penitentiary, a part of them upon their own confession of guilt. They explained fully and in detail how the frauds were committed. And afterward, as I sat in my place over there, I was confronted by one of the agents of that party looking down upon me from the gallery—a man sent here to hunt me down, or being here engaged in that work—one of the very men who had stuffed or helped to stuff the ballot-box, and helped to carry it up to the polls in the sixth ward, and helped to count the stuffed ballots in the election of 1876. I called attention to him during the investigation; he went away and did not take active part in the proceedings thereafter.

I knew of these things; everybody knew of them. The politics of the district had become a stench in the nostrils of the public, an insult to common honesty; elections a farce and a fraud. What was the result? When Ephraim Holland was convicted and sent to jail how nimbly did busy Democratic fingers hunt the shekels in their pockets to carpet the floor whereon he walked, to furnish him delicate viands to tickle his palate and sparkling wines to cheer him. Why? He was pregnant with information in regard to their practices and they were afraid he would give to the world that information. [Laughter.]

What next? It was my good or bad fortune, and the country's good or bad fortune, that I was nominated for Congress by the Republicans in 1878. I was confronted by the same machinery, the same fraudulent persons and appliances, and it was a question as to whether these nefarious practices could be again successfully utilized.

It was amusing to observe the gravity with which I was asked on the witness-stand whether I really deemed Ephraim Holland to be a proper instrument to prevent fraud! [Laughter and applause on the Republican side.] And it was cheerful to hear me say I thought he was. In fact I knew it. [Renewed laughter.] I knew that he knew the iniquities that had been practiced and by whom practiced. He knew every man who engaged in it, every man who connived at it. But Mr. Holland was no longer serving the Democracy in the commission of fraud. What turned him from his Democratic idols? I will tell you. When the iniquity of Ephraim was discovered and he had suffered and done penance he was subsequently elected to the State Democratic convention, and there with righteous indignation his Democratic colleagues of that convention turned upon him and said, "To your tent, O Ephraim, we have neither lot nor part with you." [Laughter.]

A MEMBER. Democratic convention?

Mr. BUTTERWORTH. Democratic convention—oh, yes! They spurned him out one door and then ran around to the other to apologize to him. [Laughter.] But Ephraim was indignant, justly indignant. Now, whatever may be said of Ephraim Holland, it is said he always kept his word. He was indignant; and when he came back he said boldly and openly, "Gentlemen, this thing shall not occur again. You will see where your Democratic majority will be without Ephraim Holland and Arthur Duffy as counselors and managers. We will see that no one holds back the box until all the other precincts are in and then make up the deficiency. There shall be no more ballot-box stuffing. We will see then how you will come out." [Laughter.] He stood off and did not listen to their prayers and entreaties to serve them as aforetime. What was the result? I will tell you.

It was suggested to me that this man could—and I had faith that he could if he would—prevent the fraudulent practices that had obtained in certain wards time out of mind.

His friends said to me, "He will do what he promises; that he would honorably fulfill any engagement he would make." I thereupon said to Mr. Holland, in the presence of honorable gentlemen: "Mr. Holland, do you think it is possible to have an honest election in your ward?" "Oh, yes," he said, "Mr. BUTTERWORTH, I think it is." "Do you think," I asked him, "you can secure it?" "Oh, yes," replied Mr. Holland, "I think I can." "Then will you undertake to do it—to prevent the practice which you and I know has obtained here." He said, "I will." He asked a pretty stiff price, as he said it would occasion him trouble and annoyance in doing it. I said, "No, I am impecunious." I then proposed to give him $150 for the service. He agreed to this. It was the best investment, as a matter of political grace and salvation, I ever made. [Laughter and applause.]

He did agree to do it. And he and Mr. Duffy kept the faith most religiously. He went to the polls, and what took place? He said, "Gentlemen, this old stuffing of ballot-boxes, this old trick by which you fasten tickets at the top of the box, must cease." He made it appear as clear as day how the trick he referred to was performed. It appeared that they had been accustomed to have a box so constructed that the lid would pull out in a groove part of the way, and on election morning pulling the lid part way back, so the bottom of the box could be seen, the judge, or one of them, would say, "You see there is nothing in the box." The box would be closed and the balloting proceed. True, the box would appear to be empty, while under the lid, in the top of the box, two or three hundred tickets would be fastened. The box being shut with a thud the tickets would fall down and there would be three hundred to start on. [Laughter.] What was the result of Holland's being on guard? On the morning of the election there stood those two men, Holland and Duffy, and when the box was produced Ephraim Holland said, "No, we will not have it."

A MEMBER. Will not have the patent covers.

Mr. BUTTERWORTH. Yes, the patent covers, or any other contrivance here to swindle the people. They crowded about and said, "This is strange for you Mr. Holland." He said, "Strange or not, that is so." He then told them: "Turn up that box until I see it.

Pull out the lid." They pulled it out and they let him see it. They looked at him with utter surprise, but they knew he was in earnest.

Mr. ATHERTON. Did they find a ticket in the box?

Mr. BUTTERWORTH. They did not find a ticket.

Mr. ATHERTON. That showed the condition of the box.

Mr. BUTTERWORTH. That showed the condition of the box.

Mr. ATHERTON. And your $150 went for nothing.

Mr. BUTTERWORTH. Ah, yes; but the nimble fingers of your friends had not been on the box; the instrumentalities your friends were accustomed to use had been taken away and those who were accustomed to manipulate the box were made to understand that it would not be permitted. [Laughter and applause.] The political rottenness had been gotten rid of and decency and political honesty ruled for the nonce in that ward. [Laughter.]

What else? Why immediately there was a great howl from certain Democratic throats about Ben Butterworth employing Ephraim Holland! Ephraim Holland is a gambler, said his former Democratic associates. Gentlemen, when did you find that out? When did your righteous souls burst with indignation at the fact that he dealt faro? [Laughter.]

They said Ephraim Holland is a ballot-box stuffer! Ay, nobody knew it so well as yourselves. He had given you your majorities time after time, and you knew it; had with your approbation defeated the will of the majority of that district. But Ephraim Holland was denounced because he gambled. Indeed! There was not a word of denunciation against him because he stuffed ballot-boxes while he stuffed them to secure Democratic victories. He was denounced only because he kept his word and remained virtuous for twenty-four hours and during that time prevented the commission of frauds in the interest of my competitor by others, and was paid for his services. [Laughter and applause on the Republican side.]

I have never heard a single utterance from his old party friends condemning a single act of his that looked to stuffing ballot-boxes to secure Democratic victories. He was not denounced for gambling or perfidy, but he was assailed and bitterly denounced because he remained virtuous in the interest of political honesty and decency for twenty-four consecutive hours of that election day in October, 1878. That was the whole of it, and you praised him when he did ill, but the moment he abstains from evil-doing he is denounced mercilessly by those whom he had served. If my friend WILLIS can get any comfort out of that recital of history, then I hope he will take it and enjoy it.

But what else, Mr. Chairman. About midnight, after the polls closed, in another ward of the city, I had information that there was something wrong, that the supervisors were drunk before the ballots were counted. I got into a carriage as soon as the information reached me, and went in person to see about it. When I first attempted to enter I was denied admittance. But after I succeeded in getting in, a sickening sight presented itself. Some who are now for reform had been busy. Under the manipulation of a man honorable and honest before the world the supervisors had been plied with liquor, and one hauled away, dead drunk and utterly unconscious; upon a billiard table here, in a corner, lay another officer of election, puling, slobbering drunk, and here, in another room, lay another of them, drunk and helpless, and only one man of all charged as supervisors and deputies stood upright in the likeness of a man; only one man, representing honesty and fairness, was erect and on his feet, and that only because he would not drink the liquor which had been furnished to him.

What else? In another ward, at another time, they kept the returns and changed them at night. They altered them so as to suit their own purposes, and to increase their majorities, and you know, Brother DINGLEY, that at night blue ink and black ink look very much the same, and are difficult to distinguish apart. Now, they were too stupid to look and see whether they used black ink or blue—the original tally had been kept in black ink—and these honest Democratic officials made the changes in blue ink, and when daylight came their iniquity was discovered. The difference was plainly perceptible, and the alteration of the returns became palpable. And yet to this hour those men have not been even rebuked by their party friends. Confronting all this political rottenness and degradation, laboring as I did before high heaven to serve my country and overthrow these iniquitous practices, I was arraigned before this House and the country as if I had been a felon, my offense being that I had received a majority of the ballots honestly cast in my district, and had secured the services of that prominent and theretofore influential Democrat, Mr. Holland, to prevent a repetition of the frauds which had for years defeated the people's will. The lowest haunts of political degradation and infamy were dragged, and their vile and corrupting contents were wrenched forth and hurled at me.

Attempt was made to corrupt boys whom I had carried on my back through the snow at my father's farm, and to induce them to commit perjury; and it was said that I wanted through them to secure the commission of fraud and corruption at that election. Every source of infamy and corruption was drained to its dregs to furnish material which might be used to blacken my character before the House and the country, to oust me from my seat upon this floor. But no report came. This was not the fault of the House committee. My title was not tainted, nor the allegations against me proven.

Mr. CARLISLE. Will the gentleman from Ohio permit me to interrupt him to state why no report was made?

Mr. BUTTERWORTH. Certainly.

Mr. CARLISLE. The gentleman will remember that the last investigation was conducted during the vacation at the short session of Congress, and during a considerable portion of that time one member of the committee was sick and absent from Washington. When he was sufficiently recovered, and had returned to Washington we proceeded to make a report, but the gentleman from Michigan, [Mr. CONGER,] who was then a member of the House, and of the committee, insisted that there would not be time to prepare a minority report, and out of deference to him, as gentlemen here will remember, no report was made. It is due, I think, to the committee that this statement should be made.

Mr. BUTTERWORTH. Very well; I will accept the statement of the honorable gentleman from Kentucky, but I know him too well and have been his neighbor too long to believe or to accept patiently the suggestion that he would have reported to this House that I was guilty of the fraudulent and corrupt practices which it was attempted to prove upon me. No, sir; but more than that, when we asked to be permitted to show why the law providing supervisors and deputy marshals should be enforced, it was denied us, (and I do not say that gentlemen erred in their judgment, but at all events there was a line drawn in the investigation between the honest and pure election of 1878 and the practices which characterized and the frauds which attended the election of 1876,) so that we were not enabled to look back to the condition which suggested the propriety of the appointment of Government officers to supervise the election. I do not charge my friend with any unfairness, but I think before he got through he found that he had a most ungracious task to perform.

Mr. CARLISLE. The gentleman from Ohio will remember that the resolution under which the committee acted expressly confined it to the election of 1878.

Mr. BUTTERWORTH. That is very true, but it was also proper to have looked into the particular reasons which necessitated the enactments of the law providing for supervisors of elections and for that purpose the committee might have looked into the preceding elections. It was urged before the whole committee that with a view to determine whether the necessity for Federal supervisors existed and the propriety of their employment that the committee should investigate prior elections, and notably that of 1876. A majority of the committee considered themselves restricted to an investigation of the Congressional election of 1878. I will not say they were wrong in their construction of the resolution, but we would have been delighted to go into that investigation.

Now, one word more and I have done—touching the question of civil-service reform.

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. BUTTERWORTH. We are all in favor of civil-service reform. It is a question not of the end to be attained, but as to the means of attaining to that end. We have a great many theorists in this world, gentlemen who deal with ideal conditions, not existing conditions, men who would be eminently successful if God in His infinite wisdom had been pleased to make the world as they would have it. But it is as it is. The practical statesman, the practical politician, deals with the means he has, with the agents that exist, with existing conditions, and not with fanciful or unreal conditions.

Mr. COX, of New York. Will my friend allow me to ask him just one question?

Mr. BUTTERWORTH. I have only eight minutes.

Mr. COX, of New York. It is a practical question and it is this. It has reference to the gentleman's own district. Does the gentleman when he applauds the practical operation of civil-service reform remember who it was that removed Amor Smith from the internal collection district in Cincinnati, a man who was said to be the best collector in the United States and so certified by the Commissioner of Internal Revenue, and I think against the protest of my friend?

Mr. BUTTERWORTH. The tender solicitude the average Democrat feels about a man with whom he has no concern is touching beyond measure. [Laughter.]

Mr. COX, of New York. I have a concern for civil-service reform——

Mr. BUTTERWORTH. No, no; I know all about that.

Mr. COX, of New York, rose.

The CHAIRMAN. Does the gentleman from Ohio yield further?

Mr. BUTTERWORTH. Mr. Chairman, I do not yield further. Recurring again to Cincinnati matters, I never yet heard any member of the Democratic party in Cincinnati criticise or denounce Mr. Holland's evil practices. It was only when he abandoned them that they denounced him; and you hear now how much certain gentlemen are troubled because I prevailed upon one of their political associates to walk in the path of honor and moral rectitude during that October day in 1878.

Now, is the Democratic party the proper agency to secure civil-service reform? I want to say to gentlemen and the country that men are not judged by a single utterance nor by a single act, but by the whole tenor and course of their lives. And parties are not judged by a single resolution or platform, nor by a single act. Po-

litical parties are rightly judged by their record and by the imprint they leave upon their country's history in the times in which they exist and move; by the manner in which they deal with the country's interests and honor.

Gentlemen, the history of your party is written. Its record is made up, and is as palpable to all the world as if printed in letters of light and suspended across the heavens between Orion and the Pleiades. Known of all men by that record, you must stand upon it. You came into the control of this House proposing civil-service reform, reform in all matters that challenged public criticism. How did you get here? I speak it before my country in deep humiliation; but it is the record of this Republic, that your majority rode to this House fetlock deep in human blood. Nay, nay, this is a matter of record and not mere declamation. To get your majority more men were murdered for attempting to vote the Republican ticket than fell in defense of our flag at Gettysburgh. In order to get and maintain your majority in this House more men went down under the knife, the revolver, and the shot-gun, than fell fighting for the Republic at Malvern Hill or Shiloh. And yet this party talks to us about civil-service reform; about political freedom!

There is not a spot upon the escutcheon of our country's honor upon which we do not find the traces of your party fingers. There is not a rent in your country's flag that your partisans did not shoot there with hostile lead. The time was within ten years when you did not furnish as much protection to American citizens in the enjoyment of their political rights within the shadow-fall of this Capitol as pagan Rome furnished to her citizens in her remotest provinces, and yet this party parades itself as the champion of civil rights and political equality before the law. Upon yonder wall hangs the map of your country. If I asked you to go and put your pencil upon a State where political riot goes unchecked, where political outrage and wrong go unrebuked and the perpetrators go unpunished, there is not a man in this House who would have the brazen effrontery to put a pencil within the boundaries of an acknowledged Republican State. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I want a moment more.

Mr. BURROWS, of Michigan. If the Chair will recognize me——

The CHAIRMAN. The Chair will recognize the gentleman from Michigan, [Mr. BURROWS,] a member of the Committee on Appropriations.

Mr. BURROWS, of Michigan. I will yield to the gentleman from Ohio as much time as he may want.

Mr. BUTTERWORTH. I think I shall want only five minutes. Gentlemen will not accuse me of any unkind intention. I want to say to my brethren from the South (and do not forget it, gentlemen) that the mothers of the North that bound bandages around your wounded soldiers, who watched over them when sick and soothed and comforted them in their dying hours, who gave them tender care when dying and Christian burial when dead, are not the mothers who could or did teach their sons to hate you. We fought your cause, not you; and when that cause went down in the red sea of war we gladly welcomed peace and hailed you as our countrymen. All we ask now, in the language of the martyred dead, is, everything necessary for security, nothing for revenge.

To return once more to the map of my country. Go with me to any county where political corruption reigns supreme; go with me to the wards and precincts where the police on election day are doubled, where the police are trebled, where trembling patriots walk up to the polls fearful lest they be beaten over the heads with bludgeons or be thrust away by ruffians; point out that ward, point out that precinct, point out that county to me. There is not a man within the sound of my voice who will ever think of pointing to a county, ward, or precinct which is confessedly Republican. [Great applause.]

How is it, gentlemen, that political rights are only safe where you are not and threatened only where you are in undisputed majority? How is it? I have traveled from Maine to the Rio Grande, from the northwest corner of the Republic to Florida, at least in imagination, searching for an answer to this question. When my eye rests upon a State, county, or precinct where there is a clear Republican majority, I find quiet, order, equal rights, full and adequate protection to every voter.

But when I want to find the opposite of that—you know, gentlemen, it is a matter of record, these ballots [exhibiting the tissue ballots used in South Carolina] attest the truth of what I say—when I want to find the reverse of that, I say it in all humiliation, I have to go where Democracy reigns supreme and exercises almost undisputed power.

One word more and I have done. Much has been said about the preservation of the country's honor and integrity. In 1880 your party approached a victory away up in the frozen corner of this Republic, in Maine. What was the result? The credit of this country was chilled to the heart, the national securities sank in a moment. Yes, your country's credit was shaken, and millions upon millions were lost upon the bare suggestion that the National Government might pass under your control and its honor and integrity into your party's keeping. Nor is that all. What else? As it was flashed along the wires that span the country that you were successful in Maine, presaging a victory for you in October, there followed swiftly after messages to the great manufacturers of the country in these words: "Stop my order; if Hancock is elected I shall countermand it." In my own city an order had been given for twenty-one thousand dollars' worth of machinery. After the returns from Maine the order was stayed until the result of the October election determined that the country's integrity and its honor were secure against the danger of Democratic ascendency.

No, my countrymen, I say these things not in unkindness, but in humiliation. I but recite the record. It is the fault of the facts, and not of him who proclaims them.

Do you expect by legislative enactment to make men good? Oh, no; our fathers had no such hope. At the hearthstones we build the foundation of this Republic. Teach our children to adhere to the eternal principles of right, not because they are advocated by one man or another, but because they are right, and because apart from them there can be no salvation for this Republic; being as it is a Government of the people; a Government in which virtue and intelligence are indispensably necessary to the security of the rights and opportunities which belong to freemen under the Constitution.

Legal enactments are of little avail to control the action of voters who are so utterly corrupt as to make the highest and most sacred badge of citizenship a subject of barter and sale. The wretch who finds no trace of a higher and better law on the tablets of his heart will spit upon and despise that printed in your statute-book. The hope of the Republic is in the enlightenment and ennobling of our people. Teach men to aspire to the better things above rather than be satisfied in the contemplation of the fact that there are baser persons and meaner things below. To this service it is our duty to dedicate ourselves and our children. [Applause.]

Mr. WHITE rose.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] is recognized for five minutes.

Mr. ATHERTON. I rise to a question of privilege.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. It is whether a question of privilege is in order in Committee of the Whole?

The CHAIRMAN. It is not, in the opinion of the Chair.

Mr. ATHERTON. Very well, I will submit the question. I understood a remark to fall from the lips of my colleague from Ohio [Mr. BUTTERWORTH] that is improper to go upon the record, and I move therefore to exclude from the RECORD that remark of my colleague.

The CHAIRMAN. The Chair has not recognized the gentleman from Ohio, [Mr. ATHERTON.] The Chair recognizes the gentleman from Kentucky, [Mr. WHITE,] and remarks in this connection that he has given for debate three hours to the right side of the House and only two hours and a little more to the other side.

Mr. ATHERTON. I think that when my colleague on the other side thinks upon the remark he will withdraw it.

The CHAIRMAN. The gentleman from Kentucky is recognized. The committee will be in order.

Mr. HUMPHREY. What was the remark?

Mr. ATHERTON. I do not propose to repeat it; but we all heard it.

Mr. COX, of New York. It was the remark of a blackguard.

The CHAIRMAN. The gentleman from New York, the Chair regrets to say, is out of order in the remark he has just made.

Mr. COX, of New York. The Chair should have stopped the gentleman from Ohio in his abuse of the privileges of the House.

The CHAIRMAN. The Chair did not hear the gentleman from Ohio [Mr. BUTTERWORTH] abuse any person on this floor. If any such remark was made, it escaped the hearing of the Chair.

Mr. COX, of New York. I did not say that he abused any person; I said he abused the privileges of the House.

The CHAIRMAN. The gentleman from New York is out of order. The gentleman from Kentucky will proceed.

Mr. ATHERTON. It will be observed that my colleague does not withdraw the offensive remark.

The CHAIRMAN. The gentleman is out of order. The gentleman from Kentucky will proceed.

Mr. WHITE addressed the committee. [See Appendix.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired. By previous order of the House all general debate is now closed on this bill, the hour of two o'clock having arrived. The Clerk will proceed to read the bill.

Mr. HUBBELL. I desire simply to ask permission of the committee to print certain remarks in the RECORD.

The CHAIRMAN. On the pending bill?

Mr. HUBBELL. No, sir; but I desire to avail myself of the opportunity now to ask consent to print some remarks upon a bill to settle certain accounts between the United States and the State of Michigan.

There was no objection. [See Appendix.]

The Clerk read as follows:

Light-houses, beacons, and fog-signals:

For rebuilding tower and keeper's dwelling at Throgg's Neck, entrance to East River, New York, $10,000.

Mr. COX, of New York. I desire to offer an amendment.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. COX, of New York. I move to strike out the last word. I do this, Mr. Chairman, simply to vindicate what I conceive to be not only my own self-respect, but I regard it as due to the dignity of this committee to take some notice of the peculiar attack which has been made upon me by the gentleman from Ohio, who has recently concluded his remarks. I designated the language which was applied to me by the gentleman on the other side of the House as the remark of a blackguard. I do not propose to withdraw that remark now, though perhaps it was made somewhat under the influence of the heat of the occasion which called it forth. But, Mr. Chairman, no one who heard that remark of the gentleman from Ohio, and no gentleman would apply it but would feel instinctively that it was the language not merely of the bar-room, for it would disgrace a bar-room, but of a worse, and in this presence a nameless place; and the man who would use that expression on any occasion, but particularly toward one who never offended him, and who had pleasant and proper relations on the committee with him, and who had associated with him on the floor of this House on terms of intimacy, (and this I may say, is not the first time that such language was used, for the gentleman took occasion in another debate to use a similar expression)—I say the man who would use that expression in this House, if he does not deserve expulsion from the House of Representatives, deserves its severest censure, and, at least, unless Ohio has degenerated in later years, he deserves to be kept severely at home, and denounced, as he doubtless will be, by his people. I did not speak, sir, in replying to my colleague, in any heat or passion when I addressed him and this committee. I served the State of Ohio in the early days of my political history, with men of character like Benjamin Stanton, Corwin, Bingham, Shellabarger, and others of that rank of statesmanship. I have gone through debates in this House for twenty-five years without having used an expression toward any man that could be construed as offending propriety and my own self-respect, and certainly without having this low, miserable language hurled at me. And I will not sit down here and take the jeers and applause of his party, which such language called forth, tamely, without expressing my indignation, when, in response to a question as to why an honorable man was dismissed from office in Ohio under a pretended civil-service reform, the gentleman not only assailed me but referred to my constituency in terms that were unfit, unkind, and untrue. I asked a reasonable and proper question in the line of his own argument, and yet that gentleman came back upon me with the lowest, vilest, most miserable epithets that belong to the most degraded vocabulary.

Mr. ATHERTON. And in the presence of women, too.

Mr. COX, of New York. And in the presence of ladies, and in the presence of this body and of that party which claims to be preeminently the party of great moral ideas, and which applauds him. The gentleman replies to me in his discussion as to the decency and propriety and need of civil-service reform by repeating the expression which he made use of the other day.

Now, Mr. Chairman, I have but to say that I made an inquiry of him as to the character of this gentleman in Cincinnati, who was dismissed, in good faith. It was my business to ask the question; and when this assault was made upon my constituents I had the right to inquire whether that assault properly came from the man who upon his own oath confessed that he paid money—$150— for the purpose of buying up this miserable tool of both parties in Ohio, Eph. Holland.

The CHAIRMAN. The gentleman's time has expired.

Mr. HUTCHINS took the floor and yielded to Mr. COX, of New York.

Mr. COX, of New York. Mr. Chairman, I do not like to take up any further time on a subject so thoroughly indecent and unpleasant to every gentleman of good taste in this House. If the gentleman from Ohio has any apology to make let it be made to the House, and let the language which he has seen proper to use be stricken from the records of this House.

I have not in all of my experience as a member of this body believed in filling up the RECORD with anything that is neither proper, pure, nor decent. I have a right to complain of the language the gentleman from Ohio has used to my constituents, and which he has taken occasion to use twice, as I have said, toward myself and this side of the House; and I claim that I had the right to use in response to such language such terms as an indignant feeling would naturally call from any man of principle or character who was thus assaulted. If the gentleman has anything to say in explanation of the terms I will yield the floor to him. [Mr. BUTTERWORTH rose.] I yield to the gentleman from Ohio for a moment.

Mr. BUTTERWORTH. The gentleman from New York is quite right in saying our relations have been of the most friendly character. If I had any criticism to make on my friend it would be that he has in this House—and I think I am not mistaken in saying it, and I say it in no unkindness—he has in this House assumed the right to be insolent without rebuke, and to criticise others without himself being correct. I know of no member of the House who more frequently trenches on the propriety of debate than the gentleman from New York, whether he does it intentionally and offensively or not. The House will bear witness between us, while I have been a member of this House if I ever trespassed once in the heat of debate he has done so tenfold oftener.

Now, I want to draw attention to the remark which drew from me the sentence to which the gentleman takes exception and see whether in the chaste and delicate mind he claims to have he finds comfort in turning this about. I wonder if he remembers using this language, suggesting to me that I had been engaged in the work of reducing a Democratic prostitute. Does that strike my friend as chaste and elegant?

Mr. COX, of New York. That was after the gentleman——

Mr. BUTTERWORTH. I do not yield just now. In reply to that I made use of the words I did. Nor did I intend the construction my honorable friend seems to attach to them. He seems to be worried.

Mr. COX, of New York. I cannot be worried about anything you say. The remark I made was after you stated that my constituents were all rotten.

Mr. BUTTERWORTH. The gentleman will bear me witness that before I made the remark he used the expression to which I have called attention, which was not only unseemly——

Mr. COX, of New York. That was in response to what the gentleman said. His first remark was that my constituents were all rotten. Then I made a remark to the gentleman in relation to his paying this man whom he claimed himself to be a prostitute.

Mr. MONEY. I rise to a question of order. If this is to continue I want the Chair to notify the ladies in the gallery to retire.

The CHAIRMAN. The Chair thinks the two gentlemen can adjust this matter themselves without any intervention on the part of the committee. The Chair thinks they can do so as old friends.

Mr. BUTTERWORTH. I do not desire to say in the presence of the House or anywhere else that which would shock any ear or which would be offensive to my friend from New York or to any gentleman in this House. But the gentleman rose in my time and said that which was offensive and, as I understood, intended to be offensive; and in the heat of the moment I made a reply without deliberate reflection, and which I am willing to strike from the RECORD if that is desired.

The CHAIRMAN. The gentlemen can see to the correction of the RECORD under the right they have.

Mr. COX, of New York. Before I said anything that might be construed as either truculent or unpleasant, when I made the inquiry as to Smith, the gentleman designated my whole constituency in one word as rotten. I then gave him back some of his own language, namely, that this was a bad man, a prostitute, and that he had dealings with him.

The CHAIRMAN. The time of the gentleman has expired. Is the amendment withdrawn?

The *pro forma* amendment was withdrawn.

Mr. BUTTERWORTH. I renew the *pro forma* amendment. I wish to say to my friend that I think he is in error as to the order in which our colloquy took place. My reply to him when he asked concerning the removal of Smith was not as he suggests; but I said it was remarkable to observe what a lively concern a Democratic member felt in the removal of a party in whom he had no interest, or something to that effect. The other part of the colloquy took place later on; and I did not design to be offensive. But my friend must remember he is something like a wasp; he has a good deal of sting about him; that he has a good deal of plainness and directness, and is not choice about his language, but delights in touching a man on the raw.

Mr. COX, of New York. But not in vulgarity.

Mr. BUTTERWORTH. I do not know how the gentleman would characterize his sentence from which I quoted.

Mr. COX, of New York. You will find that in the best classics. But what you said is not to be found in the classics, nor was it fit to be uttered anywhere in the presence of ladies.

Mr. BUTTERWORTH. I did not mean what the gentleman supposes.

Mr. ATHERTON. What did you mean by it?

The CHAIRMAN. The Chair thinks all this is out of order in debate under the five-minute rule, but he has indulged it in the hope that the two gentlemen might come to an agreement.

Mr. COX, of New York. I cannot confer with the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read the following paragraph:

For establishing a fog-bell on the Hudson River at Danskammer Point, $5,000.

Mr. BAYNE. I move to strike out the last word. When I spoke yesterday I had two objects in view. One was to impress, if possible, upon the House and upon all whom my words might reach the necessity of returning to the original construction of the Constitution for the purpose of saving the country from what I believed to be dangerous tendencies. As illustrative of that I showed the action of the present Administration, and I endeavored to show that removals from office were made during the continuance of the commission of the officers; and I undertook to show that every one of those removals was a violation of the Constitution and the laws of the country.

In the next place I drew a line of demarcation, which was political in its nature, between the course of the deceased President, General Garfield, and that of the present President, Mr. Arthur. By that line of demarcation I tried to make it plain that the one had regard for the entire Republican party, while the other had regard

only for a faction of the party, and I here aver that that line has been as distinctly drawn as ever line was drawn between political parties in any country.

I averred that their administrations were different; and I went on to give the reasons why. The great difference between them was that General Garfield desired and proposed to represent the wishes of the people, and his official action responded to the demands of public sentiment. And I say now, and I ask any man to refute the proposition, that President Arthur, instead of responding to the demands of the people, is acceding to the demands of a faction in the Republican party which is in a great and a low minority.

There is the difference. It was illustrated in the Chicago convention, when the people triumphed over the minority and nominated a popular candidate. If Mr. Arthur were disposed to heed public opinion, he would carry out the principles laid down in the platform of the party in Chicago, and follow the line of conduct laid down by his illustrious predecessor.

But he has failed to do that, and I here aver that collectors and other officers have been removed by him, and almost every one of those removals has been against the earnest protest of the people. It has been done in New York; it has been done in Pennsylvania; it has no doubt been done elsewhere. When I showed the difference between the two men, one of whom believed it to be his high and solemn duty to represent public sentiment and the public wishes, and the other of whom believes or seems to believe it to be his duty to represent and carry out the will of a faction, I simply did what I had a perfect right to do and what it was my duty to do as a Representative and a Republican.

Mr. VALENTINE. If the facts assumed were true, you have that right; if not, you have not.

Mr. BAYNE. They are true.

Mr. BURROWS, of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. BURROWS, of Michigan. What is the amendment?

The CHAIRMAN. To strike out the last word, "dollars."

Mr. BURROWS, of Michigan. The gentleman from Pennsylvania [Mr. BAYNE] having aired his personal grievances, I will make no further reply.

The CHAIRMAN. The *pro forma* amendment is withdrawn.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to concurrent resolutions of the House, as follows:

A resolution directing the printing of 2,000 copies of the fifth report of the United States Entomological Commission, being a special report on insects affecting forest trees;

A resolution for printing 5,000 copies of a special report from the Department of Agriculture on insects affecting orange trees; and

A resolution for the printing of 1,000 copies of the special report entitled "Bibliography of Economic Entomology."

The message further announced that the Senate had passed, and requested the concurrence of the House in, the following resolutions:

A resolution for printing 5,000 copies of the report of Professor Nourse on the Suez Canal;

A resolution for printing 2,500 copies of the annual report of the Chief Signal Officer for 1881;

A resolution for printing 5,000 copies of the report by Commodore Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga; and

A resolution for printing 5,000 copies of the report of Lieutenant Sullivan, United States Navy, on the problem of interoceanic communication by way of the American Isthmus.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill and a joint resolution of the following titles:

A bill (S. No. 1516) for the relief of the heirs of Constantino Brumidi; and

Joint resolution (S. No. 87) authorizing the printing of 2,500 additional copies of the Official Records of the War of the Rebellion.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following:

For buiding a light-house on Sandy Point Shoal, Maryland, to take the place of the one on Sandy Point, and establish an efficient fog-signal, $25,000.

Mr. CHAPMAN. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For the establishment of two range-lights at the mouth of the Patuxent River, Maryland, $25,000.

For the erection of a light-house on the Great Shoals, at or near a point nearly opposite the place now marked by the "shark-fin" buoy, in Dorchester County, Maryland——

Mr. HOLMAN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. It is whether or not there is any law authorizing this appropriation of money? I believe there is no law now enacted under which this appropriation can be made.

Mr. McLANE. Upon the point of order I submit to the gentleman from Indiana that there has never been any special law authorizing light-houses. The provisions for the various light-houses go into the appropriation bill under the general light-house law.

Mr. ATKINS. And on recommendation of the Committee on Commerce.

Mr. McLANE. The practice of Congress for many years past has been to refer all petitions and memorials for the establishment of light-houses to the Committee on Commerce. That committee communicates with the Light-House Board, and makes to this House whatever recommendation it deems expedient. I will say that in the cases included in the amendment of my colleague the Committee on Commerce has reported favorably. Upon the report of the Committee on Commerce, the House refers the matter to the Committee on Appropriations, and without any law other than the law providing for a light-house establishment, the Committee on Appropriations reports according to its discretion. No previous law is required or ever has been required to authorize the insertion of an item for a light-house in an appropriation bill.

Mr. HOLMAN. I concede that the more common and recent practice has been, upon the recommendation of the Light-House Board or of the Committee on Commerce, the latter generally acting upon the recommendation of the former, to refer these subjects to the Committee on Appropriations. But no custom which may have grown up within the last few years can change or modify the rule of the House. The establishment of a light-house is a subject of independent legislation—so much so that a large portion of our light-house establishment as it now exists, excepting, perhaps, some light-houses established within the last few years, has grown up under the provisions of specific law.

This amendment is a legislative enactment on an appropriation bill. It cannot be said that it is the continuation of a public work already in progress, because it is a separate and independent establishment. It does not stand upon the footing of an appropriation to continue a public work; for although it belongs to a general plan, it is of itself separate, independent, and specific.

The CHAIRMAN. Can the gentleman from Indiana refer to any bill which has been passed for the building of a light-house——

Mr. HOLMAN. No such bill has been passed recently; but I could call attention to quite a number of such bills in former years. I concede that recently no such bill has been reported to the House.

Mr. HISCOCK. No point of order can lie against this amendment; and I hope it will be disposed of on its merits. I desire to state for the information of the gentleman from Indiana that all these subjects were referred to the Committee on Appropriations, with power to report them upon a general bill——

Mr. HOLMAN. I would like to see that power; I know these subjects have been referred, but I deny the power.

Mr. HISCOCK. They were referred by order of the House to the committee with that power.

Mr. HOLMAN. Not with that power.

Mr. HISCOCK. This is simply a question of fact between the gentleman and myself. I examined the question myself, and found the fact to be as I state.

Mr. HOLMAN. If the gentleman will show any rule of the House, any provision of law, or any order of the House, made by suspension of the rules or otherwise, authorizing these provisions to go upon this bill I will yield the point. But the mere fact that the subject-matter has been referred to the Committee on Appropriations does not authorize the incorporation of the matter in an appropriation bill.

Mr. HISCOCK. The gentleman has not heard my statement that these propositions were referred to the committee with power, if they thought wise, to insert them in a general appropriation bill.

Mr. HOLMAN. Where is that power?

Mr. HISCOCK. I have it not at hand; the gentleman must take my word for it.

Mr. HOLMAN. No such resolution so far as I am aware has passed in this Congress.

Mr. HISCOCK. The gentleman will have to take my word for that.

Mr. TALBOTT. If the point of order made by the gentleman from Indiana should be sustained it would lie against every item in this part of the bill, because there is the same authority to adopt this amendment that there was on the part of the committee to insert all these items.

The CHAIRMAN. If there is any rule or decision indicating that his construction is erroneous, the Chair will of course be glad to know it. But according to his recollection of the uniform practice, the light-house service as a whole has always been treated as a work in progress, and subject to appropriations in furtherance of the object. Unless some rule or decision to the contrary can be shown, the Chair will be obliged to hold that a proposition to construct a buoy for a light-house in furtherance of the existing light-house system may be entertained by the Committee of the Whole. The Chair is, however, quite willing to submit the question to the Committee of the Whole, reminding them that it is one liable to arise on every appropriation bill and upon a great many items.

Mr. PAGE. Since I have been a member of the House it has been the uniform practice to refer all propositions relating to the Life-Saving Service or to light-houses to the Committee on Commerce, and when reported back by that committee they have been referred to the Committee on Appropriations, who have taken them up and

reported such provisions as in their judgment seemed proper. In every case of a favorable report by our committee it has been made with the approval of the Secretary of the Treasury.

Mr. ATKINS. That has been the practice.

The CHAIRMAN. The action of a committee of the House can in no way affect the administration of the rules. But if bills or resolutions have been referred to the Committee on Appropriations with specific instructions from the House to make them a part of an appropriation bill, that of course forms sufficient authority.

Mr. ATKINS. As to what may be the technical ruling of the Chair or the technical language before the committee, that may be one thing. I was speaking of the practice, and the gentleman from California has correctly stated that where bills are introduced for light-houses and buoys and referred to the Committee on Commerce and reported back from that committee with a favorable recommendation, and referred to the Committee on Appropriations, it has been the practice of the Committee on Appropriations thereupon to make the appropriations.

Mr. HISCOCK. I desire to state again, Mr. Chairman, so it may be understood, that the language of reference has been that the reference should be to the Committee on Appropriations in order that provision therefor should be inserted in one of the general appropriation bills.

Mr. HOLMAN. I should like to see any rule of this House which provides for any such thing.

Mr. PAGE. There are no other bills reported from any other committee and referred to any other committee under like circumstances except bills relating to light-houses and buoys.

Mr. HOLMAN. But that does not change the rules of this House.

Mr. PAGE. The action of the House in referring these bills first to the Committee on Commerce and afterward to the Committee on Appropriations, with the recommendation of the Committee on Commerce, in my judgment, authorizes the reporting by the Committee on Appropriations of the provisions for light-houses and buoys in this bill.

Mr. HOLMAN. There is no rule providing for any such thing. The river and harbor appropriation bill is referred to the Committee on Appropriations entire.

Mr. PAGE. Not under our present rules.

Mr. HOLMAN. Over and over again it has been done.

Mr. PAGE. Not under these rules.

Mr. HOLMAN. But it has been done over and over again under similar rules. But that did not increase the power of the Committee on Appropriations under the rules.

The CHAIRMAN. The Chair desires to state the point involved is one of great importance, but a very simple one. In the opinion of the Chair very numerous items reported by the Committee on Appropriations itself must be struck out on a point of order unless the rule suggested by the Chair is the correct one, namely, that if it is a continuing work for which the appropriation is made then it is in order. Every additional buoy cannot be considered to require a separate law or rule. It has not been the custom of the House to so regard such matters. The lighting of the coast is a continuous work, and in that view the Chair holds the amendment to be in order. Of course the House can reject or adopt it. That is in their discretion, but the Chair is obliged to hold this service is a continuing work and the placing of a buoy or the building of a light-house does not require a separate law to justify an appropriation for it. The Chair, therefore, entertains the amendment.

Mr. CHAPMAN's amendment was read.

Mr. CHAPMAN. Mr. Chairman, from the best information I could obtain I came to the conclusion that this amendment was not subject to the point of order, and consequently I offered it supposing no objection would be raised in that regard.

Now, Mr. Chairman, the erection of this light-house has been submitted to the Light-House Board, and I ask the attention of the House to the language of that board in reference thereto. It is at the mouth of the Patuxent River, which is unquestionably the finest harbor on the Chesapeake Bay, furnishing a depth of water unknown almost anywhere on the Atlantic coast, furnishing a depth of water of forty feet within twenty feet of the shore, with a harbor completely land-locked, and the only harbor on a long stretch of coast on the Chesapeake Bay.

As I said, these matters were maturely considered by the Light-House Board, and here is the language used by that board:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 28, 1882.

SIR: Respectfully referring to Department letter of April 15, transmitting for the views of the Light-House Board thereon a memorial of citizens of Maryland for the establishment of lights at the mouth of the Patuxent River, Maryland, together with two other inclosures relating to the same subject, these papers having been referred to the Department by the Committee on Commerce of the House of Representatives, I have the honor to state that this matter was considered by the board at its meeting on April 27, when the conclusion was reached that the interests of commerce and navigation require that two range-lights be established to guide into the Patuxent River, which affords a valuable harbor of refuge for vessels passing up and down the Chesapeake Bay.

The estimated cost of establishing these range-lights is $25,000.

The papers in the case referred to the board are herewith returned.

Very respectfully,

GEORGE DEWEY,
Commander, U. S. N.

The honorable SECRETARY OF THE TREASURY.

Moreover, Mr. Chairman, there are now in process of construction two railroads terminating on each side of this harbor. To this harbor, which in many countries would be esteemed of incalculable value, two roads are being constructed to-day; and the Committee on Commerce, considering the recommendation of this Light-House Board, unhesitatingly recommend the appropriation be incorporated in this bill.

Mr. HOLMAN. Has any estimate been made for it?

Mr. CHAPMAN. Yes, sir; $25,000 was the amount recommended by the Light-House Board:

The estimated cost of establishing these range-lights is $25,000.

That is the language of the Light-House Board. Now, Mr. Chairman, in reference to the latter part of the amendment, I will say that this has been done at the instance of a joint resolution passed by the Legislature of the State of Maryland. When questions of this kind are submitted to the Light-House Board they act upon them; and this is the conclusion at which they arrived in that case:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 28, 1882.

SIR: Referring to Department letter of March 23, inclosing a joint resolution of the General Assembly of Maryland, asking the establishment of a light-house on Great Shoals, Tangier Sound, Chesapeake Bay, in Dorchester County, Maryland, for the views of the board, I have the honor to return the resolution in question, and to state that the board, at its session held yesterday, examined all the facts bearing on the subject that it had been able to obtain, and reached the conclusion that a sixth-order light, which it is estimated can be erected for $15,000, would be of advantage to the commerce of this neighborhood.

Very respectfully,

GEO. DEWEY,
Commander, U. S. N.

The honorable SECRETARY OF THE TREASURY.

Now, one other remark as to the first part of the amendment offered to ask two range-lights at the mouth of the Patuxent River. I wish to say a single word and call attention to a statement made to me by an old sea captain who had spent his life in the service. When he called my attention to the fact of the necessity for such a provision as this, he said that occasions had arisen during his experience when he would have given ten years of his life to have gotten into that river with his vessel at night when there were storms upon the bay; but there being no lights there, this splendid harbor, only sixty miles from this capital, was entirely useless, and he was unable to get into it, and had to take his chances in the storms prevailing in the bay.

I hope, Mr. Chairman, that the recommendation of the Light-House Board will be concurred in, and that this amendment will be incorporated in the bill.

Mr. HISCOCK. After a careful consideration of the amount which we thought Congress could afford to appropriate for light-houses, taking into consideration the amount that should be appropriated for all purposes in that connection, and after the fullest consultation with the Light-House Board in reference to the necessities of this branch of the service, as also in connection with the necessities of other branches of the service, the committee came to the conclusion that the matter should remain in abeyance for the present, and that the needs of navigation did not require this appropriation at this time. We have appropriated for a great many light-houses, and made liberal provision in that respect. We have not undertaken in this bill to appropriate the full amount of the estimates that have been made by the Department and have not undertaken to give the full amount that they have recommended. But we have given all that we deemed necessary or appropriate at this time. Therefore I oppose the amendment and hope it will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland.

The committee divided; and there were—ayes 35, noes 45.

So the amendment was not agreed to.

The Clerk read as follows:

To construct a light-house on Ram Island, Booth Bay Harbor, on the coast of Maine, $25,000.

Mr. BRENTS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after line 443:

"To commence the establishment of a light-house on Point Hanson, at the south side of the entrance to Gray's Harbor, Washington Territory, $7,500."

Mr. HISCOCK. I reserve the point of order upon that amendment.

Mr. BRENTS. Mr. Chairman, a short time ago I introduced a bill, on the recommendation of the Light-House Board and which met the concurrence of the Secretary of the Treasury, to erect a light-house at this point costing $15,000. That bill was referred to the Committee on Commerce of this House, and they have made a favorable report upon it, which, however, has not yet been received from the Printer. That bill was based upon a letter from the Light-House Board, which I desire to have read.

The CHAIRMAN. Does the Chair understand the gentleman to say that a bill is now pending before the House for this same purpose?

Mr. BRENTS. The bill to which I referred has been reported favorably by the Committee on Commerce and referred to the Committee on Appropriations; but, as I have said, the report has not yet been printed, and under the ruling of the Chair a short time ago it is not subject to the point of order on that account. The Com-

mittee on Commerce recommend that it be put into the appropriation bill, but it was too recently done to receive consideration before that committee, and the report, as I have stated, has not yet been received from the Printer.

Mr. HISCOCK. I do not care to oppose this amendment upon the point of order, but prefer to oppose it upon the merits, and what I have already said in reference to the amendment proposed by the gentleman from Maryland applies equally to this case. We have given already one light-house to that Territory, one to Oregon, and two others upon the Pacific coast, and have distributed the money where in our judgment the needs of commerce most demanded it. I do not believe that the bill should be increased by this item and this further appropriation made. I hope it will not be adopted.

The CHAIRMAN. The gentleman from New York interrupted the gentleman from Washington Territory, who had requested to have a certain letter from the Light-House Board read.

Mr. BRENTS. I ask to have the letter which I send to the desk read by the Clerk.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, June 20, 1882.

The board has the honor to acknowledge Department letter of June 19, inclosing another from the chairman of the Committee on Commerce of the House of Representatives, dated June 16, inclosing bill H. R. 6373, for establishing a light-house at the entrance to Gray's Harbor, Washington Territory, and bill H. R. 6374, for establishing a light-house and fog-signal on Destruction Island, Washington Territory, asking on them the views of the Light-House Board.

In reply, I beg leave to say, as was previously said in letter of May 10, that the board recommends that a light be established on Point Hanson, at the south side of the entrance to Gray's Harbor, Washington Territory, at an estimated cost of $15,000, and that a first-order light and fog-signal be established on Destruction Island, Washington Territory, at an estimated cost of $85,000.

The letter and bills are herewith returned.

Very respectfully,

F. U. FARQUHAR,
Major of Engineers, U. S. A., Engineer Secretary.

Hon. SECRETARY OF THE TREASURY.

Mr. BRENTS. It will be observed that two light-houses are recommended by that letter, one to cost $85,000 and the other to cost $15,000. I am not asking now for the construction or for an appropriation to construct the one to cost $85,000. But for this one, which is estimated to cost $15,000, I am asking simply one-half of that amount to begin the work.

It is, Mr. Chairman, a very necessary appropriation. The shipments of lumber that go out from that port pass to Europe, to Australia, to New York, and to all parts of the world. Two ships were lost at this point during the last fall. It is of the greatest necessity for the commerce of that portion of the country that a light-house should be constructed there, and as it costs but a nominal amount, I hope no objection will be made. I trust the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington Territory.

The committee divided; and there were—ayes 29, noes 32.

Mr. BRENTS. I call for tellers.

Tellers were not ordered, only ten members voting therefor.

So the amendment was not agreed to.

The Clerk read the following paragraph:

That it shall be the duty of the Light-House Board to apply the money herein appropriated, as far as can be without detriment to the interests of the Government, by contract. When work cannot be done or materials purchased by contract without injury to the public interests, it may be prosecuted by hired labor, and materials purchased in open market.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 456, add the following:

"That section 4429 of the Revised Statutes is hereby amended by adding at the end thereof the following:"

"'*Provided, however*, That the Secretary of the Treasury may grant permission to use any boiler or steam generator not constructed of riveted iron or steel plates upon the certificate of the supervising inspector of steamboats for the district wherein such boiler or generator is to be used, and other satisfactory proof that the use of the same is safe and efficient; said permit to be valid until the next regular meeting of the supervising inspectors shall act thereon.'"

The amendment was agreed to.

The Clerk read the following paragraph:

Coast and Geodetic Survey:

For survey of the Atlantic and Gulf coasts, eastern division: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States; of the survey of the Mississippi River and other rivers to the head of tide-water or ship navigation; of deep-sea soundings, temperature, and current observations off and along the above-named coasts, in the Gulf of Mexico, and throughout the Gulf Stream; for resurveys of such portions of the above-named coasts as may be necessary, including the resurvey of Long Island Sound and the completion of the resurvey of Delaware Bay and River; for the preparation and publication of charts, of the Coast Pilot, of a magnetic map of Eastern North America, and of a general map of the eastern part of the United States, and for the compensation of the superintendent, assistants, aids, clerks, computers, draughtsmen, engravers, electrotypists, instrument-makers, copper-plate printers, tidal observers, watchmen, messengers, laborers, and all other employés necessary to carry on the work in the office and in the field in conformity with the regulations adopted by the Secretary of the Treasury, and the purchase of materials necessary therefor, $310,000.

Mr. HISCOCK. I desire to offer an amendment changing the amount from $310,000 to $264,000. The reason for this change is that the two following items, $16,000 for furnishing points for State surveys and $30,000 for transcontinental geodetic work, were included in the estimates for which the appropriation was made in the paragraph that has just been read. We subdivided the work, making appropriations for these two branches of the work by themselves; and by a mistake in the footing, the gross total has not been reduced.

The amendment was agreed to.

Mr. HOLMAN. This paragraph in lines 471 and 472 authorizes the preparation and publication of a general map of the eastern part of the United States. I desire to ask whether that portion of this paragraph is in order; whether it is not the commencement of a new work? I am aware that heretofore there has been provision for a coast and geodetic map showing whatever properly pertains to the survey; but I believe this is the first provision authorizing the preparation and publication of a general map of a given portion of the United States.

The CHAIRMAN. The gentleman from Indiana is aware, as well as the Chair, that for years a part of the work of that bureau has been the issue of charts and maps of the coast. The Chair is obliged, from a glance at this, to assume that it is in continuation of the same work, only extending the scope and range covered by it. That would be the ruling of the Chair unless something to the contrary appears.

Mr. HOLMAN. The proper business of a geodetic survey is the work of actual survey and the establishment of geodetic points within the general scheme of the survey. A general outline of the survey would seem to be within the scope of the appropriations made from year to year. But does not this contemplate something beyond that—not simply the establishment of geodetic points and marking them on charts, as in the Coast Survey, but something beyond that—the publication of a map?

The CHAIRMAN. The Chair is hardly able to assume that, the language of the clause showing it to be in the line of the general work. The Chair overrules the point of order.

The Clerk read the following paragraph, under the heading "Coast and Geodetic Survey:"

For transportation of instruments, maps, and charts; the purchase of new instruments, books, maps, and charts; gas and other miscellaneous expenses, $13,400.

Mr. HOLMAN. I move to strike out the paragraph, for the purpose of calling attention to the extraordinary amount of these appropriations. The amount, if I have added the items correctly, is $594,500; I mean the whole amount appropriated for the Coast and Geodetic Survey. I believe that is much the largest appropriation that has been made. While I concede that a coast and geodetic survey is very proper work and justifies liberal appropriations, because it provides facilities for our commerce and is a matter that cannot be overlooked, and while I think, therefore, the appropriations that have been made heretofore of $350,000 for the Coast Survey are entirely proper, and while, perhaps, to some extent in connection with the Coast Survey the work of the Geodetic Survey is proper enough, yet the swelling this work up to the extent of over half a million dollars it seems to me is going beyond the necessities of the country at this time. The portion of the work which applies to the Geodetic Survey is a work that may progress slowly. There is no necessity for any great haste to determine the geodetic points in various sections of the United States. That is a matter more of scientific interest than of practical concern.

It seems to me, therefore, this item goes beyond what the public service actually requires. I do not, however, press my amendment to strike out the paragraph last read, as the striking out of that paragraph alone would be a matter of no moment. But I think the appropriation made here is scarcely authorized by the present condition of affairs, and the necessities of the country; and I think also the largest portion of the appropriation should be expended on the Coast Survey.

The Clerk read the following paragraph, under the heading "Coast and Geodetic Survey:"

And the Secretary of the Treasury is hereby directed to organize the force for which this appropriation is to be expended, and fix the salaries and compensation to be paid to the members thereof, and to make his estimate for the fiscal year commencing July 1, 1883, in detail, in reference to the force to be employed, with its grades and compensation to the respective grades, and specifying the branches of work in which it should be employed, and the amount to be expended upon each branch.

Mr. BAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"The provisions of section 3648 of Revised Statutes authorizing advances of public funds to be made in certain cases to persons in the military and naval service are hereby made likewise applicable to persons employed in the Coast and Geodetic Survey."

Mr. HISCOCK. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HISCOCK. The amendment certainly is a change of existing law, and I am unable to see wherein it reduces expenditure. I know it is very strongly pressed by the gentleman from Pennsylvania. He submitted to me the letter of the Secretary of the Treasury on that subject; but it hardly came up to the requirements of the Committee on Appropriations as to what should be a recommendation from that Department.

Mr. BAYNE. I do not think it is liable to the point of order.

Mr. CANNON. What is the use of it?

Mr. BAYNE. It simply enables the disbursing officer of the Coast and Geodetic Survey to do lawfully what he is compelled to do by the exigencies of that service. For instance, if a party is detailed to go out on an expedition and requires to purchase material at Chicago or Omaha or some other point, this disbursing officer is compelled to advance the money in order to enable the party to purchase the material at the place nearest the point where the operations are to begin.

Section 3648 of the Revised Statutes, the provisions of which it is proposed by this amendment to extend to this service, provides abundant protection in all cases. It enables the President to prescribe such rules and regulations as will protect the Government and enable the work to be carried on without the disbursing officer apparently coming in conflict with the law. If the law will afford him that protection which he ought to have, and which every disbursing officer ought to have where the exigencies of the service require him to act in this way, I do not see why it should not be extended to him.

Some day or other, if a default shall occur on any occasion, if one of these advances which are necessary shall happen to be lost or in any way be made unavailable, a bill will have to be introduced into Congress for the relief of the disbursing officer; and the justification of that officer will be put on the ground that it was absolutely necessary for him to advance the money, or otherwise the Government would incur great additional expense.

This amendment in a way will retrench expenditures, because if the disbursing officer of the Coast and Geodetic Survey should live strictly up to the law he would refuse to make any advance, and in that way the party would be required to make purchases at a point distant from where it is to start, or to delay until the money could be sent; and the cost of transportation and the delay would be two elements which would go to make an increase of expenditures which would be obviated by this amendment.

I wish the Committee on Appropriations would accept it, because it is simply dealing by this disbursing officer as all other disbursing officers of the Government are dealt by. It is recommended by Professor Hilgard, the chief of the Coast and Geodetic Survey, though the Secretary of the Treasury says he is not sufficiently acquainted with the exigencies of the service to state whether this proposed action is absolutely required or not.

Mr. HISCOCK. I do not desire to be heard further on the point of order.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. HISCOCK. I do.

The CHAIRMAN. The Chair thinks the amendment is liable to the point of order, and therefore rules it out.

Mr. STEELE. I move to insert as an additional paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized to credit Thad Butler, lately in the employment of the Interior Department, with the sum of $215, the same being stopped against him because it was expended in payment of salary from the contingent fund, this being the only fund or money furnished or available in the Interior Department for the purpose above named.

Mr. STEELE. In explanation of that amendment I will state that Mr. Butler was employed under the direction of the Interior Department. The sum of $550 was sent to him to pay expenses, including his own salary. That money was taken from the contingent fund of the Department, and the Secretary of the Interior said that it was right; but the Secretary of the Treasury said it was taken from the wrong fund.

The Commissioner of Indian Affairs refused to take the money I tendered him for Mr. Butler and to give him other money, because he said he did not have any other fund from which to make the payment. Consequently it is necessary to have legislation of this kind in order to relieve Mr. Butler.

The amendment was agreed to.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 5004) to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same;

An act (H. R. No. 6004) making an appropriation to construct a road and approaches from Mound City Illinois, to the national military cemetery, and for other purposes;

An act (H. R. No. 6225) to authorize the changing of alley-ways in the city of Washington;

Joint resolution (H. R. No. 216) authorizing the Secretary of War to supply artillery and camp equipage to the encampment of the Grand Army of the Republic at Bismarck Grove, in Douglas County, Kansas;

Joint resolution (H. R. No. 224) accepting the offer of Dr. H. D. Cogswell, of San Francisco, California, to donate to the Government of the United States an ornamental drinking-fountain, to be erected at his cost in the city of Washington;

Joint resolution (H. R. No. 243) to provide for a deficiency in the appropriation for fees of witnesses in the United States courts for the fiscal year ending June 30, 1882;

Joint resolution (H. R. No. 247) to provide for the printing of public documents for binding and distribution to those entitled to receive them; and

Joint resolution (H. R. No. 249) amending a paragraph in the "act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department," approved May 1, 1882, to correct an error in the enrollment thereof.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

For fuel, lights, and water for public buildings: For fuel, lights, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings under the control of the Treasury Department, $400,000.

Mr. COX, of New York. I move to amend by adding to the paragraph just read what I send to the desk.

The Clerk read as follows:

To provide for the compensation of a supervisor of elevators and other steam machinery of the Executive Departments at Washington, District of Columbia, $1,500; and the Secretary of the Treasury is hereby authorized and directed to appoint a suitable person as supervisor, whose duty shall be to make examinations and tests of the gas apparatus, elevators, and steam machinery, for the information of the various Departments, keeping a record of the same for reference.

Mr. HISCOCK. I make a point of order upon this amendment.

Mr. COX, of New York. Before the point of order is made, will my colleague hear me?

Mr. HISCOCK. Certainly; let the point of order be reserved.

Mr. COX, of New York. I offer this amendment simply with the view of providing means of safety for human lives which have been imperiled by reason of our having no competent engineers in connection with our steam machinery, elevators, &c. There have been two explosions in the Navy Department, connected with the elevator. It appears that mere firemen are often employed to act as engineers. In many cases men of no experience are in charge of machinery of this kind. My attention has been called to the matter again and again, and I could give the facts to the committee if I had here the statements I have received. It seems to me it is important to provide that competent persons shall have charge of the elevators, gas apparatus, and various machinery connected with the Departments, so as to prevent peril to human life from the incompetency of persons employed. I hope my colleague [Mr. HISCOCK] will not make a point of order upon this salutary amendment.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. HISCOCK. I must. This is a new matter; the committee has not investigated it.

The CHAIRMAN. The amendment appears to create a new office, not provided for by law.

Mr. COX, of New York. I know that the amendment is obnoxious to the point of order.

The CHAIRMAN. The amendment is ruled out.

The Clerk read as follows:

For furniture and repairs of furniture for public buildings: For furniture and repairs of furniture, and carpets, for all public buildings under the control of the Treasury Department; and for furniture for nine new buildings, namely: at Harrisburgh, Pennsylvania; New York, New York (barge-office;) Albany, New York; Charleston, West Virginia; Danville, Virginia; Montgomery, Alabama; Paducah, Kentucky; Topeka, Kansas; Saint Louis, Missouri; and at Cleveland, Ohio, $200,000.

Mr. HOLMAN. I move to amend by reducing the amount of this appropriation to $150,000. It seems to me the appropriation proposed for the furnishing of these buildings is unnecessarily large. It appears that there are nine new buildings, and with the appropriation proposed in the bill there will be $22,222 for each of them. I think there is no reason why this extravagance in the furnishing of public offices should be indulged in. A gentleman by my side says that they are "regal." I admit that these buildings are regal in their proportions and in the general extravagance of their make-up. But in furnishing them, I think some approximation to the simplicity and plainness consistent with our form of government might properly be maintained. An appropriation of $150,000 for furnishing these buildings would appear to be exceedingly ample. I see no reason why the public offices of the United States should be furnished in a style so much out of harmony with the public offices in the various counties and States. I hope that the Committee of the Whole will adopt the amendment; for $150,000 is certainly a very liberal appropriation.

Mr. HISCOCK. Mr. Chairman, I believe the estimates for this service are $310,000. One hundred and fifty thousand dollars was appropriated last year. The committee had no doubt that in the last Congress the Committee on Appropriations practiced the strictest economy in respect to this appropriation and we acted somewhat upon the basis adopted by that committee. The increase which we have made upon the amount appropriated last year seems to be required by reason of the additional new buildings provided for. We have no

doubt that in this appropriation we are holding the Department within very narrow limits.

The question being taken on the amendment, there were—ayes 14, noes 36.

Mr. HOLMAN. No quorum.

Mr. HISCOCK. I hope the gentleman will not insist on that point.

Mr. HOLMAN. I am entirely satisfied if we can have have a vote in the House on this proposition.

Mr. HISCOCK. I cannot consent to that.

Tellers were ordered; and Mr. HISCOCK and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 96.

So the amendment was not agreed to.

The Clerk read as follows:

FOR THE SUPPRESSION OF BIGAMY.

To enable the Secretary of the Treasury to carry out the provisions of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, as follows:

For salaries of commissioners, at $3,000 each, $15,000.

Mr. HOLMAN. I raise a point of order upon the paragraph just read. The point of order which I am about to make would also apply properly to the next three paragraphs; but I cannot let the present paragraph pass without presenting the point. It is that there is no law authorizing and providing for this expenditure of money; that it is new and independent legislation; that the law already passed for the suppression of polygamy contemplates the payment of the salaries of these commissioners, not out of the public Treasury, but out of the treasury of Utah.

When the point of order was made the response of the Chair was, if my memory is correct, that the bill was not subject to the point of order because it did not involve an appropriation; and inasmuch as the expenditure contemplated was to be paid out of the treasury of Utah and not out of the Treasury of the United States, this proposition, if that ruling be correct, (and it must be presumed to be correct, as it was the decision of the Chair and was acquiesced in,) then it follows, I say, if that proposition be correct, that there is no law authorizing this appropriation of money.

The CHAIRMAN. Does the gentleman apply the point of order to this paragraph?

Mr. HOLMAN. It would apply to the pending paragraph in line 652 and 653 as well as to the two paragraphs which follow it. I am willing that the point of order shall be considered as applying to the whole three paragraphs.

Mr. HISCOCK. I suggest to the gentleman from Indiana that he allow the bill to be perfected before he insists on his point of order. The gentleman can reserve his point of order, if he wishes to do so, to the other two paragraphs.

Mr. HOLMAN. Very well; then if this paragraph is to be stricken out, I will reserve my point of order as to the remaining paragraphs.

Mr. HISCOCK. I move, then, Mr. Chairman, to strike out the paragraph in lines 652 and 653.

The Clerk read as follows:

For salaries of commissioners, at $3,000 each, $15,000.

Mr. HISCOCK. The reason why I move to strike out this paragraph is that provision has already been made by the Senate in the legislative, judicial, and executive appropriation for the same purpose.

The amendment was agreed to.

The Clerk read as follows:

For compensation of the officers of election, including contingent expenses, $25,000.

For expenses of the commission, for printing, stationery, clerical hire, and rent, $15,000.

Mr. HOLMAN. My point of order to those two paragraphs is that there is no law authorizing this expenditure of the public money. I submit to the Chair that when the bill for the suppression of polygamy was before the House the point of order that it involved an appropriation was overruled upon the ground that the appropriation was to come out of the treasury of Utah, and not out of the Treasury of the United States. I call on the gentleman from Kansas, who, I believe, is a member of the Appropriations Committee—I am told that he is not—nevertheless, the gentleman from Kansas [Mr. HASKELL] will remember the ruling of the Chair on that occasion.

The CHAIRMAN. The Chair remembers the decision of the Speaker in this sense, that it was a bill which did not necessarily require the expenditure to be paid out of the United States Treasury. It might be devolved upon the Treasury, but it did not necessarily require the expenditure to be paid out of the United States Treasury.

Mr. HOLMAN. The third clause of Rule XXI goes beyond the rule in reference to a bill containing an appropriation of money or profit. It contains the word "involve," if I remember correctly—if it involves an appropriation of money. Therefore, if the bill did not involve an appropriation of money it could not be said incidentally it might require an appropriation, and therefore an appropriation would be in order under the third clause of the twenty-first rule of the House.

The CHAIRMAN. The question is whether it is authorized by law or not.

Mr. SPRINGER. I desire to have the ruling of the Chair read under which the bill for the suppression of polygamy was held not to be subject to the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman whether he thinks that is necessary?

Mr. SPRINGER. I think it is.

The CHAIRMAN. The Chair has sent for the law itself.

Mr. SPRINGER. I desire to have read the decision of the Chair on the bill for the suppression of polygamy and for other purposes, March 22, 1882. That decision was that the bill did not involve any appropriation.

Mr. MILLS. The law authorizing the appropriation said the salaries of the commissioners should be fixed at a certain sum, but did not go forward and make the appropriation.

Mr. SPRINGER. It was held that the expenses for carrying out that bill were to be paid out of the treasury of the Territory of Utah. That position was taken by the gentleman from Kansas and other gentlemen.

Mr. HASKELL. I said it did not require an appropriation of money to be made out of the Treasury of the United States.

Mr. SPRINGER. The gentleman said it was to be taken out of the treasury of Utah, and nothing was to be charged to the United States.

The CHAIRMAN. The Chair remembers the argument, but the arguments made by gentlemen then can have nothing to do with the decision of the Chair now after that bill has become a law.

Mr. SPRINGER. That is true, but the House should be consistent. This bill never could have been considered at the time unless it was ruled that it involved nothing out of the Treasury of the United States. On the contrary, we were told that the bill was not to cost the Government of the United States anything. On that point the bill did not go to the Committee of the Whole House on the state of the Union, but was considered in open House. Now, after that ruling, that the bill was to cost nothing to the Government of the United States, we are called upon to pay all these expenses, on the ground, of course, that the ruling on the other case was an error. I am not sure that the chairman of the committee himself did not make an argument of that sort.

The CHAIRMAN. The Chair has no recollection of doing so.

Mr. SPRINGER. I should like to have the Chair advised of the previous decision before he rules on this subject.

Mr. HASKELL rose.

Mr. HOLMAN. That argument was made under the third clause of Rule XXIII of the House——

Mr. HASKELL. The argument made on this side of the House upon the point of order rested upon the third clause of Rule XXIII, wherein it is stated in these words: "or requiring such appropriation to be made;" and all the rest was ruled out. That was the only clause left to be considered. It was stated on the floor at that time by several members of the House in argument that that bill did not require an appropriation of money; and hence it did not come within that provision of the rule. Now, it did not require an appropriation. It did not compel an appropriation of money.

Mr. DUNN. It fixed the salary of the commissioners.

Mr. HASKELL. It did not require an appropriation of money. You cannot construe the bill as one which would compel the Government of the United States to appropriate money. There is no doubt about that point. But when, under that act passed at that time, a committee of this House, acting upon instructions of the House, or upon estimates from the Departments submitted to them, come in here and plead that that is the right way to handle this matter under this law, you will find there a warrant for the appropriation, though the bill itself did not originally compel it.

Mr. SPRINGER. Unless there is something in the law that compels the appropriation of money, of course then we are making a law when we pass the appropriation, and therefore in that sense, according to the gentleman's own statement, it is subject to the point of order for the reason——

Mr. HASKELL. Now, under the rules of this house, construed strictly and technically, and we have been held to these rules by that side of the House time and again, under one clause of the rule you have the bills which must have this first consideration in Committee of the Whole as requiring an appropriation, and under the other clause of the rule those which do not require it but which may warrant or authorize an appropriation. It was argued by gentlemen that this bill compelled an appropriation; that it required, under that clause, an appropriation of money. Now, there is a manifest difference between the two rules. This does not necessarily require an appropriation of money.

Mr. HOLMAN. It authorizes.

Mr. HASKELL. It would have been proper and legitimate and right for this Congress to have compelled the treasury of Utah to pay the expense of this commission under that bill. The law itself which was passed did not provide for the payment of the commission out of the general Treasury. I so stated during the discussion of the bill that it did one of two things, either required the payment out of the Treasury of the United States, or that after the bill was passed the Territory of Utah might have been compelled to pay it. I stated that there was no compulsion on the part of the General Government requiring it to pay the money.

The CHAIRMAN. The Chair begs to call the attention of the gentleman back to the question of order, which is the only question before the Chair at this time; that is, whether this be an appropriation to carry out an existing law; and an argument on a point of order made before the Speaker on the bill known as the Utah bill throws no light upon that point.

Mr. HASKELL. It throws no light upon it whatever. That Utah bill was discussed under the third clause of Rule XXIII, in which the words occur which I have referred to, requiring such appropriation to be made.

Mr. HOLMAN. Or authorizing such appropriation.

Mr. HASKELL. "Requiring" is the language of the rule, and that was the clause under which the point of order was discussed on that bill. But what is it now? What is the question that is pending before us? Here is an appropriation bill reported from a regular committee of this House, a committee authorized to frame such a bill, in which this clause appropriating money for the support of certain machinery of election in Utah—machinery provided by law—is embodied. Now, then, under this third clause of Rule XXIII, if this was brought in as an independent proposition, that point of order might lie against it; but it is taken from under the operation of that clause, and it is now under the third clause of Rule XXI, where provision is made that no appropriation shall be reported unless previously authorized by law. You have then the warrant of law, being the original bill, giving authority to the Committee on Appropriations to put this thing into this bill. It is entirely competent for the committee to do so. There is the warrant of law for it. The trouble with gentlemen is that under one rule of the House when a bill is before the House one rule affects it; but when it is in an appropriation bill, and they seek to have it stricken out, they must apply another rule, which did not apply to the original proposition.

Mr. HOLMAN. Mr. Chairman, the gentleman from Kansas is too fair minded a man to give emphasis to a word that has no application at all. The language of the rule is: "requiring or authorizing the payment of money." Now that bill, it was alleged, did authorize a payment of money out of the public Treasury. It was held by the Chair at that time that it did not. So, under that ruling, it did not go to the Committee of the Whole. Then, if a bill is passed which does not authorize an expenditure of money, how can it be possible for an appropriation of money to be carried into effect in an appropriation bill when the point of order is made against it that the law itself does not authorize the expenditure of the money out of the public Treasury? It seems to me that that position is very clear. But I call the attention of the Chair to the third clause of Rule XXIII, under which language the ruling to which I refer was had, and the Chair will see that if that bill did not authorize the expenditure of money from the public Treasury but did authorize it from the treasury of Utah, that then there is no law authorizing an appropriation from the public Treasury, inasmuch as that law does not authorize it.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair thinks that gentlemen have failed to regard the question in the two different lights in which it appears. The former question was as to the reference of a bill and the necessity of its consideration in the Committee of the Whole. Even had the Speaker and the whole House been wrong in refusing to refer to the Committee of the Whole, still the question here would remain the same, whether this proposed appropriation is for the execution of and giving effect to an existing law. The Chair turns to the law—and there is no question as to its existence—and finds it requires a certain duty as to the registration of voters and various work to be done in the execution of the law by these commissioners. The Chair then turns to the bill, and the clauses proposed to be stricken out he finds are appropriations for expenses necessarily incurred in executing the law. It is not a question whether the original law authorized expenditures, or, in the sense of the rule, means expenditures may be incurred without waiting for an appropriation. The question now is of appropriating for executing the provisions of existing law, and the title itself declares it to be to enable the Secretary of the Treasury to carry out the provisions of the act. The Chair rules that the clauses are in order.

Mr. SPRINGER. But is it necessary to make appropriations to carry out the provisions of an act when the act did not require appropriations?

The CHAIRMAN. It is not a question of the act authorizing an appropriation—this is the act authorizing an appropriation—but the question is, is it a law that makes it necessary for Congress to make the appropriation?

Mr. SPRINGER. We were told at the time this law was enacted that it did not make an appropriation necessary.

The CHAIRMAN. The Chair is not responsible for what occurred in the debate. If there is a law which requires money to execute it, it is in order to appropriate money for that purpose.

Mr. SPRINGER. I am glad the Chair is able to explain this so satisfactorily. I quite agree the Chair is correct in his ruling; but that was not the decision of the House or the ruling of the Chair at that time.

The Clerk read the following paragraph, under the heading of "Alaskan seal fisheries:"

For two assistant agents, at $2,190 each, $4,380.

Mr. HOLMAN. I move to strike out the last word.

A few years ago it was thought sufficient to have a single agent at the seal fisheries in Alaska. The committee of conference in the Forty-fourth Congress, finding that two agents were employed, consented to strike out, in conformity with the views of the House, the appropriation for a larger salary, leaving out the one agent. Now it seems that by this appropriation bill there is one principal agent with a salary of $3,650; one assistant agent with a salary of $2,920, and two assistant agents at $2,190 each, making $4,380.

I am very greatly mistaken—I think I am not—if, in the Forty-fourth Congress, upon a careful examination and upon knowledge obtained mainly through gentlemen who had visited those remote islands, employed to do so by the Secretary of the Treasury, it was not deemed entirely sufficient during the comparatively short period of the year the agent was detained there that one agent alone should be employed on the two islands, St. George and St. Paul. I have not had occasion to look into the subject lately, but I am confident there was no pretense at that time that under the circumstances more than two agents were required, one upon the smaller island and one upon the larger.

Now, it seems that in a very few years the number has grown up to four different employés, and that the salaries have swollen up to nearly $11,000. If there has been any examination made of that subject since that time, and new information received from good, responsible sources, I am not aware of it. But I say with entire confidence to the committee, that in the Forty-fourth Congress the Congress had an opportunity of obtaining very accurate information on the subject of the extent to which superintendents were required.

What is the duty to be performed? They are simply to see there is not a larger number of pelts than is authorized by law, namely, 100,000—75,000, I believe, from one island and 25,000 from another. No other duty devolves upon these agents; but their number has now swollen up to four. I move to strike out the last paragraph providing for the two assistant agents.

Mr. HISCOCK. At this session, I say very frankly to the gentleman from Indiana, this question was not investigated at all. I do remember that upon an item in a deficiency bill in the Forty-sixth Congress it was fully and thoroughly investigated; and I think the gentleman from Indiana himself will concede that the Appropriations Committee of the Forty-sixth Congress never created any more offices or paid larger salaries than were proper. The matter was investigated at that time. I was familiar with the investigation, and the committee this year have adopted the law and have given precisely what was given last year.

The CHAIRMAN. The Chair understands that only a *pro forma* amendment was offered and that it is withdrawn. The Clerk will read.

The Clerk read as follows:

For the protection of sea-otter hunting grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue steamers for the protection of the interests of the Government on the seal-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $25,000.

Mr. HILL. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 691 insert the following:

"That the sum of $50,000 be, and is hereby, appropriated, to be expended by the Commissioner of Education, under the direction of the Secretary of the Interior, for the use of schools at such points in Alaska as may be designated by the Commissioner of Education."

Mr. HISCOCK. I make the point of order upon that amendment. This is certainly new legislation. It properly belongs to the Committee on Territories or the Committee on Indian Affairs. There is no law organizing schools there under which this amendment would be in order.

Mr. HILL. Will the gentleman reserve for a few moments the point of order?

Mr. HISCOCK. Yes, sir.

Mr. HILL. Mr. Chairman, the President, on the 15th of February last, transmitted to Congress a communication from the Secretary of the Interior recommending an appropriation of $50,000 for education in Alaska; and also the report and recommendation of the same amount by Commissioner Eaton, of the Bureau of Education, which I submit to the House and shall incorporate them with my remarks.

The papers referred to by Mr. HILL are as follows:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of the Interior, inclosing a letter from the Commissioner of Education, in which the recommendation is made that an appropriation of $50,000 be made for the purpose of education in Alaska.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1882.

SIR: I have the honor to transmit herewith, for your consideration, a letter from the Commissioner of Education, in which he recommends that an appropriation of $50,000 be made for the establishment and maintenance of schools in Alaska.

I concur in the recommendation that the appropriation be made.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, February 4, 1882.

SIR: My attention is called to the provisions of the law determining the purpose and duties of this office, which provides that it shall "collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country;" and it is affirmed that I have not yet made any specific recommendation with regard to education in Alaska. I cannot claim to be ignorant of the fact that there is no law either for the protection of life or property or for the establishment of schools in that Territory, nor would I be among those who are indifferent to facts reflecting so unfavorably upon us as a people. I have sought diligently to gather all information in regard to the education of the children of Alaskans, as will be seen by reference to the several reports of this office. Prior to the purchase of Alaska the Russian Government had schools in portions of that country. When it was transferred to the United States those schools were generally discontinued, and the entire Territory, with few exceptions, has been left without any means of education. From the census of 1880 we learn that there are about 30,000 people in Alaska, and of these it is believed there are about 10,000 children or young people who ought to have some school privileges.

With regard to this people, it may be observed—

1. That they are docile, peaceful, and have here and there some knowledge of useful industries; are apt in the mechanical arts, and anxious for instruction.

2. They are a self-supporting people, needing no annuities, clothing, or rations from the Government, but do need teachers that they cannot procure for themselves. These teachers should instruct them, not only in letters, but in the arts of civilized life and the duties of American citizenship.

3. If given an opportunity for this kind of instruction for a few years they would, it is believed, make good progress in throwing off tribal relations and in preparation to become an integral portion of the American people, thus contributing to the common wealth and prosperity of the country.

4. It is well known that civilization in approaching an untutored people may be their destruction by sending its vices before its virtues. It is equally well known that various weeds spring up spontaneously where useful plants must be cultivated, and that not neglect but painstaking care is necessary to the improvement of the human mind.

The people of Alaska having received some measure of aid from the Russian Government have expected the same from the United States. The natives, already to a limited extent demoralized by the introduction of intemperance and disease, it is thought would, by the introduction of schools, be prepared better to resist these evils and stand a far better chance to be a permanent and prosperous race.

5. The development of the fishing interests, the discovery of gold, and the increase of commerce in that region are now calling public attention to it, and the time seems to have arrived when school privileges should be immediately provided. In 1870 Congress appropriated $50,000 for educational purposes in Alaska, which, on account of difficulties of administration at that time, was not expended there. This amount could now be expended there, I am sure, with most satisfactory results.

In accordance, therefore, with these considerations, and in order not to come short of any duty required of me by law, I have the honor to recommend that Congress be requested to appropriate $50,000 for the establishment and maintenance of schools for instruction in letters and industry, at such points in Alaska as shall be designated by the honorable Secretary of the Interior.

I have the honor to be, very respectfully, your obedient servant,
JOHN EATON, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

Mr. HILL. There is in Alaska a population of 30,000; about 10,000 children and young people growing up, willing to attend school and only glad when they can have the opportunity to be educated. I believe the best way for us in this country to get along with this class of people, such as we have in Alaska, is to educate them, and to train them properly and in the right direction.

The school-houses are there, in many parts of the Territory, the buildings in which these children can be received and educated, but they have not the teachers. What they want is the spelling-book, the reader, and such other books as are necessary, and the teacher to give them instructions in the English branches of study, which, as they grow up will help to make good citizens of them.

I am aware that there is no Territorial organization in Alaska, as there ought to be, by which these people can be protected. But I believe this will be a step in the direction of giving a territorial organization there. As the population increases the demands for a government will increase.

We appropriate money for the seal fisheries and for the Army to keep up the military posts. Why not give them schools and a good system of education, and also an organized government to regulate their own affairs? This matter has been brought to my attention during the past winter, urging action on the part of Congress, and this Congress ought not to adjourn until they have taken action and given the people of Alaska a territorial form of government, and it would seem to be a very poor policy not to do something to educate the children and the youths that are growing up there, and who will by and by become citizens of this country. If we are to expect good from them instead of evil we should make provision for their education.

The English language is taught in all the schools in Alaska that are open at the present time, and sustained by private enterprise. There is a population of fully 20,000 without any educational advantages whatever. We have seen it stated that—

Among a few of the native tribes of the United States there is no wish for schools, and it is with great difficulty that the children can be persuaded to attend. But not so in Southeastern Alaska. Wherever a school has been opened it has been filled at once with children eager to learn.

I believe in education, and whenever there is a desire and willingness on the part of the people poor and destitute of means to educate themselves, to improve the opportunities afforded them to learn, effort should be made to aid them. The cause of humanity, the cause of Christianity, and the cause of civilization demand it. These people have been handed over to us by the Russian Government when the territory came into the possession of the United States, and it is the duty of this Government to educate them—the only true way to civilize and make good citizens of them. It is better than the sword and the rifle, and money appropriated for this purpose will do far more good than establishing military posts at great expense to the Government as is done at the present time.

This subject has excited of late a good deal of attention.

In 1867 Alaska with its inhabitants became a part of the United States. The schools sustained by the fur company, representing the Russian Government, were disbanded. It was reasonable, however to suppose that 30,000 people would be much better off and have better schools under American than Russian rule. It was but reasonable to expect that the United States, that bases its continued existence upon the intelligence of its citizens and glories in its common-school system, would replace the disbanded Russian schools with those of a higher grade and improved methods; that a people who, through their State systems, practically furnish a free education to all, and through their General Government appropriate thousands of dollars annually for Indian education and civilization, would not neglect to extend school privileges to the natives of their latest acquired territory; for, whatever may have been the views held as to the expediency of the purchase, all will admit that, having acquired, the Government is bound to care for it.

But these reasonable and just expectations have not been realized. The Government, with two exceptions, has done nothing.

Major-General O. O. Howard, who was in command of that military division in 1869, said:

As the military authority is now held responsible for Indian affairs in Alaska, I have thought it best to make a full statement of my observations with the hope that speedy legislation may be had to give to our Indians there, as well as others already said to be in advance of others in point of intelligence, certainly as good opportunities in the way of government and instruction as those have in contiguous British territory.

Commander L. A. Beardslee to the honorable Secretary of the Navy, Senate Executive Document No. 105, Forty-sixth Congress, second session, page 12:

It is my judgment that we will best serve American interests by so teaching and cultivating this race as to win their confidence and get them to recognize us as their friends whom it is their interest to serve.

William H. Dall, esq., Smithsonian Institution, in a letter with reference to a government for Alaska, says:

Ten per cent. of the revenue of the United States from the territory for the year preceding the current year should be applied to free schools under the Bureau of Education, by the superintendent of public instruction, at the most populous centers, and the commanders of cruisers should be authorized to enlist into the Navy native Alaskans when they might show themselves suitable for the duties required.

Ex-President Hayes, in his last message to Congress, December 1, 1880, says:

The problem is to supply the territory for a population so scattered and so peculiar in its origin and condition. The natives are reported to be tractable and self-supporting, and if properly instructed doubtless would advance rapidly in civilization, and a new factor of prosperity would be added to the national life. I therefore recommend the requisite legislation upon this subject.

President Arthur, December 6, 1881, says, in his message to Congress:

I regret to state that the people of Alaska have reason to complain that they are as yet unprovided with any form of government by which life or property can be protected. While the extent of its population does not justify the application of the costly machinery of territorial administration, there is immediate necessity for constituting such a form of government as will promote the education of the people and secure the administration of justice.

Our late lamented President, Garfield, was deeply interested in this subject of educating the people of Alaska, and presented to the House of Representatives on the 2d of February, 1880, the following memorial:

A memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled.

Whereas the United States is responsible for the proper care and government of Alaska, the native inhabitants of which and creoles of mixed blood are docile, peaceful, partially civilized, apt in the mechanical arts, and anxious for instruction; and

Whereas it is believed to be the wise policy as well as duty of the Government to adopt prompt measures for their education, with a view to their admission to the rights of citizenship; and

Whereas it is both cheaper and more humane to give them educational facilities now than to fight them hereafter at a largely increased cost; and

Whereas they are a self-supporting people, needing no annuities, clothing, or rations from the Government, but do need teachers, which they cannot procure for themselves; and

Whereas the Government receives an annual revenue from Alaska of $317,500, and only returns to that country in the form of salaries of United States officers, pay of monthly mail steamer, support of steam revenue-cutter, &c., the sum of about $65,000, leaving a net revenue of over $250,000; Therefore,

We, the undersigned, citizens of the United States, do hereby memorialize your honorable body to appropriate from the revenue of Alaska in the Treasury the sum of $50,000, or so much thereof as may be necessary, to be expended by the Commissioner of Education, under the direction of the honorable Secretary of the Interior, for the establishment under competent teachers of schools for the instruction of the native population and creoles of Alaska in the English language, the common branches of an English education, the principles of a republican government, and such industrial pursuits as may seem best adapted to their circumstances.

We find also a letter from the late Senator Burnside showing the

interest he manifested in the cause of education in Alaska. Writing to a friend, he says:

SENATE CHAMBER, *Washington, March* 16, 1880.

DEAR SIR: Will you kindly send me any pamphlets or circular you may have published touching the condition of affairs in Alaska. I am interested in having a system of education established there.

Very truly, yours,

A. E. BURNSIDE,
United States Senator.

These people have a claim on the United States Government, and the action already taken by the Government is certainly of such a character as to demand aid and assistance to maintain education and keep open their schools.

Russia transferred to the United States (see Diplomatic Correspondence, 1867, part 1, pages 404 and 405) "dock-yards, barracks, hospitals, and schools." Also in the inventory of property turned over occurs "school-building of timber, with its appurtenances," at Sitka; "a timber building for school," at Kadiak.

In 1870, Congress, by an act approved July 1, leased the seal Islands to the Alaska Commercial Company for a period of twenty years. In section 6 of said act occur these words:

And the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same, for the comfort, maintenance, education, and protection of the natives of said islands.

In the regulations of the company for the guidance of their employés section 15 reads:

Free schools will be maintained by the company eight months in each year, four hours per day, Sundays and holidays excepted, and agents and teachers will endeavor to secure the attendance of all. The company will furnish the necessary books, stationery, and other appliances for the use of the schools without cost to the people.

It is plain from the action taken that the education of the people was one of the principal matters to be looked after.

It is said that this amendment is out of order, because there is no law to allow this appropriation to come under the provisions of this bill now before the House. If that is so, then it is time we had some law or some definite action was taken by Congress to meet a demand so just and necessary as this one is, and not only appropriate money for education in Alaska, but to give them a territorial form of government to help them regulate their affairs in the same manner and on the same terms as the other Territories of the country, and which is so heartily indorsed by the President in his message December 6, 1881, of which an extract is given above.

In the interest of civilization and good government, education and religion, I ask that this appropriation be granted, that the 10,000 children and youth be educated. No appropriations made by Congress are more important to the country at large than those granted for educational purposes. Its importance cannot be overestimated. The last census shows that there are 6,000,000 of the people of this country cannot read or write—one-eighth of the population of the country—a fearful exhibit. Yet they are figures that are true, staring us in the face, and speak loudly to the country, and ought to rouse up every member of this House to examine carefully the whole subject of education, and see to it that the destitute portions of the country are provided with schools, that the humble poor boys and girls of this favored land shall have instruction given them in all the branches of the English language, and if they have nothing else they shall have the legacy of a good common school education.

I hope the point of order will not be insisted upon.

The CHAIRMAN. The gentleman does not point to any law authorizing such an expenditure, to any law establishing schools in that region.

Mr. HILL. If the members of the House will take the trouble to examine Senate Executive Document No. 30, they will find out what is going on in the way of education in Alaska; that schools are now being carried on there.

The CHAIRMAN. The point is whether they are paid for by the United States Government.

Mr. HILL. They are not, but they ought to be; that is what I want to have done; and there should be more schools and a thorough system of education established in the Territory.

The CHAIRMAN. Upon the case made out by the gentleman the Chair is obliged to rule the amendment out of order, while appreciating the object as much as the gentleman himself can do.

The Clerk read the following:

For salaries and expenses of the National Board of Health, as follows:
For pay and expenses of the members of the National Board of Health, $10,000.
For pay of secretary and disbursing agent, and pay of clerks, messengers, and laborers, $5,500.

Mr. VAN AERNAM. I move to amend the last clause just read by striking out "$5,500" and inserting "$17,500." The machinery of the National Board of Health would be entirely crippled with this inadequate appropriation of $5,000.

It is well known to the members of this House that the National Board of Health stamped out the epidemic of yellow fever a few years since. With the large increase of immigration now coming to this country, there is imminent danger that not only small-pox, but diphtheria, typhus fever, and scarlatina will be brought in by the immigrants and spread throughout the country. It will require the whole power of the National Board of Health as now organized to make an efficient resistance to the spread of those contagious diseases. I ask the Clerk to read a statement handed me by the secretary of the National Board of Health.

The Clerk read as follows:

Weekly reports of mortality and other information relating to the sanitary condition of those places are received from two hundred and fifty towns in the United States and from nearly one hundred and fifty consulates.

Under section 4 of the act approved June 2, 1879, these reports and all other pertinent information are required to be arranged, published, and transmitted weekly to members of Congress, medical officers of the Army and Navy, United States consuls, State officers, boards of health, &c., &c. To comply with this requirement of the law 5,000 copies of the Bulletin are required at an annual cost of $9,500 for printing. The preparation of the Bulletin, mailing, noting, and arranging the large number of printed papers and documents received requires the constant attention of three men, with such assistance as can be rendered by two messengers, together with most of the time of one person charged with the preparation of all reading matter and the general supervision of the work. It is impossible to perform the labor and issue the paper weekly with a less number of employés than are now engaged upon it.

It is proposed that this work shall be placed in charge of an inspector, who shall act as disbursing agent, and be subject to detail for such other duties as may be required, at a salary of $3,000 per annum.

The clerks on this duty are as follows:
One clerk, class 3, $1,600 per annum.
One clerk, class 1, $1,200 per annum.
One clerk, $500 per annum.

The general correspondence of the office requires one stenographer, who also takes the minutes of the board and of the executive committee, paid as clerk of class 4, $1,800 per annum.

One bookkeeper, in charge of accounts, clerk of class 4, $1,800 per annum.
One clerk of class 3, in charge of files and records, $1,600 per annum.
One clerk, class 2, assistant corresponding clerk, $1,400 per annum.
One clerk, employed in preparing copies of minutes for transmission to members of the board, and in making copies of circulars required to be sent out and which do not require to be printed, at $1,000 per annum.
One copyist, employed in copying records, $900 per annum.
One messenger, $720 per annum.
One laborer, at $500 per annum.

In addition to the expense for clerks, messengers, and laborers, the board is authorized, under section 5 of the act of July 1, 1879, to pay the secretary $100 per month and the disbursing agent $300 per annum.

The items above set forth aggregate $17,520, and the number of employés indicated is the smallest that can possibly perform the labor required to be done under the law, and the work, much of it technical in character, is such that the salaries named are as low as they can be placed and enable the board to secure competent service.

The amount ($2,000) proposed in the bill for rent, light, fuel, furniture, stationery, telegrams, and postage is entirely inadequate.

	Per annum.
Rent now paid	$1,200 00
Estimated for light	200 00
Estimated for fuel	200 00
Estimated for postage	500 00
Estimated for stationery	1,000 00
Estimated for telegrams	800 00
Estimated for furniture	600 00
Total	4,500 00

The question was taken upon the amendment of Mr. VAN AERNAM; and it was not agreed to.

The Clerk read the following:

For rent, light, fuel, furniture, stationery, telegrams, and postage, $2,000.

Mr. VAN AERNAM. I move to strike out "$2,000" and insert "$4,000." The statement just read by the Clerk shows fully the necessity for this increase of appropriation.

The amendment was not agreed to.

Mr. VAN AERNAM. I move to add to the clause last read "and $9,500 for printing the Weekly Bulletin." There are 5,000 copies of this bulletin published weekly, under the law passed in 1879. These Bulletins are sent to the municipal authorities of the several States and to consulates throughout the world. They have been not only of great value and service in preventing the spread of epidemic diseases in this country but also have been beneficial in other countries.

There is in this bill no fund for the continuance of the publication of these Bulletins. The absolute expense of printing these Weekly Bulletins and mailing and distributing them would be $9,500, the sum I have named in this amendment.

The amendment was not agreed to.

The Clerk read as follows:

For aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases in the United States, $25,000: *Provided*, That no other public money than that hereby appropriated shall be expended for the purposes of the Board of Health: *And provided further*, That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever.

Mr. VAN AERNAM. I raise the point of order on the two provisos in the paragraph just read, commencing in line 711.

Mr. HISCOCK. What is the point of order that is made?

The CHAIRMAN. The point of order is made against the two provisos in the paragraph just read.

Mr. HISCOCK. Both provisos retrench expenditures. The first proviso is, "that no other public money than that hereby appropriated shall be expended for the purposes of the Board of Health." That retrenches the expenditure of money. The second proviso is, "that hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever." That restricts the duties of the Board of Health.

The CHAIRMAN. The Chair would be glad to hear the gentleman a little further on the point whether there is necessarily any retrenchment of expenditures involved in these provisos. The Chair would

inquire what appropriation is affected by the first proviso; whether there is any public money now being expended that will not be expended should this proviso be adopted?

Mr. HISCOCK. I think there is. From the investigation which we made I believe there is an appropriation for this purpose which may be regarded as continuing—an unexpended balance. This provision corresponds with the language in the bill of last year, and there is an unexpended balance to which it applies.

Mr. CONVERSE. I will inquire of the chairman of the Committee on Appropriations what is the necessity for restricting this investigation to the two diseases named?

Mr. HISCOCK. Does the gentleman desire to discuss that question now, or after the point of order has been disposed of?

Mr. CONVERSE. I was going to move to strike out the last proviso.

The CHAIRMAN. The Chair repeats that the only difficulty he has is that there does not necessarily appear any retrenchment of expenditure in the second proviso; and as to the first proviso it does not appear to what it applies.

Mr. HISCOCK. The antecedent language of this bill carries an appropriation. Now, the restricting of the labors of the board must of necessity decrease the amount which will be expended. Without this restriction its investigations might extend to all sorts of diseases everywhere.

I will add that it is always competent in making an appropriation of money to limit the use to which it shall be applied. The clause commencing in line 713 is a limitation of the uses to which previous appropriations may be applied.

The CHAIRMAN. The difficulty of the Chair is that is does not appear that the language of the proviso will diminish the expenditure at all. A certain amount is appropriated by the bill; and no more can be expended, whether the board investigates half a dozen diseases or a single one. The proviso does seem to change existing law under which the board might investigate other contagious diseases, smallpox, &c.; but as there is no limitation of the amount which may be expended in the investigation of any particular disease, it does not appear that there will be less expended by the investigation of one or two diseases than if there were no such limitation.

Mr. HISCOCK. If the duties of the board be limited, it may not perhaps be necessary to spend all the appropriation provided in this bill. If you decrease the amount of work, very likely the amount of money appropriated may not be exhausted. We are not to assume that every dollar of appropriation carried in the bill is to be expended.

The CHAIRMAN. The Chair regards the first proviso as in order. The second proviso he prefers to submit to the decision of the committee. The question is, Shall the point of order raised upon the second proviso as embracing new legislation be sustained? That proviso is in these words:

That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever.

Mr. CONVERSE. I move to amend by striking out the last proviso.

The CHAIRMAN. The point of order raised by the gentleman from New York upon the proviso must be decided unless the gentleman withdraws it.

Mr. VAN AERNAM. I do not.

The CHAIRMAN. Then the Chair submits to the Committee of the Whole the question whether the point of order shall be sustained.

The question being taken, it was decided in the negative.

Mr. CONVERSE I now move to amend by striking out the last proviso. If any portion of this fund is to be appropriated to State or local boards of health for the purpose of preventing the spread of infectious diseases, I cannot see why the action of such boards should be limited to the two diseases named. I would be glad to be informed on this point

Mr. COX, of New York. This Board of Health was established when yellow fever was prevailing in a part of our country; and there was a great demand upon our sympathies to create this board in order to protect the people of the Southern States. Since that time the reasons that called for the creation of that board have ceased; and the board is now, as I believe, utterly useless. The Appropriations Committee, however, have not seen proper as yet to cut it up radically. They have done what they could to limit its action to the two diseases, cholera and yellow fever. The board was organized with special reference to diseases of that character; it has served its purpose. If a vote had been taken in the Committee on Appropriations, I think they would have decided to cut up the board by the roots. I hope in time to see this institution thoroughly eradicated from our system. It is made up of a few doctors who undertake to run a doctor's shop in this city, interfering with commerce all over the country. Not only do they interfere with our local quarantine, the officers of which are doing their duty well, but in my judgment, and in the judgment also of the marine board of health, they are doing no possible good in preventing disease from coming into the country.

I would offer, if I could now do so properly, an amendment to turn over all the matters coming under consideration of this Board of Health to the Marine-Hospital Service, at whose head is Dr. Hamilton, a just man and an accomplished physician, who would not use his office for the purpose of official aggrandizement, or for the purpose of drawing salaries without adequate consideration rendered.

Mr. ATKINS. I move to strike out the last word. Mr. Chairman, I hope the amendment will not be carried to strike out the proviso restricting the National Board of Health in its investigations to the diseases of cholera and yellow fever. I think that was a proper and necessary limitation placed on the investigations of this board, for, as the gentleman from New York has just stated, the Board of Health, originated only a few years ago in consequence of——

Mr. HISCOCK. I ask the gentleman to yield to me a moment to make an inquiry of the Chair, at what hour the House is to adjourn this afternoon?

The CHAIRMAN. At five o'clock.

Mr. ATKINS. I was proceeding to remark, Mr. Chairman, that it originated on account of the recent visitations of yellow fever to the southern section of the country.

I imagine there is scarcely any gentleman who resides on the Mississippi River, at least from Cairo and perhaps Saint Louis down, who would be willing to see this Board of Health entirely destroyed. Mr. Chairman, it has been of incalculable advantage to the southern country. A very small appropriation is made here to continue it. It may not have been economical in some of its practices. I doubt not if that charge were made it would be sustained, but it has been of great benefit—no doubt about that—to the country in keeping out yellow fever in the last two or three years.

There has been already this year one case of yellow fever in the city of New Orleans, and connected as that city is by river and rail it can easily be seen what the result would be if the disease should once spread.

Mr. DUNN. There have been several cases at Key West.

Mr. ATKINS. The gentleman from Arkansas tells me there have been several cases at Key West. There has been one case this year already at New Orleans, and that city, connected as it is with all the upper country and connected by rail, if the yellow fever should prevail in New Orleans there is no sort of doubt it would reach Memphis and all the cities between Memphis and New Orleans, and perhaps go up as high as Cairo.

I remember two or three years ago having a conversation with a distinguished member of the board of health, and he then said to me that if yellow fever should once get a foot-hold in the city of Baltimore it would decimate that city; that in his opinion it was the finest field for it of any city in the Union, and that a city, too, in as high a latitude as Baltimore. There is no city in this country exempt from the scourge of yellow fever, if once it gets a foot-hold in it, until cold weather comes. If it should get into Cincinnati or Louisville, or any city in that latitude, until cold weather came it would be impossible to rid the city of it. Now, with such a small appropriation as this, at least until we pass over two or three years further, this appropriation should be continued, so that if yellow fever should reach our shores we would have a board of health to meet it, and that they would meet it successfully there is no doubt.

Mr. BUTTERWORTH. It is not proposed to strike out the appropriation.

Mr. ATKINS. I know that, but I also know the prejudice in this House against the National Board of Health. My friend from New York who sits to my right has just made some remarks on the subject, the tenor of which was against the whole bureau.

I am not in favor of magnifying bureaus nor am I in favor of creating any new ones. I think this country is suffering with the disease of bureaucracy. I have no doubt about that, but this is one of the bureaus at this juncture I am not willing to see struck down; I am not willing that should be done in view of the health of the country north, south, east, and west.

Mr. BLOUNT. Mr. Chairman, I think the bill as it now stands, limited to cholera and yellow fever, is right, for the reason that it is in accordance with the purpose Congress had in view in all the legislation heretofore enacted for the establishment of a National Board of Health. The first proposition grew out of the appearance of yellow fever in my own State, in the city of Savannah. An appropriation of $50,000 was made, and subsequently the yellow fever broke out at Memphis, Tennessee, and other cities in the country, and then the Representatives on this floor from all sections of the country, with a humanity that gladdened the people of my own section and other sections afflicted by this scourge, came forward with a second bill, appropriating $50,000, and further provided that sum of money should not go back into the Treasury, but should stand for a period of five years to be used for the purpose of meeting attacks of yellow fever and cholera. It was not intended to fix on us the National Board of Health, but to place in the hands of the Government funds to be used in the event cholera or yellow fever should break out.

Now, sir, what was the result? Immediately following this the National Board of Health, with this sort of statute, taking effect on the 1st of July of that year, went to work, and when we reached here in December we found it had made contracts not only consuming the whole $500,000, but they had to come forward and ask for a deficiency of $300,000 or $400,000. The first thing we knew they were investigating measles and chicken-pox and all sorts of

diseases in all the cities of this Union, when it was directly in conflict with the purpose of Congress.

Mr. STEELE. Why not investigate small-pox as well as cholera and yellow fever?

Mr. BLOUNT. I have not time of course to go into all the reasons, but I wish simply to call my friend's attention to the purpose Congress had in view in making the appropriation. It was never intended to create a board of health to take into consideration all of these diseases; but it was created simply for the purpose of looking to some means of preventing the introduction and spread of the great scourges of cholera and yellow fever, and nothing more. Now it is attempted on the part of the Board of Health to build up a great system, embracing every State in this Union, under the control of a central bureau here. That is what I am opposed to, and from the time of the creation of this board until now the Committee on Appropriations and the House, on both sides, have, by various acts of legislation and restriction, attempted to restrain the fixed purpose which was clearly exhibited of building up this bureau. I trust, sir, that the Committee on Appropriations of the House will be sustained in endeavoring to make this bill harmonize with the purpose of Congress when it created this Board of Health. I hope it will be kept within the original limits designed by the law.

[Here the hammer fell.]

Mr. ATKINS. I withdraw the *pro forma* amendment.

Mr. DUNN. I renew it. Mr. Chairman, I am not willing to allow some of the statements which have been made to go to the country unchallenged. The gentleman from New York has stated that this board has already ceased to be useful; and one of the first reasons which he assigns in support of that view is that it interferes with the local commerce of the country. Now, that is one of the very reasons why I have always favored the creation of a National Board of Health. It is well known to all those who live in the regions which are likely to be affected by these plagues of cholera and yellow fever that the local boards of health in their endeavors to prevent the spread of the diseases frequently come in conflict with the commercial influences, and that the commercial people resist that rigid quarantine which alone is adequate and effective to prevent the spread of such diseases. We all know that in 1878, when our country was scourged with that dreadful plague of yellow fever, the railroads, in defiance of the attempts to regulate traffic with the infected district, kept up their communication with New Orleans and in that way spread that disease, like a consuming plague of fire, all over the country. There was not a village, not a hamlet, not a woodyard or shanty on the line of that railroad that was not scourged by the pestilence. Now, this National Board of Health has the power, under the general law, of overcoming such local influences as that and maintaining an effective system of quarantine.

The argument of the gentleman from Georgia is not entitled to that high consideration to which the arguments made by him are usually entitled on this floor. It looks only to the question of economy; and he says that Board of Health came in with a large amount of deficiency, and that they investigated the matter, &c. But let the gentleman remember that if that board had been created in time and had the power which it should have had, it would have been able to deal with and arrest the disaster of 1878 and 1879, and have saved the country from the desolating scourge which then afflicted it.

Is the gentleman willing to stand here and weigh out dollars and cents and the money cost of preventing such a pestilence against the lives of our citizens? Is he willing to weigh money in the scale against human life? Why should the Board of Health be abolished or its powers limited? Have these diseases been abolished? Do not dispatches and the public press tell us to-day that there are some sixty cases, daily and weekly, of yellow fever now in Havana, and that it is epidemic, or about to be declared so?

Do we not know that it has already in fact reached our own shores; that there was a case in Brooklyn but a few days ago on a ship there, and some cases at Key West and at New Orleans, and that our whole coast is defenseless? Is he willing to leave human life to the mercy of commercial cupidity or under the influence of the merchants and the railroads, by which our whole borders will be laid open to the invasion of that fearful pestilence? I am in favor of increasing the efficiency of that board.

If the marine boards can do the work better than this, show that to be a fact and let us change the law; but in God's name let somebody have the power to overcome these local commercial influences to relieve the country of the presence or of the danger of an epidemic, which we have so often had cause to deplore.

[Here the hammer fell.]

Mr. SMITH, of Illinois. Mr. Chairman, if this last provision is not stricken from the bill it is my purpose to offer an amendment to at least include the investigation of small-pox with the other two diseases mentioned. At a late meeting of the State board of health of Illinois, held in Chicago, they passed a resolution asking the Representatives of that State in Congress to favor the supervision, on the part of the national board, regarding these diseases. They made this point, that in view of the large immigration of people from all parts of the world into the different parts of the United States and into all of the States there shoud be a national center, and in communication with the different State boards of the United States, in order that there may be harmonious action on the part of all of these different boards. This proposition, Mr. Chairman, does, as I understand it, propose no increase of the appropriations here, but simply provides some means of making it possible that the national board, which it is proposed to keep in existence by this law, (and I think it would be very unwise in us to abolish it now, because there happens to be no general epidemic prevailing,) shall have extended powers to meet the objects for which it was created; and I wish to say right here that only last winter, when the scourge of small-pox spread abroad over our State, our citizens realized the great value of our State board in circumscribing and stamping out the disease in that State.

Our citizens then awoke to its importance, and this same State board now instructs us, their Representatives in Congress, as I have said before, to see to it. What assurance have we that a great epidemic may not be upon us this summer? Why despise it now? We should be liberal enough to prepare in times of health for the times of disease that may come upon us. What assurance have we that after Congress shall have adjourned, after its members shall be scattered all over the country, these epidemics may not again invade our shores? Why should we be so picayunish as to sit here, two hundred and ninety-three members of Congress, to refuse a paltry few thousand dollars for these men who shall have this supervision over the State organizations, if you please—or if not supervision, who shall at least be able to co-operate with these State organizations?

There is on the Speaker's table a bill which has passed the Senate providing that the National Board of Health shall put its stamp upon vaccine virus in order that the people may know when they purchase it that it is pure. The bill has passed the Senate and is on the Speaker's table. I hope when it is reached it will also pass the House. This is necessary legislation. It is in the interest of the people and is desired by the people. Since the introduction of that bill many resolutions and petitions have been sent to us—I have received many of them myself—asking that it may become a law.

Mr. HENDERSON. Will my friend allow me to make a single suggestion?

Mr. SMITH, of Illinois. With pleasure.

Mr. HENDERSON. It is that the State board of health of the State of Illinois at this same meeting, referred to by my colleague, also set forth the beneficial effects of the law of the United States during the prevalence of small-pox last year.

Mr. CANNON. I should like to ask what Illinoisian has been recommended, if any, for appointment in connection with the duties of the National Board of Health?

Mr. HENDERSON. I will say that the members of our State board are men who are above reflection.

Mr. CANNON. I made no reflection on the State board. I was merely asking for information.

Mr. COX, of New York. I offer a formal amendment to say a word or two in response to what fell from the gentleman from Illinois, [Mr. SMITH.] So far as small-pox is concerned, the disease is easily manageable. By local treatment and local methods it can always be managed, and that is the only way in which it can be managed. Why not manage it as the local boards of Massachusetts do? When there is any contagious disease, small-pox or any other, in Massachusetts, they have a way, according to their old system of government, of isolating the disease. And so it was in Mobile and other cities South. Before this board was raised by the Federal Congress they did not suffer the effects which other cities suffered, because they took a local interest in all these matters to prevent contagion and infection.

Mr. SMITH, of Illinois. What would you say, then, in regard to the proposition, which is true, that Chicago, for instance, is daily receiving thousands of immigrants, and many of them diseased?

Mr. COX, of New York. I will say this to the gentleman, and I say it triumphantly, that the port of New York has a perfect local quarantine by which no diseases, contagious or infectious, have been sent into our city, as was the case twenty-five or thirty years ago. We have a guard against such dissemination of disease.

I say further to the gentleman, when I made the remark I would not have commerce disturbed I had in my mind the fact that there is a provision in this bill, the preceding provision which the Committee on Appropriations has reported, authorizing $100,000 to be appropriated and used by the President of the United States when these diseases are either threatening to be epidemic or when the epidemic actually occurs. That is on page 29 of the bill. The President is there authorized to use this large sum from the Treasury for the purpose of preventing and suppressing the spread of the disease.

But the gentleman from Illinois and others would enlarge this bureau, would give it more power, would let it go into all the ramifications of the country to interfere with local boards, and of course he has the support of the local boards who are willing to depend on this board here; and of course gentlemen from the South feel grateful, like my friend from Tennessee, for what was done when the epidemics were there raging. But the time has gone by when this board was needed.

I could show to this House, if I only had time and the facts before me, that the men connected with this Board of Health draw their salaries, and the chairman of the board comes only to draw his salary, a very eminent man who knows very little about the details, while a few persons run it in the interest of everything else but the

suppression of disease. I know what I say when I say to this House that the money we vote is thrown away, and in the judgment of the best doctors and the best scientists of this country there is no need of this board to indorse your vaccinating matter or otherwise interfere with the medical interests of the people. If we do not succeed in keeping this proviso as it is, I would rather cut out the whole paragraph.

Mr. CANNON. I only want to say a word about this matter. I believe in the power and the duty of the Federal Government to obstruct disease so far as it relates to its entering into our borders. It is only a question as to how it is best to be done, how it shall be most economically and thoroughly done. I believe also in the States and the great cities of the country acting in this matter as they have power to do, under police powers. I know the men that constitute the State board in my own State of Illinois, and I have great confidence in them; and I have no doubt the State will continue their power and make appropriation to protect our people as far as possible against the ravages of disease. So it is in many other States.

Gentlemen must not forget that in this new rapidly developing country of ours many schemes, some worthy and some unworthy, seek to fasten themselves upon the Treasury for the purpose of drawing out money merely for the sake of salaries, and they do it, too, in the name of health, and in the name of this and that and the other.

After some investigation I am firmly of the opinion that under this appropriation of $100,000 which is given to the President to be used in case of an epidemic, he can employ the Army and Navy surgeons, he can employ the Marine-Hospital force as it is organized throughout the country, and which can be utilized in the twinkling of an eye wherever it is so organized, with tenfold the effectiveness that this clumsy though respectably named National Board of Health is used or can be used. And I want to say, without abusing any member of that board, that in my opinion, after some investigation, it is the most clumsy, inefficient board that I know of, and will continue to be so in the very nature of things.

The argument will not control me, and I trust will not control others, that the prospect of some constituent here or there in our respective States or counties getting some appointment in connection with this matter should control us, or ought to. In the very nature of things, when you formed these boards, at once that kind of pressure is organized. I say this without having anybody in my mind that I now reflect upon.

I trust that the bill of the committee will stand with this limitation in it, and I want to say that I should not grieve if some one should move, and the motion should be adopted, to strike out entirely this clause and repeal the law providing for the National Board of Health.

Mr. RYAN. That is what ought to be done.

Mr. REAGAN. I desire but a word or two.

The CHAIRMAN. The Chair begs to remind gentlemen that there are only ten minutes before the committee must rise.

Mr. REAGAN. I can say all I want in that time.

Mr. HISCOCK. We are so near five o'clock that I will suggest to the gentleman that he give way for a motion that the committee rise.

Mr. REAGAN. I will do so.

Mr. ATKINS. As the yellow fever prevails only in the southern portion of the country, I think if it is asked by gentlemen from Northern States that small-pox shall be included, the gentleman from New York [Mr. HISCOCK] ought to yield.

Mr. HISCOCK. I beg the gentleman's pardon. The "gentleman from New York"——

Mr. ATKINS. I say this to the gentleman from Illinois [Mr. CANNON] who intimated that he hoped some gentleman would make a motion to strike this all out, that it would cost the northern people a great deal of money if they should act as they did before, for they poured out their money like water for the aid of our section of the country when the yellow fever was raging there.

Mr. HISCOCK. I beg to assure the gentleman from Tennessee [Mr. ATKINS] that I do not understand, from what I can hear around me, that there is any desire to strike out this provision.

Mr. ATKINS. I have no feeling on the subject. I have said this in deference to the gentlemen on the other side.

Mr. HISCOCK. I desire the gentleman to be deferential to me. [Laughter.] I am opposed to putting in small-pox. I am against the small-pox. [Laughter.]

Mr. REAGAN. If the discussion is to be continued——

Mr. HISCOCK. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

ELECTION-CONTEST EXPENSES—GEORGE W. JULIAN.

Mr. PEELLE, from the Committee on Claims, to which was referred the petition of George W. Julian, reported the same back, with the following resolution; and the report was ordered to be printed, and referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be instructed to insert in the sundry civil or deficiency appropriation bill the sum of $4,000, to be paid to George W. Julian in full of his expenses in the contested-election case of John S. Reed against George W. Julian to a seat in the Forty-first Congress.

FRENCH CABLE COMPANY.

Mr. COX, of New York. I ask unanimous consent to submit for reference to the Committee on Foreign Affairs a resolution of inquiry, and to have printed in the RECORD a communication I have received from the board of trade and transportation of New York City, on the subject of the French Cable Company.

There was no objection, and it was so ordered.

The communication is as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, June 20, 1882.

DEAR SIR: I have the honor to inclose resolutions (A) relating to ocean-cable rates, which, with the other inclosures, (B, C, and D,) in a measure explain themselves.

We would ask your good offices as a representative of our commercial city in ascertaining the facts officially, and then see what measures can be taken to enforce compliance on the part of the French company with the terms of the agreement they made with our Department of State, February 9, 1880, that it would "not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates." (See B.)

For your information I would state that previous to June 1, 1880, the rates were 75 cents per word.

Commencing June 1, 1880, they were made 12½ cents per word.
Commencing October 1, 1880, they were made 50 cents per word.
Commencing August 1, 1881, they were made 25 cents per word.
Commencing May 22, 1882, they were made 50 cents per word.

Very truly, yours,

DARWIN R. JAMES, *Secretary.*

Hon. S. S. COX.

(A.)

Unanimously adopted at a regular monthly meeting of the New York Board of Trade and Transportation, June 14, 1882:

Resolved, That a committee of three be appointed to co-operate with other commercial organizations in the matter of cable rates with a view of procuring action by Congress which will oblige the French Cable Company to comply with the stipulation which it made with our Government at the time it was permitted to land on our shores, to the effect that it would never combine with other companies to raise rates.

The resolution which was referred to the Committee on Foreign Affairs is as follows:

Resolved, That the President of the United States, if not incompatible with the public service, be requested to communicate to this House any information in the possession of the Department of State in reference to any change or modification of the stipulations which the French Cable Company made with our Government on the 9th of February, 1880, when said company was permitted to land its cable upon our shores, to the effect that it would never combine with other companies to raise rates; and further to report the nature of such change or modification, if any, with a view to Congressional action to prevent a consolidation of rates.

JUDICIAL DISTRICT IN IOWA.

Mr. McCOID. I ask unanimous consent that the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts be taken from the Speaker's table, that the House insist on its non-concurrence in the amendments of the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

There being no objection, it was ordered accordingly.

BATON ROUGE MILITARY BARRACKS, ETC.

Mr. ROBERTSON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House joint resolution No 226, and that it be now considered.

The title of the joint resolution was read, as follows:

A joint resolution to authorize the Secretary of War to lease to the Louisiana State University and Agricultural and Mechanical College the grounds of the Baton Rouge military barracks and arsenal.

Mr. HISCOCK. Is consideration of this resolution asked at the present time?

The SPEAKER. It is.

Mr. ROBERTSON. The use of this Government property at Baton Rouge has been discontinued for arsenal purposes since 1868, and for garrison purposes since 1879. The property is going to wreck. The Secretary of War has recommended that it be disposed of, either by sale or lease. The Senate passed a resolution authorizing the lease of the property to the blind asylum. This is a substitute reported by the Committee on Military Affairs.

Mr. HISCOCK. I object to the present consideration of the joint resolution.

CARRIAGE OF PASSENGERS BY SEA.

Mr. DEUSTER, by unanimous consent, introduced a bill (H. R. No. 6722) to regulate the carriage of passengers by sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INSPECTION OF WOOD.

Mr. GARRISON, by unanimous consent, from the Committee on the District of Columbia, reported a bill (H. R. No. 6723) to repeal all laws which require the inspection and measurement of wood brought to the city of Washington for sale; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

FENNIMORE BENNETT.

Mr. McCOOK, by unanimous consent, from the Committee on Military Affairs, reported back without amendment the bill (H. R. No. 3190) to remove the charge of desertion against Fennimore Bennett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DUTIES ON SUGAR.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 6724) to repeal certain additional duties on sugar, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OREGON SHORT-LINE RAILWAY COMPANY.

Mr. AINSLIE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

The SPEAKER. It will be impossible to consider that bill before the arrival of the hour for the recess.

Mr. AINSLIE. It is a bill of only six or seven lines.

The SPEAKER. The Chair thinks that the House cannot commence its consideration now.

ADDISON M. COPEN.

Mr. BARBOUR, by unanimous consent, introduced a bill (H. R. No. 6725) for the relief of Addison M. Copen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORRIS HILB.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 6726) for the relief of Morris Hilb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. PRINCE.

Mr. KETCHAM, by unanimous consent, introduced a bill (H. R. No. 6727) granting a pension to William E. Prince; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McCOID. There is a resolution for the donation of condemned cannon, which the Committee on Military Affairs has examined, and I would like——

The SPEAKER. That cannot be taken up for consideration now.

THOMAS M'CLAIN.

Mr. DAWES, by unanimous consent, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 3737) granting a pension to Thomas McClain; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA ATKINS MERCHANT.

Mr. STONE, by unanimous consent, from the Committee on Invalid Pensions, reported back without amendment the bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF MAJOR D. C. SMITH.

Mr. BRIGGS, by unanimous consent, from the Committee on the Judiciary, reported back without amendment the bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FIELDING HURST.

Mr. BRIGGS also, by unanimous consent, from the same committee, reported back with amendments the bill (H. R. No. 4111) for the relief of Fielding Hurst; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HUMPHREY, indefinitely, on account of important business; and

To Mr. WHITTHORNE, until the 11th instant.

LEAVE TO PRINT.

Mr. SPAULDING, by unanimous consent, was granted leave to print some remarks on the bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago. [See Appendix.]

SPEAKER PRO TEMPORE.

The SPEAKER. In the absence of the Speaker this evening, Mr. BURROWS, of Michigan, will preside.

The hour of five o'clock p. m. having arrived, the House, under its previous order, took a recess until eight o'clock p. m.

EVENING SESSION.

Mr. BURROWS, of Michigan, as Speaker *pro tempore*, at eight o'clock p. m. called the House to order.

The SPEAKER *pro tempore*. The Clerk will read the order of the House under which the session is held this evening.

The Clerk read as follows:

Resolved, That until the further order of the House, on Friday of each week the House shall take a recess at four o'clock and thirty minutes until seven o'clock and thirty minutes, at which evening sessions bills on the Private Calendar reported from the Committees on Invalid Pensions and Pensions only shall be considered. April 14, 1882.—Amended on motion of Mr. JOYCE, so as to include the consideration of bills granting condemned cannon, not to interfere with bills above named: *Provided*, That general debate shall be in order at such sessions, not to interfere with said bills. June 9, 1882.—Modified so that the recess shall be from five o'clock to eight o'clock p. m., and that the Invalid Pensions and Pensions Committees be authorized to report bills for consideration, and to call up House invalid-pension and pension bills with Senate amendments on Speaker's table for consideration.

MARY E. TAYLOR.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 3733) granting a pension to Mary E. Taylor; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARTHA A. JONES.

Mr. BROWNE also, from the same committee, reported back the bill (H. R. No. 3601) for the relief of Martha A. Jones, with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha A. Jones, widow of the late Oliver P. Jones, who was killed on the "Morgan raid" during the late war, and pay her a pension at the rate of eight dollars per month from the date of her said husband's death.

Mr. BROWNE. I ask by unanimous consent that this bill be considered at this time. I can state in a minute what the case is. In 1863, when John Morgan made his raid into Indiana, the Indiana Legion was called into the field by the proclamation of the governor. It was sworn regularly into the service and was subsequently paid on the pay-roll of the United States. Jones, the husband of the beneficiary of this bill, was a private in one of the companies of that legion. At the city of Lawrenceburgh, on the night of July 14, when it was reported Morgan was approaching the city, the regiment to which Jones belonged was sent to reconnoitre. Some of the companies of the regiment got separated from him and the two parts of the regiment coming together in the night-time began to fire into each other, each supposing the other was a part of Morgan's force, and in that firing Jones was killed. The beneficiary is his surviving widow. If the application had been made before the statute of limitations had expired, she could have had her pension under the pension laws of the United States. I know the facts personally and it is in the line of a number of precedents which have passed the Senate and the House without challenge.

Mr. ALDRICH. Has this been before the Pension Office?

Mr. BROWNE. Yes, sir.

Mr. ALDRICH. And rejected?

Mr. BROWNE. It was rejected.

Mr. ALDRICH. On what ground?

Mr. BROWNE. That the soldier was in the State militia and not in the regular volunteer service of the United States.

I now ask that the amendment of the committee be reported.

The Clerk read as follows:

Amend by striking out the words "from the date of her husband's death."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HANNAH E. ALDEN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. No. 6218) granting a pension to Hannah E. Alden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTHONY B. GRAVES.

Mr. MATSON also, from the same committee, reported back the bill (H. R. No. 4387) granting a pension to Anthony B. Graves; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON also, from the same committee, reported back with an adverse recommendation the petition of Samuel T. Henley of the Missouri State militia, and the bill (H. R. No. 1459) granting a pension to Ferdinand Duchanois; which were severally laid on the table, and the accompanying reports ordered to be printed.

CHANGE OF REFERENCE OF A PETITION.

Mr. MATSON also, from the same committee, reported back the petition of Henry Palmer Robinson, a soldier of the Seminole war, with the recommendation that the Committee on Invalid Pensions

be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The recommendation was agreed to.

LAFAYETTE AXTELL.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 3714) to increase the pension of Lafayette Axtell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BARBARA MARQUARDT.

Mr. WADSWORTH also, from the same committee, reported back the bill (H. R. No. 4357) granting a pension to Barbara Marquardt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROWLAND WARD.

Mr. WADSWORTH also, from the same committee, reported a bill (H. R. No. 6728) granting an increase of pension to Rowland Ward; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTHER M. CAREY.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2095) granting a pension to Esther M. Carey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS F. BAKER.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 1874) granting a pension to Thomas F. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT CARY.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 4367) granting an increase of pension to Robert Cary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HAZLEWOOD.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 3047) granting a pension to John Hazlewood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDON B. GRIMES.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH J. CAMERON.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE RAUTHE.

Mr. RICE, of Ohio, also, from the same committee, reported back with a favorable recommendation the bill (S. No. 1040) granting a pension to Theodore Rauthe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY J. HANNAFORD.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 5849) granting a pension to Mary J. Hannaford, with an amendment; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BENNETT.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 6317) granting an increase of pension to James Bennett, with an amendment; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LINCOLN POST 29, G. A. R.

Mr. HEPBURN. I desire, Mr. Speaker, to take from the Speaker's table the bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes, and ask that the same have present consideration.

Mr. BROWNE. It is possible that the order under which the House meets to-night may be broad enough to cover that bill. If so, I have no objection.

Mr. HEPBURN. I move to amend by striking out the word "four" where it occurs in the bill and inserting the word "two."

The SPEAKER *pro tempore*. The Chair is in very great doubt whether at this evening's session we have the authority to go to the Speaker's table. The order provides—

That until the further order of the House, on Friday of each week the House shall take a recess at 4.30 o'clock until 7.30 o'clock, at which evening sessions bills on the Private Calendar reported from the Committees on Invalid Pensions and Pensions only shall be considered. April 14, 1882, amended, on motion of Mr. JOYCE, so as to include the consideration of bills granting condemned cannon, not to interfere with bills above named.

Now, the Chair is of opinion a fair construction of that order would only make it include such bills granting condemned cannon as are reported from a committee of the House, and would not allow the House to go to the Speaker's table to take up Senate bills.

Mr. HEPBURN. Would not that be a somewhat strange construction? The language of the order is much broader than is intimated by the Chair. It includes "the consideration of bills granting condemned cannon."

The SPEAKER *pro tempore*. While that is true, the Chair thinks the amendment as to bills granting condemned cannon should be considered in connection with the previous order. The previous order restricted the consideration to bills reported from the Committees on Invalid Pensions and Pensions. That was amended so as to include also bills granting condemned cannon; and the Chair thinks that would refer to bills reported from the proper committee.

Mr. HEPBURN. If that had been the intention, would not the order have said so?

Mr. DAWES. The order specifies bills reported from the Committees on Invalid Pensions and Pensions. The bills granting condemned cannon could not be reported from those committees.

The SPEAKER *pro tempore*. The Chair, of course, is willing to submit the matter to the House. But we should keep strictly within the order. And it will be observed that the order was further modified as follows:

June 9, 1882.—Modified so that the recess shall be from five o'clock to eight o'clock p. m., and that the Invalid Pensions and Pensions Committees be authorized to report bills for consideration, and to call up House invalid-pension and pension bills with Senate amendments on Speaker's table for consideration.

That order was made to allow the consideration of those cases on the Speaker's table, and does not include Senate bills on the Speaker's table granting condemned cannon.

Mr. BROWNE. To get out of this difficulty I make the point that the former part of the order provides—

That the consideration of bills granting condemned cannon is not to interfere with the bills reported by the Committees on Invalid Pensions and Pensions.

Mr. THOMPSON, of Iowa. I hope the Chair will not make a distinct ruling on that subject until the proper time arrives.

The SPEAKER *pro tempore*. The Chair is disposed to decide at present that the order is not broad enough to allow the House to go to the Speaker's table to take up Senate bills for consideration.

ADVERSE REPORTS.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally laid on the table and the accompanying reports ordered to be printed:

A bill (H. R. No. 5064) granting a pension to Temperance J. O'Neal;

A bill (H. R. No. 2235) for the relief of James Buchanan; and

A bill (H. R. No. 195) granting a pension to Robert Cook.

ORDER OF BUSINESS.

Mr. BROWNE. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. BRIGGS in the chair.

Mr. PRESCOTT. As we have done on former evenings to avoid loss of time, I move that we informally pass over the following bills, which have been heretofore passed over but still remain on the Calendar:

On page 27, the bill (H. R. No. 2142) granting arrearages of pension to Andrew J. Morrison;

On page 29, the bill (H. R. No. 1218) for the relief of the widows of John R. Gale, &c.;

On page 34, the bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased;

On page 34, the bill (H. R. No. 1736) granting a pension to Horace S. Spear;

On page 37, the bill (H. R. No. 2328) granting a pension to Joseph R. Benjamin;

On page 40, the bill (H. R. No. 1027) granting a pension to Agnes Fairly;

On page 42, the bill (H. R. No. 1530) granting a pension, &c., to Sylvester F. Hildebrand;

On page 43, the bill (H. R. No. 2812) granting a pension to James King;

On page 44, the bill (H. R. No. 291) granting a pension to William Boone; and

On page 44, the bill (H. R. No. 5505) granting an increase of pension to John O. O'Neill.

That will make the consideration of the Calendar commence to-night with Senate bill No. 718, on page 44.

The CHAIRMAN. Without objection, the bills indicated by the gentleman from New York will be passed over.

There was no objection.

ELLEN M. GODFREY.

The CHAIRMAN. The first pension bill on the Calendar to be considered under the order just made is the bill (S. No. 718) granting a pension to Ellen M. Godfrey.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension-laws, the name of Ellen M. Godfrey, widow of James A Godfrey, late captain of Company G, Eighteenth Regiment Maine Volunteer Infantry, subsequently of the First Maine Heavy Artillery.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill No. 718, granting a pension to Ellen M. Godfrey, widow of Captain James A. Godfrey, Company G, Eighteenth Regiment Maine Volunteer Infantry, subsequently of the First Maine Artillery, having examined all the papers in the case, find the report of the Senate Pension Committee of this Congress fully sustained by the evidence, and we adopt the same as the report of this committee; said report is as follows, namely:

"That in the Forty-sixth Congress a similar bill was considered by the Senate Committee on Pensions and favorably reported to the Senate, as follows:

"'Ellen M. Godfrey is the widow of James A. Godfrey, deceased, late captain of Company G, Eighteenth Regiment Maine Volunteer Infantry, subsequently First Maine Heavy Artillery, who enlisted August 4, 1862, was discharged September 11, 1865, and died March 3, 1878. Captain Godfrey applied for a pension in 1872, alleging wound in hand and disability from disease. A pension was granted for the wound only. The widow now applies for a pension, alleging that her husband died of disease contracted in service in the line of duty, and the Pension Bureau rejected her application on the ground that it was not satisfactorily shown that the disease of which her husband died (pulmonary consumption) was contracted in the service in the line of duty.

"'A careful examination of the somewhat voluminous testimony satisfies the committee that at the time of his enlistment Captain Godfrey was a sound and healthy man; that while in the service he contracted a severe cold and sickness from great exposure, in consequence of which he was treated in hospital for several weeks, when he was discharged from hospital and returned to duty, but was unable to perform full duty during the balance of his term of service. At the time of his discharge his health was broken; he was weak, emaciated, and diseased continuously up to the time of his death, continuously under medical treatment, and unable to perform manual labor. It may be that pulmonary consumption did not exist at the time of his discharge, but the committee are fully satisfied that the causes which resulted in that disease and Captain Godfrey's death arose from hardship and exposure in the service and in the line of duty, the effects of which resulted in his death.'

"The committee recommend that the bill be passed."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HAZELIT.

The next pension bill on the Private Calendar was the bill (S. No. 1195) granting a pension to William Hazelit.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Hazelit, late a private in Company A, Twelfth Regiment Kansas Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1195, granting a pension to William Hazelit, private Company A, Twelfth Regiment Kansas Volunteers, have carefully examined the evidence in the case, and are satisfied that the matter has been well considered by the Senate Pensions Committee of the present Congress. Therefore we adopt their report, which is as follows:

"That during the session of the Forty-sixth Congress the Senate Committee on Pensions, having considered the application of William Hazelit to be granted a pension by special act, reported—

"'That said Hazelit enlisted October 24, 1863, and was discharged for consumption April 13, 1865. His application for a pension, filed September 27, 1875, was rejected June 13, 1879, upon the ground that consumption existed prior to enlistment. This action was based on the surgeon's certificate of disability, in which the surgeon says: "The disease was contracted before enlistment, according to the soldier's statement, to the best of my knowledge."

"'The evidence shows that the claimant is now and since his discharge has been thoroughly disabled. The sole ground of rejection is the opinion of the surgeon who gave a certificate of disability. This opinion, it will be observed, is based not on any personal knowledge of the claimant's condition at the time of his enlistment, but upon the statement of the claimant, and is given with the qualification that it is 'to his best knowledge.' What statements of the claimant induced the surgeon to think the disease existed at the time of enlistment does not appear, and therefore the committee are unable to say how much importance should be attached to the surgeon's opinion.

"'In this case it seems to the committee that the presumption in favor of the claimant's soundness at the time of enlistment, arising from the fact that he was examined and accepted as a sound man, is not overthrown by the qualified opinion of the surgeon, and they therefore recommend the passage of the accompanying bill.'

"Your committee, having made a careful re-examination of the case, unhesitatingly adopt that report as their own."

And we recommend that the Senate bill for the relief of said Hazelit be passed by the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA A. STIMERS.

The next pension bill on the Private Calendar was the bill (H. R. No. 4562) for the relief of Julia A. Stimers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Stimers, widow of Alban C. Stimers, late a chief engineer in the United States Navy.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 4562) for the relief of Julia A. Stimers, having had the same under consideration, beg leave to make the following report:

The applicant in this case is Julia A. Stimers, who is the widow of Alban C. Stimers, late a chief engineer in the United States Navy. The said Alban C. Stimers entered the Navy January 11, 1849, and through promotions became chief engineer July 21, 1858, remaining in the service until August 3, 1866. His services were remarkably brilliant and meritorious. In November, 1861, he took the superintendence of the construction of the iron-clad vessel Monitor, and superintended her building and completion, accompanying her as a volunteer to Hampton Roads. On the morning of March 9, 1862, as volunteer engineer under Admiral Worden, he took an active and important part in the famous battle between the Monitor and the Merrimac. Soon afterward he was appointed general inspector of all the iron-clads built by the United States. After the completion of the iron-clads he proceeded to Charleston Harbor to watch and report upon them, and keep them ready for battle. On the 7th of April, 1863, he participated in the attack by the iron-clads upon the forts in Charleston Harbor, and on January 13, 1865, participated in the battle which resulted in the capture of Fort Fisher.

At the close of the war he left the service and became a naval engineer in the city of New York. On June 3, 1876, he did suddenly, leaving his family, consisting of said widow and five children, all of whom were girls, and one of whom was an infant, wholly unprovided for, and the family is now wholly without means of support.

The petition for a pension in behalf of this widow is signed by Admiral Worden, by Chief Engineer Isaac Newton, who was the chief engineer of the Monitor during the action with the Merrimac, and by many others. Said Newton, in a letter dated February 10, 1882, says:

"I deem it my duty to state, without reserve, that it is my opinion, without the skill and courage displayed by Mr. Stimers in the handling of the turret of the Monitor during the combat with the Merrimac, the result of the action would not have been favorable to the Union. The importance of the service he rendered his country on that occasion cannot be overestimated."

Admiral Parks, in a letter dated October 25, 1877, expresses himself strongly in favor of granting a pension to the petitioner.

Hon. Erastus Brooks, of New York, says:

"What is said in the petition of Mrs. Stimers is true. The family board next door to me, upon Staten Island, and I am familiar with the need of the family."

Hon. Gideon Welles, former Secretary of the Navy, says:

"I can frankly and truly say that no one who served on the Monitor in her perilous passage to Hampton Roads and in her world-renowned fight with the Merrimac rendered more valuable and heroic service than Alban C. Stimers."

Your committee are of the opinion that it is just and wise to recognize heroic services of the nature of those performed by Alban C. Stimers; and considering these services and the poverty of the family he left, recommend the passage of the bill granting a gratuity pension to Julia A. Stimers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ABRAM COLLEY.

The next bill on the Private Calendar was the bill (H. R. No. 2504) to increase the pension of Abram Colley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Abram Colley, formerly of Company H, Sixth Regiment United States Colored Troops, to $31.25 per month from the date of this act.

The Committee on Invalid Pensions reported the following amendment:

Strike out "$31.25" and insert "$24."

Mr. ALDRICH. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 2504) to increase the pension of Abram Colley, has had the same under consideration and begs leave to submit the following report:

Abram Colley enlisted September 7, 1863, in Company H, Sixth Regiment United States Colored Troops, and was discharged July 18, 1865, on surgeon's certificate, because of gunshot, comminuting tibia and fibula of right leg, and implicating knee-joint, received in battle at Dutch Gap, Virginia, August 17, 1864.

For this injury Colley was pensioned at $8 per month, which rate was subsequently increased to $15 and $18, from June 6, 1866, and June 4, 1872, respectively. He applied for increase on account of another disability, resulting from a wound of hip, alleged to have been received at the same time and place. For this disability the examining surgeon of the Pension Office makes a rating of $6. But inasmuch as the combined disabilities do not disqualify the pensioner for the performance of any manual labor, no increase can be granted by the Pension Office.

Although there is no record evidence of the wound of the hip, its receipt is shown by the testimony of two comrades.

The disabilities are described as follows, in the last medical certificate in the case, dated September 20, 1879: there is a scar three inches below inner tuberosity of right tibia over edge of tibia, marking entrance of ball, another just below tubercle of tibia, another over upper extremity of fibula, and two or three in a line below the latter. The injury has resulted in anchylosis of the knee-joint (the leg slightly bent upon the thigh) with anchylosis of the ankle. As there is no work for the muscles, they are atrophied down thigh and leg. There is also a scar over the great trochanter of right thigh. The gluteal muscles are affected by this, but more especially the muscles of the loins. The first described disability alone is equivalent to the loss of the leg above the knee. The condition of the whole limb, with the difficulty of locomotion, is affecting his general health.

In the judgment of this committee the absence in the general pension laws of any provision for the rating of a disability equivalent to the loss of a leg above the knee should not deprive a person of the rate provided for the latter disability, if suffering from one equivalent thereto, and therefore recommends that the words "thirty-one dollars and twenty-five cents," in lines 6 and 7 of the bill, be stricken out, and the words "twenty-four dollars" be inserted instead, and asks that the bill thus amended do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

D. F. BASHARES.

The next business was the bill (H. R. No. 5725) to grant a pension to D. F. Bashares.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of D. F. Bashares, late of Company F, Eighth Regiment Maryland Volunteers, subject to the restrictions and limitations of the pension laws of the United States.

Mr. McMILLIN. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 5725) to grant a pension to D. F. Bashares, having had the same under consideration, beg leave to submit the following report:

Daniel F. Bashares enlisted as a private in Company F, Eighth Maryland Volunteers, August 19, 1862, and was discharged May 31, 1865. On the 12th day of April, 1879, he filed in the Pension Office an application for pension on account of lung and heart disease, alleged to have been caused by fever and ague contracted in November, 1862, while on duty near Williamsport, Maryland.

This claim has been rejected because there is no record of the alleged diseases, and the claimant is unable to comply with the requirements of the Pension Office to furnish medical evidence showing the existence of said disease in service or at date of discharge.

In support of his claim he has filed numerous affidavits of neighbors, officers, and fellow-soldiers, setting forth that he was a sound man prior to and at the time of his enlistment. Lieutenant Grass and comrades Simon Johnston and Peter Ring testify that the soldier, while in line of duty, in the winter of 1862–'63, was taken sick with rheumatism, became broken down in health, and was sent to hospital; also suffered from fever and ague brought on by exposure, and that thereafter the soldier was never really fit for full duty. The same parties also testify that they have seen him a number of times in each year since his discharge, and that since that time he has been unfit to perform hard manual labor. The affiants have worked with him several times, and he would give out in a short time after attempting to do hard labor.

The claimant makes oath that he was not treated by any regular physician for three or four years after discharge, but took a great deal of patent medicine, until his case became serious, when he employed a physician. Drs. Healy and Fundenburg testify that they have treated the claimant more or less since 1869 for an affection of the heart and asthma, which disabled him to a very large extent from performing any manual labor. In the opinion of affiants the diseases are chargeable to exposure in the service. He is now a confirmed invalid, with no prospect of restoration to health. Has imperfect action of the heart, and cough. A number of neighbors also testify to the claimant's soundness prior to his enlistment, and to his continuous inability since discharge to perform hard manual labor, because of disease, which, in their opinion, must have been contracted during his military service.

It further appears that the claimant called upon his late regimental surgeon for an affidavit as to treatment while in service, but the surgeon having no record of his treatment as said surgeon, and having no personal recollection of the claimant, declined to furnish the affidavit required by the Pension Office. The medical examination had of claimant under the instructions of the Pension Office show disability by reason of hypertrophy of heart and bronchial irritation, and generally impaired health.

In the opinion of this committee there is ample proof that claimant was a sound and healthy man when he enlisted; that from exposure he contracted diseases which have disabled him ever since his discharge. The absence of record of treatment is no fault of the soldier; neither should his failure to employ medical attendance immediately after discharge prejudice his right to a pension.

Taking into consideration all the facts shown in the case, the committee are inclined to grant the relief asked for, and therefore report favorably on the bill, with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BROWNE. The next bills are some reported from the Committee on Pensions. I desire to inquire if there are any gentlemen present representing that committee?

Mr. STONE. I represent that committee.

Mr. STEELE. So do I.

ORPAH MEACHAM.

The next business was the bill (H. R. No. 6400) granting a pension to Mrs. Orpah Meacham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Orpah Meacham, widow of the late Colonal Alfred B. Meacham, and to pay her, from and after the passage of this act, during her widowhood, the sum of $50 a month.

The bill was laid aside to be reported favorably to the House.

REBECCA WRIGHT.

The next business was the bill (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier of the war of 1812.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to put the name of Rebecca Wright, widow of James Wright, who was a private in Captain Bosier's company, war of 1812, on the pension-rolls, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported favorably to the House.

SUSAN SHEARER.

The next business was the bill (H. R. No. 3322) for the relief of Susan Shearer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to cause to be placed on the pension-roll the name of Susan Shearer, widow of Daniel Shearer, late a member of Captain Shower's company of Maryland militia in the war of 1812, at the rate of $8 per month.

The bill was laid aside to be reported favorably to the House.

GEORGE C. QUICK.

The next business was the bill (S. No. 1532) granting a pension to George C. Quick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George C. Quick, who served in Captain Solomon Miller's company of Mounted Rangers in the Black Hawk war.

The bill was laid aside to be reported favorably to the House.

SUSAN BAYARD.

The next business was the bill (H. R. No. 5558) granting a pension to Mrs. Susan Bayard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Susan Bayard, widow of Anthony W. Bayard, a soldier of the war of 1812.

The bill was laid aside to be reported favorably to the House.

AARON BUCHANAN.

The next business was the bill (H. R. No. 5763) granting a pension to Aaron Buchanan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Aaron Buchanan, late a private in Company C, Thirteenth Tennessee Cavalry, on the pension-roll, subject to the limitations of the pension laws.

Mr. BROWNE. I notice that that bill is reported adversely from the committee. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 5773) granting a pension to Aaron Buchanan, being informed that the pension asked for has been granted under the general pension laws, begs leave to return the same with the recommendation that it lie on the table.

Mr. BROWNE. I think that had better be done.

The bill was laid aside to be reported to the House with the recommendation that it be laid on the table.

CATHARINE STOVER.

The next business was the bill (H. R. No. 6411) granting a pension to Catharine Stover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Catharine Stover, widow of Joseph W. Stover, late a soldier in the Fifth Regiment of Kentucky Cavalry, commanded by Colonel D. R. Haggard, subject to the provisions and limitations of the pension laws.

SEC. 2. That the Secretary of War be, and he is hereby, directed to so correct the records of the War Department as to free said Joseph W. Stover from the charge of desertion.

The bill was laid aside to be reported favorably to the House.

CYNTHIA MARTIN.

The next business was the bill (H. R. No. 6412) granting a pension to Cynthia Martin, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Cynthia Martin, widow of the late Robert H. Martin, a soldier in Company H, Fifth Kentucky Cavalry, commanded by Colonel D. Haggard, subject to the provisions and limitations of the pension laws.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to so correct the records of the War Department as to free said Robert H. Martin from the charge of desertion.

The bill was laid aside to be reported favorably to the House.

ALICE J. BENNIT.

The next business was the bill (H. R. No. 2524) for the relief of Alice J. Bennit.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice J. Bennit, widow of Charles N. Bennit, late a private in Company H of the Eighty-fourth Regiment of New York Volunteers, and pay her a pension at the rate of $8 per month, and $2 dollars per month in addition thereto for each child of said Charles N. and Alice J. Bennit until they arrive at the age of 16 years respectively.

Mr. McMILLAN. Let us have the report in that case read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2524) for the relief of Alice J. Bennit, having had the same under consideration, beg leave to make the following report:

It appears from the evidence in this case that the petition has heretofore been under the consideration of a committee of this House, and a report was made to the Forth-sixth Congress by the Hon. Mr. Mason, of the then Committee on Invalid Pensions. The following is the substance of that report:

"It appears from the evidence in the case on file in the Pension Office that the petitioner is the widow of Charles N. Bennit, late private Company H, Fourteenth New York State Militia, who was a pensioner upon the rolls 'for loss of leg below the knee, the result of wound received at the battle of Bull Run, August 29, 1862. He was pensioned at $8 per month from date of discharge, October 8, 1862, and paid at that rate till March 3, 1865, when, under the provisions of the act of that date, his pension was suspended by reason of his employment in the civil service of the Government. Under the provisions of the act of June 6, 1866, payment of pension was resumed, and the rate thereof increased to $15 per month. A further increase to $18 per month was allowed under the act of June 8, 1872. The amount withheld between March 3, 1865, and June 6, 1866, was paid to the widow May 16, 1879.'"

The following certificates of the attending physicians show time and cause of death of the soldier:

This is to certify that I was one of the attending physicians on Charles N. Bennit during his last illness. He was taken with a convulsion about 7 p. m., November 25, and died November 26, at 2 p. m. His disease was congestion of the brain, with probably a rupture of one of the cerebral arteries. In my opinion the cause of his death was indirectly related to the loss of his leg during the war. My reasons are briefly as follows, namely: in any person losing a limb just as much of the area of the circulation of the blood is cut off, and so a greater pressure is brought to bear on the remaining vessels. Again, there is a great amount of vital force expended by anybody who is obliged to carry around eight or ten pounds of wooden leg. This is an ever-increasing burden, and will in time gradually undermine the party's health. Thus, in Charles N. Bennit's case, with a debilitated system and an increased blood pressure, nothing more likely than his death by congestion of the brain.

WILL. W. BENNIT, M. D.,
26 Bond Street, Brooklyn, New York.

APRIL 28, 1880.

BLADENSBURGH, PRINCE GEORGE'S COUNTY, MARYLAND,
September 30, 1879.

The undersigned was called hurriedly on the night of November 25, 1878, to see Mr. Charles N. Bennit, in consultation with his brother, Dr. William Bennit. The history of the case, as gathered from the attending physician, was that the patient had been ailing for some time with intermittent fever, and that he had shown symptoms of fever for several days previous to my visit. I was told that he had complained for some time past of occasional attacks of violent headache. The amputated limb was excessively wasted. I found the patient completely comatose, having just gotten over a strong convulsion. I diagnosed "cerebritis" developed from "malarial fever." The patient never recovered consciousness; had frequent slight convulsive movements during the entire night, dying next day, November 26, 1878, at about two o'clock, p. m.

CHARLES A. WELLS, M. D.

By affidavits recently filed with this committee it appears that the deceased soldier was habitually in excellent health until during his service in the Army. He enlisted when nineteen years of age, in October, 1861; was sick from malarial fever in the summer of 1862; was wounded August 29, 1862, and his leg was amputated in consequence thereof. He seemed never to recover from the effect of this wounding and consequent sickness. His wound was received while fighting at the front, and he was taken prisoner, remaining as such for some time.

From 1865 until the death of the soldier he was subject to periodical attacks of headache, which in the spring and fall assumed a very violent character, and seemed to grow worse from year to year. About three weeks before his death he had one of these attacks, which was very violent. He suffered also greatly from his amputated limb, especially during the summer, eruptions appearing on the stump, sometimes as many as five at a time, causing much weakness and pain. His maimed limb became much shrunken, and he lacked strength to wear his wooden leg without great exertion. The troubles constituting his disability appear to have continued from the amputation of his limb until his death, and it is reasonable to infer that his death was the result of disabilities incurred in the line of duty. It also appears that the petitioner, a widow, has three children—one born in 1871, one in 1867, and one in 1877—all of whom are now living, the children of said deceased soldier.

It further appears that the widow has but a small income, merely sufficient to provide clothing for the said children, and she is without other means of support.

The committee are of the opinion that, under the circumstances of the case, justice requires that the petitioner should receive a pension, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

FLORIDA G. CASEY.

The next business was the bill (S. No. 1852) granting a pension to Mrs. Florida G. Casey.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Florida G. Casey, widow of General Silas Casey, deceased, and to pay her a pension at the rate of $50 per month.

The bill was laid aside to be reported favorably to the House.

MARGARET G. HALPINE.

The next business was the bill (H. R. No. 5312) granting a pension to Margaret G. Halpine.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret G. Halpine, widow of Charles G. Halpine, late a lieutenant-colonel and brevet brigadier-general of volunteers in the Union Army, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported favorably to the House.

LYDIA S. ROARK.

The next business was the bill (H. R. No. 1576) granting a pension and bounty to Lydia S. Roark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lydia S. Roark, minor child of Alvin Roark, late a private in Company B, Second Regiment of Tennessee Infantry Volunteers, on the roll of pensioners, and pay to her, if she is of lawful age, but if not, to her legally-appointed guardian, out of the military pension fund, a pension of $8 per month commencing on the 6th day of November, 1863, with increase of $2 per month commencing on the 25th day of July, 1866, to continue up to the time she arrived at sixteen years of age.

SEC. 2. That the Paymaster-General of the United States Army be, and he is hereby, authorized and directed to pay, out of any money appropriated, or hereafter to be appropriated, for the payment of the Army, to Lydia S. Roark, minor child of Alvin Roark, late a private in Company B, Second Regiment of Tennessee Volunteers, if she is of lawful age, but if not, to her legally appointed guardian, $192, for twelve months' service of said soldier in said regiment, together with the regular bounty due said soldier, and also the additional bounty under act of July 28, 1866.

Mr. BROWNE. I think that bill has been very essentially and materially amended some way or other, in the report if not in the bill.

Mr. McMILLIN. Let the report be read.

The CHAIRMAN. The Chair is informed by the Clerk that no copy of the report is here.

Mr. ALDRICH. Then let the bill be passed over informally.

There was no objection, and it was so ordered.

HENRY S. WOODWARD.

The next business was the bill (H. R. No. 6422) granting a pension to Henry S. Woodward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Woodward, late a private in Company E of the First Regiment United States Veteran Engineers, on account of injuries received in said service.

Mr. McMILLIN. Read the report.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred by the Commissioner of Pensions the case of Henry S. Woodward, late a private of Company E, First United States Veteran Volunteer Engineers, for its consideration under the joint resolution of Congress, approved May 29, 1830, entitled "A resolution requiring annual reports to be made to Congress in relation to applications for pension," has carefully examined all the evidence presented in support of the claim, and begs to submit the following report:

Henry S. Woodward enlisted in Company F, Second Ohio Volunteers, September 1, 1861, and appears to have been in active service, in that organization, to December 31, 1862, when he is reported as detailed in Pioneer Corps, and so reported to August 31, 1864, when he was assigned to the First Regiment Veteran Engineers. It further appears that he was enrolled as veteran volunteer, August 29, 1864, in Company E, First Regiment United States Veteran Engineers, to serve three years, and was, on September 12, 1864, with twenty-one others of said company, granted a veteran furlough for the period of thirty-six days. At the expiration of his furlough, Woodward started for his command, and while *en route* was injured by having his right foot caught between the bumpers of the cars upon which he was riding. The foot was amputated at the ankle joint. The evidence shows that the injury was not due to the carelessness or neglect of the claimant, but to a sudden jerk of the train while backing up on the track at Murfreesborough, Tennessee, by which he was partly thrown off the platform where he was standing receiving some provisions.

The Commissioner of Pensions states that the claim was rejected February 22, 1877, on the ground that—

"The injury was not incurred in the line of duty, because he was not with any detachment of the organization, nor absent on sick-furlough, and is held, under the construction given to section 4700 of the Revised Statutes, as his own free agent while on individual veteran-furlough, until the time he rejoined his command."

* * * * * * * *

"The applicant, however, appears to have been present during the entire period of his service, except when on the furlough before mentioned, and is entitled to some consideration on account of his crippled condition, which would not have occurred had he not been in the service."

Section 4700 Revised Statutes, referred to by the Commissioner of Pensions, is as follows:

"Officers absent on sick-leave, and enlisted men absent on sick-furlough or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital."

The construction given this section by the Pension Office would exclude from its benefits, in case of injury, every person who, because of enlistment subsequent to the organization of the command, could not avail himself of his veteran-furlough at the time "the organization to which he belonged" was entitled to said furlough. Only twenty-one of the company were thus furloughed with the claimant. They were not with "the organization" to which they belonged, nor even a detachment of the same, unless under the command of an officer, which is not shown in this case.

To discriminate between the person injured without any fault of his, while on veteran furlough with his command, and the person who was injured in like manner while in the enjoyment of his veteran furlough at a time other than that set aside for the greater part of the command, would do an injustice to the latter, which in the opinion of this committee could not have been the intention of Congress in the framing of the section above quoted.

The committee fully concurs in the opinion expressed by the Commissioner of Pensions, that the claimant is entitled to some consideration on account of his crippled condition, and therefore submits the accompanying bill and asks that it do pass.

The bill was laid aside to be reported favorably to the House.

JAMES H. M'NUTT.

The next business was the bill (H. R. No. 2285) to increase the pension of James H. McNutt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James H. McNutt, late assistant surgeon of the Ninety-seventh Regiment Indiana Infantry State Volunteers, to $20 per month, from and after the passage of this act.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. No. 2285, have had the same under consideration, and beg leave to report as follows:

James H. McNutt was assistant surgeon of the Ninety-seventh Indiana Volunteers, and as such served out his full term of three years. He is now seventy-seven years old, and is pensioned at the rate of $12.75 per month on account of chronic diarrhea. In 1878 he was afflicted with other diseases, which he proves by medical testimony were the result of his chronic diarrhea, which then, and have ever since, to a considerable extent, increased his disability. His only son was killed in battle in front of Atlanta while fighting for the Union.

He asks for $25 per month. This committee are of the opinion that he should have $20 per month, and recommend the passage of the bill with this amendment, striking out the word "four" in line 6 of said bill.

The amendment recommended by the committee, to strike out the word "four" in line 6, making the pension $20 per month instead of $24, was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

EMMA A. RAMSEY.

The next business was the bill (S. No. 462) granting a pension to Emma A. Ramsey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma A. Ramsey, widow of J. Allen Ramsey, late surgeon of the One hundred and twenty-first Regiment of Pennsylvania Volunteers, to take effect from the passage of this act.

The report is as follows:

The Committee on Invalid Pensions to whom was referred the bill S. No. 462, have had the same under consideration, and beg leave to report as follows:

We adopt the facts set forth in the Senate Committee report on this case, as follows:

"The claimant, Emma A. Ramsey, is the widow of J. Allen Ramsey, late surgeon of One hundred and twenty-first Pennsylvania Volunteers.

"It appears that claimant's husband served in that capacity from the 18th of September, 1862, till mustered out June 2, 1865.

"Claimant applied for pension January 20, 1877, alleging that her said husband died from the effects of disability contracted while in said service, said disability being the result of an affection of the lungs.

"It appears from the evidence on file that claimant's husband died January 10, 1873, of pneumonia, at Philadelphia.

"William P. Hubbell testifies that Surgeon Ramsey was a healthy man at enlistment, and that immediately after discharge from service he was suffering from a severe cough and disease of the bronchia and lungs, which he stated was contracted in the campaign against Richmond in 1864–'65, and which finally caused his death.

"Dr. C. Paul testifies that he was called upon to attend claimant's husband January 1, 1873, and did attend him till his death, January 10, 1873. His disease was asthenia, or inability to withstand the severity of an attack of pneumonia because of a previously impaired physical condition.

"Mary W. Smith testifies to an acquaintance with claimant's husband from 1866 till his death, in 1873, and that during that time he was suffering from a severe cough, which gave him great pain in the chest and interfered with his sleep.

"The claim was rejected because it appeared that claimant's husband died with an acute disease, and, consequently, not contracted in the service."

The conclusion of this committee is that the death of Dr. Ramsey was the result of a disease contracted in the service, and report favorably.

The bill was laid aside to be reported favorably to the House.

DANIEL G. GEORGE.

The next business was the bill (H. R. No. 1011) granting an increase of pension to Daniel G. George.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel G. George, late a private in Company B, First Massachusetts Cavalry, in the war of the rebellion, at the rate of $24 per month from and after the passage of this act, instead of $8 per month, which he is now receiving.

Mr. McMILLIN. I call for the reading of the report.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1011) granting an increase of pension to Daniel G. George, Company D, First Regiment Massachusetts Cavalry, having had the same under consideration, report as follows:

The petitioner, Daniel G. George, was mustered into Company D, First Regiment Massachusetts Cavalry, as a private on the 17th day of September, 1861, for three years or during the war. He was wounded on the night of the 27th of March, 1862, about twelve or one o'clock, while in the line of duty, going the grand round with his captain, by being thrown from his horse against a tree, fracturing the right thigh, breaking the bone into eight pieces; treated in regimental hospital, transferred to general hospital at Hilton Head, South Carolina, on the 22d day of May, 1862, as Dan. G. George with "fracture," (no other diagnosis.) He returned to duty June 20, 1862, and subsequently engaged in all the battles in which his command took part.

At Aldie, Virginia, he led his company into the cavaly fight on the 17th of June, 1863, with fifty-four men, and lost fifty of them killed, wounded, and taken prisoners. His horse, pierced with seven bullets, fell on his leg, from which George could not escape, and he was taken prisoner, carried to Libby Prison, Richmond, Virginia, where he remained three months, when, being regularly exchanged, he rejoined his command, with which he remained until transferred to the Navy, the 21st day of April, 1864, when he enlisted and was sent to Brooklyn navy-yard, and where a draft was made for the Chicopee, South Atlantic station. One William Smith was drawn, who did not want to go, so Mr. George, who liked the naval service, (having served in the Navy five years previous to the war,) exchanged papers with Smith, and when the roll was called answered to Smith's name, and was known on the Chicopee as William Smith. He was coxswain of Lieutenant Walker's boat.

Lieutenant Walker called for volunteers to blow up the rebel ram Albemarle, in Plymouth Harbor, Pamlico Sound, and George was the first volunteer who responded to the call. The party started for the rebel ram on the night of October 24, 1864, and finally succeeded in getting to her in the darkness of the night. Mr. George and a chum named Haden dropped the torpedo, of one hundred and eighty-six pounds' weight, down under the ram. Cushing gave the order to reverse steam and back over the logs, which they were unable to do. Cushing, finding they could not get her out, cried out: "Pull her off, Dan: we'll all go to hell together!" Dan pulled the lanyard and the torpedo exploded, opening a seam twenty feet long and an inch or more wide, which sank the ram in about two hours.

Those in the lieutenant's boat were blown into the air, and all but Cushing and Haden taken prisoners. George and the crew were surrounded by the infuriated rebels, who would have killed them on the spot had it not been for Captain Cooke, of the Albemarle, who rushed to the spot with revolver in hand, and said he would shoot the first man who attempted to injure them, declaring that he had been thirty years in the United States Navy, and this was the bravest deed he had ever known.

Mr. George was taken to Saulsbury prison, remained there eight or nine months, till the war closed, when he returned to the Chicopee, and was honorably discharged April 26, 1866, having served four years, six months, and sixteen days, during which time he was engaged in twenty-one battles, besides many skirmishes with the enemy.

He filed his application for a pension February 28, 1877, and was pensioned November 17, 1877, from October 1, 1877, at $12 per month, for "fracture of right thigh," arrears allowed from April 27, 1866, to September 30, 1877, at $8 per month. Application for increase filed July 6, 1880, on account of original disability. Dr. James H. Crombie, who was the examining surgeon at the time of his original application, states that in his opinion said Daniel G. George is disabled to the extent or equivalent to the loss of one foot, or one hand. Judging from his then present condition, and from the evidence before him, Dr. Crombie gives the opinion that the disability originated in the service and in the line of duty, and that it is permanent.

Your committee, after a thorough examination of the papers, make a favorable report and unanimously recommend the passage of the bill granting him an increase of pension to $24 per month, from and after the passage of the bill.

The bill was laid aside to be reported favorably to the House.

ADELINE A. TURNER.

The next business was the bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Adeline A. Turner, as dependent mother of Captain Joseph S. Hills, late captain of Company A, Sixteenth Massachusetts Volunteer Infantry.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 704) granting a pension to Mrs. Adeline A. Turner, submit the following report:

Mrs. Adeline A. Turner, of Boston, Massachusetts, a widow, asks for a pension on account of the death of her adopted son, Captain Joseph S. Hills, of the Sixteenth Massachusetts Volunteers, who was killed at the battle of the Wilderness May 6, 1864. He was enlisted, and was mustered July 12, 1861, for three years. He was promoted from first sergeant to be second lieutenant August 11, 1862; to be first lieutenant November 10, 1862, and to be captain May 6, 1863. Had he lived two months and six days his three years' service would have been completed.

The proof is full and decisive that Mrs. Turner was chiefly dependent upon Captain Hills for her maintenance and support, and he sent her money from time to time while in the Army for that purpose, and Professor Francis L. Hills, of the Maine State College, certifies that Mrs. Turner filled the place of a faithful mother to Captain Hills from his childhood to man's estate, and that even before the war he contributed the greater portion of his earnings for her support.

This case cannot receive favorable action at the Pension Office because the general pension laws do not allow a pension to a dependent mother on account of the death of an adopted son. Mrs. Turner is poor, and in view of the facts above stated we think, in equity and conscience, she is as much entitled to a pension as any natural mother would be. Your committee recommend the passage of the accompanying bill (which we report as a substitute for the bill H. R. No. 704) providing that Mrs. Turner's name be placed on the pension-roll as a dependent mother, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported favorably to the House.

HARRIET N. ABBOTT.

The next business was the bill (H. R. No. 5906) granting a pension to Harriet N. Abbott.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to put upon the pension-roll the name of Harriet N. Abbott, of Moultonville, Carroll County, New Hampshire, widow of Jacob Abbott, late a private in Company K, Ninth Regiment New Hampshire Volunteers, subject to the provisions and limitations of the pension laws.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 5906) granting a pension to Harriet N. Abbott, having considered the same submit the following report:

The petitioner, Harriet N. Abbott, is the widow of Jacob Abbott, late a private, Company K, Ninth New Hampshire Volunteers. It appears that said Jacob Abbott was duly mustered into service as a private August 15, 1862, at Concord, New Hampshire. He was discharged October 17, 1862, by order of Brigadier-General Brown, for wound received in action at South Mountain, Virginia, September 14, 1862.

The records in the Surgeon-General's Office show that Abbott was treated at No. 5, General Hospital, Frederick, Maryland, September 18 to 20, 1862, for wound of side; in Patent Office Hospital, Washington, District of Columbia, September 21 to 24, 1862, for acute rheumatism; and in hospital at Newark, New Jersey, September 28 to October 27, 1862, for wound of right shoulder. He re-enlisted September 15, 1864, as private, Company K, First New Hampshire Heavy Artillery, to serve one year. He served in that organization until he was mustered out with his company June 15, 1865.

During the second service the hospital records show that he was admitted to hospital for fever at Fort Constitution, New Hampshire, December 12, 1864, and returned to duty January 15, 1865. He was pensioned for gunshot wound of right side, but died October 16, 1880, before his claim for increase on account of fever and ague and lung disease was completed.

The ground upon which the widow's petition was rejected by the Pension Office was that he died from softening of the brain, and not from disability contracted in the service.

Surgeon Samuel W. Roberts, of Wakefield, New Hampshire, in his certificate, dated April 20, 1880, states that he carefully examined the said Jacob Abbott, and that, in his belief, the gunshot wound of right side, and the disability resulting from chills and fever, bronchitis, and diarrhea originated in the service and while Abbott was in the line of his duty, and that he was totally incapacitated from obtaining his subsistence by manual labor, and that his death was attributable to the wound and diseases aforesaid.

Dr. Roberts's testimony is also confirmed by other evidence in the case, which your committee do not think it necessary to report in detail.

Dr. G. W. Tebbetts, of Ossipee, New Hampshire, certified, in 1872, that Abbott was sick when he entered the military service of the United States; but afterward, in 1880, the same Dr. Tebbetts made oath that he had known Abbott about twenty years, and had been his family physician for eighteen or nineteen years, and was aware of no disability whatever on the part of said Abbott before or at the time of his enlistment. It is unnecessary for your committee to point out the fact that a sick man probably would not be enlisted or mustered into the military service of the United States.

Judging from the entire history of the case, it seems to us as altogether more probable than otherwise that Abbott's death was caused by wounds and disease received during his army service. We therefore make a favorable report, and recommend that the bill (H. R. No. 5906) granting a pension to Harriet N. Abbott, his widow, subject to the provisions and limitations of the pension laws, be passed.

The bill was laid aside to be reported favorably to the House.

JEROME B. ADAMS.

The next business was the bill (H. R. No. 6522) granting an increase of pension to Jerome B. Adams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Jerome B. Adams, of Lynn, Massachusetts, late a private in Company B, Fourth Regiment Massachusetts Heavy Artillery Volunteers, from $4 per month to the rate prescribed by law for pensioners of his rank who have become totally blind, said increase to begin when this act is passed.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 6522) for additional pension to Jerome B. Adams, having considered the same, submit the following report:

Jerome B. Adams, of Lynn, Massachusetts, a private in Company B, Fourth Regiment of Heavy Artillery, Massachusetts Volunteers, served from August, 1864, until June 17, 1865, when he was honorably discharged. He was granted a pension (certificate No. 170459) at the rate of $4 per month, commencing June 18, 1865, for chronic diarrhea contracted in the service and while in the line of his duty. Said Adams also claimed a pension on the ground of blindness, which was disallowed at the Pension Office because the blindness was not traceable to or caused by the soldier's military service. The applicant claims that as a sequence of the disability for which his pension at the rate of $4 per month was allowed, namely, chronic diarrhea, he has become totally blind and unable to perform any manual labor or to go about at home or abroad without being attended by another person.

The evidence in relation to his blindness is that in 1866 the claimant's eyes began to fail, and to such an extent that in April, 1867, he felt obliged to go to the Boston City Hospital, where they were examined by eminent oculists, and the opinion was expressed by them that the soldier's failing eyesight was "the result of his physical disability, that medicine for his eyes would not do them any good, but that his system was so much run down that he could be relieved by eating beer and other nourishing food." Adams followed this advice for a long time, but without relief. Notwithstanding he consulted the best medical aid obtainable, his eyesight continued to fail until the year 1878, when he became totally blind, in which condition the claimant now is, and he has been totally blind from thence hitherto. Dr. Haskett Derby, one of the best physicians and oculists in Boston, certifies, December 14, 1880, that he—

"This day examined the eyes of Jerome B. Adams; that he has incurable atrophy of each optic nerve and is practically blind. From the history of the case he gives I see no reason to doubt the connection of this affection of vision with exposure undergone and disease contracted while in the Army."

Dr. Edward Newhall, also an eminent authority in the profession, certifies as follows:

"He also is totally and hopelessly blind. In my opinion the trouble of his eyes is the direct constitutional derangement produced by exposure, fatigue, and sickness while in the service of the United States Army."

Dr. Isaac Galloupe, the examining surgeon, October 14, 1879, certifies:

"In my opinion the blindness is due to impoverished condition of blood consequent upon impaired digestion and assimilation of food resulting from diarrhea. Disability from diarrhea is one-half, (½,) from blindness is total. Disability from blindness is permanent. He requires the regular aid and attendance of another person."

F. P. Patten and four other neighbors of said Adams certify that they "have known said Adams since his return from the Army in 1865, and that we know that he has suffered from failing eyesight since he came from the Army until he became totally blind in 1878."

Your committee are not advised upon what ground the Pension Office rejected the applicant's claim for pension on account of blindness, except the record shows "the blindness not admitted as a result." We think from the evidence of the examining surgeon, Dr. Galloupe, supported as it is by the testimony of Drs. Derby and Newhall, and the fact that no other cause is, or can be so far as we are aware, pointed out for the applicant's blindness save chronic diarrhea, with which he was attacked while in the Army, and from which he has suffered ever since, together with the exposure, hardship, and fatigue endured while in the service, that it is altogether more probable than otherwise that his blindness is the result of his Army service, and that an increase of pension as for total blindness should be allowed him from and after the passage of the accompanying bill, which your committee herewith report, recommending its passage.

The bill was laid aside to be reported favorably to the House.

N. C. RIDENOUR.

The next business was the bill (H. R. No. 6523) for the relief of N. C. Ridenour.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions be, and he hereby is, directed to place the name of N. C. Ridenour, late a second lieutenant of Company F, Twenty-third Regiment of Iowa Volunteer Infantry, on the pension-roll as such second lieutenant, the Commissioner of Pensions to rate him in accordance with such rank; the increase of pension herein authorized to commence upon the passage of this act and be in lieu of all other pensions.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 310) for the relief of Newton C. Ridenour, second lieutenant Company F, Twenty-third Iowa Volunteer Infantry, having had the same under consideration, report as follows:

Newton C. Ridenour, late second lieutenant Company F, Twenty-third Iowa Volunteer Infantry, was granted a pension July 26, 1880, at the rate of $3 per month, the certificate being No. 164,978. Prior to and until June 29, 1863, said Ridenour was serving with his regiment in the field in the campaign against Vicksburgh as an orderly sergeant. On June 29, 1863, was commissioned second lieutenant, for which place he was recommended early in June, said commission being dated June 29, 1863.

About the 5th day of July, 1863, by order of the officer commanding the regiment, said Ridenour took command of Company F, and continued in command until October 5, 1864, when he was assigned to staff duty. Said Ridenour was discharged as an enlisted man as of the date of June 29, 1863, and he was accepted and mustered in as second lieutenant, to take effect July 1, 1863. Immediately after the surrender of Vicksburgh said Ridenour, in charge of said company, in July, 1863, marched from said city to Jackson, Mississippi. During said march said claimant was attacked with varicocele, and was at times rendered thereby unable to march, and was compelled to resort to the ambulance. When he entered the service he was a strong, healthy man. Previously to said month of July, 1863, or in the latter part of June of that year, the petitioner was somewhat unwell, although the precise nature of his ailment is unknown, and he was not then aware that it was the varicocele for which he was afterward pensioned.

It is not certain that said disease had its inception before July, 1863. But if that was the fact, it is apparent and uncontradicted that the principal development, growth, and establishment of the disease occurred after the commencement of the march from Vicksburgh to Jackson. It is shown by medical evidence that the disability of said Ridenour is permanent and incurable, and that such disability incapacitates said Ridenour from performing manual labor.

The bill was laid aside to be reported favorably to the House.

THOMAS WILSON.

The next business was the bill (H. R. No. 4092) to increase the pension of Thomas Wilson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Thomas Wilson, late of Company H, Sixty-second Pennsylvania Volunteers, from $24 per month to $72 per month, the said Wilson having had his eyesight so much impaired by a gunshot wound in the left eye as to make the loss of eyesight practically although not absolutely total.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 4092) have had the same under consideration, and beg leave to report as follows:

Thomas E. Wilson is now a pensioner at the rate of $24, on account of injury to eyes received in the military service of the United States, and in the line of duty. His left eye was destroyed by a gunshot wound received in battle. His right eye, on account of the injury to the left, has failed to that extent that the sight of it is practically useless. He can distinguish light and large objects. He has furnished the sworn statement of two oculists and three physicians, based upon recent examinations, and all concur in the fact that he is practically, although not totally, blind. He is now receiving the highest rate of pension allowed for them whose sight have been injured but not totally destroyed. His only relief is by the enactment of a private law. He asks for $50 per month. The committee are of the opinion he should have $30 per month and they recommend that the bill be amended by adding the words, "to take effect from and after the passage of this act;" and then ask that the bill do pass.

The amendment recommended by the committee, to add to the bill the words "to take effect from and after the passage of this act," was agreed to.

Mr. BROWNE. There appears to be an error in the bill. I move to amend by striking out "72" and inserting "30," so as to make the pension $30 per month, as recommended by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SARAH C. GOLDERMAN.

The next business was the bill (S. No. 603) granting a pension to Sarah C. Golderman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Golderman, widow of Augustus Golderman, late a captain in the Seventeenth Regiment Maine Volunteer Infantry.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. No. 603) granting a pension to Mrs. Sarah C. Golderman, widow of Augustus Golderman, late a captain in the Seventeenth Maine Volunteers, ask leave to report the following:

That Augustus Golderman, of Mechanics Falls, Maine, when living, the husband of this claimant, was mustered into service of the United States as captain of Company C, Seventeenth Regiment Maine Volunteers, on the 1st day of August, 1862; received a serious bullet wound in the knee at the battle of Chancellorsville; was discharged from the service for this disability the 19th of August, 1863; was pensioned at the rate of $20 per month, subsequently reduced to $10, and at a later date was restored to $20. He committed suicide the 19th day of November, 1873, leaving a widow, Sarah C. Golderman, and one minor child, Frank A.

It satisfactorily appears that the suicide was the result of insanity; that previous to entering the service the soldier had been a sound man, both in mind and body; that there was no insanity in his family; that he had no habits tending to produce it; that the wound was a serious one, splintering the bones of the knee, some of which were subsequently removed, the bullet remaining in the knee; that the examining surgeon pronounced him one-half disabled.

After receiving a pension of $20 per month for a year or two, on the report of a special agent of the Department and on the declaration of the examining surgeon that the knee was improving, his pension was reduced to $10 per month. It was subsequently found that the surgeon was mistaken, that the knee was growing worse instead of better, and the soldier was restored to his original pension. The attending physician was Dr. Carr, who died before his testimony could be obtained. It is in testimony that the soldier showed signs of insanity in January, 1864; again in 1872, when he made several attempts to take his life; again in 1873, when he succeeded.

John C. Walker, a neighbor of the soldier, and his druggist, testifies that he heard him complain many times of the pain caused by his wound, and that he had no doubt that this intense pain was the cause of his insanity and death.

Asa L. Downs, another neighbor, testifies:

"I know he suffered intense pain from the wound received in the service of the United States. I took care of him two weeks at one time when he suffered severely from said wound, and he told me he was afraid the pain he suffered would make him crazy. I believe his insanity and death were caused by the wound."

His widow's statements are to the same end.

A communication from the Commissioner of Pensions, dated December 17, 1880, says:

"This claim was rejected January 11, 1879, on the ground that the death—cause, suicide by hanging—was not shown to have been the result of the wound for which the soldier was pensioned, or due to any disease which had its origin in the service."

Further:

"The testimony of Downs and Walker, referred to above, said to have been filed within a few months, has not reached the case, and the records of the office fail to exhibit any evidence of its receipt."

Again, January 24, 1881, in a communcation to Hon. WILLIAM P. FRYE, the Commissioner says:

"It would appear from the history of the claim that it is not susceptible of proof to its establishment under the existing law, and the claimant's prayer for relief by Congress would be the only remedy."

The soldier's enlistment, muster into active service, his severe wound received at the battle of Chancellorsville, his discharge from the service on account of it, his pension, reduction of same, restoration to original amount, intense and continued pain, great anxiety and depression of mind, insanity, and death; that Sarah C. Golderman was lawfully married to him, is the lawful mother of his minor child, has never remarried—in fact, everything to establish the claim is proved by competent testimony, except the one fact that the insanity and death were the direct results of the wound received or disease contracted in the service. By reason of the death of Golderman's attending physician no direct evidence can be produced to meet this inexorable demand of the law.

But it is proven that Dr. Husam, a distinguished physician, late of Portland, Maine, was a captain in same regiment with Golderman, and that he knew this soldier well, and saw him frequently after his return from the Army, and that he said that he "had no doubt of the insanity of Golderman, and no doubt but that the insanity was caused by the wound." Dr. Husam died in Ireland about a year ago, whither he was sent as a delegate to a medical convention. Dr. Gaubert also testifies that his opinion on the case stated agrees with that of Dr. Husam, as above.

Taking the history of the case, and the testimony adduced, your committee are of opinion that both the insanity and death resulted from the wound received in the line of duty, and therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

GEORGE C. RUST.

The next business was the bill (H. R. No. 6524) granting a pension to George C. Rust.

The bill was read, as follows:

Be it enacted, &c., That the name of George C. Rust, of Weakley County, Tennessee, be, and the same is hereby, placed on the pension-roll of the soldiers of the war of 1812, at the rate allowed by law to the private soldiers of said war.

The report is as follows:

The Committee on Pensions, to whom was referred the bill granting a pension to George C. Rust, of Weakley County, Tennessee, would respectfully report as follows:

That the said Rust made his application for a pension under act of 1871, to the Pension Office, as a soldier of the war of 1812; that his application was rejected in April, 1873, because of the want of record evidence of his service and failure to prove it by the testimony of two comrades. Mr. Rust established his claim by the testimony of Ezekiel Arnold, his comrade, who was duly pensioned. The said Arnold is now dead, and was then the only surviving comrade of the said Rust so far as he could ascertain.

The said Rust has always been known by general reputation as a soldier of the war of 1812, and as having been engaged in the battles of New Orleans and Horse Shoe, and at the latter place he was wounded in the knee, from which he was ever after lame. The said Rust is now over eighty-seven years of age and very destitute, being an actual inmate of the poor-house.

The above facts are all substantiated by papers submitted in the case, and thereupon your committee would respectfully recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

HIRAM JOHNSON.

The next business was the bill (S. No. 163) granting a pension to Hiram Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hiram Johnson, late a private in Company A, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension from and after the passage of this act, for scrotal hernia, the rate of disability to be ascertained and determined by the Commissioner of Pensions under existing laws.

The report is as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 163) granting a pension to Hiram Johnson, has had the same under consideration, and begs leave to submit the following report:

The Senate Pension Committee report on the bill is favorable, and as follows:

"The Committee on Pensions, to whom was referred the bill (S. No. 163) granting a pension to Hiram Johnson, having duly considered the same, make the following report:

"That a bill was introduced in the Senate during the Forty-sixth Congress, first session, granting a pension to Hiram Johnson, which was reported favorably, and passed the Senate, but failed to become a law for want of time. Your committee find that Hiram Johnson was a private in Company A, Seventy-ninth Illinois Volunteers. He enlisted July 15, 1862, and was discharged March 2, 1863, upon surgeon's certificate of disability, resulting from scrotal hernia. He applied for pension November 17, 1869, and his claim was rejected April 4, 1877, upon the ground that the hernia existed before enlistment.

"There is evidence tending to show that Johnson had scrotal hernia in childhood, but this appears to have been cured. The soldier was carefully examined at the time of his enlistment, and accepted as a sound, healthy recruit. This action on the part of the Government ought to be regarded as conclusive upon the question. The evidence is clear that while marching in the night, in October, 1862, near Perryville, Kentucky, he fell into a ditch, and was so badly ruptured that he was compelled to retain the parts with his hands in order to continue the march to Nashville, where he remained in general hospital till discharged, as above stated. The disability has continued to the present time, but the committee are unable to determine the degree, the latest evidence on this point being the certificate of an examining surgeon in 1872, at which date his incapacity was rated at one-half.

"Your committee therefore recommend the passage of Senate bill No. 163."

Your committee, in reviewing this case, is in doubt as to the justice of the conclusions reached by the Senate committee.

There is nothing found in evidence to show that the examination of this soldier, at the time of his enlistment, was different in any respect from that ordinarily made of men for the volunteer service.

It is an established principle of law and practice in the Pension Office that a disability proceeding from an aggravation of an injury or disease existing prior to the service is not pensionable. This is clearly a case of this class. The soldier rendered about three months' service before receiving the injury which resulted in the service, rupture, from the consequences of which he suffers. To give him a pension would unjustly discriminate against many soldiers of longer service whose claims have been rejected on the same ground. The rule in the Pension Office is that six successive months of field service creates a presumption of previous soundness.

This committee does not feel justified to recommend legislation tending to override this wise and liberal ruling, and therefore reports adversely on the bill, and asks to be discharged from its further consideration.

Mr. BROWNE. As the report in this case is adverse, I move that the bill be laid aside to be reported to the House with a recommendation that it be laid on the table.

The motion was agreed to.

S. ANNIE ESTERBROOK.

The next business was the bill (S. No. 725) granting a pension to S. Annie Esterbrook.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of S. Annie Esterbrook, widow of George W. Esterbrook, late captain of Company A, First New Hampshire Cavalry.

The report is as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 725) granting a pension to S. Annie Esterbrook, has had the same under consideration, and beg leave to submit the following report:

The Committee on Pensions, United States Senate, has fully considered the bill presented in behalf of the claimant, as appears from its report, as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to S. Annie Esterbrook, having carefully examined the same, make the following report:

"That the claimant, S. Annie Esterbrook, is the widow of the late George W. Esterbrook, who was captain Company A, First New Hampshire Cavalry. It appears from the evidence that George W. Esterbrook was originally pensioned under certificate No. 41570 at $17 per month, to commence on the 4th of January, 1865, for gunshot wound in his right hip and shell wound of right side of face; that on the 3d of January, 1867, this pension was reduced to $13.33 per month; that on December 1, 1875, the pension of the said George W. Esterbrook was increased to $20 per month, which amount of pension he was receiving at the time of his death, December 29, 1879. At the time of the death of the husband of claimant he was employed in the custom-house at Boston, being assigned to duty at the freight depot of the Boston and Maine Railroad, in Boston. It appears from the evidence that the husband of claimant was badly crippled by his wound, and therefore slow of locomotion, and that, on account of his crippled condition and inability to move rapidly, he met his death by being run over by a locomotive. Two persons were the sole witnesses of the accident, and they both make affidavits to the effect that, in their judgment, Esterbrook would have been able to escape had it not been for his crippled condition.

"The following letter from the Commissioner of Pensions is in evidence to show cause why claimant did not ask for a pension under the general law:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 20, 1880.

SIR: I have the honor to acknowledge the receipt, by your reference, of the inclosed memorial of Mrs. S. A. Esterbrook, together with the other papers, asking relief on account of the death of her husband, George W. Esterbrook, late captain Company A, First New Hampshire Cavalry, and to inform you that the records of this office fail to exhibit any evidence that an application has been filed by Mrs. Esterbrook.

It appears that Captain Esterbrook was pensioned on account of gunshot wound of the right hip, and shell wound of right side of face, by certificate No. 44570, at the rate of $20 per month, which amount is presumed to have been paid to the date of his death.

If it is true, as stated by the widow, that Captain Esterbrook's death was the result of a railroad accident, which occurred subsequent to the date of his discharge from the service, the widow is not entitled to pension under the general law.

Very respectfully,

J. W. BENTLEY, *Commissioner.*

Hon. E. H. ROLLINS, *United States Senate.*

"A favorable report in this case was made by the Committee on Pensions during the third session of Forty-sixth Congress, but failed to become a law for want of time. In view of the above circumstances, your committee regard the case as a just one, and report back the bill (S. No. 725) with the recommendation that it pass."

This committee is of opinion that the relief asked for should be granted, and therefore concurs in the conclusions reached in the report above quoted.

The bill was laid aside to be reported favorably to the House.

ELLEN LARDNER.

The next business was the bill (S. No. 1576) granting a pension to Ellen Lardner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Lardner, widow of the late Rear-Admiral James L. Lardner, United States Navy, and pay her a pension at the rate of $50 a month.

Mr. McMILLAN. I call for the reading of the report.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 1576) granting a pension to Ellen Lardner, has had the same under consideration, and begs leave to submit the following report:

The claimant is the widow of Rear-Admiral James L. Lardner, who died April 12, 1881, after more than sixty years of faithful and meritorious services, as appears from the following order issued by the Navy Department:

GENERAL ORDER.

NAVY DEPARTMENT, *Washington, April* 15, 1881.

The Navy Department announces with regret to the Navy and Marine Corps the death at Philadelphia on the 12th instant of Rear-Admiral James L. Lardner, in the seventy-ninth year of his age.

Rear-Admiral Lardner was appointed a midshipman from the State of Pennsylvania May 10, 1820, and his whole career in the service was marked by purity of character, intelligence, and devotion to duty. He was commissioned a captain May 19, 1861, and was conspicuous as the commanding officer of the frigate Susquehanna in the battle of Port Royal—so much so as to call forth general orders from the commander-in-chief commending the valuable services of the ship and the gallantry of her captain, officers, and crew.

May 19, 1862, he was appointed to command the East Gulf blockading squadron, which, however, he had to relinquish in December of the same year on account of an attack of yellow fever.

July 16, 1862, he was commissioned a commodore, and from June, 1863, to October, 1864, commanded the West India squadron. November 20, 1864, in accordance with the provisions of general statutes, he was placed on the retired list, and promoted to be a rear-admiral thereon July 25, 1866.

Among the many prominent commands which he held was that of governor of the Naval Asylum at Philadelphia, from June, 1869, to June, 1872, for which he was particularly fitted by his experience and sympathetic nature.

In respect to his memory, it is hereby ordered that on the day after the receipt hereof the flags of the navy-yards and stations and vessels in commission be displayed at half-mast from sunrise to sunset, and thirteen minute-guns be fired at noon from the navy-yards and stations, flag-ships, and vessels acting singly.

WILLIAM N. JEFFERS,
Acting Secretary of the Navy.

Dr. Henry H. Smith, the attending physician, certifies that Rear-Admiral James L. Lardner died in Philadelphia April 12, 1881, of uræmia, or blood poisoning, due to disordered action of the kidneys and liver, and that this was for some time preceded by mental paresis and hallucinations, originating, in his opinion, in the anxiety and mental strain connected with the performance of his official duties, especially during the late rebellion.

The widow is in needy circumstances, and as the bill provides for a pension usually paid to the widows of officers of the rank of her deceased husband, the committee reports favorably on the bill, and asks that it do pass.

The bill was laid aside to be reported favorably to the House.

MARY E. AMBRESTER.

The next business was the bill (S. No. 144) granting a pension to Mary E. Ambrester.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws the name of Mary E. Ambrester, widow of Jerome Ambrester, late a private in Company G, First Maryland Infantry Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 144) granting a pension to Mary E. Ambrester, has had the same under consideration, and begs leave to submit the following report:

An examination of the papers on file in the Pension Office shows that the report of the Committee on Pensions correctly and fully sets forth all the facts shown by the evidence presented by the claimant, and, concurring in the conclusions reached by that body, this committee adopts said report, and the recommendation made therein, as its own, which is as follows:

"The Committee on Pensions, to whom was referred the petition of Mary E. Ambrester, praying for a pension, have carefully examined the same, and report:

"That the petitioner is the widow of Jerome Ambrester, late a private in Company G, First Maryland Infantry Volunteers, who was wounded in the right shoulder and in the ear and head, on the 18th day of August, 1864, by a minnie ball, on the Weldon Railroad, while in the line of his duty.

"At the time of his death, December 1, 1877, he was in receipt of a pension for the wounds described above, and the widow now prays to have the pension continued to herself and his children.

"Dr. Robert C. Carter states in affidavit that he attended the soldier during several attacks in the last year of his life; that his disease was abscess of the right lung, in the last and fatal attack of which he died, December 1, 1877. There was a fluctuating tumor beneath the scapula connecting with the cavity of the chest, which tumor could be considerably reduced by pressure.

"It is affiant's opinion, having learned that there was no predisposition to consumption in his (the soldier's) family, that the cause of his death was inflammation superinduced by the wound received in the Army.

"R. H. Tuft, M. D., testifies that he examined and treated the soldier for a wound in the right shoulder at different times since his discharge, and removed fragments of bone from the scapula; attended him for phthisis, and has no doubt that the consumption was the result of the gunshot wound of the right shoulder.

"The Commissioner of Pensions rejected the widow's claim on the ground that the soldier's death was not caused by his military service.

"It is the opinion of your committee that the evidence of the physicians quoted above is evidence of the origin of the disease from which the soldier died, and that his widow and children are entitled to a pension. They therefore recommend that the prayer of the petitioner be granted, and urge the passage of the accompanying bill."

The bill was laid aside to be reported favorably to the House.

CORNELIA F. WHITE.

The next business on the Private Calendar was the bill (S. No. 802) granting a pension to Mrs. Cornelia F. White.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Cornelia F. White, widow of Frank I. White, late an officer in the United States Volunteer Army.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK NELSON, T. CAINE, AND HENRY C. SANDERS.

The next business on the Private Calendar was the bill (H. R. No. 4982) granting a pension to Frederick Nelson, T. Caine, and R. Sanders.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Frederick Nelson, T. Caine, and R. Sanders, of Wyoming Territory, late employés of the Quartermaster's Department of the United States Army, who were severely wounded and disabled for life, while connected with Major Thornburgh's expedition, in the engagement with the Ute Indians, September 29, 1879, and the pensions allowed them be respectively at the rate of $30 per month.

The amendments of the Senate were read, as follows:

Strike out "R." and insert "Henry C.," so it will read "Henry C. Sanders."

Strike out "and the pensions allowed them respectively at the rate of $30 per month."

Amend the title so as to read: "A bill granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders."

Mr. McMILLIN. Let the report be read. These parties seem to have been in the Quartermaster-General's Department.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 4982) granting a pension to Frederick Nelson, T. Caine, and R. Sanders, have had the same under consideration, and beg leave to make the following report:

In support of the bill, claimants present the certificates of Captain James Gillis, assistant quartermaster United States Army, and R. S. Vickery, assistant surgeon United States Army, at Fort D. A. Russell, Wyoming Territory.

Captain Gillis certifies that at the time of the fight of Major T. T. Thornburg, Fourth United States Infantry, with the Ute Indians on Milk River, Colorado, September 29, 1879, Henry C. Sanders was in the employ of the Quartermaster's Department as a citizen blacksmith. Also, that at said time and place Frederick Nelson and Thomas Cain were employed as teamsters in the Quartermaster's Department.

Surgeon Vickery certifies as follows:

"The following-named men, employés in the Quartermaster's Department, were with the command of Captain S. S. Payne, Fifth Cavalry, in action with the Ute Indians on Milk River, Colorado, September 29, 1879, and were wounded in that action, and were received into this hospital October 19, 1879, with other wounded men from the same field.

"Their condition then was as follows:

"Frederick Nelson, gunshot wound of left shoulder, the bullet passing over and grazing the bone; gunshot wound of left leg, the ball entering at lower and outer border of left thigh, ranging downward; it still remains deeply lodged among the muscles. He had also scars of wounds received in the war of the rebellion, a shell wound fracturing the right leg, and a flesh wound of neck from rifle-ball. He was in this hospital until March 2, 1880, and still remains totally disabled, the result of his wounds.

"Henry C. Sanders, wound from rifle-ball passing across back part of left knee, wounding the bone and opening the joint. As the result of it there has been much inflammation and an immense amount of suppuration all along the leg and thigh. He is still confined to bed in hospital, but is now recovering. Totally and permanently disabled.

"Thomas Cain, bullet wound of chest, right side; the ball entered over third rib and came out between seventh and eighth rib, fracturing the ribs and perforating the lung. He was discharged from hospital, wound healed, January 5, 1880."

There is also on file the following statement by Captain J. S. Payne, Fifth Cavalry, commanding the expedition against the Utes, indorsed upon letter addressed to him by Frederick Nelson:

"Nelson was with my command as teamster in the campaign last fall, and served in that capacity faithfully. During the affair of Milk River, September 29-October 5, he did the duty of a soldier courageously and cheerfully until he received a painful wound, from which he is now suffering and by which he is disabled for life. His conduct came under my personal observation, and I take pleasure in recommending that a pension be granted him."

In addition to the above there is on file the following house joint resolution and memorial of the Legislative Assembly of Wyoming Territory:

"*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

"Your memorialists, the Legislative Assembly of the Territory of Wyoming, respectfully represent that H. C. Sanders, Fred. Nelson, and Thomas Kane, citizens of this Territory, while in the employ of the United States Government, and doing duty as soldiers under the orders of officers of the United States Army, were wounded and permanently disabled in an engagement with the Ute Indians at Milk River, Colorado, said engagement being known to the country as the 'Thornburg massacre.'

"And your petitioners would further represent that these persons being disabled for life while protecting the property of the United States, and taking arms against the public enemy in obedience to Army authority, are entitled to relief of a suitable pension in each case, such as the gratitude and liberality of a great power naturally award to its defenders at all times.

"As under existing United States laws there are no provisions by which claims of this class can be adjudicated and allowed, your petitioners pray that the persons hereinbefore mentioned, upon showing by proper affidavits their authorized service of and employment by the Government, their presence at the action named, and that the wounds there received have caused permanent disability, may obtain relief at your hands by the passage of an act granting to said persons such a pension as the presentation of facts and circumstances in each case may seem to warrant. And for such action by this memorial your petitioners, the Legislative Assembly of the Territory of Wyoming, will ever pray.

"*Be it resolved*, That the secretary of the Territory of Wyoming be requested to forward a copy of this memorial to Hon. M. E. POST, Delegate in Congress, and that he be instructed to use his best endeavors to secure the result prayed for therein."

The committee are of opinion that the claimants are entitled to the relief asked for, and therefore report favorably on the same with the following amendments: Strike out the letter "R." before the word Sanders, in the title of the bill and in line 6, and insert instead in both places the following: "Henry C.;" also strike out all after the word "seventy-nine," in line 11; and thus amended, ask that it do pass.

Mr. McMILLIN. It appears that these parties were not in the military service of the United States, and as we have been trying to prevent the establishment of a civil list until those injured in the military service have had their cases acted on, I do not think this bill should pass.

Mr. DAWES. But these men were injured in an Indian fight.

Mr. McMILLIN. They were not in the military service of the United States.

Mr. DAWES. But they were fighting Indians.

Mr. McCOOK. If the gentleman from Tennessee will recall the extraordinary circumstances of this Indian fight I think he will agree that this bill should pass.

Mr. McMILLIN. None recall the circumstances of that Indian fight with more pain than I do.

Mr. McCOOK. They had to arm and fight, and did fight.

Mr. DAWES. One of these men was shot twice, and has a bullet in his body. He was also wounded in the war of the rebellion.

Mr. BROWNE. I have stood by my colleague in the steadfast refusal to report favorably, so far as my vote is concerned, to place any civil employé on the pension-rolls. I voted, however, cheerfully for a favorable report in this case for the reason that these men with arms in hands fought valiantly. They were performing the duties of soldiers with arms under the extraordinary circumstance of which the country is aware, and they were wounded, and I think they should go on the pension-roll.

Mr. TOWNSHEND, of Illinois. As I understand the case this man was a teamster.

Mr. DAWES. There are three of them.

Mr. TOWNSHEND, of Illinois. He was never enlisted or mustered into the service of the United States.

Mr. McCOOK. He was enlisted as a teamster.

Mr. TOWNSHEND, of Illinois. But never enlisted into the military service of the United States.

Mr. McCOOK. This command was surrounded on Milk River by Ute Indians, and every man was armed and had to fight.

Mr. TOWNSHEND, of Illinois. I understand that.

Mr. McCOOK. As a fighting man he was wounded.

Mr. TOWNSHEND, of Illinois. I have a case much stronger. I introduced a bill in favor of John B. Tucker, a man who was enlisted for the purpose of suppressing the rebellion. He had not been actually mustered into the service, but while waiting to be mustered into the service the Fourth of July came around, and he was ordered by the commanding officer of the fort to fire a salute, and in firing that salute both of his arms were taken off.

A MEMBER. He was not wounded fighting Indians.

Mr. TOWNSHEND, of Illinois. It is not the case of a man fighting Indians or anything of that sort. Both arms were taken off. He has a number of children and no means to support them, and to-day is supported by the charity of a county of my district. I have introduced a bill for his relief, which has never yet been reached and never will be. I think, therefore, as there are three in this bill this man should be added to make four. If the committee is willing to insert his name in this bill I have no objection to letting it pass.

This man is in an absolutely destitute condition, as is certified to

by the affidavits on file with the Committee on Invalid Pensions. I think the committee should pass his bill inasmuch as a number of far less merit than his have been reported, but owing to the large amount of business before the committee it has not been reached. I ask, then, that the name of that man be included as an amendment to this bill.

Mr. BROWNE. As we have 1,500 pension bills undisposed of before the Committee on Invalid Pensions, I hope gentlemen will avail themselves of this opportunity to present their cases as amendments to this bill. It will be an expeditious way of disposing of them.

Mr. TOWNSHEND, of Illinois. If I could get at my bill——

Mr. REED. I think you must see the propriety of surrendering the floor.

Mr. TOWNSHEND, of Illinois. I do not surrender it, but I will allow the gentleman to ask me any question.

Mr. BROWNE. I will ask the gentleman a question. Are you opposed to this bill?

Mr. TOWNSHEND, of Illinois. I say I may be. I desire to say the evidence is clear, and there is no controversy about it, that this man, while waiting to be mustered into the service, when the Fourth of July came around was ordered to fire a salute, and while firing a salute had both his arms taken off.

Mr. THOMPSON, of Iowa. Will the gentleman from Illinois permit me to ask if he has been before the Committee on Invalid Pensions and called their attention to this particular case?

Mr. TOWNSHEND, of Illinois. Not in person, but I did see the member who had special charge of the bill, and appealed to him to take it up. He gave me as his excuse for delay that there were many cases pending before the committee and each of the members of the committee had so much to do in their consideration that he had not time to reach it. Now, we expect to adjourn in two or three weeks, and I fear unless this case is reached at once it will not receive any attention whatever. I have no reflection to make upon the committee, but this is a case demanding consideration. This is a man who is unable to support his family; he has, unfortunately for him, or for them, a number of children dependent upon him, and he is now a charge upon the charity of Hardin County, Illinois, which supports him. He was a *bona fide* soldier who risked his life in the service, and not a man who comes before you asking relief on any imaginary claim.

Mr. STEELE. I understood the gentleman to say that he had not been mustered into the service.

Mr. BROWNE. Suppose he had been mustered into the service; what difference?

Mr. TOWNSHEND, of Illinois. The commandant of the post, who was a regular Army officer, directed him to perform this service in which he lost his arms, and if he had refused to perform it he would have been court-martialed and punished, or dishonorably dismissed from the service.

Mr. REED. I submit to the gentleman from Illinois that he will, upon consideration, not insist upon this matter, as we sit here under the permission of the House to consider bills which have been reported by the Committee on Pensions or Invalid Pensions.

Mr. TOWNSHEND, of Illinois. I understand the jurisdiction of this House. It is ample at this time to take up and consider a case of this character.

Mr. REED. We cannot do it under the order of the House by which this session is held. That order, the gentleman will find, provides that this session is for the consideration of bills reported from the Committee on Invalid Pensions, and this has not been reported from a committee.

Mr. TOWNSHEND, of Illinois. I will ask that the rule be read under which the House is meeting.

The CHAIRMAN. It has already been read once for the information of the committee, but at the request of the gentleman will be again read.

The Clerk read the special order under which the session was held.

Mr. TOWNSHEND, of Illinois. This, now, Mr. Chairman, is an exceptional case. It is no advantage to me whatever, and I am governed simply by humane motives in asking its consideration. I submit that we are now in session to consider pension cases, and it strikes me that we have ample power under the order which has just been read to even amend the order, if necessary, to take up and consider a case of this kind. My proposition is to amend the bill that is now pending, the Chair will observe, and I am serious and in deep earnest about this matter. If gentlemen desire the evidence as to the character of this claim I can have it brought before the House in a few moments. It is as clear as the noon-day sun that this man has a strong and impregnable case, and one that will commend itself to the consideration of everybody who examines it. It is no fictitious case.

Mr. PARKER. I think, Mr. Chairman, that we are consuming unnecessary time in this discussion, and I make the point of order that this proposition of the gentleman from Illinois is not germane to the pending bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TOWNSHEND, of Illinois. How many names are included in the pending bill?

The CHAIRMAN. Three.

Mr. TOWNSHEND, of Illinois. I would like to know upon what principle of parliamentary law this amendment can be excluded from the pending bill as the fourth name.

Mr. PRESCOTT. There is a bill now pending——

Mr. REED. It is the substance of a bill now pending.

Mr. BROWNE. It is the bill now pending.

Mr. TOWNSHEND, of Illinois. If, Mr. Chairman, I desired to raise a point of order I, too, could raise one which would offset the other and defeat the consideration of all of these bills by raising the question of a quorum. It seems to me that gentlemen should waive the point of order on this particular bill, since I am not pressing the other point of order which would defeat the consideration of any of them.

Mr. BROWNE. If the gentleman desires to raise the question of no quorum, he can do it of course upon his own responsibility.

Mr. TOWNSHEND, of Illinois. When you are attempting to grant pensions to mere teamsters and men in the Indian wars, I claim that it would be about as righteous and humane on my part to raise the point of order of no quorum against such bills as it is for you to raise the point of order upon this gallant Union soldier who lost both arms in the defense of his country. I see no reason why you should raise the point of order upon this bill that would not be equally proper to induce me to raise a question of order against the one you are now seeking to pass.

Mr. BROWNE. The gentleman is entirely at liberty to do it; he understands his responsibility.

Mr. TOWNSHEND, of Illinois. I do not desire, sir, to raise the point of order upon any soldier or any man who served his country. I have no objection to the bill, but I simply ask that justice be done to another soldier, who, it strikes me, and I am sure every man here who has a heart with a spark of humanity in it will agree with me, is entitled to your consideration under the circumstances I have presented. I think gentlemen should not attempt to make an objection to pensioning this poor man. It is demanded as an act of justice as well as humanity. Especially should they be willing to waive technical points when I am willing to have the testimony brought here, as I have said, and have his case tried upon sworn testimony and its absolute merits. I have sat here, sir, and seen night after night and day after day for the last six months meritorious questions of this kind which have been defeated for the want of a moment's consideration in the House. I have a case now that I am satisfied not a man with humane instincts would object to if he would take a moment's time to consider it; and when you are proceeding to put upon the pension list civilians who never were mustered into the service I feel that it is my solemn duty to this poor soldier—a pauper, with a helpless wife and children dependent upon him—that his case should have some consideration. He gave to his country all the means he had of supporting himself and his family, and yet you say you will not stop to consider this case of a gallant Union soldier when you are considering the cases of teamsters and civilians. It strikes me, therefore, that gentlemen should not raise the question of order upon this, when I refrain from raising the question of a quorum on the case that is now under consideration.

If there was an opportunity before the Committee on Invalid Pensions to have this case disposed of I would not press it now; but I know that in the nature of things it will not be considered during this session by the Committee on Invalid Pensions.

Mr. STEELE. I rise to a question of order. The point of order was raised against the amendment of the gentleman from Illinois, [Mr. TOWNSHEND.] The Chair sustained the point of order; and I undertake to say the gentleman is now out of order.

Mr. TOWNSHEND, of Illinois. I am ready to argue the question of order.

The CHAIRMAN. The gentleman from Illinois will be in order. The point of order has been decided.

Mr. TOWNSHEND, of Illinois. I desire, with all deference to the Chair and to the gentleman who raised the point of order, to have the grounds of the question of order submitted. The gentleman has said, as any parrot might say, simply that he raises the question of order.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he proposes to introduce as an amendment to the pending bill the substance of a bill already pending before the House and that such an amendment is not in order.

Several members called for the regular order.

Mr. TOWNSHEND, of Illinois. I will not yield to a demand for the regular order. But I am ready to yield to the decision of the Chair, if the Chair, having considered the question, is of opinion that the amendment I have offered is out of order. But the gentleman who raised the point of order raised it simply as a parrot might do without giving any reasons. But if the Chair on due consideration decides that the amendment is not in order, I bow to the decision of the Chair.

Mr. MCMILLIN. I suggest the propriety of passing over this bill informally, as we have done with all similar cases of this kind. On the motion of the gentleman from New York [Mr. PRESCOTT] at the beginning of this evening's session we passed over the cases reported by the committee on eight or ten pages of the Calendar. Those who are familiar with the Calendar will remember the majority of those cases have been passed over from week to week for the reason that they were propositions to place on the pension-roll those who were engaged in the civil service.

Mr. McMILLIN. Not all of them.
Mr. PRESCOTT. All but two, I think.
Mr. McMILLIN. The gentleman on examination will find there are more than that.
Mr. PEELLE. I ask the gentleman from Tennessee if he does not think this bill ought to pass?
Mr. McMILLIN. I will state briefly I do not think we ought to enter upon the pensioning of persons upon the civil list until we have done something for the vast number of applicants, more than a quarter of a million, whose applications are pending undetermined in the Pension Office, and for the thousands and tens of thousands of those who have fought in other wars.
Mr. PEELLE. The gentleman ought to make a distinction between those on the civil list who have applied for pensions and the teamster whose case is embraced in this bill, surrounded as he was, in charge of Government property and under the necessity of fighting his way out. Can the gentleman not make a distinction between this case and the cases of persons on the ordinary civil list?
Mr. McMILLIN. I concede there is a distinction between this and some other civil cases, because we have on the Calendar bills for the pensioning of persons who never were engaged in any kind of military service. But when I see how eagerly gentlemen grapple for precedents and how far they will reach for one at all analogous to justify subsequent action, I see how important it is that we do not take a step in the direction of pensioning persons in the civil service.
Mr. McCOOK. I think the gentleman from Tennessee [Mr. McMILLIN] will remember that in the Forty-fifty Congress a bill of somewhat similar character was passed pensioning the widows of some men, civilians, who were engaged in an Indian fight in the Territory of Montana.
Mr. McMILLIN. I do not remember the case to which my friend refers. So far as I am individually concerned no bill has ever passed here with less than a quorum present, pensioning a civilian, when I knew the fact.
Mr. McCOOK. I do not recall the circumstances under which the bill I refer to passed the committee or the House; but my impression is it passed without a dissenting voice.
Mr. McMILLIN. I suggest that we will save time by passing this bill over informally.
Mr. DAWES. I call the attention of my colleague on the committee, the gentleman from Tennessee, to a case which was reported favorably by the Committee on Invalid Pensions; the case of a saddler who was intrusted with the carrying of dispatches and was severely frozen. That was the case of a civilian who volunteered to perform the duties of a soldier, and he was allowed a pension. The service he performed was at some point in Arkansas.
Mr. McMILLIN. I do not remember the case. Out of the thousand and more cases that come before our committee I am unable to recall the case the gentleman from Ohio speaks of. I do not say such a case has not occurred, but I do say that with my knowledge, with less than a quorum present, a pension has not been granted in such a case.
Mr. DAWES. Several cases of this kind have been passed where the man performed the duty of a soldier under command of the officers. These men under command of officers went into the battle and acted as heroic soldiers. While fighting in that battle they were shot, and they ought to be pensioned. They were defending the United States property and were doing the work of United States soldiers under the command of officers of the Army, whereas thousands of the men whose claims are now pending in the Pension Office never smelled powder at all.
Mr. McMILLIN. I take the broad ground that to pass this bill is not doing justice to the constituents of the gentleman from Ohio or to the constituents of any other members who enlisted in the service and who have pension claims that cannot be acted upon for three years. That is the position in which we find ourselves to-night.
Mr. STEELE. I ask the gentleman from Tennessee if he is not dodging the question?
Mr. McMILLIN. I am not dodging the question.
Mr. STEELE. The gentleman is asked the question whether or not he is opposed to this bill, and he says he is opposed to it until other men are provided for.
Mr. McMILLIN. I am opposed——
Mr. STEELE. I submit that we have by law provided for every man who can prove that he is entitled to a pension, and their cases are being acted on every day.
Mr. McMILLIN. Then if the pension laws are not broad enough make the general laws extend until they are broad enough.
Mr. STEELE. They are broad enough.
Mr. McMILLIN. Then stand by them.
Mr. STEELE. We do stand by them.
Mr. DAWES. Can the gentleman find any other three men in the history of the nation who did what these men did?
Mr. McMILLIN. I suppose that there are no three trees in the forest that are exactly alike, if you examine them with a microscope.
Mr. BURROWS, of Michigan. What is the question before the committee?
The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] has asked that this bill be passed over informally.

Mr. PARKER. I wish to say a few words upon this case. It seems to me that we ought to act to-night upon the case of these three men. My colleague on the committee, the gentleman from Tennessee, [Mr. McMILLIN,] will not, I trust, suggest that he is going to raise the question of a quorum, because that would be against the spirit of good nature and kindness that has existed all through these evening sessions. It has been understood that as a matter of good will and duty to our soldiers, their widows and their orphan children, we should not throw their cases over by raising the question of a quorum.
As to the question of order which I raised upon a bill, the gentleman will see that this case is based upon a certain state of facts set forth in the report. His case must be based upon another state of facts to be stated in the report. If his man is entitled to a pension, he is entitled to it as a man having lost both arms. In this case there can be a pension of only $8 a month. I am inclined, upon his statement of facts, to support his bill whenever it may come before the House.
Now, I do not see why a man should not be pensioned if he obeys the orders of the military officers of his country and is injured while acting in obedience to those orders. There are different circumstances, different times, different places to be considered in these several cases. The two cases cannot be mixed up without violating all the rules of our practice.
And I would say one word further as to the position of these men. They were there not as armed men; but when they were attacked they entered the ranks and acted with the soldiers on the spot. They fought and were wounded. They were soldiers in fact. They were mustered in by the act of shedding their blood there. That I submit is enough. They were acting as soldiers, they were soldiers in fact, brave soldiers, devoted soldiers.
Mr. BURROWS, of Michigan. I understand the gentleman from Illinois [Mr. TOWNSHEND] withdraws his point.
Mr. TOWNSHEND, of Illinois. I withdraw it.
Mr. McMILLIN. I desire to state, in response to my colleague on the committee, [Mr. PARKER,] that I do not wish to raise any question of a quorum which will block the way to considering any soldier's case. For that reason I made the suggestion I did, that this case be passed informally. I did so for the purpose of not being forced to the necessity under the circumstances of preventing the consideration of any soldier's case.
Mr. PARKER. I believe from the liberality and general good judgment of the gentleman that he will treat these men as they were, acting as soldiers at the time of the massacre which has become historical and is known world-wide, because of the heroism, bravery, and devotion which they displayed there. I trust the gentleman will be willing to treat them as soldiers in fact.
The CHAIRMAN. The question is upon the motion to lay aside the bill to be reported favorably to the House.
The question was taken; and upon a division there were—ayes 36, noes none.
Mr. McMILLIN. No quorum has voted.
Mr. PARKER. I understood the gentleman to say that he would not raise the question of a quorum.
Mr. McMILLIN. No, sir; I said that I would not raise the question of a quorum on any soldier's claim. I never have done so, and do not expect to do so on any soldier's claim. I made the suggestion I did to my friend in order to avoid the necessity of raising a question which would for a moment even hinder the consideration of a soldier's claim.
The CHAIRMAN. The point being that no quorum voted, the Chair will appoint tellers; and the gentleman from New York, Mr. PARKER, and the gentleman from Tennessee, Mr. McMILLIN, will take their places as tellers.
Mr. McMILLIN. I do not wish to block business in committee to-night, especially as I am a member of the Committee on Invalid Pensions. I am willing, therefore, that this bill be reported to the House with the understanding that the House will not act upon it until there is a quorum present.
Mr. BURROWS, of Michigan. I hope that will be done.
There was no objection; and the bill was laid aside to be reported favorably to the House.

JOHN DWYER.

The next business was the bill (H. R. No. 5299) granting an increase of pension to John Dwyer.
The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Dwyer, formerly a private in Company C, Fourth Regiment United States Cavalry, to the sum of $50 per month, for the loss of eyesight.

Mr. McMILLIN. Read the report.
The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 5299) granting an increase of pension to John Dwyer, has had the same under consideration, and begs leave to submit the following report:
John Dwyer served in various organizations of the regular Army from 1847 to September 17, 1868, when discharged upon surgeon's certificate of disability, setting forth that the soldier is suffering from "amaurosis of both eyes, which has existed for the last eight months, contracted in the line of duty. His sight is so impaired that it is impossible for him to distinguish near objects."
He was allowed a pension at $20 per month from date of discharge, and $24 per

month from June 4, 1872, the rate now received by him, because the disability disqualifies him for the performance of any manual labor. His application for increase has been rejected because he is not so totally blind as to require the regular aid and attendance of another person.

The medical evidence in the case shows that the left eye is totally blind, while the vision in the right eye is limited to simple perception. He can distinguish a man from a woman, but not features, and does require the attention of another person in preparing and placing his food before him, as well as guiding and assisting him to the ordinary wants and comforts of life.

The committee is of opinion that sufficient is shown that the pensioner, although not totally blind according to the strict letter of the law, is totally blind for all practical purposes, and having served his country faithfully for more than twenty years, is inclined to grant the relief asked for, and therefore reports favorably on the bill, and recommends that it do pass.

The bill was laid aside to be reported favorably to the House.

MARY A. SANDERS.

The next business was the bill (H. R. No. 1989) granting a pension to Mary A. Sanders.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Sanders, widow of T. A. Sanders, late a scout in the United States Army.

Mr. McMILLIN. Read the report in that case.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1989) granting a pension to Mary A. Sanders, have had the same under consideration, and beg leave to make the following report:

From the papers before the committee it appears that Mary A. Sanders is the widow of Thomas A. Sanders, who was employed as a scout in the military service of the United States during the late war, and was captured and killed by the confederates in McNairy County, State of Tennessee, about July 29, 1864. Her claim has been rejected by the Pension Office on the ground that her husband was not an enlisted man; neither was he of the class of persons provided for by the third paragraph of section 4693 of the Revised Statutes.

Among the papers in support of her claim is the affidavit of G. M. Dodge, late brigadier-general, United States Army, and commanding the post of Corinth, Mississippi. The affiant states that the name of T. A. Sanders is familiar to him, and that it is his impression that said Sanders was with the affiant as a scout, and that he was killed or died while he was in said service. The fact that affiant had a large number of men engaged in similar service makes it impossible for him to make a definite statement at this late day.

Fielding Hurst, late colonel of the Sixth Regiment of West Tennessee Cavalry, testifies that he well knew Thomas A. Sanders, late of McNairy County, Tennessee, who entered the United States service as a scout the first night after the first transports of the United States troops landed at Crump's Landing, Tennessee; had possession of Sanders's appointment until after the Shiloh fight and during the siege of Corinth. Some time subsequently affiant was asked by General Dodge whether said Sanders was a true and reliable Unionist, to which affiant responded affirmatively. General Dodge then informed the affiant that Sanders was employed by him as a scout, and that he (Sanders) on several occasions had ventured too far for his own good. When first employed Sanders acted under the directions of General Lew. Wallace. Affiant was near Memphis about the time Sanders was killed, and knows nothing personally as to the circumstances under which he came to his death. The fact that said Sanders was employed as a scout is also shown by the affidavits of Calvin Shell and J. B. Mills, of McNairy County, Tennessee.

Angelina Small and Mary Sanders testify that said Thomas A. Sanders was taken a prisoner by a captain of General Forrest's command, while at his father's house, July 29, 1864, and that about four days thereafter he was killed by said forces.

William J. Russell testifies that he was a private in Captain Russell's company of confederate troops, and while on a scout near Tuscumbia, Tennessee, about July, 1863, said Thomas A. Sanders was taken prisoner and charged with being a Union spy. The morning after the capture Sanders was sent under guard to their headquarters, after which affiant saw no more of said Sanders; that Sanders was employed as a scout with the Union army is known to affiant from information received direct from him (Sanders) some twelve months previous to his capture.

W. F. Moore, also of McNairy County, Tennessee, testifies that he was acquainted with Sanders in his lifetime, and saw him after he was shot and assisted in his burial. He was shot within one-half mile of affiant's residence, and he heard the report of the guns when he was killed. Affiant knew nothing of his connection with the Army, except by rumor, and that he was acting as a Federal spy, and his killing was because of that service.

The claimant's marriage to Thomas A. Sanders, on the 30th of October, 1846, is shown by the certificate of the proper court. She has six children, all of whom, however, are now over the age of sixteen years.

The committee are fully satisfied by the evidence in the case that Thomas A. Sanders was employed and rendered efficient service in the Union Army as a scout, and that he came to his death at the hands of the confederates by reason of such service. They therefore report favorably and recommend the passage of the bill (H. R. No. 1989) granting a pension to Mary A. Sanders.

The bill was laid aside to be reported favorably to the House.

SARAH ROBB.

The next business was the bill (H. R. No. 6226) granting a pension to Mrs. Sarah Robb.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sarah Robb, widow of Hamilton Robb, late chaplain of the Forty-sixth Regiment of Indiana Volunteer Infantry, subject to the provisions and limitations of the pension laws.

Mr. CULLEN. I will call attention to the fact that there is an adverse report in this case, although the Calendar does not show it.

Mr. CANNON. Let the report be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 6226) granting a pension to Mrs. Sarah Robb, having had the same under consideration, report as follows:

Mrs. Sarah Robb, of Mattoon, Illinois, who is seventy-five years of age, is the widow of Hamilton Robb, late chaplain of the Forty-sixth Regiment Indiana Volunteers. It appears from the records in the Adjutant-General's Office that said Hamilton Robb was mustered into service as chaplain Forty-sixth Indiana Volunteers January 10, 1863, to serve three years, and is reported "present for duty" from that date until February 29, 1864. He is reported as captured by the enemy April 8, 1864, and unconditionally released and rejoined regiment July 30, 1864. Subsequent rolls report him present for duty to September 4, 1865, at which date he was mustered out at Louisville, Kentucky.

J. M. Watts, late adjutant, Forty-sixth Indiana Volunteers, states that he was acquainted with Hamilton Robb, and that he was chaplain in the regiment of which he (Watts) was adjutant.

His widow prays Congress for a pension, on the ground of her extreme age and poverty and broken-down health. She is seventy-five years of age, and dependent on the charity of her neighbors for support. Yet your committee do not feel justified in recommending favorable action, believing the precedent to be a dangerous one; and therefore recommend that the bill do not pass.

Mr. CANNON. I ask the committee to bear with me for a minute or two while I call attention to the facts of this case. I knew Hamilton Robb very well, probably for twenty years prior to his death. He was a most excellent man, a Baptist preacher, who had been a member of that denomination and a minister on the frontier for a long life-time. When the war broke out, or a short time afterward, as the report states, he went into the war as chaplain of an Indiana regiment, and served to the end of the war, doing excellent service, as is shown by the proof from all the officers of the regiment and many of the men. After he was discharged he removed to the State of Illinois, where he resided until his death, depending for the last five years of his life upon the charity of the community in which he lived. It is not pretended that he died on account of injury received or disease contracted while in the Army. If he be allowed a pension at all, it must be on another ground.

It is known to gentleman here and known to the country that soldiers of the war of the Revolution, soldiers of 1812, and their widows, long before they reached the age of seventy-five and eighty years respectively, even though they had served but ten days, were placed upon the pension-rolls; and long before soldiers of the late war reach the age of eighty, or their widows the age of seventy-five, they will be placed upon the pension-roll.

Hamilton Robb is dead; and therefore he will not have the advantage or disadvantage, whichever it may be, of being placed upon that roll. He died last January. His widow, poverty-stricken and subsisting upon charity—with nothing but the cold charity of the world between her and the poor-house—is now seventy-five years of age, and she will be dead before this general law passes.

In view of these facts, I appeal to this committee and the House to anticipate in her case the general law, and give the old lady, to save her from the poor-house during the short time that she has yet to live, the bare pittance that will keep soul and body together. I do not believe that I shall appeal in vain. I ask the committee to report this bill to the House with a favorable recommendation. I have some feeling about this matter because I knew this man, and I know his widow. This is all I have to say.

Mr. CULLEN. I wish to say just one word in justification of the report.

Mr. CANNON. I am not attacking the report.

Mr. CULLEN. My sympathies are with my colleague [Mr. CANNON] and with this old lady. Upon the ground that this old gentleman did not come to his death, and it is not claimed that he came to his death, in the military service, or that his death was hastened by such service, the pension being asked solely on the ground of the old lady's age and dependency, the committee did not think they could step so far beyond the law in anticipation of what may occur many years hence.

As I have said, my sympathies are with this old lady, and I would have been very glad if we could have made a favorable report in this case.

Mr. CANNON. One word further and I am done. I have been a member of this House for almost ten years. It so happens that I represent an agricultural district, without rivers and harbors, without public buildings or anything of that kind. The passage of this bill, carrying this paltry pension, to do this meed of justice to this old woman, anticipating in her case the general law, is the first favor I have asked of this House during my service in Congress. This is all that I can say.

The question being taken on laying the bill aside to be favorably reported to the House, there were—ayes 20, noes 15.

Mr. McMILLIN. No quorum has voted. I simply ask that in this case we follow the same rule as in others when it has been proposed to override the report of the committee that such action shall not be taken without the presence of a quorum.

Mr. ALDRICH. Let the bill be favorably reported to the House; and if it be desired, a vote can be taken on it in the House when there is a quorum present.

The CHAIRMAN. If there be no objection that disposition will be made of the bill.

Mr. McMILLIN. What disposition?

The CHAIRMAN. It is suggested by the gentleman from Illinois [Mr. ALDRICH] that the bill be laid aside with a favorable recommendation, and that it be taken up in the House when there is a quorum present. This is the same action that was taken in a previous case.

Mr. CANNON. I hope that will not be done. It is equivalent to no action on the case.

Mr. McMILLIN. I will not object to that course, although I prefer it should not be taken.

Mr. MATSON. I object.

Mr. PARKER. I hope that arrangement will be made, with the understanding that no one will object to taking the bill up in the House and acting upon it when there is a quorum present.

The CHAIRMAN. Does the gentleman from Tennessee insist on the point of no quorum?

Mr. McMILLIN. I did not withdraw it except on the condition it should, like the bill passed a few moments ago, not be considered in the House except with a quorum.

The CHAIRMAN. Is there objection to that disposition of the matter?

Mr. MATSON. I object.

The CHAIRMAN. Is the point of no quorum withdrawn?

Mr. McMILLIN. I did not except on the condition expressed.

The CHAIRMAN. The gentleman cannot withdraw it on condition.

Mr. STEELE. I must renew it.

Mr. CHAIRMAN. The Chair will appoint tellers.

Mr. MATSON. I objected to consent that this bill be reported to the House with a favorable recommendation with the understanding it be voted on hereafter. I have no objection if the order be that this bill shall be voted on at some other time than an evening session.

Mr. McMILLIN. That will be inevitable.

Mr. MATSON. Otherwise when the Calendar is called it will come up as unfinished business, and no one paying attention it will pass as a matter of course.

Mr. McMILLIN. It is to be passed on in a full House.

Mr. CANNON. I accept that, as it is the best I can do.

There being no objection, it was ordered accordingly.

A. SCHUYLER SUTTON.

The next business on the Private Calendar was the bill (H. R. No. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, be and the same is hereby, amended so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $30 per month as pension, from the 22d day of December, 1862; and after deducting the amount which has actually been paid to him as pension, to pay the said A. Schuyler Sutton the balance found due him as provided by this act."

The amendment of the committtee was read, as follows:

Strike out the words "thirty dollars per month as pension from the 22d day of December, 1862; and after deducting the amount which has actually been paid him as pension, to pay he said A. Schuyler Sutton the balance found due him as provided by this act," and in lieu thereof insert "forty dollars per month, from and after the passage of this act."

The report of the committee was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, having had the same under consideration, beg leave to make the following report:

At the breaking out of the civil war A. Schuyler Sutton, who had seen honorable service during the war with Mexico, was an attorney at law in successful practice at Norwalk, Ohio. He enlisted as a private soldier in the Ninety-fifth Ohio, and having acquired a knowledge of military tactics during his former service, greatly assisted in the organization, drill, and discipline of the new regiment.

There is satisfactory evidence that Sutton had received assurances from Governor Tod, of Ohio, that he should be commissioned as lieutenant-colonel of the regiment. It is certain that he was acting in that capacity, when, at the battle of Richmond, Kentucky, on or about August 30, 1862, he received the wound for which he was originally pensioned. Owing to the fact that he had not been commissioned the Pension Office rated him as a private soldier, and allowed him a pension at the rate of $8 per month, which was subsequently raised to $15. By an act of Congress, approved June 4, 1872, his pension was increased to $30 per month from that date.

Your committee believe that it would be an act of simple justice to this soldier to grant him a pension at this rate, dating from his discharge, deducting the amount received by him during the intervening period. His wound has had the effect of blasting his life. His jaws are so anchylosed as to prevent the mastication of solid food. The senses of sight and hearing are much impaired and he is a constant sufferer from violent facial neuralgia. Being unable to open his mouth sufficiently, and by reason of disorganization of the soft and bony tissues occasioned by the wound, he is unable to employ the ordinary means of cleanliness, and his breath is consequently horribly offensive.

In the opinion of your committee the evidence in the case justifies the conclusion to which it has arrived, "that the disability for which he is now pensioned existed at the time of his discharge." We therefore report the bill back to the House with the recommendation that it do pass, so amended that said A. Schuyler Sutton be pensioned at the rate of $40 per month from and after the passage of this act.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN MOORE.

The next business on the Private Calendar was the bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized to inscribe upon the pension-rolls the name of Ellen Moore, widow of Allen Moore, deceased, of Company C, Palmetto Regiment, South Carolina Volunteers, Mexican war, and pay her a pension from and after the passage of this act at the rate of $8 per month.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, would respectfully report that they have carefully examined the papers on which the Senate report in the same case is founded, and find the report fully sustained by the following facts:

There is no record of the enlistment of Allen Moore, and his name does not appear on the muster-roll of Company C, Captain Moffatt, Palmetto Regiment; but there is abundant proof adduced to show that he did serve in that company, and that he was mortally wounded at the battle of Churubusco, dying from his wounds in a few days after the fight. A synopsis of the testimony under oath establishing these facts is hereby submitted.

James Lacey, who was acting as body-servant to Lieutenant-Colonel Dickinson, Palmetto Regiment, testifies that he knew Moore for many years prior to the Mexican war; that he knew that he was a member of Captain Moffatt's company; that "he saw said Allen Moore just after the battle of Churubusco in a dying condition, the result of wounds received in that battle, and that in a day or two thereafter he saw the dead body of said Allen Moore, he having died from said wounds received by him while in the discharge of his duty as a member of said company and regiment." Stephen M. Boykin, lieutenant in Company A, Palmetto Regiment, swears that "there was a private in Captain Moffatt's company (C) of said regiment by the name of Moore." Benjamin F. Speay swears "that he was a member of Captain Moffatt's company, (C,) Palmetto Regiment, Mexican war; * * * that he knew Allen Moore, the husband of the above-named Ellen Moore; that he was a private in the same company with deponent; * * * he did not see Allen Moore after the battle of Churubusco, and the general report of his death in the line of his duty he has not a doubt is entirely true." Henry Mevely, a private in the regiment, testifies that he knew Allen Moore well, and knows that he was mustered into service in Captain Moffatt's company in Charleston; that he was wounded at Churubusco or Contreras, and that he never was with the regiment afterward.

Zachariah Cauley testifies "that he was a member of the Palmetto Regiment in the Mexican war, he having left home as a member of Captain Moffatt's company, and subsequently appointed color-sergeant of said regiment; that Allen Moore was a member of said company." Ransom L. Logan swears "that he was a member of Captain Moffatt's company, Palmetto Regiment; that Allen Moore, the husband of the above-named Ellen Moore, was a private in said company; * * * that deponent saw him as he was borne from the battle-field of Churubusco mortally wounded." James J. Villepigue, another member of Moffatt's company, testifies to the fact that Moore belonged to the same company. There were many other affidavits to the same general effect before the committee, and they are among the papers accompanying this report, but are not quoted, as the evidence given is deemed sufficient to prove Moore's service and death. Three affidavits have been lost or mislaid, among them one from John Graham, who saw Moore buried.

Joseph B. Kershaw, a lieutenant in the Palmetto Regiment, subsequently a major-general in the confederate service, and now one of the circuit judges of South Carolina, in his testimony, speaks of Moore "as a member of the Palmetto Regiment," and says that "he knew personally and well the men who made affidavit in support of said application; that they were and are men of the highest character and veracity, and as such entitled to full faith and credit, and that he has entire confidence in the merit and justice of said claim." The evidence submitted proves conclusively that Allen Moore served as a private in the Palmetto Regiment, and that he was killed at Churubusco. The only flaw in the claim of his widow for a pension arises from the fact that her husband's name has not been found on the muster-roll of his company; but this fact should not bar her just and equitable claim to the pittance earned by her husband's death. He gave his life to his country on one of its bloodiest and most glorious battle-fields, and she now, at the advanced age of seventy-five years, will be forced, should her petition be declined, to seek refuge in the poor-house of the county in which her husband left her when he volunteered to defend the honor of his country.

Wherefore your committee herewith report back the bill, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA F. PORTER.

The next business on the Private Calendar was the bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the rate of pension of Eliza F. Porter, widow of Lieutenant James E. Porter, late of the Seventh United States Cavalry, to $30 a month, in lieu of the pension she now receives.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 4838) granting an increase of pension to Mrs. Eliza F. Porter, having had the same under consideration, report as follows:

It appears from the evidence on file with this committee that the applicant, Mrs. Eliza F. Porter, is the widow of First Lieutenant James E. Porter, of the Seventh United States Cavalry, who was killed in action June 25, 1876, while engaged with the Sioux Indians on Little Big Horn River, Montana Territory, (Custer massacre.)

The petitioner receives now the pension of a first lieutenant's widow, her only support, ($16 per month;) and she has a boy nine years of age to support, and is herself a confirmed invalid, unable to do anything. She is at present living with her father and mother in Auburn, Rhode Island, both of whom are hopeless invalids.

The battle in which Lieutenant Porter lost his life was one of the most heroic struggles that has ever cast luster on American arms. Every man was killed. Every man literally fought until he died, and died at the hands of merciless savages.

In consideration of the extraordinary circumstances attending this case the committee recommend that the pension be increased to $30 per month, and report herewith a substitute for bill H. R. No. 4838, which provides for an increase of pension as above stated.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON SNYDER.

The next business on the Private Calendar was the bill (H. R. No. 1488) granting a pension to Aaron Snyder.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Aaron Snyder, late a private in Company A, Two hundred and second Regiment Pennsylvania Volunteers, for disability resulting from disease incurred in the military service of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No.

1488) granting a pension to Aaron Snyder, have considered the same, and adopt the report made in the Forty-sixth Congress, as follows:

"It appears from the evidence before the committee that the said Aaron Snyder was enlisted as a private in Company A, Two hundred and second Regiment Pennsylvania Volunteers, and was discharged from said service on August 3, 1865.

"He filed his application for invalid pension the 27th March, 1877; alleges that in October, 1864, while in the service and line of his duty in the State of Virginia, he contracted rheumatism from exposure and fatigue, which settled in the *os humerus* of the left arm, which disease has been continuous since the first attack, and renders him incapable of performing manual labor; that he was treated in hospital at Alexandria, Virginia, and at Fairfax, Virginia.

"To support said allegations are the statements of Solomon and Edward Sittler, who state that they were well acquainted with Snyder before his enlistment; that they were his fellow-laborers before the late war, and to their personal knowledge he was a sound man when he was enrolled. Their statements are corroborated by Solome Morestein, who states further that after the return of Snyder from the Army he was suffering from pain and disease of his arm, and took remedies therefor, but without avail; that he lived with her from his discharge till 1866, and during that time he was unable to perform manual labor.

"Snyder, in an affidavit, states that he is unable to furnish a statement from the surgeon of his regiment, because he does not know the whereabouts of said surgeon.

"Stephen F. Minnic states that he was first lieutenant of Snyder's regiment and company, and affirms that he was diseased in the manner and at the time stated.

"Dr. E. P. Miller states that he has been a practicing physician for ten years; that he became acquainted with Snyder in September, 1866; found him suffering with 'exfoliation of left arm;' performed an operation upon him and treated him for said disease for some time afterward.

"Dr. C. F. Schreuer states that he is a practicing physician; that he treated claimant in 1869 for 'exfoliation of the *os humerus* of the left arm; that treatment consisted of an operation and cutting out the diseased bones and placing him under alteratives.'

"There is a letter in the papers from Dr. John T. Carpenter, who says Dr. Schreuer uses 'quack' remedies and is not of first-class standing in the profession.

"There is no report from the Surgeon-General's Office in regard to treatment in hospital at Fairfax, Virginia, but the report shows that Snyder was treated for intermittent fever at hospital at Alexandria, Virginia.

"The Commissioner of Pensions rejected the claim because there was no record-evidence of the fact that claimant contracted the disease resulting in the injuries in the service, or his treatment therefor in the service.

"It is the opinion of the committee that the petitioner has exhibited an equitable right to pension, and we recommend the passage of the bill accompanying this report."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK HORAN.

The next business on the Private Calendar was the bill (H. R. No. 6501) granting a pension to Patrick Horan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 6501) granting a pension to Patrick Horan, having had the same under consideration, would submit the following report:

The petitioner, Patrick Horan, of Joliet, Illinois, was enrolled on or about September 15, 1861, as a teamster of the Quartermaster's Department, by Captain G. E. D. Diamond, at Saint Louis, Missouri. He was never discharged, but paid last at Fort Riley, Kansas, and sent back to Saint Louis on the 28th of November, 1866.

While serving as a teamster he was taken prisoner of war at the battle of Poisons Springs, and was confined at Camp Ford, Tyler, Texas, from about April, 1864, to about the middle of February, 1865. While a prisoner he was without shelter or covering of any kind, and in June, 1864, was exposed to a rain storm of fourteen days' duration. During his confinement he dug a hole in the ground, in which he slept. In consequence of his exposure and suffering he was stricken with paralysis, from which disease he has been suffering to the present time.

His statement as to his imprisonment, exposure, and incurrence of paralysis in rebel prisons is corroborated by the testimony of Henry B. Clark, himself an inmate of said prison, and by the testimony of John B. Arnold, of the Chicago Mercantile Battery.

The evidence also shows that prior to and on his arrival at said prison he was in sound health. The testimony of neighbors of Joliet, Illinois, shows that upon his return to Joliet after the war he was afflicted with paralysis, which has continued to the present time, making him completely unable to perform any physical labor.

Dr. W. Dougall, of Will County, Illinois, states that since 1874 petitioner has been under his treatment; that he has carefully studied his case; that he is suffering from "locomotor ataxia," caused by exposure and sleeping upon damp ground; that it gradually grows worse; is incurable, and will soon render him entirely helpless.

His claim was rejected by the Pension Office, on the ground that petitioner was not in the military service of the United States, and therefore does not come under the general provisions of the pension law; but the Pension Bureau is of the opinion that his claim is a meritorious one and should be allowed by "special act;" and that, if such special act is granted, the pension should commence from the date of its passage, at such rate as the claimant, upon examination, may be found to be entitled to.

Your committee are of opinion that the claimant is entitled to the relief he seeks, and therefore recommend the passage of the bill.

Mr. McMILLIN. I move that be passed over for the present.

Mr. CULLEN. I hope that course will not be taken in this instance. This man was in the Army, though only as a teamster. He was taken a prisoner as if he had carried a musket, and was treated in all respects as a prisoner of war. He was very cruelly treated, and that cruel treatment brought on disease from which he is now suffering and which will eventuate in a short time in his death.

I happen to know this old man, and he is poor, helpless, and decrepit. He can only barely move a little by leaning forward on two canes. I know the gentleman, Dr. Dougall, who testified to his condition, as one of the most experienced physicians and surgeons in that district of the country, and I know that his testimony is in every respect worthy of consideration. The man can live but a very short time; and if the Government is going to help him at all it will have to be done at once, or assistance will be of little service to him.

I appreciate the position taken by the gentleman from Tennessee, and sympathize with him in many of these cases; but this is an exceptional case, one that ought to be passed, and passed promptly, and I would not ask its favorable consideration if I was not thoroughly convinced of its merits and the propriety of passing the bill promptly.

The CHAIRMAN. Is there objection to laying this bill aside informally?

Mr. VALENTINE. Yes, sir; I object. I move that the bill be laid aside and reported to the House with a favorable recommendation.

The question was taken; and the Chair decided by the sound the ayes had it.

Mr. McMILLIN. Mr. Chairman, I must ask a division. I should do myself injustice were I to fail to take the same course with this case that I took with reference to the case presented and so ably argued by my friend from Illinois, [Mr. CANNON.] I am unwilling to let this bill stand upon higher ground than the case to which I now refer, and to which I felt compelled to object for the reasons that I have already stated, though I did it with hesitation and reluctance. But the principle that I have felt it my duty to be guided by in all of these other cases I must apply to this and to each one of them. I suggest, therefore, that the bill take the same course as that taken by the bill of the gentleman from Illinois.

Mr. VALENTINE. I do not object to its taking the same course as that bill.

Mr. McMILLIN. It cannot take any better course to-night.

Mr. CULLEN. If it cannot take any better course, then I must, I suppose, yield, and allow it to take that course.

Mr. McMILLIN. If we are to enter upon the civil list these questions ought to have a further hearing before a full House. Let it then be reported to the House with a favorable recommendation, and with the understanding that a vote is to be taken in the House upon it.

A MEMBER. When a quorum is present.

The CHAIRMAN. Without objection the bill will be laid aside and reported favorably to the House.

There was no objection.

LOIS L. WEEKS.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5434) for the relief of the heirs of Lois L. Weeks.

Mr. BROWNE. That is an adverse report.

Mr. DINGLEY. With reference to this case, and by the consent of the members of the committee, I desire to make a brief statement.

Mr. McMILLIN. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Lois L. Weeks, mother of Charles B. Weeks, late of Company C, Second Regiment of New Hampshire Volunteers, both deceased, the sum of $860, that being the amount of arrears of pension allowed to the said Lois L. Weeks by the Pension Department, as appears by her certificate numbered 175590, which allowance was not paid in consequence of her decease.

Mr. PRESCOTT. Let the report also be read in that case.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 5434) for the relief of the heirs of Lois L. Weeks, has had the same under consideration, and begs leave to submit the following report:

It appears from the papers before this committee that Lois L. Weeks was pensioned as the dependent mother of Charles B. Weeks, who died in the service of the United States while serving as a private in Company C, Second New Hampshire Volunteers. She did not apply for pension for more than five years after the soldier's death, hence her pension was made to commence from the date of filing of the last essential evidence, June 6, 1872. Under the act of January 25, 1879, she became entitled to arrears for the period intervening between the date of the soldier's death and the original commencement of her pension, amounting to $860.27.

This allowance was made by the Pension Office September 15, 1879, and the necessary certificate was mailed to the pension agent on the 20th of said month. The pensioner died, however, September 12, 1879, or three days before the allowance of said arrears. There being no law under which any person could receive the accrued or unpaid pension of a dependent mother, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent, in case where there are not sufficient assets left to meet such expenses, payment of the amount allowed by the arrears certificate was refused.

The bill under consideration proposes to give the unpaid arrears to the heirs of the deceased. The papers on file in the Pension Office show that the father of the soldier survives, and that he has a claim for pension now pending. That he will be able to establish the same can hardly be questioned, inasmuch as the dependence of the parents upon the soldier is fully shown in the mother's case, and it is hoped that relief be afforded him by an early adjudication of the claim.

But the relief asked from Congress, in the opinion of this committee, should be denied, as other claims for arrears, equally as meritorious, have been, by the action of both Houses; and therefore this committee reports adversely on the bill, and asks to be discharged from its further consideration.

Mr. DINGLEY. Mr. Chairman, there were some essential facts in connection with this case that were not before the Committee on Invalid Pensions, and in fact were not known to myself at the time the committee took the case up for consideration. The first essential fact is that the father who did apply for a pension as being dependent upon the son, as stated in the report, died six months after the mother died, and so there could be no pension given to him on account of dependence on the son. The second essential fact is that

the mother, dependent upon the son, died three days before the arrears of pension was allowed. During her last sickness, which continued for several years, she was cared for by a daughter and son, themselves under age, in ill health; and that daughter and son besides giving their whole time for the care of their invalid mother during these two or three years contracted debts amounting to something over $500 in consequence of her illness.

Now, the situation of the case is simply this: the heirs, consisting of a son and a daughter, themselves ill and unable to care for themselves, and made so to some extent by taking care of the mother, who was entitled to this pension, contracted debts as I have said amounting to some $500, besides giving their own time for two years to her care. If the mother had died three days later they would have received the $860 of arrears; but as the mother died three days before the pension was allowed under the law as it stands, strictly they are not entitled to receive this amount, notwithstanding that they contracted these bills in caring for her, and notwithstanding also that they gave their time for two years in caring for the mother. To-day these children, bed-ridden one of them and the other ill, are objects of charity in the town in which they reside in my district.

It seems to me, Mr. Chairman, and gentlemen of the committee, that, under these circumstances, it is but just and proper that the $800 which would have belonged to the mother and would have passed to the dependent children at her death ought now to come to the children and not to be retained by the Government.

I feel it my duty to make this statement of the facts of the case to the committee, and ask that, in justice to the family and in justice to the memory of this soldier, this amount be allowed and paid over to the helpless children. I move, then, in order to test the judgment of the committee upon the matter, that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HENDERSON. Mr. Chairman the circumstances as presented by the gentleman from Maine are certainly such as to excite our sympathies; but, at the same time, I fear we would be establishing a precedent here that would open up a great number of cases where heirs under like circumstances have been deprived of pensions to which they would have been entitled if the pensioner had lived but a few days longer. I know a number of cases where death has occurred and the heirs have been in the most distressed circumstances, and yet they have only been allowed under the law the expenses of the last illness and the funeral expenses.

If we do it in this case we ought to go back and do it in all these other cases where heirs have been deprived of pensions.

Mr. DINGLEY. Will the gentleman from Illinois allow me to say that the last illness of this lady lasted for three years, and debts were contracted during this time which would far exceed this amount of $860.

Mr. HENDERSON. But the point I wish to make is, that these heirs must rest under the same general law as all other heirs rest under; because otherwise, if we do what is asked to be done in this case, I know there are many other cases where we would be asked under the circumstances to do it, and where the pensions have not been allowed heretofore. I think we cannot afford to do that.

Mr. BROWNE. The Committee on Invalid Pensions is a little unfortunate. Its adverse reports seem to be generally overruled by the Committee of the Whole when they come to be considered; and for that reason I feel a delicacy even in attempting to defend the action of the committee.

What are the facts in this case? The deceased, to whom the pension certificate was granted, was a dependent mother. She was entitled to a pension because of the death of her son in the military service. The pension law makes it purely a personal matter. It goes to support the mother and no other person. The pension law exempts the pension from the payment of the debts of the beneficiary. She might, had she received the money, have applied it to the payment of these debts or she might have refused to have done so. The matter was one optional to herself. It was not subject to execution or attachment or any legal process for payment of a debt. The object of the law is to give a pension for the support of a living person, and therefore when the person dies there is no beneficiary; there ought to be none.

The very purpose of the law is defeated if you permit a pension that is intended to support a living person to go to the heirs of that person after the decease of the person for whose benefit the law was passed. I would not mind it in this case. It is a case that appeals very strongly to the sympathy of every person who has heard the statement of the gentleman from Maine. But these cases are innumerable; and if we go back and allow pensions that have accrued in behalf of deceased persons that have not been allowed during their lifetime, or where the pensions have been granted subsequent to their death, which is equivalent to no allowance—if we open the door in that way, millions upon millions will go out of the Treasury of the United States. And there is not any reason why it should be so.

In the case of minors, when they have reached the age of sixteen, they are not entitled to a pension; and if they have a legal claim pending that is not allowed until they reach that age, it lapses. And it ought to lapse. They are no longer regarded as dependent. The law assumes they have arrived at such an age as enables them to take care of themselves. So when a pension is granted, or when a pension is due a widow, if she marries the pension ceases. Why? Because she is no longer dependent, having entered into new matrimonial relations.

Mr. DINGLEY. Will the gentleman allow me to interrupt him for a moment?

Mr. BROWNE. Yes, sir.

Mr. DINGLEY. I would remind the gentleman that this is for arrears. The Government admits it was indebted to Lois L. Weeks from some time in 1878. Now, shall the Government take advantage of this bill in settling what is admitted to be due to Lois L. Weeks because she died three days before the final settlement and refuse to pay the amount that has been due her and which was expended during that time for her support? It seems to me the case is a little different from the one stated by the gentleman.

Mr. BROWNE. I answer the question by referring to this very case. The report itself shows that under the law Lois L. Weeks was denied a pension covering about five years. Why? Because the claim was not filed within the limitation. The Government owed this pension as much during those five years as it did subsequently. But the Government itself fixes the statute of limitations, and says that prior to the time when the last proof is filed that is necessary to establish the case it will grant no pension.

Now, how is the law as to what occurred subsequently? I answer the gentleman in this way: let us suppose that instead of the pension having been granted three days after her death the application had not been made until three days after her death. Why, the Government owed it as much, if the gentleman insists this is in the nature of a debt, as if the application had been made before her death. But the Government says, "We are under no obligations to support people who are dead; they do not need any support." The consequence is that the pension that may have been due the living person lapses at the death of that person. It is just as an action at law for tort which is a personal right; it dies with the plaintiff or with the claim.

In this case the death of the dependent mother occurred before the pension certificate was granted. The certificate was a nullity and the action of the Commissioner was the same as in all cases of that kind. In all these cases the law says that all that shall go to the surviving heirs or personal representatives of the deceased is the necessary expenses of the last sickness and burial; and it only grants this in the event that the estate of the deceased is not sufficient to pay those expenses. I care little about this individual case; but I say to the gentleman from Maine, and I say to the committee that there are thousands of these cases, and if the Committee of the Whole desire to establish this precedent, why the Committee on Invalid Pensions must be content. That is all.

The CHAIRMAN. The question is upon the motion of the gentleman from Maine, [Mr. DINGLEY,] that the bill be laid aside to be reported favorably to the House.

The motion was not agreed to.

The CHAIRMAN. The bill will accordingly be laid aside to be reported to the House with an unfavorable recommendation.

ALVIN WALKER.

The next business was the bill (H. R. No. 3717) granting a pension to Alvin Walker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alvin Walker, with the rank of major and paymaster.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "with the rank of major and paymaster."

Mr. DINGLEY. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3717) granting a pension to Alvin Walker, respectfully reports:

That a similar bill was favorably reported upon during the second session of the Forty-sixth Congress. The report then made, substantially as follows, is adopted by this committee:

The papers in the case show that the petitioner was appointed additional paymaster, United States Army, September 10, 1861, and discharged May 29, 1865, and that his application for pension was filed August 29, 1876, alleging "that in June and July, 1863, he contracted typhoid fever, and from the effects of said fever and exposure his eyes became affected; that from said time his sight began to fail, that he is disabled by disease of eyes, and that without strong glasses he is unable to distinguish any but large objects, and even with the strongest glasses he is unable to do any work."

The Pension Office rejected the claim December 26, 1877, upon the ground "the disease of eyes found by the board not shown to be a sequel or result of typhoid fever."

The petitioner was near-sighted so as to require the use of glasses before entering the service, but had never had diseased eyes, and was until the summer of 1863 a sound and healthy man. He was then aged about thirty-nine years.

Assistant Surgeon R. O. Sidney testifies to soundness before enlistment.

George Beakley, M. D., testifies, (21st January, 1878)—

"That from the year 1853 to the 10th day of September, 1861, he attended and prescribed for said Alvin Walker, as his physician and medical adviser, in the city of New York, where deponent then resided; that said Alvin Walker between the above-named dates had no disease which affected his eyes, or either of them, but that his eyes were perfectly healthy and sound, and free from any tendency to disease or weakness, as deponent verily believes."

Captain J. B. Mix, on staff of General Martindale, in command District of Columbia, says that about July, 1863, claimant was sick for a considerable time with typhoid fever.

Colonel J. B. Swain, of Scott's Nine Hundred, corroborates Captain Mix.

Assistant Surgeon R. O. Sidney testifies—

"That claimant contracted typhoid fever from exposure while on duty in the District of Columbia; that at that time affiant was stationed at Camp Relief as surgeon in charge, and during said time claimant consulted him as to the condition of his eyesight, and the fact that his eyesight was beginning to fail. Affiant on examination found him suffering with ophthalmia, and it was with difficulty that he could perform his duties."

Dr. George Beakley (claimant's family physician) testifies at another time, January 6, 1877, that claimant's eyes at date of discharge were diseased from the effects of typhoid fever, and that he has treated him more or less from that date to the present time.

Claimant himself swears that he was treated by a physician in private practice for the typhoid fever, whose name he does not now recollect; has heard he was dead.

The Adjutant-General's reports show that Major Walker was on duty in Washington in May, 1863, and was detached for temporary duty at New York City June 12, 1863, to return about 1st of July. July 18, 1863, he was ordered from Washington to New York on temporary duty; he reported at Washington, from temporary duty at New York, August 12, 1863. The records of the office show no evidence of disability in case of Major Walker.

The Surgeon-General's Office, in report of the case: "The records of attending surgeons of volunteer officers, Washington, District of Columbia, show no information in this case."

The claimant was examined by the board of examining surgeons of the Pension Office at New York City, February 21, 1877, for disability from "impaired vision," who rated him one-half, ($12.50,) and found him affected "by ophthalmoscope, with final atrophy of both optic nerves. Both eyes are cataractous."

The Pension Office placed the case in the hands of a special agent of the office for investigation December, 1877, and the evidence returned is generally favorable to the claimant.

This committee is of the opinion that the claimant was near-sighted before his sickness, but that his eyes were not diseased until such sickness, and that they became and remain diseased in consequence of such sickness, and the same is a disability incurred by the petitioner while in the service and in the line of his duty.

The passage of the bill is therefore recommended, amended by striking out the last seven words of the bill.

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ELIZA H. RAMSAY.

The next business was the bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza H. Ramsay, widow of Brigadier-General George D. Ramsay, brevet major-general United States Army, and to pay her a pension at the rate of $50 a month.

Mr. PRESCOTT. Let the report be read.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay, having carefully examined the same, submit the following report:

The applicant is the widow of the late Brigadier-General George D. Ramsay, brevet major-general United States Army, who died at Washington, District of Columbia, on the 23d day of May, 1882.

General Ramsay, at the time of his death, had served the Government longer than any living officer of the Army, having entered the Military Academy August 29, 1814. His service was as honorable as it was long. He passed through all the successive grades of rank until he was appointed brigadier-general and Chief of Ordnance, in which capacity his services were of exceeding value during the war of the rebellion. He was noted for his inflexible integrity in the discharge of his duties, and died leaving no estate whatever, and a widow and three daughters who had been dependent on him.

Mrs. Ramsay is left without income for her maintenance, or any resource from which she can obtain one, and is so physically disabled as to be helpless.

It has been customary in similar cases to allow special pensions, and the exceptionally long and valuable services of General Ramsay and the absolute necessity of this pension for the support of his widow make it eminently just that the custom should be followed in this case.

We report the bill back and recommend its passage.

Mr. DINGLEY. I would like to have the chairman of the Pensions Committee inform the Committee of the Whole under what law this pension is to be granted. It does not appear that this officer was disabled in the service.

Mr. BROWNE. It will be granted under the law which will be passed by this Congress if this bill becomes a law.

Mr. STEELE. There are numerous precedents for this case. There are now some sixty-eight widows drawing pensions whose husbands held no higher rank than the husband of this widow. This officer served longer than other officer in the Army. His widow is now bed-ridden, unable to take care of herself. The other night we passed a bill here granting a pension to a lady who is at least physically able to take care of herself. We have sixty-eight or seventy precedents for this case. This bill comes from the Committee on Pensions, and not from the Committee on Invalid Pensions.

Mr. BROWNE. I beg the pardon of my colleague, [Mr. STEELE.] I supposed that the gentleman from Maine [Mr. DINGLEY] referred to me when he asked his question, and that was the reason I made answer to him.

Mr. DINGLEY. I simply desire to call attention to what is proposed by this bill, and also to what the committee, by an almost unanimous vote, decided a few minutes ago we could not do in the case which we then acted upon. It is not claimed that this officer was disabled in the service, and therefore there can be no legal claim for a pension in this case.

Mr. STEELE. I beg the gentleman's pardon; it is claimed that he was worn out in the service.

Mr. DINGLEY. The other case which we have just acted upon unfavorably is a case where an amount had actually been allowed to a dependent mother, where debts had been incurred for her support, and where the two children that are left are objects of charity and supported by contributions from their neighbors.

Now, I do not dispute at all the propriety of the position which the Committee on Pensions take upon this case. But if this House is to be just, we cannot certainly refuse to give a pension to two poor bed-ridden children, the brother and sister of a soldier who died in the service, children who are now objects of charity.

If we grant a pension in this case, where there is no pretense that there was any disability incurred by the officer while in service, and no legal claim on the part of any one to a pension, then we will be doing an act of pure mercy in granting a pension which cannot be legally claimed under any law. Now, if we are going to exercise mercy in this case, it seems to me that we ought to go back and exercise it in a case immensely more deserving than this is.

Mr. PRESCOTT. Does the report in this case show the age of this lady?

Mr. STEELE. The report does not show it. I can inform the gentleman that she is a very old lady.

The CHAIRMAN. The Chair is informed that she is nearly eighty years of age.

Mr. STEELE. She is from seventy-eight to eighty years of age.

Mr. DINGLEY. I am not going to make any objection in this case. I simply want to call attention to the action of the Committee of the Whole in different cases; giving a stone to one and bread to the other.

The bill was laid aside to be reported favorably to the House.

LYDIA S. ROARK.

Mr. PETTIBONE. I desire to call attention to a case, on page 46 of the Calendar, which was passed over informally this evening. It is the bill (H. R. No. 1576) granting a pension and bounty to Lydia S. Roark.

The CHAIRMAN. That case was passed over because there was no report here.

Mr. PETTIBONE. I made the report in the case, as will be seen by reference to the Calendar, on June 9, and the report was printed. I have a copy of it at my room, and supposed that it was here. My colleague on the committee, the gentleman from Indiana, [Mr. MATSON,] will recollect it.

The person named in that bill, Lydia S. Roark, was the infant daughter of a soldier who enlisted and was sworn into the service. He went into battle at Rogersville, Tennessee, as shown by the papers from the Pension Office, on the 2d of October, 1863, and lost his life in that battle. Because of the fact that the regiment had never been mustered in, although they went into battle, because of the fact that the whole regiment was there captured and the rolls were lost, it became necessary to make up new rolls of the regiment.

There was no record in the Pension Office or the Adjutant-General's office showing that he had ever been mustered; still the proof to that effect was overwhelming.

Mr. PRESCOTT. The bill itself as read was objectionable, and that was the reason it was passed over. I ask that the bill be read again.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lydia S. Roark, minor child of Alvin Roark, late a private in Company B, Second Regiment of Tennessee Infantry Volunteers, on the roll of pensioners, and pay her, if she is of lawful age, but if not, to her legally-appointed guardian, out of the military pension fund, a pension of $8 per month commencing on the 6th day of November, 1863, with increase of $2 per month commencing on the 25th day of July, 1866, and to continue up to the time she arrived at sixteen years of age.

SEC. 2. That the Paymaster-General of the United States Army be, and he is hereby, authorized and directed to pay, out of any money appropriated, or hereafter to be appropriated, for the payment of the Army, to Lydia S. Roark, minor child of Alvin Roark, late a private in Company B, Second Regiment of Tennessee Volunteers, if she is of lawful age, but if not, to her legally-appointed guardian, $192, for twelve months' service of said soldier in said regiment, together with the regular bounty due said soldier, and also the additional bounty under act of July 28, 1866.

Mr. PRESCOTT. I have sent to the document-room for the report in this case; and the answer is that it is not there. The bill is a very singular one; and it is very doubtful whether it ever passed the committee in its present form. Without the report we are unable to tell what the committee did in regard to it. I object to the present consideration of the bill.

Mr. BROWNE. When this bill was up before I did not remember the circumstances; and the gentleman from New York [Mr. PRESCOTT] was doubtless correct in concluding from my remarks that the committee had not considered the bill in its present shape. But I now remember the case distinctly. The bill was considered by the committee, and considered in the shape in which it now is.

Mr. PETTIBONE. That is the fact.

Mr. HENDERSON. It seems to me that there is a strong objection to the bill because it proposes to grant arrears of pension, when, as I understand, the uniform practice of the House has been not to grant arrears in any case where the pension was granted under a special act.

Mr. PETTIBONE. As members of the committee will recollect, it appeared in this case that very soon after the war an application for a pension was made. The case has been pending all these years. As the beneficiary in the case is an orphan—a little girl—and her

guardian had done everything he could toward procuring the pension, and was met by the technical objection founded on the fact that the records had been captured in battle and the soldier killed before muster, the committee resolved that the bill ought to pass in its present shape.

Mr. ALDRICH. I move to amend by striking out the second section.

Mr. HENDERSON. Where we have granted pensions by special acts the uniform rule, I submit, has been not to allow arrears. I know that the Senate has in many cases amended in this respect the bills which we have passed.

Mr. RAY. I think my friend from Illinois [Mr. HENDERSON] is a little mistaken in the statement he has just made. Where the party is clearly entitled to a pension, but, as in this case, through the destruction of evidence has been unable to establish the claim until the records have been corrected, I think the precedents are—there have been one or two since I have been a member of the House—to allow a minor the pension up to the time when he attains the age of sixteen years.

Mr. PEELLE. But the gentleman from Tennessee states that this man was mustered before the loss of the roll.

Mr. PETTIBONE. The difficulty was that he volunteered, went right into battle, and lost his life.

Mr. STEELE. The motion is made by the gentleman from Illinois [Mr. ALDRICH] to strike out the second section. If that be agreed to, it will obviate the objection now raised.

Mr. RAY. I ask that the second section be again read.

The Clerk again read the second section.

The question being taken on the amendment of Mr. ALDRICH, to strike out the second section, it was agreed to.

Mr. PARKER. It would be very hard indeed if, when the father of this minor child served for nearly a year, no one is to be paid for his service.

Mr. PRESCOTT. He did not serve for a year.

Mr. PARKER. For seven or eight months.

Mr. PRESCOTT. I understood that he was killed almost immediately upon entering the service.

Mr. PARKER. No; this was in a part of the country where soldiers were not mustered until after they had fought a good while. I understand that he served nearly a year—more than half a year. Now it seems to me very unjust to strike from this bill the provision for paying to the child the actual earnings of the father who was killed in battle.

Mr. ALDRICH. This is simply a claim—not a pension case at all. I submit to the Chair that the bill does not come within the order of the House in reference to this evening's session.

The CHAIRMAN. It is too late to raise the question of order after the discussion has proceeded on a bill.

Mr. ALDRICH. I insist it be laid over.

The CHAIRMAN. Is there objection to its being passed over informally? The Chair thinks there must be some misunderstanding. The gentleman from Illinois moved to strike out the second section. That was submitted to the committee and declared to be carried.

Mr. ALDRICH. It is moved as amended that it be laid aside to be reported to the House.

Mr. PETTIBONE. That carries the pension?

Mr. ALDRICH. That carries the pension.

Mr. BURROWS, of Michigan. That is all right.

As amended, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTHER M. CAREY.

Mr. LEEDOM. I move by unanimous consent to take up for consideration the bill (H. R. No. 2095) granting a pension to Esther M. Carey.

The CHAIRMAN. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Esther M. Carey, mother of William B. Carey, deceased, late a private in Company H, Twelfth Regiment Ohio Volunteers, war of 1861.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LA FAYETTE AXTELL.

Mr. JACOBS. Mr. Chairman, I ask to take up the bill (H. R. No. 3714) to increase the pension of Lafayette Axtell. It is the first time I ever asked for such a favor. The case is extraordinary in its character. He had the side of his face carried away.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of La Fayette Axtell, late of Company A, One hundred and forty-fourth Regiment New York Volunteers, at the rate of $24 per month, to commence from the passage of this act, and to be in lieu of the pension heretofore granted to La Fayette Axtell under the provisions of the general pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA ATKINS MERCHANT.

Mr. STONE. I ask to take up the bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant.

There was no objection, and the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Atkins Merchant, widow of the late Captain Charles G. Merchant, of the United States Army, and to pay her a pension at the rate of $30 a month, in lieu of the pension she now receives.

The report of the committee was read, as follows:

The committee to whom was referred the House bill No. 6638, granting a pension to Eliza Atkins Merchant, have considered the same, and report:

Mrs. Eliza Atkins Merchant is the widow of Captain Charles G. Merchant, who was an officer in the United States Army and was promoted for gallant and meritorious conduct in the Mexican war.

Subsequently in a fight with the Indians on the Mexican frontier he was severely wounded by a rifle-ball in the neck, from which he never recovered.

His widow is a lady of delicate health, who is dependent on her mother for support.

In consideration of the premises the committee think the pension should be increased, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS WILSON.

Mr. BROWNE. I desire, Mr. Chairman, to offer a formal amendment to the bill (H. R. No. 4092) to increase the pension of Thomas Wilson, which was laid aside a few moments since to be reported to the House. I am informed that the name of this pensioner is Thomas E. Wilson, and I desire that the bill and the title be corrected by inserting the initial letter E. in the bill where it properly occurs.

The CHAIRMAN. Without objection the amendment will be agreed to, and the title of the bill changed to correspond.

There was no objection.

CONDEMNED CANNON, MARSHALLTOWN, IOWA.

Mr. THOMPSON, of Iowa. Mr. Chairman, if it be in order I ask to take up from the Speaker's table the bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa, and ask its present consideration.

The CHAIRMAN. The Chair will ask the gentleman from Iowa if this bill is on the Calendar.

Mr. THOMPSON, of Iowa. It is on the Speaker's table. It will be found on page 67 of the Calendar——

Mr. BROWNE. That bill is not before the committee.

The CHAIRMAN. It cannot be taken from the Speaker's table at this time.

Mr. THOMPSON, of Iowa. Then when the House resumes its session I shall ask to take it up.

AARON SHERIDAN.

Mr. RAY. Mr. Chairman, I ask to take from the Private Calendar the bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased, and put it upon its passage. Inasmuch as this is probably the last evening session we shall have for the consideration of pension bills, I desire that action be taken on this bill to-night if possible. It will be found on page 34 of the Calendar, and has been already considered once or twice by the committee, but the point was made that no quorum was present, and its passage defeated. It is reported from the Committee on Invalid Pensions with favorable recommendation with amendments, and has been pending since February 24.

The CHAIRMAN. This bill has been passed over informally at several meetings, and was passed over informally by unanimous consent to-night. It can only be taken up now by unanimous consent.

Mr. RAY. Then I ask unanimous consent to have it taken up, and that it be allowed to take the same course with the other bills to which similar objection was made; that is, that it be favorably recommended to the House, but that no vote be taken upon it except in the presence of a quorum.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

Mr. McMILLIN. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Levi F. Sheridan, George H. Sheridan, James Edward Sheridan, Alfred A. Sheridan, and Charles A. Sheridan, minor children of Aaron Sheridan, late light-house keeper on Manitou Island, in Northern Lake Michigan, and who was drowned by the capsizing of the Government boat while carrying papers and the United States mails from the mainland to the island, a distance of twelve miles, on or about the —— day of March, 1878, at the rate of $8 per month each while they are under sixteen years of age.

Mr. RAY. This bill is reported with amendments.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee, which the Clerk will report.

The Clerk read as follows:

1. Fill the blank in the twelfth line by inserting the word "fifteen."

2. Strike out all after the words "eighteen hundred seventy-eight," in the thirteenth line.

The amendments were agreed to.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. PRESCOTT. The request of the gentleman from New Hampshire was that it be reported favorably to the House, but not to be voted upon except when a quorum is present.

Mr. ALDRICH. That is right; not to be considered without a quorum.

Mr. RAY. That is the request I make.

Mr. BROWNE. It is now within five minutes of eleven o'clock——

The CHAIRMAN. Does the gentleman from Indiana rise to oppose the bill?

Mr. BROWNE. I move that the committee do now rise; but pending that motion I desire to say that this bill has provoked in previous sessions of the House a good deal of discussion. Gentlemen on the committee who have been present on previous evenings know its character. I do not care about entering into a discussion of the merits of the bill at this time. The Committee on Invalid Pensions was divided upon the question of the propriety of making a favorable report upon it; and I know that some of the members of the committee, who are perhaps not present to-night, are very decidedly opposed to entering upon its consideration. It cannot pass to-night except in the presence of a quorum, and therefore I think the committee had better rise.

Mr. RAY. I simply ask that it be allowed to take the same course with other bills of like character to which objection was made. The bill has a favorable recommendation from the Committee on Invalid Pensions, and I hope it will be allowed to come before the House with a favorable recommendation.

Mr. BROWNE. I am entirely willing that it shall come into the House with a favorable recommendation from the Committee of the Whole, but with the distinct understanding that it is not to be considered at a night session.

Mr. RAY. That is all right, I have no objection to that.

Mr. BROWNE. And the reason why I state this so positively is that on a former occasion we sent one of these bills into the House under these circumstances, supposing it was to be determined only by a quorum; but in some mysterious way it came back at a night session and was passed, so that our objection in that case was of no avail. With that understanding, however, I am willing to let this bill go to the House with a favorable recommendation.

The CHAIRMAN. Without objection that will be done.

Mr. RAY. There is no objection whatever to that course.

The bill was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. BROWNE. I now renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker *pro tempore* having resumed the chair, Mr. BRIGGS reported that the Committee of the Whole House on the Private Calendar, having had under consideration bills reported from the Committees on Pensions and Invalid Pensions, had directed him to report sundry bills to the House with various recommendations.

Mr. BROWNE. Mr. Speaker, I hope that after what has been said the Clerk will not read for the consideration of the House to-night those bills that have been recommended favorably by the Committee of the Whole with the understanding that they should be considered only when a quorum is present.

The SPEAKER *pro tempore*. The Clerk will observe the instructions of the Committee of the Whole in that respect.

BILLS PASSED.

The following House bills, reported from the Committee of the Whole House with favorable recommendations, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 4562) for the relief of Julia A. Stimers;
A bill (H. R. No. 5725) granting a pension to D. F. Bashares;
A bill (H. R. No. 6400) granting a pension to Mrs. Orpah Meacham;
A bill (H. R. No. 3322) for the relief of Susan Shearer;
A bill (H. R. No. 5558) granting a pension to Mrs. Susan Bayard;
A bill (H. R. No. 6411) granting a pension to Catharine Stover;
A bill (H. R. No. 6412) granting a pension to Cynthia Martin;
A bill (H. R. No. 2524) for the relief of Alice J. Bennit;
A bill (H. R. No. 5312) granting a pension to Margaret G. Halpine;
A bill (H. R. No. 6422) granting a pension to Henry S. Woodward;
A bill (H. R. No. 2285) to increase the pension of James H. McNutt;
A bill (H. R. No. 1011) granting an increase of pension to Daniel G. George;
A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner;
A bill (H. R. No. 5906) granting a pension to Harriet N. Abbott;
A bill (H. R. No. 6522) granting an increase of pension to Jerome B. Adams;
A bill (H. R. No. 6523) for the relief of N. C. Ridenour;
A bill (H. R. No. 6524) granting a pension to George C. Rust;
A bill (H. R. No. 5299) granting an increase of pension to John Dwyer;
A bill (H. R. No. 1989) granting a pension to Mary A. Sanders;
A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter;
A bill (H. R. No. 1488) granting a pension to Aaron Snyder;
A bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay;
A bill (H. R. No. 2095) granting a pension to Esther M. Carey;
A bill (H. R. No. 3714) to increase the pension of Lafayette Axtell; and
A bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant.

The bill (H. R. No. 2504) to increase the pension of Abram Colley was reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill (H. R. No. 4092) to increase the pension of Thomas Wilson, was reported by the Committee of the Whole House with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BROWNE, the title of the bill was amended by inserting "E." between "Thomas" and "Wilson," so as amended to read, "to increase the pension of Thomas E. Wilson."

The bill (H. R. No. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, was reported by the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill (H. R. No. 3717) granting a pension to Alvin Walker was reported by the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill (H. R. No. 1576) granting a pension and bounty to Lydia S. Roark was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended by striking out the words "and bounty."

The following Senate bills were reported by the Committee of the Whole House with favorable recommendations; and they were severally ordered to a third reading, read the third time, and passed:

A bill (S. No. 718) granting a pension to Ellen M. Godfrey;
A bill (S. No. 1195) granting a pension to William Hazelit;
A bill (S. No. 219) for the relief of Rebecca Wright;
A bill (S. No. 1532) granting a pension to George C. Quick;
A bill (S. No. 1852) granting a pension to Mrs. Florida G. Casey;
A bill (S. No. 462) granting a pension to Emma A. Ramsey;
A bill (S. No. 603) granting a pension to Sarah C. Golderman;
A bill (S. No. 725) granting a pension to S. Annie Esterbrook;
A bill (S. No. 1576) granting a pension to Ellen Lardner;
A bill (S. No. 144) granting a pension Mary E. Ambrester;
A bill (S. No. 802) granting a pension to Mrs. Cornelia F. White; and
A bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased.

RECONSIDERATION.

Mr. BROWNE moved to reconsider the several votes by which the above bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

The following bills were reported from the Committee of the Whole House with adverse recommendations; and they were severally laid on the table:

A bill (H. R. No. 5763) granting a pension to Aaron Buchanan;
A bill (S. No. 163) granting a pension to Hiram Johnson; and
A bill (H. R. No. 5434) for the relief of the heirs of Lois L. Weeks.

BILLS POSTPONED.

The following bills were reported by the Committee of the Whole House with favorable recommendations, but not to be passed without the presence of a quorum:

A bill (H. R. No. 4982) granting a pension to Frederick Nelson, T. Caine, and Henry C. Sanders;
A bill (H. R. No. 6226) granting a pension to Mrs. Sarah Robb;
A bill (H. R. No. 6501) granting a pension to Patrick Horan; and
A bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased.

ORDER OF BUSINESS.

Mr. McCOID. I ask consent to introduce a joint resolution.

Mr. THOMPSON, of Iowa. I ask to call up Senate bill No. 2057.

Mr. McMILLIN. Before that is done, I desire to make two reports from the Committee on Invalid Pensions, which I could not make before, as I was not here.

There was no objection.

MARY E. RYAN.

Mr. McMILLIN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 703)

granting an increase of pension to Mary E. Ryan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES J. WARNER.

Mr. McMILLIN also, from the same committee, reported back with an amendment with a favorable recommendation the bill (H. R. No. 1631) to restore to the pension-roll the name of Samuel J. Warner; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. McCOID. I ask consent to submit for consideration at this time a joint resolution to authorize the Secretary of War to transfer to "Typ" Best post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon (and cannon balls) or field-piece for monumental purposes.

Mr. McMILLIN. Is that reported from any committee?

Mr. McCOID. It is not; but the Committee on Military Affairs have examined the bill and are favorable to it.

Mr. HENDERSON. Make it "cast-iron" condemned cannon.

Mr. McCOID. I will do so.

Mr. SPRINGER. Let the joint resolution be read.

The Clerk read as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver, if the same can be done without detriment to the Government, to "Typ" Best Post No. 75, Grand Army of the Republic, one condemned cast-iron cannon and cannon balls or field-piece for monumental purposes.

There being no objection, the joint resolution (H. R. No. 254) was received, read three several times, and passed.

ORDER OF BUSINESS.

Mr. THOMPSON, of Iowa. I now ask to take from the Speaker's table Senate bill No. 2057, granting condemned cannon, &c., to the city of Marshalltown, Iowa.

The SPEAKER *pro tempore*. The Chair will be compelled to hold to the ruling which the Chair made at the beginning of this evening's session.

Mr. THOMPSON, of Iowa. Allow me a moment to call attention to the order of the House for this evening session. I think I am violating no confidence when I state that all the members I have conversed with agree with me in the construction which I desire to place on that rule or order of the House—

That until the further order of the House, on Friday of each week, the House shall take a recess at 4.30 o'clock until 7.30 o'clock—

That was changed so as to provide for a recess from five to eight o'clock—

at which evening session bills on the Private Calendar reported from the Committees on Invalid Pensions and Pensions only shall be considered.

That was afterward amended, on motion of the gentleman from Vermont, [Mr. JOYCE,] so as to "include the consideration of bills granting condemned cannon, not to interfere with the bills above named."

I think the construction which the Chair has placed upon that order is entirely too narrow, and will defeat the very object of the order. These bills donating condemned cannon are never reported from the Committee on Invalid Pensions or the Committee on Pensions. Therefore the modification of the order made on motion of the gentleman from Vermont [Mr. JOYCE] cannot apply to reports from those committees.

It does not matter where the bills come from, whether they are upon the Speaker's table or upon the Calendar. I think a liberal and fair construction of this order will include each and every one of these bills granting condemned cannon, and any other construction would certainly defeat the very object of the order. It is a mere matter of form, and I ask that the bill be now taken up and passed.

The SPEAKER *pro tempore*. The Chair is compelled to adhere to his former opinion on that subject. The gentleman will observe that in the first part of the order business during the evening sessions on Friday was restricted to "bills on the Private Calendar reported from the Committees on Invalid Pensions and Pensions." That order was afterward amended so as to include the consideration of bills granting condemned cannon. The Chair thinks that a fair construction of the order is, that those bills must have been reported from a committee of the House and put on the Calendar. Now, the bill to which the gentleman alludes is not on the Calendar.

Mr. THOMPSON, of Iowa. And it can never come from a committee and be placed on the Private Calendar.

The SPEAKER *pro tempore*. The Chair regrets to be compelled to adhere to his ruling, but he thinks that it is a fair construction of the order of the House. The Chair hopes that the gentleman will appeal from the decision, and let the House determine the question.

Mr. SHALLENBERGER. Allow me to say that the modification contained in the last part of the order clearly indicates that before that modification no permission was given to take a bill from the Speaker's table, and the modification itself only allows certain bills to be taken from the Speaker's table, and does not include bills granting condemned cannon.

The SPEAKER *pro tempore*. The Chair alluded to that in his former ruling.

Mr. DAWES. And these bills granting condemned cannon never go on the Private Calendar.

The SPEAKER *pro tempore*. The Chair hopes the gentleman will appeal.

Mr. THOMPSON, of Iowa. If the Chair does not feel any delicacy in the matter, I do appeal.

The SPEAKER *pro tempore*. The gentleman from Iowa appeals from the decision of the Chair.

Mr. SPRINGER. I would like to understand the status of the gentleman's bill before I vote on this appeal.

Mr. THOMPSON, of Iowa. The bill has passed the Senate, and is on the Speaker's table.

Mr. SPRINGER. Well, I think it is in order under the rule.

Mr. SHALLENBERGER. I move that the appeal be laid on the table.

The motion of Mr. SHALLENBERGER was agreed to; there being—ayes 8, noes 7.

ORDER OF BUSINESS.

Mr. HENDERSON. I wish to make an inquiry. I suppose it would be clearly in order for me to ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 6453, but the query is, Could I then move to substitute a Senate bill for it?

The SPEAKER *pro tempore*. The Chair thinks not.

DONATION OF CONDEMNED CANNON.

Mr. STEELE. I desire to call up from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. No. 6525) donating two mortars and four cast-iron balls to the post of the Grand Army of the Republic at Peru, Indiana.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver to the post of the Grand Army of the Republic at Peru, Indiana, two condemned (and obsolete) mortars and beds and four cast-iron balls, for the purpose of decorating the soldiers' cemetery at that city.

Mr. HEPBURN. I desire to move an amendment to the bill to make a donation of cannon and balls to the post of the Grand Army of the Republic at Clarinda, Iowa.

Mr. STEELE. If the bill is to be amended, I wish to move the amendment which I send to the desk.

The SPEAKER *pro tempore*. If there be no objection the amendment of the gentleman from Indiana [Mr. STEELE] will first be entertained.

The Clerk read as follows:

Add to the bill the following:

"That the Secretary of War be, and he hereby is, authorized to deliver to General Harrison Post of the Grand Army of the Republic at Kokomo, Indiana, two condemned (and obsolete) mortars and beds and four cast-iron balls, for the decoration of the soldiers' cemetery at that city."

The amendment of Mr. STEELE was agreed to.

Mr. STEELE moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEPBURN. I now move the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"One condemned cast-iron cannon and carriage to the post of the Grand Army at Clarinda, Iowa."

The amendment was agreed to.

Mr. HEPBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCOID. I move to amend by adding to the bill the following:

Also two condemned cannon and cannon-balls to the post of the Grand Army of the Republic at Keosauqua, Iowa, for monumental purposes.

The amendment was agreed to.

Mr. McCOID moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MOREY. I move to amend by adding to the bill the following:

To the Ladies' Monumental Association of Mount Vernon, Ohio, four condemned cannon and four cannon-balls.

The amendment was agreed to.

Mr. BROWNE. I rise to a privileged motion. I move that the House do now adjourn.

The motion was not agreed to; there being—ayes 4, noes 10.

Mr. STONE. I move to amend the bill by adding the following:

Four condemned cast-iron cannon to the Charles Sumner Grand Army Post of Groveland, Massachusetts.

The amendment was agreed to.

Mr. STONE moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SHALLENBERGER. I move to amend by adding the following:

That the Secretary of War is hereby authorized and directed to give to Post 183 of the Grand Army of the Republic, at Rochester, Pennsylvania, four condemned cast-iron and four cannon-balls for monumental purposes.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER. I move to amend the title of the bill so as to read: "A bill donating condemned cast-iron cannon and cannon-balls for monumental purposes."

The amendment was agreed to.

SAMUEL J. WARNER.

Mr. McMILLIN. I desire to call up a bill to restore a soldier to the pension-roll who has been off the roll for more than twenty years after having been on it for ten years. I think every member who recollects the case, which was somewhat discussed in Committee of the Whole, will concur in the correctness of the bill.

There being no objection, the bill (H. R. No. 1631) to restore to the pension-roll the name of Samuel J. Warner was taken up, the amendment concurred in, and the bill as amended ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PEELLE. I move that the House adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. S. S. COX: Papers relating to the claim of Augustus P. Green, for reimbursement for expenses incurred in recruiting, &c., in 1861—to the Committee on War Claims.

By Mr. ERMENTROUT: The petition of the board of health of Philadelphia, for an additional appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. FISHER: Papers relating to the claim of Joseph Beers—to the Committee on War Claims.

By Mr. HENDERSON: The petition of citizens of Rock Island, Illinois, protesting against the passage of the bill to establish tolls on the Government bridge at that place—to the Committee on Commerce.

By Mr. WARD: The resolution adopted by the Philadelphia (Pennsylvania) board of health, for an appropriation for continuing the publication of the Bulletin of the National Board of Health—to the Committee on Appropriations.

SENATE.

SATURDAY, *July* 8, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I present certain amendments to the bill (H. R. No. 5538) to reduce internal-revenue taxation. I ask to have them printed, and referred to the Committee on Finance.

Mr. INGALLS. Let them be read.

The PRESIDENT *pro tempore*. The amendments will be read.

The ACTING SECRETARY. It is proposed to add the following sections to the bill:

SEC. 4. That on and after the 1st day of October, 1882, so much of section 3 of an act approved March 3, 1875, entitled "An act to further protect the sinking fund and provide for the exigencies of the Government" as imposes an additional duty of 25 per cent. on all molasses, tank-bottoms, sirup of sugar-cane juice, melada, and on sugars according to the Dutch standard in color, imported from foreign countries, is hereby repealed, and the duties on such articles shall be and remain the same as before the passage of said act. And the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duties on sugar, and to cause the saccharine strength of such standards to be ascertained, and when so ascertained to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength, and not according to the color.

SEC. 5. That section 2504, title 33 of the Revised Statutes of the United States, be amended by adding to schedule E of said title the following:

"That on and after the 1st day of October, 1882, the duty on steel railway bars and railway bars made in part of steel shall be $20 per ton; and that on all manufactures, articles, vessels, and wares made from hoop, band, or scroll iron, or of which hoop, band, or scroll iron shall be the component material of chief value, there shall be levied, collected, and paid the same duty, or rate of duty, as that imposed on the hoop, band, or scroll iron from which they are made, or which shall be the component material of chief value."

SEC. 6. That the reduction of duties provided for by this act shall also apply to all goods, wares, and merchandise on deposit in warehouses or public stores on the 1st day of October, 1882.

The PRESIDENT *pro tempore*. The amendments will be printed and referred to the Committee on Finance.

Mr. BECK subsequently said: I submit an amendment intended to be proposed to the bill (H. R. No. 5538) to reduce internal-revenue taxation. The Committee on Finance reported back the bill with amendments, and the caucus has reported several other amendments this morning. I desire to offer still further amendments, of which this is one.

The PRESIDENT *pro tempore*. Does the Senator wish to have the amendment lie on the table?

Mr. BECK. I desire it to go with the caucus amendments.

The PRESIDENT *pro tempore*. The amendment will be printed and lie on the table.

Mr. LOGAN. Is that amendment from the Senator's caucus?

Mr. BECK. No, my amendment did not come from the caucus. We heard so much about the caucus from the Senator from Vermont and the late Senator from New York last year that I propose to read a few of their speeches next Monday morning on the subject.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of maimed soldiers of Newark, New Jersey, praying for the passage of the bill increasing the pension to soldiers and sailors who have lost an arm or a leg, or suffered equivalent disability thereto, in the service; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented the petition of John C. Robinson, of New York, praying to have changed a certain location of land made by him; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. BUTLER. I am instructed by the Committee on the District of Columbia, to whom was referred the petition of the trustees of the Church Orphanage Association of Saint John's Church, Washington, District of Columbia, praying for an appropriation of $6,000 for its support, to recommend the following amendment to the sundry civil appropriation bill:

For support of the Church Orphanage Association of Saint John's Church, of Washington, District of Columbia, the sum of $6,000.

The Committee on the District of Columbia recommend the adoption of the amendment by the Committee on Appropriations. I desire to state in connection with the petition which was referred to the District Committee that the original has been mislaid, either through my negligence or the negligence of the clerk of the committee, perhaps mine, and the petition which accompanies the amendment is a duplicate of it. I think that statement necessary to explain the matter to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The proposed amendment will be printed, and referred to the Committee on Appropriations.

Mr. PENDLETON. I am instructed by the Committee on Foreign Relations to report some amendments which that committee proposes to the bill (S. No. 2107) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4082 to section 4130, inclusive. The bill has been reported by the same committee, and these amendments will be proposed when it shall come up for consideration. The amendments do not affect the substance of the bill, which, as I explained before, is one to revise the system of consular courts.

I desire to say to the Senate that on Monday next, after the order of the Anthony rule is completed, I shall ask the Senate to take up this bill. I shall at the same time ask the Senate to give me a very few moments in which to explain the provisions of the bill, and I think I can fairly say, and Senators will agree with me when the explanation is made, that the bill can be passed in a very short time. At that time I shall call up the bill unless an appropriation bill shall be in the way.

The PRESIDENT *pro tempore*. The amendments will be printed. The Chair informs the Senator from Ohio that the unfinished business after the conclusion of the pending appropriation bill will be the Pembina Territorial bill.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 526) granting a pension to Joshua S. Dye, to report it adversely and to submit a written report thereon.

The PRESIDENT *pro tempore*. The report will be printed under the rule, and the bill will be indefinitely postponed if there be no objection.

Mr. SHERMAN. I should like to have all those adverse reports on pension cases placed on the Calendar, because my attention is called to many cases by my colleagues in the House, and I really do not know when such bills are reported whether they grant relief to persons whom I wish to look after. I should like to have this and all other House pension bills adversely reported placed on the Calendar.

Mr. JACKSON. I have no objection to the bills being placed on the Calendar, but in this case the person comes from the State of Kentucky.

Mr. SHERMAN. I cannot tell sometimes. This probably is not one of the cases I am called on to look after. However, let it be placed on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from Ohio want all the pension bills reported adversely placed upon the Calendar?

Mr. SHERMAN. I think that would be better, as we are constantly moving to reconsider pension bills which have been indefinitely postponed. I have no particular care about this bill, but all from Ohio I should like to have put on the Calendar.

Mr. HARRIS. I suggest to the Senator from Ohio that if at any time he shall discover that a bill has been indefinitely postponed by reason of his inattention, he can always obtain unanimous consent to have such a bill placed upon the Calendar.

The PRESIDENT *pro tempore*. The Chair thinks that would be a much more convenient course.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. The bill reported by the Senator from Tennessee will be indefinitely postponed.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4966) for the relief of Thomas McMannus, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 615) to authorize the accounting officers of the Treasury to consider and pass upon certain claims now pending before them, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4372) for the relief of Robert P. Walker, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the petition of Mrs. Eliza H. Ramsay, widow of General George D. Ramsay, United States Army, praying to be allowed a pension, to report it adversely.

Mr. BLAIR. The majority of the committee report a resolution of indefinite postponement, which should go upon the Calendar of resolutions. In behalf of the minority I report a bill granting a pension to Mrs. Ramsay.

Mr. HARRIS. The minority cannot report a bill. The Senator can introduce a bill if he sees proper to do so.

Mr. BLAIR. That is what I do; I introduce a bill. The Senator will excuse the phraseology. It is a thing we have done a half dozen times this session. I ask that the bill may have its first and second reading and be placed on the Calendar, accompanied by the views of the minority.

By unanimous consent leave was granted to introduce a bill (S. No. 2132) granting a pension to Eliza H. Ramsay; which was read twice by its title.

Mr. BLAIR. I ask to have the views of the minority printed in connection with the report of the majority made by the Senator from Pennsylvania.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was recommitted the bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher, to report it without amendment. The committee has further considered the case and now reports it favorably. I suggest that it would be only just to have the bill take its former place on the Calendar.

The PRESIDENT *pro tempore*. The Chair suggests that that does not make any difference in the case of pension bills. They will all be considered some time before the close of the session.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1422) granting a pension to Mary Wade, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the petition of Mrs. Ann Cornelia Lanman, widow of the late Rear-Admiral Joseph Lanman, praying for an increase of pension, to submit a report, accompanied by a bill. I call the attention of the Senator from Tennessee [Mr. JACKSON] to the case.

The bill (S. No. 2133) granting an increase of pension to Ann Cornelia Lanman was read twice by its title.

Mr. JACKSON. I present in that connection the views of the minority.

The PRESIDENT *pro tempore*. The report of the majority and the views of the minority will be printed under the rule.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson, to report it adversely and submit a report thereon. I call the attention of the Senator from Connecticut [Mr. PLATT] to the report.

Mr. PLATT. I submit the views of the minority of the committee, recommending the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report of the majority and the views of the minority will be printed.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 1808) granting a pension to Harriet E. Edwards, to report it adversely, and submit a report thereon. The Senator from Connecticut [Mr. PLATT] also has a minority report in this case.

Mr. PLATT. I ask to submit the views of the minority, giving their reasons why the bill should pass.

The PRESIDENT *pro tempore*. The report of the majority and the views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. No. 369) granting a pension to Jacob R. McFarren, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1742) to increase the pension of Mohammed Kahn, otherwise John Ammahoe, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. ROLLINS, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHILCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3316) granting a pension to David Darling, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. CAMERON, of Pennsylvania. I am instructed by the Committee on Naval Affairs to report an amendment to the naval appropriation bill, which I ask may be referred to the Committee on Appropriations.

Mr. ROLLINS. I desire to call the attention of the Senator from Maine [Mr. FRYE] to the amendment which has just been reported by the Senator from Pennsylvania from the Committee on Naval Affairs. The Senator from Maine stated in some remarks which he made a few days ago that no committee had considered that subject. I call his attention to the further fact that this same amendment, in the form of a joint resolution, was reported some time since and placed on the Calendar, after having been considered for a long time by the Committee on Naval Affairs.

Mr. FRYE. Does it provide for a commission?

Mr. ROLLINS. It does. The amendment is the text of the joint resolution (S. R. No. 78) for the appointment of a commission on the revival of international commerce in United States steamships suitable for naval uses.

Mr. FRYE. I am delighted. If the commission is provided for by the Committee on Appropriations, I think the mercantile marine may get as much as fifteen or twenty minutes' consideration.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. No. 1566) for the relief of Jacob Cramer, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1274) for the relief of Mrs. Sarah B. Franklin, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 1661) granting a pension to Mary E. McConnell, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 723) granting a pension to George M. Chester, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. DAWES. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes, to report it with an amendment, and to ask the Senate to consider it at this moment.

Mr. MCMILLAN. If it will not lead to debate, I shall not object.

Mr. DAWES. I presume it will not. If it leads to extended debate, I shall not press it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. The amendment reported by the Committee on Appropriations was to add, at the end of the joint resolution:

And a sufficient sum therefor is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

GARFIELD MEMORIAL CARDS.

Mr. ANTHONY. I am instructed by the Committee on Printing to report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield was read the first time by its title, and the second time at length, as follows:

Resolved, That the sum of $175, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense of printing, at the Bureau of Engraving and Printing, memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 92) authorizing the claim of David Stout Parker and Forman Matthews to be referred to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2134) to amend section 3709 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN.

Mr. ANTHONY. I ask for the following order:

Ordered, That the Secretary of the Senate return to the Secretary of War the papers and drawings forming the report of the board of heavy ordnance and projectiles, Senate Executive Document No. 178, when they are returned from the Public Printer.

These are original documents sent from the War Department to the Senate.

The PRESIDENT *pro tempore*. The order will be granted, there being no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1011) granting an increase of pension to Daniel G. George;
A bill (H. R. No. 1488) granting a pension to Aaron Snyder;
A bill (H. R. No. 1576) granting a pension to Lydia S. Roark;
A bill (H. R. No. 1631) to restore to the pension-roll the name of Samuel J. Warner;
A bill (H. R. No. 1989) granting a pension to Mary A. Sanders;
A bill (H. R. No. 2095) granting a pension to Esther M. Carey;
A bill (H. R. No. 2285) to increase the pension of James H. McNutt;
A bill (H. R. No. 2504) to increase the pension of Abram Colley;
A bill (H. R. No. 2524) for the relief of Alice J. Bennit;
A bill (H. R. No. 3601) for the relief of Martha A. Jones;
A bill (H. R. No. 3322) for the relief of Susan Shearer;
A bill (H. R. No. 3717) granting a pension to Alvin Walker;
A bill (H. R. No. 3714) to increase the pension of Lafayette Axtell;
A bill (H. R. No. 4092) to increase the pension of Thomas E. Wilson;
A bill (H. R. No. 4562) for the relief of Julia A. Stimers;
A bill (H. R. No. 5299) granting an increase of pension to John Dwyer;
A bill (H. R. No. 5312) granting a penions to Margaret G. Halpine;
A bill (H. R. No. 5558) granting a pension to Mrs. Susan Bayard;
A bill (H. R. No. 5725) granting a pension to D. F. Bashares;
A bill (H. R. No. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;
A bill (H. R. No. 5906) granting a pension to Harriet N. Abbott;
A bill (H. R. No. 6400) granting a pension to Mrs. Orpah Meacham;
A bill (H. R. No. 6411) granting a pension to Catharine Stover;
A bill (H. R. No. 6412) granting a pension to Cynthia Martin, and for other purposes;
A bill (H. R. No. 6422) granting a pension to Henry S. Woodward;
A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner;
A bill (H. R. No. 6522) granting an increase of pension to Jerome B. Adams;
A bill (H. R. No. 6523) for the relief of N. C. Ridenour;
A bill (H. R. No. 6524) granting a pension to George C. Rust;
A bill (H. R. No. 6525) donating condemned cast-iron cannon and cannon-balls for monumental purposes;
A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter;
A bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant;
A bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay; and
A joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Typ" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls or field-piece for monumental purposes.

The message also announced that the House had passed the following bills:

A bill (S. No. 144) granting a pension to Mary E. Ambrester;
A bill (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier of the war of 1812;
A bill (S. No. 462) granting a pension to Emma A. Ramsey;
A bill (S. No. 603) granting a pension to Sarah C. Golderman;
A bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased;
A bill (S. No. 718) granting a pension to Ellen M. Godfrey;
A bill (S. No. 725) granting a pension to S. Annie Esterbrook;
A bill (S. No. 802) granting a pension to Mrs. Cornelia F. White;
A bill (S. No. 1195) granting a pension to William Hazelit;
A bill (S. No. 1532) granting a pension to George C. Quick;
A bill (S. No. 1576) granting a pension to Ellen Lardner; and
A bill (S. No. 1852) granting a pension to Mrs. Florida G. Casey.

ANNA M. MARSHALL.

Mr. LOGAN. I ask that the vote indefinitely postponing the bill (H. R. No. 2491) for the relief of Anna M. Marshall, which was reported adversely from the Committee on Pensions, may be reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order will be made. The bill will be placed on the Calendar with the adverse report of the committee.

ANN W. MULVEY.

Mr. SEWELL. I ask that the vote by which the bill (S. No. 1750) granting an increase of pension to Mrs. Ann W. Mulvey was indefinitely postponed be reconsidered, and that it be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair hears none.

DISTRICT TAX ARREARAGES.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of House bill No. 6242, being the river and harbor appropriation bill.

The motion was agreed to.

Mr. ALDRICH. I ask the Senator from Minnesota to allow me to call up House bill No. 5535, reducing the rate of interest upon arrearages of taxes in the District of Columbia. The Senator from Ohio, [Mr. SHERMAN,] who objected to its consideration, has withdrawn his objection, and I think there can be no objection to its passage. It will excite no discussion.

Mr. MCMILLAN. The river and harbor bill has been under consideration and has occupied a good deal more time than I expected it would, and I desire to have a vote upon it at the earliest moment. The necessity for action upon that will prevent me from yielding to the request of the Senator from Rhode Island to take up the bill he has indicated.

Mr. ALDRICH. Next Monday is the last District day in the House of Representatives, and this bill is reported with an amendment. If it is passed at all it will have to be passed to-day. It will excite no discussion. It is a matter of very great importance to the revenues of the District and it should be acted upon at once. It will excite no discussion.

The PRESIDENT *pro tempore*. If it leads to debate the Senator can withdraw it.

Mr. ALDRICH. I will withdraw it if it leads to debate.

Mr. MCMILLAN. I cannot yield, however, in any other case. I wish to give notice of that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia, and which may be paid by July 1, 1882, and for other purposes. It fixes the rate of interest to be collected on all general taxes in arrears on the 1st day of July, 1879, and on all special assessments due the District of Columbia at 6 per cent. per annum, in lieu of the rate and penalties now fixed by law.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 9, to strike out "July" and insert "November;" so as to make the proviso read:

Provided, That act shall only apply to taxes and assessments paid on or before the 1st day of November, 1882.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia and which may be paid by November 1, 1882, and for other purposes."

PENSION CASES.

Mr. PLATT. I cannot appeal this morning to the Senator from Minnesota, who has charge of the river and harbor bill, to allow me

to call up the pension cases on the Calendar, but I want to give notice that at the earliest opportunity I shall ask the Senate to consider the pension cases which are on the Calendar.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the following acts:

An act (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana;

An act (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana; and

An act (S. No. 1875) for the erection of a public building at Harrisonburgh and Abingdon, State of Virginia.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1011) granting an increase of pension to Daniel G. George;

A bill (H. R. No. 1488) granting a pension to Aaron Snyder;

A bill (H. R. No. 1576) granting a pension to Lydia S. Roark;

A bill (H. R. No. 1631) to restore to the pension-roll the name of Samuel J. Warner;

A bill (H. R. No. 1989) granting a pension to Mary A. Sanders;

A bill (H. R. No. 2095) granting a pension to Esther M. Carey;

A bill (H. R. No. 2285) to increase the pension of James H. McNutt;

A bill (H. R. No. 2504) to increase the pension of Abram Colley;

A bill (H. R. No. 2524) for the relief of Alice J. Bennit;

A bill (H. R. No. 3322) for the relief of Susan Shearer;

A bill (H. R. No. 3601) for the relief of Martha A. Jones;

A bill (H. R. No. 3717) granting a pension to Alvin Walker;

A bill (H. R. No. 3714) to increase the pension of Lafayette Axtell;

A bill (H. R. No. 4092) to increase the pension of Thomas E. Wilson;

A bill (H. R. No. 4562) for the relief of Julia A. Stimers;

A bill (H. R. No. 5299) granting an increase of pension to John Dwyer;

A bill (H. R. No. 5312) granting a pension to Margaret G. Halpine;

A bill (H. R. No. 5558) granting a pension to Mrs. Susan Bayard;

A bill (H. R. No. 5725) granting a pension to D. F. Bashares;

A bill (H. R. No. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;

A bill (H. R. No. 5906) granting a pension to Harriet N. Abbott;

A bill (H. R. No. 6400) granting a pension to Mrs. Orpah Meacham;

A bill (H. R. No. 6411) granting a pension to Catharine Stover;

A bill (H. R. No. 6412) granting a pension to Cynthia Martin, and for other purposes;

A bill (H. R. No. 6422) granting a pension to Henry S. Woodward;

A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner;

A bill (H. R. No. 6522) granting an increase of pension to Jerome B. Adams;

A bill (H. R. No. 6523) for the relief of N. C. Ridenour;

A bill (H. R. No. 6524) granting a pension to George C. Rust;

A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter;

A bill (H. R. No. 6638) granting a pension to Eliza Atkins Merchant; and

A bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 6525) donating condemned cast-iron cannon and cannon-balls for monumental purposes; and

Joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Typ" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls, or field-piece, for monumental purposes.

AMENDMENTS TO BILLS.

Mr. CALL, Mr. GROOME, Mr. MORRILL, and Mr. SHERMAN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK, Mr. GEORGE, Mr. VEST, and Mr. JOHNSTON submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table and be printed.

RIVER AND HARBOR BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER] to the amendment reported by the Committee on Commerce as to the Hennepin Canal.

Mr. McMILLAN. This strikes out the provision providing for this improvement entirely.

Mr. BUTLER. Oh, no!

Mr. McMILLAN. It leaves it merely a survey.

Mr. BUTLER. It provides for a survey and a report and estimates for the construction and the annual maintenance and the economy of use. That is what the amendment is.

Mr. HARRISON. Mr. President, I did not intend to say anything on this amendment, but with the indulgence of the Senate I will say now a word or two. I want at the outset to have it understood that I am friendly to the proposition of constructing a sufficient and adequate and practicable water-way between the Mississippi and the lakes; that I believe such a work is a national work. While it does not in any direct degree affect the State which I in part represent, yet I am not for that reason less friendly to it. I believe there will be great and wide-spread benefits from the construction of such a water-way sufficiently wide and sufficiently extensive to make it in a very high sense a national work.

In order that those benefits may be secured, I believe that we must have a large canal, must have one capable of transporting vessels of larger tonnage perhaps than those contemplated by this amendment to the river and harbor bill.

I think, however, as one who is friendly to this measure, that it is not presented in the best shape as an amendment to the river and harbor bill for its ultimate success. I notice, in the first place, that the Committee on Commerce do not seem to have had the courage of their convictions in connection with this measure. While we have not had perhaps very accurate information about the ultimate cost of this work, no one, I believe, has placed it at less than about $4,000,000. We start in upon a great project of that kind with an appropriation of only $100,000. If we are ready to begin the work at all, and if it is a work in the opinion of the committee that ought to be constructed, it should have a much more liberal appropriation than this.

But I can readily understand that with the river and harbor bill swelled to the great proportions that it is now, the Committee on Commerce might well hesitate to put in the $1,000,000 upon this work that should have been in there if we were in a position and ready to go forward with its immediate construction.

I think, from what I have gathered from the discussion, that we have not any survey or estimate of the cost of a canal of the dimensions provided for in the amendment. I may be mistaken in this, but I gather that we have an estimate for a canal of larger size, and perhaps one of smaller size, and that the estimate of the cost of this canal is made up by some sort of calculation, addition to or subtraction from those two estimates.

I have ascertained also from the discussion that the eastern end of this canal, that part of it extending from the Illinois River to the city of Chicago, is now owned by the State of Illinois; that annual appropriations for its maintenance are made by the Legislature of that State, and that up to this time no conclusion has been reached as to whether the people of Illinois will surrender that part of the canal to the United States. I take it it must be clear to every Senator here that we ought not to spend one dollar in the way of work, that we ought not to lift a shovelful of earth until it is made certain that the eastern section of the canal from the Illinois River to Lake Michigan is to become the property of the United States, and is to be in its control like the western end, and a free canal. I suppose no one will entertain a project to build the western end of the canal and leave the eastern end under the control of the State of Illinois. It is to be one work from the Mississippi River to the lake at Chicago, under one control, and it is the contemplation of the friends of the measure that it will be so.

Mr. LOGAN. Will the Senator from Indiana allow me to interrupt him right here?

Mr. HARRISON. Certainly.

Mr. LOGAN. What inducement would there be to the people of Illinois to vote to turn over the Illinois and Michigan Canal to the Government if the Congress of the United States should indicate to them that no appropriation would be made for opening the Hennepin Canal to make it a through route?

Mr. HARRISON. None whatever.

Mr. LOGAN. Then if the people of Illinois have to vote on that proposition, and they are met right at the threshold with a proposition that it is doubtful as to whether the Government will open up the Hennepin Canal to the Mississippi River, the people would say "They turn the Illinois and Michigan Canal over to the Government, the Government gets the canal and takes it away from them, and then does not appropriate the money to meet this proposition."

Mr. HARRISON. No; there is a perfectly natural way in which that should be done.

Mr. McMILLAN. Will the Senator allow me to call his attention to a provision of the amendment of the committee?

Mr. HARRISON. Yes, sir.

Mr. McMILLAN. The last proviso in the amendment is in the following language:

That the State of Illinois shall have first surrendered to the United States the improvements made by said State on the Illinois River above Hennepin and the canal connecting the Illinois River with Lake Michigan at Chicago, and shall consent to the provisions of this act by act of her Legislature before this act shall take effect and be operative.

Mr. HARRISON. Precisely. The Senator hardly supposes that I would discuss this question without having read that proviso. I will state the exact condition of things in Illinois to-day. They have a constitutional provision which prohibits the Legislature from entering into any arrangement with the Government or with anybody else in relation to this canal until the question has been submitted to a vote of the entire people giving their consent to such an arrangement. I am told that the Legislature of Illinois at its last session, which recently closed, proposed such a vote to the people of Illinois, in what terms I do not think any of us know, for that act of the Legislature of Illinois asking an expression of the people of that State of their willingness to surrender the canal has not been presented here. We do not know what terms it was suggested in. We do not know whether the terms of surrender are to be left to the discretion of the Legislature after the people have voted upon this proposition, or whether it is expressed in the act itself, the acts of the Legislature not yet having been published.

It seems to me that practically nothing but the work of survey can be done this summer. I think no friend of the canal can claim that we can do more than to do certain initiatory work of survey, and locate this canal. We can let no contract upon an appropriation of $100,000.

Mr. LOGAN. Probably it would give the Senator a better opportunity to speak in reference to this question to hear the law read which the Legislature of Illinois passed. I have it here, and if he desires to hear it I will have it read at the desk.

Mr. HARRISON. I should like to hear it read.

Mr. LOGAN. Let it be read at the Clerk's desk. I send it to the desk.

The Acting Secretary read as follows:

An act ceding the Illinois and Michigan Canal to the United States.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, That the Illinois and Michigan Canal, its right of way and all its appurtenances, and all right, title, and interest which the State may now have in any real estate ceded to the State by the United States for canal purposes be, and are hereby, ceded to the United States for the purpose of making and maintaining an enlarged canal and water-way from Lake Michigan to the Illinois and Mississippi Rivers; and this cession is made upon the condition that the United States shall, within five years from the time this act takes effect, accept this grant, and thereafter maintain the said canal and water-way for the purpose aforesaid. In case the United States shall accept this grant, it is upon the express condition that the canal shall be enlarged in such manner as Congress may determine, and be maintained as a national water-way for commercial purposes, to be used by all persons, without discrimination, under such rules and regulations as Congress may prescribe; and the real estate aforesaid, hereby conveyed to the United States, shall be used, and the avails thereof applied, to carry out the objects of this grant, and for no other purpose, in such manner as Congress may determine.

SEC. 2. The General Assembly shall have power to withdraw and revoke this proposed grant at any time previous to its acceptance by Congress, but when the United States, by act of Congress, shall accept the grant and conditions provided for by section 1 of this act, the governor shall immediately thereafter execute and deliver in the name of the State of Illinois to the United States a deed of cession, in accordance with the provisions of this act, and shall then and there, or as soon as practicable, surrender all property mentioned in this act, to be granted to the proper authorities of the United States, and until the delivery of such deed and acceptance of the same (together with the property conveyed) by the United States the authority and duty of the State of Illinois to operate said canal and control its property and appurtenances shall in no respect be impaired.

SEC. 3. This act shall not take effect until it shall first have been submitted to a vote of the people of the State of Illinois, at the general election to be held on Tuesday, the 5th day of November, A. D. 1882, and have been approved by a majority of all the votes polled at such election. At the said election the ballots, in so far as they relate to this act, shall be in the following form: "For the act ceding the Illinois and Michigan Canal to the United States," and when so voted, it shall count in favor of this act; but if canceled with ink or pencil, it shall be counted against this act. The returns of the whole vote cast at said election and the votes for the adoption or rejection of this act shall be made and canvassed by the same officers and in the same manner as are the returns of the votes for senators and representatives of the State of Illinois, and if it shall appear that a majority of the votes polled are "For the act ceding the Illinois and Michigan Canal to the United States," the governor shall make proclamation thereof, and this act shall take effect from and after the date of such proclamation; but if a majority of the votes cast are "Against the act ceding the Illinois and Michigan Canal to the United States," then this act shall be null and void.

Approved April 28, 1882.

Mr. HARRISON. I am glad that act has been read, and I wonder it was not brought to the attention of the Senate earlier in this discussion. It gives us now an exact understanding of the situation of the legislation in Illinois as to the eastern end of the canal. We have no assurance that we shall get control of it as a national work. It depends upon a popular election to be held in the State of Illinois next November. I concede there is great probability that the people of that State will vote to turn over the canal to us. I should think they would; but am I not right in saying to the friends of this measure that it would be better not to order the construction of the canal and appropriate money to be expended in its construction until the proposition of the State of Illinois to turn the canal over to us has been consummated by a vote of the people of Illinois? That vote will not be taken and certified before we shall again be in session here at the next session of Congress. We shall then have exact information as to what Illinois has done on this question and as to whether we can control the whole line of this proposed water-way, and shall not have entered upon the construction of a work which unless the eastern end of it is ceded will simply be turning tribute into a toll canal of the State of Illinois.

It seems to me, therefore, that if at this session we make a sufficiently liberal appropriation for a continued survey that will bring to us at the next session exact information as to the cost of the new work and of the enlargement of the old, we shall then be in a position not to make such an appropriation as this of $100,000, but to enter upon the construction of this work by an appropriation which will be adequate to the work of the magnitude that is contemplated. It seems to me that this legislation is premature, and that we should do better if we accepted the amendment of the Senator from South Carolina.

Mr. LOGAN. One word in reply to what the Senator from Indiana said in the latter part of his remarks. As I understood him, he said that unless the people of the State of Illinois should by a vote turn the Illinois and Michigan Canal over to the Government of the United States, this appropriation would be merely opening a water-way to make contributions to the State of Illinois by way of the Illinois and Michigan Canal.

Mr. HARRISON. I said that the construction of the western division without the ownership of the eastern would simply be to give a free canal part of the way, while there was a toll canal the remainder of the way.

Mr. LOGAN. If that argument is good, then it will be necessary for the Commerce Committee to stop appropriations for the improvement of the Illinois River. The Illinois River, which is being improved now from La Salle to its mouth by appropriations from the Government of the United States, connects with the Illinois and Michigan Canal, and the Government now contributes to the Illinois and Michigan Canal if the argument of the Senator is good for prohibiting this appropriation for this canal. The only difference is that it keeps the Illinois River open as a contributor to the Illinois and Michigan Canal, intead of this canal. That is all.

Mr. HARRISON. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. HARRISON. Will he be willing to appropriate the public money to build a free canal from the Mississippi River to Hennepin and connect it there with a toll canal owned by the State of Illinois as part of the same means of transit to the lakes?

Mr. LOGAN. The Government may possibly make it a toll canal after they build it. That is a matter for them to determine. If there is no other way of making a connection of water-ways for the benefit of the country than to connect with a toll canal, I would do it. That certainly would not be a great consideration in my mind. Of course I would prefer a free canal all the way through; but the fact that part of it was a toll canal would not prevent my action if it was a great highway that was necessary for the commerce of the country. The Government now, in opening the Illinois River and making it navigable for steamboats, opens it for the purpose of its commerce going to the Illinois and Michigan Canal, on which tolls have to be paid.

So far as the other proposition suggested by the Senator is concerned, I desire to call his attention to the fact that if this appropriation of $100,000, and only $100,000, is made, and the State of Illinois fails to do what the amendment provides she may do by a vote of the people, it is not a very extravagant outlay on the part of the Government of the United States, and the money is not to be expended, as I understand, unless the people of Illinois shall conform to that proposition. The Government is not a loser; the Congress of the United States has enacted no foolish law, but one that is perfectly consistent with the proposition to the people of Illinois in reference to turning over their canal to the Government of the United States.

One word in response to what the Senator from Ohio [Mr. SHERMAN] said yesterday in regard to the canals of Ohio. There is one thing that seems by him to have been forgotten. The great commerce of the Northwest goes eastward; the products of the people of the Northwest hunt a market eastward. Prior to the time that we had the great trunk lines of railroad running east from the West, Ohio built her canals. How did she build them? North and south, expecting commerce to flow south; but the course of trade changed and dried up her canals. The canals failed, not because they were worthless, but because they were built in the wrong direction for the commerce of the people of the West. That is the reason why the Ohio canals are dried up to-day.

This proposition is to open a water-way between the East and the West, where the course of commerce is, where your canals do not dry up when they are in that direction. Take the Erie Canal for illustration, or any canal that goes with the course of commerce, and it does not dry up. It is only where the people have been mistaken in locating their public works that they have been failures. If the Senator had only thought a moment in reference to the course that trade has taken since the canals were constructed in his own State, I think he would not have made that argument against this proposition.

Mr. WILLIAMS. Mr. President, I see no constitutional difficulties about this question, nor am I at all embarrassed as to whether Illinois will make a cession of her portion of this canal, if completed, to the United States Government; but I am opposed to the proposition of this amendment because, in my judgment, the work proposed will be worth nothing to the commerce of the country when it is done.

One of the cherished hopes of my life has been to see the great chain of northern lakes and the mighty Mississippi River united by a canal broad and deep enough to float the largest steamers that

navigate that river or those lakes. Such an enterprise would be one worthy of this great nation, and would meet all the wants of western commerce; but what will be the benefit of this little narrow ditch that is proposed to be built from Rock Island to Hennepin, a distance of some sixty miles, over a mountain 300 feet high, and which is to be supplied by neither the water of the Mississippi River nor the Illinois River, but another stream, thirty or forty miles long, which is to be tapped and the water brought, by an immense outlay of engineering skill and money, over aqueducts and over dikes to the top of this ridge, where it is to supply the locks of the canal descending to the Mississippi River on one side and the Illinois River on the other? Why, sir, the little canal will be frozen half the year, and it will be interrupted one-half of the remainder of the year.

I yield to no man in the liberality of my views and votes in the Senate upon the question of internal improvements by the General Government. I believe that it is the duty of this Government to facilitate the internal commerce of the country by improving rivers and harbors quite as much as it is to encourage commerce with foreign nations. I believe the power of the General Government over rivers is co-extensive with the admiralty jurisdiction which covers all the navigable waters of the country, whether they are fresh or salt; but I do not believe that the appropriation contemplated in this bill, estimated to cost three or four million dollars, will construct a canal adequate to the demands of the commerce of the great and growing West.

Mr. MORGAN. Will the Senator from Kentucky allow me to ask him a question?

Mr. WILLIAMS. Yes, sir.

Mr. MORGAN. I wish to know from him or from some Senator who is favoring this measure whether after we have built this canal from Hennepin to the Mississippi River the admiralty jurisdiction of the United States will attach upon that body of inland navigation? That is a difficulty I have not been able to get over at all. We build a canal and put it entirely under the jurisdiction of the United States even down to the horses that pull the boats and I should like to know from some gentleman on this committee or the Senator from Kentucky whether, after we have assumed this jurisdiction upon the canal, the admiralty and maritime jurisdiction of the United States is thereby extended over this body of inland water?

Mr. WILLIAMS. The Senator will understand that I was not referring to that, but I had special objections to this canal because it was too small to be considered a national work. No steamboat can navigate it; nothing can run up or down it except small canal-boats or little barges. Does any man suppose that when a great steamer, laden with the heavy productions of the Northwest, descends the Mississippi River and comes to Rock Island it is going to break bulk and discharge its cargo into canal-boats to go to Chicago, to be rehandled there and again shipped to Buffalo, and from there to New York? Does any man suppose that is going to be done? The cost would be as great again as to ship it all the way around by New Orleans. Does he believe that when a tug-boat comes down with a flotilla of barges, extending for a quarter of a mile up the river, it is going to stop there and break up its fleet and hitch a couple of mules to each of these barges and have them dragged all the way up over the mountain, down the Illinois River, and then up to Chicago, consuming seven or eight days in accomplishing what could be done by railroad in as many hours almost? Your canal will not be done before some company will build a railroad alongside of it and dry the whole thing up in a year.

Mr. LOGAN. I would ask the Senator is there not a railroad running alongside of the Erie Canal?

Mr. WILLIAMS. But the Erie Canal is navigated by steamers.

Mr. LOGAN. The Senator is certainly mistaken.

Mr. WILLIAMS. Do you mean the Erie Canal of New York?

Mr. LOGAN. Yes, sir.

Mr. WILLIAMS. I thought you meant Lake Erie. Yes, there is a railroad by the side of it.

Mr. LOGAN. Does that dry it up?

Mr. WILLIAMS. No, sir; but it takes from it an immense trade.

Mr. LOGAN. That canal has produced $41,000,000 to the treasury of the State of New York.

Mr. WILLIAMS. There are peculiar circumstances connected with the Erie Canal that make it exceptional to all the other canals that have been built elsewhere, and especially in the South and West. Take for instance the canals in South Carolina; they are all dried up. Take the James River and Kanawha Canal, which Virginia tried for years to turn over to the General Government, and at last gave a railroad company a bonus for taking. They have dried up the canal and built a railroad along its banks. It is nonsense to talk about such a ridiculous canal as this, with locks only twenty-one feet wide, meeting the commercial demands of the tonnage of the great commerce of the West.

Mr. WINDOM. Will the Senator yield for a question?

Mr. WILLIAMS. So far as the Erie Canal is concerned, I have got over that point. It is held by the State of New York, not by the national Government, and the great want now felt there is the necessity for a larger and wider and deeper canal, through which steamboats may run. If gentlemen will bring in a bill as a distinct proposition looking to the construction of a canal wide and broad and deep enough for steamers to ply between Saint Louis, New Orleans, Chicago, and Buffalo, after examinations made by the engineers demonstrate that it is practicable, that it is advantageous, I will vote for it if it costs $20,000,000, because the Government could make no better investment than that. It would save to the farmers of the West and Northwest annually as much as the entire cost of the canal; each year there would be a saving to that amount, and it would relieve them from the tyranny of the exactions now made upon them by the railroads; but this little ditch, with locks twenty-one feet wide, will not accommodate half the commerce of the single State of Iowa. It will amount to nothing.

I am not opposed to canals, let me say to my friend from Illinois; but when you make one give us one large enough to be national in its character, broad and deep enough to float large steamers from the river to the lake. Let us see our freight passing from Saint Louis to Chicago and on to Buffalo. Give us outlets to the ocean by water and you will cheapen the freight of the Western farmer three or four or five cents a bushel, in my deliberate judgment, and save to him annually more than the cost of this canal. But this little canal which you propose to dig, with locks twenty-one feet wide, will carry nothing. It will perhaps accommodate the farmers that live along its banks; but it will afford no facilities to the commerce of the country generally. Build it wide and deep and I will vote for it. Then it can be justified as a national work; but a little canal like this over a mountain will amount to nothing.

Mr. LOGAN. Does the Senator pretend to say that a canal 6 feet deep will carry nothing?

Mr. WILLIAMS. I say a lock 21 feet wide is wholly inadequate to the commerce of any productive country.

Mr. LOGAN. But the Senator will allow me. Does he pretend to say that the dimensions of this canal are such as would prevent ordinary steamboats from passing through?

Mr. WILLIAMS. I say so.

Mr. LOGAN. The Senator does not pretend to say that it prevents steam navigation?

Mr. WILLIAMS. Do I understand the Senator to say that he proposes to construct a canal for steamboats? What sort of steamboats would run through a lock twenty-one feet wide?

Mr. LOGAN. I am not talking about that; but I ask the Senator from Kentucky if he pretends that our steamers cannot pass through this canal? This canal is a commercial canal as contradistinguished from a ship-canal, and it will afford capacity for ordinary vessels on the Mississippi River.

Mr. WILLIAMS. Does not any man of sense know that no canal with locks twenty-one feet wide is wide enough to accommodate boats that will be of any benefit whatever to the commerce of the country? A little pleasure stern-wheel boat may go through, but when we attempt to make a national work of this sort let us make a work that will befit the character of the great nation that we are; let us build a canal broad and deep and wide enough for boats to pass from Buffalo to Saint Louis.

But this little proposition of digging a canal with locks twenty-one feet wide, a little ditch in the black mud of Illinois, and to talk about that being a canal national in its character to accommodate the commerce of the country is ridiculous in the extreme. I do not oppose it because it is unconstitutional, but because it is not big enough, and I am unwilling to waste the people's money in a project that is to result in no practical good to the country and expose us to the ridicule of the world.

Mr. WINDOM. I want to ask the Senator before he takes his seat if he knows the width of the Erie Canal?

Mr. WILLIAMS. No, sir; I do not.

Mr. WINDOM. I believe the width of the Erie Canal locks is eighteen feet, according to a document I have before me. The Senator has just been arguing that a lock twenty-one feet wide would not amount to anything.

Mr. WILLIAMS. I would oppose the Government of the United States undertaking to build such a canal as that.

Mr. WINDOM. Does the Senator mean to say that the Erie Canal can do no work and does not amount to anything?

Mr. WILLIAMS. There are exceptional conditions and circumstances that attend that canal, it being exactly in the line between Buffalo and the great exporting emporium of this continent, New York City.

Mr. WINDOM. I want to know are there any exceptional conditions which would make a canal with locks eighteen feet wide a success in New York, whereas one with locks twenty-one feet wide would be a failure in Illinois.

Mr. WILLIAMS. There is only a partial success there now, because the great want is every day expressed by the men who have the management of it that it should be widened and deepened, and if they would fall on some plan by which its banks could be secured against the waves produced by steam it might be navigated by steamboats.

Mr. WINDOM. The Senator is expressing his judgment to the Senate, and what I want to get at is whether there are any exceptional reasons why a canal with locks eighteen feet wide in New York should be a benefit to commerce, while a canal in Illinois with locks twenty-one feet will be a dead failure.

Mr. WILLIAMS. On this canal you have to break bulk three times

in going from Rock Island to Buffalo, or twice to Chicago, and in the other case you do not break bulk at all.

Mr. WINDOM. Does that make any difference as to the width of the locks?

Mr. WILLIAMS. It enables you to take small boats, float them by mules where the freight is heavy and of a character where time does not count as money.

Mr. WINDOM. If the Senator considers that an answer as to the width of the locks, I will not trouble him further.

Mr. WILLIAMS. I consider the Erie Canal in New York as having had a most beneficial influence on the commerce of the West in its day; but it now is not equal and up to the demands of the country. What they want there now is a canal that steamboats may run on, and that is the great question and the difficult question presented to the engineers of the country, how to arrange the banks so that the waves of a fast-running boat will not wash them down and fill up the canal and break through.

I dislike to vote against this measure, because I am pretty broad-gauged on the question of internal improvements. Many of my friends think I go a little too far. I shall hail the day when we have a broad canal that will connect the water-ways of the northern lakes with the great Mississippi, so that boats may go without interruption from New Orleans to Buffalo, giving the farmers an outlet to the sea by water for all the grain they export, and not leaving them at the merciless option of the railroads of the country. If gentlemen will frame a separate bill for this improvement and let it stand on its own merits, not shove it in here in this shape, but refer it for examination and investigation to men who are skilled and expert in this business, so that we may understand distinctly what it is to cost, what advantage it is to be to the commerce of the country, and what its practicability is, I will join in supporting the measure; but this little thing I do not vote for, because it is spending the people's money for a purpose that will do no good to the whole country, not even to the country through which it is to be dug.

Mr. WINDOM. Mr. President, much has been said about the worthlessness of a canal the size of the one proposed. I have called the attention of the Senator from Kentucky [Mr. WILLIAMS] to the fact that the Erie Canal has 71 locks 110 feet by 18 feet wide, or had at the time the report before me was made, and every one knows who is at all conversant with the transportation question of this country that the Erie Canal has performed a vast amount of work for the benefit of the country, and I believe that the Erie Canal has been worth untold millions, hundreds of millions, not only to the State of New York but to the entire West. The locks proposed in this amendment, as I understand it, are a good deal larger than those of the Erie Canal. I want to read also to the Senate an estimate, made without any reference to this discussion, of the capacity of this Hennepin Canal, not of the great and magnificent canal the Senator proposes to build, but the one proposed by this amendment to the pending bill:

> Assuming the canal to have a single line of locks and the time of the passage of a lock to be ten minutes—
>
> Which is about the time it takes—
>
> the ultimate capacity of the canal to pass freights eastward would be 4,838,400 tons per annum, equal to 161,280,000 bushels of grain during a season of navigation of two hundred and forty days.

If we could have a competing outlet from the States west of the Mississippi River that would carry 161,000,000 bushels of grain during the season of navigation, it would be an immense benefit to the people of that section, as well as to the whole country. I have heard two or three Senators in discussing this question speak of the fact that the Illinois and Michigan Canal is of no value, that it does not amount to anything in the transportation of heavy products, and we have been told of the large number of canals that have been dried up. I am aware of the fact that in several of the States the railroad companies, having gotten control over the Legislatures, have succeeded in buying out the canals in order to prevent the competition which they afford to the railroads, and I think that fact accounts more than any other for the circumstance that some of the canals have been suspended.

I want to read very briefly a statement of the effect of the so-called worthless Illinois and Michigan Canal which has been referred to here. I read now as to the condition of things in 1873:

> Comparative charges for the transport of grain to Chicago by rail from point one hundred miles distant on five different roads: Chicago, Rock Island and Pacific, for carrying 100 pounds one hundred miles, 8 cents.

The road lies alongside the Illinois and Michigan Canal, and the charge is but 8 cents per 100 pounds, or was then, for one hundred miles. Here are four other roads that do not have the canal competition, and I will give you what were the charges for one hundred miles on those roads:

> Chicago, Burlington and Quincy, 14 cents.
> Chicago and Northwestern, 18 cents.
> Chicago and Alton, 12 cents.
> Illinois Central, 16 cents.

So that this worthless Illinois and Michigan Canal does exert a competing influence over the railroad which runs alongside of it, whereby that railroad was compelled to carry for 8 cents per hundred pounds per hundred miles, while other roads not affected by that competition charged 14, 18, 12, and 16 cents for carrying the same weight the same distance.

There is another illustration of the effect of the Illinois and Michigan Canal which I wish to call to the attention of the Senate. The freight charged on the Chicago, Rock Island and Pacific Railroad, as I have already said, was 8 cents per hundred pounds from Henry to Chicago, between which points the canal competes, while the rate from Tiskilwa, only twelve miles further west than Henry, and beyond the effect of canal competition, was 15 cents per hundred pounds, or nearly as much for twelve miles where there was no water competition as for the hundred miles where the Illinois and Michigan Canal competed. I believe that substantially that relation will be carried out wherever canals compete with railroads. The Senator from Kentucky says that the Erie Canal has peculiar circumstances favorable to water transportation. I know of none that would not exist on this canal.

Mr. WILLIAMS. The Senator will pardon me a moment. I ask him, if it is of such value, why is it that the State of Illinois is so anxious to relieve herself of that elephant?

Mr. WINDOM. I cannot answer for the State of Illinois; I have not looked into that question, but I presume the State of Illinois would be glad, as all the Northwestern States would be, to have the great water system of the Mississippi connected with the lake system, and I presume she is ready to do any reasonable thing to bring that about.

I was about to say, however, that in my judgment there are no conditions favorable to water transportation on the Erie Canal that do not exist on the proposed Hennepin route. The Erie Canal connects the lakes and the Hudson River; the Hennepin Canal connects the mighty Mississippi system with the lake system.

The Senator says that you cannot separate barges started for New Orleans and send them across this route, because they would not climb this mountain and go to the eastward. I can tell him that notwithstanding the cheapness of the Mississippi River, and no one can be more its advocate than I am, and always have been, there is a magnet in the city of New York, the mighty power of the money capital of that city, which would not only take this freight largely over this little elevation, but does now compel it to climb the Alleghany Mountains over railroads at a much higher cost than it can be carried down any river. We of the West, and the men of the East too, I think, need the advantage of a cheap water line from one great system to the other. Connect those systems by your water line, and I assure the Senator you will not have the slighest difficulty in supplying it with an immense business and in checking the railroad charges over that space of country. I think I am safe in saying that the cost of transportation is to-day, though I have not the figures before me, but I know it was so when I last investigated it, greater between the Mississippi River and the lakes than from Chicago to New York. I think it costs more to-day to carry a bushel of wheat two hundred miles from the Mississippi River than it does nine hundred miles from Chicago by water transportation to New York.

We want to reach out that arm of the sea until it touches the Mississippi River, and, combining these two vast systems, gives to the great agricultural interest of the Northwest the vast benefits of cheap transportation. It will not answer for the Senator from Kentucky and others to tell the farmer of that country that we do not want to give him this canal with a capacity for 160,000,000 bushels a season; this is not big enough; we want to wait until we can give him a mighty ship-canal that will float the vessels of Lake Erie into the Mississippi River. He and his associates will tell you in response, "Give us something practicable, and cease talking about that which we know you will never give us."

WAR DEPARTMENT EMPLOYÉS.

Mr. ALLISON. I ask the Senator to lay aside this bill for a moment until I can have a joint resolution passed which it is necessary to have passed this morning, which I will explain briefly. It is to provide for an omission in a previous resolution to cover some employés who are not covered by the joint resolution passed the other day extending the appropriations of last year for twenty days.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department in the following words:

> *Resolved, &c.*, That the Secretary of War be, and he is hereby, authorized to cause to be paid from the appropriation heretofore made for the support of the Army for the current fiscal year the compensation of employés engaged in the Quartermaster-General's Department and Subsistence Department, in the investigation of claims under the act of July 4, 1864, and the necessary expenses of such investigations for that part of the current fiscal year ending on the 20th day of July, 1882.

Mr. GARLAND. Have the Committee on Appropriations considered the resolution?

Mr. ALLISON. I have consulted nearly all the members of the Committee on Appropriations. It is a matter so manifestly necessary that it ought to be passed to-day.

The joint resolution was read three times, and passed.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropria-

tions for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SLATER, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE submitted an amendment intended to be proposed by him to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which was ordered to lie on the table and be printed.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor. If there be no objection, the unfinished business will be laid aside temporarily and the river and harbor bill will be proceeded with. The Chair hears no objection, and that will be the order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. LOGAN. I desire to call the attention of the Senator from Kentucky to one remark of his. He asked, if the Illinois and Michigan Canal was of any profit to the State of Illinois why was the State so anxious to get rid of the elephant? I think that was his language. I desire to say for the benefit of that Senator that the State of Illinois is not anxious to get rid of the Illinois and Michigan Canal because it is an elephant, for it is not. The Illinois and Michigan Canal affords a profit to the State, and pays annually into the Treasury, over and above its expense, a large amount. It has never been an elephant on the hands of the people of Illinois. They are merely willing to turn it over to the Government of the United States in connection with this water-way that is to be made connecting the Mississippi River and the lakes for the benefit of commerce generally. That is the only reason.

Mr. MORGAN. I ask the Senator whether the State of Illinois could not also make a profit by extending the canal from Hennepin to Rock Island?

Mr. LOGAN. The constitution of the State of Illinois now prohibits the people from engaging in building canals or railroads, so that they cannot do it, no matter whether it would be profitable or unprofitable. But in reference to the Erie Canal, I suppose the Senator from Kentucky is perfectly conversant with the canal system and the railroad system, and all the other systems of this country, and their profits, and where they are not profitable, but I will ask him to examine for a moment the report of the canal commissioner of New York, as I believe he is called, Mr. Seymour, for the last year, and see whether the Senator's remarks in reference to the Erie Canal corroborate or not the statements of the canal commissioner of New York. His report shows that the lumber transported last year was twice as much as the entire tonnage of the Erie Canal in 1843.

The Senator said the railroads were transporting everything and the canals did not increase in transportation but were nearly drying up. The fact is shown in this report that the tonnage was twice as much in the one article of lumber on the Erie Canal last year as the entire tonnage of that canal in 1843. Not only that; there were carried thirty-eight years ago by canal 51,219 tons of stone, lime, and clay; in 1881, one year ago, there were carried 235,514 tons of the same articles on that canal.

Mr. WILLIAMS. Now, I should like to ask the Senator, as he is so well informed on the subject of canal operations, to tell the Senate the profits of the Ohio canals?

Mr. LOGAN. I will do so if the Senator will allow me to go on. I am talking about the Erie Canal now, as that was the canal the Senator called the attention of the Senate to. Let us attend to one thing at a time.

Mr. WILLIAMS. I drew a distinction between the Erie Canal and the Mississippi River, that the freights coming down the Mississippi River going to the seaboard, which would seek an outlet by way of the lakes, would have to be brought down by great steamers, and their bulk would have to be broken to get into this proposed waterway, and changed twice in going to New York; whereas at Buffalo, when a great steamer leaves Chicago with two or three hundred thousand bushels of grain, and gets to Buffalo, she has to discharge her cargo there, in consequence of the Falls of the Niagara below, and there are but two ways of getting to New York—one by railroad and the other by the Erie Canal. If the canal was broad enough to admit a steamer starting from Chicago to go directly to New York, does not the Senator think it would be a much greater benefit to western commerce than the canal now existing?

Mr. LOGAN. I understand that; but I was trying to answer the Senator's proposition. If he will allow me I will show him wherein his argument fails and his illustration fails.

In 1843 there were little more than 20,000 tons of coal transported by way of the Erie Canal; in 1881 there were 1,000,000 tons transported over that canal, showing an increase, instead of the canal drying up and decreasing. Take it as a fact that it is small, as the Senator says it is, and it ought to be larger, yet although small, with railroads right alongside, its tonnage is increasing every year from 20,000 tons of coal in 1843 to 1,000,000 tons of coal in 1881; from 20,000 tons of stone, &c., in 1843, to two hundred and fifty-odd thousand tons in 1881, and so on. Up to last year the report of the New York canal commissioner shows that instead of the Erie Canal being practically abandoned, as the Senator says, its increase in the last year was 5,175,505 tons, and the receipts of last year amounted to $818,264. Instead of it being abandoned it increases annually right by the side of your railroads that you are speaking of. And yet this canal that we desire now to appropriate for is a larger canal in its locks and dams than the Erie canal, and will pass through it larger vessels than the Erie Canal. Yet the Senators think it is too small to be of any benefit to the people of the country.

If I had time to go into the reports they would show that the Erie Canal, in opposition to railroad transportation in our wheat and corn and other products of the West, has saved within the last few years millions of dollars to the people of that country. The argument of the Senator is that the canal is not sufficient in capacity to float the tonnage of the West. That is true; a dozen canals would not do it, and all the railroads that you have do not do it. Freights are piled up mountain high all over the West from one year's end to the other for want of transportation. It is no argument to say that the proposed canal will not float enough tonnage to transport all the products of the country. It will float a part of them, and deplete that portion that stands in the granaries from one year's end to the other.

There is one other thing that strikes me as singularly strange. Senators here oppose this canal, but say they are in favor of it. The Senator from Kentucky and one or two other Senators say, "I am in favor of this canal; it is very important, but I am opposed to this proposition." It reminds me of the orator in Maine once making a speech to his constituents, who said he was in favor of the Maine liquor law, but he was against its enforcement.

Mr. FRYE. That was in New Hampshire.

Mr. LOGAN. It was in New Hampshire, perhaps; but somewhere up in the East. That is exactly the position of these Senators. They are in favor of this canal, but they are opposed to the proposition that will put it in operation.

Mr. WILLIAMS. It is not a proposition; only a suggestion.

Mr. LOGAN. What kind of a proposition are you in favor of?

Mr. BUTLER. To have a survey and estimate.

Mr. LOGAN. We have had surveys upon surveys, and they are not satisfactory. What will satisfy the Senator? He says he wants a larger canal; he would vote for a larger one, but he will not vote for a small one. We can make it large enough to be satisfactory, if the Senator wants a larger one.

Mr. WILLIAMS. The Senator will pardon me. I said I was opposed to it on the very limited and unsatisfactory information we had; we had not sufficient information to make this appropriation. We should have a distinct proposition, have a thorough investigation, and a report made from the proper and competent authorities, demonstrating the practicability and estimating the cost of the thing, and then I would be for it. But in view of the enormous and extraordinary appropriations which we are called upon to make at this session of Congress, amounting in one single item of pensions to $100,000,000, and in this bill that we are considering to $20,000,000, I was not willing to forego the labor and the importance of improving the rivers and harbors that God had already given us to undertake to dig new rivers in the dark without knowing what we were doing and what they were going to cost.

Mr. LOGAN. I should like to know how long a time—for I want to live long enough, if I can, to see something done with this canal—these Senators desire these examinations to be made.

Mr. BUTLER. Six months longer.

Mr. LOGAN. In 1832 a report was made on the Illinois River by General Joseph E. Johnston. He was then the engineer making that survey, and from 1832 down to the present time surveys have been made time and again in reference to this canal, and in reference to the Illinois River; but it seems impossible to get one to be satisfactory. No matter what the survey was, no matter what the estimate, it makes no difference, it is unsatisfactory.

Some Senators say canals are dried up when they run north and south in their States, when their projectors did not understand the channels that commerce was going to take, and because they have dried up we are told another canal will dry up also. The Senator from Kentucky says the canals in South Carolina have dried up. That is no argument. In Illinois they will never dry up. In a country that produces as Illinois and Iowa and the contiguous territory there is no canal and no water-way or roadway that has ever been dried up in transporting the products of the soil. If your canals dry up, it is because you have not the products; if your canals dry up, it is because they run the wrong way; if they dry up, it is because the canals were made in the wrong direction, and it is not the fault of the system itself.

In reference to this proposition the people of the Northwest ask about as little as any other people on this appropriation bill. This is a matter that is of importance to all our States in the Northwest, in fact to all west of the Mississippi River and east of the Mississippi River. We have attempted it year after year. This same project has been tried over and over again in Congress, and the same arguments have been made heretofore that are made to-day. One Senator says the canal is too small, another that it is too large; another says we want another survey. We get another survey, and that is not satisfactory. It is only an excuse. I say to Senators who attempt to defeat this measure by professing to be for it that it is only stabbing it in the dark, for a friend of this measure is not going to stop its progress because of the fact that the estimate has not been made as to what it will cost to run it after it is once completed. I like friends of a measure to be for it or to be against it. In my judgment, there is no friend of this measure who wants to defeat it because it is too small or because it is too large. We do not take that kind of taffy out in our country; we do not have that kind given to us, and do not accept it.

It is in very bad taste for States who get appropriations for every river and ever creek and every little duck-puddle that they pretend is a harbor to oppose a proposition that will open a great line and a great water-way from the East to the West by way of the lakes. One would suppose from the arguments that have been made here to-day and yesterday that railroads must carry all the products of this country, that private corporations are the only things that the people of the country are to look to for the benefits that are to be derived, and that every proposition that goes along by the side of these corporations that is likely to reduce their swelled and enormous profits one cent must be attacked and strangled in the Senate Chamber of the United States.

Why, sir, if Senators had been attorneys for railroads, which they are not, they could not have made stronger arguments than have been made against this proposition. They have made the same arguments that I have heard made by presidents of railroads against the Hennepin Canal in my own State. What we hear is the argument in favor of the private corporation against the people; it is the argument that the canal is too slow for a benefit; that this is the railroad age, the age of lightning and railroads, and that the canal is too slow. This is the age of the hare against the tortoise according to the argument of the Senator from Kentucky. Therefore one must not be supported because the other outstrips it in speed. These arguments to my constituents are not good; these arguments to the people of the Northwest are not good. This is a project dear to their hearts, one that they have had in view from year to year.

The State of Illinois has proffered time and again to do that which would be right on her part to give this grand water-way into the hands of the Government of the United States, because of the fact that the Government was taking control of the water-ways all over the country. One Senator argues that you have no right to take control of the railroads; another that you have no right to build canals. If you have no right to build canals in competition with railroads, if you have no right to take hold of them or have anything to do with them, what does that argument mean? The logic of it is that the Government, the country, and the people are turned over to these corporations, and there is no way from under their power and weight.

Mr. President, I have said all that I desire to say in reference to this matter. I hope we may have a vote. If the Senate of the United States is determined to put its foot on this proposition now and allow it to sleep forever for the benefit of railroads—for that is what it means—let it do so.

Mr. HAWLEY. Nevertheless, Mr. President, a proposition to spend five or six million dollars, and to involve ourselves in an annual expense of $300,000 perpetually hereafter, is a serious proposition on a measure that appropriates only $100,000. It involves from ten to twenty-five million dollars.

There is a mistake made by some gentlemen in supposing that we of the East have not as direct an interest, or very nearly as direct an interest, in this matter as they have. We desire the products of the West to come cheaply to the East, and we desire to send our products West cheaply. We are greatly interested, and warmly interested, in the success of all reasonable enterprise; but the Government is embarking in a slightly "new departure" in this case. We have no great systems of that kind maintained by annual appropriations of our Government. Mind, it is not proposed to ask one mill of toll of anybody crossing this canal. We are to manage the whole of it; we are scarcely to be able to know whether the ditch is paying or not, except as we take the statistics of such vessels as pass through.

Canals have failed, and canals may fail again. Canals have failed rapidly within twenty-five years; first because they are too slow, and in the next place because they are too narrow and too limited in their burden; the demand is for broader and deeper canals for steam-power. The famous Erie Canal is studying that problem now and endeavoring to apply steam, most favorably, I think, by the Belgian system of a cable being conducted through it. The canals of New York are over nine hundred miles in length. There are only four of them that are maintained by the State; the others are all offered for sale or proposed abandonment. The only ones that the State retains are the Erie, Champlain, Oswego, Cayuga, and Seneca. The latter three lose money every year; lost $88,000 last year. The Erie Canal is the only one that pays; it received last year $310,000.

Canals have failed largely also because they do not connect great natural water-ways. The Erie has been a partial success, a great success, I will say, because it is a part of a great natural water-way. Here are the Chemung, the Chenango, the Black River, the Genesee Valley, the Oneida Lake, the Baldwinsville, the Oneida River Improvement, the Seneca River, the Cayuga Inlet, and the Crooked Lake Canal, which the State is ready to sell or abandon. I should add that it has abandoned the Chemung and the Genesee Valley; and the main portion of the Chenango has been declared abandoned for purposes of navigation.

It is therefore not unreasonable if we ask deliberate and careful estimates about canals before we embark upon an expenditure of ten or twenty million dollars. It is perfectly and absolutely reasonable and in accordance with business sense.

This proposition should have been an independent measure; it should have been entitled "A bill to establish a canal between Chicago and the Mississippi River." It is called the Hennepin Canal, that is, for sixty-seven miles of it, with thirty-eight miles of a canal feeder. There are one hundred miles of the line already established, seven feet deep, and then nineteen miles on the Illinois River, and this proposed addition is to be but six feet deep. It will not stay so. The estimates and plans and the deliberate report of scientific men upon this work should state what ought to be the permanent width and depth of the whole length, and what is to be the cost of the whole length. The estimate is $4,600,000 by Mr. Wilson, and 25 or 26 or 27 per cent. addition is the ordinary fair allowance; and so the canal is to cost not less than six millions. You cannot run very well the whole two hundred and twenty-five miles of it, more or less, for less than something like $300,000 a year, the capital of which is $5,000,000, making the cost directly before us now in this bill not far from $10,000,000. It may be all worthless, or it may be worth all of that cost and more; I do not say; but I do affirm that we have not the proper estimates; I do affirm that I am as ready as any man living west of it, or in the vicinity of it, to make a large and liberal expenditure for a great improvement in the water-ways; no one any more so.

I have received a telegraphic dispatch this morning from the vicinity of this canal addressed to me, I suppose because I suggested the question about the loss of power from Rock River. There is a word in it which the senders should have changed; they should have said "erroneous," instead of "false." But the Senator from Iowa informs me that he waives all objection to that part of it. The telegram is addressed to myself, and is as follows:

STERLING, ILLINOIS, *July 8, 1882.*

Hon. JOSEPH R. HAWLEY, *U. S. Senate, Washington:*

The statement by Senator ALLISON that the water-power of Rock River will not be injured by the building of Hennepin Canal with feeder from Rock River is false. During the dry season the flow of water is hardly sufficient to run the manufactories now in operation. The damage to Sterling alone will not be less than $5,000,000 which, of course, we should expect the General Government to make good. Please present our case.

JOHN S. MILLER, *Pres't First Nat'l Bank.*
W. A. SANBORN, *Cashier Galt & Tracy, Bankers.*
B. C. CHURCH, *Pres't Sterling Nat'l Bank.*
C. A. REED, *Cashier Sterling Nat'l Bank.*
THOS. A. GALT, *Pres't Keystone Manufacturing Co.*
A. A. TERRELL, *President Novelty Mfg. Co.*
JOHN M. GALT, *Pres't Eureka Mfg. Co.*
JOHN CHARTER, *Pres't Williams & Orton Mfg. Co.*
W. A. MCCUNE, *Pres't Sterling Hydraulic Co.*
L. E. BROOKFIELD, *Pres't Rock Falls Mfg. Co.*
J. D. TRACY, *Pres't Sterling Mfg. Co.*
ADAMS SPIES, *Pres't Spies & Zendt Mfg. Co.*
DWIGHT PAPER MANUFACTURING CO. OF STERLING.
UTLEY PATTERSON & CO., *Paper Manufacturers.*
CHURCH & PATTERSON, *Millers.*
GEORGE T. ELLIOT, *Miller.*
DILLON, BOWERS & STROCK, *Millers.*
HARRIS & DREW, *Millers.*
WM. MCCUNE & CO., *Pump Mfrs.*
CAVENT & MALLORY, *Machinists.*
JOHN S. MILLER & CO., *Distillers.*
ROCK RIVER PACKING COMPANY.
NORTHWESTERN BARB WIRE CO.
DILLON WAGON CO.
LAWRENCE BARB WIRE CO.
GATES & SMITH *Butter Package Mfrs.*
TAFT BROS. & BROCKER, *Machinists.*
ROCK FALLS BOLT AND NUT WORKS.
HERMAN BROS. & CO., *Brewers.*
BATCHELOR & SON, *Mfrs.*
And others.

This embraces, evidently, all the capital and business of that town. I do not know any of these gentlemen, but their occupations are given and they speak for themselves. They think it will damage the water-power of Sterling $5,000,000. The other side say it will not;

the issue is joined. I would rather have the engineer's report upon it. I have done my duty in presenting a very strong remonstrance from that region.

Mr. ALLISON. In view of the suggestion in that telegram I trust the Senate will bear with me a few moments.

These people at Sterling seem to think that I made a false statement with reference to the question of water-power. Of course I allow something to them by way of prejudice, arising from the fact that this navigable feeder is to begin at Dixon rather than at Sterling, and that the town of Dixon, which is a rival town, will have an advantage over this great city of Sterling when this canal is constructed.

As to their disposition, however, to amplify and magnify their own affairs, I only want to call attention to the letter read by the Senator from Missouri [Mr. VEST] yesterday, signed by a committee, in which they said that the two towns of Sterling and Rock Falls have 8,000 people and that they have invested in manufactures $200,000,000, and that their product is $600,000,000 of manufactured articles per annum. Eight thousand people with a capital of $200,000,000 discloses that every man, women, and child in Sterling is worth about $25,000 on the average. I submit that they have rather a magnified notion of their own capacity and financial ability.

Now one word of reference to my statement upon the water-power question. Mr. G. P. Low, engineer, made a survey for this feeder, and I will read from his report. He states in the first place that he was very fortunate in touching Rock River at a time when the people said to him that it was at its lowest stage of water known for many years. Now allow me to read briefly:

> We were fortunate in making a careful measurement of the amount of water flowing in the Rock River at a time, October 11, 1870, when, according to the residents of that city, the river was at its lowest known stage. The amount of water at that date was found to be 2,446 cubic feet per second, which, under the present available head of 7 feet, gives, theoretically, 1,943 horse-power. To economize earth-work upon the feeder line and summit level, it will be advisable to raise the crest of Dixon dam 2 feet, thus increasing the head of water to 9 feet. After deducting 901 cubic feet per second for the canal—

Now mark this:

> After deducting 901 cubic feet per second for the canal, there will be available for manufacturing purposes in the dryest times 1,545 cubic feet, or 1,578 horse-power, under the 9-foot head. The loss of power at this point, after allowing for the increased height of dam, will be equal to 365 horse-power, or 18.8 per cent. of that at present available.

So that a canal which he is now describing, having locks 350 feet long and 75 feet wide—he was providing for a ship-canal and not for this little commercial canal that my friend from Kentucky is so disturbed about; he was providing for a canal made upon the scale suggested by the Senator from Kentucky, although not nearly large enough for him—takes only 901 cubic feet per second. The canal which we propose here takes 217 cubic feet per second, allowing two hundred lockages per day, or twice as many lockages as are made in the Erie Canal, which carries, as I stated the other day, nearly seven million tons per annum. So that of all this vast water-power only 217 feet or about one-twentieth will be taken by the proposed canal; and yet these gentlemen, with the facts before them, undertake to say that I have made false statements here when I have only taken the statements of the engineer who carefully measured this whole water-power and understands this whole question.

Mr. HAWLEY. Will the Senator allow me to call his attention to some figures which I think he did not read? I find them about the same place, page 305 of the report of 1871, near the top of the page:

> The loss of power at this point, (Dixon,) after allowing for the increased height of dam, will be equal to 365 horse-power, or 18.8 per cent. of that at present available. The loss at Sterling not being compensated for by a higher dam will be equal to 36.8 per cent. of the present power.

Mr. ALLISON. That does not change the facts I have stated except——

Mr. HAWLEY. That is for the larger canal, to be sure.

Mr. ALLISON. Except the fact that Sterling does not have the benefit of the feeder.

Mr. HAWLEY. Sterling has a loss of 36.8 per cent., and the bill submitting to the people of Illinois the question as to whether they will surrender the Illinois and Michigan Canal to the Federal Government, if I recollect aright, contains a proviso that the Federal Government shall enlarge said canal, which is now one foot deeper than the western section as here proposed.

Mr. McMILLAN. There is no provision of that kind in this bill.

Mr. HAWLEY. In the Illinois bill providing for a submission to a popular vote of the proposition to surrender the Illinois and Michigan Canal to the Federal Government, as I understand, there is a proviso that we shall enlarge that canal, which is already one foot deeper than the one proposed in this amendment. The act of the Illinois Legislature in its first section says:

> In case the United States shall accept this grant, it is upon the express condition that the canal shall be enlarged in such manner as Congress may determine, and be maintained as a national water-way for commercial purposes, to be used by all persons, without discrimination, under such rules and regulations as Congress may prescribe.

Mr. ALLISON. But the Illinois and Michigan Canal only allows transportation of boats now of one hundred and eighty tons burden. This provides for boats of two hundred and eighty tons burden. Especially this law requires substantially that the Illinois and Michigan Canal shall be enlarged so as to be on a par with the Hennepin Canal.

Mr. HAWLEY. I have not found out the width of the Illinois and Michigan Canal. Can the Senator tell me?

Mr. ALLISON. I cannot.

Mr. HAWLEY. I know it is seven feet deep, and the new canal here proposed is to be six feet, not seven feet. The old canal is to be enlarged if we accept it, and they are all to be part of one system.

Mr. MORGAN. Mr. President——

Mr. McMILLAN. After the conclusion of the Senator's remarks I shall ask the Senate, if the debate is to continue, that remarks shall be limited to five minutes by each gentleman.

Mr. MORGAN. You had better get rid of this amendment before you insist on that.

Mr. McMILLAN. I shall not interfere with the Senator's remarks.

Mr. MORGAN. Mr. President, the act of the Legislature of Illinois which has been read here this morning puts some new light on this case, and suggests at least two very important questions, which I think we ought to take some consideration of now. The first of these questions is this: this measure, if it shall pass in connection with that act, creates a contract between the State of Illinois and the United States Government. What is that contract? It is that in consideration that Illinois will yield to us the canal from the Illinois River to Lake Michigan, and that we will enlarge that canal, we shall have the right to build a canal from Hennepin to Rock Island. When we have undertaken this work under the provisions of this amendment to the bill, and have instructed the Secretary of War to proceed to the construction of this canal, Congress will be bound and will bind the United States Government to go on to the completion of this work, although we may hereafter ascertain that it is of no public utility at all. Its impracticability will be no excuse to the Government of the United States for repealing or revoking this act. There should be a provision in this law authorizing Congress, notwithstanding this contract, to alter, amend, or repeal this enactment, so that after we have spent this $100,000 in the survey, if it should turn out in the opinion of our engineers that the work is not going to be of practical advantage to the country, or after we have spent the $100,000 in preliminary work on the canal, we shall not be bound by a contract with the State of Illinois to go on and complete that work. But such is the obvious effect of the act of legislation which was read this morning by the Senator from Illinois, taken in conjunction with this act of Congress. It is very far more that we are doing here than the mere construction of a canal on the authority of the United States Government and subject to its control. We bind ourselves by a solemn obligation under this law that we will go on to complete that work, no matter what its extent may be, and no matter how little of public utility there may be connected with it.

The next question that is suggested by the act of the Legislature of Illinois is this: Illinois in that act has ceded nothing at all to the United States Government except the land, the right of way, the right to build this canal upon a certain specified area of land within that State and the land belonging to the State of Illinois connected with its existing canal system. Now, I should like to know—and I interrupted a Senator on the floor a while ago to put the question—what is to be the condition of this navigable stream in the law of the United States as to the admiralty and maritime jurisdiction of this country over it? The State of Illinois yields nothing; it concedes nothing except merely the right of way through the bosom of its territory.

Mr. CONGER. The provisions of the law of Illinois have no reference to the Hennepin Canal proper. The State of Illinois has a canal, with locks and improvements on the canal, between Chicago and La Salle, which it has constructed, which will be a part of this system; and the provision of this amendment is that the State shall surrender there, as was done in Kentucky in regard to the Louisville Canal and in other places, the right to the property which it has in the canal. That it surrenders to the United States. That has no reference at all to the Hennepin Canal proper. That is the canal to be made between Hennepin and Rock Island, sixty-five miles. All that is asked of Illinois is a surrender of its locks and dams and canal and the land upon which it has expended its own funds heretofore.

Mr. MORGAN. Then I understand that the Legislature of Illinois, which has passed a law and submitted it to the people for ratification in November, has made no provision at all under which Congress may exercise its jurisdiction or power, whatever you please to call it, to build a canal from Hennepin to Rock Island.

Mr. CONGER. The State of Illinois as a State has no property interest there.

Mr. MORGAN. I have always understood, and I get my information on that subject from the Supreme Court of the United States, that the United States Government has no right to enter a State, without her consent, to make a work of internal improvement. When she wants to go there to get land for a court-house she has to get the consent of the State to it or else by process of condemnation to condemn the land to public uses.

Mr. CONGER. But there are hundreds of different streams, almost millions of miles, where we provide for the improvement of watercourses in almost every State of this Union where the United States

takes possession of the river and makes the improvement and has never thought of asking permission to go and make it, and no State has given authority for that purpose.

Mr. MORGAN. And that in virtue of the fact that the United States Government has jurisdiction over the navigable waters of this country in the States as well as anywhere else.

Mr. McMILLAN. Will the Senator from Alabama allow me to call his attention to the fact that there is a provision here which is contained at the close of the amendment——

Mr. MORGAN. I was about to call attention to that, that the consent of the State of Illinois shall be obtained.

Mr. McMILLAN. That the State of Illinois "shall consent to the provisions of this act by act of her Legislature before this act shall take effect and be operative."

Mr. MORGAN. I was about to ask, in reply to the suggestion of the Senator from Michigan, where is the necessity of having that provision in this law? If the Congress of the United States may enter a State without its consent and build a canal or railroad, why did the committee ever suppose it was necessary, and why is it necessary to put the same consent into all of our propositions for forts, dock-yards, arsenals, public buildings, &c. It is because the State has the jurisdiction, has the right of eminent domain upon the land within her borders, but she has not that right of eminent domain upon the navigable water-courses within her borders so as to exclude the power of Congress to provide for the improvement of those streams. The difference is as old as the Constitution, and the decisions of the Supreme Court of the United States have always run parallel with it, and so the committee thought when they put the provision in here that the consent of the State of Illinois should be first obtained before this act should come into effect.

The State of Illinois has not given her consent in the act mentioned by her Senator any further, as I understand it as explained by the Senator from Michigan, than that part of the constructed canal connecting the Illinois River with Lake Michigan at Chicago. As to the other part of it she has given no consent whatever. She must hereafter give her consent before we can enter that State and build a canal by the condemnation of land, or by the receipt of voluntary contributions of land, or in any way. I would never admit the doctrine that the Government of the United States had a right to go into Alabama and to build a canal to connect the Alabama River with the Chattahoochee River without the consent of that State, nor would any Senator here admit it; but this committee, on the contrary, have expressly announced a different doctrine by putting the provision in the bill itself.

But what do we get under this existing law of Illinois? We do not get, it appears now, anything as between Hennepin and Rock Island. More than that, this provision does not contemplate the existing act of the Legislature of Illinois; it contemplates an act to be hereafter passed by that Legislature. The Legislature of Illinois has already passed a law on this subject to become such as a final and obligatory enactment if her people at the ballot-box in November shall ratify and confirm that act. The Congress of the United States certainly does not expect to interpose between the Legislature of Illinois and the people and to accept that act of the Legislature as the one to which this bill is to be applicable. That act of the Legislature is not contemplated in this bill. It is some act to be enacted in the future, and not one that already exists, particularly of the character to which I have alluded where the act itself is subject to the ratification of the people.

Mr. President, some provision of the law must be made in this new case whereby it can be determined after this navigable stream, as we will call it, is opened by the Government of the United States and placed exclusively within its jurisdiction, whether or not the admiralty and maritime jurisdiction of the United States attaches upon that water-course or whether the laws of Illinois are to control. Congress cannot escape now from some determination of that question, and it is essential that it should be determined in this bill; in the initial part of the bill, for, as I have already observed, when we pass this bill and Illinois accepts and ratifies the provisions of it, as is herein required, we have then got something more than a law to deal with hereafter; we have got a law and a contract both, and a very important contract, one of immense magnitude, from which the Government of the United States cannot recede under the provisions of this bill after we have once enacted it into a law. Therefore, I think we should be extremely careful about this matter. If this amendment should be adopted I shall propose to amend it as follows:

Provided, That so much of this act as applies to the canal from the Illinois River to the Mississippi River and from the Illinois River to Lake Michigan may at any time be altered, amended, or repealed by an act of Congress, and any agreement made with the State of Illinois to carry into effect any part of this act shall be subject to the power of Congress so to alter, amend, or repeal said parts of this act.

I am not willing, for one at least, to commit the country to a proposition in the nature of a contract, a proposition that becomes a contract, that we shall build this canal and spend all the millions of money that may be required to build it, although in the mean time we may find out that it is of no possible advantage to the general commerce of the country or even to the commerce of Illinois.

Something has been said here about railroads and the competition between railroads and water-courses. I, sir, am a friend of the water-courses of this country in competition with the railroads, because I believe that they will have a great and controlling effect in the reduction of freights and fares upon railroads. I am not interested in any railroad; I am not the friend or patron of any railroad system in the world. I am independent entirely in my opinions and in my relations from all the existing lines of railroad, and I expect to be of all that may hereafter exist. My opposition to this measure is based mainly on grounds that I have already stated to be constitutional grounds. I perhaps have very few Senators to concur with me in those opinions upon it; I will not restate my opinions, but I state the fact that my opposition is chiefly upon constitutional grounds to justify myself in a further remark that I desire to make, which is this: we have made land grants to railways throughout the country and built them up; we have encouraged them in every way that we could; we have invited men to spend their money in them; they have gone on and built their lines, and have got the control of the commerce of this country; and now, after having gone into this line of action as deep as we have, and after having caused as many American citizens as we have to expend their money in these railways, it perhaps is not a justifiable line of action for us to say that we will now build canals at the expense of the General Government to thwart the very men whom we have encouraged to build railroads.

Mr. LOGAN. That is a pretty good railroad argument.

Mr. MORGAN. A very good one; and then I will ask the honorable Senator from Illinois if we build canals for the purpose of thwarting the railways in their monopoly of the commerce and carrying trade of the country, why cannot we build railways for the same purpose? It comes to that. If we build a water-way to create competition with a railway, the very same necessity and the very same argument must be resorted to hereafter, and will be resorted to to get the Government of the United States to build railways in competition with private owners. We cannot stop once we have broken ground on this subject; and hence it is that I take the liberty of calling the attention of the Senate to the fact that this is a new departure in legislation, and one about which I think we should be extremely cautious. I would control the railways of this country by improving the navigable quality of waters that exist; but I do not think that we have the constitutional right to create new channels of navigation at the expense of the people of the United States, merely for the purpose of controlling those similar agencies for transportation which we have so largely encouraged at public expense heretofore.

Mr. McMILLAN. Mr. President, I gave notice before the Senator from Alabama took the floor that if debate was to be continued I should ask unanimous consent that the rule be established that remarks be confined to five minutes for each Senator, and in justice to the bill and the Senate I think that order had better be made.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator's request extend to the whole bill, or to the Hennepin Canal amendment?

Mr. McMILLAN. To that amendment.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that debate be limited to five minutes to each Senator on this amendment. Is there objection? The Chair hears none, and such is the order of the Senate.

Mr. BECK. Mr. President, when this amendment came up first I objected to it, because I thought it had no business on this bill, and I think the debate has developed that the Senate made a mistake in allowing it to be inserted as an amendment to the river and harbor bill. I stated then that very many important propositions of this sort were pending before the Committee on Transportation Routes to the Seaboard, of which committee I am a member, the Senator from Minnesota [Mr. WINDOM] being also one, the chairman being the Senator from Indiana, [Mr. HARRISON,] and the other Senator from Indiana, [Mr. VOORHEES,] I think, being also a member of it. We have had discussions there for months, and very able discussions, covering all questions that could possibly arise as to a great canal that was sought to be made across the States of Maryland and Delaware, connecting the Chesapeake Bay with the Delaware Bay. The Hennepin Canal was also before us as a part of that system; and simply because the Hennepin Canal bill went to the Committee on Commerce properly enough, and they saw fit to report favorably upon it, they have added it to this bill. They made a mistake, in my judgment, in attaching it to this bill, and the Senate will make a mistake if it allows it to be considered here. Questions relative to the jurisdiction to be surrendered were made before us; the action of the Legislatures of Maryland and Delaware was laid before us, which has not been done by the State of Illinois for the canal now proposed to be built. Hon. ROBERT M. MCLANE spent an hour or two with us, and made one of the ablest arguments on the constitutionality of the measure that I have ever heard. Other gentlemen made arguments against it.

In my judgment every measure of this character ought to be carefully considered in a separate bill. If you take up the Hennepin Canal on this bill it will be shown that the canal from Baltimore across the State of Delaware, connecting the waters of the Chesapeake with the Delaware Bay, is of infinitely greater importance than this, and you will be pressed for a canal across Florida to connect the great continental system of railway with the Gulf; the Niagara Ship-Canal will be pressed upon you; an interior line from Wilmington, North Caro-

lina, or from Beaufort, South Carolina, will also be pressed. This is an entering-wedge flung in here with a small $100,000 appropriation that will be a very good thing for Chicago. As my colleague very well said, they have had difficulty in making the stream that runs through Chicago run into the lake, and they have endeavored to turn it back; they have substantially turned it backward; and this thing, if continued, will continue that sewer for the benefit of Chicago, and perhaps make it a great national canal on the present basis. The Erie Canal is not big enough; it is not doing half the work that the railroad along its side does to-day, not over one-third of it, but that is in the State of New York. She has made money by building it, and she is asked to make it bigger, and does not call on us.

Some years ago the men of the Northwest believed, and they urged it with every argument and memorial they could, that the great connection between the Mississippi and the lakes was by way of the Wisconsin River that runs up to Portage City and from there to connect with the Fox River by a canal a mile wide. We gave them a great grant of land, and in 1873 we gave them $300,000 in money; in 1874, $300,000; in 1875, $500,000; in 1876, $270,000; in 1878, $250,000; in 1879, $150,000; in 1880, $125 000; in 1881, $125,000; in 1882, $125,000; and so they have received $2,145,000 appropriated in the last nine years in addition to the land grant, and it is not yet quite in shape to be of any material benefit to commerce. That was the favored route, and it is a failure to-day; and this ought to be more carefully examined before any man can say it is going to be a success on a scale commensurate with the importance of the work and with the amount of money that will have to be expended; for, do not deceive yourselves, Senators; three or four millions now means twenty, twenty-five, or thirty millions when you come to make a canal of the proper dimensions. Why attach it to the river and harbor bill when other great measures of a similar character are being considered and are receiving proper consideration by themselves, and when this ought to be considered along with them, standing on its own merits, especially after the experience we have had with the Fox and Wisconsin Canal to connect the lakes and the Mississippi. There, with an expenditure in money of $2,145,000 in nine years, and land grants amounting to as much more perhaps, the work stands to-day a failure.

The Senate ought to be careful before it makes an adjunct like this, which is a mere entering-wedge, on its present basis of no great national value in the present condition of things, but one that can be made, and with money enough perhaps would become, a very important thing. The Senator from Illinois said he wanted the friends of this amendment to vote squarely for it or against it. I do not profess to be a friend of it. I propose to vote squarely against it as being improperly attached to this bill as an amendment, even if the Senate did so vote, and as being a mere nibble of what we shall ultimately have to pay, and not at all meeting what will be ultimately required. It is one of a series of measures that ought to be considered together with the Maryland and Chesapeake Canal running from the Chesapeake to the Delaware, the Florida Canal, the interior line from Wilmington, and the Niagara Ship-Canal, and all that class of questions. All these measures, with the constitutional questions involved in them, ought to be considered independently of any river and harbor bill.

Mr. WINDOM. Mr. President, I want to refer for a moment to the illustration used by the Senator from Kentucky [Mr. BECK] as to the failure of the Fox and Wisconsin River Canal. As I understand him, he uses that as a strong argument against this proposition. Now, the fact is that the engineers told us before we began the Fox and Wisconsin Canal that it would cost something over $4,000,000 to build it and put it into operation. The Senator says we have spent something over two millions, and it is a dead failure.

Mr. BECK. Two millions in money, besides the land grants, amounting to as much more.

Mr. WINDOM. Four million dollars it was estimated to cost, irrespective of the land grants. Is it remarkable that an enterprise that was to cost four million or four and a half million dollars should be a failure when only a little over $2,000,000 has been expended on it? Suppose the Senator had undertaken to build a house that was to cost $10,000, and he had spent $5,000 on it and then proclaimed to the world that the house was a failure. Of course he could not use it until it was finished; of course the Fox River Canal is of no use until enough money is appropriated to finish it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER] to the amendment reported by the Committee on Commerce.

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I do not know how he would vote if here. I should vote "yea."

Mr. HAWLEY, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.] If he were here, I should vote "yea."

Mr. MILLER, of California, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "nay."

Mr. PENDLETON, (when his name was called.) I am paired on this question with the Senator from Iowa, [Mr. MCDILL.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. GROVER. I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. GROOME. I am paired with the Senator from New York, [Mr. MILLER.] In his absence I withhold my vote.

The result was announced—yeas 29, nays 21; as follows:

YEAS—29.

Aldrich,	Coke,	Johnston,	Slater,
Anthony,	Davis of West Va.,	Jonas,	Vance,
Bayard,	Farley,	Jones of Florida,	Vest,
Beck,	George,	Maxey,	Voorhees,
Brown,	Hampton,	Morgan,	Williams.
Butler,	Harris,	Rollins,	
Camden,	Harrison,	Sewell,	
Cockrell,	Jackson,	Sherman,	

NAYS—21.

Allison,	Davis of Illinois,	Logan,	Sawyer,
Blair,	Dawes,	McMillan,	Walker,
Cameron of Pa.,	Frye,	Mitchell,	Windom.
Cameron of Wis.,	Gorman,	Pugh,	
Chilcott,	Jones of Nevada,	Ransom,	
Conger,	Lapham,	Saunders,	

ABSENT—26.

Call,	Hale,	Lamar,	Pendleton,
Edmunds,	Hawley,	McDill,	Platt,
Fair,	Hill of Colorado,	McPherson,	Plumb,
Ferry,	Hill of Georgia,	Mahone,	Saulsbury,
Garland,	Hoar,	Miller of Cal.,	Van Wyck.
Groome,	Ingalls,	Miller of N. Y.,	
Grover,	Kellogg,	Morrill,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. ALLISON. Now, I ask that this amendment as agreed to may be reported, so that we may see precisely how the paragraphs connected with the Hennepin Canal will stand.

The PRESIDING OFFICER. The Secretary will report the committee's amendment as amended.

The Principal Legislative Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and construct a canal——

Mr. BUTLER. The words "and construct" should be stricken out. I meant to include them in my motion.

Mr. LOGAN. I hope they will not be stricken out. If those words are there by a vote of the Senate, they will not be stricken out without another vote of the Senate, I am very sure.

Mr. BUTLER. I will make that motion at the proper time.

Mr. ALLISON. I want to hear the provision read as it is now amended. If there are further amendments needed we can consider them afterward.

The PRINCIPAL LEGISLATIVE CLERK. After the word "dollars," in line 1073, the proposition is to insert:

That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and construct a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than 70 feet wide at the water-line, and not less than 6 feet in depth of water, with locks not less than 150 feet in length and 21 feet in width, and with a capacity for vessels of at least 280 tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys. The cost of construction, the annual cost of maintenance, and the economy of use of said canal when completed shall be estimated and accompany said surveys.

That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal, with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located, and before the work thereon shall be commenced.

That the sum of $100,000, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River at or near the town of Hennepin with the Mississippi River at or above the city of Rock Island, and the branch thereof: *Provided*, That the State of Illinois shall have first surrendered to the United States the improvements made by said State on the Illinois River above Hennepin, and the canal connecting the Illinois River with Lake Michigan at Chicago, and shall consent to the provisions of this act by act of her Legislature, before this act shall take effect and be operative.

Mr. ALLISON. I understand the Senator from South Carolina wishes to strike out a word.

Mr. LOGAN. What word does he propose to substitute?

Mr. BUTLER. I propose to strike out "and construct," after "survey."

Mr. LOGAN. What word does the Senator propose to put in to supply it? "Locate?"

Mr. BUTLER. "Survey and lay out" are enough.

Mr. LOGAN. "Locate" is a shorter word. "Lay out" and "locate" mean the same thing.

Mr. BUTLER. Say "survey and locate."

Mr. LOGAN. I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the correction will be made. The Chair hears none, and the correction will be made. The amendment as amended reads:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate, &c.

Mr. BUTLER. Why not say "survey and lay out?"

Mr. LOGAN. If you are going to do this for the purpose of building a canal some day, you want to locate it so that it will be permanently located where it is to be built.

Mr. ALLISON. "Lay out" ought to be stricken out.

Mr. LOGAN. Strike out "lay out" and leave "locate."

Mr. BUTLER. I have no objection to that.

Mr. LOGAN. I have no objection to that.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LOGAN. On line 1083 of the amendment I would suggest to strike out the word "six" in that line and insert "seven;" that is as to the depth of the canal.

Mr. BUTLER. I have no objections so far as I am concerned.

Mr. LOGAN. That would make the depth of the canal not less than seven feet instead of "six." That will correspond with the other canal in depth.

Mr. BUTLER. I have no objection.

The PRESIDING OFFICER. If there be no objection, the modification suggested by the Senator from Illinois will be made. The Chair hears no objection.

Mr. McMILLAN. The last proviso, contained in lines 1200 to 1206, inclusive, should be stricken out now. It reads:

Provided, That the State of Illinois shall have first surrendered to the United States the improvements made by said State on the Illinois River above Hennepin, and the canal connecting the Illinois River with Lake Michigan at Chicago, and shall consent to the provisions of this act by act of her Legislature, before this act shall take effect and be operative.

Mr. ALLISON. That ought to be stricken out now.

The PRESIDING OFFICER. The Senator from Minnesota moves to strike out the proviso read by him. The question is on that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LOGAN. Now I desire to offer an amendment to the amendment as it stands, to come in after the last line of the amendment as proposed by the Senator from South Carolina:

And the Secretary of War shall cause to be made, by skillful engineers of the Army, a survey of the Illinois and Michigan Canal, connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same, so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and of the construction of the canal between Hennepin and the Mississippi River and the right of way therefor, and for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lakes at Chicago.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. DAVIS, of West Virginia. I should like to have the first few lines of the amendment read. It has been amended, and I want to know how it reads—the first half dozen lines.

The PRESIDING OFFICER. The first few lines of the amendment as amended will be read.

The Acting Secretary read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island.

Mr. SHERMAN. Is the word "construct" stricken out?

The PRESIDING OFFICER. It is. The question is on the amendmendment of the Committee on Commerce as amended.

Mr. ALLISON. Before the vote is taken, I wish to call the attention of the Senators who have opposed this measure because there was not sufficient information to the fact that this amendment now provides for all information necessary to ascertain the cost and the location of this canal, and for nothing else practically.

Mr. SHERMAN. I ask the Senator from Iowa whether this provides simply for a survey without committing the Government to construct the canal?

Mr. McMILLAN. That is all.

Mr. ALLISON. The whole question is remitted to Congress, to be decided, of course, after the survey is made.

Mr. SHERMAN. There is nothing that commits Congress to the construction of a canal, but only a provision for a survey for future consideration.

Mr. ALLISON. The Senator must construe the language of the amendment for himself. I do not understand that the Government is absolutely committed to appropriate money for this canal, any more than it would be to appropriate for a clerk that we had employed in the Treasury Department.

Mr. HAWLEY. There should be no doubt about that, because the purpose of the Senate has been to refrain from binding the Government to the construction of the canal until we should have a good survey and estimate of the whole plan. Now the Senator from Iowa intimates a doubt as to whether this commits the Government or not.

Mr. ALLISON. I do not understand why the Senator from Ohio and the Senator from Connecticut are so especially anxious that Senators shall commit themselves one way or the other upon this question. This stands now exactly as every other survey stands in this bill and as every survey has stood from the beginning, with reference to the improvement of rivers and harbors.

Mr. HAWLEY. Very well, that is all I desire to know, for that binds the Government not to expend another dollar unless it chooses to do so. I expect next winter—I hope next winter to be able to agree with the Senator from Iowa; but I am to-day not promising that I will build the canal. That is all I mean. I am asking that it be thoroughly surveyed.

Mr. DAVIS, of West Virginia. There is an amendment on our tables offered by the Committee on Transportation Routes to the Seaboard, and I think it properly comes in at the end of this, so that the survey of the Hennepin Canal and that of the Chesapeake and Delaware Canal may be placed on the same footing and in the same paragraph. I submit to my friend from Indiana, [Mr. HARRISON,] who has charge of the amendment, the chairman of the Committee on Transportation Routes, if he had not better offer his amendment for a survey of the Chesapeake and Delaware Canal now, as an amendment to this amendment, and let them both be acted on together.

Mr. HARRISON. The agreement made when this bill was taken up on the suggestion of the chairman of the Committee on Commerce was that the amendments to the bill that were not amendments to the committee's amendments were to be deferred until the bill was gone through with, and then be offered. I supposed the amendment which was submitted for the survey of the Delaware and Chesapeake Canal would properly come in after the amendments of the Committee on Commerce were disposed of.

Mr. DAVIS, of West Virginia. It would be just as proper now, in my opinion, as an amendment to the amendment.

Mr. McMILLAN. The Senator from Indiana is right in regard to the understanding agreed to by unanimous consent of the Senate.

The PRESIDING OFFICER. According to the rule heretofore prevailing in respect to amendments to appropriation bills, the amendment suggested by the Senator from West Virginia would not now be in order. It will be in order so soon as the committee amendments are disposed of.

Mr. DAVIS, of West Virginia. The Senator from Illinois has just offered a similar amendment, and it has been acted on and added to this amendment, and no objection was made on the part of the committee or anybody else. Here are two canals for which surveys are to be made, and they stand, in my opinion, upon an equal footing. Both ought to be made, and if one is rejected the other ought to be rejected.

The PRESIDING OFFICER. The Senator from West Virginia perhaps did not understand the Chair. The Chair said that so soon as the committee amendments have been acted on the amendment suggested by him will be in order.

Mr. DAVIS, of West Virginia. I understand the Chair to that effect, but here is a committee amendment. As the Chair will readily see, what we are acting on now is a committee amendment, not a part of the bill yet; it is no more a part of the bill than the amendment I hold in my hand, except that the Committee on Commerce has reported it. What I believe to be proper is that this amendment should be added to the committee amendment, and I see no reason why it is not in order, and if it is to be ruled out let us know it now; do not let us wait until this committee amendment has been adopted and let one section of country have a survey for a canal and another section afterward be defeated by some cause or other not known to us now. One is just as meritorious as the other.

Mr. McMILLAN. This amendment pertains to a different subject-matter; it is not perfecting the text of the amendment of the Committee on Commerce in any way. It is an entirely different thing, a foreign matter. The amendment of the Senator from South Carolina was one perfecting the text of the committee's amendment.

Mr. DAVIS, of West Virginia. Allow me to ask a question. Is the Senator in favor of the survey of the Delaware and Chesapeake Canal, or not? Is he for it, or against it?

Mr. McMILLAN. I will answer the Senator when we come to consider that amendment.

Mr. DAVIS, of West Virginia. I supposed that.

Mr. McMILLAN. It is not in order now under the rule established by the Senate.

Mr. DAVIS, of West Virginia. I supposed possibly that would be the answer. The Senator is very much in favor of one, and possibly against the other. I think these two canals ought to stand or fall together. If the surveys are to be ordered for one, they ought to be ordered for the other; and what the Senator has just said is an intimation that he is in favor of the survey and location of the Hennepin Canal but opposed to this other great national work, much more national in its character than that which has already been added to the bill.

I submit to the Chair whether it is not in order to amend the committee's amendment now?

The PRESIDING OFFICER. Any amendment that modifies or changes a committee amendment is in order at this time and must be offered while that amendment is under consideration, if at all. An amendment to a committee amendment, upon a totally different

subject, that does not modify or change the text of the committee amendment, according to the rule under which the Chair understands the Senate to have been acting, should properly be offered after the committee amendments have been disposed of.

Mr. DAVIS, of West Virginia. Then, Mr. President, I understand that if the amendment I now speak of in relation to the Delaware and Chesapeake Canal should not be in order at this time, (and upon reflection I am inclined to agree with the Chair on that point,) then in the Senate it would be in order to strike out or to disagree to this committee amendment.

The PRESIDING OFFICER. Of course.

Mr. DAVIS, of West Virginia. Then I wish to say to the friends of the Hennepin Canal and all others here that this is an amendment that I believe of as much importance as any possibly could be in the way of the survey and location of a great national work, and I hope when it is offered that even the chairman of the Committee on Commerce will have no objection to it. He ought not to have any.

Mr. McMILLAN. The Senator from West Virginia will understand that the chairman of the committee has expressed no opinion one way or the other upon his amendment.

Mr. DAVIS, of West Virginia. I hope he will have an opinion for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce as amended.

Mr. PENDLETON. I have endeavored to follow the amendment through all its various changes. For fear I have not succeeded, I ask that it be read as we are now to vote on it.

The PRESIDING OFFICER. The Chief Clerk will read the amendment as amended.

The Principal Legislative Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than 70 feet wide at the water-line, and not less than 7 feet in depth of water, with locks not less than 150 feet in length and 21 feet in width, and with a capacity for vessels of at least 280 tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys. The cost of construction, the annual cost of maintenance, and the economy of use of said canal when completed, shall be estimated and accompany said surveys.

That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal, with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located, and before the work thereon shall be commenced. That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River at or near the town of Hennepin with the Mississippi River at or above the city of Rock Island, and the branch thereof.

And the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and of the construction of the canal between Hennepin and the Mississippi River and the right of way therefor, and for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lakes at Chicago.

Mr. SEWELL. I move to strike out, after the word "located," in line 1106, the words "and before the work thereon shall be commenced."

Mr. ALLISON. Very well; there is no objection to that. I think those words ought to be stricken out.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is so modified.

Mr. PENDLETON. I move to strike out the words "and locate," in line 1075, and the words "and locate the route of said canal," in lines 1101 and 1102. The one amendment follows upon the other, and I make the motion to strike out for the purpose of calling the attention of the Senate to the fact that if there can be any committal of the Congress of the United States in advance to making any work these words in the amendment commit Congress as much as the provision as originally reported. If it be intended only to make a survey, to give to Congress information, I submit that it is not necessary to put in the amendment the words "and locate" in the first place or in the second place, and that the provision that the Secretary of War shall locate the canal and there shall be filed in his office profiles of the location, commit Congress as entirely to prosecute the construction of the line on that location as if we passed the whole of the original amendment of the committee and appropriated only $100,000 for the survey. I have no disposition to elaborate that view. It seems to me too plain for elaboration.

Mr. ALLISON. Allow me to say one word in response to the Senator from Ohio. The exact difficulty under which we have labored here to-day and yesterday has been that we had not a definite location of the canal so as to ascertain its cost, and we have been told that what Congress should do before it committed itself to an appropriation for the construction was to procure a location of the canal so as to give the dimensions and the cost of the work. I submit to my friend from Ohio that these words ought to be left in for the very purpose of enabling Congress in future to have the exact estimate of the cost of the work as located, so that anybody can see what the location is.

Mr. HOAR. I inquire if all the amendments are not made by unanimous consent only? As I understand the parliamentary position, an amendment has been adopted to the committee's amendment. That amendment is not yet put on the bill, but it has been substituted for the committee's amendment. That being true, that amendment is not capable of other amendment after the vote, under the rule expressly laid down in Jefferson's Manual.

The PRESIDING OFFICER. The amendment adopted to the committee's amendment is not a substitute. It modifies, as the Chair understands, various portions of the committee's amendment, but it is not in the nature of a substitute.

Mr. HOAR. This amendment, then, is to a part of the committee's amendment for which a substitute has not been adopted?

The PRESIDING OFFICER. As to that the Chair is not advised.

Mr. HOAR. It depends on the answer to that question whether the point is well taken.

Mr. SEWELL. I should construe the word "locate" here as simply referring to a located survey, to the profile of the survey, and that it does not commit the Government to the construction of the work.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that where the word "locate," proposed to be stricken out by the Senator from Ohio, first appears, it has been inserted as in Committee of the Whole.

Mr. HOAR. Then it requires unanimous consent to strike it out?

The PRESIDING OFFICER. In the second instance it appears in the text of the original amendment.

Mr. PENDLETON. Does the Chair decide that the amendment I have offered is out of order?

The PRESIDING OFFICER. In the first instance the Chair would be bound so to hold. Where that word first appears it has been inserted by the action of the Senate.

Mr. PENDLETON. Then after the word "surveys," in line 1100, I move to strike out to the end of the paragraph, as follows:

And from them and surveys already made he shall determine and locate the route of said canal, with a due regard to the permanency of its construction and its greatest advantages for commercial purposes, and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located.

So as to make the paragraph read:

That the Secretary of War shall cause to be made by skillful engineers of the Army all necessary examinations and surveys.

Mr. SHERMAN. I call the attention of my colleague to the fact that the whole of the paragraph, from line 1098 to line 1106 inclusive, is unnecessary, because it is already provided for in a previous clause, which reads:

And for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys.

The motion to strike out should therefore extend to the whole paragraph, because the first part of it is covered by the words I have just read.

Mr. PENDLETON. I have no objection to extending my motion to the whole paragraph. I cast my eye hastily over it. My object is to prevent a provision for a permanent appropriation for the construction of the canal. I accept my colleague's suggestion, and move to strike out the whole paragraph, after the word "branch," in line 1097, to and including the word "located," in line 1106. I have no disposition to say anything more. What I said before applies as distinctly to this amendment as to the one which was ruled out of order.

Mr. McMILLAN. I hope the Senate will not agree to the amendment proposed by the Senator from Ohio, [Mr. PENDLETON.] The bill as it now stands provides merely for a survey of the canal, a located survey, as was remarked by the Senator from New Jersey, [Mr. SEWELL.] That is, the engineers are to determine the precise location of the canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes.

Mr. CAMERON, of Wisconsin. Will my friend from Minnesota allow me to call his attention to the first portion of the amendment, commencing at line 1074? It seems to me that that part of the amendment provides for the survey and location, and that the portion proposed to be stricken out by the Senator from Ohio is nothing more than a repetition.

Mr. McMILLAN. It is more than a repetition, because that paragraph prescribes modifications to these engineers as to the location which they shall make of the canal. It provides that in their survey they shall "locate the route of the said canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes." In addition to that the paragraph provides that the engineers "shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch." They are not authorized or directed by the preceding paragraph to file any plan of the survey at all, and the directions in this paragraph are all of them useful and some of them essentially necessary

to a complete survey, so that Congress may have the official information of the results of their action. There is nothing in the paragraph that can affect this question injuriously, and the official record and return of their surveys and the filing of them in the office of the Secretary of War are provided for in the paragraph.

Mr. PENDLETON. If it is the intention of the Senate at this time to secure the official information for the location and construction of that route, I submit that we only need go on with the survey. The surveys are all to be made and completed for the several routes proposed before the location can be determined. It is not usual to send a corps of surveyors into the field not only to examine all the routes but to locate that which is most practicable. It will take some time to make these surveys. I submit that the only necessity now is to order the surveys to be made, and when they shall be made and are examined by Congress, Congress can either itself determine upon the location or commit that subject to other authority.

We were told just now by the Senator from Iowa that the purpose of the whole amendment is to procure information, and he begged to call the attention of gentlemen who had opposed the committee's amendment to the fact that now the thing was reduced to the single point of giving to Congress information. I submit that he is in error. I submit that it is not only to get information for Congress but it is to take the initial step in the construction of this work.

I repeat what I said before: if there is any committal by a law of Congress ordering a survey, location, and construction, it is effected by the use of the words "survey and location." If we are now to determine on these surveys without the intervention of Congress in the location of the canal, we shall be told at the next session or some other session that we have commenced the work.

Mr. ALLISON. I do not so understand the question. Suppose it should turn out that there are three different routes to be surveyed, and these profiles and examinations and calculations are made with reference to all of them, do we not want more than that? Do we not want a location of the canal by men competent to locate it with reference to every question connected with it? Congress is not bound to build the canal by the mere location of it. There is no question about that. The Senator from Ohio does not, for one, wish to be committed, and I shall not commit him, to vote to construct the work because the word "locate" is in the provision ordering the survey. I do not think it binds Congress in the slightest degree, if Congress does not choose to go on with this work after it has the location and the cost and dimensions in detail.

Mr. DAVIS, of West Virginia. Will the Senator from Iowa consent to substitute for the word "locate" the words "recommend the location of?" I should be willing then to concur with him; but if the canal is to be located instead of recommending its location, that is another question.

Mr. SEWELL. Will the Senator from West Virginia allow me to make a suggestion?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. SEWELL. I suggest that the amendment offered by the Senator from Ohio be modified by striking out, in line 1101, the words "and locate the" before "route," and to insert "a located;" so as to read:

And from them and surveys already made he shall determine a located route.

So as simply to make a permanent estimate on the work.

Mr. HOAR. The Senator means to say that they shall determine the location or the route.

Mr. SEWELL. That is perhaps as well.

Mr. DAVIS, of West Virginia. I submit to the Senator from New Jersey that we shall have an estimate on any route that is surveyed, and let Congress in the end select the route on which the canal is to be built.

Mr. SEWELL. I take it for granted that the engineers sent out on a great important work like this will make half a dozen preliminary surveys, and then they will submit them to the Secretary of War, and the Secretary of War will select, with their advice, the best and cheapest line, and that is the one to be located.

Mr. DAVIS, of West Virginia. But ought not Congress to have the information in regard to all the lines surveyed, so that Congress may select the route, and not the Secretary of War?

Mr. SEWELL. Congress might have the information, but I think the engineers are the most competent to make a selection of the route. The idea I wish to convey is that by using the term "location" in the sense in which it is employed here, it does not bind the Government to build the canal at all. It is simply a technical term.

Mr. ALLISON. How can Congress locate it, I submit to my friend from West Virginia? By sending a joint committee of both Houses out there to look over the engineers?

Mr. DAVIS, of West Virginia. Oh, no, Mr. President.

Mr. ALLISON. There is no mistake about that. Congress can no more locate that canal than it could locate a canal across the Isthmus. It must be done by engineers.

Mr. DAVIS, of West Virginia. I ask my friend can the engineers or the Secretary of War build a canal unless Congress instructs them to do it and determines what route shall be taken? Who gives them the discretion to do it? The Secretary of War cannot do it any more than Congress can, and not so well.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. PENDLETON] to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Commerce as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 1208, before the word "million," to strike out "four" and insert "five;" and in the same line, after the word "million," to strike out "one hundred and twenty-three thousand;" so as to read:

Improving Mississippi River: That the sum of $5,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River from the head of the passes to Cairo, including the harbors of New Orleans, Natchez, Vicksburgh, Memphis, &c.

The amendment was agreed to.

The next amendment was, after the word "Memphis," in line 1214, to insert "a lock at the mouth of Bayou Plaquemine, Louisiana," and in line 1218, after the words "Alton Harbor," to insert "on which a sum not exceeding $35,000 shall be expended;" so as to read:

A lock at the mouth of Bayou Plaquemine, Louisiana, and the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River; $600,000 from Cairo to the Illinois River, including Alton Harbor, on which a sum not exceeding $35,000 shall be expended.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1240.

Mr. McMILLAN. In line 1236 the word "commission" should be stricken out and the words "Secretary of War" inserted, and in the following line the words "their judgment" should be changed to "the judgment of the commission;" so as to make the proviso read:

That the Secretary of War is authorized to repair and build levees if in the judgment of the commission it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

Mr. ALLISON. Let me ask the Senator from Minnesota what that means?

Mr. McMILLAN. The Secretary of War is to do the work; it is to be done by the War Department, but it is to be done upon the judgment of the Mississippi River commission.

Mr. ALLISON. That is to say, if they want to use $6,000,000 or $5,000,000 to repair levees they can do so.

Mr. McMILLAN. So far as my amendment is concerned it puts the execution of the work upon the Secretary of War, under the discretion and in the judgment of the Mississippi River commission.

Mr. ALLISON. I do not object to it, I only want to call the attention of my constitutional friends on the other side to it.

Mr. GARLAND. That is all constitutional.

Mr. HARRISON. It is proposed that the gentlemen of the Mississippi River commission shall not be charged with the expense, but it is to be done under the Secretary of War.

Mr. McMILLAN. The amendment I have proposed to the provision as it came from the House is designed to make that modification. I have offered no other amendment to the text of the bill as it came from the House in this respect.

Mr. JONAS. I desire some explanation of this amendment. I ask the Senator from Minnesota whether this is an amendment of the committee or is it an amendment he now proposes on the floor?

Mr. McMILLAN. This I understand to be at the suggestion of members of the committee in accordance with the text of the bill in other portions, and at the suggestion of the Mississippi River commission itself. The Senator from Indiana [Mr. HARRISON] is aware of that suggestion.

Mr. JONAS. I am informed that the amendment was never adopted in committee, and as it is not in the printed bill it is difficult to see exactly how it changes the effect of the bill. As I understand it, the amendment offered by the Senator from Minnesota to the proviso takes away from the commission the discretion to repair and to build levees if in their judgment it is a part of their plan, and confers it upon the Secretary of War, while all the rest of the work is left to the judgment of the Mississippi River commission according to their plan.

Mr. McMILLAN. It is only to make that portion of the bill correspond with the other provisions, if the Senator will observe the text.

Mr. CONGER. The committee have a letter from General Comstock, a member of the commission, recommending that the work be done as the amendment provides, by the Secretary of War, upon the judgment and direction of the commission. This amendment is submitted at the request of members of the commission.

Mr. FRYE. I desire to raise a question of order. This is an amendment now offered by the chairman of the committee to the second proviso. It was agreed that the committee's amendments should come in first, but where a committee amendment is adopted it will not subsequently be open to amendment. I offered an amendment and submitted it to the committee, striking out both these provisos and substituting another proviso for them. Will the adoption of

the pending amendment interfere with my amendment, or must I now offer it?

The PRESIDING OFFICER. Does the Senator raise the question of order as to the amendment proposed by the Senator from Minnesota?

Mr. FRYE. No; I want to know whether, under the rule which the Senate adopted, it is necessary for me now to propose my amendment to these provisos?

The PRESIDING OFFICER. By no means is it. When the amendments of the committee have been acted on the bill will be as in Committee of the Whole open to amendment, and the Senator from Maine will have an opportunity to offer such amendments as he may see proper then.

Mr. DAVIS, of West Virginia. May I inquire further, if the amendments of the committee are adopted, will it be in order in Committee of the Whole afterward to amend the committee amendments? I understand it will not be.

The PRESIDING OFFICER. No; an amendment of the committee already adopted cannot be changed.

Mr. DAVIS, of West Virginia. That is what I supposed.

The PRESIDING OFFICER. But an amendment to the text of the bill will be in order.

Mr. DAVIS, of West Virginia. Oh, yes; I agree with the Chair in that.

The PRESIDING OFFICER. Or a part of the text, and perhaps a whole amendment adopted in committee, it would be in order to amend.

Mr. FERRY. When the question is reached in the Senate on concurring in the amendments made as in Committee of the Whole an opportunity will then be afforded to a Senator if he desires to move to amend any clause amended in the committee.

The PRESIDING OFFICER. In the Senate, of course.

Mr. JONAS. I ask that the proviso be read as it is proposed to be amended.

The Principal Legislative Clerk read as follows:

Provided, however, That the Secretary of War is authorized to repair and build levees, if in the judgment of the commission it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1248.

Mr. MCMILLAN. I wish to call the attention of the Senate to the fact that this point in the bill is the end of the provision in regard to the Mississippi River commission, although the bill as it is printed does not indicate it. What follows is a new paragraph relating to other matters than the Mississippi River commission.

The reading of the bill was resumed and continued to line 1273.

Mr. MCMILLAN. In line 1269 the words "they are" should be stricken out and "he is" inserted, so as to read:

And he is hereby authorized to expend so much of said balance as may be necessary, &c.

That refers to the Secretary of War. The Secretary of War is the antecedent of the pronoun "he."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1288.

Mr. CONGER. In line 1286 I move to strike out the words "or vessels" after the word "vessel," changing "vessel" to "vessels," and to insert the words "boats, dredges, craft, or other water craft;" so as to read:

That no tolls or operating charges whatsoever shall be levied or collected upon any vessels, boats, dredges, craft, or other water craft passing through any canal or other work for the improvement of navigation belonging to the United States.

The amendment was agreed to.

Mr. MCMILLAN. The next paragraph of the bill should be stricken out. It was stricken out by the committee, and appears in the printed bill by mistake.

The PRESIDING OFFICER. The paragraph proposed to be stricken out will be read.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out from line 1289 to line 1294, inclusive, in the following words:

That authority is hereby given to the Secretary of War to expend the money appropriated by the act approved March 3, 1879, in the construction of a harbor of refuge at Port Orford, on the Pacific coast, if in his opinion it be deemed judicious to do so.

Mr. GROVER. I hope the Senate will not agree to the amendment striking out that paragraph. The harbor of refuge at Port Orford was located by a board of engineers authorized by an act of Congress, and an appropriation of $150,000 was made to begin the improvement. A question as to the proper location was raised, and it was resubmitted to the board. The board a second time located the harbor of refuge in the same place. This paragraph extends the small amount of appropriation formerly made for the beginning of the work. It is greatly desired by the people of Southern Oregon. I ask for a vote upon the question whether it shall be stricken out.

Mr. MCMILLAN. I desire to say, as I remarked before, that this portion of the bill was stricken out by the committee of the Senate, and it should have so appeared in the print of the bill.

The appropriation in regard to Port Orford stands in this way: in 1879 there was an appropriation of $150,000 made for the inauguration of a harbor of refuge on the Pacific coast. There was no location of it, and the Secretary of War was directed to submit that matter to the board of engineers. The money could not be appropriated until the harbor of refuge should be located at some particular point, and of course that is done with the approval of the Secretary of War. There was some examination and survey in regard to the location of the harbor of refuge. The engineers differ entirely, first, as to the necessity of the harbor of refuge, declaring that the safest course for vessels to pursue upon that coast in case of a storm is to go to sea; and if a harbor of refuge is to be located between the straits and California they differ as to the location of that harbor of refuge. The point has never been determined.

This paragraph in the language which is used here settles the location and determines it to be at Port Orford, without the approval of the Secretary of War, and without the concurrence of the engineers on the Pacific coast. The Committee on Commerce did not regard it as proper to make a fixed location for the harbor of refuge. It is the commencement of a very important improvement, and wherever the harbor of refuge is to be located, it should be the very best place. The appropriations for that coast and for that portion of the country will necessarily be very large, and for this particular improvement of a harbor of refuge it will be a very large amount, and should be very judiciously and carefully expended.

The location of the harbor of refuge is a matter of vital importance which should have the concurrence of the board of engineers under the War Department, and the approval of the Secretary of War. By striking out the paragraph it does not take away the appropriation; the appropriation still stands; the act of 1879 remains in force, and the determination can be made at any time now or in the future.

It is therefore the judgment of the committee that the matter should remain as it is until the engineers who are familiar with the coast and with the interests of navigation there shall determine the question of location.

Mr. GROVER. I think the Senator is not correct. It is not true that the engineers concluded that Port Orford was not a proper place, or that the necessity for a harbor of refuge on the Pacific coast was not such that it should be constructed. From San Francisco to Puget Sound there is not a single harbor of refuge, and all ship-masters and all interested in the commerce of the Pacific coast consider that it is an absolute necessity to have a harbor of refuge in that quarter. The engineers did not determine, as I read their report, that there was no necessity for a harbor of refuge, but they thought there was a necessity for it. Every man engaged in the commerce of the Pacific coast knows that there is a great necessity for a harbor of refuge there to prevent the loss of ships. They declare earnestly that there is a necessity for this harbor of refuge. As to what the Secretary of War may say, I do not understand that the Secretary of War has at any time done anything but report the proceedings of the engineers without saying a word against their determination.

Mr. MCMILLAN. I do not know whether I understood the Senator from Oregon as saying that I had expressed the opinion that the Secretary of War had decided against the necessity or propriety of a harbor of refuge on that coast. If so, he is mistaken; I did not so state. I said there was a difference of opinion among the engineers of that coast as to the necessity of a harbor of refuge.

Mr. GROVER. A majority of the engineers twice have declared that that was a proper place and that there was a necessity for it.

Mr. MILLER, of California. There can be no question that a harbor of refuge between the port of San Francisco and Puget Sound is a necessity to commerce for the safety of vessels. Whether a board of Army engineers are the most competent persons to decide as to the necessity of a harbor of refuge, and whether it is better for vessels seeking safety on that coast to go into a harbor of refuge or to go to sea, of course I am not able to decide; but if the question were left to a board of officers of the Navy I am sure that they would decide in accordance with the opinion of the more intelligent captains and officers of the merchant marine.

I believe that every ship-owner and every ship-master on the Pacific coast acknowledges the necessity for some such harbor as is proposed by this legislation, and I believe that the better opinion is that Port Orford is the proper place for it. I think it would be better to allow the bill to stand as it came from the House, with perhaps a slight amendment which I believe the Senator from Oregon is ready to accept if the recommendation of the committee be not concurred in.

Mr. FARLEY. It is proper that I should make a statement in reference to this amendment, being a member of the Committee on Commerce, which considered the matter. It was decided in the committee to strike this paragraph from the bill. I have information in reference to the proposed harbor of refuge at Port Orford. The Chief of Engineers, General Wright, gives it as his opinion that no harbor of refuge is needed upon that coast, and he comes to that conclusion from an examination of the report of the engineers and from his own investigation of the coast between San Francisco and the Straits of Fuca. He says that all of the large vessels go into deep water in the case of a storm, and he did not think it necessary to build a harbor of refuge at that point.

Port Orford and Trinidad are the two points which were considered by the board of engineers appointed under the act making the appropriation in 1879. There were two reports, one made by Colonel Mendell and another member of the board, and one made by Colonel Williamson.

Colonel Williamson's report was in favor of Trinidad. Colonel Mendell and the other member of the board reported in favor of Port Orford and estimated the probable cost of building a harbor of refuge at either one of those points. At Port Orford the estimate of Colonel Mendell was that it would cost between eight million and nine million dollars to build a harbor of refuge at that point. Such is the report of a majority of the board. Colonel Williamson's report in favor of Trinidad was that it would cost between three million and four million dollars to build a harbor of refuge at that point. General Wright, however, said that as between the two points, if a harbor of refuge has to be built, Port Orford is the preferable locality. That is his statement. In a conversation with Colonel Mendell himself, who made the majority report, he said that he doubts the propriety or policy of building a harbor of refuge on that coast between San Francisco and the Straits of Fuca.

I have only to say so far as the action of the committee is concerned, that while I voted in committee against striking this paragraph from the bill, I feel it to be my duty now to stand by the committee in the recommendation which they make.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

The amendment was agreed to—ayes 25, noes not counted.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in the appropriations for "examinations or surveys, or both," after line 1334, to insert:

Pensaukin Creek, Camden and Burlington Counties, New Jersey.

The amendment was agreed to.

The next amendment was, after line 1338, to insert:

Piankatank River, Virginia.

The amendment was agreed to.

The next amendment was, after line 1354, to insert:

The channel of the Saint John's River at its entrance into and exit out of Lake Monoc, and between Lake George and Lake Monoc, for straightening and improving the navigation of said river between the said lakes.

Mr. JONES, of Florida. I desire to call the attention of the chairman of the Committee on Commerce to a clerical error in the name of the lake. It is printed "Monoc." It should be Lake Monroe. I ask that that correction be made.

The PRESIDING OFFICER. If there be no objection the amendment will be so modified.

Mr. MCMILLAN. The word occurs in two places.

The PRESIDING OFFICER. The Chief Clerk will correct it in both places. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 1366, to insert:

Resurvey of the breakwater at the mouth of Saco River, Maine.

The amendment was agreed to.

The next amendment was, after line 1374, to insert:

Madison Harbor, in the State of Connecticut.

The amendment was agreed to.

The next amendment was, after line 1375, to insert:

Duck Island Harbor, in the State of Connecticut, with a view to the construction of a short breakwater for a harbor of refuge.

The amendment was agreed to.

The next amendment was, after line 1379, to insert:

Harbor at Cross Village, Michigan.

The amendment was agreed to.

The next amendment was, to strike out line 1382, as follows:

Salmon River Cove, Connecticut.

The amendment was agreed to.

The next amendment was, after line 1385, to insert:

Pawtucket River, Rhode Island.

The amendment was agreed to.

The next amendment was, after line 1387, to insert:

Pawtuxet Harbor, Rhode Island.

The amendment was agreed to.

The next amendment was, after line 1388, to insert:

Bissell's Cove, Rhode Island.

The amendment was agreed to.

The next amendment was, after line 1397, to insert:

For a channel inside the shoals along the coast of Florida, from Cedar Keys to Clear-water Harbor and Tampa, Florida.

The amendment was agreed to.

The next amendment was, in line 1409, before the word "Carthage," to strike out "between" and insert "above;" and after "Carthage," to strike out "and Edinburgh;" so as to read:

Pearl River, Mississippi, above Carthage.

The amendment was agreed to.

The next amendment was, in line 1446, after "Lewis," to insert "Humptulup;" so as to read:

The Lewis, Humptulup, and Dawamish Rivers, Washington Territory.

The amendment was agreed to.

The next amendment was, after line 1447, to insert:

Sebewaing Harbor, Michigan, resurvey, to obtain 12 feet of water in channel from Saginaw Bay.

The amendment was agreed to.

The next amendment was, after line 1453, to insert:

The lakes near the headwaters of the Cannon River in Rice and Le Sueur Counties, Minnesota, with a view to adding the same to the reservoir system of the Mississippi River and its tributaries.

The amendment was agreed to.

The next amendment was, after line 1501, to insert:

Clubfoot, Harlow, and Newport Rivers, North Carolina, on line of inland navigation to Beaufort Harbor.

The amendment was agreed to.

The next amendment was, to insert after line 1510:

Alligator River, North Carolina.

The amendment was agreed to.

The next amendment was, to insert after line 1511:

Black River, North Carolina.

The amendment was agreed to.

The next amendment was, after the word "county," in line 1513, to strike out "and New River, in Onslow County;" so as to make the clause read:

Sound between Morehead City, in Carteret County, North Carolina.

The amendment was agreed to.

The next amendment was, to insert after line 1514:

Town Creek, Beaufort County, North Carolina.

The amendment was agreed to.

The next amendment was, after line 1517, to insert:

Bay River, North Carolina.

The amendment was agreed to.

The next amendment was, to insert, after line 1522:

Cape Fear River above Fayetteville, North Carolina.

The amendment was agreed to.

The next amendment was, after line 1526, to insert:

Roanoke River, North Carolina.

The amendment was agreed to.

The next amendment, was after line 1534, to insert:

Dividing Creek, Talbot County, Maryland.

The amendment was agreed to.

The next amendment was, after line 1537, to insert:

Pecatonica River, from Argyle to Wayne, La Fayette County, Wisconsin.

The amendment was agreed to.

The next amendment was, to insert, after line 1539:

For the extension and completion of the breakwater, near the third, in Portsmouth Harbor, New Hampshire, connecting Goat Island and New Castle.

The amendment was agreed to.

The next amendment was, after line 1542, to insert:

At and near the mouth of the Great Bay, so called, with a view to increasing the depth of the flow of water and improvement of the navigation of the Piscataqua River and its tributaries.

The amendment was agreed to.

The next amendment was, after line 1546, to insert:

Steele's Bayou, in Mississippi, from its mouth to Swan Lake, in Washington County.

The amendment was agreed to.

The next amendment was, after line 1548, to insert:

The Yazoo Pass, including examination and estimate as to cost and feasibility of putting a lock so as to connect the pass with the Mississippi River.

The amendment was agreed to.

The next amendment was, after line 1551, to insert:

Roebuck Lake, a tributary of the Yazoo River, in Le Flore County, Mississippi.

The amendment was agreed to.

The next amendment was, after line 1553, to insert:

Survey of Black River from its mouth to Trinity, Louisiana, with a view of improving its navigation by shortening its channel by cut-off.

The amendment was agreed to.

The next amendment was, after line 1556, to insert:

Red River, Louisiana, from the Atchafalaya to Fulton, Arkansas, including relieving the town of Alexandria from the encroachments of the river, removing snags from Cane River, and closing the outlet of the river known as "Sale and Murphy Canal."

The amendment was agreed to.

The next amendment was, after line 1561, to insert:

Bayou Pierre, Louisiana, by removing raft therefrom.

The amendment was agreed to.

The next amendment was, after line 1563, to insert:

Loggy Bayou, Lake Bisteneau, and the Dorcheat, Louisiana; Cane River, Louisiana; and Petit Anse Bayou, Louisiana.

The amendment was agreed to.

The next amendment was, after line 1566, to insert:

To make such survey and report as to the cost of placing locks and dams on the

Cumberland River from Nashville, Tennessee, to the Cincinnati Southern Railroad, in Kentucky, as in the opinion of the Secretary of War is necessary to complete the examination and report of said river; said report to be, first, as to the practicability of the work; second, its probable cost from Nashville to the Kentucky line; third, the cost from the Kentucky line to the Cincinnati Southern Railroad; fourth, the cost of locking and damming so as to improve Smith's Shoals.

The amendment was agreed to.

The next amendment was, after line 1579, to insert:

The river Brandywine from its mouth to the Market street bridge in the city of Wilmington, Delaware.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. FRYE. After the word "of," in line 1233, I move to strike out the following provisos:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

And in lieu thereof to insert:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflow, or for any other purpose whatever except as a means of deepening the channels or improving the navigation of the said rivers.

I desire to say only a word, for I have no anxiety to enter into any discussion of this question. The Senate, through the report of a committee having this matter in charge, decided in favor of an expenditure of $5,000,000 on the Mississippi River and $1,000,000 on the Missouri River. After a long discussion that committee came to an agreement that the proviso which I have moved to substitute should be adopted. It was adopted by the committee; it was reported to the Senate, and at least twenty gentlemen came to me afterward and urged me to consent to a proviso such as is contained in this bill, which does not read very differently, I admit, but which bears a construction that in my judgment would be an invitation to build levees with this appropriation. I objected to any change of that proviso and it finally was consented to unanimously by the Senate, and the bill passed unanimously with the identical proviso in it which I have moved to substitute for these.

I believe that that proviso is entirely right. I believe it is the only one which will satisfy the people of this country that this is not an entering upon building levees and reclaiming lands on the Mississippi and Missouri Rivers. I see the language here is not much different, but it is the identical language which I was urged by divers gentlemen, both in committee and in the Senate, after it was reported by the committee, to consent to insert. In my judgment, if the commissioners are desirous themselves to enter upon the levee system to reclaim lands, it may be considered a permission to them to do so. At any rate, they will not be bound under it as they would be bound by the proviso which I propose, which is that not a dollar shall be expended on the Mississippi and Missouri Rivers except for deepening the channel and improving navigation.

Sir, in appropriating $6,000,000, $8,000,000, $10,000,000, or $20,000,000, as will be done hereafter to the improvement of the Mississippi and Missouri Rivers, the people of this country never will consent to it unless they understand that the money is to be applied and expended for one single purpose, and that is to enable ships to sail upon the rivers and commerce to be floated upon the rivers, and they will not consent to it if it be under suspicion that the money is to be taken from that purpose and appropriated to the purpose of reclaiming lands. They hold to the doctrine and believe in it that those great rivers should have expended upon them every dollar necessary to improve them for the purposes of navigation. They hold with equal strength to the doctrine that there is no obligation on the part of the United States to recover any lands up and down the Mississippi and Missouri Rivers for the benefit of the States or for the benefit of the owners.

I desire to say nothing more except to ask the Senate to now adopt as an amendment to this bill the identical language the Senate unanimously put into the Mississippi River improvement bill when it was before them for consideration as a separate measure from the river and harbor bill.

Mr. JONAS. Before making a few remarks upon the amendment, I ask that the Secretary read the provisos that it is proposed to strike out, and the proviso which the Senator from Maine proposes to insert.

The Acting Secretary read Mr. FRYE's amendment.

Mr. JONAS. Mr. President, the Senate will understand from the reading of the provisos in the bill and the substitute offered by the Senator from Maine that no substantial change is proposed by his amendment. The Senator says very truly that the amendment offered by him was the proviso in the bill passed by the Senate. But that bill has never passed the House and still lays on the Speaker's table, or has probably been indefinitely postponed. We come now to a consideration of a House bill. This bill has been sent to us from the House, and the provisos were recommended by the Committee on Commerce of the House and adopted by the House, as the Journals will show, by a very large majority of the members of that body.

There can be no reason for our making the change asked. This is not the Senate bill in any sense or respect, and I can see no reason why the Senate proviso should be put upon the House bill, after that bill has been reported to the Senate by our Committee on Commerce.

What stronger prohibition could be conveyed by language than is contained in the first clause of the proviso against repairing or building levees for the sole purpose of reclaiming lands from overflow? The proviso says that no portion of this appropriation shall be expended for that purpose; that not a dollar of this appropriation shall be expended for the purpose of repairing or building levees, for reclaiming lands or preventing injury to lands by overflow. That language is certainly quite as strong as the language employed in the proviso offered by the Senator from Maine. I do not propose to reopen the discussion of this question.

Mr. FRYE. If the Senator will allow me, it is precisely the same down to that point. It is the second proviso that I complain of.

Mr. JONAS. The next proviso, as amended, reads:

That the Secretary of War is authorized to repair and build levees, if, in the judgment of the commission, it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

In other language, the same power is conferred upon the commission in the proviso offered as an amendment by the Senator from Maine, which provides that none of this money shall be expended in the building of levees for the purpose of reclaiming lands or preventing injury to lands by overflow, but only as a means of deepening the channel or improving the navigation of the river.

Congress has substantially adopted the plans of the commission. We created the commission; we intrusted them with certain duties and powers. We made an appropriation last year for the purpose of enabling them to commence the work which was placed in their hands. We propose now to appropriate five millions. For what purpose? For the purpose of enabling the Mississippi River commission to improve the navigation of the Mississippi River, to give ease and safety to the navigation of that river according to the plans and specifications which they have submitted to Congress.

I know it has been argued by the distinguished Senator from Indiana, [Mr. HARRISON,] who was lately a member of the commission, that the commission do not include building levees as a portion of their plans, that they have not recommended levee building for the improvement of the navigation of the river, or for the purpose of deepening its channel. I differ with him about that. I believe that they do say that the building of levees will be necessary in some respects to the plan of their work and the attainment of the ends which they have in view, and with which we have charged them. They are expressly inhibited by the first part of this proviso from using a dollar for any other purpose, from building levees for the purpose of protecting any lands, either public or private, from overflow, from building levees for the purpose of reclaiming lands; and they are only authorized, as they are authorized in the amendment offered by the Senator, but in language more broad and less liable to misconstruction, to build levees, if necessary, as a part of their plans for improving the river, and affording ease and safety to its navigation and commerce and to deepen its channel.

The Mississippi River commission have made estimates for this purpose, which have been sent to Congress, and which have been recognized in this bill. Their first estimate included $1,010,000 for the purpose of closing existing gaps in the levees, and a subsequent estimate sent to the Senate with the recommendation of the President asked for $1,010,000 more for the same purpose, on account of the damages which had been caused to the levees by the recent overflow. However they may regard the levee system as a part of their work of channel improvement, there is no question that they consider it necessary that the present gaps in the levees should be closed, in order that they may be able to construct and maintain the works of channel improvement which they recommend as in their report.

Changing the provisos of this bill and inserting the Senator's amendment, while it changes in no sense the meaning of Congress, while it in no sense changes the meaning of this bill, while it would change in no sense the meaning of this appropriation and the instruction as to its uses, would be simply amending a House bill in order to make it conform to a Senate bill which we sent to the House and which the House did not pass. We might as well insist on striking out this provision from the river and harbor bill and insist upon the House passing the bill which the Senate sent them as to insist that this appropriation shall be in the same terms and in the same language and with all the provisions that were contained in the Senate bill which the House thought proper, as it had a right to do, to ignore.

There is no substantial difference. If there is any difference at all it is in favor of the proviso in the bill as it came from the House. Its language is plain; it cannot be misunderstood, and it will not be unacceptable to the people of this country. It was adopted by an enormous majority after discussion in that branch of Congress in which the great public sentiment is more immediately and fully represented.

I have no fear but that this appropriation will be popular with the whole country, it being in accordance with the estimates of the Mississippi River commission, to whom the instruction was given to devise plans and submit them to Congress, and I am equally convinced the whole country will be satisfied with these provisos. I am con-

vinced that they will be satisfactory to those who oppose the appropriation of money for the purpose of building levees and reclaiming land and preventing overflows, and at least partially satisfactory to those who believe that levees are a necessary and essential part of channel improvement, both for the purpose of deepening the channel and maintaining the easy and safe navigation of the river, and who also believe that the construction of such works, at the same time that they will carry out the design and purpose of this appropriation, will afford some incidental protection to the people who live upon the banks of that great river, and in some measure protect them from the consequences of its annual overflow.

Several Senators addressed the Chair.

Mr. McMILLAN. I desire to have the bill finished to-night, and of course it is to the convenience of all to do so.

Mr. HARRISON. Mr. President, I do not desire to detain the Senate, nor do I desire to open any lengthy discussion which, as the Senator from Maine has stated, we had at length on the bill for the improvement of the Mississippi River when the question was presented here as an independent measure.

If it be true, as the Senator from Louisiana says, that the phraseology contained in the bill as it comes to us from the House is not essentially different from that proposed by the Senator from Maine in his amendment, and which received the unanimous concurrence of the Senate, then I ask what objection can there be to incorporating in the bill the language which the Senate has once set its approval to by a unanimous vote?

The first proviso in the bill as it came from the House is a very distinct, clear, and emphatic enunciation of the purposes for which this money is to be used. If it stood alone there would be no doubt in the mind of any member of the commission as to how they were authorized to expend it. But the very fact that it was thought necessary in the House to add the second proviso, which contains affirmative authority to build levees and which incorporates the easily-misunderstood terms "ease and safety to the navigation," is the clearest possible indication that those who favor the levee system suppose there is in that provision something that abates from the force of the first proviso and that it enlarges the discretion of the members of the Mississippi River commission in that connection.

I feel that our enunciation on this subject should be clear. I have pleaded for that from the beginning. If in the opinion of Congress levees ought to be built, then we ought to go at it in a bold, manly fashion and build them. If in the opinion of Congress they ought not to be built by money expended from the national Treasury, then we ought to say so quite as emphatically, and not leave it a matter of doubt and uncertainty in the minds of the commission.

I hope, therefore, as we have once agreed upon language that was conceded to be expressive of our sentiment upon this question that we shall agree to it again and incorporate it in this bill.

Mr. KELLOGG. Mr. President, the Senate will recollect probably that when the former bill was under consideration there was considerable discussion as to the meaning and effect of this proviso. Some members of the committee from which the bill came, the Committee on the Improvement of the Mississippi River of the Senate, announced immediately after the bill was reported, by offering an amendment qualifying this proviso, their doubt as to whether the proviso did not absolutely prohibit the building of levees even for the purpose of improving navigation and deepening the channel of the river. Finally it was agreed that the bill might pass, and it did pass unanimously, with a declaration on my part and on the part of some others still entertaining the doubt as to whether the restriction in the bill did not amount to a prohibition that would affect the improvement of the navigation and the deepening of the channel of the Mississippi River. We agreed that it might pass and go to the House and there depend upon the consideration of the Mississippi River Improvement Committee, that was known to be committed against any such proviso, because they had reported a bill already precisely like the Senate bill, except that it contained no proviso in regard to this matter. So much for that. There was no unanimity; there was no declaration of unanimity; but the bill went to the House under those circumstances.

When the Senate bill reached the House it went upon the Speaker's table, where it remained; but the Committee on Commerce of the House took the question up, sent for the members of the commission, and took the advice of the commission. Certainly it is not desirable to tie the hands of the commission. When they passed upon the question as to whether the proviso did not absolutely restrict them so as to defeat the very object of the appropriation and leave them without any discretion to close the gaps caused by recent crevasses and by old crevasses, and thus retard and prevent the very object of the appropriation, namely, the improvement of the navigation of the Mississippi River, the House committee declared, I believe with unanimity, that the effect in their judgment of the proviso adopted by the Senate was to so restrict them.

Mr. HARRISON. Will the Senator from Louisiana allow me to interrupt him?

Mr. KELLOGG. Certainly.

Mr. HARRISON. Was any such conversation as that reported? I have seen the printed conference between the members of the commission and the committee of the House, and I do not think the printed conference contains any discussion on the subject the Senator mentions.

Mr. KELLOGG. There was some diversity of opinion in the Committee on Commerce in the House (I may say that, I suppose, with propriety) when this matter was under consideration there. I suppose it is a fact that will not be disputed; it is evidenced by the bill before us; but finally after considering the matter carefully, and hearing the opinions of the commission, they settled down upon the proviso contained in the bill before us.

Mr. HARRISON. I desire to repeat that the entire examination of the members of the commission before the House committee has been printed, as I understand. I have a copy of it, and certainly it does not appear that the opinion of the commission was asked as to the effect of the proviso.

Mr. KELLOGG. They were certainly consulted, I may say, as I was assured by a member of the Committee on Commerce of the House. I think it safe to say that when they had the Senate proviso and the whole question before them and consulted the commissioners, they finally determined, after mature consideration, and agreed, I believe, with unanimity upon the proviso as it appears in the bill. I speak of the Committee on Commerce of the House.

Mr. HARRISON. I ask the Senator again whether he has any information which he can bring to the Senate that any member of that commission expressed an opinion that the amendment now proposed, which was the proviso in the original Senate bill, interfered in any way with the proper action of that commission?

Mr. KELLOGG. I will say that I have been assured by members of the Committee on Commerce of the House and by others that the members of the commission expressed themselves as satisfied with this proviso, and believed that it would not interfere with them, and preferred the proviso which has come to us from the House to that adopted by the Senate. The House Committee on Commerce adopted it for that reason and sent it over here. It went to the Committee on Commerce of the Senate, and we adopted the House proviso, and reported it to the Senate, and now it is proposed by the Senator from Maine to adopt an entirely different provision, which in and of itself it is believed restrains (because there is no saving clause) and restricts and handicaps the commission, and is calculated, to say the least, to retard their work.

Mr. FRYE. My amendment is intended to restrain and restrict them beyond any question.

Mr. KELLOGG. Even if the closing of the gaps aids in the improvement of the Mississippi River and is in the interest of commerce and navigation.

Mr. FRYE. I do not say that.

Mr. KELLOGG. I say it. If that is not so, then what is the objection to retaining the provision as it came from the House, which prohibits the building of levees unless in the judgment of the Mississippi River commission it be in the interest of navigation and the deepening of the channel of the river, but for no other purpose, not for the purpose of redeeming the overflowed lands? The proviso gives the commission authority to build levees when it is necessary for the purpose of carrying out the objects for which the commission was created, namely, to deepen the channel of the river and improve the navigation thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, [Mr. FRYE.]

The question being put, there were on a division—ayes 16, noes 32.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I think there is a substantial difference between the House proviso and the proviso moved by the Senator from Maine, and I find it in the phraseology of the twelve hundred and thirty-eighth and twelve hundred and thirty-ninth lines. The commission is authorized to repair and build levees "if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river." If the word were "navigation" alone, I think it would be very difficult to point out any substantial distinction between the effect of the two provisos, but it is very easy to see that the commission may be of opinion that the diking out the waters of the river Mississippi from the land occupied by a city or village on its bank increases very much the safety of the commerce of the river. It is not "navigation" alone, but "commerce."

Seeing that substantial distinction, which I think ought not to be recognized and ought not to be made in the language of the bill without seeing it, (such an important matter ought not to go into a bill blindly or by indirection,) I prefer the language of the bill as it came from the House to the language of the amendment of the Senator from Maine, because I am in favor of expending money from the national Treasury for the protection of villages or cities or large tracts of country on the banks of the Mississippi River from the overflow of the waters of that stream.

Mr. McMILLAN. I desire in justice to myself, in reference to the vote that I shall give here, to state that the committee were not unanimous upon this question. The amendment now offered by the Senator from Maine was a pending amendment before the Committee on Commerce proposed to this bill. The committee upon the adoption of that amendment differed, and as this question involves a matter

of principle I must retain in the Senate the position I held in the committee, that there is a material difference between the text of the bill and the amendment offered by the Senator from Maine. As I felt compelled in committee to vote in favor of the amendment of the Senator from Maine, I must do so here.

The language of the bill is "that the commission is authorized to repair and build levees if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce." The only necessity there is that they should deem it in their judgment proper as a part of their plan to afford ease to the navigation that these levees be built.

Mr. HOAR. To the navigation and commerce.

Mr. McMILLAN. That strengthens the objection, of course.

Mr. FRYE. The word "ease" must cover every landing up the river, and all that.

Mr. McMILLAN. The amendment of the Senator from Maine makes it necessary as a part of the improvement of the navigation that a levee be built before the commission can be authorized to exercise their judgment in favor of it. I think the distinction is very broad and plain, and in view of the principle involved in it the amendment of the Senator from Maine should be adopted as the expression of the same view in a separate bill passed by the Senate. I differed with the committee with regret, but feel compelled to take the same position here, and I make these remarks by way of explanation.

Mr. CONGER. Mr. President, I desire to say also that in my judgment the House proviso here is different from the Senate provision, and any one who will notice the desire there is to keep even so much permission to build levees to prevent overflows can see at once that there is incorporated or intended to be incorporated in this bill some kind of a crevasse through which this appropriation may go to prevent injury from the overflow of the river to the surrounding lands and to reclaim them.

Sir, I have felt, and I feel now, that if there has been any question whatever in the House or in the Senate that these appropriations were to be solely for the improvement of the channel of that river to the exclusion of all improvements to reclaim land, this bill never would have been here with this feature in it, and no bill could have passed the Senate or passed the House for that purpose. I am as much in favor as any one can be, and have proved myself for thirteen years in the House and Senate, of granting large appropriations for all the improvements necessary for the navigation of that great highway of our country, the Mississippi River. I have voted for them at all times and under all circumstances when confined to that legitimate and proper object, and am ready to so vote again and again, as long as I may have an opportunity to do it in this Chamber. But, sir, it is not in good faith to those who have thus stood as firmly and as strongly as they were able to in favor of large appropriations for this improvement, to seek by little tricks to extend the appropriation to objects which were not contemplated and which were positively refused to be incorporated in any of the bills for this purpose heretofore.

Do gentlemen say that these two provisions are just alike? They have said so. Both the Senators from Louisiana tell us there is no substantial difference. If there is no substantial difference, why do they urge the House provision? Why do they come with a proposition which seems to be different, which seems to look to the reclamation of overflowed lands, which seems to look to the prevention of injuries from overflow which the Senate and the House both have rejected time and time over in the past? Why do they insist on this clause unless it is to give greater latitude in that direction? In these appropriation bills and in what requires my vote for or against them, I want the proposition to be so clear and distinct that I and all other Senators and the country can understand what we are voting for. I believe the people of the United States have expressed, wherever they have expressed an opinion at all, a strong desire to give large, generous, munificent appropriations for the improvement of the Mississippi River. This desire is not confined to the valley of the Mississippi. The whole of this country has expressed it, all the East has requested it, all the West has requested it. We come to meet that question in a liberal and generous and manly way and spirit. Why will the friends of this measure, why will those more directly interested in it, compel us to go further, to go beyond what the sentiment of our people requires in this respect; for I say without any fear of contradiction that if it were understood by the people of the United States outside of the valley of the Mississippi that this was the beginning of a scheme to reclaim private lands for private purposes, to enhance the value of those lands, to make them free from overflow by means of appropriations from the General Government, such a bill as this could not pass in the House or in the Senate.

We all profess to mean the same thing; we profess to mean that this appropriation shall be expended on the Father of Waters to deepen its channel of navigation and commerce, and not to improve the property of A, B, or C, situated within a mile or within one hundred miles of that river. No man dare openly advocate the appropriation of money from the Treasury to improve private property by reclaiming it; no man dare stand up as the advocate of that measure in this Senate; but in a roundabout way, by permissive legislation, by uncertain legislation, it is proposed here to instruct a commission, which we have created, that they may, in some manner, justify themselves in doing that which the Legislature of the country has endeavored to prevent them from doing at all.

I say, Mr. President, in my judgment it would be the most unfortunate thing in the future for the improvement of the Mississippi River itself and for future appropriations that may be asked, if this provision in this bill should lead to the expenditure of money for the purpose of reclaiming lands or for preventing injury to them by overflow, except as that may come and must come incidentally.

Why, sir, the whole theory of the Mississippi River commission is, and the whole theory of the engineers is, that by narrowing and confining the water by some means, levees or otherwise, within its proper channel, it will deepen its channel, the level of its surface will sink with the improvement, and there will be no need, or comparatively little need of levees at all. If that theory is incorrect, then we are groping in the dark; if that theory is incorrect, this commission is misleading us; if that theory is correct, then we do not need any such clause as this or anything that shall give a possible chance to misappropriate the money we give to the improvement of the channel of the Mississippi by building levees and dikes to prevent overflows or to reclaim lands.

It is more than a mere passing sentiment about this; it is vital to the question. If the plan of the Mississippi River commission is right, and the reports of the engineers adopted by the two Houses are right, the object is so to confine the channel of the river and narrow it in the proper places, by whatever embankments or levees are necessary, as to compel it to scour out its channel and deepen it, deepen it down many feet below its present surface, so that in a deeper channel, not a wider one, the vast waters of the Mississippi may work their way to the Gulf, and keep forever a deep, permanent, suitable channel for the navigation of that great inland empire, the valley of the Mississippi and its tributaries.

Mr. BAYARD. Mr. President, I have but a word to say about this amendment. This year will be a marked one in the way of appropriations for the development of the navigation of the Mississippi. In the history of this country no such appropriation has ever been proposed or successfully passed as is the present one. It has passed the Senate already in the shape of a separate bill. It is a recognition of what I have called before in the Senate the improvement of the great interior water-front of the country, just as much so as is the oceanic water-front. So you find the group of States which bind this great river and its tributaries form as important a nucleus and bulk of commercial interest as any other, and they are entitled to equal consideration.

After all, this great appropriation of $5,000,000 is experimental. It is to test a great engineering problem. For its success it will depend upon the skill of those to whom it is committed. The clause reported by the Senate Committee on Commerce seems to me rather more elastic than that proposed by the Senator from Maine as an amendment, and I submit to the good sense of the Senate whether it will not be a false economy to restrict these engineers from an expenditure of this money in the way of stopping a crevasse or mending a levee, provided they find that that is conducive to the great object of securing proper navigation.

The whole matter is experimental. The money that you spend, and five times the money, may prove to be unwisely spent, and it may be that some other theory of engineering as connected with the hydraulics of that river may be found necessary; but you are doing the best you can by choosing an able body of specialists to conduct and control the expenditure of the money; and I say that it is unwise to restrict their practical execution of this order, and it is much wiser to give them a better opportunity to complete what I may call the incidentals, when you already have provided their power to execute the principal object. Therefore, for the purpose of facilitating the great object for which this large sum of money is to be appropriated, I shall vote in favor of a more liberal scale of power and discretion to the engineers in charge than is proposed by the amendment of the Senator from Maine, although I should consider that that was sufficient. But I am told that upon consultation with these engineers themselves, they declare that they might be embarrassed in respect of incidental repairs on the banks of this river, which may be necessary to promote the navigation of the river. Therefore, I submit, it is not worth while for us in any way to jeopard the principal for the sake of saving some inferior and non-essential incident.

I think, therefore, that the clause more fully considered of the Senate committee should receive the approval of the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, [Mr. FRYE.]

The Principal Legislative Clerk proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired on all votes upon this bill with the Senator from Kansas, [Mr. PLUMB.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I have no idea how he would vote on this amendment; but I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 16, nays 39; as follows:

YEAS—16.

Aldrich,	Harrison,	Miller of N. Y.,	Rollins,
Cameron of Pa.,	Hawley,	Mitchell,	Sawyer,
Conger,	Lapham,	Morrill,	Sherman,
Frye,	McMillan,	Platt,	Windom.

NAYS—39.

Bayard,	Davis of W. Va.,	Johnston,	Ransom,
Beck,	Farley,	Jonas,	Saunders,
Blair,	Ferry,	Jones of Florida,	Slater,
Brown,	George,	Jones of Nevada,	Vance,
Butler,	Gorman,	Kellogg,	Van Wyck,
Call,	Grover,	Lamar,	Vest,
Camden,	Hampton,	Mahone,	Voorhees,
Cameron of Wis.,	Harris,	Maxey,	Walker,
Chilcott,	Hoar,	Morgan,	Williams.
Coke,	Ingalls,	Pugh,	

ABSENT—21.

Allison,	Fair,	Jackson,	Plumb,
Anthony,	Garland,	Logan,	Saulsbury,
Cockrell,	Groome,	McDill,	Sewell.
Davis of Illinois,	Hale,	McPherson,	
Dawes,	Hill of Colorado,	Miller of Cal.,	
Edmunds,	Hill of Georgia,	Pendleton,	

So the amendment was rejected.

Mr. RANSOM. I am instructed by the special committee on the potomac flats to offer this amendment to the bill, to be inserted on page 20, after line 457:

Improving the Potomac River in the vicinity of Washington with reference to the improvement of the navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with the plan and report made in compliance with the river and harbor act approved March 3, 1881, and the reports of the board of engineers made in compliance with the resolution of the Senate of December 13, 1881, $500,000.

Mr. McMILLAN. I desire to interpose the objection to that amendment that it is not in order. There is no estimate; it is not moved in accordance with any estimate which has been made to Congress. There has been no report made by the committee to which that subject was referred; the matter is not before Congress. And I make all the other objections under the rules, whatever they are; I cannot specify them all now.

Mr. RANSOM. This amendment comes from the special committee on this subject, which is the very point covered by the rule now before the Chair. If there should be any doubt on that question, I hope it will be submitted to the Senate.

Mr. DAVIS, of West Virginia. I ask my friend from North Carolina if it was not before the Committee on Commerce also?

Mr. RANSOM. Oh, yes, sir. It is reported here to-day by order of a special committee appointed on this subject, and it was before the Committee on Commerce also.

Mr. McMILLAN. I think the Senator from North Carolina must be mistaken in regard to this matter having been before the Committee on Commerce. It was originally referred to the Committee on Commerce, but a special committee was raised by the Senate to take jurisdiction of this matter exclusively. That committee has the matter under consideration; it has been considering it, and has never made a report yet. The Committee on Commerce have nothing to do with it, have not considered it, and certainly it is not a matter embraced within this bill. It is not a harbor or a river improvement. It does not refer to the improvement of navigation. It is a sanitary measure, avowedly so, and there is no incident here which characterizes it as an improvement of the Potomac.

Mr. SHERMAN. I ask that the amendment be read again.

The PRESIDING OFFICER. The amendment will be again read.

The Acting Secretary read the amendment of Mr. RANSOM.

Mr. SHERMAN. If that is not in order and is not germane, then there is not a single proposition contained in this bill that is in order and is germane. It is to improve the harbor at Washington, on the Potomac River, a navigable stream; and, strange to say, within this bill for the improvement of rivers and harbors, in which almost every creek or canal in the United States of America is named, there is no mention of the words "improvement of the Potomac at Washington," the capital of the country; and yet to my certain knowledge the very way to the navy-yard in this city is so blockaded by increasing swamps that every day almost vessels are grounded. Only a few days ago the President of the United States, on a Government vessel, was grounded on the way from the navy-yard out into the port. I myself the other day, going on a boat along this river, right in front of the city, was, as I supposed for a moment, grounded, but finally the vessel was able to get off. The fact that there is no appropriation in this bill for the improvement of the Potomac River at Washington is one of the remarkable features of this most remarkable bill.

The amendment is plainly in order; not only that, it is in order in an unlimited sense. The Committee on Commerce has no priority alone to report amendments to this bill. Any committee of this body has a right to report an amendment, and here is a committee selected from this body for the purpose of taking charge of this very thing; that is, it was given precedence, and this select committee was chosen from out of the Committee on Commerce to consider it. Five members, I am told, of the select committee are members of the Committee on Commerce, and they were appointed to examine into this very matter.

Mr. McMILLAN. There was no person appointed because he was a member of the Committee on Commerce, but because he was a member of the Senate; and there are members on that special committee who have no connection with the Committee on Commerce.

Mr. SHERMAN. That is true; but a majority of that committee as I am told are members of the Committee on Commerce.

Mr. KELLOGG. I desire to correct the Senator from Ohio. Originally the Committee on Commerce were authorized to appoint a subcommittee to investigate this matter. That was the initial step, and after that a select committee was appointed.

Mr. RANSOM. May I inform the Senator from Ohio and the Senator from Louisiana how the matter stands? This whole question was originally referred on the 9th of May, 1881, to the Committee on Commerce, and that committee first appointed a sub-committee of five members to attend to it. Afterward, on the 13th of December, 1881, that sub-committee was changed to a select committee of the Senate.

Mr. KELLOGG. For the purpose of letting it have a stenographer and giving it more dignity.

Mr. RANSOM. On the day before, and on the day on which this bill was reported to the Senate, the matter was considered by the Committee on Commerce.

Mr. KELLOGG. The Senator from North Carolina will bear me out that the Committee on Commerce authorized him to offer the resolution for the appointment of this very select committee.

Mr. SHERMAN. Let me read the rule, and see whether this is not in order. Rule 27 says:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill * * * unless—

Here is the exception—

Unless the same be moved by direction of a standing or select committee of the Senate.

Here is a select committee of the Senate——

Mr. GARLAND. Will the Senator read the first portion of Rule 28 in connection with that?

Mr. SHERMAN. Let me take my own way in presenting the case. Here is the very case presented; but it is said it is not upon an estimate of engineers. Why, sir, I have here the report of the engineers myself, transmitted by the Secretary of War, containing a detailed estimate down to the last cent for this improvement. So it comes within every qualification that is required. The rule provides that any committee of this body, any select committee of this body can, without an estimate, submit an amendment of this kind. It is only that a private Senator cannot introduce an amendment here without an estimate; but a committee can report an amendment without an estimate, because the rule so reads. If either a committee of this body reports an item, or if it is estimated for by any Department of the Government, it is in order, and this is both. It is reported here by the committee having charge of the subject; it relates to the very subject-matter of this bill; and here are estimates in the most ample detail in regard to this very appropriation. The point of order cannot be sustained, certainly.

Mr. President, there is not a single item contained in this bill of sixty-six pages that has been so thoroughly examined in all its parts and bearings as this particular proposition. It seems to me that for us to vote $20,000,000 of Government money to improve rivers and harbors, and make no appropriation for that which is within our sight, within our smell, I may say, all around us, a harbor on which we have built a navy-yard which is blockaded by growing swamps caused by ourselves, by the drainage of the city, in which our vessels daily ground in our presence, would be a most remarkable proceeding. Why, sir, it would be a scandal and a shame, it seems to me, under the circumstances, not to make some suitable provision for the improvement of this harbor; and if in the course of that improvement as proposed by the engineers we may also relieve the people of this city from a growing danger that threatens them that certainly ought to be no objection to it. It is the improvement of the harbor that is proposed; and if by improving this harbor we do a great good to the people of this city we certainly ought to do it. For four summers have I been here within sight and smell of this harbor of Washington, and I do not want the people of this city to endure it longer if Congress can by any wise provision relieve them.

Mr. GARLAND. I am very much in favor of this proposition introduced by the Senator from North Carolina, and I think that the Potomac flats, as they are termed ordinarily, ought to be attended to, and I would go any length to do that. If the special committee had reported a bill for that purpose I would have gone with them hand and heart. But under the twenty-eighth rule of this body I am constrained to believe that the amendment offered by the select committee is not in order. Rule 27 first makes the appropriation bill for rivers and harbors a general appropriation bill. Then Rule 28 says:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations.

The Committee on Appropriations in that rule of course means any committee that has charge of a general appropriation bill. The trouble in this case is that the special committee should have moved this and had it referred to the committee having charge of this bill one day before it is offered in the Senate. That is the rule; and

much as I regret the application of the rule to the measure proposed by the Senator from North Carolina, of which I approve as a separate measure, I am still constrained to interpose the point.

Mr. JONES, of Florida. Before this question of improvement is gone into, would it not be as well to ascertain where the title to this property resides that we propose to improve?

Mr. RANSOM. That question is not pertinent at this time, because the merits of the proposition cannot be discussed on the question of admitting the amendment under the rule.

Let me say a word to my friend from Arkansas. He will remember in the first place that this amendment is moved by a committee of the body; and the rule to which he refers does not apply to an amendment moved by a committee. It applies to an amendment moved by a member of the body. This proposition was originally before the Committee on Commerce of this body, and by an order of the committee I was instructed to move that it be referred to that committee. It was so referred to that committee and staid before it six or seven months, and only during the present session in that committee upon this identical bill was this amendment discussed.

The whole purpose of the rule is to prevent surprise upon the Senate. Here is a subject which has been before the Committee on Commerce not only a day but seven months. And if gentlemen are technical, what does the rule amount to? I could now, if I thought proper, at fifteen minutes after five o'clock, give notice of the amendment, and then on Monday it would be properly cognizable by the Senate. But is not the Senate as well aware of it this evening as it would be on Monday? Is anybody taken by surprise? Has not the question of the Potomac flats been before the Senate for over twelve months? Has it not been before the country for years?

If there is any question about it, I ask that it be submitted to the Senate.

Mr. BECK. The amendment upon its face professes to be for the improvement of the harbor of the city of Washington, and that, I suppose, governs the question of order. The city of Washington is perhaps the only port over which Congress has exclusive jurisdiction. It is the port where we can register all vessels engaged in the commerce of the United States, and the only place where we can register them so as to exempt any vessel registered from the burdens of local taxation by States that may see fit to impose burdens on them. It is a place where we certainly ought to take care to have such a port as will be fit to have our vessels registered.

That is what the amendment professes on its face; and when you come to the question of precedent, it is not yet a week since the Senate by an overwhelming vote declared that upon a deficiency bill an amendment to pay the physicians and others who waited upon President Garfield during his illness was in order. That was declared to be in order, although there was no law for it, and the subject had been referred to another committee in the House. It was only yesterday that the Senate, by an overwhelming majority again, declared that the Hennepin Canal project was in order as an amendment to a river and harbor bill, although it was to be dug through a country where there was neither river nor harbor nor jurisdiction in the United States. Now, to say that a proposition that proposes to improve the harbor of the city of Washington is not in order seems to me, in view of these precedents, to be a remarkable objection.

Mr. VEST. Does the Senator believe those rulings were correct?

Mr. BECK. I do not believe any of them was correct. I have never known a ruling of the Senate that was not to do just whatever a majority of the Senate wanted done, and as I think the harbor of Washington ought to be improved and it can be done on this bill and I am in favor of this measure, I do not propose to go back on the capital of the country.

Mr. McMILLAN. The Senator from Kentucky is partly right and partly wrong in saying that this amendment upon its face purports to make an appropriation for the improvement of the harbor at Washington.

Mr. RANSOM. I beg to say one word to my friend from Minnesota.

Mr. McMILLAN. I prefer to make this point, if the Senator will excuse me a moment. It does in its language embrace the purpose of improving the harbor at Washington, but it further expressly declares that it is an appropriation for the reclamation of the flats. That being one of the distinct purposes of this appropriation, that is not within the jurisdiction of the Committee on Commerce. The reclamation of the flats is not an improvement of navigation, and that being one of the purposes embraced in this proposed amendment, it must affect the entire amendment. You cannot attach something that is relevant to something that is irrelevant, and say that the amendment is in order. Therefore the amendment is irrelevant, and upon that ground the point of order must be sustained.

But, Mr. President, whatever may be the language of this appropriation, it is very clear that the Senate did not consider it as a matter pertaining to the improvement of the harbor here; that it is a mere sanitary measure, that that is the feature of the improvement, and if any improvement of navigation is incident to that it is merely an incident; the main feature is the reclamation of the flats.

Mr. JONES, of Florida. I desire to know whether there has been any complaint on the part of the commercial community with respect to the inadequacy of the existing facilities for the commerce here?

Mr. McMILLAN. None has come to the Committee on Commerce.

Mr. RANSOM. The Senator from Minnesota has forgotten, if he will pardon me for saying so, that for years committees of the citizens of the District have waited upon the Committee on Commerce and begged them for harbor improvements. I do not know that the engineer of the United States came before the committee, but I know he came before me when this bill was reported from the House and stated that no appropriation had been put in it for the improvement of the harbor of Washington and Georgetown, and I told him it would go in; I had no doubt it would go in. As the Senator from Kentucky says, I could not dream that in the year 1882 the Congress of the country would neglect to vote the necessary appropriations for the improvement of the harbor of the capital of the country.

Mr. McMILLAN. Nevertheless it is my duty and my privilege to insist that any amendment to this river and harbor bill shall be in order, and this one, for the reason I have stated, I do not believe is in order.

In addition to the grounds stated by the Senator from Arkansas it is a mere question of sanitary regulations of this city, and a special committee has been raised for the purpose of examining that question and reporting upon it to the Senate.

Mr. SHERMAN. If my friend will allow me, I wish to call his attention to the fact that at the last session of Congress, by the act of March 3, 1881, a survey was directed to be made in the river and harbor bill, as follows:

> Potomac and Anacostia Rivers, in the vicinity of Washington, District of Columbia, with reference to the improvement of navigation, the establishment of the harbor-line, and the raising of the flats, so far as their improvement may be necessary to the improvement of navigation and the establishment of the harbor-line.

The very language used in this amendment has already been reported by the Committee on Commerce in a bill that became a law and passed at the last session. The act of appropriation for rivers and harbors, approved March 3, 1881, contained this provision.

Mr. McMILLAN. That is not the present Congress, and it has not been referred to the Committee on Commerce, and is not embraced in this bill as an improvement of the harbor of Washington, and has been taken up, as I regard it, as a distinct matter altogether from the improvement of the river or the harbor at Washington.

Now, Mr. President, I know that there is a great effort to have these Potomac flats improved. I know that an appropriation is asked for that object, and that it is merely for sanitary purposes. The whole examination has gone upon that ground. As the bill is pending, I want the bill disposed of, and let this measure come up, as it should, upon its own merits in a separate bill, and then we can fully and fairly consider it, and not increase the river and harbor bill by an appropriation for an improvement of this kind.

Mr. VOORHEES. I concur fully with every word so well uttered by the Senator from Ohio on this subject. I believe that great and necessary improvements ought to be made to the harbor for the purpose of navigation in and about this city. Here is a river a mile wide, and a branch of it lying to the east of us, in which by proper improvements the largest ships in the world may find sufficient water, whereas now yachts and small vessels go aground on various occasions.

The time will come when the railroads will be required to build a proper bridge in place of the Long Bridge, so as no longer to obstruct navigation.

I have had some trouble in my mind in regard to the support of this tremendous river and harbor bill. I expect, however, to give it my support. It has in it $6,000,000 for the Mississippi River. In my mind the only way for a proper rivalry to be built up in this country to the great trunk lines of railroad is by deepening and improving water lines of transportation. I speak thus in relation to the general features of the bill; but it strikes me as it does the Senator from Ohio strangely that this great river, almost an estuary up to this city, should have no mention in this the largest river and harbor bill ever considered in the American Congress.

So much, Mr. President, in regard to those features that make this amendment in my judgment in order. I am not now speaking about the technical rules. They are understood by my learned friend from Arkansas [Mr. GARLAND] better than by me; but I am speaking of those great principles that make such an amendment as this in order to such a bill as we have before us. A word further. When we are improving this harbor for navigable purposes, if we improve it likewise for the health of this great capital, certainly that will not weaken its claims upon me. During all last summer, during those painful days of distress and suffering, when the distinguished sufferer lay in the White House, there was one subject on which the medical bulletins were never wrong. They may have erred in other particulars; but when day after day it was set forth that the Potomac flats were poisoning the air that he and everybody else here had to breathe there was a general concurrence in the fidelity of those bulletins, and in that way we were scandalized before the nations of the world; we were advertised as a people with a capital with such a river front as to render it unwholesome to live in, and it brought the blush of shame and humiliation to my face,

whatever it did to others. It was a scandal upon this country, and there is no measure within the reach of constitutional power that I am not ready to embrace to relieve the capital of this country from this stain and this imputation.

I shall vote, Mr. President, if the question is submitted to the Senate, that the amendment is in order, to improve this river, for the reasons I have named.

The PRESIDING OFFICER. While the Chair would experience not the slighest difficulty in deciding the question of order, inasmuch as the Senator from North Carolina has twice requested that it be submitted to the Senate, the Chair submits to the Senate the question, Is the amendment proposed by the Senator from North Carolina in order? and the Senate will decide the question of order for itself.

Mr. CONGER. Mr. President, there have been some comments made on the fact that the Committee on Commerce did not put in this bill the usual appropriation for the improvement of the Georgetown and Washington channels in the Potomac River. It is proper to say that a majority of the Committee on Commerce were members of the select committee appointed to consider a plan for the improvement of the Georgetown and Washington channels for the purposes of nagivation, and to recommend if they chose that plan which would be a necessary part of the work hereafter of reclaiming for sanitary purposes the noxious flats in front of the city. For that reason neither in the House nor in the Senate was any appropriation recommended by the Secretary of War for these improvements to be put in the river and harbor bill. It was because the other plan in its basis and in the mode of its operations required the construction of a sea-wall from Easby's Point, near Georgetown, along the outer border of the flats and down beyond the Long Bridge to the deeper waters of the Washington channel, and a return wall up to the bridge for the Washington channel, that we did not make the usual appropriation in the river and harbor bill which has been made for some years past for improving the Potomac River and the harbors of Georgetown and Washington.

Whether there was any distinct understanding in regard to this or not, that matter was talked of. I, as a member of the select committee, was prepared to report directly a plan for the whole general work, or I was prepared when the proper time came for an amendment in the Senate to favor a report for that part of the appropriation which referred more directly to the navigation and channels of the river. That latter course was selected. The improvement of the river channel must be made before the other work can be done—before the reclamation of the flats, before filling in these miasmatic valleys. If this be provided for, Congress will decide what shall be done and to what extent the remainder of the report in regard to the sanitary part of this work shall be carried on; but the very report itself contemplates making this channel secure by revetment, by walls—by building, as it were, dikes or jetties to confine the channel of the Potomac between the Virginia side and the outer extremity of these noxious flats, passing down that way and returning up to the Long Bridge.

Whatever may be done, that has to be done first. That belongs to the navigation of the channel. We have been expending thousands and hundreds of thousands of dollars upon the same work; and we should have put in one, two, or three hundred thousand dollars for continuing the improvement this year, and this would probably complete to a great extent the improvements of these channels, and they are necessary to be done before the other plan reported by the board of engineers can even be commenced. It seems to me if that statement is true, this amendment is perfectly in order, it is perfectly germane to the bill. It has the recommendation and is in conformity with the estimates of the Department, it has the recommendation of a select committee, and was reported by that committee to the Senate.

Mr. INGALLS. Mr. President, I would ask the Senator from North Carolina who offered this amendment, inasmuch as four different methods have been suggested for the improvement of the channel and the reclamation of the flats, varying in their estimates of the final cost from two to four million dollars, which one is contemplated in the amendment that he submits to be acted upon by the Senate?

Mr. RANSOM. I should take the greatest pleasure in the world in answering my friend from Kansas if I had the unanimous consent of the Senate to do so; but I understand that on points of order we cannot discuss the merits of a proposition.

Mr. BECK. The question is submitted to the Senate.

Mr. RANSOM. I desire the point of order to be settled, and then if the Senate will give me time I will try to satisfy the Senator from Kansas.

Mr. BECK. I understand that the point of order is submitted to the Senate, and, in order that the Senate may intelligently vote upon that point, they want to know the answer precisely to the question put by the Senator from Kansas.

Mr. RANSOM. I am ready to make the answer.

Mr. INGALLS. I was somewhat surprised when this matter was first considered by the Senate that it was not referred to the Committee on the District of Columbia, which I thought had jurisdiction, and which had given the subject a great deal of very careful scrutiny and attention. I did not, however, at the time complain because the matter was taken away from that committee and referred to a select committee composed of members of the Committee on Commerce. I have very clear and definite ideas in my mind as to what course ought to be taken in regard to this confessedly very important subject.

There is very little doubt in my mind that technically this amendment is amenable to the point of order. The rule declares that—

> In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

It does not get behind this provision of the rule to say that the subject had been referred by the Senate to the Committee on Commerce. The question is, whether the amendment that is now offered for the consideration of the Senate had before being offered been referred to the Committee on Commerce. I am aware that the rules of the Senate are very elastic, and I may add that the conscience of the Senate in their interpretation has always been very elastic. They have been construed for the purpose of carrying out the intentions and will of the majority. They are made chiefly to be violated, and there is no question that has ever been submitted upon which decisions cannot be found on both sides.

Therefore, I say, Mr. President, it is important to me in passing upon the point of order to ascertain, in view of the action that has heretofore been taken by the Committee on the District of Columbia, what method of expenditure is contemplated in connection with the $500,000 that are appropriated in this amendment? I have no doubt that the subject is one of very great importance. I shall be very glad, if it appears that this money is to be expended in accordance with what I believe to be the proper method of channel-improvement and flat-reclamation, to vote for it; but I shall not, if it is understood that this is to be left open to the consideration of the engineers hereafter to adopt plans that in my judgment will be ineffectual and that will be expensive beyond precedent, permit this to be acted on under the point of order if my objection can prevent it.

I therefore think that to enable the Senate to act understandingly, to know whether this money is to be expended as the Senate would have it expended, inasmuch as this question has been one that has been considered by boards of engineers repeatedly who differed in their methods and plans, it is essential that we should know what method of expenditure is to be adopted in case this amendment is agreed to by the Senate.

The PRESIDING OFFICER. The question is, Is the amendment proposed by the Senator from North Carolina [Mr. RANSOM] in order?

The question was decided in the affirmative.

The PRESIDING OFFICER. The amendment is declared to be in order.

Mr. BUTLER. We evidently cannot get through the bill to-night. I move that the Senate now adjourn.

Mr. RANSOM. If it is possible, I would like very much to get through with this amendment this evening.

Mr. VOORHEES. It seems to me we had better vote on this amendment and then adjourn.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his motion?

Mr. BUTLER. I will withdraw the motion if we can get a vote on this amendment.

Mr. McMILLAN. I shall ask the Senate to go on with the consideration of the bill and dispose of it.

The PRESIDING OFFICER. The motion to adjourn is withdrawn.

Mr. INGALLS. It will be impossible, Mr. President, to vote upon this amendment without having action by the Senate upon the questions that have been submitted by the engineers. I propose to ask the opinion of the Senate as to the plan that shall be adopted in the expenditure of this money.

Mr. RANSOM. One word. I certainly agree now with what the Senator from Kansas has said, and have no idea of pressing this matter on an unwilling Senate.

Mr. BUTLER. Then I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Will the Senator withdraw that motion for a moment?

Mr. BUTLER. Certainly.

NEWBURGH CENTENNIAL.

The PRESIDENT *pro tempore*. The Chair desires to make an announcement. Under the joint resolution authorizing the Secretary of War to erect at Washington's headquarters in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, the President of the Senate was authorized to appoint five Senators, and he appoints Mr. HAWLEY, Mr. MILLER of New York, Mr. HILL of Colorado, Mr. BAYARD, and Mr. HAMPTON the committee on the part of the Senate to attend the celebration.

TERRITORY OF PEMBINA.

Mr. SAUNDERS. I ask that the unfinished business be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 8, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS, of Michigan. I ask that that portion of the Journal relating to the introduction and passage of pension bills be not read.

Mr. RANDALL. I object.

The Clerk proceeded with the reading of the Journal.

Mr. RANDALL. I withdraw my objection, as we cannot hear it at any rate.

The SPEAKER. The Journal will be approved as read.

There was no objection, and it was ordered accordingly.

NATIONAL BANKING ASSOCIATIONS.

Mr. BURROWS, of Michigan. I call for the regular order of business.

Mr. CRAPO. I rise, Mr. Speaker, for the purpose of submitting a privileged report. I send up to the Clerk's desk a conference report for consideration at this time.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 10, 15, 16, 17, 18, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment, as follows: Page 5, strike out all after "provided," in line 20, down to and including "by," in line 21, and insert after "provided," in line 20, "herein," and insert after "notes," in line 21, "shall be issued as provided by this act."

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Page 6, strike out section 8, and insert:

"SEC. 8. That national banks now organized, or hereafter organized, having a capital of $150,000 or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-quarter of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law; provided that the amount of such circulating notes shall not in any case exceed 90 per cent. of the par value of the bonds deposited as herein provided; provided further that the national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment. And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequent to June 30, 1881."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same, with an amendment, as follows: Page 7, strike out all after "purpose," in line 13, down to and including line 19, and insert: "*And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof;" and the Senate agree to the same.

WM. W. CRAPO,
NELSON DINGLEY, JR.,
A. H. BUCKNER,
Managers on the part of the House.
WM. B. ALLISON,
JUSTIN S. MORRILL,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. HOLMAN. Mr. Speaker, these amendments are very important, and I ask whether it would not be better to let this conference report be printed in the RECORD and go over so that we may have an opportunity of seeing exactly what has been done.

Mr. SPRINGER. I make the point of order that there is no statement accompanying this conference report as provided by the rules of the House.

Mr. HOLMAN. I suggest that it be printed and go over until to-morrow.

Mr. SPRINGER. But the rules require a statement to accompany all conference reports.

Mr. CRAPO. After the most careful consideration, Mr. Speaker, the conferees have agreed unanimously to this report. There is no disagreement whatever on the subject.

Mr. MILLS. I wish to ask the gentleman whether the conference report has left the gold certificates at $20 or reduced them to $10.

Mr. CRAPO. That remains as it did in the Senate.

Mr. MILLS. I am sorry for it.

Mr. HOLMAN. How about section 12?

Mr. CRAPO. It was adopted precisely as it passed in the Senate. Silver certificates, silver reserves in banks, all those matters remain as before.

Mr. HOLMAN. Has there been any discrimination made by the committee of conference?

Mr. CRAPO. None whatever. Silver certificates stand precisely the same as gold certificates. They enter into the settlement of the clearing-house. The section is not entirely satisfactory, but upon careful deliberation the House conferees have yielded to the Senate and that section remains.

Mr. HOLMAN. We have had no opportunity to examine these recommendations of the committee of conference, and I suggest that the report be printed and that members may have an opportunity of seeing it before they are called upon to vote.

Mr. CRAPO. These amendments have been printed since the 23d day of June.

Mr. HOLMAN. But attention has not been called to them as attention is now called to them in this report of the committee of conference. With a view therefore of affording opportunity to members to examine what has been done by the committee of conference I ask that this report be allowed to go over and be printed in the RECORD.

I trust in all fairness we shall be permitted to have until to-morrow morning to look into the matter.

Mr. CRAPO. I see no reason for delay.

Mr. SPRINGER. If the matter is to go over until Monday next I do not insist on my point of order. Let the report be printed in the RECORD so we may see all the changes. It is a privileged matter and will come up at any time.

Mr. BUCKNER. I desire to say that the changes which are made in this bill can be explained in a very short time; and with the consent of the committee I will make a brief statement, so that there will be no necessity for its going over. It had better be acted upon now.

Mr. RANDALL. Is there a statement accompanying this?

Mr. SPRINGER. No.

Mr. HOLMAN. Do the House conferees yield to the Senate in the matter of the expense attending the change of this circulation?

Mr. BUCKNER. The House conferees yielded in that respect, and I can explain the reason for that in a few moments, and I think satisfactorily. There were a few matters of disagreement of serious importance between the conferees, and the one to which my friend calls attention, I agree with him, is a matter of considerable moment, but a few words of explanation will, I think, satisfy the House——

Mr. RANDALL. I make the inquiry whether there is a statement accompanying this report?

The SPEAKER. The Chair is informed that there is not.

Mr. RANDALL. There should be one as required by the rule.

The SPEAKER. The Chair sustains the demand.

Mr. CRAPO. Does the gentleman from Pennsylvania insist upon the objection?

Mr. RANDALL. I do insist upon it at this time.

The SPEAKER. The rule requires such a statement to be submitted with the report, and if objection is made the report cannot be received at this time.

Mr. CRAPO. I will withdraw the report for the present, and submit it hereafter with the necessary statement.

Mr. SPRINGER. I ask unanimous consent that the bill and amendments as agreed to by the conference committee be printed in the RECORD.

There was no objection.

The bill is as follows:

An act (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national banking association organized under the acts of February 25, 1863, June 3, 1864, and February 14, 1880, or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States, may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law, *or unless hereafter modified or repealed*.

SEC. 2. That such amendment of said articles of association shall be authorized by the consent in writing of shareholders owning not less than two-thirds of the capital stock of the association; and the board of directors shall cause such consent to be certified under the seal of the association, by its president or cashier, to the Comptroller of the Currency, accompanied by an application made by the president or cashier for the approval of the amended articles of association by the Comptroller; and such amended articles of association shall not be valid until the Comptroller shall give to such association a certificate under his hand and seal that the association has complied with all the provisions required to be complied with, and is authorized to have succession for the extended period named in the amended articles of association.

SEC. 3. That upon the receipt of the application and certificate of the association provided for in the preceding section, the Comptroller of the Currency *shall* cause a special examination to be made, at the expense of the association, to determine its condition; and if after such examination or otherwise it appears to him that said association is in a satisfactory condition, he shall grant his certificate of approval provided for in the preceding section, or if it appears that the condition of said association is not satisfactory he shall withhold such certificate of approval.

SEC. 4. That any association so extending the period of its succession shall continue to enjoy all the rights and privileges and immunities granted and shall continue to be subject to all the duties, liabilities, and restrictions imposed by the Revised Statutes of the United States and other acts having reference to national banking associations, and it shall continue to be in all respects the identical association it was before the extension of its period of succession: *Provided, however*, That the jurisdiction for suits hereafter brought by or against any association established under any law providing for national banking associations, except suits between them and the United States, or its officers and agents, shall be the same as, and not other than, the jurisdiction for suits by or against banks not

organized under any law of the United States which do or might do banking business where such national banking associations may be doing business when such suits may be begun. And all laws and parts of laws of the United States inconsistent with this proviso be, and the same are hereby, repealed."

SEC. 5. That when any national banking association has amended its articles of association as provided in this act, and the Comptroller has granted his certificate of approval, any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from said association, in which case he shall be entitled to receive from said banking association the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by such shareholder, one by the directors, and the third by the first two; and in case the value so fixed shall not be satisfactory to any such shareholder, he may appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be a debt due, *and be forthwith paid*, to said shareholder, from said bank; and the shares so surrendered and appraised shall, after due notice, be sold at public sale, within thirty days after the final appraisal provided in this section: *Provided*, That in the organization of any banking association intended to replace any existing banking association, and retaining the name thereof, the holders of stock in the expiring association shall be entitled to preference in the allotment of the shares of the new association in proportion to the number of shares held by them respectively in the expiring association.

SEC. 6. That the circulating notes of any association so extending the period of its succession which shall have been issued to it prior to such extension shall be redeemed at the Treasury of the United States, as provided in section 3 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," and such notes when redeemed shall be forwarded to the Comptroller of the Currency, and destroyed, as now provided by law; and *at the end of three years from the date of the extension of the corporate existence of each bank* the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem *the remainder of the circulation which was outstanding at the date of its extension*, as provided in sections 5222, 5224, and 5225 of the Revised Statutes; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States; and from time to time, as such notes are redeemed *or lawful money deposited therefor, as provided herein*, new circulating notes *shall be used as provided by this act*, bearing such devices, to be approved by the *Secretary of the Treasury*, as shall make them readily distinguishable from the circulating notes heretofore issued: *Provided, however*, That each banking association which shall obtain the benefit of this act shall *reimburse to the Treasury* the cost of preparing the plate or plates for such new circulating notes as shall be issued to it.

SEC. 7. That national banking associations whose corporate existence *has expired or* shall *hereafter* expire, and which do not avail themselves of the provisions of this act, shall be required to comply with the provisions of sections 5221 and 5222 of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation, as provided in section 5220 of the Revised Statutes; and the provisions of sections 5224 and 5225 of the Revised Statutes shall also be applicable to such associations, *except as modified by this act*; and the franchise of such association is hereby extended for the sole purpose of liquidating their affairs until such affairs are finally closed.

SEC. 8. *That national banks now organized or hereafter organized, having a capital of $150,000 or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; and such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required; and such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: Provided, That the amount of such circulating notes shall not exceed in any case 90 per cent. of the par value of the bonds deposited as herein provided: Provided further, That all national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall, at the time of their deposit, be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment; and all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June 30, 1881.*

SEC. 9. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section 4 of the act of June 20, 1874, *entitled* "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," *or as provided in this act, is authorized to deposit lawful money and withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits; and no national bank which makes any deposit of lawful money in order to withdraw its circulating notes shall be entitled to receive any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid: Provided*, That not more than *three* millions of dollars of lawful money shall be deposited during any calendar month for this purpose: *And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof.*

SEC. 10. That upon a deposit of bonds as described by sections 5159 and 5160, *except as modified by section 4 of an act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June 20, 1874, and as modified by section 8 of this act*, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to 90 per cent. of the current market value, not exceeding part of the United States bonds so transferred and delivered, and at no time shall the total amount of such notes issued to any such association exceed 90 per cent. of the amount at such time actually paid in of its capital stock; and the provisions of sections 5171 and 5176 of the Revised Statutes are hereby repealed.

SEC. 11. *That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing 3½ per cent. interest, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, and ten thousand dollars, of such form as he may prescribe, bearing interest at the rate of 3 per cent. per annum, payable quarterly at the Treasury of the United States. Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States: Provided, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than 3 per cent. and which shall be redeemable at the pleasure of the United States shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.*

SEC. 12. *That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than $20, and to issue certificates therefor in denominations of not less than $20 each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances: Provided, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000; and the provisions of section 5207 of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.*

SEC. 13. *That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, 1869, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than $5,000 or shall be imprisoned not more than five years, or both, in the discretion of the court.*

SEC. *fourteen*. That Congress may at any time amend, alter, or repeal this act and the acts of which this is amendatory.

ORDER OF BUSINESS.

Mr. HISCOCK. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. HISCOCK. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the gentleman from Texas is entitled to the floor. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 30, line 713, strike out the proviso in the following words:

"That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever."

Mr. REAGAN. I desire to call the attention of the committee for a few moments, and should be glad to be able to arrest their attention, to the consideration of a feature of our legislation connected with this subject as embodied in the pending bill.

On page 29 it is provided that "the President of the United States is hereby authorized, in case of a threatened or actual epidemic, to use a sum not exceeding $100,000, out of any money in the Treasury not otherwise appropriated, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same."

On page 30, the section under consideration, it is provided that "for aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases in the United States, $25,000" is appropriated, with some provisos attached.

I am glad, Mr. Chairman, that the Committee on Appropriations have made provision for this purpose, and I could wish, sir, and it is to that I desired to call the attention of the committee, that the Appropriation Committee had gone even further, and provided for two additional quarantine stations under the legislation upon which this appropriation is based.

It will be remembered that under the sixth section of the act of June 2, 1879, relating to this subject, the power to establish temporary quarantine stations was given to the Board of Health, and one was established at Ship Island, or what was called Mississippi Sound, between New Orleans and Mobile, and equipped. Under it also partial provision was made for equipping the station at Sapolo, on the southern coast of Georgia. A bill had been introduced, reported favorably on by the Committee on Commerce, and referred to the Committee on Appropriations, with the hope that it would establish a station on the coast of Texas. We should also establish one at some point on the southern coast of Florida, making the two additional stations to which I have referred. There ought to be, in my judgment, four of these stations altogether for the purposes contemplated in the locality mentioned.

I desire, as briefly as I can, although I fear I can do it very insufficiently in the five minutes allotted to me, to ask the consideration of the committee to the necessity which prompts the establishment of these stations. Last year, according to the report of the National Board of Health, it was shown that four ships infected with the yellow fever were treated at the marine station at Ship Island. Either of these ships might have spread the epidemic of yellow fever over our entire coast on its southern borders, and produce an injury to commerce and spread devastation, desolation, and death throughout the South such as was produced in 1878 and 1879 by the terrible epidemic that in these years afflicted our country.

These stations are to contain buildings. They are to be isolated

from business places. Under the law the consular reports which are made to the Department are to notify our people when vessels with infectious diseases upon them are cleared from any foreign ports for this country; so that we are always notified when vessels with clean bills of health or those which have not clean bills of health and have diseases upon them are approaching our shores. These vessels then in all cases under the provisions of the law are to be sent to the quarantine stations when infectious diseases are developed upon them, whether they come with a clean bill of health or otherwise.

The mode of treating cases of this kind to prevent the spread of yellow fever and other epidemic diseases is to order the ship which is found to have diseased persons upon it to one of these quarantine stations. There provision is made to put the well in one building apart from the others and the sick in another building, to care for and cure the sick, to preserve the health of the well, and to unload and fumigate the freight, and to fumigate the ship, so as to enable her to proceed upon her voyage without closing ports to the commerce of the country. The advantage of this, Mr. Chairman, is that with regulations of this kind the commerce of the country need not be interrupted in preventing the spread of these fatal diseases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH was recognized, and yielded his time to Mr. REAGAN.

Mr. REAGAN. I am much obliged to the gentleman from Ohio for his kindness. When you remember that for two or three years past the ports of the entire State of Texas—I speak of that alone as an example—were closed for many months against the commerce of the world, it will be seen to what an extent the commerce of the country is thus interfered with under the action of State authorities in preventing the terrible scourge of these diseases. If they can be prevented and kept out without this interruption to commerce we will have gained a great point. If we had had one of these marine stations on the coast we could have sent infected ships from the West Indies, from Mexico, from Central and South America, there to be treated, and have protected the people against these diseases. It would not have prevented the entrance into the ports there of ships from Europe, of ships from Boston, from New York, from Philadelphia, and elsewhere, where there was no such infectious disease, and the commerce of the country would substantially go on, the people being protected to the infinite advantage of the country.

I have, sir, a report to the surgeon-general of the State of Louisiana, estimating the loss by one of these scourges for the whole country at $175,000,000. When we think of the extent of these losses, when we think of the desolation of families and of households, the driving of thousands of people from their business, of children left without parents, of parents bereft of children, with all the suffering and losses that come from these causes, is it not worthy the attention of the Government to take a step which will cost so little as the establishment of these four stations would cost in preventing such terrible disease, and in aiding, fostering, and protecting the commercial interests of the country?

If it be objected, the States should do this and the Federal Government should not, I have this observation to make: it is not in the power of the States to do it completely. The Federal Government alone can call for consular reports, can control and direct ships bearing the commerce of the world to points where they may be disinfected. I think, sir, it is necessary that Federal power should be interposed in this respect to aid the States in protecting our people. [Here the hammer fell.]

Mr. BUTTERWORTH. I understand the gentleman from Texas to be quite satisfied with the bill as it is, except that he desires the establishment of an additional quarantine station on the southern coast by provision of this bill or otherwise. Do I understand the gentleman correctly?

Mr. REAGAN. I will not ask now to have any amendment. I am glad the committee have gone as far as they have; and it was more my object to call attention to the subject, so that before the 1st of July, 1883, when this legislation by its own limitation expires, Congress may revive and invigorate the policy I have indicated.

I desire to incorporate as a part of my remarks a short report made by me during the present session on this subject.

The report is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 1668) to provide for a quarantine station on the coast of Texas, report the bill back to the House and ask that this report be printed, and that the bill and report be committed to the Committee on Appropriations with the recommendation of the Committee on Commerce for an appropriation, to be made in the proper general appropriation bill, to carry out the purpose of this bill.

The sixth section of the act of July 1, 1879, referred to in the accompanying bill, is as follows, namely:

"That section 3 of the act of June 2, 1879, entitled 'An act to prevent the introduction of contagious diseases within the United States,' be amended as follows: At the end thereof insert: 'And the Board of Health shall have power, when they deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious and infectious diseases into the United States, or into any State from another, to erect temporary quarantine buildings, and to acquire, on behalf of the United States, titles to real estate for that purpose, or to rent houses, if they be suitable, at such points and places as are named in such section.'"

Under this section two quarantine stations have been established; one at Sapelo, on Black Beard Island on the coast of Georgia, partially equipped, and one on Ship Island, on the southern coast of Mississippi, more fully equipped, while temporary assistance has been rendered at Norfolk, Virginia, Pensacola, Florida, and at Pascagoula, Mississippi.

At Sapelo and Ship Island, for the purpose of carrying out the objects of the legislation of Congress on this subject, provisions are made for the care of the sick in isolated quarters; for the safety of the well of crews of infected ships; isolated anchorage for infected vessels; for unloading and fumigating their cargoes; the use of disinfectants on such vessels, &c.; the object being to prevent the introduction into the country of yellow fever, cholera, small-pox, or other epidemic or infectious diseases from abroad, and so to prevent their spread in the country, and to avoid their ravages and prevent the interruption of commercial intercourse with other countries; to prevent and avoid such disasters, loss of life, and commercial ruin as occurred on the coasts of the Gulf of Mexico and along the Mississippi Valley in the years 1878 and 1879, when so many thousands of people perished by yellow fever, whole families in some instances dying, in others children being deprived of their parents, and in thousands of cases families having to abandon their homes and go to distant places, at great cost and at the sacrifice of their business and property interests, to escape this dreadful scourge; and when during many months the commerce and trade of those regions was suspended, to their almost incalculable damage, very largely affecting a great portion of the commerce of the United States and to a considerable extent our foreign trade. And in addition to the great sacrifice of the lives of people and their terrible sufferings, millions of dollars were lost to our people and to the general trade and business of the country.

To illustrate the foregoing the following extract from the report of the State board of health of Louisiana for the year 1878 is given. The approximate estimates therein given are for the city of New Orleans alone. They enable us to form some estimate of the vast damage which was suffered during the years 1878 and 1879 by the States of Louisiana, Texas, Arkansas, Mississippi, Alabama, Florida, and other States on the seaboard and along the valley of the Mississippi and its tributaries:

Cost of the yellow-fever epidemics of 1878 to the city of New Orleans.

Estimated number of cases	25,000
Cost of ten days' sickness of each one, at $3 per day	$750,000
Cost of 4,500 funerals, at $25 each	112,500
About two-fifths of the 4,500 victims represent each a capital value of $1,000, amounting to	1,800,000
Remaining three-fifths, at $300, amount to	810,000
Loss of time of half the industrial population, say 20,000 people, for 90 days, at $2 per day	3,600,000
Values destroyed by the epidemics	7,072,500
Commercial losses by interruption of intercourse with the surrounding country and diversion of trade to other cities	5,000,000
Total losses	12,072,500
Estimated profits of the summer trade with ports where yellow fever usually prevails	1,572,500

The difference between these two sums, say $10,500,000, represents the actual cost of the epidemic to the material resources of New Orleans.

These figures, made upon a basis deemed moderate in all particulars, show that a trade during half the year with certain tropical ports, and worth to our city $1,500,000, is held at a risk of more than $12,000,000, the actual loss of 1878 from yellow fever. An estimate of the total loss to our country from this epidemic has been made by Mr. A. B. Farquhar, in a letter to Surgeon-General Woodworth, in which he places it at the enormous sum of $175,000,000.

However efficient State quarantine laws and State quarantine officers may be in dealing with this problem within the States, they are to a large extent powerless to deal with the question of preventing the introduction of infectious and epidemic diseases into the country from abroad, for the reason that to do this involves at least partial control and regulation of our foreign commerce, which is confided by the Constitution to Congress alone.

Under section 3 of the act of June 2, 1879, "to prevent the introduction of contagious and infectious diseases into the United States," the National Board of Health is authorized to prescribe "such rules as are authorized by the laws of the United States and are necessary to be observed by vessels at the port of departure and on the voyage when such vessel sails from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary conditions of such vessel, her cargo, passengers, and crew."

Under section 5 of the same act the National Board of Health is empowered to adopt "all such other rules and regulations as shall be observed on the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, and other contagious diseases."

The importance and necessity of passing this bill into a law will be better understood when it is stated that the distance from the quarantine station at Ship Island to Brazos Santiago, on the southern coast of Texas, is about eight hundred miles, not computing indentations of the coast; and that such a station properly located on the coast of Texas would furnish the desired protection against the introduction of such diseases into the ports of Calcasieu, Louisiana, and Sabine Pass, Galveston, Nelasco, Pass Cavallo, Arkansas Pass, and Brazos Santiago and the coast of Texas, these ports having a large trade with the West India Islands, Mexico, and South American ports, from which yellow fever is liable to be brought at almost any time, and a large trade with other parts of the United States and with foreign countries, which would be seriously interrupted by the existence of yellow fever in the ports intended to be protected by this bill.

A brief reference to the amount and to the rapid growth of the commerce of Galveston, one of the ports above mentioned, without referring to the considerable commerce of the other six ports, will tend to illustrate this point.

The population of Galveston is about 27,000. Sales of merchandise for the year ending December 31, 1881, were $37,755,000. The imports and exports for the last fiscal year were about $30,000,000 in value.

The number and tonnage of vessels entered and cleared in the foreign trade of Galveston during the year ending June 30, 1881, and their tonnage were as follows:

	Number.	*Tons.*
Entered	278	215,311
Cleared	262	183,349

without reference to the vessels engaged in the domestic trade.

There were entered at the custom-house in Galveston during the month of November, 1881, in a single month, a total of 118 vessels, with a tonnage of 80,262 tons. In addition to this there were twenty-three trips made by steamers in the local trade, of which there were no entries made in the custom-house. The above does not include the hundreds of crafts, large and small, which constantly ply along the coast and up the rivers and bayous. Of the vessels entered during that month, 66 were from domestic ports and 52 were from foreign ports; 35 were steamships, 2 were ships, 42 were barks, 14 were brigs, and 25 were schooners.

The receipts of customs at the port of Galveston were:

For the fiscal year ending June 30, 1879	$68,991 30
For the fiscal year ending June 30, 1880	336,632 34
For the fiscal year ending June 30, 1881	1,551,333 49

	Per cent.
Increase of 1880 over 1879	400
Increase of 1881 over 1880	360
Increase of 1881 over 1879	2,150

And the receipts of the customs at the port of Galveston for the first six months of the present fiscal year, ending June 30, 1881, were $847,669.34. The necessity of some such action as this to protect the vast population and commerce which it is the purpose of this bill to protect is so great that it ought not to be delayed. Its cost would be almost as nothing compared with the benefits which may flow from it. The inability of the States to deal with the whole problem is manifest; and both feelings of humanity and regard for the public interests require this precaution for the public safety.

During last year, we are informed by the National Board of Health, four vessels from foreign ports infected with yellow fever were treated at the present quarantine stations, either of which might, without such treatment, have started in our country this dreadful scourge; and once started who could foretell that the result, in addition to the loss of life and suffering which would have followed, might not have cost the country thousands of times more than the cost of the proposed protection?

Appended hereto is a memorandum from the office of the National Board of Health, giving an estimate of the items of expense which make up the $50,000 proposed to be appropriated by this bill. Your committee add that this appropriation is recommended by the National Board of Health, and a like recommendation was made by it to the Forty-sixth Congress.

Necessary buildings and fixtures for refuge station.

The dimensions given below are those of the Ship Island station:
Warehouse, size 30 by 65 feet.
Disinfecting-house, size 12 by 15 feet.
Hospital, size 25 by 80 feet; accommodation for 14 sick and 1 nurse.
Hospital kitchen, laundry, and attendants' rooms, 2 stories, size 22 by 30 feet; accommodation for 8 people.
Physician's residence, size 30 by 31 feet; accommodation for from 3 to 6 people.
Lazaretto for well people, size 518 by 22 feet.
Lazaretto kitchen, laundry, and attendants' rooms, 2 stories, size 30 by 40 feet; accommodation for 18 people.
Dead-house, size 12 by 15 feet.
Boat-house, size 20 by 25 feet.
Cistern for warehouse, capacity 3,000 gallons.
Cistern for hospital, capacity 4,000 gallons.
Cistern for kitchen, capacity 4,000 gallons.
Cistern for physician's residence, capacity 2,000 gallons.
Cistern for lazaretto, (four of 4,000 gallons each,) 16,000 gallons.
Cistern for lazaretto kitchen, (two of 4,000 gallons each,) 8,000 gallons.
Wharf.
Sea-going steam-tug.
Boats and lighters.
Fire extinguishers and furniture.

Estimate of expenditure.

For wharf	$5,000
For sea-going steam-tug	15,000
For boats and lighters	5,000
For buildings	20,000
For furniture, &c	5,000
Total estimate for establishment	50,000

Mr. CONVERSE. I had the honor of submitting an amendment to strike out the proviso, and called upon the chairman of the committee for information as to why this proviso was inserted. So far I have received no information on that subject.

Mr. HISCOCK rose.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. CONVERSE. I desire to make a suggestion or two, and then I will yield. There is no proposition before the committee to abolish this Board of Health. There is in this bill an appropriation with this $25,000 of $42,000 altogether. This proviso limits the investigation to two single diseases throughout the country, namely, yellow fever and cholera. Suppose, Mr. Chairman, we do not have either this year, is this board to receive the $42,000 and have nothing to do, nothing to investigate, nothing to look after until either cholera or yellow fever comes?

Why limit their investigation? What is the necessity for it? There are other diseases in the country almost as fatal as either of these. What is the necessity of tying up the hands of this board after making the appropriation, after calling it into existence, and keeping it in existence? Why is it necessary to tie their hands and say they shall not investigate anything else except these two diseases? There is the typhus fever, which is as fatal as either of these. There is the cold plague, which we have been visited with once, and which within the last two or three years has visited Europe, and to such an extent they were obliged to call out the military to keep within certain bounds the infected persons, and to prevent its spread. These diseases may visit our own country. Why tie the hands of these men in this bill and say they shall not investigate any other save and except these two diseases?

It seems to me we should strike out this proviso if we are to retain the board and if we are to make the appropriations; and if they have not got any yellow fever or any cholera to prevent the spread of, let them turn their attention to something else. Let them be busy. There is enough to investigate. I hope either the proviso will be stricken out or else this entire appropriation of $25,000 will be stricken out; one or the other.

Mr. HISCOCK. Mr. Chairman——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HISCOCK. I move to strike out the last word. When the law was passed creating the National Board of Health there was a clear intention on the part of Congress as to the subjects to which the Board of Health should devote its attention. It was created, as I remember it, as a scientific board for the purpose of determining the character of yellow fever and perhaps of cholera, as to its being what is known as a germ disease, or whether it was propagated in some other way; as to its being indigenous to the United States, and generally for the purpose of giving information on the subject to the people of the United States.

It was an investigating board; it was intended to be nothing else except an investigating board. And eminent men in their profession were indicated for places on the board, not to give their time and attention to the building up of a great quarantine system in the United States but to obtain and disseminate throughout the country scientific knowledge upon the subject. I call attention of gentlemen to the language of the original act:

The duties of the National Board of Health shall be to obtain information upon all matters affecting the public health; to advise the several Departments of the Government, the executives of the several States, and the commissioners of the District of Columbia on all questions submitted to them, whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health; that the board, with the assistance of the Academy of Science, is hereby requested and directed to co-operate with them for that purpose and report to Congress.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. DUNN. Has not that law been changed, and the powers of the board enlarged?

Mr. HISCOCK. That law was changed at the extra session of the Forty-sixth Congress.

Mr. DUNN. After the epidemic of the yellow fever?

Mr. HISCOCK. When it became a settled fact that we had the yellow fever in the United States the powers of the board were enlarged temporarily, and it was intended that the enlargement of the powers should be temporary. The board was authorized to erect temporary quarantine stations at different places; and the act which extended their jurisdiction, I believe, expires in June, 1883. The power was given to them only temporarily, and was so intended.

The original purpose for which the board was created was for scientific investigation of one or perhaps two diseases, cholera and yellow fever. The prominent object in the public mind and in the mind of Congress at the time was the investigation of yellow fever. One of the questions which the board was to investigate was what should be done to destroy the germs of the fever in ships, buildings, &c. That was one of the subjects of their investigation, and they were limited in their investigation. Having once been created, the board now seeks to extend its power and perpetuate itself.

Mr. CONVERSE. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. CONVERSE. If I heard the gentleman aright when he read the law creating this Board of Health, the law stated that they were to inquire as to all subjects affecting the public health.

Mr. HISCOCK. That is true.

Mr. CONVERSE. Why, then, has the gentleman now undertaken to limit that power of investigation to two diseases only?

Mr. HISCOCK. I will answer that question. At the time that Congress passed this law, as I have stated, it was the intention to limit the operations of this board to the one disease which Congress had in mind, and the board was authorized to make examinations in regard to but two diseases; its jurisdiction was for investigation only. It was to take jurisdiction of great epidemics that sweep over entire States and sections of the country, not diseases that are confined to small territories and can be taken control of by the States, but diseases which pass beyond State lines and involve great sections of country, and which may be said to have the country for its area. It was to grapple with some such great national catastrophe as that that the board was created.

We all remember the debate which was had on the subject. As to local diseases, confined to counties or to States, if you please, it never was the intention of Congress that this board should take jurisdiction of them or proceed to make investigations concerning them. [Here the hammer fell.] I hope some gentleman will yield to me some time.

Mr. BURROWS, of Michigan, and Mr. ROBESON rose.

Mr. ATKINS. I desire to say a word or two.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee, [Mr. ATKINS,] a member of the Committee on Appropriations.

Mr. ROBESON. I desire to yield my time to the gentleman from New York, [Mr. HISCOCK.]

Mr. BURROWS, of Michigan. And so did I.

Mr. ATKINS. Very well; I will yield.

Mr. HISCOCK. I wish to call the attention of the House to some matters bearing upon the statement I have made. Now, in regard to the members of the Board of Health. After you get outside of the Army they are Samuel H. Bemiss, of New Orleans, Louisiana; Henry I. Bowditch, of Boston, Massachusetts; James L. Cabell, University of Virginia; Hosmer A. Johnson, Chicago, Illinois; Robert W. Mitchell, Memphis, Tennessee; Stephen Smith, of New York City, and Thomas S. Verdi, Washington, District of Columbia. The members of the board were taken from widely separated sections of the country, and it never was the intention of Congress that the board should locate here in the city of Washington.

I do not know that it has ever located here in the city of Wash-

ington. I am not aware that these distinguished gentlemen have ever located or acquired a residence in the city of Washington for the purpose of giving their whole time and attention to this investigation or to the building up of a quarantine system. It is a sort of advisory board.

Mr. REAGAN. As a matter of fact they have been located here and have their offices here.

Mr. HISCOCK. I know they have their offices here. Have they taken up their personal residence here?

Mr. REAGAN. I do not know.

Mr. HISCOCK. No one says that they have, and it is not necessary.

Mr. TOWNSEND, of Ohio. I think none but the secretary of the board resides here.

Mr. HISCOCK. The secretary of the board resides here, I am told.

Mr. REAGAN. And the president of the board.

Mr. HISCOCK. The president of the board is connected with the University of Virginia; and does the gentleman tell me that he has ever resigned the presidency of that institution, or that his personal attention is not given to the management of its affairs?

Mr. REAGAN. I do not know that all his time is given to the duties of this board; but when I have wanted to confer with him I have always been able to do it at his office here.

Mr. HISCOCK. There is no doubt that during a large portion of the time when Congress is in session—certainly when appropriation bills are under consideration—you can find several of the members of the board here.

Mr. Chairman, every gentleman here will attest the truth of the remark when I say that the moment you create any board of this kind it seeks to enlarge its powers. Finding this condition of things with reference to the Board of Health, we have sought to restrict its operations to what were originally intended. It was stated on this floor yesterday by the gentleman from Illinois [Mr. SMITH] that this board is seeking to put its stamp or mark upon every particle of vaccine matter which is to be sold and used in the United States; and from what the gentleman said I understood that he favored so monstrous a proposition.

Mr. SMITH, of Illinois. The gentleman does not want to misstate what I said?

Mr. HISCOCK. I have not intended to misstate it. I know that there are pending before Congress bills providing that this board shall act as inspectors of vaccine matter, and substantially control its sale. I have heard that proposition agitated.

One word more. If we are to have a board of health that is to exercise quarantine jurisdiction, it would be the duty of Congress, in my judgment, to build up the Marine-Hospital Service rather than this board. [Here the hammer fell.]

Mr. ATKINS obtained the floor.

Mr. HISCOCK. We have built hospitals in connection with this Marine-Hospital Service in nearly all our principal sea-ports. The service is well organized, and the Committee on Appropriations has been liberal in regard to it in this bill.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. ATKINS] yield to the gentleman from New York?

Mr. ATKINS. I yield for the purpose of allowing the gentleman to finish his sentence; but it is a very long one.

Mr. HISCOCK. The Committee on Commerce, adopting the suggestion of Dr. Hamilton, have recommended us to be liberal in our appropriations to the Marine-Hospital Service. And wherever we have found a sea-port where there was in our judgment an adequate demand to justify the establishment of a marine hospital we have authorized it. As I have said, these hospitals now exist in almost every one of our leading sea-ports. By this bill we have given one to Baltimore, one to New Orleans, one to Cairo, and one to the Pacific coast. If any system of this kind is to be built up, we should take a system that we already have and give it the necessary power and jurisdiction; not create a rival board, which must cause increased expense.

Mr. ATKINS. Mr. Chairman, the range of this debate has included seemingly the propriety of this whole appropriation; but there is no question of that sort before the Committee of the Whole. The question now presented is confined in its narrow limits to striking out the proviso of the paragraph, which proposes to limit the appropriation to the investigation of the two diseases, cholera and yellow fever. Yesterday I favored the proviso; but after gentlemen from the Northern States insisted that the ravages of small-pox were so great in many of those States that it was a proper step for this Board of Health to investigate that disease, and that its services would be of avail in stopping those ravages, I was, for one, willing—and I so said to the chairman of the Committee on Appropriations—that the investigation should be made.

I rose mainly to say that I trust the discussion of the diseases which this Board of Health shall investigate will not prejudice the House against the whole appropriation. It is true the honorable gentleman from New York [Mr. HISCOCK] has not made any motion, nor has any one else, to reduce the appropriation below that proposed in the bill.

Mr. HISCOCK. I do not believe any such motion will be made.

Mr. ATKINS. I hope not; but I was going to say that if my friend from New York spoke much longer he would probably persuade himself or somebody else to make that motion.

Mr. HISCOCK. The gentleman need have no alarm on that subject.

Mr. ATKINS. I was going to say, if that proposition were made, what I attempted to say yesterday—that when the yellow fever was ravaging the South three or four years ago, and the city of Memphis, in my own State, was stricken as never a city was before, the people from all over the North, with a liberality, a munificence, that was absolutely sublime, and a sympathy that touched every heart in the South, poured out their money for the relief of the Southern people; and if the Committee of the Whole should now strike out this appropriation and the yellow fever should again visit our section of the country, it would cost you gentlemen a great deal more than the amount here proposed; for I know that in your liberality you would from your private purses pour out upon the people of the Southern States far more than this appropriation would give them.

I hope, Mr. Chairman, that in the discussions upon this portion of the bill they will be limited at all events to the proposition to strike out the provision, and not the amount of the appropriation. Now, I am willing that the proviso shall stand or go out. I have a very accommodating spirit. I am an accommodating man; and shall not stand upon that point. I am willing to yield to the majority upon that subject, but I do not want the debate to drift into a point where it shall reach the discussion of the merits, and lose sight of the original object of the discussion. [Here the hammer fell.]

The CHAIRMAN. The Chair understands the *pro forma* amendment to be withdrawn.

Mr. ROBESON. I renew it. I think, Mr. Chairman, that with reference to the general purposes of this bill upon this subject there is a little misunderstanding. There are two branches of this subject, one being the provision which has relation to the introduction and spread of contagious diseases; and the other is the investigation of the causes which produce them, and of the specific remedies which are to suppress or prevent them. In this bill we have provided that the President shall be authorized to use $100,000 of the amount appropriated by this bill in case of the introduction into this country of any contagious diseases, or in case of a threatened or actual epidemic, and that he may use it through any local, State, or official agencies at his discretion to suppress it. For that purpose, therefore, we have made ample provision in the bill, even if these diseases shall only threaten. Now, we provide also $25,000 for another purpose. We provide this to enable the scientific Board of Health to investigate certain diseases—merely to investigate—and we believe that amount to be sufficient. We have also confined the investigation to yellow fever and to cholera, because the germs of these diseases are unknown, and because the specifics which are to meet and destroy them are yet undiscovered. In the case of small-pox the whole origin and history of that disease is thoroughly understood. Since Dr. Jenner lived and died, some half a century ago, the whole civilized world has accepted vaccination and isolation as the effectual specifics against the spread of that loathsome disease. What can the investigations of this board add to that?

Again, Mr. Chairman, there are other diseases which are deadly in their nature and infectious in their quality. But they also are thoroughly understood. Their specifics have been ascertained and applied, their nature has been comprehended, their germs are known, but the great scourges of cholera and yellow fever are as yet utterly unknown. Where they have their origin, and the influences through which they spread their deadly poison, are as yet undiscovered, and I wish, sir, that this board would focus all their scientific zeal and use all of the money that can be given to them under such an appropriation in order to determine, if they can, the secrets of the origin of these diseases and bring out from the resources of nature and the great alembics which God has given to the earth the means of destroying their deadly power over human life. I hope they will be confined to these subjects.

Do not let them scatter their investigations all over the States and take into consideration all varieties of disease that are already well understood. Let them concentrate all their power and bring all their scientific resources upon these material points. That is what we seek to do in this bill instead of encouraging local specialists all over the country to waste the money we have given to them without materially advancing the great national object that they seek to accomplish. [Here the hammer fell.]

Mr. BLOUNT. The gentleman from New York has, I think, fully presented the purposes of this bill in connection with the Board of Health. The first statute bearing upon that subject was passed on March 3, 1879, entitled "An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health." That national board of health was charged simply with the duty of obtaining information upon all matters affecting the public health and of advising the several Departments of the Government, the executives of the several States, and the commissioners of the District of Columbia what might be done to preserve the public health. In addition to that they were directed to report in connection with the Academy of Science, which was requested to co-operate, a plan for a national board of health. If such

report has been made Congress has failed to take further action, and the other, by the failure to provide a substitute for it, has expired. In June of that year an act was passed to provide against the introduction of infectious and contagious diseases into the United States. This supplementary act of June, 1879, was simply to provide for the prevention of contagious or infectious diseases in the United States, and the diseases they had in mind were cholera and yellow fever.

By the eighth section of the act an appropriation of $500,000 was made, which might be used under the sanction of the Secretary of the Treasury on estimates made to him by the Board of Health and approved by him. Otherwise it could not be used at all. This statute has not been observed by the Board of Health at all.

The last section of the act shows, however, the temporary character of the provision, for it declares that it shall not continue in force for a period longer than four years from the date of its passage, showing that it was the intention of Congress, after four years of operation of the Board of Health in this connection, that it should cease to exist. By virtue of that statute it will have reached the period of its life in June of next year. Therefore my friend from New York has stated rightly that it was intended to be temporary in its character, and that it had in view simply the consideration of these two diseases. We have therefore thought it was our duty to keep constantly in view the temporary character of the board and the limited purposes for which it was created. So far as extending it goes, I think Congress rightly considered that localities had some capacity and power to take care of themselves, and I think they may still be relied upon in that respect.

My friend from Arkansas, [Mr. DUNN,] in his remarks on this subject yesterday, took occasion to remark that I was disposed to object to this measure on the ground of economy. My friend quite misunderstood the nature of my objection at that time. So far as this provision is concerned, if it came in apart from the others as a separate provision, I would be willing to see every item of legislation existing or proposed in this bill abolished, and a permanent appropriation, if need be, of $1,000,000, not to be covered into the Treasury at any time, put into the hands of the Chief Executive of the nation, to be used in an emergency to meet such epidemics.

[Here the hammer fell.]

The CHAIRMAN. The *pro forma* amendment is understood to be withdrawn, and the question recurs on the proposition of the gentleman from Ohio [Mr. CONVERSE] to amend the bill by striking out the last proviso of the pending paragraph.

Mr. CONVERSE. I offer a formal amendment for the purpose of occupying one minute in reply. I think five speeches have been delivered on the other side.

I desire to dissent *in toto* from the views expressed by the gentleman from New Jersey, [Mr. ROBESON.] It is not true that the other diseases of the country are understood, and that they are easily remedied by local treatment. Instead of that being true, I desire to state what I believe to be the fact, that the ravages of other fevers that are contagious or infectious in their character in the United States have for every year in the last ten years exceeded the destruction from yellow fever or from cholera. Will the gentleman pretend that he knows and that the country knows the causes of typhus fever? Will he pretend to say the country or the profession know the causes or the remedies for scarletina, which is more destructive of human life than the cholera? How is it on the subject of diphtheria?

Gentlemen are ready to appropriate $50,000 to investigate a cattle disease. But here are diseases that are desolating the human family, and that are infectious in their character; and when you have got a board competent to investigate, you want by this bill to tie up their hands so they shall not investigate anything except as to two particular diseases.

The CHAIRMAN. The question is on the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out these words:

"*And provided further*, That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever."

The question being taken, there were—ayes 30, noes 35.

So (further count not being called for) the amendment was not agreed to.

Mr. COX, of New York. I move to strike out the whole paragraph from line 707 to line 716, inclusive.

Mr. PEELLE. Before the motion to strike out is entertained I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

After the word "cholera" insert the word "small-pox."

Mr. BUTTERWORTH. That has already been submitted and voted upon.

The CHAIRMAN. That is not the recollection of the Chair.

Mr. PEELLE. I think it highly proper this amendment should be adopted. The information I have received from my State prompts me to offer it.

I am not prepared, Mr. Chairman, to disagree with what has been said by the gentleman from New York [Mr. HISCOCK] and the gentleman from Georgia, [Mr. BLOUNT.] From their words I infer they have investigated this matter more carefully than I have done. But I think I can disagree with the gentleman from New Jersey [Mr. ROBESON] when he says that all these diseases except two are pretty generally understood in this country by the physicians. I am in receipt of a letter from the secretary of the board of health in the city of Indianapolis, in which, speaking of the reduction of the appropriation and the limitation which this bill seeks to place upon the national board in their researches, he uses this language:

I hope that such a reduction will not be made. The United States has suffered much more from the introduction of small-pox during the last year than from both cholera and yellow fever. Our own State and city have suffered severely from the introduction of small-pox within the last year. The National Board of Health have appointed a number of inspectors of the immigrants at the principal railroad stations east of us, and I think that such inspectors should be maintained.

The sentiment expressed in that letter is but the sentiment expressed in letters from several sources in my State that I have received; and it is for that reason I offer this amendment to include at least small-pox as one of the diseases to be investigated by this board. I believe that that disease has affected the Northern and Northwestern States more than any other disease, and certainly more than cholera and the yellow fever; and if the National Board of Health is to be an institution from which benefit is to be derived throughout the whole country, it does seem to me that this amendment should prevail.

Mr. LORD. I desire to support the amendment of the gentleman from Indiana, [Mr. PEELLE.] I represent, in part, a State with more than a thousand miles of frontier, across which diseased men are shipped by other countries into the United States, for the very reason, and for that reason only, that they are diseased. We are exposed, largely exposed, to other diseases than yellow fever and cholera. What the gentleman from New York, the chairman of the committee, read from the statute in which the first steps were taken in this direction rather led me, contrary to the purpose for which he adduced it, to believe that the intention was the Board of Health should exercise a supervision and a care over all contagious diseases. I differ with that gentleman also when he states as an argument in favor of confining the examinations and instrumentalities of this Board of Health to those two diseases that they are general while the others are local in character. I wish to call his attention to the fact that diphtheria and small-pox and scarlet fever sweep over vast areas of country, as compared with yellow fever and the cholera. Not only that, but they carry to the grave vast numbers as compared with either of those diseases. It does appear to me that this appropriation, tiny as it is, should be permitted to have its scope on the diseases to which the whole country is subjected and from which it is in danger.

The gentleman from Texas [Mr. REAGAN] has called attention to the fact that the consular agents and consular officers in their reports will call the attention of this country to the danger of contagious diseases. But unless they shall call attention to those two diseases, yellow fever and cholera, their notifications can have no effect under this law. The Board of Health, through its agents in the various States, cannot call attention to other diseases because they will be excluded by this provision which the committee has decided by vote not to strike out. I do hope the appropriation, tiny as it is, may include all the diseases, because, tiny as it is, it is important as a correlative and auxiliary matter to what the States are attempting to do in the direction I have suggested.

Mr. SMITH, of Illinois. I move to strike out the last word.

The CHAIRMAN. There is now pending an amendment and an amendment to an amendment.

Mr. ALDRICH. What is the amendment to the amendment?

The CHAIRMAN. To insert "small-pox" after the word "cholera," in line 715.

Mr. HISCOCK. That is the only amendment pending.

The CHAIRMAN. The Chair was in error; that is the only amendment pending.

Mr. SMITH, of Illinois. I move to strike out the last word. I wish to detain the committee but a moment. I am in favor of the adoption of the amendment offered by the gentleman from Indiana, [Mr. PEELLE.] I want to make one suggestion in addition to the excellent statement which that gentleman made.

The proposed amendment will not increase the expenditures of the Board of Health, for this reason: yellow fever and cholera prevail in the summer time, small-pox prevails in the winter time. Therefore this National Board of Health can be engaged in the examination of the disease of small-pox as an epidemic disease when it is not engaged in the examination of the other two diseases.

I speak particularly for our State, where the disease of small-pox was so prevalent last winter. In fact it was so prevalent in several of the Northern States last winter that the National Board of Health considered seriously the propriety of declaring it an epidemic. I hope, therefore, that the amendment of the gentleman from Indiana will be adopted.

Mr. ALDRICH. I desire to say but a word or two. It seems strange to me that the Committee of the Whole should have been willing to leave this clause in the bill as it now stands. I think there is nothing, as I suppose the committee knows, upon which this National Board of Health has done so much during the past year as upon this subject of small-pox.

That disease has been prevalent in the Western States, my own city and State, in Iowa, Wisconsin, and Michigan. There have been many

villages in those States almost devastated. For three months in succession business has been almost entirely stopped in some places by this dread disease, which was uncontrollable until the National Board of Health took hold of it, and exercised its power to stop the trains, take off those who were afflicted with the small-pox, house them and cure them, and in that way prevent its spread.

Now, when they are doing some good, to strike down the appropriations for their continuance seems to me to show conclusively that the Committee on Appropriations desires only to destroy the board entirely. I commend the sentiments of the gentleman from Tennessee, [Mr. ATKINS.] They are worthy of him and of those who would return somewhat in kind, so far as they can, to the North, and especially to the Northwestern States, the assistance which they rendered them in their time of need. I believe it is only a fair and righteous thing to do, and I hope this House will see that it is a proper thing to do to vote for this amendment and continue this National Board of Health in its course of well-doing.

Our State boards have written to us and commended this thing to us. It is said that the State boards can take care of this matter themselves. They found they could not take care of it and they called upon the National Board of Health, and that board rendered them most valuable assistance.

Mr. SMITH, of Illinois. I withdraw my *pro forma* amendment.

Mr. CANNON. I renew it for the purpose of saying only a word. I do not agree with my colleague from Illinois that this amendment should be made.

For one I want to state again, even at the expense of repeating myself, what I have before stated. The State of New York has exercised its police powers so that she protects herself. The State of Illinois has the same powers; it has a public board of health. I am sorry to see these great Commonwealths, rich in intelligence and money and enterprise and vigilance, clamoring for this appropriation. We have the power and the disposition, the money and the intelligence, to protect ourselves.

Mr. ALDRICH. We are not asking for an extra appropriation now.

Mr. HISCOCK. Yes, you are.

Mr. ALDRICH. The appropriation is already in the bill, though altogether too small.

Mr. CANNON. I want to say again that I believe in calling upon the power of the Federal Government where it is necessary that it should be exercised. But I deprecate as bad policy this running to the Federal Government and fastening upon the Federal Treasury, and organizing boards with their loose and inefficient management, a thousand or two thousand miles away from the evil to be cured. The gods help them who help themselves.

Our great and powerful Commonwealths have the ability and intelligence and disposition to take care of themselves, and let them do it where the matter can be properly superintended. Let this National Board of Health, which in my opinion ought not to exist, but as it must exist, let it regulate matters touching these two epidemics, and let the President use the $100,000 which is given him by this bill through the Board of Health if he wants to, or through the Marine-Hospital Service, or any other means that he may desire to use, and that will be effective.

Mr. ALDRICH. That is simply what I have said; the gentleman does not want this board to be useful at all. The speech he has made should have been made a hundred years ago.

Mr. CANNON. Yes, and will bear making, as all true speeches will, at all times. I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. PEELLE] to insert in line 715, after the word "cholera," the words "small-pox."

The question was taken; and upon a division there were—ayes 64, noes 31.

So (no further count being called for) the amendment was agreed to.

Mr. COX, of New York. I now offer the amendment I send to the desk.

The Clerk read as follows:

Strike out from lines 707 to 716 as amended, and insert in lieu thereof the following:

"For aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases in the United States, $5,000: *Provided*, That no other public money than that hereby appropriated shall be expended for the purposes of the Board of Health: *And provided further*, That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera and yellow fever: *And provided further*, That from and after the 1st of September next the acts of March 3, 1879, and June 2, 1879, and July 1, 1879, in relation to the Board of Health are hereby repealed."

Mr. COX, of New York. Mr. Chairman, this amendment which I have offered as a substitute for the paragraph proposes to make an appropriation of $5,000 for closing up this business, and provides for the repeal on the 1st of September next of the laws creating this Board of Health. I offer this proposition not so much perhaps with the expectation of succeeding just now in my undertaking as to call the attention of the House to the principle underlying this class of bureaus.

When the bill was passed here, at the time when the yellow fever was prevalent, I was not in favor of that bill without an amendment by which the local quarantine systems of the country should be exempted from this Federal power of control. I believe that this Board of Health, ever since its creation, has trenched upon the functions of the local boards of health as well as the local quarantine of the various States. I believe (and I think it could be demonstrated) that every time one of these State or local boards leans upon the Federal Government for sustenance and support, we lose just that much of pure medical science and progress. These boards are in the habit of drawing when they can upon the Federal Treasury, while, as my friend from Illinois [Mr. CANNON] well said, (although one gentleman has characterized his speech as a century old,) they ought to rely on themselves for the investigation of disease and their causes, the prevention and suppression of contagious and infectious diseases.

Mr. Chairman, this Board of Health is but one of many symptoms indicative of the aggrandizement and centralization of Federal power. I deny the right of the Federal Government to investigate the causes of disease. It has no more right to investigate small-pox than it has to investigate chicken-pox or the measles. All the right of the Federal Government in this respect is derived from its authority to regulate commerce so as to prevent the incoming of these diseases from abroad. Under our Constitution and our peculiar federal polity the right to adopt health regulations, to take measures in reference to the spread of disease, is a police right of a local character. It has been so regarded by the courts; it has been so treated in Congress in times gone by. This is one reason why Congress never passed a bill of so sweeping and general nature on this subject except under the influence of the *argumentum ad misericordiam* growing out of the terrible scourge in the Southern States a few years ago. I know the reason, perhaps, why we thus tend toward centralization.

Mr. ATKINS. I would like to ask the gentleman one question. How can we protect commerce if the Federal Government has not the right to adopt quarantine regulations against those things which would interrupt and destroy commerce?

Mr. COX, of New York. That question has already been answered in a most elaborate debate in this House when we discussed the decision of the Supreme Court defining the line between Federal and local authority.

Mr. ROBESON. The Supreme Court did not pronounce against either; it said they ran together.

Mr. COX, of New York. The distinctions in this respect were then made; and we discussed them. It was, however, held in the debate that in the protection against disease, where quarantine regulations of a local character were already established, this extension of Federal power was a new departure in our constitutional history.

I know that my friend from Tennessee [Mr. ATKINS] is a Democrat of strict-construction tendencies. I only wish that his advancement in that regard was equal to that of my friend from Illinois, [Mr. CANNON,] who would never invoke the authority of the Federal Government except when he finds it necessary. I say I would never invoke the Federal power except when I have warrant under the organic law for such invocation. [Here the hammer fell.]

Mr. HISCOCK. I desire to appeal to my colleague [Mr. COX, of New York,] to withdraw his amendment.

Mr. COX, of New York. I will withdraw the amendment if the gentleman will let me conclude my remarks.

Mr. SPRINGER. I renew the amendment, and yield to the gentleman from New York, [Mr. COX.]

Mr. HISCOCK. I will yield my time to my colleague if he will withdraw his amendment.

Mr. COX, of New York. I do not believe it will be in my power, after this vote upon the question of small-pox, to carry my amendment; but I would like to finish my remarks.

Mr. HISCOCK. I am willing the gentleman should do so. But I will say to the committee I am very anxious if it be possible that we should conclude this bill to-day. If we desire to adjourn on the 17th instant it is necessary the bill should go to the Senate on Monday morning. I yield my time to my colleague.

Mr. COX, of New York. Mr. Chairman, having, almost by my own exertions, preserved our local quarantine jurisdiction in New York, which has been so benignant in its operations upon the country, I feel to some extent a personal interest in this question. I wish to lay my opposition to this National Board of Health down upon broad and proper grounds. I know the tendency now (as I was about to remark when interrupted by my time having expired) to increase our Federal functions. I do not know but you and others, Mr. Chairman, may believe, and believe rightfully, we should increase our Federal power. Why do we do it? Why have we since one hundred years ago, referred to by gentlemen on the other side, grown to this system of centralization in matters of pure local police? I find the solution of it in an article from the North American Review, by Carl Schurz, where he speaks about "party schisms and future problems." Although he does not pretend to argue, he does state the present condition of our parties in respect to this division of Federal and local power. I will ask the Clerk to read what I have marked of this article.

The Clerk read as follows.

The old historic question of a centralizing tendency on one and a decentralizing tendency on the other side, or of a strong central power, and of local self-government which the Democratic party, as the advocate of decentralization, was in the habit of advancing as the vital issue of American politics, has also changed so much in some of its most important aspects that the Democratic party itself would

hesitate now to put it forward in the old form. The relation of the central Government to the States and the people has been seriously modified during the last fifty years, not only in consequence of the civil war and the constitutional amendments, or of a change in constitutional doctrine, but through the introduction of new means of communication which have annihilated the distances formerly separating the different parts of the country and their people, and through the creation of a community of enterprise and interest between them which formerly did not exist. The inhabitant of Missouri, or even California, when stepping on board of a railroad train, feels himself nearer to the central Government than the inhabitants of central Virginia or of New Jersey did fifty years ago. And the farmer in Nebraska and the stock-raiser in Montana have now as lively an interest in the regulation of railway freight rates through Ohio and New York as in the first quarter of this century the farmer to the nearest market town. The intercourse of the people of the different States is infinitely more intimate, not only because the increased facilities of locomotion encourage travel but because the interest of all classes of business pursuits are, in their various relations, constantly overleaping all geographical and political lines of division, and many of those interests feel themselves in closer contact with the National Government than with any home authority. The American people have, therefore, become more the people of one great country and less the people of a number of different States, and the central Government has become to them even in the remotest corner of the land a thing of vastly greater interest and importance than ever before.

Mr. COX, of New York. I have had that remarkable extract read not because I agree with its conclusions, but it certainly lays bare the fact to the country and the House that, owing to physical causes and geographical obliterations by means of railroad communication, telegraphs, telephones, and scientific progress, we are changing the old mode of interpreting our Constitution. Now, while I deprecate——

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I insist on the bargain being kept.

The CHAIRMAN. The Chair understands the gentleman from New York withdraws his amendment.

Mr. COX, of New York. Yes; I withdraw it.

Mr. O'NEILL. Mr. Chairman, I renew it for the purpose of saying a few words and will then withdraw it. I am very glad to find no member of the Committee on Appropriations is ready to propose such an amendment as that which has been offered by the gentleman from New York, [Mr. COX,] and which he has withdrawn. Of course he offered it to give himself an opportunity to make some remarks on the centralization of power, and so on. But I wish to say to this Committee of the Whole, Mr. Chairman, that there is no local board of health in this country of which I have heard of anywhere in any of the great commercial centers of the country, or even off the great commercial centers of the country, which has asked this House to diminish in the least the powers of the National Board of Health. I do not think there is one. I am sure the board of health of the city of Philadelphia has recommended we should appropriate liberally toward the National Board of Health, and I believe that the board of health of the city of New York, if it has not done so already, would be ready to do it if that were deemed necessary. If it be true that we have effective local boards of health, it is also true that this National Board of Health adds to the general effectiveness of the system throughout the country.

It has done great good and why should we now limit it? I of course do not believe Congress would at any time be ready to repeal the law establishing the National Board of Health, but I wish to say here and now, representing in part a commercial city, that in no commercial center could you find a board of health which would recommend this House and Congress to diminish in the least degree the necessary appropriations for the National Board of Health whereby its effectiveness would be destroyed. The weekly bulletins of the National Board of Health are most interesting reading and in every commercial community are anxiously looked for.

Why, Mr. Chairman, we want all these aids for the purpose of preventing the spread of infectious diseases in the country, I care not whether yellow fever, typhoid fever, small-pox, or cholera. I do not see how any gentleman representing a city of the importance of the city of New York in commerce can rise in his place and ask this Committee of the Whole in any gracious way to diminish the necessary powers of the National Board of Health.

There is no city, sir, in this country where the watchfulness of the boards of health is so necessary and important to the well-being of the people as in the city of New York. Why, Mr. Chairman, with all that the National Board of Health and its efforts can accomplish, with all of the efforts of the local boards of health, with all of the efforts of the commissioners of emigration, and their medical officers in the city of New York, they have been unable to keep infectious diseases out of the limits of that city. Diseases of that kind are there all the while, and God only knows how far they would extend were it not for the efforts and the zeal which is manifested by such organizations to keep them isolated from the population in general.

Mr. Chairman, I only want to say that in the city of New York, and that portion which the gentleman represents who offered the amendment, that they cannot now keep down the local diseases which every summer desolate the tenement houses of that city. There are now seven hundred or eight hundred children there dying weekly, or more than a hundred a day, of infectious diseases. I do not see why the gentleman should desire to reduce the amount appropriated for the Board of Health, or why he should seek to abolish the board altogether. [Here the hammer fell.]

Mr. REAGAN. Mr. Chairman, I desire simply to take up the time of the committee but very briefly, for I dislike to consume any more time upon this subject, but it is proper that I should make a few observations on the subject. It was stated by the gentleman from New York, when on the floor, that the power of the National Goverment over the subject now before us was derived from the power conferred by the Constitution upon Congress to regulate commerce; and in that the gentleman was undoubtedly correct. That the States have certain local or police powers in this connection no one will pretend to deny, and must be accepted as true, in their proper sphere. Now, the second section of the act of June, 1879, makes provision for a medical inspection of vessels clearing from foreign ports to this country. That section provides:

All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The purpose of this is to advise our people in an authentic and reliable form of the departure of all vessels from the ports of other countries for our shores, which vessels may be infected by disease; and this can only be done under the power to regulate commerce. If the object is to regulate commerce, leaving out the higher purpose of protecting human life, we have but to look at the consequences of some of the epidemics which have visited our country to see how important it is for the Federal Government, if it has power to execute the law, to exercise it in that proper connection for the welfare of all the people. The city of Savannah during the last epidemic, as I had information through the Representative from that district, in addition to the sacrifice of thousands of lives and the desolation of homesteads, lost $5,000,000 of property. While that condition of affairs existed in the city, and when the disease was prevailing there, as a natural consequence the trade from all parts of the country which had concentrated in that great business center fell away and gradually sought other channels. The trade of that important port was seriously crippled by the disaster, and it will be difficult perhaps to fix a limit upon the amount actually lost on that account.

Our whole country was estimated, as I have already said, to have lost by the epidemic of 1878 no less than $175,000,000. The vast trade of the Mississippi River and its tributaries, amounting to hundreds of millions of dollars annually, was turned into other channels. Its vast commerce with Northern cities, its commerce with all of Europe, its commerce with the West Indies, with South America and Central America, and with the Mexican states was arrested and a great injury done to the city which years of patient work will scarcely succeed in repairing.

The port of Galveston, with its $30,000,000 of exports annually, has been closed for a number of years by legislation closing all of the ports against the vessels, of these dread scourges. And not only has it visited the port of Galveston but five or six other points all along our southern coast are forced to sacrifice their commerce annually for the benefit of the health of that part of the country. And this condition of things affects not merely the trade and commerce of the city itself but it affects the trade and commerce of all countries as well as of all of the States that trade with it.

I say this, Mr. Chairman, but to show the necessity for the employment of the power of the Federal Government, so far as it may be constitutionally employed, to aid in preventing the introduction and spread of these terrible scourges. Besides that, sir, I desire to say a word as to the National Board of Health. I have no disposition to see the jurisdiction of the National Board of Health unduly expanded. I am willing to see it limited, as was the first intention of the act which called it into being, so as to confine it to an investigation of the cause and the prevention of epidemic diseases; but I am willing, by such appropriate legislation as may be necessary for the accomplishment of the safety of the life and the health of our people, to put the quarantine stations under the control of the marine-hospital board, so that they may, as was done at Ship Island, detain infected vessels, four of them being detained at that point, and thereby prevent the spread of disease and death and desolation all over our southern country. [Here the hammer fell.]

Mr. URNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 715, after the word "cholera," insert "diphtheria."

Mr. URNER. I do not propose to take up the time of the committee, but I desire to say this in support of my amendment. I am informed that the disease of diphtheria carries off more people in the United States in a year than any other of these diseases which have been mentioned. The exact character of that disease is not positively known to the medical profession. In my own town last winter it prevailed to an alarming extent, carrying off nearly one hundred children in a very few months; five of my nearest neighbor's children dying inside of ten days. It baffled the skill of the most experienced physicians of that community and of the State. And, sir, I am informed by medical gentlemen that it is a disease that is growing in this country to an alarming extent. It seems to me that as this National Board of Health is maintained at the public expense, as

there is an appropriation of the public funds for the purpose, and as these professional gentlemen of experience and skill can carry on such an inquiry without any additional expense to the Government, it would be wise and proper for them to be permitted under the law to direct their investigations to this disease that is so alarming in its character and so fatal in its results. Without detaining the committee further I ask that the amendment be adopted.

The question being taken on Mr. URNER'S amendment, there were—ayes 27, noes 45.

So (further count not being called for) the amendment was not agreed to.

The Clerk commenced to read the next paragraph.

Mr. WILLIS. I move to strike out the last word.

Mr. ATKINS. I do not desire to be unkind to my friend from Kentucky, but I am bound to make the point of order that we have passed over that paragraph.

The CHAIRMAN. The Clerk will report the next paragraph, and the gentleman from Kentucky can then be recognized.

The Clerk read the following paragraph:

For the purchase of books and serials for use in the office of the Government actuary, $250, to be expended under direction of the Secretary of the Treasury.

Mr. ALDRICH. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 723 insert the following:

"United States custom-house building at Chicago, Illinois: For wood floor and flagging in basement, $9,000. For cleaning, renovating, painting walls, and repairing, $12,000. For repointing exterior stonework, resetting key-stones in window arches, rebuilding portions of court-yard walls, &c., $10,000."

Mr. ALDRICH. These repairs are recommended by the Secretary of the Treasury and the estimates are made by the Supervising Architect. I have here copies of the letters from these officers and shall incorporate them in my remarks, asking the Clerk to read only the letter of the Secretary and that portion of the Supervising Architect's which I have marked.

I wish to say that because this custom-house has not been built very long the committee seem to think it is too soon to repair it. I may state we are a little unfortunate in regard to the land on which we have erected this building in Chicago. In the first year or two there is a settling, and in consequence there is an absolute necessity for some repairs. This estimate of $30,000 has been made up carefully; and in my judgment if this goes over for one year $40,000 or $50,000 will be required where $30,000 will do the work now.

The Clerk read portions of the papers submitted by Mr. ALDRICH, which in full are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 15, 1882.

SIR: I have the honor to transmit herewith a letter from the Supervising Architect of this Department, dated 10th instant, stating the necessity of certain improvements and repairs at the United States custom-house building, Chicago, Illinois, and estimating the cost thereof at $31,000.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. FRANK HISCOCK,
Chairman Committee on Appropriations, House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
March 10, 1882.

SIR: The custodian of the United States custom-house building at Chicago, Illinois, has brought to my attention the necessity for certain improvements and repairs, the execution of which would involve an expenditure too large to be made from any existing appropriation applicable thereto:

First. The laying of a wood floor in the west side of the basement now occupied by post-office clerks, and stone flagging in the east half of the basement and in north and south engine-rooms.

Second. The plastering is cracked in many places throughout the building, owing to unequal settlement, and the walls have become somewhat dingy in appearance. They require pointing up, renovating, and painting. The interior iron-work, stairs, door and window frames, columns, &c., have received but one finishing coat, all of which ought to have another.

Third. In consequence of the unequal settlement of the building many of the joints in the exterior stone-work have opened, causing the pointing to fall out, quite a number of key-stones in the window arches have dropped down out of place, and cracks have appeared in various parts of the court-yard wall, extending from the bottom to the top.

The estimated cost of making the improvements and repairs covered by the foregoing is as follows:

First, wood floor and flagging in basement	$9,000 00
Second, cleaning, renovating, and painting walls, &c	12,000 00
Third, repointing exterior stone-work, resetting key-stones in window arches, rebuilding portions of court-yard walls, &c	10,000 00
Total	31,000 00

I concur in the opinion of the custodian that this work is necessary to be done, and therefore respectfully recommend that Congress be requested to make a special appropriation covering the estimate as above.

Very respectfully,

JAS. G. HILL,
Supervising Architect.

Hon. CHAS. J. FOLGER,
Secretary of the Treasury.

Mr. HISCOCK. This bill carries $140,000 for repairs of public buildings generally. After a full investigation of the subject we came to the conclusion that $140,000 was all that would be needed for the current year for that purpose. So far as repairs, legitimate repairs, for the public building at Chicago are concerned, we believed sufficient provision is made for them in this appropriation; and we did not propose to admit anything which looked in the direction of change or improvement in the public building.

I will say in this connection that we have been beset from New York to initiate a plan of improvements there. And we made up our minds that we would not start to build over a public building before the paint had got dry upon it. Therefore, we rejected the appeal which came to us from New York. We rejected such appeals wherever they came from, but put in $140,000 in a gross sum, which in my judgment is sufficient.

Mr. ALDRICH. I would like to inquire if the chairman of the Committee on Appropriations considers that this is included within the scope of the appropriation of $140,000?

Mr. HISCOCK. I will answer the gentleman—anything which is legitimate repairs, yes; anything which is a change of plan, no.

Mr. ALDRICH. This is mostly for repairs, and contains nothing for improvements or changes except what is really necessary.

The amendment was not agreed to.

Mr. MCCOOK here took the chair of the Committee of the Whole.

Mr. KASSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 723 add the following:

"For materials and labor for repairs on the United States court-house and post-office at Des Moines, Iowa, and providing additional room therein for the courts and post-office, to be expended under the direction of the Secretary of the Treasury, $45,000."

Mr. KASSON. I wish only to say that having submitted this amendment to the chairman of the Committee on Appropriations, and the committee having previously had the papers before them, I will not now occupy time in supporting it. I will merely state that this amendment has the approval of the chairman of the committee, and I ask leave to print the letter of the Secretary of the Treasury and the report of the custodian of the building in support of its purpose.

The Secretary, it will be observed, states that "the necessity for more room is apparent;" and in regard to the present condition of the building he uses this language:

Beside the necessity for more room I am advised that a considerable portion of the main cornice and some other of the stone work of the upper part of the building is in bad condition and should be replaced.

It has been thought advisable to combine the two objects, the making the necessary repairs and the lifting of the roof, so as to give the additional accommodation.

The amendment was agreed to.

The papers referred to by Mr. KASSON are as follows:

TREASURY DEPARTMENT, *February* 27, 1882.

SIR: I have the honor to submit herewith a communication from the custodian of the United States court-house and post-office building at Des Moines, Iowa, addressed to Hon. JOHN A. KASSON and by him referred to this Department, calling attention to the crowded condition of that building and the pressing necessity for an extension thereof.

The necessity for more room is apparent, but the extension of the building as suggested cannot be authorized until Congress shall have made an appropriation therefor. Beside the necessity for more room I am advised that a considerable portion of the main cornice and some other of the stone work of the upper part of the building is in bad condition and should be replaced.

The Supervising Architect is of the opinion that the most feasible plan for securing the additional room will be to add another story to the building; which he estimates can be done at a cost (including the expense of removing the stone work as above indicated and providing suitable elevator) of $100,000.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. FRANK HISCOCK,
Chairman Committee on Appropriations, House of Representatives.

CUSTODIAN UNITED STATES COURT-HOUSE AND POST-OFFICE,
Des Moines, Iowa, February 7, 1882.

DEAR SIR: I desire to call attention to the crowded condition of the United States building in this city under my charge, and the pressing necessity for providing more room for the proper accommodation of the officers doing the public business. The building should be enlarged either by the erection of a wing or addition or by putting on another story.

I have prepared a plan of the several floors of the building, which is herewith attached. On this plan is exhibited the furniture as now placed and in use in all the rooms, and which will more plainly show the crowded condition than any description I could make. When to this is considered the number of persons employed in each room, it must be clear that the public business is hampered and hindered.

In the money-order office (room No. 1) three clerks are constantly employed. In the main office (No. 2) nine clerks and, for a portion of the day, nine letter-carriers. In the postmaster's private office (No. 3) provision is made for additional help, as required.

In the collector's office (No. 5) one clerk has to be provided with desk room, and in his main office (No. 6) one clerk, two deputies, and parts of the day three gaugers and three storekeepers. Within ninety days the completion and operation of two more distilleries in the district will compel him to find room for six or eight more employés.

In the main room of the pension agent (No. 7) there are permanently employed four clerks, and for half the time at quarterly periods as many more.

The circuit court clerk (No. 10) has two assistants, and the district court clerk (No. 16) one, but before and after terms they have from five to ten copyists.

During the sessions of the circuit and district courts the halls and many of the offices on the second floor swarm with litigants, jurymen, and witnesses, and much complaint is made by attorneys that there is no accommodation for private consultation with clients or associates. The United States district attorney has to abandon his room to public use.

The United States marshal has practically no room wherein to transact his business free from annoying and disturbing intrusion.

It is very evident that the public business here has largely outgrown the accommodations provided, and the increase in the near future bids fair to render them still more inadequate.

Yours, &c.,

L. P. SHERMAN, *Custodian.*

Hon. JOHN A. KASSON, *Washington, D. C.*

Mr. BAYNE. I offer as an amendment, to come in after the one just adopted, that which I send to the Clerk's desk.

The Clerk read as follows:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, $25,000.

Mr. HISCOCK. I will reserve all points of order on that amendment until I can hear some explanation of it.

Mr. BAYNE. I do not desire to occupy much of the time of the committee. This amendment is in pursuance of existing law, and therefore the point of order will not lie against it. It is to carry into effect that section of the Revised Statutes which authorizes the President to appoint a commission to examine applicants for office and to appoint those to office who are best qualified to fill the positions.

Unless all the declarations which have been made here are meant simply in a Pickwickian sense, this amendment should be adopted. It will give an earnest of the intention of gentlemen here to carry out in good faith the declarations they have made that they are clearly and honestly in favor of civil-service reform. This is the first opportunity they have had; the opportunity is now given them. The request for this appropriation was made by the President himself in his message to Congress. The President having asked the appropriation, and the purpose of the amendment being to enable him to carry out the object of that section of the law, which Congress enacted some years ago in response to public sentiment, it seems to me that all those who clearly desire a reform in the civil service, who desire that men fit for the position shall be appointed to office, and that the interest of the country shall weigh over political recommendations, will vote for this amendment.

Mr. WILLIS. I desire to say a word or two on the amendment.

Mr. BAYNE. I wish to incorporate in my remarks the section of the statute referred to in the amendment I have offered. It is as follows:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service.

Mr. WILLIS. I do not desire to occupy the time of the committee further than to say that I most heartily approve of what has just fallen from the lips of the gentleman from Pennsylvania, [Mr. BAYNE.] I will not take up the time of the committee now, but will ask leave to print a brief *résumé* of the operations of the civil-service commission appointed, as we all know, in 1874, and operating for two years with great success and advantage in the reformation of the civil service of our country.

I desire to say that in the report of that commission, which I hold in my hand, it is shown that not only the various Presidents under whom it operated approved of its proceedings but that all the heads of Departments, with I believe only a half dozen exceptions, approved also of the rules and methods of competitive examination which were introduced by that commission.

Further than that, as the gentleman from Pennsylvania has said, the President of the United States in his first message to this Congress urged upon us this appropriation. In another message, made on the 10th of last March in response to a resolution of inquiry which I had the honor myself to introduce, he again says that this Congress should by all means appropriate the sum of $25,000 for the purpose of promoting the efficiency of the civil service in the various departments of the Government. I sincerely and most heartily hope that there will not be a vote on this floor against this amendment.

Mr. CANNON. I move to strike out the last word merely to make one statement. The gentleman from Pennsylvania [Mr. BAYNE] has referred to one section of the statutes in his amendment. There is another section of the statutes that requires an examination of all appointees as to their fitness. That is a substantial section which is enforced and which is required to be enforced before any applicant for a position can be received on trial.

I do not believe in this appropriation. We had some demonstration of the matter some years ago, when college boys and college girls fresh from their books could stand a better examination than people who had practical experience. I had great sympathy with that woman in the Treasury Department who was called upon to pass one of these examinations and compete with a college-bred girl just from her books. When asked the question as to the distance of the sun from the earth, she replied that she did not know the distance in miles, but she did know it was near enough to afford light sufficient to enable her to count more national Treasury notes, and with greater accuracy, than any other woman in that Department, whereupon she took service. I believe in the substantial section of the statute and not in this dress parade.

Mr. NEAL. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. NEAL. What chance have the soldiers, who went into the Army and bared their breasts to the leaden storm in order to preserve their country, alongside of these fresh college-bred girls and boys in these examinations?

Mr. CANNON. None at all.

Mr. BAYNE. The next section of the Revised Statutes provides abundantly for that.

Mr. BOWMAN. I move a *pro forma* amendment for the purpose of asking leave to print some remarks in regard to the civil service.

There being no objection, leave was granted. [See Appendix.]

The question being taken on the amendment of Mr. BAYNE, there were—ayes 35, noes 41.

Mr. BAYNE. I call for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. WILLIS. I do not think the question has been understood by the committee.

The CHAIRMAN. The gentleman from Kentucky is aware that the question was taken on the amendment, first by a *viva voce* vote, then by a division, and then the demand being made for tellers, tellers were refused.

Mr. WILLIS. I understand that; but I say, in the confusion, when the question was taken upon the demand for tellers there were not three men on this side of the House who understood the question.

The CHAIRMAN. The Chair stated it distinctly.

Mr. WILLIS. I renew the amendment in a modified form, striking out $25,000 and inserting $24,000.

The question being taken on the amendment of Mr. WILLIS, there were—ayes 31, noes 45.

Mr. WILLIS. No quorum.

Tellers were ordered; and Mr. HISCOCK and Mr. WILLIS were appointed.

Mr. WHITE. I rise to a question of order. I want to know whether it would be in order to save the time of the House by deciding this question by the flipping of a nickel.

Mr. WILLIS. I will answer that question after a while.

The CHAIRMAN. The question of the gentleman from Kentucky is not in order.

The committee again divided; and the tellers reported—ayes 40, noes 54.

So the amendment was not agreed to.

Mr. HILL. I move the amendment which I send to the desk.

The Clerk read as follows:

After line 723 amend by adding the following:

"That from and after the 1st day of January, 1883, the rate of postage on all domestic letters transmitted through the mails of the United States, and not exceeding one-half ounce in weight, shall be uniform at two cents, and for each half ounce or fraction thereof of additional weight there shall be charged an additional rate of two cents, to be in all cases prepaid by postage stamps plainly affixed to such letters."

Mr. HISCOCK. I make a point of order upon this amendment.

The CHAIRMAN. The gentleman from New York makes the point of order that this amendment is new legislation and does not retrench expenditures.

Mr. HISCOCK. I am willing to reserve the point of order, that the gentleman from New Jersey may be heard.

Mr. HILL. Mr. Chairman, on the 16th of December last I introduced a bill to reduce postage, of which this amendment is a copy. No action has been taken in regard to it, and the session is so near the close I fear it will not be reached; therefore, in view of the importance of the measure, I am induced to offer this amendment, with the hope that it may be adopted and ingrafted in this bill, and thereby become a law. In my opinion it is one of the most important measures that has been before this Congress. It is in the interest of all the people of the country, and ought to have passed before this. The amendment simply reduces letter postage from three cents to two cents. We have heard much of late in regard to the reduction of taxes, but little has been said about reducing postage, which is really a tax on the people. The reduction called for in this bill is one that every person who does business through the mails will be benefited by. The workingmen, the mill hands, clerks, and farmers, as well as the business men, all will receive a benefit, a saving of 33⅓ per cent. be realized, and, as we believe, the revenues of the Post-Office Department be increased as the result of lower postage by increasing correspondence. I believe it has been proven in all countries, the cheaper the postage and the greater the facility for creating correspondence the greater the number will be who take advantage of it. Whenever postage has been reduced, it has increased rather than diminished the revenue to the Post-Office Department. There is something in this reduction that is feasible—that all will enjoy the good results to come from it. It comes home to the masses of the people; it is demanded by them; their voice is heard from all parts of the country asking for it. Public meetings are being held; boards of trade, chambers of commerce have passed resolutions and petitioned Congress to reduce postage. The Post-Office Department is now self-supporting, as the following statement will show:

For quarter ending September 30, 1881, first quarter of present fiscal year, deficiency was	$196,104 02
For quarter ending December 31, 1881, second quarter of present fiscal year, surplus was	678,424 20
Surplus for six months ending December 31, 1881	482,320 18

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 28, 1882.

SIR: In compliance with your request, I have the honor to furnish you with the following statement of the receipts and expenditures of the Post-Office Department for the quarters named:

Quarter.	Receipts.	Expenditures.	Deficiency.
First, 1881	$9,451,761 95	$9,711,342 32	$259,580 37
Second, 1881	9,811,273 41	9,974,050 02	162,776 61
Third, to September 30, 1881	9,490,706 95	9,686,810 96	196,104 01

The receipts for the second quarter, 1881, are increased by the item of $295,581.39 "revenue from money-order business," for the fiscal year 1881, this account being made up annually.

Very respectfully,
J. H. ELA, *Auditor.*
Hon. JOHN HILL, *House of Representatives.*

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., April 7, 1882.

SIR: In compliance with your request, I have the honor to furnish you with the following statement of the postal receipts and expenditures for the quarter ended December 31, 1881:

Revenue		$10,620,400 90
Expenditures		9,941,976 70
Surplus		678,424 20

Very respectfully,
J. H. ELA, *Auditor.*
Hon. JOHN HILL, *House of Representatives.*

And I am informed that for the quarter ending March 31, 1882, the surplus is still larger. I have seen it stated that it is estimated there will be a surplus the fiscal year ending June 30, 1882, of over $2,000,000. In the last report of the Postmaster-General for the fiscal year ending June 30, 1881, I find the following:

The total expenditures made on account of service for the fiscal year ending June 30, 1881, were		$39,251,736 46
The revenues were as follows:		
Ordinary receipts	$36,489,816 58	
Receipts from money-order business	295,581 39	
		36,785,397 97
Excess of expenditures on account of the fiscal year over receipts for the same		2,466,338 49
To which should be added the net amount charged on the books of the Auditor—as appears by his report—for "bad debts" and "compromise" accounts		14,790 86
Making a total excess of		2,481,129 35

I find in said report that there were sold and used during the fiscal year ending June 30, 1881, postage-stamps, stamped envelopes, and postal cards as follows:

Stamps, &c.	Number.	Value.
The number of ordinary postage-stamps issued during the fiscal year was	954,128,450	$24,040,627 00
Newspaper and periodical stamps	1,995,788	1,398,674 00
Special stamps for the collection of postage due	8,045,710	254,393 00
Postal cards	308,536,500	3,086,605 00
Stamped envelopes, plain	106,291,300	2,647,567 74
Stamped envelopes, special request	85,024,000	2,624,481 75
Newspaper-wrappers	35,751,750	431,154 60
Official postage-stamps	2,012,544	107,777 32
Official stamped envelopes and wrappers	2,525,500	34,155 50
Aggregating	1,504,311,542	34,625,435 91

POSTAGE ON SECOND-CLASS MATTER.

The total amount of postage collected during the year on newspapers and periodicals mailed to regular subscribers from known offices of publication and from news agencies, at two cents per pound, was $1,399,048.64, an increase over the year before of $172,596.06.

The following report is also found, relating to registry fees and the money-order system, showing effect of growth of country and increase of business:

STATISTICS OF REGISTRATION.

The total number of letters and parcels registered during the fiscal year was 8,338,919, consisting of 6,159,297 domestic letters, 645,213 domestic parcels, 312,553 letters, and 11,759 parcels to foreign countries, and 1,210,096 letters and parcels of official matter for the Government by law exempt from the payment of registry fees. The amount of registry fees collected was $712,882.20, an increase over the previous year of $117,107.90, or 19.19 per cent. The increase in the total number of letters and parcels registered was 1,342,405, or 19.66 per cent.

The registration of third and fourth-class matter, begun on the 1st October, 1878, continues to grow in popular favor. The amount of fees collected from this source during the last fiscal year was $65,697.20, an increase over the previous year of $20,006.90. The revenue derived from the registration of this class of matter is some compensation for the loss the Department sustains in handling and transporting it, but the expense is still largely in excess of the total receipts.

The registry system is now in most excellent condition, having been almost completely remodeled during the past four years, with financial results that well attest the wisdom of the changes made. The amount of fees collected during the year ended June 30, 1877, was $367,438.80, and for the year ended June 30, 1881, was $712,882.20, an increase of the latter over the former year of $345,443.40, or a little more than 94 per cent. This rate of growth is unprecedented, and is gratifying not only as an evidence of the public appreciation but because of the fact that the registry system is a profitable contributor to the postal revenues, the fees realized being much in excess of the cost of the work. The report of the Third Assistant Postmaster-General is worthy of special attention in connection with the subject of registration.

THE POSTAL MONEY-ORDER SYSTEM.

The operations of the money-order system are multiplying yearly under the impulse of prosperous trade and the influence of immigration, with the rapid development of the newer States and Territories, and the demand for additional means of intercommunication and exchange.

NUMBER OF DOMESTIC MONEY-ORDER OFFICES.

At the commencement of the last fiscal year the total number of post-offices authorized to issue and to pay domestic money-orders was 4,829. During the year 341 additional money-order offices were established, and 7 were discontinued, leaving 5,163 in operation on the 30th day of June, 1881. Since then 338 new offices have been established, making the whole number of money-order offices in operation at date of this report 5,499.

ISSUES AND PAYMENTS OF DOMESTIC MONEY-ORDERS.

The number of domestic money-orders issued during the year was 7,663,232, of the aggregate value of		$105,075,769 35
The number of such orders paid during the same time was 7,627,710, amounting in value to	$104,219,871 65	
To which must be added the amount of orders repaid to remitters	704,981 96	
Making the total amount of payments and repayments		104,924,853 61
The excess of issues over payments was		150,915 74
The total amount of fees paid by the public to postmasters for the issues of domestic orders was		966,732 75

The foregoing figures show an increase of $4,722,950.52, or 4.71 per cent. in the amount of orders issued; an increase of $4,758,870.83, or 4.75 per cent. in the amount of orders paid and repaid, and a gain of $50,279.95, or 5.49 per cent. in the amount of fees received over the like transactions of the previous year. The domestic money-orders issued during the year averaged $13.71 each, the average being about 15 cents smaller than that of the previous year, and the average fee upon each was 12.62 cents, being four-hundredths of a cent less than the average fee for the year preceding.

REVENUES AND EXPENSES OF THE MONEY-ORDER SYSTEM.

The receipts and expenditures of the domestic money-order system for the fiscal year ended June 30, 1881, are reported by the Auditor as follows:

RECEIPTS.

Fees on orders issued		$966,732 75
Premiums, &c		1,040 18
		967,772 93

EXPENDITURES.

Commissions and clerk hire	$607,160 19	
Lost remittances	167 00	
Bad debts	3,692 28	
Incidental expenses	104,438 82	
		715,458 29
Excess of receipts over expenditures, being gross revenue		252,314 64

The following table will show

INCREASE IN ISSUES OF POSTAGE-STAMPS, ETC.

The increase in the number and amount of the foregoing issues over those of the previous year is shown as follows:

Description.	Fiscal year ended June 30, 1880.	Fiscal year ended June 30, 1881.	Increase.	
			Value.	Pr. ct.
Ordinary postage-stamps	$22,414,928 00	$24,040,627 00	$1,625,699 00	7.2
Newspaper and periodical stamps	1,252,903 30	1,398,674 00	145,770 70	11.6
Postage-due stamps	251,836 00	254,393 00	2,557 00	1. +
Postal cards	2,753,470 00	3,086,605 00	333,135 00	12. +
Stamped envelopes, plain	2,496,238 93	2,647,567 74	151,328 81	6. +
Stamped envelopes, special request	2,381,355 15	2,624,481 75	243,126 60	10.2
Newspaper-wrappers	381,787 60	431,154 60	49,367 00	12.9
Total ordinary issues	31,932,518 98	34,483,503 09		
Total increase, ordinary issues			2,550,984 11	7.9
Official stamps, stamped envelopes, and wrappers	154,823 48	141,932 82	*12,890 66	*8.3
Aggregate increase	32,087,342 46	34,625,435 91	2,538,093 45	7.9

*Decrease.

It will be seen by the above extracts from the Postmaster-General's report that postal stamps and stamped envelopes contribute to the revenue of the Department $29,312,481.76.

Newspapers and periodical stamps	$1,398,674 00
Postal cards	3,086,608 00
Money-orders, excess of receipts over expenditures	352,314 64
Registry fees	712,882 20
Postage on second-class matter, newspapers, and periodicals, from offices of publication, mails to regular subscribers, at 2 cents per pound	1,399,048 64
Registration of third and fourth class matter	65,697 20

It will be noticed that all these various items of the service are growing and increasing rapidly every year, and to corroborate this I find the Third Assistant Postmaster-General Hazen has recently completed a statement of the issues to postmasters by his office of postage-stamps, stamped envelopes, and postal cards for the fiscal year ended June 30, 1882. The total number issued was 1,740,571,038 pieces of an aggregate value of $40,977,953.42. This is an increase over the issue for the preceding fiscal year of 236,259,496 pieces, or 15.7 per cent., equal in value to $6,352,517.51. The total cost of furnishing these articles was $875,836.75, or an increase over the preceding fiscal year of only $19,288.96, or 2¼ per cent., although the increase in the number of articles furnished was 15.7 per cent. The appropriations for supplying these articles amounted to $1,036,000, of which $875,836.75 was expended, leaving an unexpended balance of $160,163.25, or 15.4 per cent. of the appropriations. Over 1,000,000,000 three-cent stamps and 350,000,000 postal cards were sold during the past year. As a result of these figures the departmental officials feel warranted in asserting that when the final statement of receipts and expenditures for the year has been completed it will be found that the postal service was self-sustaining. Of a deficiency appropriation of $2,152,258 made by Congress last year to meet the expected deficiency in the postal revenues not one cent has been drawn from the Treasury. This is the first year since 1851 in which the receipts of the Post-Office Department have balanced its expenditures, with the exception of one year during the war of the rebellion. This is very gratifying and sustains all I have said, that the postal service is self-supporting and that the business every year is increasing, and that while expenditures are decreasing revenues are increasing.

As I have mentioned above, we have seen it stated that it is estimated that the surplus for the fiscal year ending June 30, 1882, will be about $2,000,000. The deficiency June 30, 1881, was $2,481,129, which by increase of business of the service and good management of the same has been made up; and if a surplus of two millions for 1882 is realized four millions and a half will be the gain for the past year; and at this rate it will not take long to meet any deficiency that a reduction of postage to two cents would create.

It is argued that to reduce to a two-cent rate one-third decrease on stamps and stamped envelopes would deplete the revenues too much, but when the facts above are carefully examined, it will be seen that it will not be long before the great increase of wealth, population, business of the country, and correspondence will make up any deficiency that may accrue, and that lower rate of postage will tend to increase postage and revenue. The same argument was used when the postal-card bill passed in 1873; it was said then the revenue of the Post-Office Department would suffer, and that we could not afford to take the risk; yet we find that the introduction and use of the one-cent postal card has been a source of large revenue to the Post-Office Department, and it has played an important part in the revenues of the service, as will be seen from the figures below. When the postal-card bill passed in 1873 it was thought that possibly the sale of these cards might reach 100,000,000 a year. The last report shows sales for each year ending June 30, as follows:

1873, (May and June)	31,094,000
1874	91,079,000
1875	107,616,000
1876	150,815,000
1877	170,015,500
1878	200,630,000
1879	221,797,000
1880	269,704,000
1881	308,418,500

The estimated number of postal cards required from July 1, 1881, to July 1, 1885, is 2,000,000,000—an average of 500,000,000 a year. The cost of the postal cards for the eight years they have been in use is $1,428,715; the number sold during that period has been 1,523,039,500, giving a revenue to the Post-Office Department of $13,802,280. In view of this experience, two-cent letter postage does not seem so impracticable a scheme as it once did to certain *doctrinaires*, and the sale of 2,000,000,000 of the cards during the next five years will help on the good cause.

We find the contract price for printing postal cards for the first four years was $1.39⅞ per 1,000; for the second four years, 69.56 cents per 1,000; and the contract for the four years to 1885 is at 54.43 cents per 1,000. We note one more fact connected with the postal card. Our cards are printed so well and so cheaply, and the material is so good, that the Government of Canada has asked permission of our Government to allow the contractors for our cards to print 10,000,000 postal cards for our British neighbor.

The sale of letter postage-stamps and of one and two cent stamps keeps pace with the postal card, and, as far as can be ascertained, the postal-card business is believed to be nearly a net gain to the revenues.

As an appendix to the above information concerning the postal card in this country, we cite the following facts of general interest. They are collated from a treatise on the history of the postal card, recently published in Berlin:

The originator of the idea is said to have been a German state official, Dr. Stephan, who wrote an essay upon it in 1865. Austria was the first to adopt it, beginning in October, 1869. The first three months witnessed the passage of 2,930,000 cards through the mails. Germany followed suit in 1870, and on the first day after the introduction of the postal card 45,468 were sent off in Berlin alone, and within two months over 2,000,000 were used. Other countries soon initiated the same step. During the Franco-Prussian war the postal-card system was a great boon to both armies. Over 10,000,000 cards passed during the campaign between the German soldiers and their friends and homes. The greatest proportional consumption of postal cards occurs unquestionably in the United States. The whole of Europe is estimated to use annually 350,000,000. Germany consumed in 1879, 122,747,000. There are now said to be seventy-three countries in which it is introduced. Austria, which has the honor of first putting the idea into practical execution, is now said to have cards of the poorest material and most inconvenient form.

It will be observed that the reduction of postage in issuing one cent postal cards in this country has greatly increased the correspondence as well as the revenue of the Post-Office Department, and helped to place the Department on a self-sustaining basis; and so it will be, in my opinion, if we reduce letter postage to 2 cents. It will no doubt have the same effect in this country that it had in England when they adopted penny postage, which was inaugurated in 1840. Below I present a table giving an estimate of letters passing through the mails in Great Britain, beginning with 1838, the last complete year before the general reduction of postage on 5th December, 1839, the maximum inland postage for a single letter was reduced to fourpence. On 20th January, 1840, the postage on all inland letters was reduced to 1 penny per each half ounce.

The estimated number of letters delivered in Great Britain in the year immediately preceding the establishment of penny postage (or 2 cents American money) on 5th December, 1839, and in the years subsequent thereto, as reported by the British post-office, were:

Estimated number of letters from 1838 to December 5, 1839	76,000,000
Estimated number of letters franked from 1838 to December 5, 1839	6,563,000
	82,563,000
Estimated number of letters in 1840	169,000,000
Average of five years, 1841–1845, for each year	227,000,000
Average of five years, 1846–1850, for each year	327,000,000
Average of five years, 1851–1855, for each year	410,000,000
Average of five years, 1856–1860, for each year	523,000,000
Average of five years, 1861–1865, for each year	648,000,000
Average of five years, 1866–1870, for each year	800,000,000
Number of letters in 1871	867,000,000
Number of letters in 1872	885,000,000
Number of letters in 1873	907,000,000
Number of letters in 1874	967,000,000
In 1875	1,008,392,100
In 1876	1,018,955,250
In 1877-'78	1,057,732,300
In 1878-'79	1,097,372,800
In 1879-'80	1,127,997,500

In 1871 the inland letter postage was reduced to such an exent as would enable the public to send through the mails in closed covers not only patterns and samples but also any light article for a moderate charge; thus abolishing altogether the distinction between letters and samples, providing a cheap and convenient postage charge for small parcels, and increasing the standard weight for a single letter to one ounce.

The above table, taken from the reports of the post-office department of Great Britain, shows the very interesting fact that when penny postage was adopted there was a wonderful increase of correspondence, increasing from 82,000,000 of letters passing through the mails in 1838, the last year of higher rates of postage, to 169,000,000 in 1840, the first year of penny postage, and 1,176,000,000 in 1880, which increased the revenues largely, as shown in the "statement of gross and net revenues" published below:

Statement of gross and net revenues and cost of management of the postal service of Great Britain for the year ending January 5, 1838, and for each subsequent year, showing constant increase of receipts and revenues after inaugurating penny postage.

Year ending—	Gross revenue.	Expenditures.	Net revenue.
	£ s. d.	£ s. d.	£ s. d.
January 5, 1838	2,339,737 18 3½	687,313 10 7½	1,652,424 7 7½
January 5, 1839	2,346,278 00 9½	686,768 3 6½	1,659,509 17 2½
January 5, 1840	2,390,763 10 1½	756,999 7 4	1,633,764 2 9½
January 5, 1841	1,359,446 9 2	858,677 00 5½	500,789 8 8½
January 5, 1842	1,499,418 10 11½	938,168 19 7½	561,249 11 4½
January 5, 1843	1,578,145 16 7½	977,504 10 3	600,641 6 4½
January 5, 1844	1,620,867 11 10	980,650 7 5½	640,217 4 4½
January 5, 1845	1,705,067 16 4	985,110 13 10½	719,957 2 5½
January 5, 1846	1,887,576 13 11½	1,125,594 5 00	761,982 8 11½
January 5, 1847	1,963,857 9 9½	1,138,745 2 4½	825,112 7 5
January 5, 1848	2,181,016 16 0½	1,196,520 1 6½	984,496 14 6
January 5, 1849	2,143,679 19 6	1,403,250 13 2	740,429 6 4
January 5, 1850	2,165,349 17 9½	1,324,562 16 10	840,787 00 11½
January 5, 1851	2,264,684 5 3½	1,460,785 13 10½	803,898 11 5½
January 5, 1852	2,422,168 4 1½	1,304,163 12 8½	1,118,004 11 4½
January 5, 1853	2,434,326 16 7	1,343,907 3 1½	1,090,419 13 5½
January 5, 1854	2,574,407 15 2½	1,400,679 15 10	1,173,727 19 4½
December 31, 1854	2,701,862 14 0½	1,506,556 4 2½	1,195,306 9 10½
December 31, 1855	2,716,420 00 4½	1,651,364 00 0	1,065,056 00 3
December 31, 1856	2,867,954 00 0	1,660,229 00 0	1,207,725 00 0
December 31, 1857	3,035,713 00 0	1,720,815 00 0	1,314,898 00 0
December 31, 1858	3,087,535 00 0	1,926,108 00 0	1,161,427 00 0

Statement of gross and net revenues, &c.—Continued.

Year ending—	Gross revenue.	Expenditures.	Net revnue.
	£ s. d.	£ s. d.	£ s. d.
December 31, 1859	3,299,825 00 0	1,853,953 00 0	1,445,872 00 0
December 31, 1860	3,382,900 00 0	1,990,708 00 0	1,392,192 00 0
December 31, 1861	3,528,427 00 0	2,003,116 00 0	1,525,311 00 0
December 31, 1862	3,646,889 00 0	2,044,542 00 0	1,602,347 00 0
December 31, 1863	3,999,455 00 0	2,956,486 00 0	1,042,969 00 0
December 31, 1864	4,231,558 00 0	3,072,235 00 0	1,159,323 00 0
December 31, 1865	4,423,608 00 0	2,941,086 00 0	1,482,522 00 0
December 31, 1866	4,599,667 00 0	3,201,681 00 0	1,397,986 00 0
December 31, 1867	4,668,214 00 0	3,246,850 00 0	1,421,364 00 0
December 31, 1868	4,683,646 00 0	3,266,724 00 0	1,416,922 00 0
December 31, 1869	4,764,575 00 0	3,459,227 00 0	1,305,348 00 0
December 31, 1870	4,929,475 00 0	3,435,865 00 0	1,493,610 00 0
December 31, 1871	4,900,454 00 0	3,610,700 00 0	1,289,754 00 0
December 31, 1872	5,208,922 00 0	2,754,764 00 0	2,454,158 00 0
December 31, 1873	5,348,040 00 0	2,846,707 00 0	2,501,333 00 0
December 31, 1874	5,751,600 00 0	3,009,588 00 0	2,742,012 00 0
December 31, 1875	5,815,000 00 0	3,921,050 00 0	1,894,000 00 0
Quarter ended—			
March 31, 1876	1,338,861 00 0	1,003,322 00 0	335,539 00 0
Year ended—			
March 31, 1877	6,017,072 00 0	4,070,006 00 0	1,947,066 00 0
1877–'78	6,047,312 00 0	3,990,620 00 0	2,056,692 00 0
1878–'79	6,274,450 00 0	3,840,076 00 0	2,434,374 00 0
1879–'80	6,558,445 00 0	4,060,758 00 0	2,497,687 00 0
1880–'81	6,733,427 00 0	4,135,659 00 0	*2,597,768 00 0

*United States money, $12,988,840.

In October, 1871, the distinctive rate of postage on patterns and samples was abolished; the latter rate on all letters and packets being at the same time reduced to 1 penny per first ounce and under; 1½*d.* if above 1 ounce and not over 2 ounces; 2*d.* from 2 to 4 ounces; 2½*d.* from 4 to 6 ounces; 3*d.* from 6 to 8 ounces; 3½*d.* from 8 to 10 ounces; 4*d.* from 10 to 12 ounces; and 1 penny for each ounce above 12 ounces.

This statement shows that during the last year of high rates of postage in Great Britain (1838) the net revenue amounted to £1,633,764, or $8,168,820 United States money; and it will be seen also that during the first year of penny postage the net revenue amounted to £500,789, or $2,503,745 United States currency; showing that, notwithstanding the great reduction in postage, the revenues decreased only $5,665,065; and that each year thereafter the net revenues increased, until the last report, of 1880, exhibits a balance of surplus of $12,988,840 with penny postage. I also find in the post-office reports of four of the large European countries, estimated number of letters, population, letters per capita, surplus and deficiencies, in Germany, Great Britain, France, and United States, which are of interest. These, as per reports of countries in 1880, were as follows:

Germany—postage, 2½ cents.

Population	45,198,401
Total number of letters	522,689,800
Letters per capita	11½
Surplus, per report for 1880	$4,403,537

Great Britain and Ireland—postage, 2 cents.

Population	34,505,043
Total number of letters	1,176,423,600
Letters per capita	31½
Surplus, per report for 1880	$12,988,840

France—postage, 3 cents.

Population	36,905,788
Total number of letters	488,462,763
Letters per capita	13 1/3
Surplus, per report for 1880	$6,460,729

United States—postage, 3 cents.

Population	50,152,866
Total number of letters	847,830,029
Letters per capita	16 9/10
Deficiency, per report for 1880	$3,227,324 34

Thus it will be seen that Great Britain, with her total population of 34,505,043, and with penny postage, has a correspondence, of letters, numbering 1,176,423,600, and letters per capita 31½, and a surplus of $12,988,840, as against the United States, with a population of 50,152,866, postage 3 cents, correspondence, or letters, numbering 847,830,029, letters per capita 16 9/10, and deficiency $3,227,324.34, showing very clearly that cheap postage creates correspondence and increases revenue; and, at the same time, the standard of weight for the single letter in Great Britain is one ounce, or double that in the United States; so we think we may argue that lower rates of postage create letter-writing, thereby increasing revenue. Let us try it here. We feel quite sure it will work the same in the United States. It is argued that our country is very much larger—mail routes longer than in England, and hence more expensive. Admit it, but our correspondence is nearly one-third less, and standard of weight one-half less. The service has been placed upon the great trunk routes and all principal routes, and the expense in the future will not increase so much in that direction. We find in examining the postage operations of the different countries that there are nineteen principal countries, of which we give below a statement of excess of receipts or of expenditures, and of this number fifteen are in excess, and in nearly all that are in excess the postage is 2 cents, American money:

Statement showing the excess of receipts or of expenditures of the postal services of principal European countries, for the year 1879, with population of each country, &c.

Name of country.	Population.	Excess of receipts.		Excess of expenditures.		Postage, cents.
		Francs.	Dollars.	Francs.	Dollars.	
Germany	42,727,874	20,447,595	3,946,386			2½
Austria	21,942,000	1,148,600	221,480			2½
Hungary	15,860,123	2,711,284	523,278			2½
Belgium	5,476,939	3,684,083	711,028			2
Denmark	2,000,000			65,225	12,588	4
Spain	16,731,570	8,749,857	1,688,722			5
France	36,905,788	28,498,225	5,500,157			3
Great Britain	34,200,000	70,665,756	12,988,840			2
Greece	1,679,775	202,598	39,101			4
Italy	27,500,000	3,751,233	723,988			6
Luxemburg	205,000	26,447	5,104			2
Norway	1,900,000			209,485	40,431	2
The Netherlands	4,037,010	2,413,472	465,800			2
Portugal	4,745,124	489,766	94,525			2½
Roumania	5,040,000	358,591	69,208			3
Russia	93,000,000			4,188,504	808,381	5
Sweden	4,531,863	145,498	28,081			2 2/10
Switzerland	2,669,147	1,791,583	345,775			4
United States	50,152,866				2,466,338 49	3

*Equivalent in United States currency.

The above table is one that will bear studying, and careful examination shows so clearly that the cheaper the postage the greater the correspondence and use of the mails, thereby increasing the revenue and placing the Post-Office Department on self-sustaining basis, and a large balance in the Treasury. We submit also a table of domestic rates of postage for letters in different countries, and standard of weights, which is not without interest and only helps to strengthen my argument for two-cent postage:

Domestic rates of postage for letters, January, 1882.

1. BELGIUM.

For a letter not above 15 grams, (½ oz.,) 10 centimes, (2 cents.)
For every additional 15 grams, 10 centimes, (2 cents.)
(Unpaid letters are charged twice the above rates.)

2. FRANCE.

For a letter not above 15 grams, 15 centimes, (3 cents.)
For a letter above 15, but not above 30 grams, 30 centimes, (6 cents.)
For a letter above 30, but not above 45 grams, 45 centimes, (9 cents.)
For a letter above 45, but not above 60 grams, 60 centimes, (12 cents.)
For a letter above 60, and not above 75 grams, 75 centimes, (15 cents,) &c., 15 centimes (3 cents) for every additional 15 grams.

3. GERMANY.

For a letter not above 15 grams, 10 pfennig, (2½ cents.)
For a letter above 15, and not above 250 grams, (8¾ oz.,) 20 pfennig, (4 cents.)
Unpaid letters, 20 pfennig (4 cents) for letters up to 15 grams, and 30 pfennig cents) for all letters above that weight and below 250 grams.

4. GREECE.

For a letter not above 15 grams, 20 lepta, (4 cents.)
For a letter above 15, and not above 30 grams, 40 lepta, (8 cents.)
For a letter above 30, and not above 60 grams, 60 lepta, (12 cents.)
For a letter above 60, and not above 106 grams, 80 lepta, (16 cents.)
For every additional 100 grams, 80 lepta, (16 cents.)

5. GREAT BRITAIN.

For a letter not above 1 ounce, 1*d.*, (2 cents.)
For a letter above 1 ounce, but not above 2 ounces, 1½*d.*, (3 cents.)
For a letter above 2 ounces, but not above 4 ounces, 2*d.*, (4 cents.)
For a letter above 4 ounces, but not above 6 ounces, 2½*d.*, (5 cents.)
For a letter above 6 ounces, but not above 8 ounces, 3*d.*, (6 cents.)
For a letter above 8 ounces, but not above 10 ounces, 3½*d.*, (7 cents.)
For a letter above 10 ounces, but not above 12 ounces, 4*d.*, (8 cents.)
A letter above the weight of 12 ounces is liable to a postage of 1*d.* (2 cents) for every ounce, beginning with the first ounce. Thus a letter weighing between 14 and 15 ounces must be prepaid 1*s.* 3*d.*, (30 cents.)

6. ITALY.

For a letter not above 15 grams, prepaid, 20 centesimi, (4 cents;) unpaid, 30 centesimi, (6 cents.)
For a letter above 15 and not above 30 grams, prepaid, 40 centesimi, (8 cents;) unpaid, 60 centesimi, (12 cents.)
For a letter above 30 and not above 45 grams, prepaid, 60 centesimi, (12 cents;) unpaid, 90 centesimi, (18 cents.)
For a letter above 45 and not above 60 grams, prepaid, 80 centesimi, (16 cents;) unpaid, 1.20 lira, (24 cents.)
For a letter above 60 and not above 75 grams, prepaid, 1 lira, (20 cents;) unpaid, 1.50 lira, (30 cents.)
For a letter above 75 and not above 90 grams, prepaid, 1.20 lira, (24 cents;) unpaid, 1.80 lira, (36 cents.)

7. NETHERLANDS.

For a letter not above 15 grams, 5 cents, Dutch, (2 cents.)
For a letter above 15 and not above 50 grams, (1¾ ounces,) 10 cents, Dutch, (4 cents.)
For a letter above 50 and not above 100 grams, (3½ ounces,) 15 cents, Dutch, (6 cents.)
For a letter above 100 and not above 150 grams, (5 ounces,) 20 cents, Dutch, (8 cents.)
For a letter above 150 and not above 200 grams, (7 ounces,) 25 cents, Dutch, (10 cents.)

For a letter above 200 and not above 300 grams, (10½ ounces,) 30 cents, Dutch, (12 cents.)
For a letter above 300 and not above 400 grams, (14 ounces,) 35 cents, Dutch, (14 cents.)
For a letter above 400 and not above 500 grams, (17½ ounces,) 40 cents, Dutch, (16 cents.)
For a letter above 500 and not above 750 grams, (26½ ounces,) 45 cents, Dutch, (18 cents.)
For a letter above 750 and not above 1,000 grams, (35 ounces,) 50 cents, Dutch, (20 cents.)

8. PORTUGAL.

For every 15 grams, or fraction of 15 grams, 25 reis, (2.5 cents.)

9. SPAIN.

For a letter not above 15 grams, 25 centimos, (5 cents.)
For a letter above 15 and not above 30 grams, 35 centimos, (7 cents.)
For a letter above 30 and not above 45 grams, 45 centimos, (9 cents.)
And 10 centimos (2 cents) for every additional 15 grams.

10. SWEDEN.

For a letter not above 15 grams, 12 ore, (2.2 cents.)
For a letter above 15 and not above 125 grams, 24 ore, (4.4 cents.)
For a letter above 125 and not above 250 grams, 36 ore, (6.6 cents.)

11. SWITZERLAND.

For a letter not above 15 grams, 10 centimes, (2 cents,) 20 centimes, (4 cents.)
For a letter above 15 and not above 250 grams, 20 centimes, (4 cents,) 40 centimes, (8 cents.)

UNITED STATES.

For a letter not above ½ ounce, 3 cents, and 3 cents for each additional ½ ounce or fraction thereof. Local letters, per carriers, 2 cents. Circulars, 1 cent.

We have published the above several tables in order to show that the experience of the different countries that have enjoyed the system of low rates of postage has been followed with good results, increasing correspondence, and invariably increasing revenue, and placing a surplus in the Treasury.

The United States boasts of her greatness in wealth, in resources, and rapid increase of population, yet we are behind in cheapness of postage rates, and among the few important countries who have not adopted the two-cent rate. This should not be so; we ought to lead rather than follow. Let this Congress signalize itself by adopting this amendment and inaugurating two-cent postage. Our country is growing rapidly. Business extending and increasing with the population, and our Postal Department must grow and increase and keep pace with the growth of the country. Every new facility which helps to give circulation of correspondence, tends greatly to transmit knowledge and intelligence throughout the country; for the cheaper we can make postage to the masses, the greater, more extended, and more frequent will be communication and the multiplication of exchanges one with the other. The Post-Office Department is a public service, and comes nearer to the people than any other branch of the Government, and I hold it our duty to render every convenience, accommodation, and advantage possible to the people of our great country. I have seen it stated that last year 700,000 immigrants came to this country and brought with them $11,000,000 of hard cash; it is estimated one million will come to our shores the present year, and bring with them fifteen millions or more of hard cash. These are they who will with low rates of postage help largely to swell the correspondence and increase the revenues of the Post-Office Department.

I have before me a statement that there are forty-five post-offices which will be advanced to the grade of third-class or Presidential (salaries of $1,000 and upward) on the 1st of July. The probabilities are that a larger number will become Presidential for the quarter ending June 30 than at any previous quarter in the Department's history. This increase is an indication of the prosperity of the country and rapid growth of the population, and must continue. I hope the chairman of the Appropriations Committee will withdraw his point of order, and the committee adopt my amendment and allow it to be incorporated in the bill now under consideration. Surely there is no good reason why Congress should not reduce postage, making it 2 cents for each domestic letter not exceeding one-half ounce in weight.

[During the delivery of the foregoing remarks, when Mr. HILL's time had expired,

Mr. ALDRICH said: I take the floor and yield my time to the gentleman from New Jersey, [Mr. HILL.]

Mr. HISCOCK. Mr. Chairman, I dislike to press my point of order——

Mr. HILL. I will not occupy more than five minutes longer.

Mr. HISCOCK. I desire to be entirely courteous to the gentleman——

Mr. TOWNSHEND, of Illinois. If the gentleman from New York intends to make his point of order, I hope he will do so now. If this subject is to come up for discussion, I have some views which I would like to submit.

Mr. HISCOCK. If I am driven to it, I must insist on the point of order.

The CHAIRMAN. If the point of order is insisted upon, the Chair must sustain it.

Mr. HILL. I shall occupy but a moment or two longer. I have not taken much of the time of the House in discussion.

Mr. HISCOCK. All right.

Mr. HILL resumed and concluded his remarks as already given.]

The CHAIRMAN. A point of order having been made upon the amendment, the Chair sustains the point.

The Clerk read as follows:

Armories and arsenals:
For the Rock Island arsenal, Rock Island, Illinois, as follows:
For completing shop I, a wood-working and leather-working shop for the arsenal, $58,500.
For shop H, an iron-finishing shop for the armory, $80,000.

Mr. WILLIS. Mr. Chairman, I desire to call the attention of the Committee of the Whole to an important and suggestive omission in this bill. In the very beginning of the present Congress a bill was introduced continuing, in accordance with existing law, the civil-service commission and asking an appropriation for that purpose.

AN OMISSION AND A COMMISSION.

That commission was established by act of March 3, 1871, which is now section 1753 of the Revised Statutes of the United States. It inaugurated valuable reforms in our public affairs. While the law has never been repealed, the funds to carry on the work of reform were, after two years of experience, refused by Congress. The commission, however, is yet in existence, and since 1877 Hon. Dorman B. Eaton, its distinguished chairman, upon the formal request of President Hayes, visited England, where he devoted several months to a thorough and exhaustive inquiry into the abuses and reforms of the civil service in Great Britain and their bearing upon American politics. The report which he made as the result of his investigations was transmitted to Congress by President Hayes in December, 1879, in a message in which he justly refers to it as an "elaborate and comprehensive history of the whole subject." This and other invaluable service of Mr. Eaton in his official capacity as chairman of the commission were rendered without compensation. Not even the personal expenses of his trip to England were met by the Government.

The continuance of the operations of the civil-service commission is demanded by the highest interests of the country, but it would be humiliating and unjustifiable if not disgraceful to ask further work at its hands without an appropriation for the purpose. Such an appropriation would have been proper and germane to this bill. It was confidently believed that it would be here. Nowhere in its voluminous pages and multitudinous subjects do I find such an appropriation; nowhere is there a single clause or sentence in regard to the civil service of our country. Nor in the remarkable speech which we have just heard from the chairman of the Committee on Appropriations, ranging as it did from heaven to earth as he gave in detail the grand achievements of the Republican party during this Congress, did he see fit to refer to that subject, the omission of which is more important than any act of commission that he has enumerated.

A SUNDRY CIVIL BILL IN WHICH THE APPROPRIATIONS ARE "SUNDRY" BUT NOT "CIVIL," (SERVICE.)

Here, sir, is a bill of nearly one hundred pages, containing appropriations in behalf of nearly every object on earth, in the air, or in the sea—the blind, the lame, the halt, the insane, the living, and the dead are all provided for in this bill. I desire to call attention to some of its provisions.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. WILLIS. Yes, sir.

Mr. CANNON. I know the gentleman does not want to mislead the House. He says the blind, the insane, &c., are all provided for in this bill. I want to call his attention to the fact that the blind are not all provided for in this bill. On the contrary, there is a permanent appropriation, not carried into any annual bill, that goes to his blind institution year after year at Louisville.

Mr. WILLIS. If I wished to reply to my friend from Illinois, who, by the way, is a member of the committee reporting this bill, in the same happy and facetious vein in which he has spoken, I would say that I referred in my remark to the political blindness of which he and his Republican colleagues are such faithful representatives, and in this sense I am sure he would not have the temerity to deny that the blind are "all provided for," and most blindly at that. [Applause and laughter.]

As my friend, however, in referring to the permanent appropriation for the American Printing-House for the Blind, doubtless intended to make a personal "point" upon me, as the introducer and advocate of the bill for that purpose, I say to him that I am ready to assume the responsibility for that appropriation, as it was one of the most deserving and justifiable in the whole history of the American Congress. It was an appropriation giving the interest on $250,000 for the printing of raised letters for the blind, to be distributed to his own State and among all the States of the Union. The institution receiving this benefaction happens to be in my district, where the State of Kentucky owns a magnificent building whose use it donated to the blind of the whole country. I am glad to recall and thank the gentleman for the vote and aid he gave in securing that appropriation, whose benefits are not local but national, and have called down upon the Forty-fifth Congress the praise and gratitude of this afflicted class throughout the whole civilized world. [Applause.]

But, Mr. Chairman, to "return to our sheep." I was analyzing the items of this "sundry civil bill." Here are $25,000 to furnish "a

supply of pure water to the insane" in the city of Washington. It was hardly necessary for the committee to report that the people here who made such a demand were "insane." [Laughter.] Here we have $15,000 for the "Ute commission." How many commissions, sir, does this Congress want? After the "electoral commission" I thought we would never create another, and yet we have the "Utah commission," the "tariff commission," which will never commit anything, and now here is the "Ute commission." This body will be known in history as the "Congress in commission."

A MEMBER. And yet you want another, the "civil-service commission."

Mr. WILLIS. That commission is already in existence, and before I get through I hope to convince my friend that it is now more needed than ever in order to keep these others and their numerous officers in the discharge of their duties.

Going further in this bill, Mr. Chairman, I find here an appropriation of $75,000 to enable "Venus" to have a "transit," [laughter;] and $55,000 "for the suppression of bigamy," a subject which the eloquent chairman of the Committee on Appropriations [Mr. HISCOCK] has just referred to as one of the claims of our Republican friends to the confidence of the people, and that too in the face of the fact that this same "suppression" is one of their unfulfilled promises of twenty-five years' standing.

Here too is an item of $180,000 for the "magnetic map of Western North America," and $115,000 for the "introduction of gourami and other useful food-fishes." Here is $1,000 for a "lycopodium," and there is not a man on this floor, from the chairman of the committee up or down, who can to-day define what a lycopodium is. [Laughter.] Here is $50,000 "to establish quarantine stations for neat cattle imported." Think of that; a quarantine for cows! [Laughter.]

This, sir, is but a brief epitome of this wonderful bill. In vain, however, do we scrutinize its innumerable items, aggregating a grand total of $23,680,865, to discover a single one in reference to administrative reform. [Applause.]

WHY HAS THE COMMITTEE FAILED TO ACT?

For one, Mr. Chairman, I am surprised and grieved at this failure of the Committee on Appropriations to make the allowance authorized by law for this subject. I shall be glad, and I am sure this committee and the country will be glad, to have from them some satisfactory explanation of their action. Certainly it could not have been lack of funds. The very largest amount that the friends of civil-service reform have asked at the hands of this Congress has been $25,000. With a surplus in our Treasury during the last fiscal year of over $100,000,000, and with the official recommendation of the Ways and Means Committee of this Congress, inspired and indorsed by the message of the President and the reports of the Secretary of the Treasury and the Commissioner of Internal Revenue, that from fifty to seventy millions should be returned to the people—which has not been done—and with the further surplus during the current year just ended of over one hundred and thirty millions—with these facts before us we will hardly be told that the paltry sum of $25,000 for the civil-service commission was refused for economic or pecuniary reasons.

But if not that, what was the cause? Will it be claimed that it was and is an accidental omission, that the subject was not formally before the committee. On the contrary it was before them authoritatively and in two or three different forms. President Arthur in his first message urged upon Congress this appropriation for the purposes of civil-service reform. Subsequently, as far back as the 1st of last March, in responding to a resolution which I had the honor to introduce, calling for information in regard to the sum of $15,000 appropriated by the Forty-sixth Congress for this same purpose, the President sent to this House another message in which he again recommended an "annual appropriation of $25,000 for the promotion of efficiency in the different branches of the civil service." Both of these recommendations, together with a bill which I introduced to the same effect, were referred to the Committee on Appropriations. Ample notice was therefore given to the committee and ample time and opportunity to appropriate for this purpose.

With an overflowing Treasury, with the urgent and repeated recommendations of the President of the United States, with half a year to inquire into it, with an aroused public sentiment in every direction demanding action upon this subject, why, I ask again, has the committee in this *omnium gatherum* bill of over twenty millions ignored or refused it?

Was it because the work of the civil-service commission was unsatisfactory or is now thought to be unnecessary? At the proper time I shall offer an amendment to this bill, when I shall present some facts touching the origin, history, and operations of that commission. Its services are of record and are of admitted value to the country; its suspension, even temporarily, was a public misfortune; its establishment was an important step in the direction of securing an efficient, economical, and honorable administration of public affairs. The propriety and necessity of its existence cannot be successfully denied by any one familiar with the facts.

COMMITTEE ON APPROPRIATIONS NOT THE ONLY COMMITTEE IN DEFAULT.

But, sir, whatever reasons may be urged in defense of the Committee on Appropriations in this matter there is another committee of this House whose conduct has been even more extraordinary, unjustifiable, and disappointing to the friends of civil-service reform. I allude of course to that committee which is specially charged with the duty of investigating and reporting upon the reform of the civil service of our Government, the committee whose members were presumably selected because of the deep and abiding interest, the profound thought, and the enthusiastic zeal and devotion which they felt and had manifested in the important work of correcting the abuses and defects of our administrative system.

Availing myself of the freedom of debate allowed in Committee of the Whole, I desire to state two or three facts, and then, with all due respect and the most affectionate consideration, to submit one or two questions to the members of that committee, collectively and individually, which I trust will be received in the same spirit of candor and kindliness which prompts them. But first to the facts.

MEASURES FOR REFORM NOW BEFORE CONGRESS.

During the last Congress I introduced into this House a bill "to reform the civil service of the United States." Subsequently, and in the same Congress, at the instance of a number of gentlemen who had given much study to the subject, I presented two other bills, one "to prevent extortion from persons in the public service and bribery and coercion by such persons," a bill leveled at political assessments, that "sum of all villainies," [applause;] the other "to regulate and improve the civil service of the United States," the latter being the same bill so ably and eloquently championed by the distinguished Senator from Ohio [Mr. PENDLETON] that it now deservedly wears his name. Both of these bills are now pending before the Select Committee on Reform in the Civil Service. Both are aimed at our false, inefficient, and unrepublican system of civil service, that fountain head from which flows nearly every stream of political corruption in our land. The complete overthrow of that system is, sir, in my judgment, the great demand of the hour.

CIVIL-SERVICE REFORM THE DEMAND OF THE HOUR.

It should be destroyed, root and branch. To such an issue presented in the bills I have referred to I would invite this committee and the country. It is an issue of public virtue, an issue of peace and fraternity, an issue which rises far above party politics, as it involves the welfare and concerns the honor of our whole people. Upon that issue the public judgment is already made up. In every forum of opinion our civil service has been denounced as a national disgrace and a national danger. The press has spoken out boldly, patriotically, and sympathetically upon the subject. Associations have been formed in all the leading cities of the Union, composed of the most intelligent and public-spirited representatives of all parties, whose avowed object is the overthrow of the present system of civil service. The Legislatures of many States, Vermont and South Carolina in the van, have instructed their Senators and requested their Representatives to promote the necessary reforms. Numerous State conventions, Republican, Greenback, and Democratic, have put themselves upon record to the same effect. The platform of the last Massachusetts convention is an admirable epitome of the whole subject, and presents the most emphatic and definite demand for reform adopted by either party in any State. I read it for the edification of the Committee on Appropriations and the Select Committee on Reform in the Civil Service.

THE VOICE OF MASSACHUSETTS AND PENNSYLVANIA.

That convention assembled at Worcester last fall, and after denouncing the present system of "appointment by favor in reward of personal or partisan claims" as "a system aristocratic because open to the few while closed to the many, a system affording the fewest restraints against abuses, tending to extravagance and inefficiency in the public business, to selfishness, corruption, and violence in politics, and to aggravation of all 'the baneful effects of the spirit of party' against which Washington in his farewell address solemnly warned his countrymen," they declare—I ask the attention of this Republican House to the declarations of the Republican convention of the Old Bay State of Massachusetts—that convention declares that—

> The needed reforms are the relief and exclusion of the members of the legislative branch from the business of selecting office-holders in the departments of administration; prohibition of assessments upon the salaries of office-holders for party purposes; appointments to clerkships to depend in the first instance upon successfully passing a proper examination, open to all applicants without distinction of party; and, secondly, upon satisfactory service during a period of probation; tenure of office during good behavior or for a reasonable fixed term, with promotion for meritorious performance of duty, and no removals except for cause.

What more than this could the most enthusiastic civil-service reformer ask? But such demands for administrative reform are not confined to Massachusetts. They are not the only Republicans who have declared in favor of this great issue. Even Pennsylvania, yielding to the inexorable logic of events, has made confession of her innumerable sins and stands now at the altar of civil-service reform, clothed in sackcloth and ashes, asking of the injured innocence of her citizens indemnity for the past and security for the future. Listen for a moment to the words of penitence and the promises of reform which pour from her lips.

Mr. TOWNSHEND, of Illinois. Which wing of the Republican party of Pennsylvania does that come from?

Mr. WILLIS. It comes from the Simon-Cameron pure, iron-clad wing of the party. [Laughter.]

The use of patronage to promote personal political ends is unequivocally condemned, and all offices bestowed within the party shall be upon the sole basis of fitness. Competent and faithful officers should not be removed except for cause. Non-elective minor offices should be filled in accordance with rules established by law. We condemn compulsory assessments for political purposes and proscription for failure to respond either to such assessments or to requests for voluntary contributions, and any policy of political proscription as unjust. Finally, public office constitutes a high trust to be administered solely for the people whose interest must be paramount to those of persons or parties, and it should be invariably conducted with the same efficiency, economy, and integrity as are expected in the execution of private trusts.

Mr. Chairman and brethren, is not that a noble confession of faith? Such faith have I seen nowhere save in Massachusetts. Ought we not to "rejoice with exceeding great joy" at this most remarkable conversion? Ought we not to congratulate this venerable mother in Republican Israel upon the noble stand she has made for political purity, honor, and honesty? I call upon my Democratic colleagues to forget all partisan feeling and extend to her the right hand of friendship and of fellowship. She will need all the encouragement and saving grace we can spare. The path which she has marked out for herself in these resolutions is a narrow and a thorny one.

But let us indulge the hope that, sustained by our sympathy, she may be enabled to resist the temptations of the devil and of DON CAMERON, [laughter,] and that, resting upon the strong arms and faithful hearts of her loving children, the grand old Keystone Commonwealth will move down the solemn pathway of the ages, her hand wielding the scepter of a wise, honest, and beneficent legislation, her feet shod with the light of political righteousness, and her brow wreathed with the imperishable chaplet of truth, virtue, and happiness! [Applause.]

But, sir, Massachusetts and Pennsylvania are not alone in their position upon this subject. I might stand here by the hour and read the resolutions of Republican State conventions, from Maine and New York to California, denouncing political assessments, condemning the present system of appointments to office, and emphasizing in strong and eloquent words the necessity of reform.

NATIONAL CONVENTIONS DECLARE FOR REFORM.

Nor has public sentiment in opposition to these evils and abuses been confined to State conventions. Our national conventions in three successive Presidential contests have been equally clear, explicit, and emphatic in their demand for reform. As far back as the campaign of 1872, the liberal Republicans in their national convention at Cincinnati proclaimed that "thorough reform of the civil service is one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claims to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage; and that public station shall become again a post of honor."

The regular Republicans met the same year at Philadelphia. I call the attention of my friends over the way to the resolution then adopted:

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally deteriorating; and we therefore favor a reform of the system by laws which shall abolish the evils of patronage, and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

It will be seen, Mr. Chairman, by the most casual observer that the year 1872 was a good year for civil-service reform. The resolutions upon the subject that were fulminated over the country in number, in length, and in intensity of eloquence rivaled the resolutions of '98. Denunciations and protestations were the order of the day. The good seeds of reform were scattered far and wide, and with a lavish hand. The harvest has not yet made its appearance. [Laughter.]

In 1876 there was another Presidential election, and by a curious coincidence there was also another outburst of sentiment in favor of a reformed civil service. This time our Republican friends were moved to "rejoice in the quickened conscience of the people concerning political affairs." If they could have foreseen the following ides of November, I doubt whether they would have encouraged this *renaissance* of political virtue and morality. "The invariable rule in appointments," they declare, "should have reference to the honesty, fidelity, and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service and the right of all citizens to share in the honor of rendering faithful service to the country." Is not this a clear, explicit, and forcible statement of the needed legislation? The results accomplished during the succeeding administration I will not now discuss, as my only object at present is to call attention to the public and emphatic demand for reform which was made in that Presidential contest.

In 1880 the "quickened conscience of the people concerning political affairs" again made itself manifest, and our Republican friends again "assumed the pressure" and poured forth their burdened souls in the following:

The Republican party adopts the declaration of President Hayes, that reform in the civil service shall be thorough, radical, and complete. To that end it demands—

Listen to the demand, ye representatives of the Republican party—

the co-operation of the legislative with the executive department of the Government, and that Congress shall so legislate that fitness, ascertained by proper, practical tests, shall admit to the public service.

What language, Mr. Chairman, could be clearer and stronger than the resolutions of these State and national conventions? Where will you find a more just and vigorous denunciation of partisan tyranny, of corrupt patronage, of official irresponsibility, and the other administrative evils and abuses which have brought disaster, disgrace, and demoralization upon us? What fuller committal could be made to the necessity of reform and to the methods of competitive examination, periods of probation and removals for cause by which that reform is to be in part at least accomplished?

PRINCIPLES AGAINST PRACTICE.

Is there, can there be any doubt as to the meaning and merits of these solemn and repeated declarations? Were they mere empty expressions extorted by the pressure of public feeling and the force of circumstances—the reluctant recognition by the politicians of the "quickened conscience" of the people? Were they an unmeaning commonplace thrown out as a compliment of the season to the civil-service reform sentiment of the country, to be disregarded and thrown aside when they had served the purpose of the hour, to be hid away with the exhausted torches, the faded banners, transparencies, and other trumpery of the campaign until the exigencies of another election called them forth. Is the political virtue, the reform of the Republican party, akin to that of the old couplet:

When the devil was sick, the devil a monk would be;
When the devil was well, the devil a monk was he.

[Laughter.]

Who will dare make an admission so humiliating and disgraceful not only to his party but to his country? Who upon this floor will consent to hold or to justify such a position? Who will not indorse and reiterate the noble sentiments of the lamented Garfield in his letter accepting the Presidency:

The doctrines announced by the convention just held are not the temporary devices of a party to attract votes and carry an election. They are deliberate convictions resulting from a careful study of the spirit of our institutions, the events of our history, and the best impulses of our people. In my judgment, these principles should control the legislation and administration of the Government.

Mr. Arthur, the candidate for Vice-President, is no less explicit. In his letter of acceptance he says:

These views—

As to the reform of the civil service—

which I have long held, repeatedly declared, and uniformly applied when called upon to act, I find embodied in the resolution, which of course I approve.

Who can assert that victory would have perched upon the Republican banner in the last contest except for the solemn pledges and assurances of the party and its nominees that these crying evils, so long the source of solicitude and humiliation, should be ended? After these pledges and promises pronounced by three successive national conventions, indorsed by the candidates, and confirmed by the almost unanimous voice of the country, it would be miserable hypocrisy, it would be trifling in the last degree with the sovereign people of these United States, to refuse to enforce by deeds what has been so repeatedly and emphatically urged by words. Would it not be the climax of arrogance, if not of crime, to disregard, to insult, and defy a popular demand so well defined, so just and reasonable, so universal as this?

WHAT HAS CONGRESS DONE?

And yet, Mr. Chairman, what steps have been taken to reform the great abuses thus confessed to exist? How have these solemn pledges before the country been redeemed? An indignant people in the most public, authentic, and authoritative manner have asked that the present system of official service shall be set aside and another established which shall secure to the country its noblest virtue, its greatest intelligence, and its purest patriotism. What response has been made to this high, just, and most honorable demand? What has this Congress done for the reform of our civil service? Has its action been in harmony with the well-known sentiment of the country? Let the facts, let the Journals of this House, answer the question.

On the first Monday of last December this august body convened. Within a month we were organized and ready for work. A resolution was reported from the Committee on Rules and unanimously passed creating the "Select Committee on Reform in the Civil Service." Out of the two hundred and ninety-three members of this House eleven gentlemen were elected and placed upon that committee. Was it not expected that they would promptly give their time and their talents to the work especially assigned to them? How have they met this expectation? Immediately after the assembling of Congress, upon the first call of the States, I introduced the two bills which I hold in my hand. Other gentlemen upon this floor introduced similar bills. These bills call for and provide the very legislation demanded by the State and national resolutions I have cited. They are, as I shall show if time is allowed me, free from all objection and are indorsed by leading Republicans in the country.

For over six months the committee has had these bills. They have met; they have meditated; they have labored upon this great problem of civil-service reform; and here, Mr. Chairman, is the result. Here is the terrible blow they have struck at the spoils system. Here is the legislative enactment at whose trumpet-note the walls of

this modern Jericho are to tumble. Hear it: H. R. 4429,—"A bill to enlarge the powers and duties of the Department of Agriculture." [Great laughter.] That, sir, is the result, the glorious outcome, of six months' labors and lucubrations.

Think of it, ponder it, my countrymen! Here is a question of the gravest and greatest importance, a question which comes home to the bosoms and business, which touches the interests of all our people, a question which has challenged the ripest scholarship and the profoundest statesmanship of England and of the world, a question now of the most vital and pressing concern in our own country, and which for successive years has been urged upon the American Congress—purification of the civil service, reform—reform inside and outside, reform from the highest to the lowest, reform at home and abroad, reform in the Chief Executive, reform in all the offices, reform in all the branches and departments and dependencies of the Government, judicial, legislative, executive, and ministerial; reform, not partial, not temporary, not incomplete and spasmodic, but full, ample, sincere, thorough, and immediate reform throughout all the length and breadth of our land. [Applause.] This is the great, the inexorable demand of the hour. This problem, affecting the destinies for good or evil of the American Republic, with its fifty million people, this issue so grand, so solemn, so tremendous, so full of inspiration, was submitted in this Congress to the Select Committee on Reform in the Civil Service; and after wrestling with it half a year they bring in this thing, this bill to distribute turnip and cabbage seed more freely and liberally over the country and requiring Dr. Loring, the eloquent and learned and accomplished head of the Department of Agriculture, to report immediately to Congress—I quote its exact words—"the number, value, and condition of all domestic animals in the United States," [laughter]—a bill to reform your pumpkin pies and to improve the breed of your mules and mustang ponies!

Waft, waft ye winds, the story;
And ye, ye waters, roll.

This is the grand, the invaluable contribution to civil-service reform; this is the magnificent record which this committee has made for itself in this Forty-seventh Congress—blowing a penny-whistle when it should have been sounding a bugle blast. [Laughter.]

Mr. TOWNSHEND, of Illinois. Who is on that committee?

Mr. WILLIS. I will come to that.

"UNDER WHICH KING?"—A BRIEF ANALYSIS OF THE COMMITTEE.

Mr. Chairman, I confess when I first read the names of the able and distinguished gentlemen composing this committee my heart beat high with hope. I felt that the long-promised and much-needed legislation was at hand. But, when month after month passed by, and no result or word of promise came, that hope grew fainter and fainter, and I concluded to analyze the composition and character of the committee; to inquire its whereabouts upon this question; to examine it individually, collectively, geographically, historically, æsthetically, and politically. [Laughter.] Now, the first glance at the list disclosed the geographical fact that four of its seven majority members hail from two States—Ohio and Michigan.

Knowing that the genius of the Lake State had been consecrated for years to another great problem of legislation—the proper and full distribution of our surplus revenues in the creation and development of the rivers and harbors of the country—*quorum pars fuit*, or "whereof they were mostly which;" knowing that the regenerated statesmanship of the modern Buckeye could be aroused by nothing less than the Presidency of the United States, I was afraid that this draft in favor of a reformed civil service which the Speaker had drawn upon these two shrinking States was a little more than they could stand and might be dishonored. I was afraid that reform was not fully assured. This fear, based as I have said upon geographical considerations, was increased when I examined the committee individually and historically. I hold in my hand a list of its members. "Select Committee on Reform in the Civil Service."

HON. GODLOVE S. ORTH—THE HEAD AND FRONT OF CIVIL-SERVICE OFFENDING.

And first, as to its chairman, Hon. GODLOVE S. ORTH, of Indiana. Who is Mr. ORTH? He is, sir, known to this House and to the country. He is an able, generous-hearted, distinguished statesman. But why is he made the chairman of this particular committee.

What claims has he as a civil-service reformer? What inclination, nay, what time has he had to devote to this important subject? Do we not all know, and is it not known to the whole world, that since the beginning of this Congress, jointly with the distinguished gentleman from New York, [Mr. ROBINSON,] every day and every hour of Brother ORTH'S time has been occupied in the noble and æsthetic duty of twisting the tail of the British lion? [Laughter and applause.] That he felt called upon to do, and I congratulate him that he did do it, in defense of American honor. I voted with him and with my friend from New York upon all these questions in behalf of Irish liberty. I accept and applaud the lofty spirit which once prompted the eloquent Grattan to declare on the floor of the Irish Parliament, "I will never be contented as long as an Irishman shall wear the link of a British chain clanking to his limbs; he may be poor, but he shall not be in irons." That noble work, however, Mr. ORTH did as a member of another committee—the Committee on Foreign Affairs. And, sir, as the tastes and previous experience of the distinguished gentleman point to foreign affairs as his proper theater of action I hope he will permit me to suggest that those tastes can be amply gratified by devoting himself exclusively to the duties of this select committee whose chairman he is—as I imagine that there is no "affair" so "foreign" to his purpose and desire as the reform of our civil service. [Laughter.] I am confirmed in this opinion not only by his failure to act upon the bills pending before his committee but also by the discovery of his name attached to a little *billet doux* sent out a few years ago, levying a "contribution" upon the office-holders of the country—a subject which I shall consider presently somewhat at length.

TO THE RESCUE!—HON. MAJOR BENJAMIN FRANKLIN BUTTERWORTH.

But, sir, Brother ORTH need not, and does not, I apprehend, feel lonely in his views and intentions upon this subject of civil service, for I find here associated with him that valiant soldier of reform, Hon. Major BENJAMIN FRANKLIN BUTTERWORTH. [Laughter.]

I hold in my hand, Mr. Chairman, "Miscellaneous Document No. 23, Forty-sixth Congress, second session." It is entitled here "Testimony relative to the Congressional election in the first and second Congressional districts of Ohio." It ought to be entitled "The whole art and mystery of the modern Congressional canvass; or, how to do it in six easy lessons." [Laughter and applause.]

Under such a title it would meet with a ready sale among prospective candidates. It is, as you see, a large book of over seven hundred pages. It is a voluminous as well as a valuable contribution to the civil-service literature of the century. It is a living epistle of political purity, to be read of all men. It is a perpetual memorial of the efforts and valuable services which my friend BUTTERWORTH rendered in the early days of his political life in behalf of purity of elections, free ballots, and a reformed civil service. There is some "mighty interesting reading" in these papers.

I desire, with the permission of the committee, very briefly to call attention to some of that reading. Here are facts and incidents, little episodes and experiences, that it might be well to cite, because I doubt not they would awaken a responsive and sympathetic echo in the minds and hearts, and perhaps in the pockets, of many of the gentlemen surrounding me to-day. [Laughter.] I will not read them, Mr. Chairman. The reminiscences, however vivid and instructive, might be "mournful to the soul." I must content myself for the present with giving in Brother BUTTERWORTH'S own graphic words an epitome of his trials and a brief reference to the means by which he triumphantly overcame them, either of which would entitle him to stand side by side with his worthy chairman in this great cause of reform now intrusted to their hands. I read to you, brethren, from page 294.

Mr. MILLER. Are you a Baptist preacher?

Mr. WILLIS. No, I am only an exhorter, and I want some day to tackle you as the biggest sinner on that side.

Mr. BUTTERWORTH. What page are you reading from?

Mr. WILLIS. From page 295. I give chapter and verse and will reproduce it exactly without dotting an *i* or crossing a *t*:

Question. Tell us what legitimate expenses there are connected with an election that would consume $2,500?

Answer. You contribute to clubs, for meetings, for bands, for buggy and hack hire; you are called upon for benevolent institutions in the city, for every meeting designed to aid any charity, for every enterprise to alleviate the sufferings of the yellow-fever victims, and all other victims; in short, I do not think there was an enterprise on foot in this city to which I was not asked to contribute. * * * I distributed documents, I distributed newspapers. Usually, when I was out with a gentleman, or a party, I attended to the paying of the bills. I was not inhospitable or unamiable during the campaign.

[Great laughter.]

Q. Then you regarded yourself in the light of a trustee?

A. Trustee if you please; a trustee without being obliged to render an account.

[Laughter.]

If I started out—

Continues he in these affecting reminiscences—

and met Mr. John Smith or John Jones on the corner, and he said: "BUTTERWORTH, here is a poor widow woman who has lost her husband, and has five children down with the measles, and we are getting up a little festival for her, and you have got to take twenty tickets at half a dollar apiece," I would perhaps say, "I cannot do that, but I will take ten tickets," and I would take them and pay for them, and I kept no account of it.

And then he reflectively, pathetically, and truthfully adds:

People think that when a man becomes a candidate he becomes public property, and each one calls on him for some sort of contribution, forgetting that everybody else is making similar demands, and if the candidate refuses any of them they will go away and say he is a mean, selfish fellow.

[Laughter.]

Ah! bitter, bitter indeed, are the trials of a candidate, and who of us, Mr. Chairman, has not sadly realized it?

Then, on page 305, in still further pursuance of these efforts at civil-service reform, he tells us:

I paid for bands, too; wherever there was a band wanted I paid for it. Men would come and say: "We are going to have a parade, and we want to have a band;" and I had the comfort of being serenaded several times, and such things cost, you know.

[Laughter.]

He literally, as well as figuratively, paid for the "music."

THE STORY OF EPHRAIM'S CONVERSION.

But, Mr. Chairman, you ask, if these were the trials and difficulties that beset Brother BUTTERWORTH, how in the name of civil-service reform did he overcome them? Here again is the key to the mystery. There was a man, and his name was Ephraim, [laughter,] Ephraim Holland, of national reputation. Like his ancient namesake this Ephraim was unsanctified and wedded to his idols. The idols of this Ephraim I find here were "repeating" and "ballot-box stuffing." Now, my friend BUTTERWORTH gives in his testimony a touching reminiscence of Eph. He tells you he was put in the penitentiary for "ballot-stuffing," but he got out, and when he got out the time of the "singing of birds" and of elections was at hand.

Brother BUTTERWORTH just then met him. The time, place, and circumstance of the meeting are all given here in his own words:

I was nibbling cheese out of a box while we were talking.

Mr. TOWNSHEND, of Illinois. Who did the nibbling?

Mr. WILLIS. Brother BUTTERWORTH first and then Ephraim. I read from page 297:

Said I, "Mr. Holland, do you think it possible to have a fair election in the fourth ward?" Said he, "Oh, yes; I think we can." Said I, "What do you ask?" He named three or four or five hundred. I said, "No; I won't do that." Finally I said, "I will give you one hundred and fifty if you will secure an honest election." Holland said finally, "Well, I will do it."

And thus, Mr. Chairman, by one hundred and fifty reasons was Ephraim persuaded to leave his idols and to become a meek and lowly follower of reform, and Brother BUTTERWORTH enabled to overcome the trials which had beset him. Brother BUTTERWORTH therefore owes his appointment to the Select Committee on the Reform of the Civil Service, first, to the fact that having passed through the fiery ordeal, whose details we have here, he was purified and fitted to minister at so holy an altar, and secondly, to the belief that his reformatory powers so gloriously manifested upon Ephraim Holland might be needed in the conversion of some of his co-committeemen and the country. Who, with these facts before him, will deny that our brother has peculiar fitness and special qualifications for the delicate and responsible duties of reform?

Mr. BUTTERWORTH. Now, may I ask my friend a question?

Mr. WILLIS. Certainly.

Mr. BUTTERWORTH. Does the gentleman know that same Ephraim Holland was the chosen champion of Democracy in my district for a long time; that he was in all their councils; that he was the agent of Samuel J. Tilden in Cincinnati——

Mr. WILLIS. If you will allow me sufficient time I will answer all your questions.

Mr. ATHERTON. What was Mr. BUTTERWORTH doing with that kind of a fellow? [Laughter.]

Mr. BUTTERWORTH. And do you know that by definite arrangement he had charge of the Democratic campaigns in that district for ten years, regularly?

Mr. TOWNSHEND, of Illinois. And you were trying to seduce him.

Mr. BUTTERWORTH. Yes; and we did seduce him from his bad practices. And do you know the only complaint made against me was that I prevented him from doing for the Democracy what he had theretofore regularly done, and confessedly done, the stuffing of the ballot-boxes? Do you know this record discloses that after this not a ballot-box was stuffed or attempted to be stuffed; that there was no attempt at repeating; that I simply prevented what your party had confessedly done every year there for ten years, and without which you never could have carried the district once?

Mr. WILLIS. In reply to the gentleman I desire to say, in the first place, that I do know that Ephraim Holland was connected for a time, or claimed to be, with the Democratic party. But I have Brother BUTTERWORTH'S sworn authority for saying that the Democratic party kicked him out, and here it is in this very volume.

Mr. BUTTERWORTH. Yes; they kicked him out after they were no longer able to use him for their iniquitous purposes. When he quit his nefarious practices you would have nothing more to do with him, and you denounced him when he ceased to do your corrupt bidding, as the record shows.

Mr. WILLIS. My dear BUTTERWORTH, you have entirely misapprehended my position. You do me a great, but I am sure not an intended, wrong. I stand here to-day vindicating your reputation as the civil-service reformer of the period. [Laughter.] I am pointing out how you reformed Ephraim Holland; how you recalled him from the path of sin and iniquity; how, while nibbling that cheese, your glance fell upon him and immediately, as though touched by the spear of Ithuriel, he was transformed, and stood forth an angel of light and purity. [Great laughter.] You do me great wrong, and I am sure that after I get through you will come up and apologize for it.

Mr. BUTTERWORTH. I do apologize to my friend.

Mr. WILLIS. I accept it; all is forgiven. [Laughter.]

Mr. BUTTERWORTH. But I could not imagine how it was that the gentleman could stand up here and attempt to rebuke anybody for employing any means that would tend to defeat the frauds and corruptions which he knows were practiced in Cincinnati for ten years.

Mr. WILLIS. I do not want to make a point on the gentleman, and have no reason to be understood as commenting upon the contents of this volume for the purpose he seems to think. If I had wanted to do so there are other matters which I could call up.

Mr. BUTTERWORTH. I want to say one thing more.

Mr. WILLIS. If the gentleman——

Mr. BUTTERWORTH. One word more and then I will quit. I wish to call attention to the tender way in which you provided for Ephraim Holland while he was in jail for his corrupt practices in 1876. You carpeted his cell, and furnished him with money so that he could live on the fat of the land, for fear he would tell what else he had been engaged in.

Mr. WILLIS. We have admitted our sins, but you have not admitted yours. Now, take your seat, please. Your repeated interruptions show that this is not a happy reminiscence, as I intended it should be; you are wincing. When you get into a good humor I will come back to you again. [Laughter.]

HON. ROSWELL G. HORR.

In glancing over this list I find here the name of the able and distinguished gentleman from Michigan, Hon. R. G. HORR. Who, on this floor, would deny that he had the reputation before the country as the "Jumbo" of this whole movement—the "boss" civil-service reformer of the period? Who will challenge his right to stand on the very inmost sanctuary of the temple of reform?

A "VOLUNTARY CONTRIBUTION" TO CHAIRMAN HUBBELL.

But leaving him for a moment, I find on this committee another name not unknown to fame just now. Can it be? Yes, it is "my dear HUBBELL." [Laughter.] JAY A. HUBBELL, here among the guardians and defenders of a purified civil service.

"Dear HUBBELL;" dear at all times, dear under all circumstances, but especially and superlatively dear just now—"under the peculiar circumstances, in which the country finds itself placed." Especially dear to "all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government." For particulars "see small bills," [laughter,] alias "circulars."

For an appropriate introduction to the country of this great reformer I turn to the muse of history. From the last edition of the Congressional Directory, that great depository of patriotic achievements and of noble reminiscences, I find, on turning to the thirty-seventh page, that—

JAY A. HUBBELL was born at Avon, Michigan.

Can it be that he is the "Bard of Avon," the "sweet singer of Michigan?" [Laughter.] But the sentence to which I desire to call especial attention is this:

Was chairman of the Republican congressional committee in the Presidential campaign of 1880, and passed the summer at Washington, where his services were of great value in securing the result.

These are the triple claims upon which his reputation as a civil-service reformer rests. "Chairman of campaign committee"—"passed the summer at Washington," and rendered "great service." Now, it is known to you, Mr. Chairman, and to all of us that these Congressional sketches are all "voluntary contributions."

Mr. RANDALL. Not "voluntary assessments." [Laughter.]

Mr. WILLIS. And that Major Poore, the compiler, like some others in the world, fixes the exact amount of the "contribution." Many a liberal-minded Congressman, like our Government employés, would be liable to "contribute" more except for this prudent prohibition. It therefore happens that Brother HUBBELL, either out of deference to Major Poore's wishes or because of that reluctance which "modest merit ever wears," refrained from giving in detail the perils and labors and temptations which girt him while "passing the summer at Washington;" he has failed to particularize his special "services" as chairman, or to state the exact "value" thereof. Fortunately for his fame, fortunately for our country and for the cause of civil-service reform, I have it in my power to give the desired and necessary information at least upon the last two points of his record—to supply the "missing links" in the grand chain which binds him to immortality.

I have before me, Mr. Chairman, Senate report No. 427, Forty-sixth Congress, second session. It is entitled, "Assessments for political purposes." It was made by Mr. Wallace, from the "Select Committee to Inquire into Alleged Frauds in the Late Elections." Accompanying the report is the testimony, comprising ninety pages. From the testimony of Mr. George C. Gorham, who in 1878 held the double office of Secretary of the Senate of the United States and secretary of the Republican Congressional committee, of which Mr. HUBBELL was the chairman, I quote:

Question. I understand that altogether the subscriptions to your fund amounted to about $106,000?

Answer. Yes, sir.

This, then, was the exact pecuniary "value," as far as we can get it, of Chairman HUBBELL'S "services" in that eventful campaign. But, sir, it would be gross injustice to Chairman HUBBELL, it would give no adequate idea of his "great services in securing the result in 1878" to stop with a simple statement of the amount he succeeded in gathering into the treasury of his committee. *Facilis est descensus Averni*—that is, the descent into the pockets of Federal employés is, ordinarily at least, easy; but the distribution of the funds thus collected, the placing of it where it "would do the most good"—*hic*

labor, hoc opus est—"there is the rub." It will be seen from the testimony of Brother Gorham that no part of this committee's path was strewn with roses.

OBSTACLES WHICH DID NOT OBSTRUCT.

At the very threshold of their purpose they were met by several plain laws of the land which forbade either the demand or payment of "any money or property or other thing of value for political purposes." I cite these words from section 6 of an act of Congress approved August 15, 1876. Another statute (section 1546 of the Revised Statutes) declared: "No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes." The penalty for violation of this law is "dismissal from the service of the United States."

These obstacles, placed there by a Democratic Congress, these statutes, were easily gotten over; they were simply kicked out of the way as so much old rubbish. But here another and, to them, more serious difficulty stood before them. Under date of June 22, 1877, President Hayes had issued his famous "civil-service order" that "no assessments for political purposes on officers or subordinates should be allowed," and "requiring every officer of the General Government to conform his conduct to its requirements;" in other words, "to govern himself accordingly." Here indeed was a "lion in their path." What did they do?

PRESIDENT HAYES IN THE HANDS OF THE PHILISTINES.

Recall for a moment the facts. A Democratic Congress was then in session. The Potter committee to investigate certain little affairs connected with the Presidential count was at work. These gentlemen therefore had an easy task to persuade Mr. Hayes that these wicked Democrats intended to combine with the "stalwart" Republicans—that they intended to oust him from his seat.

Here is what they wrote. Here is the circular formulated and sent from the "headquarters of the Republican Congressional committee, 1878, 1319 F street, Northwest, Washington, District of Columbia, May 27, 1878:"

The importance of the pending struggle cannot easily be exaggerated.

All of these struggles are "important" about the time assessments are to begin. [Laughter.]

That the Senate is to be Democratic after the 4th of March, 1879, is very nearly a certainty. In view of this—

Now hear—

the election of a Democratic House of Representatives would precipitate upon the country dangerous agitations, which would inevitably add to present distresses. Foremost among their schemes the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

Having thus boldly charged this purpose on the Democracy, what did chairman HUBBELL and his committee do? Hear what their secretary, Mr. Gorham, testifies:

Question. What authorities outside were consulted?

Answer. One member of the committee was selected to present this circular to the appointing power, and he [Mr. Hayes] made a slight modification of the language which referred to the matter.

The result was, therefore, that Brother Hayes—alarmed at this "cunningly devised fable" as to the "revolutionary expulsion of the President from office"—ingloriously deserted his avowed policy, and, in the words of Mr. Gorham, "approved and wrote with his own hand that clause in the circular which states 'that there will be no objection in any official quarter to such "voluntary contribution."'"

HOW IT WAS DONE IN 1878.

After this triumphant overthrow of the Executive, "Chairman HUBBELL" and his machine had a clear track. The cause of civil-service reform had in his hands only to "run and be glorified." The successive stages of its grand career are given here in detail. The most hurried review will show the increased magnitude of "Chairman HUBBELL'S" "services," and build higher the monument to that shrinking modesty which could dismiss such "services" with a single sentence in the Congressional Directory.

I give some of these details in the exact words of Mr. Gorham—"Chairman HUBBELL'S" secretary and "right-bower." To whom was this circular sent? I answer from this testimony:

Question. Mr. Gorham, was this circular sent to the navy-yards and post-offices of the country generally.

Mark his answer:

Answer. If it was not sent to every civil officer who received over $1,000 a year, some of the clerks neglected their duties, because that was my instruction. Further, I would state that I thought the postmasters would feel slighted, because many times in a small town a postmaster of small pay is selected by his neighbors and friends and recommended because of his prominence, and I thought they would feel slighted; and so postmasters were asked without reference to their salary, and they were very kind in responding.

Oh, tender solicitude and consideration! Who can wonder that it was promptly and liberally responded to by the grateful and patriotic postmasters of the rural districts?

My object—

He continues—

was to have it reach every man who was in office.

Question. In the country or out of the country?

Answer. Everywhere in the world. I took the list from the Blue Book.

As to the limit of salary of persons called on, the witness subsequently corrected his first statement as follows:

I stated the other day that we sent to all who received a thousand dollars and upward, and postmasters without regard to salary. I now find upon examining my books that we sent to persons receiving less than a thousand dollars. I find where we sent circulars to persons receiving as small a salary as $720, and it is possible I could have found where circulars were sent to those receiving less, but I do not think so.

The solicitude and tenderness manifested by Chairman HUBBELL and his *fidus Achates* for the noble army of rural postmasters was only equaled by their gallantry toward the ladies who were Government employés. Again I must refer to the testimony.

"LADIES CHANGE"—GIVE UP YOUR CHANGE OR CHANGE YOUR PARTNERS.

Henry M. Barker was "employed by the Union Republican Congressional committee to secure subscriptions from persons in the Treasury Department," and in answer to the question, "Did you receive subscriptions from the ladies in the stamp division of the Internal Revenue Bureau?" says: "I did from some divisions of that bureau." Mr. Gorham, to the question, "Were these subscriptions received from ladies?" answers:

There were two or three ladies quite indignant at the exemption, who came down to the committee-room and said they had as good a right as anybody and would not be prevented from contributing their mite; and I said: "Very well." I was too polite, I hope, to try to oppose a lady's will in such a matter.

Question. Do you remember the names of the indignant ladies?

Answer. I do not now. They would be very proud to have their names published. I can get them, I presume.

It is to be sincerely regretted, Mr. Chairman, that in a matter so delicate as this that "Secretary" Gorham did not afterward get the names of these "two or three ladies," that their names might be embalmed in the hearts of a grateful Republic; and it is even more to be regretted that he did not in the interest of truth, if not of civil-service reform, give the names, not of the "two or three," but possibly of the thousands of ladies in public office, many of them the widows and daughters of our dead soldiers, with scant salaries, to whom these circulars were sent or presented, who were also "quite indignant," but for another and more plausible cause than this witness assigns.

"GREAT STREAMS" AND "LITTLE FOUNTAINS"—WHERE DID THEY FLOW?

Thus, sir, did Chairman HUBBELL collect the means for purifying the civil service. How and where it was done ought also to be known, because these things are a part and the most difficult part of the "service," which in an humble way I am endeavoring to recall for the benefit of history, and which he correctly states were "of great value in securing the result." And here, again, I go for light and information to "Secretary" Gorham. On page 25 of this testimony I find him indulging in the following historical *résumé* of the committee's labors:

A great deal has been said about generalship and leadership. The Congressional committee never assumed any such attitude. They aided where they could the State and Congressional committees. We raised some money—$106,000—and used it to the best advantage. We aided nineteen Southern districts only and fifty-eight Northern districts, and the average to each Northern district was $712. We aided seventy-seven districts in all. We sent not a dollar into New York or Massachusetts, and nothing worth speaking of to Pennsylvania or Illinois, those great States. I suppose there must have been many times the sum we collected used throughout the country from first to last.

These sums, large and small, were, as Mr. Gorham with refreshing frankness admits, "used to the best advantage," or, in more classic language, were "put where they would do the most good." Where that was, is an inquiry not only pertinent to our present investigation, but of especial and thrilling interest just now to you gentlemen of the Republican majority who want to make your next "calling and election sure." I have before me the complete memorandum, submitted by Mr. Gorham himself of "the districts to which sums were sent." I will read some of the items. I find here that the "first district, New Jersey," got "$1,500," the largest sum given to any district in the United States. It will thus be seen that the power of Brother ROBESON, "the old man eloquent," met with its usual success. Like that other "ancient mariner," he fixed his "glittering eye" upon the committee until "his ghastly tale he told," which secured at once the necessary ducats. As he is a member of the present Congressional committee you gentlemen, as you behold his executive ability in securing the funds, will re-echo the melancholy refrain of the "Wedding Guest"—

"I fear thee, Ancient Mariner."

I find here further "New Hampshire, $1,750." As one of the members of this select committee on the civil service [Mr. BRIGGS] was a candidate from that State in that Congressional contest, he will gratify a reasonable "literary curiosity" by stating whether any portion, and if so how much, of that "shower of gold" "fructified and made glad" the desert places in his district.

I find here, also, "sixth district, Indiana." Though led by "Brigadier-General by Brevet" THOMAS M. BROWNE, it seems to have required other "sinews of war," which were furnished by the committee in the shape of "one thousand" "dollars of the daddies."

I see further that Michigan received $5,000. Can it be that any portion of that was utilized by Hon. R. G. HORR, of the "Select Committee," &c.?

I find also a statement as to Ohio. "The sum of $9,300," says Mr. Gorham, "was sent to the State of Ohio. It was deposited to the

credit of General ROBINSON, chairman of the State central committee." It was while he was in this city negotiating this little loan that my colleague [Mr. TURNER] was mistaken by "Chairman HUBBELL" for General ROBINSON and requested—of course in the interests of civil-service reform—to make a "voluntary contribution" to the support of the National View, the organ of the Greenback party in this city.

The $9,300—

Says Mr. Gorham—

was sent to the nine districts which were pretty closely contested. I cannot state the names of all of them. I know that Mr. NEAL'S was one, Mr. BUTTERWORTH'S was one, Mr. YOUNG'S was one; but beyond those I believe I cannot go.

I will not, however, Mr. Chairman, go further into the details of this grand "prize-package distribution." Here we have, however, the direct statement that Brother NEAL, Brother BUTTERWORTH, certainly, and with strong probabilities that Brother BRIGGS and Brother HORR also received their share of this money, all of which except $13,000 was collected from the office-holders of the country; and yet all of these gentlemen are members of the committee—on the jury—to which we have submitted the issue of political assessments and other reforms in the civil service. With this money in their pockets, with a part of the "pork" in their possession, can it be hoped that they will render a verdict "for the country?"

I have thus, sir, hurriedly outlined the "services" of Chairman HUBBELL from the first gathering of the funds by his order to their final, if not satisfactory, distribution and lodgment among the Congressional districts of the country. While meditating the other night with awe and admiration upon his Machiavelian skill in planning and his Napoleonic genius in executing, while recalling his bold and triumphant success in overthrowing laws and in overawing a President, I was overcome in a trance and saw a vision.

Upon a great plain I saw congregated an immense multitude with waving banners all of which bore inscriptions. Inquiring who they were and why they were there, I was told that they were all Republican office-seekers, and that the inscriptions on the banners indicated the offices they wanted, and that they were assembled now to witness a solemn and important ceremony; that for his "great services" a distinguished statesman of their party was to be granted the high honor of an apotheosis. I asked my nearest neighbor, whose inscription read "Library of Congress," what an apotheosis was. He opened a book which he bore under his arm, whose title I saw was "Encyclopædia Britannica," and, turning its pages, read: "Apotheosis—Deification, the enrollment of a mortal among the gods. This honor was conferred upon Alexander the Great, the Cæsars, and also upon Drusilla, sister of Caligula, for great services rendered by them to their people. The ceremonies were usually very impressive; and as the souls of the future deities ascended in a chariot an eagle was let loose to accompany their upward flight." Hardly were these words completed when the multitude gave a loud shout. Following their upward glances, I saw in mid-air a great flying car like unto the car of Juggernaut. Under its wheels were an innumerable host of beings, but so crushed and disfigured that I could not distinguish whether they had "manhood" or not. I asked who these miserable unfortunates were, and was told that they were all employés of the Government.

I looked again, and high upon the chief seat of the great car exalted sat the "chairman of the Republican Congressional committee" and "member of the Select Committee on the Reform of the Civil Service," Hon. JAY A. HUBBELL, of Michigan. In his left hand he held an instrument with which I was told he had pierced to the heart that monster of iniquity known as the "spoils system." It was inscribed "H. R. No. 4429," a bill, introduced and advocated by him, "to enlarge the power and duties of the Agricultural Department." In the other hand he bore aloft another writing. It and its words also were so small that I could not distinguish their meaning. I could see, however, that it was not the "Declaration of Independence," nor was it the "emancipation proclamation;" it was too narrow, too infinitely small and insignificant for that. I inquired and was told by a sad, pale-faced woman, who had just approached from a lesser but more excited crowd in the distance, that the document was the circular issued from "headquarters of the Republican Congressional committee," addressed to all the Federal employés of the country and asking their money to be used in the cause of "civil-service reform." As I was still gazing and wondering I heard a great noise, at first I thought it was "Heaven's artillery;" upon inquiry again, however, I found I was mistaken and that the noise was made by guns fired in honor of the occasion, that they were constructed entirely of silver and gold and that there was some doubt whether it would be either prudent or proper to use them, as they had never seen even "civil service." Hardly had the sound of the guns died upon the air when strains of music were heard. Unseen hands were playing various tunes; they were all "voluntaries."

As the car or chariot just then ascended higher and was about to disappear from sight, the noise and uproar increased. I turned to my neighbor who had described the apotheosis and asked where the eagle was who usually accompanied the flight of the hero, and was informed that he had been taken suddenly and dangerously sick and was unable or unwilling to make his appearance or take part in the ceremonies.

When the car with its now glorified occupant had disappeared in the vast regions of space I withdrew my gaze, and as I did so I heard a dismal chant. I looked in the direction whence it came and there, separate and apart from the first, I saw another large assembly. I asked who these were, and was told they were the wives and children of the Federal employés who had been compelled to give up their salaries for political purposes. Clad in rags and nakedness, with gaunt forms and careworn faces, they were slowly marching around an immense cauldron, which I was told was the "political pot," and after the manner of the witches of Macbeth were throwing into its boiling contents their blasted hopes, their bitter disappointments, hot tears, hunger, hate, and indignation—all "voluntary contributions"—while ever and anon came their mournful refrain—

HUBBELL, HUBBELL,
Toil and trouble.

APPEAL TO THE COMMITTEE.

At this point, Mr. Chairman, my feelings were aroused to the highest point of excitement. I started forward and awoke, to find that a part at least of what I had seen and heard was simply a dream. Mr. HUBBELL had not as yet gone to the "upper sky," but was still on earth and still a member of the "Select Committee on the Reform of the Civil Service." And I now appeal to him, and to the whole committee, to all of whom I have now casually alluded save yourself, Mr. Chairman; and in making this last exception let me assure you that I intend no disrespect to you, but great respect for your present position—in the chair—to you and to your colleagues I most earnestly appeal to make such scenes hereafter an impossibility in our Republic. The country looks to you and to that committee for legislation to prevent these political assessments and other abuses now resting like a dark shadow upon American politics.

Will further disappointment be the only result? Do you and your committee want further evidence of public sentiment than what has already been given in the State and national resolutions upon which your party has repeatedly appealed to the people for indorsement and support? Do you want the reputation of political wizards, to have sounded in your ears in solemn retribution for these broken promises the fierce accusation of the ruined Dane:

And be these juggling fiends no more believ'd,
* * * *
That keep the word of promise to our ear,
And break it to our hope.

Will that committee defend themselves by saying that this is an evil which cannot be remedied by legislation? I challenge that proposition, and I now desire briefly to call attention to one of the bills to which I have already referred as now before the committee which, if enacted into a law, will go very far toward reforming some of our present bad practices.

WHAT ARE POLITICAL ASSESSMENTS, AND HOW TO STOP THEM.

The bill to which I refer is H. R. No. 520, and is entitled "A bill to prevent extortion from persons in the public service and bribery and coercion by such persons." As stated before, it proposes to prohibit what are commonly known as "political assessments." Its definition of such assessments is specific, thorough, and comprehensive:

The phrase "political assessment" shall be deemed to include every form of request, payment, loan, advance, or other contribution, or promise of money or any other thing of value, for or in aid of any party or political purpose whatsoever, whether the same be conditional or absolute, whether based on any salary or compensation or otherwise, and whether the application to such purpose is to be direct or through any method of indirection or disguise.

It will be seen that this assumes that the abuse aimed at is not limited to money assessments. That species of assessment of itself is sufficiently unjustifiable and corrupting, but, as is well known, the evil is much more insidious and far-reaching in its nature. Offices may be and are sometimes obtained, contracts may be awarded or withheld, penalties released, the collection of fines stayed or omitted, neglect of duty, carelessness, even open dishonesty may be overlooked or condoned upon the understanding, express or implied, that the beneficiaries of such favors shall become active friends and liberal contributors to the campaign fund of the party. Sinecures may be secured, high salaries and even pensions may be promised or withheld for the same purpose. I will not be understood as charging that all of these things have been done, but I am now commenting upon what are reasonable probabilities and easy possibilities in an excited political contest.

These, then, and every other method devised by partisan avarice to arbitrarily swell its coffers and perpetuate its power are intended to be embraced in the definition of "political assessments" as given in this bill.

ANALYSIS OF THE BILL.

The briefest analysis, sir, of the bill will show its importance, necessity, and practicability. It forbids any officer, agent, or employé in the public service from using his authority to compel or induce political contributions among Federal employés, and authorizes such person to prohibit the entry of collectors for political purposes into public offices, and prohibits such person from making such collections himself. The second section of the bill places the same restrictions upon members of Congress as are mentioned in the foregoing section, and prohibits their using their official influence, either by

promises of increased salaries or of help of any kind, or to exercise their influence toward a Government employé by reason of his having refused or omitted to pay a political assessment. It also prohibits any one from paying or promising to pay an assessment in return for appointment to office. The next section prohibits members of Congress from using their authority against employés in public offices for failure to make payments of assessments.

The next makes it the duty of heads of Departments to post a prescribed notice conspicuously in the Departments, setting forth that no employé of the Government is under any obligation to pay any political assessment or to contribute to any political purpose, and "cannot be dismissed, removed, or otherwise prejudiced by reason of refusing to do so." Violations of the provisions of the bill are made punishable by fine or imprisonment, or both, and any person paying an assessment may recover the same by suit within one year. All judges of the courts of the United States, including the supreme court of the District of Columbia, are required to instruct the grand jury to inquire diligently with reference to violations of the act. The system of political assessment is here fully described, and the means of its overthrow are indicated.

NECESSITY FOR SUCH LEGISLATION.

Will it be claimed that this system is just, honest, or republican, or even that it is necessary to the success of the party employing it? Are not the facts brought out in regard to the Congressional canvass of 1878, which I have already partly quoted, strong enough to demand prompt action at our hands? If they do not, then let me call the attention of the committee to the reasons for such legislation as set forth in the preamble of this bill. It recites as its first proposition that "persons in the public service of the United States should be as free as any other citizen to make or refuse to make contributions for political purposes." Is there an intelligent man upon this floor who will controvert that? It is a mere assertion of the right to do or not to do a particular thing, the simplest and lowest form of personal liberty.

Freedom of thought, freedom of speech, and freedom of action constitute the triple crown, worthier and greater than that of the noble house of Hapsburg, which attest the sovereignty of every American citizen, no part of which can he surrender without dishonor, no part of which can be taken from him without grievous wrong both to him and to the country of which he is a constituent element. The statement of such a position is its own and all sufficient demonstration.

The preamble supplements its first proposition as to the freedom of public officials with the statement of the fact that such persons "are now, through fear of removal or other prejudice, subjected to heavy taxation under the name of political assessments."

THE LOYAL WORK GOES BRAVELY ON.

Is this true? Is there any one who doubts or denies it? Have we not just been refreshed upon this point by the testimony of Mr. Gorham and others, showing how a circular calling for contributions was sent to all the Federal employés in the world? And not that time only, but—to use Chairman HUBBELL's words of only a day or two ago in his letter to Hon. George William Curtis—"like circulars have been issued biennially for at least sixteen years by Republican Congressional committees." Here, sir, is one now going its rounds. I ought, perhaps, upon æsthetic principles, to cite it, since we are told "a thing of beauty is a joy forever," but as it is similar to the one of 1878 I will only quote from it. It is dated "headquarters of Congressional Republican committee," and is couched very much in the language of general orders from military headquarters, requesting the payment of a certain defined amount for the advancement of the Republican cause.

One or two curious questions recur in reading this circular sent out by the committee. To whom was it directed, and why to them only? Are the "circumstances under which the country finds itself placed"—to use its words—limited to any particular portion of our fifty million people? Have we an oligarchy, an aristocracy of office-holders in our midst who are relied upon to come to the rescue whenever the country is in peril, as set forth in this circular, from the "restoration of the Democratic party to the control of the Government" or from any other well-founded cause? Are the great masses of our people unreliable? If not, why was this demand not made upon all the members of the political party from which it emanated? Are not they at least deeply interested in the specific and peculiar "circumstances," whatever they may be, referred to in this circular? Is it only one small part of that party who will, to quote again the language of this committee, "esteem it both a privilege and a pleasure to make to its fund a contribution?"

I submit these questions in perfect good faith to this House or to any member of that committee. Can they be assured in any but one way? We all know the meaning and effect of this circular. It is sent to "persons employed in the service of the United States," and to them only.

Every officer, every clerk, every employé in the civil service of this country, numbering over 110,000, from the highest—the President possibly excepted—to the humblest, regardless of "sex, person, or previous condition of servitude," must respond to this demand. The destroying angel which went upon its mission of sorrow and of death through the fated households of Egypt was not more certain of its victims, more merciless in the execution of his dread summons, nor less welcomed in his coming. This proscription, like death, spares neither young nor old. It robs the cradle as well as the grave. I say the grave, for one of these circulars calling for $18 was sent to an armorer in the Springfield arsenal who had been dead over four years. Picture his disgust when interrupted in the joys and felicities of the unseen world by the hoarse voice of Honorable HUBBELL telephoning him that he must "walk up to the chairman's office and settle" or lose his place!

PICKING THE POCKETS OF SMALL BOYS.

The cradle, too, must yield to this inexorable requisition. The pages of this House—these young and "innocent babes of the Republic"—have been ordered to pay a "voluntary contribution," "which, it is hoped, may not be less than $10." Whether the committee was forced to this extremity because, like the great Napoleon, their fighting stock, by fierce and frequent contests, had been exhausted, or whether its object was to teach these young and rising statesmen of the future those severe lessons of virtue and self-sacrifice upon which every great cause must rest for success, is one of the unsolved problems of the universe. I have yet, however, to hear of a single one of these unfledged patriots who considered it either a "privilege or a pleasure" to make the so-called "contribution."

Nor, sir, if current rumor be true, are these little pages the only "infants" who have been called upon, the "infant industries," and especially that very tender babe, the "Bessemer steel infant," now languishing upon food at $28 per ton, has been requested and has murmured its consent to pay its "voluntary contribution" of $1,000 to the cause of reform.

"COME, YE DISCONSOLATE."

Need I review here the great army of office-holders, adults and infants, male and female, who have been ordered to march to the music of this circular, the scrub-women, the water-boy in the new War Department building, who pays his $4; the day-laborers whose wages are $2 per day, who pay their $15; the navy-yard laborers, the health office, the Life-Saving Service, every branch and department of the Government has been put under requisition. Even the teachers and employés of the Indian training school at Carlisle, Pennsylvania, have not been omitted. I see that they are assessed $388, of which the female laundress is to pay $15, the mistress of the dining-room $9, and the female hospital nurse $12.50. The motto of the committee seems to have been, "Let no miserable Federal employé escape."

Shall I, sir, continue to consider this preamble; shall I remind this committee of the extent of this "heavy taxation." Take a single city as an illustration. The salaries at the post-office and custom-house in New York City amounted in 1880 to $2,500,000. Two per cent. on that amounts to $50,000. But, as we all know, the percentage of State and national assessments amount to 6 or 8 per cent., or upon these two offices alone as high as $200,000 is sometimes obtained in a single year. It will be seen at once what vast sums can be and are collected through this assessment plan. There are indeed "millions in it."

"YOUR MONEY OR YOUR LIFE."

But will it be said in reply that these immense sums are "voluntary contributions?" Does not the very suggestion excite a smile? I have no doubt the committee when they discuss this point indulge in a smile. If these contributions are "voluntary," why are they sent only to employés of the Government? Why in each Department is the chief of the Department first sought, and why does his name always head the list? Is it not because, as this preamble suggests, it is intended that official authority and influence shall "restrain the free political action of the citizen?" Why compose this committee of members of Congress who under our present iniquitous system are the owners and dispensers of patronage except for the same purpose? Why state in the circular that such contributions "will not be objected to in any official quarter?"

Why prepare books, as in the campaign of 1878, with stubs containing name of employé, date, and amount of payment? Why send out a second circular more peremptory than the first, and then finally a third one, which is as direct a demand as any highwayman ever made with cocked pistol upon his victim? Why preserve these books except as a memorial, a book of "rewards and punishments?" Why name in the circular the exact amount to be given? Why say "make prompt and favorable response to this letter by bank check or draft or postal money-order?" Why is this done "by order of the committee?" Why does it "feel authorized to apply?" Why is this letter not sent to our soldiers and seamen and pensioners? Why did the worthy chairman virtually admit the coercive intention of the committee? Hear what occurred only ten days ago:

Mr. SPRINGER. Now, I want to know if I have the authority of the Republicans to say to these little pages here, and to other employés of the House—one-legged and one-armed soldiers—that they are not expected to make any payment in response to this circular unless they really want to do so?

Mr. HUBBELL. I will say to the gentleman that so far as the pages are concerned, he has that right.

Why say only "so far as the pages are concerned" except to declare to all others, what they already knew, that their official heads would promptly roll from the block as was the case in this city with a most worthy clerk, within my personal knowledge, if they failed

to recognize the authority of this demand? "He takes my life," says the great English bard, "who takes the prop that doth support it."

How much volition is there in hunger and want. Do we not readily recall the incident given by Macaulay when the infamous James II was making his "assessment," where "one custom-house officer, a battered old cavalier, notified his submission to the royal will in a way which excited both merriment and compassion: 'I have,' he said, 'fourteen reasons for obeying his majesty's command—a wife and thirteen young children.'"

What stronger or higher reasons would the great majority of our own office-holders honestly give for making these "voluntary contributions?" But, sir, I will not attempt to argue this point further. The American public are too shrewd and too sensible to be deceived by such flimsy pretense. They know, as we all know, that men earning $1.75 and $2 per day would not "voluntarily" contribute a week's wages to pay campaign expenses; they know that this whole system of assessments is wrong in principle and baneful in practice; that it is illegal and partisan tyranny—official coercion in its meanest and most hypocritical and unjustifiable form—a Pandora's box.

MR. GARFIELD ON POLITICAL ASSESSMENTS.

Mr. Chairman, just ten years ago our late President spoke upon this floor upon this very subject. Hear what he says:

I ask these gentlemen what they think of the system of political assessments? I ask them what they think of the extortion of the collector of a great port or chief of any great branch of the service issuing a circular calling for 1, 2, or 3 per cent. of the salaries of all the employés under his control to be used for party purposes, with the distinct understanding that unless they paid others will be found to fill their places? I call attention of gentlemen around me to that shameful fact. The practice affords a large so-called electioneering fund, which in many cases never gets beyond the pockets of the shysters, the hangers-on, the mere camp-followers of the party.

Yes, gentlemen, in the words of your greatest leader, this "deep damnation of whose taking off" bears mournful but conclusive testimony against its foul methods, I ask you now what you think of your system of political assessments? Will any candid man say that the condition of public affairs, either in this or in any other regard, is better or even as good now as it was when Mr. Garfield spoke these earnest words? Is the whole subject of reform more hopeful? Has the number of useless and incompetent office-holders diminished? Has the method of their appointment and promotion been improved? Are honesty, capacity, and fidelity the sure and only qualifications for office, or do they still stand aside at the dictate of selfish and personal power? Is proved competency less potent than partisan zeal and subserviency? Is that usurpation of executive power known as the "courtesy of the Senate" less bold and assertive? Are the political assessments yet in existence, and is the robbery thus committed under the forms of law less bold, open, and frequent? Is party spirit milder and more reasonable? Are our elections freer from falsehood, bribery, and general demoralization?

Sir, the answer to these questions leaps unbidden from every honest heart. Our political condition has gone steadily from bad to worse. With each year our campaigns have grown in bitterness and intensity until they resemble the fierceness of civil war. Our parties are divided into hostile camps, to the interruption of all legitimate business and the imminent danger of the public peace. The most brutal passions and narrow prejudices are aroused, to the overthrow for the time being of all generous, kindly, and patriotic feeling among our countrymen. No character is too pure, no sancity of private life too holy, to deter the invading footsteps of party slander. At no period of our history has the system of political assessments been more voracious, more despotic, or more proscriptive and aggressive. More and more spoils have been as essential as more and more victims to a beast of prey. Enormous sums, aggregating possibly millions of dollars, are collected and secretly expended—not for the "necessary and legitimate expenses of the campaign," under which shallow pretense the money is contributed—but in bribing and debauching the voters of the country, thus holding out a premium for crime, treachery, and venality.

The scenes of vice and immorality attendant upon these practices and their effect upon our voting population are sadly familiar to us all. Thousands of our citizens become the slaves of party, the apologists of wrong, and the willing agents of fraud and corruption. Political conscience is benumbed. Party despotism is established. Individual independence—the last and best defense of liberty—is destroyed. Patriotism is subordinated to avarice and ambition. A large proportion of our good citizens, merchants, scholars, and business men are apathetic or disgusted with active politics, and thus party organization is largely left to the domination of "ring" politicians and "machine bosses."

CONCLUSION.

Sir, it was to meet and overcome some of these great and acknowledged evils that the bills I introduced were intended. It was to inaugurate such rules as would enable the President to purify and improve our administrative system that the civil service commission was established. I hope, therefore, that before this bill is concluded the amendment I propose appropriating $25,000 for its re-establishment will be passed. I am not entirely without hope also that the members of this Congress, rising up to the full measure of the public needs and the public demands, will inaugurate the other legislation which the friends of pure government, regardless of political affiliations, are everywhere urging.

Let us make merit the sole test of official appointment and promotion. Let us overthrow at once and forever this wicked, unnecessary, dangerous, and demoralizing system of political assessments. Let the severest penalties be invoked against the bribery, coercion, and corruption, which are its attendants. Let political tyranny and slavery be driven from our land. Let our motto be "free men" as well as "free ballots." Let us, in a word, bring back the country to its ancient and honorable principles of purity, simplicity, economy, and honesty.

Do this, gentlemen, and your political action will be twice blessed—blessing those that give and those that receive. Do this and you inaugurate this second century of the Republic by an administration worthy the fathers who founded, and worthy the fame which has made it the pride and boast of the lovers of liberty in every land. [Prolonged applause.]

The Clerk read as follows:

For the Benicia Arsenal, Benicia, California: For completing the erection of the machine and armorer's shop, and for completing the rebuilding of the blacksmith's and carpenter's shops, the two latter injured by the fire on the night of November 3, 1880, $50,000.

Mr. BERRY. I move to amend by striking out "50" and inserting "60," so as to make the appropriation for this purpose $60,000. This sum will complete these shops. It is only $10,000 more than the bill proposes to allow. It does seem to be poor policy to appropriate money enough within $10,000 to complete these shops, and compel the work to go over till another year.

It will be observed that two shops were burned down before the third shop was completed. For two years that arsenal has been in such a condition that even the lock of a gun could not be mended there. All the workshops and machinery were destroyed. It should be remembered also that the States of California, Oregon, and Nevada, as well as the Territories of Arizona, Idaho, and Washington, besides Alaska, are dependent for their supplies upon this arsenal.

We contend (and I ask the attention of the chairman of the committee to the remark) that it is unjust to withhold this additional $10,000 for another year, instead of appropriating now a sufficient sum to complete this series of shops. I hope the amendment will be agreed to, so that the shops can be completed without waiting for the additional $10,000 until further action by Congress. By reason of the shops having been burned down it has been impossible for two years past at that arsenal to repair the smallest piece of ordnance.

Mr. HISCOCK. After careful examination of this subject, and hearing the officers of the War Department, we fixed the amount named in the bill, which we believe should not be increased.

The amendment of Mr. BERRY was not agreed to.

Mr. WASHBURN. I was out of my seat when the paragraph embraced in lines 790 and 791 in regard to the Rock Island bridge was read. If there be no objection, I would like to offer an amendment to come in after that paragraph.

The CHAIRMAN. The Chair hears no objection.

Mr. WASHBURN. I move the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 791, after dollars, amend by adding:

"To enable the Secretary of War to make examination of and to remove obstructions to the free navigation of the navigable waters of the United States, $25,000; and whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory is an obstruction to the free navigation of such waters, by reason of difficulty in passing the draw-opening of said bridge, by rafts, steamboats, or other water-craft, it shall be the duty of the said Secretary, on satisfactory proof thereof, to require the company or persons owning said bridge to cause such aids to the passage of said draw-opening to be constructed, placed, and maintained at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water-craft safely through said opening as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any district court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided*, That no greater sum than $15,000 shall be expended upon any one bridge in a single year, and the Secretary of War shall make report annually to Congress as to such obstructions and the cost, if any, of removing the same by the United States.

Mr. HISCOCK. I make a point of order upon this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HISCOCK. That it is new legislation, and increases expenses.

Mr. WASHBURN. I think if the gentleman will hear my statement he will withdraw his point of order; at any rate, I shall ask him to do so.

A bill embracing provisions precisely similar to those of this amendment has passed the Senate, and is now on the Speaker's table. The Committee on Commerce of the House have unanimously authorized me to report a bill precisely similar in its terms to this proposition. This amendment proposes legislation of great importance, especially to the valley of the Mississippi River. The obstructions from the

different bridges on that river have become of a very serious character. This proposition will put it in the power of the Secretary of War to remove those obstructions at the expense of the railroad companies crossing the river.

Although there is an appropriation made here, I am satisfied ultimately not one dollar is to come out of the Treasury. The appropriation is made to permit the Secretary of War to proceed in the first instance to remove the obstructions.

Then the amount is to be charged to the railroad companies or the bridge companies, and the amount will be covered back into the Treasury.

As this is of such importance to navigation, especially of the Mississippi River, I trust, in view of the fact the Committee on Commerce have unanimously recommended the passage of the bill, and in view of the further fact the Senate has passed the bill, I do trust the gentleman from New York will not object to it.

Mr. HISCOCK. I told the gentleman from Minnesota and the chairman of the Committee on Commerce, as well as the gentleman from Missouri, [Mr. BUCKNER,] that I would not insist on the point of order, but after giving the matter more reflection I came to the conclusion I cannot consent here on this bill to pass upon a question of general legislation, either to allow it to come in or to exclude it. I cannot take that responsibility, and I must insist therefore on the point of order. I am appealed to on both sides of this House for just this sort of legislation. A question of this importance should be submitted to the House in the ordinary way, and it is not within the scope of my duty, as I believe, to permit legislation of this public character in this way; and, as I have already said, I am compelled to insist on my point of order.

Mr. ROBINSON, of Massachusetts. Every bill on the Calendar has its friends, and if you put one on you will have to put them all on. If the committee trades off the point of order as to one it must do it as to all.

Mr. BUCKNER. I told the gentleman from New York this was subject to the point of order, and he agreed not to insist on that point of order. When he determined to insist on the point of order he ought to have made it to the preceding paragraph, which is liable to the same objection—the one for the protection of Rock Island bridge by sheer-booms. If the point of order was to be made to this, then the point of order also ought to have been made to that. But this is a most important measure, and I did hope the gentleman would permit us to have a vote on it.

The CHAIRMAN. The Chair has no difficulty in ruling on this amendment, as the amendment requires entirely new action, suits in court, levying money on owners, &c., and is new legislation, requiring an expenditure of money, and is clearly out of order. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

For completing repairs on wharf, $3,800.

Mr. PEELLE. I offer the following amendment.

The Clerk read as follows:

At the end of line 801, on page 33, add these words:

"For the Indianapolis arsenal, Indianapolis, Indiana: For the general care, preservation, and repair of the buildings, walks, bridges, fences, and grounds, $20,000."

Mr. HISCOCK. I make the point of order on that amendment.

Mr. PEELLE. I ask the gentleman to reserve his point of order for the present.

Mr. HISCOCK. I must make it now, but I ask that the amendment be read.

The amendment was again read.

Mr. HISCOCK. It is not subject to the point of order.

Mr. PEELLE. Mr. Chairman, if my memory serves me there has been no appropriation for the improvement of the Indianapolis arsenal for fully ten years. The buildings are going to ruin. The grounds which were once beautified by the Government have been destroyed. The beams in the main building are rotting away.

The estimates for the improvement and repairs of this arsenal I believe are about $33,000. The Committee on Appropriations have seen fit to allow nothing for the improvement and repairs of the arsenal. It does seem to me that if the arsenal is to be maintained by the Government of the United States, it would be good policy, it would be economy, to make a reasonable appropriation for the preservation of this property. Certainly this Congress will not make any provision for the sale of the numerous arsenals throughout the country, and when they shall have done that, unless they in the mean time have preserved the property by reasonable appropriation, you will find Congress has pursued an unwise course and the arsenals have gone to destruction and depreciated in value for want of a reasonable outlay to preserve them.

I hold this $20,000 should be appropriated for the preservation of these grounds and buildings. I do not believe, in view of the estimates which have been made, $20,000 would be unreasonable if we consider nearly ten years have elapsed since any appropriation has been given, and $20,000 would be less than $2,000 a year for the improvement of that arsenal.

I venture to say that with this $20,000 expended on that arsenal it would sell in the market for more than it will now sell for. Therefore the appropriation of money is not extravagant, but in the line of economy. I therefore hope the amendment will prevail.

Mr. HISCOCK. Mr. Chairman, there has not been a specific appropriation made for this or for several others—in fact, quite a large number of arsenals throughout the country. A gross sum has been given for taking care of all of them, without specifying where it shall be expended. These are arsenals in which no men are employed, and for which there is no present use; and the War Department is entirely satisfied with the sum we have given for the purpose of repairing and keeping them up. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment suggested by the gentleman from Indiana.

The committee divided; and there were—ayes 6, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For ordinary care of greenhouses and nursery, including construction of two additional greenhouses for propagation of bedding plants for decorating the public grounds, $4,000.

For ordinary care of Lafayette Square, $1,000.

Mr. HOLMAN. I move to strike out of this paragraph in lines 826 to 829——

The CHAIRMAN. The Chair would remark to the gentleman that the paragraph now under consideration is the one contained in lines 830 and 831, which has just been read.

Mr. HOLMAN. I rose while the paragraph was being read and endeavored to attract the attention of the Chair. I spoke instantly, as soon as the first of these paragraphs was read, but presume the Chair did not hear me.

The CHAIRMAN. The Chair will, of course, take the statement of the gentleman, and the Clerk will report the amendment.

The Clerk read as follows:

Strike out from the paragraph just read, the words:

"Including construction of two additional greenhouses for the propagation of bedding plants for decorating the public grounds."

Mr. RANDALL. That paragraph is subject to the point of order.

Mr. HOLMAN. My friend suggests to me that this is subject to the point of order, and if I have the right to make the point of order now I will submit it to the House. I do not object to the appropriation for the ordinary care of the greenhouses and nursery, but to the other portion of the paragraph I think the point of order will clearly lie against it. I shall also propose at the proper time to strike out $4,000 and insert $1,500, so that the paragraph will read:

For ordinary care of greenhouses and nursery, $1,500.

This is the usual sum appropriated for that purpose. I submit the point of order that the construction of two new greenhouses is new legislation and not in continuation of work already in existence.

The CHAIRMAN. The Chair would remark to the gentleman that it is too late to raise the point of order now, as the gentleman did not rise in the first instance for that purpose.

Mr. HOLMAN. No, sir; I did not rise to make the point of order at the time. It did not occur to me, in fact, that it was subject to the point of order.

But I desire to call the attention of the chairman of the Committee on Appropriations to the fact that the appropriation usually made for this purpose has heretofore been $1,500. I think, Mr. Chairman, that we are somewhat overdoing this business of greenhouses and the culture and care of exotic plants in our city. We have in the first place an expensive and well-managed garden for the propagation of these plants, the Botanical Garden, which I think is entirely proper.

Mr. McCOOK. Yes; the gentleman favored that.

Mr. HOLMAN. And I think in a large degree such a garden should embody whatever there is of interest in the floral world, and that it should be kept in good condition. But again, I desire to call the attention of the committee to the fact that there is building up in connection with the Agricultural Department the same kind of a garden for the culture of these plants; and I think I protested against it at the time. It is a subject which belongs properly to the Botanical Garden, and if the gentleman from New York [Mr. McCOOK] had made his point of order upon that I think he would have made it with good effect. The Botanical Garden, however, I regard as a defensible institution, one that is worthy of consideration and care, and as much a subject of legislative interest as the museum, and it should be maintained. But I see no reason why a similar establishment should be connected with the Agricultural Department, and we have already made very ample appropriations for the decoration and maintenance of the public grounds. Now, this greenhouse at the executive grounds I think should be kept up of course, but I do not believe that the amount should go beyond what has been heretofore allowed for that purpose. This additional appropriation of $25,000 in that direction I think is entirely inexcusable.

Mr. HISCOCK. Mr. Chairman, I call the attention of the committee to what is stated by Colonel Rockwell in his report for this subject, and on account of which and the explanation he made personally, this appropriation was increased. He states in his report that they have at present eight small greenhouses, which do not afford sufficient protection for the winter care and proper growth of the present collection of plants. The increase asked for, if granted, will be used for the construction of additional houses, the necessity of which increases the amount by $2,500 over the amount appro-

priated for the present fiscal year; and if granted it will be used for the construction of two additional greenhouses.

Now, this appropriation has been recommended, as others have been recommended in the bill, not because they are absolutely necessary, but because they are involved in the general decoration and beautifying of this city. The public parks here are increased, and their decoration is something that we are compelled to look after. They are upon public grounds, and we have been fairly liberal in their improvement. I have no doubt that if all this was stricken out of the bill the wheels of the Government would not cease to revolve; but we have not made perhaps so extravagant an appropriation for purposes of decoration as we might have done. Perhaps I represent an extravagant constituency in such matters; but I believe this a proper increase.

Mr. HOLMAN. I desire to modify my amendment by striking out "$4,000" and inserting in lieu thereof "$1,500;" and I desire to say a word upon that. I feel very confident, and a little examination of the public grounds will show, that we are carrying the work of flowers too far. The public parks are decorated with these plants, and they embellish the grounds to a very interesting extent.

Nobody, I believe, complains of that embellishment; but to go beyond what it is now I think is entirely useless. This is in some degree a matter of legislation which particularly concerns ourselves. It is embellishing the parks which we visit and to which we take our friends when they come to the capital. But the appropriations for this purpose heretofore made are unquestionably ample, and I protest against going beyond the present very ample appropriation. All I ask as to the greenhouses is that the appropriations shall be made as heretofore, and that we shall not establish two new ones. We have already three, the most extensive in the United States—that of the Botanical Garden, that of the Agricultural Department, and the one for bedding plants, &c., for the purpose of embellishing the public grounds. I ask that we go no further, but stop where we are in this branch of appropriation.

The question being taken on Mr. HOLMAN's amendment there were—ayes 15, noes 29.

Mr. HOLMAN. No quorum.

Mr. VALENTINE. I hope the gentleman will not insist on the point of no quorum. Let us get though the bill.

Mr. HOLMAN. I shall have to insist on the point. There is no necessity for this appropriation.

The CHAIRMAN. The point of no quorum having been made, the Chair will order tellers, and appoints the gentleman from New York, Mr. HISCOCK, and the gentleman from Indiana, Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 52, noes 95.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For care, construction, and repair of fountains in the public grounds, including the enlargement of basin and purchase of suitable granite or material for the fountain at the north front of the Executive Mansion, $2,000.

Mr. HISCOCK. I move to amend by striking out the words "granite or."

The amendment was agreed to.

The Clerk read the following paragraph:

For improving various reservations, $15,000.

Mr. HOLMAN. I notice that $26,000 have been appropriated for work upon the various public parks, which mean, of course, these reservations. Now, what is this $15,000 for if it is not for the same purpose for which the $26,000 are appropriated?

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. HOLMAN. I move to strike out the last word. I hope the gentleman from New York, [Mr. HISCOCK,] remembering we have already appropriated in a single item the sum of $26,000 for the work upon the various reservations, will explain how it becomes necessary to have an additional sum of $15,000 for improving them. Almost everything in connection with these reservations or public parks is provided for elsewhere, and this seems to be an additional item of $15,000 for the same general purpose.

Mr. HISCOCK. The estimates for the appropriations which we have been over are specific for doing particular things. The money is devoted to a specific object; while this is a general appropriation which covers a mass of general work that applies to them all. It has been the custom for appropriations to be made in that way. In this appropriation there is an increase of $3,000 over what it was last year. An increase of $8,000 was asked for. I shall quote the language of Colonel Rockwell, addressed to the committee, on that subject:

For improving various reservations, $20,000.

This is an increase of $8,000 over the amount appropriated last year, and the entire amount requested can be profitably and economically expended as follows: In the purchase of material (such as gravel for roadways and walks, soil, sod, &c.) required in the necessary care of improved and partly improved parks for which no special appropriation is requested, such as Judiciary Square, nineteen acres; Franklin Square, five acres; Mount Vernon and Staunton Squares, about three acres each; Lincoln Square, six acres, (the entire walk of which needs regraveling;) and in the further improvement of public spaces on prominent avenues, as for instance, Thomas Circle, at the intersection of Vermont and Massachusetts avenues and M street, (which it is proposed to properly inclose with a low, ornamental, rough ashlar stone wall surmounted with a suitable coping;) Iowa Circle, McPherson, Farragut, and Rawlins Squares, (whose asphalt walks require resurfacing;) and to improve certain unimproved public spaces on New Hampshire, Connecticut, Massachusetts, and Pennsylvania avenues, around many of which handsome local improvements are being made by private enterprise.

They asked this large appropriation of $20,000. We went over it carefully with Colonel Rockwell and gave $15,000.

The *pro forma* amendment was withdrawn.

The Clerk read the following paragraph:

For commencing improvement of reservation numbered 17 and site of old canal northwest of same, $20,000.

Mr. REAGAN rose.

Mr. HOLMAN. I wish to ask the gentleman from New York to give some explanation of this item.

Mr. HISCOCK. Gentlemen will see those grounds if they will step to the window and look directly south. There is a large amount of low ground there on which this improvement is being made.

Mr. REAGAN. Is that public or private ground?

Mr. HISCOCK. It is public ground belonging to the United States. It is ground on which water accumulates, and on which I am told filth is allowed to accumulate, which is a source of disease, almost, in certain localities. The ground belongs to the Government, so I am assured, and this is with the view of improving it. Gentlemen can look out and see it for themselves.

Mr. COX, of New York. I will say to my friend from Texas [Mr. REAGAN] that most of that property is in streets and avennes that belong to the Government. It embraces, I am told, only $41,000 of assessable property. The great body of it is Government property.

Mr. HOLMAN. It seems to be a good field for speculation.

Mr. COX, of New York. I know it is a miserable cess-pool.

Mr. HOLMAN. I make the point of order on the paragraph that this is the commencement of a separate and independent matter, involving in the nature of things new legislation I submit it is not the continuation of a public work, but that it must be regarded, from the very terms made use of, as a separate, independent, and specific public work. I submit, therefore, it is not proper on an appropriation bill; it is the commencement, not the continuation, of a public work.

Mr. REAGAN. I desire to move an amendment.

Mr. HOLMAN. I ask the gentleman to wait till the point of order is decided.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. HISCOCK. I believe no point of order will lie against this proposition. It is simply an appropriation for the care, maintenance, preservation, and looking after the public property.

Mr. HOLMAN. It is for commencing a certain improvement. It is something separate and independent from all the public works now in progress, and is therefore obnoxious to the point of order.

The CHAIRMAN, (Mr. RICH.) The Chair is of opinion that the point of order is not well taken. This item of appropriation is simply for continuing the general system of improvements about the city of Washington.

Mr. REAGAN. I move to amend by inserting the words "streets and avenues of" before the word "reservation."

Mr. HISCOCK. If the gentleman will modify his amendment in this way, adding to the paragraph the words "provided that no part thereof shall be expended upon other than property belonging to the United States"—if the gentleman will move that amendment, I will not object to it.

Mr. REAGAN. I will modify my amendment as suggested.

The amendment as modified was agreed to.

Mr. HOLMAN. I move to strike out the entire paragraph. I do not think the argument is well founded which has been presented to this committee that this proposed improvement is in the interest of health. In my judgment, it is more certainly in the interest of speculation, although I am very confident that the Committee on Appropriations had no such object in view.

Now, on the score of health, allow me to say that these improvements have not improved the health of the city at all. I resided for a number of years in a part of the city which is now almost deserted, contiguous to the old canal. It was then as healthy a portion of the city as any other part. These improvements have not contributed to the health of the city of Washington.

So far as that is concerned, I cannot consent that this improvement shall be put upon that ground. It might be put upon the ground that we wish to embellish the city at large. That I presume is the ground upon which it rests, and not upon the score of health. I ask a vote on my motion to strike out the entire paragraph.

The motion was not agreed to.

The Clerk read as follows:

For rent of the office for the use of the "colonel in charge of public buildings and grounds," in the city of Washington, $600; to be paid from the appropriation for rent of quartermasters' offices in the act making appropriations for the Army, and for other purposes, for 1883.

Mr. HOLMAN. I desire some explanation of this paragraph: "For rent of the office for the use of the colonel in charge of public buildings and grounds in the city of Washington, $600."

Mr. HISCOCK. I will give the gentleman an explanation. This paragraph will take no money whatever out of the Treasury. This officer is now a sort of tenant at will of the Quartermaster's Department. This clause is put in here simply that he may have control of his own office.

Mr. HOLMAN. Could not the gentleman from New York give him, instead of being a tenant at sufferance or will of the Department, the right to be there in that office? Why expend any money

for the rent of an office when there are any number of unoccupied rooms in the War Department?

Mr. HISCOCK. All there is of it is this: the building is leased by the Quartermaster's Department, the rent of which, $900 a year I think it is, is paid out of appropriations made in the Army appropriation bill. This officer occupies a certain portion of that building; he is there under the orders of the Department.

Now, for the purpose of giving him the control of the building, to which the Quartermaster's Department makes no serious objection, we have concluded that we would appropriate this amount for the rent of offices occupied by him; not to let him take any money from the appropriations of this bill, but to authorize him to expend the amount from appropriations contained in the Army appropriation bill.

The Clerk read the following:

For repairs and fuel at the Executive Mansion as follows:
For care and repair of the Executive Mansion, $10,000.

Mr. COBB. I move to amend the paragraph just read by striking out "$10,000," and inserting "$5,000." I make that motion for the purpose of having some explanation made of this item.

Mr. HISCOCK. I understand that the gentleman asks for an explanation, and certainly I will give him all the explanation in my power. I can only say that this item is according to the estimate from the Executive. While I am on reasonably familiar terms there, I can only say that I understand the Executive asked for this appropriation and I put it in the bill. I believed that the President of the United States might be trusted to make up a proper estimate for the repairs of the Executive Mansion.

Mr. COBB. The explanation is not satisfactory to me. I see that by this bill there is appropriated the sum of $62,000 for repairs of Executive Mansion, taking care of the grounds around the Executive Mansion, &c. Now, I think that sum is too great; I think it is extravagant. I propose to move to amend each one of these paragraphs which I believe are extravagant.

I think that $10,000 for the care and repair of the Executive Mansion is too much. I understand that the Senate has passed a bill to erect a new Executive Mansion, or rather to construct an addition to the present one, for which they propose to expend the sum of $300,000.

Now, I submit that if it costs $10,000 to take care of the old Executive Mansion, there is no telling where the expenditure will run to in the end. I hope, therefore, that my amendment will be adopted to reduce the amount to $5,000, which I think is ample.

The amendment was not agreed to.

The Clerk read the following:

For refurnishing the Executive Mansion, $20,000.

Mr. COBB. I move to amend that paragraph by striking out "$20,000," and inserting "$5,000."

Mr. HOLMAN. Last year $30,000 was appropriated for this purpose.

Mr. COBB. I understand that we have already appropriated during this session a large sum of money for this very purpose. I want to ask the chairman of the Committee on Appropriations [Mr. HISCOCK] to explain why it is that it is now proposed to make an additional appropriation of $20,000 to furnish the Executive Mansion, when we appropriated some time ago, in the deficiency bill I believe it was, $10,000 to purchase carpets and other necessary articles to furnish the Executive Mansion. Why is it that $20,000 more is now needed for that purpose?

Mr. HISCOCK. Mr. Chairman, the $10,000 appropriated in the deficiency bill was used I believe for refurnishing and recarpeting certain rooms in the Executive Mansion, and was exhausted in that work. The Executive asks the sum here proposed to recarpet and refurnish certain other rooms in the Executive Mansion. He wishes this done; and I say in reference to this as I said in reference to the other question, that I am entirely willing to trust the Executive of the United States to furnish the Executive Mansion. That is what we proposed in the Appropriations Committee.

The question being taken on the amendment of Mr. COBB, there were—ayes 20, noes 47.

Mr. COBB. No quorum.

Tellers were ordered; and Mr. COBB and Mr. HISCOCK were appointed.

The committee again divided; and the tellers reported—ayes 20, noes 76.

So the amendment was not agreed to.

The Clerk read as follows:

For care and necessary repair of the conservatories of the Executive Mansion, $5,500.

Mr. HOLMAN. I wish to call the attention of the gentleman from New York [Mr. HISCOCK] to the fact that I think there must be a mistake in this item. There was appropriated last year for repairs and preservation of the greenhouse $5,500. Certainly no considerable repairs can be required again this year. In the Forty-fourth Congress, third session, the appropriation was for ordinary repairs and extension of greenhouse, $1,500. I presume that last year some repairs were required, and hence the enormous increase from $1,500 to $5,500. But I submit to the gentleman from New York that we can now safely go back to the old item as it stood for years, at $1,500. I therefore move to amend by making this appropriation the same as in former years—$1,500. During the five or six years that this sum was appropriated there was no complaint so far as I have heard that those conservatories were not elegantly kept up.

The question being taken on the amendment of Mr. HOLMAN, it was not agreed to; there being—ayes 11, noes 44.

Mr. HOLMAN. I move to amend by striking out $5,500 and inserting $3,000. I am willing to double the sum that has been deemed necessary for this purpose in former years; but I am not willing, when Congress has found it necessary to authorize important repairs upon an establishment like this, and appropriates with a view to such repairs, that this appropriation should be the steady basis of all subsequent appropriations. I do not believe the Government should be niggardly in its expenditures upon the White House; but, on the other hand, I do not believe in lavish and unreasonable expenditures for that or any other purpose. If the former appropriation of $1,500 for the ordinary repair and superintendence of the conservatory was sufficient, why is it not sufficient now? I appeal to the gentleman whether the mere fact that one Congress finds it necessary to make extensive repairs is to be taken advantage of as a basis for all subsequent appropriations for the same object. I am willing to double the sum which a Democratic House thought was ample.

Mr. HISCOCK. What was given for the year 1880?

Mr. HOLMAN. I have not looked at the figures for that year; but I know what was appropriated during the Forty-fourth Congress, $1,500 for ordinary care of this green-house; and I heard no complaint in connection with that appropriation. If the gentleman should state that important repairs are necessary to be made, the case would be different; but I do not believe in these extra perquisites.

The question being taken on the amendment of Mr. HOLMAN, it was not agreed to; there being—ayes 18, noes 45.

The Clerk read as follows:

For lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, plumbers, plumbing, lamps, lamp-posts, matches, and repairs of all kinds; fuel and lights for office, and stables, for watchmen's lodges, and for the greenhouses at the nursery, $15,000: *Provided*, That for each burner not connected with a meter in the lamps on the public grounds no more than $25 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

Mr. MURCH. I move to amend by striking out "$25," in line 883, and inserting "$20."

I am led to submit this amendment by a thorough investigation which I have made into the subject of gas in this District, an elaborate statement of which I submitted to the House on the 22d of last month. In that statement I showed that the profits of the gas company in this District were in excess of those of almost every other manufacturing company in the United States—aggregating in a period of thirty-one years, on a capital of $500,000, $10,000,000 and upward.

In connection with my remarks on that day I submitted to the House a resolution contemplating the investigation of this system of gas-works. That resolution under the ruling of the Speaker was sent to the Committee on the District of Columbia. The resolution related to the manufacture of gas; and I was led to believe that the Committee on Manufactures, of which I am an humble member, was the proper committee to investigate the subject; or if not that committee, then the Committee on Public Buildings and Grounds, who have a sub-committee especially charged with the investigation of the subject of gas.

Shortly after the reference of the resolution to the Committee on the District of Columbia, I was notified by the chairman of a subcommittee appointed by that committee, that they were ready to give me a hearing on this matter.

I appeared before the committee on the day specified at ten o'clock in the morning, with experts, to demonstrate the truth of my statements as submitted in the RECORD. The chairman of the sub-committee was absent. After waiting until twelve o'clock, the time for the meeting of the House, and the chairman of the sub-committee not being present, and the second on the sub-committee being, as he admitted, a member of a gas company, having my statements, my documents, and the Gas Journal to substantiate everything I had said, I was compelled to go away without submitting my facts to the committee.

Now, I do not attribute any blame to the committee. I know the committee has a great variety of subjects submitted to its consideration. I know the chairman of the sub-committee might have been called away on important business, but I have never been notified since that time the committee has been willing to hear me.

From my investigation of this subject and from the facts adduced here, which any member can satisfy himself of, and which I have never heard contradicted, it appears to me that $20 a light, sixteen-candle power, of the bleary, red, smoky, wavering gas we get in this District, is enough.

The CHAIRMAN. The gentleman's time has expired.

Mr. COBB. I will take the floor and yield my five minutes to the gentleman from Maine to continue his remarks.

Mr. MURCH. An eminent gas engineer of the city of Providence, I cannot recall his name just now, stated in an investigation made in Boston on the subject of gas, that the coke and chemicals resulting from the manufacture of coal into gas nearly paid for its cost. So I am led to believe that at $20 a lamp of sixteen candle-power, which the lamps have here, and the statement of the company substantiates it, is enough.

In this modern age of progress, the old gas-lamps should be done away with entirely. Let any member of the House walk along F street and see the line of magnificent illuminators in that street, equaling almost broad day light. I am informed that light can be furnished at a cost much less than what we are now paying for gas.

I am willing and anxious, Mr. Chairman, to cut the cost of gas in this bill to the total extinction and exclusion of gas in order that electricity may be substituted for it. Only think, this great nation, and this beautiful city, its capital, with the President and with the heads of Departments, with magnificent buildings located here, groping along in almost utter darkness! Why, sir, it should lead the way in illuminating progress as in everything else.

Mr. BAYNE. Cannot the gentleman give us the rates in other cities.

Mr. MURCH. I cannot exactly. But in other cities the rate is about $18 or $19. In some, it is a little more. But nowhere does it exceed $22.

Mr. HISCOCK. When the gentleman says $18 or $19, does that include the lighters and repairs of lamp posts, and all that sort of thing? My recollection is that in my city——

Mr. MURCH. I hope the House will allow me time to answer the gentleman's question.

MESSAGE FROM THE SENATE.

The committee rose informally; and a message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bill and joint resolution, with amendments; in which concurrence was requested:

A bill (H. R. No. 5535) fixing the rate of interest upon arrears of taxes due July 1, 1879, and on all special assessments due the District of Columbia which may be paid by July 1, 1882, and for other purposes; and

Joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes.

It also announced the passage of the following joint resolutions; in which concurrence was requested:

Joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department; and

Joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers ordered of the memorial address on the late President Garfield.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. MURCH. Mr. Chairman, in reply to the chairman of the Committee on Appropriations in regard to other matters being grouped with gas itself, as lamp-posts and repairs, &c., I will say I cannot state positively at this stage. If I had known this matter would come up this morning I would have been prepared, but I only arrived last night from Chicago.

But here I find are many items aggregated together, namely, for stables, for plumbing, for lamp-posts, lamps, matches, and other appliances, all embraced in this statement, or paragraph; and I received in answer to a request made by me to the Register of the Treasury, along in March, a letter, in which he states the cost of illuminating the White House and executive grounds to be $13,000. I notice here the amount is $15,000, so that, taking that as a scale, $2,000 would be left, which I presume is intended for repairs of posts and for lamps and matches.

Now, the whole District and the Capitol grounds pay an enormous sum for their lighting; and further on in the bill I shall submit an amendment in regard to the lighting of the Capitol grounds, and will endeavor to show that the cost is entirely too high, and will show what it ought to be.

I do not know of any further remarks that I desire to make upon this point, unless some gentleman wishes to ask a question in reference to it.

Mr. NEAL. I move to strike out the last word.

Mr. HISCOCK. I desire to say a word explanatory of the action of the committee, if the gentleman will yield to me first.

The CHAIRMAN. The Chair will recognize the gentleman from New York in charge of the bill first, and the gentleman from Ohio afterward.

Mr. HISCOCK. My recollection, Mr. Chairman, is that for 1880 we paid $28 a light.

Mr. MURCH. Higher than that at that time.

Mr. ATKINS. No; $25.

Mr. NEAL. Twenty-five dollars was the price paid for lighting.

Mr. HISCOCK. Well, I will not pretend to be accurate as to the exact date or amount, but I know that the reduction was made at some period to the amount which is included in this bill, or if it was not reduced a different mode of payment was adopted.

Mr. ATKINS. If the gentleman from New York will permit me, this occurred, I will say, in the last session of the Forty-fifth Congress, when it was reduced to $25. Prior to that it was over that amount.

Mr. BLACKBURN. It was $25 a light, and the city did the lighting.

Mr. HISCOCK. Yes, that was my understanding. Then it was investigated, I think, thoroughly, and I believe that investigation was conducted by my friend from Indiana, [Mr. COBB.] That is my present recollection, and if I am in error he will correct me. The reduction, I think, was made largely upon that report.

Mr. ATKINS. Let me interrupt the gentleman again to say that it was fixed by the gentleman from New York, [Mr. HEWITT,] who had charge of the sundry civil bill.

Mr. HISCOCK. Yes, but it was investigated also in the District of Columbia bill, where the largest items were, as well as upon the sundry civil bill by Mr. HEWITT. The present Committee on Appropriations adopted the rate of compensation fixed by these gentlemen, and that is all I know about it. We thought that was a fair basis, and decided to act upon it.

Mr. NEAL. Mr. Chairman, it must not be supposed that the members constituting the District of Columbia Committee are all Don Quixotes or Sancho Panzas, but we are practical business men who, when a matter of business comes before us, treat it in a business-like way and give it a reasonable and business-like consideration as we believe.

The Forty-sixth Congress ordered an investigation of the gas company's affairs here. A learned professor from the Johns Hopkins University, of Baltimore, was brought over here to investigate the question, which he did and made his report. That report is at the service of the gentleman from Maine or of any other gentleman who desires to take the trouble to read it. In regard to the character of the works, their capacity and condition, his investigation was as full, complete, and exhaustive as a report could be made.

Now, in regard to the profits made by the company. That also was shown by the report made by the company to the Forty-sixth Congress upon the motion of the gentleman from Maine.

Mr. MURCH. And that is what I base my statement on.

Mr. NEAL. That shows what the profits were. It was not necessary, therefore, to investigate as to the character of the work, and the quality of the gas and the profits made again. There was nothing to investigate if we had seen fit to enter into an investigation, as the ground had been thoroughly gone over on a previous occasion. In addition to that, Mr. Chairman, the Government of the United States appoints a gas inspector who is, as I believe, a competent man for the position. We have made an appropriation already for his salary for the ensuing year.

Mr. MURCH. Will the gentleman allow me to ask him a question?

Mr. NEAL. No, sir; not now, I have but five minutes. His investigation shows, and a report is made every month, that the gas is of the best quality and equals that of any coal gas in the United States.

Now, a word in regard to the price charged by the company. Last year, under the leadership of the gentleman from Indiana, [Mr. COBB,] the price was reduced to $25 a post, and the gas company was required to pay the expense of lighting and repairs and breakage, and these items amounted to $5.60 a post. That reduced the price of gas actually received by the company to $19.40. That is sixty cents below what the gentleman from Maine proposes to pay. The price seems to be a very reasonable one. The price of gas charged to the city for its offices is $1.47, and there is no city that I know of where it is less than $1.85. The price to consumers is only $1.75 a thousand, net.

Mr. BAYNE. It is less than that in Pittsburgh.

Mr. NEAL. I think so. Therefore, while I am not here as the defender of the gas company or anything of that kind, the investigations we have made in our committee have satisfied me the price is now as low perhaps as it ought to be. I fully sympathize with what the gentleman from Maine has said in regard to the propriety of substituting electric lights for gas in this city. I trust that may be done. But it cannot be done by putting down the price of coal gas so low that it cannot be manufactured.

Mr. MILLS. They make 66 per cent. profit.

Mr. NEAL. Oh, no.

Mr. MILLS. The report says so.

Mr. BLACKBURN. I desire to say a word in vindication of the action of the Appropriations Committee with reference to this appropriation. When I chanced to be the chairman of the Committee on the District of Columbia I had occasion to look into the operations of this gas company and the prices at which they furnished gas to the District. The House may as well understand it once for all. This gas company is the creature of this Congress, it owes its charter to Congress, and is amenable to such laws and such rates of compensation as Congress may prescribe. Your power is absolute in dealing with this company. You may put its price of gas at any rate of charge you please, and it has no recourse.

I trust, therefore, that recognizing this power as complete and full in the premises, this House will deal fairly with the question. The price of gas has been reduced three times by Congressional action. It stands to-day at the nominal price of $25 per lamp in the matter of lighting the streets, and for Government use. That is the nominal price. It is $25 a lamp, less the cost of lighting, cleaning, and repairing the lamps, which is $5.60; so that in point of fact the cost of lighting the streets to-day to the Government is not $25, but $19.40 per burner.

Again, by the act of June 23, 1874, the company is required in lighting the streets of this city to use a six-foot burner, whereas in the city of New York a three-foot burner is used. In the wide avenues of this city and its much wider streets than those of any other city on this continent, a three-foot burner would be insufficient. This is an additional charge upon the company, and yet the actual rate of charge against the Government for gas in this city to-day is not $25 a lamp, nor $20 a lamp, but deducting the cost of lighting and repairs it is $19.40 a lamp.

I hold in my hand a tabulated statement which I desire to submit to the House that they may see whether this is too costly a rate or not. I do not deal with the figure of $19.40 a lamp. I shall give the gas company no credit for the deduction of $5.60 a lamp for lighting, cleaning, and repairing. I deal with the nominal or the maximum figure. I hold in my hand an authentic statement of the cost of gas in all the principal cities. In the city of Washington it is put down at $2 a thousand; that is the maximum or nominal price; because the cost to the individual on account of the rebate is $1.75 per thousand, and to the Government it is $1.47. The following is the tabulated statement to which I have referred of the rates charged in many of the principal cities of the country:

Memoranda as to price of gas, January, 1881.

	Price per M.
Richmond, Virginia, (works owned by city)	$2 00
Washington, District of Columbia, (private company)	2 00
Georgetown, District of Columbia, (private company)	2 25
Baltimore, (private company)	2 00
Wilmington, (private company)	2 00
Philadelphia, (works owned by city)	2 00
Trenton, New Jersey, (private company)	2 50
Newark, New Jersey, (private company)	2 50
Jersey City, New Jersey, (private company)	2 50
New York, (private company)	2 25
Brooklyn, (private company)	2 00
New Haven, (private company)	2 50
Hartford, (private company)	2 50
Providence, (private company)	2 25
Boston, (private company)	2 00
Portland, Maine, (private company)	2 50

In Baltimore $1.85 per thousand is charged for gas used in street-lamps; and the city lights, extinguishes, cleans, and repairs the lanterns.

In Boston $1.75 per thousand is charged, and the city does the same as at Baltimore.

The city of Washington, according to the above tabulated and authenticated statement, is to-day furnishing gas cheaper than any of the other cities on this continent included in that statement. [Here the hammer fell.] One word more and I have done. If the House thinks this price is too high its power is complete and absolute to reduce it to whatever point it pleases.

Mr. ROBESON. If Congress makes the rate too low will not the gas company be obliged to recoup on the city?

Mr. BLACKBURN. In that case they must of necessity advance their rates on the individual consumer; and when the rate charged for gas stands here at the lowest rate known on the continent, it seems to me hardly fair to force the gas company to make good its losses by reason of arbitrary legislation at the expense of individuals.

Mr. COBB. I offer a *pro forma* amendment. I do not regard it as a very safe rule to look into the contracts and the price of gas in other cities. I know one thing. When those contracts are looked into you will find those gas companies all over this country make from 25 to 50 per cent. profit every year; and I know another thing, that so far as my experience is concerned in the city of Washington I have never been in a city in this country where the gas was so poor and the light so poor. I am occupying a first floor, and it takes four burners to make such a light as I can see to read by. I have never had this occur in any other city. We have had gas in my town for twenty-odd years, and with one single burner in my parlor, sitting-room, or office I get as much light as from the four burners in the room I have occupied here for three years.

I called the attention of this gas company, through its attorney, last winter was a year ago, to the character of the light. He undertook to remedy it by putting new burners on my chandelier. When he had put on the new burners the pressure was not great enough, and the consequence was that my light after all was very dim.

I say that in my judgment there are no people beneath the sun who are so much imposed upon as the people of Washington by this gas company, which is drawing from them their life-blood as it were by making them pay every year for gas which the company does not furnish.

I have carefully considered this gas question. I remember that at one time, as a member of the city council of my own city, I sent all over the country for the purpose of getting the best information I could on the subject. And I say to you that the gas company of this city, furnishing the quality of gas it does and with the prices which it charges, can make 50 per cent. profit every year; and I know what I am saying.

It is an outrage upon this House, upon the members of it who are supplied with gas by this company. A year ago, during the investigation to which the chairman of the Committee on Appropriations [Mr. HISCOCK] alluded a moment ago, I called the agent of this gas company before the committee. He said that if we reduced the price per lamp from $30 to $25 the company would have to stop. I told him that they could stop it, then; let the city be in darkness until we could procure other means of lighting it.

Then, a Mr. Spaulding, whom the gentleman well knows, came along with his brush light and proposed to light up the city. And immediately the mouth of the gas company was closed from that time to this, and we cut down the price to what it now is. And I say to you that if we reduce the price to $20 per lamp I have no doubt in the world that the gas company will obtain a profit of at least 25 per cent.

In Pittsburgh, where my friend lives, the gas company can furnish gas for sixty cents per thousand feet, as the gentleman well knows. Of course the gas company of Pittsburgh has some facilities which this company in Washington has not; they can get their coal more conveniently and cheaper and they can get better coal from which to make their gas. But the ordinary charges of the company in this city, with the pressure put on here, is equivalent to $4 a thousand feet. The company cheats the people of this city and defrauds them day by day and night by night; that is the fact. I know it from my own experience and investigation.

The CHAIRMAN. The time of the gentleman has expired. The *pro forma* amendment having been withdrawn, the question recurs upon the amendment of the gentleman from Maine [Mr. MURCH] to strike out "$25" and insert "$20" as the price per lamp for gas.

The question was taken upon the amendment; and upon a division there were—ayes 36, noes 27.

So (no further count being called for) the amendment was adopted.

The Clerk read the following:

For the construction, maintenance, and repair of military-telegraph lines: For the construction and continuing the construction, maintenance, and use of military-telegraph lines on the Indian and Mexican frontiers and in the Northwest, for the connection of military posts and stations, and for the better protection of immigration and the frontier settlements from depredations, especially in the States of Texas and Nevada and the Territories of New Mexico, Arizona, Dakota, Washington, Montana, Idaho, and Wyoming, and the Indian Territory, under the provisions of the acts approved March 3, 1875, and June 20, 1878, $50,000: *Provided*, That out of said sum the Secretary of War is hereby authorized, in his discretion, to purchase the Cheyenne and Black Hills Telegraph Line, running from Fort Laramie, Wyoming Territory, to Deadwood, Dakota Territory, with the branch line running from Hat Creek, Wyoming Territory, to Fort Robinson, in the State of Nebraska, and all telegraph-line material, instruments, batteries, repair tools, and office furniture for the operation and repair of said lines, at a price to be fixed in his discretion, not to exceed $15,000.

Mr. McCOOK. Before we pass over this item I think the chairman of the Committee on Appropriations [Mr. HISCOCK] should explain it to the committee. In the mean time I will reserve any point of order upon it.

Mr. HISCOCK. The only explanation I can make is this: this paragraph was put in with discretionary power to purchase this telegraph line. A communication from the late Secretary of War was brought to the attention of the committee by some member of the House, and this paragraph was inserted in the bill, embracing the language here employed, giving discretionary power to the Secretary of War to purchase this line if he chose.

Mr. McCOOK. As I understand, the present Secretary of War has never made any recommendation of the kind.

Mr. DUNN. I will inform the gentleman from New York [Mr. McCOOK] that the present Secretary of War and the Signal Officer have reported to the Committee on Pacific Railroads against this purchase, saying that there was no necessity for it. There was a bill pending before the Committee on Pacific Railroads on this subject, and the committee have decided against the purchase.

Mr. HISCOCK. I do not object to its going out.

Mr. DUNN. It ought to go out of the bill.

Mr. McCOOK. I make a point of order against it.

Mr. HISCOCK. It is not subject to a point of order.

Mr. McCOOK. Then I move to strike out the proviso of this paragraph, beginning in line 950.

Mr. SPRINGER. I understand that this paragraph is subject to a point of order, and I make it.

The CHAIRMAN. The paragraph was discussed prior to the making of the point of order.

Mr. SPRINGER. The gentleman from New York [Mr. McCOOK] made the point of order.

Mr. McCOOK. I reserved the point of order if it was necessary to make it.

The CHAIRMAN. The motion to strike out the proviso will be submitted to the Committee of the Whole.

The proviso was as follows:

Provided, That out of said sum the Secretary of War is hereby authorized, in his discretion, to purchase the Cheyenne and Black Hills Telegraph Line, running from Fort Laramie, Wyoming Territory, to Deadwood, Dakota Territory, with a branch line running from Hat Creek, Wyoming Territory, to Fort Robinson, in the State of Nebraska, and all telegraph-line material, instruments, batteries, repair tools, and office furniture for the operation and repair of said lines, at a price to be fixed in his discretion, not to exceed $15,000.

The question was taken upon the motion to strike out the proviso, and it was agreed to.

The Clerk read the following:

And it is provided that to support the Signal Service no money shall be expended except such as is appropriated by this act and the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1883, and such sums as are specifically appropriated for said service in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes; and the further sum of $300,000, payable from the respective appropriations in said last-named act, similar to those heretofore drawn upon for its support, which sum, or so much thereof as may be necessary, the Secretary of War may apply to the support of said service from said appropriations; and it is further provided that at the next session of Congress the Secretary of War shall submit to Congress a detailed estimate of the force required for the Signal Service for the fiscal year commencing July 1, 1883, of the officers and other employés that will be necessary, and their compensation, respectively, and the amount that should be appropriated for labor when the employés cannot be specifically estimated for, and for material and for rent of offices and for any other objects that he may deem necessary, each separately stated.

Mr. BUTTERWORTH. I desire to call the attention of the chairman of the Committee on Appropriations to this paragraph. A communication was sent by the superintendent of the Signal Service Bureau calling attention to the fact that owing to the peculiar phraseology of this paragraph the money intended to be appropriated for the use of the Signal Service cannot be used for that service. I will call the attention of the chairman of the committee to the phraseology referred to.

Mr. HISCOCK. What is the date of the communication which the gentleman has?

Mr. BUTTERWORTH. I think the gentleman has one of the same character.

Mr. HISCOCK. What is the date?

Mr. BUTTERWORTH. July 8. I will call attention to that communication in a moment. I read from the bill:

And it is provided that to support the Signal Service no money shall be expended except such as is appropriated by this act and the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1883, and such sums as are specifically appropriated for said service in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purpose.

Now, there is no specific appropriation for that purpose.

Mr. HISCOCK. Oh, yes, there is.

Mr. BUTTERWORTH. While the whole amount is included here, it is not specifically named.

Mr. HISCOCK. Oh, yes.

Mr. BUTTERWORTH. That is the point which the Chief Signal Officer makes. His letter is here and I would like to call attention to it, so that if this clause is so worded as to defeat the intention of the appropriation it may be corrected.

Mr. HISCOCK. The Army bill makes an appropriation, I believe, of $10,000 specifically for the Signal Service. Then in the appropriation for the pay of enlisted men of the Army provision is made for five hundred enlisted men in the Signal Service. Those are the items which we intended to indicate, the pay of the enlisted men and the $10,000 for the Signal Service appropriated in the Army bill. Then it was the intention of the committee in adopting this phraseology to take $300,000 more from the Army bill.

Mr. BUTTERWORTH. That is the point the officer makes, that under the peculiar phraseology the money cannot be used for the Signal Service, but is appropriated for the use of the Army. I ask that this letter may be read so that the error, if there is one, may be corrected. My attention has just been called to the matter. The committee certainly does not desire to defeat the object of the provision.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington City, July 8, 1882.

MY DEAR SIR: The House Committee on Appropriations has seen fit to make such parts of the general appropriations for the Army specific as refer to the maintenance of the Signal Corps; that is, for such quartermaster stores, transportation of instruments and men, extra-duty pay, commutation of rations, and medical supplies and attendance, not previously specifically provided, but has not set aside the full amount already appropriated for this purpose in the Army bill by $60,000, that sum being about $360,000, while they have given $300,000. These expenditures are indispensable, the rates being fixed by law and regulations over which this bureau has no control, and unless this sum is added to that already made specific on pages 40 and 41, lines 973 to 974, House bill 6716, there will be a deficiency at the close of the year of this amount.

This change will add nothing to the money appropriated for the Army, only authorizing its use for the Signal Corps, for which it has already been appropriated, in place of practically transferring it to the general uses of the Army.

Also lines 936-937, page 39 of this bill cut off from the appropriation as estimated for and previously reported, for the observation and report of storms, $60,000. This will destroy one-sixth of the work of this bureau, the full amount, $310,000, being absolutely essential to the service as now constituted, and it cannot be fully carried on at a less expense. The telegraphic and other work is now done at the least possible expense, and if this appropriation is reduced a part of the work must be omitted that will impair the whole. The service is now carried on with great regularity and accuracy, at the least possible cost, and if this reduction is now made the Signal Corps, "as now constituted," and its work cannot be maintained during the current year.

I have been informed that this reduction and specific legislation has arisen because of the Howgate defalcation, believing that the bureau can now bear it, but I had already deducted the probable yearly default, or about $60,000, from my estimates and brought it to the lowest possible figure, and because I had done my duty and exposed fraud I do not think it fair treatment that that fact should be used to cripple my bureau, as these reductions certainly will. The law now requires that the Signal Corps "be maintained as now constituted," which cannot be done if these deductions are made. All the expenditures of the corps are so guarded and carefully regulated that there can be no loose or improper expenditure in it. These sums must be included, or the work of this bureau will necessarily suffer. The natural growth of the work, with the addition of the cotton region reports, has added largely to the expense during the past year, of which no estimate is included.

I am, very respectfully, your obedient servant,

W. B. HAZEN,
Brig. and Bvt. Maj. Gen'l, Chief Signal Officer United States Army.

Hon. GEORGE W. STEELE, *M. C.*,
House of Representatives, Washington. D. C.

Mr. BUTTERWORTH, (interrupting the reading.) Mr. Chairman, the reading might as well be suspended, for nobody is listening.

Mr. HISCOCK. The gentleman, if he has himself listened, must have discovered that the letter does not criticise the phraseology of the bill; but the point is made that we do not appropriate enough.

Mr. BUTTERWORTH. If that is so, I do not propose to discuss the propriety of increasing the appropriation. But if the error suggested in the communication does exist, I would like to correct it hereafter.

Mr. HISCOCK. At some other time I will not object to an amendment in that respect, to make it clear and certain that the money we intend to devote to this purpose may be so used.

The CHAIRMAN. There being no amendment, the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For the road to Arlington, Virginia, National Cemetery: For repair of the road leading from the Aqueduct bridge, Georgetown, District of Columbia, to the Arlington National Cemetery, Virginia, $5,000.

Mr. McCOOK. These appropriations are under the head of the War Department; but it seems to me it would be well to amend the bill so as to state specifically that the amounts are to be expended under the direction of the Secretary of War.

Mr. HISCOCK. There is no doubt about that being the construction.

The CHAIRMAN. The Chair would remark that the portion of the bill the clerk is reading is under the heading of "War Department."

Mr. McCOOK. But in a previous part of the bill it is stated specifically that certain appropriations shall be expended under the direction of the Secretary of War. My suggestion may be hypercritical, but it seems to me no doubt should be left as to the meaning of the language.

Mr. HISCOCK. The reason for adopting the language in the former provision was that some question has been made by the auditing officers in reference to that. In regard to this, there is no such question.

Mr. McCOOK. If there is any doubt, I think we had better provide that these appropriations shall be expended under the direction of the Secretary of War.

Mr. HISCOCK. They are absolutely under the control of the War Department, the auditing officers paying only upon the approval of the Secretary of War.

Mr. GUNTER. I move to amend by inserting after the pending paragraph the following:

For improving the road leading from Fayetteville, Arkansas, to the national cemetery, near that city, $5,000.

For the purpose of showing the size and character of this cemetery——

Mr. HISCOCK. I make a point of order on this amendment.

The CHAIRMAN. The gentleman from New York makes or reserves a point of order?

Mr. HISCOCK. I make a point of order. Let the amendment be read again.

The Clerk again read the amendment.

Mr. HISCOCK. The point of order I make is that there is no work of that sort in progress.

The CHAIRMAN. The Chair is not advised what has been done heretofore.

Mr. GUNTER. If the gentleman has reference to the roadway there is no improvement made, but there is a national cemetery there.

Mr. HISCOCK. The road he proposes to improve is entirely outside of the cemetery.

Mr. GUNTER. It is the main road.

Mr. HISCOCK. In no way connected with public property, and therefore it is not a public work.

Mr. GUNTER. When the Clerk reads the portion of the report which I have sent up, the gentleman will find that it is a portion of public property, and that it does belong to the Government.

Mr. HISCOCK. It is precisely like the cases where bills have been introduced to build roads to cemeteries, &c.

The CHAIRMAN. The Chair will hear the report read as a part of the remarks of the gentleman from Arkansas on the point of order.

Mr. GUNTER. Yes, sir.

The Clerk read as follows:

ARKANSAS—FAYETTEVILLE NATIONAL CEMETERY.

This cemetery is situated about one mile southwest of the court-house.

The lot is a rectangle, about 462 feet wide east and west by 564 feet long north and south, and contains nearly six acres of rolling land, which, with the right of way to the country road, was purchased by the United States for the sum of $700. It is inclosed by a brick wall finished this year. It is built of good materials and looks well. The entrance is in the center of the north side. It is closed by double iron gates over the carriage-way, and by two small side gates, all hung on stone piers.

Mr. GUNTER. In connection with that, Mr. Chairman, I wish to say there are 1,205 soldiers buried in that cemetery. It is about a quarter of a mile from the main entrance to the main road leading to the town in which I live. The right of way was purchased with the cemetery, and belongs to the Government of the United States. It not only belongs to the Government of the United States but there has been more or less improvement made of that right of way, but not sufficient to make it easy of travel from the cemetery to the town on the outside of the cemetery, and particularly on Decoration Day and other public occasions.

Furthermore, Mr. Chairman, the Secretary of War has made a report to the Committee on Military Affairs (to which I had referred a bill on the subject) asking for this appropriation. The Secretary recommended this appropriation be made.

The CHAIRMAN. It seems this amendment is not for the improvement of any right of way belonging to the United States.

Mr. GUNTER. Oh, yes, it is.

The CHAIRMAN. But that it is for the improvement of a road leading from Fayetteville, Arkansas, to the national cemetery near that city, which includes the whole road.

Mr. GUNTER. Yes, sir; that road proposed to be improved is the property of the Government, as is shown by the report which I had read from the desk a moment ago.

The CHAIRMAN. The Chair begs to be corrected if in error. Is this road which is proposed to be improved the right of way to the county road?

Mr. GUNTER. That is so; and I will ask that my amendment be so modified.

The CHAIRMAN. The amendment will be read as modified by the gentleman from Arkansas.

The Clerk read as follows:

For improving the road leading from the county road near Fayetteville, Arkansas, to the national cemetery near that city, $5,000.

Mr. HISCOCK. It is the same amendment, and the gentleman's modification does not improve it. It is for building a road from some point near the cemetery, and not for improving the Government property near the cemetery.

Mr. GUNTER. I will modify it.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. HISCOCK. There is no point of order on that; but I desire to say if it is for the improvement of Government property under the general clause appropriating money for that purpose we have given all that is proper to be given. I am utterly and entirely opposed to appropriating a gross sum for a particular purpose and then enlarging it for objects included under the general appropriation.

The CHAIRMAN. The point of order not being made, the Chair will hear the gentleman from Arkansas on the merits of the proposition.

Mr. GUNTER. I will state in reply to the gentleman from New York that there is no general appropriation in this bill which can be applied to this special purpose, and there are several appropriations made in this bill for similar purposes to that of my amendment.

Mr. BROWNE. What is the distance between the county road and the cemetery?

Mr. GUNTER. About one-quarter of a mile, and in winter-time and in wet weather it is almost impassable.

Mr. BROWNE. And it takes $5,000 to construct one-quarter of a mile of road in Arkansas?

Mr. GUNTER. Yes, sir, at that place, and the Secretary of War recommended a higher sum than that.

Mr. BROWNE. What is the character of the county road where the cemetery road intersects it?

Mr. GUNTER. It is a good road, for it enters within the boundaries of the city.

Mr. BURROWS, of Michigan. I would like to ask the gentleman from Arkansas if this is recommended by any one?

Mr. GUNTER. This bill to which I have referred I introduced, and it was sent to the Committee on Military Affairs and by that committee referred to a sub-committee of which the gentleman from Illinois [Mr. DAVIS] was chairman. He referred it, I am informed by the clerk of the committee, to the Secretary of War, and the Secretary of War recommended that the appropriation should be made for the construction of the road, on the 11th of April, I believe.

Mr. BURROWS, of Michigan. Without opposing this amendment I desire to say that I find from the report of the Secretary of War that there are 1,200 bodies interred in this cemetery; that it is beautifully located on an elevated piece of ground, and that the amount expended on it up to June 20, 1874, was $24,217.79, and the amount estimated for the year 1875–'76 was $750. But I do not find any recommendation in that for the construction of this road.

Mr. GUNTER. No, for that report was made in 1874.

Mr. BURROWS, of Michigan. The latter reports which I have also examined, as far as I have been able to discover, make no such recommendation. Certainly I have not been able to find any.

Mr. DAVIS, of Illinois. I desire to say simply, Mr. Chairman, that the bill introduced by the gentleman from Arkansas was referred to the Committee on Military Affairs, and by that referred to a sub-committee, and that committee have not acted upon the question.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas as modified, appropriating $5,000.

The amendment was not agreed to.

Mr. ROBESON. I desire to recur now for a moment to the paragraph which has been already passed with regard to the Signal Service, and offer the amendment which I send to the desk.

The CHAIRMAN. The amendment will be read:

The Clerk read as follows:

Insert after line 988:

"And it is provided that no detail of an officer from the line of the Army for duty on the Signal Service shall be for a longer period than three years."

Mr. RANDALL. That is new legislation.

Mr. ROBESON. It is directly in accord with that paragraph of the bill and limits it.

Mr. RANDALL. I insist that is new legislation, and as such subject to the point of order.

Mr. ROBESON. It directs how that appropriation shall be used.

Mr. RANDALL. I insist upon the point of order.

The CHAIRMAN. Unless gentlemen wish to discuss the point of order the Chair is ready to rule upon it. The Chair regards it as obnoxious to the rule. The Clerk will read.

The Clerk read as follows:

Miscellaneous objects:

For the transportation of reports and maps to foreign countries: For the transportation of reports and maps to foreign countries, through the Smithsonian Institution, $300.

Mr. ROBINSON, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 1017:

"For the purchase of seventy-five copies of Hunter and Patton's Port Charges of the World for the use of United States consulates, to be distributed by the Secretary of State, $1,875."

Mr. HISCOCK. I make the point of order that that amendment is not germane to the bill; it is new legislation; it provides for the purchase of property or of publications not authorized by existing law, and is not in order on this bill.

Mr. ROBINSON, of New York. Mr. Chairman, in response to the point of order made by my colleague, I wish to say simply that this matter has been recommended by the Secretary of State; and I hold in my hand an original letter from Secretary Frelinghuysen asking that this be done. Merchants have been requesting for some time that this should be done; and I see no inconsistency in this amendment that does not appear in many others which have been presented in connection with this bill.

It is absolutely necessary for the benefit of our merchants in foreign countries that they should have the opportunity of consulting this work. Its importance is apparent to all. In two or three minutes I could explain the necessity for it, but on the point of order I am not able to enter into the merits of the question. I should like, however, to have Secretary Frelinghuysen's letter read in this connection.

The CHAIRMAN. Unless it relates to the point of order the Chair could hardly entertain it and allow it to be read at this time.

Several MEMBERS. Print it.

Mr. ROBINSON, of New York. I will submit the matter to the decision of the Chair, but I hope that this amendment will not be ruled out of order.

The CHAIRMAN. This is a proposition, as the Chair understands, to purchase books which are privately published, for the use of the Government, and where no provision is made by existing law for their purchase or use. That being the condition of the amendment, the Chair is compelled to hold that it is obnoxious to the point of order, and that it cannot be entertained. The Clerk will read.

The Clerk read the following paragraph:

Lands and other property of the United States: For custody, care, protection, and sale of lands and other property belonging to the United States, $1,000. The Secretary of the Treasury is authorized to sell such lands as have been acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Mr. HOGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

That the third section of the act of June 14, 1878, entitled "An act authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of land made at Harper's Ferry, in the year 1869, by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia," be amended to read as follows:

"SEC. 3. That the Solicitor of the Treasury is further authorized to make sale of the whole or any part of said property, or, if he deems it expedient and better for the public welfare, lease for any term of years or sell any part of all other real estate and riparian rights now owned by the United States at or near Harper's Ferry, Jefferson County, West Virginia: *Provided*, That the Solicitor of the Treasury, with the approval of the Secretary of the Treasury, shall, before the sale of the water-power property, cause it to be appraised at its fair cash value by three sworn appraisers, to be appointed by the Secretary of the Treasury; and the Solicitor of the Treasury may, in his discretion, allow the said property to be bid off at such appraised value upon such terms and after such public notice as he may deem best for the public interests."

Mr. HISCOCK. I make the point of order on the amendment that it is new legislation and does not retrench expenditure.

Mr. HOGE rose.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia [Mr. HOGE] on the point of order.

Mr. KENNA. I ask the gentleman from New York to reserve the point of order.

Mr. HISCOCK. I cannot reserve the point of order. It is patent the amendment is subject to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia, if he desires to be heard on the point of order.

Mr. HOGE. The amendment is directly in the line of the provision of the bill as reported. The paragraph in the bill authorizes the Secretary of the Treasury—

To sell such lands as have been acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Now, this amendment comes from the Solicitor of the Treasury with the approval of the Secretary of the Treasury. It is in the line of the exercise of the very power which is meant to be conferred here by the bill. It does not change the existing law with reference to any increased expenditure, but merely amends the law with regard to the mode of sale.

Mr. ATKINS. Does the law provide for the sale of this property?

Mr. HOGE. It does.

Mr. ATKINS. And this is simply modifying that law?

Mr. HOGE. It simply modifies that law. And I may refer to a fact bearing on the point of order. It increases no expenditure. They have actually to pay more for the custody of this property than it is worth. The desire now is to ascertain by appraisers appointed by the Secretary of the Treasury himself what is the fair market value of the property; and the amendment gives authority to sell at that price, so as to get rid of what is a source of expense. It is a matter of extreme importance in the estimation of the Secretary of the Treasury.

Mr. HISCOCK. The question is whether this is new legislation. It is the amendment of an existing statute, and it certainly is not in the direction of reducing expenditure. No purpose of that kind is to be effected. Now, I certainly cannot consent here to waive a point of order on an amendment for the sale of valuable property belonging to the Government when the committee that reported this bill has not had a chance to investigate it, and when it is proposed to have it merely considered here in this hasty way. I must therefore insist upon my point of order. I have been pressed here upon this floor by a dozen gentlemen to allow amendments to the bill to sell armories, and all that sort of thing, in different States, and I have resisted in every instance, and they have yielded.

Mr. KENNA. I desire to make a single statement on the point of order. The bill as reported by the committee contains an appropriation of $1,000—

For custody, care, protection, and sale of lands and other property belonging to the United States.

It is conceded this property is worthless so far as concerns any use to which the Government desires to put it, and it may as well be conceded it is a source of expense to the Government as it stands.

It is a fact that under existing law the sale is provided for. The only effect of the amendment offered by my colleague is to change the manner of the sale. The sale itself will reduce expenditures of the Government in reducing the cost of taking care of the property, and I submit the amendment is in order in the full spirit of the rule.

Mr. HISCOCK. I desire to make one other suggestion as to the species or class of property to which this Harper's Ferry belongs; and this presents another ground for the point of order, namely, that the amendment is not germane. This item does not look to the care of that kind of property at all. The armory department is under the control of the Secretary of War and is looked after by that Department of the Government, while the appropriation in this paragraph is for miscellaneous purposes.

Mr. HOGE. If the gentleman will permit me, I will say that this property, by special statute, is under the care of the Solicitor of the Treasury.

Mr. HISCOCK. Admitting that to be true, the amendment looks to an entirely different purpose from that embraced in the paragraph.

Mr. KENNA. It will not do for the gentleman from New York to say what the provision in the bill looks to when that provision on its face shows nothing of the kind. The clause itself does not indicate that the property the care of which is provided for is of that particular character. It is as general as language can make it. It is a fact that this very property which is embraced in the amendment of my colleague is a source of cost to the Government. The moment the law providing for its sale is carried out in the manner here proposed the Government will be relieved of that cost. I submit, therefore, that the amendment is not obnoxious to the rule.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair calls the attention of gentlemen to the fact that the legislation proposed in the amendment passes beyond anything in the bill. It provides for the canceling of certain contracts to begin with——

Mr. HOGE. If the Chair will permit me, that is only the title of the act.

The CHAIRMAN. The old act, passed in 1869, provides for reselling or leasing all the real estate and riparian rights now owned by the United States at Harper's Ferry. It is proposed to substitute for that the right to sell the whole or any part of said property if deemed expedient and better for the public welfare, to lease for a term of years, &c.

Mr. KENNA. All that is provided for in the existing law. The only change proposed by the amendment is in regard to the appraisal.

The CHAIRMAN. In that case the Chair would regard it as an amendment, not of this act making an appropriation, but of a different statute, already a part of the law. That would therefore be general legislation on an appropriation bill, and the Chair must rule it out.

Mr. HOGE. This paragraph now provides that—

The Secretary of the Treasury is authorized to sell such lands as have been acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Mr. HISCOCK. The point of order has been decided.

Mr. HOGE. I understand that. I am referring to this paragraph of the bill. The portion which I have referred to is new legislation.

The CHAIRMAN. The Chair regards it as new legislation, but no point of order was made against it.

Mr. HOGE. I know that; but I desire to move an amendment to insert after the words "by devise" the words "or by purchase."

Mr. HISCOCK. I make the point of order that that is new legislation.

Mr. HOGE. The paragraph in the bill is new legislation.

Mr. HISCOCK. I admit that it is new legislation, but it stands here without any objection having been made to it, and is now a part of the bill.

Mr. KENNA. If the gentleman makes a point of order against the amendment of my colleague [Mr. HOGE] I will make a point of order against the entire clause.

The CHAIRMAN. The Chair will hold that it is within the power of the committee to amend a clause of the bill by increasing or diminishing the appropriation or by enlarging the scope of legislation there proposed. The Chair entertains the amendment of the gentleman from West Virginia, [Mr. HOGE.]

Mr. HOGE. I will state briefly the object of my amendment. Under existing law it is impossible, without great expense, without advertising all over the country at an enormous cost, to sell this property at Harper's Ferry.

There has been an utterly mistaken idea as to the value of the property, which idea has embarassed the Secretary of the Treasury and the Solicitor. They now understand that the property is comparatively valueless.

The retention of it by the United States will be to keep the town of Harper's Ferry in the condition of a deserted village for all time to come. No one will purchase this property, as was expected at one time, for the purpose of establishing large manufactories there.

It was sold at one time for a large sum to a syndicate organized here in Washington, as gentlemen well know. Not one sixpence of that sum was ever paid, and the contract was forfeited. The property now lies there in ruins, as gentlemen can see any day in going by there, and no offer is made for it.

Manufacturing enterprise and capital are not going into the interior where there is no raw material to be converted into the manufactured article, because if they did so the consequence would be that they would have to pay the cost of transportation of the raw material as well as of the manufactured article, and they would not be enabled to compete with other manufacturers. It is true the Baltimore and Ohio Railroad would take it for a song, but they do not require it.

Mr. VALENTINE. I would inquire of the gentleman if that historic spot known as John Brown's Fort is included in this property?

Mr. HOGE. John Brown's Fort is included.

Mr. VALENTINE. Then I object to it, because I want to reserve that for a monument.

Mr. WILSON. Take it out in Nebraska, if you want it.

Mr. HOGE. The object of the amendment which I offered, which was prepared by the Secretary of the Treasury himself, and was ruled out of order, was to enable the Secretary of the Treasury to make some disposition of this property. I now move to insert the words "or by purchase" after the words "by devise," in order to enlarge the authority given by this section, so that without being limited and cramped by the existing law in regard to expensive advertisements the solicitor may have power to sell this property under this provision as he would sell other property.

Mr. HISCOCK. I desire to call the attention of the committee to the enormous power that this amendment would give to an officer of the Government—the power to sell all the lands that we have acquired by purchase. This is proposed here upon an appropriation bill which we are hastily considering.

It was proposed to amend the statute regulating the sale of property which might be acquired by purchase, and that would have been equally vicious. I apprehend that there is no man who would desire to vest, not simply in one officer of the Government but in all officers of the Government, this vast and comprehensive power.

Mr. HOGE. Will the gentleman permit me——

Mr. HISCOCK. I will make a statement in reference to this provision in this appropriation bill, in order that the committee may see how far the Committee on Appropriations have gone. There are little pieces of property all over the United States—I do not know that there are more than one or two of them—that have been devised

to the United States. They are parts, perhaps, of the residuary estate of some individual who devised the residuum of his estate to the General Government. It is not property which was purchased by the United States because the Government had some use to which it could put it, but an estate which has come to the Government and which the Government wishes to liquidate and settle up and take possession of.

Mr. HOGE. I will cover that point most gladly, and modify my amendment.

Mr. HISCOCK. I am opposed to any form or modification of the amendment on this bill which will authorize the sale of any property which the United States Government has purchased.

Mr. HOGE. I will modify my amendment so as to insert, after the words "by devise," the words "or by purchase at Harper's Ferry, West Virginia."

Mr. ROBESON. The gentleman from West Virginia [Mr. HOGE] yields to me to make a suggestion. I wish to remind him that the expressions "by devise" and "by purchase" are in law synonymous, and that he had better use the phrase "by deed" instead of "by purchase."

Mr. HOGE. Very well; I accept that suggestion; it would not make any difference under our law, but I will modify the amendment by striking out "purchase" and inserting "deed."

The question being taken on agreeing to the amendment, it was not agreed to, there being—ayes 32, noes 44.

The Clerk read as follows:

For continuing the publication of the official records, and printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, to be distributed as provided in the act approved June 16, 1880, $33,000.

Mr. DAVIS, of Illinois. I move to amend by adding after the paragraph just read the proviso which I send to the desk.

The Clerk read as follows:

Provided, That the Secretary of War be, and he hereby is, authorized to receive, for the period of one year from the passage of this act, from the late commanding officers of the United States troops serving in the war of the rebellion, or from the senior officer now living who participated in the actions or in the campaigns of said troops, reports of their respective commands; also from those officers who wish to correct errors in their original reports, or who can furnish additional information by more complete and detailed reports. The reports received in pursuance of this act shall be arranged and prepared, under the direction of the Secretary of War, for publication in a supplemental volume to series 1 of the history of the war now being prepared and published.

Mr. HISCOCK. I make a point of order on this amendment. In the first place, it is new legislation; in the second place, it is a bill pending before the House.

The CHAIRMAN. On the last point the amendment is very visibly subject to the point of order. Does the gentleman from Illinois desire to be heard upon the question?

Mr. DAVIS, of Illinois. I had hoped that the Committee on Appropriations would not raise any point upon this amendment, as it is legislation which is necessary, and which every soldier who served during the war of the rebellion, every man who has read the history of the war, knows ought to be passed. The records of many of our corps and regiments are deficient; and although this amendment embodies the provisions of a bill pending before the House, it is a measure which has been asked for by many of our Grand Army of the Republic organizations as well as by the society which has been formed for the purpose of securing and preserving materials for the history of the war. Of course, if the chairman of the committee does not withdraw his point of order, I must submit.

The CHAIRMAN. Having heard the gentlemen from Illinois on the point of order, the Chair is obliged to sustain it.

Mr. SPRINGER. I move to amend the paragraph by striking out the words "to be distributed as provided in the act approved June 16, 1880," and inserting "to be distributed as may hereafter be provided by law."

Mr. HISCOCK. I believe that is subject to a point of order.

The CHAIRMAN. The subject of the distribution of these documents being embraced in the bill itself, the Chair is disposed to consider it as being in the power of the Committee of the Whole to change the mode of distribution.

Mr. SPRINGER. Under the present law these records are being distributed, 15,000 copies to the House of Representatives and 10,000 to the Senate. This is a serial publication. The first volume of the series was published and distributed to members of the Forty-sixth Congress; the three succeeding volumes have been distributed to members of this Congress, who will probably receive one more volume, making five volumes which will have been distributed at the end of this Congress.

Mr. PEELLE. Does the gentleman say that the second volume was distributed to members of this Congress?

Mr. SPRINGER. I was mistaken. The first and second volumes were distributed during the last Congress; the third and fourth have been distributed to members of the present Congress. With the next Congress there will be an enlargement of thirty-two in the membership of this House, but no corresponding increase in the number of these publications. A great many members of the next Congress will be new members, whose volumes of this series will begin with volume 6. They will have none of the previous volumes. This publication will continue until it has reached between ninety and one hundred volumes, extending, perhaps, over a period of ten years. Those members who may retire from office with the close of this Congress will receive no later volume than the sixth. Thus the volumes which have been distributed will become fragmentary parts of uncompleted sets.

I desire to bring these facts to the attention of the committee for the purpose of showing that the entire method of distributing these volumes as now provided by law is wrong and ought to be discontinued. These volumes are valuable as public records. They are records—official records—Federal and confederate—of the war of the rebellion. They are suitable for public libraries and for private gentlemen who have space in their libraries for such records.

I desire that some other mode of distributing these books should be provided, some mode by which the volumes of this important work, upon the publication of which we have just entered, shall be placed in public libraries and in the hands of such individuals as may deserve to receive these publications. It is desirable that the entire publication to the end of the series shall pass into the same hands, so that when it has been completed, at an expense to the people of perhaps a million of dollars, it will be preserved in public and private libraries, and in that way be made a useful publication to historians and scholars desiring to study the authentic materials of the history of the late war. I ask my amendment be read, and I will say in addition that the Committee on Printing, if this amendment is agreed to, will report at an early day some means of distributing this publication which will be satisfactory to the House and Senate.

The Clerk read as follows:

Strike out these words: "In the act approved June 16, 1880," and insert "as may hereafter be provided by law."

Mr. RYAN. Let me ask the gentleman from Illinois, if his amendment shall prevail and no subsequent action be taken in reference to the distribution of this publication, whether these volumes can be distributed at all?

Mr. SPRINGER. They will be held until a manner has been provided for their distribution. I desire they shall be held by the Public Printer until we shall determine some satisfactory mode of placing these volumes for preservation. I can tell gentlemen that will be done before we adjourn.

Mr. ROBESON. I think the original proposition which the Chair admitted as not subject to the point of order did not contain the words "as hereafter provided by law," and hence, referring as it does to laws hereafter to be enacted, it is clearly new legislation and not in order.

Mr. HISCOCK. This is the truth about it, that if you strike out this provision then there will be no mode for the distribution of these documents. The gentleman, I understand, proposes to bring in another bill.

Mr. BRIGGS. I want to ask the gentleman from Illinois whether any subsequent Congress, as these books are continued to be published, cannot change the mode of distribution to suit themselves? Is there any way by which the hands of any Congress hereafter can be tied up in reference to the distribution of these books.

Mr. SPRINGER. Of course that is so.

Mr. BRIGGS. That has been the result in previous Congresses where we have attempted to keep together sets of publications.

Mr. ATKINS. If the amendment shall prevail no future Congress would change the mode of distribution which shall be adopted, but would allow these books to go into public and private libraries where they could be consulted.

Mr. BRIGGS. I think that would not be the result. We cannot tie the hands of any future Congress, and the records of prior Congresses show such to be the fact.

Mr. SPRINGER. I have been asked frequently by members of the House as well as others for the republication of volumes 1 and 2 of this series which were printed and distributed in the last Congress. Members of this Congress not members of the last have begun with volume 3, and they have said, "We have not volumes 1 and 2, and those to whom we have sent the other volumes want volumes 1 and 2, and the only way in which we can get them is by the Committee on Printing bringing in a resolution to reprint those volumes." When we come to the next Congress the members who then come in for the first time will begin with volume 7, and will not have the preceding volume. We should settle the matter of the disposition of these important public documents now, so that the publication may be preserved in public and private libraries, where it may be consulted by students and others.

Mr. WILSON. When the Democratic party comes into power we will have this fight all over again. [Laughter.]

The CHAIRMAN. The time for debate on the amendment has expired.

The committee divided; and there were—ayes 21, noes 36.

Mr. SPRINGER. No quorum.

The CHAIRMAN appointed Mr. HISCOCK and Mr. SPRINGER as tellers.

The committee again divided; and the tellers reported—ayes 31, noes 76.

So the amendment was rejected.

Mr. HISCOCK. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HISCOCK. Mr. Speaker, there is on the Speaker's table a joint resolution from the Senate containing an appropriation for some branch of service in the War Department, and I ask that it be taken up now. The Secretary of War has been here this afternoon and says it is necessary it should have immediate consideration.

The SPEAKER. Where is the resolution and what is its number?

GEORGE C. COBB.

Mr. RANDALL. While that is being found I desire to make a request. A law has been passed for the relief of George C. Cobb, allowing a new draft to be issued by the Treasury Department in favor of the minor children of a former officer of the revenue in the State of Alabama. Among these papers on file in the House is the original draft, which was on its transmission, but before reaching its destination the party for whom it was intended died; and I ask leave of the House to withdraw from the files of the House that original draft, in order that it may be delivered to the Treasury Department and a new draft issued. The amount is about $400.

The SPEAKER. Is there a bill authorizing the reissue?

Mr. RANDALL. It is now the law; but it is necessary that the original draft itself, which is among the papers on which the Committee on Ways and Means acted, should go to the Treasury Department to be destroyed before they can issue the new draft.

The SPEAKER. The Chair thinks that under the rule that can be done.

Mr. RANDALL. I do not ask for any of the papers other than the draft.

The SPEAKER. This can be done under the rule.

Mr. RANDALL. I thought it safer to ask permission of the House in this manner.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANDALL. I am quite willing that the Clerk of the House should send this draft to the Treasury Department. That is, perhaps, the better way, and I suggest that the Clerk of the House be directed to send it to the Treasury Department. The name of the party is George C. Cobb, and H. R. No. 5536 is the bill to which I have referred.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

PAY OF CERTAIN EMPLOYÉS OF THE WAR DEPARTMENT.

Mr. HISCOCK. I now call up, Mr. Speaker, for present consideration Senate joint resolution No. 91, authorizing the payment of salaries of certain employés of the War Department.

The SPEAKER. The joint resolution will be read.

The joint resolution was read. It is as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to cause to be paid from the appropriation heretofore made for the support of the Army for the current fiscal year the compensation of employés engaged in the Quartermaster-General's Department and the Subsistence Department in the investigations of claims under the act of July 4, 1864, and the necessary expenses of such investigations for that part of the current fiscal year ending on the 20th day of July, 1882.

Mr. HISCOCK. I move that the joint resolution be concurred in.

The Senate joint resolution was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORONNA, TAUSSIG & CO.

Mr. SPEER, from the Committee on Ways and Means, by unanimous consent, reported, as a substitute for House bill No. 3874, a bill (H. R. No. 6729) for the relief of Coronna, Taussig & Co. and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF EMPLOYÉS, GOVERNMENT PRINTING OFFICE.

Mr. PEELLE. Mr. Speaker, I desire consent to call up at this time House joint resolution No. 69, for the purpose of concurring in the Senate amendment. I ask that it be read.

The Clerk read as follows:

Joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes.

Mr. PEELLE. I ask that the Senate amendment be read.

The amendment is as follows:

Amend by adding at the end of the joint resolution the following: "and a sufficient sum therefor is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The Senate amendment was agreed to.

Mr. PEELLE moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROBESON. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair desires to submit some reports from the Committee on Enrolled Bills and some personal requests of members.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 1549) for the relief of William J. Pollock; and

A bill (S. No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain.

JUDICIAL DISTRICT, STATE OF IOWA.

The SPEAKER. The Chair desires to announce at this time the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, and appoints Messrs. ROBINSON of Massachusetts, THOMPSON of Iowa, and CONVERSE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. HUBBS, indefinitely, on account of important business.

To Mr. COLERICK, indefinitely, on account of the serious illness of his sister.

To Mr. BERRY, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted to Mr. HUBBELL in the case of Samuel W. Abbott, there being no adverse report.

NEWBURGH CENTENNIAL CELEBRATION.

The SPEAKER. In compliance with the provisions of the joint resolution, approved July 1, 1882, "authorizing the Secretary of War to erect at Washington's headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the Centennial celebration in that city in the year 1883," the Chair appoints the following-named representatives as members on the part of the House of the joint select committee of arrangements to perform the duties prescribed by that resolution. Mr. BEACH of New York, Mr. KETCHAM of New York, Mr. CURTIN of Pennsylvania, Mr. BURROWS of Michigan, Mr. KNOTT of Kentucky, Mr. TOWNSEND of Ohio, Mr. ELLIS of Louisiana, and Mr. RANNEY of Massachusetts.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial and petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of Seth Driggs, relative to certain awards made by the Venezuela commission—to the Committee on Foreign Affairs.

By Mr. ARMFIELD: The petition of 142 citizens of the seventh Congressional district of North Carolina, for a confirmation of the call for a peace congress—to the same committee.

By Mr. BROWNE: The petition of 136 citizens of the sixth Congressional district of Indiana, for a confirmation of the call for a peace congress—to the same committee.

By Mr. DINGLEY: Memorial of the Bath Board of Trade and of ship-owners and ship-builders of Maine, for the appointment of a commission to sit during the recess of Congress for the purpose of inquiring into the ship-building interest of the United States—to the Committee on Commerce.

By Mr. HARDENBERGH: The petition of Thomas Gannon, for relief—to the Committee on Ways and Means.

By Mr. HOUK: The petition of 18 citizens of the second Congressional district of Tennessee, for a confirmation of the call for a peace congress—to the Committee on Foreign Affairs.

By Mr. LATHAM: The petition of 24 citizens of the first Congressional district of North Carolina, for a confirmation of the call for a peace congress—to the same committee.

By Mr. PETTIBONE: The petition of citizens of the first Congressional district of Tennessee, for a confirmation of the call for a peace congress—to the same committee.

By Mr. SCALES: Two petitions containing the names of 162 citizens of the fifth Congressional district of North Carolina, for a confirmation of the call for a peace congress—to the same committee.

By Mr. VALENTINE: The petition of 106 citizens of Nebraska, for the confirmation of the call for a peace congress—to the same committee.

SENATE.

MONDAY, *July* 10, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Major Amos Stickney, Corps of Engineers, upon a survey of Pass Manchac and Bayou Manchac, from its mouth to the Mississippi River, made in compliance with the river and harbor act of June 14, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of Charles H. Ross & Co. and other wholesale liquor dealers of the city of Baltimore, praying for legislation extending the period for whisky in bonded warehouses to five years from date of deposit in such warehouses; which was ordered to lie on the table.

Mr. MORGAN presented the petition of J. W. Smith and others, citizens of Marengo County, Alabama, praying for the passage of a bill for the construction of the proposed ship-railway across the Isthmus of Tehuantepec; which was ordered to lie on the table.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I am directed by the Committee on Finance to report amendments to the bill (H. R. No. 5538) to reduce internal-revenue taxation, and I ask that the bill be reprinted with the amendments attached.

The PRESIDENT *pro tempore*. The bill will be reprinted with the amendments.

Mr. BECK. I submit an amendment to the bill, which the committee did not vote favorably on to-day. I desire to have it printed also.

The PRESIDENT *pro tempore*. The Senator from Kentucky does not desire to print his amendment with the bill?

Mr. BECK. No; I merely desire it printed as an amendment.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. BECK. Do I understand the Senator from Vermont to ask for a reprint of the bill?

Mr. MORRILL. I ask that the bill be reprinted with the amendments.

Mr. BECK. But the bill, I understand, was before the Senate, and not before the committee this morning. There were only amendments before the committee.

Mr. MORRILL. I only ask to have the bill reprinted with the amendments for convenience. If the Senator prefers the other mode, I have no objection to printing the amendments separately.

Mr. BAYARD. What is the request of the Senator from Vermont?

Mr. MORRILL. That the amendments agreed upon in the committee be printed with the bill. I thought for convenience only the bill should be reprinted, with these amendments attached; but if the Senator from Kentucky prefers to have them printed separately, I have no sort of objection.

Mr. BECK. I do not care how it is done; but the bill having been reported on a previous day, I did not quite understand what was desired.

Mr. MORRILL. I merely want the bill printed in that form so as to be convenient for Senators; nothing else.

Mr. BECK. That is right. I did not understand the Senator from Vermont at first.

Mr. BAYARD. It is understood that this is not a unanimous report of the committee, by any means.

The PRESIDENT *pro tempore*. The bill will be printed with the amendments of the committee.

Mr. COCKRELL. As I understand, the Senator from Vermont in this case wants to have the original bill printed in connection with the amendments of the committee reported this morning.

The PRESIDENT *pro tempore*. That is all, for the convenience of the Senate. It is so ordered, there being no objection.

Mr. MORGAN. I offer an amendment to the same bill which I ask may be printed.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Alabama will be printed.

REPORTS OF COMMITTEES.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. No. 1667) granting the right of way over the public lands in Alabama and Florida to the Saint Louis, Montgomery and Florida Railroad and Immigration Company, and to grant to said company the right to purchase public lands in said States, and for other purposes, reported it with amendments.

Mr. ROLLINS. I am directed by the Committee on the District of Columbia to report back the bill (S. No. 1913) for the relief of William Bowen adversely.

Mr. ALLISON. I hope the bill will be placed on the Calendar.

Mr. ROLLINS. If the Senator from Iowa will allow me to get through with my reports he will see that there is no necessity for the request he has made.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed if there be no objection.

Mr. ALLISON. I object to the bill being indefinitely postponed for the present, until I know what the reasons are for that course.

Mr. ROLLINS. If the Senator from Iowa is not willing to take my word, all right; let the bill be placed on the Calendar. I beg leave to make another report in connection with the one just made. The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1768) for the relief of William Bowen, have directed me to report a substitute for that bill by way of amendment. Now, if the Senator from Iowa wants the Senate bill placed on the Calendar, he may do so. I ask that the Senate bill be indefinitely postponed.

Mr. CONGER. Does the committee report a substitute or an original bill?

The PRESIDENT *pro tempore*. It is a substitute.

Mr. CONGER. Then why should the Senate bill be postponed indefinitely?

The PRESIDENT *pro tempore*. Because the House bill is reported favorably.

Mr. ROLLINS. I ask that the Senate bill be postponed indefinitely.

The PRESIDENT *pro tempore*. The Senate bill will be postponed indefinitely, and the House bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the bill (S. No. 176) granting to the State of Missouri the public lands heretofore granted that State to aid in the construction of the Saint Louis and Iron Mountain Railroad, and repealing so much of the act of July 4, 1866, as places certain conditions and limitations upon said grant, and the bill (S. No. 2131) to repeal all laws and parts of laws granting public lands to the State of Missouri to aid in the construction and extension of the Iron Mountain Railroad, or the Saint Louis and Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to the southern boundary line of said State, and to declare such lands forfeited to the United States, and to relieve said Saint Louis and Iron Mountain Railroad from any duty or obligation imposed by any acts making said grants of transporting the property, troops, or mails of the Government of the United States free of toll or other charges, or at rates below those charged for commercial traffic, asked to be discharged from their further consideration, and moved their indefinite postponement; which was agreed to. And he reported as a substitute for them a bill (S. No. 2135) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; which was read twice by its title.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 676) to refer the claim of the captors of the ram Albemarle to the Court of Claims, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 638) to refer the claims of the captors of the ram Albemarle to the Court of Claims, asked to be discharged from its further consideration, and that the bill be postponed indefinitely; which was agreed to.

Mr. JONES, of Nevada, from the Committee on Commerce, to whom was referred the bill (S. No. 1179) to create a district for the inspection of the hulls and boilers of steam-vessels, reported it without amendment.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4173) for the erection of a public building at Brooklyn, New York, reported it without amendment.

PUBLIC BUILDING AT OXFORD.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi, to report it favorably without amendment.

Mr. LAMAR. For a very imperative personal reason I ask the Senate to allow that bill to be taken up for consideration and put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. What place is that?

The PRESIDENT *pro tempore*. Oxford, Mississippi.

Mr. INGALLS. Are there United States courts held at that point?

Mr. LAMAR. Yes; there have been for half a century.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT BROOKLYN.

Mr. LAPHAM. For like reasons, which are very controlling, I ask that the prior report for a public building at Brooklyn be considered at this time.

By unanimous consent, the bill (H. R. No. 4173) for the erection

of a public building at Brooklyn, New York, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2136) for the relief of the Mississippi Central Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 93) authorizing the Secretary of War to lease Fort Washington; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2137) donating four condemned cannon and four cannon-balls for the soldiers' burial lot in the Hudson, New York, cemetery; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. LAPHAM, it was

Ordered, That leave be granted to withdraw the petition filed with the bill (S. No. 2076) for the settlement of the claims between the Eastern band of Cherokee Indians and the Western Cherokee Nation by reference to the Court of Claims.

THOMAS M'MANNUS.

Mr. CAMERON, of Pennsylvania. I ask that the bill (H. R. No. 4966) for the relief of Thomas McMannus, reported adversely on Saturday last, be placed on the Calendar.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection. The Chair hears no objection. The bill will be placed on the Calendar.

DISTRICT CEMETERIES.

Mr. PENDLETON. I submit the following resolution:

Whereas by an act of Congress, approved on the 11th day of August, 1856, entitled "An act for the relief of the Columbian Harmony Society of the city of Washington," certain persons under the name of the Columbian Harmony Society were authorized to sell a certain square of ground in the city of Washington known as No. 475, and to reinvest the proceeds in other grounds for burial purposes outside of the corporate limits of the city of Washington, said investment to be made subject to the approval of the Secretary of the Interior; and

Whereas it has been alleged that the said association has not complied with the provisions of the act aforesaid, and in many respects violated the trust therein imposed; Therefore,

Be it resolved, That the Committee on the District of Columbia be, and they are hereby, directed to investigate as to the management of said Columbian Harmony Society, and whether they have complied with the provisions of the above cited act, or any other act of Congress relating to the government of cemeteries in this District, and to report back to the Senate such bill as, in the judgment of said committee, is necessary for the proper protection of the rights of the lot owners in said cemetery.

Mr. INGALLS. Before the Senate adopts the resolution in terms, which is an explicit direction to perform certain duties, I prefer that the resolution be referred to the committee for examination.

Mr. PENDLETON. The suggestion of the Senator from Kansas is entirely agreeable to me, as I suppose from his statement the committee will make an investigation as to the necessity of further investigation. I therefore ask for the reference of the resolution to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. It will be so referred.

ARIZONA SOUTHERN RAILROAD COMPANY.

Mr. DAWES. If there is no further morning business at this moment, I ask the consent of the Senate to take up a bill which I am confident will cause no debate. If it does I will withdraw it. It is the bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation, in Arizona. I think there will be no objection to the bill.

Mr. McMILLAN. If it will not lead to debate I consent to its consideration.

Mr. DAWES. If it leads to debate I will withdraw it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment in section 1, line 13, after the word "and," to strike out "due compensation made to them, under the direction and with the approval of the secretary of the Interior" and insert "such compensation as may be fixed by the Secretary of the Interior be paid to him by the said railroad company, to be expended by him for the benefit of the said Indians;" so as to make the proviso read:

Provided, That the consent of the Indians occupying said reservation be first obtained, and such compensation as may be fixed by the Secretary of the Interior be paid to him by the said railroad company, to be expended by him for the benefit of the said Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department.

The message also announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and for other purposes; and that the House, by unanimous consent, had further agreed to strike out, in line 25, page 7, of the said bill, the word "hereinafter" where it occurs before the word "provided," and insert the words "by law" after the word "provided;" and that the bill be enrolled accordingly, and requesting the concurrence of the Senate therein.

The message also announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE D. ROBINSON of Massachusetts, Mr. WILLIAM G. THOMPSON of Iowa, and Mr. G. L. CONVERSE, of Ohio, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1549) for the relief of William J. Pollock;

A bill (S. No. 1960) authorizing the New Orleans and Northeastern Railroad to construct bridges over the channels of Pearl River and Lake Pontchartrain; and

A joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to, and the Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from North Carolina, [Mr. RANSOM,] which will be read.

The ACTING SECRETARY. At the end of line 457 it is proposed to insert:

Improving the Potomac River in the vicinity of Washington with reference to the improvement of the navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with the plan and report made in compliance with the river and harbor act approved March 3, 1881, and the reports of the board of engineers made in compliance with the resolution of the Senate of December 13, 1881, $500,000.

Mr. RANSOM. Mr. President——

Mr. McMILLAN. Before the Senator from North Carolina proceeds, I desire to say that I do not intend to ask the Senate to limit debate on this amendment, but I hope the Senate will concur with me in endeavoring to dispose finally of the bill during the day.

Mr. RANSOM. I am very glad that the chairman of the Committee on Commerce has made that suggestion; and while no limitation of five minutes is to be placed upon the debate on this amendment, I shall endeavor to bring what I have to say on the subject within that limitation.

It will be remembered that over a year since a resolution was adopted by the Senate directing the Committee on Commerce to consider this question of the Potomac flats, and subsequently, in December last, a special committee was appointed by the Senate for that purpose. Immediately after the submission of the question to the Committee on Commerce last year, the committee waited upon the President of the United States, the Secretary of War, and the Chief of Engineers and requested that a board of the best engineers in the Army should be selected to observe the river front and make a report upon it. In consequence of the excessive heat and sickness of the last summer that board could not perform its duty until near the winter.

In the mean time thorough observations, as comprehensive, as accurate, and as detailed as they could be, were made by the engineer in charge of the work, Colonel Abert. After his observations had been returned and his report made to the Chief of Engineers, a board consisting of General Gillmore, Colonel Craighill, and Colonel Comstock was summoned by the Secretary of War to consider this subject. I have their report now in my hand, made, as they truly assert, after the fullest consideration of the subject. With the permission of the Senate I will ask the Secretary to read a summary of their report for the information of the Senate. It is brief, it is clear, it is distinct, and I hope that Senators will give it their attention. The reading will occupy but a minute.

The Acting Secretary read as follows:

The board is of the opinion that an improvement which shall combine substantially and in its essential features the harbor and shore lines of my plan from Easby's Point to the arsenal, and the low-grade filling and surrounding embankment of that plan below the Long Bridge, with a cheaper revetment than I propose, with Major Twining's high-grade filling and sluicing ponds between the Long Bridge and Easby's Point, offers a better solution of the various questions connected with the improvement of navigation, the establishment of the harbor lines, and the reclamation of the flats than any of the other projects or combination of projects that have been considered. It is regarded as necessary to the proper execution of this plan as thus defined that the channel depths in both Washington and Georgetown Harbors should be sufficient to accommodate the largest draught that can be brought up to Arsenal Point, with such additional depth at the wharves that vessels can receive their full cargoes without grounding at low water; that the filling over the flats above the Long Bridge, as well as the crest of the surrounding embankment below, should be carried up to a height of 3 feet above the flood-slope of 1877; that the flushing ponds should not be less than 8 feet deep, and be provided with inlet and outlet gates of ample dimensions, automatically arranged, for filling the ponds from the Georgetown channel to the level of high water and emptying them into the Washington channel to the level of low water during each oscillation of the tide; that an ample system of drainage for the reclaimed areas be provided; that all sewage now discharging into the Washigton channel should be intercepted and conveyed away to the James Creek sewer canal east of the arsenal; and that the Long Bridge shall be rebuilt at an early period during the progress of the improvements, with wide spans upon piers offering the least possible obstruction to the flow of water.

Mr. RANSOM. Upon the submission of that report to the committee a large number of gentlemen, supposed to be skilled in questions of this character, skilled in engineering, and skilled in sanitary science, were summoned before the committee, and the question of the improvement of the Potomac River front was submitted to them. I have here (it has been before the committee for some time) the report of their testimony.

In the first place, the board of engineers, with Colonel Abert especially in charge of the work, and Major Twining, now unfortunately dead, but who was perhaps better acquainted with the work and all of its surroundings than any other man, all agree that the work is practicable beyond question. The question was submitted by the committee to each one of the engineers, and the testimony was uniform and unanimous that the work could be done in the manner prescribed by the board for the sum of $2,500,000. Upon this question the engineers have not a shadow of doubt, nor had the committee.

The next question which the committee considered was the question of health, and there were examined before the committee Dr. Chancellor, of Baltimore, a gentleman eminent in his profession as a physician of great sanitary skill in the improvement of the health of cities; Major Towle, of New York, the chief of the board of sewerage of that great city; Mr. Waring, of Newport, the eminent sanitary engineer; Dr. Cabell, the president of the National Board of Health of the United States; Dr. Garnett, of this city, a gentleman of forty years' practice here; Dr. Wales, Surgeon-General of the Navy, (and without making any discrimination I feel it my duty to say here that I have never heard and never read anywhere so clear a statement in reference to any subject, so complete a demonstration as his testimony made of this case;) Dr. Townshend, the District health officer; Dr. Bulkley, a physician of forty years' practice in the city; Dr. Lincoln, of as long experience; Dr. Verdi, Dr. Busey, and Dr. Turner, of the National Board of Health. All these gentlemen were examined, and of all these experts the unanimous opinion was that the improvement of the Potomac flats would add greatly to the health of the city. The testimony of all the experts except three concurred in the statement that the Potomac River flats form now the chief and principal cause of malarial sickness in the city of Washington.

Mr. President, with the unanimous report of the board of engineers, with the unanimous testimony of the experts summoned before the committee to testify in relation to this matter, the committee with confidence submits the question to the Senate.

What will be accomplished if this amendment is carried out? In the first place, the engineers say—and about that we cannot hesitate—that this improvement will secure to Washington and Georgetown a commodious, a convenient, a safe harbor for vessels of the largest draught. In the second place, they declare that it will save the city for all time to come from every possibility of overflow. I need not call the attention of Senators to what we witnessed here a little over a year ago—Washington City, the capital of the country, deluged by a flood of the Potomac. The engineers declare that this improvement if carried out will effectually save the city from all danger of overflow. In the third place, they declare and actually demonstrate, if such a thing is capable of demonstration, that this improvement will deliver the city of Washington from the curse of malarial malady.

Those are the three great objects to be accomplished by this improvement. I should insult the Senate, I should derogate from myself, if upon this statement of the engineers and this statement of the physicians I were to occupy the time of the Senate at this late hour of the session with a further statement of the question. It seems to me to be too clear for dispute. At the proper time in the debate I have no doubt attention will be called to the title of the United States to the land proposed to be reclaimed, when I propose to say something in reference to that question.

Mr. VEST. Mr. President, I feel that I have a duty which is unpleasant but nevertheless proper for me to discharge in opposing this amendment to the river and harbor bill. As a member of the Committee on Commerce and a member of the special committee on the Potomac flats, I have advocated earnestly to the extent of my ability the improvement of the Potomac flats and of the city of Washington. There can be, I think, no sort of question that Washington City should be improved, as the capital of a nation of fifty millions of people, worthy of the great position which it must have before the world. But, Mr. President, there are certain rules of the Senate, there are certain rules of parliamentary and legislative propriety, which, however much I may desire the improvement of these flats, and however much I may favor large appropriations for that purpose, forbid me, under my sense of obligation as a Senator here representing part of a State, from violating what I believe to be the fundamental rules of this Senate in its proceedings, and from violating the very nature of the bill which is now before us for consideration.

For fourteen months a special committee has had under consideration this subject, and I undertake to say now and here, in the presence of the chairman of that committee and of my colleagues upon it, that the whole scope of our investigation—and I use the words deliberately—the whole scope has been with reference to the sanitary effects of this improvement upon the city of Washington, and not as to its commerce. Not one particle of evidence was taken by us in regard to the commercial advantages to be derived from this improvement.

The chairman of the committee has enumerated a long list of eminent surgeons and specialists whose testimony was taken in regard to this improvement, and yet not one ordinary engineer was called before the committee in regard to the effect of this appropriation upon the commerce of the city of Washington. The chairman of the committee says that the engineers agreed that two and a half million dollars would be the limit of the expenditure. The testimony shows that the plan submitted by the two engineers, Colonel Abert and Major Twining, the latter now deceased, would require an appropriation of from two and a half millions as the lowest estimate up to five millions as the highest.

Now, I put it to the chairman of the committee and to the Senate, would there be any pretense here, any justification in this testimony, in what we all know in regard to the commerce of this city, for an appropriation of two and a half millions or five millions for the improvement of the harbor of Washington or its river front for commercial purposes? Why, sir, the whole commerce of the city for years would amount to no such sum in the aggregate. What Senator would rise up and undertake to justify the improvement of this river front to the extent of two and a half or five million dollars upon the ground of commercial advantage, upon the ground of the extent of the commerce of this city? I assert here, and the evidence shows it, that the whole scope of our investigation, the whole meaning of it, the whole intent of it was with reference to the sanitary effect of this improvement, and nothing else. Therefore, Mr. President, this appropriation has no place in a river and harbor bill.

This amendment does not specify the plan upon which this money is to be expended. For what was the special committee organized? It was organized to take into consideration all the circumstances and to report them to the Senate on this much vexed and agitated question, and report the plan and scheme upon which the money of the people was to be expended in the improvement of the national capital. I ask the chairman of the committee now, under this amendment whose plan is to be adopted?

Mr. RANSOM. If the Senator had attended to the statement that I asked to have read by the Secretary of the Senate he must know whose plan is recommended. The amendment itself declares that it is the plan recommended by the board of engineers. Here it is on the second page of the document I hold in my hand.

If I do not interrupt my friend I will state further that he will scarcely find a page of the engineers' report, or of all of this testimony, in which there is not a special reference to the navigation of the river. The Senator will find several questions put, I think, by himself in reference to that very matter.

Mr. VEST. If he has that document, will the Senator point me to the testimony of one witness on the question of the improvement of the river front for the purposes of commerce? Will the chairman of the committee undertake to say that the whole scope and end of our investigation was not in regard to the sanitary condition of the city by reason of this improvement?

Mr. RANSOM. I do not wish to interrupt the Senator from Missouri, but as he has asked a question I will answer. The Senator from Missouri has certainly contemplated all the time for the last year that this investigation looked both to the navigation of the river and the improvement of the health of the city; first of all the navigation of the river, and secondarily—not secondarily in importance, but secondarily in consideration—the improvement of the health of the capital.

Mr. VEST. As a matter of course, in an investigation like this, which resulted in testimony amounting to one hundred and twenty-one pages of printed matter, there would be mentioned incidentally an improvement of the channel of the river; but I say now, and I challenge contradiction in regard to it from any source, that the whole scope of this testimony—for I was one of the Senators who

took the testimony and helped to examine the witnesses—was with reference to its sanitary condition and the sanitary effects of the improvement.

Mr. RANSOM. Will my friend from Missouri permit me to put him right in the beginning, for I do not wish him to diverge too far. In Senate Executive Document No. 126, Forty-seventh Congress, first session, page 2, under the heading "Harbor of Washington," is the report of Engineer Abert as preliminary to the report of the engineers. In the third paragaph he says:

I have the honor to submit herewith a brief summary of the results obtained by this survey between the Aqueduct Bridge and Giesborough Point, together with a plan and estimate for the improvement of the navigation and the raising of the flats and for establishing the harbor lines of Washington City.

Mr. VEST. Of course.

Mr. RANSOM. There, upon the forehead, right at the door of this investigation, stands the navigation of the river and the fixing of the harbor lines.

Mr. VEST. Yes, Mr. President, and after the frontal presentation, to which the chairman has alluded, there follow one hundred and twenty pages of testimony, in which for one word in regard to the improvement of the channel there are five hundred words in regard to the sanitary condition and the effects of this improvement upon the health of the city.

Mr. RANSOM. For this simple reason, that the information of the engineers upon the question of navigation and the harbor was so perfect, so absolute, so indisputable, that it was not necessary to go further, and the Senator from Missouri knows that. The Senator from Missouri at this moment has not a doubt that this will improve the harbor of Washington City.

Mr. VEST. The Senator from Missouri has no sort of doubt that if this question rested on the single and sole issue of the improvement of the harbor at Washington it would not get $50,000 under any state of the case whatever, and the Senator from North Carolina knows it. Take away the sanitary condition, take away the effect upon the health of the city, take away the impetus that the measure received from the death of General Garfield, and the charges made in the newspapers of the country that he died poisoned with malaria from the Potomac flats, and you would not hear of any improvement of this harbor. What does the commerce of this city amount to?

Mr. BLAIR. It seems to be assumed that good health is not essential to a port. If the port at this city is breeding pestilence is not an appropriation to remove the cause of that pestilence appropriate? Is it not in order and is it not as legitimate a provision in a river and harbor bill as anywhere else in the world? Suppose the yellow fever was breeded in the Potomac flats as malaria is breeded there, and that this but for the yellow fever would be a great commercial port, would it not be of some consequence for us to make an improvement of the harbor so far as to improve its sanitary condition, and would it not be proper to do so by a provision in the river and harbor bill?

Mr. VEST. I rather think not. I rather think that in improving the rivers and harbors of this country Congress does not propose to turn itself into a sanitary commission in order to make a hospital in the District. As a member of the Committee on Commerce I distinctly decline any such jurisdiction. We are here, on this bill, to improve the commerce of the country and not to act in reference to its health. There is a department of the Government whose duty it is to report statistics and make examinations on that subject, and I believe we have a special commission as to yellow fever, I will say in answer to the Senator from New Hampshire.

But I come back to the point I made that this river and harbor bill ought not to be loaded down with a bill in regard to sanitary condition and sanitary improvements. The Senator from North Carolina says that his amendment provides for the improvement according to the report of the board of engineers. We had that report made long ago, before the special committee was organized, and the very question submitted to our committee for fourteen months was whether we would take one report or the other, or one plan or the other. Colonel Abert had one plan, and Major Twining had another, and it was our duty to have reported between the two and to have put this great improvement as an isolated proposition on its own merits.

Mr. RANSOM. I know that the Senator from Missouri and I both are seeking the same end. What is the truth in reference to this matter? If the Senator from Missouri will look at the report of the board of engineers summoned to review this whole question, he will see that they have adopted substantially Colonel Abert's plan and Major Twining's plan with some additions suggested to that board by the testimony of the sanitary experts. The plan recommended to-day is substantially the plan of Twining and Abert adopted by the board of engineers.

Mr. VEST. I beg the pardon of the Senator from North Carolina. It is not the same plan, and if the Senate feels enough interest in the matter to examine these reports it will see it is not the same plan. A single quotation will suffice to show it. Here is a part of the general report made by the board of engineers:

That the modification proposed by the board is as follows.

* * * * * * *

This project I estimate to cost $1,891,483.

That is the single item to protect the city by an embankment from Eighteenth street to the Monument lot. Then again:

It is estimated that the cost of the improvement as recommended will be about $2,500,000.

It is desirable that an appropriation of not less than $1,000,000 should be made in one sum.

I asked Colonel Abert this question:

Have you ever made an estimate of how much it would cost to fill up the whole of it?

That is, all these flats. What was the answer?

A. The estimate I made at one time amounted to nearly $5,000,000. I think it advisable, however, to retain a winter harbor for the protection of the shipping from the ice.

Q. What you were speaking of?

A. The winter harbor which I spoke of before. Retaining this harbor which occupies the position of the Washington channel, the cost of reclaiming the entire area, amounting to about seven hundred acres, would be about $5,000,000.

By the CHAIRMAN:

Q. To fill the whole level two feet above high-water-mark would cost about $5,000 000?

A. Five million dollars.

By Senator VEST:

Q. Your present plan of improvement would cost $2,500,000?

A. Yes, sir.

The present plan of improvement, leaving out the winter harbor of refuge and the channels of the river, to build up at least two feet above high-water mark and to put in the lakes or ponds which Major Twining advocated, without reference to the improvement of the channel, will cost two and a half million dollars. What I wanted was this: I wanted a bill which specifically adopted a plan and a report which should state to the Senate the cost of this improvement according to that plan, and then to put it before the Senate and before the country upon its own merits, not to load down a river and harbor bill now amounting to $20,000,000 by an improvement based upon sanitary elements and sanitary considerations. I will vote as much as any Senator to improve this city, and to improve the Potomac flats, and I believe that seven hundred acres of land can be obtained for a beautiful park, and that the land itself will more than pay the cost of the improvement, but I want it to stand upon its own facts, to stand upon its own testimony, but not a five-hundred-thousand-dollar appropriation tacked onto the river and harbor bill, where it does not belong with any propriety or according to the rules of the Senate.

I know that upon Saturday the Senate indicated its intention to pass this appropriation. I do not expect to defeat it, nor will that influence my course at all, whether I am the only Senator who votes against it here or not. The Senate generally, permit me to say respectfully, votes that to be in order which it wants to enact; and what it did upon Saturday is no parliamentary precedent to me. The Senate intended to pass the appropriation, and therefore they declared it to be in order, and yet it was put in here without notice, put in as the chairman of the committee said at the instance of the special committee. I speak for myself when I say that I was opposed to offering it as an amendment to the river and harbor bill, and am opposed to it now.

One other word in regard to the title to these flats and I am done. The chairman of the committee and myself went to the Land Department in order to examine into the legal condition of any title. As to my own opinion as a lawyer I have no hesitation in saying that I believe the title is good in the Government. I do not believe the claimants have a shadow of a scintilla of a title. That is my opinion as a lawyer; and yet I have been very often and egregiously mistaken in my opinion, as every other practitioner in my profession doubtless has been. I have been mistaken, and I may be mistaken now, but I do not think I am.

I want to tell the Senate one thing: that I have information from a brother Senator to the effect that there will be expensive and tedious litigation in regard to the title. I do not suppose it is to be avoided and I do not mention it here as an argument.

I am in favor of improving the flats; I am in favor of making an appropriation to improve them; but I am opposed to tacking this amendment onto a river and harbor bill, where it does not belong. It should be put here in a separate bill, upon a report commensurate with the importance of this great question, so that the Senate could go to the country and justify its action and say to them: "Here are the data and the statistics upon which we make this appropriation and upon which we take out of the Treasury this money." This amendment comes here and says the work is to be done according to the report of the board of engineers. Is it Abert's plan, is it Twining's plan, or is it the entire plan of that board of engineers? The chairman of the committee will not say so. We do not know what plan is to be adopted. We simply fling into the river and harbor bill a half million dollars in order—to use the language of one of the friends of the bill to me this morning—to commit Congress to this improvement and afterward to take the hap-hazard of parliamentary action and of subsequent reports whether it is to be one plan or the other. Sir, the special committee of which I am a member was organized, in my judgment, to determine that very question. It was that, and that alone, we were sent fourteen months ago to examine and report upon, and I very much regret that the report was not made and the bill put here in order that I might advocate it as earnestly, if not as eloquently, as my distinguished friend from North Carolina.

Mr. GARLAND. Mr. President, the Senate on Saturday last, with considerable emphasis, decided that the amendment offered by the Senator from North Carolina to the river and harbor bill was in order. In view of the plain reading of the twenty-eighth rule, I am sure nothing could have induced the Senate to adopt that decision except the intention unalterable to vote this appropriation, and inasmuch as that is the determination of the Senate, I wish, if I can, to put this amendment in as good condition as possible. I was of the opinion that the amendment was out of order, and I am now of that opinion; but the Senate has said that it is in order, and I acquiesce in that decision.

I favor the project, as I stated on Saturday, of doing this work, and it is immaterial to me whether it is done as a sanitary regulation, or whether it is done as a regulation affecting the navigation of the Potomac, or as a regulation affecting the commerce of the Potomac, or whether it is done as affecting the postal service on the Potomac. If it can be brought in under all these clauses the city of Washington is particularly and peculiarly fortunate, for it has protection more ample, if that be the case, than any other city of the United States, so far as the Constitution and the laws of the country are concerned.

This city is the city, in one sense of the word, of every citizen of the United States, and it is the city of a great many people that actually do not live here but have business here, and it has now become almost the home of every member of Congress in fact, on account of the prolonged sessions of Congress during which we are kept here. Therefore, this improvement is not local in its effects; it is far-reaching, going to all parts of the country, and as a sanitary regulation or a commercial regulation or a navigation regulation it meets my entire and my hearty support; and particularly if it is necessary to redeem this city from being among the "swamp and overflowed lands," I am more heartily than before in support of the proposition. It has been stated that last February a year ago a good portion of this city was overflowed, much of it the property of the Government, and as I have started out on that theory I am still on that theory. I am willing to improve, to levee, to fortify it, to do whatever else is necessary to redeem it, if any of the property of the Government is on "swamp and overflowed lands."

Now, as to the amount required I do not know; I cannot form any conjecture. It seems that two Senators of the special committee having this matter in charge differ, and differ upon some report which has not been read here which I have not had the pleasure of seeing; but the Senate will bear in mind that this is placed, as all appropriations of this character are, under the direction and control of the Secretary of War, and, as a matter of course, he will not expend any more than is absolutely necessary. While I agree with the Senator from Missouri that I would much prefer to have had a plan brought in in a separate bill from the special committee or some other committee that had taken care of this subject, yet as, for good reasons stated by the Senator from North Carolina, that has not been done, and the Senate has voted that this amendment is in order, I feel that I am acting under a sense of duty in supporting the amendment; but I wish to call the attention of the Senator from North Carolina to one thing connected with it.

Under section 355 of the Revised Statutes it is made the duty of the Attorney-General when the Government erects public buildings, makes harbor improvements, light-house improvements, and all things of that character, to look into the title of the property and see that the title is good which the United States is going to procure before money is expended under any appropriation. That section of the statutes is not broad enough to cover this case, possibly because this is a different kind of improvement from any that is specified in that section; and I think if the Senator from North Carolina will consider it, it is important to put some duty in this amendment on the Attorney-General that he may see that the United States is not made liable in this proceeding, or at least that her rights are protected. I have written out, as a general clause to come in at the close of this amendment as now proposed, the following:

> And it is hereby made the duty of the Attorney-General to examine all claims of title to the premises to be improved under this appropriation and to see that the rights of the Government in all respects are secured and protected.

I do not know that that carries out fully the idea at last, for I have written it hurriedly here at my desk; but as the Senator from North Carolina has examined this matter and has been looking into it for months, I propose this to him more by way of suggestion, that a proper amendment may be framed, so that the Government will not place itself in jeopardy when it undertakes to make this improvement which is so much needed, in my opinion, by this District. With this suggestion to the Senator from North Carolina who has the amendment in charge, I repeat I approve the amendment, it having been voted in order by the Senate on Saturday.

Mr. CONGER. I desire to say but a few words.

Mr. RANSOM. Will the Senator from Michigan allow me to say one word before he goes on? In reply to what was said by my friend from Missouri in reference to the cost, let me state that in the very report of the board of engineers which is referred to and adopted by this amendment this statement occurs:

> It is estimated that the cost of the improvement as recommended will be about $2,500,000.

Mr. CONGER. Mr. President, some criticism has been made by my colleague on the committee for the improvement of the Potomac River and the flats, the Senator from Missouri, upon the fact that only a small portion of the printed testimony is taken up with the testimony of engineers in regard to the river improvement itself. I confess to some little surprise at that criticism on the report. This Government has been for quite a number of years appropriating annually from thirty to sixty thousand dollars, and I think a higher sum some years, for dredging out the Georgetown channel and the Washington channel for the sole benefit of navigation. The special committee found in going upon a boat around all these waters to examine them that the material dredged out of the Georgetown channel had been sent and was then being sent many miles down the river, where it could be deposited without increasing the danger of filling the channel of the Potomac below. We found, also, very much to my surprise, that just at the Long Bridge the material dredged from the Washington channel had been dumped in a side-cut made for that purpose, and was raised again by a dredge from that point and loaded into cars on what is called the Long Bridge Island, or whatever the name of it is, and on those cars carried off, filling up along the Long Bridge.

There have been from year to year for the past twelve years reports of engineers as to the best method of improving the Georgetown and the Washington channels for navigation. Appropriations have been made continually, the work has been going on continually, the dredges are from day to day and from month to month, as long as the appropriation lasts, engaged in taking up the sediment deposited in the Georgetown and Washington channels and removing it somewhere; first, down below Alexandria, and then, when that was found to interfere with the channel, it was carried by a tedious process far down the river to find a place in some side bayou or channel and there dumped. To meet that want Congress requested and the Secretary of War ordered a board of engineers to take into consideration the improvement of these two channels, to find out why, with a vast area of partly exposed flats, covered at high tide and uncovered at low tides, it was that it should be necessary to go to all this expense of removing ten, fifteen, and twenty miles, the accumulated and accumulating sediment taken from these channels when there was ground right in front of the city which required its deposit upon it to raise it above high-tide mark, and thus benefit the health of this city. It is a fact reported by the engineers and testified to by the twelve or fifteen experts that the mode of improving the Georgetown and Washington channels, carried on at an expense of more than half a million of dollars up to this time, has promoted the unhealthiness of the city, and carried away far down the river a part of this sediment which might have been thrown up here and made an island or made dry land that would have become healthy.

The first few pages of the report of the testimony before the committee is taken up with the examination of Colonel Abert, one of the board who made this long and elaborate report under the direction of Congress and the Secretary of War, in explaining that report. The committee had it before them; it has been printed for the use of the House and the Senate. The whole matter with all its details is spread out. Then Major Twining, who had charge of all these improvements in the city, was called, and his examination was taken. He testified to the report of the board of engineers, he testified to the amendment and modification of that report which was made to improve the health of the city, in addition to those which were made for the improvement of these channels.

I never heard any question in regard to the fullness of the examination with reference to the engineers' reports for the improvement of these two channels of the river. They are clear, explicit, conclusive. Added to this, there was a great deal of very valuable testimony taken from medical experts and engineer experts in regard to using the appropriation which has been given heretofore and might hereafter be given for the improvement of the flats in its sanitary aspect. That is as clear and plain in the testimony taken as anything can be. The report of the engineers all through contemplates the exact thing that this amendment provides for. I have stated the substance of it. It is set out in the report of the testimony fully, and the Senator from Missouri made, as will appear from this testimony, his own inquiries in regard to that very mode of commencing this work. As any one can see from looking at the map, it is to commence by dredging or by piling a foundation from Easby's Point, just below Rock Creek, along the flats down to Giesborough Point, and along the present channel of the Potomac to Georgetown, then returning along the Washington channel to the Long Bridge. It was perfectly apparent that that project made provision for the channel lines. The engineers recommended a wall of large stone wherever there was danger from the current of its washing away, and recommended in some places a riprap bank; for other parts of it, a stone wall of one form or another, partly founded upon piles and partly sunk down by dredging into the bottom of the river, which should be the outer boundary of the Georgetown channel on the one side and the outer boundary of the improvement of the flats on the other. This appropriation is for that part of the work which provides for defining and fixing by a wall the boundaries of the channel, and that only.

I may say that I would have desired myself, after many weeks of investigation of this subject, that a bill should be introduced sep-

arately, or that a provision should be embodied in this bill authorizing the commencement of the work and carrying it on in accordance with the report of the board of engineers as explained by Colonel Abert and Major Twining. I think that the whole people of this country, with almost a united voice, who understand anything at all in regard to the sanitary condition of Washington from the exposure of this soil to a twice-a-day overflow and a twice-a-day uncovering, with all its accumulations of filth, to the sun, demand that this work should have been commenced long ago, and it should be commenced now vigorously and completed as soon as it may be.

Why, sir, it seems to me it makes but little difference in principle whether this goes into a river and harbor bill or whether it be a separate bill. The authority to do all that is contemplated by the appropriation proposed now is under the regulation of commerce. It is therefore a proper subject-matter for a river and harbor bill. The Committee on Commerce have not put into the river and harbor bill any appropriation at all for these channels and for their improvement. They left it out for the express purpose of having this great work as an auxiliary to health adopted by Congress and so carry on the two together.

Congress has exclusive power to legislate in regard to this District. Congress may put upon a river and harbor bill or upon any other bill it chooses any provision in regard to the Potomac River within the District of Columbia. It is legitimate under the power to regulate commerce, for there can be no improvement of the Potomac flats in reference to their sanitary condition that does not first require the Washington and Georgetown channels to be provided for before a dollar is expended for the reclamation of the flats.

I do not wish to dwell upon this. The board recommends that $2,500,000 be appropriated for these great improvements of the channels for navigation and the reclamation of the flats for sanitary purposes. This amendment proposes $500,000 to commence the work of improving permanently the Georgetown and Washington channels. It is not enough. Another Congress must make a larger appropriation. There will not be a dollar left for the reclamation of the flats, except in so far as the dumping what is dredged out of these channels inside the sea-wall improvement tends to fill them up, instead of carrying it by tugs and by boats miles and miles down and throwing it into the Potomac far below and thereby perhaps obstructing navigation.

I hope at least this amendment will be adopted. I may say that the amendment offered by the Senator from Arkansas [Mr. GARLAND] meets my approbation, not because I think there is any title to any of this land under water, not because I think there is any court in the world that would sustain that title for an hour, but because before such a work of improvement is entered upon, or while it is being entered upon, and you approach the land on which there is said to be some kind of claim, it is well for the Government and it is at least safe for Congress to take the necessary precaution to avoid committing the Government to any encroachment upon private rights.

Mr. JONES, of Florida. Will the Senator permit me to ask a question before he takes his seat?

Mr. CONGER. Yes, sir.

Mr. JONES, of Florida. What, may I ask, is the character of this title to which allusion has been made?

Mr. CONGER. I understand the character of the title to be that many years ago some person, assuming that the low grounds in the Potomac in the District of Columbia were to be governed by the same rules and laws as are provided for accretions in rivers or islands formed in the bed of rivers in the West, where the Government has the control of the rivers, asked to have a survey made of these flats and claimed that a boat could go around these flats, which are uncovered at low tide, and covered a foot or two deep at high tide, as I understand.

Without stopping perhaps to reflect upon the subject, the Commissioner of the General Land Office ordered a survey upon the request. These lands, I said, were within the District of Columbia, where the Government owned the whole and had exclusive legislation over them. They never were intended, of course, in the judgment of anybody I have ever heard speak on it, to be treated as wild lands, and accumulations in rivers over the Territories of the United States in the West, where the soil, rivers and all, belong to the United States. But so much was done. A survey was had, and on that survey the party securing it asked for a patent. Then the Land Office commenced to inquire into the matter—it had gone through to that extent carelessly—and the Land Office refused a patent and declared that there was no law authorizing such a survey on the Potomac River and within the District of Columbia; that there was no law referring to such lands; that the law relied on applied to entirely different lands, where the relations of the Government to the soil were entirely different; and so it has stood from that time to this. Those who asked for this survey, and who claim some kind of title by virtue of the fact that the Land Office had yielded so far as to grant the survey, claim that they have a title which ought to be enforced by a patent. The Land Office never has given any patent. The Land Office has always refused since that first survey to treat this as land which was subject to any kind of entry whatever; by survey, by accretion, or anything else.

Mr. JONES, of Florida. Am I to understand then that there is no patent outstanding for this land?

Mr. CONGER. There is no patent outstanding for this land. It is just in that inchoate condition that somebody attempted or thought he could acquire a title to it.

Mr. RANSOM. Will the Senator from Michigan allow me to interrupt him for a second? There was a patent granted.

Mr. CONGER. I may be mistaken in that.

Mr. RANSOM. But a decision of the Commissioner of the General Land Office was afterward made saying that it should not have been granted, and refusing to grant any other patent.

Mr. CONGER. I may be mistaken in regard to that. If there was a patent granted, it has been declared by the office of no validity. Perhaps that is the statement I ought to have made. At any rate, it was stopped before any title passed or any pretended title passed; it has been annulled in the office. That is what I meant to say, and that, I think, is the condition of the case.

These flats are in that part of the Potomac River which lies off the ground upon which the Washington Monument is situated, up toward Georgetown, covered in the summer with reeds and grass, presenting a green appearance, over which the water does not rise entirely, and in the winter, when it is cleared off, covered with logs and slime and dead animals mostly. It is that part of this river over which the sewerage from Rock Creek and from the B street canal floats and covers, settles among the reeds and among the grass, and as the tide goes down and the sun beats upon it exposes that whole surface to the worst kind of malarial generation.

I make these remarks because even if we go no further than the improvement of the Washington and Georgetown channels, and this appropriation is strictly for their improvement, much benefit will result. If we follow the plans of the engineers and bind those channels by a sea-wall and deepen the channels by dredging, there is a proposition behind the sea-walls to throw the mud dredged out and thus aid in filling the flats. We have expended more than this half million solely on these two channels within the last thirty years. I would prefer, if it might be, that we should have in this bill a larger appropriation, at least a million dollars, to commence this work.

Sir, in my opinion, the safety, the health of the Government officials, of Senators, of Representatives, of all the employés of the Government, of every citizen of this city, depends—and the testimony which we have taken corroborates the statement—upon removing as quickly as may be this source of malaria and of miasma. No man can go into that region, with a mild, southerly wind blowing, and stay there half an hour, from the stench and miasma that arises from these flats. Go near Easby's Point, along the river as far as the Observatory and down to the Washington Monument, and what do you see? Houses built there once, deserted now; a vast region as desolate, as uninhabited, as uninhabitable as any region on God's footstool; property worth nothing, life worth nothing, health worth nothing there; the place gradually deserted. The people that once owned that land have left it; the houses are tenantless. That is the situation of it; and what affects that part of the city lying nearest to the flats affects also, as it floats over this city with the prevailing southerly winds of summer and fall, the health of the whole city. This is due not alone to the flats, but, as these experts and medical men say, the lack of drainage and the lack of proper sewerage in the low grounds adjoining the flats add to the difficulty.

Sir, the attention of the public was called to this matter during the last summer, when the President of this people lay in the White House for days and for weeks subject to the malarial influences of that region. Since the people of the United States knew of the heroic struggle of that martyred man for his life, when he was contending not only with the bullet of the assassin but with the noxious vapors pressing upon him and upon other people of the city, they have been satisfied that it was necessary, even at the risk of extinguishing the taper of life, to remove the President to a healthier situation. There was one universal throb of joy in every heart when it was known that the President had been removed from the miasmatic and malarial region of the White House to the pure sea air of Long Branch, and there was a universal demand on Congress to take steps at once to remove from this capital that disgraceful malarial, miasma-breeding region, the Potomac flats.

I would prefer to vote, as I have suggested, for the appropriation in gross of $2,500,000 to improve the Georgetown and Washington channels of the Potomac in connection with the improvement of the flats, and use that ever accumulating sediment which comes down from above in throwing up above the water-line and covering these miasmatic regions; but that perhaps may not be now.

Let us adopt the amendment offered by the Senator from Arkansas as a guard for the United States, and let us know what we are to meet, and let us make this appropriation and show to a waiting people that we at last heed their voice in making the capital of this nation at least a decently healthy place for citizens and for officials to reside in.

NATIONAL BANKING ASSOCIATIONS.

Mr. ALLISON. I ask unanimous consent to lay this bill aside for a moment in order that I may present a report of the committee of conference on the bank bill.

The PRESIDING OFFICER, (Mr. FRYE in the chair.) Is there objection to the request of the Senator from Iowa? The Chair hears none.

The Acting Secretary read the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 10, 15, 16, 17, 18, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment, as follows: Page 6, strike out all after "provided," in line 24, down to and including "by," in line 25, and insert after "provided," in line 24, "herein," and insert after "notes," in line 25, "shall be issued as provided by this act;" and the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same, with an amendment as follows: Page 7, strike out section 8 and insert:

"SEC. 8. That national banks now organized, or hereafter organized, having a capital of $150,000 or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: *Provided*, That the amount of such circulating notes shall not in any case exceed 90 per cent. of the par value of the bonds deposited as herein provided: *Provided further*, That all national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall, at the time of their deposit, be assessed, for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment; and all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June 30, 1881."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Page 9, strike out all after "purpose," in line 13, down to and including line 19, and insert: "*And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof;" and the Senate agree to the same.

W. B. ALLISON,
JUSTIN S. MORRILL,
JAMES B. BECK,
Managers on the part of the Senate.

WM. W. CRAPO,
NELSON DINGLEY, JR.,
A. H. BUCKNER,
Managers on the part of the House.

Mr. VEST. I ask that the report lie over and be printed that we may look at it.

Mr. COKE. I hope it will lie over and be printed.

Mr. ALLISON. Of course, if Senators desire that, I have no objection; but I should like to explain in a few minutes what the committee have done.

Mr. VEST. It is a matter of very great importance; and I should like to have the report printed.

Mr. BECK. I think the chairman of the committee of conference had better explain the report; and then if anybody asks that it lie over, it may very well do so. I think the House substantially agreed to all the Senate did; but at the same time an explanation should be made.

Mr. ALLISON. I will state briefly that the first change of any moment is found on page 7 of the bill, where the Senate inserted a provision requiring banks having a capital of $100,000, or less, to have at least one-third of their capital stock in bonds of the United States as security. That is struck out, and national banks of $150,000 capital, or less, are required by the conference report to have one-fourth of their capital in United States bonds. That is the first provision of any moment.

Mr. BECK. The House provision in that regard required banks of $150,000 capital to have only $10,000 in bonds.

Mr. ALLISON. Yes, sir. The next provision was in relation to banks withdrawing their circulation because of bonds called in by the Secretary of the Treasury. The Senate struck out the House provision in that regard wholly. The House insisted that where there was a compulsory withdrawal of bonds by the Treasury Department for the purpose of payment, the three million limitation found in section 9 of the bill should not be insisted upon, and therefore the original House proviso is retained in the bill with the exception of the last clause, which requires the bonds to be taken out within thirty days.

The principal difficulty the conferees had was with sections 12 and 13, section 12 being the section relating to gold certificates, and particularly the clause inserted with reference to the clearing-houses, and the thirteenth section being the section proposed by the Senator from Kentucky [Mr. BECK] in reference to the overcertification of checks. The House has receded from its objections in regard to these two sections, and they are agreed to exactly as passed by the Senate. So in substance the provisions of the bill as passed by the Senate are retained, with the single exception that I have stated.

Mr. BECK. I desire to say that there seemed to be some difficulty or misunderstanding relative to the $100,000,000 limitation on the Treasury reserve as to the redemption of greenbacks. While I do not understand that there ought to be any difficulty, and do not see the trouble suggested as to the provision made by the Senate which has been stated elsewhere, I am willing to allow until to-morrow to have the point thoroughly examined and considered.

Mr. ALLISON. We did not change that. The Senate provision in reference to the reserve and the other provisions of section 12 are retained in the bill precisely as it passed the Senate. However, if any Senator desires to have the whole question go over and the report printed, I will make no objection.

Mr. VEST. I think I understand it, but I would rather see it in print.

The PRESIDING OFFICER. It is requested that the conference report lie over and be printed. To that request the Chair hears no objection. Accordingly it will lie over and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia, and which may be paid by November 1, 1882, and for other purposes; and

A bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2402) to quiet title to certain land in Washington, District of Columbia; and

A bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. WILLIAMS. I am a little astonished at my friend from Missouri, [Mr. VEST,] who is generally so liberal and broad-gauged on questions of this sort, sticking in the bark and indulging in technicalities, when he usually looks at the merits of great questions. I cannot understand why a proposition that relates to so great a river as the Potomac and to a port like the port of Washington is not one cognate and proper in the river and harbor bill. Why, sir, have we not here a harbor; have we not here a great river? We once had one of the most magnificent harbors at Washington City upon the whole Atlantic coast. Seventy years ago the water was deep enough for a whole navy of British men-of-war to float in sight of the Capitol of the country.

Forty years ago there were forty feet of water at the navy-yard, and there were twenty-four feet at Georgetown and at the bridge, and now we have not more than four or five feet of water there, and not more than fourteen feet of water at the navy-yard. Forty years ago the largest ships that ever carried the flag of our country across the sea could ride in safety there, and not more than two months since a gentleman's yacht went aground in the harbor. In the olden time Georgetown was a great commercial city; Alexandria was ahead of Baltimore as an importing and exporting city. Congress has neglected its navigation. It has allowed the river to fill up by the wash of the country above and by the sewage of this city, until now a fishing smack can scarcely go up this stream to Georgetown.

It has been the neglect of the Government that has destroyed the commerce of Georgetown and of Alexandria. It has been the neglect of the Government that has destroyed the health of the city of Washington. In my judgment, since I have been in Congress not less than ten or twelve members of the House and Senate have died of the poisonous malaria inhaled from these swamps. I have been sick myself; I am sick to-day; and the poison comes from malaria brought in every day through the winds that bring us the air that flows over these deadly swamps of the river.

I think the city of Washington and the country generally owe my friend from North Carolina a debt of gratitude for pressing this measure with such persistency in the Committee on Commerce and before the Senate. I hope to see Congress take this river in hand, confine its waters into a channel, and let it scour itself out and make a harbor to a depth of water that shall again invite the largest ships that float up to this point. There is nothing to prevent this. Here is our navy-yard. We build ships here and have no water to float them out to sea. I hope to see the day when these flats will be entirely reclaimed, when the navigation will be opened up to commerce again, and when Alexandria shall be a city of importance as a commercial town, and when the health of this city shall be perfect, and when we shall have abundance of water. I am willing to vote any reasonable amount to accomplish that.

I have nothing more to say, except that I shall support the amendment of the Senator from North Carolina with great cheerfulness.

Mr. RANSOM. That there may be the most accurate and the fullest information which we can have on the subject of the patent to Kidwell, I ask that a letter from the Commissioner of the General Land Office be printed in the RECORD.

The PRESIDING OFFICER, (Mr. FARLEY in the chair.) If there

be no objection the letter will be printed in the RECORD. The Chair hears none, and it is so ordered.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 18, 1882.

SIR: The patent to John L. Kidwell for the Kidwell Meadows, so called, containing 47.71 acres, lying south of the National Observatory, and extending from opposite Twentieth to Twenty-sixth street west, appears from the records of this office to have been issued under the provisions of the joint resolution of Congress of February 16, 1839, (5 Stats., 365.) The proceedings relative to this application and payment for and the survey and patenting of this tract were under regulations prescribed by the Secretary of the Treasury in August, 1839, for carrying said joint resolution into effect.

The joint resolution related to certain acts of the Legislature of Maryland respecting titles to vacant lands which were in force in the District of Columbia by virtue of the provisions of the act of Congress of February 27, 1801, (2 Stats., 103,) continuing in force the laws of the State of Maryland within that portion of the District ceded by said State to the United States.

The laws of Maryland prescribing the method of securing titles to vacant land, and which were operative in the District of Columbia as above recited, were, among others, the acts of November, 1781, chapter 20, and November, 1788, chapter 44. The act of 1781, "to appropriate certain lands to the use of the officers and soldiers of this State, and for the sale of vacant lands," was construed to mean that all lands within the State in Washington County westward of Fort Cumberland were appropriated to discharge the obligations of the State to officers and soldiers, and the residue after completing that engagement to the use of the public. (Kilty's Land-Holder's Assistant, page 308.) The thirteenth section of the act of 1788 removed the limitations of the former act and made all vacant land in the State, as well westward of Fort Cumberland as elsewhere not affected by outstanding warrants, subject to be taken up in the usual manner by warrant at the price of three shillings and nine pence per acre. (*Ibid.* 315.)

The warrants referred to were orders of survey to be issued on the order or "titling" of the Treasurer, and were restricted by the third section of the act of 1781 to vacant cultivable lands, the technical phrase being "warrants of vacant cultivation." (*Ibid.* 309.)

The joint resolution of Congress of 1839 authorized certain officers therein named to perform the duties which had been required of State officers under Maryland laws, and empowered the Secretary of the Treasury to make the necessary regulations to carry the Maryland acts into effect. It was provided in the joint resolution that "any land which may have been ceded to or acquired by the United States for public purposes shall not be affected by said acts."

The Treasury regulations defined the proceedings necessary in obtaining titles to land under said joint resolution. Assuming that these laws and regulations authorized and provided the means of securing individual titles to islands, flats, and marshes in the Potomac River within or adjacent to the city of Washington, several applications for orders of survey were made from time to time, which were granted, but under which no surveys were executed. These orders provided that the land to be surveyed must be firm land not subject to tidal overflow. In some instances surveys were returned, but were rejected by the Commissioner of the General Land Office on the ground that the land was submerged by tidal flow, and was therefore not subject to survey and disposal under the Maryland acts and joint resolution of Congress. The application of Mr. Kidwell for a patent for the so-called "Kidwell's land," being the bar on the upper side of the Long Bridge, was rejected for this reason.

On September 10, 1867, Mr. Kidwell applied for a warrant of survey for the tract known as "Kidwell's Meadows," and which was described in the application as an island in the Potomac River, between Washington City channel and the swash channel, commencing nearly opposite Fifteenth street west and extending to a point where D street north strikes the canal or river. The order of survey was issued September 12, 1867, and its execution was made subject to the usual provision that the land to be surveyed should be "firm land and not subject to tidal overflow." The survey was returned by the county surveyor October 19, 1867. An examination of this survey was deemed necessary, and Mr. S. J. Dallas, principal clerk of surveys in the General Land Office, was designated as examiner-general for this purpose. Mr. Dallas made the examination, and on February 28, 1868, reported to the Commissioner of the General Land Office that he found the premises to be under the ice in the Potomac River, presenting no appearance of land, but submerged and subject to tidal overflow, and "of course not fit for 'vacant cultivation,' as required by the third section of the act of 1781." He also found that the survey had been "returned in total disregard of the law and of the instructions embodied in the warrant of survey." The survey was accordingly rejected.

On October 17 and 24, 1869, a re-examination was made at the request of Mr. John Wilson, attorney for Kidwell, and upon this re-examination the examiner-general rescinded his former opinion and approved the plat of survey. In this re-examination, made under more favorable conditions than the examination in the original instance, he found the "Kidwell Meadows" to be from three and a half to four feet above low water, and from a foot to a foot and a half above ordinary high water, as near as he could judge owing to the density and vigorous growth of wild rice and other weeds which impede a clear view of all parts of the meadows. He did not think the land fit to produce successful crops of corn, but thought it susceptible of producing fodder and affording pasture for cattle.

Upon the re-examination, and the approval of the plat of survey by the examiner-general, patent was issued to Mr. Kidwell December 6, 1869. The amount paid for this tract was $23.86, or fifty cents per acre.

In reference to this patent, and to similar applications, Mr. Commissioner Drummond, in a letter to Mr. A. R. Shepherd, dated January 22, 1873, said: "All applications made since I assumed charge of the Land Office in February, 1871, have been refused for the following reasons:

"1. Because the land was subject to every-day's overflow by tide-water, and therefore not in a condition to be surveyed.

"2. Because I thought that the disposition of the land was not clearly authorized by law.

"3. Because I did not deem it proper to dispose of lands situated in the immediate vicinity of Washington, at a nominal sum, to private parties who could hold and use them so as to impede and obstruct harbor improvements, unless the law clearly and imperatively made it my duty to do so."

The foregoing statement comprises the facts of record in this office relative to the patent issued to John L. Kidwell for the "Kidwell Meadows," so called.

The brief time I have for the consideration of the subject does not permit me to express an opinion upon the legal points involved in the case.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

Hon. M. W. RANSOM, *United States Senate.*

Mr. RANSOM. I do not see the Senator from Arkansas [Mr. GARLAND] in his seat, but I desire to say that, so far as I can, I approve of and accept his amendment. It strikes me as a very good one and a very proper one. I had some conversation with him on the subject before it was presented. I hope it will be adopted.

Mr. SHERMAN. I desire to add, with the consent of the Senator from Arkansas, to his amendment; I do not see him now in his seat——

The PRESIDING OFFICER. The Chair understands that the amendment offered by the Senator from Arkansas has been accepted by the Senator from North Carolina.

Mr. SHERMAN. I have no doubt the Senator from North Carolina will accept what I propose, because it is in the same line.

Mr. RANSOM. That is an amendment which the Senator from Ohio has shown me. Let it be read.

The PRESIDING OFFICER. The Chair does not understand that the amendment will be in order unless it is accepted.

Mr. SHERMAN. It will be in order now.

Mr. RANSOM. Let the amendment be read.

The ACTING SECRETARY. It is proposed to add to Mr. GARLAND's amendment:

And, if he deems it necessary, he is authorized to cause a suit or suits in equity to be instituted in the name of the United States in the supreme court of the District of Columbia against any and all claimants of title under any patent which in his opinion was by mistake or was unavoidably or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

Mr. RANSOM. Should it not read, "A suit or suits in law or in equity?"

Mr. SHERMAN. This provision is taken from the bill reported by the committee in the House. It was deemed necessary there, and I think it should be inserted here.

Mr. INGALLS. Let the amendment of the Senator from Arkansas as proposed to be amended be now reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment of the Senator from Arkansas as proposed to be amended by the Senator from Ohio.

The Acting Secretary read as follows:

And it is hereby made the duty of the Attorney-General to examine all claims of title to the premises to be improved under this appropriation, and see that the rights of the Government in all respects are secured and protected; and if he deems it necessary he is authorized to cause a suit or suits in equity to be instituted, in the name of the United States in the supreme court of the District of Columbia against any and all claimants of title under any patent which in his opinion was by mistake or was unavoidably or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

Mr. DAWES. I suggest to the Senator from Ohio to strike out "unavoidably" and insert "from any cause."

Mr. SHERMAN. The word "unavoidably" is used in the amendment to cover a case where the patent was issued, because it was supposed some provision of law required it to be done. However, the word "unavoidably" is not necessary. The words "by mistake, or illegally" are sufficient.

Mr. RANSOM. I suggest to the Senator from Ohio, to say "suits in law or in equity."

Mr. SHERMAN. The claimant under this patent has no possession whatever except a title which it may be necessary to extinguish by a bill in equity.

Mr. RANSOM. In the investigation of this question we do not know what may occur, and the term "in law" can do no harm.

Mr. SHERMAN. The amendment is copied from the House bill, which was very carefully considered in all its bearings. As a matter of course no suit in law can be brought, because the persons claiming have no possession and no right to possession.

Mr. RANSOM. My only purpose is to give the Attorney-General the fullest discretion and the largest power in making the examination. The term "in law or in equity" can do no harm.

Mr. SHERMAN. I have no objection to such a modification.

Mr. MCMILLAN. I inquire of the Senator from North Carolina whether this amendment is a condition precedent to the applicability of the appropriations?

Mr. RANSOM. It is not.

The PRESIDING OFFICER. Does the Senator from Ohio modify the amendment which he sent to the desk?

Mr. SHERMAN. I have no objection to inserting the words "in law" before "in equity" at the proper place, and to striking out "unavoidably" and inserting "for any cause."

The PRESIDING OFFICER. If there be no objection the amendment suggested by the Senator from Ohio will be so changed. The question is on agreeing to the amendment of the Senator from Ohio to the amendment of the Senator from Arkansas, which has been accepted by the Senator from North Carolina.

Mr. BAYARD. I suggest to the Senator from Ohio that the legal proceedings, proceedings of law or in equity, be taken by the Attorney-General in his discretion.

Mr. SHERMAN. That is my amendment.

Mr. BAYARD. No, you direct him to commence suit in a certain court, in the supreme court of the District of Columbia.

Mr. SHERMAN. The amendment begins by providing that if the Attorney-General deems it necessary he is authorized to cause suit to be instituted.

Mr. BAYARD. I understand that this proceeding is of a cautionary nature, to protect the United States against some alleged claim of title. The legal fact is known that on a bill filed by the Attorney-General a court of equity may decide to compel the claimant of a shadowy title to bring his right into court. Whether the language of the Senator's amendment would cover that fully is not quite clear to me. I think it would be better to direct the attention of the Attor-

ney-General to the fact that there were or might be certain claims against this property, and instruct him to take such proceedings at law or in equity as would be necessary to bring them to a test. That I believe is the object of the amendment. I suggest, therefore, that instead of directing him to commence suit in a particular court, it direct him to take such proceedings at law or in equity as may be necessary in his judgment to protect the title of the United States.

Mr. SHERMAN. I think the amendment as now proposed does precisely what the Senator from Delaware thinks it ought to do.

Mr. BAYARD. I presume an appeal will lie to the Supreme Court of the United States?

Mr. SHERMAN. Certainly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment of the Senator from North Carolina.

Mr. RANSOM. There is no objection to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. McMILLAN. When this amendment was offered I deemed it my duty, believing it to be entirely out of order as an amendment to this bill, to interpose that objection. The Senate overruled the objection by a vote, I think very erroneously; but it is very evident from that action, and from all the indications upon the floor of the Senate, that the amendment will prevail. I do not think it necessary to discuss it further. It certainly should not be incorporated in this bill, whatever may be its merits as a separate measure. Upon that I express no opinion. I shall content myself with voting against the amendment.

Mr. INGALLS. Before the final vote of the Senate is taken, I trust the Senator from North Carolina will advise the Senate as to what method of improvement is proposed to be adopted, and what is the ultimate amount of appropriations that Congress will be expected to make before the reclamation and improvement of the channel is completed.

I said on Saturday evening, when this matter was before the Senate, that various plans and estimates had been submitted, ranging in expenditure from $1,900,000 to $5,000,000, and extending in time from a period of two years to an indefinite period that may not be less than ten. I have no doubt that some appropriation should be made, and that it is wise and proper and just that this amendment should go upon the bill; but before we act in making this preliminary appropriation we ought to be more definitely advised than we are at present whether the amendment, if adopted, will involve the expenditure of $2,000,000 or of $5,000,000, and whether we are to have the Holland system adopted, which is to build a dike or containing wall around the seven hundred acres, leaving the interior to be disposed of in a different manner, or whether the entire surface by filling is to be elevated ten or twelve feet above the flood level.

I hope, therefore, that the Senator from North Carolina, in pursuance of the suggestion that he made when this matter was under debate on Saturday, will advise the Senate what they may expect if the amendment is agreed to.

Mr. RANSOM. The Senator from Kansas was not in the Senate, I think, this morning when I undertook to make a short preliminary statement in reference to this amendment.

Mr. INGALLS. That I heard. I heard the preliminary statement; that is, I heard the conclusion of the report of the engineers read.

Mr. RANSOM. The inquiry of the Senator from Kansas is a very proper one, and I will endeavor in a word or two to make the idea of the committee comprehensible to him, because I know the Senator from Kansas is perhaps the best advised Senator in this body upon this question, if he will permit me to say so. The plan which this amendment proposes is the one recommended by the board of engineers, General Gillmore, Colonel Craighill, and Colonel Comstock.

Mr. INGALLS. On what page of the testimony will that be found?

Mr. RANSOM. It will not be found in the testimony, but will be found in the report of the Secretary of War, in the executive document.

Mr. INGALLS. Upon what page of the executive document?

Mr. RANSOM. It begins at page 9.

Mr. SHERMAN. I suggest to the Senator that at the bottom of page 12 and on the following page he will find the conclusions of the board.

Mr. RANSOM. Yes, sir. I am stating now where it all is. It begins on page 9 of Executive Document No. 126, and ends on page 14.

As the Senator from Kansas has been considerate enough to advise me beforehand what he desires to know, I will come at once to the point of his suggestion. The Senator wishes to know whether the plan recommended by the board of engineers, and which is suggested in this amendment, is a plan for filling up the flats or a plan adopting what is known as the Holland method of diking the flats. The plan proposed by the board of engineers is a plan for filling up the flats. It proposes to reclaim the flats, to fill up the flats almost entirely.

Mr. INGALLS. That is, to elevate the entire seven hundred acres, so that the whole surface will be above flood level?

Mr. RANSOM. Yes, sir; so that the whole surface will be above flood level, but not so that the whole surface will be as high as the embankment. I do not know that I can make myself clear to the Senate, but I will try to do so, at least to the Senator from Kansas. The plan proposed by the engineer of the city and the river, and adopted by the board of engineers, was to put all around the reclaimed land a heavy embankment sufficiently high and above all flood, but not to extend that embankment over the whole area of flats, simply making an embankment and then raising the flats up to within five or six feet of the top of the exterior embankment. They said that if they had $5,000,000 it would be better to raise the whole area of the flats up to the summit of the embankment, but for economy's sake they thought it would be as well to let the embankment be twelve feet high and the whole area of the flats somewhere from six to nine feet high. That is the original plan of Major Twining, improved by Colonel Abert; and finally, I may say, almost perfected by the board of engineers adopting in their plan the suggestion of the sanitary engineers in reference to the health of the city. As I understand it, when the work is completed the flats will be raised above the flood-mark; there will be perfect drainage of the area reclaimed; a thorough reclamation of that part of the sewage of the city connected with the flats; and an entire prevention of all overflow of the city.

Mr. INGALLS. And a total expenditure, when the work is entirely completed, of $2,500,000?

Mr. RANSOM. Yes, sir; if my friend from Kansas will look at it he will see that the total expenditure under that plan is $2,500,000.

I had as well, perhaps, say now, while I am on the floor, not to prolong this debate, that what is known as the Holland plan, putting a dike around and using pumps for throwing out the water of the sewage, received no favor whatever with any of the engineers of the United States, or any of the sanitary engineers except one. It met with their decided disapprobation.

Mr. VEST. I do not want to continue the discussion, but there is a vast difference of opinion between the members of the select committee on this question. From the beginning my idea was that this improvement should be complete and final; that it should not be done by piecemeal; that it should not be done by parcels; that it should be worthy of the country, worthy of the national capital, and that it should be a finality.

Mr. RANSOM. I dislike to interrupt my friend from Missouri, but will he permit me to say that which I ought to have said before? What the Senator from Missouri says is strictly true; he has always been in favor of a grand, bold, and thorough improvement; he has always insisted that the flats should be elevated up to the summit of the exterior wall or embankment, but if he will look at the testimony he will find that Colonel Abert and Major Twining both declared that this plan, if carried out as devised by them now, could be afterward supplemented without inconvenience by the elevation of the whole flats up to the summit of the exterior wall, and that if the Government should think proper to make further expenditures this would be but preliminary to the final work, if Congress should so desire it.

Mr. VEST. The testimony of Colonel Abert and of Major Twining, as I will proceed to show by reading, for that is the best evidence, was that this expenditure of $2,500,000 would be for a partial improvement; that so far as it went it was well enough, but that it was imperfect, and that they only recommended it because they did not believe Congress would give over two and a half million. It was their statement repeatedly before the committee that they believed the improvement which ought to be made would cost $5,000,000, but they only asked for two and a half million because they thought Congress would not give any more.

I proceed to read from that testimony to show that this amendment, based upon the report of the committee, must necessarily be imperfect; that it is partial; that it does not do what the Senator says should be done; and that instead of improving the Potomac flats or removing this deadly malaria of which we have heard so much this morning, there is no assurance that two and a half million dollars will do any such thing; and the testimony we took from these experts shows it. One of them is now dead, in his grave, and the ablest, in my judgment, of all the engineers who have passed upon this improvement. I read from the eleventh page of the testimony taken before our special committee a question I asked of Colonel Abert and his answer:

Question. What do I understand you now to say you would do if you had the money?

Answer. If I had the money I would fill the entire area proposed to be reclaimed to the level of two feet above the flood of 1877, or to an average of twelve feet above low water. Such an improvement would possess the best sanitary conditions, and would afford the ground for excellent building-lots or for a fine park, as might be desired.

By Senator GORMAN:

Q. That is not the recommendation of the board, is it?

That is, of the board upon whose recommendation my friend from North Carolina bases his amendment.

A. No; the recommendation of the board is based upon the assumption that the appropriation would be limited to $500,000. They endeavored to secure what they regarded as the best plan which could be executed for this sum of money.

Not the best plan to be had, but the best plan to be had for two and a half million dollars.

Q. But I want to understand the recommendation of the board?

A. The board recommend the adoption of the lines laid down upon my map as

the exterior lines or front of the inclosed area. Above the bridge they recommend Major Twining's plan of filling. Below the bridge they recommend the plan described in my report. Above the bridge Major Twining proposes to fill to the level of two feet above low water between Easby's Point and the sewer-canal. Between the sewer-canal and the bridge he proposes to inclose the area with an embankment of the same height, and to excavate the interior so as to form a pond of one hundred and twenty-seven acres, and a depth of not less than eight feet, provided with inlet and outlet gates to be used for flushing the Washington channel. Below the Long Bridge the method of improvement has been already described. This is the plan recommended by the board, subject to such modification of details as a further study may suggest as advantageous or expedient.

Q. So I understand—

Said the Senator from Maryland, [Mr. GORMAN.]

So the recommendation of the board is only to fill two feet above low water the entire surface, with a bulk-head twelve feet above low-water mark or two feet above high-water mark?

A. To the level of about two feet above the freshet of 1877.

Q. Do you concur in that recommendation?

A. I think the plan a good one. I should prefer to fill the entire area from Easby's to a point opposite Giesborough to the general level of two feet above the freshet of 1877, leaving the sewer-canal to be dealt with by the District commissioners.

By Senator VEST:

Q. Have you ever made an estimate of how much it would cost to fill up the whole of it?

A. The estimate I made at one time amounted to nearly $5,000,000. I think it advisable, however, to retain a winter harbor for the protection of the shipping from the ice.

In this unsatisfactory, imperfect, unspecific condition this matter is left. So far as it goes, say the board of engineers, we propose to improve to the extent of two and a half million dollars, not that it removes this malaria; it is good in so far as two and a half million dollars will do it, but they say if they had $5,000,000 they would undertake to make a perfect improvement. I suppose, however, the Senate will vote to pass it anyhow and I have no more to say about it.

Mr. INGALLS. Mr. President, there has been a great deal of unfounded romance about the sanitary aspects of this question. Every time this subject comes up for discussion we are treated to disquisitions upon the tremendous danger that threatens this community from the exposed condition of the Potomac flats; we hear about the Kidwell Bottoms as a pestilential bog, a fetid, feculent quagmire that is continuously sending up its poisonous exhalations to be drifted over upon this side and resulting in depopulation and the destruction of the value of property and health and in subsequent death. We are also told by the Senator from Michigan [Mr. CONGER] that the country was shocked to learn during the illness of President Garfield that malarial complications also entered into the treatment of his disorder, so that he was ultimately compelled to be removed from the White House to Long Branch, where he died.

Mr. President, all these assertions are contradicted by the plain facts in regard to the health of this city. The per cent. of zymotic or preventable diseases is less in Washington than in any other city of its population on the continent. The general health of the people here is better than in any other city of its size upon the continent. I believe that the final conclusions of the physicians are that the allegation that the illness of the late President was in any way seriously affected by the malarious exhalations from the Potomac flats is wholly without foundation. I say this for the purpose of repelling the argument that is continually made here that Congress has been delinquent in its duty toward the people of this District by refusing heretofore to make vast appropriations for the purpose of reclaiming this morass in front of the city.

That something ought to be done I have no hesitation in saying, but I am bound to add also that the present condition of this amendment is exceedingly unsatisfactory to me. We are told that there are some doubts about the title to this property, and amendments have been offered for the purpose of protecting the rights of the United States Government in case this appropriation is made. It does not appear to me to be material whether the property belongs to the Government or to the Kidwell heirs. If it is essential from sanitary or commercial considerations that the improvement should be made, it makes no odds whom the property belongs to. We do not require when we improve rivers and harbors or when we dig canals that there shall be first an effort made to protect the rights of the Government or the rights of private citizens. If we decide that the work ought to be done we direct the authorities to condemn the property and proceed with the work, and leave the subject of damages to be decided thereafter. So it makes no difference whatever whether the property belongs to the Government or belongs to the Kidwell heirs. If sanitary considerations or commercial considerations require that this wall shall be built, the channel rectified, and the flats reclaimed, it should be done irrespective of the question of title, because I believe in case of damage it may be assumed that the amount we should be called upon to pay would be the value of the property when the work was begun and not the enhanced value that might arise after the work had been completed.

But there is another aspect of the case to which I want to call attention. It is left in doubt by this amendment whether this reclaimed land, amounting to about seven hundred acres above and below the Long Bridge, is to become a part of the public reservation of the city, or is to be used hereafter for commercial purposes and for purposes of speculation and sale. I believe that the vast area which is to be reclaimed, elevated, diked, in whatever manner you please, ought to continue to remain a part of the public reservation extending from the Capitol to the Naval Observatory, and that no amendment should be agreed to by the Senate and that no plan of reclamation should be adopted by the Senate which does not provide that this final disposition shall be made of that ground.

In the testimony taken before the select committee there is evidence going to show what the commercial value of this property would be after it had been reclaimed, showing that it would be worth so many cents a foot and consequently so many dollars an acre, leaving the impression that it was the purpose in reclaiming this property to give it a commercial value and have it sold either for wharves or docks or business houses, so that it might add to the commercial value of the city. I am opposed to that, and I would desire that whenever this plan is adopted it shall provide that the land shall be a part of the public reservations of the city, to be built in it, included in it, adopted in it, so that from the Capitol to the Naval Observatory there shall be one continuous and unbroken mall or reservation devoted to public purposes.

Mr. DAWES. How about the railroad?

Mr. INGALLS. I would remove the Baltimore and Potomac Railroad at once if it were in my power; and if it were not possible to do that, I would compel them to build viaducts the full width of the roads wherever they cross them, which should be sufficient to afford safe and easy transit both for horse and foot travelers. I think that ought to be done, and done promptly.

I regret exceedingly that the select committee when they had the subject referred to them did not report to us an intelligible bill, a complete and comprehensive plan, which should not only enable us to vote as to what ought to be adopted as the engineering system but also to declare what disposition should be made of the seven hundred acres of ground after it is reclaimed. That is wholly left in doubt, and to that extent it is unsatisfactory.

The Senator from North Carolina states that it is proposed to adopt the plan mentioned in the report of the board of engineers; and to that extent, of course, we know what is to be done, but the rest is all left to the dark. We have not any information as to the amount that is to be expended, as to the result that is to be accomplished, nor as to the disposition which is to be made of this vast tract of territory after it has been reclaimed.

Mr. RANSOM. Since I was last on the floor, I have received a paper from the Commissioner of the General Land Office, which I ask may be printed in the RECORD. It is too long to be read.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The paper will be printed in the RECORD, if there be no objection.

The paper is as follows:

MEMORANDUM.

The title of the United States to the bed of the Potomac River through the District of Columbia was derived from the cession of jurisdiction by the State of Maryland.

The United States has such title to the soil under the navigable waters of the Potomac River within the District, and to the islands, flats, bars, and marshes in said river, as the State of Maryland had.

The alienation of the sovereign title to the shores of navigable waters and the soil under them, or the disposal of the flats, bars, and marshes within such waters, was not authorized by the general land acts of the State of Maryland.

The laws of Maryland providing for the disposal of vacant lands, and which were adopted by Congress for the District of Columbia, authorized the disposal only of lands of a certain defined character.

The United States could dispose only of such lands within the District under those laws as the State of Maryland could have disposed of prior to the cession under those laws.

If the tract now in question could not have been disposed of by the State of Maryland under the act of 1781, it could not legally have been disposed of by the United States under the joint resolution of Congress of 1839.

The land that could have been disposed of under the general land acts of Maryland was land suitable for occupation and cultivation. It was not land that by the accumulations and hardening of future years might become suitable for cultivation, but land actually cultivable. The term "vacant cultivation" as authoritatively construed, implied unappropriated land that could be cultivated.

If the "Kidwell Meadow" was in 1869 a strip of marsh in the Potomac River, subject to overflow by tide-water, it was not cultivable land authorized to be disposed of by the Maryland acts and the joint resolution of 1839.

If the land was not of the character authorized to be surveyed by said laws, and the instructions issued thereunder, that is to say, if it was not "firm land and not subject to tidal overflow," its survey in 1867 was illegal and the approval of said survey in 1869 was without authority.

The public land laws of the United States are not operative in the District of Columbia, and the disposal of land, the property of the United States therein, can only be made by special authority of Congress. Patents for lands in said District cannot issue without express provision of law.

If the patent to Kidwell was not for land authorized to be disposed of by the Maryland acts and the joint resolution of 1839, its issue was without authority.

The land must also have been vacant, unappropriated land. The Maryland acts contemplated only the disposal of lands of such character. It was further provided in the joint resolution that "any land which may have been ceded to, or acquired by, the United States for public purposes shall not be affected by said acts."

The Potomac River in its course through the District is appropriated to the public uses of navigation. The alienation of the title of the United States to the flats, bars, and marshes therein would impair those uses by impeding harbor improvements and interfering with the removal of obstructions.

The United States is the proprietor of the land adjoining the Kidwell Meadows, so called, having acquired the same for the uses of the Naval Observatory and other public purposes.

The land in question is of alluvial formation. If in 1869 it had been raised above low-water mark by gradual accretion, it had become attached to the adjoining property through riparian rights, and would for that reason have been taken out of the class of lands subject to the operation of the Maryland acts and the joint resolution, first, because the title to the adjoining property had passed from the State of Maryland to private proprietors prior to the cession, and second, because of the public uses to which the adjoining property had been dedicated by the United States.

The segregation of such land and its disposal at private sale would have required

special authority of Congress, without which an attempted sale by the executive officers of the United States would be void.

The patent to Kidwell can be sustained only on the following propositions:

First. That the land was firm cultivable land in 1869.

Second. That it was above high-water mark at that date and not subject to tidal overflow.

Third. That it was unappropriated to any public purpose.

Fourth. That it was separated from the mainland by a navigable channel, and was an island in fact, and not an accretion to the mainland.

Fifth. That it was without the municipal jurisdiction of the city of Washington.

Sixth. That the acts of Maryland and the joint resolution of 1839 contemplated the disposal to private persons of the islands, flats, bars, and marshes in the harbor of Washington.

Unless each and all of the foregoing conditions are met the patent to Kidwell was issued without proper authority.

But whether said patent was issued without authority, or whether it is voidable by reason of fraud or mistake, or whether it conveys a valid title to the land, are questions that can, of course, only be determined by the courts.

Mr. FARLEY. Mr. President, I shall be compelled to vote against the amendment, and I wish to state the reasons which will control my action. In the first place, the Committee on Commerce have never considered this question in any shape or form. It is true that the original application was referred to the Committee on Commerce last May a year ago. In December of last year a select or special committee was created for the purpose of taking the whole matter into consideration. They had all the paraphernalia of carrying on the investigation; they had their stenographer and their secretary, and they had before them as witnesses all the persons who have examined this question. Not one word of their examination has ever been submitted to the Committee on Commerce. I understand the Senator from North Carolina now to say that the Committee on Commerce had nothing to do with it. Therefore, I say the proposition now to ingraft this amendment upon the river and harbor bill ought to have no place in this body.

Mr. RANSOM. But the Senate determined by a very decided vote on Saturday last that it had a proper place on the bill.

Mr. FARLEY. I am speaking now of the propriety of the Committee on Commerce being saddled with this important amendment of half a million dollars—for what? To improve the harbor of Washington? To improve the Potomac? No, sir; the very object of the creation of the select committee was, as has been properly and ably stated by the Senator from Missouri and others, to investigate the sanitary condition of the Potomac flats. To that end they have sought testimony; they have had experienced physicians before the committee time and again, and not one word of their testimony has ever been submitted to the Committee on Commerce.

I say, as an humble member of the Committee on Commerce, that here is a bill that is already subject, in my opinion, in many respects to the just criticism of the country as to the enormity of the appropriations which have been reported by that committee, amounting now to nearly $20,000,000, an increase of more than $2,000,000 over the bill as it passed the House. Yet without the committee having any intimation reported by the select committee to the Committee on Commerce, they are asked now to be charged with having this half million dollars added to this enormous bill.

In the month of December last the select committee took this whole question from the Committee on Commerce. During the summer months last year no action was taken by the sub-committee of the Committee on Commerce. Then it was withdrawn from that committee in December, and now we are asked to consent that the Committee on Commerce shall be charged with having increased the river and harbor bill another half million dollars by what should have been an entirely separate and different proposition.

I am not opposed to any appropriation which will tend to relieve what experts have said is an unhealthy influence in this city. I happened to be present on one occasion, and heard the testimony of some eminent physicians before the select committee; and in comparing, as was said by the Senator from Kansas a few moments ago, the condition of the health of this city with other cities, it was estimated by some of the eminent physicians whom I heard testify that so far as the health of Washington was concerned it compared favorably with the cities of Baltimore, Philadelphia, New York, and other large cities on the Atlantic side.

I am not opposed to a proper appropriation in the proper place for the improvement of the flats of the Potomac, nor would I be opposed to a bill improving the Washington and Georgetown Harbor, if there is such a harbor, but that question was never submitted to our committee. Three members of the Committee on Commerce are members of the select committee.

Mr. RANSOM. Five.

Mr. FARLEY. Three: the Senator from North Carolina, [Mr. RANSOM,] the Senator from Michigan, [Mr. CONGER,] and the Senator from Missouri, [Mr. VEST.] Then two others were added to it.

Mr. RANSOM. No; the Senator from Louisiana [Mr. KELLOGG] is on the select committee. There are five members of the Committee on Commerce on the select committee.

Mr. FARLEY. Who are the others?

Mr. RANSOM. I say that five members of the present Committee on Commerce are members of the select committee.

Mr. FARLEY. How many members are on the select committee?

Mr. RANSOM. The present select committee upon the Potomac flats is composed of seven members, five of whom belong to the Committee on Commerce, and two, the Senator from Maryland [Mr. GORMAN] and the Senator from Pennsylvania, [Mr. CAMERON,] do not belong to that committee. The present committee is composed of Messrs. RANSOM, KELLOGG, CONGER, JONES of Nevada, VEST, GORMAN, and CAMERON of Pennsylvania.

Mr. FARLEY. Then I stand corrected as to the members of the Committee on Commerce who were appointed on the select committee. As I have stated before, all matters pertaining to this proposition were taken from the Committee on Commerce, and that committee is not entitled to any particular credit or to any dishonor in any action that may be taken upon the pending amendment. That committee has had nothing to do with it; it has been in the hands of the select committee. The Senator says if I had paid proper attention to what was stated in the Committee on Commerce I would have known more about the history of this proposition. I remember that on the last day of the meeting of that committee this question was submitted to the committee and was rejected without any particular argument being presented before it. That I remember perfectly well. I paid that much attention to it; and I apprehend that I shall be sustained in this position by the chairman of the Committee on Commerce.

Mr. RANSOM. On the contrary, the Senator is mistaken in that position. I do not know that it is quite proper to speak in the Senate of what happened in committee, but as the Senator has spoken of it I will say that on the last day when other matters were through, and at the proper time, this matter was proposed to the Committee on Commerce, and upon the suggestion of the Senator from California it could not be heard, and then the committee, with some consideration for the select committee, did not reject it but expressly declined to give a vote upon it, saying that they did not wish to give the proposition a black eye.

Mr. FARLEY. Will the Senator answer me a question?

Mr. RANSOM. With very great pleasure.

Mr. FARLEY. Was anything stated as to any conclusion that had been arrived at by the select committee?

Mr. RANSOM. No; simply because a majority of the committee then present protested earnestly, as the chairman knows, against any further consideration of the matter, and it was agreed not to vote on the matter, but to let it pass.

Mr. FARLEY. The Senator was mistaken in the statement that upon my suggestion in the committee this matter was rejected.

Mr. RANSOM. I did not say that it was rejected.

Mr. FARLEY. I understood the Senator to say that a majority of the committee refused to vote on it at all.

Mr. RANSOM. I never said it was rejected. On the contrary, the Senator said it was, and I rose to correct him.

Mr. FARLEY. The Senator does not seem to have understood my position, or I do not understand his. I simply say that I am perfectly willing to vote for any proper appropriations that may be reported by the select committee in the form of a bill for the purpose sought to be attained by this amendment; but I object to the measure going upon the river and harbor bill, and I believe a large majority of the Committee on Commerce think the same thing, as was stated just now by the honorable Senator from North Carolina. The question now, as has been suggested, is that the Senate has passed upon the parliamentary right of having this appropriation on the bill. That is all very true; the Senate has so acted.

Mr. President, I have very little more to say in reference to this matter except to ask that the Committee on Commerce shall not be chargeable in any shape or form with the adoption of this amendment by the Senate. As was suggested by the honorable Senator from North Carolina, when I made the remark a moment ago, the labor that had been performed by the committee I have no doubt was very extensive. The Senator from North Carolina seems to have misunderstood my statement. The testimony taken and the report made here show that they have performed a large amount of labor. What I complain of is that that work which they had performed in taking and accumulating testimony was not submitted to the Committee on Commerce for its consideration, but it is proposed here to add this half million dollars in addition to what has been already put upon the bill.

That was my statement. I said the committee had performed a labor, and it is in a shape that could have been presented time and time again before the Committee on Commerce. The Senator misunderstood me if he understood me to say they did no work, because the evidence they have taken shows they have performed a large amount of labor; but I think we should have had it before us so as to have understood what the report was. We have had no report; we have had no bill from them.

I have said what I have in reference to this matter because I believe it due to the Committee on Commerce of which I am an humble member, and due to myself as having opposed this amendment both in committee and on the floor.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. RANSOM] as amended.

Mr. GARLAND. My amendment was accepted by the Senator from North Carolina I understand, and then the Senator from Ohio offered an amendment to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina as modified by the amendments offered by the Senator from Arkansas and the Senator from Ohio.

Mr. VEST. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. I understand the question to be upon inserting the appropriation for the Potomac flats in the river and harbor bill?

Mr. RANSOM. That is it.

The PRESIDING OFFICER. That is the question.

The yeas and nays were taken.

Mr. GARLAND. I do not know how the Senator from Vermont, [Mr. EDMUNDS,] if here, would vote. If he were present, I should vote for the amendment.

The result was announced—yeas 54, nays 7; as follows:

YEAS—54.

Anthony,	Dawes,	Ingalls,	Morgan,
Bayard,	Ferry,	Jackson,	Plumb,
Beck,	Frye,	Johnston,	Pugh,
Blair,	George,	Jones of Florida,	Ransom,
Brown,	Gorman,	Jones of Nevada,	Saunders,
Butler,	Groome,	Kellogg,	Sherman,
Call,	Grover,	Lamar,	Slater,
Camden,	Hale,	Lapham,	Van Wyck,
Cameron of Pa.,	Hampton,	McDill,	Voorhees,
Cameron of Wis.,	Harris,	Mahone,	Walker,
Chilcott,	Harrison,	Maxey,	Williams,
Conger,	Hawley,	Miller of Cal.,	Windom.
Davis of Illinois,	Hill of Colorado,	Miller of N. Y.,	
Davis of West Va.,	Hoar,	Mitchell,	

NAYS—7.

Coke,	Jonas,	Platt,	Vest.
Farley,	McMillan,	Rollins,	

ABSENT—15.

Aldrich,	Fair,	McPherson,	Sawyer,
Allison,	Garland,	Morrill,	Sewell,
Cockrell,	Hill of Georgia,	Pendleton,	Vance.
Edmunds,	Logan,	Saulsbury,	

So the amendment was agreed to.

Mr. CONGER. There is one mistake which should be corrected on page 7, line 137. The committee recommend the striking out of the word "five" before "thousand," and inserting "fifteen;" so as to make the clause read:

Improving harbor at entrance of Saint Jerome's Creek, Maryland: Continuing operations, $15,000.

I move that amendment.

The amendment was agreed to.

Mr. HARRIS. I offer the following amendment, to be inserted at the end of line 704, on page 29:

For continuing the improvement of the Cumberland River at Smith's Shoals, Kentucky, $25,000.

Mr. McMILLAN. I shall have to object to that that it is not in order. There was no amendment referred to the Committee on Commerce for that purpose.

Mr. HARRIS. The Senator is in fact mistaken. The amendment was offered, regularly printed, and referred to the Committee on Commerce four or five days ago.

Mr. McMILLAN. I am not so advised. I am not aware that that is the fact.

Mr. HARRIS. Let the Secretary report when the amendment was offered and referred.

The ACTING SECRETARY. "June 26, 1882, referred to the Committee on Commerce and ordered to be printed."

Mr. BECK. The Senator from Minnesota will recollect that I appeared before the committee and argued it, and thought I had convinced them of the propriety of the amendment.

Mr. McMILLAN. I beg pardon.

Mr. BECK. I went away believing they were going to insert it.

Mr. McMILLAN. I mistook the amendment of the Senator from Tennessee. Let it be read again.

Mr. WILLIAMS. The Senator will recollect that the Senator from Tennessee [Mr. JACKSON] and myself appeared before the committee to advocate this amendment.

The Acting Secretary read the amendment of Mr. HARRIS.

Mr. McMILLAN. I misunderstood the amendment. I thought it was an entirely different proposition.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

Mr. McMILLAN. This matter was fully considered by the Committee on Commerce, and after that consideration the committee rejected the amendment instead of making the appropriation. There was a proposition pending before the committee involving a survey of this river, and the committee adopted an amendment to the bill providing for a survey of whatever portion of this river is necessary to perfect and complete the survey of the stream, including Smith's Shoals.

Mr. HARRIS. I desire to say to the Senator from Minnesota and to the Senate that this portion of this river was surveyed some time ago, and work was commenced at Smith's Shoals and has been prosecuted and appropriated for for some years, I do not remember how many. It is estimated that $25,000 will complete the work. It develops an immense coal field, with navigable waters above and navigable waters below, and with the expenditure of this $25,000 one of the richest coal-fields in all of that country, if not in America, will be developed and opened out to the commerce of the United States.

I see no economy or wisdom in withholding so small an appropriation where commercial results so important and so large will be produced by making the appropriation to complete a work already begun, and that is comparatively if not absolutely useless unless completed.

Mr. WILLIAMS. Smith's Shoals are upon the Cumberland River, just above where the Cumberland leaves the Kentucky line and flows into Tennessee. The river below the shoals is navigable for steamboats for hundreds of miles, and it is above Smith's Shoals for several hundred miles for coal-boats. The Cincinnati Southern Railroad crosses the Cumberland River at Smith's Shoals at a little town called Burnside. Smith's Shoals are upon the dividing line between the sandstone region of the west and the limestone region of the east, and just above Smith's Shoals, which are eight miles in length, commence the great coal-fields of the western country that extend into Virginia. There are now above Smith's Shoals some thirty-four coal mines already opened. There is one mine that has expended $600,000 in building a railroad from the head of the shoals across to the Cincinnati Southern road in order to carry its coal by rail.

Three years ago an appropriation was made to build dams to overcome the obstruction in this part of the river filled with rocks. That appropriation was not sufficient to complete the work. It was estimated at first that it would be; but the young engineer officer who undertook the work built his dams on the wrong side of the river and threw the current against the sand-bank side of the river. The chief engineer came along and ordered him to take up the works and put them on the other side. He erected a dam, but it is not high enough to throw the whole current in one chanuel of the river.

Last year, instead of making an additional appropriation to continue these dams, an appropriation was asked for a survey to be made to see if it would not be better to construct a canal around the shoals instead of continuing the dams.

Mr. ALLISON. What sized canal, may I ask the Senator from Kentucky; I hope not a little one. [Laughter.]

Mr. WILLIAMS. It was a little bigger than the Hennepin Canal, perhaps. [Laughter.] That survey was made, and the estimated cost was so great that in the report sent to us by the Secretary of War, and the chief engineer, they recommended that $25,000 be appropriated to continue and complete the work of building the dams instead of a million dollars to make the canal. That is all there is in it.

This place is the beginning of the coal-fields. It is the first coal on the river Cumberland above Nashville, and the geological survey of that country demonstrates that there is more coal in that region than in all the Pittsburgh region. The first bank opened there by the Cincinnati Company was in a bed of the finest coal in the country; and with the expenditure of $25,000 this coal will have access through the Cumberland River to Nashville and down the Ohio to the Mississippi.

The sum asked for is a very insignificant one. Some thought a canal would be better to allow steamboats to go up; but the engineers say that the commerce and the demands of the country will be fully met by appropriating $25,000 to complete the wing-dams the Government has already commenced. They are there, but they are not high enough.

Both the States of Kentucky and Tennessee are interested. Nashville and the people of Tennessee are more interested than the people of Kentucky are; but it is a matter of great importance. There are thirty-four coal-mines already opened above these shoals, and the estimate is that at least 20 per cent. of the barges loaded with coal have been lost and wrecked by these shoals in the last year. That is shown in a report which I have before me. The survey was made by Captain Crozer of the engineers, and sent in by General Wright. It is a very small matter in the way of appropriation, and I think the Senate ought to adopt the amendment of the Senator from Tennessee.

The Cumberland is a great river. It is several hundred miles from these shoals to the Ohio River. The Cumberland rises in Kentucky, flows on two or three hundred miles, and then turns around and runs three or four hundred miles through Tennessee, and back again into Kentucky, and so into the Ohio, just hugging in her elbow these two great States.

I feel, as a Kentuckian, equally interested with the people of the State of the Senator from Tennessee. The engineer says $25,000 will complete the dams, and it does seem to me that it is an amount that the Senate should not higgle about. There is no question of the importance and necessity of it.

Mr. CONGER. I have the report of the Chief Engineer in regard to this——

Mr. WILLIAMS. I would suggest that the report to which I refer is a supplemental report filed after that.

Mr. CONGER. I know it is.

Mr. WILLIAMS. He admits that he made a mistake in not originally recommending this appropriation in the original report.

Mr. McMILLAN. The committee made no mistake in regard to it.

Mr. CONGER. In this bill for the Cumberland River above Nashville $30,000 is already appropriated; below Nashville, $15,000; above the mouth of the Jellico, still further up the river, $5,000; and at the south fork of the Cumberland, still further up the river,

an appropriation of $3,000 is made. These appropriations have been made in every instance in accordance with the recommendation of the engineers. Now I will read to the Senate what the engineers say in regard to Smith's Shoals:

Smith's Shoals, (eight miles long.)—This obstruction consists of four very shallow and rapid shoals, which at low water are almost dry but at high water become a torrent, and the project for improvement contemplates such deepening and smoothing of the rocky bed of the river as will enable coal-boats to descend at four and five foot stages of the river.

A change has been made during the last year in the channel on the lower part of Long Shoals, (the most serious of these obstructions,) and the result has proved highly satisfactory as far as experience has extended. The channel has been shifted to the north side of the river, and the dams and rock excavation have been so far completed as to justify the expectation that they will need no further appropriation at present.

That was the report upon which the committee had to act. The Engineer goes on:

A survey has been ordered for the purpose of ascertaining the practicability and cost of improving these shoals by locks and dams, and when this is reported on and the boatmen have had an opportunity of thoroughly testing the work already done there will be an opportunity for Congress to decide whether to undertake the more radical system of improvement.

The committee placed in this bill a provision for a resurvey of the Cumberland River through its whole extent, including also a special survey of Smith's Shoals with regard to the necessity and the cost of improving them by means of the locks and dams which are mentioned by the engineer in this report. That is the situation of it at present. The report of the engineer is that the money already expended seemed to accomplish the object desired; and the committee had before them a statement of the engineer in regard to improving this by locks and dams which would amount to perhaps $1,000,000; and the engineer, after saying that no further appropriation is necessary for the class of improvement which the Government has already done, recommends waiting until the boatmen can test the value of the improvement and until Congress shall have had further surveys made as to the amount of expenditure necessary for the slack-water navigation by locks and dams. I think under these circumstances it is apparent that the committee intended at least to do fairly by this Cumberland River and by Smith's Shoals.

Mr. DAWES. I should like to inquire for information whether it is contemplated to abandon the methods of improvement at this point of the Cumberland River under which the money has been heretofore expended?

Mr. WILLIAMS. I do not understand the Senator.

Mr. DAWES. The navigation of the Cumberland River is all that the Senator from Kentucky represents it, and this is a very serious obstruction to that navigation. Heretofore we have been expending considerable money upon that point, looking to an ultimate completion of the removal of those obstructions so as to have a continuous navigation of the river. But the debate to-day, especially the remarks of the Senator from Michigan, would lead to the idea that that expenditure had been a failure and that some other plan was contemplated. I should like to be informed, so that I may know more about it. I desire, so far as I am concerned, to vote for the expenditure of every dollar of money that can be laid out in a manner that will bring about the end; but if we go on for several years as we have done, and then find out that we have gone on the wrong plan and method, it is a waste of money, and I should like to have the Senator from Michigan tell us whether the engineers contemplate a change.

Mr. CONGER. I meant to say——

Mr. WILLIAMS. I can explain it. The Government has already appropriated money to build these dams, and the money appropriated has been expended. They are found not to be quite sufficient.

Mr. DAWES. Were they part of the original plan?

Mr. WILLIAMS. Certainly.

Mr. DAWES. That is what I wanted to know.

Mr. WILLIAMS. Last year there was a survey ordered. Some of the engineers thought that a canal around was the best plan, and they made that survey and found it would cost too much to build the canal, and the chief engineer recommends the continuance of the original work of throwing the water by dams into a channel, and $25,000 he says is quite sufficient to complete it.

Mr. DAWES. This discussion about the canal around led me to make the inquiry whether it was contemplated after all to abandon the work on the channel and try to go around it by a canal.

Mr. CONGER. I have sent for the report which the Senator from Kentucky has, and I meant to have shown that that was entirely consistent with the statement I have made here. This is a report made March 10, 1882, in regard to locks and dams such as I have spoken of, and the engineer says, among other things:

On the other hand it should be stated:

1. That even if Congress should make liberal appropriation for the work, say $300,000 for the first year—

And I may say that $875,000 is the estimate here for locks and dams making slack-water navigation—

it would take at least four years to complete the work, during which time no advantage would result to navigation; while at the rate such appropriations are usually made, a much longer time would elapse before the improvement would become available.

2. That the present system of dams—

Referring to the wing-dams which are completed now—

appears to give good satisfaction as far as tested, and it is probable that if the coal mines will make full use of the boating tides, and perhaps make some slight modifications in their temporary barges, they can now market all the coal they can mine not only safely, but profitably.

3. So far as rafts and loose saw-logs are concerned, it is quite likely that the present arrangement is as good if not better than the locks and dams would be.

4. From the head of Great Falls to the head of Smith's Shoals, the Cumberland River falls three hundred and twenty-four feet, and is so badly obstructed by bowlders that it can never be made navigable for steamboats at any reasonable cost; it is not therefore probable that the improvement, even if completed as herein estimated for, would ever be extended to the Upper Cumberland.

Major King, a very excellent engineer, says:

In view of these considerations, I would respectfully recommend that the present system of dams—

That is, wing-dams—

be tried for at least one year longer before undertaking the more radical system of improvement; and if this recommendation is approved a small additional sum could be advantageously expended in adding to and strengthening the dams already built, as suggested at the end of Assistant Engineer Crozer's report. If, however, Congress decides upon building the locks and dams, I would respectfully urge that at least one-fourth of the entire cost of the work be appropriated the first year, so that the necessary preparations can be made for a vigorous prosecution of the work.

The new work will not only be of no use, but will be liable to offer more or less obstruction to navigation until the entire work is completed.

Mr. BECK. Now read from the top of the last page and see the recommendation he makes of $25,000 for carrying out and completing the work.

Mr. WILLIAMS. I will state for the information of the Senator from Michigan, if he will allow me, that that report is upon the order to survey for a canal, and that argument is to show that the canal will cost too much, and he therefore recommends a continuation of the wing-dams that the Government had already erected there.

Mr. CONGER. He recommends $10,000 to be expended on the head of Smith's Shoals, as we have it in the bill; he recommends $5,000 to be expended in Rock Castle River, between the mouth and the Narrows.

Mr. HARRIS. The first line in that paragraph——

Mr. CONGER. I see that is the assistant engineer.

Mr. WILLIAMS. Yes, sir.

Mr. HARRIS. And transmitted by Major King, the chief engineer, with approval, and referred to as his recommendation.

Mr. CONGER. I do not find that.

Mr. HARRIS. If the Senator will look at page 4 he will see it.

Mr. CONGER. He says:

I would respectfully suggest that an appropriation of $25,000 to complete the present unfinished dams on Mill and Long Shoals, and to build two dams on Shadowen Shoals, and an appropriation of $10,000—

They are no part of the Smith's Shoals survey.

Mr. HARRIS. Mill and Long Shoals are part of Smith's Shoals, part of the same shoals.

Mr. CONGER. They did not appear to be so from any report before the committee. They are apparently other shoals, as all these recommendations are for other places.

Now, I desire to call the attention of the Senator from Tennessee to what the committee reported in regard to that. Among other things—

To make such survey and report as to the cost of placing locks and dams on the Cumberland River from Nashville, Tennessee, to the Cincinnati Southern Railroad, in Kentucky, as in the opinion of the Secretary of War is necessary to complete the examination and report of said river; said report to be—

First, as to the practicability of the work;
Second, its probable cost from Nashville to the Kentucky line;
Third, the cost from the Kentucky line to the Cincinnati Southern Railroad;
Fourth, the cost of locking and damming so as to improve Smith's Shoals.

This is put into this bill——

Mr. WILLIAMS. But let me ask the Senator right there what is the necessity of putting in a survey of Smith's Shoals with a view to a canal, when there is a report already and a survey, with the opinion of the Chief Engineer that it is too costly a work; and he says instead of doing this: I recommend that $25,000 be appropriated to continue the improvement on those shoals?

Mr. CONGER. I do not find any such recommendation. I do not want to quibble about it. I find from Mr. Crozer, assistant engineer, a recommendation for five places on the Cumberland River, not one of which, as I understand, relates to Smith's Shoals, because he distinctly says that the appropriation already made has improved those as far as they are capable of improvement by this mode of improvement, by wings and dams.

I do not think the committee would have been justified on the reports of the engineers in making this increase. The Senate can do as it chooses about it. Why should we have made this additional recommendation when all seemed to desire that there should be a more specific examination, including a resurvey of the whole series of previous examinations of the Cumberland River, with special reference to the propriety of putting locks and dams at Smith's Shoals, instead of trusting to wing-dams and the improvement of the river by deepening the channel?

Mr. HARRIS. I think, if I can have the attention of the Senator from Michigan, he and I will not differ very materially about this matter. There was, by Assistant Engineer Crozer, a careful survey

of the four shoals composing what are known as Smith's Shoals, composed of Mill and Long Shoals and two other smaller shoals, as the Senator will find in the second paragraph of page 5 of the pamphlet report from which he was reading. Assistant Engineer Crozer, after a careful survey and estimate, reports that a canal around those shoals will cost $875,000. He recommends that the present system of wing-dams, as has been adopted and has been perfected to a considerable extent, be completed at an expense of $25,000 in lieu of entering upon the more expensive and extensive work of digging a canal around this number of shoals, known as Smith's Shoals.

On page 4, near the bottom, the Senate will find that Major King, major of Engineers, refers to this report of Crozer with approval, and the last paragraph in Crozer's report, on page 8, at the top of the page, reads as follows:

I would respectfully suggest that an appropriation of $25,000 to complete the present unfinished dams on Mill and Long Shoals, and to build two dams on Shadowen Shoals, and an appropriation of $10,000 to be expended between the head of Smith's Shoals and the falls of the Cumberland, and an appropriation of $5,000 to be expended in Rockcastle River between the mouth and the Narrows, would be more benefit to commerce than the locking and damming of the shoals.

Here are the four shoals composing what are known as Smith's Shoals, distinctly named, with a recommendation of the engineer that $25,000 be appropriated to complete dams already commenced and incomplete, which will remedy the evil at least for the present, if not finally, while the plan of canaling, of which there has already been a survey, and for which there is now no necessity for an additional survey, is estimated to cost $875,000. We ask simply for an appropriation of $25,000 to complete the system already entered upon, already prosecuted almost to completion, which it is believed will remedy the evil at that place at least for the present, if not forever. I hope the amendment will be adopted.

Mr. BECK. I only want to correct one statement of the Senator from Michigan. He is mistaken about the appropriation that is made for the South Fork of the Cumberland above the shoals. The South Fork of the Cumberland falls into the main Cumberland just below Point Burnside, and it is below Smith's Shoals and in no way connected with them. It is quite a large stream, but it is not as long a stream as the main river, and runs through Southern Kentucky and Tennessee, falling in below Smith's Shoals and below the point where the Cincinnati Southern Railroad crosses. The effort now being made by this appropriation of $25,000 is in a cheap way to endeavor to get such navigation as will enable the great coal-mines in the Upper Cumberland, in Kentucky and Tennessee, to get their coal to market without waiting until the work which will have to be done in locking and damming as proposed by the engineers is carried out.

They have spent some money there, and $25,000 will make it so that coal-boats can pass up and down. Without this the coal cannot get to market except by extensive railroad hauling and waiting the uncertainty of an expenditure of $875,000. I think the $25,000 ought to be given. There is a large number of mines in Kentucky and Tennessee, and the interest is very large, and the chance of getting $875,000 for such an internal improvement is so slight when $25,000 will make the river complete, on which $30,000 has already been expended, that we thought it very little to ask for this allowance.

Mr. McMILLAN. I will suggest the condition in which the committee found these recommendations of the engineers and the reasons why they thought no additional appropriation should be made. In the regular report of the engineers we find the reference to Smith's Shoals by the Chief of Engineers describing the improvement and giving the amount of money which has been appropriated and the amount available for this improvement. Referring to Smith's Shoals the Chief of Engineers says:

This obstruction consists of four very shallow and rapid shoals, which at low water are almost dry, but at high water become a torrent, and the project for improvement contemplates such deepening and smoothing of the rocky bed of the river as will enable coal-boats to descend at four and five foot stages of the river.

* * * * * * *

Amount expended to June 30, 1881, $92,929.06.

And according to the money statement appended to the report of the Chief of Engineers on the 1st of July, 1881, the amount available was $7,070.94.

Then a survey looking to the improvement of Smith's Shoals by a system of locks and dams or by a canal was referred to the Engineer Department of the Army. That improvement was considered and a survey of the falls made and a special report returned to the War Department by the engineer in charge of the district and by his assistant, and transmitted by the Secretary of War through the Chief of Engineers to Congress.

It appears from the report of the engineer in charge, Major King, of the Engineer Corps, that the improvement by a canal or by a system of locks and dams, using the bed of the stream as a canal, is impracticable and should not be undertaken at present. The engineer says that the improvement as it exists at present, if the proprietors of the coal mines will take advantage of proper stages of the water, can send to market all the coal they mine above this point. So there is no necessity for carrying forward this improvement in order to permit the coal mined above this point to be transported to market, and the engineer does not recommend that any new work be accomplished at that point.

The assistant engineer, that is the civilian, not one of the Engineer Corps of the Army, but the local engineer who makes a survey, recommends in his report—

That an appropriation of $25,000 to complete the present unfinished dams on Mill and Long Shoals and to build two dams on Shadowen Shoals, and an appropriation of $10,000 to be expended between the head of Smith's Shoals and the falls of the Cumberland, and an appropriation of $5,000 to be expended in Rockcastle River between the mouth and the Narrows would be more benefit to commerce than the locking and damming the shoals.

He does not make a recommendation that this amount be appropriated, but says that it would be better to do that than to undertake the appropriation to carry out and perfect the system of dams and locks in the river at the shoals. The Engineer of the Army, in referring to Mr. Crozer's report, uses this language:

If, however, Congress decides upon building the locks and dams, I would respectfully urge that at least one-fourth of the entire cost of the work be appropriated the first year.

And he says further in his report:

A small additional sum could be advantageously expended in adding to and strengthening the dams already built.

But he makes no definite estimate, he gives no data upon which we could make any recommendation to the Senate or insert this item in the appropriation bill. There appearing to be an unexpended balance on the 1st of July, 1881, the recommendation, giving it the most favorable construction, being that a small sum might be appropriated, we concluded that the matter was not such a one, that the necessities of commerce were not such as to require any appropriation to this particular locality at this time, and having embraced in the bill all the other items of appropriation for the Cumberland River, which have been mentioned by the Senator from Michigan, and which I need not now repeat, we thought that abundant provision had been made for the improvement of that river.

Mr. WILLIAMS. After work was commenced on these wing-dams in the channel, a project was started by digging a canal around these shoals, which are eight miles in length, and a survey was made under authority of the chief engineer with that view, and the officer employed as an engineer was W. C. Crozer, assistant engineer, who did the work, and upon his report to the chief engineer, Major King, of the Engineer Corps, after reviewing the cost of the canal, which would be nearly a million dollars, and showing that the interests of commerce above the shoals were not sufficient to bear so costly an improvement, says:

In view of these considerations, I would respectfully recommend that the present system of dams be tried for at least one year longer before undertaking the more radical system of improvement; and if this recommendation is approved a small additional sum could be advantageously expended in adding to and strengthening the dams already built, as suggested at the end of Assistant Engineer Crozer's report.

That is what we ask $25,000 for, to continue these dams already partially built. Now, here is the report to which Major King refers:

I would respectfully suggest that an appropriation of $25,000 to complete the present unfinished dams on Mill and Long Shoals, and to build two dams on Shadowen Shoals, and an appropriation of $10,000 to be expended between the head of Smith's Shoals and the falls of the Cumberland.

All we are asking now is the $25,000 to complete Mill and Long Shoals and build a dam on Shadowen Shoals. This is recommended. We do not ask the balance of the amount named in the report, between there and the falls, and for the Rockcastle River. We do not ask for any more surveys. There is an abundant survey, as shown by the map in my hand, accompanied by a map which is before the committee and is in the committee-room now, showing Smith's Shoals, embracing Mill and Long Shoals, and also the Shadowen Shoals. They are known as a group as Smith's Shoals, and in the amendment offered by the Senator from Tennessee nothing is asked for any portion of the river above these shoals nor for any portion above the falls in the Rockcastle River. If this is not recommended by the engineers as clearly as anything that is before us to-day I do not understand the force of the English language.

This system was commenced before the survey of the locks and dams commenced. The engineers made a survey for the locks and dams and they reported against that plan, and recommended in that report a continuation of the system begun the year before by erecting these wing-dams. That is all I have to say.

Mr. McMILLAN. I wish only to say in justice to the committee that we had every desire to make any appropriation that we felt would be justified for this purpose, but there is really no recommendation in this special report upon which Congress should act. It is not a recommendation of the Chief of Engineers. The only recommendation we act upon here in making these appropriations is the recommendation of the Chief of Engineers transmitted by the Secretary of War. Now, here comes a recommendation first from a civilian who is residing at this point, and of course desires to make as favorable a recommendation as he can, who makes a recommendation which is conditional in its character and quite indistinct, and when it comes to the assistant engineer, who is still a subordinate, he makes his recommendation quite indefinite and says a small amount might be appropriated to repair these dams.

Mr. WILLIAMS. And in that connection he refers to a report where the amount is specified.

Mr. McMILLAN. But the Chief of Engineers, who transmits this report through the Secretary of War to Congress, and who is the

responsible officer to Congress, and upon whose reports we rely, makes no recommendation and fails entirely to mention the thing in his report. Under these circumstances the committee, after using all the effort they could to comply with the request of the Senators, were compelled to refuse it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

The amendment was agreed to—ayes 26, noes not counted.

DISTRICT WATER SUPPLY.

Mr. HARRIS. I ask leave to submit at this time a conference report.

The PRESIDENT *pro tempore*. It will be received.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 1723, to increase the water supply of the city of Washington, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the amendment of the House numbered 1, providing for a fish-way at the Great Falls of the Potomac, &c., and they also agree to recommend the following as a substitute for amendment numbered 2 of the House to said bill:

"That one-half the cost of said improvement, excluding the fish-way, shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that interest at the rate of 7 per cent. per annum thereon shall be annually computed and charged to said account, and that any surplus of water rents over and above the expenses of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water-works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created, until the same shall be finally extinguished; and the water rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of said account, and until further action by Congress, the surplus water rents shall be paid into the Treasury of the United States."

ISHAM G. HARRIS,
A. P. GORMAN,
Conferees on the part of the Senate.
HENRY S. NEAL,
MILTON G. URNER,
ABRAM S. HEWITT,
Conferees on the part of the House.

The report was concurred in.

AMENDMENTS TO BILLS.

Mr. ROLLINS, from the Committee on Naval Affairs, reported two amendments intended to be proposed to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK and Mr. WILLIAMS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table and be printed.

Mr. VANCE. I have been absent all day on business of the Senate, and I ask unanimous consent to submit sundry amendments to the internal-revenue bill.

The amendments were received and ordered to lie on the table and be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. FARLEY. I move as a committee amendment, a majority of the Committee on Commerce authorizing me to offer it, to strike out "sixty" and insert "one hundred" in line 338; so as to read:

Improving Yaquina Bay, Oregon: Continuing improvement, $100,000.

This matter was before the committee upon an amendment offered by one of the Senators from Oregon, and it was rejected by the committee; but a majority of the committee have authorized me to offer this amendment at this time, so that it avoids the objection of coming in as the amendment of an individual Senator. It is an amendment authorized by a majority of the Committee on Commerce.

This improvement is a valuable one and necessary to the commerce of the State of Oregon. Large improvements are going on immediately connected with this harbor. A railroad is being built from this point up through a very rich country in that State. The amount named in the amendment is a very small addition to the amount which has already been given. Sixty thousand dollars has been appropriated by the House for this improvement. This simply asks as a matter of justice to those people in order to make this available that we make the sum $100,000 instead of $60,000. It adds $40,000.

I understand from very reliable authority that the amount of revenue that will be collected there during the present fiscal year if this harbor is improved will be not less than $168,000 upon materials now in the city of San Francisco ready to be shipped to that point to be laid down on a railroad leading out from Yaquina Bay to the interior of Oregon and through the richest portion of that State. Taking into consideration the appropriations that have been made here, I look upon this as being one of the most important and necessary appropriations that are contained in the bill. This improvement will accommodate a large commercial interest; it will protect a large wheat-growing interest throughout that State. It will open up to the interior of the State an outlet without having to go down the Columbia River at a cost of transportation involving a loss on the products raised in that region of the State.

It seems to me that under these circumstances, while one or two or three of the committee are opposed to this amendment, it ought to be adopted. Some may think that Oregon has already a sufficiently large proportion of the appropriations in the bill, but that should not enter into this discussion, in my judgment, because this is an important amendment. To keep this harbor unimproved strikes at the very producing and shipping interests of that portion of the State. I hope the amendment will be adopted.

Mr. McMILLAN. I think there was no amendment offered or referred to the committee in regard to this matter, and the amendment now, I suppose, is out of order.

The PRESIDENT *pro tempore*. Does the Senator raise the point of order on the ground that no amendment was offered and submitted to the committee?

Mr. FARLEY. I draw the attention of the chairman of the committee to the fact that the amendment was voted down in committee.

Mr. McMILLAN. I do not understand that there was any amendment submitted in the Senate and referred to the committee, and I suppose the point of order is good that under those circumstances the amendment cannot be offered here.

Mr. SLATER. If the Senator will yield a moment, my colleague [Mr. GROVER] offered an amendment, some days prior to the sitting of the committee, on this question, providing that this item be increased to $150,000, and had it regularly referred to the committee.

Mr. McMILLAN. The amendment was not proposed formally and brought to the attention of the committee, but the matter was considered in committee.

The PRESIDENT *pro tempore*. But the Senator from Oregon says the amendment was offered and referred.

Mr. McMILLAN. Then, of course, the point of order would not apply.

Mr. GROVER. I will state that I offered the amendment in due time, and it was referred to the committee.

Mr. McMILLAN. And we considered the matter of increasing this appropriation at the suggestion of the Senators, whether a formal amendment was offered or not. It was brought to the attention of the committee on two occasions during the course of the consideration of this river and harbor bill. We gave it very full consideration on both occasions, and on both occasions the committee refused to make the amendment. The report of the Chief of Engineers shows that the amount estimated as required for the completion of the existing project at Yaquina Bay is $415,000. The Chief of Engineers also states that the amount that can be profitably expended this year is $60,000. That is the statement in the volume of reports of the Chief of Engineers. The House committee inserted in this bill the whole amount which the Chief of Engineers states can be profitably expended this year at that point. That is an unusual circumstance. If the same course were pursued in regard to all the improvements recommended by the Chief of Engineers, this bill would be an amount which would be almost incredible. Already allowing as the average rate to each improvement 33⅓ per cent. of the recommendations of the Chief of Engineers, this bill amounts to over $19,000,000, and yet this amendment embraces the whole amount which can be profitably expended on this improvement.

Under these circumstances, the whole amount having been allowed in the House bill, the committee did not feel justified in increasing it, particularly in view of the fact that the improvements in the State of Oregon receive in this bill this year the amount of $518,500.

Mr. FARLEY. If the Senator will allow me a moment, out of that amount $300,000 is appropriated for cutting a canal around the Cascades.

Mr. McMILLAN. That is one of the principal improvements in Oregon, and we increased the appropriation made in the House bill for that improvement, because we regarded it as a very important improvement and thought the amount allowed had not been in due proportion. We increased another improvement in Oregon, that of the Columbia River between Portland and the sea, for the improvement of the mouth of the river, and under those circumstances——

Mr. COCKRELL. Do I understand the Senator to say that the appropriation already made to this object is just as much as the engineer officers have recommended?

Mr. McMILLIN. The engineers say that the amount which can be profitably expended this year is $60,000; and the House bill contains that whole amount. There is no railroad completed to this

point yet. The next session of Congress is but a few months hence. An appropriation will be made at that time if the circumstances then require it. Certainly the Senate should take these things into consideration, and I do not think this amendment should be allowed.

Mr. SLATER. If I can have the attention of the Senate for a few moments I should like to say a word in connection with this amendment.

The conditions which surround this bay are exceptional in this, that until recently no appropriations have been made for it. Two years ago an appropriation of $50,000 was made; last year an additional appropriation of $10,000. Since these improvements have been commenced a line of railroad is projected and under construction. Already the mountains which intervene between this bay and the Willamette Valley are being penetrated by tunnels; 6,000 tons of steel rails of foreign make now lie in warehouse at San Francisco, the duties upon which will be paid within the next sixty days at the newly created customs district at Yaquina Bay. The company will lay these rails within the next few months.

Now, it is but a small amount to ask that the very money this company is paying into the Treasury of the United States may be used to improve a harbor that in a few years is to become the outlet of a transcontinental railway line. The capital which is constructing this road is not Oregon capital, but eastern capital. The construction of this work is important, is necessary, and the demand for it is pressing and immediate.

It is true as Senators say that the bill gives all that the estimate made a year ago asked for this bay; but since that time——

Mr. McMILLAN. The estimates on which all the appropriations in the bill are based.

Mr. SLATER. I understand; but it is very common to increase the estimates where subsequent information is gained, as in this case, from the Department, which is now in the possession of my colleague, which shows that $140,000 is recommended by the Chief of Engineers. This, then, is below the proper estimate. The conditions and circumstances that existed a year ago, and that probably influenced the engineers in saying that $60,000 would be all that could be economically used, have very much changed. What was then shadowy and uncertain has now become fixed and certain. The fact that a railroad would be constructed was then not so definitely fixed as it is to-day. Now thousands of men are at work upon this railroad line; several thousands of tons of iron are in San Francisco awaiting early delivery for use upon it, and the work is rapidly progressing. Improvements have been made in the bay in the way of wharves and warehouses to receive this freight and other freight which is to follow within a few months.

So it will be seen that the importance of this increase is urgent and the conditions which surround this case have very important bearings.

The Senator from Minnesota says that Oregon has already $518,000 in the bill. That perhaps is very true, but the Senator forgets that the larger proportion of that is expended upon the northern border of Oregon, and that Washington Territory, Idaho Territory, and Montana Territory are equally interested in its expenditure. The opening of the Columbia River is not a mere local concern, but a matter of national importance. Through the pass through which the Columbia finds its way to the ocean within the next few months are to come two continental lines of railway, and the bearing the improvement of this river will have on those great lines is very important. I submit to the Senator that it is not quite just to undertake to charge the State of Oregon with improvements which have so wide and general an importance and relate to such a large traffic as is growing up there.

Again, sir, it is sometimes said—I do not know that the Senator said it in his argument just now—that the bill gives us all that we ought to have in consequence of our limited population.

Mr. McMILLAN. Oh, no; I made no such remark as that.

Mr. SLATER. Whether the Senator said it or not, it is an argument often used against us. I wish to call the attention of the Senate to the fact that last year the foreign commerce that went out from the Columbia River amounted to $8,000,000, and the coastwise commerce to $8,000,000 more. These facts ought to be remembered. The development in the commercial matters of the United States on that coast is very great, and in the immediate future I believe it will be very much greater than at present.

I hope the amendment will be allowed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California, [Mr. FARLEY.]

Mr. McMILLAN called for the yeas and nays, and they were ordered.

Mr. GROVER. As the question of estimates has been mentioned, I will say that I addressed a letter to the Secretary of War upon the subject of the estimates for these improvements, and through him I have a letter which I desire to have read.

The PRESIDENT *pro tempore*. The letter will be read.

The Acting Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 11, 1882.

SIR: I have the honor to acknowledge the reference to this office on the 7th instant of the letter of that date from the Hon. L. F. GROVER, United States Senate, requesting certain information in regard to the improvement of Yaquina Bay, Oregon, and to return the same with the following copy of a telegram received from Captain Charles F. Powell, Corps of Engineers, in reply to inquiry from this office, in whose views I concur:

"If sufficient appropriation be made south jetty, Yaquina Bay, can be completed to projected outer end in two years; with adequate appropriation available before April, present length of five hundred feet, an addition of two hundred feet, could be finished before July, or addition of one thousand feet in present calendar year. One hundred and forty thousand dollars can be prudently expended in next fiscal year provided that the work is to be continued. Do not recommend any appropriation to the prejudice of Cascade locks; latter is not experimental and is for direct benefit of present large increasing commerce, and where all work is now stopped for want of funds. That work merits the first and largest appropriation in Oregon. Result of works at Coos and Yaquina Bays will fix advisability of applying same at several similar coast entrances. That is their principal merit."

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major General.

Hon. ROBERT T. LINCOLN, *Secretary of War.*

Mr. McMILLAN. I understand that to be a private letter addressed to a Senator, not a recommendation to Congress by the Secretary of War or the Chief of Engineers.

Mr. SAULSBURY. I have no doubt this is a very important point; but when the committee have given it all that the engineer in the annual estimates has said could be profitably expended during the next year, I do not feel at liberty to vote for it. I have always been partial to the improvements in Oregon ever since I had an opportunity of being out there, and I would gladly vote for this appropriation if there had been a different statement by the engineers, but by the argument of the Senator from Oregon himself the importance of this matter is to aid the construction of a railroad, not to give transportation to commerce at present, but to aid the construction of a railroad which is hereafter to be used as an instrument of transportation. I would gladly vote for any proper appropriation for the improvement of the harbors of Oregon; but I cannot do it in the face of the recommendation of the engineer.

Mr. SLATER. I desire to correct one statement of my friend from Delaware. This appropriation is not to aid a railroad, but it is simply to assist in improving a harbor that railroad has chosen as an outlet for a great commerce which is to come from the interior of the State.

The question being taken by yeas and nays, resulted—yeas 35, nays 22; as follows:

YEAS—35.

Beck,	George,	Jonas,	Pendleton,
Brown,	Gorman,	Jones of Florida,	Plumb,
Butler,	Groome,	Jones of Nevada,	Pugh,
Call,	Grover,	Lamar,	Slater,
Cameron of Pa.,	Hampton,	Lapham,	Voorhees,
Chilcott,	Harris,	Maxey,	Walker,
Coke,	Hawley,	Miller of Cal.,	Williams,
Farley,	Jackson,	Miller of N. Y.,	Windom.
Garland,	Johnston,	Morgan,	

NAYS—22.

Allison,	Dawes,	McDill,	Saulsbury,
Anthony,	Ferry,	McMillan,	Saunders,
Blair,	Frye,	Mitchell,	Sherman,
Cameron of Wis.,	Harrison,	Morrill,	Vest.
Conger,	Hoar,	Platt,	
Davis of Illinois,	Ingalls,	Rollins,	

ABSENT—19.

Aldrich,	Edmunds,	Kellogg,	Sawyer,
Bayard,	Fair,	Logan,	Sewell,
Camden,	Hale,	McPherson,	Vance,
Cockrell,	Hill of Colorado,	Mahone,	Van Wyck.
Davis of W. Va.,	Hill of Georgia,	Ransom,	

So the amendment was agreed to.

Mr. BUTLER. I move to amend on page 7, line 144, by striking out "three" and inserting "five;" so as to read:

Improving harbor at Charleston, (including Sullivan's Island,) South Carolina: Continuing improvement, $500,000.

In this connection I ask the Secretary to read a letter from General Gillmore, which I send to the desk.

The Acting Secretary read as follows:

WASHINGTON, D. C., *March* 23, 1882.

DEAR SIR: I regret very much that in consequence of there having been no session of the House Committee on Commerce this morning I am obliged to leave the city without doing any special service for the Charleston Harbor improvements. I leave this brief letter with you, hoping that it will be of some use before that committee.

The Charleston jetties have now reached a critical stage in the progress of their construction. The north jetty has been carried out to a length of 14,350 feet, with its full width, and with heights ranging from four feet to thirteen feet. The south jetty has a length of 9,500 feet, with heights of from three to four feet and in some places five feet.

Enough work has been put down to obstruct the flow and disturb the equilibrium in the channels without doing any good whatever. Indeed, the efforts thus far have been injurious, as was of course expected, because the outward scour which is beginning to take place between the jetties is too feeble to carry the sand beyond the crest of the bar into the deep water outside, for the simple reason that there is no concentration of water there, the south jetty not having reached that point by at least one mile. This condition of things will not change for the better, but will constantly get worse and worse until the south jetty has been extended about 6,000 feet and both jetties are built higher throughout their entire length.

In the mean time the south jetty, which now reaches entirely across the main ship channel, will obstruct and diminish the flow through the Pumpkin Hill Channel—the one used by all large vessels—and the navigation of that channel will be temporarily impaired.

It is of the greatest importance that this impending period of bad navigation should be made as short as possible, and the only way to secure this end is to push the work with the utmost vigor. I greatly fear that unless the whole amount of

my last annual estimate, $750,000, is appropriated during the present session of Congress, there will be impaired navigation for a long period.

I sincerely trust that you will succeed in impressing the minds of the committee with the peculiar character of this case, and that the necessity for voting the entire amount, as asked for by the engineer in charge, will be apparent to all.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Lieutenant-Colonel Engineers, Brevet Major-General.

Hon. SAMUEL DIBBLE.

Mr. BUTLER. Now I ask the Secretary to read a brief extract from the annual report of Captain B. D. Greene, United States engineer in charge of the work.

The Acting Secretary read as follows:

The shores of Sullivan's Island are going away rapidly, and each year the sea is encroaching upon portions of the island that were once at a safe distance from the extreme high-water mark. The removal of the Bowman's jetty in part accounts for this, no doubt, and it is very probable that the north jetty on the bar may have increased the current of the tide in storms, and caused it to work with greater violence upon the shore.

Morris Island has been cut away on its eastern side some 500 feet, and in a short time the sea will undoubtedly break through the narrow strip of sand and marsh that remains. This action of the sea and currents is now going on more rapidly than ever, and should receive immediate attention.

The sand removed from these shores is deposited further up the harbor and shifts about, requiring constant provisions against the formation of shoals in the vicinity of exposed landings, as at Fort Sumter, and perhaps finally may work out toward the mouth of the harbor and have to be removed at considerable cost. It is true, here as on a river, that the preservation of the shores is an important step.

Mr. BUTLER. It will be seen, Mr. President, by the letter of General Gillmore written on the 25th of March last that the work so far has really been an injury to Charleston Harbor.

He says "enough work has been put down to obstruct the flow and disturb the equilibrium in the channels without doing any good whatever," and he urges this large appropriation in order that the work may be prosecuted with vigor, so that the south jetty may be extended 6,000 feet, as it will be if it is placed quite across what is known as ship channel, through which the vessels go in and come out. He has urged with very much more vigor than I can attempt to do the importance of having the whole of the estimate of $750,000. General Gillmore is very well known in the Senate as one of the most distinguished engineers of the United States Army, and I think his opinion is entitled to very great weight. In addition to that Captain Greene, another very distinguished officer of the Army, urges again and again that $750,000 should be appropriated.

Mr. ALLISON. May I ask the Senator how much has been expended on these two works?

Mr. BUTLER. The first appropriation was $250,000, and I think there has been two subsequent ones of $175,000 each.

Mr. ALLISON. Making in all about $600,000.

Mr. BUTLER. Making about $600,000. The north jetty is 14,000 feet long and the south jetty 9,600 feet.

Mr. ALLISON. I should like to ask the Senator about what the probable cost of this improvement will be?

Mr. BUTLER. My recollection is that General Gillmore's first estimate was $1,800,000.

Mr. ALLISON. The reason why I ask is because there have been about $700,000 appropriated already, and General Gillmore says there ought to be expended this year $750,000 more. Of course I feel favorable to this improvement, but I should like to ascertain, not with absolute accuracy but as nearly as may be, the total cost for the completion of the work.

Mr. BUTLER. That would make about $1,600,000. How much more it would take I really am not able to say, but I think the original estimate was $1,800,000.

Mr. ALLISON. I have ascertained in rather an indirect way that this harbor, when completed, will cost $2,750,000.

Mr. BUTLER. Perhaps the Senator has information which I have not been able to procure. I have not inquired on the subject lately and I do not know, but I only give what General Gillmore says of the importance of this appropriation. Of course it is for the Senate to say whether they will agree to it. General Gillmore says that he can use $750,000 advantageously during this fiscal year.

Mr. CONGER. I think perhaps the time has come when the Senate had better adopt some rule in regard to appropriations which they can rely upon with some safety in an appropriation like this. I denounce here on the floor of the Senate, as I have for years past, an officer of this Government sending letters to private individuals without the review of his chief, General Wright, without the review of the Secretary of War, writing to anybody what his estimate was and what he would like to have done, and asking Congress to act upon his recommendation.

We have a system of public improvements carried on with some kind of guard, with some kind of accuracy of report, with the review of some officers whom we know and in whom we have confidence. General Gillmore's report has been presented to the Chief Engineer, General Wright. It is through that medium, and that medium only, that General Gillmore has any business whatever to present a matter relating to the improvements of rivers and harbors to Congress or to the Senate.

Everybody knows that General Gillmore makes the largest recommendation of any officer in the engineer service. Liberality is no name for it. His ideas are grand, expansive. If there is a shoal out in the Atlantic Ocean fifty miles from land that he thinks he can get an appropriation for, he recommends an appropriation for it. He seeks the position, and he is rapidly attaining it, of expending more money than any other engineer in the corps. If any of his recommendations fails to receive the approval of his chief, if it fails to be recommended by the Secretary of War, then he is prepared with private letters to members of Congress to be read here without the approval of the chief of that Department. I do not believe it is any business of an engineer to send a communication in regard to the necessity and importance of a work in any other way than through the recognized channels of communication between Congress and the engineers scattered all over the country.

I make these remarks not because this has been used here, but because there is a continual attempt of subordinate officers, and even civil engineers, primed for the occasion, to commend themselves to those among whom they live by writing and sending communications unauthorized, improper, on subjects upon which they have no right to communicate to the Senate. If it was done in the regular Army about regular Army affairs, an officer doing it thus without passing it through the hands of his chief would be cashiered. If that will act as a warning in any way to the gentlemen who flood the Senate and who oppress the committees with their left-handed reports, I shall be very glad.

The recommendations of the engineers are sufficient without bringing in this private left-handed one. The harbor of Charleston, a harbor which, it has been said from time immemorial, was the most magnificient harbor on this continent, which has admitted the approach of the deepest draught vessels on the ocean, is all at once found to be inadequate to the commerce of that State, and what is done? There are shoals off into the ocean, almost to the Gulf stream, and the proposition here is, and it may be a just one, I do not say, for it never has been tried before, to build two lines of breakwater along these shoals out into the ocean, eight miles one of them; to confine the waters of the ocean itself and compel the stream to flow back and forth through the shoals. When was the necessity of that discovered? Not when there were the deep-draught war vessels going out and in and all over that region; not when the commerce of the country required access to Charleston Harbor, but now in these latter days to keep a sand island, Sullivan's Island, a sand-bar, from washing across the channel to prevent access to Charleston.

The experiment is a new one; the result an uncertain one. The engineers admit that. They are trying to see what the effect of two great dikes running in from the head of the island toward the ocean will be upon scouring out a deeper channel. It is a very good project. I myself was in favor of this when it was inaugurated in the House; I am in favor of carrying it out now. Three hundred thousand dollars is enough, with the $450,000 which has been expended on that harbor heretofore to test this experiment. All the work that can be done before Congress must pass another appropriation bill for rivers and harbors in the next session, if they do it at all, which is before the 4th of March, is there ready for use. It is a very liberal ratio of appropriation, far exceeding, I will venture to say, any other appropriation for any other work in these United States. Yet it is proposed now to increase it two-fifths, to make it $500,000.

Mr. BECK. What does General Wright recommend?

Mr. BUTLER. He recommends $750,000.

Mr. CONGER. General Wright says $750,000 will be necessary to complete the work. I can take the report of General Wright, and by putting in on the same strength of recommendation for this what he recommends for the other harbors in the United States it will make the bill over $73,000,000.

Mr. BUTLER. If it does not interrupt the Senator, I should like to ask him a question just at this particular juncture.

Mr. CONGER. I am here in favor of the Charleston Harbor, but opposed to the increase.

Mr. BUTLER. I was afraid the Senator would move to strike out the $300,000 before he got through, he has complained so much of General Gillmore writing private letters; but I do not know any law against an Army officer writing private letters to members of the House or the Senate; I do not know any violation of military discipline; I do not know any violation of propriety.

Mr. CONGER. I withdraw that suggestion; I do not wish to discuss it.

Mr. BUTLER. I think a gentleman has a perfect right to answer a letter if a Senator or Representative writes to him asking him for information.

Mr. CONGER. The Senator did not do that.

Mr. BUTLER. But my colleague in the House did. This letter is evidently in reply to an inquiry on the part of Mr. DIBBLE. However, I am not here to defend General Gillmore; he can take care of himself. But I see on page 11 of the bill, line 238, "improving harbor at Black Lake, Michigan, continuing operations," the appropriation is increased from $4,000 to $10,000. I see a little lower down an appropriation for "improving harbor at Frankfort, Michigan, continuing improvement," increased from $10,000 to $15,000. I see the appropriation for "improving harbors at Manistee, Michigan, continuing improvement," increased from $10,000 to $15,000. I see the following amendment, beginning in line 270:

Improving mouth and harbor of Cedar River, Michigan: Continuing improvement, $15,000.

That is an entirely new appropriation. Following that, the appropriation for "harbor of refuge at Portage Lake, Michigan, con-

tinuing improvement," is increased from $20,000 to $25,000; and the appropriation for "improving harbor at Saugatuck, Michigan, continuing improvement," is increased from $5,000 to $8,000. I should like the Senator to inform the Senate upon what data he procured the increase of appropriations to that large extent so far as Michigan is concerned.

Mr. CONGER. That is the argument *ad hominem*——

Mr. BUTLER. No, it is not an argument *ad hominem;* it is a direct point of inquiry to the Senator.

Mr. CONGER. I should have thought that the Senator from South Carolina would have felt a little mortification to rise here and compare the little appropriations of $2,000 and $3,000 to harbors which have nearly as much business to-day as Charleston.

Mr. BUTLER. Some of these appropriations are $15,000.

Mr. CONGER. They have nearly as much business as Charleston, which comes in here with $300,000, and an increase of $200,000 more is now proposed for that harbor. Let the Senator read the reports of the engineers, of the Secretary of War, and the engineer in charge of any of those improvements, and he will find that with the increase less than one-third of the recommendation has been provided here.

Mr. BUTLER. I think the Senator will find the same if he will put himself to the trouble of reading the report of the engineers as to Charleston Harbor.

Mr. CONGER. No, you do not find it. There is given to Charleston Harbor almost one-half of the estimate for completing the work. That is the difference. The appropriations that the Senator refers to are so small that I am almost ashamed that they were put in.

Mr. BUTLER. I am surprised that the Senator is not ashamed.

Mr. CONGER. It shows a small, weak kind of mind that will make up a little rise of from $5,000 to $7,000 in a great work, and I confess to a dereliction of duty in favor of the economy of this bill in making these little trifling appropriations in their increase.

Mr. BUTLER. The Senator is then surprised at his own moderation.

Mr. CONGER. I am.

Mr. BUTLER. I supposed so.

Mr. CONGER. Many and many a time when I have heard other Senators express their views about appropriations at home I have wondered what I was made of to ask so small an appropriation for such a State as Michigan, and I have thought sometimes that that feeling of contempt which we have for a man who peddles around with small things was gathering over me in the minds of my fellow Senators here because I asked these little things. It is better to be grand, to be magnificent, and to come down with hundreds of thousands and the half million dollars and be a man among men! I admit it.

Mr. BUTLER. The difference between the Senator and myself is that he not only takes up the hundred thousand but he comes in and gets the driblets besides. He is grand and insignificant at the same time.

Mr. CONGER. The gentleman will express his opinion of me by such an insignificant opinion as that?

Mr. BUTLER. I was only using the language of the Senator.

Mr. CONGER. I admire myself that kind of fortitude and bravery which will come in before the Senate in that way when a Senator knows that to increase all the appropriations on the very same kind of recommendation which he insists upon would swell this bill to $73,000,000 or $75,000,000. I must say I have admired and respected the hardihood of a Senator that would come in and ask for the millions at a time. It is worthy of the gentleman from South Carolina.

A small thing would be unworthy of him, like the $2,000, or $3,000, or $15,000, or $25,000 which some Senators propose, having a little regard to the expenditure of the public money, having a little regard for the safety of the bill, that ark in which is freighted the hope of all the navigators on all our waters, which may be wrecked by this careless extravagant mode of appropriation. It is well for the Senator to do it, but if the committee dared make the recommendations for increase on exactly the same recommendations of the engineers and of the Secretary of War, it would have swelled this bill not to seventy-three millions, as I have estimated it by a careful computation, but to $100,000,000.

I thank the Senator for calling the attention of the country to the little appropriations which the committee without a word of comment, from reading the reports of the engineers, thought in justice to the Government would be sufficient to be of some avail for those harbors on the coast of Michigan, and which they have seen fit almost without any argument to put into the bill.

For thirteen years in the House and here in the Senate I find that if anybody wants to justify himself in making the most extravagant demands of the Committee on Commerce for an increase of appropriations, and there is one word said by as humble a member of that committee as I am, he has ready written out, he has ready the pages and the lines in the reports of the engineers, and he shelters himself behind the action in regard to Michigan. Sir, the call of the people of Michigan in their pressure here for appropriations for the great national highways of the mighty lakes that run around that coast is moderate, is reasonable, is judicious; if I may say it without offense, it is sensible. There is nothing personal in the remark, but it is sensible. Michigan has 1,596 miles of navigable sea-coast.

Through Michigan runs that great channel of interstate commerce from Duluth to the Saint Lawrence. It has had large appropriations; it has them in this bill. Why? Because up and down that channel of commerce floats nearly one-half of the entire commerce of the United States. Over a million dollars was expended on the Saint Clair flats in Michigan, along the edge of the Canada line, in a far-off sunken region of the delta of the Saint Clair, with no inhabitants living in that neighborhood, unless the fisherman with his cabin upon piles in the marshes.

What is that to Michigan? Through that channel pass every day of the eight months of navigation between 275 and 300 vessels of an average tonnage of 500 tons. There are 48,000 passages of vessels in the course of a single season of eight months. Look on your map, gather your statistics; where else in this world is such an accumulation of vessels of that tonnage passing back and forth, with the freightage of half a continent? Nowhere, sir; in no river of Europe, in no harbor of the United States. Not one-third the number of vessels enter into and depart out of the harbor of New York, the greatest in this country. The Saint Clair flats improvement was built on Michigan marshes.

Take another instance. There is the Sault Sainte Marie Canal. It has had an appropriation of over a million dollars, and Hay Lake Channel $200,000, connecting the great lakes Superior and Michigan, connecting the great States of Wisconsin, Minnesota, Northern Iowa, the Territory of Dakota, and all through the Rocky Mountains in their commerce to the East and their supplies from the East. That was built on Michigan soil, on the Michigan side of the dividing waters of the Saint Mary's River, around its falls. It has cost a million and a quarter of dollars. What benefit was it to Michigan? There is a little hamlet there. It is no benefit to that immediate vicinity. It is a world-wide project, through which the products of the Old World reach to the New, developing the mighty regions of the West.

I say, and I say it now because there are so many of these taunts about Michigan appropriations from some of my friends here, that I think there should be some time when they should look at the East and see whether these are works for Michigan or whether they are works for the world and its commerce to travel upon through the soil of Michigan. Since we commenced the specific appropriation in 1869 until this time, strike out those works which are of great national importance and have no more immediate concern with the State of Michigan than with any other State bordering upon the great lakes or their waters flowing from them, and the State of Michigan, with almost sixteen hundred miles of sea-coast, with its harbors all around that coast for the benefit of all the rest of the States, sinks into insignificance in comparison with the appropriations that have been made for that worthy State which the Senator represents.

The zeal of the new convert is proverbial. "The zeal of thine house hath eaten me up." It was but within a few years that South Carolina utterly refused an appropriation for the improvement of her rivers and harbors, and that, if I mistake not, by the act of her own Legislature. While the Northern States were getting little appropriations, while they believed in internal improvements of rivers and harbors by the General Government, the State of South Carolina (and I say it not invidiously) and many of the other Southern States, through their representatives here, denied from day to day and from year to year the right of the Government to appropriate anything for their great harbors.

It was not until 1869, when a bill was passed making specific appropriations for the rivers and harbors of the United States, and when the Committee on Commerce of the House notified members from States and notified members who believed that there was no constitutional right to make internal improvements that they must wait until the voice of their State was heard, through themselves or through other representatives, admitting both the constitutionality and the propriety of carrying on these works, that appropriations were made at all.

That conversion I have noticed from year to year. The conversion of the State-rights men, the conversion of those men who clung to the old reading of the Constitution, their conversion from believing and asserting and voting that the General Government had no right and no power to improve their harbors, to this brief time in ten years when they come, and, like the daughters of the horse-leech, cry continually "Give, give!" is wonderful. I am glad that it is so. I believe that this great Government should open the channels of communication, open its water-ways, and open its harbors and build its light-houses and establish its life-saving stations and send out its revenue-marine vessels to relieve the shipwrecked mariner and save the ship where possible. I think that is the duty of this Government. It has come to be considered so now, but it is only within a very few years.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. CONGER. Yes; but you are interrupting some very nice remarks.

Mr. JONES, of Florida. I ask the Senator if some of the most important appropriations for public improvements in Michigan were not obtained under the auspices of General Cass?

Mr. CONGER. General Cass was a strict constructionist. His political friends who recollect the invitation sent to him at the Chi-

cago convention to take part in a plan for improving the great waterways of navigable waters in the United States cannot fail to remember that his friends besought him to take that opportunity to link himself with the internal improvements of the country, and they cannot have forgotten, for it has been stamped upon their memory, and reiterated in their ears, and shown to their eyes thousands and thousands of times since then, that he sent a little two-by-four note saying that business engagements prevented his being present at that convention.

Mr. JONES, of Florida. Were there not very liberal appropriations made in the river and harbor bills when he was here?

Mr. CONGER. No, there were not. There were a few paltry appropriations got through in spite of General Cass and in spite of that little two-by-four Chicago letter of his. General Cass went down on that letter. It was too weak to support him. It had not surface enough to float the magnificent gentleman he was. He went down as other men have gone down and as other men will go down whenever they place themselves in opposition to the theoretical and constitutional power of this Government to take charge of its navigable waters and its harbors and its light-houses and its life-saving stations. They may go down for their opposition; they may go down for their extravagant demands.

I do not know that I care what the Senate does with this appropriation bill if the process be continued of increasing by a vote and a sudden appeal to the body one and another and another of these appropriations beyond what both the committee of the House and the committee of the Senate have thought to be a safe, prudent disposition of the whole amount which ought to be appropriated, distributing it with a care and an anxiety, I might say, for justice, and for right, and for proper regard of the interests of all the States without regard to any sectional feeling.

I am more liberal, as I believe, and assert the fact to be within the last ten years, than those converted brethren who opposed formerly any appropriation at all and have now changed their constitutional views and run in the front of all these demands for appropriation; but there comes a time when if the House and the Senate cannot trust a Committee of Commerce to take the report of the engineers, in three great volumes equal to three great family Bibles, and examine every single report of the Secretary of War, the Chief of Engineers, the engineer in charge of the works, and every civil engineer, running through the appendices of three volumes—if they cannot trust those whom they have selected in the two Houses to do justice and fairness to all parts of the country, they had better discharge that committee and get a new one; and the new committee will have the same trouble.

There must be some judicious division of the amount necessary to complete a work and the amount suitable to be appropriated in any given year.

I wish this Government had the means and the power—it may have the power—that Senators and Representatives might feel that they could appropriate larger appropriations for these works; but there has been no such bill as this passed through Congress from the beginning of the Government until now. Mr. Polk vetoed a bill giving $1,900,000 for all these objects because it was an extravagant appropriation. At that time the feeling was so strong for the improvement of rivers and harbors that both the Senate and the House passed the bill over the veto of the President. It appropriated $1,900,000.

Two or three Senators can combine here now and demand $1,900,000; $300,000 here and $500,000 there. How it would shock the old constructionists if they could rise up from their graves and see their successors stand up here and instead of defining the construction of the Constitution as their old leaders did, rushing with headlong haste to gather into an appropriation bill by hundreds of thousands for States whose Legislatures utterly ignored and refused to recognize any right in the General Government to make any appropriation at all, even for the greatest of the navigable waters of the United States.

We might give a very serious and fair consideration of this bill without doing wrong to any one or violating the rights of any State. I say that those three great volumes of reports of the engineers, with a minute, carefully-guarded estimate, first made by the local engineer in charge, a survey and estimate reviewed by the engineer of that department, then reviewed by General Wright, a careful, prudent man, and sent with the recommendation of the Secretary of War, ought to be some guide to Senators and Representatives in Congress when a committee of the two Houses have given an examination.

I think it will be said no man not a member of that committee has given to this work, either in part or in whole, the same attention. They have divided up the appropriations which it is thought proper to embrace in a bill, in such a way as to endeavor at least—for I believe that has been the object of the committee in the House, and I know with what scrupulous diligence the members of the Committee on Commerce in the Senate have gone through this bill and turned to every page, and read aloud for the information of the committee every word that bore upon every appropriation made here—I say I may safely say that the committee of the Senate have endeavored, ay, they have succeeded in giving to this subject such careful, minute, accurate consideration that I do not believe it is in the power of men as a body to understand from their occasional perusal of works in which they are interested alone how difficult it has been to do justice to all the great interests of commerce in the United States, and to do it any better—I will not say do it as well—than the two committees which have had charge of this matter in the House and in the Senate.

If the opinion of the committee and its action has no weight here, if we are to come in here and frame a bill by amendment and by motion, if it is to be log-rolled through, if one might say so, because one desires an appropriation and another desires another appropriation, (and I say that in no invidious sense, but as such things generally strike Senators,) we should have a bill five times the magnitude of the one now before the Senate.

Sir, if this bill becomes a law there are in many parts of the country but three or four months of working time before either they will be locked with ice or for other reasons the work must be discontinued until another season. Before that time another appropriation bill must be passed, if passed at all, for the rivers and harbors, before the 4th of March next. Before the season opens for work upon a large portion of these rivers and these harbors there must necessarily, if there is any appropriation at all, be an appropriation bill passed, and in this river and harbor bill the appropriations take effect immediately upon the passage of the bill. There is no fiscal year known in the bill; the moment the bill passes here the money becomes liable to be drawn and used for any of these works.

I submit to the Senate in all candor, (and I say it on this question because it is as good a subject to speak about it upon as any of the hundreds of others that may be coming,) is it not better to trust to the judgment of a Committee on Commerce, although they may not have been wise, although they may not have been entirely discreet, than the side reports, the left-handed reports, of engineers who have no business to report except through their chiefs, and whose reports have in all other cases the review of the Chief of Engineers and the Secretary of War?

I desire that this appropriation, or a sufficient appropriation to complete Charleston Harbor shall be made by Congress from time to time as the size of the bill and the demands of the rest of the country shall warrant. If there is any place within our domain where I would desire the fostering hand of this Government to be extended to the relief of its citizens and its commerce and to build them up and make them love the land to which they belong, and let them feel that this Union and this Government is a fostering and a protecting Government, it is to the Senator's own fallen State of South Carolina.

Without referring to the past unkindly, who does not know that but for the opposition of that State even to the internal improvement bill, who does not know that but for the opposition of that State to the paternal Government to which it belonged, who does not know that if the Senators from South Carolina and their Representatives in years that are past had joined their fortunes with their brethren throughout all this land in developing its vast natural resources, it would have been the pride of the world to-day, as it was in former years? So, for that and for any other region of the South, if by my vote, by my effort, by my labor here, I can help them in any manner to build up their waste places, if I can help them to take the rank which they deserve as States overflowing with mineral wealth, overflowing with forest wealth, overflowing with agricultural productions, and make them a part of this grand, glorious country of ours, the equal in progress, in enterprise, in commerce, I would do it as much for any Southern State as for my own beautiful State that sleeps serenely among the great lakes of the North. I am actuated by no opposition to this improvement; my purpose is to call the attention of the Senate to the fact that there must be some limit to the size of this appropriation bill, and that when we have done liberally by any public work, and when we have given $300,000 for this work, with the $500,000 already on hand or expended there, we have done far better by it than by a great many of the works in other States.

Mr. BUTLER. Mr. President, I was not aware, when I very unostentatiously, and as I thought very properly, offered an amendment to the river and harbor bill to increase an appropriation, that I was going to bring down on my head and on the heads of the people I represent the maledictions of the Senator from Michigan. An amendment had just been adopted by the Senate increasing an appropriation for the State of Oregon, and I thought I had a right, under the rules of the Senate, to move an amendment to increase the appropriation for Charleston Harbor. That was all; and when the Senator came at me so furiously and violently, and constituted himself into such a complete scold, sneering, gnashing his teeth as he did, I began to ask myself if I had not committed some great crime, either against him or the State of Michigan, or the Committee on Commerce.

I have very great respect for the Committee on Commerce, but I must say, after this last manifestation by one of its members, if the other members of that committee are as reckless in their statements, as incorrect in their geographies, as erroneous in their facts, as wild in their propositions, I rather agree with the Senator that they had better be discharged; I think he is entirely right. While I have great respect for that committee, I do not know any law which requires me to subordinate my own judgment to theirs absolutely.

The Senator has criticised General Gillmore very severely. He says that of all the officers of the Engineer Corps he is the most exagger-

ated in his demands upon the Treasury, and that he has concocted a scheme for the improvement of Charleston Harbor which will not succeed. That is the idea of the Senator. He says that Sullivan's Island is a sand bar; that this thing is only intended to scour out a sand bar; and that in former years vessels of the heaviest draught got into that harbor without trouble, and now it has been discovered that there ought to be a great improvement.

I will leave that matter between the Senator and General Gillmore. I had nothing whatever to do with the suggestion of the scheme for the improvement of that harbor, and I believe I prefer to take the judgment of General Gillmore on that subject to that of the Senator from Michigan.

As to General Gillmore writing private letters to a member of Congress, as I stated a while ago, I do not know that there is any crime in that. I say this much for him, that in all of his efforts to improve not only Charleston Harbor but all the other harbors and rivers within the jurisdiction that has been assigned to him, I have discovered the most disinterested, honest purpose, not only to expend the money of the Government economically and prudently, but in a way which would be for the best interests of this whole country. I think the strictures of the Senator from Michigan are especially undeserved. As to whether this scheme for the improvement of Charleston Harbor will be a success, I leave that to the judgment of General Gillmore and to the judgment of General Wright. General Gillmore suggested it to the Chief of Engineers, and he concurred in it. He recommends $750,000, and General Wright concurs in it.

I shall not notice the harangue of the Senator, for it was nothing but an harangue, a speech made for home consumption, which everybody understands perfectly well, and I am rather glad I have given the Senator an opportunity to make a speech which he can send home to his constituents, in which he lauds his own State and abuses every other. I shall not reply, because I do not think that style of debate is at all fit for this body. I have simply exercised a right which I thought I had.

When I propounded an inquiry as to how it happened that the increase for Michigan was so striking, it seemed to have offended the Senator in the grossest possible manner, and he adopted a sort of cuttle-fish argument and rushed off to discuss something else instead of answering my question.

I made no complaint about the increase for Michigan. I have no doubt it is a very great State and I have no doubt it deserves every dollar it has got in this appropriation bill; but I simply wanted to know how the coincidence was; how it happened that he, being a member of the committee, should have increased almost every appropriation for the State of Michigan, in one case from $50,000 to $75,000, when the estimates of the engineer were only $100,000. I simply asked how that was, not with a view of complaining of it.

I think perhaps it is perfectly natural that Michigan, North Carolina, Texas, Missouri, and those States represented on that committee should be better taken care of than the rest of us, but I do not understand that it should be a cause of such grave offense and that the Senator should get up and scold and sneer at everybody else, simply because a civil and polite inquiry is propounded to him.

As I said awhile ago, I do not intend to be betrayed into a discussion about the various matters the Senator has injected into his remarks, because they have nothing to do with the question before the Senate. Whether the Southern States were opposed to appropriations for internal improvements is one thing; but the Senator is wrong there. If I have read the history of this country correctly, the first appropriation was made in 1824, and it has been continued from year to year and year to year. There is no doubt about the fact that Senators and Representatives did oppose appropriations for internal improvements, and I think it is a fact that my predecessor and namesake on this floor did vote against an appropriation for Charleston harbor.

I will correct the Senator in another particular. He says that in 1869 these appropriations were first begun. The Senator certainly is not well informed, although I believe he has been in the lower House of Congress for a long while.

Mr. CONGER. I said the appropriations for specific purposes. Before that time large appropriations were made in bulk and allotted by the Secretary of War to the different rivers and harbors. I spoke of the present system.

Mr. BUTLER. The first appropriation made for Charleston Harbor was made in 1877, after I came into the Senate. But that is on a par with most of the statements made by the Senator with reference to Charleston and Charleston Harbor, and the appropriations for that part of the country. I shall not, as I said, engage in a debate with him upon the subject. If the Senate sees fit to vote down this amendment, I shall be perfectly content. I have not complained that Charleston Harbor has not procured her share of this appropriation, if that is to be the guide, if it is to be shared out. I have not complained. I simply ask that the appropriation be increased from $400,000 to $500,000, and I had a letter from General Gillmore read and an extract from Captain Green's letter, the officer immediately in charge.

If the Senate choose to vote down the amendment I shall be perfectly content.

I wish to say finally that I have not the slightest objection to the increases made for the State of Michigan, and I am sorry the Senator could not answer me and give the reasons why they were made when I propounded the inquiry to him.

Mr. CONGER. If the Senator will allow me, I did state the reasons. I said that each of those appropriations made by the House was less than one-fourth the amount recommended by the engineers, and as they are now arranged they come to about one-third. That is why the increase was made.

Mr. BUTLER. I see in the bill at line 251, "Harbor of refuge at Lake Huron, Michigan; continuing operations, $50,000," as it came from the House. That is increased by the Senate Committee on Commerce to "$75,000," of which "$25,000, or so much thereof as may be necessary, may be used in dredging the bar in the middle of the harbor." If I am not mistaken the engineer recommends in his report the sum of $100,000, and yet the Senator says that only one-fourth of the estimates has been given to Michigan.

Mr. CONGER. The Senator is mistaken. The report of General Weitzel, who has charge of that work, recommended $25,000 to be appropriated for dredging the bar in the middle of the harbor, and the committee put it in.

Mr. BUTLER. He recommends $100,000, and yet $75,000, and $25,000 by the amendment of the Senator from Michigan in the Committee on Commerce is given for dredging the bar in the middle of the harbor, which is the full amount he asks.

Mr. CONGER. Because the necessity for this larger improvement is that large steamers went aground and damaged themselves.

Mr. BUTLER. That is neither here nor there. I do not care about reasons for it; I am only stating a fact which the Senator has not denied, and which he cannot deny, according to the record. I shall be perfectly content, as I said a while ago, with a vote of the Senate upon my amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina, [Mr. BUTLER.]

The amendment was rejected.

Mr. HARRISON. I am instructed by the Committee on Transportation Routes to the Seaboard to propose an amendment which was referred to the Committee on Commerce several days ago. I ask that it be read.

The ACTING SECRETARY. After line 139 of the bill it is proposed to insert:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of War, in completing the surveys of a ship-canal to connect the Chesapeake and Delaware Bays; and the Secretary of War is hereby directed to report to Congress which of the various routes surveyed will afford the greatest protection in case of war and the greatest facilities to commerce by cheapening the cost of transportation from the city of Baltimore to the Atlantic Ocean, together with the cost of said improvement and its approaches, and the annual cost of maintaining and operating said canal when constructed.

Mr. HARRISON. The reading of the amendment perhaps conveys all the information necessary to members of the Senate. A proposal for the construction of a ship-canal to connect the Delaware and Chesapeake Bays was presented to the Committee on Transportation Routes to the Seaboard, and was very strongly urged by a delegation of the commercial bodies of Baltimore during this session. The committee did not feel ready to report either of the bills that were submitted at the present session. As one member of that committee, I have no doubt that the work proposed is one of great importance. It proposes to save a distance of about two hundred miles in the coastwise traffic from Baltimore eastward, and also in the passage of European vessels from that port.

It is proposed to take the canal across the isthmus coming into the Delaware Bay just inside the Delaware Breakwater, to make it a tide-water canal capable of passing ocean-going vessels.

As I was saying, the committee did not feel ready, with the information they had with reference to it and for other reasons, one of which was influential in my mind, to recommend the construction of the canal now. The revenues of the country are not yet settled. We are in a transition period, as every one seems to recognize, in relation to our public revenues. It is not unlikely that a large reduction will be made by legislation now before Congress at this session, and it is more than probable that at the next session a still larger reduction will be made, and, for one, I was not willing to be fully committed to the construction of such works as this until our revenues were settled upon a basis that we might intelligently calculate as to what surplus we were to have for such improvements as this. But the committee have felt that there was additional information needed with reference to the choice between the routes. There are several routes proposed, ranging from perhaps sixteen miles, the shortest in length, to fifty, and while there have been reports and surveys upon them, yet the Engineer Department has not expressed a decided preference or choice between these routes.

We have therefore recommended this appropriation for completing the necessary surveys and enabling the Engineer Department to report at the next session of Congress which, in the opinion of the engineers, is the best route to be selected if Congress shall undertake to build this canal. I therefore propose this amendment, and hope it will be adopted.

Mr. MCMILLAN. I suggest to the Senator from Maryland whether the amount named is necessary or not for the work.

Mr. GORMAN. I will state that, in my judgment, it will not probably require $20,000. I think the report can be made and all the information gathered together for a less amount than $20,000; but as I understand——

Mr. McMILLAN. I do not know of any point of order.

Mr. JONES, of Florida. I suggest to the Senator to insert "or so much thereof as may be necessary."

Mr. RANSOM. It reads so.

Mr. McMILLAN. If I could raise any point of order I should be compelled to do so.

The PRESIEDNT *pro tempore*. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. MORGAN. I wish to reserve a vote in the Senate on the amendment just adopted.

Mr. HARRISON. I offer the following amendment:

On page 33, line 800, strike out all after the word "river" down to and including line 852, on page 36, and insert:

"Continuing observations and surveys for reservoirs at the headwaters of the Mississippi River and its upper tributaries, under the direction of the Secretary of War, $50,000."

Mr. PLATT. What is stricken out?

Mr. HOAR. I reserve the right to make any point of order.

Mr. HARRISON. The appropriation of $300,000. I desire to say a few words upon the amendment. In this connection I wish to bring to the attention of the Senate the reports of some engineers on this question. As it will perhaps occupy fifteen or twenty minutes to do it, I make this announcement at the beginning, so that I may learn whether it is the pleasure of the Senate that they shall sit so long. ["Oh, yes!"] When the Mississippi River commission was constituted it was made part of its duty——

Mr. CAMERON, of Wisconsin. Would the Senator prefer to go on to-morrow morning?

Mr. HARRISON. I would just as soon do so.

Mr. McMILLAN. I think we had better finish the bill to-night. We ought to have this bill disposed of; it has been under consideration now four days. It is only five o'clock.

Mr. HARRISON. I think the Senate had probably as well understand that this discussion will very likely occupy an hour.

Mr. CAMERON, of Wisconsin. Probably more than an hour.

Mr. INGALLS. It is important that there should be an executive session.

Mr. McMILLAN. I move to take a recess until eight o'clock. ["No!" "No!"]

The PRESIDENT *pro tempore*. The motion to go into executive session is first in order.

Mr. HOAR. It is the 10th of July. I do not think there has been such absolute apathy and indifference toward finishing important business on the part of gentlemen having charge of bills as is exhibited now.

Mr. ALLISON. I do not think that apathy has been manifested on this bill.

Mr. McMILLAN. I submitted a motion that we take a recess until eight o'clock. ["No!" "No!"]

Mr. CAMERON, of Pennsylvania. I move to adjourn.

The PRESIDENT *pro tempore*. The Senator from Kansas has moved an executive session.

Mr. CAMERON, of Pennsylvania. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. A motion to adjourn is made, which has precedence.

Mr. McMILLAN. I wish to amend that motion.

Several SENATORS. You cannot.

The PRESIDENT *pro tempore*. A motion to adjourn takes precedence to everything.

Mr. McMILLAN. I want the yeas and nays on that. ["Division!"] We are here now in midsummer; this bill has been under discussion for four days, and if we are going to remain here all summer we had better know it.

Mr. CAMERON, of Wisconsin. The members of the Committee on Commerce have occupied a great portion of the time in discussing the bill.

Mr. McMILLAN. So far as I am concerned, I have occupied no time of the Senate that could possibly have been avoided.

Mr. MORGAN. I object to debate.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. McMILLAN. I call for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are called for on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 35; as follows:

YEAS—33.

Bayard,	Cockrell,	Johnston,	Pugh,
Beck,	Davis of West Va.,	Jonas,	Saulsbury,
Blair,	Gorman,	Jones of Florida,	Slater,
Brown,	Grover,	Jones of Nevada,	Voorhees,
Butler,	Hampton,	Lamar,	Williams,
Call,	Harrison,	Lapham,	Windom.
Camden,	Hawley,	Miller of Cal.,	
Cameron of Pa.,	Ingalls,	Morgan,	
Cameron of Wis.,	Jackson,	Pendleton,	

NAYS—35.

Aldrich,	Ferry,	McDill,	Ransom,
Allison,	Frye,	McMillan,	Rollins,
Anthony,	Garland,	Mahone,	Saunders,
Chilcott,	George,	Maxey,	Sherman,
Coke,	Groome,	Miller of N. Y.,	Vance,
Conger,	Harris,	Mitchell,	Van Wyck,
Davis of Illinois,	Hill of Colorado,	Morrill,	Vest,
Dawes,	Hoar,	Platt,	Walker.
Farley,	Kellogg,	Plumb,	

ABSENT—8.

Edmunds,	Hale,	Logan,	Sawyer,
Fair,	Hill of Georgia,	McPherson,	Sewell.

So the Senate refused to adjourn.

Mr. INGALLS. I move to proceed to the consideration of executive business.

Mr. McMILLAN. I move to take a recess until eight o'clock.

The PRESIDENT *pro tempore*. The motion for a recess takes precedence.

Mr. DAVIS, of West Virginia. I suggest that we go on with the bill.

Mr. McMILLAN. I am willing to go on. I prefer to go on if that suits the Senate. Let us go till six o'clock anyhow.

Mr. ANTHONY. I hope we shall go on until we finish the bill. Of all the contrivances of wasteful economy, this taking a recess is the worst. We go away, stay about an hour and a half or two hours, and then come back and transact in some hours business that we could do in a few minutes if we kept right at it.

The PRESIDENT *pro tempore*. The motion is not subject to debate.

Mr. McMILLAN. If the Senate will proceed with the bill, I withdraw the motion for a recess.

Mr. VOORHEES. I suggest to the Senator from Rhode Island that this is the hottest day known to Washington for years. I think it would be more conducive to health and pleasure for us not to come back here until nine o'clock to-night. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the motion to take a recess until 8 o'clock.

Mr. McMILLAN. I have withdrawn that motion.

Mr. INGALLS. That motion being withdrawn, I move that the Senate proceed to the consideration of executive business.

Mr. SAUNDERS. Will the Senator from Kansas allow me——

Mr. McMILLAN. I object. Let this motion be disposed of.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. I ask for the yeas and nays on that motion.

Mr. HARRIS. I suggest that we take a division.

The PRESIDENT *pro tempore*. Will not the Senator from Minnesota be satisfied with a division?

Mr. McMILLAN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Before the yeas and nays are taken, may I make a suggestion with reference to this bill to the Senator from Minnesota?

Mr. McMILLAN. Yes, sir.

Mr. ALLISON. It is perfectly manifest that we cannot finish this bill to-night. The Senator from Indiana [Mr. HARRISON] wants twenty minutes on some amendment, and some other gentleman may want twenty minutes or some time longer in reply. Now I suggest that to-morrow morning we go on with this bill, and after one hour we confine debate on the bill to five minutes by each Senator.

Mr. McMILLAN. And take the vote.

Mr. ALLISON. And complete the bill to-morrow.

Mr. INGALLS. Why not meet at eleven o'clock to-morrow? ["No!" "No!"]

Mr. WINDOM. I only want to add to the suggestion of the Senator from Iowa that the Senate adjourn to meet at eleven o'clock to-morrow, and we can do more in one hour then than we shall in three to-night.

Mr. COCKRELL. We have our committee meetings in the morning. There is no earthly necessity for pressing this bill. There is no other appropriation bill ready, and there cannot be one for two or three days—not one ready to report, and no more have been passed by the House yet.

Mr. SHERMAN. The revenue bill is ready.

Mr. COCKRELL. We can meet at twelve o'clock and dispose of this bill to-morrow.

Mr. ALLISON. I ask unanimous consent that we meet to-morrow morning at eleven o'clock, and after one hour's general debate the debate on this bill and the amendments to it shall be confined to five minutes.

Mr. VOORHEES. What is the hurry of meeting at eleven o'clock to-morrow?

Mr. ALLISON. Very well; I will waive that part of the suggestion.

Mr. VOORHEES. There is no appropriation bill ready.

Mr. ALLISON. I withdraw that part of the suggestion. I suggest that we meet at twelve o'clock to-morrow and proceed with this bill immediately after the ordinary morning business, and that after one hour all debate on this bill and amendments to it shall be confined to five minutes under what is known as the five-minute rule.

Mr. JONES, of Florida. Why limit it to an hour?

Mr. ALLISON. Because the Senator from Indiana has the floor and wants twenty minutes and somebody may want to reply to him.

Mr. JONES, of Florida. And you cut everybody else off to five minutes.

Mr. ALLISON. No.

Mr. HARRISON. I want to consent to any arrangement that will facilitate the progress of this bill, and I certainly do not want to make a long speech myself. If it is important to present this question at all, it is important to present it so that the Senate may understand it properly.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Massachusetts reserved the right to make a point of order upon the amendment offered by the Senator from Indiana.

Mr. BROWN. I offer an amendment to the river and harbor bill.

The PRESIDENT *pro tempore*. There is an amendment pending.

Mr. BROWN. My amendment is to line 1015 and I ask that it may be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. It will be received and referred to the Committee on Commerce.

Mr. INGALLS. What has become of my motion?

Mr. HARRISON. The Senator from Massachusetts reserved the point of order; but I have the floor upon the amendment.

The PRESIDENT *pro tempore*. But he can raise the point of order at any time. It is moved that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

Mr. ALLISON. Before that motion is put, I ask unanimous consent that we have some understanding about this bill.

The PRESIDENT *pro tempore*. The Chair has been receiving this talk by way of class meeting more than anything else.

Mr. ALLISON. I suggest to the Senator from Minnesota that to-morrow morning we begin this bill immediately after the morning routine business, and finish it to-morrow under the five-minute rule, after one hour of unlimited debate.

The PRESIDENT *pro tempore*. Does any Senator object to that?

Mr. MORGAN. I object.

Mr. BECK. I object.

The PRESIDENT *pro tempore*. You cannot in this meeting do anything that anybody objects to.

Mr. INGALLS. I ask for a vote on my motion.

Mr. McMILLAN. I hope the Senate will proceed with the bill this evening.

Mr. INGALLS. I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered upon the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

Mr. HALE. Pending that, I move that the Senate adjourn.

Mr. McMILLAN. Upon that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

Mr. McMILLAN. There has been no motion submitted to the Senate since the Senate decided not to adjourn.

Mr. INGALLS. Certainly there has.

Mr. HARRIS. I should like to know who has the floor.

Mr. JONES, of Florida. A motion to adjourn is always in order.

The PRESIDENT *pro tempore*. There has been business transacted since the last motion to adjourn.

Mr. HALE. I understand there is business in executive session that needs attention, and I withdraw my motion to adjourn.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business, on which the yeas and yeas have been ordered.

The question being taken by yeas and nays, resulted—yeas 37, nays 29; as follows:

YEAS—37.

Bayard,	Cockrell,	Ingalls,	Pugh,
Beck,	Coke,	Jackson,	Saulsbury,
Blair,	Davis of Illinois,	Johnston,	Slater,
Brown,	Davis of W. Va.,	Jonas,	Vance,
Butler,	Farley,	Jones of Florida,	Voorhees,
Call,	Gorman,	Lapham,	Walker,
Camden,	Grover,	Logan,	Williams.
Cameron of Pa.,	Hale,	Morgan,	
Cameron of Wis.,	Hampton,	Pendleton,	
Chilcott,	Harrison,	Plumb,	

NAYS—29.

Aldrich,	George,	Maxey,	Saunders,
Allison,	Harris,	Miller of Cal.,	Sherman,
Anthony,	Hawley,	Miller of N. Y.,	Van Wyck.
Conger,	Hoar,	Mitchell,	Vest,
Dawes,	Jones of Nevada.	Morrill,	Windom.
Ferry,	McDill,	Platt,	
Frye,	McMillan,	Ransom,	
Garland,	Mahone,	Rollins,	

ABSENT—10.

Edmunds,	Hill of Colorado,	Lamar,	Sewell.
Fair,	Hill of Georgia,	McPherson,	
Groome,	Kellogg,	Sawyer,	

So the motion was agreed to.

Mr. McMILLAN. Now, I desire to give notice to the Senate that I will ask the Senate to-morrow to sit until this bill is disposed of, and I hope they will co-operate in that. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Will the Senator wait until some House bills are referred?

Mr. McMILLAN. Certainly.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2402) to quiet title to certain land in Washington, District of Columbia, and the bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital, were severally read twice by their titles, and referred to the Committee on the District of Columbia.

TERRITORY OF PEMBINA.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate adjourn.

Mr. SAUNDERS. Before that motion is put I ask the Chair to lay before the Senate the unfinished business.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor. It is moved that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 10, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday's proceedings was read and approved.

Mr. HISCOCK. I call for the regular order.

NATIONAL BANKING ASSOCIATIONS.

Mr. CRAPO. I ask for the consideration of a privileged report; the report of the committee of conference on the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

The SPEAKER. The gentleman from Massachusetts calls up the report of the conference committee on the disagreeing votes of the two Houses on the bill to enable national banking associations to extend their corporate existence. The report has been printed in the RECORD, and also the bill with the amendments as reported by the committee of conference. The gentleman from Massachusetts now submits a statement accompanying the report, which the Clerk will read.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 10, 15, 16, 17, 18, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment, as follows: Page 6, strike out all after "provided," in line 24, down to and including "by," in line 25, and insert after "provided," in line 24, "herein;" and insert after "notes," in line 25, "shall be issued as provided by this act."

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same, with an amendment as follows: Page 7, strike out section 8, and insert:

"SEC. 8. That national banks now organized, or hereafter organized, having a capital of $150,000 or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: *Provided*, That the amount of such circulating notes shall not in any case exceed 90 per cent. of the par value of the bonds deposited as herein provided: *Provided further*, That all national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment. And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequent to June 30, 1881."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same, with an amendment as follows: Page 9, strike out all after "purpose," in line 13, down to and including line 19, and insert: "*And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof;" and the Senate agree to the same.

WM. W. CRAPO,
NELSON DINGLEY, JR.,
A. H. BUCKNER,
Managers on the part of the House.

WM. B. ALLISON,
JUSTIN S. MORRILL,
JAMES B. BECK,
Managers on the part of the Senate.

The Clerk read the statement accompanying the report, as follows:

Statement in explanation of the report of the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to House bill No. 4167, to enable national banking associations to extend their corporate existence.

There were ten amendments before the conference. They recommend that the House recede from seven wholly, and from three with amendments.

The effect, in detail, upon the amendments, if the report is adopted, will be as follows:

On amendment numbered 7: It provides that at the end of three years from the date of the extension of a bank charter, the bank having deposited with the Treasurer lawful money sufficient to redeem the remainder of its circulation then outstanding, new circulating notes shall be issued.

On amendment numbered 10: It strikes out the provision respecting the costs incident to the substitution of new circulating notes in place of the old notes.

On amendment numbered 14: It enables national banks having a capital of $150,000 or less to deposit as security for circulating notes United States bonds not less in amount than one-fourth of their capital stock and requires this minimum amount of Government bonds to be held by the banks. It provides that the amount of bank notes shall not in any case exceed 90 per cent. of the par value of the bonds deposited, and provides for the payment by the banks retiring their circulation of the cost of redeeming and transporting their notes.

On amendment numbered 15: It inserts the word "entitled" in order to perfect the phraseology.

On amendment numbered 16: It strikes out the notice of ninety days of the bank's intention to deposit lawful money and withdraw its circulation.

On amendment numbered 17: It provides that a national bank making deposit of lawful money in order to withdraw its circulation shall not be entitled to receive any increase of circulation for the period of six months from the time of such deposit.

On amendment numbered 18: It provides that not more than $3,000,000 instead of $5,000,000 of lawful money shall be deposited during any calendar month for the purpose of withdrawing bonds which secure circulation.

On amendment numbered 19: It provides that the $3,000,000 per month for the retirement of circulation shall not apply to bonds called for redemption by the Secretary of the Treasury; nor to the withdrawal of circulating notes in consequence thereof.

On amendment numbered 22: It directs the Secretary of the Treasury to receive deposits of gold coin, and to issue certificates therefor in denominations of not less than $20 each. It provides that said certificates shall be receivable for customs taxes and public dues, and when so received may be reissued; that such gold certificates, as also silver certificates, held by national banks shall be counted as part of its lawful reserve; and that no national bank shall be a member of a clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances. It provides further that the Secretary of the Treasury shall suspend the issue of these gold certificates whenever the amount of gold coin and bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000.

On amendment numbered 23: It provides a penalty for the officers of national banks who willfully violate the provisions of section 5208 of the Revised Statutes in reference to the certification of checks.

Mr. CRAPO. I move that the House adopt the conference report, and on that I move the previous question.

The previous question was ordered.

Mr. CRAPO moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I desire to ask the gentleman from Massachusetts whether in his judgment the provision authorizing and directing the issuance of gold certificates on coin deposited in the Treasury interferes with the discretion given to the Secretary of the Treasury in the two hundred and fifty-fourth section of the Revised Statutes permitting him, if in his judgment it is necessary, to issue certificates upon gold bullion.

Mr. CRAPO. I do not understand that it interferes with that provision at all; but the section in this bill goes further, in that it not only authorizes, which is the existing law, but directs the Secretary of the Treasury to issue the certificates upon gold coin.

Mr. RANDALL. As to gold coin it does, but it does not as to gold bullion of standard fineness.

Mr. CRAPO. I understand that the authorization of the old section still exists; but the compulsory direction applies to the coin, and not to the bullion.

Mr. RANDALL. Then, in the opinion of the gentleman from Massachusetts and of the conferees, this bill in that particular section directing the issuance of gold certificates on gold coin does not interfere with the discretion given to the Secretary of the Treasury in section 254 of the Revised Statutes to issue certificates on gold bullion?

Mr. CRAPO. In my judgment it does not interfere with that authority.

Mr. TOWNSHEND, of Illinois. I did not understand from the reading of the report what was finally done with the provision forbidding national banks to become members of a clearing-house which refuses to receive silver as legal tender.

Mr. CRAPO. The clause of the section adopted by the Senate remains. It is that no national bank shall be a member of any clearing-house in which these certificates—that is, silver certificates and gold certificates—shall not be receivable in the settlement of balances. If any clearing-house refuses to receive either gold or silver certificates in the settlement of their balances, then the national bank cannot be a member of that clearing-house organization.

Mr. TOWNSHEND, of Illinois. And that provision is preserved in the bill?

Mr. BUCKNER. It is a Senate amendment and is preserved in the bill.

Mr. HOLMAN. There has been no explanation of the fact that this report concurring in the amendment made by the Senate virtually throws the expense of a substitution of the new currency for the old upon the public Treasury; and it is even doubtful upon the interpretation of its language whether the comparatively small charge of substituting new plates for the old will not be reimbursed out of the taxes now paid by national banks. For there is no provision that this reimbursement shall be in addition to the tax now paid by law.

Mr. BUCKNER. I desire to say to the gentleman from Indiana on that point that the object of this provision, as I understand, is to make each of the national banks organizing under this act pay for the plates, whatever may be the law heretofore. But it does not exclude the idea, the conferees did not agree to the proposition that they should pay the expense of printing the notes and the paper. Why? For the reason that if a bank organizes now under the law, without reference to this, the Government pays that expense. If on the other hand, they organize as they may reorganize the Government now pays. But there is a still better reason why we did not think it was necessary to insert that. We found the whole amount will not exceed for all the banks that may be organized the rate of $10 or $15 a bank; and that would require a separate account to be kept by the Comptroller of the Currency for each one of these banks, if the amount per annum should not exceed $10,000 a year; and therefore this places them on the same footing as new banks that may be organized, or banks that may not be organized under the provisions of this law.

Mr. HOLMAN. Let me understand my friend.

Mr. BUCKNER. I will not say that it costs more, but it is a small sum.

Mr. HOLMAN. Does the gentleman say that it costs only ten or fifteen dollars for each bank?

Mr. BUCKNER. That is what the Comptroller of the Currency reported to us.

Mr. HOLMAN. I am confident that is a mistake.

Mr. BUCKNER. We get our information from one who ought to know about this matter.

Mr. HOLMAN. I would like the gentleman to say, according to his opinion, how much it would require to substitute the new currency for the old currency of the banks which get the benefit of this bill.

Mr. CRAPO. I think I can satisfy the gentleman from Indiana [Mr. HOLMAN] that he is wrong in his figures in regard to the expense of substituting the new circulation for the old. It was stated by the gentleman some days ago that it would cost millions of dollars.

Mr. HOLMAN. The gentleman will excuse me; I said the other day that when a proposition was pending some years ago to call in all the national-bank paper, and prepare new plates and substitute new currency for the old, it was then stated to the House that the whole cost would be in the neighborhood of a million dollars.

Mr. CRAPO. Let me remind the gentleman of these simple figures, from which it must be apparent to him that he is mistaken. The present amount of national-bank notes outstanding, without reference to banks in liquidation and banks which have failed, is about $320,000,000. If every bill of that $320,000,000 is substituted by new currency in consequence of the banks availing of this extension, the whole amount will be substituted in the course of twenty years; that is at the average rate, we will say, of $16,000,000 per annum. The substitution of $16,000,000 per annum for the present national-bank note circulation will in twenty years change the present circulation from the old to the new, and change every national-bank note now in circulation. This supposes that every national bank avails itself of the provisions of this act, and extends its charter under it.

Now, we know that the cost of printing and of paper for all the bank notes is less than $100,000 per annum after deducting the cost of plates, &c., paid by the banks. And when that amount is divided among all the banks, in the opinion of the Treasurer of the United State and of the Comptroller of Currency, the cost for this substitution of notes will be from twenty to twenty-five thousand dollars per year. That is to be divided among 2,300 or 2,400 banks, and, as the gentleman from Missouri [Mr. BUCKNER] says, it will amount to some ten or eleven dollars per annum per bank. That is the whole amount of it.

One word more before the gentleman from Indiana replies. Let me read from the statement of the Comptroller in reference to the machinery necessary to carry out the view of my friend from Indiana:

If the banks are to reimburse this amount it will be necessary for us to keep separate accounts with each of these banks and charge the expense of printing with each shipment. The amount of saving is not large, but the annoyance created by making these assessments will be great. In the case of assessing the cost of redemption of circulating notes, the Treasurer charges the cost immediately to the redemption fund which he always has on hand, but there is no fund to which this assessment can be charged, and it will be necessary to draw upon the banks for each shipment made to them.

* * * * * * *

If, however, it shall be deemed advisable to require the banks to reimburse the Government for this expense, then an appropriation is necessary for the salaries of a sufficient number of bookkeepers to keep eighteen ledgers, containing the names of the banks; and this work cannot be performed by less than three good bookkeepers, in addition to the present force, who should not receive less than $1,800 each.

Mr. HOLMAN. That is the statement of the Comptroller.

Mr. CRAPO. Also concurred in by the Treasurer.

Mr. HOLMAN. It is, however, an argument which I think should not have force upon the action of Congress.

Mr. CRAPO. It was the unanimous judgment of the conferees, considering the inconvenience, annoyance, and increased cost in the clerical force of the Department, the Comptroller's Office, and the Treasurer's Office, that this clause which was put on by the House should be stricken out.

Mr. HOLMAN. My friend must see that the increased expense in the Bureau of Engraving and Printing, the increased clerical force in the Treasury Department, and especially in the Comptroller's Office, is not taken into account in this estimate; and I should be very much astonished if, all the elements being taken into consideration, the result of this change of currency would not amount to a much larger sum than that mentioned. I am aware, however, that when a conference report has been agreed upon it is hardly worth while even to ask any explanation of it, for at this stage of the session those reports are generally concurred in. I think it is as little as these banks could do, receiving the great advantage given them by this bill of continuing their operations unembarrassed, that they should meet the entire expense and relieve the Government from that expense.

Mr. BUCKNER. There is no absolute requirement under this bill that the banks shall avail themselves of its provisions. If they should choose to reorganize, as they now have the right to do, and as some thirty or forty of them have done within the last six months, the Government, under the law as it is now, would pay all the expense. Therefore we did not think it necessary to make this distinction.

Mr. HOLMAN. Another question. In the eleventh section the language used is the following:

Provided, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than 3 per cent., and which shall be redeemable at the pleasure of the United States, shall be outstanding and uncalled.

Is the gentleman from Massachusetts certain that the terms here made use of, "which shall be redeemable," refer to the 3½ per cent. bonds or do they refer to the bonds which shall hereafter become due? Does the language refer to 3½ percents at all? If the interpretation should be that it refers to the 4 percents, it inevitably follows that these new bonds will remain outstanding without being within the control of the Government until after the 4 per cent. bonds shall become due. I submit that the language used, "which shall be redeemable," is very equivocal, and does not necessarily refer to those bonds now due. Had the language been "which are now redeemable," there could be no doubt as to the interpretation of the language, but I insist that the phrase "which shall be redeemable" is an ambiguous expression, which could be relieved by simply referring to the bonds now redeemable, referring, of course, alone to the 3½ percents.

Mr. CRAPO. It seems to me the language is sufficiently plain. The section simply provides for the substitution of 3 percents for 3½ percents, or that the 3½ percents which have not been converted into threes shall first be paid, and then the 3 percents shall be payable at the option of the Government, unless there are some bonds drawing a higher rate of interest than 3 per cent. which the Government has the option to call.

In my judgment, if the 3 per cent. bonds have not all been called before the 4½ percents mature, then the Secretary of the Treasury, instead of calling in the then outstanding 3 percents, may, under this section, call in the 4½ percents; that is, he must call those bonds bearing the highest rate of interest and which are subject to call.

Mr. HOLMAN. The 4½ per cent. bonds first become due, then the 4 percents. Now, I understand the meaning of this language is, that if in the mean time the Government should not redeem the 3½ per cent. bonds until the 4½ percents become due, then the payment of these 3 percents shall be postponed until after the 4½ percents have been paid.

Mr. CRAPO. The 3 per cent. bonds must be called unless there are bonds outstanding bearing a higher rate of interest which the Govment has the option of calling.

Mr. HOLMAN. Certainly the 3½ percents, but not the 3 percents.

Mr. CRAPO. On the 3 percents the Government retains the option of calling at any time after the payment of all outstanding 3½ per cent. bonds. All the 3½ per cent. bonds may be exchanged, say, on the 1st day of August, and on the 2d day of August the Secretary of the Treasury may make his call for the redemption of some of these 3 per cent. bonds.

Mr. HOLMAN. I would have been very glad if the language of the provision had been that the payment of the 3 percents should be simply postponed until after the 3½ percents had been paid; for it is quite manifest that the language used here, looking at it with the explanation of my friend from Massachusetts, means that by possibility, perhaps by probability, the 4½ percents will intervene for payment before the 3 percents are redeemed.

Mr. DINGLEY. The section to which the gentleman refers was concurred in by the House, and is not involved in the conference report.

Mr. RANDALL. I wish to call the attention of the gentleman in charge of this bill [Mr. CRAPO] to the proviso of section 12. It is as follows:

Provided, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000; and the provisions of section 5207 of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

So far as I now remember, there is no existing law specifying what amount of gold coin or bullion or both shall be held in the Treasury as a fund for the redemption of the United States notes known as legal-tenders; and in fact this bill, if enacted, will be the first requirement by law that any gold coin or bullion shall be so held. There may be a moral obligation on the part of the United States Government to provide a redemption fund; but the only legislation so far as I recollect bearing on this subject provides that whenever it shall be necessary to maintain specie payments the Secretary of the Treasury shall be authorized to issue 5 per cent. bonds for the purchase of gold.

The language of this bill would seem to require in direct language, certainly by inference, that in future there shall be held in the Treasury $100,000,000 of gold coin and bullion as a redemption fund for the payment of the United States notes known as legal-tenders.

It seems to me, if my surmise or perhaps my apprehension is correct, this provision is foreign to the bill and ought not to have been inserted. I believe that nobody in the United States desires at this time the redemption of any of those United States notes bearing no interest. In due time their payment will be amply provided for if public policy so demand. There is no occasion at this time and in this bill to provide for an enormous accumulation of gold coin and bullion in the Treasury. Rather let this gold coin or a part of it be used, at any time it may be desirable, in the redemption of obligations of the Government which do bear interest.

Mr. CRAPO. The purpose of that clause of the section was this: it was to remove the danger which was apprehended by the former Secretary of the Treasury of the withdrawal of the gold from the Treasury and tying it up by gold certificates, holding it in the Treasury for the redemption specially of the gold certificates, leaving no gold whatever in the Treasury for the redemption of the greenback notes.

Mr. RANDALL. If I understand the language of the proviso, it provides that the Secretary shall not permit the gold coin and bullion to go below $100,000,000 in the Treasury, which the Government owns in its own right, and directs such amount shall be held for redemption of United States notes. As to the gold coin likely to be deposited under this section, and the certificates issued therefor, the effect will be to increase and not to decrease the aggregate amount of gold coin and bullion in the Treasury on deposit and in the ownership of the Government.

Mr. CRAPO. But the gentleman will see if greenbacks are taken to the Treasury for the purpose of drawing out gold, and this gold is then taken and deposited in the Treasury and gold certificates received for the same, the free gold in the Treasury will be thereby reduced materially, and the fund for the safety and redemption of the greenback may thereby be destroyed. If all the gold in the Treasury be held as a special fund for the redemption of the gold certificates, then none will be left for the three hundred and fifty millions of greenback notes.

Mr. RANDALL. I only want to say that this section may be nugatory, for it is not intended or desired that it should apply to the gold coin in the Treasury actually owned by the Government, except as to minimum of gold coin and bullion to be held for redemption purposes. It, however, directs the issuance of certificates for the gold which may be placed there now, perhaps in large amounts. The people who deposit that gold coin there have, if they wish to, the right at any time to surrender the gold certificate and withdraw the gold coin. It is not wise to let it have relation to the aggregate amount of gold coin and bullion in the Treasury in the ownership of the Government.

I wish to ask the further question whether it is designed in this $100,000,000 proviso, which provides for the redemption of United States notes, to say those notes shall not be reissued?

Mr. CRAPO. No, sir; I do not see how this clause possibly influences or controls the reissue of legal-tender notes. This clause does not change the law in this regard.

Mr. RANDALL. Under the proviso, it is not quite clear; but I will take the gentleman's interpretation as satisfactory.

Mr. CRAPO. I ask the question——

Mr. RANDALL. It is suggested that I ask the question of the gentleman from Massachusetts. Why the language is used in the proviso in reference to the redemption of the United States notes that they shall be redeemed in gold coin instead of using the single word coin, as comprehending and embracing gold and silver coin. [Mr. BUCKNER rose.] The gentleman from Missouri, one of the conferees on the part of the House, will perhaps answer, as he has uniformly been a friend of silver coinage.

Mr. BUCKNER. If I had the making of this section, and it did not come from the Senate, and the question is what we shall do with it, I should object to it in the main, but not on the ground the gentleman states, but on the ground that it is an apparent discrimination against the silver dollar.

Mr. RANDALL. Does it not go further and provide for or look to a redemption of United States notes in gold coin only?

Mr. BUCKNER. That does not give a fair construction. This act merely provides for the issue of certificates upon gold coin. Now, in order to limit that general power of issuing gold coin it recognizes the fact that there is gold and silver bullion now in the Treasury held for the redemption of United States notes. That is all there is of it. If it went beyond that I should have been in favor of changing it so as not to make an apparent discrimination against the power of the Government to redeem United States notes in coin. I do not think the gentleman's interpretation is a fair one.

Mr. RANDALL. The language used implies that a redemption of United States notes shall hereafter be from a "reserved" fund of $100,000,000 gold coin and bullion, and hence shall be in gold coin and bullion and not in coin as embracing the silver dollar, the Government now having such option. That is a common-sense construction, perhaps the legal construction which can be placed on that proviso, and the construction which I fear may be hereafter given by the Treasury Department.

There is an old maxim that a burnt child dreads the fire. I recollect very well, for I was a member of the House at the time when silver was demonetized upon a mint bill by the use of language neither clear nor understood. I fear a like mishap in this instance; therefore I desire the language now used may be made clear and direct. It was a long time before we got back to the remonetization of silver. During the period when silver was demonetized there was a large issue of bonds, which to-day are held by people who say they are entitled to receive both interest and principal in gold coin, and refuse the silver dollar. We ought to understand this proviso before we pass it. If it does in fact discriminate against silver, as mentioned in the Constitution as coin, then it should be amended so that on presentation of United States notes for redemption the Government shall not part with its present option to pay or redeem either in gold and silver coin that is legal tender.

It is not, to my comprehension, entirely clear what that provision contemplates; whether it does not mean a discrimination in effect to the extent of $100,000,000 in the redemption of the notes of the United States by gold coin instead of by coin, as required by the law which embraces the silver dollar.

Mr. BRUMM. I would like to ask the gentleman from Massachusetts a single question, if he will permit me, and that is whether it is not true that you intend that the greenbacks shall be redeemable in silver as well as gold?

Mr. CRAPO. There is nothing, as I understand it, in this act that makes any change in the present law with reference to the redemption of the greenbacks.

Mr. BRUMM. Then I would like to inquire further, and I should be glad to have, if the gentleman will permit me to ask him, a more direct answer to the question whether it is not true that the conference committee intended that the greenbacks shall be redeemable in silver as well as in gold?

Mr. CRAPO. The conference committee did not pass upon that question at all. It was not——

Mr. RANDALL. We would like to hear what is being said with reference to this matter. There is so much confusion that it is impossible to hear the question and the response of the gentleman from Massachusetts.

Mr. BRUMM. I will repeat the question. I asked the gentleman from Massachusetts whether it is not true that the conference committee intended that the greenbacks should be redeemed, as they have always been redemed, in silver as well as in gold?

Mr. RANDALL. This fails to say so positively; and that is the point to which I have called the gentleman's attention, because I fear it makes a discrimination against silver, or, at least, might be so construed.

Mr. CRAPO. In response to the gentleman from Pennsylvania, I will repeat that the conference committee had nothing before them on which to base a provision of law changing the method of the redemption of the greenbacks from what is now provided by law.

Mr. BRUMM. Then the gentleman from Pennsylvania recognizes the fact that the greenbacks shall be redeemable in silver as well as in gold. Now, if that be true, what, permit me to ask, is the necessity for providing or for incorporating a measure that does provide for the retention in the Treasury of gold specially to redeem the greenbacks?

Mr. CRAPO. That question has already been answered; but I will repeat what I have said before in substance, and will say that the reason is this: the banks, for instance, of New York should not have the power to take all of the gold which has accumulated in the Treasury, and hold it in their grasp—the Treasury having custody of it—the banks simply holding the gold certificates. The purpose of this clause is that a certain amount of gold shall belong to the Government and shall be under its control as a part of the redemption fund protecting the greenback circulation.

Mr. RANDALL. This provision of the bill is unsatisfactory, and I do not regard the explanation given of it as removing the objections which have been urged against it.

Mr. SPRINGER. The bill now pending on the report of the conference committee has at least one merit. But for that meritorious provision we are not indebted to the Committee on Banking and Currency, nor to the Republican majority in this Congress. I refer to section 11, which is as follows:

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing 3½ per cent. interest, and to issue in exchange therfor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, and ten thousand dollars, of such form as he may prescribe, bearing interest at the rate of 3 per cent. per annum, payable quarterly at the Treasury of the United States. Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States: *Provided*, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than 3 per cent. and which shall be redeemable at the pleasure of the United States shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

This is in harmony with the funding bill passed by the last Congress, and which was vetoed by a Republican President. But the necessity and importance of such a provision did not occur to the Republican friends of this bill until after the remarks of the honorable gentleman from New York [Mr. FLOWER] in this House on May 14, when the bill was pending and under discussion in the first instance. That distinguished Democrat, who is intimately acquainted with the financial affairs of the country, foresaw and pointed out the necessity for a provision of this kind. In his remarks on the bill at the time I have stated he said:

Even if this bill is passed, other legislation will be necessary or we will find ourselves curtailed of forty-one millions of national-bank currency by the last call of bonds, expiring August 1. I call upon the other side of the House to present some report besides this, in order to meet the difficulty that will be upon us by the 1st day of August next. Otherwise, when September and October and November come, you will find a money panic, and I do not want you to charge that upon this side of the House.

I believe that a 3 per cent. funding bill should be passed by which the Secretary of the Treasury would be allowed to fund all the bonds of the United States now due at 3 per cent., giving to the one who secures the first new bond the right to the longest bond. I think that is the way out of this difficulty and the only way to prevent a large contraction of the currency.

Of the 3½ per cent. extended bonds, thirteen and a half millions have been taken as a basis of circulation by the national banks that have been chartered within the last year or year and a half. Of the circulation of this country two hundred and forty millions is dependent upon bonds payable at the option of the Secretary of the Treasury. Now, that is no way in which to leave the currency of the country; and I call upon gentlemen on the other side of the House, while we are willing to vote for this bill with proper restrictions, to present us a funding bill which will place our currency and the business interests of the country upon a firm and satisfactory basis.

The Republican majority in this House did not heed the warning which was given by my friend from New York and passed the bill without the eleventh section. But the Senate thought more gravely and seriously on the matter and took the advice given by this side of the House, in the remark I have just quoted, and promptly amended the bill. I had hoped to hear some gentleman on the other side acknowledge the appropriation of the suggestions of the gentleman from New York [Mr. FLOWER] and give him due credit therefor. But in this I am doomed to disappointment. What there is of good in this bill has originated on this side of the House. The proposition in reference to gold certificates originated with the honorable gentleman from Texas [Mr. MILLS] and the distinguished gentleman from Pennsylvania, [Mr. RANDALL.] But, notwithstanding Democrats have succeeded in getting some good provisions in the measure, these are not sufficient to overcome in my mind the many objections I have to the bill, and I cannot give it my support. As the adoption of the conference report finally passes the whole bill, I shall vote in the negative.

The SPEAKER. The time allowed for debate has expired.

Mr. CRAPO. I call for the question upon the adoption of the report.

Mr. HOLMAN. I desire to make a parliamentary inquiry: whether it would be in order to move to recommit this report to the same committee from which it originated?

The SPEAKER. The Chair thinks not, although that is a new question to the Chair.

Mr. HOLMAN. Is it not in order to move to lay the report upon the table?

The SPEAKER. The Chair thinks not. The Chair does not remember any precedents that would allow such a motion at this time. This is a conference report.

Mr. RANDALL. Would the gentleman from Massachusetts not permit a motion by consent to recommit this to the conference committee with the view to make plain that proviso? For we do not know with exactness and certainty what is meant, or whether this $100,000,000 in gold coin and bullion is not a change of existing law. There is really no law that I remember which now requires a "reserve" of $100,000,000 in gold coin and bullion to redeem the $346,000,000 of United States notes as this disputed proviso makes necessary.

The SPEAKER. The Chair will state that debate is exhausted.

Mr. HOLMAN. I wish to ask a further parliamentary question. If the House shall refuse to concur in this report cannot the subject be recommitted to the same committee or another conference asked for?

The SPEAKER. The practice is very clear in that respect. If the House does not concur it will go back to another conference committee if desired.

Mr. HOLMAN. Then I demand the yeas and nays on the adoption of the report.

Mr. RANDALL. If this report is not agreed to, I desire to know if it would not be competent to ask a further conference with a view to making plain the discrimination, if it really exists, to which attention has been called?

The SPEAKER. The Chair thinks the rule is very plain, as the gentleman from Pennsylvania understands, that if the conference report is not agreed to another conference may be demanded.

Mr. RANDALL. I only wanted to state the question plainly to the House before the vote is taken.

Mr. McLANE. I desire to ask if the time of the gentleman from Massachusetts in charge of this report has expired?

The SPEAKER. It has.

Mr. McLANE. I only wanted to know, because I desired to ask a question.

The SPEAKER. The question is on the demand of the gentleman from Indiana for the yeas and nays on the adoption of the report of the committee of conference.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 79, not voting 101; as follows:

YEAS—110.

Aiken,	Errett,	Moore,	Shultz,
Aldrich,	Farwell, Sewell S.	Morey,	Smith, A. Herr.
Barr,	George,	Morse,	Smith, Dietrich C.
Bayne,	Gibson,	Mutchler,	Spaulding,
Bisbee,	Godshalk,	Neal,	Spooner,
Brewer,	Hammond, John	Norcross,	Stone,
Briggs,	Hardenbergh,	Oates,	Strait,
Browne,	Harris, Benj. W.	O'Neill,	Talbott,
Buck,	Haskell,	Orth,	Taylor,
Buckner,	Hazelton,	Pacheco,	Thompson, Wm. G.
Burrows, Julius C.	Hepburn,	Parker,	Townsend, Amos
Butterworth,	Hiscock,	Payson,	Tyler,
Campbell,	Hoblitzell,	Peelle,	Updegraff, J. T.
Candler,	Horr,	Peirce,	Updegraff, Thomas
Cannon,	Houk,	Pound,	Urner,
Carpenter,	Hubbell,	Prescott,	Valentine,
Caswell,	Jadwin,	Ranney,	Van Aernam,
Chace,	Kasson,	Ray,	Wadsworth,
Crapo,	Kelley,	Reed,	Wait,
Cutts,	Ketcham,	Rice, John B.	Walker,
Darrall,	Lacey,	Rice, William W.	Ward,
Dawes,	Lord,	Rich,	Washburn,
Deering,	Lynch,	Ritchie,	Webber,
De Motte,	Mackey,	Robinson, Geo. D.	White,
Dingley,	McCook,	Robinson, Jas. S.	Williams, Chas. G.
Dunnell,	McKinley,	Scranton,	Willits.
Dwight,	McLane,	Shallenberger,	
Ermentrout,	Miles,	Shelley,	

NAYS—79.

Anderson,	Culberson,	Jones, George W.	Scales,
Armfield,	Davidson,	Kenna,	Simonton,
Atkins,	Dibrell,	Klotz,	Singleton, Otho R.
Belford,	Dowd,	Knott,	Speer,
Beltzhoover,	Dugro,	Ladd,	Springer,
Berry,	Dunn,	Latham,	Thompson, P. B.
Blount,	Evins,	Lowe,	Tillman,
Brumm,	Ford,	Matson,	Townshend, R. W.
Buchanan,	Frost,	McKenzie,	Tucker,
Caldwell,	Fulkerson,	McMillin,	Turner, Henry G.
Cassidy,	Geddes,	Mills,	Turner, Oscar
Chapman,	Hammond, N. J.	Morrison,	Upson,
Clardy,	Hardy,	Moulton,	Vance,
Cobb,	Haseltine,	Page,	Warner,
Converse,	Hatch,	Paul,	Wellborn,
Cook,	Hewitt, G. W.	Phelps,	Williams, Thomas
Cox, Samuel S.	Hoge,	Phister,	Wilson,
Cox, William R.	Holman,	Randall,	Wise, George D.
Covington,	Hooker,	Reagan,	Wise, Morgan R.
Cravens,	House,	Rosecrans,	

NOT VOTING—101.

Atherton,	Deuster,	Jorgensen,	Ross,
Barbour,	Dezendorf,	Joyce,	Russell,
Beach,	Ellis,	King,	Ryan,
Belmont,	Farwell, Chas. B.	Leedom,	Scoville,
Bingham,	Fisher,	Le Fevre,	Shackelford,
Black,	Flower,	Lewis,	Sherwin,
Blackburn,	Forney,	Lindsey,	Singleton, Jas. W.
Blanchard,	Garrison,	Manning,	Skinner,
Bland,	Grout,	Marsh,	Smith, J. Hyatt
Bliss,	Guenther,	Martin,	Sparks,
Bowman,	Gunter,	Mason,	Steele,
Bragg,	Hall,	McClure,	Stephens,
Burrows, Jos. H.	Harmer,	McCoid,	Stockslager,
Cabell,	Harris, Henry S.	Miller,	Thomas,
Calkins,	Heilman,	Money,	Van Horn,
Camp,	Henderson,	Mosgrove,	Van Voorhis,
Carlisle,	Herbert,	Muldrow,	Watson,
Clark,	Herndon,	Murch,	West,
Clements,	Hewitt, Abram S.	Nolan,	Whitthorne,
Colerick,	Hill,	Pettibone,	Willis,
Cornell,	Hubbs,	Rice, Theron M.	Wood, Benjamin
Crowley,	Humphrey,	Richardson, D. P.	Wood, Walter A.
Cullen,	Hutchins,	Richardson, Jno. S.	Young.
Curtin,	Jacobs,	Robertson,	
Davis, George R.	Jones, James K.	Robeson,	
Davis, Lowndes H.	Jones, Phineas	Robinson, Wm. E.	

So the conference report was agreed to.

The following pairs were announced:

Mr. SHERWIN with Mr. KING.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. LOWE with Mr. HERNDON.

Mr. McCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. FARWELL, of Illinois, with Mr. SINGLETON, of Illinois.

Mr. HEILMAN with Mr. BLAND.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. McCOID with Mr. CLARK.

Mr. LINDSEY with Mr. MURCH.

Mr. RUSSELL with Mr. CARLISLE.

Mr. WATSON with Mr. TALBOTT.

Mr. WEST with Mr. FORNEY.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. THOMAS with Mr. CURTIN.

Mr. BELFORD with Mr. MARTIN.

Mr. ROBESON with Mr. HEWITT, of New York.

Mr. RYAN with Mr. LE FEVRE.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. DAVIS, of Illinois, with Mr. BLACKBURN.

Mr. DEZENDORF with Mr. GARRISON.

Mr. GUENTHER with Mr. DUESTER.

Mr. STEELE with Mr. STOCKSLAGER.

Mr. MURCH. I am paired with my colleague, [Mr. LINDSEY,] who is sick. If he were present, I should vote "no."

The result of the vote was then announced as above stated.

Mr. CRAPO moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CRAPO. I ask unanimous consent to make a verbal amendment to perfect the text.

The SPEAKER. That is not in order except by unanimous consent.

Mr. CRAPO. I ask unanimous consent. It is simply a change of phraseology. I ask that, in line 27, page 7 of the printed bill, in section 10, the word "hereinafter" before the word "provided" be stricken out and that the words "by law" be inserted after the word "provided;" so that it will read:

Shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered, and countersigned, as provided by law, &c.

This report goes to the Senate for their concurrence, and I presume it will be in order to make that correction now.

Mr. RANDALL. Let the proposed amendment be read by the Clerk, the right to object being reserved.

The Clerk read as follows:

In line 27, on page 7, strike out the word "hereinafter" before the word "provided" and insert the words "by law" after the word "provided."

Mr. RANDALL. Can we change a conference report?

The SPEAKER. The Chair understands a conference report cannot be changed. But this correction in the bill may be made by unanimous consent.

Mr. CRAPO. It does not form part of the report. The proposed correction is in a part of the bill which was not amended.

The SPEAKER. If there be no objection the verbal amendment will be considered as adopted. The Chair hears none.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes.

SIGNAL-SERVICE REPORT.

The SPEAKER laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound for the use of the Signal Office and the Department of War 2,500 copies of the annual report of the Chief Signal Officer for 1881.

SUEZ CANAL REPORT.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the report of Professor Nourse on the Suez Canal be printed, and that there be printed 5,000 additional copies, of which 1,500 copies shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the Navy Department.

INTEROCEANIC COMMUNICATION.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Lieutenant John T. Sullivan, United States Navy, on the problem of interoceanic communication by way of the American Isthmus, be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

CRUISE OF THE TICONDEROGA.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the report by Commodore R. W. Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga be printed, with 5,000 additional copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the use of the Navy Department.

WATER SUPPLY OF WASHINGTON CITY.

Mr. NEAL. I present the report of the committee of conference on Senate bill No. 1723.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 1723, to increase the water supply in the city of Washington, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate agree to the amendment of the House numbered 1, providing for a fish-way at the Great Falls of the Potomac, and they also agree to recommend the following as a substitute for the amendment numbered 2 of the said bill:

"That one-half the cost of said improvement, excluding the fish-way, shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that interest at the rate of 3 per cent. per annum thereon shall be annually computed and charged to said account, and that any surplus of water rents over and above the expenses of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water-works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created until the same shall be finally extinguished, and the water rents shall be so regulated from time to time as to be at least sufficient to pay the expense of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of said account, and until further action by Congress, the surplus water rents shall be paid into the Treasury of the United States."

HENRY S. NEAL,
MILTON G. URNER,
ABRAM S. HEWITT,
Conferees on the part of the House.
ISHAM G. HARRIS,
A. P. GORMAN,
Conferees on the part of the Senate.

Mr. BLOUNT. This is quite an important matter, and I ask that half an hour's debate on each side be allowed.

Mr. NEAL. I move the previous question on the adoption of the report.

Mr. SPRINGER. I rise to make a parliamentary inquiry. If the previous question be seconded, will we be entitled to an hour's debate?

The SPEAKER. If the previous question is seconded half an hour's debate will be allowed.

Mr. BLOUNT. I ask that half an hour be allowed on each side.

The SPEAKER. Under the rule, of the time allowed for debate some gentleman would be entitled to have one-half in opposition to the report.

Mr. BLOUNT. Which would be fifteen minutes. In that time it would be impossible to state the objections to the report.

Mr. NEAL. The gentleman from Georgia has had more than that time already.

The question being taken on ordering the previous question, there were—ayes 102, noes 9.

Mr. BLOUNT. No quorum.

Tellers were ordered, and Mr. NEAL and Mr. BLOUNT were appointed.

The House again divided; and the tellers reported that there were—ayes 125, noes 21.

So the previous question was ordered.

Mr. NEAL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. NEAL. If the House will give me its attention I will explain in a very few minutes just what this report proposes. The House made two amendments to the Senate bill. One was an amendment providing for a fish-way at the Great Falls and making an appropriation of $50,000 for that purpose.

It will be recollected by the House that at what is called Great Falls there is built a dam for the purpose of turning the water from the river into the Aqueduct to supply the city. The Commissioner of Fish and Fisheries, Professor Baird, has been anxious that some way should be provided by which the shad and other fish of the Potomac could get over the Falls for the purpose of spawning in the upper waters of the Potomac. The House provided by that amendment for the establishment of a fish-way.

The other amendment put on the bill by the House provided that the expense of building this extension of the water-works should be charged to a capital account, to bear interest at the rate of 3.65 per cent. per annum, the water rents collected to be applied to the payment of this account, with the interest thereon. The Senate insisted that this amendment should not be adopted. The House conferees, in obedience to the action of the House, insisted that the amendment should be adopted.

The committee of conference finally agreed upon this compromise, that the Government should furnish the money to pay the entire expense of doing this work, and that one-half of the expense should be charged to a capital account by the Treasurer of the United States, with interest at the rate of 3 per cent. per annum, and that the water rents, which are fixed by Congress and which are collected by a Federal officer, should be paid into the Treasury of the United States and applied first to the payment of the charges now resting upon them, and the remainder to be applied to the extinguishment of this account. In other words, one-half of the expense of this work is to be paid by the people of the District of Columbia, and in the mean time interest at the rate of 3 per cent. per annum is to be charged upon it.

The net receipts from the water rents were about $75,000 last year. There are charges upon that fund for a loan made by the District of Columbia to lay down the mains for distributing the water throughout the city. That charge is about $40,000 a year, and is being diminished annually. The water rents will increase annually, and at the present rate of using the water more money will be received than is necessary to pay the interest upon this loan, which will be applied to the extinguishment of the principal.

In addition to that we provide that these water rents shall always be sufficient to pay the interest on the account as well as the principal, and after the account is finally extinguished the water rents will still be paid into the Treasury of the United States, to be appropriated as Congress may hereafter determine. In other words, this whole matter is left in the hands of Congress, to do with it as it may see fit. I trust the report will be adopted.

Mr. WILLITS. I desire to ask the gentleman a question. What is the amount of bonds issued?

Mr. NEAL. Now?

Mr. WILLITS. To be issued under this bill?

Mr. NEAL. There are none at all to be issued under the bill.

Mr. WILLITS. What is the amount of indebtedness to be incurred?

Mr. NEAL. As near as I can tell the whole amount will be about $1,400,000, of which $700,000 will be charged against the District with interest at 3 per cent.

Mr. WILLITS. Have you provided in this report how the principal of the indebtedness is to be paid?

Mr. NEAL. The water rents are to be all appropriated to the payment of the interest and the principal.

Mr. WILLITS. Suppose that the water rents shall not more than pay the interest?

Mr. NEAL. Congress can raise the rates whenever it chooses; it can double the water rents if it wants to.

Mr. WILLITS. What is the provision in regard to the share which the United States shall pay?

Mr. NEAL. The Government of the United States advances all the money for the payment of this work.

Mr. WILLITS. Then you charge the District with $700,000 of the amount?

Mr. NEAL. With $700,000.

Mr. WILLITS. Have you provided a sinking fund?

Mr. NEAL. The water rents are all to be paid into the Treasury, to be applied first to the payment of the interest and then to the extinguishment of the principal. The amount derived from these water rates will increase annually, while the account will decrease. Consequently there will be every year a larger and larger amount for the extinguishment of the principal.

Mr. DAVIS, of Illinois. How do you provide for the extension of the system?

Mr. NEAL. The system does not need any extension.

Mr. ROBINSON, of Massachusetts. What is the amount from water rates now?

Mr. NEAL. After paying the expenses of keeping up the Aqueduct and paying the salaries of officers the amount from the water rents last year was about $74,000.

Mr. WILLITS. In the Forty-fifth Congress we settled upon the principle that the United States should pay one-half of the current expenses of the District of Columbia. I am willing to stand by the arrangement which was made then. And in this extension of the water-works I am perfectly willing that the United States should incur one-half of the expense. I do, however, desire this bill to show specifically and clearly that the United States shall be liable for only one-half. If a provision be made in the bill that by water rents enough shall be raised to pay the interest of this indebtedness and provide a sinking fund, this will satisfy the objection which I had in the first place to the bill as I understood it.

Ever since I have been in Congress there has been a question with regard to the payment of the principal of the 3.65 bonds. In the act authorizing the issue of those bonds provision was made for the payment of the interest; and in the Forty-fifth Congress we assumed the payment of one-half the interest on those bonds. We have annually appropriated the money for that purpose. But it is still an unsettled question what shall be done with the bonds when they shall mature.

I desire this bill shall be so framed—and I hope it is so framed—that this question cannot arise in the future. If there is in the bill a provision of that kind, I have no objection to the measure.

Mr. BLOUNT. Mr. Chairman, I ask the attention of the House in presenting briefly my objections to the adoption of this report. The gentleman in charge of the report, who all the way through has been

utterly opposed to requiring anybody except those outside of the District of Columbia to contribute to this fund, has cut me off from the opportunity of elaborating my views as I would have been glad to do.

The first fact to which I call attention is that under the law as it now stands the District authorities are obliged to assess at least $15,000 a year for the old water debt represented now by bonds. They have never raised more than $15,000 for this purpose in any year. It has not been done this year; and for several years it was not provided for at all. The amount of these bonds now outstanding is $423,000; and at the rate of $15,000 a year it will take more than thirty years to extinguish the present bonded indebtedness before one dollar can possibly be contributed to the extinction of the debt which this bill proposes to create.

The objection I have to this conference report is that it requires only enough water tax to be assessed to provide for the interest. Will the District authorities do more? Our experience in reference to the bonded indebtedness of this District discloses the fact that District authorities will never raise more money for the extinction of this indebtedness than they are compelled to raise. It is the duty of Congress to require the assessment of a tax not only sufficient to pay this interest but to provide for the gradual extinction of this debt. That is not done in this report. I am not objecting to the amendment of the Senate requiring that one-half of this interest be paid by the general public outside of the District of Columbia; I am simply asking that a provision be adopted requiring absolutely the raising annually of a given sum to provide gradually for the extinction of this debt.

The gentleman from Michigan [Mr. WILLITS] asked the gentleman from Ohio whether the bill makes any such provision, and the gentleman from Ohio replied that the water rents are increasing all the time, and will be sufficient to take care of that.

I deny it; and the gentleman from Ohio, if he has any information going to show that there is such provision, has withheld it from the House. Not a dollar beyond the $15,000 required by law has ever been raised to provide for the extinction of the present indebtedness; not a dollar additional is required to be raised for that purpose by this bill; and experience shows that there will be no funds collected for that purpose.

Mr. WILLITS. Will the gentleman tell us what the present indebtedness is?

Mr. BLOUNT. The present indebtedness—I speak from the latest information I have upon the subject, a report upon this very bill presented by Mr. HARRIS from the Committee on the District of Columbia—is $423,000.

Mr. WILLITS. Are the water rents as now adjusted any more than enough to pay the interest?

Mr. BLOUNT. Not a dollar more; and no additional provision is made in the bill; it does not look anywhere to the raising of any increased amount. I have been seeking an opportunity to present the facts to this House, and I ask that this report be voted down as an act of justice to people living outside this district.

I wish to call attention to the quantity of water used here. The report to which I have just referred shows that the rate of water consumption in the District has been 25,000,000 gallons daily, only 2,600,000 being used by the General Government; yet under the law (and I am not complaining of it) the Government is required to pay one-half of this debt. All I ask is that there shall be in this bill a provision compelling the District commissioners to assess a given sum each year looking toward the payment not only of the interest of this debt, but the principal also. There is no compulsory provision of that sort.

The District now owes over $22,000,000. This bill proposes additional expenditures to the amount of $1,400,000. I simply ask that the people of this District bear their fair share of the expenditure, nothing more. There is now pending at the other end of the Capitol, and we have had before us here, a bill involving an expenditure of possibly six to ten million dollars for another improvement of this District. The precedent you now set will be the law hereafter; it will be constantly cited, and I beg Representatives while dealing liberally with the District (and no man will gainsay that we are doing so) to deal fairly by the people who do not live here. When we are legislating upon District matters I want some regard paid to the people who pay the taxes of this country. I am willing to indulge the sentiment which regards this as a great national capital, and therefore contributes out of the Federal Treasury one-half the amount necessary to sustain its magnificence; but I am not willing, when we have made these liberal contributions session after session, that there shall be urged upon us a proposition to pay vast additional sums out of the Treasury for the benefit of people here who pay nothing toward this expenditure in the way of taxation.

This is the principle to which I wish to enforce adherence. It is not the water bill I am struggling about, but to preserve the adjustment between the Federal and District governments. I trust gentlemen will see that this is done. We are told that the people need water very much. No doubt of it, and I am willing to provide for it. But it is strange, when the law required this matter should be submitted through the commissioners, and that an estimate should be made through the Secretary of the Treasury, that requirement of the law should be entirely disregarded, although there is such an exigency upon the District of Columbia. They do need water in this District, but why should the requirement of the law be omitted and nothing done about it until now, when it has been thrust in upon us under the cry of water famine, and the expenditure provided for in its original conception did not anticipate the contribution of one nickel from the people who consume the water.

I wish to call the attention of the House, in addition to what I have already stated, as to the amount of water used in this District and to the extravagant waste of water by the people here in the cities of Washington and Georgetown. I have before me the report of the chairman of the Committee on the District of Columbia of the Senate, in which he cites twenty cities, and shows the amount of water used per capita in each one of those twenty cities. In this District the consumption of water is 155½ gallons per capita per day. In twenty other cities, including the manufacturing towns of Fall River, Lowell, Lynn, &c., the consumption of water per capita ranges from 25 gallons to 119 gallons. At Lowell it is 33 gallons per capita; at Lynn, 34 gallons; at Milwaukee, 53 gallons; at Cleveland, 56 gallons; at Cincinnati, 57; at Toronto, 75, and in this city, 155½ gallons, a city where there is no manufacturing. The average consumption of water in these twenty other cities which are named in this report is a little more than one-third of the consumption by each person in the cities of Washington and Georgetown.

Think of it, Mr. Speaker, that the average consumption of water per capita in these twenty cities is only one-third of what it is in Washington and Georgetown! There is enormous waste and extravagance, undoubtedly, as I am informed, by people in this District.

The rate of taxation is so much to the house. The amount consumed does not regulate the tax. There is no economy, therefore, in the use of water in this District.

While I have no disposition to complain unnecessarily, I do wish to put this restraint upon the use of water in this District, if possible to do away with this extravagant waste, and, in order to do that, the people here should be compelled to pay one-half of the sum expended. They should not be let off with the interest of 3.65 per cent. on the water bonds, but should be taxed to make a sinking fund sure and certain from which they cannot escape.

When you have done this you will have placed a conservative principle in operation, so that on every question of appropriation the people here will find it to their advantage to consider whether or not this, that, or the other thing shall be done in Washington when it is proposed, and they will not altogether regard Congress as the place where they may come for donations from the Federal Treasury, at the expense of other people. [Here the hammer fell.]

Mr. NEAL. I will now take the floor, Mr. Speaker, and yield five minutes of my time to the gentleman from Maryland.

Mr. McLANE. Mr. Speaker, I wish for a moment the attention of the gentleman from Georgia, who concerns himself principally in this debate about the division of expenses between the Government and the people of this District. Now, it is accepted that that division is to be made. That is the adjustment of the controversy of more or less length of time as to the relative charge for the expenses of government in the District. If I understand the gentleman from Georgia, [Mr. BLOUNT,] he is perfectly willing to abide by that adjustment. He is not anxious to-day to raise any question in reference to that matter.

Understanding him thus, I think he is in error when he undertakes to argue to this House this bill does not guarantee that adjustment.

I wish the attention of the House to the question of water rent. There is not to-day a well-governed city in the Union that does not provide for the interest of its water debt and for the extinction of the debt by water rents. On this question of taxation, whatever may be said of the expenses of this city, the gentleman from Georgia and this House will find that the property of this District is taxed, notwithstanding the fact the Government pays one-half of its expenses, about the same as the great city within forty miles of it. The property of this city pays a tax of $1.50 in the $100. The city of Baltimore—I may say one of the best-governed and best-administered cities in this country, and with one of the best water privileges—pays about the same water tax, about $1.50 in the $100. There is therefore nothing extraordinary in the relation of taxation to property in this city.

Mr. BLOUNT. As the gentleman from Maryland has referred to me, will he permit me to ask him a question?

Mr. McLANE. Let me take my five minutes first, and then I will answer any question the gentleman may wish to put to me. The point I make is not in dispute, that the private property holder in this city pays about the same amount of tax on his real and personal property as in the neighboring city of Baltimore, and there is about the same rule of assessment.

That city of Baltimore has its water power and water debt, and out of its water rent it pays the interest of its water debt and provides a sinking fund, and the gentleman from Georgia is absolutely in error when he says the water rents cannot be sufficient. Now, I raise no question with him as to whether they paid the interest in the past or not.

This Congress has the power to require proper rents to be paid for the water, and a sum sufficient to be thus collected to pay the interest, and in that manner also to extinguish the principal of the debt; it is conceded that that should be done. The water rents paid

by the property holders ought to be sufficient to pay one-half of the interest upon the total amount, and to extinguish the debt at the same time.

Mr. WILLITS. Can the gentleman state what amount of sinking fund has been provided for the bonds already in existence?

Mr. McLANE. The past I do not deal with, but with the bill now before us, and the argument of the gentleman from Georgia, who seemed to fear that the water rents would not be sufficient to meet the demands which I have stated. Now, they will not only be sufficient for that purpose, but they could be made sufficient to pay the interest on four millions of debt, instead of on one million and a half. The whole amount of the debt provided for by this bill is one and one-half millions, one half of which—that is to say, $750,000—being the sum chargeable to the city, and it is the easiest thing in the world for the water rents paid by the property-holders to be so regulated as to do this, and to provide a sinking fund for the payment of the principal.

Mr. BLOUNT. If my friend will permit me. I agree with him fully, but the conference report does not provide for anything of the kind.

Mr. McLANE. The conference report does not provide for a sinking fund *eo nomine;* but it does provide that the water rents shall be raised to a point sufficient to pay the interest and to provide for the extinguishment of the debt.

Mr. BLOUNT. Not at all, if my friend will permit me.

Mr. McLANE. Then let Congress provide for such extinction of the principal debt, and the only issue between the gentleman from Georgia and myself must be one of detail. Now, as has been well said by the gentleman from Ohio, the chairman of the Committee on the District of Columbia, it is in the power of Congress to regulate the water rents to meet the demands which will be made upon that fund, and if the gentleman from Georgia has any apprehension upon that subject, all that is necessary is that these rents shall be made sufficient in amount to meet the expenditures and the interest on the debt as well as to provide for the retirement of these bonds.

Mr. BLOUNT. That is what I want to do.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. NEAL. I now yield three minutes to the gentleman from Maryland, my colleague on the committee, [Mr. URNER.]

Mr. URNER. Mr. Speaker, if there is any error whatever in this report it is not in the direction suggested by the gentleman from Georgia, but it lies rather in the fact that we are burdening the District beyond what it really ought to be burdened in this connection.

Now, gentlemen do not seem to remember that the improvement and extension of the water-works contemplated by this bill is simply an addition which is being made to Government work and to property already belonging to the Government. It provides for the enlargement or reconstruction, if necessary, of the dam at the Great Falls, which is Government property. It provides for the extension of the reservoir on the heights at the end of Sixteenth street, which is also to be Government property; and it provides also for the extension of the Aqueduct, which belongs to the Government of the United States. In other words, all of the work that is contemplated to be done by this bill is Government work; and it is without a parallel in legislation, so far as my investigations have gone on this subject, that the District of Columbia or any State in this Union has ever been required to assist in the payments of expenses connected with a work that is purely and simply Government work.

Mr. WILLITS. I do not desire to interrupt the gentleman from Maryland, but I would like to know if the figures here quoted in this report are correct, where it shows that the Government uses only 2,626,188 gallons, whereas the citizens of Washington and Georgetown use over 23,000,000 of gallons? In other words, the Government itself only uses about one-ninth of the total of water furnished, and yet it is required to pay one-half of the expense.

Mr. URNER. I am not able to answer exactly, but I doubt if the figures are accurate in that respect.

Mr. BLOUNT. They are the report of the Government engineer, after a careful measurement and investigation.

Mr. WILLITS. As for myself, I desire to say that I am willing to stand by the old arrangement, made in the Forty-fifth Congress, that the Government shall pay one-half of the expenditures of the government of the District of Columbia, but I do not see any reason why in this case, where the citizens themselves are the consumers and beneficiaries, the Government should bear the burden of the tax, while they escape taxation in a matter of this kind.

Mr. URNER. But, Mr. Speaker, it does not matter whether the figures here given are entirely correct or not. One thing is true, and that is that the citizens of the District of Columbia pay for all of the water they use. It is proposed by this bill that the water rent shall be so regulated that the revenues derived shall be sufficient to pay all of the expenses attending this work; pay the interest upon the sinking fund and provide for the redemption of the bonds. It provides for paying the interest upon one-half of the cost of the improvement, while the balance is to be applied to the extinguishment of the $700,000 of the debt that is to be wiped out from that source. I do not see, therefore, how it could be made more explicit than that the authorities are required by this bill to apply the water rents to the payment of the interest and the liquidation of the principal until it is all paid up.

Mr. BLOUNT. I would like to have that part of the bill read which provides that.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. URNER. A considerable part of my time was consumed by other gentlemen.

Mr. NEAL. Mr. Speaker, I only desire to say a word in reply to the gentleman from Georgia, who I understand charges me with suppressing some of the facts in connection with this matter.

Mr. BLOUNT. I want to say to my friend——

Mr. NEAL. I cannot be interrupted. If I am mistaken I will have the statement corrected as it appears in the RECORD.

I will say the whole receipts of the water-works last year were over $140,000. The net receipts, after the payment of the extensions that were made and after the payment of the salaries of officers and of everything of that sort, were between $74,000 and $75,000. I have the report here, but I cannot at this moment turn to the table, as the report is not indexed; but with the consent of the House I will make it a part of my remarks.

The statement is as follows:

RECEIPTS.

Water tax	$26,809 53
Water rent	109,679 57
Water taps	1,851 00
Water permits	1,908 22
Total	140,248 33

EXPENDITURES.

Office rolls	10,830 00
Contingent expenses	1,141 10
Material, &c	29,080 69
Laborers' rolls	23,692 55
Refunded	200 24
Erection of stand-pipe	1,580 39
Interest and sinking fund	74,123 77
Total	140,248 33

There is a charge on that of interest on something over $300,000 of bonds at 7 per cent., and a sinking fund of $15,000; amounting at most to only $40,000, and leaving, according to the net receipts of last year, $35,000 for the payment of interest and sinking fund on this debt. And the water rents will be increasing all the time, because when these works are completed there will be a large increase in the use of water, while the rents will be diminishing. Consequently there will be more and more every year to be paid in. But this matter is altogether in the hands of Congress, and next year, if we see fit, we can double the water rents and provide any sinking fund we choose. It is for us to say what it shall be. Therefore it seems to me to be only right and just, or, if anything, more than just—I mean just to the Government, not to the people—that the people of this District should pay only the amount that is charged to them.

In regard to the use of the water I do not believe that report is correct. In every house that I have been in during the last five years I have not seen any such extraordinary use of water as would make me believe that for every man, woman, and child one hundred and fifty gallons are used. There must be something wrong in the measurement, or the aqueduct leaks; at any rate it will appear by the examination of these public buildings that there is an extraordinary use of water in all of them far exceeding the amount set apart by the engineers.

The SPEAKER. The time allowed for debate is exhausted.

Mr. BLOUNT. I hope I may be allowed to say that I do not mean any reflection on my friend from Ohio, whom I esteem highly.

Mr. NEAL. I am glad to believe the gentleman does not.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question being taken, there were—ayes 77, noes 24.

Mr. BLOUNT. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 20.

The SPEAKER. In the opinion of the Chair a sufficient number have not voted to order the yeas and nays.

Mr. RANDALL. Count the other side.

The negative vote was counted and there were ayes 92; the affirmative not being one-fifth of the entire vote.

Mr. REAGAN. I desire to have tellers on the yeas and nays.

On the question of ordering tellers on the yeas and nays there were ayes 19; not one-fifth of a quorum.

So tellers on the yeas and nays were refused, the yeas and nays were not ordered, and the report of the committee of conference was concurred in.

Mr. NEAL moved to reconsider the vote by which the report of the committee of conference was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. NEAL and Mr. HISCOCK called for the regular order.

The SPEAKER. The regular order is the calling of States and

Territories for the introduction of bills, joint resolutions, and resolutions of inquiry.

Mr. HISCOCK. I ask that the call of States and Territories for the introduction of bills, &c., be dispensed with.

The SPEAKER. It may be dispensed with by unanimous consent. Is there objection? The Chair hears none.

Mr. NEAL. I move to take from the Speaker's table the bill (H. R. No. 5535) for the purpose of moving concurrence in the Senate amendments.

Mr ATKINS. Does the gentleman obtain the floor for that purpose by a previous order of the House?

The SPEAKER. By a special order of the House the second and fourth Mondays of each month after the call of States and Territories for bills and joint resolutions are set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

Mr. ATKINS. I ask the gentleman from New York [Mr. HISCOCK] to raise the question of consideration. The District of Columbia Committee has had an unusual share of the time of this session.

Mr. HISCOCK. The gentleman from Tennessee will understand if I raise the question of consideration I would have to raise it on every measure presented by the District of Columbia Committee.

Mr. ATKINS. Well, raise it on every measure.

Mr. HISCOCK. I will say to the gentleman from Tennessee that we have agreed that the District Committee shall present three or four little matters merely, that will take less time to dispose of than would be occupied in raising the question of consideration.

Mr. ATKINS. If the gentleman from New York [Mr. HISCOCK] yields further he will not get the sundry civil bill out of this House during this week.

Mr. HISCOCK. I think we can reach that bill sooner by allowing these matters to be presented by the District Committee to be disposed of than we would by fighting over the question of consideration.

INTEREST ON TAX ARREARAGES.

Mr. NEAL. I move to take from the Speaker's table the bill (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special taxes due the District of Columbia and which may be paid by July 1, 1882, and for other purposes, with Senate amendments.

The amendments of the Senate were read, as follows:

On page 1, line 7, strike out "July" and insert "November."

Amend the title so as to read: "An act fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia and which may be paid by November 1, 1882, and for other purposes."

The SPEAKER. The question is first on concurring in the amendment to the body of the bill.

The amendment of the Senate was concurred in.

Mr. NEAL moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the title of the bill will be amended as indicated.

There was no objection.

PUNISHMENT OF HOUSE-BREAKING IN THE DISTRICT.

Mr. URNER. I am instructed by the Committee on the District of Columbia to call up from the Speaker's table the bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes. The bill has been returned from the Senate with amendments, and I am instructed to move that the amendments of the Senate be concurred in.

The SPEAKER. The amendments of the Senate will be read.

The amendments were read, as follows:

In line 8 strike out the words "less than one year nor;" in lines 21 and 22 strike out the words "less than one year nor;" and add to the bill the following:

"This act shall not affect any offense committed or indictment found before its passage."

The amendments of the Senate were concurred in.

Mr. URNER moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' AND SAILORS' ORPHAN HOME—GARFIELD HOSPITAL.

Mr. NEAL. I am instructed by the Committee on the District of Columbia to report back with a favorable recommendation the bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital, and to ask for its consideration at this time.

The bill was read, as follows:

Be it enacted, &c., That the board of trustees of the National Soldiers and Sailors' Orphan Home of the District of Columbia are hereby empowered to transfer and convey all the property, real, personal, and mixed, of the said National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital, located in said District; and the said Garfield Memorial Hospital is hereby empowered to sell and convey the same and apply the proceeds to the object for which it was incorporated.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. NEAL. Some years ago, shortly after the war, or perhaps during the war, there was a board of trustees incorporated as the National Soldiers' and Sailors' Orphan Home of the District of Columbia, of which Judge Cartter, of this District, is now the president.

That institution became the owners, partly by donation and partly by appropriation, of certain property in the District. That property has now ceased to be valuable for the uses for which it was acquired. It remains in the hands of these trustees, and they have unanimously passed a resolution asking Congress to give them authority to transfer this property to the Garfield Memorial Hospital. The property will be sold and the proceeds used for the purchase of other property for the benefit of the Memorial Hospital. As it now is the property is utterly useless for any purpose. If this bill shall pass the property will be used for the great purposes of humanity.

Mr. CAMERON. What interest has the Government in this property?

Mr. NEAL. The Government has no interest whatever in it; but Judge Cartter, who is a very good lawyer, has some doubts whether without an act of this sort the trustees have authority to make conveyance. At any rate the passage of the bill will do no harm, but will confer upon the trustees the authority which Judge Cartter thinks they ought to have. It is possible that the authority they now have is ample. But in order that a good title may be given, so as to realize the largest possible sum for the property, the trustees ask that this enabling act may be passed.

Mr. MCMILLIN. How is it that the board needs an enabling act if the Government has no interest in the property? Are we called upon to go through the farce of giving authority when we have no interest at all?

Mr. ROBINSON, of Massachusetts. Perhaps it is because it is an incorporation which was created by Congress.

Mr. MCMILLIN. That is what I want to have explained.

Mr. ROBINSON, of Massachusetts. I say perhaps that is the reason.

Mr. MCMILLIN. The gentleman from Ohio [Mr. NEAL] said that it was created in part by appropriations by Congress. How did we part with our interest in it?

Mr. NEAL. The Government never had any interest in it, more than it has in Providence Hospital or in Howard University. The Government appropriated the money from year to year for it.

Mr. MCMILLIN. Did it appropriate money originally.

Mr. NEAL. Possibly it did. A portion of the money by which this institution was maintained was donated to it, and a portion appropriated by Congress. Of course when the appropriation was made and passed into the hands of the trustees the Government ceased to have any interest in it.

Mr. MCMILLIN. Is there any report accompanying this bill?

Mr. NEAL. We had no time to prepare a report.

Mr. MCMILLIN. I think we ought to have a report, and if I am in time I want to make the point of order that there is no report accompanying the bill.

Mr. NEAL. That point of order is too late; though I can write one in a few minutes.

The SPEAKER. Under the standing order of the House the Committee on the District of Columbia has the right to call up such matters as it may choose.

Mr. MCMILLIN. Matters not reported according to the rules?

The SPEAKER. There is no limitation in the authority given by the order of the House to the committee. But the gentleman's point of order would be too late any way, after the consideration of the bill is entered upon.

Mr. NEAL. This institution, the Soldiers' and Sailors' Orphan Home, was incorporated by act of Congress.

Mr. CANNON. I suppose, as the gentleman says, and I have no doubt he is correct, this institution was incorporated by act of Congress. If it has an existence some one has certain rights which Congress has no power to take away.

We are asked by this bill to authorize the transfer of this property, and we do not save anybody's rights. If we can affect their rights at all by virtue of the passage of this bill, do we not thereby pledge ourselves, in the event of the transfer, to make parties whole whose rights may be affected? If it does not have that effect, can it have any other effect; and if not, is there any use whatever for this legislation?

Mr. NEAL. As I have already stated, the trustees themselves have unanimously requested that this bill be passed—the incorporators, in other words.

Mr. CANNON. How about the stockholders?

Mr. NEAL. There are no stockholders in an eleemosynary institution.

Mr. CANNON. Is this purely an eleemosynary institution?

Mr. NEAL. Purely so.

Mr. CANNON. Has the gentleman examined the charter?

Mr. NEAL. I have examined the charter. It is purely a charitable institution.

Mr. MCMILLIN. Can the gentleman tell us what proportion of the money for the establishment of this institution was paid by the Government?

Mr. NEAL. I cannot. Appropriations were made, and also donations. I have never examined into that question.

Mr. McMILLIN. Before the District Committee call upon us to pass this enabling act I think, with all deference, they ought to be able to show the House what interest the Government has in the institution and what has become of the funds already appropriated.

Mr. NEAL. The Government has no interest in it. The Government appropriated $60,000 to build Providence Hospital, but it has no more interest in it than the gentleman from Tennessee has.

Mr. COBB. I think I can explain this matter.

Mr. NEAL. Very well; I yield to the gentleman.

Mr. COBB. I do not know that my recollection is absolutely accurate; but I at one time examined into this matter, and, according to my understanding, this institution was based upon a desire made for the education of orphan children of soldiers and sailors of the late war—orphan children under the age of fifteen years. The institution was organized with a board of trustees, at the head of which was Judge Cartter. Without aid, as I understand, from the Government, but by means of donations and by money derived from festivals, fairs, &c., the trustees raised sufficient funds to obtain the property which they now own and to carry on the institution until there ceased to be any *cestui que trust*, because of the children who were to be educated attaining the age of fifteen years. The property is now left upon the hands of the trustees without any use for it whatever. It is true they are paying a janitor to take care of it, for it is valuable property, estimated to be worth about $42,000. It stands just beyond the new State Department building.

Mr. BLOUNT. If my friend from Indiana will allow me a question, I desire to ask him, as a lawyer, to whom this property now belongs?

Mr. COBB. Why, it is in the hands of the trustees.

Mr. BLOUNT. I am not asking whose hands it is in, but in whom is the title?

Mr. COBB. It belongs in legal contemplation to the trustees. They own it, though perhaps they cannot convey it without some additional legislation.

Judge Cartter, one of the judges of the supreme court of the District, with whom I had a conference and to whom I put the very question which the distinguished gentleman from Georgia has put to me, is of opinion that if an enabling act be passed authorizing the board of trustees to make conveyance of this property for any purpose (and he suggested this particular purpose to me two years ago) the trustees would take the risk of conveying it. As it is, there is no claimant to the property; it belongs to the trustees in legal contemplation. The trustees, as Judge Cartter informs me, have written to Europe and elsewhere where the testator who made the bequest formerly lived, and they can find no one capable of taking this property even by descent. But the property belongs to these trustees by devise. If the object of this bill is to devote the property to a purpose which is proper in itself, I confess I see no reason for declining to give to the board of trustees the right to make the conveyance, if we are satisfied the Government incurs no risk or responsibility in the future by such an act.

Mr. ROBINSON, of Massachusetts. Has the original property which came to this orphans' home by devise for a certain purpose been all expended?

Mr. COBB. No, sir; I understand there is a portion of it——

Mr. NEAL. It has all been expended. Judge Cartter, with whom I had an interview a few days ago, so stated.

Mr. COBB. Then I am mistaken in my recollection.

Mr. NEAL. He told me it had all been expended.

Mr. ROBINSON, of Massachusetts. Is the gentleman informed whether the property now remaining in the possession of the trustees under the devise is real estate?

Mr. COBB. No, sir. According to my recollection—I am not certain about it, for I did not charge my memory with the facts—the devise consisted of money, and the real estate was purchased by the trustees.

Mr. ROBINSON, of Massachusetts. And I understand from year to year Congress has appropriated money which has served to keep up this institution.

Mr. COBB. I presume Congress has, although it has not for the last four or five years.

Mr. ROBINSON, of Massachusetts. If the original investment has been expended, and its support has come from appropriations of Congress, it might be in the power of Congress to give some direction or authority as that here proposed; but if the original property remains in the trustees, I submit whether Congress has the power and whether it is not in a court of equity.

Mr. COBB. The property yet belongs, of course, to the trustees.

Mr. BLOUNT. I wish the gentleman to yield to me.

Mr. COBB. It belongs to the trustees for this object.

Mr. ROBINSON, of Massachusetts. If devised in trust on terms specifically stated in the law, I submit Congress could not change the character of that trust and its purpose, but that would belong to a court of equity in case that trust should fail.

Mr. COBB. I discussed that question with Judge Cartter, and he was confident this bill or something like it would give them the power they desired.

Mr. ROBINSON, of Massachusetts. I have great confidence in his opinion about it, but we are not informed as to the facts.

Mr. NEAL. A few days ago Judge Cartter informed me this bequest had been exhausted and that the property remaining was such as had been derived as the gentleman from Indiana has stated.

Mr. COBB. A small portion of it is on hand.

Mr. NEAL. Yes; but a small portion.

Mr. McMILLIN. I wish to offer an amendment, which I think will be acceptable to the gentleman from Ohio.

Mr. NEAL. Let me see it; and in the mean time I will yield to the gentleman from Georgia for ten minutes.

Mr. BLOUNT. Mr. Speaker, this matter has come to this House for consideration unaccompanied by any report of an explanatory character. But this debate has disclosed certain facts about it in reference to which there is no dispute. This property was conveyed to certain trustees for the education of the orphan children of the soldiers of the late war under fifteen years of age. The time has arrived when that fund can no longer be used for the purpose designed by the donor. Therefore the property would revert to the heirs of the donor.

It is said the title rests in the trustees. That is true. They hold the property; but the trustees are willing to convey this property to the Garfield Hospital Association if Congress will authorize them to do it.

Mr. NEAL. I wish to ask the gentleman——

Mr. BLOUNT. Not now.

Mr. NEAL. If we put in a provision that this shall not bind the Government will the gentleman be satisfied? I am willing to amend it.

Mr. BLOUNT. I do not wish Congress to touch this property in any shape or form. Pass this bill and the question will go to the courts and the courts will rule against the Government, and then the plea will be made that the Government is in honor bound to see this conveyance is made good to this association.

Now, Mr. Speaker, this is but an effort to commit the Government to this Garfield Hospital. This is just the beginning. No man can gainsay without an amendment in there that Congress may say to-morrow it will commit itself to it. The best way for us, as I believe, is not to touch it at all. We do not need any such association, and I will send to the Clerk's desk to be read the opinion of eminent physicians of this city as to that fact.

The Clerk read as follows:

A publication bearing the signatures of a number of medical gentlemen has recently appeared in the daily press of this city. Certain statements therein made are calculated to mislead, and are disproved by the following facts:

First. "The sick poor of all classes, creeds, and nationalities" residing in the District of Columbia now have provided ample hospital accommodations where they can gratuitously receive kind attention and skillful treatment.

Second. For the "large floating population which is domiciled in the hotels, boarding houses, and apartments," existing hospitals provide accommodations, meeting every want, at a reasonable cost.

Third. Any "deserving poor white man or woman" in the District of Columbia can secure proper hospital accommodations and treatment without being subjected to conditions that should not be imposed upon them.

The hospitals affording the above-mentioned accommodations indicate by their names their wide field of usefulness. The Columbia Hospital for women provides all that is necessary for the treatment of the special diseases of female pay or pauper patients. The children's hospital is an institution exclusively devoted to the medical and surgical treatment of children, and provides all needed accommodations for such patients. St. Ann's Infant Asylum accommodates all destitute infants left to its care. The Freedman's Hospital is "mainly a hospital for the sick of the African race," but is open to white patients and is satisfactorily fulfilling its mission. The alms house hospital accommodates a class that drifts into such institutions. The Emergency Hospital, located near the center of the city, is prepared to attend accidents and emergencies. Providence Hospital, under the charge of the Sisters of Charity, has public wards to which free patients are admitted, and private wards and rooms for pay patients at rates ranging from $6 to $20 per week. It receives an appropriation from Congress for the maintenance of transient sick paupers admitted upon the order of the Surgeon-General United States Army. Resident pauper patients are admitted at the request of the sanitary officer Metropolitan police, a request that is never refused.

It is thus seen that Providence Hospital cares for all the sick poor, transient and resident, who apply for treatment, "and there is no distinction made on account of creed, nationality, or color."

The above statement and the additional fact that the capacity of the hospitals heretofore mentioned has always exceeded the demand must make it plain to the observant that the hospital accommodations of the District of Columbia more than meet all present requirements, and that while separately performing their allotted duties the combined work of these institutions creates a general hospital in its best form, a condition of separation which accords with the approved laws of hygiene.

Should the future demand increased accommodations, it will be wiser by donations and appropriations to enlarge the powers of existing organized institutions than by too ambitious and hasty action run the risk of creating a standing bid for pauperism. For it is to be feared that a superabundance of hospitals here might entice a class not desired by our citizens or legislators.

JOHNSON ELIOT, *M. D.*	CARROLL MORGAN, *M. D.*
JAMES E. MORGAN, *M. D.*	JAS. McV. MACKALL, *M. D.*
S. A. H. McKIM, *M. D.*	DANL. I. KELLY, *M. D.*
RALPH WALSH, *M. D.*	THOS. N. McLAUGHLIN, *M. D.*
G. L. MAGRUDER, *M. D.*	JAS. T. YOUNG, *M. D.*
Z. T. SOWERS, *M. D.*	JNO. T. DYER, *M. D.*
JOHN W. BAYNE, *M. D.*	J. S. HARRISON, *M. D.*
H. H. BARKER, *M. D.*	C. V. N. CALLAN, *M. D.*
LLEWELLYN ELIOT, *M. D.*	P. I. MURPHY, *M. D.*
L. W. RITCHIE, *M. D.*	H. M. NEWMAN, *M. D.*
W. G. H. NEWMAN, *M. D.*	GEO. C. SAMSON, *M. D.*
J. WALTER, *M. D.*	JNO. PARSONS, *M. D.*
J. F. HARTIGAN.	J. W. STANTON, *M. D.*

Mr. BLOUNT. A single word more, and I am done. My friend from Ohio asked me a few moments since if I would be satisfied to authorize this conveyance provided we were to add to the bill a provision declaring that the United States Government should not be committed by its action here taken; in other words, that the Gov-

ernment would not make itself responsible. Did I understand that to be the question?

Mr. NEAL. The gentleman from Tennessee has an amendment which he will offer which covers that ground.

Mr. BLOUNT. But was that the question that the gentleman asked me?

Mr. NEAL. Substantially that; it will be found in the amendment which the gentleman from Tennessee is about to offer.

Mr. BLOUNT. Before that amendment is offered I desire to say to my friend from Tennessee and to the gentleman from Ohio a single word. What is the proposition that is made here? Here is a piece of property which it seems to me no lawyer of any reputation would say the Government had any title to or any control over, and yet we are asked to authorize the disposition of that piece of property as contemplated by this bill and convert it to a different purpose from which its donors originally intended, and then after doing that declare that the Government shall not be committed thereby. That in substance is the position that we are sought to be placed in.

Now, Mr. Speaker, it seems to me that it would be an immoral thing for the Government to authorize the conveyance, or make this interference, this unlawful interference, with vested rights, and then assert that it was not responsible. That is just what is proposed to be done here; that and nothing more.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. McMILLIN. I have an amendment which the gentleman from Ohio yields to me to offer, providing that this shall not be construed to make the United States liable.

The SPEAKER. The gentleman will send the amendment to the desk to be read.

The Clerk read as follows:

Provided, That this act shall not be construed to make the United States liable in any way on account of said transfer or the change of the direction of the trust.

Mr. McMILLIN. It has been suggested, Mr. Speaker, that possibly the Government would be held liable to the *cestui que trust* in this instance, and this is intended to fortify against that.

The amendment was agreed to.

Mr. NEAL. I yield three minutes to the gentleman from Georgia, [Mr. BUCHANAN.]

Mr. BUCHANAN. Mr. Speaker, I have no objection to the object this bill seeks to accomplish. The objection I have to it is that I do not believe it can effect the purpose which the gentleman in charge of the bill seems to believe that it can accomplish.

If these trustees have title, then they need no enabling act to authorize them to convey this property. If they have no title, no enabling act can put a title in them and no enabling act can enable them to convey the title if they have no title in themselves. Consequently I can see no good this bill is going to accomplish. If these men have title, they do not need the act. If they have no title, this bill cannot confer title upon them; and if they have no title they can convey none. That I apprehend is clear and ought to be sufficient to everybody to establish the fact that no fruit can result from the passage of this bill and bring it into an act.

It is admitted here, Mr Speaker, that this property was a trust, and that the persons that now have the control of the property and the management of it took it as trustees. It is admitted, on the other hand, that the trust has been executed, that it is an executed trust, and whenever a trust is executed it is the duty of the trustees to convey that property to whoever has the legal right and title to it.

If this property was a donation by a private individual, then, if that private individual is in life, the property will revert to him upon the execution of the trust; but if he is not in life, then it will go to his heirs or legatees if he made provision by will for it to go there. So I say that this will be useless legislation. We cannot effect anything by it, for if there is no title in these trustees, as I have before stated, you cannot give them a title by any such legislation, while if they have a title they do not need this law.

Mr. NEAL. I wish to say but a single word in response to the remarks of the gentleman from Georgia. This property does not come by devise, but it is, as has been already stated, a bequest of money for a specific purpose.

Mr. BUCHANAN. It does not matter; the same principle will apply if this property was the result of a money bequest.

Mr. NEAL. This property was purchased, and Judge Cartter, who is one of the ablest lawyers in the District, deems it essential that these trustees should have such an act as this passed in order to enable them to transfer the property as proposed. There can be no objection whatever to it with the amendment which has been incorporated on motion of the gentleman from Tennessee.

Mr. BUCHANAN. But the gentleman from Ohio will see that if this was money or land which was bequeathed it makes no difference; if it was a trust, the court of equity will treat it in accordance with the facts as they exist; if it was a bequest of land, it will be treated as land; or if it was money which was invested in lands, it will be treated in the same way.

Mr. NEAL. But this bequest had been accepted, and the money for which the property was purchased came from other sources.

Mr. BUCHANAN. That does not matter.

Mr. NEAL. And now a word in answer to the gentleman from Georgia in reference to the paper which he has had read, and which is signed by various physicians of the city. I desire to say to him that almost every respectable physician here asks, and has asked time and again, for the establishment of this hospital. They want a hospital where they can take their patients, not a hospital that is under the charge of any religious denomination.

Mr. BLOUNT. Does the gentleman question the respectability of those physicians whose names are signed to that paper?

Mr. NEAL. No, sir; I do not. I did not say all, but nearly all the respectable physicians——

Mr. BLOUNT. There are many whose names are there who will be recognized as being at the head of their profession.

Mr. NEAL. And if there be one such there, there are ten on the other side.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, there were—ayes 69, noes 22.

So (further count not being called for) the bill was passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUIETING OF TITLE.

Mr. URNER. I am instructed by the Committee on the District of Columbia to call up from the House Calendar the bill (H. R. No. 2402) to quiet the title to certain land in Washington, District of Columbia, and to ask the House to pass it.

The bill was read as proposed to be amended by the committee, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to quitclaim and release unto the heirs, devisees, and assigns of Joseph Pearson, deceased, their heirs and assigns, all the right, title, and interest of the United States of America in and to all of squares 670, 671, 672, 710, and 711 in the city of Washington and District of Columbia, as the same are laid down on the original plat or plan of said city: *Provided*, That this act shall not render the United States liable for any costs, expenses, or damages in relation to the land hereby directed to be quitclaimed and released.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CONVERSE. I desire some explanation should be made. This relates to a very large and valuable tract of land.

Mr. URNER. The explanation of the bill is this: this land has been in possession of Joseph Pearson and those claiming under him for sixty years. They have had it in undisputed possession, claiming title to it and paying taxes on it. The party mainly in possession now is the widow of the late Carlile P. Patterson. Since Mr. Patterson's death it has been discovered there is a cloud upon the title.

The property originally belonged to one Robert Brent, who was a paymaster-general of the United States Army. Brent was indebted to the United States and made a conveyance to three trustees, and also made a will in which he named the same parties as trustees for the same purpose. After the death of Robert Brent there was a bill filed in equity under which the same trustees were appointed and a decree in chancery was obtained for the purpose of selling the property under the deed of trust. The property was sold. These lots were purchased by one Pleasanton, Fifth Auditor of the Treasury at that time, for Joseph Pearson, who was one of the trustees and could not buy in his own name; but the testimony in the case is clear that the property was bought for him. He exercised acts of ownership over it in his lifetime, and those claiming under him have had undisputed possession ever since; and the United States have not lost one cent so far as these squares are concerned. It is only a question as to the removal of a cloud on the title of these lands.

Mr. CONVERSE. Was the indebtedness of Brent finally paid to the Government?

Mr. URNER. So far as these lots are concerned, the property was purchased in the name of Pleasanton. But as the memorandum of the auctioneer shows, as the deed from the surviving trustee, Robert Y. Brent, shows, as the certificate of the Solicitor of the Treasury shows, and as the letter from the attorney of the District, Colonel Corkhill, shows, there was no loss to the Government so far as these lots are concerned.

Mr. CONVERSE. I do not understand what the gentleman means by saying "so far as these lots are concerned." Was the purchase price of these lots paid into the Treasury to pay Brent's debt?

Mr. URNER. Yes, sir.

The bill was passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HISCOCK. I rise to move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill. And before that, I move to dispense with the morning hour.

Mr. BROWNE. I ask unanimous consent to introduce two bills which I have had in my desk for three weeks.

There was no objection.

OFFICERS OF VOLUNTEERS NOW IN THE ARMY.

Mr. BROWNE, by unanimous consent, introduced a bill (H. R. No. 6730) to fix the date of entry into the military service and to correct the record of officers now in the regular Army who served as officers of volunteers and the regular Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. MILAM.

Mr. BROWNE also, by unanimous consent, introduced a bill (H. R. No. 6731) granting a pension to William H. Milam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WOMAN SUFFRAGE.

Mr. WHITE, by unanimous consent, introduced a joint resolution (H. R. No. 255) proposing an amendment to the Constitution of the United States; which was read a first and second time.

Mr. RANDALL. Let the joint resolution be read at length.

Mr. WHITE. It relates to woman suffrage.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which when ratified by three-fourths of the said Legislatures shall be valid as part of said Constitution, namely:

"ARTICLE —.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have power by appropriate legislation to enforce the provisions of this article."

The SPEAKER. The joint resolution will be referred to the Select Committee on Woman Suffrage.

Mr. ATKINS. It should go, I think, to the Committee on the Judiciary. It involves a great legal question.

The SPEAKER. The Chair will state to the gentleman from Tennessee that the House adopted a resolution requiring the appointment of a Select Committee on Woman Suffrage, to which committee all matters relating to that subject were required by the very terms of the resolution to be referred.

Mr. ATKINS. I did not suppose that committee would have jurisdiction of amendments to the Constitution.

The SPEAKER. It has jurisdiction of all matters relating to that subject; and this is the only way in which the subject could be reached.

The joint resolution was referred to the Select Committee on Woman Suffrage, and ordered to be printed.

GEORGE JUENEMAN.

Mr. BUCK, by unanimous consent, introduced a bill (H. R. No. 6732) to authorize the Court of Claims of the United States to ascertain the amount of special damages sustained by George Jueneman by the change of grade of a certain square in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. What is the regular order?

The SPEAKER. The regular order is the motion of the gentleman from New York [Mr. HISCOCK] to dispense with the morning hour for the call of committees for reports.

Mr. HISCOCK. Then I call for the regular order.

The SPEAKER. Two or three gentlemen desire to introduce bills for reference; but if the gentleman insists upon the regular order——

Mr. HISCOCK. At least a dozen gentlemen have asked me to yield to them and in every instance I said I would not. They said they would be satisfied if I did not make fish of one and flesh of the other. They have gone away satisfied and I propose to live up to the engagement I made with them.

The SPEAKER. The regular order being insisted upon the question is upon the motion to dispense with the morning hour for the call of committees for reports.

The motion was agreed to, two-thirds voting in favor thereof.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The pending paragraph was as follows:

For the publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies, as follows:

For continuing the publication of the Official Records, and printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, to be distributed as provided in the act approved June 16, 1880, $33,000.

Mr. HISCOCK. I have consented that this paragraph be passed over for the present, and until the gentleman from Illinois, [Mr. SPRINGER,] who wishes to offer an amendment, shall be here. I ask, therefore, that the paragraph be passed over now, to be returned to when the gentleman comes in.

There was no objection.

The Clerk read the following:

For artificial limbs: For furnishing artificial limbs and appliances, or commutation therefor, and transportation, to be disbursed under the direction of the Surgeon-General of the Army, $150,000.

Mr. BROWNE. I move to strike out the paragraph just read, and to insert in lieu thereof what I send to the Clerk's desk.

The Clerk read as follows:

For artificial limbs: For furnishing artificial limbs and appliances, or commutation therefor, and transportation, $150,000; *Provided*, That hereafter all appropriations for furnishing artificial limbs and appliances, or commutation therefor, transportation, and surgical appliances for persons disabled in the military or naval service, including the unexpended appropriations made by the act of March 3, 1881, shall be expended and disbursed in the manner prescribed in section 4789 of the Revised Statutes.

Mr. BROWNE. I do not desire to discuss the proposed amendment. It is made at the suggestion of Judge Lawrence, the Comptroller of the Treasury, and is approved by the Pension Bureau, and I believe by the Surgeon-General's Office.

Mr. ATKINS. Would it not be well enough to insert after the words "military or naval service" the words "of the United States?"

Mr. BROWNE. I consent to that modification. This amendment will restore the law to what it was in 1876, and as is provided by the Revised Statutes. I have here the letter of the Comptroller on the subject; but I do not deem it necessary to encumber the RECORD with it. I understand there will be no objection to the favorable consideration of the amendment.

The CHAIRMAN. The Chair will ask the gentleman whether he wishes to insert the word "therefor" after the word "appropriations," so that it will read "including unexpended appropriations therefor made by the act of March 2, 1881?"

Mr. BROWNE. I will insert that word.

The amendment as modified was then agreed to.

The Clerk read the following:

That from and after the passage of this act the board of managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 monthly of the pensions of all inmates of the National Home for Disabled Volunteer Soldiers to the support and the objects and purposes of said home: *Provided, however*, That the above provision shall not apply to any inmate of said home who, having wife, at the time of his admission to said home, minor child, or parent dependent upon him for support, shall apply the excess of his pension above said $5 each month to said support. The said board of managers shall annually report the amount of pension money received by them under the above provision.

Mr. SHULTZ. I desire to move——

Mr. CONVERSE. I make a point of order on that paragraph.

The CHAIRMAN. The point of order will be reserved until the gentleman on the left of the Chair [Mr. SHULTZ] shall have stated his object in rising.

Mr. RANDALL. The gentleman from Ohio [Mr. CONVERSE] makes a point of order.

The CHAIRMAN. That the Chair understands is reserved.

Mr. CONVERSE. My point of order is that this clause is new legislation, changing the present law.

Mr. SHULTZ. I move to strike out the paragraph beginning at line 1192——

Mr. CONVERSE. I make that point of order on this clause, and I shall also make it on the next clause.

The CHAIRMAN. The next clause has not yet been read.

Mr. RANDALL. No amendment is in order pending a point of order.

The CHAIRMAN. The Chair recognizes the colleague [Mr. SHULTZ] of the gentleman from Ohio [Mr. CONVERSE] on the left of the Chair for some purpose. He has not yet stated that purpose.

Mr. ATKINS. The gentleman from Ohio [Mr. CONVERSE] has not made his point of order under the rule.

The CHAIRMAN. He has not had an opportunity to do so, owing to the interruptions of other gentlemen.

Mr. ATKINS. He simply says that it is new legislation. If it retrenches expenditures it is in order under the rule.

The CHAIRMAN. The Chair begs the gentleman from Ohio on the left [Mr. SHULTZ] to state his object in rising.

Mr. RANDALL. The gentleman has stated it; it was to amend.

Mr. SHULTZ. I move to strike out the paragraph.

The CHAIRMAN. The gentleman does not make any point of order on the paragraph?

Mr. SHULTZ. I do not.

The CHAIRMAN. Does the gentleman from Ohio [Mr. CONVERSE] insist upon his point of order?

Mr. CONVERSE. I do; but I am willing to hear the gentleman upon his motion.

Mr. HISCOCK. We may as well have the point of order disposed of, without listening to any argument upon an amendment.

The CHAIRMAN. The Chair will listen to gentlemen on the point of order. The Chair understands that the gentleman from Ohio [Mr. CONVERSE] yields to the gentleman from Ohio on the left [Mr. SHULTZ] if he desires to argue the point of order.

Mr. RANDALL. The gentleman from Ohio [Mr. CONVERSE] yields to me. The point of order is based upon the third paragraph of Rule XXI, which provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The pending provision of this bill does not show on its face, so far as I can see, that it retrenches expenditures.

Mr. HISCOCK. The point of order, as I understand, is aimed at the provision that all the pensions of inmates of soldiers' homes, less the sum of $5 per month to each pensioner, shall be turned in to the support of the home of which the pensioner is an inmate. If this is not in the direction of economy to the Government and is not a reduction of expenditures on the part of the Government—turning into the soldiers' home a fund which does not belong to the Government for the support of the home—I certainly am unable to conceive what provision would retrench expenditures or be in the direction of economy. The annual appropriation for the support of these institutions must be reduced to an amount corresponding with the sum turned in from these pensions.

The CHAIRMAN. Unless some gentleman desires to argue the point, the Chair is of the opinion that the direct inference——

Mr. McCOOK. Before the Chair makes his decision I wish to call attention to the fact that my colleague, [Mr. HISCOCK,] in arguing the point of order, admitted distinctly and in so many words that the money which the Government proposes to take from these crippled soldiers does not belong to the Government. While I would have no objection to seeing the provision go out on a point of order, I would prefer to see it struck out by a vote of the Committee of the Whole.

Mr. HISCOCK. It seems to me there can be no doubt on the point of order.

The CHAIRMAN. The Chair is of opinion that from the language of the provision there is a direct inference that it would retrench expenditures by the Government for this object. The point of order is overruled. The Chair entertains the motion of the gentleman from Ohio on the left [Mr. SHULTZ] to strike out the paragraph.

Mr. SHULTZ. I move to amend by striking out, on pages 49 and 50 of the bill, lines 1192 to 1218, inclusive.

The CHAIRMAN. The motion must be confined to the paragraph under consideration, which concludes with line 1204. The gentleman from Ohio moves to strike out the paragraph from line 1192 to line 1204.

Mr. SHULTZ. Mr. Chairman, I make this motion as a matter of simple justice to the wounded soldiers who are now inmates of the various soldiers' homes throughout the country. I hope the motion will prevail. I desire to present and have read as a part of my remarks the petition of 1,108 inmates of the National Home near Dayton, Ohio, respectfully protesting "against the passage of the bill now pending before Congress known as the 'board of managers bill.'"

The Clerk read the petition, as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

The undersigned beneficiaries of the Central Branch National Home for Disabled Volunteer Soldiers respectfully protest against the passage of the bill pending before Congress known as the "board of managers bill," providing that the board of managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 per month of the pensions of all inmates of the home to the support and objects and purposes of said home, &c. Your petitioners object to such act for the following reasons:

1. It is not necessary. Ample provision has already been made by Congress for all honest purposes, and a sequestration of pensions for the purposes of the home or for its support and objects is not required.

2. The people do not ask for such legislation, and so far as we are informed no citizen of the United States has ever objected to the usual appropriations for such purposes.

3. It is unjust. There are about 4,500 inmates at or belonging to the central branch of said home, and of these about 1,500 are pensioners. Of the 3,000 non-pensioners a very large proportion are not even claimants for pension, their disabilities not having been contracted in the service. This bill would take the money of the maimed and disabled and appropriate it to the support and maintenance of those not entitled to it under the law granting pensions.

4. Another objectionable feature of the bill is that those disabled most must make the largest contributions to the support of those least disabled. Under existing regulations the benefits accruing to the pensioner in excess of $5 per month consists of food and shelter only. He is required to purchase his own clothing, and pay all other expenses, while the non-pensioner is provided with clothing, tobacco, stationery, postage, &c., free of cost, and we respectfully submit that this discrimination against blind and limbless men by the managers of the home should be sufficient to satisfy even an enemy.

5. That clause of said bill confiscating arrears of pension, would, in many cases take from men large amounts of money that was due them before the National Home existed, and in most cases it would take money that was their due for years before they became inmates of the home, or were the recipients of any benefits therefrom. The injustice of such a measure must be evident to every member of Congress who will give the matter a single thought. While remonstrating against this unjust measure your petitioners would also earnestly protest against statements persistently made by interested parties to the effect that we are profligate and worthless, and should not be intrusted with the expenditure of money accruing from our pensions. We aver and maintain that in morals, manners, and intelligence we will compare favorably with any equal number of men taken promiscuously from this country, or from any other country on the face of the globe, and that this indiscriminate slander and condemnation of a large body of men, because some of them may be the victims of vice, should not receive any consideration from Congress, or in any way influence their action in the premises. If we are bad men the managers have the power to turn us out of the home, as they have turned out other bad men; but we protest that they should not be authorized to confiscate our pensions because other men are bad. We therefore earnestly remonstrate against the passage of said bill, and pray that the old and honest policy of the Government, which protects the pension for the individual use of the men who earned it, may not be departed from, and as in duty bound we will ever pray, &c.

Mr. BUTTERWORTH. Mr. Chairman, this provision of the bill was inserted by the Committee on Appropriations upon the unanimous request of the managers of the soldiers' homes, but, I must believe, under a misapprehension on their part. It will be observed that the clause as it now stands limits this deduction to the pensions of those who have no families or relatives depending upon them. Hence, the number of those who would be deprived of their pensions under this provision is not large. The provision was suggested, as intimated in the memorial which has been read, upon the ground that some of the recipients of these pensions were inclined to be dissipated, and to abuse the money which they received in this way. But it is conceived that the number of those who are reckless and profligate is very small; and while undertaking to correct an abuse of this kind great injustice would be done to a large number of maimed and crippled men who are inmates of the soldiers' homes.

An investigation by my honored colleague, [Mr. SHULTZ,] who possesses rare advantages for ascertaining the facts in this behalf, and by other gentlemen, discloses the fact that great injustice would be done by withholding this pittance from men who have suffered greatly in the service so that they are compelled to go to these soldiers' homes. The amount which would be deducted is not large so far as the Government is concerned, but it is considerable to these pensioners in the way of securing for them comforts, not to say luxuries, which they cannot otherwise obtain. The amount which the Government would save, if anything, is very inconsiderable.

I hope, therefore, that the amendment offered by my colleague to the pending paragraph, as well as that which he has suggested to the succeeding paragraph, will be adopted as a simple matter of justice to these maimed men who I am sure the managers of these institutions did not intend to injure in any wise, but whose interests they desired to protect. While the measure recommended might operate as a protection to a few, I am apprehensive it would be injurious and unjust to a very great many.

Mr. RANDALL. I wish to ask the gentleman from Ohio [Mr. BUTTERWORTH] whether the existing law requires that where a pensioner has a wife or a minor child or a parent or any one else dependent upon him, the excess of the pension above $5 per month shall go to such dependent.

Mr. BUTTERWORTH. I will say to my honorable friend from Pennsylvania, my understanding is they receive now the whole amount. I do not think it provides for paying it to the wife or family, but is placed at the disposal of the pensioner.

Mr. RANDALL. I am desirous of voting with the gentleman from Ohio in this connection, but it does seem to me it would be a wise provision where a disabled soldier has any one dependent upon him that a part of his pension should go to the wife or children or other person dependent on him.

Mr. BUTTERWORTH. The suggestion of the honorable gentleman is a good one, because there are undoubtedly cases where the money intended for the support of the family or other dependent person may be diverted into other channels.

Mr. RANDALL. Yes; squandered and wasted.

Mr. BUTTERWORTH. There is no doubt that is the truth.

Mr. RANDALL. I shall be willing to go that far, and no further.

Mr. HISCOCK. Let the amendment be again reported.

The amendment was again read.

Mr. HISCOCK. That is the amendment now pending.

The CHAIRMAN. That is the pending amendment, and debate is exhausted on it.

Mr. HISCOCK. I move to strike out the last word. Now, Mr. Chairman, I have no special feeling in reference to this amendment, but I think it is entirely proper I should put the committee in possession of all the facts which bear on the amendment and the provision which is sought to be stricken out.

Under the statute as it is now the very class of people from whom we take their pensions in excess of $5, in my judgment, are not entitled to pensions at all if the statute were rigidly enforced. This is the language of the statute:

And such of these [referring to the pensioners] as have any child or parent dependent on them, on becoming inmates of this home or receiving relief therefrom shall assign thereto their pensions when required by the board of managers during the time they shall remain therein or receive its benefits.

Now, the practice there has always been to exact this assignment of the pensions of those inmates and the managers of the home have been accustomed whenever an inmate left to give him the pension, they not having expended it but holding it in trust for him, or on his death distributing it according to any will he might make or under the State law of distribution.

We believe it is entirely proper we should enforce the provisions of the law, which I have read, in a mild way. I do not believe the managers have the legal right to exercise the discretion they do exercise. We thought it was wise, therefore, to make it incumbent upon the managers to spend in support of the home the excess of each pensioner's pension above $5 per month.

Now, I have this to say about it: it is not a matter strictly in

the line of appropriation, but is a general statute and a general system that we are striking at; and it is for every member of the committee to judge for himself what action he thinks best.

Mr. DAWES. As the chairman of the Committee on Appropriations has stated the managers of the Soldiers' Home had authority under the law to take the pensions and keep them for the benefit and use of the soldier and his heirs, and not appropriate them to the use of the home. This is a new proposition, and, as my colleague, the other member on the Committee on Appropriations, has very properly indicated, it is unnecessary, and, as a matter of fact, outrageous to the veteran soldiers in our homes, those who have lost their legs or arms or been otherwise crippled. One hundred and twenty-two of them at the Dayton Home, as shown by this report, are drawing pensions from $24 and upward; some $50, some $72; and those men are mulcted—every man drawing $24 is mulcted $19, and those having $72 are mulcted $67 a month, and for the benefit of about three thousand inmates who are not mulcted at all. It is an absurd provision and should be stricken out. I regret exceedingly that such hasty legislation has been incorporated into this bill. I wish the responsibility to be placed where it belongs, upon the managers of the Soldiers' Home. Let me read the letter of General W. B. Franklin upon which this hasty action has been taken:

HARTFORD, CONNECTICUT, *April* 18, 1882.

DEAR SIR: In compliance with the request of the Committee on Appropriations at our interview of the 15th instant, I have drawn up a draft of an amendment to the pension appropriation bill, which, I think, covers the case. That is, if it be passed, no pensioner who is an inmate of the home without dependent relative can squander more than $5 monthly of his pension, and if he have such relative he must send the pension to the relative, or all above $5 monthly reverts to the home. I sincerely hope that something of the kind will become a law.

Very truly, yours,

W. B. FRANKLIN.

Hon. FRANK HISCOCK, *Chairman Appropriations Committee, House of Representatives, Washington, D. C.*

That is the spirit of this recommendation, and I exceedingly regret that that kind of legislation has been put into an appropriation bill. It is undoubtedly subject to the point of order made by my colleague on the other side of the House, and it ought to be stricken out. I hope it will be stricken out by a vote of the House.

Mr. McCOOK. I desire to say a single word——

The CHAIRMAN. There is an amendment pending.

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. McCOOK. I renew it. I desire only to say, Mr. Chairman, that I am as heartily in favor of striking out this provision as the gentleman from Ohio himself; and if I desired to detain the committee could give the reasons which would prompt me to favor such action. But I simply take the floor for the reason that I desire to say it seems hardly fair for the gentleman from Ohio to make any reflection even indirectly upon either General Franklin or any other member of this board of managers, for I am sure that all who know these gentlemen personally, while in all respects they may not approve of their management of the homes, will do them the justice to say that they have endeavored to do their whole duty, with the idea in view simply of taking care of the inmates of those homes. But while saying this I believe they have made a mistake in this recommendation, and I hope the committee will vote to strike it out. Still that can be done without making reflection upon them.

Mr. HISCOCK. Mr. Chairman, I desire to say a word in response to what has been said with reference to General Franklin and General McMahon in connection with this matter. It is well known that there are many soldiers who are paupers now in the almshouses, and are receiving no pension, because they are not laboring under any disabilities, either because of wounds or diseases incurred in the service of the country. But yet they were brave and true soldiers, and have become paupers and need assistance from the Government. They need this, for under the provisions of the law they are not entitled to become inmates of the homes. Now, then, General Franklin and General McMahon, in their policy, here pointed out, evince an intention directly to make provision for that class of soldiers; and I desire to say that much in justice to these gentlemen.

Now, then, the committee can do as it pleases about striking out the provision. I do not care about that. If they desire to give the soldiers their pension and support, that is all proper enough, and every gentleman may act in the matter of course according to the dictates of his own judgment. But I desire to call the attention of the committee to the fact that some time it may become the duty of Congress to make provision for the pauper soldiers that cannot receive pensions and are now receiving support from the homes.

Mr. DAWES. Mr. Chairman, I wish to say but a word in response to the remark made by my friend from New York, [Mr. McCOOK,] and that is that if what I have said may be construed into a reflection upon General Franklin by reading his own letter of recommendation, then I am guilty of that without any possible intention of reflecting upon him. But I will do General McMahon also the kindness to read his recommendation and let the committee be their own judges.

Mr. HISCOCK. There is no doubt about the recommendation——

Mr. DAWES. But I want to read the language: I want to show exactly what they do recommend, and I do not want it to be understood that I am making any reflection when I quote their exact language. General McMahon says—and I want to read this also to show what the Committee on Appropriations had before them in making up this bill and see whether they acted hastily or not——

Mr. HISCOCK. They did not act hastily.

Mr. DAWES. General McMahon says:

I think the taking of the pensions will create a stampede from the homes and raise a howl; but at the same time it is just, and if accompanied by legislation authorizing the admission of broken-down non-pensioners disabled by age would result for the best.

Does the Chairman of the Committee on Appropriations say this action was taken upon mature deliberation?

Mr. HISCOCK. That is the point exactly; they meant to leave the law as it is, and make provision for the paupers for whom no provision is otherwise made.

Mr. DAWES. No, sir; we have been able to take care of all of these pensioners and support the homes too; and there is an item in this bill of $600,000 for all of the necessities of the homes. Is not that sufficient to cover all of the estimates?

Mr. HISCOCK. There is no doubt that the amount is sufficient to support the homes.

Mr. DAWES. Exactly; there is the money appropriated for their support. Now, this provision, which should be stricken out, has been hastily put in by the Committee on Appropriations. It has no place in the bill and ought to be stricken out, and I hope it will.

The CHAIRMAN. The Chair will assume that the *pro forma* amendment is withdrawn. The question is on the motion to strike out the words which have been read.

The motion to strike out was agreed to.

Mr. RANDALL. I would suggest an amendment, as this paragraph has been stricken out, to insert the following in lieu of the part so stricken out:

That from and after the passage of this act the board of managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 monthly of the pensions of all inmates of the National Home for Disabled Volunteer Soldiers to the support of the wife, minor child or children, or parent depending upon him for support.

I make it for the reason that where there is a dependent on an inmate of the home, the money retained by the provisions of this bill shall go directly to such dependent or dependents.

The CHAIRMAN. The gentleman from Pennsylvania had better send up his amendment to the desk.

Mr. RANDALL. I do not know that I will offer any amendment. I merely make the suggestion, and it will perhaps be accepted by the chairman of the committee.

Mr. HISCOCK. Mr. Chairman, I must object to that amendment. I suggest to the gentleman from Pennsylvania that it is hardly wise to incorporate it, and I desire his attention for a moment. I think it hardly wise to put a provision of that kind into the bill, and for this reason: under the statute which I have read, where the pensioner has a wife or child or parent dependent upon him for support, provision is made under the rules governing the home for that portion which is set aside for such dependent relation, and regulations are already in force as to how it shall be applied.

Mr. RANDALL. I have no objection——

Mr. HISCOCK. I ask the gentleman to hear me out. So far as these pensioners are concerned, the period of having children and parents dependent upon them for support is passed; and the only one who would come in as a beneficiary is the wife. The wife there is all the trouble. That is what is the matter. These men go out and get married, or some woman will marry the man for the sake of his pension.

Mr. RANDALL. If the gentleman states the regulations of the home practically secure the object I have in view, I will withdraw the amendment.

Mr. HISCOCK. It might apply to cases of minor children, but there are very few of those.

Mr. RANDALL. I saw the members of the committee themselves had made this proviso.

Mr. HISCOCK. But we struck out the wife.

Mr. RANDALL. I wanted to make it affirmative.

Mr. HISCOCK. We struck out the wife. I have no doubt the bill is right as originally drawn.

Mr. RANDALL. I withdraw the amendment.

The Clerk read the following paragraph:

That all pensions and arrears of pensions payable or to be paid to pensioners who are or who may become inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurers of said home, to be applied by such treasurers as provided by law, under the rules and regulations of said home. Said payments shall be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof on the day to which said pension is drawn. The treasurers of said home, respectively, shall give security, to the satisfaction of the managers of said home, for the payment and application by them of all arrears of pension and pension moneys they may receive under the aforesaid provision: *Provided*, That in addition to the persons now declared by law to be entitled to admission to the National Home for Disabled Volunteer Soldiers, any person who served during the war of the rebellion in the Navy of the United States and was honorably discharged therefrom, who is not otherwise provided for by law, and who is incapacitated by reason of wounds incurred in the line of duty or disease contracted during his said service from earning his own support, may be admitted to said home in the same manner and under the same conditions as volunteer soldiers. And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby repealed.

Mr. HISCOCK. I am compelled to make a motion to strike out a portion of this paragraph. It has been asserted here in the Committee of the Whole that this legislation was hasty, and there has been some reflection on those distinguished soldiers upon whose recommendation we put the legislation in this bill. Having struck out the clause of the bill indicated by the amendment of the gentleman from Ohio, it now becomes absolutely necessary to strike from the bill the provision that from and after its passage "in addition to the persons now declared by law to be entitled to admission to the National Home for Disabled Volunteer Soldiers, any person who served during the war in the Navy," &c. Now, that must be stricken from the bill.

Mr. McCOOK. Why?

Mr. HISCOCK. Because there is not room there for them.

Mr. McCOOK. You mean not room for them in the appropriation.

Mr. HISCOCK. I mean not room enough in the homes for them. It was expected under the provision we put in the bill there were pensioners who would withdraw from the homes, and expecting that we amended the act so as to provide for filling the vacancies occasioned by their retiring by the volunteer sailors during the war. Now that you have stricken out from the bill the provision that looked to the turning of soldiers out from the home, it becomes necessary for me to make the motion I make.

Mr. ATKINS. I think the gentleman from New York ought to explain to the committee why it was expected that soldiers would leave the home if this legislation was put in.

Mr. HISCOCK. It was expected they would leave the home for the reason they would prefer to have their pensions and support themselves rather than to remain in the homes and be supported and surrender their pensions.

Mr. McCOOK. Does the gentleman know the average amount of money a pensioner receives when he talks of a pension supporting a man?

Mr. HISCOCK. In my action on this matter I proceeded on the opinion and judgment expressed by the managers of the home.

The CHAIRMAN. Will the gentleman from New York please to indicate distinctly what is his amendment?

Mr. HISCOCK. I move to amend by striking out, from line 1218 to line 1234, inclusive, the following:

Provided, That in addition to the persons now declared by law to be entitled to admission to the National Home for Disabled Volunteer Soldiers, any person who served during the war of the rebellion in the Navy of the United States and was honorably discharged therefrom, who is not otherwise provided for by law, and who is incapacitated by reason of wounds incurred in the line of duty or disease contracted during his said service from earning his own support, may be admitted to said home in the same manner and under the same conditions as volunteer soldiers. And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby repealed.

Mr. McCOOK. I hope the gentleman from New York will give us some better reason than he has yet done for that amendment. I am sorry he has made the statement that the purpose of the preceding section, which we have stricken out, was to squeeze out of the soldiers' home the men who are justly entitled to the provision we have made for them. The pension money for them will not on an average exceed $110 per annum. It is their blood money, not in the offensive sense of the word, but a bounty we give them in payment of a right or a claim which they have on the Government. We then, in addition to that, made provision for them in the respective homes. And no legislation proposed to be enacted by the Congress of the United States, in my judgment, should for a moment be entertained if its purpose is to squeeze them out, even to make way for as good men as are the wounded and disabled men of the Navy of the United States.

I do not know the number of men in the Navy who would be affected by this provision or would be entitled to the benefits of the home. But I hope if the homes are not large enough we will enlarge them, and that the motion of the gentleman from New York will not prevail. I hope this effort to make provision for the men of the Navy as well as of the Army will remain in the bill, being one of its unquestionably good features.

Mr. HISCOCK. All there is about it is that we must confront the condition of things. There is nothing else to do. I say now, there is not vacant space in the homes for the volunteer sailors of the war; and I say the provision in the bill which was stricken out, it was expected would in its operation have made space for the volunteer sailors. With that expectation we made this amendment of the law which is subject to the point of order. We amended the general statute so as to entitle those who served in the Navy to be admitted to the homes. But when the other provision is out, this provision must go also, because there is no place there for them.

Mr. BUTTERWORTH. I desire to say to the chairman of the committee that I dissent from the statement it was the general understanding that the clause we have stricken out was inserted or suggested with a view to creating vacancies in the home which might be filled from the Navy. Such an understanding might have obtained; but I do not remember the suggestion having been made. On the contrary, it was, so far as the managers are concerned, intended to protect the best interests of the soldiers and in the direction suggested by the gentleman from Pennsylvania, [Mr. RANDALL.]

I want to say in behalf of the managers, (and it is due to them that I should say so,) that I do not believe the soldiers have truer friends than they are; and they were looking to their interests in this matter, no matter how much they may have erred as to the means for securing the comfort of these men. I do not know how many will be added to the number in these homes if this clause of the bill shall remain as reported. But I shall vote against striking it out, for there was no understanding, so far as I am concerned, that vacancies would be created by the enactment of the clause which was stricken out on the motion of my colleague, [Mr. SHULTZ.] I do not think the applicants under this provision, which the chairman of the Committee on Appropriations [Mr. HISCOCK] now seeks to strike out, will be very numerous. But as my friend from New York [Mr. McCOOK] suggests, if they are numerous I apprehend there will be room in the homes for them; and if not, then we will enlarge the homes.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. MOREY. I renew it. I have this to say: if there are soldiers and sailors of the Army and Navy of the United States who have become incapacitated from earning their support by reason of disease contracted or wounds received while in the line of their duty, and who are not yet provided for by this Government, it is the duty of the American people to take care of those wards of the nation whenever they apply to it for those comforts which in battling for their country they have lost the power to win for themselves.

I submit that it is the duty of this Government not only to take care of those dependent men who have lost their limbs or their health in their country's service, but I submit that it is the duty of this Government to provide for their support out of the Treasury of the United States, and not at the expense of the bounty which the Government has extended to any wounded or maimed man. The spirit of the legislation which contemplated that relief should be extended to one class at the expense of those who were drawing pensions from the Government is vicious and unjust.

If there is not room now in our national homes for those who are dependent upon the Government, and who have become dependent by reason of loss of health in service or wounds received in battle, it is time we should enlarge those homes and pay the just debt which we owe to these men. This committee has just said, on motion of my honored friend from Ohio, [Mr. SHULTZ,] that the national home is a monument to the just regard which our Government has for its obligations to the disabled soldiers of the Republic.

This very bill contains an appropriation to cover the full estimate of the expense of supporting these homes and suitably caring for their inmates. It is not pretended that the pension money is needed for that purpose. The recommendations of Generals Franklin and McMahon are not put on that ground. It is said, sir, that many of the inmates, rather than lose that portion of their pensions above $5 per month, would forego its benefits and leave the home, and thereby make room for the disabled sailors whose admission is provided for in the clause which the gentleman from New York proposes to strike out.

He says it must be struck out now, because the provision appropriating the soldiers' pension money to the support of the home has been struck out; that there will not be room to care for the applicants who will come from the ranks of the disabled sailors unless the number of soldier beneficiaries is lessened by presenting to them the option of losing its benefits or of losing their pensions.

Sir, I believe this is not just, or in the spirit of our legislation on this and kindred subjects. I do not believe either that these asylums would be overrun or crowded beyond their capacity. Their history does not justify that conclusion. In the last annual report of the board of managers the following significant and suggestive statement is made:

The increase in the number of inmates during the past year has been four hundred and eighty-three, or about 7 per cent., being less than it has been in any previous year. This fact shows that the number of inmates on the existing basis of admission has arrived nearly at its maximum, as the death-rate must increase in a greater ratio from year to year.

The following statement of ages also appear in the same report:

Thirty to forty	1,893
Forty to fifty	2,798
Fifty to sixty	2,675
Sixty to eighty	1,841
Eighty to one hundred	79

These figures, sir, are silent and pathetic witnesses to the statement of the board of managers that the death rate of our veteran heroes must increase in a greater ratio from year to year.

A few have passed beyond the ripe old age of eighty years, and look back in near a century of their country's history. They have seen it grow from its early beginnings and expand into the grand proportions it has now assumed. In their ripe old age, while they await the summons of the grim harvester, a grateful people throws around them all the comforts and joys that can come to age and decrepitude.

All are marching rapidly forward to that period in years when they must cross the line between time and eternity. In the national cemeteries lie buried more than three hundred thousand of the sol-

diers of the Republic, who gave their lives that their country might live. Nature has already repaired that loss. Surviving friends may mourn the absence of loved ones who have gone before. Nature has enfolded them in her kind embrace, and annually throws over them the mantle of her beauty, while the swelling tide of our fifty millions of population sweeps on to the glorious possibilities of the future.

Let us now take care of the living and redeem the pledges that were made to them. The Republic said to her sons, "Go forth and battle for your country. The Government will care for the maimed and wounded and those disabled by disease. We will care for the widow and the orphan and for the dependent father and mother who lose the stay of their declining years in a loved and cherished son on the field of battle."

I know that our pension-roll is the largest in the world, and that our expenditures for the heroes of our wars and their families has no parallel in history. That our pension law is a monstrosity, as asserted by the late postmaster-general of the confederacy, [Mr. REAGAN,] I deny. It is in perfect harmony with the spirit of our institutions.

Our Government pays pensions to its soldiers who endured the hardships of the march and were exposed to the dangers of battle, as it agreed to do. Other nations pay them to royalty and to rank.

England gave Lord Nelson and his heirs, $1,310,000; to the Duke of Marlborough and his heirs, $3,320,000; to the Duke of Wellington and his successors, more than $3,000,000; while the heirs of the Duke of Schomberg, who fell at the battle of the Boyne, have drawn from the royal treasury the enormous sum of $3,400,000. No such example can be found in the history of our country.

England's army numbers 131,000 men. The Army of the United States numbers 25,000 men. Her army costs near $100,000,000 per annum. Our Army costs $40,000,000 per annum.

England pays $12,000,000 per year on the average for pensions. The United States pays an average sum since the war of the rebellion of $50,000,000.

But, my fellow-members, our Army and our pensions cost us less than England's cost her. Our Army is the patriotic and loyal citizens of the Republic. We take care of our veterans and of their little ones, and because we are just to them we can call to arms to-day, if needs be, an army that will defy the world.

Our national cemeteries with their sacred dust, our national homes filled with the nation's wards, our pension-roll sending relief and comfort into thousands of homes where otherwise would be hunger and want and suffering, are the monuments a grateful Republic has erected, and the just recompense it pays to those who were its defense and succor in the hour of its extremity.

Mr. CANNON. I would like to ask the gentleman a question.

Mr. MOREY. Very well.

Mr. CANNON. I understand the gentleman to take the position that if there is not now room enough in the soldiers' home to accommodate all the soldiers and sailors who lost their health in the service from wounds or from disease, he is in favor of building new homes to care for them outside of their pensions. Now I want to know if the gentleman is prepared to vote the multiplied millions of dollars necessary to take care of nearly 300,000 men, soon to be 400,000?

Mr. MOREY. I do not admit the premises of the gentleman. But I am willing and prepared to do what I ask the gentleman whether he is willing to do; that is, to pay the just debt which our Government owes to these people.

Mr. CANNON. Certainly.

Mr. MOREY. And I am prepared to say that I will vote to enlarge these homes in order to provide for every man who is incapacitated from earning his support, whether by wounds or disease, whom we have not already provided for.

Mr. DAWES. Does the gentleman from Illinois [Mr. CANNON] want to squeeze out these veterans in order to make room for others?

Mr. CANNON. I have said nothing about that. I want to know if you want to vote appropriations to enlarge these homes.

Mr. DAWES. And I want to know that from you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE. I commend to the House the statement of the chairman of the Committee on Appropriations [Mr. HISCOCK] in regard to the provisions that are being made for the destitute soldiers of the country. When some time ago a bill was brought before the House, unanimously reported by the Committee on Military Affairs, in favor of establishing a soldiers' home at Erie, Pennsylvania, it was urged that adequate provision had not been made to take care of the indigent and disabled soldiers of the country.

Some reflection was cast at that time by some members upon the State of Pennsylvania. It was said that the bill contemplated merely a local institution. I disclaimed in the most positive and emphatic language that it had any local character whatever, but that the doors of that institution should be open to soldiers from all sections of the country. It was a place admirably adapted to make proper provision for these people. It is the high and solemn duty of the American people to provide for their indigent soldiers. I think no man except one with a heart of stone can deny that proposition.

The question is not the one suggested by the gentleman from Illinois, [Mr. CANNON,] whether 300,000 soldiers should be provided with homes. The question is, how many indigent soldiers are there in this country who are unable to take care of themselves, who were honorably discharged from the service, and who rendered good service during the war? How many of that class of men are there in the nation to-day who need the protection, the care, and the providence of this Government? That is the question. Whatever number there may be, whether it be one thousand or ten thousand or one hundred thousand, the pledge of this Government was made to those men when they entered the service that they should not want nor should their families want; that they should be provided for and cared for; and that obligation now rests upon Congress.

I am glad the suggestion was made by the chairman of the Committee on Appropriations that there is now no provision made for those who are in destitute circumstances that have been discharged from the Navy. I agree with the proposition in this bill that such provision should be made, and I must insist further that additional provisions should be made by establishing new homes, until every honorably discharged soldier and sailor who is unable to earn a living shall have a comfortable home during the remainder of his life.

Whether you establish a home in Pennsylvania or not is not the important point. Pennsylvania offers to the Government a fine building and a splendid site to carry out a purpose of this kind, but if you have any hostility to Pennsylvania and desire that this home shall not be located in that State, locate it wherever else you choose and I will vote for it. My object is not to establish a home in Pennsylvania, but to establish somewhere a home for the poor and destitute soldiers of the Republic. If any other State will show equal generosity, put the home in that State. It is the duty of this nation to see that her defenders are well cared for, that not a single one of them shall inhabit a poor-house or when he dies shall be buried among paupers.

The CHAIRMAN. Debate is exhausted. If there be no objection, the *pro forma* amendment will be regarded as withdrawn.

Mr. CANNON. I renew the *pro forma* amendment. Certainly no member of this House is going to refuse now or hereafter to vote proper appropriations to discharge the obligation which the people of the United States owe to the soldiers of the late war. But in my question a moment ago to the gentleman from Ohio, [Mr. MOREY,] who laid down the proposition that all soldiers suffering from wounds or disease contracted during the late war should have provision made for them in some soldiers' home in addition to the pension provided by law, my object was to ascertain if I understood his position properly, because, without now expressing any opinion upon that proposition, if that is to be done, instead of six soldiers' homes we would have to provide several hundred.

There is another class of people not yet spoken of here, who after all have some claims—persons who are neither pensioners nor inmates of soldiers' homes, but who on account of inability to make the technical proof required have received nothing from the Government, although they served it faithfully and incurred injury in the service, and many of whom now throughout the country subsist upon charity.

Mr. McCOOK. Simply for the information of the gentleman from Illinois, and to answer his economical speech, I want to read to him the provision which was made by Congress on this subject in 1866, when the recollections of the war were fresh and this Government was impressed with the duty of taking care of the men who had saved the Republic. I read from section 4832 of the Revised Statutes:

SEC. 4832. The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the recommendation of three of the board of managers, namely: all officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty.

Those are the men declared by our legislation in 1866 as entitled to the benefits of these institutions.

Mr. CANNON. I was aware of the law the gentleman read, and I want to call the gentleman's attention to the fact that the half dozen soldiers' homes that we now have will not accommodate, I undertake to say, one in twenty of those who are entitled to admission under the law just read. If we make by law this additional provision for admitting persons who served in the Navy as well as in the Army, then gentlemen must come up and make a further appropriation, whether it be $10,000,000 or $100,000,000. Do not shirk the responsibility of carrying out your proposition.

Mr. McCOOK. I do not shirk any responsibility.

Mr. CANNON. If this amendment be adopted in its present shape, I shall be in favor of voting a proper increase of appropriation.

The CHAIRMAN Debate on the *pro forma* amendment is exhausted. If there be no objection it will be understood to be withdrawn.

Mr. HISCOCK. I renew the amendment.

Mr. ATKINS. I wish to ask the gentleman from New York, [Mr. HISCOCK,] the chairman of the committee that reported this bill, what he meant by the phrase "squeezing out" as used in the debate a few moments ago? Did it not mean something like this: that those inmates of the soldiers' homes who are receiving very large pensions would retire in order to avoid the proposed deduction from their pensions, thus making room for soldiers who receive less pension?

Mr. HISCOCK. I used the term "squeezed out" because it had been employed by another gentleman upon the floor as a term of re-

proach, as I thought, toward the Committee on Appropriations for their action in this matter. I had no intention of "squeezing out" anybody. We propose to leave to every inmate of every soldiers' home his free volition to take the full amount of his pension and go elsewhere, or to give the amount of his pension less $5 a month to the support of the home, and to stay there and be supported. We supposed the practical effect of this would be to make vacancies which might be filled by soldiers of the late war, for whom otherwise there is no place.

I know there is always surrounding a question of this kind a good deal of sentiment. I feel it largely myself; but this is a practical question; and having stricken out the other provision, let us leave the law as it is, without attempting to amend it. I say this provision should go out of the bill.

Mr. DAWES. I rise to a parliamentary inquiry. What does the amendment of the gentleman from New York propose to strike out?

The CHAIRMAN. The proviso beginning in line 1218 and ending with "soldiers," in line 1228.

Mr. McCOOK. Let me suggest to the gentleman to strike out all from line 1205 to line 1234, inclusive, leaving the law precisely as it is.

Mr. HISCOCK. So far as that question is concerned I can make that amendment. This mode of payment is just and proper. It saves trouble. I say to the gentleman, as a friend of the soldier, he ought to leave that provision as it is if he does not wish to have the money squandered in the possession of middle men, but go to the soldier.

Mr. DAWES. Let me ask the gentleman from New York a question, and that is whether he leaves the arrears of pension as the property of the pensioner?

Mr. HISCOCK. The arrears of pension are the property of the soldier. I understand you have stricken out the provision which gives to the home a part of the pension. We have never attempted to interfere with the arrears of pension. To make the bill perfect, as it should be, with the amendment already made, the lines which I have indicated should be stricken from the bill.

Mr. McCOOK. Why is not the gentleman content with the law as it now stands under the second section of the act approved in 1881, which provides for the distribution of pensions to the inmates of the homes?

Mr. HISCOCK. The managers of the home are better satisfied with this provision.

Mr. McCOOK. The managers of the home were also satisfied with the provision which has been stricken out.

Mr. HISCOCK. I really think the gentleman himself is satisfied with it.

Mr. McCOOK. Perhaps not.

Mr. BAYNE. I wish to offer the following amendment to the amendment proposed by the gentleman from New York.

The Clerk read as follows:

Whereas the Commonwealth of Pennsylvania is the owner of about one hundred and two acres of land situate within the corporate limits of the city of Erie, in said Commonwealth, and known as "Garrison Hill," being the place of the death and burial of General Anthony Wayne, upon which premises there has been erected a large and commodious brick building by said Commonwealth, at a cost of about $110,000, for a marine hospital; and

Whereas it is represented that the Commonwealth of Pennsylvania will cede title to and jurisdiction over said lands and buildings to the Government of the United States upon condition that said Government shall, upon acquiring title to and jurisdiction over the same, as soon thereafter as practicable, establish thereon a home for such of the honorably discharged soldiers and sailors of the United States as shall have served in the late or any war, and who are now or may hereafter be in destitute or indigent circumstances and unable to earn a livelihood, or who may now or hereafter be inmates of poor-houses or other eleemosynary institutions, or in any manner dependent upon public charity for support, and who are excluded from the benefits of the national soldiers' and sailors' homes or asylums now established by law, by reason of their not having been discharged from the military or naval service of the United States for wounds received or disabilities incurred while in actual service: Therefore,

Be it enacted, &c., That upon condition that the Commonwealth of Pennsylvania cede to the Government of the United States the lands, buildings, and property aforesaid, with jurisdiction thereover, for the objects and purposes hereinbefore mentioned, the Government of the United States shall thereupon establish and maintain upon said grounds a national home for such of the honorably discharged soldiers and sailors of the United States as shall have served in the late or any war, and who are now or may hereafter be in destitute or indigent circumstances and unable to earn a livelihood, or who may now or hereafter be inmates of poor-houses or other eleemosynary institutions, or in any manner dependent upon public or private charity for support, and who are excluded from the benefits of the national soldiers' and sailors' homes or asylums now established by law, by reason of their not having been discharged from the naval or military service of the United States for wounds received or disabilities incurred in actual service.

Mr. HISCOCK. I make the point of order, Mr. Chairman, that that amendment to the amendment is clearly out of order. In the first place, because there is a bill pending before the House on the same subject, and in the second place, it is new legislation and increases expenditures, as it asks for an appropriation.

The CHAIRMAN. The amendment which has been read by the Clerk is evidently the substance of a bill pending before the House, and the Chair therefore sustains the point of order and rules the amendment out of order.

Mr. HISCOCK's amendment was agreed to.

The Clerk read as follows:

UNDER THE NAVY DEPARTMENT.

Appropriation for transit of Venus, 1882:

To enable the Secretary of the Navy to organize parties to observe the transit of Venus in December, 1882, $75,000: *Provided*, That this appropriation shall be expended, subject to the approval of the Secretary of the Navy, under the direction of the Transit-of-Venus Commission created by the act approved March 3, 1871, and the provision in the act of March 6, 1882, creating the Superintendent of the Nautical Almanac an additional member: *Provided further*, That the Secretary of the Navy be, and he is hereby, authorized to detail a vessel of the Navy to convey parties to such points selected for the observation of said transit of Venus as are not otherwise easily accessible: *Provided further*, That all officers of the Government serving with the parties engaged in observing the said transit of Venus shall be paid the regular compensations and allowances from the appropriations for the support of the branches of public service to which the said officers are severally attached; but allowances for traveling expenses, quarters, and subsistence shall be paid out of this appropriation, or, in lieu thereof, the said Transit-of-Venus Commission may substitute a fixed sum per diem, for the expenditure of which bills properly receipted by the recipients, with the approval of the presiding officer of the said commission, shall be sufficient vouchers to the accounting officers of the Treasury: *And provided further*, That no part of this appropriation shall be covered into the Treasury until the objects for which it is made shall have been accomplished.

Mr. HARRIS, of Massachusetts. I move to add the following:

To enable the Secretary of the Navy to remunerate the officers and crew of the United States steamer Alliance, for extra clothing, mess stores, and purchases by them during the cruise of that vessel in the Arctic Ocean in search of the exploring steamer Jeannette, $8,000.

Mr. HISCOCK. I am compelled to make the point of order on that amendment until the gentleman makes some explanation of it.

Mr. HARRIS, of Massachusetts. Does the gentleman reserve his point of order?

Mr. HISCOCK. I make it now, but will hear the gentleman state the facts, to see whether it is subject to the point of order or not.

Mr HARRIS, of Massachusetts. The United States ship Alliance was ordered by the Navy Department to go to the arctic region and search for the lost steamer Jeannette, but no provision was made for the extra clothing required in that northern region. The officers were obliged to expend about $90 apiece to furnish the necessary clothing for that region, and the sailors about $45 apiece. This matter was referred to the Secretary of the Navy, who recommends the passage of this provision appropriating $8,000 to enable him to reimburse the officers and sailors of that ship.

Mr. ATKINS. I desire to ask the gentleman if this was not a volunteer expedition?

Mr. HARRIS, of Massachusetts. Not so far as the officers and sailors on board of the ship were concerned.

Mr. ATKINS. It was so far as the officers and men are concerned, as I understand it.

Mr. HARRIS, of Massachusetts. I do not so understand it. I ask that the letter of the Secretary of the Navy be read in this connection; but before that I desire to say that at any rate a United States ship with officers and crew went on that expedition, and they were obliged individually to spend money for the purchase of necessary clothing to protect them against the rigors of the climate. I ask that the letter of the Secretary be now read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, D. C., February 24, 1882.

SIR: I have the honor to transmit to you a memorial of the officers and seamen of the United States steamer Alliance, asking to be reimbursed for extra clothing, mess stores, &c., purchased during the cruise of that vessel in the Arctic Ocean in search of the steamer Jeannette.

It is only proper that I should state at the same time that I believe the request to be reasonable and just, and hope that your committee will take such action as will relieve the memorialists.

Very respectfully, your obedient servant,

WILLIAM H. HUNT,
Secretary of Navy.

Hon. BENJAMIN W. HARRIS,
Chairman, &c., House of Representatives.

Mr. HARRIS, of Massachusetts. I hold in my hand also a memorial of the officers and crew of the steamer, in the following words:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the undersigned officers, seamen, and marines of the United States steamer Alliance respectively represents:

That in June, 1881, the United States steamer Alliance, Commander George H. Wadleigh, United States Navy, commanding, under orders of the United States Navy Department, proceeded from Norfolk, Virginia, to the Arctic Ocean on the coasts of Ic land, Norway, Greenland, and Spitzenbergen, during the months of July, August, September, and October, 1881, in search of the missing Bennett exploring steamer Jeannette;

That this voyage was not in the ordinary routine of a man-of-war cruise;

That the cruise was made in an inclement and tempestuous part of the world;

That the United States Navy Department had no fund disposable to supply the officers and crew of the Alliance with the extra clothing and mess stores necessary for their health and comfort on such a cruise;

That the officers, seamen, and marines, incurred an average personal expense of $90 per officer and $45 per man.

Your memorialists therefore appeal to your honorable bodies to take the necessary action to refund from the United States Treasury to the subscribers the sums above mentioned.

This memorial is signed by the officers and crew of the steamer, and accompanying the same is a letter from Commander Wadleigh requesting that the memorial, which has the permission of the honorable Secretary of the Navy, be presented to Congress.

The Committee on Naval Affairs adopted a resolution early in the session, which I have in my hand, recommending the Committee on Appropriations to put into some of the appropriation bills an amount sufficient to reimburse these officers and men. That resolution was sent to the Committee on Appropriations through the House, and as I understand it was omitted, not by design, from the bill, but I ask that it be now incorporated as an amendment.

Mr. HISCOCK. The point in the case, Mr. Chairman, is simply this, whether a resolution reported to this House requesting the Committee on Appropriations to incorporate into a bill an appropriation for a specific purpose, and referred by this House to the Committee on Appropriations without any direction of the House to the committee to consider the question, is subject to the point of order. I believe that it is. I once told the gentleman from Massachusetts that I would not make the point of order against this item, but when I commenced the consideration of this bill and saw the numerous propositions which were presented from all sides of the House and felt the presure that was brought upon the committee for the consideration of certain items for which it was believed money should be appropriated, I was compelled to make the point of order against all such, and in justice to other gentlemen I must make it against this, much as I regret it.

Mr. HARRIS, of Massachusetts. On the 2d day of May the gentleman from Virginia, [Mr. DEZENDORF,] a member of the Committee on Naval Affairs of this House, introduced a resolution from that committee, which was referred to the Committee on Appropriations, in the following words:

The Committee on Naval Affairs, to whom was referred the memorial of the officers and crew of the United States steamer Alliance, praying for remuneration for extra clothing, mess stores, &c., purchased during she cruise of that vessel in the Arctic Ocean in search of the exploring steamer Jeannette, respectfully report back the same to the House with a recommendation that it be referred to the Committee on Appropriations, asking that they insert an item in the naval appropriation or other bill covering the amount asked for, namely, $8,000.

When I called the attention of the chairman of the Committee on Appropriations to this subject he replied, you can move that as an amendment to this bill.

Mr. HISCOCK. I did.

Mr. HARRIS, of Massachusetts. Now I have moved it as an amendment. I understood him to say that he would not make the point of order against it.

Mr. HISCOCK. I think I said even that.

Mr. HARRIS, of Massachusetts. Now I hope the gentleman will not make the point of order upon such a meritorious proposition as this.

Mr. ATKINS. I will relieve the gentleman from New York, for I am bound to make the point of order myself.

Mr. HISCOCK. Mr. Chairman, admitting all to be true that has been stated so forcibly by the gentleman from Massachusetts, and also the reference of this resolution to the Committee on Appropriations, suppose that we had brought this in as an original proposition in the bill, it would have been subject to the point of order, because we would simply be putting in an equitable claim against the Government upon an appropriation bill. We would be providing for the payment of money not in pursuance of existing law.

Mr. HARRIS, of Massachusetts. If the Committee on Appropriations find it necessary to object to this, I must only abide by the decision of the Chair. But if there is a meritorious proposition in this bill, I think this should be admitted on that account. If we can send a United States ship with its officers and crew into this service in the arctic seas and then refuse to reimburse the officers and men for the necessary clothing which they are compelled to supply themselves with, it seems to me that it lacks very much the appearance of equity and it is a sorry position in which to place ourselves.

The CHAIRMAN. The Chair has no doubt as to the propriety of the point of order except what arises from the action of the House with reference to this report of the Naval Committee, which concludes with requesting that the Committee on Appropriations insert an item in the naval appropriation bill or some other bill covering the amount asked for. The Chair would be glad to know if the House itself adopted that report of the Naval Committee.

Mr. HARRIS, of Massachusetts. I understand the report was adopted technically by its reference to the Committee on Appropriations in the manner that I have stated.

Mr. HISCOCK. That is simply a reference of the report.

The CHAIRMAN. That is not equivalent to an adoption of the report, which would be in the nature of a direction on the part of the House to the committee to incorporate it.

Mr. HARRIS, of Massachusetts. Is it not equivalent to a direction of the Committee on Appropriations, when the Committee on Naval Affairs have instructed this to be brought in and it has been presented in open House and properly referred?

The CHAIRMAN. No; no committee can confer authority upon another committee or compel it to bring in an appropriation which under the rule would not be in order. The Chair sustains the point of order.

Mr. WAIT. I will now offer the amendment to the bill in favor of which I addressed the committee on Thursday last. I send the same to the Clerk's desk and ask that it be read.

The Clerk read as follows:

For the navy-yard at New London, Connecticut: For quay wall along the river front, in connection with present wharf, $75,000.

Mr. WAIT. In the five minutes allowed me, I will again state in the fewest words possible the grounds on which I ask the committee to appropriate the sum of $75,000 to protect the river-front of the navy-yard on the Thames, in Connecticut, from being seriously injured by the currents of the river and the flow and ebb of the tides.

In 1867 Congress passed a resolution with great unanimity, virtually addressed to the State of Connecticut, saying that whenever the State would donate a tract of land on the Thames River, near New London, with a water front of not less than one mile, which the United States could hold and improve for naval purposes, the Secretary of the Navy should receive and accept the same and at once improve it for the uses for which it was so generously given. In 1868 the Legislature of Connecticut obtained by condemnation and purchase a beautiful site for a naval station on the river Thames, containing an area ample for all the requirements of a first-class navy-yard, with a river front of one mile, executed a proper deed of gift, conveying this valuable property to the United States by an indisputable title, and the latter accepted the same in trust for naval purposes.

As the committee must see, the Government obtained this admirable site for a navy-yard without the payment of a farthing. Such being the fact, I ask the committee if the people of Connecticut have not the strongest claims on the liberality of Congress for such expenditures as are demanded to prevent the yard from being seriously impaired by the washing away of its river front. Ex Secretary Robeson never made a more truthful, and I can with pleasure say honorable declaration than when he said that this site, being acquired through the liberality of the State of Connecticut, the Government was virtually pledged to its maintenance and improvement. The obligations of the United States to the State of Connecticut have been as warmly recognized by his successors in office. All these distinguished officials, naval officers of all ranks, who have at different times visited the yard or been in charge of the same, and the House Committee on Naval Affairs of the Thirty-eighth Congress, who were directed to examine the site and report on its fitness for naval purposes, have all spoken in eulogistic language of its remarkable adaptation for a first-class naval station.

I claim, in conclusion, that Congress, looking at this question from an economic stand-point, should not hesitate to give the sum I have named to keep this yard in proper repair. If this body holds in respect the plighted faith of the nation that this site on the Thames should forever be held and improved for naval purposes, then I ask the committee to stand by the pledges made by Congress in 1867 and do justice to the State which I have the honor in part to represent.

Mr. HISCOCK. I rise to oppose the amendment. There is nothing in the world would give me greater pleasure personally than to see the amendment adopted. But upon the Navy bill we have adopted the policy of not increasing at least the navy-yards of the Government. The policy of the Navy bill and of this bill looks directly to the maintaining of fewer yards than we have now. And I cannot see how in consistency this Congress can commence the building of a new navy-yard when it is conceded on all hands that we have more already than we have use for. I do not know but at some time in the future New London may be adopted as a place for a navy-yard. I do not know but that at the next session of Congress it may be deemed advisable to do it. But even if that shall be done it will do no hurt for us to call a halt here. As to the policy of building more yards or keeping up the establishments in the present yards, we have agreed to postpone a decision until the Secretary of the Navy can have a well defined and settled policy as to what yards he wants, how many yards he wants, and where he wishes them located.

Mr. BUCK. Would you be willing to give a smaller amount than this in the mean time to keep up the present works?

Mr. HISCOCK. What I am willing to do is this: it is claimed that this property was ceded to the United States, and that there was some obligation on the part of the United States if it holds this property to build a navy-yard there. I do not know whether that is true or not. I propose to let this matter remain precisely where it is until the Navy Department can settle its policy, until Congress can settle a policy in reference to the navy-yards. And if we have received this property as a bonus from the State of Connecticut for the erection of a navy-yard on it, and it is not the policy of Congress to build one there, then we should give the land back to Connecticut. We should either do that or go on with the work.

Mr. BUCK. I merely wished to ask the gentleman whether he was willing to vote a less sum than this to preserve the property there until the policy shall be finally settled.

Mr. HISCOCK. I am not willing to do that. If it were necessary to preserve the property and the erections there that a sum should be expended between now and the first day of next December, to that extent I might not object to it. But this is to build a quay-wall that can wait until we come here in December next.

Mr. JACOBS was recognized and yielded his time to Mr. WAIT.

Mr. WAIT. I thank my friend for the courtesy. I wish to respond to what has fallen from the gentleman from New York. I hold in my hand a copy of the resolution passed by Congress in 1867. The gentleman from New York said, if I understood him, that he did not know whether any such legislation as I claimed took place. I will read it. It was in the naval appropriation bill of that year. After appropriating for yards, &c., the act says:

And the Secretary of the Navy is hereby authorized and directed—

Mark the language, "authorized and directed." To do what?

The Secretary of the Navy is hereby authorized and directed to accept a deed of gift, when offered by the State of Connecticut, of a tract of land situated on the Thames River, near New London, Connecticut, with a water front of not less than one mile, to be held by the United States for naval purposes.

What further did the gentleman say? He said that if I was asking an appropriation to preserve the buildings in the navy-yard he would yield to the demand. What is it that I ask? I will state to the gentleman what my demand is. Intelligent engineers report that the banks in front of this navy-yard are being washed away by the tides and by the current of the river until they are being gradually cut down, and the channel in front of the yard is being partially filled and so materially impaired. I ask for an appropriation to prevent the river front from being impaired and the channel from being filled up by the gravel cut from the river bank. It is just as much a matter of repair, of preserving the property from injury, as it would be if I were to ask for money to preserve the buildings from going to decay.

The State of Connecticut has made this valuable donation to the Government of the United States, and, in the language of the Secretary of the Navy, when the Government accepted this gift it was bound in honor to stand by the pledges it then gave to the State of Connecticut. Although that State is small in point of territory, yet its people clearly understand their rights, and are ever ready to assert them. My colleague [Mr. BUCK] unites with me in asking that, in the light of the array of facts which have been fairly presented in support of the amendment that I offered, Congress will deal justly and honorably by our State.

The CHAIRMAN. The time for debate has expired. The *pro forma* amendment will be regarded as withdrawn, and the question is upon the amendment of the gentleman from Connecticut, [Mr. WAIT.]

The question was taken; and upon a division there were—ayes 26, noes 42.

So (no further count being called for) the amendment was not agreed to.

The Clerk read the following:

For the navy-yard at Mare Island, California: For completing iron-plating shop, $3,000; for continuation of dry-dock, $250,000; for enlarging reservoir, $10,000.

Mr. HISCOCK. I move to add to the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

And the said dock shall be completed of granite, unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with sufficient strength and durability with other material for less money.

Mr. PAGE. The word "sufficient" should be stricken out and the word "equal" inserted.

The CHAIRMAN. The Chair will remark that upon an examination of the amendment it appears that originally the word "equal" was in it, but it was erased and the word "sufficient" inserted.

Mr. HISCOCK. The word "sufficient" is the proper word.

Mr. PAGE. I ask that the word "equal" be inserted in place of "sufficient."

Mr. HISCOCK. I do not accept that.

Mr. PAGE. I move that as an amendment to the amendment. Several years ago Congress made an appropriation to build a dry-dock at Mare Island, California. That dock has been perhaps one-half completed of granite, taken from the quarries of that State.

The object of the amendment which has been offered is to continue the construction of the dock of the same material, unless in the judgment of the Secretary of the Navy, after making a re-examination, a dry-dock of equal strength and durability can be built of some other material for this money. Now, if it be left to the Secretary of the Navy, as the gentleman from New York [Mr. HISCOCK] has worded the amendment, "of sufficient strength and durability," he may say that it might be built of wood and be "sufficient" for a short time.

The Government has already expended a large sum of money in constructing this dry-dock. It is over five hundred feet in length, and when completed will be the only dry-dock the United States will have upon the Pacific coast upon which a ship of ordinary tonnage can be repaired. It is important that this work when completed shall be permanent. Nearly one-half of it has been built of granite. To change the material at this time, in my judgment, would be wholly unsatisfactory and would do great injustice to the Government.

If the word "sufficient" is retained, that would place within the power of the Secretary of the Navy to determine as to what "sufficient" meant. If the material is to be changed, the requirement should be that the dock should be of "equal strength and durability." I hope the amendment I have moved will be adopted.

Mr. HISCOCK. The estimate for this work came to Congress without any indication as to the material from which this dock should be built, whether it should be of granite or some kind of concrete. Now, I am entirely willing to leave it to the Secretary of the Navy to take the responsibility of determining whether he will build this dock of granite or of some other material.

It transpires in this case that this subject has been thoroughly investigated by the engineers of the Navy Department, and they have reported to the Department, and I believe it is approved by the late Secretary of the Navy, a plan which looks to putting into the construction of this dry-dock, at least into some parts of it, other material than granite.

Mr. HARRIS, of Massachusetts. What material?

Mr. PAGE. Some kind of concrete.

Mr. HISCOCK. I do not know what it is: I have no idea. I went to the Secretary of the Navy and he stated to me that if the appropriation was made without any suggestion as to the manner of expending the money he possibly might be bound by the action of his predecessor in reference to the use of material for this dock.

We therefore propose to leave this question open to him entirely. I am entirely willing to put in any language in the world that will leave this question to him to determine to use such material as he pleases. If you put in the words "equal strength and durability" it will not leave him sufficient discretion. The expression should be "sufficient strength and durability."

A material might be used for some parts of this work which as a matter of science might not be as strong, perhaps, as granite; yet for all purposes for which the work is intended it would be equally indestructible and equally strong. Therefore it is that I propose to throw upon the Secretary of the Navy the responsibility of using any material that is adequate for the purpose, and not to instruct him upon the question one way or the other.

I understand that the saving by the use of this material in place of granite would be somewhere in the neighborhood of half a million dollars. I propose to leave the responsibility with the Secretary of the Navy, and not by legislation to preclude him from saving this amount of money if he can do so without injury to the work.

Mr. PAGE. Mr. Chairman——

The CHAIRMAN. Debate is exhausted. There are two amendments pending. The pending question is on the amendment of the gentleman from California [Mr. PAGE] to the amendment of the gentleman from New York.

Mr. PAGE. I withdraw my amendment temporarily and move a *pro forma* amendment to strike out the last word. The amendment of the gentleman from New York would simply put this whole question as to the material which shall enter into the construction of the dry-dock at Mare Island into the hands of the Secretary of the Navy. We do not want it left there. Congress has already appropriated half a million of dollars and more to build this dry-dock of granite; and the plan which has been adopted for the work should not be abandoned because some people who happen to have a patent-right for concrete think that it can be used in this case at great profit to themselves. It is an experiment which this Government ought not to approve.

If this were an original proposition, if the work were now to be commenced, possibly it might be safe to leave to the Secretary of the Navy or to the engineers the question whether it should be constructed of granite or concrete. But here is a work already half completed of granite; but now, as the gentleman from New York says, some engineer who has been sent out there thinks there could be a saving if the remainder of the work were constructed of concrete. The proposition is as ridiculous as it would be after a building had been one-half constructed of marble upon the plan of the Government architect to propose to make the remainder of brick.

I am opposed to putting this matter into the hands of the Secretary of the Navy. He can know nothing about the question personally. The dry-dock at Mare Island is 4,000 miles away from here; and the Secretary of the Navy would have to submit the question to some subordinate, who may be influenced in his judgment by the question whether this patent-right will pay a royalty to his company. I do not say that this would be the case; but this experiment wherever tried has proved to be a failure. This concrete is not of sufficient strength for a work of this kind exposed to the action of the water.

I hope the Committee of the Whole will adopt the amendment, which I shall now renew, that this work be completed of granite, unless the Secretary of the Navy shall cause a re-examination to be made, and upon re-examination shall find that the dry-dock can be completed with other material for less money and still be of the same strength and durability as if constructed of granite. I withdraw the *pro forma* amendment and renew the amendment I before offered.

Mr. BERRY. The Government of the United States has commenced the construction upon the Pacific coast of a dry-dock which is to be one of the best docks in the world. It will be the only one on the Pacific coast which can be used for the docking of first-class vessels. The Government has appropriated several million dollars for this work; and the finest granite has been used in its construction. The dock is now approaching completion, and to abandon that material and commence to experiment with another would, as my colleague [Mr. PAGE] says, be supremely ridiculous. The policy of the Government should be to finish that dock with that material which is known to be the best in the world. I have, however, no objection to placing the matter in the discretion of the Secretary of the Navy, provided he be requested to complete that dock with material equal in strength and durability to granite.

It was expected that this dock would be completed by the present time; but for some years past the appropriations by Congress have been meager. At the present time we have not a dock upon that coast which is safe for the docking of a first-class vessel. There is an old floating dry-dock there upon which the Government is expending some $40,000 per annum, but it would be hazardous to attempt to dock first-class ships upon that dry-dock. When this

amendment is disposed of I shall offer a proposition to increase the amount of the appropriation so that the dock may be completed at an earlier day. I hope that the amendment of the gentleman from New York will not be adopted, unless with the amendment of my colleague providing that the Secretary of the Navy shall be required to complete this dock of material equal in strength to granite.

The CHAIRMAN. Debate is exhausted. If there be no objection the *pro forma* amendment will be regarded as withdrawn.

Mr. HISCOCK. I renew the *pro forma* amendment. We stand in this position: here is the recommendation of the Secretary of the Navy, submitting an estimate and asking an appropriation to do a specific work in a given way, and saying that he wants so much money to do it. This is the statement of the late Secretary of the Navy, who says that he can complete this work according to the plan I have submitted for one-half million dollars less——

Mr. PAGE. Where is that report? I would like to see it.

Mr. HISCOCK. Here it is on my desk.

Mr. PAGE. When was it sent here?

Mr. HISCOCK. I received it on Saturday morning.

Mr. PAGE. After this bill was made up?

Mr. HISCOCK. I had examined it previously at the Navy Department.

Mr. PAGE. It was never sent to this House until after the bill was made up.

Mr. HISCOCK. It was sent to me when I wished it for the discussion of this question. It is a part of the records of the Department. The recommendation comes here and says: "I will take the responsibility of completing this work according to a given plan, and of adequate strength and durability, if you will leave it to me, and save half a million dollars over any other plan."

Now, I say to the gentleman from California that this is the recommendation of the last Secretary of the Navy. I do not care to have the present Secretary of the Navy prejudiced by his recommendation, and I am willing to put on this bill such legislation as will leave it an open question for him to consider it anew.

But I say when we confront an estimate proposing to save to the Government half a million of dollars we cannot disregard that recommendation of the Secretary of the Navy by entirely ignoring it. We have, however, gone as far as we can in propriety when we refer it back to the new Secretary of the Navy and say to him, "Take the responsibility on this question."

Mr. PAGE. Let the amendment as it would read be read.

The CHAIRMAN. The first question is on the amendment proposed by the gentleman from California to the amendment proposed by the gentleman from New York, to strike out the word "sufficient" wherever it occurs and insert "equal."

The amendment and the amendment to the amendment were read.

The CHAIRMAN. The first question is on the amendment to strike out "sufficient" and insert "equal."

The committee divided; and there were—ayes 26, noes 40.

Mr. PAGE. No quorum has voted.

The Chair appointed Mr. HISCOCK and Mr. PAGE as tellers.

The committee again divided; and the tellers reported—ayes 62, noes 59.

So the amendment to the amendment was adopted.

The amendment as amended was then agreed to.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills:

A bill (H. R. No. 4173) for the erection of a public building at Brooklyn, New York; and

A bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi.

It further announced the passage of a bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation in Arizona, in which concurrence was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The committee then resumed its session.

Mr. BERRY. I move, in line 1294, to strike out $250,000 and insert $500,000. Now, Mr. Chairman, I wish to say but a few words in reference to this dry-dock at Mare Island, California. The estimate of the Secretary of the Navy was $600,000, and that estimate was sent to the Committee on Appropriations. The necessity for this large appropriation is this: this dock has reached a point in its construction when it becomes necessary to put in the end of the dock next to the water.

The coffer-dam, which was expected to stand for some five years, by reason of the course pursued by Congress in making small appropriations from year to year, has been standing for some nine years, so that it is now in a dangerous condition and cannot be depended upon with any degree of certainty. The appropriation should be sufficient at this time to go forward immediately with the completion of that end of the dock near the water so that it may be safe. The engineers have said that the coffer-dam has become so old and unreliable it may give out at any time, and if such be the case it would cost about half a million of dollars to restore it to its present condition.

It does seem to me, Mr. Chairman, it is poor policy to dole out particular appropriations in small amounts, as has been the case heretofore, barely sufficient to maintain the works without making any material progress toward their completion. It seems to me both economy and wisdom to make a liberal appropriation to carry forward this dry-dock to completion. And therefore, in view of that fact, and of the further fact that the Secretary of the Navy has recommended an appropriation for this work of $600,000, I hope the amendment I have offered will be agreed to, so that this Mare Island dock, instead of being postponed from year to year, will be completed as soon as practicable.

Mr. RANDALL. Will the gentleman permit me to ask him a question?

Mr. BERRY. Yes, sir.

Mr. RANDALL. What will be the expense of this dry-dock when completed?

Mr. BERRY. That is a difficult question to answer, because, as I have said, if Congress continues to carry out the policy of making an appropriation of $50,000 now and $75,000 next year it will require a pretty large amount before the work is completed, and even to continue it in its present condition.

Mr. RANDALL. I would like to ask the gentleman what this work has cost. The amount recommended in this paragraph is $250,000. Now, how much has been expended?

Mr. BERRY. I cannot answer the question exactly, but I will say that there has been perhaps more than a million of dollars expended in the construction.

Mr. RANDALL. How much will be required to complete it?

Mr. BERRY. I can only give an estimate, perhaps $750,000, but I do not pretend to be accurate. The Secretary of the Navy, however, has recommended $600,000, and the time is coming when you have got to put in a caisson and remove the old coffer-dam, which is rotten and dangerous, and therefore an appropriation will have to be made for that purpose. [Here the hammer fell.]

Mr. HISCOCK. I congratulate the gentleman from California that notwithstanding the predictions we have had for the last two years in reference to the dry-dock there, if an appropriation indicated by him was not made, that the sad destruction and deplorable result have not followed. We have been told on every occasion that somewhere from $650,000 to a million dollars was to be expended on this work and that it was absolutely necessary that it should be done. Now what I desire to say is——

Mr. BERRY. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. BERRY. I wish to ask the gentleman from New York, if he does not know that the large amount of money which is expended every year upon the coffer-dam to keep it from giving way will be saved by completing the work at once?

Mr. HISCOCK. I do not know how that may be. I know this, however, that $250,000 is all the money that can be properly expended there at this time.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. RANDALL. I wish to ask the gentleman from New York to state, if he can, how much this has cost the Government already and what it will cost to complete it?

Mr. HISCOCK. It has cost somewhere between a million and a million and a quarter of dollars, and it is variously estimated that it will cost from $650,000 to $750,000 to complete it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The amendment was not agreed to.

The Clerk read as follows:

For navy-yards and stations, $200,000 $50,000 of which may be used in the care and preservation of such yards or stations as the Secretary of the Navy may deem expedient to close.

Mr. BRENTS. I desire to offer an amendment at this point.

The Clerk read as follows:

For the payment of the expenses of a commission to consist of three naval officers, to be designated by the Secretary of the Navy, to select as its for a navy-yard on the Pacific coast at the most suitable point north of the forty-second degree of north latitude, on which they shall make report through such Secretary to Congress, with estimates of cost of establishment of such yard and the necessity therefor, $900.

Mr. HISCOCK. I make the point of order upon that, that it is the enactment of a new law providing for the creation of a commission.

Mr. BRENTS. I hope, Mr. Chairman, as this has been recommended by the Committee on Naval Affairs of the House in the Forty-sixth Congress, and as it is a very necessary work to do, and also as the amount asked for is so small, only $900, that the gentleman will not insist upon the point of order. I would like to have read the report of the committee, showing the importance and the necessity of this work——

The CHAIRMAN, (Mr. ROBINSON, of Massachusetts, in the chair.) Does the gentleman desire to speak to the point of order?

Mr. BRENTS. I was in hopes I would be able to induce the gentleman from New York to withdraw his point of order.

The CHAIRMAN. The Chair will allow the gentleman to address his appeal to the gentleman from New York.

Mr. HISCOCK. Mr. Chairman, I was told on Saturday most emphatically by members on the floor that I must not trade off points of order, and I regret that I cannot do it in this case.

Mr. BRENTS. I hope the gentleman will withdraw it, at all events for a moment.

The CHAIRMAN. The Chair understands the gentleman from New York as insisting upon the point of order.

Mr. HISCOCK. I must insist upon it.

Mr. BRENTS. Then I withdraw the amendment.

The CHAIRMAN. The amendment being withdrawn, the Clerk will read.

The Clerk read the following paragraph:

For lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden and Senate stables; for gas, pay of superintendent of meters, lamp-lighters, gas-fitters, and for materials for electric-lighting, and for general repairs to and purchase of lamps, lamp-posts, and pipes, $30,000: *Provided*, That the proper accounting officer of the United States Treasury is authorized to allow to be paid to the superintendent of meters, from the appropriation for lighting the Capitol and grounds for the fiscal year ending June 30, 1882, the sum of $1,200, in full for his salary for the said fiscal year, which sum has been withheld from the said superintendent of meters by a decision of the First Comptroller of the Treasury: *And provided further*, That the said superintendent of meters be hereafter allowed to draw an additional salary of $900 per annum, to be paid by the District government, for his services as superintendent of street-lamps under the said government of the District of Columbia.

Mr. MURCH. I desire to offer an amendment to that paragraph.

Mr. HOLMAN. I reserve the question of order on the last proviso of the paragraph.

The CHAIRMAN. The gentleman from Maine [Mr. MURCH] will withhold his amendment till the gentleman from Indiana makes the point of order.

Mr. HOLMAN. I make the point of order that the last proviso is independent legislation.

Mr. HISCOCK. I think if I give the gentleman from Indiana a word of explanation in reference to that clause he will be entirely satisfied with it. The salary is $2,100; and in the distribution of the salary between the General Government and the District of Columbia it is supposed the District should pay $900, and therefore we put this proviso on the bill.

Mr. HOLMAN. Oh, no; this is in addition to the $2,100.

Mr. HISCOCK. No, sir; the salary of this superintendent of meters is $2,100; and this is a partition of the salary between the General Government and the District of Columbia.

Mr. HOLMAN. The General Government providing $2,100, you say he shall be allowed an additional salary of $900 per annum to be paid by the District government. If the object is merely to leave the salary at $2,100, of which $900 is to be paid by the District, I have no objection. But to accomplish that purpose the gentleman will have to amend this. After the statement of salary these words should follow: "$900 of which shall be paid out of the District funds."

Mr. HISCOCK. The bill does not carry any more money than this officer is entitled to receive. Under the decision of the Comptroller of the Treasury this legislation is necessary for the purpose of providing for the payment of this salary by the General Government and the District of Columbia. There is not any doubt about it. It is a matter which was carefully investigated and this provision of law was carefully prepared.

Mr. HOLMAN. I have no objection if the gentleman will add to this "but the salary of the said superintendent shall not exceed $2,100."

Mr. HISCOCK. It cannot.

Mr. HOLMAN. My friend is mistaken. The salary out of the Treasury is $2,100 and this is an additional sum in direct words.

Mr. HISCOCK. The amount is back and unpaid; and this is to authorize the payment of it and charge it where it ought to be charged.

Mr. HOLMAN. Will the gentleman consent to add the words "but the salary shall not be increased beyond $2,100?"

Mr. HISCOCK. I have no objection to that; that is to say, to the provision that his salary from both sources shall not exceed $2,100.

The CHAIRMAN. The Chair understands the gentleman from Indiana [Mr. HOLMAN] to withdraw the point of order?

Mr. HOLMAN. Yes, sir.

Mr. HISCOCK. The clause as it stands allows to be paid to the superintendent of meters—

For the fiscal year ending June 30, 1882, the sum of $1,200 in full for his salary for the said fiscal year, which sum has been withheld from the said superintendent of meters by a decision of the First Comptroller of the Treasury: *And provided further*, That the said superintendent of meters be hereafter allowed to draw an additional salary of $900 per annum to be paid by the District government for his services as superintendent of street lamps under the said government of the District of Columbia.

Mr. HOLMAN. It is the words "additional salary" that creates the confusion.

Mr. HISCOCK. That sum of $900 is appropriated in the District bill to pay him. There is no doubt but the legislation is complete as it is here formulated. If adopted it will be complete.

The CHAIRMAN. The Chair will now entertain the amendment proposed by the gentleman from Maine, [Mr. MURCH.]

Mr. MURCH. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1319, after the word "dollars," insert these words:

"*Provided*, That no more than $1.25 shall be paid for 16-candle power gas for 1,000 cubic feet for lighting the Capitol and Capitol grounds; and in case the Architect of the Capitol cannot contract at these rates, he may substitute other illuminating material, and is hereby authorized to use so much of this appropriation as may be necessary for this purpose."

Mr. HISCOCK. I make the point of order on the amendment.

Mr. MURCH. What is the point of order?

Mr. HISCOCK. I would like to have the amendment reported again.

Mr. MURCH. It reduces expenditure.

The proposed amendment was again read.

Mr. HISCOCK. That is certainly subject to the point of order. I desire to make the point of order on each affirmative provision of the amendment.

The CHAIRMAN. The Chair desires the gentleman to state his point of order on each separately.

Mr. HISCOCK. I desire to make my point of order to each distinct provision of the amendment. It is possible there are some parts of the amendment that are not subject to a point of order. Certainly that part of the language which provides for other illuminating material without any regard to the expense is new legislation; and there is certainly nothing on the face of the amendment that would show it is to decrease expenditure. So far as that portion of the amendment is concerned which simply provides for the reduction in the price of gas, of course I do not understand that is subject to the point of order.

The CHAIRMAN. Passing to the second point, the Chair desires to draw the attention of the gentleman from New York to the fact that the whole provision is for lighting the Capitol and grounds. Therefore the subject of the amendment is plainly germane. The second part of the proposition is that if the gas cannot be obtained at the rate specified some other illuminating material may be obtained within the limits of the appropriation specified in this bill. Therefore, it would seem on its face to indicate the expenditure of a less sum.

Mr. HISCOCK. As the Chair remarks, the amendment provides for some other illuminating material within the limits of the sum appropriated by the bill. But the amendment to be in order must contemplate a less sum than is contemplated by the bill.

The CHAIRMAN. The Chair is inclined to think the amendment is not subject to the point of order as a whole, as one proposition; and the amendment, the Chair thinks, is hardly susceptible of a division into two distinct parts.

Mr. MURCH. I think the Chair is right. On Saturday last, when I moved an amendment to the provision for illuminating the Executive Mansion and grounds, I spoke from memory, not having before me the documents from which to quote. I have obtained from the Patent Office the American Gas Journal, and I note in that the proceedings of the seventh annual convention held in Philadelphia in October, 1879. The most eminent gas engineers in this country were present at that meeting. It was a meeting held in the interest of the gas manufacturers of the country.

It was demonstrated in a paper read before that convention that the price of gas manufactured by the ordinary process was only 57.36 cents per thousand cubic feet of sixteen-candle power. The gentleman from Kentucky [Mr. BLACKBURN] on Saturday presented tables to this House to show that the gas company in this District was furnishing gas to the Government and to its citizens at a much less rate than it was furnished in other cities which he mentioned. In reply to that I can only say that the degree of robbery practiced upon the citizens of other cities should evoke their condemnation and indignation, and the companies should be compelled to reduce the price of gas. It was demonstrated at the convention to which I have referred that under the Dietrich process (and the whole formula is stated here) gas can be produced for 57.36 cents per thousand feet of sixteen-candle power.

In the manufacture of gas from bituminous coal it was demonstrated that it could be produced for 35.8 cents per thousand cubic feet of sixteen-candle power. I understand that we are paying here in this city $1.75 per thousand feet. Is that so?

Mr. NEAL. We pay $1.47.

Mr. MURCH. With discount off for cash?

Mr. NEAL. No; $1.47 to the Government.

Mr. MURCH. Very well; take it at that. The citizens of the District are paying $1.75 per thousand feet, if paid within five days after the bill is rendered, and, if not, $2 per thousand. I could quote from a great many authorities from Great Britain. I hold in my hand the Plumber and Sanitary Journal, published in Birmingham, England, in which it is shown that the average of gas per thousand feet is only sixty cents all over Great Britain. From my observation of gaslight throughout this country and in Europe, and I have traveled pretty extensively over the European continent as well as on this, Washington gas is the poorest on the face of God's earth.

Mr. KLOTZ. And the owners of the company the meanest.

Mr. MURCH. I will not say anything about the owners of the company; I want to pay my attention exclusively to the gas which we are using here and paying for.

Mr. HAZELTON. Is there any city that furnishes gas for less than it is furnished here?

Mr. MURCH. Yes; the city of Pittsburgh furnishes it for sixty cents per thousand.

Mr. HAZELTON. They get their coal cheaper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURCH. I wish some one would let me have a few minutes more.

Mr. COBB. I will take the floor and yield to the gentleman from Maine.

Mr. MURCH. I thank the gentleman. It is urged here that the price of coal is very high in Washington. The quotations of the price of gas which I have made are based upon coal at $5.50 per ton. Now, coal can certainly be obtained in this city for $1 per ton less than that.

It is unnecessary for me to remind members of this House of the quality of gas in this city. I have already stated what my opinion of it was. I think it is proper to make this reduction in the cost to the Government, and it will save us a number of thousand dollars; not a large amount, but it will perhaps pave the way to an investigation of the several illuminating processes in this country.

I do not want to be especially hard on this company. I want to give it a chance to dispose of its stock at a fair price. I think they can furnish such gas as we have here and make a fair profit at seventy-five cents per thousand feet of sixteen-candle power. But I am willing, as I have proposed in my amendment, to allow them $1.25 per thousand feet, which I have no doubt will yield them a profit of from 75 to 100 per cent. With these remarks I submit the amendment to the judgment of the Committee of the Whole.

Mr. NEAL. I offer an amendment to come in at the end of the amendment of the gentleman from Maine, [Mr. MURCH.] Perhaps he will accept it.

Mr. MURCH. Let me hear it.

The Clerk read as follows:

Provided, however, That no illuminating material shall be substituted which may be more expensive than gas of the quality and price above stated.

Mr. MURCH. That is right, and I accept it.

The question was upon the amendment as modified.

Mr. HISCOCK. I rise to oppose that amendment, and move to strike out the last word. I certainly do not believe that Congress ought to launch itself upon a sea of investigation as to the material we should use in place of gas provided we discontinue the use of that material.

I am opposed to any legislation which looks to a change here and at this time. When some committee shall have passed upon the question and brought in some plan looking to a change in illuminating this city I may not resist it. But without any plan being submitted, simply referring the question to people who may use methods speculatively, it seems to me it would be very dangerous for us to give them that power.

The other day we adopted an amendment to this bill reducing the price of gas per lamp with certain restrictions to $20, I believe. I believe that should be put in this bill, and there let the matter stand.

I therefore move as a substitute for the amendment which has been offered that which I send to the Clerk's desk. It is the same provision which we adopted with reference to lighting the grounds of the Executive Mansion.

The Clerk read as follows:

Provided, That for each burner not connected with a meter in the lamps on the public grounds no more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate, the engineer in charge is hereby authorized to substitute other illuminating material in the lamps of the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

Mr. MURCH. That is right; I would have offered my amendment in that form if I could have found that provision in the previous part of the bill.

Mr. NEAL. I wish to call attention to the fact that as to a great many of these burners the gas cannot be measured in that way. Take for instance the burners in this building.

Mr. HISCOCK. Then I modify my amendment so as to provide that the pay shall not exceed that rate for each burner. This illustrates the difficulty we have in fixing up an amendment in this way. I see there is great force in the objection.

Mr. CANNON. I doubt the propriety of any of these amendments. I understand upon inquiry that the rate now charged to the Government for this quality of gas per thousand feet is $1.47.

Mr. NEAL. That is correct.

Mr. CANNON. I understand further that this is a cheaper rate than prevails in any city in the United States, unless perhaps it be Pittsburgh.

A MEMBER. Pittsburgh is not so cheap.

Mr. CANNON. We are now getting this gas more cheaply than it is furnished in the other cities of the Union. The amendment of the gentleman from Maine [Mr. MURCH] proposes if the company does not reduce the price to $1.25 per thousand feet for this quality of gas that some other mode of illumination shall be found, not exceeding that rate; and if this cannot be done we are to be in darkness. It seems to me that as we are now getting our gas more cheaply than our neighbors, our best course is to let the matter alone until we are prepared to substitute something else.

Mr. HISCOCK. I withdraw my amendment. On turning back to page 37 of the bill I find the provision there inserted is general in its terms, applying to all the public grounds. The language of the bill at that place, as amended, reads thus:

Provided, That for each burner not connected with a meter in the lamps on the public grounds no more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

I doubt the expediency of putting in the bill any further provision on this subject.

The CHAIRMAN. The gentleman from New York withdraws his amendment, and also, as the Chair understands, the *pro forma* amendment.

Mr. MURCH. I renew the *pro forma* amendment. I find that the provision in the former part of the bill is under the head of "lighting the Executive Mansion and grounds," and it does not apply to the subsequent paragraphs of the bill. I therefore insist on my original amendment, and withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. MURCH, as modified, there were—ayes 43, noes 57.

Mr. MURCH. No quorum.

Tellers were ordered; and Mr. MURCH and Mr. HISCOCK were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 66.

So the amendment was not agreed to.

Mr. HOLMAN. I move to amend by inserting, after the word "Columbia," in line 1332, the following:

But the aggregate annual salary of said superintendent shall not exceed $2,100.

Mr. HISCOCK. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Surveying the public lands:

For surveying the public lands, $400,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines: *Provided*, That the part of the sum hereby appropriated which may be apportioned to the surveying district of Louisiana, together with such sums as have been or may be deposited for surveys therein by actual settlers, under sections 2401, 2402, and 2403 of the Revised Statutes, may be, in whole or in part, employed in making such surveys as may be necessary in the discretion of the Commissioner of the General Land Office; and he may also, in his discretion, make resurveys of other portions of the public lands from this appropriation to an amount not exceeding $50,000 thereof, which may be expended for occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal-fields, and timber districts: *Provided further*, That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes, and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

Mr. ANDERSON. I desire to offer an amendment.

Mr. PAGE. I rise to a point of order.

The CHAIRMAN, (Mr. KASSON.) The Chair recognizes the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I make a point of order upon the second proviso, extending from line 1465 to the end of the paragraph.

Mr. ANDERSON. My amendment relates to a prior portion of the paragraph.

Mr. PAGE. My point of order is only against the proviso.

The CHAIRMAN. The Chair so understands and will hear the gentleman on his point of order.

Mr. HISCOCK. If I may be allowed, I desire to offer some amendments to perfect the text before the point of order is ruled upon.

The CHAIRMAN. If there be no objection these amendments will be entertained, the point of order being reserved.

Mr. HISCOCK. I move to amend by inserting a semi-colon after the word "appropriations," in line 1459; by striking out at the same place the word "to," and inserting "and;" also, by striking out, after the word "thereof," in line 1460, the word "which;" so that the clause will read:

He may also, in his discretion, make resurveys of other portions of the public lands from this appropriation; and an amount not exceeding $50,000 thereof may be expended, &c.

The amendment was agreed to.

Mr. ATKINS. I desire to offer an amendment.

Mr. PAGE. I am willing to reserve the point of order for the present.

The CHAIRMAN. If the amendment of the gentleman from Tennessee [Mr. ATKINS] is to perfect the text, the Chair will hear it. Does it apply to the proviso upon which the point of order is made?

Mr. ATKINS. It relates to the preceding part of the paragraph.

The CHAIRMAN. Then the Chair will entertain the amendment.

Mr. ATKINS. I move to amend by striking out, in line 1440, the word "nine" and inserting "eight;" by striking out, in line 1441, the word "seven" and inserting "six;" by striking out, in line 1442, the word "five" and inserting "four;" by striking out, in line 1446, the word "thirteen" and inserting "twelve;" by striking out, in line 1447, the word "eleven" and inserting "ten;" and, in the same line, striking out "seven" and inserting "six."

I make that motion because I am thoroughly satisfied and believe the Committee on Appropriations is satisfied this reduction ought to be made. The amount which has been given for surveying the public lands is altogether out of all question, and it is not only an open secret but a patent fact that there have been immense frauds perpetrated upon the Government in the survey of public lands amounting to millions of dollars.

Mr. HISCOCK. If I may be allowed to make a suggestion it would be that the point of order should be first disposed of. I understand there is a point of order pending looking to this section.

The CHAIRMAN. There is, looking to the proviso of the section made by the gentleman from California, [Mr. PAGE,] but he has withheld his point of order until the text can be perfected.

Mr. ATKINS. I have no objection to having the point of order settled.

Mr. HISCOCK. We ought to know certainly how much of this section is subject to amendment before we proceed to offer amendments to it.

The CHAIRMAN. The Chair will remark, at the request of the gentleman from New York, an amendment to perfect the text was entertained pending the point of order. The gentleman from Tennessee also desired opportunity to perfect the text, and the Chair suggests he be allowed to proceed, as he has commenced his remarks, the point of order being reserved.

Mr. CANNON. I object to the gentleman proceeding by way of amendment while the point of order is pending to any portion of the paragraph. It can only be done by unanimous consent, because if a part of the paragraph is subject to the point of order then the gentleman's amendment might be a different thing to the section as dismantled and cut off by the point of order.

Mr. ATKINS. I think the gentleman is correct.

The CHAIRMAN. The Chair is trying to keep the record uniform, but objection being made, the gentleman will withdraw his amendment, and the Chair will now hear the gentleman from California on the point of order.

Mr. PAGE. Mr. Chairman, I make the point of order to the proviso, which reads as follows:

Provided further, That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes, and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

Now, that proviso changes existing law and does not retrench expenditure. It changes the act of 1879, which I will send to the Clerk's desk to be read. It is section 2403 of the Revised Statutes.

The Clerk read as follows:

An act to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2403 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 2403. Where settlers make deposits in accordance with the provisions of section 2401 the amount so deposited shall go in part payment for their land situated in the townships, the surveying of which is paid for out of such deposits, or the certificates issued for such deposits may be assigned by indorsement and be received in payment for any public lands of the United States entered by settlers under the pre-emption or homestead laws of the United States, and not otherwise."

Approved March 3, 1879.

Mr. PAGE. If I can get the attention of the committee for a few moments I wish to state that the amendment proposed by this bill limits the certificates issued under the act of 1879 and prior acts to be located in the land districts. But I do not desire to discuss the point of order unless I can have the attention of the Chair.

The CHAIRMAN. The Chair is sending for the Revised Statutes and is giving attention to the gentleman from California.

Mr. PAGE. May 25, 1862, Statutes at Large 410, and 1864, Statutes at Large, 414, and March 3, 1871, 16 Statutes at Large, 521, the law provided for a deposit system. It provided that actual settlers on the public lands might make a deposit with the surveyor-general for the survey of their lands. They entered on the land, made their homes there, waited for Congress to make an appropriation, which it never did make, to survey their lands, and for years, going on making improvements, they have waited for authority to go on and complete their titles to their lands.

In 1861–'62 this law was passed, and afterward from time to time amended, extending its scope and providing that settlers on the land should make deposits on survey certificates to be authorized by the United States surveyor-general, and the scrip they were entitled to was to go in payment of the land upon which surveys were made.

In 1875 Congress amended prior acts by providing the section I have had read at the Clerk's desk, enlarging the scope by providing these deposits when made and the scrip when issued might be used to locate any of the public lands of the United States, subject to homestead and pre-emption entry under the homestead and pre-emption laws.

Mr. KASSON. The gentleman refers to the act of 1879?

Mr. PAGE. Yes, sir; I mean the act of 1879, and not 1875. This proposes to repeal that act; and I hold in my hand a letter to the honorable chairman of the Committee on Appropriations, dated June 7, 1882, in response to a letter from that gentleman. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 7, 1882.

SIR: I am in receipt of communication of 3d instant from your committee inclosing Senate bill No. 859, "A bill to amend an act entitled 'An act to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys,' approved March 3, 1879," and informing me that your committee contemplate the incorporation of the same in the sundry civil appropriation bill, now being prepared, and asking, in view of that fact, if I consider it necessary to send revised or amended estimates for the survey of public lands, especially for the general item, page 189, Book of Estimates for 1883.

I have the honor to reply that, should said bill 859 become a law, it would be necessary to increase the estimate for surveying the public land from $400,000 to from $1,000,000 to $1,250,000, and that the item of $50,000 on page 190 for examination of public surveys should in any event be appropriated, as of the greatest importance to the service and to the public.

I am, however, of the opinion that said bill (S. No. 859) should not become a law. Its effect would be to repeal the act of March 3, 1879, "An act to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys."

To clearly understand said act of 1879, and the purpose it was intended to subserve, it is necessary to refer to prior legislation on the same subject and to the mischief said act was intended to remedy.

By the system of surveying the public lands, contracts are made with deputy surveyors by the United States Surveyor-General for the survey of such parts of their respective surveying districts as upon inquiry and representations made are found to most need surveys. The number of settlers and character of the land are both considered in determining where the surveys which can be made in any one year should be made.

As the appropriations are limited, and when parceled out among the several districts give but a small amount to each, but two, three, or four small contracts, as the case may be, are possible, or consequently many communities greatly in need of surveys must go without them because others need them still more, and for successive years settlers wait in vain for surveys. The laws, both pre-emption and homestead, invite settlement on unsurveyed lands, and the Government is thereby under implied obligations to furnish surveys to those who settle, within a reasonable time, as otherwise great inconvenience, hardship, and loss, constituting positive injustice, inevitably result to the settler.

Until the land is surveyed he cannot obtain title, and he not infrequently has to wait five, ten, or fifteen years before securing a survey, while others on surveyed lands, under the same laws, obtained title within one or five years, according to the laws under which they proceed. This is simply equivalent to requiring of one settler a residence and cultivation as a prerequisite of title of perhaps four times the period required of another, a manifestly unjust discrimination between citizens equally meritorious. Further, the settler on unsurveyed lands cannot know his boundaries. This results in conflicts, disorder, disputes, and ultimate litigation between coterminous proprietors. The most valuable and permanent improvements made before survey are frequently when surveyed cut off from the body of a claim also largely improved, and a part has to be surrendered in the face of an adverse occupation and the claim rearranged with loss and vexation. No permanent and valuable improvements can be made on unsurveyed lands with satisfaction or safety and subsequent amicable arrangement is, when possible, an expensive and onerous method of relief, and its necessity ought not to be needlessly imposed.

The hardships referred to, and above only in part illustrated, were sought to be relieved by act of May 30, 1862, (12 Stats., 410.) This act and resolution of July 1, 1864, (Stats., 414,) and act of Congress of March 3, 1871, (16 Stats., 581,) are found in revised sections 2401, 2402, and 2403, which in substance provide that where settlers in any township not mineral or reserved desire a survey they may apply in writing therefor to the surveyor-general, and deposit in a United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, and thereupon it is made lawful for the surveyor-general, under instructions from the Commissioner of the General Land Office, and in accordance with law, to make the survey. The deposit is deemed an appropriation for the objects contemplated, and is placed to the credit of the appropriation for the surveying service by the Secretary of the Treasury, and the amount so deposited goes in payment for the depositor's lands situated in the townships so surveyed.

This was the law as it stood prior to the act of March 3, 1879. If for any reason the settler who had paid his money for surveying the Government land could not perfect his title, or if he desired to obtain title under the homestead law, under which a long period of residence and cultivation are made the consideration instead of money payment, or if he misdescribed the township to be surveyed and for which he deposited, (which was often the case, as mistakes in estimating the numbers of an unsurveyed township were very easily made,) he had contributed his money to the Government without recourse, for he could not assign his certificate of deposit, and could not use it in any other township than that in which he lived, because he had no claim in such other township. If the amount deposited for the survey was in excess of the value of the depositor's claim he lost such excess.

Assuming that it was the duty of the Government to survey its own lands, the loss to the settler, as above, was absolutely unjust and imperatively called for an adequate remedy, and the act of March 3, 1879, was enacted as such remedy. It changed the prior laws by simply providing that the certificates issued for deposits for such surveys might be assigned by indorsement, and be received in payment for lands entered under the pre-emption and homestead laws, and not otherwise, and thus the surveys are paid for directly in land.

Inasmuch as surveys under this system are made at rates fixed by law, and in all respects in the same manner, and by and through the same method and machinery as under stated appropriations, except that the settler advances the money which the Government afterward repays, there can be no objections to surveys made under the deposit system which do not apply with equal force to surveys made under annual appropriations by Congress.

This method has this advantage, that surveys can be made where, when, and to just the extent that the necessity for them exists; while it is manifest that Congress can at the best only approximate the amount annually needed, (and such approximation is, in the nature of things, quite improbable,) and if it should, the surveying contracts would be made at the commencement of the fiscal year, when the necessities of any one district could not be accurately known or estimated for the entire year, and in certain localities to the exclusion of others. This would, in practice, actually result.

The magnitude of the mischief of the old law and the perfect remedy furnished by the act of March 3, 1879, would seem in the interests of the multitude of settlers now seeking homes on the public lands, no less than in the interest of the General Government, so intimately connected therewith, to justify the intention of the act now sought to be repealed.

The only objections which have been or can be urged against the present law is

that it is possible that lands may be surveyed in which there was no settlements, or on lands of no present value, and I understand that some allegations to that effect have been made. The evidence, however, on which such allegations are based is in my judgment quite unsatisfactory and inconclusive, and, if it is true at all, it is doubtless to a very limited extent; and any evil which can so far be possibly established is utterly disproportionate to the positive benefits conferred by said law.

If it be a fact that some surveys have been made of lands not settled upon, while it would prove an evasion of the law, yet the Government loses nothing. It pays for the surveys, certainly, but unsettled lands are surveyed under annual appropriations and the lands in both cases ought to be surveyed, and are the sooner settled in consequence. Moreover, it is impossible to survey any considerable extent of land in the unsurveyed regions without including a certain amount which are properly regarded as waste lands.

But this popular estimate of what are waste lands is most unreliable. But a few years since the eastern part of Washington Territory, Dakota, and other regions, were generally regarded as valueless for agricultural purposes, while they are now swiftly becoming of national importance because of their agricultural worth. Under the desert-land act large areas of unsurveyed waste lands have been entered and redeemed by expensive systems of irrigation, and the existing law is made available to secure the necessary surveys.

During the last fiscal year the appropriation by Congress for surveys was $300,000, and the amount deposited for surveys was a little over $1,800,000, and this large amount of itself when considered with the suggestions of fraud created apprehension. Proof of any wrong to an extent beyond what is incident to the stated annual appropriation has not been made; and the extent of the surveys, after the public became acquainted with the law, is overwhelmingly indicative of their necessity and of the prior neglect of the Government in not sooner making them, or providing the now existing remedy.

The law as it now stands is right; and the only abuse to which it can be subject is rendered possible because there has been no provision made for an effective inspection of surveys in the field. This abuse is, however, as possible and probable under the usual appropriation as under the increase of such appropriation by depositors. The amount annually appropriated for examination of surveys and the manner of their execution is ridiculously insufficient. It suffices to pay the expenses of examination into some incidental alleged irregularity as a brief inspection of a very small portion of a single contract, but when divided up between sixteen surveying districts is obviously of trifling value.

Under existing methods, all surveys substantially are approved without examination.

Under proper methods no surveys should be approved without examination.

The Government should know that the money paid for surveys is properly expended and the surveys faithfully made, with permanent legal monuments, and this should be provided for by a suitable appropriation, and the estimate of $50,000, hereinbefore referred to, is essential to that end. The expenditure of the annual appropriation by Congress without an intelligent inspection, whereby its proper disbursement for honest work is assured, is a flagrant departure from common business procedure and ordinary prudence.

It is my best judgment that the said act of March 3, 1879, ought not to be amended, and that at least $50,000 should be appropriated for examination of surveys, and I recommend accordingly.

Said bill is herewith returned.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. FRANK HISCOCK,
Chairman House Committee on Appropriations.

Now, Mr. Chairman, I am not stating whether this is a good or a bad law, or whether it should be repealed or not, but simply that when it is repealed it shall be repealed in the usual way. The Secretary of the Interior says that it is a good law, and that it ought not to be repealed, and his recommendation ought to have some weight.

Now let me read what has been done under the deposit system. I hold in my hand a statement from the Commissioner of the General Land Office to which I desire to call the attention of the committee. The following are the sales of public lands and surveys that have been made and the amounts turned into the Treasury for the years 1880 and 1881; and also from July 1, 1881, to May 31, 1882, which was after this law went into effect. From this table it will be seen that the sales of the public lands in 1880 were 9,152,357.62 acres. In 1881 it amounted to 10,762,957.18 acres; while from July 1, 1881, to May 31, 1882, there were 13,714,266.77 acres disposed of.

Now, the receipts for 1880 amount to $2,283,118.65. For 1881 it was $4,401,708.47, and from July 1, 1881, to May 31, 1882, there was sold and put into the Treasury of the United States $7,417,498.45; so, while there has been a large increase in the surveys of the public lands every year, the increase in three years has jumped from two millions and some two or three hundred thousand to seven million and four hundred and odd thousand dollars. The increased cost of the surveys has not been proportioned to the amount of money received from the sales of the public lands under that system.

The CHAIRMAN. The gentleman is speaking to the point of order?

Mr. PAGE. I am speaking to the point of order to show that the only claim that this provision can have under the rule to permit it to escape the point of order is that it retrenches expenditures, and in order to show what it is, and its effect, and why it is obnoxious to the point of order I am calling attention to these facts and figures. I desire also to repeat that the estimates made by the Commissioner of the Land Office and by the Secretary of Interior show that this appropriation must be increased as I have stated if this proviso is incorporated.

Now, it cannot retrench expenditures for the reason that I have stated, and that is all that makes it admissible under the rule. Why does it not reduce expenditure? Because under the law, when parties apply for a survey of the public lands in order to obtain title to their homes upon which they have resided for many years, they make a deposit of money to the surveyor-general and file an oath that it is for the purpose of surveying the lands to which they are entitled, and are required to state the value, &c., of the improvements. They are then required to bring two responsible witnesses to certify to the character of the applicant, &c. The surveyor-general is then to order the survey upon payment of an amount that cannot then be determined, but enough to cover the expense of the survey. That amount can only be estimated, and when they pay the money into the Treasury they get the certificate; but the survey is made under the same law as all other surveys and at the same rate per linear mile or acre, no more nor less; and all this bill seeks to do is to prevent the certificates from being transferred, which is not in the interest of economy, for they cover only the same amount of land, although the cost is greater. In other words, the public lands survey themselves under the present system of law and cost a certain amount, which is provided by the system. Strike out this proviso and these parties would then pay to the Department the actual cost of the survey, and consequently the surplus would be less. Under the present law the certificates issued shall be put upon an equal number of acres, whether in the district, township, or State.

This bill seeks to limit that right and curtail the privilege as to where these lands may be taken up, whether in one place or another. It covers one hundred and sixty acres of land under the pre-emption law or eighty acres under the homestead law; and it cannot be economy to cut it down, nor can it be economy, as the Chair will see, to repeal the present law. Now, that this proviso does repeal the existing law there can be no question. The letter of the Secretary of the Interior shows that to be the case. I have thus very hurriedly enumerated some of the main points in support of the objection I urge against this proviso. I think the point of order will clearly lie against it.

Mr. WASHBURN. I desire to say a very few words on the point of order. I wish I had an opportunity to speak on the merits of the case, but I presume I shall not have that opportunity.

So far as the point of order is concerned, it is as clear as the sun in heaven that the putting of that proviso in the bill does retrench expenditure. Last year the appropriation for the surveys in this country was $300,000. That was the appropriation made by Congress directly. The result was under this abuse of the deposit system nearly $2,000,000 in addition to the $300,000 were expended. By this provision that is to be prevented and under the deposit system they will not be able to go on and deposit one, two, or three, or five million dollars to survey lands for which there is no earthly use except to put money in the hands of surveying contractors.

Mr. PAGE. If the gentleman from Minnesota proposes to discuss the merits I shall want an opportunity to reply.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota as speaking in the same line as the gentleman from California [Mr. PAGE] did. The gentleman from Minnesota will proceed.

Mr. WASHBURN. Now, I claim we could have retrenched in the last year, 1881, nearly $2,000,000 if this provision had been incorporated in the appropriation bill at that time. If that is not retrenchment, if that does not come within the rule, I do not know for what the rule is made.

Mr. Chairman, under this deposit system in the State of Colorado there were $405,000 put up to survey—what? Wild lands that would not be called for in half a century. Why, sir, during 1881, of the nearly eight millions of acres of land surveyed in Colorado only about 200,000 acres were taken up. In California the amount under this deposit system was $265,000, almost as much as is the entire appropriation for surveys. In the Territory of Wyoming $261,000 was expended for surveys, and only the little, pitiful amount of 48,000 acres of land taken up, showing the surveys made were in advance of the requirements of settlement and that they were made in the interest of contractors.

I am not prepared to prove, but it is my belief, that three-fourths of these surveys made under this deposit system are fraudulent. I believe that the surveys are not made. We have had no provision by which these surveys could be examined. I believe in the wilds of Colorado, in the wilds of New Mexico, in the wilds of Wyoming that thousands and hundreds of thousands of acres have been reported surveyed, field-notes returned, and maps made where the white man never placed his foot.

Mr. CASSIDY. There can be no question about that. That is absolutely true to my knowledge.

Mr. WASHBURN. Of course it is true; and I ask what is the use of planting a stake or building a mound where the white man will not go for fifty years?

Mr. PAGE. I would like to know if these surveys are reported by the surveyor-general and certified to the General Land Office, and to prove how that can be true.

Mr. CASSIDY. I do not know how the reports are made, but I know there are rings out there that survey worthless land, obtain certificates, and float them off in other sections where lands are valuable.

Mr. WASHBURN. I want the committee to understand all the facts in this case. The original law for the deposit was very just, very wise, and very beneficent. The original law provided when a certain number of parties desired to go on any township that had been surveyed, by putting up the money they could have it surveyed and get certificates; and when the lands were surveyed those certificates could be turned in in payment. That was all wise and proper. But in March, 1879, these certificates were made transfer-

able, and the consequence is that now, instead of surveying lands at the rate of $400,000 per annum, which is sufficient for all the requirements of settlement, it is going into the millions. That is the practical result; and the only effect of this proviso is to prevent this transfer, to put an end to the assignability of these certificates, and to break down this enormous combination which has been surveying the worthless lands of this country for the last few years. That is all there is of it; and if that does not come within the rule of this House it is much to be regretted that the rule does not cover it.

Before I take my seat I should like to have the privilege of having a table, prepared at the Land Office, making a full exhibit of this whole business, incorporated as a part of my remarks.

There was no objection.

The table referred to is as follows:

Money deposited for the survey of alleged agricultural lands in the several surveying districts of the United States under the provision of sections 2401, 2402, and 2403, and amendments of the Revised Statutes, from June 30, 1880, to June 30, 1881.

States and Territories.	Office expenses.	Field expenses.	Total.	Pre-emption.	Homestead.	Acres.	Amount of certificates of deposit received in payment of land.	Area surveyed, year ending June 30, 1881.	Cost per acre.	Acres sold.
Arizona	$490 00	$5,525 00	$6,015 00	89	2	8,037	.....	5,096	$1.180+	19,203
California	20,747 00	244,604 06	265,351 06	1,965	21	297,546	$74,268 12	888,308	.298+	584,829
Colorado	12,778 73	392,604 89	405,383 62	1,880	15	115,590	41,530 35	7,435,084	.054+	287,642
Dakota	3,889 00	89,124 00	93,013 00	6,236	1,187	1,386,872	830,248 00	1,475,655	.063+	2,672,333
Florida	10 00	50 00	60 00	141	5	64,555	.....	.....	.....	217,000
Idaho	.....	480 00	4,990 00	561	6	.....	6,746 00	60,000	.083+	143,000
Louisiana	400 00	6,025 00	6,425 00	2	5	96,638	425 00	235,000	.027+	145,000
Minnesota	1,038 00	10,105 00	11,143 00	1,925	119	538,000	150,415	190,000	.058+	1,173,000
Montana	25 00	110 00	135 00	476	8	56,361	.....	348,000	.003+	109,000
Nebraska	975 00	9,516 63	10,491 63	1,424	142	365,952	22,758	852,000	.012+	848,000
Nevada	19,784 00	245,795 00	265,579 00	45	.....	6,064	1,080	4,524,000	.058+	88,000
New Mexico	16,739 00	216,919 00	283,658 00	164	.....	73,852	3,466	3,179,000	.089+	162,000
Oregon	8,865 00	143,000 00	151,885 00	1,117	8	122,094	41,064	1,008,000	.150+	313,000
Utah	475 00	7,293 00	7,768 00	230	3	54,442	18,690	294,000	.026+	154,000
Washington	2,950 00	27,162 00	30,112 00	1,253	39	227,000	73,532	231,459	.130+	419,000
Wyoming	17,922 00	244,044 00	261,966 00	89	3	9,216	.....	1,055,000	.249+	48,000
Grand total	.....	.....	1,803,975 31							

Mr. HISCOCK. In discussing this point of order, I shall keep myself just as clear of a discussion of the merits as is possible, and discuss the point of order.

The CHAIRMAN. Will the gentleman allow the Chair to request him to indicate what retrenchment of the amount appropriated by this bill he contemplates as being effected by this proviso?

Mr. HISCOCK. Under the homestead and pre-emption law as originally passed, or as subsequently amended, there was a provision made that actual settlers might deposit their money for the surveys of the townships in which they had settled; and when a sufficient amount of money had been deposited then that township was surveyed and the money which had been paid by them was applied in payment of their land. I think I am stating the law with sufficient accuracy, practically, for the committee to understand the case. When the parties deposited the money they received a certificate of the deposit of so much money, and they had the right to return that certificate in payment of the land at the regular rates in that township. In 1879, at some period during the year, I do not now remember the date of the act——

Mr. CASSIDY. March 3, 1879.

Mr. HISCOCK. In March, 1879, a law was passed which made these certificates of sums paid in for surveys assignable and receivable in payment for public lands anywhere and everywhere throughout the United States. The result of that assignability is portrayed by the Commissioner of Public Lands in this language, which I ask gentlemen to note:

> The vastly increased area of the public-land surveys during the past fiscal year, as compared with that of previous years, is due to the facilities afforded to individual depositors under the provisions of the act of Congress approved March 3, 1879, amending section 2403 of the Revised Statutes so as to allow the assignment of certificates of deposit by indorsement, and making them receivable in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws.
>
> The aggregate of deposits by individuals applying for surveys and declaring themselves, under oath, to be *bona fide* settlers amounted during the year to $1,874,523.68, thus exceeding the Congressional appropriation ($300,000) in the ratio of 6 to 1.
>
> Very extensive tracts of inarable lands, devoid of timber sufficient even to supply posts for marking the corners of the public surveys, have been surveyed, and the topographical features, when delineated on township plats from the field-notes of deputy surveyors, fail, in a majority of cases, to show any evidence of settlement.

Mark the language of the statement of the Commissioner of the General Land Office. There was received on deposit from persons who declared themselves under oath to be *bona-fide* settlers the sum of $1,874,523.68 for these surveys. That money was received from persons who declared upon their affidavits that they had made actual settlements, and an examination of the whole area of lands so surveyed fails to disclose an actual settlement upon any part of it. That is a startling fact, to which I call attention.

Mr. PAGE. Can the gentleman tell the committee how much more money was received that year for public lands sold than was received other years?

Mr. HISCOCK. I will come to that in a moment. These certificates were issued to men who swore themselves and filed affidavits of other people that they had located upon this land that was surveyed. And these affidavits of theirs, with the payment of the money, procured the survey of that land. When the land was surveyed it was discovered that these affidavits were false, that it was a dodge put up by the surveyors in order to procure the job of surveying the land.

That is corroborated by the gentleman from Nevada [Mr. CASSIDY] and by every gentleman who resides in any of these surveying districts. The testimony is all concurrent on this point.

I have deemed it necessary to state these facts in connection with this matter, because they bear directly upon the point of order. This law permits the land itself to be used to pay for surveying purposes; the proceeds of the sale of the land to procure its survey. The issuing of these certificates and allowing them to be received in payment of lands which have been surveyed devotes the land itself to the cost of making the survey.

The very moment that we repeal the law providing for the assignability of these certificates we strike down the appropriation for these surveys; and if it amounts to one million dollars' worth of land, the proceeds of which were turned in in payment for the public surveys, it is a reduction to that amount, and the expenditures are reduced to that extent for public surveys. This is simply an appropriation of land instead of money to procure the surveys. And when you repeal the law you simply reduce the appropriation for that purpose.

But we do not repeal the law entirely; all we do in this provision is to limit the operations of the law. We say that these certificates shall be receivable only in the land district of the office in which the deposit was made; that the certificates shall be issued for money deposited for survey of land in Colorado, for instance, shall not be turned in for the payment of land in the Territory of Dakota.

That is the effect and scope of the provision we have here reported. It strikes at the abuse of affidavits being furnished of actual settlement in the wilds and mountains of Colorado, and the payment in of a large amount of money for the survey of those wild lands and the issue of certificates therefor, and the turning in of those certificates for the payment of public lands in the Territory of Dakota. It says to these people that they shall be limited at least to the land district in which the land is situated, and for the survey of which they have deposited their money.

As I have said before, to repeal the certificate system entirely is simply to strike down the amount of land appropriated for purposes of survey. And when we do not repeal that law entirely, but restrict its operations, we *pro tanto* strike down the appropriation. And just so far as we diminish the operation of the law just so far we diminish the amount of appropriations for surveys and so far our legislation is in the direction of economy.

I apprehend that there is no man who would have the least doubt, if we came in with a bill by which we propose to repeal the certificate system entirely, that a point of order would not lie against it, for the reason I have already stated, that it is simply an appropriation of the proceeds of the sales of the public lands to the expenditure for the survey of the lands.

I do not care to repeat myself on this question, but I desire to impress it upon the Chair that in so far as we limit or restrict the operations of those statutes just so far we reduce the expenditure for the survey of the public domain.

Mr. BRENTS. Mr. Chairman, it is conceded by all parties in this debate that the provision in question does change existing law; but

it is insisted that it reduces expenditures, that it retrenches. Now, it is not enough that it shall merely reduce expenditures; it must do this in a certain way specified in clause 3, Rule XXI. I read the language of the rule:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The CHAIRMAN. The Chair has the rule before him, and begs the gentleman to address himself to the latter point.

Mr. BRENTS. It occurs to me, Mr. Chairman, that nothing has been presented here to show that the provision in question does reduce the amount covered by the bill. What is the amount covered by this bill? It is an appropriation of $400,000 for surveys; nothing more, nothing less. The money that may be paid for these surveys is not money covered by the provisions of this bill in any way. The provision under consideration proposes simply to curtail the surveys which are to be made; it does not affect any money appropriated by the bill.

The Secretary of the Interior, in the letter to which my friend from California [Mr. PAGE] has already referred, uses this language:

The law as it now stands is right; and the only abuse to which it can be subject is rendered possible because there has been no provision made for an effective inspection of surveys in the field. This abuse is, however, as possible and probable under the usual appropriation as under the increase of such appropriation by depositors.

What is the object of adopting this provision? Only to the extent that we curtail surveys; and by the curtailment of those surveys do we cut off in any way the frauds which may be perpetrated. The vice is in the original law providing for the surveys, and not in the deposit system at all. If you wish to cure that vice you must amend the original law relating to surveys. This provision does not accomplish anything of that kind. It simply cuts down the amount of surveys. Whatever might be the amount of this appropriation, it would still be subject to the abuses which the Secretary tells us exist under the present law.

Mr. ATKINS addressed the Chair.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the point of order, remarking that nearly time enough has been consumed in the discussion on this point.

Mr. ATKINS. I shall occupy but a moment. It is true, as the gentleman from Washington Territory says, that the provision of the bill does not propose a reduction in the amount of expenditure, but the proposed change in the law will work a utilization of the expenditure, and the result will be economy and benefit to the Government. By requiring these certificates to be confined to the land district where the land is located, and not allowing them to be assigned and located anywhere within the range of the public domain, the amount appropriated is utilized and the result is economy to the Government and the prevention of frauds. Therefore, the provision comes within the spirit of the rule providing that legislation to be in order on an appropriation bill shall produce economy.

Mr. RANDALL. I desire to ask the gentleman why these certificates should not be confined to the township in which the lands surveyed is located.

Mr. ATKINS. That was substantially the law up to March 3, 1879, when a provision was adopted making certificates assignable, and allowing them to be located anywhere upon the public domain. That is the very law which we now seek to restrict or restrain——

Mr. RANDALL. Repeal.

Mr. ATKINS. Not to repeal entirely, but to restrict, so that these certificates shall be located in the land district in which the survey is made.

Mr. RANDALL. I think the proposition of the committee is right, but it does not go far enough.

Mr. ATKINS. I think it should be confined to the townships, but the committee did not so conclude.

Now, one word more. I state in addition to what I have already said that this reduces the amount per linear mile paid for survey of the public lands. That is applied to this paragraph, and therefore it does actually retrench expenditure. The whole is to be considered together, the proviso as well as the preceding part of the paragraph, and on its very face it does retrench expenditure by the reduction per linear mile one or two dollars.

Mr. PAGE. I did not make the point of order on that part of the paragraph.

Mr. ATKINS. I know the gentleman did not, but I make the point that this is one paragraph, and the gentleman cannot pick out one part and make the point of order, but that the whole paragraph must be taken into consideration in reference to the question as to whether it retrenches expenditure or not. As I have shown, it does retrench expenditure, and therefore is in order.

Mr. ROBESON. Mr. Chairman, I think this provision may be said to reduce the amount of appropriation carried by the bill for two reasons. First, because the appropriation of $400,000 is an appropriation subject to the law, that only so much of it shall be paid as is used for the purpose for which it is appropriated and the remainder will stay in the Treasury. Now, if the certificates with their wider scope carry with them a larger expenditure for the survey of the public lands then limiting the scope of these certificates by limiting the survey of the public lands will limit the expenditure under that appropriation and will leave a larger balance in the Treasury. This is one point.

The second point is, this provision making these land certificates available for surveys of public lands is, in fact, itself an appropriation, and made so by law. Then when you limit the scope, power, reach, and application of those certificates, you limit the amount of the appropriation thereby contemplated. And that is all there is of it.

Mr. HOLMAN. I wish to say a word. The gentleman from New Jersey in part has anticipated what I wished to say, and that is that all the money deposited under this deposit system is in reality an appropriation for the survey for the current year in which it is made. Last year the appropriation was $1,800,000, and the Chair in deciding this question as to whether it retrenches expenditure or not would necessarily consider the reduction of this permanent appropriation. Any measure which tended to diminish the amount which would be expended under that deposit system would bring the question fairly under the purview of the rule of the House.

Here are $1,800,000 expended by specific and permanent appropriation of money during the last fiscal year. That amount of money is not proposed to be diminished directly by the pending bill, but the amount to be expended is proposed to be diminished by limiting the availability of the certificates and the scope of the scrip.

I concede this is not a direct retrenchment, and the rule does not require it, but that it is sufficient if it results in retrenchment. If that is the incidental result in any reasonable and fair probability, then I submit under the rule this proposition is in order. It is in order if it does by fair intendment reduce the expenditure of the Government. That, I think, has been already demonstrated from the official record. It has been shown by the report of the Commissioner of the General Land Office that the effect of this system of deposit unnecessarily increases the survey of the public lands and opens facilities to reach rich public lands out of the proceeds of the surveys of worthless lands.

The CHAIRMAN. The Chair is ready to pass on the question.

Mr. POUND. I do not know that I can throw any further light on this question, but possibly a letter addressed to me by the Commissioner of the General Land Office may be useful to the chairman in making his decision. It is in reply to a letter I addressed to him in reference to a Senate bill which was believed would be ultimately referred to the committee in the House of which I am a member.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 30, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, requesting information upon the following points:

First. Has there been any material increase in the receipts from the sale of public lands since the inauguration of the deposit system in 1879, and to what extent?

Second. As to the regulations governing applications by settlers for surveys.

Third. Is it better economy to permit settlers to deposit for surveys, or to appropriate moneys therefor from the Treasury?

Fourth. In view of statements having been made that the deposits for surveys are beyond the demands of settlement and public interests, is there any necessity for an appropriation for surveys during the incoming fiscal year?

In reply to the first interrogatory I have to state that the act of March 3, 1879, amending section 2403 of the Revised Statutes by making certificates of deposit assignable and receivable for any public lands entered under the homestead and pre-emption laws, did not virtually go into effect until the beginning of the fiscal year 1881, because the circular of this office conveying instructions thereunder to surveyors-general and registers and receivers was not issued until the 5th day of March, 1880, and some little time transpired before the system went into operation.

The following are the disposals of public lands and the receipts therefrom for the fiscal years 1880, 1881, and from July 1, 1881, to May 31, 1882:

	Acres.
1880, sales	9,152,357.62
1881, sales	10,762,957.18
July 1, 1881, to May 31, 1882	13,714,266.77
Receipts in—	
1880	$2,283,118 65
1881	4,401,768 47
July 1, 1881, to May 31, 1882	7,417,498 45

The expenditures from deposits made for surveys during the same periods are as follows:

1880	$273,763 69
1881	860,104 58
July 1, 1881, to May 31, 1882	1,297,984 98

Replying to your second interrogatory I have to state that applications for surveys under the deposit law are required to be sworn to by actual settlers and the nature and value of improvements shown upon such applications, and such sworn statements to be supported by the affidavit of two witnesses, as per blank form inclosed herewith marked A.

Referring to interrogations third and fourth, I have to state that should the act of March 3, 1879, be repealed it would be necessary to largely increase the estimate of $400,000 for the survey of public lands to meet the demands of settlers, as is evidenced by extensive disposals and receipts during the current fiscal year.

In any event an appropriation will be necessary, as section 2401, Revised Statutes, authorizes deposits to be made for the survey of township and subdivisional lines, leaving base, standard, and meridian lines to be provided for by the United States, as well as the survey of all lands other than agricultural.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

Hon. THAD. C. POUND,
Chairman Committee on Public Lands, House of Representatives.

[During the reading of the foregoing letter,

The CHAIRMAN. The Chair thinks that this is a duplicate of what has already been stated by the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I insist, if the Chair will allow it, that this matter from the Commissioner of the Land Office, and which is calculated to throw light upon the subject, should be read in full. It is a matter bearing directly upon the subject and contains information pertinent to the matter at issue, and I hope it will be read in connection with the point of order, as it throws light upon the question. I ask that it be read in full, and also that the letter of the Secretary of the Interior be read.

The CHAIRMAN. The Chair must decline to hear an argument from the Commissioner of the Land Office or any other gentleman not upon the floor of the House upon this point of order.

Mr. HISCOCK. If that letter from the present Secretary of the Interior should be read in that manner, I should then be under the necessity of calling attention to and having read a letter from the former Secretary, Mr. Kirkwood, and a further letter from the Commissioner of the Land Office sustaining the opinion of Mr. Kirkwood.

Mr. POUND. If the Clerk will read one or two paragraphs at the close of the letter I think it will be sufficient for the purpose I have in contemplation.

The Clerk read as follows:

Referring to interrogatories 3 and 4 I have to state that should the act of March 3, 1879, be repealed, it would be necessary to largely increase the estimate of $400,000 for the survey of public lands to meet the demands of settlers, as is evidenced by extensive disposals and receipts during the current fiscal year. In any event an appropriation will be necessary, as section 2401 of the Revised Statutes authorizes deposits to be made for the survey of township and subdivisional lines, leaving base, standard, and meridianal lines to be provided for by the United States, as well as the survey of all lands other than agricultural.

Mr. POUND. That I think bears conclusively upon the point of order, and the figures contained therein are the same as those which have been addressed to the chairman of the Committee on Appropriations, and quoted by the gentleman from California. The conclusion is, if this provision is repealed, as proposed by this proviso, that the appropriation for surveys must be largely increased.

Now, as to the merits of the law I have nothing to say, but in anticipation of its probable reference to the committee of which I am chairman, I addressed this letter to the Secretary of the Interior, and obtained the response which has been quoted.]

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. RYAN. Before that I desire to be heard for a moment only in reference to the point of order under the rule. The provision of our rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures by the reduction of the number or salary of the officers of the United States, &c.

Now, Mr. Chairman, the argument has disclosed the fact, in fact it has been admitted, that the provision in this bill against which the point of order is made will greatly reduce the surveys of the public lands. It is claimed in effect by those who are sustaining the point of order, and very justly too, that it will largely curtail the surveys of the public domain. Let us bear in mind the fact that under existing law every dollar put up under the deposit system is an appropriation for the survey of the public domain.

Let us consider further that nearly $2,000,000 of deposits every year are made. Now, it is undeniable that an immense sum of money will be saved and the employment of an immense number of officers, a large corps of United States surveyors, will not longer be needed, for their duties will cease if the provisions of this law shall remain in force. Nearly $2,000,000 are expended under the law as it exists annually to maintain a corps of United States surveyors. This provision restricts that expenditure very largely, by two-thirds at least, rendering unnecessary this large corps of surveyors and officers. Therefore, it comes directly within the rule, if the position be a correct one and if the admissions are true on the part of those who are endeavoring to sustain the point of order, namely, that the expenditure for surveys will be largely reduced and the surveys greatly curtailed, because it will reduce the number of United States officers.

Mr. CASWELL. Mr. Chairman, I only desire to say a word in reference to this point of order. The very object of this provision of the bill is to prevent the surveys of worthless lands, so we may not be compelled by these surveyors to pay for a region of country that is not worth being surveyed, and employ a great corps of deputies to expend nearly $2,000,000 to do it.

Now, as the law stands it allows these deputy surveyors to determine the extent of this appropriation to be used in the surveys of the public domain. They may make it one, two, or three millions of dollars, as they see fit. A great portion of it is employed in surveying, as I have said, worthless lands for the purpose of obtaining certificates, that they may sell these certificates at a discount to parties in other parts of the country where the lands are not worthless. This clause, if adopted, restricts them to the districts where the lands surveyed are located, and unless they buy certificates to issue worthless lands they will not buy them at all.

Mr. PAGE. Mr. Chairman, one word more.

The CHAIRMAN. The Chair, in view of the length of this debate on the point of order, begs the gentleman to be brief.

Mr. PAGE. If the Chair should take the view enunciated by the gentleman from Tennessee [Mr. ATKINS] of course I admit this section would not be subject to the point of order, because, in the first part of the paragraph, there is a reduction of the cost of surveys per linear mile. That is true. My point of order was not made to that portion of the paragraph. It was made against the proviso. The rule says:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures—

How?

by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, &c.

Now, no gentleman has contended that this reduces the salary of any officer, that it reduces the amount of money carried by the bill, that it reduces any amount of money paid out of the Treasury of the United States. It is simply contended that under the general law surveys may be made by deposit; but the amendment does not prevent surveys in the future, but only limits them.

The CHAIRMAN. The Chair will ask the Clerk to report the proviso against which the point of order is made.

The Clerk read the proviso, as follows:

Provided further, That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes, and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands, except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

The CHAIRMAN. The Chair has no trouble with the suggestion that the point of order cannot apply to the whole section, as it is evidently intended in the application of the rule to take any distinct provision that may be separated from the bill without detriment to the context. Therefore the point of order may lie as far as form is concerned.

The question is whether this proviso is subject to the point of order under the rule which has been frequently referred to? The Chair begs to remind gentlemen that it is not sufficient that the proposition retrenches expenditure in some direction, for the rule reads:

Shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Second:

By the reduction of the compensation of any person paid out of the Treasury of the United States.

Third:

By the reduction of amounts of money covered by the bill.

It is the latter clause and that alone that has given the Chair any trouble in deciding the point of order. Turning then to see if it is calculated to retrench any one of these expenditures it may be, as an effect, that it diminishes the number of persons employed by the United States by reason of reducing the number of surveys. But that would seem to the Chair to be rather remote in its effect, too remote perhaps to be contemplated by the rule.

The Chair finds in looking to what particular amounts are covered by the bill something else is appropriated by it than the simple sum of $400,000. In the first proviso, beginning at the top of page 60, the phrase is used touching one surveying district—

Together with such sums as have been or may be deposited for surveys therein by actual settlers under sections 2401, 2402, and 2403 of the Revised Statutes.

And appropriates that, so far as is necessary. In other words, apart from the merits of this provision, of which the Chair may have a distinct opinion or not, the appropriation involved in this paragraph does touch this very large amount that by general law is appropriated and is in part, therefore, an amount covered by this bill. As the line is so nearly touched, however, in the proper application of the rule, and it is not so much a question of construction as a view taken of the language of the paragraph, the Chair avails himself of his right to submit the question to the committee, inasmuch as the importance of it is sufficient to justify an appeal from the judgment of the Chair. The question, therefore, is, Shall the point of order made by the gentleman from California [Mr. PAGE] against this proviso be sustained?

The question being taken, the point of order was not sustained.

Mr. ANDERSON rose.

Mr. RANDALL. I suggest to the gentleman from New York to move that the committee rise.

The CHAIRMAN. The gentleman from Kansas [Mr. ANDERSON] has been recognized. Does he yield for a motion that the committee rise?

Mr. ANDERSON. Yes, sir.

Mr. HISCOCK. I move that the committee rise.

Mr. SPRINGER. I ask that my admendment may be printed.

Mr. HISCOCK. I hope the amendment of the gentleman from Illinois [Mr. SPRINGER] will be printed.

Mr. SPRINGER. I ask that the amendment may be printed in the RECORD.

There was no objection.

The proposed amendment of Mr. SPRINGER is as follows:

Strike out, in lines 1041 and 1042, the words "to be distributed as provided in the act approved June 16, 1880," and insert at the end of line 1043 the following:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows:

"One thousand copies to the Executive Departments, as now provided by law.

Six thousand three hundred copies to such libraries, organizations, and individuals as may be designated by the Representatives and Delegates of the Forty-seventh Congress. Each Representative and Delegate shall furnish the Secretary of War with the names and addresses of not exceeding twenty-one libraries, organizations, and individuals to whom he shall send such volumes from time to time, as they may be published, until the completion of the publication of said records. Two thousand copies of said records shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be indicated by the Senators who are members of the Forty-seventh Congress. Each Senator shall indicate not exceeding twenty-six addresses to whom such volumes shall be sent in like manner. And each Senator, Representative, and Delegate shall state how many volumes he has already furnished to such addresses.

"If two or more sets of said volumes are ordered to the same address the Secretary of War shall send but one set and designate other libraries, organizations, or individuals to whom the surplus may be sent by him.

"The remaining copies of the 10,000 to be published and all sets that may not be ordered to be distributed as provided herein shall be sold by the Secretary of War for cost of publication with 10 per cent. added thereto; and the proceeds of such sale shall be covered into the Treasury.

"The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals."

Mr. REED. I reserve all points of order on the amendment of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. ANDERSON. I ask that my proposed amendment may be printed in the RECORD.

There was no objection.

The proposed amendment of Mr. ANDERSON is as follows:

On page 60, after the word "lines," in line 1448, insert:

"*Provided*, That in the event of the repayment to the United States of moneys advanced and expended by it in surveying and selecting public lands granted to certain railroad companies under 'an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean,' &c., approved July 1, 1862, and the act amendatory thereof, approved July 2, 1864, the said companies or parties in interest being by such acts required to pay 'into the Treasury of the United States the cost of surveying, selecting, and conveying' lands so granted, then and in that event such sums so paid into the Treasury shall, without further appropriation, be used for surveying the public lands; and in this latter event, but not otherwise, the sum of $400,000 herein appropriated shall be diminished by the aggregate sum so paid into the Treasury and so used for the public survey.

"And the Kansas Pacific Railway Company, or its assigns, shall forthwith pay into the Treasury of the United States all the cost, as determined by the Secretary of the Interior, of surveying, selecting, and conveying public lands granted to it by said acts and situated either in the State of Kansas or in legally organized counties of the State of Colorado, and upon which such costs shall not have been already paid. And in the event that any such costs shall remain unpaid on the 1st day of October, 1882, the Attorney-General of the United States is hereby authorized and directed to institute forthwith, in the name of the United States of America, in the circuit court of the United States for the district in which the tract or parcels of land are situated upon which such costs remain unpaid, any and all proceedings against said company or party in interest that he may deem necessary and proper and that can be maintained to secure the prompt payment of such unpaid costs and of the further cost of all such legal proceedings."

Mr. HEPBURN. I desire to offer an amendment, which I ask may be printed in the RECORD.

There was no objection.

The proposed amendment of Mr. HEPBURN is as follows:

Strike out all after the word "except," in line 1470, to and including the word "entry," in line 1472, and insert "those lands covered by the contract of survey for which the certificate shall have been issued."

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the House do now adjourn.

Mr. DINGLEY. I ask the gentleman to yield to me that I may introduce a bill for reference.

Mr. HISCOCK. I agree to the introduction of bills for reference.

REPORT UPON FOOD FISHES.

Mr. SPRINGER, from the Committee on Printing, reported back the concurrent resolution to print 5,500 extra copies of a report of the United States Commissioner of Fish and Fisheries upon the food fish and fisheries of the United States, and moved that the same, with the accompanying report, be printed and recommitted to the Committee on Printing.

The motion was agreed to.

PUBLIC BUILDING AT CAMDEN, NEW JERSEY.

Mr. ROBESON, by unanimous consent, introduced a bill (H. R. No. 6733) for the erection of a public building at Camden, New Jersey; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SHIPPING INTERESTS OF THE UNITED STATES.

Mr. DINGLEY, by unanimous consent, introduced a bill (H. R. No. 6734) to provide for a commission to inquire into the condition of the ship-building and ship-owning interests of the United States, and to suggest measures to restore the foreign carrying trade of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES FORD.

Mr. DINGLEY also, by unanimous consent, introduced a bill (H. R. No. 6735) to correct the military record of James Ford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

L. H. CAMP.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 6736) for the relief of L. H. Camp; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDWARDS & CO.

Mr. PEIRCE, by unanimous consent, introduced a bill (H. R. No. 6737) for the relief of Edwards & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SENATE JOINT RESOLUTIONS REFERRED.

Mr. VAN HORN. I ask consent to take from the Speaker's table and have referred to the Committee on Printing at this time sundry Senate joint resolutions in relation to printing.

There was no objection, and the following joint resolutions were taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing:

Joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross;

Joint resolution (S. R. No. 83) relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield;

Joint resolution (S. R. No. 87) authorizing the printing of 2,500 additional copies of the Official Records of the War of the Rebellion; and

Joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.

PUBLIC BUILDING AT STEUBENVILLE, OHIO.

Mr. DE MOTTE, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. No. 3736) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Steubenville, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

TENTS, ETC., FOR SECOND REGIMENT OF VIRGINIA VOLUNTEERS.

Mr. PAUL, by unanimous consent, introduced a joint resolution (H. R. No. 256) directing the Secretary of War to loan tents and camp equipage to the Second Regiment of Virginia Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CEMETERY IN QUEENS COUNTY, NEW YORK.

Mr. DAVIS, of Illinois, by unanimous consent, reported, as a substitute for House bill No. 5951, a bill (H. R. No. 6738) to authorize the purchase of additional ground adjoining the Cypress Hills National Cemetery in the county of Queens, State of New York; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4173) for the erection of a public building at Brooklyn, New York;

A bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi;

A bill (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia, and which may be paid by November 1, 1882, and for other purposes;

A bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes;

A bill (S. No. 144) granting a pension to Mary E. Ambrester;

A bill (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier in the war of 1812;

A bill (S. No. 462) granting a pension to Emma A. Ramsey;

A bill (S. No. 603) granting a pension to Sarah C. Golderman;

A bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased;

A bill (S. No. 718) granting a pension to Ellen M. Godfrey;

A bill (S. No. 725) granting a pension to S. Annie Esterbrook;

A bill (S. No. 802) granting a pension to Mrs. Cornelia F. White;

A bill (S. No. 1195) granting a pension to William Hazelit;

A bill (S. No. 1532) granting a pension to George C. Quick;

A bill (S. No. 1576) granting a pension to Ellen Lardner;

A bill (S. No. 1852) granting a pension to Mrs. Florida G. Casey; and

A joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department.

LANDS CERTIFIED TO RAILROAD COMPANIES.

The SPEAKER laid before the House a letter from the Secretary of the Interior in response to a House resolution of June 6, 1882, concerning an alleged excess of certification of lands to certain railroad companies; which was referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

Mr. WARNER asked and obtained leave to take copies of the testimony taken by a special United States commissioner in the case of

the administrator of John McQuiddy and disallowed by the southern claims commission in their tenth annual report, and now upon the files of the House.

ED. WALLACE.

Mr. HOUK, by unanimous consent, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. No. 3094) for the relief of Ed. Wallace; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MORDECAI & CO.

Mr. MORRISON, by unanimous consent, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. No. 6380) for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH WEINSTEIN.

Mr. PARKER, by unanimous consent, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH WARD.

Mr. PARKER also, by unanimous consent, from the same committee, reported adversely the bill (H. R. No. 5483) granting a pension to Joseph Ward; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. I now call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRAGG: The petition of Winnebago Indians of Wisconsin, for relief—to the Committee on Indian Affairs.

By Mr. S. S. COX: Papers relating to the claim of Augustus P. Green—to the Committee on War Claims.

By Mr. CRAVENS: The petition of John D. Brown, a soldier of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. DEUSTER: The petition of Karojasepataka and 107 Winnebago Indians of Wisconsin, for relief—to the Committee on Indian Affairs.

By Mr. DIBRELL: Memorial of the State board of health of Tennessee, for an adequate appropriation for the support and maintenance of the National Board of Health—to the Committee on Appropriations.

By Mr. MOORE: The petition of Fendall Carpenter; of James I. Williamson; of John J. Mann, executor of James H. Cove, deceased; of John Pitman, administrator of the estate of Fannie T. Hunt; and of Mrs. C. E. Robertson, for compensation for property taken and destroyed by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. MURCH: Memorial of J. C. Cook, relative to taking testimony in the contested-election case of Cutts *vs.* Cook—to the Committee on Elections.

By Mr. REED: The petition of P. N. Blanchard, Giles Loring, Roscoe Harding, and others, citizens of Yalmouth, Maine, for the appointment of a commission to inquire into the needs of our shipping interests—to the Committee on Commerce.

By Mr. SHULTZ: The petition of citizens of Dayton, Ohio, for the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. R. W. TOWNSHEND: Papers relating to the claim of Robert L. Meador—to the Committee on Ways and Means.

SENATE.

TUESDAY, *July* 11, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented resolutions of the board of health of Philadelphia, favoring an appropriation in the sundry civil appropriation bill providing for the continuation of the bulletins issued by the National Board of Health; which were referred to the Committee on Appropriations.

Mr. LOGAN presented the petition of Boswell M. Grant, a volunteer of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to which was referred the bill (S. No. 1540) for the relief of S. E. Ogden, to ask to be discharged from its further consideration. An examination of the papers shows that that committee has not jurisdiction of the case, and I think it properly belongs to the Committee on Claims. I ask that the Post-Office Committee be discharged, and that it be referred to the Committee on Claims.

The report was agreed to.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1873) for the relief of Patrick Sullivan, reported it with amendments; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1439) granting a pension to Lydia Smith, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2127) granting a pension to James F. Rose, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1102) granting a pension to Elizabeth T. Dubois, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. No. 703) granting a pension to Sarah Shea, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2481) for the relief of Dicey Bobbitt, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco, to report it favorably, amending only the title. I will not ask to have it reprinted.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States, reported it with an amendment.

Mr. MORRILL. I am also directed by the Committee on Finance, to whom were referred the bill (S. No. 348) to amend certain sections of the Revised Statutes concerning taxes upon banks and bankers, and the bill (S. No. 548) to repeal taxes on deposits with banks, banking associations, and bankers, to ask to be discharged from their further consideration, and that they be indefinitely postponed, the subjects having been heretofore considered.

The report was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1098) granting a pension to Martha Westervelt, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 5239) granting a pension to Mrs. Spedie B. Eggleston, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2137) donating four condemned cannon and four cannon-balls for the soldiers' burial lot in the Hudson, New York, cemetery, reported it without amendment.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1884) granting a pension to William J. Duley, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

PAYMENT OF DOUBLE PENSIONS.

Mr. GROOME. I am instructed by the Committee on Pensions to report an original bill, entitled "A bill to prevent the payment of double pensions," and in doing so to say to the Senate that the reasons which have led the committee to report this bill are of the most extreme urgency, and that I am directed at the first convenient opportunity after the bill is in print to ask the Senate to take it up and pass upon it.

Mr. HARRIS. Why not act on it now?

The bill (S. No. 2138) to prevent the payment of double pensions was read the first time by its title.

Mr. HARRIS. Let the bill be read for information. From what the Senator from Maryland states I think it probable that the Senate will agree to consider it now.

The PRESIDENT *pro tempore*. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted &c., That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

Mr. GROOME. At the request of Senators all around me who desire an explanation of this bill, I will state that the attention of the Committee on Pensions has been called this morning to the fact that the Attorney-General of the United States has given an opinion on the pension case of General Ward B. Burnett to the effect that when a special act is passed granting a pension to any one who is already upon the rolls, which pension act states expressly that that pension is in lieu of the pension which the pensioner is then receiving, the pensioner is entitled both to the pension under the special act and to the pension under the general law. How much further that opinion goes it is hard to say upon a hasty reading.

Mr. HOAR. If that be true, would not the same thing be true after the bill passed?

Mr. GROOME. I think not.

Mr. HOAR. I understand the Senator to say that the Attorney-General has said that if there be a special pension law which expressly states that it is in lieu of the existing pension, the pensioner gets both. That is what the Senator said.

Mr. INGALLS. Will the Senator allow me to inquire how it is that when a pensioner is on the roll under the general laws he is also placed there by special act?

Mr. GROOME. I will answer the Senator's question very readily. There are a great many persons who are upon the pension-roll under the general law whose pensions have been increased by special act. That is this precise case.

Mr. INGALLS. Where there is an increase?

Mr. GROOME. There is an increase of pension in the case of General Burnett from $30 to $50 a month.

Mr. INGALLS. The Attorney-General holds in that case that the recipient is entitled to $80 a month?

Mr. GROOME. The Attorney-General holds that under the proper construction of the pension laws General Burnett was entitled to $50 a month under the general law at the date of the passage of the special act, and is now entitled to $72 a month under the general law and to an additional pension of $50 a month under the special act.

Mr. INGALLS. I would be very glad before action on this bill to have that opinion read. I cannot conceive that any official in the possession of his senses would render such an opinion as the Senator from Maryland has stated.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. I object until we hear that opinion read. I think there must be some mistake about it.

Mr. GROOME. The proposition was to my mind such a monstrous one that I anticipated the very objection made by the Senator from Kansas, that Senators would hardly believe it was possible that such an opinion had been given by the law officer of this Government.

Mr. CAMERON, of Wisconsin. I ask the Senator from Maryland if he has a copy of the opinion?

Mr. GROOME. The opinion is in the committee-room of the Committee on Pensions. I did not bring it into the Senate Chamber with me, for the reason that it was not my intention nor the instruction of the Pension Committee to call up the bill for action or discussion until it had been printed and placed upon the desks of Senators.

Mr. VAN WYCK. Send for it, and let us have it read.

Mr. PLATT. I think the bill had better be printed and taken up for consideration to-morrow morning.

Mr. GROOME. That disposition, I think, is the proper one to make of it under the circumstances.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. BECK. Can we not have the opinion of the Attorney-General printed in the RECORD, so that we may all see it?

Mr. GROOME. Yes, sir.

Mr. BECK. I should like to have that done.

The PRESIDENT *pro tempore*. The opinion of the Attorney-General will be printed in the RECORD if the Senator from Maryland will produce it.

Mr. GROOME. Very well; I will send to the committee-room for it and furnish it to the Official Reporter.

The opinion is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 29, 1882.

SIR: Replying to your letter of the 24th instant concerning the case of General Ward B. Burnett, I have the honor to advise you that according to the opinion rendered by this Department on the 10th of April last, the rates of pension which should be allowed General Burnett are as follows:

From June 4, 1872, to June 4, 1874, $31.75 per month. (Act of March 1873, fourth section.)

From June 4, 1874, to June 17, 1878, (act of June 18, 1874,) $50 per month.

From June 17, 1878, $72 per month. (Act June 16, 1880.)

Under the special act of March 3, 1879, General Burnett has drawn and is entitled still to draw $50 per month.

True this was given him "in lieu of the pension he now receives," but the pension he was then receiving was $30 per month. This was not the sum which he was entitled to receive under the general law.

The $30, it is presumed, was paid him under section 4695 Revised Statutes, as for total disability and in lieu of this the special act gives him $50. It provided also that nothing "in this act" (the special act) shall entitle General Burnett to arrears of pension.

It is not under this act that back pay of pension is claimed, but under the general laws cited above, which entitle him to the rate of pension prescribed therein.

I do not think the special act can be so construed as to deprive General Burnett of these.

It should be considered as a law by itself, intended to show the estimate by Congress of the great services of General Burnett to the country, having regard also to his helpless condition.

I am of opinion that two pension certificates should be issued to General Burnett, one under the act of June 6, 1880, the other under the special act of March 3, 1879.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

DEPARTMENT OF JUSTICE,
Washington, D. C., July 7, 1882.

SIR: In the pension case of General Ward B. Burnett, I have the honor to observe, in reply to your letter of the 3d instant, that the said pensioner, under the general act of 1874, was entitled to, though he was not receiving, a pension of $50 a month. While so entitled, Congress passed a special act giving him another pension. This did not take away his right under the general law, nor was his pension merged in that granted by the special act.

The case is exceptional. In the law under the title "Pensions," as enacted in 1873, nothing can be so construed as to allow more than one pension at the same time to the same person. But subsequently, Congress having the power, stepping beyond the rule prescribed in section 4715, by a separate, independent law gives to a pensioner already entitled to a pension of $50 another pension of the same amount. Section 4715 has, in my judgment, no application to a case of this kind. The special act of March 3, 1879, has not been repealed or its force and effect taken away by any subsequent legislation.

I adhere to the opinion expressed in my letter of the 29th ultimo.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. VAN WYCK. In connection with this same subject, the Committee on Pensions instructed me to report a joint resolution, and also to ask action upon it as soon as possible.

The PRESIDENT *pro tempore*. Does the Senator ask for its present consideration?

Mr. VAN WYCK. No, sir; I ask for action on it at the same time that the bill just reported is acted upon.

Several SENATORS. Let it be read at length.

The joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett was read the first time by its title, and the second time at length, as follows:

Whereas the Attorney-General has by written opinion advised the Secretary of the Interior that General Ward B. Burnett is entitled to a double pension, one by the general law and one by special act of Congress; and

Whereas such decision is contrary to the intention of Congress in granting such special act, which said act expressly declared that said special pension was given in lieu of pension he was then receiving:

Resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of the Interior be directed to suspend action under and by reason of said decision until Congress shall have acted upon a bill this day introduced entitled "An act to prevent the payment of double pensions."

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4173) for the erection of a public building at Brooklyn, New York;

A bill (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi;

A bill (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia, and which may be paid by November 1, 1882, and for other purposes;

A bill (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes;

A bill (S. No. 144) granting a pension to Mary E. Ambrester;

A bill (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier in the war of 1812;

A bill (S. No. 462) granting a pension to Emma A. Ramsey;

A bill (S. No. 603) granting a pension to Sarah C. Golderman;

A bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased;

A bill (S. No. 718) granting a pension to Ellen M. Godfrey;

A bill (S. No. 725) granting a pension to S. Annie Esterbrook;

A bill (S. No. 802) granting a pension to Mrs. Cornelia F. White;

A bill (S. No. 1195) granting a pension to William Hazelit;

A bill (S. No. 1532) granting a pension to George C. Quick;

A bill (S. No. 1576) granting a pension to Ellen Lardner;

A bill (S. No. 1852) granting a pension to Mrs. Florida G. Casey; and

A joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department.

FORT ABERCROMBIE RESERVATION.

Mr. MCMILLAN. I ask that the action of the House of Representatives on Senate bill No. 1432 be laid before the Senate, in order that the amendments of the House may be concurred in.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 1432) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands

embraced therein made subject to homestead and pre emption entry and sale, the same as other public lands, which were, in line 4, to strike out "and pre-emption;" in line 7, to strike out "and pre-emption;" in lines 10 and 11, to strike out "and pre-emption," and to amend the title by striking out "and pre-emption."

The amendments were concurred in.

NATIONAL BANKING ASSOCIATIONS.

Mr. ALLISON. I desire to call up the conference report on the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence. I will say to Senators that if they will look on their tables they will find the bill printed as it will become a law if the conference report is adopted, and appended to the bill is the conference report. If no Senator has any questions, I ask that the conference report be adopted.

The PRESIDENT *pro tempore*. The report of the committee of conference is before the Senate, and the question is on concurring in it.

Mr. DAVIS, of West Virginia. As I have not had time to look over the report, I wish to ask the Senator from Iowa who has charge of it what change there is from the bill as it passed the Senate, if any.

Mr. ALLISON. The only material change is found on page 7 of the printed bill in capital letters. The modification of section 8 is the principal change.

Mr. DAVIS, of West Virginia. The bill is substantially as the Senate passed it, I understand.

Mr. ALLISON. The bill is substantially as the Senate passed it. The next modification is on page 9, in capital letters.

Mr. DAVIS, of West Virginia. Is it a unanimous report of the conferees on the part of the Senate?

Mr. ALLISON. Yes, sir.

Mr. BECK. It seems to me that the few changes made are improvements merely to make the bill more clear. While I was opposed to the bill, I thought the House had agreed to everything we had done, and that it is all right.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I wish now to call the attention of the Senate to section 10, on page 10 of the printed bill, where the House asks us to concur in an amendment which was not before the conferees. In line 11 of that section they propose to strike out the word "hereinafter" before "provided" and after "provided" to insert "by law."

The PRESIDENT *pro tempore*. Is there unanimous consent to the word "hereinafter" being stricken out and the words "by law" inserted? The Chair hearing no objection, consent is given.

HOUR OF MEETING.

Mr. GARLAND. The other day I submitted a resolution to fix the hour of meeting for the remainder of this session at eleven o'clock. At the suggestion of several Senators this morning I desire to call up that resolution.

The Senate proceeded to consider the following resolution, submitted by Mr. GARLAND on the 29th of June:

Resolved, That on and after the 3d of July next the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

Mr. GARLAND. I wish to amend the resolution by striking out "third" and inserting "Thursday, the 13th."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. ANTHONY. I move that the resolution be referred to the Committee on Appropriations.

Mr. GARLAND. I wish to state that the resolution was permitted by me to lie over at the suggestion of the chairman of the Committee on Appropriations, but from the conversation that was had in the Senate yesterday with reference to the hour of meeting and having night sessions and all those things, it was pretty evident, so far as the expression of opinion was had, that it would be preferable to meet at eleven o'clock instead of being driven to night sessions.

I think that the committee work generally is about through for this session outside of the Committee on Appropriations, and it would be much better for us to meet here one hour sooner each morning instead of sitting late in the evening with the risk of being driven to night sessions, which are entirely out of the question in this hot weather. I think it would facilitate business to adopt the resolution.

Mr. WILLIAMS. I suggest that we had better meet at ten o'clock in the morning, because we have committee work no longer, and then we could adjourn at four o'clock in the afternoon. In this hot weather I think it a great deal better to meet early in the morning and get through our business by four o'clock. I think we shall dispatch business much faster in the morning hours than we shall in the evening. I hope the resolution will be amended so as to make the hour of meeting ten o'clock in the morning.

Mr. BECK. I rise for the purpose of saying that I object to meeting at eleven o'clock, and certainly ten o'clock would be out of all character. The Committee on Appropriations expects to take part in the proceedings of the Senate and ought to have a right to be present. Unless that committee has from half past nine or ten o'clock until twelve to consider the naval appropriation bill and the sundry civil appropriation bill—and every gentleman knows how troublesome those bills are—the committee can do no work at all without absenting itself absolutely from the sessions of the Senate, which we ought not to be required to do. It will require every hour and every minute from nine or half past nine in the morning until twelve, and night sessions to boot, to be able to report those bills in a reasonable time. One of two things is to happen, either the nine gentlemen who compose the Committee on Appropriations have to absent themselves from the Senate or you will have to give them time to consider those bills. One branch of the committee was in session until half past eleven o'clock last night and came back at half past nine this morning.

The adoption of this resolution is equivalent to saying to the Committee on Appropriations that they shall not take part in the deliberations of the Senate, for if we are to be deprived of time to do that work the Senate, instead of getting away sooner, will be kept here a week or two longer. We are obliged to take time in the consideration of those bills.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to refer the resolution to the Committee on Appropriations.

Mr. ALLISON. I think that is the wisest disposition of it for the present. If it shall turn out next week, I will say to the Senator from Arkansas, that we can meet at eleven o'clock, I will have no objection to doing so then.

Mr. GARLAND. If the resolution is to be referred to the Committee on Appropriations, it might as well be voted down, because, as indicated by the Senator from Kentucky, they are opposed to it. They have leave to sit during the sittings of the Senate. They sit any way from twelve o'clock on at intervals during the time we are holding session here. It is a matter entirely immaterial to me. I can come as early or as late as any one else, and I can come at night. It makes no difference to me. If the resolution is to go to the Committee on Appropriations we might as well take a direct vote on it at once.

Mr. DAVIS, of West Virginia. I think very little will be gained by meeting here at eleven o'clock. As stated by the Senator from Kentucky, a part of the Committee on Appropriations was on duty last night until half past eleven o'clock, and some of the same members met again this morning at half past nine, and again to-night there is to be a session. As the Senator from Kentucky has said, the members of the committee want to attend the sessions of the Senate, and if we are to meet at eleven o'clock it will be impossible for them to do so. I hope the resolution will go to the Committee on Appropriations.

Mr. INGALLS. If we ever want to get away from here we have got to go to work and do something. It is an extraordinary commentary on the capacity of this Congress for public business that after sitting here from December until the last of June we were compelled to pass a joint resolution continuing the appropriations indefinitely because the necessary work of the session that ought to have been completed by the 1st of May had not been done. Now it is proposed that when we want to meet at eleven o'clock for the purpose of transacting important and indispensable business upon the Calendar, that the resolution shall go to the Committee on Appropriations because forsooth they are compelled to occupy a certain portion of the day in the consideration of other business that comes before the Senate. If that rule is to apply we may as well dispense with business altogether until the Committee on Appropriations are ready to attend the sessions of the body without interfering with their duties on that committee. Of course their presence here is desirable; their deliberations would be valuable here; but to say that we are to dispense with the consideration of all business on the Calendar and with the consideration of the great matters that are requiring our attention because the Committee on Appropriations, or a part of them, meet at nine o'clock and sit here again after adjournment, seems to me to be an untenable position. The rest of the Senate have work to do, and if the Committee on Appropriations cannot attend, it is our misfortune.

I hope the resolution will not be referred to the Committee on Appropriations, but that the Senate will meet at eleven o'clock in the morning and see if we cannot dispose of some business now pending on the Calendar.

Mr. BECK. I am rather glad the Senator from Kansas has made the remarks he has just made. He intimated that the Committee on Appropriations have been perhaps holding back or not working up all that was possible. The Committee on Appropriations have passed upon every bill that has come from the House of Representatives except the naval appropriation bill, which we have had before us for only a few days. We have passed upon them promptly; we have sat up night and day in order to do so; but we cannot force the House of Representatives to send us bills. It seems we lack either the courage or the disposition to originate appropriation bills ourselves in order to have a fair chance to consider them. It is whispered here by a friend, and I adopt the suggestion, that we cannot control a Republican caucus and prevent them from holding back bills in the House against their own rules which ought to have been sent to us months ago.

Seven months and seven days have now passed since this Congress met and the sundry civil appropriation bill, embracing twenty-odd

million dollars, every ten lines of which, in many places every two lines, relate to a separate subject, with appropriations for all the public buildings of the country, (and everything that cannot get anywhere else is on that bill,) and we have not even seen it yet, on the 11th day of July, seven months and seven days after Congress met. It is assumed by every member of the Senate that a member of the Committee on Appropriations shall be able to answer every question that is put to him relative to every item of that bill when we bring it into the Senate. To do that we have to send for the heads of the Departments, the heads of the bureaus, Senators themselves come before us and tell us of amendments that ought to be made, and we are required to sit here night and day. As I said the other day, when the Senator from Minnesota [Mr. WINDOM] was chairman of the committee some years ago, the first time I ever saw the two Houses in any conflict, one being Democratic and the other Republican, we sat, I think, for five nights until the sun was shining at five o'clock in the morning when we left and had to be back at the committee-room at nine o'clock.

Now we cannot help ourselves. If the Senate would do what I think it ought to do, whenever the House of Representatives holds back these great appropriation bills for over three months (sixty days being the rule and they holding them back seven months and seven days) we would take up the sundry civil bill, originate it and report it here, and pass it and send it to the House. I would not be trifled with as we have been trifled with for the last seven months by the House of Representatives in regard to the appropriation bills, and I would have some of the bills originate here. But they are not here; we have to wait until they come; we have to consider them when they do come. We have a right to be in the Senate when other work is being passed on and we are obliged to attend to other work also, as every Senator knows. The amendments are submitted by hundreds now waiting for that bill to come over. But we are not idle while waiting for that bill. Senators are working every day; the clerk of the committee is at work now and we are sending to the heads of Departments and considering the bill before the House in order to understand it in advance; and why are we to be deprived of our right to be in the Senate?

We certainly cannot be blamed if we cannot get the bill. The Senator from Iowa, [Mr. ALLISON,] the chairman of the committee, the Senator from Maine, [Mr. HALE,] and myself are a sub-committee on the sundry civil bill. We are willing to do all that men can do, we are willing to meet at nine o'clock in the morning and sit until twelve, and then we are willing to meet again at seven at night and sit until twelve, and we are willing to do that from week to week; but we insist that we shall not be deprived of the right to be in the Senate attending to the very important business the Senator from Kansas says will be going on when we are devoting every minute of time to the public business, not necessary to take rest, and are willing to work for six or eight hours a day. We ask the privilege of being here, and the Senate will not gain any time by forcing us to leave our committee-room at eleven o'clock and sit in the Senate until six. If they will give us another hour they will save more in that committee-room, by giving us a chance to investigate the amendments referred to us and have them reported fairly, than they will by making us meet in the Senate at eleven and sit here and do what we have to do and ought to do. We shall not gain time; we shall lose time by this. The purpose ought to be to facilitate the business of that committee now that it has so little time in which to work.

Mr. INGALLS. I do not understand that the entire Committee on Appropriations is sitting during the hours the Senator names. I am advised that all those bills are submitted to sub-committees, consisting of a few members of the entire committee.

Mr. BECK. They are at first, and the bulk of the labor is done by them. That is the reason why I named the three Senators I did, the Senator from Iowa, the Senator from Maine, and myself. The sub-committee first goes over a bill and then submits it to the whole committee, and that involves going over every bill so that each member of the committee may understand it. There is also a sub-committee on the naval appropriation bill.

Mr. INGALLS. Is that in the hands of a sub-committee?

Mr. BECK. That is in the hands of a sub-committee now, of which the Senator from Maine [Mr. HALE] is chairman. There are some extremely important questions in that bill that the Senator from Kansas would feel very much aggrieved if I could not answer.

Mr. INGALLS. The entire committee does not sit to consider the naval appropriation bill now?

Mr. DAVIS, of West Virginia. I will say to my friend that the Committee on Appropriations is divided into three, and all of them are sitting now, probably each member on the naval appropriation bill or some other bill. There is one on the legislative, executive, and judicial appropriation bill.

Mr. INGALLS. There is one on the naval appropriation bill.

Mr. HALE. The other is a committee of conference.

Mr. BECK. I have no objection to stay here as long as any Senator pleases, but I merely say that I expect to be in the Senate, and if we are going to meet at eleven o'clock you will have to wait that much longer for your appropriation bills. I can stay all summer as well as anybody else, but I will not do any more, as we did two or three years ago, and I do not think the Senator from Minnesota would now, when we sat up night after night, as we had to do, when we had the papers piled up so high that we could hardly see over them. It is not legislation at all; there is no chance for it; we cannot explain what we attempt to do when the bill comes into the Senate. We must have time. I wish the Senator from Minnesota would say a word; he knows what we have to do.

Mr. WINDOM. I am not a member of the Committee on Appropriations, but I appreciate and indorse every word the Senator from Kentucky has said on that subject, and I am extremely glad to hear him say that the committee is resolved that it will not work all night any more on the appropriation bills. I believe it is one of the greatest evils of our legislation; and I think the suggestion made by the Senator from Kentucky that the bills should originate in the Senate as well as in the House is a very valuable one, and the time is coming when the Senate will have to insist upon it. I think the Committee on Appropriations has done everything it could do at this session, and I am glad to learn that it does not propose to work all night as it has done heretofore.

Mr. HALE. I do not think the committee has said it will not work all night. They are working now nearly all night, and are willing to.

Mr. ALLISON. I do not think the business of the Senate will be at all facilitated at present by meeting at eleven o'clock. I have no doubt the Senate can get along very well without the Committee on Appropriations in this body during its sessions, but the several members of the Committee on Appropriations are also members of the Senate and they are interested in the legislation that is going on here and they will be present during the sessions of the Senate. For instance, after the important bill that is now under consideration, the river and harbor bill, the next bill in order, as I understand, will be the tax bill that affects all the constituents of all the Senators. Are we——

The PRESIDENT *pro tempore*. The Chair would inform the Senator that the next bill is the bill to create the Territory of Pembina.

Mr. ALLISON. I am obliged to the Chair for correcting me in that regard and also for pronouncing the name "Pembina" correctly, as I believe he has done. [Laughter.] The bill relating to Pembina may possibly be set aside for this important tax bill, though I do not know that it will be; but we must during the sessions of the Senate on the tax bill certainly be present here. I wish to be here for one. I promise Senators that the appropriation bills will be put forward as rapidly as they can be put forward from day to day by the active work of all the members of the Committee on Appropriations.

The Senator from Kansas seems to think that we work in relays and are not all engaged at the same time. It is true we have a sub-committee upon the naval appropriation bill and also a sub-committee on the sundry civil bill; but Senators must remember that these bills are not finally disposed of when they pass the Senate. They must then pass the ordeal of the House of Representatives, and finally the ordeal of a conference committee. We have now a conference going on upon the legislative bill which has met for three or four nights during the last week and this week considering that bill, and it will meet again to-night. A conference will soon be in session on the deficiency bill. So that all these matters are going on as rapidly as possible.

Now, is it expected that Senators who are interested in the public business on the Appropriations Committee will carry on their operations in the committee-room and sit here in the Senate daily from eleven until five? I do not think that ought to be done this week. If it is necessary to hasten the adjournment, I am quite willing that we shall attempt it next week.

Mr. MORRILL. I move that the consideration of the resolution of the Senator from Arkansas be postponed until next Monday, July 17.

The PRESIDENT *pro tempore*. The motion to postpone until Monday next takes precedence of the motion to refer. The question is on the motion to postpone the resolution to Monday next.

The motion was agreed to; there being on a division—ayes 31, noes 19.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Indiana, [Mr. HARRISON,] which will be read.

The ACTING SECRETARY. On page 33 it is proposed to strike out all after the word "river," in line 800, down to and including line 852, on page 36, as follows:

Continuing operations, $300,000; and this sum shall be expended at such places on said headwaters of the Mississippi River and its tributaries as the Secretary of War shall determine: *Provided*, That the Secretary of War be, and he is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises, and any materials of stone, timber, or other kinds, that may be necessary and proper for the construction of said works. And in case the owner of such lands, premises, and materials and the Secretary of War cannot agree as to the value of the lands, premises, and materials taken or to be taken for said use,

then the value thereof shall be determined by the appraisal of three disinterested commissioners who may be appointed upon application by either party to the judge of the United States district court for the district in which such land, premises, or materials may be situate; and said commissioners, in their assessment of damages, shall appraise such lands, premises, and materials at what would have been the value thereof if said works had not been constructed; and upon return into said United States district court of such appraisement, and upon the payment into the same of the estimated value of said land, premises, and materials so taken and appraised as aforesaid, said land, premises, and materials shall be deemed to be, and shall become, the property of the United States, which shall thereby acquire full title to the same. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into said court, file an appeal therefrom and demand a trial by jury in said court to estimate and ascertain the damages sustained: *Provided further*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property. And the Secretary of the Interior is hereby authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying any Indian reservation by the construction of any of the said dams, or the cutting or removing of trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor; and all such damages to private property and to friendly Indians, when ascertained and determined in the manner herein directed and provided, shall be paid by the United States: *Provided, however*, That such damages shall not exceed 10 per cent. of the sums hereby appropriated for the construction of said reservoirs.

And in lieu thereof to insert:

Continuing observations and surveys for reservoirs at the headwaters of the Mississippi River and its upper tributaries, under the direction of the Secretary of War, $50,000.

Mr. HOAR. I raised a point of order upon the amendment. So much of it as proposes to insert new matter is liable to a point of order. It is not saved from the point of order by the fact that something already in the bill is stricken out and this matter substituted. I made that point solely for the sake of saving time, but as the Senate is not legislating in time, but in eternity, I withdraw the point of order.

Mr. HARRISON. Mr. President, I do not desire to occupy the time of the Senate very long, but if this appropriation of $300,000 is one that is entitled to the attention and consideration of the Senate I would be glad to have it for a brief time, while I present some statements from the engineers who have investigated the questions involved in this appropriation.

Mr. President, if this were a bill to distribute surplus revenues among the States I certainly should not object that the States of Minnesota and Wisconsin should have their full share, nor would I be disposed to stand upon nice questions of division with them in the distribution of this revenue; but believing as I do that this project for improving the navigation of the Mississippi River by constructing great reservoirs upon the headwaters of that river and upon the headwaters of some of its upper tributaries is not justified, that it will not be efficient to accomplish the purpose for which it is said to be inaugurated, the ostensible purpose with which it is pressed, I ask leave to call the attention of the Senator to what some of the engineers have said upon the subject.

As I said yesterday, when the Mississippi River commission was constituted it was made part of the duty of that commission to investigate this project of improving the navigation of the upper river by the construction of these reservoirs, and they were required to look into the subject and to report to Congress their views upon it. They have done so, and it is to what the engineers of that commission have said rather than to any original argument of my own that I desire to have the attention of the Senate. It has been said that the Mississippi River commission has made no personal examination of the ground upon which these reservoirs are to be constructed, and no surveys under its own control in order to ascertain the amount of water that might be accumulated or impounded, or the amount that might be delivered to the Mississippi at Saint Paul or to the mouth of the Chippewa or Wisconsin River. The fact is that the Mississippi River commission constituted a sub-committee, consisting of Major Suter, of the Engineer Corps of the Army, and Major Harrod, one of the civil engineers of that commission. I do not think there is in the Engineer Corps any officer who has had better experience upon all the questions connected with the improvement of the navigation of the Mississippi and the tributary rivers than Major Suter. This sub-committee employed a civil engineer under them, who took, in the first place, all the reports that had been made by General Warren, Colonel Farquhar, and Major Allen, who had been in immediate charge of this work, and gave a careful examination to all their reports; examining into the data which they had furnished; going through all their calculations; and that engineer went to the headquarters of Major Allen, in Saint Paul, and spent a considerable time there with him in his own office, being furnished by that officer with access to all the office data which he had collected upon this subject. After this examination that engineer made a report to the sub-committee of the Mississippi River commission. Now, I ask the attention of the Senate, first, to what that sub-committee have said. I shall not undertake to read at great length, but, if I can, to fasten the attention of the Senate upon the conclusions to which these engineers came.

Mr. McMILLAN. What report does the Senator read from?

Mr. HARRISON. I read now from the report of the sub-committee of the Mississippi River commission.

Mr. McMILLAN. Who was the sub-committee?

Mr. HARRISON. The sub-committee were Major Charles R. Suter, of the Engineer Corps, and Major B. M. Harrod, civil engineer. Mr. R. E. McMath was the engineer who prepared this extensive report, which was done under the direction of the sub-committee. They say in conclusion:

To sum up the question, it appears—

That a reservoir system to be efficient should be on a large scale.

That there is but little, if anything, to be gained by such a system that may not be effected by proper channel improvements.

That it has many disadvantages and elements of uncertainty that do not pertain to the other system of improvement.

Finally, that the choice between the two, granting possibility of construction and equality of results, is largely one of relative cost, though, unless there is material difference in this respect, preference should be given the channel improvement.

So far as the Upper Mississippi is concerned, your committee have no reason to doubt its capacity for improvement up to the full measure of the demands of its commerce. It is not so much a question of getting more water into it as it is of utilizing that which it already furnishes.

We would therefore recommend that the commission take such action in this matter as will put Congress on their guard against the hasty legislation on this subject that has already been inaugurated, while at the same time recommending such estimates as they may deem proper to carry out a comprehensive system of surveys and observations to settle the points which are now too much a matter of mere conjecture.

A scheme of operations of this character is herewith appended, the estimated cost of a year's observations being $25,000.

Mr. CONGER. What is the date of that?

Mr. HARRISON. The date of that sub-committee's report is November 30, 1880. Now, I call attention to the report of the commission itself, to whom this report of the sub-committee was made from which I have just read, and this report is dated January 8, 1881. The commission say:

We have no reason to doubt that the Upper Mississippi River is susceptible of direct channel improvement to any reasonably desired extent without the aid of reservoirs.

They further say:

An increase by reservoirs of the low-water flow would diminish the amount of contraction of low-river width which otherwise would be necessary, thus diminishing its cost, while above Prescott the greater width which thus might be adopted for the regulated river would be of value; but if, on further study, the construction of one or more of the reservoirs which furnish water at the cheapest rate should be deemed advisable, they would be valuable only after the contraction of the river had been carried to the fullest economical development, and not till then should they be built.

They say further:

The uncertainty surrounding the subject can only be removed by extended and systematic observations as to the amount of water that can be collected and stored up in reservoirs, and also as to the effect which may be expected to follow its addition to the low-water flow of the river. In order to carry out these observations we estimate that $27,000 will be required.

Now I come to some of the conclusions and recapitulations of the report:

It is therefore apparent that the interests to be subserved by the construction of reservoirs at the headwaters of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers are not in any great measure identical with those which are directly dependent on the improvement of the navigation of the main stream below the Falls of Saint Anthony.

It seems proper to state that Major Allen, the local engineer in charge of these reservoir investigations, who has freely placed the records of his office at the disposal of the commission, has stated that he regards his last estimate of $1,400,000 for the construction and $208,000 for the first ten years' maintenance and operation of the entire reservoir system as considerably too low. He now places the cost of construction and ten years' maintenance at about $2,000,000, exclusive of land damages. If we estimate the land damages at $1,000,000 to $2,000,000, the reservoir system maintained ten years will cost from $3,000,000 to $4,000,000, and at this cost can only be regarded as an auxiliary to the method of direct channel improvement now in process of execution. In this view Major Allen coincides.

Captain Mackenzie's estimate of the cost of securing by direct means a six-foot channel from Saint Paul to Rock Island, a distance of 397 miles, is $2,847,000.

I ask Senators to keep these figures in mind. Captain Mackenzie, who is in charge of the improvement of the upper portion of the river extending nearly to Saint Paul, estimates that the channel works for which we are making appropriations in this bill, and which no one contends can be dispensed with, are the essential works. No one has looked upon the reservoirs as other than an auxiliary to the channel works, and we have here the opinion of Captain Mackenzie that the works which are now being constructed in the river and which consist of the contracting of the water-way of the river, cutting off chutes where there are two channels of the river by the construction of dams, and concentrating the flow of the water, by which they will be able to complete a six-foot channel from Saint Paul to Rock Island, will involve a cost of $2,847,000.

Now, Mr. President, the mistake I think we are making here is this: we are proposing to enter upon a work which is to cost, as an independent work, from three to four million dollars, and which is conceded to be an auxiliary work, when in the opinion of the engineers directly in charge of the main work this auxiliary or aid will not be needed at all. The suggestion of the Mississippi River commission was that we should do nothing more with this, which is auxiliary, than to continue our observations, perfect our knowledge with regard to it, and that we should only enter upon a scheme to spend this additional money when it has become apparent that the engineers were mistaken in supposing they could secure on the Mississippi River without the aid of these works the necessary water for navigation.

I read now the recapitulation of the commission on this subject. They say as follows:

First. The system of works in progress on the Mississippi River between Saint Paul and mouth of the Illinois River, with the modifications which experience will suggest, is adequate for the improvement of navigation, and should be pushed rapidly to completion.

This commission is composed, besides the gentlemen I have named, of engineers whom I have heard highly eulogized here since the river and harbor bill has been under consideration; such men as General Gillmore, the president of it, and General Comstock, of the engineer corps, both of whom sign this report. In the opinion of these engineers, and in the opinion of Captain Mackenzie, who is in charge of the works on the river, these direct works for which we are appropriating are sufficient to secure navigation on the Mississippi River up to Saint Paul.

I read in the recapitulation:

Third. It is possible that on the completion of the observations now in progress some of the proposed reservoirs which furnish water at the least cost may be found to be economical aids to the principal system of channel contraction. But they should only be built when the works for channel contraction approved have been carried to the fullest economical development.

* * * * *

Sixth. It is recommended that the sum of $49,000—

In my amendment I have made it $50,000—

be appropriated for continuing the observations, examinations, and surveys necessarily required as preliminary to a trustworthy estimate of the capabilities and cost of an efficient reservoir system.

Now, Mr. President, I want to read one more extract from the report of Major Allen, the engineer in charge of this work at Saint Paul. I read from his report, at page 1780, as it would be of the engineer's reports, page 12 of the pamphlet before me. Captain Allen says:

Two main questions bearing on minor ones seem to have been asked by reviewers, self-constituted or appointed:

1. Can it be answered categorically whether or not the exact proportion of rainfall that actually feeds the water-courses (all items of loss left out) has been ascertained by daily or hourly gaugings at the outlet of a basin for a season of years?

2. Is there any precedent for the construction on so large a scale of reservoirs to aid navigation?

Answer to each, no. Experiments upon hydraulics, models for architecture, fortifications, guns, &c., have generally been made upon a limited scale. For successful working of reservoirs reference is made to the construction and operation of those assisting to maintain the great hydraulic works at Lowell, Massachusetts.

It seems, then, that the engineer in charge finds no precedent in the history of engineering construction of such reservoirs as aids to navigation upon a great river like this, and that he can only refer to those reservoirs which are used to furnish additional water-power, to accumulate or impound water during the season when the rainfall is plentiful and eke it out during the low seasons in order to run mills. I have no doubt that reservoirs are efficient for such a purpose or as feeders to canals; nor do I claim that because there is no precedent for this it may not ultimately be developed to be a practicable scheme, for I am one of those who concede that in engineering as well as in every other branch of science we go on to make precedents and should do so. It is very possible there may be mills which will be interested in this, and whose water-power will be increased by it; but I am speaking now solely of its effect upon the navigation of the Mississippi River. Major Allen goes on to say:

As to daily or hourly gaugings for a year or several years at the outlets of several typical basins so as to compare the annual flow with the product obtained by multiplying the drainage area of such basin by the recorded precipitation for one year, (or several years,) the necessity of such has been fully recognized in my previous reports and strongly urged.

So that the officer in charge, the Senate will see, says that not only in a previous report but in this report recommends these observations which are to determine the amount of precipitation and the amount of water that is drained by these several basins in which it is proposed to impound it.

But as the case has been, we found it best to take at the outset the first step, namely, to find places to store water, their capacities, &c.; then simultaneously, if possible, to find how much water could be placed in them and what such quantity of water would accomplish.

That is, to find the size of the hole, and then supposing the hole shall be filled with water, what could you do with the water that it contained, without first definitely settling the question whether the hole would be full or not.

The second step, upon which we have *already entered*, consists in obtaining the ratios of flow to rainfall—

This I believe is the last report of this officer—

and boring and digging of wells, to satisfy the geological querist. The third step to consist in construction and operation of dams, dependent upon full facts rendered, conclusions arrived at, appropriations by Congress, &c.

In order to meet questions that will certainly arise, it seems best to continue the observations by stationing a gauging party at the outlet of a defined basin at each of the Upper Mississippi, Saint Croix, Chippewa, and Wisconsin River headwaters, and to establish meteorological stations at each; the time to cover not less than a year; observations to be made daily, and, if possible, hourly. Also to make borings at all projected dam-sites, to better report upon the resources of the country; to work up past and future records, maps, drawings, estimates, &c. For one season's operations as thus delineated not less than $47,000 will be required.

I think, Mr. President, in that extract which I have read from Captain Allen, the officer in charge, I have shown that he himself recognizes the necessity of continuing and perfecting these observations and surveys, in order that we may have the data upon which this work can go forward, if it is entitled to go forward, and certainly it is not the right way to get at that to start in now by an appropriation of $300,000, which, according to the estimates of this engineer, must go on to $4,000,000, $3,000,000 at least, without first having obtained the necessary data to know whether the work is to be efficient or not.

I do not stop to detain the Senate to consider some questions which have been raised as to the effect of delivering this water, if their calculations are right. I only suggest that it is known to every one at all familiar with the river that this anomaly or paradox exists, that there is better navigation at a certain lower stage of water than there is at a certain higher stage; in other words, just before the low-water channels are cut out through the bars, and when the waters are spread over the entire river, navigation is more difficult than it is afterward when the waters by natural processes have been concentrated, and low-water channels have been cut out. It is suggested that if you disturb this condition of things by turning in additional water, it is an open question whether it would not rather injure by filling up the low-water channels than aid navigation, unless the influx of additional water should be so great that it would furnish a navigable stage over the entire water without making the excavated or low-water channels in the bottom of the river necessary at all.

Mr. President, we have appropriations in this bill for the improvement of the Chippewa, Saint Croix, and Wisconsin Rivers, all of them separate appropriations for the improvement of these rivers. I suppose this appropriation would not have been asked at all, except for its connection with a plan of improving the navigation of the Mississippi River proper, and I want to say for one that when it can be demonstrated that it is necessary, the $4,000,000 that is talked of here, or twice that sum, will not stand in my way for one moment in making the appropriation. I claim to be a thorough-going friend of the improvement of the Mississippi River, and every other principal stream in our country. I believe, as I have said before in the Senate, by this sort of improvement we have the most natural, the most flexible, and the most efficient regulation of the charges of railways that we can obtain in any way, and I profess myself here friendly to every such scheme.

But, Mr. President, as I felt with regard to the levee project so I feel with regard to the reservoirs project, that if we are to add to the cost of the improvement of the channel of the Mississippi River $4,000,000 in a project for constructing reservoirs, I believe, upon the opinion of the engineers, they are likely to fail of their purpose, and so we shall break down in the commerce of this country the true rule of improving our channels by proper means. Therefore it is as one friendly to the improvement of this river, and one who will not stint at all in appropriations to make the river serviceable to commerce and to all people who dwell upon it from Saint Paul to New Orleans, that I have thought that I shall protest at this session against these attachments or auxiliaries which are talked of here and which I believe not to be any proper part of the channel improvement.

As all the Senators from the States interested and all others know, I can have no possible feeling in this matter. If it were a mere matter of cleverness, if it were a matter of kindness toward gentlemen here or toward the States which they represent, I am sure no one here would go further than I would to evidence that kindness. But I think it is a serious question to start in with an appropriation of $300,000, and we do it directly in the teeth and face of this commission which Congress has put in charge of this river and has asked to report upon the propriety or necessity of these different plans. I think we take a grave responsibility when we do it.

I know there have been a great many calculations and reports with reference to these reservoirs, with reference to what they will do, but if we examine them all they are theoretical, and, as I have shown from the last report of Major Allen, he himself recognizes the fact that there have not been such surveys and observations of rainfall and outflow from the streams draining these basins as to justify him in saying just how much water he could deliver to the Mississippi.

Mr. CONGER. Will the Senator tell me what last report of Major Allen he refers to? What is the date?

Mr. HARRISON. The report I read from is 1881.

Mr. CONGER. Considerably more than a year ago. They are the reports of a year ago last fall.

Mr. HARRISON. I think not a year ago last fall.

Mr. CONGER. While he was engaged in the examination.

Mr. HARRISON. This is the last report the Senator from Minnesota [Mr. WINDOM] tells me he has seen, and it was sent to me from the office of the Chief of Engineers. I will turn to the report itself. The date is January 16, 1881.

Mr. CONGER. So that it is the report of the operations of the preceding year.

Mr. HARRISON. I do not care what year's operations it is a report of; it is the last report that can be furnished to us from the Engineer's Office on this subject as far as I know. It is the latest information that Congress has upon the subject.

Now, Mr. President, I have said all I care to say about this matter. I simply felt that having from circumstances had some previous knowledge of this matter, it was due to the Senate and to myself that I should state these facts, produce these records which I have read, and simply say that in my judgment we cannot justify ourselves in going over the reports of these engineers upon the pretext of improving the Mississippi, when they have said it is not necessary to the improvement of the Mississippi, and when they have said it is doubtful whether it will aid it, and when they have said that there is not sufficient information upon which Congress should go

forward to act. Now, I have felt so. As I have said before, if further information shall develop that these reservoirs ought to be built, the cost which has been named here or twice that cost will not be in my way if they are necessary to give safe navigation up to Saint Paul.

Mr. McMILLAN. Mr. President, I have listened with interest to the remarks of the Senator from Indiana, and I have been impressed with the fact that the Senator has spoken from a stand-point which gave him a very limited view of the question he was discussing. It is true that the Senator was at one time a member of the Mississippi River commission, and has given some attention to the improvement of that river; but it has been to a portion of the river entirely distinct and separate from that portion of it to which our attention is called this morning.

The Senator has in his remarks assumed that the Mississippi River took its rise at Saint Paul and emptied into the Gulf of Mexico. We have heard not one word of any portion of the Mississippi River but that from Saint Paul down. The Senator does not seem to be aware of the fact that between the Falls of Saint Anthony and the nearest point at which the discharge of water will take place from this system of reservoirs is three hundred and fifty miles, a distance about as far as from Rock Island to the Falls of Saint Anthony, a portion of country embraced in the State which I have the honor in part to represent here, and to which the Mississippi River commission has never turned a glance. The Northern Pacific road bisects that portion of the country and that part of the river up at Brainerd, and the country below and above is an interesting and rich country, capable of great development, with but one interruption in the bed of the Mississippi to navigation between those points, and I call attention to that fact.

Mr. HARRISON. Now, I ask the Senator whether this bill contains any appropriation for the improvement of the Upper Mississippi—above Saint Paul, I mean?

Mr. McMILLAN. The appropriation for the Mississippi River is contained in a general appropriation clause suggested by the Mississippi River commission. The Upper Mississippi River, as it is generally termed and generally understood, embraces only that part of the Mississippi River above the Des Moines Rapids to the Falls of Saint Anthony. That is termed and known as the Upper Mississippi River, and appropriations in the river and harbor bills passed by Congress under that term have applied to that portion of the river. When an appropriation is made for the river above that point it is designated as the Mississippi River above the Falls of Saint Anthony, and to that portion of the river appropriations have been made annually for a number of years. This year, perhaps, that appropriation has been omitted, but it has been incorporated in bills in preceding years, and always designated in that way. So that there is a portion of the river, equal to the distance between Rock Island and the Falls of Saint Anthony, which of itself would justify this improvement.

But I have a further reference to make to the report of the Mississippi River commission. By whom is it made? I observe that it is signed by Q. A. Gillmore, president of the Mississippi River commission, and lieutenant-colonel of Engineers, C. B. Comstock, Charles R. Suter, Henry Mitchell, B. M. Harrod, and Benjamin Harrison, but appended to that report I discover this statement, and I call the particular attention of the Senate to the fact: I see it announced that James B. Eads states that the report is concurred in by him, with the exception of that part of it which relates to the improvement by means of reservoirs, of which he says:

> I have not sufficiently investigated this subject to justify an opinion upon it.

He refuses to concur in the opinion of this board of engineers, these engineers who state that this is something new, that there can be no reference to reservoirs constructed upon other systems, and that therefore it should not be undertaken. Mr. Eads knows that every enterprise which has been undertaken and successfully carried out at the mouth of the Mississippi River has been under the opposition, the determined opposition and resistance of the very men who are now denouncing this reservoir system, and those of the same corps.

Mr. HARRISON. The Senator is mistaken about that.

Mr. McMILLAN. He did meet the opposition and determined resistance of those who feared to enter upon the jetty system because it was new.

Mr. WINDOM. I want to correct the Senator and state my recollection of the jetty business. I think that seven engineers when they started out to investigate that matter at the mouth of the Mississippi stood six against to one in favor of the project. After they had made the investigation, gone over the ground, they came back reversed, six in favor and one against, precisely as they are now; before they have ever investigated or know anything about it, they are against it; but if they will go and investigate it on the ground, as the engineers have, they will be in favor of it.

Mr. McMILLAN. I think my colleague is right, and that is just the argument I was going to make in regard to this matter. Mr. Eads knows what obstacles he met with in endeavoring to inaugurate a system which was new and in which, from his examination, he had faith would be successful, and which the result has proved to be successful.

Then, in reference to this report further, what is it? It seems to me that the report from which the Senator from Indiana read was a report prepared by a civilian who was appointed by a sub-committee of the Mississippi River commission to make an examination of the reports and calculations and examinations made by the engineer in charge of this very improvement.

Mr. HARRISON. If the Senator will look at the report of Major Allen and Major Farquhar, or that of any other engineer, he will find that just that work is done by civilian employés all along. His own report here produces the report of civilian employés.

Mr. McMILLAN. I know how the reports from the engineer in charge of the works in our State are made. I know that Major Allen, in charge of these improvements, gives his personal inspection to this work and to all the works within his department, at Duluth, on the Red River of the North, the Mississippi reservoirs, and the Upper Mississippi. Of course much of the detail of the work is done by those who are subordinate, but the work is done by persons on the ground; and that was not the case with the engineer to whose report the Senator from Indiana has referred, because the sub-committee only charged him with the duty of examining the calculations and the work as it appeared upon paper made by Major Allen. He was not sent to make a personal inspection of the river above the Falls of Saint Anthony; he was not sent to examine the actual work in regard to these reservoirs, probably never got nearer to them than Saint Paul, probably never has been there in his life; and upon such a report as that the sub-committee make a report to the Mississippi River commission, upon which they come here and say that this work should not be undertaken.

The Mississippi River, from Saint Louis up to Saint Paul, has certain peculiar features which affect its navigation. From Saint Louis to the Des Moines Rapids the minimum stage of water may be put at five feet in the channel. The canal around the rapids provides for a minimum of five feet and a maximum of eight feet in the channel.

The next obstruction in the navigation is at Rock Island, where a channel has been cut through the rock, and that gives a minimum depth of four feet in the channel. Boats that pass above Rock Island and get to La Crosse can pass up to Hastings; the difficulties that they meet before coming to La Crosse are about equal to those they encounter after passing La Crosse before coming to Hastings, a town about twenty-five miles below Saint Paul, and three miles above the mouth of the Saint Croix River, a tributary of the Mississippi.

After coming to that point the great difficulties in the navigation of the river between Saint Paul and Keokuk are encountered, and there is where the principal difficulty must be overcome. When you get the difficulties removed from that space of the river, then you can have a channel from Saint Louis to Saint Paul of a minimum depth of five feet.

Mr. President, this reservoir system consists of a series of lakes about three hundred and fifty miles above Saint Paul, and in that portion of the State is a very interesting part of this country. From that source, about that section of the State, the waters divide, a portion running west into the Red River of the North, running thence due north into the Canadian province of Manitoba, into Lake Winnipeg; others run east into Lake Superior; others run southeast into the Mississippi River; but the source of the Mississippi River in Lake Itasca comes down, after running several hundreds of miles, into this series of lakes which are constituted reservoirs, and from them into the main channel of the Mississippi River. This system of lakes it is conceded is well prepared by nature for the purpose of reservoirs; they will retain all the water that can be collected there and the discharge from all the series of lakes in the channel of the Mississippi River is at the Falls of Pokegama. There the water comes into a stream which supplies the quantity to be used for the purpose of navigation in the Mississippi River.

This commission itself adverts to the fact that these lakes are admirably adapted to this system of reservoirs, and that from these upper sources of the Mississippi River 6,400 cubic feet of water per second can be discharged at the Falls of Pokegama or at the dam at the mouth of Pokegama Lake, so that the discharge from these reservoirs will give at Saint Paul, according to the estimate and the observations taken for years, the amount of 12,000 cubic feet per second passing that city, which will just about double the present volume of water found there; I mean the low-water flow at that city. This is about 100 per cent. of increase of the water at Saint Paul, and it will affect the stream to the same extent and have the same beneficial results down below Hastings, the point to which I have referred, and will overcome the very obstacles which the engineers say must be removed before this channel can be made to Saint Paul.

Mr. President, the Senator referred to the fact that the improvements going on by wing-dams were improving the Mississippi River. That will be conceded. But they have not been able to obtain the depth in the channels that is necessary for the improvement of navigation to the extent which is necessary to afford the facilities which the commerce of the river demands between Rock Island and the Falls of Saint Anthony. The observations taken by these engineers have extended through a period of more than ten years. They have been made by General Warren in charge of the improvements there. They have been made by Major Houston and by Colonel Farquhar and by Major Allen, all in charge of that division of the river and harbor improvement. Every one of these officers has examined this system; they have each one gone into detail and made all the ob-

servations and calculations which could be obtained in regard to it, and I refer the Senate to the reports of Colonel Farquhar——

Mr. HARRISON. What report of Colonel Farquhar does the Senator refer to?

Mr. McMILLAN. The report made in February, 1875.

Mr. HARRISON. I will ask the Senator to read from that report, or allow me to read, in which he says:

In closing this report, I would state that it is only preliminary to a more complete one to be rendered when the detailed surveys of the sites of proposed locks and dams have been made.

Mr. McMILLAN. And that was the survey he was making; he has made it, and he has been followed in those details by Major Houston, and much more in detail by Major Allen, who has had charge of the work for the last three or four years, and his report I have before me containing the maps of the surveys of these dams and the observations and calculations made by him upon the observations in regard to the precipitation of moisture, in regard to the capacity of these reservoirs, and in regard to the effect of the discharge of this water during one hundred days of low water during the summer, because that is the period in which the navigation is seriously affected and embarrassed.

Now, Mr. President, in regard to the observations taken as to the precipitation of moisture in the region of these reservoirs, observations have been had at Fort Ripley for ten years; observations have been had at Fort Snelling since the establishment of the fort in 1826. Senators must not suppose that nothing has been done in that country in regard to these matters. The largest record of observations in the Northwest in regard to meteorological matters is found in the registers at Fort Snelling and at Fort Ripley, an old military post of the Government. These records are found there; and the report of Major Allen is that his calculations are much within the average allowed by those observations.

There can be no doubt whatever that these calculations have been minute and extensive; and so far as the reservoirs of the Mississippi River are concerned, I do not believe one iota can be added to them by the Mississippi River commission; and if they would make a personal observation of that country, if they would make an inspection of it, and go through the reports that have been made on the subject themselves, they would come to the same conclusion that the engineers in charge have done.

Mr. HARRISON. If the Senator will allow me, I will say for his information that when the Mississippi River commission went up the river to examine the upper river they took on board Captain Mackenzie on that part of the river of which he was in charge, and stopped wherever he was erecting a dam. He had his drawings along, and they examined the work as it was on the ground or in the water, and had an explanation from him as to what he hoped to accomplish and what he had accomplished. They also had Major Allen on board in the same way. They invited him to go down the river some distance. He did, and got on the boat, and they went over all these matters with him. There was discussion between him and the other engineers as to all these matters, he stating his theory and going over the data he had.

Mr. McMILLAN. Will the Senator state where Major Allen came from and where he went with the commission?

Mr. HARRISON. Major Allen came from Saint Paul. I do not recollect at what point he got on the boat.

Mr. McMILLAN. Was it at Cairo?

Mr. HARRISON. No, sir; it was on the upper river.

Mr. McMILLAN. Some place between Keokuk and Saint Paul. The commission in their report say:

This subject, though not embraced in the act organizing the commission, was referred to them during the past season.

A matter that they had not had charge of officially, a matter to which they had paid no attention. Then they say further:

At that time the field operations for the present season had been already laid out, and as the sum allotted by Congress for the use of the commission was considerably less than either their original estimate or their supplemental estimate, they did not feel justified in diverting any money from the more important Mississippi work to follow up this new subject of investigation.

They paid no attention to it whatever; they applied not one cent of the amount at their disposal to examining this new matter, but they appointed a sub-committee, who requested some civil engineer, of we know not what capacity or acquirements, to examine the reports of Major Allen in his office; and that is the ground upon which the Mississippi River commission attempt to pronounce a judgment upon an important system which has been favored by the Army engineers, engineers as capable as the members of the board. Colonel Farquhar will compare with any of them; Major Allen is perhaps a younger man, but with a reputation which they cannot interfere with. Major Houston, General Warren, of the engineers of the Army, equal in number, equal in capacity, are all in favor of this improvement. The Mississippi River commission stood with the principal and most active man refusing to concur in their report. Eads was not ready to denounce this improvement because it was new, established as it is by the calculations and the observations of these scientific men.

Now, Mr. President, with reference to the cost of this improvement it is very evident to me that neither this Mississippi River commission nor the Senator from Indiana understands the nature of these different systems of reservoirs; or if the Senator does understand them he has not presented them in that distinct manner which would convey to the Senate the proper information as to the cost of this improvement.

The system of reservoirs upon the headwaters of the Mississippi, and which will affect as I have stated, and to the extent I have stated, according to the reports of the engineer, the Mississippi River below Hastings, is entirely different from any of the reservoirs upon the other streams mentioned. The Saint Croix is altogether different and may be regarded as independent of the Mississippi River. The Chippewa improvement, the Wisconsin improvement, all these are attended by different circumstances, and are altogether unlike those in the Mississippi system of reservoirs.

Mr. HARRISON. Will the Senator answer me this question, does not this appropriation here cover the improvement of the Saint Croix and the Wisconsin?

Mr. McMILLAN. This appropriation is to be expended upon the reservoirs which have been commenced, and will be appropriated to reservoirs upon the Mississippi River.

Mr. HARRISON. I want to get a correct understanding; I do not think it is very distinct in the bill. Does the Senator mean that this appropriation is for reservoirs on the Upper Mississippi alone, that none of it is to be expended on the Saint Croix or the Wisconsin?

Mr. McMILLAN. The Senator will understand that the system of reservoirs has been inaugurated. Seventy-five thousand dollars has been appropriated, and one of the dams has been commenced.

Mr. INGALLS. Where?

Mr. McMILLAN. That dam is at the mouth of the Pokegama Lake, and that is one of the series of lakes embracing five, which constitute——

Mr. HARRISON. The Senator does not understand my question.

Mr. McMILLAN. I will answer before I stop. It is one of the lakes at the head of the Mississippi River which constitute one section of these reservoirs.

Mr. CAMERON, of Wisconsin. Will my friend from Minnesota allow me to call the attention of the Senator from Indiana——

Mr. McMILLAN. I understand the language of the appropriation.

Mr. CAMERON, of Wisconsin. The provision of the bill itself answers him.

Mr. HARRISON. I thought the Senator from Minnesota did not seem to understand it.

Mr. CAMERON, of Wisconsin. It is discretionary with the Engineer Bureau.

Mr. McMILLAN. I understand it perfectly, but the Senator from Indiana has recited here from the Mississippi River commission in regard to the expense of this improvement, and I want to call his attention to the fact that that statement of amount embraces every improvement upon all the headwaters of every stream mentioned in this system of improvements. It embraces all the reservoirs we have constructed on the headwaters of the Mississippi River, all the reservoirs upon the headwaters of the Saint Croix, all the reservoirs upon the headwaters of the Chippewa River, all the reservoirs upon the headwaters of the Wisconsin River.

Mr. WINDOM. And Rock River.

Mr. McMILLAN. And Rock River too. In making the statement of the estimate of the cost, the Mississippi River commission say:

It seems proper to state that Major Allen, the local engineer in charge of these reservoir investigations, who has freely placed the records of his office at the disposal of the commission, has stated that he regards his last estimate of $1,400,000 for the construction, and $208,000 for the first ten years' maintenance and operation of the entire reservoir system, as considerably too low.

Major Allen's estimate in regard to the maintenance of the Mississippi system of reservoirs is $10,000 per annum for ten years, and that is the entire cost.

Mr. HARRISON. Will the Senator pardon me? He is charging me with a mistake. Now, I understand that this appropriation is the beginning of the work of constructing all these reservoirs that have been recommended by Major Allen and others on all these tributaries as well as the Upper Mississippi. If so, where is the mistake of the Mississippi River commission in including the cost of maintenance of all these things that your engineer on whom you rely has recommended to be constructed, and upon the construction of which you enter by this bill, every one of them?

Mr. McMILLAN. Because in the report of the Mississippi River commission, to which the Senator referred and from which he read, they put that forth as a report upon the improvements of the Upper Mississippi River between the Falls of Saint Anthony and the mouth of the Mississippi River. That is their report on page 4 of this pamphlet. These reservoirs are in entirely separate and distinct sections, and it would be unfair to charge all of them to the system upon the headwaters of the Mississippi, which will give to the entire improvement of the Mississippi River for three hundred and fifty miles above the Falls of Saint Anthony, and over the difficult obstructions below that in the Upper Mississippi River, a channel of five feet minimum between Keokuk or Saint Louis and the Falls of Saint Anthony.

So far as the system of reservoirs on the Mississippi River is concerned, both the expense and the annual maintenance of the system is economical and is comparatively small. These estimates are all here distinctly made, and it must have been through inadvertence,

because they did not know what they were talking about, evidently, that they embraced this whole system distinct, entirely; because nothing has been entered upon but the improvement of this system at the headwaters of the Mississippi.

Mr. HARRISON. But do you not intend by this appropriation to enter upon it on the Chippewa and on the Wisconsin?

Mr. McMILLAN No, sir, I distinctly say; because the improvement upon the Saint Croix River, in Wisconsin, and the improvement upon the Chippewa will be a matter which, although a part of the same system, yet is not essentially connected with the Mississippi reservoirs.

Mr. HARRISON. I am sure the Senator from Wisconsin [Mr. CAMERON] does not understand that his State is left out in this appropriation?

Mr. McMILLAN. The Senator from Wisconsin understands this entire system, and he understands this appropriation, and if this system is completed, if this Mississippi reservoir system is completed, then the Senator from Indiana will find whether it is a success or not. Then the Senator will find whether it will do to undertake the improvement of the Wisconsin or of Rock River or of any other. Here is where the Senator disputes the fact that this system is feasible. The Mississippi River commission denied that this should be entered upon, because it was too much of an experiment. Now, let it be solved where it can be solved, where the experiments show that the least cost will be incurred and where the great results will follow.

This is not to interfere at all with the present system of improvements by wing-dams. That may be conducted to perfection, and this will be an aid to it; it will only make it more successful, because if this channel is created by wing-dams in the Mississippi River then the reservoir system will empty into the channel this amount of water, which must increase the depth of the channel both on the system of scouring out and of obtaining a greater supply of water.

Mr. President, I will not detain the Senate longer, and ask for a vote.

Mr. CAMERON, of Wisconsin. Mr. President, the thermometer indicates a degree of heat of I think about 90, and although I take a great interest in the question of reservoirs on the Upper Mississippi and the upper tributaries of that river, I do not think I shall be able to interest the Senate on the subject for any great length of time to-day.

When this bill came from the House it contained a provision appropriating the sum of $300,000 for the construction of reservoirs upon the Upper Mississippi and its tributaries. This sum, by the provisions of the bill, is to be expended under the direction of the Engineer Bureau. The engineers may in commencing this work conclude to construct all the reservoirs that can be constructed with the amount of this present appropriation upon the upper waters of the Mississippi River proper; they may conclude that one or more reservoirs had better be constructed upon the Saint Croix, upon the Chippewa, or upon the Wisconsin River. I leave that matter entirely to the Chief of Engineers.

Mr. HARRISON. I ask the Senator whether he does not understand this bill as the Senator from Minnesota does, that this provision is to be expended exclusively on the headwaters of the Mississippi?

Mr. McMILLAN. I did not state that such were the terms of the bill at all.

Mr. HARRISON. That the Senator understood to be the effect of it. It was to be there spent. I understood the Senator from Minnesota to say that the State of Wisconsin gets no benefit by this appropriation at all.

Mr. CAMERON, of Wisconsin. If the navigation of the Mississippi River is improved the State which I represent does receive a benefit, no matter whether the reservoir is constructed in a river lying in the State of Wisconsin or in the Mississippi River proper above the falls. I say I leave that matter entirely where the bill leaves it, in the hands of the engineers.

This provision of the bill was very fully considered in public by the House Committee on Commerce. Those who oppose this proposed system of improving the river were represented before that committee, and those who favor this proposed plan for improving the navigation of the Mississippi were also represented there, and after full consideration the committee reported this provision as it now stands in the bill to the House. The provision was considered in the House, was debated at length, and by a decided vote the House refused to strike out this provision, refused to modify it, and adopted it, I think, exactly as it was reported by the committee.

Mr. SAULSBURY. Will the Senator allow me to ask whether the object of the reservoirs is to store up the surplus water, or is it for the purpose of accumulating water in order to make navigation when the rivers are low? I should like to understand the object.

Mr. CAMERON, of Wisconsin. Both those objects are in view, but primarily the latter. This is not a new project at all. It was very carefully considered before the Engineer Bureau long before the passage of the act under which the Mississippi River commission was appointed.

I read from Executive Document No. 54, Forty-fifth Congress, third session, page 12, a report made by Major Allen, of the Engineer Corps, on the 28th day of December, 1878. Major Allen uses this language:

The general interest in the subject—

That is the subject of reservoirs—

has called out several able though preliminary reports, the principal among them being report by Major G. K. Warren, brevet major-general, United States Army, April 30, 1870, contained in Annual Report Chief of Engineers, 1870; report by Major D. C. Houston, brevet colonel, United States Army, January 27, 1873; report by Major and Brevet Lieutenant-Colonel Farquhar, February 4, 1875, contained in Annual Report Chief of Engineers, 1875; and subsequent reports by the same officer January 23, 1878.

It will appear from this statement that as early as 1870 this subject was considered by the Engineer Bureau and reported upon. It was again considered in 1875, in 1878, and subsequently, so that the question is not a new question at all.

Now, in plain language, what is this thing? It is well known that during the flood season there is a great surplus of water in the Upper Mississippi and its upper tributaries. It flows down, overflows the valley adjacent to the Upper Mississippi and tends to flood the lower valley of that great river. It is well known, further, that during the dry season, that is, commencing about the 1st of July and extending through the months of July, August, and September, the water of the river, except during exceptionally wet periods, is very low, and the commerce of the upper river is very much interfered with in consequence of this low water. The object of these reservoirs is to collect the surplus water during the season of flood, store it in these reservoirs, and during the season of low water let it out so as to maintain a comparatively uniform depth of water in the river during the entire period of navigation each season. Incidentally, one effect of storing the water will be to lessen the floods below, and in that way tend to prevent—how far it will prevent I, of course, do not know, and the engineers do not know either how far it will prevent—the disastrous effects of the floods upon the lower valley. That can only be conjectured; but I think I am safe in asserting that to some extent at least it will prevent those injuries.

Mr. HARRISON. I think the Senator from Wisconsin will find that Major Allen does not himself claim that it will have any effect on the lower river at all but a short distance below.

Mr. CAMERON, of Wisconsin. I do not claim that it will have. You mean as to decreasing the flood. He does claim that it will have an effect in raising the water during the dry season.

Mr. HARRISON. Yes.

Mr. CAMERON, of Wisconsin. Now I desire to refer again to the document from which I have read; first, as to the practicability of establishing reservoirs upon those waters, I refer to pages 15, 24, 26, and 28 of the same document. I need not read at length from the document, but it will be observed if this document is examined that this distinguished engineer is satisfied, and so reports, that the establishment of these reservoirs is practicable. He gives detailed statements of the amount of water that can be stored in the various reservoirs recommended to be constructed by him, and the amount is very large.

Something has been said in regard to the cost of the reservoirs. We do not expect that they will be built for nothing; we do not expect that they can be built for any very inconsiderable sum. The object to be attained is a great one, and if they will accomplish what it is claimed they will accomplish, that is, maintain a uniform depth of water in the Mississippi from Saint Paul to Keokuk during the entire season of navigation, they will be worth a large sum of money.

In regard to the cost of these reservoirs various estimates have been made, but the last estimate, I think, is contained in Executive Document No. 48, Forty-sixth Congress, third session, pages 12 and 13. Major Allen recommends the construction of seven reservoirs upon the Upper Mississippi.

The sum total of the seven proposed dams—

He states—

at the sources of the Mississippi will then be $558,135.08, and, if telegraph lines be necessary, $573,660.08.

The cost of the system of dams upon the Saint Croix, Chippewa, and Wisconsin Rivers, noted in my report of January 15, 1880, was placed at $968,338.80. To this estimate I would add, in the light of recent examinations upon the sources of the Mississippi River, 25 per cent., bringing the estimate up to $1,235,423.50.

The total first cost, then, of the entire system for the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers is estimated at $1,809,083.50. This is exclusive of land damages—a problematical sum.

It is impossible to arrive at the exact sum, of course, that these land damages will amount to, but the region in which it is proposed to construct these reservoirs is an uninhabited country. A large portion of the land is still owned by the United States. In the State of Wisconsin a portion of the land that will probably be required for the construction of the dams on the headwaters of the rivers in that State belongs to the State, and those lands have been withdrawn from market, waiting for the time when Congress will make an appropriation for the purpose of constructing these reservoirs in Wisconsin. The engineers have shown in a subsequent report the description of lands that will probably be required in the construction of these reservoirs. This description of lands can be found in Executive Document No. 39, Forty-sixth Congress, second session; and if any Senator will take the pains to examine this document he will find the lands described in detail.

I am satisfied, Mr. President, from some slight knowledge of the country in which it is proposed to construct these reservoirs, that the land damages will not amount to a million of dollars, as was suggested by the Senator from Indiana, or anything like that sum.

The State of Wisconsin would be perfectly willing to donate its lands for the purpose of the construction of these reservoirs. The State would be satisfied that it could derive no greater advantage from the use of those lands than by devoting them to that purpose.

Mr. HARRISON. Will the Senator inform the Senate what amount of land belonging to the State of Wisconsin will probably be flooded by these dams?

Mr. CAMERON, of Wisconsin. It is stated——

Mr. HARRISON. I suppose the Senator is not authorized here, representing his State, to remit the damages that would be due the State of Wisconsin if we should flow this water over her lands.

Mr. CAMERON, of Wisconsin. I am not authorized to remit them, but I am authorized to state that the matter was considered by the Legislature of Wisconsin, and by an act of the Legislature those lands were withdrawn from market, waiting for the time when these reservoirs would be constructed.

Mr. WINDOM. I am informed that the State has remitted all claim for damages to these lands.

Mr. CAMERON, of Wisconsin. The Senator from Indiana now has his answer. As the representative of the State, in view of the action of the State, I do now feel authorized to remit all damages that anybody may suffer from the taking of these lands for this purpose in Wisconsin. I supposed they had done so, but I was not quite certain enough to state positively that that had been done.

Mr. McMILLAN. And Minnesota has ceded her right to the land, and also has passed an act remitting damages.

Mr. CAMERON, of Wisconsin. The engineers state with great minuteness and particularity the amount of water that can be impounded in the proposed reservoirs, and unless their estimate is very much exaggerated the effect of using the water thus stored during the season of low navigation would be to give a uniform depth of water from Saint Paul to Keokuk of six feet.

The Senator from Indiana objects to this provision of the bill, and has moved to strike it out for one reason, as he states, that the information we now have is not sufficiently accurate to justify Congress in acting upon the subject at this time. The Senator from Minnesota has shown at length what information has been laid before Congress in regard to this subject. Of course, no one can tell absolutely what the effect will be upon the navigation of the Upper Mississippi. Those who are best informed and who by their studies and acquirements are competent to express an opinion upon this subject, always excepting the Mississippi River commission, are of the opinion that it will increase the depth of water to a uniform depth of six feet during the season of low water on the Upper Mississippi. The Mississippi River commission propose and recommend that certain work shall be done upon the Mississippi River for the purpose of improving the navigation of the river, and yet they do not pretend to say positively what results will eventuate from these works if they are done in accordance with their recommendation. Everything that we do upon the Mississippi River is, to a certain extent, experimental; everything that we do in many other localities is also, to a certain extent, experimental. We yesterday agreed upon an appropriation of $300,000, the exact amount that is asked for in this appropriation, for the improvement of the harbor at Charleston, South Carolina. The plan of improvement that has been adopted and is now being carried out in that harbor is new. The Senator from South Carolina had read a letter from the principal engineer in charge stating that after the expenditure of nearly a million dollars the navigation of the harbor is worse now than it was when the work was commenced.

Mr. BUTLER. Seven hundred thousand dollars.

Mr. CAMERON, of Wisconsin. But, suggesting that if the plan is carried out as is proposed the navigation will be improved; admitting at the same time that it is problematical, that it may improve it, and it may not improve it. In other words, it is a new plan, and it is to be tested for the first time in the improvement of the harbor at Charleston. Now, a person who did not know that the fact existed would suppose that the Mississippi River commission had reduced this question down to a mathematical certainty; that they know exactly what they are doing and what the effect of what they are doing will ultimately be. If any Senator, however, will refer to the last report of that commission he will see that even that commission do not know what the effect of the improvements which they recommend will be. They hope and expect that these improvements will greatly benefit the navigation of the great Mississippi River, but it is an opinion merely, and cannot be certainly known until the plan is carried out.

Mr. BUTLER. If it will not interfere with the argument of my friend——

Mr. CAMERON, of Wisconsin. Oh, no, sir.

Mr. BUTLER. I simply want to correct a misapprehension under which he seems to labor as to Charleston Harbor. I understand that that is not problematical. It is the same system practically that was adopted by Captain Eads at the mouth of the Mississippi, and I am told it has been adopted at several other harbors. General Gillmore recommended it after the most thorough and complete investigation and has not one particle of doubt of its success. It is true that just in the transition state this condition of things happened in the harbor which he predicted at the time, but it has not shaken his confidence in the success of the work in the slightest degree. I am much obliged to the Senator for permitting me to correct what appeared to be a misapprehension. That is all I desired.

Mr. CAMERON, of Wisconsin. I hope that the plan adopted for the improvement of the harbor at Charleston will be as successful in all respects as its most earnest advocates can desire. I have no reason to think that it will not be. I referred to it simply for the purpose of calling attention to the fact that as to a large amount of the work that is provided to be done in this river and harbor bill the effect of it is problematical. We hope that effect will be all that the Engineer Bureau anticipate and desire it will be, but that is a matter that the future alone can determine.

This bill provides an appropriation of $5,000,000 for the improvement of the Mississippi River below Cairo. That is a very large sum of money. The matter was fully considered, however, by the Senate when a separate bill making this appropriation was under consideration, but just what the effect of the improvements upon the Lower Mississippi River by the expenditure of this large sum of money will be no man can tell, not even a member of the Mississippi River commission.

Mr. SAULSBURY. What is the amount of appropriation above Cairo on the Mississippi River?

Mr. CAMERON, of Wisconsin. I am asked by the Senator from Delaware what is the aggregate amount of the appropriation for the Mississippi River above Cairo, and its tributaries. I have not figured up the amount. The chairman of the committee will inform the Senator.

Mr. McMILLAN. About one million dollars in this bill.

Mr. CAMERON, of Wisconsin. That includes, as I understand, the sum of $300,000 appropriated for the construction of reservoirs. I hold in my hand the last report made by the Mississippi River commission, which is Executive Document No. 10, Forty-seventh Congress, first session. I read from it for the purpose of showing that that commission is experimenting in the matter of the proposed improvements upon the Mississippi River. On page 4 I read thus:

> In projecting improvements at these localities the commission have considered that a reduction of the width of the river by suitable works to a uniform low-water width of 3,000 feet would accomplish the results desired.

That is their opinion.

> The maps, however, were made several years ago, and changes are known to have occurred. It will therefore be essential, before definitely laying out the works, that a resurvey should be made.

That is, a resurvey of the whole lower river. The report proceeds:

> It will also doubtless be necessary to modify the project during the process of the works in order to meet changes in the regimen of the river that cannot be foreseen at present.
>
> The plan submitted is therefore only an expression of our ideas as to the general points to be attained or approximated to as nearly as possible.

There is one subject, however, upon which the Mississippi River commission always agree; there is no dissent among their members as to that, and that is expressed in this language:

> In carrying out the work under the existing appropriation the commission deem it of the utmost importance that there should be no failure to secure results due to lack of the necessary funds.

They are all in favor of getting whatever amount of funds they deem necessary to carry on this great work, and I am in favor of giving them the necessary amount of funds. Even Captain Eads does not dissent from his associates upon the commission in regard to that matter. After stating at some considerable length the plans of improvement proposed by the commission, the report proceeds thus:

> That these methods are practicable, although not yet beyond the experimental stage, and that they can, in some form or another, be rendered effective for the objects in view, is shown by the works already executed on the Mississippi and Missouri Rivers.

I refer to that, as I have stated, merely for the purpose of showing that the objection which the Senator from Indiana makes against this appropriation, to wit, that the information now before Congress is not sufficient to inform Congress absolutely what the effect of the proposed improvement of the navigation of the river by means of reservoirs will be, is not tenable for the reason that the Mississippi River commission themselves do not pretend to state absolutely what effect the improvements which they propose will have upon the navigation of the river, even if they are carried out according to their plans.

I think the information before the Senate is sufficient to justify us in making this appropriation. If it shall be found after constructing the reservoirs, which can be constructed with this sum of $300,000, that the plan is a failure, Congress can do in regard to it as it has done in regard to other matters, abandon it; but the engineers who have examined this improvement thoroughly and carefully, I submit, are of the opinion that the navigation of the river will be greatly improved by means of the proposed reservoirs, and no one will doubt that if a uniform depth of water of five or six feet from Saint Paul to Keokuk can be obtained by means of reservoirs, it will be worth ten times over to the country adjacent to the Mississippi and to the whole country what it would cost.

Mr. WINDOM. Mr. President, I have no doubt the Senate is weary of this discussion and of this bill, and I should be very glad indeed to relieve it from any further talk upon this subject were it not that I deem this appropriation of very great importance, and I should not

be doing my duty did I not present very briefly my views with reference to it. I promise the Senate, however, that I shall be very brief.

The Senator from Indiana alluded to this as hasty legislation, and he conveyed to the Senate the impression that it is ill considered; that surveys, estimates, and careful consideration are required before Congress can safely enter upon this work. I have before me on my desk only a part of the official reports made upon this subject year after year, and yet these reports cover over one thousand pages of investigations, reports, surveys, everything tending to give Congress and the country full information on the subject. The reports are made, too, by some of the ablest engineers of the Army. These surveys began as far back as 1869 and they have continued almost every year from that time to this. Yet the Senator tells us that this is something novel, that it is hasty legislation, entered upon without due consideration.

The whole people of the Upper Mississippi Valley have known all about this, and have been deeply interested in it for years. The Legislatures of three or four, and I do not know how many more, States in that section of the country have memorialized Congress for it. Boards of trade from Saint Paul to Saint Louis have also sent memorials asking that Congress make this improvement. The Mississippi River convention, which met some two years ago at Quincy, Illinois, after a full discussion of this question by representatives of the commercial interests all along the Mississippi River, passed a resolution urging Congress to commence this work, and it was not entered into without full and careful consideration in these Halls.

Something over a year ago, when this question came before a committee of the House of Representatives, as already quoted by the Senator from Wisconsin, a full, open, thorough investigation was had of the whole question. The Mississippi River commission was there represented. General Gillmore, Major Henry Mitchell, and James B. Eads were all before that committee and made their statements with reference to it. General Wright, of the Army, was also there and was examined, and scores of others who had most information upon this subject. After that full and patient and careful investigation the House acted upon the subject. General Wright, than whom there is no more learned, experienced, and skillful engineer in this country, gave it his unqualified sanction at that time, and he is now at the head of the engineers. Not only that, but in a former Book of Estimates there are $750,000 estimated for this work, which must have been done by the sanction of General Wright. I am informed also by a member of the House of Representatives that during the last winter General Gillmore, who stands as president of the Mississippi River commission, stated that he now gave it his unqualified support; so that he has learned about it since he signed the report quoted by the Senator from Wisconsin, and now it has his sanction too.

Some two years ago $75,000 was appropriated to begin the work. Last year $150,000 was appropriated, and that, too, after this careful investigation in which all of these interests were represented and when all the conflicting views were presented to the committee. I state here to the Senate to-day, as General Wright stated when the investigation was going on before the committee, that very few public works, if any, have been more carefully and thoroughly prepared. Yet, in view of all these expressions of the people interested, with over a thousand pages of surveys and reports of able engineers, running back for twelve years and over, with all of these facts before us, the Senator from Indiana tells us that it is hasty legislation, and that we must stop and go to surveying again. In the name of conscience, how many more surveys do you want made before you can commence this work?

Mr. HARRISON. Major Allen wants to do that.

Mr. WINDOM. Major Allen wants to continue his investigations as to rainfall, &c.; but during all these years careful measurements have been made. As my colleague has said, ever since Fort Snelling was established those observations have been going on. The flow of these rivers has been carefully measured, the lakes have been surveyed. I do not know what more is necessary before Congress can enter upon this work. In opposition to this what does the Senator from Indiana bring? He brings the report of the so-called Mississippi River commission, which starts out with this statement:

IMPROVEMENT BY MEANS OF RESERVOIRS.

This subject, though not embraced in the act organizing the commission, was referred to them during the past season, especial reference being had to the system of reservoirs proposed for the headwaters of the Upper Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers. At that time the field operations for the present season had been already laid out, and as the sum allotted by Congress for the use of the commission was considerably less than either their original estimate or their supplemental estimate they did not feel justified in diverting any money from the more important Mississippi work to follow up this new subject of investigation. They had indeed been obliged to give up a projected scheme of observations on the lower river and to confine themselves to observations on the Upper Mississippi, because, although second in importance, they were less costly than those required on the main river. For these reasons the commission have mainly confined themselves to a careful revision of the data already collected by the Engineer Department, United States Army, which has from time to time been published in the annual reports of the Chief of Engineers, United States Army.

They go on to tell you that it was regretted that after the work was laid out they had not any money to make the investigation, but the Senator from Indiana explains how they made it. They appointed a sub-committee, and that sub-committee even did not do the work, but it appointed some gentleman, whose name I never heard of before, to act as a sub-committee of the sub-committee, in order to investigate this great work which had received the attention of all these engineers for a dozen years or more. I do not know that Mr. McMath, or whatever his name may be, is a very experienced engineer, but having given a good deal of attention to river improvements for the last ten or twelve years, I will say to the Senator from Indiana that until he mentioned his name it had never before fallen upon my ears. When the name of Mr. McMath, this distinguished engineer who is to overrule all that has been done for twelve years on this subject, was announced to the Senate every Senator looked up to inquire who in the world is McMath? We never heard of him. Possibly those living in his immediate neighborhood can testify that he has an existence; I do not know. It is upon this kind of an inquiry that all the investigations I have mentioned are to be overruled and the Senate is to discontinue the work which the House has provided for in this bill.

Mr. HARRISON. May I ask the Senator a question?

Mr. WINDOM. Certainly.

Mr. HARRISON. Did the Senator ever hear of Mr. Zimer?

Mr. WINDOM. I have heard of him just now.

Mr. HARRISON. Did the Senator ever hear of him before?

Mr. WINDOM. I do not know that I did.

Mr. HARRISON. Very well. He is one of the engineers on whose investigation Mr. Allen made his report.

Mr. WINDOM. That will not do. We have Mr. Allen's own report, and I believe no gentleman of his age stands higher in the engineer service than he does. The knowledge of the commission is eked out by a remarkable statement made here by the Senator in response to my colleague. He does not rely wholly upon this distinguished Mr. McMath, who was a sub-committee of a sub-committee appointed to investigate this subject, but as they passed up the Mississippi on a steamboat they took Mr. Allen on board and they rode probably fifteen or twenty miles, nobody knows how far, and they there talked with Mr. Allen about this great work, and they came to the conclusion that it needed more surveys and they would make an estimate; they would stop this great improvement long enough to make these surveys until further estimates for appropriations are submitted. I submit that the Senator thus far has shown that the Mississippi River commission acted only upon the investigation of this Mr. McMath and the conversation of Mr. Allen; and Mr. McMath, I believe, made some examination of the books of Mr. Allen at Saint Paul.

I shall not take the time of the Senate to read extracts from these voluminous reports. Commencing back as far as 1870, General Warren made a statement of what would be the result of this improvement. He said:

It would supply at Saint Paul the difference between a 2-foot and 3-foot navigable stage for three hundred and sixty-five days; the difference between a 2 and 4 foot stage for one hundred and fifty-six days; the difference between a 2 and 5 foot stage eighty-three days; the difference between a 3 and a 4 foot stage two hundred and sixty days; the difference between a 3 and 5 foot stage one hundred and five days; and the difference between a 4 and 5 foot stage for one hundred and seventy-nine days. It would do as much above the Falls of Saint Anthony.

These reports show that the average flow of water past the city of Saint Paul in low water is a little less than 6,000 cubic feet per second. I want the Senate to bear in mind, in order to appreciate the great value of this improvement, that the low water always commences about the middle of August and runs through August, September, and October, the very time when the great wheat crop of the Northwest is to be moved, and then the Mississippi River is rendered worthless by the insufficient supply of water. The careful surveys made of this subject and the estimates are collected in a few paragraphs which I shall read from Captain Allen's report. He says:

Collecting the various items of discharge, we find that we can control from the proposed reservoirs at the sources of the Mississippi sufficient water to insure a steady flow of at the least 12,200 cubic feet per second past Saint Paul for one hundred days, (see my report of December 12, 1879,) and from the Saint Croix for the same period, 6,000 cubic feet per second. The sum of these gives about 18,000 cubic feet per second for one hundred days.

At that point it will give three times the ordinary amount of water that we have in the low stages at the particular time when we need the river to move the crops of Minnesota, Dakota, and of the great Northwest.

A gauging of the Mississippi River, in the fall of 1878, taken several miles below the mouth of the Saint Croix, under the direction of Major Farquhar, Corps of Engineers, reduced to the low water of 1864, showed 16,100 cubic feet of water per second passing that point, or but little more than one-half of the quantity that can be assured for one hundred days, as above stated.

That is at another point.

Now, carrying our quantity forward to the mouth of the Chippewa, neglecting the area of watershed tributary to the river between the Saint Croix and the mouth of the Chippewa, we have at the latter point 4,860 cubic feet more per second for one hundred days, or in all 22,860 cubic feet per second for one hundred days. And passing the mouth of Beef Slough—

Which, by the way, I know is one of the most difficult points on the Upper Mississippi—

we have about 23,660 cubic feet per second for the same period; in round numbers, 24,000 cubic feet.

A gauging of the Mississippi River at Winona, about thirty miles below Beef Slough, under direction of Major Farquhar, in 1878, reduced to the low water of 1864, showed 11,190 cubic feet of water per second passing that point, or less than one-half of the quantity that can be assured from the combined operation of the

proposed reservoirs at the sources of the Mississippi, Saint Croix, and Chippewa Rivers, added to the normal low-water flow of these three streams—24,000 cubic feet per second for a width as at Winona would afford not less than five feet in the channel.

A difference between the present low water of two feet and five feet makes all the difference between cheap transportation to the eastward for the 40,000,000 bushels of wheat raised in Minnesota and the 50,000,000 bushels which will soon be raised in Dakota. It makes all the difference between cheap and costly transportation. He goes on to discuss further the advantages of extending these improvements down the river.

The reports which lie before me are full of these estimates and calculations. It is true, as was said by the Senator from Wisconsin, they may not be absolutely accurate, but they have the indorsement of the Engineer Department, not only the formal indorsement of General Wright made in the regular Book of Estimates in reporting in favor of this work, but the indorsement of General Wright made in his testimony before the committee of the House of Representatives. In answer to all this we have the investigations of Mr. McMath, the sub-committee of another sub-committee of a commission, and we have the little interview which was had with Major Allen on the Mississippi River.

I do not believe that upon such evidence as that the Senate is going to strike out a proposition which the House has so carefully considered, and which it has after a thorough investigation before its committee placed in this bill, which it has for the third time acted upon by sending to us this proposition, and thereby denying the great benefits which would flow from these improvements.

I should like to speak longer on this question, but I think I ought not to weary the Senate. I will mention one or two other points very briefly. I could speak about the great value of trade on several of these tributaries. For instance, on the Chippewa River the commercial transactions year before last were $6,712,087.31; on the Saint Croix River, which is another one to be benefited, there were twenty-nine steamers running. My colleague has mentioned the fact that it is not only the Mississippi below Saint Paul, but there is a reach of three hundred and fifty miles above Saint Paul, which, according to these reports, would be navigable with but a slight additional improvement, and those three hundred and fifty miles reach into the very heart of the great wheat-growing region of the Northwest.

Mr. HARRISON. Will the Senator allow me to ask him a question in reference to that?

Mr. WINDOM. Certainly.

Mr. HARRISON. Has the Senator considered what the effect on the upper waters of the Mississippi above the Falls of Saint Anthony would be in other seasons of the year by impounding this large volume of water?

Mr. WINDOM. I have considered what the engineers report after a careful investigation of that subject. They state that this improvement would make those three hundred and fifty miles of river navigable and would give, they say, four feet in addition to that extent of river.

The commission has shown its animus on this question, I think, by the estimate of costs that it makes. I do not think they are very different from other people and I think the Senator from Wisconsin has given us a clew to their report on this subject. He says that they are always agreed on one thing if nothing else, and that is that they shall retain all power with reference to the improvement of the Mississippi River. Congress had the temerity to place this improvement of the reservoir system in the hands of other people. It was placed under the control of the War Department and the work was going on, and hence it was necessary to check it up. Now, I want to see what they make the estimate of damages. They say:

> We estimate the land damages at $1,000,000 to $2,000,000.

Let me tell you what a careful investigation upon the ground shows the land damages of Minnesota to be. Major Allen says in regard to these damages, which they estimate at $1,000,000 to $2,000,000:

> The damage to property would consist, so far as can be ascertained, in the overflow of hay-meadows, of small value, and the overflow of fields of wild rice upon which the Indians depend; but these latter would, as the adjoining lands come under the influence of the prolonged rise of water, be simply transferred. From the best information attainable at present I do not think that more than 2,500 acres of entered land would be overflowed, though this estimate is held subject to revision. The land at present is of little value.

So far as the swamp lands and overflowed lands are concerned they are already given to the States, and the States of Minnesota and Wisconsin have passed over their rights to those lands to the Government, and I am informed that private owners have already largely released what little claims they may have. Yet in the face of a report made by gentlemen in charge to the War Department of that investigation that it would be but of slight importance, the Mississippi River commission says it would be from $1,000,000 to $2,000,000, and the Senator from Indiana proposes to put up a $4,000,000 expenditure by calling this slight damage to real estate $2,000,000.

Mr. President, I shall not take further time in discussing this subject.

Mr. HARRISON. Mr. President, I have no such interest in this debate as to make it a partisan discussion. I am sorry the Senator from Minnesota, who has just taken his seat, has such an interest.

Mr. WINDOM. Will the Senator yield to me for a moment?

Mr. HARRISON. Certainly.

Mr. WINDOM. My friend was a member of the famous Mississippi River commission, and signed the report. I think he has as much interest in defending it as I have in urging the appropriation.

Mr. HARRISON. The Senator has placed this debate, however, just where I would want it to be placed if I had a partisan interest in defeating the appropriation. He has given Senators to understand that the appropriation cannot be carried unless he can discredit and break down the Mississippi River commission. Both the Senators from Minnesota have recognized that fact, as well as the Senator from Wisconsin; and the bulk of their time has been occupied in an assault upon that commission. May I be permitted to suggest to the chairman of the Committee on Commerce, who has just reported to us a bill placing at the absolute disposal of that commission $5,000,000 of the public revenue to be expended according to their own plans and judgments, that he does not occupy a favorable position to assault those gentlemen and engineers?

Mr. McMILLAN. If the Senator from Indiana will permit me, I will say that the report of the Mississippi River commission was made at a time when they were endeavoring to obtain a large appropriation and an appropriation for the reservoirs of the Mississippi River, and in this preliminary report the principal engineer of their number, Mr. Eads, does not coincide.

Mr. HARRISON. That is only another illustration of what I have said. The Senator from Minnesota imputes now mean and corrupt motives to the members of the Mississippi River commission. He says whereas they were public officers charged with the work of improvement on this entire river, they were so partial and sectional in their views that they were willing, contrary to good faith, to discredit a man who should have been credited, with a view of getting a large appropriation for another part of the river.

I am not here as the special champion of the Mississippi River commission; but I ask Senators whether an appropriation that, according to the confession of these arguments, has to be carried by discrediting not only the professional but the personal character of the men who make the reports is not under stress for arguments to enforce it? I think the Mississippi River commission as originally constituted was a very good body of men with one exception. I never could quite understand why President Hayes designated me to a place upon it; but I never assumed certainly to be an authority upon any of the engineering questions which came before that commission for discussion.

My purpose was simply to lay before the Senate the reports of this commission in a perfectly frank and impartial way and without any passionate discussion whatever. I do not see that we can well consent to pass this appropriation upon the argument that the Mississippi River commission is not entitled to credit. We are to abolish it, and yet we are to go in this bill for the immense appropriation that is being made for the Mississippi River commission. If the Senators from Minnesota are right in their estimates of these gentlemen, we ought to at once recall that appropriation until a commission can be organized with gentlemen of sufficient skill in their profession that we can trust to their professional judgments when they bring them here to us, and that we can at least save their personal characters from the imputations that to get a large appropriation for one part of the river they are discrediting an improvement on another.

The Mississippi River commission did not grasp at this subject. It was not until Congress laid it upon them as a public official duty to investigate the reservoir system and to report their views to Congress that they meddled with it at all. Here the very Congress of the United States that constituted the commission and said to them, "We want your opinion upon the subject of constructing these reservoirs," is now asked in the face of that opinion to make an appropriation which the commission has reported against.

My friend from Minnesota [Mr. WINDOM] undertook utterly to wipe out all the work that had been done by a civil engineer by the name of McMath, simply by informing the Senate that he did not have the honor of an acquaintance with the Senator from Minnesota. That is exactly true. I dare say there is not a Senator on this floor who knows Mr. McMath. While the scope of the acquaintance of Senators does embrace a very large amount of respectability in life and a very large amount of scientific acquirement, I do not think it utterly discredits a man to say that he is not known by a United States Senator either as an individual or as an engineer. That was the purpose of the question when I asked him whether he knew Mr. Zimer. Mr. Zimer was an engineer employed by Major Allen, upon whom the Senator lays so much stress, precisely as Mr. McMath was employed by the Mississippi River commission. There is no gentleman on this floor who does not know that when the Army engineers are sent in charge of public works they do not do the work of surveying themselves, but that they employ skilled civil engineers who do the work and make their reports to them, and that the reports of the officers are very largely based upon the reports of the civil engineers thus made to them. You can take the reports of Major Allen, and if you will read them you will find not one but five or six such reports from subordinates who made the very surveys for Major Allen upon which the Senators rely.

Mr. WINDOM. He is on the ground himself.

Mr. HARRISON. I will venture to say that Major Allen has spent the smallest possible fraction of time on the site of any one of these reservoirs.

Mr. McMILLAN. The Senator from Indiana will permit me to call his attention to the fact that Mr. McMath never made any survey in that locality.

Mr. HARRISON. I agree that Mr. McMath never made a survey, but Mr. McMath was a civil engineer who took these thousand pages of reports that the Senator says are so conclusive, and went over them, verifying the calculations, seeing where there were errors in them, and made a report of his opinion as an engineer, based upon all that information which the Senator says is so conclusive to us.

Mr. McMILLAN. That is the opinion of the Mississippi River commission.

Mr. HARRISON. Thus it is that such engineers as Quincy A. Gillmore, General Comstock, Major Suter, Mr. Harrod, and Mr. Mitchell, of the United States Coast Survey, are all to be whistled down the wind.

Mr. McMILLAN. Made upon such data, if the Senator will allow me.

Mr. HARRISON. Made upon such data! They had before them all the data the Senator from Minnesota has. Every calculation, the report of every survey, from General Warren to Major Allen's last report, was before them. Does the Senator tell me that the opinion of such a board, having all these facts upon which the conclusions of Major Allen were based, is entitled to no credit because they did not stand on the ground where the reservoir was built to look over the prairie? Suppose they had stood there, what would anybody know? What does the engineer know who runs a level until he goes to his office and works up a diagram of the basin in which the water is to be impounded? What does he know until he has prepared the gaugings of the channel? Nothing whatever.

I say it is not a strong appeal to the intelligence of the Senate when it is argued that because the Mississippi River commission did not go and stand on the site where these dams are to be located therefore they know nothing about them. The Senator from Minnesota [Mr. WINDOM] has not a larger, heartier, truer interest than I have in moving the wheat from those great fields in his State and in Dakota cheaply to market, but we are here administering the public revenue. The exact condition of this thing is this: the engineers of the United States, not alone the Mississippi River commission, but Captain Mackenzie, who is in charge of the improvement on the river, reported to Congress that the works being constructed in the channel of the river will give you six feet of navigation to Saint Paul. They have said to us that as to this project for auxiliary aid by reservoirs there are not sufficient data to justify Congress in entering upon the construction of the work. The Senator from Minnesota who spoke first [Mr. McMILLAN] said Captain Eads reached the conclusion that he did not have sufficient information to form an opinion, and that is to be an authority in favor of reservoirs.

Mr. President, I am not going to occupy the time of the Senate one minute longer. I intended to endeavor to go through with this discussion without any heat in the world, but simply that the Senate might settle the question, and I expected it would be settled against me, because this river and harbor bill is bound together by such intricate and invisible ties that it is scarcely possible that any proposition not reported formally will succeed here. I intended simply to let the Senate know that the proposition in the bill was one which had been reported against by the Mississippi River commission, composed of such engineers as I have named.

Mr. WINDOM. The Senator refers to heat in this discussion. I was a little earnest in my remarks, but manifested no heat whatever.

Mr. HARRISON. I understood that; I spoke of myself.

Mr. WINDOM. The Senator from Indiana has undertaken now to carry his amendment by asserting that its rejection would be a defeat of the report of the Mississippi River commission. I have put it upon no such ground. I have simply said and intended to show what the Mississippi River commission knew about it, and what they had learned by conferring with other people. I have no doubt of the great skill and good judgment of those gentlemen when they have given a thing proper attention, and I certainly did not undertake to discredit them in any other way than in this matter to show that they had not the money or the time to attend to it, and that they did not understand it as well as the engineers who reported upon it.

Mr. ALLISON. I ask unanimous consent to apply the five-minute rule to this proposition.

Mr. FRYE and others. To the bill.

Mr. ALLISON. I will say the bill.

The PRESIDING OFFICER, (Mr. FARLEY in the chair.) The Chair hears no objection.

Mr. SHERMAN. Let it be announced from the Chair, so that everybody will understand it.

Mr. ALLISON. I ask unanimous consent to apply the five-minute rule of debate to this bill.

The PRESIDING OFFICER. The request has been made that the five-minute rule shall be enforced in the further discussion upon this bill. Is there objection?

Mr. ANTHONY. That involves the right of each Senator to speak but once, I understand.

Mr. ALLISON. Whatever the rule is.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. WILLIAMS. Mr. President, I shall vote for the amendment of the Senator from Indiana, and if it is agreed to I shall vote against the proposition as amended. I am always willing to vote the public money for any improvement that promises any legitimate practical benefit to the country, but of all the propositions I have ever known presented to Congress this in my judgment is the most visionary. It is a great deal worse than the Hennepin Canal. I do not care what those engineers have said. After all, they differ as doctors usually do; but men of practical sense have opinions which are sometimes as valuable as those of the most learned men of science. The idea of telling me that dams built at the head of the mighty Mississippi can impound and hold water enough to keep its navigation open through the dry season of the year is ridiculous in the extreme. Three hundred thousand dollars is asked for this novel proposition, for this is but an entering-wedge. If the dams are of any considerable size they must submerge hundreds of thousands of acres of valuable land. A gentleman familiar with that country has told me that it would not only submerge a vast amount of public land, but would require the submergence of houses and of cultivated farms and even of small villages. Sir, it would take millions of dollars.

Mr. WINDOM. There are no villages in that country anywhere near there.

Mr. WILLIAMS. If there are no villages or cultivated lands, there is no necessity for it.

Mr. CAMERON, of Wisconsin. There is no cultivated farm within a hundred miles.

Mr. WILLIAMS. There is no necessity, then, for the improvement, and that is the end of it. I can see nothing to be accomplished by this proposition except that it may afford facilities for getting out big saw-logs when there is not a tide in the river, or it may furnish in the dry season of the year water for grist-mills on the river; but the idea of furnishing water to render the great Mississippi navigable, to raise it below the Falls of Saint Anthony to six feet in dry seasons of the year, is ridiculous in the extreme. The river below the falls is a mile and a half wide, and in dry seasons there are not more than eighteen inches of water in it in places; yet it is proposed to raise it to six feet. My friend from Minnesota said there flowed past Saint Paul 6,000 cubic feet in a second at low water. Below the falls, between there and Keokuk, it is a mile and a half wide, and it would require on a calculation 47,520 cubic feet per second. The idea of building a few important dams away up the headwaters of the Mississippi, trusting to those to furnish water in the dry season of the year to carry on the commerce of that mighty river, is the most ridiculous proposition I ever heard in my life. The Senators ought to be ashamed of it.

I am willing to spend the public money for anything that gives a reasonable prospect of benefiting the country, but I cannot consent to vote for a proposition like this. I have known mills and factories to be supplied with water by building dams across streams and accumulating a head of water there; I have known small canals where the water runs slowly to be supplied by headwaters of that sort; but where in the world is there a great river which is supplied in this manner? The Mississippi River if made navigable through the dry seasons up there would exhaust the whole of Lake Superior. You would have to submerge the whole State of Minnesota to make ponds big enough to supply the navigation of that river during the summer season. I think the whole proposition is ridiculous, and I am against it. I shall vote for the amendment of the Senator from Indiana.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, I did not intend to say anything on the subject, but as we have to go on the record, and I have to vote on this question, I desire to say that while I know nothing about the feasibility of creating reservoirs that would be of any practical use in supplying a deficiency in the water of the Mississippi River, I do not believe that any such thing is practicable with the amount of money that has been named by the engineers or that is appropriated in the bill.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to state what has been accomplished in this direction by the lumbermen on the Wisconsin Rivers?

Mr. SAULSBURY. I only wanted to occupy a minute.

Mr. CAMERON, of Wisconsin. I ask the Senator to let me state that the Wolf River is a stream in the northeastern part of the State, one hundred and fifty or two hundred miles in length. The lumbermen found it very difficult to float their logs down to Lake Winnebago, where they were manufacturing; so they constructed a system of dams upon the river by which they can raise that river two feet one hundred and fifty miles below the dam and maintain it at that stage for thirty days. My colleague [Mr. SAWYER] has lumbered for more than a quarter of a century upon that stream, and he tells me that that is a fact. The town in which I reside is situated at the mouth of Black River, a lumbering stream. The lumbermen there have resorted to the same system for the purpose of getting

out their logs. They have resorted to this system upon every lumbering stream in the State, and they have succeeded in maintaining a good stage of water for a sufficient time to get out their logs, which usually occupies from twenty to thirty days.

Mr. SAULSBURY. I have no doubt it is possible for lumbermen to improve the water in the streams upon which it is necessary to float their lumber so that they may be benefited to a certain extent; but this is a proposition to dam up the headwaters of several of the streams or tributaries of the Mississippi River, the Saint Croix and several other streams, and to create a body of water that will at Saint Paul pass some 24,000 cubic feet of water in a second and will raise the navigation of the water of that stream so that it will be from one foot or two feet to six or seven feet. That is the proposition. Now, what must be done to do that? You must construct dams that will hold this vast accumulation of water; that is necessary; and do you tell me that for a few hundred thousand dollars you can dam up the headwaters of the Saint Croix and of the several other streams? Seven of these reservoirs are proposed to be created, and do you say that with a few hundred thousand dollars you can dam up those waters in such quantities that in dry seasons of the year for a hundred days you could pass down the Mississippi River a volume of water equal to six or seven feet?

Mr. CAMERON, of Wisconsin. That is the estimate.

Mr. SAULSBURY. I know nothing about engineering; I know nothing about estimates, but we all have a little practical sense. I live in a flat country where they sometimes create dams for the purpose of raising water for grist and saw mills, and yet a thunder-gust sometimes passing over that level country for two or three hours, where drainage is necessarily sluggish and still, will sweep away the dams, and away goes all the work upon which money has been expended. So when you undertake to dam up the Saint Croix River with an ordinary dam the first flood that comes down from the mountains will sweep your dams, and away will go all the water that is held in the reservoir.

In order to do this work successfully, you have got to expend, not only hundreds of thousands of dollars, but, in my judgment, without consulting the engineers, it will take millions upon millions of dollars to accomplish what is proposed in this enterprise. It may be a necessary appropriation for the commerce of that section of the country, but you are wasting money when you appropriate $300,000 for any such purpose. You had as well, if it is to be made a success, appropriate $300,000,000 at once to accomplish the purpose which you propose.

I am called upon to vote on this proposition or I should not have said a word about it, but I want to state this as my reason why I believe it is an idle expenditure of money; yet we are told by the Senator from Indiana it is contrary to the judgment of the Mississippi River commission. I do not place a great deal of reliance upon the engineers. They are scientific men, and in the practice of my profession I have always found that the very worst witnesses on earth are scientific men and experts. Their testimony is the most unreliable and the least to be depended upon of any witnesses I have ever known. So I believe in reference to the engineers connected with the Mississippi River and with all these enterprises. They very frequently make propositions that contradict common sense.

I am not disposed, therefore, to place my vote entirely upon the testimony of these experts in matters of that kind. I shall vote for the amendment of the Senator from Indiana simply because it is a reduction of the amount, but then I shall vote, as the Senator from Kentucky states, against the general proposition afterward.

Mr. WINDOM. I would have great faith in the judgment of the Senator from Delaware if he were speaking upon a subject of which he knew anything, but he admits in the outset that he does not know anything on this subject, and thereupon proceeds to express a very profound judgment about it. The Senator from Kentucky was a little wilder than the Senator from Delaware. He located towns and villages in the swamps of the great lake at the headwaters of the great Mississippi River, and then went to work to describe the possible cost of a work which would require them to be submerged. The Senator from Delaware says that it is naturally impossible to dam up this amount of water, and yet I will guarantee that he has not the slightest idea of the nature of the country where it is proposed that the reservoirs shall be made. I desire to assure him in this connection that it is almost a natural reservoir, and I quote from the language of the engineer who surveyed it:

> The lakes at the source of the Mississippi furnish a compact reservoir system, almost as if laid out by an engineer.

I want to say that the various lakes at the headwaters of the Mississippi are at least a dozen times as large as the great State which the Senator from Delaware so honorably represents on this floor, and that in raising many of these dams to two feet you add the great quantity of water to the stream which the engineers report; and yet the Senator has gone to work to advise the Senate that it is proposed to build a great dam somewhere, in a great gorge of the mountains, I suppose, to dam up some river and let it loose. Here is a vast lake region larger than many of our respectable-sized States, and a dozen times larger than Delaware.

Mr. SAULSBURY. It may be true that I have indulged in very wild speculations in reference to this enterprise, but my association with the Senator from Minnesota naturally leads to a wild course of thought. I remember that ever since I have been in the Senate he has been advocating some of the wildest schemes in getting money out of the public Treasury for some of the most impracticable works of any Senator I have known, among the rest $200,000 I remember to build up Saint Anthony's Falls to improve and benefit navigation.

I assume to know something of the force of water. I have been at the Delaware Water Gap, where the upper edges of the Delaware River were dammed up and flooded a whole section of country, and yet the accumulation of water there forced itself through the mountain-range and the foot-hills of the mountains and made its way to the ocean. I have stood around the Cascades that have blocked up the headwaters of the Columbia River, and yet that great volume of water forced itself through the Cascade Mountains. So, when you dam up the Saint Croix River and dam up other rivers, the great accumulations of water which you must make will ultimately seek an outlet, and the dams will cost millions upon millions if you make them effective.

The application of a little common sense to propositions of this kind is worth, in my judgment, as much as the estimates of the engineers, who upon scientific principles lay out the plans, but when we are called upon to vote money we ought to vote it according to our judgment. I shall vote upon this proposition according to the dictates of my own judgment, and not according to the wishes of the Senator from Minnesota.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, [Mr. HARRISON.]

Mr. HARRIS. Let the amendment be reported.

The ACTING SECRETARY. It is proposed to strike out all after the word "river," in line 800, down to and including line 852, and to insert:

> Continuing observations and surveys for reservoirs at the headwaters of the Mississippi River and its upper tributaries, under the direction of the Secretary of War, $50,000.

Mr. HARRIS. Does that strike out the whole appropriation for the Mississippi River?

Mr. McMILLAN. No; for the reservoirs.

The PRESIDING OFFICER. The yeas and nays have been ordered upon the amendment, and the Secretary will call the roll.

The Principal Legislative Clerk proceeded to call the roll.

Mr. SEWELL, (when his name was called.) I desire to announce my pair with my colleague, [Mr. McPHERSON.]

The roll-call having been concluded, the result was announced—yeas 24, nays 32; as follows:

YEAS—24.

Beck,	Hampton,	Johnston,	Platt,
Camden,	Harris,	Lapham,	Pugh,
Cameron of Pa.,	Harrison,	Maxey,	Saulsbury,
Frye,	Hawley,	Miller of Cal.,	Saunders,
Gorman,	Hill of Colorado,	Morgan,	Vance,
Groome,	Jackson,	Pendleton,	Williams.

NAYS—32.

Allison,	Coke,	Jones of Florida,	Ransom,
Anthony,	Conger,	Jones of Nevada,	Rollins,
Bayard,	Dawes,	McDill,	Sawyer,
Blair,	Farley,	McMillan,	Slater,
Butler,	Ferry,	Miller of N. Y.,	Van Wyck,
Call,	George,	Mitchell,	Vest,
Cameron of Wis.,	Grover,	Morrill,	Walker,
Chilcott,	Jonas,	Plumb,	Windom.

ABSENT—20.

Aldrich,	Edmunds,	Hoar,	McPherson,
Brown,	Fair,	Ingalls,	Mahone,
Cockrell,	Garland,	Kellogg,	Sewell,
Davis of Illinois,	Hale,	Lamar,	Sherman,
Davis of W. Va.,	Hill of Georgia,	Logan,	Voorhees.

So the amendment was rejected.

Mr. BECK. After line 1531 I move to insert:

> That the Secretary of War shall cause to be made a survey and estimate of the cost of excavating a channel through the Grand and Little Chains in the Ohio River sufficient to pass boats and give a depth of six feet at low water.

This merely provides for a survey. I submitted it to the chairman of the committee the other day. It is a rocky chain between Cairo, Illinois, and Paducah, Kentucky, about which no survey has ever been made except to build a dam to throw the water over it, which has proved to be a failure. We desire to ascertain what the cost of excavating a channel into the rocky basin will be. It gets down sometimes to twenty inches, and of course obstructs the navigation of the Ohio River, which passes through so many States. The only object is to ascertain the fact. It will cost no more, I believe, than is necessary to make the survey. It is an important matter to the Ohio River.

Mr. CONGER. I did not understand the point on the river, or what the proposition is.

Mr. BECK. There is what is called the Grand Chain and the Little Chain, two rocky points that run through just about fifteen miles above Cairo and below Paducah, Kentucky, near the mouth of the river. The amendment is to ascertain what it will cost to deepen the channel there.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. SAUNDERS. At the end of line 916 I move to insert:

Of which sum the following amounts shall be expended at the points named, the same being the sums required by estimates of the Chief Engineer of the War Department for said work: at Brownville, Nebraska, the sum of $80,000; at Nebraska City and Eastport, $100,000; at Plattsmouth, $70,000; at Omaha and Council Bluffs, $100,000; and at Sioux City and Covington, $100,000.

Mr. McMILLAN. That amendment was not referred to the committee. I raise the point of order that it is not in order.

Mr. SAUNDERS. I beg the Senator's pardon; it was referred to the committee, and I drew the attention of the committee to the fact that it was there.

The PRESIDING OFFICER. The Senator from Nebraska will allow the Chair to state that a point of order has been raised by the chairman of the Committee on Commerce that the amendment is not in order, it not having been presented before the committee.

Mr. SAUNDERS. What I am saying is that the Senator is mistaken. He may have paid no attention to it, but it was there. I introduced the bill myself, which was referred to that committee two or three weeks ago. I have the bill here. There is no kind of doubt about the fact that I have done all I can do in the matter to get it before the committee.

Mr. McMILLAN. If the Senator has the amendment, I should like to see it.

Mr. SAUNDERS. If the Senator will allow me a moment—beginning at line 915, the bill reads:

Improving Missouri River, from its mouth to Sioux City, Iowa, $900,000.

The PRESIDING OFFICER. Is the Senator from Nebraska reading the amendment as requested by the Senator from Minnesota?

Mr. SAUNDERS. I was going to say that after that clause is where my amendment comes in. The amendment was referred to the committee in the form of a bill. This is taken out of the bill.

Mr. HARRIS. I ask the Senator from Nebraska if the amendment was presented in the Senate and referred to the Committee on Commerce?

Mr. SAUNDERS. Certainly; I said I presented it to the Senate.

Mr. HARRIS. I did not hear the Senator, and I desired to know whether that fact was true. When was it introduced in the Senate and referred?

Mr. SAUNDERS. I can tell the Senator.

Mr. McMILLAN. I should like to have the original amendment read which the Senator says was referred to the committee.

The PRESIDING OFFICER. The Chair is informed that there is a printed bill, but it was not referred as an amendment.

Mr. ALLISON. I wish to suggest in reference to the point of order that it is generally in order to amend the bill so as to dispose of the appropriation. This in no sense increases the amount of the appropriation, as I understand it. It simply provides that of this sum a certain amount shall be put at these points. Will the Senator read the bill and see?

Mr. SAUNDERS. It is a bill making appropriation for the improvement of the navigation of the Missouri River opposite the State of Nebraska and the State of Iowa.

Mr. McMILLAN. That is not an amendment to the river and harbor bill.

Mr. SAUNDERS. It was introduced and referred to the Committee on Commerce for the purpose of meeting this case.

Mr. COCKRELL. It was an independent bill, not an amendment to the river and harbor bill.

Mr. SAUNDERS. It was an independent bill, but was referred to the committee for the same purpose exactly, and I spoke to some of the members of the committee on the subject.

Mr. HARRIS. I desire to ask the Senator from Nebraska again if it was offered as an amendment to the river and harbor bill in the Senate and referred to the Committee on Commerce?

Mr. SAUNDERS. It was submitted before the river and harbor bill came over, and was referred to the committee for this same purpose.

Mr. HARRIS. But it was never offered in the Senate as an amendment to this bill?

Mr. SAUNDERS. Not strictly to this bill. But it does not increase the appropriation in any way; it only disposes of the appropriation proposed by the Committee on Commerce. The committee have appropriated a certain amount of money for the Missouri River from Sioux City to its mouth. This is a part of that river, and there is a necessity for this work being performed. I propose simply that the reports made by the Secretary of War or the engineers under him on this subject shall be carried out at the points named. They are in the reports made by the Secretary of War.

Mr. FERRY. I wish to ask the Senator from Nebraska whether the amendment which he presents proposes to increase the amount in the bill?

Mr. SAUNDERS. It does not.

Mr. FERRY. As I understand it, it is simply distributing an appropriation reported by the committee. If that be the case, it is strictly in order.

Mr. SAUNDERS. That is it. That is all I propose to do.

Mr. McMILLAN. I have already raised the point of order that no amendment to the bill of that character was referred to the committee. That fact I think is established. Whether the position of the Senator from Michigan is correct in regard to the parliamentary point is another question. The amendment does make a specific appropriation to particular places on the Missouri River, and it is not in pursuance of any recommendation or in pursuance of estimates by the Department. The appropriation is made in pursuance of a recommendation by the Mississippi River commission, and it is appropriated in the manner they recommend, and there is no recommendation by any Department for the appropriation in the mode proposed by the Senator from Nebraska.

Mr. SAUNDERS. I beg the Senator's pardon. If he wants to see the recommendation of the War Department, it is here at hand. I will read it.

Mr. McMILLAN. I have raised a point of order.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. The Chair will have to rule that a point of order having been raised debate is out of order.

Mr. COCKRELL. I rise to a point of order. I ask the Chief Clerk to read part of Rule 28. I will read it and call the attention of the Chair to it.

Mr. CAMERON, of Wisconsin. Is not that in the nature of debate?

The PRESIDING OFFICER. The Chair holds that debate is out of order when a point of order is raised.

Mr. COCKRELL. I will read the part of the rule I desire to have read instead of asking the Chief Clerk to read it. I read from Rule 28:

In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

This is a new item entirely.

Mr. SAUNDERS. Mr. President——

The PRESIDING OFFICER. The Chair will state again that debate is not in order when a point of order is raised.

Mr. SAUNDERS. I wish to ask the Chair a question. I wish to know whether it would not be in order to distribute this appropriation over the ground proposed by the committee?

The PRESIDING OFFICER. The Senator from Nebraska must come to order. The question now before the Senate is the point of order raised by the Senator from Minnesota that the amendment is out of order, not having been proposed heretofore and submitted to the Committee on Commerce. The Chair holds that under the twenty-ninth rule it would be proper to submit that question to the Senate. The Chair has no doubt that under a proper construction of the rule the amendment is out of order under the twenty-eighth and twenty-ninth rules.

Mr. JONES, of Florida. What is the fact?

The PRESIDING OFFICER. The fact is that no such amendment was offered in the Senate and referred to the Committee on Commerce.

Mr. JONES, of Florida. I understand the Senator from Nebraska to state——

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the Senator from Nebraska introduced a bill on this subject, a separate measure, which was referred to the Committee on Commerce before the river and harbor bill was considered by that committee.

Mr. FERRY. If the Chair will allow me to say——

Mr. McMILLAN. I rise to a point of order that it is not debatable.

Mr. FERRY. The Chair has submitted the point of order to the Senate.

The PRESIDING OFFICER. The Chair decides that so far as the rule of the Senate is concerned the point of order is well taken.

Mr. FERRY. Did I not understand the Chair to say that he submitted it to the Senate, but that if he were to rule on it he would rule the amendment to be out of order? If not, I misunderstood the Chair.

Mr. INGALLS. The Senator can appeal.

The PRESIDING OFFICER. The Chair understands that under Rule 40 he may submit any question of order to the Senate. Under Rules 28 and 29 the Chair has no doubt as to the point of order being well taken.

Mr. HOAR. Does the Chair submit it to the Senate?

The PRESIDING OFFICER. The Chair desides the point of order to be well taken.

Mr. SAUNDERS. I have no disposition to raise any question on the decision of the Chair, although I did in this matter what I understood from some of the committee was my duty in regard to it in order to bring it before the Senate.

Mr. HOAR. I will submit an appeal if no one else does.

Mr. SAUNDERS. I ask the chairman of the committee to allow me to offer the amendment.

The PRESIDING OFFICER. The Senator from Nebraska must allow the Chair to state the question. Does the Senator from Massachusetts appeal from the decision of the Chair?

Mr. SAUNDERS. What is the position taken by the Senator from Massachusests?

Mr. HOAR. That I shall appeal.

The PRESIDING OFFICER. The Chair has ruled that under Rules 28 and 29 the amendment is out of order, it not having been offered in the Senate and referred to the Committee on Commerce; from which decision the Senator from Massachusetts appeals.

Mr. HOAR. It is not all amendments to appropriation bills that the rule excludes; it is only amendments which increase an appropriation already contained in the bill or add new items of appropriations. This does neither; it simply provides that an appropriation already in the bill for a river, its entire length or the length of a certain described portion, shall be expended at particular points. It is just as if it was proposed to amend a bill providing for the erection of a new court-house by saying that within the particular year the amount appropriated should all be expended on the foundation or should all be expended on a certain wing or one part on the foundation and another part on the wing, and not all on the whole. It is a destruction of the right of the entire Senate to hold that when the Appropriations Committee or the Committee on Commerce, which is an appropriations committee for this purpose, bring in an appropriation for a specific work you cannot regulate the details by which that appropriation should be applied to that specific work. It puts not only the items which the bill shall contain but all the regulations of the items which they put into the bill out of the power of the Senate. I hope the Chair will submit the question to the Senate.

Mr. McMILLAN. It seems to me that the principle involved in the rule certainly must determine the point of order as the Chair has determined it. The appropriations for particular improvements along a particular river are as distinct as any other different subjects-matter can be. The engineers make examinations——

Mr. HOAR. Before the Senator proceeds he will allow me to see whether we differ about the fact. Is this an appropriation for a particular improvement? The appropriation bill as reported by the Committee on Commerce says that for improving the Mississippi River for a hundred miles, say, of its length, which is described, so many dollars. A Senator comes in and moves an amendment that within that hundred miles so much of this appropriation shall be at two points, which are included. In other words, as the committee have reported the bill, the engineers could expend it exactly as the Senator from Nebraska proposes without any change in the law.

Mr. McMILLAN. That is not from the estimates. The appropriation is made in pursuance of a recommendation of the Mississippi River commission for improving the Missouri River from its mouth to Sioux City the sum of $900,000. The Senator from Nebraska by his proposed amendment says that a portion of this amount shall be appropriated to several particular improvements within those limits.

Mr. SAUNDERS. What objection does the Senator make?

Mr. McMILLAN. If the Senator will permit me, I am arguing the point of order. The Senator proposes to make separate appropriations of specific sums to distinct improvements, recognized as distinct by the War Department, by the engineers, and diverting and changing entirely the character of the appropriations, because the whole gist and object of the report of the Mississippi River commissioners is to make a unit of that improvement, to make it indivisible for the purpose of making it a perfect improvement, so that it shall not be cut up into different portions and separate objects receive a portion of the money. This is making separate appropriations to distinct improvements, and it is against the recommendation of the engineers and against the character and nature of the appropriation in the bill. It is against the recommendation of the engineers.

Mr. VAN WYCK. Will the Senator allow me a word right there?

Mr. McMILLAN. Certainly.

Mr. VAN WYCK. When my colleague stated that the sums suggested in his amendment had been recommended or approved by the Engineer Bureau, did I understand the Senator from Minnesota to say that the sums suggested in that amendment were recommended by the Mississippi River commission?

Mr. McMILLAN. I did not say anything about that.

Mr. VAN WYCK. My colleague stated that the recommendations were made by the engineers or the War Department, and I understood the Senator to reply that they were made by the engineers on the Mississippi River commission.

Mr. McMILLAN. No, the Mississippi River commission made the recommendation for the appropriation in the bill; they made it as a unit, and they expressly discouraged the idea of seperating it, because they say if this amount can be expended on the river by them, under their direction, from the mouth to Sioux City they can make a permanent and beneficial improvement of the river. Now, the amendment of the Senator from Nebraska interferes wholly with the recommendation of that commission; it separates it; it divides it into distinct portions, and it makes a specific appropriation of a particular sum to a particular portion of that improvement, which is not divided by this commission into separate parts.

Mr. FERRY. If this amendment is out of order, it is because Rules 27 and 28 exclude it. Now, if the Chair will allow me, I will read those rules and see whether they do exclude this amendment. I propounded the question to the Senator from Nebraska whether his amendment proposed an increase of the appropriation already in the bill or whether it was a new item of appropriation. If the Chair will observe, Rule 27 says:

> All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce—

Here is the point now—

> and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, &c.

The PRESIDING OFFICER. This adds a new item.

Mr. FERRY. Now, I will read the other rule. This is not a new item of appropriation, nor does it increase an appropriation already in the bill. Rule 28 reads:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

It turns simply on this: is the amendment of the Senator from Nebraska a new item of appropriation, or does it increase an appropriation already in the bill? The amendment, in my judgment, is simply a distribution of the appropriation already recommended by the committee and contained in the bill. I do not speak upon the merits of the amendment; that is not my point. I am simply guarding and protecting the rules of the Senate, and believing the amendment proposed by the Senator from Nebraska to be strictly in order, I shall so vote.

Mr. JONES, of Florida. Mr. President, the importance of the question before the Senate extends a little further than the pending amendment. I do not consider that Rules 27 and 28 include the same subjects-matter. I think they were intended to embrace two distinct things; and the first question to consider is whether this amendment falls under Rule 27 or under Rule 28. It is very obvious from the reading of these rules that they were intended to embrace two distinct classes of cases. Let us see. Rule 27 reads:

> All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

What?—

> unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

That is all that is necessary to sustain an amendment proposed here to increase an appropriation or to add a new item to the bill, that it shall be made in pursuance of an estimate already made by the head of one of the Departments.

Rule 28 does not touch this class of cases, but it refers to amendments moved by order of committees, and this I do not understand to fall within that case.

Mr. ALLISON. Mr. President, the particular amendment suggested by the Senator from Nebraska has the advantage suggested by the Senator from Florida, namely, that it is estimated for, because each of these items, as I understand, is found in the regular Book of Estimates in the report of the board of engineers. But I want to suggest another thing with regard to this amendment. It certainly cannot be because the Committee on Commerce have made an appropriation here in particular language, that we are bound to sustain that language and no other. This item of appropriation is:

> Improving Missouri River from its mouth to Sioux City, Iowa, $900,000.

That comprehends the river from its mouth to Sioux City. The Senator from Nebraska proposes that a portion of this sum shall be expended at particular places on this river, thus defining more clearly the appropriation itself, instead of leaving that whole question to the engineers.

By way of illustrating what I mean, I find right at the top of this page 38, an appropriation of $5,500, "of which sum $500 for annual expense of gauging the waters of the Columbia River from Astoria to the bar."

If the ruling of the Chair be correct it would be out of order for any Senator to propose to strike out that last proviso, because the Committee on Commerce has said this money shall be expended in a particular way. Cannot the Senate change that way, change the method within the reasonable provisions of the paragraph itself? It seems to me nothing can be more clear than that.

Now one word with reference to this appropriation itself. My friend from Nebraska——

Mr. INGALLS. Is that in order under a discussion of a point of order?

The PRESIDING OFFICER. It is very doubtful. Does the Senator make the point?

Mr. INGALLS. Is discussion of the merits of the appropriation in order on an appeal?

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. INGALLS. Yes, sir. I may want to say something about them myself.

The PRESIDING OFFICER. The Chair thinks the point of order well taken.

Mr. ALLISON. For the moment, to gratify the Senator from Kan-

sas, I waive the suggestion I intended to make in reference to the merits of this appropriation.

Mr. INGALLS. Not to gratify me, but to obey the rules.

Mr. ALLISON. For both purposes. Mr. President, it is a most remarkable thing if we have here a procrustean bed with reference to these moneys that we cannot change, that we cannot dot an *i* or cross a *t* with reference to these sums of money as suggested by the Committee on Commerce. That may be the rule of the Senate, but if so, I confess an absolute want of knowledge with reference to the rules.

Mr. HARRIS. I think this question of order has been quite sufficiently debated, and I move to lay the appeal from the decision of the Chair upon the table.

The PRESIDING OFFICER. It is moved that the appeal from the decision of the Chair be laid upon the table.

The motion was agreed to.

Mr. CALL. I have an amendment to offer, which is at the desk.

The ACTING SECRETARY. After the word "dollars," on line 590, page 25, it is moved to insert:

That $2,000 of this sum shall be expended for the improvement of the river above Geneva to Newton, Alabama, and $2,000 of the balance for the improvement of the La Grange Bayou from its mouth up to the town of Freeport, Florida.

Mr. ALLISON. That is out of order, of course, if the amendment just voted down was out of order.

The PRESIDING OFFICER. The Chair will rule if the point of order is made——

Mr. CALL. One word, sir. I suggest to the Senator from Iowa to wait just one moment.

Mr. ALLISON. I do not make any point on the Senator from Florida.

The PRESIDING OFFICER. The point of order is not made. The Senator from Florida will proceed.

Mr. CALL. This is an amendment which relates to an appropriation entirely within the States of Alabama and Florida, and it is made by agreement with the two Senators from Alabama, and does not in any wise alter or increase the amount, and it is in conformity with the estimates of the Department.

Mr. McMILLAN. No such amendment was referred to the Committee on Commerce, and I am not advised that such a recommendation has been made by the Department.

Mr. CALL. I can advise the chairman of the committee, for I have it here before me.

Mr. McMILLAN. I shall have to raise the point of order.

Mr. CALL. I see no reason why the Senate should not agree to the amendment. Both of the Senators from Alabama and the Representatives in the House from that district have assented to this distribution.

Mr. McMILLAN. I think it comes within the point of order just decided.

The PRESIDING OFFICER. Does the Senator from Minnesota raise the point of order?

Mr. McMILLAN. Yes, sir.

The PRESIDING OFFICER. The Chair decides the point of order well taken.

Mr. CALL. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair has sustained the point of order under the rule on which the previous decision was made. The amendment proposed was not offered in the Senate and referred to the Committee on Commerce. For that reason the Chair decides that it is not in order. From that decision of the Chair the Senator from Florida takes an appeal. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PUGH. I think the chairman of the committee who has charge of this bill will withdraw his point of order on the statement that induced this agreement. This Bayou La Grange and Freeport on that bayou at the mouth of Holmes Creek are on the line of navigation and are touched by the boats from Geneva to Pensacola. This is, in fact, a part of the same navigation. An estimate was made for the bayou and for Holmes Creek; but it was separated from the estimates for the Choctawhatchee River. For the reason that the boats going through and coming from Pensacola to Geneva touch at Freeport through this Bayou La Grange we think it important that a part of the appropriation should go to opening the channel through Bayou La Grange up to Freeport, which is about three miles.

These are facts with which I was not acquainted at the time I objected to the proposed division of this appropriation on a former day. We now understand the subject. The amendment does not vary the estimate made by the engineer. It just diverts $2,000 of this money to opening a channel up to a town that is touched by boats on this line of navigation.

I hope the Senator will not insist upon the point of order. It is a small matter and one about which we ought to be allowed to agree when it does not increase the appropriation.

Mr. HARRIS. I hope the Senator from Minnesota will withdraw his point of order. The Senators from Florida and the Senators from Alabama, the only ones interested in the appropriation, having agreed about the matter, I think the Senator from Minnesota ought to withdraw the point of order and allow the matter to be determined by those Senators immediately interested in it.

Mr. JONES, of Florida. It is only a distribution of the appropriation; it is not an increase.

Mr. BUTLER. I suggest to the Senator from Florida and the Senator from Alabama that they withdraw this appeal for the present and make this motion when the bill is in the Senate, for I have no idea the point of order will then be insisted upon.

The PRESIDING OFFICER. The question is on the appeal taken from the decision of the Chair.

Mr. CALL. I withdraw the appeal, but I should be very glad to have the amendment made.

The PRESIDING OFFICER. The appeal is withdrawn.

Mr. MORRILL. I offer the following amendment, to come in at the end of the bill:

Provided, That only one-half of the aggregate amount appropriated in this act shall be expended during the year ending June 30, 1883, and the whole or any part of the different items herein mentioned may be expended at the discretion of the President, but not exceeding one-half of the aforesaid aggregate amount.

Mr. President, I am desirous to see a bill pass that shall become a law. It will be remembered that during the administration of General Grant a bill much less than $10,000,000, somewhere about five or six millions, I think, was vetoed; and it will be also remembered that under a bill of only a little over $5,000,000 there was only expended a little over $2,000,000. The largest bill that has ever been appropriated in any year was that of last year, and that amounted to only ten or eleven millions. It is now proposed to double up the whole sum and to pass a bill of over $20,000,000.

I desire to read a word or two from the brilliant young statesman who sits beside me, [Mr. CAMERON, of Pennsylvania,] who then occupied the position of Secretary of War, in relation to a bill under which only $2,200,000 was expended. The House made inquiry why the whole sum was not expended, and here is the answer of the Secretary:

The act was signed on the 14th of August, 1876, and on the same day the President sent a special message to the House of Representatives, stating that he did not consider it obligatory upon him to expend all the money appropriated in the bill; and that during his term of office no money should be expended on works not clearly national; and that owing to a contemplated loss of revenue it might be unadvisable to expend any money upon new works.

Again another paragraph:

In conclusion—

Said Secretary Cameron—

In conclusion, I submit, with all respect, that while the Legislature, with the approval of the Executive, appropriates the money and specifies the purposes for which it is given, the Executive Departments of the Government are always held responsible for the expenditures, not only as to the manner but the amount of them; and that they violate no law if they keep the expenditures within the amount appropriated, and apply them to the purpose for which they are designated.

I make this proposition of amendment in order to keep the appropriations within reasonable bounds; and also for another purpose, to obviate the passage of a river and harbor bill another year if this amendment should prevail, for it leaves one already standing on the statute-book to the amount of over $10,000,000.

Mr. President, it is quite certain that if we allow this bill to go through with an expenditure doubling up the amount from what it was last year, next year we shall have an appropriation bill of perhaps $10,000,000 more, amounting to $30,000,000. There is no break in the matter unless we change the Committee on Commerce and put in another that is already gorged with the different items in the bill. I hope that this amendment that I have proposed will meet with the approbation of the Senate.

Mr. BECK. Mr. President, I think this is an abominable bill, and I think we ought to refer it to the tariff commission, and then ought to hold a Republican caucus and order the Senator from Vermont to except from the operations of the act such matters as appertain to Vermont and a few other States.

Mr. McMILLAN. Mr. President, there is no appropriation in this bill for Smith's Shoals. The engineers reported against it, and notwithstanding the earnest desire of the Senator from Kentucky, the Committee on Commerce could not insert that appropriation in this bill.

Mr. President, I appreciate very well the view which the Senator from Vermont takes of this measure, but I think he is mistaken in regard to the nature of the bill somewhat. These appropriations, as I understand, are not mandatory upon the Secretary of War. There is a large discretion as to the mode of his executing the provisions in this bill; and when you come to consider the bill itself with reference to the improvements that are embraced in it it is, so far as I have been able to discover, when reported by the Committee on Commerce of the Senate, a reasonable bill.

Senators seem to forget that within two or three years there have been added to the public improvements to be incorporated in this bill all the improvements on the Pacific coast. It has only been within two or three years that California has asked the General Government for an appropriation for any of her rivers or harbors, and there is the harbor of her great commercial city, the center of the commercial transactions of the Pacific coast, to be attended to, and there are great rivers entering into the Pacific Ocean in that State which must receive the attention of Congress and receive some of the appropriations made by the General Government.

Then there are the improvements in the State of Oregon and the Territory of Washington, embracing the Columbia River, one of the greatest streams on the continent, one that comes in competition

with great railroad lines, and which bears upon its bosom the commerce of that whole western portion of the continent. All this is comparatively new, so that there are embraced the improvements upon the Pacific coast within this bill, and they add to it more than a million of dollars. Then there are the improvements of the great harbors of Texas, a million more; then for the harbors on the Gulf of Mexico there is an addition; then for the harbors along the Atlantic coast there is $300,000 at the harbor of Charleston, there is the Savannah Harbor, there is the harbor at Baltimore, $400,000; then there is the improvement of the waters of New York Bay and Harbor, great waters that must receive the attention of Congress, for which we give nearly a million dollars. Then for a harbor of refuge on the New England coast we put in $52,000. Then go to the interior: the Mississippi River commission has an appropriation of $5,000,000 for that river from the passes to Cairo, $1,000,000 in round numbers for the Missouri River, a million on the Upper Mississippi River. These are some of the larger items in this bill.

Mr. VAN WYCK. Will the Senator allow me right there to put a question? In regard to the $5,000,000 for the Mississippi River, I should like to get the understanding of the Committee on Commerce of the way the $5,000,000 is to be spent. Is it for the purpose of building up artificial embankments to restrain the current of the stream? Is that the idea of the committee?

Mr. McMILLAN. The only explanation as a member of the Committee on Commerce I can give to the Senator is that it is to be expended by the Secretary of War under the direction of the Mississippi River commission, in accordance with their recommendation.

Mr. VAN WYCK. Then does not the Senator know, if it be left to the river commission, that the $5,000,000 is to be spent in building banks or artificial arms to hold the channel? Does he not know that fact?

Mr. McMILLAN. That is a matter which has been a subject of discussion in the Senate. It has been discussed very fully. So far as I am concerned, my understanding is that it is not to be so spent, that it is only to be used where necessary for protecting the channel by protecting the banks of the river; but that is a matter upon which as a member of the Committee on Commerce I cannot be certain. The appropriation is made to be expended by the Secretary of War.

The PRESIDING OFFICER. The Senator's five minutes are up.

Mr. McMILLAN. I ask to be indulged for a moment or two. If this reduction is made, if you reduce the bill to one-half, I ask the Senator from Vermont what will he do with the appropriation for the Potomac flats? Have we not heard that the health of this city depends upon that improvement? All that improvement, if only $250,000 is spent on it, will be impaired by the amendment of the Senator to that extent, so as to amount to nothing.

Mr. MORRILL. The Senator will see that the President may expend at his discretion the whole or any part of any appropriation, judging between what is really of national importance and what ought to be considered local.

Mr. McMILLAN. In view of the fact that the revenues of the Government are so great, this bill is not greater in proportion to the revenues of the country now than any of the former bills were at the time they were passed.

Mr. HARRIS. I should like to have the amendment of the Senator from Vermont read.

The PRESIDING OFFICER. The amendment will be read.

The Acting Secretary read the amendment of Mr. MORRILL.

Mr. HARRIS. If I understand that amendment, it means no more nor less than this, that the President of the United States shall determine where river and harbor improvements shall be made to the exclusion of the representatives of States and the Representatives of Congressional districts. It is to make the autocrat of the White House the judge and the sole judge as to where these improvements shall be made, and the extent to which they shall be made within the limits of one-half of the aggregate of the whole appropriation contained in the bill. Is the Senator from Vermont ready and willing to commit himself to a principle such as that?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

Mr. JACKSON. I offer the following amendment, to be inserted after line 699:

For continuing to completion the work on Obey's River, in Tennessee, a tributary of the Cumberland, $5,000.

Mr. McMILLAN. I raise the point of order on that amendment.

Mr. JACKSON. The item was estimated for in the report. The amendment is proposed in pursuance of an estimate made in the report, and in addition to that the amendment was offered on the 8th instant and referred to the Committee on Commerce, so that it is in order under the rules.

Mr. RANSOM. And it was appropriated for last year and it ought to be appropriated for this.

Mr. McMILLAN. There was an amendment offered to the bill, but I think the bill had been reported to the Senate before the amendment was offered.

Mr. HARRIS. That would make no difference. The Committee on Commerce is a continuing and existing committee. The Senate on last Saturday ordered that committee to consider this amendment. If it has not considered it, it is not a matter of consequence under the rule. The amendment, under the letter and spirit of the rule, is in order, and my colleague has a right to have the judgment of the Senate upon its merits. It is in order beyond all controversy.

The PRESIDING OFFICER. Does the Senator from Minnesota make the point of order?

Mr. McMILLAN. Yes, sir. Before this amendment was offered in the Senate at all the bill was in the possession of the Senate and out of the jurisdiction of the Committee on Commerce.

Mr. INGALLS. Order, Mr. President.

The PRESIDING OFFICER. The Chair will state the rule:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

The Chair will ask the Secretary if this amendment was offered in the Senate and referred to the Committee on Commerce one day before being offered here?

The ACTING SECRETARY. It was referred to the Committee on Commerce July 8.

Mr. HARRIS. That was three days before.

The PRESIDING OFFICER. This amendment was offered on the 8th of July. This is the 11th of July.

Mr. McMILLAN. The bill had been reported prior to the time the amendment was offered, and the committee could not then have considered it.

Mr. HARRIS. I ask the Senator from Minnesota if the Committee on Commerce has not been in existence from the 8th day of July until now? And if it has ignored the order of the Senate to investigate this amendment, it is no fault of the gentleman who offered it.

The PRESIDING OFFICER. The Chair will have to hold under this rule according to its language (while the position is a new and delicate one for him to occupy) that the amendment is in order. It has been offered in the Senate and referred to the committee one day before it is now presented here. The Chair holds that the point of order is not well taken. The question is on the amendment.

Mr. JACKSON. The engineer's estimate for the improvement of this stream was $11,869. The engineer's report, parts first and second, show that in 1880 $4,000 was appropriated for the improvement of the stream; in 1881 $2,500 was appropriated, and the engineer says now that the remainder of the estimate can be judiciously and properly expended for the next year. It is a very desirable improvement. The stream runs on the borders of Tennessee and Kentucky, and it is the only outlet for the commerce of the counties of Tennessee and Kentucky bordering on the stream. The engineer's estimate is that $5,000 will complete the improvement, and not to do so will practically be to lose that which has been expended.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee.

Mr. McMILLAN. This bill, as it came from the House, contained no such appropriation, and the bill, as we received it, amounted to seventeen and a half million dollars. The House of Representatives have gone very thoroughly through the estimates, and have allowed for everything that could have been properly embraced in the bill, and have provided for the rivers quite fully. I hope the Senate will not add this item, and I trust Senators will not offer amendments to this bill, but will let us get through. It is large enough now, and has occupied a long time.

Mr. JACKSON. This is an improvement estimated for and reported by the Chief of Engineers, and he says:

Amount that can be profitably expended in fiscal year ending June 30, 1883, $5,400.

We ask for but $5,000. I hope the Senate will give it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee, [Mr. JACKSON.]

The amendment was agreed to.

Mr. SLATER. I move, in line 337, to insert, after the word "improving," the words "entrance to;" so as to read:

Improving entrance to Yaquina Bay, Oregon.

This merely makes it conform to the former bills, and identifies the place where the money is to be expended. It is a mere verbal amendment.

Mr. McMILLAN. Does that expend the whole amount at the entrance to the bay?

Mr. SLATER. Yes, sir. There is where the works are projected and where the appropriation is proposed to be expended, and it is in conformity with former appropriations.

Mr. McMILLAN. I have had experience enough to suggest to me that I ought to oppose the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, [Mr. SLATER.]

The amendment was agreed to.

Mr. GORMAN. I offer the following amendment:

On page 19, line 454, after the word "and," strike out "Little Deal's Island" and insert "the mainland on Dame's quarter;" so as to read; "Improving upper water-passage or thoroughfare between Deal's Island and the mainland on Dame's quarter, Maryland, $5,000."

Mr. McMILLAN. That amendment, I think, was not offered in the Senate and referred to the committee. I have no record of it.

Mr. GORMAN. It does not change the appropriation at all; it only describes more accurately the point where the money is to be expended.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, [Mr. GORMAN.]

The amendment was agreed to.

Mr. FERRY. I send to the desk an amendment which I offer, to be inserted after line 1320, on page 55.

The ACTING SECRETARY. After line 1320, it is proposed to insert:

For the purchase and laying of a cable, and for the construction of the necessary land line to connect old Fort Mackinac, Saint Ignace, and the island of Mackinac, in the State of Michigan, for equipping the line with the necessary instruments, battery, &c., and for maintaining and operating the same for one year, $25,000.

Mr. FERRY. The object of this amendment is to lay a cable from Mackinac City, at the straits, to the island of Mackinac, so that vessels that pass can be signaled. I send to the Chair a letter from the Chief Signal Officer, which will explain it. It is in the interest of commerce. It is just like the case of the cable between Newport and Block Island, where a cable was laid by the Government in the interest of commerce.

Mr. McMILLAN. I raise the point of order that that is not germane to the bill.

Mr. FERRY. I ask that the letter be read. I have the floor, I believe.

Mr. McMILLAN. I withdraw the point of order until it is read.

The Acting Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., June 26, 1882.

SIR: In reply to your letter of the 24th instant, asking the views of this office upon the importance of a cable from old Fort Mackinac to Saint Ignace and thence to Mackinac Island, I have the honor to say that the proposed cable would be of great advantage to this office in the meteorological work, affording additional facilities in giving warning of the approach of storms to shipping on Lakes Michigan, Superior, and Huron. Its importance to commerce cannot be overestimated. The establishment of display stations on the Straits of Mackinac has been requested by numerous boards of trade.

For the purchase and laying of a cable and for the construction of the necessary land line to connect old Fort Mackinac, Saint Ignace, and the island of Mackinac, for equipping the line with the necessary instruments, battery, &c., and for maintaining and operating the same for one year, an appropriation of $25,000 will be required.

I am sir, very respectfully, your obedient servant,

W. B. HAZEN,
Brig. and Bvt. Maj. Gen., Chief Signal Officer, U. S. A.

Hon. T. W. FERRY,
United States Senate, Washington, D. C.

Mr. FERRY. We are all familiar with the straits, of course, and know that the shipping from Chicago and Milwaukee passes the straits, and that shipping upward bound as well as from Lake Superior passes Mackinac Island, and in the judgment of the Chief Signal Officer it is important to the commerce of the country that there should be a signal station there, and it cannot be there in communication with the mainland without a cable. It is for that reason that I offer the amendment in good faith. It is in the interest of commerce. Vessels passing to and fro on their way to Buffalo and Cleveland, engaged in the iron trade as well as in the grain trade, pass that point necessarily and cannot get through without. There they can be signaled to their owners, and storms can be signaled, so that the interests of commerce are served.

I think the amendment is a proper one. It is a small amount of appropriation, and inasmuch as Congress has done the same thing between Newport and Block Island, I do not see why here, where great vessels pass, larger shipping, that greater interest should not be provided for as well.

Mr. McMILLAN. I raise the point of order that this amendment is not germane to the bill. This is a bill making appropriations for the improvement of the rivers and harbors of the country.

Mr. FERRY. And for other purposes.

Mr. McMILLAN. But all in the interest of commerce and navigation, and there is no authority to lay cables in a river and harbor bill.

Mr. FERRY. In the interest of commerce?

Mr. McMILLAN. In the interest of commerce in a river and harbor bill we improve the harbors and rivers; but in the interest of commerce and navigation we do not lay cables. The Signal Bureau perhaps does not feel quite so much interest in commerce as it does in the meteorological observations that its officers make, and there are a variety of other bills upon which this amendment would be germane. No doubt Congress has power to appropriate for the purpose.

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. McMILLAN. Yes, sir.

Mr. FERRY. Before the Chair announces a ruling on the point of order, I desire to correct my friend, who has the system of rivers and harbors at heart, and I commend him in it. I have stood by him all through. I think this is the only amendment that I have offered to this river and harbor bill in open session. I think I have been quite modest on that score, and I am not liable to the point of order. I would rather that the Senator should not make it on me.

The Chief Signal Officer has charge of this whole system of signals which is in the interest of commerce largely on all these lakes, as well as on the coast; and certainly it ought to come within this bill, which is in the interest of commerce, as well as the improvement of any river or harbor. It is not only to facilitate commerce but to insure its safety. What better method could be devised than this system of signaling? This is a point where vast shipping passes, and a most important point that cannot be reached except by cable.

The PRESIDING OFFICER. Under Rule 29 the Chair decides that the point of order is well taken.

Mr. FERRY. I believe on the question of relevancy the rule is mandatory that the question shall be submitted to the Senate. Will the Chair have the rule read?

The PRESIDING OFFICER. The Chair can direct that; and under that rule the Chair will submit the question to the Senate. The Chair decides that the amendment is out of order. Rule 29 provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The point of order is well taken.

Mr. FERRY. I think if the Chair will read further he will see that the question of relevancy must be submitted to the Senate.

The PRESIDING OFFICER. The Chair decides that under the same rule he must submit it to the Senate. The question must be submitted to the Senate without debate. Those who are in favor of sustaining the point of order made by the Senator from Minnesota will say "ay;" those of the contrary opinion will say "no." [Putting the question.] The noes seem to have it.

Mr. McMILLAN. I call for the yeas and nays.

Mr. FERRY. I do not think the Senate understood the question. I did not myself. I supposed the Chair put the question whether this was in order or not.

The PRESIDING OFFICER. The point of order was raised by the Senator from Minnesota that the amendment was out of order. The Chair put the question to the Senate, Is the point of order raised by the Senator well taken?

Mr. FERRY. I thought the Chair put it to the Senate, "Is the amendment in order or not?"

The PRESIDING OFFICER. The Chair will put it in that way, Is the amendment in order?

Mr. FERRY. That is it.

The PRESIDING OFFICER. The question is, Is the amendment in order?

The question being put, there were on a division—ayes 10, noes 30.

The PRESIDING OFFICER. The amendment is held to be out of order.

Mr. RANSOM. I beg leave to offer an amendment, to add to the surveys a little item for a survey in the State of Delaware that I ought to have called the attention of the committee to before, and it is my fault that I did not do it. After line 1471 I move to insert:

Leipsic River, Delaware, from the Delaware River to the town of Leipsic.

Mr. McMILLAN. It is merely for a survey.

The amendment was agreed to.

Mr. JONES, of Florida. On line 156, page 7, I move to strike out "twenty-five" and insert "seventy-five;" so as to read:

Improving harbor at Pensacola, Florida: Continuing improvement, $75,000.

Mr. President, I have never yet offered an amendment to this bill that did not have for its purpose at least the advancement of a national work. In looking over this bill and considering the number of places provided for, utter astonishment will be created when their commercial importance comes to be analyzed.

The harbor of Pensacola is unquestionably the best harbor south of the Chesapeake Bay. It has not required much. The estimate for it now does not contemplate any great gap for the sinking of the public money. I showed to the Senate the other day that in consequence of the great change in the tonnage of our ships there was a revolution in our carrying trade, and while this harbor in former years was ample for all purposes of commerce, and having a tonnage now but little below that of the largest port in the Gulf, the inconvenience to commerce arising from the little obstruction in the inner harbor has required a little aid from the Federal Government.

It is also the only naval station in the South. It is the place where we keep large supplies of stores for our Navy, where our ships of war on that frontier must enter if they enter anywhere for the purpose of supply and repair; and in consequence of the little obstruction in this harbor our flag-ship of the Gulf squadron has been compelled to pass by our only naval station in the Gulf time and again because, while she could cross the outer harbor, she could not get into the navy-yard in consequence of this little interruption in the inner harbor. Here is what the engineer says:

The inner bar across the main channel is a great obstacle to the commerce of this port, as it causes loss of time and considerable expense to vessels having to wait days, and sometimes weeks, before a sufficient depth of water on the inner bar will permit them to go to sea.

The removal of this obstruction will permit this port not only to retain its already large trade, but no doubt to considerably increase it; it will also enable our vessels of war to reach Pensacola navy-yard without detention.

Now, to give an idea of the commerce of the port, for this is no little stream, the engineer says:

Five hundred and nine vessels cleared, with a tonnage of 303,910 tons.

There is hardly another port in the Gulf of Mexico that can make that showing; and the little sum of $75,000 has been asked for as part of an aggregate of $150,000 to do this little work, to take care of this fine harbor, the best, I say, on the Southern coast.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JONES, of Florida. I do not know when a rule has been applied limiting debate.

The PRESIDING OFFICER. If there be no objection, the Senator will be allowed to proceed. The Chair hears no objection.

Mr. JONES, of Florida. If this was a huge work, contemplating the expenditure of millions, it would be another thing; but it is a substantially important improvement, necessary to be done now in order to relieve the commerce of that port. When you come to look at the tonnage of ports that have obtained millions and put them beside this they sink into insignificance. They may not be here on account of their local consequence, but I speak as respects the commerce of the country, and we have no authority to provide public money except to advance the interests of the country.

But, I think, Mr. President, I have said enough at this time to indicate to the Senate the importance of this amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida, [Mr. JONES.]

Mr. MCMILLAN. I find the amendment was offered and referred to the committee, and therefore no point of order will lie against it perhaps; but this improvement was very fully considered by the Committee on Commerce. The House allowed one-third of the amount recommended by the engineers, and that was the basis of action in framing this bill. The increase to Florida on the Saint John's River was such that the committee did not see that they could increase this item, and after full consideration the committee determined to disallow the amendment. The amount of this bill is so great that it will not do to increase it, and the committee adhere to that view, and I think the Senate should support them in that conclusion.

Mr. CALL. I think it would be very unfair to object to this increase for the port of Pensacola. Contrast it with half of the harbors appropriated for in this bill—with the port of Wilmington, with the port of Galveston, with the increase of the appropriations for Michigan, with the general provisions of this bill, and the ports in Florida have been discriminated against, and the rate of appropriation there has not been one-third of the estimates. There has been upon this bill an increase of $125,000 above the estimates in reference to the Sacramento River in California.

In reference to Wilmington the increase is $125,000, nearly two-thirds of the estimate of the engineer. If there is to be any show of reason or justice in the disbursement of this money it should be done with some regard to the equality of increase and of appropriation of the amount estimated for by the Chief Engineer.

Now, the port of Pensacola is of greater importance compared with many of these ports in the amount of its foreign commerce. I have the statistics here before me, and I do not speak with mere idle assertion as has been often done in regard to this bill. The discrimination against these ports in Florida does not concern the State of Florida so much as it concerns the thousand millions of dollars of commerce that goes along the coast of Florida. There has been an increase of two-thirds of the estimates in the amount allowed to other ports, and the amount allowed to Pensacola and the Florida ports bears no such proportion to the amount estimated for, but does not reach more than one-third, and in some cases not a tenth part of the estimate.

Let us contrast the claims of Pensacola with those of other ports. This is an important matter to us. The five-minute rule was adopted without my knowledge, and I hope we shall be allowed to say something on the subject, even though we may take a greater time than five minutes.

The port of Pensacola during the past year, according to the returns made by the Chief of the Bureau of Statistics for 1880, received foreign vessels from the Argentine Republic, Belgium, Brazil, Equador, France on the Atlantic, France on the Mediterranean, French possessions in Africa and the adjacent islands, Germany, England, Scotland, Ireland, British West Indies, Honduras, Caribbean Sea, continental Italy, Sicily and Sardinia, the Netherlands, Dutch East Indies, Portugal, San Domingo, Spain on the Atlantic, Spain on the Mediterranean, Cuba, Sweden and Norway, the United States of Colombia, and Uruguay; over five hundred foreign vessels entered and cleared at the port of Pensacola; $2,000,000 and upward of American exports were exported from the port to European and other countries and exchanged for gold.

In the number of vessels the port of Galveston does not exceed the port of Pensacola much over twice, say three times. The appropriations for Galveston are some $300,000, taking them all together. The appropriation for Wilmington was increased $125,000 in the Senate, and there is not half that difference in the foreign trade of Pensacola and Wilmington. The fact is that the foreign trade of Pensacola approaches that of Wilmington, if it is not as great or greater. I have the figures before me, but have not time to read them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JONES, of Florida. It far exceeds Wilmington.

The PRESIDING OFFICER. Will the Senate consent that the Senator from Florida may proceed with his remarks? The Chair hears no objection.

Mr. CALL. I hope that inasmuch as the river Sacramento in California has been increased $100,000 above the estimate of the engineers, not here increased, but so reported in the House, some portion of the increase above the estimates of the engineers allowed by the committee in other States may be given to the foreign commerce of this country. This bill appropriates about $4,000,000 to the foreign commerce of the United States, about $7,000,000 to the Mississippi and its tributaries and its reservoirs, and the balance of this large sum of money to the little rivers and streams throughout the country, while Florida, with her fourteen to fifteen hundred miles of coast and her thousand million of dollars of commerce going around along her coast, receives—what? The sum of $320,000, or one-seventh or one-tenth of the amount estimated by the engineers, while other places are provided for in this bill above the estimates of the engineers. Wilmington has $125,000 added. The estimate, if I am not mistaken, was $300,000. The House put it at $100,000; $125,000 increase is made here, so that it is $225,000 in the bill now.

Mr. MCMILLAN. I wish to state to the Senator from Florida that in regard to the Sacramento River there was a special report from the War Department making the estimate $500,000.

Mr. CALL. Then $225,000 is half even of the special report which has come in here within a few days, and without being put on the general report.

I ask, then, Mr. President, that for the port of Pensacola, which is a naval station, which is a rendezvous for all the large vessels in the Gulf, which exports $2,000,000 of gold value every year, which is connected by rail with the coal-fields and the mineral region of Alabama, where the report of the engineer shows that the naval defenses actually demand and are being injured for the need of adequate appropriation, that this little sum amounting to $50,000 shall be appropriated in the interest of the commerce of the nation and for its naval and military defenses.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida, [Mr. JONES.]

The amendment was agreed to; there being on a division—ayes 33, noes 10.

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GEORGE. I offer the following amendment——

Mr. CONGER. There was a call for the yeas and nays on the Pensacola amendment.

The PRESIDENT *pro tempore*. The Senator just occupying the chair said there was not a sufficient number rising to second the call.

Mr. CONGER. I heard no call for a showing of hands on that. I should like to have the question put.

The PRESIDENT *pro tempore*. The vote can be taken again in the Senate. The recent occupant of the chair says there were not a sufficient number up to second the call for the yeas and nays.

Mr. CONGER. If this is a precedent, we shall hardly ever reach a time when we can vote on this amendment in the Senate.

The PRESIDENT *pro tempore*. But the recent occupant of the chair stated that there were not a sufficient number up.

Mr. CONGER. But I make the statement that I heard no call for a second for the yeas and nays. The occupant of the chair then was leaving it, and the present occupant of the chair was approaching it.

The PRESIDENT *pro tempore*. The present occupant of the chair will decide according to what his predecessor has stated.

Mr. FARLEY. I wish to state that I called for a second and I only noticed three hands up; there were not one-fifth of the Senators present seconding the call for the yeas and nays.

Mr. GEORGE. I now offer my amendment. After line 627, page 26, I move to insert:

For improving Big Black River in Mississippi, from its mouth to the point in Madison County where the Chicago, Saint Louis and New Orleans Railroad crosses the river, $10,000.

I desire to say simply in favor of the amendment that it is less than one-third of the estimates of the engineer; that the river is susceptible of improvement, and that it runs through a rich and well cultivated country. It never has had a dollar from the Government. I do not know why the amendment was rejected by the Committee on Commerce. It is certainly a river that needs the appropriation, and deserves it as much as any river that is appropriated for in the bill.

Mr. MCMILLAN. If every item embraced in the volume of recommendations of the Chief of Engineers were inserted in this bill, there would be an appropriation bill here of about $75,000,000. I trust the Senate will not change this bill by adding to the bill as it now stands.

Mr. GEORGE. I should like to know why the appropriation was rejected by the Committee on Commerce. The river is a navigable stream, which runs through a rich and well cultivated country, and over which has been shipped, and would be shipped now with a little improvement, a large amount of cotton and other products. I should like the Senator to inform me why this river was rejected, while others were included that are smaller?

Mr. MCMILLAN. The House refused to insert this improvement in the bill, and when the bill came to the Senate the amendments offered by the Senator from Mississippi were very fully considered, and those that we thought were of the most urgent necessity were allowed, and this was not deemed such, and the committee thought they must refuse the amendment.

Mr. GEORGE. They allowed one-half of what I asked for in the amendment for the Bay of Biloxi, and what I asked was about one-third of the estimate of the engineer. So I get about one-sixth of that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Mississippi, [Mr. GEORGE.]

The question being put, there were, on a division—ayes 28, noes 18.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I have voted with the chairman of the Committee on Commerce on this bill right along, and it does seem to me that if we are going to close it, it is about time that amendments which are merely supported because they are reported favorably by a board of engineers should stop. The most painful bill that can be considered in the Senate is the river and harbor bill, because everybody interested in a proposition is expected by his constituents to get all the money he can. There is always three or four times as much estimated for by the engineers as can possibly be appropriated. There must be an end some time to the adoption of these amendments.

Mr. GEORGE. Do not make the end right here after passing the others.

Mr. SHERMAN. I have been telling my friend from Minnesota occasionally that he ought to get angry, that he ought to swear a little, do something or other to show that he is tired out; and I know he is. Now, it seems to me that Senators must have a little forbearance and let him off. This is the last day he has to act on the amendments to this bill, and it does seem to me that after the committee have gone over the labor that this Committee on Commerce have, with seventy-odd millions of estimates of appropriations and three volumes of these estimates, now to have to fight all over again all these various amendments merely because he cannot possibly give more than one-third of the estimates is a labor that he ought to be relieved from. It seems that there are now twenty millions on this bill, which is ten millions more than any river and harbor bill I ever knew of before. What is the highest one?

Mr. HAWLEY. Eleven millions.

Mr. SHERMAN. This is twice as much as any river and harbor bill passed heretofore. It seems to me we had better let up on the Senator from Minnesota; let him have his bill, and take the chances next year and be a little earlier in getting before the Committee on Commerce with your estimates, and making there your speeches about the local importance of these very important navigable rivers that I must confess I never heard of till I read the bill.

I hope the Senate will come to a vote on the bill. I shall vote with the chairman against every appropriation if he will get a little out of patience about it, show a little more temper and a little more determination to close the matter. I shall vote with him on any question if he requires me to do so.

Mr. LAMAR. I concur with the Senator from Ohio that there ought to be a limit to the appropriations for the improvement of rivers and harbors. Applying his rule, what discrimination ought to be made? I think he has not very judiciously timed his suggestion in applying it to the amendment offered by my colleague. This river is a navigable river, and it runs through a very important part of the country. The commodity which it bears to market and the centers of trade constitute largely the basis of our foreign commerce. It is no insignificant stream, but a large river, and I regret very much that the Senator's zeal for economy comes in just at this point.

The Principal Legislative Clerk proceeded to call the roll.

Mr. PLATT, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] How he would vote on this particular amendment I do not know, and therefore I withhold my vote. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. ROLLINS. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Louisiana, [Mr. KELLOGG.] The Senator from Connecticut [Mr. PLATT] announced his pair with the Senator from North Carolina.

Mr. PLATT. I can only say that the Senator from North Carolina came to me and said that he was necessarily compelled to leave the Chamber, and inquired of me how I should vote on this bill, and I told him I should vote against it. He said he wanted to pair with me on this bill as he was in favor of the bill, and I made the pair with him, and I must respect it.

Mr. RANSOM. That is a very reasonable pair on this bill, for it is known that my colleague [Mr. VANCE] is for it, and the Senator from Louisiana [Mr. KELLOGG] is for it. Hence it was very proper for my colleague to pair with a gentleman who was opposed to the bill.

The result was announced—yeas 32, nays 21; as follows:

YEAS—32.

Allison,	Davis of Illinois,	Johnston,	Pugh,
Bayard,	Garland,	Jones of Florida,	Ransom,
Brown,	George,	Lamar,	Saulsbury,
Butler,	Grover,	McDill,	Saunders,
Call,	Hampton,	Maxey,	Slater,
Camden,	Harris,	Morgan,	Van Wyck,
Cameron of Pa.,	Ingalls,	Pendleton,	Voorhees,
Chilcott,	Jackson,	Plumb,	Walker.

NAYS—21.

Aldrich,	Dawes,	Jonas,	Sherman,
Anthony,	Farley,	McMillan,	Vest,
Beck,	Ferry,	Mitchell,	Williams.
Blair,	Frye,	Morrill,	
Coke,	Harrison,	Rollins,	
Conger,	Hawley,	Sawyer,	

ABSENT—23.

Cameron of Wis.,	Groome,	Kellogg,	Miller of N. Y.,
Cockrell,	Hale,	Lapham,	Platt,
Davis of West Va.,	Hill of Colorado,	Logan,	Sewell,
Edmunds,	Hill of Georgia,	McPherson,	Vance,
Fair,	Hoar,	Mahone,	Windom.
Gorman,	Jones of Nevada,	Miller of Cal.,	

So the amendment was agreed to.

Mr. BUTLER. Is the Senator from Minnesota, the chairman of the committee, going to try to get a vote on the bill to-night?

Mr. MCMILLAN. I desire to have the bill disposed of, and I trust Senators will withhold further amendments and let us get through with the bill.

Mr. VAN WYCK. The Senate seems to think differently and to approve the amendments that are offered.

Mr. GROOME. I offer the following amendment, to be inserted after line 985:

Improving Elk River, Maryland: Continuing improvement, $13,600.

Mr. President, the stream for which it is proposed by this amendment to make an appropriation is that upon which the town in which I reside is situated. That town is the county-seat of Cecil County, which county in population, in taxable wealth, and manufacturing industries is the chief of the nine counties which make up what is known as the Eastern Shore of Maryland.

In the town is a large establishment for the manufacture of artificial fertilizers. In its immediate vicinity are large mills for the manufacture of iron and of cotton goods, and the mills which make the paper that is used in printing the Baltimore Sun, the Philadelphia Ledger, and the Philadelphia Record. There are besides smaller manufacturing establishments.

Already, since I have been a member of this body, two appropriations have been made for this stream, and the object of the appropriation now asked for is to complete its improvement in accordance with the engineers' recommendations. The result of the appropriations already made has been to add very largely to the water traffic of that town and its vicinity; and at its wharves, which before had become almost useless except for the class of very small vessels which traffic during the summer in vegetable produce, and in the winter in oysters, vessels can now be seen very frequently of considerable size receiving and discharging their cargoes. Another result has been that a competition has arisen between water and railroad traffic which has already caused a reduction of freights, and a consequent great advantage to the people of that town and vicinity, which will be largely enhanced when the improvement to that stream is completed.

This amendment was sent to the Committee on Commerce, but owing to the facts of the case not being fully understood by that committee it did not receive favorable action. I know from conversations with individual members of that committee that had they understood the facts as they now understand them and as the Senate understands them after the statement I have just made, that committee would have acted favorably on the amendment. I hope, therefore, that it may pass without any opposition.

Mr. MCMILLAN. I must ask the Senate to vote down the amendment. This is the whole amount embraced in the report of the engineers, $13,600. As I said, if the Senate will go on and put amendments of this character upon this bill and of this amount, the bill will certainly meet with the condemnation of the people generally. The Senate has added whatever has been asked, and it is evident that those who are opposed to the bill are about as desirous of having these amendments granted as are the members of the Senate who propose the amendments. I trust the members of the committee and of the Senate who sustain the bill will vote against the amendment.

Mr. GROOME. It is true this is the whole amount which the engineer estimates will be required for the completion of the work, but it is also true that it is but a small amount, and that not one dollar has been put into this bill by any amendment sent by me to the committee or by any amendment offered by me in the Senate, and that this is the only appropriation which I am now urging shall be added to the bill. Where I have been disappointed in the committee's action I have not, except in this instance, made any effort to reverse it.

I certainly think that in view of the fact that the appropriation asked is for a stream running up to my own town, in view of the fact that the amount asked is a small one, and in view of the fact that the improvement is already nearly completed——

Mr. MCMILLAN. I think the Senator has addressed the Senate once.

Mr. VAN WYCK. I trust there will be no objection to the Senator from Maryland being fully heard.

Mr. GROOME. I am satisfied that I have not occupied the five

minutes allowed to each Senator. I was about to say when interrupted that in view of the further fact that if the appropriation needed to complete the improvement is not all made in one year, the ultimate expense of the improvement will be increased, that I trust the Senate may have no hesitation in adopting the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. GROOME.]

The amendment was agreed to; there being on a division—aye 25, noes 19.

Mr. VAN WYCK. I trust now that my friend, the chairman of the committee, will make no further objection to these small amendments, because in fact the real merit of this bill is in the small amendments that are being put upon it now.

Mr. ALLISON. I desire to make a little correction in reference to the surveys that were ordered for the Illinois and Michigan Canal and the Hennepin Canal by transposing the appropriating part. It is now in the middle of the provision whereas it ought to be at the end.

The PRESIDENT *pro tempore*. If there be no objection that transposition will be made.

Mr. ALLISON. I have changed the phraseology, but not so as to alter the sense.

Mr. CONGER. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out lines 1194 to 1200, inclusive, in these words:

That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River at or near the town of Hennepin with the Mississippi River, at or above the city of Rock Island, and the branch thereof.

And at the end of the last amendment adopted relating to the Hennepin Canal to add:

And for the purposes of this paragraph the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. PENDLETON. I suggest to the Senator from Iowa that while he is making the amendment there, he strike out the words "and locate," which was declared out of order the other day but afterward other words were stricken out so as to make it proper. These words should come out.

Mr. ALLISON. I trust the Senator will not complicate this matter with that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa, [Mr. ALLISON.]

Mr. INGALLS. What is the language that this is to apply to? What is the paragraph? Let us hear the paragraph that it applies to. I should like to know something about it.

The Principal Legislative Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convient point on the main line of said canal. Said canal and said branch shall not be less than 70 feet wide at the water-line, and not less than 7 feet in depth of water, with locks not less than 150 in length and 21 feet in width, and with a capacity for vessels of at least 280 tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys. The cost of construction, the annual cost of maintenance, and the economy of use of said canal when completed, shall be estimated and accompany said surveys.

And the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal, connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and of the construction of the canal between Hennepin and the Mississippi River and the right of way therefor, and for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lakes at Chicago.

Mr. INGALLS. What I want to know is whether the transposition of the appropriating clause changes the duty of the Secretary of War in regard to both those projects?

Mr. ALLISON. The Senator will remember that the Senator from Illinois offered his amendment with reference to a survey of the Illinois and Michigan Canal; and it was inserted after the appropriation instead of before the appropriation. I simply now wish to have the appropriation inserted at the proper place, as it was understood at the time it was adopted.

Mr. INGALLS. So that it applies to the survey of the entire work between the Mississippi River and Chicago?

Mr. ALLISON. That is the object of it, to make a thorough survey of the whole work.

The amendment was agreed to.

Mr. GROOME. I offer an amendment which only provides for a survey, to come in after line 1233:

Wetipken Creek, Maryland.

Mr. McMILLAN. That is in the wrong line.

Mr. GROOME. Any other place the chairman prefers will be acceptable to me.

Mr. McMILLAN. Put it after line 1539.

Mr. GROOME. Very well.

The amendment was agreed to.

Mr. CALL. On line 149, page 7, I move to strike out "fifty" and insert "one hundred;" so as to read:

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $100,000.

Mr. McMILLAN. I must ask the Senate to vote this down. All the appropriations have been made in the State of Florida that ought in reason to be made. This improvement is of a proper character for an appropriation, but if you make any appropriation at all it ought to be for one far greater than that. The $50,000 in the bill will do all the good that the larger sum will. I hope the Senate will vote this down. If they do not I take it that they want to load this bill for the purpose of defeating it.

Mr. JONES, of Florida. I do not want to load this bill down.

Mr. McMILLAN. That is the result.

Mr. JONES, of Florida. If there had been any regard paid by the committee to the board of engineers whose authority has been invoked so much, a proper appropriation would have been made. There has not been a case presented here that is to be compared with this. It was stated the other day by the Senator from Michigan [Mr. CONGER] a member of the Committee on Commerce, that the board of engineers was the authority that was to be observed. Now look at these appropriations. I have got the figures here to show what has been done in nearly every place for which an appropriation has been made, and this stands a conspicuous exception to them all.

Place.	Estimate.	Appropriation.	Percentage.
Portland	$110,000	$35,000	32
Portsmouth	55,000	17,000	31
Boston	96,500	96,500	100
Providence	100,000	125,000	125

Mr. ANTHONY. There was a supplemental report in the case of Providence.

Mr. JONES, of Florida. I go on.

Place.	Estimate.	Appropriation.	Percentage.
New York	$360,000	$260,000	72
Philadelphia	383,000	276,000	72
Baltimore	900,000	450,000	50
Norfolk	93,000	75,000	80
Wilmington	300,000	140,000	43
Charleston	750,000	300,000	40
Savannah	350,000	200,000	57
Cumberland Sound, or Fernandina	500,000	50,000	10

There is no other case in the whole bill where it only appropriates 10 per cent. of the amount recommended. That is all the bill does for this extensive harbor which, in a military and naval point of view, is most important, as well as commercially, having had five hundred ships there this last season and a tonnage nearly equal to that of Charleston, according to the statement of the engineers. Wilmington has a tonnage according to this of 227,102 tons; Charleston, 511,209; Savannah, 626,829; Fernandina, 300,642; Jacksonville, 165,000; Pensacola, 303,910; Mobile, 87,422; Galveston, 530,338. This is the commercial tonnage of these places. Surely, upon every consideration, there was no reason in the world, according to the tonnage, the wants of the port, and the necessities of the public, and the recommendation of the engineers, for making the allowance of Fernandina of only 10 per cent.; it stands there as a conspicuous exception to all the appropriations in the bill.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. VEST. I just want to say a word, and I may as well say it here as anywhere. It is perfectly useless to enter into any contest as to any individual appropriation. It is very evident that each appropriation is, in the view of its mover, the most important and is absolutely essential to the general welfare of the whole country. I do not propose to go into any discussion of an individual case, but I appeal to the instinct of self-preservation of every Senator; if we desire to pass this bill at all we must stop somewhere. If we go further we imperil the whole bill and every portion of it, and it will inevitably fail all together. We have now swollen it enormously. It is the most liberal, and according to the general opinion of the country, the most exorbitant river and harbor bill ever enacted by Congress; and if we continue to listen to individual appeals there is no end to it, and the inevitable result will be the failure of the entire measure.

I have got another word to say in all candor to my friends from the South. No gentleman here will doubt my affection for that section of the country; and if any one does doubt it, no expression of

mine could add to the evidences which my past life has given. A large portion of these appropriations go to the South, and I say to Senators from the Southern States that we must stop somewhere. If we add amendments swelling the appropriations to the Southern States there can be but one end, and that will be a rejection of all applications hereafter. Therefore I appeal to Senators to vote down this and every other amendment; let us stop where we are, and not endanger the whole measure by listening to impassioned appeals in favor of localities and sections.

Mr. VAN WYCK. Mr. President, I fail to see the force of the admonition given by the chairman of the committee and the other member of the committee who has just taken his seat. We are told that the instinct of self-preservation requires the defeat of all amendments. Self-preservation of whom? Self-preservation of what? I do not understand the force of that argument. We are told that we must vote down amendments, however meritorious, however proper they may be, in the interest of self-preservation. A strange argument! The gentleman says we load the bill too heavily. Another strange argument! Why should not a proper amendment be placed here? Gentlemen ought to have thought of the heavy load of this bill when they were considering it in the Committee on Commerce.

Mr. MCMILLAN. So we did.

Mr. VAN WYCK. And the trouble is that you loaded it as you did and you put too much load in one end; it does not hang even. That is the trouble. The Senate is trying to equalize the thing and very properly, because it is all on the principle my friend speaks of, the instinct of self-preservation. Nothing is done with this bill in the committee or in the Senate except on that pretense. The Senator spoke properly when he said "self-protection," and the gentlemen of the committee thought they had gone far enough to protect themselves against raiders on the floor of the Senate.

Certainly my friend from Minnesota was desirous to place the great rivers of the West under the control of the Mississippi River commission; and yet after that was provided for, he was very particular in this bill, which he has brought in, to individualize when, where, and how, the other million and a-half should be spent from Cairo up to the source of the Mississippi River, and he asked this body to make specific suggestions. That has evidently been the course of the committee in this matter. I speak nothing in reproach.

Mr. MCMILLAN. The Senator will bear in mind——

Mr. VAN WYCK. I only want to bring before you the sort of administration we have of these matters.

Mr. MCMILLAN. The Senator evidently has not examined the bill, because there was no amendment to that appropriation made by the Senate Committee on Commerce.

Mr. VAN WYCK. It did not need any amendment, because it was all arranged in committee. That had the whole power in this matter. I say that for the Mississippi River up to Cairo there was $5,000,000 in the bill that he was willing to leave in the hands of the Mississippi River commission. At the same time that you were giving the river commission the power to bury the millions you are appropriating to them the Senate thought you might as well bury $10,000 on Black River, Mississippi, and that is the only reason I had for voting for that amendment. You might as well bury $10,000 in Black River Swamp, in Mississippi, as $4,000,000 or $5,000,000 on the banks of the Mississippi, as you may do by this river commission of yours. Five million dollars is appropriated for the Mississippi River to Cairo, $600,000 from Cairo to the Illinois River, $200,000 from the Illinois River to Des Moines Rapids, and so they go tramping along every mile of the Mississippi River, and they designate how it shall be spent after they get out of the hands of the Mississippi River commission down at Cairo.

Mr. MCMILLAN. That is the House bill.

Mr. VAN WYCK. No matter; it came from your committee in that shape; you approved it, did you not? Two hundred thousand dollars is appropriated from the Illinois River to the Des Moines Rapids; then for improving Des Moines Rapids, to be spent in Iowa and Illinois, $30,000; then for a dry-dock at Des Moines, $30,000; from Saint Paul to Des Moines Rapids, $250,000, $15,000 of which is to improve the channel and banks of the river on the west side of Saint Paul. They are very particular to designate how it shall all be spent there. Then above the Falls of Saint Anthony $10,000 is appropriated; improving the Upper Mississippi River, snag-boats, $25,000, making $345,000 without adding the $600,000 from Cairo to the Illinois River. Then for reservoirs at the headwaters of the Mississippi $300,000 more is appropriated, making nearly a million and a half dollars.

Gentlemen ought to have thought of lightening the load when these appropriations were made. That would have been the time to have done it. I suppose if we can get the appropriations equalized properly, so that they will not careen too much to one side, I may be able to vote for this bill; but I want to say here why I propounded the question to my friend whether the $5,000,000 was to be spent in carrying out the scheme of the Mississippi River commission. I have faith in the members of that body as men, but I have no faith in them as a commission, and I think the gentleman will agree with me.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. VAN WYCK. One word more. ["No!"]

Mr. VEST. A single word in reply to the Senator from Nebraska, whose style of oratory I do not propose to emulate, nor his criticisms on the bill. The Senator speaks of raiders. He made a raid on the bill this morning with his colleague——

The PRESIDENT *pro tempore*. Will the Senator suspend one moment? The Chair does not know whether the rule adopted, like the Anthony rule, is that a Senator shall speak but once and for five minutes only.

Mr. MCMILLAN. That was expressed.

Mr. VEST. I yield to the chairman of the committee.

Mr. VAN WYCK. I trust unanimous consent will be given.

The PRESIDENT *pro tempore*. Five minutes are allowed to each Senator on each amendment.

Mr. VEST. The Senator from Nebraska speaks of raids and raiders. He made a raid on this bill this morning and undertook to divert $400,000 of the appropriation for the Missouri River to local appropriations for the State of Nebraska, and he was unsuccessful in it. The result is that the Senator now indulges in an extraordinary philippic and diatribe against the entire bill.

Mr. VAN WYCK. I say to the Senator that I shall probably not have an opportunity to answer him now, but I will do so on the next amendment.

Mr. VEST. The Senator can speak at any length, but, Mr. President, the Senator now attacks the Mississippi River commission and what he terms the scheme of the Mississippi River commission. It has been but a very few days since a separate bill passed the Senate with an appropriation of $5,000,000 for the Mississippi River and $1,000,000 for the Missouri, and that bill passed unanimously and received the support of the Senator from Nebraska, and the Senator was on the committee that reported it.

Now, when he answers me on the next amendment let him put that in with the balance of items in his reply. A change has come over the spirit of the Senator's dream as that which fell on Saul of Tarsus, as we read in Sacred Writ. He changed. When did the Mississippi River commission become so unreliable, when it has been barely two weeks since the Senator, so far from opposition on his part, with his indorsement and his report gave $5,000,000 to the Mississippi, to be expended *ad libitum* by the Mississippi River commission, according to their report and according to their plans.

Sir, I have nothing else to say in regard to it. If the Senate sees proper to load this bill down and destroy it, let it be done. There is no appropriation in it put on by me as a member of the Committee on Commerce in the interest of the State of Missouri or any portion of it. I only asked, as my colleagues on the committee will testify, that the increase should be upon the Mississippi and the Missouri Rivers and in and upon the Missouri River, in which the Senator from Nebraska is as much interested as myself, and his State as my State; all I asked was that that appropriation should be under the control of the board of engineers, without one word from me. I put in no appropriation; I took the bill as it came from the House; I asked nothing for any portion of the State of Missouri. I do ask now that this bill shall not be butchered here by putting on appropriation after appropriation until the great objects in the bill, the national objects of it, shall be loaded down and defeated.

Mr. SAUNDERS. I hope the commission will do justice to this appropriation and to the work proposed. I do not think I know any of the men that compose the commission; the only one I did know I understand has resigned; but one thing is strange to me. The very place where this commission should be posted, the very place where they should understand what they want to do, is the Mississippi, because they have given more attention to the Mississippi than they have to the Missouri River, as every Senator here knows. Now, on the Mississippi, as has been stated by my colleague, and as the bill shows for itself, point after point and place after place is named, and the amount fixed that shall be expended at each; but when it comes to the Missouri River, where they know nothing about it more than they do of the geography of the moon, we cannot get any place named; we must take our chances.

They say to us, "We, the commission of the Missouri River and the Mississippi River, will fix it to suit ourselves." I think it is a little strange that at the very place where they should be posted, and at the very place where they ought to understand the amount of work to be done, they are limited by this committee, and on the stream they do not know anything about we cannot have a place named in the bill. I must say that I am a little astonished at the action of this committee, and I am free to say it.

Mr. BUTLER. It is perfectly obvious that we are not going to get through with this bill to-night.

Mr. MCMILLAN. I think we can.

Mr. BUTLER. So it looks to me. We are going to stay here until the middle of August, and we might as well discuss this as anything else. I do not see any necessity of punishing ourselves in this hot weather. If the chairman of the committee will permit it, I will move an adjournment.

Mr. MCMILLAN. I hope the motion will not be made. If we are not ready to take the vote on this amendment, I shall move to lay it on the table, and any amendment offered to the bill I shall move to lay on the table hereafter.

Mr. BUTLER. After the bill gets out of Committee of the Whole, it will be open to amendment in the Senate.

The PRESIDENT *pro tempore*. Does the Senator move an adjournment?

Mr. VAN WYCK. Let another amendment or two be acted on to-night.

Mr. BUTLER. I move that the Senate adjourn.

Mr. McMILLAN. I hope the Senate will vote down the motion. We can finish the bill soon.

The motion to adjourn was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida, [Mr. CALL.]

Mr. McMILLAN. I move to lay the amendment on the table.

Mr. JONES, of Florida. I hope at this late day no such motion as that will be made after the discussion here, particularly by the chairman of the committee.

Mr. McMILLAN. Is the motion debatable?

The PRESIDENT *pro tempore*. It is not.

Mr. JONES, of Florida. The Senator from Minnesota took up a whole hour debating the Mississippi matter this morning. After that I do not think he should bring the previous question of the Senate to bear on my colleague.

Mr. McMILLAN. Is the Senator from Florida in order?

The PRESIDENT *pro tempore*. The Chair recognizes him as begging the Senator from Minnesota to withdraw the motion.

Mr. JONES, of Florida. I will not beg; but having taking up so much time himself, I do not think the Senator ought to make the motion.

Mr. CALL. I submit to the Senator from Minnesota that it is not fair. I want to say something to the Senate upon this amendment.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist upon his motion?

Mr. McMILLAN. I insist upon it.

Mr. INGALLS. It is evident that the merits of this bill are not definitely understood by the Senate, and that debate is far from being exhausted. In order to enable the Senator from Florida to submit what remarks he desires upon his amendment, I move that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. On that motion the Senator from Florida can be heard for five minutes.

Mr. CALL. Mr. President, the amendment, I will state to the Senate, is one that ought not to be objected to by the chairman of the committee. I have sustained the principle of the bill. I am in favor of appropriations for rivers and harbors and for the Mississippi River, not knowing that any question of the South or the North was involved in it. I have sustained the bill upon principle. I would not vote for a dollar in the bill if I did not believe that the commercial interests, foreign and interstate, demanded it. The Senator from Missouri can easily kill the bill by continuing the policy upon which its distribution of the appropriation is founded. Appropriations made without the sanction of the Department of Engineers, appropriations made without reference to the foreign commerce of the country, or the importance of the ports for which it is given; appropriations made for little streams, however worthy of improvement, for which $125,000 and $130,000 and $225,000 are appropriated in this bill by the committee, while the ports of the foreign and coastwise commerce of the country are put off with 10 per cent. of the estimates, and while the most important and the only easily accessible port on the South Atlantic coast as a harbor of refuge for the thousand million dollars of commerce going out and in, and that passes within sight of it every year, with $500,000 recommended by the engineers as the least available appropriation, is discriminated against in the bill and only 10 per cent. of the amount of the estimates allowed.

No Senator, no member of this committee, can give a sound or even plausible reason in defense of this distribution of the appropriation made by this bill. It has not even a plausible pretense of being in any way connected with the real interests of commerce either foreign or domestic.

Sir, there is no principle in such a bill. It is a simple giving from one to another without reference to the public interest and without reference to the authorized reports of the engineers. It would be a hardship upon the country to deprive the rivers and harbors of the country of the appropriations which ought to be made in the bill, but there can be no defense of the policy upon which the bill has been framed, and if it should fail for this reason the committee who reported it must bear the responsibility of the failure.

The facts are that the Chief Engineer has reported $500,000 as the least available sum for the port of Fernandina. Its intercourse with the ships of foreign nations and with the coastwise trade of this country is third and fourth to the most important ports, after New York, Baltimore, Philadelphia, Norfolk, Boston, Galveston, Charleston, Savannah, and New Orleans. More ships, both with cargoes and in ballast, some in distress and others sailing along the coast, are compelled to make a harbor for temporary purposes at Fernandina than any other port after those great places. The Chief of the Engineer Department has reported to Congress that the bar is being filled, becoming inaccessible to large ships, the fortifications there being encroached upon, and that $500,000 is the least available sum.

The chairman of the committee cannot deny these facts, and he cannot deny that the sum for Wilmington has been increased $125,000, over two-thirds the amount estimated for this year; and Galveston and all the ports upon the lakes have been largely increased, and the discrimination has been made against the estimates of the engineers in Florida by giving only 10 per cent. of the estimate in this instance.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. INGALLS. The five-minute rule does not apply to the pending motion but only to amendments.

The PRESIDENT *pro tempore*. It applies to the whole bill.

Mr. McMILLAN. I understood it to apply to the whole bill.

Mr. INGALLS. I understood it to apply to amendments.

The PRESIDENT *pro tempore*. The Chair decides from what he has learned (he was not here at the time) that it applies to the whole bill.

Mr. INGALLS. I appeal from the decision of the Chair, and I ask that the record be read.

The PRESIDENT *pro tempore*. The Senator from Kansas appeals from the decision of the Chair.

Mr. ROLLINS. The Senator from Iowa stated distinctly that it applied to the whole bill.

Mr. VAN WYCK. I trust unanimous consent will be given to the Senator from Florida to proceed.

Mr. ANTHONY. I think that if the Reporter will look at his notes——

The PRESIDENT *pro tempore*. They have been sent for.

Mr. ANTHONY. They will show that this limitation of debate was applied to the whole bill.

Mr. INGALLS. The bill is not under discussion. It is a motion to indefinitely postpone the bill that we are discussing.

Mr. ANTHONY. That opens the whole subject for debate.

Mr. INGALLS. Certainly.

Mr. ANTHONY. The Senator from Iowa moved that the five-minute rule be applied to the pending amendment.

"The whole bill" was heard from various parts of the Senate, and the suggestion to include the whole bill was agreed to.

Mr. INGALLS. This is not the bill, but a motion to postpone indefinitely.

Mr. ANTHONY. That involves the whole bill.

The PRESIDENT *pro tempore*. A motion to indefinitely postpone the bill involves the whole subject-matter.

Mr. CONGER. The rule says:

> And each Senator shall be entitled to speak once and for five minutes only upon any question.

It does not say upon laying on the table or postponing.

Mr. INGALLS. What rule does the Senator quote?

Mr. CONGER. The Anthony rule.

Mr. INGALLS. We are not acting under the Anthony rule.

Mr. CONGER. We are acting under the Anthony rule, I think.

Mr. INGALLS. I appeal from the Senator from Michigan. We are acting under a special motion, and not under the Anthony rule.

Mr. HARRIS. Was there an appeal from the decision of the Chair?

The PRESIDENT *pro tempore*. Yes, sir. The Senator from Kansas appealed from the decision of the Chair. Will the Reporter read what occurred?

Mr. MORGAN. I desire to say this: I was not in the Senate today when this rule was adopted; and it took me very much by surprise when I understood that the rule of five minutes' limitation of debate had been adopted. On coming into the Senate I saw some of my friends on the floor, and went to the chairman of the committee and suggested to him that perhaps it would not be fair to have this bill disposed of in this summary way. It is a bill that has too much importance attached to it, it is too new in many of its features for the country to be compelled to receive it under a cloture, something that shuts out any debate. I submit to the chairman of the committee if he wants his bill vindicated, if he wants the principle on which it rests fairly to go before the country, if he wants this new and enormous appropriation placed upon grounds that may justify it in the estimation of the people, it would be very well indeed to dispense with that rule.

I had prepared a few observations upon one point of the bill only, which perhaps would cover twenty minutes for their delivery; and in order that they might be as brief as possible I wrote them out. I would desire an opportunity to submit those remarks to the Senate when we get the bill into the Senate.

Every Senator here has a right to demand a separate vote in the Senate on each one of these amendments, and if your debate of five minutes applies to each one of the many amendments to this bill we can easily occupy time from now until to-morrow morning in debating it.

I think there are perhaps very few Senators who wish to make any general observations on this bill, and I think the committee would do itself justice and the Senate and the country justice by not compelling an application of the five-minute rule to general debate on the bill after it comes into the Senate.

The PRESIDENT *pro tempore*. The question is on the appeal from the decision of the Chair, that the five-minute rule applies to the motion of the Senator from Kansas.

Mr. INGALLS. Let us hear the agreement that was made read.

The PRESIDENT *pro tempore*. The Reporter will read his notes of what occurred in regard to the application of the five-minute rule.

Mr. T. F. SHUEY (assistant to the Official Reporter) read from his short-hand notes as follows:

> Mr. ALLISON. I ask unanimous consent to apply the five-minute rule to this proposition.
>
> Mr. FRYE and others. To the bill.
>
> Mr. ALLISON. I will say the bill.
>
> The PRESIDING OFFICER (Mr. FARLEY in the chair.) The Chair hears no objection.
>
> Mr. SHERMAN. Let it be announced from the Chair so that everybody will understand it.

Mr. ALLISON. I ask unanimous consent to apply the five-minute rule of debate to this bill.

The PRESIDING OFFICER. The request has been made that the five-minute rule shall be enforced in the further discussion upon this bill. Is there objection?

Mr. ANTHONY. That involves the right of each Senator to speak but once, I understand?

Mr. ALLISON. Whatever the rule is.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The PRESIDENT *pro tempore*. Those who are in favor of the decision of the Chair standing, notwithstanding the appeal, will say "ay"——

Mr. CALL. I submit whether the rule of the Senate would not be abrogated as respects the members of the Senate not present by a suggestion of that character?

Mr. HARRIS. There is no question about that. Let this question be decided, and I think the Senator from Florida will have an opportunity to be heard.

The PRESIDENT *pro tempore*. Shall the decision of the Chair stand notwithstanding the appeal? [Putting the question.] The ayes have it, and the decision of the Chair stands as the judgment of the Senate.

Mr. HARRIS. I ask the unanimous consent of the Senate to hear the Senator from Florida.

Mr. McMILLAN. I am compelled to object, in order to get the bill disposed of.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill. The Senator from Florida has spoken five minutes.

Mr. VAN WYCK. I desire to be heard just a moment on this matter.

Mr. ALDRICH. I rise to a question of order. Under the forty-third rule a motion to lay on the table takes precedence of a motion to indefinitely postpone.

The PRESIDENT *pro tempore*. The motion is to postpone indefinitely the whole bill.

Mr. ALDRICH. I understand that if a motion to indefinitely postpone could be made pending a motion to lay an amendment on the table, it would open the question for discussion, and the very object of the rule would be defeated. We might as well abolish the rule if, pending a motion to lay on the table, any Senator can make a motion to indefinitely postpone the bill and go on and discuss the question. I submit to Senators that the object of the rule was to cut off debate, otherwise there is no use in having a motion to lay on the table.

The PRESIDENT *pro tempore*. The Chair sustains the point of order made by the Senator from Rhode Island.

Mr. INGALLS. That a motion to lay an amendment on the table takes precedence of a motion to indefinitely postpone the bill?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ALDRICH. There is no qualification of the rule.

Mr. INGALLS. My amazement is unbounded.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to lay on the table the amendment of the Senator from Florida.

Mr. CALL. I rise to a question——

The PRESIDENT *pro tempore*. The motion is not debatable. [Putting the question.] The ayes seem to have it.

Mr. CALL. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. Will not a division satisfy the Senator?

Mr. CALL. I think we ought to have the yeas and nays. I have stood by this bill.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. PLATT, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

The roll-call was concluded.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired with the Senator from Maine, [Mr. HALE.]

The result was announced—yeas 25, nays 33; as follows:

YEAS—25.

Aldrich,	Farley,	Mahone,	Saulsbury,
Allison,	Frye,	Maxey,	Sawyer,
Anthony,	Hawley,	Miller of Cal.,	Vest,
Cameron of Wis.,	Hill of Colorado,	Miller of N. Y.,	Windom.
Chilcott,	Logan,	Morrill,	
Coke,	McDill,	Ransom,	
Conger,	McMillan,	Rollins,	

NAYS—33.

Bayard,	Ferry,	Jackson,	Saunders,
Blair,	Garland,	Jonas,	Sewell,
Brown,	George,	Jones of Florida,	Slater,
Call,	Gorman,	Lapham,	Van Wyck,
Camden,	Groome,	Mitchell,	Voorhees,
Cameron of Pa.,	Hampton,	Morgan,	Walker.
Davis of Illinois,	Harris,	Pendleton,	
Davis of West Va.,	Harrison,	Plumb,	
Dawes,	Ingalls,	Pugh,	

ABSENT—18.

Beck,	Grover,	Jones of Nevada,	Sherman,
Butler,	Hale,	Kellogg,	Vance,
Cockrell,	Hill of Georgia,	Lamar,	Williams.
Edmunds,	Hoar,	McPherson,	
Fair,	Johnston,	Platt,	

So the motion to lay the amendment on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Senator from Florida.

Mr. CALL. Mr. President——

Mr. VAN WYCK. I desire to say just a few words on this question.

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. INGALLS. What became of my motion to indefinitely postpone the bill?

The PRESIDENT *pro tempore*. That motion is now in order if the Senator insists upon it. The Chair decided, whether right or wrong, that a motion to lay the amendment on the table takes precedence of a motion to indefinitely postpone. The motion of the Senator from Kansas is now before the Senate, and the question is on the indefinite postponement of the bill.

Mr. INGALLS. I withdraw it now.

The PRESIDENT *pro tempore*. The motion to postpone the bill indefinitely is withdrawn, and the question recurs on the adoption of the amendment of the Senator from Florida, [Mr. CALL,] upon which the Senator from Florida has the floor.

Mr. McMILLAN. The Senator from Florida has spoken once.

The PRESIDENT *pro tempore*. On this amendment?

Mr. McMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Florida rose to speak on the amendment, but was cut off by a motion, the Chair understood.

Mr. McMILLAN. He spoke five minutes; his time expired; and afterward I interposed the motion to lay the amendment on the table.

Mr. CALL. I move to strike out the last word of the amendment, if that is in order.

The PRESIDENT *pro tempore*. The Senator may make a motion to postpone the bill and speak upon that. To move to strike out the last word of the amendment the Chair thinks is an evasion.

Mr. CALL. I move to strike out the enacting clause of the bill.

The PRESIDENT *pro tempore*. That is allowable. The Senator from Florida is entitled to speak for five minutes upon that motion.

Mr. CALL. Mr. President, I will say a very few words more on this amendment. I wish to call the attention of the Senate to the fact that not one single reason has been given against the adoption of the amendment. The Senator from Missouri speaks of the bill being loaded down. I wish he would tell me how an argument can be made against any measure upon such a fact.

The question is, will it promote the public interest, will it advantage the commerce of the United States? If so, whether it loads the bill down or not, unless it is beyond the means of the country, it ought to be adopted. I have this to say, that if the bill be loaded down by unjust discriminations against meritorious improvements it ought to be loaded down by putting meritorious improvements upon it.

I say that in all these suggestions there has not been one reasonable objection made in opposition to this amendment.

It is not denied that the commerce of this port is the commerce of the whole country, not of the South, not of Florida. It is not denied that its improvement is indispensable to the safety of the commerce of the country, of New York, of Chicago, of the Mississippi River. Will the Senator from Missouri say that the $7,000,000 which this bill contains for the Mississippi River and its tributaries and incidents will be of any advantage unless there are harbors upon the Gulf and the Atlantic coast in which the ships that carry the commerce which it brings to the ocean are to find refuge and protection?

No one has answered those facts. Does the chairman of the committee or any member of the committee deny that this port has only 10 per cent. of the estimate of the chief engineer, and that the chief engineer certifies that there is no more necessary and essential port for the entrance of ships, foreign and domestic, that come upon the South Atlantic coast than the port of Fernandina? There has not been a single reason given why the amendment should not be adopted, and I say to the Senate that it is not right, that it is not fair, that it is not just to the country that the amendment should be denied.

Mr. VAN WYCK. I should like to say a word on the motion of the Senator from Florida to strike out the enacting clause.

Mr. McMILLAN. I think the Senator from Nebraska has spoken once.

Mr. VAN WYCK. Not on the motion to strike out the enacting clause.

The PRESIDENT *pro tempore*. The Senator from Nebraska has not spoken on the pending question, which is to strike out the enacting clause of the bill.

Mr. VAN WYCK. I trust the chairman of the Committee on Commerce will not get nervous just now, because I am inclined to think the Senator from Florida presented some considerations of public benefit which were not presented to or listened to by any members of the Committee on Commerce.

I should like to say just one word in regard to the Mississippi appropriation, to which my amiable friend from Missouri very properly referred, as to my course in the committee of which I have the honor to be a member together with himself. I did vote for that proposition. I differed, however, with some members of the committee, as I think the chairman of the committee will bear me testimony, as to the disposition of the money, which is what I am talking about.

I said these gentlemen will probably bury this money, a good deal of it, on the banks of the Mississippi, and I did differ with Senators in committee as to how the money should be appropriated. While I did vote for the appropriation, I believed it was the duty of this Government to protect the citizens along its banks from the ravages of that stream, and I was in favor of a proposition to protect them. I believe the Government is bound to protect the Upper Mississippi and the Upper Missouri from the ravages of those streams, and the committee has not done it.

My idea is that we have absolute control of these waters. The citizens of Omaha and the citizens of Council Bluffs desire to build a wagon bridge across the Mississippi and they cannot do it. They have to come to Congress by petition and ask the power of Congress to allow them to build a bridge across the Missouri. So absolute is the control and jurisdiction of this Government over these water-courses that the citizens there are not allowed to build a wagon-bridge across that stream, and that bill and the petitions are referred to your Committee on Commerce, and there they sleep. Such is the power of the Government, and hence when the Government exercises control over its water-courses, it belongs to the Government to protect the citizen from their ravages and from their destruction. That was my idea in the committee under which I voted assent to the appropriation of millions for the Mississippi River, and I am in favor of that protection now. But when gentlemen pretend that the expenditure of this money in building up artificial banks upon the sides of the Missouri and Mississippi Rivers will hold the channel within bounds my own judgment has been that it will never do it. The larger proportion of the money that is expended will be a failure. Hence it was that I said you would bury it upon the banks of the Mississippi and the Missouri. I trust that I have made myself plain to Senators.

I have no disposition to criticise the members of the committee in regard to the bill. They undertook to arraign me and the majority of the Senate for the votes we chose to give. Is the committee supreme over us as the Government is over the great waters, that we should be arraigned and chastised, if you please, by that amiable committee because a majority of this body chose to put an amendment in the bill which they did not deem worthy of their attention? That was my position on this matter. I did not like at this time to be subject to an arraignment of that kind, and I did not propose to be so arraigned. Hence it was that I explained how this money had been appropriated along the Mississippi River, and as I told my friends when they said this bill was loaded, that I would try to load it on even balance and load it so as to go through. The committee do not seem to appreciate the motive of gentlemen who are seeking to do good.

Mr. JONES, of Florida. Mr. President, there is one principle which has been announced in reference to this bill that I propose to repudiate in my place in the Senate. It is that the amount of money appropriated by the bill is to be regarded as a fund to be divided among the States. I am not influenced in the vote I give here by the smallness of my State, the number of its people, the taxes it pays, or anything of that kind, because I ignore Florida as a State in this matter. We are not here to divide the public money between the States. We are here to consider their ports as ports of the United States. It is under Federal law that every port exists and that its commerce is protected. If I can show that we have fifty harbors in Florida that are entitled to appropriations of public money because of the importance they bear to the commerce of the country, without regard to the population or the wealth of that State, I claim that I am entitled to appropriations for them. It is upon that principle that I uphold this amendment.

I say that the case of Fernandina stands as an exception to every one on the record; that while the Chief of Engineers of the Government states that in his judgment the interests, not of Florida, not of Carolina, not of New York, but the interests of the Union require that $500,000 shall be appropriated, 10 per cent. of that amount is given, while the lowest percentage given in any other case is 40. Justify it if you can.

Mr. McMILLAN. What amount of import dues was received at that port?

Mr. JONES, of Florida. I have not calculated the import dues; I have calculated the tonnage.

Mr. McMILLAN. There was $7,000.

Mr. JONES, of Florida. We may have very small customs dues and we may have quite a large number of vessels. We have got a tonnage approximating to Charleston. The man who owns a ship worth $1,000 has as much right to go into a harbor as the man who owns a ship worth a hundred thousand dollars. It is not to be estimated by the imports or exports, but the fairest test that you can apply to cases of this kind is the tonnage of the port. That is the test which has been given by the Chief of Engineers.

What is the tonnage of Fernandina? Wilmington, North Carolina, has a tonnage of 227,202 tons; Charleston, 511,109 tons; Savannah, 626,829 tons; Fernandina, 300,642 tons. Is there anything in that difference to make her get but 10 per cent.? Mobile has a tonnage of 87,422 tons; quite a city. Galveston has 530,332 tons. Just look at the amount of the appropriations for those places. Three hundred thousand dollars, $400,000, and you come down to Fernandina, and in the face of the report of the engineers saying the interests of the Union require $500,000 to be spent at that port, $50,000 is given, and it is said "it is Florida." It is not Florida; it is the interest of the people of the United States. It is upon that ground I put it, and it is upon that ground I shall vote for it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Florida, [Mr. CALL,] to strike out the enacting clause of the bill.

Mr. CALL. I withdraw that motion.

The PRESIDENT *pro tempore*. The motion to strike out the enacting clause is withdrawn. Then the question recurs on the amendment of the Senator from Florida, [Mr. CALL,] to increase the appropriation for Cumberland Sound from $50,000 to $100,000.

Mr. CONGER. I desire to say a word on this amendment. I think the Senate should understand what this proposition is, that we may vote advisedly upon it. The proposition here has no special relation to Fernandina as a port of entry alone. It is not mentioned in that connection at all. This proposition and the estimate for it is to improve the entrance to Cumberland Sound; a work that will cost something over $2,000,000, according to the estimates; a work on which there is now, or was the 1st of July last, $184,000 unexpended; a work which requires, to improve that great channel several miles wide between the head of Amelia Island and Cumberland Island, many years to complete from the very nature and character of the work. The improvement is to be made by sinking mattresses either of logs or brush, or something of that kind, from the lower end of Cumberland Island out toward the ocean on the shoal, and loading them with stone and allowing the sand drift to cover up against them, and through them to make an artificial island.

As the engineer says, if the Government shall conclude to make such an artificial island or jetty on the south part which would reach Amelia Island in the neighborhood of Fernandina, then the same process will be followed to carry out from Amelia Island to intersect it, and finally to run parallel with it another such improvement. The estimate on which it is supposed $500,000 may be expended is not for Fernandina; it is for the improvement of the entrance to that inner channel of communication between the Cumberland Island and outlet from there to the ocean.

Mr. CALL. Mr. President——

Mr. CONGER. I have only five minutes. There is no interior navigation now between Amelia Island and the main shore which is of any value whatever. That is this improvement, and the amount recommended is for that improvement and not for Fernandina.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. CONGER. Not at this moment; I have only five minutes. That is the character of improvement for which this amendment is moved. The gentlemen from Florida went before the House committee, and there got a very large appropriation for Saint John's River, and the engineers recommended a large appropriation for Saint John's River, which is some twenty miles south, an appropriation much larger than the proportion, with the understanding that this work which the Government has entered upon, and which it will continue as the engineers say from year to year, as they see the best mode of carrying it on and the probability of its success. That work has received this appropriation.

It could not possibly do in any such bill, after submitting the matter to the committee of the House and the action of the House, and to the committee of the Senate, for Senators to come in here and claim the whole of an estimate or a larger proportion of the estimates than the committees allow to other places. If it did, then it is better for us all to wait with the public works we are interested in until the committee has reported, and then come in and ask all, or as large as can be gotten. No bill ever did and no bill ever can pass with that method of making appropriations. For the harbor of Pensacola there would be appropriated from $40,000 to $100,000. It is a perfect example of this mode of coming in and claiming the whole.

The PRESIDENT *pro tempore*. The Senator's time is up.

Mr. CALL. I ask unanimous consent to say one word only. I am not going to make a speech.

Mr. McMILLAN. I cannot consent.

Mr. CALL. Then I move to strike out the enacting clause. I only want to say——

Mr. McMILLAN. What is the motion before the Senate?

The PRESIDENT *pro tempore*. The Senator from Florida moves to strike out the enacting clause of the bill.

Mr. CALL. I wish to say just one word. The Senator from Michigan is entirely mistaken and without any warrant for what he states in regard to the Senators from Florida being before the House committee. I never made any such suggestion either to the committee of the House or the committee of the Senate. I think both of these appropriations are right, and I ask them upon the estimate of the engineers. The Senator from Michigan is entirely wrong in stating that there is any difference between an appropriation for Fernandina and Cumberland Sound. They are the same.

Mr. CONGER. There is my answer, in this volume of reports.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 32; as follows:

YEAS—18.

Brown,	Garland,	Jones of Florida,	Sewell,
Call,	Hampton,	Mitchell,	Van Wyck,
Cameron of Pa.,	Harris,	Morgan,	Walker.
Davis of Illinois,	Ingalls,	Plumb,	
Frye,	Jackson,	Saunders,	

NAYS—32.

Aldrich,	Coke,	Hill of Colorado,	Pendleton,
Allison,	Conger,	Lapham,	Ransom,
Anthony,	Davis of W. Va.,	McDill,	Rollins,
Bayard,	Farley,	McMillan,	Sawyer,
Blair,	Ferry,	Mahone,	Slater,
Cameron of Wis.,	Gorman,	Maxey,	Vest,
Chilcott,	Harrison,	Miller of N. Y.,	Williams,
Cockrell,	Hawley,	Morrill,	Windom.

ABSENT—26.

Beck,	Groome,	Jones of Nevada,	Pugh,
Butler,	Grover,	Kellogg,	Saulsbury,
Camden,	Hale,	Lamar,	Sherman,
Dawes,	Hill of Georgia,	Logan,	Vance,
Edmunds,	Hoar,	McPherson,	Voorhees.
Fair,	Johnston,	Miller of Cal.	
George,	Jonas,	Platt,	

So the amendment was rejected.

Mr. HARRIS. In order to test the sense of the Senate I move to indefinitely postpone the bill; and I ask for the yeas and nays upon the motion.

Mr. MORGAN. I think the bill ought not to be indefinitely postponed. We have got to pass some bill.

Mr. PLUMB. I move that the Senate do now adjourn.

Mr. HARRIS. I am so urged by Senators all around me to withdraw the motion that I shall not insist upon it. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion to indefinitely postpone is withdrawn.

Mr. PLUMB, (at six o'clock and thirty-five minutes p. m.) I move that the Senate adjourn.

Mr. McMILLAN. I hope the Senator will not insist on that motion. We can finish this bill to-night.

Mr. BROWN. Mr. President——

Mr. PLUMB. I will waive the motion for a moment, in order that the Senator from Georgia may be heard.

Mr. BROWN. I have not taken the time of the Senate one moment——

Mr. PLUMB. I supposed the Senator from Georgia intended to offer an amendment to an appropriation bill. It seems he has risen for some other purpose, and I insist on my motion to adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas, that the Senate adjourn.

The Senate refused to adjourn; there being on a division—ayes 20, noes 27.

Mr. BROWN. I have one very small amendment which is the only one I propose to make. In line 1015 I move to strike out "ten" and insert "fifteen." It is the appropriation that is made to widen the channel through Romley Marsh, the inland channel between Savannah and Jackson, off the coast of Georgia.

There is a regular line of steamers running off that coast, and whenever the tide is out and a steamer is caught there it has to lay several hours until the tide rises before it can pass through. Northern people going to Florida pass through that inland channel, and the Northern and Southern people suffer great inconvenience from it. The engineers estimate for $31,700. The bill as it now stands gives $10,000. Being in the marsh where the tide goes back and forth, it would take three or four years in cleaning it out, it filling up as cleaned.

Mr. RANSOM. I hope the amendment will be adopted; it is a small matter.

The amendment was agreed to.

Mr. CONGER. I wish to make a remark in regard to the amendment of the Senator from Georgia.

The PRESIDENT *pro tempore*. It is adopted.

Mr. CONGER. It is adopted, but the name of the place in the report of the engineers is called "Romerly Marshes," and in the bill it is called "Romley Marsh." I suggest that the name in the bill be the same as in the engineer's report.

The PRESIDENT *pro tempore*. That will be understood.

Mr. BROWN. The name is correct in the bill.

Mr. MILLER, of New York. I desire to make a correction in line 84. I move to amend by striking out in that line, after "improvement," the words "by removal of sunken rock;" so as to read:

Improving harbor at Port Chester, New York: Continuing improvement, $15,000.

This amendment was agreed to in the Committee on Commerce, but was omitted by a mistake in printing the bill.

Mr. CONGER. That amendment was agreed to in committee, but did not happen to be printed.

The amendment was agreed to.

Mr. MILLER, of New York. In line 73 I move to increase the appropriation for "improving harbor at New Rochelle, New York, continuing improvement," from $10,000 to $15,000. Permit me to say that that was presented to the committee and agreed to, but was temporarily passed over. I went away before the bill was reported, and it was a mistake in not reporting it as an amendment.

The amendment was agreed to.

Mr. RANSOM. I offer a little amendment. If there is any objection to it in the world I shall not press it. I move to add, after line 544:

For the improvement of Harlow River and Newport River, North Carolina, on the line of navigation from New Berne to Beaufort Harbor, $10,000.

Mr. PLUMB. If there is any other Senator who has not anything on the bill, I hope his amendment will come in, so that the division may be made approximately correct to all of us.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. CALL. Mr. President——

Mr. RANSOM. The Senator from Florida does not know that I have an amendment pending?

Mr. CALL. Yes, I do. The Senator from North Carolina has $422,000 upon this bill, and he reported against giving 20 per cent. to the most important port upon the Gulf and the Atlantic Ocean. When the estimate of the chief engineer was only $300,000 he increased the estimate $125,000 while refusing one of the most important ports of commerce of the United States by the report of the chief engineer more than 10 per cent. of his estimate. I do not know if he will make out a good case, because I vote upon principle for the advantage of the whole commerce of the United States, and as a Senator of the United States, careless whether it is $30,000,000 or $50,000,000 that is necessary for the foreign and interstate commerce of this country. If the Senator will make out a good case for his little town of Beaufort I will vote for it, but I want the attention of the Senate called to the fact that this is a bill of unjust and wrongful distribution of the public money.

Mr. RANSOM. Question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. PLUMB. At the end of the bill, I move to add as additional sections the following:

SEC. —. That John Cowdon, with such others as may be associated with him and his and their assigns, be, and he and they are hereby, authorized, on the conditions and terms herein set forth, to construct an outlet for the flood-waters of the Mississippi River from a point about ten miles below the city of New Orleans to Lake Borgne, on such lands as they or any of them may now own or may hereafter acquire, such outlet to be not less than one-half mile in width and of sufficient capacity to discharge, when the Mississippi River is at its greatest height, at least two hundred thousand cubic feet per second, and the outlet to be provided with proper levees or embankments to preserve the lands above and below it from inundation.

SEC. —. That as compensation for the land acquired and used for the construction of said outlet, and for the work, and labor, and expense of constructing said outlet, the said John Cowdon, his associates and assigns, shall receive from the United States, and shall be paid by the Secretary of War, the sum of $1,000,000: *Provided*, That the flood-line of the Mississippi River be lowered four feet at New Orleans within the first sixty days after the outlet may be made; this to be determined by reference to the stage of the water on the water-guages kept by the Government at or near that city. Notes to be taken just before the outlet may be opened and any time within sixty days thereafter.

SEC. —. That when said outlet is made, if it shall be found that the flood-waters of the Mississippi River have been further lowered thereby, the said John Cowdon, his associates and assigns, shall be entitled to be paid the sum of $250,000 for each and every foot that said waters may be lowered from the highest known water-mark, on an average at New Orleans, Bayou Sara, Natchez, Vicksburgh, the mouth of White River, and Memphis, within the two first high-water periods, one of which periods to be by which the outlet is made, and the other the first after said outlet is made; the fact of the lowering of said river from high-water mark to be determined by a board of engineers consisting of five persons, to be appointed by the Secretary of War. The report of said board, or a majority of them, to the Secretary of War, of the actual number of feet that the average flood-line of said river at said points has been lowered from the said highest known water mark shall be conclusive evidence of the fact; and it shall be the duty of the Secretary of War, upon the filing of the report of said commissioners in his office, to issue to said John Cowdon, his associates and assigns, his warrant upon the Treasurer of the United States for the amount of money so found due them, or this may be determined by reference to the published report of the Government water-guages kept at the above-named points.

SEC. —. That the said outlet when complete, so far as the same may be utilized for navigation, shall be free as a channel for the use of any steamboats or other water-craft of any kind that may choose to pass through the same.

I am not tenacious of the terms of this amendment. It is offered in its present terms because it had been submitted by the Senator from Texas [Mr. COKE] and referred to the committee, and so I think avoids the point of order. I desire to say now——

Mr. McMILLAN. I rise to a point of order.

Mr. PLUMB. I have the floor, I thank the Senator.

Mr. McMILLAN. I rise to a point of order.

Mr. PLUMB. I think I cannot be taken from the floor by a point of order.

Mr. McMILLAN. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Minnesota will state his point of order.

Mr. McMILLAN. I object to this amendment, that it is not in order, because there has been no estimate for this improvement or any recommendation from any Department, and it is new legislation.

Mr. PLUMB. It was offered by the Senator from Texas as an amendment to this bill and referred to the Committee on Commerce within the time required by the rule.

Mr. McMILLAN. There is no estimate for the improvement.

The PRESIDENT *pro tempore*. The point of order takes precedence of everything else. This is general legislation.

Mr. PLUMB. Is the Senator from Minnesota entitled to take me off my feet on a point of order?

The PRESIDENT *pro tempore*. The Senator rises to a point of order, and by the parliamentary rule the point of order has precedence. This is general legislation and is forbidden. That is the ground upon which the Chair decides that the amendment is not in order.

Mr. PLUMB. I move to strike out line 1331, and upon that question I wish to say——

Mr. ALLISON. Let it be read.

The ACTING SECRETARY. It is proposed to strike out line 1331, in the following words:

Harbor at Cedar Keys, Florida.

Mr. PLUMB. I think the Senator from Florida will not take offense at that, because I shall probably oppose it myself before I get through.

I desire to say that the general proposition which we have proceeded upon in this bill is to carry out the theory upon which the channel of the Mississippi was closed by the Eads jetties. In other words, we made the mouth of the Mississippi River a funnel and we are pouring into that funnel about five or six times as much water as the mouth will carry out. In so doing we are submerging the lands that lie above, we are increasing the height of the natural channel of the river, and compelling this Government in point of fact to create levees along the bank of that stream. While the effect of that is not going to be so immediate as some might suppose, within a short period of time, calculating the life of this country as the life of a nation, we shall be compelled to constantly increase the embankment of that stream in order to prevent the overflow which we have invited by a contraction of the mouth of the stream. Sooner or later we shall be compelled, as something which will be required of us to meet an emergency, to make an artificial outlet for the waters of the Mississippi River.

I desire to put that simply upon record as my opinion, as the opinion of a layman upon that subject.

I want to say further in regard to this bill generally that I shall vote against it. I have voted for every proposition to enlarge it. I desired to make the dose just as much as I thought the stomach of the American people would contain, and a little more, in order that next year when we come to consider this measure we may come to our senses. We appropriate five, ten, or fifteen thousand dollars each for little harbors upon six or seven thousand miles of coast. The sand we take out this year is washed back during the winter and spring, and the necessity of the appropriation is just as evident next year as it was last year, and the accomplishment by the appropriation is just the same as that which resulted from the previous appropriation, and no more.

If we could have a river and harbor bill which required the completion of improvements and inaugurated only such improvements as could be completed by a continuous expenditure of money, and no others to be undertaken until those were completed, we should do the sensible thing. Twenty-five per cent. at least of this bill is absolutely thrown away, as much as though it were put into a sack and pitched into the Atlantic Ocean. It is kept up for the purpose of promoting local interests and keeping the clam-eaters along our coast line in place, and we are doing the unwise, the impolitic, the extravagant, the outrageous thing.

I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will any Senator specify an amendment upon which he wishes a separate vote?

Mr. PLUMB. I desire to reserve the amendment of the Senator from Vermont [Mr. MORRILL] for a separate vote.

Mr. HARRIS. The amendment of the Senator from Vermont was not adopted in Committee of the Whole.

Mr. PLUMB. Then I give notice that I shall renew the amendment in the Senate.

The PRESIDENT *pro tempore*. That the Senator can do.

Mr. CALL. I desire to offer an amendment.

The PRESIDENT *pro tempore*. After the vote is taken upon concurring in the amendments made as in Committee of the Whole further amendments may be offered.

Mr. PENDLETON. In line 1075 the word "locate" was inserted as in Committee of the Whole, which I wish to have stricken out. I moved to strike it out, but it was ruled to be out of order upon the ground that it had been inserted as in Committee of the Whole. I desire so much of the amendment then made retained for a separate vote as will allow me to test that matter.

The PRESIDENT *pro tempore*. The Senator from Ohio will allow the Chair to suggest that every amendment made as in Committee of the Whole has to be voted on first, and after those votes are taken the Senator can move to strike out the word "locate."

Mr. PENDLETON. I simply desired to reserve my right to do that.

Mr. HARRIS. The Senator from Ohio reserves that amendment in order that he may amend it before it is voted upon.

The PRESIDENT *pro tempore*. That he can do.

Mr. HARRIS. Let all the other amendments be acted on and that reserved.

The PRESIDENT *pro tempore*. That amendment, being the amendment in relation to the Hennepin Canal, will be reserved.

Mr. MORGAN. I desire to make an inquiry of the Chair. As I read Rule 26, all amendments to the bill which have been adopted as in Committee of the Whole must be acted upon in the Senate one after the other, unless the Senate unanimously consents that the amendments shall be adopted in gross, and when a proposition for unanimous consent is made then it is for a Senator to say whether he wants to make an exception.

The PRESIDENT *pro tempore*. The Chair will state what is the usual custom.

Mr. MORGAN. I know the custom.

The PRESIDENT *pro tempore*. The usual custom, and that is all the Chair knows anything about, is that each Senator specifies the amendments upon which he desires a separate vote, and then the question is taken on concurring in gross in the amendments on which no separate vote is asked.

Mr. MORGAN. The comment of the Manual, if the Chair will allow me to call attention to it, on page 276, on the twenty-sixth rule, is as follows:

The bill is then before them as it would have been if reported from a committee, and questions are regularly to be put again on every amendment, which being gone through, the President pauses to give time to the House to propose amendments, &c.

Therefore I insist that whatever the custom may have been the rule is that when the bill comes out of committee and enters the Senate the question then is upon each of the amendments that have been passed upon; and they are to be concurred in each separately. Now, I do not wish——

The PRESIDENT *pro tempore*. If the Senator insists upon that technicality of the rule, of course it can be done. It never is done. Any Senator who wants a separate vote upon a particular amendment can have it taken; but it would take such a long time to have a separate vote upon all the amendments that it is never required.

Mr. MORGAN. I understand that.

Mr. FERRY. What rule does the Senator read?

Mr. MORGAN. Rule 26.

Mr. HARRIS. There can be no doubt about the fact that any Senator has a right to demand a separate vote upon every amendment.

The PRESIDENT *pro tempore*. Of course he has that right.

Mr. HARRIS. If the Senator from Alabama demands a separate vote, that settles the question.

The PRESIDENT *pro tempore*. Of course it does. The Chair understands that.

Mr. MORGAN. I have neither done that nor have I resorted nor intended to resort to any technical obstruction of this bill. I merely wanted to have an understanding of the rule and of the time necessary to make the reservation.

The PRESIDENT *pro tempore*. The Senator ought to make the reservation when it is asked if any Senator desires a separate vote on a particular amendment.

Mr. MORGAN. I distinctly stated that I rose to make a parliamentary inquiry of the Chair, not to make a proposition, obstruction, or objection.

The PRESIDENT *pro tempore*. Does the Senator desire a separate vote?

Mr. MORGAN. I do at the proper time.

The PRESIDENT *pro tempore*. Now is the proper time.

Mr. INGALLS. This bill appropriates an unknown sum of money. The condition of the amendments is intricate and obscure. I venture to say that no Senator can state what additions have been made to the bill in Committee of the Whole.

Mr. McMILLAN. I can answer the Senator.

Mr. INGALLS. I think it is essential to the public welfare that the subject should be thoroughly ventilated, and that the country should know what action has been taken in Committee of the Whole, and I shall ask that the amendments may be separately reported to the Senate.

Mr. McMILLAN. So far as regards the statement of the Senator that no person can tell the present status of the bill or the amount appropriated in Committee of the Whole, he is mistaken.

Mr. INGALLS. The bill is the annual shame and scandal and disgrace of American legislation.

Mr. McMILLAN. Have I the floor, Mr. President?

Mr. INGALLS. The oftener that is said and the plainer it is stated, the better it will be for the Congress of the United States.

Mr. McMILLAN. Upon that question there is a difference of opinion.

Mr. INGALLS. None whatever.

Mr. McMILLAN. The Senator assumes that fact and the people will determine it. So far as the statement of the Senator in reference to the amount of the bill is concerned, he is mistaken. I can give it. The present amount of the bill is $20,247,575, and all the items of addition I have before me with the particular amounts, which I can read if the Senator desires.

Mr. CAMERON, of Wisconsin. How much?

Mr. McMILLAN. Seven hundred and sixty-three thousand six hundred dollars.

The PRESIDENT *pro tempore*. The Senator from Kansas says he will insist upon every amendment being voted upon separately on the question of concurring. The Chair informs the Senate that it will take pretty nearly till midnight to do that.

Mr. HARRIS. Does the Senator from Kansas demand a separate vote upon each and every amendment in the bill?

The PRESIDENT *pro tempore*. He does.

Mr. RANSOM. Will the chairman of the committee hear me a second?

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] had the floor and made an inquiry of the Senator from Kansas.

Mr. HARRIS. I was simply asking if the Senator from Kansas demanded a separate vote upon each and every amendment in the bill?

Mr. INGALLS. I do, sir.

Mr. RANSOM. Now, let me say one word, and I hope to have the attention of the chairman of the committee. I understand, I think—and if I am mistaken about it I know Senators will correct me—that gentlemen this evening, especially my friend from Alabama and my friend from Kansas, desire an adjournment, and that this objection of theirs indicates their purpose to have an adjournment. Anxious as I am to have this bill finished this evening, (and no person can be more anxious,) when I see Senators manifest opposition in that way, I think the Senator from Minnesota, who has charge of the bill, had better consent to an adjournment, and move it himself, and then to-morrow, when we take up the bill, dispose of it. I have heard that suggestion expressed by so many gentlemen around me, that I think some deference should be shown to it. I hope the chairman will make the motion.

Mr. McMILLAN. I am willing to remain here and discuss this bill and vote upon every amendment, and under the circumstances I shall ask the Senate to proceed with the bill. So far as general debate on the bill is concerned, if there are gentlemen who desire any further extension of time than the five minutes, if unanimous consent is asked I do not know that I shall interpose any objection.

Mr. INGALLS. Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate adjourn.

Mr. SAUNDERS. I ask that the unfinished business be laid before the Senate.

Mr. McMILLAN. I ask for the yeas and nays on the motion to adjourn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. No. 121) to authorize the construction of a railroad bridge across the Sainte Marie River; and

An act (S. No. 2033) to authorize the sale of certain lots in the city of Hot Springs, Arkansas, to the Woman's Christian National Library Association;

And that he had on the 10th instant approved and signed the act (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad and to make the necessary appropriations for carrying out the same; and

That he had on this day approved and signed the act (S. No. 1825) making appropriation for the purpose of macadamizing a road from the city of New Albany, in the State of Indiana, to the national cemetery near said city.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and for other purposes; and it was signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. FERRY, Mr. PLUMB, and Mr. VOORHEES submitted amendments intended to be proposed by them to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of New York, submitted an amendment intended to be proposed by him to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which was referred to the Committee on Finance, and ordered to be printed.

Mr. VANCE and Mr. VEST submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table, and be printed.

Mr. SAUNDERS. On the 8th instant I proposed an amendment to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, which by mistake was referred to the Committee on Appropriations. I submit a similar amendment, which I move be referred to the Committee on Naval Affairs, and printed.

The motion was agreed to.

TERRITORY OF PEMBINA.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. McMILLAN. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 25; as follows:

YEAS—28.

Bayard,	Garland,	Jones of Florida,	Plumb,
Call,	Groome,	Lapham,	Pugh,
Camden,	Hampton,	Logan,	Saulsbury,
Cameron of Pa.,	Ingalls,	Miller of Cal.,	Slater,
Cameron of Wis.,	Jackson,	Mitchell,	Van Wyck,
Davis of W. Va.,	Johnston,	Morgan,	Walker,
Frye,	Jonas,	Pendleton,	Williams.

NAYS—25.

Aldrich,	Conger,	Hill of Colorado,	Saunders,
Allison,	Davis of Illinois,	McDill,	Sawyer,
Anthony,	Farley,	McMillan,	Vest,
Blair,	Ferry,	Maxey,	Windom.
Brown,	Harris,	Miller of N. Y.,	
Chilcott,	Harrison,	Ransom,	
Coke,	Hawley,	Rollins,	

ABSENT—23.

Beck,	George,	Jones of Nevada,	Platt,
Butler,	Gorman,	Kellogg,	Sewell,
Cockrell,	Grover,	Lamar,	Sherman,
Dawes,	Hale,	McPherson,	Vance,
Edmunds,	Hill of Georgia,	Mahone,	Voorhees.
Fair,	Hoar,	Morrill,	

So the motion was agreed to; and (at seven o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 11, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. KELLEY. I desire to make three reports from the Committee on Ways and Means, but if we are to have a morning hour that will cover my case.

Mr. HISCOCK. I move to dispense with the morning hour.

Mr. KELLEY. Before the gentleman presses that motion I ask him to allow me to submit three reports from the Committee on Ways and Means.

The SPEAKER. The Chair cannot recognize that request if the motion of the gentleman from New York is insisted upon.

Mr. HISCOCK. I think I ought to consent to let these reports come in from the Committee on Ways and Means.

A MEMBER. There are a great many other reports.

Mr. HISCOCK. I am told that there are a great many more reports which gentlemen would like to present. That being the case, I must insist on my motion.

The motion was agreed to, two-thirds voting in favor thereof.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. ANDERSON. I desire now to submit the amendment of which I gave notice yesterday, with a modification by inserting after the word "survey" the words "and by the further sum of $5,000."

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

On page 60, after the word "lines," in line 1448, insert:

"*Provided*, That in the event of the repayment to the United States of moneys advanced and expended by it in surveying and selecting public lands granted to certain railroad companies under 'an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean,' &c., approved July 1, 1862, and the act amendatory thereof, approved July 2, 1864, the said companies or parties in interest being by such acts required to pay 'into the Treasury of the United States the cost of surveying, selecting, and conveying' lands so

granted, then and in that event such sums to be paid into the Treasury shall, without further appropriation, be used for surveying the public lands; and in this latter event, but not otherwise, the sum of $400,000 herein appropriated shall be diminished by the aggregate sum so paid into the Treasury and so used for the public survey, and by the further sum of $5,000.

"And the Kansas Pacific Railway Company, or its assigns, shall forthwith pay into the Treasury of the United States all the cost, as determined by the Secretary of the Interior, of surveying, selecting, and conveying public lands granted to it by said acts and situated either in the State of Kansas or in legally organized counties of the State of Colorado, and upon which such costs shall not have been already paid. And in the event that any such costs shall remain unpaid on the 1st day of October, 1882, the Attorney-General of the United States is hereby authorized and directed to institute forthwith, in the name of the United States of America, in the circuit court of the United States for the district in which the tract or parcels of land are situated upon which such costs remain unpaid, any and all proceedings against said company or party in interest that he may deem necessary and proper and that can be maintained to secure the prompt payment of such unpaid costs and of the further cost of all such legal proceedings."

Mr. HISCOCK. I reserve a point of order on this amendment. I desire to inquire of the gentleman at what line he proposes to insert this?

Mr. ANDERSON. After the word "lines," in line 1448.

Mr. HISCOCK. If it is to come in at all it would be more properly inserted at the close of line 1475.

Mr. ANDERSON. Very well; I modify my motion so as to move that these words be inserted after line 1475.

Mr. RYAN. I suggest that my colleague [Mr. ANDERSON] withhold his amendment until the section is perfected. There are some amendments——

The CHAIRMAN. The Chair is not aware of any amendment pending. One was offered by the gentleman from Tennessee [Mr. ATKINS] touching the rates to be paid, but was withdrawn.

Mr. ATKINS. I tacitly agreed yesterday with the gentleman from Kansas [Mr. ANDERSON] to waive my amendment and let his be offered.

The CHAIRMAN. The question is upon the point of order.

Mr. HISCOCK. I wish to inquire of the gentleman from Kansas whether this same proposition is now pending before the House and being considered by any committee.

Mr. ANDERSON. No, sir. The state of the case is this—and I am addressing myself to the point of order—I hold in my hand all the bills which refer to this subject. The first is bill No. 345, which was introduced by me and referred to the Committee on Pacific Railroads.

Mr. HISCOCK. I withdraw the point of order.

Mr. ANDERSON. My sincere belief is that the amendment is not liable to a point of order.

The CHAIRMAN. There being no point of order, the Chair will listen to the gentleman from Kansas on the merits of the amendment.

Mr. HAZELTON. I renew the point of order for the present, until we ascertain whether the substance of this amendment is not contained in some bill pending before the House.

Mr. HISCOCK. I understood that it was not.

Mr. HAZELTON. If the gentleman from Kansas will read his own bill the Chair will be able to determine whether it contains the substance of this amendment. I am satisfied that it does—that the amendment is almost in the exact language of the bill introduced by him and known as the Anderson bill.

Mr. HISCOCK. I withdrew my point of order upon the assurance that the amendment was not the same as that bill.

Mr. ANDERSON. House bill No. 345 is a bill to compel payment by the Kansas Pacific Railway Company of the cost of surveying, selecting, and conveying "certain" lands granted to it. A reference to the first section of that bill will show what those lands are. The first section of House bill No. 345 provides:

That the said Kansas Pacific Railway Company, or its assigns, shall, within ninety days from the passage of this act, pay into the Treasury of the United States all the cost of surveying, selecting, and conveying all such lands "situated in the State of Kansas," and upon which such costs shall not have been already paid.

Now, that bill No. 345 relates simply and exclusively to lands situated in the State of Kansas, and there is no other bill before the House of which that same statement is not true.

As the Chair will perceive upon examination, the amendment I submit relates to lands situated in the State of Kansas and in legally organized counties of the State of Colorado. And for the purpose of showing to the committee, and especially to the Chair, how much difference there is between those two propositions, I will simply state this: that this road is six hundred and thirty-nine miles long; that the grant of land to it embraced every alternate section in a belt forty miles in width; that four hundred and thirty-one miles of the road are in the State of Kansas and two hundred and eight miles in the State of Colorado. In other words, the lands granted to the road and covered by bill No. 345, or any other bill before the Pacific Committee or before the House, embraced four millions of acres.

If the Chair please, I should like to call his attention to the fact that the grant of land in the State of Colorad o embraces 2,000,000 acres additional. In other words, out of a grant of 6,000,000 acres the bill 345 related simply to the 4,000,000 of them situated in the State of Kansas, whereas this bill covers in addition that portion of the 2,000,000 acres situated in legally organized counties in the State of Colorado.

In illustration, Mr. Chairman, suppose there should be a bill before the House vacating a military reservation, say in the State of Rhode Island, and providing certain steps by which that vacation should be made, enjoining the Attorney-General to do certain things in respect to the military post in the State of Rhode Island—suppose that bill to be pending, and then suppose an amendment to be offered vacating the military posts in all of the New England States, not simply in Rhode Island, but in the five other New England States, and in addition in the State of New York. Now, then, could anyone hold, because such a bill was pending in respect to a military post in Rhode Island, that such fact ruled out this other bill covering New England and New York?

Why, sir, the State of Kansas is larger than all the New England States together, and the State of Colorado is about half as large as the State of Kansas, and these two propositions are just as different as any two things can possibly be.

Mr. RYAN. I wish to ask my colleague whether the substance of this is not very largely in devoting the amount due for these surveys from the company to the survey of the public domain and the reduction to that amount of the $400,000 appropriated for that purpose in this bill?

Mr. ANDERSON. I am exceedingly obliged to my colleague for calling my attention to that fact. The bills I have introduced and which are before committees simply relate to compelling the company to pay the costs of surveys, but this amendment, on the other hand, provides for the diminution of the sum of $400,000 appropriated in this bill for public surveys by such amount as shall be repaid by certain of the Pacific railway companies, and then provides for the repayment by the Kansas Pacific Railroad of the cost of the survey of these lands situated in the States of Kansas and Colorado. The two things are entirely distinct.

Mr. HAZELTON. Let me ask the gentleman from Kansas a question. I ask him whether the bill from the Senate does not also contain the substance of his amendment in this case?

Mr. ANDERSON. No, sir; it does not. I have the bill here somewhere, but cannot lay my hand on it just at this moment. That is a bill to waive the payment of all these costs.

Mr. RYAN. That is, to give it to them.

Mr. ANDERSON. That provides these lands shall be taxable as if the costs had been paid. It does not require the companies to pay these costs. It permits the Kansas Pacific Company to keep in its pocket $203,000 which are lawfully due to-day to the United States, and is in no possible degree the substance of this amendment.

Mr. HAZELTON. Mr. Chairman, I am unable to see that the gentleman is asking for any different relief in this bill, and I see no motive for asking any different relief from that embodied in his general bill. This question is embraced in the two bills I have sent up to the Chair, and the relief is substantially what he asks in this bill. The only difficulty about the question is that the Committee on Pacific Railways appended an amendment to the bill under consideration there bringing these roads under the provisions of the Thurman act. The question involved in the bill which passed the Senate unanimously is involved in the provision to allow the companies to invest in first-mortgage bonds instead of investing as they do now. That question is before the committee being considered.

The gentleman from Kansas is opposed to that last provision, and therefore fights the general bill as in the committee. He comes now under this sundry civil appropriation bill and asks to put on the very proposition; practically he may change the language a little, but it is practically the whole question which is embodied in those two bills, as the Chair must see if he examines carefully, now before that committee, and of course the consideration of those other bills, so far as the original purpose is concerned.

His object is this: first, to make these roads pay up the delinquent dues for surveys; and that is all right enough. His object, furthermore, is to force the roads to pay all taxes on land-grant lands, whether patents have been issued upon the lands or not. That is practically what he is after. If he cannot get the Government to force the patents and compel the companies to take the patents of all the lands surveyed, whether the Land Office has time or opportunity to issue them or not, then he insists that they shall be taxed whether the patents are issued or not as land-grant lands under the issue to the railroad companies by the Government.

Now, Mr. Chairman, it is manifest that this amendment can be nothing else than the substance of the pending bills; and of course, being the substance of the pending bills, (the object and intent to be accomplished being the same, although possibly there may be a slight modification in the verbiage,) it makes the amendment subject to the point of order. And it would be to impeach the intelligence of my friend from Kansas, which certainly no man can impeach upon this floor, that he would ask to offer an idle amendment differing from that which is proposed in these two well-considered, well-prepared, and thoroughly-matured bills which he has presented here.

I want to state, further, that I do not care about this particularly; but in view of the fact that these questions are now being carefully investigated before the Committee on Pacific Railroads or a subcommittee, it is hasty, and, in my judgment, it is not safe to force such a question upon this bill without full consideration and to take it from the careful consideration which it can alone receive before that committee.

Mr. ANDERSON rose.

The CHAIRMAN. The gentleman from Kansas will suspend for a moment, as the Chair desires to make a statement with reference to the argument, which he would like to have applied to the point of order.

Mr. ANDERSON. Inasmuch as the Chair has permitted the gentleman from Wisconsin to make an argument and statements as to my object and motives, I hope the Chair will not decide the point of order before I can have an opportunity of replying to him.

The CHAIRMAN. The Chair is not about to decide the point of order; but the Chair desires to call the attention of gentlemen to the fact before proceeding further with the argument upon this point of order that the amendment proposed by the gentleman from Kansas is divided into two separate paragraphs——

Mr. ANDERSON. No, sir; that is a mistake. The intention was to offer it as a single proposition without paragraph.

The CHAIRMAN. The Chair, however, calls attention to the difference that exists in the terms of the two clauses of the proposed amendment, regarding it, of course, as a single amendment. There are two distinct paragraphs with two distinct objects, and the Chair desires gentlemen, with reference to this point of order, to enlighten the Chair as to the second paragraph. The first paragraph of the amendment is "that in the event," that is, that if a certain thing shall be done, a conditional paragraph; and in case such sums so paid into the Treasury, &c., they are by this clause appropriated as an additional sum to be used for the expense of surveying the public lands, and the amount so received from the companies, if received, is to diminish the appropriation of the bill, &c. That is the substance of the first paragraph, showing it to be conditional only.

The next clause is a compulsory one, not conditional, but is a paragraph which requires in the first instance the railroad company to pay certain sums into the Treasury; and in the second place, in the event of a failure to pay such sums, requiring the Attorney-General in such cases to bring suit in the name of the United States. Therefore there are two distinct paragraphs to which arguments are to be applied, and in further speaking to the point of order the Chair would like to hear gentlemen upon this distinction.

Mr. ANDERSON. I desire to say, Mr. Chairman, that I offered that as one indivisible, continuous paragraph, for the simple reason that the first provision is made for the reduction of this aggregate sum of $400,000 appropriated in this bill, provided this company shall make certain repayments. As a part of that provision, not as something to be divided or separated from it, the second part is offered. The two should not have been separated. That is a mistake of the printer in setting up the amendment, the idea being that it should be a continuous paragraph and the latter part being an essential, integral part of the first, not so much as separated from it by a period, instead of by a paragraph, as has been done here.

The CHAIRMAN. The Chair thinks the gentleman from Kansas misapprehended the point to which the Chair desires to call attention. Of course this is to be accepted as an entire amendment. That the Chair understands, but if the point of order is good against any part of the amendment, the Chair would hold that it would apply to the whole amendment, regarding it as a single amendment for that purpose.

Mr. ANDERSON. The object is to offer it as a single amendment.

Mr. HASKELL. Since the Chair has called attention to this feature of the bill, I desire to ask the attention of the Chair to certain facts——

Mr. ATKINS. I rise to a parliamentary inquiry. I wish to ask if the Chair has not already decided the point of order?

The CHAIRMAN. The Chair has not decided the point of order, but simply calls the attention of gentlemen to the provision to which the point of order is applicable.

Mr. HASKELL. Upon that point which has just been stated by the Chair, that there are two distinct paragraphs or propositions, I want first to say a word. If there are two propositions, as apparently there are in this, they simply bear upon their face an independence from each other, but as a matter of fact, and in design, they are the same, for the moment the Kansas Pacific Railroad Company pay back that survey money then the patents issue and the taxes under the State accrue. It is all a part and parcel of the one process. They are looped together, and it would be hardly possible to separate them. If you undertake to separate the amendment of my colleague, then you destroy the purposes for which he submitted it, and that is impossible. The whole proposition is a unit; and by existing law upon the statute-book when the sums of money are paid then the rest of the procedure follows by law, and a portion of that amendment which is offered is in effect a repetition only of the phraseology of the statutes now in force.

In my judgment no point of order can lie against that amendment. In the first place it is not the substance of a pending bill, since it involves two States, whereas the pending bill refers only to one. Moreover it presents a new proposition and makes the rest of the amendment contingent upon that new proposition.

But whether it does or not it is a new proposition. It accomplishes the object by new processes. It reaches it by a new course and by a new procedure entirely novel, and contained in no bill pending before the House. If it should be ruled by the Chair that it was new legislation, which it is not, for the statutes of the United States now provide for this procedure, and the railroad company are refusing to comply with them—if it should be found, however, to partake so much of the character of new legislation or a change of law as that the Chair would be puzzled to construe it otherwise, then I say to him that does not hold under the rule; because under the provisions of the amendment over $200,000 of money appropriated by this bill will be subtracted from the bill.

Mr. ANDERSON. And $5,000 additional.

Mr. HASKELL. Yes; and $5,000 additional. There is a sum for surveys appropriated by the bill. Adopt this amendment and over $200,000 less money will be required, and the appropriation is that much less. So that if it is new legislation it retrenches expenditures in the amount of money covered by the bill. It is not new legislation; neither is it two separate propositions, because if you detach one from the measure you destroy the effect of the amendment. If you adopt one of the propositions then the other proposition follows as a natural sequence of statutory law.

Mr. TOWNSHEND, of Illinois. Would the gentleman not also embrace the Northern Pacific and other roads in the same amendment?

Mr. HASKELL. I think not.

Mr. HAZELTON. Will the gentleman allow me to ask him a question?

Mr. HASKELL. Yes, sir.

Mr. HAZELTON. I ask the gentleman to read the second paragraph of this amendment and tell me in what its language differs from the exact provisions of the bill introduced by his colleague.

Mr. HASKELL. I would be willing to admit for argument's sake it is the same, verbatim. But the amendment goes further. And if the amendment contains much more matter than the pending bill—and this is true—it does not matter if a portion of it is the substance of another bill. In this case the amendment contains much more matter than the pending bill. It cannot be ruled to be identical or to contain the substance of that bill, since it contains much more matter embracing new and novel propositions.

My colleague will have to decline to admit any other amendment concerning any other Pacific railroad simply because such an amendment would be new legislation and if offered with reference to the Northern Pacific or the Union Pacific it might be amenable to the point of order. This is not. It is in accordance with the present statutes.

Mr. ANDERSON addressed the Chair.

The CHAIRMAN. If no other gentleman wishes to speak to the point of order, the Chair will again hear the gentleman from Kansas, [Mr. ANDERSON.]

Mr. ANDERSON. I now have in my hand the other bill, the Senate bill to which the gentleman from Wisconsin [Mr. HAZELTON] has referred. It is a bill "to declare certain lands subject to taxation." And the provision of it is that these lands "shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, to the same extent as they would have been had such costs been paid and the lands conveyed to said railroad companies." That is the only other bill bearing on this subject that is now pending. It is Senate bill No. 255.

I wish to say one word in regard to the difference between the amendment I have offered and the bills which I have introduced, and with respect to which I admit that the machinery provided for bringing of suit by the Attorney-General is the same as in this amendment. I wish to call the attention of the Chair to this, that in the bills heretofore introduced, only the lands in the State of Kansas were the subject. In this amendment lands in the State of Colorado are also included. You might provide the same machinery with respect to fifty different things, and that machinery would have nothing to do with this point of order.

I would like to call the attention of the Chair to one other thing; that is, that this amendment is exactly in accordance with the existing law of 1864, which law provided that when these fees were repaid by the company, then they should stand without further appropriation for use by the Land Commissioner in the public surveys; that it does not change existing law; that it is exactly germane to this clause; that if it did change existing law, it then would be reducing expenditures, and so would come in under that head. But it does not change existing law. More than that, I state that it is not the substance of any bill pending before this House. I believe that just as firmly as I believe anything.

Mr. Chairman, I am somewhat obliged to the gentleman from Wisconsin [Mr. HAZELTON] for making reference to my object in this matter. I introduced a bill relating to this subject, and there has been such deliberation in the consideration of that subject by the Pacific Railway Committee that it was only on the 2d day of June, although that subject had been argued by the company's attorney, had been agued by me, had been pressed time and again, and again, that it was brought in. And then what? After the bill was brought in with an amendment attached to it that the Kansas Pacific and two other companies should be placed under the Thurman act, it was then recommitted to the committee to be further amended by so changing the Thurman act as to permit the Secretary of the Treasury to invest in the bonds of the Union and Central Pacific companies. And since the gentleman has been volunteering statements as to my object I may say that I rather fancy that the object of that latter amendment was to put a pair of thumbscrews on me. And I very quietly say that if that be the object there is

not power enough this side of Heaven to make me submit to any such process by any system of bulldozing. I say this because the gentleman has attacked my object and motives.

Mr. HAZELTON. I have not attacked the gentleman at all. I leave it to the Chair if I have attacked him one particle.

Mr. ANDERSON. This amendment is germane; it does not change existing law. And if it did change existing law, it reduces expenditures. It is not the substance of any bill before the House, and I ask for a decision on the point of order.

Mr. HAZELTON. It is not fair——

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HAZELTON. Yes, on the point of order. The whole question in this case, of course, is whether the two bills now pending before the Committee on the Pacific Railroads contain the same provisions as, or are substantially identical with, this amendment.

My friend from Kansas [Mr. ANDERSON] has no right to state on this floor here what he has stated on this point of order. If ever a committee in the world nursed a proposition, and gave a man a chance to be heard, made his business their special business, the Committee on the Pacific Railroads have done it for him. At three or four different regular meetings of the committee the gentleman has been permitted to come before the committee and make his argument.

I appointed a sub-committee of that committee, composed of the best members of the committee, favorable to his bill. That sub-committee, after fair and just consideration, agreed to some of the provisions of his bill, probably the only provisions that would have been passed by any committee of this House.

I understood his eagerness, which was all right. It was just before the convention met which was to nominate him; and this railroad runs right through his district. This, Mr. Chairman, is on the point of order.

The CHAIRMAN. That is the mystery to the Chair.

Mr. HAZELTON. On the point of order I want to say that the gentleman brought copies of those very resolutions before our committee, to "prick the sides of our intent" and move us on.

The CHAIRMAN. The quotation is excellent, but it does not enlighten the Chair on the point of order.

Mr. HAZELTON. It is on the point of order. No man has more respect for the gentleman from Kansas [Mr. ANDERSON] than I have. But what are the facts? The sub-committee, consisting of the gentleman from Ohio, [Mr. BUTTERWORTH,] the gentleman from Tennessee, [Mr. HOUSE,] and one other member, I have forgotten his name, considered his bill in the light of all the statutes which you, Mr. Chairman, are now perhaps having in your mind on the point of order. In the light of those statutes they reported in favor of one or two provisions of his bill; for instance, in favor of enforcing the collection of the amounts of money that were due for these surveys. Then they provided that these roads should come in under the Thurman act, and he was perfectly willing that they should do so and acquiesced in it.

It was at the request of the Government; it is in the interest of the Government itself that these roads were put under the Thurman act. Is not that so?

Mr. ANDERSON. I would like to answer the gentleman.

Mr. HAZELTON. You have been answering and talking a great deal all the way through. But all I ask on this point of order is that no man shall impeach the good faith of this committee; that is all I ask.

In regard to the other proposition, I say it was recommitted to our committee in order that we might supply an omission which it was understood was in it. We did so, and the gentleman says that is where we applied the thumbscrews to him, providing for a bill which passed the Senate the other day by a unanimous vote and is now on the Speaker's table.

Mr. ANDERSON. That bill is worth $5,000,000 to the holders of the railroad bonds.

Mr. HAZELTON. I am not considering that. That bill is ready to be brought up here to be acted on to-morrow. And for the gentleman to stand here and say that the Senate of the United States is to be impeached by him; for the gentleman to stand up here and say, on this point of order, that his judgment on a proposition is so good against the unanimous vote of the Senate that he is justified in impeaching the good faith of my committee, or to charge me with bad faith, is certainly, on this point of order, far-fetched and very unfair.

The CHAIRMAN. The Chair is ready to decide the point of order if no gentleman desires to be heard further upon it.

Mr. SPRINGER. After the lucid explanation of the law by the gentleman from Wisconsin [Mr. HAZELTON] the Chair is no doubt ready and able to decide the point of order.

Mr. BUTTERWORTH. If the Chair is ready to rule, I do not desire to say a word.

The CHAIRMAN. If the gentleman desires to speak on the point of order the Chair will listen to him.

Mr. BUTTERWORTH. Only a single word. Undoubtedly the Kansas Pacific Railroad is indebted to the Government of the United States in a certain sum for land surveyed and located under the terms of the grant to that road. This proposition, in a nutshell, simply suggests that in case that money is paid in this appropriation shall be reduced $5,000. In the first place, the money is due to the Government of the United States, and the Committee on the Pacific Railroads reported in favor of requiring the Secretary of the Interior to demand its immediate payment, or on failure to pay that he institute proceedings to collect the amount. Now, my friend from Kansas proposes (and he will correct me if I state his proposition erroneously) that in case this money is collected or paid in the amount appropriated by this bill shall be reduced $5,000, the money so collected being utilized in place of the amount appropriated by the bill.

Mr. ANDERSON. That is correct. The difference is that while the bill applies simply to lands in Kansas the amendment applies to lands in Colorado, as well.

Mr. BUTTERWORTH. Then there is a difference in the two propositions. I have correctly stated the mode in which the reduction of expenditure is made. It all hinges upon the $5,000. Of course the other sum, being the money of the Government, from whatever source derived, would still be in the nature of an appropriation; but the reduction of $5,000 is, as I suppose, a reduction of the amount to be so expended. The point seems to me to hinge upon that.

Mr. RYAN. If the Chair has already determined upon his ruling, I do not wish to occupy time; but if he cares to listen to further argument I should like to be heard.

The CHAIRMAN. If the gentleman will speak to the point of order, the Chair will listen with pleasure.

Mr. RYAN. I desire to speak to the point of order. I do not often speak, and when I do I try to speak to the point. The point of order raised here is that there is a bill pending before the House which is in substance like the amendment. There is a bill pending before the House, introduced by my colleague, [Mr. ANDERSON,] and I wish to call the attention of the Chair to the object of that bill. In 1864 the Kansas Pacific Railway Company came to Congress to secure an act amendatory of the act of 1862. It has been the uniform decision of the Supreme Court of the United States that where there is anything remaining for a grantee of lands to do before becoming entitled to a patent, the lands are not subject to taxation by a State. In view of this decision, that company came here and obtained the enactment of a provision requiring them to pay the insignificant sum necessary to survey their lands before they would be entitled to a patent. Those lands were all surveyed—every acre of them, I believe—as long ago as 1875. The company has always refused to pay one dollar of the cost of those surveys, in order to defeat taxation; and under the ruling of the Supreme Court the company may convey those lands to individuals, and those individuals obtain a perfect title against the civilized world and the lands never be subject to taxation.

Now, a bill was brought in here by my colleague to remedy this injustice, to compel this company to pay into the Treasury the amount due from them for the survey of these lands. But this amendment is a very different proposition. The bill of my colleague related to Kansas alone; this amendment relates to the State of Colorado as well, and while one of its objects is the same as that of the bill it goes further and has as its primary object the utilization of the sum due to the Government from this company.

It seems to me that because this amendment embraces something which is in a pending bill, while it goes much further, making as its principal object the purpose I have indicated, it cannot be maintained that this amendment is the substance of the pending bill.

Mr. ROBESON. Mr. Chairman, this amendment, if I understand its scope and object, provides that certain sums of money owing to the Government but not yet due shall by this provision be made immediately due and collectible, and shall be collected; that the amount thus collected shall be applied to the purposes of this bill, and the appropriation made by the bill shall be to this extent reduced. If this is, as I believe it to be, a fair statement of the proposition, the provision does clearly in its scope and effect reduce the amount of money carried by the bill. As I understand, the amendment makes a change of existing law entirely consistent with the requirements of the rule.

Another point is raised against this proposition—that there is already pending before this House a bill covering this same proposition. It has been shown by the gentlemen from Kansas, [Mr. ANDERSON and Mr. RYAN,] as I understand, that the bill now before the committee of this House is by no means as far-reaching in its provisions or as extensive in its reductions. If so, the amendment is not liable to the point of order. Therefore, I submit we have here presented as an amendment a provision which, if put into effect, will, by the application of money not now in the Treasury, but which the machinery of this bill seeks to put into the Treasury, reduce by many thousands the amount of money carried by the bill.

Mr. DUNN. Mr. Chairman, I have hardly had time enough to make a careful comparison of this amendment with the bill referred to; but there are some statements made by the gentleman from Kansas [Mr. ANDERSON] which I, as a member of the Pacific Railroad Committee, am not willing shall go unchallenged, and I trust the Chair will indulge me a moment in giving a history of this matter.

Mr. ANDERSON. I wish to say that no part of my remarks was intended to reflect at all upon the gentleman.

Mr. DUNN. But as the gentleman's statement has been made, I

deem it necessary to reply. There has been no purpose on the part of that committee to put any "screws" upon him. The sub-committee to which his bill was referred, and of which I was not a member, found that the bill did not fully accomplish the purposes it sought. It aimed to do two things—to place the Kansas Pacific Railway Company's lands within the reach of the taxing power of the State, and to compel the payment of the cost of survey. The committee found that one of these objects the bill did not accomplish; that in their estimation it was not the duty of the Government to interfere in the matter of taxation between the railroad company and the State so as to bring the company properly within the reach of State taxation; that the Government had no interest in that matter, but was interested in requiring the company to pay for the survey of the lands.

As to a thumbscrew which he finds there tacked on to squeeze him, that was done in the whole committee, and on my motion, bringing that road and another road under the operation of the Thurman bill. We found these two roads, for some unknown reason, had been left out from the operation of the Thurman bill, and I moved in the committee, after the sub-committee had reported, that the bill be further amended so as to completely cover all the claims and all the demands of the Government against those roads for surveying lands and for the bonds which had been issued in aid of their construction. The object of the committee was to protect the interests of the Government and not legislate in aid of the State of Kansas. I think it would be well to do so. I believe these two roads were relieved and placed out of the reach of taxation by a trick of legislation procured by the railroad companies after they had seen the operations of the law. I would vote for a bill remedying that mischief when brought directly and squarely to the purpose if it is necessary and can be accomplished with the aid of Congressional legislation. There is no purpose to put thumbscrews on the gentleman.

The CHAIRMAN. The Chair thinks the gentleman should confine himself to the point of order.

Mr. DUNN. The committee had no other object except to protect the interests of the Government in that legislation.

The CHAIRMAN. The Chair hardly feels authorized to hear anything but on the point of order. If no gentleman wishes to be heard the Chair is ready to pass on the question.

Mr. POUND. I wish to make a suggestion.

Mr. ALDRICH. Let us have a decision.

Mr. POUND. It strikes me the gentleman from New Jersey and others who have spoken relative to the effect of the first paragraph have fallen into an error. Now, it is the policy and practice of the Government, as I understand it, in disposing of revenue received from public lands to cover it into the Treasury. This paragraph provides, instead of covering the receipts from railroad companies for these surveys into the Treasury, that they shall be used directly for the survey of the public domain to the amount here appropriated. It radically changes the policy and practice of the Government in this regard, but it does not change one dollar or one cent of the amount of money actually to be expended by the Government. It does not matter whether it is paid into the Treasury so far as the expenditure is concerned, or at least directly for surveys. It seems to me there is not one dollar of change in the expenditure of the Government, while the paragraph radically changes the policy of the Government as to the disposition of these revenues, first by covering them into the Treasury of the United States, and then by appropriating them in definite amounts.

I wish to be indulged in a remark to the Chair to express the hope that he will exercise his functions as a presiding officer to decide this point of order.

The CHAIRMAN. The Chair will ask the Clerk to read the first paragraph as appended to the amendment.

The Clerk read as follows:

On page 60, after the word "lines," in line 1448, insert:

"*Provided*, That in the event of the repayment to the United States of moneys advanced and expended by it in surveying and selecting public lands granted to certain railroad companies under 'an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean,' &c., approved July 1, 1862, and the act amendatory thereof, approved July 2, 1864, the said companies or parties in interest being by such acts required to pay 'into the Treasury of the United States the cost of surveying, selecting, and conveying' lands so granted then and in that event such sums so paid into the Treasury shall, without further appropriation, be used for surveying the public lands; and in this latter event, but not otherwise, the sum of $400,000 herein appropriated shall be diminished by the aggregate sum so paid into the Treasury and so used for the public survey, and the further sum of $5,000."

The CHAIRMAN. The committee will observe that this does not necessarily or probably as far as appears on its face reduce the amount covered by this bill. It is simply appropriating out of a special fund instead of out of a general fund in the Treasury the amount required for the service up to the sum of $400,000, less, as the last modification would seem to indicate, the sum of $5,000.

On the other hand it is a permanent appropriation which it makes out of the Treasury of the sum that may be paid into the Treasury from this source. The effect therefore may be that the clause appropriates a still larger sum than that which is covered and appropriated in this bill.

So much for the first paragraph. The second paragraph, which the gentleman from Kansas desires to be treated as an integral part of the amendment, and the Chair distinguishes it in that form because it presents a different topic, is positive legislation, and has for its object the compulsion of a railroad company to pay immediately into the Treasury of the United States the sum which the first clause of the paragraph appropriates from the Treasury in the event of its being paid, and instructs the Attorney-General to institute proceedings in court. But this appears to the Chair to be new legislation and the principal object of the amendment, and on that point his attention is called to two bills. One is House bill No. 345, which recites the act that compels the company to pay certain funds into the Treasury, and certain other acts which require the same payment of costs of survey, selecting, &c., and have certain provisions for the payment of costs of such legal proceedings as the Attorney-General is by that bill authorized to institute; and the additional point, the substance of which is not included here, is that it subjects the lands to certain State taxes.

The other bill referred to, namely, House bill No. 5648, is entitled a bill "to declare certain lands subject to taxation," and is not, in the opinion of the Chair, relevant in this connection, and therefore will not be considered by the Chair with reference to the point of order. But this bill, (House bill No. 345,) covering as it does the substance of the second paragraph of the amendment, with one additional subject, the Chair thinks has clearly reference to the point of order, and the Chair accepts the title of the bill as indicating the substance of it. The Chair finds the title of the bill to be: "To compel the payment by the Kansas Pacific Railway Company of the cost of survey, selecting, and conveying certain lands granted to it, and for other purposes." The Chair thinks he is justified, in looking for the substance of a bill, to regard that which is set forth by the bill as its title as the substance; and in this instance the title of the bill, indicating the substance of it, is identical with the provision of the latter branch of this amendment, which is to compel the same company to pay the same costs, with the limitation simply as has been stated by the gentleman from Kansas to four millions of acres instead of six millions. In other respects it is the same.

The Chair, however, prefers, without entering upon the consideration of the text of the bills pending or either of them, to rule the point of order upon this clause of the rule, that it is new legislation, modifying existing law, though covering the same objects contemplated by existing law in different terms, and does not reduce the amount of money covered by the bill; and for the reason that it reappropriates the moneys derived from the railroad company, making it a permanent fund out of which these surveys are to be made. The Chair therefore feels compelled to sustain the point of order.

Mr. ANDERSON. With the very highest respect for the opinion of the Chair, I desire to appeal from that decision, and suggest to the Chair one fact which was perhaps not sufficiently brought out in the discussion of the point of order.

Mr. HAZELTON. I would ask if an appeal from the decision of the Chair is debatable?

The CHAIRMAN. The Chair will indulge the gentleman briefly upon the point.

Mr. ANDERSON. I simply desire to say that under the act of 1864, which is existing law to-day, the sum repaid into the Treasury of the United States in the shape of costs by these railroads is made a standing appropriation, and therefore there is no change of existing law. The Chair will find that in section 21 of the act of 1864.

The CHAIRMAN. The Chair hardly supposes that there is really any object in re-enacting identically the old law, and even if there be a change of a word or two, or several words, it is not *in totidem verbis* existing law.

The Chair submits the appeal to the judgment of the committee, as it has been his object to prevent as far as possible the introduction of new subjects of legislation upon appropriation bills. Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 80, noes 7.

So the decision of the Chair was sustained.

Mr. ANDERSON. I now present the amendment which I send to the desk.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert after line 1475:

"*Provided*, That in the event of the repayment to the United States of moneys heretofore advanced and expended by it in surveying and selecting public lands granted to certain railroad companies under 'an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean,' &c., approved July 1, 1862, and the amendatory act approved July 2, 1864, the said companies or parties in interest being by such acts required to pay 'into the Treasury of the United States the cost of surveying, selecting, and conveying' lands so granted, then and in that event such amounts so paid into the Treasury shall without further appropriation be used for surveying the public lands; and in this latter event, but not otherwise, the sum of $375,000 herein appropriated shall be diminished by the aggregate sum so paid into the Treasury and so used for the public survey. And each of the several railroad companies named in said acts, or its legal successor, successors, assign, or assigns, shall forthwith pay into the Treasury of the United States the cost, as determined by the Secretary of the Interior, of surveying, selecting, and conveying the public lands so granted to it, and upon which such costs shall not have been already paid. And in the event that any such costs shall remain unpaid on the 1st day of October, 1882, the Attorney-General of the United States is hereby authorized and directed to institute forthwith, in the name of the United States of America, in the circuit court of the United States for the district in which is situated the land upon which such costs remain unpaid, any and all proceedings against said company or party in interest necessary and proper to secure the payment of all said costs and of the further cost of all such legal proceedings.

"That all money received into the Treasury by reason of the provision hereof is hereby appropriated for the purpose herein named in lieu of and to the extent of the amount so paid in, and shall be deducted from the amount herein appropriated for such surveys."

Mr. HISCOCK. That is subject to the point of order.

The CHAIRMAN. Does the Chair understand the gentleman as raising the point of order?

Mr. HISCOCK. I do; I make the point of order upon it.

Mr. ANDERSON. What point of order?

Mr. HISCOCK. It is the same amendment substantially as the one just ruled out.

The CHAIRMAN. The Chair will hear the gentleman from Kansas briefly upon the point of order.

Mr. ANDERSON. I would like to know what the point of order is?

Mr. HISCOCK. It is new legislation all the way through.

Mr. ANDERSON. The amendment I first introduced related to lands of the Kansas Pacific road in the States of Kansas and Colorado. This amendment relates to all of the railroads obtaining grants under the acts of 1862 and 1864 which have not as yet paid the costs of survey of their lands. And there is no bill before this House, nor does any gentleman pretend there is any bill before this House, touching this question. Therefore, it is not the substance of legislation now before the House.

Then I wish to call the attention of the Chair to this, that it is in accordance with existing legislation. That existing legislation, as I said before, is contained in the act of 1864, which provides that—

Before any land granted by this act shall be conveyed——

The CHAIRMAN. The Chair understands that provision. The Chair has the same understanding of the existing law as the gentleman from Kansas.

Mr. ANDERSON. Then I need not speak of that.

The CHAIRMAN. Not of the existing law.

Mr. ANDERSON. Then this does not change existing law for the reason that this amendment is applied to certain railroad companies which obtained grants under that act. Of these railroad companies the Union Pacific and Central Pacific were great leading corporations, and these companies have paid these costs of survey and are not affected by this amendment.

The central branch of the Union Pacific, my understanding is, has also paid these costs, although as to that I am not quite positive. The only companies that have not, according to my information, are the Kansas Pacific, the Western Pacific, and the Sioux City and Pacific. The existing law required these companies, all of them, to make this payment. The great through corporations have made it. But here are these three smaller corporations which have not made it. The fact that those leading corporations have made these payments shows that this is in accordance with existing law.

I submit to the Chair another thing: that this amendment proposes to reduce the sum of $400,000 to $375,000; that therefore it is a substantial amendment, the reduction not being contingent. Secondly, that it does not make a permanent appropriation any further than the existing act of 1864 makes a permanent appropriation. Third, that it is not the substance of any legislation before this House.

The CHAIRMAN. The Chair understands the points made by the gentleman from Kansas. The gentleman will recollect that the previous decision was not made upon the contents of the pending bill, though that raised some doubts in the mind of the Chair; but the Chair is perfectly clear he would not be justified in allowing a main object of new legislation to be accomplished under the form of adding in some way to that a reduction of a few dollars or a few thousand dollars. The main object of this legislation, it appears evident to the Chair, as it must to the committee, is to make a new regulation touching the various railroad companies that are named.

Mr. ANDERSON. I would like to be heard upon that point.

The CHAIRMAN. In a moment. The Chair thinks the committee have expressed their opinion upon the previous point, that they do not wish to ingraft general legislation on this bill as an appendage to a proposition to reduce expenditure. As the Chair understands the rule a proposition must be germane, and, secondly, must retrench expenditures in the manner specified by the rule. That is, it must be a sequence direct and necessary of the proposition adopted that it does retrench expenditures. The opinion of the Chair is that the rule intended to bring members offering amendments and the Committee on Appropriations equally to a very close construction in the addition of general matter to an appropriation bill. And it is so evident that this proposition to reduce, which is again made upon the condition that the funds come into the Treasury from certain sources, is simply a means of getting at the general legislation instead of the general legislation being a means of reducing expenditure, that the Chair is obliged to sustain the point of order.

Mr. HAZELTON. It would be in the nature of such riders as the gentleman from Kansas fought in the extra session of Congress.

Mr. ANDERSON. I wish to make a suggestion to the Chair, and will reply to my friend from Wisconsin afterward. I would respectfully suggest to the Chair, with the heartiest good will, that the Chair has only to take the face of the amendment. The Chair, in my judgment, is not justified in reasoning out what my object may be. The simple question is what appears on the amendment.

The CHAIRMAN. The Chair did not speak of the gentleman's object, but of the object of the amendment.

Mr. ANDERSON. The object of the amendment is simply to execute existing law.

The CHAIRMAN. If the gentleman from Kansas were to sit down and copy a chapter of existing law *verbatim et literatim*, and offer that as an amendment, the Chair would rule it out of order as new legislation, unless it has the effect, direct and immediate, required by the rule. In other words, the mere re-enactment of existing law is no more in order without having that effect than the enactment of new law. The Chair has given its decision, and no appeal being taken, the Chair is ready to entertain a further amendment.

Mr. ANDERSON. I again respectfully appeal. I shall not call for a vote, but I wish to put on record my protest against this decision of the Chair.

The CHAIRMAN. An appeal having been taken, the question is submitted to the committee: shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative; and the decision of the Chair stood as the judgment of the committee.

Mr. ATKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1440, strike out "nine" and insert "eight."
In line 1441, strike out "seven" and insert "six."
In line 1442, strike out "five" and insert "four."
In line 1446, strike out "thirteen" and insert "twelve."
In line 1447, strike out "eleven" and insert "ten;" and also, in line 1447, strike out "seven" and insert "six."

So that it will read:

"For surveying the public lands, $400,000, at rates not exceeding $8 per linear mile for standard and meander lines, $6 for township, and $4 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth a sum not exceeding $12 per linear mile for standard lines, $10 for township, and $6 for section lines."

The CHAIRMAN. These propositions will be taken together if no objection is made.

Mr. ATKINS. I offer that as a whole. I will not detain the committee by any elaborate remarks on this subject. I want to make but one or two observations.

It is fair to say to the Committee of the Whole that the figures reported by the Committee on Appropriations in this bill work a reduction of the amount granted for this purpose in the last appropriation bill. But I undertake to say that that reduction is not sufficient.

It is because of the very large amounts that were allowed to these surveyors that the enormous frauds have been perpetrated upon the Government of which the gentleman from Minnesota [Mr. WASHBURN] spoke yesterday. It is because these sums are so large which surveyors are allowed for surveying the public lands that they have been enabled to sell the certificates of surveys often at a large discount, in some instances at 50 per cent. discount or more, and then realize large profits. It is within the experience of practical surveyors that even the figures indicated in my amendment are too high, and that under them these surveyors would make very large profits.

I hope it will be the sense of this Committee of the Whole to strike at the root of this fraud. And that root is the large sums which have been allowed these surveyors for surveying the public lands. It has cost the Government at least $7,000,000 for the surveying of worthless public lands. You have to-day 120,000,000 acres of public lands surveyed in excess of the demand, 100,000,000 of which are worthless.

Mr. WILSON. Surveyed now?

Mr. ATKINS. Surveyed now; lands utterly worthless and the surveying of which has cost this Government $7,000,000.

Now, I say it is the duty of this Congress to cut down the figures for these surveys, so that there will be no inducement to the surveyors to survey worthless lands and then assign these certificates. As the law is now, as you were told yesterday, a surveyor can survey public lands in any portion of the country and go outside of the township and outside of the land-office district and locate the certificates of surveys. And in so doing large frauds have been perpetrated upon the Treasury.

It is the duty of this House to cut these figures down, because when you cut them down to something like reasonable rates there will be no inducement to survey large bodies of lands that are worthless and then assign the certificates.

Mr. VALENTINE. I hope that this committee will not do a hasty and unwise thing under the influence of the cry of "mad dog" raised by the gentleman from Tennessee, [Mr. ATKINS.] If the gentleman lived in a region of country where lands need to be surveyed, I think he would understand this question better than his language to the committee indicates that he now does.

Mr. ATKINS. I can only say that if the cry of "mad dog" was raised upon the floor of the House, it was raised by the gentleman from Minnesota, [Mr. WASHBURN.]

Mr. VALENTINE. Oh, no; that to which I refer, with all due regard to the gentleman from Tennessee, [Mr. ATKINS,] was raised by himself.

Mr. ATKINS. I beg to say that I certainly have not used any stronger language, nor have I added any force to what was said by the gentleman from Minnesota [Mr. WASHBURN] yesterday.

Mr. VALENTINE. The Committee on Appropriations have in this bill reduced the price of surveys per linear mile $3 per mile upon every class of these surveys. That proposition has been practically passed upon by the House and the action of the Committee on Appropriations confirmed.

It is now sought by the gentleman from Tennessee [Mr. ATKINS] to reduce the price $1 more upon each of the several classes of surveys; so as to strike off $4 per linear mile from what the law now allows. And in order to get this committee to support his amendment he used what I claim was the "mad-dog" cry, by reference to the deposit system.

Now, what are the facts touching that system? The same Committee on Appropriations has placed upon this bill a provision which in my judgment was clearly obnoxious to the rules, and the point of order upon it should have been sustained. But believing the deposit system to be an obnoxious system, I said nothing whatever on the point of order when it was before the committee.

I believe that system has been abused; I believe lands have been surveyed that will not be used by actual settlers for half a century. But we have lands in the States of Nebraska and Kansas and in the Territories lying in that region that are agricultural lands, and we want them surveyed, and we want them surveyed properly.

Mr. RYAN. I want to correct my friend. There are no unsurveyed public lands in Kansas, and only 5,000,000 acres in Nebraska.

Mr. VALENTINE. I am glad to learn that the gentleman has got over that difficulty in his State.

Mr. BRENTS. From his speech yesterday I supposed they had no public lands in that State.

Mr. VALENTINE. The gentleman from Washington Territory [Mr. BRENTS] very wisely says that he supposed from the remarks made by the gentleman from Kansas [Mr. RYAN] yesterday that they had no public lands in that State to be surveyed. As soon as they have got out of the scrape they are willing to abandon the system and to let it go. But we in Nebraska and in the Territories adjoining have public lands to be yet surveyed. For one I want to see a sufficient sum paid by the Government of the United States to secure the making of good and sufficient surveys, so that when settlers come to the West from the State of the gentleman from Tennessee, or from any other State to settle there, they can go out and find a Government corner actually made, and one that will remain there.

I say that the price as reported by this bill for surveying the public lands is not too much. A provision has been placed upon this bill which practically repeals the deposit-system law. Under the provision as it is now in the bill I dare say that you never will have another single quarter section of Government land surveyed under the deposit system. And with that I am content. Therefore that crime, which the gentleman says has been committed against the United States of surveying lands which were not needed for settlement, has been wiped out by this bill.

Now, why strike down the legitimate price for surveys where it is necessary that public lands should be surveyed? We want men competent to make these surveys. It is true that you get men to swear, as they are required to do under the law, that they are surveyors, and contracts will be awarded to them by the surveyor-general to make surveys. Yet when they get through their surveys are absolutely worthless; and you provide no system of inspection, no way of determining whether the surveys are properly made or not. I hope the amendment will not prevail.

Mr. PAGE. I offer an amendment in the form of a substitute for the entire paragraph.

Mr. ATKINS. Is that in order before the text is perfected?

The CHAIRMAN. The text should first be perfected. If the amendment of the gentleman from California [Mr. PAGE] is a substitute for the whole paragraph, the Chair would advise him to withhold it until the text of the paragraph is perfected.

Mr. ATKINS. My amendment is to perfect the text.

Mr. PAGE. I will withdraw my substitute for the time being, and in order to say a word will move *pro forma* to strike out the last word.

Mr. Chairman, the ruling of the House yesterday, of which I do not complain, was in effect, in my judgment, an abolition of surveys under the deposit system. Now, the question is whether you will have any surveys of the public lands at all. It was asserted yesterday by the gentleman from Minnesota, [Mr. WASHBURN,] and the remark met a response from my friend from Nevada, [Mr. CASSIDY,] and the gentleman from New York was glad to have him bear witness to the fact, that these surveys under the deposit system are all wrong. Mr. Chairman, I have resided on the frontier of the United States for thirty years, and I know something about the surveying and settlement of the public lands in the western country. There are three or four classes of people who are benefited by not having the public lands surveyed. Who are they? The men who have built saw-mills and are engaged in plundering the public lands of their valuable timber—those who can now go upon the public lands and take timber because the lands are unsurveyed are opposed to surveying the timber lands of the United States. Another class of men opposed to surveying the public lands are those who have cattle ranges embracing from 5,000 to 20,000 acres in Dakota, in the Black Hills, in Wyoming, in Idaho, and in the State of Nevada, where they have their cattle roaming all over Uncle Sam's domain, and do not pay a dollar in the way of rent. The men who are engaged in mining, who, if I may use the expression, have gobbled up five times the amount of land they are entitled to under your mineral laws, do not want your lands surveyed. Of course the men along the line of the Union Pacific Railroad, men handling large amounts of foreign capital, men who have invested hundreds of thousands of dollars in stock-raising, do not want your public lands surveyed. They want them to remain as they are now, so that they may use them without paying the Government one dollar and may exclude everybody else from occupation. These are the classes of men who cry most loudly against the survey of the public lands. I do not say that any motive of this kind actuates my friend from Tennessee, for I know it is not the case. He has no interest in the matter one way or the other. But men representing western constituencies, portions of the country that invite settlement, that have large quantities of public lands unsurveyed and unsold, ought to have some influence in this House in reference to the survey of these public lands.

Mr. BLACKBURN. I desire to say only a word in support of the amendment offered by the gentleman from Tennessee. I am sure that the action of the committee in doing away with the deposit system, under which the certificates issued upon deposits have been used as the current money of the country, will be sustained by the House and the country.

In reference to the rates of pay for these surveys, I believe the gentleman from Tennessee is right in the amendment he has submitted. The committee acted very advisedly and very carefully in recommending to Congress a reduction of the rates of pay. They took the opinion of the Land Office itself; they took the opinion of men in this House best posted upon the question, such as my colleague on the committee, the gentleman from Kansas, [Mr. RYAN.] They took the opinion of another member of this House, who I am sure, like my friend from Kansas, enjoys the confidence of the House, the honorable gentleman from Minnesota, [Mr. WASHBURN,] who was for years surveyor-general of his State. The concurrent testimony of every witness that we called before us was to the effect that the rates of pay at present prevailing tended to produce fraud; that these certificates were sold at a discount of 10 per cent., and yet so large was the margin of profit——

Mr. VALENTINE. The gentleman talks about the sale of those certificates; that is now all wiped out.

Mr. BLACKBURN. It is whenever this bill becomes a law.

Mr. VALENTINE. Exactly.

Mr. BLACKBURN. I have passed from that question and am now discussing the rates of pay for these surveys. The testimony before the committee satisfied us that frauds were perpetrated by reason of the very large sums of money paid for this service; that after paying this discount a profit of 50 to 100 per cent. could be made upon every survey, thus inducing frauds upon the public revenue in this, that the surveys were made in the office instead of the field——

Mr. VALENTINE. I was just going to ask the gentleman whether that was not the fact. But if the officers had actually gone into the field and made correct, accurate, honest surveys, was there any testimony before the committee that the pay would then be too large?

Mr. BLACKBURN. Yes, sir; any quantity of testimony. It was the concurrent testimony from the Land Office and from the gentlemen whom I have named, who were most conversant with this subject, that the pay was too large even if the service was rendered fairly and honestly; that this system simply put a premium upon dishonesty; and where the surveys as a rule were made in the office when the surveyor himself had never seen the land, because 100 per cent. profit was his in the face of the discount he had to stand. [Mr. VALENTINE rose.] And more, sir, if the gentleman will permit me. Such were the profits accruing to him that in many instances, if not constituting the rule, that officer of the Government to pay the money advanced the money in order to get surveys made that he might have the profits thus accruing.

The Committee on Appropriations insisted they would ask this House to enact such legislation as would put a stop to such practice. The committee acted very wisely; they acted very conservatively; they adopted a scale of pay, not the minimum but the maximum rate recommended by all the parties testifying from the Land Office.

Mr. BLOUNT. Will the gentleman from Kentucky permit me to ask him a question for information?

Mr. BLACKBURN. Certainly, sir.

Mr. BLOUNT. I wish to ask whether the Land Office does not say the rate suggested by my friend from Tennessee [Mr. ATKINS] will be ample?

Mr. BLACKBURN. I will answer that. I will say this: the Committee on Appropriations adopted, not the minimum, but the maximum rate suggested for these surveys. They did afterward reduce that sum $1. The gentleman from Tennessee [Mr. ATKINS] offers an amendment to reduce it $1 more.

Mr. VALENTINE. Did not the committee pass on the question and determine the rate now fixed in the bill?

Mr. BLACKBURN. Yes; the committee did, and the committee determined, and what the committee determined was, to say it was within the limits and boundary of safe law, because the committee adopted, not the minimum, but the maximum rate of reduction sug-

gested. The gentleman from Tennessee proposes to reduce that $1 more.

Mr. ATKINS. Let me ask a question to satisfy my classical friend from Nebraska.

Mr. VALENTINE. Thank you, sir.

Mr. ATKINS. Was not the evidence before the committee to the effect that these sums could be safely reduced to the point I have indicated?

Mr. BLACKBURN. I assume it to be so. I say yes. Now, Mr. Chairman, as the gentleman has taken up so much of my time, I wish to add that, in addition to the testimony I have already cited, the committee had before it a Delegate from one of the Territories, himself now present on the floor of the House, a practical surveyor, and we took his counsel; we took the advice of every man in this House and out of it, the Land Office included, and the committee determined to recommend a reduction to the figures in this bill, and I tell you they were the minimum instead of the maximum figures for reduction, and from the testimony submitted to that committee, from opinions expressed by the members of the House and Delegates on this subject, I am sure we are not trenching on dangerous ground if we adopt the amendment offered by the gentleman from Tennessee to reduce it $1 more.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, a single word. I am opposed to the amendment offered by the gentleman from Tennessee——

The CHAIRMAN. There being no objection, the *pro forma* amendment will be withdrawn and renewed by the gentleman from New York.

Mr. HISCOCK. As has been said by the gentleman from Kentucky, [Mr. BLACKBURN,] this matter was carefully investigated, and there has not been an intention on the part of any member of the Committee on Appropriations, in my judgment, in the least to impair the service. We proposed to give a fair compensation for the survey of the public lands. And more than that, Mr. Chairman, having struck down the deposit system as called for, lest we cripple the service, I am in favor of a liberal compensation for surveys, and we have given in this bill, I admit, more than we believe to be necessary. I am not sure it is not necessary; but I am sure we should not cripple the service, that we should not experiment on this question. And, Mr. Chairman, we were confronted with the fact, and I commend this to the gentleman from California, that during the year 1881 $2,000,000 in the public lands were stolen. That is the fact to be confronted—stolen, because under this system they were turned in for surveys which were never made, and for which excessive prices were paid when they were made.

Two million dollars have been stolen during the last year in the same way, if the statement of the Commissioner of the General Land Office is to be relied on. But, gentlemen, we need not rely on the statement of the Commissioner of the General Land Office, when you take the State of Colorado, with over 7,000,000 acres of land, nearly 8,000,000, and less than 250,000 acres sold; and in the State of Nevada the same condition of things.

Mr. VALENTINE. Will the gentleman allow me to ask him, while they were legislating on this question to better the condition of affairs, they did not provide for inspectors of surveys?

Mr. HISCOCK. We have.

Mr. VALENTINE. In what bill?

Mr. HISCOCK. In this bill.

Mr. VALENTINE. That is the very thing we want.

Mr. HISCOCK. In this very clause which is now before you. That proposes $50,000 of this money shall be appropriated for that purpose, and in the legislative bill there will be still further provision made. Now, take the State of Nevada——

Mr. VALENTINE. All we want is to have our surveys properly made.

Mr. RYAN. You will have them made; there is a provision here of $50,000 for that purpose.

Mr. HISCOCK. Take, I say, the State of Nevada, to which attention was called a short time ago by the gentleman representing that State. There were 4,524,000 acres of land surveyed in that State last year and only 88,000 acres sold. The surveyor-general tells us that they have been over these rocky districts which have been surveyed and no lines can be traced and no monuments fixed. The report of the Commissioner of the General Land Office and his letter, which is indorsed by the late Secretary of the Interior, Mr. Kirkwood, show that this system was fruitful of fraud, and that substantially this $2,000,000 in value of the public lands was squandered.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. DUNN. I wish to ask the gentleman from New York if in the legislative bill and in this bill together $160,000 about is not appropriated for the surveyor-general's office and for the contingent expenses of his office?

Mr. HISCOCK. Yes, sir; that is about the amount.

Mr. DUNN. They have been reduced in proportion to other reductions——

Mr. HISCOCK. No, sir; there has been no reduction there.

Mr. DUNN. We spend, then, $160,000 in order to dispose of the $400,000 for surveys.

Mr. HISCOCK. I cannot help it. There may be an error in that. I am not going to discuss the question of whether there is or not. But it was not a matter with which we had any concern. We were not called on to change from the laws existing upon the statute-books. In 1879 this abuse to which the gentleman now calls attention crept into legislation, and we are not responsible for it. This Congress is not responsible for it, and we have sought, so far as was in our power, to correct it. I do not mean to be understood as charging the abuse upon any party or any committee. I know very well that when these rates were fixed by bill not one cent more than was necessary would have been given by the gentleman from Georgia, who presented it, and every one present will indorse that statement.

Mr. HEPBURN. I desire, Mr. Chairman, now, in lieu of the amendment of which I gave notice on yesterday, to ask leave to offer a substitute.

The CHAIRMAN. The Chair will suggest to the gentleman from Iowa that there is a *pro forma* amendment now pending, which, when disposed of, will enable the Chair to recognize the gentleman from Iowa to offer his proposed substitute.

Mr. BRENTS. Mr. Chairman, two years ago frauds were discovered in the postal service of the country, and a cry went up from this House, and in fact from all over the country, against appropriations for the postal service in that part of the country where these frauds occurred. To a great extent these were the feelings that prevailed with reference to the star-route service, and in the appropriation bill of that year there were great efforts made to cut down and destroy absolutely these portions of the postal service in the West. Now, then, frauds have been also discovered in the system of surveying the public lands in some instances, and gentlemen jump to the conclusion that the fault is in the law instead of its execution, and demand that we strike down the whole surveying system. Gentlemen get excited when they hear the cry of fraud here.

Now, if any frauds have been perpetrated in this service they should be ferreted out and the perpetrators punished according to the law; but we must not go heedlessly to work and repeal every law which is susceptible of fraud being perpetrated under it simply because there is an apprehension that such a thing will at some future time be done. All laws, Mr. Chairman, operate upon facts which must be ascertained, and in the ascertainment of the facts deception is often practiced, and of course abuses follow. So it has been here in this case. Men have committed perjury and have deceived the land officer and had surveys authorized which perhaps should not have been made. But it was not the fault of the law. It was because frauds and perjuries were committed and deception practiced successfully upon the officers. Now, to avoid that let us give the remedy proposed by the Secretary of the Interior, namely, inspectors to look after these matters, to detect, report these frauds, and bring the perpetrators to punishment. We say that these surveys which have been made indicate that we have been paying too much for the surveys, and we have cut down the amount at least 25 per cent. since last year. It is passing strange that the Committee on Appropriations a year ago did not discover that we were paying too much for this service. The gentleman from Tennessee is always very economical and always on the alert to discover fraud, when there is any, and it is strange that he has just now found out that the price proposed by this bill, which is so much below that of last year, is too much and that so much fraud can be and is being perpetrated under the present law.

Sir, I only want the price to be sufficient to insure the surveys. I would pay a dollar more than is reasonable and right and necessary for that purpose. We are already reducing it far below the price which the honorable gentleman from Tennessee thought was right and reasonable last year. The present committee, after an examination of the matter, think we can do that and still get the surveying done. If we now go with my economical friend from Tennessee, who has undergone this great change of heart since last year, in his proposed further reduction, we shall probably fail to get the contracts taken and the surveying done. I am not willing to take this risk, as the result of failure in this would be most disastrous to the western country where these surveys are so much needed. I hope the amendment will be voted down. [Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the gentleman from New York in charge of this bill a few moments ago stated that the rates paid for the surveys of the public lands had been increased by myself in the sundry civil bill which I reported.

I wish to correct the gentleman as to that, and to say that the compensation in the last sundry civil bill and for several years was simply in pursuance of the law which existed prior to the reduction of those bills and which had been continued for several years.

Mr. RYAN. Will the gentleman allow me to interrupt him for a moment?

Mr. BLOUNT. Yes, sir.

Mr. RYAN. I think the gentleman is in error. In 1881, by provision in the sundry civil bill, the rates of compensation were raised above what they had been for the four preceding years very largely. That is the fact and I am ready to give the figures if it would not interrupt the gentleman.

Mr HISCOCK. There is no doubt about that.

Mr. BLOUNT. I am very sure there was no report of an increase of compensation to surveyors from the Committee on Appropriations.

It is possible, when it came into the House, the bill was amended in that way. But I am quite sure there was a struggle on the part of the Land Office to increase the compensation, which we resisted. There was likewise an effort on the part of the Land Office to extend the deposit system to all of the lands. That effort was made before the committee by the Commissioner and by the friends of the measure not only in the committee but in this House. It was resisted, and there was, I must say, no change at all coming from the committee. I will not say that before the bill finally became a law there might not have been an amendment here or in the Senate. My impression is that I stated any increase of the item not only in the committee but in this House; and if an increase has occurred, I think my friend will find it was made in the Senate. I am very sure I recommended none, nor did the committee.

The *pro forma* amendment was withdrawn.

Mr. HASKELL. I renew the *pro forma* amendment. There is no possible doubt but what this reduction is just. I think there is no man familiar with the surveys of the prairie countries of the West but will admit that in the years past the profits on the surveying contracts have ranged from 50 to 75 per cent. of the gross amount collected. The price of surveys in mountainous districts or in those sections of the country covered with underbrush and timber where lines of sight have to be cut, are sometimes more expensive to run than is provided in this bill twice over. You can find some localities of that sort. But in the great mass of the surveys of the public lands of the United States to-day there is not a possibility of a doubt but what you can secure all the surveyors you want at a moment's notice at the lowest price indicated on this floor. There is not any doubt about that. In the prairie countries alone the price heretofore allowed by Congress has been enormously large. There is no danger of striking down the surveying system by the reduction proposed by this bill, or even by the amendment offered.

If the Committee on Appropriations will give money enough to survey a sufficient amount of lands and provide for the immigration that is coming into the country, they will have cared for the surveys of the public lands of the United States. The price paid is ample, and any man familiar with the facts will know that a five-thousand-dollar contract or a ten-thousand-dollar contract under the old rates would yield a profit to the contractor of from 50 to 75 per cent., and his season's work would not be over four months long; and that, too, in days when they had to rig up teams and hire more men than they needed, and hire arms to protect themselves against the Indians. The fear, therefore, that the survey system of the United States is going to be injured by this reduction is a baseless one.

Mr. CASWELL. I desire more particularly to call the attention of the committee to the effect of the amendment proposed by my colleague on the committee, the gentleman from Tennessee. I heartily sympathized with him, and I think the whole committee did, in fixing these amounts at a rate as low as the surveys could be well and effectually made. But his reduction to $4 per mile for section lines is a reduction of one-half of the amount now allowed by law. The survey of section lines embraces the great portion of the survey, and a reduction of one-half of the present rate is extreme.

Mr. ATKINS. To meet the objection of the gentleman from Wisconsin, who I know is very sincere about this matter, I am willing to modify my amendment by leaving the rate as it is in the bill as to section lines.

The CHAIRMAN. The gentleman from Tennessee modifies his amendment by proposing no amendment in that part of the paragraph.

Mr. CASWELL. I think that decidedly improves the amendment of the gentleman from Tennessee. But I think if the Committee of the Whole understood the work and labor and attention given to this subject by the Committee on Appropriations they would leave this paragraph as it is now in the bill. We cannot suppose that any one, any member of the committee, or any other gentleman on this floor can understand this subject as well as the Commissioner of the General Land Office. We consulted him on this question, and he fixed amounts which were regarded as reasonable, and we have reduced his figures $1 per mile and put those reduced rates into the bill.

I say we should avoid extremes upon this question. We should not fix the price at so low a rate that we would fail to obtain efficient surveys. A medium ground was thought to be more feasible and much safer, because while in some portions of the country, it is true, surveys may be made cheaply, yet in hilly, rough portions it costs very much more. And the language of the bill is that the amount paid shall not exceed the amount fixed here; and the Commissioner of the General Land Office should grade that amount down if it is too high. I believe the amounts named in the bill are the wisest and the best for the committee to adopt.

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. ATKINS] as modified by him.

The question was taken; and upon a division there were—ayes 28, noes 32.

Mr. ATKINS. I call for tellers. I make the point that no quorum has voted.

Tellers were ordered; and Mr. ATKINS and Mr. CASWELL were appointed.

Mr. ATKINS. I will withdraw my point that no quorum voted.

Mr. McMILLIN. I renew it.

Mr. ATKINS. Do not do that.

Mr. McMILLIN. Very well; I will withdraw it.

So the amendment was not agreed to.

Mr. CONVERSE. I desire to move an amendment to the pending paragraph.

Mr. PAGE. I have an amendment on the Clerk's desk.

The CHAIRMAN. That the Chair understands is a substitute for the paragraph. The gentleman from Ohio [Mr. CONVERSE] moves to amend the paragraph.

Mr. CONVERSE. I move to amend by inserting, in line 1471, after the words "Land Office," the words "and in the township;" and in line 1472, after the word "are," insert the words "situate and;" so that it will read:

That no certificates issued for a deposit of money for the survey of lands * * * shall be received in payment for lands except at the Land Office and in the township in which the land surveyed for which the deposit was made are situate and subject to entry.

Mr. HISCOCK. I reserve all points of order on that amendment; I did not hear it distinctly.

Mr. CONVERSE. No point of order can lie against that amendment.

Mr. HISCOCK. I presume not; but I want to reserve any that do lie against it.

The CHAIRMAN. The points of order will be regarded as reserved.

Mr. CONVERSE. I have offered this amendment for the purpose of requiring those who deposit money for surveys to take their pay in lands in the township where the survey is made. If I understand the bill as it now is, it allows this scrip to be located within the land district where the survey is made. And gentlemen claim that that is an end of the deposit system.

Mr. VALENTINE. So it is.

Mr. CONVERSE. That I apprehend is an entire mistake. For instance, in the Territory of Montana there are but two land districts. In that Territory there are but about 20 per cent. of the lands that is fit for pasturage, including 7 per cent. that is arable; so that there is from 75 to 80 per cent. of the land in that Territory that is utterly valueless, at least for the present.

Now, under this bill any one who may desire to deposit money for the purpose of getting land scrip in that Territory would have no trouble in finding townships of land, indeed whole counties of land, almost valueless for settlement, but which could be surveyed under this system, and scrip obtained to be located upon the rich valleys in the Territories, and thus the best portions of the land in that Territory could be secured. If I apprehend the bill aright as it now stands, it does not interfere at all with the deposit system. Surveys may be made under this bill in the land district of worthless land to any extent.

Mr. RYAN. Yes; but under the law as it now exists the scrip could be used anywhere in the United States. By this bill it is restricted to the land district, and the amendment of the gentleman would restrict it to the township.

Mr. CONVERSE. But of what practical advantage is it to restrict it to a land district? A land district may extend two hundred miles on either side, and under this bill worthless lands could be surveyed in that district, and the scrip could be used to locate good lands in any part of the district.

Mr. RYAN. This scrip is not located on any and all lands; it is simply received as so much money in payment of land.

Mr. CONVERSE. Certainly, that is what I mean. A man can go and select the best land in the Territory. Affidavits may be made by straw-men, which my friend knows about as well as I do, and the next thing that would be done would be to pay this scrip for land, and the man would be entitled to his deed from the Government. Under this provision the scrip is assignable, so that speculators can get control of the best land in the land district. And the land districts in which to accomplish all of this work are large enough to still continue the evil complained of, and the limiting the use of the scrip to the land district does not practically work an abandonment of the deposit system.

Mr. RYAN. I suppose my friend understands very well that this scrip cannot be used on all lands.

Mr. CONVERSE. Certainly.

Mr. RYAN. Practically none of it can be used in homestead lands, because in those cases there is nothing to pay but the fees, and it is only pre-emption land to which it can materially and practically apply.

Mr. CONVERSE. But my friend is aware that if a homesteader has been there and acquired his land he can pay for it by this scrip.

Mr. VALENTINE. That is true.

Mr. CONVERSE. I will call the attention of my friend to the fact that this bill does not remedy the evil at all.

Mr. CASWELL. Let me show how it does.

Mr. CONVERSE. The location may be made in the land district, and the land district is so large that the evil would still continue.

Mr. CASWELL. I know the gentleman from Ohio [Mr. CONVERSE] wants to be correct. Let me show him how this provision does work a remedy. For instance, in the State of Colorado last year there was located only a little over 200,000 acres of land by this scrip.

Mr. CONVERSE. I understand that.

Mr. CASWELL. While there was surveyed in that State 6,000,000 acres. Now, if the scrip had been confined to the land district of Colorado it would not have been available for lands in other districts.

Mr. CONVERSE. There might not have been so much of it available, but I claim that the fraud would have been as great in that event as it is now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONVERSE. I desire to have a minute or two longer, because my time has been so taken up by interruptions. I want to make one or two more suggestions on this point.

The evil complained of is the surveying of worthless lands. According to the old law the scrip had to be located in the township when the survey was made. These surveys under the law were authorized upon the theory that the settler is already there and wants his own land surveyed so that he may locate it and define the boundaries. Now, if that be so, and the settler puts up his money for that survey, what objection is there to limiting him in the use of the scrip to the township in which the survey is made?

Mr. RYAN. This is the objection: the man who goes upon unsurveyed Government land and desires to take it under the homestead law, and who has a right to a Government survey, would not put up his money unless he could get some part of the scrip beyond the township. [Here the hammer fell.]

Mr. WILLITS. I have a word to say in reference to the amendment. There is of course an evil to be abated if we can reach it. The evil as the law once existed was that nothing less than a township could be surveyed. In that township there might be not more than one hundred and sixty acres of valuable land. The man settling upon those one hundred and sixty acres would want it surveyed, but in order to get a survey he was obliged under the law to deposit money sufficient to pay for the survey of the whole township, which might cost $800 or $1,000. What was the result? The man lost the excess that he had paid for the purpose of obtaining a survey. That was the evil sought to be cured.

Mr. CONVERSE. Now I desire to put to the gentleman this question: if there were only one hundred and sixty acres of good land in a township, why should the Government pay $1,000 or $1,500 for surveying the entire township?

Mr. WILLITS. That is a legitimate question. I will say to the gentleman that this whole subject came up in the Forty-fifth Congress. Under the lead of the gentleman from Tennessee [Mr. ATKINS] an effort was made to revise this whole system of surveys. I stood with the gentleman from Tennessee in that effort, but we received comparatively little support in that effort to establish a system by which nothing but the good land should be surveyed. For various reasons—as I thought largely because there were so many surveyors and deputy surveyors, contractors, &c., all over the West—our Western friends voted down the proposition. In order to cure the evil complained of, they said, "Let the man who is obliged to pay for the surveying of a township sell his certificate to somebody who wants to settle elsewhere." So the law was amended by allowing these certificates to be used all over the United States.

It is manifest, Mr. Chairman, that very great frauds have been committed in respect to this matter. The Committee on Appropriations now seek to prevent such frauds. [Here the hammer fell.]

The question being taken on the amendment of Mr. CONVERSE, it was not agreed to; there being—ayes 26, noes 31.

Mr. HOLMAN. I move to amend by adding to the paragraph these words:

But such certificates of deposit issued hereafter shall not be assignable.

Mr. HISCOCK. I make a point of order upon this amendment.

The CHAIRMAN. It would seem to be a change of existing law——

Mr. HISCOCK. Further than that, it is not germane to the subject-matter of the bill.

Mr. HOLMAN. I would remind the Chair that the question as to whether this whole provision was in order or not was submitted to a vote of the Committee of the Whole. The provision did not in terms retrench expenditures nor was it strictly germane, but the Committee of the Whole held it to be in order. Inasmuch as this provision now stands before the committee, I submit that an amendment which is germane to the proposition must be in order. My amendment is germane. I understood the gentleman from New York to say in a previous part of this debate that these certificates are not assignable—that the act of March 3, 1879, which virtually repealed——

Mr. CASWELL. No, sir——

Mr. HOLMAN. The gentleman will excuse me. He must remember that the Commissioner of the General Land Office tells us that under the act of March 3, 1879, making these certificates assignable, these frauds have been perpetrated.

Mr. HISCOCK. That is correct; he does say that. The evil is to be remedied in two ways: one by repealing the assignability of these certificates; the other by limiting the area within which the lands shall be situated for which these certificates are received in payment. We have adopted the latter method—not repealing the assignability of the certificates at all, but limiting the area within which they may be received in payment for lands to the land district. The whole question before the committee now is upon the limitation of that area.

Mr. HOLMAN. I cannot yield further to the gentleman. My proposition is that where a provision is pending before the Committee of the Whole in an appropriation bill, having been declared to be in order, an amendment to that provision, if germane, is from the very necessity of parliamentary law in order. I concede that the original proposition was of questionable regularity on this bill; but the Committee of the Whole held it to be in order; and here is an amendment germane to that provision. How is it possible that it should not be held to be in order?

The CHAIRMAN. The Committee of the Whole having decided the point of order yesterday upon the main proposition, it is the duty of the Chair to submit this question, if the gentleman from New York insists on his point of order, to the decision of the committee. The question is, Shall the point of order made by the gentleman from New York be sustained?

The question being taken, there were—ayes 34, noes 31.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN appointed Mr. HISCOCK and Mr. HOLMAN as tellers.

The committee again divided; and the tellers reported—ayes 67, noes 36.

So the point of order was sustained, and the amendment ruled out.

Mr. HOLMAN. I move to add to the paragraph the following:

The Clerk read as follows:

No public lands which are adapted to agriculture shall be surveyed under the foregoing appropriation except such as shall be from time to time required for actual settlement under the provisions of the homestead law.

Mr. HISCOCK. I make the point of order on that.

Mr. HOLMAN. This is a limitation simply on the appropriation, saying the money shall not be expended except in a certain way.

Mr. HISCOCK. It changes the whole system of survey under the law.

Mr. HOLMAN. It does change the law.

Mr. HISCOCK. And does not reduce expenditure.

Mr. HOLMAN. I concede it changes the law, but simply by limiting the expenditure of the money. The Chair has held repeatedly that we may say under the rules of the House the purpose to which it shall be applied or shall not be applied. I think the practice has been uniform in that regard.

The CHAIRMAN. The Chair reminds the gentleman from Indiana that change of law is only permitted where expenditure is retrenched when reported by a committee having jurisdiction of the subject. Otherwise amendments proposed by individuals on the floor must reduce the amounts covered by the bill.

Mr. HOLMAN. The Chair does not apprehend what I intended to express and what I think I did express, and that is that it is undoubtedly within the power of this Committee of the Whole to say that no portion of this money shall be expended in Nebraska or Colorado, but shall be confined to a specific subject. It has never been questioned such an amendment is legitimate, limiting or restraining the expenditure of an appropriation in a general appropriation bill.

The CHAIRMAN. But this amendment makes no limitation in that form. The law provides generally for the survey of the public lands, not only for lands under the homestead law but for lands generally. On the contrary, this provides that no lands adapted to agriculture shall be surveyed under the foregoing appropriation except such as shall be from time to time required for actual settlement.

Mr. HOLMAN. It provides what lands shall be surveyed and nothing more, and limits the survey to lands of agriculture, as required from time to time by pre-emptors under the provisions of the homestead law.

Now, cannot the House adopt an amendment that this appropriation of $400,000 shall be confined to the survey of mineral lands? Could we not say it shall be confined to the survey of prairie lands or to timber lands? If we may say that, it seems to me we can say that no lands of a given class shall be surveyed unless required for settlement under the homestead law.

The CHAIRMAN. The Chair thinks the gentleman may accomplish his object by a different phraseology. The present amendment seems practically to change existing law.

Mr. HOLMAN. If the Chair will indicate, as we say to the court, what language will cover the case I will adopt it.

The CHAIRMAN. The gentleman has indicated the language himself which will bring it into the rule, providing that no part of the money appropriated in this act shall be used for the survey of lands so and so.

Mr. HOLMAN. I think that is exactly what I have stated.

The CHAIRMAN. The Chair will submit the question.

Mr. HOLMAN. It limits the expenditure of this appropriation and is not the adoption of any general rule. It restricts the application of this money.

Mr. WILLITS. I suppose it would indirectly reduce expenditures under this bill if the surveys were confined to the lands indicated in the amendment, that is to the survey of arable agricultural lands. But, Mr. Chairman, in order to survey agricultural lands and arable lands you will have to change the whole system of surveys.

The CHAIRMAN. It does not limit the survey to arable and agricultural lands, but simply says so far as it affects agricultural lands they shall be only surveyed as required for actual settlement under the homestead law.

Mr. WILLITS. Admit that; but under the present system all the agricultural lands would be surveyed under this bill, and in addition other lands, and that necessarily would be so. Therefore in one sense it reduces expenditure; but on the other hand you would have no provision for change of the system of surveys. You have now no system by which you can survey only the arable agricultural lands; and therefore it might be not only a substantial change of the law but involve additional expense. So that on its face it is a debatable question whether it reduces even expenditure.

Mr. HOLMAN. There is nothing here that prohibits the running of base lines for the purpose of laying out these surveys. The agricultural lands are to be surveyed——

Mr. WILLITS. Permit me a moment further. The gentleman from Indiana will certainly concede that if he is to survey a piece of arable land, he wants to indicate it by connecting it with something which will locate it in some manner and somewhere, and which may necessitate the survey of lands other than those contemplated by him.

Mr. HOLMAN. There is nothing whatever to prevent that in this amendment under the $400 provision. But the arable lands are only to be surveyed to the extent required for actual settlement under the homestead law.

Mr. WILLITS. But the gentleman from Indiana will bear in mind that in order to locate the arable lands you must lay out township lines, and worthless lands must be surveyed in order to lay out the good lands.

Mr. HOLMAN. The gentleman will find that that provision of the law is not interfered with at all. This only provides that the arable lands shall be surveyed as required by the homestead laws, and not as now required under the pre-emption laws, which make them subjects of speculation and deprive the people of the advantages from them which the law was intended to confer.

The CHAIRMAN. Will the gentleman from Indiana allow the Chair to suggest that under existing law there are already standing appropriations for surveys of the public lands; and that these surveys would still go on even if this amendment were adopted? The Chair does not like to rule the amendment out on the point of order, inasmuch as it is not in the judgment of the Chair entirely susceptible of the objection which has been made against it; but the Chair simply desires to call attention to the fact that this standing appropriation is already in existence by which the same thing can be done even if this amendment is adopted.

Mr. HOLMAN. The only standing appropriation is that which is derived from the surveys themselves——

The CHAIRMAN. The Chair prefers not to rule the amendment out of order, and will submit it to a vote of the committee under the construction placed upon it by the gentleman from Indiana himself.

Mr. HISCOCK. If the Chair will bear with me for a moment I am inclined to think, on examination, that this amendment is not perhaps subject to the point of order, although the point of order has been made against it. I presume that it is within the province of Congress to refuse to appropriate any money for any purpose, and therefore it was perhaps proper to limit the purpose for which this money should be expended. I believe, however, this amendment should be voted down; and I do not think we will be able to improve the provisions of the bill as reported from the Committee on Appropriations. I therefore withdraw the point of order and will let the committee dispose of this question upon its merits.

Mr. RYAN. It seems to me that such a question as this, affecting the whole public-land system, ought not to be dealt with in this summary manner. The practical effect of this proposition if adopted is that all lands surveyed under the provisions of this bill under this appropriation shall be done under the homestead law, and not otherwise. That is the effect of it.

Mr. HOLMAN. That is with reference to all agricultural lands.

Mr. RYAN. The public domain of this country may under existing law be taken up under either the homestead or the pre-emption laws. Now this practically repeals the pre-emption law.

Mr. HOLMAN. It does that very thing.

Mr. RYAN. And it is a thing of that sort, affecting as it does the whole public-land system, which needs mature consideration, and should not be undertaken in this hasty and inconsiderate manner. Let a proposition of that kind come up and be duly considered by some committee and receive consideration of the House in that manner. But a system that has existed for many years, that has brought upon the country lasting and enduring blessings, should not be wiped out in this hasty manner. I do not know but when the time comes for the consideration of this question openly upon its merits I may be able to agree with the gentleman from Indiana. But it is not wise legislation to break away from the whole system which has worked so well with our public lands, and, as I have said, brought upon this country the blessings with which it has been endowed in connection with this great public domain.

The CHAIRMAN. Debate is exhausted.

Mr. HOLMAN. I desire to say a word simply in response to the gentleman from Michigan. I concede that this amendment would repeal the pre-emption law; but I would bring before the House in this connection a recollection of the fact that in these very pre-emption laws more frauds have been perpetrated upon the public lands, and are more fruitful of evil to the people of this country than any other one single provision of the law upon any subject now in force. Gentlemen who are conversant with the system and with the operations of the law under it will bear me out in that statement. Under the existing law they are open simply to speculation, and not to confer benefits upon the people. Now, all I ask in this amendment is that the arable lands of the Government shall be surveyed to the actual settlers under the homestead laws. This homestead law I regard, Mr. Chairman, as the most humane law ever passed by Congress, and yet for twenty years, largely upon the same argument which has been used by my friend from Kansas, the time has been postponed for reserving the agricultural land to the provisions of the homestead law. That law, when it was enacted, was received with gratitude and hailed with delight by the whole people of this country. You are now permitting these lands to be exhausted, instead of, under its humane provisions, reserving its benefits to the people. Those who should receive the benefit of it are deprived of it, and the pre-emption laws have become the basis of land speculation, which does not attempt to seize and hold possession of the lands until labor has exhausted itself upon them and accumulated little homes, then these lands are taken up and thrown upon the market and the possessors deprived of their rights.

I say, sir, that this provision is simply in harmony with the homestead law and its spirit. Had it not been for the great public disorders which sprang up after the 30th of May, 1862, when that law was enacted, the people of this country would long since have wrested these lands from the plunderers and the speculators and dedicated them solely to the establishment of homes for the landless people of this country.

The question being taken on Mr. HOLMAN'S amendment, there were—ayes 20, noes 38.

So (further count not being called for) the amendment was not agreed to.

Mr. BRENTS. I offer the amendment which I send to the Clerk's desk:

The Clerk read as follows:

In line 1439 strike out "$400,000" and insert "$800,000;" so that it will read: "For surveying the public lands $800,000, at rates not exceeding," &c.

Mr. BRENTS. It is manifest from what has taken place in the committee that the legislation proposed by the Committee on Appropriations, which virtually repeals the act of March 3, 1879, will be adopted and will become law. That will necessitate a much larger appropriation for the surveys of the public lands, as the repeal of that law effectually strikes down the deposit system. The Secretary of the Interior, in the letter that was read yesterday and printed in the RECORD, makes this statement:

I have the honor to reply—

In answer to an inquiry from the Committee on Appropriations—that should said bill 859—

Which is in substance the amendment reported by the Committee on Appropriations—

become a law, it would be necessary to increase the estimate for surveying the public lands from $400,000 to from $1,000,000 to $1,250,000, and that the item, &c.

Further on in this same letter he says:

During the last fiscal year the appropriation by Congress for surveys was $300,000, and the amount deposited for surveys was a little over $1,800,000.

Making $2,100,000 that were applied in payment of the surveys of the public lands made during the last fiscal year.

If the deposit system is abolished, as it will be by this legislation, it certainly will be necessary to make larger appropriations for the general surveys, even if the demand is no greater for the next fiscal year than it has been in the past. But the tide of immigration from foreign countries is pouring into this country in a much larger volume than ever before. People are going upon these public lands and settling. Many of them are unsurveyed. Disputes arise in regard to their boundaries. No man can acquire a title to his land until it is surveyed, and you cannot expect settlers to take up simply those lands that are surveyed while there are better lands lying just beyond that are unsurveyed.

I think it is the true policy of this Government to survey all of these lands as soon as possible. The purpose for which they were acquired was that they might be settled, might become homes and be utilized in the production of sustenance for the people that are coming and settling in this country. We want these products; we want to sell these lands and to get the proceeds into the Treasury of the United States. We do not want them to lie idle. And this is a very small part of what the appropriation should be. I therefore submit we should at least increase this amount to $800,000, which is but a little more than one-third of what was used in the last year for surveys of the public lands.

The question being taken on the amendment offered by Mr. BRENTS, it was not agreed to.

The CHAIRMAN. If no other amendments are offered to perfect the text of the pending paragraph the Chair will now recognize the

gentleman from California, [Mr. PAGE,] who proposes to offer a substitute for the entire paragraph.

Mr. PAGE. I offer an amendment in the nature of a substitute, which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

Strike out from line 1439 to 1475, inclusive, and insert in lieu thereof the following:

"That hereafter all agricultural lands in the United States remaining unsold at the passage of this act shall be disposed of only under the provisions of the homestead and timber-culture acts; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed. And the Secretary of the Interior shall cause to be surveyed so much of the public lands in the States and Territories where they exist as in his judgment shall facilitate settlement; and he may use for this purpose so much of the moneys derived from the sale of timber lands, coal lands, mineral lands, or of any of the public lands as may be necessary; such surveys to be made by contract at prices now fixed by law. But the sum so expended in any one year shall not exceed $300,000."

Mr. HISCOCK. I make the point of order on that amendment.

The CHAIRMAN. The Chair will hear the gentleman from California on the point of order.

Mr. PAGE. I think there cannot be any question as to the fact that the amendment is not subject to the point of order. I strike out the appropriation of $400,000 from the bill. I desire to say to my friend from Indiana [Mr. HOLMAN] and my friend from Tennessee, [Mr. ATKINS,] those two gentlemen who I know are fond of professing a desire, and I believe sincerely are endeavoring, to reform the laws of the United States, particularly the laws relating to surveys of the public lands, I think I can convince them——

Mr. HISCOCK. I call for a division of the question on the point of order: first, as to the amount; second, as to the balance of the proposition.

The CHAIRMAN. The Chair is obliged to consider the entire proposition when the point of order is made. If the point of order is good against any part of it, it must defeat the whole. What is legitimate cannot carry into the bill what is illegitimate.

Mr. PAGE. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The Chair is ready to hear the gentleman.

Mr. ATKINS. I hope the gentleman from California will address himself to this feature of the point of order. His amendment proposes to fix the price of surveys above that fixed in the bill.

Mr. PAGE. I will change that.

Mr. ATKINS. Will you change your amendment so as to conform to the rate in the bill?

Mr. PAGE. Yes, sir.

Mr. ATKINS. You will modify your substitute in that way?

Mr. PAGE. I will modify my amendment in accordance with the suggestion of the gentleman from Tennessee.

My amendment, in the form of a substitute for the pending paragraph, proposes a change in existing law, but it also retrenches expenditures in that it strikes out the $400,000 proposed to be appropriated by this bill, and provides that the surveys of public lands in the future shall be made by the order and under the authority of the Secretary of the Interior, and paid for from moneys derived from the sales of certain lands; the whole amount of money to be used for surveys in any one year not to exceed the sum of $300,000.

That will accomplish what the amendment of the gentleman from Indiana [Mr. HOLMAN] sought to accomplish in part, a change of the law in reference to the settlement of the public lands. It proposes to repeal the pre-emption laws, and permits the agricultural lands of the country to be taken up and occupied only by those who want to occupy them under the homestead and timber-culture laws of the country. Therefore the amendment is clearly in order, and if the Chair will so hold I would like then to give my reasons why I think the Committee of the Whole ought to adopt the amendment.

The CHAIRMAN. The Chair will rule upon the point of order if no other gentleman desires to be heard further upon it.

The amendment proposes a modification of the system of land laws of the United States very completely and entirely, so far as agricultural lands are concerned. It provides for the survey of so much of them as shall facilitate settlement, and authorizes the Secretary of the Interior to use for that purpose so much of the moneys derived from the sale of timber lands, coal lands, mineral lands, or any of the public lands, as may be necessary. It further provides that such surveys shall be made by contract at prices now fixed by law. Then comes the clause under which it is claimed that the amendment is in order, and which is to this effect, "but the sum so expended in any one year shall not exceed $300,000."

The Chair remarks again, as he has had occasion to remark before, that the rule which provides that the subject-matter of an amendment to be offered by a committee having jurisdiction shall be germane to the subject-matter of the bill would make an amendment in order which generally retrenched expenditures when offered by a committee. But when it is offered by an individual member of the House, then the amendment must retrench expenditures in certain directions; by the reduction of the number and salary of the officers of the United States, of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amount of money covered by the bill. And this latter reduction, of the amount of money covered by the bill, must be the result directly and certainly of the provisions of the amendment.

Mr. HISCOCK. The reduction must be worked out by the provisions of the amendment.

The CHAIRMAN. It does not appear that that reduction is wrought by this amendment, in view of the fact that the money for the surveys is to be derived from the sales of the public lands.

Mr. PAGE. Only a certain amount of it; it is limited to $300,000 for any one year.

The CHAIRMAN. By the last clause of the amendment the money to be expended——

Mr. PAGE. For surveys.

The CHAIRMAN. For surveys in any one year is to be limited to $300,000.

The Chair does not think that the entire change of law proposed here would have the legitimate and direct effect of reducing the amount covered by the bill so as to enable the gentleman to carry the serious modification of the general law proposed by means of the last provision of his amendment. In other words, it is not the proposed change in the law that will produce the result, but the limit put by the amendment upon the expenditure.

If the gentleman were to offer an amendment in the form of a proviso to the bill, that any amount appropriated by this bill to be expended during this year, or any following year, shall not exceed $300,000, that would be a reduction of the amount covered by the bill. But the difficulty which the Chair has in all these matters, and with which he cannot reconcile the character of this amendment, is that the rule contemplates that the modification of the law shall produce economy in the direction suggested by the rule. It was not intended that the proposed reduction should be used as a means of introducing into a bill, by way of amendment, a change of the general laws of the land. That is the precise difficulty with the Chair in regard to all these questions.

Mr. PAGE. How can the Chair rule this amendment out of order after having admitted the amendment of the gentleman from Indiana, [Mr. HOLMAN,] which upon its face did not reduce at all the amount proposed by the bill?

The CHAIRMAN. That amendment provided an application of the amount proposed by the bill to certain uses. The Chair thinks that, following the spirit and letter of the rule, he should rule this substitute out of order.

Mr. PAGE. Then I move another amendment, to strike out of the pending paragraph "$400,000" and insert in lieu thereof "$500,000." I make that amendment rather *pro forma*, and for the purpose of getting an opportunity to give my reasons for offering at this time the amendment which the Chair has ruled out of order.

I regret very much that my amendment in the form of a substitute was ruled out of order by the Chair. I have no fault to find with the Chair in reference to his decision. But I believe that if the amendment had been adopted it would have saved this House in future Congresses the humiliating spectacle of some of the scenes which have been enacted here during the last few days.

We find our friends on the other side of the House, who are responsible for this legislation—I refer to the act of 1879, and to the fact that the Committee on Appropriations, under the leadership of the gentleman from Tennessee, [Mr. ATKINS,] has increased the amount of appropriations for surveys up to the present standard—we find them denouncing this whole system in the most violent terms as a fraud. Yet if it is a fraud, then it is a fraud which has been put upon this House and upon the country by the very gentlemen who are now the most severe in denouncing it. I have myself never been the friend of the deposit system, for it is well known that on two or three occasions I have sought to repeal it. But I found that the Appropriations Committee used this as a pretext; that the reason they gave for not appropriating more money for surveys was that the people had all the relief they needed under the deposit system.

Now, it has been stated here that surveyors-general have certified that land has been surveyed by deputy surveyors, when in fact they had never been upon the ground at all. If this is the fact, I say your whole system ought to be torn up by the roots and thrown out of this Capitol bodily. If under the rule of the Republican party surveyors-general holding their offices by appointment of the President have been guilty of the infamous practices which have been charged upon them, this system is rotten to the core and ought to be abolished. As for me, I will never, while these charges remain unanswered, vote another dollar out of the public Treasury to be used for the surveys of the public land in the manner in which the money is used now. A Republican on this side of the House denounced the system in the most bitter terms; a Democrat on the other side said he knew of his own personal knowledge that these frauds were being committed. Yet this committee proposes to take $400,000 out of the public Treasury and put it into the hands of the same men, that they may re-enact the same frauds which they are charged with having enacted during the last four or five years. There is no consistency in your position, gentlemen. If these things are true, put in the knife and prune away the abuses until you have struck a policy in regard to which no member can at a future day stand up here and call attention to it as productive of immense frauds.

The gentleman from New York stated that 200,000 acres of land had been stolen bodily from the United States during the last year.

Yet all the committee has done to remedy this is to strike out of the act of 1879 the provision allowing the certificates provided for by law to be used in locating lands outside of the land district in which the survey is made. They appropriate to carry on this iniquitous system $400,000 out of the Treasury of the United States. I say the people demand something different from this. If the evils alleged do exist, this committee should have gone to the bottom of the matter—should have come in here with a bill providing that these lands should be surveyed upon the application of the actual settler. [Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, no man will give to the gentleman from California [Mr. PAGE] more credit than I will for patriotism and integrity of purpose. I concede that in both these respects he stands pre-eminent. Yet, while he assails the Committee on Appropriations for what they have done, and while he calls upon them to put in the pruning-knife still deeper, I cannot forget that the proposition to reform the system under which these abuses have grown up, the proposition designed for the prevention of these abuses, has been resisted by him from the time this bill came in until the present.

Mr. PAGE. What have I resisted?

Mr. HISCOCK. The gentleman, by the point of order which he struggled to have sustained in this House——

Mr. PAGE. My point of order did not go against the amount paid for surveys, and the gentleman knows it.

Mr. HISCOCK. The provision against which the gentleman urged his point of order is the provision which is to correct and strike down these frauds. There is no doubt about that. That is the testimony of every person who has investigated this subject. I apprehend that if the Committee on Appropriations had reported the law of last year the gentleman from California would have acquiesced in its provisions. [Here the hammer fell.]

Mr. PAGE. I withdraw the *pro forma* amendment.

Mr. ATKINS. I renew it. The gentleman from California seems to talk as though this deposit system had been inaugurated by the Committee on Appropriations.

Mr. PAGE. No, sir, I did not say that; I said it had been passed by a Democratic House.

Mr. ATKINS. Well, it was not inaugurated by a Democratic House.

Mr. PAGE. The objectionable feature which you now propose to strike out was.

Mr. ATKINS. It was inaugurated in 1862.

Mr. PAGE. There was no objection, I understand, to the original law.

Mr. ATKINS. It was amended in 1864 and has been amended once or twice since. Now, I could not exactly gather what charges the gentleman had to make against the Committee on Appropriations of the last Congress; but he seemed to think they had been guilty of some wrong, some outrage, some dereliction of duty. I really do not know what his charge is.

Mr. PAGE. I did not make any charge; I said the Committee on Appropriations in the last Congress increased the surveys up to the present amount.

Mr. ATKINS. Well, Mr. Chairman, the Committee on Appropriations of the last Congress did do that thing.

Mr. PAGE. That is what I said.

Mr. ATKINS. I believe it was done at the first session of the last Congress. The gentleman from Georgia, [Mr. BLOUNT,] whom I now see in his seat, has already made an explanation of that matter. He had charge of the sundry civil appropriation bill during the sessions of the Forty-sixth Congress; and he has informed the House that the provisions referred to were put upon the bill as amendments in the Senate—were not reported from the Committee on Appropriations in the original bill. If the increase was made in the Senate, and if the gentleman from Georgia, with the other conferees on the part of the House, had to agree to the increase in order to get the bill passed, I do not think it is a capital crime. Everybody in this House knows that the gentleman from Georgia has been a practical economist; that he has endeavored to reduce expenditures wherever he could. Many accuse him of crippling the service in his endeavors in that direction. I have never accused him of any such thing; I do not believe any such thing. I think the gentleman from California in attacking the Committee on Appropriations of the last House has made a random shot; he is not shooting a rifle; he is not driving a center; he is scattering around generally.

Mr. RANDALL. This law did not originate with the Democratic party, as stated by the gentleman from Tennessee, but the Democratic House did endeavor to ingraft certain modifications upon the original law.

But, Mr. Chairman, there is no reason why, if the Democratic party in the last Congress found those modifications did not work as they expected, they should not join the other side to correct what may be wrong and to carry out what experience has proved to be right.

Mr. RYAN. If the Democratic party is responsible for the law, it has nothing, in my judgment, to apologize for. It is only the abuse of the law of which we complain.

Mr. RANDALL. I am only saying whenever it shall appear we have ingrafted on the statute-book of the country any matter which does not come up to the expectation and does not work well in practice, it is competent and it is right, and it is not only right but it is our duty, to modify the law so that we shall do away with that which is wrong and secure that which is right, by doing that which experience has proved to be wise and proper.

The *pro forma* amendment was withdrawn.

The Clerk read as follows:

For the Ute commission: For this amount, or so much thereof as may be necessary, for the payment of expenses of the Ute commission provided for under section 2 of the "act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes," $15,000.

Mr. SCALES. It strikes me, Mr. Chairman, that paragraph demands some explanation. In June, 1880, this Ute agreement was ratified and the sum of $25,000 was appropriated to pay the expenses of the commission. There were five commissioners paid at the rate of $10 a day; and $25,000 was appropriated in order to pay the expenses of the commission to do that work. In 1881 $15,000 more was appropriated, making $40,000; and in 1882 $15,000 more, making altogether $55,000 for the expenses of this Ute commission. And I beg to call attention to the fact that $55,000 does not include any expense of survey, nor does it include the expense of any allotment or setting apart of the lands to the Indians. This $55,000 was for nothing else than to pay the necessary expenses of these commissioners and provide them with a clerk.

Now, I would respectfully ask the honorable chairman of the Committee on Appropriations to give us some explanation why this large amount is needed. What has become of the money already appropriated? Does it take these five commissioners three years to perform the work?

And let me call attention, Mr. Chairman, for a moment to what the appropriations have been. We appropriated for the payment of the expenses of these commissioners the sum of $25,000, which was considered ample at the time. We also appropriated for the cost of removing and settlement of the Utes, surveying their lands, establishing schools, building mills and agency, purchasing stock, &c., the sum of $350,000. There is a specific appropriation for every single thing in this bill.

In 1881 they made a report that these Indians had been transferred to their new homes. There was nothing to be done than to allot the lands. They were to be surveyed. These surveyors were paid. Now, I respectfully ask the chairman to give us some explanation why $55,000 was spent and three years taken up in doing that for which $25,000 and one year was deemed entirely sufficient?

Mr. RYAN. I will state for the information of the gentleman and the House that, however just some of his criticisms may be in regard to this commission and its extravagance, nevertheless the fact remains that a portion of the work is still uncompleted.

Mr. SCALES. What portion is unfinished?

Mr. RYAN. That is precisely the point I was about to state. The Southern Utes have not yet been removed from their reservation, and the commission is now engaged in that work. Instead of $15,000 they asked for $25,000. We thought $15,000 was sufficient. If the gentleman wishes to add any amendment providing this shall be the end of that commission and the end of the expenses to be incurred by it, I have no objection to it. But, Mr. Chairman, it is necessary they should complete their work, and to do that this appropriation is necessary.

Mr. SCALES. If it is necessary to complete the work, I think it should be done.

Mr. RYAN. As they are engaged in it, probably it is the cheapest way to do it.

Mr. SCALES. I move to strike out the last word. Now, Mr. Chairman, this is a matter which requires investigation. I think the gentleman from Kansas is mistaken. From the best evidence I can get I believe they have been removed, and the report will show it. Has there been any investigation into this matter? Has this work cost more than it should have cost? Is this $15,000 necessary? Is that the conclusion of the committee? I would like to know the facts in connection with it.

Mr. RYAN. I do not mean, Mr. Chairman, to be understood as saying that all of the money expended by that commission was justly or properly expended; in other words, I do not mean to be understood as saying that they have practiced in all respects proper and rigid economy; but I do mean to be understood as saying that there is so much of that work undone as makes it necessary to appropriate for its completion, and that is the reason this is incorporated.

Mr. SCALES. Mr. Chairman, I have only to say, in conclusion, that I will not make a motion to strike out any of this sum of money incorporated by the committee for this purpose in the bill, for I want the work to be done; but I think it right and proper that some criticism should be passed upon the conduct of those who do not in all respects discharge their duty, and I am glad the gentleman from Kansas agrees with me.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to employ an agent for the Eastern Band of Cherokee Indians, in accordance with section 3 of the act approved July 27, 1868, $800.

Mr. RICE, of Massachusetts. Mr. Chairman, I desire to make a point of order upon that section and the one next following it; and

if I can do so, I will make the point upon both, after the second paragraph has been read.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts upon the several paragraphs as they are read.

Mr. RICE, of Massachusetts. Then I make the point of order upon this paragraph. This is to enable the Secretary of the Interior to employ an agent for the Eastern Band of Cherokee Indians, &c. The point of order I make is that it is new legislation, and it does not tend toward economy. I have looked at section 3 of the act of July 27, 1868, referred to in this paragraph, but I find nothing justifying this item, and therefore I make the point of order for the reason that I must regard it as new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Kansas upon the point of order and will be glad to be referred to the act in question.

Mr. RYAN. Mr. Chairman, I do not think that this provision is any more subject to the point of order than the provision in the legislative appropriation bill increasing the clerical force of the Departments would be. It is essential to the performance of the functions of the Department with reference to the Indian Bureau. In other words, the Indian Bureau cannot perform the functions for which it was organized except by the force indispensably necessary for that purpose. And I want to call the attention of the Chair to a provision of law in regard to these identical Indians which reads as follows; it is found on page 228 of volume 15 of the Statutes at Large:

Hereafter the Secretary of Interior shall cause the Commissioner of Indian Affairs to take the same supervisory charge over the Eastern or North Carolina Cherokees as of other tribes of Indians.

The CHAIRMAN. Will the gentleman from Kansas allow the Chair to remark that in this section, this very section of the act sent to him, the Eastern Band of Cherokees is not mentioned? It refers to the Sacs, Foxes, and other tribes, but not to the Cherokees.

Mr. VANCE. I will call attention, if the Chair will permit me, to page 228 of volume 15 of the Revised Statutes. The Chair will find in section 3 of the act approved 29th of July, 1868, what the gentleman from Kansas has referred to. If the Chair has not the volume I will furnish it.

The CHAIRMAN. The gentleman from Kansas has handed the section to which the gentleman refers to the Chair.

Mr. RYAN. Now, Mr. Chairman, it is impossible for the Indian Bureau to have supervisory charge of these Indians, except through the usual and well-known methods by an agent of its own appointment, and for that special purpose. It is not practicable for the Department to deal with those Indians without having official information touching their numbers, &c. The object, of course, of this provision is apparent upon the face of it, and that is to enable the Indian Bureau to adjust any differences between them and the Western Band of Cherokees growing out of the treaties which we have had with these Indians. We have been treating with the Indians for many years, and we have, if I recollect, twenty or twenty-one treaties with these Indians. There are two separate bands of Indians who are contesting with each other, so to speak, regarding their rights respectively growing out of many of these treaties. The Department, in order to know exactly how properly to adjust these differences and settle the rights of the parties, must have the means to take supervisory charge of them. The usual means employed is the appointment of an agent for that purpose and the taking of the census in order to know how many there are of them.

Mr. RICE, of Massachusetts. The gentleman from Kansas in his statement has suggested what I indicated at the outset, that this paragraph is to be sustained in connection with the succeeding one, and that it is calculated to consolidate the bands of Indians, to give them a status and condition, to find out their numbers, &c., so that certain differences may be adjusted between them and the Cherokee Nation, or the Western Cherokees.

If the Chair will notice, the first provision in this paragraph is to employ an agent for the Eastern Band of Cherokee Indians.

The next, and which would come just as well in this paragraph, is to cause a census to be taken and a new roll to be prepared of these Indians. And then comes the kernel of the whole thing in the last proviso:

Provided, That the Commissioner of Indian Affairs is hereby authorized and directed to make an equitable adjudication and settlement of all matters of dispute between the said Eastern and Western Cherokees arising from or growing out of treaty stipulation.

All those together are one single scheme with one single motive; and that is first to recognize this Eastern Band of Cherokee Indians as a tribe, to give them an agent.

Who are they? They are scattered about in North Carolina where they went at the time the Cherokees were removed to the western Territories. These left the main band. They did not accompany them. They left their old territory. They went into North Carolina, and there, without tribal conditions, without recognition heretofore by the Government as a separate and distinct tribe of Indians, without annuities, without payments such as are made to other tribes, citizens of North Carolina, voting in North Carolina, where they have resided for two generations, now they make claims to certain portions of the property of the Cherokee Nation, which claims are denied by the Cherokee Nation; claims to the property which the Cherokee Nation received from the United States in consideration of its removal to these western Territories, pay for subsistence and removal, and to which the Cherokee Nation proper denies that they have any right or title. This provision, therefore, is to give them an agent, that they may have a representative here in some way.

Mr. RYAN. That the Government may have a representative there.

Mr. RICE, of Massachusetts. Or that the Government may have a representative there and recognize for the first time a tribal condition and a power with which to deal in regard to these contested matters.

Mr. VANCE. Will the gentleman allow me a question?

Mr. RICE, of Massachusetts. With pleasure.

Mr. VANCE. Is the gentleman not aware the Government has frequently sent agents down there to take charge of these Indians?

Mr. RICE, of Massachusetts. They never before had a regular agent.

Mr. VANCE. Is there not a provision of law recognizing the Eastern and the North Carolina Cherokees and directing the Secretary of the Interior to take charge of them?

Mr. RICE, of Massachusetts. There is the Eastern band of Cherokee Indians; but they are those who broke off from the nation and refused to remain as part of the nation in the territory to which they had been assigned. Now, then—first an agent, then a census-taker, then authorizing the Commissioner of Indian Affairs to adjudicate and settle questions arising between these two communities. A bill has been introduced by the gentleman from North Carolina [Mr. VANCE] into this very House giving these Eastern Cherokees the right to sue the Cherokee Nation on these very matters in the courts of the United States. That bill is now pending. It is before the Committee on Indian Affairs, and has not yet been reported. This paragraph is to accomplish indirectly the legislation sought by that bill. By the next paragraph, and the two paragraphs go together, it is intended that by the Commissioner of Indian Affairs these long-contested disputes may now be settled. For that purpose other measures are pending at this time in this House, thereby indicating surely that new legislation is necessary. And I do not see how it is possibly in the line of economy.

Mr. HASKELL rose.

The CHAIRMAN. Does the gentleman from Kansas desire to speak on the point of order?

Mr. HASKELL. I would like the Chair to state what is the point of order that has been made.

The CHAIRMAN. That this paragraph is new legislation; contrary to the rule.

Mr. HASKELL. Is it meant that an agent cannot be appointed without a special statute?

The CHAIRMAN. The Chair understands the point of order to be that this is new legislation on an appropriation bill contrary to the rule. If the gentleman from Massachusetts [Mr. RICE] desires to state more distinctly what is the point of order he may do so.

Mr. HASKELL. The rule, if the Chair pleases, says nothing about new legislation. There is no such provision concerning new legislation in the rules.

The CHAIRMAN. The Chair will state the rule provides that—

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works, &c.

Mr. RICE, of Massachusetts. It is under that rule I make my point of order.

Mr. HASKELL. Now, then, the general statutes of the United States provide ample authority for the Indian Commissioner or the Secretary of the Interior to appoint Indian agents.

Mr. RANDALL. Then why put this in here?

Mr. HASKELL. It is put in here because they want the money to pay the men with.

Mr. SCALES. For the same reason you should have put it in the Indian appropriation bill.

Mr. HASKELL. Only that the attention of the committee was not called to the necessity of this amount at that time. If you turn to the Revised Statutes of the United States you will find—

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, for the management of all Indian affairs and of all matters arising out of Indian relations.

Then again:

The President shall, whenever he may judge it expedient, discontinue any Indian agency or transfer the same from the place or tribe designated by law to such other place or tribe as the public service may require.

And again:

A competent number of sub-Indian agents shall be appointed by the President, with a salary of $1,000 a year each, to be employed and to reside wherever the President may direct—

That is, where the Secretary or the Indian Commissioner, who act under the President, shall direct—

and who shall give bonds with one or more sureties in the penal sum of $1,000 for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

And so on through the general statutes are a dozen provisions authorizing the employment of agents. And this clause of the appro-

priation bill simply gives the Department money to send the men down there to investigate the condition of the North Carolina Indians.

Mr. RICE, of Massachusetts. Will my friend allow me a question? Has he anywhere read a statute which authorizes the Secretary of the Interior to employ agents?

Mr. HASKELL. Why, the gentleman from Massachusetts knows too well that when the statute says the President may do so and so that means the Secretary of the Interior. Why, sir, the statutes are covered with that phraseology. Wherever the statute says the President may do a certain thing it provides the President shall issue his order to the Secretary of the Interior, and from the Secretary it goes down to the Commissioner, &c.

That is the precise form of law, wherein general power is given to the Secretary of the Interior and the Indian Commissioner in every case, that the President shall do so and so.

The CHAIRMAN. The gentleman from Kansas [Mr. HASKELL] will allow the Chair to ask him if he desires the Chair to understand that there is now a law that authorizes the Secretary of the Interior or the President to appoint agents whose payment is not now provided for?

Mr. HASKELL. Certainly I do; and I have just read the provision of the Revised Statutes which says that a competent number of sub-Indian agents shall be appointed, who shall not reside within the limit of any other agents.

The CHAIRMAN. To what section of the Revised Statutes does the gentleman refer?

Mr. HASKELL. It is section 2065; and then there is section 2059. The power is given to the President to discontinue an agent whenever he may deem it necessary, or to send one anywhere.

Mr. SCALES. I would like to ask the gentleman from Kansas [Mr. HASKELL] this question, if every Indian agent provided for in the Indian appropriation bill is not appointed under that clause of the Revised Statutes?

Mr. HASKELL. Certainly; every one of them.

Mr. SCALES. Is there any reason why that law should not apply to this clause as it does to the clauses in the Indian appropriation bill?

Mr. HASKELL. Certainly not.

Mr. SCALES. If this clause was in the Indian appropriation bill, would there be any doubt about it?

Mr. HASKELL. Not at all. The President not only has authority to employ an Indian agent, but he has authority to dismiss any Indian agent, or to take him from one agency and transport him clear across the country and locate him in another place.

Mr. HARRIS, of Massachusetts. Or to hang him.

Mr. HASKELL. Well, I do not know but a great many of them ought to be hanged. So that the general statutes of the United States provide abundant law for the purpose.

More than that, I want to say that the President by law is made to take charge of the effects, to take charge of the affairs of Indians wherever they may be. He is the trustee, the guardian, the general agent of the Indian wherever he may be.

There is in North Carolina a large tract of land belonging to the North Carolina Cherokees. There are grave disputes between them and certain other Cherokees. There are schools down there under charge of the Secretary of the Interior for the education of their children. The law compels the President to take care of them and provide for them. In obedience to that law the Department now asks that this agent may be appointed, or rather that the money may be appropriated to pay this agent, in order that he may go down there and report on these lands, report on their schools, report on their general condition, investigate their claims, investigate their alleged wrongs if they have any, and come back and report to him. The statutes are covered all over with provisions giving authority of law for this.

Mr. HOOKER. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HOOKER. Certainly, on the point of order. I desire to say that I do not think the argument of the gentleman from Kansas [Mr. HASKELL] touches at all the point of order made by the gentleman from Massachusetts, [Mr. RICE.] If it does, then it shows completely that there is no necessity for putting this provision in an appropriation bill.

As I understand the point of order made by the gentleman from Massachusetts, it is that you cannot in a general appropriation bill create an office not provided for by law, and thus increase the expenditures of the Government. That is the point of order made by the gentleman from Massachusetts. But the gentleman from Kansas [Mr. HASKELL] says that there is power already under the general law; that the President has autocratic power on the subject; that he can create an agency; that he can discontinue an agency, or that he can transfer an agency wherever he pleases.

Mr. HASKELL. And I read the statute.

Mr. HOOKER. If that power already exists, then what the necessity for this legislation?

Mr. HASKELL. They want the money to pay him.

Mr. HOOKER. Why infringe the rules on the subject by inoculating an appropriation bill with a provision of this kind? If the President does not have power enough, then amend your law; if he now possesses the power you do not need to amend the law.

Mr. VANCE. Is it not necessary to appropriate the money to pay the agent?

Mr. HASKELL. That is all there is in it.

Mr. HOOKER. How many Indians are together in one locality?

Mr. VANCE. About 2,000.

Mr. HOOKER. In one locality?

Mr. VANCE. Not exactly in one locality; they live in different counties in Western North Carolina, but the counties are contiguous. And they have one plat of land consisting of 72,000 acres.

Mr. HOOKER. I want to say in that connection, and with regard to the point of order made, that the argument that the President possesses this power now might be used with reference to the Indians in any State. You might say the same in regard to the State of Mississippi, where you can find bands of Indians living in this county, that county, and the other. Yet from the time of the removal of the Choctaws and Cherokees from the State of Mississippi you have never heard of any application for an agent there. As to the Indians living in North Carolina, I am not aware that there are any treaty stipulations between the Cherokee Nation as such and the Government of the United States.

Mr. VANCE. I refer the gentleman to the treaty of 1835, which distinctly sets forth that a portion of the Cherokees had a right to remain in North Carolina. That is recognized in the treaty.

Mr. HOOKER. Exactly; and they had the same right to remain in Mississippi; and some of them exercised that right; but it was never held that therefore, under any general law or any policy of the Government, it was necessary to have an agent in Mississippi to look after their interests.

Mr. RYAN. Their separate tribal existence has been recognized by public law.

Mr. HOOKER. Only by implication. There was no specific treaty between the two bands of Indians. The treaties were between the Cherokee Nation and the Government. Whatever rights were secured to the Western and Eastern bands were secured by treaty with the whole nation. The point of order made by the gentleman from Massachusetts is, as I understand, that this is new legislation creating an office not recognized by law, and is not in order upon an appropriation bill.

Mr. SCALES. I desire, Mr. Chairman, to call your attention for a moment to the law referred to by the gentleman from Kansas. The Chair is well aware that at every session it becomes necessary to pass an Indian appropriation bill, and in that bill provision is made for every Indian agent now in office under the Government. It is not regarded as new legislation; nobody has ever contended that it was new legislation. There has never been an attempt made to rule out a provision of that sort upon the ground that it was new legislation. The law provides that those agents shall be appointed.

Now, as I asked the gentleman from Kansas a little while ago, suppose this clause instead of being introduced upon this bill had been in the Indian appropriation bill, would it be obnoxious to the point of order as new legislation? I think there can be no doubt these agents have a lawful existence under the general power of the President to appoint them where they are necessary. The only difference is that this provision instead of being on the Indian appropriation bill is inserted here.

At one time these Cherokees all lived in North Carolina, in Georgia, in Mississippi. Under the treaty with these Indians, which has been already referred to, a part of them were to remain in North Carolina, or elsewhere if they thought proper. So far back as the time when Mr. Crittenden was Attorney-General of the United States he decided that there were differences of construction under the treaty. A treaty is law; and what we now propose is to have this treaty construed in order to settle disputes which have existed between these tribes ever since a portion of them went west and another portion remained in North Carolina.

The CHAIRMAN. That is in the next paragraph, which is not now before the committee.

Mr. SCALES. Yes, sir; I am answering the gentleman from Mississippi.

The CHAIRMAN. The Chair desires to hear no further argument against the point of order. [Mr. RICE, of Massachusetts, rose.] The gentleman from Massachusetts, as the Chair understands, desires to speak in support of the point of order. The Chair will listen to him.

Mr. RICE, of Massachusetts. I desire to say nothing further except that this agent has not yet been appointed by the President or the Secretary of the Interior. This is an indirect attempt to appoint an agent in a way not provided by any statute which has been read or by any provision of existing law.

Mr. VANCE. Does the Chair desire to hear nothing further on the point of order?

The CHAIRMAN. The Chair will hear the gentleman in support of the point of order.

Mr. HISCOCK. Has the Chair determined the point of order in his own mind?

The CHAIRMAN. The Chair will hear any gentleman who sustains the point of order. If the gentleman from North Carolina desires to argue in favor of the point of order——

Mr. VANCE. No, I am on the other side.

The CHAIRMAN. The Chair desires to hear nothing further on the other side. Does the gentleman from New York wish to be heard?

Mr. HISCOCK. No, sir; I rose to a parliamentary inquiry.

The CHAIRMAN. The Chair finds that there is a standing provision of law, approved July 27, 1868, requiring the Secretary of the Interior to cause the Commissioner of Indian Affairs to take supervisory charge of the Eastern band of Cherokees, as of other tribes of Indians. He also finds in the Revised Statutes authority for the President to appoint a competent number of sub-Indian agents at a salary of $1,000 a year each, without limitation as to the tribes to which they are to be sent. The provision of the bill is:

To enable the Secretary of the Interior to employ an agent—

The Chair does not feel called upon to make any distinction under the rule between an agent and a sub-agent—

for the Eastern band of Cherokee Indians, in accordance with section 3 of the act approved July 27, 1868.

The Chair does not feel authorized to hold that this is a proposition for an expenditure not previously authorized by law or that it is not in continuation of appropriations for such public objects as are already in progress. The Chair thinks it is an amendment proper for the Committee of the Whole to take within its jurisdiction under the rule. It can be reached by a motion to strike out; but the Chair does not feel justified in ruling the paragraph out of order.

Mr. RICE, of Massachusetts. I move to strike out the paragraph.

The motion was not agreed to.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to cause the census to be taken and a new roll to be made of all the Cherokee Indians residing east of the Mississippi River, $800: *Provided*, That the Commissioner of Indian Affairs is hereby authorized and directed to make an equitable adjudication and settlement of all matters of dispute between the said Eastern and Western Cherokees arising from or growing out of treaty stipulation.

Mr. RICE, of Massachusetts. I make a point of order against this provision. I have already given my reasons.

Mr. HOLMAN. The paragraph contains two propositions. I desire that a point of order shall be pending separately against each portion of the paragraph.

The CHAIRMAN. The Chair understands that the point of order is made against the whole, and also against each portion.

APPROVAL OF BILLS AND JOINT RESOLUTIONS.

The committee informally rose, and the Speaker having resumed the chair, a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced the approval of the following bills and joint resolution:

An act (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels;

Joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force;

An act (H. R. No. 5536) to reissue a Treasury draft originally issued to George G. Cobb, an assistant assessor in Alabama, deceased, to J. E. Cobb, custodian of the minor children of said decedent;

An act (H. R. No. 6394) for the erection of a public building at Dallas, Texas;

An act (H. R. No. 6419) granting four condemned cannon to Otis Chapman Post No. 103 of the Grand Army of the Republic at Chicopee, Massachusetts, for monumental purposes; and

An act (H. R. No. 6519) to authorize the construction of bridge over the rivers Saint Marys, Satella, Little Satella, and Crooked, in the States of Georgia and Florida.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. RICE, of Massachusetts. It seems to me, Mr. Chairman, there can be no question but the point of order lies against this paragraph. There is no law anywhere authorizing a census to be taken or a new roll of these Indians.

But the whole section hinges on the proviso. It is provided that the Commissioner of Indian Affairs is authorized to do—what? To make an adjudication and settlement of all matters in dispute between the North Carolina Cherokees and the Cherokee Nation. It is on that proviso the whole paragraph rests. Is that proviso new legislation? Where is there any law authorizing the Commissioner of Indian Affairs to stand as a judge between the North Carolina Indians and the Cherokee Nation? If there be any such law will the gentleman from North Carolina, who for years has been introducing into this House bills authorizing these North Carolina Indians to go into the courts for relief, be good enough to show it to us?

The CHAIRMAN. Will the gentleman permit the Chair to ask the gentleman a question?

Mr. RICE, of Massachusetts. Certainly.

The CHAIRMAN. Can the gentleman from Massachusetts say whether or not the census provided for has been once executed?

Mr. RICE, of Massachusetts. I am not aware whether it has been or not, but I understand it has been. I understand it was executed and the census taken, and that now this new census is desired merely for the purpose of this litigation contemplated in the proviso to the paragraph. These North Carolina Indians claim a certain share in certain Government appropriations made to the Cherokee Indians. I do not suppose it is necessary to go into an extended explanation of what those appropriations are. First, there was an appropriation for the original territory of the Cherokee Indians which they abandoned. Their share of that has been received by the North Carolina Cherokees. There were further appropriations for the expenses of removal and subsistence for a year. The Cherokees West deny the Indians East who did not go have any right to draw from the fund the Government appropriated for that expense. They have been seeking for years to recover a share of those appropriations. It is a difference between those two bands of Indians, and what right have we in any way to pass on that controversy? What right have we to step in and settle the differences between these Indians? This proviso is intended as the basis for such an adjudication. Surely as the law now stands, some legislation is necessary to constitute your Commissioner of Indian Affairs a judge between those two bands of Indians, and in that respect it is new legislation and out of order.

Mr. HISCOCK. This settlement provided for in this clause is something which perhaps might be couched in different language. Still it seems to be absolutely necessary to have it in this language or something akin to it to enable the Secretary to perform this treaty obligation. He has to make an apportionment on basis of settlement; and the object of the census provided is in compliance with treaty obligation those disbursements and payments shall be made. Incidentally in doing so the Commissioner of Indian Affairs is called upon to decide certain rights. I do not know but he would be authorized to do it independently of legislation; but they prefer to have it in this language so as to make it clear.

Mr. HASKELL. I will read from section 469 of the Revised Statutes:

SEC. 469. The Commissioner of Indian Affairs shall embody in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

Mr. RANDALL. That does not apply to this proviso.

Mr. HASKELL. The census is to be made every time the Commissioner is in any doubt.

Mr. HOLMAN. That does not apply to this proviso.

Mr. HISCOCK. The proviso is to affect this: there are disputes between different factions of the Cherokee Indians as to what they are entitled to under certain treaty obligations and certain funds and lands as the case may be. Incidentally the Commissioner on Indian Affairs would be compelled to decide and pass on these disputes, and it has been deemed necessary to insert this provision to carry out treaty obligations. It is not new legislation.

Mr. RANDALL. It was my intention to make the point of order against this paragraph, because I want to say that the action of the Commissioner heretofore has been to make these payments to the Western Cherokees. Now, I take it for granted that the Commissioner has acted in accordance with law, and this proposes to change the law in that particular. But I have been induced to waive that point of order, because I had come to an understanding with the gentleman from North Carolina, who is more directly interested in this matter, for a modification of this section in the shape of an amendment which I will offer at the proper time.

Mr. HISCOCK. It seems strange, and of course I do not desire to criticise any one's motives, but I do not know but that the Secretary of the Interior would have the power to do this without legislation. But here are these struggles between these factions of the tribes; and if the Secretary of the Interior states that he cannot dispose of this question between the factions, that he cannot say how much they are entitled to, then it is necessary to give some authority to settle the matter. This gives him the power. It is simply an instruction to the Secretary of the Interior to carry out the treaty stipulations which we have with them. It is in pursuance of the treaty obligations and to carry out treaty stipulations with them.

Mr. VANCE. I wish to ask the gentleman from New York whether the report of the Commissioner of Indian Affairs will not also be submitted to Congress, and these Cherokees protected in their rights in that manner?

Mr. HISCOCK. Yes, sir.

The CHAIRMAN. The Chair will rule on the first branch of the question——

Mr. VANCE. Before that I wish to call the attention of the Chair, if he will permit me, to the fact that the second section of this act of July 27, 1868, provides for taking the roll or the census of these Indians.

The CHAIRMAN. The Chair has been informed that that has been done.

Mr. VANCE. I am informed that it was never entirely carried out.

The CHAIRMAN. The Chair will state, however, that this fact could not affect the ruling of the Chair upon the point of order.

Mr. HASKELL. There have been a hundred census returns of these different tribes.

The CHAIRMAN. The Chair thinks that it does not matter one way or the other with reference to its bearing upon this point of order against the paragraph, because the Indian service, both by treaty

stipulations and by appropriations, is so far a unit that whatever concerns it must be recognized as clearly in order upon an Indian appropriation bill; and the Chair holds that this is not new legislation in that sense of the word; therefore all appropriations for the census or the roll of the Indians are in furtherance of existing law and are appropriations made to carry out existing treaties.

As to the proviso, however, the Chair, unless gentlemen desire to be heard further upon it, regards that as obnoxious to the rule unless it is made apparent to the Chair that some treaty obligations exist that give the right or impose the duty upon an officer of the Government to sit as a court of arbitration and settle these disputes. In this light, as it presents itself to the Chair, the Chair will rule that out of order.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to negotiate with the Sioux Indians for a cession, in trust or otherwise, of a portion of the great Sioux reservation, in Dakota Territory, to the United States, and for the location of the several bands or tribes of said Indians upon the residue of said reservation, and for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $10,000; but any such agreement shall not take effect until ratified by Congress.

Mr. RANDALL. I wish to say, Mr. Chairman, with reference to this paragraph that I believe it to be clearly obnoxious to the third clause of the twenty-third rule.

Mr. HISCOCK. What paragraph does the gentleman refer to?

Mr. RANDALL. I refer to the whole paragraph; but I reserve the point of order for the purpose of suggesting to the gentleman from New York whether he would not permit an amendment to this paragraph by striking out all of the words in lines 1530, 1531, 1532, 1533, and 1534 down to and including the words "reservation and."

Mr. HISCOCK. I accept that.

Mr. RANDALL. Then I will not make the point of order.

Mr. HOLMAN. I renew the point of order upon the whole paragraph.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. HOLMAN. I ask that the paragraph be reported as it will stand if amended as suggested on the motion of the gentleman from Pennsylvania.

The CHAIRMAN. The words suggested by the gentleman from Pennsylvania are embodied in the lines beginning with 1530.

Mr. HOLMAN. I wish to understand exactly what is stricken out.

The CHAIRMAN. The proviso of the previous paragraph has been stricken out.

Mr. RYAN. That is not what the gentleman from Indiana refers to.

Mr. HOLMAN. I am referring now to the present paragraph and to the words which the gentleman from Pennsylvania proposes to strike out.

Mr. RANDALL. This paragraph will read, if the words which I have suggested be stricken out:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to negotiate with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $10,000; but any such agreement shall not take effect until ratified by Congress.

Mr. HISCOCK. That is entirely satisfactory.

Mr. HASKELL. What is stricken out?

Mr. RANDALL. Strike out from line 1530 to 1534, leaving the paragraph as I have just read.

The CHAIRMAN. That being accepted it will be considered that that part is stricken out.

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The Chair hears no objection.

Mr. HOLMAN. I will still have to insist on the point of order. There is no indication of what this is for. The paragraph speaks of the modification of existing treaties; a modification of the treaties—for what purpose?

Mr. HISCOCK. I did not hear the suggestion of the gentleman from Indiana, [Mr. HOLMAN.]

The CHAIRMAN. The gentleman from Indiana states that he insists on the point of order.

Mr. HASKELL. I desire, then, to say a word on the point of order. If the Chair will notice this provision closely he will observe it is no act of Congress whatever. It is in no wise conclusive; the entire purpose of the clause as contained there is to carry an appropriation of money. And in order to explain what the appropriation of money is for the language in the clause is employed. The authority of the Indian Commissioner, the Secretary of the Interior, and the President to treat with Indians is conceded on all hands. The President is directly vested with that authority by the acts of Congress establishing the Indian Bureau, and this provision is simply a provision appropriating some money in order that he may enter upon negotiations with a certain tribe for a certain purpose. It is not intended to convey any authority to him to negotiate. That authority is granted before. Neither is the negotiation conclusive. The Secretary or the Commissioner goes out and holds a council with the Indians, as he does every year with other Indians where he has money enough. He holds his council with the Indians concerning their rights, their property, &c.

Mr. HISCOCK. If the gentleman from Kansas will allow me a moment, I wish to say I think we have now consummated a trade, if I may use the expression, satisfactory to all parties. The gentleman from Indiana [Mr. HOLMAN] will withdraw his point of order provided an amendment is made to the clause that the homestead laws shall apply to any lands acquired under that treaty. We are entirely willing he shall submit that amendment and that it shall be adopted.

The CHAIRMAN. Then it is understood that this paragraph is passed from, subject to an amendment that is reserved. It is further understood that the words that have been indicated by the gentleman from Pennsylvania [Mr. RANDALL] are to be eliminated.

Mr. HISCOCK. Yes, sir; it is understood that they are out of the bill.

Mr. HOLMAN. The following is the amendment I desire to be made, and I will hereafter reduce it to writing:

Provided, however, That if any lands shall be acquired from the said Indians the same shall be held by the United States and disposed of to actual settlers under the provisions of the homestead law.

Mr. HISCOCK. There is no objection to that.

The CHAIRMAN. The Committee on Appropriations accept the amendment proposed by the gentleman from Indiana. It has not, however, been written down and reported to the committee. Of course the committee, therefore, has not waived its right to its consideration unless unanimous consent be now given.

Mr. HOLMAN. I ask unanimous consent to pass that over for the present.

Mr. HISCOCK. Let it go in in the form in which the gentleman stated.

The CHAIRMAN. The Chair does not like to ask unanimous consent for the adoption of the amendment until it is sent to the Clerk in writing. The Chair suggests that it be passed over for the present.

There was no objection.

Mr. PETTIGREW. Mr. Chairman, I desire to submit some remarks on the merits of this question. On the 5th day of June last it was my province to introduce a bill in this House providing for opening up the great Sioux reservation located in the Territory which I have the honor to represent on this floor. The bill was read the first and second times, and referred to the Committee on Indian Affairs; the committee in turn called on the honorable Secretary of the Interior asking his views of the propriety of such legislation at the present time, who reported as follows:

The quantity of land within the reservations is much greater than is needed for the Indians living thereupon, and in my judgment the reservations should be reduced, and the Indians established on the reserved portion of said reservations best adapted to their wants.

The committee, on a full hearing and after carefully considering the bill, (H. R. No. 6503,) reported it back favorably, and unanimously recommended its passage, also passing a resolution requesting the Committee on Appropriations to insert an item in the appropriation bill carrying out the provisions of this bill, which recommendation was thereupon adopted by the Committee on Appropriations.

Mr. Chairman, the lands embraced in the bill under consideration cover 34,000 square miles, and contain 21,000,000 acres of the choicest grazing and agricultural lands on the continent. Seated in the center of the proposed State of Dakota, they completely shut out the deserving people of the Black Hills region from the marts and society of the civilized world.

The Indians occupying the reservation number 24,000, affording 3,500 acres to each male over eighteen, or 875 acres to each man, woman, and child.

While the surplus population of the older States are struggling toward the frontier in hopes of securing the 160 acres so generously accorded each head of family, these nomads roam over their vast possessions spurning all contact with our modes of life, except to draw from the national Government annuities upon which they exist, producing nothing except their blood-thirsty "Sitting Bulls," their presence being a blight upon our progress and a menace to our lives.

The Black Hills region referred to contains 25,000 whites, already possessed of farms stocked with more than a half million head of cattle, beside sheep, horses, crops, &c., together with valuable mining interests which rank us second in the list of gold-producing communities of the Union.

Far east of this, and across the wilderness of the reservation almost two hundred miles at the nearest point, lies "old" Dakota, containing 150,000 whites, exclusive of the population north of the forty-sixth parallel. These people have brought under cultivation more than 2,000,000 acres of soil, and surrounded themselves with all the appliances of frontier civilization. Their railroads penetrate to the banks of the turbid Missouri, which divides them from the Sioux possession, where already towns and villages overlook the impenetrable wilderness beyond. And the question daily recurs to these pioneers, as it must to you, sir, when the subject is brought to your official consideration for the action of Congress, why should the people of this nation be taxed to support a population in idleness and vagabondism which is maintained in possession of a vast territory capable of sustaining a dense population, without responsibility or restraint, acting as a barrier to the progress on all sides of them?

The Sioux Indian was the inhabitant of the great plains, occupying all that country north of what is now the boundary of Louis-

iana to the lines of the British possessions, and roamed from the west shores of Lake Michigan to the Rocky Mountains.

It was his boast that the flesh of the buffalo was his food and his shelter, and raiment was made of their skins. The wild horse was his beast of burden. He followed the bison in his migratory habits, living upon his trail in the south during the winter, returning north as summer approached.

He smoked the bark of the red-willow in pipes made of the famous pipe-stone, the quarries of which still remain his, although far from his present haunts and in the midst of civilization.

The Sioux is brave, fearless, and warlike, independent and self-reliant, master of the situation and of the circumstances surrounding him.

This, in brief, was the situation of this tribe when they first came in contact with the whites on the Mississippi River over one hundred years ago. From that time they have been at war with civilization. Not *en massé* at all times, but predatory bands have lingered upon the borders and swooped down on the defenseless when opportunity offered, murdering the people, carrying women into captivity worse than death, and appropriating property without stint.

Notwithstanding the dangers and hardships encountered, destiny pushed the Anglo-Saxon farther and farther west, reclaiming the wilderness and making it blossom with life-sustaining crops, encountering the savage resistance of the Sioux until their outrages culminated in the bloody massacres of Minnesota in 1862, soon after which they were forced from Minnesota and Iowa to the Territory of Dakota.

The eastern bands of Sioux concerned in the Minnesota massacre of 1862 the Sissetons Wahpetons, Santees, Yanktons, Yanktonais, and the Cut-heads, were soon thereafter settled upon reservations in Dakota suitable in size to their needs, and they have since become almost self-sustaining. They live in comfortable houses, cultivate the soil, raise stock, and are slowly but steadily progressing toward civilization. Their settlements are surrounded by the whites, with whom they trade and commingle in various ways, and who they are imitating in the introduction of school-houses, churches, blacksmith shops, &c. The main body of the tribe, however, did not come under subjection at the time mentioned, but, under such leaders as Spotted Tail, Red Cloud, and Sitting Bull, they pushed further west, crossing the Missouri River and ranging over the plains between the river and the Rocky Mountains, still continuing their depredations, attacking steamboats upon the river, murdering emigrants, and robbing miners, their outrages culminating in the last Sioux war, which resulted in the massacre of Custer and his heroic band in 1874 and the retreat of Sitting Bull and band into the Province of Canada.

On the retreat of Sitting Bull, Red Cloud and Spotted Tail entered into an agreement with the Government by which the Indians ceded the region of territory now known as the Black Hills to the United States, under which agreement the Indians continued upon the reservation in its present form, the Government obligating itself to supply the Indians with food sufficient to maintain them, besides defending them in unmolested possession of the vast reservation against trespassers under any pretext whatsoever.

Within a year past the blood-thirsty Sitting Bull, with his band of murderers, has returned to the United States from Canada and they have taken up their domicile upon the reservation, where they too, as well as the others, are supported at Government expense in vagabondage and idleness.

These people are gathered at five different points in the reservation where there are Government agencies established, at which points the different bands have fixed their homes and where the women and children are fed and protected while the warriors are abroad marauding and pillaging. No white person is permitted to enter on any portion of this vast domain, even in search of strayed stock, under penalty of arrest and imprisonment by the Government authorities, although there are extensive portions within the reservation never visited by the Indians themselves, there being no game to allure them. There are exceptions to this exclusion of white persons. Those who debase themselves to cohabit with Indian squaws and conform to their customs are permitted to become of their number and reside among them. Through these sources rumors and reports come of the limitless natural resources and beauties of the country, together with information of extensive and valuable mineral wealth hidden in the valley of the White River region.

Mr. Chairman, it is not my aim or purpose to detract from the Indian's real and commendable qualities. I stand here ready to admit and testify to the fact that he possesses numerous noble traits characteristic of the higher elements of the human race, such as fortitude bravery, &c. But, sir, his true human characteristics have been almost wholly overlooked in recording his history, and an ideal and almost improbable race has been presented to the world through the visions of authors and romancers unfamiliar with the people of whom they treat, and who get their inspiration in the realm of fiction and poetry.

To understand his true character in connection with his merits it must be known that he possesses brutality, perfidy, shameless mendacity, together with an irrepressible desire for activity and utter contempt for every species of labor.

The only thing respected by him is superior force. Every attempt to treat with him on terms of equality is at once assumed by him to be a mark of cowardice on the part of those making the advances. He is cunning, a good judge of men, quick to perceive an advantage, and ready to avail himself of it.

He is also quick to learn; apt not only in adapting the vices of the white race, but also in acquiring their better habits of thrift and economy, as well as dress, &c. He is possessed of much mechanical genius, and when the children are taken at an early age and properly trained they make good mechanics, and when they have once learned the advantages of individual ownership of personal property the desire to own lands individually soon follows, and it is but a step to teach them to respect the rights of others; he then is a long way on the road to civilization.

Sir, the Indians now under consideration have only the tribal organization and the tribal relation, rather than the family relation. They live in their peculiar style of villages, where crowds can easily be assembled, and where they are easily swayed and influenced for good or evil by their chiefs and headmen. The necessity of exertion in order to sustain themselves no longer exists, thanks to the beneficence of their Great Father, and consequently they are left free to indulge their passions and brutal instincts.

As an illustration of their customs in this connection it is pertinent to describe their method of preparing their meat for food. Beef is issued to them by the Government once each week. Their rations are issued to the band in common. They are notified that the live stock, covering the allowance of the week, will be turned loose from the Government corral at a given time. At the time specified the warriors, in large numbers, assemble about the yards, mounted and armed, some with bows and arrows and others with rifles. When the stock is turned loose those armed with bows dash in among their unconscious victims and commence torturing them by shooting arrows into their bodies. Maddened with pain, the cattle stampede out over the prairies, when they are pursued in turn by the Indians armed with rifles, who shoot them down in their track, where they are left by the bucks until the squaws can go to them, who skin and dress the animals and pack the meat into camp, while their lieges bask leisurely in the shade or comfort of their tents, as the season may impel them, conscious of having done their manly duty to their families.

By the exercise of these and other equally debasing customs their brutal and barbarous instincts are permitted, if not fostered, by the Government, which ought to lift them out of their benighted condition and aid them to better and nobler lives.

Sir, as I have already suggested, these "wards of the nation" come into contact with only the worst classes of whites. The white men living with Indian squaws being, as a rule, creatures possessed of all the vices but without a redeeming virtue of the civilized race from which they spring. Therefore we find the Indian living together in indolence, surrounded with only the baser examples of civilized life; he is becoming more degraded and debased than ever he was in his very worst native condition. In order to draw him into the ways of our better civilization, his tribal relations must be abolished and the family relation encouraged and fostered, and he should be brought under the control of the Territorial or State laws in which he resides. Their lands should be patented to them in severalty and should be made inalienable. As rapidly as possible each family should be encouraged and assisted in building themselves houses and instructed in the ways of tilling the soil on individual account, and educated to the fact that the crops produced belong to them individually, whereby they would soon learn, by laboring with visible results, which administer to their maintenance and comfort, the advantages of the white man's method.

In order that they may feel themselves maintained and encouraged the Government should establish and at the beginning maintain industrial schools in their midst, where their children, to a limited number, can be taught to be blacksmiths, carpenters, and mechanics generally, as well as tillers of the soil. With these, paternal encouragement, and the example of the better elements of our own citizens, who would speedily settle around them if allowed to do so under conditions satisfactory to all concerned, the spirit of emulation would soon manifest itself among them, and instead of strife and desolation these misfortunes would be supplanted by peaceful rivalry in progression and acts of neighborly co-operation.

Mr. Chairman, the world is freshly mourning the peaceful death of the great Pan-Slavic general, Skobeleff, whose brilliant dash and wonderful achievements as a leader in the Russian army have filled the newspapers of the world during the past few years and won the admiration of all who have had the leisure or inclination to keep pace with his short career. Sir, the campaign which brought him pre-eminently into notice was the one which ended in the annexation of Bulgaria to the dominion of the Czar. This new province, from what I can learn, is somewhat similar in many respects in its natural characteristics to the lands we are now considering. This once independent country contained only 30,000 square miles, or 4,000 miles less than this reservation contained; yet it sustained over 1,000,000 inhabitants in comfort, whose affluence excited the greed of their powerful neighbor to a degree that ended in her subjugation.

Mr. Chairman, if the entire population of Bulgaria were transferred to the lands of the Sioux reservation it would possess a population of but 29 to the square mile, or 98 inhabitants to the square mile less than our own State of Massachusetts sustains. But, sir,

these wild lands in wealth of minerals and fertility of soil far surpass either Bulgaria or Massachusetts in their capacity to sustain and make rich a dense population. For the acquisition of this territory of Bulgaria Russia deliberately sacrificed thousands of lives and expended millions of treasure, in taking which she undertook to absorb a population foreign in tastes and allegiance; yet, sir, here is a territory larger in area, richer in resources, and possessing a more desirable climate, lying at our very doors, which we can have for the asking, and which in a very few years would become more densely populated with a homogeneous people far superior as citizens, and whose presence, by their habits and pursuits, will make the region a blessing to the country.

I make this digression, sir, to illustrate the comparative as well as real possibility of this country, and to show the impropriety and wrong done to mankind in sealing its vast riches against those who stand ready to make it the home of thousands, besides pouring its share of revenues into the national Treasury.

With these facts presented, I urge Congress, after making ample provisions for the Indians occupying the Territory, to authorize the remainder of the lands in the reservation to be divided up and opened to occupation under the conditions governing other public lands, and like magic they will be occupied by the industrious, intelligent people, such as now inhabit the portions of the Territory occupied by the whites, from whom the Indians would learn virtue and thrift by example and precept.

These white settlers, surrounding and mingling with the Indians, would be more interested than any other people in their progress and good behavior; they would therefore see that their rights were protected and the laws humanely enforced.

A paternal and semi-protective policy such as I have sought to outline would of necessity be expensive in the beginning, Mr. Chairman; not expensive, however, in comparison with the cost of the present lack of system and policy.

But, sir, I am of the opinion, and experience will bear out my views, that by such a policy, within the term of one generation, the Sioux Indians will become self-sustaining, besides taking their places as good citizens of a common country; and the "Indian problem," which has so long been a vexed question with our statesmen, will forever disappear from the arena of debate.

Sir, it is impossible much longer to close this domain to American push and enterprise. Already it is surrounded by the thrifty pioneers of our race, who are pressing upon its borders and looking with longing eyes upon its inviting pastures and teeming forests.

The people of this nation have been educated to believe themselves entitled to go anywhere, in any clime, in pursuit of commerce, knowledge, and pleasure. Our war ships have been sent to bombard the sea-ports of Japan and other oriental monarchies to force open their domains to the American trader. Is it, therefore, probable or possible that this Government will set up a Chinese wall around a tract of territory, in the heart of the continent, as great in area and natural resources as the powerful Commonwealth of Ohio?

Should Congress fail to empower and direct the Secretary of the Interior to make this treaty (a contingency I do not deem probable) whereby it is proposed to make definite and permanent provision for the maintenance and civilization of the Indians, the time will soon arrive when the Government will be brought face to face with the problem which it has been called upon to solve in the history of every Indian reservation in the path of the "empire that silently wends its westward way;" when it will be forced to acknowledge itself unable to protect the Indians in their claims, or to accept the alternative of drafting the yeomanry of the land to stand with a cordon of gleaming bayonets about the reservation in order to stop the march of progress.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. DINGLEY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SHOBER, its Acting Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and that it had also by unanimous consent agreed to the further amendment of the House of Representatives to the bill by striking out, in line 25, page 7, the word "hereinafter," where it occurs before the word "provided," and inserting the words "by law" after the word "provided."

The message further announced that the Senate concurred in the amendment of the House of Representatives to the bill (S. No. 1432) entitled "An act abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the amount embraced therein made subject to homestead pre-emption entry and sale, the same as other public lands.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

For the purpose of survey and appraisal of the Otoe and Missouria Indian bands in the States of Kansas and Nebraska, (exclusive of such portion thereof as has heretofore been ceded by said Indians as right of way to railroads,) in accordance with provisions of an act approved March 3, 1881, $5,000, or so much thereof as may be necessary; said sum to be reimbursed to the Government out of the proceeds of the sale of said lands.

Mr. RYAN. In line 1540 there is a typographical error; the word "bands" should be "lands."

The CHAIRMAN. In the absence of objection the correction indicated by the gentleman from Kansas will be made.

Mr. VALENTINE. I offer what I send to the desk, to come in as an independent section.

The Clerk read as follows:

At the end of line 1547 add the following:

"To enable the Secretary of the Interior to purchase one hundred and sixty acres of land in addition to that now owned by the Government on the old Pawnee reservation, in the State of Nebraska, $25,000, or so much thereof as may be necessary: *Provided*, This amount shall be available only in the event that an Indian industrial school shall be established upon said reservation in pursuance of an act of Congress approved May 17, 1882."

Mr. VALENTINE. I desire to state briefly that in the Indian appropriation bill which passed this House during the present session there is an appropriation of $25,000 to be used by the Secretary of the Interior to establish an Indian industrial school at one or two points, either upon the great Sioux reservation in Dakota or upon the Pawnee reservation in the State of Nebraska. Upon the Pawnee reservation there is a large brick building which was used by the Indians while they were there, for school purposes. The Secretary of the Interior says that unless he has more land, as there are but one hundred and sixty acres of land there, it will be impossible for him to locate this school at that point and avail himself of the building that is now there, and he addressed a letter to the chairman of the Committee on Appropriations asking that this be inserted; the proviso being that it only becomes available in the event of an Indian industrial school being established there.

The amendment of Mr. VALENTINE was agreed to.

Mr. HOLMAN. I now ask consent to submit the amendment which I spoke of a few moments ago.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks to return to the paragraph of the bill beginning with line 1528, for the purpose of offering an amendment, under his reserved right to do so.

The amendment was read, as follows:

Add to the paragraph the following:

"*Provided however*, That if any land shall be acquired from said Indians by the United States it shall be on the express condition that the United States shall only dispose of the same to actual settlers under the provisions of the homestead law."

Mr. VALENTINE. I think the gentleman will accept an amendment not to restrict the lands to settlers under the homestead law, but to let them be sold to actual settlers under the provisions of the land laws of the United States. There is a timber-culture act.

Mr. HOLMAN. I want to get rid of the other law.

Mr. HASKELL. I want to ask the gentleman from Indiana, [Mr. HOLMAN,] or rather to call the attention of the House to this condition of affairs: the Sioux reservation is now supposed to belong to these Indians, is it not? It is their property by treaty. The amendment offered by the gentleman from Indiana, as I heard it read, would compel us to take these lands from these Indians, and do what? Pay them for it? Not a cent, not a dollar. Take these lands away from them and then open them to homestead settlers. That certainly the gentleman from Indiana does not contemplate.

Mr. HOLMAN. That is just exactly what I mean; that any lands acquired from these Indians, or from anybody else in the country, shall be subject to entry under the homestead law. I intend to cut up by the roots, so far as I can, the other laws relating to the public lands.

Mr. HASKELL. I want to know just what the amendment means, just how far it goes; that is all. I want to ask this House if they propose to take this Indian reservation, the lands of the Indians granted to them by treaty—to take these lands away from them without paying them a dollar for them, and then give them to homestead settlers?

Mr. RYAN. There is no such proposition.

Mr. KENNA. Let the Clerk read the provision as it stands in the bill to which this amendment is proposed, and then the gentleman from Kansas [Mr. HASKELL] can see the full effect of it.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to negotiate with the Sioux Indians for a cession, in trust or otherwise, of a portion of the Great Sioux reservation, in Dakota Territory, to the United States, and for the location of the several bands or tribes of said Indians upon the residue of said reservation, and for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $10,000; but any such agreement shall not take effect until ratified by Congress.

Mr. KENNA. Now let the Clerk read the amendment.

The Clerk read as follows:

Provided, however, That if any land shall be acquired from said Indians by the United States, it shall be on the express condition that the United States shall only dispose of the same to actual settlers under the provisions of the homestead law.

Mr. HASKELL. I see that the amendment does not reach so far as I had an apprehension it might. But I want to call the attention

of the House to this: you will go out there and trade with the Indians, and pay them perhaps $2.50 an acre for half a million of acres of their land, and you provide no way for reimbursing yourself. You propose to make a free donation, under the terms of the amendment of the gentleman from Indiana, [Mr. HOLMAN,] of half a million acres of land that cost you $2.50 an acre, to make a free donation of it to the settlers of the United States. Being a Western man, of course I am willing you should give us all the land you please.

Mr. HOLMAN. I never will consent that the Government shall sell another acre of land which is adapted for cultivation.

The CHAIRMAN. Does the gentleman mean that "this express condition" shall be in the treaty, or only to bind the United States?

Mr. HOLMAN. To bind the United States.

The amendment of Mr. HOLMAN was agreed to.

Mr. COX, of New York. I desire to move an amendment, to come in after the amendment offered by the gentleman from Nebraska, [Mr. VALENTINE,] establishing Indian schools.

The amendment was read, as follows:

And provided further, That no political assessments shall be levied upon said schools when established.

The CHAIRMAN. Does the gentleman desire to be heard upon his amendment?

Mr. COX, of New York. I simply want to have read a statement showing that political assessments have been made, of course without the consent of gentlemen upon the other side, upon the Carlisle school, in Pennsylvania. I think that members of Congress ought to put a stop to that business.

Mr. HISCOCK. I make the point of order on the amendment.

The CHAIRMAN. The Chair thinks the gentleman is hardly in time, for the gentleman from New York [Mr. COX] has proceeded to debate it.

Mr. HISCOCK. He has not even passed it up to be read by the Clerk.

The CHAIRMAN. It has been read by the Clerk.

Mr. SPRINGER. Let it be reported again.

Mr. COX, of New York. I do not ask that. I simply ask the Clerk to read a statement of the assessments made on the Indian school in Carlisle, Pennsylvania, so that members may see the necessity for stopping this business.

The CHAIRMAN. The gentleman asks to have it read as a part of his remarks?

Mr. COX, of New York. As a part of my remarks.

The Clerk read as follows:

HUBBELL'S ASSESSMENTS—A LEVY MADE ON THE MANAGERS AND ASSISTANTS IN THE INDIAN TRAINING SCHOOL.

HARRISBURGH, PENNSYLVANIA, *July* 9.

The persevering meanness of the Hubbell assessment is strikingly exemplified in the levy made upon one of the Governmental institutions which ought to be furthest removed from any sort of partisan control and from the visit of the toll-gatherer. The old Government barracks at Carlisle, Pennsylvania, some eighteen miles up the Cumberland Valley from this city, have for some years past been used as an Indian training school, and under the direction of Captain Pratt of the regular Army the work of instructing the Indian children of both sexes in the useful arts and domestic life has been most satisfactorily prosecuted. The school and the admirable work it is doing have not only attracted the hearty interest and earnest commendation of the surrounding community, but every official inspection and examination increase the high favor with which it is regarded by those whose special duty it is to fairly investigate this new and salutary mode of treating the Indian problem.

Such a thing as political service, or the interference of partisan marplots in the management of the school has never been broached. Its official staff has at least felt free from any such danger as that. But the members of its corps and its instructors, assistants, nurses, and laborers have been startled at receiving notice that they are expected to furnish 2 per cent. of their salaries to Hubbell's committee to assist in the election of Republican members of Congress. The levy in detail falls upon them as follows:

Captain R. H. Pratt, superintendent	$20 00
Mr. Norman, assistant to superintendent	12 50
Mr. Campbell, marshal and disciplinarian	12 50
Hadhleuh Doanmoe, (Indian,) assistant	8 00
Mr. Harris, blacksmith	12 50
Mr. Reighter, tailor	12 50
Mr. Walker, tinner	12 50
Mr. Meller, farmer	18 00
Mr. Cook, shoemaker	9 00
Mr. Chapman, saddler	12 50
Mr. Hummel, carpenter	12 50
Mr. Baird, assistant	18 00
Miss Semple, principal	18 00
Miss Hyde, matron	15 00
Mrs. Sheverick, in charge of small boys	9 00
Samuel Jordan, colored laborer	8 00
Miss Morton, teacher	10 00
Miss Patterson, teacher	10 00
Miss Cutter, teacher	10 00
Miss Booth, teacher	10 00
Miss Fisher, teacher	10 00
Miss Eley, teacher	10 00
Miss Burgess, teacher	10 00
Miss Phillips, teacher	10 00
Mrs. Worthington, superintendent of industrial room	8 00
Mr. Gould, chief clerk	20 00
Miss Robertson, clerk	15 00
Mrs. Spain, laundress	15 00
Mrs. Platt, mistress of dining-room	9 00
Dr. Stewart, post surgeon	12 50
Miss Wilson, hospital nurse	12 50
George Foulk, hostler	6 00
Total	388 50

There is probably not a member of the entire staff of this institution who owes his or her place to political influences, and certainly the tenure of none of them is dependent on Republican supremacy in the State or nation. The managers and teachers themselves, mostly ladies, it will be noticed take little or no interest in politics, and are even reticent upon this assessment business, this information regarding it being obtained accidentally. Several of them, including Captain Pratt and a number of his chief assistants, are pronounced Democrats, and it is safe to say that they will not respond to Hubbell's call, and if disturbed for their refusal it will be by some influence outside of the institution itself. What the silver-haired matron, the venerable nurse, the blooming school-marms, the hostler, and day laborer will do about it remains to be seen. But the ineffable impudence of "Dear Hubbell's" extortionate demands was never better illustrated than by this comprehensive levy.—*New York Sun.*

The question being taken on the amendment of Mr. COX, of New York, there were—ayes 40, noes 49.

Mr. ATHERTON. I make the point that no quorum has voted. If gentlemen on the other side will agree to give us a vote in the House, I will not insist on this point.

Tellers were ordered; and Mr. HISCOCK and Mr. COX of New York were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 67.

So the amendment was not agreed to.

The Clerk read as follows:

Botanic Garden: For labor and materials in connection with repairs and improvements to Botanic Garden, $7,150.

Mr. McCOOK. I move to strike out the paragraph just read. I make this motion because I believe it should be adopted, though I have scarcely any hope that the Committee of the Whole will act favorably upon it. In the legislative, executive, and judicial appropriation bill, which passed this House a few weeks ago, there was appropriated for the superintendent and employés of this Botanic Garden $11,700, and for improving the garden, procuring tools, &c., $5,000 more, making $16,700 in that bill for this garden. In addition to that, we now find in the present bill an appropriation of $7,150 more, making in the neighborhood of eighteen or nineteen thousand dollars for this garden.

Mr. TOWNSHEND, of Illinois. What does this garden do?

Mr. McCOOK. I cannot tell exactly. The gentleman knows quite as well as I do. I think it exceedingly fortunate, Mr. Chairman, that this is the last of the great appropriation bills, because it appears probable that otherwise the next one would contain an additional appropriation for this Botanic Garden, the appropriations for which, as I attempted to show some days ago, have steadily increased from $1,500 until they now aggregate nineteen or twenty thousand dollars for purposes that, in my judgment, do not compensate for the amount of money expended. I therefore, in perfect good faith, make the motion to strike out this appropriation.

The motion of Mr. McCOOK was not agreed to, there being—ayes 36, noes 46.

The Clerk read as follows:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, $122,000; and the Secretary of the Interior is hereby directed to organize the force for which this appropriation is to be expended and to fix the salaries and compensation to be paid to the members thereof, and to make his estimate for the fiscal year commencing July 1, 1883, in detail, in reference to the force to be employed, with its grades and compensation to the respective grades, and specifying the branches of work in which it should be employed and the amount to be expended on each branch.

Mr. ATKINS. I move to amend by adding to the paragraph just read the following:

And to continue the preparation of a geological map of the United States.

Mr. HISCOCK. I make a point of order on the amendment. It proposes to provide for a new work.

Mr. ATKINS. It is exactly in accordance with the ruling of the Chair upon the point made by the gentleman from Indiana upon the language in lines 471 and 472, page 20 of the bill. The language there is "and of a general map of the eastern part of the United States." The Chair held that the point of order was not well taken. I think this point of order is upon a par with that.

Mr. WILSON. I beg to ask the gentleman whether the Government is not now making a geological map of some of the States?

Mr. ATKINS. Yes, sir; a geological map is now being made of several States—Colorado, Nevada, and to some extent California, as I understand.

Mr. MOULTON. The object of this amendment is to make a complete map?

Mr. ATKINS. To make a complete geological map.

The CHAIRMAN. The Chair will inquire of the gentleman from Tennessee whether the reports hitherto made from the geological survey include maps?

Mr. ATKINS. Oh, yes, sir.

The CHAIRMAN. The Chair so understood.

Mr. ATKINS. Under the act organizing the bureau it is provided that it shall prepare geological maps. A great many of these maps have been printed and have been distributed by members of Congress to their constituencies all over the country.

Mr. KENNA. This is really the continuation of an existing work.

Mr. HISCOCK. If I understand the meaning of the amendment offered by the gentleman from Tennessee it extends the power of this survey with reference to maps which are to be published. They have

the power now I suppose to make maps, diagrams, and everything of that sort in reference to sections of the country as to which they make geological surveys. But if I caught correctly the phraseology of the amendment it proposes to make a geological map of the United States or, perhaps, to continue such a map. It is suggested to me that the word "continue" is used.

Mr. MOULTON. Let the Clerk read the amendment again.

Mr. HISCOCK. I yield that it may be read.

The Clerk read as follows:

And to continue the preparation of a geological map of the United States.

Mr. HISCOCK. That is the point exactly. Now, there is nowhere any authority of law for a geological map of the United States. There is authority for a map of the surveys which the surveying officers make. They have the right, doubtless, under the appropriation which has been made from year to year to publish maps of the surveys they make, and they do so. But this means more than that; it means a geological map of the whole United States—a work that has never been entered up—a map which cannot be made until there has been a geological survey of the whole of the United States. This amendment, couched in so few words, is most pregnant with meaning. Where it will lead no man can tell; but I will not discuss it upon the merits.

Under that amendment, carefully drawn and prepared as it is, a geological survey of the whole United States would be initiated. Now, you may search through the appropriation bills in vain to find any authority for anything of the kind. In the estimates submitted to us there was one to come east of the Mississippi River and enter into the Appalachian region, to make a geological survey of it. That has been taken out of this bill, or rather it was not reported in favor of or included in the bill. Now the gentleman from Tennessee introduces an amendment of that kind to bring that survey into that chain of mountains. He introduces an amendment which perforce compels the geological survey of that Appalachian chain of mountains.

As I have said before, the work of a geological map has never been commenced in the United States. No such work is in progress. It is therefore subject to the point of order.

Mr. ATKINS. I wish simply to say, Mr. Chairman, that the chairman of the Committee on Appropriations sat in his seat and made no objection at all, and did not assist the gentleman from Indiana when he made the point of order against the provision for a general map of the eastern part of the United States by the Coast and Geodetic Survey. He sat in his seat then and said nothing. I hold that this clause is subject to the same principle which controlled that appropriation, and as the Chair decided that the point of order taken against that general map of the eastern portion of the United States was not well taken, it seems to me the point of order to the pending proposition will admit of no other decision but that one being ruled in order necessarily the other will also be ruled in order.

Mr. HISCOCK. The gentleman from Tennessee will see the map ruled in order there was the publication of the surveys, ascertainment of the lines, which had been formulated by the Coast and Geodetic Survey.

Mr. ATKINS. It related to a general map of the eastern part of the United States, and since that has been ruled in order I hold the amendment I have submited must also be ruled in order.

The CHAIRMAN. The Chair is ready to rule on the point of order. [Mr. KENNA rose.] Does the gentleman from West Virginia wish to be heard on the point of order?

Mr. KENNA. Not unless the Chair wishes to hear further from my side.

The CHAIRMAN. The gentleman from West Virginia will proceed.

Mr. KENNA. I wish to submit one or two suggestions. In the first place, the geological survey of the country has been undertaken not in piecemeal and not to involve a spot inside of one State or Territory, but as a system. No one will undertake to assume where a geological investigation is made of the public domain, in the central part of a State, as it may be, that the geologist in charge cannot make a geological map of that State as is actually within the boundary of the survey and leave out the boundary of the State itself. The relative location must be shown; comparisons must be made. The system as undertaken and prosecuted for a considerable length of time involves everything necessarily embraced in the clause of the amendment proposed by the gentleman from Tennessee. It is analogous to the proposition on which the Chair ruled a day or two since in relation to the Coast and Geodetic Survey.

I deny the correctness of the attitude of the gentleman from New York [Mr. HISCOCK] when he assumes that provided only for the publication of work done under the Coast and Geodetic Survey. It provided for an extension of the work, and the Chair held it to be in order from the fact that extension became a part of the system in progress. I submit the proposition is in order.

Mr. WILSON. Mr. Chairman, I desire to say one word in addition to what has been said by my colleague [Mr. KENNA] and the gentleman from Tennessee, [Mr. ATKINS.] If you have before you this bill, Mr. Chairman, commencing at line 1574, I take it you will find in it "a provision for the United States Geological Survey," which, I think, is a full and complete refutation of the argument of the gentleman from New York, [Mr. HISCOCK.] One hundred and twenty-two thousand dollars is appropriated by this section for the purpose of a United States geological survey. It is as I have said, "for the United States Geological Survey." Yet the gentleman from New York says no geological survey is authorized by law. Nevertheless, he brings into this House an appropriation of $122,000 for carrying on the survey for which he says there is no authority!

Now, I understand that the amendment of the gentleman from Tennessee [Mr. ATKINS] proposes simply to extend the appropriation for the survey so as to make provision for the publication of the necessary geological map of the United States. One is indeed the supplement of the other. Without the map and report the survey could be of little or no value to the country.

I beg to ask the gentleman from New York [Mr. HISCOCK] what advantage the survey alone can be? What advantage can be derived from it unless we are to have a report of the work done and a map showing it in detail?

I claim, Mr. Chairman, that the amendment of the gentleman from Tennessee is directly in the line of the policy of this bill. I do not think any other proposition can be more germane, for if we have the right to do the one thing we certainly have the right to do the other, and it necessarily follows as the outgrowth of that right that the work should be utilized by the preparation of the necessary maps.

The CHAIRMAN. The Chair will rule upon the point of order. The case to which attention has been called, and on which a ruling has been heretofore made, was with reference to the geodetic survey and its authority to proceed in the execution of that work for several miles from the coast. Now, it is known to every gentleman here that the work of the coast survey embraces necessarily a considerable distance from the coast for scientific purposes, and therefore the Chair ruled that to be in order, as it was within the jurisdiction and in accordance with precedents. On this, however, the question presented is an entirely different one. This section of the bill provides for the geological survey and the classification of the public lands, an examination of the geological structure, mineral resources, and products of the national domain, and is limited to that. Under that language the survey can only be prosecuted upon the national domain. But the proposition of the gentleman from Tennessee here is to continue the preparation of a geological map of the United States. Now, if the words "public domain" were added, the Chair would regard it as following the precedents and within the line of the work which they have been doing by maps and diagrams. But the Chair is of opinion that to continue the preparation of a geological map of the United States would largely increase the functions of this survey and extend it beyond what is contemplated within the boundaries of the State and not warranted by law. The Chair therefore sustains the point of order.

Mr. ATKINS. I do not think that the suggestion of the Chair adds anything to the powers of this geological survey. They have a right to go upon the public domain now wherever it may be. I am willing, however, to modify the amendment to that extent so as to remove the objection urged against it by the Chair.

The CHAIRMAN. The language of the amendment as at present provides for a geological map of the United States.

Mr. ATKINS. But I am proposing now to modify the amendment and insert the language that the Chair has indicated. I modify my amendment, therefore, to that extent.

The CHAIRMAN. The amendment as modified will be reported.

Mr. BLACKBURN. Let it be reduced to writing.

Mr. SPRINGER. The gentleman proposes to apply it only to the national domain of the United States.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

And to continue the preparation of a geological map of the national domain.

Mr. BLACKBURN. Mr. Chairman, the law as it now stands today authorizes the carrying of this geological survey into any of the States of this Government where public lands exist. I want the Chair now to rule upon the amendment as it has been modified. If that law is to be changed or any amendment is made looking to its change, I mean to renew the point of order myself. I have no objection to the surveys being carried on in any State where the United States owns public lands, but to this extent, I agree that it shall not go into a State where the Government does not own public lands, or be applied to lands that do not belong to the Government.

I ask the Chair now to rule whether the amendment as modified changes in any wise existing law in that respect.

The CHAIRMAN. The Chair does not understand the gentleman from Kentucky as making a point of order upon the modified amendment?

Mr. BLACKBURN. I do make the point of order in order to get an expression of opinion from the Chair as to whether the proposition in its new form in any wise changes existing law.

Mr. ATKINS. It is too late to make the point of order, and it does not change the law.

Mr. BLACKBURN. I say it does change the law.

Mr. ATKINS. In reply to the gentleman from Kentucky, I will read from the act of 1879 organizing this survey:

For the salary of the Director of the Geological Survey, which office is hereby established, under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, $6,000: *Provided*, That

this officer shall have the direction of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain.

The gentleman is correct that the provision as to the public lands carries it into the States——

The CHAIRMAN. The Chair will say that he does not understand this amendment as at all changing existing law.

Mr. HISCOCK. Then the point of order must lie if it does not change existing law; if it is a mere repetition of existing law it cannot be in order. It is not in order to re-enact an old law.

The CHAIRMAN. The gentleman does not understand the Chair. This is a proposition that part of this money shall be appropriated for reporting in the form of a geological map the results of this survey.

Mr. HISCOCK. Is there not the power to do that now?

The CHAIRMAN. The House has a perfect right to order the appropriation of a part of this money to any matter connected with the geological surveys.

Mr. BLACKBURN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACKBURN. Does the Chair not hold that the preparation of that map under existing law would be restricted and confined to the public lands which are the property of the Government?

The CHAIRMAN. The question is now of the national domain.

Mr. BLACKBURN. That is it. I want it to be distinctly understood when the officers of the Treasury Department come to construe this act I want them to do it in the light of the record of to-day, showing what was the purpose and intent of the House in adopting this amendment, if, indeed, it shall be adopted, and I trust it will not be adopted; I want it distinctly shown that this House did not mean or intend to change the law one atom as it stands to-day; and that the gentleman who now so worthily presides over the deliberations of this body ruled the amendment did not confer a single power on the Geological Survey.

Mr. KENNA. Will this House undertake to instruct the Departments or the Executive as to how a law should be construed?

Mr. BLACKBURN. I presume it will.

The CHAIRMAN. The Chair will ask the Clerk to report, for the information of the committee, the modified amendment, with the context, reading from the beginning of the paragraph as if the amendment were inserted. The attention of the committee is requested.

The Clerk read as follows:

For the United States Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of the geological map of the national domain, &c.

The CHAIRMAN. The question is on that amendment.

Mr. WHITE. I differ with my colleague [Mr. BLACKBURN] about the importance of this geological survey. I must say that I have no conscientious scruples about the national Government having as complete a survey of the State which I in part represent as the Coast Survey would make under the present law of the triangulation of the State of Kentucky. My colleague will not deny that the Treasury Department to-day, through the Coast Survey, has the right and has exercised it in part to make a preliminary triangulation of the State of Kentucky. It is said, sir, this is done preparatory to any future emergency not foreseen in the history of our country.

Mr. BLACKBURN. Not at all.

Mr. WHITE. It may be necessary to know the altitude of any particular locality in my State. But it is of much more importance to the people of that State and the people of this country, and the immigrants who come here from abroad, to know the mineral resources as well as the agricultural resources of that State. We have our State geological survey, and the reports are somewhat read. They are known to a certain extent over the country. But, sir, they are not of such weight, such authority, giving them the necessary credence abroad as if they were stamped by the authority of the Government. I ask not only that the triangulation of the States of Kentucky and Tennessee and North Carolina as well as the domain west of the Mississippi shall be completed, but that there shall be a complete geological survey showing not only the surface, but what is in the bowels of the country.

We have been there, the descendants of the Revolutionary patriots, for a hundred years. But our resources are as yet not fairly apprehended, and yet we are exploring the Rocky Mountains, the Sierra Nevadas, of the Western country, showing to the world the resources that are there, while we leave undiscovered, unheralded, the greater richness of the mountains of the Appalachian range. I hope this amendment will be adopted.

Mr. BLACKBURN. I did not think it would prove necessary for me to suggest to my colleague what he does not seem to have known. The State of Kentucky has for nearly forty years been engaged in the transaction of the work of the geological survey of that commonwealth.

Mr. WHITE. I so stated.

Mr. BLACKBURN. I will state more. She had Robert Dale Owen at the head of it until he died. She sent to Hartford and brought Professor Shaler and put him at the head of it, and had him there for half as many years as my colleague has been living. For the last eight or ten years she has had a man little, if any, inferior in ability to either of these great scientists. She has spent a million of money and more in the very effort, the very work which it is now proposed shall be done by the Government of this country.

I am opposing this amendment because I do not intend to give away without consideration the labor and the money that my State has expended in this direction. I have no sympathy with those gentlemen who come here and pass around the hat of pauperism, begging the Federal Government to make geological surveys of their States, and afterward doubtless to build its roads and its schoolhouses and provide for its every expenditure.

There is no democracy in such a proposition. And when I use that term I use it in its broadest and not its party sense. You may as well come here and offer an amendment asking to have turnpike roads built through my State or any other State as to demand that the Federal Government shall open its coffers to make maps in order to induce immigration because of the mineral or lumber resources of this or that or any other sovereign State of this great Government.

I oppose it because there are other States practicing a parsimonious policy all around my State, east and west, north and south, who have refused to expend a dollar or do one lick of work looking to their own development. If you undertake to carry the United States Geological Survey into the States, you put every enterprising State upon an exact dead level with every other State that has never expended anything for this purpose, and our money and our efforts will go for naught.

It is not fair; it is not honest; it is not legitimate legislation. If you mean to do this thing, come up and meet the question like fair and honorable business men, and incorporate an amendment that shall give a rebate to every State in this country for every dollar of money expended in this direction.

I brought Major Powell, the superintendent of this geological survey, into the committee-room and asked him to tell me the character of work that Kentucky had been engaged in doing for forty years, and for which she had paid this large sum of money. He told me, and there he differed from my worthy colleague, [Mr. WHITE,] that it was as efficient, as thorough, as accurate, as valuable a survey as the Federal Government itself would make or could make.

Mr. WHITE. Will my colleague allow me to ask him a question just there?

Mr. BLACKBURN. Certainly.

Mr. WHITE. Is my colleague aware of the fact that the superintendent of the geological survey of the State of Kentucky——

Mr. BLACKBURN. Is in favor of this thing?

Mr. WHITE. Exactly.

Mr. BLACKBURN. Of course I am.

Mr. WHITE. Does he consider that we are giving away for no purpose what information we have collected? Does he not believe that we would be devoting it to a good purpose?

Mr. BLACKBURN. Make another speech in your own time. I know that the present superintendent of the geological survey of Kentucky is in favor of this. But I hope I have sense enough to know that it is not my business to stand here and see forty years of labor expended by that State, and a million of money in round numbers go for nothing, as compared with the States that have made no movement in this direction.

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. HISCOCK. I move to strike out the last word. I do not believe that the amendment as ruled in order by the Chair would let this survey into the States and to other lands than the public domain. Notwithstanding my opinion of the amendment is as I have stated, I cannot forbear to say a word in reference to a proposition which I know is entertained by gentlemen on this floor.

I agree almost entirely with the gentleman from Kentucky, [Mr. BLACKBURN,] that the Federal Government may just as well commence the building of private roads, may just as well commence the building of school-houses, and of churches, may just as well take charge of the whole educational system of the country, as to undertake this geological survey of private property for the benefit of private individuals. And that is all that is meant by this proposition.

This scheme is pressed here by gentlemen who own large tracts of land in this Appalachian region, which they believe contain mineral wealth, and they desire that the Federal Government may make a geological survey of that land, and the private individuals and the corporations owning it be relieved from the expense of such survey.

Mr. TOWNSHEND, of Illinois. Will the gentleman permit me to ask him a question?

Mr. HISCOCK. I have made my statement with deliberation. From the time this Congress convened up to the present hour the corridors of the hotels and lobbies of this Capitol have been filled with persons pressing this legislation upon Congress.

I do not care to have any misunderstanding about the proposition that the House is to pass upon. And I desire to say another thing. You may vote $10,000,000 to build a navy, you may vote $10,000,000 in the river and harbor appropriation bill, and then you may multiply those two ten millions by five and the amount will not reach in magnitude the vast amount which would be required for this survey.

Triangulation first proceeds, and then following triangulation come the topographical maps, and following that comes another species of maps, until you finally come down to the practical geological map.

As a member on my right says, the survey of Pennsylvania—which she has not herself inaugurated, for Pennsylvania capitalists are willing themselves to develop the internal resources of that State—the geological survey of that State will cost her $2,000,000. Now, I have said this because I wanted the Committee of the Whole to be in full possession of what this amendment or this movement means.

Mr. TOWNSHEND, of Illinois. How can the gentleman justify the expenditure of Federal money to make a geological survey of the State of Colorado and object to an expenditure of Federal money to survey lands in the State of Kentucky?

Mr. HISCOCK. I object because the survey should be confined, and if the spirit of the law is respected must be confined, to lands in that State belonging to the United States.

Mr. ATKINS. Mr. Chairman, I was not surprised that my distinguished friend from Kentucky [Mr. BLACKBURN] should plant himself upon the doctrine of State rights in opposition to this amendment. It was very natural that he should make that objection. But it is a little singular to me that my honorable friend from New York [Mr. HISCOCK] should plant himself upon the same position. I am a State-rights man myself. I used to be a very extreme State-rights man.

Mr. HISCOCK. Will the gentleman tell us how long ago?

Mr. ATKINS. Four years of experience taught me to modify my State-right views considerably; and while I am not in favor of blotting out State lines, but want to maintain them, while I want the States to regulate their own internal affairs in their own way as far as they can under the Constitution of the United States, I submit whether it is not known to this Congress and the whole country that the extreme views once entertained by that political school have passed away.

Now, I want to know how it is a greater breach of State rights to authorize the officers of the geological survey to go into a State and survey its mineral resources than to make an appropriation to clean out a river, the source and the mouth of which are within the same State? Will the gentleman from Kentucky tell me wherein he preserved his consistency as a Democrat when the other day he voted for an appropriation of $17,000,000, $225,000 of which I believe was intended to clean out the Kentucky River, which if my geographical knowledge has not failed me, rises within that State and empties within it. The gentleman seems to me to be straining at a gnat and swallowing a camel. It seems to me he is driven to a very extreme position in order to prejudice this amendment.

Under the ruling of the Chair the amendment applies only to States which have public domain. But I ask gentlemen of the East, I ask Representatives of the old thirteen States which have no public domain, whether they do not feel it would be a right thing to extend these surveys to those States as well as to the Territories of the United States and to the States that happen to have public domain?

Now, talking about "handing round the hat"——

[Here the hammer fell.]

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. WILSON. I renew the amendment. Mr. Chairman, if the people of this country have suffered from any one grievance greater than another at the hands of Congress, it is from the failure of Congress to make provision for a proper geological survey of the entire country, States as well as Territories. I hope that gentlemen on this floor are not to be scared by the bugaboo figures of the gentleman from New York, [Mr. HISCOCK,] who tells us that such survey will cost many millions of dollars.

Does not the gentleman know that we have already expended about $2,500,000 for geological surveys, maps, and reports, and what has been accomplished by it? About 672,000 square miles in the Rocky Mountain range and in the Territories have been surveyed and reported upon, an area as large as twenty of the average-size States of this Union, larger than the original thirteen States, and what has been accomplished by it? One of the results has been to reclaim the lands of the Indian warrior and to convert them into civilization.

But more than that, Mr. Chairman, has been accomplished. The largest and most valuable mines of the precious metals in the world have been discovered. Tens of millions of dollars have been withdrawn for the money centers in Europe and America to develop these mines, and their development has enabled this country to become the largest producer of gold and silver known to mankind. The wealth of the country has become immeasurably increased by it. Not only this, but farming lands, grazing and timber lands have been brought to public notice. Railroads have been projected, and much of that vast region is to-day the pride of this continent. Two and a half millions of dollars have been expended, and the magnificent results I have referred to have been realized. The geologist goes first, and following him goes the miner, then the farmer and grazer, then the lumberman, and then follow railroads and populous communities.

I regret very much, Mr. Chairman, that we have not been able this session to pass the measure which the gentleman from Tennessee [Mr. ATKINS] presented here several years ago. Be it said to his honor that when the Democratic party had control of this House a proposition was adopted upon his motion making an appropriation for extending the geological survey throughout the entire United States, but it failed in the Senate.

I am pained to know that to-day we are so hampered by the existing rules of the House as that the same thing cannot under your ruling, Mr. Chairman, be done again. Consider what is to be the result of these surveys. Take, for instance, the Appalachian or Alleghenny range of mountains and their vast hidden wealth. We are to-day importing immense quantities of sulphate of lime, (plaster of Paris,) upon which we are paying customs duties and freight; it is used in the New England States, in the Middle States, in the Southern States, and in fact almost everywhere in the country as a fertilizer.

Look along this range; and we are told by geologists that running from New York, the gentleman's own State, New York down through Pennsylvania, through the two Virginias, Tennessee, and Alabama there can be found countless millions of tons of this fertilizer, enough to supply the needs of this country and of the world. But we want a geological survey. We want the benefit of scientific exploration to enable us to get at it.

A MEMBER. What fertilizer?

Mr. WILSON. Sulphate of lime. The same thing that is ordinarily known as plaster of Paris.

Mr. HISCOCK. In my own State——

Mr. WILSON. I cannot yield to the gentleman in my time.

Mr. Chairman, I read the following extract from the American Cyclopedia:

> Sulphate of lime enters into the composition of grasses, potatoes, turnips, &c., and these cannot flourish in soil entirely free from it. Its potency, however, is probably due in a far greater degree to its action in fixing volatile and escaping carbonate of ammonia. When this comes in contact with sulphate of lime, double decomposition takes place, carbonate of lime and sulphate of ammonia being formed. Its value as a fertilizer may be readily tested by distributing a quantity of it in a narrow line across a meadow. Where the plaster has fallen the grass will frequently be so much stronger and greener that the difference may be seen even at a considerable distance.

But, Mr. Chairman, there is another most valuable fertilizer which has recently been brought to public notice by the discoveries of large deposits in South Carolina. I refer to mineral phosphates or bone earth as they are sometimes called. To-day I was told by the distinguished geologist of North Carolina, Professor Kerr, that some of these deposits are worth $1,000 per acre. By some strange freak of nature the petrified bones of the whale, the mastodon, the shark, and of various other animals and fishes are found imbedded under the earth's surface. From these are manufactured the bone-dust fertilizer. So valuable is it as a fertilizer that it commands in the market from $30 to $40 per ton. May we not reasonably conclude that a thorough geological survey by the Government will disclose other similar deposits at other points on our ocean coast, and perhaps in the Gulf of Mexico?

But, sir, independent of these fertilizers it is almost certain that geological explorations will disclose additional deposits of coal, iron, copper, lead, and other valuable mineral resources which would add thousands of millions to the material wealth of the country. Especially would this be so in West Virginia, Virginia, North Carolina, Georgia, Kentucky, Tennessee, and Alabama.

It is the opinion of intelligent gentlemen, and Professor Kerr, to whom I have just referred is one of them, that a thorough geological survey will develop extensive and valuable deposits of gold ore in Virginia, North Carolina, and Georgia. I am in favor of the amendment, and hope it will be the pleasure of this House to adopt it. I do not know of any more judicious expenditure that could be made of the public money.

Mr. WILLITS addressed the committee. [See Appendix.]

Mr. WHITE rose.

The CHAIRMAN. Debate on the pending amendment is exhausted. The *pro forma* amendment was withdrawn.

Mr. REAGAN. I will renew the *pro forma* amendment. Now, Mr. Chairman, I shall have to vote against the proposed amendment, because it does not change the bill and because the original section and the section as it would be if amended seems to me not to be correct in principle.

The law as it is now recognizes the geological survey of the public domain in the States and Territories where the Government owns public lands, and that distinction seems to be taken here in the discussion as a proper one. Upon what does such a distinction rest?

The Constitution provides that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States." That must be the authority, if there is any constitutional authority for what has been done. It is too late now to discuss the question, perhaps, whether the rules and regulations respecting the territory and other property of the United States should be allowed to apply to a case like this. But, sir, if it does it ought to apply to all the public property, and that is the point I wish to make; that it should be either limited to the public domain in the Territories of the United States, or if extended to the States having public lands belonging to the United States it should be extended to all of the States of the United States.

And I give notice now, Mr. Chairman, that I will move an amend-

ment, to test the sense of the House, by adding such words in line 1574 as will confine it to Territories of the United States. I shall then, if that amendment be adopted, move for the reduction of the amount of the appropriation. If the House shall see fit, however, to vote that amendment down, I shall then move another amendment, for I wish the House to be right one way or the other, and that is to add after the word "survey" the words "of the United States;" and in line 1577 to strike out "national domain," and in lieu thereof to insert the words "United States." The two will place the question as it ought to be before this committee. The first will limit it to the public domain in the Territories and the other will extend it to all of the United States, so that if the first amendment is voted down the old thirteen States and the State of Texas and the older States which feel an interest in this work of a geological survey will have the same right with all the other States, although the Government may not own any public lands within their limits. The fact that a State has public lands in it or not will not affect the constitutional right. The Government may sell its public lands, and if it is excluded by the Constitution from a State that has no public lands it is by any just interpretation excluded from those which have. One or the other of these propositions must be correct. If it can be done at all; if we shall limit the operation of this provision to the public domain in the Territories, or without disregarding them, that we shall extend it to the States impartially and generally, as all of the States bear a like proportion of the expense, would seem proper.

Mr. FULKERSON. Mr. Chairman, the original amendment of the gentleman from Tennessee [Mr. ATKINS] authorizes a geological map of the United States. The surveys of the Government are now confined to the Territories and the public lands located in the States. These surveys are made at the expense of the people of the States on the ground that they will bring the public lands into market and thereby inure to the benefit of the people generally. But these Government surveys are of peculiar interest to the people of the Territories, and these benefits continue after the Territories are admitted into the Union as States, and give them great advantages over the old States whose State surveys are inaccurate and less reliable than the Government surveys. The local surveys are unreliable and are regarded by capitalists and the foreign countries from which we draw emigration with suspicion, indeed as worthless.

Many of the States are richer in mineral deposits, both in quantity and quality, than the Territories, notably Virginia, West Virginia, North Carolina, Tennessee, Kentucky, Alabama, and Georgia. Taking Bristol, Tennessee, as the center, and with a radius three hundred miles in length describe a circle, and the area will contain a greater amount and a greater variety of minerals than exist in a like area in any other part of the United States. Iron, coal, copper, zinc, salt, plaster, lead, barytes, mica, granite, marble, sandstone, soapstone, limestone, &c., are all there in the greatest profusion, but are undeveloped and unknown to the outside world. Shall these great mines of wealth lie dormant and await the slow development of the individual States, or will the Government, by a small appropriation and an accurate survey and map under its authority, bring them at once to the notice of the capitalists of the world? The development of these great sources of wealth will inure to the benefit of the whole people of the country.

Mr. Chairman, during the preceding winter I have carefully investigated the operations of the surveys and their practical results. There can be no legislation of greater general benefit than that proposed by the amendment. The different geological surveys of the West have in the last twenty years completed an area in excess of 672,000 square miles, equal to twenty of the Atlantic States, the whole cost being less than $2,500,000. The region surveyed is so mapped that every physical feature is exhibited with an accuracy vastly superior to the surveys of the States east of the Mississippi, with perhaps two or three exceptions. The maps of that region are so perfect that railroads have been and are now in course of construction by them, without the usual preliminary investigations, over a region of country more difficult and irregular than any other on the North American continent. Every timber, desert, irrigable, and pasturage district is defined and the structural and economic geology illustrated in so simple a manner that the most ordinary understanding can take in and comprehend its formations.

The work already completed is of incalculable benefit to the country; every settler on the public domain is guided by it; all the mining pursuits are simplified; and should hostilities occur either with Indians or whites of that region, Army engineers are provided with information that will enable us to restore order at small cost of life and treasure. The work in progress ought to be continued until it is completed, and liberal appropriations should be granted.

The Interior Department estimated $250,000 for that purpose; the Appropriations Committee, controlled in this case by spasmodic and abnormal economy, reduced this estimate $100,000. Has it ever struck the House that the committee are given to straining at gnats and swallowing camels?

The Department also estimated $100,000 for expanding the surveys and for the prosecution of geologic researches in the States east of the Mississippi River. This was ignored by a majority of the committee, although they were well aware that but little was known of the geologic features of at least three-fourths of the States; that a vast mountain region traversing the Atlantic slopes, abounding in minerals, had not, except in a limited area, the benefit of scientific investigation, the development of which would offer new fields for labor, would add vastly to the wealth of the localities and the whole country, and would perhaps be instrumental in the solution of economic questions relating to labor that now, through strikes, disturb our financial security.

In the past the public domain, which offered homes to the poorer classes, was easily acquired and accessible without difficulty. This resource is substantially exhausted, and in the future we will be compelled to resort to the wise policies that govern older societies.

There is no community in the country, however distant it may be from the field of operations, that is not directly interested in the prosecution of this work. Its cost is insignificant when compared with the benefit derived from it. It will present opportunity for investment of capital, with certainty of profitable returns; will transform mountain wildernesses to bee-hives of industry; will largely increase the national wealth and make easy to the people the payment of taxes necessarily imposed to defray public expenses; in short, it is a practical and therefore sensible mode of meeting many of the difficulties that now confront us and which will grow more formidable as our population increases.

Great Britain appropriates annually for geological purposes alone, in a territory little exceeding two of our ordinary States, near five times as much as the Appropriations Committee recommends for our vast and unexplored domain. It appears to me that public interest demands that the surveys should have the full amount of the estimates of the Department.

Mr. CANNON. Mr. Chairman, I should have contented myself not to have said anything with reference to this proposition were it not for the fact that my colleague on the committee from Kentucky, and also the chairman of the committee, the gentleman from New York, have seen fit to attack an amendment similar to this, and also the bureau. I do not think, sir, that this amendment is subject to the criticism that the gentleman from New York has sought to place upon it, and, judging from the remarks of the gentleman from Kentucky, I hardly think that he would have so criticised it were it not for the fact that his own State has expended somewhere in the neighborhood of a million of dollars for geological surveys which he thinks should in a certain contingency be refunded to the State by the United States. But it will be time enough to consider that question when it comes up properly before the House.

Now, under the law, without any dispute, this survey, if it be confined to the public lands, can go into Alabama, it can go into Mississippi, it can go into Arkansas or into Missouri, or it can go, if desired, into any of the States where the United States owns public lands as well as into the extreme West. Now, if the amendment is adopted, and I am inclined to think if money enough is given that the work can be done without the adoption of the amendment—but if the amendment is adopted, and an increase of the appropriation is made, I have no doubt at all that the Director of the survey will go into those States and commence the surveys as far as practicable, and I think he ought to do so.

Mr. KENNA. Will the gentleman permit me to ask him a question?

Mr. CANNON. If it is brief.

Mr. KENNA. I wish to ask the gentleman from Illinois if it shall be found necessary in the prosecution of the geological surveys (coming literally within the law) to go outside of the public domain so as to take in any part of the surrounding structure, he does not believe that under the spirit of the law the director of the survey would be authorized to do so?

Mr. CANNON. Certainly.

Mr. KENNA. And that if to complete his work he must get information touching territory outside of the prescribed border, he would not be justified and have the authority, as I believe he has, under the proposed amendment, to use this fund to enable him to complete his map according to the spirit of the law?

Mr. CANNON. Oh, certainly; he would have the right and discretion under the amendment. That has been done frequently. These surveys, for instance, of the mineral lands at Leadville necessarily embraced surrounding property of private citizens, and it is idle to say that you cannot make a map or survey except upon the exact ground the United States has title to.

This Government embraces a larger property, a larger domain than merely the public lands; and I am inclined to think that a fair construction of the law would include the whole domain of the Federal Government, "national domain," meaning national dominion, the whole territory. But let that be as it may, under the law we can adopt this amendment; and under the law, as claimed by the strict constructionists, we can increase the appropriation from $50,000 to $100,000 over that recommended in the bill, as I believe it can be and ought to be increased.

But it is said that these surveys are not to come east of the Mississippi River. Now, who pays the expense of these surveys? The greater portion of the expense of the surveys is paid by the older portion of the country, and I undertake to say that at our expense these Western Territories are better surveyed geographically and geologically than the country east of the Mississippi River. I want to see these technicalities thrown away; and, as we have to pay the bills, I want the law itself made to operate uniformly throughout the country, and the hidden wealth which is now unknown all about us brought to light by the judicious and careful investigations and surveys of this bureau.

Again, the gentleman from New York is, as I have said, a strict constructionist. I wonder why he did not strike at some of the other provisions in this bill which we have already passed, and which are just as objectionable on the ground that he now alleges as this provision? Why did not he strike at the Coast Survey?

On page 20 of the bill I find a provision made for a magnetic map of Eastern North America and a general map of the eastern part of the United States; and the gentleman made no objection to that. Now, when I turn to the Revised Statutes I find that the Coast Survey only takes in by law the coast and twenty leagues at sea. Quite a liberal construction there; and yet $600,000 is authorized in round numbers to be given to the Coast Survey for these operations. Now, the amount recommended here for this geological survey is only $122,000, and we propose to broaden the work a little and increase it by $50,000 or $100,000. I submit to him, with the great respect I have for him, if it does not make a little difference whose ox is being gored.

Mr. HISCOCK. I desire to answer the question of the gentleman from Illinois. If there has crept into the appropriation bill any enlargement of the law I do not know it. We have subdivided the old law and made a distinct appropriation for distinct objects; and that is all we have done in that direction.

Mr. ATKINS. Will the gentleman from New York allow me to ask him one question?

Mr. HISCOCK. Certainly.

Mr. ATKINS. I want to ask him this question: the gentleman believes it is constitutional to make a geodetic survey; will he tell me why it is unconstitutional to make a geological survey?

Mr. HISCOCK. I do not believe it is unconstitutional to make a geological survey. I believe when the Government has property——

Mr. ATKINS. I will change the form of my inquiry. The gentleman believes it is in accordance with public policy to make a geodetic survey; why does he not believe it to be in accordance with public policy to make a geological survey?

Mr. HISCOCK. I believe it is constitutional and lawful and everything else to make a geodetic survey within certain limits, and I believe it is constitutional and lawful to make a geological survey within certain limits. But I do not believe it is a proper thing to make a geological survey for the benefit of railroad corporations, to develop the wealth in the mountains through which they are preparing to run their roads, and to develop the wealth of the lands which they have got.

Mr. ATKINS. The gentleman speaks of limited areas. The geodetic survey has been made from a point in New Jersey to Atlanta, a distance of six hundred miles in a straight line.

Mr. HISCOCK. The geodetic survey properly has been so far an extension of the coast survey or of the deep-sea soundings coming up to the coast and so far on to the coast as seems to be demanded in the interest of commerce and for the proper preparation of their charts. So far as the geodetic survey has extended beyond that the gentleman from Tennessee is responsible for it, as I believe; at least the three last Congresses are responsible in providing the triangulation from the Pacific coast to the Atlantic.

Mr. ATKINS. They had it long before. The gentleman must reread on that subject.

Mr. REAGAN withdrew the *pro forma* amendment.

Mr. WHITE. I renew the amendment. I agree fully with the gentleman from Michigan [Mr. WILLIS] that the amendment offered by the gentleman from Texas [Mr. REAGAN] is unnecessary, but I heartily concur in the conclusions reached by the latter gentleman. The phrase "geological survey" covers the whole ground. To make a complete and useful work there should be the most liberal appropriations, to be applied wisely and equitably to the whole territory of the United States. To talk about a geological survey for the public domain alone is to display ignorance of the subject. Everybody knows that a coast survey includes the triangulation of the interior, the measurement of the highest mountains, as well as the indentations along the sea-coast.

When you make an appropriation for the geodetic and coast survey you do not say nor mean that no part thereof shall be expended beyond the roar of the waves and upon the public domain, but you make it apply equally to every part of the country. The information to be ascertained is of national importance. That work is so understood, and the geological survey, no less important, from the very nature of the case must be a national work. The geological formations are not bounded by State lines, nor can the study of them be wisely restricted to the public domain. A formation peculiar to a geological age may be observed in one State and not be discovered again in traveling over half a dozen States.

I would have the hands of the Superintendent of the Geological Survey so strengthened that he could hunt up the outcroppings of every stratum in every State and Territory. My colleague [Mr. BLACKBURN] has not gotten entirely over his State-rights hobby. He is improving, however. He has been thoroughly converted on the question of appropriations for the improvement of rivers within States, and on this subject seems no longer to have doubts as to the constitutional power of Congress without interfering with State rights. He is a fair man, and an honest man, and desires to be in accord with the people of Kentucky, and I look hopefully to his getting new light from them on the question of a geological survey which shall apply not to the public domain alone but be coextensive with the Union. He seems to be afraid that the State of Kentucky will lose something by having a higher authority than the State geological survey of that State certify to the world the value of the State geological reports. He reminds the committee of the fact that our State has been forty years gathering that geological oinfrmation, and to that end has expended nearly a million of dollsar, and he demands as a condition, if I understood him correctly, that Kentucky shall be reimbursed in that sum before he will ever consent to have a national geological survey for the whole Union.

I desire here to enter my earnest protest against having the people of Kentucky placed in this false light. The State of Kentucky is a great State with vast and varied resources, and her people have spent a great deal of money to obtain valuable geological reports. She has done that with no selfish purpose. Those reports go out to the world, and are considered high authority, but Kentucky is not so well known abroad as the United States, and the substance of those reports if published by the United States Geological Survey would unquestionably have greater weight with immigrants from abroad and with capitalists at home and abroad.

And to talk about Kentucky losing anything is simply nonsense. Her object in collecting the information for her geological reports was to give the information freely to her citizens and to the world, and to demand that she be reimbursed would be as foolish as for a physician in good standing to set a price for the regular medical profession to pay him for any discovery he had made in the science of medicine.

Professor Shaler, in his report to the Kentucky State Legislature, January, 1876, says:

Nature has bestowed with lavish hand her gifts upon our State. Rich in all the elements of material greatness, possessing two extensive coal-fields, an abundance of iron ore of great variety and excellent quality, contiguous to coal and timber, with five rivers (the Tradewater, Green, Kentucky, Licking and Big Sandy) leading from our coal, iron, and timber lands, through our rich agricultural regions, and capable of being made navigable at all seasons, thus giving to our State a larger water frontage of mineral lands than is possessed by any other country, and affording to our mines, manufactories, and farming lands direct water communication with thirteen of the largest and wealthiest of our sister States.

A careful observer, after an extended tour of observation through our State, writes: "There is no reason why Kentucky should not already have received a mighty current of immigration, excepting the negligence of her people with regard to their own interests." To convince ourselves of the truth of this let us make comparison of our development with States of like natural advantages that have profited by these advantages by affording transportation facilities for the development of their resources. For this reason take Pennsylvania and Ohio, those States being about the size of Kentucky with near the same area of coal-fields, the advantages being in favor of the latter, as follows:

Ohio having	10,000 square miles of coal-fields.
Pennsylvania having	12,630 square miles of coal-fields.
Kentucky having	12,771 square miles of coal-fields.

In iron ores I believe the present geological survey of the State will develop the fact that our State has the advantage over either of those States. Our hard-wood timber, suitable for manufacturing purposes, is more abundant, and in timber suitable for charcoal, convenient to iron ores, we have a decided advantage. Our undeveloped water-power exceeds the water-power of those States. Yet with these natural advantages, what have we to show in actual production to compare with them?

The value of the products of mining industries in 1870 was—

In Kentucky	$509,245
In Ohio	7,751,544
In Pennsylvania	76,208,390

Our mineral districts are capable of supporting a denser population, yet there are less than five inhabitants to the square mile in the mining districts of Kentucky, while in Ohio there are from forty to seventy-five, and in Pennsylvania from forty-five to one hundred and twenty-five.

The distribution of wealth in the mining districts of the three States in 1870 was—

In Kentucky less than	$300	*per capita.*
In Ohio from	750 to $1,250	*per capita.*
In Pennsylvania from	1,250 to 2,000	*per capita.*

Notwithstanding the superior quality and quantity of our hard-wood timber, the value of agricultural implements manufactured in 1870 was—

In Kentucky	$1,384,917
In Pennsylvania	3,652,295
In Ohio	11,907,366

I know from personal observation that we greatly surpass Ohio in timber suitable for hubs, spokes, fellies, &c.; yet Kentucky manufactured $38,232 worth, and Ohio manufactured $1,712,808 worth.

Most of the raw cotton passes the entire length of our State on the way to Pennsylvania, yet the value of cotton goods manufactured in the two States was, in 1870:

In Kentucky	$498,960
In Pennsylvania	17,490,080

Our water-power is greater, yet the following table is instructive:

States.	No. of wheels.	Horse-power.
Kentucky	459	7,640
Ohio	2,157	44,746
Pennsylvania	7,603	141,962

Notwithstanding the extent of our coal-fields and the facilities which a judicious expenditure would afford for getting our coal to market, and use it in profitable home manufacturing industries, in 1872—

Kentucky mined	340,000 tons.
Ohio mined	3,000,000 tons.
Pennsylvania mined	29,442,000 tons.

The reason for these great differences is that Kentucky has practically ignored the existence of her great natural advantages and mineral wealth, and has as it were permitted a Chinese wall to hedge in the richest portion of her domain, while Ohio and Pennsylvania, by affording canal and railroad facilities to their mines and manufactories, have made rapid advancement in material wealth.

The salt wells on the Upper Kentucky River could supply the South and West with that indispensable article, yet not one bushel finds its way to the Ohio River. Should the canal connecting the Cumberland with the Kentucky be built, the tonnage of salt going South would be immense.

Below the Forks of the Kentucky River there is a good hydraulic limestone of quite an extended area. This would not only cheapen the cost of the locks and dams on the river, but a large amount could be manufactured for market after the river is improved.

I have briefly as I could referred to some of the best-known undeveloped resources of the Upper Kentucky and Upper Cumberland region. With development of these, many hidden sources of wealth will be brought to light. The agricultural capabilities of this region are much greater than they are supposed to be by persons unfamiliar with them. Now the farmer can raise nothing—owing to the impossibilities of transportation—which he can haul to market and sell at a profit. The few roads have gone to utter ruin since the war. I doubt if a loaded wagon could pass through many of these counties. The improvement of our natural water-ways will not only open up these counties, but will benefit the entire agricultural interests of our State. The agricultural prosperity of China, the Netherlands, and England is mainly due to the cheap water communication afforded by their canals.

As the Kentucky River is the largest river in the State, and the one the improvement of which will open up the largest undeveloped district, besides affording facilities for the interchange of products between twenty-four counties of the Commonwealth, I have been at some pains to collect facts respecting the resources of the country adjacent to it and the means by which it may be made navigable. From the imperfect records now extant of the old surveys made under the direction of the board of internal improvement and the recent researches of the State geological survey, I am enabled to collect the following facts:

From the mouth of the Kentucky River to the Three Forks the distance is 257½ miles, with a total ascent of 212 feet. There are completed five locks, affording navigation to the first 96 miles leaving 161½ miles to be completed. From the Three Forks to mouth of Troublesome Creek is 55 miles, with a raise of 39 feet. The cost of slackwater navigation from the head of navigation at lock No. 5 to mouth of Troublesome Creek would be $1,275,000, or about $6,000 per mile. This would be at the rate of $6,209 per mile to Three Forks and $5,000 per mile from there to mouth of Troublesome Creek. Contracts were made at this rate in 1870, and I am informed by the contractors that it could be done for less now.

The following table will show the feasibility of this plan and the advantages of this river:

Object.	Length, miles.	Lockage, feet.	Width of channel, feet.	Total cost.	Cost per mile.
Kentucky River to mouth of Troublesome Creek	312½	296	250	*$1,275,000	$5,902
Erie Canal	350	689	70	43,639,324	124,683
Delaware and Hudson Canal	108	1,073	48	6,339,210	60,200
Lehigh Canal	46	361	60	4,455,000	51,208
Ohio Canal	308	1,207	40	3,225,684	10,473

*This does not include the work done on the lower part of the river.

The improvement of the Kentucky River will cost less, the lockage is less, and the width is greatest. Some of these canals are troubled for supply of water at the summit in summer. The Kentucky River at lowest water in summer runs 20,000 cubic feet of water per minute below the forks and 8,000 cubic feet per minute above the forks, affording not only ample supply for navigation, but a large water-power surplus for manufacturing purposes.

Now, suppose that report had been made by the Superintendent of the United States Geological Survey, who can doubt that the effect would have been of incalculable benefit to the State of Kentucky?

There is no conflict between the State and national authorities on this question before the committee. Let us do all we can to help on the good work.

Mr. ROBESON. I desire to draw a line, if I can, between what I feel to be the authorized action of the General Government and that which is outside its purview. I am no State-rights man; everybody knows that I am for giving the fullest powers to the General Government that can be implied from its rights or inferred from its duties. The coast survey and geodetic survey grow out of the jurisdiction of the General Government over commerce, and also from the necessity of fixing State lines. The ordinary right to make geological surveys must be confined to the lands of the United States owned by it; because there is nothing in the conferred power of the Constitution which gives to the General Government in any way jurisdiction over that subject. There is no right of the Government in the mines of the country except where it owns the soil and the surface absolutely. There is no sovereignty power over them. They belong to the individuals who own them. There is nothing of national power, there is nothing of national authority, there is no subject which is referred to the General Government of the United States from which the right to prospect for mines can be derived.

Mr. CANNON. How about the promotion of commerce among the States?

Mr. ROBESON. It is not commerce; it is not the survey of the public lands; it is not the fixing of the lines of States; it is not the building of post-roads or the maintaining of post-routes. You cannot place your finger anywhere in the Constitution upon one word or syllable from which, either directly or inferentially, this power can be given to the General Government. Now, I am in favor of enlarging all its powers; I am in favor of strengthening its power wherever that power reaches. But I would hold it within its constitutional lines, in order that it may have the reserved force behind to exercise its constitutional duties, and wield its constitutional powers to the full extent, when they are legitimately exercised.

The CHAIRMAN. Debate is exhausted upon the *pro forma* amendment, which will be considered as withdrawn. The question is upon the amendment of the gentleman from Tennessee, [Mr. ATKINS.]

The question was taken, and upon a division there were—ayes 52, noes 40.

Mr. HISCOCK. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. HISCOCK and Mr. ATKINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 92, noes 63.

So the amendment was agreed to.

Mr. REAGAN. I move to amend the pending paragraph by striking out the words at the commencement of the paragraph "for the United States Geological Survey" and inserting in lieu thereof the words "for a geological survey of the Territories of the United States."

Mr. HISCOCK. I make a point of order on that amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HISCOCK. Does the amendment use the word "Territories" or "Territory."

Mr. REAGAN. "Territories."

Mr. ATKINS. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. My point of order is that it is new legislation and does not upon its face or necessarily reduce expenditures. The law now authorizes the geological survey to go into the States where there is public domain. This is a modification of that law, and therefore new legislation.

Mr. DUNN. And keeps it out of the States where there is no public domain.

Mr. ATKINS. And keeps it out of the States where there is no public domain, out of the States of Arkansas, Louisiana, Mississippi, Colorado, Nebraska, and other States.

Mr. REAGAN. I will modify my amendment so as to obviate the point of order by reducing the appropriation from $122,000 to $50,000.

The CHAIRMAN. The Chair does not consider that necessary. The clause to which the amendment relates is in the nature of a title to the paragraph, like the title of a bill. The Chair overrules the point of order.

Mr. REAGAN. I have presented this amendment for the purpose of getting the sense of the House, as I stated a little while ago. I want to know whether it is the purpose to limit these geological surveys to the Territories of the United States or to go into the States. If we go into the States I then propose to offer another amendment extending the surveys to all the States. We should either go into all the States or we should stay out of all the States.

It cannot be assumed that because the Government owns land in one State and does not own it in another, therefore it has the constitutional jurisdiction to go into that State. That is a policy which I propose to meet by this amendment. If it is voted down, then I shall present the other alternative. I ask the judgment of the Committee of the Whole on the amendment.

The amendment was not agreed to.

Mr. WILLITS. I move to amend the paragraph by increasing the sum appropriated from $122,000 to $222,000.

Mr. HISCOCK. I say to gentlemen that even if they intend to go further they had better wait until they get the force organized before they put so much money into the hopper.

Mr. CANNON. The force is already organized.

The question was taken upon the amendment of Mr. WILLITS; and upon a division there were—ayes 50, noes 45.

So (no further count being called for) the amendment was agreed to.

Mr. REAGAN. I have another amendment to offer. I move to insert, after the words "geological survey," in line 1575, the words "of the United States;" and, in line 1577, strike out the words "national domain" and insert in lieu thereof the words "the United States."

Mr. HISCOCK. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HISCOCK. It is that it is new legislation, proposing to extend the operation of this work, and certainly cannot decrease expenditures.

Mr. REAGAN. This is a provision for a geological survey. The amendment just adopted is for a geological survey and map of the United States. That is now in the bill and is to be considered in deciding the question of order.

My amendment proposes to aid in the execution of the amendment just adopted by the majority of the House. You cannot have a map without a survey upon which to predicate it. This is for a geological survey and has been extended into the States and the Territories. There is nothing in existing law that excludes any State except by implication.

My amendment proposes to make it clear, and was intended to make it clear, that it shall extend to all the States impartially. If adopted it will embrace not only the original thirteen States, but the

State of Texas, in which there is no public lands, and all the other States; not only the land States, but the other States of the Union. If there is any authority for going into a State at all, it is an unjust discrimination to extend this survey to a part and not to the rest of the States.

The CHAIRMAN. Allow the Chair to ask the gentleman whether under any provision of existing law the geological survey may be extended beyond the national domain.

Mr. REAGAN. By the words of the amendment just adopted, and which is now a part of the bill, there is to be a geological map of the United States; it was intended to cover the United States. I but follow with a more explicit direction.

Mr. HISCOCK. The language used is "geological map of the national domain."

Mr. REAGAN. I fail to remember whether the words "national domain" or "the United States" were used.

The CHAIRMAN. The Chair asks, for information on the point of order, whether the gentleman can point to any statute which authorizes a geological survey beyond the national domain?

Mr. REAGAN. Mr. Chairman, I am not sufficiently familiar with the legislation on this subject to say whether there is in the statutes any language providing for surveying outside of the national domain. If the decision of the Chair rests upon that point I am not able to assist him.

The CHAIRMAN. In the opinion of the Chair, there being no law shown, and the recollection of the Chair being that there is no law which authorizes surveys outside of the public domain, the amendment of the gentleman is ruled out of order.

Mr. REAGAN. I move, then, to strike out the entire paragraph providing for geological surveys; and I want to state my reasons for this motion. I wish to test the sense of the House as to whether it means that its legislation, without obviating constitutional difficulties, shall be partial, discriminating, and unjust. Why should the State of New York be excluded from these surveys and the State of Iowa included. Why should the State of Virginia be excluded and the State of Wisconsin included? Can any one assign a reason? Is there any principle in the Constitution upon which such a discrimination can rest? If there is not, then this legislation is partial, discriminating, and unjust. You compel the people of a portion of the States to which you deny these advantages to furnish revenue to aid in giving them to other States. In my judgment the proper method to meet this question is to strike out the whole paragraph and begin upon some basis which will either limit this geological survey to the Territories of the United States and to the public domain, or to extend it alike and equally to all the States.

The question being taken on the motion of Mr. REAGAN, it was not agreed to, there being—ayes 4, noes not counted.

The Clerk read as follows:

Government Hospital for the Insane:

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane of the Army and Navy, Marine Corps, and revenue-cutter service, and those committed from the National Homes for Disabled Volunteer Soldiers, and persons charged with or convicted of crimes against the United States, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane of the District of Columbia, $202,500; and not exceeding $1,000 of this sum may be expended in defraying the expenses of the removal of patients to their friends; and that hereafter the surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital, the proceeds to be used and accounted for the same as its other funds: *Provided*, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the board of managers of said national home, be admitted to said hospital and treated therein; and if any inmate so admitted from said national home is or thereafter becomes a pensioner, and has neither wife, minor child, nor parent dependent on him, in whole or in part, for support, his arrears of pension and his pension-money accruing during the period he shall remain in said hospital shall be applied to his support in said hospital, and be paid over to the proper officer of said institution for the general uses thereof.

Mr. DAWES. I move to amend by striking out all that portion of this paragraph beginning with the word "and," in line 1614, and extending to the end of the paragraph.

This amendment strikes out so much of the pending paragraph as proposes to appropriate to the use of the hospital the pension-money and the arrears of pension of a very limited class of insane persons, who may be authorized by law to enjoy the benefits of this hospital. The provision which my amendment proposes to strike out is so palpably wrong that I will occupy the attention of the committee only a moment. Under this paragraph, when an inmate of the National Home for Disabled Soldiers becomes insane he may, upon the order of the president of the board of managers, be admitted to the Government Hospital. But the provision I move to strike out would take from him any pension or arrears of pension which might accrue while he was in the asylum. In certain cases arrears might amount to three or four thousand dollars, which the insane patient would be obliged to forfeit for the benefit of the asylum. In any case it seems to me this great Government ought not to put its hands upon the pension-money of any of the disabled soldiers to whom it proposes to extend the benefits of this asylum. I think the provision ought to be stricken out. It was evidently inserted with the expectation in the minds of the committee that a somewhat similar provision in a previous part of the bill, which has been stricken out, would be adopted.

Mr. HISCOCK. I desire to say to the gentleman, in order that there may be no misapprehension about it, that this provision was not put in with the intention of having it in the line of the provision stricken out. There is no reason why a man who is insane and who is supported by the Government and who has no minor child nor wife nor parent dependent upon him for support should have the arrears of pension applied for his support; he does not need it and cannot use it.

Mr. DAWES. But suppose he gets well; some of these men do get well after a few months, or it may be after some years.

Mr. HISCOCK. Then if he gets well the money will come to him again.

I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no conclusion thereon.

LOSS OF CERTAIN PRIVATE PROPERTY.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting the proceedings of a board of officers in the matter of the destruction of private property of certain members of Troop M, Eighth Cavalry, and Troop G, Seventh Cavalry; which was referred to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and for other purposes.

ORDER OF BUSINESS.

Mr. HISCOCK. I desire to make a suggestion at the request of gentlemen on both sides of the House, that inasmuch as by a previous order of the House a recess is to be taken from five o'clock this evening until eight o'clock, that that order be vacated, and that in place of it the House shall continue in session this evening until six o'clock and then adjourn. Otherwise I shall have to insist upon an evening session.

Mr. RANDALL. Why not adjourn now? We are ahead of the Senate.

Mr. HISCOCK. The Senate wants this bill as soon as possible to be referred to the committee to work upon it.

Mr. BLACKBURN. We can do more work between now and six o'clock than we could at a night session.

Mr. HISCOCK. Undoubtedly. I ask, therefore, that there be unanimous consent of the House to vacate that former order for the purpose I have indicated, and we will go on with this bill until six o'clock.

Mr. RANDALL. Say a quarter before six.

Mr. HISCOCK. No, six o'clock.

Mr. RANDALL. Then I shall be compelled to object.

Mr. HISCOCK. Then we must have an evening session.

Mr. RANDALL. Not necessarily. I move that the House adjourn.

Mr. HISCOCK. In that case I shall feel compelled to call the yeas and nays, which will consume all of the time between now and five o'clock, and at that time the House must take a recess.

Mr. RANDALL. Not during the call of the yeas and nays. I do not desire, however, to antagonize the wishes of other gentlemen, and if it be the desire of the House to sit until six o'clock, I shall not object to it.

Mr. HISCOCK. Then I ask again that the former order of the House providing for a recess from five o'clock until eight be rescinded for to-day and that the House continue in session until six o'clock for the further consideration of the sundry civil appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I ask now, Mr. Speaker, unanimous consent to take from the Speaker's table the deficiency appropriation bill with Senate amendments for reference to the Committee on Appropriations.

Mr. HOLMAN. Let the amendments be printed.

Mr. HISCOCK. They are already printed and numbered.

The SPEAKER. Without objection the bill referred to by the gentleman from New York will be taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I move that the House now resolve itself into the

Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio, [Mr. DAWES,] which the Clerk will again report.

The amendment was again read.

Mr. WILLIAMS, of Wisconsin, took the floor and yielded to Mr. DAWES.

Mr. DAWES. In order that the amendment may be understood I will state that the application of the provision is to unmarried soldiers, and widowers without minor children or parents dependent upon them. Now, against them the distinction is made that the arrears of pension which may accrue to them while in the Hospital for the Insane is forfeited to the use of the hospital, and the accruing pensions are also applied in the same way. If the soldier dies without heirs it may be well to legislate in this manner, and let the fund thus accumulated inure to the benefit of the hospital, and I would be in favor, I think, of such a proposition, but the arrears is their property just as much as if they had wives and children or dependent parents.

Upon the assumption of the chairman of the Committee on Appropriations that they are all hopelessly insane and the same as dead without heirs, it might be well to legislate to have their arrears given to the benefit of the hospital. I would not object to that when such a case existed, but I do insist it is invidious, undignified, and unworthy of this great and wealthy Government to put its hands on the property of those poor lunatics and appropriate it for the support of a hospital for the insane, when by the very proviso of the bill we have it indicated by the action of the committee that there is room for them, plenty of provision, and money enough appropriated to support the hospital.

I understand that arrears accrue when the claim for them is allowed. If the soldier's claim is allowed when he is in the hospital the money passes to the general uses of the hospital. Should he afterward recover, he has lost his arrears and the Government is the beneficiary. At least I so interpret this provision of the bill. If, however, he should have a minor child even partially dependent on him he is exempted from forfeiture of arrears or accruing pension. This is unequal and unjust. It is wiser to keep the hands of the Government entirely off of the pension-money of the soldier.

Mr. HISCOCK. I want to state one fact in addition to what has already been stated bearing upon the question whether this great nation is liberal to the soldiers. The bill carries $125,000 to build an insane hospital for these very soldiers; or to enlarge the hospital for the accommodation of these insane soldiers. We believe that where they are widowers, where they have no wives, no children, no parents dependent upon them for their support, what property they have they can afford to turn in for their support and maintenance. And this very property is given to them by the Government really to support and maintain them; and we are simply applying it to their support and maintenance.

Mr. BRAGG. I think it is time we commenced to call a halt on this question about the great rights of soldiers. I think the country is running mad on this pension question; and I think that the effort which is made from time to time to make political capital by talking about the soldiers and their interest in their pensions it might be well to check a little. I am not willing to acknowledge that any member of this House, or any person elsewhere, entertains a more profound respect and admiration for a soldier than I do. Still, I am not willing to go to the extremes which some gentlemen favor on this question. We stipulated to provide for our soldiers a pension; not a pension which was to place them in affluence, but a pension which would be a contribution on the part of the Government toward their support. We did not stipulate to build them homes and to furnish them with clothing and to supply them with all the necessaries of life so long as they might live. We have granted them their pension. We have now made the provision by which we furnish them their board and lodging and clothing and take care of them. We have gone further than that. We have made a provision by this bill that the insane should be cared for—not as they are now hired out among the asylums of the different States, but we are to build an asylum to take care of them.

That is something we never stipulated to do. And now this bill simply proposes that that class of soldiers who have no dependent relatives, no heirs, no children, and almost no friends except as soldiers; when they become insane if they are to receive the benefit of this other appropriation of the Government which provides for their care and keeping and furnishes them scientific medical aid to take care of them while they occupy that position—the bill proposes that the money which the Government pays to them as a gift shall be applied by the Government in support of the other gift which is given to them, their home, their keep, and the medical attendance. It is to take care of them during their life. This does justice to the Government, and it does no harm to the soldier. I am asked what an insane man would do with his money. If permitted to go out he would fall into the hands of the first sharper and be robbed of his money and clothing and come back to be reclothed, refed, and rehabilitated.

Mr. DAWES. Suppose the insane pensioner recovers, how would it be if he finds that in the mean time his arrears have been escheated?

Mr. BRAGG. They are not escheated. That word does not occur in this bill. But it says the arrears which accrue, that is while he is insane, shall be applied in the way specified. Now, I maintain that the pension which accrues to any soldier who goes and lives on the Government and is clothed by the Government should go to pay for the clothing which he wears and the provisions which he eats. When we agreed to pension a soldier what was the intention in giving that pension? It was that we might provide the soldier with clothing, that we might provide him with a place to live, that we might contribute our quota to give him that which he had to eat. That is the object of a pension. Now, when a soldier instead of clothing himself, instead of using his pension-money to support himself, goes into a home provided by the Government, takes his food and clothing and medical aid from the Government, I say he should no longer be a pensioner to the extent which draws money, because he draws that which is worth more than the money would be. In doing this, then, we do him no injustice, but do to him that which is right and proper.

The question being taken on the amendment offered by Mr. DAWES, it was not agreed to.

The Clerk continued reading the bill until the clause was reached appropriating for the Columbian Institution for the Deaf and Dumb.

Mr. SPRINGER. I suggest now to the gentleman from New York [Mr. HISCOCK] that we go back to line 1041, as was agreed.

Mr. HISCOCK. We are getting along just now so smoothly that I think we should allow the Clerk to continue to read. If we should go back to the portion of the bill indicated by the gentleman from Illinois, we would use up all the evening.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from New York [Mr. HISCOCK] to allow the next two paragraphs to be passed over for the present. The gentleman from Kentucky, [Mr. BLACKBURN,] who takes an interest in those paragraphs, has been called out of the Hall.

Mr. HISCOCK. Oh, no.

Mr. SPRINGER. If the gentleman will allow me to offer my amendment, the gentleman from Kentucky may be back by the time it is disposed of.

Mr. HISCOCK. Oh, no; I know how the gentleman from Kentucky feels about them.

The Clerk read the following:

Columbian Institution for the Deaf and Dumb:

For current expenses of the Columbian Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, for general repairs and improvements, $47,000: *Provided*, That no more than $22,000 of said sum shall be expended for salaries and wages, which shall be adjusted by the Secretary of the Interior.

Mr. RANDALL. I make a point of order upon the proviso of the paragraph just read. I desire to direct the attention of the Chair to the statute relating to the Columbian Institution for the Deaf and Dumb. In the absence of the gentleman from Virginia, [Mr. TUCKER,] who has been necessarily called away, I make the point of order that this proviso changes existing law, in so far as it proposes to permit the Secretary of the Interior to adjust the salaries of the officers of this institution. The existing law places that power in the hands of the board of managers.

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. RANDALL] direct the Chair to the section of the law to which he refers?

Mr. RANDALL. It is section 10. I do not think my statement will be disputed.

Mr. HISCOCK. It is not impossible that the sentence in the proviso, "which shall be adjusted by the Secretary of the Interior," is subject to a point of order; that may be possible. But I apprehend that the remainder of the proviso, "that no more than $22,000 of said sum shall be expended for salaries and wages," is not subject to a point of order; and that is what I care about more than the other.

The CHAIRMAN. The Chair is inclined to think, from his knowledge of existing law, to which his attention has been called, as one of the trustees of this institution, that the salaries and wages of this institution are now adjusted by the board of managers.

Mr. HISCOCK. Very well; then I will ask for a division of the question in regard to the proviso.

The CHAIRMAN. The Chair is of the opinion that the proviso may be divided into two distinct propositions. The Chair will therefore rule that the last clause of the proviso, "which shall be adjusted by the Secretary of the Interior," is a change of existing law and is subject to the point of order.

Mr. HISCOCK. The gentleman from Pennsylvania [Mr. RANDALL] I suppose will hardly claim that the other portion of the proviso is subject to a point of order.

Mr. RANDALL. I am acting for another in this matter. I now move to strike out what is left of the proviso, and also move to amend the amount appropriated by this paragraph by increasing it from $47,000 to $55,000. The amount appropriated last year for salaries and wages in this institution was $29,000. There are very few men in this country who are qualified for this service of educating the deaf and dumb. The consequence is that they command per-

haps what might be called liberal salaries; but I do not know why the Government should not pay salaries equal to those paid in like institutions throughout the country.

During my service on the Committee on Appropriations I think I struck pretty thoroughly at all appropriations and expenditures which I deemed to be too large. But I think I never did strike either at science or at charity. This is one of the institutions of this District which I would like to see maintained in efficiency and with thorough means of educating the deaf and dumb. I would like to attract to its professorships the first intellect of the country, such as I think this institution now has. I do not think it wise for us to cut down the salaries of these professors. That is the reason I have offered this amendment.

Mr. SPRINGER. I move to strike out the last word. The pending bill, as reported by the Committee on Appropriations, proposes to reduce the pay of the teachers of the Deaf and Dumb Asylum about $8,000 below what it was the last fiscal year. I believe this is the first instance which we have had brought to our attention, since this Congress assembled, of a disposition on the part of the Republican majority to retrench expenditures.

I should have been delighted if the Committee on Appropriations had inaugurated the great work of retrenchment and reform earlier in the session; if it had given advertisement to the Committee on Commerce, for instance, which has increased the appropriation for rivers and harbors about $10,000,000. If it had begun upon some other department of the Government to retrench expenditures I should have been delighted. But after this session has gone on for months; after we have piled Pelion on Ossa until our appropriations will exceed those made by any other Congress, it is very remarkable that these gentlemen should now have selected the unfortunate persons in the Deaf and Dumb Asylum as the objects of their efforts at retrenchment and reform.

Perhaps they imagine that these poor deaf and dumb people cannot hear this debate; that they will never know what has taken place in this House; that they can deprive their teachers of their proper pay and then go before their constituents and tell them how much they have done in the interest of economy, and these poor deaf and dumb people will never know the difference. But the country will look with alarm upon the efforts of the Republican party to retrench expenditures by beginning with this institution in Washington for the unfortunate deaf and dumb. I wish they had begun with the Indian Bureau——

Mr. KASSON. I beg the gentleman not to mix politics with this question. I speak as a trustee of the institution.

Mr. SPRINGER. I speak as a representative of the people.

Mr. KASSON. We do not want politics connected with the deaf and dumb institution.

Mr. SPRINGER. I am trying to get politics out of it. The Republican party is endeavoring here to make a reputation for economy by cutting down the pay of teachers in the Deaf and Dumb Asylum, and I am opposed to it. They have issued their circulars to assess Government employés all over the country; I do not know whether these people at the Deaf and Dumb Asylum have been assessed for their share; but whether they have been or not, I want to warn gentlemen that this is the wrong place to begin the work of retrenchment. Begin it if you choose on the Indian Bureau; begin it on rivers and harbors; begin it on the Executive Departments of the Government, where you have your friends by thousands and hundreds of thousands; but do not begin it on these teachers of the deaf and dumb. I hope the amendment of the gentleman from Pennsylvania will be adopted, and that gentlemen on the other side of the chamber will find some other place than this institution upon which to begin retrenchment.

Mr. KASSON, (Mr. WILLIAMS, of Wisconsin, in the chair.) In the absence of my colleague, [Mr. TUCKER,] appointed by the Speaker as one of the trustees of this institution for the deaf and dumb, will the Committee of the Whole pardon me for leaving the chair to say one word on this subject? I want to thank the gentleman from Pennsylvania [Mr. RANDALL] for representing my colleague in asking simply a restoration of the amount which has heretofore been appropriated for the support of this institution.

I wish to speak in all moderation to my associates on this floor; but I cannot speak without some feeling. Recently I have been present at the examinations in this institution; recently I have seen the work done by these patient, plodding, persevering men who devote their lives to this specialty of recovering the human mind and restoring human nature to intelligence and usefulness in life. No man can witness their efforts, taking the child from a condition of bestiality, so far as the intellect is concerned, and by the most extraordinary perseverance and patience bringing him not only to a condition of ordinary intelligence but carrying him on until he is fitted for the ordinary employments of life and for the gratification of all the demands of humanity—I say no man can witness such efforts as these without having his heart stirred and his mind moved in support of an enterprise so charitable and so much in the line of the Almighty's wishes touching His creatures.

I say, Mr. Chairman and gentlemen of the House, that men who do this, men who without the rewards accorded to instructors in the ordinary cultivation of the intellect, are obliged from morning until night to labor with persistent effort and by the slowest processes possible to the human mind to reclaim these creatures are entitled to your respect and mine. They are not men whose pay, moderate as it is, is to be reduced. If they were receiving greater pay than that allowed at the Military or Naval Academy there might be some reason for a reduction, though I should even then doubt its propriety, for their work is much more painful and trying. But these teachers at the Deaf and Dumb Asylum receive even lower pay than that allowed at the institutions I have named.

I beg gentlemen to consider this question seriously, and if possible to acquaint themselves with this institution—to observe the work that is going on there. If you have sins to be forgiven, I beg you for God's sake to take care of His creatures who cannot take care of themselves. Support these men in their labors, and give them a reasonable reward for their services, as you hope to be rewarded in the world to come. When these instructors are by their patient toil sending out men who would otherwise be stupid and useless, to take places of intelligence and responsibility, I implore this House, for Heaven's sake, to cherish the interests of such an institution and to treat it with fairness and justice. I hope the pending proposition of the gentleman from Pennsylvania, which is simply to keep the compensation of these instructors where it is, continuing what the gentleman's party did when he was in the Chair, may be adopted. [Applause.]

Mr. BLACKBURN addressed the Chair.

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted.

Mr. SPRINGER. I withdraw the *pro forma* amendment.

Mr. BLACKBURN. I renew it. Mr. Chairman, I think it is susceptible of demonstration to this House that the Committee on Appropriations has acted wisely in the reduction it has recommended in this matter of salaries. I undertake to say, with the figures before me, that there is no educational institution on this continent or on the earth that is provided with a corps of professors and tutors drawing so large salaries and doing so little work.

I am not ignorant of the fact that the institution appears upon the floor of this House with exceptional advantages. It has its advocates here in the persons of its managers, who are members of the House. I do not mean to intimate (for I never deal in intimations) that these gentlemen are improperly influenced; but I do mean to say, and I think the sentiment of this House and the country will support me in the assertion, that it is very unfortunate when any institution supported by appropriations out of the Federal Treasury has on this floor from year to year, covering a period of a quarter of a century, its advocates and representatives in the persons of its own trustees and managers, serving here as law-makers, as members of the Senate and the House.

The gentleman from Iowa [Mr. KASSON] is one and the gentleman from Virginia [Mr. TUCKER] is another. Now, sir, this institution is nothing but a lazar house. It is open for the admission of pupils from every State in this Union. It is supported, every dollar of it, from the Federal Treasury. It has one hundred and four pupils. It has fourteen professors and teachers, and their salaries range from $7,000 down to $1,500 a year.

Mr. KASSON. Does the gentleman say all of the money is derived from the Treasury?

Mr. BLACKBURN. Yes, sir.

Mr. KASSON. There are students there who pay.

Mr. HISCOCK. How many of them?

Mr. BLACKBURN. I will answer, if the gentleman will permit me. Five, out of one hundred and four. There are five paying pupils. They are charged $300 a year for tuition and board and clothing, and according to the figures which the superintendent of this institution gives to me, it costs this Government $526.36 *per capita* to maintain them. There are five out of the one hundred and four who pay, with fourteen professors and teachers.

I have said that the salaries of these professors and teachers range from $7,000 to $1,500. I desire to say that the salary of the superintendent of this institution is $4,000. He has his house, which is owned by this Government. This Government has built four residences there. Each of those four professors has a residence. The other professors and tutors are furnished their rooms, and all of them are furnished their board. The superintendent of the institution has his house; he has $4,000 a year in cash, and he has all his supplies for himself, his family, his servants, all furnished to him.

He is under the charge of the Secretary of the Interior nominally; practically he is under nobody's supervision. He expends this $50,000 practically as he pleases, and the return or report he furnishes, which I hold in my hand, shows $500, for instance, in one item as his expenses on a tour in Europe, and $395 for painting his father's or somebody else's portrait.

I undertake to say there is not an educational institution to be found on this continent, or this earth, where there is so large a corps of professors and tutors supported on as large salaries, drawing as heavy perquisites and compensation, and rendering as little service.

It is all very well for the gentleman from Iowa [Mr. KASSON] to appeal to that sense of humanity which I trust belongs in a measure at least to all of us alike, but the question is whether the Government of the United States means to establish and maintain and hold,

beyond the realm and boundary of common prudence in the matter of expenditure, an institution of this sort for the benefit of all the States of the Union. I do not think it wise, I do not think we should do it. You have Government institutions here in the city of Washington to-day presided over by gentlemen as eminent in their professions as this one, and I have not a word to say against him, drawing salaries of $1,800 per annum, while his salary is at the lowest calculation $7,000 a year in the aggregate.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLACKBURN. I withdraw the *pro forma* amendment.

Mr. RANDALL. I renew it. I regret I did not know in time from the gentleman from Virginia, [Mr. TUCKER,] for whom I am acting, to enable me to inquire into the details of the expenses of this institution.

There is one fact, however, I think I know, and if I am not correct I hope the gentleman from Kentucky or some other gentleman will correct me, and that is that the late Amos Kendall contributed this property or left it in trust to the United States on condition the United States would maintain such an institution as this upon that ground. The United States having assumed that trust, I think we should execute it.

The foundation of this institution is a very interesting one. Mr. Amos Kendall started the institution under peculiar circumstances. A man came here with some deaf and dumb pupils, and Mr. Kendall, in the largeness and generosity of his heart, discovered that these deaf and dumb pupils were being exhibited for gain, and at once he began legal proceedings in the District of Columbia to obtain possession of them. Owning that property, now called Kendall Green, he devoted the latter portion of his life to the care of these pupils. Realizing he was near his end, he dedicated that property to the United States in trust for the maintenance of this institution.

Mr. BLACKBURN. Will the gentleman allow me to correct him?

Mr. RANDALL. Certainly.

Mr. BLACKBURN. I think he donated about half an acre of land, or may be two acres.

Mr. KASSON. More than that.

Mr. BLACKBURN. Not as much as five.

Mr. RANDALL. In the main, then, I am correct.

Mr. BLACKBURN. Except this, that the Government has bought there some sixty or eighty acres of land in addition to the first bequest. Originally the extent of this property covered a space not greater perhaps than that covered by this Capitol building.

Mr. RANDALL. My only object was to answer that portion of the remarks of the gentleman from Kentucky which would seem to imply that the Government of the United States was not wise in keeping up this institution; and therefore I felt called upon to give the history, so far as I recollect it, of the way the Government came into possession of it. I think it is a trust which the Government has assumed, and that it is humanity to keep it up, and for my part I will never vote to cut down or cripple it in any manner whatever.

Mr. CANNON. I move to strike out the last word. I rise only to make a suggestion in reply to my colleague from Illinois, [Mr. SPRINGER,] the gentleman from Pennsylvania, and the gentleman from Iowa; and I desire to say as a member of this committee that framed the bill that I assented to the report of this bill in this shape, not that I wanted to embarrass any deaf and dumb child or any charity which had their support in view in this District or elsewhere. That was not the object—by no manner of means. I indorse most heartily the gentleman from Iowa's pathetic remarks with reference to these people. There is no man who has more sympathy for them than I have; but it did strike us, when we came to look at these expenditures, that possibly somebody who can both hear and speak, under the guise of supporting the deaf and dumb or of educating them, was receiving greater salaries than they ought to receive.

This, then, is not a war against the deaf and dumb; it is no attempt to prevent the extension of this charity to those people who are so unfortunate; but we want to know if we could not draw a line somewhere, and whether or not there was too much of the money which in the fullness of the heart of the people of this country they devote to such a purpose that does not reach the persons who were intended to be the beneficiaries of it, or whether one dollar out of every two spent reached the deaf and dumb.

Now, having said that much, I have here the expenditures in my hand and I am perfectly willing to put them into the RECORD. This is from the official reports. Last year we appropriated $53,500 for the deaf and dumb; $29,886, or largely over one-half of which, was used in the payment of salaries and wages alone, while $24,000 was used for the deaf and dumb children, less the subsistence of the professors and their families out of the $24,000 in addition to their pay.

Mr. ROBINSON, of Massachusetts. Besides the salaries?

Mr. CANNON. Yes, sir, besides their salaries.

Mr. ROBINSON, of Massachusetts. I desire to ask this question in order to give the colleague of the gentleman, [Mr. SPRINGER,] whom I see in front of him, an opportunity of taking back what he has said.

Mr. SPRINGER. I take nothing back.

Mr. CANNON. Twenty-nine thousand dollars out of $53,000 is appropriated for the salaries; and in addition to that, as I have said, they have their board, house rent, and other expenses of that kind, for themselves and families all free, including servants.

Now, in my opinion the pay is too much, and we had better out of this amount devote a little more to the deaf and dumb, and less to the compensation of these people who are not deaf and dumb. That is just what this committee have tried to do; and therefore we declare in this bill that there shall not be an amount to exceed $22,000 devoted to these salaries; and that is enough. In my opinion we do not decrease the appropriation for the support of the deaf and dumb.

Mr. RANDALL. I only want to suggest that if the salaries are too high the board of managers can, after this debate, change them.

Mr. BLOUNT. I desire to ask the gentleman from Illinois a question: whether the reduction of the amount will reduce the salaries of the professors, or might it not cut off the salaries of some of the minor employés.

Mr. CANNON. By no means; on the contrary, the deaf and dumb children under this bill will get every dollar they got under the law of last year.

Mr. BLOUNT. The gentleman does not answer my question.

Mr. HISCOCK. I understand the question of the gentleman from Georgia. He thinks that this will dispense with some of the minor grade of employés. It will not, for they are employed for the families of the professors, and their services will be necessary.

Mr. KASSON. Mr. Chairman, I ask the indulgence of the committee for a moment more to say a word in response to the gentleman from Kentucky and the gentleman from Illinois. As to this restriction leaving more to be appropriated to the pupils; that position, I may be permitted to say, is simply absurd. They are supported partly and chiefly by the provision made for them by the Government; but also in part by payment where their parents are able to pay for their care. By successive amendments to the act incorporating this institution the United States has given the right and made it their duty to receive patients from different States and Territories, and also the children of soldiers and sailors, in the Army and Navy of the United States. That is their duty under existing acts of Congress.

The whole question, it seems to me, resolves itself into this: will you, by reducing the salaries and wages, cripple the operations of the institution in one of two ways? Will you reduce the just amount of compensation of those who are there? Or, on the other hand, will you reduce the number of people necessary for the education of these pupils?

I ask the attention of my friend from Kentucky. He says that this gentleman, the head of the institution, has been abroad, as it were, for some idle purpose, costing some five hundred dollars, I think, or more. Let me tell the gentleman that the president of the institution was learning in that trip how to teach by action of the muscles of the throat the man made dumb by a mysterious Providence to utter the human voice. The system was first introduced by the Jesuits in Belgium.

Mr. HISCOCK. When did he go abroad?

Mr. KASSON. I only recollect it was during one of the years while I was abroad. I met him while engaged in that work, and he informed me what he was learning. He was also teaching Europe the great progress made by the United States in the education of the deaf and dumb, that the charity of the world might be benefited by that knowledge. There is no institution in the world of the rank of this to-day. It is the only one that gives a liberal education to the deaf and dumb, and it is pointed to throughout the world as of the highest rank.

Mr. SPRINGER. I beg the gentleman's pardon. The institution in Illinois for the deaf and dumb is the largest in the world.

Mr. KASSON. I am speaking, not of the largest institution, but of that which is giving the highest education in the world; its graduates ranking with the pupils that are taught in the general institutions of the country. And not only that, Mr. Chairman——

Mr. BLOUNT. Will the gentleman allow me——

Mr. KASSON. I beg gentlemen will permit me to finish my statement. Now, I say these men deserve as much as your professors at West Point and Annapolis are paid. And it is a constant education by the individual and not by classes of a large number of pupils. Every pupil is taken as it were by the throat to teach him how to pronounce the letters of the alphabet, trial after trial, by the minute and by the hour, until he learns to get the human sound instead of the sound the beast makes, unintelligible to human ears. You need numerous instructors for this purpose. From morning till night the work is going on of putting the human voice where the Providence of the Almighty has omitted to provide it.

And you want to strike down these men! Go among them if you want to know what they are doing, and hear the trials made by these pupils under the patient instruction going on from morning till night, while the pupils are being taught to pronounce the letter A, the letter B, and other letters of the alphabet, and to combine two or three letters into one syllable. You have some response from the ordinary child; you have no intelligent response for months, hardly for years, from these children. Oh! strike them down if you want to; but I will vote every time for reducing my salary and yours before I will vote to take a dollar from men who are devoting

themselves to Almighty God and the purposes of charity in this work of reclaiming humanity. [Applause.]

Mr. BLACKBURN. I move to strike out the whole paragraph. I would like the gentleman from Iowa, [Mr. KASSON,] as he has seen fit to explain away the five-hundred-dollar item, to which I alluded, that covered the expenses of the trip made by this superintendent to Europe, to go through the list, if he will, and explain the balance. He is nominally under the control and supervision of the Secretary of the Interior. Practically he is under the control and supervision of nobody, and the $53,000 that you are asked to appropriate here, and which you are in the habit of appropriating, he does with what he pleases. I would like to know if the gentleman from Iowa, as a member of the board of managers, audited his account of $395 for the painting of a portrait of himself or his father out of the funds of the Treasury.

Mr. KASSON. As one of the present trustees along with the gentleman from Virginia, [Mr. TUCKER,] I am aware there is a portrait of the father of the present superintendent hung in the hall as an inspiration to the students as to the proficiency they may attain.

Mr. BLACKBURN. And a costly inspiration to the Government. I wish to know if this House intends to vote $50,000 every year to the support of a purely eleemosynary institution after the fashion of a lazar house, and does not intend to put any limitation or restriction on the expenditure of the money. I say it is a salary which, with all the money commutations, is worth $7,000 a year. I say other public institutions of charity in this city are presided over by men as eminent in their professions as he is in his, with salaries of $1,800. The institution has one hundred and four pupils and fourteen professors and teachers, more than one professor for every ten pupils—a higher proportion than in any educational institution on this continent; and they are paid higher salaries than in any educational institution in this land. I say the Committee on Appropriations simply propose to reduce those salaries to something like what a Senator or a member of the House gets, and it is that the gentleman opposes.

Mr. KASSON. Does the gentleman say that the salaries are higher than those paid at West Point and Annapolis?

Mr. BLACKBURN. I do. I say there is not a Government officer in either Annapolis or West Point Academy whose salary ranges with that of the superintendent of this institution.

Mr. KASSON. Four thousand dollars.

Mr. BLACKBURN. I say $7,000; $4,000 in money, a residence built by the Government of the United States and furnished free, and everything upon his table in the shape of supplies for himself, his family, and his servants.

Mr. KASSON. But the gentleman must not forget that these professors at West Point and Annapolis have quarters and commutation of rations.

Mr. BLACKBURN. I beg the gentleman's pardon; they buy every morsel of food they swallow.

Mr. KASSON. I beg pardon of the gentleman; they have commutation of rations.

Mr. BLACKBURN. I am willing to submit the question to the House for it to determine whether it will support an amendment the object of which is to maintain at present rates, exorbitant and disproportionate, the largest corps of instructors at heavier salaries than any other educational institution on this continent ever saw.

Mr. SPRINGER. I desire to say one word on this matter. It has been said that $500 has been appropriated by the funds given by Congress to support this institution for procuring a portrait——

Mr. BLACKBURN. No; $395.

Mr. SPRINGER. Well, $395 of the funds appropriated by the Government to support this institution has been used to procure a portrait of the father of the present superintendent. Now, I want to state to the committee that the father of the present superintendent of this institution is one of the original founders of the science of sign language, one of the most distinguished teachers of the sign language in the United States or in the world. It was a proper recognition of the distinguished services of the father of the president of this institution that his portrait should be in this national institution.

If you will go to the Interior Department you will find the portrait of every Secretary of the Interior hung on the walls of that Department. If you will go to the War Department you will find the same, and in the President's house you will find the same.

Mr. KASSON. Costing thousands of dollars.

Mr. SPRINGER. Yes.

Mr. McMILLIN. Does my friend from Illinois [Mr. SPRINGER] believe in the inspiration doctrine announced by the gentleman from Iowa, [Mr. KASSON?]

Mr. SPRINGER. I have not used that term at all, though it has been used considerably of late. I state this merely to show that there are precedents in every department of the Government for such expenditures, and the gentleman who has charge of this institution ought not to be criticised for doing that which is done in all the other departments.

Mr. BLOUNT. My friend from Kentucky [Mr. BLACKBURN] has stated that the salaries paid to the officers of this institution range above those of any other institution in the country; and designated among others the institution at West Point and the institution at Annapolis.

I have before me the report of the Committee on Appropriations, in which it is stated that in the case of the president of this institution his salary is $4,000, with board of family; that is very high! In regard to the other professors, I think my friend from Kentucky will find that his statement is incorrect. There are two professors at a salary of $2,400 each, with house; one professor at a salary of $2,000, with board, and three professors at a salary of $1,500 each, with board.

Now, I think my friend from Kentucky will find that the professors at Annapolis and West Point are all paid at a higher rate than any persons connected with this institution, except perhaps the president himself. I think that his salary is rather high, $4,000 a year with board for himself and family. I do not know what the reasons are for making his compensation so high; they may be perfectly proper. But certainly as to the other professors, their compensation does not range so high as the compensation of the professors at West Point or at Annapolis, or at many other institutions of learning in the country.

The figures which I have here stated I have taken from the report of the Committee on Appropriations. I do not myself know enough about this institution to be able to make statements on my own knowledge. But I have read from the report of the committee simply as a matter of information to the House.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. ROBINSON, of Massachusetts. There ought to be a division on that amendment.

The CHAIRMAN. A division being called for, the question will be first taken upon the first clause of the amendment, which is to strike out "$47,000" and insert in lieu thereof "$55,000."

The question was taken; and upon a division there were—ayes 29, noes 38.

So (no further count being called for) the amendment was not agreed to.

Mr. RANDALL. I move to strike out "$47,000" and insert "$53,500," the same amount that was appropriated for this purpose last year.

Mr. BLACKBURN. I understand that the amendment of the gentleman from Pennsylvania [Mr. RANDALL] is to put the salaries of these officers——

Mr. RANDALL. No; the entire appropriation for the institution.

Mr. BLACKBURN. I mean that; to put the appropriation, which includes the salaries of these teachers, precisely where it has been heretofore.

Mr. RANDALL. That is it.

Mr. CANNON. I want to say, if it is in order, that the proposed appropriation of $53,500 is for the expenses of this deaf and dumb institution. The proposition to limit the amount to be used for the payment of salaries to $22,000 is another thing. Now, so far as I am concerned, I am willing to vote $50,000, or $75,000, or $100,000 to this institution if necessary, but I want the money to go to the deaf and dumb.

Mr. RANDALL. Whenever the gentleman comes in here and moves to throw safeguards around this appropriation, I will join him.

Mr. BLACKBURN. The Committee on Appropriations endeavored to throw a safeguard around it, by providing that no more than a certain sum should be paid out of it for the salaries of these teachers.

Mr. TOWNSHEND, of Illinois. By whom were they to be adjusted?

Mr. BLACKBURN. By the Secretary of the Interior.

Mr. HISCOCK. There is no necessity for increasing this appropriation if we retain the proviso in the bill.

Mr. KASSON. Yes, there is.

Mr. BLACKBURN. Allow me to suggest that if you increase the appropriation as proposed by the gentleman from Pennsylvania, [Mr. RANDALL,] without retaining the proviso in this bill, you will not reduce the salaries at all.

Mr. RANDALL. My amendment provides further for striking out the proviso; but a division of the question has been called for, and it is necessary to have a separate vote on each proposition.

Mr. KASSON. The appropriation which it is now proposed shall be made the same that it was last year is for the support of the institution, including salaries, incidental expenses, books, illustrative apparatus, general repairs, and improvements. The question is not simply one of salaries, but the support of the institution.

Mr. HISCOCK. In reducing this appropriation to $47,000 we have taken all the reduction from the aggregate amount paid for salaries during the last year.

The CHAIRMAN. The first question is on the amendment which will be read.

The Clerk read as follows:

Strike out "$47,000" and insert "$53,500."

The amendment was not agreed to; there being—ayes 26, noes 46.

The CHAIRMAN. The question now recurs on the proposition to strike out the proviso.

The question being taken, the motion was not agreed to.

The Clerk read as follows:

For buildings and grounds of the Columbian Institution for the Deaf and Dumb: For the completion of the farm-barn, $2,000; and for the inclosure and improvement of the grounds of the institution, $1,500.

Columbian Hospital for Women and Lying-in Asylum.

Mr. HISCOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

ADDITIONAL MEMBER FROM NEBRASKA.

Mr. REED. I ask that some evidence taken in connection with the investigation relative to an additional member from the State of Nebraska be printed for the use of the sub-committee of the Committee on the Judiciary.

The SPEAKER. In the absence of objection that order will be made.

ANNOUNCEMENT OF A PAIR.

Mr. CALKINS. I desire to state, as I appear among those not voting on the roll-call yesterday, that I am paired with my colleague, [Mr. COLERICK,] who has been called home in consequence of sickness in his family.

INDEX OF PRIVATE CLAIMS.

The SPEAKER laid before the House the following letter from the Clerk of the House; which, with the accompanying resolution, was referred to the Committee on Printing:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., July 8, 1882.

SIR: On the 9th of February, 1881, in the third session of the Forty-sixth Congress, the Clerk of the House was directed "to have completed the digested summary and alphabetical list of the private claims presented to the House of Representatives from the Forty-second to the Forty-sixth Congress, inclusive." That work is approaching completion. I have the honor herewith to submit as a specimen of it the portion under the letter "A," and to request the authority of the House for the printing of it as fast as it may be completed, in order that it may be laid upon the desks of members for use at the beginning of the next session of Congress. The work has been prepared with care, and is undergoing thorough revision, with a view to as great accuracy as can be obtained.

I have the honor to inclose a copy of a resolution, and to ask its adoption by the House.

Very respectfully, yours,

EDWD. MCPHERSON,
Clerk House of Representatives.

Hon. J. WARREN KEIFER,
Speaker House of Representatives.

Resolved, That the Clerk of the House be authorized and directed to supply the Public Printer as rapidly as possible with the copy of the digested summary and alphabetical list of private claims presented to the House of Representatives from the Forty-second to the Forty-sixth Congress, inclusive, in preparation by him, and that the Public Printer proceed to execute it so that it be finished by the meeting of the second session of the Forty-seventh Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LOWE, indefinitely, on account of sickness.

Mr. HISCOCK. I move that the House adjourn.

The motion was agreed to; and accordingly (at six o'clock and two minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CARPENTER: The petition of citizens of Manson, Calhoun County, and of citizens of Webster City, Hamilton County, Iowa, for the passage of the Lowell bill to establish a uniform system of bankruptcy throughout the United States—severally to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of N. Gano Dunn and others, citizens of New York, in reference to concurrent resolution relating to Harlem River improvement—to the Committee on Commerce.

By Mr. GIBSON: The petition of Henry Vignaud, second secretary of legation at Paris, for permission to accept the order of the Legion of Honor, conferred upon him by the French Government for his services as a diplomatist and writer on international law—to the Committee on Foreign Affairs.

By Mr. MOREY: The petition of Mrs. Kate O'Rourke and others, praying that pensions be granted to soldiers of the Mexican war and surviving dependent relatives—to the Committee on Pensions.

By Mr. PHELPS: The petition of E. and E. S. Belden and others, of Connecticut, for a survey of Sandy Bay, Massachusetts, for a breakwater—to the Committee on Commerce.

By Mr. WHITTHORNE: The petition of W. C. Whitthorne, for the establishment of post-route from Columbia to Glenn's Store, in the State of Tennessee—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *July* 12, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. GEORGE presented the credentials of L. Q. C. LAMAR, chosen by the Legislature of the State of Mississippi a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

PETITION.

Mr. SEWELL presented a petition of citizens of New Jersey, praying for the passage of an act to prevent the taking of menhaden and other fish with purse-nets and by steam-vessels within two miles of the coast; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance to ask that the bill (H. R. No. 5538) to reduce internal-revenue taxation be recommitted to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be so ordered, there being no objection. The Chair hears none, and the bill is recommitted.

Mr. MORRILL. I am directed by the same committee to report the bill (H. R. No. 5538) to reduce internal-revenue taxation, with amendments as agreed upon by the committee. I ask to have the bill reprinted in order that the amendments may all appear together; and the original bill is out of print.

The PRESIDENT *pro tempore*. The bill will be reprinted with the amendments, and placed on the Calendar.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the petition of Alvah W. Hicks, praying compensation for himself and others for services on the Queen of the West, submitted an adverse report thereon, which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Naval Affairs to report adversely an amendment referred to that committee intended to be proposed to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. The amendment provides—

That all officers of the Navy who have been promoted on the retired list by virtue of an act entitled "An act relating to the promotion of commodores on the retired list of the Navy," approved August 15, 1876, shall receive the retired pay of their present grade from date of last commission.

I ask that the committee be discharged from its further consideration.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the amendment.

Mr. ROLLINS, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 2064) to restore John W. Simmons to his former rank in the United States Navy and place him on the retired list, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1874) for the relief of Elizabeth Gaskins, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. ANTHONY, from the Committee on Naval Affairs, to which was referred the joint resolution (S. R. No. 55) conferring the rank of surgeon on the retired list of the Navy of the United States on Passed Assistant Surgeon Francis V. Greene for highly meritorious services during the prevalence of the yellow fever on board the United States ship Lancaster in the year 1875, submitted an adverse report thereon, which was ordered to be printed; and the joint resolution was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1935) for the relief of Captain W. M. Wallace, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (H. R. No. 1698) for the relief of Peter Gallagher, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. CHILCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 389) for the relief of Austin Jayne and John K. Mathews, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the message of the President of the United States transmitting a letter from the Secretary of War, relative to the completion of the new barracks at Fort Leavenworth, Kansas, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

THE REVISED STATUTES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which the matter was referred, to report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. No. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, authorized and directed to deliver to the Secretary of the Interior, for the use of the Department of the Interior and its subordinate bureaus and offices, one hundred copies of the second edition of the Revised Statutes of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ANTHONY. These statutes are printed and are in the custody of the Secretary of State. The Secretary of the Interior has not enough for the use of his Department, but he has all that the law gave to him in the distribution. He desires a hundred additional copies, which requires further legislation. Nothing is to be printed.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF SURGEON-GENERAL OF THE NAVY.

Mr. ANTHONY. A resolution was passed on the 6th instant providing that there shall be printed for the use of the Navy Department 1,000 copies of the report of the Surgeon-General of the Navy. It was made a Senate resolution simply, when it should have been a concurrent resolution. I ask unanimous consent that it be changed to a concurrent resolution.

The PRESIDENT *pro tempore*. It will be so ordered, there being no objection.

PRINTING OF UNNECESSARY PAPERS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be directed to inquire what amendment to the rules of the Senate or other action is necessary to prevent the printing of unnecessary portions of executive communications and other public documents, and report by bill or otherwise.

HOUR OF MEETING.

Mr. ROLLINS. I offer the following resolution:

Resolved, That on and after Thursday, the 13th instant, the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

Mr. BECK. I object to the consideration of the resolution.

The PRESIDENT *pro tempore*. The consideration of the resolution is objected to, and it goes over.

Mr. ROLLINS. Does the Senator from Kentucky object?

Mr. BECK. Yes, sir; I object to it.

Mr. ROLLINS. That is very strange.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. MCMILLAN. I desire to suggest to the Senate before we enter upon the consideration of the bill that by unanimous consent we proceed to dispose of the amendments which shall be reserved for a separate vote in the Senate and to the final passage of the bill under the present rule of five minutes and one speech by each Senator occupying the floor, and that upon the question of the final passage of the bill one hour be appropriated to discussion, reserving the last ten minutes of the hour for any member of the committee who may desire to make any remarks. I have no desire to interfere with discussion upon the bill. The only object in this suggestion is that we may economize time and get at a fair disposition of the matter.

The PRESIDENT *pro tempore*. The five-minute rule was applied yesterday to the bill. The Senator from Minnesota now asks that that order be so modified as to give the last hour for debate on the final passage of the bill, reserving ten minutes of the hour for any member of the committee who may wish to speak. Is there objection?

Mr. INGALLS. I was unfortunately out of the Chamber when the Senator from Minnesota was speaking, and before consenting to the arrangement I should be glad to do so advisedly. I regret to trouble the Senator to repeat his suggestion, but as I interposed objection to the consideration of the amendments in gross last evening for reasons that I thought to be satisfactory, I ask him to again state what he desires.

Mr. MCMILLAN. My proposition is that we adhere to the present rule controlling debate until we arrive at the final passage of the bill, and that then the rule be changed so as to allow one hour to be appropriated to the discussion of the bill, the last ten minutes of that hour to be appropriated by any member of the committee who may desire to make any remarks.

Mr. INGALLS. I am not sure that one hour will be sufficient to enable those who desire to present their views on the bill to do so. I last night suggested that separate votes should be taken on the different amendments, because there appeared to be an obvious purpose on the part of the committee and the majority who favored the bill to compel action without debate and practically without making a record. The great sum that is appropriated by the bill, and the nature of the amendments that have been offered to it, appeared to me to render the subject one that was dignified enough and important enough to receive careful consideration. If any arrangement can be reached by which debate shall be free and the gag rule shall not be applied, I shall not insist upon the right which every Senator possesses to demand a separate vote upon each amendment. I should prefer not to agree now to the suggestion made by the Senator from Minnesota; not that I have any desire to protract the debate, or to interpose any unnecessary opposition to the passage of the bill, but because one hour may not be sufficient to enable those who wish to speak on the subject to do so as they may desire. I assure the Senator, however, that there will be no opposition so far as I am concerned, after reasonable debate has been allowed, to the passage of the bill.

Mr. MCMILLAN. Will the Senator suggest any other time? The only object I have is to be assured that we can dispose of the bill to-day.

The PRESIDENT *pro tempore*. Unless the Senate determine otherwise, the five-minute rule applies now to the bill throughout.

Mr. INGALLS. If the five-minute rule is to apply now, and that is the decision of the Chair and the determination of the committee, the majority may ascertain before the bill is closed that the resources of obstruction are not wholly exhausted yet.

Mr. RANSOM. I suppose there will be of course no objection whatever to a full discussion of the bill on the part of Senators who desire to discuss it. Nobody will think of cutting off debate in the Senate. The chairman of the committee and all the committee are extremely anxious to have a vote to-day, as the bill has been before the Senate for some time, but of course no one in the Senate has an idea of cutting off debate.

The PRESIDENT *pro tempore*. The Chair simply wishes to carry out the order of the Senate. The Chair was not in yesterday when the order was made in reference to the five-minute rule, but after what had transpired was read it was very evident that the five-minute rule was intended to be applied by the Senate at that time to the whole bill. Now the Senator from Minnesota suggests that upon the passage of the bill the five-minute rule shall not apply and that one hour be allowed for debate.

Mr. HOAR. I understand that the Senator from Kansas expresses no desire whatever to interpose mere obstruction to the passage of the bill, but on the other hand desires to save the full right of debate as it shall seem desirable to any Senator to exercise it at the time. I understand the proposition of the chairman of the committee is fully in the interest of debate; that the Senate having already limited debate to five minutes upon the bill he proposes now instead of that limitation to substitute an hour's right of debate on the final passage of the bill.

I suggest to my friend from Minnesota that, instead of making that suggestion, he ask the Senate to so far modify the existing order that any Senator shall be permitted to address the Senate at such length as he shall see fit on the passage of the bill, not limiting the debate to one hour. That will enable the Senator from Minnesota to dispose of the mere matters of amendment which require only a few minutes of explanation, leaving the general debate on the merits of the bill without any restriction whatever. I think the judgment of the Senate and the desire of all Senators not to spend any time which they do not deem necessary in stating their views to the public will make the debate reasonably brief. I suggest to my friend to make the modification.

Mr. MCMILLAN. I have not, nor has any member of the committee, suggested a desire to limit debate on this bill. In view of the suggestion of the Senator from Massachusetts, if that is the sense of the Senate, I shall submit that as the proposition, and trust to the good judgment of Senators to enable us to get through with this bill to-day at the farthest, and in a reasonable time after we come to the question of the final passage of the bill.

The PRESIDENT *pro tempore*. It is proposed that the order adopted yesterday in relation to the five-minute rule shall not apply upon the passage of the bill, but that it be free and open to debate at that time. Is there any objection?

Mr. INGALLS. I suggest to the Senator from Minnesota that he ask unanimous consent that the consideration of the bill be concluded to-day.

Mr. MCMILLAN. Applying the present rule until we get to the final passage of the bill?

Mr. INGALLS. No, sir.

Mr. MCMILLAN. The only thing I want is to have the amendments disposed of.

Mr. INGALLS. I do not know that there is another amendment to be presented, nor do I know of a Senator who desires to speak ten minutes; but in the interest of fair play and justice and free debate, I ask that the action taken yesterday be rescinded, and that an understanding be reached that final action be had upon the bill to-day.

Mr. FERRY. I suggest to the chairman of the committee who has the bill in charge, as it seems to be the disposition of the Senate to leave the debate open, that an hour shall be fixed at which the vote shall be taken, leaving the debate open. I suggest that at four or five o'clock the final vote be taken upon the bill, and that before that time the debate shall be open. I leave it to the chairman.

Mr. McMILLAN. Then I will submit a proposition that the final vote be taken at five o'clock.

Mr. INGALLS. I know of no reason why it should not be taken at two o'clock.

Mr. McMILLAN. I will accept the proposition of the Senator from Kansas.

The PRESIDENT *pro tempore*. Is any hour named? The Chair would like to know what is the agreement.

Mr. INGALLS. That the bill be concluded to-day.

Mr. McMILLAN. That the bill be concluded to-day.

Mr. ALLISON. I hope the question will be distinctly put by the Chair as to whether there is unanimous consent that the bill shall be concluded to-day.

The PRESIDENT *pro tempore*. Is it proposed that the five-minute rule shall be rescinded?

Mr. ANTHONY. That I understand is coupled with the understanding that we shall take a vote at some hour fixed to-day.

Mr. HALE. Let us fix an hour, not later than four o'clock.

Mr. ANTHONY. That we shall vote without further debate at that hour.

Mr. INGALLS. I object to that understanding.

Mr. McMILLAN. Then let it be open. If the Senate wishes to continue the debate, let it be done.

Mr. HALE. I object to rescinding the rule adopted yesterday, unless——

Mr. McMILLAN. Then we will proceed under the rule.

Mr. HOAR. I desire to move an amendment providing for a survey simply for a breakwater. I have the consent of the chairman of the committee and the only other member of the committee I have been able to speak to on the subject. The reason why the amendment was not presented earlier is because I did not receive the petition——

The PRESIDENT *pro tempore*. The bill is in the Senate, and the Senator can offer his amendment after the amendments made as in Committee of the Whole have been acted on.

Mr. HOAR. I have no doubt the amendment will be accepted by unanimous consent. I have a petition in my hand signed by the governor of Maine and 610 persons interested in shipping and mercantile interests; the governor of New Hampshire and 166 others, one of them representing $24,000,000 of capital; and the governor of Massachusetts and a large majority of the senators and representatives of Massachusetts; and also by the governors of Rhode Island and Vermont. It is a provision for a survey for a breakwater at Rockport, Massachusetts, a point where a vast number of fishermen frequently resort for shelter, and also it is very near the line of commerce from Boston and New York to Liverpool.

The PRESIDENT *pro tempore*. The amendment will be reported.

The ACTING SECRETARY. After line 1385, it is proposed to insert:

Sandy Bay, Rockport, Massachusetts, with a view to the construction of a breakwater for a harbor of refuge.

The PRESIDENT *pro tempore*. If there is unanimous consent this amendment can be received. There being no objection the amendment is agreed to.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator proceeds the Chair would like to know if there is any motion to alter the order of proceeding with reference to the bill?

Mr. McMILLAN. No, sir. I have been unable, after exhausting every proposition I could make, to secure the consent of the Senate to dispose of the bill to-day, and I shall ask the Senate to proceed under the rule as it has been adopted.

Mr. INGALLS. Who has objected to the proposition to conclude debate on the bill to-day?

Mr. McMILLAN. The Senator from Kansas refused to permit an hour to be named, as suggested by several Senators in this vicinity.

Mr. INGALLS. I said distinctly when four o'clock was named that I knew of no reason why debate should not close at two o'clock, and the Senator certainly, I suggest in entire kindness to him and his bill, is making a great mistake in declining to accept the proposition I have made.

Mr. McMILLAN. Does the Senator agree that the vote shall be taken at four o'clock? I understood him to decline to assent to that.

Mr. INGALLS. I agree that the vote shall be taken on the bill to-day, and I say distinctly that I have no speech to make myself, I have no amendment to offer, I have no objection to interpose to final action. I will agree with the Senator to any arrangement by which final action shall be taken on the bill to-day.

Mr. McMILLAN. So far as I am concerned, I shall be willing to accept the proposition of the Senator in its broadest terms; but Senators object to such an arrangement that without fixing an hour for taking the vote it amounts to nothing.

Mr. HALE. It is not the Senator from Minnesota who made the objection; I objected to rescinding yesterday's rule unless an agreement was reached as to the hour when a vote should be taken.

Mr. MORRILL. I do not understand that there will be any objection to unlimited debate up to four o'clock without the five-minute rule, provided that there can be an understanding that the bill and amendments shall then be acted upon without further debate.

Mr. RANSOM. I am satisfied that the chairman of the Committee on Commerce and the Senator from Kansas and the Senate can agree that we shall take the vote at four o'clock upon the bill, unless we are ready to take it before that hour.

Mr. HALE. That is it.

Mr. INGALLS. I have no objection to that.

Mr. MORRILL. I offer for consideration the suggestion that the debate on this bill shall close at four o'clock, and up to that time it shall be unlimited as to the time to be occupied by any Senator.

The PRESIDENT *pro tempore*. Is there unanimous consent to that proposition?

Mr. MORRILL. Unless we should be able to take the vote earlier.

The PRESIDENT *pro tempore*. Of course. Is there unanimous consent that debate upon the bill shall cease at four o'clock, and that in the mean time unlimited debate shall be allowed?

Mr. INGALLS and others. Consent.

Mr. HALE and others. No objection.

Mr. CALL. I do not know that I have any objection to that, though I want full latitude for debate on this bill.

The PRESIDENT *pro tempore*. It is unlimited debate up to that hour.

Mr. McMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. But at the hour of four o'clock the debate must cease.

Mr. INGALLS. The Senator from Florida may speak, as I understand, from now until four o'clock on the bill or any amendment.

Mr. CALL. The Senator from Florida does not often get that opportunity.

Mr. McMILLAN. Is the arrangement consented to?

The PRESIDENT *pro tempore*. There is no objection. Therefore, it is the order of the Senate that all debate ceases on the bill at four o'clock, that the five-minute rule adopted yesterday is rescinded, and that any Senator is at liberty to speak as long as he pleases.

Mr. PLATT. Mr. President, I think that at the conclusion of this debate and the action on this bill there will be an opportunity to consider pension cases, as favorable an opportunity as we shall have; and I will therefore ask the Senate, when the bill shall have been acted upon this afternoon, if there be time, as I think there will, to consider the pension bills.

The PRESIDENT *pro tempore*. The Senator had better consult the Senator from Nebraska, who has charge of the bill which is the unfinished business.

Mr. CAMDEN. Are amendments in order now?

The PRESIDENT *pro tempore*. No, sir; the question is on concurring in the amendments made as in Committee of the Whole. If any Senator wishes a separate vote on any amendment he will specify it.

Mr. JOHNSTON. I desire a separate vote on the amendment on page 35, striking out the proviso.

Mr. MORGAN. I ask for a separate vote on the Chesapeake and Delaware Canal amendment.

The PRESIDENT *pro tempore*. Are there any other amendments upon which a separate vote is desired?

Mr. INGALLS. I desire a separate vote on the amendment providing for reservoirs at the headwaters of the Mississippi River.

The PRESIDENT *pro tempore*. That amendment was not agreed to.

Mr. ALLISON. It will have to be reoffered.

Mr. INGALLS. I was not aware what was the action that had been taken.

The PRESIDENT *pro tempore*. It can be offered again in the Senate.

Mr. CAMDEN. I was under the impression that amendments could be offered now; but I understand I shall not be concluded by not offering an amendment now.

The PRESIDENT *pro tempore*. The amendments of the Committee of the Whole are not yet disposed of. After they shall have been acted upon, other amendments will be in order.

Mr. CALL. I offered an amendment which was not adopted the other day. I suppose I can offer it again.

The PRESIDENT *pro tempore*. It can be reoffered. The question is on the amendment upon which a separate vote is asked by the Senator from Virginia, [Mr. JOHNSTON,] which will be read.

The ACTING SECRETARY. At the end of line 831, page 35, the Senate, as in Committee of the Whole, struck out the following proviso:

And provided further, That the States of Minnesota and Wisconsin shall cede to the United States exclusive jurisdiction over the land so to be taken, during the time the same may be used for the purpose herein stated.

Mr. JOHNSTON. The paragraph beginning at line 800 and extending to line 852 is the provision for reservoirs on the headwaters of the Mississippi River.

Mr. ALLISON. Are the other amendments agreed to except those reserved?

The PRESIDENT *pro tempore*. No, sir. The Chair is putting the question first on the reserved amendments.

Mr. ALLISON. The usual mode is to act on the unreserved amendments first.

The PRESIDENT *pro tempore*. That is true.

Mr. INGALLS. I suggest that inasmuch as the number of these amendments is very great, and Senators have not had the opportunity of seeing them in print, to enable those who desire to examine further, action be taken upon the amendments that are reserved as they are named.

The PRESIDENT *pro tempore*. That is the course being pursued.

Mr. CONGER. After the reservations that have been made, I supposed the other amendments would be concurred in in gross, and those amendments on which a separate vote was asked would be taken up separately.

The PRESIDENT *pro tempore*. They are now being taken up separately.

Mr. CONGER. How as to the others?

The PRESIDENT *pro tempore*. It is usual to take a vote on the amendments in gross on which no separate vote is required, but the Senator from Kansas suggests that that order be not adopted.

Mr. ALLISON. I do not think we are making any progress in this way. If the whole bill is open, we may as well take the amendments as they are reported, and either agree or disagree to them.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. JOHNSTON] is entitled to the floor on the amendment reserved at his suggestion.

Mr. JOHNSTON. The portion of the bill to which I refer provides for the construction of reservoirs at the headwaters of the Mississippi. The section gives power to the Secretary of War to go into the States where the reservoirs are to be constructed and to seize lands and all sorts of property necessary for the construction of these reservoirs, and if the Secretary of War and the parties cannot agree, the property may be condemned through the United States courts, and when so condemned, or when the parties have agreed with the Secretary of War, the property in the land shall be vested in the United States *ipso facto* as I understand, without any deed.

A proviso was in the bill as it came from the House to the effect that that clause should not take effect until the States of Minnesota and Wisconsin, in which these reservoirs are to be located, should agree to give their consent to the acquirement of the property by the United States. The committee has struck out that provision.

Mr. McMILLAN. What provision.

Mr. JOHNSTON. This provision, on page 35, provides:

And provided further, That the States of Minnesota and Wisconsin shall cede to the United States exclusive jurisdiction over the land so to be taken, during the time the same may be used for the purpose herein stated.

Mr. McMILLAN. "Exclusive jurisdiction," the Senator will observe.

Mr. JOHNSTON. You do not retain anywhere in the bill a provision that the United States shall obtain the consent of the States to acquire this property. The Constitution provides that the United States shall not obtain real estate for public purposes in any State without the consent of the State in which it is situated. There is no such provision in this bill. It gives the United States the power to go into these States and seize an unlimited, an undefined, an indefinite quantity of land and acquire title to it without asking or obtaining the consent of the States or obtaining any cession of any jurisdiction over these particular lands from the States themselves. To that extent I hold that that clause is unconstitutional, that the United States has no right whatever to seize land or to obtain land in any State by purchase, seizure, or in any other form for purposes of this sort, except by the consent of the State. The proviso, if not exactly in the terms in which it stands, should at least in some terms require that the States concerned shall give their consent and cede jurisdiction. That should be put in the bill; otherwise the provision will be unconstitutional.

Mr. CONGER. May I ask the Senator from Virginia if it would not meet his views to leave the proviso in using the language "concurrent jurisdiction" instead of "exclusive jurisdiction?"

Mr. JOHNSTON. If it is put in that the States of Wisconsin and Minnesota shall give their consent to the purchase, and cede concurrent jurisdiction, that will make it all right.

Mr. CONGER. I think that would be unobjectionable to the States, except that it might require waiting for the action of their Legislatures.

Mr. JOHNSTON. If the Constitution requires us to do it, we ought to do it. We have no right to acquire land in any State without the consent of the State.

Mr. McMILLAN. This proviso was stricken out because it was supposed that the Government of the United States did not desire to have exclusive jurisdiction over these waters. This improvement is in the Mississippi River, a navigable stream of the United States, over which the United States has jurisdiction to make any improvement she desires; but to confer upon the General Government exclusive jurisdiction would oust the jurisdiction of the State for all purposes and that certainly would not be proper.

This improvement is in the Mississippi River, and these lakes are part of it; and on the banks of the stream there is private property perhaps upon which a portion of these dams would be built. The United States gets the title to the lands; and upon the stream, the water certainly being entirely within the jurisdiction of the State of Minnesota, her jurisdiction is not to be ousted and this Government to receive exclusive jurisdiction. That was the object in striking out the proviso.

Mr. JOHNSTON. What I complain of is that the bill provides for taking the title to this property without the consent of the State. The proviso ought to be so changed as to require the consent of the State to the United States obtaining title to real estate and to having concurrent jurisdiction over the property so obtained. If the chairman of the committee will put it in that form it will be all right.

Mr. McMILLAN. The bill already prescribes the mode in which title to this property shall be acquired by the United States.

Mr. JOHNSTON. I know it does; but it does not provide for the consent of the State.

Mr. MILLAN. It prescribes that it may be by purchase or proceedings in accordance with the laws of the State; and if they cannot proceed there in accordance with the laws of the State, then of course they can acquire no title. The fact is the State has already made these provisions; they are contained in the statutes of the State, not only ceding the property and the rights there but authorizing the United States to proceed in the courts for the purpose of enforcing the provisions of the law. It is entirely immaterial to me whether this proviso is retained or not. It was in the public interest, as I supposed, that the committee struck this proviso out of the bill. I am satisfied that it be retained or not, as the Senate chooses.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the Committee of the Whole striking out the proviso.

Mr. McMILLAN. I will merely state for the information of the Senator from Virginia and the Senate that this portion of the river is entirely within the limits of the State of Minnesota.

Mr. JOHNSTON. If it is in order, let the proviso be put in this language, and it will meet the requirement of the Constitution:

And provided further, That the States of Minnesota and Wisconsin shall give their consent and shall cede concurrent jurisdiction over the lands so to be taken during the time the same may be used for the purpose herein stated.

The ACTING SECRETARY. The amendment is, in line 833, after the word "shall," to insert "give their consent and cede concurrent jurisdiction."

Mr. DAWES. I understand that there is a proposition in the river and harbor bill to improve the navigation of the Mississippi River by means of improvements in the headwaters of that river, which are situated in the State of Minnesota, and the Senator from Virginia proposes that this work of improving commerce between the States shall depend upon the consent of the State of Minnesota. If that be so, then the entire authority to improve the commerce of this country under the Constitution is made a nullity, because it depends solely upon the consent of the State whether it shall be carried out. I suggest to the Senator from Minnesota that if the anxiety to get this appropriation is so great as to carry with it such a nullifying doctrine it will utterly destroy his whole bill.

Mr. JOHNSTON. The Constitution provides that the United States shall not acquire real estate in any State without the consent of the State. This bill provides that Congress may acquire title to property in a State without the consent of the State.

Mr. HOAR. Where does the Constitution provide that?

Mr. JOHNSTON. Look at page 40 of the Manual, section 8 of article 1 of the Constitution, and you will find this provision:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Mr. DAWES. Shall exercise what?

Mr. JOHNSTON. "Authority."

Mr. DAWES. "Exclusive legislation." I understand the amendment to be that this work shall not proceed in Minnesota for the benefit of the commerce of the Mississippi River through its whole length without the consent of the State of Minnesota. That I understand to be the purport of the amendment.

Mr. SAULSBURY. Does the Senator from Massachusetts hold that the Government of the United States can acquire title to property within the limits of a State without the consent of the State?

Mr. DAWES. I understand it can.

Mr. SAULSBURY. I understand the Constitution to say virtually that the consent of the State is necessary. The power granted is:

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards—

Which has as much to do with commerce as anything else—

and other needful buildings.

Mr. DAWES. The Constitution says in so many words just read by the Senator from Delaware that the United States shall "exercise like authority." What is "like authority?" Just that authority which is granted over the District of Columbia. "To exercise

exclusive legislation in all cases whatsoever over such District," "and to exercise like authority over all places purchased by the consent of the Legislature," &c. I take it that nobody ever supposed that the United States could exercise exclusive legislative authority in a State without its consent. But I understand the amendment to mean something more than this, that the United States shall not proceed with this work without the consent of the State of Minnesota. If so, the United States cannot proceed with the work below Minnesota without the consent of each State through which the river passes. It is a part of one whole. If we have authority to do this work at the sources of the Mississippi, it is because it contributes to the regulation of and improvement of commerce among the States.

Mr. JOHNSTON. The Senator is very much mistaken in the provision in the river and harbor bill authorizing the United States to acquire property. We have a right to go there and improve rivers and harbors, and we do; but in this particular case, in addition to the improvement, there is a provision for acquiring real estate. It does not apply in any other case in the bill or in any previous bill. The bill is for the improvement of rivers and harbors; but this provision authorizes the acquirement of real estate, land, in indefinite and unlimited quantities in those States, without their consent.

Mr. DAWES. Then I take it that the provision of the Constitution under which we make appropriations for the improvement of the rivers has in it this implied restriction, "provided in the improvement of the rivers and harbors it is not necessary to acquire real estate!" If it is necessary to acquire real estate for the purpose of the improvement of a river or a harbor, it is perfectly apparent to me that the authority to improve the river or the harbor carries along with it all necessary power to enable the Government in the most reasonable way to carry out the purpose of making the improvement. If it is necessary to have the consent of the State of Minnesota to the acquiring of real estate in Minnesota for this purpose, it is necessary to have the consent of the State of Virginia for the acquiring of a place to erect a court-house in Virginia.

Mr. JOHNSTON. So it is.

Mr. DAWES. The Senate has decided over and over again that that is not necessary; and after full argument it has been decided to the satisfaction of the Senate upon its votes that it was not necessary even to give the United States concurrent jurisdiction. The Senator from Florida [Mr. JONES] on more than one occasion, representing the Committee on Public Buildings and Grounds, has demonstrated so far to the satisfaction of the Senate that the Senate has followed him by its vote in striking out of bills for the erection of public buildings in States that provision which requires the obtaining of the consent of the State to the exercise of jurisdiction.

Now, the jurisdiction for legislative purposes is one thing; the right to hold real estate or exercise any necessary jurisdiction to carry out a plain and express provision of the Constitution goes along as one of its implied powers as really and as distinctly and as incontrovertibly as the express power itself.

Mr. JOHNSTON. No bill has ever passed, to my knowledge, providing for the erection of a public building in which there was not a proviso that the consent of the State should be obtained.

Mr. DAWES. I regret exceedingly that the Senator from Florida is not at this moment in his seat, for he would rise up and contradict the Senator to the extent of saying that the Senator from Virginia has forgotten what has transpired here. The RECORD is full of it. The matter was considered over and over again in the Committee on Public Buildings and Grounds, and the Senator from Florida demonstrated it so far to the Senate that the Senate struck out that clause on his motion. I see the Senator from Florida here now, and he will correct me if I am mistaken.

Mr. McMILLAN. I think on the statement of this question it will be discovered that it is a very plain and simple one, and that the amendment of the Committee of the Whole should be concurred in. This bill as it came from the House provided as one of the provisions of this legislation—

> That the States of Minnesota and Wisconsin shall cede to the United States exclusive jurisdiction over the land so to be taken, during the time the same may be used for the purpose herein stated.

That is, where a dam is built private property may not be taken without compensation, and the bill provides for it, and this proviso only ousts the State of jurisdiction. It would leave the citizens of the State without any protection of the municipal law whatever. I think the committee acted properly in striking out the proviso. No criminal offense could be prosecuted or citizens protected on any of these premises with that proviso in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Virginia [Mr. JOHNSTON] to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PENDLETON] wished to make an amendment to the amendment relative to the Hennepin Canal.

Mr. PENDLETON. If the amendment shall be read by the Secretary, I will indicate the amendment I desire.

The ACTING SECRETARY. After line 1074, the Committee of the Whole inserted:

> That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, &c.

Mr. PENDLETON. I move to amend the amendment by striking out the words "and locate," in line 1075.

Mr. ALLISON. I hope the Senator from Ohio will not insist on that amendment. I think it will be impossible to comply with the remaining provisions of this paragraph without practically locating this canal. There is no way to ascertain the cost unless you ascertain the place where it is to go; and in that sense it is necessary to give it a location, a habitation. As I said to the Senator the other day, that language does not commit anybody; it does not commit the Senate or any Senator with reference to this work in any sense that we are not committed by the whole provision. Unless there is some reason for it, I do not see why this word should be stricken out. I hope the Senator will withdraw the motion.

Mr. PENDLETON. The same reason applies to striking out the word "locate" in this portion of the amendment which applied the other day to striking out several lines providing for the location of the canal where they occurred in a subsequent part of the amendment. I know very well that providing for a survey and location does not commit Congress; but I know also that wherever you commence a work of public improvement that work is sure to be carried out to the end. It is only to guard against that conclusion in this case which is drawn in every other case that I desire to follow up the previous action of the Senate by striking out the words "and locate" in this part of the section.

Mr. ALLISON. This involves among other things the cost of the canal; that is one of the inquiries. How can that inquiry be intelligently reported upon unless this canal has a location?

Mr. PENDLETON. These engineers will go into that field; it is not a very extensive one; it ranges through a country of only sixty-five miles in length. The termini are defined; the general route is defined. It may be that going in one direction the expense will be very heavy by reason of cuts and fills, and in another direction it will be comparatively light. Both surveys will be made; they must be made in order to determine the comparative expense of the two routes, and both will be referred to the War Department and come to Congress. If you provide after that is done that the Secretary of War shall locate the canal, define the route it shall take, give to it "a local habitation and a name," you have done all that you ever do by the commencement of any work of internal improvement. I do not wish the Senate to suppose that I think a subsequent Congress cannot stop the work, cannot change it, cannot repeal the law, cannot do anything that it pleases; there is no estoppel upon Congress, but there is this, which I have said before and repeat again, it is the first step that costs; it is the first step that makes the improvement. It is the first location of the improvement after surveys and expenses are determined that commits Congress to the prosecution of the work; and we shall have Senators from Iowa and the Senators from Illinois hereafter saying that this is the commencement of the improvement, that it is no new thing, that it is not entering upon a new scheme of improvement in that part of the country, but that it is carrying on a work already commenced under the authority of this Government.

Mr. ALLISON. So far as I am concerned, I shall not make any point or suggestion with reference to this work being commenced by virtue of this provision as it stands in the bill.

Now, let me call attention to another thing. It is true in one sense that this canal is to be begun at the town of Hennepin. The reason for that is that that is the point on the Illinois River confessedly most favorable, but there is a range on the Mississippi River of several miles for the location of this canal. If the Senator will take the original text of the proposition he will see that it was to be located at or above a certain point. That gives a range of ten or fifteen miles. Very much will depend on where that location is to be as to what the cost of land damages, if any, will be.

I submit to the Senate that if we want to have this project objected to by Senators chiefly upon the ground of lack of information, first as to its extent, secondly as to its cost, and thirdly as to its location, we had better adopt the amendment of the Senator from Ohio. If we want to have a complete survey, let us have it so that we may know exactly what the work is to be and what the cost of it will be. I shall not stand here committing Senators in any degree beyond the survey of the canal and the location as here provided.

Mr. PENDLETON. It is just because I desire to have a complete survey and to have this whole subject committed by Congress, that they may see what the comparative expense of the several routes is, that I desire that there shall be no location now, but that there shall be an examination of all the routes. It is because I want a complete survey, a complete estimate, because I think the Senate should have it, that I propose to strike out everything that goes beyond a thorough survey of the routes along the line in order that we may determine which is the best route and which is to be preferred.

When this subject was before the Senate the other day in committee by an almost unanimous vote upon this same argument the Senate struck out from line 1098 to 1170, inclusive.

Mr. ALLISON. I did not object to it, because that clause was not necessary.

Mr. PENDLETON. Because it provided for a location of this route; because it provided that the engineers who located the route should file a map, together with the location, in the War Office; and I am only following out that action of the Senate by an almost unanimous vote the other day in striking out here the provision for the location as it was stricken out in the other part of the amendment.

Mr. ALLISON. That was unanimous. There was no objection to that.

Mr. PENDLETON. There were no yeas and nays called. I insist on my motion.

Mr. LOGAN. That was agreed to by a unanimous vote the other day because it was not considered very important; but I should like to ask the Senator when the surveys are made where we shall file the maps?

Mr. PENDLETON. They will go to the place where the engineers file all their maps, naturally.

Mr. LOGAN. The War Department?

Mr. PENDLETON. I suppose it is. There the maps will go and there the surveys will go, and they will be reported in these large volumes to us at the next session. If there is only one route, the survey as to that route will be reported. If there are two, the surveys of the two routes will be reported, so that we can exercise discrimination and judgment in regard to the expense. I do not mean to exercise it with the eye of an engineer, but I mean to exercise it in reference to the expense and the natural obstacles to be overcome.

Mr. LOGAN. The Senator will remember the discussion that was had here the other day on this very subject. The Senator from South Carolina [Mr. BUTLER] proposed an amendment to this bill on the ground that there was no definite information. There had been three surveys of this canal, and the three surveys differed in cost some small amount, and did not state the amount of expense involved in obtaining the right of way, and, second, did not state the amount of necessary expense for running, maintaining, and keeping up the canal after it should be finished. That, I think, will be very difficult to ascertain; but still these were the two objections.

If you do not now allow the engineers to designate a route upon which the least expense will be required for the purpose of making this canal, the very same question will arise when the subject comes before Congress again as to the expense, as to the right of way, as to the cost of maintaining the canal. If the canal runs through a great many deep cuts, the expense of maintaining it will have to be so much on account of those cuts and other things in connection with them; and if it does not the expense would probably be decreased. I have no doubt myself from what knowledge I have of the subject that the surveys have already been made fully; I have but very little doubt that the canal has been located as much as it can be, so far as the route is concerned; that is to say, estimates have been made on a certain route. You cannot make estimates unless you have a route on which to make the estimates. You cannot have a route to make the estimates upon unless you designate it; and if you designate it it is located. You may survey half a dozen lines, but the one that is the cheapest will be selected by the engineer and designated as the route. That is the location. "Location" does not carry with it any expense, does not carry with it any obligation as to the building of the work. It does not carry with it any obligation on Congress, any obligation on the Secretary of War, or on anybody connected with the Government.

The fear of the Senator from Ohio is that the Senators from the States interested—I think the whole country is interested—will come here at the next session and insist that we have got a location, and that is the beginning of the work. I do not so consider it. I do not regard that as the beginning of the work to make a canal, but merely a survey to see whether you will make a canal or not. It is not the beginning of any work that it is necessary to go on and complete.

This very question was settled by the War Department in reference to the Illinois River. In 1832, I think it was, General Johnston made a survey of the Illinois River, this part of it in connection with the rest that will become a part of this water-way. When he made that survey and estimate on the Illinois River he commenced work at a bar on that river, and expended I do not remember how much money, but an amount of money for the purpose of cutting a bar there on the river, so as to make a channel. When the Congress of the United States passed the appropriation bill for rivers and harbors which was vetoed by the President some years ago, the Congress of the United States then passed a resolution declaring that the Secretary of War should have a right to apply so much money as he thought was necessary, within a certain limit, to the completion of the work on rivers and harbors that had already been commenced. The Illinois River was included in that because the work of the Engineer Department, not the survey of the river, but the work had been commenced by dredging and cutting on this bar. It was included then in the general appropriation for rivers and harbors because it was one of the works that had been commenced and not completed.

That shows the construction given to this character of language in reference to work commenced. In the distribution of the money appropriated at that time—in the year 1872 I think it was—the construction was that work had to be commenced, not a survey, but work actually commenced on a river or a harbor, in order to obtain the benefit of the appropriation, and that stands to-day as the construction of the War Department in reference to the disbursement of money on these improvements.

So, then, as far as I am concerned I do not insist that this is the commencement of this work. I do not believe it is. I should not insist on any such thing; but this is merely for the purpose of having a location, a name, so that at the next session when we come to examine this question Congress may know exactly what they are appropriating for. That is the reason for it and nothing else, and I hope the amendment of the Senator from Ohio will not be adopted, and that the Engineer Corps will be permitted to survey and locate, meaning thereby to name the spot on which this canal shall be made, if made at all. That is all there is to it. There is not, either by implication or otherwise, anything committing Congress to appropriate a dollar except for the survey.

Mr. PENDLETON. Mr. President, the word "location" has a very much broader signification than either of the gentlemen seem to attribute to it. Both of them treat it as if it were merely the designation of a general route along which a survey is to be made; both of them seem to think that there can be no survey of a route without the location of the work upon it. Now, sir, that is not the meaning of the word "locate" at all, either in ordinary signification or as it has been used in the various parts of this bill. You may make a survey without a location. The very purposes of surveys are that they shall give you the information on which to make your location. This word is used in a subsequent part of the bill, in which it is said:

> That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal.

That is the point. "Location" means after your surveys are made, after your information is obtained, after estimates from beginning to end on the various routes and plans of survey, even if necessary to the closest particular; that then you shall do this formal thing, which is to locate the work.

I submit to both the gentlemen (for their experience in these matters is much greater than mine) that after a location is made for any public work under the authority of Congress, for a railroad, if you please, in the Western country, it requires an act of Congress to change the location. If you permit the Secretary of War after these examinations are made to locate the route of this canal, you will require legislation to dislocate it, or rather to put it upon another location, to make any change in it. Senators have known in reference to grants of public lands to various roads that after they have located their route they must have legislative authority to change the location. That is the use of the word; that is the significance of the word here in this section to which I am objecting. It is, I repeat, that we may have the fullest possible information given to Congress before a decisive step is taken in fixing the route on which the canal is to be made, that I desire to strike out this important power given by this very word to the Secretary of War.

Mr. VEST. I was under the impression, and I think that is the impression of the Senate, that this matter was disposed of by the vote taken some two or three days ago. The Senator from Illinois says that he was of that impression also, but we have arrived at very different conclusions in regard to the action of the Senate. The proposition then was to put on the river and harbor bill an appropriation for the survey, location, and construction of the Hennepin Canal. The contest in the Senate was in regard to any appropriation at all; and a compromise, as it might be termed, was finally arrived at that a survey should be made and afterward the question be determined whether there should be a location or construction at all. If the action of the Senate did not mean that it meant nothing.

Mr. LOGAN. The Senator will remember that the word "construction" was used in the amendment of the Senator from South Carolina, and that amendment was adopted with the word "construction" in it, and afterward on discussion as to "construction," meaning commencement of the work, I myself offered the word "locate" instead of the word "construct," and it was agreed to by the Senate. That was exactly the language of the amendment. The Senate adopted the amendment of the Senator from South Carolina with the word "construct" in it, and afterward it was stricken out and the word "locate" inserted on an amendment that I moved myself.

Mr. VEST. My recollection in regard to that matter is that the word "construct" was left inadvertently in the amendment of the Senator from South Carolina, and it was discovered and stricken out, and the Senator from Illinois objected. That is my distinct recollection; he objected to striking out the word "construct," although it was manifest that the intention of the Senate was to strike out the words "construct and locate."

Mr. LOGAN. Oh, no. The Senate put the word "locate" in by a vote when the word "construct" was stricken out after the amendment had been adopted with the word "construct" in it; and the Senate will remember that the word "construct" was stricken out after the amendment had been agreed to, and the word "locate" substituted, and afterward the Senator from Ohio offered an amend-

ment and it was decided out of order because the word "locate" had been substituted for the word "construct," which had been stricken out after the amendment had been adopted. That was the proceeding of the Senate.

Mr. VEST. The Senator from Ohio moved to strike out the word "locate," and the point of order was made that the Senate had just adopted the section with that word in it, and it went over in that condition. But obviously, without regard to mere minor details, here is the great issue in the case: the meaning of the action of the Senate was that we did not propose to cut or locate this canal without a survey and without examination afterward; that this was to be a mere preliminary survey.

Why, sir, what is the ordinary meaning of a survey in regard to the construction of a railroad? First, there is a preliminary survey, a half dozen of them frequently, and in almost every instance then the road is located, and when you locate the road that is the first step toward its construction. When a company locates a railroad what does it mean? It means that it proposes to construct the road upon that particular line; and now, if this word is left in the bill, the meaning of it is that we pledge ourselves in advance to locate the canal without reference to the survey; that is to say, we are bound to locate it somewhere, when the very question that the Senate determined the other day was that they did not propose to locate it anywhere until they knew where it was and what would be the cost.

If we did not mean that we meant nothing. The whole object and intent of the discussion and of the action of the Senate was that we should first know what we were doing, first know the cost of the canal, then know where it was to be, which, as a matter of course, forms a part of the cost, and afterward the Congress of the United States was to determine the question whether we should pay so much money for that improvement or not. Therefore the amendment of the Senator from Ohio, in my judgment, has really been passed upon by the Senate, and it ought unquestionably to be adopted.

Mr. CALL. Mr. President, it is a little over two hours until the time the vote is to be taken upon this bill, and there are a number of amendments which I have had no opportunity to offer, small ones, which I wish to offer. I hope the vote will be taken on this question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. PENDLETON] to the amendment made as in Committee of the Whole to strike out the words "and locate" in line 1075.

Mr. MORGAN. The controversy between the Senators as to the meaning of this bill, in the language presented now for consideration, brings up the question that arises on the amendment I proposed to strike out of the bill in relation to the Chesapeake and Delaware Canal. I will therefore occupy the time of the Senate very briefly in presenting views which I think ought to prevail here to prevent the Senate from taking any ground on this question at all, either in the direction of the establishment of the building of the Hennepin Canal or the Chesapeake and Delaware Canal. I would have preferred to have made my remarks entirely on the Chesapeake and Delaware Canal, because that is in a more southern locality and it occupies territory belonging to two States, and therefore presents the question in a rather broader form than the question presented by the Hennepin and Rock Island Canal. Still I cannot get my consent to believe that the Congress of the United States has the power under the Constitution to inaugurate either of these works, and therefore a survey for such a work is just as amenable to the objection as the location of the work or the construction of the work would be.

I took up the New York Herald this morning, and I find some remarks made recently by a former distinguished member of this body at Utica, New York, which I will read, inasmuch as I am entirely in sympathy with his opinions as there expressed. He says to his former constituents and friends:

> We are in a period of peace and great prosperity, but let us never forget that prosperity often tests and tries the wisdom of nations and men more even than adversity. The tendency is to spend largely. The tendency in the Government is to make profuse, perhaps lavish appropriations of the public money. In the affairs of government and in the affairs of business, unless I greatly mistake the lesson, the need and the admonition of the hour is frugality, foresight, and care. We have more need of the brake than of steam in a good many ways just now.

I do not believe that we can calculate with absolute certainty upon the future for as much even as twelve months to come. There is no telling how much the involvements that now appear to be influencing the nations in Europe may affect the markets that patronize our agricultural industries and our manufacturing industries. There is no telling how much the financial condition of the world is to be disturbed by the belligerent operations that have already become terrible facts within the last twenty-four hours. And it seems to me, although we have now a plethora in the Treasury and an income from the various forms of taxation which it is estimated will bring into the Treasury $400,000,000 during the current fiscal year, the time for us to be wise and economical is in the midst of our apparent prosperity.

This bill now under consideration appropriates more than $20,000,000 to the improvement of rivers and harbors, and commits the Government virtually to a future expenditure of not less than $15,000,000 for canals to be dug at the expense of the people of the United States. This vast sum, which may justly be considered enormous for a people owing more than $1,600,000,000, is to some extent, perhaps a great extent, the legitimate result of a bill which rests on false and dangerous principles. It but illustrates the danger of a false principle of action in a government that is under popular control and must be governed by the constraining influence of correct principles, or else by licentious profligacy. It is only surprising that the Senate has been able to cut down the appropriations to $20,000,000 when the engineers demand $75,000,000 to be expended in a single year.

It seems that all questions of public duty in reference to this subject are to be decided by the genius and industry of our engineers in devising new and expensive plans upon which the money of the people can be lavished. We seem to forget the temptation they are under to magnify their office, and to provide themselves with employment which will give them the control of vast public expenditure, and follow wherever they lead in every enterprise that gives any promise of success, no matter how small.

Is the will of Congress the only limitation upon this description of expenditures, or is there a constitutional constraint which fixes a boundary to our zeal, or cupidity, or rivalry, or our selfish love of aggrandizement, or our personal or political aspirations that may be wrapped up in measures like this?

Is this the only matter in which the discretion of Congress is measured merely by its will? More than any other public measure these river and harbor bills tempt legislators from the course of faithful duty they owe to the people of the whole country to advocate expenditures in which their immediate constituencies have a great interest. In the presence of such temptation the only safe course to adopt is to construe our powers strictly, and to deny to ourselves the exercise of any power that is doubtful.

There is scope enough in the powers of Congress, thus construed, to enable us to do all for the commerce among the States and with foreign countries that the general welfare of the country can possibly require. The construction of our constitutional duty which limits our power to expend money for the improvement of rivers and harbors to the navigable waters of the country will enable us to afford to commerce every necessary protection and facility, and will restrain us to certain and definite limits as to the subjects that may receive the benefit of such appropriations.

There is no express power given to Congress by the Constitution to improve rivers and harbors. That is an implied power; and, in my judgment, it is confined to the navigable waters within the States over which they have ceded to the people of the United States a certain right of control. That right of control is limited to the navigation of the rivers and to such acts as Congress may deem expedient to protect the freedom of the navigation, and to remove or prevent obstructions to it. Congress, for instance, can cause a deeper channel to be dredged in the Cooper River, in South Carolina, in aid of its navigation, but with all its powers to regulate commerce it cannot take the phosphates which would thus be removed and sell them to put money in the Treasury.

Congress can deepen the channel of the Potomac, but it cannot authorize the people of New York to take fish in its waters without the consent of the States of which it is the border.

Fish is an article of commerce, and if the power to regulate commerce is coextensive with the will of Congress, why may it not declare the right of free fishery in all the waters that are navigable in the United States?

The Supreme Court in 1876, in McCready *vs.* Virginia, declared the law on the question of the ownership of the States of the beds and banks of the Potomac River, even of the tide-waters, in a way to close all further debate on that subject.

The only paramount right of the United States is the right of navigation, and this is held by equity or cession, either express or implied, and it extends only to navigable waters.

I will read a brief extract from the opinion of the Supreme Court in the case which I have just cited, on page 394 of 4 Otto's Reports. Mr. Chief-Justice Waite, delivering the opinion of the court, said:

> The precise question to be determined in this case is, whether the State of Virginia can prohibit the citizens of other States from planting oysters in Ware River, a stream in that State where the tide ebbs and flows, when its own citizens have that privilege.
>
> The principle has long been settled in this court that each State owns the beds of all tide-waters within its jurisdiction, unless they have been granted away. (Pollard's Lessee *vs.* Hagan, 3 How., 212; Smith *vs.* Maryland, 18 How., 74; Mumford *vs.* Wardwell, 6 Wall., 436; Weber *vs.* Harbor Commissioners, 18 *id.*, 66.) In like manner, the States own the tide-waters themselves and the fish in them so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. (Martin *vs.* Waddell, 16 Pet., 410.) The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States.—4 *Otto*, McCready *vs.* Virginia, pp. 394–395.

Just here I will ask the question, in the hope that some Senator may be able to answer it, what provision of the Constitution is there to be found upon which this assertion of the Supreme Court is based that the State of Virginia has ever granted to the Congress of the United States or to the Government of the United States the paramount right of navigation? That is not to be found in express terms in the Constitution, but that belongs to the class called great public rights which belonged to the people of Virginia at the time

of the adoption of the Constitution, and which tacitly that State and all the other States of the thirteen that comprised the original Union ceded at large to the people of the United States, and as a part perhaps of that other important concession and guarantee in the Constitution of the right of the citizen of one State to enjoy all the rights and immunities of a citizen in all or any of the States.

It will appear further on in my remarks by a citation of the statutes, that the younger States that have been admitted into the Union either from territory comprising a part of the original thirteen States or territory subsequently acquired by purchase, in the acts of their admission did make express concessions to the Government of the United States and the people of the United States of the right of the free navigation of the navigable waters within their borders, and it is stated in these acts that this is done, along with other things, to create a perfect equality between the older and the younger States; so that it may be assumed, and has been well assumed by the Supreme Court of the United States in the words which I have just read, that the paramount right of navigation of the navigable waters is derived by a concession from the States to the United States Government. The opinion proceeds:

> There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide-waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation.—*Ibid.*, p. 395.

It is the right of navigation and no other right that gives to Congress the right to use the beds and banks of rivers for improving navigation.

The "general-welfare" clause in the Constitution, which is sometimes relied upon as a support of the right to make works of internal improvement within the States, is not in any sense a specific grant of power to Congress. It is only one of the declared purposes for the accomplishment of which the specific powers granted may be exercised.

It is a restriction on the powers granted to Congress, if it is any other than a merely declaratory statement of one of the objects to be obtained through the creation of the Federal Government.

This view of the general-welfare clause is indispensable to the rights of the States and the liberties of the people in connection with the powers actually reserved to the States and to the people, which have far more to do with the welfare of the people than any power that Congress can exercise.

We never meant to give up the entire control of the general welfare of the people of the States into the hands of Congress, but we meant to give up the power of Congress to control the Government for the general welfare, that being an incident only of the exercise of the other specific powers granted to the Congress of the United States. The general welfare, as distinguished from the welfare of the people of any particular State or locality, can be promoted by Congress only through the powers granted to Congress either specifically or by necessary implication.

This clause, therefore, has no relation to the improvement of rivers or harbors unless it is to restrict the power of Congress to such improvements as will promote the general welfare of the entire country, rather than that of a certain section.

The power to regulate commerce with foreign countries and the Indian tribes and among the States is also relied upon for the support of bills like this. This power was never intended to include the power to improve the rivers and harbors. That power is derived from another source to which I will presently allude. And it will be seen that when it is traced to that source its definition is clear, its limitations are exact, and its application is not difficult. Is the power to improve the rivers and harbors of the country derived from the power to regulate commerce?

It will be admitted on all hands that the power to regulate commerce resides exclusively in Congress, where it is exercised with reference to commerce with foreign nations, or with the Indian tribes, or among the States. No State or States by any arrangement or treaty can exercise any such power.

The latest adjudication upon that subject is Newport *vs.* The United States. In that decision of the Supreme Court of the United States, it was held that Congress having granted the right to construct a bridge across the Ohio River, reserving to itself the power to amend, repeal, or modify the act, after the bridge had been constructed had a right to pass a supplemental act, without the consent of either of the two States lying upon the borders of that river, by which that bridge company was required to put in a span or a draw for the more convenient passage of steamers up and down the current of that water-course, and that Congress might impose that duty on that company without any compensation to it for the extraordinary cost which it might incur thereby; that Congress had the complete right to remove an obstruction from navigable waters and that it had the right, as was done in the case of the Wheeling bridge, to grant a partial obstruction and to sanctify it by placing that bridge subject to the governmental uses of the United States, by allowing a post-road to pass across it.

So then the exclusive jurisdiction of Congress to regulate commerce cannot be denied, but that jurisdiction is exclusive only with reference to interstate commerce, commerce with the Indian tribes, and commerce with foreign nations; and the very exclusiveness of the jurisdiction indicates most clearly that it was the intention of the Constitution that this power should not be the foundation upon which should be erected any part of the exercise of its jurisdiction entirely within the limits of a State; for, sir, it cannot be denied that the State of Alabama, subordinate, I will say, to the general laws of the United States, has the right to regulate commerce within that State. It has a right to legislate in regard to dealers; it has a right to tax goods imported; it has a right to do a thousand things which it would have no possible right to do if it undertook to impose its statutes in any wise upon its neighboring State, Georgia.

The power to regulate commerce up to a certain point and under certain restrictions is the power that resides in the State within its own borders, whereas the power to regulate commerce among the States and with foreign tribes and nations is a power that belongs, under the Constitution, exclusively to Congress. Therefore, if the power to improve rivers and harbors is derived from and based upon the power to regulate commerce, it must be neither broader nor narrower than that power; it cannot excel its boundaries; it cannot fall inside of them; it must be coequal with them in all respects, and that very fact would deprive Congress of the power, which I insist does exist, to improve the navigation of a river whose line may be entirely within the borders of a State. I insist that we have the right to vote money from the Treasury of the United States to improve a navigable river that may not connect two States.

It may be five miles long or five hundred; it makes no difference as to the length of it. But that power is derived from our right of navigation of the waters conceded to us by the State itself, and not from the power to regulate commerce among the States or with foreign countries.

The friends of internal improvement make a great mistake when they undertake to base the power of improvement upon a false premise in the Constitution. They can get just as broad a right, or one as broad as the Constitution intended should exist, by taking the ground I take in this matter without the slightest impediment in the world in the nature of a constitutional difficulty. Under the Confederation the States did exercise this power, and in its employment they so clearly demonstrated that the government created by that Constitution was a mere rope of sand, that the yielding up of that power to the new Federal Government was the great impelling cause of its formation.

I will read some extracts from Bancroft's History of the Constitution in support of this statement; and I am proud of the opportunity to say of that work that it is a credit even to its distinguished author and an honor to his country, which he has done so much to honor.

It will be remembered that the State of New York, the State of Massachusetts, the State of Connecticut, the State of Pennsylvania, the State of Virginia, and perhaps other States each had under the Confederation their separate systems of tariff duties upon imports, and their separate systems for the regulation of commerce with foreign nations. That was found to be such a great embarrassment and a cause of so much jealousy between the different States of the Union, that it was made the subject of general discussion throughout all the States, and it led more forcibly the public opinion of that day to concentrate itself upon the establishment of a permanent union than any one discussion that took place; and it may be justly said that the power to suppress the issue of paper money and the power to regulate commerce with foreign countries and among the States and with the Indian tribes were the great propelling questions that caused the people of the United States to come together and form the Constitution. There was an event that occurred here on the banks of the Potomac that illustrates this matter:

> At Mount Vernon, on the 28th of March, 1785, the joint commissioners of the two States divided by the Potomac, George Mason and Alexander Henderson, of Virginia; Daniel of Saint Thomas Jenifer, Thomas Stone, and Samuel Chase, of Maryland, met under the auspices of Washington. As his near neighbor, intimate friend, and old political associate, Mason felt his influence and entered with zeal and a strong sense of duty into the movements that led to union.
>
> The commissioners prepared the terms of a compact between the two States for the jurisdiction over the waters of the Chesapeake Bay and the rivers that were common to both States; and, conforming to the wishes of Washington, they requested Pennsylvania to grant the free use of the branches of the Ohio within its limits, for establishing the connection between that river and the Potomac.

That was by a canal—

> The primary object of their commission being fulfilled, they took up matters of general policy, and recommended to the two States a uniformity of duties on imports, a uniformity of commercial regulations, and a uniformity of currency. George Mason was charged with the report of their doings to the Legislature of his State.
>
> When the Assembly of Virginia came together, Congress and the country were rent by the question of investing Congress with an adequate power over trade. The Eastern and Middle States were zealous for the measure; the Southern were divided; Pennsylvania had established duties of its own, with the avowed object of encouraging domestic manufactures; South Carolina was deliberating on the distresses of her commerce. In the Assembly of Virginia, in which there was a great conflict of opinion, Madison spoke for the grant of power as fraught with no danger to the liberties of the States, and as needful in order to conduct the foreign relations, to arrest contention between the States, to prevent enactments of one State to the injury of another, to establish a system intelligible to foreigners trading with the United States, to counteract the evident design of Great Britain to weaken the Confederacy, and to preserve the Federal Constitution, which, like all other institutions, could not remain long after it should cease to be useful. The dissolution of the Union would be the signal for standing armies in the several States, burdensome and perpetual taxes, clashing systems of foreign politics, and an appeal to the sword in every petty squabble. Washington being invited to offer suggestions, answered: "The proposition is self-evident. We are either a

united people or we are not so. If the former, let us in all matters of national concern act as a nation which has a national character to support. * * * If the States individually attempt to regulate commerce, an abortion or a many-headed monster would be the issue. If we consider ourselves or wish to be considered by others as a united people, why not adopt the measures which are characteristic of it, and support the honor and dignity of one? If we are afraid to trust one another under qualified powers, there is an end of the Union."—*Bancroft's History of the Constitution of the United States*, volume 1, pages 249-251.

That was the response of Washington, mind, to the great controversy that was prevailing in the different States as to whether those particular States should yield up the power to regulate commerce to one common head, which they had not done under the constitution of the Confederacy. The result was that after long and anxious debate, and after New Jersey had refused to grant her quota of the taxation which was demanded by the Congress of the Confederation, because New York had levied tariff duties upon foreign goods which she was compelled to consume, and thereby had cut her off from her resources of revenue to be derived from the tariff, and after a long struggle the Union really was formed mainly for the purpose of yielding up to the central Government the power to regulate commerce, not within the States, but between the States, and between the General Government then to be established and foreign countries and the Indian tribes.

In all that long wrangle and discussion which occupied the minds of the greatest men on this continent I think I may safely assume that not one word was ever said and no allusion was ever made to the question of the power of improving the navigable waters within a State. That power was conceded to rest in the Federal Government, based, however, upon the concession which all the States made of the navigability of their water-courses and the right of the Government of the United States in consequence of that cession to go upon them with commerce to be regulated, and go upon them with men-of-war, with armies, with post-routes, with whatever else was necessary for the general welfare of the country.

The Supreme Court of the United States has pronounced its judgment upon this subject in cases from which I will read brief extracts. In Holyoke Company *vs.* Lyman, 15 Wallace, page 506, Mr. Justice Clifford, delivering the opinion of the court, said:

Rivers, though not navigable even for boats or rafts, and even smaller streams of water, may be and often are regarded as public rights, subject to legislative control, as the means for creating power for operating mills and machinery, or as the sources for furnishing a valuable supply of fish suitable for food and sustenance. Such water-power is everywhere regarded as a public right, and fisheries of the kind, even in waters not navigable, are also so far public rights that the Legislature of the State may ordain and establish regulations to prevent obstructions to the passage of the fish and to promote the usual and uninterrupted enjoyment of the right by the riparian owners.

In Lord *vs.* Steamship Company, 102 United States Reports, page 543, the court use this language:

Congress has power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes," (Constitution, article 1, section 8,) but it has nothing to do with the purely internal commerce of the States; that is to say, with such commerce as is carried on between different parts of the same State, if its operations are confined exclusively to the jurisdiction and territory of that State, and do not affect other nations or States or the Indian tribes. This has never been disputed since the case of Gibbons *vs.* Ogden, 9 Wheaton, page 1.

In the County of Mobile *vs.* Kimball, 102 United States Reports, page 698, the court say:

The uniformity of commercial regulations which the grant to Congress was designed to secure against conflicting State provisions was necessarily intended only for cases where such uniformity is practicable. Where from the nature of the subject or the sphere of its operation the case is local and limited, special regulations adapted to the immediate locality could only have been contemplated. State action upon such subjects can constitute no interference with the commercial power of Congress, for when that acts the State authority is superseded. Inaction of Congress upon these subjects of a local nature or operation, unlike its inaction upon matters affecting all the States and requiring uniformity of regulations, is not to be taken as a declaration that nothing shall be done with respect to them, but is rather to be deemed a declaration that for the time being and until it sees fit to act they may be regulated by State authority.

The improvement of harbors, bays, and navigable rivers within the States falls within this last category of cases. The control of Congress over them is to insure freedom in their navigation, so far as that is essential to the exercise of its commercial power. Such freedom is not encroached upon by the removal of obstructions to their navigability or by other legitimate improvement. The States have as full control over their purely internal commerce as Congress has over commerce among the several States and with foreign nations; and to promote the growth of that internal commerce and insure its safety they have an undoubted right to remove obstructions from their harbors and rivers, deepen their channels, and improve them generally, if they do not impair their free navigation as permitted under the laws of the United States, or defeat any system for the improvement of their navigation provided by the General Government. Legislation of the States for the purposes and within the limits mentioned do not infringe upon the commercial power of Congress; and so we hold that the act of the State of Alabama of February 16, 1867, to provide for the "improvement of the river, bay, and harbor of Mobile," is not invalid.

The case of Veazie *vs.* Moore was among the first after Gibbons *vs.* Ogden which presented a cognate question, in which the matter came up as to the power and right of the States over the navigable waters within their domain. It will be seen from this decision that the States and the United States must exercise a concurrent jurisdiction even in respect of navigation over what are called navigable waters, and if they can exercise a concurrent jurisdiction over navigable waters, under the decisions of the Supreme Court that necessarily rules out the power of Congress to improve upon the proposition of regulating commerce, because that is an exclusive power in Congress. There is no partnership in that business. There cannot be under any circumstances. In Veazie *vs.* Moore the Supreme Court decided the very point in question. Speaking of the decree of the court below, they said:

Upon a comparison of this decree and of the statute upon which it is founded—

That is a statute of the State of Maine—

with the provision of the Constitution already referred to, we are unable to perceive by what rule of interpretation either the statute or the decree can be brought within either of the categories comprised in that provision.

These categories are, first, commerce with foreign nations; secondly, commerce among the several States; thirdly, commerce with the Indian tribes. Taking the term commerce in its broadest acceptation, supposing it to embrace not merely traffic, but the means and vehicles by which it is prosecuted, can it properly be made to include objects and purposes such as those contemplated by the law under review? Commerce with foreign nations must signify commerce which in some sense is necessarily connected with these nations, transactions which either immediately or at some stage of their progress must be extra-territorial. The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures or in the arts may ultimately become the subjects of foreign commerce that the control of the means or the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase foreign commerce, or fairly implied in any investiture of the power to regulate such commerce. A pretension as far-reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce, and be borne either by turnpikes, canals, or railroads, from point to point within the several States toward an ultimate destination like the one above mentioned. Such a pretension would effectually prevent or paralyze every effort at internal improvement by the several States; for it cannot be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration desirable from which and all control over which might be immediately wrested from them, because such public works would be facilities for a commerce which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.

The rule here given with respect to the regulation of foreign commerce equally excludes from the regulation of commerce between the States and the Indian tribes the control over turnpikes, canals, or railroads, or the cleaning and deepening of water-courses exclusively within the States, or the management of the transportation upon and by means of such improvements. In truth, the power vested in Congress by article 1, section 8, of the Constitution was not designed to operate upon matters like those embraced in the statute of the State of Maine, and which are essentially local in their nature and extent. The design and object of that power, as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain. These were the views pressed upon the public attention by the advocates for the adoption of the Constitution, and in accordance therewith have been the expositions of this instrument propounded by this court, in decisions quoted by counsel on either side of this cause, though differently applied by them.—*Howard's Supreme Court Reports*, Veazie *et al. vs.* Moore, volume 14, page 573.

And then it cites the Federalist and various other authorities which I will not stop now to read. There is a clear judicial exposition by a united Supreme Court in the year 1852, which has been followed by that court in every decision from that day to this and never departed from, showing that the meaning of this part of the Constitution that relates to the regulation of commerce between the States and with the Indian tribes and with foreign countries does not include and has no relation to the subject of the improvement of the navigation of the waters, whether in a State or between States.

Now, Mr. President, with the historical statements of Mr. Bancroft and the judicial expositions made by the Supreme Court it would seem to be sufficiently established that the power of Congress to regulate commerce, in its origin, in the qualifications placed upon it expressly in the text of the Constitution, was not intended to include the power to create canals or other channels of commerce in places where none exist. And that is the point of my argument to-day. I insist that there is no power in Congress to do more than to improve the waters that are navigable within the States, and that they derive that power from the consent of the States themselves, and there is no glimmer of a right in the Constitution to construct works through the country, either canals or railroads, for the facilitation of commerce, by expenditures out of the common Treasury of the United States. If it was intended to confer the power to remove obstructions to commerce in existing channels, which is very doubtful, it is still not the source from which that power is most clearly derived or from which it is safest to derive it, and from the fact that it is vested exclusively in Congress it must lead at times to serious confusion of jurisdiction, and even conflict with the power of the States to improve their own water channels within their own Territory. If the States and the United States have each the same power to improve the water-ways, Congress cannot have the exclusive right to do so. If the only power Congress has to improve the water-ways is derived from the power to regulate commerce among the States, its power must be exclusive, and the States cannot touch the subject any more than they can pass a general bankrupt law or grant to their courts admiralty and maritime jurisdiction on navigable waters within their borders. And so the power of Congress to regulate commerce must be exercised "among the States" and not within a single State, according to the language of the Constitution, and therefore a State cannot exercise that power.

To be a little more specific, in respect to the right to build canals and in respect to the right to build the very canal which is put into this bill, I desire to call attention to the second volume of Bancroft's History of the Constitution of the United States. From ex-

tracts which I read a little while ago and some which I omitted to read from Bancroft's History of the Constitution, it will be seen that a project existed between the States of Maryland, Delaware, and Virginia to connect the water-courses of those three States across the country by a canal. Before the adoption of that feature of the Constitution of the United States which prevents the different States from making treaties with each other or entering into any contracts with each other, this power resided in those States, and they had gone a long way toward projecting a system by which the waters of the Delaware River and the Potomac River might be connected through the Chesapeake Bay and across the country. Dr. Franklin, of Pennsylvania, was in the constitutional convention. He was the advocate of internal improvements, and he desired that the power might be placed in the Constitution to build that canal, in which his State was greatly interested. It was also the desire of some of the other States that that power should be put into the Constitution, and thereupon he rose in that convention on the 18th of September, 1787, and moved as follows:

On the same day Franklin, seconded by Wilson, moved to add, after the authority to establish post-offices and post-roads, a power "to provide for cutting canals." "The expense," objected Sherman, "will fall on the United States, and the benefit accrue to the places where the canals are cut." "Canals," replied Wilson, "instead of being an expense to the United States, may be made a source of revenue." Madison, supported by Randolph, suggested an enlargement of the motion into a warrant to grant charters of incorporation which might exceed the legislative provisions of individual States, and yet be required by the interest of the United States; political obstacles to an easy communication between the States being removed, a removal of natural ones ought to follow. The necessity of the power was denied by King. "It is necessary," answered Wilson, "to prevent a State from obstructing the general welfare." "The States," rejoined King, "will be divided into parties to grant charters of incorporation; in Philadelphia and New York to a bank, in other places to mercantile monopolies." Wilson insisted on the importance of facilitating by canals the communication with the western settlements. The motion, even when limited to the case of canals, gained no votes but those of Pennsylvania, Virginia, and Georgia.—*Bancroft's History of the Constitution*, volume 2, page 211.

The motion was lost. If we have any respect for history in the interpretation of the Constitution of the United States there can be no more perfect demonstration that the very feature was voted down in the convention which honorable Senators upon this floor are now seeking as the foundation of their right to build a canal to connect the waters of the Chesapeake and the Delaware. I may say that I even regret that that vote was had in the convention in the particular case of connecting the waters of the Chesapeake and the Delaware. It occurs to me, without having any special knowledge, but from my general knowledge of the geography and the commerce of that coast, that it would be a great advantage to that locality and a great advantage to the commerce of the country on the Atlantic seaboard to have this communication made. Notwithstanding the value and importance of the proposed water-way across that peninsula through which we can find the opportunity of making this canal, when I come to seek a warrant in the Constitution for it and find that there is no express grant of power, find that there is no implied grant of power, find that there is no navigable water crossing from the Chesapeake to the Delaware which Delaware and Maryland have ceded to the United States, thereby giving the power to improve it and deepen it—when I find nothing of this kind to justify the vote, and then when I find that the proposition was sought to be submitted in the constitutional convention for the purpose of making this very canal, that Benjamin Franklin, of Pennsylvania, offered the amendment in the convention in so many words and it was voted down, I cannot stultify myself after that by saying that that power is in the Constitution.

Mr. GORMAN. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. GORMAN. I ask the Senator from Alabama whether that special provision in regard to the construction of canals was not voted down because the general provision for the regulation of commerce between the States covered the building of canals as well as other means of transportation? I ask whether it is not a fact that the framers of the Constitution themselves, the gentlemen who were in that convention, afterward voted an appropriation subscribing to the stock of the canal connecting the Chesapeake and Delaware, and other canals throughout the country?

Mr. MORGAN. I cannot better reply to the honorable Senator from Maryland than by recalling his attention to the decisions of the Supreme Court which I have just read, which deny to the Congress of the United States the power either within or between the States to regulate commerce by the construction of canals or roads or railroads. That interpretation must stand for me until at least it is overruled. I have no authority, in my judgment, to overrule it, and it coincides precisely with the view that I would take of that subject if nothing had been written upon it by the Supreme Court.

It makes no difference what efforts may have been made by persons who were members of the convention in regard to bills to build canals, that provision had been voted down. They failed, after an effort, to put that specific power in the Constitution, and they have put in no power which is equivalent to it. No power is in the Constitution to tax the people at large to dig a canal anywhere, unless it may be to enlarge some navigable water-course. I cannot, therefore, fail to yield my judgment as well to the convictions which arise logically upon the proper interpretation of the instrument itself, which are impressed so forcibly by the lessons of history to which I have invited the attention of the Senate. This attempt and its failure should forever put at rest the claim that Congress has a right to construct a canal in any State or between States, especially when Dr. Franklin's amendment was designed to secure the construction of the very canal in question.

I have already discussed the proposition briefly from whence this power was derived. I do not care to amplify my remarks on that point. My purpose was more to place my own views upon record, because I have had the misfortune to vote against the appropriation bills that have come in for this purpose since I have been in the Senate. I have done so because they have transgressed the constitutional jurisdiction of Congress, and I have not as yet got my consent to vote for any bill that I think violates that instrument, no matter of how much advantage it may be to my people.

Senators seem to find it convenient to vote for measures sometimes because their people are largely benefited thereby, or are supposed to be. I have not got my consent to usurp to myself the power to tax money out of the people to be applied by my vote to purposes that the Constitution has conferred upon me no right to deal with. I believe it is the highest duty we owe to the people of this country to-day to restrain the taxing power of Congress within legitimate bounds.

We are gathering during the current fiscal year, we are told, $400,000,000, of which perhaps $150,000,000 will be a surplus fund in the Treasury, thereby laying before the country from year to year an enormous temptation for the swelling up of appropriation bills in the manner that we see this bill has been swollen. We have 50,000,000 people in the United States, and with $400,000,000 of taxation it is a per capita tax of $8 to the human soul. Of these 50,000,000 there are not 10,000,000 laboring-men who are actual producers. The Indians, the women and children, the persons not employed in actual production in the United States must constitute, it seems to me, at least 40,000,000 of our people, and 10,000,000 men are at work (that is about my computation at least) to produce a tax equivalent to $400,000,000 a year. I think the highest duty that we owe to this Government is to reduce the burden of taxation and not merely to devise ways and means by which we can spend the money taxed out of the people.

The people of Alabama are a million and a quarter strong in population. They expend about as much per capita as any other people in the world. If it costs an average per capita of $8 to the people of the United States to raise $400,000,000 in a given tax year, it costs Alabama all of $10,000,000 to supply her quota. She pays for it with her cotton crop, with the little sugar she makes, with a good deal of iron she makes, and with various other articles for export and traffic between other States and herself and with foreign countries; but it costs us at least $10,000,000 a year to pay our quota of the $400,000,000 taxed out of the people through the internal-revenue laws and the customs duties of the United States Government. While we are paying $10,000,000 a year we are reducing our State expenditures inside of $1,000,000, with a view to economy. We actually put the salaries of our judicial officers, our governor, and in fact the whole corps of State officials, at what might be termed starvation rates in order to cut down the State expenditures.

I would very much prefer to take one-half of this $20,000,000 and apply it to the exigencies of the public debt, and thereby relieve the burdens of the people of Alabama to that extent, rather than to have it expended even upon her own water-courses; for you may make the calculation, and after all the figuring you can do you cannot find after you have spent $20,000,000 in this river and harbor bill that the commerce of the United States at large or in particular will be increased to the amount of $10,000,000 thereby. It is a bad investment for commerce. If your object is to increase commerce, to add to commerce, you will find, I think, that you never can work out the sum by which the country will realize $20,000,000 in return for the expenditure of the $20,000,000 involved in this bill.

I say we are in a frantic mood of extravagance on this question. Senators have convinced themselves that it is the popular judgment of the country that large amounts of money shall be expended in works of internal improvement, and if we can only manage to distribute it broadcast throughout the whole land we shall interest so many people in the bill as that it must necessarily be popular. I warn the Senate of the United States of the reactionary effect of this measure. When you jump in a single year and upon a single bill of appropriations from $11,000,000 to twenty-odd million dollars, with an appendix to it also which may cost us in the way of canal building at least $15,000,000 more, making it $35,000,000 in all, you will tax the public faith very strongly, and it will be a wonder if the gentlemen who now invite the Senate of the United States do not live to repent that they did not pay more attention to the use of the taxing power of the Government, and that when fortune and Providence are smiling upon us and throwing the treasure of other countries within our reach, we did not, with a wise forecast, seize the opportunity of extinguishing our public debt to that extent rather than the creation of new means through which future expenditures will come to be demanded of the people.

I feel to-day as if it were laying a predicate for the expenditure of at least $100,000,000 in this bill, for hereafter the measures will come back to Congress, and it will be said: "This work has been started

and is incomplete; give us the money to complete it. Why did you ever start us in this direction unless you intended we should consummate the work;" and that plea will have its effect.

I cannot read this bill as meaning anything else to the people of the United States than a committal, as far as the Senate of the United States has power to commit them, to a future expenditure of $100,000,000 of money. I therefore cannot give it my support, and particularly I cannot give my support to this new adventure, this new work, this new departure, the building of canals at the expense of the public Treasury of the United States.

Mr. PUGH. Mr. President, I desire to make a five-minute statement of the reasons that induce me to vote for the bill before the Senate. The title of the bill should satisfy any one that it is impossible for Congress to pass a law for the improvement of rivers and harbors that will give universal satisfaction. Our rivers and harbors cover a country greater in extent than the whole of Europe; a country that is subdivided into States represented in the Senate, and into districts represented in the House; all these representatives anxious to secure as large an appropriation as they can to satisfy their constituents. The insurmountable difficulty is that in framing a bill of this character we never get out of sight of the smoke of our own chimneys, as that shows which way the wind blows at home. Such a bill as that before the Senate and all river and harbor bills are necessarily the result of concession and compromise.

Mr. President, the power of Congress to make appropriations to improve the navigation of our rivers and harbors is too firmly established by authority and practice to be resisted or questioned. The power is expressly delegated to Congress to regulate commerce with foreign nations and among the several States, and it is the same in degree over foreign and interstate commerce. Whether any particular appropriation is within the power of Congress to make depends upon the existence of the fact to be ascertained by Congress whether the proposed appropriation will aid, promote, or regulate commerce. The power to "regulate" has been settled to embrace the power to aid and promote commerce. Every river and harbor in the United States standing by itself is merely local, but when connected with other rivers and harbors by the numerous ways and means of trade and commerce they all become parts of a great national American system of transportation.

There is no power or agency that has more to do with creating and regulating the price of labor and the price of the productions of labor and capital than transportation. It is a large element in the price of almost everything. Transportation is furnished by railways and water-ways. One is made by nature for the use and improvement of man, the other is wholly constructed by capital and enterprise.

In water-ways nature has given the South the advantage. In railways capital and enterprise, fostered by the Federal Government, have given the North the advantage. Mr. Conkling, in his great campaign speech in New York in 1880, that changed the fate of the Republican party in the last Presidential election, boasted that the superior capital and enterprise of the North had overcome the advantages of nature's gifts to the South by running railways across the continent East and West, from the Atlantic to the Pacific Ocean. The bill before the Senate inaugurates a general system of river and harbor improvement that promises in the near future to restore some of the lost power of the South, and to furnish to the whole country waterways, that experience has demonstrated to be the only reliable and permanent controlling power over the extortions and oppressions of railroad corporations. That great and wise Democratic statesman, Horatio Seymour, is reported as having lately expressed the opinion that free canals and free rivers are worth more than all the railroad commissions we can organize to prevent and regulate the abuses of railroad monopoly in transportation.

If Congress can furnish a permanent remedy against the evils of railroad monopoly in transportation, it will be worth more each year in the future than five times the amount appropriated by this bill.

Mr. President, the South has sacrificed everything on the altar of her convictions, and she has nothing left but her honor, her manhood, her history, and her boundless natural resources. She has been standing alone wringing her hands and weeping over the profligate waste of the public money and the usurpation of power by the Republican party in making the North rich, powerful, and prosperous; and while we have been crying the North has been laughing at our abstractions and thanking us for our unselfishness in asking nothing for ourselves. But the South has waked up to the realities of the situation, and hereafter she intends to accept unavoidable results and to conform her action to existing conditions and circumstances and to submit her destiny to the genius and aspirations of Young America.

The South was taunted in the able speech of the Senator from Michigan [Mr. CONGER] on this bill on account of her old boast that she was independent of all aid from the Federal Government and spurned river and harbor appropriations. This reminded me of another taunt by another Northern man, since the war, of Judge Rice, of Alabama, on account of another boast of the South that she could whip the North with corn-stalks, and Judge Rice answered that the South would have made good its boast had it not been for the difficulty she could not avoid, that the North refused to fight with corn-stalks.

Mr. President, the time of the Senate is too valuable for me to consume it in a discussion of constitutional questions which have been worn threadbare and have become seedy. This bill received the unanimous support of my colleagues in the House; I have no doubt that it will pass the Senate, and I shall not attempt further to enlighten the Senate on the subject.

Mr. MORGAN. I desire to ask my colleague whether the Hennepin Canal scheme or the Delaware and Chesapeake Canal scheme received the unanimous support of our colleagues in the House?

Mr. PUGH. It did not, because that is an amendment of the Senate; but I have no doubt that the bill as it will pass the Senate will receive the hearty support of every Democratic member from the State of Alabama.

Mr. MORGAN. Then I should like to ask my colleague if he believes the Congress of the United States has a right to build a railroad through Alabama out of appropriations from the Treasury of the United States?

Mr. PUGH. I do not.

Mr. MORGAN. That settles the matter.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment of the Senator from Ohio [Mr. PENDLETON] to the amendment made as in Committee of the Whole, to strike out the words "and locate."

Mr. PENDLETON. I notice that the Senator from Iowa [Mr. ALLISON] and the Senator from Illinois, [Mr. LOGAN], who are opposed to my amendment, are not at this moment in their seats.

Mr. FRYE. They will be here in a minute.

Mr. PENDLETON. I have sent for them. Perhaps it would be better that the Senator from Florida [Mr. CALL] should proceed with his remarks. It is only out of consideration for those Senators that I make the suggestion.

Mr. CALL. I wish to offer some amendments to the bill.

The PRESIDING OFFICER. The Senate is now voting on the reserved amendments. If the Senator from Florida will withhold his amendments until the amendments made as in Committee of the Whole are disposed of, it will then be in order to offer amendments to the bill.

Mr. CALL. Very well.

Mr. HARRIS. I do not see why we should not proceed to vote on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The question being put, there were on a division—ayes 19, noes 20.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 28; as follows:

YEAS—22.

Bayard,	Farley,	Morgan,	Vance,
Beck,	Grover,	Morrill,	Vest,
Brown,	Harris,	Pendleton,	Walker,
Camden,	Johnston,	Platt,	Williams.
Cameron of Pa.,	Jonas,	Saulsbury,	
Coke,	Maxey,	Slater,	

NAYS—28.

Allison,	Dawes,	Kellogg,	Mitchell,
Butler,	Frye,	Lapham,	Pugh,
Call,	George,	Logan,	Ransom,
Cameron of Wis.,	Hampton,	McDill,	Rollins,
Chilcott,	Harrison,	McMillan,	Sawyer,
Conger,	Hawley,	Miller of Cal.,	Van Wyck,
Davis of Illinois,	Hoar,	Miller of N. Y.,	Windom.

ABSENT—26.

Aldrich,	Ferry,	Ingalls,	Plumb,
Anthony,	Garland,	Jackson,	Saunders,
Blair,	Gorman,	Jones of Florida,	Sewell,
Cockrell,	Groome,	Jones of Nevada,	Sherman,
Davis of W. Va.,	Hale,	Lamar,	Voorhees.
Edmunds,	Hill of Colorado,	McPherson,	
Fair,	Hill of Georgia,	Mahone,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole relative to the Hennepin Canal, so called.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment reserved is the one relating to the survey of the Delaware and Chesapeake Canal.

Mr. MORGAN. On that question I will merely ask the sense of the Senate by taking a yea-and-nay vote.

The yeas and nays were ordered.

Mr. HARRIS. What is the amendment?

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. In line 139, after the word "dollars," it is proposed to insert:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of War, in completing the surveys of a ship-canal to connect the Chesapeake and Delaware Bays; and the Secretary of War is hereby directed to report to Congress which of the various routes surveyed will afford the greatest protection in case of war and the greatest facilities to commerce by cheapening the cost of transportation from the city of Baltimore to the Atlantic Ocean, together with the cost of said improvement and its approaches, and the annual cost of maintaining and operating said canal when constructed.

Mr. GROOME. Mr. President, I simply wish to say, that there may be no misunderstanding on the part of the Senate as to this

amendment, that it does not attempt to locate the canal. It does nothing else except to provide for full and perfect surveys, which up to this time we have never had. We have had incomplete surveys, it is true, but we have never had any surveys of the approaches to the different routes for the proposed canal. Hence the Committee on Transportation Routes to the Seaboard has found itself very much embarrassed by the fact that contending interests appeared before it, each claiming that the particular route recommended by it, all things considered, is the best and cheapest. I repeat, the amendment proposes simply that full surveys of the routes and the approaches thereto shall be made, and that the Secretary of War shall state to Congress which of the several routes is the best, in order that the unseemly quarrel, which has been taking place between these rival interests, may no longer continue, and that the committee may be in a situation to consider the question of the construction of the canal on its real merits. I sincerely hope, as this is all that the amendment proposes, that it may be allowed to remain in the bill.

Mr. DAVIS, of West Virginia. It will be noticed by the report of Engineer Craighill that he shows there is a very narrow neck of land dividing these two bays. The intention is to have a complete and perfect survey for building a ship-canal without locks at either end, letting the water flow freely between these two great bays on the ocean, the Delaware and Chesapeake. The object is to make a complete survey and give Congress the information, with a view of connecting the Delaware and the Chesapeake. It will be seen that the neck of land is very narrow, and that the tide is about the same on each side. The intention is to let the waters of those two bays flow together, with no obstruction between them.

There have been two or three surveys made, but, as I understand, they are not now believed to be perfect. There are several routes proposed, and it is intended that some particular route shall be recommended. I hardly think there ought to be any opposition whatever to the amendment. It is, of course, a great national work. It is not off in the country somewhere where you would have to build a lock and bring rivers to the canal. The bays are there. As to the commerce of Baltimore, it will be recollected that it is the third city in tonnage in the Union; so that the great flow of grain and everything coming from the West in going to New York and going abroad in any form or manner may get out to sea by a distance nearly two hundred miles less than it has to go now around by the capes. Thus there will be a great saving to commerce and a great saving generally to the country by uniting these two great bays. I hope there will be no opposition to the amendments.

Mr. MORGAN. If I remember aright, it has only been two or three years since the Senate voted down a proposition to survey a canal between the Harlem River and the Hudson River with a view to facilitating commerce across that peninsula, where I suppose there is as great commerce as there ever will be between the Chesapeake and the Delaware. Our views on this subject are improving very rapidly. Congress then pronounced a judgment against its power to do that thing, everybody admitting the necessity of the work. The Senate is now about to pronounce a judicial opinion upon our constitutional powers, and that was my reason for calling for the yeas and nays upon the proposition. The Senate is now about to determine for itself solidly either that it has or has not the power to build a canal.

It will not do for us to undertake to convince the country that we have no power to build a canal if we have power to survey one. We certainly have not the power to survey railway lines through all the States of the Union whenever we may choose to lay out a line; and if we have not that power, in my opinion we have not got the power to survey a canal line, for if we have the power to survey a canal line we just as clearly have the power to survey railway lines. The power to survey which we exercise by voting any of these amendments on the bill yields the power of construction; and hereafter, when the Senators from Florida shall bring forward their proposition to connect the great traffic of the Gulf of Mexico with the traffic of the Atlantic Ocean and of the vast coast from Maine to Florida to the harbor of Saint John's River, Senators ought to feel themselves estopped from denying the authority to Congress to vote that money unless it can be demonstrated that that ship-canal is not going to answer a good purpose.

We assume here that the commerce of the country is to be greatly benefited by the connection of the Chesapeake and Delaware waters through this canal. That may be so or it may not be so. I know that I can easily believe great benefit will result from it, and I hope that great benefit may result from it; but my opinions are against the power of Congress to inaugurate these works upon the ground that they are not works to be performed upon any of the navigable waters of the United States, but they are works to be performed for the connection only of navigable waters; works to be built across the country, and not in conformity with any grant that has been made by any State to the Congress of the United States of the authority to navigate, for we have no authority from Maryland and none from Delaware to navigate across the peninsula any more than we have authority from the State of Illinois to navigate from Lake Michigan, at Chicago, to Rock Island, on the Mississippi River. These concessions have never been made; they were not made in the nature of the streams which were conceded to us by these States, for there are no navigable streams at these places. If we get the right, it is to be got by a grant of legislation hereafter.

That brings up the question I stated the other day, whether a State Legislature can confer power upon Congress. It has always been decided that no State legislation can confer jurisdiction upon this body. That being so, I do not understand where our power is to come from. It makes no difference whether this survey is to cost little or much, whether the work is to be profitable or unprofitable to the general commerce of the United States; that does not answer the question of power.

I desire that the vote the Senate shall take upon this proposition now shall be a vote finally settling for this body at least its power to engage in the building of canals to connect the great navigable water channels of this country.

Mr. GROOME. The Senator from Alabama has quoted as a precedent which ought to bind the Senate to-day the fact that some years since it voted against the survey of a canal. If precedent is to have any weight in this body, I call attention to the fact that in the river and harbor bill of last year the Senate adopted an amendment without any dissent from any source directing a survey of the several routes of the Maryland and Delaware Ship-Canal, which amendment is of very much the same general character as the one which is now in the bill. That amendment, passed by the Senate without dissent, was objected to by the House, and in the committee of conference was abandoned. Therefore, if precedent is to have any weight, and the Senate desires to be consistent, it should retain in this bill the amendment which in substance it put in a year ago, and should give the House another opportunity to act upon it.

The Senator from Alabama makes another point, which is that there is no constitutional authority to build this canal, inasmuch as the States of Maryland and Delaware have never consented in any way to its building by the Government of the United States. I shall not attempt to answer his constitutional argument, because it is founded upon a grave error in fact. The States of Maryland and of Delaware have by their Legislatures chartered a corporation for the express purpose of having that corporation hand over its franchises to the United States Government, whenever that Government is prepared to build this canal. So that the premise upon which the learned Senator from Alabama founds his argument falls to the ground and his argument falls with it. I hope most sincerely that the amendment will not be stricken from the bill.

Mr. BAYARD. Mr. President, the locality of this canal is perhaps of less importance to the people of Delaware than to the people of almost any other State along the great route of communication which it is intended to open up. I live upon the peninsula that is proposed to be intersected by this ship-canal. On either side there are natural water-ways, and the proposed canal is in effect to do no more than remove obstructions at the headwaters of the different estuaries from the Delaware and Chesapeake Bays. A great portion of the work has been accomplished already by nature.

The proposition is to make a ship-canal from the head of one water-way, to flow from one bay to the head of the other water-way on the other bay. This is an outlet for Western commerce. That is all that it is. It is not a local improvement in any sense. The people through whose land this canal will go, be it long or short, have the slightest possible interest in it. It has originated in the demand for ocean commerce and ocean communication by the great wheat and grain lands of the Western country. Still, for many purposes, not simply those of commerce, but for those of warfare, this work may prove of enormous value to the entire country. The commerce of Delaware Bay and of Chesapeake Bay is wonderfully great, both as to international commerce and coastwise trade.

The same view that caused me to vote for the improvement of the navigation of the Mississippi River, to wit, that I believed it to be a great interior water front for all the States east and west from its banks, makes me see that when the facilities for oceanic commerce by means of improving the harbors of the Atlantic coast are made to the States far west it is their water front upon the Atlantic, and it is just as important for them to have facility there as it is to have it in any point of their connection with the world's markets. I hold that every facility to commerce which enables the farmer of the West to bring his grain to the markets of the world is equally important. It is just as important that he should have facility at the point of embarkation upon the ocean as that he should have facility between his granary and the warehouse to which he takes his produce. It matters not where the obstruction occurs, if anywhere it interferes with him. It matters not where the facility takes place, if anywhere he is benefited.

Here is a proposition now to continue a survey for a ship-canal. The board of engineers having this work in charge have made their report to a standing committee of this body, the Committee on Transportation Routes to the Seaboard, recommending that these surveys shall be completed. The effect of the amendment, as far as I understand it, is simply that Congress shall authorize the completion of the survey which is proposed of a possible route for a ship-canal. It is distinctly and clearly in the power of Congress to make this survey, and I am unable to see the want of power in Congress to construct the work after the survey has been made.

Mr. BECK. Mr. President, I hope that Congress will not yield to the suggestion of the Senator from Alabama, [Mr. MORGAN;] and although

he desires this to be a test of what Congress proposes to do, I hope the Senate will not be deterred from giving the committee information. The Committee on Transportation Routes to the Seaboard, a standing committee of this body, has had the question of the survey of this canal before it. Bills for that purpose have been referred to them and the question has been elaborately argued. It has been shown, I will not say conclusively, but shown as far as the best information possible can show anything, that the men of the Northwest are quite as much or perhaps more interested than the citizens either of Maryland or of Delaware in the building of this canal if the United States sees fit to enter upon the work.

It was shown before the committee by facts not to be denied (they never can be) that this is a shorter route to Liverpool than from any of the transatlantic ports by twenty-four hours, and that it would reduce the cost of freights nearly one fourth. When a merchant goes to Chicago, Louisville, Cincinnati, or Saint Paul for the purpose of buying the wheat or pork or anything else that those people have, his first calculation is how much will it cost him to get the product to the seaboard, how much will it cost him afterward, what will be the cost of insurance, interest, and everything else; and the man who produces the wheat or pork in the Northwest only gets what remains after all these charges are deducted.

If it were shown to us, as I think it was, that we save by this canal twenty-four hours in time and nearly one-fourth of the cost of transportation to the men of the extreme Northwest, they are far more interested than the men of Delaware or the men who live in the neighborhood.

All we are asking now is for the engineers to give us the information. A regular committee of the Senate lays this matter before Congress after giving two months of investigation to the subject, and says, "We are unable to determine whether the canal ought to be built at all; if so, where; and we ask that our engineers may make a survey." When a committee appointed by the Senate to act upon bills referred by the Senate to that committee desires surveys made to aid it in coming to a proper conclusion, then we are told we are to be committed to all sorts of schemes because we ask information as to the best place for the canal. First, is it practicable? Next, where is it best to locate it? When that information is asked for, not locating anything, not committing the Senate to anything, but telling on the part of the Senate through our own board of engineers whether the thing can be done, and if it can be done where is the best place to locate it, that is called a stretch of power and is to commit the Senate to canal-building.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. BECK. Yes, sir.

Mr. MORGAN. I should like to know of the Senator whether he is prepared to vote for the survey of a canal or railroad or anything else which he believes Congress has not the constitutional power to build?

Mr. BECK. I am not prepared to propose to make a survey to the moon, nor to do any foolish thing, but I am prepared to vote for whatever will give the Senate information to act upon a subject that is legitimately laid before one of its standing committees by order of the Senate, so as to enable that committee, when a thing has so far received the sanction of the Senate as to be received and referred to a committee appointed to look into it, to tell the Senate what are the facts in regard to it, without committing the Senate to anything.

Mr. MORGAN. Then I understand the Senator from Kentucky to argue and to insist that Congress has the right to build a canal.

Mr. BECK. I do not insist upon any such thing.

Mr. MORGAN. Does the Senator deny it?

Mr. BECK. I am not called upon to deny it.

Mr. MORGAN. This vote calls upon you to deny it.

Mr. BECK. I desire the information; and does the Senator from Alabama say that one of the standing committees, charged with the consideration of an important subject, ought to be deprived of the right to have the information upon which it can act? I will pause for a reply to that question.

Mr. MORGAN. I do not think it is any part of our business either to amuse our committees or to instruct them about matters over which they have no jurisdiction. I should like to be able to write a novel or jest-book, for no doubt the Senator would enjoy it, but still I do not think I could do it as a member of Congress voting under the Constitution.

Mr. BECK. Then I hope the Senator from Alabama will speak for the meaning of his own vote and not tell the country that he seeks to commit the Senate by this vote for information to any scheme that he may imagine exists in the brain of anybody.

Mr. MORGAN. That is all I speak for, and the vote will show.

Mr. BECK. That is right. Then with that understanding I hope the vote will be taken.

Mr. JONES, of Florida. Mr. President, I do not think this is a time to raise the question as to the power of Congress to make a survey for a canal, because under the cautious administrations of the past these things have been done. I remember a year or two ago having my attention attracted to a very elaborate survey made in the early history of Alabama for a canal or an improvement by a series of works to connect Mobile Bay with the bay of Pensacola, looking to connecting it still further with the waters of the Mississippi. It was a work carried out in pursuance of the directions of the War Department in a very elaborate way and was full of information upon that subject. That was half a century ago; it may be found now; and while Congress was then filled up with the most cautious statesmen I do not think any objection upon the ground that Congress had no power was raised in respect at least to the making of that survey and the preparation of the charts. Since then the Government has authorized a survey to be made across the peninsula of Florida. A very careful survey has been made by the authorities at the expense of the Government for a canal across my State, and a public document has been sent into the Senate at the present session embodying full information upon the subject. I supported that appropriation at a former session, and by every rule of consistency I shall feel myself obliged to adhere to this proposition.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

The Acting Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. GROOME, (when Mr. GORMAN's name was called.) Upon this question my colleague [Mr. GORMAN] is paired with the Senator from Kansas, [Mr. INGALLS.] If both Senators were here, my colleague would vote "yea."

The roll-call having been concluded, the result was announced—yeas 48, nays 5; as follows:

YEAS—48.

Aldrich,	Conger,	Johnston,	Pugh,
Allison,	Davis of Illinois,	Jonas,	Ransom,
Anthony,	Davis of W. Va.,	Jones of Florida,	Rollins,
Bayard,	Ferry,	Lapham,	Sawyer,
Beck,	Frye,	Logan,	Sewell,
Blair,	George,	McDill,	Sherman,
Butler,	Groome,	McMillan,	Slater,
Call,	Hampton,	Maxey,	Vance,
Camden,	Harrison,	Miller of Cal.,	Van Wyck,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Walker,
Cameron of Wis.,	Hill of Colorado,	Mitchell,	Williams,
Chilcott,	Jackson,	Plumb,	Windom.

NAYS—5.

Coke,	Morgan,	Platt,	Vest.
Harris,			

ABSENT—23.

Brown,	Garland,	Ingalls,	Morrill,
Cockrell,	Gorman,	Jones of Nevada,	Pendleton,
Dawes,	Grover,	Kellogg,	Saulsbury,
Edmunds,	Hale,	Lamar,	Saunders,
Fair,	Hill of Georgia,	McPherson,	Voorhees.
Farley,	Hoar,	Mahone,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. No other separate vote being desired, the question will be taken upon concurring in gross in the remaining amendments made as in Committee of the Whole, unless some Senator desires a separate vote upon a particular amendment.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The bill is now open to further amendment.

Mr. RANSOM. I have a couple of small amendments which do not affect the amount appropriated, but simply direct the manner in which the appropriations shall be made. The money has been already appropriated, and it is only a direction as to how it shall be applied. After line 535, I move to add:

Five thousand dollars of which shall be applied to the line of inland navigation from Beaufort Harbor to New Berne.

Mr. McMILLAN. That is subject to the point of order which was decided yesterday.

Mr. RANSOM. I hope the Senator will not raise the point of order. It does not affect the amount appropriated. The money has been already appropriated, and it simply directs that it shall be applied on a part of a certain line. I hope the point of order will not be raised. There can be no objection to the amendment.

Mr. McMILLAN. Very well.

The PRESIDENT *pro tempore*. There being no point of order raised, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANSOM. I move also to insert after line 535:

Five thousand dollars of which shall be applied to the improvement of the line of inland navigation from New Berne to Beaufort Harbor.

The amendment was agreed to.

Mr. CALL. After line 508, I move to add:

Including the mouth of the river, and Dame's Point, and the shoals near Palatka.

So as to make the clause read:

Improving Saint John's River, Florida, including the mouth of the river, and Dame's Point, and the shoals near Palatka, to the head of the river, $150,000.

Mr. McMILLAN. The Senator has made a mistake in his reference to the line, in the first place. In the next place, I think the amendment is subject to the point of order.

Mr. CALL. I submit to the Senator from Minnesota that the amendment does not increase the appropriation.

The PRESIDENT *pro tempore*. The Senator has got the wrong line.

Mr. CALL. The line refers to the original bill as it came from the House.

Mr. McMILLAN. What appropriation does the Senator desire to amend?

Mr. CALL. The appropriation for the mouth of Saint John's River. I will state that the amendment only distributes the appropriation along the river in one or two places, which will probably not require, in the discretion of the engineers, (it will be subject to their discretion,) more than two or three thousand dollars. It does not increase the aggregate amount. The appropriation of $150,000 remains the same.

Mr. McMILLAN. I suppose it should come in at the end of line 583.

The PRESIDENT *pro tempore*. That is the place where it should be inserted.

Mr. McMILLAN. Now, let the amendment be read.

The ACTING SECRETARY. In line 582, after the word "Florida," it is proposed to insert: "including the mouth of the river and Dame's Point and the shoals near Palatka;" so as to read:

Improving Saint John's River, Florida, including the mouth of the river and Dame's Point and the shoals near Palatka, to the head of the river, $150,000, in such proportions as the Chief of Engineers shall consider best for the interests of commerce.

Mr. McMILLAN. That is distributing it at that point.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. CALL. After the word "dollars," in line 590, I move to insert:

That $12,000 of this amount shall be expended for the improvement of the river above Geneva to Newton, Alabama, and $2,000 of the balance for the improvement of La Grange Bayou from its mouth up to the town of Freeport, Florida.

Mr. McMILLAN. Those places are not estimated for, and the amendment makes a new appropriation altogether as I understand it. The amendment cannot be in order. I raise the point of order.

Mr. CALL. I made an appeal upon that question the other day, and withdrew it upon the assurance that there would be no objection to it in the Senate. It is estimated for; it is in the report which is here on my table. There is no question of the importance and necessity of the work. It is recommended by the engineers.

Mr. VEST. I hope there will be no objection to the amendment.

Mr. JONES, of Florida. The representatives of the two States have agreed to it.

Mr. VEST. There will be no objection to it.

Mr. McMILLAN. Perhaps the Senators understood when the matter was up before that they had a right to offer this amendment in the Senate.

Mr. CALL. Certainly.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALL. Now I offer the amendment for Fernandina which I offered yesterday in Committee of the Whole. In line 148 I move to strike out "$50,000" and insert "$100,000;" so as to read:

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $100,000.

Mr. McMILLAN. I hope the Senate will not increase this bill further. The appropriation for the great river of Florida has been made, and the increase here will do no good to the improvement.

Mr. SEWELL. I desire to say in favor of this amendment that a company with considerable capital was organized last year in Pennsylvania and New Jersey for the purpose of developing a large tract of land, some four million acres, which it purchased in the State of Florida. Fernandina is their port for the exportation of the natural products of that land and there is an absolute necessity to have the harbor improved in order to get away the lumber of that section. Within the past few years the character of water transportation has changed very largely, requiring deeper harbors. Vessels a few years ago carried only several hundred tons, and they are now built to carry from twelve to fifteen hundred tons.

In addition, I will say that the company to which I have referred is expending a large amount of money in Florida, and where people are willing to spend their capital in order to establish trade they ought to receive some encouragement from the Government. I look upon this as a meritorious improvement, and I think the Senate ought to increase the appropriation above the amount recommended by the Committee on Commerce.

Mr. JONES, of Florida. Mr. President, I have but little to add to what I have already said in regard to this matter. Fernandina is the terminus of a system of railroads which runs through nearly the whole of Florida. As I showed to the Senate yesterday, during the last year five hundred and fifty-three vessels, large and small, engaged in foreign and domestic trade entered that port, and not one of those ships belonged to citizens of Florida. The commerce of that port is conducted and carried on by instruments that belong to citizens residing outside of the State. Of the five hundred and fifty-three vessels that entered and cleared at the port of Fernandina last year not one belonged, as I am informed, to citizens of that State; so that the people of the United States, and not the people of Florida, are concerned in this work.

I know it has been intimated that the proportion which Florida has received in this bill is large and excessive. I have tried to ignore that view entirely, and I ignore it now. I say that after a full review of every appropriation which has been made by this Congress for the improvement of rivers and harbors, the percentage to Florida upon the estimates of the engineers, the representatives of this Government, is less than that to any other State. I have a little table here which shows it. Maine has 30 per cent. of the estimates; New Hampshire, 39; Vermont, 31; Massachusetts, 57; Rhode Island, 89; Connecticut, 38; New York, 57; New Jersey, 60; Delaware, 77; Maryland, 50; Virginia, 55; North Carolina, 38; South Carolina, 40; Georgia, 43; Florida, on the Atlantic coast, 20. Florida has a coast embracing nearly one-third of the sea-line of the Union, 4,036 miles, on the Gulf and on the Atlantic.

The estimate of the engineers has been brought to view here as the foundation for the allowances made by the committee; and why? Because the engineer officers represent the United States. They do not represent any State. They take into consideration the interests of the entire people of the Union; not North Carolina or South Carolina or Florida; but they are the representatives of Federal power. What do they say? They say that the interests of the commerce of the United States require $500,000 for Fernandina, and when the committee come to make up the bill they make an exception against this port that is to be found in the case of no other. The committee, entirely ignoring the recommendation of the engineers, gives 10 per cent. upon the amount recommended by the engineers, which stands a solitary exception to every recommendation made.

I have said that the tonnage of this port, according to the same estimate of the engineers, approximates closely to the tonnage of some of the largest ports which are mentioned in these returns. Take, for instance, Wilmington. The appropriations prior to 1870 were $362,539; to the end of the fiscal year 1879, $1,042,390; in 1880, $210,000. For Charleston, South Carolina, there was appropriated prior to 1875, $134,000; for the new project up to 1880, $745,000; in 1881, $175,000, making $1,054,000; the appropriations in the bill of the present session amount to $300,000, making in all $1,354,000. For Savannah, Georgia, there was appropriated to 1875, $561,043.06; for removing wrecks, $193,000; to June 30, 1881, $482,000; making in all $1,236,043.06. Add $200,000 in the bill of the present session and it makes $1,436,043.06. For Fernandina (Cumberland Sound) there was appropriated, in 1880, $30,000; in 1881, $100,000. Add $50,000 in the bill of the present session and it makes $180,000. I do not complain of those appropriations, but I am only showing what has been done for other places which in the judgment of the board in charge of this matter on the part of the General Government are not any more meritorious.

When I speak of those figures I do not speak in any invidious sense against any State, for I ignore the idea of this being a State matter entirely. No man can defend this bill upon the ground that one State is wealthier or more populous than another, against the interests of the people of the whole Union. If in the judgment of the representatives of this Government the port of Fernandina, which has a large foreign and domestic trade, where ships of the entire country go, ought to be improved, and it is to the interest of the country to improve it, what has the local interest of the place to do with it?

Mr. McMILLAN. I must in justice to the Senate and to the committee of the Senate call attention to some of the errors that I think the Senator from Florida has fallen into. The committee have not appropriated the money according to States; they have not made that the basis of their appropriations. They have taken the improvements of a national, public, important character, and have given to them as great a proportion of the estimates as they deemed it prudent to do. In regard to Florida the improvement that they deemed most important was the Saint John's River, passing through that State and being an important stream and a channel of commerce through to the sea. They have appropriated to the streams and improvements in that State, as the bill now stands, $365,000, believing that the Saint John's River should be improved and the improvement completed as soon as possible.

With reference to the improvements and the extent of coast that Florida has, that is certainly no argument for appropriations. Washington Territory has an ocean coast and has Puget's Sound, one of the most important bodies of water on the continent, and yet there are no appropriations for that Territory. There are railroad communications with the sound and with the Columbia River to Portland, and yet there are no appropriations made. What right has Washington Territory to complain of that? We have appropriated to the great improvements in Florida as much as we believed was fair and judicious, reference being had to the other great public improvements of the country. I merely wished to call attention to the fact, so that the Senate may not misunderstand this subject.

Mr. JONES, of Florida. I do not wish to be misunderstood as saying anything about the Saint John's River. That is a great and important stream, and the improvement now going on at the mouth of it is in the interest of the growing commerce of that river. Fernandina is a deep-water harbor, but the tide rises and falls there some six feet. It is the only deep-water harbor on the Atlantic coast of Florida, unless there is one made. The improvement contemplated at the mouth of Saint John's I hope will give ample water to reach up to the city, but there is deep water at Fernandina already, and

the improvement contemplated here is to enable vessels to go in there at low tide, which they cannot now do. Surely a port that has five hundred and odd clearances in a year shows a very considerable beginning in the way of commerce. The railroad system is now extending all through the peninsula, and is directly connected with the system going to Fernandina as well as to Jacksonville.

But I predicated the increase of appropriation upon the estimate of the engineer officer, and I thought it remarkable that there should be such a marked distinction made in the allowances for that place, taken in connection with the allowances made for other improvements, because the percentage hardly falls below 33 per cent. in any other case, while in this it is only 10 per cent.

Mr. CALL. Mr. President, I wish to say but one word. The report of the engineers shows an aggregate tonnage this year of 300,642 tons; 50,000,000 feet of lumber; 547 vessels; nearly $300,000 of exports to foreign countries. I will state that no ship from New York, from Boston, from Philadelphia, or Baltimore passes along the coast of Florida in distress that is not compelled to enter the port of Fernandina. It is within three miles of the ocean and is the only harbor where vessels in distress can find easy and safe access upon the coast from New York to Cedar Keys on account of its being in the vicinity of the coast. A few years ago the country was startled by the burning of a great steamer from New York to New Orleans laden with human life. She was burned within the very sight of the harbor of Fernandina. If proper care and expenditure had been made by the Government, she could have found easy access and refuge within that port in that night of storm and fire.

With these facts upon the records of the country, time and again certified by the officers of the Government of every character and capacity, with these improvements recommended by the underwriters, recommended by the merchants of New York and the whole shipping interest, with a foreign export of $300,000 gold value, five hundred and forty-seven vessels from all parts of the world, it is surprising that there should be any kind of hesitation in giving only the one-tenth part of the amount which the Engineer Department certifies to be necessary, and with a fort there too.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MORGAN. I am requested to announce the pair of the Senator from Arkansas [Mr. GARLAND] with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 20, nays 24; as follows:

YEAS—20.

Brown,	Grover,	Jones of Nevada,	Sewell,
Call,	Hampton,	Lapham,	Vance,
Camden,	Jackson,	Mitchell,	Van Wyck,
Davis of Illinois,	Jonas,	Morgan,	Walker,
George,	Jones of Florida,	Saunders,	Windom.

NAYS—24.

Aldrich,	Conger,	Hawley,	Rollins,
Anthony,	Davis of W. Va.,	McDill,	Saulsbury,
Blair,	Dawes,	McMillan,	Sawyer,
Cameron of Wis.,	Farley,	Miller of N. Y.,	Sherman,
Chilcott,	Frye,	Platt,	Slater,
Coke,	Harris,	Ransom,	Vest.

ABSENT—32.

Allison,	Ferry,	Hoar,	Maxey,
Bayard,	Garland,	Ingalls,	Miller of Cal.,
Beck,	Gorman,	Johnston,	Morrill,
Butler,	Groome,	Kellogg,	Pendleton,
Cameron of Pa.,	Hale,	Lamar,	Plumb,
Cockrell,	Harrison,	Logan,	Pugh,
Edmunds,	Hill of Colorado,	McPherson,	Voorhees,
Fair,	Hill of Georgia,	Mahone,	Williams.

So the amendment was rejected.

Mr. CAMDEN. After "Buchanan," in line 1537, I move to insert:

And furnish an estimate of the cost of removing the obstructions in the Buchanan River, from the town of Buchanan to the Three Forks of said river.

Mr. CONGER. Does that provide for a survey only?

The PRESIDENT *pro tempore*. That is all.

Mr. CAMDEN. My amendment provides for a survey. It simply asks for special information in reference to a portion of the river.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. CALL. I offer the following amendment, to come in on page 25, after line 592:

Improving Carabelle River at its entrance into Dog Island Harbor, $1,000.
Improving Wacissa River, Florida, $1,000.
Continuing improvement of Withlacoochee River, Florida, $1,000.
Improving entrance to Crystal River, Florida, $1,000.
Improving channel between Cedar Keys and Suwanee River, and continuing improvement at Cedar Keys, $1,000.

These appropriations have all been recommended and estimated for by the Bureau of Engineers. They are all ports that contribute to the foreign commerce of this country; they are valuable ports for improvement, and the small sum of money that is required for them, I think, ought readily to be granted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

Mr. FARLEY. I desire to offer an amendment, not in reference to increasing any money appropriation. On page 39, line 939, after the word "river," I move to insert "and Mormon Slough;" so as to make the clause read:

Improving San Joaquin River and Mormon Slough, California: Continuing improvement, $40,000.

The amendment was agreed to.

Mr. MORRILL. I do not know but that it would be well to have a vote upon the amendment which I offered yesterday in Committee of the Whole.

The PRESIDENT *pro tempore*. The Secretary has the amendment.

Mr. MORRILL. I offer it.

The ACTING SECRETARY. The proposed amendment is to add to the bill:

Provided, That only one-half of the aggregate amount appropriated in this act shall be expended during the year ending June 30, 1883, and the whole or any part of the different items herein mentioned may be expended at the discretion of the President, but not exceeding one-half of the aforesaid aggregate amount.

Mr. MORRILL. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. BAYARD. If I understand that amendment as read at the desk, it provides that one-half of any appropriation made by this bill shall be expended upon the respective works. Is that the case?

Mr. MORRILL. The amendment is very plain. I will read it:

Provided, That only one-half of the aggregate amount appropriated in this act shall be expended during the year ending June 30, 1883, and the whole or any part of the different items herein mentioned may be expended at the discretion of the President, but not exceeding one-half of the aforesaid aggregate amount.

Mr. BAYARD. While this bill undoubtedly contains a great deal that is very wise and a great deal that is very unwise, the appropriations have been made on the basis of estimates by the engineers, and the economy of expending a certain sum depends entirely upon whether it can do the work efficiently. In other words, you can begin extravagance by making an insufficient appropriation as much as you can by making a surplus appropriation. You may fritter away a large sum of money by a series of insufficient appropriations.

A great many features of this bill are sensible in this, at least, that the means is apportioned to the end in view; and while I am not particularly friendly to the bill or to this style of legislation at all, I can see that the suggestion of the Senator from Vermont would lead to perhaps very clumsy results.

Mr. MORRILL. I can say that something like this was proposed in 1869. This leaves the method to the discretion of the Executive to use up the funds for any particular item to the full amount; but if the discretion of the President sees fit to say that it shall not be expended to more than half, or much less than half, he will have the right so to do.

Mr. BAYARD. I do not think the amendment ought to be adopted.

The yeas and nays were taken.

Mr. GARLAND. If the Senator from Vermont [Mr. EDMUNDS] were here, I should vote "nay." I do not know how he would vote.

The result was announced—yeas 16, nays 45; as follows:

YEAS—16.

Blair,	Frye,	Lapham,	Plumb,
Cameron of Pa.,	Hale,	Mitchell,	Rollins,
Chilcott,	Hawley,	Morrill,	Saunders,
Davis of Illinois,	Hill of Colorado,	Platt,	Van Wyck.

NAYS—45.

Aldrich,	Conger,	Jonas,	Saulsbury,
Allison,	Davis of W. Va.,	Jones of Florida,	Sawyer,
Anthony,	Dawes,	Jones of Nevada,	Sherman,
Bayard,	Farley,	Lamar,	Slater,
Beck,	Ferry,	McDill,	Vance,
Brown,	George,	McMillan,	Vest,
Butler,	Grover,	Maxey,	Walker,
Call,	Hampton,	Miller of Cal.,	Williams,
Camden,	Harris,	Miller of N. Y.,	Windom.
Cameron of Wis.,	Ingalls,	Pendleton,	
Cockrell,	Jackson,	Pugh,	
Coke,	Johnston,	Ransom,	

ABSENT—15.

Edmunds,	Groome,	Kellogg,	Morgan,
Fair,	Harrison,	Logan,	Sewell,
Garland,	Hill of Georgia,	McPherson,	Voorhees.
Gorman,	Hoar,	Mahone,	

So the amendment was rejected.

Mr. CALL. I offer the following amendment, to come in at the end of the bill:

For a survey of a ship-canal and for estimates of the cost of the same and the approaches adequate for the largest ships from the Gulf of Mexico to the Atlantic Ocean, at the most practicable point, across the peninsula of Florida.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CHILCOTT, (when his name was called.) On this question I am paired with the Senator from Louisiana, [Mr. KELLOGG.] If he were here, I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired with

the Senator from Vermont, [Mr. EDMUNDS.] If he were present, I should vote "yea."

Mr. INGALLS, (when Mr. GORMAN's name was called.) I will announce here that the Senator from Maryland [Mr. GORMAN] having left the Chamber this afternoon, I am paired with him.

Mr. MORGAN, (when his name was called.) I am paired on this bill with the Senator from Georgia, [Mr. HILL.] If he were present, I should vote "nay."

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

The roll-call having been concluded, the result was announced—yeas 39, nays 23; as follows:

YEAS—39.

Aldrich,	Davis of W. Va.,	Jones of Florida,	Saunders,
Allison,	Dawes,	Jones of Nevada,	Sawyer,
Anthony,	Farley,	Lamar,	Sherman,
Brown,	Ferry,	McDill,	Slater,
Butler,	George,	McMillan,	Vance,
Camden,	Grover,	Maxey,	Vest,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Walker,
Cockrell,	Hoar,	Miller of N. Y.,	Williams,
Coke,	Johnston,	Pugh,	Windom.
Conger,	Jonas,	Ransom,	

NAYS—23.

Bayard,	Frye,	Jackson,	Platt,
Beck,	Hale,	Lapham,	Plumb,
Blair,	Harris,	Logan,	Rollins,
Call,	Harrison,	Mitchell,	Saulsbury,
Cameron of Pa.,	Hawley,	Morrill,	Van Wyck.
Davis of Illinois,	Hill of Colorado,	Pendleton,	

ABSENT—14.

Chilcott,	Gorman,	Kellogg,	Sewell,
Edmunds,	Groome,	McPherson,	Voorhees.
Fair,	Hill of Georgia,	Mahone,	
Garland,	Ingalls,	Morgan,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that in compliance with joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, Mr. BEACH, Mr. KETCHAM, Mr. CURTIN, Mr. J. C. BURROWS, Mr. KNOTT, Mr. AMOS TOWNSEND, Mr. ELLIS, and Mr. RANNEY had been appointed members on the part of the House of the joint select committee of arrangements to perform the duties prescribed by said resolution.

AMENDMENTS TO BILLS.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER and Mr. MAHONE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table, and be printed.

BILLS INTRODUCED.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2139) granting a pension to A. M. Wilson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2140) granting a pension to Mary A. Mykins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JOHNSTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2141) for the relief of Marian F. Haynie; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2142) granting a pension to Ellen Rowan, guardian; which was read twice by its title, and referred to the Committee on Pensions.

PUBLIC BUILDING AT POUGHKEEPSIE.

Mr. ROLLINS. I desire to present a conference report.

The PRESIDENT *pro tempore*. The Chair will receive it.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York, having met, after full and free conference have agreed to recommend and do recommend, to their respective Houses as follows: That the House recede from its amendment.

E. H. ROLLINS,
ANGUS CAMERON,
G. G. VEST,
Managers on the part of the Senate.

W. S. SHALLENBERGER,
J. HYATT SMITH,
J. W. SINGLETON,
Managers on the part of the House.

Mr. ROLLINS. I desire to have a letter of the Secretary of the Treasury not read but entered in the RECORD.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

The letter is as follows:

TREASURY DEPARTMENT, *July* 8, 1882.

SIR: In reply to your inquiry as to the amount necessary to provide for a suitable Government building at Poughkeepsie, New York, I would say that from information received as to the probable cost of a suitable site that not less than $75,000 would be required as total appropriation for both site and building.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. J. HYATT SMITH,
House of Representatives.

The report was concurred in.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. MORRILL. I move that House bill No. 5538, to reduce internal-revenue taxation, be taken up so as to be the order of the day for to-morrow.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair will state that the unfinished business is the Pembina bill. The Senate can set that aside as the unfinished business and take up any other matter; but the Senator from Kansas moves to proceed to the consideration of executive business, which takes precedence.

Mr. MORRILL. I hope the Senator from Kansas will allow me to have a vote to-night on making this bill the unfinished business, so that it will come up immediately after the morning hour to-morrow morning.

Mr. INGALLS. The Senator from Vermont must be aware that he cannot displace the unfinished business by moving to take up another bill.

The PRESIDENT *pro tempore*. It can be postponed to another day.

Mr. INGALLS. Exactly; but he cannot dispose of the unfinished business by moving to take up another bill.

The PRESIDENT *pro tempore*. That is true.

Mr. MORRILL. I move to postpone all pending and prior orders in order to take up the tax bill.

The PRESIDENT *pro tempore*. But the pending motion is to go into executive session. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

Mr. SAUNDERS. If this motion shall carry it will not displace the unfinished business.

The PRESIDENT *pro tempore*. The unfinished business has been laid before the Senate and must be got rid of before any other bill is taken up, but it can be got rid of by a majority of the Senate. The question now is on the motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope not until we take a vote on my motion.

The motion was agreed to; there being on a division—ayes 33, noes 16.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 12, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HISCOCK. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. HISCOCK. I understand there is a conference report to be submitted. That is a privileged question and I must yield to it, but I will yield to nothing else.

POUGHKEEPSIE PUBLIC BUILDING.

Mr. SHALLENBERGER. I submit the following conference report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York, having met, after

full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows: That the House recede from its amendment.

W. S. SHALLENBERGER,
J. HYATT SMITH,
JAMES W. SINGLETON,
Managers on the part of the House.
E. H. ROLLINS,
G. G. VEST,
ANGUS CAMERON,
Managers on the part of the Senate.

The following is the statement accompanying the conference report under the rules:

Statement to accompany report of conference committee on the bill to provide for the erection of a public building at Poughkeepsie, New York:

The House recedes from its amendment to the Senate bill, which amendment reduces the ultimate cost of site and building from $75,000 to $65,000.

The effect of this will be to leave the bill as it was passed by the Senate and recommended by the Committee on Public Buildings and Grounds of the House.

In the judgment of the Secretary of the Treasury, recently expressed, $75,000 is necessary to complete the work.

The report was agreed to.

Mr. SHALLENBERGER moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The SPEAKER. The motion to reconsider is laid upon the table.

Mr. HOLMAN. Mr. Speaker, I wish to have some information in regard to that matter.

The SPEAKER. It has been disposed of, and the motion to reconsider has been laid upon the table.

Mr. HOLMAN. The Chair was announcing it at the moment I rose; but I addressed the Chair before the motion to reconsider was laid on the table.

The SPEAKER. The motion to reconsider is not debatable at all events. The matter has been disposed of.

Mr. HOLMAN. An attempt to bring up this matter and dispose of it when the House is not full, when there is only a small minority present, is not, in my judgment, the proper way to consider public business.

The SPEAKER. There is nothing before the House.

Mr. HOLMAN. This matter is before the House, because the Chair was declaring the result when I rose.

The SPEAKER. The Chair had already declared the result and was in the act of making merely a formal statement that the motion to reconsider was laid on the table, when the gentleman addressed the Chair.

Mr. HOLMAN. I think it will be found out that good faith is a valuable commodity in the proceedings of this House in our ordinary legislation.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The Clerk read as follows:

For fish transportation: For the construction of a car for the distribution of carp and other useful food-fishes to distant portions of the United States, $5,000.

Mr. HISCOCK. I move to strike out "5" and insert "8;" so it will read "$8,000."

Mr. BLACKBURN. That is merely a correction of the estimate.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of the plates and manuscript on the insects of America from Professor Townend Glover, $7,500.

Mr. HOLMAN. I reserve the point of order on that paragraph until I can obtain some information in reference to it.

Mr. HISCOCK. That is the item which has been put in this bill, and if the gentleman will wait a moment I will have the volume here that it is proposed to purchase. It is believed it should be preserved and belong to the United States in connection with the National Museum.

Mr. HOLMAN. There is no doubt but the people of the country would obtain the benefit of these plates and manuscripts through the ordinary channel even if the Government did not become the purchaser. Now, there seems to be a disposition to place in the hands of the Government many things which ought to be allowed to remain under the control of private individuals.

Mr. HISCOCK. These are destructive insects, in reference to which we have been constantly making appropriations, creating commissions, &c. It is said to be the most valuable collection of the kind ever made. It is the only copy in existence. It is claimed it will facilitate the researches of commissions from time to time which are being appointed to investigate in reference to insects which are destructive to our cereals, cotton, and other staples. It is invaluable, and is now needed in connection with the Department of Agriculture. Recommendations have come to us from men of the highest character, from scientists, and others in favor of the purchase of this collection.

Mr. HOLMAN. Has it been published?

Mr. BLACKBURN. It has not.

Mr. HOLMAN. If it is so valuable why has it not been published?

Mr. HISCOCK. It is the work of a lifetime.

Mr. HOLMAN. I will ask the gentleman if this is a private publication?

Mr. HISCOCK. No, sir; it has not been published.

Mr. HOLMAN. If it has not been published by private enterprise——

Mr. HISCOCK. I hold in my hands the original plates for publication. This is in manuscript, as will be seen.

Mr. HOLMAN. It seems to me strange that any work of real value, if worthy of being purchased at all by the Government, should not have found a private publisher or been put upon the market at private enterprise.

Mr. HISCOCK. It is the work of this man's life. He has devoted his whole life to it, and his ambition now is that the Government shall have it and that it shall be published by the Government. I will say to the gentleman from Indiana further that this was put upon the sundry civil bill last year by the Senate, but went out in the committee of conference.

Mr. HOLMAN. What I object to is that these publications which do not find private publishers shall be imposed upon the Government, although I believe in this case, after the explanation of the gentleman, I will not insist upon the point of order.

Mr. HISCOCK. It is not subject to the point of order.

Mr. HOLMAN. It is certainly subject to the point of order, but I am inclined to yield it on the statement the gentleman has made. I only desire to repeat that it seems to me that publications of this character which cannot find publishers are as a general rule sought to be worked off upon the Government. I withdraw the point of order.

The Clerk read as follows:

For furniture, carpets, and similar necessaries for the new building for the money-order office, to be paid from the proceeds of said office, $3,000, and in addition thereto any unexpended balance of appropriation for this purpose, under the act of March 1, 1881, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," which is hereby continued and made available.

Mr. CASWELL. There is evidently an error in line 1821 of this paragraph. Eighteen hundred and eight-three should read "1882."

Mr. HISCOCK. It is evidently a misprint.

Mr. RANDALL. What is the amount of the appropriation?

Mr. CASWELL. This reappropriates the balance of the amount for 1882, the unexpended balance.

Mr. RANDALL. I am inquiring as to the amount covered by the appropriation.

Mr. CASWELL. That has not yet been ascertained.

Mr. HISCOCK. My recollection is that it is about $3,000. The amount originally appropriated was $10,000 I think, and it has been contracted for or expended up to about $3,000.

Mr. RANDALL. It seems to me that is a large sum of money to be used in buying furniture, carpets, &c., for the money-order office.

The Clerk read as follows:

For a passenger elevator for the Post-Office Department building, $8,000.

And the Postmaster-General is hereby authorized, in his discretion, to purchase, out of the appropriation of $15,000 for marking and rating stamps for the fiscal year 1883, in the act of May 4, 1882, five letter-canceling and post-marking machines, at a price not exceeding $350 each.

Mr. SPRINGER. Mr. Chairman, I have been endeavoring to get the attention of the Chair to make a point of order upon this appropriation for a passenger elevator in the Post-Office Department.

The CHAIRMAN. The Chair will state that the Clerk had already finished the reading of that paragraph and had gotten nearly through the next paragraph before the gentleman from Illinois rose.

Mr. SPRINGER. I was addressing the Chair, but the Clerk did not stop the reading, and he was in the middle of the paragraph before I could secure the attention of the Chair. As soon as he read that provision for the passenger elevator I began to address the Chair, and it was then a race between the Clerk and myself, and the Clerk came out ahead. [Laughter.] I desire to make the point of order upon that provision.

The CHAIRMAN. The Chair thinks it is too late to make the point of order after the paragraph has been passed from.

Mr. SPRINGER. But I was on my feet at the time for the purpose of making it, and waited to have the Chair recognize me after addressing him for that purpose.

The CHAIRMAN. Without objection, on the statement of the gentleman, the Chair will now recognize him on the point of order.

Mr. HISCOCK. I am willing that the point of order shall be made against this paragraph. I have no difficulty myself on that subject.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. SPRINGER. When it was proposed to build an elevator here in this Capitol it was ruled out on the point of order. Now, this is a proposition to build an elevator in the Post-Office Department. It is a change of existing law, and does not retrench expenditures. There is no necessity for an elevator in that building, as it is not a very tall structure. Certainly there is no good reason for expending

$8,000 for that purpose, when the building consists of only two or three stories.

Mr. HISCOCK. I object to the gentleman going into the merits of the question on the point of order.

The CHAIRMAN. The Chair is entirely ready to rule upon the question. So far as the Chair knows, whatever concerns the repairs and modifications of existing public works, when the subject is presented in a bill properly before the House, is legitimately within the province of the committee presenting the bill, and is a proper subject for legislation. The Chair therefore overrules the point of order.

Mr. SPRINGER. When it was proposed to put an elevator in this House, in this very building, it went out on the point of order.

The CHAIRMAN. The Chair does not know the circumstance of which the gentleman speaks, or what bill it was on, and he can only rule upon the point of order as it now presents itself.

Mr. SPRINGER. Then I move to strike out that clause.

The CHAIRMAN. Without objection, the Chair will entertain that motion.

Mr. SPRINGER. Now, Mr. Chairman, here is a provision contemplating the expenditure of $8,000 for this passenger elevator. Everybody knows that this building is a very low one, consisting of very few stories as compared with other public buildings here, and nearly all of the offices are on the second floor. I submit, therefore, that the persons occupying that building are not subjected to any material inconvenience by having to climb up one flight of stairs in order to transact the public business. I am very frequently compelled to go there myself, and even if there was an elevator, the distance to be climbed is so short that I would not stop to wait for the elevator, and I do not suppose that any other gentleman would. If this were a tall building, and the work of the various offices was carried on in the upper stories, then there would be some apparent reason for this thing; but to put an elevator there is unnecessary extravagance, and after it is built it will cost $2,000 a year to operate it and keep it up; so that we will have a permanent expenditure imposed upon the Government by this provision. I hope it will be stricken out.

The committee divided; and there were—ayes 19, noes 37.

So the motion to strike out was not agreed to.

The Clerk read the following paragraph:

UNDER THE DEPARTMENT OF JUSTICE.

For repairs to the court-house at Washington, District of Columbia: For annual repairs to the court-house in the City of Washington, District of Columbia, per estimate of the Architect of the Capitol, $1,000.

Mr. SHALLENBERGER. I offer as an amendment to follow the paragraph just read what I send to the desk.

The Clerk read as follows:

For the construction of an elevator, repairs, and furnishing and fitting up of rooms in the building now owned by the Government and known as the Freedman's Bank building, as per estimate of the Supervising Architect of the Treasury Department, $25,000, or so much thereof as may be necessary, to be expended by the Attorney-General and under his direction, who shall have control of said building, which shall hereafter be occupied by the Department of Justice.

Mr. SPRINGER. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SPRINGER. I ask the Clerk to read the amount of the appropriation.

The CHAIRMAN. The amount is $25,000.

Mr. SPRINGER. This building has recently been purchased by the Government for the use of the Department of Justice, and we have paid $250,000 for it. I do not know whether the deeds have yet been executed or the contract completed. The gentleman from Massachusetts informs me that it has. Therefore the building belongs to the Government. I submit this is a change in existing law and does not decrease expenditures, but increases them. It is not in the nature of a repair, but is a permanent improvement; besides that the appropriation of $25,000 for an elevator is exceedingly extravagant.

Mr. SHALLENBERGER. I do not desire to say anything on the point of order.

The CHAIRMAN. It is not necessary to detain the committee on the point of order. The amendment reads:

For the construction of an elevator, repairs, and furnishing and fitting up of rooms in the building now owned by the Government and known as the Freedman's Bank building, &c.

Being property now in the possession and use of the Government, the amendment comes within the rule, which, so far as the Chair knows, is unbroken, of allowing appropriations for such purposes upon a bill where the proposition is germane to the contents of the bill.

Mr. SHALLENBERGER. I desire to submit a letter from the Attorney-General of the United States, and ask the Clerk to read it as introductory to any remarks I may make.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, July 7*, 1882.

SIR: I have the honor to call your attention to the fact that the Freedman's Bank building, recently purchased by the United States for the use of this Department, is greatly in need of renovation and repairs. The necessity of an elevator to facilitate the business of the Department is obvious to every member of the House and Senate who has been here. I have had a conversation with Colonel Thomas L. Casey, of the Engineer Corps, whose opinion is that the building, besides needing general repairs, must be strengthened, which is one item of expense covered by this estimate. Supervising Architect Hill, of the Treasury Department, has made an estimate of the necessary work upon the building in the following terms:

"From information as to the extent of work required on the present building, obtained in consultation with the chief clerk of your Department, I estimate that the work of repairs and necessary furnishing and fitting up of the rooms and construction of an elevator will require an appropriation of $25,000. It would not be advisable to locate the elevator in the present building, as a more convenient arrangement could be obtained by constructing an elevator shaft against the west wall of the present building, with connected openings on each floor. The elevator can thus be made available for the entire building without change whenever the extension shall be built."

The above plan will necessitate the removal of a frame building which adjoins the Department of Justice building on the west, which frame structure, without any reference to the construction of an elevator, ought to be removed at once in order to protect the Department building from danger of fire. The tearing down of this frame building will necessarily increase the cost of these repairs. Hence I refer to it in this connection. But this expense could not possibly be avoided by any arrangement that could now be made with reference to these repairs, as it must eventually be torn down.

As to the urgent necessity for this appropriation I beg to repeat that it has been obvious to every member of Congress who has visited this Department and made inquiry upon this subject.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. WILLIAM S. SHALLENBERGER,
House of Representatives.

Mr. SPRINGER. On the point of order, I wish to state now——

The CHAIRMAN. The point of order has been overruled.

Mr. SPRINGER. The point of order I made is shown by this letter to have been well taken. This is to build an addition to the building.

The CHAIRMAN. The point of order has been disposed of.

Mr. SPRINGER. But this letter has brought facts to light which sustain the point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHALLENBERGER] is entitled to the floor.

Mr. SHALLENBERGER. The urgent necessity for these repairs was made apparent too late to have this inserted as an original paragraph in the sundry civil bill. An examination of the building, at the request of the Attorney-General, by the distinguished engineer, Colonel Thomas L. Casey, has revealed the fact that some important strengthening is necessary to insure its security. As is well known, this building now belongs to the Government of the United States, having been recently purchased at an expense of $250,000; and I may say it is the cheapest Government property purchased, to my knowledge, in the city of Washington in the last five years. The Government has saved an annual expenditure of $20,000 in the matter of rent alone by the purchase of this building, while the investment at 4 per cent. will only involve an expense of $10,000 yearly.

But the building having been leased for years is out of repair. This sum of money should be expended upon it in the judgment of the Supervising Architect of the Treasury, and as I am informed, in the judgment of Colonel Thomas L. Casey, one of the most eminent, as he is one of the most efficient and skillful engineers of the Government. The proposition comes here indorsed by the Committee on Public Buildings and Grounds of the House, and if it were proper under the rules I might also say, indorsed by the Senate Committee on Public Buildings and Grounds, and accepted as I understand by the Committee on Appropriations as a paragraph to be inserted in the bill. We present this as needful repairs properly estimated. The elevator is almost a necessity, as we well know. Besides, this amendment is important in order that we may locate the jurisdiction and custody of this building in the Attorney-General of the United States. We now ask the incorporation in the bill of this paragraph, which has been assented to by the Committee on Appropriations. I hope there will be no serious objection to it.

Mr. SPRINGER. I rise to oppose the amendment. When the bill to purchase this building was pending in this House I opposed it upon the ground that it was not wise legislation on the part of Congress to purchase for Government use old buildings, and buildings especially unsuited to the purposes of the Government. I did not know that before this session adjourned I should have legislative proof or testimonial of the truth of the statement I have made. Before the session has closed a proposition is brought forward by the chairman of the Committee on Public Buildings and Grounds to spend $25,000 upon this building to make it tenantable for the purposes of the Government.

This is a proposition for permanent improvements, and involves the tearing down of a building already upon the ground, and the erection on the outside of the present walls of a structure to support an elevator, and what additional repairs inside no one knows except the Attorney-General and those who have found out that this building which was purchased for the Government has now to be practically rebuilt before the Government can occupy it.

If the gentleman who has moved this amendment had embodied a proposition in the bill for the purpose of completing a suitable building for the office of the Attorney-General, fire-proof, having an elevator, and properly provided all the way through, I should not have objected to it. But this patch-work and piece-work and continued extravagance on old buildings I am opposed to; and I hope we will not adopt this amendment, but let this building be demonstrated to be unsuited to the public business as it is, and sell it to somebody who can use it for business purposes.

I yield the remainder of my time to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. When the purchase of this building was under consideration I took occasion to make some remarks in opposition to its purchase. At that time we were informed, I think, that this was a fire-proof building. Now, if I am not misinformed, the highest bid that was ever made for that property by any private parties was $175,000. And yet the Government has paid $225,000.

Mr. SPRINGER. The Government paid $250,000.

Mr. RANDALL. I am advised that the price paid was $250,000; so that the Government has already expended $75,000 more than the building was worth. There was a redeeming feature about the matter, which we perhaps had no legal right to consider; but, as I then said, the only excuse for this wasteful expenditure of the public money was that it enabled the proper authorities to pay a dividend of 10 per cent. to the creditors of the Freedman's Bank. The Government of the United States was made to pay that dividend in fact. We are now told by this amendment that the building is practically a shell, and that, as was said when we were considering the proposition to purchase it, the better way would be to tear it down and rebuild it entirely.

Mr. SPRINGER. The language of the Attorney-General is that the building "is not strong enough to support itself."

Mr. RANDALL. Well, I will correct myself, and withdraw the word "shell," and state that the building is not strong enough to hold itself up, that the whole thing is liable to fall.

I only want to direct the attention of the House to the fact that the objections which were alleged against the purchase of this building are now confessed by the very people who insisted upon purchasing it. [Here the hammer fell.]

The question was taken upon the amendment of Mr. SHALLENBERGER; and upon a division, there were—ayes 48, noes 35.

Mr. RANDALL. No quorum has voted.

Mr. HISCOCK. Do not make that point.

The CHAIRMAN. Does the gentleman insist upon that point?

Mr. RANDALL. Yes.

Tellers were ordered, and Mr. RANDALL and Mr. SHALLENBERGER were appointed.

The committee again divided; and the tellers reported that there were—ayes 61, noes 41.

The CHAIRMAN. Is a further count insisted upon?

Mr. RANDALL. It is.

The CHAIRMAN. The tellers will continue their count.

The tellers continued the count; and reported that there were—ayes 86, noes 61.

So the amendment was adopted.

Mr. SPRINGER. I give notice that I will call for a yea-and-nay vote in the House on this amendment.

The Clerk read the following:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the commissioners of the District of Columbia, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor, (by the day, piece, or contract,) and for all the necessary materials which may be needed in the prosecution of the work, $2,400,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely:

Mr. RANDALL. I move to amend the paragraph just read by striking out "$2,400,000" and inserting "$2,300,000." My object in moving that amendment is to direct the attention of the House to the increased appropriation for the public printing. I presume that the Committee on Appropriations, by the action of the House and of the Senate in ordering the printing of documents, have been compelled to make this appropriation of $2,400,000 for the current fiscal year.

So far as I can ascertain from a hurried examination of the sundry civil bill of last year, the corresponding item in that bill was for $1,700,000. There is therefore practically an increase of $700,000 in this bill for the public printing. I want as well to direct the attention of the Committee on Printing to this condition of things, in order to ascertain whether we cannot call a halt in the expenditures for printing. I think that $2,400,000 is an enormous sum to be expended in that direction.

Mr. HISCOCK. The appropriations for this branch of the public service for the last fiscal year were $2,565,000. The appropriations recommended by the pending bill as reported to the House amount to $2,450,000, or $115,000 less than was appropriated for the last fiscal year.

Mr. RANDALL. Let me ask the gentleman a question. What was the amount of deficiency appropriated this year? In the appropriation bill proper for the last fiscal year there was only $1,700,000 appropriated.

Mr. HISCOCK. Yes; and the appropriations for deficiencies were $865,000.

Mr. RANDALL. There is as yet no guarantee but what there may be a deficiency of some amount required for this fiscal year.

Mr. HISCOCK. If the gentleman had read the bill through he would have discovered that there is a guarantee in this bill.

Mr. RANDALL. There is always a guarantee in all the bills requiring that the Departments shall make no expenditure in excess of the appropriations; and yet they do it every year.

Mr. HISCOCK. There is a sufficient guarantee in this bill.

Mr. RANDALL. I am not reflecting upon the Committee on Appropriations.

Mr. HISCOCK. I know you were not.

Mr. RANDALL. I was reflecting upon what I think was an excess of expenditure on the part of the two Houses of Congress.

Mr. HISCOCK. I desire to say this: when the appropriation bill was passed last year containing an appropriation of $1,700,000 for this purpose for that fiscal year, Congress then knew it was making an insufficient appropriation, because that same Congress had voted deficiencies which with the original amount contained in the appropriation bill made the appropriations for the fiscal year ending June 30, 1881, $2,100,000. Yet in the face and eyes of that fact the House and the Senate cut down the appropriations for this purpose to $1,700,000, although it knew that for the year then unexpired it had appropriated $2,100,000 altogether.

We have put upon this bill a clause providing that not more than one-half of this appropriation shall be expended during the first six months of the current fiscal year; and we have also provided that for the remaining two quarters of the year not more than one-quarter of the whole appropriation shall be expended in either of those quarters, except in case of unexpended balances coming over from the preceding quarter.

Mr. RANDALL. That will not remedy it.

Mr. HISCOCK. It will remedy it.

Mr. RANDALL. That will perhaps delay the printing of the books which are ordered by Congress until the third or the last quarter of the fiscal year.

Mr. HISCOCK. No, sir.

Mr. RANDALL. The evil is in the House and Senate ordering an excessive amount of this printing, and that is what I want to remedy.

Mr. HISCOCK. The trouble has been that the money would all be expended upon the printing of books and that sort of things, and when Congress came back here we would be confronted with an exhausted appropriation, so that it would be necessary to make an additional appropriation to pay for the current printing of Congress. Now, this limitation will compel the Public Printer to keep back money enough to do our work when Congress gets here.

The CHAIRMAN. Debate is exhausted.

Mr. BLOUNT. I move to amend by striking out the last word. The gentleman in charge of this bill has stated that the last Congress deliberately reduced the amount of appropriation below the wants of the Government. My friend is quite given in the debate upon this business bill to indulge in his little political licks, which I have not seen fit to take up the time of the House in answering. But I deem it due to the last House and due to myself to say that two years ago the Public Printer prepared the appropriation for the sundry civil bill, fixing the amount at $1,600,000; and he assured the Committee on Appropriations that if they would authorize such an arrangement as he suggested for the distribution of this fund there should be no deficiency. The appropriation was made exactly as he requested. There was no paring down; there was no disposition to bring about a deficiency; but the appropriation was made in his own language and upon his own assurance that there should be no deficiency.

But, sir, it turned out that the elections went against the party in power; and then there came in a deficiency of about half a million of dollars for printing. Although we had had the assurance of the Public Printer that with $1,600,000 the printing department could get along, we increased the amount to about $2,000,000; and deficiencies were made upon that. They will be made upon the amount allowed in this bill notwithstanding the provision to which my friend from New York has referred.

We may just as well quit this political wrangling between the sides of this House in reference to deficiency bills. The blame in this matter does not belong exclusively to one party or the other. Gentlemen on either side of this House when the Committee on Printing propose liberal appropriations will sometimes override the recommendation of the committee and double the orders for printing. Thus bills for public printing pass through Congress, and the duty devolves on the Public Printer to do this printing. If a deficiency occurs, the appropriation bill does not restrain him. The law is operative upon him; he has the right to make contracts. There can be no end to these deficiencies unless there is a revolution on the part of the two Houses of Congress by resolving to restrain the excessive printing of public documents, many of which are useless. We may just as well, therefore, look this matter in the face and quit wrangling. When the various propositions are presented from the Committee on Printing let us scrutinize them. You cannot cure the evil in any other way.

Mr. ATKINS obtained the floor.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. RANDALL. Yes, sir.

Mr. ATKINS. I renew it. Mr. Chairman, I think the gentleman from Georgia [Mr. BLOUNT] has correctly diagnosed this case, except that he might have gone one step further. I wish to call the attention of the gentleman from New York [Mr. HISCOCK] to the remark I am going to make. I think the fault is not with Congress that we have such large deficiencies piled upon us. The gentleman from New York intimates that it was the studied design of the Democratic portion of Congress, especially the Democratic side of the House of Representatives, to obtain credit before the country for economy in the public expenditures by cutting down appropriations, so that deficiencies would necessarily occur. No such feeling as that, Mr. Chairman, animated the Committee on Appropriations in recent Congresses, as the gentleman well knows. We addressed ourselves to the public service, endeavoring to ascertain as well as we could its requirements; and in every instance, without a single exception, we gave what we believed was essential for the smooth running of the public service, with no disposition to cripple it whatever.

Now, the point I wish to make is that Congress cannot be responsible for the extravagance and the violations of law on the part of the Executive Departments in the administration of these funds. But so long as Congress will come up and promptly make appropriations to meet these deficiencies, as the gentleman from New York seems inclined to do, and has seemed inclined to do through this session of Congress, we may expect these deficiencies to be piled up, Pelion upon Ossa, year after year. The fault is not with Congress; the fault is with the administration.

I will admit that in this particular case the fault is to some extent with Congress and with the Committee on Printing; not that I would charge the fault upon that committee either, except that they make recommendations and the House accedes to them. But the Departments have found that Congress will make appropriations to supply deficiencies, and hence they bring these deficiencies about. When the gentleman from New York intimates, as he has frequently intimated, that the fault is with the Democratic side of the House, (and I am sorry he should make these intimations, occupying the position that he does as the organ of the House of Representatives—a peculiarly non-partisan position; during the four years that I had the honor to occupy that position the word "Republican" or "Democrat" scarcely escaped my tongue in the debates of this House)—I say the fault is not to be laid upon the majority side in the Forty-fourth, the Forty-fifth, or the Forty-sixth Congress, but it is with the Departments, and I think the gentleman ought to know it. So long as he promptly reports appropriations here at the demand of these Departments he may expect these deficiencies to continue.

Mr. HISCOCK. There is a way to remedy these deficiencies, and there has been a way for a long time if it had only been pursued; and this Congress has started upon that course. I mean by the making of specific appropriations. Where the service is to be performed by officers we can provide the number to be employed and the sums to be paid them. These deficiencies have grown up out of the practice of preceding Congresses. I do not charge it especially upon the last three Congresses. I do not know how long the practice has continued; it has grown out of the abandonment of the policy of specific appropriations.

The gentleman from Tennessee says that I have been accustomed during the progress of the consideration of this bill to bring in political discussions. I beg the gentleman's pardon; since we entered upon the consideration of the bill by sections I have foreborne to do anything of the kind unless I have been compelled to do so by some sort of attack or insinuation from the other side.

Again, Mr. Chairman, the gentleman says the responsibility for these deficiencies falls upon the executive branches of the Government, upon the Administration. Mr. Chairman, knowing whereof I affirm, having given full consideration to this question, I say this is not the case.

Mr. COBB. Will the gentleman permit me to make an explanation?

Mr. HISCOCK. I will explain the matter in this way: here is the postal service, for instance, in reference to which general statutes fix the amount of money that must be expended for salaries of postmasters, for transportation of mails, &c. The statute fixes and defines the amount it will cost, and the Administration has no more power to change that than it has to change the law of gravitation.

Mr. COBB. But the gentleman ought to call attention to the fact that there is another law upon the statute-book which provides that no officer of the Government shall contract for the payment of a debt in advance of an appropriation by Congress.

Mr. HISCOCK. I know all about that statute.

Mr. COBB. Of course you do, and you also know it is not executed.

Mr. HISCOCK. We know all about that statute. We have heard that statute talked about. The gentleman from Indiana talks about it and the gentleman from Pennsylvania talks about it.

Mr. RANDALL. Yes, and you ought to execute it.

Mr. HISCOCK. No gentleman on this floor knows better than the gentleman from Pennsylvania it is impossible to execute it——

Mr. RANDALL. I do not know any such thing.

Mr. HISCOCK. And if he will hear me out I will tell him why and he will be compelled to admit it. Take the salaries of postmasters. The law fixes the salaries of postmasters, and when you appropriate less than the law said you should give them there must be a deficiency.

Mr. BLOUNT. You did the same thing during two years, and we had to provide for your deficiencies.

Mr. HISCOCK. Do not say I did it. I am pointing out to the gentleman an instance in which he must recognize the fact there must be a deficiency.

Again, Mr. Chairman, there is the statute that tells us how much shall be paid for the transportation of the mail. It is fixed by law. It depends on the volume of mail and space occupied, and if you do not give money enough to pay according to the statute under which the prices are fixed, then a deficiency must come in from that service, and the gentleman from Pennsylvania knows it; or else the Post-Office Department, the moment the money is exhausted, must stop the mail service and refuse to put the mail matter on the road. That will not stop their salaries, which the law allows them. He knows that as well as I do. And the gentleman from Pennsylvania owes it to himself and to the country—he has standing enough and can afford to be fair and honest—he owes it to himself to admit it.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I hope some gentleman will take the floor and yield me his time, so that I may conclude my remarks.

Mr. ROBESON. Mr. Chairman, I will take the floor and yield my time to the gentleman from New York.

Mr. HISCOCK. Again, take the public land service. The fees of registers and other officers are fixed by law. Their compensation is fixed by law. It depends on the sales and upon the execution of certain laws, the execution of which they have no power to arrest; and if you do not provide enough for that service a deficiency comes in, and the gentleman from Pennsylvania knows it; and I repeat again that he cannot afford to deny it to the country or to this House.

You may take the courts as another instance. The fees of witnesses, the fees of clerks, the fees of marshals; the law fixes it all, and when Congress deliberately appropriates less for that service than has been paid the corresponding year, it knows there must be a deficiency there. It knows that under the laws which are upon our statute-books the Government moves on and deficiency occurs.

I might go further, but I have had occasion, Mr. Chairman, in the general discussion to point out all these matters in detail. At the cost of having it said I have dragged into this matter political discussion, I say again that when any Congress votes less than what they can by arithmetic figure out must be paid, it deliberately invites a deficiency and legislates knowing a deficiency must come.

Mr. RANDALL. Mr. Chairman, prior to the war deficiency bills were almost unknown. During the war they became necessary, but very soon after the war closed the gentleman from Massachusetts, [Mr. DAWES,] now in the Senate, but then chairman of the Committee on Appropriations, or the Committee on Ways and Means, feeling there was no longer any necessity why executive officers of the Government should be allowed to involve the Government in expenditure beyond the amount of appropriation, introduced two bills. One of the bills provided that no officer of the Government should be allowed to do any such thing. That law to-day is a dead-letter upon the statute-book. No attention is paid to it by any Department of the Government. Another reform introduced by the gentleman, and in which we co-operated with him, as we did in making the other law, was that all balances should be covered into the Treasury at the end of two years. I assert that executive officers of the Government have no right under the spirit and letter of that law to which I first alluded to involve the Government in any expenditure in excess of the appropriation.

Mr. HISCOCK. Now, I trust, since we have drifted into this debate, that the gentleman from Pennsylvania will answer me candidly a question which I will put to him, and it is just this, and I wish to see by it whether the gentleman comes within my view of what may necessitate a deficiency. Here, for instance, is a certain amount of money to be paid under the law for mail transportation. Now, I ask him if Congress refuses to make an appropriation to pay for that transportation according to the law, and the amount provided by the law——

Mr. RANDALL. I understand what the gentleman means.

Mr. HISCOCK. Let me complete the question—would there not necessarily be a deficiency if the law is complied with? Now, that being the case——

Mr. RANDALL. I understand the gentleman's question; I cannot yield my time——

Mr. HISCOCK. What would the gentleman have done then in such a case as that?

Mr. RANDALL. There never was during the Forty-fourth, Forty-fifth, or Forty-sixth Congresses any occasion when there was not money enough appropriated for the Post-Office Department, and if conducted with honesty and economy that appropriation would have been adequate for that service. Moreover, under a recent Postmaster-General, a Republican, that fact has been demonstrated without dispute.

Mr. HISCOCK. I beg of the gentleman that he will not get from the point, but will come directly to the question and answer it.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. RANDALL. I do not. The gentleman has asked a question and I have made the answer.

Mr. HISCOCK. No; you have not answered. You are seeking to abuse some Postmaster-General——

Mr. RANDALL. I am not.

Mr. HISCOCK. And I ask the gentleman to answer categorically the question, which admits of a direct answer.

Mr. RANDALL. I say again that so far as the Post-Office Department is concerned, if you put a man in there at the head of the Department who abides by the law and keep him there, the Department can be made self-sustaining, and needs no appropriation except that under the general law which permits the Department to use certain funds for necessary expenditures to carry on the business of the office.

Mr. HISCOCK. I sincerely hope the gentleman from Pennsylvania will not get away from the question.

Mr. RANDALL. State it again. I have answered the question as I understood it.

Mr. HISCOCK. I asked the gentleman from Pennsylvania, in the nature of a "whereas" that under the statutes a certain amount of money shall be paid, and is fixed by law for mail transportation upon railroads, for instance, and Congress refuses to appropriate enough to discharge the obligation to these railroads for transporting the mails. Now, that being the case, does the gentleman from Pennsylvania not know, and will he not in all candor concede that there must, of necessity, be a deficiency on that account, if the law is complied with and the service performed? Now, if the gentleman understands the question I hope he will answer it.

Mr. RANDALL. In so far as the railroad companies are concerned, and their payments from the Post-Office Department for the transportation of the mails, there has been permitted on the part of the companies a power to exercise a coercion over the Department and force excessive payments——

Mr. HISCOCK. That does not answer the question. The gentleman says again and again, and he has stated on the floor of this House frequently, that you need have no deficiencies. Now, I cite him an instance where the law requires a certain thing to be done and the appropriation is not adequate for it. Must not there be a deficiency? This is capable of a direct answer, and I ask the gentleman to give it.

Mr. RANDALL. During the entire period of the Democratic administration of this House there was an amount of money appropriated for this service that if it had been economically expended would have allowed no deficiency.

Mr. HISCOCK. This is no question of economy. I have asked the gentleman a simple question.

The CHAIRMAN, (Mr. ROBINSON, of Massachusetts, in the chair.) The time of the gentleman has expired.

Mr. RANDALL. Now, here we have at this session of Congress——

The CHAIRMAN. The Chair is obliged to state that the time of the gentleman has expired.

Mr. RANDALL. All of my time was taken up in that long question of the gentleman

Mr. ATKINS. This is the finest specimen of two men speaking at the same time I have ever seen.

Mr. HISCOCK. I rise to a parliamentary inquiry. I asked the gentleman from Pennsylvania a question to which I desired a direct answer, and if he will give me a direct categorical answer to it he shall have all the time he wants.

The CHAIRMAN. The Chair understood the gentleman from New York to rise to a parliamentary inquiry.

Mr. HISCOCK. Well, it was a parliamentary suggestion. I want the gentleman from Pennsylvania to have time to answer the question.

Mr. RANDALL. On the subject of deficiencies I only desire to say in this connection that we have already had a little deficiency bill which we have disposed of, and a large deficiency bill, and perhaps there will be others——

The CHAIRMAN. The Chair must insist that the gentleman's time has expired.

Mr. SCALES. I will take the floor and yield to the gentleman.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. HISCOCK. I move to strike out the last two words, and yield the time to the gentleman from Pennsylvania, so that he may utilize it by giving a direct answer to the question I have asked him. And after he shall have answered that question I will give him a dozen other instances of the same character in which it is equally plain that if you do not appropriate money enough for the absolute requirements of the Government under the law a deficiency must inevitably follow.

Mr. RANDALL. Now, I will show to the gentleman from New York something about the Post-Office Department in its mismanagement.

Mr. HISCOCK. In reply to the question I am asking the gentleman? I hope the gentleman will answer that first.

Mr. RANDALL. I have tried to answer it. I understood it to be rather in the nature of a suggestion than an inquiry.

Mr. HISCOCK. No; it is a direct inquiry which admits of a direct, categorical answer, and I wanted the gentleman to come to that point.

Mr. RANDALL. I was going to say that I know something of the manner in which these deficiencies in the Post-Office Department work out, for facts have been developed in that connection which are sufficient to demonstrate that a proper management of it will not create a deficiency, and there are trials now going on in this city in which that question will be demonstrated. But it has been also demonstrated by the action of the late Postmaster-General that a vast amount of money has been expended for which there was no occasion.

Again, the Post-Office Department has power whenever it chooses to reweigh the mail and to regulate the compensation therefor; and it has been the practice to do that every four years. But recently this reweighing has been more frequent; I think there were two weighings in the past year. And a discretion has been given in the law that there shall be 50 per cent. only of the appropriation expended when the Postmaster-General thinks the efficiency of the service will make that permissible.

So much for the Post-Office Department. The gentleman cannot hang his banner on that, because when there was a discreet Postmaster-General who knew his business and had experience in the administration of post-office matters he brought back the Department to be a self-paying establishment, so that there need be no deficiency in that Department at all; and the gentleman from New York when he cites that case gives up his case entirely.

As to the other matters he directed my attention to: occasionally by the act of this House, as in the case of the public printing, the amount of the appropriation may be exceeded. But that does not give justification for the enormous deficiencies in almost every branch of the service of this Government, in utter violation, as I have already said, of the law. I will join the gentleman in stopping this thing, and I am glad to see he is directing his attention for the first time to this very matter of preventing these extravagant and unwarrantable and illegal expenditures of the public money. And when that comes to pass, when the executive officers of this Government see that they are controlled by the laws of the land and do not have countenance from outside, come from where it may, in violating the law and expending in six months the amount appropriated for the entire year, then you will have broken up this system. I maintain under that law these executive officers have no right to expend a larger sum of money relatively through the year than the aggregate amount of money appropriated for the whole year. If the gentleman is sincere we will have that law executed; and if that gentleman or that party will not execute it, then somebody or some party will come here that will.

Mr. ROBESON. I desire to repeat, in perhaps different form, the question to the gentleman from Pennsylvania, [Mr. RANDALL.] If the law fixes the salary of the postmasters and allows them to collect it out of their receipts, as the law does, and if Congress does not appropriate enough to cover that amount, how is Congress to escape a deficiency upon that point? And how else are the books in the Treasury to be settled and the two sides of the account balanced? Now, the gentleman may take the next five minutes in answering that.

The next point is this: the gentleman says that under the last Postmaster-General, whom I think he insinuated we turned out, a discreet Postmaster-General——

Mr. RANDALL. He resigned, I think.

Mr. ROBESON. That it was shown that the receipts of the Post-Office Department could be made under business management to cover the expenses. And in the next breath the gentleman complained that additional expense had been put upon the Post-Office Department by more frequent weighing within the last year. Now, was it not that discreet and business Postmaster-General, whom the gentleman lauds as the representative of his ideas, who increased the expenses of that Department by that additional weighing? The gentleman will answer that question.

Mr. RANDALL. I commended only his good deeds, not his bad.

Mr. ROBESON. Now, then, to the point of this provision. For the first time we are endeavoring under the lead of Republican ideas to fix the limit to this thing. It is utterly impossible usually for Congress or for the Committee on Appropriations to avoid a deficiency. Why? Because the Printing Office Bureau comes up to the Committee on Appropriations and says, "All the money appropriated for the year has been spent, you must pass a resolution of deficiency or pass a deficiency act, or the current printing of the House record, its bills, and its reports must stop." Now, we have tried to provide against that. We have fixed specific amounts in this appropriation for particular objects; and we have provided that only one-fourth of it shall be spent each quarter; so that they cannot come up and say at the end of six months that the whole appropriation has been spent, and that the wheels of government must stop unless we appropriate a deficiency.

Now, nobody can control the action of the House in printing books. Nobody can control the action of the Senate; certainly we cannot. Nobody can say we must not appropriate money according to laws that are passed by both Houses of Congress. But what we can do is to attempt to bring this within definite limits, to have the sums divided up into smaller parts and reported more frequently; to have certain appropriations for certain specific times, so that deficiencies will be less and the accountability greater. And this Appropriations Committee has recommended this for the action of the House. Not

only is this appropriation less by $115,000 than it was for the same subject-matters last year, but we have taken measures as far as can be taken to hold them within still more narrow and responsible limits.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. MILLER. I wish to ask the gentleman from New Jersey whether he said that this bill appropriates less money for these matters than the same bill of the Forty-sixth Congress?

Mr. ROBESON. Yes, sir; $115,000 less.

Mr. MILLER. Then what is the gentleman from Pennsylvania [Mr. RANDALL] making this fuss about?

Mr. RANDALL. But we have not heard of the deficiency that is going to occur. Will the gentleman from New Jersey [Mr. ROBESON] allow me to ask him a question? He has alluded to the pay of postmasters. He knows that comes out of the receipts of the respective post-offices over which they have control, and it increases according as the business increases; so that there is really no excuse for a deficiency in that particular.

Mr. ROBESON. I hope the gentleman will pardon me for interrupting him right there. We must appropriate from the Treasury; it is a deficiency and goes into the deficiency bill.

Mr. RANDALL. It is, in fact, no deficiency, because as you increase the salaries of your postmasters you receive an increased amount of revenue, which warrants that increase, and it is paid from the receipts of the respective offices.

Mr. ROBESON. But every dollar of it has to be appropriated.

Mr. ATKINS. I move to strike out the last word. The gentleman from New York, [Mr. HISCOCK,] supported by the gentleman from New Jersey, [Mr. ROBESON,] has presented an extreme case, that of appropriations by Congress for the payment of salaries, as instanced in the case of postmasters which they have mentioned. Now, I am frank to acknowledge that if Congress should fail to make an appropriation sufficient to pay the salaries of postmasters under the law, it would be a legitimate deficiency. There is nothing to be gained by denying that proposition.

Mr. HISCOCK. That is right.

Mr. ATKINS. But I propose to meet every proposition upon its merits; I propose to stand by the logic of the case. The gentleman from New York in his astuteness has selected a very extreme case to put to the House.

What has the gentleman to say in answer to the point I made, that the Departments have by virtue of their own imperial will exceeded the appropriations made, not alone in the payment of the salaries of postmasters, or the payment of the salaries of any other officers of the Government, but in thousands—I will not say thousands—but in hundreds of instances? They have exceeded the law, not in the payment of salaries alone, but in contingent expenses of various kinds and miscellaneous expenses, and for almost everything for which appropriations are made by Congress.

Here is the deficiency bill which was passed by the House, sent to the Senate, and has just been returned to the House with amendments. It is full of just such instances as I have spoken of. Here are deficiencies for contingent expenses in almost every Department of the Government. Were those contingent expenses intended to pay the salaries of postmasters, or to pay the salaries of any other officers?

Why, then, does the astute gentleman from New York [Mr. HISCOCK] plant himself upon the single proposition, upon the narrow proposition, that Congress must make appropriations to pay salaries under the law, and if it fails to do so it is a legitimate deficiency? Nobody denies that.

Does the gentleman say that it is a legitimate deficiency for lithographing or otherwise producing plates for the Official Gazette? Not a bit of it. Does any gentleman say that it is a legitimate deficiency to pay the current expenses of the commission to investigate the habits of the Rocky Mountain locust?

This deficiency bill is full of items of deficiencies for contingent expenses and miscellaneous expenses which might have been avoided. Do you pretend to tell me that it was necessary to make a deficiency for the Rocky Mountain locust commission? Why did not they stop when the money gave out? Why did not they stop when the money gave out for the contingent expenses of the Treasury Department? Here is a volume which shows the malpractice of the Treasury Department in the administration of its contingent fund. It is too voluminous to be alluded to in detail.

Mr. RANDALL. And too damning to mention.

Mr. ATKINS. I hope the gentleman in pleading for the necessity of these deficiencies will stand upon the merits of this question, and not plant himself upon a little narrow limit, which is correct enough within itself, but is not at all applicable to the vast number and amounts of deficiencies asked for for the interminable and multifarious objects which this deficiency bill and kindred bills show are asked for.

Mr. REAGAN. I understood the gentleman from New Jersey, [Mr. ROBESON,] and I believe I understood the gentleman from New York, [Mr. HISCOCK,] to assume that the unpaid accounts of postmasters created deficiencies in the appropriations for the postal service. Perhaps I did not correctly understand their statements; if I did, then certainly they have made a great mistake.

The payment of postmasters is regularly estimated for by the Department in its annual estimates. It is true that the accounts of postmasters, at least for the last quarter of the fiscal year, are not settled until perhaps three months after the fiscal year expires. But they are regularly appropriated for, and they could not otherwise be paid.

The estimate is made, and the postmasters themselves retain out of the proceeds of their offices the amount due them for their salaries. The books of the Department are kept regularly, with debits and credits based on the preceding appropriations made for the Department. And the mere fact that the books are not balanced until the quarter after the fiscal year expires has nothing on earth to do with the creation of a deficiency. The appropriations are made; otherwise they could not retain the money for their salaries. But they are charged with the amounts retained out of the proceeds of their offices for the payment of their salaries pursuant to the previous appropriation made by Congress.

Mr. CANNON. Suppose there is no appropriation?

Mr. REAGAN. Then they cannot take the money out of the proceeds of their offices for the payment of their salaries, for that would be embezzlement.

Mr. CANNON. They do do it; that is the rule.

Mr. REAGAN. There can be no such rule, for it would be a plain and palpable violation of the law.

Mr. ROBESON. Does not the law authorize them to retain out of their receipts the amount of their salaries? And has not that been the universal custom?

Mr. REAGAN. I am not aware that that is the law.

Mr. ROBESON. And that being so, if Congress does not make an appropriation equal to the amount which the law authorizes them to retain, the excess of the amount which the law authorizes them to retain over the appropriation made by Congress becomes a deficiency. It takes no money out of the Treasury to pay it, but it is necessary to appropriate as a deficiency, and it is appropriated as a deficiency, for the settlement of the books at the Treasury.

Mr. REAGAN. That is a hypothetical case.

Mr. ROBESON. It is a case that occurs every year.

Mr. REAGAN. I say there is no case in which the annual appropriation does not provide money for the payment of these postmasters.

Mr. ROBESON. But not enough.

Mr. REAGAN. I will not say the law is not as the gentleman states it, because I am not sure about the matter; but if it is not, the Department instructs the postmasters to retain so much as will pay their salaries, they being charged with the amount on the books of the Department. But if this were done without an appropriation, whether with or without the authority of the Department, it would be a violation of law.

Mr. ROBINSON, of Massachusetts. Mr. Chairman, I have listened with a great deal of patience during the last fifteen or twenty minutes to find out what this discussion has to do with the pending appropriation. I have tried to get the wisdom that should come out of the present Committee on Appropriations, and also out of the ex-chairman of that committee [Mr. ATKINS] and my illustrious friend from Pennsylvania, [Mr. RANDALL.] I want to know what all this has to do with the question of printing. This debate, as I understand, grew out of a remark of the gentleman from Tennessee, [Mr. ATKINS,] in the first instance, that the deficiency in the printing department arose from a violation of law on the part of the Public Printer. I think it was intimated that there was a violation of law on his part, and that this was the reason for the large sum of money required as a deficiency.

Mr. ATKINS. It was the gentleman from Georgia [Mr. BLOUNT] who said that.

Mr. ROBINSON, of Massachusetts. Very well; if anybody says there has been a violation of law in that branch of the public service, this Congress wants to know it; and somebody outside of the Appropriations Committee ought to be able to tell us something about it. The rest of us do not care anything about these used-up quarrels. There is a Congressional election coming, perhaps, by and by; but the people care very little about this quarrel between the two Appropriations Committees or the various gentlemen who have held the position of chairman of that committee. I say very respectfully that matter is of no sort of consequence. The question is what has the Public Printer done? Where is the violation of law? In this bill we appropriate $2,400,000 for the public printing for the fiscal year; that is the sum of money which the Public Printer is authorized to expend. Now, he does not violate the law by spending this money. This bill divides the appropriation and declares that $1,304,650 of this sum shall be for printing and binding for the use of Congress. When the Public Printer spends this amount for the printing and binding of Congress he is within the law. If he stops there and says to Congress, "Unless you give me more money I cannot complete your work," that is not a deficiency; there is no violation of law.

I believe that gentlemen who have good sense enough to be members of Congress ought to have sense enough to discriminate between a real deficiency and an exigency that they themselves create by their legislation. The gentleman from Georgia hit the nail squarely on the head in the first instance when he said if you do

not want these large applications for money on the part of the Public Printer, stop sending your orders for printing. That is all there is of it. There is no party capital to be made out of this matter. Democrats and Republicans alike vote for large orders for the printing of books and documents; and then because there seems to be a large expenditure, it is quite the fashion to abuse somebody on the ground that he has created a deficiency. It is astonishing to me that some gentlemen who, when appropriations are proposed, say, "Give us $30,000 instead of $20,000, the sum reported; give us $50,000 instead of $30,000"—it is astonishing to me that gentlemen who thus pile up expenditures should three months afterward come in and make flaming speeches upon the text of economy, because the Public Printer cannot do all they have ordered him to do with the money that has been given.

Mr. BLOUNT obtained the floor.

The CHAIRMAN. The Chair begs to remark that this general debate is running rather by consent than under the rule.

Mr. BLOUNT. Mr. Chairman, the discussion which has been going on, if I may be allowed to say it, grew out of a general commentary upon the non-observance of the statute providing that there shall be no expenditures in excess of appropriations, and the remark that in this way deficiencies arose. The gentleman from New York, [Mr. HISCOCK,] instead of meeting that issue presented by the gentleman from Pennsylvania, [Mr. RANDALL,] avoided the real difficulty by taking up a case as to deficiencies in compensation for carrying the mails and in pay of postmasters. This is an avoidance of the issue. The great bulk of deficiencies do not arise in that way. They come from an excess of expenditure over the amounts authorized by law. Even the mail service will illustrate this remark. Gentlemen of the House will remember that at the beginning of the Forty-fifth Congress we made a very largely increased appropriation for postal-car service; but when we came here in December, the fiscal year beginning in July, the Second Assistant Postmaster-General declared, in a communication to this House, "I have made contracts that will exhaust the appropriation, and unless you give me a deficiency appropriation I will have to discontinue every postal car in the United States." Is there any law for such a thing as that? Is that a deficiency arising under the law? The gentleman from Pennsylvania has rightly referred to the fact that, while the law required the reweighing of the mails only once in four years, a reweighing was sometimes ordered on the great trunk lines twice a year, involving the Government in an additional expenditure of over $700,000, an amount which would have more than met the exigency for which a deficiency appropriation was asked in those years. This act, not required by law, may be said to have created those very deficiencies in the postal service.

My friend has charged that we did not appropriate enough for the transportation of the mails, and in that way seeks to escape the issue. We did appropriate all we were asked to appropriate, and said so to gentlemen on the other side, but they sought to increase the postal-car clerks and route agents and matters of that sort, knowing in reality there would come back a deficiency against which I struggled. There was not any complaint made by any Republican member of the Committee on Appropriations. They had my vote and my voice for this increase. I believed a deficiency would come.

The gentleman said the mails were obliged to go on, that this deficiency comes about legitimately. I recollect when the Republican party did not think so. When we were in session in the Forty-fourth Congress there were hundreds of miles of railroad in Texas where there was not a mail, as was the case in various other parts of the country, in order to create a prejudice against the party in power in this House, and we were compelled to provide for their own shortcomings by the hue and cry that the mails were not being carried at all. As soon as the Republican party came into possession of this House we heard for the first time that the mails had to be carried and that deficiencies were a necessity. [Here the hammer fell.]

The *pro forma* amendment was withdrawn.

Mr. SPRINGER. I move to strike out, in line 1859, "400,000," and insert in lieu thereof "300,000." I will, however, state, Mr. Chairman, before making my remarks, that while on its face it is a *bona fide* amendment, I will treat it as a *pro forma* amendment, for the purpose of submitting the statements which I propose to submit in reference to the public printing done by the Government.

In the first place, Mr. Chairman, I desire to learn from the chairman of the Committee on Appropriations whether any portion of this large increase is required during the present fiscal year growing out of the necessity for printing the reports of the Census Bureau?

Mr. HISCOCK. There is an appropriation outside of this bill for that purpose.

Mr. SPRINGER. Yes; and that is to say that appropriation for taking the census also included an appropriation for the printing of the census reports. That, however, does not include the printing of the reports for the use of members of Congress, but only includes the printing of the reports for the use of the Census Bureau.

I call the attention, therefore, of this House to the fact that there is not now any provision of law for the printing of census reports for general distribution among the people. The law only authorizes the stereotyping of the various reports and the printing of a few volumes for distribution by the Interior Department. It will be necessary, therefore, for the Committee on Printing of the two Houses before we adjourn to report some measure for the printing of these volumes for public use, and that printing will have to come out of this appropriation, so that if no estimate has been made for it, it will vastly increase the amount for printing even during the present fiscal year which has just begun.

Let me call attention further to the magnitude of the work. I have been informed by the Superintendent that the monographs will cover from 18,000 to 20,000 pages of quarto form and when completed will consist of from eighteen to twenty quarto volumes of 1,000 pages each. It is the most stupendous work of the kind ever begun by any government in the world. It will cost a vast sum of money to print this work, and I do not believe there is enough in this appropriation, considering the ordinary expense of the Government Printing Office, to print that work of the Census Office. It does not include the large edition Congress will order of the compendium of the census. It does not include one of these volumes for public distribution.

Having called attention to this, now I wish to come to some other matters connected with the public printing which gentlemen, in my judgment, seem to overlook.

The aggregate number of reports of the Agricultural Department have amounted to enormous sums of money for their printing.

We have also reports for the Bureau of Statistics in the Treasury Department, covering many thousands of pages of the most expensive character of printing.

Then there are reports of the Bureau of Education, the reports of the Signal Service, tabulated reports expensive for type-setting and printing, and the reports of the National Board of Health as well.

In addition we have the expensive publication of the results of the United States Geological Survey and the reports of the United States Fish Commission. At this particular time the United States Fish Commission has sent to Congress a special report on food-fishes, covering some 2,400 quarto pages, to be printed in three volumes. The attention of members will be called to this report in their morning mail, because we must call it up at an early day for consideration and action.

We have besides all these the reports of the marine hospitals, of the Smithsonian Institution, and of the several Executive Departments, more voluminous and expensive than members generally are aware of.

I see my time is about to expire.

Mr. RANDALL. I will take the floor and yield my time to the gentleman from Illinois. At the proper time I should like to ask the gentleman a question.

Mr. SPRINGER. Certainly.

Mr. ROBINSON, of Massachusetts. I hope the gentleman will be allowed to proceed, as the information he is giving us is extremely valuable.

Mr. SPRINGER. We have the reports of the Executive Departments to print, and these are much more expensive than gentlemen have any idea of. Their publication is provided for under general orders, and does not come under the supervision of the Committee on Printing. There are 25,000 volumes printed for the use of Congress of the Abridgment of the Executive Documents, a publication beyond the needs of the country. It ought to be cut down, four-fifths or nine-tenths; and I have introduced a bill for that purpose.

We have also the consular reports from the State Department, which contain valuable information.

We have various scientific publications coming from the Departments recommended by the Secretary of the Interior and others.

More scientific publications have been ordered by this Government than any other government in the world has ever attempted. These publications, by the increase of our population and the growing interest manifested by our people, have grown from time to time until they are getting so expensive Congress must adopt some other and more economical method of publication. England has taken hold of the subject and provided a system of publication of scientific works to be sold a little above cost to persons desiring them and thus makes its establishment self-sustaining. Until we can begin that system in this country we must expect these large appropriations.

I yield now to the gentleman from Pennsylvania to ask me a question.

Mr. RANDALL. I merely want to ask the gentleman from Illinois if he can inform the committee how many distinct printing establishments supported by this Government are now ramified around this town in the various Departments?

Mr. SPRINGER. I am very glad the gentleman from Pennsylvania has called my attention to this point, for I had desired to invite the attention of the committee to the fact that nearly every one of the Departments of the Government maintains a separate printing office down in its basement, with a separate establishment connected with it for the purpose of running their little printing offices to get out blanks and other matters connected with the particular Department where it is located. I believe this is the case in almost every one of the Departments if not in all of them. It is entirely wrong, and all of these separate establishments should be abolished, with the exception of the Bureau of Engraving and Printing, where the United States bonds and notes are engraved and printed; but all of these others, requiring machinery, a separate corps of officials to manage them, foremen and others, ought to be wiped out altogether; and when we come, in the consideration of this bill, to those provisions

of the bill which allow these, if they exist in the pending bill, I shall move to strike them out, and that all of them be consolidated in the Public Printing Office.

Now I ask gentlemen to consider this subject of public printing, and at some future time I hope the Joint Committee on Printing of the House and Senate will report some permanent system for publishing all such matters as the Government may desire to have published from year to year.

There is at present no system whatever about this thing, either with reference to the number of volumes required to be printed, or in the manner of distributing the volumes after they are printed. There is an entire want of system and harmony which certainly needs correction. Let me call the attention of this committee to a fact which I doubt not will surprise many gentlemen present, that although we have been publishing the reports of the Hayden and Wheeler surveys for many years, and have published at a great expense of money valuable reports upon the geological resources of the country obtained from these surveys, there is only one complete set of these reports in the possession of the Government at this time, and that will be found at the Interior Department, which has recently purchased it from a second-hand book store for a large sum of money. There was no law at the time of the publication of this work which directed the deposit of it, or of copies of works published generally by the Government, in the public libraries; and the Congressional Library, with all of its resources, cannot at this time furnish a complete set of Government publications.

Mr. RANDALL. Will the gentleman permit me to ask him what does the Agricultural Report cost to print?

Mr. SPRINGER. About $300,000.

Mr. RANDALL. I mean per volume.

Mr. SPRINGER. About sixty-five cents.

Mr. RANDALL. Then, further, I wish to ask does not the gentleman know that you can buy as many of these volumes as you want at second-hand book stores at ten cents a volume?

Mr. SPRINGER. I believe they are sold in the second-hand book stores at very low rates.

Mr. HISCOCK. I desire to ask in this connection a question in justice to the Public Printer——

Mr. RANDALL. I am not attempting to criticise the Public Printer or charge him with this abuse.

Mr. HISCOCK. But I desire to put in a question here which I hope the gentleman from Pennsylvania or the gentleman from Illinois will answer, and give the committee the information as to how these publications get upon the market?

Mr. RANDALL. I am not able to answer the gentleman.

Mr. SPRINGER. I do not know.

Mr. HISCOCK. Will the gentleman from Pennsylvania or the gentleman from Illinois state what they believe to be the facts?

Mr. RANDALL. I believe they can be bought for ten cents a volume.

Mr. ROBINSON, of Massachusetts. By whom are they sold to the dealers?

Mr. RANDALL. I do not know.

Mr. HISCOCK. But the point I want to get at is, how do gentlemen account for the fact that these books are upon the market; and also whether there is any ground for the story that comes around so frequently that members of the House, who receive them under the law, sell them themselves to the dealers?

Mr. RANDALL. I make no such charge.

Mr. HISCOCK. Well, is there any other way that they can get upon the market?

Mr. RANDALL. I do not know how they get upon the market, and I do not propose to say anything that I do not know. I merely state the facts as they exist.

Mr. ROBINSON, of Massachusetts. But this statement ought not to be allowed to go out without some explanation, as it would seem to be a reflection upon the Public Printer.

Mr. HISCOCK. I can say this, that I have investigated that matter thoroughly, and am satisfied that these volumes do not get upon the market through the agency of the Public Printer.

Mr. RANDALL. I have not said so.

Mr. HISCOCK. I repeat that I have investigated and believe they do not get upon the market through the Public Printer.

Mr. RANDALL. I have not said they did.

Mr. HISCOCK. And, therefore, the only way they can get there is by members of the House or Senate selling their quotas.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

Mr. SPRINGER. I withdraw the amendment.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,304,650; for the State Department, $15,000; for the Treasury Department, $250,000; for the War Department, $166,000, (of which sum $10,000 shall be for the catalogue of the library of the Surgeon-General's Office;) for the Navy Department, $60,000; for the Interior Department, $364,000, (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office;) for the Department of Justice, $10,000; for the Post-Office Department, $150,000; for the Agricultural Department, $15,000; for the Supreme Court of the United States, $34,000; for the supreme court of the District of Columbia, $1,000; for the government of the District of Columbia, $11,350; for the Court of Claims, $10,000, and for the Library of Congress $19,000. And no more than an allotment of one-half of the $2,409,000 hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That printing and binding, or either, shall not be done at the Government Printing Office for Senators and Representatives or Delegates in Congress except upon the payment by them of the estimated cost thereof.

Mr. SPRINGER. I move to strike out the last word here for the purpose of asking the chairman of the Committee on Appropriations a question in regard to the printing establishments maintained in the different Departments. Do the various items which are mentioned here for printing in this bill cover the cost of maintaining these separate printing establishments?

Mr. HISCOCK. No; it has nothing to do with it.

Mr. SPRINGER. Where is that provided for?

Mr. HISCOCK. In the legislative appropriation bill.

Mr. SPRINGER. I withdraw the amendment.

Mr. DINGLEY. I renew the *pro forma* amendment for the purpose of asking the chairman of the Committee on Appropriations to explain the meaning of the proviso. I thought it was the law now that there should be no printing or binding done at the Government Printing Office for any member except on the payment of the cost thereof.

Mr. HISCOCK. I ask my colleague on the committee, the gentleman from Illinois, [Mr. CANNON,] to give the explanation.

Mr. CANNON. At the request of the gentleman from New York I will try to answer the question of the gentleman from Maine. I understand the facts to be these: for such printing as individual members may require at the Government Printing Office, speeches and matters of that kind, we pay the cost thereof. Then every member and Senator is entitled to a calf-bound set of documents by general provision of law, covering all the documents of the Congress of which he may be a member. In addition to that, strange to say, the practice has grown up, and the accounting officers have passed the accounts, that in pursuance of a mere resolution of the Senate any individual Senator can have any number of copies of any public documents from the foundation of the Government to the present time, bound in any conceivable style of binding without limit; and under that resolution the money appropriated is held for payment.

We passed a resolution in the House early in this session giving the same privileges to the members of the House. Some binding was done under that, but upon the motion of the gentleman from Tennessee that resolution was changed. Last year, as I recollect, there was about $7,000 worth of this extra binding done for individual Senators. The committee thought that that thing ought either to be cut up by the roots or regulated by law as to amount, and if it continues that it should extend to Members as well as Senators. We have therefore put in the provision to which the gentleman from Maine refers.

Mr. DINGLEY. I am glad to hear this explanation, and I am glad this proviso has been introduced into the bill.

The CHAIRMAN. If there be no objection the formal amendment will be considered to be withdrawn, and the Clerk will read.

The Clerk read the following paragraph:

United States courts:

For expenses of the United States courts: For defraying the expenses of the Supreme Court; the circuit and district courts of the United States, including the District of Columbia; of the jurors and witnesses, and expenses of suits in which the United States is interested; of the prosecution for offenses committed against the United States; for the safe-keeping of prisoners; for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto, namely, those stated in the following itemized list:

For payment of district attorneys and their assistants, $325,000.
For fees of clerks, $160,000.
For fees of United States commissioners $130,000.
For fees of jurors, $450,000.
For fees of witnesses, $600,000.
For support of United States prisoners, $325,000.
For rent of United States court-rooms, $70,000.
For fees and expenses of marshals, $600,000.
For fees and expenses of bailiffs; furniture; for payment of expenses of district judges who may be sent out of their districts, in pursuance of law, to hold a circuit or district court; and other miscellaneous expenses, $325,000.

Mr. McLANE. I offer the amendment which I send to the desk, to come in after line 1975.

The Clerk read as follows:

For supervisors of election in the city of Baltimore, for fifty days, in the year 1882, at $5 per day, $30,000, said payments to be made on accounts audited and approved by the Attorney-General of the United States, for services required by section 2016 of the Revised Statutes of the United States.

Mr. CASWELL. I make the point of order on the amendment.

Mr. McLANE. I ask the gentleman to allow me to make an explanation.

Mr. CASWELL. Reserving the point of order, I will hear the gentleman.

Mr. McLANE. I ask the attention of the chairman of the Committee on Appropriations for a moment. The Revised Statutes, first of all, in section 2016, provide absolutely for the attendance of supervisors at any registration where voters at a Congressional election are registered. Further on, in section 2031, the pay for these supervisors is provided.

In that section 2031, where the pay is provided, the statute evi-

dently contemplates only the attendance at the election, for it provides for ten days' service, and for the ten days' service fixes a compensation of $5 per day. It permits, therefore, only the payment of $50 to a supervisor.

Now, in the ordinary course of this service the ten days are sufficient. But where a State should require a special registration, then the supervisors are obliged to attend as often as the registers of the State attend. And that is not provided for in section 2031. That section fixes the compensation, but section 2016 requires absolutely the attendance of the supervisor, no matter how long the State register may take for his registration. For this year, 1882, the supervisor appointed by the United States court and instructed in pursuance of 2016 will have attended fifty days, counting the attendance at the election. For that there is no provision. For ten days' service there is a provision of existing law, section 2031. Under that section $50 for ten days' service will be paid out of the Treasury in pursuance of existing law. But for the remaining forty days no payment will be made at all. Yet the law requires the service.

I submit to the honorable chairman of the Committee on Appropriations that if the existing law provides the service, requires the attention of the supervisor for the whole fifty or forty days, as the case may be, then it is quite in order on this bill to provide pay for those forty days.

I do not think the point of order lies at all. I admit there is no existing law to pay for more than ten days. But there is a law requiring service for forty days additional, and in virtue of the law which requires forty days' service over and above the service for which that $50 is paid it is entirely competent; indeed, I think it is the duty of this House in this bill to provide compensation for those forty days. My amendment requires that the account shall be audited and approved by the Attorney-General. Of course, no payment will be made except for a legal service. Indeed, the amendment stipulates that the amount shall be for service required by law, referring to that particular section, section 2016.

Mr. CASWELL. I concede that section 2016 requires the attendance of the supervisor. But the difficulty arises from section 2031, which provides that the supervisor performing duties under the preceding section shall receive for his compensation at the rate of $5 per day for not exceeding ten days.

Mr. McLANE. That is what that statute contemplates.

Mr. CASWELL. Here is an express prohibition of the payment for more than ten days. When the supervisor entered upon the duties of his office he did so with the expectation and understanding that he would receive the compensation provided by law, and no greater.

Now, there is no provision of law which authorizes the Committee on Appropriations to place upon an appropriation bill an appropriation for the payment of any sum in excess of the fifty-dollar limitation in the statute. For that reason it seems to me that the point of order is perfectly good. I will read the section of the statute if it is deemed necessary.

The CHAIRMAN. The Chair has the law before him which has been quoted. If the gentleman desires to refer to any special clause the Chair will hear him.

Mr. McLANE. On the point of order I desire to submit this fact: section 2031 of the Revised Statutes very clearly contemplates only ten days' service. I made that statement when I offered the amendment. That section provides that $50 and no more than that sum shall be paid for that ten days' service. But the point I make, and I ask special attention to it, is that although section 2031 provides for the payment of only $50 for ten days' service, it is not at all an express prohibition against paying for forty days' service if forty days' service is rendered. I admit that it is an implied prohibition, but it is not an express prohibition.

Mr. CASWELL. Let me inquire why there should be a limitation at all placed on the amount to be paid unless it was in anticipation that there might be an excess of service?

Mr. McLANE. The answer to that is very simple. There was of course a desire to prevent abuse in the administration of the law. The committee will remember that these supervisors are supervisors at Congressional elections; they were appointed expressly to supervise Congressional elections. It was considered that ten days was ample to enable them to supervise a Congressional election. And so it is. Neither in Maryland nor in any other State of the Union would more than ten days be necessary for the supervision of a Congressional election.

Mr. CANNON. Will the gentleman allow me——

Mr. McLANE. Directly. But the committee must remember that another section, not section 2031 but section 2016, requires the attendance of the supervisor at any registration where the voters registered are to vote at a Congressional election.

Therefore, when a State comes to make registration in cities of over twenty thousand inhabitants, the United States supervisor is required by law to attend that registration. The provision to pay him for the ten days' service, which was deemed altogether sufficient to pay him for supervising a Congressional election, does not pay him at all for his forty days' service at the registration.

Now, I submit to the equity if not to the good sense of Congress, that when you have by law required a hundred days' service, it would be absurd to give a compensation which would be equivalent to only fifty cents a day.

Remember that this duty, and that is a point to which I ask especial attention, was supposed to be worth $5 a day. In other words, it was supposed that the class of men which you ought to have for supervisors was a class of men to whom you ought to pay $5 a day. And you provide for that, because you contemplated that only ten days' service should be rendered, and you provide for paying $50 for that ten days' service.

Now, the fact is that in this case fifty days' service is rendered. All I ask Congress to do is to provide for the payment for the days over and above the ten days provided for in section 2031. Let the ten days' service be paid for under section 2031, but let the extra service required by section 2016 be paid for by a special appropriation.

I think this amendment is perfectly in order. It appeals to the equity of the House. Common sense and common justice require that you should pay these men for the services they have rendered at exactly the same rate that you pay them for the ten days' service.

Mr. CANNON and Mr. URNER rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] desire to be heard upon the point of order?

Mr. CANNON. I believe the point of order is well taken. I do not desire to take up time in discussing a matter about which the Chair has made up its mind.

The CHAIRMAN. The Chair is willing to hear what the gentleman may desire to say. If he does not desire to speak, the Chair will recognize the gentleman from Maryland, [Mr. URNER.]

Mr. CANNON. I do not desire to say anything upon the point of order unless the Chair is in the condition which a court ordinarily is, ready to hear the other side.

The CHAIRMAN. The Chair does not desire to make his decision until gentlemen shall have said what they desire to say.

Mr. CANNON. I will state this: the law makes a permanent appropriation for the payment of these supervisors, and the rates of payment of the supervisors under that law are fixed by the law. If they are entitled to the pay which the gentleman from Maryland [Mr. McLANE] says, all they have to do is to go to the Court of Claims, or go to the accounting officers of the Treasury. The money is there; and a permanent appropriation is made for supervisors under the law. It strikes me that the bare reading of this section will determine the whole thing:

> And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions—

What are the preceding provisions? All the provisions contained in the chapter—

> compensation at the rate of $5 per day for each day he is actually on duty, not exceeding ten days.

An express limitation, confining it to ten days.

Mr. McLANE. But you have another section requiring these supervisors to serve one hundred days if necessary.

Mr. CANNON, (reading)—

> but no compensation shall be allowed in any case to supervisors of election, except to those appointed in cities and towns of twenty thousand or more inhabitants.

That is a limitation upon their compensation. The gentleman from Maryland [Mr. McLANE] says that there is another section which may require them to perform services for fifty days.

Not at all. This compensation refers to all services required by every provision referred to, that is, the whole chapter. The bare fact that the gentleman is here asking a specific appropriation upon this bill answers him entirely. I again call the attention of the Chair to the fact that there is a permanent continuing appropriation to pay supervisors of election, not special deputies. If the Government owes these men anything the appropriation is already made. Let them go to the accounting officers or to the Court of Claims.

Mr. URNER. It is not my purpose to take up the time of the committee to a great extent in the discussion of this point of order. The amendment offered by my colleague [Mr. McLANE] proposes to pay the supervisors of election in the city of Baltimore during the time that they are required under the law to perform their duties. This point of order I presume is raised under clause 3 of Rule XXI, which provides that—

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures, &c.

Now, I suppose it is not contended that this amendment changes existing law. The law upon the subject is found in sections 2016 and 2030 of the Revised Statutes. Section 2016 requires the supervisors of election to attend at every registration of voters if the voters when registered are to vote for Members of Congress or Delegates from the Territories. Section 2030 provides that supervisors of registration shall for their services receive $5 a day for not exceeding ten days. Now it is evident that the limitation of ten days was inserted because it was supposed this time would be sufficient

for the purpose of registering any new voters who, within the course of a year, might have attained their majority or acquired a residence within the voting district; and the correction of these lists does not ordinarily require more than ten days. But in this case, under a recent act of the Legislature of Maryland, a new registration of voters is required. The old registration is to be wiped out entirely. Under the law the registering officers in the city of Baltimore are required to sit more than forty days. Under section 2016 the supervisors of registration are required to be present every day during the registration and to perform their duties. The law says that this service is worth $5 a day.

Now, an appropriation has been made—an appropriation which is ordinarily sufficient—which was expected to be sufficient at the time it was made; but it is now found to be insufficient in this particular case, and it is necessary to make an additional appropriation in continuation of that object. Congress has very wisely adopted a policy of requiring some national supervision where voters are registered to vote for members of the national Legislature. Therefore the supervisors of election are appointed to superintend this registration. The language of the rule is:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

This is authorized by law—

unless in continuation of appropriation for such public works and objects as are already in progress.

The policy has been adopted; the work is in progress; the money at the disposal of the Government is not sufficient to make payment to these officers; an additional appropriation is required, and under the third paragraph of Rule XXI, I contend it is perfectly competent and entirely in order for this Committee of the Whole to adopt this amendment, making such appropriation as may be necessary to pay these officers for the performance of their duty imposed by act of Congress.

The CHAIRMAN. In the decision of this point of order it is necessary to refer to only three sections of the Revised Statutes. Sections 2016 and 2017 refer to the duties of supervisors of registration at elections, and section 2031 provides the scale of fees—a per diem compensation—for their services, which is fixed at $5 and limited to the period of ten days. In the opinion of the Chair, a change in a State law rendering necessary an increased compensation in point of time can hardly justify an amendment which changes the existing limitation in an act of Congress, and therefore changes the compensation provided by existing law.

The amendment is understood by the Chair to apply to a coming election, although it does not state whether the election is past or coming.

Mr. McLANE. A coming election is always contemplated.

The CHAIRMAN. The language of the amendment might cover some election that had already taken place in the year 1882.

Mr. McLANE. It refers to a coming election.

The CHAIRMAN. The amendment proposes to extend this compensation in the present case to fifty days. The Chair was somewhat in doubt in view of the fact that this is a duty authorized and required by law; but the only solution he can give is that it is the same duty the compensation for which is provided under existing law, that compensation being limited to ten days. The amendment proposes to enlarge the limit, and therefore the Chair thinks is not admissible under the rule. An amendment of the law must be made by some separate provision. The Chair sustains the point of order.

The Clerk read as follows:

To supply district judges, district attorneys, and clerks of the United States courts who have not already received the same with the Revised Statutes of the United States, a sufficient sum of money is hereby appropriated; and the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

Mr. NEAL. I rise to offer an amendment.

Mr. HOLMAN. I rise to make a point of order on the paragraph.

The CHAIRMAN. The Chair entertains the point of order.

Mr. HOLMAN. My point applies to that portion of the paragraph after the word "appropriated," in line 1985, the language being as follows:

And the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

I have not looked at that subject, but I take it for granted that act does not authorize the republication of any volumes of the decisions of the Supreme Court of the United States. If, then, there is no law authorizing the republication of the decisions of the Supreme Court of the United States, I submit that it is subject to the point of order.

Mr. HISCOCK. The fact is, Mr. Chairman, that law does authorize it. It does not authorize in terms, to be sure, the republication, but it directs the Attorney-General to furnish the courts with these volumes of the decisions of the Supreme Court of the United States, and it becomes necessary in furnishing them to reprint them or to buy them in the market.

Mr. TOWNSHEND, of Illinois. Does it contemplate they shall be printed by the Public Printer, or done by some private publisher?

Mr. HISCOCK. It does not contemplate any such thing.

Mr. TOWNSHEND, of Illinois. Does it contemplate they shall be printed by the Public Printer?

Mr. HISCOCK. It does not.

Mr. HOLMAN. I concede, Mr. Chairman, that if there is a law directing the Attorney-General to furnish these volumes to the Federal judiciary, under that provision Congress might make the appropriation and direct the manner in which it shall be done. I withdraw the point of order; but I wish to call the attention of the gentleman from New York to the fact that this is an entirely unnecessary expense. This work need not be published by the Attorney-General at the Government Printing Office. There is no scarcity of volumes of the decisions of the Supreme Court of the United States. Every volume can easily be procured.

Mr. HISCOCK. The gentleman asks an explanation and I will give it to him. In the sundry civil appropriation bill last year there was included the following:

To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same, where there are none, to such points where United States courts are authorized to be held and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated.

We found that law in that form exactly as I have read it. The Attorney-General comes to us and says it will be necessary to furnish certain volumes of the reports of the decisions of the Supreme Court of the United States, and that in order to do so some of them must be reprinted, and in so doing he suggests that he can vary the old print by placing annotations to the volumes reprinted.

Mr. HOLMAN. That would be the only possible object for reprinting these volumes; for, as I have already said, there is not a volume of the decisions of the Supreme Court of the United States which cannot be obtained in the open market and purchased at a low price in comparison with what the reprinting by the Government Printing Office will cost. It seems to me the importance of the syllabus of the decisions is not a matter of sufficient importance to justify such reprint.

The index to the volumes and the analysis of the decisions of the Supreme Court have been good and better than those of the supreme courts of several States. It will be seen we are authorizing the reprint of certain volumes of the decisions of the Supreme Court of the United States which are within the reach of every lawyer and can be found in every book store, simply for the purpose of making some additions to the annotations of the decisions. Now, can Congress afford to publish volumes of decisions for that purpose? I have not heard a word of complaint they cannot be had.

Mr. TOWNSHEND, of Illinois. To how many volumes does the copyright law apply?

Mr. HOLMAN. All publications. The reporter of the decisions of the Supreme Court of the United States has the benefit of the copyright.

Mr. TOWNSHEND, of Illinois. Upon what volumes has the copyright expired?

Mr. NEAL. I wish to offer an amendment.

Mr. TOWNSHEND, of Illinois. I move to strike out the whole section.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. NEAL. I move the following amendment:

Provided, That the reports so republished shall be printed at the Government Printing Office and sold at 10 per cent. above the cost of publication and printing.

Mr. HISCOCK. I make the point of order on that amendment that it is new legislation and does not reduce expenditures.

Mr. NEAL. I desire to be heard on that point of order.

Mr. SPRINGER. The whole thing is new legislation, and not in the interest of economy.

The CHAIRMAN. The Chair thinks it is germane, when the text provides for republication, to amend as to the method of republication.

Mr. NEAL. I desire to be heard on the point of order. The point is made this does not reduce expenditure. Under existing law the contract made with the publisher of this book authorizes the sale of the current series of the Supreme Court Reports at $5 a volume. In the Forty-fifth Congress a bill was introduced looking to the publication of these reports by the Public Printer. Thereupon the reporter had the price reduced to $4 a volume——

Mr. HISCOCK. I hope the gentleman will confine himself to the point of order.

The CHAIRMAN. The Chair has already overruled the point of order, as the gentleman would have heard if he had been listening, on the ground that the text orders a republication of these reports, and the amendment proposes to regulate that republication and provide how it shall be made.

Mr. NEAL. Then I wish to address myself to the merits of the amendment.

Mr. HOLMAN. Will the gentleman allow me a moment? The present law provides for exactly what his amendment covers; the printing has to be done, under the law——

Mr. NEAL. The gentleman can reply, if he chooses, in his own time. If the present law provides for it the amendment can do no hurt. But I desire to be heard without interruption.

The CHAIRMAN. The gentleman is entitled to be heard.

Mr. HISCOCK. I hope I may be allowed to appeal to the gentleman from Ohio to withdraw his amendment. This matter is not of great moment, and if the expense of the publication of the reports is to be considered at any time, or a change is contemplated in the manner of printing or sending them to the Public Printing Office, let that be launched against the law when the whole subject is up for consideration in proper form. I ask him to withdraw his amendment.

Mr. NEAL. Shall I be heard now?

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. NEAL. I was going on to say that when a bill was introduced in the Forty-fifth Congress upon which the Judiciary Committee reported, the price was reduced to $4 a volume. Afterward, in the Forty-sixth Congress, the bill passed the House, and the price was reduced to $3 a volume. So there is beyond controversy the fact, which must be apparent, that the publishers and the reporter of the Supreme Court had been charging $2 a volume more than the work was worth, or more than it cost to print it. In other words, they had been levying contribution upon the legal profession of the United States to the extent of $2 a volume in excess of what was necessary for the expense of preparing the work.

Now, it is well known that the decisions of the Supreme Court are the supreme law of the land to the same extent that acts of Congress are; and they should be sold at a price that would place them within reach of every person who desired to know the law and the decisions of the court upon the law.

We distribute gratuitously 10,000 copies of the acts of Congress, but we compel every one who wishes to know what the decisions of the Supreme Court are to pay $3 a volume, after waiting for a year or two, to ascertain that. The Superintendent of Public Printing has reported upon the thirteenth volume of Otto exactly what they can be furnished for, and he says that the first edition of 2,000 copies can be furnished at about $1.50 a copy, or a little less than that, so that they can be sold to the profession and others who desire to know the decisions of the Supreme Court at $1.65 a volume, and that for the second edition of 1,000 copies, if necessary, they can be furnished in the same style of the first edition and for less than a dollar a volume.

Mr. BAYNE. And bound?

Mr. NEAL. Yes, sir; complete.

Mr. TOWNSHEND, of Illinois. At $1.50 a volume?

Mr. NEAL. No; the first edition would be $1.50 a volume, but the second can be furnished at a dollar a volume.

Mr. DINGLEY. That does not include the binding?

Mr. NEAL. Yes, sir; that is the report of the Public Printer. It will be found in the RECORD on the day that the legislative appropriation bill was passed, and upon that estimate the committee by unanimous consent adopted the section of that bill which requires the Supreme Court reports to be printed hereafter at the Government Printing Office, and sold at ten cents in advance of the cost of publication.

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment of the gentleman from Illinois.

The committee divided; and there were—ayes 51.

Before the negative vote was announced,

Mr. HISCOCK said: I desire to call the attention of the committee to this fact: that this work is in progress——

The CHAIRMAN. The committee is dividing. The ayes are 51 and the noes are 32. The amendment is agreed to.

Mr. HISCOCK. I will ask for tellers, and I desire to say to the committee that the work was ordered a year ago and contracts were made for it——

Several MEMBERS. Regular order.

Mr. CANNON. I rise to ask unanimous consent that the gentleman from New York may have an opportunity—— [Cries of "Regular order!"]

Mr. ATHERTON. I object.

The CHAIRMAN. Objection is made.

Mr. CANNON. I have not asked the unanimous consent yet. I am entitled, surely, to submit my request.

Mr. ATHERTON. Let us have the rule enforced.

Mr. CANNON. I am entitled to make my request, under the rule.

The CHAIRMAN. The Chair understood the gentleman from Illinois wished to say something under unanimous consent. The Chair asked if unanimous consent was given, and objection was made.

Mr. CANNON. I asked to be permitted to submit a request for unanimous consent; but before I did so the objection was interposed.

The CHAIRMAN. The gentleman will state what he asks.

Mr. CANNON. I ask unanimous consent that the gentleman from New York [Mr. HISCOCK] may state what the facts are about the contract for this work about which you are now determining.

The CHAIRMAN. Is there objection?

Mr. ATHERTON. I object.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers.

Mr. ATHERTON. I withdraw my objection.

Mr. HISCOCK. I desire to state——

Mr. RANDALL. The gentleman is not in order to address the Chair when the committee is dividing.

The CHAIRMAN. The Chair submitted a request that the gentleman from New York [Mr. HISCOCK] be permitted to make a statement. Objection was made by the gentleman from Ohio, [Mr. ATHERTON,] but that objection was withdrawn.

Mr. RANDALL. I renew it.

The CHAIRMAN. The Chair thinks the objection now comes too late.

Mr. HISCOCK. I desire to say that on the sundry civil bill of last year authority was given for commencing this work, and so far as the publication of these volumes is concerned, I understand the contracts have all been made for the Government through the Attorney-General.

Mr. MILLER. At what price?

Mr. HISCOCK. I do not know the price, but I know the contracts have been made.

Mr. BLOUNT. Will the gentleman from New York yield to me that I may make a statement?

The CHAIRMAN. Is there objection to the gentleman from Georgia [Mr. BLOUNT] making a statement?

Mr. TOWNSHEND, of Illinois. I insist that some one shall be permitted to reply.

The CHAIRMAN. The Chair hears no objection to the gentleman from Georgia [Mr. BLOUNT] proceeding.

Mr. BLOUNT. I desire to make a statement of fact. During the last Congress, from various sections of the country, members were insisting that the courts were not supplied with reports of the Supreme Court. In the first session of that Congress we provided several sums of money for the several courts. The Senate refused to accede to these appropriations, saying that there ought to be a general provision. At the last session of that Congress a provision was placed on the sundry civil bill directing the Attorney-General to provide the courts all over the country where there were missing volumes with the missing volumes, and where there were no sets at all with complete sets, and appropriating such sum of money as was needed to meet the emergency.

Mr. SPRINGER. What necessity is there for an additional appropriation?

The CHAIRMAN. With the permission of the gentleman from Georgia the Chair will direct the Clerk to read the clause to which he has referred as part of the gentleman's remarks.

The Clerk read as follows:

To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States; and also to furnish complete sets of the same, where there are none, to such points where United States courts are authorized to be held, and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated.

Mr. TOWNSHEND, of Illinois. I want to say a word or two in reply, after the gentleman from Georgia has concluded.

Mr. ROBESON. I wish to ask the gentleman from Georgia a question. If these contracts have not been entirely in pursuance of that law, and if this amendment is now passed, does it not simply mean a duplication of the fund?

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from Georgia a question.

Mr. BLOUNT. I wish to answer one at a time.

Mr. TOWNSHEND, of Illinois. That does not give any authority to make a contract for republishing.

Mr. BLOUNT. That law does not direct how this shall be done. It was intended to give to the Department of Justice the power to supply the courts with what everybody admitted they ought to have. There is no restriction on it. The Attorney-General has resorted to various sources of information to ascertain what was the cheapest mode of getting this done; and, as I understand from the Department, contracts have been made for the publication of the reports. They are not intended for individuals, they are not intended for sale, they are intended to go wherever a court is held, and the judges want them. This and nothing more.

Mr. BAYNE. Will the gentleman from Georgia allow me to ask him a question?

Mr. BLOUNT. Yes, sir.

Mr. BAYNE. How did the Attorney-General make contracts for these works before the money was appropriated?

Mr. TOWNSHEND, of Illinois. And without any direct authority?

Mr. BLOUNT. The Clerk has read the law authorizing him to do it, and appropriating in terms such sum of money as may be necessary.

Mr. MILLER. Why should we pay $5 for a report that can be published for $2?

Mr. BLOUNT. I deny the gentleman has any information that such a contract has been made.

Mr. MILLER. I know the Pennsylvania reports are published for $2, and those of Ohio for less.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] asks consent to say a few words on the other side. Is there objection? The Chair hears none.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, the act that has been read by the Clerk confers no authority on the Attorney-General to make contracts for the publication of the reports. The au-

thority given in that language is simply that he shall procure such volumes of the reports as are needed in order to make complete sets for the district attorneys and the courts.

Mr. BLOUNT. Not for attorneys.

Mr. TOWNSHEND, of Illinois. The act does not confer any authority whatever upon him to publish or reprint these reports. If you were to authorize the Clerk of the House to procure for the use of Congress copies of books that have been published, would he have authority under that order to make contracts for the publication of the work? Not at all.

If the bill of last Congress authorized the reprinting or publication of the reports out of print, as is contended by the gentleman from New York, [Mr. HISCOCK,] why do you by this provision again confer such authority upon the Attorney-General?

It is clear to me that the act simply authorizes him, as it would authorize any other agent of the Government, to procure the volumes by purchase, in order to make complete sets of these reports for the judges and district attorneys.

Mr. HOLMAN. I wish to make an inquiry. Suppose that this action of the last Congress authorized the reprinting of certain volumes; in that event did not this section of the Revised Statutes apply?

The printing, binding, and blank books for the Senate and House of Representatives, and the executive and judicial departments, shall be done at the Government Printing Office, except in cases otherwise provided by law.

With that provision of law in force, even if there had been authority given to the Attorney-General to supply these works, would it have been authority for him to make contracts for publishing these volumes?

Mr. TOWNSHEND, of Illinois. It is probable that the gentleman from Indiana [Mr. HOLMAN] is correct. But I say that under the original act the Attorney-General has no authority to make a contract which will bind the Government for the republication of perhaps fifty volumes of the reports of the Supreme Court. There are now about a hundred volumes of those reports; I do not remember the exact number.

Mr. HARRIS, of Massachusetts. Over a hundred volumes.

Mr. TOWNSHEND, of Illinois. Over a hundred volumes. I insist that under the clause of the bill of the last session, which has been read by the gentleman from New York, the Attorney-General has no authority to make a contract with private publishing-houses binding the Government so as to impose upon it enormous expenditures in order to supply district judges and district attorneys with these reports.

And should they be supplied with them, what disposition would be made of them? The attorneys receiving them would very probably keep them in their libraries, and when their term of office expires there would be very few instances, if any, where they would be turned over to their successors. And then when the successors are appointed they would come clamoring for complete sets of these reports, and the Attorney-General would buy them a hundred volumes or more in order to furnish sets to the new attorneys under the terms of this bill, and so it will go on about every four years, or as often as the change in appointments of attorneys may occur.

Now, I am satisfied that the Attorney-General had no authority to make this contract, and if he has it is time for us to strike out the whole paragraph and put a stop at once to this expensive undertaking.

Mr. NEAL. I ask unanimous consent to modify my amendment by adding to it the words "but any contract now existing shall not be affected by this provision."

The CHAIRMAN. If there is no objection the modification of the amendment will be made. [After a pause.] The Chair hears no objection.

Mr. SPRINGER. This amendment having been modified, it presents another question. I move to strike out the last word.

Mr. HISCOCK. I will withdraw my call for a further count.

Mr. SPRINGER. I move to strike out the last word, and desire to call the attention of the committee to the language of the statute which has been read from the Clerk's desk.

Mr. HISCOCK. I suppose that when unanimous consent has been given for a modification of the amendment of the gentleman from Ohio, [Mr. NEAL,] and I withdraw my call for a further count, the amendment as modified stands adopted in the bill.

The CHAIRMAN. The Chair will ask consent of the committee to that understanding. Is there objection? [After a pause.] The Chair hears none, and the amendment as modified is adopted.

Mr. SPRINGER. This amendment having been adopted——

Mr. TOWNSHEND, of Illinois. If the gentleman desires to speak on a substantial amendment, I will move to strike out the whole paragraph, and will take the floor when he gets through.

Mr. SPRINGER. I desire to call the attention of the committee to the language of the statute passed at the last session. It is perfectly harmless. It was merely to provide for the expense of transmitting by express or otherwise these volumes from the place where they might be stored to the parties entitled to receive them. It is this:

To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same, where there are none, to such points where United States courts are authorized to be held and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated.

Now, take that language in connection with the language of the pending bill, and it will be seen that the pending bill recognizes the fact that there was no authority to print one volume of these reports. What is the language of the pending bill?

And the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

That is the act from which I have just read. Here, then, is authority enlarging the act of March 3, 1881.

Mr. HOLMAN. And that is the object of this clause in the pending bill.

Mr. SPRINGER. Yes, the object of the clause is to enlarge the authority of the act of March 3, 1881, so as to authorize the republication of these reports. And gentlemen on the other side say that the Attorney-General has made a contract for this republication. If so, then it has been done in violation of law. I want to know where that contract is, and with whom the Attorney-General has made it. It is illegal and void, and the law officer of the Government ought to know better than to make a contract right in the face of the statute, and then ask us here to ratify his action by the apparently harmless clause which is in this appropriation bill.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I have moved to strike out the whole of the pending paragraph. I make this motion for the purpose of getting rid of this whole question. The provision of this paragraph simply gives authority to the Attorney-General to have many volumes of these reports republished without regard to the amount that it may cost, and to furnish complete sets of them, consisting of over one hundred volumes, to every district attorney and every district judge and clerk of the Federal courts in the United States. What will be the cost of this? You cannot estimate it. You have no data upon which it can be estimated. You put no restrictions upon the expenditure, but give the Attorney-General liberty to enter into a contract to reprint them with anybody at any price that he may deem proper.

These volumes when distributed will, in many instances, be considered as a perquisite of the district attorney; and when he retires from office he will regard them as a part of his private library. The new appointee will come up and demand a complete set, and the Attorney-General, under this provision, will have it in his power at any time in the future when the supply is exhausted to make another contract for republishing them. No restriction whatever is put upon him. In my judgment, the Committee of the Whole should strike out this whole paragraph and prevent the abuse which is likely to grow up under, and the enormous expenditure which will result from, its adoption.

The question being taken on the motion of Mr. TOWNSHEND, of Illinois, it was not agreed to.

Mr. SPRINGER. I move to amend by striking out all of the paragraph beginning with the words in line 1995, "and the Attorney-General is hereby authorized," and extending to the end of the paragraph.

The CHAIRMAN. Does the gentleman include the proviso in his motion to strike out?

Mr. SPRINGER. Yes, sir.

Mr. ROBESON. The gentleman will permit me to ask him a question. Does he not perceive that this is a provision only for supplying those volumes of the reports which are now out of print? Does the gentleman wish the Attorney-General to go round and buy those at $25 or $50 a volume rather than have the volumes reprinted?

Mr. SPRINGER. I wish nothing of the kind.

Mr. HOLMAN. They can be had at $2.50 a volume.

Mr. ROBESON. These volumes of which the editions are exhausted, and which are out of print, are very expensive.

Mr. HOLMAN. Not when the copyright has expired.

Mr. SPRINGER. The language which I propose to strike out is in these words:

And the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

How many volumes of these reports upon which the copyright has expired are there? Will any gentleman tell me? And how much will it cost to reprint this vast number of books and furnish them to these district attorneys and judges? Here is an unlimited appropriation. I challenge any gentleman on the other side to give me this information.

Mr. CANNON. Will the gentleman yield to me a moment?

Mr. SPRINGER. I will if the gentleman will give me the information I have asked for.

Mr. CANNON. Under the decision of the Supreme Court, there is no copyright in the decisions, but in the head-notes. Besides there is already under the act of the last Congress an unlimited appropriation—controlled somewhat, but an unlimited appropriation.

Mr. SPRINGER. No, sir.

Mr. CANNON. Yes, sir.

Mr. SPRINGER. Now, the gentleman has not answered my ques-

tion. I challenge the Appropriations Committee or any gentleman on the other side of the House or on this side to tell me how many volumes are authorized to be published by this provision. Nobody can tell me. Nobody knows.

Mr. CANNON. I will tell the gentleman. Just that number——

Mr. SPRINGER. That is not the information I want.

Mr. CANNON. It is the information you want. Just that number that the Attorney-General can republish at less cost than by buying them in the open market.

Mr. SPRINGER. Now, if the gentleman has any information I shall be glad to hear it; but these general statements I do not want. They do not throw any light upon this subject. I have asked the question, and nobody can answer it, how many volumes are to be republished under this provision and how much will be the cost?

I call attention to the further fact that under the law as it stands there is no authority whatever on the part of the Attorney-General to make a contract or to print a volume. He is only authorized to use such volumes as the Government already has on hand, and send them to the parties designated. He has no authority under the existing law, as the gentleman from New Jersey intimated he has, to go into the book-stores and buy these volumes—nothing of the kind. All that he can do is to send to these judges such volumes as the Government has.

Mr. BLOUNT. I rise for the purpose of opposing this amendment. The gentleman from Illinois says that no man can tell what amount will be needed. That is true, and why? Who can tell what is needed at a certain court in Georgia, Mississippi, or Illinois? There is no way of ascertaining it. The law is being observed by the Attorney-General. He is directing the judges and district attorneys to make out official statements for his information. That statement, I believe, has been made very generally. I cannot say it is complete. It seems to me it should be satisfactory. I do not know how we are to make it any more so, unless we investigate in each case the action of these officials. As far as I am concerned, and I think it is so with other gentlemen of the House, I will ask for no other information than that given by the Attorney-General.

I am quite sure in my own State and in the State of Tennessee, and I speak on information from the gentleman from Tennessee, [Mr. ATKINS,] and in the State of Kentucky, and I speak on information from the honorable gentleman from Kentucky, [Mr. BLACKBURN,] and from various other sources all over the House, there is great necessity for action in this matter. I speak on information from the judges of the Supreme Court, that there has been great embarrassment because of the lack of these books. Recognizing this fact, and ignoring whatever legislation has been in existence before, a provision was put into the sundry civil appropriation bill in the last Congress, not appropriating money for the purpose of having these books reprinted, but appropriating money, leaving it to the Attorney-General to provide these reports in his discretion by contract or by purchase in the market. That is the fair inference. It gives him a sum of money to provide these books, and that is all there is of it.

The gentleman has read the statute providing that it shall be done at the Government Printing Office. I recognize the statute, but it does not apply here.

Mr. HOLMAN. Why not?

Mr. BLOUNT. I ask the gentleman not to interrupt me. This sundry civil appropriation directed the Attorney-General, and not in a qualified way, to provide the books designated, and such sum of money as was necessary to do that thing was thereby appropriated. They did not intend to limit him and it was not so intended in this House. I trust gentlemen on either side of the House will appreciate the necessity there is for relieving the courts of their present embarrassment because of the lack of these books. I am as careful, I trust, as other gentlemen on the floor about appropriations, but when it comes to embarrassing the courts all over the land because of the lack of reports in connection with the administration of justice for the American people, I say we ought not to stand here on a question of dollars and cents. [Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I desire to offer an amendment to the amendment. I offer it as a compromise with the committee, and I hope it will be acceptable. I move to strike out the words "district attorney," in the first line. Now, Mr. Chairman, I desire the attention of the Committee on Appropriations for a few moments as I think we can reach a compromise on this question.

The original act provides that these books shall be furnished to district attorneys as well as to judges and clerks of the courts. I admit there is great force in the claim that the courts should have complete sets of these reports, but there is no force whatever in requiring sets of these reports shall be furnished to the district attorneys. If, however, the committee will consent to limit the appropriation so as to provide that the reports furnished district attorneys shall be turned over to their successors, it will be better than leaving the bill as it now stands.

Mr. ATHERTON. Does the gentleman understand this provision for district attorneys gives the individual who occupies the office these books, and that they are not to be transmitted to their successors in office?

Mr. TOWNSHEND, of Illinois. It would very probably be so construed by the district attorney.

Mr. BLOUNT. The regulations of the Department of Justice require that they shall be turned over to their successors.

Mr. ATHERTON. Let the language be changed so that they shall go to the district attorney in his official capacity.

Mr. TOWNSHEND, of Illinois. I know how it was in reference to State reports in Illinois and some other States, where the State attorneys have been furnished with reports. Of course the understanding was the attorneys should turn them over to their successors, but there were few, if any, instances where that was done.

Mr. ATHERTON. They were district attorneys in Illinois, but in Ohio they would have promptly turned them over to their successor. [Laughter.]

Mr. TOWNSHEND, of Illinois. Is the gentleman from Tennessee [Mr. ATKINS] willing that modification shall be made?

Mr. SPRINGER. I withdraw my amendment, and renew it for the purpose of making an additional statement in regard to the number of volumes to be reprinted under this order. I understand they are printed up to volume 103 of the United States reports, which is 13 Otto, and that leaves ninety volumes before Otto began. Those are the volumes upon which the copyright has expired. This order, then, is to print ninety volumes of a book like that, and it is left to the Attorney-General to provide them. Can gentlemen tell me how much that is going to cost? When they do that we will have some information upon which we can act intelligently.

Mr. ATHERTON. Will the gentleman let me ask him a question?

Mr. SPRINGER. Certainly.

Mr. ATHERTON. How much do they cost now?

Mr. SPRINGER. I cannot tell, but I know that the least expense for the printing of each volume will be $1.50.

Mr. ATHERTON. Well, if they now cost $3 or $4, and they can be reproduced at $1.50, which is best for the profession throughout the country—to pay $1.50, or $3 or $4 a volume?

Mr. SPRINGER. But this involves another proposition; that is, the printing of some ninety volumes of these reports similar to the one I hold in my hand, at an expense which no gentleman can now estimate. It may extend up to an immense amount.

The CHAIRMAN. Debate is exhausted. The question is on the amendment of the gentleman from Illinois [Mr. SPRINGER] to strike out that portion of the paragraph indicated, beginning with line 1985.

The committee divided, and there were—ayes 18, noes 51.

Mr. SPRINGER. No quorum having voted, I demand tellers.

Mr. CALKINS. Let me suggest to the gentleman from Illinois that this paragraph be amended in the first instance by inserting before the words "district judges," in the nineteen hundred and eighty-second line, the words "the offices of."

Mr. BLOUNT. I object; the committee is dividing.

The CHAIRMAN. That is not now before the committee.

Mr. TOWNSHEND, of Illinois. Then I hope when the next administration changes, and the Democratic party gets control, that these gentlemen will be directed to turn them over to their Democratic successors.

Mr. HISCOCK. And I will say to the gentleman from Illinois that we will do so as soon as it changes; but we expect to hold onto them until they are worn out before that shall occur.

The CHAIRMAN. The Chair must insist that this discussion is not in order, and can only be permitted by unanimous consent.

Mr. TOWNSHEND, of Illinois. If the gentleman from New York will permit a vote on this to be taken in the House, I think the point of no quorum will be withdrawn.

Mr. HISCOCK. That I will not do, and I do not desire to be discourteous about it, but simply answer in the interest of saving time. I have no great objection to a quorum being called from time to time, for it will keep our folks here on both sides of the House, where they ought to be.

Mr. SPRINGER. If the gentleman from New York will agree that the amendment of the gentleman from Ohio shall be so modified as to strike out the words which require the reviving of existing contracts, I shall have no objection to withdrawing the point.

Mr. HISCOCK. If I understand the proposition of the gentleman from Illinois I am perfectly willing, because it is my desire to have the bill remain exactly as it was reported from the committee to the House.

The CHAIRMAN. That requires unanimous consent.

Mr. SPRINGER. That requires unanimous consent, but that modification can be made by consent by striking out the words "except existing contracts."

Mr. HISCOCK. I am unwilling, of course, to do that. I understood the gentleman to apply it to the whole amendment.

Mr. SPRINGER. No. I refer to that portion of the amendment which provides that existing contracts shall not be affected by this provision. I want to strike that out.

Mr. HISCOCK. Let the whole amendment be stricken out, and leave the bill as originally reported from the committee; that I do not object to.

The CHAIRMAN. This debate has been proceeding by consent only. The gentleman from Illinois makes the point of no quorum. The Chair will appoint tellers.

Mr. SPRINGER and Mr. HISCOCK were appointed tellers.

The committee divided; and the tellers reported—ayes 23, noes 124.

So the motion to strike out was not agreed to.

The CHAIRMAN. There is still pending an amendment of the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. I withdraw that for the purpose of hearing the amendment which I understand the gentleman from Indiana [Mr. CALKINS] will offer.

Mr. CALKINS. I now offer an amendment to insert after the word "supply," in line 1982, the words "the offices of," and in line 1983 insert the word "which" in place of the word "who;" so that it will read "to supply the offices of district judges, district attorneys, and clerks of the United States courts which have not already received the same, the Revised Statutes of the United States," &c.

Mr. TOWNSHEND, of Illinois. I ask the gentleman to accept an addition to that amendment, "and that the same shall be delivered by the incumbents to their successors in office."

Mr. CALKINS. That clearly follows as a matter of course, and as far as I am concerned I have no objection to it.

Mr. TOWNSHEND, of Illinois. I think it had better be put in.

The CHAIRMAN. The Chair will suggest to gentlemen that these amendments properly apply to that portion of the paragraph referring to the Revised Statutes of the United States.

Mr. HISCOCK. That amendment is accepted so far as I am concerned.

Mr. CALKINS. And so far as I am concerned.

Mr. HOLMAN. I wish to offer an amendment to the amendment. I think the language here should not be "delivered," because difficulties may arise in carrying it out. For instance, in the case of the death of the district attorney or clerk they could not deliver these volumes to their successors. I suggest to the gentleman that he modify his amendment by providing that they shall go to their respective successors in office. I had myself prepared an amendment providing that the volumes of such decisions which shall be furnished to such district judges, attorneys, and clerks shall belong to their respective offices and shall go to their respective successors in office.

The CHAIRMAN. The Chair will remark to gentlemen that they are applying these amendments to that part of the paragraph which refers to the Revised Statutes. If it is designed to apply it to the whole paragraph the Chair will suggest that the Clerk be permitted to read on.

Mr. HOLMAN. But I wish to call the attention of my colleague to the fact that under the provisions of the law this will require three sets of these volumes to be distributed in each case, and a complete set can be furnished to three officers of the district court, the district judge and district attorney and the clerk, when, if I remember now correctly, but one set is furnished, and one set is found to be sufficient. If I understand this provision, it would require a complete new set to go to the clerk and to the district attorney in addition to those authorized by law.

Mr. CALKINS. This applies to the Revised Statutes only, to supply the clerks and district attorneys and district judges.

Mr. HISCOCK. The gentleman from Indiana must bear in mind we are not legislating here with reference to any book except the Revised Statutes.

Mr. TOWNSHEND, of Illinois. The gentleman from New York is mistaken. The last clause of the paragraph applies to the reports of the Supreme Court.

Mr. CALKINS. But it does not furnish them to these officers.

Mr. HOLMAN. I think it must be so construed.

And the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

I admit there is some ambiguity, but I think it must be held that the first terms of this paragraph are intended to apply to the whole.

Mr. CALKINS. Oh, no.

The CHAIRMAN. Will the gentleman permit the Chair to say that all that gentlemen can desire to be accomplished can be arranged in an additional proviso if some one will prepare it.

Mr. BRIGGS. I have prepared such a proviso and offer it as an amendment. I ask the Clerk to read it.

The Clerk read as follows:

And provided further, That all reports and statutes furnished by the United States to district judges, district attorneys, and clerks of the United States courts under this or any other law shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office.

The CHAIRMAN. Are the other amendments which have been proposed withdrawn? The Chair hears no objection; and the amendment just read is the only amendment pending.

Mr. BRAGG. I desire to make a single suggestion. If that amendment be adopted, by implication we say to every district attorney, "All the books which have been heretofore furnished to your office belong to you," because now we make a law which provides that all that are furnished in future belong to the office. Therefore, by implication we give him the title in fee to all the books heretofore published.

Mr. BRIGGS. The gentleman misapprehends my amendment.

Mr. HISCOCK. I will say to the gentleman from New Hampshire that his amendment is the law to-day.

Mr. BRAGG. Let it be again read.

The amendment proposed by Mr. BRIGGS was again read.

Mr. BRAGG. That would not be construed to be retroactive. It applies *in futuro*, unless by the language you make it retroactive.

Mr. HISCOCK. That is the law to-day.

Mr. BRIGGS. So I understand. We have wasted an hour to prevent these officers from stealing these reports, and I wanted an amendment which would end this controversy so that we might proceed with business.

Mr. ROBINSON, of Massachusetts. And you deserve the thanks of the House.

Mr. HISCOCK. My experience is that it is a waste of time to introduce an amendment which is not necessary and which is the present law, that it invites further amendments to it, and that such an amendment had better be resisted at the outset.

Mr. SPRINGER. I move as an amendment to the amendment of the gentleman from New Hampshire to insert the words "heretofore or hereafter" after the word "statutes."

Mr. BRIGGS. I accept that. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. Before the vote is taken on the amendment let me say that the House seems this morning to manifest a passion for economy in the public printing. Let me say you have ordered more public printing by this clause than has been ordered by the Joint Committee on Printing during this entire Congress; more than for any one work except the Official Records of the Rebellion. Here is the most stupendous job of public printing that has been ordered here in this Congress.

Mr. HISCOCK. I desire to say that this stupendous and colossal job, that rears itself even above the Dome of the Capitol, was put upon a sundry civil bill reported to this House by a Democratic Committee on Appropriations, and that it comes to us as a legacy from them.

Mr. SPRINGER. I take issue with you on that assertion.

Mr. HISCOCK. The only new provision that this House is responsible for, is for the furnishing of the Revised Statutes. The provision to furnish these reports to the district attorneys, and to the clerks, and to the judges, comes over to us as a legacy from a Democratic House. The only thing we have done upon this bill in reference to what they ordered last year——

Mr. TOWNSHEND, of Illinois. We did not order it.

Mr. HISCOCK. Is to provide that a clerk who may cost $1,200 a year may devote himself to annotating the volumes that the last Congress have made necessary for publication. I hold in my hands the legislation for which they are responsible.

Mr. SPRINGER. Let it be read.

Mr. HISCOCK. The Department was ordered to purchase these volumes if they should cost their weight in gold. They were ordered to "supply" them. The word "supply" covers the purchase or printing or any mode whatever known to man's ingenuity by which the volumes could be procured.

Mr. TOWNSHEND, of Illinois. I ask the gentleman to put his finger upon a word in the act of last year that authorizes the reprinting or republishing of any of these volumes.

Mr. HISCOCK. Certainly a gentleman with the intelligence of the distinguished gentleman from Illinois is able to construe this language:

To supply district judges and district attorneys who have not already received the same with the reports of the Supreme Court and Statutes at Large of the United States.

Mr. TOWNSHEND, of Illinois. Do you hold that that authorizes the republishing of them?

Mr. HISCOCK. I hold that it authorizes the republication or the purchase. It says to the Department, "You can go on the market to get them or you can do anything in the world necessary to supply them." This, gentlemen, is your chicken; take care of it.

Mr. BLOUNT. I move to strike out the last word of the paragraph.

I trust I have been long enough a member of this House and have earned enough of the confidence of the House to prevent my feeling the slightest embarrassment at any announcement by the gentleman from Illinois [Mr. SPRINGER] that this is a job. If it is a job, I am for the job.

Mr. SPRINGER. All right.

Mr. BLOUNT. And I can stand, I think, any comparison with my friend on that subject before the country without any danger. The simple proposition in this bill, authorizing this reprinting, was because the Attorney-General believed, and rightfully, that he could reprint these books cheaper than he could go into the market and get them. I have no doubt that is true. They have investigated it, and I have learned it from that office itself. I am not afraid to trust the word of the Attorney-General of the United States as to a fact of this kind, when he has better opportunities for information than anybody else; I accept his statement. If there is a job about it I am not responsible for it. But I do not believe that there is any job connected with it. It is the most economical and the simplest way of supplying to the judges and the district-attorneys the books which they need, and notably several judges of the Supreme Court

of the United States have avowed that they are a necessity. With those judges indicating the necessity of this thing, and with the details intrusted to the Attorney-General of the United States, I can give my vote for this amendment with that confidence in others which I trust others have in my official action.

Mr. CASWELL. I desire to make a correction of the statement of the gentleman from Illinois, [Mr. SPRINGER.] He announced a short time ago that this bill would permit the republication of at least ninety volumes of the reports of the Supreme Court of the United States.

Mr. SPRINGER. How many will it be?

Mr. CASWELL. I want to say to my friend that the copyright is still preserved upon all the volumes of the reports of the Supreme Court issued since 1840. Therefore this bill can extend to very few volumes at the most.

Mr. TOWNSHEND, of Illinois. The copyright does not exist upon the decisions, but only upon the head notes.

Mr. SPRINGER. All this shows that we want more light upon the subject.

Mr. HOLMAN. I move to amend the amendment by adding to it the following:

But the reports of the decisions of the Supreme Court shall only be furnished to the district judges under this provision and said act.

Mr. RYAN. That is right.

Mr. HISCOCK. Wait a moment. I would ask the gentleman from Indiana [Mr. HOLMAN] if his amendment should not refer to the act of 1881?

Mr. HOLMAN. It does in expressed terms.

Mr. BAYNE. Do you not want to furnish these reports to circuit judges?

Mr. HOLMAN. This provision does not apply to them.

The question was taken upon the amendment to the amendment; and upon a division there were—ayes 34, noes 13.

So (no further count being called for) the amendment to the amendment was agreed to.

The CHAIRMAN. The question is now upon the amendment as amended.

Mr. HISCOCK. I hope that will be withdrawn, for it is the law now.

Mr. HOLMAN. Oh, no.

The amendment as amended was then agreed to.

Mr. HISCOCK. I desire to offer an amendment, not as coming from the Committee on Appropriations, but I offer it as an individual member of the House. It is to insert the paragraph which I send to the Clerk's desk.

The Clerk read as follows:

To pay the expenses of circuit judges in going to and returning from their courts, and while in attendance at courts at places where they do not reside, $15,000; but not exceeding $10 a day shall be paid to a judge for traveling expenses and for attendance.

Mr. TOWNSHEND, of Illinois. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. It is new legislation and does not retrench expenditures. It changes existing law and does not economize expenditures. I will reserve my point of order until the gentleman from New York [Mr. HISCOCK] explains his amendment, if he desires to do so.

Mr. HISCOCK. Take the case of Judge McCrary; he has to travel perhaps six or seven hundred miles, and his expenses are nearly enough to eat up his salary. Take the case of a circuit judge in one of the Eastern States, it is about the same in reference to him.

Mr. REED. Why not include district judges?

Mr. HISCOCK. The district judges get it now, not when attending district courts, but when attending circuit courts.

Mr. CALKINS. They do not get it where they are attending courts in the State where they reside.

Mr. TOWNSHEND, of Illinois. I understand that this amendment applies to circuit judges. It will not be long before the same allowance will be asked for district judges.

Mr. CALKINS. And they ought to have it.

Mr. HISCOCK. I have no objection to including district judges.

Mr. CALKINS. Very well, I will move to amend by inserting "district judges."

Mr. HISCOCK. I will accept that amendment.

Mr. TOWNSHEND, of Illinois. I will not insist upon my point of order, if the House desires to adopt the amendment.

The CHAIRMAN. The question is upon the amendment as modified.

Mr. WHITE rose.

The CHAIRMAN submitted the question, and announced that the "ayes" appeared to have it.

Mr. WHITE. I claim the right to be heard.

The CHAIRMAN. The gentleman was on his feet, but the Chair did not hear him ask to be heard.

Mr. WHITE. I make the point of order that the amendment is not germane, that it increases expenditures, that it raises the salaries of judges indirectly, and is not a proper amendment to this bill.

The CHAIRMAN. The Chair thinks, as to the point of order, that the gentleman from Kentucky [Mr. WHITE] had time to make it before the amendment was explained, and is not in time now with his point of order. The Chair supposed that the gentleman wished to speak to the amendment.

Mr. BLACKBURN. I call for a division on the amendment.

The committee divided; and there were—ayes 53, noes 48.

Mr. BLACKBURN and Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. HISCOCK and Mr. BLACKBURN were appointed.

The committee again divided; and the tellers reported that there were—ayes 74, noes 79.

So the amendment was not agreed to.

The Clerk read the following:

MISCELLANEOUS.

That John W. Thompson, Henry A. Willard, John A. J. Cresswell, and others, constituting the executive committee on the inaugural ceremonies of March 4, 1881, are hereby relieved from the findings of a board of survey whereby the said executive committee is held responsible in the sum of $616.22 for the loss and damage by the elements to certain flags, the property of the United States, used in decorating the public buildings at Washington, District of Columbia, during the ceremonies attending the inaugural proceedings of March 4, 1881.

Mr. DEERING. I move an amendment, to come in after the word "miscellaneous," preceding the paragraph just read.

The Clerk read the amendment, as follows:

To enable the Secretary of the Treasury to pay for services rendered in connection with the duties of the late chairman of the committee on experiments and chairman of the Light-House Board, in conducting scientific researches for the light-house establishments, as recommended by the Light-House Board, $2,925.

The amendment was agreed to.

The Clerk read the following:

That hereafter all advertising in newspapers required by existing laws to be done in the District of Columbia, by any Department of the Government, shall be published only in two daily newspapers, one of each of the two political parties.

Mr. MUTCHLER. I make a point of order on that paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. MUTCHLER. I make a point of order under clause 3 of Rule 21, that it is new legislation, repealing existing law, namely, the act of January 21, 1881, which provides for public advertisement in the District of Columbia, and is not in the interest of economy. I send a copy of the existing law to the Clerk's desk to be read.

The Clerk read as follows:

That all advertising required by existing laws to be done in the District of Columbia by any of the Departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 3828 of the Revised Statutes.

SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Mr. MUTCHLER. I desire to call the attention of the Chair to the fact that in the existing law the rate of compensation is limited to the commercial rates usually charged by the paper receiving payment. Under this paragraph, which repeals the existing law, the rate of compensation is not regulated; consequently the two papers that are to do this advertising can receive the same amount that has heretofore been paid to four. For this reason the provision of the bill does not retrench expenditures.

The CHAIRMAN. Does the gentleman from New York [Mr. HISCOCK] wish to be heard on the point of order?

Mr. ROBESON. I would like to understand what the point of order is.

Mr. MUTCHLER. I make the point of order, in the first place——

Mr. ROBESON. The provision may change the existing law; but does it not reduce expenditures by reducing the number of these newspapers just one-half?

Mr. MUTCHLER. No, sir.

Mr. ROBESON. I thought it did.

Mr. MUTCHLER. I call the attention of the gentleman from New Jersey to the fact that under the existing law the rate of compensation is regulated; the newspapers doing this advertising can charge only a particular rate. Under the law, as sought to be amended by this paragraph, these newspapers may charge whatever they please.

Mr. ROBESON. Oh, no.

Mr. MUTCHLER. Oh, yes.

Mr. ROBESON. Under the law as it now exists authority is given to publish these advertisements in four newspapers at a certain rate. The provision in the bill reduces the number of newspapers from four to two, without changing the rate of payment.

Mr. MUTCHLER. I do not look at it in that way. That does not appear on the face of the paragraph.

The CHAIRMAN. In the opinion of the Chair this provision leaves in force all existing laws except as to the number of newspapers. But the point of order which the gentleman raises rests upon that fact, that this does change existing law. In that case the rule provides that it shall not be in order unless it shall be germane to the subject-matter of the bill, and "shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

The Chair again calls the attention of the committee to the fact that amendments changing existing law and retrenching expenditures generally do not become legitimate except when reported by

committees having jurisdiction of the subject-matter. If this provision were reported by the Committee on Printing, or perhaps by the Committee on the Judiciary, the Chair would consider it germane and as tending to retrench expenditures; but the Chair is inclined to consider the provision subject to a point of order upon the ground that, while it changes existing law, it does not retrench expenditures in one of the three modes named. The Chair will be glad to hear further discussion on the point of order.

Mr. HASKELL. May I call the attention of the Chair to the fact that under the clause of the rule which he has cited, one of the three modes in which an amendment must retrench expenditures, to be in order, is by the reduction of the compensation of any person paid out of the Treasury. Now, in this case there is a reduction of the compensation to be paid out of the Treasury because you reduce the number of newspapers that are to publish these advertisements.

Mr. MUTCHLER. But there is no reduction of compensation.

The CHAIRMAN. The Chair thinks that the clause which the gentleman from Kansas cites refers to the compensation of specific persons.

Mr. HASKELL. But in the clause of the rule, the reduction of salaries is provided for specifically. Now, this amendment provides that a smaller number of persons shall do this work, and therefore there will be a less compensation. It seems to me that the provision comes within the rule.

Mr. HISCOCK. I will simply make a suggestion to the Chair as bearing on the question, because whatever the effect of the decision may be, it is of course desirable that the question should be decided rightly.

I call the attention of the Chair to the proviso at the close of the subdivision 3 of Rule XXI:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

If the pending provision were out of the bill it would be entirely proper upon the part of the Committee on Appropriations to propose just such a provision as an amendment, because the question of the expenditure of this money and how many papers may be employed, how many officers may do this business, is peculiarly within the jurisdiction and province of the Committee on Appropriations.

Suppose that I had presented here as a committee amendment this provision embraced in lines 2004 and 2008. That clause, if it had not been in the bill, but were offered as an amendment from the Committee on Appropriations, would be a proper amendment, and no point of order would lie against it, because it would retrench expenditures and in this way come within the terms of the proviso which I have read.

The CHAIRMAN. The Chair would be glad to hear from the gentlemen who took part in revising the rules whether he is mistaken in supposing that this proviso referred to amendments reported from committees who would have jurisdiction of the subject-matter.

Mr. HISCOCK. I say that as to this branch of the service the only committee that has jurisdiction of it is the Appropriations Committee.

Mr. SPRINGER. As to this subject-matter properly coming from the Committee on Appropriations, which was the remark of the gentleman from New York, [Mr. HISCOCK,] I wish to say it should properly come from the Committee on the District of Columbia. This is for advertising in the District of Columbia.

Mr. HISCOCK. I beg the gentleman's pardon.

Mr. MUTCHLER. The gentleman from Illinois is right. You cannot advertise anything here except what appertains to the District of Columbia.

Mr. SPRINGER. The advertising for the Post-Office Department is provided for by the postal laws.

The CHAIRMAN. The separate act of printing is entitled "An act to regulate the mode of and compensation for public advertising in the District of Columbia." It is exclusively confined to the District.

Mr. SPRINGER. I so understand it.

The CHAIRMAN. The Chair is further informed this act was reported by the Committee on Printing. It was in that view the Chair felt bound to consider the proviso to the rule.

Mr. SPRINGER. I wish to say that it should either come from the Committee on the District of Columbia or the Committee on Printing. Either one of those committees would have properly jurisdiction of the subject.

Mr. ROBESON. This bill is full of appropriations for supplies for the various Departments, for which under the law advertisement is required.

Mr. MUTCHLER. In the District of Columbia?

Mr. ROBESON. In the District of Columbia; yes. Supplies for the Post-Office Department and other Departments are required, many of them, by law to be advertised for in the District of Columbia.

Mr. MUTCHLER. I think the gentleman is mistaken.

Mr. ROBESON. No; I am not mistaken. Supplies for the Navy Department, no matter where it comes from, supplies for the navy-yard here, are all advertised for in the District of Columbia. This bill covers hundreds of such items in all of the Departments. Now, we regulate and restrain the expenditure of the money required to be expended by law under those appropriations. If this is not within the province of the Committee on Appropriations, then I cannot see what is.

The CHAIRMAN. Will the gentleman inform the Chair whether there is an appropriation in the pending bill for advertising? The Chair does not recollect of any such appropriation.

Mr. MUTCHLER. I think there is none.

Mr. ROBESON. I do not know that there is, but there are appropriations for hundreds of objects under the various Departments which the law requires shall be advertised for.

Mr. ROBINSON, of Massachusetts. Mr. Chairman, a single question as to the history of the third clause of the twenty-first rule. That was adopted in order that certain committees having charge of certain subject-matters might present them to the House, although they would not come within the prior clauses of that rule. In the last Congress, after the rules were adopted, gentlemen will remember the Committee on Military Affairs, as one instance, brought in a proposition particularly within their jurisdiction and did retrench expenditures, as they claimed, but not within the three methods prescribed. I see the gentleman from Pennsylvania, [Mr. RANDALL,] who was one of the committee which drew up this new code of rules, and he will agree I think that this was not a modification reported from that committee, but made in the House.

Mr. RANDALL. This was not reported by the committee.

Mr. ROBINSON, of Massachusetts. I think it was suggested by the gentleman from Illinois, [Mr. MORRISON.] He proposed some change should be made. It seems to me gentlemen will admit it was adopted for this purpose: that a subject which could not be introduced under the first part of that rule might come in under the latter part, if the committee charged with that matter should bring it before the House, if that provision should retrench expenditure in any way.

Mr. RANDALL. My recollection is this proviso was an amendment to the recommendation of the Committee on Rules. It was added by the House on motion of the gentleman from Illinois, [Mr MORRISON.] If I recollect the debate correctly, it developed what it was intended for, and that was that any committee of the House having jurisdiction of a subject might introduce from that committee an amendment, provided it was germane to the subject-matter and retrenched expenditure. It gave to the Committee on Naval Affairs the right to introduce amendments on an appropriation bill when naval matters were under consideration, provided they were germane and reduced expenditures; and so it was with other committees. It was a sort of compromise, and I thought at the time quite a proper provision; and I have seen no reason since then to doubt its propriety.

Mr. CALKINS. Let me ask how the proviso to this clause applies to anything before the House now?

Mr. RANDALL. It was intended, and the language taken together showed it had no application except to appropriation bills.

Mr. CALKINS. The gentleman and I will not disagree that the proviso to this clause of the rule simply applies to amendments offered by committees by authority of the committee where that committee was charged with a certain subject in cases where it retrenched expenditure.

Mr. RANDALL. I have illustrated it by a case in point.

Mr. CALKINS. That is my idea. Now, one word further. That proviso can have no application to the subject under consideration, because this amendment does not come into the bill on the recommendation of any other committee.

Mr. RANDALL. I do not see the application at all to this case. I will illustrate, however, a case in point, and one that is within the memory of everybody present. The naval appropriation bill contained features of legislation relating to the organization of the Navy. Now, it would be competent under this proviso for the Naval Committee to come in and introduce any amendment which is germane to the subject-matter of the bill and which reduced expenditures.

Mr. CALKINS. I agree with the gentleman from Pennsylvania, but with only a suggestion, with his permission——

Mr. RANDALL. Certainly. I shall be glad to hear the gentleman.

Mr. CALKINS. If this clause stands in the bill under the point of order made by the gentleman from Pennsylvania, it must stand under one of the provisions of this third clause of Rule XXI, namely, that it retrenches expenditures by the reduction of the number and salary of the officers of the United States. Now, it does not do that. Or by the reduction of the compensation of any person paid out of the Treasury of the United States. Now, does it do that? If it does upon its face it is in order. If it does not upon its face retrench expenditures it is not in order, and is subject to the point of order made against it. Or, third, by the reduction of amounts of money covered by the bill. Now, it does not come in under that provision of the rule, for it does not reduce the sum covered by the bill. So it is remitted to the second clause and limited to that; and if it upon its face reduces expenditures by reducing the amount of compensation paid to any person out of the Treasury of the United States, then it is a reduction of expenditures and is not subject to the point of order.

Mr. RANDALL. A fair construction of that proviso and a common-sense interpretation of it would only go to the extent that where a bill is introduced from the Committee on Appropriations it is competent for any other committee of the House having charge of the subject-matter to make an amendment which would be germane to something in that appropriation and have the right to introduce such an amendment provided it retrenched expenditures. The Committee on Appropriations may perhaps have that same privilege, in introducing a separate amendment from their committee, if they had jurisdiction of the subject-matter to be legislated upon, and coming within the purview simply of the Committee on Appropriations.

The CHAIRMAN. The Chair is ready to rule upon the point of order, and begs only the attention of the committee to say that the difficulty in these several points of order arises from the confusion attending the words "retrenching expenditures," and he has repeatedly in this bill been compelled to rule out propositions changing general law and which have attached to them something reducing expenditures covered by the bill.

Under the proviso of the rule alone can an amendment be entertained which, being germane, shall retrench expenditures in any general sense. The Chair does not regard this provision in the bill, however, as coming from a committee having jurisdiction of the matter.

As to the other clause of the rule, this provision does not, in the opinion of the Chair, reduce expenditures in either of the three ways in which the rule limits it. The Chair therefore decides that the section is not in order and must be stricken from the bill upon the objection made. The Chair desires to express his perfect willingness, however, to submit the matter to the committee for its decision if objection is made.

The Clerk read as follows:

To pay to Edward J. Gurley, of McLennan County, Texas, the sum of $1,000 for himself and $1,000 as trustee for the law-firm of Blocker & Gurley, for legal services rendered the Government of the United States.

Mr. HISCOCK. I desire to move to strike this provision from the bill.

Mr. MILLS. There is no objection to that.

The motion was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay James L. Andem for reporting testimony before the Committees on Foreign Affairs and Public Buildings and Grounds, $598, the bills for the same to be approved by the chairmen of said committees and by the Committee on Accounts of the House of Representatives.

Mr. SPRINGER. I reserve on this provision the point of order. If gentlemen desire to explain it, I will withhold the point of order and hear an explanation.

Mr. BLACKBURN rose.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. BLACKBURN. No; I desire to offer an amendment.

Mr. SPRINGER. I will withhold the point of order if gentlemen desire to make an explanation of the necessity for this paragraph.

The CHAIRMAN. The Chair will hear the gentleman upon the point of order.

Mr. SPRINGER. The first point of order is that it is not an appropriation authorized by law, and does not retrench expenditures in the manner indicated by the Chair in its recent decision.

The CHAIRMAN. The Chair hardly understands the point of order as applicable to the payment of necessary expenses under orders of the House of Representatives.

Mr. ROBESON. If the gentleman from Illinois would like an explanation, I will give it to him.

Mr. SPRINGER. I will withhold the point of order to hear that.

Mr. ROBESON. It is exactly in accordance with the law and the construction placed upon it by every Democratic Congress for the last ten years.

Mr. RANDALL. I do not think that is the fact.

Mr. BRAGG. I would like to inquire of the gentleman from New Jersey if that, in his opinion, makes it good law and good morals?

Mr. ROBESON. It is for that side of the House.

Mr. HISCOCK. It is good for them as an estoppel.

Mr. RANDALL. It is not well founded.

Mr. ROBESON. We authorize the committees of our House, certain of them, when they require to do so, to take testimony; to have hearings before the committee; to have the testimony taken down by the stenographers or reporters. We provide two reporters, who usually take down that testimony and do the reporting. But they cannot do it all themselves. Each reporter has to pay, of course, for all his own work, for all his own transcribing, for his own amanuenses, and everything of that kind. But if we have got a dozen committees hearing testimony at once, the reporters are not birds, as Sir Boyle Roche put it, to be in two places at the same time, and they cannot do it. And the past Democratic Congresses have recognized just that thing. I hold in my hand the report of the second session of the Forty-fifth Congress, when $6,000 were appropriated for just this thing to a dozen different people. I hold in my hand the report of the third session of the Forty-fifth Congress, when $4,000 were appropriated for the same thing. And I have here the report of the last session of the last Democratic Congress, when nearly $400 were appropriated for exactly the same thing. I give that as an answer to the point of order.

Mr. RANDALL and Mr. SPRINGER rose.

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. RANDALL. I will say in reply to the gentleman from New Jersey that this is to pay for a stenographer who was employed by the committees named in this paragraph to take the place of the regular stenographers of the House. I am generally disposed to be liberal about such matters where the service is rendered in good faith; but I want to put on file in answer to the statement of the gentleman from New Jersey a letter I have received from the two former reporters of the committees of this House.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to have the letter read?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. On the point of order?

Mr. RANDALL. The gentleman from Illinois [Mr. SPRINGER] yielded to me. The gentleman from New Jersey made his statement on the point of order, and I want to make answer on the part of the late stenographers of committees of this House to the particular point or assertion which the gentleman from New Jersey has made.

The CHAIRMAN. In the absence of objection, the Clerk will read the letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *July* 12, 1882.

DEAR SIR: Please do us the justice to put on record, in some form, the following statement, to correct an erroneous one which has been made:

1. During the time we served the House as official stenographers for committees there was never a dollar appropriated to pay others for acting as our personal substitutes.

2. The appropriations to pay additional stenographers were made only when there was an unusual "run" of work—never in such a session as the present, the lightest in this respect for many years. During February and the first three weeks of March last, the stenographic work done for committees was probably twice as much as the work since; yet it was all done by us alone.

At several sessions within the past eight years the committee work was very heavy, (sometimes considerably exceeding the debates in volume,) and of course others had to be employed to aid us; but we always did the most important and difficult work ourselves; and in no case were we ever interested, directly or indirectly, to the amount of one cent, in any appropriation made for the payment of other stenographers. We are,

Yours, very respectfully,

HENRY G. HAYES,
ANDREW DEVINE.

Mr. HORR. I want to know what that has to do with this question of order?

Mr. RANDALL. It has this to do with it, that this paragraph is to pay for services given in lieu of the services not rendered which should have been rendered by the recent appointees.

Mr. HORR. How do these men know anything about it?

Mr. RANDALL. They know what occurred in their own case.

Mr. ROBESON. How did these appropriations in previous sessions of $6,000, of $4,000, and of $400 occur?

Mr. SPRINGER. This is an appropriation to pay the person who is named here for reporting testimony before these committees. Now the law has provided two official reporters for that purpose.

The CHAIRMAN. The Chair will remind the gentleman that there was an order of the House for the taking of this testimony.

Mr. SPRINGER. I desire to remind the Chair this appropriation is brought forward by reason of the fact that the persons appointed to do this work by the Speaker of the House were utterly incompetent to do it, were unable to do it; and we are now paying them their salaries under the law. And here is a provision requiring us to appropriate money to somebody else for doing the service they should have done.

I ask to have printed as a part of my remarks a portion of the proceedings of the Committee on Foreign Affairs, showing that they were compelled to discard the work of the official stenographers and employ others to do the work. They employed Mr. Andem and others. The Committee on Foreign Affairs employed Mr. Hayes, one of the discharged reporters, to furnish the committee with the report he had made for the Associated Press. The gentlemen appointed by the Speaker were incompetent to do the work, and were compelled to employ a substitute to do it. I ask that this be printed as a part of my remarks.

The following is the portion of the proceedings of the Committee on Foreign Affairs referred to by Mr. SPRINGER:

WASHINGTON, D. C., *April* 12, 1882.

At the opening of the session of the committee the witness, Mr. Jacob R. Shipherd, addressing the chairman, said: "I would like to say a word or two in reference to the official report of my testimony I am compelled to ask the attention of the committee to that report, about one hundred pages of which I have had this morning put in my hand for the first time. So far as a general examination of it allows me to judge, it is fairly accurate; but I notice constant errors, some of which are most serious; for example, one on page 103, in reply to a question by Mr. BLOUNT, in that answer I am reported as saying:

"'The WITNESS. The fund of humor, as the examiner characterizes it, will be found to be carefully qualified. It had occurred to me that he would do something for us upon reading his letter—I don't know just where I will find it—his letter of October 1, in which he says that he very sincerely wishes that he could appear to have as solid a basis as we thought it had, because in that case it would be of great advantage to us. That letter of October 1 was written two days, I think, after Calderon had been taken away, and I understood the letter—and others understood it the same way—to imply a suggestion on the minister's part that he really wished it might be put in such shape that it might be of very great use. That is, if our

company could be brought to the front it might be made a basis for the return of Calderon and the restoration of the Peruvian Government, which General Hurlbut thought it ought to be restored to.'"*

"Now, I ask to be excused from the supposition that I could be possibly responsible for such idiocy as that. I could point out twenty errors which I discovered within the last ten minutes, errors just as gross as this. The testimony is almost unintelligible."

Mr. RICE. Some members of the committee, of whom I am one, sympathize with you, Mr. Shipherd.

Mr. BELMONT. There is no doubt about that.

Mr. RICE. The questions and answers as printed are, many of them, entirely unintelligible, and by no means give an idea of what took place at the time. I have read enough of the official report to know that it is necessary for us to rely upon our memory rather than upon that report.

Mr. BELMONT. I found that out before to-day, and I made arrangements to have a special report made for myself.

The WITNESS. This testimony, as I understand, must be submitted to the House, and, conceivably, members of the House may take the pains to look into it. If it is possible to have the official report revised so that it will be intelligible it would seem to me desirable to have that done. I venture on making that suggestion. I have followed the reports in the New York morning papers with some care, and have read them attentively, and those reported have been remarkably accurate. I think that if those reports were taken as the standard a very accurate report might be made. The only exception that I make is that I notice that, after these reports reached New York, each editor, in turn, omits such passages as he deems inexpedient to disclose to his readers. But I think that, if all the reports as published in the New York morning papers were taken and collated, a full report would be found of each day's proceedings. If the committee will take steps to have a revision made on that basis I think a good report can be had, and I submit the question to the committee.

The CHAIRMAN. The committee has seen the defects in the official report. Of course it should be a literal transcript of what occurs here, and we have all noticed that it is not. If any member of the committee has any suggestion to make the Chair will be glad to hear it.

Mr. RICE. It is very evident, Mr. Chairman, that where a report of testimony is taken to be put into the archives of Congress, and to furnish a basis for present action and for future reference, if that report is not a transcript of what actually occurs it can be of no possible use, except to deceive.

Mr. ORTH. Of course it would be better for us not to have any report at all than one that is not accurate.

The CHAIRMAN. We all agree that it is of the utmost importance to have an accurate report. As Mr. Shipherd says, I have myself noticed in the New York papers a very accurate and literal report indeed.

Mr. ORTH. So have I.

Mr. BLOUNT. We can consider this question at some future time.

The CHAIRMAN. Perhaps we had better go on this morning, but I hope that the stenographer will be very careful.

The official stenographer [Mr. Dawson] asked and obtained permission to make a statement. He said that his colleague, Mr. Devine, was sick, and that for the last three or four days he had been doing this work. He had had to read his notes to an amanuensis, or to two or three different ones, and whatever corrections he made had to be made in a great hurry. The copy had to be sent to the Printing Office immediately, and he could see no proof and had no chance to compare the copy as written out with his own notes. He had to rely upon a lady whom Mr. Hayes had been employing heretofore, and she had come to him last afternoon and informed him that she could not help him any more, so that he had had to go out and get two or three other stenographers to dictate his notes to. He had not been able to compare the copy as written out with his notes; and that was all the excuse he had to make for the state of the report. He had been very closely rushed. He did not feel that he ought to sit here after the criticism of the committee, as his work was not satisfactory.

The CHAIRMAN. The committee appreciates your embarrassment, but of course an official report should be literally accurate.

Mr. WALKER, (to the stenographer.) Do I understand that your notes are entirely correct, but that the difficulty lies in the transcribing?

The STENOGRAPHER. I think that my notes are equal, or very nearly equal, to the average. Before I came on here I had done a good deal of short-hand work, but I have not done any lately. I am out of practice just now and for that reason I would hardly say that I am absolutely as correct as men who have been in practice all the time. But I am rapidly gaining the facility which I had formerly when I was regularly in the business. I submit to the chairman recommendations which I have in order to show the opinions of men for whom I did work seven or eight years ago, when I was regularly in the business. The fact is that I am out of practice. I have not had any practice in this work for three or four years. My work has been amanuensis work in the War Department, so that I have been out of practice in this kind of work. Besides I learned from members—friends of mine—when I first went to work that an effort was going to be made to show that I was incompetent. I went to work, therefore, with nervousness, and I found a great deal of difficulty in reading my notes, just as a man would in reading long-hand written under a pressure and when he is in a state of mind in which he is not in a condition to do the work.

The CHAIRMAN. I feel very sure that there is no prejudice or bias against you on the part of the committee; but, for some days, members have mentioned, and I have noticed, some of these inaccuracies.

The STENOGRAPHER. Gentlemen will recollect (my attention has been called to it by a friend) that the speeches reported in the House are all revised by members; but no committee work is revised.

Mr. ORTH. Not one speech in ten is revised.

The STENOGRAPHER. I do not want to go ahead with this report under the present circumstances. It would not be fair to the committee, nor would I be able to do it, probably.

The CHAIRMAN. What is the pleasure of the committee?

Mr. RICE. I see no way but for us to adjourn.

The STENOGRAPHER. On account of the rush in getting out this work I had made an arrangement to have another stenographer come in at half past eleven.

The CHAIRMAN. Can you you send him now?

The STENOGRAPHER. I will try to.

Mr. WALKER. Is he an official reporter?

The STENOGRAPHER. No, sir; he is clerk to a committee.

Mr. ORTH. We must apply to the House to furnish us a reporter.

The CHAIRMAN. It seems too bad to lose the entire session to-day. If we had a reasonably accurate reporter we might go on.

Mr. RICE. There are some things wholly omitted from the record that occured here; and there are other places where the sentences are so constructed as to be utterly ungrammatical and illogical. In some cases they vary from the sense very essentially. What is the use, therefore, in our going on with this reporter?

The CHAIRMAN. Certainly not.

Mr. BLOUNT. Suppose we relieve Mr. Shipherd? We can do nothing this morning.

The CHAIRMAN. We must adjourn the hearing.

* The corresponding paragraph in the corrected report is on page 101.

Mr. LORD inquired whether the reporter of the Associated Press might not report the testimony this morning.

The REPORTER declined doing so, saying that he had been removed from his office by the Speaker in order to make place for the stenographer who had just been reporting for the committee.

The OFFICIAL REPORTER remarked that if he had been appointed to the position a month or two before he would have employed some man to take his place, because he was on the point of being sick.

The committee adjourned with the understanding that the matter should be brought to the attention of the House or of the Speaker.

At a subsequent session of the committee it was ordered that a correct report of the testimony from the 5th to the 12th of April inclusive, should be obtained from the reporter of the New York Associated Press and should be substituted for that already printed. In compliance with that wish of the committee, as communicated in the following note, Mr. Henry G. Hayes, who had reported the investigation specially for the New York Associated Press, prepared an official report of the testimony taken within those dates, and which is substituted in this record for that previously printed, except as to the portion of the testimony taken on the 8th of April up to noon, (pages 80 to 91,) which was reported by Mr. Andrew Devine, the other official stenographer, and which is printed from the original text.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D. C., May 1, 1882.

DEAR SIR: I am directed by the chairman of the Committee on Foreign Affairs, pursuant to a resolution of the committee, to inform you that he desires to use your notes of the testimony taken in the Chili-Peruvian investigation on April 5 to April 12, 1882, inclusive.

Very truly, yours,

BYRON ANDREWS,
Clerk of Committee.

HENRY G. HAYES, Esq.

The CHAIRMAN. The Chair is ready to decide the point of order. The House has ordered certain investigations, including the taking of testimony, and has given the usual powers for that purpose. In the absence of proof to the contrary, it must be presumed it was in the execution of these powers this liability was incurred. The point of order is overruled.

Mr. SPRINGER. I make the further point of order that the person named here is already in the employment of the Government, and, under the law, cannot receive compensation for work done in another capacity.

Mr. SINGLETON, of Illinois. I will state that he furnished the committee with a substitute, who has given entire satisfaction. He did so at the request of the Committee on Public Buildings and Grounds. He is now in the employment of the tariff commission.

Mr. SPRINGER. I concede all that my colleague states. The point I make is that at the time the service was rendered, this reporting for the Committee on Foreign Affairs and the Committee on Public Buildings and Grounds, Mr. Andem was clerk of the Committee on Public Buildings and Grounds. Therefore this paragraph is subject to the point of order under the general law which provides that no officer of the Government receiving compensation from the Government for his services as such officer shall receive any additional pay or compensation for any other service he may do for the Government.

Mr. SINGLETON, of Illinois. I would state to my colleague that this gentleman turned over his compensation to a substitute who performed the service, and the arrangement was entirely acceptable to the committee.

Mr. SPRINGER. I am speaking of the time when he was on the roll as clerk of the Committee on Public Buildings and Grounds.

The CHAIRMAN. When the gentleman from Illinois [Mr. SPRINGER] rests his point of order on a fact which is not on the record, the Chair can hardly take notice of it.

Mr. SPRINGER. I will produce evidence that he is the clerk of the Committee on Public Buildings and Grounds, and I say the Chair ought to take notice of who are the officers of this House without my proving it. It is a part of our record here that this gentleman is a clerk of one of the committees of the House.

The CHAIRMAN. The Chair must depend on the gentleman from Illinois to furnish the record to show that this gentleman is a clerk of a committee; for the Chair does not know the names of all the clerks of committees.

Mr. SPRINGER. I say that the Chair should take cognizance as a judicial fact of the officers of this House. If a page will bring me the Congressional Directory I will give the Chair the information.

Mr. HORR. I take it that that will not make any difference.

The CHAIRMAN. The point of order as presented requires the investigation by the Chair of a matter of fact——

Mr. SPRINGER. It does not require the investigation of a fact. Will not the Chair take cognizance of the officers of this House?

The CHAIRMAN. The Chair will not take cognizance, for he cannot know, of all the clerks and doorkeepers and other officers about the House.

Mr. REED. Allow me to suggest that the Chair takes judicial cognizance of a thing upon proper information, not otherwise.

Mr. SPRINGER. And I will give the proper information.

Mr. ROBESON. Even if it were true, does the scope and intent of that provision of law, which says that clerks shall not be paid extra for clerical work, mean that a clerk of a committee shall perform the duties of stenographer and reporter for other committees without any further compensation? That does not apply at all. All that that provision means is that no clerk in any Department, no

officer of the Government who is obliged to do extra work in the line of his duty, according to his ordinary appointment, shall receive extra compensation for it. But if he is called upon to do something in which he is an expert, and devotes his hours of leisure and his labor to that work, the provision does not apply to that case at all. Neither does it apply to clerks of committees of this House, or to members of this House, in so far as they may be regarded as officers.

Mr. SPRINGER. I produce here the Congressional Directory showing that this man was the clerk of the Committee on Public Buildings and Grounds.

Mr. SINGLETON, of Illinois. That is not the question; it is admitted that he is the clerk.

Mr. SPRINGER. But the Chair does not admit it, it seems.

The CHAIRMAN. The Chair does not think it necessary to prolong this inquiry. There are gentlemen on the floor making different statements as to a question of fact. Now, the rules cannot require that the Chair shall stop public business in order to settle a disputed fact.

Mr. SPRINGER. There is no disputed fact; here is the record.

The CHAIRMAN. But that does not settle the point.

Mr. SPRINGER. Then there is nothing that can settle it.

Mr. HISCOCK. I hope the gentleman from Illinois [Mr. SPRINGER] will desist——

The CHAIRMAN. The Chair will recognize the gentleman for debate upon an amendment.

Mr. SPRINGER. "The gentleman from Illinois" is very much obliged to the gentleman from New York [Mr. HISCOCK] for his suggestion. The gentleman from New York has occupied nine-tenths of the time of the House for the last week, and nobody has asked him to desist.

The CHAIRMAN. The Chair will rule formally upon the point of order. The only evidence produced with regard to this disputed fact is the Congressional Directory of February 1, 1881. The Chair is not aware of who are now the clerks of committees. It is said that the man has resigned, but the time when he did so is uncertain. The Chair will not hold that he is obliged to suspend business for the purpose of ascertaining facts on which to rule, and therefore overrules the point of order.

Mr. COX, of New York. I move to strike out the last word to say this——

Mr. SPRINGER. I move to strike out the whole clause, and the gentleman can speak on that.

Mr. COX, of New York. That is right. I presume this item in this bill is made possible by the action of the Speaker of this House, whether in removing from office, rightfully or wrongfully, two of our official reporters, experienced men, competent men, against whom there was not a shadow nor a scintilla of complaint.

By Rule XXXVI of this House no stenographer can be removed by the Speaker except for cause. I understand that Mr. Hayes, our reporter, inquired of the Speaker the cause for his removal and received no reply. The removal, therefore, so far as I can understand it, was made on the mere caprice, will, or pleasure of the Speaker, and not for cause.

I do not know that we can debate the legality of that removal on this provision, but certainly there will be no other opportunity to call the matter in question. Although the matter has been sent to the Committee on the Judiciary by a resolution offered here by the distinguished gentleman from Georgia, [Mr. STEPHENS,] no report has been made from that committee. Perhaps the gentleman from Maine can tell us why no report has come from that committee.

Mr. REED. "The gentleman from Maine" can just do that.

Mr. COX, of New York. I wish he would.

Mr. REED. The matter was referred to a sub-committee, consisting of the gentleman from Massachusetts, [Mr. ROBINSON,] the gentleman from Ohio, [Mr. CONVERSE,] and myself. The gentleman from Massachusetts and myself have examined the question, and I have twice personally suggested to the gentleman from Ohio that I would be obliged if he would examine it, but some business of his intervened to prevent it.

Mr. COX, of New York. I am very sorry that the committee has had so long a time and so little fruit is the result of it. If I understand it, the case stands in this way, and it may as well be understood by the House: Mr. Hayes was removed, so far as we know, not for cause, not on any ground of complaint, according to the ordinary meaning of the word "cause" in a legal sense, but simply at the whim and caprice of our Speaker. And no account has been given to Mr. Hayes or Mr. Devine looking to a case of removal "for cause." Who was appointed in place of Mr. Hayes? A Mr. Dawson. Am I right?

Mr. HORR. Yes, sir.

Mr. COX, of New York. Utterly incompetent, as was shown by his efforts before the committee of which you, Mr. Chairman, were a member.

Mr. STEELE. Is there anything in the rules requiring the Speaker to report to Mr. Hayes?

Mr. COX, of New York. Wherever a removal is required to be "for cause," as the gentleman must know, notice must be given, and in that notice the cause of complaint must be stated.

Mr. MOULTON. And opportunity given for defense.

Mr. COX, of New York. Yes, opportunity given for defense. What is the meaning of "cause?" Surely, if there was ever a case so plain that a wayfaring man could not err therein, it is this. The meaning of the rule is that some reason must be given outside the mere will or pleasure of the officer making the removal. I am not complaining of the honorable Speaker in regard to any particular cause he may have had for removing these men.

It was said that one of these reporters was connected with the Associated Press; that was given at one time as a cause. But that is denied; it was not true. Why could not Mr. Hayes have been advised as to the real reason, if there was any, for his removal? Why was Mr. Devine removed without cause, against our rule? Are we not here to defend our own rules? Is not the Speaker only the creature of this House? Is he not, therefore, bound under the rule to state something either to the House or to the officer removed as a "cause" for such removal? Therefore, when it comes to paying a man who acted in the place of an incompetent person who was appointed to the position of one of these men removed—men who had served the House for ten, fifteen, or seventeen years—men of the highest probity, against whom not a word can be said as to their skill or honesty or fair dealing with the House, it becomes us to vindicate the House and exhibit the facts not only to the press and the country but to the House itself, that seems to be ignorant of them. [Cries of "Vote!" "Vote!"]

Mr. HORR. I wish to say to the Committee of the Whole just a word in reply to the gentleman from New York [Mr. COX] and the gentleman from Illinois, [Mr. SPRINGER.] The gentleman from New York states that these persons were removed without cause, which is simply not true although he may think it is true. They were removed for cause and good cause——

Mr. COX, of New York. What was it?

Mr. HORR. Such as was satisfactory to the Speaker; and when he becomes satisfied it does not matter whether you are satisfied or not.

Mr. BLOUNT. What does the rule mean?

Mr. HORR. The rule means that the Speaker shall be governed by good common sense. It is stated that the gentlemen put in these places were not competent. I deny it. They were able, reliable stenographers.

Mr. COX, of New York. Will my friend from Michigan tell us what the causes for removal were, if he knows, for I declare I do not know?

Mr. HORR. My friend from New York would not be any happier if I did so, not a bit. [Laughter.]

Mr. COX, of New York. The Speaker is our organ, and we have a right to know the cause under the rules.

Mr. HORR. I will tell you what I think is the matter with my friend from New York and my friend from Illinois. It is this: that the two gentlemen who have been selected and put in these places are both Union soldiers of long service——

Mr. COX, of New York. I never knew anything about that.

Mr. HORR. And the men put out happened to be Democrats of their ilk. That is where the trouble is.

Mr. COX, of New York. I never knew anything about the politics of these gentlemen who were removed; and I did not know that there were soldiers put in their places. Therefore my friend is entirely at sea on this subject.

Mr. SPRINGER. I do not know either of these persons appointed; I would not know them if I saw them now.

Mr. RANDALL. In my intercourse with the two gentlemen removed I never had any knowledge of their politics.

Mr. SPRINGER. Both of them were appointed by Republican Speakers; one by Speaker Colfax, the other by Speaker Blaine.

Mr. HORR. I believe I have the floor. I will say to my Democratic friends, since they deny all knowledge on this subject, or perhaps are ignorant of it—I hope they are—that it somehow happens in the history of this Government whenever a soldier gets into any place there is always trouble about it on the other side of the House. You commence worrying all the while.

Mr. COX, of New York. We have appointed soldiers.

Mr. BRAGG. May I ask the gentleman from Michigan a question? Because a man was a good soldier does it follow that he is a good stenographer?

Mr. HORR. No; but when a man was a good soldier and is a good stenographer he has just as much right to a place under this Government as a man who is simply a good stenographer and was not a good citizen. Is that satisfactory? I am not going into the causes for the removal of these men. That was a matter upon which the Speaker had to be satisfied. I have known him from his boyhood. He is a conscientious man; he is as honorable a man as any of you gentlemen who are assailing him. I say that he had good reason for the removal of these men; and he put in their stead men who had done long and valued service for this Government.

Mr. MCMILLIN. If the gentleman knows that there were good reasons for these removals, will he do us the favor to say what the reasons were?

Mr. HORR. That is not a question for the House to determine.

Mr. RANDALL. Oh, yes.

Mr. HORR. I beg the gentleman's pardon.

Mr. RANDALL. The rules are the property of the House.

Mr. HORR. It is a matter for the Speaker to determine, as the

gentleman from Pennsylvania well knows, for he has determined matters of this kind scores of times during his service as Speaker.

Mr. RANDALL. Let me answer that. That modification of this rule changing it from what it was formerly was for the purpose, and the words "for cause" were put into that rule, drawn by the gentleman from Georgia, [Mr. STEPHENS,] a member of the Committee on Rules, and adopted by the unanimous vote of that committee on both sides—that insertion of the words "for cause" placed these two men who were stenographers for committees and the five official reporters of debates who sit at that desk beyond the reach of politics, requiring them only to be honest and capable, with the expert ability to perform their duties.

Mr. BLACKBURN. I desire to say a word——

Mr. HORR. I yield to the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. What was the purpose of these words being put into the rule?

Mr. BLACKBURN. Let me say a word. I desire simply to say in reference to this rule that the gentleman from Pennsylvania is entirely correct in his statement.

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. HORR. Yes; I want to hear the gentleman from Kentucky.

Mr. BLACKBURN. I desire to say the gentleman from Pennsylvania is entirely correct. The purpose and understanding of the Committee on Rules at the time this rule was adopted, and the gentleman from Pennsylvania [Mr. RANDALL] was himself at the time the Speaker of this House, were expressly stated in the room of the Committee on Rules, when this matter was under consideration——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CALKINS. I will move to strike out the last word, and yield to the gentleman from Kentucky.

Mr. BLACKBURN. It was then stated, if the *res gestæ* are to come in and constitute any part of the consideration here—it was then stated to the gentleman from Pennsylvania, who was at that time Speaker of this House, the rule being moved by the gentleman from Georgia, [Mr. STEPHENS,] who was then a member of the Committee on Rules, that this was intended to take away from the Speaker of the House the exercise of an arbitrary power, which the Speaker then and there declared, and now still declares, he never did exercise. Mr. STEPHENS was the mover of this rule, and stated it was for the purpose of stripping the Speaker of the House of any arbitrary power over the stenographers of the House. It was agreed to by the other members, Mr. RANDALL, Mr. STEPHENS, Mr. Garfield, Mr. FRYE, and myself, constituting that committee. This rule was agreed to on that statement made by the gentleman from Georgia, who moved, which made it imperative, as I understood and I doubt not the Committee on Rules understood, upon the Speaker to find cause, not to his satisfaction, I take it, but to the satisfaction of the House. [Cries of "No!" "No!" on the Republican side.]

Mr. CALKINS. Allow me for a moment. The whole matter comes at last to the construction of the words "for cause." There is a power lodged by that rule in somebody, and our friends on that side say it is lodged in the House, and gentlemen on this side seem to say it is lodged in the Speaker. Now, the whole subject is under consideration by the Judiciary Committee, and I suggest, Mr. Chairman, that it would be proper toward that committee to let it rest there without forcing this debate prematurely on it at this time.

Mr. KENNA. Very well; and let this provision go out at the same time.

Mr. BLACKBURN. I do not criticise in any unfriendly spirit the action of the Speaker of the House of Representatives. And I do not mean to be so understood.

Mr. CALKINS. I understand that now the difference is reduced to a small compass, and we need not get into any wrangle about it. The whole question is in reference to the power to judge of that "cause" for which removal is to take place, whether vested in the Speaker or in the House. That subject is under investigation by the Committee on the Judiciary. Why go into all this debate when we have referred it for report to the Committee on the Judiciary? There is no doubt about the fact this man performed this service. Now, let us pass this bill to pay him for it, and determine the other question when it comes up. Let us go on with the bill.

Mr. BLOUNT. I move to strike out the last word.

Mr. CALKINS. I have not yielded the floor.

Mr. HORR. I ask the gentleman from Indiana to yield to me.

Mr. CALKINS. Certainly.

Mr. HORR. I ask the gentleman from Kentucky, as he seems to be familiar with this subject, whether this clause in this appropriation bill is not simply to pay a man engaged by the man who was removed, to do his work on this committee? He was not appointed by any one of these men who have since been put in by the Speaker.

Mr. ROBESON. He was appointed by Mr. Devine to take his place before the Foreign Affairs Committee when he was sick or pretended to be sick.

Mr. SPRINGER. The gentleman is mistaken in that.

Mr. ROBESON. I know it is true, because he told me so himself.

Mr. RANDALL. I wish to say Mr. Devine lives within a few doors of where I reside, and that when the gentleman from New Jersey uses the language that Mr. Devine "pretended to be sick" he is not warranted in doing so, because I know Mr. Devine was actually sick.

Mr. CALKINS. Well, he was appointed simply to take the place of the regular stenographer, who was otherwise employed, and that is all there is of it. This is to provide for his pay.

Mr. RANDALL. Very well; but I do not want the gentleman from New Jersey to make such an insinuation against the character of Mr. Devine without a response to it. He is not a man to pretend sickness.

Mr. ROBESON. I saw him in the Capitol myself at the time he was said to be sick.

Mr. RANDALL. I did not hear the gentleman from New Jersey.

Mr. ROBESON. I say that I saw him myself in the Capitol on the day that he was said to be sick.

Mr. RANDALL. I know of my personal knowledge that he was under the care of a physician and threatened with a rush of blood to the head, and has since been prostrated by that disease.

The CHAIRMAN. The Chair understands the *pro forma* amendment to be withdrawn.

Mr. BLOUNT. I renew the amendment. The gentleman from Michigan has stated that these reporters were removed for cause. The question is raised here as to who should judge of that cause, whether it be the Speaker of the House or the members of the House. With that issue I shall not take up the time of the committee. I conceive that if the power is with the Speaker to remove for cause it would be but a proper regard for the members of the House over whom he presides to state the cause when he finds occasion to remove a faithful and competent officer of the House.

Mr. ATHERTON. And to state it also to the party removed.

Mr. BLOUNT. I presume it would not be a removal for a cause which is to be secret in the breast of the Speaker or of the gentleman from Michigan, but one which we have a right to ask and a right to know; and when this House chooses to ask for the cause it cannot be regarded as impertinent or an unwarrantable interference with the functions of the Speaker.

The gentleman from Michigan has intimated that the cause of trouble on this side of the House was because these men were Democrats.

Mr. STEELE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. I make the point of order that the gentleman should confine himself to the substance of the pending proposition.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. STEELE. I would like to have a ruling on the point of order.

The CHAIRMAN. The Chair is of opinion that the gentleman is proceeding in the line warranted by the previous debate.

Mr. BLOUNT. These reporters, who were here long before the Democratic party came into possession of the House, appointed by Republican Speakers and continued afterward, were removed for cause, which cause is unknown to the House. Now, who is to assign that cause or to determine its validity? Was the service improved by this change?

The substitute appointed for Mr. Hayes, one of the removed official stenographers, was sent before the Committee on Foreign Affairs to report for us what is known as the Shipherd investigation, and after two or three days it became known to the committee that we were being very inaccurately reported.

The fact was called to the attention of the members of the committee by the principal witness also, and it was known and acknowledged by every member of the committee that the report was absolutely inaccurate and unreliable, and the reporter himself came up and admitted his deficiency and asked to be excused from any further attempt to report the proceedings before the committee.

Mr. WALKER. Did he not state the cause why he asked to be excused?

Mr. BLOUNT. Did he not state the cause! Why, it was because he could not do it. He was, he said, entirely out of practice, and thought that he would come and practice for our committee for a few days and get his hand in!

Mr. WALKER. Did he not state the cause?

Mr. BLOUNT. He did. That was his own admission and the report shows it. The Speaker of the House was exceedingly unfortunate when he removed the old reporters who had been approved here both by Democrats and Republicans and admitted to be men of integrity, ability, and character, and appointed a man to fill their places who was utterly incompetent. The committee after having labored for several days on an important investigation, and after occupying their time with an immense mass of testimony, found that the whole work was entirely worthless and the new appointee asked to be relieved from the duty. The committee then had to call upon Mr. Hayes, the man who had been removed "for cause," to get a report of the proceedings. He made his report, and it was acknowledged to be correct.

Mr. WILSON Mr. Chairman, I desire to say a few words in addition to what has been said by my colleague on the Committee on Foreign Affairs, [Mr. BLOUNT,] though I do not fully agree with him.

Mr. HISCOCK. I insist that debate should be limited to the point

before the committee. The motion is to strike out the clause, and I hope debate will be limited to the motion.

The CHAIRMAN. The Chair will state that the pending motion is to strike out this clause.

Mr. WILSON. I was recognized, and hope the gentleman from New York [Mr. HISCOCK] will not disturb me, but permit me to proceed without further interruption.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. WILSON. I desire to be heard for a few moments upon this question of construction—construction of the first section of the thirty-sixth rule of this House. That section is in the following language:

The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

Thus it will be seen, Mr. Chairman, that the House has vested in the Speaker the power to remove for cause. It is within his power and it his duty to fill a vacancy should one occur.

Mr. HORR. Will the gentleman allow me to ask him a question right there, as to what the question of the removal of these men has to do with this law?

Mr. WILSON. I will answer my friend, if he will be patient for a little while. The legal status of these reporters depends upon the construction of this rule and the law.

Mr. HORR. The question I wish to ask is this——

Mr. WILSON. I hope the gentleman will not consume my time. It is within the power of the Speaker and it is his duty under the rule to remove a reporter of this House or of one of its committees if he believes there is sufficient cause for it. Primarily he is the sole judge of the cause of removal, nor is he required to explain the cause at the time the removal is made.

Section 54 of the fifth chapter of the Revised Statutes is as follows:

No person shall be employed as a reporter for the House of Representatives without the approval of the Speaker.

Now, under the law no person shall be appointed without the approval of the Speaker and under the rule to which I have referred the appointing power is vested in the Speaker in case of removal to be exercised only for cause. The plain English of the statute and the rule considered together leaves no doubt that this removing and appointing power has been by the House vested in the Speaker.

Is it not absurd to suppose that when the Speaker is about to make a removal he must first submit the case to the House and ask the House to pass upon the "cause?"

Mr. SPRINGER. Let me ask the gentleman——

Mr. WILSON. I will make a fair statement if the gentleman will allow me to proceed. Now, the removing power is with the Speaker, and he is not required to explain to the House at the time of the removal the cause thereof. But after the Speaker has exercised this power and made the removal this House can, if it desires to do so, call upon him to state what the cause was. This information, I take it, can be called for for the information of the House by a simple resolution, and if it shall be thought proper to give the deposed stenographers an opportunity of refuting the alleged cause, the whole subject can properly be referred to the Judiciary Committee, or possibly to the Committee on Rules, or to a special committee, before whom both the Speaker and the deposed stenographer can be heard.

Mr. ATHERTON. Let me ask the gentleman from West Virginia a question. Where it is provided that a man is to be removed "for cause" does not that intimate that the cause shall be made known to him?

Mr. WILSON. Not necessarily at the time of removal. The President of the United States may remove any officer where that power is vested in him, and he is not required to give to the country or to the party removed the cause of the removal. If, however, he shall exercise his high power improperly and from corrupt motives this House has the power to impeach him and the Senate the power to try him on that impeachment. Heretofore the Speaker possessed the arbitrary power to appoint and remove whomsoever he pleased. The change in the rule by adding the words "for cause" was designed to take away from the Speaker this arbitrary power, the power to remove for personal or political reasons.

Let us look at the subject impartially, without prejudice for or against the parties concerned. I know Mr. Hayes and Mr. Devine. I regard them both as very competent and worthy men and believe them to be good stenographers. If I had had the appointing or removing power I should have retained them. The Speaker, for reasons satisfactory to himself, thought and acted otherwise, and we should acquiesce, at least until the matter shall be investigated by a committee.

Mr. RANDALL. Does not the word "cause," in its legal significance, carry with it a right to be heard?

Mr. WILSON. Of course it carries with it the right to be heard. When the House shall refer the matter to a committee and that committee shall come to investigate the question, then the Speaker may be called upon to assign the cause of removal, and the deposed officer may then be heard.

I am sustained in the position I have taken, Mr. Chairman, by the action of this House on this very subject. On March 29 of the present year the distinguished gentleman from Georgia, [Mr. STEPHENS,] upon a question of privilege, submitted the following correspondence and offered the following resolution:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 23, 1882.

SIR: You are hereby notified that you have been this day removed for cause as a stenographic reporter of committees of the House of Representatives.

J. WARREN KEIFER,
Speaker House of Representatives.

HENRY G. HAYES, Esq.,
Stenographer, House of Representatives.

WASHINGTON, D. C., *March* 24, 1882.

SIR: I respectfully ask to be informed of the cause for which I am removed, by your notification of yesterday, from my official position as stenographic reporter of committees of the House of Representatives.

Your obedient servant,

HENRY G. HAYES.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 24, 1882.

SIR: I am directed by the Speaker to acknowledge the receipt of your note of this date, and to advise you in reply that he does not think that any public or private purpose will be subserved by furnishing a detailed statement of the cause or causes which have led to your removal as stenographic reporter of committees of the House.

He is desirous, however, that you should not be led by the language of the letter of removal to infer that any criticism was intended to be made upon your private character.

Very truly, yours,

C. C. ROYCE, *Private Secretary.*

HENRY G. HAYES, ESQ., *Washington, D. C.*

WASHINGTON, D. C., *March* 28, 1882.

SIR: I have waited for the last five days in the hope that you would, on further consideration of the rules of the House, recall your letter of the 23d instant, notifying me that you had removed me from my office.

As you have not assigned any cause for your action, have refused to assign any, and have (so far as I am aware) none to assign, I beg, respectfully, to inform you that I do not recognize its legality.

Very respectfully,

HENRY G. HAYES.

Hon. J. WARREN KEIFER,
Speaker House of Representatives.

And whereas it is claimed on behalf of Mr. Hayes that the action of the Speaker in the premises does not legally constitute removal for cause: Therefore,

Resolved, That the Committee on the Judiciary be instructed to make full inquiry into the facts of the case and to report without delay, and at any time, what is the legal tenure of the official reporters, and whether Mr. Hayes has lawfully ceased to be an officer of the House; also to make such investigation in the matter as the committee may deem proper.

Now, Mr. Chairman, Mr. STEPHENS upon that occasion desired to be heard. The Speaker requested that he should be heard, and expressed his own desire to state the reasons which had led him to the removal of Mr. Hayes. The House had it then in its power to hear these reasons. The Speaker was ready and willing to communicate them. He expressed his desire to do so, but he was cut off by an objection. The matter was referred to the Committee on the Judiciary, and I suppose that at an early day we will have a report from that committee, giving the grounds for the Speaker's action.

There seems to be an implied complaint against the Speaker here because he has not heretofore explained to the House the cause for this removal. But, Mr. Chairman, upon the only occasion when this subject was before the House, and the Speaker could properly assign the cause, he announced his readiness and his willingness to do so, and it was no fault of his that the House did not hear him. There has been no occasion since when it would have been proper for him to revive the subject before the House, nor will there be again until the report of the committee comes in. The question has gone to the committee. I have no doubt that both the Speaker and Mr. Hayes will be heard by it. If there was not sufficient "cause" the committee will ascertain and report it; if there was cause the committee will report that fact.

After all said and done, Mr. Chairman, as I before observed, the only question before us is the construction of the thirty-sixth rule. The Speaker is empowered to do a certain thing for "cause." He is to be the judge of that "cause," and is responsible to the House if he fails to properly exercise the power conferred upon him; it is the merest twaddle to suppose that he must first consult the House as to the propriety of his action. He is charged with a duty, and in performing that duty he is responsible. If properly done he is to be commended for it, and not otherwise.

The CHAIRMAN. The question is on the *pro forma* amendment. If there be no objection it will be considered as withdrawn.

Mr. ROBESON. I renew the *pro forma* amendment. I desire for the purpose of settling this question to read the law, not the rule. The law on this case, the statute law is:

No person shall be employed as a reporter of the House—

This House of Representatives—

without the approval of the Speaker.

Now, that is the law. The rule undertakes to say this:

The appointment and removal for cause of the official reporters of the House, including stenograpers of committees and the manner of the execution of their duties, shall be vested in the Speaker.

If that rule changes the law, or undertakes to change the law, how does it change it? I say it has no power to change the law. But if it has power to change it, what Speaker is intended? The Speaker of the last House or of the House before? Is the office of stenographer of this House a life appointment?

Mr. SPRINGER. Under the statute it is.

Mr. ROBESON. What statute? The statute is to be found in the seventeenth volume of the Statutes at Large, page 47.

Mr. RANDALL. Will the gentleman from New Jersey allow me to state that the law he has read was passed to restrict the power of the contractor for the publishing of the Congressional Globe, so that he might not at his own will and caprice remove these gentlemen without the permission of the Speaker and the House; and it has no application whatever to the present system, under which we select our own reporters and do our own printing.

Mr. WILSON. With the permission of the gentleman from New Jersey, I would ask the gentleman from Pennsylvania this one question: Can the President of the United States, or can any other officer holding the appointing and removing power, be required at the time he deposes an officer to state the cause of his deposition or removal?

Mr. RANDALL. If the law says so, or any rule restraining him, yes.

Mr. ROBESON. I believe I have the floor. All that I say is that no matter what the law was passed for the law was passed, and is on the statute-book, and it binds us and controls our rules, if they are controlled by it. If it does not control them then will any man say that the rules of the last House and their execution by the Speaker of the last House binds this House? Do you mean to say that the Speaker of the last House could make an appointment that would last forever, unless you could find some cause for the removal of that appointee which will meet the approval of everybody?

Then another legal point: where the law, or where the rule says that a man may be removed for cause, and gives the power to a court or to any individual to remove for cause it gives the judgment of that cause to the person in whose hands is vested the power of removal. Nobody can dispute that.

Mr. SPRINGER. I dispute it.

Mr. REED. Nobody else will.

Mr. ROBESON. Now, to come back to the simple question here. We did not enter into an examination of this question; it is before the Committee on the Judiciary, and the Committee on Appropriations did not undertake to regulate it. But the committee found that this man had performed this service, that he had been employed by one reporter or the other, by Mr. Devine when he was sick, we will say; admit him to have been sick. We found that he had performed the service and we propose to appropriate the money to pay him.

Now, that has nothing to do with the question of the removal of the other reporter, or the installation of any new one. We have recommended this appropriation according to precedents set by Democratic Congresses here for the last ten years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACKBURN. I desire to ask the gentleman from New Jersey [Mr. ROBESON] a question.

Mr. REED. If the gentleman from Kentucky [Mr. BLACKBURN] will permit me, the time of the gentleman from New Jersey [Mr. ROBESON] has expired.

If the House will do me the favor to listen for a few moments, I think I can explain this matter so that at least there need not be any confusion of thought about it. I had no purpose to participate in this debate, since the matter was under consideration by the committee of which I am the chairman. But it so happens that we have gone into this debate just far enough to give to the House and to the country an entirely wrong impression of this affair, unless the law be accurately stated.

Now, I do not care what the design and intention of the Committee on Rules was when they inserted the words "for cause." Those words, when they were adopted by the House, did not express the opinion of the Committee on Rules, but they expressed the opinion of the House, interpreted according to the principles of law. The words "for cause" have a distinct, positive, and technical meaning, which the House is conclusively presumed to have understood when it adopted those words.

The language employed is precise. It is not "for cause specified, to be placed upon the Journal." It is not for "specified cause." It is "for cause," solely and simply. Now, the law is accurately stated in the two hundred and fiftieth paragraph of Dillon on Municipal Corporations and in the cases cited in the notes.

It is there declared that the expression "for specified cause" requires a statement of the cause and notice to the party. But if it be "for cause" only and simply, as it is in our rules, then it is only a question for the conscience of the man vested with the power of removal. And there is no case to be found in the books which takes any other ground or can take any other ground.

And I beg leave to go further and explain to the House the sound sense of that rule. We cannot afford to spend our time trying the little misdemeanors of our officers. We must lodge in somebody executory power; we must have somebody who can take instant cognizance of the fault and can remove the man for cause.

We have chosen to lodge that power in this case in the Speaker. When we lodged it in him, without demanding from him the specification of the cause, we gave him full, complete, thorough power upon that subject. He has exercised that power; and the House having given him the power, he has exercised what the House has required him to exercise as its organ.

I am perfectly well aware that Mr. Blaine stated that he would construe that rule for his own personal convenience and in regard to his own personal ideas by stating the cause on the record. But that is only his individual statement of what he would do. It is in no sense the statement of the law. I believe this cannot be gainsaid.

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. REED. Certainly.

Mr. CARLISLE. If the argument of the gentleman is correct, and if it is altogether unnecessary for the Speaker to state what is the cause of removal, will he explain to the House what is the meaning of the words "for cause" in the rule; what office do they perform?

Mr. REED. The meaning of the words "for cause" is to notify the Speaker that, although he is acting upon his own honor and upon his own conscience, nevertheless it will be his duty, judging for himself, to determine deliberately that there is cause for his action [Laughter.] He is the sole judge of the sufficiency of that cause.

Mr. ATHERTON. Would he not have to do that anyhow?

Mr. BLACKBURN. Waiving all questions as to whether the politics of the gentleman from Maine are admirable or not, I undertake to say there is not a member on this floor who knows him who does not know that he is a good lawyer; and from the stand-point of a lawyer, I ask him to answer me this one question: Does he not know, and is he not willing to admit, that when he tries a case at bar he has two methods of challenging jurors; he may challenge a juror peremptorily or he may challenge him "for cause," the identical words employed in this rule, and advisedly employed. If he challenges the juror "for cause," he must state the cause of that challenge to the court.

Mr. REED. All I have to say is that if the gentleman from Kentucky puts that question to me in sincerity, I cannot return the compliment about being a good lawyer.

Mr. BLACKBURN. I do put it in all sincerity; and I apologize to the House for having declared that the gentleman was a good lawyer.

Mr. REED. I sincerely think that my friend from Kentucky is, at the expense of his legal standing, undertaking to be bright. [Laughter.]

Mr. BLACKBURN. I ask him——

Mr. REED. I answer plainly, that of course the lawyer challenging a juror for cause must specify the cause, for it depends upon the decision of the judge whether the cause is a good one or not. [Laughter and applause.]

Mr. BLACKBURN. If your construction of the rule is correct, is there any court or any place on earth except this House where you may make a challenge "for cause," without stating the cause?

Mr. REED. The gentleman knows there is a total difference, a world-wide difference in the meaning of the expression in the two cases. In this case it is a legal term the interpretation of which has been settled by the courts time out of mind. I am not making statements on my own authority; I am making them because they are law and because the courts have repeatedly declared them to be law. When my friend compliments me for my knowledge of the law he only compliments me for my diligence in hunting up what the courts have determined upon this subject.

Mr. BLACKBURN. The Speaker of this House from your own State did not think it law.

Mr. REED. The Speaker from my State never said otherwise. If you will read the language with any sort of care you will see that my interpretation is correct. I know what I am talking about. [Applause.]

The CHAIRMAN. Two amendments are pending. The question is on the amendment to the amendment.

Mr. HISCOCK. I move that the committee rise for the purpose of limiting debate on this subject.

The motion was not agreed to.

The question being taken on the amendment to the amendment, it was not agreed to.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I think that in justice to several parties concerned I should say a word. I understand the provision in this bill is to pay the stenographer who did the work before the Committee on Foreign Affairs, Mr. Andem. I meant to say that he did his work exceedingly well; and I see no reason why he should not be paid.

Now a word in regard to Mr. Dawson. After the removal of one of the official stenographers Mr. Dawson came before the committee to report its proceedings. While it was finally discovered that there were serious inaccuracies in his notes, I do not think there was any such imperfection in his work as I have heard intimated here to-day. At least I do not see why either his work or his record should be attacked with feeling, as it seems to have been. When the imperfec-

tions were pointed out and the importance stated of having the testimony taken verbatim in order to be reported to the House, Mr. Dawson with great candor stated to the committee that he had been embarrassed by the circumstances under which he appeared; that he knew he was met by opposition growing out of some feeling as to his appointment, in which I take no part and I do not care to discuss. He at once in a candid manner admitted that there were imperfections in his notes; that he had been out of practice and that he was willing to surrender the work if his services were not acceptable to the committee.

Mr. BLOUNT. Will my friend allow me to ask him one question?

Mr. WILLIAMS, of Wisconsin. Certainly.

Mr. BLOUNT. I ask my friend from Wisconsin whether he ever used this language in the committee-room:

It seems to be too bad to lose the entire session to-day. If we had a reasonably accurate reporter we might go on.

Mr. WILLIAMS, of Wisconsin. Certainly I used that language, because at that time the testimony was found to be defective. We tried to procure a substitute, but no available substitute was at hand. I did use that expression, not in condemnation of the action of Mr. Dawson, for my friend will remember I stated that Mr. Dawson had the sympathy of the committee, but because the committee had lost the day's session.

I think it unfair and unjust for severe criticisms to be renewed here to go to the country, when Mr. Dawson before the committee admitted his imperfections and candidly stated in a gentlemanly manner just what his embarrassments were. I therefore speak in justice to him and in justice to Mr. Andem, for the payment of whose services this bill provides.

Now, as to the cause for removal of the official reporter, it is an open secret, or I should rather say an open, conceded fact, that the Speaker has not only been ready but anxious to give to the House and the country the cause for removal. I do not argue the matter, nor do I profess to know the facts; I take it for granted that the Speaker is able, as I know he is willing and anxious, to state his own case. The matter has been referred to a committee for report, and we should wait until that report has been submitted.

Mr. WILSON. My recollection is, Mr. Chairman, that when the gentleman from Georgia [Mr. STEPHENS] offered his resolution on this subject, *i. e.*, to inquire into the cause of Mr. Devine's removal, and which was referred to the Committee on the Judiciary, that the Speaker of the House then asked to be permitted to state to the House the cause for the removal which had been made, and that some gentleman on the other side of the House objected to it and prevented his making that statement.

Mr. ROBESON. I objected to it.

Mr. WILSON. The gentleman from New Jersey objected, and I believe several others objected. The Speaker then wished to state the cause he had for the removal, but the House refused to hear him.

Mr. WILLIAMS, of Wisconsin. Certainly the Speaker announced his readiness and desire to state the causes. Others around me heard it, and the record will show it; but he was prevented by objection. There need be no feeling about it. I did not rise to express any feeling, but to do justice, so far as the facts demand, to Mr. Andem, Mr. Dawson, and the Speaker of the House. I hope that report will come in; and if the Speaker is not vindicated, then let us condemn him and vindicate whoever deserves vindication; but do not drag him irregularly, pell-mell into a five-minute debate, where of course he cannot reply.

Mr. CARLISLE. Mr. Chairman, it has not been my purpose to take any part in this discussion, and in fact I have heard but little of it; but after the somewhat remarkable position taken by the gentleman from Maine [Mr. REED] in response to my question, I think I ought to say a few words at least.

If I understand the gentleman from Maine, he concedes that the words "for cause" were inserted in this rule for some purpose, but he says that they are addressed to the Speaker alone, and whenever he has sufficient cause in his judgment to remove a reporter of the House he may do so and keep the cause concealed in his own bosom.

If this be true, Mr. Chairman, I suggest to the chairman of the Judiciary Committee of this House whether it is not equivalent in every respect to an absolute arbitrary power on the part of the Speaker to remove without any cause whatever. For if he is under no obligation to state to the House the precise cause, or some cause, for the removal, the gentleman will see at once that he need in fact have no cause for the removal except his own will.

Now, sir, the Speaker of this House in a legal sense is just as much the servant of the House as any one of the reporters who sits at that desk, or one of the stenographers for committees. He is simply the organ of the House, and when he removes one of these reporters he does it as the organ or agent of the House of Representatives and by its authority.

This power to remove an officer is not conferred upon him individually, or as a mere perquisite or appendage to his office; but it is given to him as the organ and head of the House as an organized body; and when he removes a reporter he removes an officer of the House, and this body has a right to know the cause for which that removal is made.

The Sergeant-at-Arms or Doorkeeper of the House may remove one of his subordinates, and although there is no rule requiring him to state the cause, yet it is entirely clear that the House has the right at all times to disapprove of his action and reinstate that employé immediately. How much stronger is the case, then, when the Speaker, in the exercise, not of an individual power belonging to him personally, but in the exercise of a power conferred upon him as the representative of the House in that matter, how much stronger upon him is the obligation to report that action to the House, with the cause for its approval or disapproval?

I say, Mr. Chairman, that no lawyer can escape the proposition, if the gentleman from Maine is correct in holding that the Speaker may keep the cause concealed in his own breast that he has absolute, unlimited power to remove without cause, and the words "for cause" inserted in this rule mean nothing whatever.

There is one other question suggested by the gentleman from New Jersey [Mr. ROBESON] about which there is more difficulty, and that is whether these reporters are continuing officers from Congress to Congress, or whether their terms expire with the expiration of the Congress for which they were appointed. I say there is some difficulty about that question; but we have officers here who continue to serve from Congress to Congress, and if the gentleman from New Jersey be correct in his intimation then there is not an official reporter of this House sitting at that desk, and all the reports of the House are purely of an unofficial character.

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. CARLISLE. Certainly.

Mr. ROBESON. When the Revised Statutes of the United States provide that "no person shall be employed as a reporter for the House of Representatives without the approval of the Speaker," does that mean the present Speaker or the past?

Mr. CARLISLE. Of course it means the Speaker then in the chair. But that clause to which the gentleman refers is a part of the old statute providing for the reporting of the debates of this House by contract ——

Mr. ROBESON. This is a section of the Revised Statutes re-enacted.

Mr. CARLISLE. If the gentleman will go to the original law he will find that it provided for the reporting of the debates of the House by contract, with the right in the contractor to select his own reporters; and the House of Representatives provided as a part of that contract that no man should be employed to sit at the desk as a reporter without the approval of the Speaker. The gentleman who is now reporting my remarks has been at that desk for twenty-two years without reappointment.

Mr. ROBESON. With the approval of the Speaker.

The CHAIRMAN. The gentleman's time has expired.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker resumed the Chair.

A message from the Senate, by Mr. SHOBER, its Acting Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (No. 1095) to provide for the erection of a public building at Poughkeepsie, New York.

The message further announced that the Senate had passed a concurrent resolution authorizing the printing for the use of the Navy Department of 1,000 copies of the report of the Surgeon-General of the Navy, and a joint resolution (S. No. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; in which the concurrence of the House of Representatives was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Chair desires to state to the committee that in view of the objections made by the gentleman from New York that the debate should be confined under the rule to the pending proposition, and inasmuch as considerable time has been consumed already by unanimous consent, he now feels compelled to recognize the objection of the gentleman from New York to further debate.

The question is now upon the amendment to the amendment, which, not being withdrawn, the Chair submits to the vote of the committee.

The *pro forma* amendment was not agreed to.

Mr. MCCOID rose.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. MCCOID. I move to strike out the last two words.

Mr. HISCOCK. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Iowa yield for that motion?

Mr. BLACKBURN. Does the gentleman from New York propose to adjourn?

Mr. HISCOCK. I do.

The CHAIRMAN. The Chair must recognize the gentleman from Iowa, and after he has spoken will recognize the gentleman from New York to make the motion.

Mr. HISCOCK. But the moment the gentleman concludes his five minutes then the Chair must recognize some other gentleman to occupy the five minutes on the other side. I hope the gentleman from Iowa will give way for the motion.

I will say to the gentleman from Iowa, and to the other side of the House, that the reputation of the present Speaker of the House is not made to depend upon this clause or any action in reference to this matter.

The CHAIRMAN. The Chair recognizes the force of what the gentleman says; but the gentleman from Iowa is recognized, and upon the conclusion of what he has to say the Chair will recognize the gentleman from New York to make the motion.

Mr. HISCOCK. I insist upon my motion as always in order.

The CHAIRMAN. Not when the gentleman from Iowa has been recognized. A gentleman cannot be taken off the floor for the motion that the committee rise.

Mr. McCOID. The gentleman himself is occupying more time than I would have occupied in the few remarks I desire to submit.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa as entitled to the floor.

Mr. McCOID. Mr. Chairman, I have not taken up any of the time of the committee upon this bill; but I cannot allow the assertions made by the gentleman from New York or by the gentleman from Illinois to go without a protest with reference to the gentleman who has recently been appointed as a stenographer for the committees of this House. I do not think the gentleman from New York, with his usual fairness and disposition to do justice, knew the injury he was doing and the wrong he was committing by his declaration as to the incompetency of the gentleman whom the Speaker has seen proper to appoint.

Now, Mr. Chairman, I know this appointee. I have known him for many years. He has been engaged in this work all the years of his life. He was official reporter to the district court of the State of Iowa, and he has been a reporter for different papers and in different capacities ever since. He never worked for anybody—and he has worked for men who are good judges of what was required to constitute a skillful reporter—but he never worked for any person who made a complaint or questioned his competency before.

Let me say to the committee that he came into this corps as a reporter for committees, and no man, no matter what may be his experience or qualifications, can enter this new field and perform its duties to his own satisfaction until he has acquired a knowledge of what is required. I venture the assertion that no man could come into this corps and take a seat at that desk and follow the speeches in this House who would not make at the beginning of his services in that capacity inaccuracies, for it would be to him a new field in which he could not give satisfaction even to himself without some experience in it.

Mr. COX, of New York. Will the gentleman allow me to make a suggestion? I desire to say this, that if I have done any injustice to his constituent I will make the proper reparation; but I am told by the gentleman from Texas [Mr. REAGAN] that he failed before the Committee on Commerce, and we all know of his failure before the Committee on Foreign Affairs. What I have said therefore about him is a matter of public notoriety.

Mr. McCOID. He was not experienced and in practice in the peculiar work that he was called upon to do at first. If I am correctly informed, and I believe I am, Mr. White, a member of the corps here, had for months, when he began, assistance to do his work. I say every man on that corps when he went upon it required some assistance before he became familiar with the work.

Now, this man Dawson was immediately put upon the most difficult work in the House, to make a verbatim report before the Committee on Commerce of the testimony of a most rapid witness, of an erratic witness, of a witness difficult to follow; and there he made inaccuracies. Again, he had a right to review his report and to correct it before it went to the Printer. And yet he was left in ignorance of that for several weeks after the difficulty occurred. He was afterward informed of the rule that he had a right to review his manuscript and correct it before the testimony went into the permanent minutes. He did not do that. He came into this corps of reporters and he was put on that committee by the side of Mr. Hayes, who reported—not verbatim—he reported for the press.

Mr. BLOUNT. He reported verbatim.

Mr. McCOID. He was not required to do so.

Mr. BLOUNT. But he did so.

Mr. McCOID. He did not; but with his experience he might well do it. But the trial at the time was not a fair one. He says he knew how to do his work correctly and satisfactorily. He does it to-day in the Committee on the Judiciary, where the work is as difficult as before the other committee. He can do his work efficiently in that capacity. He really is competent, but himself ill, crowded conspicuously forward to the most difficult work, embarrassed by an atmosphere of opposition, deserted by assistants, perhaps even the object of conspiracy, the test was not a fair one. He will prove, I confidently assert, to be as rapid and correct a reporter as any in the House.

Messrs. Hayes and Devine, in their letter which is presented by the gentleman from Pennsylvania, [Mr. RANDALL,] say that before their removal "the stenographic work done for committees was probably twice as much as the work since, yet it was all done by us alone."

It is a sufficient answer and commentary upon the weight that should be given to this and all their other statements, whether found in the Associated Press dispatches or elsewhere, to say that part of this very item in this bill is for work done before their removal, and no part of it is for work done by any substitute employed by Mr. Dawson.

The gentleman from Illinois has presented what purports to be a part of the record of the Committee on Foreign Affairs on the day when the attempt to crush Mr. Dawson culminated as between Mr. Hayes and Mr. Shipherd by the complaints of that witness of inaccuracies in the report of his evidence. That was not a record of the committee, but on the contrary was stricken from the records, as I am informed, by a unanimous vote. It is the report of what occurred by Mr. Hayes himself, Mr. Dawson's enemy, whose conferences with Mr. Shipherd preceded the *denouement* on that day. But I am glad the gentleman from Illinois gave it a place in the RECORD. It will show the modesty, candor, and true gentlemanly worth of character of Mr. Dawson, that modesty which ever accompanies true skill and worth; that candor and truth of statement which ever bespeaks conscious ability.

It displays to sympathizing and appreciative hearts a retiring disposition, an unassuming spirit which refused to assert its own worth and was ready to submit speedily to adverse criticism. And yet, sir, that noble spirit which on that day was almost crushed before cruel and unjust imputations as to his competency is the same heroic one which, forgetful of self and all else but country, could on the field of battle catch the falling flag amid the leaden storm and carry it into the jaws of death. What he did for others he could not do for himself. Sir, there are times when true worth and skill shrink from the stings of depreciation, and yet that very shrinking is the best evidence of their genuine merit, while the effrontery of assault is the best evidence of demerit. I read in that pretended record the simple proof of that genuine worth which will, when Mr. Dawson is known, win for him the confidence and the friendship of every member of this House.

Mr. SPRINGER addressed the committee. [See Appendix.]

Mr. HISCOCK. I move that the committee now rise for the purpose of limiting debate on this paragraph.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

Mr. HISCOCK. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill; and pending that motion I move that all debate on the proposition now under discussion and all amendments thereto in the committee be limited to five minutes. I will let the gentleman from Wisconsin [Mr. BRAGG] have that time.

Mr. SPRINGER. Say ten minutes.

Mr. H'SCOCK. No; I say five minutes. And I move further that all debate on the bill hereafter shall be confined to substantial amendments.

The SPEAKER. The Chair can submit the first of these propositions. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that he moves that all debate on the pending paragraph and amendments thereto be limited to five minutes.

The question being taken on the motion to limit debate, it was agreed to.

Mr. HISCOCK. I now move that debate on this bill hereafter be confined to substantial amendments and not be allowed on *pro forma* amendments.

The SPEAKER. The Chair thinks that motion would not be in order.

Mr. HISCOCK. I ask unanimous consent.

Objection was made.

The SPEAKER. The question recurs on the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. By order of the House debate on the pending paragraph and all amendments thereto is to be closed in five minutes.

Mr. BRAGG rose.

Mr. BURROWS, of Michigan. Will the gentleman from Wisconsin yield to me for a moment that I may address a question to the gentleman from Iowa, [Mr. McCOID?] Is it not a fact that he himself and the other members of the Iowa delegation in this House, as well as the Senators from that State, urged on the Speaker of the House this appointment?

Mr. McCOID. That is true; Mr. Dawson was recommended by them and by all who were asked about it.

Mr. BRAGG. The gentleman from Maine, [Mr. REED,] the chairman of the Judiciary Committee, desired that this debate should not be concluded until the whole case was correctly stated, lest the people at large should be misinformed as to the correct status and position of the question pending before the committee. In the statement so made, going to the country from the chairman of the Judiciary Committee of this House, I submit that he stated the law, abstractly, perhaps correctly; but that he stated the law as applicable to the question under consideration incorrectly. And I challenge the law as given by him to the country.

The gentleman stated that in Dillon it would be found that where removals should be made for cause there was a distinction between a cause and a cause specified; which I may be willing to consent is the law; but that law is not applicable to this case. Where a statute or a rule exists, where unqualified or unlimited power is conferred on a person or a body to do a thing in his or its discretion, and there is an amendment to that statute or an amendment to that rule by the addition of other words limiting the power as it existed in the original law or rule, there the law is universally conceded to be that the statute so amended or the rule so amended must be subsequently construed so as to give force and effect to the limitation which has been put upon the statute or put upon the rule.

Mr. CALKINS. Will the gentleman allow me a moment——

Mr. BRAGG. Therefore, when you say the addition of the words "for cause" does not limit the discretion or power which existed prior to the addition of the words "for cause," you decide that the amendment to the rule is a mere nullity, and you give the same construction to it that was given to it prior to the addition of the limitation of the power.

Mr. REED. Will the gentleman yield to me a moment?

Mr. BRAGG. Yes, sir.

Mr. REED. I think there is a plain distinction between a removal at will and a removal for cause, even if one person is the sole judge both of the existence of the cause and of the nature of the cause; but the gentleman's interpretation would give this amendment the force not of the words "for cause," but of the words "for specified cause," which in law are totally different expressions.

Mr. ATHERTON. For cause means specified cause.

Mr. BRAGG. I challenge the gentleman's law in his last statement just as much as I did before. The uniform course of decisions in the courts will challenge his statement.

Mr. REED. No, they will not; every one of them is on my side.

Mr. BRAGG. There comes, first, the power vested in the Speaker without limitation; that power gives him the right to remove in his discretion.

Mr. CALKINS. Not in his discretion simply, but at will, arbitrarily.

Mr. BRAGG. What is a power to be exercised at discretion except an arbitrary power to do that which the party who is clothed with the power chooses to do?

Mr. CALKINS. Allow me a moment. An arbitrary power of removal is not a power at discretion at all. When you put in the words "for cause," may not that be construed to say that the Speaker shall remove for that cause, making it similar to a discretionary power?

Mr. BRAGG. The arbitrary power of removal vests in the party to which the power is given to remove when he chooses. The power to remove at discretion is a power to remove when he chooses to do so. Arbitrary power and discretionary power, when vested in a judicial or other tribunal, are synonymous in their effects.

Mr. REED. Not so.

Mr. HAZELTON. In the one case he might abuse his discretion.

Mr. BRAGG. So he might abuse his arbitrary power.

Mr. MILLER. In the one case he would be subject to review by the courts above.

Mr. BRAGG. I thank the distinguished gentleman from Pennsylvania [Mr. MILLER] for speaking about the subject of review. I ask him if he does not know as a lawyer that where a party is given power to remove at discretion it is equivalent to a power to remove arbitrarily and is not subject to review.

Mr. MILLER. Our supreme court has decided that there is such a thing as legal discretion which is subject to review; that when the power is purely arbitrary the exercise of it is not subject to review. I will state to the gentleman that the law courts of my State have so decided.

Mr. BRAGG. Then I will say to the gentleman from Pennsylvania [Mr. MILLER] that the addition of the words "for cause" meets even his idea of the law, restricting the Speaker to the exercise of the power in his discretion. And if the decisions of the law courts of Pennsylvania are applicable, the Speaker, being the organ of this House, then this House as an appellate tribunal has the right to review the exercise of that discretionary power.

Mr. MILLER. If it is a legal discretion, it is subject to review.

The CHAIRMAN. By order of the House the time for debate upon the pending paragraph and all amendments thereto has expired. The *pro forma* amendment will be regarded as withdrawn. The question recurs on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to strike out the pending paragraph.

The question was taken; and upon a division there were—ayes 12, noes 75.

So (no further count being called for) the motion to strike out was not agreed to.

Mr. BLACKBURN. In accordance with the precedent that has prevailed here for years, and under which this side of the House was the beneficiary when it was in power, I ask permission to offer an amendment, to come in after the paragraph last read.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual rolls on the 1st day of July, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. HAZELTON. Is that limited to those only who are borne on the annual roll?

Mr. HISCOCK. I make a point of order on that amendment; it is not right.

Mr. HAZELTON. It provides only for those on the annual roll.

Mr. BLACKBURN. What is the point of order of the gentleman from New York?

Mr. HISCOCK. My point of order is that this amendment would change existing law and custom.

Mr. BLACKBURN. What modification does the gentleman suggest?

Mr. HAZELTON. Make it read "borne on the rolls."

Mr. VALENTINE. So that the session employés may receive the same compensation.

Mr. BLACKBURN. I am simply endeavoring to do what was done last year, and done by a proposition offered from the minority side of the House. Will the gentleman refer to the law of last year?

The CHAIRMAN. The law is before the Chair, and he will direct the Clerk to read it.

The Clerk read as follows:

Mr. KEIFER. I wish to offer an amendment, which I send to the desk.

The Clerk read as follows:

"To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 15th day of June, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available."

Mr. BLACKBURN. My amendment is a verbatim copy of that.

The CHAIRMAN. The point of order being waived, the Chair will hear the gentleman upon his amendment.

Mr. BLACKBURN. I have just had the law read, and I know a point of order does not lie against the amendment. A joint resolution can be introduced which will cover the cases which the gentleman from New York [Mr. HISCOCK] now has in mind. I am simply trying to follow the precedent and the law in providing for these employés of the Government.

Mr. HISCOCK. I desire to inquire of the gentleman from Kentucky what the practice has been as to session employés?

Mr. BLACKBURN. I will answer the gentleman that the practice, as I believe, without a single break in the precedents, has been to include those session employés in a joint resolution, which I will cordially support. I have the law here if the gentleman wishes to see it.

I will add that I am simply endeavoring to do what the other side of the House had been in the habit of doing for us in making a provision covering the cases reached by this amendment a part of this appropriation bill.

Mr. HOLMAN. The merits of the question are not before the committee. The gentleman does not address himself to the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Indiana whether he rose to make his point of order before——

Mr. HISCOCK. No point of order is before the House.

Mr. HOLMAN. The point of order was raised by the gentleman from New York——

Mr. HISCOCK. It is withdrawn.

Mr. HOLMAN. I have renewed it.

The CHAIRMAN. The Chair asks the gentleman whether he renewed it immediately on its being withdrawn?

Mr. HOLMAN. Instantly, upon being notified that the point of order was withdrawn.

Mr. BLACKBURN. I want to be heard on the point of order. This question has been debated on its merits, according to the testimony of the gentleman from Indiana himself. If that is true, and no point of order was pending at the time of the discussion, it is too late for the gentleman to make the point of order.

Mr. HOLMAN. The gentleman cannot make any such point as that to obtain money improperly from the Treasury.

Mr. BLACKBURN. The gentleman will not intimate that I want to obtain money improperly from the Treasury.

Mr. HOLMAN. This is a proposition to add to the salaries at present allowed by law, and I object to it.

Mr. BLACKBURN. I undertake to say that the gentleman from Indiana, or any other man on this floor, will not stand in front of me and dare to intimate that I want to take money from the public Treasury improperly.

Mr. HOLMAN. I say the gentleman proposes to take money from the public Treasury beyond the requirements of law as now existing; and I regard that as an improper appropriation of the public money.

Mr. BLACKBURN. Then the member from Indiana states that which is not true, and does it in the face of the law.

Mr. HOLMAN. There is no law authorizing the appropriation.

Mr. BLACKBURN. I say there is.

The CHAIRMAN. The gentlemen are not in order, and will suspend their remarks while the Chair states the position of the question. When this amendment was first offered the gentleman from New York [Mr. HISCOCK] reserved a point of order. Pending that some debate went on upon the merits. The point of order was then withdrawn by the gentleman from New York. Now, the Chair must know from the gentleman from Indiana whether he was on his feet and renewed the point of order immediately upon its being withdrawn.

Mr. HOLMAN. I was on my feet; and when I heard the gentleman from New York withdraw the point of order I stated that the point was renewed.

The CHAIRMAN. The Chair observed that the gentleman was on his feet, and now asks him this question: Did he renew the point immediately on its withdrawal by the gentleman from New York?

Mr. HOLMAN. Immediately; when I heard the gentleman from New York say that the point of order was withdrawn—I was on my feet at the time—I did not rise for the purpose——

The CHAIRMAN. Then the Chair must recognize the point of order as pending.

Mr. BLACKBURN. I ask that an answer be made to the question of the Chair.

The CHAIRMAN. The gentleman from Indiana, having thus affirmed his right, is now entitled to be heard on the point of order.

Mr. BLACKBURN. I desire to hear the member's answer. He has not stated that he rose and made the point of order.

The CHAIRMAN. The Chair puts the question once more. The gentleman from Indiana is once more requested to state whether he renewed the point of order immediately upon its withdrawal?

Mr. HOLMAN. I did not rise for the purpose—I was already on my feet; but as soon as I heard the gentleman from New York state that the point of order was withdrawn, I at once renewed it.

The CHAIRMAN. According to custom the Chair is obliged to recognize the gentleman who makes that statement. The Chair will hear the gentleman from Indiana on the point of order.

Mr. HISCOCK. I hope I may be pardoned for suggesting at this late hour the Chair shall decide or the committee shall be allowed to insist the Chair shall decide the point of order as soon as he has determined it in his own mind without regard to whether gentlemen wish to discuss it or not.

The CHAIRMAN. It is right to hear the gentleman from Indiana who makes the point of order.

Mr. HOLMAN. My point of order is, there is no law authorizing this payment of public money. The fact that such an appropriation was made in the last session of the Congress or in the preceding session of Congress on an appropriation bill does not make it a law. In other words, Mr. Chairman, there is no law to pay the employés of the House who are drawing annual salaries one month's additional compensation. There is no law authorizing the insertion of such an appropriation here. The insertion of such a provision in other appropriation bills is nothing more and nothing less than the law of that bill, and terminates with that appropriation.

Mr. BLACKBURN. I have nothing to say except there is no point of order here. The appropriation bill is as much a law of this country as any other statute passed by Congress. That appropriation or statute has been read and that is the law. This is in direct conformity with it, and is a verbatim copy of it. But I do not propose to waste the time of the committee to discuss the point of order when there is no semblance of ground upon which to make it.

Mr. ATHERTON. The law of the land provides for the payment of annual salaries to these employés of the House. The practice has been from time to time, either by joint resolution or by amendment to an appropriation bill, to give them one month's extra pay. The very form of that statement indicates it is not a law except as it applies to that very resolution or that very bill. It is temporary, and does not extend from year to year, and therefore when the proposition is made to give to these employés one month's extra pay it is clearly beyond the law and obnoxious to the point of order.

The CHAIRMAN. In deciding this point the Chair desires to state the only doubt in his mind arises from the fact it relates to an existing service which is constantly before the House, and in view of the numerous precedents which exist, and which he has not had time to examine to see whether the point of order is settled, but concerning as it does the entire body of the House, he feels it is a case where, without shirking proper responsibility, he ought to submit it to the judgment of the committee. He submits, therefore, whether the point of order raised by the gentleman from Indiana should be sustained.

The committee divided; and there were—ayes 19, noes 110.

Mr. HOLMAN. No quorum.

The CHAIRMAN appointed Mr. HISCOCK and Mr. HOLMAN as tellers.

The committee divided; and the tellers reported—ayes 24, noes 128.

So the point of order was not sustained.

The CHAIRMAN. The point of order being overruled, the amendment is before the committee.

Mr. DUNNELL. I would ask the gentleman from Kentucky to permit an amendment to his resolution.

The CHAIRMAN. The gentleman has the right to offer an amendment.

Mr. DUNNELL. I desire to offer this amendment: to add to the pending amendment the words "or session;" so as to read "annual or session;" and I think that will avoid the necessity for future action with reference to the session employés.

Mr. BLACKBURN. If the gentleman will insert the words "and session," so that it will read "annual and session," I have no objection to it.

Mr. DUNNELL. Then I will so modify it.

Mr. BLACKBURN. And I have no objection to accepting it in that form.

Mr. HOLMAN. I object——

The CHAIRMAN. The Chair will submit the amendment to the amendment as modified to the committee.

The amendment to the amendment was agreed to.

Mr. KLOTZ. I want to add an amendment to incorporate also the Capitol police.

Mr. McMILLIN. I rise to a point of order. That amendment is a change of existing law, and does not retrench expenditures.

Mr. KLOTZ. Will the gentleman allow me to state that the resolution as it is now covers the annual appointees and the session appointees. The Capitol police are kept here at this end of the building for six months of the year, and at the other end of the Capitol also, and they serve day and night, I am told; and certainly if anybody deserves this the Capitol police do.

Mr. HISCOCK. I am willing that it shall come in here in the form of an amendment if it has been customary. If heretofore it has been the custom to include the Capitol police in these usual provisions which are made for the employés, then I will consent that it shall be done; but until we know that to be the fact I shall feel compelled to object and make the point of order upon it myself.

The CHAIRMAN. The Chair does not feel, in view of the action already taken by the committee, that he ought to decide this point of order any more than the other, and will submit it to the judgment of the committee.

The question was submitted, and the point of order was sustained.

The CHAIRMAN. The point of order being sustained, the amendment is ruled out. The question recurs on the amendment as amended.

Mr. HOLMAN. I believe it is open to debate.

The CHAIRMAN. Debate has been closed upon the amendment.

Mr. HOLMAN. Not upon the amendment as modified?

The CHAIRMAN. Upon the amendment as amended.

Mr. HOLMAN. Then I offer a further amendment to increase the compensation to two months instead of one.

Mr. HISCOCK. I move that the committee do now rise, if the gentleman from Indiana will yield for that purpose.

Mr. HOLMAN. I will yield for that motion.

Mr. HISCOCK. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union, having had under further consideration the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no conclusion thereon.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the House do now adjourn.

I desire to state, however, to gentlemen who have matters which they desire to introduce for reference only, that I am willing to yield for the purpose of introducing them; but I am going to stand here and see that no other action shall be taken but simply allow the introduction of matters for reference.

Mr. ATHERTON. Regular order.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes; and

A bill (S. No. 1432) to abolish the military reservation of Fort Abercrombie in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead entry and sell the same as other public lands.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted as follows:

To Mr. AIKEN, on account of sickness.

To Mr. FISHER, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted to Mr. CHACE, in the case of George Somerville Norris.

LAWS OF THE TERRITORY OF UTAH.

The Speaker laid before the House a communication from the secretary of the Territory of Utah, transmitting duplicate copies of the laws passed at the twenty-fifth session of the Legislative Assembly of that Territory; which were referred to the Committee on Territories.

ORDER OF BUSINESS.

Mr. DAVIS, of Illinois. I desire to present a report——

Mr. BRAGG. I call for the regular order.

The SPEAKER. The regular order is insisted on, which is the motion of the gentleman from New York, [Mr. HISCOCK,] that the House do now adjourn.

The House divided; and there were—ayes 44, noes not counted.

So the motion was agreed to; and accordingly (at five o'clock and twenty-nine minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CANDLER: The petition of William M. Caldwell and others, protesting against special assessment on their property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CONVERSE: The petition of N. Camman Combes and others, citizens of New York, relating to the Harlem River improvement—to the Committee on Commerce.

By Mr. W. R. COX: Seven petitions of citizens of Granville County, North Carolina, for an appropriation for educational purposes—severally to the Committee on Education and Labor.

By Mr. S. S. COX: The petition of Fred L. Talcott and others, citizens of New York, relating to the Harlem River improvement—to the Committee on Commerce.

By Mr. CRAPO: The petition of James H. Beal and 41 others, relating to the accumulation of silver in the United States Treasury—to the Committee on Coinage, Weights, and Measures.

By Mr. DEUSTER: The petition of George W. Thompson and others, citizens of New York, relating to the Harlem River improvement—to the Committee on Commerce.

By Mr. HISCOCK: The petition of John A. Henry and others, citizens of New York, relating to the Harlem River improvement—to the same committee.

By Mr. PHELPS: Memorial of the Chamber of Commerce of New Haven, Connecticut, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. RANDALL: Papers relating to the pension claim of Sarah Burns—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *July* 13, 1882.

Prayer by Rev. T. S. WYNCOOP, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes; and

A bill (S. No. 1432) to abolish the military reservation at Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead entry and sale, the same as other public lands.

REPORTS OF COMMITTEES.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6626) to authorize the Washington City and Point Lookout Railroad Company to extend its railroad into and within the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ROLLINS. I am instructed by the Committee on the District of Columbia to ask that the bill (S. No. 1378) to permit the Washington and Point Lookout Railroad Company to extend its railroad into and within the District of Columbia, now upon the Calendar, be recommitted to that committee.

The PRESIDENT *pro tempore*. It will be so ordered, there being no objection.

Mr. MORRILL. I am directed by the Committee on Finance to report several bills back and ask to be discharged from their further consideration, and that they be indefinitely postponed, they all having been acted upon in other bills.

The bills were postponed indefinitely, as follows:

A bill (S. No. 378) to enable national banking associations to extend their corporate existence;

A bill (S. 973) to repeal so much of section 3385 of the Revised Statutes as imposes an import tax on tobacco;

A bill (S. No. 980) to provide a reserve fund for the redemption of United States notes, and for other purposes;

A bill (S. No. 1349) to extend the corporate existence of the national banking associations; and

A bill (S. No. 1605) to correct an error in the Revised Statutes of the United States.

Mr. ALDRICH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6406) to refund the assessments made under the administration of M. G. Emery while mayor of Washington, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 2063) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MAHONE. I am instructed by the Committee on Agriculture, to whom was referred the bill (H. R. No. 896) for the establishment of a bureau of animal industry to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals, to report it without amendment.

Mr. WILLIAMS. I hope that the Senate will take up that bill and pass it immediately. I introduced a bill, which is an exact copy of that, early in the session, and it has been reported unanimously, and is on the Calendar. I had that bill passed over without prejudice, intending to move to take it up some morning, but I waited for action on the House bill. I hope the Senate will take up the bill just reported and pass it, because it is of very great importance to the country. It is a small bill and it will not take five minutes to pass it. I am satisfied it will not be opposed by a single Senator. I ask that it be taken up and put on its passage, and then I shall move to postpone indefinitely the similar bill on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that the Senate proceed to the consideration of the bill at this time. Is there objection?

Mr. PLATT. Let the bill be read for information.

The PRESIDENT *pro tempore*. It is a very long bill.

Mr. WILLIAMS. It is not so long.

Mr. MORRILL. I object to anything except the regular business, and as soon as the routine morning business is over I shall ask to take up the tax bill.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the bill.

Mr. WILLIAMS. I move then that the Senate proceed to the consideration of the bill. It is a bill in which I feel a very deep interest.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider a bill on the day it is reported.

Mr. WILLIAMS. I hope the Senator from Vermont will withdraw the objection.

Mr. MORRILL. I only object to everything out of the regular order because I wish to take up the tax bill as soon as the morning business is over.

Mr. WILLIAMS. I will help to take up that bill as soon as the morning business is over. I assure the Senator it will not take three minutes to dispose of this bill.

Mr. MORRILL. If it takes no time I shall not object.

Mr. WILLIAMS. It will take but a little time. It is not a bill that meets my entire approbation, but I think under the circumstances if we cannot get the whole loaf we had best take half a loaf.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the bill will be placed on the Calendar.

Mr. WILLIAMS. I understand that the Senator from Vermont withdraws his objection.

The PRESIDENT *pro tempore*. If the Senator from Vermont withdraws the objection, the bill may be considered.

Mr. COKE. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill goes over.

BILL INTRODUCED.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2143) to amend the act entitled "An act for the relief of the Stockbridge and Munsee tribes of Indians, in the State of Wisconsin," approved February 6, 1871; which was read twice by its title, and referred to the Committee on Indian Affairs.

THE ANDREW JACKSON PAPERS.

Mr. VOORHEES. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on the Library of Congress be, and is hereby, instructed to inquire into the expediency of purchasing, editing, and publishing the unpublished manuscript papers of Andrew Jackson.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. VOORHEES. I ask the leave of the Senate to submit a memo-

randum which I have in my hand on this subject; and in doing so I desire to state that it is a matter in which I have not been applied to by anybody having the slightest pecuniary interest in these papers. I hold in my hand, however, a statement of great interest touching the papers themselves; and I will take the liberty of reading it. It is quite brief, or I should not intrude it upon the Senate at this time.

In February, 1843, Hon. Amos Kendall, Postmaster-General under the administrations of Presidents Jackson and Van Buren, issued a prospectus of a life of the former in which it was stated as "undertaken with the approbation of General Jackson himself, who has kindly put into the author's hands his books and papers, public and private, and on obscure points favored him with his own recollections. With these materials, and with the contribution of facts by many of the general's associates in civil and military life, aided by his own knowledge of events, the author hopes to produce a work worthy of the confidence and patronage of the American people."

December 12 previously, General Jackson wrote to Mr. Kendall:

> Your nephew, Mr. McLaughlin, is now with me, and we begin to-day to examine my papers. Before he arrived I had begun, and when able had selected a good many that you may deem proper for the history of my life. All such shall be selected and sent you which you can determine whether proper to be referred to.

These papers filled two trunks. Mr. Kendall began the life and issued (Harper Brothers, of New York, publishers) six numbers out of the fifteen announced in the prospectus, when he became interested in Professor Morse's electro-telegraphic patent and suspended the publication. He died without completing it.

May 20, 1845, in the last letter written by General Jackson to Mr. Kendall, he said:

> On the subject of my papers you are to retain them as long as you think necessary to use them. Should you die they are to pass forthwith into Mr. Blair's hands. I have full and unlimited confidence in you both that my papers will be safe in your hands and that they will never be permitted to be used but for a proper purpose. * * * My papers after you are done with them are on your death to pass into the hands of Francis P. Blair.

Mr. Kendall retained the idea of finishing the biography to the last, and expressed his regret on his death-bed of his failure to do it. After his death the papers were demanded of his executor, (and son-in-law, the late Hon. William Stickney,) who could give no information in regard to them. They were not in his possession, nor could they be found. After many years they were discovered in an upper story of the old Globe newspaper office, in Washington, and placed in the custody of Hon. Montgomery Blair, the son of Hon. Francis P. Blair, (who in the mean time had deceased,) where they still remain.

It should be mentioned that in view of the probability of his father undertaking the life of General Jackson in case Mr. Kendall abandoned it, a short time before the general's death Mr. Montgomery Blair had visited the Hermitage and obtained many additional papers relating both to his military and civil career, which he took to Washington. These had been forgotten, but were found about the time of the discovery of the collection supplied to Mr. Kendall, at the late residence of Mr. F. P. Blair, in Maryland. They are contained in a large cedar chest and are more considerable in number than the entire Kendall collection. These also are in Mr. M. Blair's custody.

The entire collection embraces about all of General Jackson's papers extant, and in his possession during his lifetime. They are of varied and great interest, referring as they do to every notable event in his private life; history of the Natchez and Creek campaigns; the occupation of Pensacola; the defense of Mobile and New Orleans, together with his correspondence connected therewith, both during and subsequent to the Indian and British wars in the Southwest. Then there are preserved every important paper concerning his political administration. They are of the highest interest and value. These papers are undeniably the property of General Jackson's heirs. They were merely loaned to Mr. Kendall and afterward to Mr. Blair for the purpose of his biography. It is greatly to be regretted that the work was accomplished by neither. They were once lost for nearly a quarter of a century. They are exposed to the vicissitudes of fire, of decay, and of theft. They should be purchased by Congress and printed, thus securing them against accident.

The remaining family of General Jackson are extremely poor. His daughter, the widow of his adopted son, still lives, an aged and helpless invalid. She has two children. They would be content with any sum Congress may see fit to offer for the papers. The amount would go entirely to them, as those interested in their behalf will not ask nor accept any compensation for their services. The appointment of a competent person to edit the papers in the event of their purchase and printing is recommended.

My object in reading this paper was to apprise the Senate of the important original papers which have never been printed and which are now accessible and available, and to put this memorandum in such a shape as to make it easy to be considered by the committee. I ask for the adoption of the resolution.

The resolution was agreed to.

INTERNATIONAL FISHERY EXHIBITION.

Mr. WINDOM. If the morning business is through——

Mr. MORRILL. If the morning business is through I move to postpone——

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. WINDOM] has the floor.

Mr. WINDOM. I ask the consent of the Senate to take up the joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883. It is very important that it should be passed at once if it is to be passed at all, so that the preparations can be made. It will not take three minutes, I think.

Mr. HARRIS. Let it be read for information.

The joint resolution was read; and, by unanimous consent, the Senate as in Committee of the Whole proceeded to consider it.

Mr. MORRILL. I approve of the measure, and I suppose, it having been read, it will take no further time to dispose of it. The only objection I see to it is that it is rather too large an exhibition of "and so forths."

Mr. WINDOM. That is only a sort of general way of expressing what it is proposed to do.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ANTHONY. I should like to ask the Senator from Minnesota what is the need of the long preamble?

Mr. WINDOM. I do not know that it is very necessary, but this is a House bill, it is late in the session, and we thought the preamble could do no harm.

The preamble was agreed to.

ORDER OF BUSINESS.

Mr. MORRILL. I now move the postponement of the present and all prior orders for the purpose of taking up the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. MORGAN. I object to that bill coming before the Senate without a vote.

The PRESIDENT *pro tempore*. The unfinished business is not in order until two o'clock. The regular order is the Calendar under the Anthony rule, and the Senator from Vermont moves to set it aside.

Mr. BUTLER. I trust that the motion of the Senator from Vermont will not be agreed to. There are some very important bills on the Calendar which might be disposed of under the five-minute rule. I feel it my duty to again call the attention of the Senate to a bill, which is No. 589 in the order of business on the Calendar, the bill (S. No. 1153) "providing for the organization of the district of Southeastern Alaska, and providing for a civil government therefor." In this connection I ask the Secretary to read a telegram received recently by the Senator from California, [Mr. MILLER.]

The Acting Secretary read as follows:

SAN FRANCISCO, *July* 10.

> We again beg your active aid for government for Alaska. Residents make strong appeal and desire attention now.
>
> W. T. COLEMAN AND OTHERS.

Hon. JOHN F. MILLER,
1218 *Connecticut avenue, Washington.*

Mr. BUTLER. I have again and again called the attention of the Senate to the importance of this question, and I ask that the Senate proceed to the consideration of the Calendar. This bill is order of business No. 589, and may be reached perhaps in the course of an hour, and can be disposed of before two o'clock.

Mr. MORRILL. I cannot withdraw the motion I have made. I think it is of more importance to reduce taxation than to establish a Territorial government in Alaska.

Mr. GROOME. I wish the Senate to understand that if the bills which it has been proposed to take up at this time are not taken up, I shall ask the Senate to consider the bill reported by me under instructions from the Committee on Pensions day before yesterday, which is intended to prevent the payment at the same time of pensions both under the general law and under special acts. The Commissioner of Pensions is threatened at this very time with a mandamus unless he pays both pensions, and in one case the Attorney-General of the United States has given a solemn opinion that both pensions must be paid.

Mr. MORRILL. Let me say to the Senator from Maryland that as I understand his bill will not occupy but a moment, and it seems to be imperatively necessary that it should pass. After the tax bill is taken up I will give way for the consideration of that bill.

Mr. MORGAN. I object to any arrangement of that kind.

Mr. GROOME. The Senator from Vermont is incorrect in the fact. The bill will take more than a moment of time, for I wish to submit some very brief remarks upon it, that the Senate may understand what they are voting upon.

Mr. MORRILL. I shall not give way, then.

Mr. GROOME. Then the Senate will understand that the situation is such that an officer of this Government is threatened with a mandamus because he construes the pension laws as they have been construed by the two Houses of Congress for the last fifteen or twenty years. It is a matter of untold millions of dollars that the opinion of the Attorney-General be not allowed to stand indefinitely as recognized law.

The PRESIDENT *pro tempore*. The motion is not subject to debate.

Mr. BUTLER. Then I give notice that after the bill the Senator calls attention to has been considered, I shall demand the regular order.

Mr. MORGAN. The motion is subject to debate, but not on the merits.

The PRESIDENT *pro tempore*. Certainly.

Mr. MORGAN. Mr. President——

Mr. VOORHEES. Will the Senator from Alabama allow me one moment?

Mr. MORGAN. Certainly.

Mr. VOORHEES. I am inclined to think that the measure mentioned by the Senator from Maryland ought to be considered in a way perhaps that it cannot be considered this morning. It ought not to be considered in haste. I have some knowledge of the subject and I think the bill will lead to a great deal of discussion if we go into it. It is a matter of some importance, but I do not think the Government will be bankrupt in twenty-four hours. That is my private opinion.

Mr. PLATT. If the Senator from Alabama will permit me, the bill which the Senator from Maryland desires to have taken up has been put upon the pension appropriation bill by the member of the Appropriations Committee who has it in charge. That bill I suppose will be reported to-day; and probably if the bill is to be passed at this session of Congress, that is the best way to pass it. I think that the matter may lie over until the pension appropriation bill comes up.

Mr. MORGAN. I hope that the Senator from Vermont will allow the Senate to proceed to the consideration of business under the Anthony rule, rather than to take up the measure which he proposes now to call up. I do not understand that there is the urgency for the passage of the bill he is presenting to the Senate that he seems to consider exists. At all events, if there is that urgency we have been very much misled by the conduct of that Senator and others in the Senate heretofore upon the same subject.

I had supposed that the tariff commission, which the Senator originated and has completed with great ability, would at least give some satisfaction to the country if it did not bring any relief, and that therefore we should not be put upon the tenter-hooks of anxiety any longer while that commission was in existence. But after creating it and rushing it before the world, the Senator comes in here now and urges that we shall suspend all other business for the purpose of giving immediate relief to the country in the reduction of some of the internal taxes and I believe also some of the tariff duties. It seems to me that the positions are not reconcilable at all. The country ought to accept from the Senator from Vermont at least the assurance that he has always given us, that his tariff commission would be quite sufficient to relieve all the necessities, all the dangers and difficulties and embarrassments that environ the country under the vexed question of taxation.

Now, the Senator abandoning his scheme, I suppose confessing judgment upon it publicly that it is a dead failure, comes in here and proposes that we shall have a modification of the tariff, and not only that we shall have it but that we shall have it very quickly; that we shall have something like morning's milk for breakfast for that purpose; that the moment the bill is reported it shall be taken up to the exclusion of all other business in the Senate, and proceeded upon with haste and with persistence until the suffering and bleeding country shall get relief at the hands of the Senator from Vermont and his committee. I think that he is on a very much better road to give the country relief than he has been for a long time. At the same time I do not think that the Senator ought to be pursuing that journey with so much avidity and so much eagerness as he appears to be this morning.

I feel some compassion for the commission that he has organized. I dislike to rise here immediately after confirming a commission of nine gentlemen to take the tariff into consideration, and give them a slap in the face by assuring them that we made a great mistake in supposing that they knew more about the tariff legislation of the country than we did; that we made a great mistake in supposing it was necessary to get their opinion upon any topic connected with the subject of the tariff and internal revenue; that they are not the sort of people we supposed they would be; that we have confirmed them under a sort of legislative duress, or a duress of courtesy, and we find out immediately after their confirmation that they are not likely to do the country any good; that there must be something done at once to relieve not only against the embarrassment that the country is under from the improper adjustment of our tax matters but also against the embarrassment we are likely to fall into if we allow the commission to take up the subject and go on with it. I do not wish to treat the commission in this way. One or two of them are men from my own section of the United States, and while I have not any very great faith in their ability to do more for the country in the way of devising a new scheme of taxation than all the Senate could do, I still have great respect for them personally, and having put them into the commission, having given them the authority which the Senator from Vermont insisted we should give them in broad and ample terms, I dislike to withdraw that authority so summarily from them, and to rush all other business out of the way, it makes no difference how important it may be, and to take up this little revenue bill that the honorable Senator is now prosecuting with so much eagerness.

It looks a little strange to find the Senator from Vermont in charge of a bill for the reduction of either internal taxes or customs duties. He seems to be commanding both wings of the army. He seems to take charge of both ends of the subject. He seems not to be content with his former grand rôle of raising the tariff, and having high protective duties upon everything that could be reached by a tax law, but now he takes the rôle of the reduction of duties, and it turns out that we are to have just what the Senator desires to place upon us, a high protective tariff at his will and pleasure; and instantly, when he desires to change it, we must lower it, and that immediately; we must lower it at the expense of all the other business of the country.

We have a very important Calendar here remaining. We have done a great deal of legislation during this session of Congress, some that I find we are compelled now to undo. The Committee on Pensions, through one of its able representatives, comes upon the floor of the Senate and admonishes us that we have legislated in such a way that it is likely the whole of the special pension appropriations made in Congress are to be doubled for the want of some few appropriate words which in the haste of legislation we have omitted to put into our pension bills. We have been all the time in a hurry during this session of Congress, it seems to me. The Pension Committee are coming here to get rid of a blunder which they have made in consequence it seems of being in too great a hurry in legislation and not being able in their haste to put words into the pension bills sufficient to restrain an Attorney-General who may be overtechnical from ruling that the Government actually intended to confer two pensions where it determined indeed to confer but one.

We ought to make haste a little slowly, particularly upon this great question of the tariff. It alarms me to see the great champion of high protective duties coming here into the Senate and becoming the advocate and the dashing, enterprising leader in a cavalry charge for the reduction of duties, as the honorable Senator from Vermont is doing this morning. I take alarm at it; I do not know what is going to happen when I find the honorable Senator from Vermont reversing his action entirely and demanding of the country an immediate and hasty revision of the tariff so as to reduce that which he himself put upon the law.

We must now have a reduction, it appears, of $8 a ton on Bessemer steel, and a large percentage upon sugar, and a large amount of internal taxes must be reduced. These are the very taxes which the honorable Senator from Vermont has so laboriously engaged the attention of the Senate for years and years past in building up and in confirming against the people in a way we were afraid we never should be able to get rid of.

The PRESIDENT *pro tempore*. The Senator is discussing the tariff. That is discussing the merits.

Mr. MORGAN. No, I am discussing the propriety of taking up the bill in such a hurry. It is almost impossible to speak about the tariff without saying something of what it contains. I was trying to describe to the Senate the subject-matter that I was talking about, and to show that it is not necessary, to say the least of it, to get into a great flurry and haste this morning to have that subject considered.

Mr. MORRILL. Mr. President, I do not desire to occupy time in replying to the Senator from Alabama. If the Senator chooses to place himself in the attitude of opposing a reduction of taxation, he is the only party responsible for doing it. I prefer a vote rather than any discussion upon the measure until the measure is properly before us.

Mr. PENDLETON. Mr. President, there is no disposition to oppose any measure for the reduction of taxes, and the gentleman will find that those who sit on this side of the Chamber will stay with him as long as he desires it in order to accomplish that end. But he will find also when after seven months he now first brings in a bill for the reduction of taxes, and then limits it in such a way as to be a special act of favoritism to particular interests, and not for the relief of the people, that he will not be able to call it up and pass it without fair consideration and fair argument.

This bill, so far as this side of the Chamber is concerned, will be taken up with our consent, freely and readily, at the proper time; and when it is taken up we will go with the gentleman who is the manager of this bill, not only in reference to the particular subjects he has indicated but all the general range of taxation everywhere; we will go him better in endeavoring to relieve the people from the burdens under which they now labor. But it is not our desire—it is not mine at least—to take up this bill at this time. I have a bill here which I presented by order of the Committee on Foreign Relations two weeks ago and gave notice that I should ask for its early consideration.

Mr. MORRILL. What does the Senator mean by "going better?" I do not quite understand.

Mr. PENDLETON. I ought perhaps not to have used that phrase to so unsophisticated a gentleman as the Senator from Vermont, a technical phrase with which I am not very well acquainted myself, [laughter;] but I will make it clear to his comprehension by saying we will go further than he and his associates for the purpose of relieving the people from taxes.

I say I have a bill on the Calendar, which has been here two weeks, which involves the life and liberty and property of all the citizens of the United States who are living or trading east of the Mediterranean. It concerns the life, liberty, and property of our fellow-citizens who are now in jeopardy of their lives and suffering as to their liberty because we do not give them the proper relief. I have here

on my table at this moment a letter from the Secretary of State calling attention in the most serious manner to the necessity of passing a bill of this kind. The bill cannot go into operation for six months after it is passed. It will be necessary to make arrangements for putting it into operation at that time, and I desire now to antagonize this motion of the Senator from Vermont in order that I may call up that bill, and I think I may say in all sincerity it will not take an hour to pass it through the Senate. I appeal to the Senate not to assent to the motion of the Senator from Vermont, but to consider this consular court bill.

Mr. BECK. Mr. President, I have, I fear, for the last two or three weeks given offense to Senators who were endeavoring to call up special matters by demanding the regular order, which means to proceed with the Calendar; and I have given notice more than once of late that I would continue to do so to the end of the session, or until the Calendar was at least once called and the cases or matters thereon considered.

Mr. President, the fact is that there are one hundred, perhaps one hundred and fifty, bills on the Calendar, many of them very important, reported by the regular committees of this body, and not a single bill on the Calendar has been called that was reported subsequent to the 19th day of April last, and this is now the 13th of July. All of these matters must be assumed to have merit, more or less, or they would not have received the favorable consideration of the committees of the Senate to whom they were referred. Some have been considered by the committees to which I belong, and I believe they ought to be favorably acted upon. Many of them are of great general interest; some of them are private bills; some partly public and partly private. We adopted a rule that until two o'clock each day we should regularly proceed with the call of the Calendar. That is all I ask shall be done now. When two o'clock comes, if the tax bill is brought up I shall not interpose any objection to its consideration. I will vote to give it preference over anything else; but I do oppose the interruption of the call of the Calendar until the bills that are reported shall at least have been called and it is seen whether any Senator has any objection to them. Then when the hour for calling up the unfinished business arrives, and the question is between the tax bill and any other bill, I shall be free to vote as I think the public interest requires, and I know of nothing more important than to consider the reduction of taxation. The present pressure to displace everything is neither proper nor necessary. We have all summer before us.

Again, let me say, the bill now reported by the Senator from Vermont passed the House of Representatives on the 27th of June. On the 28th it was referred to the Committee on Finance and was reported back by that committee to the Senate on the 6th day of July. I hold the original House bill with the Senate Finance Committee's amendments in my hand; it contains nothing in the way of relief from tariff taxation, nothing except relieving the bankers of the country from the taxes imposed upon their capital and deposits, and the repeal of the stamp tax on bank checks and patent medicines, and a little savor thrown in in the way of friction matches to attempt to give it some popularity. That was all that the House of Representatives offered and all that the Finance Committee after eight days of study could persuade themselves ought to be done—that was all they reported or recommended the Senate to do. In short, the Committee on Finance, after holding the little House bill a week, could see nothing that the country demanded any relief from except the taxes on banks and bankers, patent medicines, and matches, which nobody had asked relief concerning. That bill so reported remained on the Calendar until yesterday morning. It was out of the hands of the committee, beyond its control, never referred back to the committee by order of the Senate, and yesterday morning what does the RECORD say occurred?

Mr. MORRILL. I am directed by the Committee on Finance to ask that the bill (H. R. No. 5538) to reduce internal-revenue taxation be recommitted to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be so ordered, there being no objection. The Chair hears none, and the bill is recommitted.

Mr. MORRILL. I am directed by the same committee to report the bill (H. R. No. 5538) to reduce internal-revenue taxation, with amendments as agreed upon by the committee. I ask to have the bill reprinted in order that the amendments may all appear together; and the original bill is out of print.

The PRESIDENT *pro tempore*. The bill will be reprinted with the amendments, and placed on the Calendar.

That happened yesterday morning. The bill was brought back in a minute after its recommittal; it was never even carried to the committee-room, reported back instantly, and we are called upon this morning as soon as it is printed and laid on our tables to pass upon it instantly, with amendments that the committee as a committee had no right to consider; because, I repeat, the bill was never recommitted until yesterday, and when recommitted it ought to have been sent back for revision at least. We did consider the amendments as a committee; I agree we did talk about them in our room; we discussed them; but the committee had no authority until the bill was formally recommitted yesterday to do anything with the bill because it was not before them, being on the Calendar. This morning, forsooth, the Calendar is to be set aside and all other public business is to be disregarded because it is now deemed important for the committee to obey orders; because the Republican caucus has ordered it, and said it is important to change the tariff duties on sugar and increase the tariff duties on cotton-ties and a few other things, the Finance Committee is overruled by the caucus. The committee of its own motion at first refused to allow any but verbal amendments to the House bill, confined it merely to the personal interests involved in the internal revenue; the title of the bill reported to-day is a bill "to reduce internal-revenue taxation," yet without having it in fact recommitted to the committee——

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Kentucky that debate on the merits of the bill is not in order.

Mr. BECK. I am not debating anything except the irregularity of the proceeding; but I will submit to the ruling of the Chair. I am arguing that although the committee did submit the amendments the committee had no more authority to do so before recommittal than any other nine gentlemen in the Senate, and their opinion is just worth as much as that of any other nine men equally well informed—no more, no less. Until the bill was recommitted by order of the Senate yesterday, and when it was so recommitted, after having first said that nothing could be done except to give the banks relief, with a little relief on the medicine and match tax, that bill being on the Calendar, after it was recommitted it was reported back at once without being even formally considered, and we are now asked to set aside the whole Calendar and consider it before one member in ten has seen it on his desk or knows what is in it. When two o'clock comes and you seek to postpone the Pembina bill, that will be a different question, but until two o'clock I think we should go on with the regular business. That is all I care to say. I will go as far as any man promptly to reduce taxes when the question is fairly presented.

Mr. SHERMAN. Mr. President, if this Congress shall adjourn, whether it be hot or cold, without a reduction of the taxes now imposed upon the people it will have been derelict in its highest duty. There is no sentiment in this country stronger now than that Congress has neglected its duty thus far in not repealing taxes that are obnoxious to the people and unnecessary for the public uses; and if we should still neglect that duty we should be properly held responsible by our constituents.

Now, sir, for one I am determined that this sin shall not lay at my door. The reduction of duty ought to be at least as large as is proposed by the highest proposition that has been made by either House, and perhaps ought to go further.

The Senate has not been in fault in this matter, nor can the Senator from Kentucky properly criticise the action of the Senate or of the Senate Committee on Finance of which he is a member. The House holds, whether rightly or wrongly, that the Senate cannot originate a bill reducing taxes, because, although it does fall within the express constitutional phrase "a revenue bill," yet it relates to taxes, and falls within the spirit of the constitutional inhibition against the Senate originating bills for raising revenue, and therefore the House asserts that they alone have the power to introduce these bills reducing taxation. They sent us in the last of June a bill to reduce internal taxation that gave us for the first time jurisdiction of the subject-matter.

Now what is proposed? The Senator from Kentucky says that in the first instance the Committee on Finance proposed only to confine legislation here in the Senate to the subject-matter of that bill. So we did, because at the time that action was taken it was confidently said and believed that another bill would be sent from the House to correct certain incongruities and irregularities and rates of duty in the tariff. But further he says, and so does the Senator from Alabama, that this matter was referred to a commission. So the general subject of the revision of the tariff was referred to a commission, but it was stated by my honorable friend from Vermont, [Mr. MORRILL,] by myself, and by others who were connected with the Finance Committee that it was expected that at the present session there would be important legislation in regard to the tariff. I voted for the tariff commission on the ground distinctly stated by me that we ought at this session to amend the tariff laws.

Now, Mr. President, the bill before you is a bill to reduce taxation, not internal taxation alone but external taxation as well. It is a bill that ought to pass. My colleague says that it does not go far enough, that he wants to take up some other bill because this does not go far enough. When it comes up in the Senate we can make the issue. Make your propositions and we will see what taxes you propose to reduce, and if we do not vote for them then for the first time accuse us of neglecting our duty.

Sir, there is no bill on your Calendar that compares in importance or in public interest with the one that is now proposed to be taken up; and if it is not taken up now I fear it will not be taken up this session. All your Calendar of bills contains nothing so important as this question of the reduction of taxes. If the House have not gone far enough in this way, then go further, "go better," to use a phrase that I at least understand when used by my colleague. If the Democratic party, which seems disposed to make this a party measure and to allege that the Republicans have not gone far enough in this bill, let them propose their amendments and test the question.

Mr. BUTLER. May I ask the Senator from Ohio what the tariff commission will have to consider if we go into the whole question of the tariff?

Mr. SHERMAN. The tariff commission will have the whole range

of the tariff, ample room and verge enough; but there are certain incongruities of the tariff about which few differ that ought to be corrected without delay.

Mr. BUTLER. I understand the Senator from Ohio proposes that we shall go into a discussion of the whole question on this bill.

Mr. SHERMAN. No, sir; I only say that if my colleague thinks we have not put enough reduction of taxes in this bill he can move to reduce them further.

Mr. BUTLER. There is no limit to it.

Mr. SHERMAN. As a matter of course there can be no limit to the power of amendment. It is a question whether the Senate will take up questions other than those that merely relate to the reduction of taxes. In a tariff bill there are complex and multitudinous questions not only of revenue but of protection, the extent of protection, the amount of revenue that will be produced, the grades of duties, whether ad valorem or specific, whether compound or simple. A thousand questions in the change of a tariff come up that do not relate to the mere reduction of taxes. But in a bill to reduce taxes there are many subjects proper to be introduced, and when they are offered here, as I know they will be offered, by way of amendment, then will be the time to discuss them. The Senator from Kentucky has already given notice of amendments to this bill that will, if debated, occupy the attention of the Senate for a week. He proposes to reduce the tax on spirits, to reduce the tax on tobacco, to reduce taxes by a scale of 10 or 20 per cent. and even 50 per cent. He proposes a great multitude of reductions of taxes.

These are the questions we want to meet, and we are ready to meet them; and from this moment forward until the end of the session we will insist that this bill for the reduction of taxes shall be considered. We will not willingly go back to our constituents until we get the sense of the Senate upon how much they are willing to reduce taxes, and if the taxes we have selected are not the ones that ought to be reduced let others be proposed.

The Senator from Kentucky says we propose to repeal certain bank taxes. So we do. We relieve the corporations not from the tax on circulation, which is the severe one upon them, but the tax on deposits and the tax on bank checks, which is a tax, not upon banks, but upon the business of banking, upon the people who do business with banks. We propose to repeal the tax on matches, which he says nobody has asked for. Why, sir, the whole country asks for it. Every Irishman who smokes his pipe after his dinner, every householder and adult citizen in this broad land asks for this repeal.

The Senator, however, says he does not care about repealing this tax. If he does not want to repeal the match tax, then let him propose instead to repeal or reduce the whisky tax. We will be glad to debate with him on that question; let him propose to reduce the tobacco tax, and we will hear him on that question and see how far we can agree. I say now is the time——

Mr. BECK. If the Senator will allow me, I have proposed both, and I have no objection to going on with this bill and going quite as far as anybody in reducing taxes where it can properly be done; but I do not want to lose the morning hour when both can go on together.

Mr. SHERMAN. Let us take it up now and regulate the time and manner of disposing of the question. I think it ought to be taken up now. The Senator from Vermont has it in charge and he can give way from time to time to other bills; but now is the time to determine that this bill shall be acted on.

Mr. VAN WYCK. May I be allowed one word?

Mr. SHERMAN. No, sir; not until I answer the Senator from Kentucky. The Senator was very unjust to the Committee on Finance; and it seems to me he violated one of the rules of the Senate in regard to stating what occurred in the Committee on Finance.

The Senator says that the Senator from Vermont asked that the bill be recommitted and then immediately made the report of the Committee on Finance. That is true; but does not the Senator from Kentucky know that on that very morning the bill and all the amendments were fully considered before the Committee on Finance, and that the chairman of the committee was directed to do exactly what he did and what has been done a hundred times in the Senate? It was only as a matter of convenience to get the bill before the Senate compactly. That was done yesterday.

The bill was recommitted *pro forma*, just as had been done on the motion of my honorable friend from Delaware in regard to the bill for a tariff commission. The Senate committees all the time have a right to consider these questions under the rules of the Senate. The Committee on Finance are charged with all questions of taxes, all questions which relate to money affairs, the imposing of taxes, banks, &c. They have constant jurisdiction under the rules over them, and although they may report a bill it is the constant practice and it is the right practice still to consider the subject as under their jurisdiction, to report amendments to it just as the Committee on Appropriations do every day when they report a bill. Although it may be in the hands of the Printer, yet they continue to report amendments to the appropriation bills from time to time. That was done in this case. It is done by common consent. There was nothing irregular about it, and it was done to enable the Senate to have in one single bill all the propositions proposed by the Committee on Finance instead of having the amendments on separate sheets. There is nothing in that collateral matter——

Mr. BECK. The Senator will allow me to say that I was not complaining of anything except the demand to displace the Anthony rule the very first morning after the bill was recommitted and reported back. I said the committee had been considering it, but that they had no bill before them until it was recommitted yesterday, and it was reported back at once; and now it is proposed to cut away this morning hour, not waiting until two o'clock and giving the Senate a chance to look at the bill. It seems to me undue haste.

Mr. SHERMAN. At this period of the session we must waive the Anthony rule on all questions of grave importance, like a bill to reduce taxes, like an appropriation bill. There is no doubt about that.

Mr. HALE. Let me ask the Senator a question right in the line of what he is saying. How long is it since the Senate has given any attention to the Anthony rule? If this bill is not taken up some other bill will be taken up that will displace the Anthony rule. We are unable to go at the Calendar and have not gone to it for a long time.

Mr. BUTLER. The appropriation bills have interfered with it.

Mr. GARLAND. Mr. President, the question before the Senate, if I understand it, is whether we shall proceed to the consideration of the bill in charge of the Senator from Vermont from the Finance Committee, entitled "A bill to reduce taxation," as his amendment proposes to call it. I desire to give the Senate reasons why the bill should not be taken up, and why, in my judgment, we cannot consistently take it up for consideration at this time or in fact at this session.

I announced in a speech that I had the honor to make to this body in January last that I thought we should then proceed to reduce the taxes in many particulars. That did not receive any particular response from any quarter, certainly not from the House of Representatives, until this little bill was sent here on the 27th day of June; and whence comes or how comes all this new zeal and ardor for the reduction of taxation in certain quarters I am not able to comprehend: but, like all new converts, the gentlemen are certainly very energetic and very zealous. I think the energy and the zeal are improperly bestowed at this time. I think they are inconsistently manifested at this time.

On the 15th of last May, under the direction and almost the absolute control of the Senator from Vermont, a law was passed providing for the appointment of a commission to investigate the question of a tariff. Section 3 of that act, which I hold in my hand, delegates every possible subject arising under this bill, or any other bill that may be framed on the subject, to the tariff commission which was appointed and confirmed by the Senate under that act.

Now, there is something strange in this proceeding. I believe the very day after the commission assembled at Washington City, and the president of that commission, Mr. Hayes, made his congratulatory speech to his associates, the House of Representatives passed this bill. I do not know whether it was passed *post hoc* or *propter hoc* or not, but there is a singular coincidence about it, that as soon as the commission is organized at the Ebbitt House and its president makes his speech, the House of Representatives, the originating power under this Constitution as to revenue bills, passes this bill and sends it to us. There was something of a practical joke in it that I admire; and yet that was outstripped when we recur to the fact that the House of Representatives on the 24th of June passed a resolution asking the concurrence of this House that Congress should adjourn finally on the 10th of July, and three days after the passage of that resolution, the 27th of June, they passed this bill and sent it to us for consideration.

That was carrying the doctrine of practical jokes to its extreme verge. Here comes a bill to elicit a debate that will be almost endless, to elicit an investigation that will be almost without termination, with the thermometer ranging at 94 degrees and still rising, and to begin with the literature amounts now to this that I hold in my hand. [Exhibiting a bundle containing the bill and proposed amendments.] Here is the bill first that the Senator from Kentucky alluded to, that the Senator from Vermont reported back and then had recommitted, and yesterday reported this one back. [Exhibiting.] And here are the amendments upon our tables [exhibiting] seeking "to go it better," in the language of the Senator from Ohio, which I do not precisely comprehend myself, but as explained by the Senator from Vermont we all now understand it.

Mr. President, if the time allowed, if the proceedings of this Senate and House of Representatives were consistent upon this subject, there is none that I would more gladly go into than this. But I wish to state to the Senate that if we go into this subject we are necessarily compelled to recall the tariff commission, to abrogate the law that brought it into existence, because we are taking the subject into our own hands; and if anything is passed on this subject in which these amendments or the original bill figure I shall move as a proviso to the bill, before it goes out of the Senate, that the act of the 15th of May creating the tariff commission be repealed. I shall move at the proper time, if the Senate take up this bill, that it be postponed until the second Monday of December next, so that the tariff commission may make a report upon the subject, for they are

required under the fourth section of the act to make their report not later than the first Monday of December next.

It is a mistake when the Senator from Ohio or the Senator from Vermont says that any one on this side is opposed to the reduction of taxation. But we have committed this matter to a tariff commission with full power to look into this and all kindred subjects. We have confirmed the nominations of the members of that commission. We want the information they can give us upon this and all kindred subjects before we legislate. We do not wish to thrust this bill now in the face of other bills that appear upon the Calendar, invoking and begging the attention of the Senate, some of them as important as the bill indicated by the Senator from South Carolina in reference to the territory of Alaska. That subject was brought to the attention of the Senate and its Committee on Territories three different times by the head of the Treasury Department, and by the President of the United States in a message twice. Three months ago, now lacking a few days, the Senator from South Carolina reported the bill, and telegrams have been sent to the Senator from California and other Senators stating that absolute disorganization, absolute lawlessness, prevailed in that country, and the Senator from South Carolina has repeatedly, time and again, begged the consideration of the question. Then there is the bill in reference to the Presidential succession, that the Senator from Massachusetts [Mr. HOAR] reported some time since, which he has begged the Senate to take up and consider, and there can be no more important question than that. Then there is the bill advocated by the Senator from Maryland, [Mr. GROOME,] to prevent the payment of double pensions, reported before this bill was reported by the Senator from Vermont. All these are important questions, questions of the very first and last importance to the country; and now we are asked, in less than twenty-four hours after this bill was recommitted to the Committee on Finance and reported back, to go into the consideration of it in the face of all this important business, and when, too, we have a tariff commission at work. We are asked now to stultify ourselves and recall the commission virtually and take the subject into our own hands. While there is a cry for the reduction of taxes, as the Senator from Ohio [Mr. SHERMAN] has said, yet the country knows we have created a commission: the country knows that the commission has gone to work, that it has started on its errand, and the country is willing to await its report, and then to have action on that report by the two Houses of Congress.

Where does all this information we have come from? What inspiration brings it? Have we received a letter from Moses or any of the other prophets? Where does the Senator from Vermont get all this information in reference to sugar and the reduction that he proposes upon Bessemer steel? We created a commission to get all that information for us. If it is before us I have not had the pleasure of looking upon it. If we now go into the matter and take it out of the hands of the commission, so be it, and we will test who is in earnest in reference to the reduction of taxes.

Mr. WINDOM. Mr. President, I do not intend to discuss the merits of this bill. They are not in order on this motion, and if they were the profound astonishment I feel at the position of the Democratic party this morning would prevent me from entering upon that discussion. I had supposed hitherto that our friends on the other side of the Chamber lay awake nights on account of their great anxiety to reduce taxes. My friend from Kentucky, [Mr. BECK,] who has devoted hour after hour in denouncing the enormities of the tariff on Bessemer steel, appears this morning in a new rôle. I had supposed that he at least would seize the first opportunity to relieve the people of a burden which has caused him such intense anxiety and intolerable anguish of spirit. I imagined that he and all his Democratic associates would welcome the long-coveted opportunity to reduce taxation. My astonishment therefore is profound and irrepressible when I find that almost unanimously thus far our friends on the other side seem determined to resist action upon this bill. All conceivable excuses are made for delay. The Senator from Kentucky, who is now on his feet——

Mr. BECK. In forty minutes I will vote to take it up.

Mr. WINDOM. I was going to refer to that. The Senator from Kentucky has again at this moment repeated his burning, overwhelming, yearning anxiety—I wish I could find some stronger word to describe it—to get only forty minutes for the Calendar. I have not heard him say anything about the Calendar before for a month, but now when there are but forty minutes left of the morning hour he still begs for those forty minutes. When he made his speech a little while ago there were about sixty minutes that could be devoted to that subject, and he occupied some ten or fifteen of them in a speech against the taking up of this bill. Such intense concern about the Calendar is very remarkable.

Then comes the Senator from Arkansas, [Mr. GARLAND,] who makes all sorts of excuses for not taking up this bill to reduce taxes. One is, that "the thermometer is at ninety-four and still rising." Let me say to my friend from Arkansas that if the Democratic party stand here and resist the reduction of taxation, they will find the thermometer a good deal higher than ninety-four when they reach home.

Again, he pleads that the people of Alaska need some legislation, and that must be attended to. The Calendar, Alaska, the hot weather, anything rather than take up this bill which proposes to reduce by forty or fifty million dollars taxes that these same gentlemen have been complaining of for years.

It is utterly impossible for my honorable friend from Vermont to satisfy our friends on the other side. I remember very distinctly when he and I were colleagues in the House of Representatives many years ago, when the war was raging, and it was necessary to raise money by heavy taxation, he brought in a bill imposing a large portion of the taxes that we now seek to repeal because they are no longer needed, and the Democratic party then almost unanimously opposed it, fought in every conceivable way to prevent the levying of those taxes that were necessary then to sustain the war; and now, when the war is over, when our Treasury is plethoric, and there is no reason why taxes should not be reduced, when the people are everywhere demanding it, when we propose to open up this whole subject to the gentlemen on the other side to offer any amendments they please, the Democratic party again says, "No, we must legislate for Alaska, we must attend to the Calendar, the weather is too hot, or for some other reason we cannot possibly take up this bill."

Mr. BUTLER. I would ask the Senator if we have any more information on the subject now than we had when we first began to discuss the question of raising a tariff commission to take the whole matter into consideration, and why is it, at this eleventh hour of the session, that it is found to be so urgent?

Mr. WINDOM. There are some questions in connection with the tariff and internal revenue that are so plain, so apparent to everybody, that we need no tariff commission to inform us concerning them, and there are other complicated questions that do need the careful examination of such a commission.

Mr. BUTLER. I understood the Senator to say that the whole question was to be gone into.

Mr. WINDOM. I said that this bill opened up to the gentlemen on the other side who were opposed, some of them at least, to the tariff commission the whole question of the reduction of the tariff and internal-revenue taxation.

Mr. BUTLER. I want to say to the Senator that I was not opposed to the tariff commission, but on the contrary I voted for it, and I voted for it with the distinct understanding or assurance given again and again by the Senator from Vermont and other Senators on the Republican side that they did not have time to consider the important question; and it was said explicitly, certainly impliedly, that no legislation should be had involving the consideration of the tariff at this session, upon the ground——

Mr. WINDOM. I heard no such thing.

Mr. BUTLER. It was stated repeatedly.

Mr. WINDOM. I voted for the tariff commission myself distinctly on this ground: that there were many complicated questions connected with the tariff which needed more careful revision, study, and investigation than could be given in the two Houses of Congress, and expressly reserved to myself the right to vote for any plain proposition for the reduction of taxes upon certain articles. I should not have voted for the tariff commission myself if I had believed that we thereby put it out of our power to make such reduction as we might deem necessary and proper at this session. I regard the tariff commission simply as an aid, an adjunct, to legislation; and when plain propositions which I believe everybody in the country admits to be correct are presented here for action I am not willing to wait until the tariff commission reports, and I sincerely hope that the professed desire of our friends on the other side so often expressed for a reduction of taxes may not be thwarted by their votes against taking up the bill.

Mr. BAYARD. Mr. President, I am a member of the committee which has been charged with the consideration of these questions, and I do not propose to speak of what goes on in the committee-room, but I merely say, in the presence of the chairman of that committee and the other members of it, that I do not presume any member will venture to say that there has been the slightest suggestion of delay, the least disposition to stave off the consideration of the Senate the question of taxation in any form. No one will rise here and say it, no one can rise here and say it. There is one thing in which I agree with the honorable Senator from Ohio and with the honorable Senator from Minnesota, and that is the gravity and importance of this question. It always was a grave question; it never was as grave and important as it is to-day. There never was an hour in the history of this country when the exercise of the great and sovereign power of taxation all over the United States was so important to be fixed upon a just basis as it is to-day; never was the amount of property in this country so great as it is to-day; never were the interests to be affected by the arrangements of taxation so important as they are to-day; never were we brought so face to face with the terrible problem of the adjustments of the relation of capital and labor as you are brought to-day. And well may the Senator from Ohio say it is important for the Senate properly to consider this subject. But, sir, I do submit that in speaking of this side and in addressing themselves to this side of the Chamber the Senator from Ohio and the Senator from Minnesota have exhibited rather more the astuteness and skill of veteran politicians than they have of statesmen disposed to deal with this question as it ought to be dealt with, the astuteness of skillful and dexterous politicians rather more than anything else.

Mr. President, I hold that the Senate by its majority has a right,

and it is its duty, to control the consideration and order of its business. I have never stood in the way of that. It can to-day vote to take up any measure it sees fit and pass upon it as the majority shall see fit; and therefore it is only the duty of the minority or the duty of any member of the body to lay before the Senate the various questions presenting themselves for consideration, in order that the majority may select under their discretion and their own sense of responsibility which question they will proceed to consider. That is all there is in this case.

The Senator from Ohio says that hot or cold we cannot adjourn without a reduction of taxation. Well, Mr. President, coming from that Senator, so distinguished a member of this body, there is at least a coolness in his statement that is delightful in this July weather. Who has had this question under control? For eight months we have been in session. The House of Representatives at the end of eight months and in advance of this measure sent us a resolution for adjournment *sine die* on a day already past. It was on your table, read, and referred to the Committee on Appropriations, and with it comes a poor little beggarly bill called "A bill to reduce internal-revenue taxation;" nothing about the tariff, nothing about the taxes that really oppress the people of this country, nothing about the indirect taxes that are infinitely more oppressive than those which go straightforwardly and openly into the Treasury. They send here a bill to take the tax off matches, to take the tax off patent medicines, to take the tax off bank deposits; as to the latter of which the Senate passed a bill one year ago, introduced here by a Democratic Senator, myself, at the instance of the Finance Committee. There would have been no tax on deposits for a year past if the voice of the Senate unanimously expressed had been heeded.

Mr. COKE. I would suggest to the Senator from Delaware that this bill proposes also to raise the tax on cotton-ties.

Mr. BAYARD. That was not the action of the House. The House did not touch the tariff question.

Mr. COKE. It is in the present bill as reported.

Mr. BAYARD. The House sent to us a bill professing to reduce internal-revenue taxes, and this Senate and the honorable Senator from Ohio, [Mr. SHERMAN,] almost the most experienced member of this body, especially upon the subject of taxes and taxation, had none of this light; he felt apparently none of this terrible duty now imposed upon him of reduction, in which I shall join him heart and hand, until the House had acted, and until that mysterious body unknown to American Constitution and laws, but so potential a factor in American legislation, the caucus of the majority, had decided that the House was wrong, that the Republican House speaking for that party and the governing power of the people under the Constitution in the way of originating bills relative to taxation was wrong, and that taxes really must be reduced by attacking the tariff; and so we come to this measure. I am forbidden by the rules to touch the merits of this question, nor do I mean to do so, on this motion; but when a man tells me that the bill as brought first to the Senate was a bill to reduce taxation, he really appeals to my risibility. It will appear absurd before the people of this country to talk about the bill just reported by the Senator from Ohio and the Senator from Vermont as being a reduction of taxation. It takes off by the ounce and puts on by the ton. That is called a reduction of taxation!

But there is one measure that should have preceded this. We are apparently embarking upon an investigation of the tariff question. We cannot touch it without going through it. We have the highest authority of the Republican members in this body that the tariff is a system. To be a proper system, it should be wise, judicious, capable; and it is not to be attacked or treated piecemeal. You are not to pull feathers out; you must treat it as a whole; and these were the doctrines and such were the declarations under which the tariff-commission bill was recommended and under which it passed this Senate and passed the other House.

Well, now I say that preceding all this it would have been better, out of the decorum due to the nine respectable gentlemen who have been selected for the purpose of considering the tariff question, to repeal the act under which they were ordered to convene. This is simply a snub to the tariff commission in advance. It is simply a vote of want of confidence in that commission in advance. I have no objection to considering it. I am willing to take it up and do my best with the Senators on the other side and on this to treat this question fairly, wisely, and justly, and to approach that which I am satisfied is to be a marked day in American history, the settlement of the great question whether you can use the taxing power of this Government in favor of special classes and for special legislation, or whether your sole power begins and ends with laying taxes for the purpose of affording the necessary means to support the Government.

Mr. President, I am perfectly willing to begin at two o'clock, or now, at twenty-five minutes of two, to take up this tariff question as it has been presented by the authority of the majority of the Committee on Finance. That majority of the committee is understood. The bill they have brought in is not the view, is not the opinion of the minority of that committee. We propose to go much further in reduction. We propose to make reductions real and actual in the way of taxation, and to lift off burdens, and not simply to grant favors. That is the intention; and the sooner that commences the better for my satisfaction.

I agree it is not a pleasant season of the year to work; I agree it s not particularly favorable for wise action to begin the work on the iverge of a political canvass for the purpose of gaining some small party or temporary advantage. We are told frankly that some of these changes in the tariff laws are to be temporary. That is not the way to deal with a tariff; that is not the way to deal with a tax. As great a vice as the law can contain as to taxes is the vice of instability. It is the dread of the manufacturer, of the merchant, and of the true statesman. It is only a resort which cannot be justified, and would not be asked for except for certain party ends.

Therefore it is, sir, that I am perfectly indifferent as to which measure the majority shall see fit to address itself to. I will vote to take up the tax bill, but here in the presence of the committee, and in reply to what has fallen from the Senator from Minnesota and the Senator from Ohio, I simply state that there has not been one-half minute's delay in the consideration of this measure by any member of the Committee on Finance.

Mr. VAN WYCK. Mr. President——

Mr. BECK. Will the Senator from Nebraska allow me to say a word in reply to the Senator from Minnesota? He seemed to think I was endeavoring to avoid this question, while the reverse was the fact.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield?

Mr. VAN WYCK. I understand the gentleman desires to make an explanation as to some suggestion made by the Senator from Minnesota.

Mr. BECK. I do not desire to take the floor from the Senator from Nebraska; I ask his consent to say a few words.

Mr. VAN WYCK. Not to take the floor from me?

Mr. BECK. No; but just to say a few words.

Mr. VAN WYCK. Very well.

Mr. BECK. The Senator from Minnesota either misunderstood my position or sought to make an impression on the country that all my anxiety to reduce taxation was now proved to be a false pretense, because I did not at once, the next morning after a report was made by the Committee on Finance, and before Senators had even had time to read what was done, agree in hot haste to set aside the Calendar, to set aside everything. You cannot wait until two o'clock, you must displace the regular business, and because I would not agree to this he would represent that I, and the common run of the members of the Democratic party were avoiding a reduction of taxation. Why, sir, just the reverse is true. As the Senator from Delaware said, every amendment that proposed a genuine reduction of taxation came from him or myself or some Democratic member of that committee, and was uniformly voted down by the Republican majority of the committee; and the little bill that they laid before us, the little bill that came from the House was so disreputably small in its proportions, was so evidently in the interest of a few classes and not in the interest of the great mass of the people, that after the House sent it to us, although they had agreed to adjourn on the 10th and pass the bill after they had fixed the day of adjournment, after holding it eight months, the Committee on Finance refused to consider anything but the little privileged items that the House sent to us. The bill became so ridiculous when the country understood it that the Republican party did not dare to go before the country with such a miserable bill and such a pretense of relief. So they met in caucus and ordered other things to be added. The Senator thinks I cannot sleep on account of thinking of taxation. I will say to him that I was sleeping soundly the night he was sitting in caucus ordering the derelict Finance Committee to do better than they had done, and to bring in something lest the country should say that the party was disgraced.

Now, I am prepared to go for an honest reduction, and prepared to vote to take up this bill when two o'clock comes, or I am prepared to vote now, since we have talked the time away, to take up the bill for a reduction of internal-revenue taxes and the tariff taxes, and to do what little I can to give honest relief to the people.

Mr. VAN WYCK. Mr. President, I certainly am opposed, for other reasons than those given by the gentlemen on the other side, to the consideration of this measure at this particular time. I am with my friend from Vermont in favor of this bill, but if it is to be taken up now I do not wish it to stand in the way of all other legislation except as the gentleman who has charge of the bill proposes to allow the consideration of other matters.

Mr. SHERMAN. The Senator is mistaken about that. The bill can only be taken up at any time before two o'clock by a majority of the Senate on motion. If it is taken up now and is left as the unfinished business to-day, it will not come up until two o'clock to-morrow. That I understand will be the rule; the Senate can order otherwise, of course.

Mr. VAN WYCK. Precisely; but if it once comes up, then I presume it stays here, and that is just the reason why I object. There are other measures as important really.

Mr. RANSOM. Do I understand the Senator from Ohio to say that it is his purpose to take this bill up only occasionally in the morning hour, and not press it to a vote?

Mr. SHERMAN. Oh, no. I say that if this bill is taken up now and is left as the unfinished business to-day, it does not come up again until two o'clock to-morrow, unless the Senate by a majority vote should before two o'clock to-morrow take it up at the close of the regular morning business. That is the rule of the Senate.

Mr. VAN WYCK. Then it is in order every day at two o'clock, as I understand?

Mr. SHERMAN. Until set aside by a majority of the Senate.

Mr. VAN WYCK. The Senator from Ohio says there are amendments here sufficient to occupy the attention of the Senate a week.

Mr. BUTLER. Two weeks, I can say.

Mr. VAN WYCK. There are some small measures that can be disposed of; and if this bill is to occupy that length of time, why not let these other measures that are important in their way be got out of the road so that there shall be nothing then to antagonize this bill?

With all due deference to my learned friend, it seems very much as if this bill was to be forced now to be taken up and then to be forced through to a final vote by driving other measures out of the way, or in order to enable other measures to be considered in this body.

I am opposed, I will say to my friend, to taking up this bill to-day and in the morning hour, and I do not want to be considered by that vote as antagonizing the merits of the bill—by no means. My friend from Maryland [Mr. GROOME] has suggested a bill and asks the consent of the gentleman in charge of this measure that he may have it considered—an important measure, a measure coming from the Committee on Pensions, preventing the payment of double pensions.

Gentlemen will excuse me for explaining why I am not prepared to vote in favor of taking up the tax bill at this time. It is not known and never has been known in this Government that one man should receive two pensions, and the act of Congress which gave the special pension expressly declared that it was to be in lieu of any pension the man was then receiving. In spite of that, the party has gone to the Attorney-General and obtained an opinion that notwithstanding this declaration of Congress in the act granting the special pension, still this pensioner is also entitled to the pension which he had been receiving, although Congress has emphatically said he should not. The reason that strikes me is this: the Secretary of the Interior has received a letter substantially of instruction from the Attorney-General, and he feels bound to act upon it, and I understand has ordered the Commissioner of Pensions to so act, and if he does that to-day or to-morrow it takes between $6,000 and $8,000 out of the Treasury. Of course $6,000 or $8,000 is a small matter in this Congress, but it is in violation of the law, and it is no better certainly than any other robbery of the Treasury. That is one measure which should be acted upon immediately.

I am rejoiced that some of my friends have assumed the position they have this day, and that they are getting substantially on the good old Republican platform again. I am rejoiced that the Senator from Vermont [Mr. MORRILL] and the Senator from Minnesota [Mr. WINDOM] are now giving in their adhesion to that plank of the Republican platform which declares a tariff for revenue with incidental protection. I rejoice even if it is at the last hour that my friends can gather together upon that platform which gave peace and comfort to the Republican party in 1876 and 1880, and enabled us to obtain a triumph at the ballot-box.

There is no force in the argument, because it was suggested a long time ago, I would say to my distinguished friend from Ohio, that it would not be safe for us to leave these Halls without relieving the people from some of the burdens that rested upon them. It is rather late in the day, it is true, but "better late than never." Certainly the argument would come with more force if we had commenced this six months ago, as we had the same facts in relation to Bessemer steel and sugar six months ago as we have to-day, and yet no effort was made, although the Senator from Ohio [Mr. SHERMAN] did urge that duties should be reduced on the articles above named. This he urged when the tariff commission was under consideration, but the special advocates of that measure were not then inclined to any proposition for immediate action looking to any such reduction.

Mr. SHERMAN. We could not originate such a bill in the Senate.

Mr. VAN WYCK. The House is part of this brotherhood.

Mr. SHERMAN. But we could not originate the bill in the Senate.

Mr. VAN WYCK. Precisely. I am willing to take my share of responsibility. We are doing it late. I am willing to stay here and do it. It is well we have accomplished this much, even if we have started late, and I suggest to my friends now not to stop other legislation that is necessary, because it is perfectly evident why this reduction of the tariff is proposed. The late decision of the Supreme Court shows the fact that this body some time previously had made a mistake in regard to knit goods. That decision has lately been made, and by that decision it is claimed that an injustice is done to the manufacturers of knit goods, and the moment that was discovered there was force in the argument. True there were but few engaged in the manufacture of knit goods, but $90,000,000 was invested in the manufacture, and therefore Congress must correct its mistake; and if that mistake had not been discovered, if the decision of the Supreme Court had not been made, we should probably not have been considering the question of any reduction of the tariff at this late day of the session, and in order to obtain this correction of the tariff law it became necessary to make some concession to the people to relieve them of some of the burdens, because otherwise if Congress closed its session the only thing done on the subject of the tariff would be the appointment of the tariff commission and the fact that we had corrected a mistake in regard to knit goods by raising the tariff thereon. It would be necessary then to tell the people that this Congress had not time to legislate on a matter which directly affected millions of the people.

I merely desired to say this to satisfy my friend who has charge of this bill that I am with him upon his measure, with him to its fullest extent, but I have begged him that he would not introduce his measure to-day to thrust it across legislation on a few subjects which should at this time receive the attention of this body, some of them even this very day.

Mr. BUTLER. I shall not detain the Senate. I simply desire to make a response to the Senator from Minnesota. He says he is very much surprised at the attitude of the Democrats upon this question of considering this bill. I am very much surprised that the Senator should have expressed that surprise. He has perhaps forgotten the vote upon the proposition to organize the tariff commission. I was one of the unfortunates who voted for that commission, and I voted for it upon the positive and solemn assurance that the tariff commission was to take into consideration the very questions now being considered in this bill.

Mr. ALDRICH. Will the Senator from South Carolina allow me to read a short extract from a speech of the Senator from Delaware, [Mr. BAYARD,] who had charge of the tariff-commission bill, right on the point he is now discussing?

Mr. BUTLER. I will after a moment. I simply want to give the vote. The affirmative vote upon that measure in the Senate was composed of the following Senators: Messrs.—

Aldrich,	Davis, of W. Va.,	Johnston,	Platt,
Allison,	Dawes,	Jones of Nevada,	Plumb,
Anthony,	Frye,	Lapham,	Rollins,
Bayard,	Gorman,	McMillan,	Saunders,
Blair,	Groome,	McPherson,	Sawyer,
Brown,	Hampton,	Mahone,	Sewell,
Butler,	Harrison,	Miller of Cal.,	Teller,
Camden,	Hawley,	Miller of N. Y.,	Voorhees.
Cameron of Pa.,	Hill of Colorado,	Mitchell,	
Conger,	Hoar,	Morrill,	

Of that number eleven are Democrats, the rest Republicans. The Senators on this side of the Chamber were pressing "in season and out of season" for the consideration of this question, insisting that it was the duty of Congress to take into consideration the revision of the tariff, and I submit that it does not come with good grace from the Senator from Minnesota in view of that vote to say what he has said here to-day, when he is urging us to carry out the decree of a Republican caucus which proposes what? Alarmed at the attitude of the country, alarmed at the position in which his party had been placed by moving the adoption of this commission, and before the commission is actually organized a bill comes in from the House proposing to tinker with and tamper with the tariff, which was said at the time should be considered only by the tariff commission.

Now, the Senator from Arkansas desires to know where this additional information comes from. I can tell the Senator. It comes from the lash of the Republican caucus. That is the inspiration. At the eleventh hour, on the eve of adjournment, when the proper time for adjournment has come, the Republican caucus gets together and insists that something must be done or they cannot go into the next canvass with safety. What is that something? To abolish the bank-check tax, to abolish the tax on national banks, to abolish the tax on matches, to abolish the tax, I believe, on patent medicines, proprietary medicines; and the Senator says that upon that enormous bill for the reduction of taxes which is so greatly to relieve the country, we can now proceed to consider the whole tariff question at this late hour of the session. I say to the Senator that, while I was one of those Democrats silly enough to vote for the commission bill—I confess it, and hope the Lord will forgive me for it, because I believe now it was a sham, a pretense, for the purposes of delay as was urged at the time by those who opposed the measure——

Mr. WINDOM. Does the Senator consider the effort to get this bill up, which may cover the whole ground, an evidence of delay?

Mr. BUTLER. Ah! Mr. President, the Senator from Minnesota has no more idea of granting real relief under this bill than the man in the moon, and he knows it, and so do the majority of the Senate who have had control of this subject——

Mr. WINDOM. I do not know any such thing. I know the contrary.

Mr. BUTLER. The majority have not the slightest idea of granting real relief to this country in the reduction of taxation; and yet we are taunted on this side of the Chamber because at the eleventh hour we do not lay aside more important business to take up and permit the majority to pass a bill which shall be a sop to Cerberus, a tub to the whale, and nothing else. I say to the Senator from Minnesota and to the Senator from Vermont and the Senator from Ohio that unless I am very much mistaken we will make those Senators sick before this discussion is through, as to the reduction of taxation.

Mr. HAWLEY. I am ready to be made sick. If it be really necessary to undertake now at this time of the session a thorough discussion of the whole tariff question from beginning to end, I shall not run away from it a foot. There is not the slighest concealment or necessity for explanation or embarrassment on the part of the Republicans. I do not believe that the whole tariff can be wisely considered and well revised without a good report from a commission.

It will be a convenience and a help and a benefit to us. It is not essential; we can do without it; but it was the general judgment of the Republican party and of many Democrats that it would be wise to appoint a commission. I for one—and I know I speak for many others, for I have heard them say so within this half hour—did not mean by voting for the tariff commission that we were to surrender our judgments in the mean time and to absolutely refuse to make any reduction in the tariff whatever.

I have also known that about which there has been no concealment either, that the great majority of the Republicans in Congress believe there ought to be a serious reduction in taxation before we adjourn. The surplus is monstrous; it is enormous; it is dangerous, $150,000,000, and I do not know but that it will be more next year. It has already led us into unwisdom in the shape of an excessive and monstrous river and harbor bill and into other expenses that, I think, can scarcely be justified by the strictest economy. Many of us have been urging during this whole session that we ought to reduce taxation; that we ought not to go home without some reduction of taxation; and here is a bill that proposes to take off forty millions, more or less, from the taxes. Objection is not made to any one of the items; there is no denial that there ought to be reduction; nor is there a single man who objects to any one of the items, but the trouble seems to be on the Democratic side that they want to make this reduction in the way to suit them, and, as near as I can find out, the way to suit them was to go home without making it at all, and leave them to say in the fall campaign that they had been trying for a year to make us come to a reduction.

I see nothing extraordinary in the proposition to take this bill up now. Great emphasis is placed on the word "now," as if there was something peculiarly sacred about this very identical moment. This is just the time to take it up. Should we have undertaken a reduction of twenty-five or fifty or seventy-five million dollars early in the session, when no human being could tell how large the river and harbor bill was going to be or a dozen other bills? It was not certain up to the last moment where the river and harbor bill would stop. If Divine Providence had not brought us to a vote on that subject, the bill would have got to thirty or forty or fifty millions by this time. No man could tell what the appropriations for this year would be. We had no right to begin to reduce taxes until the end of the session.

I am happy to say that that caucus the other evening was one of the most charming and agreeable and harmonious caucuses I ever saw. I heard no note of discord. It was a charming conference and its members were entirely unanimous. Our purpose is to get about $40,000,000 off the taxes and go home and use this opposition of the Democrats against them in the fall campaign, and we will do it.

Mr. ALDRICH. I was very greatly surprised to hear the Senator from South Carolina say that he voted for the tariff-commission bill with the understanding that the whole question of the tariff was relegated to that commission, and that Congress was precluded by that action from reducing taxes of any kind.

The criticism was made upon the Democratic side of the Chamber and often reiterated that the whole purpose and object of the commission bill was to postpone action upon the tariff, and to prevent Congress from taking up and considering existing abuses, which were very graphically described by the gentlemen on the other side. This allegation and criticism were most emphatically denied by the friends of the bill who spoke on the subject.

Mr. BUTLER rose.

Mr. SAULSBURY. May I remind——

Mr. ALDRICH. I hope gentlemen will allow me to go a little further. Then I shall be very glad to answer any questions.

Mr. BUTLER. I was going to ask the Senator what that commission was——

The PRESIDENT *pro tempore*. The Chair will stop the entire debate. The hour of two o'clock has arrived, and the Chair lays before the Senate the unfinished business.

Mr. ANTHONY. I hope my colleague will be allowed to finish what he was saying.

Mr. ALLISON. I hope the Senator from Rhode Island will not be struck at.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORRILL. I move that the present and all prior orders be laid aside for the purpose of taking up the tax bill.

The PRESIDENT *pro tempore*. Had not the Senator better move to postpone to a day certain? The Senator from Vermont moves to postpone until what day?

Mr. MORRILL. I will move to postpone the unfinished business. I should like to have the Senator from Rhode Island finish his remarks if there is no objection.

The PRESIDENT *pro tempore*. The Chair, of course, has no objection; but if the Senator from Rhode Island continues others will wish to speak.

Mr. MORRILL. I move, then, to postpone the present and all prior orders for one week from to-day.

The PRESIDENT *pro tempore*. It is moved——

Mr. VAN WYCK. I trust the Senator from Rhode Island will be allowed to proceed, with the understanding that then the matter shall cease for the day.

Mr. ALDRICH. I presume I can proceed on the motion now made.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Rhode Island proceeding with his remarks?

Mr. SAULSBURY. With the understanding that other gentlemen are to follow.

Mr. ALDRICH. I can speak on this motion.

Mr. SHERMAN. The general custom has always been to allow a gentleman having the floor when the morning hour expires to finish his remarks.

Mr. BECK. Everybody wants to go on.

The PRESIDENT *pro tempore*. Does the Senator from Vermont want the vote taken now on his motion?

Mr. MORRILL. Yes, sir.

Mr. VOORHEES. Discussion on the motion of the Senator from Vermont may extend indefinitely. I shall listen with pleasure to the Senator from Rhode Island, and I shall listen also to others.

Mr. SAUNDERS. I hope the motion to postpone the unfinished business will not carry. We already have a regular order for to-day that has been kept before the Senate for a number of days, and it affects a very large number of people.

Mr. ALDRICH. If discussion is to go on I hope I shall be allowed to hold the floor.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has the floor to finish his remarks, no objection being made.

Mr. ALDRICH. To show what the position was of the friends of the measure in the Senate, as manifested by the declaration of the gentleman who had the bill in charge, I ask permission to read from the remarks made by the Senator from Delaware, [Mr. BAYARD.]

Mr. VOORHEES. The Senator from Delaware will have the right to reply.

Mr. ALDRICH. That Senator said:

> And if to-morrow morning a bill comes from the House practically reforming the tariff I shall vote for it most heartily; but I do not hold that this bill in any way, expressly or impliedly, prevents me from voting upon any measure that shall come here that will enable me to rectify the tariff.

That was said in answer to a question of the Senator from Iowa [Mr. ALLISON] as to the probability of legislation at this present session of Congress. At other times in the discussion the Senator from Delaware took the same position, namely, that the bill did not and was not intended to preclude Congress from acting on tariff legislation, and that he was ready at any time to proceed with the work of correcting the tariff whenever a bill should be sent here from the House of Representatives for that purpose.

Mr. BUTLER. As he is now.

Mr. BAYARD. Will the Senator permit me a word?

Mr. ALDRICH. Certainly.

Mr. BAYARD. He is perfectly correct, and there is nothing whatever in what I have said to-day inconsistent with what I said before.

Mr. ALDRICH. I have not intimated or implied a change of views on the part of the Senator. The Senator from South Carolina, however, said he voted for that bill with the understanding that it did preclude other action, and other Democratic Senators, notably the Senator from Arkansas, [Mr. GARLAND,] have declared that the bill was passed with the distinct understanding that it would prevent any subsequent tariff legislation on the part of this Congress. I merely desired to show that this was not the position taken by the friends of the bill, that they distinctly disclaimed any such purpose.

Mr. BAYARD. I never conceived for one moment that the Congress of the United States had a right to denude themselves for one instant of the power of legislation over that subject.

Mr. ALDRICH. The Senator from Delaware is simply reiterating the position which he then occupied and the position which was occupied by all the Senators, so far as I know, on this side of the Chamber who voted for the bill.

Mr. BAYARD. I never heard one on that side say so.

Mr. ALDRICH. If you did not, I will read a portion of the speech of the Senator from Ohio, [Mr. SHERMAN.] He said:

> Some of the difficulties stated ought not to continue during the present session. The sugar duty ought at once to be regulated by law; Congress will be derelict in its duty unless it does so. The incongruities in respect to steel and iron and wool ought to be corrected. The whole of this essential and urgent legislation might be grouped in a bill of a single printed page.

Mr. BECK. Will the Senator from Rhode Island read it from somebody else other than the Senator from Ohio, because he was pretty hard on the tariff-commission bill, about as hard as I was for a while.

Mr. ALDRICH. I have read from one leading Democrat and one leading Republican who were understood to be the friends, representatives, and advocates of the bill on this floor.

Mr. BUTLER. Will the Senator now refer to some extracts from the speeches of the Senator from Vermont?

Mr. MORRILL. You will find nothing in any speech I have made contradicting the position taken by those gentlemen.

Mr. ALDRICH. The record of the debate is open to the Senator from South Carolina. The views expressed by the Senators I have quoted were concurred in by other supporters of the bill, and so far as I know the contrary opinion found no expression from any friend of the measure.

Mr. JONAS. Will the Senator from Rhode Island read the remarks of the Senator from Iowa [Mr. ALLISON] on that occasion, and see what he said on the subject?

Mr. ALDRICH. I have finished, but I shall be very glad to listen to anything the Senator from Louisiana may read from the Senator from Iowa. I am sure it will be interesting reading.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone until a week from to-day the consideration of the unfinished business, which is the bill (S. No. 2114) establishing the Territory of Pembina and providing a temporary government therefor.

Mr. SAULSBURY. I believe that motion is debatable. I simply want to express my surprise at the change which has come over the spirit of the dream of gentlemen on the other side on this question. I remember distinctly that the Senator from Iowa [Mr. ALLISON] on the day that the tariff-commission bill was passed declared in the presence of his colleagues on the other side of the Chamber that that postponed the consideration of the tariff question for two years. I have not the language precisely before me.

Mr. ALLISON. Will the Senator allow me?

Mr. SAULSBURY. Certainly.

Mr. ALLISON. I was laboring under that delusion until informed by the Senator's colleague that no such purpose was intended by the friends of the bill, and of course I fell in at once with the idea of the Senator from Delaware, his colleague.

Mr. SAULSBURY. There is no mistaking the fact and there is no misleading the country on this question. The Democratic members of the Senate who resisted the commission bill placed their opposition distinctly on the ground that it was a measure intended on the part of some of the advocates of it to postpone the consideration of the tariff question and the reduction of taxation under it, and at the conclusion of that debate all they had said was verified by the open and manly declaration of the Senator from Iowa, who proclaimed in the presence of his colleagues in this Chamber and in the hearing of his fellow-members of the Republican party that that was the effect—to postpone the consideration of the tariff question and the relief of the country from taxation for two years.

Now, however, our Republican friends, seeing the blunder they have made, finding that they are face to face with a campaign that may determine the complexion of the other House of Congress and affect to some extent the complexion of this body in the next Congress, becoming alarmed at the folly which they committed when they pleaded with their colleagues in the other House to send a bill here not for the relief of the people from taxation but for the purpose of relieving corporations, not for the purpose of giving relief to the tax-payers of the country but for the purpose of increasing the revenues of the manufacturing interest of the country and of the banking capital of the country—having become alarmed at the temerity of the other House, they come in now at the dictation of a Republican caucus, in order to save themselves from the defeat which they saw was inevitable, and propose—not with sincerity, not because they desire to reduce taxes but for the purpose of saving themselves from overwhelming defeat—that this bill shall be taken up. They contradict their own position of only a few weeks ago in reference to this whole question, and now seek to throw the responsibility of any delay in the adjustment of the tariff revenues upon this side of the Chamber simply because we tell them to wait until two o'clock in order that some measures on the Calendar may be passed in the mean time.

Mr. WINDOM. It is after two o'clock now.

Mr. SAULSBURY. I know it is, but the remarks of the Senator from Minnesota and some of his associates on that side of the Chamber have justly provoked criticism. While they speak of certain ideas in which we are enlisted their own record stares them in the face and shows that it was their purpose, object, and intent, by the appointment of a commission to revise the tariff, to evade the duty which had devolved on them as the majority party of Congress; and now, having become alarmed, they come in and seek to atone for their own past dereliction. That is the whole case. There is no disguising the fact; the country will understand it. We have some little sense in the Senate of the United States, but our constituents have got as much sense as we have, Senators. They have merely selected us out of the great body of the people to come here to represent them, but they understand these questions just as well as we do. There are men in every one of our States that comprehend the tariff question just as fully as any of us. They understand the motives that prompt the Republican majority of this Senate at this late day to come in here now and attempt to hoodwink them by proposing a revision of the tariff.

We will join you, however, Senators; we will go as far as any of you will go for a reduction of taxation and the relief of the people. I am glad your proposition has come here.

I said in the speech I made on the tariff-commission bill that the highest duty devolving on Congress at the present session was to reduce taxation, and that we ought to stay here until we had done it, and if we had not sense enough to do it we ought to resign and let men come here who would do it. That is my sentiment yet, and I am willing to stay here during the hot months of August and September, if necessary, to relieve the people of this country of the onerous taxation which your party has placed upon them, and which up to the present hour it has persistently refused to relieve them from. I will join you and so will the great body of the Democrats on this side of the Chamber join in a reduction of taxation, but we want to make that reduction so as to give relief to the people, and not be in the interest alone of national banking and other banking institutions and corporations. We will go as far as the farthest toward the relief that the people demand, and we are only glad that you have waked up, not through any conviction of your judgment but by an appeal to your fears as politicians, to do your duty.

Mr. WINDOM. I want to withdraw the expression of astonishment which I made a few moments ago in reply to the Senator from South Carolina. I think that I had no reason to be surprised at the position of our friends on the other side of the Chamber. The question was sprung somewhat suddenly; and, without much reflection upon the past, and having only in mind the speeches that I had heard made in this Chamber, I did at the time feel some astonishment that the Democratic party had placed itself this morning in antagonism to this measure; but when I reflected that the Democratic party for six years had control of the House of Representatives, and that during two years of that time they had control both of the House and of the Senate, and that the net result of all their efforts and enthusiasm in behalf of the repeal of taxation was the reduction of the duty on quinine, I confess I ought not to have felt surprised at their position this morning.

Mr. FARLEY. Mr. President, I have nothing to say in reference to the proposition now before the Senate, but it seems to me, from the direction which this debate has taken, that this bill had better be postponed, as in my opinion it is evidently intended for a political debate and not to accomplish the objects that are ostensibly set forth in the bill. Here we have one party arraigning the other party, and it is simply transferring to the people of the several Congressional districts that are now attempted to be controlled by what is supposed to be legislation; and to transfer the matter there at once would save those of us who live at a distance from the capital a good deal of annoyance and a good deal of hot weather.

The Senator from Minnesota this morning said in answer to the Senator from Arkansas that he would find the thermometer going up above 94°. I want to say to that Senator that I think if this debate is continued here, when he gets before his constituents in the coming election he will find that the Republican thermometer will go down to zero instead of going up high.

This is evidently intended as a political discussion and not for the purpose of accomplishing the object purporting to be accomplished in this bill. The honorable Senator from Connecticut spoke of the harmony that existed in the Republican caucus the other night, and what a happy family they were; that it was intended to go before the people and to destroy the Democratic party. The honorable Senator from Minnesota just now spoke of the course of the Democratic party heretofore. He did not seem to remember that with a President opposed to any policy in regard to tariff reduction that a Democratic Congress might have proposed, action would have been useless. It looks to me as if this whole debate, this whole movement with this little bill sent here from the House torn all to pieces by our committee, have a political design. I am afraid that the chairman of the Committee on Ways and Means of the House will not know this bill when it goes back there. The tariff on some articles is proposed to be increased by the Committee on Finance of the Senate. The original bill was simply a small thing sent here to see how the Senate would take it.

I am not opposed to legislating on the tariff question now, but if the Senators on the other side of the Chamber think that they are going to make any political capital out of this thing, all right; we will endeavor to stand the test, although some of us are not accustomed to remaining in Washington the year round.

Mr. SAUNDERS. I hope this motion will not prevail. We had before us a bill, already made the special order for this time, to organize a territorial government for the people of Pembina, who are demanding it, I was going to say almost unanimously. We have not had a single letter or a single petition from any party whatever, any class of people there, who have not asked for the organization of this territory. The main reason, I may say in a few words, why it has not been attended to earlier is that we expected at the start to put before the Senate the bill for the admission of Dakota as a State, and in doing so the bill provided that this same territory should have an organization separate and apart from that. In other words, if that bill had become a law it would have carried with it all that we propose by this bill. Finding that it was getting late in the session, and that there were some difficulties in the way of the passage of that bill, I concluded with others that we had better let it rest for the present, and take up the bill, to which there seemed to be no objection at the time, to organize the Territory of Pembina.

Now, let me just say in a few words to the Senators on this side that this new territory is larger than all the New England States together; it is as large as Indiana and Ohio both together, and so far located from the capital of the present Territory that it requires, as I stated a few days ago, from six to eight or ten hundred miles for many of the people to reach it. There are no railroads running north and south there. They are lucky to have any railroads at all in a new country like that. The only railroads that are built are from the east to the west, and people are settled all over this large extensive country; and, as I say, without distinction of party, they are asking us to organize them into a territory as we can do in an hour's time if Senators will only allow us to take a vote. I am

willing to say that if I could have fifteen minutes to lay some facts before the Senate on this subject, to show where this territory is, the size of it in comparison with other States and Territories, the number of people there and their facilities for doing business and their want of facilities, I should be willing to drop the subject myself and take the vote at any time the Senate might designate.

Indeed I will go further than that. If the bill is taken up now and no time allowed for debate, I should be willing to take the vote at this instant, because I believe that every Senator's mind is made up on the question whether these people ought to have a territorial organization or not. I would not want to lose two hours with it. Some Senators say it will take two days. If it takes two hours, it is more than it ought to take, because there should be but one question in this matter, and that is that the request of the people there for a territorial organization should be granted and granted now at this session. On that account I do hope the Senate will not change the order, but will take up the Pembina bill and at least let us have a vote upon it.

Mr. VEST. A single word, because I do not propose to enter into this debate at this time. I want to call the attention of the Senator from Minnesota to the taunt which he made in reference to the Democratic party having done nothing with the tariff during the time it was in power in both Houses of Congress and to the reply that is made to it by a member of his own party. The taunt of the Senator has not even the merit of originality, because in the discussion upon the tariff commission the Senator from Iowa [Mr. ALLISON] used this language:

> I consider that nothing is impossible with this Congress; but we have sat here since 1875, six years of that time with a Democratic majority in the House of Representatives, and these complaints have been made over and over again in both Houses of Congress by Democratic speeches which would fill volumes, and yet that majority stood there for six years and never touched this tariff, which stands to-day practically as it stood at the close of the war in 1865.

To which the Senator from Nebraska, [Mr. VAN WYCK,] a member in good standing, I believe, of the Republican party on this floor, answered as follows:

> I should like to ask the Senator right there this question: If the Democratic party failed to do their duty for six years on this question, I ask him whether he thinks it is any better for us, the Republican party, to adopt a commission whose only object is to do the very things which my friend suggests that the Democrats did for six sessions of Congress, and postpone reform till the next Congress?

To which there was no reply and has been no reply up to this very minute.

Mr. ALDRICH. Will the Senator from Missouri allow me to interrupt him for a moment?

Mr. VEST. Certainly.

Mr. ALDRICH. I call the Senator's attention to a remark which the Senator from Iowa [Mr. ALLISON] made prior to that time. On page 30 of the same RECORD he said:

> It seems to be taken for granted, at least in all the debates as far as I have listened to them, that when this commission shall be appointed all legislation on the subject of the tariff will stop until their report comes in.
> Mr. CAMERON, of Wisconsin, Mr. BAYARD, and others. Oh, no.

It was denied at the time, and denied by the Senator in charge of the bill for the friends of the measure, and by the Senator from Wisconsin and others.

Mr. VEST. Yes; but not denied by any Republicans so far as I see.

Mr. WINDOM. Will the Senator from Missouri yield to me a single moment at that point?

Mr. VEST. Certainly.

Mr. WINDOM. I trust the Senator did not believe that I imagined I was stating an original proposition when I made that remark. The fact is the whole country has been talking about it for several years. I supposed everybody knew it, and I simply referred to the fact.

Mr. VEST. I have no doubt that Republican Senators and Republican Members have rung the changes upon that over and over again. It is very difficult to find any salient point on which to make a single vote which they have not used for party purposes. Yet every intelligent man in the country knows that while we boasted a majority in both Houses of Congress the executive power was against us, and any bill passed against his party legislation would have been vetoed immediately.

Mr. BUTLER. I should like to state one other fact for the information of the Senator from Missouri. He has perhaps forgotten what was known as the Wood bill for the revision of the tariff which was defeated by Republican votes.

Mr. HALE. No, the Republicans never had power to defeat any bill in that Congress. They were always in a minority.

Mr. BUTLER. They had power to do a great many things, as a minority always have, and they did that.

Mr. VEST. As I say, every intelligent man in the country knows that while we boasted a majority in both Houses of Congress it was impossible for us to overcome the executive veto, as was demonstrated by the legislation had in the last Congress in regard to the Army bill and other questions, upon which it is not necessary to go into detail. But I call the attention of the Senator from Rhode Island, as he has called mine, to page 30 of the RECORD, to the position of the Republican party on the 28th of March, nearly the last day of March, in the present year. The Senator from West Virginia [Mr. DAVIS] said:

> I would ask my friend if this commission bill should pass both Houses is there anything in the way of going on and perfecting either the customs duties or the internal revenue?

What said the Senator from Iowa, [Mr. ALLISON?] The Senator from Iowa replied:

> I do not so understand. I understand of course that we can, if we choose, go on and legislate on the tariff or on the internal revenue, but it is an open secret that the Committee on Ways and Means of the House, which must originate all tariff measures, have not considered the question of the tariff practically thus far in this session; and if this bill is voted up or voted down every Senator here must know that it is a practical impossibility to consider the tariff question at this session of Congress; and if it is a practical impossibility during the remainder of this session, it is equally impracticable to consider it during the next session, which lasts only three months, when we are pressed night and day for the consideration of appropriation bills. Therefore we may just as well understand here and now that this proposition is a proposition to postpone until the next Congress the consideration of the tariff question, and I shall vote for it with that understanding.

With that declaration not a single Republican Senator rose to his feet and said "nay" to it.

Mr. WILLIAMS. Whose speech was that?

Mr. VEST. That was the speech of the Senator from Iowa, [Mr. ALLISON,] a member of the Committee on Finance; and my distinguished friend from Ohio, [Mr. SHERMAN,] whose soul has been palpitating and burning with the necessity for some relief for the overburdened people of the country, sat here and listened to it and voted for that commission.

Mr. SHERMAN. I am not sure that I listened to it. I certainly never heard it before. But at any rate, I had already put myself on record. I think it is not necessary to go into the record. I could read from statements made by several Senators in that debate, among others the distinguished chairman of the committee, that this was not to preclude expected action of the House and Senate upon various items of the tariff. Certainly we were not called upon to interrupt the Senator from Iowa when he stated his own opinion. If I had heard him probably I should not have said anything.

Mr. VEST. It would have been no interruption, for this was a running debate, and went on for several pages of the RECORD afterward.

Mr. SHERMAN. It seems the Senator from Delaware, the Senator from Wisconsin, and others did interrupt.

Mr. VEST. But not a single Republican Senator.

Mr. SHERMAN. Yes; the Senator from Wisconsin is the best kind of a Republican.

Mr. VEST. The RECORD shows a single solitary thing in the nature of a protest, and that a very feeble protest, which came from the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. ALDRICH. I beg the Senator's pardon. If he will look on page 30 he will see that the Senator from Wisconsin, [Mr. CAMERON,] the Senator from Delaware, [Mr. BAYARD,] and others interrupted, and said "Oh, no."

Mr. VEST. Yes, "Oh, no;" which was very limited.

Mr. ALDRICH. It was in answer to the very statement which the Senator from Iowa made.

Mr. VEST. It was not made in connection with the statement I read.

Mr. ALDRICH. I refer to the RECORD of March 29, the thirtieth page.

Mr. VEST. The Senator from Nebraska introduced a very feeble protest, in which he said that he had hoped there would be some change in regard to the tariff; but he said, after listening to the argument and to the statement of the Senator from Iowa, he had come to the conclusion that there would be no change in the tariff, and he took the tariff commission as the *dernier*, the last resort, and then the vote was taken upon that debate and with these declarations, and the Republican party stood upon that until to-day, until this very hour.

The question is, what has brought this change over the spirit of their dreams. The House of Representatives, which has always heretofore had the origination of these bills, passed a resolution to adjourn on the 10th of July and sent it to the Senate. The Republican caucus meets, and all at once we hear in eloquent tones from every portion of that side of the Chamber that the country is burdened with indebtedness, is groaning and laboring under its enormous taxation. For seven long months the majority have sat here, the country agonizing and bleeding at every pore under this terrible calamity, and not one word has been heard in favor of relief.

The whole of it amounts simply to this, in plain English: the press of the country, the people of the country, in plain vernacular have told the Republican party, "You must not leave the capital without giving us relief from taxation;" and now, at the close of the session, they seek to put us in the position of resisting this bill in order that they may go into the canvass and say, "We attempted to relieve the people, and the Democratic party would not permit us to do it." I say to gentlemen very respectfully, I am prepared to stay here until fall, to stay here until after the election has determined the issues between us; and when they vote for a decrease of taxation we will vote for a larger one, and we will see how soon the newly-found zeal of the Republicans on this floor will last in a contest of that sort.

Mr. HALE. Mr. President, I sympathize fully with the distress

of the Senator from Missouri, the Senator from Delaware, the Senator from Kentucky, and others.

Mr. SAULSBURY. We enjoy it finely.

Mr. HALE. They are in trouble, undoubtedly. They do not like the attitude in which this matter is presented. My friend from Kentucky would have liked very much better that there should have been a bill presented from this side of the House to which he could have moved an amendment reducing the tax upon Bessemer steel, and other Senators upon that side would have much preferred the paternity of the reduction of the duties upon sugar.

Will not my friends upon the other side ever learn any wisdom? For years they have been talking about reducing taxes and cutting down the duties that are imposed upon sugar, Bessemer steel, and other things; and now a bill is proposed in good faith reducing those taxes. Why did not some of the gentlemen upon the other side at once rise and welcome this reduction, and picture the position of the Republican party having been driven to produce this bill, and seek to put it upon its passage, and not spend the hours of a precious day here at the last of the session in resisting the motion of the Senator from Vermont, which is to take up this bill to reduce taxes? Here we have spent already nearly three hours because of the resistance on the part of Senators of the Democratic party to the motion of the Senator from Vermont to go on with this bill.

Mr. FARLEY. It is the Senators from Nebraska who are resisting now. The resistance is from Republican Senators.

Mr. HALE. There may be here and there a Republican who has some special bill in charge that he wants to get up, but the opposition from the other side has not come in that way. One pretext after another, as the Senator from Minnesota has arrayed them, has been urged why we should not bring this bill up at all. The Senators know that the bill is coming up; that it is to be discussed; that we are engaged in an effort to reduce taxes at least $40,000,000; and I ask again, when will they ever learn wisdom? Instead of opposing a thing of that kind why not welcome it and help it along?

Mr. WILLIAMS. Mr. President, I am much more anxious to vote than I am to make a speech on the subject. It has been eight months since there was a proposition in the Senate looking to a reduction of taxation.

Mr. ALLISON. It has been six years.

Mr. WILLIAMS. I am speaking of this session of Congress. In the beginning of the session, after the President had told the Congress of the United States that the condition of the Treasury was such as to justify the country in expecting a reduction in taxation, one had a right to expect it to be done at this session. But a bill was brought in here which we upon our side asserted in the very beginning was to postpone a settlement of the whole question for one or two years. That bill was resisted, with but one or two exceptions, by the whole Democratic party on this floor; but the Republican party triumphed; they carried that proposition; they appointed their commission. We do not know what the result will be. This whole tariff, which we denounce as an abomination, as an outrage, was the work of the Republican party; it was put upon the people by them. We were urgent to reduce taxation. They were postponing our proposition; and now, after eight months have been wasted, at the very heel of the session, when the dog-days are approaching, when every man in both Houses of Congress has been hoping to get to a cool retreat during the months of August and September, here comes up a proposition for an entire revision of our revenue laws, both external and internal. As one who has urged such measures upon Congress from the very beginning, I accept the gauntlet which has been thrown down. I will walk into the ring and meet the gentlemen, and will stay during the whole dog-days and until the November elections if necessary.

I am ready to vote at once to take up the little revenue bill and go into this discussion. We cannot get a worse tariff than we have. While it subjects us to a great deal of personal inconvenience, to be consistent, to be right, to be true to my own convictions, I will vote, gentlemen, to take up your proposition at once. I am glad that you have offered it, even at this late hour, for I know what has brought it here. I know what has done it. You placed yourselves upon record as in favor of high protection, as in favor of protection for protection's sake. Even, as asserted by some of the leaders, if there was no public debt, if there was no revenue, if there was no pension list to pay, still you are for protection.

Your party is upon record upon that idea, and you have heard the distant rumbling of the popular thunder as it is rolled from the plains over Kansas, Nebraska, Iowa, Illinois, and Indiana until its tones are heard in the capital of the country, and you are determined before the session adjourns to make some atonement for your past conduct. I accept your proposition gladly. Let me say to my Republican friends that you do our side great injustice when you intimate for a moment that we are not willing to take it up. We enter the arena with you and we will make you sick of it before you are done. If you will go as far as we will in reducing taxation upon the people we shall have done a great public benefit during this session of Congress, and it will be memorable always hereafter.

Mr. BECK. I wish to suggest to my colleague before he sits down to ask some Senator on the other side who offered the resolution in the Republican caucus of the House last March against the reduction of the tax on whisky and tobacco.

Mr. WILLIAMS. Yes; before Congress met and after it met, as late as last March, some of the most eminent of the Republican leaders had made speeches and many of their journals had published able articles in favor of abolishing the entire internal-revenue system of the country. When Congress met all said that there was necessity for some reduction of the tariff; that it needed revision. When the proposition for a commission was sent to us it had been announced that Congress would enter upon a reduction of internal-revenue taxes. The chairman of the Committee on Ways and Means of the House, the leader and chief of high protection, had declared that he was in favor of a bill to abolish the entire system of internal revenue; but the Republican caucus sat upon it, resolved that they would not touch the question of internal revenue during this session of Congress, and that eminent and conscientious gentleman felt that his allegiance to his party was more strong and more binding upon him than to his country, his party feeling was stronger than his patriotism, and upon the floor of the House, in a public speech, he declared that he yielded to his party rather than to the necessities of the country.

Mr. ALLISON. Mr. President——

Mr. MORRILL. Will the Senator from Iowa allow me to read what I stated myself?

Mr. ALLISON. Certainly.

Mr. MORRILL. On the 29th day of March I rose and made this statement:

> Mr. President, the amendment proposed by the Senator from Iowa, [Mr. ALLISON,] I think, would be very well, for the reason that it conforms to the House bill, and that is an indication to us that the House of Representatives proposes to act upon the internal-revenue question at this session. I hope also that they will act upon some suggestions made by the Senator from Ohio [Mr. SHERMAN] the other day in relation to the sugar duties and other questions in the tariff.

Mr. ALLISON. The debate which the Senator from Missouri was kind enough to read occurred on the 28th day of March, when I expressed the opinion that the passage of the tariff commission bill would result in a postponement of the tariff question for this session of Congress and for the next. The response of the Senator from Delaware and others to me at that time was that no such purpose was intended, and that no such effect would be produced, in which opinion I practically acquiesced, thus far, that specific questions relating to the tariff might be taken up and specific questions relating to the internal revenue might be taken up at this session.

Will Senators on the other side of the Chamber pretend now that when they voted for the Senate tariff-commission bill, which did include the question of internal revenue, they voted for it with the expectation that no question of internal revenue or the tariff would be considered until the commission made its report? When I offered a proposition excluding from the jurisdiction of the commission questions of internal revenue, a majority of this body voted me down, and they voted me down upon two grounds: first, that there was no intention to refrain from Congressional interference with either the tariff or the internal revenue by the appointment of the commission; and, secondly, that the two were so corelated that one could not be considered without the other.

On that day I stated that in my judgment there would be no revision of the tariff at this session. Why did I make that statement? I made it because that was on the 28th day of March, and the House Committee of Ways and Means at that time had already reported or were ready to report that very bill for a tariff commission, and it was perfectly plain and palpable that if we had a tariff commission to consider those questions we were not likely to undertake a general revision of the tariff at this session. So I say now.

But there was another thing equally plain, and that was that we were not likely to undertake a revision of the tariff beginning after the 29th day of March. Up to that hour, in the House of Representatives, so far as I know, there had been no proposition to take up the tariff question; and I submit to Senators who are familiar with the methods of legislation that if the tariff question is to be considered it must be taken up early in the session and practically pushed with vigor to the end.

I do not understand that the purpose of this bill is to do anything more than to make a few changes in the existing tariff, to reduce the duties 25 per cent. on sugar, which were placed on the tariff in 1875 for a specific purpose, which specific purpose no longer exists, namely, the establishment of the sinking fund——

Mr. BAYARD. Will the Senator say that the tax upon sugar was increased specifically for that purpose and that other taxes were not increased at the same time for the same purpose?

Mr. ALLISON. I do not say that.

Mr. BAYARD. No, I should think not.

Mr. ALLISON. I say that the 25 per cent. additional tariff was put upon sugar for the purpose of replenishing a diminishing sinking fund as suggested by the Secretary of the Treasury. It is true that other taxes were reimposed about the same time, which had been taken off in 1872. The Committee on Finance has not chosen to go much further than to take the tax off sugar, which is a necessary article of consumption going into every household in the land.

I have no disguise on the tariff question. I have nothing to retract from what I said on the 28th day of March. I do hold that the appointment of the tariff commission was a practical prolongation of a revision of the tariff beyond not only this session of Congress but beyond the next session of Congress. Therefore I have not changed

my mind generally in reference to that matter. But when the Senator from Delaware and other Senators, notably the chairman of the committee, said in open debate that it was not expected that the appointment of the commission would preclude action upon the internal revenue or upon the tariff, I had a right to rely upon their judgment and statement with reference to that question.

I confess that until it was made, I did suppose that the appointment of a tariff commission would have the effect of practically postponing the consideration of the tariff; but as I said in that debate, and I repeat here, although the tariff commission is in existence today, I do not need their opinion or their judgment with reference to the reduction of tariff duties upon sugar. I do not need their opinion or their judgment with reference to the reduction of duties upon Bessemer steel. I do not need their judgment upon other questions that may be debated and discussed before this tariff question is completed. I have a judgment of my own with reference to those questions and am ready to vote on them whenever they are presented.

I am glad, for one, that both sides of the Chamber, as I understand my friend from Kentucky, [Mr. WILLIAMS,] are willing to march up to the work here and grapple with this question so as to reduce the burdens of taxation which are now upon the people, producing a surplus of more than $120,000,000 per annum. That is all there is in this question, and why is it that we are to stand here debating whether we shall take up the bill when in fact every member on both sides of the Chamber, so far as Senators have spoken, with the exception of the Senator from Arkansas, has proclaimed himself in favor of taking up and disposing of this bill, and the Senator from Delaware goes so far as to say that he is in favor of every reduction in this bill!

Mr. BAYARD. No——

Mr. ALLISON. Every reduction of taxation mentioned in the bill; I so understood the Senator.

Mr. BAYARD. I did not refer to the merits of the bill at all. I said they were sham reductions.

Mr. ALLISON. So I understand the Senator to think; but he stated that he was in favor of the reductions with reference to internal taxation, and called attention to the fact that upon his own motion the Senate by a unanimous vote reduced these taxes a year ago. So we did. Upon a report from the Committee on Finance upon bills introduced by the Senator from Kentucky, the bank taxes which now astonish gentlemen so much and which are regarded as so important to retain, were removed by a unanimous vote of the Senate, so far as the record is concerned, and without a yea-and-nay vote, upon a report of the Committee on Finance made by the Senator from Delaware.

If we are all agreed in the main features of this bill, why not let us take it up, and unless it is embarrassed by political questions and by attempts to secure a political advantage, this bill can be passed before the sun goes down to-day and before we adjourn.

Mr. MORGAN. I should like to ask the Senator from Iowa a question before he takes his seat.

Mr. MORRILL. I hope the Senate will consent to take up the bill, and then let the debate go on.

Mr. MORGAN. I merely want to ask the Senator from Iowa a question for information.

Mr. MORRILL. I shall detain the Senate but a few minutes myself in the discussion of the bill, but I think it is better the debate should be had on the bill after it has been taken up. I therefore appeal to all Senators to allow the bill to be taken up first.

Mr. MORGAN. The Senator from Iowa said he did not want the assistance of the tariff commission to understand the necessity or method of reducing the tax on sugar or on Bessemer steel; that he felt he was entirely able to grapple with that subject without the aid of the commission. I desire to ask the Senator, for information, if he feels able also to grapple with the subject of reducing the tariff on machinery. I desire to offer an amendment of that kind, and I hope the Senator from Iowa is sufficiently informed upon that proposition to enable all of us to understand fully the advantages of it.

Mr. ALLISON. I shall be able to grapple with it after I hear the Senator from Alabama, if not before.

Mr. MORGAN. I profess to have no such information on the subject as to enable me to instruct the Senate about it, but I was in hopes the Senator from Iowa would enlighten us to that extent, and assist me in that enterprise.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is, Will the Senate postpone the pending order for one week?

The motion was agreed to.

Mr. MORRILL. I move that the Senate now proceed to the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts and joint resolution:

An act (S. No. 1549) for the relief of William J. Pollock;

An act (S. No. 1960) authorizing the New Orleans and Northwestern Railroad Company to construct bridges over the channels of Pearl River and Lake Pontchartrain; and

A joint resolution (S. R. No. 91) authorizing the payment temporarily of certain employés of the War Department.

HEAVY ORDNANCE INVESTIGATION.

Mr. MORGAN. I offer a resolution which I ask may be read at the desk, with a view of having it printed and taken up for consideration to-morrow.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That a select committee of five Senators to consist of the chairmen of the Committees on Military Affairs and on Naval Affairs and three other Senators to be appointed by the President *pro tempore* of the Senate from said committees be raised with instructions to take into consideration the subject of heavy ordnance and projectiles for the armament of the Navy and the sea-coast defenses, and said select committee shall have leave to sit during the recess of the Senate and to send for persons and papers, and shall report the results of their investigations to the Senate at its next session with any recommendation said committee may deem it proper to make on the subjects committed to them.

DOUBLE PENSIONS.

Mr. VAN WYCK. I ask the Senator from Vermont to yield to me one moment, that I may ask for the consideration of the joint resolution I reported in connection with the bill of the Senator from Maryland, [Mr. GROOME.] The bill and the joint resolution were both reported from the Committee on Pensions. It becomes necessary now that that joint resolution should be passed, because there evidently will be delay in passing the bill. The joint resolution directs the Secretary of the Interior to delay action upon the opinion of the Attorney-General until there can be action by Congress on the bill.

Mr. MORRILL. I think that will take no time, and I do not object to its consideration unless it shall be discussed.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Acting Secretary read the joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett.

Mr. VAN WYCK. That is merely until the action of Congress can be had upon the bill reported by the Senator from Maryland.

Mr. VOORHEES. I know all about the General Burnett case, and I know there is to be no great wrong done there. I will not sit by and listen to a reflection on the Attorney-General's Office of that kind. I object to the joint resolution. Let it go over. I know enough about the case to know that there is no danger of any wrong being done by a man lying helpless, prone upon his back, the result of wounds received in Mexico, where he fought with such gallantry that he to-day carries General Jackson's snuff-box, which was given in his will to the bravest man who should distinguish himself in the next war with a foreign power. That is all that General Ward B. Burnett has on earth to keep him from starvation to-day, except a little pitiful pension that I hope the Attorney-General has construed has been increased by another. I hope it will be done.

The PRESIDING OFFICER. The Senator from Indiana objects to the present consideration of the joint resolution.

Mr. VAN WYCK. The Senator from Indiana understands that the joint resolution is only——

Mr. VOORHEES. I understand enough to object.

Mr. VAN WYCK. It is merely that no action shall be taken by the Interior Department at present.

Mr. VOORHEES. Let the Departments take care of themselves. They are able to do so for a day longer.

Mr. VAN WYCK. Then I give notice that I shall call up the joint resolution to-morrow.

Mr. VOORHEES. Very well.

Mr. BLAIR. I have just come into the Senate; and I wish before the matter of General Burnett is disposed of that it may be fully discussed. I believe the decision of the Attorney-General is right. I think this man ought to have everything that the special act gives to him. The general bill which has been reported by the Committee on Pensions is all right also, but with this effort to take from that gallant old veteran what the Government meant to give to him I have no sympathy whatever.

AMENDMENTS TO BILLS.

Mr. WINDOM, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK and Mr. LAPHAM submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco; which was ordered to lie on the table.

Mr. BECK submitted an amendment intended to be proposed by him to the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, to report it with amendments. I give notice that I shall call the bill up at no distant day.

Several SENATORS. Fix a time.

Mr. HALE. I cannot fix any time, but either Saturday or Monday.

BUREAU OF EDUCATION.

The PRESIDENT *pro tempore* presented a telegram from William A. Mowry, president of the American Institute of Instruction, and Gustavus J. Orr, president of the National Educational Association, now in session at Saratoga, transmitting resolutions in favor of the Bureau of Education and urging an appropriation equal to that of last year; which was referred to the Committee on Education and Labor.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The pend-pending bill will not be read at length before the Senate unless some Senator shall require it.

Mr. HALE. I offer an amendment to the pending bill, which I move lie on the table and be printed.

The motion was agreed to.

Mr. MORRILL. Mr. President, the revenue for the year ending June 30 has proved to be all that it was estimated it would be, or $400,000,000, and we have paid off a trifle over $150,000,000 of the public debt, leaving the charge for interest on the public debt a trifle over $57,000,000. If no changes were to be made in the laws it is estimated that our revenue for the coming year would be equal to that of the last, but an equal reduction of the public debt will not follow, for the reason that our pension charge has had and will have an extraordinary increase, the river and harbor bill has swollen into a torrent, and the deficiencies of former years have been brought forward and liquidated. Our expenditures for the coming year are, therefore, to be very considerably increased, but how much it will be impossible to ascertain until after the close of the session. That our scale of expenditures is rising too rapidly will hardly be denied, and the only sure way perhaps to check it is to shut off the flow of some part of the revenue into the Treasury by some straight and prompt reduction of direct and indirect taxation.

I have been anxious to have our national debt paid off because it will relieve our people of a heavy burden, and because it will then be much easier, as I believe, to maintain a sound system of finance. There will be no occasion for a division of sentiment about it. But there is only $460,461,050 that we can pay at will and redeem before 1891, and then there is only $250,000,000 due, and nothing more until 1907. If we pay so rapidly as to be compelled to go into the market and buy up our debt before it is due, we cannot do it without being subjected to a large loss in premiums. If, therefore, we pay the full amount required for the sinking fund annually, or not more than about $50,000,000, it would seem to be sufficient.

The tax bill as it came from the House proposed to remove between $23,000,000 and $24,000,000 of the war taxes. I remember with what difficulty some gentlemen voted for their imposition. I hope they will not now have equal difficulty in voting for their removal.

I do not understand that there has been any objection to the repeal of the taxes, as proposed by the bill of the House, other than this, that some have thought the bill did not go quite far enough. It must be remembered that we are soon to have the whole question of a revision of the tariff before us, with all the related facts which can be gathered by an industrious commission between this and the next session of Congress. The Committee on Finance were therefore reluctant to open questions about the tariff in advance of the special information expected in relation to the whole subject. Upon sober second thought, however, in a spirit of good will and harmony, believing it would also be acceptable to the other side of the Chamber, the Committee on Finance have now proposed amendments going further by reducing the duties on sugar one-fifth, and on Bessemer steel railway bars by a reduction of $8 per ton.

The change proposed on sugar is the removal of the additional 25 per cent. duty which was imposed in 1875 upon an emergency which has now passed away. This will reduce the rate of duties on sugar, melada, and molasses to the extent of one-fifth, or, if the importations this year should be the same as last year, to the amount of $9,595,427.

We also propose a temporary amendment, until something better shall be provided, by which sugars of a high saccharine strength shall not evade the proper duty by being so manufactured as to appear dark and dirty, and thus conceal their real value.

What the effect of the reduction on steel railway bars may be it is difficult now to predict. For the year ending June 30, 1881, the reduction of $8 per ton upon 166,239 tons imported would have amounted to $1,329,912. For the past year, however, the trade has been greatly depressed, both here and in Great Britain, and the price here of steel rails has fallen from $65 per ton to $49, and in Great Britain much lower. The reduction of duty now proposed will undoubtedly tend to increase importations, the uncalled for stocks on hand abroad will be likely to be sent here to be closed out at any price, and a further depression in price may follow, and this at a time when neither the manufacturers nor their employés are in a prosperous condition to meet it.

About 40 per cent. of the pig-iron produced in this country has for some time been consumed in the manufacture of Bessemer steel. Certainly it would be very disastrous just now to reduce the duty to any lower point than that named in the amendment of the Committee on Finance.

The practice of the trade to seek admission of foreign merchandise at lower rates of duty by changing its name or by changing some of its conditions is often ingenious and frequently surprising to law-makers as well as to collectors of revenue. When the Dutch standard of sugar was incorporated into our tariff laws it was universally recognized as the true standard of value not only in national laws but it was the buying and selling standard among merchants the world round; but ingenious sugar-makers have learned how to evade it, and it is no longer a standard of value. When the duty upon band-iron of a certain thickness was fixed at 1¼ cents or 1½ cents per pound, it was never imagined that such band-iron could be cut up into strips and tackled to buckles, and then, assuming another name, be subject to only half as much duty as that on plain band-iron. But such are the mutations of trade, and all descriptions of iron are year by year growing cheaper.

The error in this case affects both the manufacturer and the consumer, but it is not so large in amount as some have supposed. In the six months ending December 31, 1881, the amount of duty collected upon the band-iron imported in the shape and fashion of cotton-ties, or cut into proper lengths, was only $163,140, and if an equal amount was collected in the next six months, the whole amount would be only $326,280.

It will be for the Senate to decide in this case as in all others what shall be done.

These amendments of the internal-revenue laws and the tariff will cause a diminution of revenue of something less than $40,000,000. The amendments are such as would be sure to be made even after the most careful and thorough consideration, but at this late hour of the session they are all that ought to be made in lump sums, especially when the whole subject will be again before us in about four months. It would also be becoming on our part to show a wise moderation even in amending a revenue bill which the House of Representatives has the sole constitutional power to originate. It will be decent to bear in mind also that we have a commission authorized by law to examine and report upon these vastly important subjects.

The hot season by that time will be over; there will be less occasion for buncombe speeches or buncombe amendments, and we can then act more intelligently and more profitably for the country and ourselves. Undoubtedly other amendments could be offered that would seem appropriate. I could, if hard pushed, offer some myself, but believing the bill of the House and the amendments of the Committee on Finance contain all that we have any time to properly consider now, and that we ought not to open any wider field of labor for the House for which we must stand and wait, I shall feel constrained to ask the Senate to refuse, regardless of what may be their merits, any additional amendments which may be offered, and which perhaps in the near future may be likely to be accepted. It is time this session was drawing to a close, and I shall do nothing now and I trust nothing hereafter to prolong it by either long or frequent speeches.

I am gratified by the many evidences of the general prosperity of the country, especially by the assurances of an abundant harvest. The value of money is slightly increasing and there is no surer sign that capital is beginning to be employed in industries that promise more certain returns. But no legislator comprehends his position who does not take into view the possibilities of the future. In 1873 the great financial crisis started in what seemed to be the high-noon of prosperity, and years elapsed before the entire recovery of the country. In our own history these financial crises seem to have as much periodic regularity as the motions of the planetary system. Their recurrence appears to be fixed to the term of ten years. The natural inquiry would be, is there anything of this sort impending for the year 1883? Prior to 1873 unprecedented investments had been made in the construction of railroads, but the construction of nine thousand miles last year surpasses anything in our history. The fall in the prices of stocks of almost all kinds within the past year has been very large. The prices of butcher's meat, iron, and many other articles have gone down. Our imports of dutiable goods have been large, yielding $219,678,608 of revenue, but the position of our foriegu exchanges is now adverse, and instead of receiving large remittances of gold we are parting with considerable amounts almost every week. What effect a foreign war,

now supposed to be imminent, may have upon our trade and industries who can foretell?

The immigration to our country has been enormous, and its proportions appear to be growing larger day by day. The great bulk of this immigration goes West, and the fruit of the increased labor appears at once in the increase of the agricultural productions of the country. That this is a great benefit no one will deny, but its final results, when all other nations are producing full and prosperous crops, is to depress the price of the vast products of our own citizens. The number of farms in the United States in 1870 was 2,659,985, but they had increased more than 50 per cent. up to 1880, and then numbered 4,008,907. This is a prodigious increase. There has not been such an increase in other branches of industry as will offer consumers at home for the wheat and other products that have been and will be harvested here, and it now looks as though the foreign demand would be very limited.

Therefore, though our crops promise to be large, I fear the remuneration of the farmers will not be large. It follows, if our importations should continue upon the present rather improvident scale, that we may have a large balance to pay in gold abroad at an early day. Last year our receipts from miscellaneous sources were large, amounting to over $37,000,000, but it is likely they will be much less the coming year.

Under all these circumstances it would not be prudent to diminish the resources of the Treasury to any greater amount than is proposed by the present bill and its amendments.

I shall now ask, Mr. President, that the amendments proposed by the Committee on Finance shall be first acted upon and then upon whatever individual members of the Senate may think it wise to offer.

Mr. VOORHEES. Mr. President, he who would win and retain the confidence of the people must treat public questions with absolute fairness and justice.

It is now more than seventeen years since the war between the sections closed and this Government became entitled to the methods and the principles of peace in its administration. During the four calamitous years of strife many measures of public policy, some of them necessary and some unnecessary, some just and some unjust, were enacted into laws as incident to a state of war, and were known as war legislation.

To a great extent the present system of tariff legislation belongs to this class of measures. It originated in the midst of the war, and was framed, shaped, and adapted to the condition of the country at that time. Whether in its general policy or in its vast details it was wisely or unwisely adjusted to the ends it had in view I shall not now make much inquiry; I shall not contribute to the tangled wilderness of figures on that point, for it is conceded, I believe, by everybody that with the transition of the country from a state of war to a state of peace a revision of the laws on this subject, in many important particulars, became a proper and needful work at the hands of Congress.

The business, trade, commerce, and general interests of the country grew rapidly away from the conditions which were claimed to justify the tariff legislation of twenty years ago. And as each year passed away the obligations to make necessary changes in the laws became more and more binding on the representatives of the people. Nothing at all, however, has been done to correct confessed evils, and, for the last six months at least, the question of responsibility, blame, and censure for the long delay has been discussed in the press and elsewhere, sometimes in great ignorance, often with great injustice, but always with great vehemence and assumption of superior wisdom.

Sir, let us look for a moment in the face of the facts on this point, and speak the naked truth, affect whom it may. Of the two branches of Congress the House has sole, original jurisdiction over the subject of the tariff in its inception, modification, revision, or repeal. The Constitution places the responsibility of action or non-action on that subject upon the immediate representatives of the people at the other end of the Capitol, and the proper measure of that responsibility will not be disturbed nor obscured in the public mind by the loud professions of haste and anxiety to revise the tariff at once, which we now hear on the part of those who have been in position all the time to do the work, and who have left it wholly undone.

Nor will the denunciation of the tariff commission, whose simple duties are to gather statistics and information for the use of Congress and the country, deceive anybody into the conclusion that the House was then about to act, after seventeen years of sleepy neglect, and that this very harmless commission kept that body from proceeding at once to the proper discharge of its duties on this subject. The truth is the Senate had no other way in which to urge forward the work desired; this body cannot originate measures connected with the public revenues, and the House would not and did not in this instance.

It was under these circumstances, and with a view to aid and stimulate the other branch of Congress in its long-neglected duties, that the late Senator from Connecticut, Mr. Eaton, distinguished alike for the high purity of his principles and his commanding ability, introduced here his bill for a commission looking to a far more speedy revision of the tariff than was promised by anything in the history, conduct, or organization of the House. That bill was reported back favorably to this body from the Finance Committee by the able and distinguished Senator from Delaware, [Mr. BAYARD.] His strong support upheld it from the beginning to the end on this floor, and yet I doubt if any one will have the hardihood to assert that he is less anxious for an immediate revision of the tariff upon just and equitable principles than certain other gentlemen who, after closing their eyes and folding their hands in Congress and elsewhere for many years, now all at once have seemingly waked up in a great hurry and are crying aloud that somebody is delaying, holding, obstructing them.

Who delayed them in former Congresses? Who obstructed their efforts when they controlled the Committee on Ways and Means and had a majority in the House? Who held them back and quenched their fiery zeal for tariff reform when the entire machinery for that kind of work was in their own hands? I am weary of false pretenses on this subject. I hear it said that certain members of Congress who have been long in the public service could far better execute the duties assigned to the tariff commission than the commission itself. When and where have they attempted to do so, and who has hindered them? By the third section of the act of May 15, 1882, it is provided—

> That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests.

These objects thus specified in the law are not merely great and laudable; they are absolutely vital to intelligent legislation on the subject to which they relate. Can wise and equitable laws be enacted on the most important and comprehensive questions of public policy without full and reliable information? And yet I challenge the history of the last seventeen years to show a single attempt on the part of the House of Representatives to procure by committee, commission, or in any other mode, such statistical knowledge in regard to the agriculture, commerce, manufactures, merchandise, mining, and other industrial pursuits of the United States as were "necessary to the establishment of a judicious tariff or a revision of the existing tariff upon a scale of justice to all interests."

Nor will any human being, fit to be at large on his own responsibility, pretend that the House was about to enter upon tariff reform at the present session, and that it would have done so but for the surprising hinderance of a commission to hunt up and lay facts before them. Sir, I so fully concurred with the views of the very able Senator from Georgia [Mr. BROWN] on this point that I cannot refrain from quoting his wise and excellent observations. He used the following language:

> Mr. President, I am not prepared to say that the two Houses of Congress are not competent to take up this question and dispose of it, but it has been here for many years not disposed of. I see no movement that indicates that it is likely to be disposed of at this session in any other manner than by a commission. With the immense amount of business Congress now has before it I do not think any committee of gentlemen of the two Houses understanding this question can afford to absent themselves from the deliberations of their respective Houses long enough to frame and bring in anything like a perfect tariff bill. When the commission is raised it is simply one to investigate and report.
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> Mr. BAYARD. They can report from time to time.
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> Mr. BROWN. As the Senator from Delaware suggests, they can from time to time report. They can take up for instance a particular subject, as cotton and articles manufactured of cotton, or sugar and molasses, or whatever articles they may think best, and if they desire they can report very frequently upon the question. After they have made their report we are not bound by it. The object is simply to give us information on the subject. When we get that information it will be proper that we should so use it as to promote the public interest, and that we should frame with that information in our possession a tariff bill that will approximate as nearly as possible justice to all sections and all interests. It is not a heavy expense; it takes no time that is not likely to be taken anyhow, as every Senator sees.

Nor did I leave any doubt as to my own views and purposes when voting on this measure. Nothing could possibly have been further from my mind than to delay the work of tariff reform wherever such reform might be found necessary. While the bill to create a tariff commission was pending in this body I made the following statement, as reported in the RECORD of March 29:

> I believe the present tariff system needs revision; I believe there are in it many injustices; I believe that it needs a full investigation, and that the result of that investigation should be laid before Congress to enable us to legislate for the best interests of all classes. Every industry is entitled to our care, and hence we want all the information we can obtain.
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> A word in regard to what the Senator from Iowa has just said. If I thought this measure would postpone any proper opportunity to reform the tariff laws of the country in the interest of justice and general prosperity to all industries, I would not vote for it. On the contrary, I vote for it simply and solely as a measure to obtain information for future use, and if to-morrow an opportunity comes to legislate upon the same subject with sufficient light and sufficient information I shall embrace it at once.
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> I voted for the amendment offered by the Senator from North Carolina, [Mr. VANCE,] because I am one of those who believe that there is no necessary antagonism between the agricultural and manufacturing industries of this country. I believe there is a safe, sound middle ground between the high protectionist *per se* on the one hand, and the wild free-trader and direct taxationist on the other; that the prosperity of this country lies where its growth and its development both of lands and manufactures will be best promoted and protected, and I hope before this session closes to embrace an opportunity to point out that true medium ground; that ground where I think all the industries of this country can be encouraged and harmonized, and at the same time a sufficient revenue obtained.

When it is remembered in addition to all this that the brief lifetime of the commission will terminate in December next, that it has less than six months to run, I think it will be apparent to all that if, like Congress, it does no good on the subject, it will at least do no harm.

But, Mr. President, there is another and a far more important question than the one I have just noticed which always arises in connection with tariff legislation. It is a question as old as human government, and yet remains unsettled. It commenced its career in this country with the Constitution, and has grown rather than diminished in importance from that hour to this. The tariff is a method of taxation; it has its origin in the power of the Government to raise money for the public service, but like every other system of taxes ever known in history, its resulting consequences reach far and wide among the people; it touches, takes hold upon, and encourages or depresses their diversified interests; and this great consequent fact, this vast incident as it may be called, can no more be evaded, ignored, nor pushed aside in legislating for the general good of the country than the primary fact of revenue itself.

It is not within the range of human skill to so frame a tariff as to result in nothing but the collection of revenue, nor can human wisdom separate its direct and tremendous effects upon the industries and prosperity of the country from the bare, naked existence of a tariff. It is at this point that the extreme and contrary views now before the country begin to assert themselves. On the one hand there are those who declare their readiness to enact a system of tariff not so much with a view to revenue as to the promotion and protection of certain great pursuits in our midst; while on the other we hear a loud and persistent cry that nothing but revenue, revenue only, can possibly enter into the consideration of a subject which in fact, however, embraces directly and indirectly, in addition to the collection of revenue, nearly all the myriad interests of the laboring and business classes of the United States.

Between these two extremes and against them both I take my stand on that sure and safe middle ground which has for its defense the wisest interpretations of the Constitution, the practices of the Government when it was administered by those who framed it, the clear and explicit teachings of the fathers, the history of the great party to which I belong, the independence and strength of the country, and the welfare and happiness of its people.

Sir, I have the honor of a seat on this floor from a State more remarkable in many respects than any other commonwealth in this Union. I shall speak to-day as one of the representatives of her people, with no other ambition in this life than to guard and advance their prosperity. If I can feel when the battle of life is ended that I deserve well at their hands, I will go to my eternal rest in their midst without much concern as to what others may think or say above my dust.

Indiana does not owe her high rank and progressive position as an American State to the extent of her territory. In square miles she measures less than any other of the Western, Northwestern, or Southern States, with the single exception of South Carolina. The powerful and commanding States which alone compete with her in the West, such as Ohio, Illinois, Missouri, and Iowa, are far larger by metes and bounds than she is. Nor has she in any degree depended for her population, her wealth, and her enterprise upon a great city within her borders, such as Chicago, Saint Louis, or Cincinnati, drawing upon all the world for its vigor and growth.

The tillable soil, therefore, of Indiana is necessarily more fully tenanted than that of her rival neighbors; her fertile acres, fewer in number than theirs, are more thickly settled by her two millions of inhabitants; she has no one great hive of houses and streets in which a half million of her population stow themselves away from the fields; and the key to her success is the fact that an intelligent strong people have seized upon all the resources of nature so bountifully spread out in her borders, and are developing them with a skill and energy never surpassed in this or in any other country. The people of Indiana have determined to avail themselves of all the wealth within their reach, to appropriate all—not merely a portion—but all the gifts and riches proffered to them, both by the cultivation of their inexhaustible soil and by encouraging manufacturing industries wherever it is legitimate and profitable to do so.

Sir, it is the harmonious combination and development of all the elements of natural wealth which insures the progress and happiness of a people; and the fact that the agricultural and manufacturing interests of Indiana are both great and commanding calls for a policy of friendship and alliance and not of antagonism between them. It is not statesmanship, nor patriotism, nor even common sense to incite the hostility of one laudable branch of industry against another, when by combining the two in friendly co-operation every blessing, public and private, would be enhanced. The strength and support of nations rest fundamentally on agriculture, on the nourishing productions of the earth; but the skill, the ingenuity, and the industry of the manufacturer have gone hand in hand with the tiller of the soil in all the best civilizations of the world.

In 1879 the farmers of Indiana produced over 134,000,000 bushels of corn, more than any other State except Illinois, Iowa, and Missouri, the two former of which States have nearly 15,000,000 acres each and the latter one over 20,000,000 more than Indiana. The fourth State in corn in 1880, Indiana was the second State in the production of wheat, and is destined this year to be the first. Her wheat crop in 1880 was greater than those of Minnesota and New York counted together; equal to those of California and Pennsylvania combined; larger than the yield of both the States of Michigan and Kentucky; and greatly exceeding in number of bushels the wheat production of all the New England and Atlantic seaboard States from Maine to Texas inclusive, with the single exception of Pennsylvania.

In average per acre Indiana leads all the States of the great wheat belt of the Northwest, and her average and acreage are both rapidly increasing from year to year. Nor does the amazing fecundity of her fields fail in the proportionate production of any of the bounties or fruits of the earth. If there is no swift tide of immigration hunting homes within her borders it is simply because her lands are all taken up and to an unusual extent in a Western State occupied and cultivated by a permanent, thrifty, and vigorous population. More than 5,000 miles of railroad interlace the map of the State. Of her ninety-two counties, the locomotive, on its track of iron and steel, is now transporting passengers and freight through all of them but three, thus converting the State into a familiar neighborhood, its most distant points being but a few hours from each other.

It has been often said that the Northwest is the granary of the world; that it can feed all of the human family likely ever to be in want. I can as truthfully say that in all that vast prolific region the most abundant stores in porportion to area, and the most general and extensive developments of nature's prodigal resources, are to be found in that State which has honored me with its confidence as a member of this body.

But the broad and flowing harvest fields of Indiana, her meadows and her pasture lands, though yielding annually more money than all the gold and silver production of the United States, as shown by the statistics, though more splendid and richer far than robes of royalty set with diamonds, yet constitute but a portion of her wonderful natural endowments. In no other place on the globe did nature ever fashion and gather together within easy reach all the materials for so perfect a workshop, in all the mechanic and manufacturing arts, as in that State. Lying within the embrace of the Ohio and the Wabash Rivers on the south and west and of Lake Michigan on the north, her whole surface is intersected at brief intervals by medium-sized water-courses peculiarly adapted to the purposes of the manufacturer.

The hard wood of her forests is already famous in this country and in Europe for its utility and its beauty. The wagons, plows, drills, reapers, mowers, thrashers, every species of farming implements known to the husbandman are manufactured in Indiana on a scale so extensive that they reach the markets not only of nearly every State in this Union but also the markets of South America, Europe, South Africa, and Australia. The same is true in regard to the most elegant and elaborate articles of furniture now in use in the drawing-rooms, libraries, and public offices of the world.

While at home a short time since, a gentleman of the highest character, living in one of the manufacturing towns of the State, informed me that in examining the books of certain companies located there it was found that in the space of one week shipments had been made of rich and costly furniture and other specimens of skill in wood-work to England, Scotland, Sweden, Belgium, Russia, and Turkey in Europe, to Brazil in South America, and to Cape Town in South Africa.

Scarcely an exposition of the arts of industry has taken place in this country or abroad, whether it has been a State fair or a world's fair, within the last fifteen years, at which the hard and highly-polished wood of Indiana, manufactured by her own people into all the various articles known to the wants and luxuries of civilized life, has not been displayed, admired, and awarded first premiums. And in addition to this use of her timber, Porter, in his recent valuable work on the West, as shown by the census of 1880, says:

> Going westward, Indiana is the last heavily-timbered State within the parallels of 37° 40′ and 41° north latitude, which fact adds largely to the value of its forests; the products of which in 1878-79 were estimated by the State statisticians at $11,892,856 sawed lumber, and $4,532,304 staves, besides hewn timber, and large quantities used in wagon-making, and the logs transported to other States to be cut into lumber or used as spiles.

The stone quarries of Indiana are also one of the elements of her greatness as a State. For all works of massive masonry, such as public buildings, piers, and bridge abutments, no State in the Union can show a better quality or a more extensive supply. Her "beds of heavy, close-grained, compact magnesian limestone, so extensively quarried" now in various parts of the State, have a reputation for durability and strength second to none in the world. And the pure limestone of the sub-carboniferous age, underlying extensive regions of the State and furnishing the general markets of the country, is famous wherever this essential mineral is in demand.

> As a durable building stone it has withstood the ravages of time in buildings for upward of fifty years and still retains the hammer and chisel marks almost as sharp as when just cut. The density, as shown by analysis, exceeds that of the celebrated English Portland oolite. It likewise possesses greater strength.

Again, it is said by high authority:

> It may be quarried in blocks of any thickness and size. * * * At most of the localities where this stone is quarried blocks of much greater length, thickness, and width can be obtained if required, and Cleopatra's Needle might be duplicated should a market be opened for monoliths of that character.

Of another species of stone in Indiana, the following valuable fact has been ascertained and recorded:

Flagging may be obtained of this stone in flags fifty by two hundred feet, and four, six, or seven inches thick, and without break or flaw, that will not vary one inch in thickness over the entire surface. Stone twenty-two inches thick may be had in like dimensions and evenly bedded, if it were possible to handle such masses.

It is not strange, therefore, that the millionaires of New York and other great cities should make orders from the quarries of Indiana for the material of their palatial residences and the pavements which adorn the approaches to them.

In all the fine clays for the manufacture of porcelain, iron-stone china, and encaustic tile, this State, so favored by the hand of nature, is also very rich. The State geologist in speaking of one of the large and inexhaustible beds, says:

For the manufacture of fine grades of porcelain and granite ware it surpasses all other clays for purity of color and homogeneous texture.

The manufacture of floor and mural tile has proven a great success in Indiana. It is produced there from clays giving a variety of natural colors, and is now in use in this Capitol and in other public buildings. It is equal to the best foreign tile imported here from England, and is destined to supply the markets of the United States.

French plate-glass is also manufactured in Indiana upon a scale of great magnitude, and of a size and quality not surpassed in France itself. This important branch of skilled industry on the southern border of the State is now one of the most notable and valuable enterprises in the West, or, indeed, in any other section of the country.

In the manufacture of cars for the equipment of railroads Indiana has the most extensive works in the United States, giving employment to thousands of her citizens, making markets for the producer, and benefiting all classes of her people.

But, sir, in the points which I have as yet presented in her favor I have only been skirting, as it were, the edges of Indiana's vast natural wealth. In order to fully comprehend her capacity for usefulness to the human family and for greatness within herself we must enter her mighty coal-fields, more valuable than the gold mines of California or the diamond beds of Africa. Her measures of coal embrace 6,500 square miles, almost one-fifth of the entire State; but it is not their extent alone which constitutes their immense and growing value. There is found in the coal regions of Indiana an inexhaustible belt of the block coal, now so well known and so famous for its wonderful properties in all manufacturing circles throughout this country and Europe.

It is conceded by all familiar with the subject that this coal has no equal on the American continent, if in the world, in the manufacture of the higher grades of iron and steel. One celebrated author applies to it the following description:

To the purity of splint coal it unites all the softness and combustibility of wood, and the effects produced by it in the blast-furnace, either as to the quality or the quantity of iron far exceed everything in the manufacture of that metal with charcoal.

McFarlane, in the third edition of his standard work on the Coal Regions of America, thus speaks of the block coal of Indiana:

In burning it scarcely swells or changes form, and never cakes or runs together. It is this latter character which gives the block coal its peculiar value as a fuel for smelting iron ores, while it has sufficient bitumen in the form of gaseous matter to render it highly inflammable; and the blocks retain their shape until burnt to ash, in such a manner as will admit the ready passage of the blast and flame through the entire mass of fuel, ore, and flux.

On the other hand, the bituminous caking coals, of which the Pittsburgh coal may be taken as the type, swell and mix together, so that the blast cannot force the flame through the contents of the furnace, and the whole mass becomes chilled for want of sufficient heat to melt the ore.

Another eminent geologist, and without partiality on the subject, Colonel G. W. Foster, of Chicago, has made valuable reports in this connection. He says:

A portion of the eastern margin of the Indiana coal-field is known to contain a body of "splint," or "block" coal, which, while affording an admirable article of fuel for steam and domestic purposes, at the same time affords a fuel which will reduce iron in the hot-blast furnace without the preliminary process of coking. The result has been that within a few years numerous lines of railway communication have been opened, and others projected, to bring these coals in contact with the iron ores, and numerous furnaces have sprung up along the line of their outcrop. * * * Another feature with regard to this coal is its great purity.

You may inspect tons of it without finding any interlineated sulphur, and it is only rarely that a brassy film is to be seen along the joints. If you examine the ashes left by a burning mass they are as white and flocculent as those of hickory. It has, too, a resinous luster, with blotches of cannel-like appearance, which we see in the best varieties of Brier Hill. Containing no impurities which are readily acted upon, it will bear stocking for an entire season without loss.

This distinguished author, who is largely quoted by McFarlane, makes the following prediction:

Before the lapse of ten years the mining of these iron-smelting coals, instead of being restricted to a single district as at present, will be spread over a zone of one hundred and fifty miles in extent; and it requires no prophetic vision to predict that, before the lapse of half a century, Indiana will rival Pennsylvania in the amount of her mineral products—owing to the physical and chemical properties of the block coals, and their adaptation to the manufacture of the higher grades of bar-iron and Bessemer steel.

I prefer that others of scientific knowledge and laborious research should speak on these points rather than merely to advance my own opinions. Professor Cox, second to none in his profession, when State geologist of Indiana, made the following interesting statement in his report of 1870:

From her geographical position, and more especially on account of the extent and value of her coal-beds, and the peculiar adaptation of this coal to the metallurgy of iron and steel, which now forms one of the leading industries of the world, we can safely predict for Indiana a bright future as a manufacturing State.

The commerce of the new far West, which is increasing with a rapidity unprecedented in the growth of empires, will just as naturally look to Indiana for its supply of iron and steel with which to keep up the system of railroads traversing the great plains to the Pacific Ocean, as the old West looked to Pennsylvania. In Indiana we find the last great belt of timber suited for manufacturing purposes, and after crossing her borders, from thence to the Pacific Ocean, no coal has yet been found that can successfully be used in the manufacture of iron.

Such in brief space, drawn by impartial hands, is the picture of Indiana, present and future, displaying her gigantic physical resources. It is full of pride, congratulation, and hope for all her people. I cannot forbear, however, in this connection to add one more of Indiana's possessions, of higher significance, greater glory, and more priceless value than any or all that have been enumerated. Her permanent school fund is over $9,000,000; it cannot be diminished, but is constantly increasing, and it pays more per capita for the cause of education than the school fund of any other State in the Union.

The value of school property is nearly $12,000,000; the number of school-houses is nearly 10,000; the attendance upon schools is over half a million, and the payment of teachers' salaries in Indiana amounts annually to over $3,000,000. It is not surprising, therefore, that Porter, in his work entitled the West, from the census of 1880, which I have already quoted from, should, in speaking of the public schools of Indiana, make the following strong statement:

Superintendents, teachers, and people have been inspired with a species of enthusiasm on this subject. A system of county institutes has been ordained, and the attendance of teachers has been made compulsory, fines being imposed for this neglect of duty. Besides this there were 4,530 township institutes held in 1880. A large State tax is raised which is distributed *pro rata* on the basis of school population, so that the wealthier counties contribute to instruction in the poorer ones.

This tax added to the very large permanent school fund derived from Congressional grants pays more per capita toward the support of public instruction than the general fund of any other State. * * * Illiteracy has been reduced very rapidly under the operation of the improved system of public schools and other causes during the past ten years, so that the illiterates numbered in 1880 less than 1 in 1,100 of the entire population. At the same time the ratio of commitments for crime is below the average elsewhere, while the ratio of householders to the entire adult population is rather greater. * * * The public debt has been reduced until it is now scarcely a million after deducting its non-negotiable bonds, representing the funds it holds for the benefit of its own schools and colleges.

Taxation, except for recent public improvements, is a mere trifle. Public and private credit stands high. * * * As a consequence, home and foreign capital stands ready to embark in new enterprises or to enlarge existing industries. The advantages of homes in the midst of such privileges as we have described will prevent any considerable emigration, and will continue to attract immigration, especially to the industrial centers. With nearly half of her soil still unfurrowed, with her rich deposits of block coal of superior quality for smelting purposes barely broached, with a school fund larger in proportion to the population than any other State in the Union, with abundance of work and fair wages for all who come to her, Indiana enters upon a new decade confident of continued and increasing prosperity.

Mr. President, I have thus far dwelt, and somewhat in detail, upon the marvelous resources of Indiana, her unparalleled combination of agricultural and manufacturing wealth, and the high intelligence of her people, for the purpose of saying that, in full view of all these facts, I felt justified on the 5th of October last, at Atlanta, Georgia, in making the following statement:

Yet the people of Indiana, with all their tremendous capacity for agriculture, are not content to ignore all the other branches of remunerative industry. They are reaching forth their hands, guided by skill and intelligence, to develop all the bounties of nature and to pluck fruits in all the fields of labor. And if in paying a tariff tax for Government support, as revenue, they find that the laws compelling them to do so likewise foster, encourage, and protect their young and growing manufactures of iron, hard-wood, glass, woolen, and cotton, they will regard them with favor as the result of wise legislation. Indeed, they will demand such an adjustment of the tariff as to insure that end.

Sir, this statement I repeat here now in my place as a Senator. I believed it to be in harmony with the interests of the people of Indiana nine months ago, when it was first uttered, and time, events, and observation have since very fully confirmed me in that opinion. The figures of the forthcoming census report for 1880 make the following exhibit of the manufacturing industries of Indiana for that year:

Number of establishments	14,480
Number of hands employed	57,939
Capital invested	$76,341,728
Amount of wages paid	$24,195,057
Materials	$97,342,880
Products	$185,050,220

The rate of increase in the value of her manufactured products from 1870 to 1880 was about eight millions a year, and it has not been less during the last two years. That she is, therefore, now producing over two hundred millions in value per annum from her manufacturing establishments will not be questioned. At least 75,000 laboring people find employment in these establishments at wages which support themselves and a quarter of a million others, women and children, the aged and infirm, who are dependent upon somebody's active industry for subsistence.

Sir, am I expected to be blind to such stupendous facts as these in

the history of my own State, and to disregard them in shaping the legislation of the country? Am I to be arraigned for claiming, as I do, that while the people of Indiana are paying their part of a tariff tax for Government revenue they shall also have all the protection, fairly incident to such a system, applied to the vast interests here disclosed? And these questions bring me to the vital issue involved in every tariff discussion from the foundation of the Government to present time. The standard of free trade has been raised here and there of late, as it has been occasionally for nearly three-quarters of a century past; but whenever it has been closely challenged and its consequences pointed out it has been furled and laid away.

Free trade does not mean a revision of the tariff; it means no tariff at all. Free trade does not mean a judicious adjustment of the tariff for the best interests of the whole country; it means to take a sponge and wipe out the whole system. Free trade does not mean a tariff for revenue only any more than it means a tariff for protection; it means no revenue at all by virtue of a tariff. It means direct taxation to the amount of the $200,000,000 now collected on imports and paid into the Treasury for the support of the Government. It means an army of tax-gatherers among the people, from house to house, assessing and collecting this enormous amount.

With custom-houses abolished and custom duties repealed, for that and that only is free trade, a deficiency of two hundred millions will at once occur in the public revenues. How is it to be made up? The wisdom of man can devise no other mode than that of direct taxation. There are thirty-eight States in the American Union, and it will be seen at a glance that in averaging this deficiency among them each one, great and small, would have for its share $5,263,157 to pay.

If, however, the amount was raised from the States in proportion to their rank in wealth and resources, Indiana being far above an average State, her people would have not less than eight and perhaps ten millions of it to furnish annually to the tax-gatherer for the Federal Treasury. There is no escape whatever from this conclusion. The Senator from Georgia [Mr. BROWN] has presented this point so forcibly and well that I cannot forbear reading from him. In his speech here, March 27, he said:

> How do you propose to collect this $200,000,000? There are but two modes that I am aware of. One is a direct tax upon the people, the other is collect it upon imports. Which will we choose? I have heard no Senator on this side who has discussed what might be termed the free-trade side of the question propose to raise it by a direct tax. What would it amount to? We have thirty-eight States. Take my own State, Georgia; say it is an average State. If $200,000,000 should be raised by direct taxation, Georgia must raise each year in addition to what is now raised, by the collection of internal revenue and State tax, a sum amounting to over $5,000,000. Her people must submit to the present State tax, school tax, county tax, corporate tax, and all the taxes now collected which they consider burdensome, and we must add to that, if we are to collect it by a direct tax, more than $5,000,000 a year, which would be about four times as much as we now raise by taxation added.
>
> I take it for granted no Senator on this floor representing any one of the States will advocate that course for the collection of all our Federal revenue. If he does, my opinion is that he will find a large proportion of his constituents differing in opinion with him. Then how do we propose to collect it? We must collect it as heretofore, by levying a tariff upon imports. The addition of about five and a quarter millions a year to the internal revenue paid in cash by the people of Georgia for Federal purposes would knock all the poetry out of the able free-trade speeches to which we have listened with so much interest.

And again, further on in the same speech, that Senator with great pertinency observed:

> Some of the Senators whose arguments seem to look in the direction of free trade point out to the planters and farmers of this country the advantages of free trade, and tell them as the law now stands they pay a heavy per cent. on the imported goods purchased by them, and grow eloquent about the amount of money they would save on the goods purchased by them if there were no tariff. But I have noticed that no one of them has told the people how much direct tax they would be compelled to pay on their lands and all their other property to raise the $200,000,000 annually which is necessary to meet the demands on the Federal Treasury and which must be raised by a direct tax if it is not collected by a tariff. They forget to tell the people of Georgia, Tennessee, Kentucky, Alabama, and other States how much of the $200,000,000 direct tax would fall to their share if there were no tax on imports.

Nor have the people of Indiana been informed by those who talk as if they were in favor of free trade concerning the eight or ten millions of dollars which they would have to pay annually under a system of direct taxation if all tariff laws were repealed and free trade actually established. I submit the matter to their careful and earnest consideration. I think they will decide in favor of a tariff which will do two things, raise revenue, and, as an inevitable incident, foster and protect their incipient and growing manufactories.

To those who say they would raise revenue by a tariff, and in the same breath denounce protection, I reply that the two go together with a certainty and infallibility as absolute as the laws of nature which combine the light and heat of the sun. You can no more collect a duty on an imported article for revenue purposes without protecting the manufacture of that article in this country from foreign competition, to the extent of the duty so collected, than you can walk abroad in the clear, unclouded noon-day and not be followed by your shadow on the ground. This is the first lesson, the very alphabet of this whole question, and he who would be a teacher on the subject of the tariff must know it by heart.

But there yet remains another outstanding question which I desire to notice and to settle by authority at this time. It is not so important to be in harmony with the history and the principles of the party to which you belong as it is to be right, but it is a great comfort to be able to show that you are both. I propose to submit to the popular judgment whether the views I have advanced are orthodox or heterodox, coming from one who has devoted his life thus far, and who expects to devote what remains, to the principles and organization of the Democratic party.

Sir, there is a circumstance of great interest on this question, connected with the history of Indiana, showing that her people received at an early day the teachings of one who spoke while living, and who stills speaks from his grave, with more power than any other party leader in American history.

In 1828 General Jackson was a second time before the American people a candidate for their highest office, and party spirit was high and fierce. On the 22d day of January of that year, the Legislature of Indiana being in session, the senate branch of that body passed the following inquisitive preamble and resolution:

> Whereas the friends of General Jackson in the Western States advocate his election to the Presidency of the United States on the ground of his being friendly to internal improvements and the advocate of a judicious tariff for the protection of American manufactures; and whereas the friends of the same distinguished individual in Virginia, the Carolinas, Georgia, Tennessee, Alabama, and Mississippi advocate his claims to the first office in the nation on account of his opposition to the above measures or systems of policy: Therefore, for the purpose of enabling the citizens of Indiana to ascertain what are the real sentiments of General Jackson, and to give them an opportunity to vote understandingly at the next Presidential election in reference to these great interests,
>
> *Resolved by the senate*, That his excellency the governor be requested to address a respectful letter to General Andrew Jackson, inviting him to state explicitly whether he favors that construction of the Constitution of the United States which authorizes Congress to appropriate money for the purpose of making internal improvements in the several States, and whether he is in favor of such a system of protective duties for the benefit of American manufactures as will, in all cases where the raw material and the ability to manufacture it exist in our country, secure the patronage of our own manufactures to the exclusion of those of foreign countries, and whether, if elected President of the United States, he will, in his public capacity, recommend, foster, and support the American system.

In accordance with this resolution the governor of the State communicated with General Jackson, and in due time received the following bold and direct answer:

> HERMITAGE, *February* 28, 1828.
>
> SIR: I have had the honor to receive your excellency's letter of the 30th ultimo, inclosing resolutions of the senate of Indiana adopted, as it appears, with a view of ascertaining my opinions on certain political topics. The respect which I entertain for the executive and senate of your State excludes from my mind the idea that an unfriendly disposition dictated the interrogatories which are proposed. But I will confess my regret at being forced by this sentiment to depart in the smallest degree from that determination on which I have always acted. Not, sir, that I would wish to conceal my opinions from the people upon any political or national subject; but as they were in various ways promulgated in 1824, I am apprehensive that my appearance before the public at this time may be attributed, as has already been the case, to improper motives.
>
> With these remarks I pray you, sir, respectfully to state to the senate of Indiana that my opinions at present are precisely what they were in 1823 and 1824, when they were communicated by letter to Dr. Coleman, of Virginia, and when I voted for the present tariff and appropriations for internal improvements. As that letter was written at a time when the divisions of sentiment on this subject were as strongly marked as they now are in relation both to the expediency and constitutionality of the system, it is inclosed herein; and I beg the favor of your excellency to consider it a part of this communication. The occasion out of which it arose was embraced with a hope of preventing any doubt, misconstruction, or necessity for further inquiry respecting my opinions on the subject to which you refer; particularly in those States which you have designated as cherishing a policy at variance with your own. To preserve our invaluable Constitution and be prepared to repel the invasion of a foreign foe by the practice of economy and the cultivation within ourselves of the means of national defense and independence should be, it seems to me, the leading objects of any system which aspires to the name of "American," and of every prudent administration of our Government.
>
> * * * * * * *
>
> I have the honor to be, very respectfully,
>
> ANDREW JACKSON.
>
> His excellency JAMES B. RAY,
> *Governor of Indiana.*

And now, sir, what were the principles contained in the Coleman letter transmitted by General Jackson to the governor of Indiana as his platform on the subject of the tariff, and on which he had freely staked his political fortunes in 1824 and again did so in 1828? To fully understand its great weight and import it is necessary to observe the letter to which it was an answer. In April, 1824, Dr. L. H. Coleman, a gentleman of prominence and a member of the Virginia Assembly, addressed General Jackson the following communication:

> WARRENTON, VIRGINIA, *April* 21, 1824.
>
> DEAR SIR: Being one of the six members of the Virginia Assembly in caucus last winter who voted for you as a fit and proper person to be supported by the people of the State for the Presidency of the United States, and having since heard that you are in favor of the "protecting-duty policy," I take the liberty of desiring you to inform me whether you intend voting for the tariff bill now before Congress. I wish to have information on the subject as soon as your convenience will permit, that I may answer the Fredericksburgh committee, who invite my co-operation in getting up a ticket for the hero of New Orleans. In this county you have many friends, and some think your support will be better in Petersburgh than in any of the contiguous counties. We are anti-tariff here; and candor requires me to say that should you be the advocate of a measure to which our interest is evidently opposed, the zeal with which you have been hitherto supported will be relaxed.
>
> I am, &c.,
>
> L. H. COLEMAN.

If Jackson had been an ordinary man this would have been a most trying letter for him to answer. It came from one of his six friends in the Virginia Legislature; it contained views on the tariff antagonistic to his own; it tempted the ambition of the hero of New Orleans with the prospect of success; and it closed with the assurance that his support would be relaxed and fail if his answer was unsat-

isfactory. Yet how grandly he at once responded. I will read his immortal letter:

WASHINGTON CITY, *April* 26, 1824.

SIR: I have had the honor this day to receive your letter of the 21st instant, and with candor shall reply to it. * * * You ask me my opinion on the tariff. I answer that I am in favor of a judicious examination and revision of it; and so far as the tariff before us embraces the design of fostering, protecting, and preserving within ourselves the means of national defense and independence, particularly in a state of war, I would advocate and support it. The experience of the late war ought to teach us a lesson, and one never to be forgotten.

* * * * *

Heaven smiled upon and gave us liberty and independence. That same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which He has extended to us we deserve not the continuation of His blessings. He has filled our mountains and our plains with minerals, with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool.

These being the grand materials of our national defense, they ought to have extended to them adequate and fair protection, that our own manufactories and laborers may be placed on a fair competition with those of Europe, and that we may have within our own country a supply of those leading and important articles so essential to war.

Beyond this I look at the tariff with an eye to the proper distribution of labor and revenue, and with a view to discharge our national debt. I am one of those who do not believe that a national debt is a national blessing, but rather a curse to a republic, inasmuch as it is calculated to raise around the Administration a moneyed aristocracy dangerous to the liberties of the country.

This tariff, I mean a judicious one, possesses more fanciful than real dangers. I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Does not this clearly prove, when there is no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result.

Take from agriculture in the United States 600,000 men, women, and children, and you at once give a home market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own, or else in a short time, by continuing our present policy, we shall all be paupers ourselves.

It is therefore my opinion that a careful tariff is much wanted to pay our national debt and afford us the means of that defense within ourselves on which the safety and liberty of our country depend, and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community. * * *

I have presented you my opinions freely, because I am without concealment, and should indeed despise myself if I could believe myself capable of acquiring the confidence of any by means so ignoble.

I am, sir, very respectfully, your obedient servant,

ANDREW JACKSON.

Such, Mr. President, were the views of Andrew Jackson, communicated directly to the people of Indiana, and on which that people rallied to his cause. If these views were applicable to the interests of Indiana at that time, they are a thousandfold more so now. In 1828 her manufacturing industries and investments were hardly sufficient to leave a trace in the statistics of the country. Now the principles of Jackson encourage, foster, and protect hundreds of millions in active capital and production as well as hundreds of thousands of wage laborers and those dependent on them within the borders of that great State. The principles of Jackson applied to the whole country also furnish a revenue for the support of the Government, thus enabling the people to escape the unbearable curse of direct taxation and the devouring hordes of tax-gatherers.

But the letter just read admits of but little if any comment; it is a commentary of wisdom in itself. It ought to be published everywhere in letters of living light as the true statesmanship of the tariff question. I will venture to hope that it will be printed in every newspaper in Indiana as a special message from General Jackson to the fathers of the present generation of thinkers and workers. It carries with it grave instruction, and a solemn emphasis on the issue in which all are so much interested. The march of events and the development of the country prove its consummate wisdom and its far-reaching foresight.

It is hardly necessary to say that the principles announced by Andrew Jackson while a candidate for the suffrages of the American people governed his conduct in the administration of public affairs after he became President. In fact he advanced rather than receded in his views as to the power and the obligation of the Government to encourage and protect its domestic industries. The necessity of protective legislation other than as an undeniable, ever-present, ever-continuing, and indissoluble incident to every tariff known to the comprehension of sane men is not now insisted on by any considerable number of people.

The incidental protection which attends forever and under all circumstances upon every kind of tariff ever known upon earth is all that is now claimed in Pennsylvania, or anywhere else, and is sufficient, when properly adjusted by the law-making power, to promote and care for all the industries involved. But it will be seen from the second annual message of General Jackson, as President, delivered December 7, 1830, that he believed in and asserted the constitutional right of the Government, whenever its interests of peace or war demanded, to legislate directly for the protection of its home industries as against the policy, the ambition, and the hostile purposes of foreign nations. I will ask the Clerk to read that part of the message to which I refer.

The Clerk read as follows:

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts. The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct.

Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case; this indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress. In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

Mr. VOORHEES. Sir, I might easily consume the day in reading from the fathers whose names are cited by Jackson in support of his position on this great question. The authority of their teaching is all one way. Their opinions are simply links in a strong and harmonious chain of argument, from the very beginning of the Government, in favor of so shaping the collection of revenue under a tariff as to encourage home manufactories and protect them from competition with the low wages and pauper labor of Europe. The first law ever framed in this Government on the subject of a tariff, enacted July 4, 1789, by the very men who had just completed the Constitution itself, was prefaced by the following preamble:

Whereas, it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise.

Thus explicitly declaring the twofold nature, the revenue and the protective features, which conjoin in every piece of tariff legislation ever devised by human skill. I will not dwell, however, in these distant regions of the past; I am content to rely on the principles of the Democratic party as enunciated in our own day and generation. There are a number of Senators on this floor who voted for James K. Polk for President in 1844. He carried Pennsylvania over Henry Clay, the author of the American system, and in his inaugural address we find the reason why he was able to do so. He said:

I have heretofore declared to my fellow-citizens that, in my judgment, it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation.

He believed that a tariff should have first in view the collection of revenue, but he declared that in adjusting the details of such a tariff he was in favor of such "discriminating duties as would produce the revenue needed and, at the same time, afford reasonable incidental protection to our home industry." In his first annual message to Congress he thus perspicuously points out the inevitable conjunction between revenue and protection and the principles by which both objects can be attained. I quote his language, as follows:

It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish or prohibit altogether the importation of any given article, and thereby lessen or destroy the revenue which at lower rates would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of the Government.

If Congress levy a duty for revenue of 1 per cent. on a given article it will produce a given amount of money to the Treasury, and will incidentally and necessarily afford protection or advantage to the amount of 1 per cent. to the home-manufacturer of a similar or like article over the importer. If the duty be raised to 10 per cent. it will produce a greater amount of money and afford greater protection. If it be still raised to 20, 25, or 30 per cent., and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to 31 per cent., and it is found that the revenue produced at that rate is less than at 30 per cent., it ceases to be a revenue duty.

But why should I look further back into the past than the last Presidential election for a correct interpretation of Democratic principles on this question? The able and intrepid leader of the Democratic party in 1880 spoke with no uncertain voice, and his words are full of wisdom. I indorsed the position of General Hancock then, and I indorse it now. Here is his letter, which I read now with my full and absolute approval:

GOVERNOR'S ISLAND, NEW YORK, *October* 12, 1880.

MY DEAR GOVERNOR: I have received your favor of the 11th instant. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of a policy that has been largely instrumental in building up our industries and keeping Americans from the competition of the underpaid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other.

With a reunited and harmonious country we shall certainly in time pay off the public debt; but the necessity of raising money for the administration of law will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff; so far as we are concerned, therefore, all talk about "free trade" is folly. But the tariff question will probably be treated with justice to all of our interests and people by some such bill as Eaton's.

I believe that a commission of intelligent experts, representing both the Government and American industries, will suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

Hon. THEO. F. RANDOLPH,
Morristown, New Jersey.

Sir, had this sound and sensible letter been written three weeks earlier and time been given for its circulation in advance of the October election in Indiana Hancock would have been chosen President and American history been far differently recorded. The past is no longer within our reach; it is gone forever; but the future lies before us full of bright promise and assured victory if we adhere to the doctrines of the fathers of the Constitution, to the principles of Jackson, Polk, and Hancock.

Mr. President, in the views which I have advanced to-day I have not spoken for the promotion of any one interest in this country at the expense of another; "justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country;" but I deny that such results ever have or ever will follow the principles I entertain and in support of which I have cited the most illustrious names in American history.

I deny that the intelligent and honest application of these principles to American legislation has ever burdened or oppressed any class of labor or production; on the contrary, laws made pursuant to these principles have encouraged, fostered, and protected every field of toil and enterprise of every description in all this broad land. In the farmer I recognize the first and most potent factor in the progress of the world; he feeds the human family; he equips the commerce of the seas; he nourishes the traffic of great cities, and without him the earth would lay aside its robes of civilization and resume its savage garb. No law should be enacted, no policy adopted by any nation on the globe without primary reference to his interests, for on his interests all others depend. But, in the development of the resources of the country, in the diversified and multiplied channels of labor, in the increase and prosperity of home, neighborhood, markets, in the subsistence of growing and industrial populations, who can fail to see that the prosperity of the farmer is more deeply involved than that of any other citizen?

In 1816 Thomas Jefferson, himself a farmer, and the great affirmative, aggressive apostle of Democratic faith, exclaimed:

We must now place our manufacturers by the side of the agriculturists.

I repeat that statement now in the interest of both classes. This point no longer needs much argument. The farmer of Indiana is not mistaken as to its true bearing when he sees, as he does every day, long trains of cars laden with the iron ores of the mountains of Missouri and the regions of Lake Superior wending their way to the great block coal-fields of his State, to be manufactured into the best iron in the world. He knows that the opening of every coal mine, of every blast furnace, of every rolling-mill, every nail factory, every stove foundry, every stone quarry, and every establishment for the manufacture of glass, implements of husbandry, furniture, as well as woolen and cotton goods, enhance the value of every acre he owns, and create a demand, almost at his door, for what he has to sell. It is true that he pays a tax for the support of the Government in the purchase of articles manufactured abroad which have paid duty, and on articles of home manufacture which are protected to the extent of that duty, but he knows that he would have to pay the same and a heavier tax under a system of direct taxation, without any compensating advantages if the policy of free trade prevailed.

There are twenty-seven members of the other branch of Congress from the State of Pennsylvania, and many of them represent purely agricultural districts with no manufacturing interests in them. Why are they all of one mind on the subject of the tariff? Why do they all vote together, without reference to party politics, when that question arises? Because they have seen in the development of their vast manufacturing interests the promotion and welfare of every other interest in their State. Experience teaches better than theory; practical results are of more value than the conclusions of the most skillful doctrinaires. Sensible people do not revolt against results which show themselves in widespread prosperity and general happiness.

Sir, there is a future near at hand for this country by the side of which the brightest pages of human history will grow dim. We are traveling swift and far toward a condition of complete national independence, power, and glory such as the eye of man hath not seen, nor his mind hitherto conceived. This Republic, like the lion's whelp, couched between two oceans, by the side of mighty lakes and rivers, in deep, broad valleys, and on the slopes of teeming mountains, has gone up from her prey; that prey, the wealth of the physical world, the spoils of nature's universe, conquered to her use, not in blood and pain, but by the skill and enterprise of her people in the arts of peace.

But in the fulfillment of that career to which the American people have been called there are changes just before us which will fill the world with wonder and the habitations of men with additional blessings. It has been said and sung through generations that westward the star of empire takes its way; not the empire of force, but of development, of thought, of industry, and of human progress. The course of that star in this country points now in another direction. I see it hovering over the mountains and the plains of the South, the herald of a new and marvelous birth in all that region of richer resources than the globe anywhere else contains.

I am not here to-day to discuss the policies of the South in the past, but I invoke for her now a policy which will cause her future to shine with a strength, an independence, and a renown such as she herself never dreamed of in her most ambitious moods. That development of the South, of which she is capable, is but scarcely begun. Ninety-five per cent. of her gigantic natural wealth yet sleeps the sleep of ages, undisturbed by the enterprise of man.

Let us cross the Potomac and stand for a few moments together on the soil of Virginia; Virginia now broken in fortune, her credit gone, her name coupled with financial dishonor, her securities hawked in the markets at home and abroad without value; Virginia, once so honored, now fallen so low. And yet Virginia is rich enough this hour in all that is most desired by this great age and in all that is most useful in human advancement to pay not only her own debt but the national debt besides. Wiley, in his extensive and valuable treatise on the iron-ore regions of the United States, gives his approval to the startling statement that—

Pennsylvania, rich as she is, is poor in iron ores as compared with Virginia.

The hand of nature gave to Virginia a dower so rich that even Pennsylvania, her great and opulent sister, is poor in the comparison. Coal and all other ingredients are also there in profusion for the development of her untold wealth. Will not her people reach forth their hands and appropriate these treasures? When they do the dust of humiliation will be wiped from her brow, and her escutcheon will blaze with a stronger light than ever before.

We may wander through the mountains of West Virginia; explore the vast iron and coal deposits of Eastern Kentucky, as well as the valuable coal measures in her western borders; we may follow—

That great iron belt of the United States which, beginning in New York, runs through Pennsylvania, furnishing many of the largest furnaces of that State with their stock; crosses Maryland; passes through the entire width of Virginia; constitutes the iron region of East Tennessee, Western North Carolina, and Northwestern Georgia, and ends in the unparalleled and magnificent deposits of Alabama—

We may inspect the rich iron and coal beds of Arkansas and Missouri; and everywhere after passing into the Southern States we find the same prodigious bounties of nature awaiting the touch of capital, skill, and industry to call them forth. There is nothing lacking within their borders to tempt the cupidity and excite the exertions of man. The Spaniard once landed there in quest of gold, but they are richer than any gold-bearing region in all the realms of history. Their unparalleled cotton-fields speak for themselves; that beauteous and resplendent belt, whose tinted bloom extends from Eastern North Carolina to Western Texas, makes its own argument in behalf of a policy which will plant the manufactory in the midst of the crop; which will pay to the producer, instead of to railroads or ships, the cost of transportation to the mills of New England or of Old England; which will keep all the profits, both of production and of manufacture, at home; which will make the Southern people self-reliant and independent; which will adorn their water-courses, their bays, and their harbors with growing towns and aspiring cities; which will create a market in his own neighborhood for everything the planter has to sell; which will give a wider range of employment to the rising generations of both races without forcing them all into the fields; which will develop skill, call forth inventive genius, elevate, refine, and better the condition of all classes.

Such is the policy for which I contend, and such the results I foresee, if it is adopted and pursued in good faith for the encouragement and protection of every interest of the people alike. I speak not for monopolies nor jobs; let them all be weeded out of our tariff legislation; but in the light of the past and the promises of the future I believe the principles I have asserted, if judiciously and with fairness applied, will make the American Republic, in all its extended parts, South, North, East, and West, the wonder and the glory of the ages; the full, abundant home for hundreds of millions of prosperous, united, happy people.

I speak not in support of a tariff for revenue only, nor of a tariff for protection only, but in support of a tariff which collects the necessary revenue, and at the same time, to the extent of that revenue, extends protection, with discriminating justice, to American manufactories. By virtue of this doctrine, indorsed and enforced by the wisest minds in our history, a great but only partial development of our common country has been achieved; but the work which remains to be done will now follow. The day is not distant when the mountains and the plains of the South will flame with blast-furnaces and rolling-mills; when Pittsburghs and Birminghams will raise their smoky towers in Virginia, Tennessee, Georgia, and Alabama; when the rugged ranges in eastern Kentucky will pour forth such a stream of wealth as to divert attention from even her own beautiful blue-grass garden; when the whole South, responding to wise legislation and to the calls of duty, will be seen moving forward and keeping even pace with the enterprise and wealth of the North.

Sir, when that day comes our cup of blessings will be full; the voice of sectional contention will be hushed; the interests of the

country will be harmonious; States will strive no more with each other, except in the shining pathways which lead to greatness; nor will they differ any more, except as "one star differeth from another star in glory."

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I understand the Senator from Delaware [Mr. BAYARD] desires to take the floor on the tariff question for to-morrow.

Mr. BAYARD. Yes, sir; I wish to be heard on this bill, and I may as well get the floor now for to-morrow.

Mr. MORRILL. I will also give notice that I shall not ask the Senate to consider the tax bill until two o'clock to-morrow, in order to give Senators an opportunity for bills on the Calendar until that hour.

Mr. FRYE. I do not know that the rule requires notice to be given that a motion will be made to strike out, but I desire to give notice that I shall move, when it is reached, to strike out, in section 4, line 1, the words "on and after the first day of October 1882," and also all of section 4, after the word "act," in line 11.

Mr. HALE. I gave notice to-day of an amendment to the same effect as this amendment, I will inform my colleague.

Mr. FERRY. There is no necessity of giving any notice of any amendment to the pending bill. That requirement simply applies to appropriation bills.

Mr. CAMERON, of Pennsylvania. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session, the doors were reopened, and (at six o'clock and twenty-five minutes, p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 13, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

REPORT OF SURGEON-GENERAL OF THE NAVY.

The SPEAKER laid before the House the following Senate concurrent resolution; which was read and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed for the use of the Navy Department 1,000 copies of the report of the Surgeon-General of the Navy.

THOMAS M. GRANVILLE.

Mr. FORD, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Accounts:

Resolved, That there be paid out of the contingent fund of the House of Representatives to the Clerk of the House the sum of $500, or so much thereof as may be necessary, to pay the funeral and other expenses contracted by the sickness and death of Thomas M. Granville, late an employé in the House folding-room; and there shall also be paid out of the contingent fund of the House by the Clerk of the House to the widow of deceased twelve months' pay from the date of his death, subject to the approval of the Committee on Accounts.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HISCOCK. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The pending question was on the following amendment, offered by Mr. BLACKBURN:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 1st day of July, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. WILSON. On yesterday I desired, in discussing the proposition to strike out the paragraph from line 2025 to line 2031, inclusive, to ask the privilege to print some additional remarks. I now submit that request.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from West Virginia, [Mr. WILSON.] The gentleman from Indiana [Mr. HOLMAN] is recognized. The Clerk will report the amendment proposed by the gentleman from Indiana.

Mr. HOLMAN. It was merely a formal amendment. The House is aware of the facts mentioned by the gentleman from Illinois, [Mr. CANNON,] of the Committee on Appropriations, the other day, that the officers and employés of the House are paid better and higher salaries than any employés of the Government outside of the Capitol. The monthly pay-roll of the House, covered by the amendment pending, independent of the Capitol police, is $34,718.47; and it is therefore proposed by the amendment to pay as extra compensation to these employés this sum of $34,718.47 to the exclusion of all other employés of the Government, although it is conceded, as I remarked, that the compensation we pay to the officers and employés of the House is greater than the compensation paid to any of the employés of the Government outside of the Capitol.

This $34,718.47, sir, is a naked gratuity, without even a pretense of consideration, and I inquire of this committee by what authority they take money out of the public Treasury to give to any person as gratuity? The gentlemen around us, the officers and employés of the House, are pleasant gentlemen. I have received innumerable courtesies from them, and feel kindly toward them, and would do them, individually and collectively, any act of kindness in my power; but what right have we to discriminate in their favor because they are our personal friends by granting them a gratuity out of the public Treasury?

This House commenced this business some years ago, and having adopted a proposition to pay the employés of the House back pay equal to a month's pay concluded to extend it one step further and passed an amendment to pay each member of the House and Senate the sum of $5,000 as a gratuity. Then the public indignation burst forth and the Republican ascendency in the House was swept away. Yet we are now proposing to do the same thing, to the extent of the officers and employés of the House, which met with such universal censure and condemnation, taking money from the public Treasury to the amount of $34,718.47 and give it to our friends and favorites whom we meet every day. What right have we to be generous at the expense of the public Treasury, and where is the limit of such generosity? By what authority can we do this? I say it is not only a wrongful and unauthorized appropriation of the public money, without any possible justification, but it is a usurpation of power on the part of the House, to take money drawn from the labor of the country by taxation and appropriate it according to our own unrestrained will in making gifts to our friends and favorites.

That is not the Democratic doctrine. Democratic principle denies the right of Congress to give away the public treasure. I do not propose to follow the example of the Republican party which culminated in the back-pay law of 1873. I propose to follow the Democratic doctrine that not a dollar of money shall be taken from the public Treasury except for the wants and necessities of the Government. You are assuming the right here to take money from the public Treasury and to give it as a mere gratuity to your friends and favorites. Every one of these officers and employés has been paid his monthly salary in full, and now you propose to pay them $34,718.47 more. I cannot conscientiously concur in this, and as a Democrat I deny your right to do it, and I do not intend even by silence to concur in your further swelling these enormous appropriation bills and then go before my constituents and denounce the extravagance of the majority of this House. I will at least to the extent of my vote and my voice resist the enlargement of these enormous bills which are depleting the Treasury.

Mr. WILSON. Before the gentleman from Indiana [Mr. HOLMAN] takes his seat I desire to ask him whether or not it has been the habit of the House for many years, almost for a time to which the memory of man runneth not to the contrary, to accord to its employés this extra compensation?

Mr. HOLMAN. I understand that it has not been.

Mr. BLACKBURN. Let me answer the gentleman. I say this is not a new proposition. I say it was enacted into law not once only but twice during the Forty-sixth Congress. I say that the present Speaker of this House, while a member of the minority side of the Forty-sixth Congress, offered the very proposition which I have now offered, and the majority side accepted it and the Democratic employés of the House took it. That was done twice in that Congress.

I say further—and in that I but repeat what I said yesterday when I submitted this proposition—that I considered it simply an act of decency; that we had made no protest when we were in the majority against receiving for our own employés the very identical compensation which this amendment proposes; and I did not intend to let this bill go through without offering it back to the other side.

Mr. VALENTINE. Permit me to call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the fact that during the present session of Congress one month's extra pay was voted to the Democratic employés of this House going out of office.

Mr. BLACKBURN. It was.

Mr. VALENTINE. And the gentleman from Indiana made no objection to it.

Mr. HOLMAN. I think you will find that he did. He never concurred in this giving away the money of the Government.

Mr. VALENTINE. He sat silent in his seat.

Mr. BLACKBURN. I will answer the gentleman from Nebraska [Mr. VALENTINE] and say yes, that was done in this Congress. One word more. This is the only method open to this House to do anything toward equalizing the salaries of the officers of the two Houses.

Up to the 1st day of July of this year this House had been in session three hundred and twenty-five hours more than had the Senate, or sixty-five working days of five hours each. Of the RECORD of proceedings and debates up to the 1st day of July of this year this House for this session of Congress, as compared with that of the Senate, had 3,000 columns more of the RECORD than the debates and proceedings of the Senate amounted to, and yet we all know that a disproportionate salary is paid to every employé of the Senate as against the employés of the House.

Mr. DUNN. Cannot that of the House employés be increased?

Mr. BLACKBURN. You cannot get it done. The Senate insists that it shall regulate the pay of its own employés and will not allow it to be reduced, and the House Committee on Appropriations has never yet proposed to increase the compensation of the employés of the House.

Mr. DUNN. They can do it.

Mr. BLACKBURN. This is the only practicable method, and is but a pittance toward equalizing the salaries of disproportionately paid and worked officers and employés. It is sanctioned by precedent. Having been myself a member of the majority party in this House that became the recipient of it, I will stand here and go before the country on the proposition to return now the civility to the other side. [Here the hammer fell.]

Mr. MILLER. I move to strike out the last word.

The CHAIRMAN. An amendment and an amendment to an amendment are already pending and no further amendment is in order.

Mr. HOLMAN. Mine was simply a formal amendment and I withdrew it.

Mr. MILLER. I now move to amend by inserting "4th day of July" instead of "1st day of July."

Mr. BLACKBURN. You mean June 15.

Mr. MILLER. If the gentleman will accept June 15, I will substitute that date.

Mr. BLACKBURN. According to my information the substitution of that date will have no effect except to cover the cases of three very worthy men. It will simply make a difference of three men who were on the rolls on the 15th day of June and were not on the rolls on the 1st day of July. I do not care about the date particularly, but I drew my proposition so as to make it comport with the fiscal year.

Mr. MILLER. I hope all this will not come out of my five minutes.

The CHAIRMAN. It will.

Mr. MILLER. My motion is to substitute "4th day of July" for the "1st day of July." As the proposition now stands, three persons who were temporarily on the roll but for four days, and were acting as substitutes for three regular employés of the House, will receive this extra compensation, instead of the three regular employés of the House, who have served every day since the 5th day of December last. I think the amendment should be agreed to, and I hope the gentleman from Kentucky will accept it.

Mr. BLACKBURN. I have no objection to it.

The CHAIRMAN. The question is then upon the amendment as modified.

Mr. ATKINS. I move to strike out the last word, for the purpose of saying that I regret very much this irregular mode of proceeding. I want to date it back to the Forty-sixth Congress. It was done by this House in the Forty-sixth Congress over the heads of some of us who had charge of the appropriation bills.

It is a very ungracious thing for any man to say anything in this House on a subject of this kind, because we are constantly coming in contact with our employés, and the courtesies existing between the employés and the members of this House are very gracious, and they ought not to be disturbed. Few of us like in any way to disturb them or to say anything that will mar them in any way.

But in the Forty-sixth Congress the proposition was presented, as members of that Congress will recollect, for the purpose of equalizing the salaries of the Senate and House employés. In general, the salaries of the Senate employés are much greater than the salaries of House employés doing similar service. This House knows how active, how anxious, how strenuous the Committee on Appropriations was at that time to reach some kind of a compromise with the Senate; and the chairman of the Senate committee agreed that if we would waive the question for the time being, that committee would initiate proceedings in the Senate so that in the following session a compromise might be effected and the salaries equalized. But they failed to do that, stating as a reason for failure to comply with their promise that the Senate absolutely refused to back them.

When the legislative, executive, and judicial appropriation bill was reported by myself to the House two years ago efforts were made, as will be remembered, to increase the salaries of various employés of the House, and I stood here and made points of order against every solitary increase. When a proposition was made to increase the salaries of the clerks at the desk in the House—the reading clerks, tally clerk, and journal clerk, five in number—I made the point of order that the proposition was contrary to law. The gentleman from New York, [Mr. COX,] who was then in the chair, sustained the point of order tentatively, momentarily; and when some disturbance was made in the House about it, he submitted the question, as the gentleman now occupying the chair submits most of the points of order, to the House. There is no doubt that this House is a good judge of points of order when it comes to vote. The question was submitted, and the House voted that I had not made my point in time; so the increase for three of the clerks went in, and the other two followed as a matter of course. Their salaries stand to-day at $3,000, an increase of $500; and they are higher to-day than any salaries in the Senate for the performance of corresponding duties. Now the proposition of my friend from Kentucky, [Mr. BLACKBURN,] in the liberality and generosity of his heart (and I confess I sympathize with him) is to increase by this amendment the salaries of these five clerks as well as the others. Is that right? I put the question, is it right?

I rose only to make these remarks and to say that this question of equalizing the salaries of Senate and House employés is now in conference between the two Houses.

To be candid, I am afraid that no satisfactory conclusion will be reached. For myself, in order to settle this question, I am willing, contrary to my convictions heretofore, to sign a report equalizing these salaries, putting up the salaries of some of the employés of the House, reducing possibly the salaries of other House employés, and making a reduction in the cases of many of the Senate employés, while possibly it might put up a few. Although this would be an increase of the salaries of a large portion of the employés of the House, (while in other cases there would be a reduction,) I am willing to settle this question in this mode to get away from the present method of legislation. I admit the force of the remark made by the gentleman from Nebraska [Mr. VALENTINE] a moment ago——

[Here the hammer fell.]

The CHAIRMAN. The *pro forma* amendment, as the Chair understands, is withdrawn. The question is now on the amendment of the gentleman from Kentucky [Mr. BLACKBURN] as modified.

Mr. HISCOCK. Has the amendment proposing to insert two months instead of one been withdrawn?

The CHAIRMAN. It has. The amendment stands now as modified upon the suggestion of the gentleman from Pennsylvania, [Mr. MILLER.]

Mr. HISCOCK. Fixing as the time the 15th of June?

The CHAIRMAN. The 4th of July.

Mr. HOLMAN. I desire to offer an amendment; but before doing so I ask that the original proposition as it now stands may be reported.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne upon the annual and session rolls on the 4th day of July, 1882, one month's extra pay as the compensation then paid them by law, which sum shall be immediately available.

Mr. HOLMAN. I rise to a parliamentary inquiry. Was not the amendment of the gentleman from Pennsylvania to include the Capitol police adopted?

The CHAIRMAN. It was ruled out on a point of order.

Mr. HOLMAN. Then the aggregate amount of this appropriation is not so large as I have stated it. I move to amend by adding to the amendment the following:

But this appropriation, amounting in the aggregate to $34,718.47, although a gratuity, shall not be subject to any political assessment to aid in the election of any person to office or to a seat in the Congress of the United States.

Mr. HISCOCK. I make a point of order on this.

Mr. SPRINGER. It is not subject to a point of order.

Mr. HOLMAN. It is a limitation upon this appropriation of money.

The CHAIRMAN. The Chair finds in the amendment no limitation on the expenditure, but simply a limitation on the use of the money after it is paid out. The point of order is sustained.

Mr. HOLMAN. I trust the Chair will submit this question to the committee.

The CHAIRMAN. The Chair is clear upon this point.

Mr. BLACKBURN. I desire that there may be no mistake. I think the gentleman from Pennsylvania [Mr. MILLER] and myself agree (and I am inclined to think the Chair agrees with us) that the date named by the gentleman from Pennsylvania by way of amendment was the 15th of June instead of the 4th of July.

The CHAIRMAN. What the gentleman from Pennsylvania offered is open to amendment.

Mr. MILLER. Make it read June 15 instead of July 4.

The CHAIRMAN. The Chair hears no objection, and the modification is agreed to.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. It is as to whether this proposition will cover that large body of laboring-men employed upon the Capitol grounds who receive comparatively very small compensation.

The CHAIRMAN. The Chair is not able to say who are borne on the annual or session rolls, never having had occasion to inquire into the matter, and having no person on either roll.

Mr. SPRINGER. I move to add to the amendment of the gentleman from Kentucky the following.

The Clerk read as follows:

Provided this clause shall not apply to any person who has not been borne on the rolls six months prior to the passage of this act.

Mr. SPRINGER. I do not think, Mr. Chairman, that persons who have been placed upon the rolls for a very short time should have this month's extra pay in addition.

Mr. MILLER. I hope that will not be agreed to.

Mr. HOLMAN. I do not know whether or not that is a proper provision, but I presume my friend from Illinois has offered it on the theory there are quite a number of men employed by the House, or which it is authorized to employ, for the number is daily increasing, who have been placed upon the rolls only for a short time, and that it is not proper they should receive back pay to the full extent of a month's compensation.

I rose for the purpose, however, of specially calling attention to the fact that this proposition does not apply, as I learn now, to any of the employés of the Government who are not receiving from $60 up to $300 per month compensation. The laboring-men around this Capitol receiving $1.25 per day are entirely overlooked, while to those who receive ample salaries and whom we meet daily in pleasant intercourse we are willing to make this gratuity out of the public Treasury. The laboring-men must toil on through the heats of summer without any extra month's pay, while we give it to those who have, as I have stated, ample compensation already.

Mr. SPRINGER. I will modify my amendment and make it three months.

Mr. SPRINGER's amendment to the amendment was rejected.

The question recurred on Mr. BLACKBURN's amendment as amended.

The committee divided; and there were—ayes 82, noes 10.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. BLACKBURN and Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 122, noes 24.

So the amendment as amended was agreed to.

The Clerk read as follows:

To pay Mrs. E. F. Conway, widow of the late Martin F. Conway, for expenses incurred by him in contesting for a seat in the Thirty-sixth Congress, $500.

Mr. HOLMAN. I make a point of order on that paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOLMAN. My point of order is that there is no law authorizing this appropriation of money. I see from the text that the claim is one which accrued in the Thirty-sixth Congress, some twenty-two years ago. It stands upon the footing of ordinary claims against the Government. I know of no law authorizing it.

The CHAIRMAN. The Chair is unable to hear the gentleman from Indiana, and the committee will come to order.

Mr. HOLMAN. After the division of the House, and while I was getting to my seat, the preceding paragraph of a similar character was passed by, and I should like to return to that.

Mr. HISCOCK. We would like to understand what it is the gentleman from Indiana is saying.

The CHAIRMAN. Gentlemen will resume their seats, and when order is restored the gentleman from Indiana will proceed. [After a pause.] The gentleman from Indiana will now proceed.

Mr. HOLMAN. My point is that if this is a claim at all, and I presume it is, it originated some twenty-two years ago, and is therefore a matter over which the Thirty-sixth Congress had proper and legitimate jurisdiction. There is no law in existence authorizing this appropriation of money.

If the gentleman from New York puts this case upon the ground that the general rule is to be adopted in all former election contests for seats in this House, when it was not the custom to make allowance to the contestant or contestee, we are to go back and make an appropriation therefor, if that is to be the general and absolute rule, then it presents an interesting subject of inquiry on the part of this House, and one manifestly regarded as new legislation. I remember this contest from Kansas very well. I had the honor to be a member of the House at the time, and what surprised me——

The CHAIRMAN. It is not necessary to debate the merits of the question, but gentlemen must confine themselves to the point of order. If the gentleman from Indiana will distinctly state his point of order the Chair will then hear the other side.

Mr. HOLMAN. My point of order is that there is no law authorizing this appropriation of money, that it is not authorized by any general or specific law.

The CHAIRMAN. Does any gentleman wish to be heard on the other side?

Mr. HISCOCK. No.

The CHAIRMAN. This is evidently in the nature of a claim not resting upon any law, and the Chair therefore sustains the point of order.

Mr. HOLMAN. I would be glad, Mr. Chairman, if permitted to do so, to reserve the point of order, in order to hear any statement that may be made in reference to this matter, as the facts of the case have passed from my recollection.

Mr. RYAN. If the gentleman will yield I will be glad to explain the circumstances.

Mr. BLACKBURN. Will the gentleman from Kansas allow me to say a word?

Mr. RYAN. Certainly.

Mr. BLACKBURN. I do not mean to complain of the ruling of the Chair; but I do mean to say that former Congresses, not once but twice, offered this sum of money to Mr. Conway and he indignantly refused to take it because he said it was a mere pittance, and not what was justly due him from the Government. He was, Mr. Chairman, subsequently unfortunate, lost his reason, and died in an asylum; and the present Committee on Appropriations saw proper to give to his widow, who has been left childless, the money that former Congresses offered to him.

Mr. HASKELL rose.

Mr. RANDALL. There is a law, if the Chair will permit me——

The CHAIRMAN. The Chair is now informed by the gentleman from Indiana that he will withhold the point of order.

Mr. RANDALL. I only desire to say that there is a law touching this subject.

The CHAIRMAN. The Chair is not now about to rule upon this question, having already done so, but simply desires, in view of what has now been stated by the gentleman from Indiana, to withdraw his decision also, the point being reserved, and the gentleman from Kansas is recognized.

Mr. RANDALL. The law provides that in cases of contest the sum allowed shall not exceed $2,000.

Mr. HASKELL. Mr. Chairman——

Mr. ATKINS. Will the gentleman yield to me for a moment?

Mr. HASKELL. I shall need all of the time, but yield for a question.

Mr. ATKINS. I only wanted to say to the gentleman from Pennsylvania that while he states the law correctly, it does not apply here, for the reason that this is a case which occurred prior to the passage of the law. It is an old case, as the gentleman from Pennsylvania will find by looking into it.

Mr. HASKELL. I want to state to the committee the facts in this case, since the point of order has been temporarily withdrawn.

Mr. HOLMAN. No; suspended only.

Mr. HASKELL. Well, it is withdrawn for the purpose of hearing an explanation as to this case. The member of Congress alluded to in this provision of the bill was the first Representative in Congress from the State of Kansas after its admission into the Union. He had a contested-election case, in brief, like other contested-election cases, and incurred expenses in connection with it. Very soon after his term expired or the contest was made he became insane, and for many years was an inmate of Saint Elizabeth's——

Mr. CALKINS. Will the gentleman permit me to make a slight correction? This was not a case of contest between individuals, but it was in the nature of a contest for a seat, and rested upon a question of law as to when the State of Kansas was entitled to admission.

Mr. HASKELL. Very well; I am not making that point. I am merely stating in outline the general features of the case.

But I desire to call the attention of the committee to the fact that before the claim was pressed to a conclusion, on whatever ground it was based, the man became insane and for many years was an inmate of Saint Elizabeth's Asylum. Recently he died. His widow from the date of his insanity up to the present time has been entirely dependent upon her own exertions for her support. She raised to young manhood two noble boys, and within the last two years she has seen both of them buried from her sight by disease, and just at the time when they had reached that age which would have enabled them to add something to the support of their mother. She has incurred debts which she must pay for the funeral expenses of her only children.

The sum of money designated by this bill is the sum allowed by two committees of this House for the expenses attendant upon Mr. Conway's contest for his seat, and would have been appropriated and paid but for his protest. Now, I want merely to say this, since it adds, as I hope it will, one scintilla of explanation of the equitable features of this case, that during all of his insanity, by the strange vagaries that rest upon the minds of insane people, this old claim formed the chief topic of his conversation, and to those who knew him this fact appealed very strangely to our sympathies as well as to our sense of justice.

I want to ask the gentleman from Indiana, therefore, since there are several of these claims, if he will not withdraw the point of order in this particular case in view of the circumstances which surround it?

Mr. HOLMAN. The facts of that case have now come to my mind, it being refreshed by my colleague from Indiana, [Mr. CALKINS;] and I think it is a reasonable ground for this appropriation. It was not a contest for a seat, but whether or not a man could be recognized as a member of the House until after the admission of the State which he claimed to represent into the Union. He was admitted finally, but not, of course, before the admission of the State. He was here for quite a long time pending the admission of Kansas into the Union, and I think it is a fair and equitable claim upon the Government for the time he was here waiting for his seat. Kansas came in under an enabling act; and while the subject is mentioned here as an appropriation as if it were a contest for a seat, it is really as has been stated by the gentleman from Kansas, and while perhaps the fact is quite immaterial as to the form in which the appropriation should be made, still it might be better to amend the phraseology of the paragraph to conform to the facts.

Mr. RYAN. The statement made by the gentleman from Indiana is quite correct in reference to the facts of this case.

Mr. SPRINGER. Let me say one word. This case came before the Committee on Elections of the last Congress. This gentleman was at that time an inmate of the Saint Elizabeth Asylum, near this city, but still not so far off in his reason as not to understand distinctly the nature of his claim. His contest here was for admission, not as against an individual, but for the admission of Kansas into the Union as a State. His claim was for $3,500 for the period from the time of his election to the time when the State was admitted into the Union. When the State was admitted into the Union and he took the oath he drew his pay from that time. But he insisted, having been elected, he was entitled to the $3,500 to cover the period during which he was here before taking his seat, having been elected by the people of his State when the enabling act was submitted to the vote of the people.

I felt a great sympathy for him and his distressed family. He was a man of marked ability when he first came to represent the State of Kansas on this floor. Having lost his reason, and being confined in an asylum for many years, he was unable to attend to the claim; but while still in the asylum he came before our committee, and we were moved by his own statement to make a recommendation in the last Congress of $500. When he came before the committee, and I told him the result of its deliberations, with an indignation worthy of a Roman senator he turned on his heel and walked out of the committee-room, saying he would not accept such a pittance from Congress. He was at that time an inmate of the asylum. This did not change my opinion in regard to his claim; and I hope this will be allowed to his widow.

Mr. HOLMAN. To avoid the effect of establishing a wrong precedent, as we cannot afford to go back and hunt up these cases of contest, I move to amend by striking out the words "in contesting for" and inserting in lieu thereof "before his admission to."

Mr. RYAN. We accept that.

Mr. ATHERTON. As I understand, it was a salary earned which ought to have been paid, although not allowed at that time.

The amendment was agreed to.

The Clerk read the following paragraph:

To pay to the legal representatives of the late Hon. Fernando Wood, a member elected to the Forty-seventh Congress, but who died before the time of its organization, $6,000.

To pay the widow and children of the late Hon. Evarts W. Farr, a member-elect to the Forty-seventh Congress, but who died before its organization, $6,000.

Mr. RANDALL. I ask to submit the amendment which I send to the desk to come in after the paragraph last read.

Mr. HOLMAN. I reserve the point of order on the paragraph last read.

The Clerk read the amendment proposed by Mr. RANDALL, as follows:

To pay to the widow of Carlile P. Patterson, late Superintendent of the Coast Survey, $6,000, equal to one year's salary, in recognition of the great and voluntary services rendered to the Government during the lifetime of said Patterson.

Mr. HISCOCK. I make the point of order on that amendment.

Mr. RANDALL. I hope the gentleman will withdraw it for a moment.

Mr. HISCOCK. I will reserve the point of order until the gentleman from Pennsylvania has been heard.

Mr. HOLMAN. I reserve the point of order on the paragraph last read.

Mr. HISCOCK. If there is a point of order reserved on the Farr paragraph, I reserve one on the paragraph preceding that.

Mr. ATHERTON. That is too late.

Mr. HISCOCK. I do not believe any one will make that point.

Mr. ATHERTON. I will.

Mr. ATKINS. Oh, no.

Mr. RANDALL. It has come to be the habit of Congress——

Mr. HISCOCK. Before the gentleman proceeds let us understand this about reserving the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] reserves the point of order on the paragraph last read.

Mr. HISCOCK. Then I reserve the point of order on the preceding paragraph.

The CHAIRMAN. In the absence of objection the point of order will be considered to be reserved as to both paragraphs.

There was no objection.

Mr. RANDALL. It has come to be the habit of Congress, as in this very bill, to make appropriations to the widows of deceased members of Congress, aggregating, $6,000, which is in excess of the amount allowed for one year's salary. In this amendment I propose that we shall appropriate to the widow of this public officer, $6,000, which is equal to his annual salary during life.

Mr. TOWNSHEND, of Illinois. What are her circumstances?

Mr. RANDALL. I will state the facts in a moment. The truth is, that the death of this officer can be almost directly traced to overwork and overzeal in the performance of his duties to the Government. I ask the Clerk to read two paragraphs which I have marked from the report on another subject in relation to this officer. He will find them on the first and second pages of the report.

Mr. HISCOCK. I insist on my point of order against the amendment.

Mr. RANDALL. The gentleman waived it to let me be heard.

Mr. HISCOCK. I thought the gentleman had closed his remarks.

Mr. RANDALL. I desire to incorporate this as part of my remarks, because it shows in language better perhaps than I can employ what I would like to have weigh with the committee in support of this amendment.

The Clerk read as follows:

The beneficiary, Eliza W. Patterson, is the widow of the late Carlile P. Patterson, Superintendent of the Coast and Geodetic Survey of the United States, who died suddenly in August last while in the performance of his duties as such officer. Captain Patterson had been connected with this branch of the public service for more than twenty years, during which period his service was distinguished by its great usefulness and the absolute fidelity with which he discharged all his functions.

The character of the service rendered by him deserves more than a passing mention. During and since the civil war he rendered important extra-official services to the Government for which no compensation was provided by law. During his connection with the Coast Survey, in addition to his constant labors in that department, he was made chairman of the commission to reorganize the revenue-marine service; a member of the commission to examine and test life-saving apparatus and appliances; of the board to prepare a plan for the improvement of the harbor of Washington; of the interoceanic canal commission; and of the Light-House Board; and was called upon for various minor services too numerous to recite.

Captain Patterson, equally with Professor Henry, is entitled to recognition for the great improvement in the public service above referred to, and for the very great economy in public expenditure which resulted from his long attention and great labor bestowed upon the question, not only increasing the efficiency of the service but resulting in a reduction of expenses exceeding a million and a half dollars. For all extra-official services above referred to no compensation was ever made to him by the Government. The pressure of all these duties and the constancy of his labor led to the absolute neglect of all private interests.

Captain Patterson left his family almost totally unprovided for and in great distress for the means of support, leaving also debts for even the necessaries of life. His death disclosed the fact that his entire assets left for the benefit of his family amounted to about $500, while the debts last above referred to far exceed that sum.

Mr. RANDALL. I appeal to the gentleman from New York [Mr. HISCOCK] not to raise a point of order on this amendment. I have offered it by instructions from a select committee appointed under the action of this House to consider the services of this officer.

Mr. HISCOCK. I must insist upon the point of order. At least a half dozen cases have been presented to the Committee on Appropriations that are equally meritorious with this, not more so perhaps, but not less so than this case. There is no law which authorizes the giving of a year's salary to the family of a deceased officer. There have been a number of deaths of persons in the diplomatic service——

Mr. McMILLIN. I desire to reserve the point of order.

Mr. HISCOCK. The gentleman need not give himself any trouble; the point of order will not be withdrawn.

Mr. McMILLIN. I beg the gentleman's pardon; I understood him to indicate that he would withdraw it. I was sitting back of him, and there was some confusion that prevented me from hearing with distinctness.

Mr. HISCOCK. I have indicated no such thing; I insist upon the point of order. As I started to say, a number of deaths have occurred in the diplomatic service and I know of no reason why this same provision should not be made for their families if it is made for the family of this officer. There is but one course for me to pursue, and that is to insist upon my point of order.

The CHAIRMAN. The Chair would be glad to learn from the gentleman from New York [Mr. HISCOCK] whether the principle involved in this amendment is not the same as that involved in preceding paragraphs in the bill for families of deceased members of Congress.

Mr. HISCOCK. I can only say this in reference to the preceding paragraphs, that possibly the same principle is involved. But there has grown up in the House a practice commenced certainly as early as the Forty-sixth Congress, for I then became familiar with it, of giving to the family of a deceased member who had been elected to Congress, though he never took his seat in it, the sum of $6,000 for—I will not say for what.

Mr. ATKINS. And in the Forty-fifth Congress.

Mr. HISCOCK. The gentleman corrects me; in the Forty-fifth Congress. That having been the practice, the Committee on Appropriations have not felt justified in departing from it. But points of order have been reserved upon these paragraphs. When the gentleman from Indiana [Mr. HOLMAN] made his point of order against the paragraph in relation to Mr. Farr, I then made a point of order against the paragraph relating to Mr. Wood.

Mr. RANDALL. I do not want this amendment mixed with the other two subjects.

Mr. HISCOCK. Whether the points of order would be good against those paragraphs, I will say that I believe it is good against this amendment.

Mr. BLOUNT. I desire simply to say that during the last Congress and during the preceding Congresses the House has ordered such sums to be put into the sundry civil appropriation bill. They never have been regarded as in order except when made so by order of the House. It was in that way, under a resolution of the House, that the family of Mr. Farr was paid for a part of the Congress in which he was serving at the time he died. And the resolution providing for paying his family his compensation related not only to that Congress but to the present Congress. It has never been held, however, that such propositions were in order, except as ordered by the House, and the Committee on Appropriations have acted under those orders of the House.

Mr. ATKINS. If the Chair will allow me just a word. I am per-

fectly familiar with the way in which these precedents grew up, for I myself had charge of the sundry civil appropriation bill in which the paragraphs were placed.

The gentleman from Texas, Mr. Schleicher, who represented the San Antonio district, died after his election to the Forty-sixth Congress, and died during the short session of the Forty-fifth Congress. As a matter of mere sympathy on the part of this House it was agreed to pay his family a year's salary.

Mr. Clark, of Iowa, died also about the same time, and my recollection is that he was not re-elected. But Mr. Schleicher was re-elected. And his family being here, his wife and ten children, two thousand miles away from home, this Congress voted $6,000 to his family. It also voted a sum for the family of Mr. Clark, of Iowa.

Mr. BLOUNT. And did it under a resolution of the House.

Mr. ATKINS. And did it under a resolution of the House.

Mr. HISCOCK. One word further in this connection. I desire to recur to the paragraph commencing with line 2032 in relation to the family of Mr. O'Connor. Though that paragraph has been passed, I ask that a point of order may be allowed to lie against it also.

Mr. TOWNSHEND, of Illinois. Let this point of order be decided first.

Mr. RANDALL. The committee has adopted that paragraph.

Mr. HISCOCK. I appeal to the gentleman from Pennsylvania that although that paragraph and the one in relation to Mr. Wood have been passed, and the point of order was not made against either, yet the moment that the paragraph was read providing for the payment of $6,000 to the widow and children of Hon. Evarts W. Farr the point of order was made against that clause. Now, I appeal to the gentleman in common fairness——

Mr. ATKINS. I think myself that the gentleman from New York [Mr. HISCOCK] is right.

Mr. TOWNSHEND, of Illinois. The Chair got unanimous consent for a point of order to be reserved against those paragraphs.

Mr. HISCOCK. Yes, against the paragraph in relation to Mr. Wood; but I desire to have it apply to all that class of cases in the bill.

Mr. RANDALL. I want it to be understood that I object to any point of order resting against anything which has been passed by the committee.

The CHAIRMAN. The Chair distinctly asked if there was objection.

Mr. RANDALL. And I objected.

The CHAIRMAN. But not at that time.

Mr. RANDALL. I could not hear what was going on owing to the confusion.

The CHAIRMAN. The Chair regrets that, but must keep the record correct.

Mr. HISCOCK. As I understand it now, by unanimous consent a point of order is allowed to be made against the clause commencing with line 2032.

The CHAIRMAN. The Chair has not disposed of the point of order.

Mr. RANDALL. I submit that two points of order cannot be entertained at the same time.

The CHAIRMAN. The Chair is entertaining no point of order except the one on the amendment offered by the gentleman from Pennsylvania.

Mr. RANDALL. How could we get back to another point of order?

The CHAIRMAN. Gentlemen are giving their views upon the point of order in their own way. The Chair will hear other gentlemen who may desire to be heard on the point of order.

Mr. McCOOK. I do not wish to be heard, but I would like to hear.

Mr. ROBESON. Mr. Chairman, I think it would not appeal to the good sense or good feeling of this House if the paragraph in regard to the legal representatives of Mr. O'Connor is allowed to go through without exception, it having been decided by a vote of the House that he was not elected to a seat; and yet——

Mr. TOWNSHEND, of Illinois. The gentleman is not speaking to the point of order.

The CHAIRMAN. The Chair is listening; the gentleman from New Jersey has not completed his sentence.

Mr. ROBESON. And yet to have the point of order pressed against similar claims in the cases of gentlemen who have been decided to be entitled to their seats, and against meritorious officers of this Government who have served it long and faithfully, who have sacrificed their lives in the diligent pursuit of duty, and an appropriation for whom is exactly in the line of precedent. I remember that when Professor Henry died there was adopted in behalf of his family a provision similar to this which is now sought to be offered in behalf of the much more dependent and much more needy family of Captain Patterson, who not only served this Government in a civil capacity but was a naval officer offering up his life as a stake in behalf of his country ever since his boyhood.

Mr. TOWNSHEND, of Illinois. The gentleman is speaking upon the merits of the proposition. I insist that he be confined to the point of order.

The CHAIRMAN. Of that the Chair must be the judge. The gentleman from New Jersey is speaking of a civil officer of the same class as these other persons who have been civil officers.

Mr. ROBESON. I wish to say that ever since Congress has taken control of these subjects, inasmuch as these salaries are fixed by law and subject to the action of Congress in the form of law, similar appropriations to this and for similar objects have been ruled in order over and over again in this House upon the ground that they were consistent with past precedent and present propriety.

Mr. BLOUNT. I wish to ask the gentleman before he takes his seat whether he knows of an instance where these propositions have been ruled in order by the Chair when the question has been raised.

Mr. ROBESON. I know that at the last session, in the very face of a law restricting appropriations by Congress for contestants in election cases to $2,000, this House, in more cases than one, voted an appropriation beyond that sum, against the protest of gentlemen of the Appropriation Committee.

The CHAIRMAN. If no other gentleman desires to speak the Chair will rule upon the point of order. The Chair is very anxious to adhere to a principle of action upon these questions. If he consulted the action of the Committee of the Whole yesterday in voting that it was in order to put upon the bill extra compensation for which no provision of law whatever existed, he would be very much embarrassed in ruling this amendment out of order. That question, however, was determined by the committee, not by the Chair. So far as the Chair is called upon to determine points of order, he desires especially to adhere to a principle that shall guide him throughout the bill.

He regards this amendment (and he says this rather by way of notice than otherwise) as resting on the same principle of compensation to a civil employé of the Government not provided for by existing law as several items found in the bill and yet pending. The only question with the Chair is whether he ought not to take the rule to be settled by the Committee of the Whole in all these cases instead of deciding himself upon a general view which he would be obliged to apply in turn to all matters of this kind.

The Chair is therefore inclined to submit this question to the committee, if there is a difference of opinion as to what he has stated—that the cases rest on the same principle. The Chair will therefore submit——

Mr. McCOOK. I suggest that the amendment be read, so that the Committee of the Whole may fully understand it.

The Clerk read as follows:

Insert as an independent paragraph, after line 2045, these words:

To pay to the widow of Carlile P. Patterson, late Superintendent of the Coast Survey, $6,000, equal to one year's salary, in recognition of the great and voluntary service rendered to the Government during the lifetime of said Patterson.

Mr. TOWNSHEND, of Illinois. The point of order, I understand, is still pending and debatable?

The CHAIRMAN. It is still pending.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, about the only soldier, I believe, who is not at this moment on the pension-roll is a man who lost both his arms while engaged in the military service of the Government. He has not yet been granted a pension, although I appealed to the committee——

A MEMBER. That is not on the point of order.

Mr. TOWNSHEND, of Illinois. Now, I wish to say, on the point of order, it strikes me before we take up these civil employés and place them on the pension list we should dispose of the case of that poor old soldier——

The CHAIRMAN. The Chair must direct the attention of the gentleman to the point of order.

Mr. TOWNSHEND, of Illinois. Then upon the point of order I wish to say that if this point is to be overruled, it simply opens up the civil list of the Government for pensions or bounties. The gentleman in whose behalf this amendment is offered enjoyed for years a large salary with the perquisites attached to his office, and I understand he had accumulated from this source quite a large fortune.

The CHAIRMAN. The gentleman is not speaking to the point of order.

Mr. HISCOCK. I think he is, Mr. Chairman, and I trust if the point of order in this case is to be overruled that before that is done the gentleman shall be permitted to state the principle which it is proposed to put on this bill by this amendment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. TOWNSHEND, of Illinois. This officer, Mr. Chairman, has been enjoying large salary and perquisites as well as high honor at the expense of the people for very many years.

The CHAIRMAN. The Chair begs the gentleman not to trifle with the point of order, as he is detaining the business of the House, and the Chair will not hear him unless he confines himself to the point of order.

Mr. TOWNSHEND, of Illinois. The Chair listened to the gentleman from New Jersey, who did not reach the point of order as nearly as my remarks do. I desire to contrast the principle governing this case and the principle governing the cases of deceased members of Congress. I desire to say, Mr. Chairman, that in the case alluded to of the widow and children of Hon. M. P. O'CONNOR, that a resolution was passed by the House on that matter during the Forty-sixth Congress.

A MEMBER. That has nothing to do with this.

Mr. TOWNSHEND, of Illinois. There was action by that Congress authorizing an appropriation for the widow and children of

Mr. O'CONNOR like that which is contained in this bill. There was a law, therefore, which warranted the Committee on Appropriations in placing that item relating to the widow and children of Mr. O'CONNOR in this bill. But in this case suggested by the amendment there is no resolution and no law whatever authorizing it. It is a new proposition and does change existing law, for this man's salary expired at the time of his death. You cannot increase the salary or make this allowance without changing the law and making an entirely new law.

And where is the member of Congress will insist such an amendment is in the line of retrenchment. It is not in the line of retrenchment. It is a change of law, and not retrenching expenditure must be ruled out of order. If this House shall hold that the point of order is not well taken, then I shall insist, as we are simply opening up the entire civil list of the Government to pension, that that shall not be done until this poor soldier who is armless to-day, with a growing family to support, five or six children dependent on him, his family increasing, I am sorry to say, while his pension case still remains before the Committee on Pensions in this House. I say I shall insist that the case of John B. Tucker shall first be provided for, and the pension which he is entitled to shall be granted to him.

Mr. HOLMAN rose.

The CHAIRMAN. The Chair does not think it proper to continue debate on the point of order.

Mr. HOLMAN. I hope the point will be made distinctly that it is controlled by the third clause of the twenty-first rule of the House, and that under that rule this amendment is out of order.

Mr. ATHERTON. I wish to make a suggestion to the committee that this is not determined by any former precedent from the fact the effort is not to give an officer a sum of money, but to give to a member of his family a sum of money and to one who never rendered any service to the Government. Therefore it could not be governed by any such rule mentioned for the purpose of justifying a sum to be given to an officer who had relations with the Government.

Mr. RANDALL. The practice of the House has been uniform as to deceased members.

Mr. HISCOCK. We can continue this debate by unanimous consent, and I have heard no objection to that being done. It is too serious a matter to be passed over without being understood by the House.

The CHAIRMAN. The Chair will now submit the question to the committee.

Mr. HISCOCK. We wish the committee shall understand the question before it is submitted.

The CHAIRMAN. The Chair understands the wish of the House to be that debate on the point of order shall be closed.

Mr. HISCOCK. Does the Chair object when no member on the floor objects to the continuance of the debate?

The CHAIRMAN. When enough has been said on the point of order, the Chair states that fact to the House.

Mr. HISCOCK. That is, when the Chair proposes to decide himself, but now the question of order is submitted to the House.

The CHAIRMAN. If the gentleman desires to prolong the debate and that is the wish of the committee the Chair has no objection.

Mr. HISCOCK. I see my colleague from Illinois on the Committee on Appropriations upon the floor, and I propose he shall be heard on this question.

The CHAIRMAN. If the committee makes no objection the gentleman from Illinois will be heard.

Mr. CANNON. I will not detain the committee but a minute, and I wish to say, as this is submitted to the committee to decide, I think it is competent at least the committee should understand the full scope of the point of order, and without reference to the merits of the amendment. I will not discuss them at all.

The establishment of the precedent here proposed demands the careful attention of the committee. What is it that is proposed? Without law, without resolution of the House, by amendment to an appropriation bill, in opposition to the rule, to insert a provision giving $6,000 to a party who does not now come within the scope of the law. It is that, pure and simple; and if the committee shall hold it is in order, then we establish a precedent which makes it competent to amend this bill and to include every man, woman, and child to the extent of fifty millions of people so far as the point of order is concerned.

It may be that upon the merits I would have a very great deal of sympathy with this proposition; but we cannot afford in this manner to make a precedent; and as the Chair has seen proper to submit the point of order to the decision of the committee, I hope when that presentation is made they will deal with it in such a manner as to establish no such precedent, but that it will be determined in accordance with the rules of the House and in the interest of sound legislation and administration.

Mr. HISCOCK. If in order, Mr. Chairman, as a further reason in support of the point of order, I desire to call attention to the fact that a bill, as I am informed, is now upon the Speaker's table from the Senate giving this same sum, and I am glad the gentleman from Illinois has called my attention to it. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. I hope the Chair will look at that bill and see if it is one that embraces the same subject-matter.

The CHAIRMAN, (after examining the bill). The Chair is unable to find anything in this bill which bears upon this question.

Mr. SPRINGER. What is the bill?

The CHAIRMAN. This bill which has been handed to the Chair is one which relates to the remission of certain taxes upon real estate.

Mr. RANDALL. I do not see why that should be presented in support of the point of order.

Mr. SPRINGER. It is not the mistake of the gentleman from New York, who called attention to it. It was an inadvertence on my part.

The CHAIRMAN. Irrespective of his own opinion, and because of the identity of the provision here with other clauses of the bill, the Chair has stated that he was unwilling to take the responsibility of determining the point of order, which would oblige the Chair to adopt the same course with reference to other provisions of the bill; and therefore prefers to submit it to the judgment of the committee. Shall the point of order be sustained?

The point of order was sustained.

Mr. RANDALL. Now I ask to modify my proposition in a manner that I think will be acceptable, by providing that the amount of money to be paid to the widow in this case shall be the unpaid balance for the fiscal year from the date of his death.

Mr. HISCOCK. I cannot consent to that.

Mr. RANDALL. Then I withdraw it.

Mr. HISCOCK. I ask unanimous consent now that I shall be allowed to enter the point of order upon the previous provision of the bill which has been passed——

Mr. RANDALL. That I object to.

Mr. McCOOK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCOOK. I desire to ask if the point of order has been made against that portion of the bill which makes provision for the payment of the widow and children of the late Mr. Farr, of New Hampshire, and not against the appropriation for the payment to the heirs and legal representatives of Mr. Wood and Mr. O'Connor.

Mr. ATHERTON. That provision has been passed over.

The CHAIRMAN. The Chair will answer the gentleman from New York that the Clerk had read to the end of line 2045, when the gentleman from Indiana on the right [Mr. HOLMAN] reserved the point of order against that clause touching the payment to the widow and children of Mr. Farr. Thereupon the gentleman from New York, the chairman of the committee, rose and stated that he would reserve the point of order in that case against the previous paragraph touching the payment to the representatives of the late Mr. Wood. The Chair thought he was too late to make the point after the paragraph had been passed, but said it would be entertained without objection. Objection was asked for and none was made. Therefore the Chair regards the points of order to be reserved upon both of these paragraphs. That is the present condition of both of them. Now the Chair entertains the point of order made by the gentleman from Indiana, and recognizes the gentleman upon the point of order.

Mr. HOLMAN. At the time that I made the point of order upon this paragraph I was not, in the confusion prevailing in the committee, aware of the fact that the first of these paragraphs had been submitted to the committee and passed, or I should have felt compelled to apply it to all of them, and not to one to the exclusion of the others. I was glad, however, to observe that the mistake was corrected by the unanimous consent of the committee.

My point of order is this, that there is no law authorizing this appropriation of money. The Chair of course would not be willing to hear me upon the question of policy involved here, and I am content to put the proposition upon the point of its exclusion by the third clause of the twenty-first rule of this House, namely, that there is no law authorizing its expenditure.

The CHAIRMAN. The Chair will hear gentlemen upon the other side on the point of order.

Mr. HISCOCK. I desire to make a parliamentary inquiry. Is it in order now to move to reconsider the vote upon the proposition as to the widow and children of Mr. O'Connor and providing for the payment to them?

The CHAIRMAN. That could only be done by unanimous consent. There is no reconsideration in the Committee of the Whole.

Mr. RANDALL. I object to that.

Mr. HISCOCK. Then I give notice that I shall move when this bill comes before the House to amend it by striking out that clause.

Mr. SPRINGER. Mr. Chairman, I understand the point of order upon this clause with reference to Mr. Farr has been withdrawn.

The CHAIRMAN. The Chair has no such intimation.

Mr. SPRINGER. I desire to ask who made the point of order upon that?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point of order now upon that paragraph relative to the payment to the representatives of Mr. Farr as not being in pursuance of existing law and not authorized under the rules in this bill.

Mr. SPRINGER. I hope the gentleman from Indiana will withdraw that point of order so that all of these may be placed upon the same footing. No gentleman here I am sure desires to apply the restriction to one case which he would not apply to all of the others.

We must treat all alike or do nothing, and I will vote, however much against my feelings, to strike out the appropriation for the widow and children of Mr. O'Connor, unless the others come in which are of equal merit and rest on precisely the same foundation; although it would be one of the things I would most regret in my official life, in regard to my fellow-members in the past, if I were to vote to strike out the appropriation in the O'Connor case.

Mr. ATKINS. I appeal to the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] to let all these three appropriations be on a footing. I do not think we can make flesh of one and fish of another.

Mr. MILLER and Mr. RANDALL rose.

The CHAIRMAN. The gentleman from Pennsylvania on the left [Mr. MILLER] is recognized.

Mr. MILLER. I trust that this point of order which has been made by the gentleman from Indiana [Mr. HOLMAN] will not prevail. I call his attention that in lines 2032, 2033, and 2034 an appropriation is made of $4,637.13 to the widow and children of M. P. O'Connor, who was returned as elected from the second South Carolina district. I was solicited to offer an amendment to strike that provision out of the bill on the ground that Mr. O'Connor not only never took his seat but that he died on the 26th of April, 1881, and that a committee of this House found that he never had been elected. I find, on an examination of the records of the office of the Sergeant-at-Arms, that Mr. O'Connor drew $731.87; that Mr. Dibble, who claimed to have been elected as his successor, drew as mileage $266.80, and drew as salary $5,485.45. That is to say, these two gentlemen, who claimed seats as Representatives on the other side of this House, from whence comes this objection, have drawn as salary and mileage, including the amount in the bill, $11,121.25; and yet a committee of this House found as a fact, which finding has been ratified by a majority of this House, that neither O'Connor nor Dibble was entitled to a seat.

The paragraph appropriating this amount to Mrs. O'Connor has been passed over and has been approved and that amount of money is appropriated to the widow and children of Mr. O'Connor. If it is without law, certainly the gentlemen on that side who make the objection will by unanimous consent agree that the committee shall go back to line 2032 and strike out the appropriation for the widow of a gentleman who never was elected and never was entitled to a seat.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MILLER] will please confine himself to the point of order.

Mr. MILLER. I will do so. Out of regard to the fact that this was an appropriation to a woman and a widow, and in accordance with precedents, I refuse to offer the amendment, and I trust that the other side of this House will show themselves as magnanimous and gallant to the widow of a man who was elected as they have shown themselves magnanimous and gallant to the widow of one who was not.

Mr. RANDALL. In answer to the appeal of the gentleman from Tennessee [Mr. ATKINS] I want to say I have objected to none of these items, and raised no point of order. Those items, however, were passed, they were adopted by the committee, and, as was my privilege, I objected to going back.

Mr. BLOUNT and Mr. BRIGGS rose.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is recognized.

Mr. BLOUNT. I desire, if permitted, to make an appeal to my friend from Indiana [Mr. HOLMAN] and also to make a statement of fact in reference to the case of Mr. Farr. I had charge of the sundry civil bill during the past Congress and in the case of Mr. Schleicher we had provided for the payment to his representatives of his salary in the Congress in which he was serving when he died, and had also provided for the payment of the salary which he would have had if he had lived to serve in the Congress to which he was elected. When the case of Mr. Farr came up a similar principle by general consent was considered as proper to be applied. When the bill came to be made up as to Mr. Farr's case some question was raised as to whether or not it were not better to provide in that bill for the balance of that Congress and let this Congress provide for the present one. That was stated in the House and it seemed to be universally assented to.

Mr. Farr, as known to many of us, was a Federal soldier who discharged his duties in our midst with an empty sleeve, having lost his arm in battle. His widow was here, poor, with little children, without any means of support, appealing to the sympathies of members on either side of this House, and not in vain; and I trust that the feeling which then encouraged her will not be wanting now. I appeal to my friend from Indiana [Mr. HOLMAN] to withdraw the point of order in this case.

Mr. RANDALL. I desire to indorse every word the gentleman from Georgia has uttered, and join in his appeal.

Mr. BRIGGS. My object in addressing the Chair when the gentleman from Georgia was recognized was simply to state the facts in relation to the condition of my deceased colleague's family. As the gentleman from Georgia has stated, Mr. Farr was a gallant Union soldier. He lost his arm at the battle of Williamsburgh. He died leaving no estate. He left a widow and three small children, the oldest of whom to-day is sick, and according to the latest reports I have from the physician is probably sick with consumption from which he cannot possibly recover.

Now, under these circumstances I ask the gentleman from Indiana, after he has allowed the proposition to pay the heirs of Mr. O'Connor, after he has allowed the proposition to pay the heirs of Mr. Fernando Wood, $6,000 in each case, to withdraw the point of order and let this widow and these three children of a dead Union officer receive this money which they actually need for their support and their sustenance.

Mr. HOLMAN. I desire to state as clearly as I can—it is a point too clear to discuss—that the committee cannot afford to discriminate between these three cases. They stand for all practical purposes on the same common principle, and if one is allowed, of course the others ought to be. This committee cannot afford to act unjustly by making discriminations between these three cases.

When the division of the committee took place I was acting as one of the tellers. Before I could return to my seat and look at the bill the paragraph now pending had been reached, and I made the point of order on it, as I had intended to do on the two preceding paragraphs. But I will not consent that by any point of order I may make there shall be a discrimination between these three cases.

I insist, however, that upon considerations of high public policy Congress should not enter upon this practice of making appropriations such as are contained in these three paragraphs. I cannot see upon what principle they can be sustained.

As I understand, the practice never obtained until the Forty-sixth Congress; it was not the practice, so far as I am aware, of any preceding Congress. I do not think we can fairly and justly take money from the public Treasury for such purposes however meritorious the cases may be, and I have no doubt this case is a meritorious one, without some underlying principle of public policy that will justify it. I can find none here. I do not, therefore, feel justified in withdrawing the point of order; but I will not retain it in such a manner as to allow a discrimination to be made between these three cases.

Mr. RANDALL. That is just the appeal I was going to make to the gentleman. A point of order against the Farr paragraph would be a discrimination.

Mr. HOLMAN. I could not consent to that discrimination. I ask, therefore, that for the present these three paragraphs be passed over.

The CHAIRMAN. If a point of order is pending it must be determined.

Mr. BLACKBURN. I feel that a statement is due to the gentlemen who constituted the sub-committee of the Committee on Appropriations that made up this appropriation bill. In the discussion of this paragraph the gentleman from Pennsylvania [Mr. RANDALL] has seen proper to refer to another and a preceding paragraph, as he had a perfect right to do. I mean the O'Connor appropriation. I want to deal fairly in this matter. I want to indorse every word that the gentleman from Georgia [Mr. BLOUNT] and the gentleman from New Hampshire [Mr. BRIGGS] has said about this case; for I know it is all true.

In the Forty-fifth Congress two members of this House died. One was from the State of Texas and one was from the State of Iowa. The Committee on Appropriations recommended, and the House adopted its recommendation, an appropriation of the sum of $6,000 to the respective families of the deceased members.

We came to this case; and we now ask the House to do precisely what was done in the other cases. I want to say for the gentleman from New York, [Mr. HISCOCK,] the chairman of the Committee on Appropriations and the chairman of the sub-committee on this bill, and the gentleman from Ohio, [Mr. BUTTERWORTH,] who with myself constituted that sub-committee, that when we reached the O'Connor case, in view of the contest over his seat and the vote that the House had recently taken declaring that he was not elected to a seat in this House, they directed me to examine into the matter and satisfy myself as to what amount of money ought to be given to the family of Mr. O'Connor; not to report it to the sub-committee at all, but to report it to the clerk of the committee with instructions to write it in the bill. They did not make it a matter of cavil; they left it to me.

This is what I did: I took the amount of his salary for one year and added to it the amounts for stationery and mileage, and deducted from the sum every dollar of pay which he had received as a member of this House. That action I reported to them, although they told me to report it to the clerk and write it in the bill. And the fairness which they exhibited in the matter I am sure will command the esteem and the respect of everybody here.

Now, in Mrs. Farr's case we have not proposed to do a whit more than we did in the case of the family of Mr. Clark, of Iowa, and the family of Mr. Schleicher, of Texas. Those were the precedents which the committee undertook to be guided by. I did think, and I think now, that it will be difficult to imagine a case in which you should follow a liberal precedent that will command more regard than the one which we are now considering. The condition of the family is stated——

Mr. HOLMAN. Mr. Chairman——

Mr. RANDALL. I want to appeal to the gentleman from Indiana——

Mr. BLACKBURN. In common fairness I do say that if the widow

and children of the dead member from New Hampshire are to be denied the provision made in this bill for them it seems to me to be but fair that we should go back and strike out what we have done for the family of the dead member from South Carolina.

Mr. HISCOCK. I desire to give notice——

Mr. HOLMAN. One moment.

Mr. HISCOCK. I will hear what the gentleman has to say.

Mr. HOLMAN. I wish to ask unanimous consent that upon the withdrawal of the points of order, both the one reserved by the gentleman from New York [Mr. HISCOCK] and the one reserved by myself, a vote may be taken in the House on these three propositions.

Mr. RANDALL. We will agree to that.

Mr. HOLMAN. I wish them all to stand on exactly the same footing. I do this in view of the possible injustice that may be done growing out of the point of order being made so late, from a misapprehension.

The CHAIRMAN. The committee cannot control the action of the House, but an understanding may be entered into.

Mr. SPRINGER. The House always carries out these understandings; there is no trouble about that.

Mr. HISCOCK. I feel that I am justified in binding this side of the House that we will consent that a vote be taken in the House in each case.

Mr. MILLER. On the case of Mrs. O'Connor as well as the others?

Mr. HOLMAN. Putting them all on the same ground.

The CHAIRMAN. The Chair deems it wise that either the gentleman from Indiana [Mr. HOLMAN] or the gentleman from New York [Mr. HISCOCK] should state in distinct phraseology what the understanding is.

Mr. HISCOCK. The understanding is that there shall be a separate vote upon each of the three paragraphs.

Mr. RANDALL. No; not on each, but a separate vote on all.

Mr. HOLMAN. No; a vote on each.

The CHAIRMAN. This indicates the propriety of the suggestion of the Chair.

Mr. RANDALL. They are all on the same basis, and let them be settled by one vote.

Mr. HISCOCK. I will consent that there shall be one vote upon all three.

Mr. HOLMAN. I prefer (and I trust the gentleman from New York will consent to this) that a vote be taken separately on each proposition.

Mr. HISCOCK. I understand the proposition of the gentleman from Indiana is that there shall be a separate vote upon each.

Mr. ROBINSON, of Massachusetts. I do not think it will make any difference whether the vote be taken on these items separately or together; for I believe, without regard to sides in this House, there are very few men here who will not vote squarely, honestly, and justly in regard to these cases, whatever the position of the man may have been when he was alive and a member of this House.

Mr. HISCOCK. Then the understanding is that there shall be a separate vote on these three propositions, wherever called for a separate vote.

Mr. MOULTON. Then we will vote them in ten to one.

The CHAIRMAN. The Chair will state what is to go upon record as the understanding of the parties, namely, that a vote may be taken upon demand in the House upon the question of striking out these three propositions, either together or separately.

Mr. HENDERSON. I offer an amendment, to take the same course as the other three items.

The Clerk read as follows:

Insert as a new paragraph, after line 2045, the following:

"To pay the widow and children of Hon. Robert M. A. Hawk, deceased, the sum of $3,925.60, amount of salary for the unexpired term of his service as a member of the Forty-seventh Congress."

Mr. HENDERSON. I offer this to take the same course as the others.

The question being taken on the amendment of Mr. HENDERSON, it was agreed to.

The Clerk read as follows:

To James Gillette, $1,500; Thomas H. Herndon, $1,500; William C. Oates, $676.45; to the widow of James Q. Smith, $1,500; E. C. V. Blake, $500; Joseph Wheeler, $2,000; Jesse J. Finley, $2,000; B. H. Lanier, $1,000; J. Floyd King, $1,500; Charles M. Shelley, $2,000; Alexander Smith, $500; Edward W. Robertson, $500; George M. Buchanan, $2,000; Van H. Manning, $2,000; John R. Lynch, $2,000; James R. Chalmers, $2,000; Edward W. M. Mackey, $2,000; to the heirs of M. P. O'Connor, $1,000; Samuel Dibble, $1,000; Carlos J. Holbrand, $1,000; D. Wyatt Aiken, $1,000; Horatio Bisbee, jr., $2,000; George Q. Cannon, $2,000; Allen G. Campbell, $2,000; J. S. Barbour, $500; G. W. Witherspoon, $1,000; R. H. M. Davidson, $1,000; W. M. Lowe, $2,000; Paul Strobach, $2,000; Hilary A. Herbert, $2,000.

Mr. RANDALL. I wish to offer an amendment to correct the text.

Mr. CALKINS. I arose for the same purpose.

Mr. RANDALL. I wish to say that James Gillette, named in this paragraph as a contestant, I knew as a boy in Philadelphia, where he was born.

The CHAIRMAN. There is no motion pending.

Mr. RANDALL. I move, as Mr. Gillette is dead, to insert "the administrator of."

Mr. CALKINS. Let me suggest that the amendment be "the widow of."

Mr. RANDALL. Very well.

The CHAIRMAN. If there be no objection, that amendment will be adopted.

There was no objection.

Mr. CALKINS. I am authorized by the Committee on Elections to offer certain amendments to this paragraph. Since this and the following paragraph were inserted in the bill several cases spoken of in the next paragraph as undetermined have been determined by the committee. I therefore desire to move, by direction of the Committee on Elections, amendments allowing the full amount in these cases.

Mr. ATHERTON. Should not these amendments come in connection with the next paragraph?

Mr. CALKINS. No, sir; the gentleman will see that the introductory words of the next paragraph are:

And the following-named persons, on account of expenses incurred by them in cases still undetermined.

The cases for which I desire to provide by way of amendment have now been determined, and consequently provision should be made for them in the paragraph now pending. I will indicate the amendments to the Clerk:

Add to the pending paragraph: "Samuel Lee, $2,000."

The CHAIRMAN. If there be no objection, this amendment will be considered as adopted. The Chair hears no objection.

Mr. CALKINS. I also move to add:

John S. Richardson, $2,000.

The CHAIRMAN. Is there objection to this amendment?

Mr. PAGE. Let the amendments all be offered before the vote is taken. The gentleman is not perfecting the text, but offering additional amendments.

The CHAIRMAN. If there be no objection the gentleman will offer them all as one amendment. The Chair hears no objection.

Mr. CALKINS:

John S. Richardson, $2,000; Robert Smalls, $2,000; George D. Tillman, $2,000.

And then, not under instruction of the committee, but as an amendment offered by me personally, I move——

The CHAIRMAN. The Chair suggests to the gentleman to reserve that.

Mr. CALKINS. Very well, I will do so.

Mr. STEELE. I have an amendment to offer to the paragraph.

The CHAIRMAN. Points of order to the amendment moved by the gentleman from Indiana, the Chair understands, have been withdrawn. The Chair will further suggest that the question be put first on the amendment suggested by the chairman of the Committee on Elections.

Mr. BLOUNT. I wish to ask a question of the gentleman from Indiana.

Mr. CALKINS. Certainly.

Mr. BLOUNT. I desire to know whether these amounts have been audited, and that these are the results of that audit, and furthermore whether they conform to the law and do not exceed $2,000 in any case?

Mr. CALKINS. They have been audited. Vouchers have been filed and the parties have made affidavits to the correctness of the accounts.

Mr. BLOUNT. And none exceed $2,000?

Mr. CALKINS. Yes, sir; not one is over $2,000.

Mr. HOLMAN. I wish to know whether quite a number of these cases where allowance is made are not pending and undisposed of?

Mr. CALKINS. They are pending in the House, but the committee has disposed of all but Lee and Richardson, which are disposed of practically. So that the contestant and contestee, so far as they are concerned, have nothing further to do.

Mr. HOLMAN. My colleague, chairman of the Committee on Elections, will say whether or not they are acting on the principle that each one of these contestants and contestees, whether he has merit in his case or not, is to receive $2,000 each out of the public Treasury.

Mr. CALKINS. I will state that the Committee on Elections in passing on each one of these accounts necessarily had to determine the question whether the contest had been instituted in good faith and carried on in good faith, and whether there was ground for such contest. I may say, without violating any of the secrets of the committee, some of the members of the committee do not agree with the majority of the committee in some of the cases; but in the cases where the recommendation has been made it has been made by the majority of the committee. They of course have passed on these questions.

Mr. HOLMAN. Does the gentleman think that where a party brings a contest for a seat in this House and fails in that contest he is entitled to receive $2,000 from the public Treasury?

Mr. CALKINS. That question is no longer open to serious discussion.

Mr. HOLMAN. It is entirely a new doctrine.

Mr. CALKINS. I remind my colleague from Indiana that since the law was changed, and I believe it was changed in 1852–'53, such allowance has been made. The expenses up to that time had always

been paid by Congress out of the contingent fund of the House. The members then received a per diem compensation. In 1852–'53, up to which time the expenses of contestants and contestees, as I have said, had been paid out of the contingent fund of the House, a law was passed by which no expenses were to be paid unless by appropriation; or, rather, the law declared that these expenses should not be paid out of the contingent fund of the House. From then until the present time Congress has been making specific appropriations for paying contestants and contestees in cases recommended by the Committee on Elections.

Mr. HOLMAN. Were there any cases pending before the committee where allowances are not recommended?

Mr. CALKINS. Oh, yes.

Mr. MOULTON. Lots of them.

Mr. SPRINGER. Are not these cases so far disposed of that no action of the House will change the liability of the Government to pay these men?

Mr. CALKINS. That is it exactly.

Mr. SPRINGER. It does not matter what may be the action of the House on these cases, we will be liable to pay them this sum.

Mr. CALKINS. I take that suggestion as a statement of the exact condition of affairs. On every one of these cases the questions raised by my colleague from Indiana have been passed upon by the committee.

Mr. SPRINGER. Now, in reference to the statement of the honorable gentleman from Indiana, that an unsuccessful contestant ought not to be paid his expenses, I must dissent and take issue with him from the fact that it often happens by reason of the party bias of the House at a particular time a most meritorious case is rejected and a person allowed to get a seat who ought not to get it.

Mr. HOLMAN. Does the gentleman say that our legislation should be predicated on any such presumption? Does he hold that where there is an unsuccessful contestant the party who makes that unsuccessful contest is entitled to be compensated for his expenses out of the Treasury? To adopt any such rule would invite contests almost in every case.

Mr. CALKINS. Up to that time these expenses were always paid out of the contingent fund.

Mr. HOLMAN. During a very large part of the time nothing at all was paid. This is a modern invention.

Mr. SPRINGER. I recognize the fact the gentleman states, but I insist that the right of representation is so sacred that this House should by all means in its power give permission to the poorest man in the land to assert his right and title to a seat on this floor.

Mr. CALKINS. Mr. Chairman, a single word. I desire to remind my colleague that in almost every State in this Union the State Legislatures have adopted the same rule applied by Congress to contested elections, of paying the expenses of the contest.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The amendment was agreed to.

Mr. CALKINS. I now move, in line 2063, a formal amendment to correct an error in a name. It is printed in the bill Edward W. M. Mackey. It should be Edmund.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. CALKINS. I also ask to make a correction in line 2065. Carlos J. Holbrand should be Carlos J. Stolbrand.

The amendment was agreed to.

Mr. CALKINS. I now offer the following amendment in my own right, and not by direction of the Committee on Elections; and ask that it be inserted at the end of the amendments which have been adopted.

The Clerk read as follows:

To Thomas J. Reed, $2,000; Samuel J. Anderson, $2,000.

Mr. CALKINS. I want to state, Mr. Chairman, briefly in connection with this amendment, that this case has been also heard and probably determined, I do not know about that, but heard at all events, and since this bill was reported to the House, or it would have been put upon it before. I make the amendment in justice to these gentlemen.

Mr. ATHERTON. Should not a similar provision be made in favor of Mr. Stoval and Mr. Cabell?

Mr. CALKINS. Yes, sir; I am going to offer an amendment for that purpose.

Mr. BLACKBURN. I desire to ask the gentleman from Indiana whether any conclusion was reached or any provision is to be incorporated in the bill for the payment of Mr. Cannon, of Utah, up to the time his seat was declared vacant?

Mr. CALKINS. That has already been disposed of by the House, the gentleman will find.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana, which has been read.

The amendment was agreed to.

Mr. CALKINS. I desire to add another amendment, and state that I will move to strike out where it appears in this paragraph the amount appropriated to Mr. Stoval and Mr. Cabell, and offer the amendment which I send to the desk.

The Clerk read as follows:

To J. T. Stoval, $2,000: George C. Cabell, $2,000.

Mr. SPRINGER. That is instead of the $1,000 in the bill?

Mr. CALKINS. Yes, sir.

The amendment was agreed to.

The CHAIRMAN. Does the gentleman from Indiana desire to offer any further amendment to the bill?

Mr. CALKINS. That concludes what I desire to offer, but I give notice that I will move to strike out of the bill the amounts for which provision has been made by these several amendments.

Mr. THOMPSON, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 2070, after the word "thousand," the words "five hundred;" so that it will read: "to J. W. Witherspoon, $1,500."

Mr. CARLISLE. I desire to say if this amendment is adopted that I propose to offer an amendment increasing the appropriation in favor of Mr. Davidson to $1,260, for which he has filed vouchers before the committee.

Mr. THOMPSON, of Iowa. There is no objection whatever to that.

Mr. HISCOCK. I ask that the proposed amendment be reported.

The amendment was again read.

Mr. SPRINGER. I desire to ask the gentleman from Iowa whether the gentleman for whom this increased appropriation is proposed to be made has filed the vouchers in accordance with the law for this additional amount?

Mr. THOMPSON, of Iowa. The amount is shown to have been expended. He has made the statement and filed the vouchers.

Mr. SPRINGER. The gentleman is explaining the fact.

Mr. THOMPSON, of Iowa. Yes. I say the statement has been made, and is shown both by the contestant and the contestee, Mr. Witherspoon and Mr. Davidson, that the expenses have been much more than the amount allowed here in the bill.

Mr. SPRINGER. I make no objection, then.

Mr. MOULTON. I understand that this $500 was not allowed by the committee, and that after an investigation they decided to allow only $1,000?

Mr. THOMPSON, of Iowa. Yes.

Mr. HISCOCK. Mr. Chairman, I desire to inquire if the amount in the bill, $1,000, is not the amount recommended by the Committee on Elections?

Mr. MILLER. Yes; it is.

Mr. HISCOCK. The action of the committee was $1,000?

Mr. MILLER. Yes, sir.

Mr. ATHERTON. I desire to state that I think the Committee on Elections have given this matter pretty full consideration, and, according to the belief of the majority of the members of that committee, we gave to this man in accordance with the amount that we gave to the others, and a very sufficient sum to cover his expenses. I think the Committee of the Whole had better stand by the action of the Committee on Elections, because if this change is made other changes will be proposed, and if you are to take our judgment as worth anything at all, after having maturely examined the question, you had better stand by that judgment here and now, or we will get into confusion and have arguments made and time expended in the effort to get some more of these amounts increased.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa.

The amendment was not agreed to.

Mr. ATHERTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 2068 and 2069 strike out the words "Allen G. Campbell, $2,000."

Mr. ATHERTON. I gave notice in the committee I would offer this amendment in the House. The action of the committee on the allowance of this $2,000 was by no means the unanimous action of the committee.

Mr. CANNON. Will the gentleman allow me a question?

Mr. ATHERTON. Yes, sir.

Mr. CANNON. I voted a moment ago against an increase of $500 because the Committee on Elections had considered the question and the majority of them had recommended $1,000. Now what am I to do in this case, when the majority has recommended $2,000?

Mr. ATHERTON. That is very well put; and if I do not give a good reason to the contrary the gentleman had better stand by the action of the committee. In the other case I think the action of the committee was unanimous. In this case it was not unanimous.

Mr. RANNEY. It was not unanimous in the other case.

Mr. ATHERTON. I have not much time to say what I ought to say, but I want to make a suggestion or two about this matter. Mr. Campbell, as will be recollected, appeared here, claiming a seat in the House by virtue of a certificate which showed upon its face he was not *prima facie* entitled to the seat he claimed. It is not necessary to repeat the argument. He presented, however, an account for the expenses he had incurred in the contest. I have a copy of it here. I have not time to read it, but I will be glad to submit that statement, copied by the clerk of the committee for the information

of the House, as part of my remarks. In that statement are items like this:

H. C. Clark, for services rendered as stenographer, $2,708.33.

If you will turn to the record of the case you will find the amount of testimony taken by a stenographer, or by any officer on the part of Mr. Campbell, just occupies ten pages in the record, and he comes here and presents an account for more than $2,700 for the stenographer. He had an attorney before the committee that occupied perhaps an hour or two, and who presented in addition to that two small written briefs; and for the services of that attorney he pretended to claim in his account, $5,061.68.

I oppose this whole thing, because I think on the very face of this account there is evidence of such wrong that no payment should be made until the account is presented a little more in accordance with what we know was proper and right in the premises.

For the expenses of this contest he presented a claim for nearly $9,000; and if that, upon its very face, is not indicative of fraud in making out the account, I do not know how it could appear on the face of the papers.

The paper referred to is as follows:

WASHINGTON, D. C., *April* 22, 1882.

In the matter of George Q. Cannon, contestant, *vs.* Allen G. Campbell, contestee, claiming to represent the Territory of Utah in the Congress of the United States:

Statement of expenses incurred by Allen G. Campbell, contestee.

February, 1881.—Railroad fare from Salt Lake City to Washington, District of Columbia, for self and counsel, Hon. J. R. McBride, for purpose of filing certificate of election personally with Clerk of House, expenses in Washington, and return fare to Utah, (say railway fare $94.80; sleeper, $12 each)	$450 00
1881-'82.—Sutherland & McBride, counsel fees, costs of court, expenses of witnesses, &c., as per authenticated voucher attached	5,061 68
H. C. Clark, services rendered as stenographer and otherwise, as per voucher	2,708 33
W. Brown, retainer as counsel	300 00
National Republican, printing, as per voucher	97 50
Thomas McGill & Co., printing brief for Committee on Elections, as per voucher	80 50
Mileage to and from Salt Lake City, (actual railroad fare $106.80 each way)	213 60
Postage, stationery, &c.	50 00
	8,961 61

Mr. CASSIDY. I desire to say a word in reply to the gentleman from Ohio. I have known Allen G. Campbell for a great many years. I know him to be as conscientious and correct as any man in any part of this country. I know, too, when he certifies to this House, through the Committee on Elections, he has expended a certain sum in this contest, it is literally true—every word.

Mr. ATHERTON. Let me ask the gentleman——

Mr. CASSIDY. As to that item for counsel fees, I know it from Mr. Campbell, and also from the attorney whom he brought here from Salt Lake City, Mr. McBride, a former member of this House, that he paid that attorney $1,000 per month for his services; and he kept him here a sufficient length of time to aggregate the amount charged in that bill. I know, also, he had a stenographer all the time he was here.

Mr. ATHERTON. For what purpose?

Mr. CASSIDY. He was employed in taking testimony and making out such papers and briefs as they had occasion to use before the committee.

Mr. ATHERTON. Let me say to the gentleman that no such papers were offered.

Mr. CASSIDY. But even admitting such charges were excessive, it cannot be denied Mr. Campbell is entitled to the $2,000 which the committee has allowed him. He has expended five times that amount in this contest.

When gentleman say this contest was frivolous they do not understand the situation of affairs in Utah Territory. Everybody in that Territory knew at the time these men were before the people for election that George Q. Cannon was not a citizen of the United States. Every man in Utah Territory was notified that George Q. Cannon had not resided in this country a sufficient length of time to become a citizen at the time the alleged paper of naturalization was issued. Therefore when men voted for him they voted knowing that he was not qualified to hold any office under this Government. Acting upon that theory, Governor Murray issued a certificate to the only person who was a candidate for the suffrages of the people who was eligible to this office. And a great many legal gentlemen in this country believe, and the law-books are full of decisions of that character, that where a candidate is ineligible, and the voters are notified of the fact, if they cast their suffrages for that candidate they will have as much effect as if they had voted for the Cardiff giant or the man in the moon; that they deliberately throw their votes away, and that the eligible candidate is the man who is entitled to the office. Proceeding upon that theory, Mr. Campbell came here in good faith and expended the sums which he set forth as having expended in this contest.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACKBURN. I want to inquire of the gentleman——

Mr. PAGE. I desire to offer an amendment.

Mr. BLACKBURN. I want to know whether 18,000 legal voters in the Territory of Utah did not vote for Mr. Cannon, believing him to be a citizen of the United States and to be eligible?

Mr. CASSIDY. No, sir; there were not 5,000 who believed it, and they voted women, girls, and children of all ages.

Mr. PAGE. I move to amend the amendment so as to include in the motion to strike out these words: "George Q. Cannon, $2,000."

Mr. ATHERTON. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ATHERTON. I want to know if it is in order for the gentleman to make that motion to strike out until my motion to strike out has been disposed of?

The CHAIRMAN. It is undoubtedly in order to enlarge the scope of the motion to strike out so as to include additional matter.

Mr. PAGE. I find upon examination that Mr. Cannon has drawn from the Treasury of the United States, as the Delegate from the Territory of Utah for the Forty-seventh Congress, the sum of $3,750. Now, I claim that that amount was drawn out of the Treasury in violation of law. The late Clerk of this House had no authority to put the name of Mr. Cannon on the rolls of this House, and that money, $3,750, has been drawn from the Treasury without authority of law. He came here without a certificate from the governor of Utah; and the late Clerk of the House, without such a certificate being presented and without any authority of law, put his name on the rolls of this House, and he has drawn this money from the Treasury.

When this House met in December last it refused to admit Mr. Cannon; it refused also to admit the contestee, Mr. Campbell, because it was claimed that neither had a *prima facie* case. But in the mean time Mr. Cannon was drawing his salary as though he had been elected.

I say, therefore, that this proposition to pay Mr. Cannon $2,000 for moneys expended in defending his contested-election case is all wrong, and that the money paid him out of the Treasury of the United States for salary as Delegate was wrongfully paid and without authority of law.

Mr. BLACKBURN. That is not under debate.

Mr. PAGE. It is under debate.

Mr. BLACKBURN. Nothing but this $2,000 is under debate.

Mr. PAGE. I am debating this proposition to pay Mr. Cannon $2,000, and when the gentleman brings in his amendment to pay Mr. Cannon up to the time when the contested-election case was decided I shall vote against it, and I hope this House will vote it down. I hope my amendments will prevail to strike out both Cannon and Campbell.

Mr. CALKINS. With reference to the point made by the gentleman from California, [Mr. PAGE,] that the name of Mr. Cannon was put on the roll of this House without authority of law as the Delegate from Utah Territory, I have this statement to make for the information of the Committee of the Whole:

The contestee in that case, Mr. Campbell, presented a certificate signed by the governor of Utah Territory, which certificate this House voted was infirm upon its face and gave Mr. Campbell no *prima facie* right to a seat here. At the same time Mr. Cannon presented to the late Clerk of the House a certificate from the secretary of the Territory of Utah, and also a certificate of the governor, showing the aggregate vote returned as cast for either party by the precinct and county officers in the Territory of Utah. The late Clerk of the House thereupon put the name of Mr. Cannon upon the roll, and did not regard the certificate of the governor of the Territory presented by Mr. Campbell, because it had an infirmity upon its face. That is the fact with reference to the action of the late Clerk.

Upon the organization of the House the Speaker decided that the same rule did not apply to a Delegate that applied to a member of the House, because it was not necessary to swear in a Delegate in order to perfect the organization of the House. The Speaker therefore refused to recognize the same rule with reference to the certificate of the governor, and both of these gentlemen were refused a seat upon this floor and the whole matter was referred to the Committee on Elections.

Mr. SPRINGER. One question right there. Was not the decision of the Committee on Elections virtually to the effect that Mr. Cannon was *prima facie* elected?

Mr. CALKINS. I am coming to that in a moment. These, in short, are the facts with reference to the action of the late Clerk of this House in putting the name of Mr. Cannon on the roll so as to enable him to draw his pay as Delegate after his name was on the roll. I do not think, therefore, that the point made by the gentleman from California [Mr. PAGE] should lie against this clause. It is an allowance to Mr. Cannon, so far as we can make it, for his expenses in trying to defend a seat to which he claimed he was entitled. If the objection of the gentleman goes at all, it should be against the allowance of the salary of Mr. Cannon up to the time that this House decided there was a vacancy in the office of Delegate.

Mr. PAGE. It is too late now; he has already drawn the money. I want the gentleman from Indiana [Mr. CALKINS] to send up to the Clerk's desk and have read the law under which the Clerk of this House is authorized to put the name of a Member or Delegate on the roll.

Mr. CALKINS. I will not send up the law now, for I have not

time to have it read in my time. But the law was read to the House when the matter was decided in the first instance by the Speaker, and is probably familiar to all the House.

With reference to the point made by my colleague on the committee [Mr. ATHERTON] against the allowance to Mr. Campbell, I desire to say that if there ever was a contested-election case in which a man ought to be allowed the expenses of his contest, this is such a case. Mr. Campbell made it possible for this House to decide a question which had been pestering the country for the last quarter of a century—to establish a precedent (and it matters not whether future Congresses follow it or not) and to go on in the line of the thought of the people of this country that polygamy must be suppressed. Mr. Campbell made that possible. In prosecuting his contest he expended not only the amount allowed by the Committee on Elections, but, as stated by the gentleman from Nevada, [Mr. CASSIDY,] four or five times that amount. He prosecuted the contest with vigor; he prosecuted it honestly, as every gentleman on this floor knows; and if any man ought to be allowed the expenses of a contest he certainly should be.

The question being taken on the amendment to the amendment, to strike out the words "George Q. Cannon, $2,000," it was not agreed to.

Mr. ATHERTON. I move to amend the amendment by striking out the last word. I fail to see in what way the action of Mr. Campbell enabled the majority of this House to pass the law that it did on this subject. I do not know what that has to do with the question, or what connection there was between those two things. Enough on that point.

Now upon the main question: Mr. Campbell came here and attempted to get a seat in this House when the papers which he presented showed upon their face that George Q. Cannon had received 18,568 votes and Mr. Campbell only 1,357.

Mr. CALKINS. The gentleman will bear me out in the statement that I never depended upon the law to which he has referred in order to unseat Mr. Cannon. I never assumed that position.

Mr. ATHERTON. Certainly the gentleman is right in so saying; but that simply emphasizes the fact that when Mr. Campbell came here with his contest every man in the House who gave any attention to the law relating to elections knew that Mr. Campbell had never been elected, that he had no right whatever to the seat; because in the history of this country—and there is no exception to this rule—no man has ever been declared elected where some one else received a majority of the votes, even where the party receiving the majority was known to have been disqualified. But Mr. Cannon was not disqualified; everybody knew it. He had a certificate of naturalization, just such a certificate as has been decided by the circuit courts of the United States and by this House, or, at all events, its Committee on Elections, to be a good certificate of naturalization.

Mr. CASSIDY. We never went behind the certificate.

Mr. ATHERTON. Mr. Cannon was not permitted to occupy his seat—not for any reason that Mr. Campbell ever asserted before this House or that Governor Murray of the Territory of Utah ever asserted; on the contrary, the refusal of this House to seat Mr. Cannon was simply upon the ground that the majority here had decided that no person practicing polygamy should be permitted to occupy a seat on this floor; and this decision was based upon a law passed after the election and after Mr. Cannon was here attempting to attend to his duties as a Delegate from that Territory. On this account only—for no other reason—Mr. Cannon was kept out. No reason ever urged here by Mr. Campbell in support of his contest or presented to the House through the Committee on Elections had any tendency toward seating him. Both he and the governor of Utah knew, if they knew anything about election laws, that the papers he presented showed upon their face the infirmity of his title, and that he was not entitled to his seat. He came here in defiance of every rule of law that ever governed any legislative body in the United States, seeking upon one-thirteenth of the votes actually cast to overcome the overwhelming majority on the other side.

Something has been said about women and children voting. Admit all that may be alleged on this point, and still no sane man will assert here that Mr. Cannon had not the support of five, six, seven, or eight legal voters to one who cast his vote for Mr. Campbell. Yet Mr. Campbell comes here and presents this account of expenses, one of the items of which is $2,700 for a stenographer, though his best advocate to-day cannot show on this floor how a single dollar of this was ever expended. [Here the hammer fell.] I withdraw the *pro forma* amendment. I will only add that if the large amount named in the bill be struck out I may not object to allowing Mr. Campbell something; but he ought not to have the large sum here proposed.

The question being taken on the amendment to strike out the words, "Allen J. Campbell, $2,000," it was not agreed to; there being —ayes 32, noes 56.

Mr. STEELE. I move to amend by adding to the pending paragraph the proviso which I send to the desk.

The Clerk read as follows:

Provided, That, excepting the widow of James Gillette, none of the parties named in the foregoing paragraph shall receive any of the benefits therein named, unless the contestant or contestee therein named has or had a *prima facie* or an equitable right to the seat contested. The decision of the question of right to seat hereinbefore named to be vested in the Committee on Elections of the House of Representatives.

Mr. STEELE. I merely wish to state in support of the amendment I have offered that it cuts out any man who has not a *prima facie* or equitable right to a seat in this House.

Mr. MOULTON. How are we to decide that?

Mr. STEELE. The Committee on Elections should decide that.

Mr. MOULTON. It has been decided already.

Mr. STEELE. They have not decided they have a *prima facie* and equitable right in each case. This makes it incumbent upon them to decide they have a *prima facie* and equitable right. This committee has said that certain parties shall have certain allowances, but it does not say they have an equitable or *prima facie* right to a seat in this House.

Mr. SPRINGER. Who will be authorized to decide this question when the money is to be paid?

Mr. STEELE. The Committee on Elections will have to do that.

Mr. SPRINGER. Will the Comptroller of the Treasury go after the Committee on Elections to know whether he shall audit the account or not?

Mr. STEELE. It will have to be embodied in the certificate upon which they will draw their pay.

Mr. SPRINGER. It is utterly impracticable.

Mr. ATHERTON. Suppose, for instance, one man holds a certificate of election and has a *prima facie* right, and it is shown before the Committee on Elections that the other man was elected by 10,000 majority, will you not pay in such a case?

Mr. STEELE. I wish we could judge of the action of the governors of the several States, but I have not proposed that in this amendment. When a man receives the certificate it is to be presumed the party receiving it is innocent if any wrong has been done.

Mr. CANNON. Take the case where two parties make a contest in good faith and neither one gets the seat. Under the gentleman's proposition neither would receive pay.

Mr. STEELE. If neither has an equitable right they will not be paid.

Mr. CANNON. It is a common thing to send them back to run over again.

Mr. STEELE. I myself will not vote to give any man a single dollar who does not come here with an equitable right.

Mr. STEELE'S amendment was rejected.

Mr. BLACKBURN. I wish to move an amendment by direction of the Committee on Appropriations.

Mr. BRAGG. I wish to offer an amendment.

The CHAIRMAN. Does the gentleman from Kentucky wish to move an independent paragraph?

Mr. BLACKBURN. I do.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi.

Mr. LYNCH. I wish to offer an amendment to the pending paragraph. I move to strike out, in line 2050, "$1,500" and insert "$2,447;" so it will read, "to James Gillette, $2,447."

Mr. HISCOCK. I make the point that it changes existing law.

Mr. LYNCH. I will have to speak on the point of order.

Mr. HISCOCK. I will reserve the right and allow the gentleman to be heard.

Mr. LYNCH. What I wish to say in explanation of this amendment is this: I am aware of the fact that a law is in existence limiting the amount to be paid to contestants and contestees to $2,000. In my judgment that law is inoperative, and has no binding force upon the House.

My reasons are these: each House of Congress, under the Constitution, is the sole judge of the election, returns, and qualifications of its own members, and any expense which may be incurred by a contestant or contestee in asserting his right to a seat on this floor necessarily involves the question as to the right of the House to pass on the question of its own membership. For instance, if the House of Representatives of the Forty-seventh Congress, or if the House of Representatives of the Forty-seventh Congress with the concurrence of the Senate can decide that the House of Representatives of the Forty-eighth Congress shall not be allowed to pay a contestant or a contestee for expenses incurred to an amount not exceeding $2,000 they can also decide that nothing whatever shall be allowed. And if we admit they can pass a law or decide by bill or resolution, or order that a succeeding House of Representatives shall not have the power to pass on any such question, that, in my judgment, is practically deciding that the House of Representatives of a succeeding Congress shall not be permitted to exercise the right which the Constitution says it shall exercise in passing on the question of its organization and its membership.

If the House of Representatives of a preceding Congress can say that the House of Representatives of a succeeding Congress shall not pay a contestant or contestee anything whatever in the way of reimbursing him for expenses incurred in the prosecution of the contest, or in the defense of the case, it is equivalent to saying that this House will not allow the next House practically to pass upon any such question; for the effect will be to prohibit any man from making a contest for a seat in the House unless he happens to be a man in opulent circumstances. No one but a rich man could make a contest for a seat in the House of Representatives should one House decide that the next House would allow nothing whatever for it; and if one House shall say such expense shall be limited to $2,000,

if can, as I have said, say with equal propriety that nothing whatever shall be allowed.

Now, my judgment is, Mr. Chairman, that this is a question that the House ought to be allowed to determine for itself, and that no previous House, no preceding Congress, can bind a succeeding House or Congress as to what shall be done with regard to the organization of that House or with regard to its membership, or whether anything shall be allowed in making contests or defending them.

The Senate of the United States acts upon this principle. I believe the custom of that body in matters of contest is to pay the expense, whatever it may be, out of the contingent fund of the Senate, just as was formerly done by the House, and therefore the Senate determines that for itself without asking anything of the House in regard to it. And according to the remarks made by the distinguished gentleman from Kentucky this morning, even on an amendment to an appropriation bill, upon its right to fix the compensation of its own officers and employés, it does not concede to the House the right to restrict that body in fixing the salaries of its own officers. The gentleman from Kentucky admitted that. After all the only thing that can be said in support of the contrary proposition, and the only argument that is made in favor of restricting or limiting the amount to be paid in any case, is that it sometimes encourages parties to make contests where they have no merit. I cannot see, Mr. Chairman, that there is anything in that position from my own experience.

I see that my time has about expired, and I would like the consent of the committee to continue a little while longer.

The CHAIRMAN. On the point of order the Chair will indulge the gentleman further. The Chair only calls attention to the bill and the condition of the public business, and asks the gentleman to be as brief as possible.

Mr. LYNCH. I will be brief. I only desire to say in answer to the argument which has been presented here that, unless this limitation as to the amount to be paid in cases of contest shall be made, contests may be instituted by parties before they know the case is without merit is, from my experience, without foundation. There is nothing in that point, for I have had some experience in contested elections. If the House should determine in each case to allow the contestant and the contestee the exact amount which he personally will swear that he has paid out, and no more, then I cannot see why that presents an inducement to anybody to institute a contest. For when a man institutes a contest and it costs him from $1,000 to $2,000 in its prosecution, and at the expiration of twelve or fifteen months the House will vote him the exact amount paid out only, it seems to me that it is nothing more than equivalent to a business man investing that amount of money for twelve or fifteen months without interest, and that is what no prudent business man would do. Hence I cannot see any inducement or where the inducement comes in for a man to institute a contest, unless the House pays interest upon the money invested. Now, the House does not pay interest on money, and if it pays back only the exact amount which a man has expended, then I fail to see where the inducement exists to institute contests.

Mr. HISCOCK. Mr. Chairman, there is this statute in force:

That hereafter no contestant or contestee for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in election cases.

The only question presented here is as to whether it was competent for Congress to pass that law and whether it is in conflict with the provisions of the Constitution. Upon that question it is only necessary for me to suggest that rules of practice for getting a question before a tribunal are not limitations upon the jurisdiction of the tribunal and that the amount of the costs that shall be paid by litigants in their contests before a judicial tribunal fixed by legislative power is no limitation upon that jurisdiction. The court takes its jurisdiction under the Constitution, if you please, broad and ample to dispose of all questions and all points involved in the questions that come before it. Yet the mode or practice as to the costs to be paid by litigants is a subject of legislation, and has never been held to be a limitation upon the jurisdiction or the power of the court.

This House has the right under the Constitution to try the question of the title of a member to his seat. Full jurisdiction is reserved to each House in reference to that matter, and it is perfectly competent for Congress—not the House, but Congress, the two bodies, the Senate and the House—to provide the mode of practice and to determine the costs which shall be paid in such cases. This is the distinction which obtains in all cases of this character where the Legislature provides the mode of practice by which the litigants can get into a tribunal for the determination of the matter at issue between them.

Mr. LYNCH. Before the gentleman takes his seat I want to say, if the Chair on the point I make or if the committee should consent—I would not offer an amendment or insist on any of these amounts being increased in this bill, so far as I am concerned, for the present Congress, but will let it go over until the next.

Mr. HISCOCK. I certainly hope the committee will make no such bargain as that. This matter is of altogether too much consequence to be disposed of in that way. If the position taken by the gentleman from Mississippi is good, then every statute that we have pointing out the practice that is to be pursued by the contestant and the contestee in getting their matters before the House is to be stricken out and the contestant and the contestee come here at the beginning of every Congress without any practice under which they previous to that day could have taken their testimony and been prepared to present their cases to Congress. One of the results of this would be the postponement of election cases. There would be no rule, no practice, until one might be established by Congress when it convened. I say to the gentlemen of this committee the questions involved in this are not inconsequential; they are serious; and we must hesitate before we strike down a statute upon a suggestion that it is unconstitutional.

Mr. SPRINGER. I would like to say one word on the point of order.

Mr. LYNCH. Before the gentleman from Illinois proceeds I desire to make a correction in the statement of the gentleman from New York. I want to say to the gentleman from New York I did not make the suggestion I did in the spirit of a bargain. My object was this: I think that all of these accounts should be passed upon by a committee before they are brought to the House for a vote, and it was for the purpose of allowing the committee to pass upon all the accounts they have not passed upon that I made the suggestion.

Mr. SPRINGER. The question of order arises under the rules of the House and is very simple. It does not involve any of those abstract questions which I have been discussing. The rule of the House is that no appropriation not authorized by law is in order on an appropriation bill unless it retrenches expenditures.

Mr. HISCOCK. I do not want to interfere with the gentleman in his statement; but I wish to say the theory of gentlemen on the other side is that the Constitution is the paramount law and overrides the other; and therefore the provision would be in pursuance of existing law.

Mr. SPRINGER. The rule provides, as I was trying to state, that no provision in an appropriation bill shall be in order changing existing law unless it shall retrench expenditures. The existing law is that no greater sum than $2,000 shall be allowed to either the contestant or the contestee for his expenses in an election case. To that extent a proposition may be moved upon this appropriation bill, and to that extent the Appropriations Committee is limited and the Chair is required to rule.

The CHAIRMAN. The Chair would ask the gentleman from Illinois if he is speaking in support of the point of order? If he is, the Chair will say further debate on that side is not necessary.

Mr. SPRINGER. I was speaking in support of the point of order. But I will say there is no reason a claimant should not present his private bill to go to the Committee on Claims, and it can go through the formalities of a private claim. There is nothing under our law to prevent that; but under our rules and by this statute we are confined to this particular amount.

The CHAIRMAN. The question involves the consideration of two or three provisions of law. By section 130 is prohibited the payment by the House of Representatives out of its contingent fund, or otherwise, to either party to a contested-election case for expenses incurred in prosecuting or defending the same. The later law contains the provision passed at the third session of the Forty-fifth Congress, that—

Hereafter no contestant or contestee for a seat in the House shall be paid exceeding $2,000 for expenses in election contests.

The Chair understands perfectly well that no law can bind the House so as to prevent it from originating in proper form a change of the law. This is simply a question of the form of changing the law. Our rules say it shall not be changed except in certain particulars on appropriation bills; and among those particulars is this: that an amendment to an appropriation bill changing existing law shall not be in order—

Except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Therefore it is simply a question whether this thing can be done under our rules by an amendment offered to an appropriation bill. The Chair, to settle his mind, makes it analogous to the question of appropriating money for any other purpose where by law the amount is limited as in the case of a salary; and inasmuch as in this case the law limits the amount to $2,000 when offered on an appropriation bill, the Chair must hold a proposition to enlarge that amount as not being for an appropriation in pursuance of existing law. The Chair sustains the point of order.

The committee rose informally, and Mr. ROBINSON, of Ohio, took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SHOBER, its Acting Secretary, informed the House that the Senate had passed, without amendment, a joint resolution of the House of the following title:

Joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. LYNCH. I now propose to offer something which I think will call forth no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] had risen to offer an amendment and the Chair had recognized that gentleman.

Mr. BRAGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, after the words "Allen G. Campbell," the words "for enabling Congress to pass a law settling a great moral question."

Mr. BRAGG. The reason of my offering that amendment is that I think that all appropriations——

Mr. HISCOCK. I make the point of order on that amendment.

Mr. BRAGG. Will the gentleman from New York state what the point of order is?

Mr. HISCOCK. My point of order is that the amendment is not germane to the bill and is frivolous.

Mr. HASKELL. Allow me to suggest to the gentleman from New York [Mr. HISCOCK] that it is out of order for another reason; it alludes to great moral purposes, and they have nothing to do with appropriations.

The CHAIRMAN. The difficulty with the Chair in ruling out this amendment is that *pro forma* amendments are allowed, and this is specially *pro forma*. [Laughter.]

Mr. BRAGG. I have offered this amendment in perfect good faith. As I was about to say, the reason for offering it was the belief that I have always entertained that appropriations should state specifically the purposes for which they are made.

I am astonished to find the chairman of the Committee on Appropriations [Mr. HISCOCK] and the chairman of the Committee on Elections, [Mr. CALKINS,] who, in their respective spheres, represent the majority of this House, at loggerheads on the propriety of considering great moral questions in Congressional legislation. I am especially astonished at my friend from New York, and I think it must have been a *lapsus linguæ* with him when he gave utterance to the expression which he used.

By common consent Allen G. Campbell had no *prima facie* right, whether equitable or otherwise, to a seat in this House as Delegate from the Territory of Utah, because he did not claim to have received more than some 1,200 votes out of nearly 20,000 votes which were cast. He knew, as he was bound to know, what the law was, that no man receiving a minority vote shall be entitled to a seat, although the person receiving the majority vote may be incapacitated from taking the seat to which he was elected.

In that view, the chairman of the Committee on Elections, [Mr. CALKINS,] instead of urging that Allen G. Campbell was entitled to $2,000 because of any right which he had presented to this House showing that he was entitled to the seat, stated that he was entitled to that money and that the money should be paid to him—for what? Because he had come here and had prosecuted with energy a case which permitted this House to take action upon a great moral question which was festering in the body-politic, and enabled it to pass the law against polygamy.

Mr. CALKINS. I did not say that.

Mr. BRAGG. Then you will have to correct the notes taken by the stenographers, because I think I have stated substantially just what you did say.

Mr. CALKINS. I want to state so that the stenographer may take it down that I will not change my remarks, and I did not make that remark.

Mr. BRAGG. Which remark?

Mr. CALKINS. That it enabled us to pass the law to which the gentleman has referred.

Mr. BRAGG. Then I will take it back.

Mr. CALKINS. I said it enabled us to pass upon the question.

Mr. BRAGG. I will say, then, that it enabled us to pass upon a great moral question. Now, if a proposition comes from the Committee on Elections to pay a man who they have decided was not entitled to a seat and had no claim to a seat, and to pay him on the ground that he should receive the money because he brought a great moral question before the House, I want the appropriation bill so to show, so that when any other gentleman who has a great moral question that he wants to present to Congress and knows of no other way to get money by which to present it, he can contest some gentleman's seat and come here and present that great moral question and give us the benefit of it; and of course we should pay him for the light which we receive upon such great moral questions.

Mr. CALKINS. I desire to say, in the first place, that whatever the gentleman may have said with reference to the great moral question with which he has been wrestling, it was entirely a matter of his imagination, and nothing that I said in my remarks could be tortured into any such question as that advocated by him.

What I did say was that it enabled this House to settle a question, not heretofore determined, which was and had been festering in the minds of the people for many years; the question whether a polygamist had the right under the laws of this country to a seat in this body.

Mr. BRAGG. And is not that a great moral question?

Mr. CALKINS. And if the gentleman will examine the report which I had the honor to draw, he will see that I did not place it on any moral ground, but upon the strictly legal ground which I stood upon all the way through.

Mr. BRAGG. I was not alluding to his report, but to his remarks made a few minutes since.

Mr. CALKINS. And the gentleman entirely misapprehended what I undertook to say. I tried to correct my colleague on the committee, [Mr. ATHERTON,] when he made remarks in the same line, by telling him that I had no reference to the law passed by Congress in my remarks on the election case. What I said was that Mr. Campbell had made it possible for this House to pass upon a question never heretofore passed upon by the House.

Mr. ATHERTON. How did he do that?

Mr. BRAGG. I withdraw the amendment.

Mr. LYNCH. I move to amend by striking out the words "full of" and inserting in lieu the words "part for" in line 2047 of the bill; so that it will read:

That the parties named below be allowed the amount set opposite their names in part for expenses incurred by them respectively in contested-election cases, &c.

I have no speech to make.

The amendment was not agreed to.

Mr. SPRINGER. I now desire, as we have gone through the bill——

Mr. HISCOCK. We are not through with the bill yet.

The CHAIRMAN. There is an agreement to return to page 43, which the Chair will call attention to at the proper time.

Mr. CALKINS. I move to amend by striking out all of this paragraph after the words "M. E. Cutts, $1,000."

Mr. SPRINGER. These cases which the gentleman proposes to strike out have been provided for in the preceding paragraph?

Mr. CALKINS. Yes, sir.

The amendment was agreed to.

Mr. ATHERTON. I move to amend by adding after the pending paragraph the following:

M. D. Ball, applying to be admitted as a Delegate from Alaska, $1,000.

Mr. HISCOCK. I make a point of order on that amendment.

Mr. ATHERTON. The gentleman had better withdraw the point of order and let us vote on this.

Mr. HISCOCK. I withdraw it.

Mr. TOWNSHEND, of Illinois. I renew it, but will reserve it till the gentleman from Ohio [Mr. ATHERTON] makes his statement.

Mr. ATHERTON. I will state——

Mr. HISCOCK. I hold my point of order.

The CHAIRMAN. The gentleman from New York reserves the point, as the Chair understands, to enable the gentleman from Ohio to make an explanation.

Mr. ATHERTON. I wish to state that I am directed by the Committee on Elections to offer this amendment. The matter has been fully considered in that committee, and the members have—I do not know whether unanimously or not, but almost if not quite unanimously—concurred in authorizing the amendment to be offered.

The Territory of Alaska was acquired under a treaty——

Mr. HISCOCK. I hope the gentleman will confine his remarks to the point of order.

Mr. ATHERTON. I thought I was permitted to make my statement.

Mr. HISCOCK. Well, I must insist now upon the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HISCOCK. It is that there is no law authorizing a Delegate from Alaska; there is no such territory as Alaska; and this proposition is simply to provide compensation for an officer not recognized by law. It is new legislation. It is, if you please, a donation of money.

The CHAIRMAN. The Chair will hear the gentleman from Ohio [Mr. ATHERTON] upon the point of order.

Mr. ATHERTON. There is such a territory as Alaska. It may not be an organized territory, but there is a territory of Alaska, and it is the property of the United States.

Mr. VAN VOORHIS. And it is a disgrace to Congress that it is not organized.

Mr. ATHERTON. Upon the point of order I desire to say that the Government of the United States being under treaty obligation to give to the citizens of that territory all the rights, privileges, and immunities of citizens of the several States, and not having provided that territory with an organized form of government as the United States by solemn treaty agreed to do, the people of Alaska, taking the initiative themselves, elected a person to represent their interests before the Congress of the United States and sent Mr. Ball here for that purpose.

A MEMBER. There are only two hundred and fifty people there.

Mr. ATHERTON. Oh, no; 7,000.

A MEMBER. They are wild Indians.

Mr. ATHERTON. They are not "wild Indians" at all. They are Indians that have cultivated the arts of civilization to quite as great an extent as some white people that could be named.

Mr. BURROWS, of Michigan. How many votes were cast at the election?

Mr. ATHERTON. Only about three or four hundred; I cannot

give the exact number. But Mr. Ball came here; he has been recognized to a certain extent before the Committee on Elections and the Committee on Territories; he has made his appearance before the Committees of the House and Senate; he has been doing certain work here, assuming to represent the territory of Alaska and its people. This being so, the people of the United States having received from him these services, he having given to us information of value touching the population and resources of that territory, is it not in order in recognition of those services which have been to a certain extent rendered to allow him some pay for them; and whether his right to appear in the full character of a delegate has been recognized or not, have we not recognized a similar principle in regard to other parties who have been allowed certain sums by reason of the connection that they or persons of whom they were the representatives maintained to the Government? If in the case of a deceased member of this House we can not only allow pay for services rendered but in addition make allowance to his legal representatives for services never rendered, shall a provision be declared out of order which proposes simply that this man be paid a certain sum for services actually rendered?

The CHAIRMAN. The Chair thinks that the point of order does not perhaps require prolonged argument——

Mr. CALKINS. Before the point of order is decided——

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CALKINS. It is due to the Committee on Elections to state, in furtherance of what my colleague on the committee [Mr. ATHERTON] has said, that this whole subject was referred by the House to the Committee on Elections, who reported it back and asked that the determination of the question be deferred until the Committee on Territories should make a report upon the policy of organizing the territory of Alaska. The Committee on Territories, as I understand, has reported a bill for that purpose, which is now on the Calendar. This question as to the right to a seat was then reported back, and the proposition now lies on the Speaker's table, if I remember rightly, subject to be called up at any time when the Committee on Elections may decide to do so. The question as to the right to a seat carries with it as an incident under the rulings of this House the question of the right to expenses in conducting the contest. The Committee on Elections, therefore, being clothed with authority to investigate the matter, have through my colleague reported to the House this amendment.

It is not obnoxious to the point of order which the gentleman from New York makes against it any more than any other subject referred to the Committee on Elections and reported back from that committee. The House clothed the Committee on Elections with the power to investigate, and as an incident to the investigation of the title of this man to a seat upon this floor they reported back to this House that he should be allowed $1,000 for his expenses.

Mr. VALENTINE. Was the question of expense referred to your committee?

Mr. CALKINS. Yes; under the authority which the committee has as an incident to the main question, we have always, under that construction, been entitled and recognized by the House to the right to report back in reference to these expenses.

Mr. VALENTINE. That is in reference to cases of claimants coming from districts having a right to representation on this floor.

Mr. CALKINS. Under the treaty between Russia and the United States by which we acquired Alaska, this territory has as much right to representation as any other Territory of the United States. They are entitled to it under the terms of that treaty.

The CHAIRMAN. The gentleman must confine himself to the point of order.

Mr. CALKINS. I say in my judgment, Mr. Chairman, this point of order is not well taken, for the reason that as incident to the right of this man to his seat as a Delegate from that territory he had a right to be paid his expenses, and the committee had the right as incidental to the investigation of the main question to report for reference to the Committee on Appropriations or to the House.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana whether under the provisions of the treaty he has referred to there is any provision securing to that territory in terms the right to representation?

Mr. CALKINS. The terms are general, but the treaty puts that territory on exact equality and upon the same footing with all the other Territories of the United States. It declares that the United States will guarantee to the people of that territory the same rights guaranteed to all other Territories. Because Congress has refused to act, because Congress has been derelict in its duty, is no answer to the proposition that this Government by solemn treaty, by solemn law, promised to guarantee to the citizens of that territory all the rights citizens of other territories enjoy. And it is a shame and disgrace to our civilization as it is now. We have been enforcing laws under the authority of the Navy. It was said that one man was taken out and hung because they had no jail in which to confine him. Men go eight hundred and nine hundred miles for the purpose of determining suits.

The CHAIRMAN. The gentleman must confine himself to the point of order.

Mr. CALKINS. The amendment is not obnoxious to the point of order at all. As an incident to the power with which the Committee on Elections was clothed we had a right to pass on this question of expense. [Cries of "Vote!"]

Mr. MOULTON rose.

The CHAIRMAN. The Chair must ask the gentleman to be brief in discussing the point of order.

Mr. MOULTON. I desire to say only a word. I was not here when my friend from Ohio offered this amendment. But, sir, this is a case where this House has no jurisdiction, and a case where the Committee on Elections had no jurisdiction and never had by any action of this House. This is the case of a man voluntarily coming from a far-away country claiming to be a delegate from Alaska. He claims to have received by some means 160 votes, and that he has that number of voters behind him, and by that statement of his own, certified to by nobody this House can recognize in any shape or manner, asks to be admitted as a delegate. I say here, Mr. Chairman, that he has not a shadow of claim or right or equity. He stands upon the ground of a mere adventurer asking Congress to give him money he is not entitled to.

Under the treaty between Russia and the United States the Government of the United States was left entirely to its own discretion as to when it should be admitted, and how admitted, and how represented.

Not a precedent can be found from the foundation of the Government down to this time where a man has come to Congress under circumstances of this kind asking admission and it has been allowed. If you admit this claimant we will have from remote sections of the country crowds of adventurers with much better claims than this man has.

Mr. ATHERTON. What other country could a man come from?

Mr. BLACKBURN. Wrangel Land. [Laughter.]

The CHAIRMAN. The Chair has reminded gentlemen repeatedly of the desire of the Chair that they would confine themselves to the point of order.

Mr. MOULTON. It is necessary for the committee to understand the facts in order to be able to determine as to the point of order.

Mr. VAN VOORHIS rose.

Mr. HISCOCK. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New York rise to oppose the point of order?

Mr. VAN VOORHIS. I rise in opposition to the point of order. I desire to say only a word in addition to what has been said by the chairman of the Committee on Elections. The people of this territory claim the right under the treaty with Russia to send a representative to this House and the right to demand his admission. He has come here under their instructions and as the result of their election. We have recognized their right in the premises so far as to refer the question to the Committee on Elections. That case is now pending before the Committee on Elections, and until the House shall decide it——

Mr. HISCOCK. I call the gentleman to order. He is not discussing the point of order.

The CHAIRMAN. The Chair will hear how the gentleman applies his argument to the point of order.

Mr. VAN VOORHIS. I say, until the House decides the question, who is going to say we shall not admit Mr. Ball as a delegate? And if we do admit him upon the report of the Committee on Elections, who shall say that there is a law to prevent his being paid for coming here to represent his people and make his contest before this House?

The CHAIRMAN. Whenever the House shall have recognized his right to a seat, as the gentleman from New York suggests, that of course carries with it the question of compensation. There is a territory of Alaska, but it has not yet been organized. There is a treaty which in general terms secures to the people of that territory the general rights of citizens of the United States. There is no law authorizing an election upon which a delegate may come here and claim a seat upon this floor. The Chair knows of nothing which authorizes the gentleman to claim the right to come here excepting a voluntary election on the part of an unorganized territory. The point of order, therefore, is sustained, and the amendment ruled out.

Mr. ATHERTON. I appeal from the decision of the Chair.

The CHAIRMAN. The question before the committee is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ATHERTON. Let me ask if I have any right to discuss the question further upon the appeal?

Mr. HISCOCK. I demand a vote upon the appeal.

The CHAIRMAN. The Chair is willing to hear the gentleman unless objection be made.

Mr. HISCOCK. I call for the regular order.

The CHAIRMAN. The question is on sustaining the decision of the Chair.

Mr. ATHERTON. I would like to make a remark or two. [Cries of "Regular order."]

The CHAIRMAN. Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 62, noes 9.

So the decision of the Chair was sustained.

Mr. HISCOCK. I offer the amendment which I send to the desk, believing now that the text of the bill is complete, as an additional section.

The CHAIRMAN The Chair has been requested to recognize another gentleman, a member of the Committee on Elections, to offer an additional amendment.

Mr. THOMPSON, of Iowa. I send to the desk an amendment which I desire to offer.

The Clerk read as follows:

Strike out of line 2078 the word "one," after the word "Cook," and insert "two;" and in the same line, after the word "Cutts," strike out the word "one," and insert "two;" so that it will read: "To J. C. Cook, $2,000; M. E. Cutts, $2,000."

The question was taken; and the Chair decided by the sound that the noes had it.

Mr. SPRINGER. I demand a division, and would like to say a word in explanation which I think will remove any difficulty.

The CHAIRMAN. The committee is dividing.

Mr. ATKINS. Nobody understands the amendment.

Mr. HISCOCK. Regular order.

Mr. SPRINGER. I think there will be no dispute if the committee will listen to a word of explanation.

The CHAIRMAN. Is there objection to the gentleman from Illinois making a brief explanation?

Mr. RYAN. There is objection.

Mr. CALKINS. I trust the committee will hear the gentleman from Illinois.

The CHAIRMAN. Without objection the gentleman will be allowed to proceed for a brief explanation.

There was no objection.

Mr. SPRINGER. Mr. Chairman, this simply puts the contested case between Cook and Cutts upon the same footing that all of the other cases have been placed upon, and allows the full amount provided by the statute in such cases. This provision simply pays the total amount of the expenses in place of dividing it and paying one half now and the other half at some future time. We have obeyed the rule heretofore, and although the case is not fully completed the committee understand that these expenses have been incurred, and it is just as well to finish it all up now.

Mr. ATHERTON. I only want to suggest in reply to the gentleman from Illinois that, applying the same rule you have applied to the other case just decided upon one of these men certainly has never been admitted and may never be admitted to a seat.

Mr. SPRINGER. The papers and the vouchers in the case have all been filed with the Clerk.

Mr. HISCOCK. I understand this is simply an effort to change the report of the Committee on Elections in this case.

The CHAIRMAN. A division has been called for upon this question.

The committee divided; and there were—ayes 7, noes not counted.

So the amendment was not agreed to.

Mr. HISCOCK. I offer the provision which I send to the desk as an addition to the end of the bill.

The Clerk read as follows:

For the salaries and expenses of a commission to negotiate a commercial treaty with Mexico, a sum not exceeding $20,000, to be expended under the direction of the President of the United States.

Mr. HISCOCK. I will send up to the desk to be read in connection with that a letter from the Secretary of State.

Mr. BLACKBURN. That is all right.

Mr. HISCOCK. I desire that to go to the end of the bill, although it would be as well to have it inserted under the head of the State Department, where it properly belongs.

The CHAIRMAN. It will be so understood.

Mr. HISCOCK. I am willing the vote shall be taken. The paper will be printed in the RECORD.

The paper referred to by Mr. HISCOCK is as follows:

DEPARTMENT OF STATE,
Washington, July 5, 1882.

SIR: In 1831 a general treaty of amity and commerce was concluded between Mexico and the United States. This treaty having been abrogated by the war with Mexico, an article (No. 17) was inserted in the treaty of peace reviving it for eight years, so far as not incompatible with the new treaty, and giving to each party after the expiration of eight years the power to terminate it on one year's notice. This treaty is now terminated through notice given by Mexico.

This Government has reason to think that the appointment of a commission to negotiate a new treaty will be met by the appointment of a similar commission on the part of Mexico, and that the negotiations might result in a treaty of great benefit to both powers, and not only so, but the treaty would in all probability form a precedent for treaties with other South American republics, and thus the commercial and friendly relations of the republics of this hemisphere would be promoted. Such a treaty as is desirable cannot be properly adjusted and formulated without the intervention of a commission. The President therefore directs me to ask that a clause may be inserted in the sundry civil appropriation bill appropriating "for the salaries and expenses of a commission to negotiate a commercial treaty with Mexico, a sum not exceeding $20,000, to be expended under direction of the President."

It is proposed to appoint two commissioners who will be paid salaries, and will act with some officer of the Government who will not receive a salary. The appropriation should be sufficient for the two commissioners and possibly a secretary, and for the expenses of the commission. No accurate judgment can be formed of the probable expenses without knowing whether Mexico, in case the commission is agreed to, would wish it to sit in Mexico.

A recent precedent may aid the committee in forming a conclusion. On the 8th February, 1871, the then Secretary of State asked the Appropriations Committee for an appropriation of $25,000 for the American representation in the proposed joint high commission to confer upon the questions then pending between Great Britain and the United States. Two commissioners received each $6,000 as salary and for expenses. There were other expenses, such as furnishing the room in which the meetings were held, stationery, messenger, &c., but the whole expenses were decidedly within the appropriation, which will undoubtedly be the case with the proposed commission if the meetings are held in Washington.

I have the honor to be, sir, your obedient servant,

FREDK. T. FRELINGHUYSEN.

Hon. C. G. WILLIAMS,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

Mr. HOLMAN. The whole amendment is subject to the point of order.

The CHAIRMAN. The Chair regards this as being in continuation of the public service—intercourse with foreign countries, treaty making, &c.—and as not creating new offices.

Mr. HOLMAN. I ask that the amendment be again reported.

The amendment was again read.

Mr. HOLMAN. There is no such commission authorized by law.

A MEMBER. We are making a law for the purpose.

Mr. HOLMAN. And I do not propose that we shall make such a law upon an appropriation bill. There is no law authorizing this commission.

Mr. SPRINGER. Will the Chair allow me to say one word on the point of order?

The CHAIRMAN. After the offer of the gentleman from New York [Mr. HISCOCK] to send up a letter the gentleman from Indiana [Mr. HOLMAN] rose and stated that in his opinion the amendment was subject to the point of order.

Mr. HISCOCK. The purpose of my sending up the letter was to inform the House as to the merits of the proposition. It does not bear on the point of order. On the point of order, I will remark that I suppose it is always competent for Congress to appropriate money to execute the treaty power of the Government.

Mr. HOLMAN. The gentleman speaks of the treaty power of the Government. I would like to know what treaty? This does not appropriate money to carry out a treaty or to pay the salaries of a commission already created.

Mr. SPRINGER. It seems to me this provision is not obnoxious to the point of order made by the gentleman from Indiana. It is a continuation of the provisions for the enforcement of the laws already in existence, and for the carrying out of the treaty-making power. And a commercial treaty is like any other treaty. If we cannot originate treaties between this Government and foreign countries and appropriate money for that purpose it is the most remarkable thing I ever heard of. And I will say I know of no subject that is demanding our attention at this time more than a commercial treaty with Mexico. We are now building immense railroads to connect the two countries; and we have no adequate commercial laws for the purpose of facilitating future intercourse with that growing republic. I think it is one of the most important provisions that have been offered on this bill.

Mr. HOLMAN. If that amendment is in order, there is nothing in the range of the legislative power of this Government that cannot go on that bill. There is no such treaty and no such commission.

The CHAIRMAN. The Chair hardly takes the view of the gentleman from Indiana, because we have appropriated for diplomatic intercourse with Mexico a certain sum; and we are always appropriating, more or less, sums for maintaining foreign intercourse and for specific expenses connected therewith. The Chair regards this as the continuation of a public object already in progress, that being the improvement of our commercial relations with Mexico under the diplomatic intercourse of our Government with that country. The Chair rules the amendment in order.

The question being taken on the amendment, it was agreed to.

Mr. HISCOCK. I offer the further amendment from the committee which I send to the desk.

The Clerk read as follows:

To pay to William T. Duff, carpenter to the House of Representatives, $1,000, to supply deficiencies in appropriations for making boxes in the years 1879 and 1880, being $500 for each year.

The amendment was agreed to.

Mr. BLACKBURN. By direction of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

To pay George Q. Cannon salary, mileage, and allowance for newspapers and stationery for the Forty-seventh Congress, from December 4, 1881, up to and including April 19, 1882, the date the contest which deprived him of a seat in the House of Representatives was decided, deducting any sums he may have already received on account of the Sergeant-at-Arms of the House or the Clerk of the House, a sufficient sum is hereby appropriated.

Mr. HASKELL. I make the point of order on that amendment.

Mr. BLACKBURN. In answer to the point of order, I will simply say the Committee on Appropriations have only obeyed the order of the House. In the CONGRESSIONAL RECORD of the 15th day of June I find that the House passed the following resolution:

That the memorial of George Q. Cannon be reported back to the House for reference to the Committee on Appropriations, with the recommendation that he be allowed mileage and salary, and allowance for stationery and newspapers up to and including April 19, 1882, the date the contest was decided in the House, deducting any sum he may have already received from the Sergeant-at-Arms.

That resolution was reported by the gentleman from Pennsylvania [Mr. MILLER] from the Committee on Elections, by order of the Com-

mittee on Elections, and was passed by this House. In obedience to that order of the House the Committee on Appropriations have directed me to report that amendment to this bill.

Mr. HASKELL rose.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. HASKELL. Yes; on the point of order.

I asked distinctly the gentleman from Pennsylvania, [Mr. MILLER,] who reported that resolution, as to what effect it would have, and other members on the floor did so, and it was stated it was a mere reference of it by the Committee on Elections to the Committee on Appropriations for their action and for their finding. That resolution went through the House to the Committee on Appropriations with the distinct understanding that the Committee on Appropriations was to determine the merits of the case.

Mr. BLACKBURN. Will the gentleman answer me this question? Did he not understand when the House passed that resolution on motion of the gentleman from Pennsylvania [Mr. MILLER] who sits by me that it conferred special power on the Committee on Appropriations to make this recommendation?

Mr. MILLER. I so stated.

Mr. HASKELL. I am not objecting to the report of the Committee on Appropriations. I do not care to deny, Mr. Chairman, the jurisdiction of the Committee on Appropriations——

Mr. MILLER. Will the gentleman from Kansas allow me——

Mr. HASKELL. I want to make my statement on the point of order first. I do not care to deny the jurisdiction of the Committee on Appropriations on this subject; it is not necessary to my point that I should. I am willing to admit that they had jurisdiction; I am willing to admit that they had the right to report this amendment.

But I raise the point of order that there is no law—and it takes both Houses of Congress and the consent of the Executive to make a law—there is no law on the statute-book that permits this House to pay any man a sum of money for services which he never rendered, and to have a salary which was never due him.

Mr. BLACKBURN. Was he not in his seat up to that time?

Mr. HASKELL. He never was a member of this House on a *prima facie* case or any other case.

Mr. BLACKBURN. I quoted the gentleman from Pennsylvania, [Mr. MILLER.]

Mr. HASKELL. Wait till I get through. He had no certificate of election; he never was sworn in; he was never a Delegate in this House from the Territory of Utah; he never had a right to sit here a moment. There is no authority of law for paying a man a salary who was not entitled to a seat.

I only desire to call the attention of the Chair to the fact that when the Committee on Elections reports as a fact and the House acts upon it that he is not entitled to a seat, then from the date of that action of the House to the end of Congress the man so reported against draws not a dollar of pay.

The CHAIRMAN. Will the gentleman allow the Chair to make this inquiry? The proposed amendment speaks of the date of the contest "which deprived him of a seat in the House."

Mr. HASKELL. Ah, but he never had a seat in this House. In order to have a seat, even on a *prima facie* case, he must be sworn in, and he never was sworn in.

By the action of the Speaker of this House his name was stricken from the pay-roll at the beginning of this present session of Congress. I call the attention of the Chair to the record of the House. Under the law which gave the Clerk power to place his name on the roll he drew pay up to the time when by law the Speaker struck his name off the roll. From that time on down to the present time he has never been for a moment a member of this House, and is in no way entitled to pay as such.

Mr. ATHERTON. By what authority did the Speaker take his name off the roll? There was authority for the Clerk to put his name on the roll. What authority was there on the part of the Speaker of this House to take his name off the roll? Was it not an act of usurpation?

Mr. HASKELL. When the Speaker comes in possession of his place by vote of the House the House is then organized, and the power of the Clerk in that regard ends with the election of the Speaker of the House.

Mr. ATHERTON. What right had the Speaker to do that? That is the question.

Mr. HASKELL. The House concurred in the action of the Speaker; the House never ordered his name to be put on the roll again.

Mr. ATHERTON. By what action of the House was that concurrence had?

Mr. RANDALL. I guess the gentleman will find that the Speaker never did any such thing.

Mr. BLACKBURN. The Speaker never did it.

Mr. HASKELL. Oh, but the Speaker did do it. When the Speaker decided the point of order which was raised, if there was any appeal taken it was voted down. When the Speaker made his decision that took his name off the roll, and the House failed to put his name back on the roll again.

The CHAIRMAN. The Chair would be glad to have the gentleman from Kansas speak to the point of order touching the authority granted to the Committee on Appropriations by the resolution of the House.

Mr. HASKELL. Exactly. The point of order is that this amendment proposes to pay a man a sum of money when there is no warrant of law for the payment of it.

The CHAIRMAN. That is upon the propriety of adopting the amendment.

Mr. HASKELL. That is it.

The CHAIRMAN. The Chair wants the gentleman to speak to the propriety of entertaining the amendment at all, of considering it.

Mr. HASKELL. I will raise the point of order against its consideration, because under the third clause of Rule XXI of the House it cannot come in here. There is no law for it.

And I want to call the attention of the Chair to this fact, that an order of this House is not a law. It does not matter what this House has ordered with reference to the disposition of a resolution; that confers no power to pay, except when there is a statute authorizing that payment.

Mr. ATHERTON. Did not the order of the House change the rule of the House?

The CHAIRMAN. The point is whether it is right to entertain the proposed amendment. On that point the only ground upon which it is offered, as the Chair understands, is a resolution adopted by the House.

Mr. HASKELL. I raise the point of order covering the introduction of the amendment and covering the adoption of the amendment. I am perfectly willing if the Chair wants to make a decision upon the power of the Chair to entertain the proposition that the Chair shall rule upon that point.

The CHAIRMAN. That is all there is before the Chair.

Mr. BLACKBURN. The Committee on Appropriations have simply come in here and made a report under the direct peremptory order of this House.

Mr. MILLER. By an overwhelming vote.

Mr. ATHERTON. I would like to state in that connection——

The CHAIRMAN. On the point of order?

Mr. ATHERTON. I simply want to make the suggestion that the rules of this House are not acts of Congress, and the order made by the House in reference to this case is to a certain extent a suspension of the general rules of the House; and the general rules of the House having been suspended as to this case, it is no longer obnoxious to the point of order.

The CHAIRMAN. The Chair will settle the point of order. The only question that arises is under the order of the House which has been read and which the Chair has before him. The Chair observes a remark by the Speaker at the time the resolution was pending:

The SPEAKER. The Chair thinks that the resolution if referred to the Committee on Appropriations without action by the House would be entirely inoperative.

Mr. MILLER. The only proper course is to adopt either the one or the other resolution.

In conclusion the RECORD shows:

The question recurring on the resolution reported by Mr. MILLER, it was agreed to.

There was thus formal action by the House; and that action embraced the language "mileage and salary and allowance for stationery and newspapers up to and including April 19, 1882."

The Chair thinks he is bound to recognize the amendment as in order, it being offered by the Committee on Appropriations, having jurisdiction of the subject-matter.

Mr. BLACKBURN. Then I ask a vote.

The CHAIRMAN. The amendment as it now stands will be read.

The Clerk read as follows:

To pay George Q. Cannon salary, mileage, and allowance for newspapers and stationery for the Forty-seventh Congress, from December 4, 1881, up to and including April 19, 1882, the date of the decision of his contest for a seat in the House of Representatives, deducting any sums he may have already received on account from the Sergeant-at-Arms of the House or the Clerk of the House, a sufficient sum is hereby appropriated.

The question being taken on the amendment, it was agreed to, there being—ayes 76, noes 10.

Mr. HASKELL. I desire to give notice that there will be a vote by yeas and nays on this amendment in the House.

Mr. RYAN. On behalf of the Committee on Appropriations, I move to amend by inserting, after line 1547, the provision I send to the desk.

The Clerk read as follows:

Where two or more Indian agencies have been or hereafter may be consolidated the expenditures at such a consolidated agency for employés, exclusive of the agent's salary, shall not exceed $15,000; and in no case shall money be expended for such purpose at any such agency beyond the actual needs of the service.

The amendment was adopted.

Mr. HISCOCK. On behalf of the Committee on Appropriations, I move to amend by striking out the words "and Saint Croix," where they occur in line 363; by inserting after the word "rivers," in the same line, the words "the Saint Croix River, in the States of Wisconsin and Minnesota, and the Chippewa River, in the State of Wisconsin;" by striking out the word "river," in line 374, and inserting in lieu thereof the words "and Chippewa Rivers."

Mr. HOLMAN. I believe this amendment applies to a part of the bill which has been passed.

The CHAIRMAN. It cannot be entertained if there is an objection.

Mr. HISCOCK. In the printing of the bill an error occurred, to which my attention was not called until after we had commenced the consideration of the bill. The Chippewa River was dropped out; it was intended to be inserted following the Saint Croix River. The amendment I now propose does not increase the amount of the appropriation at all.

The CHAIRMAN. Is there objection to returning to a preceding part of the bill that this amendment may be offered?

There was no objection.

The question being taken on agreeing to the amendment, it was agreed to.

Mr. BLACKBURN. I wish to offer an amendment making simply a change in phraseology, to which the Committee on Appropriations have consented. It is to strike out, in line 126, the words "constructing sewer to river," and insert in lieu thereof "drainage and water supply."

There being no objection, the amendment was agreed to.

Mr. TOWNSHEND, of Illinois. I move to amend by inserting as an additional paragraph the following:

That no indefinite appropriation made by this act shall exceed the sum of $5,000.

Mr. HISCOCK. I make a point of order on this amendment.

The CHAIRMAN. The Chair inquires to what this amendment is germane?

Mr. TOWNSHEND, of Illinois. It is offered as an additional section. It is certainly germane.

The CHAIRMAN. If there are indefinite appropriations in the bill.

Mr. O'NEILL. It is practically a reconsideration of provisions of the bill already adopted.

Mr. SPRINGER. I call the attention of the Chair to one indefinite appropriation, on page 81, beginning at line 1985:

And the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881.

Mr. HISCOCK. My point of order is that this is virtually a change in provisions of the bill which have already been passed upon, and I make the point of order that we cannot go back in this way to those provisions.

The CHAIRMAN. The Chair is inclined to think that it is a proviso affecting the whole bill——

Mr. HISCOCK. It is in effect an amendment of every indefinite appropriation in the bill.

Mr. TOWNSHEND, of Illinois. It is offered as an additional section, and puts a limitation on all indefinite appropriations in the bill.

Mr. CASWELL. One of which would be deposits of moneys for surveys.

Mr. HISCOCK. As I remember it, the amendment for the payment of an additional month's salary to the employés of the House would also be nullified by this amendment.

Mr. SPRINGER. No; that is a definite appropriation.

Mr. HISCOCK. No; it is indefinite.

Mr. SPRINGER. The law fixes the salary of every one, and therefore it is a definite appropriation.

The CHAIRMAN. While the amendment is blind in its application to the bill, that is not the fault of the Chair, and he thinks it to be a legitimate amendment.

Mr. TOWNSHEND, of Illinois. Now, Mr. Chairman, I am of the opinion that it is bad policy to leave discretionary power with the heads of Departments to incur expenditures exceeding $5,000. My amendment is directed particularly to the provision adopted yesterday authorizing the Attorney-General to republish or reprint certain volumes of the decisions of the Supreme Court of the United States for the purpose of furnishing sets to the different Federal judges.

A statement was made at the time the provision was pending in the House that the Attorney-General had already entered into a contract for reprinting these reports, having, as alleged, authority to do so under the sundry civil bill passed at the last Congress.

I feel satisfied the gentleman from New York was misinformed. I am informed reliably that the Attorney-General takes the same view I do of this matter, and that every legal mind must take of it who reads it with care and deliberation. The Attorney-General, as well as those who have sought to get the contract to print these reports, was of the opinion there was no authority under that sundry civil appropriation bill of last session for the reprinting of these reports, or else they would not come here and ask for authority under this bill. I understand no contract has been made, and that none is contemplated unless this bill shall pass.

The remark made yesterday undoubtedly encouraged the committee to adopt the amendment, and to put into the hands and power of the Attorney-General what was not there before. It seems to me that if he had authority under the sundry civil bill of the last session this committee would not have come in at this session to ask for it. It would have been useless and ridiculous to come here and ask for authority already conferred by the sundry civil appropriation bill of last session.

It was said by my colleague from Illinois [Mr. SPRINGER] yesterday if this is permitted to stand with unlimited authority to the Attorney-General to enter into contract for the reprinting of these reports, it may result in the expenditure of nearly $100,000 out of the Treasury of the United States. As the bill stands there may not be more than seventy copies of the volumes needed to be reprinted. It would not be a saving to reprint that small number, for to do so—that is to reprint seventy copies of a volume—would cost $100 a volume, whereas they can now be purchased for $3 or $4 a volume. It would be a saving, therefore, to purchase them rather than to reprint them.

[Here the hammer fell.]

Mr. VALENTINE. The amendment of the gentleman from Illinois, which is offered to reach one item in this bill, would, in my judgment, reach many others.

Mr. TOWNSHEND, of Illinois. It only applies to proper cases.

Mr. VALENTINE. It was offered to meet one case; but it strikes down provisions which he himself has voted to put in. I refer specially to the one giving the employés of this House a month's extra pay.

Mr. TOWNSHEND, of Illinois. No; this refers only to indefinite appropriations.

Mr. VALENTINE. There is no amount stated in that appropriation. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I move an amendment to the amendment that it shall only apply to the clause of the bill supplying certain volumes of the decisions of the Supreme Court to Federal judges. A word on that amendment. The argument made on the other side last evening was that these volumes cost $1.50 and are sold for $5 a volume, and therefore it would be cheaper to reprint them than to buy them in the open market. That perhaps would be true if we were going to reprint 5,000 copies; but as we only need fifty or sixty copies at most of any one volume, which would cost only $3 or $4 each, perhaps we had better purchase them at that price than authorize a republication for which you will have to pay $4,000 to get your stereotype plates ready to publish one single book. I think the amendment of my colleague with the amendment I have suggested is a fair limit to this appropriation, which is now unlimited.

Mr. SPRINGER's amendment to the amendment was disagreed to.

The question recurred on the amendment of Mr. TOWNSHEND, of Illinois.

Mr. TOWNSHEND, of Illinois. Let us have a division.

The committee divided, and there were—ayes 40, noes 66.

So the amendment was rejected.

Mr. HOLMAN. I move the following amendment:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, to promote civil-service reform and official accountability, $15,000.

Mr. CANNON. I make the point of order upon that amendment, that it has been once offered in this bill.

Mr. HOLMAN. What is the point of order?

Mr. HISCOCK. I hope the gentleman from Illinois will withdraw the point of order.

Mr. CANNON. Very well; I withdraw it.

Mr. HOLMAN. I know that this committee will consider no subject of equal magnitude during this Congress in comparison with the one that is now pending. I know further that if there is any one measure which the public service demands and which the public voice of this country requires it is that this House shall do what they can do to reform the civil service of this Government. This proposition was offered by my friend from Pennsylvania the other day, and under a misapprehension, as I believe and hope, was disagreed to; and I trust that the committee will now consent to appropriate this comparatively small sum of money, only $15,000, to see what the President will do and can do through the proper commission to suggest reforms upon which Congress can act. All men, sir, who are watching the course of government are watching it with solicitude in connection with the question of our own civil service; and I cannot be astonished that gentlemen who are willing to levy assessments upon the salaries of the employés of the Government should sneer at the efforts made upon this floor by any man who may suggest a provision as to reform in the civil service. If there is a refusal to appropriate this small sum, I trust gentlemen will state some reasons which will be satisfactory to the committee and to this country for that action.

Mr. DINGLEY. I move to strike out the last word. I wish to call the attention of gentlemen on this side of the House and of the committee to the fact that the President of the United States in his message to Congress in December last asked for an appropriation of this character for the purpose of carrying out this section of the Revised Statutes. Let me read the section:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof and ascertain the fitness of each candidate, in respect to age, health, character, knowledge, and ability, for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service.

If there were no other reason, the fact that the President asks for means to carry on this inquiry ought to lead Congress to respond to his wishes.

But there is a reason outside of this recommendation for adopting the proposed amendment. Without reference to various methods of civil-service reform which have been suggested, every member of the House knows that the subject is one of great importance. The civil service of the country is composed of about 100,000 persons, and is increasing with the growth of the country. Such a vast amount of patronage dependent on the success of this or that political party will soon put altogether too great a strain on our institutions. It is the duty of statesmen, therefore, to investigate this question and see if remedies for admitted dangers cannot be devised.

I trust, therefore, that this side of the House especially will support the amendment looking to an investigation of this subject.

Mr. HORR. Mr. Chairman, I wish to say a word to the committee on this civil-service reform question. I do not believe we had better put into this bill any appropriation for the purpose named in this amendment. I am on the Civil-Service Reform Committee of this House, as my friend from Kentucky was kind enough to inform us the other day, and I trust I may be permitted to say that if there is any humbug that is greater than another in this country it is this competitive examination business for clerkships in the Departments. If there is any one thing that will demoralize the service of the country and result in the poorest selections, it certainly is that system. Why, I almost prefer the plan of my friend from Kentucky, although I do not know in just what manner the question of his candidacy was determined, whether it was by a game of draw-poker or by throwing coppers. [Laughter.]

Mr. WILLIS. I suppose it must have been the first, as I take it for granted the gentleman is more familiar with that than the other.

Mr. HORR. Not exactly. I recollect the gentleman said that it was by lot, and he proved it from Scripture that they used to determine such important matters by lot, and he cited the case of Jonah. Now I have never had any good reason shown heretofore why the whale threw Jonah up——

Mr. WILLIS. I do not like to interrupt a prospective good point, but I said nothing about Jonah.

Mr. HORR. I beg the gentleman's pardon; he said they cast lots when they proposed to throw Jonah overboard, and the lot fell upon Jonah; and what I was about to say was this, I never heard before of so good a reason why the fish got rid of Jonah as the one stated by the gentleman from Kentucky. [Laughter.] If Jonah was one of these modern civil-service reformers my sympathies are all with the whale. [Laughter and applause.]

Now, Mr. Chairman, a civil-service reform which would enable us to appoint only good men to office, that would save this country from trouble and the members of this House from endless importunities, would meet my approval. I would, notwithstanding it would put some Democrats in office, divide the whole clerical force of this country among the Congressional districts; I would make every Congressman responsible for the appointment of these men; I would have the member know when a vacancy is to be filled, and let him fill it, and put a stop to this eternal clattering and chasing around after men to get positions.

Mr. SPRINGER. That would make it worse.

Mr. COX, of New York. How would that apply in the case of the stenographers?

Mr. HORR. I would turn out the stenographers when they ought to be turned out, and put good men in their places when there ought to be other men put in their places. That is all we have done or that our Speaker has done; and it is what Speakers before him have done.

As to this amendment I am opposed to keeping up a board for the purpose of ascertaining whether a man can answer technical questions in geography as a test as to whether he can examine pension claims or not. I would put a man in office who gave a test of his fitness for the duties he had to perform, and if he turned out a bad officer I would turn him out and put another in his place until I got a good one. And I would not keep him in for life.

Mr. ATHERTON. You would keep him in as long as he continues to pay his assessments.

Mr. HORR. What would soonest ruin the civil service of this country would be to keep men in for life, retaining their offices till they are fit for nothing else. There has been nothing worse for the civil service of this country than that in the whole history of this Government. More men have been ruined by keeping them too long in these clerkships than have ever been injured by removals.

[Here the hammer fell.]

Mr. CURTIN. I move to strike out the last word.

Mr. PAGE. I would like to be recognized, and yield my time to the gentleman from Michigan, [Mr. HORR.]

Mr. CURTIN. I have but a few words to say on this subject. I am in favor of an appropriation to pay the expenses of a commission of citizens appointed by the President to reform if possible the civil service of this country. I had the honor of introducing a bill into this House early in the session in which I indicated precisely what the gentleman from Michigan [Mr. HORR] has advocated, the selection by Congressional districts, by the member of Congress. I desire that this Government shall be freed from the importunities of these higher officials in the appointment of officers.

In the appointments to offices of a subordinate character members of Congress do not seem to be of much account, if we form an opinion from the reports of appointments in the Departments where the expense is audited and stated. The appointments are generally made through the influence of Senators of the United States, who are a part of the appointing power; and through judges—oh, save the mark!—the influence of judges of the Supreme Court of the United States! Think of Marshall, with his thirty-three years of judicial service, with his great opinions and constructions of the Constitution so interwoven with it that to the people they are as part of that matchless instrument itself; think of the great Chief-Justice of the United States, in his spotless ermine, standing before a subordinate official of this Government and asking him for the appointment of a clerk or a messenger!

I must not be understood as in the least depreciating the character of the justices of our august judicial tribunal for learning or integrity. They do but yield to a custom which has grown and spread over all official influences, and they, too, are subjected to the importunities of applicants for office which no one seems to have the fortitude or dignity to resist.

This is not a political question, nor is it born of the recent assessment on officials for the promotion of party success. It has engaged the attention of wise, patriotic, and judicious men of all parties. The subordinate civil service as now administered and procured is a festering sore on the body-politic, which independent men desire to cure and neither ridicule, wit, nor denunciation will deter them from the assertion and determined advocacy of their convictions of duty.

If there is any need for civil-service reform when will that period come? And if this body does not take it upon itself to reform the civil service so that it shall not be debauched and degraded, let us allow the President to appoint a commission of citizens who have turned their attention to that important subject and report to this Congress some reform which will give to this Government efficiency in its official channels, and save us from the disgrace of seeing high officials join in such importunities. [Here the hammer fell.]

The CHAIRMAN. The *pro forma* amendment is withdrawn.

Mr. WILLIS. I renew it.

Mr. HISCOCK. I move that the committee rise for the purpose of limiting debate.

Mr. THOMPSON, of Kentucky. I hope the gentleman will allow my colleague [Mr. WILLIS] to reply.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

Mr. HISCOCK. I move that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion I move that all debate upon the pending amendments and all amendments to the bill be limited to twenty minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was also agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the sundry civil appropriation bill; and under the order of the House all debate upon amendments to the bill is to be closed in twenty minutes.

Mr. HISCOCK. I desire to say by way of explanation there are two matters that perhaps need some discussion; the amendment providing for an appropriation of a certain sum of money to be put at the disposal of the President of the United States, and another amendment which the gentleman from Illinois [Mr. SPRINGER] proposes to offer to the clause of the bill appropriating for the printing of the records of the rebellion. I propose that ten minutes be devoted to the first amendment I have alluded to, and ten minutes to the latter. Of the ten minutes allowed for the first amendment I propose that five shall be given to the gentleman from Kentucky [Mr. WILLIS] and five to the gentleman from Michigan, [Mr. HORR.]

The CHAIRMAN. That disposition of the time may be made by unanimous consent.

Mr. BAYNE. I object.

The CHAIRMAN. The question now pending is on the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.]

Mr. WILLIS. I move to strike out the last word.

I am very glad the distinguished gentleman from Michigan [Mr. HORR] who honors the Select Committee on Reform in the Civil Service by his membership has at last had an opportunity to unburden himself upon that important question. I saw him the other day, when an amendment similar to this was pending, treading this aisle up and down like some elephant when his jungle had been invaded. [Laughter.] And now when his time has at length come he has delivered himself with a force, a beauty of expression, and an innate genius that will embalm his memory in the hearts of the civil-service reformers of the country.

The gentleman, imitating the very bad example of one of my colleagues, [Mr. WHITE,] has gone out of his way to make an allusion to my last canvass. I take it that the gentleman did not mean to be understood as seriously attacking me for simply settling my candidature with a brother Democrat by lot instead of precipitating upon

a community of mutual friends the scenes of crime and political debauchery which are the usual attendants of nominating conventions. If the gentleman now or at any time hereafter wishes to be serious in this matter, if he desire to institute an investigation of the method of my canvass, I say to him in all frankness that I am ready, and he will find perhaps that there are blows to give as well as to receive.

Assured, however, that he meant only a bit of pleasantry, I will pause only to say that no allusion he can make here to the method of settling my election controversy will meet with the slightest feeling or objection. He is mistaken if he presumed that the feeling which I in part expressed upon this floor the other day was caused by the simple reference to the act of casting lots. It was because newspaper comments, disproportionate in their vehemence to my act, comments which have been long since forgotten by all concerned, were placed in the RECORD without explanation, without statement that they rested upon that single transaction. If I am not mistaken I could put not only my friend from Michigan but probably every member of this House under a temporary cloud of dishonor and suspicion by gathering up the floating newspaper charges circulated during an excited canvass. Does my worthy friend see the point of this observation? If so, let him "govern himself accordingly."

Now, as regards Jonah and the whale, I did not in my remarks the other day allude to either of them. I am sorry I did not, as the whole force and appropriateness of the gentleman's facetious reply are thus, like Jonah, knocked overboard. If my friend had given me due warning of his intended and very witty reference to Jonah I surely would have said something to have enabled him to have made it. Such brilliant scintillations of wit are too rare upon this floor and in the country to be suppressed for want of facts to inspire them.

But as the honorable gentleman has got in his work on Jonah and the whale, I hope before I take my seat to show him that his reference to that little sea story was most unfortunate both for himself and for his party.

The very humorous comment my worthy brother made touching that distinguished mariner reminds me, as Mr. Lincoln would say, of a "little story," which I will tell in connection with the amendment now pending, and as illustrating the position of the Republican party upon this whole question of a reform of the civil service. Prior to telling it, however, I desire to call the attention of this committee to the fact that this section, 1753, creating a civil-service commission, was put upon the statute-books as far back as 1871, and that, too, by a Republican Congress. Year after year has passed and this commission, appointed under Republican auspices, has been unable to operate because of the refusal on the part of Congress to give the money necessary for its purposes.

And not only that, Mr. Chairman, but that refusal of Congress, as the gentleman from Maine [Mr. DINGLEY] tells you, has been in the face of the deliberate appeal made by your President in two messages that this appropriation be made. It has been in the face of your solemn declarations in national conventions, that civil-service reform should be immediately secured to the people of this country.

This course of conduct on the part of the Republican party, this quadrennial outburst for reform when a Presidential canvass is in progress, brings me in the most natural way to my story, which is about another mariner who was not a Jonah. I refer to old Captain Cross, who lived down on the raging Ohio, and was the gallant commander of a first-class mud-scow; not, therefore, quite as distinguished as the quondam prophet of Nineveh. Even among the boatmen of the Ohio River, where sanctity is the exception rather than the rule, he was regarded as the most profane man that ever walked the deck of a boat. His profanity was notorious.

Upon one occasion he landed at the town of Owensborough, which has the honor now, and I hope will long so continue, of being represented on this floor by my friend and colleague, Mr. MCKENZIE, and his boat got stuck fast in the mud. Here was a crisis. How could he get out of it? He called his first mate and told him to go up into town and ring a bell and tell the people that he was converted, that he had got religion, that he intended to reform, to change his life, to lay aside his evil ways and become a pious and devoted Christian. His mate went up in town and rung the bell and made proclamation according to orders. Moved by curiosity, piety, and sympathy, a vast crowd of men, women, and children poured down to the river bank where this other Jonah and his craft was in danger. He said to them, "A prayer-meeting will be held in the rear of this boat." They all went on the boat, and in that direction, and as soon as they got there the bow of the boat rose out of the mud, and he told them that that prayer-meeting was ended, that he had no further use for them, and they could go home, ashore, or to Halifax. [Laughter.]

Mr. ROBESON. Is that the attitude of the Democratic party?

Mr. WILLIS. That is the attitude of the gentleman who interrupts me, and the party to which he belongs. Every four years the Republican ship gets stuck in the mud. A Presidential election is coming on and they make a great many professions of reform; they tell the good people of the country they intend to change their evil courses. But when they get them, when they have induced the good people of the United States to come on board their political craft and join in the great prayer-meeting for reform, when through their aid and prayers and votes the Republican ship is out of the mud, they tell them, in language probably not so profane as that of the captain on the Ohio, but equally as emphatic, as they will do by their votes to-day, that the prayer-meeting is ended, they have no further use for them; they are put ashore or are thrown overboard like Jonah was and the ship moves on its way.

[Here the hammer fell.]

Mr. ATHERTON. Their ships are of such a kind that they never will get out of the mud.

Mr. HORR. I sympathize very deeply with the effort of my friend from Kentucky [Mr. WILLIS] or any man on the Democratic side of the House who starts out on a genuine mission of reform.

I had not quite finished the question which I was intending to call the attention of my friend from Kentucky to when I was stricken down on account of lack of time. I fear from the speech which he made a few days ago that he fails to apprehend the exact position in which he placed the people of Kentucky when he decided such an important contest, which he tells us was done by the flip of a copper—heads up, the other fellow runs; tails up, WILLIS runs. [Laughter.]

Mr. WILLIS. The gentleman is entirely mistaken; it was a dime.

Mr. HORR. Well, call it a dime which they flipped; the great principle is the same, I take it. Now, the thing I object to is that any man should be so dull in reference to a great moral question. The rights of the people in selecting a great statesman of this country were involved. Only think that he should permit for a moment the destinies of a people to hang upon such a trifle as that—the selection of statesmen, the good of the country, perhaps the salvation of Kentucky hanging on the mere accident as to which side of that ten-cent piece turned up. It is too serious a matter to be decided in that way.

Kentucky has always been noted for its fast horses and its lotteries and some other things. But this is the first time I ever heard that she decided the caliber of her statesmen by heading and tailing ten-cent pieces. [Laughter.]

When I was trying to give you a simple statement of what would end this whole trouble about civil-service reform, my friend from Ohio, [Mr. ATHERTON,] if I remember aright, slipped in a word, which I did not catch very distinctly. I think he wanted to know if I would not have these men kept in their places until we could get 2 per cent. out of them. Was not that the question?

Mr. ATHERTON. That will do, anyhow. [Laughter.]

Mr. HORR. That will do, anyhow. It is wonderful how these Democratic souls are moved over that 2 per cent. business. My friend from Illinois [Mr. SPRINGER] usually heads that business. I know he does not do it with any seriousness. I know he always has a sort of Heathen-Chinee look on his face every time he makes his regular civil-service reform motion. [Laughter.]

But, pray, is he so much troubled about that question as he pretends to be? Brother SPRINGER, how much money did you pay to get your present seat? Did I not hear you say the other day that it cost you over $2,000?

Mr. SPRINGER. I made no statement on the subject, I think. I have never been assessed by any committee of the Democratic party; I have never paid anything but legitimate expenses.

Mr. HORR. When we were trying to raise the salary of a man who was getting $3,000 and gentlemen on the other side were trying to cut it down, the gentleman from Illinois said: "That is more than I get now, after I pay my bills." I heard him say so myself. I do not find any fault with it. You have a right to pay such expenses. But pray tell me is it any more honorable for a man to contribute of his own money in order to get a seat on this floor than it is to contribute to the getting of a friend here? Has not a man just as good a right to subscribe voluntarily and freely for the purpose of sending his friend here as you and I have to pay the expenses which fall to the lot of us all? When did the Democratic party cease to use money for either legitimate or illegitimate purposes in connection with elections to this House?

I am aware, Mr. Chairman, that it does not take as much money to run their elections as it does ours. Where you can use tissue ballots and capture 20,000 votes in a State by the mere expense of a $5 bill, the business is easy and cheap. Shot-guns are cheap. It is easy enough to carry elections when you can do it as you are now trying to do by redistricting the State of South Carolina—running a district up and down that State its entire length, dividing even townships and making such a looking map as would disgrace a set of ordinary villains. No man who lives in that State has a face with brass enough in it to look at that map as the State is now redistricted and not hang his head in shame.

A MEMBER. How about Michigan?

Mr. HORR. I am willing to put Michigan right by the side of South Carolina.

Mr. MCMILLIN. How about the State of Maine, where one district covered the entire coast under the last districting?

Mr. HORR. The State of Maine is all being run "at large." There is no redistricting there at all. [Here the hammer fell.]

Mr. COX, of New York, obtained the floor.

Mr. REED. Nobody has ever charged any gerrymandering in districting the State of Maine.

Mr. McMILLIN. And how about Pennsylvania, where even counties have been divided by the Republicans to carry out gerrymandering schemes.

Mr. MILLER. I challenge the gentleman to name the district in Pennsylvania gerrymandered by a Republican Legislature in the manner he states.

Mr. WILLIS. I would like to know what has become of civil-service reform?

The CHAIRMAN. The gentleman from Kentucky is not in order. The gentleman from New York [Mr. COX] has been recognized and is entitled to proceed.

Mr. COX, of New York. Mr. Chairman, I have no objection to voting a reasonable sum, and even to place it in the hands of our President for the purpose, if it be possible, of purifying and elevating the public service. I do not believe any man of either party, if he would reflect for one moment, would oppose an appropriation looking toward the purification and elevation of our civil service. We are reproached all over the country to-day because of the frauds that exist throughout this service. It rests with Congress to purify it. I know that General Grant, when President, made some efforts in this direction; and we voted him money for the purpose; but it seems there was some difficulty in carrying out the measure. Perhaps the difficulty was with his Cabinet. I see my friend fom New Jersey [Mr. ROBESON] looking at me. His Cabinet may have been a "bad partner" in that business. We had all our hopes disenchanted.

> Our very hopes belied our fears;
> Our fears our hopes belied;
> We thought her dying when she slept,
> And sleeping when she died.

I hope the Republican side of the House will sing that in their next election campaign. I would like the people of the country to have two issues before them: in the first place, the elevation and purification of our civil service; and in the next place the question of taxation, its amelioration and eradication. Gentlemen on the other side cannot undertake to mislead the people. Since your Senate has begun upon the tariff and internal-revenue business, in spite of all your conduct here, in spite of all your commissions, those two issues will be made before the people; a reduction of taxation, so that the burdens upon the people shall be lightened; and reform in our public service, a substantial reform in spite of all the language used here, to the end that no such article shall be sent out as I now read from the Boston Herald, an independent paper:

> Fraud, fraud, fraud everywhere, and nobody punished. This is about the way matters seem to be going under our beautiful system of government by spoilsmen. Frauds in the mail service; frauds in Indian supplies, frauds in naval contracts, frauds in the signal service, and Howgate walking out of jail, to the delight of Washington society, and now the old story of frauds in connection with the land office.

Did not somebody in President Grant's time remark about the whisky and other frauds that reform was necessary? If ever reform was necessary it is necessary to-day in regard to this attempt now bolstered up by the gentleman from Michigan, [Mr. HORR,] to levy this 2 per cent. assessment on every office-holder, even on employés in the Life-Saving Service, even on laborers, even on the teachers in our Indian schools. You command all these people, irrespective of age or sex or condition or color, to assist in bringing you back to Congress by paying 2 per cent. on the little salaries that are vouchsafed to them. [Here the hammer fell.]

Mr. HISCOCK. I will divide my time between the gentleman from Maine [Mr. REED] and the gentleman from New Jersey, [Mr. ROBESON.]

Mr. ROBESON. You take three and I will take two minutes.

Mr. REED. Mr. Chairman, it is difficult to do justice in three minutes to a topic I have been desirous of discussing, and that is the little arrangements which the Democratic party indulge themselves in over every appropriation bill. It is surprising to see what little mouse-traps they are always trying to set. It seems as if every appropriation bill goes through to the music of the explosion of a series of mouse-traps, set by the gentleman from Illinois and sprung with re-echoes by the gentleman from New York. [Laughter.]

Mr. COX, of New York. Why do you not take off your political assessments?

Mr. REED. They are utterly unable to rise to the dignity of any question of importance, but they are eternally striking attitudes before a set of people who have been dead and buried for five and forty years. [Laughter.] They are struggling to catch the ignorant, but the American people have ceased to be ignorant since the days of Andrew Jackson. [Applause.] And if these gentlemen could only see themselves as others see them they would find themselves in a cemetery appealing to graves under which lie what has long ago ceased to be even remains. [Laughter and applause.]

Why, look at them. Look at them on the Chinese bill. Why, two-thirds of them wanted to vote for ten years, and they so expressed themselves in private, but all of a sudden a bright idea struck them and they said, winking one unto the other, "Go to, now; we will catch this Republican President and make a great Democratic issue with which we will sweep the whole Pacific coast." So, man by man, men who had declared they were going to oppose the twenty years and be in favor of the ten, swung up solid and the bill passed. And it was vetoed. They said, "Blessings on us. Here is statesmanship, Democratic statesmanship, real and genuine." [Laughter and applause.] When the bill was vetoed we passed a sensible bill and the President signed it, and our majority in Oregon went up from 1,500 to 3,000. [Applause on the Republican side.] That Democratic mouse-trap exploded and no one was in it.

Gentlemen, do not go on setting mouse-traps for elephants; that is the trouble with you. You cannot rise to the dignity of any occasion. [Applause on the Republican side.]

Mr. SPRINGER. You are the Jumbo. [Laughter and applause on the Democratic side.]

Mr. REED. Oh, yes; that gentleman always rises to the dignity of an occasion suitable to himself. [Laughter and applause on the Republican side.]

Mr. SPRINGER. Oh, yes; Jumbo is now talking. [Laughter.]

Mr. REED. Why, the gentleman from Illinois actually got his lungs exhausted the other day and requested permission to print. [Laughter.]

Mr. SPRINGER. You never exhausted your lungs.

Mr. REED. If they were never exhausted before, they were exhausted that time.

Mr. SPRINGER. You never exhausted your lungs.

Mr. REED. The time and patience of the House had been exhausted long before. He puts in an appearance now not for the purpose of presenting this question, but to get into the RECORD for the fifty-seventh time to-day. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. Let Jumbo now retire to the rear and let the real genuine white elephant come forward. [Laughter.]

Mr. ROBESON. Mr. Chairman, it is easy to find fault with great principles or the movements of great organizations; and when I find a party or a man who devotes his time and his talents to merely finding fault, then I begin to sink my dislike for the party or the man into a sentiment of sympathy. He is made for no affirmative purpose, and nothing remains but the negative character of obstruction.

Now, then, the Democratic party has seen a new light within the last thirty days. They are for civil-service reform, that is, so far as they can utilize it for the purpose of injury to the Republican party and other people.

Let me ask them a question or two in order to see if they are for anything that is practical? First, in its crusade for civil-service reform, does the Democratic party mean to say that it is a crime for a man who takes an interest in the welfare of his country and believes that welfare is to be perpetuated by the maintenance of a particular set of principles to contribute voluntarily of his substance to the support of that party?

Mr. RANDALL. Voluntarily is good. [Laughter.]

Mr. ROBESON. And then, if that is so, is it a crime to do it when asked to do so by the organization of the party which represents those principles?

The CHAIRMAN. The time to which the debate has been limited has expired.

Mr. ROBESON. I would like to ask the Democratic party one other question, and it is this, [cries of "Regular order!"] whether or not they are in favor——

Mr. SPRINGER. I want to answer the gentleman if his time is to be extended.

Several MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded, and the only question now before the committee is that offered by the gentleman from Indiana, which the Clerk will again read.

The Clerk read as follows:

> To enable the President to carry out the provisions of section 1753 of the Revised Statutes, to promote civil-service reform and official accountability, $15,000.

Mr. SPRINGER. Can I not have a few minutes?

Mr. COX, of New York. I ask that the gentleman from New Jersey shall have 2 per cent. of the time allowed to the gentleman from Illinois.

The CHAIRMAN. There is no time left for debate. The question is on the adoption of the amendment just read.

The amendment was agreed to. [Applause.]

Mr. DEUSTER. I move to strike out after the word "soldiers," in line 1228, page 51, to line 1234 inclusive.

Mr. HISCOCK. I must reserve the point of order upon that amendment. It is going back to another part of the bill, but I will say that I have stated to the gentleman from Wisconsin that I would consent that he might have two minutes to offer a proposition and discuss the same upon this bill.

The CHAIRMAN. The trouble is that the committee has no time.

Mr. ROBESON. Can it not be done by unanimous consent?

The CHAIRMAN. Not even by unanimous consent. The Chair, however, will recognize the gentleman from Wisconsin to proceed for two minutes, unless some gentleman shall demand the regular order, after which the gentleman will without objection print the remainder of his remarks.

There was no objection.

Mr. DEUSTER. Mr. Chairman, the section sought to be repealed is as follows:

> SEC. 2. All pensions payable, or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the

managers, to be disbursed for the benefit of the pensioners, without deduction for fines or penalties, under regulations to be established by the managers of the home; said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow or children, or in default of either to his legal representatives.

It prohibits the collection of fines and penalties from the inmates of soldiers' homes out of any pension money granted them by the Government. This section was substituted for a bill to that effect introduced by me in March, 1880, (bill 3577, second session, Forty-sixth Congress,) and which I thought at the time, and still consider, a measure calculated to restrain and obviate abuses which had grown to be unbearably unjust to the poor men who, for want of a better home or a home at all, must give up their independence and subject themselves to the restrictions of a public institution.

It is a notorious fact, and one reflecting little credit upon us, that those having the greatest claim upon the exercise of all the noble impulses of human nature, I mean the unfortunate inmates of public institutions, as a general rule are first made to suffer from its worst traits. Inhumanity and brutality seem to find a sort of shelter, a place of refuge, under the delusive cover of "management" at our benevolent, reformatory, or penal institutions, where the will of but one individual or a few is allowed to reign supreme. Protected in its little brief authority by what we are pleased to call "rules and regulations" for the government of inmates, this individual will, thus unrestrained, grows and thrives like a well-nurtured plant, until its bitter fruits are harvested and we are nauseated by sickening reports of brutality, violence, oppression, and ill-treatment.

Like some rotten fruit that may fall from overreaching branches to the ground beyond the high inclosure of a garden, these reports then reach the outside world in spite of the "rules and regulations" by which such institutions are usually walled in. What then follows is too well known to need recital here. In the usual order there are outbursts of public indignation, exposures, and charges, denials, investigations, whitewashing reports, or suggestions for "reform," perhaps followed by wrangles over new appointments, and the subject relapses into its wonted silence until the next case of the kind occurs.

But we never think of curbing this unlimited authority, this unrestrained assertion of will which generally make our bad laws still worse, and oppressive acts still more unbearable; they are permitted to continue their tests of the extent to which human subjection to individual will, passion, and supremacy in power is possible, with the aid of the degrading shackles called "rules and regulations."

Owing to this tendency some of our public institutions are gradually drifting away from their intended purpose, and some, originally creations of purest benevolence, have changed into hot-beds of tyranny and misery to the unfortunates remaining there from dire necessity or confined for reformatory purposes. The evil is constantly spreading, and no time should be lost in correcting it wherever such abuses exist.

Now, one would expect the national military homes to be the last places in the country where abuses of power would ever be practiced; for are their inmates not the honored defenders of the country, the brave men for whom a grateful nation has prepared, in their age, their infirmity, and their time of need, this shelter against a cold, indifferent world? Are they not the homeless wards of the nation who were to be provided with a home and cared for in their age, their infirmities, when they lost a limb, or, worst of all misfortunes, were shut out forever from the light, the beauties, and pleasures of the world by the loss of eyesight? And are they not a part of the men, the armies, whose gallant deeds will live in a thousand songs in the history and the hearts of our people so long as the praise of valor and heroism will re-echo in the warm hearts of our youth?

Yes, they are the same men; their shattered limbs and disfigured forms speak a language of their own; they need no words to tell of the dangers, the storms, the battles they have braved; and they are the men who for these very reasons were to be permitted to enjoy at these homes for the rest of their lives freedom from those cares and troubles which the bustling, crowding outside world will thrust upon all those who cannot well take care of themselves.

But, alas! Hearts that did not tremble before the bullets of the enemy cower before an oppressive authority armed with "rules and regulations;" eyes that did not wink before the attack of a furious foe are humbly cast down before the insulting mien of a "superior," who fattens upon their own substance taken from them neither by open honest force nor by due process of law, but by the equally efficient means of "rules and regulations." These homes, by their very existence, were to prove the desire of the country that the men who had given their limbs and their health to its service should not become objects of public charity; those who failed to provide or lost their own homes in the great struggle to preserve those of others were here to be cared for, not as mere objects of charity, but entitled to our fullest respect and warmest sympathy. In offering them "homes" we assumed all the sacred obligations which the act implied.

And how have we performed this duty? I am ashamed to admit the fact; we have permitted these very men to be robbed. For years a systematic robbery had been practiced at these "homes," plundering these poor men under the guise of fines and penalties, (imposed, of course, by virtue of "rules and regulations,") often of the very last dollar they had in the world. In some instances occurring at the Milwaukee home the entire amount of the pittance granted some of these veterans as pension had thus been confiscated month after month, and in some cases this robbery had been carried to an extent and under pretexts which would place the whole proceedings in the light of a most ridiculous farce were it not too painful a subject to contemplate. As a case in point I might state the case of an invalid, almost totally blind, who was victimized in this manner by the skillful handling of those "rules and regulations" to the extent of four years and a half's pension money; and, as he stated to me in a letter, he could not get a postage-stamp until this fine is all paid in. And for what offense, pray? What had this man done? He had been guilty of the grave offense of leaving this attractive home to seek medical aid elsewhere, and failing in this, he had returned to ask for readmission, and the latter was then made conditional upon the payment of that fine.

I am somewhat curious to know whether in the event of the death of such a victim of the "rules and regulations" the board of managers would present a claim as his legal heirs to the Government for a continuance of the dead man's pension until his fine is paid; or would they sell his body to some medical college, in order that the bones may still yield after death what they failed to obtain by the process of "skinning" during life?

My astonishment when first informed of these systematic robberies was only equaled by my indignation. I had always been under the impression that pension moneys by special provisions were exempt from all interference; that they were the sole and exclusive property of the soldier to whom the country gave the pension. What a great mistake that was! Or rather how shamelessly had the good faith of the country been violated by the boards of managers of these institutions. Under pretext of self-created "rules and regulations" they had placed themselves above courts, law, all and everything, and have robbed these poor fellows, by imposing unjust and unreasonably high "fines," of their little savings, often of their pittance of a pension altogether—of their only possessions in life save what they carry upon their backs.

Thousands of pensioners are to-day in the employ of the Government, some in very high positions; but no one is so unreasonable or unjust to demand that they should give up their pensions because they are salaried employés of the Government. On the contrary, the law provides that they shall have, when honorably discharged soldiers, a preference over others. Yet these crippled, often hopelessly diseased invalids, who are, one and all, slowly tottering toward the grave, are permitted to be robbed of their pension-money under pretense of "fines" in the homes (!) we so generously (!) provided for them! Truly, the spectacle is one which does credit neither to the dignity nor to the fairness of our paternal Government.

It was claimed that the rules and "regulations" aforesaid, by which these extortions were legalized, had the sanction of the highest official authority before they could be carried into effect; and again, that these "homes" were not self-sustaining, and depended to some extent upon incomes from these "fines," and so on. The latter statement seems to me a preposterous one. If they cannot exist without material assistance, let that support be asked for out of the national exchequer, and it will be given, but do not rob the pensioned invalid! Moreover, if there is any good authority for such proceedings I have failed to find it. The power vested in such a board can only be supervisory, not absolute; the inmates of the homes are not prisoners restrained of their liberty, and subject to increased or lessened punishment, but honorable, free citizens, entitled to fullest liberty of action compatible with maintenance of good order and to respectful treatment. While there must necessarily be some little restraint wherever a large body of men is formed into one common household in order to secure its benefits to all alike, still the widest scope possible under the circumstances must be allowed to each one, and such individual privileges especially, like the control of financial affairs, must never be interfered with.

Indeed I will go so far as to say if such abuses cannot be avoided without doing away with all "rules and regulations," why, abolish them altogether and depend on the good sense of the men for order; and if the boards of managers cannot get along without them, abolish the boards along with them too; and if these "homes" cannot exist without either, abolish them also; and let us own up, frankly and honestly, that we cannot take care of these poor men. But away with this hypocrisy, this false mask of an assumed national generosity, which pretends to "care" for them and then steals with the one hand back again what an "open-handed," "grateful" country professed to give them with the other.

Instead of tempering generosity by injustice, let us rather temper discipline by sympathy, necessary authority by personal kindness. If we promised bread, let us not give a stone instead; if we would profess to honor the dead, let us do it by showing kindness to the living.

I cannot close without placing a large share of the responsibility for the injustice and ill-treatment complained of in this instance where it properly belongs, to the reprehensible "class-spirit" generated in those from among whom the commanding officers of these "homes" are selected. I mean the class which by training from

early boyhood, by habits and associations, gradually becomes estranged from the mass of the people from whom they are taken to be educated at the country's expense at a military academy, and which thus loses that feeling of a common equality which is so wholesome a restraint upon the humble citizen.

After years of almost unlimited and unconditional reign over a greater or lesser portion of those most submissive mortals, the soldiers of the regular Army, they are delegated to rule at these "homes." How natural that some of them forget that they are no longer to terrorize poor "regulars," but simply to superintend men and citizens who may not be their equals socially, but who surely are their equals before the law.

Not only do I strongly object to the repeal of the section prohibiting this great wrong, but I intend to introduce shortly a proposition to refund all fines heretofore thus unjustly taken from the pensioners of the Government, and thereby make restitution, so far as can be done at this late day, to these recruits for the grand silent army of death. Their stay among us is shortening with every day, every hour, and before long they will have gone to that home which is governed by a Merciful Father who needs no "rules and regulations" save mercy and justice for its inmates.

The CHAIRMAN. If there are no further amendments to the text of the bill——

Mr. DUNNELL. I desire to offer an amendment.

The Clerk read as follows:

To pay D. W. Johnson, of Minnesota, for one month's service as a clerk in the Pension Office, the sum of $118.

Mr. DUNNELL. I have here the evidence of the service——

The CHAIRMAN. No debate can be permitted under the order of the House.

The amendment was agreed to.

The CHAIRMAN. There being no further amendment, the Chair will direct the Clerk to turn to page 43 and read the paragraph to which the amendment was offered by the gentleman from Illinois, [Mr. SPRINGER,] the right to offer it having been reserved to him.

The Clerk read as follows:

For continuing the publication of the official records, and printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, to be distributed as provided in the act approved June 16, 1880, $33,000.

The CHAIRMAN. To which the gentleman from Illinois offers the amendment which the Clerk will now read.

The Clerk read as follows:

Strike out, in lines 1041 and 1042, the words "to be distributed as provided in the act approved June 16, 1880," and insert at the end of line 1043 the following:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows:

"One thousand copies to the Executive Departments, as now provided by law. Eighty-three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one of such addresses, and the volumes shall be sent thereto, from time to time, as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the ten thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War at cost of publication with 10 per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury.

"If two or more sets of said volumes are ordered to the same address, the Secretary of War shall send but one set and designate other libraries, organizations, or individuals to whom the surplus may be sent by him.

"The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals.

"He shall also inform distributees at whose instance the volumes are sent."

Mr. HISCOCK. I make the point of order upon that amendment that it changes existing law and does not accomplish any of the purposes contemplated by the twenty-first rule to retrench expenditures and warrant its introduction as an amendment to this bill.

Mr. SPRINGER. I understood that no point of order was to be made on this amendment.

Mr. HISCOCK. I must beg the gentleman's pardon; I have not conceded that it was not subject to the point of order.

Mr. SPRINGER. Then the gentleman certainly deceived me, for I showed him the amendment and understood him to say distinctly that he would not make the point of order upon it.

Mr. HISCOCK. The gentleman has deceived himself, I certainly have not deceived him.

Mr. SPRINGER. I so understood the gentleman.

Mr. McCOOK. May I ask the gentleman from Illinois if this is the same amendment which has been published in the RECORD?

Mr. SPRINGER. It is of the same purport exactly.

Mr. McCOOK. It seems as if these were some modifications of it.

Mr. SPRINGER. Not in the substance of it. It is the same amendment, only that I have grouped some of the paragraphs.

Mr HISCOCK. I make the further point that it is the substance of a bill pending in the House.

Mr. McCOOK. I am not expressing an opinion as to the propriety of adopting the amendment.

The CHAIRMAN. The Chair would inquire whether there is a bill pending before the House covering this amendment?

Mr. SPRINGER. No, sir; there is no bill of which this amendment is the substance. There was another bill making a different distribution by the Interior Department, but it did not cover the matter in this shape at all. By this proposition every member will distribute precisely the number he is entitled to.

Mr. HISCOCK. I insist the gentleman shall confine himself to the point of order.

Mr. SPRINGER. I shall do so. I understand the point of order to be that this changes existing law, and does not retrench expenditures. The existing law was for the distribution of the publications made at that time, and not for these. There is no law providing for the distribution of the volumes authorized by this law to be published. The volumes are now being distributed under a law which provided for the previous publication. And I call the attention of the gentleman from New York to the fact that he has been compelled in this very act to say how they shall be distributed; otherwise there would be no law for their distribution. I say it is not a change of existing law. There is no law that provides for the distribution of the volumes authorized in this bill to be published. And if there is no law authorizing these particular volumes to be distributed, and if it is necessary to put it in the bill that they shall be distributed in a particular way as other volumes have been, I submit that it is competent for us to say when we authorize the publication of these volumes in what manner they shall be distributed.

The CHAIRMAN. Does the gentleman say that the mode of distribution is not provided by law?

Mr. SPRINGER. I do. Here in this very paragraph of the bill is a provision that on its face shows there is no law for the distribution, because it directs how the distribution is to be made.

Mr. HISCOCK. That is simply a reference to the appropriation law which provides how these publications are to be distributed.

Mr. SPRINGER. The paragraph says "to be distributed as provided in the act approved June 16, 1880." Why is this necessary if the law provides for the distribution of all these volumes?

Mr. McCOOK. The original law which authorizes the publication of the volumes passed in the year 1879 or 1880—I do not remember which—provided for the publication of 10,000 copies, 1,000 to be distributed to the Executive Departments, 7,000 to the House of Representatives, and 2,000 to the Senate. That was the original law, and the volumes have since been distributed on that basis. Whether the amendment of the gentleman from Illinois is an improvement on that or not I am not at present prepared to say, because it appears to me, as I suggested a moment ago, the amendment as read by the Clerk has been modified materially from the amendment which the gentleman offered, and which was published in the RECORD of the 11th of July.

Mr. SPRINGER. It is precisely the same in substance.

Mr. McCOOK. I think it provides for a distribution of 8,300 copies, where the amendment originally offered provided for a distribution of 6,300.

Mr. SPRINGER. There is no real change. The difference is that the 2,000 copies for distribution by the Senators are included in the same clause as those to be distributed by members, instead of being in a separate clause.

Mr. HISCOCK. I submit that the gentlemen are wandering from the discussion of the point of order.

Mr. ATKINS. I think the point of order does not lie, because the law is exhausted in the distribution of volumes from year to year.

The CHAIRMAN. The Chair has looked for the law of June 16, referred to in the paragraph, and cannot find it in the supplement before him. He remarks that the clause of the text of the bill provides a mode of distribution by reference to a certain law; and although the Chair has not that law before him he presumes it does provide some mode of distribution, and the text of the paragraph intends to give the same distribution to the volumes still to be published. To that proposition the gentleman from Illinois [Mr. SPRINGER] proposes an amendment providing another mode of distribution. It seems to the Chair that the amendment is germane to the text, which provides a mode of distribution, and that it must be submitted to the committee to determine whether they prefer the mode suggested by the amendment or the mode suggested by the bill.

The question being taken on agreeing to Mr. SPRINGER's amendment, there were—ayes 66, noes 10.

So (further count not being called for) the amendment was adopted.

Mr. HISCOCK. I move the committee do now rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had directed him to report the same back to the House with sundry amendments, the adoption of which was recommended.

Mr. HISCOCK. I demand the previous question on the bill and amendments.

The previous question was ordered.

Mr. HISCOCK moved to reconsider the vote by which the previous

question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question will first be on agreeing to the amendments reported favorably from the Committee of the Whole House on the state of the Union.

Mr. HISCOCK. I move concurrence in all the amendments save the one increasing the appropriation for the geological survey. On that I ask a separate vote.

Mr. SPRINGER. I want a separate vote on some other amendments.

Mr. HISCOCK. I want a separate vote on that alone.

Mr. HOLMAN. I desire that we shall have a separate vote also on the amendment providing a month's extra pay to the employés of the House.

The SPEAKER. With these exceptions the Chair will put the question on agreeing to the amendments.

Mr. HASKELL. I desire to ask a separate vote on the amendment giving his salary to the contesting Delegate from Utah, Mr. Cannon.

Mr. HOLMAN. I did not hear distinctly the statement of the gentleman from New York, [Mr. HISCOCK.] Did he make any reservation as to the three paragraphs of the bill on which it was agreed there should be a separate vote?

Mr. HISCOCK. We have not yet reached that. When the amendments reported by the committee have been acted on I will call the attention of the Speaker to the three paragraphs as to which it was agreed in the committee that motions might be made in the House to strike them out.

The SPEAKER. Then the question will be taken upon agreeing to all the amendments reported from the Committee of the Whole, with the exception of those indicated.

The question was taken, and the amendments were agreed to.

Mr. HISCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question will now be taken upon the first amendment reported from the Committee of the Whole, upon which a separate vote is demanded.

The amendment was to increase the appropriation for the United States Geological Survey from $122,000 to $222,000.

The question was taken; and upon a division there were—ayes 88, noes 66.

Before the result of the vote was announced,

Mr. BLACKBURN called for the yeas and nays.

The yeas and nays were not ordered, there being but 18 in the affirmative, not one-fifth of the last vote.

So the amendment was agreed to.

Mr. ELLIS moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment, upon which a separate vote was demanded, was to insert, after line 2031, the following:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 15th day of June, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The question was taken upon agreeing to the amendment; and upon a division there were—ayes 109, noes 15.

So (no further count being called for) the amendment was agreed to.

The last amendment, upon which a separate vote was demanded, was to insert the following:

To pay George Q. Cannon for salary, mileage, and allowances for newspapers and stationery for the Forty-seventh Congress, from December 4, 1881, up to and including April 19, 1882, the date of the decision of his contest for a seat in the House of Representatives, deducting any sums he may have already received on account from the Sergeant-at-Arms of the House or the Clerk of the House, a sufficient sum is hereby appropriated.

Mr. HASKELL. I desire to make a parliamentary inquiry right there.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. If I understand the amendment correctly, it provides for the payment of salary from the 1st of December up to and including a certain date.

Mr. BLACKBURN. No; less any amount he may have received.

Mr. HASKELL. The amendment provides——

The SPEAKER. Debate is not in order on the amendment.

Mr. HASKELL. I am not debating it. The amendment provides that it shall be less the sum already received.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HASKELL. The amendment, as it reads, provides for the payment of salary between two fixed dates.

Mr. BLACKBURN. The amendment is all right.

Mr. ATHERTON. Debate is not in order.

Mr. HASKELL. I am making a parliamentary inquiry, which I have a right to do.

Mr. BLACKBURN. I ask that the amendment be again read.

The amendment was again read.

Mr. HASKELL. That provides for deducting from the gross sum the amount paid——

Mr. BLACKBURN. I object to debate.

The SPEAKER. Debate is not in order. The question is upon agreeing to the amendment as read.

The question was taken; and upon a division there were—ayes 96, noes 15.

So (no further count being called for) the amendment was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. All the amendments reported from the Committee of the Whole have been acted upon.

Mr. HISCOCK. By an arrangement made in the Committee of the Whole, the gentleman from Indiana [Mr. HOLMAN] or any other gentleman is entitled to move to strike out of this bill any one or all of the three clauses appropriating money for the families of Mr. O'Connor, Mr. Wood, and Mr. Farr.

Mr. RANDALL. They are all in now; no discrimination is made.

Mr. HISCOCK. I want the gentleman to have the opportunity to move to strike out, as was agreed upon in Committee of the Whole.

The SPEAKER. The Chair hears no motion to strike out.

Mr. HOLMAN. It was understood that the vote should be taken on striking out those paragraphs.

The SPEAKER. Does the gentleman submit that motion?

Mr. HOLMAN. I move to strike out the three paragraphs indicated, and ask for a separate vote on striking out each paragraph.

The SPEAKER. The first paragraph will be read.

The Clerk read as follows:

To pay the widow and children of Hon. M. P. O'Connor, deceased, $4,637.13.

Mr. RANDALL. I hope that paragraph will be retained.

The SPEAKER. Debate is not in order.

The motion to strike out the paragraph was not agreed to.

The SPEAKER. The Clerk will read the next paragraph.

The Clerk read as follows:

To pay to the legal representatives of the late Hon. Fernando Wood, a member elected to the Forty-seventh Congress, but who died before the time of its organization, $6,000.

The motion to strike out was not agreed to.

The last paragraph proposed to be stricken out was as follows:

To pay the widow and children of the late Hon. Evarts W. Farr, a member-elect to the Forty-seventh Congress, but who died before its organization, $6,000.

The motion to strike out was not agreed to.

The SPEAKER. The question is now upon ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. HISCOCK. I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. HISCOCK. I now ask unanimous consent that the order of the House providing for a recess to be taken from five o'clock to eight o'clock be vacated for to-day.

There was no objection, and it was so ordered.

The SPEAKER. The question is upon the passage of the bill, and under the rule it must be taken by a yea-and-nay vote.

The question was taken; and there were—yeas 138, nays 49, not voting 103; as follows:

YEAS—138.

Aldrich,	Dunn,	Ladd,	Robinson, Jas. S.
Anderson,	Dunnell,	Lewis,	Russell,
Atkins,	Ellis,	Lord,	Ryan,
Bayne,	Errett,	Lynch,	Scoville,
Belford,	Evins,	McCoid,	Scranton,
Bisbee,	Farwell, Sewell S.	McCook,	Shallenberger,
Blackburn,	Ford,	McKinley,	Shultz,
Blanchard,	Forney,	Miller,	Smith, A. Herr
Bliss,	Frost,	Money,	Smith, Dietrich C.
Blount,	Fulkerson,	Moore,	Spaulding,
Bowman,	Geddes,	Morse,	Speer,
Bragg,	George,	Neal,	Spooner,
Brewer,	Godshalk,	Norcross,	Steele,
Briggs,	Guenther,	O'Neill,	Stone,
Buck,	Gunter,	Orth,	Strait,
Butterworth,	Harris, Benj. W.	Pacheco,	Thompson, Wm. G.
Campbell,	Haskell,	Page,	Townsend, Amos
Candler,	Hazelton,	Parker,	Updegraff, J. T.
Cannon,	Henderson,	Paul,	Updegraff, Thomas
Carpenter,	Hepburn,	Payson,	Valentine,
Cassidy,	Hill,	Peelle,	Vance,
Caswell,	Hiscock,	Peirce,	Van Aernam,
Chace,	Hoblitzell,	Pettibone,	Van Horn,
Chapman,	Hoge,	Phelps,	Van Voorhis,
Cobb,	Horr,	Phister,	Wadsworth,
Converse,	Houk,	Pound,	Wait,
Crapo,	Hubbell,	Ranney,	Walker,
Cravens,	Jacobs,	Ray,	Washburn,
Cullen,	Jadwin,	Rice, John B.	Webber,
Darrall,	Jones, George W.	Rice, William W.	White,
Davis, George R.	Jorgensen,	Rich,	Williams, Chas. G.
Dawes,	Kasson,	Ritchie,	Willits,
Deering,	Kelley,	Robertson,	Wilson.
De Motte,	Ketcham,	Robeson,	
Dingley,	Lacey,	Robinson, Geo. D.	

NAYS—49.

Armfield,	Cutts,	Klotz,	Ross,
Atherton,	Deuster,	Knott,	Scales,
Belmont,	Dibrell,	Latham,	Simonton,
Beltzhoover,	Dowd,	Le Fevre,	Singleton, Otho R.
Browne,	Dugro,	Matson,	Townshend, R. W.
Buchanan,	Ermentrout,	McKenzie,	Turner, Henry G.
Caldwell,	Hammond, N. J.	McMillin,	Turner, Oscar
Carlisle,	Hardenbergh,	Morrison,	Warner,
Clements,	Haseltine,	Moulton,	Whitthorne,
Cook,	Hatch,	Mutchler,	Willis.
Cox, Samuel S.	Holman,	Oates,	
Cox, William R.	Hooker,	Prescott,	
Culberson,	Kenna,	Randall,	

NOT VOTING—103.

Aiken,	Farwell, Chas. B.	Lowe,	Skinner,
Barbour,	Fisher,	Mackey,	Smith, J. Hyatt
Barr,	Flower,	Manning,	Sparks,
Beach,	Garrison,	Marsh,	Springer,
Berry,	Gibson,	Martin,	Stephens,
Bingham,	Grout,	Mason,	Stockslager,
Black,	Hall,	McClure,	Talbott,
Bland,	Hammond, John	McLane,	Taylor,
Brumm,	Hardy,	Miles,	Thomas,
Buckner,	Harmer,	Mills,	Thompson, P. B.
Burrows, Julius C.	Harris, Henry S.	Morey,	Tillman,
Burrows, Jos. H.	Heilman,	Mosgrove,	Tucker,
Cabell,	Herbert,	Muldrow,	Tyler,
Calkins,	Herndon,	Murch,	Upson,
Camp,	Hewitt, Abram S.	Nolan,	Urner,
Clardy,	Hewitt, G. W.	Reagan,	Ward,
Clark,	House,	Reed,	Watson,
Colerick,	Hubbs,	Rice, Theron M.	Wellborn,
Cornell,	Humphrey,	Richardson, D. P.	West,
Covington,	Hutchins,	Richardson, Jno. S.	Williams, Thomas
Crowley,	Jones, James K.	Robinson, Wm. E.	Wise, George D.
Curtin,	Jones, Phineas	Rosecrans,	Wise, Morgan R.
Davidson,	Joyce,	Shackelford,	Wood, Benjamin
Davis, Lowndes H.	King,	Shelley,	Wood, Walter A.
Dezendorf,	Leedom,	Sherwin,	Young.
Dwight,	Lindsey,	Singleton, Jas. W.	

So the bill was passed.

The following pairs were announced from the Clerk's desk:

Mr. DWIGHT with Mr. MULDROW.

Mr. SHERWIN with Mr. KING.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. LOWE with Mr. HERNDON.

Mr. MCCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. FARWELL, of Illinois, with Mr. SPARKS.

Mr. HEILMAN with Mr. BLAND.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. MURCH.

Mr. WATSON with Mr. TALBOTT.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE, of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. THOMAS with Mr. CURTIN.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. DEZENDORF with Mr. GARRISON.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. MILES with Mr. SINGLETON, of Illinois.

Mr. MOREY with Mr. COLERICK.

Mr. URNER with Mr. MCLANE.

Mr. TYLER with Mr. WILLIAMS, of Alabama.

Mr. CALKINS with Mr. MILLS.

Mr. WARD with Mr. AIKEN.

Mr. HARMER with Mr. HOBLITZELL.

Mr. YOUNG with Mr. THOMPSON, of Kentucky.

Mr. BURROWS, of Michigan, with Mr. HOUSE.

Mr. WEST with Mr. HEWITT of Alabama.

Mr. HAMMOND, of New York, with Mr. STEPHENS.

Mr. BRUMM with Mr. SPRINGER.

Mr. JONES, of New Jersey, with Mr. WELLBORN.

Mr. CROWLEY with Mr. HEWITT of New York.

Mr. HOBLITZELL. I am paired with the gentleman from Pennsylvania, [Mr. HARMER;] but as I am informed he would vote for the passage of this bill I have felt at liberty to vote in the affirmative.

The result of the vote was announced as above stated.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I am directed by the Committee on Appropriations to report back, with a recommendation that the Senate amendments be non-concurred in, the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. I will ask that the amendments be non-concurred in in gross, or that they be considered in the House as in Committee of the Whole.

Mr. SPRINGER. In behalf of my colleagues upon the committee to audit the expenses attending the illness and burial of the late President, I desire to ask that these amendments of the Senate be either committed to the Committee of the Whole, to which they would go under a point of order, or be considered in the House as in Committee of the Whole. If the latter course be agreed to, I will not make a point of order.

Mr. HISCOCK. That is what I ask, that the amendments be considered as in Committee of the Whole.

Mr. SPRINGER. As to all the Senate amendments?

The SPEAKER. Does the gentleman desire to enter upon the consideration of the report now?

Mr. HISCOCK. As I understand it, there is no desire to debate any amendment of the bill or consider any but one of them, and I move, therefore, that all amendments to the bill, only the one making appropriations for the payment of the physicians attending the late President, be non-concurred in.

Mr. RANDALL. Let us have them read.

The SPEAKER. Does the gentleman desire to have them voted upon separately?

Mr. RANDALL. I do.

Mr. TOWNSHEND of Illinois. I suggest that the amendments be printed in the RECORD, and that the House adjourn.

Mr. HISCOCK. I ask for the reading of the Senate amendments.

Amendments numbered 1 and 2 were severally read and non-concurred in.

The Clerk read as follows:

(3) For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $3,000.

Mr. RANDALL. I move concurrence in that amendment.

The motion to concur was not agreed to.

Mr. TOWNSHEND of Illinois. Had we not better have these amendments all printed in the RECORD, so that we may have an opportunity of examining them?

The SPEAKER. They have already been printed.

Amendments numbered 4, 5, 6, 7, 8, 9, and 10 were severally read and non-concurred in.

Mr. HISCOCK. I ask the gentleman from Pennsylvania if it will not be quite as well to let a motion to non-concur be made with reference to all of these amendments?

Mr. RANDALL. I think we are doing no great harm when we are transacting the public business in this manner.

Mr. ATKINS. I move that the House do now adjourn.

Mr. HISCOCK. And I hope that motion will be voted down.

The motion to adjourn was not agreed to.

Mr. HISCOCK. I appeal to gentlemen on the other side of the House that they ought to let us run the appropriation bills.

Mr. RANDALL. Yes, you are running them, and you have run them very extravagantly.

Amendments numbered 11, 12, 13, 14, 15, and 16 were severally read and non-concurred in.

Amendment No. 17 was read, as follows:

(17) That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Francis E. Spinner, late Treasurer of the United States, with the sum of $47,097.65, amount of the deficiency of June 2, 1875, carried to his debit on the books of the Register of the Treasury, per Auditor's report No. 200925; and he is further authorized and directed to pay to the Treasurer of the United States, out of any moneys in the Treasury not otherwise appropriated, the sum of $650.61, to reimburse said Treasurer for an amount appearing on his books as a deficiency and known as the deficiency of February 18, 1875.

Mr. HISCOCK. I move concurrence in that amendment.

The House divided; and there were—ayes 60, noes 11.

Mr. ATKINS. No quorum has voted.

Mr. HISCOCK. I move that the House do now adjourn.

Mr. ATKINS. I will yield for that motion and withdraw the point of no quorum.

Mr. TOWNSHEND, of Illinois. Let this amendment be non-concurred in before we adjourn.

Mr. HISCOCK. This amendment went out on the point of order in the House, and I thought it should be submitted to the judgment of the House before it went out in committee of conference. I wanted an expression of opinion of the House, and am now entirely willing that it shall be non-concurred in.

Mr. COX, of New York. I hope the gentleman from Tennessee will permit a vote to be taken on this, and withdraw the point of no quorum. I ask consent that the Chair submit the question again.

Mr. ATKINS. I have no objection to that, but the gentleman from New York has moved to adjourn.

Mr. HISCOCK. I withdraw that motion.

Mr. ATKINS. Then I do not give unanimous consent, if that is required, to withdrawing the point of no quorum. I am willing that the question shall be taken again if desired, however.

The SPEAKER. The question is on the motion of the gentleman from New York to non-concur in this amendment.

The amendment was non-concurred in.

Amendments numbered 18, 19, 20, 21, and 22 were severally read and non-concurred in.

The Clerk read amendment numbered 23, as follows:

The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department employed by Major J. J. Dana, quartermaster, United States Army, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

Mr. SPRINGER. If we are to consider this bill in the House as in Committee of the Whole, and be responsible for making these appropriations, I would like to understand them as we go along. I ask the gentleman from New York to explain why these salaries were incurred, or why these persons were employed?

Mr. HISCOCK. I will say to the gentleman that I have moved to non-concur in all of these amendments mainly for the purpose of investigating the same question and get from the Senate the information the gentleman seeks to obtain from me.

Mr. RANDALL. I have been appealed to to withdraw my objection to having all of these amendments read and acted upon separately. The reason I made the objection was because I consider that every character of new legislation put on the bill by the Senate should have a hearing and be read in this House. If we do make law it should be read in both Houses; and that is the reason of my objection, which I feel compelled to continue. We have yielded our right to consider these amendments of the Senate in the Committee of the Whole House on the state of the Union; and therefore there is all the more necessity of having them read at least in open House.

Mr. HISCOCK. I move that the House do now adjourn.

BUREAU OF EDUCATION.

The SPEAKER. The Chair is in receipt of a telegram received to-day, which he thinks should properly be laid before the House. The Clerk will read it.

The Clerk read as follows:

SARATOGA, NEW YORK, *July* 13, 1882.

General KEIFER,
Speaker House of Representatives:

At a joint meeting of the American Institute of Instruction and National Educational Association, held this day, the following resolution was unanimously adopted by a rising vote:

Resolved, That the following communication, signed by the presidents of the two associations, be sent to the President of the Senate, to the Speaker of the House of Representatives, and to the chairmen of the Committees on Appropriations of both branches of Congress: "The National Educational Association and the American Institute of Instruction, now in joint session at Saratoga Springs, strongly commend to the care of Congress the Bureau of Education, and respectfully urge the importance of an appropriation not less in amount than that last granted."

WM. A. MOWRY,
President American Institute of Instruction.
GUSTAVUS J. ORR,
President National Educational Association.

The SPEAKER. The telegram will be referred to the Committee on Appropriations.

Mr. BRAGG. It ought to be referred to the tariff commission.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DAVIDSON, indefinitely after to-morrow.

To Mr. THOMPSON, of Kentucky, for two days, on account of important business.

To Mr. JOYCE, for the remainder of the present session, on account of important business.

To Mr. BARR, for three weeks, on account of illness.

To Mr. HEWITT, of New York, indefinitely, on account of sickness.

ORDER OF BUSINESS.

The regular order is called for, which is the motion of the gentleman from New York [Mr. HISCOCK] that the House do now adjourn.

Mr. HISCOCK. I will yield to the gentleman from Massachusetts [Mr. ROBINSON] for the presentation of a conference report.

IOWA JUDICIAL DISTRICTS.

Mr. ROBINSON, of Massachusetts. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House concur in the amendments of the Senate from 1 to 17, inclusive; and in lieu of Senate amendment No. 18 they have agreed to recommend and do recommend the following:

"That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within such district, and all prosecutions for crimes or offenses heretofore committed in the district of Iowa shall be commenced and proceeded with as if this act had not been passed."

GEORGE D. ROBINSON,
GEO. L. CONVERSE,
Managers on the part of the House.
A. H. GARLAND,
JOHN J. INGALLS,
GEORGE F. HOAR,
Managers on the part of the Senate.

Mr. SPRINGER. Is there a statement explaining this report?

Mr. ROBINSON, of Massachusetts. There is. I have sent it to the desk with the report.

Mr. SPRINGER. I desire to have it read.

The Clerk read as follows:

Statement of reasons for conference report on House bill No. 4166.

The report of the committee recommends concurrence by the House in the first seventeen amendments made by the Senate. The effect of these amendments is to reduce the number of places of holding court from eight to six.

Amendment No. 18, as recommended, makes more certain the necessary provisions for the prosecutions for crimes and offenses.

GEO. D. ROBINSON,
GEO. L. CONVERSE,
Conferees on part of House.

Mr. SPRINGER. That complies with the rule. But I would have preferred four places instead of six for holding courts.

The report of the committee of conference was concurred in.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote by which the report of the committee of conference was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I call for the regular order.

The question being taken on Mr. HISCOCK's motion to adjourn, it was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. McLANE: The petition of J. M. Parr, president of the board of trade, Henry C. Smith, and others, business men of Baltimore, Maryland, for the speedy passage of Senate bill to encourage and promote telegraphic communication between America and Europe—to the Committee on Naval Affairs.

By Mr. WHITTHORNE: Papers relating to the claim of Walter Aiken, administrator of the estate of James Aiken, deceased, of Maury County, Tennessee—to the Committee on War Claims.

SENATE.

FRIDAY, *July* 14, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. No. 1170) granting a pension to Jane S. Taplin, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. R. No. 92) to print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey, to report it with amendments. I ask for the consideration of the resolution now.

Mr. HOAR. Let that stand over. I object to taking it up.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3599) granting a pension to David T. Stephenson, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3582) to reinstate Cornelius Fitzgerald on the pension-roll, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Electa W. Jacobs, praying to be allowed a pension, submitted an adverse report thereon, which was ordered to be printed; and the committee were discharged from the further consideration of the petition.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. No. 1577) for the relief of Hardie H. Helper, reported it with amendments; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William C. Pennington, praying that a pension be granted to Mrs. Mary F. McKeever, widow of the late Commodore Israel McKeever, submitted an adverse report thereon, which was ordered to be printed; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL. I am instructed by the Committee on Pensions,

to whom was referred the bill (H. R. No 1332) granting a pension to Elizabeth Bauer, to report it unfavorably.

Mr. SHERMAN. I ask that that be put on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. No. 924) granting a pension to James Kitchen, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. HILL, of Colorado, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 2040) repealing section 3961 of the Revised Statutes and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of the mails on the star routes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 2129) to punish postmasters for making false certificates of the arrivals and departures of mails, reported it with amendments.

He also, from the Committee on Mines and Mining, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 96) relative to schools of medical practice in the United States and the graduates thereof; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2144) to aid in improving the navigation of the Mississippi River and in preventing interruption to commerce and postal service by the overflow of the Yazoo Delta; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the morning hour is closed.

Mr. ROLLINS. Would it be in order to call up the resolution fixing the hour of daily meeting?

The PRESIDENT *pro tempore*. That was postponed until Monday by a vote of the Senate.

Mr. ROLLINS. A resolution was subsequently introduced by me, which was not postponed.

The PRESIDENT *pro tempore*. The Chair begs the Senator's pardon. The Senator from New Hampshire desires to have the resolution called up fixing the hour of meeting, which can be done, and the resolution can be proceeded with under the Anthony rule. The resolution will be read.

The Acting Secretary read the following resolution, submitted by Mr. ROLLINS on the 12th instant:

Resolved, That on and after Thursday, the 13th instant, the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

Mr. ROLLINS. I move to strike out "Thursday, the 13th," and insert "Monday, the 17th."

Mr. PENDLETON. I move the reference of the resolution to the Committee on Appropriations.

Mr. ROLLINS. I do not see any necessity for the reference of the resolution to the Committee on Appropriations at this time of the session. There is no occasion for it whatever. I think the Senate is fully competent to determine what hour we shall meet without that reference, and I hope the Senate will pass judgment upon it. This is a proposition to meet at eleven o'clock, commencing on Monday next, and if there is any purpose to close up this session and get away it seems to me that it is high time we should change the hour of meeting and meet at eleven o'clock in the forenoon. The objections which were urged by the Committee on Appropriations a few days since, it seems to me, have substantially passed away. The appropriation bills have all been reported, I think, except the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Senator will suspend while the Chair receives a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

The message also announced that the House had passed a bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. ALLISON. I think he will yield for that purpose.

Mr. ROLLINS. Certainly.

The bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOUR OF MEETING.

The Senate resumed the consideration of the resolution of Mr. ROLLINS, to fix the hour of meeting at eleven o'clock.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to refer the resolution to the Committee on Appropriations.

Mr. SHERMAN. I ask the Senator from Iowa if the sundry civil is the last of the regular appropriation bills?

Mr. ALLISON. It is the last of the regular appropriation bills from the House.

Mr. SHERMAN. Is there any objection now on the part of that committee to agreeing to the resolution fixing the hour of meeting at eleven o'clock?

Mr. ALLISON. I shall interpose no objection.

Mr. SHERMAN. I think myself the time has arrived when we can meet at eleven. I was very willing before to defer to the Committee on Appropriations, because they did not then have possession of all the regular appropriation bills.

Mr. INGALLS. How many appropriation bills remain unacted upon?

Mr. ALLISON. All the bills before the committee have been reported except the pension appropriation bill, which will be reported this morning.

The PRESIDENT *pro tempore*. The Senator from Ohio is not heard on the other side of the Chamber.

Mr. SHERMAN. I say I see no objection now to meeting at eleven o'clock, because the Committee on Appropriations now have possession of all the regular appropriation bills. The other day, when they had not possession of all the bills, I thought it was proper enough to defer to them. It seems to me that now, having possession of all the bills likely to pass, we had better adopt as early an hour as eleven o'clock for our meeting, perhaps earlier still.

Mr. HARRIS. I suggest to my friend from Ohio [Mr. PENDLETON] that he change his motion to refer to the Committee on Appropriations to a motion to refer the resolution to the Committee on Finance. Ordinarily I grant the Committee on Appropriations would be the proper committee, but the most important matter now before the Senate, and the one that promises to consume the greatest amount of time, is in charge of the Committee on Finance. For that reason I suggest to my friend from Ohio that he modify his motion so as to refer the resolution to the Committee on Finance instead of the Committee on Appropriations.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. ROLLINS. I merely wish to suggest, if there is no occasion to refer the resolution to the Committee on Appropriations, that there can possibly be no reason for referring it to the Committee on Finance, because they have reported the last important bill referred to them, and the only one. I think there is nothing of importance before that committee at this time. The other day we were told by the Senator from Kentucky that it was absolutely necessary that the Committee on Appropriations should be present at all the sessions of the Senate; that they desired very much to be present. The force of that suggestion had its weight with the Senate, but I thought I would take notice of their movements. I think within fifteen minutes after the resolution was disposed of by postponement until Monday there was no member of the Appropriations Committee present in the Chamber. I find no fault with them by any means; I only call attention to the fact that whether we meet at eleven o'clock in the forenoon or at twelve o'clock it matters not to the Committee on Appropriations or the Committee on Finance; if there is any occasion for meeting in their committee-rooms, if there is any business for them to do, they will attend to that business.

I see no reason why we should postpone action upon this resolution any longer. I do not want to press it unreasonably on the Senate. I do not want the Senate to do anything that will interfere with the orderly conduct of the business of the Senate; but it does seem to me that with the large Calendar which has been accumulated here, with the very large number of bills upon it, it would be quite proper for the Senate to meet at eleven o'clock and undertake to act upon some of the bills which have been pending for a long time.

Mr. BECK. Mr. President, if the Senator from New Hampshire had waited a moment before he commenced the speech which he has just concluded, I should have saved him that trouble by announcing, as far as I am concerned, that now, since the last appropriation bill has come from the House, I care nothing about the time of meeting; and I was going to say that I make no objection to meeting at ten o'clock or nine o'clock, or as early as he wanted. That is all I cared about saying; but when the Senator from New Hampshire announced that I had assumed it was indispensable that either I or any other member of the Committee on Appropriations should be always pres-

ent in the Senate he did not state what I said. I said we had a right to be present during the sessions of the Senate, and there are measures brought up sometimes when it is very important that we should be present. Very likely we went out the other day in fifteen minutes afterward, because we have leave to sit during the sessions of the Senate, and when any subject is up that we think renders it safe for us to leave we go, subject to call by the Doorkeeper of the Senate; and we go in order to utilize the time.

Since we agreed yesterday that the tax bill shall suspend all other public business for a week, and I am willing to suspend all other public business for a month until we get through with it, I do not think we are going to be hastened any longer, and I do not think the Committee on Appropriations will find it necessary to absent themselves during the sessions of the Senate to attend to the sundry civil bill. I think we shall have the month of July, the month of August, and also the month of September to perfect that bill, for I surely will never vote to lay aside the tax bill until there has been a yea-and-nay vote on every item of taxation that I think ought to be reduced. We are going in to make a record now as to who wants the taxes reduced and who wants them kept up, and I want the record made complete. I expect to begin, if you please, with harness, trace-chains, horse shoes, Bessemer steel, woolen goods, tobacco, whisky, and plenty of other things, and we shall have a record that will satisfy the gentlemen on the other side if it takes until December. We shall have plenty of time now without absenting ourselves from the Senate to attend to the sundry civil bill. I expect to be in the Senate and I expect the committee to have ample time during the next two or three months to perfect that appropriation bill.

Mr. INGALLS. I should like to ask the Senator from Iowa [Mr. ALLISON] what is the occasion of the delay in reporting the pension appropriation bill? It passed the House several weeks since. It is a matter about which there is no possible question between the two Houses, and it is very strange to me that that matter, which affects the rights of so many of our citizens, has not been acted on before this time.

Mr. ALLISON. I will say to my friend that the pension appropriation bill will be reported this morning.

Mr. INGALLS. I asked why it had not been reported. It has been before the committee for two weeks.

Mr. ALLISON. Not quite two weeks.

Mr. INGALLS. Very nearly two weeks; there is no possible objection to it from any quarter, and there is great necessity on the part of thousands of indigent pensioners that it should be reported.

Mr. ALLISON. Of course it is to be presumed there will be no objection to the pension appropriation bill, but that, like other bills, must be considered in committee; and the committee have had under consideration a great many amendments to it. I do not know of any pensioner who is suffering because that bill has not been reported. It is time now that it should be reported and considered, and I hope it will be considered within a day or two.

Mr. INGALLS. I have been informed at the Treasury that very serious embarrassment has resulted, and they have been obliged to transfer funds under the joint resolution continuing appropriations, thus requiring delay, inconvenience, and trouble to pensioners.

Mr. ALLISON. It may have inconvenienced one or two clerks in the Treasury for a few moments, but my opinion is that no detriment will occur if the bill shall be passed within a few days.

Mr. INGALLS. I should like also to inquire why the naval appropriation bill is not taken up.

Mr. ALLISON. As far as the naval appropriation bill is concerned, I will say to my friend that it was reported yesterday. I have not had time this morning, having other matters on my hands, to ascertain whether it has been printed as reported.

Mr. COCKRELL. It is on our desks.

Mr. INGALLS. It is printed and on the table, and I ask the Senator when it is to be taken up?

Mr. ALLISON. It will be taken up at the earliest practicable moment.

Mr. INGALLS. When will that probably be?

Mr. ALLISON. On consultation with other Senators as to the condition of business.

Mr. INGALLS. Is there anything in the way of taking it up immediately?

Mr. ALLISON. I suppose the Senator from Vermont wants to take up the tax bill to-day.

Mr. MORRILL. I shall insist on the consideration of the tax bill, which was up yesterday.

Mr. INGALLS. It has always been the rule that appropriation bills had the right of way. It has always been the practice of the Senate, always understood, that appropriation bills were to be considered when they were ready, and it appears to me to be unjustifiable and invidious that this delay should occur in these great measures which affect the welfare of so many people.

Mr. ALLISON. I hope the Senator will allow me to interrupt him by stating that there certainly has been no delay so far as the Committee on Appropriations is concerned with reference to these bills. We have been sitting upon the naval appropriation bill for the last week, every day and every night except one or two.

Mr. MORGAN. I ask the Senator from Iowa if we shall not have to rescind the Republican caucus resolution before we can take up the naval appropriation bill? That seems to be in the way.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Iowa and also the Senator from Alabama that all this is irregular, because the motion is now pending to refer the resolution.

Mr. ROLLINS. Let action be taken on that.

Mr. INGALLS. I should like to be advised how it is irregular. When a resolution is pending a Senator has a right to speak to it, and it is not proper for the Chair to say that discussion is not in order. The question is whether we shall meet hereafter at eleven o'clock, and it is legitimate and germane to ask what business is pending in order that we may vote intelligently upon that question. The rebuke of the Chair is not in place.

The PRESIDENT *pro tempore*. The Chair does not take the speech of the Senator from Kansas as any great rebuke; neither did he intend to rebuke the Senator. The Chair thought the catechism of the Senator from Iowa was not in order. The Senator from Kansas did not address the Chair to speak to the resolution, but was catechising the Senator from Iowa upon the appropriation bills.

Mr. INGALLS. Did the Chair refer to me as catechising any person?

The PRESIDENT *pro tempore*. Yes, sir; as catechising the Senator from Iowa.

Mr. INGALLS. The Chair I suppose is not bound by the ordinary rules of criticism. If the Chair means to assume by using the term "catechism" that I have no right to interrogate the chairman of the Committee on Appropriations as to the condition of the public business when we are discussing a resolution as to whether we shall meet at an earlier hour in order to enable us to adjourn, I beg to say that I differ with the Chair.

The PRESIDENT *pro tempore*. The Senator did not address the Chair. He commenced interrogating the Senator from Iowa, and the Chair has no apology to make in the matter.

Mr. DAVIS, of West Virginia. Something has been said as to the delay of the appropriation bills. That inquiry would be more proper if addressed to the other end of the Capitol. The Senate Committee on Appropriations has worked diligently to get the bills reported to the Senate. I will say to my friend from Kansas that I agree with him that they ought to have been reported and passed long ago, but the fault lies at the other end of the Capitol. Those bills ought to have come here much earlier. The 1st of July was allowed to come, when the bills ought to have taken effect, before they were sent here, and then it is expected that they will be got through the Senate without proper examination. I can say that the fault is not here.

I have happened to belong to the sub-committee on each of the bills which has been inquired about, the naval and the pension appropriation bills; and I say to the Senator from Kansas that I agree with him that they ought to have been taken up and passed long ago. The committee of the Senate has acted diligently and faithfully and has done all that was possible in order to get the bills before the Senate. For one week has the pension appropriation bill been inquired into, and the Commissioner of Pensions more than once has appeared before the committee to give information. The Senator will find when the bill is presented, which will be to-day, that there are considerable amendments made by the committee, and some very important ones both to the pensioner and to the taxpayer; and I hope when he sees the bill he will not complain of the committee on this side, but let his voice go to the other end of the Capitol, as it ought to do. As to the naval bill, it is before the Senate; and it is for the Senate to say whether they will take it up this morning or when they choose to consider it.

Mr. PENDLETON. I have no desire to refer to either the Appropriations Committee or the Committee on Finance a resolution which neither desires to consider. Therefore I withdraw my motion to refer.

The PRESIDENT *pro tempore*. The motion to refer is withdrawn. The question recurs on the amendment of the Senator from New Hampshire to the resolution striking out "Thursday, the 13th," and inserting "Monday, the 17th."

Mr. COCKRELL. I move to amend by inserting the "20th" instead of the "17th." I do that because there are a number of committees which meet on Monday, Tuesday, and Wednesday, and they ought to have that hour in which to act. I know the Committee on Military Affairs has its regular meeting on Tuesday, and there are many important matters that we ought to be able to report on that day. If the Senate meets at eleven o'clock we shall have no time to consider them. We have been meeting regularly and the time has been consumed up to the hour of the meeting of the Senate, and I think it would be best, in the interest of the business of the Senate, in the interest of the Calendar, if we should defer the time until Thursday the 20th instant.

Mr. ROLLINS. If we concede this to the Committee on Military Affairs we shall be obliged to concede the same extension to other committees, and we shall not meet before twelve o'clock at any day of this session. The time has come when we ought to meet at eleven o'clock, and I submit no more courtesy should be extended to the Committee on Military Affairs than to other committees of this body.

I hope the amendment of the Senator from Missouri will not be agreed to, and that Monday, the 17th, will be fixed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri fixing Thursday, the 20th instant, in place of Monday, the 17th instant, as the time when the Senate shall begin to meet at eleven o'clock.

The amendment to the amendment was rejected, there being on a division—ayes 22, noes 30.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New Hampshire to insert "Monday, the 17th instant."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That on and after Monday, the 17th instant, the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

DOUBLE PENSIONS.

Mr. VAN WYCK. I propose to move that the Senate proceed to the consideration of the joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett, of which I gave notice yesterday afternoon. It directs the Secretary of the Interior to withhold action upon the opinion of the Attorney-General until the action of Congress upon the bill reported from the Committee on Pensions on the same day the joint resolution was reported.

Mr. VOORHEES. I hope the Senator from Nebraska will allow that to go over until to-morrow. I have some views on the subject, and in the mean time I desire to look a little more carefully into the case.

Mr. VAN WYCK. At the suggestion of the Senator from Indiana I will consent that the joint resolution go over until to-morrow, and I shall call it up in the morning hour to-morrow.

IOWA JUDICIAL DISTRICTS.

Mr. GARLAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the amendments of the Senate from 1 to 17, inclusive; and in lieu of Senate amendment No. 18 they have agreed to recommend and do recommend the following:

"That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within said district, and all prosecutions for crimes or offenses heretofore committed in the district of Iowa shall be commenced and proceeded with as if this act had not been passed."

A. H. GARLAND,
JOHN J. INGALLS,
GEORGE F. HOAR,
Managers on the part of the Senate.
GEORGE D. ROBINSON,
GEO. L. CONVERSE,
Managers on the part of the House.

Mr. McMILLAN. Will the Senator from Arkansas state the substance of the report so that we may understand the effect upon the bill?

Mr. GARLAND. The House of Representatives passed a bill dividing the State of Iowa into two judicial districts, and fixed eight places for holding courts. When the bill was referred to the Judiciary Committee of the Senate that committee changed the bill, and instead of giving eight places gave six. The present law gives four, and the Senate committee gave two in addition to what the present law gives, and changed, as a matter of course, the distribution of the counties in the bill as it passed the House so as to meet at six places instead of eight. To make that change required seventeen amendments, but that is the aggregate of what is done in the bill. Then the eighteenth amendment was simply putting in the clause we always do under the sixth amendment to the Constitution, saving the places of trial and hearing of crimes which have been already committed in the district ascertained by law. That is now what the House has agreed upon in this report of the committee of conference, which I ask the Senate to concur in at this time.

The report was concurred in.

GEORGE W. MORSE.

Mr. HOAR. In the case of George W. Morse, relative to breech-loading fire-arms and ammunition, reported adversely by the Committee on Patents by the chairman, the petitioner has made some suggestions which seem proper to be considered by the Senator who made the report, and with his consent I ask unanimous consent that the vote of the Senate discharging the committee from the further consideration of the petition be reconsidered, and that the report be put upon the Calendar.

Mr. PLATT. I have no objection.

The PRESIDENT, *pro tempore*. There being no objection, it will be so ordered.

PENSION APPROPRIATION BILL.

Mr. LOGAN. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes, to report it with amendments, and I give notice that as soon as it is printed I shall ask for the consideration of the bill.

PENSION BILLS.

Mr. PLATT. I ask the Senate to consider at this time the pension cases upon the Calendar, the unobjected cases, I suppose.

Mr. SHERMAN. There are some cases where there are a majority and a minority report, and I think they ought to be considered; at least one case I have in my mind.

Mr. PLATT. I will suggest that as there is a large number of cases on the Calendar in which majority and minority reports have been made, and also in which adverse reports have been made which have been reconsidered and placed on the Calendar, I think the first thing we ought to do is to go through the unobjected cases, and then if time remains, if Senators desire to consider cases in which majority and minority reports are presented, very well; but if we take up, for instance, the first case on which there is a majority and a minority report, it may lead to a discussion which will take all the morning. It seems to me that the unobjected cases should be acted on first, so that there may be opportunity to pass such as have been reported in the Senate and not yet acted upon by the House. I have no objection to taking up the others, but I think the order should be that the unobjected cases be taken up first.

Mr. SHERMAN. I will make a suggestion that I think the Senator will probably agree to; that is that we take up the House bills and act upon them first, whether there be minority reports or not. The House bills ought to have preference because the action of the Senate on them will be final; but if we pass new bills they will have to go to the House and may be delayed.

Mr. VOORHEES. I heartily sympathize with the purpose of the Senator from Connecticut. I wish simply to say that there is perhaps one case on the Calendar which has been reported adversely on which I have procured additional testimony which I hope may be considered. If I could present that testimony and obviate the objections which the chairman of the committee may have, and with that modification of his statement, I should be very glad to agree to his suggestion.

Mr. PLATT. What case does the Senator refer to?

Mr. VOORHEES. The case of Amanda J. McFadden, growing out of the Black Hawk war.

Mr. HARRIS. I suppose, of course, the Senator from Connecticut proposes to take up pension cases under the Anthony rule, in which event they are all subject to objection, but I suppose there will be no objection to the consideration of any case favorably reported. The Senator does not propose to take them up independent of the Anthony rule?

Mr. PLATT. Certainly not.

Mr. HARRIS. Then they are all subject to objection.

Mr. BLAIR. Mr. President, I wish to say with reference to the pension cases that those upon which there have been adverse reports and minority reports have many of them been pending since early in the session, and have been postponed from time to time. Not a single one of them has received attention; many of them are pressing severely for it and ought to have been discussed and disposed of long ago. But the unobjected cases have been called up from time to time, and there are now upon the Calendar but comparatively few which do not excite controversy. I think, as the chairman suggests, that it is a proper thing to pass over the Calendar disposing of the unobjected cases first, but in justice to these other parties we ought immediately to follow and to press as strongly as we can do as a committee the consideration of the others immediately after.

Mr. PLATT. I am perfectly willing that the Senate shall devote just as much time as it will devote to the consideration of pension cases about which there is a difference, but I do insist upon it that first we ought to pass the unobjected cases, whether they are House bills or Senate bills. If they are Senate bills, there is the more reason why they should be passed in order that they may go to the House.

Mr. HARRIS. If it is the intention to take up the pension cases under the Anthony rule, I have no objection. If it is the purpose to take them up under any other rule, I object, and demand the regular order.

The PRESIDENT *pro tempore*. Will the Senate consent to take up pension cases?

Mr. SHERMAN. Under the Anthony rule.

The PRESIDENT *pro tempore*. Under the Anthony rule.

Mr. BLAIR. Does that leave us better as to any right of way, or any preference over any other cases?

The PRESIDENT *pro tempore*. Yes, sir; they have preference over everything else.

Mr. BLAIR. I was not aware that pension cases had a preference under the Anthony rule.

The PRESIDENT *pro tempore*. They have not, but it is proposed to take them up under the Anthony rule.

Mr. BLAIR. That is, they are to be considered under the five-minute rule?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. PLATT. I ask for a vote on the motion to take up the pension cases.

The PRESIDENT *pro tempore*. Is there objection to taking up the pension cases under the Anthony rule? ["No!" "No!"] The Chair hears none. The first pension case will be called.

JACOB NIX.

The bill (S. No. 1201) granting a pension to Jacob Nix was announced as first in order, and was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "pension-roll," to strike out "subject to the provisions and limitations of the pension laws" and insert "with the rank of captain, at the rate of one-third disability;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jacob Nix, who served as a captain in the Brown County (Minnesota) Militia during the attack upon New Ulm, Minnesota, in August, 1862, by the Indians, upon the pension-roll, with the rank of captain, at the rate of one-third disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB HUMBLE.

The bill (H. R. No. 5809) for the relief of Jacob Humble was considered as in Committee of the Whole. It provides for the adjudication of the pension claim of Jacob Humble, late a private in Company F, Sixth Indiana Calvary, (Seventy-first Volunteers,) as if the same had been duly filed in the office of the Commissioner of Pensions on the 5th day of August, 1879.

The bill was reported without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MORGAN.

Mr. PLUMB. I desire to call the attention of the Senator from Connecticut to order of business No. 704, being the bill (S. No. 473) for the relief of William H. Morgan, substantially a pension bill, but reported from the Committee on Military Affairs by the Senator from Indiana, [Mr. HARRISON.] I ask that he consent that that be included.

Mr. HARRISON. That is a case which ought to be considered. It is to give bounty to a soldier. He served his whole term and was mustered out thirty days before his regiment. By reason of that muster-out he loses technically his right to $300 bounty. He was simply discharged thirty days beforehand.

Mr. PLATT. I have no objection to its being taken up now if it will lead to no discussion and is of a similar nature to pensions.

Mr. PLUMB. It is of the same nature.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 473) for the relief of William H. Morgan.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "infantry," to strike out "the sum of $215 for arrears of bounty" and insert:

The full amount of the arrears of bounty that would have been due to him if he had remained in the service and been mustered out with his regiment.

So as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to William H. Morgan, late of the Ninth Regiment Volunteer Indiana Infantry, the full amount of the arrears of bounty that would have been due to him if he had remained in the service and been mustered out with his regiment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTA L. BALDWIN.

The bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Electa L. Baldwin, widow of Charles Baldwin, late a private in Company B, Seventh Regiment of Pennsylvania Volunteer Cavalry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN GILLESPIE.

The bill (H. R. No. 4082) granting a pension to Ellen Gillespie was considered as in Committee of the Whole. It proposes to place on the pension-roll Ellen Gillespie, widow of John W. Gillespie, late a private in Company F, Twenty-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS CHAPMAN.

The bill (S. No. 1437) granting a pension to Amos Chapman, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos Chapman, of the Indian Territory, late a scout under the immediate command of Colonel Nelson A. Miles, United States Army, he to be allowed the same pension as a private soldier for the loss of a leg.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH H. SPOTTS.

The bill (S. No. 1796) for the relief of Elizabeth H. Spotts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out lines 7, 8, 9, 10, and 11, in the following words:

The 9th day of March, A. D. 1882, the date of the death of said James H. Spotts; the said sum of $50 per month to be in lieu of any pension the said widow may be entitled to under the general pension laws.

And to insert "passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth H. Spotts, widow of Rear-Admiral James H. Spotts, deceased, and pay her a pension of $50 per month from the passage of this act.

Mr. COCKRELL. I ask the chairman of the committee, had there not better be some restriction in that bill in regard to its being in lieu and satisfaction of all former pensions?

Mr. PLATT. I do not think we had better assume in the passage of bills to-day that a person will be entitled to a pension by special act and also by general law. I suppose that is the point of the inquiry made by the Senator from Missouri. I do not think we had better assume that. There is no difficulty, if it is not already provided for by law, in passing an act which shall settle it; but I do not think it is necessary to incorporate that language into every bill.

Mr. LOGAN. One inquiry I should like to make, not in opposition to the bill, but I want to ask for the purpose of governing myself about a statute that exists, whether this pension is granted to the widow of a rear-admiral who was retired as a rear-admiral or who died when he was a rear-admiral in fact, or whether he was one promoted on the retired list?

Mr. PLATT. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. PLATT June 5:

The Committee on Pensions, to whom was referred the bill (S. No. 1796) for the relief of Elizabeth H. Spotts, having considered the same, make the following report:

Rear-Admiral James H. Spotts died in service March 9, 1882, from disease traceable to his service, after forty-five years' active and faithful service. The claimant is his widow, and is left without adequate means of support for herself and son.

Congress has by special act granted pensions at the rate of $50 per month to widows of naval officers of high rank where the services of the deceased had been long and faithful and where the widow's circumstances were necessitous. This case being similar to those in which such pensions have been granted, the passage of the bill is recommended, with an amendment, striking out all after the word "the," in line 7, and inserting the words "passage of this act."

Mr. LOGAN. I merely wished to know whether the officer died in the service.

Mr. PLATT. He died in the service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. GROOME. I think the suggestion of the Senator from Missouri was very well taken, and the words ought to be added to this bill "in lieu of the pension which she is now receiving under the general law." I move that amendment.

Mr. PLATT. This language which the Senator from Maryland proposes is the precise language which made trouble in the case referred to. We had the matter up this morning in committee, and we are of opinion that we had better not assume by adopting any such clause in a bill at the present time that the decision referred to is correct and affects other cases than the one in which it was made. If the bill introduced by the Senator from Maryland passes the general act will settle the whole matter, and we had better not try to settle it in each particular case.

Mr. GROOME. I do not assume that that opinion is correct, and I do not believe that any considerable number of the members of the Senate can be induced to believe it is correct, notwithstanding the respect that ought to be paid to the opinion of an Attorney-General of the United States after they have heard this matter fully discussed. But this woman is now on the pension-roll under the general law; she is drawing a pension, and this bill does not purport to be a bill to increase her pension, but it purports to be a bill placing her name upon the pension-roll. It has always been customary in such cases as that to be very careful in guarding them, in order that there may not be misconstruction. I think, therefore, that it is clear that in this particular case the amendment which I have suggested ought to be made.

Mr. PLATT. This lady is not drawing any pension under the general law. This is an original pension granted by the bill.

Mr. COCKRELL. If it is an original pension, of course the amendment is not applicable.

Mr. GROOME. If that statement is correct, and of course I know it must be when the chairman of the Committee on Pensions makes it, the remarks I made were under a misapprehension of facts. If this lady is not now on the pension-roll the language I have moved is not necessary.

Mr. PLATT. Mrs. Spotts is the widow of Rear-Admiral Spotts, who died March 9, 1882. As widows of rear-admirals are pensioned by special act at $50, she made no application to the Pension Office, but came here directly to get the pension which is allowed and has been universally by special act to the widows of rear-admirals, major-gen-

erals, &c. She is drawing no pension and has made no application to the Pension Office.

Mr. GROOME. Under the statement made by the chairman of the Committee on Pensions, which presents a state of facts of which I was not aware at the time I introduced the amendment, I withdraw the amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT O. MILLER.

The bill (H. R. No. 1543) granting a pension to Albert O. Miller, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert O. Miller, late a seaman on board the United States steamship Bienville.

Mr. COCKRELL. I offer the following amendment to be added to the bill, and hope it will be agreed to.

And no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. Let the title be changed by adding "and for other purposes."

The PRESIDENT *pro tempore*. The title will be so amended.

JOSEPH N. ABBEY.

The bill (S. No. 1264) to increase the pension of Joseph N. Abbey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Joseph N. Abbey, late captain of Battery H, One hundred and twelfth Regiment Pennsylvania Artillery, from $24 to $50 per month, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL R. CARTER.

The bill (H. R. No. 1997) granting a pension to Joel R. Carter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joel R. Carter, late a private in Company D, Eighty-second Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON BOUTWELL.

The bill (H. R. No. 5684) granting a pension to Newton Boutwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton Boutwell, of Morrisville, Vermont, as a dependent father.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. ROTHROCK.

The bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas U. Rothrock, late of Company G, Eighth Regiment Pennsylvania Volunteer Cavalry, on account of disabilities incurred while in the service and in line of duty.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES HAWTHORNE.

The bill (H. R. No. 2872) to increase the pension of James Hawthorne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Hawthorne, late a private in Company H of the Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of this act at the rate of $50 a month, in lieu of his present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE J. WEBB.

Mr. PLATT. I desire to take up the next case on the Calendar. It has been passed and reconsidered.

The Senate resumed the consideration of the bill (H. R. No. 2349) granting an increase of pension to George J. Webb.

Mr. JACKSON. Let the report in that case be read.

Mr. PLATT. I will make a statement in regard to it.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read.

Mr. PLATT. That bill was passed some time ago, and after it was passed an anonymous letter was addressed to a Senator saying that it was a fraudulent case, and at the request of the Senator I asked the Commissioner of Pensions to investigate it. The Commissioner sent a special agent to investigate it. Webb was then in the Government Printing Office, and it was very easy to determine whether he was entitled to the increase or not. The result of the special agent's investigation and of my own investigation is that we think the letter was malicious and that the bill ought to pass.

Mr. JACKSON. I waive the call for the reading of the report.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

WILSON W. BROWN AND OTHERS.

Mr. SHERMAN. I should like the bill (H. R. No. 4444) granting pensions to Wilson W. Brown and others taken up.

Mr. PLATT. I desire that that bill should not be taken up now. I do not want to object to it and put it over for the day if it can be taken up after we get through the unobjected cases. I am willing it shall come up then.

Mr. SHERMAN. I shall move to take it up this morning if there is time after the unobjected cases are disposed of.

JOHN H. JACKSON.

The bill (H. R. No. 2278) for the relief of John H. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Jackson, formerly of Company G, One hundred and forty-ninth Regiment Indiana State Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY E. MATTHEWS.

The bill (S. No. 2026) granting a pension to Mary E. Matthews was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Matthews, widow of Edward S. Matthews, late a surgeon in the United States Navy having the rank of lieutenant-commander.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ANN LEDDY.

The bill (S. No. 1680) granting a pension to Ann Leddy was considered as in Committee of the Whole. It proposes to grant a pension to Ann Leddy, widow of Thomas Leddy, late of Company B, Sixty-ninth New York Volunteers, United States Army, subject to the rules of the office of the Commissioner of Pensions adopted in conformity with the laws.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EMELINE PINK.

The bill (H. R. No. 4914) granting a pension to Emeline Pink was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline Pink, widow of Charles Pink, late of Company B, New York State Heavy Artillery, who served as a soldier in the Union Army during the rebellion.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LIZZIE M. MITCHELL.

The bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lizzie M. Mitchell, widow of John Mitchell, deceased, late a captain in the United States Army, who died of wounds received and disease contracted while in the service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH C. CUSTER.

The bill (S. No. 1819) granting a pension to Mrs. Elizabeth B. Custer, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out, after the word "to," in line 4, the words "place on the pension-roll the name of Mrs. Elizabeth B. Custer, widow of George A. Custer, late lieutenant-colonel of the Seventh United States Cavalry, at the rate of $50 per month," and insert "increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mrs. Elizabeth C. Custer."

Mr. SAULSBURY. I desire to ask the chairman of the Pensions Committee whether it is proper to be passing these bills for the increase of pensions under what is said to have been the opinion of the Attorney-General as to their effect, until there has been some legislation to correct that matter.

Mr. GROOME. The Senate has passed it this morning.

Mr. SAULSBURY. But it has not passed through the House, and I suggest whether the committee had not better withhold those bills which propose an increase until some definite action is taken by Congress to correct what is supposed to be an evil which has been mentioned here several times. It occurs to me that while it may be proper to pass such bills, we ought not to do so until there has been some legislation to prevent those parties who get an increase from drawing double pension.

Mr. PLATT. I stated—I presume the Senator from Delaware was not in—that we had had that matter under consideration in the committee and had concluded that it was not necessary to put the clause in each bill. It would be in some sense an assumption that the opinion of the Attorney-General was correct; and we supposed a bill would undoubtedly pass which would settle the matter if there was any doubt about it. The amendment has already been attached to one of the House bills and has passed the Senate directing that in no instance shall a person draw a pension by special act and also by general law. There is no doubt that will pass the House to-day or to-morrow, and the whole matter will be settled.

Mr. BLAIR. I think in regard to this matter, so much talked about, that it is well enough to state that the Attorney-General says in his opinion that the Burnett case is a peculiar case. He decides it as a peculiar case. I do not think that that decision subjects the Treasury to the slightest danger as to the payment of double pensions; but if that were so, the general law which was attached to a special bill passed this morning will protect the Treasury and the Government to the utmost extent that it is possible to do it. If vested rights have already accrued, they must be settled by the judicial power, and it is impossible for us by an act of legislation to deprive any pensioner of rights he already has; but we have done the utmost that can be done to save the Government from any double payment arising from any misapprehension as to the state of the law. I do not think we are in the slightest danger. The universe is all right; so are we.

Mr. SAULSBURY. It may be, notwithstanding the Senate has passed this provision, that the House will not concur in it. My suggestion is simply to postpone these bills for an increase of pension until some definite action has been had upon the bill which was sent from the Senate to the House. It may be that we may assume that the House will concur, it is very likely that they will, but it is always best to be on the safe side. Therefore I suggest to the committee that we reserve these measures providing an increase until there has been definite action taken by the House.

CAROLINE FRENCH.

The bill (S. No. 2089) granting a pension to Caroline French was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline French, widow of Brevet Major-General William H. French, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. G. HOFFMAN.

The bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add the words "to commence from the passage of this act, and to be in lieu of the pension he is now receiving;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, and pay him a pension at the rate of $20 per month, to commence from the passage of this act, and to be in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERNARD BRADY.

The bill (H. R. No. 1048) granting an increase of pension to Bernard Brady was considered as in Committee of the Whole. It proposes to increase the pension of Bernard Brady, formerly a private in Company I, Fourth Regiment United States Infantry, to the sum of $50 per month, for the loss of left leg and part of right foot.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LABAN CONNOR.

The bill (H. R. No. 803) granting a pension to Laban Connor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laban Connor, late of Company E, Eighth Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER J. WELSHBILLIG.

The bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter J. Welshbillig, late captain of company G, Thirty-second Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH W. PENNY.

The bill (H. R. No. 2005) to increase the pension of Elijah W. Penny was considered as in Committee of the Whole. It proposes to increase the pension of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment of Indiana Volunteers, to the sum of $36 per month.

Mr. PLATT. I move to amend the bill by adding:

Said increase to take effect from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH VERNOR HENRY.

The bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Vernor Henry, orphan sister of the late Commander Edmund W. Henry, of the United States Navy, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH HAYNE.

The bill (S. No. 70) granting a pension to Sarah Hayne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add:

And to pay her a pension at the rate of $16 per month, to date from his death.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hayne, widow of Michael Hayne, who was a seaman on board the United States ships Ontario, Allegheny, and Brandywine, and to pay her a pension at the rate of $16 per month, to date from his death.

Mr. PLATT. Let that be passed over for the present. I wish to examine it.

The PRESIDENT *pro tempore*. It will be passed over.

BETTY TAYLOR DANDRIDGE.

The bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge was announced as next in order.

Mr. CONGER. I should like to have that bill go over.

Mr. HALE. I appeal to the Senator from Michigan to let the bill pass. It is a very meritorious case. The committee has examined it fully. The bill came with a unanimous vote from the House. The lady is infirm and in need, and I hope the Senator from Michigan will not obstruct the bill, but will let it go through. It is the case of the daughter of General Taylor, the widow of Colonel Bliss.

Mr. CONGER. My desire to have this bill go over was upon information which has been communicated to me—I am not certain about it—relative to some conduct of the person named during the war, some alleged conduct toward Union soldiers during the war. I dislike very much to object to a bill of this kind, and do not wish to make any statement which shall be definite. I am not very particular about it.

Mr. HALE. I hope the Senator will allow it to go. I am sure it is a worthy case.

Mr. CONGER. Not being certain that my information is correct—and if I were I should oppose the bill more strenuously than I do—I withdraw my objection to the consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to place on the pension-roll at $50 per month Betty Taylor Dandridge, daughter of the late General Zachary Taylor, and widow of William W. S. Bliss, late a lieutenant-colonel in the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA ANN WILSON.

The bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 5, after the word "the," where it occurs the second time, to strike out:

Names of Amelia Ann Wilson and her minor children, widow and orphans of the late Marcellus Wilson, a private soldier in the war with Mexico.

And insert:

Name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month, and $2 per month for her daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month, and $2 per month for her daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill granting a pension to Amelia Ann Wilson and her minor child."

ROBERT P. WALKER.

The bill (H. R. No. 4372) for the relief of Robert P. Walker was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Robert P. Walker, late of Company H, Ninety-fourth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE L. USHER.

The bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Kate L. Usher, who is the widow of the late Captain James D. Usher, of the United States Revenue Marine Service, at the rate now paid the widows of officers of corresponding rank in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WADE.

The bill (H. R. No. 1422) granting a pension to Mary Wade was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mary Wade, of Gettysburgh, Pennsylvania, who was the mother of Jennie Wade, who was killed while baking bread for the Union soldiers, and for paying Mary Wade a pension at the rate of $8 per month, to continue during her widowhood, she having been dependent for support on her daughter.

Mr. COCKRELL. Is there any report in that case?

Mr. CAMERON, of Pennsylvania. The case is all right.

Mr. HARRIS. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL on the 8th instant:

The Committee on Pensions, to whom was referred the bill (H. R. No. 1422) granting a pension to Mary Wade, mother of Jennie Wade, who was killed at Gettysburgh, Pennsylvania, while in the act of baking bread for the Union soldiers, having carefully examined the same, submit the following report:

That it appears from the evidence filed in this case that Mary Wade was the mother of the said Jennie Wade, a resident of Gettysburgh, on Friday, the 3d day of July, 1863, the day of the battle at that place; that long prior to this time, to wit, ten years, the husband of said Mary Wade was confined as a lunatic in Adams County poor-house, where he continued up to the time of his death; that the family of the said Mary Wade consisted of three boys, a married daughter, and the said Jennie Wade; that the said mother received nothing toward the support of the family from the boys or the married daughter, but was dependent upon the help and assistance of the said Jennie Wade to a very great extent.

The mother, in an affidavit under date April 4, 1878, makes oath—

"That seven days previous to the death of the said Jennie Wade she, the said Mary A. Wade, had gone to nurse, take care of, and stay with her eldest daughter, George Anna, intermarried with John Lewis McClellan, for her said daughter George Anna was confined in childbirth, and her said husband, John Lewis, was away in the nine months' service; that she remained there till after the battle, but on the 1st day of July, 1863, (being the first day of the battle,) becoming anxious and concerned about the safety of her said daughter Jennie, sent home for her and had her come out to where she was staying; that from that time, namely, the 1st day of July, A. D. 1863, to the 3d day of July, A. D. 1863, she, the said Mary A. Wade, and her two daughters, the said George Anna and the said Jennie, staid in the same house, and that said house was situate near the extreme south end of Baltimore street, in the said borough of Gettysburgh, on the east side of the street, near the top of Cemetery Hill, and was just within the Union lines, and was occupied during the battle by Union sharpshooters; that on Thursday, the 2d day of July, A. D. 1863, all the bread in the house had been given away to and eaten by Union soldiers; that on Friday, the 3d day of July, 1863, the said Jennie Wade was making up a large batch of bread for the Union soldiers and the family; that she had just finished making the bread, and was standing in the kitchen with her back to the door opening from the kitchen into the yard on the south side of the house; that she had just taken out some more flour and turning to her mother, the said Mary Wade, had said, "Mother, I am going to make some biscuit now; won't they be nice for the boys?"—meaning by the term "boys" the Union soldiers—when she was shot. The ball passed through the outside kitchen door and a door leading from the kitchen to the dining-room, which door was standing open, and entered the small of the back just below the left shoulder blade. She expired instantly.

"That upon hearing the shot the said Mary A. Wade turned and saw her daughter, the said Jennie, sinking to the floor. On running to her and lifting her up, she found that her daughter was already dead. That finding her dead, she, the said Mary A. Wade, with the assistance of some Union soldiers, put a quilt over the dead body, and put it on a lounge in the room, but afterward removed it to the cellar. That her said daughter Jennie was killed about eight o'clock on the morning of the 3d day of July, 1863, and was buried in a hole in the garden back of the house, about three o'clock in the afternoon of the 4th day of July, 1863, but was afterward removed to the cemetery.

"She further states that at this time, in the month of July, 1863, her husband John Wade, was living, but that for ten years previous to this time, and at this time, and ever after till the time of his death, he, the said John Wade, was and continued so to be, an inmate of the Adams County poor-house, being confined there as a lunatic; that at this time and for many years previous the support of her family and the partial support of the said Mary A. Wade's mother depended upon the labor of the said Mary A. Wade and her daughter Jennie; * * * that she and her daughter, the said Jennie, supported the family by taking in sewing; that the said Jennie was a stout, healthy girl of twenty years of age, and was at the time of her death, and had for some years previous thereto contributed materially to the support of the family; that the said Jennie was very faithful, steady, and expert with the needle, and was of great aid to the mother, the said Mary A. Wade, and in her death the said Mary A. Wade lost her main support; that since the death of her said daughter Jennie she has been thrown upon her own labor for support; that she is now fifty-six years of age, and has no family or relations to support or maintain her; that she is dependent for her living upon the labor of her own hands and the charity of her friends; and that in addition there has of late years been thrown upon her hands the support of her now aged mother."

The said Mary A. Wade in a subsequent affidavit says:

"She is poor, and owns no property whatever, real or personal, except a little furniture, not exceeding in value $40. She further states under oath that her daughter, who was killed as above stated, was a tailoress by trade, and with her assistance your affiant was barely able to make a living."

In a later affidavit the said Mary A. Wade swears as follows:

"She says further that the making of the bread was begun at the request of the soldiers there, who at that time were unable to go out of the house for fear of being shot by rebel sharpshooters who were not over three hundred or four hundred yards away. * * * That she had not before furnished any during that day, and had not received any pay or demanded any within her hearing or to her knowledge for anything done by her for Union soldiers. * * * We gave them nearly all we had to eat, without asking or thinking of reward."

Mrs. Catharine Bushman makes affidavit substantially as follows: That she has known Mary A. Wade and her daughter, the former for forty years; that Jennie was a tailoress, and supported the family by working at her trade. That for about thirty years Mary A. Wade has been generally broken down; and for several years prior to Jennie's death Mrs. Wade could not have supported herself and her children without Jennie's assistance.

A. W. Fleming swears:

"I know Mrs. Mary A. Wade, and knew her daughter Jennie, who was killed during the battle of Gettysburgh by a bullet. I saw where the bullet came out. It came out on the left side in front, about the heart or just below it. She was buried just as she fell. I saw the dough on her hands, and flour and blood on her clothes. I took her body up from the garden where she was buried by the soldiers, and I buried her in the cemetery in this place. I knew her before she was killed, and identified the body as that of Jennie, Mrs. Mary Wade's daughter."

Julia Ann Fleming, in an affidavit, corroborates the general facts in the case.

Emanuel P. Bushman, Catharine A. Bushman, Annie R. Feistel, John M. Reilding, and Samuel Bushman, who were neighbors, living on the same street with Mrs. Mary A. Wade at the time of her daughter's death, make oath as to the general facts in the case.

Edward Meuchly and Peter Warren make oath as to the facts alleged, and that Mrs. Mary A. Wade is in destitute circumstances.

J. H. Skelly and W. T. King make oath "that they have been residents of Gettysburgh, respectively, forty-five and thirty-seven years." They swear that during that time they have been merchant tailors; that both Mary A. Wade and her daughter Jennie worked for them at tailoring; that they don't believe, from their acquaintance with Mrs. Wade and their knowledge of the amount of tailoring done by her, that she could have supported herself and family without the assistance of Jennie.

The evidence in this case proving the facts to have been as alleged is unquestionably conclusive. The House of Representatives have, at the present session, passed the bill giving Mrs. Mary A. Wade a pension of $8 per month from and after the passage of the act. And your committee concur in the belief that Mrs. Wade should receive this pension, and accordingly report the bill (H. R. No. 1422) back with a recommendation that it pass.

Mr. HARRIS. I should like to know of the chairman of the Committee on Pensions if it is pretended that Jennie Wade was in any sense in the military service of the country? I had supposed that pensions were granted to persons who were injured either in the military or naval service of the country, that they were confined to persons or the dependents of such persons as were employed in the military or naval service and were injured by reason of that service. This seems to me to be an entirely new departure, an opening of the doors of the Pension Office to a new class of persons that includes the whole community, whether in the service or not. I should be glad to hear from the chairman of the committee as to whether or not it is pretended that this lady who unfortunately fell at Gettysburgh was in any sense in the military service of the country?

Mr. PLATT. The report says the precise facts. She of course was not an enlisted soldier. She was perhaps as much in the military service as a teamster in the Quartermaster's Department, and Congress has pensioned at some time—although I thought when the pensions were first granted to that class of people they ought not to have been granted—persons of that character. This is a peculiar case. I suppose no case ever occurred like it or ever can occur like it. It is a case where at the battle of Gettysburgh a girl, upon whom her mother was dependent, while engaged in the business of baking bread for the soldiers, was killed by a gunshot. It is true that the girl was not serving with a musket on her shoulder, she was not in the ranks, but she was aiding and assisting and in a certain sense taking part in that engagement. She was helping others to fight if she was not fighting herself. While it is a case about which in a previous Congress I had some doubt and caused the fullest investigation to be made as to the facts, I have no doubt whatever that the facts set out in the report are correctly stated both as to the circumstances of the death of the girl and as to her mother's dependence.

I think that sometimes Congress may, outside of any law, grant pensions; indeed, I think it would be very much better if the attention of Congress was engaged in the granting of pensions which are entirely outside of the law rather than as we do, grant pensions under

the law, assuming that the Pension Office has not correctly passed upon the applications. It seems to me that really the only province of Congress is to pass those pensions which are outside of the law, and that we are doing very great injustice often when we undertake to regulate pensions under the law.

It seems to me that this is peculiarly a case for the action of Congress. You may call it a gratuity pension if you please. Call it what you choose; but the circumstances surrounding the case are such that I believe every person or almost every person will say that that poor dependent mother who lost her daughter at the battle of Gettysburgh under these circumstances ought to have a pension.

Mr. HOAR. I should like to ask my friend from Connecticut how he distinguishes in principle this case from a case, which his committee reported adversely, of a woman whose husband was a mechanic in the Mexican war, going with the army, and they were obliged to impress non-combatants and he was actually enlisted; I do not mean enlisted in the technical sense, but he was impressed, and being exposed to military danger, marching some distance from Vera Cruz I think, where he got the yellow fever and died, and the committee refused to allow a pension in that case? It is on the docket now with the adverse report. What is the distinction between this case and that?

Mr. PLATT. I can hardly stop to draw distinctions now. I think there are distinctions, however, between the two cases, but I do not want to argue two cases at the same time. I do not remember precisely the circumstances of the case to which the Senator from Massachusetts refers. The man, however, was in the Quartermaster's Department, I suppose.

Mr. MITCHELL. Under a contract for pay.

Mr. PLATT. Under a contract for pay.

Mr. HOAR. Under a contract to make wagons for pay, not under a contract to march as a soldier for pay.

Mr. PLATT. Perhaps the committee may have decided wrongly in that case. I do not know about that.

Mr. HOAR. That is what I want to get the chairman to admit.

Mr. PLATT. I do not admit it; but for the purpose of not mixing up the two cases and not defeating this case, which it seems to me the inquiry of the Senator from Massachusetts is very likely to do if persisted in, I will not argue at this time the question as to whether the cases are similar or whether the committee acted wrongly in relation to his case.

Mr. HOAR. At present the Senator does not see any distinction.

Mr. COCKRELL. I should like also to ask the Senator from Connecticut if he can draw any distinction between this case and the case of Mrs. Emma A. Porch, which has passed the House and is now and has been for some time before the Committee on Pensions. She was a scout, doing military duty, and contracted disability in the line of duty, and the committee has not reported that bill favorably to the Senate. If you can report a pension to the mother of somebody who was not in the service at all, it does seem to me you ought to pay some attention to those who were in it.

Mr. PLATT. Does the Senator from Missouri say that the Pensions Committee have reported upon the Porch case?

Mr. COCKRELL. No; I say they have not reported upon it.

Mr. PLATT. It will be quite time for us to draw distinctions, I think, when the case comes up for action.

Mr. HARRIS. I do not see from the statement made by the chairman of the committee that this case differs in any degree from the thousand other ladies at Gettysburgh who were devoting themselves to contributing to the comforts of the one or the other of the armies. There is no pretense that she was employed by the Commissary Department to furnish bread; it seems to have been a mere voluntary act; and while she was engaged in baking the bread that she said was for the Union soldiers a stray bullet struck her down. It is opening an entirely new class; at least I know of no precedent. I know of no single case in which a pension has been granted under the facts of this case, and I cannot consent, so far as my vote goes, to opening a new class of pensions, especially in view of the fact that our pension-roll now amounts to about $100,000,000 a year.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived.

Mr. CAMERON, of Pennsylvania. I hope this bill will be disposed of.

Mr. MORRILL. I shall not give way if there is going to be any more debate. If there can be a vote, I do not object.

Mr. BLAIR. We cannot have a vote now, of course.

Mr. CAMERON, of Pennsylvania. Let us have a vote without debate.

The PRESIDENT *pro tempore*. There are several additional pension cases which will occupy fifteen or twenty minutes, the Secretary says.

Mr. CAMERON, of Pennsylvania. Let us have a vote on this bill.

Mr. PLATT. We may as well dispose of it.

Mr. MORGAN. I desire to enter a motion to reconsider the vote by which the Senate passed on this call this morning House bill No. 4719.

Mr. PLATT. Does the pending bill lose its place by the call for the regular order?

The PRESIDENT *pro tempore*. No, sir.

Mr. BLAIR. As a member of the Committee on Pensions, I prefer that this case should not be disposed of unless it can be debated.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. MORRILL. I call for the regular order.

BETTY TAYLOR DANDRIDGE.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] moves to reconsider the vote by which the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge was passed. The motion to reconsider will be entered.

Mr. HALE. May I ask the Senator from Alabama why it is that he desires to obstruct this bill which gives a pension to the daughter of ex-President Taylor, and the widow of Colonel Bliss, a case against which I have heard no objection whatever?

Mr. MORGAN. I ask the Senator from Maine why he assumes that I desire to obstruct any case by making a motion to reconsider it?

Mr. HALE. The answer to that is that no more effectual way of obstructing a case which has passed the Senate and which will speedily become a law presumably exists than to move to arrest it by reconsidering it.

Mr. MORGAN. I desire to amend it.

Mr. HALE. Let me ask whether he deems it a fair and just thing to a case that has come from the House, a good and worthy case in itself, and has passed the Senate, to move to reconsider in order to amend it by adding, as I know he wants to add, another case that has not passed the House, thus sending the bill back at this stage to the House with the risk of losing it entirely.

Mr. MORGAN. If the Senator from Maine understands exactly what I mean to do he has no authority for saying that I am trying to obstruct the passage of this bill. I desire its passage, but I desire its passage with an amendment, which the Senator seems to comprehend, and which has just as much claim upon the consideration of this country, if not a higher claim, than the case embraced in the bill.

Mr. HALE. I know the case the Senator refers to. It is in no respect such a case as that of Mrs. Dandridge; it does not stand on the same ground; and yet it is so good a case that of itself I could vote for it if duly reported and submitted; but, I repeat, it is not fair to submit this good case, that everybody wants to go through now, to delay for the sake of putting a new case on and sending the bill back to the House. I hope the Senator will bring the matter up now and let the Senate, while it is considering this case, pass upon it.

Mr. HOAR. What is the question?

The PRESIDENT *pro tempore*. There is no question before the Senate. The Senator from Alabama moved to reconsider the vote on the passage of the bill referred to.

Mr. HALE. I move to lay that motion on the table.

Mr. MORGAN. The Senator does not want to hear any explanation of it. I thought he had challenged me for an explanation, and then he cuts it off by moving to lay my motion on the table, cutting off debate. I trust the Senate will not dispose of this matter in quite so summary a way as that.

Mr. HALE. I do not desire that.

Mr. MORGAN. The Senator knew that I desired to put this amendment on the bill, but unfortunately I was not in the Chamber at the time the bill was called. I was called out on a matter of business by a gentleman of the House.

Mr. HALE. I certainly did not know the Senator wanted to put the amendment on this bill.

Mr. MORGAN. I offered the amendment the other day when the bill was reported.

Mr. HALE. The Senator offered it at that time, but after conversation with him I got the impression that he would not push it, knowing it would delay this bill. I do not say the Senator told me that.

Mr. MORGAN. The Senator has no authority in the world from any utterance or intimation of mine to suppose that I would in any respect relax my effort to get this amendment on the bill.

Mr. HALE. I have not intimated that. I got the impression that that would be the result.

Mr. MORGAN. I did not mean it, say it, or intimate it.

Mr. HALE. I have no disposition to shut off discussion, but I want the case ended, if possible, now, and I am sure the Senate when it hears the whole case briefly will not decide to obstruct this good case of Mrs. Dandridge, the widow of Colonel Bliss and the daughter of President Taylor.

Mr. MORGAN. It is no better case than the other.

Mr. MORRILL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. MORGAN. Is my motion entered?

Mr. HALE. If the Senator insists on his motion, if I have the right I shall move to lay it on the table, rather than let it go over.

The PRESIDENT *pro tempore*. The regular order, being the unfinished business, is called for.

Mr. HALE. I am afraid this bill will never come up unless it is settled now. Therefore if the Senator from Alabama insists on making the motion to reconsider to delay this bill, I will move to lay his motion on the table and I will not ask to debate it a moment.

Mr. MORGAN. When is the subject up for consideration?

The PRESIDENT *pro tempore*. The Chair will hardly be able to tell. The Pensions Committee can bring it up to-morrow.

Mr. PLATT. I was going to inquire whether we can go forward to-morrow morning and get through with the remaining pension bills.

The PRESIDENT *pro tempore*. The Senate will have to settle that to-morrow.

Mr. PLATT. I then give notice that I will ask the Senate to-morrow to consider the pension bills until at least we conclude the unobjected cases, and then leave it for the Senate to say whether they will go further with the pension cases.

Mr. HALE. What becomes of the case of Mrs. Dandridge?

The PRESIDENT *pro tempore*. There is a motion to reconsider, and the motion to lay it on the table attaches, but the Senator from Vermont [Mr. MORRILL] calls for the regular order.

Mr. PLATT. I will bring that case up to-morrow morning, if I can get the attention of the Senate.

The PRESIDENT *pro tempore*. The motion to reconsider is entered.

Mr. HALE. I have no objection to its going over if it is to come up the first thing in the morning and be settled, and I wish to say here that so good is the case that I am speaking for, that I do not desire to inflict any talk upon it on the Senate, but I do want to insist that it shall be disposed of, and not go over and be lost.

The PRESIDENT *pro tempore*. The Senator from Alabama enters a motion to reconsider. When that motion comes up the Senator from Maine can move to lay it on the table.

Mr. HALE. But when will that come up.

The PRESIDENT *pro tempore*. At the pleasure of the Senate.

Mr. HALE. I ask to call it up now, and then I will consent that it go over till to-morrow morning, and the chairman of the Committee on Pensions may bring it up at that time.

The PRESIDENT *pro tempore*. But the Senator from Alabama does not desire to have his motion to reconsider acted upon now.

Mr. HALE. Has he a right to enter a motion to reconsider and postpone it indefinitely, and prevent the passage of the bill?

The PRESIDENT *pro tempore*. Certainly not; but he has a right to enter a motion to reconsider the vote. The bill has been passed to-day. The motion to reconsider may be called up.

Mr. HALE. I move to take it up now.

Mr. MORRILL. It can be called up to-morrow.

Mr. HOAR. Is this not precisely the ordinary case of a matter which any Senator desires to bring to the attention of the Senate? He must first move to lay aside the pending order. When that is done then a motion to take it up becomes in order, just as with the bill introduced yesterday. That requires another vote of the Senate. The chairman of the committee has given notice that he will call it up to-morrow.

Mr. HALE. I am entirely content.

Mr. PLATT. I will make an effort to-morrow morning to have the consideration of pension cases continued, and I think it will be fair and right that they should be continued just exactly where we have left off to-day.

Mr. HALE. That satisfies me, but I do not mean that this case shall go over and be lost, if I can help it.

The PRESIDENT *pro tempore*. The Senator from Connecticut proposes to consider all the pension cases, not only those reported favorably, but those where there has been a difference of opinion between the majority and minority of the committee.

Mr. MORRILL. I insist on the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in some and nonconcurred in other amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York; and

Joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883.

AMENDMENTS TO BILLS.

Mr. CALL, Mr. COCKRELL, Mr. HOAR, Mr. JONES of Florida, and Mr. WINDOM submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS and Mr. MORGAN submitted amendments intended to be proposed by them to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table, and be printed.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. BAYARD. Mr. President, I congratulate the country that, even at this late hour and in this unprecedented way, Congress is approaching the question of reducing the heavy burdens of taxation upon the people, of emancipating American industries, commercial and manufacturing, from the incubus of an indiscriminate and excessive taxation laid in time of war, and only because of war, and improperly and unwisely maintained in time of peace. Any approach, however indirect, to the great question of giving to American labor relief and to American industry more extensive fields for the disposal of its products than the home market to which it is now confined, and, as I believe, chiefly because of the system of tariff taxation imposed, is a matter of public congratulation.

The Senator from Vermont [Mr. MORRILL] dealt summarily and confidently with the bill under consideration. He was backed by the order and assurance of his party caucus. He presented to the Senate their decree and was naturally impatient for a vote which should ratify it. In the short speech which *pro forma* he read to us yesterday he denounced in advance any amendments which might be offered or speeches which might be made in opposition as "buncombe" amendments and buncombe speeches. His party associate from Iowa [Mr. ALLISON] in the same key said the sun need not set before this bill should pass the Senate. This is certainly hot haste in dealing with the great interests and complicated questions embraced in this bill, a bill "reducing taxation," as it is strangely miscalled.

Upon what principle has the Republican caucus proceeded? A principle that should reduce the great body of tariff taxes as has been done in the prior laws of 1870, changed again in 1874, by what is termed a horizontal reduction? There, at least, it is shown that the fact being admitted that taxation was excessive, you were safe to make a general horizontal reduction. But nothing of the kind is suggested here. The bill is petty, delusive, and abnormal; it is unprecedented. This is the first time in the history of the United States that the Senate have originated a bill to change the tariff; but party exigency causes it. It is true there is a tariff commission deliberately appointed who, by those who controlled it, were to have charge of the general subject, and after a revision of the whole body of existing tariff laws were to report a judicious, wise, and just system of tariff legislation that should be based upon a spirit of justice and equity to all interests and parts of the country and all that goes by the name of American industry.

There is, however, at least one feature in the present bill that is satisfactory. By combining the internal-revenue taxes and the tariff taxes in the same bill an important admission is obtained, and that is, we are dealing with a TAX question, and whether it is laid at the exterior ports of entry or in the interior of the country it is in either case a tax imposed by law:

> A tax is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state.—*Webster's Dictionary.*

Said Judge Cooley:

> Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.

Judge Coulter, cited approvingly by Mr. Justice Miller in the Supreme Court in the case of Loan Association *vs.* Topeka, said:

> I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the Government for the purpose of carrying on the Government in all its machinery and operations; that they are imposed for a public purpose.

I am glad to read this definition, and to have now a bill which by its very title recognizes that the internal revenue and the external revenue are alike and equally exercises of the taxing power of the Government. My reason for feeling satisfied with this is the progress made in the last twenty years in the minds of a large number of the advocates of a protective tariff, until they have reasoned themselves into such a state of mind that they declare the imposition of a tariff duty is no longer a tax, and that it is not subjected either to the reasons or the constitutional limitations upon the taxing power and the objects for which taxation was suffered to be imposed; that it is not to be viewed, as a practical fact, as a burden in any shape; but that giving it a different name it changes its nature, and by changing its name you change the whole relation of the subject to the public interest. I am glad that the minds of the people of this country are brought to the consideration of this question undisturbed by the excitement of war and by the equal perturbations of the revolutionary period styled reconstruction, free from all the fires of sectional animosity which have so darkened the minds of our countrymen and which have prevented the calm consideration of economic questions. I am glad now and

here to emphasize especially the principles upon which we are to proceed in order to test what justification there may be for taking any portion of the property of a citizen against his will for other than a really public purpose.

We are told by the title of this bill it is a reduction, and I ask the Senate now to consider whether it is such a reasonable and equivalent measure of relief to the masses of the American people as now is admittedly their right to receive. I will state the subjects of the bill. It proposes to repeal the tax on bank deposits, which amounted to $7,987,851 last year, and upon banking capital, to $1,242,329. Let me discuss those two.

I never believed that a banking deposit was properly subject to taxation in the hands of the depositee. The deposits in a bank are not permanently even if they are held to be technically the property of the bank; they are rather evidences of its debt to the depositor. I have never held it wise that upon a property so floating in ownership a tax should have been imposed. I have voted heretofore for its repeal. Under the instruction of the Finance Committee I presented a year ago in the Senate a bill for the repeal of that tax, which was passed without a division, and so far as it appears, by the unanimous voice of the Senate. As it should have been repealed long ago, it should now be repealed. It is not a tax upon the banks; it is a tax upon those who employ the banks; it is in effect a tax upon the business of those who are dealing with the banks. The tax upon banking capital falls three-fourths upon State institutions and banks other than national banks, about $200,000 upon national banks and $600,000 upon the State banks. I am perfectly willing to see that tax abolished, as I hold it to be a useless burden upon the general business of the country.

The tax upon bank checks is one of those taxes that cannot be transferred. The imposition of the check-stamp tax is of itself a formality in business which I am by no means sure is not of value, to those whose money is passed to and fro by checks. One thing is certain, it costs nothing to collect. It is troublesome to bank officers, and I believe from them, chiefly, the cry for its repeal comes. It is not a distressing tax. It is one that is paid easily, and affords, as I have said, by the very formality of its affixing some degree of protection to those who use it. There are so many other taxes that are oppressive and which should be sooner repealed, that I am in doubt as to whether the repeal of the stamp tax upon bank checks is a wise means of relief, or that it would form any appreciable relief to the mass of American people.

Another thing is that the whole of this tax without cost to the Government reaches the Treasury. It does not involve the employment of a single extra clerk in any of the Departments; it is a thing that is very easily settled, cheaply and certainly collected. It may be said, and I may refer to that hereafter, it leads to a certain amount of inquisition that is always objectionable, especially to a people like our own, and that I think is about the only objection to the check-stamp tax of which I know.

Then comes the tax upon friction matches, which is sought to be repealed. It brings a revenue remarkable in its proportion to the article subjected to tax. No less than $3,278,580 were paid into the Treasury last year by this stamp tax. It did not involve the employment of a single extra clerk; it cost the Government not one stiver for its collection; every dollar of that tax reached the Treasury; and can any one here say that there is a member of the great American family oppressed by it? If to have what is called a public burden universally and equally distributed upon every class and occupation, to have no man capable of saying that he is oppressed, injured or even inconvenienced by it, and that the tax is net, clean and clear in its profits to the Treasury—if this constitutes the definition of a wise tax, then I say it is unwise to repeal the tax upon matches. With a revenue so great, so easily and honestly paid, so cheaply and certainly collected, upon an article so universally used, if this be not wise taxation, it is difficult to imagine or to state an item of wise taxation; and yet by this bill it is proposed to repeal it.

There is another tax, upon patent medicines, &c. They paid a revenue of about $1,800,000 last year, a very acceptable contribution to the public Treasury. The ad valorem per cent. of that tax upon these medicines is far less than the tax upon matches. Upon matches the tax is not less than from 100 per cent. to 300 per cent. ad valorem. We have no coin so small as to express the value of what the difference will be to the public by taking the tax off of a bottle of a patent medicine that costs twenty-five cents and has now a penny stamp upon it. Is it supposable that that bottle will be any cheaper to the consumer because that penny stamp is removed from it? I do not know whether we will ever have statistics to prove it, but I feel perfectly satisfied as a practical man that this repeal of $1,800,000 is simply a gift to those engaged in the perfume and proprietary medicine business, and that the mass of the American people will never derive the slightest advantage from the repeal.

These are the features of relief to the American tax-payers which came to us from the beneficent Committee on Ways and Means of the House. They bear their birth-mark unmistakably. The Bureau of Internal Revenue of this Government costs in its machinery rather over $5,000,000 annually, and the estimate for the next year is about five millions and a quarter. I wish the Senate to note that there is not to be the diminution of one farthing in the expense of collecting the internal revenue by the abolition of any of the taxes proposed. There is not to be one clerk the less; there is not to be one dollar of cost the less. The cumbersome, inquisitorial, expensive machinery of the Bureau of Internal Revenue stands undiminished by the proposition now before the Senate. There is the fact; not one official the less, not one dollar the less salary, not a saving in any way, not an amendment, as I said, of those inquisitorial, un-American features of the excise law, which will be always standing objections to it—the right of the tax-gatherer to invade the place of business of the citizen whenever and wherever he pleases, by night or day. Of these excise taxes, which so often have had the history of their enforcement written in blood, which have frequently been executed at the cost of the lives of innocent men, not one of those features, not one of those objections is in any degree ameliorated or lessened by the bill now before us.

Mr. BECK. Will the Senator allow me to state that in the legislative, executive, and judicial appropriation bill we took great pains to designate each man who was employed in the Departments of the Government and how much he should have, but we gave by the hundred thousand dollars to the Internal Revenue Department to employ whom they pleased, when they pleased, as they pleased, to send where they pleased in order to carry out these inquisitorial functions without any thought of curtailment? The trouble is that the effort is not made to give relief in that respect.

Mr. BAYARD. There are also some very unimportant diminutions in the tax for licenses for certain dealers in manufactured tobacco. There is no change whatever in the regulations or their stringency, but simply diminishing the cost of the annual license. That is all that is found there. That is small relief, and for such relief no doubt we will have the thanks of a very limited body of our citizens.

There is also a diminution in the tax on cigars from six to four dollars a thousand, a difference of two dollars a thousand. To the consumer of cigars, who buys them singly or in small numbers, I apprehend that the diminution will prove very immaterial, for, as I said before, there are reductions to the consumer which are so small that we have no coin to express their value, and this is one of them. Two dollars a thousand is the fifth of a cent apiece, and while there may be upon wholesale prices a result in a diminution equal to 33 per cent. of the present tax, it is so laid upon these articles that I doubt the relief to those who are the actual consumers of tobacco, and therefore we will have simply a diminution of the revenue without a practical diminution of the burden upon the consumers of the commodity.

I now pass from the internal tax to the external or tariff taxes, and will consider for a moment what that amounts to. The first of these is the reduction, as it is called, of the tariff on sugar. On the 3d of March, 1875, an increase of 25 per cent. ad valorem was enacted upon the descriptions of sugars, melada, molasses, and the like, embraced in this bill. It is now proposed to repeal that 25 per cent. advance, but while it nominally takes from the duty a subsequent clause restores it. The duties of our present tariff upon sugar are very high, complicated, and obscure. They are neither ad valorem, nor are they specific. They are nominally specific, but testing that specific duty by the Dutch standard of color, they virtually become ad valorem. It is an obscure, complicated, and impracticable tariff. It has led to litigation of a most disastrous character to importers, and ultimately to the public Treasury. It has led to an illegal imposition by the former Secretary of the Treasury of the test which is sought by this bill with his favor and influence now to make lawful, and that is, the test for obtaining the saccharine strength as the basis for taxation, virtually disregarding the standard of color which is specified in the present tariff law.

The bill proposes to give a discretion to the Secretary of the Treasury in the employment of the polariscopic test to ascertain the saccharine strength, which contains as I fear too wide a discretion for public safety. Every one knows that as a commercial fact the polariscope is used by buyers and sellers of sugar everywhere, but every one also knows that in determining the saccharine strength no two tests by the polariscope are found often to agree. It is perfectly easy for the examiner at the custom-house by using a polariscope in which his eye may detect crystals of certain saccharine strength to place sugar above or below a given number in the Dutch standard of color and consequent rate of duty. He may either make it pay 1¾ cents duty per pound or he may make it pay 2½ cents, and the difference is ruin to the owner or an enormous and unjust advantage to the purchaser.

As a practical fact merchants do employ the polariscope in their purchases and sales of sugar. As a practical fact those tests seldom agree, and then an accommodation takes place by way of bargain and arrangement between the buyer and seller, which enables something like justice, with certainly a voluntary bargain; but what is to become of the importer who can have no test of his own to set up against the Government examination and who is bound by it, although after he has paid that duty the polariscope in other hands may disclose a wholly inferior strength of the saccharine crystals, and he may have been taxed to death by the error or by the willful act of the Government agent over whose action he has no control and from whose decision he has practically no appeal.

Here is a commodity of universal consumption, that paid last year into the Treasury $47,000,000 revenue. Its proportions are vast. Every change in our sugar tariff has wrought a change in our trade

with foreign countries. The examination of the subject has been most painstaking, able, and profound. Courts have sat upon these questions; experts have been examined under oath; everything has been done; and yet you find the question so filled with doubt, so surrounded by variant opinions, that the House of Representatives wrestling with the question in their Committee on Ways and Means for the last six years have been unable up to this time to present a measure acceptable and admittedly just upon all sides. The conflict of interests is violent; it has proven so far to be almost incapable of reconciliation; and here when we have not before the Senate or its committees one line of testimony, when we have not the word of a single witness, we are called upon by this bill, in July weather, suddenly to decide upon a question so fraught with importance to our native producers, to our importers and refiners, and to the Treasury of the country!

It so happens that I scarcely have the personal acquaintance of those who are engaged in the growth or the manufacture and refining of sugars, but I am conscious of the ruin which may be inflicted upon the grower, upon the importer, upon the manufacturer, by dealing hastily with such a question. Go over to the city of Baltimore and see there the sugar refineries on the most extensive and admirable scale once operated with abundance of capital, with ample intelligence, with long experience in the trade, and find those grand buildings empty and deserted, the business broken up and ruined, by the manner in which the present tariff has been dealt with by those having in charge the collection of duties, and then ask yourselves whether it is becoming and proper and right to throw here into the Senate, before a committee who, I say emphatically, have never examined a witness, have never had four hours of consultation on the subject, and ask the Senate to pass off-hand a measure like this? And by way of relief we are told, forsooth, it is only a "temporary" measure, and that the tariff commission, supposed to be charged with the consideration of the whole question of tariff duties, will at some time in the future report a "permanent" measure! Sir, I suppose if you were to thrust a man's head under water and keep it there for ten minutes it would be a temporary measure, but it would be death to him.

I cannot contemplate with equanimity this method of dealing with a subject so vast in its proportions, so important in its consequences to so many of my countrymen whom I may never see or know, but whose interests nevertheless I am here to vote upon—I say I cannot contemplate this reckless off-hand way of dealing with a subject of this kind without a feeling of absolute distress in being compelled to vote either "yea" or "nay" upon a proposition, in regard to which I do declare the Committee on Finance have not been prepared to present to the Senate reasons for their decision—because they have never had it under proper or I may say decent consideration.

The title of the bill says it is a reduction of taxation. I deny it. It takes off 25 per cent. ad valorem, but at the same time it substitutes a test that renders the color standard utterly nugatory. Grant that a dark discolored sugar under No. 7 of the Dutch standard is brought in, it would pay a cent and three-quarters duty. Subject the same sugar to the polariscopic test, and you may raise the duty to 2½ or 3 cents a pound; you may double the duty notwithstanding the color. Therefore it is idle to speak of a color test. No matter what shall be the color of the sugar, no matter how low in grade it may be, the polariscopic test can raise it to a tax double that which the tariff assigns to the lower grade of sugar according to the Dutch standard.

Therefore to say that this bill is a reduction of the sugar tariff is to speak inaccurately and erroneously. It will be rather an advance in the sugar tax, because any one who has had dealings with the Treasury Department and knows what its rulings have been, knows that they are almost invariably against the importer. I think to-day that there are some three thousand suits brought against the collectors at various ports taken under law by way of protest and appeal from the decisions of collectors and of the Secretary of the Treasury, and the law-books here before us show how constantly the courts have been called upon to rectify the errors of collectors and Secretaries of the Treasury. So that I say, judging as you must by probabilities, you cannot count upon this proposed amendment in the sugar tariff being a reduction in the duty. I believe it is about equivalent to those reductions of taxes whereby you diminish the rate and raise the assessment. That it seems to me is about what has been done in this case.

Mr. SHERMAN. I do not know that I ought to interrupt the Senator from Delaware in his remarks, but I desire to say that there is not the slightest question that the repeal of the 25 per cent. imposed by the act of 1875 will undoubtedly reduce the tax between nine and ten million dollars. In regard to the polariscopic test, the application of that test probably will raise the revenue from one to two millions, because we have had the actual experience for two years, and we know exactly what it will produce. Let me say another thing: that as to the accuracy of that test there have probably been thousands of importations to which it has been applied, and yet there has not been a single controversy growing out of the accuracy of the polariscopic test in all those importations.

Mr. BAYARD. I do not see how there could be a suit growing out of the accuracy of the polariscopic test, because that would be a question of fact. The appeal you can make is on a question of law. The court does not decide upon false grades of sugar, nor will it decide upon false colors of sugar, but the court would sit upon the question whether the Secretary of the Treasury had a right to apply a test which the law had not warranted, or whether a higher rate of duty had been collected than the law warranted. In other words, it must be a legal error that can be appealed from, not the question of fact.

Mr. SHERMAN. As to the question of law the Supreme Court undoubtedly did decide that owing to the neglect of Congress, the Department and the courts had no power to correct a rule that was shown to be an unjust rule. The fact is that the polariscopic test as applied to sugar was never doubted or questioned. On the contrary, merchants bought and sold by the polariscopic test applied by the custom-house officers.

Mr. BAYARD. The Supreme Court decided that a test had been used by the Treasury Department unwarranted by law. I have in my possession, and could have brought to the Senate, a copy of testimony taken by the other House on this subject, the statement of witnesses before the Committee on Ways and Means, and I believe I am warranted in saying, (I speak from memory, not having the book with me,) that many witnesses declared the polariscopic test to be so variant, that it depends wholly in whose hands the instrument is, and, to use the language of a sugar merchant who spoke to me here the other day, this bill is but handing over the sugar duties to the discretion of the Secretary of the Treasury and his agents. I am not in favor of having discretion as the basis of law. I believe with Lord Camden that the discretion of the judge is the law of tyrants. I do not believe that the business interests of this country ought to rest, nor do I think it is safe for the officer that they should rest, upon his discretion.

All this I say in a spirit of questioning, and endeavoring to ascertain what is true in regard to this matter so important to the pecuniary interests of so large a body of our people, and again to repeat my belief that while you lower with one hand in the shape of the reduction of the ad valorem duty you raise with the other in the shape of the polariscopic test. I therefore do not believe there is any serious amount of diminution in these duties.

So far as sugar is concerned, I submit to the Senate whether there would be any great reduction in the duty, and whether it is wise for us to adopt what is said by the author of this feature to be a temporary measure, which the tariff commission may hereafter set entirely aside at the end of three, six, nine, or twelve months. It seems to me that if I were engaged with my capital and exertions in business connected with this commodity, I should feel great embarrassment in having laws unshipped "temporarily," for the purpose of trying an experiment which might so soon be wholly done away with under the examination and recommendation of the board of tariff commissioners.

But the bill contains another feature. After changing the law in regard to sugar duties in the way that I have mentioned it proposes to diminish the tax upon Bessemer steel rails, to take off $8 per ton. What is that to be? Will not the duty of $20 that is left be in effect equally prohibitory? Does not every man here know that $20 per ton is a higher rate ad valorem compared with the present prices of rails, than $28 was when the rate was first established in 1870? If you mean reduction, effect it; but here you have $20 per ton upon this iron changed to steel by a simple pneumatic process almost without expense, and you have a proposed duty at a greater rate ad valorem upon the present prices than when your duty of $28 per ton was imposed in 1870; and you speak of that as a reduction.

Everything in price is comparative. Everything depends upon the results of invention and the facilities of manufacture. You are not reducing the relative rates of this commodity in the way of taxation, but you are simply adjusting them at the same rate or indeed a higher rate to existing trade and business. The tax of $20 per ton upon Bessemer-steel rails will be in effect a prohibitory tax. It cannot be said to be laid either to increase revenue or to diminish cost to the American consumer. The cost has been diminished, but diminished how? By progress in skill in manufacture, by the progress of invention, by the facilities which discovery has given to the production of this commodity. That is what has brought Bessemer steel to a lower price both in England and the United States.

Mr. HOAR. May I ask the Senator from Delaware if he states the fact to be that the duty of $28 a ton upon steel rails is a prohibitory tariff?

Mr. BAYARD. Virtually so.

Mr. HOAR. I understand that the importations have been very large.

Mr. BAYARD. That was under the force of having no sufficient supply manufactured in the United States.

Mr. HOAR. I state the fact.

Mr. BAYARD. They were compelled to import, and even to pay any price.

Mr. HOAR. But the United States supply has largely increased; it has more than doubled.

Mr. BAYARD. There is no doubt about its having much more than doubled; it has been stimulated by an excessive tariff taxation, and I think any business would be that paid 77 per cent. per annum profit. No wonder the production is increased, no wonder the American supply is greater; but I repeat what I said, that $20

a ton is a higher rate ad valorem, according to the present prices of steel rails, than $28 per ton when the duty was originally laid.

Mr. HOAR. My question related to the statement of the Senator that it was a prohibitory duty, it being in fact a duty under which enormous importations are going on. Whether that importation is caused by extraordinary demand, it certainly is not a prohibitory duty at $28 a ton.

Mr. BAYARD. The demand may be so urgent, the demand may be so instant and pressing, that contractors for railways cannot avoid it; but the proof is that the prices which did obtain in 1870 have been lowered simply because of the increased skill and facilities and the extension of discovery in the manufacture of steel by this remarkable process——

Mr. SHERMAN. I will state to the Senator that the importations of the very article referred to by the Senator now this last year show figures that would astonish him. The foreign production of iron rails is now competing very severely with the manufacture of iron rails in this country. The amount of importations of steel rails last year was 334,085,026 pounds, so that the importation already under existing law is very large; and this reduction of $8 a ton will make a sharp competition between the manufacturers in this country and the manufacturers in Europe.

Mr. BAYARD. I do not think that the figures are fairly cited, or that they meet the real and full meaning of the facts of this case. Here was a discovery that ranks among the greatest of the age, the effects of which in the beneficence to the human family were most remarkable. Everybody could get the benefit of that, except the American people, who needed it almost more than any others. The European patents were possessed in this country by a very limited number of individuals, some of them, as I have been told, members of the House of Representatives, who voted for this increase of duty themselves, who dishonestly used the public trust of legislative power to enrich themselves, and doubled the tax upon steel rails when this English invention, so blessed in its results to mankind, was to be restricted and cut off by the imposition of an unjust tariff tax. Then, having possessed themselves of a monopoly first of the patents, they were unable to meet the great demand for steel rails. It was not a matter of choice whether a company could lay down an iron rail or a steel rail. No railroad man would dream of constructing a railroad of iron rails. Steel is no longer a matter of choice; its durability and strength make it a necessity. So under the necessity they had to import what our protected manufacturers were unable to supply. That is the reason why I say the duty was and is virtually prohibitory. The payment of a double price for steel rails was no more voluntary than the voluntary payment by the poor clerks of these political assessments to Mr. HUBBELL. It was involuntary, it had to be done or the railroads could not be built. That is the true history of the consequences of this abuse of the taxing power by Congress.

Is $8 per ton an equivalent reduction? Is that a reasonable reduction with the monopolies that exist in this country under the tariff, with the combinations that exist to manufacture Bessemer-steel rails? It was proved the other day by the records of the orphan's court of the city and county of Philadelphia that a yearly dividend of 77 per cent. profit had been declared by those who controlled the Bessemer patents and who are making these steel rails. What is fair and just among the American people? What is fair and just in legislation? Why were those dividends so high? Because you had a tariff tax of $28 a ton upon this commodity. Why should they not be satisfied with one-half of 77 per cent., that is 38 per cent? How many farmers are there in this country who have made upon their holdings a clear income and dividend in *five* years—not one year—of 38 per cent? Yet when the proposition is made to reduce this tax from $28 to $14 a ton it is voted down, and this proposition of $8 a ton is thrown in to lessen public indignation.

I do not deny that it is a reduction, but I do not consider it a reasonable or an equivalent reduction in the face of existing facts. I could repeat here to the Senate statements to me by men who have been compelled to build railroads in which the cost has been increased millions of dollars because of this excessive duty. Go to the Mexican frontier and see men building two miles of railroad at the cost of one built in Texas, and ask the reason why. Go to Canada and see two railroads running parallel down the Saint Lawrence River, and see two miles built on that side at the same cost as one mile on this side, and ask the reason why. Railroads are no longer luxuries; they are necessities, and their cost must be paid for. If they are more expensive of course their freights must be higher. They are no longer matters of choice as to their use; they are matters of necessity, and all that enters into the cost of the railway and increases its cost is a direct and immediate burden upon the producing classes of the American people, and mainly upon the agricultural classes. The problem of distribution and transportation is to-day more difficult in the United States than that of production, and the cost of railways controls the rates of transportation and affects every business interest.

But there is another amendment by way of alleged reduction. It proposes to amend section 2504 by adding—

That on and after the 1st day of October, 1882, on all manufactures, articles, vessels, and wares made from hoop, band, or scroll iron, or of which hoop, band, or scroll iron shall be the component material of chief value, there shall be levied, collected, and paid the same duty, or rate of duty, as that imposed on the hoop, band, or scroll iron from which they are made or which shall be the component material of chief value.

What does that mean? It is called manufactures of hoop-iron. It is simply to double the present duty of 35 per cent. ad valorem upon all the iron cotton-ties and all the iron hoops used throughout the United States. By a fair calculation it would add 12 cents cost on the hoops of every bale of cotton that shall be raised in this country. If we have, as probably there will be, 6,000,000 bales, there will be an increased tax upon every cotton-grower, black and white, of seven hundred and odd thousand dollars; and that is called a reduction of the tariff.

Thirty-five per cent. ad valorem is certainly a full measure of protection. Why should you change that to 1¼ cents a pound upon these pieces of hoop-iron? Is it fair or reasonable that a tax should be laid of 70 per cent. ad valorem to prevent coopers, cotton-packers and cotton-growers from fastening their wares, for use at home or for export? About three-fifths of this iron in cotton-ties goes out of the country with the cotton and no drawback is allowed upon it.

Mr. BECK. Seventy-one per cent. is exported.

Mr. BAYARD. That is about three-fourths. Every bale of cotton that is exported carries out of the country the iron ties which came into it, and no drawback whatever is allowed for duties paid. I submit, Senators, that when you consider the condition of the Southern country, and of that class of colored laborers for whom so much sympathy has been professed, and, under the pretense of lessening public burdens put an additional weight of $700,000 a year upon them, you are doing something that cannot be advocated on the score of sincerity, justice, morality, or right.

It is an abuse of the taxing power to do this thing. It is not laid for a revenue; it is not laid for a public use, but for a private advantage, and so it will stand that in this bill, on whose false face is written the word "reduction," there is a doubling of this duty, not only to every man who packs and grows cotton but to every cooper who shall make any cask, or keg, and everything requiring the use of hoop-iron in smaller pieces and cut into lengths, and he is to pay hereafter at the rate of $35 a ton duty. That is what it amounts to. Hoop-iron is worth about $50 a ton. Thirty-five per cent. the present duty upon that is about $16½ or $17. The duty proposed is one and a half cents per pound; that is very nearly $35 a ton.

When you lower the tax upon Bessemer-steel rails, as at last the ears of the majority are sufficiently penetrated by the demand for relief upon that subject to take off this small portion of a duty, in the same bill you raise the duty upon these fragments of hoop-iron to $35 a ton. What consistency or justice is there in such legislation?

That is all there is now in the bill. What may be done in the way of amendment hereafter I do not know, but that is the way the Republican party in Congress propose to "reduce" taxes. I think it would be a matter of easy arithmetic to figure up that taxes will be rather advanced so far as the tariff is concerned by the bill, and that the reductions of the internal-revenue taxes are really those that will give least relief to the great body of the industries of this country.

The tariff of 1861 was arranged with the avowed object of increasing the revenue to provide for the extraordinary and necessary expenses of war. Our present tariff system may be said to have its basis, its theory, in the tariff of August, 1861. Accompanying the demand for revenue was the accepted principle in laying the tariff taxes, to which I give my assent, of discriminating by those tariff duties in favor of our home industries. The doctrine was fully admitted in the tariff law of 1861, which, whether it was wisely laid as to the amounts and subjects, had for its professed real object the raising of revenue to maintain this Government in war, carrying with it the principle of discriminating in favor of our home industries wherever that could be done.

The principal object for which those taxes were imposed was revenue; the incident was protection. So long as those relations are maintained we have safety as the basis and the principle of laying taxes. Whenever you reverse them you are without warrant in the Constitution and you have started upon a course which I think can easily be shown will be pregnant with disaster and filled with injustice.

Gradually, however, those who were specially benefited by the tariff increased in boldness as they gathered strength and power and protection, and protected interests substituted themselves instead of the idea of public revenue. In that way that which was intended to be the incident became the principal. This was the gradual growth of the tariff. Taxation on imports had revenue for its principal and protection of American industries for its incident. Time has reversed all this, and doctrines which would have shocked and astonished the friends of the American system enough to make Henry Clay, the great advocate of the American system, turn in his coffin, are now laid down and calmly delivered as axioms in political economy. One distinguished gentleman still holding a high place in the other House has announced that no political economist worthy of respect any longer "pretends to consider a protective duty as a tax!"

In fact, a new political lexicon seems to have been adopted in certain circles, and the word "duty" to have lost its former signifi-

cance, and to mean no longer an obligation or debt from a citizen to support his government, but rather an obligation of the Government to support the citizen—a "duty" to protect his private interests by taxing the public for his support and profit. They would have us believe that "a duty" is something to be paid *out of* and not *into* the public fund. Thus we have within the last year witnessed conventions of certain manufacturers applaud the announcement that "a tariff for protection with incidental revenue" is what is needed in the United States.

And the Senator from Maine [Mr. FRYE] has announced on the floor of the Senate that he is in favor of protection for its own sake, and were there no public debt and no demand in that way he still would lay tariff taxes for the sake of protection.

Mr. President, it seems to me that under such a course of thought the limitations of the Constitution upon our powers of legislation and of justice and safety are lost sight of. If the right exists to have a tax laid, not for a public but for a private purpose, a right *per se*, not as an incident but as a principal, who is entitled to it? Who shall adjudge such rights or dispense such favors? Do you say they belong to American industry? What is American industry? There is a definition I will read that perhaps at the present time may have some influence. It is in a speech of the late President Garfield, made in 1870, in which he described what "industry" was entitled to protection. He said:

We are limited in our tariff legislation by two things: first, the demands of the Treasury; and second, the wants and demands of American industry. The Treasury we understand, but what is "American industry?" I reject that narrow view which considers "industry" any one particular form of labor. I object to any theory that treats the industries of the country as they were treated in the last census, when we had one schedule for "agriculture" and another for "industry," as though agriculture were not an industry, as though commerce and trade and transportation were not industries. American industry is labor in any form which gives value to the raw materials or elements of nature, either by extracting them from the earth, the air, or the sea, or by modifying their forms, or transporting them through the channels of trade to the markets of the world, or in any way rendering them better fitted for the use of man. All these are parts of American industry, and deserve the careful and earnest attention of the legislature of the nation. Wherever a ship plows the sea, or a plow furrows the field; wherever a mine yields its treasure; wherever a ship or a railroad train carries frieght to market; wherever the smoke of a furnace rises, or the clang of the loom resounds; even in the lonely garret, where the seamstress plies here busy needle—there is industry.

Who has thus far obtained the favors of protection in the history of this country? Has it been the weak or the strong? Protection carries in its very name the suggestion of weakness to be protected, but we have seen in the history of tariff legislation that the strongest lobby and the most powerful interests have been the most successful in obtaining protection. I have never known a subsidy beggar who was not a millionaire.

Mr. President, one glance at the great departments of wool and iron will show that the duties in all those leading products have been carefully increased, harmonized, and adjusted in accordance with the views of the parties interested. Is it not a fact that in the first proposition introduced in the other House there was, originally, an item to double the duty on steel blooms? Steel blooms to-day pay 45 per cent. ad valorem. There was a proposition made that they should be put upon the steel list and taxed the same as steel railway bars. Why was not that pursued? Because, Senators, it awoke too strong an opposition among other strong and protected classes.

Mr. ALDRICH. I suppose the Senator from Deleware does not mean to intimate that any such thing was in the bill in the Senate or before the Committee on Finance of the Senate?

Mr. BAYARD. I spoke of the original proposition. We know where it originated.

Mr. ALDRICH. I have no knowledge of where it originated. No such proposition has been before the Committee on Finance or any committee of the Senate.

Mr. BAYARD. The Senator is very innocent of information. I am only speaking of the published fact to be read and to be found in the records of the other House, published in every newspaper, that the proposition was made to double the duty on steel blooms I believe by Mr. MCKINLEY, of Ohio.

I ask why was it not insisted upon? I think I can tell you. Because instantly throughout the press all over the country there came protests from strong interests that were invaded by the proposed change. It was because it was not "an infant industry," a weak interest that was assaulted; and I say it was the strong influence of those who were interested in rolling steel blooms, which pay but 45 per cent., into the rails and other manufactures that are protected by a duty of 90 per cent. that prevented that amendment being in this bill to-day. The proposition was made, it cannot be denied. The Senator from Rhode Island will not venture to deny it. I did not say it was brought into the Committee on Finance; I did not say it was ever in the bill before the Senate; but I said that the proposition was made and it was abandoned. I can turn to the public press, and I can show the protests and the reasons given; they had waked up the wrong customer, a little bit too strong, and they were obliged to succumb and withdraw.

So I say we have come to this pass in this country, that the protection is not to the weak, the protection is to the strong, and to him who grows strong by what he feeds upon, which is the unequal and unjust exercise of the great public power of taxation.

I ask under what pretext was the tariff which began in 1861 advanced steadily until 1875? The war needed supplies, and it was a just exercise of the taxing power. The tariff taxation was not sufficient. It rose so high that importations under it greatly lessened. Then what was resorted to? In 1862 commenced the system of internal taxation. The excise tax and the excise system were then just essayed; both were declared to be temporary. The war tariff was to be temporary, but it was made dependent upon the continuance of the internal revenue, and the internal revenue was to be temporary.

I want to read some extracts in the presence of the gentlemen who uttered the words, many of whom were the fathers and friends of the present system. The honorable Senator from Vermont [Mr. MORRILL] and the honorable Senator from Iowa are two. Here was the doctrine laid down: the tariff does not supply sufficient revenue for the enormous expenses of the war; we will resort to an excise system, and we will tax our manufacturers and others by an internal system of taxation. Then the idea was evolved that by taxing a man under the internal-revenue system you destroyed the benefit and advantage of protection he had from the tariff system, and *ergo* the higher went the internal-revenue taxation the higher the tariff must go to correspond with it; they must move on *pari passu*. You had built your embankment to protect them against exterior assault. You then raise the plane by taxation on the interior; and at once were obliged again to raise your exterior embankment. That was the avowed principle of legislation. I propose to read a few extracts to show that I am justified in this statement. In 1864 the honorable Senator from Vermont [Mr. MORRILL] thus laid it down:

In adjusting the tariff upon iron the principle has been to give an increase upon the tariff of 1861 equal to the internal duties. With the enormous demand of the Government for iron, and with some protection against the influx of unlimited importations, the trade could not be otherwise than prosperous. We shall not now import as much iron under the present bill, but we shall, I think, get a little more revenue.

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I estimate that the present bill will increase the revenue not less than fifteen millions, and probably more. This is intended as a war measure, a temporary measure, and it is needful that it should pass speedily.

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The Treasury requires a larger supply of means, and such sources of revenue as have not already yielded their maximum contributions must now be sought, so that we may fill the measure of our wants. This has made an increase of internal duties necessary, and that increase, to a considerable extent, imposes upon us the duty, as well as affords us the power, of obtaining an increased revenue from duties on imports from abroad.

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And when we impose a tax of 5 per cent. upon our manufactures and increase the tariff to the same extent upon foreign manufactures, we leave them upon the same relative footing they were at the start, and neither has cause of complaint.

I observe as usual nothing is said there about the consumer or the citizen. There is the proposition that because the want of revenue under the tariff necessitated the creation of the excise system, the advance in the excise tax necessitated the imposition of increased burdens by the tariff tax, and so they went on under that system, raising the internal-revenue taxes and raising the tariff taxes *pari passu* until 1868. In 1866 the internal-revenue tax was highest, and there was a tax of 6 per cent. upon the gross products of manufacturers, and there were other subsidiary taxes which made all that they used in manufacture much more expensive. There was a tax of 5 cents per ton upon coal that he paid; there was a tax upon almost everything under the excise system as there is now under the tariff system. Six per cent. upon the gross products of a manufacturer was probably equivalent to 12 per cent. tax upon the commodity which entered into his manufacture. At page 136 of Mr. Young's Customs-Tariff Legislation I find a statement from Mr. Fessenden, who afterward became Secretary of the Treasury:

The tariff is adjusted, and was adjusted before, upon that simple principle with reference to the internal-revenue taxation.

Which is, as you raise the internal-revenue tax you must correspondingly raise the tariff. The Senator from Vermont [Mr. MORRILL] again declared, in speaking of the tariff act of 1866:

No duty is needed for the protection of American cotton, but it is manifestly proper when we levy an internal tax upon any article that at least an equal amount of duty for revenue purposes should be levied upon any foreign importation of the article.

Then my friend from Iowa [Mr. ALLISON] took the same view and adopted the same rule. He said:

At the close of the session yesterday afternoon I was endeavoring to show the rise and progress of the existing tariff and the causes therefor, originating in the internal-revenue laws that were passed from time to time from 1861 to 1865, for the purpose of raising revenue to maintain the Government in its struggle with the rebellion. I stated on the 30th of June, 1864, an ad valorem internal-revenue tax was imposed upon manufacturers in this country equivalent to 5 per cent. upon their gross products, and that tax of 5 per cent. was increased by an act passed in March, 1865, so that it became 6 per cent. upon the gross product of every article manufactured or consumed in this country in the way of internal-revenue tax. This large internal-revenue tax was made the excuse and the cause of the advance of the tariff of July 14, 1862, and June 30, 1864.

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In 1866, when Mr. MORRILL introduced into the Thirty-ninth Congress a tariff measure as a temporary measure, the manufacturers of the country were groaning under a weight of (internal) taxation equivalent to $128,000,000 per annum.

It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861, the increase of direct taxation, which, added to the price of domestic manufactures, rendered an increased tariff necessary, in order to prevent our country from being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation, the tariff may be, and ought to be, decreased in proportion; the danger being no longer in existence which was sought to be averted by those increased duties.

But I may be asked how this reduction shall be made. I think it should be made upon nearly all leading articles; and for that purpose, when I can get an opportunity in the House, I shall move that the pending bill be recommitted to the Committee on Ways and Means, with instructions to report a reduction upon existing rates of duty, equivalent to 20 per cent upon the existing rates upon the leading articles, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

Mr. BUTLER. What year was that, may I inquire of the Senator?

Mr. BAYARD. In 1866. Here is another quotation from Mr. Garfield which I shall also read, and I would commend it to his fellow-countrymen both in and out of this Senate. Mr. Garfield said:

One of the most efficient methods of encouraging home industry is to secure extensive markets; and to do that, prices here must be so adjusted as to open to our trade more of the markets of the New World. I do not suppose that we shall for a quarter of a century reach the old level of prices; for, with $250,000,000 of taxes to be paid every year, prices cannot go down where they were when we paid but $50,000,000 or $60,000,000 a year. In 1866, when we reached the highest point of taxation, expenditures, and prices, Congress began the work of reduction. But while we have made heavy reductions in the taxes, and thus greatly relieved the burdens of the people, there has been no substantial reduction of the taxes on imported goods.

Here we have the history (short and simple) of how the tariff passed from being a tariff for revenue with incidental protection into being in fact a tariff for protection with incidental revenue, and how the principal object for which it was laid, revenue, was thus forgotten or overlooked. I will not say that but how it was found impossible to recall the special privileges and powers that had once been granted.

Where are your internal-revenue taxes now? There is no longer a tax upon a manufacturer; there is no longer an income tax; there is no longer a tax laid upon every subsidiary manufacture in the country that entered into the leading manufactures. These all were repealed long ago, most of them in 1868, and some prior to that.

Since the pretext and the avowed reason for these abnormal and excessive tariff taxes has passed away, why is it your promise has not been kept, and the tariff reduced to its only justification, and that is a measure of revenue to support the Government? Protection should be the incident and not the principal; but under this, I will not say stealthy, but under this gradual growth of privilege the owners of that privilege have waxed fat and they have kicked and they have kicked over the ladder by which they rose. The excise duties have gone, but the excessive tariff which was based on the pretext of those excise taxes still stands, and indeed has been greatly increased; because after the speeches were made which I have read, after Mr. ALLISON and Mr. MORRILL, Mr. Fessenden and many others had spoken, you had the tariff of 1867, which advanced the duty upon wool and woolens so immensely, and brought the woolen trade into the condition in which it now stands, which I hold to be utterly indefensible and unreasonable.

Why, sir, in 1861 and for some years after it was alleged, and with some show of truth, that our capitalists needed protection from the still richer and greater capitalists of Europe; that money and capital were cheaper there than here; and so it came that the rich were to be protected against those still richer, and then you turned to labor and said: "We will protect the poor man against him who is still poorer." The plea of protection was urged in either case.

Now, what is the fact about capital? Has that changed? Are money rates the same as when this tariff was instituted? I have in my hand a paper from the Government actuary at the Treasury Department, dated the 3d of July, 1882, showing the rates of interest received by a present investor in United States 4 per cent. bonds. An average interest of 2.9 per cent. per annum was realized during the month of June and 2.89 in the month of May. Is there any cheaper capital in Europe than that? That is not one-half of the rates when this tariff was formed. The cry then was that capital must be protected from greater capital abroad. That, at least, is put an end to by these figures and by the facts.

Then, as to the protection of the laboring-man, that idea has been pretty well exploded. As far as I know, every thingthat the incentive of patent laws can give to any invention of labor-saving machinery has been availed of; as far as I know the freest importation of laborers, black, white, or yellow, from any quarter of the world that can take the place of discontented workmen here has been allowed; transportation has been quickened and cheapened; immigration has been encouraged to the utmost, and by the million the laboring classes of Europe have been imported to this country and have taken their place in the ranks of labor in every branch of employment.

It is a rule in the courts that where the reason ceases the law ceases. When the reason for this excessive tariff taxation, which now, as far as the estimate may be intelligently made, is something over an average of 50 per cent. on our entire list, ceased, why is it that it is not reduced? Your general excise taxation was abolished long ago, and with the exception of the stamp tax now proposed to be repealed upon checks and deposits, it is confined to whisky and tobacco and beer.

If there is to be some relief to manufacturers, I could have suggested that which I think would be a very measurable service to all manufacturing chemists, and that is a reduction in the cost of alcohol. I believe to-day that the tax both upon tobacco and distilled spirits is far past the revenue point. I know that some years ago when we reduced the tax on tobacco from 24 to 16 cents it was declared by the then Secretary of the Treasury, now Senator from Ohio, [Mr. SHERMAN,] that there would be a diminution of revenue of some ten or twelve millions of dollars. He turned out to be mistaken, and the increase of revenue was almost as great as his estimate of the supposed deficit. The same thing was said by my friend from Vermont, [Mr. MORRILL,] and he was in error. The fact is 16 cents per pound on tobacco has produced very nearly $10,000,000 more than the tax of 20 cents; and so I believe that a tax of 10 cents upon this commodity would produce in the course of two years a revenue equal to that which we receive now, which reached the enormous amount of $43,000,000 per annum last year.

So I believe that by a duty of 600 per cent. ad valorem upon whisky you have passed the revenue point, and that you would receive more revenue if you lowered your tax to 60 or perhaps 50 cents per gallon; and there would be in that more saving, in my judgment, to the manufacturers of this country, if they could obtain alcohol 30 cents per gallon less than they now pay, than in all these proposed reductions of your internal revenue. I have not the figures to show the relative proportions of this commodity that are used in the arts and manufactures. I do know, however, that it is very essential in the manufacture of certain varnishes and also as a vehicle for nearly all medicines in fluid form. Nearly everything that is to be used in solution must employ alcohol. So I can well imagine that a reduction in the tax upon that article of 30 cents per gallon would cause no diminution of the revenue, but prove an assistance far greater than these proposed reductions which have been sent here by the Committee on Ways and Means and so trumpeted as important reductions of taxation.

Notwithstanding the war had ended and the revenues were not needed, yet the habit of advancing taxes for other purposes than revenue had grown so strong and so irresistible that the duty on wool and woolens was again advanced in 1867. The internal taxes having been repealed, the manufacturer having been relieved from them, still the increase of the tariff went on.

There is one little illustration of the practical working of this tariff that I want to lay before the Senate. I have in my hand a letter written to me last December by a very intelligent, upright man, who is a manufacturer. He has gone through every stage of manufacture, from being a mill-hand to being a mill-owner, and to-day carries on woolen mills with success in Delaware. He spent last summer in England, and he writes me, sending me a specimen of the cloth he refers to, as follows:

Our present tariff on wool and its substitutes is an outrage on the consumers of woolen goods of America. I herewith inclose a sample of woolen goods which was selling in Leeds, when I was over, by manufacturers at seven pence half penny per yard, or say 15 cents currency. It is fifty-four inches wide and weighs 18 ounces per yard. The specific duty of 40 cents per pound, which will be 45 cents per yard, and 40 per cent ad valorem will be 6 cents per yard or 51 cents per yard duty on goods selling by manufacturers at 15 cents per yard.

Here is the cloth. [Exhibiting.] Any gentleman can examine it. It is a plain, useful piece of goods, and the duty upon it under our tariff is very nearly 340 per cent. ad valorem. To such absurdities this tariff has come, building it up upon the pretext of internal taxation and letting it stand after the internal taxation has been removed. This is not the rich man's cloth, although I do not know but that any man would be glad to have clothing of it. There it is; let it speak for itself.

Can you justify a law that will allow the clothing of the poorer class of your countrymen to stand with such a tax upon it? I cite it because it is a fair and a practical expression of what this man says, whom I vouch for from my knowledge of his truth and honor, and if he is questioned I have no doubt he will be perfectly able to substantiate his facts before the tariff commission or anywhere else, and I should be glad to furnish his address.

Mr. HAWLEY. It struck me that the Senator from Delaware made a slip of the tongue in speaking of that matter. He referred to tariff duties built up on internal-revenue taxation in connection with the heavy duties on woolen goods. Now, it is our understanding in New England, where we manufacture a good deal of woolen goods, that the large duty upon those goods is due to the irresistible demand of the wool-growers in the West and Southwest and elsewhere, that they have protection on their wool. Certainly if the Senator can bring about a peaceable settlement with the wool-growers, the wool manufacturers would be very willing to have the former duty on woolen goods restored.

Mr. BAYARD. If the gentleman can furnish any satisfaction to the American purchaser of this cloth out of that argument, I should like to hear it. The poor man is crushed between the upper and nether millstones. You represent one, and the wool-grower may represent the other, but that does not make the consumer any happier, his fate is the same, and I propose to rescue him from both. I propose that there shall be a just and reasonable tax, that shall bring revenue, and at the same time, by discriminating, give a fair protection to home industry,—but not a tax that enhances the cost of nearly every article of living, that prohibits importation, and kills commerce.

But I want to go further than that. I want before I get through a speech that I am in no condition to make on such a day as this, and I am only making it perforce because this tariff question has

been brought here and dumped down in the Senate without notice and without any of the ordinary regularities of proceeding——

Mr. SHERMAN. I want to ask a question. The Senator says that a pound and a half of woolen cloth of the fabric he exhibited is sold for 15 cents in England.

Mr. BAYARD. I said that the duty is 40 cents per pound——

Mr. SHERMAN. But I mean the cost of the article.

Mr. BAYARD. It cost 7½*d.* to the yard. It weighs eighteen ounces to the yard.

Mr. SHERMAN. I doubt very much whether raw wool is sold in England at those rates, of any grade whatever.

Mr. BAYARD. I suspect this cloth is chiefly made of woolen rags, which if brought to this country would pay a duty of 12 cents per pound. That is another feature of this tariff.

Mr. SHERMAN. Our duties are framed to exclude just that kind of shoddy manufactures, because we were covered with them before the war, and we had to pass severe laws really to exclude that kind of shoddy manufacture. As a matter of course, that amount of wool in England or anywhere else would cost more than 7½*d.*

Mr. BAYARD. I am not a skilled manufacturer. I do not know the arts and contrivances to which they resort. I have in my possession one or two letters relating to another species of alleged woolen manufacture which will show how very little wool there may be in an alleged woolen manufacture, but here is the cloth. [Exhibiting.] The man who bought this is a practical man. It can be examined by any Senator. I propose to let it speak for itself on these statements, and there is the fact that on woolen cloth that has intrinsic value, that is useful for the purpose of clothing mankind, there is a tariff duty to-day of 340 per cent. ad valorem. Is that a tariff for revenue or what? Is it not a tariff for prohibition "only?"

What is the result? There is not in the Senate or anywhere a man who means to deal more fairly by every interest in this country than I; but I do propose to consider them on an equal scale of justice to all. What is the result of the present system upon our manufactures? I ask you if they have not been unduly stimulated by this system of tariff taxes, and I ask you whether with all our great and varied productions, where have we any market except at home? Is there not to-day in this country, owing to the enterprise, the industry, the inventive genius, and the skill of our countrymen, a production ample for at least one hundred millions of people? We have fifty-five millions at the outside; and when they are supplied, where is our market for the surplus? Where are you to go? You cannot go abroad with these duties upon wool and duties which you lay upon everything. Your protection has been not only heavy but indiscriminate, and it seems to me that wherever you shall reach the point of prohibition in your duties you will find two-edged; it will kill your foreign market and glut your home market; and between the two where is the advantage to the American manufacturer?

Commerce is not and cannot be one-sided! Commerce means mutuality of exchange and mutuality of benefit; for, if there be not mutuality of benefit, it will soon come to an end by the ruin of one of the parties. Duties that prohibit imports put an end to commerce, and when you put an end to commerce what becomes of your shipping interest? We hear a great deal about it. The Senator from Maine [Mr. FRYE] brings in resolutions pointing to an amelioration of the condition of our foreign shipping. But, what is the use of talking of ships unless they are to have cargoes, and they cannot carry a cargo one way only; they must run full both ways or run at a loss. So that, I say, you begin with an excessive and indiscriminate tariff duty, you glut your home market, you utterly disable yourselves for a foreign market, and you have not the instrumentalities to carry your products, even if they were able to be sailed in competition with foreign vessels. Agriculture needs foreign markets for its surplus production; but if agriculture cannot buy in foreign markets with its proceeds those things its owner needs, because of excessive tariff duties it cannot bring them home, certainly there is great disadvantage and loss and we cannot expect to be paid for all our exports in cash. An examination of our list of exports, and the picture presented by our merchant marine, will tell the whole story, and explain the necessity of reform in our taxing system.

Look at the effects of overproduction of manufactures in this country. Here is a subject which I approach with a great deal of gravity and hesitancy. I mean the subject of the strikes of labor. If manufacturers are not prosperous they cannot pay the wages needed by labor for its support. If you have overproduction and consequently low prices, you will have greater supply than demand; and why? It is because your home market, which is your only market, is overstocked. What is your only remedy for an overstocked home market? Exportation. Can you export? The tariff forbids you. If you go abroad, you are handicapped by these indiscriminate and heavy tariff taxes that have increased the cost of your production, and you cannot sell in competition with those who have had no such taxes to pay. What then is your remedy? To stop production, shut down the mill, close the mine, until scarcity shall raise prices again; and in the meantime where is labor? Idle and suffering. What are the fruits of idleness? What are the natural results of idleness? Is there not a lesson of philosophy in this question that should check men in their heedless pursuit of gain irrespective of the laws of nature. Wise thoughts I have found are often best expressed by men who sit upon the serene heights of reflection and consider their fellow-creatures without the perturbations of selfish interest and ambition. In speaking of mechanical employment, Sir Henry Taylor says in an essay on Wordsworth:

> Mechanical employment has no doubt a tendency to alleviate suffering and subdue excitability, and this truth has a political as well as a moral bearing; for in seasons of commercial or agricultural difficulty, the political disturbances which arise amongst the lower orders of the people may be attributed, not to distress and destitution only—for it has often been observed that they extend to many who are under no immediate pressure of want—but also to the concurrent deprivation of that great sedative to the human mind which is found in the employment of the body. Neither hunger nor full feeding act alike upon all men—the one will not invariably produce irritability, still less will the other be unfailingly attended with contentment—but steady labor or manual employment will always promote composure of mind, a fact which may add one more to the many considerations which lead the politician, as well as the moralist, to insist that a high rate of wages is less to be desired for a country than work which is regular even though ill paid.

Was there ever in any country so many men idle and organized in a wages strike as we see to-day in the United States? Did not events connected with the discontents of the laboring classes shock and startle the country five years ago?

There are elements of danger in our political system, which it behooves us gravely to consider, and to remember that the very freedom which so marks our popular institutions places them in greater danger should that liberty be misunderstood or abused.

To prevent any pretext for such abuse, I now draw your attention to that system of unequal and excessive taxation, which I believe contributes more than any other single cause, to produce these periodical cessations and abandonment of regular and steady labor, the consequences of which fall most painfully upon the laboring classes.

I do not see how this evil can be expected to be lessened until we discover and remove the latent causes. Can the manufacturer continue his production in the face of a market which is unprofitable to him when overproduction has taken place, when his only market is glutted? Can he send the surplus to some foreign country and dispose of it? What is his first relief? He has purchased his materials as closely as he can and then he pays out as little as he can for its manufacture. He cuts down the wages of labor until they are so low that either the men are in revolt for want of sufficient wages to enable them and their families to live, or the employer is unable himself to pay at all, and his mill or workshop must be closed, and remain closed until the market is relieved by consumption, and a demand is again generated for his products.

Now, I say that if I am right in this, the change cannot come too soon in our tax system that shall give to the American manufacturer an outlet for his productions, more expansive markets for his commodities, and in that way enable him to give his laborers regular and steady employment. It is the glutted market that causes a cessation of production. It is the glutted market that causes the strike. Diminished production means unemployed labor.

Capital can lie by and rest, but the laboring man has nothing to support himself and his family but the work of his hands from day to day, and those little savings, which, if the strike is to last long, must soon be exhausted. I submit to you it is our duty, so far as laws may accomplish it, to assist in removing causes so demoralizing as the enforced periodical idleness of labor. What capital loses by the delay it may regain in the enhanced price, but what labor loses by delay is gone and lost forever. I hold that it is not a healthful condition and least of all in a government based upon a suffrage almost universal.

Mr. BLAIR. Will the Senator from Delaware allow me to ask him a question at that point? I do not wish to interrupt him, but it is in reference to that principle.

Mr. BAYARD. If the Senator wishes to ask a question, I will answer, but I am rather fatigued. I have spoken longer than I intended.

Mr. BLAIR. I will not interrupt the Senator.

Mr. BAYARD. I will answer any question the Senator wishes to ask.

Mr. BLAIR. I understood the Senator to enunciate this principle, that what capital loses by delay it makes up afterward and what labor loses by delay is gone forever. Now, is there a distinction between the losses of capital by delay and the losses of labor by delay? Is there not in the subsequent demand for labor an increased recompense for labor precisely as there is increased compensation for capital?

Mr. BAYARD. No, I think I am perfectly right, because the labor I refer to is labor specially instructed and adapted to the line of its occupation. The man employed in a mill cannot turn out and work at something else wholly different; the blacksmith must be a blacksmith, the spinner must be a spinner; he cannot part with his trade and take up a new occupation suddenly. What I said is true. Capital in the first place can afford to lie by because what it loses at the time it gains by the enhanced price caused by non-production; but when the laboring-man remains idle for a week or two or three weeks, it is simply to him a dead loss and nothing accrues; on the contrary, probably at the end of that time, starving, weak, and dispirited, he is glad to accept even reduced wages.

Mr. BLAIR. Is it not true that the idleness of capital and of labor is alike enforced by excessive production, and that capital

and labor alike will resume production when there is a demand for the product? So that if capital is idle it loses; if labor is idle it loses in its time; but whenever there comes a demand for the thing produced labor and capital again combine and wages increase precisely as compensation comes again to capital. Is not that so?

Mr. BAYARD. I think not.

Mr. BLAIR. The divergence of labor into other directions has not been taken into account.

Mr. BAYARD. I thought the Senator wished to ask a question which I should answer with the greatest pleasure if I were able, but I do not think this is the time for him to make general comments. The proper time will be hereafter. If my propositions which are submitted in all candor will not bear criticism, dismiss them. If they contain truths, if they shall tend to alleviate the dangers which I feel to-day are threatening our social system, do not, I beg of you, shut them from your minds, gentlemen of the majority, because they come from one of your political opponents.

You may estimate the losses in such strikes as we now witness by millions of dollars in the mere loss of wages to labor. As I have said if scarcity is produced by diminished production the capitalist may regain and recoup his losses though he may shorten his gains. The laborer cannot do this. But the actual loss to labor is not his measure of money wages. There is not only diminished production that affects the whole country; there not only is a diminished home market for other commodities, which we are told is one of the chief advantages of well-paid labor, that it creates a market for home productions; there not only is diminished consumption which of course involves loss to producers, but more than that there is the substitution of a speculative temper and habit among men in lieu of a regular, steady, and wholesome trade. If men believe there is to be an overproduction and consequent temporary fall in prices, if there is to be periodical or irregular stoppages in production, then regularity of supply and demand will vanish and speculation upon these emergencies will take place. Then there is a demoralization of the laboring class arising from idleness and from those vices that follow inevitably in its train, the ill-effects of which never wholly depart, and are replete with dangers. I read the passage from Sir Henry Taylor to show that steady occupation, the regularity of employment is the true sedative for human excitability, and it is the true method by which men shall lead contented and honorable lives, and not be subjected to these periodical disturbances which interfere with steady labor and retard productive industry.

Besides, such seasons of distress always are the chosen time, the opportunity for demagogues, the curse and pest of popular government, those men who seize occasions of depression to exaggerate distress, and appeal to all the lowest and worst instincts of humanity, and to all the dishonorable and mean traits in a community to shake the foundations of public credit, to disorder its occupation, to weaken its law-abiding spirit, and in that way to make a republican form of government less safe and respectable.

And what will be the result upon political parties if you shall agree that the taxing power of our Government shall be used by those who can command the strongest cohorts to make their raids upon the public Treasury? Will it be any longer a republican government? Will it be a representative government founded upon popular intelligence, and upon the virtues that adorn domestic and support public life, or will it be a government of mere wealth, a corrupt plutocracy, in which everything shall be given to him who hath and from him who hath not even his little shall be taken away?

I believe that the legislation of this country for a long time has been too much influenced by combinations of property which control its taxing power, and which take for private and personal ends just that portion of the property of each citizen that they can obtain through the forms of law. The ultimate consequences of this is to my mind plain. Political power in this country is in the majority, and these abuses will always increase and strengthen until finally you will drive mere numbers into opposition to the institutions of property, which has been accumulated by the agency of an unjust and unequal system of legislation and taxation.

What will give relief? What will enable manufacturers to pay labor, and labor to earn steady and reasonable wages? Lighter burdens of taxation, more extensive markets for the joint products of labor and capital. We need for this a reduction in the cost of our production such as will enable the products of American industry to compete on terms of reasonable equality with the products of foreign nations. Can they do it to-day? Can the products of our most highly protected industries compete to-day in foreign markets with those of other nations?

I can imagine no more dangerous doctrine than in a popular government to admit that the taxing power can be used by the majority for class or for special benefits. I profess that I cannot distinguish between the claim and exercise of such a power and communism and agrarianism. It is communistic in its theory, in its principle; it will be found so in its results.

I say this earnestly, because I believe that now we have come to the point in this country when this question of public taxation has to be considered down to its very roots. We are dealing with the sovereign power of taxation, a power that has no constitutional limitation excepting that it shall be exercised only for public ends. Congress, to save this country, to uphold its institutions, can tax to the uttermost dollar the possessions of the citizens. It is unlimited in that respect. It is the wise and high discretion alone which can control the exercise of that great power. The question now is, are you ready to accept, are the American people prepared to accept, the doctrine that such a power can be used for any other than public ends and for the uses of the Government itself? It has been denied over and over again by every jurist whose name is authority in America. The Supreme Court of the United States made a late review of this principle and I will adopt their language. Mr. Justice Miller, speaking in the Supreme Court of the United States of certain rights that were beyond the control of Congress, private rights which were not to be invaded under the forms of law, said:

> It must be conceded that there are such rights in every free government beyond the control of the state. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a depotism of the many, of the majority if you choose to call it so, but it is none the less a despotism. It may well be doubted, if a man is to hold all that he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to that happiness, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many.
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> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government.
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> The power to tax is, therefore, the strongest, the most pervading, of all the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of *McCulloch vs. The State of Maryland*, that the power to tax is the power to destroy.
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> *To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.—Loan Association vs. Topeka*, 20 Wallace's Reports, page 662.

Mr. President, standing now as we do upon the threshold of a discussion that must almost necessarily last for a long time, I have no idea that those who have gained, as historically I have shown how they gained, these excessive powers through the forms of tariff legislation in favor of class and individual interests, will loosen their hold willingly or quickly. I believe we are upon the verge of a severe and excited struggle of public opinion upon this subject. I have been anxious to-day, not so much to produce statistics, not so much to bring mere figures which may be questioned in this vast problem which we are discussing, but to plant myself upon a doctrine and principle that I believe is fundamental, and that is, that you are not to pervert a public power merely to promote private interest.

The Constitution of the United States, the constitution of every State in the Union, I believe of every civilized state, written or unwritten, provides that private property may be taken for public use upon just compensation being rendered therefor; but where was the converse of that principle ever admitted—that public property can be taken for private use? There is the heresy, there is the danger. Into that I do not say criminally, I do not say unpatriotically, but naturally and selfishly, I believe a favored class in this country have entered, so that to-day an unequal distribution of the burdens of taxation rests upon the American people. They have been unjust as between ourselves, and they are dangerous and deleterious even to those in whose behalf they have been laid. They are imposing to-day a strain upon our social and political fabric which should not be continued.

I would be glad to-day to go heart and hand with those of my fellow-citizens who have a share in these undue privileges in order that they should themselves, by taking part in the reform which I am satisfied ought to come and is to come, prevent it from being violent or extreme. I am not in favor of inconsiderate and hasty change; I am not in favor of abrupt and violent disturbance of established business, of tearing town and destroying property and rights of property which have been invested under the faith of existing law; but we must now take up this question in a spirit of justice. This vast country of ours is now opened for the first time to the full comprehension of its people, because it is at last at peace, each with all. There is not a corner of the Union to which the telegraph and the post-office do not carry the message; everywhere our people can come together. They can now as they never could before understand each other, and their various needs and capacities. They can see how far science and discovery have changed the relations of production. All this can be done. We should go into high council on this subject, and endeavor, when we are exercising this sovereign power of a great people, the power to tax, to tax in discretion, and take heed that it is done strictly and solely for the purposes and objects for which that power was delegated to Congress under the Federal Constitution.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. MORRILL. The question will be on the committee's amendments.

Mr. COCKRELL. Has the bill been read?

The PRESIDENT *pro tempore*. It has not been read. It will be read.

Mr. HOAR. Is it necessary to read it?

Mr. BECK. Has the bill ever been read?

The PRESIDENT *pro tempore*. It has to be read at some time.

Mr. HOAR. Nobody has demanded the reading now.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri to ask its reading.

Mr. COCKRELL. I want the bill read.

Mr. SHERMAN. I suggest that the usual course be taken, that the formal reading be dispensed with, and that the bill be read with the amendments reported.

The PRESIDENT *pro tempore*. Is there objection to having the bill read with the committee amendments?

Mr. BECK. I desire the bill read, and then I desire the amendments to be acted on.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill.

The PRESIDENT *pro tempore*. The amendments will now be read.

The ACTING SECRETARY. The first amendment of the Committee on Finance is, in section 1, line 3, after the word "that," to strike out "on and after the passage of this act, except as hereinafter provided."

Mr. SHERMAN. That is a formal amendment.

The question being put, it was declared that the noes appeared to prevail.

Mr. COKE. I ask for the yeas and nays.

Mr. SHERMAN. The amendments to the first section are merely formal, about which there is no dispute whatever.

Mr. MORRILL. They were agreed to unanimously by the committee.

The PRESIDENT *pro tempore*. Does the Senator from Texas call for the yeas and nays?

Mr. COKE. I withdraw the call.

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 1, line 5, after the word "laws," to strike out "internal revenue."

The amendment was agreed to.

The next amendment was, in section 1, line 6, after the word "repealed," to insert "as hereinafter provided."

Mr. PENDLETON. I have here before me the bill (H. R. No. 5538) reported July 6, 1882; I do not see any such amendment.

Mr. ALDRICH. That is the wrong print.

Mr. BAYARD. I will state to the Senator from Ohio that there are several prints of this bill and he had better get the last one.

Mr. MORRILL. This is "July 12;" that is the last print.

Mr. BAYARD. I would rather we should each have a copy before us.

Mr. SHERMAN. The Doorkeeper has copies that he can furnish to all Senators. The amendments to the first section are merely *pro forma*. There is no objection to any of them.

Mr. PENDLETON. I should like to know which form of this bill we are considering? The House bill No. 5538, reported by the Finance Committee, lying on the table, was the one taken up on the motion of the Senator from Vermont.

Mr. MORRILL. "July 12," is the print.

Mr. PENDLETON. How did that get substituted for the other?

Mr. ALDRICH. By the vote of the Senate.

Mr. PENDLETON. By a vote of the Senate that was substituted for the one reported July 6th?

Mr. ALDRICH. By unanimous consent.

Mr. SHERMAN. The bill was recommitted.

Mr. HARRIS. I will state to the Senator from Ohio that the bill was recommitted and afterward reported back.

Mr. PENDLETON. There are so many reports that it is hard to keep track of them.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will get any additional copies that may be needed.

Mr. BECK. The reason I called for the reading of the bill at length was so that each Senator could see exactly what bill he had before him, and I was very sure that there would be just such misunderstandings as have now grown up. The bill as it came from the House was purely an internal-revenue bill, with no item of tariff taxation in it. As it was reported back by the Finance Committee, it was purely an internal-revenue bill, and was so placed upon the Calendar on the 6th day of July, and so remained, so far as the Senate knew, although the Committee on Finance were considering matter pertaining to tariff taxation until the day before yesterday, when on motion of the chairman of the Finance Committee the bill was recommitted to the committee and reported back instantly with all these items of tariff taxation in it, and ordered to be printed. I was sure, just as it has turned out, that a large number of Senators who had not heard these facts stated, had not the right bill before them so as fairly to understand what was really to be considered.

Now the bill that is up, as I understand, is the bill that was recommitted and reported back the day before yesterday with items of tariff taxation as well as internal revenue. I simply make the statement for the purpose of endeavoring to have all Senators understand, without confusion, what we are acting upon.

The PRESIDENT *pro tempore*. The Senator is correct. The pending amendment will be read.

The ACTING SECRETARY. In line 6 of section 1 it is proposed to insert the words "as hereinafter provided."

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 1, to strike out all after the word "the," in line 6, to and including "two," in line 17, in these words:

Stamp tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

And in lieu thereof to insert——

Mr. BECK. The question is on striking out those words, is it not?

Mr. SHERMAN. To strike out and insert.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky allow the matter proposed to be inserted to be read before he proceeds?

The PRINCIPAL LEGISLATIVE CLERK. The matter to be inserted is:

Taxes on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and.

Mr. BECK. I desire to amend by inserting, in lieu of what is stricken out:

After the 1st day of January, 1883, the tax on manufactured tobacco shall be ten cents per pound.

Mr. SHERMAN. The motion to strike out and insert is a not a divisible motion.

The PRESIDENT *pro tempore*. But a Senator can move to amend either the part to be stricken out or the part to be inserted.

Mr. SHERMAN. Am I correct in the general proposition that a motion of that kind is not divisible?

The PRESIDENT *pro tempore*. It is not divisible.

Mr. SHERMAN. This committee amendment is simply a transposition of words and a change of phraseology. The Committee on Finance reduced a sentence of ten lines to a sentence of three or four lines and we thought made it clearer and better. As a matter of course, it is not the proper place to put in the tobacco tax; but if the Senator wishes to have a vote on the tobacco tax, I suggest to him as a matter of convenience that he put it in below. There is no objection to his having a vote on that question, but it ought to be inserted after the repeal of the other taxes named. This would not be a proper place for the amendment, if inserted.

Mr. JOHNSTON. I wish to make an inquiry. This I understand is an amendment of the committee, and although, as the Senator from Ohio says, it is a mere formal amendment transposing the words, still if adopted now it will prevent any amendment but that amendment until we get into the Senate.

Mr. SHERMAN. Not at all. The proper place for the insertion of the proposal to reduce the tobacco tax will be section 2. Section 2 relates entirely to the tobacco tax, and the amendment of the Senator from Kentucky when offered should be offered as an amendment to that section.

Mr. JOHNSTON. Suppose somebody wants to substitute for the words in this section a repeal of the tobacco tax. If the vote is taken on the committee amendment now and it is adopted by the Senate no amendment to that can be offered afterward.

Mr. SHERMAN. The Senator can move to strike it all out afterward; but the first section relates entirely to the tax on deposits of banks and bankers, the stamp tax on bank checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, &c. It relates entirely to the stamp tax. Section 2 relates to the tobacco tax.

Mr. BECK. Section 2 relates to nothing connected with the tobacco tax, as I understand, except that it lightens up the tax on a number of dealers; but that has nothing to do with the tobacco tax.

Mr. SHERMAN. But that will be the proper place for the amendment.

Mr. BECK. It mentions dealers and sales and things of that kind; but I propose, if I can, to insert, in lieu of what the committee struck out from line 10 to line 18 of section 1, the following:

After the 1st day of January, 1883, the tax on manufactured tobacco shall be ten cents per pound.

If that fails I shall endeavor to get a vote on eight cents a pound, one-half what the tax is now. I want some relief.

Mr. JOHNSTON. Mr. President, I gave notice a few days ago of an amendment to this bill, which I had printed, and upon which I desire the action of the Senate. It is in relation to the tobacco tax, and proposes the entire abolition of the tax on tobacco. I would prefer, if agreeable to the Senate, that the vote be taken on that proposition before any vote is taken on a mere proposition to reduce the tax, because being a more radical amendment it ought to be voted upon first. I submit the amendment at this time and ask that it be read.

The Principal Legislative Clerk read as follows:

That from and after the 1st day of July, 1883, all laws and parts of laws imposing internal taxes upon tobacco, snuff, cigars, cheroots, and cigarettes shall be, and they are hereby, repealed; and on all original unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers on the

said 1st day of July, 1883, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the tax. And all laws and parts of laws which impose any limitation or restriction on the sale or use of leaf tobacco by the producer are hereby repealed. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

The PRESIDENT *pro tempore*. That amendment is not in order now. The Committee on Finance moved to strike out from line 6 to line 18 of section 1 and insert other words. The Senator from Kentucky, as the Chair understands his motion, wishes to substitute what was read at his suggestion in place of what the committee move to insert.

Mr. BECK. In lieu of what is stricken out by the committee's amendment I move to insert:

That from and after the 1st day of January, 1883, the tax on manufactured tobacco shall be 10 cents per pound.

Mr. HARRIS. No vote has been taken on striking out. The committee propose to strike out.

Mr. BECK. I propose to insert in lieu of the matter stricken out the words:

That from and after the 1st day of January, 1883, the tax on manufactured tobacco shall be 10 cents per pound.

Mr. MAHONE. Before I vote upon that question I desire to say that at another place in this bill I propose to offer a similar amendment looking to the same object. It does not occur to me that the amendment proposed by the Senator from Kentucky is offered at the proper place.

Mr. SHERMAN. It is as clear as day; we are not children here. This is a mere amendment to embarrass the regular order and framing of this bill. It has that effect. The first section relates simply to the proposition to repeal certain taxes imposed by stamps and also the tax on bank deposits. It does not relate to tobacco at all. It has nothing in it about tobacco. The committee propose a simple proposition, agreed to by the Senator from Kentucky and every member of the Committee on Finance, as a substitute for the language used by the House, as a question of phraseology, a mere question of words; and it is manifest upon the face of the paper that the committee's amendment is a proper one to be inserted in lieu of the words used by the House.

If the Senator wants to make his proposition in regard to the repeal or reduction of the tobacco tax, he can do it properly in any other part of the bill, especially in the second section, which relates to the tax on dealers in tobacco. There is no objection to that being offered there.

It seems to me proper that in this bill we should proceed in such a way that we shall understand what we are voting about. I do not deny that the amendment of the Senator from Kentucky is in order; that when it is proposed by the committee to strike out certain words he may move to amend the words proposed to be stricken out by putting in something entirely incongruous, having no connection whatever with the subject-matter, which would compel the reframing of the whole section. I do not think that is the best way to do.

If the Senator will wait a few moments until these formal amendments about which there was no contest in committee shall be agreed to or disagreed to, then he can submit his proposition in regard to the whole or a partial repeal of the tax on tobacco and I am ready to vote on it, but I hope he will not embarrass the work of the committee of which he is a member by putting tobacco in a section that has no relation whatever to tobacco and which relates to an entirely different subject.

Mr. MORRILL. I call the attention of the Senator from Kentucky to the third section, where his amendment would be germane and proper. It does not seem to me that it is proper at any other point.

Mr. BECK. The Senator from Ohio indulges in the suggestion that adopting my amendment would embarrass the action of the committee on the bill. I have as much right to say—though he would think it very impolite if I did say—that under the bill to reduce internal-revenue taxation, when there are a hundred and twenty-odd millions of taxes produced from distilled spirits and tobacco, and you are seeking to give relief to the country and to the producers of the country, you have made the bill which is entitled "A bill to reduce internal-revenue taxation" a mere pretext in order to leave out all the real burdens, and to alleviate the burdens, if there are any now, imposed upon banks and bankers, perhaps the most favored and the least burdened of all classes of men in the country. I was voted down in committee, I admit; but my amendment is pending, and I have a right under the rules of the Senate to bring the Senate to the test of whether they do intend to reduce internal-revenue taxation, which they can do by the proposition I make, or whether they intend, merely assuming that they are going to reduce internal-revenue taxation, to give favors and benefits and privileges to an already privileged class, and ignore all that ought to be considered in regard to internal-revenue taxation.

If I am in order, as the Chair has decided that I am and the Senator from Ohio admits that I am, in moving to bring the Senate to a vote upon this amendment, then I for one will know by the votes of gentlemen whether they do intend to reduce internal-revenue taxes or whether they intend to vote down all that ought to be reduced and to reduce what ought not to be reduced except as part of a general system. I am willing to remove burdens from banks and bankers; I am willing to remove burdens anywhere as part of a system that relieves everybody; but to have them selected and picked out, that being all the House of Representatives could find that was of value and all the Committee on Finance could find that was of value until the bill was recommitted after a good while and by an order that I do not care again to allude to, is to leave out what I think is the substance of reduction of internal-revenue taxes. I desire, if I can, and the Chair says I can, to have a vote upon one of the main questions first. If this carries, I shall move to reduce the tax on distilled spirits to fifty or sixty cents a gallon; and I believe I can show that, although we shall thereby lighten a great many millions of burdens, we shall obtain more revenue at that rate than we are receiving now and with less loss than we have now. I want to relieve substantial burdens and not to give favors to a class to the exclusion of all others.

Mr. MORRILL. It is perfectly obvious that we may remove all the taxes in the world, and unless we remove the tax on tobacco and whisky we do nothing substantial, according to the idea of the Senator from Kentucky. When we reduced the tax on tobacco from twenty-four cents to sixteen cents a pound we had the pledge of that Senator and of various others that they would not ask for a further reduction upon tobacco for five years; yet now the Senator is the first one to make a proposition to reduce it over one-third.

Mr. HARRIS. Mr. President, both sides of the Chamber profess to be in favor of reducing taxes. It becomes important to determine on what we will reduce taxes. The bill as reported from the committee, that part of it at least which we are now acting upon, proposes to relieve the capital of banks from taxation. The amendment of the Senator from Kentucky proposes in lieu of that to relieve, to some extent at least, this agricultural product, tobacco, from taxation. It is a direct question presented, and a question that the Senate will for itself decide whether we will relieve bank capital from taxation or this agricultural product, tobacco.

Mr. HOAR. This is a proposition to strike out and insert, and under the rules of the Senate it is indivisible, as the Senator from Ohio said a little while ago. If it prevail, it is impossible to change the proposition inserted hereafter, because when language has once been inserted by a vote of the Senate it cannot afterward be stricken out. It is also impossible, if the motion prevail, to restore the language stricken out, because when language has once been stricken out by a vote of the Senate it cannot be reinstated by other language which is the same in form or substance. Therefore those Senators who wish, as some of the Senators on the other side say they do, notably the Senator from Kentucky, to abolish the tax on bank deposits, vote against their purpose if they vote for this amendment, because they have stricken out that language from the bill, and it cannot be put back under our rules. So those Senators who wish to reduce the tax on tobacco by making a different rate from that proposed now, or to abolish it altogether, as I understand the senior Senator from Virginia [Mr. JOHNSTON] proposes, cannot do that if they vote for this amendment and it carries, because they put into the bill this language which thereafter becomes unchangeable.

It appears, then, to be clear that this hurrying in this amendment in a section where it does not belong has the parliamentary effect of compelling every gentleman who wants to abolish the bank taxes to take a position where it is impossible to do it, of compelling every gentleman who wants to abolish the tobacco tax to take a position where it is impossible for him to do it, or who wishes to get at any other rate of taxation on tobacco than the one proposed in this amendment. It is therefore obvious—I do not impute motives to the Senator from Kentucky, I only speak of results—that this is a mere amendment to make confusion and not an amendment to accomplish anything that anybody in the Senate wants.

Mr. FERRY. I should like to ask the Senator from Massachusetts does he understand that voting down this amendment precludes the right of any Senator to move to strike out the words here?

Mr. HOAR. Of course not.

Mr. FERRY. So I supposed.

Mr. HOAR. I addressed myself distinctly to the proposition that if a motion to strike out and insert, which, under the rules of the Senate, is indivisible, be carried as it is put, you may amend either of these things before you put that motion, if you choose, but if this is carried as it is put it prevents every Senator hereafter from abolishing the tax on bank deposits and prevents every Senator hereafter from reducing the tax on tobacco to a lower rate or abolishing it altogether.

Mr. FERRY. I take exception to the proposition of the Senator from Massachusetts. The motion of the Senator from Kentucky is to strike out the words that have lines across them in the print from line 6 to line 18, inclusive, and insert a reduction of the tax on tobacco. Now, if that should be voted in it would not prevent a motion to strike out those words and insert the language of the committee.

Mr. HOAR. The Senator is too good a parliamentarian to differ from me if he understands; the difference between us arises out of a misunderstanding. If the text of the bill now contains proposition A and it is moved to strike that out and substitute proposition B, under Rule 31 of the Senate that is an indivisible motion; it is

put as one motion. You can, before putting it, move to amend A, or you can before putting it move to amend B, and those motions, though made afterward, take precedence because they are amending the text; but when you reach your proposition to strike out and insert, if it carries you cannot put back into the bill afterward what was stricken out, because it has been stricken out by order of the Senate. You cannot take out of the bill what you have put in because that has been put in by order of the Senate.

Mr. FERRY. You can move to strike out A, taking the illustration of the Senator, and insert B; if that is carried, you can move to strike out A and insert C.

Mr. HOAR. What does the Senator mean? The Senator says if you carry that motion to strike out A and it is done, and A is gone, you can still make another motion to strike out A.

Mr. FERRY. I want to remind the Senator——

Mr. HOAR. Is the Senator thinking of what he is saying?

Mr. FERRY. I think I am. I will remind the Senator that a motion to strike out and insert certain words does not prevent a motion to strike out and insert other words, because the question is indivisible. Therefore if this motion is carried to strike out and insert the amendment of the Senator from Kentucky, there is nothing to prevent then striking out the same words and inserting the amendment of the committee.

Mr. HOAR. When you have stricken out certain words once, can you strike them out again?

Mr. FERRY. You can by inserting other words. You cannot strike out and insert the same words, but you can strike out and insert other words.

Mr. HOAR. I do not think the Senator will hold to that proposition on reflection.

Mr. FERRY. The rule is that a motion to strike out and insert is indivisible, but that does not prevent a motion to strike out without insertion, and you can move to strike out and insert other words if one motion is lost.

Mr. HOAR. We are not talking about what happens when one is lost; we are talking about what happens when one is carried. If my friend from Michigan will give me his attention—I know his great experience and his great clearness as a parliamentarian—he has simply failed to notice what I said, failed to catch one little expression that made him argue one thing when I am holding the other. I was speaking of the effect of the adoption of the proposition when it is done, that is when A is stricken out by order of the Senate and gone out of the bill and something else is put in. When A is out by vote, you cannot move to strike it out again, because it is already gone. When B is in by vote, you cannot move to strike that out. I am speaking of what will happen if the proposition carries, not if it fails.

Mr. FERRY. I understand the Senator, and we do not differ on a motion to strike out; after that is carried of course we cannot reinstate it, but the trouble is that here is a motion to strike out and insert, and if that is carried you can then move to strike out and insert other words because they are indivisible, and therefore it is a different proposition.

Mr. HOAR. But suppose both shall carry, then what do you strike out? After you have struck out A once, after you have moved to strike out A and insert B——

Mr. FERRY. Then you can move to strike out B and insert what the committee has here.

Mr. HOAR. What have you got in then? Can you put in C?

Mr. FERRY. Certainly, by adding other words. That is clear under the rule.

Mr. HOAR. Others with the words struck out.

Mr. FERRY. By striking out and inserting other words.

Mr. HOAR. Does the Senator mean to maintain that if you have struck out A and inserted B you can then immediately move to strike out B and insert something else?

Mr. FERRY. It is a different question altogether.

Mr. SAULSBURY. I move that the Senate proceed to the consideration of executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6739) for the relief of Lucretia R. Garfield; in which it requested the concurrence of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Before putting the question on the motion of the Senator from Delaware the Chair will lay before the Senate the action of the House of Representatives on one of the appropriation bills.

Mr. SAULSBURY. Very well.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

HOUSE BILL REFERRED.

The bill (H. R. No. 6739) for the relief of Lucretia R. Garfield was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. SAULSBURY] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 14, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

Mr. PAGE. What is the regular order?

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. Is it in order for me at any time to ask to take from the Speaker's table the river and harbor bill for the purpose of having the Senate amendments printed and non-concurred in?

Mr. RANDALL. What is the gentleman's proposition?

The SPEAKER. The gentleman from California inquires whether it is in order to go to the Speaker's table to take up the river and harbor bill. That bill stands in the same relation as general appropriation bills under the rule.

Mr. CARLISLE. There are some of the amendments which perhaps ought to be considered in Committee of the Whole House on the state of the Union. If we take the bill up and non-concur in the Senate amendments there will be no opportunity of considering them in Committee of the Whole.

Mr. PAGE. Can that be done after the bill has been in conference?

Mr. CARLISLE. Not at all.

Mr. PAGE. What I want is to get the judgment of the House upon taking from the Speaker's table the river and harbor bill, to non-concur in all the Senate amendments, to have the amendments printed, and ask for a committee of conference. That is what I want.

Mr. HOOKER. I think we should not do that. It may be the pleasure of the House to concur in the amendments, or at least in some of them.

The SPEAKER. The Chair thinks that at this time what is desired by the gentleman from California would require unanimous consent.

Mr. PAGE. At what time would the proposition be in order?

The SPEAKER. The Chair will state the gentleman's request. Is there objection to taking from the Speaker's table at this time the river and harbor bill——

Objection was made.

Mr. MCCOOK. Would a point of order lie against the motion of the gentleman from California that under the rule these amendments should be considered in the Committee of the Whole?

The SPEAKER. The Chair thinks that before disposing of the Senate amendments to that bill a point of order would lie that they should receive their first consideration in Committee of the Whole.

Mr. MCCOOK. Very well; if the gentleman from California [Mr. PAGE] insists upon his motion now, I will make that point of order.

Mr. PAGE. Then I will ask that the morning hour——

Mr. RANDALL. The amendments of the Senate will be subject to a point of order whenever called up.

Mr. PAGE. Is there any objection to having the amendments of the Senate printed?

Mr. RANDALL. None.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Will the gentleman from California be in any better condition to call up the Senate amendments to the river and harbor appropriation bill if the morning hour is not dispensed with than he will be if it is dispensed with?

The SPEAKER. It would be exactly the same thing. If the morning hour is dispensed with on motion, it would be treated the same as if the hour had been used in calling committees for reports.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. The rule provides that after the morning hour a motion to proceed to business on the Speaker's table shall be in order.

The SPEAKER. Should the morning hour be dispensed with on motion, then it would be after the morning hour.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to, two-thirds voting in favor thereof.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the further consideration of the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. The Clerk will report the pending amendment.

The Clerk read the twenty-third amendment, which was to insert the following:

The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department, employed by Major J. J. Dana, quartermaster, United States Army, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

Mr. HISCOCK. I move to non-concur in that amendment.

The amendment was non-concurred in.

The twenty fourth amendment of the Senate was to insert the following:

For the payment to Demott Bishop, (carpenter,) N. Mayer, (blacksmith,) Joseph Valentine, (engineer,) John T. Carroll, (stonemason,) and Charles Schmidt, (quarryman,) employed in the military prison at Fort Leavenworth, Kansas, for balance of pay due for the fiscal years 1878 and 1879, $200 each, $1,000.

Mr. RANDALL. Unless there is a studied purpose to non-concur in every amendment of the Senate to this bill, it seems to me that the amendment last read should be concurred in, for the service has been rendered.

Mr. HISCOCK. I can only say this, that I do not know anything about this amendment. I will say to the gentleman from Pennsylvania [Mr. RANDALL] that there is only this studied purpose: that even though the items are small, where I do not know anything about them, (and that is the case with most of these amendments,) I thought it would be wiser to non-concur, and then when we come back from the committee of conference with a report we shall be fully able to inform gentlemen in reference to them.

Mr. RANDALL. That really remits the whole of this bill with the Senate amendments to three members of the House. Now, if the service has been rendered in this case, about which the gentleman ought to know something, then we ought to concur in the amendment.

The SPEAKER. Does the gentleman from Pennsylvania move to concur in the Senate amendment?

Mr. RANDALL. I do not make any motion; I merely make a suggestion.

Mr. ATKINS. Allow me to suggest this. It is very evident from what the chairman of the Committee on Appropriations says that he has not given special attention to these amendments, expecting that the House would non-concur in all of them. It is well known to the gentleman from Pennsylvania that the conferees on the part of the House ought to have something to play on with the conferees of the Senate, and I think it is very well to non-concur in all these amendments.

Mr. HISCOCK. I desire to say that I am endeavoring to follow the well-established practice of the Forty-fifth and Forty-sixth Congresses which was fully indorsed by the distinguished gentleman from Pennsylvania. I therefore move to non-concur in this amendment.

The motion to non-concur was agreed to.

The twenty-fifth amendment of the Senate was to strike out "$95,000" and insert "$115,000;" so that the clause as amended would read as follows:

For payment of amounts for arrears of pay to two and three year volunteers who served in the war of the rebellion, which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $115,000.

Mr. HISCOCK. I do not see any objection to concurring in that amendment, and I move that it be concurred in.

The motion to concur was agreed to.

The twenty-sixth amendment of the Senate was to strike out "$25,000" and insert "$550,000;" so that the paragraph as amended will read as follows:

For payment of arrears of pay to officers and soldiers of the United States Army, which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $550,000.

Mr. HISCOCK. I suggest to the gentleman from Pennsylvania that there is no objection to concurring in that amendment.

Mr. RANDALL. No indeed.

The amendment of the Senate was concurred in.

The twenty-seventh amendment of the Senate was to insert the following:

For payment of amounts for additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department up to June 30, 1883, $80,000.

Mr. HISCOCK. I move to non-concur in that amendment.

The motion to non-concur was agreed to.

The twenty-eighth amendment of the Senate was to insert the following paragraph:

To pay John H. Morgan, as acting sergeant-at-arms of the committee of the Senate required to investigate the Cheyenne Indian raid of 1878, twenty days' service, $120.

Mr. HISCOCK. I move to non-concur in that amendment.

The motion to non-concur was agreed to.

The twenty-ninth amendment of the Senate was to strike out "$150,000" and to insert "$75,000;" so that the paragraph as amended (naval establishment) would read as follows:

For the Bureau of Construction and Repair, $75,000.

Mr. HOLMAN. I move concurrence in that amendment.

Mr. HISCOCK. I have no objection.

The amendment was concurred in.

The thirtieth amendment was to insert as a new paragraph the following:

For accrued mileage to naval officers and officers of the Marine Corps, under the act approved June 30, 1876, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Temple, $50,000.

Mr. TOWNSHEND, of Illinois. Will the gentleman from New York give us some explanation of this?

Mr. HISCOCK. I understand that under the decision of the Supreme Court the appropriation contemplated by this amendment is necessary, and unless some gentleman objects I will move concurrence.

Mr. HOLMAN. The only reason why I think there should be non-concurrence is that in acting upon this provision the conference committee may be able to correct an evil which manifestly now exists in the law.

Mr. HISCOCK. Very well; I move non-concurrence.

The amendment was non-concurred in.

The thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, and forty-fifth amendments were respectively read and non-concurred in.

The thirty-second, forty-third, and forty-fourth amendments were respectively read and concurred in.

The Clerk was proceeding to read the forty-sixth amendment when,

Mr. HISCOCK said: The amendments from number forty-six to number sixty-four are amendments appropriating money for Senate officers. I move that they be non-concurred in.

The amendments are to insert the following paragraphs:

SENATE.

For the payment of mileage to Senators who attended the special session of the Senate convened on the 10th day of October, 1881, by proclamation of the President, the sum of $33,000, or so much thereof as may be necessary.

For clerks to committees and pages, $2,500.

For pay of folders, $158.

For miscellaneous items, $24,000.

To enable the Secretary of the Senate to pay George B. Edwards for services as clerk to the special committee appointed to investigate the affairs of the United States Soldiers' Home, from January 11, 1882, to March 7, 1882, inclusive, fifty-six days, at $6 per day, $336.

To enable the Secretary of the Senate to pay the clerk to the Committee on Appropriations of the Senate the difference between the salary received by him and the amount paid to the clerk to the Committee on Appropriations of the House of Representatives for services as clerk to that committee for the fiscal years 1880 and 1881, such sum as may be necessary is hereby appropriated.

To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 1st day of December, 1881, to the 1st day of December, 1882, inclusive, $440.

To enable the Secretary of the Senate to pay to the messengers in his office the difference between their present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $144 each.

To enable the Secretary of the Senate to pay to Joseph McGuickian the difference between his pay as special policeman in the office of the Secretary of the Senate and that of a messenger of the Senate of the United States from July 1, 1879, to June 30, 1880, $144, he having performed the duties of a messenger during that period.

To enable the Secretary of the Senate to pay George A. Clarke, messenger to the reporters' room of the Senate, the difference between his present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $240.

To enable the Secretary of the Senate to pay George Gilleland an amount equal to the difference between his pay as laborer on the rolls of the Senate and that received by messenger in charge of the reporters' gallery, which position he was detailed to fill from December 5, 1881, to June 30, 1882, inclusive, $412.85.

To enable the Secretary of the Senate to pay S. H. Colbath the sum of $1,258.89, the balance of salary due by law to one discharging the duties performed by him as a messenger of the Senate from April 1, 1877 to May 5, 1879.

To enable the Secretary of the Senate to pay Thomas B. Bailey for services rendered by him as page in the Senate Chamber from November 9 to December 4, 1881, inclusive, $67.50.

To enable the Secretary of the Senate to pay John S. Hickcox, for services as assistant in folding-room, from July 1, 1881, to June 30, 1882, inclusive, $240, this amount being the difference between the pay he receives and that of assistants in the document-room: *Provided*, That hereafter no officer or employé of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

To enable the Secretary of the Senate to pay Daniel O'Neill for forty-five days' services as a watchman on the Capitol police force, $112.50.

For work on the Capitol and general repair thereof, and for fire-proofing the rooms adjoining the Hall of the old House of Representatives, $2,000.

For payment of expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress, $1,500, to be paid to the estate of the late Alexander R. Esty.

To enable the Secretary of the Senate to pay Charles N. Richards the difference between the pay of keeper of stationery and assistant keeper of stationery of the United States Senate for the period of time between the 1st day of May, 1880, and the 1st day of November, 1881, $454.10.

Mr. BLACKBURN. I support the motion of the gentleman from New York to non-concur in these amendments; but I wish to call particular attention to the forty-seventh amendment, which appropriates $33,000 for the purpose of paying mileage of Senators at the extra session convened in October last. There is no precedent for this allowance of mileage. At no extra session of Congress since I have been a Representative in this House has one dollar of mileage ever been allowed to any of its members. By way of instruction to the committee of conference, which will no doubt be appointed on this bill, I wish this House to emphasize the declaration that the forty-seventh amendment will not be concurred in by us.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from Kentucky whether these Senators did actually incur any expense in the way of mileage at all?

Mr. BLACKBURN. The Senators were called in extra session in October and remained here until the regular meeting of Congress in December, and they received their mileage for the regular session.

Mr. HISCOCK. In view of the remarks of the gentleman from Kentucky [Mr. BLACKBURN] I withdraw my motion to non-concur in all these amendments, and will move to concur in the forty-seventh. I do this for the purpose of obtaining an expression of opinion from the House. I say very frankly that while we may wrangle over this question for some time, I believe in the end it will result in the concession of this matter to the Senate. I wish to be perfectly frank with the House, and should I be appointed on the committee of conference I wish to go into the conference with instructions from the House.

Mr. BLACKBURN. I knew that the gentleman from New York would meet this question with the candor which he now exhibits. It was for this reason that I wanted an authoritative expression of opinion and purpose on the part of the House as to whether we intend to make this appropriation of $33,000. I repeat that there have been extra sessions of Congress since I have been here, and no member has ever received a dollar of mileage for any extra session which he was summoned from his home to attend.

A MEMBER. Or stationery?

Mr. BLACKBURN. Nor any allowance of stationery except once. Now, the Senate, having convened in October, remained in extra session until the opening of the regular session. Senators did not leave this capital in the interval between the extra session and the regular session. They staid here and drew their mileage—not for the extra session I grant you, but for the regular session which came immediately upon the heels of the extra session. They had never left the city.

This amendment proposes to make an innovation by appropriating $33,000 for additional mileage, although members of the House have never asserted any such claim when summoned here in extra session. I want this House to speak and to speak authoritatively to its committee of conference and tell them that they shall or shall not yield to this demand of the Senate. There is no equity in it.

Mr. PAGE. I suggest that the gentleman from Kentucky submit a motion to instruct the committee of conference not to yield on this point.

Mr. HISCOCK. I call for the previous question on the motion to concur.

Mr. DUNN. I rise to a point of order. I understand from the chairman of the Committee on Appropriations [Mr. HISCOCK] that he asks this vote in the nature of an instruction to the committee of conference; and the gentleman from Kentucky [Mr. BLACKBURN] makes a similar statement. Now, under the rules is it proper for this House to instruct a conference committee? Does not such instruction destroy the freedom of the conference?

The SPEAKER. The members of the conference committee might regard themselves as instructed by the vote of the majority on this proposition. While it would not be in form an instruction, it might be so regarded by them.

Mr. WASHBURN. I ask the gentleman from New York to withdraw the call for the previous question, that I may make an inquiry.

Mr. HISCOCK. I will do so.

Mr. WASHBURN. I wish to inquire whether the gentleman understands that this amendment provides for the payment of constructive mileage to Senators?

Mr. HISCOCK. I do not understand that it provides for the payment of constructive mileage as we ordinarily understand constructive mileage. It is very likely the Senators, or a part of them, came here in October in obedience to a call for an extra session and remained until the regular session. That may be true; but I understand constructive mileage is where a man gets mileage in two capacities at the same time.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman a question. Is not this in the nature of a "salary grab?" There is no law authorizing it.

Mr. HISCOCK. So far as that is concerned, the gentleman from Illinois is equally learned with myself. So far as I am concerned, I only desire an expression of the House on this question, and only desire to say further that while we may wrangle over it, as I have no doubt we will for days, it will result in this House yielding the point rather than the bill shall fail.

Mr. TOWNSHEND, of Illinois. The gentleman ought not to assume any such thing on the part of this House. This House ought never to yield on this question.

Mr. HISCOCK. I demand the previous question on the amendment.

The previous question was ordered.

Mr. BLOUNT. Let the amendment be again reported.

The amendment was again read.

The amendment was non-concurred in.

Mr. HISCOCK. I ask for a division of the House on the amendment; and I do this, I will say, that I may have it in the nature of instruction to the committee of conference.

Mr. TOWNSHEND, of Illinois. Let us have the yeas and nays. [Cries of "No!"]

Mr. BLACKBURN. I suggest the gentleman take the yeas and nays on it.

Mr. HISCOCK. I hope not.

Mr. PAGE. A rising vote will do.

Mr. RANDALL. After the announcement of the chairman of the committee we ought to have a record vote.

The SPEAKER. The gentleman from New York asked for a division too late. There was a decided vote and the result was announced.

Mr. HISCOCK. I understand now by the action of the House that the committee of conference is never to yield to the amendment. [Cries of "Never!"]

Mr. HUBBELL. Every member will judge for himself.

Mr. ROBINSON, of Massachusetts. I do not understand the House means any such thing. I want to file a caveat against any such inference.

Mr. TOWNSHEND, of Illinois. I move to reconsider the vote by which the amendment was non-concurred in for the purpose of obtaining the yeas and nays. [Cries of "Too late."] It is proper we should put ourselves on record against this salary grab on the part of the Senate.

The SPEAKER. The Clerk will read the next amendment.

Mr. TOWNSHEND, of Illinois. I have a right to move to reconsider. I do it to get an expression by a yea and nay vote.

The SPEAKER. How did the gentleman vote?

Mr. TOWNSHEND, of Illinois. I voted with the majority.

Mr. COX, of New York. It does not matter how he voted, there was no record.

Mr. PAGE. Are we considering this bill in the House or in the Committee of the Whole?

The SPEAKER. We are considering it in the House.

Mr. PAGE. As in Committee of the Whole?

The SPEAKER. We are considering it in the House.

Mr. TOWNSHEND, of Illinois. On the motion to reconsider I demand the yeas and nays, and I do it for the purpose of allowing members the privilege of going on record.

Mr. HUBBELL. I move to lay the motion to reconsider on the table.

Mr. TOWNSHEND, of Illinois. I demand the yeas and nays.

Mr. BLACKBURN. That does not make the question.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. On the motion to reconsider I demanded the yeas and nays, and the gentleman had no right to move to lay on the table.

The SPEAKER. The Chair thinks he had.

Mr. TOWNSHEND, of Illinois. After the demand for the yeas and nays?

The SPEAKER. After the demand for the yeas and nays, and before the vote was taken.

Mr. TOWNSHEND, of Illinois. The gentleman from Michigan is avoiding the issue on the question.

Mr. HUBBELL. The gentleman from Michigan can take care of himself and needs no instruction from the gentleman from Illinois.

The yeas and nays were not ordered.

The motion to reconsider was then laid on the table.

Mr. HISCOCK. I move to non-concur in the balance of the amendments, under the caption of "Senate," from No. 48 to 64, inclusive.

The amendments were non-concurred in.

Amendments numbered 65 and 66 were severally read and non-concurred in.

Amendment No. 67 was read, as follows:

For newspapers and stationery for members of the House of Representatives, $4,500.

Mr. HISCOCK. I move to concur in that amendment.

Mr. TOWNSHEND, of Illinois. I hope some explanation will be given as to why we should concur in this amendment. As I understand it, a regular appropriation is made for this purpose.

Mr. HISCOCK. I can only say that the estimate for this amount

was presented to me by the Clerk of the House after the bill had been passed, and I looked it over and thought it right, and sent it to the Senate committee with the request that it be incorporated in the bill.

The amendment was concurred in.

Amendment No. 68, to strike out "F. M. Lynn" and to insert "F. W. Lynn," was concurred in.

Amendments numbered 69, 70, and 71, as follows, were severally read and concurred in:

(69) To pay John B. Trainer, for services as messenger in the House of Representatives during the years 1877 and 1878, $267.74.

(70) To pay Frank L. Donnelly, for services as page in the House of Representatives at the extra session and regular session of the Forty-fifth Congress, $92.50.

(71) To pay C. W. Coombs, Department messenger of the House of Representatives, for services from January 10 to April 6, 1882, at $1,200 per annum, $289.77, or so much thereof as may be necessary.

Amendment No. 72 was read, as follows:

(72) To pay George W. Julian expenses of contest with John S. Reid for seat in the House of Representatives, Forty-first Congress, $2,000.

Mr. HISCOCK. I move to non-concur in that amendment.

Mr. BLACKBURN. Has the chairman of the committee any reason for disagreeing to that amendment?

Mr. HISCOCK. Only this: if this money is paid to Mr. Julian, I am of the opinion that there is a former Representative here who stands precisely on the same footing, and should be cared for in the same way. I am in favor of applying the same rule to both.

Mr. BLACKBURN. I shall not object to the motion of the chairman of the committee, but I will say that I do believe that amount of money is due to Mr. Julian; but I am willing to let it go to the conference committee to be examined, and am thoroughly satisfied that upon an examination of the facts of the case it will be inserted in the bill by the committee of conference.

The motion to non-concur was agreed to.

Amendments Nos. 73, 74, 75, 76, 77, 78, 79, 80, and 81 were severally read and non-concurred in.

Amendment No. 82 was read and concurred in.

Amendments Nos. 83, 84, 85, 86, 87, 88, 89, and 90 were severally read and non-concurred in.

Mr. HISCOCK. The next amendment (No. 91) is the last Senate amendment to this bill. It is a proposition to strike out section 6 of the bill, and insert a provision with reference to the payment on account of the illness and burial of the late President. I move to non-concur in the amendment.

Mr. ROBINSON, of New York. Do I understand this is the amendment on page 77 of the bill?

The SPEAKER. It is.

Mr. ROBINSON, of New York. I have an amendment to offer——

Mr. HISCOCK. Mr. Speaker, in order to obtain the sentiment of the House in reference to this matter I shall change my motion and move to concur in this amendment and upon that I call the previous question.

Mr. BLACKBURN. That does not include the independent sixth section, which has been added by the Senate but which has not yet been read?

Mr. HISCOCK. It includes that as a part of the amendment.

Mr. BLACKBURN. Does the chairman of the Committee on Appropriations ask for the previous question upon the Senate amendments, including the entire independent section?

Mr. HISCOCK. I have made my motion and call for the previous question with the view to seeing if we can reach some limit to the debate upon this amendment or fix some time for closing it.

Mr. BLACKBURN. I ask my friend from New York if he does not think it fair to allow the House to use its own discretion here to fix a limit on the debate, and not attempt to do it by the previous question?

Mr. HISCOCK. What debate do you want?

Mr. BLACKBURN. There are some gentlemen who want to be heard upon this.

Mr. HISCOCK. What length of time?

Mr. BLACKBURN. I would defer to the gentleman's own wishes in that respect.

Mr. HISCOCK. But I am consulting with you now as to your wishes.

Mr. BLACKBURN. Say an hour.

Mr. HISCOCK. Very well, by unanimous consent, we will have an hour, with the understanding that at the end of the hour the previous question is ordered.

Mr. BLACKBURN. But the gentleman, I am sure, does not want to preclude amendments?

Mr. HISCOCK. Of course not.

Mr. HOLMAN. There should be an opportunity for offering amendments and discussing them under the five-minute rule.

Mr. HISCOCK. Let it be understood that, by unanimous consent, all debate upon the Senate amendments and amendments thereto be limited to one hour.

Mr. BLACKBURN. Very well.

Mr. HOLMAN. But is it also understood that these amendments are to be debated under the five-minute rule after the expiration of the hour?

Mr. BLACKBURN. That, of course, is the understanding.

Mr. PAGE. How will the time be divided?

Mr. HISCOCK. Equally between the sides.

Mr. RANDALL. It is understood that there is to be general debate for an hour, and five minutes' debate upon *bona fide* amendments thereafter.

Mr. HISCOCK. That is the suggestion, that the debate upon amendments shall be under the five-minute rule upon substantial amendments, but not *pro forma* amendments.

Mr. BLACKBURN. That is after one hour's debate?

Mr. HISCOCK. After the hour.

Mr. PAGE. I shall object to fixing the time for debate until I understand how it is to be divided.

Mr. HISCOCK. It will be equally divided.

Mr. ROBINSON, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. I understood the Speaker to say that there was no amendment allowable to this amendment of the Senate.

The SPEAKER. The Chair did not mean to be so understood.

Mr. ROBINSON, of New York. Then I have an amendment to offer——

The SPEAKER. The gentleman has not been recognized to offer an amendment. The gentleman having the bill in charge is recognized in accordance with the rule and practice.

Mr. ROBINSON, of New York. But I respectfully submit as a point of order that, I having the floor and having addressed the Chair and the Chair having recognized me, the gentleman could not take me from the floor; and if it is allowable to offer the amendment I wish to offer it before the previous question is ordered.

The SPEAKER. The gentleman from New York [Mr. ROBINSON] did not have the floor.

Mr. HISCOCK. I will make this proposition to the House: that general debate upon the amendment be limited to one hour; that thereafter there may be debate under the five-minute rule, but no debate on *pro forma* amendments.

Mr. BLACKBURN. I am willing to consent to that.

The SPEAKER. The gentleman from New York asks unanimous consent that all debate on the pending amendment shall be limited to one hour, to be equally divided——

Mr. RANDALL. All general debate.

Mr. REED. No; all debate.

The SPEAKER. The gentleman's proposition is that all general debate on the pending amendment shall be limited to one hour, and that thereafter there shall be debate under the five-minute rule on substantive amendments only. Is there objection? The Chair hears none. [Mr. BLACKBURN rose.] The gentleman from New York will be first recognized.

Mr. ROBINSON, of New York. Who is to distribute the time?

The SPEAKER. The Chair will see it is equally distributed.

Mr. POUND. I ask that the amendment be read.

The SPEAKER. The amendment is to strike out all of section 6 and insert a new section, which the Clerk will read.

Mr. McLANE. I think there is still some misunderstanding about the arrangement as to debate.

Mr. HISCOCK. I understand there is to be general debate on the amendment for one hour, and thereafter there will be debate under the five-minute rule upon substantive amendments only. Now, then, Mr. Speaker, I trust that the amendments will be offered at once.

Mr. TOWNSHEND, of Illinois. Oh, no.

The SPEAKER. The Chair directs the Clerk to read the amendment.

The Clerk read the ninety-first amendment of the Senate, as follows:

Strike out section 6, as follows:

"SEC. 6. That in all cases in this act where the year for the use of the appropriation made is stated, for instance, the year '1881,' it is intended to indicate the year ending June 30, 1881, and the same with any other year stated, it in all cases indicates the fiscal year. In all cases where no year is indicated it is understood that the appropriation is for the year ending June 30, 1882, for which deficiencies this act is principally intended."

And insert as a new section the following:

"SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear, and examine, and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered, or supplies furnished, which, when received, shall be taken in full compensation of all demand whatsoever; that said board of audit shall issue a certificate, signed by each member of said board, setting forth the amount awarded to each person, and on account of what services rendered, or supplies furnished, and shall transmit said certificate to the Secretary of the Treasury, who shall cause to be paid to the several persons named therein, or their legal representatives, the amount so certified; and to enable the Secretary of the Treasury to pay said awards the sum of $57,500, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance; and in making said awards it shall be lawful for said board to make allowances to employés of the Government for extra services in amounts not exceeding three months of their current pay: *Provided*, That no claim shall be considered and no allowance shall be made by said board on or after January 1, 1883: *And provided further*, That the aggregate amount of awards made by said board shall not exceed the amount hereby appropriated: *And provided further*, That no claim shall be considered under this section unless the person filing the same shall file a release under seal of all claims against the representatives of the late President growing out of said illness and burial."

Mr. HISCOCK. I understand the Speaker will distribute the time. Is it the intention of the Chair that I shall take one-half of it?

The SPEAKER. The Chair is willing that the gentleman from New York [Mr. HISCOCK] shall control one half hour, and the gentleman from Kentucky [Mr. BLACKBURN] the other half hour.

Mr. HISCOCK. I desire so far as the half hour to be controlled by me is concerned that the gentleman from Ohio [Mr. TAYLOR] shall have such portion of it as he desires.

Mr. BLACKBURN. When is it the pleasure of the chairman of the committee or of the Chair that I shall have my time?

The SPEAKER. The gentleman may take it now, so far as the Chair is concerned.

Mr. BLACKBURN. Then I say I want to deal with this question with exact candor and fairness. I do not intend to indulge in an expression that shall be harsh or unkind to any one. I do not mean to reflect in improper terms on the action of the Senate in putting this amount on the bill. But I desire to call the attention of the House to the fact that it was a matter of which the Senate had no proper jurisdiction.

The House, when it met last December, organized a select committee under resolution, charged with the duty of examining into and reporting upon these claims for settlement and payment. That select committee met and reported to this House, through its chairman, the gentleman from Ohio, [Mr. TAYLOR,] on the 19th day of April last. The minority report was also filed. The chairman of the committee making the report announced on this floor that he intended to call it up at an early day for consideration and disposition. I asked him on that day, as the RECORD shows, to indicate when it would suit his pleasure to call it up. He declined to answer. From then till now, at intervals, I have been urging him to bring this matter up before the House that it might be debated.

Mr. TAYLOR. Let the gentleman answer me this question: Did he ever ask me more than twice?

Mr. BLACKBURN. I asked the gentleman twice, and I got a friend, the gentleman from Illinois, [Mr. MORRISON,] to go to him a third time.

Mr. TAYLOR. Once you asked me to defer it; once to bring it on.

Mr. BLACKBURN. On the contrary, I never in my life asked it to be deferred one hour. I asked the gentleman myself in person that it should be called up, and I got my friend from Illinois [Mr. MORRISON] to go to him the third time to tell him the floor of the House was open to him, and to ask him to bring it on.

Now, I want to know how the Senate got jurisdiction of this matter. I will not say it was impolite; I will not say it was indecorous. I do not know but I might be warranted in saying that it verges very close on the insolent when the Senate Chamber, through a Committee on Appropriations, takes charge of a matter that a select committee has been raised in the House to inquire into and has already reported upon, and when that matter has never been before the Senate at all. It is a piece of insolence upon the part of a sub-committee of the Senate. Why is it that this flank movement is attempted? Why undertake to settle this question of appropriating this money by such an indirect method as this when there lie two reports, a majority and a minority report, both upon that table, and the gentleman making that majority report has never yet afforded this House an opportunity to consider them.

The Senate has cut down the amount which was recommended by the report of the majority of the select committee of the House for physicians from eighty-odd thousand dollars to $35,500. I am opposing that Senate amendment on two grounds: first, because it is an infringement upon the dignity of this House, and it was so stated upon the floor of the Senate by a Senator from Missouri. It is not sincere or direct or manly legislation. It is an effort by surreptition to accomplish what the advocates of this amendment have never dared to ask of this House in open session.

I want to say more. I do not believe that there is a man within the sound of my voice who will claim that this Government owes a solitary dollar of this money. It a gratuity, and when put in proper shape I shall advocate it.

I declare here once for all that no man shall undertake to attribute to me any unkindly purpose either toward the dead or toward the living who are involved in this matter. If I could have believed that it was within the compass and power of surgical and medical skill to have saved the life of the late President of this country, there never was one dark day from the 2d day of July to the 19th day of September that I would not have gladly emptied the Federal Treasury to have accomplished that purpose. The relations that I held to him are known to all who served with us here. I will not even by indirection or implication appear to be unfriendly to his memory. For his greatness of brain I admired him; for his generosity of soul I loved him; for his patience in suffering and courage in death I honored him. But that is not the question before the House. The question is as to whether we will appropriate unusual sums of money to pay exorbitant fees to surgeons for the rendition of extraordinary skill.

Now, I undertake to charge, and it will not be contradicted by any member of that committee, that there never was a scintilla of proof, and there is not to-day an atom of proof before that committee that either one of the doctors in this case ever rendered any extraordinary skill in the treatment of it at all.

I go further, and say that there never was an atom of proof and is not to-day to show that either one of these doctors ever laid eyes upon the President from the 2d day of July, when he was wounded, up to the 19th day of September, when he died. The committee refused to allow us to take any testimony. I, as a member of that committee, demanded subpœnas in order to bring these doctors there and make them testify that they had at least seen the President, and those subpœnas were refused. And there is not a thing upon the earth, except newspaper rumor, to lead that committee to believe that either one of these surgeons ever crossed the threshold of the President's sick chamber.

The bill, as the Senate offers it to you, has no proof upon which to predicate this appropriation of $35,500. It constitutes a board of audit to consist of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, but it does not require that board to take any testimony or evidence at all. There is no proof furnished and there is no demand in this bill that any proof ever shall be furnished.

I have my own opinion. There are two letters that lie there on your table, or should be there with the report of this committee, one from Dr. Gross, of Philadelphia, and one from Dr. Sayer, of New York, which I would like to have read. I would like for this House to hear what those two eminent surgeons have to say. They stand deservedly in the front rank of their profession either in American or foreign estimation.

As to the treatment of this case—I am no professional, but I have carefully read the testimony of the leading surgeon in this case as given in the Guiteau trial. I find that by his own sworn statement Drs. Hamilton and Agnew, men who stand deservedly high in their profession, were called to this town on the morning of the 4th of July, forty-eight hours after the shooting. I undertake to say that they made an examination at the White House which was simply superficial; that neither finger nor probe was in their presence that day inserted into that wound.

They adjourned to meet again at two o'clock—this being in the forenoon. They met at two o'clock, and the President being asleep neither doctor went into his room. They left the city and neither one of them put his foot within the District of Columbia again until the 23d day of July, according to the evidence in the trial of that case.

They came back on the 23d day of July, exactly three weeks after the shooting. They found a fractured rib and a spicula of bone which had created pus cavities that needed to be lanced and operated on. For three weeks the President had lingered in the hands of these surgeons without the slightest idea in their minds as to the nature and character of the wound, the track of the bullet, or the injury from which he suffered. Three weeks passed before the broken rib was discovered or the spicula of bone extracted.

It went on for seventy-eight days, and according to the testimony of these doctors, that wound from the day it was delivered until the day of death was never treated. They treated pus cavities, I grant you, for seventy-eight days, mistaking them for bullet wounds. But the wound of the President was never touched or handled by a single doctor in the case. The external wound had healed, and it required an autopsy to discover the bullet, and that was found by accident and found in a wash-bowl after an hour and a half had been spent in the dissection of the body.

This proposition works injustice in many directions. You cannot patch up a piece of work after this fashion, and make it legitimate or honest. If any surgeon who was in attendance upon that President deserves recognition at the hands of Congress I ask you whether you are going to exclude from such recognition the Surgeon-General of the Army and Dr. Woodward of the same service? They are not provided for in this amendment, and it will be taken and justly taken by their friends as a slap in the faces of those two gentleman if Congress shall undertake to adopt this amendment, and make moneyed compensation to the civilian doctors and refuse to recognize the services of these military surgeons.

But this proposition goes further and does worse. Above all the greedy horde of cormorants that have swarmed around this committee from the time of its organization until now, presenting bills, some of them as low as seventy-five and even fifty cents, to be audited and allowed and paid—above all the greedy horde, a soulless corporation looms up and stands alone as actuated by generous and patriotic and humane purposes. The Pennsylvania Railroad Company without thought of expense made arrangements for conveying the President from the White House to Long Branch. It laid a track from the White House to the depot and transported all his retinue of servitors to Long Branch, furnishing palace cars and taking the sides out of one of them in order to contribute to his comfort; laid a track from the depot at Long Branch to Francklyn Cottage; and later brought back the mournful cortege with all its attendants. When this committee demanded of that corporation its bill the answer was that it had none. When the committee a second time demanded the amount of the expenses charged, again the answer was that there was no charge, and that if Congress should vote a dollar to that company they would refuse to touch it, because they were but glad to contribute to the extent of their power to the comfort and restoration of this wounded man. But there is no mention of that.

Then as to the surgeon first in attendance upon the assassinated President, the surgeon who rendered service but for which you know and I know he would have died in the depot before removal, there is not a word of mention for him.

A MEMBER. Who is that?

Mr. BLACKBURN. Dr. Townshend, the health officer of this city, who according to the testimony was the first physician in attendance upon the President; and when he sank in syncope and was on the verge of death it was Dr. Townshend who rallied him; it was he who in company with Dr. Bliss went in the ambulance with the President to the White House and remained until reaction had set in, and the second day had come round before he was dismissed.

I say that if we mean to settle this matter we should settle it like men; we should come up to the question fairly and give due credit to every man who bore a helping hand in this case. Vote money if you choose, but vote it after a fashion different from that which the Senate amendment proposes. This is not the way to do it. Congress, in my judgment, has no business to resolve itself into a court of probate, suing out search-warrants and traveling this city and country over to hunt up bills of a half-dollar or $25,000 in order to settle a decedent's estate. Remit these questions to the courts, where they belong; let the claimants bring to Congress their bills, accepted and approved by the legal representatives of President Garfield's estate; and I stand here before the country to advocate the passage of a resolution that shall extend the pay of the late President to his family for one year or four years if necessary in order to pay every dollar of those expenses.

I will not by my vote allow the estate to become responsible for one dollar of these expenses; but I insist that the right way to pay them is after some sort of ascertainment. There is not a man on this floor or in the Senate Chamber to-day who knows of his own certain knowledge by any proof of any character anywhere that any one of these doctors ever saw the President during his illness. I do not know but that it might have been better for the President if they never had seen him; it certainly could not have been worse. I do not undertake to say that the wound was not a mortal one, but I do undertake to say that the wound need not have been mortal to have produced death with such medical treatment as he had. I do mean to say, doctor or no doctor, that from the foundation of the world medical science never furnished so glaring an illustration of blind blundering as in the treatment to which the late Chief Magistrate of this country was subjected. Those doctors published bulletins three times a day and sometimes oftener from the 2d day of July till the 19th of September; they are on file and of record. I dare challenge any man who lives to put his finger upon a single bulletin in which he can find a single sentence or a single word or a single syllable that ever carried an atom of truth. Never from the beginning to the end even by a lucky accident did those doctors tell the English-speaking world a solitary fact. I do not blame them; they did not know it.

I do not believe, Mr. Speaker, that the Congress of the United States should put the seal of its approval upon professional blundering like that, and commend it to this country as entitled to its recognition. I do not care so much for the money. We waste more money than this frequently, and probably upon causes as bad but certainly no worse than this. It is not the amount of money involved so much as it is the injustice done to the medical profession of this country when you take a lot of perfectly honest, perfectly sincere men, I am willing to admit, but a lot of professional blunderers, and undertake to push them to the front rank of their profession and put the approving seal of the American Congress upon their butchery. I am opposed to that, and I do not want it done.

I want these gentlemen, every one, sent to the courts of the country, to the legal representatives of General Garfield's estate. I do not care how much these bills may aggregate. Whenever there has been a judicial settlement, whenever there has been any sort of ascertainment, whenever there has been any sort of proof offered on earth to show any service was rendered, I am ready and willing to go as far as the farthest in extending the salary of the President to cover every dollar. But I do insist if you adopt this amendment of the Senate, or if this House refuses or fails to instruct its committee of conference to insist on its being stricken out, you will not only do a great injustice to the medical profession of the land, but you will do gross injustice to men who did seek to render service, who were left out without recognition, and are not covered by this proposition.

It lacks equity, it lacks law, it lacks decency, and I protest in conclusion, as I did in the beginning, that it is an insult to this House, not for the Senate Chamber of the country, but for a subcommittee on appropriations in the Senate Chamber to take possession of a matter never discussed or mentioned on its floor and wrest it from the hands of this House when the House had a select committee for months and months, raised for that especial purpose and engaged in its consideration. There are the reports lying on that table from the 19th of last April until now. If you will take up those two reports we may be able to do something like equity in the settlement of this matter. But you cannot do it after the slip-shod fashion the Senate has employed. I denounce it all. I denounce the mode and method which have been adopted to bring it before this House as unusual, unfair, and cowardly; I denounce the claims of these doctors as frauds. They are not supported by evidence, and cannot be. Evidence has been demanded; evidence has been challenged, and the committee of this House has refused to allow it to be produced. I ask this House to instruct its committee of conference, as it did on another amendment to this bill just now, to insist on striking this amendment out and never to consent to allow it to go through unless it shall be after such fashion as will do justice to all the parties who rendered aid or gave assistance in this matter.

How many minutes of my time remain?

The SPEAKER. Seven minutes.

Mr. BLACKBURN. I will reserve that time for the present.

Mr. TAYLOR. Mr. Speaker, on the 19th of April last the special committee submitted its report to this House. At that time I announced I would at as early a day as possible call the matter to the attention of the House. At the request of the gentleman from Kentucky [Mr. BLACKBURN] I stated I would not call it up except in his presence. Once afterward, when he was to visit West Point officially, he came to me and asked me to defer it for ten days. I consented to that request. After he came back from West Point he asked me if I would call it up, as he intended to go to Kentucky. I said I would if I could. I intended to do it, but found I was unable to do so, and did not. Aside from those I remember of no application he has made to me in regard to the matter. I am not certain, however, that he has the right to direct me in regard to my public duties.

Mr. BLACKBURN. I only put it in the shape of a request.

Mr. TAYLOR. I know it; but in the newspapers ostensibly representing the statement of the gentleman from Kentucky he has been reported as always urging the consideration of the bill, while I have been represented as delaying its consideration.

Mr. BLACKBURN. Let me ask the gentleman a question.

Mr. TAYLOR. Certainly.

Mr. BLACKBURN. Does not the gentleman know, if we are to be made responsible for everything that is in the newspapers, he was once reported as being ready to give up his own report and would have signed the minority report except he would never consent to sign anything the gentleman from Illinois or myself did?

Mr. TAYLOR. I was about to say, while such statements have been made, that from the time the bill was reported until now I have been anxious and more anxious than any other man in this House to have the House consider that bill, not because I want the bill to pass as it is, but because I want this House to settle this matter as it ought to settle it. I shall be content with such action as the House will take in regard to the bill, and I am as willing to agree with the gentleman from Kentucky or the gentleman from Illinois on this or any other subject as I am with any other gentleman on this floor.

Now, Mr. Speaker, I would ask a little deliberation in this case. What is the question involved in this matter aside from the mode in which the business is proposed to be done? There is no bill presented by any physician as a claim against the Government. There is no bill presented by any physician against anybody. The public have an idea that the physicians have been presenting exorbitant claims. They have made no application for any allowance or pay for services. Some of the surgeons have conferred with the committee or its members, mostly in writing but very limitedly, and only when requested to do so. They present no bills for their services. There are none existing to-day against the Government, but this case and this only is presented: the people of this country seem to think that the estate of President Garfield ought not to be encumbered with this indebtedness; that the expenses of his illness ought not to be paid by the estate, and this House has authorized a special committee to ascertain the persons to whom payment should be made and the amount to be paid.

Mr. Speaker, it is a matter of very little consequence to me as to how much money is to be paid to Dr. Bliss or Dr. Agnew or the other eminent surgeons who rendered distinguished services in behalf of the wounded President, and I am sure that I do not care personally whether they get a farthing or not, nor do I desire them to be paid too much for their services; but the object and purpose of the action of the House is to save the estate from the payment of money and the family from annoyance. I fear the tendency is to ignore this object, to disregard the interest of the estate, and to forget the feelings of the family.

Mr. Speaker and gentlemen of the House of Representatives, this, as I say, is the material question with which we have to deal. Now, how shall we meet it and how best determine it? I do not feel inclined, for my part, to inquire whether professional skill had been used by these physicians or not. That is not a matter with which I am to deal. I do not know how I could find out. Do you? I do not know how much the services were worth, even if I could find out what the services were; but what I do find here is—and this is the only fact with which we have to deal—that four or five of the leading surgeons of the United States, confessedly equal to any in their profession in this country, were for about eighty long days, day and night, wrestling with death to prevent the President from going from us. What matters it that they did all that human skill could do to save him? They failed, not from want of devotion and effort, but because he was past remedy. Their services were valuable. They did not tell the committee how much they were worth. Nobody living can state it. No physician can give us any information upon that point. But they do insist and they have reason to think that

they are entitled to be paid in something commensurate with the responsibility which rested upon them. They believe that their payments should be commensurate with their reputation and commensurate with the long months of untiring care and devotion which they gave, at the sacrifice of their other professional prospects and opportunities, to the care of the wounded man. They never have submitted that claim to our arbitration. They never have agreed to take our award. They hold it as a claim against the estate and we cannot dispute it, nor can we settle it by simply giving them what we may assume to be right, but must determine it by what they are willing to take, or they will be left to pursue their own remedy. They know, Mr. Speaker, that this estate of President Garfield will pay every bill that they present for that service. What utter nonsense to ask that these bills be pursued in the probate courts of the State of Ohio.

Mr. ATKINS. Will the gentleman allow me to ask him a question right there?

Mr. TAYLOR. Proceed, sir.

Mr. ATKINS. Does the gentleman from Ohio believe that there is any court in America which would allow these extravagant charges against an estate?

Mr. TAYLOR. The "gentleman from Ohio" believes that there is no court in America that would ever receive these claims, because the family, as I believe, will refuse litigation. That is the point I am making. Do you suppose that the representatives of the estate of President Garfield would allow these claims or this question to go before the courts for litigation, or that anything which the estate was able to pay to the utmost farthing would ever be admitted to the courts?

Mr. SPRINGER. Will the gentleman allow me to ask him a question? Does the gentleman know that in the State of Ohio, his own State, all bills against the estates of decedents must be filed in the court of probate, and cannot be allowed except in the ordinary course of legal procedure.

Mr. TAYLOR. No, sir; I do not know anything of the kind.

Mr. SPRINGER. Then how can you charge anything against the estate or charge the minors of the estate with any balances——

Mr. TAYLOR. Well, the gentleman has asked me a question and I have answered it, and I cannot yield any further. Claims in that State are presented to the administrator and he is absolute in his power to dispose of them either by accepting or rejecting them, subject to any suit against him for mal-administration.

Mr. BLACKBURN. Very well; let him pass upon these.

Mr. TAYLOR. I say, and the gentleman should have understood me, that from my stand-point I wish to save this estate. And I would like to have this House to understand that Mrs. Garfield will never, as I think, litigate the bill of the physicians who attended her husband during his mortal illness. That is the question which presses upon me; not the amount that these men deserve or will receive.

One word more, Mr. Speaker, and I have done. Remember these claims never have been submitted to this committee. And I say, and I speak what I do know, that this Senate proposition will not receive the assent of the parties who hold these claims. It will be no settlement. It will be putting ourselves in a ridiculous attitude before the world—the Congress of the United States bickering over the bills of the surgeons for services faithfully rendered during eighty days, and then when passed the surgeons refusing it and the estate paying the bills that are presented. Any gentleman who wishes to put himself in that attitude can do so. I do not.

It has been stated to this House that in the committee a demand was made for witnesses in regard to what the services were worth. That is so. On the last day of meeting, after the report had been once adopted and reconsidered—on the last day of meeting that demand was first made. But, as I understand, it could not have been acceded to at any time, for this reason: we were not authorized to send for books, witnesses, or papers. And, further, the opinions of surgeons in regard to this matter were of as little consequence as anything you can regard or think of. It was not a satisfactory method of investigating such a question. It was bringing us to no satisfactory conclusion.

And now, without saying or knowing what ought to be paid or with what amount these gentlemen will be satisfied, I do say with my friend from Kentucky [Mr. BLACKBURN] that this manner proposed by the Senate of undertaking to adjust the matter is not only absurd, but is unjust and I think decidedly improper. It is only a partial adjustment and it ought to be adjusted by this House. I care nothing for any supposed disrespect to the committee. I am exceedingly anxious to have this matter disposed of in any proper way; but I do think that this House ought to take action upon what its committee has done, and let the House dispose of the matter as it ought to be disposed of.

I do not intend to say that the bill as reported should be passed. I never approved the bill, though I reported it by direction of the committee without formal dissent, as was well understood; but what I did desire and still do is that the House take the matter up and so amend the bill, if amendment is necessary, as will make it fair and just, believing its action will be wise and right and that whatever the result arrived at in that manner it would be received by the parties in interest as entirely satisfactory, while even a larger amount tendered in the spirit and with the irregularity of this amendment would not be regarded with favor by them.

Mr. Speaker, there is no trouble in having the bill we have reported considered this session in both Houses, where we will be entirely free to act with knowledge. It is an entire mistake for the gentleman to say that this committee acted without information. We did not send for any witnesses, but very many of the leading surgeons of the country aided with their opinions so far as opinions could aid in such a case.

I think the amendment of the Senate should not be agreed to.

Mr. PAGE. As a member of the committee appointed by the Speaker of this House to consider the claims growing out of the illness of our late President I desire simply to say that the committee did all they could to get what information could be had before them, in order that they might intelligently make their report to this House. After the committee had met and organized it directed the chairman of the committee, Mr. TAYLOR, of Ohio, to correspond with all the physicians, and others having claims against the estate, and ask them to submit their bills to the committee. This the attending physicians refused to do.

Mr. BLACKBURN. Will the gentleman let me ask him this question?

Mr. PAGE. Certainly.

Mr. BLACKBURN. Was there ever submitted to the committee from the date of its organization until now any proof in this world, either verbally or in writing, affidavit, deposition, verbal statement, bill, or letter, or was there ever an appearance entered by anybody to show there was a dollar due to any one of these physicians?

Mr. PAGE. I state, as the gentleman from Ohio has stated, that these men never claimed to have any demand against this Government.

Mr. BLACKBURN. And they have presented no bills?

Mr. PAGE. They have no bills to present. They have no demands at all upon the Government for any expenses incurred during the illness of our late President.

Mr. BLACKBURN. Now, my friend will answer another question. Was there any evidence in the world given to any member of the committee that any one of them ever saw the President from the 2d of July until he died?

Mr. PAGE. Oh, Mr. Speaker, the gentleman from Kentucky is not serious in asking such a question.

Mr. BLACKBURN. I think I am.

Mr. PAGE. We all of us know and the gentleman from Kentucky knows that these men were in attendance.

Mr. BLACKBURN. Does not every member of the House know it as well as the committee?

Mr. PAGE. Supposing that is true; nobody was there to dispute that. We never thought of subpœnaing witnesses to show that these men were in attendance there. But we do know this fact: the committee was in possession of the fact that Dr. Bliss was in attendance upon the President for seventy-nine days. We also know the number of visits that Dr. Agnew and Dr. Hamilton made to the President.

Mr. SPRINGER. How many were there?

Mr. PAGE. I do not remember now. It is the duty of the gentleman to know; he was on the committee, and if he does not know it is his own fault.

Mr. SPRINGER. There was no proof of that fact.

Mr. BLACKBURN. Not a bit.

Mr. PAGE. It was stated before the committee, and was known to the members of the committee.

Mr. BLACKBURN. Who stated it?

Mr. PAGE. It was stated that Drs. Agnew and Hamilton visited the President so often.

Mr. BLACKBURN. Who stated it.

Mr. TAYLOR. It was stated by Dr. Bliss in writing, and certified to by Drs. Agnew and Hamilton in writing as correct, and that was read to the committee.

Mr. O'NEILL. I desire to say here, if the gentleman from California [Mr. PAGE] will permit me, that Surgeons Hamilton and Agnew, the one or the other of them, were here attending the President each day from the day they were first called.

Mr. BLACKBURN. Oh, no.

Mr O'NEILL. From the 4th day of July to the day the President died.

Mr. HISCOCK. Who has the time now; and whose time is being used in this discussion?

The SPEAKER. The gentleman from California [Mr. PAGE] has the floor.

Mr. O'NEILL. I am simply giving some information to the gentleman from California.

Mr. PAGE. The gentleman from Ohio [Mr. TAYLOR] states what is correct. It was stated by Dr. Bliss in writing to the committee that either Dr. Agnew or Dr. Hamilton was with the President all the time as one of the consulting physicians.

Mr. BLACKBURN. I know the gentleman does not want to do injustice to those physicians. I tell him on my honor and conscience that Dr. Bliss swore in the Guiteau trial that Drs. Hamilton and Agnew came to this city on the 4th day of July; that they left this

city that night and neither one of them was ever in the District of Columbia again until the 23d day of July.

Mr. PAGE. I do not want to discuss questions of fact as they appeared before the committee.

Mr. BLACKBURN. That is what Dr. Bliss testified to.

Mr. PAGE. I will not detain the House by any lengthy statement. The facts were all before our committee; the physicians refused to render any bill or to ask for any compensation from Congress. They refused to put any price on their services, and all the committee had to do was to come to the best understanding we could as to the amount and value of the services rendered.

Of course the members of the committee differed very widely as to the amount which should be paid to different individuals and the manner in which it should be paid. But they did come to a conclusion, and the majority report has been presented by the gentleman from Ohio, [Mr. TAYLOR,] and is now waiting action by this House.

I desire to say in this connection that in my judgment it ill becomes this Congress to discuss for any length of time the question as to whether the Government of the United States shall assume the responsibility of relieving the family and estate of the late President by paying this money. If you pay any money you must pay a sum sufficient, so that the physicians and those who were in attendance will accept it, or they will not have anything to do with it but will present their bills against the estate.

The question now before the American Congress for determination is, what will they give, and how much will they give? Will you give a sum sufficient so that the physicians will agree to accept it?

I leave to the gentleman from Kentucky [Mr. BLACKBURN] all the honor and glory there may be in his attack on these physicians; he may have it all. I do not desire to reply to him. They need no defense from me. I will only ask permission to print with my remarks some of the letters from the Secretary of War and the Secretary of the Navy, as well as extracts of indorsements from leading physicians in foreign countries to sustain the position I now take. Also the letter of Dr. Bliss to the chairman of the committee in response to a resolution of the House dated February 2, 1882:

[Copied from the National Republican of July 4, 1882.]

DR. BLISS'S AUTHORITY.

The following correspondence will show exactly the authority under which Dr. Bliss went into the case, and that he assumed charge of the treatment of the late President at the express desire of Mrs. Garfield. The letters of Secretary Lincoln and ex-Secretary Hunt distinctly set forth the facts, and their clear and concise statements are sufficient to refute the misrepresentations and attacks made by Senator Vest and others on July 3, 1882:

1329 F STREET NORTHWEST,
Washington, D. C., May 22, 1882.

DEAR SIR: As one of the medical advisers of the late President Garfield I take the liberty of addressing you briefly upon a matter of both public and private interest. Certain statements made by parties of presumable credence in a portion of the press of the country are calculated to inspire some minds with doubt as to whether the wishes of General Garfield and his wife, together with those of their nearest friends, were respected and followed in the selection of professional gentlemen who had charge of the case during his illness.

May I ask you to furnish me with an outline of the circumstances connected with this part of the case as far as they came under your own observation? By so doing you will aid in setting at rest some minor yet vexatious questions, the discussion of which tends to pervert and even to distort the history of a labor which was by all regarded as a patriotic duty.

You will thus add greatly to the esteem in which you are held by myself and my associate counsel.

Yours, very truly,

D. W. BLISS.

Hon. ROBERT T. LINCOLN, *Washington, D. C.*

WAR DEPARTMENT,
Washington, May 23, 1882.

DEAR SIR: I have your note of yesterday, asking me to furnish you with an outline of the circumstances, so far as they came under my observation, connected with the selection of the professional gentlemen who attended upon President Garfield during his illness. In compliance with your request I give you such a statement, made as brief as possible.

When the President was shot my carriage was at the door of the railway station, and within a few seconds thereafter I hurried it off to bring you, the utmost speed being, of course, enjoined upon the driver. You were very soon at the station, the President having been, I think, borne to an upper room before your arrival. I do not recall that anything which happened led me to think that any physician was present before your arrival; certainly there was none whom I knew. You at once took charge of the President, acting with other surgeons who came quickly to his help. Then followed his removal to the White House, and the anxious hours of the afternoon, during which a large number of surgeons (some of whom I knew personally, some only by name, and some being entirely unknown to me) were in attendance. During the night, as I recall it, this attendance had largely ceased, and when I left the house at dawn I was informed by you that there would probably be no information to give as to the outlook until after a general consultation, which had been appointed for eight o'clock in the morning.

I returned about nine o'clock, and not long, perhaps an hour after that, all the members of the Cabinet being assembled in one of the chambers, the large number of medical gentlemen in attendance upon the President became the subject of conversation, all assenting to the necessity of the number being reduced at once, for obvious reasons. It appeared in the conversation that the only surgeon known to those present in the room to have been summoned in the case was yourself, and also that there were persons among the many anxious friends of the President who would not have probably chosen you as one of his medical attendants. It was therefore thought best to have the suggestion made to Mrs. Garfield of the propriety of her selecting one or more surgeons to attend the President, and of the consequent cessation of the attendance of the others. For the purpose of communicating with her General Swaim and Colonel Rockwell were sent for to the room and requested to make the suggestion I have made. Inasmuch as you were, as far as I know, the only surgeon summoned directly by any one near the President, personally or officially, and had been in consequence up to then in principal charge during what had come to seem a very long time, I felt it my duty to request General Swaim and Colonel Rockwell at the same time to say to Mrs. Garfield that if the attendance of Doctor Bliss was not agreeable for any reason, and it was thought best to have him retire, any embarrassment should be felt in effecting this, I trusted that, as I had summoned him, a mere suggestion might be made to me, and that I would see that his attendance ceased without embarrassment to any one.

I am now uncertain whether these two gentlemen went on their mission and returned, or whether, without going, they were able to give us the information, which they at once did, that Dr. Bliss had been selected to take charge of the case with such assistance as he should desire.

In pursuance of further conversation among all the gentlemen in the room, based on this information, it was thought best that the Secretary of the Navy and myself should go to Dr. Bliss and tender him the assistance of the Surgeon-General of the Navy and Surgeon-General of the Army, with any other assistance which he might ask and which it was in our power to afford him. The Secretary of the Navy and myself at once went to your room and tendered you this assistance. You replied that you would much like to have the aid and counsel of the Surgeon-General of the Army; that for reasons which you mentioned you would not ask the assistance of the Surgeon-General of the Navy; that further, for reasons which you gave us, you would like the assistance of Surgeon Woodward, of the Army, and of Dr. Reyburn, of this city. I therefore formally advised the Surgeon-General of the Army that you were the surgeon in charge of the case, and directed him to place himself in attendance with you, and to instruct Surgeon Woodward of the Army also to place himself in attendance. I do not now recall the exact circumstances which resulted in the summoning of Dr. Agnew and Dr. Hamilton, but I remember that we were all anxious for their presence, so that nothing should possibly be left undone which might contribute to the recovery of the President.

I believe the foregoing answers your inquiry as completely as I am able to do from my own knowledge.

Very truly, yours,

ROBERT T. LINCOLN.

Dr. D. W. BLISS.

WASHINGTON, *May 24, 1882.*

DEAR SIR: I was at the railroad station in this city when President Garfield was shot. I saw him in less than a minute afterward. He lay on the floor of the reception-room. In a few minutes he was removed to a room upstairs. I then saw Secretary Lincoln. He told me he had sent immediately after the shot for you. I expressed my gratification at his having done so, for I had perfect confidence in your skill, judgment, and experience. Soon after this I saw you approach the mattress where the President was lying. You uncovered the wound, inserted a small probe into it, spoke with the patient, gave him brandy, and exercised entire control of the case. Afterward other surgeons came about the bed; but you were in entire and unchallenged control of the case. You remained so all that day, and the friends of the President and the other surgeons acquiesced in your doing so.

Next morning something was said among the Cabinet about the presence of so many persons in and about the sick-room. It was deemed expedient to reduce the number of surgeons. This conclusion was communicated to Mrs. Garfield, and she was requested, as I understood, to state whether your direction and supervision of the case was undesirable to her. I was told she said that this arrangement was entirely in accordance with her wishes. You were then requested to select such surgical assistance as you desired. You mentioned the gentlemen who acted with you afterward. The Secretary of War and myself conferred with members of the Cabinet after this interview, and we proposed that the Surgeons-General of the Army and Navy should be added to your corps. The suggestion was approved by our colleagues. It was then communicated to you. You were pleased with the recommendation of Surgeon-General Barnes, but you objected to the Surgeon-General of the Navy on personal grounds. I did not urge him further on you.

Afterward the members of the Cabinet suggested that Drs. Agnew and Hamilton be added to the corps as consulting surgeons. This proposition was conveyed to Mrs. Garfield and met her approval. It was afterward submitted to you, and you approved it promptly and cheerfully.

These facts occurred when things were fresh and your control of the case was assured and exercised in the presence of the President's family and friends, with the knowledge of the world and with their acquiescence.

It is an insult to the truth to set up at this date the pretense that you in any manner intruded into the control of the case. It is at least a mean reward for your skillful, unceasing, and heroic devotion to your distinguished patient.

I am, dear sir, with the highest consideration, your obedient servant,

WILLIAM H. HUNT.

Dr. D. W. BLISS, *Washington.*

EXCERPTS.

[British Medical Journal, July 9, 1881.]

The distinguished patient could not be under better surgical care than is to be found in Washington. The vast experience gained during the war of the rebellion in the United States has diffused an immense amount of knowledge concerning gunshot wounds and their treatment among Army surgeons in that country, and several of the most eminent among them are connected with the case, &c.

[British Medical Journal, August 20, 1881.]

The surgical treatment has been severely criticised in some quarters, very unfairly as it seems to us, inasmuch as the attacks upon the course pursued have been made without an opportunity of personal observation of the case, and without making any allowance for the difficulties in which the surgeons in attendance upon it have been placed. * * * So far as the facts which have been successively announced in the official bulletins are concerned, nothing has been mentioned which has been inconsistent with what might be expected to take place in any case of a bullet wound in which a bone has been struck and the bullet so diverted that it has been caused to pursue a deep and tortuous course in muscular tissues and to pass out of reach of observation or detection by the surgeons.

[Same journal, December 17, 1881.]

After analyizing the statements of Drs. Hammond, Sims, Ashurst, and Hodgen in the North American Review for December, 1881, we fully concur with Dr. Sims in the previous assertion made by him that the wound of the late President was as certainly mortal as the wound of President Lincoln. The difference was only one of time.

The New York Medical Journal, November, 1881, says, regarding English criticisms on the long and painful conflict of surgery with the injury dealt to our lost President: "Truly the modern art of surgery in all its fullness—not the mere individual capabilities of the little knot of men who stood as its representatives—was brought to bear upon this case."

* * * * * * * *

"Also, if any of Dr. Bliss's questions as appended by him to his account of the case in the Medical Record of October 8, 1881, can be so answered as to show that in any respect the conduct of the case could, without the light thrown upon it by the autopsy, have been better carried out, we trust that such answer will be brought forward speedily and boldly. We have nothing but praise for the surgeons as regards their actual management of the case."

[Boston Medical and Surgical Journal, September 8, 1881.]

A lenient judgment must, however, be invoked for the physicians who have borne the task of an attendance the trying nature of which can be easily understood, and we ought to congratulate ourselves that no change has taken place in the *personnel* of our President's medical staff.

[Same journal, September 22, 1881.]

No one, we believe, is in a position to say that the wound was not from the beginning of a necessarily fatal character or that other measures than those taken could have averted the result we all deplore.

* * * * * * *

It is plain, and is generally acknowledged, that no good and much harm would have resulted from any serious attempt to extract the ball, even had it been possible to determine its exact situation.

[Medical Record, August 13, 1881.]

In the light of the facts that are furnished the public it is easy to understand the extreme caution of the surgeons as to probing the wound.

[Same journal, August 6, 1881.]

We take pleasure in affirming again that the treatment of the President is thus far beyond criticism, and it is fair to suppose that so long as the present medical staff remains in attendance nothing will be left undone to insure the comfort, safety, and recovery of the illustrious patient.

[Same journal, August 20, 1881.]

As might have been expected, the management of this case has been open to much criticism by the secular press. It is to the credit of the profession, and especially of the gentlemen in charge of the case, that so little can be said concerning what might have been done and what was not done. Despite the journalistic prescribers in some of our leading dailies, the people have continued to maintain a confidence in the attending and consulting surgeons which is as gratifying as it is necessary. There seems to be, justly, but one sentiment entertained both by the profession and the public regarding the judicious manner in which this case has been treated from the beginning.

[Same journal, September 24, 1881.]

It is, we believe, the general verdict of the profession that the late President received all the aid which medical science, intelligently applied, could furnish. Looking back upon the case, even with the light of the autopsy before us, it is impossible for any one to say that any different mode of treatment would have saved the President; and, furthermore, we may claim that medical art prolonged for months a life which might otherwise have ended in a few days or weeks. We believe that this can be truthfully said, and that it will be echoed and indorsed by the medical profession.

[Same journal, September 26, 1881.]

No means of more thorough exploration of the wound could have been safely employed.

Drs. Sims, Ashurst, and Hodgen, in the North American Review, "frankly acknowledged that the wound was essentially fatal; that the error of diagnosis was, under the circumstances, unavoidable; that the treatment was in accordance with accepted principles in surgery, and that in reality nothing more could have been done to prolong the life of the lamented sufferer."

[Cincinnati Lancet and Clinic, September 24, 1881.]

No blame can be attached to the surgeons in attendance upon the President for abstaining from instrumental interference with a view of locating the ball. * * * What skill and science could do was done. The surgeons in attendance merit the gratitude of our people alone; there is nothing deserving of reproach.

[Pacific Medical and Surgical Journal, San Francisco.]

He was in able hands, well known to the profession in Europe as well as in America.

[Canada Lancet, September 1, 1881.]

Everything is being done for the patient that can be done. Every confidence is very justly reposed in his medical advisers, and, come what may, there can be no cause for blame attached to them.

[From Medical News and Abstract, Philadelphia, October, 1881.]

The publication in the current number of the American Journal of the Medical Science of the official report of the autopsy upon the body of President Garfield will, we trust, while satisfying the legitimate curiosity of the profession and of the laity, at the same time effectually and permanently quiet the unfriendly criticism of the surgical treatment of the case in which part of the daily press has so freely indulged and from which, we regret to observe, some medical journals, without full knowledge of the case, have not thought proper to abstain.

The discoveries of the autopsy, taken in conjunction with what is known of the clinical history, will at once make apparent to the profession the good common sense, admirable conservatism, and sound surgical treatment and judgment which have characterized the management of the case from first to last, and, although the non-medical mind may be slower to comprehend the questions at issue, it will not be long before the same conviction forces itself upon the people at large.

We know beyond the possibility of a doubt that no human skill could have averted the fatal result; but we find, moreover, that even in the searching light of the careful and thorough post-mortem examination it is difficult, if not impossible, to suggest any modification of the treatment, even in minor points, which would have made it better adapted to the exigencies of the case.

* * * * * * * *

From this general consideration of the history of the case, viewed in the light thrown upon it by the details of the autopsy, we may safely conclude—

First. That the treatment at the time of the reception of the injury, immediately subsequent to it, was that rendered proper by the condition of collapse which then existed.

Second. That on reaction taking place, a sufficient, thorough, and careful examination was made with the finger and the probe.

Third. That when the consulting surgeons were called in and found that this had been done, they very properly, and in accordance with well-established and universally-recognized rules of surgery, refrained from repeating that examination.

Fourth. That even if these rules had been disregarded and such examination had been made, it would have determined nothing of practical importance as regards the subsequent treatment.

Fifth. That wherever pus accumulations had taken place, they were properly opened by free incisions made at the most dependent portions.

Sixth. That these incisions drained not only the course of the abscess but communicated freely with that portion of the spine which had been penetrated, and, therefore, with the track of the ball; and the completeness of the drainage is shown by the absence of pus accumulations either in the locality traversed by the ball or in the iliac or lumbar regions.

Seventh. That the damage done to the cancellated tissue of the lumbar vertebra was sufficient in itself to explain the septic state of the system, which in time, and independent of the ball, (which proves to have become harmless,) would have destroyed the life of the patient.

[College and Clinical Record, Philadelphia, October, 1881.]

The careful methods of exploration pursued by the attending surgeons will commend themselves to the attention of the profession and the public as fully commensurate with the importance of this celebrated case. The study of the autopsy will bring to the mind of the most skeptical a thorough and persuasive vindication of his careful, conscientious, and indefatigable medical attendance—a vindication that was not deemed necessary by those who had honestly placed their faith in their skill and discretion during the many weeks of suffering through which their distinguished patient so uncomplainingly struggled.

[Medical Press and Circular, (London,) October, 1881.]

The general verdict of the profession is that the President received all the aid which medical science, intelligently applied, could furnish. It is held that, looking back upon the case by the light of the autopsy, it is impossible for any one to say that a different line of treatment than that pursued would have saved the President's life, and further, that medical art prolonged the life which otherwise might have ended in a few days.

[Virginia Medical Monthly, September, 1881.]

The President's condition is a subject of such deep interest to every American that we are not surprised at the eagerness so generally manifested by the medical press to speculate as to the result. We have seen many ridiculous descriptions and surmises on the subject put in print by doctors, who in this instance manifest no greater intelligence than the laity as to the nature of the wound. By such a course the profession lays itself liable to have further odious epithets and taunts thrown at it. Not one of the six distinguished medical men now in attendance upon the President has yet been able to trace the track of the ball or to locate its present position with satisfactory definiteness to warrant them in announcing an opinion, although these gentlemen are the only surgeons who have ever had an opportunity of examining the wound. * * * Whatever may be the result now, even if fatal, we would feel resigned as we would live in the belief that everything had been done for the restoration of the President that human skill could accomplish.

Annales D'Hygiene Publique et de Médicin Legale, Paris, Février 1882, contains an account of the post-mortem and remarks "that treatment was fully justified by the results."

Philadelphia Medical Times, October 8, 1880, in its London letter, says: "When, however, the suppuration of the gland ceased to form new points of pus, then again hope became buoyant that his magnificent constitution, his high courage, judicious nursing, and consummate medical skill, all combined, would bring him through ultimately. * * * The medical management of the case has never been hostilely criticised, in my hearing at least—nothing, but whatever occurs the public of Great Britain will ever feel that in a terrible emergency the medical profession has acquitted itself with distinguished skill, and has deserved well of all."

[Extracts from a review of some of the more important surgical problems of President Garfield's case, by J. William White, M. D., demonstrator of surgery and lecturer on operative surgery in the University of Pennsylvania, Surgeon to the Philadelphia Hospital, Fellow of the American Surgical Association, &c. Philadelphia, 1882.]

Its motive is to be found in the fact that numerous articles which have from time to time appeared in both the medical and the lay press seem to indicate that in the minds of many intelligent people, within and without the profession, there is still much misconception regarding several important points in the case of the late President Garfield.

In bringing together the facts which I shall mention I have especially consulted the official report, published in the American Journal of the Medical Sciences for October, 1881, and have carefully perused the excellent articles of Drs. Ashhurst, Hunt, Sims, Hodgen, Shrady, Weise, Kumar, Schüssler, Figueria, and others, as well as the editorials and criticisms of the medical press of this and foreign countries.

The points which it seems worth while to consider, on account both of their general surgical interest and of the misconception alluded to, and which may be taken up seriatim, are as follows:

1. Did the relative positions of the patient and assassin at the time of the shooting afford any indication of the course of the ball as revealed at the autopsy?

2. Was it probable that at any time the ball could have been detected or located by the use of probes; and if so, should such an endeavor have been made?

3. Did the subjective symptoms indicate anything more serious than nerve injury or spinal concussion; or, in other words, did they furnish reliable material for diagnosis?

4. Was the subsequent treatment in any way whatever hurtful or defective, or could it have been modified with advantage, if the exact character of the injury had been known?

5. What was the immediate cause of death?

6. Was the wound necessarily a mortal one?

"Occasionally,[1] when the trunks of nerves are directly injured, (not divided,) but violently pushed aside,) the wound will be accompanied with intense pain, but none will be experienced locally; the pain which is felt will be referred far away from the tract of the projectile to some distant part to which the nerves are distributed. * * * Less rare cases are those in which pain is not only felt in the wounded limb but reflex pain is also felt in the opposite uninjured limb," &c.

"Nerve injuries may also cause pain which, owing to inexplicable reflex transfers in the centers, may be felt in remote tissues outside of the region which is tributary to the wounded nerve."[2]

"In Case IV, Hutchinson's Series, page 313, the median and ulnar nerves being injured, there was pain in the unhurt hand. Pirogoff, page 384, has similar instance from injury to the right brachial plexus. In two cases wounds of one leg seemed to the patient to be truly in the other."[3]

So far as I know, all the diagnoses of spinal injury which were claimed to have been made in different parts of the country first appeared after the publication of the autopsy, and this is rather to the credit of their authors than otherwise, as certainly no one having merely those symptoms submitted to him in a similar case to-day would be justified in asserting the existence of a fractured vertebra or a grave injury of the cord.

Professor Kumar, of Vienna, after a lengthy criticism of the case in the light of the clinical history and the autopsy, wrote:[4]

"Evidences of paralysis in the region of the lower extremities were never noticeable; the only symptoms of disturbance of nerve function were those already mentioned—hyperæsthesia of the skin of the feet and ankles and of the right half of the scrotum—which at the end of the first week had entirely disappeared. From all these symptoms no conclusion as to the course of the ball could be drawn."

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[1] Gunshot Injuries, their History, Nature, and Treatment, by Surgeon-General T. Longmore, London, 1877, page 145.

[2] Injuries of Nerves, by S. Weir Mitchell, M. D., Philadelphia, 1872, page 193.

[3] Ibid., page 146.

[4] Präsident Garfield's Verwundung, von Primararzt Dr. Kumar, Wiener medizinische Blätter, November 10, 1881.

Lidell[1] says:

"The general symptoms of gunshot fracture of the spine are not essentially different from those which are present in other forms of that injury, and they are referable mainly to paralysis, either partial or complete, (but commonly the latter,) of all the muscular apparatus supplied with spinal nerves given off at or below the seat of fracture."

Hamilton[2] wrote in 1865:

"In a few cases a ball has been known to pass through the side of the body of one of the vertebræ, leaving a round hole or a lateral furrow, without coming in contact with the spinal marrow or the blood-vessels. It is not probable that we shall be able to diagnosticate such a case clearly during the life of a patient, and if we were able to do so we do not see what benefit could be derived from any surgical operation."

Legouest[3] says:

"It is always very difficult, if not impossible, to be assured that the bodies of the vertebræ are injured when there are no symptoms of a lesion of the spinal marrow. The surgeon in most of these cases is constrained to leave them to the efforts of nature, watching for the appearance of those accidents which may accompany the presence of foreign bodies, and which are aggravated in such cases by the importance of the organs in the neighborhood of the wound."

Agnew[4] says of fractures of the vertebræ:

"Except in fractures of the spinous processes, where the damaged part is entirely accessible to the touch, we cannot affirm the existence of such an injury with any degree of certainty. The presence of certain symptoms following a sufficient cause furnishes ground for supposing the existence of a fracture, and yet these may all be present without any injury of the kind. The prominent symptom in paralysis."

Authorities to this effect might be multiplied indefinitely, but the question hardly admits of dispute.

If, then, a study of the positions of the wounded man and his assailant was without diagnostic value, if probing to any extent was strongly contraindicated and could not possibly have resulted in anything but harm, and if the subjective symptoms were not distinctive or were positively misleading, it is evident that the materials for definitely determining the character of the injury were altogether wanting. Much has been written in regard to "mistaken diagnosis," even by gentlemen who intended to defend the management of the case; but it has always seemed to me that this did not fairly state the situation. An "absence of diagnosis" on account of a total lack of necessary evidence would have more nearly expressed it, and every surgeon of experience knows how frequently and how unavoidably this occurs.

The laceration of the cancellated structure of the first lumbar vertebra doubtless contributed largely to the production of the septicæmic condition, which was in no wise due to lack of proper or sufficient drainage. More favorable circumstances for its production than existed in the comminuted and softened cancellous tissue, with its open venous sinuses, bathed in ichorous pus, could hardly be imagined.[5]

The fact that drainage was thorough and complete, and that no portion of the unfavorable symptoms was due to neglect in this respect, was fully established by the absence of purulent collections either along the track of the ball or in the passage caused by the burrowing of the pus. There was no time previous to the first operation at which the accumulated pus did not pass out of the original wound, but its exit was favored by gravitation after the two operations which brought the external openings on a lower level, and enabled them not only to drain completely the iliac and lumbar regions but also to carry away any discharge that may have come from the fractured vertebra.

Professor Max Schüller, of Berlin, after a careful review of all these points, wrote:[6]

"Even if a suspicion of the wound of the spine had arisen, the problem of treatment, which the attending surgeons were endeavoring with the greatest skill to solve, would have undergone no alteration."

The treatment was cautious, but thorough, and no indication was overlooked or disregarded. Wherever collections of pus took place, they were properly opened by free incisions made at the most dependent portions. These incisions drained not only the course of the abscess but communicated freely with that portion of the spine which had been penetrated, and, therefore, with the track of the ball, and the completeness of the drainage was shown by the absence of pus accumulations either in the locality traversed by the ball or in the iliac or lumbar regions. The treatment also as regards the other complications, the parotitis, bronchitis, dyspepsia, &c., was in the most marked degree careful and judicious, and, indeed, may be said to have prolonged the life of the patient for many weeks.

As to the immediate cause of death, it was, as has been stated, the rupture of an aneurism of the splenic artery. The ball itself had become encysted, and had given rise to no damage whatever, after the moment of its lodgment, but the injury to the cancellated tissue of the lumbar vertebra was sufficient to explain all the septicæmic symptoms, and in time would doubtless of itself have proved fatal.

In attempting to reply to the sixth and last question, as to whether or not the wound was necessarily a mortal one, much time and labor has been spent in a review of all the authorities bearing upon the subject. It may be said at once that in the whole range of surgical literature, civil and military, no similar case, followed by recovery, has ever been recorded, and this statement is made with the full knowledge that it has been asserted that such recoveries are not infrequent. In some instances these erroneous assertions may have been due to neglect properly to classify the cases, which are often very improperly reported. Of course it is well known that fractures of the vertebral processes are not especially fatal injuries; and that a large proportion of them recover. Many of these are recorded under the general head of fractures of vertebræ, but evidently have no bearing upon the case in question.

What Lidell[7] does say is that—

"In the British army, during the Crimean war, there occurred ten cases of gunshot wounds with fracture of vertebræ, but without lesion of the spinal cord, of which six died and four recovered so far as to be invalided; there also occurred twenty-two cases of gunshot wounds with fractures of the vertebræ and lesion of the spinal cord, all of which died."

On the very same page Dr. Lidell, who is truly described as one of the most experienced of our military surgeons, says:

"Leaving out of the calculation such fractures as involve the spinous process alone, the writer has never seen a case of gunshot fracture of a vertebra get well, and he might add that he has never seen life prolonged for a month after the infliction of that injury."

"Attempts at extraction are dangerous and often useless," and that "only when paralysis exists will it be necessary or prudent even to make incisions, or to search in the simplest manner for the foreign body or for spiculæ of bone."

"In the Surgeon-General's Report No. 6 one hundred and eighty-seven examples of gunshot fracture of the vertebræ are reported, of which one hundred and eighty died, and of seven which recovered not one was a fracture of the body of a vertebra."[1]

Demme[2] says:

"Extensive injuries or lodgment of balls in vertebræ or in the cord give rise either to death or incurable paralysis."

Gross[3] says:

"Gunshot wounds of the vertebræ, with lesion of the spinal cord, are nearly always, if not invariably, fatal. Of twenty-two cases of this kind in the English army, in the Crimea, not one recovered. Even when the bones alone are affected the danger is generally very imminent, most of the patients thus affected dying in a short time."

No instance of complete recovery after the latter injury was met with, and in those here alluded to the actual seat of the fracture was in every case doubtful. No perforating wound with recovery is mentioned at all.

Space will not permit a more extended consideration of this subject, but I may add that, in addition to the authorities already quoted, the excellent writings of Alcock, Ballinger, Bell, Bird, Chevalier, Clowes, Cole, Demme, Guthrie, Hall, Hutchinson, Longmore, Ranby, Thompson, and Williamson have been consulted, and with a similar result.

No undoubted instance of recovery after a compound comminuted or perforating gunshot fracture of the body of a vertebra has ever been recorded.

The explanation of this fact is apparent to every one who carefully considers the nature of such an injury, the grave and manifold dangers which encompass it, and the almost infinitesimal chance which the patient has, if he escape one or two of them, of avoiding them all.

In support of the foregoing statements, both as to the necessary fatality of the wound and as to the absolute correctness of the treatment in the President's case, it would be easy to adduce almost unlimited confirmatory evidence. The leading medical journals of the world have strongly and unequivocally upheld these views, and, indeed, it may be said that they have been maintained by every writer who has discussed the subject and who is entitled, by special study or experience, to speak with authority.

I shall confine myself now, however, to quoting the testimony of three eminent members of the profession in this country:

"Looking at the whole case from beginning to end, I do not see that the treatment could have been altered in any way to the advantage of the illustrious patient; and nothing was done that should have been omitted, and nothing was left undone that could possibly have been of benefit."[4]

"The President's surgeons did all that men could do; all that the present state of science would permit; and all that could have been done even if they had at first ascertained the course and direction of the ball. Our whole medical literature does not contain a single well-authenticated case of recovery from such a wound. * * * He had no, the least chance of recovery under any circumstances or any treatment."[5]

"In reviewing the history of the case of President Garfield I can find no reason for adverse criticism of any part of the management."[6]

In conclusion, it may be asserted that, after careful consideration and thorough search through the records of this and similar cases, and after the opportunity of deliberate comparison thus afforded, the following facts appear to be incontrovertible:

1. It was never possible at any time or by any method to ascertain certain, definitely, and safely the precise character and extent of the President's wound.

2. Any attempt in this direction further than was made by the attending surgeons would in all probability have resulted fatally at once, and their steadfast resistance to extraordinary influence in favor of operative interference entitles them to great credit.

3. The treatment, which was directed to meeting the indications as they arose, was in every respect that which it would have been necessary to adopt had it been possible fully to determine the exact nature of his injuries.

4. Life was prolonged for an unusually protracted period by the careful and skillful attention which the distinguished patient received.

5. Death resulted from the secondary effects of the wound upon structures far beyond the reach of surgical interference.

6. No undoubted instance of recovery from such a wound is to be found recorded in surgical literature.

[Copied from the New York Medical Gazette of January 21, 1882.]

EDITORIAL—THE TREATMENT OF THE LATE PRESIDENT'S WOUND.

In the Wien Medicin Wochen No. 47, 1881, Professor Max Schüller, after giving a complete history of the late President's case, concludes as follows:

"Taking into consideration all the circumstances connected with this gunshot wound, it is evident that the determination of the direction taken by the missile by probing would have been extremely difficult, and, if it had been possible, would have been accompanied by great danger to the patient. It is probable that the track of the bullet through the muscular tissue it traversed was so irregular, and the tissue itself so torn by the projectile fired at so close range, that an immediate attempt to follow in the direction of the ball would have been futile. Among the symptoms which presented themselves immediately after the receipt of the injury, only the pain and disturbance of sensibility in the lower extremities gave an indication of the true course of the bullet.

"This disturbance of sensibility in both lower extremities would scarcely have occurred without a lesion of the cord (either by extravasation and pressure upon the dura or a direct injury of a light grade of the substance of the cord) above the point of origin of the nerves distributed to these members. If, however, the supposition has been entertained that the vertebral column was wounded, the question of indication for treatment would not have been different from that instituted by the attending surgeons.

"To prevent sepsis in gunshot injuries and to bring to a successful issue such a wound as that received by President Garfield, is one of the most difficult achievements, and cannot always be accomplished, even with the most careful and assiduous application of antiseptic surgery."

Dr. Schüller has fallen into the error of supposing that nervous sensation or pains can always be traced to some specific lesion of the nervous system; while nothing is better established than that such sensations are often wholly unreliable as a means of exact diagnosis. The literature of nerve injuries is replete with examples which illustrate the truth of this statement. Lesions of the *ganglionic* system, where there is no lesion of the nerves of common sensation or of motion, often cause reflex pains and paralysis in one or both extremities or in other parts of the body. Ordinary colic, or distention of the stomach by gas, may cause pains in various parts of the body; and if the disturbance or lesion of the ganglionic nerve is persistent, (as it would be in case of its being traversed by a ball,) the re-

[1] American Journal of the Medical Sciences, volume xlviii, page 311.
[2] Military Surgery, page 338, quoted by Dr. Hunt.
[3] Treatise on Military Surgery.
[4] The Principles and Practice of Surgery, Philadelphia, 1878, volume i, page 825.
[5] A long, interrupted, and sinuous shot-wound, with several fractured bones in its course and terminating in the neighborhood of the abdominal cavity, necessarily presents every facility for unhealthy suppuration, the formation of secondary abscesses, the retention of pus, and all their accompanying inseparable and unavoidable evil consequences.—*Kumar, op. cit.*
[6] Deutsche medizinische Wochenschrift, No. 47, p. 634.
[7] American Journal of the Medical Sciences, volume xlviii, page 317.

[1] Medical Record, 1867, volume 2, page 401. The italics here are Dr. Hamilton's.
[2] Military Surgery, edition of 1868.
[3] Treatise on Surgery, volume 2, page 82.
[4] Dr. John Ashhurst, jr., in North American Review, December, 1881, p. 504.
[5] Dr. J. Marion Sims, Ibid., p. 600.
[6] Dr. John T. Hodgen, Ibid., p. 610.

flex pains would necessarily be persistent. There was no positive evidence, therefore, furnished by the pains, first in the right foot and then in the left, that they were not caused by such an injury, and especially since these pains only lasted a short time.

It is true, also, as shown by Mitchell, that an injury of the spinal nerve is not always expressed by pains in that part of the body which corresponds to its distribution. The author relates the case of a man who, being wounded by a ball in his right thigh felt pain only in the left thigh; and in another case cited by him an injury of the right sciatic nerve caused paralysis of the right arm and only paresis of the right thigh. But in a matter so well known to medical men it is unnecessary to cite examples. We do not deny that the rule is otherwise, so far as lesions of nerves of common sensation are concerned, but the exceptions are so frequent as, in total absence of other evidence but a temporary, symmetrical pain in the lower extremities, to justify the inferences made by the surgeons in the case of the late President.

It is certain also that in case it were to have been necessarily inferred from the pains in the feet that the spine had been injured, it could not indicate whether it was simply a concussion, the ball having glanced off in some other direction, or an actual penetration of the spine, the ball remaining imbedded in that structure, or a complete perforation, the ball being lodged at some point remote from the spine. It would determine, in short, nothing of any practical importance. As Dr. Schuller justly says, it would not have changed the indications of treatment, or, to use his exact language, "the treatment would not have been different from that instituted by the attendants."

While we were writing, the British Medical Journal for December 27, 1881, came to hand, and we find in it a very full expression of opinion on this subject by its editor. He thinks that during the first twenty-four or forty-eight hours after the receipt of the injury some further exploration might properly have been made, but it is evident from his statements that he was not well informed as to the extent of the explorations which were actually made by Drs. Wales, Bliss, and Woodward. He does not doubt that the splenic artery was injured, nor does he think that any exploration, however thoroughly made, could have averted the fatal result; and in this conclusion he declares himself in accord with the opinions of Drs. Sims, Ashurst, and Hodgen, as expressed in their several papers published in the December number of the North American Review.

"When, therefore," says the editor of the aforementioned journal, "the injury came in the form of a severe gunshot fracture of two ribs, and the perforation of the vertebral column, not to mention the other accompanying lesions, the chances of escape became infinitesimal that the wound might be strictly regarded as a fatal one. No particular mode of surgical treatment, no amount of skilled nursing and attention to hold out a reasonable hope of being able to avert the fatal result. Professional skill, devotion, and extreme watchfulness might prolong life, as we believe they did to its utmost tether in the President's case, but either in the form of blood-poisoning, or, if not in that, in the form of exhaustion, or in some other manifestation of the kind the fatal end was sure to follow. We have expressed regret that the early exploration of the wound was not more complete, in the belief that the diagnosis and prognosis would have been rendered clearer had it been, and that some of the passing complications which ensued might probably have been evaded; but it never occurred to us, when once the true nature and extent of the lesions were fully exposed at the examination after death, that the exploration could have exerted such an influence as to stop the final result."

As the editor of the British Medical Journal alludes to the matter of placing the patient in the same position in which he was when the ball was received before proceeding to probe, but naively remarks that, owing to the shock this may not have been possible in the President's case, we take the liberty of suggesting to him that this rule, given in the writings of certain surgical authors, was never intended to apply to anything but muscular wounds, and especially wounds of the extremities, in which a restoration of posture does occasionally cause a restoration of the channel made by the ball, and which would otherwise be obliterated by the action of the muscles as sliding valves; but even in these cases it is seldom, as all Army surgeons know, of any value. No surgeon of experience, of reputation, nor who has ever given the subject a moment of thought, has ever advised this to be done in the case of a gunshot wound of the belly or any of the large cavities, for the reason that it could be of no possible use—the channel through the viscera could not thus be restored. This is especially true in case the ball has entered the abdomen. The intestines, especially after being wounded, are in constant motion; and to think of restoring the channel of the ball by this method is simply puerile, and its mention is unworthy a medical student.

If the ball had passed through the liver, whose position is changed by every degree of inflection of the body, the difficulties would be the same. There are other reasons, also, why surgeons have never taught that, in case of an abdominal wound, such as that suffered by the President, the patient should be put again upon his feet; namely, first, that if the intestines have been perforated the effect of this would be to hasten and make certain the escape of their contents into the peritoneal cavity, and thus vastly increase the danger of a fatal result; second, there may be, for aught we can know, a concealed hemorrhage, which would be necessarily increased by such a change of position; and, third, that the patient is almost invariably suffering under such extreme prostration from the shock that to maintain him in an erect position until the probing was completed and the ball extracted would be simply impossible or promptly fatal.

Surgeons have therefore always enjoined perfect rest in the horizontal posture from the first moment after the accident, and they are not likely hereafter to teach any other doctrine, or to disturb the viscera with probes after belly wounds, in any position of the body. No one has yet followed these absurd and dangerous suggestions, or if he has he has taken good care to conceal his results.

The London Lancet for September 24, 1881, concludes a somewhat lengthy review of the President's case as follows: "The fact that life had been so long preserved is the best evidence in favor of the surgeons."

We wish to add to these rather desultory remarks a word or two more in reference to the question of the practicability of introducing probes or drainage tubes into the track of the wound.

It is a matter of fact, capable of the easiest demonstration, that the course of the ball was not straight. These are the known facts denied by no one. The ball struck the eleventh rib about three inches from its anterior extremity; then the twelfth rib near its posterior extremity; then the fibro-cartilage between the last dorsal and first lumbar vertebra, near the root of the transverse process, from which point it passed forward and downward, emerging from the front of the first lumbar vertebra only a little to the left of the center; and here was again deflected to the left, until it became lodged under and below the pancreas, two or three inches to the left of the spine. In this course it had suffered, as any one may demonstrate on the skeleton, four marked deflections; first, on the eleventh rib; second, on the twelfth rib; third, as it entered the spine; fourth, as it emerged from the spine. Such being the actual fact, to have carried a probe or drainage tube through its channel would have been impossible.

But admitting that the channel had been straight, every surgeon knows that such channels in the cavity of the belly do not remain open for the convenience of the surgeon, and, as we have already stated, they cannot be re-established. It is, to our mind, evidence of the lack of knowledge and experience in surgery for any man to say that he could carry a probe safely among the vital tissues to the depth of seven or ten inches; and (as in the President's case it must have been carried) behind the kidney, between the liver and colon, or behind both to the spine, and through the spine to the seat of the ball.

Mr. Garfield had a very broad chest, and it is quite probable that the distance of the ball as found in a straight line was twelve inches. Whoever talks of cutting or probing for the ball or of satisfactorily draining it through drainage tubes seems to us to talk nonsense; and we are not surprised therefore that the almost unanimous expression of the medical profession at home and abroad is that the surgeons pursued the only course which presented any chance of saving or of prolonging the life of the patient.

WASHINGTON, D. C., *February* 2, 1882.

SIR: Attention having been called to the expressed wish of your committee as set forth in the resolution requesting of those persons whose services to the late President Garfield are to come before you for consideration an estimate of the value of those services, I have the honor to state that, after a full conference with the medical gentlemen associated with me in attendance upon the President, I am requested by them to express their earnest desire to meet the wishes of the honorable committee, while yet, as a matter of delicacy, they beg to be relieved from presenting bills to Congress for services rendered.

It is believed that it would be more satisfactory to the committee, to Congress, and to the American people to present to your committee a statement of the services rendered in their endeavor to promote the comfort and preserve the life of the President, leaving the matter of compensation to your committee, than to present an itemized bill.

This opinion is one of most earnest conviction, in view of the fact that the physicians have no claim against the United States and that the action of Congress in the matter of compensation for their services is a recognition that they were rendered to the President of the United States, and not simply to the man James A. Garfield.

My permanent counsel consisted of Surgeon-General J. K. Barnes, United States Army, Surgeon J. J. Woodward, United States Army, and Dr. Robert Reyburn, all of Washington, District of Columbia.

It is proper to state that all these gentleman gave daily personal attention to the President, and Drs. Woodward and Reyburn alternated night service, one of them being immediately with me each night until September 17, 1881.

After the President arrived at Elberon, at his request the number of physicians attending upon him was reduced, and these gentlemen retired from the case. They were, however, called to Elberon immediately after the death of the President to assist in conducting the autopsy.

The distinguished counsel from Philadelphia and New York City, Drs. D. Hayes Agnew and Frank H. Hamilton, were summoned to Washington on the night of July 3, 1881, and arrived the following morning, remaining in consultation during that day. They were again summoned July 23, and from that date gave alternate personal service of from three to four days each until the death of the President.

It is perhaps unnecessary for me to state that all the physicians in attendance during the periods above named virtually gave their entire time and attention to the case of the President, and I am glad to be able to say that the whole history of surgery shows no such striking instance of harmonious and self-sacrificing devotion to the care and comfort of a patient as was displayed by the medical gentlemen in consultation with me.

As surgeon in charge of the case, I was for eighty consecutive days constantly on duty, from the time the President was wounded until his death. This service included day and night attendance, which required the abandonment of my private practice, and so seriously impaired my health as to prevent me from resuming my full professional duties until about the 1st of January, 1882. Dr. D. S. Lamb, of Washington, accomplished as an anatomist and pathologist, was selected to perform the autopsy and called to Elberon for that purpose. The skillful manner in which he performed this delicate service fully justified the selection made.

I desire in this connection to pay a just tribute to the untiring and devoted services of those who performed the immediate duty of nursing the President during his illness, namely, General Swaim, Colonel Rockwell, Dr. Boynton, Mrs. Dr. Edson, Mr. O. C. Rockwell, and Steward William T. Crump, whose health was seriously, and it is believed permanently, impaired by his continuous and exhausting duties.

Last, but not least, I desire to specially mention the faithful services of President Garfield's family servant, Daniel Scroggs, (colored.)

Therefore the compensation for services rendered in the case of the lamented Garfield, which so keenly touched the sympathy of all and engaged their anxious solicitude, is respectfully submitted to your deliberate judgment.

I have the honor to be, very respectfully, your obedient servant,

D. W. BLISS.

Hon. E. B. TAYLOR,
Chairman of the Committee for Auditing Claims for Services and Expenses Growing out of the Illness and Burial of the late President of the United States, James A. Garfield.

Mr. O'NEILL. Mr. Speaker——

Mr. HISCOCK. What time is there left?

The SPEAKER. There are left seven minutes on either side.

Mr. O'NEILL. I simply want to state two reasons why I will not vote to concur in this amendment of the Senate. In the first place, it was designed by the special committee appointed by this House to ascertain what amount should be paid by the Government for the expenses attending the sickness and death of the late President of the United States to give a vote of thanks, or to make a complimentary notice in the bill of two or three physicians who came to the depot almost at the moment of the assassination of the President. Two of them were Dr. Smith Townshend, the distinguished health officer of Washington, and Dr. C. B. Purvis, who is in charge of the Freedmen's Hospital, both of them of very extended reputation as physicians and surgeons. I do not see any such thing in the bill reported by the gentleman from Ohio, [Mr. TAYLOR,] who is chairman of the special committee, and it is not in the amendment of the Senate to the deficiency bill, and if we vote concurrence justice cannot be done these eminent practitioners.

The special committee agreed unanimously to give a vote of thanks, or to give a very complimentary notice, to Dr. Townshend and Dr. Purvis, who providentially were near the depot at the time of the assassination, and whose treatment of the case then and there brought about the reaction in the condition of the wounded President. Unless this House non-concurs, or instructs the committee of conference which will probably be appointed, we can get no such complimentary notice placed in this amendment of the Senate. And then, in passing, let me ask whether, under this proposition, Surgeon-General Barnes, United States Army, and Surgeon Woodward, United States Army, can have consideration for their constant attendance as surgeons upon the President? We had better non-concur.

There is one other thing: after the death of the President there was another physician of the city of Washington who rendered very

great service to science throughout the country and the world in conducting the autopsy upon the dead President at Elberon. I refer to Dr. D. S. Lamb, acting assistant surgeon United States Army. Should the House adopt this proposition of the Senate there is, in my opinion, no way in which he could be properly noticed for what he did, and no compensation could be given him under the amendment of the Senate.

Mr. BLACKBURN. I indorse every word that the gentleman says about Dr. Lamb. His services ought to be recognized. But is not the gentleman mistaken in the statement that Dr. Purvis was the first physician in attendance upon the wounded President?

Mr. O'NEILL. Dr. Townshend and Dr. Purvis were there very early, almost at the same early period, Dr. Townshend coming first and prescribing, and then soon having the aid of Dr. Purvis.

Mr. BLACKBURN. Dr. Townshend, the health officer of this District.

Mr. O'NEILL. I say that Dr. Townshend and Dr. Purvis were first there, and they brought about the reaction in the condition of the President. But Dr. Lamb has been also overlooked; and his name and theirs should in some way be incorporated in this proposition, if we do not non-concur.

Mr. BLACKBURN. I say so too. I yield the remainder of my time to the gentleman from Illinois, [Mr. SPRINGER.]

The SPEAKER. The gentleman from Illinois has seven minutes.

Mr. SPRINGER addressed the House. [See Appendix.]

Mr. HISCOCK. How much time for debate is left?

The SPEAKER. Seven minutes.

Mr. TUCKER. I understood we were to go on then under the five-minute rule.

Mr. HISCOCK. That is on substantive amendments only.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. HISCOCK] to close the debate.

Mr. HISCOCK. Mr. Speaker, I entered a motion to concur in the Senate amendment, because I believed the trial of the claims should be taken from Congress. I recognize as a fact that no physician or surgeon has presented a claim against the United States; I assume that the committee charged with this investigation called on the physicians, surgeons, and attendants for claims and that none were presented.

I recognize the truth of the statement of the gentleman from Kentucky [Mr. BLACKBURN] in all of its breadth, but it simply proves the physicians and surgeons preferred to present their claims against the estate of the deceased, as they had a perfect right to do; at least they have not surrendered them to the jurisdiction of Congress.

Now, Mr. Speaker, the question, and the only question for Congress is, whether it will provide a forum for the trial of these claims to which the physicians, surgeons, and attendants are willing to go. I believe the gentleman from Ohio [Mr. TAYLOR] has to some extent indicated the course Mrs. Garfield will take with reference to the claims. He says the claims against the estate of the late President when presented will be paid.

Mr. TAYLOR. I will say to the gentleman from New York I did not intend to state that. What I did say was, if these physicians would accept the amount proposed by the Senate amendment, and would present their claims against the estate, in my opinion when so presented they would be paid.

Mr. HISCOCK. I have not the least idea in the world the estate of the late President would go into court to contest these claims. I believe most if not all the physicians and surgeons are men eminent in their profession and entitled to compensation for the professional services they rendered to the deceased President. The question, then, is whether we will turn them over to the estate of the late President or, having buried him in great sorrow, we will relieve that estate from the expense of medical attendance. For myself, Mr. Speaker, I am in favor of payment of the expenses by the Government. I believe this nation should forever indemnify the estate of the late President and indemnify the widow and children of the late President against a single cent of expense attending his sickness and confinement after he received his mortal wound. Believing this, Mr. Speaker, I am in favor of the Senate amendment. It seems to provide a fair forum to which the claimants doubtless will be willing to go, and where their claims may be fairly, honestly, and equitably adjudicated. I am in favor of the American Congress making a sufficient appropriation to pay the claims when adjudicated; and the proposed amendment no doubt appropriates a sufficient sum for that purpose.

But, sir, I am in favor of removing from this arena the trial of these claims. I am opposed to their discussion here on their merits. Is the country to have served up to it the scene of a member of Congress on one side or the other, I care not which, discussing the merits of the physicians and their practice—discussing their treatment of the dead President? Is it a sightly thing for the country to witness? Is it a proper business for us to be employed in?

Possibly the sum named in the amendment will be insufficient. Most likely the surgeons will accept it. The Senate have sent the amendment to us, and if we adopt it we will at least know what is demanded by the claimants. I hope the amendment of the Senate or something substantially like it will be adopted. I now call for a vote.

Mr. DUNNELL. Is there any more time left for discussion?

The SPEAKER. The time for discussion is exhausted.

Mr. SPRINGER. I understand it is for debate under the five-minute rule.

The SPEAKER. The question is on concurrence in the amendment.

Mr. McLANE. I understand this is the time to concur in the amendment.

The SPEAKER. The Chair is putting the only question before the House.

Mr. DUNNELL. I move to strike out "$57,000" and insert "$67,000." Now, Mr. Speaker, the gentleman from New York, in the course of his remarks, admits the possibility this may not terminate this question. I have had the idea the House of Representatives was the proper body to inaugurate a settlement of this question. Mr. Garfield served in this body and not in the Senate. He won his honors and national fame here. This is the popular branch of the Government and as the representatives of the people we propose to come in here and, as an act of favor, to appropriate a sum of money to meet the expenses of the sickness and burial of the late President Garfield. This House has inaugurated a method to arrive at a determination. It was appointed by the Speaker. As I understand it, that committee has made a report. I very much prefer to see this Senate amendment voted down and let the House act of itself originating and inaugurating a method or bill by which this payment shall be made.

Now, Mr. Speaker, I have this conviction and feeling that this act of the Government is far more appropriate for the House of Representatives to originate than for the Senate by way of an amendment to a House bill. If the House by a separate act originating here pronounces its conviction as to this settlement, it is the conviction of the people that we represent; and as a representative branch of the Government I insist that this settlement ought to be made here. The very remark of the gentleman from New York that possibly this quite liberal allowance fixed here by way of a settlement will not be final, and that it may not be an end of it, is all that I want by way of argument. If it is less by $1 than will be demanded let us reject the Senate amendment and determine for ourselves how much is right. We ought, out of respect to the memory of the dead President, so dear and tender to us all, so loved by us all, to put an end to this controversy in a manner both dignified and in harmony with the sentiment of the people whom we represent. But I do not like a settlement that is brought in here by a Senate amendment. Let the House of Representatives say to the Senate what the representatives of the people think ought to be a just and honorable and magnanimous settlement of this question; and when it is once settled, Mr. Speaker, let the very settlement of it be a monument of the nation, a lasting monument to the memory of the great and respected dead.

Mr. McLANE. I rise to oppose the amendment of the gentleman from Minnesota; not that I have any special objections to it, but so far as the amount appropriated is concerned I prefer to take the sum fixed by the Senate and provide in some other manner for the compensation of some of the physicians who attended the late President, which I think merits the consideration of the committee, and thus dispose of the matter. The amount of money may or may not be just what it ought to be; but there are two physicians who were attendants at the bedside of the late President who have been omitted in part, if not altogether, from any consideration in this settlement; they have been omitted, comparatively speaking. I refer now to the two surgeons in the Army. There is either no provision at all for their payment or a very insufficient provision. If the three months' extra pay referred to be understood as a compensation sufficient for the service rendered by Surgeon Woodward and Surgeon-General Barnes, I may be permitted to say that I regard it as utterly insufficient, and I would suggest to this committee that before we dispose of this altogether, and when the question is now before the House, to permit some provision to be made for these two Army surgeons, neither of whom has presented or ever will naturally present a bill.

Surgeon-General Barnes, as the committee well knows, was called to the attendance of the President by the Secretary of War or the Secretary of State. So also was Surgeon Woodward, though not in the same formal manner that General Barnes was called. But these two gentlemen did serve with the civilian physicians by this order or request, and they should receive compensation for their services. Having served, Mr. Speaker, at command or invitation or request, why not, while you are paying the civil surgeons an honorable and liberal compensation—and in my judgment no compensation is honorable that is not liberal—why not give these two surgeons some recognition? I will suggest a manner in which it may be done which will probably meet the wishes of many gentlemen upon the floor; and I will cite an instance where a similar thing has been done. Take for instance the precedent of General Ord, who was retired as a brigadier-general at the age of sixty-two, but afterward by a resolution of Congress was placed one grade higher on the retired list as a recognition of his honorable services to the country. Why not now allow Surgeon-General Barnes, who was retired as a brigadier-general, to be rated as a retired major-general, and Surgeon Woodward, a brevet colonel, to be rated as a brevet colonel and retired on that

pay. All brevet officers in the Army in the history of the country for honorable services have been allowed pay according to their brevet rank. Let Surgeon Woodward now draw pay at the grade of his brevet rank and Surgeon-General Barnes be retired as a major-general, and if you take him at sixty-four years of age and let him receive this compensation up to the average length of life the difference between his pay as a retired major-general and that he is now receiving as brigadier-general will never exceed the pay of any of the civil surgeons under the proposition which has been made to pay them in this House.

The House owes this, I think, to itself; and if it desires to come up to its own dignity and magnanimity and meet the occasion in that spirit which a great national question should call forth, it will not fail to pay to the civil surgeons sufficient and honorable pay such as they would receive from a civilian dying in a condition able to compensate them for their services; and also to allow the military surgeons who attended upon the late President some recognition and benefit for their services such as they are entitled to. These gentlemen did a public service, and if this proposition is adopted it will be simply giving to them what we have always given to military men who have served the country with honor and distinction; and at the proper time I shall move such an amendment to this proposition as will carry out the objects which I have thus hurriedly stated to the House.

Mr. TOWNSEND, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out "$67,500" and inserting "$75,000."

Mr. TOWNSEND, of Ohio. At the proper time I will move to strike out of the clause the following words:

And of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance.

I regret exceedingly that the discussion of this question has been brought before this body. I think that of all places in the world the Congress of the United States is the last place to settle claims against an estate. I am in favor of this provision. I am in favor of concurring with the Senate amendment when it is properly amended. I happen to know that the discussion of this question in this public way is exceedingly unpleasant and offensive to the widow of the late President and that she has said to her friends she would much prefer paying these claims herself rather than have them bandied about in this public way.

I see no reason why this should not be acceded to. This board which it is proposed to appoint to audit these accounts are men well known in the community and they are known to be competent to adjust those claims. If $75,000 be allowed without any condition I have no doubt they will settle the claims upon the estate within that amount and settle them in a manner satisfactory to the claimants.

As a matter of fact these physicians did all that was possible to do under the circumstances. They may not have acted as physicians outside who knew nothing about this case would have done; and they may have perhaps failed to meet the views and expectations of certain gentlemen. But they are distinguished in their profession. There is no man of ordinary intelligence but would be willing to trust his life in the hands of Dr. Agnew or Dr. Hamilton, to say nothing of the distinguished physicians of the city of Washington. They have made no claims against the estate; they have made no claims against the Government; and we do not know what they would be satisfied with. But from the best information I can obtain I have reason to believe anything that is awarded them by a proper board they will accept without making any further claim on anybody, that they will receipt in full, and be perfectly satisfied. They have acted wisely and discreetly and said nothing, although they have been severely criticised in the press and by private parties; under all the circumstances they are entitled to consideration. And I therefore trust this provision will be concurred in by the House, as it remits to a competent board an adjustment of these claims against the estate, takes them out of public discussion, and will eventually result in their final settlement.

Mr. TUCKER. I rise to oppose the amendment of the gentleman from Ohio. I shall vote against the motion of the gentleman from New York [Mr. HISCOCK] to concur in the amendment of the Senate principally for the reasons that have been so well stated by my friend from Maryland on my right, [Mr. MCLANE.] I think sir, if Congress is going to do justice to those who rendered service at the bedside of the late President of the United States that justice should be rendered to all who participated in that service. The surgeons in civil life have been provided for by this amendment of the Senate—whether sufficiently or not I should prefer that a committee of conference between the two Houses be appointed to decide. But they have left out and omitted entirely the services of Surgeon-General Barnes and of Surgeon Woodward.

Now, Mr. Speaker, I have to say this: it so happened I was in the city of Washington, opposite the depot, at the time of the fatal accident to the President; and I know that the then Secretary of State, Mr. Blaine, sent for Surgeon-General Barnes immediately on the shooting of the President; and I happen to know that during the whole period up to the time the President went to Elberon there was no man who attended upon him with more zeal and with more earnestness than General Barnes.

It is not according to the etiquette nor according to the delicacy of the relations which these gentlemen occupied toward the President that they should prefer any pecuniary claim; and the committee that was appointed by this House to consider this question had provided for some honorary notice of Surgeon Barnes and of Surgeon Woodward, which has been entirely omitted in the amendment of the Senate. I think that should be provided for; and the suggestion of my friend from Maryland [Mr. MCLANE] meets entirely my concurrence. I had prepared an amendment to that effect, but I withhold the amendment in the hope that the House will non-concur in the amendment of the Senate that the whole matter may go to a committee of conference, and that justice may be done to all parties. And my friend from Maryland mentions to me that he concurs with me in that view.

Mr. MCMILLIN. Will my friend from Virginia allow me to ask him a question?

Mr. TUCKER. Yes, sir.

Mr. MCMILLIN. Is it not a fact that the President of the United States is *ex officio* the Commander-in-Chief of the Army of the United States?

Mr. TUCKER. Yes, sir.

Mr. MCMILLIN. And was it not the duty of every medical officer of the Government, in the employment of the Government, to give what attention he could to him?

Mr. TUCKER. It was not an official duty, I will answer the gentleman; but it was a service these gentlemen very generously and freely gave to the President.

Mr. MCMILLIN. I think these gentlemen were at the time in the pay and employment of the Government.

Mr. TUCKER. Undoubtedly they were; but one of them was a Surgeon-General in the pay and the employment of the Government to attend to the duties in his office, and not to attend professionally on all the officers of the Government, members of Congress included.

Mr. CANNON. What is the proposition of the gentleman from Virginia? Is it to compensate the Surgeon-General?

Mr. TUCKER. Not to compensate him, but to notice his honorable service in the Army, which has lasted over forty years, through three wars in which the Government has been engaged. He has been Surgeon-General for eighteen years, and has honorably discharged the duties of the office. And I think notice should be taken of his services by advancing him to the grade of major-general on the retired list; which would be not only an ample recognition, but one that would be deserved.

Mr. CANNON. For what reason?

Mr. TUCKER. On account of his honorable services in the Army.

Mr. CANNON. But why couple that measure with this which is to pay a class of bills that neither the House nor the Senate nor the country want disputed? Why try to tie that thing on to this?

Mr. TUCKER. Well, sir, as I understand, the gentleman would have raised a point of order on the amendment of the Senate if it had been offered in the House; and as it was offered in the Senate and does not do full justice, why should not the House insist that full justice should be done? [Here the hammer fell.]

Mr. SPRINGER. I move to strike out the last word.

Mr. HISCOCK. That is not in order; under the agreement only substantive amendments are in order.

Mr. SPRINGER. Then I move to amend——

Mr. BURROWS, of Michigan. Two amendments are already pending.

The SPEAKER. The question is upon the amendment of the gentleman from Ohio [Mr. TOWNSEND] to the amendment of the gentleman from Minnesota, [Mr. DUNNELL.] The form of the motion must be to concur in the Senate amendment with an amendment.

The question was taken upon the amendment of Mr. TOWNSEND, of Ohio, which was to make the appropriation $75,000; and it was not agreed to.

The question recurred upon the amendment of Mr. DUNNELL, to strike out "$57,500" and insert in lieu thereof "$67,500."

Mr. DUNNELL. I will withdraw that amendment.

The SPEAKER. Then the question recurs upon the motion of the gentleman from New York [Mr. HISCOCK] to concur in the Senate amendment.

Mr. HISCOCK. And on that motion I call for the previous question.

Mr. RANDALL. It was understood that amendments were to be offered.

The SPEAKER. There is no motion to amend pending.

Mr. SPRINGER. I desire to move an amendment.

Mr. HISCOCK. And I call the previous question.

Mr. SPRINGER. Will the Chair allow the gentleman from New York [Mr. HISCOCK] to take me off the floor, when I rose before the vote was taken on the amendment of the gentleman from Ohio [Mr. TOWNSEND] and stated that I desired to move an amendment?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] was not recognized.

Mr. SPRINGER. I ought to have been.

The SPEAKER. Because the gentleman in charge of the bill must be first recognized.

Mr. SPRINGER. I had the floor long before the gentleman from New York called the previous question.

Mr. McCOOK. And you have made your speech.

Mr. SPRINGER. I was a member of the special committee on this subject, and was allowed only seven minutes. Now, if you want to go on with this bill do so; it will take you some time to get through?

Mr. HAZELTON. You will let Jumbo loose. [Laughter.]

Mr. SPRINGER. Jumbo is over there.

The SPEAKER. Under the arrangement, as the Chair understood it, there was to be one hour for general debate, after which substantive amendments were to be allowed under the five-minute rule. A fair execution of that agreement the Chair thinks would not allow amendments to be cut off by a call of the previous question.

Mr. CONVERSE. I desire to offer an amendment.

The SPEAKER. The Chair has been waiting for gentlemen who desire to offer amendments. Debate cannot be had except on substantive amendments.

Mr. TAYLOR. I desire to offer an amendment.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR. I move to strike out these words:

And of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance.

My reason is this: with that amendment the amendment of my colleague from Ohio [Mr. TOWNSEND] will have some effect; without my amendment it will have no effect, for the outside bills are all ascertained.

Mr. NEAL. That amendment was voted down.

Mr. TAYLOR. I thought it was adopted.

The SPEAKER. It was not adopted.

Mr. TAYLOR. Then I withdraw my amendment.

Mr. SPRINGER. I move to amend the amendment of the Senate by striking out "$57,500" and inserting in lieu thereof "$47,500;" also by striking out "$35,500" and inserting in lieu thereof "$25,500." That will reduce the whole appropriation by the sum of $10,000, and make the reduction apply to the fees of physicians.

The gentleman from New York, [Mr. HISCOCK,] who has charge of this bill, has stated that he desired, by means of this provision, to testify in a substantial way the gratitude of the nation to the surgeons for the manner in which they treated this case.

Mr. HISCOCK. I said nothing of the kind.

Mr. SPRINGER. Some gentleman on the other side said so. I think perhaps it was the gentleman from Minnesota, [Mr. DUNNELL,] or the gentleman from Ohio, [Mr. TAYLOR.] Some gentleman made that statement.

Mr. HAZELTON. Was it "the gentleman from Maine?" [Laughter.]

Mr. SPRINGER. That statement was made.

Mr. HISCOCK. Those were not my words.

Mr. SPRINGER. I did not undertake to give the exact words, but that was the substance of the statement. I have no objection to any eulogies which the gentleman may desire to make on the surgeons in this case. But it is no testimonial to the memory of Mr. Garfield to pay large, exorbitant, and unusual fees to the physicians who attended upon him.

I am perfectly willing, as the gentleman from Kentucky [Mr. BLACKBURN] has said, to make a suitable provision by which liberal fees shall be allowed to the surgeons in attendance on this case. But no extraordinary skill having been shown we are only required to make reasonable compensation.

I want to call the attention of gentlemen on the other side to the fact that when an attempt was made upon the life of Secretary Seward, at the time of the assassination of President Lincoln, and when he was so wounded as to require medical attention of the most skillful kind for many weeks, his surgeon presented to him a bill for $800 in full for all his services; and Mr. Seward paid it himself, and no one thought of coming to the Congress of the United States and asking us to pay for medical attendance in that case.

Mr. HISCOCK. Do I understand the gentleman from Illinois [Mr. SPRINGER] to question the propriety of Congress providing proper payment to these surgeons?

Mr. SPRINGER. I have said that I did not.

Mr. BLACKBURN. Let me answer that question.

Mr. HISCOCK. Let the gentleman from Illinois answer it.

Mr. SPRINGER. I have said that I was in favor of a liberal compensation.

Mr. McCOOK. What did you bring in the Seward episode for?

Mr. BLACKBURN. I will answer for the gentleman from Illinois, and say——

Mr. HISCOCK. Mr. Speaker——

Mr. BLACKBURN. I do not yield; wait a moment. There is not a gentleman I think on either side of this House who ever has expressed any willingness to allow the estate of the late President to be taxed one dollar for any expense that grew out of his illness or his burial.

The only question is to ascertain what amounts should be paid. I have asked that a judicial investigation might be had; I have asked that subpœnas might be issued and that witnesses might come before a Congressional committee. I am willing to take any sort of evidence, I do not care what it is, so that it amounts to proof. I say again, for the gentleman from Illinois and for myself and for everybody over here, if you will, by any process known to the law or outside of the law, ascertain the expenses to which the estate of the late President is subject by reason of the assassination, we stand prepared to extend his pay and his salary for one year or for four years—for $50,000 or for $200,000, for any amount of money, in order to save that estate harmless to the last cent.

Now, let me show you what the effect of this is. A friend of mine on the other side of the House—and I have a good many friends over there whom I appreciate; I do not see him now in his seat—told me the other day that a committee of the House having reason to suspect that a witness who was under subpœna and was represented as being sick was not sick, directed the Sergeant-at-Arms to get a good doctor and with him visit the witness to see whether he was really sick. The officer of this House took a doctor in a carriage at Government expense. The physician felt the man's pulse, examined his tongue, reported that he was sick, and then sent in to the committee a bill of $100 for that service. The gentleman told me that this was a result of the very demands made in the proposition we are now considering. There had better be some limit fixed. I trust that the House will not concur in the Senate amendment.

Mr. HISCOCK. Mr. Speaker, I suppose the remarks of the gentleman from Kentucky [Mr. BLACKBURN] have been called forth to some extent because he understood me by implication at least to charge that he was unwilling to provide for the payment of these expenses. Now, I do not charge that upon anybody; but I feel justified in saying this: when the gentleman from Minnesota [Mr. DUNNELL] pleads here that we should not make this provision because the Senate has taken the initiative, that this is a good reason why we should resist the payment of these expenses; when my distinguished friend from Maryland [Mr. McLANE] and my distinguished friend from Virginia [Mr. TUCKER] (and let them understand I do not question their good taste in this matter) choose to make this bill for the payment of expenses connected with the sickness of the late President a vehicle for the elevation of some one to a higher grade or rank, and if we will not accord this are ready to vote that these expenses shall not be paid; and when my distinguished friend—I was about to say distinguished surgeon—from Kentucky [Mr. BLACKBURN] is unwilling to pay these bills because he differs with the surgeons as to the practice adopted in the case of the late President, this all taken together amounts to a resistance to the payment of these bills; and the outcome of it is that these claims will be knocking at the door of the estate of the late President for payment.

Mr. BLACKBURN. I trust my friend from New York will not put me in any such disreputable company as that of these doctors.

Mr. HARRIS, of Massachusetts. I move to amend the amendment of the gentleman from Illinois [Mr. SPRINGER] by striking out "$47,500" and inserting "$100,000." Mr. Speaker, what is it we are engaged in to-day? Not, I apprehend, in auditing the accounts of the physicians who attended the late President, but in appropriating a sum of money which shall cover the expenses that may be found due by reason of his assassination. If we would do the thing properly and as the American people I believe would have it done, we would simply provide a sum of money adequate to the purpose and leave it to judicious men to determine who shall receive the money and in what proportion. I believe the American people would blush to-day if they could witness the scene presented in this House. When the President of the United States was stricken down by an assassin the whole nation would have been willing to pay a million dollars if his life could have been saved. The physicians and others who attended upon him, while they did not perhaps understand the fatal shot and its consequences, did their duty faithfully and well, and we ought to be willing to appropriate a sum of money sufficient to pay the bills and leave it, as the Senate amendment leaves it, to the determination of the Auditors of the Treasury and the Treasurer to determine how the money shall be distributed.

In my judgment this is the only dignified and proper way to treat a question like this. The people of the country have no interest in this shaving down the bills of the doctors. They will take no interest in the question whether the physicians properly understood the case or not. The people believe that the wound was a fatal one, and that no physicians could have saved the life of the President, but that these physicians did their duty to the best of their ability. I hope that my amendment will be adopted.

Mr. KASSON. I rise to make the motion that all debate on this amendment and amendments thereto be terminated in five minutes. Let the dead rest in peace.

Mr. KNOTT. I make the point of order that this can only be done by unanimous consent.

The SPEAKER. If the House were proceeding as in Committee of the Whole, the motion would be entirely in order; but, as the Chair understands, the bill is being considered in the House under an arrangement——

Mr. KASSON. The House acting as in Committee of the Whole, there is no possibility of the committee rising; therefore the House has the same right to limit debate that it would have if the bill were being considered in Committee of the Whole and the committee should rise and report the bill.

The SPEAKER. The Chair does not understand that this bill is being considered as in Committee of the Whole.

Mr. KASSON. That was the motion adopted by unanimous consent.

The SPEAKER. The Chair, upon a reference to the proceedings of last evening, thinks not.

Mr. RANDALL. We are acting under an agreement.

The SPEAKER. Is there objection to the proposition to terminate debate?

Mr. BRAGG. I object.

Mr. KASSON. If the House is not acting as in Committee of the Whole the previous question is in order.

The SPEAKER. That would be in order, the Chair thinks, but for the fact that there was an agreement by unanimous consent to proceed to consider this bill, first allowing an hour's debate, and after that it was agreed it should be considered under the five-minute rule. Nothing was said about this being considered in the Committee of the Whole House on the state of the Union.

Mr. KASSON. I venture to suggest to the Chair that the House take one or the other view, either to close the debate under the five-minute rule as in the Committee of the Whole House on the state of the Union or to call the previous question. The House has not deprived itself of its control over the question.

The SPEAKER. Unless the unanimous consent cuts off the right of the House to have the previous question.

Mr. KASSON. There seems to be a right somewhere to close this debate when that is the wish of the House.

Mr. RANDALL. There is no purpose to unnecessarily protract the debate.

Mr. McMILLIN. I rise for the purpose of opposing the amendment of the gentleman from Massachusetts, [Mr. HARRIS.] He is not satisfied with the amount of money recommended by the Senate, but proposes to increase it to $100,000. There are many things in connection with this whole matter of which we have no cause to congratulate ourselves. It was a sad thing indeed to feel that we had reached that point of political depravity when a man kills a member of his own party (the President) because that personage did not go to that extreme in politics which suited the opinions of his assassin—was not stalwart enough for him. And coming still further down it is sorrowing to see those who treated the late President, in view of the manner of that treatment, exorbitant in their demands for the service they rendered.

Mr. HARRIS, of Massachusetts. They have made no demands at all.

Mr. McMILLIN. Then why pay anything to physicians who do not think they deserve it enough to say so? We have all through the consideration of this question had intimations from the newspapers of the country what would be the character of the demands on the part of these physicians, sometimes estimated at $25,000 each. We have their own statements, so far as they have made any before the committee appointed by this House. I am informed by the gentleman from Illinois that they or a portion of them have stated they will certainly make demands for their services somewhere.

Now, what is the amendment of the gentleman from Massachusetts? It is to increase the medical fees in the aggregate about $20,000 or $25,000. The gentleman from Massachusetts says it does not increase them at all. Then why the increase of the aggregate amount proposed by the amendment?

Mr. HARRIS, of Massachusetts. It merely provides for so much thereof as may be necessary, and it may be that not one dollar will be necessary.

Mr. McMILLIN. If anybody here ever saw any part of a contingent fund voted by Congress in this language that came back into the Treasury he has seen something which is of the very rarest occurrence and which will not be seen under this bill. Now, how much is given to these physicians under this bill? Between $8,000 and $10,000 each, it is thought. How much is that per day to the men who treated the late and lamented President? If they treated him every day from the hour the assassin's bullet struck him down to the day of his death, it would be something more than $100 a day to each surgeon.

In addition to that, my friend from Maryland proposes to promote some surgeons of the Army, which would ultimately place them on the retired list with higher rank than they now have. Ultimately that would be the result of it, because he proposes to increase their rank, and that increase would increase their pay even when retired. In this regard an untold amount is paid from the Treasury for these services. They were on high salaries in the Government service when they treated the President.

Is it possible gentlemen who were in the Army on full salaries would begrudge the little service they were able to give to a dying President, or would charge for it, directly or indirectly? I do not believe these men ever asked for such a gratuity, and I am not willing that it shall go forth that they have.

Now, for this compensation of $100 a day what is the character of the service which was rendered? I regret to go into this discussion. No man regrets it more than I do. I would be as glad as the gentleman from Iowa or anybody else to let it be buried in oblivion, but it will not rest. These men come to Congress, directly or indirectly, and ask for their service $100 a day. I repeat the question, what was the nature of that service?

Mr. HARRIS, of Massachusetts. They do not come to Congress.

Mr. McMILLIN. There was not a man who touched the President that ever did know where he was wounded till after his death. They probed him in the wrong place and wounded him with the probe. He lingered eighty days and died.

Mr. HARRIS, of Massachusetts. Would you not think it proper for Congress to anticipate any possible claim against the estate by placing in the appropriation a sufficient amount?

Mr. McMILLIN. What I wish Congress to do in this and in every other case is, if it determines to pay a claim, to resort to some means of ascertaining what it is proper should be paid. That is the very first thing we ought to settle in this discussion. He was probed by these physicians, but probed how? Never in the direction of the ball. So shocking is this whole affair that gentlemen are not willing and do not desire the blunders of these physicians to be exposed. They do not wish the fact of their turning their instruments in the wrong direction shall be made to appear. Because the blunders were so shocking and their repetition so horrifying I forbear going further than absolutely compelled by a sense of duty.

I say we ought not in this case to give the vast sum which is proposed to be given to these physicians. If their pay were to be no greater than the skill they evinced, they would, I fear, get but little. I am opposed to the propositions both of the gentleman from Massachusetts [Mr. HARRIS] and the gentleman from Maryland, [Mr. MCLANE,] and hope they will be voted down.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was not agreed to.

The SPEAKER. The question now recurs on the amendment submitted by the gentleman from Illinois, [Mr. SPRINGER,] which the Clerk will again report.

The amendment was again read.

The amendment was not agreed to.

Mr. CONVERSE. I desire to offer an amendment, in line 5 of the section, after the word "all," to insert the words "just and reasonable;" so that it will read:

All claims and the determination of all just and reasonable allowances.

The amendment was agreed to.

Mr. TOWNSEND, of Ohio. I desire, Mr. Speaker, now to offer an amendment by striking out, in lines 19 and 20, the words "fifty-seven thousand and five hundred" and insert "seventy;" so that it will read:

To pay said awards, the sum of $70,000, or so much thereof as may be necessary.

Mr. BLACKBURN. That will not alter the pay of the physicians at all.

Mr. TOWNSEND, of Ohio. I am going to ask to have that stricken out if this prevails.

Mr. BLACKBURN. We will not do that.

Mr. TOWNSEND, of Ohio. I believe, Mr. Speaker, the House is desirous of getting rid of further discussion upon this question, and will be willing now to fix a sum which will settle it finally.

This is a painful question to a great many gentlemen, and a painful question to the country. I believe that $70,000 will pay all of the claims in a satisfactory manner. I do not believe that any one having a claim upon the estate will get any more than he is entitled to; and this provision will take the whole question out of discussion and place it in the hands of a competent board to decide upon and adjudicate all of these questions as they arise.

I hope, sir, that after the consideration and discussion this question has had in this House this morning that the whole matter will be settled by allowing this $70,000 to be appropriated, and then place the sum in the hands of these gentlemen to use as much as is necessary to settle all of these claims in a creditable and proper manner.

Mr. McCOOK. Mr. Speaker, I desire to say simply a word by way of supplement to the remarks of the gentleman from Ohio, [Mr. TOWNSEND.] As a personal friend of the late President of the United States, having served with him in the Army and on the floor of this House, having been honored by his friendship for twenty years, having loved him while living and reverencing his memory dead, I regret more than I can express that this discussion has been precipitated upon the House. I am no advocate of voting unlimited sums of money through a mere sentiment, but rather than hear a further discussion of all of the nauseating details of the management of this case I would be willing to vote $100,000 if necessary to have a final settlement of the entire question and have it removed from Congress and from before the eyes of the people. For this reason, while I shall vote for the amendment of the gentleman from Ohio, [Mr. TOWNSEND,] I shall vote also for the Senate amendment providing for a board to audit the claims about which so much has been said and written. Under that amendment their action will be final, and the high character of the gentlemen composing it is sufficient guarantee for me that exact justice will be done.

Let me call the attention of the House also to the fact that after all of the talk that has been had in regard to making provision for

General Garfield's widow and his fatherless children but little has so far been done in that direction. What has Congress done? I speak in no offensive sense, for I certainly mean no comment or criticism upon the actions of any gentleman upon this floor, but with a single exception we have done nothing but wrangle over all of these questions, even over his funeral expenses. It is true we did pass a bill allowing his widow a pension of $5,000 annually, coupling with it, however, and properly so, the widows of two, I believe, of our dead Presidents, Mrs. Polk and Mrs. Tyler; but we have not given Mrs. Garfield, up to this time, the balance even of the annual salary of her husband. The only provision made for her and her children is that which has been made by private and voluntary contributions, and I am proud to say the greater part of it came from the city in which I have the honor to reside and in part represent.

Let me say in addition to this, Mr. Speaker, that if the Congress of the United States fails in any way to make proper provision for these funeral expenses and claims against the estate of our dead friend and President, the same generous spirit which prompted the people of New York to make this provision for his widow and children can still be relied upon to settle his funeral expenses to the last dollar.

Mr. BRAGG. Mr. Speaker, the people I represent are not disposed to higgle about prices to be paid for services rendered in taking care of and alleviating the sufferings of our late President, James A. Garfield. But I think I speak the sentiments of my people, irrespective of party, when I say that we are not satisfied with the conduct of those gentlemen who had that case in charge. I speak their sentiment also when I say that they are not satisfied to see a crowd of cormorants swarming around Congress and asking the appropriation of vast sums of money they would never dream of asking of anybody else for such services except the Congress of the United States; making claims and requests and demands upon the Government and trusting to that feeling of generous sentiment which seems to be sweeping over this House that no exposure would follow the presentation of such claims. So that we are asked to furnish the money, and they will rest in perfect security that no exposure will follow.

My people have seen in the press—and I desire to ask the chairman of the special committee having in charge the examination into the funeral expenses, &c., this question, whether they are correctly advised or not—we have been informed through the press that under this cover the great State of which the late lamented President was the most honored son has not shrunk from sending a communication to that committee requesting the expenses of the militia of Ohio in attendance on the funeral to be paid. I would like to know from the chairman of the committee, the gentleman from Ohio, [Mr. TAYLOR,] whether such a communication has been received.

Mr. TAYLOR. That is a mistake entirely. I had supposed such a paper had been sent to me and had spoken of it as such; but on examination it was found to be a communication from the Secretary of War here concerning another matter. It was an entire mistake, growing out of a misunderstanding of my own.

Mr. BRAGG. Will the gentleman state what it was?

Mr. TAYLOR. I do not remember; I can state by referring to it.

Mr. BRAGG. I ask him whether it was not recommended by the governor of Ohio?

Mr. TAYLOR. It was not. I was misinformed myself; it was my own mistake.

Mr. BRAGG. I regret the statement of the chairman of the committee should have found its way into the public newspapers only to be corrected here.

Mr. TAYLOR. So many things of that kind have occurred that this is no annoyance to me.

Mr. BRAGG. I say, Mr. Speaker, when we are fixing sums of money here we are doing something we know nothing about. We have been told by one gentleman the provisions in this bill would not be accepted. How does he know? It seems to be conceded that there has been no understanding arrived at as to what would be a legitimate and proper sum to appropriate to defray these expenses. All my people ask is that they shall be ascertained in some way that will vouch for the authenticity of the examination and for the credit of their indorsement; and when so ascertained I think I am instructed by the unanimous voice of my district to vote for them whether they be $100,000 or whether they be $1,000,000. But I do not believe that it is proper for us to be standing here, one man saying $25,000, another $37,000, another $45,000, another $75,000, another $100,000, when we are talking about a subject we do not know anything about at all. Would it not be better that this amendment be rejected, that this section placed on the bill by the Senate be stricken out, and that some method be devised by this House taking charge of that subject-matter, as it is its right and duty to do, to ascertain what would be a proper compensation which would be satisfactory to all parties connected with the transaction, and then by a joint resolution pass it under a suspension of the rules?

Mr. WILLIAMS, of Wisconsin, and Mr. KNOTT rose.

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. KNOTT. I desire to offer as a substitute for the pending amendment what I send to the desk.

The Clerk read as follows:

Strike out all after line 10, and insert:

"Completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action."

So that it will read:

"SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear and examine and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered or supplies furnished, which, when completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action."

Mr. KNOTT. It is a divine injunction that all things should be done decently and in order. And if there was ever an occasion on which that injunction should have an application the present is that one; and it occurs to me that the amendment I have offered must meet the approval of every gentleman who desires to see full and exact justice done to the country, as well as to the various claimants in this case.

It is very justly complained by many gentlemen on this floor that we are going in regard to this matter comparatively in the dark. For one I feel that such is the case. For one I feel that this House cannot, with the data before it, act intelligently in this matter; at least with sufficient intelligence to do that justice to the country as well as to ourselves which is required at our hands.

Upon the plan which I have proposed, every claim in relation to the service rendered to the deceased President in his last illness or in connection with his funeral is to be audited by two of the most competent accounting officers in the service of the Government. After a calm and dispassionate examination of the evidence which may be presented to them, they are simply required to report their conclusion with the evidence adduced to this House for its action. We can then act decently; we can then act justly; we can then act, if need be, generously toward all parties concerned.

I think, sir, divested of all sentimentality, the matter before the House is simply, after all, a mere matter of business, and ought to be conducted as all other business matters are conducted by sensible, prudent, and dispassionate men. I hope that amendment will be adopted.

Mr. WILLIAMS, of Wisconsin. When the assassin's bullet struck our much-loved Garfield to the earth there was no deeper horror anywhere than that which thrilled the hearts of the people of Wisconsin. The voice of her people and the votes of her representatives had first presented his name at Chicago, and it was with swelling pride that they saw him seated in the position for which they had named him. My colleague and friend [General BRAGG] will not dispute with me that no people in this country will go further than ours to do justice to his memory, and would sooner err by generosity than come short of full-measured justice in providing for those who stood around him in those awful days of suffering and anxiety.

Mr. Speaker, perhaps no such other case was ever known in this world as that which saw these terrible eighty days. No such responsibility anywhere that we know of was ever placed on mortal man as was placed on those who had charge of the medical treatment of the President. Nerves of steel stretched everywhere from the White House, and there was no pang there that had not its responsive shudder in every house in the land.

There these medical men stood in the glare of the world. Each pulse-beat of the suffering President not only thrilled this country but thrilled all Europe as well. The people in every town and city stood out at morning, noon, and evening to read the bulletins from the sick chamber of the President. Every day was a crisis in his life. Every hour was a crisis in their professional reputation of the medical men in charge. A gross or fatal blunder would have brought upon them the concentrated vengeance of mankind. What general can stand on battle-field with greater responsibilities? One life is as sacred as another. But how can we compare this to a case of ordinary private practice. Who would take the responsibility of being reviewed, even as these physicians have been reviewed in the House of Representatives to-day by those who make no pretension to science or skill or to know the actual facts? And yet this discussion goes everywhere, and might prove fatal to the professional standing of those gentlemen. Yet there they were, day by day and night by night, subjected to such a strain and such a responsibility as men seldom feel anywhere. They stood in the very white heat and focus of the world's pent-up humanity.

These men were placed in attendance, or at least recognized there. Dr. Bliss was assigned the place of leading physician. Whether he is competent or not I neither know nor care for the purposes of this discussion. His diagnosis and treatment were indorsed and adopted by two men conceded to be among the foremost, if not the most eminent in their profession in the United States, Drs. Hamilton and Agnew.

The people of Wisconsin were a thousand miles from the bedside of the stricken and suffering President. Speaking for them to-day, I am confident they would never undertake to substitute their individual impressions, opinions, or prejudices for those of trained and skilled professional men, who were on the ground, acting in view of all the facts which medical science could give. There may have been mistakes. There may have been individual wrongs; but who can settle them here? What one of us should assume to do it?

Mr. Speaker, I have seen a million of dollars voted here; yes, ten

millions, twenty millions; yea, a hundred millions voted in fifteen minutes, without a word, and it did not grieve me, for I knew that some of it would go to the very men whom our dead President led to battle. Yet, when we talk of $50,000 or $75,000 as the utmost limit for this case, it leads to analysis and discussion in the face of the American people and of the world.

These Representatives from Ohio ask of this House to limit the amount to $70,000, to strike out the restrictions, so that it may be submitted to a competent board who can revise and consider these claims and adjust them with proper caution. Why not do it?

Sir, let us have no more wrangling here over the loved and lamented dead. By the memory of the man who sat in that seat, [pointing to General Garfield's late seat,] by the memory of the position which he held among us, by the agony which he suffered, by the trial put upon his widow and suffering children, with such humble power as I possess I appeal to both sides of this House, here and now, to adopt the suggestion of AMOS TOWNSEND, his personal friend, and of Judge TAYLOR, his personal representative and friend, and let us have no more wrangling about it, but adopt the amendment of the gentleman from Ohio, [Mr. TOWNSEND.] [Great applause.]

The SPEAKER. The question is upon the substitute offered by the gentleman from Kentucky [Mr. KNOTT] for the amendment offered by the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. SPRINGER. Let the amendment be reported and the section read as it will stand if the amendment shall be adopted.

The amendment was to strike out all after the tenth line of the Senate amendment and to insert in lieu thereof the words "completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action;" so that the amendment of the Senate would read as follows:

SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear and examine and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered or supplies furnished, which, when completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action.

The question was taken upon agreeing to the substitute offered by Mr. KNOTT; and upon a division there were—ayes 50, noes 65.

Mr. KNOTT and others called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 25, noes 93.

So (the affirmative being more than one-fifth) the yeas and nays were ordered.

Mr. TOWNSEND, of Ohio. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND, of Ohio. I make the point of order that the amendment of the gentleman from Kentucky [Mr. KNOTT] is not properly a substitute for my amendment.

Mr. KNOTT. That point is too late.

The SPEAKER. The Chair thinks the point is too late, and, at all events, the Chair thinks it might be regarded as a substitute for the amendment.

Mr. PAGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I was not in here during the entire reading of the amendment of the gentleman from Kentucky, [Mr. KNOTT.] I desire to inquire if the effect of it, if adopted, will be to postpone this matter to another session of Congress?

The SPEAKER. Debate is not in order.

Mr. TOWNSEND, of Ohio. Of course it would.

The question was taken; and there were—yeas 76, nays 96, not voting 118; as follows:

YEAS—76.

Armfield,	Dibrell,	Latham,	Singleton, Otho R.
Atherton,	Dowd,	Manning,	Smith, Dietrich C.
Atkins,	Dugro,	Matson,	Smith, J. Hyatt
Berry,	Dunn,	McKenzie,	Springer,
Blackburn,	Ermentrout,	McMillin,	Tillman,
Bragg,	Evins,	Money,	Townshend, R. W.
Buchanan,	Forney,	Morrison,	Tucker,
Buckner,	Garrison,	Moulton,	Turner, Henry G.
Cabell,	Gunter,	Muldrow,	Turner, Oscar
Chapman,	Hammond, N. J.	Murch,	Updegraff, Thos.
Clements,	Haseltine,	Mutchler,	Upson,
Cobb,	Hatch,	Payson,	Vance,
Converse,	Hoge,	Phelps,	Warner,
Cook,	Holman,	Phister,	Wellborn,
Cravens,	House,	Prescott,	Whitthorne,
Culberson,	Hutchins,	Robinson, Wm. E.	Williams, Thomas
Curtin,	Jones, George W.	Scales,	Willis,
Davis, George R.	Knott,	Scoville,	Willits,
Deuster,	Ladd,	Simonton,	Wise, George D.

NAYS—96.

Aldrich,	Briggs,	Cassidy,	Dingley,
Anderson,	Browne,	Caswell,	Dunnell,
Bayne,	Brumm,	Chace,	Dwight,
Belford,	Buck,	Cullen,	Errett,
Beltzhoover,	Butterworth,	Cutts,	Farwell, Sewell S.
Bisbee,	Campbell,	Dawes,	Godshalk,
Bliss,	Candler,	Deering,	Guenther,
Bowman,	Cannon,	De Motte,	Harris, Benj. W.
Brewer,	Carpenter,	Dezendorf,	Haskell,
Henderson,	McLane,	Reed,	Taylor,
Hiscock,	Miller,	Rich,	Thompson, Wm. G.
Horr,	Moore,	Ritchie,	Townsend, Amos
Houk,	Morse,	Robertson,	Tyler,
Jacobs,	Norcross,	Robeson,	Updegraff, J. T.
Jadwin,	Orth,	Robinson, Geo. D.	Valentine,
Kasson,	Page,	Robinson, Jas. S.	Van Aernam,
Kelley,	Paul,	Shallenberger,	Van Horn,
Ketcham,	Peelle,	Shultz,	Wadsworth,
Klotz,	Peirce,	Smith, A. Herr	Wait,
Lacey,	Pettibone,	Spooner,	Washburn,
Lewis,	Pound,	Steele,	Webber,
Mackey,	Randall,	Stone,	White,
Mason,	Ranney,	Strait,	Williams, Chas. G.
McCook,	Ray,	Talbott,	Young.

NOT VOTING—118.

Aiken,	Fisher,	Jorgensen,	Richardson, Jno. S.
Barbour,	Flower,	Joyce,	Rosecrans,
Barr,	Ford,	Kenna,	Ross,
Beach,	Frost,	King,	Russell,
Belmont,	Fulkerson,	Leedom,	Ryan,
Bingham,	Geddes,	Le Fevre,	Scranton,
Black,	George,	Lindsey,	Shackelford,
Blanchard,	Gibson,	Lord,	Shelley,
Bland,	Grout,	Lowe,	Sherwin,
Blount,	Hall,	Lynch,	Singleton, Jas. W.
Burrows, Julius C.	Hammond, John	Marsh,	Skinner,
Burrows, Jos. H.	Hardenbergh,	Martin,	Sparks,
Caldwell,	Hardy,	McClure,	Spaulding,
Calkins,	Harmer,	McCoid,	Speer,
Camp,	Harris, Henry S.	McKinley,	Stephens,
Carlisle,	Hazelton,	Miles,	Stockslager,
Clardy,	Heilman,	Mills,	Thomas,
Clark,	Hepburn,	Morey,	Thompson, P. B.
Colerick,	Herbert,	Mosgrove,	Urner,
Cornell,	Herndon,	Neal,	Van Voorhis,
Cox, Samuel S.	Hewitt, Abram S.	Nolan,	Walker,
Cox, William R.	Hewitt, G. W.	Oates,	Ward,
Covington,	Hill,	O'Neill,	Watson,
Crapo,	Hoblitzell,	Pacheco,	West,
Crowley,	Hooker,	Parker,	Wilson,
Darrall,	Hubbell,	Reagan,	Wise, Morgan R.
Davidson,	Hubbs,	Rice, John B.	Wood, Benjamin
Davis, Lowndes H.	Humphrey,	Rice, Theron M.	Wood, Walter A.
Ellis,	Jones, James K.	Rice, William W.	
Farwell, Chas. B.	Jones, Phineas	Richardson, D. P.	

So the substitute was not agreed to.

The following pairs were announced from the Clerk's desk:

Mr. SHERWIN with Mr. KING.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. LOWE with Mr. HERNDON.

Mr. MCCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. FARWELL, of Illinois, with Mr. SPARKS.

Mr. HEILMAN with Mr. BLAND.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. MURCH.

Mr. WATSON with Mr. TALBOTT.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. THOMAS with Mr. CURTIN.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. MOREY with Mr. COLERICK.

Mr. URNER with Mr. MCLANE.

Mr. CALKINS with Mr. MILLS.

Mr. WARD with Mr. AIKEN.

Mr. HARMER with Mr. HOBLITZELL.

Mr. HAMMOND, of New York, with Mr. STEPHENS.

Mr. CROWLEY with Mr. HEWITT of New York.

Mr. RUSSELL with Mr. SPEER.

Mr. RICE, of Massachusetts, with Mr. GEDDES.

Mr. FISHER with Mr. CLARDY.

Mr. LORD with Mr. KENNA.

Mr. CRAPO with Mr. BARBOUR.

Mr. BURROWS, of Michigan, with Mr. O'NEILL.

Mr. DEZENDORF with Mr. GARRISON.

Mr. LYNCH with Mr. HARDENBERGH.

Mr. CARLISLE with Mr. MCKINLEY.

Mr. COX, of North Carolina, (who would vote "ay,") with Mr. WALKER.

Mr. RICHARDSON, of South Carolina. I have been paired for some time with the gentleman from New York, [Mr. RICHARDSON.] I voted to-day supposing he was present. I now find that he is not, and I withdraw my vote.

Mr. WEST. I supposed that I was paired with the gentleman from Alabama, [Mr. HEWITT.] On that supposition I refrained from voting. I find now that I am not paired. I would like to record my vote in the negative.

The SPEAKER. The rules do not permit the Chair to receive a vote under the circumstances.

Mr. TALBOTT. I am paired with the gentleman from Pennsyl-

vania, [Mr. WATSON,] but understanding that he would vote "no" on this question, I have felt at liberty to vote in the negative.

The result of the vote was announced as above stated.

The question then recurred on the amendment of Mr. TOWNSEND, of Ohio, to strike out "57" and insert "70," so as to make the amount of the appropriation $70,500.

The question being taken, the amendment was not agreed to, there being—ayes 35, noes 53.

The SPEAKER. The question now recurrs on the motion of the gentleman from New York [Mr. HISCOCK] to concur in the Senate amendment as amended.

Mr. BLACKBURN. In order to save time I ask for the yeas and nays at once.

The yeas and nays were ordered.

Mr. CANNON. I ask that the amount inserted in the Senate amendment be read.

Mr. HISCOCK. It simply provides that the claims shall be just and reasonable.

The SPEAKER. Those are the only words added.

Mr. CANNON. I wish to make a parliamentary inquiry. If this question be determined in the affirmative, will it send the whole subject to the committee of conference?

The SPEAKER. It will not.

Mr. CANNON. The amendment of the Senate has been amended; and I desire to ask, if we now concur with an amendment, as proposed, will it send the whole subject to a conference?

The SPEAKER. The amendment of the House will go to a conference if the Senate should not concur in it.

Mr. SPRINGER. If the House concurs in the amendment of the Senate, it passes that part of the bill.

The SPEAKER. If the Senate should agree to the amendment of the House, there would be no conference on this section.

The question was taken; and it was decided in the negative—yeas 79, nays 83, not voting 128; as follows:

YEAS—79.

Aldrich,	Dunnell,	Miller,	Smith, J. Hyatt
Anderson,	Dwight,	Moore,	Spaulding,
Bayne,	Errett,	Morse,	Spooner,
Bingham,	Farwell, Sewell S.	Neal,	Steele,
Bliss,	Godshalk,	Norcross,	Strait,
Buck,	Guenther,	Orth,	Thompson, Wm. G.
Butterworth,	Haskell,	Payson,	Townsend, Amos
Campbell,	Henderson,	Peelle,	Tyler,
Cannon,	Hill,	Phelps,	Updegraff, J. T.
Carpenter,	Hiscock,	Ranney.	Updegraff, Thomas
Cassidy,	Horr,	Rich.	Van Aernam,
Caswell,	Houk,	Ritchie,	Van Horn,
Chace,	Hubbell,	Robertson,	Wadsworth,
Cox, Samuel S.	Jadwin,	Robeson,	Wait,
Cravens,	Kasson,	Robinson, Geo. D.	Webber,
Cullen,	Ketcham,	Robinson, Jas. S.	West,
Davis, George R.	Lewis,	Scoville,	White,
Dawes,	Mackey,	Shallenberger,	Williams, Chas. G.
De Motte,	Mason,	Smith, A. Herr	Young.
Dingley,	McCook,	Smith, Dietrich C.	

NAYS—83.

Armfield,	Dibrell,	Knott,	Scales,
Atherton,	Dowd,	Ladd,	Shelley,
Atkins,	Dugro,	Latham,	Simonton,
Belford,	Dunn,	Manning,	Singleton, Otho R.
Beltzhoover,	Ellis,	Matson,	Springer,
Blackburn,	Ermentrout,	McKenzie,	Taylor,
Blanchard,	Evins,	McMillin,	Tillman,
Bragg,	Ford,	Money,	Tucker,
Briggs,	Forney,	Morrison,	Turner, Henry G.
Browne,	Frost,	Moulton,	Turner, Oscar
Buchanan,	Gunter,	Muldrow,	Upson,
Cabell,	Hammond, N. J.	Mutchler,	Vance,
Caldwell,	Harris, Benj. W.	Oates,	Warner,
Chapman,	Haseltine,	Phister,	Wellborn,
Clements,	Hatch,	Pound,	Whitthorne,
Cobb,	Hoge,	Prescott,	Williams, Thomas
Converse,	Holman,	Randall,	Willis,
Cook,	House,	Reed,	Willits,
Culberson,	Jones, George W.	Rice, John B.	Wilson,
Curtin,	Kelley,	Robinson, Wm. E.	Wise, George D.
Deuster,	Klotz,	Ross,	

NOT VOTING—128.

Aiken,	Cornell,	Hardy,	Leedom,
Barbour,	Cox, William R.	Harmer,	Le Fevre,
Barr,	Covington,	Harris, Henry S.	Lindsey,
Beach,	Crapo,	Hazelton,	Lord,
Belmont,	Crowley,	Heilman,	Lowe,
Berry,	Cutts,	Hepburn,	Lynch,
Bisbee,	Darrall,	Herbert,	Marsh,
Black,	Davidson,	Herndon,	Martin,
Bland,	Davis, Lowndes H.	Hewitt, A. S.	McClure,
Blount,	Deering,	Hewitt, G. W.	McCoid,
Bowman,	Dezendorf,	Hoblitzell,	McKinley,
Brewer,	Farwell, Chas. B.	Hooker,	McLane,
Brumm,	Fisher,	Hubbs,	Miles,
Buckner,	Flower,	Humphrey,	Mills,
Burrows, Julius C.	Fulkerson,	Hutchins,	Morey,
Burrows, Jos. H.	Garrison,	Jacobs,	Mosgrove,
Calkins,	Geddes,	Jones, James K.	Murch,
Camp,	George,	Jones, Phineas	Nolan,
Candler,	Gibson,	Jorgensen,	O'Neill,
Carlisle,	Grout,	Joyce,	Pacheco,
Clardy,	Hall,	Kenna,	Page,
Clark,	Hammond, John	King,	Parker,
Colerick,	Hardenbergh,	Lacey,	Paul,
Peirce,	Russell,	Speer,	Valentine,
Pettibone,	Ryan,	Stephens,	Van Voorhis,
Ray,	Scranton,	Stockslager,	Walker,
Reagan,	Shackelford,	Stone,	Ward,
Rice, Theron M.	Sherwin,	Talbott,	Washburn,
Rice, Wm. W.	Shultz,	Thomas,	Watson,
Richardson, D. P.	Singleton, Jas. W.	Thompson, P. B.	Wise, Morgan R.
Richardson, Jno. S.	Skinner,	Townshend, R. W.	Wood, Benjamin
Rosecrans,	Sparks,	Urner,	Wood, Walter A.

So the amendment was non-concurred in.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. PEIRCE with Mr. HEWITT of New York.

Mr. TOWNSHEND, of Illinois, with Mr. WASHBURN.

Mr. BREWER with Mr. FULKERSON.

Mr. STONE with Mr. HEWITT of Alabama.

On motion of Mr. VAN HORN, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER. The House has refused to concur, and the effect is under the practice to non-concur.

Mr. SPRINGER moved to reconsider the vote by which the House non-concurred in the Senate amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled the following bill and joint resolution; when the Speaker signed the same:

A bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York; and

Joint resolution (H. R. No. 237) concerning an international fishery exhibition, to be held at London in May, 1883.

LUCRETIA R. GARFIELD.

Mr. TAYLOR. I ask, by unanimous consent, to present for consideration at this time the bill (H. R. No. 6739) for the relief of Lucretia R. Garfield.

There was no objection, and the bill was read a first and second time.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lucretia R. Garfield, widow of James A. Garfield, late President of the United States, or, in the event of her death before payment, then to the legal representatives of the said James A. Garfield, the sum of $50,000, less any sum paid to the said James A. Garfield, or his widow or legal representative, on account of his salary as President of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move to take from the Speaker's table the amendments of the Senate to the river and harbor appropriation bill.

Mr. DWIGHT. I reserve all points of order on the Senate amendments.

Mr. COX, of New York. Why cannot we go generally to the Speaker's table?

Mr. PAGE. I ask that the amendments be read and acted on in the House.

Mr. CARLISLE. Let them go to the Committee of the Whole House on the state of the Union.

Mr. PAGE. It has to go to the committee of conference anyhow, and the gentleman knows that very well.

Mr. CARLISLE. There is quite a difference, the gentleman will find. In the House the gentleman can move the previous question with reference to any amendment of the Senate. It cannot be done in Committee of the Whole.

Mr. PAGE. If the gentleman will allow me, I will move to non-concur in all of the Senate amendments.

Mr. COX, of New York. But then we cannot discuss them.

Mr. PAGE. Let the amendments, then, be read and considered in the House.

Mr. HOLMAN. Subject to debate on amendments as under the five-minute rule.

Mr. PAGE. Certainly, they would be subject to debate.

Mr. CARLISLE. As I understand the gentleman's proposition, it is to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The Chair did not so understand the gentleman.

Mr. CARLISLE. Let me ask the gentleman from California, then, does he propose to consider the bill in the House as in Committee of the Whole?

Mr. PAGE. Yes, sir.

Mr. HASKELL. Before entering upon the consideration of that bill under that order I would like to have the Chair or the gentleman from California state to the House exactly what that order means. There have been, several times, bills sent to the House to

be considered as in Committee of the Whole, and out of that condition of things has always arisen a dozen different disputes as to what the order means. Now, the practice of the House in that respect has never been settled; and while I am entirely willing that the bill shall be so considered I would like to have it clearly understood what that consideration means. There is a sort of a general rule that it means its consideration under the five-minute rule for debate and amendment; but a question of a similar character arose with the consideration of the bill which we have just completed as to the previous question——

The SPEAKER. As to the consideration of the last bill it was not considered by the House as in Committee of the Whole House on the state of the Union, but the reason why the Chair did not entertain the demand for the previous question was that there was an arrangement made by unanimous consent that there should be one hour's general debate, and then, thereafter, debate upon substantive amendments for five minutes under the rule. The Chair felt it his duty to carry out that understanding until substantive amendments have been disposed of.

Mr. HASKELL. I ask the gentleman from California to make the motion to consider his bill in the House as in Committee of the Whole, so far as the five-minute rule is concerned, but to reserve the right to himself, if it be necessary to avoid question, to move the previous question as in the House, and that will settle the practice of the House in reference to this bill at all events.

Mr. RANDALL. It cannot be settled in that way. The practice is clear. The House can consider the bill in the House as in Committee of the Whole; that would be to allow amendments and debate under the five-minute rule, and the previous question can cut off both debate and amendments. But in Committee of the Whole you cannot cut off amendments though the committee may rise to limit debate.

Mr. HASKELL. But there is no rising to limit debate in the House when it is acting as in Committee of the Whole. The Senate has a practice which permits something of the kind, but we have no such practice in the House.

Mr. RANDALL. As I have said, the Committee of the Whole can rise and cut off debate upon any amendment while it cannot cut off amendments. The previous question alone can do that in the House.

Mr. REED. But the Speaker can recognize the call for the previous question which will cut off debate or amendments.

The SPEAKER. The Chair thinks there will be no difficulty in reference to the matter. The Chair did indicate to-day that because an arrangement was made by unanimous consent which in good faith ought to be carried out, he could not recognize the demand for the previous question. But that was because of the condition which had been made by consent of the House that the debate was to run for a specified time.

Mr. REED. But in the House as in Committee of the Whole it would be different, I apprehend.

Mr. PAGE. My object in asking consent that this may be considered in the House as in Committee of the Whole is that we shall have debate under the five-minute rule before the previous question may be ordered.

Mr. COX, of New York. I will read the twentieth rule:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, I make the point of order that this bill, with the Senate amendments, should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. There is no doubt about the application of the rule to which the gentleman refers.

Mr. PAGE. Of course it will have to go to the Committee of the Whole House on the state of the Union if the gentleman from New York makes the point of order; and I move that the House resolve itself into Committee of the Whole for the purpose of considering the amendments to the bill, if the gentleman from New York insists upon his motion.

Mr. COX, of New York. I do insist upon it.

Mr. PAGE. It must be for delay, it can be for nothing else.

Mr. KASSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to ask whether it is in order pending that motion to move to commit the bill and Senate amendments to the Committee on Commerce with leave to report at any time and with instructions to report back the bill so amended that the aggregate sum appropriated by it shall not exceed $15,000,000?

The SPEAKER. The Chair will state that this bill is not before the House at all except by unanimous consent. The Chair understood that there was no objection in the first instance to the request of the gentleman from California. The gentleman from New York however makes the point of order that it must be first considered in Committee of the Whole House on the state of the Union. The Chair sustains that point of order.

Mr. PAGE. I thought the agreement was that the bill might be considered in the House as in Committee of the Whole.

Mr. COX, of New York. How does this bill get from the Speaker's table.

The SPEAKER. The Chair understood that there was consent to take it up.

Mr. PAGE. I move that we go to the Speaker's table and take from it the river and harbor bill——

Mr. RANDALL. You had better not make that motion.

The SPEAKER. The Chair did not understand there was any objection made to going to the Speaker's table. But the point was made that the amendment must be considered in Committee of the Whole House on the state of the Union, and that point was sustained. The Chair hears no objection to take the bill from the Speaker's table, and upon the point of order it is referred to the Committee of the Whole House on the state of the Union.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Senate amendments to the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. BURROWS, of Michigan, in the chair,) and proceeded to consider the Senate amendments to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. PAGE. The bill has not been printed with the Senate amendments as they finally passed the Senate. The Clerk, therefore, will have to read the amendments from the bill which came from the Senate.

Mr. CARLISLE. Does the gentleman from California expect the committee to consider the amendments without having any printed copy of them?

Mr. SPRINGER. I move that the committee rise. We are expected to enter on the consideration of a large number of Senate amendments which increase the appropriations made in the House by millions without having before us the amendments in print.

Mr. PAGE. I ask the Clerk to read the amendments from the bill as it came from the Senate, and let the committee dispose of them as they are read.

Mr. SPRINGER. I insist on my motion.

Mr. PAGE. The House refused to allow the order for the bill and amendments to be printed. This is the only way we can reach them.

Mr. SPRINGER. We have not before us any amendments to go upon, except as we gather them from the reading of the Clerk.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The motion was not agreed to, there being—ayes 27, noes 70.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read the first amendment of the Senate, as follows:

> Strike out "five" and insert "fourteen;" so that it will read:
> "Improving harbor at Plymouth, Massachusetts: Continuing improvement, $14,000."

Mr. PAGE. I move to non-concur in the Senate amendment.

Mr. COX, of New York. Is that debatable.

The CHAIRMAN. Certainly it is.

Mr. COX, of New York. On a bill of this character I would like to know what the Senate did. We cannot understand it properly when we have only the reading of the Clerk. Unless the amendments are printed no member is posted as to their character, and I think my friend from California should not insist on our proceeding in this way.

Mr. PAGE. I will move that the committee rise, and in the House I will move that the bill be printed with the Senate amendments.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I ask that the river and harbor appropriation bill, with the Senate amendments, be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HASKELL. I desire to ask the House at this time to take from the Speaker's table for present consideration a bill of great importance to the State of Colorado. It is the bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Indians. It provides for the opening to settlement under the treaty with the Ute Indians of the Ute reservation. I hope the House will agree to consider the bill at this time, as it is a matter of great importance to that State.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] asks unanimous consent to take from the Speaker's table for present consideration the bill he has indicated. Is there objection?

Mr. HOLMAN. I reserve the right to object till the bill is read and an explanation is given by the gentleman who calls it up.

The bill was read.

Mr. HASKELL. Now, I would like to have the attention of the House for a moment while I make a statement of what this is.

Mr. ATHERTON. I desire to state that I will object to the consideration of that bill. It should go to the Committee on the Pub-

lic Lands. I have information on the subject which makes me object.

Mr. HASKELL. Will the gentleman not allow me to state the condition of the bill? I desire to make only a brief statement. It is a matter of such vital importance to Colorado that it requires the immediate attention of the House.

Mr. ATHERTON. I do not see what good will be accomplished by the gentleman making such a statement as he suggests. For I would still have the right to insist on my objection; and it would be simply taking the time of the House for no purpose.

Mr. O'NEILL. I have a bill to the consideration of which at this time I think there would be no objection.

The SPEAKER. The Chair has recognized the gentleman from Virginia, [Mr. WISE.]

Mr. WISE, of Virginia. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6012) to construct a road from the city of Richmond, Virginia, to the Richmond National Military Cemetery.

Mr. HISCOCK. Can I reserve the right to object until I hear the bill read?

The SPEAKER. Undoubtedly.

The bill was read.

Mr. HISCOCK. I object to the consideration of the bill.

Mr. RANDALL. Let us go to the Private Calendar. To-day is Friday.

Mr. BOWMAN. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BOWMAN. I desire to call up the special order, being the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government. That is the first in order of special assignments, and I have been waiting over sixty days merely to get a vote upon it. I think the debate is all exhausted on the bill.

The SPEAKER. This special assignment was under consideration on the 22d day of April last. The gentleman from Massachusetts [Mr. BOWMAN] in charge of the bill had demanded the previous question on the passage of the bill. Pending that demand the gentleman from Wisconsin [Mr. BRAGG] had moved to refer the bill to the Committee on the Judiciary, pending which the House adjourned.

Mr. RANDALL. I will raise the question of consideration on that bill.

The SPEAKER. It is a special order.

Mr. RANDALL. My object is to go into Committee of the Whole on the Private Calendar, to-day being Friday.

Mr. BOWMAN. I hope the gentleman will allow simply a vote on this bill; I do not think it will take more than fifteen minutes to end the whole matter. During the two months past I have been promised that this subject should be taken up next, and next, and next. I want to get it out of the way and dispose of it. I do not think there will be even a yea-and-nay vote on it.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. As I understand it, this is a privileged question, being a special order under a suspension of the rules. When last under consideration it had advanced to the demand for the previous question, and pending that demand a motion to refer was made, and pending the motion to refer the House adjourned. I think it is too late to raise the question of consideration.

The SPEAKER. The Chair understands that the question of consideration is not insisted upon.

REFERENCE OF CLAIMS TO THE COURT OF CLAIMS.

Mr. BOWMAN. I now call up the special order.

The House accordingly proceeded to the consideration of the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

The SPEAKER. The pending question is upon the motion of the gentleman from Wisconsin [Mr. BRAGG] to refer this bill to the Committee on the Judiciary.

The motion to refer was not agreed to.

The SPEAKER. The question now recurs on the demand for the previous question on the passage of the bill.

The previous question was ordered.

The question was upon the passage of the bill.

Mr. McCOOK. I know nothing about this bill, although I remember hearing it discussed; but that was in April last.

The SPEAKER. The gentleman from Massachusetts [Mr. BOWMAN] is in charge of the bill.

Mr. BOWMAN. I call for a vote on the passage of the bill.

The question was submitted to the House and those in the affirmative responded.

Mr. McMILLIN. In view of the fact that it was so long ago that this bill was discussed, I ask that it be read.

The SPEAKER. The Chair thinks the demand for the reading of the bill is too late; the House is now dividing on the passage of the bill.

The negative vote was called, and the announcement was made by the Speaker that the ayes appeared to have it.

Mr. HOUSE. I call for the yeas and nays on the passage of the bill.

Mr. McCOOK. The bill should be read.

The SPEAKER. The Chair will submit to the House the question of reading the bill at this time, which is one of some length. It requires unanimous consent. Is there objection to reading the bill? [After a pause.] The Chair hears no objection, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact, and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. HOUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. Did the Clerk read the bill as it has been amended by the House?

The SPEAKER. The Clerk read the amended bill.

Mr. HOUSE. If the House shall pass that bill it will perpetrate an act of great injustice against honest claimants, of which it ought to be ashamed.

The SPEAKER. Debate is not in order. The question is upon ordering the yeas and nays upon the passage of the bill.

The question was taken; and there were 12 in the affirmative, not one-fifth of the last vote.

So the yeas and nays were not ordered.

The bill was accordingly passed.

Mr. BOWMAN. I move to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid on the table.

Mr. TOWNSHEND, of Illinois. And on that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 14 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The motion to reconsider was laid on the table.

ORDER OF BUSINESS.

Mr. LYNCH. I have a bill here——

Mr. HUTCHINS. I desire to make a report.

Mr. RANDALL. I move the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Private Calendar, this being Friday.

The SPEAKER. That is a privileged motion.

Mr. RANDALL. We have not had a consideration of the Private Calendar for ten weeks.

The question was taken on the motion of Mr. RANDALL; and upon a division there were—ayes 55, noes 29.

Mr. MILLER. No quorum has voted.

Mr. HISCOCK. Would a motion to adjourn be now in order?

The SPEAKER. The House is now dividing on the motion to go into Committee of the Whole on the Private Calendar, and the point is made that no quorum has voted.

Tellers were ordered; and Mr. MILLER and Mr. RANDALL were appointed.

The tellers proceeded to count, but before concluding,

Mr. MILLER said: Evidently a majority of the House is in favor of proceeding with the consideration of the Private Calendar, and I will withdraw my point of order that no quorum has voted.

So (no further count being called for) the motion of Mr. RANDALL was agreed to.

Mr. HUTCHINS. I desire to submit a report.

The SPEAKER. The Chair thinks that would not be in order, the House having resolved to go into Committee of the Whole on the Private Calendar.

Mr. HUTCHINS. I ask unanimous consent.

The SPEAKER. The House having decided to go into Committee of the Whole, the Chair thinks that ends for the present the session of the House. The gentleman can be recognized later in the day.

The House accordingly resolved itself into Committee of the Whole, Mr. VALENTINE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar.

RELIEF OF CERTAIN CITIZENS OF TENNESSEE.

The first bill upon the Private Calendar was the bill (H. R. No. 1633) for the relief of certain citizens of Tennessee; of Bedford, Rutherford, and other counties.

Mr. BUCHANAN. A bill having the same purpose as this bill of the House has been passed by the Senate and is now on the Speaker's table. I move that this bill be laid aside and that we take up in lieu of it the Senate bill.

The CHAIRMAN. That cannot be done, because the Senate bill has not been referred to the Committee of the Whole.

Mr. BURROWS, of Michigan. I ask that the report be read. It will, I presume, give the committee full information as to the facts.

Mr. BRIGGS. I ask that the bill be read first.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to remit, refund, and pay back, out of any moneys in the Treasury not otherwise appropriated, to the following-named citizens of Tennessee, or the legal representatives of such as are deceased, the amount of taxes assessed upon and collected from the said named persons contrary to the provisions of the regulations issued by the Secretary of the Treasury under date of June 21, 1865, and published in special circular numbered 16 from the Internal Revenue Office, of that date, said refunding having been recommended by the Secretary of the Treasury under date of June 19, 1873, that is to say:

A. L. Adams, William A. Allen, J. A. Blakemore, Thomas W. Buchanan, William Campbell, John L. Cooper, John Cortner, J. H. Cunningham, Thomas Dean, J. B. Dixon, Martin Enless, A. H. Evans, W. W. Gill, William Gosling, T. B. Jeffress, Thomas Lipscomb, William Little, Thomas B. Marks, James S. Newton, Ambrose L. Parkes, Matthew Shearon, Mike Schoffner, William J. Shofner, Richard Sims, P. C. Steele, John F. Thompson, N. Thompson, second, Thomas C. Whitesides, J. W. Wiggins, E. D. Winsett, all of the county of Bedford.

M. H. Alexander, James Bass, Benjamin Batey, Willie Brown, J. G. Dejarnett, Thomas A. Elliott, Edwin H. Ewing, James M. Haynes, Thomas Hord, George W. House, Edward L. Jordan, Montfort F. Jordan, J. B. Kimbro, Thomas B. Miles, Felix G. Miller, S. E. Parrish, Isham R. Peebles, sr., Isham R. Peebles, jr., Peyton Randolph, R. D. Reed, John W. Richardson, Emanuel Rosenfeld, Alfred Ross, Susan Rucker, S. H. Singleton, Elizabeth Smith, George W. Smith, Lewis Tillman, M. B. Wade, Samuel B. Watkins, Samuel Winston, all of the county of Rutherford.

Louis Mankel, of the county of Knox: Asa Faulkner, of the county of Warren; William H. Ladd, of the county of Williamson.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1633) for the relief of certain citizens of Bedford and certain other counties of the State of Tennessee, submit the following supplementary report:

The parties named in the substitute herewith reported were, in 1863 and 1864, resident in the counties of Williamson, Rutherford, Bedford, and Warren, in the State of Tennessee.

The county of Williamson is immediately south of and adjoining Davidson, in which Nashville is situated.

Rutherford is southeast of Nashville and adjoining Davidson and Williamson. Bedford is southeast of and adjoining Rutherford, and Warren is east of and about eighty miles from Nashville.

Under section 90 of the act of July 1, 1862, an annual tax on all incomes over $600 and under $10,000, of 3 per cent., and on all incomes of over $10,000 a tax of 5 per cent. was imposed. (See 12 Statutes, p. 473.)

The forty-sixth section of the act of June 30, 1864, provides, "that if, for any cause, at any time after this act goes into operation, the laws of the United States cannot be executed in a State or Territory of the United States, or any part thereof, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory, or part thereof, so soon as the authority of the United States therein shall be re-established, and to collect the taxes, duties, and licenses in such States and Territories under the regulations prescribed in this act, so far as applicable; and where not applicable, the assessment and levy shall be made, and the time and manner of collection regulated by the instructions and directions of the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury." (13 Statutes, 240.)

The joint resolution of July 4, 1864, imposed a special tax of 5 per cent. on all incomes over $600, in addition to all other taxes, for the year 1863. (13 Statutes, 417.)

Under the authority of section 46 of the act of June 30, 1864, above quoted, on the 21st of June, 1865, the Secretary of the Treasury issued Regulations Special No. 16, "concerning the collection of taxes in States lately in insurrection," as follows:

TREASURY DEPARTMENT,
June 21, 1865.

Section 46 of the internal-revenue act approved June 30, 1864, provides that whenever the authority of the United States shall have been re-established in any State where the execution of the laws had previously been impossible, the provisions of the act shall be put in force in such State, with such modification of inapplicable regulations in regard to assessment, levy, time, and manner of collection as may be directed by the Department.

Without waiving in any degree the rights of the Government in respect to taxes that have heretofore accrued, or assuming to exonerate the tax-payer from his legal responsibility for such taxes, the Department does not deem it advisable to insist at present upon their payment, so far as they were payable prior to the establishment of a collection district embracing the territory in which the tax-payer resides.

But assessors in the several collection districts recently established in the States lately in insurrection are directed to require returns and to make assessments for the several classes of taxes for the appropriate legal period preceding the first regular day on which a tax becomes due after the establishment of the district; that is to say, in the several districts in question the proper tax will be assessed upon the income of the year 1864, inasmuch as the tax for that year is due upon the 30th day of June subsequently to the establishment of the district. All persons found doing any business for which a license is required will be assessed for the proper license from the first day of the month in which the district is established.

Persons engaged in any business for which monthly or quarterly returns are required to be made will be assessed for the month or quarter for which returns should be made at the first return day after the establishment of the district; and the same principle will apply to those taxes which are payable at different periods. A manufacturer of tobacco, for instance, in a district established after the 1st and before the 20th day of May will be assessed upon his sales for the month of April.

When any manufactured articles are found in the hands of a purchaser, and it is shown to the satisfaction of the assessor that the goods were actually sold and passed out of the hands of the manufacturer before the commencement of the period for which he is properly taxable, the articles will not be subject to tax in the hands of such purchaser, unless transported beyond the limits of the States lately in insurrection.

The holder of any distilled spirits, manufactured tobacco, or other article which is liable to seizure on account of the absence of inspection marks may present to the assessor the evidence that the articles in his hands, or under the circumstances which obtain in the particular case, are not subject to tax, except as above stated; and if the assessor is satisfied he will cause the packages to be so marked that they may be identified and sold without liability to seizure.

Whenever any collector shall have reason to believe that the holder of any goods on which the tax has not been paid intends to remove the same beyond the limits of the States lately in insurrection and to evade the payment of the tax, he will seize the goods and take necessary steps for their condemnation, unless the holder shall give bond as hereinafter prescribed for the transportation or exportation of the goods, or shall return the same to the assessor and pay to the collector the amount of tax that shall be found due. In all cases in which a seizure shall be made under these instructions the Department, on being informed of such seizure, will consider the case and extend such measure of relief as the facts shall justify.

In the States of Virginia, Tennessee, and Louisiana collection districts were some time since established, with such boundaries as to include territory in which it has but recently become possible to enforce the laws of the United States. In those districts the rule laid down above will be so modified as to require the assessment and collection of the first taxes which become due after the establishment of assessment divisions in the particular locality.

Whenever assessments are to be made based upon transactions which may have been carried on in a depreciated currency, it will be proper for the assessor to ascertain the amount of the income or value or sales or receipts in lawful money of the United States, according to the best information which he can obtain as to the average value of such depreciated currency for the period covered by the assessment.

The duties upon cotton and spirits of turpentine are, by a special provision of the statutue, made payable by the person in whose hands the articles are first found by officers of internal revenue. With reference to those articles, therefore, the rule laid down will not apply, but assessments will be made wherever they are found.

Whenever any person holds, as a purchaser, any articles which under the internal-revenue laws may be transported under bond, and desires to transport the same to any Northern port or place, he may apply to the assessor to have the amount of tax ascertained or determined. The proper examination having been had, the assessor will certify the amount of duties thereon to the collector, and the collector will thereupon grant a permit for their removal, after the execution of a bond for their storage in bonded warehouse, such permit and bond being in the form required by the regulations for the establishment of bonded warehouses. On or before the tenth day of each month the assessor will transmit to the Office of Internal Revenue a statement showing the amount of duties thus certified during the month preceding, and the collector will, on or before the same date, transmit a descriptive schedule of all bonds thus taken by him in the course of the preceding month.

When goods arrive in any Northern port under such transportation bond or under a permit issued by a collector of customs, under the regulations of May 9, 1865, they will be received into the proper warehouse, established under the internal-revenue laws, in the district into which the goods are brought, and the necessary certificates will be issued for the cancellation of the bond, in the same manner as if the goods were transported from another bonded warehouse. Whenever any person who is assessed for a license is found to have paid a license tax to a special agent, appointed under the regulations of the Treasury Department for commercial intercourse with insurrectionary districts, the collector will issue a license for the year ending May 1, 1866, and will collect only so much as may be due for the time intervening after the expiration of the license issued by the special agent.

The amount assessed and thus left uncollected will be abated when the proper claim is presented to the Commissioner of Internal Revenue.

H. McCULLOCH,
Secretary of the Treasury.

The eighth paragraph of these regulations distinctly provides that in districts where it has but recently become possible to enforce the laws of the United States, the rule shall be to require the assessment and collection of the first taxes which become due after the establishment of assessment divisions in the particular locality.

The report of the Commissioner of Internal Revenue shows that assessment divisions and assistant assessors for these divisions were established and appointed as follows: For the county of Williamson, June 30, 1864; for the county of Rutherford, August 30, 1864; for the county of Bedford, January 1, 1865; and for the county of Warren, September 8, 1865.

Under the provisions of section 91 of the act of July 1, 1862, the annual tax on incomes was leviable and collectible on the 1st of May for the year ending 31st December preceding.

And under joint resolution of July 4, 1864, the special tax on incomes for 1863 was leviable and collectible on the 1st October, 1864.

The first taxes that could become due in these counties under the provisions of the eighth paragraph of Regulations Special No. 16 were the taxes for the counties of Williamson and Rutherford for the year ending December 31, 1864, to be assessed and collected on 1st May, 1865, assessment divisions having not been established in these counties until June 30, 1864, in the first, and August 30, 1864, in the latter; and for the counties of Bedford and Warren the taxes for the year ending December 31, 1865, leviable and collectible on the 1st May, 1866, assessment divisions having been established in these counties January 1 and September 8, 1865.

It is a historical fact that from some time in March, 1862, to the close of the

war the city of Nashville was continuously held by a garrison of the United States Army, and that the battle in front of Nashville occurred on the 16th of December, 1864, and that the counties of Williamson, Rutherford, Bedford, and Warren were alternately held, sometimes by the one and sometimes by the other belligerent.

The condition of affairs being such as to render it impossible to enforce the laws of the United States by any civil process until the beginning of the year 1865, the civil authorities being paralyzed, and the citizen powerless, he promptly complied with whatever demands were made upon him by any real or pretended official when backed by military power.

Taxes for the year 1863, in the respective amounts named in the bill, were assessed against and collected from the parties named, in the years 1864 and 1865, the assessment and the collections having been made by parties running out into the country under military protection and making their demands, and immediately returning to the garrison.

The Commissioner of Internal Revenue reports that claims for refunding these taxes were filed in his office prior to June, 1873, and therefore claimants are not barred by the forty-fourth section of the act of June 6, 1872, 17 Statutes., page 257.

In June, 1873, the Commissioner of Internal Revenue submitted these claims to the then Secretary of the Treasury for consideration and advice. And on the 19th June, 1873, Secretary Richardson returned the claims to the Commissioner, with the opinion that the collections were not illegal, and therefore could not be refunded by the Department, but in his letter said:

"I fully recognize the hardship of the case, and desire that such claimants may receive relief from Congress. I have therefore to suggest that you will, in your next annual report, or on any other occasion which you may deem more fitting, recommend the passage of a special act authorizing the refunding of all taxes paid by residents of the insurrectionary States, which under the Department circular of June 21, 1865, should not have been collected. Such refunding to be made whether the tax in question was collected before or after the issue of the circular."

In this recommendation Secretary Richardson evidently recognized the hardship and injustice of the Government demanding taxes from citizens whom it did not and could not protect.

Every consideration of justice demands that these taxes, collected as they were in violation of the principles of the eighth paragraph of Special Regulation No. 16, should be refunded.

Mr. MATSON. I move to amend the bill by inserting, after the name of Benjamin Batey, in line 26, the name of "William Bosson." This name was by some clerical error omitted in copying the bill which passed a former Congress. It has been inserted in the Senate bill corresponding with this. There is no question about this man's loyalty.

The amendment was agreed to.

Mr. HOLMAN. I understand that this bill applies only to taxes assessed and collected prior to June 21, 1865.

Mr. BUCHANAN. These taxes were collected for 1863. The report shows the circumstances accurately.

Mr. SMITH, of Illinois. Should not the bill be amended so as to instruct the Secretary of the Treasury instead of the Commissioner of Internal Revenue to pay this money? The Commissioner of Internal Revenue has no money at his disposal for purposes of this kind.

Mr. DIBRELL. I will state that the Senate bill, which in this respect corresponds with the bill now pending, was prepared, under the direction of the Commissioner of Internal Revenue, by one of the Senators from Tennessee.

Mr. BUCHANAN. I move that the bill be laid aside to be reported favorably to the House.

Mr. HARRIS, of Massachusetts. How much money does this bill involve?

Mr. BUCHANAN. About $15,000.

Mr. HOUK. I desire to offer an amendment.

Mr. MILLER. Does any one know how much money this bill appropriates?

Mr. McMILLIN. The amount is about $15,000. The Senate bill corresponding with this, which is now on the Speaker's table I believe, indicates in dollars and cents the amount to be paid in each case. When we get into the House the Senate bill, if gentlemen are willing, can be substituted for this; then the exact amount appropriated in each case will appear.

Mr. MILLER. How does it come that this bill has not been presented before this time?

Mr. McMILLIN. The bill has been on the Private Calendar for several months, but we have not had this Calendar under consideration for ten weeks.

Mr. RANDALL. This bill was reported on the 27th of January last.

Mr. MILLER. When were these taxes paid?

Mr. McMILLIN. Soon after the war.

Mr. MILLER. Then why have these parties waited eighteen years before asking relief?

Mr. McMILLIN. They did not wait eighteen years; they have been asking relief for a number of years past, and there has never been an adverse report on any of these claims.

Mr. DIBRELL. A bill for this purpose has been pending in every Congress for some years.

Mr. MILLER. And no Congress has thought sufficiently well of it to pass it. I think that a good reason why this Congress should hesitate about passing it.

Mr. BUCHANAN. If the gentleman had heard the report read he would have understood the reason of the delay.

Mr. McCOID. I suggest that the report be read again. [Laughter.]

Mr. BUCHANAN. These claims were filed prior to June, 1873.

Mr. HOUK. I move to amend by adding as a new section the following:

SEC. 2. The Secretary of the Treasury is hereby invested with full power and authority, and is instructed to remit, refund, and pay back, out of any money in the Treasury not otherwise appropriated, all moneys collected under like circumstances; and he shall be the sole judge of the merits of each case which may be presented.

Mr. Chairman, if we are going to pay back money in any cases of this kind, we ought to pay it back to all persons from whom it has been collected under similar circumstances. The Secretary of the Treasury has the records; he knows the circumstances; he is familiar with these transactions where money has been collected in violation of law, as is alleged to have been the fact in these cases. While I am perfectly willing to vote for this bill to make repayment upon the report which has been made, I think we ought not to commence to pay back by piecemeal; we ought to make provision for doing justice to everybody who has been wronged under like circumstances. Hence I have submitted the amendment.

Mr. DIBRELL. Does the gentleman know of any cases similar to those included in this bill?

Mr. HOUK. Yes, sir.

Mr. DIBRELL. Where income tax was collected during the war?

Mr. HOUK. Yes, sir; similar cases existed throughout the country in various other counties.

Mr. BUCHANAN. I doubt not that relief will be granted in those cases whenever the parties come forward and show that they are entitled to it.

Mr. HOUK. While we are making provision to do justice to a number of citizens, I think it only fair that we should do justice to all who have been wronged by the collection of taxes under similar circumstances. I believe this House is perfectly willing to trust the Secretary of the Treasury. He can judge of it.

Mr. McMILLIN. I wish to ask my colleague whether the Commissioner of Internal-Revenue has recommended the refunding in those cases he refers to, as he has in this case?

Mr. HOUK. We cannot tell you how that is in reference to every case, but we presume he would; at least the Secretary of the Treasury will not pay them back unless they come within the provisions of this act.

Mr. McMILLIN. He said that there were claims of a similar character, and I wanted to know from him how far that similarity went.

Mr. HOUK. I undertake to say there are similar claims all over the Southern part of the country, and I want to make the provisions of this bill so that these claims shall be provided for and paid according to the right and merit of each one. To be sure the amendment was drawn hurriedly, and perhaps it is not as perfect as it should be. We are all willing, I apprehend, if the records are in the Treasury, to allow the Secretary to look into them and ascertain whether there are other cases coming within the provisions of this bill. If there are they ought to be paid as well as this particular claim should be paid. It seems to me the amendment is perfectly right and just, and ought to be adopted.

Mr. MILLER. I think, Mr. Chairman, the amendment of the gentleman from Tennessee is eminently proper. Instead, however, of putting the power in the hands of the Secretary of the Treasury it should be put in the hands of one of the fourth-class clerks. It is undoubtedly true, as stated in this report, the assessment and collection of this tax was legal. That is what the Secretary of the Treasury has said, and it is contained in the report.

But that is no difference; and whenever there is a man who wants these taxes back, and wherever he knows they have been legally assessed and legally collected, we can provide that the Secretary of the Treasury or one of his clerks after investigation, if he finds the man wants them back badly enough, then pay them back. That will stop all this private legislation, and we will not have to consider bills to pay back taxes paid eighteen years ago. Adopt that amendment by all means. It is a very proper one for claimants of this class.

During the first part of this Congress men drawing $5,000 a year considered a question which had been before three Congresses relative to paying back $87 to some man up in New Hampshire who had paid a duty on a yoke of oxen he bought over in Canada, and who forgot to take his appeal in time, or rather the lawyer he employed forgot to do so. And because that man neglected a plain duty and forgot to take an appeal, gentlemen drawing $5,000 salary a year sat on that case and expended about $2,000 in getting that man paid back $87. He could not get an appeal in any justice's court in the country. He had a given time in which to take an appeal, but he forgot to take it, and he came here and we relieved him. If we are to relieve all these people who eighteen years ago paid taxes legally collected, what is the use of Congress passing on them one by one? If we are to pass them, then the amendment is a proper one, and all should be paid at once. As the gentleman from Tennessee has said, invest the power in some one and let him examine them and pay them back.

Mr. BRAGG. What I wish to say, Mr. Chairman, is this: if this amendment is adopted this becomes a public bill and belongs to another calendar. It passes from the Private to the Public Calendar, and is not subject to consideration by this committee. It was for that reason I suggested a point of order would lie against it. The amendment changes the entire character of the bill and makes it a public bill relating to all persons of every kind who paid taxes illegally.

Mr. HASKELL. Under what rule?

Mr. HOLMAN. The rule is that you cannot substitute a general for a special bill.

Mr. BRAGG. It has been decided ever since I have been a mem-

ber of this House that public business could not be transacted while we were engaged on the Private Calendar, nor could public bills be considered or acted on. It has been the uniform rule. There never has been any diversion from it.

Mr. HASKELL. Give us the rule.

Mr. BRAGG. Rules cannot be made to comply with the freaks of everybody, but the practice under a rule establishes the meaning of the rule. If, as suggested by the intimation of the gentleman from Kansas, this may be done, we can take up the Uncompahgre land question in Kansas and dispose of it here. He may offer it as an amendment to any one of these bills.

Mr. HOUK. The gentleman fails to show how my amendment can change this private bill into a public one. These taxes have been paid, and it simply enlarges the scope of the original bill by providing that it shall cover these similar cases. It merely makes it reach out and take up other cases. That applies only to a specific class of citizens from whom the tax has been collected, and which this report says ought to have it paid back, and I fail to see how it can be transformed now and become a public act simply because it is made applicable to a number of citizens instead of a few who are mentioned in the pending bill.

Mr. HENDERSON. The gentleman from Tennessee himself has furnished the best reason in the world why his amendment should not be adopted. He has stated that it was hastily drawn. Now, Mr. Chairman, it is a matter, as has been clearly stated by the gentleman from Wisconsin——

The CHAIRMAN. The gentleman will suspend for a moment. The Chair desires the attention of the gentleman from Wisconsin as to the point of order.

Mr. HENDERSON. Permit me to finish only a sentence. I simply say that the amendment really is in the nature of a general law, as stated by the gentleman from Wisconsin in making his point of order; and therefore it occurs to me that it is not properly in order here. When the cases come up let each one of them stand upon its individual merits, and not attempt to incorporate them into a general law on a private bill.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon his point of order?

Mr. BRAGG. I do.

Mr. BUCHANAN. Mr. Chairman, I think the objection to the amendment of the gentleman from Tennessee, as far as the point of order is concerned, has been clearly expressed by the gentleman from Wisconsin—that it changes this provision of a private bill into a general law as much as any act that is now upon the statute-book. The gentleman from Tennessee says that it applies to only a certain class. So, too, do all general laws apply to certain classes which come within the purview of the law. Murderers are a class, but the law punishing the crime of murder is a general law.

There is another objection to this amendment. It is that it does not define the persons who are to be the recipients of the benefits of the act should it become a law; and consequently, so far as the amendment is concerned, it cannot be in order on a private bill, nor can it claim to be a private matter. It must identify the recipients of the bounty of the Government in order to be enabled to confer the bounty upon these applicants. Here, however, there is no specific application.

There is a third objection, and that is that the persons not mentioned who are to be the recipients of this bounty, but who are indicated in the amendment in general terms, do not come themselves within the scope of the right which belongs to those that are mentioned specifically in the bill that is now pending before the committee. Why? The persons intimated in the amendment are barred by the statutes of limitations. Their claims are barred and there is no claim existing which they can now enforce.

Mr. HOUK. Are not the claims of those mentioned in this bill barred also?

Mr. BUCHANAN. No, sir; the report shows that. If they had been barred that report would not have been written. The Commissioner of Internal Revenue reports that the claims mentioned for refunding these taxes were filed in his office prior to June, 1873, and therefore claimants are not barred by the forty-fourth section of the act of June 6, 1872.

Mr. HOUK. If that be true, then everybody who has a proper claim can get his money refunded under the provisions of the amendment which I have offered; for the amendment provides that it shall be refunded to those who come under similar circumstances and conditions as those mentioned in this bill. Unless they come under its conditions they are excluded.

Mr. BUCHANAN. Well, it is evident that those persons have not done so.

Mr. PRESCOTT. May I ask the gentleman from Georgia a question?

Mr. BUCHANAN. Yes, sir.

Mr. PRESCOTT. Why are not all these claims covered by the general bill which we passed to-day providing for the consideration and allowance of such claims?

Mr. BUCHANAN. That bill has not yet been passed. It has to go through the Senate and meet the approval of the Executive.

Mr. PRESCOTT. It passed the House.

Mr. BUCHANAN. Yes, but not the Senate, and has not been approved by the President, and may never be approved by him. The claims will then have to come back here and go to the Court of Claims.

So far as the facts here are concerned I cannot enter into that now, as the point of order must first be disposed of. If there is any further argument necessary upon the main report I am ready to speak to this and explain the bill at the proper time.

Mr. PRESCOTT. From all that the gentleman has said and from all that appears here, this is a large class of claims covered fully by the act which we passed here to-day.

The CHAIRMAN. The Chair desires to inform the gentleman from New York that the question before the committee is upon the point of order. The Chair is ready to decide the point of order. We are now in Committee of the Whole House on the Private Calendar under the provisions of Rule XXVI. This amendment, as offered by the gentleman from Tennessee, would in effect establish a general law, and is not in the nature of a private act. It is therefore, in the judgment of the Chair, obnoxious to the point of order and cannot be entertained.

Mr. HOUK. If the Committee of the Whole will rise I will move to transfer it to the other Calendar.

Mr. PRESCOTT. Mr. Chairman, I was saying that this seems to be one of those claims, of which there is a large number, covered by the act which we passed to-day, and which we all expect will become a law.

Mr. DIBRELL. The bill passed to-day had reference to war claims.

Mr. PRESCOTT. I say according to this bill there seems to be a very large number of these claims. It may be there are equities and justice in it; and if there are not, we certainly should not pass the bill. If there are, then no one can object to having these claims scrutinized by a court as provided for by that act. I ask whether it would not be judicious to-day to fail to consider this favorably that these claims may be analyzed and determined upon by a body that can know something of them, and of the justice, equity, and legality of them?

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. PRESCOTT. Yes, sir.

Mr. McMILLIN. Is it not the fact that that has not become a law? And would he now destroy this Private Calendar with all of its reports, and refuse to consider any claim upon it because it might be embraced in that and considered in the Court of Claims if that bill should become a law?

Mr. PRESCOTT. I will only say in reply to the gentleman, the probabilities are that the bill will become a law before this can become a law by passage here.

Mr. McMILLIN. I will say I have no constituent interested in this, although it comes from a State I in part represent. But I do think that when the Secretary of the Treasury has recommended that certain taxes ought to be refunded, and when there is no officer of the Government who has ever denied the justice of the claim, when the Secretary has said in the strong language here—

> I fully recognize the hardship of the case and desire that such claimants may receive relief from Congress—

If that Secretary knew what he was talking about, this Congress cannot do itself justice in refusing a hearing to the claimants, because, forsooth, we have passed a bill through the House to-day that may never become a law.

I want to call the attention of the committee to another fact. And that is that long before the bill we acted upon an hour ago was reported to the House there was a bill on this Calendar for the relief of these people; that long before that bill was conceived in any man's brain there was a favorable report from the committee on this bill standing here.

Here are claims against whose justice not a man in the Government has ever offered a single objection; claims that are well founded and in whose favor the Secretary of the Treasury has written the strong words I have just quoted. And I say we ought not to refuse these men relief simply because they might have a remedy in a tribunal if that tribunal were ever constituted.

Mr. WARNER. I would say further to the gentleman from New York [Mr. PRESCOTT] that this bill passed the Senate unanimously six weeks ago, long before the general bill the gentleman speaks of passed the House to-day. The report in this case was made by the Committee on Claims last January. A favorable report was also made in the Senate, and the Senate bill six weeks ago came to this House and stands six weeks ahead of the one that passed to-day. The Commissioner of Internal Revenue recommends that these claims shall be paid. They are just and proper.

It is wrong to say that this relief shall not be extended to these citizens. They are loyal citizens, and you do them injustice if you withhold relief from them. For eighteen years the Government has had their money. They have had no interest during all those years. The money has been used by the Government. They ask for no interest. The claims are particularly set forth in the bill. Many of the amounts are small.

These citizens could not go into the court which has been spoken of even if it were established. The claims are too small; it would not pay the expenses to take them there. This is the first bill I have had before the House, and it has been here on the Calendar for twenty

solid weeks. It is now the first bill on the Calendar; and I think it is due to these parties that they should get back their money some time. They are loyal citizens, and as loyal citizens they ought to get it.

Mr. RAY. Is this the same bill as I find on page 64 of the Calendar, in the list of bills from the Senate on their first and second reading—"A bill for the relief of certain citizens of Tennessee?"

Mr. WARNER. It is the same bill, the bill S. No. 1068.

Mr. NORCROSS. Why not move to substitute the Senate bill for this?

Mr. McMILLIN. There is a difference between the two bills, and the difference I understand is this: the Senate bill takes the precaution to set out the exact amount for each claimant, so there may be no doubt when you come to settle as to the amount to be given to each. In the House we can substitute that for the House bill if any member prefers it. We are willing to make the substitution.

Mr. BUCHANAN. The name and amount in each case are given in the Senate bill.

Mr. McMILLIN. I think when we go back into the House the Senate bill ought to be substituted, so that there may be no doubt about it.

Mr. RAY. I wish to make an inquiry of the gentleman from Georgia, [Mr. BUCHANAN,] who I see reported this from the Committee on Claims. I do not recollect all the circumstances. I do not know that I was present when the bill was offered and considered in the committee. I wish to ask the gentleman whether the Secretary of the Treasury and the Commissioner of Internal Revenue have recommended that these amounts be paid by the Government?

Mr. BUCHANAN. I have quoted in the report from the letter of the Secretary of the Treasury; and I have the letter in full on my desk, if any one desires to see it. In the report I have made this quotation from the letter of the Secretary:

I fully recognize the hardship of the case, and desire that such claims may receive relief from Congress.

These men are identically specified in his letter.

I have therefore to suggest that you will, in your next annual report, or on any other occasion which you may deem more fitting, recommend the passage of a special act authorizing the refunding of all taxes paid by residents of the insurrectionary States, which, under the Department circular of June 21, 1865—

Which I have set forth in full in the report—

should not have been collected. Such refunding to be made whether the tax in question was collected before or after the issue of the circular.

That is the letter of Secretary Richardson.

Mr. RAY. That explanation is satisfactory to me. I now wish to say a word, partially in reply to two of my friends on this side of the House, my friend from Pennsylvania [Mr. MILLER] and my friend from New York, [Mr. PRESCOTT.]

Let me remark that I think this House will make a great deal more progress, and better progress, toward the accomplishment of the public business or the private business before it if members when they get up in the House and undertake to object to or to favor claims would take pains to know more about them than some seem to do. Let me ask whether it is seriously claimed as a reason why the House should not now consider and act upon a claim which has been favorably considered and reported several times by committees of one or the other branch of Congress, and which has passed the Senate or the House, and perhaps both, but not concurrently, and which after an investigation by the Committee on Claims of the present House has been unanimously and favorably reported—was it ever before seriously suggested that because the House had passed a bill authorizing its committees to send private claims to the Court of Claims to find the facts concerning them that a claim in regard to which the facts have already been found and reported should not be considered but be indefinitely postponed to see whether the bill alluded to shall become a law? Of course not. The bill just passed is to enable committees of this House, in reference to other claims which have not been investigated, to call in the aid of the Court of Claims, so that there may be a judicial investigation of such claims not already considered and reported upon, and which are so tangled up in reference to the facts upon which they are founded and the evidence adduced in their support as to render it practically impossible for a committee of this House to come to a satisfactory determination upon their merits.

This is apparently one of that class of claims which have been investigated times enough, and which, if we have any confidence in the opinion of a Secretary of the Treasury and in the Commissioners of Internal Revenue, ought to be disposed of without further delay. Indeed, it appears that those officers would have adjusted these claims of their own motion except for the reason that they were destitute of the power and authority to do so, and hence have recommended that Congress should act upon them. And still we have some men here who say that because the House has passed a bill which, if it becomes a law, will hereafter enable committees of Congress, when they see fit to do so, to send private claims to the Court of Claims in order to obtain a finding of the facts, therefore action upon this bill should be indefinitely delayed. Are not all the facts in this case found in the committee's report? Then why delay action upon it? Why not consider it at once and either pass or reject it?

Mr. PRESCOTT. Will the gentleman allow me to ask him a question?

Mr. RAY. Certainly.

Mr. PRESCOTT. Where in this bill do you find any indication of who are to be paid or how much they are to be paid? Where do you find any means of determining or any power of determining what shall be paid?

Mr. BUCHANAN. There is no trouble about that. This bill says that such amounts shall be paid to these persons as they have paid into the Treasury. If this bill shall pass all that these persons will have to do will be to take the act of Congress to the Treasury, and such sums as have been paid into the Treasury by these individuals as shown by the records of the Treasury will be paid to them.

Mr. PRESCOTT. But should not that all have been set out in the report, so that gentlemen on this floor could learn from reading the report what were the facts in the case, and not be criticised for their ignorance?

Mr. BUCHANAN. It is not necessary to do so; they could not get a dollar that does not appear on the records of the Treasury as having been paid in by them.

Mr. RAY. The gentleman starts a new objection, not the one that he raised before.

Mr. PRESCOTT. It is not a new objection.

Mr. RAY. It is one that occurred to me at the time, and I took the trouble to ascertain whether this was the same as the Senate bill.

Now, I grant that there may be a bill drawn with such looseness and uncertainty that it should be amended or it ought not to be passed. But if we can find out who was compelled to pay this money, have their names set forth in the bill, as it appears we can do in the House, after we go out of Committee of the Whole, by substituting the Senate bill for this bill, or by adding the names and amounts contained in the similar bill which has already passed the Senate, there would seem to be no reason why such a bill should not be passed.

And now I want to pay my respects for a moment or two to my friend from Pennsylvania, [Mr. MILLER,] who, while he certainly well understands contested-election cases, is not so familiar with business before the Committee on Claims as some of the rest of us may be. He alludes to the claim of Luther made for the value of a yoke of oxen taken by the custom-house officer, as he says, in the State of Vermont. He is only one State out of the way; it was in my State, the State of New Hampshire, away up in the northern part among the White Mountains. He said the claim was for $75, in which he is wrong again; it was for $85; and seems to think it is small business for men paid a salary, as he says, of $5,000 a year to have to consider and legislate about such trivial matters.

Now, I have known bigger men than some members of Congress, and earning greater salaries than $5,000 per annum, to be in a great deal smaller business than trying to get Congress to refund money which had been unlawfully collected of a citizen and covered into the Treasury of the United States, especially when the Secretary of the Treasury reports that the money cannot be paid back again in any other way than by an act of Congress, and recommends the passage of such an act.

It is no reason why an honest claim should not be passed because it is small in amount or that it has been a long time pending. Gentlemen talk about the expense which attends the passing of these claims. They get that from some of the newspapers. I suppose members' salaries and the pay of most of the House employés go on all the same whether we are in session or not. All the expense in the matter of the Luther claim will not amount to $150, in my opinion. There was never any dispute about the absolute justice of the claim. The Secretary of the Treasury referred the claim to Congress and recommended that it should be paid. It was not the fault of the claimant in that case that he did not get the money back for eleven long years after Government wrongfully got it, but it was the fault of Congress. The money which he had deposited with the collector was sent here to Washington and put into the Treasury.

I think it is a shame that a man should not be able to get a just claim of $85, which the Government admits belongs to him, without being obliged to come here and call for it eleven years before an act is passed to refund his money.

Mr. SMITH, of Illinois. I move to amend the bill by striking out the words "Commissioner of Internal Revenue," in line 3 of the bill, and inserting in lieu thereof the words "Secretary of the Treasury." If we pass this bill as it now stands we shall lay ourselves open to the charge of careless legislation. The bill proposes to direct the Commissioner of Internal Revenue to refund a certain sum of money in the Treasury of the United States. Now, we all know that the money in the Treasury is not to be handled or paid out under the direction of the Commissioner of Internal Revenue, but is in charge of the Secretary of the Treasury; hence the bill should be corrected by the adoption of the amendment.

Mr. MILLER. In reply to the remarks of the gentleman from New Hampshire [Mr. RAY] I will say that I only cited the case of the refunding of $85 to a claimant from New Hampshire in order to show that this House is called upon to legislate upon cases where the claimants have neglected to perform their duty at the proper time. The report in the case from the gentleman's State showed as

the reason the money had not been already refunded that the party had not taken an appeal within the statutory period. For that reason he came to this House and we considered his case. At that time we were sitting here about four hours a day. I am told by persons who have the means of knowing that the expenses of this House are about $10,000 a day. We spent on that case in this House about twenty minutes; and any one can compute what it cost to pay back that sum of $87 because the party had not performed his duty at the proper time.

In the case now before us certain citizens paid a tax which was legally assessed against them. The Secretary of the Treasury, in the very letter which was read and which is printed in the report, states that the collections were not illegal and therefore would not be refunded. What are we doing here? We are sitting here to refund to persons whose names are not given in the bill sums of money which are not designated and the exact amount of which we do not know. The chairman of this committee says he cannot tell us; gentlemen on the floor cannot tell us. We are sitting here to pass a bill of this kind to refund taxes which, as the letter of the Secretary of the Treasury shows, were not illegally collected.

More than that: these taxes were paid in 1865. These claims have slumbered until almost everybody who knew anything about them has died. I observe that many of the claims that come here are, as respects age, almost or quite old enough to vote. The claims are often held back until the claimants themselves are dead; and I believe in this case the heirs of certain parties are substituted.

Mr. RAY. Is it the fault of the claimants that the money has not been paid before?

Mr. MILLER. It is the fault of the claimants that they do not come here in time; that they slumber on their claims until every person knowing anything of the facts of the case is dead. I want to cite a case stated to me by my colleague [Mr. CAMPBELL] who sits next to me. He was a commander in the Union Army in West Virginia upon one of the branches of the Potomac.

In 1882 the Quartermaster-General sent him a claim which had been filed and regularly proved to be examined and reported on. The amount claimed was over $20,000. The claim was all made up; the evidence was apparently complete; but he was written to in order to ascertain what he knew about it. The claim was for wood claimed to have been furnished to General Campbell's command. The claimants swore that they had furnished so many cords of wood. The evidence proved apparently that it had been delivered upon the order of the general in command. When General Campbell came to look at the case he found as a fact that the wood claimed to have been furnished to him must have been cut upon the opposite side of the river, must have been hauled two miles up the river to the ferry, and then hauled down to his camp, and yet it was a fact that he had been obliged to cut away the woods in order to establish his camp. He had not used a cord or a stick of wood furnished by these parties; there had not been a stick cut or delivered to him. Yet that claim was all made up in due form ready for payment. That is a sample.

I do not expect my speech will defeat this bill. I have learned in this House that about as good a way as any other to pass a bill is to oppose it. I recollect that when I opposed one day a bill of my friend from Maine—I only spoke five minutes—when the question was taken there were but six votes in the negative. If I had spoken a minute longer there would not have been any vote against it but my own. [Laughter.] I have no doubt that this bill will pass, because there are probably one hundred men on this floor, each one having his little bill in which his constituents are interested, and he thinks that unless it is passed he will never come back here. Thus members "log-roll" in order to get their bills through. This is no way to do business. Pass this bill if you choose. I care nothing about it. But I want to go on the record against it and against this whole system. I hope that the people will "ring the changes" in the ears of gentlemen of this Congress and other Congresses until they cease this business and get down to legitimate legislation for the country instead of sitting as a court of justice (and very small court at that) to pass such claims as this.

Mr. DE MOTTE. I wish to ask the gentleman having charge of this bill how large an amount of money is involved?

Mr. BUCHANAN. Between $15,000 and $17,000. The Senate bill shows the exact amount.

Mr. DE MOTTE. I was about to ask whether there was any bill specifying the precise amount.

Mr. BUCHANAN. Yes, sir; the Senate bill does that.

The question being taken on the amendment of Mr. SMITH, of Illinois, to strike out "Commissioner of Internal Revenue" and insert "Secretary of the Treasury," it was agreed to.

Mr. BUCHANAN. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to, there being—ayes 54, noes 21.

SAMUEL O. UPHAM.

The next business on the Private Calendar was the bill (H. R. No. 688) for the relief of Samuel O. Upham.

The bill was read, as follows:

Be it enacted, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $414.10, to be placed to the credit of the Post-Office Department, and the proper accounting officers of the Post-Office Department are hereby directed to credit Samuel O. Upham, of Waltham, Massachusetts, in his account as postmaster, with the same, it being for loss sustained by robbery of his office on the night of the 9th of September, 1879, but without fault or neglect on the part of said postmaster.

Mr. HENDERSON. That is covered by the general law, and I move that it be reported to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

MORGAN RAWLS.

The next business on the Private Calendar was the bill (H. R. No. 2136) for the relief of Morgan Rawls.

The bill was read, as follows:

Be it enacted, &c., That the sum of $800 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay Morgan Rawls, of the State of Georgia, for a dwelling-house taken from the village of Guyton, Georgia, in the latter part of the year 1865, by order of the United States officer in command at Savannah, Georgia, through mistake for a Confederate building.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 2136) for the relief of Morgan Rawls, have had the same under consideration and submit the following report:

During the late war a number of buildings were erected by the confederate authorities, for hospitals and quartermaster and commissary stores, at the village of Guyton, State of Georgia. Standing between and near these buildings was a small unoccupied dwelling-house belonging to Morgan Rawls, of the value of $800, not estimating the ground on which it stood. In the fall of 1865, during the absence of said Rawls while in attendance upon the constitutional covention of said State and as a member of said convention, and after he had taken the oath known as the "amnesty oath," a detail of United States soldiers was sent to Guyton, by the United States military authorities, from Savannah, with instructions to take down and remove said confederate buildings to Savannah, the materials to be used in the construction of school-houses for freedmen. In executing said instructions said soldiers destroyed by mistake said house belonging to Rawls. Said Rawls endeavored to obtain from the military authorities at Savannah compensation for his loss, but was never paid. A bill similar to this for his relief was introduced in the Forty-third Congress, and also in the Forty-fourth Congress, but no report was made in either Congress upon the bill.

The committee report the bill back with the recommendation that it pass.

Mr. BROWNE. We are to have a session to-night, and I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VALENTINE reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report back sundry bills with various recommendations.

EVENING SESSION ORDER.

Mr. BROWNE. There has been some difficulty in construing the order for the session this evening, so far as it relates to Senate bills donating condemned cannon and cannon balls. I ask it be amended so as to allow those bills to be taken from the Speaker's table and acted on this evening. The Speaker *pro tempore* last Friday ruled otherwise.

The SPEAKER. The present incumbent of the chair thinks the ruling was correct. Such order should be strictly construed. Is there objection?

There was no objection, and it was ordered accordingly.

RELIEF OF CERTAIN CITIZENS OF TENNESSEE.

The SPEAKER. The Clerk will report the title of the first bill reported from the Committee of the Whole House.

The Clerk read as follows:

A bill (H. R. No. 1633) for the relief of certain citizens of Tennessee, of Bedford, Rutherford, and other counties.

Mr. BUCHANAN. I ask by unanimous consent that be laid aside, and the bill (S. No. 1068) for the relief of certain citizens of Tennessee be substituted for it.

Mr. MILLER. I object.

Mr. McMILLIN. I hope my friend will not object. The Senate bill makes it more certain.

Mr. DIBRELL. I make a parliamentary inquiry. Does it require unanimous consent?

The SPEAKER. It does.

Mr. BUTTERWORTH. I hope the gentleman will withdraw his objection.

The SPEAKER. The Chair understands objection is withdrawn. The Chair further understands this bill is the same in substance.

Mr. HOLMAN. Let it be read.

Mr. DIBRELL. It gives all the names and amounts.

Mr. HOLMAN. It covers an amount only of $15,000 as I understand.

Mr. BUTTERWORTH. There was an amendment adopted in Committee of the Whole House to substitute "the Secretary of the Treasury" for "the Commissioner of Internal Revenue."

Mr. BUCHANAN. I have no objection to that amendment.

Mr. RANDALL. That will send it back to the Senate.

The Senate bill was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the Sen-

ate bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. BUCHANAN, the House bill was then laid on the table.

Mr. BUTTERWORTH. I understand the amendment to the House bill was accepted to the Senate bill.

The SPEAKER. The Senate bill was passed.

Mr. HENDERSON. It is right as it is.

SAMUEL O. UPHAM.

The SPEAKER. The bill (H. R. No. 688) for the relief of Samuel O. Upham is reported back with the recommendation that the enacting clause be stricken out.

Mr. ROBINSON, of Massachusetts. It is a bill in reference to the robbery of a post-office. My colleague, [Mr. BOWMAN,] who has it in charge, is absent, and it may not fall within the provisions of the general law. I ask therefore it be passed over for the present.

There was no objection, and it was ordered accordingly.

LEAVE TO PRINT.

Mr. STOCKSLAGER, by unanimous consent, was granted leave to print in the RECORD some remarks on the sundry civil appropriation bill. [See Appendix.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HARDENBERGH until Monday next, on account of important business.

To Mr. STEPHENS for ten days, to attend the annual meeting of the board of trustees of the University of Georgia, of which he is a member.

CORRECTION.

Mr. HOUK. I desire to make a correction. On the 10th of this month——

Mr. BRAGG. I would like to ask how this proceeding can go on with the motion to adjourn pending?

Mr. HOUK. I understood the gentleman to give way to correct the RECORD.

The SPEAKER. The Chair did not understand the gentleman as insisting upon the motion to adjourn.

Mr. BRAGG. I do insist upon it.

The SPEAKER. The gentleman will understand that at five o'clock the House is to take a recess until eight.

Mr. BRAGG. My motion to adjourn was with a view to avoiding the recess.

Mr. BROWNE. I hope the motion to adjourn will be voted down.

The motion to adjourn was not agreed to. [Cries of "Regular order!"]

Mr. HOUK. I desire now, Mr. Speaker, to correct the RECORD and the Journal. On the 10th day of July I reported from the Committee on War Claims some bills with favorable recommendations, one of which was for the relief of Ed. Wallace. Both in the RECORD and on the Calendar this is printed "Edward Wells." I ask that the correction be made.

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

The SPEAKER. The Chair will state that the hour has now arrived when, under the standing order of the House, a recess must be taken.

The gentleman from Michigan [Mr. BURROWS] will occupy the chair during the evening session as Speaker *pro tempore*.

The Chair now declares the House in recess until 8 p. m.

EVENING SESSION.

The recess having expired the House reassembled at eight o'clock p. m., Mr. BURROWS, of Michigan, in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will report the order under which the House meets to-night.

The Clerk read as follows:

The order of the House heretofore made directing evening sessions to be held on Fridays for the consideration of pension bills is so amended as to allow bills upon the Speaker's table granting condemned cannon and balls to be taken up for consideration.

ADVERSE REPORT.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. No. 3660) granting a pension to James Johnson; which was laid on the table, and the accompanying report ordered to be printed.

PATRICK DRONEY.

Mr. BROWNE also, from the same committee, reported back the bill (H. R. No. 718) granting a pension to Patrick Droney, with amendments.

Mr. BROWNE. I ask consent of the House for the present consideration of this bill. This case is one that is somewhat peculiar in its nature.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Droney, son of Matthew Droney, late a private marine in the United States Navy.

Mr. BROWNE. Let the amendments suggested by the Committee on Invalid Pensions be read.

The Clerk read as follows:

Amend by striking out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws," and add at the end of the bill the words "and pay him a pension of $8 per month from and after the passage of this act."

Mr. BROWNE. The circumstances in this case are briefly these: the father of Patrick Droney was killed in the line of duty in the naval service of the United States. Subsequently to his death the widow and the mother of the beneficiary of this bill received a pension, drew it for some time, and died. Patrick Droney is over the age of sixteen years, but he has been from the cradle a helpless invalid, dependent wholly upon the father during his lifetime, and upon the little pension of the mother during her lifetime. He has no relatives capable of rendering him any assistance whatever. He is now in the common poor-house in the State of Massachusetts. The committee believe he is a dependent child, more so in fact than if he had been under the age of sixteen. And under the circumstances we thought the dependent child of a soldier who lost his life in the service of his country should not be in the poor-house, but is a proper subject for the bounty of the Government.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I introduced the bill in behalf of this boy in December last, and if the members of this House could see him for a moment they would be entirely satisfied that he is utterly helpless and needs the care of somebody. He has no friends capable of helping him. He is a helpless cripple. I have known him ever since his father went into the service of his country, and during the lifetime of his mother. They live in my town and I know the facts in his case, which are certainly such as to warrant the belief that this is an exceedingly meritorious case. I hope the bill will be passed. His friends and relatives are very poor and were unable to support him, and they had to take him to the poor-house, where he now is.

The SPEAKER *pro tempore*. The question is on the amendments reported from the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMMA H. COLLINS.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. No. 984) increasing the pension of Emma H. Collins.

Mr. DAWES. I ask unanimous consent for the immediate consideration of this bill.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Emma H. Collins, widow of Frederick Collins, late a lieutenant in the United States Navy, a pension at the rate of $40 a month during her widowhood, and from the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORINEL GILLETTE.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. No. 6623) granting a pension to Orinel Gillette; which was laid on the table, and the accompanying report ordered to be printed.

MARGARET BEYMER.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 604) granting a pension to Margaret Beymer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized and directed to place on the pension-roll the name of Margaret Beymer, widow of Elias J. Beymer, late lieutenant and adjutant of the One hundred and thirty-sixth Illinois Volunteers, and acting deputy provost-marshal of the eleventh Congressional district in the State of Illinois, and pay her a pension at the rate of $17 a month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CULLEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH F. WILSON.

Mr. CULLEN also, from the Committee on Invalid Pensions, re-

ported back with an amendment the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and the amendment and report ordered to be printed.

DONATIONS OF CONDEMNED CANNON.

Mr. SPAULDING. I desire to report back from the Committee on Military Affairs with a favorable recommendation the bill (H. R. No. 6679) donating condemned cannon to the town of Hatfield, Massachusetts, for monumental purposes, and ask that it be placed on the Calendar.

Mr. BROWNE. I do not object; but it is a question whether, under the order of the House, this report can be received.

The SPEAKER *pro tempore*. The Chair is inclined to think that the amendment made on April 14th on the motion of the gentleman from Vermont [Mr. JOYCE] to the special order, so as to make it include the consideration of bills granting condemned cannon, would allow the report to be made.

Mr. BROWNE. I have no objection.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cannon-balls and muskets for the soldiers' burial ground at Maquoketa, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6718) to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 Grand Army of the Republic, of South Chicago, Illinois; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. THOMPSON, of Iowa. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, to the city of Marshalltown, Iowa, four condemned cast-iron cannon and twenty cannon-balls, to be placed on a monument to be erected in memory of deceased soldiers in the Marshalltown cemetery.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. THOMPSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SHALLENBERGER. At the request of my colleague, [Mr. FISHER,] who is necessarily absent to-night, I ask to take from the Private Calendar for present consideration the bill (H. R. No. 6149) donating condemned cannon for monumental purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed, if the same can be done without prejudice to the public service, to deliver to the Soldiers' Monument Association of Chambersburgh, Pennsylvania, four condemned guns, to be used for monumental purposes.

The bill was reported with the following amendment:

In line 6, after the word "condemned," insert the word "cast-iron."

The amendment was agreed to.

Mr. SMITH, of Pennsylvania. I offer the following additional amendment:

Add at the end of the bill the following:

"Also to the soldiers' monument at Lancaster, Pennsylvania, four condemned cannon and four cannon-balls, for mouumental purposes."

Mr. PRESCOTT. The word "cast-iron" should be inserted there also.

The SPEAKER *pro tempore*. In the absence of objection that word will be inserted.

The amendment as modified was agreed to.

Mr. CRAPO. I move to amend the bill by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Also to William Logan Rodman Post No. 1 Grand Army of the Republic, four condemned cast-iron cannon, to be placed in their place of burial in the city of New Bedford, Massachusetts.

Also, to the post of the Grand Army at Fall River, Massachusetts, four condemned cast-iron cannon, to be placed in their cemetery lot in said city.

The amendment was agreed to.

Mr. STONE. I move to amend the bill by adding the following:

Also to grant four condemned cast-iron cannon with iron balls to Post No. 82 of the Grand Army of the Republic at Marblehead, Massachusetts.

Mr. PRESCOTT. I suggest that the gentleman should add "for monumental purposes."

Mr. STONE. I modify the amendment by adding "for memorial purposes." That leaves a little more scope.

Mr. PRESCOTT. I will ask the gentleman for what purpose these cannon are to be used? He says "for memorial purposes." That does not indicate the use.

Mr. STONE. They are to be used by the post for memorial purposes—which may be monumental or some other memorial purposes.

Mr. PRESCOTT. In connection with a cemetery?

Mr. STONE. Not necessarily.

Mr. MCMILLIN. I move to amend the amendment as modified by striking out "memorial" and inserting "monumental," as this is the pupose for which we have heretofore made these donations and for no other.

The amendment of Mr. MCMILLIN was agreed to.

The amendment of Mr. STONE as amended was agreed to.

Mr. ROBINSON, of Ohio. I move to amend by inserting the following:

Also to the Soldiers and Sailors' Monumental Association of Delaware, Ohio, four condemned cast-iron cannon and four cannon-balls.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CHALMERS, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. No. 4166) to divide the State of Iowa into judicial districts.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 803) granting a pension to Laban Connor;

A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;

A bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry;

A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;

A bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock;

A bill (H. R. No. 1997) granting a pension to Joel R. Carter;

A bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin;

A bill (H. R. No. 2278) for the relief of John H. Jackson;

A bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell;

A bill (H. R. No. 4082) granting a pension to Ellen Gillespie;

A bill (H. R. No. 4372) for the relief of Robert P. Walker;

A bill (H. R. No. 4914) granting a pension to Emeline Pink;

A bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig;

A bill (H. R. No. 5684) granting a pension to Newton Boutwell; and

A bill (H. R. No. 5809) for the relief of Jacob Humble.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1543) granting a pension to Albert O. Miller;

A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;

A bill (H. R. No. 2349) granting an increase of pension to George J. Webb;

A bill (H. R. No. 2872) to increase the pension of James Hawthorne; and

A bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 473) for the relief of William H. Morgan;

A bill S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers;
A bill (S. No. 1264) to increase the pension of Joseph N. Abbey;
A bill (S. No. 1437) granting a pension to Amos Chapman;
A bill (S. No. 1680) granting a pension to Ann Leddy;
A bill (S. No. 1796) for the relief of Elizabeth H. Spotts:
A bill (S. No. 2026) granting a pension to Mary E. Matthews; and
A bill (S. No. 2089) granting a pension to Caroline French.

MARY E. RYAN.

Mr. MORSE. I ask unanimous consent to have taken from the Private Calendar and put on its passage the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ryan, widow of George Parker Ryan, deceased, late a commander in the United States Navy, and grant her a pension at the rate of $50 per month extra.

Mr. McMILLIN. I have no objection to taking this bill up now for consideration, except for one reason. I desire to prepare an amendment to be inserted in this and similar bills. I wish to call the attention of the House to the fact that there has recently been a very remarkable ruling by the Attorney-General in reference to cases of this kind, which makes it necessary for us to pass these bills in a form which has not heretofore been adopted. We must to-night pass an amendment or bill to counteract the effect of his ruling. He has ruled in the Barnett case that where there has been allowed under the general law a pension of, for instance, $30 a month, and an increase to $50 a month is granted by special act, the pensioner takes not only the original pension of $30, but $50 per month additional. By this ruling pensions are doubled by special act where Congress never intended it. If we do not tack an amendment to some of these bills to remedy the evil flowing from that opinion tens of thousands never intended by Congress or expected by the pensioner till the Attorney-General's opinion will be taken from the Treasury.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. McMILLIN] object to the consideration of this bill?

Mr. MORSE. I am perfectly willing, if the gentleman will allow this bill to be considered now, to accept any amendment which he may suggest to accomplish the purpose he indicates.

Mr. McMILLIN. Then I consent to consider the bill immediately. It is not my intention to postpone action to-night, and the course I suggest will not have that effect but will remedy an evil that will work an immense injury before the meeting of this Congress in December.

Mr. BROWNE. There need be no trouble about this matter. I have now in my hands a House bill which the Senate has passed with an amendment remedying the difficulty suggested by the gentleman from Tennessee. If I may be permitted to move concurrence in this amendment we shall avoid all trouble so far as the decision of the Attorney-General is concerned.

Mr. McMILLIN. Then I urge the gentleman from Indiana to move concurrence at once, and the House to concur. It is of much importance.

ALBERT O. MILLER.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. BROWNE] asks unanimous consent to have taken from the Speaker's table, that the amendments of the Senate may be concurred in, the bill (H. R. No. 1543) granting a pension to Albert O. Miller. Is there objection? The Chair hears none.

The amendments of the Senate were read, as follows:

Add to the bill the following:

"And that no person who is now receiving, or shall hereafter receive, a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law."

Amend the title of the bill by adding, "and for other purposes."

The amendments were concurred in.

Mr. BROWNE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. RYAN.

Mr. MORSE. I now ask the consideration of the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The SPEAKER *pro tempore*. The bill has already been read.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA JANE DOUGLASS.

Mr. SIMONTON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 5985) granting a pension to Martha Jane Douglass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY THEADGILL.

Mr. SIMONTON also, from the same committee, reported back with amendments the bill (H. R. No. 5986) granting a pension to Emily Theadgill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JORIAL ONKST.

Mr. PETTIBONE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 6457) granting a pension to Jorjal Onkst; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

JOHN C. FENSCKE.

Mr. PETTIBONE also, from the same committee, reported back the bill (H. R. No. 3701) granting a pension to John C. Fenscke; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARGERY NIGHTENGALE.

Mr. PETTIBONE also, from the same committee, reported back the bill (H. R. No. 5103) granting a pension to Margery Nightengale; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FRANCIS DUFFY.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4582) for the relief of Francis Duffy; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

REUBEN MARSHALL.

Mr. RICE, of Ohio, also from the same committee, reported back the bill (H. R. No. 454) granting a pension to Reuben Marshall; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

H. E. VAN TREES.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 452) granting a pension to H. E. Van Trees; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BRIDGET HAMILTON.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 5034) granting a pension to Bridget Hamilton; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

DENNIS SMITH.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 388) granting a pension to Dennis Smith; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ELIZABETH C. CUSTER.

Mr. WILLITS. I move by unanimous consent to take from the Speaker's table the bill (S. No. 1819) granting a pension to Mrs. Elizabeth C. Custer.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act.

Mr. WILLITS. I move to strike out "C" wherever it occurs, and insert "B;" so it will read "Mrs. Elizabeth B. Custer."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILLITS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLITS. I move to amend the title by striking out "C" and inserting "B;" so it will read "Mrs. Elizabeth B. Custer."

The amendment was agreed to.

A. E. BURNSIDE POST, SOUTH CHICAGO, ILLINOIS.

Mr. ALDRICH. I ask by unanimous consent, Mr. Speaker, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6718) to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, at South Chicago, Illinois.

Mr. ALDRICH. Now read the amendment of the Committee on Military Affairs.

The Clerk read as follows:

After the word "condemned," in line 4, insert the word "cast-iron."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALDRICH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPAULDING. I move to amend the title by inserting "cast-iron" after the word "condemned."

The amendment was agreed to.

CONDEMNED CANNON, HATFIELD, MASSACHUSETTS.

Mr. SPAULDING. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6679) donating condemned cannon to the town of Hatfield, Massachusetts, for monumental purposes.

There was no objection, and the motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver, if the same can be done without detriment to the Government, four condemned cast-iron cannon to the selectmen of the town of Hatfield, Massachusetts, to be used to support a memorial tablet inscribed with the names of the soldiers and sailors who enlisted from said town and lost their lives in the war of the rebellion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPAULDING. I move to amend the title by inserting the word "cast-iron" after the word "condemned."

The amendment was agreed to.

SOLDIERS' MONUMENT, EAST BLOOMFIELD, NEW YORK.

Mr. WADSWORTH. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. No. 1886) donating four condemned cast-iron cannon for the soldiers' monument at the village of East Bloomfield, New York.

There was no objection, and the motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and hereby is, directed to deliver to the authorities of the town of East Bloomfield, Ontario County, New York, four condemned cast-iron cannon for the soldiers' monument erected at the village in said town.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WADSWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNIE W. OSBORNE.

Mr. CABELL, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. No. 2966) granting a pension to Annie W. Osborne.

Mr. CABELL. I ask unanimous consent to take up this bill and put the same upon its passage.

The SPEAKER *pro tempore*. Without objection the bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie W. Osborne, widow of John W. Osborne, late a hospital steward in the United States Army.

Mr. CABELL. The committee recommend the following amendment:

Add to the end of the bill the words "said pension to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACOB NIX.

Mr. CABELL also, from the same committee, reported back with favorable recommendation the bill (H. R. No. 6740) granting a pension to Jacob Nix; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CABELL. I find, Mr. Speaker, that the Senate have passed a similar bill, S. No. 1201. I ask, therefore, to take the Senate bill from the Speaker's table and put it upon its passage at the present time.

Mr. McMILLIN. Let it go over until we go into committee.

Mr. CABELL. I hope there will be no objection to passing it now.

The SPEAKER *pro tempore*. The Senate bill will be read.

The Senate bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jacob Nix, who served in the Brown County (Minnesota) Militia during the attack upon New Ulm, Minnesota, in August, 1862, by the Indians, upon the pension-roll, with the rank of captain, at the rate of one-third disability.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ALDRICH. What becomes of the other bill?

The SPEAKER *pro tempore*. It goes upon the Calendar.

Mr. ALDRICH. It ought to go to the table. It seems to me that we might some time be passing two bills on this same subject.

Mr. CABELL. I ask leave, inasmuch as we have passed the Senate bill for the relief of Jacob Nix, to take the House bill from the Private Calendar and lay it upon the table.

The SPEAKER *pro tempore*. Without objection the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of the bill indicated by the gentleman from Virginia for the relief of Jacob Nix, and the same will be laid upon the table.

There was no objection, and it was ordered accordingly.

JAMES HAWTHORNE.

Mr. MATSON. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2872) to increase the pension of James Hawthorne, for the purpose of moving to concur in the Senate amendment.

The SPEAKER *pro tempore*. Without objection the amendment will be read.

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of James Hawthorne, late a private in Company H, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of this act at the rate of $50 per month, in lieu of his present pension."

The Senate amendment was agreed to.

Mr. MATSON moved to reconsider the vote by which the Senate amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON, KNOXVILLE, TENNESSEE.

Mr. HOUK. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Knoxville, Tennessee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to furnish such number of condemned cannon and shot as may be required to Sergeant Thomas Ridge, for the use and adornment of the soldiers' cemetery in the city of Knoxville and State of Tennessee.

The committee recommended the following amendments:

In line 4 insert, after the word "condemned," the word "cast-iron;" and in line 5, after the word "required," the words "and can be spared."

The amendments were agreed to.

Mr. HOUK. There is another amendment which has been suggested to me to offer, and that is to fix the number of cannon and balls which are to be furnished; I therefore move that the word "four" be inserted in line 4; so as to read, "four condemned cast-iron cannon;" and also in the same line to add the word "balls" and strike out the word "shot" in this line; so that it will read, "four condemned cast-iron cannon and balls," &c.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. BROWNE. I must ask that we now go into the consideration of the Private Calendar; and I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. BRIGGS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

Mr. BROWNE. I believe that we commence the consideration of pension bills on the Calendar with House bill No. 3737, on page 47.

The CHAIRMAN. If there be no objection, the consideration of pension bills on the Calendar will be commenced at the point indicated by the gentleman from Indiana.

Mr. DAWES. I will ask the chairman of the Committee on Invalid Pensions to modify his motion so that House bill No. 1218, on page 29, may take the same course as several other bills have taken by agreement; that is, that it be allowed to go to the House for a vote with a quorum present.

Mr. McMILLIN. What is the nature of that bill?

Mr. DAWES. It is the bill for the pension of the widows of the persons who lost their lives in the Life-Saving Service.

Mr. McMILLIN. That will not pass.

THOMAS M'CLAIN.

The CHAIRMAN. In the absence of objection, the consideration of the Calendar will be commenced at page 47, with the bill (H. R. No. 3737) granting a pension to Thomas McClain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $6 per month from the date of his discharge from the Army of the United States, subject to the limitations of the pension laws, the name of Thomas McClain, late a private in Company I, Ninety-seventh Regiment Ohio Infantry Volunteers.

The bill was reported from the Committee on Invalid Pensions with the following amendment:

In lines 4, 5, and 6, strike out the words "at the rate of $6 per month from the date of his discharge from the Army of the United States."

Mr. ALDRICH. What rate of pension will the bill give as amended in that way?

The CHAIRMAN. No rate being specified, the bill will carry the rate of $8 per month.

The amendment of the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARY E. TAYLOR.

The next pension bill on the Private Calendar was the bill (H. R. No. 3733) granting a pension to Mary E. Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mary E. Taylor, widow of James Taylor, late an ordnance-sergeant in the United States Army.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH E. ALDEN.

The next pension bill on the Private Calendar was the bill (H. R. No. 6218) granting a pension to Hannah E. Alden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Alden, widow of Abram V. Alden, late a corporal of Company H of the One hundred and forty first Regiment of Pennsylvania Infantry Volunteers, and pay her a pension from and after the 1st day of December, 1876.

The following amendment was reported by the Committee on Invalid Pensions:

Strike out these words at the end of the bill: "and pay her a pension from and after the 1st day of December, 1876."

The amendment was agreed to.

Mr. PRESCOTT. The bill does not say that the pension shall be paid from and after the passage of the act. I move to amend by adding these words:

And to pay her a pension from and after the passage of this act.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY B. GRAVES.

The next pension bill on the Private Calendar was the bill (H. R. No. 4387) granting a pension to Anthony B. Graves.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anthony B. Graves, late a private in Company E, One hundred and thirtieth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARBARA MARQUARDT.

The next pension bill on the Private Calendar was the bill (H. R. No. 4357) granting a pension to Barbara Marquardt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Barbara Marquardt, widow of John M. Marquardt, late a soldier in Company E of the One hundred and ninth Regiment of New York Volunteers during the war of the rebellion; and that she be allowed a pension on the papers now on file in the Pension Office the same as though the divorce of said Barbara Marquardt from said John M. Marquardt had not been granted.

The following amendment was reported by the Committee on Invalid Pensions:

Strike out the words at the end of the bill "and that she be allowed a pension on the papers now on file in the Pension Office the same as though the divorce from said John M. Marquardt had not been granted" and add "subject to the provisions and limitations of the pension laws."

Mr. PRESCOTT. I ask for the reading of the report in that case.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 4357) granting a pension to Barbara Marquardt, has had the same under consideration, and begs leave to submit the following report:

The petitioner claims pension as the widow of John M. Marquardt, who served in Company E, One hundred and ninth Regiment of New York Volunteers, and died November 15, 1863, of typhoid fever, while home on sick furlough.

The claim has been rejected by the Pension Office on the ground that the claimant, on the 16th of April, 1862, obtained a divorce from the soldier which divorce was never set aside or annulled.

While it is true that the claimant was divorced at the time stated, it is, nevertheless, also shown that she visited the soldier while sick in camp, took him home, and nursed him until he died.

In view of these facts, the committee is of opinion that the relief asked for should be granted, and therefore reports favorably on the bill, amended, however, by striking out all after the word "rebellion," in lines 7 and 8, and inserting thereafter the words "subject to the provisions and limitations of the pension laws," and, thus amended, asks that it do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROWLAND WARD.

The next pension bill on the Private Calendar was the bill (H. R. No. 6728) granting an increase of pension to Rowland Ward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Rowland Ward, late private in Company I, Fourth Regiment New York Heavy Artillery, to $30 per month, in lieu of the pension now received by him, the increase hereby granted to commence from the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS F. BAKER.

The next pension bill on the Private Calendar was the bill (H. R. No. 1874) granting a pension to Thomas F. Baker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Baker, late of Company G, Thirteenth Regiment Wisconsin Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT CARY.

The next pension bill on the Private Calendar was the bill (H. R. No. 4367) granting an increase of pension to Robert Cary.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cary, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at $72 per month, in lieu of the pension he is now receiving.

Mr. ALDRICH. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 4367) granting an increase of pension to Robert Cary, has had the same under consideration, and begs leave to submit the following report:

The claimant is now a pensioner at the rate of $24 a month on account of disability from gunshot wound of urethra and bladder received in action while serving as a private in Company I, Ninety-ninth Regiment of Ohio Volunteers. This rate is allowed because of his inability to perform any manual labor. Applications for increase have been rejected by the Pension Office because total and permanent helplessness must be shown to entitle the pensioner to a higher rate. He presented his claim for increase to the Forty-fifth Congress, and the following report was made to the House by the chairman of the Invalid Pensions Committee:

"The Committee on Invalid Pensions, to whom was referred the petition of Robert Cary, asking for increase of pension, have had the same under consideration, and beg leave to report:

"John M. Hawkey, captain of claimant's company, says that Robert Cary was a prompt and faithful soldier, a private of Company I, Ninety-ninth Regiment Ohio Volunteers; that at three o'clock on the morning of the 15th day of July, 1863, at McMinnville, Tennessee, he was wounded by the accidental discharge of his musket in taking it from his bunk, while getting in line of battle, the opinion of the surgeon at the time being that it was fatal.

"Claimant was first placed on the pension-roll July, 1865, to draw from October, 1863, at $8 per month; increased to $15 from February, 1869; increased to $20 from September, 1870; increased to $24 from June, 1872. Application for further increase rejected July, 1877.

"The evidence is complete as to the permanent total helplessness, requiring the regular personal aid and attendance of another person.

"The committee recommend the passage of the accompanying bill increasing his pension to $50 per month."

The committee adopts this report with the exception of the recommendation therein contained, and recommends the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN HAZLEWOOD.

The next pension bill on the Private Calendar was the bill (H. R. No. 3047) granting a pension to John Hazlewood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hazlewood, late of Company F, Seventh West Virginia Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LANDON B. GRIMES.

The next pension bill on the Private Calendar was the bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to reissue to Landon B. Grimes, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, pension-certificate numbered 21685, giving him the following rate of pension, namely: $2 per month from March 26, 1863; $15 per month from June 6, 1866; and $18 per month from June 4, 1872.

Mr. PRESCOTT. I would like to hear the report in this case.

The report was read as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes, has had the same under consideration, and begs leave to submit the following report:

An examination of the papers in the case shows the following facts: Landon B. Grimes served in Company K, Fifteenth Regiment Ohio Volunteers, from September 23, 1861, to March 26, 1863, when discharged on account of disability by reason of gunshot wound through upper third of left arm, received in battle of Stone River, December 31, 1862. For this disability he was pensioned originally at $2 per month from date of discharge, at $6 from October 23, 1867, at $15 from April 15, 1871, and at $18 per month from June 4, 1872.

The pensioner claims a rerating at $15 per month from June 6, 1866, to June 4, 1872, instead of the rate received for that period.

Medical examinations had of the pensioner during the period for which additional pension is claimed show the following conditions:

"Ball entered the left arm about two inches below the shoulder-joint and passed directly through under the deltoid muscle, partially fracturing the humerus, occasionally suppurating and discharging small pieces of bone. There is a great deal of pain along the whole course of the arm; there is difficulty in elevating the arm, and loss of strength. The disability is permanent."

The same conditions are shown in subsequent medical examinations, which formed the basis of increase to $15 and $18 per month respectively.

The law does permit the allowance of $15 per month for a disability equivalent to the loss of a hand, from June 6, 1866, and inasmuch as the Pension Office did recognize the disability as in that degree in 1871, although no greater disability is shown by the medical examination in that year than was shown by previous examinations, and as the committee is of opinion that the degree of disability in this case has not changed since 1866, the same reports favorably on the bill and asks that it do pass.

Mr. MATSON. I move to amend by adding these words:

Deducting all payments heretofore made.

Mr. McMILLIN. I desire to know of the gentleman from Ohio [Mr. RICE] if it would not be sufficient to provide that the pension shall commence from the present date.

Mr. RICE, of Ohio, The man gets $18 a month now. He is suffering from a gun-shot wound, and the evidence shows that his condition during the period for which the additional pension is allowed was as bad as it is now. It has been the same ever since he was wounded. The original rate of pension was $2 per month, which was subsequently increased to $6 and $15, and finally from $15 to $18, because the law was changed.

Mr. PRESCOTT. Why does this bill provide that the pension-certificate shall be reissued? Is the pension now out?

Mr. RICE, of Ohio. He is now receiving a pension of $18 per month.

Mr. PRESCOTT. What does he ask?

Mr. RICE, of Ohio. That he shall receive $18 per month during the whole time.

Mr. McMILLIN. Did he get during all that time the full amount allowed by law for that character of disability?

Mr. RICE, of Ohio. I am not prepared to say.

Mr. McMILLIN. Is this to provide for arrearages?

Mr. RICE, of Ohio. The injury has been the same from the beginning. It was a case of gunshot wound, and it was presumed that as time elapsed the case would improve. But it did not, and the Pension Office has been increasing the allowance of pension.

Mr. RAY. Without any change of the law?

Mr. RICE, of Ohio. Without any change of the law, except one allowing a pension for a disability equivalent to the loss of a hand at the rate of $18 per month.

Mr. McMILLIN. Is there any feature in the case that brings it within the objection of being in fact a bill to pay arrearages of pension?

Mr. MATSON. This is one of a class of cases of which the Committee on Invalid Pensions and this House are not at all uninformed. There are some few cases in which the Pension Office has made mistakes in regard to the rating. I understand that this bill is simply for the purpose of correcting a mistake in the rating, so that the pensioner shall receive the pension for all the time he was entitled to receive it for the disability under which he labored.

The amendment I have offered simply provides that the sums heretofore received shall be deducted from the sums provided in this bill. Otherwise, he would receive his old pension over again, as set forth in the bill. The objection to paying arrearages does not obtain in this case, I think. I remember two or three cases of this character that have passed the committee and the House.

Mr. McMILLIN. I suggest the propriety of an amendment so as to make it clear that this act shall not be construed as increasing the rate of pension for this degree of disability at any time. I think that would make it clear.

Mr. RICE, of Ohio. I think the amendment should be so worded that the amount to be deducted should still leave him $18 per month from the time he was first pensioned.

Mr. McCOOK. From the time he first received $15 per month?

Mr. RICE, of Ohio. Yes.

Mr. McCOOK. It seems to me from the report, as it was read, that the disability increased steadily.

Mr. PRESCOTT. I wish to call the attention of the gentleman from Ohio [Mr. RICE] and this committee to the peculiar wording of this bill. I certainly do not understand what is intended by it. It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to reissue to Landon B. Grimes pension certificate No. 21685.

Now, why should that pension certificate be reissued? It then provides "giving him the following rate of pension, namely, $21 per month from March 26, 1863." I understand that he has already received $2 per month from that time. Do you wish to give him $2 per month over again?

Mr. RICE, of Ohio. I wish to give him $15 a month more.

Mr. PRESCOTT. You will not do it by this bill; "$2 per month from March 26, 1863, and $15 per month from June 6, 1866, and $18 per month from June 4, 1872." Now, during part of that time he has been receiving fifteen and part of the time eighteen dollars per month. By this bill he would get just double what he has received during the entire time.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] has offered an amendment to deduct the amounts heretofore received.

Mr. PRESCOTT. If you deduct all payments heretofore received you would be deducting what is here given to him, and the result would be that he would get nothing in addition, for he has received exactly the money which this bill provides for, and if that amount is to be deducted from amounts allowed by this bill then he would get nothing more.

Mr. PEELLE. For the time he received less than $18 a month he would get something.

Mr. PRESCOTT. He received $18 a month for all the time that this bill names.

Mr. PEELLE. He received $2 per month for a portion of the time, $15 per month for another portion of the time, and $18 per month for another portion of the time.

Mr. PRESCOTT. That is what this bill says.

Mr. PEELLE. Then you would be giving him $18 a month for one portion of the time and $15 for another time.

Mr. BROWNE. I think gentlemen are a little confused about what this bill intends to do.

Mr. PRESCOTT. I ask that this bill be passed over informally for a few minutes until a proper amendment can be prepared.

Mr. BROWNE. I see no necessity for passing over this bill either formally or informally, or in any other way. This man was granted a pension during a portion of the time at $2 per month. Subsequently his pension was increased to $15 a month, and later on it was increased to $18 a month.

Now, the bill does not propose to increase the pension during the time for which he drew $2 a month, but it does propose to increase the pension during the time that he drew a pension at the rate of $15 a month up to the time when the Pension Office put him on the pension-roll at $18 a month. And that is for the reason that during all the time that he received only $15 per month he should have been rated at $18 per month. That is all there is of it. The bill simply rerates during a portion of this time the pension granted by the Pension Office.

Mr. PRESCOTT. From June 4, 1872, how much do you propose to pay him?

Mr. BROWNE. If the gentleman will let me have the bill I will try to answer his question.

Mr. ROBINSON, of Ohio. The bill had better be laid aside informally for a while.

Mr. BROWNE. The gentleman from New York [Mr. PRESCOTT] criticises in the first place the language of the bill where it speaks of the pension certificate being reissued. It is to be reissued in a certain sense; that is inasmuch as the pension is increased the certificate is changed; and this may be regarded as a reissue.

Now, the certificate to be issued or reissued is to give this man a pension at the following rates: first, $2 per month from March 26, 1863, (this is what he received;) secondly, $15 a month from June 6, 1866, (I understand he received that;) and $18 a month from June 4, 1872.

Mr. PRESCOTT. He has received that.

Mr. BROWNE. That he has not received; it is an increase of the rate of pension during the last period. Then the bill provides that there shall be deducted from these payments such sums of money as he has already received.

Mr. PRESCOTT. The report says that he has received $18 a month from June 4, 1872, to the present time.

Mr. BROWNE. If that be true the bill is certainly harmless.

Mr. PRESCOTT. If it is harmless and useless, why take up time in considering and passing it?

Mr. BROWNE. I have stated that this bill, if I understand the case—and I remember when it was discussed in committee—proposes to change the rating during the last period named in the bill.

Mr. McCOOK. From June 4, 1872?

Mr. BROWNE. Yes, sir.

Mr. McCOOK. Giving $3 a month additional?

Mr. BROWNE. Yes, sir; because the committee believed that in view of the disability existing at that time and under the law then applicable to the case his rating at the Pension Office should have been in that sum. I do not care particularly whether the bill be passed or laid aside.

Mr. McMILLIN. I have prepared an amendment which will doubtless obviate the objection I suggested. It is to add:

Provided, That this act shall not be so construed as to give the pensioner a greater rate of pension than was allowed under the general law to others suffering from equal disability.

Mr. BROWNE. Say "like disability."

Mr. McMILLIN. I accept the gentleman's suggestion and make that modification.

Mr. BROWNE. That amendment is all right.

Mr. PRESCOTT. With that amendment I think the bill harmless and useless.

The amendment was adopted.

The bill as amended was laid aside to be reported favorably to the House.

SARAH J. CAMERON.

The next business was the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Cameron, widow of Henry A. Cameron, late a private in Company C, Twenty-fifth Missouri State troops.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron, having had the same under consideration, report as follows:

It appears from the papers on file in the Pension Office that the claimant is the widow of Henry A. Cameron, who was a private in Company C, Twenty-fifth Regiment Missouri Enrolled Militia. The record of the adjutant-general of the State of Missouri shows that Cameron was enrolled on the 29th day of July, 1862; was relieved from service September 12, and died October 6, 1862. The captain of the company testifies that Cameron was a sound and able-bodied man at the time of his enlistment, and that he died on the 24th of September, 1862, while at home on sick furlough, for a disease the nature of which is unknown to affiant; that the company was ordered on duty by the commanding officer of the United States forces in that section of the State to guard the Hannibal and Saint Joseph Railroad bridge over the Platte River, near Saint Joseph, Missouri.

Burr H. Cox, surgeon of the regiment, the attending physician of the soldier, makes oath that the latter was under his treatment from the 19th to the 24th day of September, 1862, for typhoid fever, contracted in the service and in the line of his duty, and that he died of the said disease; also that the soldier at the time of his enlistment was an able-bodied and sound man. The claim has been rejected by the Pension Office because there is no provision of law under which a pension could be granted on account of disease contracted while serving as a member of the militia of a State.

Since the filing of the bill additional evidence has been presented to this committee corroborative of the statements of the captain and surgeon heretofore referred to.

In view of the fact that the Missouri enrolled militia were, under the arrangement between the State authorities and the General Government of the United States, in service, subject to the orders of the officers of the United States, it should be held that the claimant's husband was virtually in the service of the United States, and as it is shown beyond a doubt that the disease of which the soldier died was contracted in and because of said service the committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and recommend that it pass.

The bill was laid aside to be reported favorably to the House.

THEODORE RAUTHE.

The next business was the bill (S. No. 1040) granting a pension to Theodore Rauthe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Theodore Rauthe, late a private in Company K, Thirteenth New York Cavalry, whose name was stricken from the pension-roll on September 30, 1878, and pay him a pension of $50 per month from and after the passage of this act.

Mr. PRESCOTT. I would like to hear the report in this case, so that we may know why this man was dropped from the roll.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 1040) granting a pension to Theodore Rauthe, having examined the same, makes the following report:

The committee finds the facts in this case correctly set forth in Report No. 221 of the Senate Committee on Pensions, made at the present session of Congress, as follows:

"Theodore Rauthe enlisted as a private in Company K, Thirteenth New York Cavalry, January 5, 1864, having then recently arrived from Germany, of which country he was a citizen. He was mustered out with his company September 21, 1865. He was pensioned November 1, 1867, at the rate of $15 per month, for loss of both feet, amputated in Harewood Hospital, District of Columbia, in March and June, 1866, having been admitted to said hospital as a discharged soldier. His pension was subsequently increased to $31.25 per month. He was dropped from the rolls September 12, 1878, upon the ground that the disability for which he was pensioned was not due to his Army service. He has since applied for restoration, which the Pension Office, after consideration, has refused.

"The amputation of claimant's feet was rendered necessary by reason of their having been frozen, and the question in the case is, whether such amputation was rendered necessary in consequence of his feet having been frozen while in the service, or in consequence of subsequent exposure and freezing. Claimant and six comrades testify that his feet were frost-bitten in January, 1865, while on picket duty, at night, near Camp Lovell, Virginia, and while the same did not necessitate hospital treatment, the claimant frequently complained of the condition of his feet, resulting therefrom. The Army records furnish no evidence of the fact. Claimant further alleges that when cold weather came on in the fall, after his discharge, his feet in consequence of having been frost-bitten in the service, broke open, and grew worse until the amputation thereof. In this he is also corroborated by his six comrades. But the committee doubt whether they had personal knowledge of that fact. After his discharge in September, 1865, he came to Washington and worked as a cigar-maker. The next that is known of him is that he was found, in December, 1865, in a tobacco barn in Prince George's County, Maryland, by the owner of the barn nearly "frozen to death," sick, "and his feet in a very bad condition from being frosted." He was taken the next day (having been cared for mean time) to the almshouse, and afterward to Washington, and was soon admitted to Harewood Hospital.

"The farmer who found him says: 'I do not think he could have been lying in the barn for any considerable time, as the weather was very cold. There was no appearance of drunkenness about him. I am unable to say of my own knowledge whether he had been previously frosted, but his feet were in a wretched condition when he was discovered by me.' He was dropped from the rolls upon a letter purporting to have been written by Robert Lamprect, a sergeant of the Twelfth United States Infantry, alleging that his feet were not frozen in the Army, but were frozen after his discharge, while lying out-doors all night near the corner of Twentieth and K streets, in Washington, where he was found and taken to the police-station. The letter Lamprect denies having written, and its allegations are found to be untrue, and Lamprect testified subsequently that he did know of his own knowledge that claimant's feet were frozen while in the service. The investigation set on foot in consequence of the receipt of this letter brought out the fact that claimant was found in the barn in Maryland in the condition described.

"The case is one of considerable doubt. The claimant does not speak English. It appears to be sufficiently established that claimant's feet were frozen while in the service. Whether their condition at the time he was found in the barn naturally resulted therefrom is not so clearly proven; but upon the whole case, in view of the fact that the claimant does not speak English and may not have understood clearly the necessity of particularity upon this point, and in view of the established fact that his feet were originally frozen in the service, the committee have concluded to recommend the passage of the bill, (S. No. 1040,) amended so as to pay said Rauthe a pension of $50 from and after the passage of this act, and that bill S. No. 952 be indefinitely postponed."

Upon this report the Senate passed the bill for the relief of Theodore Rauthe. Your committee concurs in this action and recommends the passage of the bill by the House.

Mr. McCOOK. This bill, as I understand, provides for a pension of $50 a month from and after the passage of the act. I understand from the report that the highest pension this man ever received was $31.25. Now, as the gentleman who prepared the report seems to believe there is a good deal of doubt about this case, it seems to me it would be a proper thing to amend the bill, if we are to pass it, so as to place this pension at the highest figure that the man received prior to being dropped. Certainly there seems to be no reason for increasing the rate to $50 a month. It may be a rather ungracious thing for me to do, but I am inclined to move that amendment. There seems to be a grave doubt whether the man's disability was incurred in the service. His feet were amputated after the war; and the indications are that the man was drunk and in consequence of his intoxicated condition had his feet frozen after leaving the service. Therefore, unless the gentleman who prepared this report has something to say to convince me to the contrary I will move the amendment I have indicated.

Mr. RICE, of Ohio. I would not undertake to convince any person that it is clearly established this man's injuries were received to their entire extent in the Army. I have no doubt that while in the Army he suffered from severe frost-bite. Everybody knows that the parts injured by frost-bite are very susceptible to cold ever afterward. I have no doubt that he suffered from extreme cold when exposed in the barn, according to the account given in the report. But I believe there is substantial merit in the case, though I shall not oppose the amendment. I have obtained a favorable impression of this case on account of an investigation made by the gentleman from Wisconsin, [Mr. DEUSTER,] who became interested in the matter. The man is a German and was unable to explain himself satisfactorily to any member of the committee. He has appeared, upon what is left of his legs, at the door of our committee-room almost daily for months past, and we have felt like doing something for his relief.

Mr. BROWNE. The Senate bill restores him to the pension-rolls, taking him back to the time when he was dropped, which would give him a considerable sum, perhaps more than he would receive under the House bill.

Let me say to my friend from New York that the time when he was pensioned the highest rate of pension for disability resulting in the loss of both legs or arms was $31.25 per month. Since that time the general law has increased that to $50, and in some instances where they require the constant attendance of one person to $72 a month. If this man is entitled to a pension at all it is as one having lost both legs. He has practically lost both legs, as amputation occurred below the knees. He would be entitled at the rating of the Pension Office to $50 a month.

Mr. PRESCOTT. The report does not say that he lost both his legs in the service. It says "had a tendency that led to the loss of his legs."

Mr. TOWNSEND, of Ohio. When was he dropped from the rolls?

The CHAIRMAN. September, 1878.

Mr. PRESCOTT. Let the Senate bill be again read.

The bill was again read.

Mr. DAWES. In answer to some remarks of the gentleman from New York let me say that this case has been adjudicated in the Pen-

sion Office on the two points which he raised: first, that the disability was contracted in the service; and in the second place his rating was that of a pensioner who lost both his legs, which is now $50 a month. There was a question of doubt which was thoroughly investigated by the Committee on Invalid Pensions, and that committee unanimously decided this man is now and always was entitled to the rating of a man who had lost both his legs in the service.

Mr. TOWNSEND, of Ohio. We will make no mistake by giving this man $50 a month from and after the passage of this act. He was a good soldier and lost his feet in consequence of disability received in the service. Fifty dollars a month from this on would be more to him than to give him back pay.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. HANNAFORD.

The next business was the bill (H. R. No. 5849) granting a pension to Mary J. Hannaford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hannaford, widow of Robert H. Hannaford, late of Company C, Ninety-third Regiment Ohio Volunteers.

The amendment was read, as follows:

Strike out the words "from and after the — day of —, 1870, the date of the death of her said husband."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BENNETT.

The next business was the bill (H. R. No. 6317) granting an increase of pension to James Bennett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the regulations and limitations of the pension laws, the name of James Bennett, late a sergeant of Company L, Second Regiment New York Cavalry, at the rate of $72 per month, in lieu of the pension now received by him.

The amendment was read, as follows:

Strike out "$72" and insert "$50."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH WEINSTEIN.

The next business was the bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, to commence March 13, 1863, and to continue during her widowhood, the name of Elizabeth Weinstein, the foster mother of Peter Weinstein, deceased, late a private in Company G, Forty-fourth Regiment New York Volunteers.

The amendment was read, as follows:

Strike out "at the rate of $8 per month, to commence March 13, 1863, and to continue during her widowhood" and in lieu thereof insert "said pension to begin from and after the passage of this act."

The amendment was agreed to; and as amended the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS DUFFY.

Mr. DAWES. I move by unanimous consent to take up the bill (H. R. No. 4582) for the relief of Francis Duffy.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Duffy, father of Patrick Duffy, late a private Company E, Tenth Ohio Volunteers, to draw a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BROWNE. Now take up the bills in their order.

The CHAIRMAN. That will be done.

MARTHA JANE DOUGLASS.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5985) granting a pension to Martha Jane Douglass.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Jane Douglass, widow of John T. Douglass, late a private in Company B, Third Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMILY THEADGILL.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 5986) granting a pension to Emily Theadgill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Theadgill, widow of Nathaniel Theadgill, who was a private in Company B, Third Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JORIAL ONKST.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 6457) granting a pension to Jorial Onkst.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jorial Onkst, late a private in Company F, Eighth Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. FENSCKE.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 3701) granting a pension to John C. Fenscke.

The bill was read, as follows:

Be it enacted, &c., That a pension be, and is hereby, granted to John C. Fenscke, late an employé of the United States Government, on account of wounds received while in the discharge of his duties as such employé; and that the Commissioner of Pensions be, and he is hereby, instructed to place the name of said John C. Fenscke on the pension-roll.

The committee recommended the following amendment:

The pension to take effect from the date of the passage of this act.

Mr. McMILLIN. Let us have the report in that case read.

The CHAIRMAN. The report will be read.

The Clerk read as follows:

It appears from the evidence in this case that the petitioner, John C. Fenscke, of New Ulm, Minnesota, was a wagon-maker at Lower Sioux agency, in the employ of the United States, on the 18th day of August, 1862, at which time said agency was surprised and attacked by the Sioux Indians. It further appears that in assisting to defend the agency he received a severe wound from an Indian arrow which passed through the muscles of his back, near the spinal column and between the third and fourth ribs, penetrating his left lung.

He was treated for this wound by Dr. Alfred Miller, acting assistant surgeon at the military hospital at Fort Ridgley, Minnesota, from the 20th of August to 30th of September, 1862.

Dr. Miller in his sworn statement testifies that he treated petitioner in hospital aforesaid for arrow wound above described, and that it was received as above stated; that arrow-head remained in the wound until removed by him, dangerously injuring the lung; that since the receipt of said injury affiant has seen petitioner, and that he has never fully recovered, and never can, from the injury received, the lung remaining in a diseased condition.

It also appears from the statement of Governor L. F. Hubbard, present governor of Minnesota, and other reputable citizens, neighbors of petitioner, that he was a robust and healthy man prior to the receipt of the injury, and is now greatly disabled for the performance of manual labor.

After a careful consideration of this case your committee are of opinion that it is a meritorious one and recommend that the bill do pass.

Mr. McMILLIN. This is another of the civil employés of the Government. Let the bill take the course of those which were laid over at the last meeting to be reported to the House and considered when there is a quorum present. I shall make no question of a quorum now, but I do not want it to be put upon its passage to-night.

The SPEAKER *pro tempore*. Without objection, the bill will be laid aside with a favorable report to be acted upon as suggested by the gentleman from Tennessee.

There was no objection.

JOSEPH F. WILSON.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph F. Wilson, late a corporal of Company E, Eighth Regiment of Illinois Infantry Volunteers, and pay him a pension of $72 per month in lieu of that which he now receives; this act to take effect from and after its passage.

The committee recommend that the bill be amended by striking out "seventy-two," in line 8, and inserting "forty;" so that it will read "and pay him a pension of $40 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGERY NIGHTENGALE.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5103) granting a pension to Margery Nightengale.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margery Nightengale, widow of Michael Nightengale, late of Company D, Fifty-first Regiment New York Volunteer Infantry, upon the pension-roll at the rate of $8 per month, and pay her said pension from and after the date of the death of said Michael Nightengale.

The committee recommend that the bill be amended by striking out the words "the date of the death of said Michael Nightengale" and inserting "the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

REUBEN MARSHALL.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 454) granting a pension to Reuben Marshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Marshall, late a private in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

H. E. VAN TREES.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 452) granting a pension to H. E. Van Trees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. E. Van Trees, late a first lieutenant in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

M. H. CLEMENTS.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 447) granting a pension to M. H. Clements.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. H. Clements, late a private in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET HAMILTON.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5034) granting a pension to Bridget Hamilton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Bridget Hamilton, of the city of Washington, District of Columbia, who shall, from and after the passage of this act, be paid a pension at the rate of $8 per month.

Mr. ROBINSON, of Ohio. Mr. Chairman, I move to amend this bill by striking out "eight," in line 7, and inserting "twelve;" so that it will read "to be paid a pension at the rate of $12 per month." I understand that soldier served for thirty years in the Army. He served in three wars, the Florida war, the Mexican war, and the late war of the rebellion. I think his widow is entitled to this pension.

Mr. BROWNE. I do not understand the gentleman's motion.

Mr. ROBINSON, of Ohio. To strike out "eight" and insert "twelve," for the reasons that I have stated.

Mr. ALDRICH. I suppose the committee knew of those facts, did they not?

Mr. BROWNE. The gentleman from Ohio will remember that under no general law is she entitled to any pension; and further, that if the husband had been injured to the extent of total disability by casualties on the battle-field the widow would have been entitled to only $8 per month.

We do not think that we ought to place a soldier's widow on the pension-roll when the soldier has died a natural death, even after long service, at a higher rate than we would put the widow of a soldier who died with his gun in his hands on the battle-field. I do not believe that discrimination should be made against the widows of men who died with their faces to the foe.

Mr. RICE, of Ohio. I do not know, although I agree with the committee, and wrote this report recommending that this woman should be pensioned at the rate of $8 per month, I do not know but I may consistently favor the amendment of my colleague from Ohio, [Mr. ROBINSON.]

This man served for thirty-two years in the Army; through the Florida war, the Mexican war, and the war of the rebellion. He was a famous drill-sergeant. He has instructed thousands of soldiers and officers to discharge their duties. He also was a man of the highest character. He was a good example as a soldier in the Army. The papers that were supplied to the committee contained numerous certificates from officers under whom he served, going to show his high character and faithful services. Besides all this, this wife of his accompanied him to Florida. She did her duty faithfully as a soldier's wife. She bore him four sons. Three of those sons served through the war of the rebellion. One of them died recently on account of disease contracted in the war. He left a child which this poor old wife of Robert Hamilton has adopted and is caring for in her poverty. She is now aged and poor.

I am certain if this were the widow of some officer, some regular Army officer, some naval officer, no objection would be raised to increase the amount. We know how easily we do that thing in behalf of the high and mighty ones of the land. But when some poor body comes along it is natural to object, and everybody does object, as is done in this case. I certainly think that this poor woman ought to be helped along, considering the manner in which her husband did his duty and the manner in which she did her duty, with this pittance of $12 a month. She is about seventy-five years old, and she will not want it very long.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio, [Mr. ROBINSON.]

The amendment was agreed to; there being—ayes 12, noes 9.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DENNIS SMITH.

The next pension bill on the Private Calendar was the bill (H. R. No. 388) granting a pension to Dennis Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dennis Smith, late of Company A, Sixth Kansas Volunteer Cavalry, on account of disability incurred in the line of duty.

The Committee on Invalid Pensions reported the following amendment:

Strike out the words "On account of disability incurred in the line of duty."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BROWNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BURROWS, of Michigan, having resumed the chair as Speaker *pro tempore*, Mr. BRIGGS reported that the Committee of the Whole had had under consideration sundry pension bills, and had directed him to report the same to the House with various recommendations.

PENSION BILLS PASSED.

The following Senate bill, reported from the Committee of the Whole without amendment, was ordered to a third reading, read the third time, and passed:

A bill (S. No. 1040) granting a pension to Theodore Rauthe.

The following House bills, reported from the Committee of the Whole with amendments were taken up, the amendments agreed to, and the bills severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 3737) granting a pension to Thomas McClain;

A bill (H. R. No. 6218) granting a pension to Hannah E. Alden;

A bill (H. R. No. 4357) granting a pension to Barbara Marquardt;

A bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes;

A bill (H. R. No. 5849) granting a pension to Mary J. Hannaford;

A bill (H. R. No. 6317) granting an increase of pension to James Bennett;

A bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein;

A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;

A bill (H. R. No. 5986) granting a pension to Emily Theadgill;

A bill (H. R. No. 6457) granting a pension to Jorial Onkst;

A bill (H. R. No. 3701) granting a pension to John C. Fenscke;

A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

A bill (H. R. No. 5103) granting a pension to Margery Nightengale;

A bill (H. R. No. 5034) granting a pension to Bridget Hamilton; and

A bill (H. R. No. 388) granting a pension to Dennis Smith.

The following bills, reported from the Committee of the Whole without amendments, were severally ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;

A bill (H. R. No. 4387) granting a pension to Anthony B. Graves;

A bill (H. R. No. 6728) granting an increase of pension to Rowland Ward;

A bill (H. R. No. 1874) granting a pension to Thomas F. Baker;
A bill (H. R. No. 4367) granting an increase of pension to Robert Cary;
A bill (H. R. No. 3047) granting a pension to John Hazlewood;
A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;
A bill (H. R. No. 4582) for the relief of Francis Duffy;
A bill (H. R. No. 454) granting a pension to Reuben Marshall;
A bill (H. R. No. 452) granting a pension to H. E. Van Trees; and
A bill (H. R. No. 447) granting a pension to M. H. Clements.

Mr. BROWNE. I move to reconsider the various votes just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANTING CONDEMNED CANNON.

Mr. BROWNE. I ask consent to take up for consideration at this time Senate bill No. 2050, donating four condemned cast-iron cannon and four cast-iron cannon-balls for a soldiers' monument at Ironton, Ohio. It is a bill in which the gentleman from Ohio [Mr. NEAL] is interested, and he is not able to be here to-night.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized to deliver to Post Dick Lambert, of the Grand Army of the Republic, at Ironton, Ohio, four condemned cast-iron cannon and four large cast-iron cannon-balls, for a soldiers' monument to be erected in said city by the said post of the Grand Army of the Republic.

The bill was ordered to a third reading, read the third time, and passed.

ELIJAH W. PENNY.

Mr. MATSON. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2005) to increase the pension of Elijah W. Penny, returned from the Senate with an amendment, for the purpose of concurring in the amendment.

The amendment was to add to the bill the following:

Said increase to take effect from the passage of this act.

There being no objection, the amendment was concurred in.

DONATIONS OF CONDEMNED CANNON.

Mr. WADSWORTH. On behalf of the gentleman from Iowa, [Mr. HEPBURN,] I ask to have taken from the Speaker's table for present consideration the bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to furnish to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, four condemned cast-iron cannon, for the adornment of a monument in memory of the deceased soldiers of Iowa, at Council Bluffs, in said State.

There being no objection, the House proceeded to the consideration of the bill, which was read three times, and passed.

Mr. WADSWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPAULDING. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill which was reported this evening, the bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to furnish to the post of the Grand Army of the Republic at Peabody, Massachusetts, four condemned cast-iron cannon, to be used at the soldiers' and sailors' lot at Cedar Grove Cemetery, in Peabody aforesaid.

There being no objection, the House proceeded to the consideration of the bill.

Mr. STONE. I move to amend by inserting after the word "cannon" the words "and four cannon-balls."

The amendment was agreed to.

Mr. PEELLE. I move to amend the bill by adding the following:

Also granting to George H. Thomas Post, Grand Army of the Republic, Indianapolis, Indiana, two condemned cast-iron cannon and four cannon-balls for monumental purposes.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPAULDING. I also ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cannon, balls, and muskets for soldiers' burial ground at Maquoketa, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to deliver to the A. W. Drips Post No. 74 Grand Army of the Republic, at Maquoketa, Iowa, four condemned cast-iron cannon, four cannon-balls, and two hundred and fifty condemned muskets, for the use and adornment of the soldiers' burial ground in the cemetery at Maquoketa, Iowa.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs to strike out, in lines 6 and 7, the words "and two hundred and fifty condemned muskets," and to insert, after the words "cast-iron cannon," the word "and," was agreed to.

Mr. McCOID. I move to amend by adding to the bill the following:

Also, four condemned cast-iron cannon and four cannon-balls to the George Strong Post, Grand Army of the Republic, at Fairfield, Iowa.

The amendment was agreed to.

Mr. RUSSELL. I move to amend by adding the following:

Also granting to the Grand Army of the Republic, Lawrence, Massachusetts, four condemned cast-iron cannon for monument purposes.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPAULDING. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed, if the same can be done without prejudice to the public service, to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, to be used in the decoration of the proposed soldiers' monument in the cemetery at Haverstraw, New York.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE. I now move that we go to the Speaker's table to take up several House pension bills returned from the Senate with amendments. I desire that the amendments be concurred in.

The motion was agreed to.

AMELIA ANN WILSON.

The bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

Strike out all after the word "the" where it occurs the last time in line 3 and insert "name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month and $2 per month for her minor daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

Amend the title so as to read: "An act granting a pension to Amelia Ann Wilson and her minor child."

The amendments were concurred in.

GEORGE J. WEBB.

The bill (H. R. No. 2349) granting an increase of pension to George J. Webb was taken from the Speaker's table, and the amendment of the Senate was read, as follows:

Such increase of pension to commence from the passage of this act.

The amendment was concurred in.

The SPEAKER *pro tempore*. This concludes the House pension bills on the Speaker's table with Senate amendments. Several bills of this character were taken up and the amendments concurred in before the House went into Committee of the Whole.

Mr. BROWNE. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELTZHOOVER: The petition of citizens of York, Pennsylvania, for an appropriation of $50,000 for educational purposes in Alaska—to the Committee on Education and Labor.

By Mr. BROWNE: The petition of 10 citizens of Hendricks County, Indiana, praying that a pension be granted William H. Milan—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *July* 15, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PENDLETON. I present a telegraphic communication in the nature of a petition from R. M. Bishop & Co. and 12 importing business houses of Cincinnati, praying the Senate to retain what is known as the rebate clause adopted by the House in the bill (H. R. No. 5538) to reduce internal-revenue taxation. As that bill is before the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. CONGER presented a memorial of the State board of health of Michigan, in favor of the passage of a law extending the powers of the National Board of Health so as to include small-pox and to make sufficient appropriation to enable them to effectually perform their duties and publish the reports; which was referred to the Committee on Appropriations.

Mr. JOHNSTON. I have received some papers in the form of petitions and protests against striking out the rebate clause in the internal-revenue bill, which I ask to present. One of them is from the Tobacco Association of Richmond, Virginia; another is from S. W. Venable & Co., manufacturers, of Petersburgh, Virginia. I move that these papers lie on the table.

The motion was agreed to.

Mr. JOHNSTON. I will send them all in to save time. Let them all be entered.

REPORTS OF COMMITTEES.

Mr. ANTHONY. The Committee on Printing, to which was referred the subject of printing the census, have instructed me to report a bill to provide for the publication of the Tenth Census, with a written report which I ask may be printed. I will not ask for the present consideration of the bill, as I understand the Senator from Massachusetts [Mr. HOAR] has an important amendment to propose to it.

The bill (S. No. 2151) to provide for the publication of the Tenth Census was read twice by its title, and the report was ordered to be printed.

THE LIFE-SAVING SERVICE.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service, have instructed me to report it favorably without amendment, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be printed 10,000 copies of the report of the operations of the United States Life-Saving Service for the year ending June 30, 1881, including the instructions to mariners in case of shipwreck and the tables showing the locations of stations, but without the other accompanying tables, for distribution among the officers of our merchant marine, through the collectors of customs, under the direction of the Secretary of the Treasury.

Mr. ANTHONY. This document is an important adjunct to the Life-Saving Service. It gives instructions to mariners how to cooperate with the life-saving stations for the salvation of life.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY. I am directed by the Committee on Printing to report a concurrent resolution for printing Professor Baird's report upon the food-fishes and the fisheries of the United States, and I ask for its present consideration.

Mr. HOAR. Let that go over.

Mr. COCKRELL. Let the resolution be read for information.

Mr. HOAR. Very well.

The Acting Secretary read the concurrent resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and is hereby, instructed to print in quarto form a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and the fisheries of the United States, the engraving to be in relief and to be contracted for by the Public Printer, under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 5,500 extra copies printed, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.

Mr. COCKRELL. I see the proportion is one-fourth for the Senate and three-fourths for the House. I did not know that was the usual proportion of such documents.

Mr. ANTHONY. I think that should be amended so as to provide for the printing of 1,500 for the Senate and 3,000 for the House.

The PRESIDENT *pro tempore*. The resolution will be so modified.

Mr. COCKRELL. As I understand, that document is not the annual report.

Mr. ANTHONY. No.

Mr. COCKRELL. This is a specific report.

Mr. ANTHONY. It is a specific report prepared with great care.

Mr. COCKRELL. It is an exceedingly valuable document, and ought to be published in larger number I think than is provided for by the resolution.

Mr. HOAR. I see that this resolution contains one very important improvement on the practice of the Government, the old provision that people may order in advance so many copies on paying cost with 10 per cent. added. Nobody will ever make such an order of a public document in advance. This resolution provides for a small edition for sale at cost. If at the end of the year this edition is not taken up, the amount on hand will then be distributed to public libraries by a new order of Congress. As the resolution contains one of the provisions which I was desirous to have inserted in all such resolutions for printing, I will withdraw my request that this lie over.

Mr. MAXEY. I move to amend the concurrent resolution as presented by the Senator from Rhode Island so as to increase the number to 10,000, and to be distributed as follows: 2,500 to the Senate, 5,000 to the House, 1,500 to the Commissioner, and 1,000 for sale.

I will state my reason for moving the amendment. In my own State I happen to know that the demand for the fish report is very great indeed and is constantly increasing. Gentlemen there are making their pools for the purpose of receiving fish, and they desire light on the subject. I make the motion to amend on my personal belief that there is a demand for a larger number than the resolution calls for.

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The Acting Secretary read as follows:

Resolved by the Senate, (the House of Representatives concurring.) That the Public Printer be, and is hereby, instructed to print, in quarto form, a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and the fisheries of the United States, the engravings to be in relief, and to be contracted for by the Public Printer under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 10,000 extra copies printed, of which 2,500 shall be for the use of the Senate, 5,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Texas, [Mr. MAXEY.]

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts;

A bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;

A bill (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois; and

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls for decorating the proposed soldiers' monument at Haverstraw, New York.

The message also announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer; and

A bill (S. No. 1068) for the relief of certain citizens of Tennessee.

The message further announced that the House had passed the following bills:

A bill (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon-balls for a soldiers' monument at Ironton, Ohio;

A bill (S. No. 604) granting a pension to Margaret Beymer;

A bill (S. No. 984) increasing the pension of Emma H. Collins;

A bill (S. No. 1040) granting a pension to Theodore Rauthe;

A bill (S. No. 1201) granting a pension to Jacob Nix;

A bill (S. No. 1886) donating four condemned cast-iron cannon for a soldiers' monument at the village of East Bloomfield, New York;

A bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes; and

A bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2872) to increase the pension of James Hawthorne;

A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;

A bill (H. R. No. 2349) granting an increase of pension to George J. Webb;

A bill (H. R. No. 1543) granting a pension to Albert O. Miller; and

A bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child.

GOVERNMENT PRINTING OFFICE.

Mr. HAWLEY. The Committee on Printing, to whom was referred the joint resolution (S. R. No. 82) to provide for extra work in the Government Printing Office in cases of emergency, have instructed me to report a bill as a substitute therefor.

The bill (S. No. 2150) to provide for extra work in the Government Printing Office in case of emergency was read the first time by its title.

Mr. HAWLEY. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. It will be read.

The bill was read the second time at length, as follows:

Be it enacted, &c., That for extra work ordered in emergencies and performed on Sundays or legal holidays or between the hours of midnight and eight a. m., excepting that done by regularly organized night forces, the Public Printer is hereby authorized to pay such extra prices as the customs of the trade and the justice of the case may require.

Mr. HAWLEY. I will explain this measure if Senators desire.

Mr. HOAR. I do not wish to interpose in the Senator's remarks, but I think that the bill had better go over. It had better not be discussed this morning. It is not a report for any printing, I understand.

Mr. HAWLEY. No; it is an instruction to the Public Printer as to certain matters of employment. I will explain it in a moment. An old standing statute that appears on page 47 of the Revised Statutes directs that the Public Printer shall cause work to be done at night as well as by day in case of emergency; and then afterward, in volume 19 of the Statutes at Large, page 231, Congress declared that the Public Printer should pay no more than forty cents per hour or fifty cents per thousand ems. That applies to all kinds of work, day and night. Last December the Public Printer, Mr. Defrees, in a decision afterward sanctioned by the present Public Printer, declared that the law compelled him to pay no more than that, even for extra work. Previous to that time it had always been the custom when day hands, ordinary hands, were ordered on extra work after night that they received, in accordance with the custom of the trade, additional compensation. That the Public Printer cannot give now; so that the Government Printing Office differs from every other printing office in this, that the hands ordered to extra work on Sundays or legal holidays or after midnight have no additional compensation.

We propose to give the Public Printer discretion to give such extra compensation in such cases as the custom of the trade and the justice of the case may require, not allowing this arrangement, however, to apply to regularly organized night forces. Some of the men are employed to work at night regularly. Their wages are fixed and remain as the statute has directed, but the Public Printer, in case he calls all his day hands to work at night or on Sundays, as he is sometimes obliged to do, has no discretion to give them any extra compensation. That has been only since last December, on renewed attention being attracted by Mr. Defrees, and now by Mr. Rounds, to the existing statute.

It is proposed to correct the inequality of the existing statute so as to allow the Public Printer to give a fair extra rate of compensation in cases of extra work.

Mr. SAULSBURY. I should like to ask the Senator whether the regular compensation now paid is not equivalent to that which is paid by any private office in the city?

Mr. HAWLEY. I think it is somewhat in excess; but that was settled by Congress in 1877 by statute and after discussion and upon what seemed to be sufficient reasons, a good rate of compensation.

Mr. SAULSBURY. Does the Senator know any city in the United States where the compensation for night service is greater than that paid now for regular service in the Government Printing Office?

Mr. HAWLEY. That I am sure I do not know; but the printers have always held, and Congress has yielded in general to the justice of their claim, that the printing in the Government Printing Office ought to be paid a little more than any other in the city for the reason that it is quite irregular. In the case of the day hands, the ordinary compositors, sometimes they are worked day and night, and then again hundreds of them will be suspended for weeks or for several months. The force fluctuates therefore in numbers very greatly according to the demands of the public service, and they think that this extra rate while they are at work and this little advance on what is given in ordinary private establishments does not make in the long average anything more than a fair rate of compensation. Congress has legislated in accordance with that general view.

Mr. PLUMB. What is the question before the Senate?

The PRESIDENT *pro tempore*. A bill has been reported from the Committee on Printing, which the Senator from Connecticut has explained. He asks for its present consideration.

Mr. PLUMB. I object to its present consideration.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. HAWLEY. I ask that it be printed.

The PRESIDENT *pro tempore*. It will be printed under the rule.

BILLS INTRODUCED.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2145) for the repeal of so much of the "act making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes," as provides for the retirement of General W. T. Sherman and Lieutenant-General P. H. Sheridan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JOHNSTON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2146) for the relief of Nancy Hale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2152) for the relief of Isaac H. Marks and Samuel Stone; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2147) for the relief of Benjamin Blankenship; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2148) granting a pension to Letitia Tyler Semple; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2149) granting a pension to John W. Wright; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That William R. Mason have permission to withdraw from the files of the Senate certain papers in support of his claim, subject to the rules of the Senate.

THE CLAYTON-BULWER TREATY.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to furnish the Senate with copies of the declaration of Sir Henry Lytton Bulwer and Mr. Clayton on the exchange of the ratifications of the Clayton-Bulwer treaty on the 4th day of July, 1850, and any other documents referred to in the instruction of Mr. Frelinghuysen to Mr. Lowell, dated the 8th day of May, 1882.

REFUNDING OF INCOME TAX.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1068) for the relief of certain citizens of Tennessee, which was, in line 1, to strike out "Commissioner of Internal Revenue" and insert "Secretary of the Treasury."

Mr. HARRIS. The Senate bill authorized the Commissioner of Internal Revenue to remit and refund certain direct taxes that had been improperly paid, and the House amended only by striking out the "Commissioner of Internal Revenue" and inserting the "Secretary of the Treasury." I ask the Senate at this time to concur in the House amendment.

The amendment was concurred in.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 388) granting a pension to Dennis Smith;

A bill (H. R. No. 447) granting a pension to M. H. Clements;

A bill (H. R. No. 452) granting a pension to H. E. Van Trees;

A bill (H. R. No. 454) granting a pension to Reuben Marshall;

A bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan;

A bill (H. R. No. 1874) granting a pension to Thomas F. Baker;

A bill (H. R. No. 718) granting a pension to Patrick Droney;

A bill (H. R. No. 2966) granting a pension to Annie W. Osborne;

A bill (H. R. No. 3047) granting a pension to John Hazlewood;

A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;

A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;

A bill (H. R. No. 3737) granting a pension to Thomas McClain;

A bill (H. R. No. 4357) granting a pension to Barbara Marquardt;

A bill (H. R. No. 4367) granting an increase of pension to Robert Cary;

A bill (H. R. No. 4387) granting a pension to Anthony B. Graves;

A bill (H. R. No. 4582) for the relief of Francis Duffy;

A bill (H. R. No. 5034) granting a pension to Bridget Hamilton;

A bill (H. R. No. 5103) granting a pension to Margery Nightengale;

A bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein;

A bill (H. R. No. 5849) granting a pension to Mary J. Hannaford;

A bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes;

A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;
A bill (H. R. No. 5986) granting a pension to Emily Theadgill;
A bill (H. R. No. 6218) granting a pension to Hannah E. Alden;
A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;
A bill (H. R. No. 6317) granting an increase of pension to James Bennett;
A bill (H. R. No. 6457) granting a pension to Jorial Onkst; and
A bill (H. R. No. 6728) granting an increase of pension to Rowland Ward.

The above pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

DOUBLE PENSIONS.

The PRESIDENT *pro tempore*. The routine morning business is closed, and the regular order is the consideration of the Calendar under the Anthony rule.

Mr. VAN WYCK. I ask that the Senate proceed to the consideration of the joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett.

Mr. PLATT. I do not make any objection to the motion of the Senator from Nebraska, as he is on the Committee on Pensions, and this relates to a pension matter, but I wish to give notice that as soon as the joint resolution is disposed of I shall ask the Senate to continue the consideration of pension cases as we did yesterday.

Mr. VAN WYCK. I offer the following amendment——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. VOORHEES. I object to the consideration of the joint resolution unless it is properly before the Senate, and in doing so I should like to make a statement.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to set aside proceedings under the Anthony rule and to take up the joint resolution. That requires a majority vote of the Senate.

Mr. VOORHEES. I do not wish to be captious; I never am, I hope, to any Senator; I certainly would not be to the Senator from Nebraska; but I fail to see the necessity of any hurry about this matter.

I have conferred with the pension department, and no one there is under any impression that the public interests are about to suffer. They are asking for nothing of this kind. When the question comes up in a regular way I think it will be shown that no wrong has been done by the opinion of the Attorney-General, and that the Secretary of the Interior is quite competent to protect the Government in this as in other pension matters.

For that reason, and without any disposition at all to obstruct any Senator who desires to have such a measure passed, I shall not give my consent to displace the entire Calendar for the purpose of legislating, as it were, against this aged, helpless, bed-ridden old soldier.

Mr. VAN WYCK. When I wished to call up the joint resolution yesterday I understood from the Senator from Indiana that he desired it to lie over for one day, and it was then understood that the measure would be moved this morning.

Mr. VOORHEES. I thought myself that it would come up in its regular order, and when I rose just now I was not certain that an objection would stop its consideration, but I did not understand myself as agreeing that it might displace the entire Calendar and vacate the Anthony rule. At the same time I do not wish to be factious about it, and I am willing for it to come up when it can do so properly; but I do not think we ought to displace the entire business of the Senate to legislate as if the Departments were derelict in their duty and were allowing a scheme of plunder like the Chorpenning claim or something of that kind.

This is a little matter, but a few dollars one way or the other to one of the most helpless and at the same time most deserving men who lives. I talked with the Secretary of the Interior yesterday, and I betray no confidence when I say that he feels he is quite competent to protect the public interests; and he is not only not asking it but it would not be desirable for interference on the part of Congress. He feels that there is no necessity for it whatever. The Secretary of the Interior and the Attorney-General have this matter in hand, and they feel, as they ought to feel, that they are quite competent to decide what the law is, and that there is no danger of this old man plundering the Government.

Mr. VAN WYCK. The attention of the Committee on Pensions was called a few days ago to the fact that there was an attempt being made of an unprecedented kind, the effect of which was to put General Burnett upon the pension-rolls as drawing a double pension, a thing which is not known in the Government to-day. No man of all its brave and gallant officers and soldiers, from the beginning of the Government until now, has ever been granted that privilege. Neither was the privilege intended to be granted.

I will say to my friend from Indiana that his position is merely a begging of the question. No matter how many thousand dollars may be taken from the Treasury by reason of the decision of the Attorney-General, that is not the point under consideration, no matter how brave and meritorious General Burnett may be. The Senator from Indiana can say nothing in his eulogy too strong that will not be echoed by any gentleman on the floor of the Senate. The Senator from Indiana stated the other day that General Burnett carried the snuff-box of Andrew Jackson, and certainly he is entitled to carry it. But that is not the question. The question is not whether General Burnett is receiving too much or too little; the question is whether an executive officer of this Government can step in and annul a law passed by Congress.

It is strange that there should be any obstruction placed upon the immediate action by Congress in this matter. Senators ask us to wait a few days, when the object of waiting is that there may be accomplished what is sought to be by this opinion, that this money, great or small, may be taken out of the Treasury not only in defiance of law but against the express declaration of Congress itself.

Mr. MAXEY. Will the Senator from Nebraska permit me to ask him a question?

Mr. VAN WYCK. Certainly.

Mr. MAXEY. Suppose the effect of the laws be to raise a question as to the rights of General Burnett under them, can that question be settled constitutionally by Congress, or is it a question to be settled by the courts, being a case at law or in equity arising under the Constitution and laws?

Mr. VAN WYCK. The opinion settles no question of law. There is no construction of law in this case. There is first an absolute settlement of facts by the Attorney-General before they were presented to the Commissioner of Pensions. It is not a construction of law in this case, and I think I can satisfy——

Mr. BLAIR. I should like to inquire whether this discussion on the merits of the joint resolution is in order.

The PRESIDENT *pro tempore*. It is not in order.

Mr. BLAIR. I differ very fundamentally from the views expressed by the Senator from Nebraska. I have investigated the question, probably not more than he has, but considerably, and I think the Attorney-General is right. If the case is to be discussed, I want to be heard on the merits.

Mr. VAN WYCK. It was proper that I should answer the Senator from Indiana.

The PRESIDENT *pro tempore*. The Chair would not have interrupted the Senator from Nebraska, but the Senator from New Hampshire inquired whether the debate on the merits was in order.

Mr. VAN WYCK. I want the statement. I want to know why it is that this question which is supposed by the Committee on Pensions, probably with the exception of my colleague on the committee, [Mr. BLAIR,] to be important to be considered by the Senate, and I want to show why it is important. It seems to be a race, if the Senate will allow me just a moment——

Mr. BLAIR. I do not make any objection, but I desire to reply, if this discussion is going by unanimous consent.

Mr. VOORHEES. So do I.

Mr. BLAIR. This matter may as well be ventilated now as at any other time.

The PRESIDENT *pro tempore*. On a motion to take up a bill a discussion of its merits is not in order.

Mr. CAMERON, of Wisconsin. Will the Senator allow the joint resolution to be read again? I think the question can be disposed of by reference to the action of Congress yesterday.

Mr. VAN WYCK. Let it be read.

The Acting Secretary read the joint resolution.

Mr. VAN WYCK. Now let my amendment be read.

The ACTING SECRETARY. It is proposed to strike out, after the word "decision," the remainder of the joint resolution, and to insert:

> The President shall have acted upon a bill passed July 14, 1882, by Congress entitled "A bill granting a pension to Albert O. Miller, and for other purposes."

Mr. CAMERON, of Wisconsin. I did not observe the amendment. I was going to call the attention of the Senator from Nebraska to the fact that the Senate did act yesterday on the bill granting a pension to Albert O. Miller, in which the receiving of double pensions is prohibited, and the House acted upon it last night.

Mr. VAN WYCK. I understand that bill is a law except that it requires the signature of the President. We have obtained that much of what we struggled for on the start, to hold this matter until Congress could pass a law. The bill passed both Houses yesterday in defiance of this remarkable persistence. If the President should take one or two days before he signs the bill, those interested may yet accomplish what they are seeking to do, and all we ask by the joint resolution is that the Secretary of the Interior shall suspend action until this matter is disposed of.

Mr. VOORHEES. I have but one interest in this matter, and that is of feeling. It so happened that I was a member of the Pension Committee of the House and saw a great deal of General Burnett, who was not quite so helpless then as now. He is now totally disabled, needing the attention of a nurse to take care of him; he cannot walk at all without assistance. He first obtained, if I am accurate in my recollection, a pension at the rate of $30 a month. Afterward Congress passed a bill giving him $50 a month. It became a question whether the one increased the other or was in lieu of the other. The late President of the United States, Mr. Garfield, referred the matter by an executive order to the Attorney-General of the United States to determine which it was. The Attorney-General of the United States has decided, if I am correct in my recollection, that the two pen-

sions go together, that is to say that one is an increase of the other; not that they are two pensions, but that he gets, if I have the amounts correct in my mind, $80 a month, which is less than other men have got for services not more distinguished and for sufferings not half so great as his.

I am perfectly frank with the Senate and before the country. I am very glad the Attorney-General has so construed the law, and that is the reason why I do not want it disturbed. So there can be no doubt about my position.

Mr. BUTLER. May I ask my friend from Indiana whether this principle affects any other pensioner?

Mr. VOORHEES. Nobody else in the world. It is just special legislation.

Mr. BUTLER. It does not affect any other pensioner?

Mr. VOORHEES. Of course not. It affects no other pensioner, because there is no other case like it.

Mr. VAN WYCK. I wish to ask a question before the Senator sits down.

Mr. VOORHEES. Certainly.

Mr. VAN WYCK. The Senator from South Carolina asks whether this applies to other cases. It applies to other cases similarly situated, and there may be hundreds.

Mr. GROOME. Thousands.

Mr. VAN WYCK. Yes, sir; there may be hundreds and thousands of them. In every case where there is a special pension which Congress declares the pensioner shall receive in lieu of any other pension, if the Attorney-General can by his opinions say the party becomes entitled to both pensions in this case, he may say so in every other case where there are special pensions granted. Besides, if the Senator will go over the papers submitted here he will find that the Attorney-General has given this opinion, and then the Secretary of the Interior has said he will not apply it in any other case. What right has he to say that?

Mr. VOORHEES. I yielded for a question.

Mr. VAN WYCK. I ask that.

Mr. VOORHEES. The interruption is too long for a question. The Attorney-General only decided that one pension has been increased by the other.

Mr. BLAIR. I raise the question that debate on the merits is not in order.

Mr. VOORHEES. Only let me say a word to the Senator from Nebraska.

Mr. BLAIR. I was pretty late in raising any point. I will acquiesce, but wish to be heard on the same principle.

Mr. VOORHEES. I want to say one word more, and then I shall not detain the Senate further.

The PRESIDENT *pro tempore*. Debate on the merits of the bill is not in order; but the merits are discussed all the time. The Chair would not have interrupted the debate had not the Senator from New Hampshire raised the point.

Mr. BLAIR. I raise no point.

The PRESIDENT *pro tempore*. The point is withdrawn.

Mr. VOORHEES. Does anybody on this floor suppose that legal rights, if they have become vested in General Burnett by this legislation, can be divested now? As a matter of course not. Whether this decision is right or wrong, certain rights have been held by the proper authorities to be vested in him; that is the end of it, and he can go into court and enforce his remedy. In that view the Secretary of the Interior gave the order to pay this money without any compunction of conscience at all, believing it to be the fair and proper thing to do. That is all I wish to say.

Mr. BUTLER. Does it last only during the lifetime of General Burnett?

Mr. VOORHEES. Of course; and that will not be long.

Mr. GROOME. Mr. President, I know the rules of this body too well and respect them too thoroughly to attempt to discuss the merits of this joint resolution on a motion to take it up, but I wish before that motion is put that the Senate may understand that the Attorney-General has given a solemn opinion under which two pensions are to be paid to this man, although the Congress of the United States has expressly declared that one of them should be in lieu of the other; that under that opinion the Secretary of the Interior has issued a positive order to the Commissioner of Pensions to pay both pensions, with arrears upon the pension under the general act, and that the Commissioner of Pensions will be compelled at a very early day to obey the order of his chief unless this resolution is passed by Congress, and if he does obey it it will make a precedent which will come back to haunt the Committee on Pensions, giving to it trouble almost without limit, because of the constant claims of other pensioners that they ought to be treated with equal liberality.

I hope, therefore, while I shall not discuss this question unless the Senate takes it up, that it will take it up in order that it may be fully heard and considered.

Mr. BLAIR. I have been perhaps somewhat pointedly alluded to as the only member of the Committee on Pensions who is in favor of the payment of this double pension, as gentlemen please to call it, to General Burnett. This matter might just as well be met. I would rather see it met now than to be pressed with this continual innuendo, and, from my stand-point of view, misrepresentation of the facts of the case. So let us have this thing fought out.

Mr. VOORHEES. I withdraw all objections.

The PRESIDENT *pro tempore*. Is there objection to taking up this joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska, [Mr. VAN WYCK,] which will be read.

The ACTING SECRETARY. In line 4, after the word "decision," it is proposed to strike out:

Until Congress shall have acted upon a bill this day introduced, entitled "An act to prevent the payment of double pensions."

And insert:

Until the President shall have acted on a bill passed July 14, 1882, by Congress, entitled "An act granting a pension to Albert O. Miller, and for other purposes."

Mr. GARLAND. Let the Miller bill be read.

Mr. PLATT. I can read it from the RECORD, if that will do. The Senator from Missouri [Mr. COCKRELL] yesterday offered this amendment to the bill granting a pension to Albert O. Miller, which was agreed to and has been concurred in by the House of Representatives:

And no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

Mr. BLAIR. Mr. President, there is a great deal of misapprehension as well as most extraordinary zeal and haste in the pressure of this resolution, as it seems to me. I need not say anything of General Burnett. That he was a hero in five wars is as true as that he was the most distinguished among the brave in the Mexican war, and to him was awarded, as has been stated, the golden snuff-box of President Jackson, which he left to be given to the man who in the next foreign war after his death should most distinguish himself for his gallantry. General Burnett is now seventy-three or seventy-four years of age. In the last war he was too helpless, by reason of wounds and infirmities produced by exposure and extraordinary service, to perform active duty in the field; but what he could do he did, and throughout the war he was very efficient in the recruiting service. For the last fifteen or sixteen years he has been helpless or nearly helpless all the time, and much of the time bedridden and in extreme poverty. He and his wife have occupied rooms, hired apartments in this city and in other places, and they have had a very severe time in order to procure the actual necessaries of life. She has devoted herself to him with extraordinary zeal, and in every regard has demonstrated that she is a model of wifely virtues and devotion.

General Burnett for some time received a pension at the rate of $30 per month, and he received it under what was known as the disability clause. That is the highest pension given to any man whatever, no matter what his rank may have been in the service, unless he shall prove under more recent enactments that he is more than what the Department considers totally disabled; that is, besides being utterly disqualified for earning a living, he is at expenditure in the way of hiring servants, extra help, nursing, care, and attendance. Then he not merely stands upon an equilibrium, but he is at a positive expense in order to live at all. The general law as it has been modified from time to time during the last ten or twelve years has given to a man situated as General Burnett was $31.25, then $50, and now $72 per month. But General Burnett, until very lately, has never drawn under any of these provisions of the general law, but has drawn his $30 per month under this other section to which I have alluded.

I read now from the opinion of the Attorney-General in order to fix these dates and to show precisely the dues from the Government to General Burnett. He says in his opinion, dated June 29, 1882, in a communication to the Secretary of the Interior, Mr. Teller:

SIR: Replying to your letter of the 24th instant concerning the case of General Ward B. Burnett, I have the honor to advise you that according to the opinion rendered by this Department on the 10th of April last the rates of pension which should be allowed General Burnett are as follows:

From June 4, 1872, to June 4, 1874, $31.75 per month. (Act of March, 1873, fourth section.)

This, bear in mind, is under the general law, the act of March, 1873, section 4.

From June 4, 1874, to June 17, 1878, (act of June 18, 1874,) $50 per month.

Under the general law.

From June 17, 1878, $72 per month, (act of June 16, 1880.)

So much for his right under the general law.

Under the special act of March 3, 1879, General Burnett has drawn and is entitled still to draw $50 per month.

This was given him "in lieu of the pension he now receives." But, as I have stated, the pension which he was then receiving was the $30 pension and not the pension to which he was entitled under what is known as the general law, and which varied according to what the general law was during those different periods.

Now, I ask the attention of Senators to this point, for it is an important point, and perhaps in the opinion of the Attorney-General it is the prevailing point. The question is whether by these words

"in lieu of the pension he now receives," to be found in the special act, he is deprived of the right to receive any pension whatever under the general law. It is conceded that at that time he was receiving nothing under the general law. He was receiving a pitiful pension of $30 a month, and that was all that he was receiving, all that he ever had received. Under the general law nothing whatever had been drawn by him at any time, and at the time of the passage of this special act containing these words, "under the general law," he was entitled to receive pension at the rate of $50 under the general law. Having that right under the general law, Congress passes a special act stating that he shall receive pension by virtue of its provisions at the rate of $50 per month, precisely the amount that he would have been entitled to under the general law. To say that Congress passed a statute giving him by virtue of its provisions precisely the same amount he was entitled to then under the general law is to say that we indulge ourselves in superfluous legislation. That could not have been the design of Congress, to simply, by a special act, confer on him rights that he already had under the general law. So these words, "in lieu of the pension he now receives," must be applied in their literal sense, as relating to the only pension that he was then receiving, which was the pension of $30 a month, which he did not derive under the general law.

It is upon that ground, to make the legislation of Congress sensible, and to give the natural construction to the language itself, that the Attorney-General holds that those words, "in lieu of the pension he now receives," are not to be construed as applicable to whatever rights he may have had under the general law.

Mr. CAMERON, of Wisconsin. Before discussion proceeds any further I desire to inquire whether this resolution is being considered under the Anthony rule?

The PRESIDENT *pro tempore*. The resolution is being considered without reference to the Anthony rule, having been taken up on special motion.

Mr. CAMERON, of Wisconsin. I understood the resolution was being considered under the Anthony rule.

The PRESIDING OFFICER, (Mr. MILLER, of California, in the chair.) The President of the Senate holds that it was not. It was ordered to be taken up without reference to the Anthony rule.

Mr. BLAIR. If this opinion of the Attorney-General is correct General Burnett would be entitled to receive from 1872 down to the present time such amounts as were due him under the general law, deducting the payments that may have been made to him: for a portion of that time he would be allowed but $31.25, from which would be deducted the $30 that he was then receiving; for a subsequent portion of the time he would be entitled to $50, from which would be deducted the $30 already paid to him, and for the remaining portion of the time $72 per month, from which would be deducted the payments made him until his special pension commenced in 1879; and at the present time and for the future, unless legislation should interfere, he would be entitled to draw as I would construe the law—though that perhaps has not been decided, but I think it is a fair inference that the Attorney-General would so hold—the $50 granted him by the special act and the $72 per month which he is entitled to under the general law.

That would make him $122 a month; and considering his age, considering the character of his services, I do not think when we are paying retired officers who have done nothing for years, who have their physical health as yet unimpaired, two and three and I do not know but in some instances more than three thousand dollars annually, it is an extravagant sum to give to this veteran who is now seventy-three years old and who was in the service some forty-five years.

But, Mr. President, whatever may be his rights under the general law, it is as I hold entirely impossible for legislation to change them, certainly so far as the past is concerned. We may interfere and deprive him of all pension for the future; but so far as his rights have accrued and have vested under existing laws, it is as impossible for us to affect them as it is to change the course of nature by an act of Congress, because they are vested rights. It is very true that we may put a cloud over his title; we may pass an act that would intimidate the executive department, so to speak, in the discharge of its duty; we may trouble this old gentleman who is unable to fight us in the courts and who cannot very well perhaps get his rights around here by subsequent and remedial acts of Congress; we may practically deprive him of what belongs to him; but it is a practical robbery in which the Congress of the United States does itself no credit, in my opinion, to be engaged. Leave him to the courts; at all events give him his rights there; and do not encumber his case by clouding it with such legislation as is attempted here.

Mr. President, for about two years or over, one year at all events, General Burnett has been anxiously endeavoring to ascertain at the Departments what his rights might be. He has met with adverse decisions from the Committee on Pensions, from which he has appealed to two former Secretaries of the Interior, and by them his rights under the law have been overruled; but he has finally succeeded in obtaining the opinion of the highest law officer of the United States, and that opinion, arrived at after mature and careful consideration of a matter that had been long in controversy, and which he must carefully have examined for that reason if for no other, is favorable to General Burnett, and does give to him some arrears of pension—much of which has already been paid to him—and fixes his rights for the future at $122 per month. I admit that we can stop him and deprive him of those rights by legislation, and I have not objected to resolutions and to bills, if it is thought best to introduce them, of that character. In our committee-room the bill which had been prepared by the Senator from Maryland [Mr. GROOME] was ordered to be reported by the committee unanimously at my suggestion, so that there might be immediate action that would save any rights of the Government, if it needs any protection, in reference to other cases. But after that bill has been reported, and by a remarkable zeal and adroitness, of which I make no complaint, attached to a private pension bill and put through both Houses of Congress yesterday and hurried to the President, so that to-day the Treasury is as safe as though it was surrounded by the entire standing Army of the United States—after that has been done it does seem to me the very height of folly and of littleness to waste our time here in this warfare on General Ward B. Burnett. For my own part I fail entirely to share in the zeal with which my colleagues on the committee, some of them at least, are pressing this joint resolution upon the attention of Congress.

Mr. GROOME. Mr. President——

Mr. VOORHEES. Before the Senator from Maryland proceeds I desire to have the opinion of the Attorney-General read, in order that we may know exactly what it is.

The PRESIDING OFFICER. The opinion will be read.

The Acting Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 10, 1882.

SIR: The late President Garfield submitted to Hon. Wayne MacVeagh the question whether General Ward B. Burnett should be allowed the increase of pension granted by the act of June 16, 1880, to a certain class of pensioners. The Attorney-General referred the matter to the Solicitor-General.

In a memorandum made and submitted to the Attorney-General on the 15th of June, 1881, the Solicitor reaches a conclusion favorable to General Burnett's claim, and says that it is very meritorious, adding that it is "met by objections that are perhaps only *inter apices juris*."

On the 23d of June, 1881, the Secretary of the Interior addressed a letter to the Attorney-General propounding several questions touching the case, involving nice points of law.

This letter also was referred to the Solicitor-General, who answered each of the questions put by the Secretary in the negative, without assigning reasons.

This answer went to the Interior Department as the opinion of the Department of Justice upon the whole case. Its effect was to reject General Burnett's application.

General Burnett has again appealed to the President, who again, March 25, 1882, refers the case to the Attorney-General, and, noting the "seeming conflict of opinion in the two communications upon the subject from the Department of Justice," desires a further examination.

It is upon this second appeal to the President that the case is now before me.

After looking carefully into the case, I am inclined to concur in the *first* opinion intimated by the Solicitor-General in his report made to the Attorney-General on the 15th of June, 1881.

It is admitted that General Burnett was entitled to a pension of $50 per month under the law of June 18, 1874, though it is under a *special act* that he has received that sum as a pension.

The intent and spirit of that act of June 16, 1880, is that all those soldiers and sailors whose present right it was at the time of its passage, to demand and receive a pension of $50 a month under the law of 1874, should have the same increased to $72. To say that only those who on the 16th of June, 1880, were upon the pension-roll under the act of 1874 are entitled to the increase, is to put too literal and narrow a construction upon the statute. The words "now receiving" in the act of 1880 should be construed to mean *now entitled* to receive. For, if the precise literal meaning is insisted on, only those who on that day, the 16th of June, 1880, actually received their pensions under the law of 1874 could have the increase; but this is absurd.

The intent and purpose of Congress in passing the act should be considered, and a reasonable and liberal construction given to it. It could never have been the intention of Congress to shut out from its bounty veterans who, like General Burnett, totally disabled and helpless from wounds received in battle, had, through ignorance, neglected to put themselves upon the pension-roll.

It is, however, objected that if General Burnett's name was placed on the roll under the general law, an increase of pension could not be allowed him except from the date of an examination surgeon's certificate made under a claim for such increase. The objection is founded upon sections 4698, 4698½, Revised Statutes. The answer is, that General Burnett is within the exception of that law. His disability is and has been for more than ten years specific and permanent.

Again, it is objected that if General Burnett's name should be placed on the roll under the law of 1874, to receive pension under that law from a date subsequent to June 16, 1880, his pension could not be increased under the act of the later date. This is clearly *inter apices juris*.

If his name were placed now upon the pension-roll he would not receive his pension under the act of 1874, but under the act of June 16, 1880. The act of 1874 was an amendment of the fourth section of the general pension law of March 3, 1873, (section 4698, Revised Statutes,) in this particular only, that it raised the pensions of those who were entitled to $31.25 per month under the law of 1873 to $50. Then the act of June 16, 1880, comes in, and simply increases the pensions of the same class of pensioners to $72 per month. It is a substitute for the act of 1874, and abrogates it.

It appears that the pensioners who, under the general law, were on June 16, 1880, entitled to receive $31.25 per month, (which is General Burnett's case,) are, under the act of June 16, 1880, entitled to $72 per month. There is no doubt that this was the intention of Congress.

Cases like General Burnett's are entitled to the increase, no matter when they make application for it. The facts showing his right to be upon the pension-roll, not the time when his name is placed there, are the important and governing considerations.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

The PRESIDENT.

Mr. GROOME. Now, Mr. President, before I proceed, that all the opinions may be fresh in the memory of the Senate, I ask for the reading of the later opinions, which will be found in the RECORD of Tuesday's proceedings.

The Acting Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 29, 1882.

SIR: Replying to your letter of the 24th instant concerning the case of General Ward B. Burnett, I have the honor to advise you that according to the opinion rendered by this Department on the 10th of April last the rates of pension which should be allowed General Burnett are as follows:

From June 4, 1872, to June 4, 1874, $31.75 per month. (Act of March, 1873, fourth section.)

From June 4, 1874, to June 17, 1878, (act of June 18, 1874,) $50 per month.

From June 17, 1878, $72 per month. (Act June 16, 1880.)

Under the special act of March 3, 1879, General Burnett has drawn and is entitled still to draw $50 per month.

True, this was given him "in lieu of the pension he now receives," but the pension he was then receiving was $30 per month. This was not the sum which he was entitled to receive under the general law.

The $30, it is presumed, was paid him under section 4695 Revised Statutes, as for total disability, and in lieu of this the special act gives him $50. It provided also that nothing "in this act" (the special act) shall entitle General Burnett to arrears of pension.

It is not under this act that back pay of pension is claimed, but under the general laws cited above, which entitle him to the rate of pension prescribed therein.

I do not think the special act can be so construed as to deprive General Burnett of these.

It should be considered as a law by itself, intended to show the estimate by Congress of the great services of General Burnett to the country, having regard also to his helpless condition.

I am of opinion that two pension certificates should be issued to General Burnett, one under the act of June 6, 1880, the other under the special act of March 3, 1879.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

DEPARTMENT OF JUSTICE,
Washington, D. C., July 7, 1882.

SIR: In the pension case of General Ward B. Burnett, I have the honor to observe, in reply to your letter of the 3d instant, that the said pensioner, under the general act of 1874, was entitled to, though he was not receiving, a pension of $50 a month. While so entitled, Congress passed a special act giving him another pension. This did not take away his right under the general law, nor was his pension merged in that granted by the special act.

The case is exceptional. In the law under the title "Pensions," as enacted in 1873, nothing can be so construed as to allow more than one pension at the same time to the same person. But subsequently, Congress having the power, stepping beyond the rule prescribed in section 4715, by a separate, independent law gives to a pensioner already entitled to a pension of $50 another pension of the same amount. Section 4715 has, in my judgment, no application to a case of this kind. The special act of March 3, 1879, has not been repealed or its force and effect taken away by any subsequent legislation.

I adhere to the opinion expressed in my letter of the 29th ultimo.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. GROOME. Mr. President, I will endeavor briefly to state the facts and the reasons which induced the Committee on Pensions on Tuesday last to direct me to report the bill to prevent the payment of double pensions, and which led that committee to instruct the Senator from Nebraska [Mr. VAN WYCK] to report the resolution which is now under consideration.

Upon that morning while the committee was in session the fact was brought to its attention that the Attorney-General had made a decision in the matter of the pension application of General Ward B. Burnett, which was considered as fraught with most serious consequences to the Treasury of this Government; for while that decision professed to treat the case as one *sui generis*, the grounds upon which that opinion was based were sufficiently broad to cover, as the committee readily discovered, a vast number of other cases, and if that opinion was allowed to stand as unchallenged law it was plain that it would result in the depletion of the Treasury ultimately to the extent of many millions of dollars. Hence the introduction of the bill to which I have alluded and of the resolution now under consideration.

General Ward B. Burnett was one of the bravest of the brave in the war with Mexico, and in the battle of Churubusco he was seriously wounded in the left leg; and as the result of that wound, it is said, and I have no doubt correctly, that he is now permanently and totally disabled to such an extent as to require the constant care and attention of another person.

In September, 1848, he applied for a pension under the general law, and was granted a pension at the rate of $30 a month from August 1, 1848, that being the highest rate of pension allowed to officers of the rank of lieutenant-colonel and upward who were totally disabled in battle. That pension he continued to draw from August 1, 1848, until March 3, 1879, when, having applied to the Congress of the United States to grant him a pension of $100 per month in lieu of the pension which he was receiving under the general law, Congress, instead of so doing, did upon the day last named grant him a pension at the rate of $50 per month, which pension expressly stated upon its face that it was in lieu of the pension which he was then receiving. In the mean time, upon June 8, 1872, Congress had passed a law in which it declared that those soldiers who had lost in the service both feet, both hands, or both eyes, or who, having lost one eye from causes not incident to the service, lost the other eye in the service, should be entitled to a pension at the rate of $31.25 per month. This act was afterward re-enacted into the act of March 3, 1873, which is now known as the general pension act.

Later on, upon June 18, 1874, Congress passed another act by which it gave to soldiers such as I have named a pension of $50 per month, which pension was to date from June 4, 1874. Upon June 16, 1880, it increased the pension of this class of pensioners to $72 a month, to date from June 17, 1878. By these several acts it also gave pensions to a like extent to other soldiers not suffering from the specific disabilities named therein, but who were suffering from other disabilities of such a character as permanently and totally to disable them, and to require that they should have the constant care and attention of another person.

But in the very section of the pension laws which follows the clause giving these pensions, in section 4698½ of the Revised Statutes, it is expressly declared that no soldier who is not suffering from one of the specific disabilities named in these acts shall have the benefit of the increased pension until he has applied for that increased pension, has been examined by an examining surgeon, and has procured the certificate of that surgeon that he is entitled to the increase, and then the increase shall only date from the giving of the examining surgeon's certificate.

General Burnett never applied for any of these increases until June 24, 1880. So it is perfectly plain by the express provisions of the pension laws that he could not have any of these increases which were mentioned in the act of March 3, 1873, in the act of June 18, 1874, and in the act of June 16, 1880, because he had refused or had failed to comply with the conditions upon which alone he could become entitled to those pensions under the express provisions of section 4698½ of the Revised Statutes.

However, when in 1880 he did make this application, and when he was refused for the reason that I have indicated, the Attorney-General of the United States was applied to to decide as to the pension rights of General Burnett. He has now given the extraordinary opinion that General Burnett, being on the pension-roll at $30 per month at the time of the passage of the special act, was not on that roll in accordance with law; that the pension then being paid to him was an illegal pension; that in the eyes of the law it was a mere nullity; and that that being the case the provision of the special act, which declared that that pension was in lieu of the pension he was then receiving, could have no application to his case, and he has decided that General Burnett was entitled to $72 a month, notwithstanding he had never made application as required under section 4698½ for the increase. He further decided that he was also entitled to the $50 a month under the special act which declared that that pension was in lieu of the other, and that he should have in the future $122 per month, with arrears upon the $72 per month, and that from those arrears should be deducted no part of the payments which had been made to him under the special act at $50 per month.

Mr. President, in making this decision, remarkable as it is, the Attorney-General showed that he lacked the courage of his convictions or that he was unwilling, having taken an untenable position, personally to give to it the *reductio ad absurdum;* for if it be true that when Congress passes a special act giving a pension of a certain rate per month in lieu of the pension the party is receiving under the general law that party is entitled to both pensions, then the Attorney-General has not gone far enough in the opinion, and General Burnett's rights are much greater than those which he has chosen to accord to him.

The pension act of 1880 says in express terms that the pension thereby granted of $72 per month is in lieu of the pension granted under the act of 1874 of $50 a month, and the act of 1874 says that the pension of $50 per month thereby granted is in lieu of the pension of $31.25 per month granted by the act of 1873. So, then, if the language that one pension is given in lieu of another is to be construed as meaning that the one pension is to be in addition to the other, then General Burnett is entitled to three pensions under the general law, and to the pension under the special act, and should receive in the aggregate a pension of $203.25 per month instead of the pension of $122 per month, to which the Attorney-General has said that he is entitled.

Mr. BLAIR. The Senator will excuse me for asking if he pretends that the Attorney-General has decided any such thing as he now states?

Mr. GROOME. No, sir. I said expressly, though, and I repeat it, that that proposition follows logically from the position the Attorney-General has taken.

Mr. BLAIR. Permit me to ask how that can be if one act repeals the other? If the act giving the larger pension only goes into effect when the previous one ceases to have effect, how can he manage to cipher it out that both acts are in effect all the time, so that now, to-day, according to his theory or construction the act allowing $72, we have that which it repealed giving $50, making $122, and the act which that repealed giving $31.25, and thus cumulatively we have one hundred and fifty odd dollars all in force by the provisions of acts which have severally each repealed the other until the last.

Mr. GROOME. The Senator from New Hampshire mistakes my position utterly if he understands me as claiming that that is the true construction of the pension laws.

Mr. BLAIR. The Senator will excuse me. I understood him to say that the Attorney-General had rendered a decision which was tantamount to that.

Mr. GROOME. That I say without any hesitation in the world, and for that reason I have stated——

Mr. BLAIR. Then I did not misapprehend the Senator's point.

Mr. GROOME. These acts do not repeal one another unless they are to be construed as repealing one another for the reason that the one pension is said to be in lieu of the other. I consider that as making a repeal of the former pension. The Attorney-General does not so consider it in the Burnett case; and if it is not to be so considered in the Burnett case, then I say without any hesitation it is not to be so considered in any other case. I used that simply to illustrate the false and untenable position in which the Attorney-General had placed himself in giving this opinion.

In attempting to decide at what rate General Burnett is entitled to be pensioned, the Attorney-General has disregarded the express provision of the special act which declared in so many words that the pension thereby granted was in lieu of the then existing pension.

Mr. BLAIR. Will the Senator quote that clause precisely as it is in the act? "In lieu of the pension he is now receiving," not what he is entitled to receive under the general law.

Mr. GROOME. Precisely; that was what I said.

Mr. BLAIR. Will the Senator state what pension General Burnett was then receiving and the only pension he was then receiving? Was it not $30 per month?

Mr. GROOME. It was $30 per month, which I have already shown was the pension which the party was entitled, and the only pension which the party was entitled, under the general law, to receive; nor did I misquote in the least, for I am not in the habit when I rise of misquoting in the least the precise substance of the act to which I allude. I did not say that that special act declared that it was in lieu of the pension under the general law; I said in lieu of the pension that he was then receiving. That was the precise substance of the language.

Mr. BLAIR. I beg the Senator's pardon. That was not his expression as I understood it. Probably the Reporter's notes will show.

Mr. GROOME. The Reporter's notes will show whether I am correct, as I know those were the words I used.

Mr. BLAIR. There is no occasion to refer to the notes, if the Senator knows that he is correct.

Mr. GROOME. I was very cautious as to my expression. I trust I shall not be further interrupted. I have been a member of the Senate for upward of three years, and I have never yet interrupted any Senator in the course of a speech unless I was directly appealed to, and I do not think it is unreasonable to ask that the same rule which I apply to every Senator upon this floor may be applied to me when I am in the discussion of this question.

I say that in rendering this decision the Attorney-General utterly disregarded the express provision of the special act, which special act declares that the pension thereby granted is in lieu of the pension which the party was then receiving; that he disregarded the express provision of section 4698½ of the Revised Statutes, which declares that no pensioner shall have the benefit of any law providing for an increase where his disability is not one of the specific ones named in the statute until he has applied for the benefit of the increase and the examining surgeon had declared him entitled thereto. He resolutely closed his eyes to the light shed upon the question by section 4715 of the Revised Statutes, which declares that the true rule of construing pension laws is that no man shall have two pensions, and that where having one pension he becomes entitled to another he shall make his election as to which of the two he will thereafter receive. He refused to call to his aid any of the recognized canons of construction which have been laid down by the eminent jurists and text-writers of our own and other lands, and he invented a new and a remarkable canon of construction, which is that these special pension laws are to be construed as laws by themselves intended to show the estimate of Congress of the great services of the pensioner, and as having regard also to his helpless condition; and he seemed to deduce as a corollary from this rule of construction that the special pension acts are to be construed with such liberality as to give to the pensioner what the construing officer may regard as a liberal support, even if that can only be done by construing the words "in lieu of" to mean "in addition thereto."

In applying this new rule of construction he rejected all the accustomed vestments of the law and bedecked himself in the fantastic ruffles and frills of sentimentality.

He says that this case is exceptional. It is not exceptional. It is his opinion which is exceptional. That opinion is more than that; it is astounding; it is bewildering. Well did a distinguished Senator the other day say that it was hard to understand how any official of the Government in the full possession of his senses could render such an opinion; and it is equally difficult for me to understand how one not in the full possession of his mental faculties can be in the full and unchallenged possession of the high office of Attorney-General of the United States. The keenness of a Philadelphia lawyer has long passed into a proverb; but when the Attorney-General solemnly rendered this deliberate opinion he eclipsed all his fellows and proved himself to be without a rival at that or at any other bar. When the poet declared—

> Optics sharp it needs, I ween,
> To see what is not to be seen,

he had no adequate conception of the wonderful perspicacity of the present Attorney-General, who has experienced no difficulty in finding upon the face of the statute a meaning which is precisely the opposite of that which it in plain and unambiguous terms expresses.

I say the case is not exceptional. General Ward B. Burnett was a soldier of very great gallantry in the war with Mexico and he deserves all the praise which can be bestowed upon him for his services there, and perhaps elsewhere; but it is the pride and boast of our country that in its wars it has produced thousands of heroes, many of them humble privates in the ranks, who have done acts of reckless daring, who have proved themselves ever ready to incur any risk, ready to do and die, if need be, that their country might live. If the daring exploits of these men were as well known to the historian and to the poet as they are to those who surrounded them in those hours of mortal danger many of them would be perpetuated in our prose chronicles and in our songs. One of these nameless heroes was before the Pension Committee within the last few months, who, by his individual daring upon the field of battle, testified to by his commanding officer, had turned the tide of battle, and who was asking but the humble pension which the laws give in a case of ordinary disability to a private soldier, but who had to be denied because, being under no bodily disability, your committee thought it would be dangerous to treat his case as exceptional.

While I recognize General Burnett as a soldier whose bravery was most distinguished, most soul-inspiring, most worthy of the emulation of the youth of this land who may hereafter be called to rally around our country's flag; while I would not pluck one leaf from his laurel crown—in simple justice to the known and to the nameless heroes of our wars, I must insist that it was not exceptional. Nor is his case exceptional in its legal bearings. The Attorney-General says—and I prefer quoting literally from his opinion:

> The case is exceptional. In the law under the title "Pensions," as enacted in 1873, nothing can be so construed as to allow more than one pension at the same time to the same person. But subsequently, Congress, having the power, stepping beyond the rule prescribed in section 4715, by a separate, independent law gives to a pensioner already entitled to a pension of $50 another pension of the same amount. Section 4715 has, in my judgment, no application to a case of this kind.

Take that very proposition of the Attorney-General, look at it, read it literally, and according to it every man who is upon the pension-roll receiving a pension and who afterward receives a pension by a special act is entitled to receive both, for he makes the point expressly that section 4715 does not apply where there have been special acts since the passage of the general act, and that in such cases the pension is to be construed as in addition to that given by the general law. Certainly there is no class of cases in which the Pension Committee is oftener called upon to grant pensions than that in which the pensioner complains that he is improperly rated under the general law, that being entitled to a higher rate of pension he is receiving a smaller one; and there is hardly a meeting of the Pension Committee in which that committee, being inclined to think that there is some solid foundation for the applicant's complaint, does not declare that he shall have the higher rate of pension in lieu of the smaller one.

Now, if the Attorney-General's opinion is right that when a man receiving $30 a month, who he chooses to say ought to have received at one time $31.25 and at another $50—an assumption which I have shown is utterly unfounded in fact—is raised to $50 by special act, the words "in lieu of" mean "in addition to," then in all these cases the pensioners under special acts are entitled to claim the double pension, the one under the general law at the highest rate they can establish, and the one under the special act. So then this case is not exceptional.

Mr. President, the bill which was passed by the unanimous consent of Congress through the two Houses yesterday shows us plainly what was the original intention of Congress in passing these special acts; and it is hard to believe that it can by possibility be disregarded; but it is a matter of extreme importance that this ruling of the Attorney-General should not be allowed to affect this particular case and to make a precedent which will come back, as I said earlier in the day, to haunt the Pension Committee.

Our committee has found that no bad precedent has ever been made that has not led to applications by the dozen, if not by the hundred, in cases which are really like the one in which the bad precedent was established or where the party claiming the pension thinks his is case like the one allowed; and it is a matter of the greatest possible importance that this opinion of the Attorney-General should not be allowed to stand even as to this particular case.

But, says the Senator from New Hampshire, this pensioner has under this opinion a vested right in the pension which is granted him. I say without any hesitation that he has no such thing. There is no such thing as a vested right in a pension granted subsequent to the service rendered, which would prevent our Government under proper circumstances from repealing the pension act.

Mr. BLAIR. If the Senator will not object to an interruption, do I understand him to assert that under existing law a pensioner obtains no vested right until some repeal of the law, so that General Burnett, if for the last year or two years he had failed to collect his pension, and Congress should to-day see fit to enact that he should be deprived of it, would have no remedy in the courts?

Mr. GROOME. I say, sir, that where a pension act has been passed

providing that a soldier shall receive a certain rate of pension after the service of that soldier has been rendered, that act has no element of contract, and any subsequent Congress can at its pleasure repeal the act granting the pension, and that after the act has been repealed all rights under it fall with it, unless they have been reserved in the repealing act.

Mr. BLAIR. Does the Senator then hold that if Congress to-day should get frightened, as some members have got most seriously frightened about this matter, and should forthwith between now and two o'clock, the expiration of the morning hour, repeal all the pension laws and the President should be induced in hot haste to sign that bill, the pension list of the country so far as it was uncollected to the present date would be extinguished, that there would be no right in the soldiers of the country to take from the Treasury that which they supposed they were entitled to up to the present time?

Mr. GROOME. I hold that if Congress were to pass an act of the character suggested by the Senator from New Hamsphire, it would be extremely bad legislation. If Congress were to enact a law repealing the existing pensions and not granting others of at least an equal amount in their stead, after a large proportion of our soldiers have received the regular pensions given them by the pension laws, and when others of them, to the number of many thousands, have filed their applications, made their proofs, and taken all proper steps to entitle them to their pensions, and are awaiting the final actions of the Pension Bureau upon their applications, it would be most unjustifiable legislation—I say such a law would be of such a bad character that it could not be successfully defended before the American people; but I say, nevertheless, that if Congress chooses to do such a thing, it has the undoubted right to do it.

But, Mr. President, the Senator from New Hampshire seems not to be aware that Congress has already done the very thing of which he complains. I do not say under the circumstances of the case that it was not justified in doing it, but it has done it and its legal right to do it has never been, nor can it be successfully, questioned. I refer to section 4716 of the Revised Statutes. That section reads:

No money on accouut of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

I do not say that Congress did not do right in passing that law, but I do say that if the position of the Senator from New Hampshire is correct, it had no right to pass it, for the pensions of those people were vested and could not be interfered with by any subsequent legislation of Congress, a legal position which in my opinion would not stand for a single moment of time.

So I will simply say in conclusion that this pensioner has received already under this ruling of the Attorney-General a pension under both the special and general act up to this time with arrears under the general act, subject only to the deduction of the sum received under the special act out of the allowance for arrears. If this resolution does not pass, and pass promptly, he will receive under this ruling of the Attorney-General, at the lowest estimate, an additional sum of $2,950. I say that payment ought to be stopped, because brave and noble as I concede General Burnett to be, he ought not to be in a different position from any other soldier who has rendered distinguished service to the country. He ought not, in other words, to receive, under the pretext that it is in accordance with law, a pension which Congress showed in plain and unambiguous terms it did not intend him to have.

Let us then pass this joint resolution; let us pass it at once, and if on any future day the Senator from New Hampshire shall introduce a bill, as he may do under the bill which was passed yesterday, to give General Burnett in express terms a pension in addition to that which he is receiving under the existing law, then it will be for us to consider the question, and if we think his services are of such a character as to entitle him to two pensions there will be no difficulty about his obtaining them; but do not allow him because of an improper ruling of the Attorney-General to receive a pension which neither House of Congress ever intended him to receive and which he is not entitled to receive under any proper construction of the law.

Mr. WILLIAMS. I have no speech to make. I know not, I care not whether this is a double pension or an increase of pay. I am unwilling to rob this gallant old soldier of the bounty of a generous Government. Why, sir, this is the most extraordinary proceeding I have ever seen in a legislative body. This resolution is in the nature of an injunction to restrain this brave old soldier, on the brink of the grave, from receiving his just dues from his Government which its Department of Justice has decided the law gave him. We have as much right to pass a resolution restraining the Supreme Court of the United States from rendering decisions in causes before it until the Legislature can change the Supreme Court.

Ah, sir, let me tell you no man but a true soldier knows how he feels, and an effort to deprive this brave old man, by whose side I stood thirty-five years ago, strikes me in one of the tenderest parts of my nature. There is no tie that binds men together in life as strong as that of common hardships and common dangers. I was with General Burnett thirty-five years ago. I saw him with his splendid regiment, the most magnificently equipped and dressed that I ever saw go to war, on the burning sands of Mexico, march up to those desperate battle-fields around the city. He fell there on the battle-field of Churubusco, covered with honor, and he covered his country with honor; and the Senate of the United States is higgling to-day about whether this is an increase of pension or whether it is a double pension. I do not care which it is; I am against taking it from him; I am for his having it. If the law gives it to him we have no right to take it from him, and the Department of Justice, the highest officer in it, has decided that he is entitled to it. Why, then, attempt to rob him of it?

That man is the bravest of the brave. He is near seventy-five years old. I saw him this morning, unable to walk, unable to dress himself even, leaning on the shoulder of his aged wife, and I would not rob him of one cent of his pension. I would rather give it to him a thousand times. Why shall we attempt here by an injunction to restrain him from getting it? Sir, it is a business that does not come up to the dignity of the Senate of the United States, and I hope the resolution will be rejected. I move to lay it on the table.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 5538) to reduce internal-revenue taxation. Before it is considered, however, the Chair begs indulgence to present some House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts;

A bill (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois; and

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 178 of the Grand Army of the Republic, four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York.

The bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government was read twice by its title, and referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. LOGAN. I desire to ask that the bill which was pending yesterday be laid aside informally for the purpose of taking up the general appropriation bill for pension so that it may be acted on. I do not think it will take long.

Mr. MORRILL. That bill will not take much time, as I am informed, and as it is important it should pass at once, I yield to it; but I give notice that I will not yield to any other appropriation bill or anything else.

Mr. SHERMAN. As the remark has been often made that appropriation bills always have preference, I desire to remark that the rules of the House give revenue bills always precedence, and the same practice has been adopted in the Senate. There is no contest about this matter, however.

The PRESIDENT *pro tempore*. If there be no objection, the pending measure will be laid aside informally, and the pension appropriation bill taken up. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FRANK HISCOCK of New York, Mr. G. M. ROBESON of New Jersey, and Mr. S. S. COX of New York, managers at the conference on the part of the House.

AMENDMENTS TO BILLS.

Mr. FRYE. I desire to submit an amendment to the sundry civil appropriation bill, and I call the attention of the Committee on Appropriations to the amendment, so that it shall not be neglected. It is in line 1233 of the bill, making a provision for the Togus home. The amendment is as follows:

And no alcoholic or fermented liquors shall be sold on the territory ceded to the United States for the said home, the sale of which would be a violation of the laws of Maine if no such cession had been made.

It is a great trouble to the temperance people of Maine to know that within their own borders liquor is sold in open violation of the law of Maine on territory ceded by that State to the United States for this soldiers' home. There is no reservation by which they can control it. No reservation was made at the time of the cession in any way, and it seems to me that it is proper that the United States territory there in the State of Maine should conform to the laws of the State. I do not know whether this amendment will do it or not; there is no penalty; but it seems to me that a direction of Congress would have sufficient control over the general in charge of that home. I hope the committee, and especially my colleague from Maine, who knows all about it, will see that the matter is attended to before the committee and that something is done, if anything can be. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. BAYARD, Mr. CHILCOTT, Mr. GORMAN, Mr. HAWLEY, Mr. JONAS, Mr. LAPHAM, Mr. MCMILLAN, (by request,) Mr. MILLER of California, Mr. MORGAN, Mr. SLATER, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. KELLOGG and Mr. MAHONE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table and be printed.

Mr. ROLLINS. I offer an amendment to the naval appropriation bill, which I move be referred to the Committee on Appropriations and printed. It is a portion of a bill reported favorably by the Committee on Naval Affairs.

The motion was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. No. 1432) abolishing the military reservation at Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead entry and sale the same as other public lands; and

An act (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a concurrent resolution for the printing in quarto form of a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and fisheries of the United States, &c.

The message further announced that the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, having been unable to agree, the House asked a further conference with the Senate, and had appointed Mr. J. G. CANNON of Illinois, Mr. FRANK HISCOCK of New York, and Mr. JOHN D. C. ATKINS of Tennessee, managers at the further conference on the part of the House.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I ask that the river and harbor bill be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

On motion of Mr. MCMILLAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MCMILLAN, Mr. JONES of Nevada, and Mr. RANSOM as the conferees.

PENSION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations will be acted on as they are reached in the reading of the bill, if there be no objection.

Mr. BECK. I have an amendment to offer to the pension bill which I suppose I shall be compelled to offer before the bill is read through, or be cut off perhaps on a point of order, and I do not want to lose that right. I propose to offer an amendment to section 2 of the House bill when it is read, which is new legislation relative to the pension laws.

Mr. LOGAN. I will say to the Senator that as far as I am concerned, when the proper place is reached for offering his amendment, I shall make no objection to its being offered.

Mr. BECK. That is enough.

Mr. LOGAN. Of course it will be a question as to adopting it.

The Acting Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in section 2, line 9, after the word "party," to strike out the word "found" and insert "appearing;" and in line 10, before the word "guilty," to strike out "have been" and insert "be;" so as to make the section read:

SEC. 2. That section 4744, title 57 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 4744. The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer when deemed necessary by the Commissioner of Pensions in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts."

The amendment was agreed to.

Mr. BECK. That section being new legislation by the House, I propose to amend it by an additional clause, either in an independent section or as a proviso attached to it. I have no objection to the amendment offered by the House, nor to the amendment proposed by the Senate Committee on Appropriations, but I do propose to add as a proviso to the section, which would perhaps be a better way, what I now send to the desk.

Mr. LOGAN. If the Senator will turn over to line 45, in section 4 of this bill, he will find that the very provision which he proposes to amend is annexed to that section. When we reach that it will be more in order than it is at the present time. He will find in line 45 of section 4 that the amendment of the committee is proposed, and that point would be the proper place for his amendment either as a substitute or in addition.

Mr. BECK. The Senator now refers to an amendment of the committee adopted after they had voted against the amendment I now propose. That is all right as far as it goes, but it does not approach what I want, and I am not sure that that itself may not be ruled out on a point of order except as an amendment to the legislation proposed by the House; and therefore I desire, in order to make sure that whatever there may be in the amendment that I offer will be considered and not ruled out on a point of order, to add it to the legislation of the House in section 2 of the bill.

Mr. LOGAN. I shall make no point of order on it so far as I am concerned.

Mr. BECK. I do not desire to have it limited as a substitute for the action of the Senate Committee on Appropriations. Their amendment at the end of section 4 was in fact a substitute for mine. What I want is to be sure that the amendment that I now offer will be considered in connection with the legislation of the House in section 2.

Mr. LOGAN. I say to the Senator that after the other amendments have been either adopted or disagreed to, when we come to that point in section 4, prior to agreeing to the amendment of the committee he can offer his amendment and it can be discussed and be agreed to or not agreed to by the Senate, and there can be no objection.

Mr. BECK. At either point?

Mr. LOGAN. At the other point.

Mr. BECK. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out the following words:

SEC. 3. That sections 184 and 185, title 4, of the Revised Statutes of the United States be amended so as to read as follows.

And to insert in lieu thereof:

That in addition to the authority conferred by section 184, title 4, of the Revised Statutes, any

So as to read:

SEC. 3. That in addition to the authority conferred by section 184, title 4 of the Revised Statutes, any judge or clerk of any court of the United States in any State, District, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a witness, being within the jurisdiction of such court, to appear, at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross-interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claim.

The amendment was agreed to.

The next amendment was, after the word "claim," in line 16 of section 3, to add:

And witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

The amendment was agreed to.

The next amendment was to strike out, at the end of section 3, the following clause:

SEC. 185. Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

The amendment was agreed to.

Mr. PLUMB. I make the point of order on the succeeding amendment proposed as section 4. I desire to say, however, that I am not tenacious about the point except as to the last clause of that section, but I make it to the entire amendment in order to save what I am after.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment to line 44, as follows:

SEC. 4. That the Commissioner of Pensions is hereby authorized to appoint surgeons who, under his control and direction, shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board: *Provided*, That the Commissioner may, when in his opinion the exigencies of the service require it, organize a board of three surgeons, who, under his direction, shall review the work of any regularly appointed board or surgeon: *Provided further*, That all examinations shall be thorough and searching, and the certificate contain a full description of the physical condition of the claimant at the time, which shall include all the physical and rational signs and a statement of all structural changes.

The fee for each examination, and satisfactory certificate thereof, shall be $2 to each member when made by a board, and $2 when made by one surgeon: *Provided*, That when a claimant is so disabled as not to be able to present himself to a board of surgeons for examination, the Commissioner may order a surgeon to make the examination at the claimant's residence; and the fee for such examination shall be $2, in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be allowed or paid to any member of such board of examining surgeons who does not actually participate in such examination and sign the certificate thereof.

The Commissioner may, when in his judgment the degree of disability cannot be determined truthfully or satisfactorily excepting by expert examination, employ an expert, not a regularly appointed surgeon, to make the examination; and the fee for such examination shall be $5: *Provided*, That the fee for an expert examination shall not be paid to any regularly appointed examining surgeon.

The fee for the examination of claimants who reside out of the United States shall not exceed $10, which shall be paid, upon the presentation of satisfactory vouchers, out of the appropriation for the payment of the examining surgeons, and through the United States consulate nearest to the claimant's place of residence.

Mr. LOGAN. On what ground is the point of order?

Mr. PLUMB. That it is legislation on an appropriation bill, and all the other grounds that may be found in the rules applicable to appropriation bills.

Mr. LOGAN. This part of the section that has been read is very important. The objections of the Senator from Kansas is to that part from line 45 to line 50, which has not yet been read. By common consent I can change it so as to make the clause from line 45 to line 50, section 5, and then change section 5 to section 6, so that when we reach that section the objection will apply to that and not to the rest of the section, because the remainder of it is very important. If there be no objection, I will change it in that way.

Mr. PLUMB. I am not particular about the transposition of sections. I made the point of order to the entire fourth section as being legislation.

Mr. LOGAN. The point of order, I understand, applies alone to that clause embraced from line 45 to line 50.

Mr. PLUMB. I made my point of order to the whole section; but, as I said, my objection is especially to that part from line 45 to line 50.

Mr. BECK. So I understand.

Mr. PLUMB. Now, if the point of order will be just as good to these lines put in the shape of a separate section I have no objection to withdrawing the point of order to the remainder.

The PRESIDENT *pro tempore*. It will apply just the same; and by unanimous consent section 5 will commence with line 45, after section 4. The question is on the amendment of the Committee on Appropriations, as section 4 to line 44, as read.

The amendment was agreed to.

The next amendment was to insert as section 5:

SEC. 5. The Secretary of the Interior shall annually hereafter transmit to Congress, at the beginning of each regular session, a list of persons borne on the pension-roll, classified according to their post-office address by States and counties, the amount paid annually to each, and also a statement each year of those dropped from the rolls and those added to the rolls.

Mr. PLUMB. On that I raise the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. LOGAN. That is all there is of it, then.

The next amendment was to add as section 6:

SEC. 6. That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

The amendment was agreed to.

Mr. BECK. Now, Mr. President, I propose to amend section 2, under the suggestion made by the Senator from Illinois, by adding at the end thereof what I send to the desk. The amendment is printed and on the desks of Senators, but I have modified it as I have interlined in the copy I send to the desk.

The Acting Secretary read the amendment, as follows:

Provided, That the Commissioner of Pensions shall, as soon as practicable, and once in each year thereafter, cause separate, distinctly printed lists of all pensioners and applicants for pensions and increase of pensions, both Army and Navy, to be made out for each county in the United States in which pensioners or claimants reside, containing the names of each pensioner and claimant whose post-office address is at any post-office in said county, and furnish said list to the postmaster at the county seat at each county, whose duty it shall be to keep said list posted in some conspicuous place in his post-office, so as to be accessible to the public for inspection.

Each list shall contain the full names of the pensioners and claimants, whether they claim to be invalids, widows, minor children, dependent relatives, or survivors or widows of the war of 1812, stating the amount of pension now paid to and claimed by each, and the total amount heretofore paid; and the Commissioner of Pensions shall append to each list a general request for information in regard to the justice of said pensions and claims, stating that all communications to him on these subjects may be sent to him free of postage.

And the Commissioner of Pensions shall also cause the lists for each county to be inserted at least once in each year in the newspaper published in said county which has the largest circulation therein; and if no newspaper is published in any county, then in the newspaper published nearest thereto; and in all counties containing a town or city of 10,000 population or upward the Commissioner of Pensions shall cause the lists aforesaid to be inserted in the two newspapers, representing different political parties, which are published in said county having the largest circulation; and in all cities of 50,000 population and upward he shall cause said lists to be inserted at least once each year in three of the leading daily papers published in said city.

The Commissioner of Pensions may use any money herein appropriated to pay the necessary expenses incurred in carrying out the foregoing provisions, and may so organize in his office such clerical force as will in his judgment best utilize the information he may receive, so as to protect the Government against fraudulent claims. The Commissioner of Pensions shall keep on file in his office the post-office address of each pensioner and claimant, and shall suspend the payment of any pension or the consideration of any claim unless the post-office address of the pensioner or claimant is furnished.

Mr. PLUMB. I make the point of order on that. If the Senator from Kentucky desires to address the Senate on the subject, I will waive it for the time being.

The PRESIDENT *pro tempore*. Does the Senator from Kansas raise the point of order?

Mr. PLUMB. I make the point of order, but I reserve it in order to hear the Senator from Kentucky if he wishes to be heard.

Mr. BECK. Mr. President, I suppose it is very well understood that no point of order can be made in the Senate upon any legislation that has been incorporated into a bill by the House of Representatives. Neither House can make any point of order against what the other has done. That has been too often decided to make it necessary to make any comments upon that point. The House of Representatives in this bill has incorporated new legislation which I think is open to amendment in the Senate, no point of order lying thereto. Section 2 of the bill as sent from the House of Representatives provides:

The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party found on such examinations to have been guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer when deemed necessary by the Commissioner of Pensions in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts.

That is all new legislation; it is legislation inserted by the House of Representatives which cannot be reached by the Senate upon a point of order. So it must be accepted or rejected on its merits. Otherwise either House might dictate to the other what they should insert or what thay should leave out. As I said, that has been too well settled for any person to deny it. Therefore, that new legislation is in the bill; and the question then comes, can that be amended by the Senate before it is stricken out or agreed to? They have a right to strike it out of course, but I propose to amend it. In addition to the power and authority given to the Commissioner of Pensions to send his clerks and other persons employed in his office to different parts of the country to inquire whether or not persons claiming pensions have been guilty of frauds in the presentation or allowance of their claims, and to the provision that the official so detailed shall have power to administer oaths and take affidavits and depositions in the course of the examination and to orally examine applicants and to employ a stenographer when deemed necessary by the Commissioner of Pensions in important cases, and to pay the stenographer and have the amount allowed in his account, I propose to require the Commissioner of Pensions once in each

year to cause a list of the applications for pensions and increases of pension of every class to be sent to the postmaster at the county-seat of each county, describing the character of the pension asked, stating whether the applicant is applying in his own right as an invalid or as a widow or minor child or dependent relative or survivor of the war of 1812, setting forth all the facts in regard to it, and to insert it once in a county newspaper in the county, and in places where there is a population of over 10,000 in two newspapers, and in cities having over 50,000 in three of the public papers of the county, and to authorize him to act upon the information that he may receive in consequence of the publication.

Why do I propose this? Some gentlemen will assume that it is done because of hostility to the great amount of pensions allowed, or to pensioners generally perhaps. That is not the fact. What I desire, and all I have ever desired, is that the men who honestly are entitled to pensions shall receive them, but that men who are not entitled to pensions shall be detected, that the pension agent who undertakes to work up false and fraudulent claims shall not do it successfully if I can prevent it.

It is proposed to have clerks and agents sent out by the Pension Bureau to ascertain whether frauds are being committed. Why not, in addition, have an authorized list of all the pensioners or applicants for pension whose post-office is within a particular county published at the county-seat, with all the facts in regard to them, so that the agent can have the benefit of the information he can derive from the people who live in the neighborhood who know all the facts?

The Pension Office has got to be a matter well worthy of careful consideration. No one denies that, I presume. I have a list made out carefully by the clerk of the Committee on Appropriations of the cost of pensions, which shows that during the fiscal year ending June 30, 1881, we paid for the clerical force in the Pension Office, and for that connected with pensions in the Second Comptroller's Office, the Second Auditor's Office, the Third Auditor's Office, the office of the Secretary of War, the office of the Adjutant-General, and the office of the Surgeon-General, and for traveling examiners, contingent expenses, rent of buildings, &c., a total of $892,910; for the fiscal year 1882 we paid for the same items $1,240,700; for the year which commenced the first day of the present month, for which we are now appropriating, we pay for the same items $2,962,300, an increase this year over 1881 of $1,721,600; an increase in the force connected with pensions alone of a million and three-quarters of dollars.

We paid in the fiscal year 1881 for pensions $32,404,000 in the original appropriation, and for deficiencies $18,302,031.69, making a total of $50,705,031.69. For the fiscal year just past, 1882, the pension appropriation bill was $50,000,000, and the deficiency appropriation $16,000,000, making a total of $66,000,000. For the year 1883, for which we are now appropriating, which has already begun, we are to pay $100,000,000 for pensions, and $2,962,300 for clerk hire and rents, the total being $102,962,300.

Mr. PLATT. Will the Senator allow me to make a suggestion right here if it will not interrupt him, because I think it ought to be stated?

Mr. BECK. Certainly.

Mr. PLATT. I believe that there will be required in addition to the amount which is appropriated now a very large sum to make up a deficiency during this year; I should say twenty-five or thirty million dollars. I think that ought to be stated in connection with the statistics which the Senator is giving.

Mr. BECK. I desire the exact facts to be stated. What I desire to show is only that the matter is immensely important because of the amounts involved being enormously large, and the statement of the Senator from Connecticut only makes it more apparent that we ought to be extremely careful to see that we pay only the pensioners who are entitled to the money, and that every possible safeguard ought to be thrown around these immense payments to see that men who are not entitled to the money do not receive it. That is what I am seeking to do as far as I know how.

An extremely careful man, Hon. WILLIAM R. MORRISON, of Illinois, in a speech made the other day—I am not allowed to say where, but I hold the speech in my hand that he made—gives in detail the amount which will be required for pensions, which he averages at about seventy-three millions for the next ten years, and he asserts, apparently upon authority, for he gives statements made by the Commissioner of Pensions, that it will cost us to pay off the present pensions two thousand million dollars, several hundred millions more than the total national debt.

Whether frauds have been committed or not in the payment of pensions, one thing is absolutely certain that the present mode of obtaining pensions upon *ex parte* affidavits has been regarded at all times as an extremely dangerous system to the Government. I think the present Commissioner of Pensions unites with the former Commissioner in making that statement; and the very fact that in section 2, for I presume this bill passed with his approval, he proposes that clerks and others in his bureau should be authorized to make special examinations into the merits of pension and bounty cases there pending and adjudicated, and to aid in the prosecution of persons found guilty of attempting fraud upon the Government, shows that he too desires to have all the information possible.

I know of no mode that will be so efficient in obtaining positive information as to have lists of the pensioners presented before the people among whom they live. I assume, further, that no soldier, that the widow of no soldier, that the children of no soldier will feel any humiliation, any degradation, in having a list published such as I propose; nor will they imagine that they are suspected of any dishonesty by having the fact that they are pensioners on the Government or claimants for pensions avowed in the face of the world. We publish to-day a Blue Book which contains the name of every person in office who draws a dollar from the Government. That contains the names of probably 75,000 people, certainly over 70,000—I have looked over it but have not counted them—connected with the Post-Office Department, and from the highest to the lowest their names are published. The name of every man and woman in every Department of this Government in Washington, down to the women who sweep out the floors, is published and the amount that each receives. In the internal revenue and the customs departments books are published by the Register of the Treasury, showing the name of every man who does anything for or draws any money from the Government, and the amount that he receives.

There is not a man in any county in any State in the Union who does the humblest service for the county court, who when he goes before the court and gets his money has not his name published by the county, with a statement of the amount paid him and what it is paid for. The pensioner of the Government, when his name is published and the amount he receives and the service he rendered, with a statement of the honorable wounds that he bears, or the disease he contracted while endeavoring to serve his country, that man, his wife, and his children will feel no thought of humiliation or degradation in having that done. He will transmit it in the years to come as a proud monument of the fact that he did serve his country in its hour of trial.

But there is a class of men who will and do seek to avoid publication, and seek to conceal the information that we want. I am no spy or informer, and do not propose to give names, but I know cases, and there are plenty of them, which will illustrate the class of men I am after. I know a man in the city of Louisville—I have the information from a very intelligent surgeon—who is to-day drawing a pension and who drew arrears of pension, a one-armed man. He was a soldier who lost an arm in a disreputable brawl in a disreputable place, and the surgeon who cut off his arm, if my amendment passes, will tell the Commissioner where he lost it, how he lost it, and that he cut it off in that very place.

Mr. LOGAN. Why does he not tell him now?

Mr. BECK. Because he is neither a spy nor an informer. Make it legal to furnish such information, and see what the result will be. I have letters in my possession from men in Illinois and in Ohio and in New Hampshire and all over the country, asking me for information as to whether this man, that man, and the other is drawing a pension, because if they are, and they believe they are, the proof is abundant that they are not entitled to them. I have a letter in my desk from a colonel of one of the Kentucky regiments, as brave a man as was in the Federal Army——

Mr. BLAIR. Any one of the Senator's correspondents could ascertain that fact by addressing the Commissioner of Pensions.

Mr. BECK. I do not know whether he could or not, or whether he knows that he could or not; but if you will publish the lists of the pensioners and the claimants—for they are quite as important as the men who are drawing pensions, and 180,000 or 190,000 of them have sprung to the front since the arrears-of-pension act was passed who never thought they were entitled to pensions until that great sum was given to them—the neighbors will know who is applying, and they will know the merits of the case. It is as important to stop fraudulent claims as it is to develop those already passed of a fraudulent nature.

As I have said, I have been inquired of as to whether certain persons were drawing pensions, with the suggestion that if they were they could be deprived of them. There are a few men that I will name who have given me information, though I have no right to do it, because they are men of such high character and position that they can afford to have their names mentioned. I will mention General Harris of Ohio and General McMahon of New York, who have said to me that men have come to them and asked them to certify that they were entitled to pensions and they knew they were not, and they have gone to the shyster agents who are going around getting up false affidavits, and they had every reason to suspect that they had obtained pensions, although their corps commanders and their regimental commanders had refused to certify their right, and so they had obtained pensions upon affidavits that were not reliable. If the names were published, I have no doubt that the manly friends of the honest pensioner, men like General Harris and General McMahon, would go at once to the Commissioner and say "these men applied to us and we refused to indorse their right to a pension, but they have got it through by false testimony." There is not an agent who is engaged in this fraudulent business and who is dividing with the dishonest pensioner who will tell on him or dare tell on him, and the dishonest claimant dare not tell on the agent. There is not an agent who has a fraudulent claim who will not fight this amendment that I offer to the death, because his exposure will necessarily follow the very moment the truth is told in regard to any person that he has imposed upon the pension-roll fraudulently and by false affidavits.

I avow here that I have no object or motive in offering this amendment to the section added by the House except to protect every honest pensioner and every honest right, and at the same time to detect and punish every dishonest man and every dishonest agent who has falsely imposed a person upon the Government who was not entitled to a pension or is now seeking to do so.

When we understand, as the record shows, that $103,000,000, lacking a fraction, is to be expended this year, surely we ought to be careful that it is honestly expended. One hundred and three million dollars paid all the expenses of this Government from the day of the inauguration of General Washington down to the year 1808 or 1809. I think $110,000,000, until the war of 1812, was all the expenditure of the Government, for the Army, the Navy, the Indian service, the revenue service, the miscellaneous expenses, and everything. Look at your financial reports and make the calculation. One hundred and three million dollars that we are paying for pensions this year paid all the expenses of the administrations of Washington and Adams, and I believe nearly all of the administration of Jefferson; and surely it is of importance to us, to every tax-payer in the country, to every honest pensioner, that he shall not be mixed up and scandalized by charges of dishonesty and fraud; that every facility should be given to the Commissioner of Pensions to see that men are detected who are making false claims.

"Dependent relatives" is a very wide class. The widows of soldiers who have married again and do not tell of it, because if they did their pensions would be forfeited, form also a large class. The neighbors know, and the neighbors will tell, and if you make it the law that they shall have the right to tell the Commissioner, he will know that Sally Jones was married at such a time and still draws a pension as a widow. If a pensioner is not in fact a dependent relative of a soldier as he claims to be, that can be told. If any frauds have been perpetrated, they will be told. The information that I have from very highly respectable sources makes it conclusive to my mind that there is nothing that would aid the Commissioner of Pensions so much, nothing that would aid the agents that he is authorized by section 2 of this bill to send out so much, as to do what is done with everybody else who draws a dollar of money out of the public Treasury, namely, publish his name in the county newspaper with his local address, and allow the neighbors and persons there who know the facts to tell the Commissioner what to do and whose case to look into. No honest man will be hurt by it, but every dishonest man will be, and every dishonest agent who aided him will oppose it to the death; of course he will.

In the face of the present condition of things I am not going to say a word about the arrears-of-pension act. I said some unkind things about that act once, and was called to task sharply enough by the Senator from Kansas. Perhaps the language I then used was not altogether proper; but what I want now is a law that will enable the Commissioner to obtain information that will enable him to prevent frauds being perpetrated on the Government. I do not say that the former Commissioner was entirely right; perhaps he may have been wrong in many things; but the reason why I believe much wrong has been done is that the former Commissioner used this language in a report made to us in 1878:

A comparatively small number of professional claim agents and claim firms at Washington and some other points in the country, through the intervention of sub-agents and by extensive advertising, employing for that purpose in some instances sheets issued in the form of periodical newspapers purporting to be published in the interest of the soldiers, the columns of which contained matter in which apparent anxiety for the soldiers' welfare and appeals to their love of gain were cunningly intermingled, always representing the advertisers as in the enjoyment of special and peculiar facilities for the successful prosecution of claims, and usually adding the suggestion that no charge would be made unless a pension should be obtained.

These methods have withdrawn a large proportion of the pension-claim business from the local resident magistrates and attorneys and concentrated it in the hands of the agents and firms above referred to, whose offices have become great claim bureaus.

Under this system these claim agents and their clients are strangers to each other. The agent having no personal knowledge in relation to the merit of the claim nor of the truthfulness of the testimony which he files in its support is therefore relieved of personal responsibility to the office as to the good faith of the claimant, and has no care except to secure a favorable consideration of the claim presented by him; and unmeritorious and fraudulent claims and false testimony have been flooded upon the office to such an extent that almost all claims are alike suspected, and, for the protection of the Government, the office has been forced to the adoption of very stringent rules to govern the consideration of the cases, and the honest claimant is not infrequently a sufferer thereby, and he is always a sufferer on account of the delay entailed upon the consideration of his claim by reason of the time consumed in the consideration of the claims which are without merit.

When the best means of arriving at the true mode of preventing fraudulent claims was being considered, the chairman of the Committee on Pensions in the last Congress, the then Senator from Virginia, Mr. Withers, on the 1st day of February, 1881, said:

We have the assurances of the Secretary of the Interior and the Commissioner of Pensions for several years, certainly for four years or more, that the present system is burdensome to those who are engaged in administering it, unjust to pensioners, and unjust to the Government, inasmuch as no adequate protection exists against fraudulent claims, the testimony being wholly *ex parte* in every one of these cases. To-day we have a pension bill which appropriates $50,000,000 to the payment of this class of claims. I undertake to assert here to-day that the Government is not protected in the slightest degree against frauds for the payment of the whole of this vast amount of money.

Again he said:

To-day we have a pension bill which appropriates $50,000,000 to the payment of this class of claims. I undertake to assert here to-day that the Government is not protected in the slightest degree against frauds for the payment of the whole of this vast amount of money.

He said further:

A collusion between two or three parties only can present a claim to the Commissioner of Pensions for a pension which is so perfect in all its parts that it will not challenge investigation and it will be passed upon favorably and *ex necessitate rei*. Surely, then, it is the part of wisdom for Congress to devise some method by which this great danger can be averted and by which the claims of pensioners themselves can receive that fair, impartial, and prompt consideration which their services to the country so richly entitle them to expect.

Again he said:

It is therefore in the interest of the honest pensioner and of the Government alike; and the only classes of persons who are injured by it will be the dishonest pensioners and the dishonest claimants, whose facilities for fraudulent claims will be very much curtailed if this amendment should become a law, and the pension-claim agents who throng around this city and have been lobbying so actively for so many months to defeat the passage of this bill.

It will be readily understood by Senators who have paid any attention to the character of the memorials and petitions which are daily presented that there are, perhaps I might say, two machines in operation intended to influence the decision of this body upon the bill which has just been moved as an amendment. The pension-claim agents of this city appeared before the Committee on Pensions when this bill was under consideration. They were granted a full and free hearing, and for days occupied the attention of that committee in arguments against the provisions of this bill. Every facility was afforded them of representing their side of the question; but when it was seen that if this bill were to go into effect they become at once insignificant in the prosecution of a claim, when gentlemen who came before us and claimed to represent 40,000 pension claims recognized the fact that if this bill should be passed Othello's occupation would be gone, and that the opportunity of erecting palatial residences in our cities on the profits derived from such business would no longer exist, it is not remarkable that they should oppose—they would be more or less than human if they did not oppose—with might and main the enactment of a provision which would interfere so seriously with their business and with their profits.

What has been the consequence of this activity? Blank forms of petitions have been circulated all over the country far and wide to every correspondent that they had, and they come up here every morning from the East and from the West, from the North and from the South, and no matter how widely separated may be the localities from which they hail, every one of them has precisely the same phraseology. Every one of these petitions, therefore, has emanated from the pension agents of this city or others interested with them in perpetuating the existing condition of things.

The late Commissioner of Pensions in a subsequent report, perhaps the last one he made, went on to assert:

Besides being cumbersome and expensive, the present system is an open door to the Treasury for the perpetration of fraud. The affidavits in support of the claims have the same appearance to the officers of the bureau, whether false or true. The rules which are established in relation to the production of evidence in attempting to exclude the frauds often work a hardship upon the honest claimant. He finds himself, through the death or imperfect recollection of witnesses, or for some other cause, unable to comply with them, is often defeated, while the fraudulent claimant, who will manufacture the necessary testimony to meet them, succeeds in his claim.

The large sum of money which the claimant will receive upon the allowance of his claim, and the ease with which a fraudulent claim may be manufactured, constitute a powerful inducement to dishonest persons to present fraudulent claims, and these occupy the attention of the office in attempting to determine their merits, which ought to be given to the meritorious claims, and thus, by the encouragement of fraudulent claims, the system operates to delay the others to such a degree that, in many cases, it results in a practical denial of justice. And the pursuit of the necessary medical inquiries is little better than a farce.

Again he says in the same report for 1879:

It would seem that the fact that *ex parte* methods in the ascertainment of truth in doubtful or disputed questions have been condemned by the civilized world for centuries, and that open public proceedings, bringing parties and witnesses face to face that they may be interrogated, such as are proposed by the new plan, have been adopted by the unanimous judgment of enlightened people, based upon the common observation of mankind, ought to leave no question as to the propriety of discontinuing the *ex parte* system in pension claims.

There is another aspect of the *ex parte* system which should receive the most earnest consideration on the part of the Government, and that is its fruitfulness of crime against the laws, in the nature of perjury, forgery, and false personation.

The following table shows the number of the two first-named offenses committed in the cases of five hundred pensioners whose names have been dropped from the rolls since July 1, 1876, because the pensions were obtained by fraud:

Class.	Number of claims.	False affidavits made by—				Total number of affidavits filed in the cases.	Number of forgeries.
		Officers.	Comrades.	Civilians.	Total.		
Invalid	229	291	179	763	1,233	1,581	6
Widows, &c	271	95	69	1,687	1,851	2,816	86
Total	500	386	248	2,450	3,084	4,397	92

He then adds that out of a number of investigations he had made upon information he had received, getting it the best way he could, he had ascertained that nearly 70 per cent. of all those he had investigated were fraudulent. The present Commissioner, speaking of his predecessor, says in Mr. Bentley's behalf:

Great credit is due to him for the industry, ability, and watchful integrity with which the business of this office has been conducted under his management, and the increase of work accomplished and results reached during the past year call for warmest commendation.

Owing to his foresight and recommendation the laws were so amended and supplemented as to enable me to effect changes in organization and management of the clerical force of this office, which it is hoped will to some extent alleviate the difficulties surrounding an *ex parte* system which has been so long in vogue.

Mr. President, I believe I have said about all I care to say on the provision of the House which is now before the Senate, and it must be adopted as it is or amended as I propose, or stricken out altogether. With the legislation proposed by the House to detail from time to time clerks or persons employed in the office of the Commissioner to make examination into the merits of the cases charged with fraud, to take affidavits and employ stenographers, to do what is necessary to guard the Government, what better adjunct can there be, what better means of information can the Commissioner have upon which to detail from time to time clerks and persons in his office than the neighbors of the man, the comrades of the man who is about to be investigated? If he will call on the people who live around him by advising them of the fact that this man is drawing a pension or applying for one, he will get all the information that he cannot otherwise obtain.

I will state the difficulty about our present legislation. We have properly furnished all money necessary to pay all the men who are supposed to be entitled to pensions. We have furnished an adequate force to the Commissioner. We have said, "Organize your office as you like," and when the House had given him, I believe, nearly all he desired, and he wanted some modification before the Committee on Appropriations, I do not wish to say anything the Senator from Illinois may not agree to in that regard, but my recollection is that I said to him, "Put it in the best shape you can," and we gave it to him. But what he wants is not to be left to the chance of finding out by spies or detectives or informers that he may send quietly around to see about this, that, or the other case, attention never being called to it, but to have the opportunity furnished to him, by being informed by the whole neighborhood as to the condition of the man, whether he has dependent relatives, whether the woman is still a widow, whether the man was shot in battle or shot otherwise, or whether he is a fit subject for pension or not. None of these things can come before him now and nobody can know whether cases ought to be investigated. When that information comes and the men in his bureau look into it and say to him, "here is information coming of a character that ought to be looked into," then the clerk detailed will have some place to go, some information on which he can rely, and something that will put him on the track if there is any fraud to be looked after, either on the part of the agent or a fraudulent claimant or both.

I make my amendment apply to the war of 1812, thus applying it to all pension cases. The Senate will be amazed when they come to look into the war of 1812 at the number of people drawing pensions for services in that war. In the city of New Orleans there are men to-day drawing pensions as having helped General Jackson in that battle who were not born on that day. When the list is made and the neighbors come to tell what they know about the names on it, the Senate will be amazed at the ingenuity of the pension agents and the fraudulent men who have done more to bring disrepute upon the pension-list than anything else; men all over the country who have had themselves forced upon the pension-rolls upon the most flimsy pretexts.

I desire to say in addition that from the information I have no set of men will be as earnest and zealous in giving information to the Commissioner of Pensions or to any agent that he may send as the very best soldiers who fought in the Federal Army. I believe I mentioned since I rose (if I did not I will now) that I have a letter in my desk from, I think, the bravest man in Eastern Kentucky, one of the most gallant soldiers, in which he stated to me that if the names were given all through his region of country where he knew them, and from all West Virginia, he could save this Government $250,000 a year by having fraudulent cases looked into that he himself would know about. This is a cheap and easy way of going at it.

Mr. PLUMB. Mr. President, this is largely threshing over the old straw. The Senator from Kentucky has addressed the Senate upon the same tenor and to the same effect a number of times. It brings up the whole question practically as to the integrity of the pension-roll. I do not think the Senator from Kentucky would be willing to say that he makes this proposition in order to decorate somebody. I do not think he means that the roll he seeks to have published shall be considered to be a roll of honor. That is not the idea he has about it. He is not interested in decorating these men at all; he is interested in maintaining the theory which he has maintained ever since I have been here, that essentially, for all practical purposes, the pension-roll is a fraud.

Mr. BECK. I deny that. I say there are great frauds upon it in my opinion.

Mr. PLUMB. The Senator from Kentucky is interested, then, in publishing the list to support the theory which he has always announced here and now adheres to, that there are great frauds being perpetrated on the Government by means of the pension list.

Mr. BECK. I do.

Mr. PLUMB. He therefore is interested in getting up a hue and cry. He wants to send to some remote post-office in the country the name of a pensioner there in order that the prejudice of every person in that neighborhood may be focused upon that poor pensioner and that it may result in giving information to the Commissioner of Pensions in order to displace that person from the pension-roll.

Mr. BECK. No, sir.

Mr. PLUMB. If the persons he speaks of as having written to him with a knowledge of what was going on are truthful, and reliable, and honorable men, they have one plain duty before them, and only one, and that is to give that information, not to the Senator from Kentucky, not at large, not as a general scandal against all the men who are getting pensions from the nation, but to give that information in detail to the Commissioner of Pensions. I say the man he speaks of as being the bravest man on the soil of Kentucky is not brave enough to give information to the Commissioner of Pensions in regard to one single pensioner of the State of Kentucky or elsewhere, and he will not put over his signature his belief that the man is not entitled to a pension.

Mr. BECK. The Senator from Kansas does not know that gentleman. If he did he would admit that he was his peer anywhere, in any regard.

Mr. PLUMB. Undoubtedly. I am cowardly enough myself, no doubt, to fail to do that same thing, but I am not coward enough to add to that by writing an anonymous letter to somebody about it.

Mr. BECK. It was no anonymous letter.

Mr. PLUMB. It was anonymous in point of fact, because it was anonymous in reference to the subject of it. He may have signed his name, but he did not dare to put upon that paper the name of one single person whom he would say was drawing an illegal pension.

I do not object to publicity in connection with pensions. Any proper measure for that purpose, inspired by a proper feeling, will get my vote; but at the close of a session of Congress which was opened by a general denunciation of the pension-roll, where the general allegation was supported by a long speech on the part of the Senator from Kentucky to show that the arrears-of-pension act was a fraud, and that persons who had been put upon the roll by reason of that act were largely persons who were not entitled to pensions, I do not mean if I can help it that a session opened thus shall close by giving effect to his insinuations in the shape of such proof as he has offered or any other.

I have no doubt there are fraudulent persons on the pension-roll. We pass fraudulent claims here every session. You cannot construct a pension-roll of 250,000 names without there being fraud upon it. There is now and then a person upon it who, as the Senator from Kentucky said, incurred his disability somewhere else than in the Army. There is now and then a widow upon the roll who has since married; there is now and then a person upon it probably who was not in the Army at all; but such cases are constantly being ferreted out. Never until the millennium comes shall we be without fraud under the best possible system of legislation; but I say that the pension-roll as a whole, not only as a whole but in nearly all its parts, with few and minor exceptions, represents men who were disabled in the service of their country and who are legally and equitably entitled to every cent they get.

It is asked if these men are fairly entitled to pensions why do they object to having their names published. I do not know that they do object; but I know men who are drawing pensions who seem to be just as healthy as I am. I thought I knew every man in my regiment as well as it was possible for the officer commanding a regiment to know the men in it. I have been applied to by members of my regiment to certify to disability or to facts which would constitute disability in their cases, and I have declined. Why? Not because necessarily I did not feel the strongest sympathy with those men, but because I did not know about them. I have been applied to in some cases where I believed the man was not disabled in the service; but what did that amount to? No officer could tell as to any thousand men under him, or even as to any hundred men under him, whether any one of them was disabled or not in the war under all the circumstances which led to disability in the military service.

Suppose now we pass this provision and it has the effect which the Senator from Kentucky desires it shall have, there are six men in a particular township put down as having received a pension from the Government. When it is believed that the Commissioner of Pensions desires information from the people of the neighborhood in regard to those men, every man in the neighborhood who has a prejudice on account of party, on account of personal feeling, or on account of any other thing, will lift up his voice to say that those men are not entitled to pensions. Against the judgment of the medical officers and the investigation being carried on in the Pension Bureau it is proposed to take the judgment of laymen, of the man's neighbors, and to say to a man, "Unless you parade your wound, unless you parade your illness, unless you exhibit your body and all its frailties and imperfections and disabilities to this trial by the hundred, to the inspection of your neighbors, you are not fit to be borne upon the pension-roll."

Mr. President, there is not a sound man in this Chamber, not one. There is not a man in this Chamber who is wholly sound, and never has been. There is not a man in this Chamber who does not know himself his weaknesses of body, as no other man knows them, and as no other man can know them, concealed, perhaps, even from his family physician, and between him and his family physician there is an abundance of knowledge in regard to his physical condition which no other man would suspect. If my honorable friend from Ohio [Mr. PENDLETON] were to say to me "I am sick," "I am disabled, growing out of circumstances that occurred during service in the war," or "Because I fell from on board a steamboat some fifteen or twenty years ago," when I looked at his face and saw there what I believed to be the color of health, must I say, against

the judgment of his family physician, against the sworn testimony of men who examined him, that he is not entitled to a pension, that he is not sick, that he is shamming?

It is that kind of trial which the Senator from Kentucky desires to submit these men to who wore the Federal uniform, who marched under their country's flag and carried it to victory.

We have heard a good deal about these expenses. The expenses of the war to its close are said to have been, in round numbers, $6,000,000,000. It was an expensive job. Thank God, it was well done; and if it costs $6,000,000,000 more to repair the damages to the men who carried that flag and who planted it on the ramparts of rebellion, let us appropriate the money. It was money well spent, and it will be money well spent as long as there is one of those veterans to drag his emaciated body over the country that he helped to keep intact.

It was an expensive war, and the fact that it was expensive is evidenced to-day. It is wise for this country, it is a good thing for this country that it appreciates to-day in this large pension-roll that it had a war of that kind on its hands with the magnificent result which followed it. It is not only a stimulus to patriotism, but it is a warning against treason as well. I do not want to hear, I hope I shall never hear any man speak of the size of the pension list, or any man speak of the number borne on its rolls, or any man state the dollars it costs to keep it up as any reason for any kind of restriction whatever or to show why the appropriation should not continuously and always be made.

Mr. BECK. I desire to say to the Senator from Kansas that he will always hear me, as long as I have the honor to have a seat here, insisting that no set of men who pretend to have been soldiers and were not, and no class of agents who can associate with them to foist bad men on the rolls, shall be placed there. I want nothing but the honest soldiers on the roll.

Mr. PLUMB. If the Senator from Kentucky during the time he has been here had exercised himself in regard to the perfection of legislation for the purpose of preventing such men getting on the roll, he would have exercised himself wisely, but he has not done it.

Mr. BECK. I am doing it now.

Mr. PLUMB. He now seeks to publish to the world these men, saying *prima facie*, "You are frauds."

Mr. BECK. No, sir.

Mr. PLUMB. You express in every locality, in every county, that the people are expected to come up and advise the Commissioner of Pensions that the pensioners were improperly on the rolls, and have them talked about as beneficiaries of the Government in the shape of pensioners.

Mr. BECK. Will the Senator allow me to say a word to him, if he can keep his temper, as I know he can? Does any other man or woman except the pensioner draw out a dollar from this Government without having his or her name published publicly and the amount he or she receives? If so, where?

Mr. LOGAN. I merely want to say that there is this distinction, the employés of the Government are published in reports that are made to Congress. I tried to have an amendment put in this bill of the same nature as to pensioners. The Senator from Kentucky did not agree to it, but he wants the names published in the newspapers to give the newspapers a chance to charge the Government for the publication. That is the difference.

Mr. BECK. Will the Senator allow me to say to him that he did propose to publish those on the pension list, but he did not, although I urged it, agree to put the nineteen hundred and odd thousand who are claiming a pension and who held back for sixteen years without making the claim and come in now because the arrears-of-pension act makes it worth while. He would not allow that class to be published.

Mr. LOGAN. Coming in now? The Senator does not understand the law.

Mr. BECK. All that were filed before a given day this year, and a hundred and ninety-odd thousand filed their applications and will get the arrears of pension. That is the light I want. I wish to expose the frauds of those people and their agents.

Mr. LOGAN. The Senator should have moved that as an amendment to the amendment in the bill.

Mr. BECK. I did do it in committee, but I knew from the warning given by the Senator from Kansas he would make the point of order.

Mr. LOGAN. The Senator is very much mistaken. I assured him I would not make any point of order.

Mr. BECK. I know the Senator from Illinois said that, but I knew the Senator from Kansas would make the point.

Mr. LOGAN. He made the same point of order on the amendment I proposed in the bill, as well as on that of the Senator from Kentucky.

Mr. BECK. Certainly; and therefore my amendment to the amendment of the Senator from Illinois would have been of no value. Hence I took the precaution to put mine as an addition to the new legislation put in by the House, which he could not rule out.

Mr. BAYARD. Why can it not be by unanimous consent agreed that the list shall be published? It ought to be published. I am very sure the Senator from Kansas and the Senator from Illinois have the same feeling we all have in regard to this matter. You wish to perform a public duty to meritorious men, but you wish to exclude those who are fraudulently endeavoring to obtain the benefit of the pension list?

Mr. LOGAN. What does the Senator mean by saying we wish to exclude them?

Mr. BAYARD. Anything like a publication of this list ought to be made a roll of honor, and if men ever put their names upon it who are dishonest, it is due to those who ought properly to be there to have them stricken off, and such men punished. I am sure that by a publication of the list, with the post-office, giving the name of every applicant, from time to time, it would tend very much to public security, and to keep the list where it ought to be.

Mr. LOGAN. I will discuss that proposition with the Senator as soon as the Senator from Kansas is through, if he desires it, and I will give my reasons upon the subject.

Mr. BAYARD. I hope the Senator from Kansas will comprehend that every man who shall assist in purging the pension list of false claimants is a man acting in favor of those who have the right to be there.

To be upon the pension-roll ought to be upon a roll of honor. It is a roll which the American people should care for and cherish; and as they ought to do that, they should be very careful to exclude dishonest people from it. That frauds naturally have occurred and will occur, we all know. I have been enough in United States courts before I came to the Senate to know what a large number of prosecutions for frauds upon the pension list get upon the dockets.

Mr. LOGAN. The trouble, if the Senator will allow me, is this——

Mr. PLUMB. I do not submit to further interruption. I want in a few moments to conclude what I have to say. I do not wish to have any more remarks interjected into mine.

Mr. BECK. I shall not interrupt a moment longer except to say that I agreed with what the Senator from Illinois did as far as he went. The difficulty is I do not think he went far enough.

Mr. PLUMB. It is asked, why not publish these names as we publish the names of persons who are in the employment of the Government? That is an entirely different thing. Here is a man employed by the Government; his employment is open and notorious; the only fact to be known or to be considered is that he is employed and the sum which he receives; but then you come to publish the name of a man who is borne upon the pension-roll, and especially when you publish it with the statement which accompanies this amendment and with the impetus and animus which is behind it, you are publishing it for the purpose of stating in point of fact that his case and every case on the pension-rolls is *prima facie* a fraud.

The question as to whether a man is properly borne there is not a question that his neighbors can tell. It is a question which is determined by a skillful medical or surgical examination, or both. How can any man looking at his neighbor going about tell, in the first place, whether he is disabled at all in a great many cases; and, in the next place, whether that disability related to service in the Army? Consequently, you will not get anything more out of it than you will get from that inquisition which each man, more or less, has of his neighbor, and you will, in the publication of this list, with the animus which, as I said, is behind it, cast upon these men an imputation of fraud which they will feel keenly as long as they live, and which will go very far to offset the benefit which the Government has given them by reason of putting them on the pension-roll.

If we can in any way reach a time when we can get away from this kind of a discussion and these wholesale allegations in regard to fraud, and can make up a roll of honor truly, I will vote for that cheerfully. I do not desire to have any man borne on the roll who is not entitled to be there. Men are constantly being eliminated from it. The Commissioner of Pensions is constantly asking Congress to put in his hands the power to make more exhaustive and thorough examinations for the purpose of determining who, if any, are improperly upon the roll.

The preceding Commissioner of Pensions has been quoted, and he indulged in a general denunciation of the list; at least that was the effect of it. At the same time, the money which Congress gave him to investigate the question of pension frauds was not expended. We gave him one year $44,000, I think, to pay the expenses of clerks to be detailed from his office to investigate frauds, and while he said in a report to Congress that a great many frauds existed, he only spent one-half of the money we gave him for the purpose of detecting them. That kind of testimony will not do. If an officer of the Government says that frauds are being perpetrated upon it, and he has money placed in his hands for the purpose of detecting those frauds and he does not use it for that purpose, he is not a competent witness to say to what extent frauds are being carried on against the Government, and to that extent I say the testimony of the preceding Commissioner of Pensions, Mr. Bentley, is not entitled to credit.

A good deal is said about the question of men soliciting their officers to give them certificates or affidavits in regard to disability. It is the most natural thing in the world. I am often applied to myself, as I said before, and it rarely happens that I can make an affidavit which would be of value; but I do not impute to the persons applying necessarily an intent to defraud the Government, and they may not have anybody that can make affidavits for them.

I get letters occasionally, as the Senator from Kentucky gets them. I think now there are 250,000 persons borne on the pension-roll. The

Senator from Kentucky has been the champion on this floor and in the country in the allegation that the pension-roll contains large numbers of frauds. He gets more letters on that subject probably than anybody else, and all he has been able to mention is about half a dozen. Suppose there were half a dozen cases of fraud out of about 250,000; suppose there were 1,000; you could not administer any law better than that. Suppose there were 5,000, what does it amount to in point of fact? You will not get nearer a fair administration of law than that.

As I said, I occasionally get letters of that kind myself. I got a letter about six months ago, or rather it was a letter to the Commissioner of Pensions under cover to me, written by a man living in a county in my State, in which he went on to say that a neighbor of his was drawing a pension who was not entitled to it. He narrated certain reasons why he believed the man was not entitled to a pension. I sent the letter to the Commissioner of Pensions, who ascertained that not only was the man named not upon the rolls, but he had never even made an application for a pension. This neighbor of his simply got a suspicion in his mind that the man was getting a pension; he thought he was not entitled to one; and he addressed this letter to the Commissioner of Pensions on the subject, and there was a mare's nest. That is all there was about it, and I have no doubt that there is a large majority of cases of just the same kind.

Mr. BECK. If you would publish this list there would be no trouble about it.

Mr. PLUMB. I do not want to gratify the curiosity of the prurient. I do not care to take part in that kind of an inquisition. I do not think it is proper to do it. We are paying a large sum of money annually for pensions. It is large because, as I believe, it is justly due. It will be larger for some time to come. The fact mentioned by the Senator from Connecticut, if it be the fact, that this year we shall have a deficiency of $25,000,000, is a matter of no possible concern, because if we do not pay the $25,000,000 this year we shall pay it next. We have got these men to settle with, and if we could pay it all this year I would rather settle it all at once. It would be a wise and proper thing to pay all the arrears of pensions now; but we cannot do it; it has got to be done by degrees. It is necessary to have a force to do it; and we cannot adapt that force to the work so as to do it at once; but we can use all the force necessary to decide who is and who is not entitled to a pension. Whether the amount is $100,000,000 or $125,000,000, or $200,000,000 is of no consequence. The regular list will settle some of these days at about $50,000,000, and at that point it will remain for many years to come. It is a large sum of money, and if it exceeds the expenditures of the administrations of Jefferson, Adams, Monroe, and all the early Presidents, there is no comparison in that respect. The country is bigger than it was then; it is richer than it was then. It had armies in the late war such as neither our own country nor any other ever thought of in those times. It not only had armies of that magnitude, but it had armies fighting for a cause such as armies had not before fought for. As the country grows in wealth and as we realize more and more the beneficence and the outcome of that struggle, when even the conquered themselves say we were their best friends, when the South itself is better because we conquered, and the whole country united is better than two countries, and it is richer, more powerful, more patriotic—as we grow in wealth and have grown with constantly accelerating wealth, we ought to look with more and more gratitude upon the men through whose sufferings, through whose sacrifices, through whose valor all this became possible.

Mr. President, it is not for the country to complain about the amount of pensions. It is not for the country to cut its pattern too small. It is not for the country to growl and grumble about the administration of a law embracing as it does so many persons within its grasp because now and then a man gets upon the pension-roll who is not entitled to be there. I can say this: if the man actually was a soldier, if he actually served three years, doing actual military duty, he was physically worse when he came out than when he went in by reason of that service, and whether his proof of a particular disability incurred at a particular time goes to the nicety that would be observed in legal proceedings or not I do not care. I say the country owes him a pension *prima facie*, and it is not losing anything by paying it to him.

On the other hand, while I have no doubt there are men on that roll who ought not to be there, I know there are thousands, and perhaps tens of thousands, who ought to be there who are not there. I know men who cannot make the proof who were plainly disabled in the line of duty. I know men who have refused to make application for a pension. One man who lived within six miles of where I live lost his eye-sight and wasted his farm in an endeavor to recover it. He lost his eye-sight in the service of his country, and has refused to go upon the pension-roll. I think he was more nice than wise, and I have so advised him. I think no man ought to be ashamed to apply for a pension where he actually incurred a disability in the line of duty in the service of the country, and the country ought to be just as glad to pay him as he should be to make an application for the pension.

Mr. LOGAN. Mr. President, I desire to call the attention of the Senate for a few moments to this point. It seems as though this discussion, especially on the part of the Senator from Kentucky, would lead us to believe that there was nothing in the pension bill and no attempt had been made by the committee to provide against fraud. I desire to call the attention of the Senate to that which is provided in the bill. Probably Senators have not observed it so as to see whether we have provided against the frands that are spoken of. In a part of section 2 of the bill, repeating a portion of the Revised Statutes and adding to it, you will find that we provide that—

> The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims.

We give the Commissioner of Pensions power and authority to detail officers to examine not only persons who have already procured pensions and have claims allowed for bounty land but those who are applying for either bounty lands or pensions; and if it appears that they have been guilty of fraud, then he has a right to prosecute them, and is expected to do it. Not only that but we give the clerks and the persons detailed by him for this purpose the power to administer oaths and examine witnesses under oath for the purpose of ascertaining these facts and forming an opinion as to whether a fraud has been attempted or practiced on the Government. That is one part of the bill which we have agreed to. Then we have added to that portion as it came from the House a long provision, which was carefully considered by the Committee on Pensions and reported to the Senate by the Committee on Pensions, agreed to by the Commissioner of Pensions, and examined carefully by him, and sent to us by him as being such a law in the administration of which he believes that he could, as far as possible in matters of this kind, protect the Government against fraud.

Let us see what there is in this bill that we have added to the pension laws so as to prevent the frauds that are spoken of by the Senator from Kentucky. I read section 3:

> That in addition to the authority conferred by section 184, title 4 of the Revised Statutes, any judge or clerk of any court of the United States in any State, district, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a witness, being within the jurisdiction of such court, to appear, at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross-interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claim; and witnesses subpœnaed, &c.

If the Senator can make any provision stronger than that I should be very glad to add it to this section. Courts, judges, clerks, and other officers are authorized by this proposed law to bring witnesses before them to testify, to be cross-examined, or to make affidavits or depositions, or depose orally in reference to any claim whatever against the Government presented to the Commissioner of Pensions. Not only that but we provide for a board of surgeons, and the board of examining surgeons is made up of three persons, so that not only shall the pensioners be examined by surgeons appointed by the Commissioner but then the Commissioner shall have a right to appeal from that surgeon and take the case before the board of surgeons. We also provide that in the certificate they must agree on the disease, the time, and disability, and all there is connected with it. How much stronger can you make a law than that with reference to examining a question of fraud that may be perpetrated against the Government of the United States on the pension-roll?

Mr. BAYARD. May I ask the Senator from Illinois a question?

Mr. LOGAN. Yes, sir.

Mr. BAYARD. Would it not be a great assistance to those examining officers, to the officers of the Government whose duty it is to scrutinize the claims, if publication was made of the list of those who were not only pensioners but who were applicants for a pension? If such a list was made of them, and if it could be distributed in the neighborhood, it seems to me it would be the most practical aid to the officers charged with purging those lists of unjust claims to have the aid of common reputation. I do not see any feature that would be so naturally preventive of fraud as the publication of the list of the applicants, and I am amazed, I confess my astonishment, that there is not, so far as I learn, a published list which any man in the country can get of those who are upon the pension-rolls. I could not believe that anything would be otherwise. I took it as a matter of course that there was a report of the pension list of the United States. There not only ought to be an annual report of that list so that those who die may not have their deaths fraudulently suppressed, or that those who are widows and marry again may not have that marriage fraudulently suppressed, but that those who shall originally apply for pensions shall at least make that application publicly. The pension list is an honorable roll, and fraudulent claims should be kept from it.

Mr. LOGAN. The Senator rose to ask me a question, and that is a pretty long statement.

Mr. BAYARD. I beg the Senator's pardon. It was running, however, in the line the Senator was pursuing. I took it for granted we both had the same object in view, and that is to protect the Treasury against unjust claims. At the same time the honest claims of all entitled should be fully met. I beg the Senator's pardon for interrupting him.

Mr. LOGAN. I will try to answer the Senator when I get to that point of the bill, but right here I desire to say one thing, and to say it with no feeling of unkindness. These pensioners have had an annual raid made on them in the Senate Chamber for the last eleven years, and I say now I have listened to the same speech almost verbatim, except that it is not as good a one this morning as it usually is, of this very character every time the pension bill comes up.

I want to make an inquiry by way of answer to the Senator from Delaware, as he put a very long interrogatory to me, as to why the names of the pensioners should not be published. Sometimes when we are discussing matters that we do not exactly understand ourselves we get into deep water. The Senator says he is perfectly amazed, that he learns for the first time this morning that the pension list is not published to the world. That only shows that there is a part of the legislation of the country which he has not examined. I might answer him in this way: I might say that I am perfectly amazed that every claimant in the United States who has presented a claim to the Quartermaster's Department, or the Commissary Department, or to the Congress of the United States, is not made into a roll and published and posted in every post-office in the United States. That has never been done.

Mr. BAYARD. Those are not annual claims.

Mr. LOGAN. It does not make any difference whether they are annual or not, there are a great many of them. Nobody has ever tried to publish them, and certainly a great many of them are fraudulent as everybody knows. I have never heard a raid made in the Senate on account of those claims not being published and posted in every post-office in the United States. They come from a different class of men; that is the trouble.

So far as publishing the names of those on the pension-roll, the Senator says they should be published for the purpose of preventing the suppression of the marriage of a widow who was drawing a pension. The publication of the names would not suppress that. If you do not have the name with the evidence in the Pension Office, the publication of it does not affect it. You do that by evidence. You take a man's name or a woman's name from the list on testimony of death or some other fact. You cannot do it any other way. So it is not to be affected except in a general way by publication.

Let me go a little further with this matter. Why is there this great desire now on the part of the Senator from Kentucky, for I propose to answer his proposition? We proposed in the Committee on Appropriations to put an amendment on the bill, to satisfy him, that the names of the pensioners should be submitted annually to the Congress of the United States in a report, that the decrease should be published, that those stricken from the list should be named and those added to the list should be named, and that that should be done at the commencement of every session of Congress; but that was not satisfactory. What is satisfactory? It appears that nothing is satisfactory, only to give an opportunity to stand up in the Senate for about an hour to denounce men who receive pensions and to say that a great many of them are fraudulent. Time and again I have said to that Senator on this very floor, if he knows of a fraudulent claim on the pension-roll it is his duty as an American citizen to state that fact to the Commissioner of Pensions. If I knew of one to-day, so help me God I would do it. It is my duty to do it, and it is the duty of a man who makes a raid against pensioners annually, periodically. There seems to be a kind of spasm that seizes Senators here to make a raid on these men, and no man yet has ever had the manhood to stand up and say there is a name, John Doe, on the pension-roll that ought not to be there. Before I make raids on men, and charge them with frauds, with perjury, and with crime, I will name the men. This was not sufficient. Why was it not sufficient?

Why is it that Senators desire to get these names published in newspapers? The newspapers will publish them, but if you put in an amendment that the Government shall publish them in the newspapers in New York, Cincinnati, Philadelphia, Boston, Chicago, and New Orleans, and all the great cities of the United States, it will cost a half million dollars to do it.

Why is this? Nobody ever heard of a proposition of this kind before; at least I never did. We propose to publish the list and give it to Congress, and then let the newspapers have it and publish it wherever they choose; but that is not satisfactory. It is not satisfactory unless you print the names in the newspapers, and have a squabble with them as to which paper shall publish the list, and then pay them about $50,000 apiece every year for publishing 250,000 names, which would take up more than their paper and two or three other sizes like it. That is the strange thing to me. That is the thing I cannot understand.

There was nobody on the Committee on Appropriations who opposed publishing this in a record just the same as the names of all the clerks here are published, just the same as the laborers, just the same as every man who draws money from the Government, in a book. Nobody objected to that. There was the objection that it was out of order, but yet it was agreed to in the committee. Still that is not satisfactory. Why not? I should like to know why that is not satisfactory. If every member of Congress has the list at his hand, the people can see it and pick out the names where frauds are perpetrated against the Government.

Mr. President, there is something about this that many persons do not understand. I know a great many persons who are the recipients of pensions. Whether they are entitled to them or not I cannot say, because I did not make the examination. I know persons who draw pensions who look as if they are stout and healthy men; but at the same time I have no doubt they are entitled to pensions. I could illustrate this by members on this floor. I know three Senators on this floor to-day who are suffering from wounds they received in the Army; but yet they do not draw pensions; they do not ask for pensions. To look at those men there is not a man in the Senate who would suppose that either one of them could obtain a pension if he would try; yet they could without any trouble, and I know that they suffer and are confined frequently to their beds from the effects of their military service. Yet nobody would suppose they were entitled to be pensioners.

Therefore, I conclude that there are many persons drawing pensions in this country whose wounds are covered by their garments and are unseen, wounds which are painful to them; and because such a man is going around people say he is not entitled to a pension. That is the reason why there is so much criticism on the pension list. I know an ex-officer of the Army here in Washington City to-day. He comes into the Senate very frequently. He is a pensioner. I suppose if any Senator were to see him he would say that man is a fraud. I know he is not a fraud, and I will tell you why. That man to-day is as healthy a looking man as you or I, and yet that man wears a seton in his body running through from side to side, and he has done so ever since the war. He has to do it in order to keep the wound open to preserve his life, and that man is as healthy a looking man as I am. But his wounds are concealed and many persons say that he is a fraud. I know he is not a fraud. I know he is not able to-day to perform any labor of any kind, and yet he walks around a healthy-looking man.

I might give a number of instances of the same kind. I know others similarly situated. I know a Senator on this floor to-day who has a wound which breaks out frequently, yet he says nothing about it; you do not know anything about it. He suffers intense pain from it at times and has a physician sometimes to examine it and to redress it, and heal it up again, yet he never asks for a pension and says nothing about his wounds. There are many cases of this kind all over the country.

Men who do not understand this thing, men who have not served in the army on either side, men who do not know anything about camp life and the service of men in the wars of this country, are not altogether competent to judge of those who have performed such service. I say that in all kindness. There is not a man in the sound of my voice who served either in the Union Army or the confederate army but will agree with me in the statement that no man who did not see service can tell the effect of service upon those who rendered it.

So far as this proposition is concerned, I merely wish to say a few words. Of course the point of order raised is good; nobody questions that. This proposition which the Committee on Appropriations reported was stricken out on a point of order as will the amendment of the Senator from Kentucky be, but I say now to the Senator, and to all Senators, that I would have been perfectly willing, and I was for it, to leave the committee's proposition in the bill. I will read it:

> The Secretary of the Interior shall annually hereafter transmit to Congress, at the beginning of each regular session, a list of all persons borne on the pension-rolls, classified according to their post-office address by States and counties, the amount paid annually to each, and also a statement each year of those dropped from the rolls and those added to the rolls.

What more would anybody want than that, I should like to know? There the information would be reported to Congress, the reports could be sent out, newspapers could take them and publish all they pleased out of them; but it seems there is no satisfaction on this subject unless you publish the list in newspapers and pay them for the publication. I am opposed to any such proposition. I am in favor of reporting the names of these men to Congress just as the name of every man employed by the United States who receives money from the Government, who is on any roll drawing pay from the Government as laborer or anything else, is reported to Congress. I say I am in favor of it. I am willing to do that. I do not think it is a proposition that is necessary, but many Senators think it is, and therefore I am willing to do it. But I never would be willing to vote for the proposition of the Senator from Kentucky, because it is unnecessary and it is wrong.

With the bill as amended by the Committee on Appropriations and as amended by the Committee on Pensions with their proposition attached to it which we have agreed to, examined by the Commissioner of Pensions, I am satisfied from the manner in which the amendments have been made to this bill that we have given to the Commissioner of Pensions all the power that any man can think of that is absolutely necessary for the purpose of preventing fraud and for the purpose of detecting fraud either in the applicant or the pensioner after he has acquired his pension under the law. For that reason I believe the bill is a good bill so far as this part of it is concerned.

There is one thing I desire to say, and I am sorry to have to do so here. I have frequently replied to it on this floor, although I am not on the Committee on Pensions, and that is this enormous pension list. Of course it is enormous. There are many other things that are enormous; many other of our appropriations in other di-

rections are very strange, so far as the amount is concerned. There are many things in regard to which we might say Congress was appropriating a large amount of money where there was not half as much merit as there is in the pension-roll. It is true we appropriate $100,000,000 or a little more this year. We appropriate it because we owe it, that is the reason why. In other cases we appropriate that which we do not owe, but appropriate for things that we propose to do. This is an appropriation for an account accumulated against the Government of the United States, where the debt exists to-day by reason of passing on these claims by the Commissioner of Pensions under the law. Hence we appropriate for that which we owe, that which has been adjudged against us. I ask why, then, should a raid be made on that any more than on an appropriation that is made to pay the judgment of a court that has decided in reference to a claim, or something of that character? I cannot understand it.

This large amount grew so from the fact that arrears of pension were allowed, but I shall not discuss that now, as I have done so before. After that payment has been once completed, then, according to the report of the Commissioner of Pensions, our pensions will be reduced to about fifty millions per annum, and then probably decrease annually, instead of increasing annually.

The Senator from Kentucky said that about New Orleans there were a great many persons drawing pensions who were not born when the battle of New Orleans was fought, on the allegation that they assisted General Jackson. That may be true. If it is, I cannot understand it, I must confess. The law is perfectly plain. All persons who gave a certain number of days' service in that war are entitled to pension, and their widows are entitled to pensions. Why did not the Senator say that a soldier who served in the war of 1812 afterward may have married a lady who was not born at the time the battle of New Orleans was fought, but as his widow she is entitled to the pension? Is that a fraud? Will the Senator say that? Yet he would have it go to the country that because persons draw pensions on the roll of the war of 1812 who were not born at that time, therefore they are frauds against the Government. A Senator ought not to put such a phase on it as that and let it go to the country, because it is not true; it is not the fact. It is the fact perhaps that they were not born then, but it is not a fact that they are fraudulently on the pension-roll. We may say that children draw pensions who were not born when the late war existed. That may be true, but does that prove that they are fraudulently on the pension-roll? Certainly not; it only proves that they are the children of a deceased parent, and by the law they are entitled to the pension that the parent would have received; that is all. It does not show that it is a fraud.

I am sorry that these statements are made continually here on the floor in order to make the country believe that we permit ourselves to sit here day after day and allow these frauds to continue when we know them. Statements of this kind are unfair to the rest of Senators, for they are not justified, they are not warranted by the facts. Any man who understands the law in reference to pensions and understands the manner in which they are allowed will not make such statements, in my judgment. It shows to me an ignorance of the law as it now exists and ever has existed in this country, or if not an ignorance of the law, a determination to make false impressions on the country in reference to our own conduct.

Mr. GEORGE. Will the Senator from Illinois allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. GEORGE. I desire to know whether in his opinion the Union soldiers would regard the publication of this list, as provided for in the amendment of the Senator from Kentucky, as offensive to them in any way, or as impeaching the honor and integrity of the men on the pension-roll?

Mr. LOGAN. I do not know, I will say to the Senator, what the Union soldiers think about it. I have never heard any expression about it; I have never heard anything about it, because it is a new proposition. I never heard it discussed anywhere except here and in the committee. I never heard of a proposition of this kind before.

Mr. GEORGE. That was the view taken by the Senator from Kansas, [Mr. PLUMB,] and I desired to know whether the Senator from Illinois concurs with that view.

Mr. LOGAN. I agree with the Senator from Kansas that this thing of publishing the names in the newspapers and posting them up in the post-offices all over the country is an offense to any man of a sensitive nature. I do so regard it; but I say, if you publish it in reports to the Congress of the United States the same as you publish any other report, then it cannot be an offense, because then they are treated like everybody else; but to single them out and post them up as if they were pirates or plunderers I do consider an offense, I would if I were one of the pensioners. I say an offense; I do not mean an offense intended, but I mean that is the effect of it, and it would have that effect upon me if I were a pensioner and my name was posted up in my post-office so that my neighbors could look at it and examine and see whether I was a thief or not. The object is not to notify the people who the pensioner is, but to subject him to criticism. If you make it in an annual report to Congress everybody could see it. You make up your Blue Book with the name of every officer and laborer who is paid, and you publish that to the country; and why do you publish it? To give notice to Congress who the men are who draw money from the Government; where they live, and from whence they were appointed, so as to locate them and to understand the facts with reference to them. That is the reason why it is done. Give the same reason for having a pensioner's name published, and no offense could be taken.

Mr. VOORHEES. I ask for the reading of the amendment of the Senator from Kentucky.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The amendment will be read.

The Acting Secretary read the amendment.

Mr. PLATT. Mr. President, the point of order has been suggested at this time and is reserved and is to be made. I suppose the amendment will be objectionable upon the point of order, but since the matter has been so much discussed here, I desire to occupy a very few moments in reply to some of the suggestions which have been made in favor of the amendment.

The first inquiry of course is how much fraud there is, how many fraudulent claimants are on the pension list. Senators talk about this measure as if a large proportion of the pension list was fraudulent. I do not deny that there are some fraudulent cases on the pension list. There is no department of this Government in which claims are allowed in which frauds do not exist; but I desire to say that I do not believe the proportion of fraud on the pension list is as great as it is in other branches of the Government and in other departments where claims are allowed against the Government. I believe that the Pension Bureau is freer from fraud than any other bureau adjusting claims in the Government to-day.

Mr. LOGAN. So do I.

Mr. PLATT. Whenever a single case of fraud has been found to exist or is suspected a great deal is made out of it; and because of that single case an attempt is made to throw suspicion over the great body of pensioners, whom I believe to be honest and deserving and to be receiving no more than they should receive from the Government.

There were on the 1st of June, 1881, 268,830 names on the pension list. All will agree that under the administration of Mr. Bentley, supplemented by Colonel Dudley's work, every effort was made to ferret out fraud. During five years, from June, 1876, until June, 1881, the number of names dropped from the list upon investigation by Mr. Bentley was 2,188. That is a very small showing, and the investigations have shown year by year a continually decreasing amount of fraud. The number of cases investigated in 1876 was 2,633; in 1877, 1,926; in 1878, 1,830; in 1879, 1,485; in 1880, 1,034; in 1881, 700; making a total of cases investigated where fraud had been charged 9,608, in which there were dropped from the pension-rolls 2,181, and pending claims rejected 1,975. Thus it will be seen that of the cases where fraud was charged during these five years but a small proportion were found to be actually fraudulent.

Mr. SAULSBURY. I ask the Senator if about one-fourth of the cases investigated were not proved to be fraudulent?

Mr. PLATT. That is very true, but it brings me to something which I will speak of in opposition to the amendment hereafter; I shall not anticipate. One-fourth only of the cases charged to be fraudulent were found to be fraudulent. It shows that there is a disposition to make charges of fraudulent pensions when the facts do not bear out the accusation. I am sorry that disposition exists. I believe it does exist, and I believe if this amendment should be adopted the great body of honest and deserving pensioners would be subject to great inconvenience and annoyance from the fact that it does exist.

The point I was on is this: I believe that there has been careful investigation to determine the frauds. The difficulty has been that the Commissioner of Pensions had not the requisite machinery to do it with.

That brings me to the second question, which is whether the bill provides all that we ought to have, all that is necessary, to investigate frauds and prevent frauds. I think it does. Therefore the amendment is entirely unnecessary.

By the bill it is provided that the Commissioner of Pensions may investigate all cases, whether pending or adjudicated, may detail from his office clerks to make special examinations into them, aiding the prosecution of any party appearing to be guilty of fraud. These clerks may administer oaths and take affidavits. They may in important cases employ a stenographer. They have the power of summoning witnesses to be paid by the United States. That is a power which the Pension Office has not hitherto had, and, in my judgment, it will be very effective. If there has been any lack of ferreting out such frauds as have existed, and do exist, in times past, that difficulty will be done away by this provision.

Another clause in the bill I consider of the utmost importance for the prevention of fraudulent claims and the adjudication of fraudulent claims. No man gets a fraudulent pension without a surgical examination, and very few people can obtain a fraudulent pension if that surgical examination is thorough and intelligent. The one weak place in the pension system heretofore has been that an examination is made by a single surgeon, who gets the insignificant fee of $1 for making the examination. What has the result been? It has been utterly impossible to procure surgeons of that high standing in their profession, of that experience, of that integrity neces-

sary to the proper examination of an applicant. The bill provides that the work shall be done by three surgeons, and that they shall be paid $2 apiece. It increases largely the cost of surgical examination, but I believe it is a measure in the interest of economy. I believe it is a measure which will result in a very few fraudulent cases hereafter. I go further than that. In the very few cases which, though not fraudulent, are cases in which a pension can only be granted by a strained construction or an overstatement of the symptoms and condition of the applicant, it will be next to impossible under the reconstitution of this board, getting as the Commissioner believes he can upon it, physicians of reliability and experience and integrity, for an applicant to deceive the board and procure an improper pension.

The trouble has been that on one side the people gave the examination but little attention to help it through, or on the other they desired to get a pension for the applicant, or with a prejudice perhaps against the peasioner, they desired simply to prevent the applicant from getting a pension. If Senators had been upon the Committee on Pensions as I have, and had read the examinations of surgeons appearing in files of the Pension Office as I have, they would be utterly surprised at the character of the examinations which have been made. In some instances the surgeons apparently wrote articles to show that the pension should be granted; in other instances they were as plainly prejudiced against the applicant. Into many of them extraneous matter was introduced, criticisms on the Pension Office, criticisms on the pension law, showing that the character of the men whom the Commissioner has been able to employ was not that which it ought to have been. I believe that that amendment now passed is the most important feature of our pension system. I believe it will go further toward preventing improper pensions than any other.

A single word further. I will state my great objection to publishing this list in all the papers. It is an objection which is suggested to me by my examination of pension cases. Case after case has come here where people have been dropped from the rolls upon the charge that they were fraudulent pensioners; that they had obtained their pensions by fraud; and in every instance, I think, there has been developed the fact that there is a neighborhood quarrel about it. The people have taken sides; half of the community, for instance, think that the pension is properly granted; the other half think that it is improperly granted. What will be the result if these lists are published publicly in the newspapers? It would be a blessed thing if we could have the millennium and all people should dwell in harmony; that there should be no such thing as jealousy or malice or suspicion in all the whole land; but that is not the fact. In every community there are people who have enemies. No matter how deserving a pensioner may be, no matter how much he may need his pension, the experience which I have spoken of teaches, and Senators must know, that with the list published in the newspapers the Pension Office will be flooded with suggestions that this man or that man is drawing a pension which he ought not to receive, and based solely upon malicious motives. That I desire to avoid. I do not think that we ought to put this great body of pensioners in a position where everybody who has a grievance or a dislike will be tempted to send to the Commissioner of Pensions, postage free and possibly anonymously, the information that that case ought to be investigated. I do not desire to cut off debate at all; the point of order has been reserved——

Mr. BECK. Will the Senator from Connecticut before he sits down—I did not want to disturb him—answer me only one or two questions upon which I desire information? Section 2 of the bill, which is new legislation, authorizes the Commissioner of Pensions "to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions," &c.

Is it not a worse imputation on men that a clerk shall be sent from the office on the suggestion of the Commissioner upon information given by somebody, by whom nobody knows, and which nobody knows anything about, to look into all these things, than would be a public statement made as to who the pensioners were, and public information given?

Mr. PLATT. I think not, unless you assume two things——

Mr. BECK. And how will the Commissioner of Pensions obtain the information, located here at Washington, with the hundreds and thousands of pensions and claims now before him, unless he has some public way of obtaining the information upon which to send out his clerks? That is the first question I want to ask.

Mr. PLATT. I do not believe that any pensioner decidedly fraudulent can continue to draw his pension in any community or county of this country without the information reaching the Pension Office at no very distant date after its discovery.

Mr. BECK. How will it reach there?

Mr. LOGAN. If the Senator from Connecticut will allow me, perhaps the Senator's mind is in the same train of thought, but I would suggest to him what the record is in the Pension Office. In the case of a man who draws a pension for a wound the only question there is about that is the rating of that pension. In the case of a man who has his arm or leg off, an eye out, or a hand off, or a finger off, or who has lost a foot, or anything of that kind, it is only a question of rating. That is fixed by the law. That class of pensioners are not frauds, for the record in the War Department shows the wound; the certificate of discharge shows it. Hence there is no necessity for investigating it except so far as the rating is concerned. Then there is another class; there is a class of pensioners who were discharged during the war for disability incurred in the line of their duty. The record in the War Department shows that fact and the certificate of the surgeon corroborates it. Then, if the disease continues, an examination of the surgeon shows a continuation of that disease. That is not a fraudulent pension and cannot be.

Then there is but one class of pensioners that the Committee on Pensions would naturally inquire after. Who are they? A class of persons who prove that they are entitled to a pension whose record does not show the fact, and there is but that class. It is a class of persons discharged from the Army who were not discharged for disability, who were not discharged for wounds received, but were discharged from the service and became diseased and proved their disease and traced it back to service in the Army. That is the only class of pensioners, except those who might claim that they were widows of soldiers when they were not, or children of soldiers when they were not, or something of that kind, which certainly would be very seldom. These are the only persons in regard to which there would be any reason for an examination to be made to see whether they were on the pension-rolls fraudulently, and that is a small portion of the pensioners of this country. Hence the fraud is confined to that class of pensioners, and when you come to examine the fact it is diminished down to such a portion that the Commissioner of Pensions, having that list, can very easily make these examinations.

Mr. PLATT. I want to answer a question the Senator asked me before I forget what it is, and then I will listen to any other questions. The question, as I understand it, is this: How is the Commissioner to get knowledge? It has been answered in one view of it very well by the Senator from Illinois; but I cannot believe that to any extent it is true that a person can be notoriously in the receipt of a fraudulent pension in any community of this land and that information not reach the Commissioner of Pensions. It may be so in exceptional instances, but in cases where there is no question about the fraud, where the fraud is open and flagrant and glaring, I cannot believe but that the information will be communicated by some one who desires to see the interest of the Government protected. The records show that only one-quarter of the cases where charges have been made have been found to be fraudulent. That shows that there is a disposition to communicate intelligence even beyond what the facts call for, and I have no doubt it exists to-day.

Now, one other thing the Senator wants to know, if it is not as expensive for a clerk detailed from the office to examine these cases as it would be to have the list published. It is not, unless you assume two things: first, that the Commissioner will act upon insufficient information; and, second, that he will send improper persons to investigate. We cannot assume that the Commissioner will act until sufficient information has been brought to his notice to justify him in action, and we cannot assume that the men whom he will detail from his office will not be the men best qualified by experience, by integrity, by a judicial mind, to investigate the charges. I do not think the soldiers of this land, the pensioners on the list, will feel that it is any degradation at all if a charge as made at the Pension Office, properly substantiated, so as to enable the Commissioner properly to act upon it, to have men sent to investigate it. Every honest pensioner will welcome such an investigation.

Mr. BECK. One other question I desire to ask. The chairman of the Committee on Pensions is well informed in regard to all these matters and so is the Senator from Illinois. I confess I plead guilty to the charge made by the Senator from Illinois that a man who was never a soldier in either army is not as well advised about these matters as a man who was in the Army. I never saw a regiment drill in my life. I do not profess to be posted in regard to military affairs. All I profess to be anxious to do is to endeavor to see that every man who is fairly entitled to a pension shall have it and that the man who is not entitled to a pension shall not have it. That I am endeavoring to do.

Mr. LOGAN. I merely wish to state what I meant by my remark, as the Senator seems to misapprehend me.

Mr. BECK. No; I agree to every word you said in that respect.

Mr. LOGAN. I meant so far as the effect of service on the physical condition was concerned, that others were not so well able to judge as were those who had had experience.

Mr. BECK. That is absolutely true. I have no doubt about that. Now, what I want to ask in addition to my former question is this: I rely upon official reports a good deal, and the late Commissioner of Pensions, in whom I had very great confidence, two years ago made this report to us:

There is another aspect of the *ex parte* system which should receive the most earnest consideration on the part of the Government, and that is its fruitfulness of crime against the laws, in the nature of perjury, forgery, and false personation.

I believe the amendment in the present bill aids that very much, and to that I agree.

The following table shows the number of the two first-named offenses committed in the cases of five hundred pensioners whose names have been dropped from the rolls since July 1, 1876, because the pensions were obtained by fraud.

The Commissioner then gives a list of 229 invalid claims and 271 widows, &c., making 500, in which he says there were false affidavits to the number of 386 made by officers, 248 by comrades, and 2,450 by civilians, making 3,084 false affidavits out of a total of 4,397 affidavits in those 500 cases. Thus it will be seen that over 70 per cent. of the affidavits in the cases named were false, and there were 92 cases of forgery.

What I want to secure is in some way to get such information as will make that class of offenses as nearly impossible as can be done. The bill as sent to us by the House and amended by the Senate Committee on Appropriations works in that direction, I agree; but when Senators speak of it as being notorious that men are drawing pensions, I complain that it is not notorious that they are drawing pensions, and, therefore, neither the Commissioner nor the clerks he sends out can get information from the men who are best advised unless the list is made public and the names are given, because I assume, and have assumed from the beginning, that each pensioned soldier would regard it as an honor and that the widow and children of a soldier would regard it as an honor that he had served his country and had received a pension for honorable service. It is the fraudulent men who, in combination with equally bad agents, are working up false claims who complain of this publication, and I know no Senator desires to aid them in the accomplishment of that purpose.

How can information better be obtained as to fraudulent claims than by letting the claimant's neighbors know and letting the honest pensioners know, so that the fraudulent man can be detected? I believe you will get more information from the best officers in the Army and from the best soldiers in the Army as to the men who are seeking by fraud to obtain pensions and be placed alongside of them than you will from men who were not in the Army, provided you make the facts public.

Mr. PLATT. The question, of course, is one of evidence. In the cases to which the Senator refers, the cases themselves bear upon their face the evidence of fraud. It is almost impossible to one accustomed to the examination of the papers filed in the Pension Office to overlook a forged paper. It is like the teller of a bank receiving a forged check or a forged note. He can tell it by instinct. They come to know in the Pension Office which are the genuine certificates, which are the machine certificates and the fraudulent certificates. They are detected on sight if the office is vigilant; and the very facts set out in the report of the former Commissioner show that vigilance in the office was what detected this class of forgeries. I do not say of course that one can not pass unnoticed, but I say that very few of them will be likely to pass.

I myself have examined cases where pensioners have been dropped where Congress was asked to restore them to the roll, and the moment I took the papers in my hand there was something about the certificates and the affidavits which had a suspicious look. There can be no very great trouble in that; and besides all this, under the public sentiment which has been created within the last few years, the whole community is watchful to see that fraudulent pensions are not granted. I cannot believe it is necessary to resort to the measure which the Senator from Kentucky proposes. I believe that the legislation which has been incorporated into this bill is amply sufficient and that we may be satisfied with it.

Mr. ANTHONY. Mr. President, I differ from my friend from Connecticut, who says he does not want to cut off debate. I do want to cut it off. I think that debating for three or four hours a question that is not properly before the Senate, and is sure to be ruled out of order, is a most wasteful expenditure of our time at this period of the session. I insist on the point of order being decided.

Mr. PLATT. I beg the Senator's pardon, and the pardon of the Senate, for my share in the discussion.

The PRESIDING OFFICER. The Senator from Rhode Island raises the question of order on the amendment offered by the Senator from Kentucky. The Chair is of the opinion that the point of order is well taken under Rule 29, and so holds.

Mr. BECK. The Chair, I suppose, agrees that section 2 as inserted by the House would be new legislation and yet is in order. Can that be amended?

The PRESIDING OFFICER. The Chair is of opinion that Rule 29 covers this case:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. BECK. The question I now ask is, can section 2 of the bill, which is new and general legislation inserted by the House, be stricken out on a point of order?

The PRESIDING OFFICER. Not on a point of order.

Mr. BECK. Having been inserted by the House?

The PRESIDING OFFICER. Having been inserted by the House.

Mr. BECK. That being new legislation, can it not be amended?

The PRESIDING OFFICER. It can be amended, but not by adding new legislation, however.

Mr. LOGAN. We have amended it by striking out words and inserting words, but not by new legislation.

Mr. BECK. Do I understand the Chair to decide that if the House insert new legislation which is not in order, we have got to accept it just as it is, cannot substitute anything for it, nor amend it in any regard?

The PRESIDING OFFICER. The Chair has not intimated anything at all of that kind.

Mr. BECK. I proposed to amend section 2 of the House bill. If the amendment I offer is declared to be out of order——

The PRESIDING OFFICER. That is done.

Mr. BECK. Then I move to amend section 2 by adding what the committee themselves in substance offered.

The PRESIDING OFFICER. The proposed amendment will be read.

The Acting Secretary read as follows:

The Secretary of the Interior shall, at the next session of this Congress and annually thereafter, transmit to Congress, at the beginning of each regular session, a list of all persons borne on the pension-rolls, and all claimants for pensions, classified according to their post-office address by States and counties, the amount paid annually to each and the amount claimed, and also a statement each year of those dropped from the rolls and those added to the rolls.

Mr. SHERMAN. I thought that was in the bill.

Mr. LOGAN. It was ruled out of order.

Mr. SHERMAN. In my judgment, this pension bill ought not to have taken more than about ten or twenty minutes. The ruling of the Chair, which I have no doubt is correct, embarrasses us beyond all question. I should vote for this proposition with the greatest pleasure in a bill that could be discussed; and there is no trouble in the Committee on Pensions reporting to-day or Monday morning a bill containing all the legislation necessary, all that is reported from the Committee on Appropriations, and passing it in the regular way; but if it is put on an appropriation bill it will create infinite confusion. The second section is put on by the House, and no point of order can lie to that because each House must be, under the Constitution, the judge of the rules and order of its proceeding; and it cannot be amended under our rules by any additional legislation, by anything that changes existing law. This very amendment has been already excluded on a point of order.

Mr. BECK. But I desire to amend section 2 by enabling the Commissioner to have the information necessary to enable him to make the investigation that by section 2 he is authorized to cause to be made.

Mr. SHERMAN. If the Senator will move to strike out section 2 I will vote with him.

Mr. BECK. I believe section 2 is in the right direction.

Mr. SHERMAN. But I think it ought to come from another committee and be in a separate bill.

Mr. BECK. The Committee on Pensions regard it as proper. I desire now to make it more effective.

Mr. SHERMAN. All I say is that it is not in order.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky.

Mr. BLAIR. Is that the amendment to which the Senator from Kansas [Mr. PLUMB] raised the point of order this morning?

The PRESIDING OFFICER. That has been disposed of.

Mr. LOGAN. It is the same thing.

Mr. BLAIR. If it is the same thing in another form and means the same, I raise the same point of order.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is well taken.

Mr. BECK. I am compelled to submit; I have no remedy.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BECK. The bill is still in the Senate?

The PRESIDING OFFICER. The bill is still in the Senate. It has been read the third time. The question is on the passage of the bill.

Mr. BECK. I thought the question was on ordering it to be read the third time.

Mr. LOGAN. No; it has been read the third time, and the question is on the passage.

The PRESIDING OFFICER. The bill having had three readings, the question is on its passage.

The bill was passed.

PRINTING OF DOCUMENTS.

Mr. BLAIR. I ask leave to lay before the Senate a letter with accompanying documents transmitted by the Secretary of the Interior in response to inquiries of the Committee on Education and Labor, as to existence of land in the Indian Territory available for settlement by the colored population. The information is quite valuable and not very extensive. I move that the letter and documents be printed.

The motion was agreed to.

REPORT ON FISH AND FISHERIES.

The PRESIDENT *pro tempore* laid before the Senate the following

concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be, and he is hereby, instructed to print, in quarto form, a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and fisheries in the United States; the engravings to be in relief and to be contracted for by the Public Printer, under the direction of the Joint Committee on Printing, and to receive the approval of the commissioner before being accepted; the work to be stereotyped, and 5,500 extra copies printed, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the cost of publication and 10 per cent. thereon added.

EXTRA PAY TO EMPLOYÉS.

Mr. BUTLER. I ask leave to offer a resolution, with a view of referring it to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there shall be allowed and paid to the employés of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 29th day of October, 1881, a sum equal to one month's pay at the rate per annum they were receiving at the dates specified herein; and that a sum equal to one month's pay shall be allowed and paid to the session employés of the Senate who shall be so employed at the adjournment of the present session.

Mr. DAWES. I think that should go to the Committee on Appropriations as they have all this matter of difference between the compensation of the employés of the two Houses before them at this moment.

Mr. BUTLER. I think the Committee to Audit and Control the Contingent Expenses of the Senate is the proper one to consider the matter and report to the Committee on Appropriations.

Mr. DAWES. Ordinarily that would be so; but just at this moment there is a difference between the two Houses on the question of equalizing compensation.

Mr. BUTLER. Not as to this matter at all.

Mr. DAWES. The Senator will hear me through. And pending this difference between the two Houses of Congress, the House of Representatives has passed just such a resolution as this and that comes before a committee of conference. I suggest that this go there too. Of course I have no care about it.

Mr. BUTLER. I prefer that it go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The resolution will be so referred.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I ask that the regular order be laid before the Senate.

The PRESIDING OFFICER. The regular order will be laid before the Senate, which is the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. MORRILL. To-day has been consumed, and we are only within fifteen minutes of the hour at which we usually adjourn or go into executive session. I shall not ask for any action upon this bill to-night, but will move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 15, 1882.

The House met at eleven o'clock a. m. Prayer by the chaplain, Rev. F. D. POWER.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. SPAULDING. I move, Mr. Speaker, by unanimous consent to dispense with the reading of that part of the Journal of the evening session relating to pension bills.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The Journal was then approved.

ORDER OF BUSINESS.

Mr. BUTTERWORTH. I desire by unanimous consent to call up House joint resolution No. 178, to authorize the Secretary of War to restore a flag to the One hundred and eighth Ohio Regimental Association, presented by the ladies, wives, mothers, and sisters of the soldiers. Our confederate brethren got hold of it during the war, but it was afterward surrendered back, and is now in possession of the War Department.

Mr. O'NEILL. Let us understand how far this is to go round.

Mr. BRAGG. Is that the flag the regiment could not defend when they had it?

The SPEAKER. The Chair hears no objection. Where is the joint resolution?

Mr. BUTTERWORTH. It simply directs the Secretary of War to restore the flag to this association. The report of the committee is unanimously in its favor.

Mr. BRAGG. Is that the flag they could not take care of during the war?

The SPEAKER. Has the gentleman the joint resolution in his possession?

Mr. BUTTERWORTH. I have not, but that is all there is of it.

The SPEAKER. The resolution is not here, and of course it cannot be considered.

Mr. HOOKER. I ask by unanimous consent to take from the Speaker's table Senate bill for the relief of Julia A. Nutt.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. HOOKER. Oh, do not do that.

Mr. O'NEILL. There ought to be a dozen of recognitions for unanimous consent so it may go round the House.

The SPEAKER. The regular order is the call of committees for reports.

Mr. POUND. I ask by unanimous consent that thirty minutes be devoted to the recognition of members to ask for unanimous consent.

Mr. ATKINS. I object.

Mr. BUTTERWORTH. There was no objection to my joint resolution.

The SPEAKER. The regular order was called for.

Mr. BUTTERWORTH. But not until the consideration of that joint resolution was agreed to.

The SPEAKER. The call for the regular order cuts off everything. If the call for the regular order is withdrawn, the Chair will recognize the gentleman from Ohio.

Mr. BUTTERWORTH. The demand for the regular order is withdrawn, and I now ask the Clerk to read the joint resolution.

The SPEAKER. The call for the regular order being withdrawn, the Clerk will read the title of the joint resolution.

The Clerk read as follows:

Joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag that belonged to the said regiment, which is now in custody of the Secretary of War.

Mr. POUND. I object to the consideration of that resolution.

Mr. HOOKER. I understand the gentleman from Michigan will not object to my proposition.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CANNON. I present the disagreement of the conference committee on the legislative, executive, and judicial appropriation bill.

Mr. PAGE. I raise the question of consideration.

The SPEAKER. This is the regular order.

Mr. O'NEILL. Is it in order to move that the amendments of the Senate to the legislative, executive, and judicial appropriation bill shall be printed?

The SPEAKER. Does the gentleman from California insist on the question of consideration?

Mr. PAGE. I do not.

The SPEAKER. The Clerk will read the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the disagreeing votes on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after free and full conference have been unable to agree.

J. G. CANNON,
FRANK HISCOCK,
J. D. C. ATKINS,
Managers on the part of the House.

WM. ALLISON,
HENRY L. DAWES,
HENRY G. DAVIS,
Managers on the part of the Senate.

Mr. CANNON. There is a statement accompanying the conference report, which I also ask the Clerk to read.

The Clerk read as follows:

The managers on the part of the House of the conference on the legislative, executive, and judicial appropriation bill submit the following in explanation of the report herewith submitted:

The effect of the report submitted is to leave the bill as it passed the Senate with amendments.

J. G. CANNON,
FRANK HISCOCK,
J. D. C. ATKINS,
Managers on the part of the House.

Mr. RANDALL. Let the last part of that statement be read again.

The statement was again read.

Mr. RANDALL. That is very lucid.

Mr. CANNON. The bill is in the same condition as when it went to the conference committee. There is no agreement whatever upon it.

Mr. KASSON. May I ask the gentleman from Illinois if one point of the disagreement in the committee is that relating to the transfer of the records from the Surgeon-General's Office; and in case it is, to ask further whether the rules which ordinarily prevail that that House should yield which proposes a change in existing law, where there is a difference between the Houses, is not a sufficient reason for aiding to bring the two Houses into harmony with reference to this point by the House receding from its disagreement to the amendment of the Senate?

Mr. CANNON. Mr. Speaker, perhaps it is well enough that this

report should be explained briefly in detail, and that I should state the condition of the conference with the Senate on this bill, for the purpose, so far as it is practicable, of getting an expression from the House touching the matters of disagreement. If it is the sense of the House that I should do so, I will cheerfully make that statement.

We can agree on nearly all of the amendments. The matters in dispute principally are, first, those touching the increase of the salaries of the Senate employés. We cut down the salaries of the Senate employés, as will be recollected, and Senate amendments increased them to what they were before, or re-establishing them at what they are now receiving. The Senate have also submitted three or four amendments touching the House employés, increasing their salaries. Since this bill went to the conference committee the House, following the precedents for the two or three past years, has placed upon the sundry civil bill an amendment giving a month's extra pay to the annual employés of the House. That amendment carries an appropriation, if it should be enacted into law, of $24,000. It would cost to increase the salaries of the House employés to an equality with those of the Senate employés in the next year $29,000 above the law, and $5,000 only above the extra month's pay that we have placed upon the sundry civil bill, in the event that is done next year and these salaries equalized.

Now, just what authority we have with reference to those two or three amendments I am not entirely clear. The House conferees are willing, however, in the event that it is the sense of the House, by the House—if you choose—insisting upon its disagreements to the Senate amendments as to the Senate employés, and to the Senate amendments also touching the House employés; to take that vote as an evidence of the wish of the House in that direction, that upon this bill we should equalize the salaries of the employés of the two bodies. This, as I have said, would make a difference of only about $5,000 between the expenses of the House in that direction for the past year and what would be incurred by this action of the House for the next year.

Mr. McCOID. May I ask the gentleman a question? I would like to ask if the Senate do not propose also to give a month's pay to their employés, so that the Senate employés get their extra month's pay as well as the House employés, and the salaries are not equalized?

Mr. CANNON. In response to the question of the gentleman, I will say that prior to the cutting down of the salaries of the House employés, as I understand it, there never was a month's extra salary voted to either the House or the Senate annual employés. I do not refer now to the session employés, but only to the annual employés; and this practice of voting a month's extra pay to the House employés grew up after the decrease of their salaries some years ago, and the Senate insisted also upon giving a month's pay to their employés since that time; but if it is the will of the House to equalize these salaries I believe that for the future we would be able to abolish this policy of providing a month's extra pay to either the House or Senate annual employés.

So I move, with the view to getting the sense of the House, and for that purpose only, that the House insist upon its disagreement to the amendments of the Senate touching the increase of the salaries of the Senate and House employés, stating at the same time that if the House does insist and the Senate shall absolutely refuse to recede, the committee of conference will regard that as an instruction from the House, or an expression of the wish of the House, that the conferees on the part of the House shall insist upon putting up the salaries of the House employés to an equality with those of the Senate.

Mr. HOOKER. I move, Mr. Speaker, to amend the motion of the gentleman from Illinois by instructing the committee of conference to recede from their disagreement to the Senate amendments, and accede to the action of the Senate in increasing the compensation of its own employés.

And in reference to that matter I will say that that was precisely the course pursued in former Congresses upon that subject. We all know the fact that the Senate has been invariably unyielding upon that question, and I submitted to the Speaker the other day what I regard as the only practical method of obtaining a reduction of the salaries of the employés of the Senate or an equalization of the salaries of the two Houses, which was by making the pay of the House employés the same as the employés of the Senate, and then if a proposition for reduction comes upon a general action they will make a reduction of the salaries of the employés of both Houses at the same time. As it now stands, I submit to the committee and to the House that this great difference and inequality which exists between the compensation of the officers of the House performing precisely the same services, but of a more exacting character and in a greater degree, will by this action of the gentleman from Illinois only be perpetuated.

In 1878 this very proposition came before the House on this very legislative, judicial, and executive bill upon a report of a committee of conference. When a conference report was made by my friend the gentleman from Tennessee, [Mr. ATKINS,] who was chairman of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, that very question arose, and Mr. Beebe, then a member of this House, offered the following resolution:

Resolved, It is the opinion of this House that its conferees on the legislative, executive, and judicial appropriation bill should, under the circumstances, yield to the conferees on the part of the Senate the claim of the Senate in said bill as to compensation of its own officers and employés.

And on a yea-and-nay vote that passed by a large majority. It was decided in the affirmative—yeas 116, nays 92.

A MEMBER. What was the question?

Mr. HOOKER. The question was on instructing the committee of conference on the part of the House to recede from its disagreement and allow the Senate to fix the compensation of its own employés.

The SPEAKER. The Chair desires to state the motion of the gentleman from Illinois will have to be a motion to insist on the disagreement to all of the Senate amendments, and the motion of the gentleman from Mississippi will take precedence. The difficulty the Chair suggests about the motion of the gentleman from Mississippi is that it is a motion with reference to certain amendments as to which the gentleman from Illinois has indicated the committee of conference have been unable to agree. The motion to recede from the disagreement to the Senate amendments will take precedence of the motion to insist.

Mr. CANNON. Upon that point I wish to submit a single word. The resolution which the gentleman from Mississippi proposes to offer does not accomplish the purpose which the House may desire to accomplish. I will state very frankly that the conferees on the part of the House believe that the Senate will not recede on those amendments. But, taking the action of the House the other day in giving a month's extra pay to the annual employés, I thought it proper to state to the House that if the House would insist upon its disagreement to the Senate amendments, both as to the Senate employés and as to the House employés, we would regard it as an indication of the wish of the House that the conference committee should take such action as would equalize the salaries by bringing up the House salaries to those of the Senate, as under the present law; and it occurs to me that if that is the sense of the House it is the easiest way to get at it.

Mr. HOLMAN. That would be a very easy way indeed. Will the gentleman from Illinois allow me to ask him a question? I think there is some confusion in the House as to the particular amendments of the Senate to which the gentleman from Illinois has reference. There is no amendment of the Senate, I believe, increasing the pay of its own employés.

Mr. CANNON. Oh, yes, there is; they increased the pay over the House bill of substantially all their own employés.

Mr. BURROWS, of Michigan. They put it back where it is now.

Mr. HOLMAN. And now the gentleman from Illinois intimates that the only way out of the difficulty is a corresponding increase of the pay of officers and employés of the House.

Mr. CANNON. I was taking the action of the House on the sundry civil bill, giving a month's extra pay to the annual employés, as indicative to my mind, and I apprehend to the minds of members generally, that it is the wish of the House to raise the salaries of the House employés equal to those of the Senate.

Mr. HOLMAN. Now, Mr. Speaker, one word. My friend from Illinois had occasion to state but a short time since to the House that the salaries of the officers and employés of the House and the Senate were the highest of any salaries of officers and employés of the Government.

Mr. CANNON. I did.

Mr. HOLMAN. Now, sir, rather than increase those salaries, either of the House or Senate, I think this House owes it to the country to let this bill fail. I hope this body, which represents the popular sentiment of the country, will not yield to a demand to increase the pay of the officers of the two Houses beyond the average compensation of the employés of this Government.

Mr. CANNON. I want to say in reply to the gentleman from Indiana, while I believe the salaries of the officers and employés of the House and Senate are better than those of the other employés of the Government, while that is my opinion, yet when I see the vast majority of this House, as indicated by amendment to the sundry civil bill, wants these salaries increased, it is no part of my business to hold to the technical rules of the House or of a conference committee as against the will of a majority of the House; and I give it now this shape on the part of the conference committee that the House may take such action as it chooses. I have not changed my opinion that all these salaries are too high, but as a member of a conference committee I am peculiarly the servant of the House, and desire to reflect its wishes.

Mr. ATKINS. As a member of the committee of conference I simply desire to say that I cannot agree with the suggestions of the gentleman from Illinois. I do not believe that the salaries of the employés of the House are too low. And while I do not see any light ahead in the solution of this question I am very much inclined to stubborn inaction. If we agree to put up the salaries of the employés of the House we do it at the mandate of the House; for this is what it amounts to. The Senate sets itself back and absolutely refuses to do anything except to take the ground, practically, that it is none of the business of the House as to what the Senate may pay its em-

ployés. That is the position. They simply mean to say "We will fix our own salaries, we will appoint as many as we choose, of clerks and other employés, and pay them what we choose, and in this matter we do not recognize you as a co-ordinate branch." That is the practical position the Senate takes to-day, and which it has taken for years.

Now, I grant you that there is no sort of justice, none in the world, in paying the clerks of the Senate for work similar to that done here a larger amount than we pay our clerks. In fact, as stated the other day by the gentleman from Kentucky, [Mr. BLACKBURN,] the House has sat, in hours of time, what is equivalent to seven weeks' more time during this session than the Senate has sat. And as regards the record of our proceedings, the proceedings of the House of Representatives occupy at least one-third more pages of the RECORD than the proceedings of the Senate. That shows the amount of work done in the House as compared with that done in the Senate.

But, as was said by the gentleman from Indiana [Mr. HOLMAN] just now, in alluding to a remark of the gentleman from Illinois, [Mr. CANNON,] the employés of this House are paid higher rates of compensation than other employés of the Government; they are paid higher than the employés of the Executive Departments, there is no doubt about that.

Now, if you put the compensation of the employés of the House up to the plane upon which the compensation of the Senate employés now is, how long will it remain there? The Senate will put the compensation of their employés up still higher next session, if they choose. Shall we then go on and put ours up? That is the question. Shall we do it?

My opinion is that this House ought to take a stubborn and determined stand; just let this bill hang fire; sit here and let it hang fire until the attention of the country is directed to the monstrous position which the Senate occupies with regard to this question, a position which denies the right of the Representatives of the people to have a voice in the appropriation of the people's money. That is what it means; that, and nothing more. It is in fact a denial of the right of the House of Representatives to originate a revenue bill, for you cannot draw the line of distinction between a revenue bill and an appropriation bill to save your life; it is a denial of that great constitutional prerogative that was granted to the House in compensation for the right of the large and small States to have equal representation in the Senate.

Now, I do not believe in being bulldozed by the Senate; I do not believe in being driven into an act of injustice to the Treasury, an act of injustice to the employés of the Executive Departments of this Government, by the obstinate refusal of the Senate in saying that they will put the compensation of their own employés up or down as they choose; that they will appoint as many employés or as few as they choose; and saying to the members of the House of Representatives that it is simply none of their business, for that is what it means. While they do not have the bluntness to say so in just so many words, they do say it in fact.

For one, I am in favor of standing here and emphasizing before the country the position of the House of Representatives upon this question, so that the people of this country may see and understand that the Senate is not willing that the House of Representatives shall have a voice in determining what the salaries of the Senate employés shall be, and what shall be the number of those employés. For, gentlemen, when stripped to its real meaning, it means that, and nothing more.

Now, I do not know that I need refer to the provisions of this bill any further, although there are some things I desire to say, but it is not now a good time to say them. I hope the House will not give a practical instruction to the committee of conference to put the salaries of its employés up higher; I hope they will not do that. I desire that this House will take no such position as that, and give no practical instruction to the committee of conference to put up these salaries.

Mr. ROBINSON, of Massachusetts. I may perhaps be permitted to say that this is not the first occasion when we have heard remarks similar to those my friend from Tennessee [Mr. ATKINS] has now made. Of course his recollection must be sufficiently vivid to know that we have come to just one result after all.

My friend talks about the employés of the Senate and the employés of the House. It seems to me that the proper view to take of the matter would be to regard them as the employés of the people of the United States for the purposes of the Government.

Mr. ATKINS. Of course; but the Senate do not so regard them; that is the trouble.

Mr. ROBINSON, of Massachusetts. I say that would be the proper view to take of it.

Mr. ATKINS. I think so, too.

Mr. ROBINSON, of Massachusetts. Therefore we, as the Representatives of the people, have come here, I suppose, to arrive at reasonable conclusions after consideration and proper conference with the co-ordinate branch of the Legislature of this country. I take it that we are to consider somewhat the wishes and views and opinions of the Senate.

Such has been the practice year after year since I have come here, and never has a session passed that we have not heard this same protest made against the views of the Senate in this matter. After throwing down the gauntlet session after session, we have coolly and quietly picked it up again and enacted into law what we thought on the whole was best.

Now let us determine what we think is a fair compensation for those that are employed in this branch of Congress; and also let us see if we cannot come to an agreement with the Senate as to what is proper to be paid to those who are the employés in the Senate.

This is a practical question. Does any one believe that this Congress will sit here week after week over this question? I do not. So, when my friend from Michigan [Mr. BURROWS] in the outset intimated that we should make a stand here as the last ditch, I thought that we would soon be turning around, as we always do, when necessary to come to some agreement about it, and that the wheels of the Government will not stop over this question of difference about compensation.

Is it seriously proposed by anybody here that this Congress shall adjourn and its members go home without accomplishing the public business because we cannot agree about the question of the salaries of the employés in the Capitol? That is the proposition, coolly stated. We are not going to do that. In this torrid season of the year——

Mr. HISCOCK. The gentleman will allow me to suggest further that the practical difference between the two Houses on this question is about $5,000.

Mr. ROBINSON, of Massachusetts. Precisely; I was about to say that in this torrid season of the year, in this latitude, we are asked to stand here forever because there is a difference of $5,000 between the two bodies.

A great principle is at stake, it is said. But, my friends, we have given up many things which embodied much more of principle than all there is in this; we have been happy to do it and will gladly do it again. I believe that when men undertake to act together, three hundred, more or less, in this body and seventy-six in the other, they must find out that they must yield something to each other, and no portion of them can expect to carry out without a concession their own preferences and their own whims. Agreement based upon mutual concession is necessary if you are going to legislate at all.

But, Mr. Speaker, there is a practical parliamentary suggestion which I wish to make, a suggestion of vast consequence, it seems to me, not only in this matter but with reference to the interests of good legislation in the future. Let us look at the question. My friend from Illinois [Mr. CANNON] threw out a suggestion which I want to notice, because it has been in my mind for some time. It is a grave question with me whether this House can proceed to raise the salaries of persons who are employed in this part of the Capitol simply because we throw into conference the question of the pay of the employés in the Senate. Nothing is better settled, Mr. Speaker, than that provisions of a bill which have been agreed upon by the two branches cannot be changed in conference. Nothing can be safer than this principle.

Mr. CANNON. Will the gentleman allow me——

Mr. ROBINSON, of Massachusetts. I know what my friend is going to suggest. I say nothing can be safer, because when the minds of the two branches of Congress after full and free consideration concur, it ought not to be in the power of six men chosen as conferees from the two branches to go to work and reconstruct the whole bill. Plainly that proposition needs no argument. If the conferees may change something upon which the two bodies have already concurred, then the same conferees may take up any other section or paragraph of the bill and incorporate in their report something which shall sweep away entirely the conclusions of the two branches.

Mr. HOUK. May I ask the gentleman a question?

Mr. ROBINSON, of Massachusetts. I know what my friend is going to ask.

Mr. HOUK. Let me ask it, then.

Mr. ROBINSON, of Massachusetts. Very well.

Mr. HOUK. Could it be said that these conferees had reconstructed the bill if the Senate and the House agreed to delegate to the conference committee authority to do it? In such a case would not the conferees be acting under proper authority? Has not the Senate already agreed to give such authority? And why should not the House do the same thing?

Mr. ROBINSON, of Massachusetts. The answer to that question is very simple, as my friend of course anticipates. No such delegation of authority can be given except by unanimous consent. There is a parliamentary objection, lying at the foundation of our legislation; and no majority, not even nine-tenths of this House, can deprive you or me of the right to interpose that objection if we choose to do so.

Mr. HOUK. Will the gentleman permit me to answer that?

Mr. ROBINSON, of Massachusetts. My friend only wanted to ask a question. He can answer after a while.

Mr. HOUK. Have not the two Houses the right to delegate to a conference committee all the authority given to any other committee? Has not the conference committee, after being so authorized, the right to make its report to the House; and then has not the House the right either to adopt it or to reject it?

Mr. ROBINSON, of Massachusetts. No, Mr. Speaker; such authority cannot be given by any majority vote. Nothing is better or

more plainly settled than what I have stated. I wish to say here and now, that to accomplish a certain temporary purpose it is not well to depart from what we know is sound and right. If you delegate this ample authority to a conference committee I charge you to consider where will go your great bills in the last days of every session—bills upon which the two Houses have in large measure agreed? In the hurry and confusion incident to the close of a session, in view of the intense desire to get away, and the want of attention that may attend even a conference report, shall we not find ourselves overcome by proceedings which we would little dream we would endure under other circumstances?

Now a word upon a question which I anticipate my friend from Illinois [Mr. CANNON] proposed to ask. "What," he may say, "if the provisions as passed by the House have been in some degree amended so that we may introduce this question?" Now, I want to answer: If the House provisions have been amended by the Senate, just so far they may go into conference, but no further—not the whole bill—not other provisions which remain untouched by the Senate. Is it claimed by anybody that by reason of an amendment, for instance, in respect to the salary of the Sergeant-at-Arms—taking this officer for illustration—the whole range of House salaries is thereby thrown into conference? Not at all. That is not sound.

Mr. CARLISLE. And when both bodies have agreed upon all the other salaries of the House.

Mr. ROBINSON, of Massachusetts. Certainly. I started with that as the initial point. When there has been concurrence in everything except one line or one item, is non-concurrence in that one item to be considered as non-concurrence in all the rest? Certainly not.

Mr. McCOID. May not the conference committee be instructed to take into consideration enough to enable them to agree upon the disputed points?

Mr. ROBINSON, of Massachusetts. My friend from Iowa suggests what is the burden of his wish, not the outcome of his judgment. I have too much respect for his judgment to think otherwise. I say we must leave out of this question what it may be desirable as a matter of legislation to do about these other matters. That can be reached in some proper way. We have almost accomplished it by the month's extra pay. And we can do it again rather than violate the sound principle of parliamentary practice. We had better do it. I will go with them to make it even two months rather than put this Congress into the danger we all apprehend, if we start in the other direction. There is nothing which can be so dangerous to the integrity of our proceedings as to take this course which has been suggested.

Now I say let the conference proceedings be conducted with strict regularity. Let us determine whether we will agree to the provisions in regard to the Senate or not, and if certain amendments have been made in regard to the employés of the House, let us agree to them specifically or disagree to them as our judgment shall dictate, but let us not be led away into the domain of uncertainty and danger that will certainly come. It is of more consequence than the pay of any of these boys or clerks or any other of the employés of this House.

I make this point, Mr. Speaker, because I say I feel it my duty with regard to the future to make the point that there can be no instruction—the point I made in the last Congress when the same question was up, as the Chair will find by reference to the RECORD—that there can be no instruction on the part of the House of the conferees to consider any point that is not now the subject of disagreement between the two Houses.

Mr. BLOUNT. Mr. Speaker, I am gratified that the gentleman from Massachusetts has so clearly stated the true province of conferees on the part of the two Houses. They have no right to consider any propositions except those of distinct difference between the two Houses. The highest demands of integrity require they should rigidly refuse to consider any other matter.

This very question was up in the last House, as to the power of conferees, and on this very question, and it was accepted as the true doctrine they could not pass from the specific point of difference between the two Houses. And my friend from Arkansas, sitting by me, rightly says that the Speaker ruled on this question.

I remember on one occasion, being on a conference committee on the sundry civil appropriation bill, the proposition was made to put in a very insignificant amendment not justified by the scope of the difference between the two Houses. It so happened the distinguished gentleman from Maine, formerly Speaker of this House, was one of the conferees on the part of the Senate; and he happened to be absent and was called for in reference to the matter, and instantly and indignantly responded he would consider himself dishonored were he to sign his name to such a report. And it was not because of the subject-matter, but because he stood there as the agent of the Senate meeting the conferees of the House on the simple matter of difference between the two Houses.

Now, as to the salaries of the House employés, let us see the status of the committee. As to most of the House employés, the Senate have passed on them. They are out of the reach of the two Houses. It is alleged, by way of getting the matter into conference, they have increased the salaries of two or three of the House employés, and there is a matter of difference for them to consider. In that respect alone they have, but they have no right to go beyond those two or three cases and take up the whole range of the House employés. There is nothing in the rule, there is nothing in parliamentary proceedings, there is nothing in sound legislation which will justify it, and I trust we will not be led away by our social relations toward our employés to violate a great principle which will work incalculable damage hereafter. Conference committees have power enough under the rules. Such construction would give them immeasurable increase of power beyond anything contemplated heretofore. I regret very much the Senate has seen fit to touch the House employés. Deliberately the committee of this House determined on a bill fixing their salaries. Deliberately under the rules the House refused to increase them. Deliberately they struck down the Senate employés. The Senate insist, as they always have done, as a matter of courtesy they should take charge of the matter of their own employés. As to the House employés they presume we did not intend to do what we had done, and they propose to help us out of the difficulty by increasing the salaries of our friends. I do not think their interference with the House employés with such motives is courteous to this body, and I trust we will not go into any such little game of adjustment as is proposed.

The gentleman from Illinois [Mr. CANNON] says he infers from the proposition on the sundry civil bill to give a month's extra pay this House means these salaries should be equalized. He has no right to go beyond the rules governing conference committees to get any such conference, and even if he had, such an inference cannot be taken from such action.

Ever since I have been a member of this House it has been the custom of the House almost invariably to give the employés an extra month's pay. During the last Congress the Senate did not get it for the reason that the House declined to allow it because they refused to equalize the salaries of their employés. There is therefore no inference upon that subject, and for one, while I was willing to give to the House employés the usual increase, neither I nor many others upon this side, at all events, are willing that the House shall infer that we propose to increase these salaries thereby.

It was held in the debate in the House at that time, and I believe that is the sentiment of this House, that the House employés were getting enough and that there was no intention to increase their compensation. The gentleman from Illinois seems to take the position that he would never increase the compensation of the House employés until he had run through all the Departments of the Government and had increased the salaries of the various employés in them; and he was right in that position and he ought to stand there to-day. I believe, therefore, that in view of the position which he has already taken, he is not justified in now increasing the salaries of the House employés simply because the Senate employés are too high. His own report, when he brought in this bill into the House, shows that the Senate salaries were too high. The House stood by him in that position and the salaries were reduced; and I think it will stand by him now. But if my friend proposes to yield to the Senate to the extent of compromising the salaries, I shall join with my friend from Mississippi and say, "Rather than do this, rather than remedy the wrong in this way, I would rather yield the struggle." I had rather say, "You have all along taken a wrong position and you may stand by it if you choose, but for my part I will make no compromise with you on such a question."

Mr. CANNON. Now, Mr. Speaker, I desire to call attention briefly to other matters which are in disagreement in the conference, and then I will move the previous question.

Mr. DUNN. I hope the gentleman will not do that.

Mr. HOOKER. I should like to have an opportunity of being heard upon my amendment.

Mr. CANNON. Let me occupy the short time that I have in explaining this matter, as I am urged by gentlemen representing the Commerce Committee to give way as rapidly as possible, so as to enable them to get the river and harbor bill before the House.

Now, a word in reply to the gentleman from Georgia. I have not in any way changed the position which I formerly took upon the salary question as far as it relates to the employés of the two Houses. I believe now as I have always believed. But in spite of my belief, from that side of the House came the other day a proposition to provide a month's extra pay——

Mr. BLOUNT. That has always been done.

Mr. RANDALL. Not always; it was done in the Forty-sixth Congress.

Mr. BLOUNT. It has been frequently done before, I think the gentleman will find.

Mr. CANNON. It was done last year and the year before, and I say that it is worse than folly to claim to be more virtuous than other people or than the other branch of this Government, because they choose to make the salaries of their employés higher than ours, and then to turn around and do in a left-handed manner what we did not do in an open, right-handed, frank, manly way.

Mr. HISCOCK. I wish the gentleman from Illinois while on the floor would ask the gentleman from Massachusetts [Mr. ROBINSON] a question as to whether he believes the point of order would lie against a provision, if it should be reported by the next conference committee, recommending or proposing an entire new section to this bill, not interfering with the sections of the bill as far as agreed to,

but an entirely new provision distinct and by itself which had in view the equalization of the salaries of the two Houses?

Mr. ROBINSON, of Massachusetts. In response to the gentleman from New York I will say that the Chair under such circumstances always assumes the right to say that he will decide a question of order when it actually arises.

Mr. HISCOCK. That is the question which I want the gentleman from Massachusetts now to answer, whether he would agree that it was within the power of the conference committee, and not subject to the point of order, to propose an entire new section, distinct and separate from the rest, equalizing these salaries?

Mr. ROBINSON, of Massachusetts. And the "gentleman from Massachusetts" feels like assuming the same right as the Chair with reference to a hypothetical question in order to be perfectly consistent; for my friend from New York will see that it is impossible to say how a person would deal with a point of order until the matter actually arose and the question was submitted to his consideration. However, in general terms I presume the gentleman from New York means to ask if a section were added to the bill by the conference committee that would leave the salaries of the employés of the Senate as they are now and would bring the House salaries up to them, equalizing them in that manner, such action would be within the province of this conference committee and not subject to a point of order such as I have suggested.

Mr. HISCOCK. Yes; to incorporate a provision of that character.

Mr. ROBINSON, of Massachusetts. In answer to the gentleman I will say that the proposition that two and two make four is one which is always the same, no matter how you put it or where you set your figures, whether upon a blackboard, a slate, or a piece of paper. I do not know how to answer the gentleman's question except by saying that I do not believe it is within the power of the conference committee to do by indirection what they cannot do directly.

Mr. HISCOCK. That is not doing it by indirection. It is reaching the question directly. The question is, whether, with the House and Senate disagreeing, an affirmative proposition, a new provision, a new section, could be added to the bill which to some extent would change the provision of the bill which had heretofore been agreed upon. That is my question, and I ask it in good faith.

Mr. CANNON. I only yield three minutes more.

Mr. ROBINSON, of Massachusetts. I will be satisfied with two.

Mr. HISCOCK. I have no opinion on the question myself. I ask the question to get the judgment of the gentleman from Massachusetts.

Mr. ROBINSON, of Massachusetts. What I say is, if the new section should amount to striking out the present section and substituting another—I do not care whether at the end or the middle of the bill—that should do what you now propose to do; that is, should raise the salaries of the employés in the House and increase them from what the two branches have agreed upon, I say that would not be competent any more than this proceeding.

Mr. BLOUNT. I desire to ask the gentleman from Massachusetts a question, whether in his judgment——

Mr. CANNON. I should like to know who is running this time?

Mr. ROBINSON, of Massachusetts. The gentleman from Illinois.

Mr. CANNON. If the gentleman from Massachusetts will allow me, I think that matter has been exhausted, and I will proceed to conclude my remarks on this point by calling attention to amendments 53 and 54, on page 9 of the bill. As the bill passed the House this provision was made:

> For compensation of the officers, clerks, messengers, and others in the House of Representatives, $316,687.60, namely, for Clerk of the House of Representatives, &c.

The Senate struck out the word "sixteen" and inserted the word "twenty-four;" so as to make the amount $324,687.60. And these three other amendments under the heading "House of Representatives"—I apprehend it may be possible that those are such amendments as would give the committee of conference power to submit for the consideration of the House a conference report on that part of the bill.

But I do not care to pursue that. Personally I am against the increase of salaries and have brought this matter to the attention of the House that the House might express an opinion upon it if they see proper. But I am informed by the Speaker of the House that this report of the conference committee stands or falls as a whole. Therefore, as we submit a disagreeing report, I suppose we will have to dispose of it as a whole.

I will therefore proceed to speak to two other matters of difference, and having called the attention of the House to those, I will ask the previous question.

Mr. BURROWS, of Michigan. Will the gentleman from Illinois allow me to say a single word?

Mr. CANNON. For how long?

Mr. BURROWS, of Michigan. If the gentleman does not feel inclined to yield I do not care.

Mr. CANNON. I would like to dispose of the matter. The gentleman from California, [Mr. PAGE,] who desires to bring up the river and harbor bill, is urging me forward.

Mr. BURROWS, of Michigan. I only want to say a word or two.

Mr. CANNON. I yield to the gentleman.

Mr. BURROWS, of Michigan. The gentleman from Massachusetts [Mr. ROBINSON] took occasion to say, when the amendment proposed by myself to this bill was under consideration in the House, I said something about the last ditch.

Mr. ROBINSON, of Massachusetts. That was merely my way of stating it.

Mr. BURROWS, of Michigan. I made the motion to strike down the salaries of employés of the Senate to an equality with those of the House not with any idea of contending that this House should remain in session until an agreement should be brought about but in execution of what I believe to be an act of justice as between the employés of the Senate and those of the House.

Our rules are so framed as to prevent us from doing business or doing justice either. We have unfortunately hampered ourselves with such a set of rules; and the only way, in my judgment, to reach this question was to move to strike down the salaries of the employés of the Senate, and when the matter reached a conference we might be able to arrive at some conclusion that would do substantial justice. The motion prevailed. The Senate has seen fit to offer an amendment to the House bill restoring the salaries of the Senate employés. I do not agree with the gentleman from Tennessee [Mr. ATKINS] that that was an act of arbitrary power. It was the Senate's right. They have a right to amend a bill sent from this House in any particular which they in their judgment shall approve.

We have the right, when that amendment comes back, to concur in it or to disagree in it. That is their right, and that is our right. Now, the Senate restores the salaries of their employés, but in connection with that, without attempting to put the salaries of the employés of the House upon the same basis with those of the empolyés of the Senate, they make an amendment in the general provision for compensation of the officers, clerks, messengers, and others in the service of the House of Representatives which we had put at $316,000, their amendment being that there shall be provided for the compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $324,000 in round numbers.

Now, the gentleman from Massachusetts [Mr. ROBINSON] raises the question whether the conference committee has a right, under that provision, to take into consideration the salaries of the employés of the House. It seems to me the committee of conference had jurisdiction of that question. The Senate had increased the appropriation for compensation of employés of the House from $316,000 to $324,000.

Mr. MCMILLIN. Will the gentleman permit me to correct him? I think he is in error.

Mr. CANNON. I only yielded to the gentleman from Michigan [Mr. BURROWS] for a minute.

Mr. BURROWS, of Michigan. I did not so understand the gentleman. If I am to understand he yielded only for a minute I desist. But I desire to read one statement:

> A committee of conference cannot change what both Houses adopt; but they have a right to report any bill that is germane to the bills referred to them.

Now, I say that when that amendment was put on this bill by the Senate the whole question of the salaries of the employés of the House becomes germane to the bill, and the committee of conference has complete jurisdiction over the subject.

I ask pardon of the gentleman from Illinois [Mr. CANNON] for having taken so much of his time.

Mr. CANNON. I desire to call the attention of the House to other changes in this bill, and first to section 6 on page 116 of the printed bill. As it passed the House that section provided that the Secretary of War could utilize the appropriations for the contingent expenses of the Surgeon-General's Office for a force of clerks, in the event he saw proper to transfer the records pertaining to pensions to the Adjutant-General's Office. The Secretary of War has already the authority to consolidate these records; and the House conferees insisted that the appropriations should be so made that the Secretary of War could purchase the furniture and pay the contingent expenses of the clerks engaged upon those records, in the event that he desired to make the consolidation; and that this should operate either way, in the event he desired to make the consolidation of the records in the Surgeon-General's Office, or to make the consolidation in the Adjutant-General's Office; that he should have the right to use this appropriation to buy the necessary furniture and pay the contingent expenses. The Senate conferees refused to accede to the position of the House touching that matter.

There is another provision in that same section which, as the House will recollect, directs the transfer of all the records pertaining to pensions now in the Adjutant-General's and Surgeon-General's Offices, where there is only one copy of them, into the fire-proof building now occupied by the State, Navy and War Departments. The House will recollect the merits of that proposition.

The Senate conferees refused even to consider the provision of the House bill touching that matter; but they did consent to go this far, to direct that all the records shall be transferred to that building, without specifying what part of the building should be used for storing them.

We, on the part of the House, have refused to make that concession, for this reason: the House Committee on Appropriations examined this whole question with very great care. We had an opinion from the

Adjutant-General or the Secretary of War in answer to our suggestion to the effect that if we gave him the attic and the upper story of the State Department building, with the north wing when completed, and the present room now occupied by the War Department in that building, he could take care of all these records, and if he should make the consolidation of the records touching pensions of the two bureaus he could successfully work them, and otherwise he would not consolidate such records.

Now, if we adopt the Senate modification, if we meet them in what they are willing to do, we would march up to this state of facts: these records would all have to go into that building, and if there was no provision of law stating that a portion of the south wing of the building shall be occupied for the storage of the records and the working of the clerks the result would be, as we think without doubt, that in the future as in the past the force of fifty-six persons in the State Department would continue to occupy the whole of the south wing and the Secretary of War and the Secretary of the Navy would be entirely crowded out of the east wing, for it would take substantially all of the east wing and of the north wing for these records and the clerks upon them.

Our investigations show that with the north wing and one-half of the east wing, as now occupied by the War Department, and the whole of the attic and the fifth story under the attic in the portion of the building occupied by the State Department, these records can be stored and work done upon them, and the Secretary of the Navy can bring the whole of his force into that part of the building which he now occupies, and still have ample room. We shall ask the House to insist upon its disagreement to the Senate amendment, with a view of saying to the Senate conferees that the House is not disposed to yield.

Mr. RANDALL. Will the gentleman allow me to ask him a question just there?

Mr. CANNON. Certainly.

Mr. RANDALL. It is whether this is not an opportune time for us to provide for an opening between the State Department the War Department, and the Navy Department portions of that building, so that there shall be on every floor, accessible to persons doing business in the Army and Navy portions of the building, an easy access to the State Department portion without being obliged to go outside of the building?

Mr. CANNON. I will say in reply to the gentleman that this bill does provide for two openings.

Mr. RANDALL. One on the fifth floor?

Mr. CANNON. Yes, and there is an amendment providing for another opening. And there is sufficient disagreement between the two Houses so that the House conferees can insist upon an opening on all the floors.

Mr. RANDALL. That is what we want.

Mr. CANNON. Now, I want to say in conclusion upon this matter, what I said to the House once before, that the south wing of the building, occupied by the State Department, cost $3,200,000, and it houses just fifty-six people, including the Secretary of State, the Assistant Secretaries of State, the heads of bureaus, clerks, and copyists.

Mr. RANDALL. How much room-space is occupied by that Department?

Mr. CANNON. It occupies 31,000 feet of office space, and as nearly as much space for storage. If that portion of the building was as fully occupied as the Pension Office building, it would accommodate over one thousand clerks.

I want to state again, and then I will conclude and ask the previous question, that without any reference to contingent expenses, without any reference to furniture, it costs for the present force in the State Department $60,000 for the room alone of each clerk or copyist who occupies space in that portion of the building. Now, in my opinion the House should insist upon its provisions in this respect, and I want to state that in my opinion the law should be amended, and by specific enactment, so that this magnificent space, so valuable as a fire-proof building, shall be utilized as Congress may direct.

Mr. STEELE. How much do we save?

Mr. CANNON. Fifteen thousand dollars rent for the official records of the Adjutant-General's Office. The money saving is nothing as compared with the safety of the records and the hastening of the work of payment of pensioners.

Mr. STEELE. For the Medical Department I understand the saving is only $1,500.

Mr. CANNON. Mr. Speaker, the House placed upon this bill a certain provision touching the publication of the Supreme Court reports. That provision, which will be recollected without my stating its substance, has been struck out by the Senate, and I am satisfied the Senate will not agree to recede further, satisfied that the best agreement we can obtain from the Senate is substantially this: the present pay of the reporter of the Supreme Court when he issues but one volume a year is $2,500; when he gets out, as he does practically, two volumes annually he receives $1,500 more, making $4,000. The royalty which he receives from the publisher is in full $1,750 a volume, making $3,500 per annum as royalty. Thus his total pay for the year is $7,500. Out of this he has to pay for clerk hire $1,200 and for office rent $600, making $1,800, and reducing the $7,500 gross compensation to $5,700 net compensation.

The Senate conferees, as their best proposition, tender us this compromise: that we appropriate for the reporter of the Supreme Court $4,500 salary when he issues only one volume annually, and $1,500 additional when he issues two; that we make an appropriation for clerk hire and office rent equal to the actual expenditure, $1,800; that the reporter be required to furnish without cost to the Government 300 copies of each volume of the reports; and that he furnish the work to the public at $2 a volume. When I have made this statement I have covered substantially the whole ground. These three points are the matters upon which in conference we have not been able practically to come to an understanding.

I now yield for a few moments to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, if I correctly understood the gentleman from Illinois [Mr. CANNON] who has charge of this report, he stated that he would consider the adoption by the House of a motion to insist as an instruction to the conference committee to touch the salaries of House employés and equalize them with those of the Senate. Now, I do not agree to that parliamentary construction. If the motion to insist should be adopted, I am sure it will not in my mind be susceptible of any such interpretation.

Mr. CANNON. The gentleman will allow me to remark that at the time I made the statement, when this matter was first presented, I was under the impression, after consulting one or two better parliamentarians by far than I am, that it was competent to take up these questions piecemeal and recede from or insist upon one amendment after another. But I find the Speaker will rule that this report must stand or fall as a whole.

Mr. RANDALL. In that position he is quite correct.

Mr. CANNON. If that is the case, it is not practicable to get the sort of instruction that I indicated; and of course, in the present position of the question, the conference committee could not consider itself instructed touching the House and Senate employés so far as raising the salaries of the House employés are concerned.

Mr. RANDALL. The gentleman's explanation is quite satisfactory. Now, let me go a little further in reference to this question of the salaries of the employés of the two Houses. This House ought not to follow the precedent of a former Congress—the Forty-sixth or, perhaps, the Forty-fifth—if it is a bad precedent. I believe the real reason which prompted the last Congress and which prompted Congress at this session to give this extra pay to House employés was for the purpose of equalizing the salaries of officers of the House with those paid to officers of the Senate. Now, you have done that.

Mr. CANNON. It was done last year, but it has not been done for the year to come.

Mr. RANDALL. Well, we probably shall do it; and therefore I submit we should not take part in an effort to raise the salaries in this way.

Nay, more; I agree with what I presume is the judgment of most parliamentarians who have examined such subjects—a judgment which has been embodied in decisions by former Speakers, and which induced me to make three rulings in that direction, to which I adhere at this moment—that a conference committee not only exceeds all power delegated to it but assumes to break down all legitimate precedent when it undertakes in a conference report to go beyond the distinct and positive differences which have arisen between the two Houses. A rule which would permit a conference committee to do this would lead to most disastrous consequences—would remit to the conferees, three on the part of the Senate and three on the part of the House, the right practically to overrule the concurrent voices of the two bodies. This would be not only dangerous but demoralizing and corrupt in the highest degree. So far as I know, this question has never been agitated in the House when its Speaker, being called upon to decide, has not decided as I have stated—that the power is never delegated to a conference committee to touch anything except the exact language and the exact purposes involved in the differences between the two Houses. I hope, Mr. Speaker, that this line of safe precedent will not be departed from on account of any sentimentality we may have about raising salaries.

Mr. KASSON. Will the gentleman from Illinois [Mr. CANNON] yield to me for a few moments?

Mr. HOOKER. I should be glad to occupy two or three minutes.

Mr. CANNON. Before moving the previous question, I will yield five minutes to the gentleman from Iowa, [Mr. KASSON,] and afterward three minutes to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. KASSON. Mr. Speaker, it is chiefly upon the parliamentary point that I wish to be heard. There is no other possibility for the House than that which the Speaker has indicated, of agreeing or disagreeing to this report. It seems to me impossible to disagree. We must accept the report, because it is simply the report of a fact—that the conferees are not able to agree. But there remains a further fact, that the original bill is on our table, being brought back in connection with this report, and therefore specific instruction, if it must be had, is to be had by acting again on the question of receding from our disagreement to given amendments of the Senate.

Therefore it is in the power of the House to facilitate the agreement between the two Houses by permitting votes on this or that

amendment which the Senate has made and on the question whether the House will recede.

Now, sir, a word on the fact. I think that the House cannot long stand upon a mere question of forcing the Senate to reduce by a small sum the pay of its appointees. If each body has any responsibility worth mentioning, that responsibility is broad enough to say what pay its clerks should receive. Each body knows the work its clerks have to do and the character of the ability for which it pays.

But I must admit that if the Senate were to say what each of our appointees should have within the range of general reason I should consider them as taking a responsibility which belonged to us exclusively.

The next question is, does an alleged wrong, as the House regards it, of too much pay to the Senate appointees justify the House in doing the same thing by giving what it claims too much to its appointees? Is it a fair position into which to force the House to repeatedly say the Senate is paying too much and then turn around and pay our own appointees just as much as those of the Senate? Two wrongs in this respect cannot make a right. Let us determine what our appointees are entitled to, and pay them as the Senate pay their appointees, and each body take its responsibility before the country.

Then, sir, on the other points I have only to ask that the committee of conference will remember that wise rule which has often, and I may perhaps say always, brought the Houses together without loss of honor, and that is: that House which proposes a change in existing law, if the other House refuses to agree to it, must itself recede from the proposition to change the law. In the last resort that has been the principle which has brought the two Houses together and is the principle which I hope may prevail in this case.

The mere difference of compensation for a few months longer of rental does not, it seems to me, in merging one Department into another, giving control of one part of the building of one Department to the other—does not justify this House in standing before the country much longer, thereby preventing the passage of great appropriation bills necessary to be passed before we adjourn. The actual differences are reduced to a small number, and I want to give no vote which shall not leave our conferees free to adopt the principle I have suggested to bring the two Houses together.

We have made appropriations only for twenty days to meet the delay called for by the disagreement of this conference committee, and before those twenty days have expired I hope the agreement will be arrived at on the principle I have suggested. That is all I have to say.

Mr. CANNON. I demand now the previous question on the adoption of the report of the conference committee.

Mr. HOOKER. I wish to offer an amendment to the conference report.

Mr. RANDALL. There can be no amendment to a conference report.

The SPEAKER. The Chair does not understand it to be an amendment to a conference report. The proposition of the gentleman from Mississippi is to recede from the disagreement of the House to the Senate amendment.

Mr. HOOKER. The Chair considers that as pending.

The SPEAKER. The Chair thinks that would be in order.

Mr. CANNON. I do not think that is it. It is rather an expression of opinion of the House that the conferees should agree.

The SPEAKER. The gentleman from Mississippi did state he desired the House to recede from its disagreement as to the matter of the payment of the Senate employés.

Mr. HOOKER. Certainly.

The SPEAKER. The Chair thinks that would not be in order, because it refers only to a portion of the differences referred to the conference committee, but that the general motion to recede would be in order.

Mr. RANDALL. That is right, because that motion which concludes legislation has precedence over the motion which keeps the two Houses at variance, just as a motion to concur takes precedence of a motion to disagree.

Mr. HOOKER. Let me make a suggestion in reference to what has been suggested as to how far the House must consider the report of the conference committee as an entirety. I submit to the Chair it is perfectly in the power of the House to instruct the committee of conference in regard to a particular disagreement. And while it may instruct it to recede from one point it may instruct it to insist on another. Therefore when a portion comes from a committee it is perfectly in order on the part of the House to recede from that disagreement, such as the equalization of salaries of the employés of the two Houses. It is perfectly competent for the House to instruct the committee on that point to recede.

The SPEAKER. The Chair will pass upon these different questions as they come up for consideration.

Mr. KASSON. I wish to make a parliamentary inquiry. I desire to ask if we cannot at once dispose of this report of the conference committee? Then when the bill is before the House the proposition of the gentleman from Mississippi may be pending and considered after disposing of this report and ordering a new conference. But upon the report of the conference committee in its present form no such amendment could be entertained.

The SPEAKER. The Chair holds that this report cannot be amended and that the proposition of the gentleman from Mississippi could not be entertained. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The Chair desires now to inquire of the gentleman from Mississippi whether he wishes to submit his motion in the form of a motion for the House to recede from its disagreement to all of the Senate amendments?

Mr. HOOKER. I would like to make the motion in the form that I originally suggested, to recede from the disagreement to the amendment of the Senate with reference to the salaries of the Senate employés.

The SPEAKER. The Chair could not entertain that motion, or any other motion than that which was pending when the previous question was ordered. The Chair will submit the pending motion to the House.

Mr. CANNON. But the previous question has been ordered.

The SPEAKER. But the gentleman from Mississippi had presented his motion, which was assumed to include all of these amendments, before the previous question was ordered.

Mr. HOOKER. I do not desire to make the motion, then, to cover all of the amendments if I cannot make it to cover a specific one.

The SPEAKER. The Chair will state again the gentleman cannot make a new motion. The Chair thinks that a motion to recede from the disagreements is not now in order.

Mr. McCOID. I have a motion to offer in reference to the action of the committee of conference.

Mr. PAGE. Would it not be in order for the gentleman from Mississippi to move to instruct a new committee of conference?

The SPEAKER. The Chair will rule upon that question when it comes up.

Mr. McCOID. I wish to offer a resolution in this connection, if in order.

The SPEAKER. It is not in order; the previous question is pending.

Mr. RANDALL. I think the safer way to save all parliamentary controversy would be to accept the report of the conferees and then ask a further conference.

Mr. KASSON. Certainly, that is the proper method.

The SPEAKER. The gentleman from Illinois moves to insist upon the disagreement to the Senate amendments and ask a further conference.

Mr. KASSON. Is not the first motion to adopt the report of the conference committee?

The SPEAKER. The report is simply a disagreement.

Mr. KASSON. Then the bill is before the House——

The SPEAKER. The report of the committee of conference is simply an indication of a disagreement on the part of the conference committee.

Mr. SPRINGER. I wish to make a parliamentary inquiry. Cannot we have a division of the three branches in controversy?

The SPEAKER. That cannot be done; the report must be taken as an entirety.

Mr. SPRINGER. There are three separate branches——

Mr. McCOID. I wish to make a parliamentary inquiry, whether a resolution to instruct a new committee of conference will be in order after the adoption of that motion?

The SPEAKER. The Chair will be able to answer the question when the proposition is presented. The question is now on the motion of the gentleman from Illinois to insist upon the disagreements to the Senate amendments.

Mr. RANDALL. We ought to precede that by accepting the report of the conference committee which indicates a disagreement.

Mr. KASSON. I rise to a question of order. I think that there is some misunderstanding here, and I will state it in this form: there is always at one stage a time when it is in order to make a motion that the House recede from its disagreement; the same point as suggested by my friend, the gentleman from Iowa, [Mr. McCOID]——

The SPEAKER. That motion has not been made.

Mr. KASSON. Now if this motion is put, that the House insist upon its disagreement, it excludes the right on the part of the House to move to recede.

The SPEAKER. The previous question has been ordered upon the only motion which was in order.

Mr. McCOID. Then I ask unanimous consent to submit a motion.

The SPEAKER. The gentleman must wait until the time comes when we can proceed to other business. The motion would not now be in order.

Mr. McCOID. I know it is not now in order, but I am trying to find out when it will be in order.

The SPEAKER. The only thing in order now is the question upon the motion of the gentleman from Illinois to insist upon the disagreements to the amendments of the Senate and ask for a further committee of conference.

The motion was agreed to.

Mr. CANNON moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCOID. I now offer this resolution as an instruction to the new committee of conference.

Mr. BLOUNT. I reserve the point of order upon it.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the committee on the part of the House is instructed to agree to such modifications of the bill as will equalize the salaries of the Senate and House by an increase of the pay of House employés if necessary.

Mr. HISCOCK. I object to the consideration of that resolution.

Mr. ROBINSON, of Massachusetts. It is subject to the point of order.

The SPEAKER. The Chair desires to ascertain from the gentleman in charge of this bill whether there was any disagreement between the Senate and the House upon the question of paying the House employés. The Chair is asking the question for information.

Mr. CANNON. Yes; there was a disagreement. There were three or four amendments as to the employés of the House.

The SPEAKER. Affecting their salaries?

Mr. CANNON. Yes, sir; and I think appropriating for an additional committee clerk.

The SPEAKER. The Chair can only say if this resolution is meant to cover all the House employés there is no such question pending before the conference committee in virtue of the fact of there being a disagreement between the two Houses on that question. The resolution, therefore, would not be in order.

Mr. RANDALL. And there is a further point of order that it is not competent for the House to instruct the conference, because then it would cease to be a free conference.

The SPEAKER. The Chair is not at present prepared to hold that the House might not instruct the committee to recede or to insist upon some matter which was particularly before it. But this resolution the Chair thinks goes further and proposes to instruct the conference committee to take up a new matter not referred to it; and therefore it is not in order.

Mr. McCOID. I wish to modify the resolution so that it shall read "that it is the sense of the House that the committee shall," &c.

Mr. HISCOCK. I make the point of order on the resolution as modified.

Mr. McCOID. I understand the Senate amendments change the salaries of the House employés in some instances.

The SPEAKER. The Chair must hold that the resolution as modified is still obnoxious to the point of order, on the ground which the Chair has stated.

Mr. WILSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Did I understand the Chair to say it is not competent for the House to express an opinion to a committee of conference?

The SPEAKER. The Chair thinks it would be idle for the House to express an opinion on a subject that was not before the committee.

Mr. WILSON. But this is before the committee.

The SPEAKER. The Chair holds that it is not.

Mr. DUNN. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That in the opinion of the House of Representatives it is the duty of the two Houses of Congress to fix the salaries and compensation of the officers and employés of the two Houses, as it is their duty to fix the salaries and compensation of members of the two Houses; and that such salaries and compensation of said officers and employés should be equal in each House for like positions and services as are the salaries of the members of each.

Mr. HISCOCK. I make the point of order against that resolution.

The SPEAKER. If objection is made, the Chair will hold that the resolution is not now in order.

Mr. DUNN. Why?

Mr. HISCOCK. Because it is not germane to any question before the House.

The SPEAKER. The subject is disposed of.

Mr. DUNN. I understood the Chair to intimate to the gentleman from Mississippi that a resolution in the nature of instructions to the committee of conference after the action which has been taken would be in order.

The SPEAKER. The Chair never desires to rule on a question of order till it is reached. The Chair stated it was not prepared to hold that a resolution which instructed the committee to insist or recede on some particular matter that was properly before it by reason of a disagreement between the two Houses would not be in order. But it is not necessary to rule upon that until the question arises.

The Chair announces as the conferees on the part of the House Mr. CANNON of Illinois, Mr. HISCOCK of New York, and Mr. ATKINS of Tennessee.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. There is upon the Speaker's table a message from the Senate asking a committee of conference on the disagreeing votes of the two Houses on the general deficiency appropriation bill, and announcing the appointment of the conferees on the part of the Senate. I move that the House insist on its disagreement to the amendments of the Senate and agree to the conference asked by that body.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House on the general deficiency appropriation bill Mr. HISCOCK of New York, Mr. ROBESON of New Jersey, and Mr. COX of New York.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

Mr. PAGE. What is the regular order?

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. SPRINGER. I desire to submit a privileged report. If it provokes discussion I will withdraw it.

FOOD FISHES AND FISHERIES OF THE UNITED STATES.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] desires to make a privileged report from the Committee on Printing.

Mr. SPRINGER. The Committee on Printing have had under consideration the House concurrent resolution in regard to printing 5,500 extra copies of a report by the United States Commissioner of Fish and Fisheries upon the food fishes and fisheries of the United States, and they have instructed me to report it back and recommend its passage. I ask the Clerk to read the concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be, and is hereby, instructed to print, in quarto form, a report by the United States Commissioner of Fish and Fisheries upon the food fishes and fisheries of the United States; the engravings to be in relief and to be contracted for by the Public Printer, under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 5,500 extra copies printed, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the cost of publication and 10 per cent. thereon added.

Mr. SPRINGER. One word of explanation. [Cries of "Vote!" "Vote!"]

The concurrent resolution was agreed to.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARIES OF SENATE AND HOUSE CLERKS, ETC.

Mr. BURROWS, of Michigan. I ask unanimous consent for the present consideration of a resolution. It is very brief, and if it provokes any discussion I will withdraw it.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Whereas great inequalities are believed to exist in the salaries of the officers, clerks, and employés of the Senate and House of Representatives——

Mr. HOLMAN. I call for the regular order.

Mr. BURROWS, of Michigan. Let this resolution be read.

Mr. HOLMAN. I have no objection to its being read.

The entire resolution was then read, as follows:

Whereas great inequalities are believed to exist in the salaries of the officers, clerks, and employés of the Senate and House of Representatives, whereby injustice is done to them as well as to the Government; and

Whereas the public interests will be promoted by a careful revision of those salaries and a correction of the existing inequalities at as early a day as possible: Now, therefore,

Be it resolved, That the Select Committee on Reform in the Civil Service be, and they are hereby, instructed to carefully consider the subject of salaries for said officers, clerks, and employés, and if inequalities are found, and if injustice is being done to them, or any of them, or to the Government, in their opinion, to provide for the correction thereof by bill or otherwise.

Mr. HOLMAN. I will object to that unless this is added:

That the said committee shall not provide for any increase of salaries.

Mr. BURROWS, of Michigan. It does not touch that matter at all.

The SPEAKER. The question is upon adopting the resolution.

Mr. McMILLIN. Do I understand that the amendment of the gentleman from Indiana [Mr. HOLMAN] is incorporated in the resolution?

Mr. BURROWS, of Michigan. Oh, no.

Mr. HOLMAN. If that is not in the object of the resolution may be misunderstood.

Mr. McMILLIN. I think that amendment is eminently proper.

The SPEAKER. Is the amendment offered?

Mr. HOLMAN. I offer that amendment.

The SPEAKER. Then the question is on the amendment.

The amendment was agreed to; and the resolution as amended was then adopted.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRENCH CABLE COMPANY.

Mr. WILLIAMS, of Wisconsin. I rise to a privileged report. I am instructed by the Committee on Foreign Affairs to report back the resolution of inquiry which I send to the Clerk's desk with the recommendation that the same be adopted.

The resolution was read, as follows:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House any information in the possession of the Department of State in reference to any change or modification of the stipulations which the French Cable Company made with our Government on the 19th of February, 1880, when said company was permitted to land its cable upon our shores, to the effect that it would never combine with other companies to raise rates; and further to report the nature of such change and modification, if any, with a view to Congressional action to prevent the consolidation of rates.

The resolution was adopted.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. I ask leave to have printed in the RECORD, in connection with the resolution just adopted, a statement from the Department of State.

There was no objection, and leave was granted accordingly.

The statement is as follows:

President Pouyer-Quertier to the Secretary of State.

We have the honor of addressing you the confirmation of the acceptance of the "Compagnie Française du Telegraph de Paris à New York" to the conditions imposed by you regarding the landing of its cable which starts from St. Pierre to land at Cape Cod, territory of the United States.

Conditions required by the Government of the United States:

First. That the company receive no exclusive concession from the Government of France which would exclude any other line which might be formed in the United States from a like privilege of landing on the shores of France and connecting with the inland telegraphic system of that country.

Second. That the company shall not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates.

Third. That it shall give precedence in the transmission of official messages to the Governments of the United States and France.

Fourth. That charges to this Government shall be at the rate of those to the Government of France, and the general charges shall be reasonable.

Fifth. That the Government of the United States shall be entitled to the same or similar privileges as may by law, regulation, or agreement be granted to the French Government.

Sixth. That a citizen of the United States shall stand on the same footing as regards privileges with the citizen of France.

Seventh. That messages shall have precedence in the following order:

A. Government messages.

B. Telegraphic business.

C. General business.

Eighth. That the line shall be kept open for daily business and all messages in the above order be transmitted according to the time of receipt.

Signed by the president and council of administration.

Extract from letter of the French minister [Mr. Max Outrey] to the Secretary of State, March 4, 1880.

I have just received and hasten to send you the memorandum of the conditions required of the French Telegraph Company from Paris to New York, accepted and signed by the president of that company. It is, as you will see, entirely conformable to the memorandum to which the agent of the company had given his adhesion in virtue of the powers sent from Paris.

ORDER OF BUSINESS.

Mr. PAGE. I now move to dispense with the morning hour for the call of committees for reports.

Mr. CARLISLE. I hope the gentleman will not make that motion for fifteen or twenty minutes.

The motion was not agreed to; two-thirds not voting in favor thereof.

The SPEAKER. The regular order is the call of committees for reports.

CHIME FOR CHURCH OF HOLY TRINITY, PHILADELPHIA.

Mr. KELLEY, from the Committee on Ways and Means, reported a joint resolution (H. R. No. 257) authorizing the remission or refunding of duty on a chime of bells for the Church of the Holy Trinity, Philadelphia, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DR. F. O. ST. CLAIR.

Mr. KELLEY also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 5374) to refund to Dr. F. O. St. Clair $97.80 duties on a monument to the memory of Francis J. Townshend, late of the United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HENRY HERMAN.

Mr. KELLEY also, from the same committee, reported, as a substitute for House bill No. 5619, a bill (H. R. No. 6741) for the relief of Henry Herman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

TOBACCO FOR EXPORT.

Mr. CARLISLE, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. No. 5720) to amend section 3362 of the Revised Statutes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SILAS Q. HOWE.

Mr. CARLISLE. I am instructed by the Committee on Ways and Means to ask that the Committee of the Whole on the Private Calendar be discharged from the further consideration of Senate bill No. 565, for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., and that the same be recommitted to the Committee on Ways and Means.

There was no objection, and it was so ordered.

ABRAHAM BRAFMAN.

Mr. CARLISLE. I am also instructed to submit the following resolution:

Resolved, That the Committee on Ways and Means be discharged from the further consideration of House bill No. 2943, entitled "A bill to relieve Abraham Brafman from a forfeiture under the internal-revenue laws," and that said bill and the papers relating thereto be referred to the Committee on the Judiciary, with directions to report upon the constitutional and legal questions involved in the proceedings and forfeiture complained of by the said Brafman.

The SPEAKER. It is not in order under this call to consider instructions to a committee. The Chair will, if the gentleman desires, ask the House to discharge the Committee on Ways and Means from the further consideration of the bill referred to, and that it be referred to the Committee on the Judiciary.

Mr. CARLISLE. That will be sufficient.

There being no objection, it was ordered accordingly.

JUDGMENTS AGAINST THE UNITED STATES.

Mr. BRIGGS, from the Committee on the Judiciary, reported back adversely the bill (H. R. No. 3555) to amend and re-enact section 3220 of the Revised Statutes of the United States so as to provide for the payment of judgments obtained under it as judgments of the Court of Claims are now paid; which was laid on the table, and the accompanying report ordered to be printed.

J. AND R. H. PORTER.

Mr. PAYSON, from the Committee on the Judiciary, reported back adversely the bill (S. No. 905) for the relief of J. and R. H. Porter; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES A. PERRY & CO.

Mr. PAYSON, also, from the same committee, reported back adversely the bill (H. R. No. 955) to authorize the Court of Claims to hear and determine the claim of Charles A. Perry & Co.; which was laid on the table, and the accompanying report ordered to be printed.

RIGHT OF WAY.

Mr. PAGE, from the Committee on Commerce, reported back with amendments the bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

OBSTRUCTIONS OF NAVIGATION.

Mr. WASHBURN, from the Committee on Commerce, reported back without amendment the bill (H. R. No. 6546) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CONSTRUCTION OF BRIDGES.

Mr. WASHBURN, also, from the same committee, reported, as a substitute for House bill No. 5967, a bill (H. R. No. 6742) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; which was read a first and second time, placed upon the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. WASHBURN, also, from the same committee, reported back with amendments the bill (H. R. No. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chatahoochee rivers, in the State of Georgia; which was placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. WASHBURN also, from the same committee, reported back with amendments the bill (H. R. No. 6105) to authorize the Sanford and Indian River Railroad Company to construct a bridge across the Saint John's River, in the State of Florida, and to establish it as a post-road; which was placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. WASHBURN also, from the same committee, reported back without amendment the bill (H. R. No. 5605) authorizing the construction of bridges across Black River, Little River, Red River, and Sabine River, in the State of Louisiana; which was placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. WASHBURN also, from the same committee, reported back without amendment the joint resolution (H. R. No. 236) to authorize the construction and maintenance of a bridge across the Saint Lawrence River; which was placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. WASHBURN also, from the same committee, reported back with amendments the bill (H. R. No. 4541) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, State of Missouri; which was placed on the House Calendar, and the accompanying report ordered to be printed.

INSPECTION OF HULLS AND BOILERS.

Mr. WASHBURN also, from the same committee, reported back without amendment the bill (H. R. No. 6237) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DIPLOMATIC RELATIONS WITH PERSIA.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, reported, as a substitute for House joint resolution No. 195, a bill (H. R. No. 6743) to establish diplomatic relations with Persia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, DANVILLE, VIRGINIA.

Mr. DAVIS, of Illinois, from the Committee on Military Affairs, reported, as a substitute for House bill No. 5990, a bill (H. R. No. 6744) to provide for improving the approaches to the national cemetery at Danville, Virginia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, NATCHEZ, MISSISSIPPI.

Mr. DAVIS, of Illinois, also, from the same committee, reported, as a substitute for House bill No. 5447, a bill (H. R. No. 6745) to construct a road to the national cemetery at Natchez, Mississippi; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY Z. BLINN.

Mr. STEELE, from the Committee on Military Affairs, reported back without amendment the bill (H. R. No. 6684) authorizing the muster-in and discharge of Henry Z. Blinn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ACCEPTANCE OF DECORATIONS.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported back the joint resolution (H. R. No. 194) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany, and authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and of Japan; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ASSISTANT ENGINEER JOHN W. SAVILLE.

Mr. DAVIDSON, (by Mr. HARRIS, of Massachusetts,) from the Committee on Naval Affairs, reported back the bill (H. R. No. 5442) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired list of the Navy; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

UMATILLA INDIAN RESERVATION.

Mr. AINSLIE, (by Mr. DEERING,) from the Committee on Indian Affairs, reported back, as a substitute for House bill No. 2579, a bill (H. R. No. 6746) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INDIAN TRADERS.

Mr. HASKELL, from the Committee on Indian Affairs, reported back the bill (H. R. No. 6611) to amend section 2133 of the Revised Statutes in relation to Indian traders; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, MAYSVILLE, KENTUCKY.

Mr. FORD, from the Committee on Public Buildings and Grounds, reported back, as a substitute for House bill No. 505, a bill (H. R. No. 6747) for the erection of a public building at Maysville, Kentucky; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, AUGUSTA, MAINE.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported back, as a substitute for House bill No. 4841, a bill (H. R. No. 6748) for the erection of a public building at Augusta, Maine; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SACO, MAINE.

Mr. LEWIS also, from the same committee, reported back, as a substitute for House bill No. 4837, a bill (H. R. No. 6749) to provide for the construction of a public building at the city of Saco, State of Maine; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. SMITH, of New York, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. No. 4135) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY C. SPALDING.

Mr. SPOONER, from the Committee on Patents, reported back, as a substitute for House bill No. 5769, a bill (H. R. No. 6750) for the relief of Henry C. Spalding; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES J. JOHNSTON.

Mr. VANCE, from the Committee on Invalid Pensions, reported back, as a substitute for House bill No. 6552, a bill (H. R. No. 6751) for the relief of James J. Johnston; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JEARUM ATKINS.

Mr. VANCE also, from the same committee, reported a bill (H. R. No. 6752) for the relief of Jearum Atkins; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PATENT-OFFICE EMPLOYÉS.

Mr. YOUNG, (by Mr. VANCE,) from the Committee on Patents, reported, as a substitute for House bill No. 6153, a bill (H. R. No. 6753) amendatory of sections 440 and 477 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM MUMFORD.

Mr. RAY, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 1984) granting a pension to William Mumford; which was laid on the table, and the accompanying report ordered to be printed.

JOHN HALPIN.

Mr. RAY also, from the same committee, reported back the bill (H. R. No. 653) granting a pension to John Halpin; and the same was referred to the Committee on Pensions.

ROBERT HENNE.

Mr. PARKER, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 6425) to increase the pension of Robert Henne, with an amendment; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ROBERT J. GILLESPIE.

Mr. PARKER also, from the same committee, reported back the bill (H. R. No. 318) granting a pension to Robert J. Gillespie; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

W. A. CHAPMAN.

Mr. OATES, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. No. 1610) for the relief of W. A. Chapman; which was laid on the table, and the accompanying report ordered to be printed.

MINNIE LYLES.

Mr. RAY, from the Committee on Claims, reported back the petition of Minnie Lyles with the recommendation that the said committee be discharged from its further consideration, and that the same be referred to the Committee on Accounts.

The recommendation was agreed to.

ALBERT GRANT.

Mr. RAY also, from the same committee, reported back the bill (H. R. No. 615) for the relief of Albert Grant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. FLOOD.

Mr. RAY also, from the same committee, reported back the bill (H. R. No. 5865) for the relief of Mary J. Flood, widow of George W. Flood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT RICHARDSON.

Mr. BUCHANAN, from the Committee on Claims, reported back a resolution for the relief of Robert Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

E. P. THOMPSON.

Mr. MASON, from the Committee on Claims, reported back the bill (H. R. No. 5208) for the relief of E. P. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT TRAVILLA.

Mr. MASON also, from the same committee, reported back the bill (H. R. No. 2792) for the relief of Robert Travilla; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. TRIMBLE.

Mr. MASON also, from the same committee, reported back the bill (H. R. No. 4737) for the relief of Mary J. Trimble; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STATE NATIONAL BANK OF LOUISIANA.

Mr. HUTCHINS, from the Committee on Claims, reported back the bill (H. R. No. 6040) for the relief of the State National Bank of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB SENER AND ELIZABETH SENER.

Mr. HUTCHINS also, from the same committee, reported back the bill (H. R. No. 2804) for the relief of Jacob Sener and Elizabeth Sener; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. HUTCHINS also, from the same committee, reported a bill (H. R. No. 6754) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnston; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTE BUGGERT.

Mr. THOMPSON, of Iowa, from the Committee on War Claims, reported back the bill (H. R. No. 829) for the relief of Henriette Buggert; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEONARD MYERS.

Mr. PEELLE, from the Committee on War Claims, reported back with a favorable recommendation the petition of Leonard Myers, with a resolution recommending the payment of $2,000 on account of his expenses in contest, &c.; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

W. W. LESTER.

Mr. PEELLE also, from the same committee, reported, as a substitute for House joint resolution No. 62, a bill (H. R. No. 6755) for the relief of W. W. Lester; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARCOS RADICH.

Mr. HOUK, from the Committee on War Claims, reported a bill (H. R. No. 6756) for the relief of Marcos Radich; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS A. VAN HOFFMAN AND OTHERS.

Mr. WISE, of Virginia, from the Committee on War Claims, reported a bill (H. R. No. 6757) for the relief of Louis A. Van Hoffman and William A. Mertens, under the firm name of L. Van Hoffman & Co., and William H. Newman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED G. HATFIELD.

Mr. WISE, of Virginia, also, from the same committee, reported a bill (H. R. No. 6758) for the relief of Alfred G. Hatfield; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA E. HEBERT.

Mr. ROBERTSON, from the Committee on War Claims, reported a bill (H. R. No. 6759) for the relief of Mrs. Eliza E. Hebert; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGIA CLAIMS.

Mr. ROBERTSON also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 125) to pay to the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY A. RIPLEY.

Mr. HOLMAN, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. No. 1187) for the relief of Mary A. Ripley; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM R. GIBSON.

Mr. HOLMAN also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 4419) for the relief of William R. Gibson; which was laid on the table, and the accompanying report ordered to be printed.

SAMUEL DYSON.

Mr. HOLMAN, also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 3676) for the relief of Samuel Dyson, administrator; which was laid on the table, and the accompanying report ordered to be printed.

NIMROD PORTER.

Mr. HOLMAN also, from the same committee, reported back with an adverse recommendation the petition of Nimrod Porter, of Maury County, Tennessee; which was laid on the table, and the accompanying report ordered to be printed.

STEPHEN H. MYERS.

Mr. HOLMAN also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1046) for the relief of Stephen H. Myers; which was laid on the table, and the accompanying report ordered to be printed.

THOMAS WORTHINGTON.

Mr. HOLMAN. I am also requested to make a report from the Committee on War Claims for my colleague on the committee, the gentleman from New Hampshire, [Mr. HALL,] who is absent. He has prepared a favorable report on the petition of Colonel Thomas Worthington, accompanied by a bill.

The bill (H. R. No. 6760) for the relief of Thomas Worthington was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MILLINGER.

Mr. GEDDES, from the Committee on War Claims, reported a bill (H. R. No. 6761) for the relief of James Millinger; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EXHIBITION IN AMSTERDAM IN 1883.

Mr. CANDLER, from the Committee on Commerce, reported back with a favorable recommendation the joint resolution (S. R. No. 52) authorizing the Government of the United States to accept the invitation of the Government of the Netherlands to take part in a general colonial and export-trade exhibition, to be held in Amsterdam in the year 1883; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CLAIMS OF WESTERN CHEROKEES.

Mr. HOOKER, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 1203) to refer the claim of the Western Cherokees or Old Settlers to the United States Court of Claims for adjudication; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BRITISH VESSEL BORROWDALE.

Mr. WARD, from the Committee on Commerce, reported back with an adverse recommendation the bill (H. R. No. 3024) granting an American register to the British vessel Borrowdale; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPH A. BRILEY.

Mr. UPDEGRAFF, of Iowa, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. No. 2925) for the relief of Joseph A. Briley; which was laid on the table, and the accompanying report ordered to be printed.

MARY B. HOOK.

Mr. UPDEGRAFF, of Iowa, also, from the same committee, reported back the bill (H. R. No. 3323) for the relief of Mary B. Hook, and moved that it be referred to the Committee on Claims.

The motion was agreed to.

The SPEAKER. This concludes the call of committees for reports.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Senate amendments to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS, of Michigan, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the Senate amendments to the river and harbor appropriation bill. The Clerk will report the first amendment.

The first amendment was read, to increase the appropriation for improving the harbor at Plymouth, Massachusetts, from $5,000 to $14,000.

Mr. PAGE. I move to non-concur in that amendment.

The motion was agreed to.

The second amendment was to insert the following:

Improving harbor and breakwater at Block Island, Rhode Island: Continuing improvement, $19,000.

Mr. PAGE. I move to non-concur in that amendment.

The motion was agreed to.

The third amendment was to increase the appropriation for improving the harbor at Great Sodus Bay, New York, from $20,000 to $30,000.

Mr. PAGE. I move to non-concur in that amendment.

The motion was agreed to.

Mr. PAGE. It has been suggested to me that time will be saved and business will be facilitated if the committee will agree that the Clerk shall read the amendments in their order, and that they shall all be considered as non-concurred in, unless some member objects.

The CHAIRMAN. If there be no objection that course will be taken.

There was no objection.

The Clerk proceeded to read the amendments of the Senate down to and including amendment No. 14.

Mr. ROBINSON, of New York. I think I must have misunderstood the agreement that was made by the committee. I supposed at the time the agreement was made that as long as the Clerk continued to read the amendments of the Senate without any objection being made they should be regarded as concurred in.

Mr. PAGE. No; non-concurred in.

Mr. ROBINSON, of New York. Then I misunderstood the agreement. I desire to ask that amendment No. 9 be concurred in.

Mr. PAGE. That will go to the committee of conference.

Mr. ROBINSON, of New York. I want to move that it be concurred in.

Mr. PAGE. It is too late for that now.

Mr. ROBINSON, of New York. I misunderstood the arrangement. I trust the amendment will be concurred in. It was left out of the original bill by an oversight. I will say but a word. The work is going on under a former appropriation, and it will all be lost unless an appropriation is made.

Mr. KETCHAM. You can go before the committee of conference.

Mr. ROBINSON, of New York. I know I can go before the committee of conference, but I would rather have the amendment concurred in now.

Mr. PAGE. The object of the Committee on Commerce is to have all the amendments of the Senate non-concurred in so that they may all go to a conference.

The CHAIRMAN. The question will be taken on the motion of the gentleman from New York [Mr. ROBINSON] to concur in the ninth amendment of the Senate.

The ninth amendment of the Senate was to insert the following:

Improving Gowanus Bay: Continuing improvement, $30,000.

The motion to concur was not agreed to.

The Clerk continued the reading of the amendments and read amendment No. 17, to insert the following:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of War, in completing the surveys of a ship-canal to connect the Chesapeake and Delaware Bays; and the Secretary of War is hereby directed to report to Congress which of the various routes surveyed will afford the greatest protection in case of war and the greatest facilities to commerce by cheapening the cost of transportation from the city of Baltimore to the Atlantic Ocean, together with the cost of said improvement and its approaches, and the annual cost of maintaining and operating said canal when constructed.

Mr. CARLISLE. I do not know what was the understanding in regard to the consideration of these amendments by the Committee of the Whole, because I happened to be out when the bill was taken up. It seems to me that in regard to so important a matter as the amendment just read, which looks to the inauguration of a work which may cost many millions of dollars, this House ought to give something more than a mere formal expression of its opinion; that we ought at least to have a vote upon the amendment and some explanation of it.

Mr. PAGE. Let me say to the gentleman from Kentucky [Mr. CARLISLE] that by unanimous consent it was agreed that all these amendments should be read, and if there was no objection they should be considered as non-concurred in without any formal vote being taken. But if the gentleman wants to move to concur, or desires to discuss any amendment he can do so.

Mr. CARLISLE. My objection to that is that such a course would be nothing more than a mere formal proceeding and would perhaps have no influence whatever with the conferees on the part of the House, if this bill should ever reach that stage. I think this amendment involves a matter of such vital importance, not only as to the probable cost of the work but as to the principle involved in it, that the House ought to express in some more emphatic manner its opinions upon its provisions. I therefore ask for a vote on it.

The CHAIRMAN. Under the arrangement a vote can be taken upon the question of non-concurrence.

Mr. PAGE. Let me understand what the gentleman from Kentucky desires. If it is his desire to get an expression of opinion for the conference committee when that committee shall be appointed, they can be instructed.

Mr. CARLISLE. We do not instruct conference committees.

The CHAIRMAN. The Chair would state that the gentleman from California has stated correctly the arrangement, but if any gentleman desires a vote on the question of non-concurrence in any amendment the vote will be taken.

Mr. CARLISLE. I think we should have a vote on this amendment.

Mr. PAGE. I move to non-concur in the amendment and that will bring the matter up before the committee.

Mr. HOLMAN. When this bill is reported to the House, of course all these amendments will come up for consideration, and a separate vote can be called on any one of them. I therefore think that my friend from Kentucky [Mr. CARLISLE] can have all that he desires by asking for a separate vote in the House upon this and upon some two or three other propositions upon which there will undoubtedly be a vote taken.

Mr. CARLISLE. The gentleman from Indiana [Mr. HOLMAN] does not seem to apprehend my purpose. It is very true that a vote can be taken in the House on each one of these amendments separately, but I apprehend that so soon as this bill shall be reported to the House the previous question will be called and ordered on all the amendments of the Senate.

My object now is to give to the friends of this proposed appropriation, if it has any on this floor, an opportunity to explain its merits so that we can vote intelligently upon it. I am quite sure that when we get into the House there will be no opportunity afforded whatever for discussion.

Mr. PAGE. I am perfectly willing that the Committee of the Whole should now agree that all these amendments should be considered as non-concurred in, with the exception of such as members may indicate they want a separate vote upon either in committee or in the House. I am willing that a separate vote may be had on this amendment in the House.

Mr. COX, of New York. Let this be considered as one of the amendments on which a separate vote shall be taken in the House.

Mr. PAGE. Certainly.

Mr. CARLISLE. I say that if there is any gentleman on this floor who thinks that this provision should be incorporated in a river and harbor appropriation bill, he should now give his reasons for it, for we cannot discuss it in the House after the previous question has been called.

Mr. PAGE. I have no doubt that reasonable discussion will be allowed on any one of these propositions.

Mr. CARLISLE. My purpose, I will repeat, is to have something more than mere formal action on this amendment, under an agreement to consider it non-concurred in. If this proposition has any merit, if it has a proper place in this bill, my purpose now is to secure to its friends an opportunity to show what merit it has and why it ought to be included in the bill. But if it has no friends, if there is nobody here prepared or willing to speak for it, let us vote it down as we ought to do.

Mr. PAGE. There is no member of the Committee on Commerce who desires to speak for it, as I understand.

Mr. URNER. I am here as one member of the House in favor of this amendment; but I am not prepared to speak upon its merits at this time. My colleague, [Mr. HOBLITZELL,] who is a member of the Committee on Railroads and Canals, and who has had this proposition specially in his charge, is not now in his seat. Another of my colleagues [Mr. MCLANE] is absent on account of sickness. My other colleague [Mr. COVINGTON] seems also to be absent; and it is through his district that this survey is proposed to be made. I hope the Committee of the Whole will agree to pass over this amendment informally in order to allow my colleagues who are the particular friends of this proposition an opportunity to be heard. If this amendment be passed over so that it may come up at the heel of the bill, I think my colleagues will be here.

Mr. PAGE. Let me state in response to the gentleman from Maryland that I think his colleague, [Mr. MCLANE,] if here, would agree with the Committee on Commerce to non-concur in this amendment.

Mr. VAN VOORHIS. I move that we pass it over.

Mr. PAGE. I hope not.

Mr. COX, of New York. I object to passing this over. The most that the gentleman from California [Mr. PAGE] can ask as a parliamentary proceeding is to non-concur; but my friend from Kentucky [Mr. CARLISLE] desires to emphasize the non-concurrence and to have a vote in the House. Why not?

Mr. PAGE. I have no objection.

Mr. COX, of New York. There is nobody here to defend this.

[Cries of "Vote!" Vote!"]

The question being taken, the amendment was non-concurred in.

The Clerk continued to read the amendments under the agreement until the following was reached:

Forty-first amendment.

Insert as new paragraphs the following:

"Improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War, and in accordance with the plan and report made in compliance with the river and harbor act approved March 3, 1881, and the reports of the board of engineers made in compliance with the resolution of the Senate of December 13, 1881, $500,000.

"And it is hereby made the duty of the Attorney-General to examine all claims of title to the premises to be improved under this appropriation, and see that the rights of the Government in all respects are secured and protected; and if he deems it necessary he is authorized to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement."

Mr. BOWMAN. I suppose this is the only chance to make a suggestion for the consideration of the committee of conference. I only wish to say that this amendment opens up the question of the principle to be adopted in regard to the improvement of the Potomac River—whether it shall be dredged out or filled up. I suppose this is not the place to offer an amendment, and therefore I will not do so; but I would suggest to the committee that the first clause should be amended so as to read:

Improvement of Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and dredging out and removal of the flats under the direction of the Secretary of War, &c.

This amendment would open the question of the propriety of making a great open lake, instead of doing what the Senate amendment contemplates—filling up all those flats, saying nothing whatever, as the committee will observe, in reference to dredging, and making no provision for dredging.

The amendment was non-concurred in.

The Clerk read as follows:

Forty-fourth amendment:

Insert as a new paragraph the following:

"Continuing the improvement of the Little Kanawha River, in West Virginia: To complete lock and dam, as estimated for by engineers, $31,000: *Provided*, That no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge, in any manner, any tolls for this improved navigation."

Mr. WILSON. Mr. Chairman, I do not rise to speak in any captious spirit upon this question. I desire, however, to call the attention of the Committee of the Whole for a moment to the pending amendment which, I think, must remove from the mind of every gentleman the objections which were urged here to the proposition for the improvement of the Little Kanawha. I refer especially to the proviso that—

No part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge, in any manner, any tolls for this improved navigation.

This provision will make that part of the navigation of the river as free as that of any river in the United States.

Mr. TURNER, of Kentucky. What is the proposition before the committee?

The CHAIRMAN. The motion of the gentleman from California [Mr. PAGE] to non-concur.

Mr. WILSON. I move to concur. This amendment of the Senate, I repeat, obviates the objections which were urged in this House to this appropriation. The locks and dams company below the proposed improvement will not be allowed to charge toll upon any commerce passing over that part of the river improved by the Government. This portion of the river is made, therefore, free.

I will not repeat what I have heretofore said about the value of the commerce of that river. I have already discussed that subject very fully. It is sufficient to say in one word that no river of its size in the United States sends out, I believe, more valuable commodities than does that Little Kanawha River.

Mr. DINGLEY. It provides that no tolls shall be charged for this improved navigation. Now, is there anything to prevent increase of tolls on the rest of the canal?

Mr. WILSON. They cannot charge any tolls on account of this improved navigation.

Mr. DINGLEY. But cannot they increase the tolls on the rest of the canal?

Mr. WILSON. They cannot charge a dollar of increase of tolls on account of the Government dam.

Mr. HORR. But it does not say that. If it did it would be all right. It says something else beside that.

Mr. WILSON. It is provided that no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge in any manner any tolls for this improved navigation. There is an agreement not to charge any toll for improved navigation.

Mr. HORR. It does not say that.

Mr. WILSON. To accommodate my captious friend from Michigan I will move to amend so that on any raft or boat passing through the Government dam no toll shall be charged.

Mr. HORR. On no part of the river.

Mr. WILSON. On no part of the river shall they charge additional for rafting or boating anything that passes down through this Government dam.

Mr. HORR. The best thing we can do is to disagree to this amendment; and if there is anything to be done let it be done in the conference committee, so as to put it in shape to mean exactly what the gentleman says it means. It is now indefinite and its indefiniteness is against the gentleman's construction.

Mr. PAGE. I move to non-concur.

The motion was agreed to, and the amendment was non-concurred in.

The Clerk proceeded with the reading of the amendments under the agreement until he came to the following:

Strike out "12" and insert "20," and insert a new paragraph; so it will read as follows:

"Improving Choctawhatchee River, Florida and Alabama: Continuing improvement up to Newton, Alabama, *twenty* thousand dollars. *That twelve thousand dollars of this amount shall be expended for the improvement of the river above Geneva to Newton, Alabama, and two thousand dollars of the balance for the improvement of La Grange Bayou from its mouth up to the town of Freeport, Florida.*"

Mr. OATES. I move to concur in the sixty-second amendment, and I desire as part of my remarks to have read at the Clerk's desk the report of the engineer.

The Clerk read as follows:

IMPROVEMENT OF CHOCTAWHATCHEE RIVER, ALABAMA AND FLORIDA.

The examination of this river from its mouth to Geneva was made in 1872, and the project adopted for its improvement was to remove all such obstructions as rendered the navigation of the river difficult and dangerous at Geneva, Alabama.

During the year 1880 the examination of this river was extended to Newton, Alabama, a distance of about forty miles above Geneva, and the project adopted for the improvement of this section of the river is to make a channel for high-water navigation only, by the removal of snags, sunken logs, and overhanging trees.

The estimated cost of carrying out this project as far as Geneva is, as stated in my last year's report, $44,332. The estimated cost of carrying out the project from Geneva to Newton is $22,000. Total estimated cost is $66,332.

The following appropriations for this improvement have been made:

By act of Congress approved June 23, 1874	$5,000 00
By act of Congress approved March 3, 1875	5,000 00
By act of Congress approved August 14, 1876	5,000 00
By act of Congress approved March 3, 1879	5,000 00
By act of Congress approved June 14, 1880	7,000 00
By act of Congress approved March 3, 1881	10,000 00
Total appropriations	37,000 00
Total estimated cost	66,332 00
Total appropriations	37,000 00
Balance (estimated) required	29,332 00

The work accomplished under the appropriations for the improvement of this river, up to the end of the fiscal year ending June 30, 1881, is as follows:

The river was cleared of snags, stumps, overhanging and sunken trees, drifts, logs, brush, and willows for a distance of 140 miles; a number of sand and gravel bars were removed; a channel 30 feet wide, 3 feet deep, and 150 feet long was cut through a rock shoal about one mile above Cerro Gordo. The entire wrecks of the steamers Boston and Edward and half of that of the Eighth of January were removed.

The timbers and willows at a great number of points in the upper river were cut away, allowing the points to wash, thereby straightening the river. The river was made navigable for steamboats as far as Geneva during ordinary stages of water. The condition of the river on June 30, 1881, is such that steamers drawing four feet of water can ascend as far as Geneva with comparative safety.

Owing, however, to very short and sharp bends in the lower part of the river, and to the continual washing of banks, caused by the practice of driving loose timber and logs, thus forcing trees to fall in almost daily, considerable care must yet be exercised in navigating that portion of the river.

The progress made in the work during the fiscal year ending June 30, 1881, is as follows: Four months' time was consumed in removing such obstructions to navigation as had accumulated in that portion of the river previously worked over. The entire wreck of the steamer Edward, near Bear Pen Bluff, and one-half of that of the Eighth of January, about seven miles below Cerro Gordo, were removed.

A cut-off was opened through a narrow strip of land about three miles below Half-Moon Bluff; 1,377 snags, 151 stumps, 2,445 sunken trees, 10,283 overhanging trees, a large lot of willows, drift, and brush, and 252 cubic yards of sand and mud were removed.

The river for about one hundred and forty miles from the mouth up has not yet been thoroughly improved, as it offers a comparatively safe channel, with a depth of four feet at all stages of the river.

With one-half of the appropriation of $10,000, made by act of Congress approved March 3, 1881, it is proposed to remove, as far as the funds will permit, snags, stumps, and overhanging trees on that portion of the river between the mouth and Crawford Cut-off, a distance of about forty miles, and with the remaining half to remove some rock bowlders from a shoal about four miles south of Geneva, and to remove snags and trees from the river from Geneva to Newton, for high-water navigation only, as far as the funds will allow.

The appropriation asked for for fiscal year ending June 30, 1883, it is proposed to apply to the removal of snags, stumps, and logs at Cypress Top Bar, at the mouth of the river, and of such snags, stumps, and trees as may have settled in that portion of the river already worked over; to the cutting away and removal of a great number of trees along the river liable to wash in, from the mouth up to Geneva, the present head of steamboat navigation; to the entire removal of the wreck of the steamer Eighth of January; to cutting a channel through a rock shoal about four miles south of Geneva, and to the completion of a channel for high-water navigation from Geneva to Newton.

The nature of the banks of this river will not admit of a permanent improvement, and it will require an annual expenditure of $2,000 to keep navigation open.

The commerce of that portion of Florida and Alabama through which the Choctawhatchee and its tributaries flow was up to within the past year confined principally to the cutting and shipping of saw-logs and timber, the annual shipment thereof being about 20,000,000 cubic feet. Since the improvement of the river commenced, and especially during the past fiscal year, the number of timber and log camps along the river and creeks have more than doubled, and it is estimated that from fifty to sixty million of cubic feet were shipped down the river during last year.

Previous to the improvement the annual shipment of cotton down the river from Walton, Washington, and Holmes Counties, Florida, and Geneva County, Alabama, did not exceed 1,500 bales, from the fact that only very small steamers and light-draught barges could ply the river, and then only in high-water seasons.

During the past year, in consequence of the improvements made in the upper part of the river, four steamboats were placed on the line between Pensacola and Miller's Ferry, carrying cotton, guano, corn, oats, and general merchandise. Besides these steamboats there are employed on the river and Holmes Creek three schooners and five sloops, owned by parties living on the river and Holmes Creek.

During the past year there was carried down the river from Geneva and points on the river and Holmes Creek about 2,500 bales of cotton, 60 bales of wool, 1,000 barrels of sirup, 6,000 bushels of sweet-potatoes, and a large amount of country produce, and during the same period, up the river from Pensacola to Geneva and other points on the river and on Holmes Creek, 3,000 tons of guano, about 12,000 bushels of corn and oats, and a large amount of provisions, dry goods, farming implements, &c.

The following table shows the increase in commerce during fiscal year ending June 30, 1881:

Down the river:	1880.	1881.
Timber, &c	$1,500,000	$3,000,000
Cotton	75,000	125,000
Wool	2,000	7,000
Sirup	3,000	12,000
Potatoes	1,000	3,000
Miscellaneous	5,000	10,000
	1,586,000	3,157,000

Up the river:	1880.
Corn, oats, salt, &c	$4,500
Provisions, &c	100,000
Miscellaneous	50,000
	154,500

	1881.
Guano	$150,000
Corn, oats, &c	12,000
Provisions, &c	150,000
Miscellaneous	125,000
	437,000

The large increase in the yield of cotton by the use of guano will induce planters to use it more freely, and will bring into cultivation the pine-woods land heretofore considered worthless, and it is expected that the demand for this fertilizer during next fall will exceed 7,000 tons.

The increased commerce in timber, lumber, and saw-logs will also demand a corresponding increase in the supply of corn, oats, provisions, &c.

It is estimated by merchants and planters that in Washington, Holmes, and Geneva Counties about 15,000 bales of cotton will be made this fall, most of which will be shipped down the river.

The shipments of sirup, wool, and country produce will be largely increased, owing to better and safer facilities in transportation.

The commerce in the country along the Upper Choctawhatchee River, from Geneva to Newton, and above Newton, consists principally of cotton, corn, oats, and fruit, very little being done in the timber business. About 8,000 bales of cotton are annually shipped from Newton, and these, as well as necessary plantation supplies, have to be hauled to and from Chattahoochee, Eufaula, or Troy, a distance of from fifty to seventy miles.

No work having been done on the improvement of the river above Geneva, no increase in trade has taken place, but it is estimated that by improving the river for high water navigation to Newton, Newton will be the shipping point for a radius of country of from forty to fifty miles, and that from twenty-five to thirty thousand bales of cotton will be shipped from that county annually.

The supply of corn, provisions, guano, and plantation supplies, &c., will be proportionate to the number of bales of cotton raised. As a consequence of the improvement made during the last six years, and particularly so during the last working season, three steamboats and a barge were put in the trade between Pensacola and Geneva, and a steam-launch, a large barge, several schooners, sloops, and flats in the Holmes Valley trade.

Since the improvement of this river began, and more so during the last year of the work, there has been a marked increase in the commerce carried on between points on this river and Holmes Creek and Pensacola; in fact, it may be safely said that the commerce has increased tenfold in the last five years.

This work is situated in the collection district of Pensacola, Florida, and Pensacola is the nearest port of entry.

Money statement.

July 1, 1880, amount available	$8,047 53	
Amount appropriated by act approved March 3, 1881	10,000 00	
		$18,047 53
July 1, 1881, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1880		8,414 86
July 1, 1881, amount available		9,632 67
Amount (estimated) required for completion of existing project		86,500 00
Amount that can be profitably expended in fiscal year ending June 30, 1883		25,000 00

STATEMENT OF NATURE AND VALUE OF EXPORTS FROM PENSACOLA, FLORIDA, DURING THE FISCAL YEAR ENDING JUNE 30, 1881.

	Value.
4,202,205 cubic feet hewn timber	$550,316
6,200,174 cubic feet sawed timber	806,022
77,119,000 feet, B. M., lumber	1,079,666
9,421 bales cotton	376,840
Total exports	2,812,844

Five hundred and nine vessels cleared with a tonnage of 303,910 tons.

The amount of revenue collected at this port can only be given from December 1, 1880, to June 30, 1881, (the records prior to former date having been destroyed by fire;) said amount is $80,732.44 for the seven months.

Mr. PAGE. I do not care to discuss this question, but hope there will be non-concurrence and let the matter go to the committee.

Mr. OATES. There is an addition to the appropriation of $8,000, and $12,000 of the $20,000 appropriated is diverted from the original purpose to the improvement of the river above Geneva and $2,000 for the improvement of the La Grange Bayou from its mouth up to the town of Freeport, Florida.

Mr. BROWNE. Is this to remove the willows in order to have a channel?

Mr. OATES. It is already navigable, and this is only to remove obstructions. As will be seen, a greater portion of the appropriation is to be applied for the improvement of the river above Geneva some forty or fifty miles. The report of the engineers shows that river is perfectly navigable when overhanging trees are cut away and snags are removed from it. These people are now some seventy-five miles from any market.

The CHAIRMAN. The gentleman's time has expired.

The amendments were non-concurred in.

The Clerk proceeded to read the amendments under the agreement until the following amendment was reached:

For continuing the improvement of the Cumberland River at Smith's Shoals, Kentucky, $25,000.

Mr. THOMPSON, of Kentucky. I move to concur in that amendment to show the reason why this comes as an amendment put on by the Senate instead of being allowed by our own committee in the House. The improvements of Smith's Shoals in the Cumberland River has been annually appropriated for as far back as 1876, when $25,000 was appropriated, as will be seen by volume 19, page 134, Statutes at Large.

In 1878, $30,000 was appropriated for this purpose, as will be seen by reference to volume 20, page 154. In 1879, $15,000 was appropriated, as may be seen, same volume, page 367. In 1880, $20,000 was appropriated, volume 21, page 187; and in 1881, $10,000, as will be found in this same volume, page 477. This work has been continued, and it is a very valuable work on these shoals, because they obstruct the entire navigation of the river. It was thought that the last $10,000 appropriated for the purpose would be sufficient to complete the work; but it was found, however, about two years ago that the original plans of the engineers, by whom the work was commenced under State auspices, were erroneous, that a mistake had been made, and the wing-dams had to be changed from one side of the river to the other. Therefore the $10,000 given the last time to complete the work failed to do it, and it requires a larger sum of money, as the report of the engineers shows. This supplemental report was made at a date too recent to enable it to be submitted to the Committee on Commerce when considering this bill, but it was laid before the Senate, and this allowance of $25,000, which is all that is required, is sufficient to complete the work. No more will be asked for. In the present aspect of the case, it seems to me that inasmuch as this is a small sum and all that will be asked for, and that it will complete the work, and in view of the large amounts already spent there, it will certainly be judicious to spend the small amount of money now necessary to render the river navigation complete at that point.

Mr. PAGE. In reply to the gentleman from Kentucky, I desire to say that this had better go to the committee of conference. The new report the committee has not had an opportunity of looking at; and we have no opportunity of examining it now. It has been printed to-day, I think, and has been sent to the committee of conference.

Mr. THOMPSON, of Kentucky. If it be the desire of the gentleman from California that this matter should go to the conference committee, I will of course not insist upon the motion, and will submit it to the conference, satisfied that the conferees will do what is proper under the circumstances.

The amendment was non-concurred in.

Amendments 74 and 75 were severally read and non-concurred in.

Amendment 76 was read, as follows:

And $3,000 of this appropriation, or so much thereof as may be necessary, may be expended above Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately, or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

Mr. CASWELL. Unless it be the wish of the gentleman in charge of the bill to non-concur in all of these amendments I wish he would agree to concur in this one. It takes no money from the Treasury, but is simply a modification of the former appropriation, and is absolutely necessary to protect these works.

Mr. PAGE. The committee had no opportunity to examine this, and I think it had better go to the conference committee with the others. I have no doubt it will be concurred in on an examination.

Mr. CASWELL. If the gentleman prefers it, then I will withdraw the motion and let it be non-concurred in.

The amendment was non-concurred in.

Amendments 77 and 78 were severally read and non-concurred in.

Amendment 79 was read, as follows:

Strike out the following words:

"*And provided further*, That the States of Minnesota and Wisconsin shall cede to the United States exclusive jurisdiction over the land so to be taken during the time the same may be used for the purpose herein stated."

Mr. HOLMAN. It seems to me from the reading of that amendment that it ought to be concurred in. I move to concur.

Mr. PAGE. I hope the gentleman from Indiana will not put the committee in a false position by accepting an amendment without having had an opportunity for considering it. None of these amendments have been considered by the Committee on Commerce, and the committee, of course, would be held responsible for this if there should be any mistake.

Mr. HOLMAN. Very well; I will withdraw the motion.

The amendment was non-concurred in.

Amendment numbered 80 was read, as follows:

That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the construction of a dry-dock at the Des Moines Rapids Canal, on the Mississippi River, at such site as may be selected thereon by

the Secretary of War; said dry-dock to be used for the construction, examination, repairing, and use of boats, dredges, barges, scows, and other vessels of the United States, and the construction, examination, and repair of vessels for private parties, under such regulations and for such compensation as may, from time to time, be fixed and regulated by the Secretary of War; this appropriation to be expended under the direction of the Secretary of War.

Mr. CARLISLE. I think the attention of the committee ought to be called to the character of this amendment in some decided manner, and I therefore move to non-concur in it. It provides an appropriation of $30,000 for the construction of a dry-dock; and this dock is to be used for the construction, examination, repair, &c., of boats, dredges, &c., belonging either to the Government of the United States or to private parties. Congress is therefore called upon by this amendment to make an appropriation of the public money for the construction of works to be used in repairing or constructing vessels for private parties in competition with private individuals engaged in that character of business.

It seems to me that this is a most extraordinary character of business for the Government of the United States to engage in, and the committee ought in some way to emphasize its non-concurrence in this amendment, so that the committee of conference may understand exactly the sense of the House upon it.

There is no end of the business that the Government of the United States may legitimately engage in if we carry into execution such a provision of law as this. It may go into the manufacture of woolen goods or of cotton goods or of iron or steel or anything else that Congress may choose to select for it in competition with manufacturers throughout the country. The next amendment, numbered 81, is of the same character——

Mr. BROWNE. Only worse.

Mr. CARLISLE. Only, as my friend from Indiana suggests, a little worse. I ask, therefore, for a separate vote upon this proposition.

Mr. McCOID. This amendment is supported by a recommendation of the engineer in charge of the Des Moines Rapids Canal. It is supported by a recommendation of the Chief of Engineers, General Wright.

Mr. CARLISLE. Does the Chief of Engineers go out of his way to recommend to the Congress of the United States a special appropriation of money for the construction of works for the repair of vessels belonging to private individuals?

Mr. McCOID. I will come to that in a moment. It is recommended by the Secretary of War. This is necessary for the Government vessels, the vessels that are used in dredging the canal and the river there, and this clause to which my friend from Kentucky [Mr. CARLISLE] objects is but an incident added on that the Government may under regulations of the Secretary of War—which may be prohibitory or may allow it under certain circumstances—may do the same work for private parties at charges he may regulate. That is all. It is but an incident as a matter of economy; nothing else. It is not a general work of that kind at all which is authorized. It is not to compete with any private enterprises. There is not any, in fact, for it to compete with. There is none in the river.

Mr. McMILLIN. That is the difficulty, I am afraid, and that is the cause of the clamor for the construction of this by the Government.

Mr. McCOID. There is not any clamor whatever. There is not anything of that kind. Private parties did at one time ask permission to put a dry-dock on the river to do this work for the Government and others on this canal; but the engineers in charge reported against it as not good policy for the Government to do that and as being far preferable for the Government to put a little bit of money into a dock there and do their own repairing for the necessary work on the river, and save the inconvenience and probably the danger of having private parties interfere with the canal.

Mr. CARLISLE. If the gentleman is through I wish to say a word.

Mr. McCOID. I am not quite through. I wish to add there is nothing in the objection as to repairs being made for private parties. That is only an incident that may be necessary for economy and convenience.

Mr. McMILLIN. Economy? Whom will it benefit?

Mr. McCOID. It will benefit the Government. The Government, while repairing its own vessels and making its own repairs on the river, can do this incidental work and get back enough in charges, as a matter of economy, to pay the expenses of its own repairs; and you certainly would not forbid that incidental work when the Government was not employed on its own work. This is to be done under the regulation of the Secretary of War; and that is all there is in that part of the amendment.

Mr. GODSHALK. I think it is rather a singular proposition for the Government to be asked to go into this private boat-building business. This bill in itself will be a wonderful curiosity after a while when you come to look at it calmly and dispassionately. You will find the Government have already undertaken to do a great deal of unnecessary work. They have undertaken to go upon the little streams of the country never thought of in the olden times when this matter of public improvements of rivers and harbors was first commenced. Now we have a board of engineers who are called upon to visit all the little streams of the country, and if they possibly can find a job anywhere that some private individual may think will benefit him and which calls for an expenditure of public money in the district it is all right. I think this is a most monstrous proposition, and I have no doubt the committee will vote it down.

Mr. CARLISLE. If the time for debate is not exhausted, I desire simply to say, in response to the gentleman from Iowa, that while he asserts the construction and repair of vessels for private parties is intended to be a mere incident he will certainly find if such an appropriation is made and such a policy as this is inaugurated the incident may become far more important than the principal subject itself. I venture to say there are a hundred vessels belonging to private parties on these waters where there is one belonging to the Government. To make an appropriation of $30,000 ostensibly to construct and repair the Government dredge-boats, but at the same time to confer authority to construct and repair vessels for private individuals, is simply in substance, disguise it as you may, an attempt on the part of the Government to engage in this kind of business in opposition to private individuals. It is not a legitimate business for the Government to engage in, and we ought to stop it now at the very threshold.

Mr. McCOID. I only attempted to answer the objection which is made. But I am willing the committee should non-concur, that the amendment may go to the committee of conference with the rest.

The amendment was non-concurred in.

The eighty-first amendment was non-concurred in.

The eighty-second amendment was read, as follows:

In line 978, strike out "$800,000" and insert "$900,000;" so that it will read: "Improving Missouri River from its mouth to Sioux City, Iowa, $900,000."

Mr. CARPENTER. I move to concur in the Senate amendment. This is a proposition to increase the amount appropriated for the improvement of the Missouri River from $800,000 to $900,000. Until within a few years, Mr. Chairman, the Missouri River has been regarded as being uncontrollable even by science. Its treacherous banks, its treacherous currents, and treacherous channel have been thought to be uncontrollable entirely. But within the last three or four years it has been found that the Missouri River is capable of control by the same principle on which the Mississippi River is now being improved. It has been recommended by the Mississippi River commission that by a system of screens and mattresses the currents of the river can be made to build up new banks. The Senate amendment makes this appropriation just what Major Suter, the engineer in charge of the works upon the Mississippi River, has recommended, $1,000,000. His recommendation is found in his report in the following words:

The following is the estimate of the cost of improving the Missouri River, from its mouth to Sioux City, Iowa, a distance of 781 miles. If carried out on a large scale and with liberal appropriations, it will probably not exceed $10,000 per mile. This would put the cost of the whole 781 miles at $7,810,000, and from Kansas City to the mouth of the river, $3,750,000. With due regard to economy, this amount can be expended at the rate of $1,000,000 per annum. At this rate the whole improvement would require eight years for completion, or from Kansas City to the mouth, four years. The benefits attendant on such an improvement can hardly be overestimated.

In view of these facts, this being exactly what has been recommended by Major Suter, the chief engineer in charge of these works, I move that the amendment be concurred in.

Mr. PAGE. I hope the amendment will not be concurred in and that this appropriation will be treated as all the others.

The question being taken on Mr. CARPENTER's motion, it was not agreed to.

So the amendment of the Senate was non-concurred in.

The Clerk proceeded with the reading of the amendments of the Senate and read the ninety-fifth amendment, which was to increase the appropriation for improving Cocheco River, New Hampshire, from $10,000 to $28,000.

Mr. BRIGGS. I hope the gentleman from California [Mr. PAGE] will allow that amendment to be concurred in.

Mr. PAGE. I hope the gentleman will not take up time in discussing it; it ought to go to the committee of conference.

Mr. BRIGGS. I move to concur in the amendment. It seems to me that this House is just as capable of settling some things that are perfectly obvious to everybody as can be any committee of conference. This amendment is to increase the appropriation so as to complete the improvement in the Cocheco River. The work has been carried on there for some time, improving the channel, which is somewhat in the form of a letter S. For the smaller craft it is abundantly large enough to admit them to pass through without any danger; but the larger class of vessels, in turning the curves in the channel, are sometimes swept upon the rocks. It is a very urgent and a very important improvement, and one which ought to be completed at once. I hope the Committee of the Whole will vote to concur in this amendment of the Senate and end the question here. I am the more anxious about this matter for the reason that it is in the district of my colleague, [Mr. HALL,] who is now necessarily absent from the session of the House, and I speak in his behalf.

The question was taken upon the motion to concur in the amendment, and it was not agreed to.

The Clerk proceeded with the reading and read the ninety-seventh amendment, as follows:

In line 1111 of the printed bill insert the words "of which amount the sum of $10,000 may be expended in improving the East Neebish Channel;" so that the paragraph will read:

"Improving the Hay Lake Channel of the Sault Sainte Marie River, via the Middle Neebish, $200,000, of which amount the sum of $10,000 may be expended in improving the East Neebish Channel."

Mr. HUBBELL. I hope that amendment will be concurred in. It was an oversight that it was not presented to the Committee on Commerce of the House. It does not increase the appropriation, but

merely diverts a portion of it for the improvement of the East Neebish Channel.

Mr. PAGE. I hope this will go to the committee of conference. The committee has not time to examine it at all or to ascertain the facts.

Mr. HUBBELL. I state the facts.

Mr. PAGE. There is no reason why this amendment should not take the same course as the others.

Mr. HUBBELL. I want to state briefly the reasons for this amendment. An appropriation was made in the original bill for improving the Hay Lake Channel of the Sault Sainte Marie River. I did not know at the time but what the work on the East Neebish division was completed. After the bill was reported to the House the engineer wrote me that there was needed $10,000 to complete the work on the East Neebish division. I took his communication to Senator CONGER, who had this amendment inserted in the bill. I hope it will be concurred in.

The question was taken upon the motion to concur, and it was not agreed to.

The Clerk read the ninety-eighth amendment, to insert the following:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than seven feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys; and the cost of construction, the annual cost of maintenance, and economy of use of said canal, when completed, shall be estimated and accompany the said surveys; and the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal, connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and the construction of the canal between Hennepin and the Mississippi River and the right of way therefor; and for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lake at Chicago; and for the purposes of this paragraph the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. PAGE. I move to non-concur in that amendment.

Mr. SINGLETON, of Illinois. I desire to be heard on the amendment.

Mr. PAGE. Is the gentleman opposed to non-concurrence?

Mr. SINGLETON, of Illinois. I am not opposed to non-concurrence, but I want it done in such a way that the House will put in the most emphatic manner its seal of disapprobation on these wild and extravagant schemes unauthorized by the Constitution.

It is here proposed to appropriate $100,000 for a purpose which has been to my knowledge ascertained for the last forty years in the State of Illinois. The archives of that State are full of estimates by the ablest engineers that this country has ever produced as to the cost of the very project which is suggested by this amendment.

In 18 7 it was proposed that the State of Illinois should do just what this amendment proposes to do, to deepen and widen the Illinois and Michigan Canal. The proposition was submitted to the Legislature of the State of Illinois and it then refused, with such men as Lincoln, Douglas, and Browning in the councils of the State, to change the width and depth of the Illinois and Michigan Canal as originally constructed. No engineering skill can furnish more accurate estimates of the work proposed than that furnished to the Legislature of Illinois in 1836–'37 by the able and distinguished engineer of the State, Major Bucklin. I have not new access to his report, but as this question is sprung anew upon the House by the Senate amendment we are now considering, I am compelled to speak wholly upon personal recollection. The plan recommended by Governor Duncan of increasing the capacity of the Illinois and Michigan Canal so as to pass steamboats from the rivers to the lakes was thoroughly considered, ably discussed, and finally condemned as a wasteful expenditure of money that could bring no profit to the State or advantage to the people.

The steamboats of the rivers could not live upon the waters of the lakes and the vessels of the lakes could not find sufficient water to float them in the rivers; hence the project was abandoned as an impracticable vision. So far as the so-called Hennepin Canal project is concerned, the verdict of the State of Illinois is to be found in the solemn words of its constitution recorded against it. There can be no object in getting further information upon the subject; it has annoyed the State for years, until the clamor was silenced by a constitutional inhibition; and now, by a pertinacity that is without parallel, the subject is thrust upon this House with the reckless temerity of the Senate amendment to this, the river and harbor bill, to which it is not germane or properly connected. If estimates of the costs of this project are desirable they can be furnished by the State of Illinois, without the extravagant and inexplicable appropriation proposed. The river and harbor bill is necessarily broad, generous, and general in its appropriations, in order to avoid that discrimination in favor of the ports of one State against the ports of another, so expressly prohibited by the Constitution.

If Congress enters upon such a system of improvement as is here proposed, we must look to the obligation which the Constitution imposes upon every one who has a seat on this floor. It is provided in the Constitution of the United States that by no regulation of commerce shall the ports of one State be preferred to the ports of another. Now, if you enter upon this wild and illimitable project, must you not hereafter, when called upon by other States and other localities where such a water communication is at all desirable or practicable—must you not, in order to comply fairly with the obligation which the spirit of the Constitution imposes upon you, continue this system until every port in the country has been supplied with a canal at the expense of the Government of the United States which sets up a claim for such a means of communication?

If, as the friends of this measure contend, it is for the purpose of regulating the cost of transportation by railroads, why not build a railroad for that purpose in order to give free transportation to the patrons of this measure? A railroad with double track would not cost one-tenth part of what this proposed free canal would cost, and would carry ten times as much in the course of the year. If railroad charges are to be regulated by Government competition and free transportation, railroads by the Government for such purpose is certainly the quickest and easiest mode of bankrupting railroad corporations, and ultimately the people. Free transportation by rail or water furnished by the Government can have no successful competitor.

Who doubts that a canal made free would not get patronage? But how would a free canal regulate the cost of railroad transportation, I ask you? Can railroads afford to carry freight for nothing? Could they come in competition with a free canal, free railroad, or free river equipped and operated at the expense of the Government of the United States? Could this canal carry all the freight that would be offered? No, sir; it would carry so small a part as not to affect the price of transportation of the great Western country whose products are seeking Northern or Eastern markets or ports for reshipment to markets beyond the sea.

Now, the amendment is an insidious proposition. At first view we would suppose it intended simply to give to the Secretary of War the power to inquire as to the expediency of such a mode of transportation, while in fact it practically authorizes him to locate this canal and its branches and to report to Congress not only such location but the ultimate cost of construction.

You all know that it would not take $100,000 or even $10,000 to make a preliminary examination. Such an examination has been made over and over again; and the estimates upon the same are to be found at the capital of Illinois. So far as the Illinois and Michigan Canal is concerned, reliable estimates were made over forty years ago; yes, sir, in 1821, in 1825, in 1826, in 1828. In 1837 the estimate was again made by one of the most distinguished engineers this country has ever produced. These estimates are accessible. Why should Congress now appropriate $100,000 to obtain information which can be supplied for nothing?

I implore the friends of legitimate improvements not to let the grand and important work upon which Congress has entered with so much resolution and earnestness to be weighted down by favor, combination, or sectional influence or interest. It is far better for the friends and advocates of a legitimate system of improvement to suffer present defeat in the consistency of maintaining correct principles than to triumph temporarily in local and general objects worthy of their support by a sacrifice of conscience and constitutional obligation which will bring the highest merit into popular scorn, and make a wise system of river and harbor improvements odious to the people by reason of the unnatural features of sectional interest ingrafted upon a worthy constitutional measure by the persistent importunities of perverse advocates.

Let the natural water-courses, navigable streams, or such streams as may, by removing obstructions, be made navigable first engage the attention and receive the aid of the Government. When they are perfected according to their natural advantages and made the handmaids of commerce, we may then, if necessary, amend the Constitution so as to authorize such artificial waters as the interest of trade and inter-communication may justify or demand. I ask nothing for myself or my constituents that is not supported by its own merit, nor will I concede to others what judgment and sound policy condemn.

The Mississippi and the Illinois Rivers are national in the contemplation of the Constitution. While the one runs through many States, the other is confined to the State of Illinois, but is not for this reason the less national than the other. It is as navigable as the Mississippi, and only subject to the same natural obstructions, which it is the duty of the Government to remove in both, and make them alike, what they were designed by nature to be, arteries of commerce and mediums of intercourse between the people.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Chairman, I do not intend to reply at any length to the remarks of my colleague and friend from Illinois, [Mr. SINGLETON.] I am certainly willing that this amendment shall take the same course which other Senate amendments are taking, and that the motion to non-concur in this amendment may share the fate of all others, inasmuch as the friends of this bill seem disposed to insist upon non-concurrence as to all Senate amendments. But I cannot permit my colleague to make the statements which he has

made without some sort of reply. So far as regards all these surveys to which he has referred, I will say that they were, with some few exceptions, made long before the Illinois and Michigan Canal itself was built, and were made of that canal and no other.

Mr. SINGLETON, of Illinois. I call my colleague's attention to the survey that was reported to the Legislature of Illinois, upon the recommendation of Governor Duncan, in 1836–'37.

Mr. HENDERSON. Yes, sir; but the Illinois and Michigan Canal was completed in 1847, ten years afterward. [Mr. SINGLETON, of Illinois, rose.] I have but five minutes, and my colleague must excuse me. I think I may with propriety state that in the Senate the other day this whole question was discussed at considerable length. It seems that the Senate was not satisfied with regard to the surveys which had been made of this proposed canal from Hennepin to Rock Island, and also the proposition to enlarge the Illinois and Michigan Canal. And hence this amendment, which simply provides for a survey and report.

So far as the amendment is concerned, I will say that no proposition in this bill is of greater interest to millions of people in this country than the proposition to build this canal; and it is a very small concession to be made to from five to ten millions of people who are demanding and will demand some measure of this kind to simply provide for a survey and report. There is nothing in this amendment by which the Senate or the House will be committed. It is simply proposed to have a survey and examination made of this proposed canal by competent authority and a report of the same made to Congress. This House ought not to refuse to do this, because, I repeat, it is a slight concession to the people of the Northwest who are so deeply interested in this measure.

But I am willing the amendment shall be non-concurred in for the present; and when the time comes I will discuss with my colleague and other opponents the merits of this measure. But it is hardly proper, it seems to me, at this time to enter into any discussion of the question, when the disposition is to non-concur in all the amendments without discussion, and I may say without regard to the merits of the amendments. The Legislature of our State, I will remind my colleague, has unanimously requested the Representatives from that State and instructed the Senators to vote for this canal.

Mr. SINGLETON, of Illinois. Yes; in violation of the constitution, which forbids the State lending its credit to such a project.

Mr. HENDERSON. Let me say that in 1848 a convention was held at the city of Chicago in which that distinguished statesman, Thomas H. Benton, expressly recommended that the enlargement of the Illinois Canal should be undertaken as a great national work in the interest of the commerce of this country.

Mr. HUTCHINS. Mr. Chairman, I am not willing to allow this vote to be taken in a manner which would indicate my acquiescence in this proposed scheme. It is the first time that a project of this kind has been incorporated in the river and harbor bill, and I hope that the representatives of the people in this House will give it such an emphatic condemnation that it will never show its head again.

Mr. Chairman, the members of this House are called upon to vote as though we had a Treasury which could not be emptied. It is but a short time since many of the cities and States of this country were voting away public money in the same reckless manner. Repudiation has in many cases been the consequence. If we open the door to schemes of this kind there is not money enough in the country to carry out all the improvements of a similar character that would be started in the different States. It is not the business of the Government to engage in the building of canals; and we ought not to give our sanction to this plan by voting one dollar for the proposed survey. Let us attend to our legitimate business and endeavor to keep expenses down rather than to increase them.

The bill under consideration proposes to make appropriations for the construction, repair, and preservation of certain works on rivers and harbors. We should confine the appropriation within these limits, and even if we do this we shall take from the Treasury a larger sum of money than the overburdened tax-payers ought to be called upon to contribute. Let us by our vote here to-day say that the power to improve rivers and harbors does not include the construction of canals. I regret that we have not time to debate the question fully now. We have information, however, sufficient to vote understandingly, and I hope we shall give such a vote as to show the people that this House as now constituted will not embark in an enterprise which in its accomplishment would require untold millions.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I move to concur in the amendment. Now, Mr. Chairman, the gentleman from New York is unfortunate in his citation of constitutional authority in regard to this canal.

Mr. HUTCHINS. Oh, no.

Mr. SPRINGER. I understood the gentleman to say there was no authority in the Constitution for it.

Mr. ATKINS. And where do you find it?

Mr. HUTCHINS. I say that it is so absurd a proposition I do not suppose any one would claim there is authority under the Constitution for it.

Mr. SPRINGER. The gentleman from New York says it is absurd. Now, Congress appropriated public land to the Illinois and Michigan Canal.

Mr. SINGLETON, of Illinois. In alternate sections?

Mr. SPRINGER. Yes; public lands in alternate sections for the purpose of building that canal. The State of Illinois acted as trustee for the Government in accepting the public lands and taking the proceeds of their sales for this purpose. It put the lands into money and expended the money in constructing this canal. The Government appropriation was sufficient to build the entire canal, with the exception of half a million of dollars.

Mr. SINGLETON, of Illinois. If the State of Illinois was acting, as my colleague has said, as the trustee of the Federal Government, who owned the canal?

Mr. SPRINGER. I undertake to say the State of Illinois holds it for the benefit of all persons concerned.

Mr. CARLISLE. The State of Illinois charges tolls.

Mr. SPRINGER. Only sufficient to pay the expense of operating it. It has never been contended we held it for any pecuniary profit. It has not been run with any such view.

Mr. SINGLETON, of Illinois. And it never can be.

Mr. SPRINGER. And the State never desired to reap a dollar of profit from this improvement, but to hold it in trust for the purpose of commerce. It has not been an expense to the State of Illinois, but has paid its way.

Mr. SMITH, of Illinois. Eight hundred thousand dollars of the net earnings of the Illinois and Michigan Canal have been appropriated by the State of Illinois to the improvement of the Illinois River.

Mr. SPRINGER. It is understood the canal instead of being a loss, that a part of its net earnings has been devoted to the improvement of the Illinois River below. It is a national work. It is not a State work. The General Government initiated it and carried it on by money arising from the proceeds of public lands devoted to that purpose. It is therefore too late now to say that the Government of the United States cannot initiate a work of this character.

Mr. McMILLIN. What authority condemns the land where the canal was constructed?

Mr. SPRINGER. The State of Illinois.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I withdraw my motion to concur and will let the vote be taken on non-concurrence. We do not wish to make an issue now on the question, but will do so at the proper time.

Mr. VAN VOORHIS. I move to concur for the purpose of asking a question. How many locks will it take to finish this work?

Mr. SINGLETON, of Illinois. Twenty-eight.

Mr. VAN VOORHIS. How wide?

Mr. SPRINGER. The gentleman from Illinois, my colleague, [Mr. HENDERSON,] is more familiar with it, and will answer the gentleman. There are only some sixty miles of it yet to be built, from the Illinois River down to Hennepin, to connect with the Mississippi River at or near Rock Island.

Mr. VAN VOORHIS. It is to be carried over the mountains, is it?

Mr. SPRINGER. No, sir; there are no mountains in my State.

Mr. VAN VOORHIS. If there are no mountains, what use do you then have for twenty-eight locks?

Mr. SPRINGER. It is a very level plain, and we have no mountain ranges there at all.

Mr. VAN VOORHIS. Then I say what do want the locks for?

Mr. SPRINGER. The gentleman has studied the resources of his country but to limited advantage if he does not know that Illinois is an immense grain field. No gentleman can hope to represent the people of this country properly unless he has visited the great State of Illinois.

Mr. VAN VOORHIS. But what about these locks?

Mr. CARLISLE. I understand the gentleman from Illinois says that this is a plain and that there are no mountains. If this be so, I would like to ask why the engineer in his report states that it will require a "lift," as they call it, of ninety-two feet from Rock Island to Hennepin?

Mr. SINGLETON, of Illinois. No; to the summit, and two hundred feet on the other side.

Mr. CARLISLE. Yes.

Mr. SPRINGER. The gentlemen would never distinguish by the eye from an observation of the country that there was the slightest difference in level.

Mr. CARLISLE. But there is by measurement in elevation, and if there is not, where are you going to get your water from to feed the canal?

Mr. SPRINGER. Well, we will take care of the water part.

Mr. CARLISLE. And we will take care of the money part.

Mr. HUTCHINS. I would like to ask the gentleman from Illinois if he approves of all these land grants or of the moneys which have been donated to railroad companies?

Mr. SPRINGER. A great deal of money has been given to railroads; and the gentleman's question is rather a general one to deal with.

The CHAIRMAN. Debate is exhausted upon the amendment.

Mr. VAN VOORHIS. I withdraw the motion.

Mr. DWIGHT. Mr. Chairman, I desire to speak against the amendment.

The CHAIRMAN. The amendment has been withdrawn.

Mr. DWIGHT. Then I move to concur in the Senate amendment, with a view of being heard in opposition to the insidious amendment put upon the river and harbor bill, which means, if it means

anything, to commit this Government to the making of the Hennepin Canal.

Mr. Chairman, it seems to me that this question is very full of objections. It involves two principles and is very far-reaching in its results; and while I understand very well that the amendment is to be non-concurred in, and is to go, like all of the other Senate amendments, to the committee of conference, I again raise my feeble voice against this unwarranted, unnecessary, and vicious legislation.

Among the other things which I attempted to demonstrate when I discussed this subject here on the 5th of June was the fact that the day of building canals by the Government has passed, if wisdom is to be derived from experience. I grant, Mr. Chairman, that canals may still be useful. I have no doubt they will still be useful for many purposes. The great State of New York has had a large experience in the canal business, which will light the pathway, if properly studied, of all who may desire to engage or induce the Government to engage in the work of building canals. As is well known, I brought the attention of this House to a brief summary made from official reports on this subject when the discussion was had here last month.

In a carefully prepared speech made by my honorable friend from Illinois [Mr. HENDERSON] he said, in reply to some observations that I had made:

My friend from New York [Mr. DWIGHT] stated in his remarks that in 1880 the Erie Canal shipped from Buffalo 71,909,964 bushels of grain, and that in 1881 it shipped only 31,000,000 bushels; and this statement was made to show that the business of the Erie Canal was rapidly on the decline and that canals in New York were doomed to become useless.

The above paragraph states that the year 1881 was an exceptionally dull year. My friend should have known that one reason why the canal did not carry more grain in 1881 was not owing to a disuse of the canal but to a short crop. The secretary of the board of trade of Chicago, in his last annual report, estimates the deficit in the wheat crop of 1881 in Ohio, Michigan, Indiana, Illinois, Minnesota, and Iowa, as compared with that of 1880, as little, if anything, short of 100,000,000 bushels, and that is the reason why the canal did not carry the grain in 1881 it did in 1880.

Mr. Chairman, my friend does not apparently appreciate what I attempted to show, as I think I did show, that the railroads have become ruinous competitors to the carrying trade on the canals, so much so that it is folly in the extreme for this Government to undertake to make the Hennepin Canal. For the purpose of giving my friend the means of understanding that it is not in consequence of the loss of tonnage by the canals that has made them non-supporting, but that railroad competition has made it impossible for the canals to hold their tonnage unless their tolls are taken off, I therefore ask that the tables herewith submitted be published with my remarks, although I have once before published one of the statements:

The superintendent of public works of the State of New York submitted to the Legislature, December 28, 1881, the total tonnage of all the property on the canals, and the amount of tolls collected for the forty-four years preceding, as follows:

Year.	Tons.	Tolls.
1837	1,171,296	$1,292,623
1838	1,333,011	1,590,911
1839	1,435,713	1,616,382
1840	17416,046	1,775,747
1841	1,521,661	2,034,882
1842	1,236,931	1,749,196
1843	1,513,439	2,081,590
1844	1,816,586	2,446,374
1845	1,977,565	2,646,181
1846	2,268,662	2,756,106
1847	2,869,810	3,635,381
1848	2,796,230	3,252,212
1849	2,894,732	3,268,226
1850	3,076,617	3,273,896
1851	2,582,733	3,329,727
1852	3,863,441	3,118,234
1853	4,247,853	3,204,718
1854	4,165,862	2,773,566
1855	4,022,617	2,805,077
1856	4,116,082	2,748,212
1857	3,344,061	2,045,641
1858	3,665,192	2,110,754
1859	3,781,684	1,723,945
1860	4,650,214	3,009,597
1861	4,507,635	3,908,785
1862	5,598,785	5,188,943
1863	5,557,692	4,645,207
1864	4,852,941	3,983,982
1865	4,729,654	3,839,955
1866	5,775,220	4,426,639
1867	5,688,325	4,088,058
1868	6,462,225	4,246,563
1869	5,859,080	3,778,501
1870	6,173,769	2,611,578
1871	6,467,888	3,100,838
1872	6,673,370	3,072,411
1873	6,364,782	2,976,718
1874	5,804,588	2,637,071
1875	4,859,958	1,590,032
1876	4,172,129	1,340,004
1877	4,955,963	880,896
1878	5,171,320	993,348
1879	5,362,372	941,574
1880	6,457,656	1,155,419
1881	5,175,505	632,380

The following statement will show the business of the canals and the two railways, and the aggregate movement for each year, beginning with 1876:

Year.	Tons moved by canals.	Tons moved by N. Y. C. & H. R. R. R.	Tons moved by Erie Railway.	Aggregate tons moved.
1876	4,172,129	6,803,680	5,972,818	16,948,627
1877	4,955,963	6,351,356	6,182,451	17,489,770
1878	5,171,320	7,695,413	6,150,568	19,017,301
1879	5,362,372	9,015,753	8,212,641	22,590,766
1880	6,457,656	10,533,038	8,715,892	25,706,586
1881	5,179,192	11,591,379	11,086,823	27,857,394

The result of this competition on the Erie Canal has filled the authorities in charge of it with dismay. The auditor of the canal department thus sums up the situation in his report for 1881:

"An examination of the foregoing table"—

The table of rates on the canal for tolls from 1867 to 1881—

"will disclose some singular and almost unaccountable features in connection with tolls and transportation. During the period embraced in the first three years named in the table, when the tolls on wheat were nearly six and a quarter cents per bushel, the freight to the carrier netted $3.22 per ton.

"During the next period of five years, 1870 to 1874, with the tolls on wheat reduced to a fraction over three cents per bushel, the average net freight received by the carrier was $2.87 per ton. During the next period of two years, 1875 and 1876, with tolls on wheat reduced to two cents per bushel, the carrier realized an average of $1.76 per ton net, and during the last five years, 1877 to 1881, with tolls on wheat reduced to one cent per bushel, the net freight averaged $1.77 per ton. The average net freight for 1881 was $1.28 per ton.

"The financial results for the last fiscal year are the most discouraging and unsatisfactory of any year in the history of the canals. The revenues in the aggregate were lower than for any year since 1825, and for the first time in a period of fifty-six years they not only have failed to make any contribution to the sinking fund for the payment of the principal and interest of the canal debt, but in amount they were actually 20 per cent. below the cost of maintenance, or, as shown elsewhere in this report, the expenditures for collection, superintendence, and ordinary repairs exceeded the income by $205,642.45.

"If possible, the business of the boatmen has been even more discouraging. Notwithstanding all the efforts of the Legislature and the canal board to increase the volume of business by a partial remission of tolls, the earnings of the carrier have steadily declined, and during the last season were entirely unremunerative and doubtless below expenditures.

"Unless the equipments which the boatmen supply can be kept profitably employed there will be no new additions thereto, and those now in existence will be allowed to deteriorate and will soon become worthless.

"Without some radical and speedy change by which the canals can be maintained irrespective of their revenues, and the carrier placed in a better position to cope with the railways, they will soon be without means to operate them and without equipments to render them of service."

The shipment of grain over the canal in 1880 was 71,900,964 bushels. In 1881 it shrank to 31,151,761 bushels, a decrease of over 70 per cent. So evident is it in New York that canals are doomed to become useless that the Chemung Canal has been sold for a song to a railway company, its bank to be used for the roadbed of a railroad. The Chenango and Genesee Valley Canals have been abandoned, and the Oneida Lake Canal is no longer in use, and its abandonment is recommended by the authorities. (Report Superintendent Public Works, 1881, pages 7, 8.)

The report of the special committee of the senate of the State of New York, (made January 18, 1882,) to inquire and report relative to reducing the cost in the management of the canals, said, among other things, that "the season of 1881 has been most disastrous to our canal interests. The canal revenues have largely fallen off, a large number of boats have remained unemployed throughout the season, and boatmen who have engaged as carriers have been compelled to do so at losing rates. The committee is fully impressed with the conviction that unless steps are taken to cheapen the cost of transportation on our water routes the canals of this State must soon fall into disuse, and the benefits received by our citizens from canal commerce and its incidents be irretrievably lost."

It will be seen by the foregoing tables that the tonnage on the New York canals for the year 1881 was but 2 per cent. less than it averaged during the preceding five years. It will also be observed that the earnings averaged during the same period of five years prior to 1881 60 per cent. more than they were during the year 1881.

Moreover, Mr. Chairman, an examination of the same exhibit shows that the tonnage on the New York, Lake Erie, and Western Railroad was 55 per cent. more during the year 1881 than the average for the five preceding years, and that the increased tonnage on the New York Central and Hudson River Railroad was 40 per cent. more for the year 1881 than the average of the preceding five years.

I have no official data showing the result of the workings of the canals for this year, but I understand them to be still more unsatisfactory up to this date than they were last year.

My distinguished friend General HENDERSON said in his speech made here on this subject last month that the Erie Canal has paid into the treasury of the State of New York, over and above the cost of construction, repairs, and management, about $42,000,000. Now, if he confines himself to the Erie Canal alone I admit that, as I understand it, it has earned the State something like $40,000,000 more than it cost. But the gentleman does not tell the whole story that should be told. I have not the exact figures at hand to enable me to state them with exactness, but they are substantially as follows: The whole cost of the canals to the State of New York is about $127,000,000, and the total receipts have been something more than $85,000,000, leaving a balance of nearly $42,000,000, and more than $31,000,000 of that sum have been collected by taxes levied upon the people, and the balance is now owed by the State and is represented by the outstanding canal debt.

As an humble son of that great State I am proud of her people, their achievements and their history, in peace and in war. Her commerce, her agriculture, her manufactures, her culture, her enterprise, and all else that make a people great and prosperous have justly given her the position of the Empire State. I trust that I appreciate in the highest degree how much the system of canals which have been built and supported by her people, and clearly within the authority of the Constitution and law, has done to give New York the pre-eminence it enjoys. But, Mr. Chairman, the distinguished position won by our people and the great advantages they gained by building the Erie Canal came through toil and hardships of more than fifteen years' duration.

The State of New York was a densely timbered country in its native condition. The men of the second and third generation, whose ancestors felled and cleared the forest, and those reared in the cities and towns and upon the prairies, know little of the hardships and sacrifices required of those who first settle and make homes in a heavily timbered country.

The people residing in the interior of the State, and away from the rivers, were substantially without the advantages of a market if they chanced to raise more grain than their families required. The question, how shall it be marketed, was a very serious one.

Two highly respected citizens, residents of the town where I reside, Hon. Elias W. Cady, and Isaac Ferguson, esq., came into the town, then a wilderness, as I recollect their statements, which I have often heard them make, in the years 1815 to 1817. Their families were large and their means scanty. Hard work and rigid economy were the only conditions upon which they could subsist and make for themselves and families homes, and educate their children. It is my recollection that they paid about $10 an acre for the farms which they purchased and settled upon.

For eight or ten years after they settled upon their primitive homes they were obliged to draw the small amount of wheat they were able to raise to Albany, a distance of about two hundred miles, with their teams over corduroy roads common to such countries as that then was, and sell their product when they reached Albany for seventy cents to seventy-five cents per bushel, each trip so made taking three or four weeks' time, as they endeavored to bring back as much load as they could of groceries and other goods for the merchant with whom they traded. During or soon after the close of the late war of the rebellion another reputable citizen, Elisha Albright, esq., who settled in the same neighborhood at an early date, told me at the time he paid a tax on his farm of about $170.00 that he paid it much easier than he had at an early date paid a tax of $1.25 on the same property. He said he rode through the town industriously and tried diligently to borrow the $1.25 required to pay his annual tax, and that he was unable to obtain it until near the close of the third day he found a man who had a little money, but needed it to purchase some oats with. Mr. Albright sold him oats enough at eighteen cents per bushel to obtain the money required to pay his tax.

Another distinguished citizen, Captain Robertson, settled in the same town, and I think, at an earlier date than either of the three gentlemen named, raised considerable more grain than his family, which was also numerous, required. At times when grain was scarce people came to him from long distances with money to purchase his surplus. But he refused to sell to purchasers who had money to pay, saying to them that they had means to go and obtain it elsewhere, and that he must let his poor neighbors who needed all he had have it, as they had no money to go away from home to purchase with.

Such were the men who advised building the Erie Canal, and who have paid the taxes imposed for that purpose. Such men are required and must be had to found States and develop their resources. Of such men every community is always proud, and honors them.

But one of these early pioneers of Central New York (Mr. Cady) survives, and he is ninety years old. For the purpose of obtaining better facilities to market he has contributed $7,000 within the last fifteen years toward building a local railroad; and Mr. Ferguson, just before his decease, contributed $1,000 for the same purpose. The other two gentlemen named, one or both of them, deceased before the railroad referred to was built.

The people of New York have built by town subscriptions under a general bonding law of the State and by the aid of individual subscriptions numerous railroads within the past fifteen years, not expecting at the time they did it that they would realize much, if anything, for the subscriptions to the stock subscribed and paid for. Their reliance for the equivalent of such investments was in the increased facilities to market that were so obtained, and the consequent increase in the value of their property.

I do not think that I know of two towns among all that bonded where the roads were built, as nearly all of them were, and there are but few individuals who regret having made and paid such subscriptions; and yet I am compelled to admit that most of the roads so built have been sold on the mortgages given upon them, and very few of the stockholders have realized anything for their stock.

Since it has become apparent that the canals can no longer be self-supporting, the people of the State, through the two last Legislatures, in accordance with the provisions of the constitution, provided that the question of free canals shall be voted upon at the election to be held in November.

If the majority shall by their votes determine to so amend the constitution as to enable the Legislature to levy taxes upon the people for the future support of the canals, they will be so maintained and opened to the free use of all who may desire to navigate them.

Let this brief and hurried statement of what New York did in her poverty, without aid or encouragement from any quarter, be contrasted with the condition of Illinois and Iowa, who are the champions of the Hennepin Canal scheme: lands granted to Illinois for various purposes, 6,472,899.46 acres; to Iowa for various purposes, 7,094,704.80 acres. The Government either gave to the people of these States all of the balance of the lands within their borders by the homestead law, or sold them to their citizens for $1.25 per acre if outside of the railroad limits, or for $2.50 per acre if within the railroad limits.

It should be borne in mind that the lands were ready to plow the day they were entered upon and that the quality of the soil is equaled by few places in this or any other country. To illustrate with precision, I quote from a statement lately made here by the gentleman from Michigan [Mr. HORR] from statistics that I believe are entirely reliable. Mr. HORR told us that the State of Illinois had 36,000 square miles of coal fields; that in some places her coal was piled up so that it aggregated a hundred feet in thickness. He further told us that Illinois raised last year 325,000,000 bushels of corn, 51,000,000 bushels of wheat, 63,000,000 bushels of oats, 1,250,000 bushels of barley, 3,000,000 bushels of rye, and 13,000,000 bushels of potatoes.

Great in production and mineral wealth as Illinois is, Iowa is scarcely second to her in its production and vast resources, including coal. Some years since I had the pleasure of visiting the farm of John Morris, esq., in Clinton County, Iowa. It contained, as I recollect it from memory, 1,365 acres of land. There was then growing upon it 450 acres of corn, a large acreage of wheat and oats, and also of timothy and clover. He had 250 steers, two and three years old, all of which were fit for the butcher's shambles. He also had about 20 cows and 650 swine, large and small. Mr. Morris is a foreigner by birth, capable, frugal, and industrious. I was told by reliable parties that he came to Iowa about twenty years previous to the time I saw him a poor man, with no means to purchase land, and he had therefore rented the farm on which he resided, and that he had accumulated then at least $75,000. Mr. Morris had acquired this sum in a new country in a comparatively brief time, and he is still in the prime and vigor of life.

The four gentlemen that I have named as the early pioneers of Central New York with large families to aid them (and large families in those days and in such a country were a guarantee of a great amount of work performed) never aggregated as much wealth as Mr. Morris has acquired. If either of the New York gentlemen named had been as fortunate in their location and opportunities as Mr. Morris, they would have become very wealthy and correspondingly useful citizens, for they were all his equals in all of the elements of real manhood and were leading men, and among the most prosperous in the community where they lived.

Illinois and Iowa are as fortunate in their facilities to market as they are in their productions and mineral resources. Chicago, the great city of the West, stands at the head of Lake Michigan, and has eighteen or twenty very important railroads entering there, six of which, the Illinois Central, Chicago, Rock Island and Pacific, Chicago and Northwestern, Chicago, Burlington and Quincy, Chicago, Milwaukee and Saint Paul, Chicago and Alton, all of which run through Illinois and Iowa in such ways as to furnish those States with exceptionally good facilities for the transportation of their vast productions. It is well known that this Government practically gave Illinois her greatest railroad, and also donated to her 290,915 acres of her choicest land to aid her in the construction of the Illinois and Michigan Canal.

I will quote the following from the minority report of the Committee on Railroads and Canals, made to this House on the 13th day of April last, which will show what Illinois thinks by what she did:

> The Hennepin Canal has been probably more widely discussed than any like project for many years. If its construction would draw to it such an immense traffic, why is it that Illinois, with all its great capital, could not find private enterprise sufficient to build it? Capital, where controlled by private individuals, rarely fails to engage itself with any valuable project, especially if it be so valuable as this is said to be. Why did not the State of Illinois build it? Certainly no people knew its advantages better than those of that State, and yet in a constitutional convention held in that State in 1870, where the whole merits of the proposed canal were discussed, an amendment was proposed and carried by 49 ayes to 11 noes, prohibiting the State of Illinois, through its General Assembly, from ever voting to loan its credit to build this canal, and by a vote of 35 ayes to 25 noes prohibited the appropriation of a dollar for the purpose. This amendment, when submitted to the people for ratification, was carried by a vote of 142,540 ayes to 27,017 noes.

When we say to Illinois and Iowa, "If you desire a canal you should build it," we are met with the answer that the constitution of Illinois will not permit that State to engage in such a work. Let me say to the gentlemen who are so tender of the constitution of Illinois and so disregard the Constitution of the United States as to make the determined and persistent attempt which has been made here from the early commencement of this session of Congress by a strong lobby, by newspaper articles, and circulars furnished to members containing resolutions of interested State Legislatures and boards of trade, indicating a desire that Congress shall undertake a work that Illinois repudiated in 1870, as already shown by a constitutional inhi-

bition. I have shown, Mr. Chairman, that New York makes her own internal improvements, and when she finds herself restrained from making what she may think needed appropriations by her constitution, she submits the question of amending it to the people, so that she may do such work as the majority may determine should be done.

I commend her example to Illinois and Iowa. Those States, as we have seen, are not paupers, and they possess the same power to amend their constitutions that New York does. If those States want cheaper transportation than they can now obtain, no one knows better than they do how to provide, either as States or by voluntary individual or corporate associations, the means to build new ways to secure the results desired. I have said, Mr. Chairman, that if the effort now being made here means anything it means to commit the Government to the building of the Hennepin Canal. I repeat that it means that, and much more.

Already the country has heard of the proposed Atlantic and Great Western Canal, the James River and Kanawha Canal, the Cumberland and Ohio River Canal, canals across the State of Michigan, canals across Florida, a canal from the Kentucky River to Savannah, Georgia, canals connecting Chesapeake and Delaware Bays; and should any of these be begun by the General Government how long would it be before dozens, perhaps hundreds, of visionary schemes of like character would spring up all over this vast country?

I will give the language of the Senate amendment to this alarming river and harbor bill entire, which is as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than seven feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys; and the cost of construction, the annual cost of maintenance, and economy of use of said canal, when completed, shall be estimated and accompany the said surveys; and the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal, connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and the construction of the canal between Hennepin and the Mississippi River and the right of way therefor; and for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lake at Chicago; and for the purposes of this paragraph the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

I will also quote what General HENDERSON says:

So far as the amendment is concerned, I will say that no proposition in this bill is of greater interest to millions of people in this country than the proposition to build this canal; and it is a very small concession to be made to from five to ten millions of people who are demanding and will demand some measure of this kind to simply provide for a survey and report. There is nothing in this amendment by which the Senate or the House will be committed. It is simply proposed to have a survey and examination made of this proposed canal by competent authority, and a report of the same made to Congress. This House ought not to refuse to do this, because, I repeat, it is a slight concession to the people of the Northwest, who are so deeply interested in this measure.

Let me ask my friend if making the survey and location by the Government will not be urged as a reason that Congress recognized not only its authority to build the canal but the necessity of its being done? Is it not presuming a good deal, in view of all the history of this case, to anticipate that the gentleman or any other friend of this scheme, will hereafter make such a speech as he has just made if the survey and location of the canal is once made by the Government?

I desire to call attention briefly to the remarks of the gentleman from the Springfield district, [Mr. SPRINGER,] who would apparently have the country believe that he is the faithful watch-dog over the Treasury, always guarding the public interest. He said:

Now, Congress appropriated public land to the Illinois and Michigan Canal.

Mr. SINGLETON, of Illinois. In alternate sections?

Mr. SPRINGER. Yes; public lands in alternate sections for the purpose of building that canal. The State of Illinois acted as trustee for the Government in accepting the public lands and taking the proceeds of their sales for this purpose. It put the lands into money, and expended the money in constructing this canal. The Government appropriation was sufficient to build the entire canal, with the exception of half a million of dollars.

I undertake to say the State of Illinois holds the Illinois and Michigan Canal for the benefit of all persons concerned, and the State never desired to reap a dollar of profit from this improvement, but to hold it in trust for the purpose of commerce. It has not been an expense to the State of Illinois, but has paid its way.

It is understood the canal instead of being a loss, that a part of its net earnings has been devoted to the improvement of the Illinois River below. It is a national work. It is not a State work. The General Government initiated it and carried it on by money arising from the proceeds of public lands devoted to that purpose. It is therefore too late now to say that the Government of the United States cannot initiate a work of this character.

Now, sir, as I understand the history of the Illinois and Michigan Canal, this Government donated public lands that were valuable to the State to aid it in constructing the canal, and that was all that the Government ever had to do with it. It was and is a purely State enterprise. It is just possible that there are those who have thought before on occasions that have occurred that my friend from Springfield was one of the kind of solicitous watch-dogs over the Treasury that never bark at or harm any of the family.

The population of Chicago to-day is more than thrice as great as it was in the city of New York when the Erie Canal was completed, and the State of Illinois has as large a population as all of the thirteen colonies contained when they were struggling for an independent nationality; and the State of Iowa contains more population than the State of New York did on the completion of her great Erie Canal.

But notwithstanding all their greatness in wealth and population, growth and prosperity, they are begging like mendicants and over-indulged and spoiled children for appropriations that they do not need and do not deserve, and cannot receive without great injustice being done to less favored States. It is a well-settled maxim that the Government should never render aid or undertake a work that can be done by the local authorities, and that the local authorities should not do the work that can be done by individual effort. It is also well understood that great extravagance and waste always characterize public work, and that it would be impossible for individuals to succeed unless frugality, economy, push, and industry, never known in the management of public affairs, were rigidly enforced.

The spirit of our people and judicious management of public affairs require the avoidance of sending a horde of Federal appointees within the jurisdiction of States, to take and condemn private property for canal purposes. I apprehend that we hardly appreciate how obnoxious this whole business will become to the country before the end of such evil will be finally reached if once entered upon.

The appointment of canal superintendents, canal commissioners, and appraisers of land and other damages by the President or Secretary of War, with all of the assistants that will be required, is a new departure. All such appointees must of course be politicians, and they would often be numerous and powerful enough to determine the result of elections in States which, as a result, might determine the result of Presidential elections.

If this can all be done by Federal authority, why railroads and wagon roads may not be built by the Federal Government to cheapen freights or otherwise accommodate private citizens I am unable to determine. There is what was once very good authority why State and private enterprises should not be undertaken by the Federal Government. I herewith submit some of it. Ex-Governor Colden, the historian of the Erie Canal, made so by the authorities of the city of New York, in his Memoir, page 47, Congressional Library, said on the 4th day of November, 1825, at the celebration of the completion of the canal: Notwithstanding the General Government had discovered that the Constitution of the United States would not allow it to give any countenance to an enterprise for internal improvement in the State of New York, and notwithstanding there was no reason to hope for any aid from our neighbors, the friends of the canals were not disheartened. In April, 1817, the act respecting the navigable communications between the great northern and western lakes and the Atlantic Ocean was passed by large majorities, both in the senate and assembly. It contained the important fiat which authorized the commencement of the canals:

[Copy of Mayor Paulding's letter on the occasion of celebrating completion of Erie Canal.]

CITY OF NEW YORK, MAYOR'S OFFICE, *November* 17, 1825.

SIR: Your letter in behalf of the committees deputed by our fellow-citizens of the West to join with us in celebrating the completion of the Erie Canal has been laid before the common council of the city, which has instructed me to acknowledge the receipt of your very friendly and flattering communication.

The internal line of communication now completed has more than ever identified the interests of our city with those of the West; and I trust that if there ever has subsisted a feeling of jealousy or rivalship between them, it will be lost in the practical exemplification of that intimate and palpable union of interests which is now become apparent in the consummation of the event we have just commemorated together.

It is hoped that the example of what has been done by the State of New York alone and unassisted may induce the sister States to rely upon their own vigor and resources for the completion of similar undertakings, rather than upon a doubtful construction of the constitution or the surrender of rights the loss of which may more than outweigh the benefits derived from their relinquishment.

WILLIAM PAULDING,
Mayor of the City of New York.

TO ALEXANDER COVENTRY, Esq.

The city of New York, through its officials selected to perform the duty of celebrating the completion of the Erie Canal, sent to the then surviving ex-Presidents Thomas Jefferson, John Adams, James Madison, John Quincy Adams, James Monroe, and also to Charles Carroll of Carrollton and General La Fayette gold medals commemorative of the event. Those very distinguished men all replied to the committee on receipt of the memorials sent them in terms appropriate, showing their high appreciation of the great work.

I copy entire the letter of Mr. Madison addressed by him to the committee:

MONTPELIER, *May* 31, 1826.

GENTLEMEN: I have duly received your letter of April 28, and with it a medal of gold commemorating the completion of the Erie Canal, presented in the name of the city of New York by order of the common council, the medal being accompanied by a box made of maple brought from the lake in the first canal-boat, the Seneca Chief.

I beg the corporation to be assured that I feel in its full extent the value of this testimonial of kind respect; and that no one can offer a more cordial tribute of congratulation than myself on the event commemorated, an event the more splendid when viewed in the contrast with occasions to which such emblems have been often dedicated.

As a monument of public spirit conducted by enlightened councils, as an example to other States worthy of emulating enterprise, and as itself a precious contribution to the happy result to our country of facilitated communication and intermingled interests, bringing nearer and binding faster the multiplying parts of the expanding whole, the canal which unites the great western lakes with the Atlantic Ocean is an achievement of which the State of New York may at all times be proud, and which well merited the homage so aptly paid to it by her great commercial metropolis.

Be pleased to accept, gentlemen, individually, the expression of my high respect and my best wishes.

JAMES MADISON.

R. RICHER, Esq.; JOHN AGNEW, Esq.; THO. BOLTON, Esq., and W. A. DAVIS, Esq.

It is quite time a halt should be called on new and wild enterprises and expenditures. I give a statement of the river and harbor appropriations for the following years, all correct, I believe, but the one for this year. That I give as near as it can now be ascertained:

Rivers and harbors: For 1877, $5,015,000; 1878, nothing; 1879, $8,201,700; 1880, $9,577,494.61; 1881, $8,929,500; 1882, $11,547,800; and 1883, $19,367,875.

I also give the whole amount of appropriations likely to be made by this session of Congress, as near as I have been able to learn it, $306,007,261.63.

Bad and objectionable as some of the appropriations are, such as improving private property by Federal appropriations, building public buildings where there are no courts and but few people, and never likely to be, I know of no one of them or any bill or proposition pending before this Congress as objectionable as the one which proposes to build the Hennepin Canal.

The CHAIRMAN. Does the gentleman from New York [Mr. DWIGHT] insist on his motion to concur?

Mr. DWIGHT. No, sir; I withdraw it.

The CHAIRMAN. The question is on the motion of the gentleman from California [Mr. PAGE] to non-concur in the ninety-eighth amendment.

The amendment was non-concurred in.

The amendments numbered 99, 100, and 101 were non-concurred in.

Amendment No. 102 was read, as follows:

On lines 1204 and 1205 strike out "commission" and insert "Secretary of War;" so that it will read: "That the Secretary of War is authorized to repair and build levees," &c.

Mr. KASSON. I hope that will be concurred in. The committee should understand that this gives a better security that the expenditure will be for the channel of the river and not for the reclamation of lands. It requires the concurrence of the Secretary of War with the commission to build the levees within the limitations proposed by the bill. I am sure the Committee on Commerce would not object; and we might as well concur at once, as it is a simple point of security to require the Secretary of War to concur with the commission.

Mr. PAGE. As this is an important matter, involving the whole appropriation for the Mississippi River, I think it just to the Committee on Commerce that they should have an opportunity to examine it before concurring. There are many of these amendments, I doubt not, which ought to be concurred in, and many perhaps which ought not to be concurred in. But it would not be fair to us to insist on concurring in any of these amendments without having had sufficient opportunity to examine them.

Mr. KASSON. This requires no investigation at all. It is a simple question whether we will give that additional security: first, the judgment of the commission as in the bill originally, and then the concurrence of the Secretary of War before the expenditure is made. I am sure the committee ought to concur in the amendment. No more need be said in its favor than to simply state the fact. I insist on the motion to concur.

The question being taken on Mr. KASSON's motion, there were—ayes 13, noes 38.

So (further count not being called for) the amendment was non-concurred in.

The amendments of the Senate numbered 103 to 107 were non-concurred in.

Mr. PAGE. I will say to the committee that all the rest of the amendments to the end of the bill are in reference to surveys and contain no appropriations requiring any money to carry them out beyond what has been appropriated in the original bill. Therefore I ask unanimous consent that we non-concur in all of these amendments in reference to the surveys, and that the committee may then rise and report the bill to the House.

The CHAIRMAN. The gentleman from California asks that the remainder of the amendments be non-concurred in. Is there objection? The Chair hears none.

Mr. PAGE. I move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and habors, and for other purposes, and had directed him to recommend non-concurrence in all the Senate amendments.

The SPEAKER proceeded to put the question on non-concurrence in the Senate amendments.

Mr. HOLMAN. I desire to ask a separate vote on some of these propositions.

The SPEAKER. The Chair thinks the gentleman's request is made too late, as the House was dividing.

Mr. PAGE. If the gentleman has any proposition to offer I hope he will be permitted to do so.

Mr. HOLMAN. I want a separate vote on several of these propositions.

The SPEAKER. The Chair thinks that should have been demanded before the vote was taken.

Mr. HOLMAN. It is suggested to me that the House is not very full. I shall not, therefore, insist on my demand.

The SPEAKER. The "ayes" have it, and the House decides to non-concur in all the Senate amendments.

Mr. PAGE moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAGE. Would it be proper at this time to ask for a committee of conference on the disagreeing votes of the two Houses?

Mr. CARLISLE. The Senate may recede from its amendments, and in that event no conference would be necessary.

The SPEAKER. A conference committee might be asked now, if such was the wish of the House.

Mr. KASSON. Except in the last moments of the session, where one of the Houses disagrees to the amendments of the other, the practice is, where, as in this case, the House is the body that disagrees, to notify the Senate that we have disagreed, and thereupon the Senate insists on its amendments and asks a committee of conference.

The SPEAKER. That is the practice; but there are precedents for the course suggested by the gentleman from California.

Mr. PAGE. I do not make the motion to ask for a committee of conference.

JOHN M. HIGGINS.

Mr. NEAL. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3411) for the relief of John M. Higgins, and that it be brought before the House for present consideration.

The bill was read, as follows.

Be it enacted, &c., That the proper accounting officers of the Treasury are hereby directed to audit and pay to John M. Higgins, late a lieutenant of Company A, Thirty-third Regiment of Ohio Volunteer Infantry, his accounts against the Government the same as if he had never been court-martialed and dismissed the service, but had been honorably discharged therefrom.

Mr. NEAL. I ask that the report be read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. Let us hear the report, the right to object being reserved.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 3411) for the relief of John M. Higgins, report as follows:

That the bill authorizes and directs the accounting officers of the Treasury Department to audit and pay to John M. Higgins, late a lieutenant of Company A, Thirty-third Regiment of Ohio Volunteer Infantry, his accounts against the Government the same as if he had never been court-martialed and dismissed the service, but had been honorably discharged therefrom.

It appears from the proof submitted that this officer was mustered into service as second lieutenant, Company A, Thirty-third Ohio Volunteers, August 27, 1861, and is reported promoted to first lieutenant, same company and regiment, May 9, 1862; that he was tried by general court-martial and sentenced to be dismissed the service for absence without leave, with loss of all pay and allowances, which sentence was promulgated in General Orders No. 86, April 20, 1863, Department of the Cumberland; that application was made to the War Department in 1871 for such relief as could be granted in the case, and, thereupon, by direction of the President, the disability resulting from the dismissal was removed January 26, 1871.

The removal of the disability consequent upon the sentence did not operate to restore to Lieutenant Higgins the pay forfeited by the dismissal, but simply declared him qualified to re-enter the service in the future.

It is submitted that the nature of the offense and the severity of the sentence are such as appeal, certainly after this lapse of time, to the sense of justice in any impartial tribunal.

Your committee, therefore, in view of the foregoing statement of facts, report in favor of the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. Who represents this case?

The SPEAKER. The gentleman from Ohio [Mr. NEAL] called up the bill.

Mr. NEAL. The bill is reported by the Committee on War Claims. This was a young man only twenty years old at the time of the offense. He acted in ignorance of the rules, and was court-martialed.

Mr. MCMILLIN. How was it that he did not know the rules?

Mr. NEAL. He was a boy only twenty years of age. He was wounded so that he had to go away. I hope the gentleman will not object. It is a simple act of justice to pass this bill.

Mr. MCMILLIN. I do not object, but I give notice that after this is disposed of I will demand the regular order.

Mr. RANDALL. And I give notice that I will then move that the House adjourn.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. UPSON. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River between the city of El Paso, Texas, and Paso del Norte, Mexico.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read.

The SPEAKER. If there be no objection, the bill will be regarded as having been read a first and second time.

Mr. POUND. Mr. Speaker——

The SPEAKER. Does the gentleman object to the consideration of this bill?

Mr. POUND. I do not know that I have any objections to this bill, but I do object to the consideration by unanimous consent either of this or any other proposition unless the same privilege may be extended equally to members throughout this Chamber.

Mr. UPSON. I have been trying for two months and a half to get this little bill passed.

Mr. POUND. I again desire to renew the suggestion that there may be thirty minutes devoted to the consideration of business by unanimous consent.

The SPEAKER. The gentleman must object unconditionally.

Mr. BAYNE. Cannot the gentleman ask that thirty minutes be given for the consideration of business by unanimous consent?

The SPEAKER. The Chair hopes that more than that time will be given by agreement of the House.

Mr. POUND. I shall object to this bill unless that proposition is agreed to.

Mr. BURROWS, of Michigan. Then I move that the House now adjourn.

Mr. BUTTERWORTH. We might as well devote a few minutes to these propositions for unanimous consent.

Mr. POUND. I again submit my proposition.

The SPEAKER. But a motion to adjourn is pending.

Mr. BURROWS, of Michigan. I will ask the gentleman from Wisconsin [Mr. POUND] if he withdraws his objection to the consideration of the bill last read?

Mr. POUND. I will not unless my proposition is adopted, so as to give fair play to all the members of the House.

The SPEAKER. The question is on the motion to adjourn.

The motion was not agreed to upon a division—ayes 36, noes 53.

Mr. KASSON. I now ask that at this stage of the day's session one hour be allowed for the consideration by unanimous consent of various little matters.

Mr. HATCH. The bill of the gentleman from Texas [Mr. UPSON] to be first considered.

Mr. KASSON. Certainly.

The SPEAKER. Is there objection to the proposition of the gentleman from Iowa, [Mr. KASSON?]

Mr. HOLMAN, Mr. HUTCHINS, and others objected.

Mr. McMILLIN. I now demand the regular order. I think that in order to do justice to all sides of the House the gentleman from Texas [Mr. UPSON] should have an opportunity to bring up his bill, as one upon the other side of the House has been considered.

The SPEAKER. The gentleman need not occupy time talking about propositions that are not pending. The Chair has recognized a gentleman on either side of the House, and if objection is made to the proposition which either gentleman submits the Chair has nothing to do with that.

Mr. POUND. In a matter of courtesy there should not be two sides of the House.

The SPEAKER. Where objection is made to a proposition the Chair cannot entertain it.

Mr. LORD. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate joint resolution No. 17, relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit House of Correction, in the State of Michigan. I have here the report of the House committee on the subject, which I ask may be read.

Mr. HATCH. I object to that until the gentleman from Texas [Mr. UPSON] has been allowed to have his bill considered.

The SPEAKER. The Chair will state that the gentleman from Texas was recognized, but objection being made to the consideration of the bill which he desired to call up, that put an end to the power of the Chair in the matter.

Mr. LORD. I will give way to the gentleman from Texas with great pleasure.

Mr. HATCH. I recognize the fairness of the Chair; I want that distinctly understood. But I want to state that gentlemen on the other side object to every bill on this side, although their side has been recognized.

Mr. BURROWS, of Michigan. I move that the House adjourn.

The SPEAKER. The Chair will again submit to the House whether objection is made to the consideration of Senate bill No. 1620, to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River, called up by the gentleman from Texas.

Mr. POUND. I am obliged to object, unless my proposition is agreed to.

Mr. BURROWS, of Michigan. Then I insist upon my motion that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted, by unanimous consent, to Mr. LADD, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at three o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The joint resolution adopted by the Legislature of Louisiana concerning the late disastrous floods in the Mississippi Valley, and praying for aid from Congress—to the Committee on Levees and Improvement of the Mississippi River.

By Mr. SAMUEL S. COX: The petition of Edward S. Brockham, and others, citizens of Otsego, New York, for reduction of taxation—to the Committee on Ways and Means.

By Mr. DOWD: The petition of W. A. Graham and others, for the establishment of a mail-route in the State of North Carolina—to the Committee on the Post-Offices and Post-Roads.

By Mr. HUTCHINS: The petition of Snow & Burgess and others, for the appointment of a commission to ascertain and report what measures are necessary to revive ship-building—to the Committee on Commerce.

By Mr. LACEY: Memorial of the Michigan State board of health, praying more liberal appropriations for the National Board of Health—to the Committee on Appropriations.

By Mr. PHELPS: Memorial of the New York Board of Trade and Transportation, for the passage of bill to encourage and promote telegraphic communication between the United States and Europe—to the Committee on Foreign Affairs.

By Mr. SPAULDING: The petition of the Michigan State board of health for an appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. OSCAR TURNER: The petition of C. H. Hubbard and others, of Kentucky, for the passage of the French spoliation-claims bill—to the Committee on Foreign Affairs.

By Mr. VANCE: The petition of R. B. Vance, for the establishment of a post-route in the State of North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLITS: Memorial of the Michigan State board of health, relating to contagious diseases—to the Committee on the Public Health.

SENATE.

MONDAY, *July* 17, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ELIZABETH C. CUSTER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer, which was, in line 3, to strike out "C," and insert "B," before "Custer," and to amend the title so as to read: "A bill granting an increase of pension to Elizabeth B. Custer."

Mr. PLATT. I move that the Senate non-concur in that amendment, and I will state the circumstances.

The bill was amended in the Senate so as to make it read "a bill to increase the pension of Elizabeth C. Custer." When it went to the House the Representative from Michigan who had it in charge was of the impression that the lady's name was Elizabeth B. Custer, and he had the bill so amended in the House. The fact is that the lady has used each of the initials at different times, but she is drawing her present pension from the Pension Office by the name of Elizabeth C. Custer, and therefore the bill is right as it left the Senate. I move that the Senate non-concur in the amendment.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. Does the Senate ask for a committee of conference?

Mr. PLATT. When the bill is returned to the House, the House may recede from its amendment.

PETITIONS AND MEMORIALS.

Mr. HARRIS. I present a petition of the Cotton Exchange of the city of Memphis, Tennessee, praying for the abolition of duties upon cotton-ties. I move that it lie upon the table, as the revenue bill is now before the Senate.

The motion was agreed to.

Mr. INGALLS. I present a petition of Rev. Charles W. Randall and 40 members of his congregation, together with a petition of 500 other citizens of the District of Columbia, praying for the confirmation of the call for a peace congress in Washington, November 22, 1882. I move the reference of these petitions to the Committee on Foreign Relations.

The motion was agreed to.

Mr. RANSOM presented a memorial of 100 citizens of the fifth district of North Carolina, asking for a confirmation of the call for a peace congress; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 1891) to re-examine the homestead claim of Ira Haworth, reported it without amendment.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1656) to enable corporations to become sureties on official bonds, reported it without amendment.

PUBLIC BUILDING AT HAVERHILL.

Mr. ROLLINS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 2110) for the erection of a public building at Haverhill, Massachusetts, to report it with an amendment in the nature of a substitute.

Mr. HOAR. I suggest to the chairman of the Committee on Public Buildings and Grounds to ask for the present consideration of that bill. They have had a very disastrous fire in that city, and it would be a great pleasure to the people there to have the bill passed at this time.

Mr. ROLLINS. Very well; I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Haverhill, in the State of Massachusetts. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and the construction of said building.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2153) for the erection of a public building at Leavenworth, Kansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2154) to authorize the Secretary of War to furnish cannon and cannon-balls for monumental purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Printing have compiled the acts, resolutions, and rules of the two Houses of Congress relating to the public printing, to engraving, and to the distribution of public documents, and that the same be printed, with 500 additional copies for the use of the Committee on Printing.

Mr. COCKRELL. I offer a resolution for reference to the Committee on Printing which I think covers the same points as the resolution just offered by the Senator from Rhode Island, [Mr. ANTHONY.]

The resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate of the United States, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate at the beginning of the next session of Congress a tabulated statement showing the number of public documents printed by order of the Forty-fifth, Forth-sixth, and Forty-seventh Congresses, and the number of public documents appertaining to said Congresses printed in compliance with provisions of previously existing statutes, and the distribution directed to be made of the same, together with a compilation of all laws permanent or continuous in their nature governing the printing and distribution of the publications of the Government.

PENSION CASES.

The PRESIDENT *pro tempore*. The morning hour is closed, and the Senate will proceed to the consideration of the Calendar under the Anthony rule.

Mr. PLATT. I ask the Senate to lay aside for the present the Anthony rule in order to proceed to consider the pension cases on the Calendar.

The PRESIDENT *pro tempore*. The Senator can have them considered under the Anthony rule.

Mr. PLATT. I ask that the pension cases which have been reported favorably by the committee may be considered under the Anthony rule. I do not think they will take a great while, and if at the close of such consideration the Senate desires to go on with cases where there are majority and minority reports I shall have no objection. I will leave that to the Senate to say; but I think we ought to pass upon the cases which have been favorably considered by the committee.

Mr. COCKRELL. Unobjected cases.

Mr. ROLLINS. I ask the Senator if he proposes to call up the bill to prevent the payment of double pensions, which occupied so much of the time during the last day's session of the Senate?

Mr. PLATT. I shall not call that up this morning.

The PRESIDENT *pro tempore*. Will the Senate take up the pension cases on the Calendar?

Mr. INGALLS. Does the morning hour continue until two o'clock?

The PRESIDENT *pro tempore*. It does by the rule. The rule says it shall continue until two o'clock. That is the order of the Senate. The unobjected pension cases will be considered, and then the Senate will determine in regard to bills on which there are majority and minority reports.

SARAH HAYNE.

Mr. PLATT. When the pension cases were under consideration last a bill was passed over on my suggestion, as I desired to look at the amendment proposed. I ask the Senate to consider first the bill (S. No. 70) granting a pension to Sarah Hayne.

The PRESIDENT *pro tempore*. That bill is first in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 70) granting a pension to Sarah Hayne, which had been reported from the Committee on Pensions with an amendment to add:

And to pay her a pension at the rate of $16 per month, to date from his death.

Mr. COCKRELL. That is granting arrears of pension by special act.

Mr. PLATT. The Senator from New Hampshire [Mr. BLAIR] I think desires to make an explanation of the amendment.

Mr. BLAIR. Let the report in the case be read. It is short. I will say to the Senator from Missouri that the husband of this applicant died less than a year ago in this city.

Mr. COCKRELL. That does not vary the principle.

Mr. BLAIR. The husband received a pension by special act for, I think, about two months only, at the rate of $50, when he died. He died after a prolonged sickness. His funeral expenses are unpaid to-day. His family, consisting of a wife and two dependent daughters, have been turned upon the street, their furniture has been sold, and the bills are unpaid. If this amendment is allowed to become a part of the bill it is possible that the arrears, dating back less than a year, will pay the funeral expenses and the doctor's bills, and give the widow a chance to start even with the pension which we grant to her. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. BLAIR on the 1st instant:

The Committee on Pensions, to whom was referred the bill (S. No. 70) granting a pension to Sarah Hayne, widow of Michael Hayne, having considered the same, report as follows:

Michael Hayne was a wealthy and prominent citizen of Maryland, who enlisted as a seaman in the service of the United States, and performed duty as such, (and also in the capacity of an officer, although never commissioned, on account of disability which occasioned his premature discharge,) on board the United States ships Ontario, Allegany, and Brandywine, during the late war.

Two of his sons entered the land service and gave their lives to the country.

Throughout the war the wife and daughters of Mr. Hayne devoted their home and means to the cause of the Union, and at its close the father was crippled for life, the sons were dead, and the survivors reduced to complete poverty.

A photograph taken during the war is produced before the committee, which represents the father in an officer's uniform on the deck of his vessel, surrounded by the men under his command, also in uniform. The father is said to have exhibited unusual gallantry while in the service. Admiral Porter testifies in strong terms to his bravery and patriotism.

The family, being in destitution, came to this city, where they have since resided, an unmarried daughter, of unusual intelligence and capacity, having given the most diligent and self-sacrificing effort night and day to the support of her parents. By special act of Congress the father was pensioned above his rank at

the rate of $50 a month. He died last year from disabilities contracted in the service, having been in receipt of his pension only about six months. His widow survives, at the age of about seventy-five years, in broken health and incapable of work of any description. For a long time they had rented rooms in this city, which were furnished with such remaining articles as they had been able to save from the era of their better fortunes. Death found them without money, and the expenses of the last sickness and burial are still unpaid. The sheriff has sold out their furniture and turned them upon the street while they were begging for a pension. The daughter has been hunting for work all winter, and found none. If employment was found, a constitution broken down by hardship already endured unfits her for active exertion. The mother cannot live long. There are two younger unmarried sisters; but while others find work around the Departments, these friendless girls, whose natural protectors have put their lives into the preservation of the country, beg around the Departments for work, but utterly fail. This is a shame, but the committee cannot help it. The committee recommend the passage of the bill so amended as to give to the widow of Michael Hayne a pension of $16 a month for the remainder of her natural life.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Pensions.

Mr. INGALLS. I did not note from the reading of the Chief Clerk the date at which the pension would commence.

Mr. BLAIR. Something less than a year ago.

The Acting Secretary read from the report as follows:

He died last year from disabilities contracted in the service, having been in receipt of his pension only about six months.

Mr. PLATT. I asked that the bill might go over the other day, because I could not think the committee had understood fully the nature of the amendment. I am sure for one that I did not understand that an amendment was to be proposed dating back this pension to the death of the officer. If that amendment is insisted upon, I shall have to ask that the bill be recommitted to the committee, because I believe there is no instance yet where Congress in a special act has authorized a pension to commence before the passage of the act. Whatever circumstances there may be in this case enlisting our sympathy, I do not think we ought in any case to date a special pension back of the time of the passage of the act.

If the amendment is insisted upon by the Senator from New Hampshire who reported the bill, I shall ask to have it recommitted to the committee.

Mr. COCKRELL. Which I hope will be done.

Mr. BLAIR. The bill was considered in the committee. The amount per month was certainly——

The PRESIDENT *pro tempore*. The Senator from New Hampshire has spoken once on the bill.

Mr. BLAIR. Yes, sir; and I desire to speak again.

Mr. PLATT. I made a suggestion to the Senator from New Hampshire as to whether he insisted on the amendment. If he does, I desire to make the motion which I indicated.

The PRESIDENT *pro tempore*. If the Senator from New Hampshire insists on the amendment, and a motion is made to recommit the bill, he can speak on that motion.

Mr. BLAIR. There is no such motion made, and I do not think there will be any occasion for it. I wish to say that the matter was——

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the Senator from New Hampshire shall have the floor for another five minutes? The Senator will proceed, there being no objection. These bills are being considered under the Anthony rule, and the five minutes' limitation as to debate is in force.

Mr. BLAIR. The amendment was considered by the committee so far as the amount per month is concerned, and I supposed the entire amendment was understood by the committee. I recollect that the fact that the doctor's bill and the funeral expenses were still unpaid was discussed by the committee. I do not remember whether the amendment was specifically mentioned and agreed to by the committee that the pension should commence from the date of the death, which was only a few months ago, and during nearly all of which time the mother has been urging the passage of a bill for her relief, which has been neglected for many months, and it was only brought up recently.

I do not of course undertake to say anything as to the universal understanding of the committee, and I do not want to delay or endanger the passage of the bill. I would like to get as much good and as much justice for the mother as I can. When the chairman of the committee suggested that he did not understand the pension was to commence from the death of the husband, I said to him if there was any misunderstanding in regard to that I wished merely to let the report be read to the Senate, and let them understand distinctly that the committee did not agree to the amendment so far as the date of the commencement of the pension was concerned, and then let the Senate act.

If the Senate is opposed to this little pittance which, as I said before, will give this woman a chance to pay the arrearages growing out of the sickness and burial of her husband, so that she will not have to save the accruing pension for the next year in order to pay what is now upon her by reason of the decease of her husband; if the Senate is not willing to give her this, let the bill pass with the amendment suggested that it take effect from and after the passage of the act. But it does seem to me that upon a statement of the circumstances of this case the Senate should be willing to allow the pension to date from the death of the husband.

Mr. JACKSON. As a member of the committee, I certainly never understood that the pension was to relate back. I concur with what has been stated by the chairman of the committee, that the bill had better be recommitted if the amendment is to be insisted upon. We never agreed upon that amendment in committee.

Mr. PLATT. In view of what the gentleman from New Hampshire has said, I move to amend the amendment by striking out the words "to date from his death" and inserting in lieu thereof "to date from the passage of this act." The question will first be taken on that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETTY TAYLOR DANDRIDGE.

Mr. PLATT. The next case on the list is the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge, which was passed on Friday and which the Senator from Alabama [Mr. MORGAN] moved to reconsider. As the Senator from Alabama is not in I ask to have the bill passed over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

MARY WADE.

Mr. PLATT. The next in order is the bill (H. R. No. 1422) granting a pension to Mary Wade.

Mr. BLAIR. As the Senator who reported the bill [Mr. MITCHELL] is not present, I suggest that it be passed over without prejudice.

Mr. CAMERON, of Pennsylvania. Oh, no; let us take it up now.

Mr. BLAIR. I withdraw my suggestion.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. HARRIS. As this bill opens the Pension Office to an entirely new class of pensioners, the number of which I have not the remotest idea of, I simply ask for the yeas and nays on its passage.

Mr. BLAIR. It ought to be said in regard to this case that the girl was in a house occupied by sharp-shooters of the Union Army within the Union lines, who were isolated from the remainder of the Army. These men were within about four hundred yards of the sharp-shooters of the enemy, and were confined to the house unable to effect a successful sally. They practically impressed the mother and the daughter, as their services were necessary to furnish food for the officers and soldiers who were thus engaged in the house. While thus engaged, while in the act of cooking food for those who were in the occupancy of the building, the daughter received a fatal wound.

Mr. HARRIS. If my memory is not greatly at fault from listening to the reading of the report a few days ago, no such fact appears in that report as impressment. On the contrary, the fact does appear that it was the voluntary act of the young lady to bake bread; that she did not know whether it would or would not be applied for by the soldiers, saying that the bread would be, if prepared, very nice for the boys. If a pension is to be extended to this party by reason of that service, there are 100,000 ladies in the United States to-day who have performed voluntary services just as meritorious and deserving of recognition by the Government as the services performed by this lady, as shown by the report. If it is the pleasure of the Senate to open the pension-roll to that class of persons, I shall not object further than to record my vote against it; but the Senate ought to do so knowingly, if it proposes to do so at all.

Mr. BLAIR. The report shows this—I read it because I think the Senate will on listening to it realize that my assertion was correct:

The said Mary A. Wade in a subsequent affidavit says:

"She is poor and owns no property whatever, real or personal, except a little furniture, not exceeding in value $40. She further states under oath that her daughter, who was killed as above stated, was a tailoress by trade and with her assistance your affiant was barely able to make a living."

In a later affidavit the said Mary A. Wade swears as follows:

"She says further that the making of the bread was begun at the request of the soldiers there, who at that time were unable to go out of the house for fear of being shot by rebel sharpshooters who were not over three hundred or four hundred yards away. * * * That she had not before furnished any during that day, and had not received any pay or demanded any within her hearing or to her knowledge for anything done by her for Union soldiers. * * * We gave them nearly all we had to eat without asking or thinking of reward."

The PRESIDENT *pro tempore*. Does the Senate give consent that the Senator from New Hampshire shall proceed?

Mr. CAMERON, of Pennsylvania. Let us have a vote.

Mr. BLAIR. There is considerable more to the same effect.

Mr. HARRIS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. GARLAND. I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 31, nays 15, as follows:

YEAS—31.

Allison,	Ferry,	Mahone,	Sawyer,
Anthony,	Frye,	Miller of Cal.,	Sherman,
Blair,	Harrison,	Mitchell,	Van Wyck.
Call,	Hill of Colorado,	Morrill,	Vest,
Cameron of Pa.,	Hoar,	Platt,	Voorhees,
Cameron of Wis.,	Ingalls,	Plumb,	Walker,
Conger,	Lapham,	Rollins,	Williams.
Dawes,	McDill,	Saunders,	

NAYS—15.

Bayard,	Davis of W. Va.,	Jackson,	Pugh,
Beck,	Farley,	Jonas,	Saulsbury,
Cockrell,	Hampton,	Maxey,	Slater.
Coke,	Harris,	Morgan,	

ABSENT—30.

Aldrich,	Garland,	Johnston,	Miller of N. Y.,
Brown,	George,	Jones of Florida,	Pendleton,
Butler,	Gorman,	Jones of Nevada,	Ransom,
Camden,	Groome,	Kellogg,	Sewell,
Chilcott,	Grover,	Lamar,	Vance,
Davis of Illinois,	Hale,	Logan,	Windom.
Edmunds,	Hawley,	McMillan,	
Fair,	Hill of Georgia,	McPherson,	

So the bill was passed.

THE MORNING HOUR.

Mr. HOAR. I should like to inquire for my own information and the information of the Senate, whether the change in the time of meeting changes the termination of the morning hour, or whether it goes on until two o'clock as before.

The PRESIDENT *pro tempore*. It goes on until two o'clock by the rule unless the rule is changed.

Mr. MORRILL. I shall call for the regular order that would formerly be due at two o'clock, to-day at one.

The PRESIDENT *pro tempore*. The Anthony rule reads:

That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until two o'clock.

Mr. MORRILL. I shall call for the regular order at one o'clock.

BILL POSTPONED INDEFINITELY.

Mr. MAXEY. I ask that the bill (S. No. 1600) authorizing recruits in the Army to purchase on credit certain articles necessary for their cleanliness and comfort, be taken up with a view to indefinitely postponing it. That bill was reported favorably by the Committee on Military Affairs, but it was regarded as urgent and placed by the Appropriations Committee on the Army appropriation bill. There is no necessity for it remaining longer on the Calendar. I move that it be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. F. PAGE of California, Mr. AMOS TOWNSEND of Ohio, and Mr. J. H. REAGAN of Texas, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2872) to increase the pension of James Hawthorne;

A bill (H. R. No. 1543) granting a pension to Albert O. Miller, and for other purposes;

A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;

A bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin;

A bill (H. R. No. 4082) granting a pension to Ellen Gillespie;

A bill (H. R. No. 5809) for the relief of Jacob Humble; and

A bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

JACOB R. M'FARREN.

Mr. PLATT. The next pension bill is House bill No. 369.

The bill (H. R. No. 369) granting a pension to Jacob R. McFarren, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob R. McFarren, late a private in Company F of the Eighty-sixth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID DARLING.

The bill (H. R. No. 3316) granting a pension to David Darling, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Darling, late of Company A, One hundred and forty-third Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK SULLIVAN.

The bill (H. R. No. 1873) for the relief of Patrick Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "dollars," to strike out "28" and insert "24," and in line 7, after the word "infantry," to strike out:

For loss of left leg just below the knee, rendering him as helpless as though his limb were amputated above the knee, and also for rupture on the left side, which wholly incapacitate him for the performance of manual labor.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension from eighteen to twenty-four dollars per month of Patrick Sullivan, late of Company K, Eighty-second Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES F. ROSE.

The bill (H. R. No. 2127) granting a pension to James F. Rose was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James F. Rose, late a private in Company E, One hundred and seventy-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH T. DUBOIS.

The bill (H. R. No. 1102) granting a pension to Elizabeth T. Dubois was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth T. Dubois, widow of Theodore B. Dubois, late a volunteer acting lieutenant-commander in the naval service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH SHEA.

The bill (S. No. 703) granting a pension to Sarah Shea was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Shea, widow of William Shea, late a private in Company A, Second Regiment United States Maryland Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DICEY BOBBITT.

The bill (H. R. No. 2481) for the relief of Dicey Bobbitt was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, and to continue at that rate during her life, the name of Dicey Bobbitt, widow of Robert Bobbitt, deceased, who was a member of Captain Benjamin Cooley's company of Virginia Militia Cavalry in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA WESTERVELT.

The bill (H. R. No. 1098) granting a pension to Martha Westervelt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Westervelt, mother of William Westervelt, formerly a private in Company K, Third New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPEDIE B. EGGLESTON.

The bill (H. R. No. 5239) granting a pension to Mrs. Spedie B. Eggleston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Spedie B. Eggleston, widow of Ai F. Eggleston, late a corporal of Company C, Sixth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE S. TAPLIN.

The bill (S. No. 1170) granting a pension to Jane S. Taplin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "after," in line 8, to strike out "the death of said Private Osman B. Taplin" and insert "the passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane S. Taplin, mother of Osman B. Taplin, late a private in Company E, Second Regiment Wisconsin Volunteers, said pension to begin from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA M. BASS.

The bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Eliza M. Bass, of Fort Wayne, Indiana, widow of Sion S. Bass, late colonel of the Thirtieth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID T. STEPHENSON.

The bill (H. R. No. 3599) granting a pension to David T. Stephenson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Stephenson, who was employed in the Government service as watchman on the steamer Echo, and while so employed, on the 10th of December, 1864, had both legs shot off by a shell from the confederate army.

The bill was reported to the Senate without amendment.

Mr. PLATT. I move to amend the bill by adding:

And to pay him the same pension as would be allowed to a private soldier for like disability.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANN ELIZABETH RODGERS.

The bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Elizabeth Rodgers, widow of the late Rear-Admiral John Rodgers, at $50 per month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HARDIE H. HELPER.

The bill (S. No. 1577) for the relief of Hardie H. Helper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, before the word "rate," in line 9, to strike out "same;" and after the word "rate" insert "of $10;" and to strike out in lines 9, 10, and 11 the words:

That other totally disabled soldiers are paid under the general pension laws; and that said pension shall take effect from January 1, 1870.

The amendments were agreed to.

Mr. COCKRELL. Now let the bill as amended be read.

The Acting Secretary read the bill as amended, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hardie H. Helper, who was disabled while on special duty, under the command of General A. E. Burnside, in the war of the late rebellion, and pay him a pension at the rate of $10 per month.

Mr. COCKRELL. I move to add "from and after the passage of this act."

Mr. PLATT. I have no objection, but the amendment is not necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA J. M'FADDEN.

Mr. COCKRELL. I call for the regular order.

Mr. VOORHEES. I have the authority of the Committee on Pensions——

Mr. PLATT. Will the Senator from Indiana listen to me for a moment?

Mr. VOORHEES. Certainly.

Mr. PLATT. I promised to call up the case of Mrs. Dandridge, in which a motion to reconsider was entered, as soon as the unobjected cases had been passed. I omitted to make the motion at first because the Senator from Alabama [Mr. MORGAN] was not in his seat. That bill was under discussion the other day, and I think it had better be taken up and disposed of now. Then I shall have no objection to make to any motion that may be made by other Senators.

Mr. SHERMAN. I thought I had an understanding with the chairman that the case of the Mitchell raiders should be taken up first, but I will wait.

Mr. PLATT. The Dandridge case was up when we adjourned the other day, and I proposed to call it up the first thing to-day, but I did not do so because the Senator from Alabama was not in his seat.

Mr. VOORHEES. The case I wish to call up will take but a moment. I have additional evidence which will obviate any difficulty. I should be glad if the Senator from Connecticut would allow me to dispose of it, as it will lead to no discussion. I shall be much obliged to the chairman if he will allow me to dispose of the case. I have the testimony here. I do not think it will lead to any discussion. I will co-operate with him in anything he wants done after that.

Mr. PLATT. I have no objection whatever except that I was under an obligation to the Senator from Maine [Mr. HALE] and the Senator from Alabama [Mr. MORGAN] to call up the case I refer to as soon as the unobjected cases had been disposed of.

Mr. VOORHEES. This will not take five minutes.

The PRESIDENT *pro tempore*. Will the Senate take up the bill indicated by the Senator from Indiana? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 864) granting a pension to Amanda J. McFadden. It proposes to place on the pension-roll the name of Amanda J. McFadden, widow of George McFadden, deceased, who received a pension up to his death on account of service and wounds as a soldier of the United States in the Black Hawk war.

Mr. VOORHEES. The bill was reported adversely, and on my motion it was reconsidered and placed on the Calendar, with the assurance on my part that I would furnish additional testimony that would be satisfactory, and I understand that I have done so. I have conferred with several members of the committee who are satisfied that the case is proper. I desire to have read the medical certificate of Dr. Garnett in regard to this case. I need not say anything as to who Dr. Garnett is. He is well known to Senators.

The Acting Secretary read as follows:

WASHINGTON, D. C., *June* 27, 1882.

MY DEAR SIR: In the case of Mrs. McFadden, submitted by you for my medical opinion, I regret to say that I find the medical evidence so meager that any professional judgment based upon that alone must necessarily be guarded and somewhat unsatisfactory. Proceeding, however, upon well-established and accepted medical facts, there seem to be good grounds for establishing the relation of cause and effect between the gunshot wound and the death of this man.

While the time occupied from the final healing of the wound to the death of the party embraced too long a period to ascribe such result to blood-poisoning, as usually manifested, it is a well-known fact that the impairment and ultimate breaking down of the organs of digestion, as occurred in this man's case, is often occasioned by aberrated innervation and the wear and tear of protracted bone disease, whether induced by a traumatic or idiopathic cause; it is, therefore, by no means inconsistent with sound pathology or the evidence here presented, so far as it goes, to attribute the disease of which he died to such a cause.

Very truly and respectfully,

A. Y. P. GARNETT, *M. D.*

Hon. D. W. VOORHEES, *present.*

Mr. VOORHEES. I ask that a communication from Dr. Kleinschmidt be read.

The Acting Secretary read as follows:

WASHINGTON, D. C., *June* 27, 1882.

DEAR SIR: After a careful examination of the somewhat meager medical history of the case of McFadden, it appears to me that the cause of death as stated by D. Fox is at best conjectural. In fact I do not think that mere dyspepsia followed by death would justify the diagnosis of cancer of the stomach. It may, however, be supposed that the closing of a chronic ulceration may lead to serious and in the end fatal disturbances in one or other of the internal organs. Such instances are seen in the healing of fistula in ano lighting up pulmonary trouble. But the most rational views to take of the case are: First. That long-continued ulceration, especially when connected with bone disease, leads to a general impairment of the digestive organs, through deterioration of the blood. (Such cases are of every-day occurrence.) Second. That the chronic discharge at some period or other led to absorption of noxious, infectious material, and that this produced such changes in the coats of the stomach (by embolism) as to lead to ulceration.

Yours,

H. A. KLEINSCHMIDT, *M. D.*

Hon. VAN H. MANNING, *M. C.*

Mr. VOORHEES. I do not wish to discuss this case.

Mr. PLATT. I will make a brief statement in relation to it, if I can get the attention of the Senate, which seems to be doubtful at present.

Mr. INGALLS. The bill appears to be very indistinct and obscure in its provisions. Will the Senator state when the pension would begin and what amount the beneficiary would receive?

Mr. VOORHEES. It only begins when it passes.

Mr. PLATT. I have not paid attention to the bill particularly, because it was reported adversely. The husband of the applicant was a soldier in the Black Hawk war, who was wounded in the leg and in the bone of the leg, which produced for many years a running sore, exfoliation of the bone. Afterward it became healed, and I think five years after the healing of the wound the soldier died, and the cause of his death is given as cancer in the stomach.

Mr. INGALLS. He died in 1852.

Mr. PLATT. He died after the healing of the wound, and the cause of his death is given by medical testimony as cancer in the stomach. The case was rejected at the Pension Office.

Mr. INGALLS. When?

Mr. PLATT. I cannot say that.

Mr. INGALLS. I think in 1879, the report states.

Mr. PLATT. The report will show. The case was rejected at the Pension Office because there was no pathological connection between the wound and the disease of which the soldier died, cancer of the stomach, and on that ground it was reported against by the Committee on Pensions. The Senator from Indiana, insisting upon it that there might be a pathological connection between the wound and the disease of which the soldier died, has produced the evidence of Dr. Garnett and another doctor, Dr. Garnett saying that it is possible, and I do not know but probable, that such was the case, and the other physician impeaching the correctness of the statement of the soldier's death being due to cancer of the stomach, and attributing the death, as I understood from the reading of the letter, to blood poisoning substantially.

I said to the Senator from Indiana that under these circumstances I would make this statement, and I would leave the matter then to the judgment of the Senate to say whether the pension ought to be granted.

Mr. VOORHEES. I am very much obliged to the Senator from Connecticut. This is a case where a man was shot in the leg, and the report shows the bone was broken off and the leg shortened, and the wound continued a running wound nearly up to the time of death, when the wound closed. It had been running for years. The wound then closed, and soon after he went into a decline and died. Doctors differ as to exactly when and how that wound affected him; but the fact is that he had received a leg wound, and that it was a running sore for nearly twenty years, and that he had reasonably good health while it continued in that way, and when it closed up he soon died. In view of this, there is no more doubt in my mind of his having died from that wound than that he lived at all. He was a pensioner on the rolls of the Government up to his death, and this is simply an application on the part of his aged widow now, certainly the last years if not the last months of her life, to be allowed what the Government freely gave him during his lifetime, and I hope the Senate will pass this bill and let her have it.

Mr. PLATT. If the bill is to pass there ought to be an amendment, and I will suggest the following amendment: in line 4, after "pension-roll," to insert "subject to the provisions and limitations of the pension laws."

Mr. VOORHEES. Oh, yes; that is understood, of course; but I dislike to amend the bill on account of its having to go back to the House. If the Senator from Connecticut insists, however, it will have to be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

The motion was agreed to.

Mr. PLATT. I think we should also strike out at the close of the bill the words "who received a pension up to his death on account of service and wounds."

Mr. VOORHEES. That does not make any difference. It is a mere recital.

Mr. PLATT. Very well; I shall not move the amendment.

Mr. SAULSBURY. This seems to me to be carrying the pension laws to a very great extent. Is there any one here prepared to say from any evidence before the Senate that this man came to his death from wounds received?

Mr. VOORHEES. Yes, sir; there is proof of it on Dr. Garnett's testimony. The Senator from Delaware is not the man who will impeach that testimony. Dr. Garnett says that on sound pathology the death may be traced to the wound.

Mr. SAULSBURY. I say that so far as the evidence is concerned I do not think there is sufficient evidence to warrant it. She is a very worthy woman no doubt; but will it not be drawn into precedent if we pass this bill? I shall interpose no objection further than my vote. I shall vote against it.

Mr. VOORHEES. I have nothing further to say, then.

Mr. COCKRELL. I ask that the bill be read as amended.

The Acting Secretary read as follows:

That the Commissioner of Pensions be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda J. McFadden, widow of George McFadden, deceased, who received a pension up to his death on account of service and wounds as a soldier of the United States in the Black Hawk war.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BETTY TAYLOR DANDRIDGE.

Mr. PLATT. I ask now to take up the Dandridge case, which I spoke of a few minutes ago.

The Senate proceeded to consider the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the bill was passed.

Mr. COKE. Mr. President, I hope the Senator from Alabama will withdraw his amendment to the pending bill and permit it to go through. I am in full sympathy with his amendment to grant to Mrs. Letitia Tyler Semple a pension. This lady, a daughter of President John Tyler, is well known to me and has been for many years. During the Presidency of her father, and after the death of her mother, she was the mistress of the White House, and the honors of that mansion were never performed with more grace, intelligence, and acceptability than during her administration. She now, within sight of that same building, lives upon the charity of Mr. Corcoran, penniless, except what is bestowed upon her. This should not be. This lady, venerable in her age and high character, and a splendid impersonation of every womanly virtue, of all that is beautiful in female character, has claims upon this Government which should be recognized at least to the extent of a pension which would relieve her from want. No more meritorious case can engage the attention of the Pensions Committee, and I hope that committee will not fail to report a relief bill at an early day.

Mr. MORGAN. Mr. President, I was induced to offer the amendment spoken of by the Senator from Texas at the request of some of the friends of Mrs. Semple. She is a lady entirely without any means of support and unfortunately has become blind in her efforts to procure a support. Her vision is so impaired that she cannot recognize her friends and is entirely an object of charity.

I endeavored to get an amendment on the bill when it was called up before in the Senate, and the Senator from Maine [Mr. HALE] thought it might be an obstruction to the bill and the case went over. I was out of the Senate when the bill was called regularly a few days since, not thinking it was one of that class of cases to be taken up by common consent, for the reason that it was not in any sense a military pension. It is true that Mrs. Dandridge is the daughter of a very great general, General Taylor, and also is the widow of Major Bliss, a very gallant man; but neither General Taylor nor Major Bliss lost his life in the military service of the country, and I supposed the Senate would have no reluctance at all in putting this amendment on the bill. I believe this is the first precedent of the kind we have ever set in the Senate of the United States of pensioning the daughter of a President of the United States. I am not at all reluctant to pension both these ladies. I think they deserve it. I think the country would do well, notwithstanding the precedent, in granting them a pension.

This lady would I think feel aggrieved if she thought that any of her friends would be instrumental in preventing Mrs. Dandridge from getting a pension. She does not want to interfere with Mrs. Dandridge. I thought that when we brought this subject to the attention of the Senate we should meet with a universal response on all sides in favor of putting this lady upon an equal footing with the only daughter of President Taylor, Mrs. Semple being the only daughter of President Tyler, having no person in the world that she can look to for support except that grand old gentleman, Mr. Corcoran, who has done so much not only for the distressed people of the country, but for the country at large.

Under the suggestion of the Senator from Texas, however, inasmuch as I have already presented a bill and had it referred to the Committee on Pensions for Mrs. Semple's relief, I withdraw this motion to reconsider in the hope that the Committee on Pensions will give attention to the subject and report the bill as soon as they can.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn.

WILSON W. BROWN AND OTHERS.

Mr. SHERMAN. I now move, in accordance with an understanding with the chairman of the Committee on Pensions, to take up the bill (H. R. No. 4444) granting pensions to William W. Brown and others, upon which there are two reports. I have no desire except to have the reports read, and let the Senate determine the matter. The bill embraces thirty or forty different pensions coming from different States, and I should like to have them disposed of. It is the case of what are called the Mitchell raiders.

Mr. BLAIR. Let the majority and minority reports be read.

The PRESIDENT *pro tempore*. The question is on taking up the bill.

Mr. ALLISON. Pending this I desire to call up the legislative, executive, and judicial conference report.

Mr. SHERMAN. Let the bill be taken up and then I will have no objection to doing that.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. Now I call up the conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. Will the Senator present his report?

Mr. ALLISON submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the disagreeing votes on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after free and full conference have been unable to agree.

WM. B. ALLISON,
HENRY L. DAWES,
HENRY G. DAVIS,
Managers on the part of the Senate.

J. G. CANNON,
FRANK HISCOCK,
J. D. C. ATKINS,
Managers on the part of the House.

Mr. ALLISON. Mr. President, that report apparently presents a general disagreement; but I will say to the Senate that the committee agreed upon nearly all the items of difference in the bill save and except the difference in reference to the question of salaries between the employés of the two Houses, and also with reference to the provisions of section 6 to be found on page 116 of the Senate print of the bill, and also with reference to the matter of the reports of the decisions of the Supreme Court, embracing four matters of difference.

Mr. MORGAN. Does the Senator mean by his first reference the salaries of employés of the Senate?

Mr. ALLISON. The salaries of employés of the Senate. The House, it will be remembered, in the bill as originally reported from the Committee on Appropriations of the House, and as passed by the House, arranged a schedule of salaries for the employés of the Senate, as

also a schedule of salaries for their own employés. The Senate Committee on Appropriations, the Senate concurring in that view, placed the salaries in the bill as now provided by law for the Senate employés. The House insisted that their original bill should be consented to by the Senate conferees, so that the question is again distinctly raised as to whether the Senate will allow the House of Representatives to arrange not only the salaries of its own employès but also to fix the numbers and salaries of the employés of the Senate.

Mr. MORGAN. The same old trouble.

Mr. ALLISON. It is the same old question that we have had from year to year for several years.

Mr. INGALLS. Let the Senator state specifically the items of difference between the two Houses on this question; that is, what the Senate demands and what the House refuses to agree to and insists upon as being inequitable or unjust between the two bodies.

Mr. ALLISON. The House of Representatives in the bill originally fixed the salaries of all our employés, reducing quite a number.

Mr. INGALLS. Which ones were reduced?

Mr. ALLISON. Quite a number; the secretary of the Vice-President, the messenger of the Vice-President, the clerk of printing records, eleven clerks in the Secretary's office, keeper of stationery, and assistant clerk of records, Sergeant-at-Arms, and the assistant doorkeepers, all our messengers, and so on——

Mr. INGALLS. What reductions were made in those salaries?

Mr. ALLISON. The messengers of the Senate were reduced to $1,200, and other reductions varying from $100 to $500 each.

Mr. INGALLS. From what figure as to messengers.

Mr. ALLISON. From $1,440, where they have stood for many years.

Mr. INGALLS. What do the House messengers get?

Mr. ALLISON. The House messengers receive $1,200, and an additional month's pay, which amounts, in all, to $1,300 per annum. I will come to that in a moment.

The Senate insists that it shall regulate the compensation of its own employés. But there is a great misapprehension existing with reference to the difference between the amount paid to the House employés and the amount paid to the Senate employés. A large number of House employés receive more than ours receive for the same class of service. Take, for example, the clerks who perform service at the desk. They receive $2,592 per annum in the Senate. The House employés for the same service receive $3,000 per annum, and an additional month's pay, or in all $3,250 per annum which has been accorded them now for some years. So that for the same service performed by the Senate clerks at the desk four of the House employés receive $3,250 per annum each, as compared with $2,592 here. So of a large number of other clerks and employés in the different branches of the service of the House. Some clerks to committees in the House receive a greater annual compensation than the clerks of our committees. So of a large number of employés, as for example, clerk to Committee on Ways and Means receives $2,708.33, clerk to Committee on Finance in the Senate receives $2,220 per annum; clerk to Committee on Appropriations of the House receives $2,708.33, same clerk in the Senate receives $2,500; postmaster of the House, $2,708.33; postmaster of the Senate, $2,100. The House compensation above, of course, includes the extra month's pay, but without this many of their salaries are considerably in excess of ours.

The House does not propose to change these salaries, which are above the compensation paid for like service in the Senate. We stand upon the general proposition which the Senate has stood by for many years, that we are the best judges of the proper compensation to be given to our employés, as also of the number of employés necessary to transact the business of the Senate.

Mr. HOAR. Before the Senator passes from that point, I should like to ask him if it is not true, if he does not remember what I very distinctly remember, that this principle which he now states was asserted by the House of Representatives on a controversy with the Senate? The Senate at one time, when I was a member of the House, undertook to change the compensation of some of the employés of the House, and the House affirmed after quite a long difference that it was entitled to fix the compensation of its own employés, and the Senate yielded that principle to the House, and it became established in our legislative habits as the governing rule of the two Houses.

Mr. ALLISON. I remember that. It occurred some seven or eight years ago; and I think upon the legislative bill at the time there were seven conferences.

Mr. HOAR. Very many.

Mr. ALLISON. That was in 1875. The House then insisted upon its right to fix the compensation of its own employés, and the Senate for some time resisted that claim, and after six or seven conferences yielded to the House; and since that time, although the question has often recurred, the final decision has uniformly been in favor of the principle that each House should regulate this matter for itself and take the responsibility of this disposition.

I have had prepared a table showing that for the regular force of the House for its annual employés the amount paid annually is $228,475.01; for the Senate $187,127.32, or a difference of $41,347.71 in favor of the Senate for persons upon the annual roll. In this I do not include, of course, the employés who are not borne upon annual rolls. It is almost impossible for us to get at the number in the House from time to time. I was not able to do so this morning.

That there ought to be some reorganization and some re-examination and equalization of these salaries there is very little doubt, but we never can agree under the methods proposed by the House committee or by the House itself, namely, on these appropriation bills. The matter should be carefully considered by a joint committee raised for the purpose, and the result of the adjustment, as far as practicable, should be put into a separate act of Congress.

Mr. BAYARD. I should like to say, before the Senator leaves this branch of the case, that some years ago, and not for the first time then, there was a difference of opinion between the two Houses respecting the compensation of their respective employés. After a very long discussion upon a committee of conference, of which I was a member—and I think the Senator from Iowa was also a member of it; and we had a session lasting some three or four weeks before our report was made, and it finally was accepted by both Houses—a rule was agreed upon which I think it is always safe to follow. This matter does not turn upon any question of constitutional power, or any attempt to deny anything like independence to each House; but it was settled then upon the broad and sensible ground of comity and mutual consideration, that it is obvious in common sense that the body that employs the officers and witnesses the performance of their duties is the best judge of the value of their services.

The forms of business of the two Houses are different. We have executive sessions, in which we impose upon officers duties unknown to the House of Representatives entirely. They have duties which they understand better than we, the value of which they can understand better than we, and we leave to them the proper discretion to decide upon the value of what has been done under their eye and their direction, and we abide by their judgment. This is common sense; it is mutual respect; it is the only proper way in which this question can be settled. If to-morrow the Senate desired to know what were the value of the services of clerks in the Departments, what number were properly required, I am very sure that no authority would weigh so highly with us as that of the head of the particular Department concerned and the officer who witnessed the services and assigned the duties.

This is all public business. There is no possible gain to the Senate as a body or to its members individually from the excessive payment of any clerk or set of clerks; but it is obvious, and I submit it to the good sense of the gentlemen in the other branch of Congress, that the House which assigns the duties, under whose view the clerks and officers are appointed, must naturally be the best judge not only of the manner in which their work is done but of what is fitting and proper compensation for it.

There has been a rule not adopted to the extent that I should wish to see it in the Senate, but one which the House has by an unbroken course of precedent agreed to, that where there has been exceptional faithful and valuable services performed by an officer he should be advanced because of fidelity and ability. I remember the very honorable case of our for a long time Chief Clerk, Mr. McDonald. He received a salary in advance of that paid to his successor because of his exceptional ability and his exceptional fidelity, running through some twenty-five years of service. It was a pleasure to the Senate to pass such a measure unanimously, and the House did not question it. Therefore I say there ought not to be, and I believe upon due reflection there will not be, any difficulty in allowing the discretion which is to control this question of compensation to rest with either House as to its own employés.

If there is to be responsibility to the governing power of this country, public opinion, let each member of the Senate and of the other House bear his own share of that. The Senate is perfectly willing, I trust it is, to assume every responsibility for every dollar spent under its orders; but I am very sure that that discretion ought to be left to each House. It has been left. I know that there have been sometimes rather active efforts made by the friends of economy or those who believed themselves to be the friends of economy, to interfere with the judgment of the Senate in regard to its dealing with its own employés, but such a thing upon reflection has been abandoned, and ought to be.

If I wish to have information to guide my vote in regard to appropriations for services performed by officers of the House, I will ask the House to give it to me, for obviously their opportunities are better than mine; and *é converso* if the House desire to know what is the necessity for or what is the value of the services of an employé or set of employés of the Senate, they can best learn it by the opinion of the Senate; and that being given, I trust this question will not be put upon a ground of squabble or scramble or disposition to interfere unduly with each other, but in a high sense not simply of courtesy but of that comity essential for the good government of business. Each House must be the judge in the end of what is proper and right for such appropriations as these, and I trust that each House will always be allowed to maintain it.

Mr. ALLISON. Mr. President, the conference committee acted precisely upon the principle suggested by the Senator from Delaware, namely, that the Senate is the best judge of the salaries to be paid to its employés and also the best judge of the number of employés necessary to the proper transaction of its business, and in

accordance with that view we do not desire or propose to interfere either with the compensation or the number of employés of the House of Representatives.

Mr. MORGAN. I should like to suggest to the Senator from Iowa that practically there is no permanent vacation for our officers. When they go away from here after the adjournment of Congress they have no certainty that they will not be recalled for an extra session of the Senate. If I remember right, there have been six or seven extra sessions of the Senate since I have occupied a seat on this floor, not yet six years. The Senate is liable to be called together at any time, and the officers and employés of the Senate must all assemble when we assemble.

Mr. ANTHONY. At their own cost.

Mr. MORGAN. At their own cost. It interrupts all their business that they may undertake to discharge at home, and it puts them at a serious disadvantage when compared with the employés of the House. I think that if the House would take notice of that fact, certainly they would not undertake again and again to deprive us of what is a pure matter of right, the regulation of the compensation of our own officers.

Mr. ALLISON. That was notably true last year when the Senate was in extra session until the 22d of May and convened again on the 10th of October, and remained in session until the 29th of that month, requiring, of course, our employés to be here in attendance.

The next principal difference is found in section 6 of the bill. The House proposes by this section to transfer the records in the office of the Surgeon-General, so far as they relate to pension applications, to the office of the Adjutant-General if the Secretary of War shall deem it wise to make such transfer after examination. This makes necessary the transfer of the great body of the records of the Surgeon-General's Office covering the period of the war, and that such transfer shall carry with it a transfer of all the clerks now employed in the Surgeon-General's Office with reference to the question of pensions—these clerks, numbering some four hundred in all—and shall carry with it all other contingent expenditures in that direction. The committee adhered to the opinion expressed by the Senate that this is not a wise thing to do, that so far from facilitating the adjustment of pension cases it will have the very reverse effect, creating confusion temporarily at least in the office of the Surgeon-General and the Adjutant-General and in the records of both offices, which are now in good condition for rapid examination of the pension cases. So believing, the Senate conferees refused to yield to the suggestion made by the House conferees on this point, and insisted on the amendment proposed by the Senate.

Then, in the same section is a proposition requiring a readjustment of all or nearly all the rooms in what is known as the State, War, and Navy Department building. The House provision is a legislative provision directing how the rooms there shall be occupied. We believe that this is a matter of administration rather than legislation, and that it ought to be adjusted by somebody who can take the question up and examine it in all its details and make an intelligent report with reference to it, so as to do justice as near as may be to all the Departments without inflicting injury upon any of them. We do not believe that we have the time or opportunity to accomplish this by legislation.

The north wing of the Army and Navy building will be completed perhaps about the 1st of November next, and will be wholly turned over to the War Department. The War Department now occupies the north half of the east wing of that building, and what is known as the Navy building, and what was assigned originally by agreement to the Navy Department. There is something of a contest going on between these several Departments as to who shall occupy these new and commodious quarters in the State, Army, and Navy building. It is a matter of regret that all these Departments have buildings rented outside, the War Department notably having a number of buildings rented outside, and the Navy Department having one or two. The committee believe that instead of placing upon your statute an iron-bound rule with reference to the occupation of this building, it should be left to somebody to make a thorough examination and readjust the occupancy of the building.

The question of publishing the reports of the Supreme Court decisions was also a matter of considerable discussion and difference of opinion. I think all concur that the House provision as it stands ought not to remain, but there is some difference between the conferees of the two Houses as to the substitution of a provision to take its place.

These are substantially the matters of difference now between the two Houses. I desire so far as it is practicable that the Senate shall give expression to its views upon these topics, in order that the conference committee may know what to do with reference to them.

I ought to state before I conclude that in all these matters the House propose to change the existing law, and we believe that where they propose a change which is not agreeable to us it is the duty of the House making the proposition to recede from its proposal for new legislation. This is an important bill, and it is desirable that the differences should be adjusted at as early a day as is practicable.

Mr. MAXEY. Let me ask the Senator from Iowa a question. Has the Senate ever attempted to interfere with the House in granting one month's extra pay to its clerks when that was proposed by the House? Has the Senate ever interfered with that?

Mr. ALLISON. Some years ago, in 1875, as I have already stated, the Senate had some difference with the House on that subject, but latterly the Senate has consented to allow the House to adjust its own affairs in this regard.

Mr. MAXEY. That is what I understand. The increase they complain of on the part of the Senate amounts to $29,000, I believe. Does not the increase of one month's extra pay to the clerks of the other House amount to $24,000, so that it is practically a difference of only about $5,000?

Mr. ALLISON. Practically. The truth is, this one month's extra pay gives a large number of House employés more than the Senate employés engaged in the same service receive.

Mr. MAXEY. In other words, they increase the pay of their employés after one fashion and we increase ours after another. That is about all there is in it.

Mr. INGALLS. Mr. President, the constitutional idea of the Senate and the House of Representatives, as I understand it, is that they are in all matters affecting their organization independent of each other. Each House is made by the Constitution the exclusive judge of the qualifications, elections, and returns of its own members; and upon what theory it can be maintained that each House shall not be the exclusive judges of the qualification, appointment, and compensation of its own clerks I cannot understand.

I have no opinion to express upon the action of the House of Representatives or the conduct of the committee of conference on the part of that body; but I will say that, as a member of the Senate or as a member of a committee of conference on the part of the Senate, if I were to attempt to interfere with the number or compensation of the employés of the House of Representatives I should regard myself as guilty of an unwarrantable and indecent piece of impertinence, and I hope the Senate conferees in connection with this bill will regard themselves as instructed by the Senate to maintain the independence of this body in that particular.

I do not know whether it is the design of the Senator from Iowa to invite any formal expression of the Senate as to the action that shall be taken by the Senate conferees in regard to the different amendments, but in connection with the action of the Senate upon section 6, striking out the provision that came from the House, I have to say that I cannot see how Senators can agree to retain that section in the bill. Those who believe that the provision would be detrimental to the public service, as I do, will unquestionably vote against it, and those who believe that it would be beneficent to the public service, it appears to me, should vote against it because it leaves the matter wholly in the discretion of the Secretary of War to decide whether the records shall be removed or not. It is an inoperative, absolutely ineffectual section. I believe that it would result in an indefinite procrastination of the determination of pension claims and in the confusion of records that ought to be kept separate; but if I were in favor of it, if I believed the reverse of that, I certainly would not vote for a section which provided that a subject of such importance should be left in the discretion of the Secretary of War.

Mr. PLATT. May I interrupt the Senator to ask him if he thinks that Congress ought to leave the construction of bureaus in the different Departments to the heads of Departments?

Mr. INGALLS. I do not.

Mr. PLATT. That is precisely what this section does.

Mr. INGALLS. I think that the practice is vicious and that the precedent here would be dangerous and pernicious. The section as it came from the House will have no effect whatever. If the Committee on Appropriations have any opinion upon this subject (and I understand they have, to the effect that the section ought not to pass) then we should agree with them; but if there are those who believe that the transfer ought to be made, what advantage do they gain by voting for that section? It is not an imperative, mandatory direction that the transfer shall be made, but merely that if in the opinion of the Secretary of War, after an examination and determination, he believes that advantage would result, then he is to make the transfer. It seems to me that no person, whether he be in favor of the transfer or against it, can vote for that section.

Mr. DAWES. Mr. President, I do not understand that it is quite parliamentary to discuss the action of the other branch upon a matter of difference between the two Houses, but I do understand that it is perfectly parliamentary to report and discuss the doings of the committee of conference upon this bill.

There is a little more in it than has been stated by the Senator from Iowa. I have not undertaken to put figures together myself, but I understand that upon the first proposition all that is to be gained by the position assumed elsewhere that we shall not determine the number and the compensation of our employés is about $5,000, and if the position should be reciprocated and the Senate should insist upon regulating the number and pay of officers elsewhere, the boot being upon the other leg, there are more officers in other branches of this Legislature than in the Senate whose pay is above that of the Senate officers than there are in the aggregate in this body; and if the Senate were permitted to dictate to others as others propose to dictate to the Senate, on the whole more would be gained than lost. But it is $5,000; that is all.

The next proposition, to which the Senator from Iowa barely alluded, is the proposition to print the reports of the Supreme Court

decisions as a public document in the same manner and in the same place and with the same results as if it were like the Agricultural Report—a document to be printed in the style of our public documents and subject to all the inaccuracies and lack of workmanship that attend our public documents, and also to be a document to pass through the mails free, and to be furnished under existing law one copy to each member of the House and the Senate, and the number to be printed for gratuitous circulation among all the friends of each member who happen to be lawyers and desire them printed to be determined by us upon the importunity and pressure which forces us to print 100,000 and 150,000 copies of such documents as the Agricultural Report. That is another and the second matter of difference; and it was supported and urged upon the committee of conference for the avowed purpose of having a cheaper report, a report that would not cost more than $2.50 or perhaps $2. But when the committee of conference found themselves where they could have the reports printed precisely as they are now, in the perfect style of workmanship and standard of accuracy and under precisely the same responsibility and furnished to everybody at $2 a volume, the conference committee could not come to an agreement on that point. Therefore, it became evident that it was not solely for the purpose of getting a cheap book, but it was for the purpose of getting that book in the form of a public document.

The third proposition is—and the remaining two matters of difference are substantially one—that Congress shall prescribe where the records and books and work of the different bureaus shall be performed, and shall also designate the locality in public buildings to be occupied not only by each head of a Department but by each subordinate under each head; that Congress shall assign to each individual from the heads of three Departments of this Government down to the lowest employé by law, so that he cannot change his position in the building, where each one of them shall place himself and where he shall work.

In what way is this ascertained? The superficial number of square feet in all that new building has been ascertained by actual measurement, so many square feet in the State Department, so many square feet in the Navy Department, and so many in the new wing of the War Department. So we are told, and such we must accept if we agree to the proposition in the bill. Then the number of employés and the officials of these three Cabinet officers are aggregated, the number of feet in the whole divided by the number of men, and that ascertains just how many square feet each man should be entitled to in that building. Then they say that shows the Secretary of State ought in fairness to have about half of that part of the building he has heretofore occupied, the Secretary of the Navy only one-half and one room of the part assigned to him, and all the rest should go to the War Department.

Thereupon it is proposed to enact by law that each one shall take that particular number of square feet, no matter what may be the kind of employment he may be put to, no matter what relation that may have to the way the building is now divided and has been constructed, no matter how it will adapt itself to the light or to the particular character of the work. If one man may have maps and plans and models of ships, of sails, and of masts before him, he nevertheless must have and can only have his allotted number of square feet, and it must be fixed by law, so that when he carries into practice whatever inconvenience could be remedied by mutual adjustment and arrangement would be all prohibited by law. A part of it is to take all the records of the Surgeon-General's Office and transfer them, carry them bodily, into these new rooms, and along with them all the clerks who work upon them.

It was said by the Senator from Iowa that while this may be all right it is a matter that belongs to administration. The committee of conference of six men were told by the three heads of those Departments that they could adjust all this matter; that if they could not adjust it they were willing to let the President adjust it for them, or let somebody be designated to adjust it for them; but the alternative was presented to the committee of conference, "You must take this by-law in the shape that it comes to the Senate, or we will disagree to everything in the bill."

And here I must refer to a strange feature of this report to me, for it has not been in accordance with my practice in these matters. It is new to me. It is ten years since I have had anything to do directly with appropriation bills; but when I was connected with them, (and I wish it were so now,) as far as a committee of conference could agree, and did agree, it reported to the two bodies so far as it had agreed, and then the questions of difference stood alone by themselves to be determined.

Take this bill. The Senator from Iowa has told the Senate that every item of original difference between the two branches has been reconciled except these four. In my opinion it was the duty of the committee of conference to report that fact to the Senate. That would have brought the two Houses together upon every item of difference in the bill but these four, and then the Senate or the House would stand up to the country as threatening to defeat the whole bill unless they could have their own way upon these four items, one to save $5,000, one to get the reports of the Supreme Court printed as a public document, and another to locate by law the clerks in the Departments. Those who took that position could not stand an hour either in this branch or any other branch of this Legislature.

But this committee of conference could not be brought to that. The whole difference between the two Houses, the whole bill itself is staked upon these minor and insignificant differences in point of amount. Instead of agreeing and coming before the two bodies and saying, "We recommend that the two bodies come together upon the points upon which we agree, and as to these four points, we submit to the two branches that there should be another conference," it has been reported, and that report has been adopted elsewhere, that the committee are unable to agree upon any of them. That report that we do not agree upon anything is accepted, a new committee of conference appointed, and the same men put upon it.

If this precedent is followed here, what comes of all this conference? The same committee should be appointed here and the same committee there, and these six men have walked up the hill, and have walked down again, and they are, in an hour from this time, in a committee-room, confronting each other just as they parted half an hour ago.

Does any good come from this method? Does any good come from their going through with this form? We should have reported what we agreed upon and what we disagreed upon, and if that report had been accepted a new committee should have been appointed to see how they could adjust those matters of difference upon which the prior committee had failed.

While it may be necessary to follow this bad example, I for one do not care to march up the hill and march down again, and I prefer that there should be a new committee of conference of both sides, and see if their wisdom shall find it necessary for the purpose of saving $5,000 in one place or getting a public document made out of a law book, or going into the absurd business of locating clerks by law in particular places in the room they are to occupy, shall cause a difference between the two Houses on the legislative appropriation bill, involving all the salaries of Government officials and the carrying on of the Government.

Mr. PLATT. Mr. President, I think the committee of conference on the part of the Senate is clearly right, and I hope that whatever it is necessary for the Senate to do to sustain them we shall do and do unanimously. I do not know the motion that should be made, but whatever motion sustains the committee should be agreed to unanimously.

Mr. ALLISON. I will say to the Senator from Connecticut that my motion is to insist and agree to another conference, but I want the vote of the Senate to decide whether we shall insist or whether we shall recede from our disagreement.

Mr. PLATT. That is precisely what I am saying. I hope that the new committee, when it shall be appointed, will stand firmly by the action of the former committee.

But I rose to say a single word in reference to section 6, which provides, as it came from the House, as I understand, practically that the Secretary of War may, if in his opinion he thinks it best, consolidate two bureaus of the War Department, for that is the practical effect of it. I believe that any such action as that would greatly hinder the settlement of pension cases. But, however that may be, I do not believe that Congress should leave it to the heads of the Departments to say when they will consolidate bureaus in the different Departments. I believe that is a subject for Congressional action. They may recommend to Congress how many bureaus they shall have, the division of bureaus, or the consolidation of bureaus, but Congress is to be the judge of that and the final judge of it, and ought in no instance, in my judgment, to leave it to the heads of the Departments.

Suppose Congress were to pass an act that the Secretary of the Interior might, if he chose, if in his opinion it was best, consolidate the Indian Bureau and the Land Office, or suppose Congress were called upon to pass an act that the Secretary of the Treasury might, in the exercise of his wisdom and discretion, consolidate the Bureau of Internal Revenue and the Customs Bureau, and many other instances might be cited which would be similar. It seems to me that in no case should we leave the consolidation or the division of bureaus to the head of the Department. Congress should keep that within its own power and act upon it. As I said, I think in this case it would work very great evil to bring these two bureaus of the War Department practically and substantially together.

Mr. CALL. Mr. President, I wish to say a single word upon the subject of this conference. In my judgment it is vital to the dignity and power of the Senate as a constitutional body that they should adhere to the exclusive right and authority to determine the number of their employés, and the amount of their compensation, and that they should assert that they, and they alone, have the right and the power to consider that question. The contrary proposition, in my judgment, involves the abrogation of the constitutional power of this body. The Constitution provides that—

> Each House may determine the rules of its proceedings.

How can that be performed when the Senate must go to the House of Representatives to ask of them their consent as to the number of their employés and the amount of compensation which shall be paid to those who are to carry out its rules and which shall require the measure of expense which may be involved in the rule of proceeding adopted by the Senate to be subject to the discretion of another body? The House may say, "You are required to keep a journal of

your proceedings, but we will not pay the expense of that proceeding. You are required to adopt such rules as you see fit as to your proceedings, but the measure of expense is within our control, and we will not appropriate that amount of money which will be necessary for the proceeding according to the rules adopted by the Senate."

I think that the question of the absolute, the exclusive right and authority of each House to determine upon the number of its employés and the amount of compensation far transcends in importance any other question presented in this conference. For one, I hope that now and always the Senate will instruct its members on the committee of conference to insist upon the absolute and the exclusive right of each House to determine both the number and the amount of compensation to be paid to its employés. The Constitution says: "All bills for raising revenue shall originate in the House, but the Senate may propose or concur with amendments as on other bills;" but this gives no exclusive power to either House over the organization of the other, and the fact that each House must approve an appropriation has nothing to do with the question of the power and control of each House over its own rules of proceedings.

So far as this fact is concerned it does not follow that because each House must concur in an appropriation bill therefore either House has the rightful power to refuse concurrence in an appropriation for an object distinctly stated in the Constitution. The argument of those who maintain the right of either the House or the Senate to determine the number of the employés and their compensation for the other truthfully stated is as follows: The Constitution creates the Senate and House distinct legislative bodies, independent in their functions and membership of each other.

By an express provision it declares that each shall determine its rules of proceeding. Clerks, messengers, and expenditures are necessary to carry out the rules of proceeding adopted by each House and each House must concur in appropriating the money to pay the expense of the proceedings adopted by each; therefore both the Senate and the House have the rightful constitutional power to say to the other "We refuse to appropriate the money to pay the expense of the rule of proceeding which the Constitution requires each to adopt and prohibits each from interfering with the other."

The exclusive power of each House over the number of its employés and the amounts of their compensation results plainly both from the constitutional functions of the Senate and the House and from the express words of the Constitution.

The power of the House to originate revenue bills and of the Senate to concur has nothing whatever to do with the subject. It is simply incident to that as to any other item of constitutional expenditure, that it shall be made through the concurrence of the two Houses and the approval of the President; and the argument is precisely the same and supports the conclusion equally that the President may constitutionally say, "I must be consulted about the number and compensation of the employés of the Senate and House; they have too many committees, too many or too few messengers, secretaries, and clerks, and I refuse to agree to this appropriation." In my view this body will consent to abdicate its constitutional place in this Government if it surrenders the right to perfect and control its own organization and its rules of proceeding.

Mr. SHERMAN. Mr. President, all I wish in this matter of controversy between the two Houses is to enter a caveat against the doctrine proclaimed by the Senator from Florida [Mr. CALL] and the Senator from Kansas, [Mr. INGALLS.] The House of Representatives have just as much right to participate in the legislation in regard to the salaries of our employés as they have in regard to any other subject-matter of legislation.

There is one ground, however, that is perfectly impregnable upon which our action can stand, and there is no use of seeking a weaker one. That is this: the law now prescribes the salaries of the officers of the Senate. That law is the existing law on the statute-book, which cannot be changed except by the consent of the House and the Senate and the President. Neither of these three can be coerced to consent, and therefore whenever either House proposes to change the law which all are bound to obey it cannot force the other two parties to the contract to agree to that change by attaching it to an appropriation bill.

If when our conferees go back they stand upon the ground that wherever the law fixes the salary of the Senate officers the House has no right to propose a change, except with our consent, that is impregnable; but when you say to the House that it has no right to restrain the extravagance of the Senate; that it has no right to prevent the Senate from giving a man undue pay for services rendered here in comparison with services rendered in other Departments, that is not tenable.

Another trouble in this whole controversy between the two Houses, which has been going on for years, grows out of a violation of the fundamental rule of both Houses. The rules of both Houses guard the appropriation bills from legislative enactments. Nothing is clearer or stronger than the rules of the Senate and House that legislative provisions shall not be put upon appropriation bills, and whenever the Senate or the House is strong enough and vigorous enough to enforce its rules it will check a gross and growing abuse. There is not a single legislative provision put on an appropriation bill at this session that ought not to have been stricken off by the Committee on Appropriations upon a point of order, in my judgment. I do not criticise their conduct. I criticise my own in not objecting to such provisions.

Mr. DAWES. Does the Senator understand that when a provision comes from the House in an appropriation bill changing existing law we can strike that off on a point of order?

Mr. SHERMAN. No; but we may move an amendment to strike it off.

Mr. DAWES. Then it could not be struck off on a point of order?

Mr. SHERMAN. We all know that, as a matter of course. Each House is the judge of its own rules. The rules of both Houses exclude legislative provisions from these bills; but what the Senate can do is simply to move to strike off such legislative provisions and leave the bill naked as an appropriation bill.

The Republican party made a contest upon this point against the Democratic Congress when both Houses were Democratic and made it successfully, and had behind them the popular voice and the popular will. When the Democratic Congress sought to overload an appropriation bill with legislative provisions the Republicans of the House stood against those legislative provisions and compelled their abandonment, although they were in the minority in both Houses.

It seems to me that these appropriation bills ought to be stripped of every legislative provision in them, and then there would be no controversy between the two Houses.

I say upon the point now as between the House and Senate in regard to a change in the salaries of Senate employés, which has been made over and over again, the Senate is clearly right, because the law fixes the salaries of these employés, and no change in that law should be made except by the free and voluntary consent of both Houses. I served on many a committee of conference, and the rule was always that wherever either House proposed an amendment to an appropriation bill in which the other House did not concur, the House making the proposal must abandon the amendment. There is no other rule by which you can legislate.

I say the practice ought to go further, that not only where either House objects to a legislative provision it ought to be stricken off as a matter of course, but the law laid down in the parliamentary code goes much further than that. It is that where either House proposes even a legitimate item of appropriation which is within the rule, and the other House dissents from that, the House proposing the provision should withdraw it at once. Why? Because the appropriation bills ought to be composed only of items that both Houses have freely assented to; and whenever one body endeavors to foist upon the other an unwilling subject of appropriation it violates the spirit of legislative proceeding and the rules of parliamentary proceeding. That is the only true rule.

These bills ought never to be made to bear coercive legislation, and the rule goes far beyond what has been proposed here. Wherever the House proposes an amendment which violates existing law, the Senate may stand upon the law and say "No, we do not think that the law ought to be changed," and that ought to be the end of the argument. Wherever the Senate, as it often does, proposes a large appropriation which the House does not consent to, the Senate ought at once to recede and it ought to do so wherever the House makes a determined stand against any item of appropriation, because the Senate has no right under the force of parliamentary law to make the House consent to what it does not willingly agree to.

These are the general rules of parliamentary law, and I only wished to enter my caveat. I am perfectly willing to stand by the Senate committee, but I wish to base their action upon the true ground, which is that we will not, unless we are advised that it ought to be done, consent to a change in the existing law.

Mr. CALL. Mr. President, I do not propose to discuss the subject further, but I wish to say that I do not concur in the opinion expressed by the Senator from Ohio, [Mr. SHERMAN,] which I have often heard expressed here. On the contrary, I believe it is demonstrable that any question of privilege, any right inherent in either House cannot be made the subject of any other law than the Constitution itself. No legislation can bind either House of Congress in those subjects which are committed absolutely to the power of each recurring House.

I ask the honorable Senator from Ohio to say when this body has decided that there shall be so many committees as a rule in its proceedings, so many clerks and so many messengers, which all admit we have the unquestioned power to do; how can we have that right and the House have the right to say, "We are the judges as to the compensation, or whether there shall be any compensation to those clerks and those messengers?" The right to determine our rules of proceeding of necessity carries with it the instrumentalities which are necessary to carry out those rules of proceeding, and the absolute independence of the two Houses of Congress, each of the other, in the performance of their constitutional functions renders it necessary that each House should have the absolute control of the instrumentalities and necessary means of legislation.

Mr. SHERMAN. I can answer the Senator in a moment.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) Does the Senator from Florida yield to the Senator from Ohio?

Mr. CALL. With pleasure.

Mr. SHERMAN. Such things as that should be based simply on

the ground of courtesy, no more and no less; but the Senate has no right to appropriate one dollar of money for any purpose whatever except by consent of the House of Representatives, and *vice versa*, the House cannot appropriate money unless we consent. Whenever we, in fixing the salaries of our employés, do what is reasonable and right the House passes upon it, and generally by courtesy it will do anything in that respect that we ask it to do as we do by it. But upon the question of right and power there is no doubt that the House may at any time question every dollar of expenditure paid by you for any purpose whatever. You cannot get money to pay your contingent expenses, for your pen and ink, except by the vote of both Houses. That is the rule, but as a matter of courtesy these questions hardly ever arise between the two Houses.

Mr. CALL. I do not wish to argue the question, but the answer of the Senator from Ohio does not meet the proposition. The proposition is not one as to the power which either House has over the other, for so we may say to them that "You cannot get any money without our consent." There is no difference in the power of the Senate. The question is of the rightful, constitutional power, not of the absolute power. But I only wished to express my opinions on the subject.

Mr. ALLISON. Mr. President, I wish to say a word in response to the suggestion made by the Senator from Ohio with reference to the legislation on appropriation bills. I think for the moment it has escaped his mind that under an existing rule in the House of Representatives it is in order to put legislation upon an appropriation bill, and that is the difficulty which the Senate Committee on Appropriations is compelled to confront always. These bills come over to us filled with legislation, some of it very reasonable legislation, a good deal of it very proper legislation. The Committee on Appropriations has not felt it to be its duty to strike out such provisions without examining them, without suggesting amendments to them, and improving them, if in the judgment of the committee improvement could be made. The present rule of the House of Representatives on this point is that legislation is in order upon an appropriation bill when the effect of it is to retrench expenditures.

Mr. DAWES. And of that they are to be the judges.

Mr. ALLISON. And they are the judges; so that all such provisions that come here from the House of Representatives come under the assumption that they are for the purpose of retrenching expenditures. Therefore the House rule differs very materially from the Senate rule, and we find legislation constantly appearing here in these bills. We cannot get rid of it unless we strike it out and then have a controversy with the House on the subject. I do not think the suggestion of the Senator from Ohio with reference to legislation upon these bills applies fairly to the Committee on Appropriations of the Senate.

Mr. SHERMAN. Except that wherever an appropriation bill changes the law in any particular and the Senate does not approve of that change, whether it reduced the expense or not, if it is stricken out as a matter of right by either House there ought to be no further question.

Mr. ALLISON. I quite agree with the Senator that where the Senate believes that the legislation proposed is not wise, the House ought to recede at once. So I think with reference to every one of these four suggestions of disagreement; they are all in the nature of legislative changes; and yet the House thus far insists as a condition of passing this bill that we shall consent to this new legislation.

Mr. SHERMAN. I remember the case of an important conference in 1859 when the Senate had put a large amount of appropriations on one of the bills of the House, among others appropriations for the improvement of Charleston Harbor and for the building of the unfinished custom-house at New Orleans. They were sent to the House with the notice that the Senate intended to stand by those amendments. A conference was held, and the conferees on the part of the House said that the House did not intend to allow those amendments if the result should be to defeat the bill. A distinguished Senator from Georgia whose name I need not mention said he would insist upon them, and he would never allow the bill to be passed unless those amendments were considered favorably by the House. That disagreement was reported to the Senate, and the Senate finally unanimously abandoned that position and took the ground that it had no right to compel the House to agree to anything, however important, if the House should determine not to do so. That, I believe, is the parliamentary law; and the assertion that either House has the right to say to the other, "You shall give this which is not authorized by law; you shall not grant that certain thing or else we will not allow you to pass the current appropriation bill," ought to be treated with contempt by the other body, and would at once create a controversy which would prevent the passage of any appropriation bill.

The rule is that the appropriation bills must represent the willing assent of both Houses to every proposition in them. The great error of our system is that the President of the United States has not the right to veto a single clause of an appropriation bill and pick out what he thinks is wrong rather than defeat the whole bill. That power is conferred upon the governors of many States of the Union, and if the Constitution of the United States is ever altered it will be altered in that particular.

Mr. DAVIS, of West Virginia. Mr. President, being a member of the conference committee on this bill, I agree with the Senator from Ohio that the House has a right to be consulted in the voting of money for any purpose whatever. Before money can be voted, that has to be done; but as a matter of principle, as a matter of right, I think it all wrong that the House should want to regulate the salaries of the Senate employés. I desire the chairman of the committee of conference to hear what I have to say on this matter; I shall only take a minute or two.

There are four questions of difference between the House and the Senate. Two of them, in my opinion, can be easily settled or arranged very soon, if the other two were out of the way, though they are open and subject to all that has been said by my colleagues on the committee. Those two that could thus be arranged and settled in my judgment are the pay of the Senate employés and the arrangement for printing the reports of the Supreme Court. I think the conference could agree, probably, in a short time, though there are questions open yet. I think the chairman will bear me out in my statement that those differences could be arranged. I think the House recognizes that we have a right to regulate the salaries of our own employés, and I think they will yield that. They always have done it, and I think they will do it again, but the real differences between the conferees are the other two provisions which apparently cannot be adjusted.

Mr. INGALLS. What are those provisions?

Mr. DAVIS, of West Virginia. I will name them if the Senator will give me time. Provisions we cannot put upon the bill which are not subjects of conference on either side.

Mr. DAWES. The Senator seems to think that a new committee would agree in a very short time. Suppose that new committee——

Mr. DAVIS, of West Virginia. My friend misunderstood me; I said nothing about a new committee; I did not intimate a new committee; I had no thought of a new committee.

Mr. DAWES. I simply want to ask the Senator a question.

Mr. DAVIS, of West Virginia. Very well.

Mr. DAWES. Suppose there is a new committee of whoever may compose it and the new committee should agree on these four items and disagree on the rest?

Mr. DAVIS, of West Virginia. I have made no question about that.

Mr. DAWES. Why should not a committee close up as far as they go under those rules which require that anything which will bring the two Houses together shall take precedence of everything else?

Mr. DAVIS, of West Virginia. That question has not been presented by the chairman or by the Senator from Massachusetts.

Mr. DAWES. If this is to be the old committee, why ask for a new one? The motion is for a new committee of conference, which I suppose will be the old one.

Mr. DAVIS, of West Virginia. I made no reference to a new committee of any kind. I affirm that all the differences between the committees on the part of either House are four. Two of them, in my opinion, can be adjusted in a very short time by the same committee that has been heretofore in conference upon the bill. I mean the provision relating to the payment of the employés of the two Houses and that relating to the Supreme Court reports. Whether the two Houses would agree with the committee afterward or not is another question. But the real difference between the conferees and that which, to my mind, gives more trouble than the two I have named is the transfer from the Surgeon-General's Office to the Adjutant-General's Office of such records as relate to pensions. There is a wide difference between the two committees on that proposition, and that is one of the things that probably the old committee may not be able to adjust. Whether they will or not is a question to be seen.

My belief is that there ought not to be a transfer, and if there was no other reason for it it would be that as things now exist one office is a check upon the other. In other words, if there is a pension inquiry made from the Pension Office there are two letters written now, one to the Surgeon-General's Office and one to the Adjutant-General's Office. If the information from both officers comes back and corresponds it is fair to presume that it is correct. If the records were all in the same office it is likely you would get but one answer, and that answer might be an erroneous one, and there would be nothing to check it. I think if there were no other reason we ought to adhere for the reason I have stated, and let the records stay where they are now. It is agreed on all sides by the committee that the records which could not be replaced if they were destroyed should be removed from the insecure building they are contained in now and be placed in the State Department building where they would be secure. The committee, I believe, are unanimous upon that, and that transfer probably will be made whether we consent to the other transfer or not.

The fourth difference is as to assigning by legislation the different rooms in the new State Department building; that is, whether we shall say by legislation that this clerk or this bureau or this division shall occupy this room, that room, or the other room. That is what the House contend for. They say that we have a right by legislation to assign them. Your committee say that we should leave it to the three Secretaries of State, War, and the Navy, and if

they cannot agree let them refer their differences to the President or some one else. I believe the committee of the Senate was ready to agree to anybody at all if there were differences; but the question is whether if there are real differences the Secretaries themselves may not arrange them.

There is another question connected with that. Suppose we to-day by legislation assign certain rooms to certain divisions or certain bureaus, as soon as the building is finished the whole state of things will change, and we must legislate again to get them out of there and into certain other rooms. I think the chairman fully agrees with me on that.

The real differences between the Houses are the two I have spoken of, the transfer from the Surgeon-General's Office to the Adjutant-General's Office of the records relating to pensions and as to the assignment of rooms in the new State Department building. The other matters of difference, I think, can be readily arranged.

Mr. MORRILL. It seems to me we are consuming a great deal of unnecessary time about this report of the committee of conference. I understand a motion has been made for a new committee. I desire to amend that, and move that instead the Senate shall insist upon its disagreement to the action of the House, and that the same committee be reappointed in order that they may report upon what amendments they have already agreed to or can agree to, so that the House and the Senate can be as near an agreement as possible.

Mr. PLUMB. I do not want to detain the Senate, but I wish to submit a proposition on which I think we can have a unanimous agreement. Being myself unable to agree with the Senate conferees, I desire to briefly express the reason for that disagreement.

I am not tenacious as to the question how the consolidation of force in the State Department building shall be arrived at; but I appeal to the knowledge of every person on this floor for a confirmation of what I say when I say that there is an extravagant use of the room in that building. It is stated, and well stated, by the Senator from Iowa, [Mr. ALLISON,] the Senator from Massachusetts, [Mr. DAWES], and others that that question of the consolidation of clerks and the economical use of the rooms provided is an administrative question; but the administrative branch of the Government does not act, and it will not, apparently, unless it is admonished to do so by the legislative branch; it will not consolidate the force and will not make economical use of the rooms we have furnished.

Following this thing out logically, if the Secretary of the Treasury, who has charge of the custom-house building in New York, were to take two men out of a room and in place of two have one and put the rest out of doors, Congress would have no remedy except to provide a new building, and thus the power that is to furnish the money, that is to give the directions as to the building and to prescribe the cost, is absolutely at the mercy of the executive branch of the Government. I think that is carrying things too far.

Here is a building which in itself was extravagantly built; that is to say in its internal arrangements so far as the economy of space is concerned, and when you add that an extravagant use of that space is patent to the knowledge of everybody it would seem that something ought to be done. I do not know why the proper depository of that power may not be named by legislation; and I think we might have gone a little further and accomplished a great deal more in the bill in regard to this provision. I only want to say, however, that I think something ought to be done, and that we ought to put into the bill an effective provision for that purpose.

In regard to the question of consolidating the records of the Surgeon-General's Office with those of the Adjutant-General's Office, for the purpose of expediting the allowance of pension cases, I have not only had no occasion to change the opinion I expressed when the subject was before the Senate on another occasion, but the more I consider about it, the more I learn about it, the more I am satisfied that something of that kind ought to be done.

I say that with a great deal of deference to the Senator from Connecticut, [Mr. PLATT,] who is on the Pension Committee, and the Senator from Iowa, [Mr. ALLISON,] who is well informed on this and all other questions, and my colleague, [Mr. INGALLS,] who has also had knowledge about these matters. It is not to direct a consolidation of bureaus at all. It is simply requiring the Surgeon-General to deposit on call and under the temporary control of the Adjutant-General certain records. There is no consolidation of records, no consolidation of functions. The function of the Surgeon-General is not to furnish this information, necessarily. The records might as well be turned over to somebody else. He might be required to furnish them to the Adjutant-General or any other officer of the Government for the purpose of getting information which happened to be deposited there, and the getting of it does not interfere with his use of the records. He is making no use of them except for the purpose of supplying the Pension Office with information in regard to the pensioners.

As I said before, I believe that if that were under one head and under one jurisdiction, a large portion of the correspondence now necessary would be rendered unnecessary. I believe it would tend to very great economy of time and of money should we get the pension cases disposed of at an earlier day than we shall under the present arrangement. I have no doubt, however, that the operation of the Surgeon-General's Department might be quickened very much, that it might do a great deal better than it does, and perhaps it will do it hereafter, and unless it does you may be perfectly certain that we shall find a constant impediment there which the addition of clerks will not remove. You cannot put clerks enough there according to the management heretofore to make the operations of that department correspond with those of the Pension Bureau, that part which is under the control of the Commissioner of Pensions, and that part which is under the control of the Adjutant-General.

For some reason or other, and I think it is largely because it has never been subjected to an interruption of this kind, while the Adjutant-General deals constantly with inquiries about soldiers, their history, and so on, the Surgeon-General does not. His is a bureau that has never been subjected to an interruption of this sort; it is not calculated, it is not organized for the purpose of furnishing this information rapidly and effectively, and something ought to be done to relieve the embargo which presses more closely at that point upon the administration of the pension law than at any other.

Mr. HAWLEY. I differ with my friend in one respect, that of which he has last spoken. I think there is no difficulty whatever in getting all the necessary work out of the Surgeon-General's Office. If the Senator will look at the reports of that office for the last ten or twelve years he will find every single year a representation of the utter impossibility of that office doing the work with the number of clerks it had and frequent reference to the narrow accommodations and to the unwholesome and bad quarters they have had. There is a proposed remedy in this bill giving them additional clerks. The Surgeon-General's Office feels abundantly capable now of doing all that is demanded of it. In a short time it will catch up with its work and can keep up; but to do it justice, it has made representations from year to year of the insufficiency of the force ordered there. Dr. Woodward, a surgeon of eminence and executive ability, in every way qualified for his place, who had charge of the pension division, did the best he could. The gentleman there now—his name has escaped me at this moment—is a man of undoubted capacity; he is mastering all the details of that office with rapidity, and will get effective work out of the new force that is to be placed under his command.

I think it far better for the Government that those records peculiarly appropriate to the Surgeon-General's Office should remain with the Medical Department.

Mr. PLUMB. I admit that there has been an inadequacy of force. The force has not been sufficient, and those members of the Committee on Appropriations who will remember the controversy we had two years ago will remember that I insisted that the force ought to be largely increased. It is inadequate. What I said was not in the sense of a reflection, but that the ordinary proceedures of that department were not of a kind which were calculated to carry out an object of this sort.

Mr. HAWLEY. But the Senator knows, of course, that they have been subject to just as great a pressure to furnish their returns and tables as any other bureau or office connected with the Pension Department. I think they have done the best they could under very capable men, and I have no doubt in the future, with the additional force and the room and air to work in, they will be able to accomplish what is desired. They have been really abused, with insufficient room and insufficient ventilation.

Mr. BECK. Without saying anything as to the merits of the controversy now—the Senate conferees are able to take care of that—I desire to express the hope any suggestion looking to a change of conferees on the part of the Senate will not be seriously considered. The length of time spent, and the number of items that have been agreed to already by the conferees on the part of the Senate and the conferees on the part of the House would all be lost and thrown away if new men were appointed, and a whole week's work—for I think it has taken a week of careful work—to be gone over again. Surely if the former conferees on the part of the House are to be continued, the Senate conferees should be, so that we may at least have the benefit of what has been already agreed to. If they cannot do any better they can report the differences, with the agreements made, so as not to have to go over all the work again.

I make these remarks because, as a member of the Committee on Appropriations, knowing how much work has been done and how much trouble it has caused the conferees up to this time, I am very much afraid of trying new members on a committee, for I might happen to be one of them, and I surely could not do the work, and no other three members of the Committee on Appropriations could do it as well as the three we have now.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate further insist on its amendments, and agree to the further conference asked by the House of Representatives. Does the Senator from Vermont move to amend the motion?

Mr. MORRILL. If it includes the idea that the same committee of conference shall be appointed, I do agree to it. I do not agree to any new men being placed upon the conference committee.

Mr. ANTHONY. The same conferees are always appointed under such circumstances.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. BAYARD. By the same committee being returned, it is an

indorsement of their action. That is what the Senate desires to express.

The motion was agreed to unanimously, and by unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1858) to provide additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose; and

A bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, "to fix the pay of letter-carriers, and for other purposes."

TENTH CENSUS.

Mr. ANTHONY. I wish to move a recommitment of a bill. There is an error in the bill (S. No. 2151) to provide for the publication of the Tenth Census, and I ask that it be recommitted to the Committee on Printing, and by direction of the committee I will report it back as corrected.

The bill was recommitted.

Mr. ANTHONY. I now report from the Committee on Printing the bill (S. No. 2151) to provide for the publication of the Tenth Census, with amendments.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. MORRILL. Now I ask that the tax bill be taken up.

Mr. SHERMAN. I suppose the pending pension bill will come up to-morrow.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. INGALLS. The naval appropriation bill has been upon the table four days, reported from the Committee on Appropriations with important amendments that will require discussion. It will necessarily go into conference. I ask the Senator having it in charge when it is the intention of the committee to call it up for action?

Mr. HALE. The naval appropriation bill was reported to the Senate on Thursday last. I consented then, on account of the pendency of the tax bill in charge of the Senator from Vermont, not to ask the Senate to take up during last week, and I have also consented, so far as I can consent, that to-day I will not attempt to call it up; but I hope to call it up to-morrow morning.

Mr. INGALLS. I hope that will be done. I think it important that action should be had here on that bill in justice to an important branch of the public service.

Mr. HALE. I think that is the general view of Senators.

Mr. BECK. The Senator from Maine will remember that the other day while the discussion of the bill was up in committee we had some information that struck us as a little strange relative to the advancement of officers on the retired list of the Navy after they had been retired. I wrote to the Secretary of the Navy for information concerning it, and I received a few moments ago his letter with the list. I ask that it be published in the RECORD so that we may look at it to-morrow. It may necessitate some changes in the naval appropriation bill.

Mr. HALE. I hope the Senate will have that done.

The PRESIDING OFFICER. If there be no objection, the paper will be printed in the RECORD.

Mr. ANTHONY. Would it not suit the purpose of the Senator from Kentucky as well to have it printed in document form merely? We are in the habit of putting in the RECORD communications which swell the volume very largely. If they were printed and laid on our tables as documents, they would answer the same purpose.

Mr. BECK. I regard this as a communication which ought to appear in the RECORD so that every Senator can see it. I can use it as part of my remarks to-morrow on the bill if the Senator prefers that, but I want it in the RECORD. I prefer that it be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The document ordered to be printed in the RECORD is as follows:

NAVY DEPARTMENT, *Washington, July 17, 1882.*

SIR: Agreeably to your request of the 12th instant, I have the honor to inclose herewith a list of officers on the retired and reserved list of the United States Navy, showing their present rank and pay, and their rank and pay at the time of their retirement.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JAMES B. BECK, *United States Senate.*

Retired and reserved list, United States Navy.

Name.	Present rank.	Rank when retired.	Pay when retired.	Present pay.
J. R. Sands	Rear-admiral	Captain	$1,738	$4,500
John Marston	do	do	1,738	3,375
L. M. Powell	do	do	1,738	3,375
T. O. Selfridge	do	Commodore	1,800	3,500
A. A. Harwood	do	do	1,800	3,750
H. Y. Purviance	do	Captain	1,738	3,375
William Radford	do	Rear-admiral	2,000	4,500
T. T. Craven	do	do	2,000	4,500
J. W. Livingston	do	Commodore	1,800	3,750
Thomas Turner	do	Rear-admiral	2,000	4,500
C. H. Poor	do	do	2,000	4,500
James F. Schenck	do	Commodore	1,800	4,500
S. P. Lee	do	Rear-admiral	3,000	4,500
O. S. Glisson	do	do	3,000	4,500
M. Smith	do	do	3,000	4,500
C. S. Boggs	do	do	3,000	4,500
J. F. Green	do	do	3,000	4,500
T. A. Jenkins	do	do	4,500	4,500
W. R. Taylor	do	do	4,500	4,500
B. F. Sands	do	do	4,500	4,500
Charles Steedman	do	do	4,500	4,500
Alfred Taylor	do	do	3,000	4,500
T. P. Greene	do	Commodore	3,750	4,500
A. L. Case	do	Rear-admiral	4,500	4,500
G. F. Emmons	do	do	4,500	4,500
D. McDougal	do	Commodore	3,750	4,500
J. J. Almy	do	Rear-admiral	4,500	4,500
J. H. Strong	do	do	4,500	4,500
W. E. Le Roy	do	do	4,500	4,500
R. N. Stembel	do	Commodore	2,500	4,500
J. R. M. Mullany	do	Rear-admiral	4,500	4,500
S. D. Trenchard	do	do	3,750	4,500
E. Middleton	do	Commodore	2,500	4,500
G. H. Preble	do	Rear-admiral	4,500	4,500
T. H. Stevens	do	do	4,500	4,500
T. H. Patterson	do	do	4,500	4,500
S. P. Carter	do	Commodore	3,750	4,500
Henry Walke	do	Rear-admiral	4,500	4,500
F. Stanly	do	do	4,500	4,500
Reed Worden	do	do	4,500	4,500
A. Murray	do	do	4,500	4,500
E. Donaldson	do	do	4,500	4,500
D. Ammen	do	do	4,500	4,500
J. C. Beaumont	do	do	4,500	4,500
D. M. Fairfax	do	do	4,500	4,500
J. C. Febiger	do	do	4,500	4,500
J. B. Hull	Commodore	Captain	1,300	3,375
C. Lowndes	do	do	1,300	3,375
H. Eagle	do	Commodore	1,800	3,750
R. B. Hitchcock	do	do	1,800	3,750
T. A. Hunt	Captain	Commander	3,750	3,750
J. M. Berrien	do	do	1,800	3,750
S. B. Bissell	do	do	1,800	3,750
C. Price	do	do	1,800	3,750
L. C. Sartori	do	do	2,500	3,750
W. Ronckendorf	do	do	2,500	3,750
A. G. Clary	do	do	2,500	3,750
C. W. Pickering	do	do	2,500	3,750
S. Nicholson	do	do	3,750	3,750
C. Green	do	Captain	1,600	3,375
W. D. Whiting	do	Commodore	3,750	3,750
F. B. Ellison	do	Captain	1,600	3,375
S. Lockwood	do	Commander	1,400	2,625
Henry Bruce	do	do	1,800	2,625
W. B. Whiting	do	Lieutenant	1,400	1,950
Robert Handy	do	Commander	1,100	1,150
D. Lynch	Captain	Captain	2,250	3,375
T. M. Brasher	do	Commander	1,400	2,625
F. S. Haggerty	do	do	1,100	2,625
W. A. Parker	do	do	1,400	1,750
T. G. Corbin	do	Captain	1,400	2,250
M. C. Marin	do	Commander	1,400	2,625
E. C. Bowers	do	Lieutenant	1,200	1,950
F. Lowry	do	do	1,200	1,950
S. R. Knox	do	do	600	900
Charles Thomas	do	do	600	900
Overton Carr	do	Commander	1,400	1,750
W. M. Gamble	Commander	Commander	1,300	2,100
C. H. Cushman	do	Commander	2,625	2,625
T. L. Swan	do	do	2,625	2,625
G. M. Bache	do	do	2,625	2,625
G. Cilley	do	Lt. commander	1,300	1,400
E. E. Stone	do	Commander	1,700	1,750
B. N. Westcott	do	Lieutenant	1,000	1,300
S. Magaw	do	Commander	840	1,150
F. G. Dallas	do	Lieutenant	600	900
S. W. Nichols	do	Commander	2,625	2,625
A. R. McNair	Lt. commander	Lt. commander	1,500	2,250
C. E. McKay	do	do	1,300	2,100
H. C. Tallman	do	do	1,500	2,250
F. O. Davenport	do	do	1,500	2,250
F. L. Naile	do	do	1,500	2,250
G. K. Haswell	do	do	2,250	2,250
E. M. Stedman	do	do	2,250	2,250
T. F. Wade	do	do	2,250	2,250
L. Chenery	do	do	2,100	2,100
C. H. Craven	do	do	1,100	1,100
C. E. Hawley	do	Lieutenant	1,000	1,950
F. H. Sheppard	do	Master	800	1,350
John Weidman	do	Lt. commander	1,100	1,100
C. W. Tracy	do	do	1,500	1,500
F. F. Morrison	do	Master	700	700

Retired and reserved list, United States Navy—Continued.

Name.	Present rank.	Rank when retired.	Pay when retired.	Present pay.
W. W. Bassett	Lt. commander	Master	$1,000	$2,100
H. R. Baker	Lieutenant	Lieutenant	1,950	1,950
D. Reben	do	do	1,200	1,800
F. Turnbull	do	do	1,950	1,950
James Franklin	do	do	1,950	1,950
G. M. McClure	do	do	1,000	1,200
A. H. Fletcher	do	do	900	900
J. E. Morse	do	do	1,200	1,200
H. C. Keene	do	do	$1,300	$1,950
W. P. Randall	do	do	1,950	1,950
E. J. Berwind	Master	Master	1,350	1,350
W. B. Arrants	do	do	800	900
F. E. Upton	do	do	900	900
H. G. Tallman	do	do	900	900
C. V. Morris	do	do	750	1,500
W. N. Brady	do	do	750	1,500
R. C. Jones	do	do	750	1,500
J. S. Bohrer	do	do	800	1,350
E. E. Bradbury	do	do	900	1,350
L. R. Chester	do	do	1,350	1,350
H. F. Moffat	do	do	1,350	1,350
Gilbert Morton	Ensign	Ensign	900	900
W. H. E. Masser	do	do	900	900
F. H. Parker	do	do	500	600
F. L. Ludlow	do	do	500	600
C. P. Welch	do	do	700	900
G. E. Butler	do	do	500	500
H. C. Longnecker	Midshipman	Midshipman	300	300
G. R. B. Horner	Medical director	Surgeon	1,600	3,150
W. S. W. Ruschenberger	do	do	1,600	3,150
T. L. Smith	do	do	1,600	3,150
L. B. Hunter	do	do	1,600	3,150
J. C. Palmer	do	Medical director	3,750	3,750
D. Harlan	do	do	2,200	3,300
J. D. Miller	do	do	2,200	3,300
J. Beale	do	do	3,750	3,750
C. D. Maxwell	do	Surgeon	1,600	2,775
George Maulsby	do	Medical director	2,200	3,300
William Grier	do	do	3,750	3,750
Samuel Jackson	do	do	3,300	3,300
J. S. Messersmith	do	do	2,200	3,300
T. M. Potter	do	do	3,300	3,300
M. Duvall	do	do	3,300	3,300
L. J. Williams	do	do	3,300	3,300
J. Wilson	do	do	3,300	3,300
R. T. Macconn	do	do	3,300	3,300
P. Lansdale	do	do	3,300	3,300
H. O. Mayo	do	do	3,300	3,300
J. Thornley	do	Surgeon	1,800	2,400
G. W. Codwise	do	do	1,800	2,100
W. E. Taylor	Med. inspector	Med. inspector	3,300	3,300
W. Lowber	do	do	1,300	1,300
R. L. Weber	Surgeon	Surgeon	1,300	2,100
E. D. Payne	do	do	2,100	2,100
C. K. Yancey	P. A. surgeon	P. A. surgeon	1,650	1,650
F. V. Greene	do	do	1,650	1,650
D. C. Burleigh	do	do	1,650	1,650
F. Horner, jr	do	do	425	1,100
A. O. Leavitt	Ass't surgeon	Ass't surgeon		
W. M. Nickeson	do	do	1,425	1,425
I. Dewling	do	do	1,425	1,425
J. D. Smith	do	do	1,425	1,425
J. J. Page	do	do	1,425	1,425
E. H. Van Wyck	do	do	650	950
E. T. Dunn	Pay director	Pay director	2,500	3,750
H. M. Heiskell	do	do	3,300	3,300
H. Bridge	do	do	1,800	3,750
G. F. Cutter	do	do	3,750	3,750
J. G. Harris	do	do	2,200	3,300
J. S. Gulick	do	do	3,300	3,300
C. C. Jackson	do	do	3,300	3,300
R. H. Clark	do	do	3,300	3,300
A. A. Belknap	do	do	2,200	3,300
C. J. Emery	do	do	3,300	3,300
J. N. Carpenter	Pay inspector	Pay inspector	3,300	3,300
G. L. Davis	do	do	2,200	2,200
G. A. Sawyer	Paymaster	Paymaster	1,300	2,400
A. McC. Bishop	do	do	1,300	2,100
R. B. Rodney	do	do	1,000	1,400
M. B. Cushing	do	do	2,625	2,625
G. W. Long	P. A. paymaster	P. A. paymaster	1,650	1,650
F. J. Painter	do	do	800	1,500
N. H. Stavey	Ass't paymaster	Ass't paymaster	3,300	3,300
W. W. W. Wood	Chief engineer	Chief engineer	1,425	1,425
J. W. King	do	do	3,300	3,300
E. Lawton	do	do	3,300	3,300
E. S. De Luce	do	do	3,300	3,300
W. H. Rutcherford	do	do	2,625	2,625
Henry Mason	do	do	1,300	2,400
John Johnson	do	do	2,625	2,625
E. B. Latch	do	do	2,625	2,625
G. D. Emmons	do	do	2,625	2,625
W. H. Hunt	do	do	1,200	1,200
W. K. Purse	Third ass't engr.	Passed ass't engr.	1,650	1,650
R. H. Gunnell	do	do	1,650	1,650
David Hardie	do	Ass't engineer	500	1,275
J. M. Hobby	do	Passed ass't engr.	1,100	1,650
A. V. Fraser	do	do	1,650	1,650
C. E. Lee	do	do	1,650	1,650
N. B. Clark	do	do	800	1,500
J. D. Toppin	do	Ass't engineer	400	1,275
R. B. Plotts	do	do	500	1,275

Retired and reserved list, United States Navy—Continued.

Name.	Present rank.	Rank when retired.	Pay when retired.	Present pay.
R. T. Bennett	Third ass't engr.	Passed ass't engr.	$1,650	$1,650
H. C. Beckwith	do	do	1,650	1,650
J. B. Upham	do	do	1,650	1,650
H. C. Blye	do	do	1,650	1,650
J. W. Hollihan	do	do	1,650	1,650
C. A. Uber	do	Third ass't engr.	400	1,275
T. Cook	do	Passed ass't engr.	1,650	1,650
J. T. Smith	do	do	1,500	1,500
B. C. Bampton	do	do	1,100	1,100
Jefferson Young	do	do	1,100	1,100
L. T. Safford	do	do	850	850
B. Kavanaugh	do	Third ass't engr.	400	480
H. D. Sellman	Ass't engineer	Ass't engineer	950	1,425
F. G. Coggin	do	do	900	1,275
F. C. Goodwin	do	do	900	1,425
A. H. Price	do	do	950	1,425
J. S. Green	do	do	900	1,275
John W. Saville	do	do	950	1,425
D. A. Sawyer	do	do	900	1,275
George W. Beard	do	do	900	1,735
J. W. Patterson	do	do	900	1,425
John J. Ryan	do	do	1,425	1,425
J. A. Kaiser	do	do	1,425	1,425
E. Stiles	do	do	400	1,275
J. G. Littig	do	do	1,425	1,425
F. C. Burchard	do	do	1,425	1,425
W. G. McEwan	do	do	1,425	1,425
W. H. Platt	do	do	1,425	1,425
G. C. Drinen	do	do	1,275	1,275
E. F. McElmell	do	do	1,425	1,425
M. H. Plunket	do	do	1,275	1,275
Nelson Ross	do	do	950	950
J. A. Deaver	do	do	600	600
H. D. Potts	do	do	950	950
J. Burchard	do	do	850	850
H. E. Rhoades	do	do	850	850
B. H. Warren	do	do	500	500
C. Newell	Chaplain	Chaplain	1,000	2,100
J. Stockbridge	do	do	2,100	2,100
John Blake	do	do	2,100	2,100
E. C. Bittinger	do	do	2,100	2,100
J. L. Watson	do	do	1,200	2,100
Robert Giben	do	do	2,100	2,100
G. W. Dorrance	do	do	2,100	2,100
P. Fisk	do	do	600	2,100
J. H. C. Coffin	Professor mathematics.	Professor mathematics.	2,625	2,625
M. H. Beecher	do	do	1,800	2,625
H. H. Lockwood	do	do	2,625	2,625
J. E. Nourse	do	do	2,625	2,625
E. A. Roget	do	do	1,800	1,800
E. Seager	do	do	1,350	2,025
B. F. Greene	do	do	2,025	2,025
J. W. Easby	Nav. constructor.	Nav. constructor.	3,750	3,750
W. P. S. Sanger	Civil engineer.	Civil engineer.	2,625	2,625
B. F. Chandler	do	do	2,625	2,625
Calvin Brown	do	do	2,250	2,250
T. G. Bell	Boatswain	Boatswain	900	1,350
John Borroughs	do	do	1,350	1,350
James Walker	do	do	900	1,350
Edward Kenny	do	do	1,350	1,350
John Walker	do	do	1,350	1,350
John Smith	do	do	1,350	1,350
William Henton	do	do	900	900
Thomas Smith	do	do	1,350	1,350
J. Coghlan	do	do	1,350	1,350
H. E. Barnes	do	do	600	600
Edward Hughes	do	do	1,450	1,450
William Burdett	do	do	1,350	1,350
Thomas Robinson	Gunner	Gunner	900	1,350
George Sirian	do	do	1,350	1,350
J. C. Ritter	do	do	1,350	1,350
A. F. Thompson	do	do	1,350	1,350
B. P. Allen	do	do	1,350	1,350
Thomas Stewart	do	do	1,350	1,350
William Cheney	do	do	1,350	1,350
D. A. Roe	do	do	1,350	1,350
H. P. Leslie	Carpenter	Carpenter	1,350	1,350
Joseph Cox	do	do	1,000	1,350
J. Dibble	do	do	1,000	1,350
A. Chick	do	do	Dead.	
W. D. Jenkins	do	do	900	1,350
J. McDonnell	do	do	1,350	1,350
E. W. Barnicoat	do	do	900	1,350
Charles Boadman	do	do	1,000	1,350
N. Mager	do	do	900	1,350
E. Thompson	do	do	1,350	1,350
J. G. Thomas	do	do	1,350	1,350
J. W. Stimson	do	do	1,350	1,350
D. Bruce	Sailmaker	Sailmaker	900	1,350
J. C. Bradford	do	do	900	1,350
J. W. North	do	do	1,350	1,350
T. C. Herbert	do	do	1,350	1,350
F. Boom	do	do	1,350	1,350
William Rogers	do	do	1,350	1,350
B. B. Blydenburg	do	do	900	1,350
J. C. Chavalier	do	do	1,350	1,350

W. W. BROWN AND OTHERS.

Mr. BLAIR. I wish to call attention to a mistake in the printing

of the views of the minority on a pension bill now pending, being the bill (H. R. No. 4444) granting pensions to Wilson W. Brown and others. It is the case of those known as the Mitchell raiders. It is a House bill, which passed the House, and, coming to the Senate, it was referred to me as a member of the Committee on Pensions for examination; and arriving at a favorable opinion in my own mind, in accordance with the custom of the committee I drew up a favorable report as for the majority, and in that report quoted from the report of the House committee a statement of the facts as they appeared in that report. On submitting my report to the consideration of the committee a majority of the committee overruled it, so that my views became those of the minority rather than of the majority. I then submitted the papers to the chairman with the understanding that he was to prepare a majority report and said I would have my views, prepared as a report, printed as the views of the minority; and there my superintendence of the matter closed.

On examining this morning the report of the majority and the views of the minority, as printed, I find that the caption of my report is covered over by a slip of paper prepared as the caption of the views of the minority, the handwriting of which I do not recognize, pasted across the lines in which I had written these words, "the principal facts are stated in the House report, as follows." Then are quotation marks, indicating what in my original report I had taken from the report of the House committee. So the views of the minority are printed in such form that I appear to have assumed to myself the composition of the House report without giving credit for it. Noticing that, I sent to the Public Printer and have received the original manuscript, which explains the whole matter. I do not precisely like to go down in history under this apparent implication, and therefore I wish that the views of the minority may be reprinted. The case goes over until to-morrow. I will see that the views are put in so as to make this explanation on the record. I ask unanimous consent that this may be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. BLAIR. And I desire to have the incorrect report of the minority withdrawn.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the request is granted.

AMENDMENTS TO BILLS.

Mr. BLAIR, Mr. BUTLER, Mr. HARRIS, Mr. HARRISON, Mr. HAWLEY, Mr. JOHNSTON, Mr. LAPHAM, (by request,) Mr. PLUMB, Mr. ROLLINS, and Mr. VEST submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON. I offer an amendment to the sundry civil appropriation bill, and move its reference to the Committee on Finance, to be considered by that committee in the first instance.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 803) granting a pension to Laban Connor;

A bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry;

A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;

A bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock;

A bill (H. R. No. 1997) granting a pension to Joel R. Carter;

A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;

A bill (H. R. No. 2278) for the relief of John H. Jackson;

A bill (H. R. No. 2349) granting an increase of pension to George J. Webb;

A bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell;

A bill (H. R. No. 4372) for the relief of Robert P. Walker;

A bill (H. R. No. 4914) granting a pension to Emeline Pink;

A bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig;

A bill (H. R. No. 5684) granting a pension to Newton Boutwell;

A bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child; and

A joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service.

EXTRA PAY TO EMPLOYÉS.

Mr. MORGAN. I offer a resolution to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, proposed as a substitute for the resolution submitted by the Senator from South Carolina [Mr. BUTLER] on Saturday last:

Resolved, That there shall be allowed and paid to the employés of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 15th day of December, 1881, a sum equal to one month's pay at the rate per annum they were receiving at the dates specified herein, and that a sum equal to one month's pay shall be allowed and paid to the session employés of the Senate who shall be so employed at the adjournment of the present session.

The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

INTERNAL REVENUE AND TARIFF DUTIES.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. MORRILL. I desire to give notice that I shall antagonize the naval appropriation bill to-morrow morning, and every other morning until this bill shall be disposed of, if I can get the support of the Senate. I will also say that while I shall yield up to one o'clock to-morrow for the consideration of business upon the Calendar, after to-morrow morning I shall propose to take up this bill and consider it immediately at the conclusion of the morning business proper.

Mr. HALE. The Senator has given notice that he will antagonize the naval appropriation bill. I hope he also intends to antagonize every other matter.

Mr. MORRILL. I do.

Mr. HALE. And not make his notice of antagonism confined to the naval appropriation bill.

Mr. MORRILL. I should have said the naval appropriation bill and everything else.

Mr. HALL. No matter what it is?

Mr. MORRILL. No matter what.

Mr. DAVIS, of West Virginia. I hope the Senator who has charge of the naval appropriation bill will move to take it up to-morrow, and let us see whether appropriation bills are to be delayed for anything. I believe it has been the practice of the Senate for many years that whenever appropriation bills were ready they should be taken up and have the right of way. Of course I do not say it is the rule of the Senate; I mean it has been the uniform practice and custom of the Senate, and I think my friend from Ohio cannot point to a single instance where it has not been done.

Mr. SHERMAN. The express rules of the House of Representatives give revenue bills preference over any appropriation bill.

Mr. DAVIS, of West Virginia. This is not the House of Representatives.

Mr. SHERMAN. The custom of the Senate has been uniform to give revenue bills precedence over everything else. They very rarely come in collision, and ought never to come in collision, because the chairmen of the two committees ought to prevent that, but the rules of parliamentary bodies give revenue bills priority. They are bills for supplies, which take precedence of everything.

Mr. RANSOM. In the upper House?

Mr. SHERMAN. Certainly, and the rules of the other House expressly give precedence to revenue bills.

Mr. DAVIS, of West Virginia. I have no recollection of a single instance when an appropriation bill has been ready for consideration that the Senate had refused to take it up. I do not think there is a single instance of that kind.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the Committee on Finance.

Mr. GEORGE. I submitted an amendment which I desire to have read by the Secretary.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. It is proposed to add as a new section the following:

SEC. —. That all duties and imposts now laid on machinery for the manufacture of cotton or woolen goods, or goods composed of hemp, jute, ramee, and on all tools of mechanics suited for use by manual labor, and on all agricultural implements, and on all iron ties commonly known as cotton-ties, including the hoops, be, and the same are hereby, repealed.

Mr. GEORGE. Mr. President, I believe that the adoption of the amendment which I have proposed will greatly benefit the people of this country, and especially will some of its provisions benefit the State which has commissioned me as one of her representatives in this Chamber. The amendment first proposes to repeal all duties on machinery for the manufacture of goods composed of cotton, wool, hemp, or ramee. If adopted it will certainly give a great impetus to such manufactures. The increase of the manufactures of cotton would greatly add to the wealth of the country.

We now export about three-fourths of our raw cotton to be used in the factories of Europe, thereby greatly adding to the industries and wealth of other nations. It can and ought to be all manufactured here. The raising of raw cotton has not been a profitable industry for some years. The manufacture of it has always been and is now very profitable. In the work pertaining to this great staple, so necessary for the comfort, so essential to the commerce and manufacturers of the world, we of the South perform that part in which there is

the least profit, and surrender to others the greater portion of that part from which great wealth is acquired.

I said that the production of cotton had been in the main unprofitable of late years. I shall not go into a calculation of how much it costs to raise cotton and how much is received by the producer to show the truth of this statement. I prefer to rest on the result of experience and observation. They teach me that nine-tenths of those engaged in cotton-raising are in a condition now not much better than ten years ago. As a rule cotton is raised on mortgages or liens given for supplies before the crop is planted.

In many instances the proceeds of the crop are unequal to the amount of the supplies furnished. It is a fact within my personal knowledge that merchants engaged in the supply business have in many instances become overburdened with the land, cultivated farms, which have fallen into their hands by a failure of the crop to meet their demands. I have been engaged in cotton-planting ever since the close of the war, and the result is a loss in the whole period. I know that to be true with reference to most of my neighbors and acquaintances. The public history of the State of Mississippi shows this to be true in a large degree throughout the State. I state the fact. I shall not go into an examination of the causes now, further than to say that one of them, and a most potential one, is the unsuitableness of the work necessary for its production to a large class of our population, women and children, who must nevertheless be supported from it, and the want of suitable employment for them and of a home market for such agricultural productions as can be raised by their labor.

These causes would be removed in a great degree by the establishment of cotton manufactories in our midst. It will be asked: Why are they not established? I answer: Want of capital, and the consequent inability to compete with the established manufactures in our own country. Our capital, together with a very large portion of our best and most efficient labor was destroyed by the war. Every resource of the State was embarked in it and lost, and more than one-fourth of the most active and energetic young men were either killed or disabled.

At the end of the war not only all our money was gone but our farms were dilapidated, our cattle consumed, and our work animals had been taken and used up by the contending armies. The strain on our resources was such that most families in the State were destitute of the ordinary household goods and plantation implements; blankets and carpets had been sent to the army for the soldiers; spades, shovels, axes, wagons, carts, and the gear for domestic animals had all gone in the same direction.

After the war we had years that were almost equally devastating and unfortunate. In 1866, 1867, and 1868 we had the worst of seasons. Small crops were made and all supplies were at enormous prices. In 1865, as soon as the war was over, this Government sent its agents to collect and gather up cotton alleged to have been sold to the confederate government. These agents seized and carried away whatever cotton they judged had been so sold. There was no trial provided for in case of dispute. Their judgment alone, influenced by being allowed a part of the spoils as compensation, was final. Then this Government, under the impression that cotton raising was immensely profitable, levied on us an onerous cotton tax amounting in the aggregate in Mississippi to over $10,000,000.

Then came the era of reconstruction, with all its horrors and all its disasters. I do not refer to this in any partisan spirit nor to cast blame on any one. I am only speaking of its effects on our industries and on our finances. You may say, if you please, that we were to blame. It makes no difference as to my argument whether this is so or not; I am speaking of financial results, not discussing the justice or injustice of the measures which contributed to them. In Mississippi the result was universal ruin to the non-officeholding classes and sudden and great wealth to those who gathered the spoils.

In 1871, the first year after reconstruction, the State tax was increased 400 per cent.; in 1872, 850 per cent.; in 1873, 1,250 per cent., and in 1874, 1,400 per cent. County and local taxation was increased in the same and in many places even a greater ratio. Salaries, fees, and all official emoluments were largely increased. None flourished but officials. In one county a sheriff saved in four years over $200,000, which he now enjoys in a northern city. This was but a sample of all others. A State senator organized a company, of which he was a member, and secured for it 200,000 acres of land belonging to the State without paying a single dollar. In the mean time all values were daily diminishing. The assessment for taxes, embracing all property of whatever description, from 1871 to 1875 decreased more than $42,000,000, being a loss of about 25 per cent. And in that time was forfeited to the State for taxes over 6,500,000 acres of land, being more than 10,000 square miles, and about 27 per cent. of the total area of the State, and being a territory larger than Connecticut, Delaware, and Rhode Island combined, larger than Massachusetts and Delaware combined, larger by 1,700 square miles than New Jersey, and nearly as large as Maryland. This had been private property, much of it improved, and yet in the short space of four years it had all been confiscated by an all-devouring taxation. In addition to this a debt was annually created larger by 50 per cent. than the yearly expenses. And for all this the people had nothing except the sum of $80,000 donated to a railroad company. No public works were undertaken. The taxation and debt were pure plunder and official brigandage.

I am glad to say that since 1875 there has been a great improvement; but still we find it difficult to advance with satisfactory rapidity without capital and without manufacturing. Now, sir, as it seems to be conceded that our tax laws, at least within the revenue standard, shall be so adjusted as to encourage and foster American industry, American manufacturing, I appeal with confidence to the Senate to give Southern and Western manufacturers the aid asked for in this amendment. We want the privilege of buying machinery for manufacturing cotton and wool where we can buy it cheapest. Unless we can do this we cannot purchase at all.

I am able to state as a significant fact on this branch of the subject that I know of two large factory buildings in Mississippi, well adapted to the cotton and woolen manufacture, which are now idle for the want of capital to buy machinery to place in them. In one of these I was at one time interested. It is a most magnificent building and capable of accommodating machinery which would spin and weave over 6,000 bales of cotton per annum. Yet because we cannot buy the machinery in the cheapest market, the building must remain idle. Mississippi, owing to its recent geological formation, has no mines of coal, iron, gold, or silver. But in her magnificent forests of the best timber in the world; in her many rivers and smaller streams, abounding with water-power sufficient to run the machinery to spin and weave all the cotton she grows; in her fertile soil, some of it the most productive in the world; in her salubrious clime, and in the variety of the useful productions capable of being raised there, embracing oranges, sugar, cotton, corn, wheat, oats, barley, ramee, and jute, the best grasses, the best grapes and fruits, she possesses natural advantages which need but to be utilized to make her people wealthy and prosperous. In Marshall County there is a stream, over which the Chicago, Saint Louis and New Orleans Railroad passes, with sufficient water-power to propel the machinery to turn out each year more than $1,000,000 in value of cotton and woolen goods. There are many other similar streams in every section of the State.

You have aided other sections by favoring tariff laws; I ask you to aid us now. Protective laws as against Europe do us no good; they are rather an injury than a benefit to us.

We pay the high prices; we get none of the protection; we have none of the home markets which are so profitable and attractive to those farmers who live in the manufacturing regions. The competition which troubles us is that which comes from the superior capital and the long-established enterprises of the North and West. We cannot get and do not ask protection against these. All we ask is that the Government will so adjust its tariff as to allow us with our small capital in the inception and infancy of our manufactures to buy machinery where alone we are able to purchase it. Unless we can do this, the magnificent picture drawn by the Senator from Indiana [Mr. VOORHEES] a few days ago with reference to the future of the South will not be realized for many years.

Mr. President, I appeal to Senators to consider this amendment in a friendly, catholic spirit. If adopted it will hurt nobody, but will benefit millions in the South of both races, and will speedily raise that section into a prosperity and advancement which will gladden the hearts of all who feel an interest in all sections of our country. I make this appeal in some confidence that it will be responded to, if only it be well and fairly considered. My intercourse with Northern and Western Republican Senators since I have been a member of this body has tended to convince me that they desire the prosperity and advancement of the South. From them I hear friendly expressions toward that section which I believe are sincere, and from them also I have received that assistance in the discharge of my duties peculiarly valuable in my inexperience as a member of this body. Many of them too have contributed by their votes and influence to popularizing the idea of Government aid to the levees on the Mississippi River. Yet they seem to think that the greatest blessing now needed by that section is the predominance of the Republican party in its borders.

I will not discuss or dispute about the propriety of that sentiment now. But I will say this: if you desire to have the South join the Republican party show your friendship by beneficent acts of legislation. President Arthur, by his liberal and patriotic message on the Mississippi levees, has done a great deal toward producing a more kindly feeling toward the Republican party on the part of the South. So have the concurring votes and voices of Republican Senators on this floor. I do not object to your making the Republican party popular in Mississippi by such acts. I am a Democrat. I expect to remain so; but I love my State and its people more than I do any party. If you can make her Republican by adopting policies which aid her people to become prosperous and great I shall be content.

Mr. President, the State of Mississippi now raises about $50,000,000 worth of cotton each year; she is capable of raising $300,000,000 worth. But this increase in her crop is not desirable at present. It would reduce the price in the present state of the demand and supply far below what it would cost to raise it. But she has in her borders now unemployed labor, consisting of those who are unfit for work in her cotton-fields, sufficient to manufacture, with proper machinery, the larger portion of her crop. In ordinary goods the manufactured

would be worth thrice the raw material, making her cotton crop, if all were manufactured, produce $150,000,000.

This great gain is denied us by reason of our inability to buy the necessary machinery. Repeal the duties on it, and not only in Mississippi but throughout the South and West would grow up factories giving employment to unemployed labor, and a home market to productions which can be easily raised. Is there any reason why this should not be done? Other sections have had the benefit of protecting and fostering legislation, of favoring tariff laws. Till the present time the South has borne the burdens and received none of the benefits of protection.

The result is that the North is immensely rich and the South remains poor. It is time to change this system. We ask no advantage of the North. We ask no bounty from the Treasury, but that we shall have free trade in that which is essential to manufacturing. You admit now free of duties the raw material to encourage manufactures. We have the raw material; we ask free trade only in the instruments of manufacturing. Justice and fairness require that our demand should be acceded to. We have a right to equality in the favors of the Government. We do not get it when we are taxed for the benefit of enterprises in other sections and are denied the only relief that can aid enterprise in our own.

Another provision in this amendment deserves the approval of the Senate; it is the repeal of the duty on cotton-ties. I have shown you that cotton raising has been in the past in the main unremunerative; that taking the whole period since the war it has been a loss. Cotton culture is the most exacting of all work. From the beginning of the year to the end the labor is continuous and exacting. There are no holidays, no seasons of comparative leisure. Every day has its duty which must be performed. It is also the most uncertain of all crops. In the spring there is often a loss of a proper "stand" by cold nights and insects. In the summer it will be ruined by excessive rain, and is subject to the depredation of the army and cotton worm.

In the autumn, when an abundant crop seems almost assured, an early frost will cut off the yield one-half; and still later, when the fields are white with its snowy fleeces, a heavy rain or a storm will destroy it. It is besides almost as inflammable as gunpowder, and after it has been gathered and housed a mere spark from a friction match or the pipe of a careless laborer will consume in a few moments that which it cost a year's labor to produce. It may be said that the tax on the ties is insignificant, but it will amount to a large sum in the aggregate. Besides being an initial tax levied at the custom-house it augments the price in the hands of each dealer by the profits which he charges and must charge on the advance. The importer has his profit, the wholesale dealer his, the jobber his, and the retailer his. And then there is transportation and interest. I know that in actual course of trade the price is more than doubled. The repeal of the tax would be a great relief. The small sums saved would furnish a necessary comfort or a cheap luxury to those who have very little of either. The little insignificant sums which the rich throw away constitute the treasures of the poor. More than one-half of the cotton produced in Mississippi is raised by our colored people, working not for wages, but either as tenants or for a share of the crop. The tax falls heavily on them.

In the main they are without property, without land, without work stock, without farming implements, and without credit except at that excessive rate consequent on a precarious security. They have been enfranchised by the power of the Government, made citizens, equal in rights and privileges with all others. But, sir, it seems the care of the Government for them has stopped there. They, in common with their white neighbors, have been made the victims of a taxing system which allows them but little chance to better their condition in life. It is the desire of every thoughtful Southern man that our colored population should acquire property, become interested in the country. My own opinion is that this is essential not only to their welfare but to the safety of the State. Is it too much to ask that the taxing policies of the Government should be made to favor and hasten this desirable end?

A majority of my constituents are colored. It is my duty as well as my pleasure to represent their interests here with the same fidelity that I represent the whites. The interests of both races are identical. A tax levied on the one falls equally on the other. I have called especial attention to them, because this tax presses directly on a majority of that race, and from their poverty they are especially injured by its imposition.

Mr. President, the amendment also proposes a great measure of relief to the farmers throughout the country. It proposes to allow them to buy their tools and implements wherever they can buy them cheapest. This, sir, is a just measure, and should receive the assent of every Senator on this floor. The price of all the great staples of the farmer in ordinary seasons is fixed not by the home market, so much boasted of, but by the markets in Europe. Except in years of scarcity, of misfortune to the farmer, of crops disastrously short, the surplus of farm products not needed in this country would, without a foreign market, be so great as to depress prices below the point where farming would be profitable.

We have fostered manufactories. I make no complaint now of that. We are certain to continue this policy for many years. The amount necessary to be raised to pay the national debt and for carrying on the Government is so large that it would be almost impossible to levy duties and imposts without protection to manufactures. There is no foreign competition to wheat, corn, oats, barley, cotton, beef, and hog products. You can only favor and protect these industries in the mode suggested in the amendment, by relieving them from unnecessary and burdensome taxes.

Farmers, sir, rarely if ever grow rich. The most they can hope for after years of hard toil, close economy, and the severest self-denial is a comfortable independence. Their gains are slow and small. Their fortunes when at the highest do not amount to the yearly income of men in more favored pursuits. A farmer whose whole fortune equals the annual salary of a Senator is considered fortunate. It seems therefore to be a high duty resting on us to give them the relief asked for in this amendment. To this it would be well to add a repeal of all taxes on barbed wire fit for fencing and on the round wire out of which it is manufactured. This would be a great boon to the farmers of the West, and in fact to the whole country, since it would greatly cheapen fences and put a stop to the enormous waste of our forests in the draughts made on them for timber suitable for fencing.

Mr. President, I desire to say with emphasis and with all the earnestness inspired by a profound sense of the wrongs inflicted on farmers by our taxing system, and the deepest sympathy with that overtaxed and neglected portion of my countrymen, that there is no measure of relief which we can devise, no fostering, no aid which we can give to that interest which ought not to command at once our favorable action. I was born in that class; I have never separated myself from it. My ancestors to the remotest generations belonged to it; the name I bear is significant of their calling; that is also the assured destiny of my descendants; a majority of my constituents belong to it; a majority of my countrymen are a part of it. So, sir, I am impelled not only by high considerations of public duty but by my sympathies as a man, by my associations, by the love of those who are near and dear to me, to urge upon the Senate the adoption of all measures which will tend to ameliorate the condition of the agriculturists of the country.

There is yet another provision in the amendment to which I desire to call the earnest attention of the Senate and to ask for it their favorable action. It is a repeal of all taxes on the tools used by mechanics in manual labor. We hear a great deal said about our duty to protect American manufactures. I want to protect and encourage American mechanics, the workers who create our manufactures. I shall not go into the question of how much protection given to manufactures goes to the laborer who creates them. I do not know that I am capable of doing so. I do not know that I can see through this intricate and involved subject and find how or to what extent the tax levied to protect the thing affects the man who, for wages, creates that thing as the property of another. I do not know how much of the profit directly gained from protection by the capitalist who owns the mill is allowed to go incidentally to the laborer who works in it. This is an intricate, not to say an unknown subject; at least it is unknown to me. Those who are curious on this subject will find it ably and fairly discussed in a speech made in the other House on this subject on the 3d day of May last, by Hon. S. S. Cox, and to that I refer them. I learn this, however, from the history of the times: that the protected capitalist realizes enormous gains; in some instances, as shown by the Senator from Delaware [Mr. BAYARD] in his speech made in this Chamber a few days ago, as much as 77 per cent. per annum. We know they are growing richer and richer every day.

But how is it with the laborer who is said to enjoy this protection? Are they becoming independent? Are they well lodged, well clothed, and well fed? Do their children enjoy such advantages as are useful or necessary to advance them in life? Let the numerous strikes recently and even now prevailing over the country answer. These strikes are the solemn and earnest protest of those who know more of this business than we do, against the unequal division between capital and labor of the gains arising from protection. Shall we assume that there is no just cause for this protest? Shall we assume that labor out of an aggressive and communistic spirit rebels against fair wages and refuses to perform its share in the creation of wealth; that it elects idleness and starvation in lieu of work and plenty?

Large bodies of men never make complaints without just cause. They never undertake to right themselves in a way which puts at peril their daily support, their food and raiment, unless there be a real grievance.

That the relations between capital and labor, between the master and the workman, are unsatisfactory I believe is admitted. It will ever be so, till the large mass of workmen can secure the means of labor and support independent of the will of the master. When there are no other means of living for large numbers, there must be conflict and antagonism. Labor must be as free to decline employment at insufficient wages as the master is to refuse to hire it at what he deems excessive prices. In no other way can they treat on equal terms. Capital idle and unemployed, it is true, gains nothing; it may even lose; but the absence of gain or the actual loss brings no want, no pressing and emergent circumstances to the capitalist. He may wait and watch, secure against such loss as threatens either his comfort or his fortune, and secure also in the assurance that in the end he will be the victor.

Unemployed labor means, in no short period, hunger and pauperism. Thus circumstanced, the parties are not on equal terms, even when labor can (as it rarely or never does) combine as one man to enforce its demands.

I know of no better alleviation of this evil, no better way of equalizing these antagonistic forces, than to encourage and foster such means as will enable labor to work, if even at a disadvantage, independently, combining in some degree the characters and functions of capital and labor. It aids in this direction that the laborer should be the owner of the tools by which he can ply his trade.

Sir, I look with alarm at the modern tendency of affairs to destroy these independent laborers carrying on business for themselves and the absorption of all such in large workshops under a master. I fear this tendency cannot now be successfully resisted. The perfection of the many curious and useful inventions to save human labor, the substitution of the steam-engine and machinery for human muscle and human intelligence, the greater efficiency of labor coming from its subdivision, all tend more and more to put all trades, all mechanical work under the control of large capitalists and in great shops.

It will, however, aid in making labor less dependent if the laborers, or a large part of them, may escape the thralldom and, even though but for a short season, live on their independent resources. Whatever will help this should receive our sanction. Grave as the social and economic questions are to which I have alluded as connected with this subject, there are yet other considerations which demand such action on our part as will enable every mechanic in this broad land to be the owner of the tools with which he works.

There are scattered all over our country hundreds of thousands of mechanics who do not work in these large shops, and who are independent of bosses and masters for employment. They are blacksmiths, carpenters, wheelwrights, plasterers, painters, saddlers, shoemakers, ginwrights, makers and repairers of furniture, and many others. They are useful members of society. They add to the wealth of the nation by their toil. Each of these, when he has the means to purchase the instruments by which he labors, may be an independent contractor or manufacturer; or at all events he has the power to resort to that as a protection against the demands and exactions of his employer.

In behalf of this large and meritorious class this amendment appeals with great force. The enlargement of this class will be well for the Republic; the power to go into it at will is a great conservative force, tending to a nearer equality in the conditions of labor and capital in their mutual relations.

The first effect, as I have shown, of the many inventions of this age has been to create large shops, in which there are many laborers under one master. But we have just begun the great work of the conquest by man of the powers and forces of nature and the subjugation of them to his own use. I believe further progress will lead in the opposite direction and that at last the end will be attained when this subjugation will be so complete, when these forces will be so tamed and trained to obedience to man, that they will be made to aid in human work in that way, in which each worker may have their full, free, and beneficent effect, either by his own individual exertion or by a voluntary co-operation with others, which no economic or financial laws can prevent.

Sir, this may be a Utopian dream, or it may be prophecy. But whether one or the other is for the determination of the future. It is certain, however, that the conditions of the present are in an opposite direction. It is our duty to deal with the present and its hard and stubborn and uncomforting facts. This opposite tendency cannot be wholly destroyed by legislation. We are in that era in the world's progress in which great capital employing large numbers of laborers is the rule. But, like all other ills, it may be ameliorated, though not destroyed. The best means to do this is to foster and encourage so far as we may independent workers in independent employments.

Mr. President, I am no enemy to capital, but its friend. I know, sir, that capital is but the result of saved or stored-up labor, prepared for the world's use while production is going on. I know it is a great blessing, even essential to progress. I know, also, that men will not save, will not produce capital unless it is protected, fully and efficiently protected. Civilization itself cannot be maintained without securing to each man the productions of his own enterprise, intellect, labor, and self-denial. It is this security which creates capital. Destroy it and you destroy civilization itself.

The beneficent and proper use of capital is the greatest of all economic blessings. Its influence and power are felt everywhere in all the relations and affairs of life. There is no interest or business, however great, none however small, beyond the control of this power and influence. Like the atmosphere in which we live, they are ubiquitous, pervading all places at all times and in all seasons, enveloping all interests, all occupations, all affairs. Like that same atmosphere, when this power and influence are rightly and justly exercised they give health, strength, and vigor to all social, all economic, all political forces; but when perverted to improper and selfish ends, like the same atmosphere freighted with malaria, they poison and destroy all within their baleful sway. Capital has its high trusts and its grand duties as well as its just rights. It is a law of nature that it cannot abdicate or abuse the former without imperiling the latter.

In too many instances capital has abused its great powers. It controls the transportation of the country, a high public duty, in its own interests too often in disregard of the rights and interests of the people. It has, under the false plea of protecting American labor, taxed all industries to secure enormous gains for itself. It has, for the purposes of speculation, depressed or enhanced prices at its will. It has controlled elections, dictating who shall sit in the high places of public trust. It owns and controls influential newspapers. It has the ablest and most distinguished advocates to plead its cause before the committees of Congress and the State Legislatures, and exercises a large influence on legislation, both State and national. It has forgotten that being the creature of society and owing its safety and preservation to government it is a servant and not a master.

The American people mean to protect and secure capital as a necessary element of progress and even of civilization, but they reject its pretensions to domination. They do not mean that this shall be a nation of lordly millionaires and servile and obedient paupers. They mean to encourage labor, skill, and enterprise by securing to every one his own gains, whether coming from his own exertions or those of his ancestors; but they mean also that every citizen in this broad land shall have the fair opportunity by his own exertions of securing such a share of the world's goods as may be necessary for his comfortable existence. They mean that the blessings of government, its fostering care and protection, shall come to all equally. They mean that the burdens of government shall also be borne by all equally; that the rich shall have their wealth as the result of legitimate enterprise and labor, not by governmental donations or favors, and that the poor shall be poor from their own fault or misfortunes, and not from governmental exactions. Whoever shall seek for more than this will be resisted and destroyed; whoever is content to receive less has sold his birthright and already forfeited his title to American citizenship.

This bill seems to have been expressly framed in the interest of capital and against the interest of the great mass of our people. The taxes it proposes to repeal are in the main taxes on capital. It relieves banks and those who have money to deposit in banks. It relieves men who have patented for their own profit, or keep a secret from the world, remedies or pretended remedies for sickness and disease, speculators in the misfortunes and ills of the human race. It relieves the fops and coxcombs of society whose delicate and æsthetic natures are shocked if but a plain laborer "shall come between the wind and their nobility," by furnishing them free of tax the lavenders, perfumes, and cosmetics, the use of which is at once the sign, the cause, and the effect of the decay of a vigorous manhood.

The only boon held out to the laborer is the repeal of the tax on lucifer matches—a tax so small, so inappreciable in its effect on prices as to be incapable of expression in any coin in use in this country, as was well shown the other day by the Senator from Delaware, [Mr. BAYARD.] I have wondered, sir, why this tax was disturbed. As was demonstrated by the Senator from Delaware, there is no economic or financial reason for its repeal, and so far as I can see there is no reason connected with human affairs, none pertaining to the interests of this world, which could have inspired it. Possibly it may be that the true reason was a provident wish to hasten the entire consumption and destruction of sulphur, a material supposed by some to have an important agency in the world to come in making uncomfortable those who have oppressed or plundered the poor in this.

The bill gives no relief to the farmers or to the laborers of the country. On the contrary, it increases their already too heavy burdens.

The title of the bill, "An act to reduce internal taxes," is a sham and a false pretense in everything except in its relief from just taxation of those most able to bear it, while leaving all others to that long-delayed and contingent relief to come, if it ever comes, in the remote hereafter, when no one shall have an interest in further opposing it.

Mr. President, I shall vote against this bill as it passed the House and as amended by the committee of the Senate. I see in it a favoritism and subservience to capital and a disregard and contempt of all other interests. We are promised relief to other interests hereafter; but, sir, I am not willing to accept promises of relief for the farmers and laborers of the country in exchange for the performance made in behalf of the favorites of this bill. We are told, sir, it is too late in the session to go into the investigation and discussion necessary to grant relief to those who are denied it by this bill.

Sir, if it be necessary, in order to do the public business, in order to pass a measure which shall do equal justice to all the great interests of this country, let the session be prolonged until December. I am unwilling to go home and meet my constituents with the plea that my ease or convenience or private affairs prevented me from enacting laws necessary for their welfare and prosperity. Besides, sir, the people are not responsible for the introduction of this bill at this late day. It is our fault, or rather the fault of the House of Representatives, that this bill has not been sent here earlier. We are not at liberty by any rule known to me to plead our own negligence, our want of fidelity to the high trusts imposed on us in excuse for a further and premeditated dereliction of duty. The people will accept no such excuse, and they ought not to accept it.

Mr. President, I have another serious objection to the passage of this bill in its present shape. The bill is so manifestly in the inter-

ests of the money power of the country that its passage by the American Congress will tend greatly to increase the antagonism between labor and capital and to encourage a spirit of communism as the only remedy for oppressed labor. I think the antagonism is too great now. I fear, sir, it threatens serious danger in the near future.

Our free institutions are based upon the theory of the equality of all citizens before the law, equality in civil and political privileges, equality in the burdens and benefactions of government. This equality, as the American people understand it and mean to have it understood and acted on by their servants, must be actual, not theoretical merely—a living, acting, operating principle, originating, guiding, and controlling all legislation and all governmental action. It recognizes inequalities in the conditions of men arising from a difference in natural endowments, in the energies, in the activities, and self-denial of men. It does not ignore that the gifts of fortune are frequently but the acquisition of superior ability, greater exertions, and a more complete self-denial; and that the misfortunes of life are too often traceable to the faults or mistakes of the unfortunate. But, sir, it requires so far as the action of government is concerned that every citizen shall be treated exactly alike, and that every one shall be secured in the fair and equal opportunity to work out his own destiny, to gain for himself that competence and independence necessary for his happiness.

The best security for capital, therefore, in a free country having universal suffrage, is in that just and fair operation of the laws by which the great mass of the people shall either possess or have the fair opportunity of possessing for themselves by their own exertions so much of capital as may be necessary to make life comfortable and to furnish a security against want in old age. Whoever is thus situated is necessarily a friend of property. Communism is not a natural sentiment; it is the outgrowth of unjust and unequal laws. By nature every human being is endowed with that selfishness which makes him desire to be the owner of property himself—to be its master and controller, even as against his own children.

Property is not only comfort and independence but it is power. Men love all these. Hence, sir, the strong conservative force which protects property even when possessed and used in the most objectionable and offensive manner.

But, sir, the contrary results from opposite premises. Let the great mass of the people be without property and without hope of obtaining property; let them be without comfort in their homes, and without homes even, except the miserable lodgings of the poor in the great cities; let their utmost exertions be expended in procuring a scanty and mean subsistence; let them be without hope of bettering their condition and without aspirations for themselves or their children; let them see, sir, that their unhappy lot may be attributed to the injustice of their government—you then have, sir, the conditions which produce communism.

The wretched victims of such a state of affairs embrace despairingly their inevitable doom. They feel no interest in society which thus treats them. They compare their miserable condition with the more happy lot of the property-holder, and seek—madly it may be, but they nevertheless seek—an alleviation of their distress in an attempt to reduce all others to an equal and common wretchedness.

This, sir, is the real danger of communism. That which springs from the false philanthropy of a Utopian philosophy is harmless. It makes no converts. It has no followers but the ingenious sophists who waste their lives in work no more substantial than the aerial architecture of dreams.

It may be said, sir, there is no danger now; but, sir, there is always danger, near or remote, where there is injustice. Already, sir, from the criminal prodigality with which we have granted away so many millions of acres of our public lands has the difficulty of acquiring homesteads by the poor and unfortunate been largely increased. The cheap and easy acquisition of homesteads from the public domain has been our safety in the past; it has prevented pauperism to a large extent; it has increased production; it has enhanced the consumption of our manufactures; it has furnished cheap food to labor.

In a short time, sir, this resource will be exhausted. The lands will be all taken up or held at such prices by the corporations to whom they have been granted, that their acquisition and settlement by the poor will be impossible. Our fertile lands are being exhausted by a cultivation which looks only to present gains. Our population is increasing at an enormous rate. We will soon be a hundred million. Is it wise to wait till the danger is at our door before taking measures against it? It is better, it is wiser to so act as to keep it forever away.

You cannot repress it by a standing army organized to shoot down the hungry crying for bread, and the miserable, frantic and frenzied by want and a sense of injustice. You cannot make war on your own people. You cannot satisfy the cravings of hunger nor bring content to misery and wretchedness by the immolation of a few victims by way of a terrifying example. These methods will not do in a free country.

The only thing left us is the best thing; that is, to administer the Government with justice and equity to all its citizens, to so foster and advance its industries among all its people and in every part of the Union as to cause each American citizen to feel and know that there is room in this broad land and under her beneficent institutions for him to win by his own honorable exertions that comfort and independence, without which it is a mockery to tell him he is free and the equal of all others; and to cause him further to feel and know that in its benefactions and its burdens the Government has no step-children and no favorites. Because this bill is not of this character, but on the contrary confers its benefits on favorites who do not need them, and not only denies benefits but imposes burdens on others equally entitled to the protection of the laws, I shall vote against it, unless these objections be removed by amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the Committee on Finance.

Mr. BECK. As there seems to be some confusion relative to the amendment that I offered and the exact form of it, I now desire to so far modify it as to insert what I send to the desk to be read.

The ACTING SECRETARY. Insert after the word "taxes" in line 18:

Now imposed by law on manufactured tobacco on and after January 1, 1883; from and after that date the tax on manufactured tobacco shall be ten cents per pound; and.

Mr. BECK. So as to read:

The taxes now imposed by law on manufactured tobacco on and after January 1, 1883; from and after that date the tax on manufactured tobacco shall be ten cents per pound, and on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank-checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section 3437 of the Revised Statutes.

Mr. SHERMAN. I ask the Senator from Kentucky if he will not in the spirit of good order and convenience make that amendment of his apply to section 3, which reduces the taxes on cigars and cigarettes?

Mr. BECK. Mr. President, I propose if this amendment is carried to insert "cigars at $3 a hundred;" it may be that $3.50 would be better. I think cigars have been since 1879 left at too high a tax, and I am not sure that it would not be wiser to make the tobacco tax either 8 or 12 cents rather than 10, so that the reduction would be one-fourth or one-half, for the convenience of putting up packages as provided by existing law.

Mr. SHERMAN. What I wish is to have the amendment proposed to the third section instead of the first.

Mr. BECK. I announced the other day that my desire was to endeavor to get a vote upon what I regard as a proposition that would give substantial relief to a large class of our people before we were called upon to consider the proposition of the committee, in order to test the sense of the Senate as to a fair system of relief, because I am willing to vote for some of the propositions of the House of Representatives as amended by the Committee on Finance, but I do not desire to be compelled to vote for them in the first instance, regarding them as secondary only to the main questions. I would be willing to adopt some of them as parts of a system of reduction, and I am disposed, with the views I entertain, to test the sense of the Senate first upon a substantial proposition such as the reduction of the present tobacco tax; and I may as well say now why I think it is proper as at any other time.

Mr. FRYE. What is the present tax upon manufactured tobacco?

Mr. BECK. It is now 16 cents a pound. I have no desire to detain the Senate from taking a vote on this proposition; there are a great many questions to be discussed and decided, and the session is far advanced. I have no speech to make. My general views are well known. The Senator from Indiana [Mr. VOORHEES] the other day gave us a very able exposition of the whole system of taxation. The Senator from Delaware [Mr. BAYARD] last week and the Senator from Mississippi [Mr. GEORGE] this morning have debated the general questions with such ability that I have no desire to say anything more in regard to them. I am not sure that I would even argue my own proposition relative to the reduction of the tobacco tax but for certain remarks made by gentlemen on the other side.

On last Friday the chairman of the Finance Committee [Mr. MORRILL] chose to use this language:

It is perfectly obvious that we may remove all the taxes in the world, and unless we remove the tax on tobacco and whisky we do nothing substantial, according to the idea of the Senator from Kentucky. When we reduced the tax on tobacco from 24 cents to 16 cents a pound we had the pledge of that Senator and of various others that they would not ask for a further reduction upon tobacco for five years; yet now the Senator is the first one to make a proposition to reduce it over one-third.

I propose to answer that not very complimentary suggestion, and also a suggestion made by the Senator from Ohio, [Mr. SHERMAN,] who said:

It is as clear as day; we are not children here. This is a mere amendment to embarrass the regular order and framing of this bill. It has that effect. The first section relates simply to the proposition to repeal certain taxes imposed by stamps and also the tax on bank deposits. It does not relate to tobacco at all. It has nothing in it about tobacco.

The tone of both the gentlemen seemed to be that I had no object in view except to embarrass the bill, because of some special notions of mine about whisky and tobacco, and that unless I can get a reduction of those taxes I care nothing about anything else, however meritorious, and that I do not care whether or not the reductions reach anything else. I deny that I entertain any such purpose. I believe that we ought to have begun this work long ago, but though

we have begun late "it is better late than never" to reduce taxes. I seek to reduce both internal-revenue taxes and tariff taxes by fair reductions that will be beneficial to all and injurious to none. This is the first of the series. I have offered amendments to clauses in the tariff part of the bill, where the committee seek to regulate and reduce the tax on sugar and increase it upon cotton-ties, and one or two other things. All my propositions I believe to be substantial and just amendments. One of them is to reduce the tax on Bessemer steel from $28 to $14 per ton. We shall by this quadruple the revenue, leave ample protection to the manufactures, and give to the country immense relief; with the 110,000 miles of railroad we have to repair the demands must always be enormous, even if we cease building. I have submitted propositions since the committee proposed to repeal section 3 of the act of 1875, to repeal section 4, and thus remove the taxes imposed in 1875, and restore them to where they were fixed by Congress in 1872. I will give good reasons why that should meet with general concurrence. I have submitted another proposition, which is that there shall be no tariff taxation above 50 per cent. ad valorem on imported goods not burdened by internal taxes, and have stated the schedules to which that shall apply. If that does not meet with favor I propose simply to reduce the tariff 10 per cent., as we did in 1872, with a further prospective reduction of 10 per cent. at the end of the next fiscal year, and I know there are very few, if any, interests that cannot stand that reduction. Returning to the question now up, I have proposed to reduce the tobacco tax to 10 cents a pound; I am willing, as I said, to make it 8 or 12. We cannot abolish the tax altogether, much as I desire it, because we must have revenue, and I think I will show that my proposition will not long impair the revenues, while it will be of substantial benefit to all the producers and consumers of the country. If all the tax on tobacco was removed no other interest could be relieved, and I do not propose to take $47,000,000 from a single item.

I propose to reduce the tax on distilled spirits from 90 cents to 50 or 60 cents, I care not which; 60 would perhaps be better as a proper measure of general relief and reduction. By doing that I hope to be able to prove that all the great manufacturing interests of the country will be benefited. Not one-third of what is called whisky is made for the purpose of table use or drinking. Everything that goes into the drugs of the country, everything that goes into varnishes, everything that goes into perfumery, or into the patent medicines, has alcohol in it as a large component part. You charge England with being a free-trade country, but the tax on whisky in all forms there is enormously high. She derives $160,000,000 from the tax on spirits made at home and imported, and when she seeks to send abroad exports composed in part of those taxed articles they go burdened with a heavy load of domestic taxes. If we reduce the tax on alcohol and distilled spirits from 90 to 50 cents, we can compete with her all over the West Indies, South America, China, Japan, and elsewhere, in everything composed in part of alcohol in any form, and build up an enormous trade in very many important articles which we are losing now, and thus add to the trade and profits to our home manufacturers, besides get a market away from home, which we so much need for manufactures. It is because I do not want to make child's play of this bill, and because we are not children here, as the Senator from Ohio [Mr. SHERMAN] says, it is because I want to give substantial relief and not relief to but a few classes of men, that I am now seeking to get a vote, first, on the question of reducing the tax upon tobacco, to be followed up by other propositions in regard to snuff, cigars, distilled spirits, &c., and by the several amendments I have named relative to tariff taxation.

The bill as it came from the House and as it was reported to the Senate from the Finance Committee in the first instance, until in obedience to an order, a very wise order, from the Republican caucus it was amended, extended, and recommitted, was simply limited to the relief of the banks, the removal of the tax on matches, patent medicines, and bank checks. That was all there was in it. It seemed to me that the very fact that the Committee on Finance would submit a proposition of that sort to us for serious consideration in the midst of all the burdens of taxation pressing so heavily upon the country was treating the matter as though we were children. The Republican caucus evidently thought it was treating the Senate and the country with indecency, when they met and ordered the committee to take the miserable little bill back and put something in it that had some appearance of cutting off and removing burdens, and the committee had to obey orders the very next morning, because the caucus was wiser than the Republican leaders of the Finance Committee, and appreciated more fully how contemptible the little bankers' job was. I now propose to add other substantial, meritorious amendments, and ask consideration for them, and that is regarded by the fathers of the little bantling as indecorous and out of place, child's play, &c.

I ask the majority of the Finance Committee why they regard the abolition of bank taxes as being the only thing which it is worth while to consider in order to give relief to the people. Why limit our bounty to the bankers of the country? I am willing to relieve them in common with others; but why single them out? It is not a month yet since the House and Senate, at the request of the national banks, gave them an extension of their charters for twenty years, gave them privileges they never had before; indeed, did all they asked Congress to do. Take one example: under the present law, and the charters under which they are now living, they agreed that they would in six months after they went into liquidation, or after their charters expired, or whenever they ceased to use the franchise that we had given them, pay into the Treasury of the United States, in legal-tender notes, a sufficient sum of money to cover all their outstanding circulation. What did the Senate and the House do for them in regard to that? Congress said, "We will not ask you to comply with your contract; we will give you a new charter for twenty years longer, and you need not pay any of our money into the Treasury for three years; six months is too short a time, it is hard on you, and we do not need money." It was said that the extension was given to prevent a contraction of the currency, and yet at the same time and in the same bill Congress said that every bank of $50,000 or $100,000 or $150,000 capital which had before been required to deposit $50,000 in bonds of the United States in the Treasury might keep one-third only, $12,000, $20,000, $25,000 in bonds, and thus contract the currency infinitely more than the amount of notes required by existing law to be deposited could by possibility have done. What did Congress care, so the bankers made money? The average of the bank circulation is about $360,000,000. Five per cent. of that, in my judgment, has been lost or destroyed in the last twenty years; it belongs to the people of the United States. We were entitled to it; it was our money according to their contract, by the terms of their charters, and they were compelled to pay it to us within six months after their terms expired or they closed up the old account. We set all this aside in the bank-extension bill the other day, and said "You need not pay it in six months, keep it for three years; Congress will make you a present of it for two years and a half." Five per cent. on $360,000,000, as I figure it up, is $18,000,000. That is worth to them certainly 6 per cent., I think 10 per cent. At 6 per cent., by the two years and a half extension we gave them of money that belongs to the tax-payers, what amounts to $1,080,000 a year, or $2,700,000; or at 10 per cent. it would be to them $4,500,000. That, I repeat, Congress made them a present of, together with the twenty years' renewal charters. That money was wrongfully given away. With it in the Treasury we could have paid off bonds of the United States or any other obligations that we owed to that extent.

After having given these banks a new charter for twenty years and relieved them from the resposibility for paying up for all their outstanding currency at the end of six months, as they were compelled by law to do on the expiration of their charters or going into liquidation, we gave them what is equivalent to them at 6 per cent. of our own money $2,700,000, and if it is worth 10 per cent. $4,500,000. Ought they not be fully content? Is not that their full share? If we were going to extend relief to other people, after getting such a renewal of their charters, after getting such privileges as we gave them, not compelling the smaller banks to hold $50,000 of bonds as they are compelled to hold now, but reducing it down to $12,000, $20,000, or $25,000, to enable them to go on contracting the currency as they like, and after allowing them to keep money three years instead of six months, ought they not to have said "We have got our share of the reduction of burdens or of the privileges you choose to grant."

Yet further privileges and exemptions to bankers was all in the way of relieving the country that the Senate Finance Committee could see was necessary when it made its report on the 6th of July that ought to be laid before the Senate as a relief bill. The matches were cunningly flung in for buncombe. Now we are told if we ask anything else that we are interrupting the regular course and order of business, that we are seeking delay, acting like children, and interfering with what the wisdom of that committee has decreed ot be the only thing that ought to be done.

Why, sir, the bill would have been contemptible but for the fact that the Republican caucus saw in time that it was contemptible, and ordered the committee to report other reductions, to give the Senate a chance to consider more substantial things and not to be trifling with the country by making another relief bill for banks merely, while pretending to be dealing with the great questions of taxation. The caucus had learned, if the committee had not, that the people are at last aroused and are fast becoming informed on tariff and tax questions, and that it is not safe to trifle with them.

In all seriousness, let me ask, is there any merit in the proposition to relieve the patent-medicine men? Does any man suppose that the people are going to get a bottle of patent medicine a cent cheaper after you have taken off the tax, which now amounts to $1,800,000 a year? No. It is a monopoly now. The proprietors charge what they please. Nobody else can make it. The moment you take off that tax they pocket it. Their customers pay just as much. You put $1,800,000 in the hands of the men who own the patents; you might as well take it out of the Treasury and give it to them. The consumer of the medicines does not get one cent's benefit. That is another of the propositions that the Finance Committee of the Senate saw great merit in. If they would do what I ask them to do, reduce the tax on alcohol, which, being about double proof, now pays a tax of $1.70 a gallon, not quite twice 90 cents, for it is not entirely double proof, they would reduce the cost to the people of all the patent medicines, which are compounded and made up, at least nine-tenths of them, with alcohol. You would reduce the cost 30, per-

haps 50, per cent. If you are going to give relief to the patent-medicine men, who seem to be such a meritorious set, let them pay for the privilege of the monopoly they now enjoy and reduce the cost of the materials; give them their alcohol at one-half or two-thirds of what they pay for it now, and then the competition of one patent medicine with another will give the consumers, if there is any value in it, the article from one-third to one-half less than they are getting it now; and you might enable them to build up a large export trade with Mexico, South America, and the other countries of the world.

But all such suggestions as these are child's play, says the Senator from Ohio; these are only the absurd notions the Senator from Kentucky entertains, says the Senator from Vermont. We, the solons of the Senate, will give the patent-medicine men the $1,800,000 the Treasury is receiving now, and we do not care whether the consumer gets the medicine any less or not; we are relieving burdens from a meritorious class of men. I suppose there is not one of these men who will not feel under great obligations when the circular from the Republican committee comes to him asking 2 per cent. of his earnings to give it for campaign purposes, and thank the committee to boot. They ought to feel as the Senator from Iowa [Mr. ALLISON] the other day said he thought the Bessemer-steel men ought to feel, and contribute liberally. Surely the national bankers when Congress has given them $2,700,000 at 6 per cent., or $4,500,000 at 10 per cent., in the extension from six months to two and a half years, will be expected to come down handsomely. Now, if we take the tax off their deposits and their capital they will be in as good a condition to contribute to the political fund as the Senator from Iowa thought the Bessemer steel men were. I see no merit in the committee's proposition beyond that.

Then the tax on matches it was doubtless thought would be a tub to the whale. Why, Mr. President, the Senator from Ohio [Mr. SHERMAN] grew eloquent in regard to that. I said there was nobody demanding it, and I repeat it; but he made a great strike for popularity, which I hope will be of service to him, and used this language on last Thursday:

> The Senator from Kentucky says we propose to repeal certain bank taxes. So we do. We relieve the corporations, not from the tax on circulation, which is the severe one upon them, but the tax on deposits and the tax on bank checks, which is a tax, not upon banks, but upon the business of banking, upon the people who do business with banks. We propose to repeal the tax on matches, which he says nobody has asked for. Why, sir, the whole country asks for it. Every Irishman who smokes his pipe after his dinner, every householder and adult citizen in this broad land asks for this repeal.
>
> The Senator, however, says he does not care about repealing this tax. If he does not want to repeal the match tax then let him propose instead to repeal or reduce the whisky tax. We will be glad to debate with him on that question.

He said:

> Every Irishman who smokes his pipe after his dinner, every householder and adult citizen in this broad land asks for this repeal.

I do not believe one word of it; but let me say to the Senator from Ohio if you reduce the tax on the tobacco that he puts into his pipe from 16 to 10 cents or 6 cents a pound, the 6 cents on that pound of tobacco, that will not last him a week, I do not care how moderately he smokes, will be a greater reduction than the reduction of the price of matches that he will get during the whole year by taking off the match tax. My relief to the Irishman who smokes a pipe, for whom the Senator from Ohio seems to be so nervously anxious, will give him more relief on a single pound of tobacco than the relief that the Senator proposes to give by taking the tax off matches will give him in a year, for a pound of tobacco will last him a week if he is a moderate smoker, and a half dozen boxes of matches will last him fifty-two weeks; 6 cents a pound on tobacco will give him fifty-two times the relief you propose to give him. I want no child's play about that.

Matches a burden! Why, sir, we are drawing over $3,000,000 a year from that single item. Nobody feels it, nobody knows anything about it, nobody is oppressed by it, nobody complains of it. But that was to be paraded as a great benefit to the Irishman who smokes a pipe, and all the poor men of the country were to be persuaded that they had been given immense relief, while the tax on their tobacco is to be kept up, the tax on their whisky is to be kept up, and every thing else is to remain heavily burdened, their blankets are to be still taxed 100 per cent., the railroads upon which they travel are to be taxed 100 per cent. in the interest of the Bessemer-steel monopolies, and yet Senators gravely pretend that we are going to give relief by reducing paltry taxes. It is like the proposition to reduce the tariff on Bessemer steel from $28 to $20 a ton, when $20 at the present price is about as absolute a monopoly as $28, and every well-informed man knows it. That is another pretense flung into this bill to head off my proposition for a reduction to $14. But returning to the proposition to reduce the tobacco tax and its bearings upon the revenue as well as its relations to other much needed reduction.

Mr. President, I would be glad to accept the views taken by the chairman of the Committee on Ways and Means, Mr. KELLEY, of Pennsylvania, who this morning sent me a very able speech that I had read before, delivered at the protective-tariff convention in New York on the 29th of November, 1881, in which he insisted upon the absolute abolition of the tobacco tax. He gave a great many reasons why it ought to be done, but his great object was the maintenance of protective-tariff duties by depriving us of all other revenue. I know, and the Senate knows, that we are in no condition now absolutely to repeal all the taxes on tobacco. It brings us in $47,000,000 of revenue annually. That much cannot be taken away from the revenue with safety from one article if we mean to give the relief to other articles that the interests of the country require should be given. Therefore, however willing I might be, if there were revenue enough without the imposition of still greater and more oppressive burdens, to agree with Mr. KELLEY and remove the tax on tobacco altogether, it is well known that we cannot do it, and it would be only a feeble effort to obtain temporary local popularity for any of us to advocate it.

The men who think that a proposition to remove the tobacco tax altogether will be popular in their respective neighborhoods will find that they are mistaken, because the people know that the tax has to be kept up to some extent, as revenue must be provided; and our revenues are no small matter now. Tobacco must furnish a reasonable proportion or other great interests must suffer.

I looked over the appropriations this morning, or rather caused the clerk of the Committee on Appropriations to look over them for me, and I find that, including the Post-Office, (though we get back some $40,000,000 of that by postal revenue,) we have already appropriated this year, saying nothing of the private pension bills and other bills we are passing, $293,000,000, nearly $75,000,000 more than we appropriated last year, to be reduced by about $40,000,000 to come in from the Post-Office. We are now away beyond the estimates of the Secretary. Our permanent appropriations are estimated at $126,202,939.22. The total for 1883, as shown by the books of the Appropriations Committee, up to this date is $419,202,939.22, even if we should adjourn to-day and not increase any of the bills we have yet to act upon. So our net surplus is not going to be so very great. Our revenues, however, have increased enormously during the last year. I sent to the Commissioner of Internal Revenue this morning for his receipts; I sent to the Register of the Treasury also, and from the report from the warrant division I find this state of things:

For the fiscal year ending June 30, 1881, we collected from customs $198,159,676.02; we collected for the fiscal year ending June 30, 1882, $219,986,223.70. We collected from the internal revenue imposed, most of it from whisky and tobacco, $135,264,385.51 for 1881, and $146,436,377.80 for 1882. We collected from the sales of public lands $2,201,863.17 for 1881; $3,343,776.02 for 1882. We collected from miscellaneous items in 1881 $25,154,850.98, from the same miscellaneous items in 1882 $34,087,097.71. The total of our revenues collected for 1881 was $360,782,292.57, and the total for 1882 $403,853,475.23, $43,000,000 increase during the year just ended.

Our expenditures during the same years were in 1881 for civil and miscellaneous, $64,416,324.71; in 1882, $57,219,750.98; War Department, $40,466,460.55 in 1881; $43,570,494.19 in 1882; Navy Department, $15,686,671.66 for 1881; $15,032,046.26 for 1882; Indians, $6,514,-161.09 for 1881; $9,736,747.40 for 1882; pensions, $50,059,279.62 for 1881; $61,345,193.95 for 1882; interest on the public debt, $82,508,-741.18 for 1881; $71,077,206.79 for 1882; making the aggregate of net ordinary expenditures $260,712,887.59 in 1881, and $257,981,439.57 in 1882.

The Commissioner of Internal Revenue, to whom, as I said, I sent this morning for information especially relative to the receipts from tobacco, was unable to give me in detail all his receipts for the fiscal year, but he says:

> TREASURY DEPARTMENT,
> OFFICE OF INTERNAL REVENUE,
> *Washington, July* 17, 1882.
>
> DEAR SENATOR: I hand you statement in compliance with your request. The returns for June not having been received, I am unable to give you data for the fiscal year, so I have given figures for twelve months, ending May 31, 1882. I will soon be able to give details for the fiscal year and will take pleasure in furnishing you with the exact information required.
>
> Very respectfully,
>
> GREEN B. RAUM,
> *Commissioner*
>
> Hon. J. B. BECK, *United States Senate.*

The details are very satisfactory as to our receipts. The abstract is this:

> TREASURY DEPARTMENT,
> OFFICE OF INTERNAL REVENUE,
> *Washington, June* 17, 1882.
>
> *Statement showing the receipts from leading sources of revenue for the year ended May 31, 1882.*

Brandy distilled from fruit	$1,133,205 29
Spirits distilled from other materials	63,089,605 78
All other sources relating to spirits	5,043,767 85
Total of spirits	69,266,578 92
Cigars	18,146,279 24
Cigarettes weighing less than three pounds per thousand	967,309 23
Snuff	775,058 85
Chewing and smoking tobacco	24,993,670 54
All other sources relating to tobacco	2,365,573 35
Total of tobacco	47,249,891 21
Fermented liquors, (barrel tax)	15,410,008 92
Special taxes relating to fermented liquors	472,270 26
Total of fermented liquors	15,882,279 18

Bank deposits	3,878,021 00
Savings-bank deposits	88,820 00
Bank capital	1,092,120 00
Savings-bank capital	14,869 00
Bank circulation	7,112 98
Total of banks and bankers	5,080,942 98
Back taxes from repealed sources	129,088 87
Penalties	215,003 45
Stamps for matches, bank checks, proprietary medicines, &c., included in Schedule A, following section 3437 Revised Statutes	7,637,604 05
Aggregate receipts	145,461,388 66

The receipts from the several sources cannot be given for the fiscal year ended June 30, 1882, as all the returns for June, 1882, have not yet been received. The receipts from the stamp tax on matches, bank checks, proprietary medicines, &c., cannot now be given separately.

GREEN B. RAUM,
Commissioner.

Mr. FRYE. Does the Senator know what was received from manufactured tobacco, the tax on which he proposes to strike down to 10 cents a pound?

Mr. BECK. Yes, sir. Cigars, $18,146,279.24; cigarettes weighing less than three pounds per thousand, $967,309.23; snuff, $775,058.85; chewing and smoking tobacco, $24,995,670.54; all other sources relating to tobacco, $2,365,573.35.

These exhibits enable us to understand the present condition and the future probabilities of our resources. If we can grant relief to the people from taxation, largely decrease their taxes, and at the same time obtain a very large revenue, almost up to what we are now obtaining, if we do not give the relief, surely that is a wise thing to do. I know that I have been sneered at over and over again on the floor of the House and the Senate because I have made the statement I am now about to repeat, that whenever you impose a tax on any article at a very high rate cheating and smuggling will cut down the legitimate revenue; and when you reduce taxation to the revenue point consumption increases, the taxes are more honestly paid, and the revenue is better collected. When I attempted to obtain a reduction of the tax on chewing and smoking tobacco to 16 cents in 1872, being then a member of the Ways and Means Committee, the Senator from Massachusetts, [Mr. DAWES,] then chairman of the committee, fell into the error that others fall into. I will show you how that was, if Senators will bear with me.

In 1872 when we reduced by 10 per cent. the duties upon cottons, woolens, iron, and other articles, we gave much relief and did a great deal of good. Mr. Burchard, of Illinois, and others proved conclusively that we reduced taxes on the people $230,000,000; while the actual taxes taken off were only $43,000,000. The Treasury Department of course resisted and protested; the officials furnished the then chairman of the Committee on Ways and Means [Mr. DAWES] with a statement of the serious loss of revenue that would be caused by reducing the tobacco tax to 20 cents. It was then 16 and 32 cents, the great bulk of it being at 32; at least nine-tenths of it. The statement will be found in the speech of Mr. DAWES on the 16th of April, 1872, in the Congressional Globe of that day. They alleged and he insisted that $6,720,000 would be lost to the revenue if we reduced the tobacco tax even down to 20 cents. I did not believe it; I denied it in a speech I then made and insisted that it would do no such thing. I demanded reduction to 16 cents. The Senator from Massachusetts presented to the House on the authority of the Treasury Department this table to show the effect of the reductions proposed in 1872. I may as well read it. It is as follows:

		On basis of quantities of 1871.	On duty received in 1871.
Tea		$2,348,639	$3,625,716
Coffee		2,949,309	5,070,480
Coal		322,881	
Salt		615,522	
Leather		529,258	
Iron and manufactures of		2,135,223	
Steel and manufactures of		745,539	
Wool		559,823	
Woolen manufactures		4,759,680	5,517,275
Woolen carpets		197,772	
Cotton manufactures		788,724	
Copper and manufactures of		39,611	
Chemicals, drugs, &c		584,862	
Cork, manufactured		28,915	
Lumber		761,801	
All other articles		212	
Free list		1,584,667	
		18,952,438	
Internal revenue:			
Tobacco	$6,720,000		
Gas	2,573,123		
Bank checks	1,250,000		
Matches	2,250,000		
Agreement stamps, (estimated)	100,000		
		12,893,123	
		31,845,561	

Notwithstanding this exhibit the House by a vote of 153 to 52, on a call of the yeas and nays, reduced the tobacco tax to 16 cents. The bill was sent to the Senate. It fell, of course, into the hands of the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio, [Mr. SHERMAN,] and of course they defeated the House proposition and made the tax 20 cents. The result was that we not only did not lose $6,720,000 by the reduction to 20 cents, as was predicted both in the House and the Senate, and as the Treasury Department declared we should, but we lost less than a million dollars the first year, and the next year we were $2,000,000 in advance; and the next year $4,000,000 in excess of what we received before we made the reduction.

Then 1875 came and the craze about the sinking fund took possession of the Senate and the House on the ground that we had not made any provision for the sinking fund. I wish I could take time to read the speech of the Senator from Ohio, in which he declared that the sinking fund was as sacred as a mortgage given on his property would be, that nothing ought to endanger it, and nothing should touch it, although we proved then by repeated official statements that we were by payments for that object nearly $228,000,000 ahead of its requirements. Still, under the pressure of providing for the sinking fund, so ably and artfully urged, Congress reimposed the tax on tobacco at 24 cents a pound. I again in my place protested that the revenues would not increase to the extent predicted, and it was soon proved that I was right. In 1879, when we put it back to 16 cents, the Senator from Vermont—I have his speech before me—denounced us pretty much as if we were robbers of the Treasury, seeking to take away $12,000,000 a year from the revenues. That was his assumption and charge; and he was backed by the Treasury Department, the Senator from Ohio being then Secretary of the Treasury. Document after document was sent to us to prove that we would virtually steal $12,000,000 out of the Treasury, and that the faith of the nation would be repudiated and the sinking fund would be ruined unless the tobacco tax was left at 24 cents. In 1875 they told us that we should obtain by the increased tax on tobacco $4,200,000 a year. We received less than $2,000,000. In 1879 they insisted that if we reduced it to 16 cents $12,000,000 would be taken from the Treasury. The Senator from Vermont on that occasion scouted the idea of any increase from increased consumption. Among other things he said:

The idea that any increased consumption will be stimulated to compensate for the proposed reduction of the duty must be regarded as wholly groundless. Its use at home and abroad is limited to a fixed and inflexible quantity. To obtain as much revenue for the present fiscal year from manufactured tobacco taxed at 16 cents as we obtained last year at 24 cents per pound there must be an increase of consumption from 105,500,736 pounds to 158,250,988 pounds per annum, or a gain in the amount consumed of 52,750,252 pounds. There is no sane man who cannot see that this is an impossibility. There can be no increase of consumption until we have an increase of population, nor then unless that population becomes addicted to and afflicted by the use of tobacco.

Again he said, (I hope he will adhere to it now when we have more revenue than we need, and are therefore devising how to reduce taxes:)

Mr. President, whenever the Treasury shall be in a condition to cut off revenue, there is no Senator who will more gladly hail the day or more cheerfully join in the reduction of taxation than myself.

I want some reduction more of burdens than of revenue on tobacco and whisky, to be followed by relief in other things with increase of revenue.

I propose when the proper time comes to act on Bessemer steel, to reduce the tax down to an average of 50 per cent. of what it now is, or to $14 a ton from $28, which I will show will largely increase the revenue. After the speech of the Senator from Vermont, I expect him to vote with me, but I doubt whether the expectation will be realized. I will bring Bessemer steel within the principle of the following remarks of the Senator:

If I could accept the arguments deemed by some sufficient for a reduction, they would be conclusive with me for the full and complete repeal of the tax. The internal-revenue taxes and duties on imports are measures which can be most properly considered together, and when the time arrives that we can part with millions, let us be sure that burdens the most onerous are those first to be removed.

This was in 1879. We did reduce the tax on tobacco then; we made it 16 cents; and what happened? Instead of losing the $12,000,000 which the Senator said we would lose, we lost less than $1,000,000 the first year, and the second year we were $2,000,000 ahead at 16 cents over what we were at 24 cents, and the third year we were $5,000,000 in advance, and this is the fourth year, and we receive now $9,000,000 more revenue at 16 cents than we received at 24 cents. I wonder if the Senator still calls that robbery of the Treasury. Let me give a specimen of how men were oppressed, before that reduction, by the increase in 1875. Tobacco in 1879 had fallen so low that from 1875 the best quality had fallen from 13 down to 8 cents; that known as good from 12 down to 7½ cents; the medium from 10 down to 6 cents; common, from 7 down to 4 cents; what was known as lugs from 5 down to 2 cents. In order to induce Senators to vote as they did, and to show that the existing tax on common tobacco was ruinous, I said to the Senate, among other things:

I read from a very able article, signed by J. T. Johnson, president, and Thomas H. Wright, secretary, in which they give information that speaks louder than all the arguments that can be made. They say:

"Several million pounds of leaf tobacco have been sold this year at an average of

3 cents. This tobacco, after deducting the transportation to market, warehouse expenses, inspections, commissions, and charges, cannot possibly net more than 14 cents per pound, leaving little or nothing to the producer for the year's hard labor of himself and family. In the last week in November a manufacturer in Cincinnati bought at open market in Louisville 100,000 pounds of leaf tobacco at 2 cents per pound, paying therefor $2,000. This, after paying the freights and all the expenses on such a quantity, would not net the producers over $500, which amount is less than the same quantity of hay would have brought. Upon this amount of an agricultural product, $500, the manufacturer who bought it will be required to pay the Government a tax of $24,000.

"Was there ever such a tax? Twenty-four thousand dollars added to the value of a farm product for which the farmer received only $500! And who pays it? The poor laboring-men of the country, whose wages have been reduced fully one-half what they were. They, in the main, pay it. Thus out of these oppressed farmers, and mainly the poor laboring-men of the country, has been wrung during the past year over $41,000,000."

The Senate took that view of it, and in spite of all the protests of the Senator from Ohio and of the Senator from Vermont the tax was reduced to 16 cents. I do not like to read my own speeches, but I said at that time:

I know that all the statements made by the Commissioner of Internal Revenue and the men who are backing him, as to the loss of revenue, are exaggerations. I feel confident that if the tax remains as it is now we will not obtain as much revenue in the next three years—certainly not in the next five or six—as we will if it is reduced to 16 cents.

My words have not only been verified but we are receiving nine millions more:

The same outcry as that made by the present Commissioner was made by the equally intelligent Commissioner who was in power in 1872, (Mr. Douglass,) to the effect that we would lose $6,720,000 if we reduced it to 20 cents then. Yet we gained instead of losing by the change. We will not gain the first year by the proposed reduction and we may lose a little for two or three years; but in five years we will be $5,000,000 ahead of what we are receiving now. But, Mr. President, we are called agitators. Are people to cease agitating in the midst of sufferings like these? It is impossible. The Commissioner has portrayed very truthfully the effect of agitation.

The Senator from Vermont and the Senator from Ohio now repeat the same arguments against me to-day that they did then, "agitation," "child's play," "nonsense;" all wisdom is concentrated in the Treasury Department! They announce that we shall lose revenue largely by my proposition now. I again deny it. The present Committee on Ways and Means of the House and the Committee on Finance of the Senate—I mean of course the majority on each—do not think there is any merit in giving relief to men who raise tobacco or any other agricultural product. All the relief they regard as necessary is to relieve bankers and patent-medicine venders, take the tax off matches, and tell the people that they are going to help every poor Irishman to light his pipe; but they refuse to take any of the tax off one of the great agricultural products of the country, the cultivation of which is as legitimate as the production of anything else. Its export alone brings in more money than all the balance of trade in our favor, even in the most flourishing times.

I repeat now, Senators, as I said in 1879, and as the facts have proved I said truly, that when you reduce this tax you add to the profits of the producers of tobacco, as reduction did 2 cents a pound at once in 1879, when we made the reduction of the tax to 16 cents. Reduce it now to 12 and you will of course reduce the price to the consumer; you will increase consumption; you will aid export; you will aid everything connected with the trade. You will give relief reaching far up into the millions of dollars and lose really nothing.

I read on the floor of the House at one time a report made by the Committee on Ways and Means in 1868, when the tobacco tax was imposed, in which they said to producers of tobacco, "All we ever want to produce from any tobacco tax is $25,000,000." Tobacco has been producing forty millions some years; thirty-three millions some years; thirty-five millions others; now $47,000,000. Surely when we can afford it we ought to give them reasonable relief. This was our committee's pledge. They consented to be taxed to pay war debts and obligations. The war is over; the interest on the national debt, which was once $150,000,000 a year, is now only $58,000,000. Our whole debt was then $2,700,000,000; now it is less than $1,700,000,000. It is said I promised not to ask a further reduction for five years if the tax was put at 16 cents. I said then and say now if the revenues of the country reqnire it and taxes have to be kept up tobacco is a legitimate object of taxation and ought to pay its fair share, and unless there was a surplus of revenue I would not ask for a reduction on it now.

I think it unfortunate that either at Chicago or New York last fall promises were held out by protective-tariff agitators of a reduction of the taxes on whisky and tobacco. I think the distinguished chairman of the Committee on Ways and Means, in the speech I hold in my hand, made in New York, did himself and his adherents no good and did the country great injury by telling the people to agitate for the removal of the whisky tax and the tobacco tax and all other internal taxes, so that he could keep up his tariff on pig-iron and other things and make them as highly protective as possible. I think he made a great mistake when he did it, but it is done, and we should do what is best for all under the circumstances. The revenues will permit reduction. Producers and consumers of tobacco ought to have their share of the benefits of the reduction. They are numerous and in all parts of the country. The benefit will be equally distributed and therefore just. While it will amount to a million or two of revenue reduction, as I admit it will, for a year or so, it will at 12 cents in five years—I think in three—come back to the forty-five, forty-six, or forty-seven millions that it yields now. I have no doubt about it. It was because I wanted to present this question fairly at the beginning of the consideration of this bill that I desired this amendment brought up now; and if it meets with favor I will aid the committee in giving some of the relief they seem to have so much at heart.

I should be glad, as I said before, to take the tobacco tax off altogether. It would be very popular in Virginia, North Carolina, and Kentucky. We raise in Kentucky 40 per cent. of all the tobacco raised in the United States, and nothing would gratify our people more than to have me vote for and advocate the total abolition of the tax, the removal of the espionage connected with it, and the removal of all the hardships and oppressions that they complain of as resting upon them; but I know it cannot be done. I do not propose to seek to accomplish impossibilities even to gain temporary popularity.

There is another thing that I urged in the House time and again, and passed in that body once or twice, but never could have favorably considered in the Senate, that is to allow the producer to sell his own tobacco to whomsoever he pleased. The Senate would not agree with the House on that. I admit that there would be the greatest difficulty in collecting the revenue if that was carried out absolutely, because there would be no trace of tobacco thus sold. We at that time had very heavy taxes upon peddlers and upon retail dealers; we have reduced them until they are nominal. This bill proposes to reduce them still further. I would reduce them down to a mere nominal sum, $1, $2, $5, anything that kept them within the control of the Government and made them give an account of the tobacco they sold, because while we should protect the man who raises tobacco we must take care to see that the man who manufactures the tobacco and pays taxes on it to us, and sells it tax paid, is not cheated by smuggling. Each man in a great system like this must give up something of his rights in order to protect the rights of others; and unless we have some guard so that the tobacco can be traced and the untaxed product kept out of the market, I agree that our revenues are in danger and the men who are paying the heavy taxes would be the main sufferers, as they must compete against all the tobacco that gets upon the market clandestinely.

That proposition, while it is popular, while I have thought of it a great deal and have desired to do it if I possibly could, does not seem to me to be one of the things that can now be done; but the reduction that I propose (and I think 8 cents would be better than 10, to make it half the present rate, so that packages could be divided, they are put up in particular packages, and I am not sure that 12 cents would not be better than 10) or some reduction ought to be made. Ten cents struck me as being the proper reduction when I offered the amendment. However that is, some reasonable reduction on tobacco ought to be had.

I agree that there is merit in some of the propositions relative to bank taxes, and especially that as to the tax on capital. I have never believed that to be a just and equal tax. I will tell the Senate why I think so.

The capital stock of the national banks is $462,000,000, their individual deposits $1,070,000,000; the capital of banks other than national banks is $210,000,000; the deposits of banks other than national banks is $1,527,000,000. The tax paid by national banks on deposits is $4,940,000, the tax on the capital of the national banks is $431,000. The tax on the capital of banks other than national banks is $811,000. The injustice, according to my idea, consists in this that banks other than national, with a capital of only $210,000,000, as against the capital of the national banks of $462,000,000, pay a tax of $811,000 to the National Government as against $431,000 paid by the national banks. The reason of that is that no tax is paid by the national banks on so much of their capital as they hold in United States bonds. I have always regarded that as being an unjust discrimination in favor of one set of banks against the other. I would remove the tax on bank capital. I do not think it fair that State and private banks, with only two hundred and ten millions of capital, should pay double as much tax on that capital to the National Government as another set of banks with four hundred and sixty-two millions of capital; for the State banks pay $811,000, while the national banks pay only $431,000. I want the whole business of banks ing to be fair and equal in its burdens, so that the different classes of banks can compete with each other. That helps to keep down interest in dealings with their customers. I have always thought that the tax on capital was a bad tax.

I desire to say a word or two relative to other propositions which will, I trust, be part of the bill before it leaves the Senate.

I have made a proposition to reduce Bessemer steel from $28 to $14 a ton. We have 110,000 miles of railroads in the United States, according to Poor's Manual of the railroads of the United States. It requires about 100 tons of steel rails to every mile of railroad. Every man or company who buys Bessemer steel rails with a duty of $28 per ton pays at least $26 per ton more than the rails are really worth. The Senator from Maine [Mr. FRYE] shakes his head. I have before me in the speeches of Mr. HEWITT, of Mr. CARLISLE, of Mr. HARRIS of Tennessee, and some made by myself, tables showing the prices of Bessemer steel landed in New York and at other ports of the United States, and the price at which it is selling here, and it varies from $25 to $29 a ton in favor of the protected article. The

speech of Mr. TUCKER contains the tables given both by Mr. CARLISLE in his speech and in his own, and here they are in my hand, [exhibiting,] showing what I state to be true.

Let me state another fact. I saw this spring a gentleman who was for a long time vice-president of the Southern Pacific Railroad Company, now its attorney; one of the ablest men in the country. He assured me that the roads that are being built through Mexico from Laredo toward the capital were having Bessemer-steel rails landed there at $26 per ton cheaper than he could land the same steel rails at Fort Worth, Texas, which is about the same distance, I believe, from the seaboard. I allude to Hon. John C. Brown, of Tennessee, as the gentleman with whom I had the conversation. They bring the Bessemer-steel rails from Liverpool to New Orleans, carry them through this country in bonded cars, and take them to Laredo, Mexico, and deliver them there $26 per ton cheaper than the men who are building the railroads in Texas can obtain the same rails at Fort Worth. That company is now engaged in building a railroad from Fort Worth, Texas, to Denver, Colorado, and they are paying $26 more a ton on the average for their steel rails than the men who are building the road from Laredo down to the city of Mexico are paying, and so in proportion for all the chairs and everything else that they are using in the way of Bessemer steel or of iron manufacture.

Mr. FRYE. What does the Senator suppose they would have been paying to-day if there had not been any protection of Bessemer steel and any manufacture of it in this country?

Mr. BECK. They would not have been paying a dollar more than they are paying now; they would have paid $28 a ton less if the tariff protection had not been imposed.

Does the Senator think that all the inventive genius of the world is confined to this country? Does he not know that the Bessemer patent is an English patent? Does he not know that the English, too, made their improvements, and that they have to make them in competition with Germany, France, and all the world as well as with us? Does he not know that improvements in machinery and improvements in these steel processes were English patents and English inventions, bought by corporations here and used by them, and that England herself in competing with the rest of the world brought down the price of Bessemer steel, and had to do it in order to compete with the inventive genius and progress of other countries than this? That is the reason why the price has come down.

Does the Senator think that anybody can now make the old scythe compete that he perhaps and I used? I know I had to use it when a boy in mowing hay, and I expect he had to use it. Does he think that the old scythe and the old rake could compete with the grand agricultural machinery we see now all over the country? I have seen two hundred reapers on the Dalrymple farm in Dakota, each one with Wood's patent twine-binder, running at one time, and each one of those twine-binders with a little bit of cord was doing the work of five men, and saved Mr. Dalrymple the pay of a thousand men a day, beside feeding and taking care of them, as that number would have been necessary to do the work that that little twine-binder was doing attached to those two hundred machines. Do you think protection had anything to do with that? No; it was the improvement in agricultural machinery. I never see a mower and a hay-rake, which I think are the most perfect machines I ever saw, doing their work but I feel somewhat envious that those things were not invented when I was a boy and had to mow and rake and yet not do one-twentieth part of the work that they are doing, with fellows riding while driving both the rake and the mower. Machinery is doing the work now. We are not protecting labor; it is machinery that we are protecting, which is superseding human labor. Machinery, which is the unpaid, unfed, and unclad slave of its owner.

The same gentleman, Mr. Brown, of Tennessee, told me that they were delivering locomotives in Mexico, across the bridge at Laredo, at $10,500, while he was paying $15,000 for those, exactly like them, at Fort Worth for his road. What is the meaning of all that? It shows the effect upon the great railroad system of the country and the men who own the railroads. Mr. Poor tells us the number of miles operated in 1881 was 94,486, and he said it would be 10,000 more for 1882, with the gross earnings for 1881 at $725,325,119. They could have done the work, built the roads, and paid the same profits to their owners, charging only 66 per cent. of what they charge now but for the infernal protective tariff on everything that constitutes a railroad or is connected with it. From the farmer, who raises the grain and other products to feed the world, and has to take it off by rail, the railroad owner has to charge 33 per cent. more than other people do in other countries in order to get the same money back. These burdens the man in Texas and the man in Kansas and all who use those roads have to bear, as the charges on the road must conform to the cost of the road.

I want relief from these extortions and a good many others like that in this bill. I want to reach the question of blankets on which we are paying a bounty or bonus of 100 per cent. when we ought not to be paying over 40 or 50 per cent. at the outside. It is because I want to reach a great many other things that I propose to be moderate in my demand as to tobacco and moderate in my demand as to the reduction of the tax on distilled spirits, only seeking to reduce taxation so as to give relief to the people without taking off too much of the revenue, and reserving the right of reduction upon a great many other things embraced in our tariff schedule, so that we can give relief all around to the consumers of the country, to the men who wear blankets and use other clothes. I will show, I think, some very remarkable things before this debate is over in regard to very many of those things. I trust the Senate will approve the reason which induced me to move the amendment. I repeat that it was offered in as good faith as ever an amendment was offered to any bill. Senators can do what they like with it. I have no interest in it except what is common to all.

Mr. MORRILL. Mr. President, when the Senator from Kentucky [Mr. BECK] rose and read an extract from my brief remark the other day, stating that he did not regard anything as a substantial reduction of taxes unless it reached tobacco and whisky, and that the Senator had pledged himself when the last reduction took place upon tobacco that he would not again ask for a further reduction for five years, I supposed that he was going to make some apology for deserting the position he assumed on that occasion; but instead of that I do not find that he has said a word in relation to his change from his pledged faith at the time of the last reduction; nor do I see in the course of his remarks any evidence that he is to be satisfied with anything substantial unless it reaches tobacco and whisky.

The Senator wonderfully mixes up his subjects and his arguments, so that it is difficult to tell at all times what he is discussing, but you will see tobacco and whisky sticking out all the time. From the course of his suggestion you would suppose that we were not able to reduce the revenue at all; but the Senator concludes with the statement that he is going through the whole list of articles to make a reduction on Bessemer steel, blankets, and everything else.

Mr. President, I desire to say a single word in relation to Bessemer steel. When the present duty was placed upon Bessemer steel it was worth $150 or $160 a ton, and $28 was a very moderate sum as a duty to be placed upon it. That induced a large number to go into the manufacture of Bessemer steel. A great many who went into the manufacture failed; hardly one of them made any dividends in the course of six years. But for the fact that we now produce more Bessemer steel than all of Great Britain the price of it would be probably twice as high as it is at the present moment.

I merely desire to say this much, and to remind the Senator from Kentucky that he utterly failed to make any explanation of his pledge about the further reduction of the tobacco tax when the last tobacco bill was before the Senate.

Mr. JOHNSTON. I understand the amendment of the Senator from Kentucky to be an amendment to the bill and not an amendment to the amendment of the committee. If I am right in that I presume it is open to amendment.

Mr. HARRIS. I beg to suggest to the Senator from Virginia that he is mistaken. The amendment of the Senator from Kentucky is an amendment to the committee amendment.

Mr. JOHNSTON. I do not so understand it; it does not propose to change any amendment of the committee.

Mr. HARRIS. It is an amendment of that part of the committee amendment that proposes to insert, and comes in after the first word of the amendment to be inserted.

Mr. JOHNSTON. It proposes to add another subject.

The PRESIDENT *pro tempore*. It is an amendment to an amendment. The committee amendment is an amendment and this is an amendment to it pending.

Mr. JOHNSTON. Then an amendment to that would not be in order.

The PRESIDENT *pro tempore*. No, sir; no amendment to the amendment of the Senator from Kentucky would be in order.

Mr. JOHNSTON. Mr. President, I wish to say a few words on that point, and now, when the subject is up, I will indicate what amendment I propose to the proposition of the Senator from Kentucky, in order that the vote may be had upon it at the proper time. I submitted an amendment which I had intended to offer as a substitute for the second and third sections of the bill, being the sections which relate to the tax on tobacco in its various forms, my amendment providing for the total abolition of the tax on tobacco. I am still in favor of that, and desire it to be done at the earliest possible moment, but from the various expressions I hear around me in the Chamber I suppose the Senate is hardly prepared to adopt that measure at this time. For that reason my idea now is to put that section, if to be retained at all, on the best possible footing for all classes, for the manufacturer, the producer, and the consumer. To effect that I shall propose, at the proper time, to amend by making the tax on tobacco 8 cents, and making the reduction take effect on the 1st of next January, and allow a rebate on all unbroken factory packages on that day. I desire to give a few reasons for that proposition.

I must be allowed to express my astonishment at the Senator from Ohio. He proposes, as I understand, to benefit the Irishman who smokes tobacco. If that is his object it would seem that the natural way would be to reduce the tax on tobacco itself. But the Senator says, "Oh, no; I will leave the tax on tobacco, but I will reduce it on the match with which the Irishman lights his pipe." That is his way of getting at the object of benefiting the Irishman who smokes.

Until 1872 the tax on tobacco was 32 cents and 16 cents according to quality. In 1872 the tax was fixed at a uniform rate of 24 cents; at a later day it was put at a uniform rate of 20 cents, and at a still later day it was put at a uniform rate of 16 cents. Each one of those

reductions recurring in periods of six, seven, or eight years, was attended with an agitation of the subject which was very injurious to all classes of people engaged in the business. It was injurious to those who raised tobacco because of the uncertainty of the market in which they were to sell. It was injurious to the manufacturer because he was afraid to invest lest the tax should be changed and loss result to him in consequence.

While we are on the subject of the tobacco tax, it is important, if possible, if the revenues will allow it, and if it can be done with safety to the Government, to put the tobacco tax at a point at which it will remain until it is finally abrogated. If it is put at 12 cents a pound or at 10 cents a pound, it will not produce that effect, because as long as the tobacco tax is so high, each and every year hereafter whenever the subject of the reduction of taxes or the repeal of taxation is brought up, that will be one of the subjects on which a reduction or repeal will be attempted, and the same effect which has been produced already will be produced again.

Therefore, for the purpose of stability, for the purpose of securing a rate at which the tax will remain, and below which there will be no occasion to reduce it, if reduced at all, and the next step from which will be its entire abolition, the tax on tobacco ought to be put at 8 cents a pound, because that rate is so low that no lower rate would be worth imposing for the benefit of the Government, and whenever it would be changed at all it would be changed to its utter abolition. For that reason I think the tax ought to be put at 8 cents.

One thing is very sure, that the mere reduction of the tax on tobacco one-half will not produce a diminution of the revenues by one-half. The Senator from Kentucky has already cited instances of the previous experience of the country in that regard and has shown that the reduction of the tax has not produced a corresponding reduction of the revenue, but has on the contrary been attended by an increase of revenue. The tax being 16 cents, its reduction to 8 cents would not reduce the revenue one-half. The reasons for that are very obvious. There are some reasons which affect persons and affect interests which apparently are not directly connected with the tax.

Those who know anything about the raising of tobacco know it to be the case that there are certain tobacco lands which will only produce a particular quality of tobacco. You may change the quantity produced on those lands, but you can do nothing to the land itself which will change the quality of the tobacco. It is like the wines in parts of Europe where certain lands produce a certain fine quality of wine and contiguous lands will not do the same thing. So with tobacco, you will find certain lands produce a fine quality of tobacco while other lands produce only a low quality of tobacco and of course a cheap tobacco, and all the efforts which have yet been applied to the land cannot make it bring any other kind except that. The sole effort can only be directed to increase the quantity but not to improve the quality.

The men who own that kind of land and raise that quality of tobacco are very much interested in a tax that will enable them to sell their tobacco. If upon a low quality of tobacco, one that only brings 3, 4, or 5 cents a pound, the tax is 24 cents or 30 cents a pound, a man cannot afford to buy that tobacco and manufacture it, because when manufactured, being a cheap article, it will not bring the price that it has cost to raise it and to pay the tax upon it. Thus that sort of tobacco is excluded from manufacturing altogether; but as you get down lower in the scale and reduce the tax on tobacco, you avoid that difficulty. Each reduction brings into market and into manufacture a cheaper quality of tobacco that could not be easily manufactured with a higher tax. If the tax is 8 cents and the tobacco is worth 5 cents a pound it enables a man to sell it and to have it manufactured, which could not have been done if the tax had been 20 cents or 24 cents a pound.

For that reason the reduction of the tax on tobacco brings into the hands of the manufacturer and thus into the market more tobacco than would come in if the tobacco tax was kept high. The amount manufactured is increased in that way. In that region of Virginia where the coarse tobacco, as it is called, is produced, the lands have absolutely been destroyed in value because the people cannot raise tobacco that they can sell to the manufacturer. Not only is the land destroyed in value, but labor is demoralized, and those parts of the State of Virginia can never be very prosperous until the tobacco tax is reduced to a point at which the people can afford to raise tobacco and have it manufactured.

Mr. LOGAN. Will not the land produce anything except tobacco?

Mr. JOHNSTON. Certainly; but tobacco is their staple, and why should we deprive them of their staple?

Mr. LOGAN. If such a mean article of tobacco is produced, why put the tax down so as to enable it to be sold? Nobody would use it.

Mr. JOHNSTON. It is a cheap article, but it is exported and used for various purposes. I insist that every reduction of the tax on tobacco has the effect of increasing the quantity of tobacco manufactured. It is undoubtedly to our interest both for revenue and for other purposes that the tobacco raised in this country should, if possible, be manufactured here in order that the Government may get the revenue and in order that the people of the country who need it so much, and especially the colored people of the tobacco States in the South, may get it. In the State of Virginia, the State of Tennessee, and the State of North Carolina, the principal support of the colored population is in connection with tobacco in one form or another. They raise it and manufacture it and they acquire very great skill in the manufacture of it. There seems to be a sort of adaptability between the colored man and colored woman and tobacco; they have a natural facility for both its raising and its manufacture. Anything that will increase the quantity of tobacco manufactured, to that extent increases the employment and gives benefit to the colored people of the South, and to the people generally. Therefore it is very desirable that the tax should be reduced.

Mr. LOGAN. I should like to ask the Senator at this point (I do not want to discuss the question with him, for I am not well enough to-day) if his argument does not tend to prove that the amount of revenue is increased as we lower the tax for the reason that a poorer class of tobacco is produced? Is not that it?

Mr. JOHNSTON. No, sir; I did not say that.

Mr. LOGAN. Did not the Senator say that a poorer class of tobacco would be produced, and thus the people would be enabled to sell the poor tobacco that they raise? Is not that it?

Mr. JOHNSTON. No.

Mr. LOGAN. What is it?

Mr. JOHNSTON. I said a reduction of the tax on tobacco did not produce a corresponding reduction of the revenue.

Mr. LOGAN. I understood the Senator to argue that reducing the tax down to where tobacco would be worth only 3 or 4 cents——

Mr. BUTLER. Stimulated the production.

Mr. LOGAN. Certainly; and put it into the market.

Mr. JOHNSTON. No, put it into the manufacturer's hands.

Mr. LOGAN. The manufacturer is not going to manufacture it unless he has a market for it. The argument, if I understand it, amounts to saying that the more you reduce the tax the poorer the tobacco will be, and if you want good tobacco the tax must be kept up.

Mr. JOHNSTON. No; that is not it.

Mr. LOGAN. I cannot understand the argument of the Senator if that is not his argument.

Mr. JOHNSTON. Then the Senator did not listen to it.

Mr. LOGAN. I did try to do so.

Mr. JOHNSTON. I said suppose the present tax of 16 cents a pound is reduced to 8 cents a pound, the reduction is one-half, but the revenue derived will be more than one-half that which is now realized, for the reason that people who cannot raise tobacco now practically, or even if they can raise it, who cannot sell it, will then be able to sell it. The tax would be so low that the manufacturers would buy it and manufacture it and then sell it; but if the tax remained high the manufacturer could not afford to pay the man for his tobacco, and pay the expense of manufacturing it, and pay the tobacco tax, and then sell the low quality of tobacco.

Mr. LOGAN. I should like to ask the Senator a question for my own information. I have noticed that the reduction of the tax several times on different articles did not have the effect to cheapen the article in the hands of the consumer. What is the Senator's experience in reference to that?

Mr. JOHNSTON. I have no doubt if the tax is put down to 8 cents a pound it will reduce the price to the consumer.

Mr. LOGAN. I am not talking about 8 cents. The Senator is from a tobacco-producing part of the country, and I ask him if, when the tax on manufactured tobacco was reduced to 20 cents, it reduced the price of tobacco to the consumer?

Mr. JOHNSTON. Everything else being equal, undoubtedly it would.

Mr. LOGAN. I am not asking about everything else being equal; I am asking for the fact. My understanding is that it did not reduce the price to the consumer, but that the only effect of the reduction of the tax on tobacco has been to put a large amount of money into the hands of the manufacturer, and not into the hands of the producer or into the hands of the consumer. That is the effect of it, just the same as it was at the time we took off the tax on coffee. That did not cheapen the coffee in this country, it only gave the people in Brazil and other countries and places from which we purchased coffee a chance to increase their profits. That was the effect it had.

So it was in the reduction of the tobacco tax. It gave the manufacturer, of course, all his profits, but it did not decrease the amount that the consumer paid for it. I have noticed this several times in this reduction on tobacco. I beg the Senator's pardon if I am taking the floor from him, but I want the Senator to answer these propositions. Every few years we have a spasm on the subject of tobacco and whisky. I notice these spasms are produced just about the time that some large dealers in the country have accumulated a large quantity of whisky and tobacco on hand. I notice that that is the fact. I conversed with a gentleman the other day about tobacco and he told me of one firm in New York who would make half a million dollars on the proposed reduction of the tobacco tax. I know one man myself in the city of Louisville who owns to-day 10,000 barrels of whisky and who has not paid the tax.

It has been the case every time the attempt has been made to reduce the tax on tobacco and whisky that it has always come about at a time when large purchasers had a heavy amount on hand. Then an

economical fit struck us all at once to reduce taxes for the benefit of somebody, but it never changed the price to the consumer a quarter of a farthing. I want to know why it is that these economical spasms strike us just at this time.

Let me say to the Senator that there are now 80,000 barrels of whisky in bond on which the tax has not been paid, which belong to purchasers who purchased it from distillers, and it is for their benefit that the attempt is being made to reduce taxes, and there will be the same corresponding result in reference to tobacco which has been purchased and hoarded up, waiting merely for this proposed reduction of the tax to be made. I speak of what I know.

Mr. BUTLER. The economical fit struck the Republican caucus, I understand.

Mr. LOGAN. No, sir; the economical fit never struck any Republican caucus on the subject of tobacco and whisky. I will say that to the Senator, speaking outside of the caucus.

Mr. PLUMB. I should like to amend the statement a little by saying that there has been a chronic economy in the Republican caucus on the subject of tobacco and whisky. The extravagance in regard to those articles has been on the other side.

Mr. BUTLER. I have not discovered it in appearances.

Mr. BECK. Will the Senator from Virginia allow me to say one word to the Senator from Illinois?

Mr. JOHNSTON. Certainly.

Mr. BECK. When we reduced the tax from 24 cents to 16 cents the producers of tobacco all over the country got the benefit of from a third to a half of it, and got it within the first month, and the consumer got the benefit of nearly all the rest. The manufacturers got a very small item. I will be able to prove that to the Senator before this debate is over.

Mr. LOGAN. Very well; I only say to the Senator from Kentucky that that is not my understanding.

Mr. BECK. I know the fact to be true as to the producers, because they are my neighbors.

Mr. LOGAN. I do not use tobacco enough to know anything about it from experience. In regard to smoking, I know, so far as concerns the cigar question, that the reduction of the tax on tobacco did not reduce the price to the consumer of cigars. The Senator may know more about the other subject than I do.

Mr. BECK. The Senator will allow me to say that we made a mistake in not reducing the tax on cigars at that time, as we ought to have done.

Mr. LOGAN. In the State in which I live there is a great deal of tobacco produced. When I say "a great deal," I do not mean to compare it with Kentucky or Virginia or some of those tobacco-producing States, but in the southern part of my State a great deal of tobacco is produced for that part of the country, and so in many of the Northern States. What I can say about it is not from my experience but from what I have learned in regard to the prices of tobacco now and the prices of tobacco then. You may go to the tobacco stores to-day in the city of Washington and buy your Gravely tobacco, which is considered the best that you produce in Virginia, and they will charge you the very same price for it that they did before the tax was reduced, and you cannot get it any cheaper than it was before.

Mr. JOHNSTON. I think the Senator from Illinois is very much mistaken in supposing that the reduction in the tax would cause no reduction in price to the consumer. Of course everybody knows that the price of all agricultural products and everything else depends very much upon the demand and supply. If the tobacco crop is short the price is higher; if the tobacco crop is abundant the price is lower, and these fluctuations in the price of tobacco and of various other commodities are produced by causes altogether different from the tax upon the article and by causes which belong to business all over the world in the very nature of things. Supposing an equal crop of tobacco, all the other circumstances being equal, undoubtedly the reduction of the tax reduces the price to the consumer. I think the Senator is mistaken also in the other fact so far as my experience and observation go. Men who do large business and the largest manufacturers in the United States, the strongest firms, those who have most on hand and make most money by it, are the very men who are all the time opposed to any reduction of taxation.

Mr. LOGAN. Those are the men who deal in the best tobacco.

Mr. JOHNSTON. No, sir; such men as the Lorillards, in New York, and men of that class are all the time opposed to any reduction whatever. They do not care how high the tax is, because they have the capital; they have the means; they can buy the tobacco; they can buy the stamps, and they can await their chance in market; but smaller dealers, smaller manufacturers, cannot do that; they have to sell in order to carry on business. For that reason the large manufacturers are the very men who are opposed to any reduction of the tax. The demand for reduction comes from the producer, from the consumer, from the laborer, from the smaller manufacturers, and from the people generally.

In regard to the diminution of the tax increasing the quantity manufactured, I have a little table here. When the tax on tobacco was reduced from 24 to 16 cents the amount manufactured was only 131,000,000 pounds in round numbers. The next year after that the amount was raised to 146,000,000 pounds, and the year after that, in 1881, to 161,000,000 pounds. For the present year I do not know what the figures are, and I do not know that there is an increase corresponding with that. That increase has not been made in consequence of increased production, but in consequence of a diminution of the tax, which operated in the way I have suggested, by allowing lower qualities of tobacco to be manufactured than would otherwise have been. We may safely calculate that with the tax at 8 cents a pound, instead of 161,000,000 pounds being manufactured there will be at least 200,000,000 pounds of tobacco manufactured. If so, that would yield an income of $16,000,000 alone upon that single article, and in that way the tax would go beyond one-half what it is at present.

I am satisfied, therefore, that this reduction in addition to the other reductions in the bill would put the reduction of tax on tobacco at a figure beyond $15,000,000. The only question is whether that can be afforded. As I understand, the reductions proposed by the committee are about $35,000,000. Is that the sum by which the committee propose to reduce the revenue?

Mr. SHERMAN. From $35,000,000 to $40,000,000.

Mr. JOHNSTON. Then if I am right in the idea that the reduction to 8 cents will accomplish a reduction of only $15,000,000, or even not so much as that, say $12,000,000, it will make the total reduction about $47,000,000. With a surplus revenue of $100,000,000, and according to the estimates for the next year of $60,000,000, with a reservation of $40,000,000 for the sinking fund, that leaves us an abundant margin for the reduction that I propose.

That is all I desire to say at this particular time. My only object was to indicate the amendment I proposed to move in regard to the reduction of the tax on tobacco to 8 cents a pound, and to give the reasons why I think it is best to so reduce it. I have no desire to detain the Senate any longer on that point at this time.

Mr. SHERMAN. Mr. President, I had hoped that this measure, being a comparatively brief bill for the reduction of taxes, would be considered in a logical, orderly way, so that we might give to the people of the United States the largest possible benefit from the proposed reduction of taxes, but it seems to me that the mode in which my honorable friend from Kentucky, a member of the Committee on Finance who concurred in reporting this bill, conducts the opposition to it is likely to defeat this beneficent and orderly process. He is putting the cart before the horse. It is hard to tell how to meet this opposition.

That Senator has determined to thrust the tobacco tax into the forefront of the bill before any other vote shall be had in the Senate to indicate what amount of tax the Senate is willing to repeal. I say it is putting the cart before the horse; it is not the orderly, proper mode of proceeding in an important bill which ought to be made to render great benefit to the country. I submit to any Senator on that side whether it is fair to thrust the tobacco question forward before any action shall be taken on the amendments of the committee, and before any logical opportunity has been given to present the main facts upon which the reduction is proposed to force a vote on that question when there is in the third section of the bill a proposition to largely reduce the tax on cigars and cigarettes, to which the proposed reduction of the tobacco tax would be proper and germane.

But waiving that for the present, there is one question that the Senator from Kentucky talked about a good deal, at one time averring that our expenditures were so largely increasing that perhaps it was not safe to reduce taxes at all, that we had better have this surplus to wait until we could revise the tariff more perfectly and perhaps better distribute the reduction of taxes on a greater number of articles. Then he fell back to his proposition for a reduction of the tobacco tax to 8 cents a pound or $13,000,000.

The first question I take it we ought to consider is how much can we afford to reduce the aggregate of taxes? What is the condition of our finances that enables us to repeal taxes? This is shown by the last report of the Secretary of the Treasury.

We had this last fiscal year, closing the 30th day of June, 1882, an income of $403,853,475. We had a net expenditure of $258,886,537. That left a surplus of $144,900,000, or in round numbers $145,000,000. If that surplus were to continue, we might reduce the tax on tobacco and a good many other taxes; but let us see what is to be the probable condition of our finances during this and the next fiscal year as shown by the appropriations of Congress at the present session.

Suppose our revenue should continue next year to be as much as it was last year, and more than that could not reasonably be hoped for. It is the largest revenue that was ever collected upon the present basis of taxation. We must not forget that there are, as was shown very clearly by the Senator from Delaware, [Mr. BAYARD,] many elements of uncertainty in the immediate future.

There is in the first place a remarkable change in the balance of trade with foreign countries, so remarkable as to excite the attention of every intelligent man. Within a single year this state of affairs has occurred: in the month of May, 1881, we had an excess of exports over imports of $8,636,457. This year in the month of May, 1882, we had an excess of imports over exports of $19,255,326, showing a change in the balance of trade in the month of May, 1882, compared with the same month last year of something like $28,000,000 against us. For the five months ending May 31, 1882, we had an excess of imports over exports of $27,987,000. For the five months ending May 31, 1881, we had an excess of exports of $93,470,000,

showing in five months a change against us in our balance of trade of $121,000,000. In the eleven months ended May 31, 1882, we had an excess of exports of $37,000,000. For the eleven months ending May 31, 1881, we had an excess of exports of $255,000,000, showing a change in the balance of trade of over $218,000,000.

We all know what will be the natural result of this remarkable change in our foreign trade; that this excess of importations must fall off largely and with it our revenues, as it has occurred over and over again in our history. Unless some change should take place that would restore the condition of trade to what it was a year or two ago, we must expect a falling off of customs revenues. Our only hope is that our exports may largely increase and thus enable us to pay for excessive importations. Our revenue depends upon importations and the amount of these depends largely upon our exportations and the general prosperity of the country, and especially upon the amount of our crops and the demand for them. These are always elements of uncertainty, but it is certain that we cannot maintain our present volume of importations upon the basis of a large and increasing balance of trade against us. The inevitable result is the falling off of our revenues, and, what is worse, the drain of our gold to meet the current balances on foreign trade.

There is another element of uncertainty. The prospects of the crops in Europe are very favorable. The crops in this country are extremely favorable. Probably there never was in the history of this country or in any country so large a production of cereals as is already reaped and harvested. From the accounts from Ohio, Indiana, Illinois, Iowa, Missouri, and Kansas there is the largest wheat crop already garnered that was ever known in this country. From the statements furnished to us from agricultural sources there is no doubt we have also growing a very large crop of hay, corn, oats, and potatoes. The indications are also that in all the European countries from which cereals are drawn there is a large wheat crop and favorable prospects for a large crop of other grains and food which tend to reduce the demand for wheat; but whether those indications will be continued or not until August or September, when the crop is gathered, we cannot tell. So far as France, Hungary, and Russia are concerned, it is settled that there are large cereal crops already harvested.

The effect of this European supply upon prices will be very great and will regulate the market value of all these products in all countries. Suppose, for instance, the prices of wheat, which ranged last year in Chicago, the great wheat market of the country, at say 130 cents, should fall, as it has done over and over again, to 80 cents, to 90 cents, or to $1 even, that would make an enormous change in the aggregate market value of our exportations. We may not be able to send to Europe the enormous supply of agricultural productions at large prices that enabled us two or three years ago to swell the balance in trade in our favor. This is an uncertainty which we must face when we are considering the difficult problem of how much taxes we may reduce. Cheap food will be a great blessing to our own people, but it will also lessen our ability to pay for the enormous importations of the last year; it will reduce the volume of these importations, and thus reduce the revenue upon the estimate of which we base our enormous appropriations and this bill to reduce taxes. We may by our action illustrate the folly of the milkmaid in counting her chickens before they were hatched.

But there is one other element of danger still, and that is the prevalence of strikes all over the country. A great deal that the Senator from Delaware said I cheerfully concur in. These strikes are the result of real suffering in many cases; they are the result of just complaints. The men who strike are not lawless men, but they find that their wages will not purchase the same quantity of food that they did a year ago; that their wages will not furnish the same amount of clothing and other things; that their wages are not sufficient to furnish themselves and their families that degree of comfort which they had two or three years ago; and therefore there is a great disturbance of labor which already has caused the loss to them and to the production of the country of tens of millions of dollars.

The productions of iron and even our commerce and navigation have been very seriously affected by these strikes. The strikes in the city of New York among the laboring-men who load the goods from the docks onto the vessels have delayed vessels in their sailing. These strikes have extended all over the country, and especially in the heart of the great industrial States of Pennsylvania and Ohio and in Chicago and Saint Louis.

These are disturbing elements which every sensible man must consider before he throws away revenue recklessly and regardless of consequences.

Take the most favorable circumstances. Suppose that our revenue this coming year should be four hundred millions, how has Congress treated the matter? Upon the basis of last year's expenditures we will have a large surplus revenue, of one hundred millions, after paying the sinking fund. But how is it now? The appropriation bills have been enormously increased. They go through the Senate here and the House without attracting much attention. I have taken the pains, through the clerk of the Committee on Finance, to ascertain from the Committee on Appropriations the amount of increase in the appropriation bills which have already passed this body. The amount of increase is $37,000,000 in the appropriations already made by the Senate in the appropriation bills over the same bills for last year.

Mr. DAVIS, of West Virginia. I will say to my friend that that estimate does not include the pension appropriation bill, I suppose, for that is $40,000,000 in excess of last year.

Mr. SHERMAN. It includes only the present pension bill, but not the deficiency, which will be pretty large. We have largely increased the ability to pass upon pension cases, so that the amount of pensions will be greatly increased, and to that $37,000,000 will be added whatever increase is made in the sundry civil bill and in the naval appropriation bill. I put that at $10,000,000. The chairman of the committee [Mr. ALLISON] thinks I place it too high. I assure Senators that I am keeping these figures within the limit, because I do not want to excite any unnecessary alarm. The appropriation bills for pensions alone were $34,000,000 this year over last year, and with a certainty that at least about $35,000,000 will be required as a deficiency to be paid some time during the course of the fiscal year. We know very well the state of the river and harbor bill. Take all these things into consideration, and you cannot estimate the amount of appropriation by Congress this year at less than $50,000,000 more than the appropriations made last year. Add that $50,000,000 to the amount of expenditures last year, and then to that add this item for a sinking fund, which by law and by the common consent of all parties we are bound to pay, which is $45,611,000, and the aggregate of these sums would make our expenditures next year, including the sinking fund, $351,611,000. So you see we are not dealing with $150,000,000 of surplus, we are not dealing with $100,000,000 of surplus; we are dealing at most with a surplus of from $45,000,000 to $50,000,000, and with many uncertainties as to whether that surplus will be realized.

There is a good deal of force in the suggestion that under the circumstances we had better let this surplus accumulate and await the course of events; but on the other hand it was said that as we could reasonably count now, with the prospect of good crops and with the present condition of the country, upon a surplus of $40,000,000 or $50,000,000, we might reduce taxes to an amount approaching that sum.

What taxes shall we reduce? Is it worth while for us to range through the whole gamut of external and internal taxes from top to bottom? Is it worth while to make over again our tariff speeches and recite again the peculiar theories, doctrines, or dogmas we stand upon? Is it worth while for each Senator to snatch out from among this mass of taxes of $400,000,000 the very one that on account of the local interests of his State he desires to have reduced? Not at all; but we must take a view of the whole field, and we must give the utmost relief possible to all classes and all interests fairly apportioned among all sections and among the people that can be given by the repeal of $40,000,000 of taxes.

No prudent man with this exhibit before him will say we ought to repeal taxes to the extent of more than $40,000,000; because if we do we will then probably have a deficit instead of a surplus, and the condition of our finances will be certainly changed. In view of the strikes, the disturbances among the laboring-men; in view of the uncertainty of the crops in Europe, with the prospect of large crops there and with large crops in this country, reducing necessarily the price of our products, because the law of supply and demand is stronger than acts of Congress; in view of the largely increased appropriations by Congress—it is not wise for us to propose or even talk about a reduction of more than $40,000,000.

Mr. SAULSBURY. Will the Senator from Ohio permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. SAULSBURY. If the statement of the Senator is correct we cannot properly contemplate any very great surplus the next year, and the question I wish to ask is, why should we attempt to make any reduction, and, if any, why should that reduction be upon the banking institutions of the country principally? Why not make the reduction in a direction which would benefit the people?

Mr. SHERMAN. I will show that the statement made by the honorable Senator from Delaware is an utter fallacy. The chief reduction is not upon banking capital. You have got to deal with this question in a little broader light than to raise the ghost of banks. I know it is very common among the people of the country, probably of both parties—I do not blame anybody for it—to think that a bank is something that anybody can kick and scout at. The banks are already reduced in their profits. Banking is just like any other business. The business is free and open to all. Those taxes are upon banks which have no special privileges. Banks are started like blacksmith shops or like any other form of industry; they are free and open to all. Men with money always have an advantage over those without money. Persons cannot start a bank without money, and therefore, as they must necessarily be composed of moneyed men, though they may be widows and orphans and persons of small means, yet it is thought to give a kind of cheap popularity to kick at a bank and abuse a bank as though it was not entitled to enjoy the ordinary benefit of our laws and a fair consideration in the reduction of taxes.

Mr. SAULSBURY. Not wishing to interrupt the Senator, I wish to say that I have no desire to scout at banks or to do any injustice

to any bank in the country, but I know of no bank in my State, and I suppose it is true of almost every other State, that fails to declare a dividend of at least 6 per cent. annually upon its capital. I know there is not a bank in my State but what after paying all the taxes now imposed declares annually 6 per cent., and some of them declare 8 per cent.

Mr. SHERMAN. I shall not go into that question, and I trust, as I am making a dry statement of figures, Senators will not interrupt me unless I state something that they think is not correct, in which case I shall be very glad to be corrected.

We have taxes imposed by internal-revenue laws to the amount of $146,000,000 and taxes imposed by what are called customs duties to the amount of $220,000,000. Now, the question is which of these taxes shall we reduce? There is a school in this country which sometimes expresses a desire to repeal all internal taxes in order that we shall not disturb the external taxes. It is not necessary for me to say anything about them. Those who believe that the higher the duties the better the country, necessarily do not wish to bring about a state of affairs that will render possible a moderate reduction of duties on imported goods; but to see my friend from Kentucky fall into that slough is rather strange, for I look upon him as the most thoroughly honest free-trader in principle in the Senate.

Here is a lot of internal taxes the residuum of a greater number which have been reduced or repealed from time to time, and let me say that the Republican party always felt the necessity of reducing those taxes from the very beginning. The Republican party is the only one, if I am at liberty to refer to party in this connection, that has largely reduced these taxes, and it has done it two or three different times, until finally it has reduced the internal taxes to those on whisky, tobacco, beer, a few stamp taxes, and the tax on banks. Instead of favoring the banks it has left the banks as a solitary monument of our old system of internal taxes. Formerly, when the bank tax was imposed, internal taxes extended to nearly all employments, productions, and property. All taxes on capital, business, or employment have been repealed, except alone the taxes on the capital and employment of banks and bankers. These are still taxed solitary and alone, and now this bill proposes as a simple matter of justice to leave the business of banking, like all other business, free from tax.

By the common consent of all nations, of every civilized nation which imposes any kind of taxes, whisky, tobacco, and beer are regarded as the best subjects of taxation. Why? Because they are articles of luxury in one sense, and the more our tax tends to prevent the consumption of whisky and tobacco the better for the consumer. It is looked upon not only as a wise tax but as one that is not felt or complained of. No one consumes whisky or tobacco unless he does it willingly and is very willing to pay the tax on it. There is no complaint among the people of the country of either party in regard to the whisky, tobacco, and beer tax. Generally the men engaged in the business do not object to it. These taxes ought to be left as a part of our permanent system of taxation as long as any other taxes, internal or external, more oppressive remain on the statute-book.

In all European countries where taxes are levied these articles are the proper subjects of high rates of taxation, largely in excess of their value. Here we have a comparatively moderate tax on whisky, tobacco, and beer. The first idea of the committee of the House evidently was to strip the internal-revenue system of all taxes except those on whisky, tobacco, and beer, and to let these stand to await the coming inquiry that is now about being made into the tariff. This is manifestly a wise conclusion. The taxes the House proposes to repeal may not, in the opinion of some, be the most burdensome, but the rule adopted is the most logical and just. They propose to repeal all other taxes than on spirits, tobacco, and beer, and to reduce the taxes on cigars and cigarettes so as to correspond as near as may be to the existing tax on tobacco.

What then are the taxes that are repealed? Let us see. General Raum has very kindly furnished me a statement of the actual product of all these taxes, and a long tabulated statement here, which I will hand to the Reporter and will not trouble the Senate to read. It gives the items more in detail than is necessary for my purpose.

The tax on the capital and deposits of banks and bankers other than national banks yielded in the fiscal year ending June 30, 1881, $3,762,000. For the same year the tax on the capital and deposits of national banks amounted to $5,322,178.

The Senator from Kentucky calls attention to the fact that the tax on the capital of State banks and bankers is higher in proportion than the tax on the capital of national banks. So it is, and for the manifest reason that by law you require the national banks to hold your bonds, which bonds by law are not taxable in the hands of any one. These bonds are a part of their capital. The State banks and bankers are not compelled to hold national bonds, but to the extent that they do hold national bonds their taxes are abated. So that the same rule is applied to both.

The total amount of the taxes on banks is, say $9,000,000. That was, as I have said, an exceptional tax. At a time when we repealed all other taxes on all other employments we left this because it was said these banks were wealthy, rich, better able to pay; and that argument, although it may be an argument of injustice sometimes, prevailed, and these taxes were left until now we are considering the propriety of wiping out all internal-revenue taxes except those on whisky, tobacco, and beer. Would you let these taxes upon banks stand any longer when the necessity of their imposition has passed, when the reason for their imposition has passed, more than ten years after you have repealed the tax on every employment in life except that of banking? It is preposterous to carry a prejudice so far. It would be running demagogism to seed to continue these taxes after the necessity for their existence had ceased and the reason for their being had passed by.

Mr. DAVIS, of West Virginia. The tax on bank circulation is still continued.

Mr. SHERMAN. Certainly, it is still continued, and why? Because that tax on circulation was imposed as a means of paying the expenses of issuing bank notes. It is true the cost to the Government of issuing the bank notes is only about one-fifth the tax levied; still it is fair to levy this tax on their circulation as in the nature of a compensation for a franchise granted to them, and therefore that tax ought never to be repealed as long as the banking system prevails.

Here is a tax on bank checks; that is not a tax on the banks. It is a tax of 2 cents on you and me and all of us who have occasion to draw a check upon a bank. That yields $2,253,000. It is not so much that the tax is oppressive. One thinks more of the trouble and bother of looking for his stamp and putting it on than of the amount. It is an exceptional tax on business. We wipe it away. It is not a tax on the banks at all. The banks pay no part of it. On the other hand, they sometimes get a profit from the sale of the little check-book with the stamps printed upon the checks.

Both the Senator from Kentucky and the Senator from Virginia have had their joke at me because I said the repeal of the tax on matches would relieve the Irishman and relieve everybody. They want, to use a common phrase, to "go it better;" they want to repeal the tax on tobacco. I should be perfectly willing to repeal the tax on tobacco—that is a tax I pay some of myself—if the circumstances would justify us in doing it, and if I thought that would give the greatest relief, more than the repeal of $13,000,000 of taxation in other quarters.

The tax on matches yields $3,278,000. The manufacturers of matches do not want the tax repealed, because they have a practical monopoly of the manufacture. I remember before this tax was devised there were matches made all over the country; they were made in the town in which I live; they were made in every community; they were made in small lots and sold. It seems to me that the removal of no tax could give more immediate and substantial relief. The tax is an annoyance and nuisance to everybody, and totally out of proportion to the value of the article taxed.

There is a tax on proprietary medicines and on perfumery, cosmetics, and all the various articles of that kind. They yield $2,226,000. The aggregate of these taxes for the year ending July 30, 1881, was as follows:

Capital and deposits of banks and bankers other than national banks	$3,762,208
Capital and deposits of national banks	5,372,178
Bank checks	2,253,411
Matches	3,278,580
Proprietary medicines, &c.	2,226,503
Total	16,892,880

During the year ending June 30, 1882, these taxes yielded something over eighteen millions, and including the reduction proposed in special taxes on dealers and on cigars and cigarettes amount for the last year to $25,888,245:

A.—*Statement showing the estimated amount of annual reduction of internal revenue under each section of House bill No. 5538, as amended by Committee on Finance.*

Sections.	Articles or occupations.	Estimated reduction. Under each clause.	Under each section.
Section 1	Tax on capital and deposits of banks and bankers other than national banks.	$5,073,830	
	Tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A, following section 3437, R. S.	7,574,099	$12,647,929
	Tax on capital and deposits for 1882, on national banks, (estimated.)	5,500,000	5,500,000
Section 2	Dealers in leaf tobacco	39,496	
	Retail dealers in leaf tobacco	1,458	
	Dealers in manufactured tobacco	1,026,201	
	Manufacturers of tobacco	3,483	
	Manufacturers of cigars	55,975	1,137,852
	Peddlers of tobacco:		
	First class	187	
	Second class	5,247	
	Third class	4,587	
	Fourth class	1,218	
Section 3	Cigars and cheroots	6,048,760	
	Cigarettes weighing not over three pounds per thousand.	552,748	6,602,464
	Cigarettes weighing not over three pounds per thousand.	956	
	Total	25,888,245	25,888,245

B.—*Comparative statement showing the amount of revenue received from the tax on capital and deposits of banks and bankers not national during the years ended May 31, 1881 and 1882.*

Sources of revenue.	Amount of tax returned during the year ended—	
	May 31, 1881.	May 31, 1882.
Bank deposits	$2,666,942	$3,878,021
Savings-bank deposits	99,063	88,820
Bank capital	764,964	1,092,120
Savings-bank capital	16,537	14,869
Total	3,547,506	5,073,830

NOTE.—The comparison cannot be made for the fiscal years ended June 30, 1881 and 1882, as the returns for June, 1882, have not been received.

These are the taxes that are to be swept away. It is true some of these taxes do not amount to much; they are not very burdensome; and if we had to keep up our system of internal revenue as largely as it has been kept up before, many of them might be retained. But when we have a surplus of $40,000,000 to deal with we propose to wipe them out, to get rid of them, and thus simplify our system of taxes.

The Senator from Kentucky says we shall not even have a vote on that proposition until we decide about tobacco. Why tobacco? Why should tobacco be considered before all these other matters? Why can he not wait until in due order and economy of time he can present his proposition to repeal or reduce the tax on tobacco?

The House of Representatives has not overlooked the tobacco tax. After full discussion they propose to reduce by this bill two forms of taxes on tobacco imposed by the internal-revenue laws. One is the special tax levied upon dealers and manufacturers of tobacco, retail dealers in leaf tobacco, dealers in leaf tobacco, peddlers of tobacco to various classes. We propose to remit the tax imposed on dealers to the amount of $1,137,852. These are all taxes on poor people except the dealers in leaf tobacco, who are generally large. Then it is proposed to reduce the tax on cigars and cigarettes, which yields about $18,000,000; to take off cigars, cigarettes, cheroots, &c., $6,602,464. So that we have shown by this bill a disposition to relieve tobacco and the people who consume tobacco in a form that will likely best yield a satisfactory result.

It may be asked why select cigars instead of selecting chewing-tobacco? The reason is because three years ago there was a reduction of one-third in the tax on chewing-tobacco, and now this is a reduction on cigars, about equivalent to the former reduction on chewing-tobacco.

But the Senator from Kentucky must have his tax on tobacco reduced. Why, sir, he promised the Senate only three years ago—I have the language here before me—in the most positive way that for years if they would only reduce the tax to 16 cents he would not ask them to reduce it any more. He has read us some portions of that speech, I suppose it was on the same occasion, but there is a little piece here I wish he would stand by:

I repeat that there never was a more legitimate proposition made to the representatives of the people in behalf of a meritorious class of citizens than that now made, which is to give the men whose soil is adapted to the raising of tobacco, and who are paying forty millions of revenue, the relief sought—

I think he read from this speech—

and I will pledge you on their behalf—

The tobacco dealers—

if it is given, that for years they will ask no further change.

Mr. FARLEY. It has been three years.

Mr. SHERMAN. So it has, but I do not think that the statute of limitations has run out; at any rate he ought not to be in such a hurry about it.

It is shown that by these provisions the bill already provides for a reduction of internal revenue of $26,000,000 which is at least two-thirds of what any prudent man under the circumstances would advise the reduction of. Now, what will be done with the rest?

The Senator talks a good deal about the caucus. Well, sir, what was done in that caucus is not a legitimate matter of inquiry. If that caucus recommended a little further reduction, not to take it all off internal revenue, but to take something off customs duties, it was a wise resolve by that caucus—no doubt about that. It is not necessary for me to defend the caucus; it is able to defend itself.

What topic, what subject of taxation created the most complaint? Was it tobacco? Not at all. No petition came up here praying for the repeal of the tobacco tax; on the contrary the dealers generally were opposed to it; the producers made no complaint about it; there was no desire for a further reduction on tobacco; but on the other hand there were certain taxes imposed by the customs laws that were believed to be oppressive. There were also certain incongruities that had sprung up in the administration of the customs laws that were plainly unjust, one of which, by the decision of the Supreme Court, enabled men lawfully to commit a practical fraud on the Treasury of $2,000,000 a year. Another, a tax on that which is an absolute necessity of life, sugar, had been levied some years ago, at a time when we desired to increase revenue, and an additional tax of 25 per cent. was added to sugar. That tax yields us more revenue than any other. It is the highest tax of most general distribution; it is a tax that is distributed among all classes of the people just about in the proportion of their means and of their ability to consume.

It was proposed to take off the 25 per cent. addition made in 1875, about 20 per cent. of the whole tax. The tax yields near $50,000,000. It is by this bill proposed to repeal $10,000,000 on sugar. Was not this reduction the best under all circumstances?

Sometimes it is complained that this is an article produced by a Southern State, Louisiana, and that if we reduce this duty we impair the protection given by our laws for the benefit of the home producers of sugar. On the contrary, this increase in 1875 was not in any sense a law for the purpose of protection. It was the addition of a tax imposed merely for revenue, to meet an emergency, and was not desired or claimed as a matter of protection. They still have the specific duties levied by law under the old standard. They have the specific duties, which are ample protection to encourage the cultivation and largely increase the cultivation of sugar cane in all the sugar-growing region of this country. They still have a protection of 1¾ to 2½ cents a pound.

What else did we do? There was complaint made about Bessemer-steel rails, and a just complaint, but that was not the fault of any one. It was not the fault of the law when it was enacted. But the great changes that have been made in the manufacture of steel and iron have produced an enormous reduction in the cost of these metals. When this duty was levied steel ranged from $100 to $150 a ton, and steel was worth twice as much as iron; but by the subtle processes, devised partly by American and partly by English inventors, the requisite ductility was given to steel in the process of manufacture, so that to-day by the Bessemer process steel can be manufactured just about as cheap as iron.

The wonderful processes by which this is done no doubt have been seen by every Senator. That created a disturbance, an inequality in the relative tax of these two metals.

Besides, when these taxes were imposed there was an endeavor to make the duties on iron and steel specific, so much a pound, rating the grade per pound according to the commercial value of the articles, making it a tax of 30 or 35 per cent. ad valorem reduced to specific rates. But by the sudden fall of iron to less than one-half what it formerly cost the specific rates became very high ad valorem rates. They were double or treble in some cases what they had been. On the other hand the ad valorem rates which on manufactures of iron and steel, that from their nature could not be specified, were fixed at 35 to 45 per cent. ad valorem, which properly were higher than the specific duties on the raw iron and steel of which they were manufactured. By the change in the value of iron and steel the specific duty on the raw article became higher than the duty on the completed manufactures, an unforeseen result from an unforeseen change in market value.

Thus by the change in the prices of these articles these duties became incongruous; they did not relate to each other in the proper way; the original idea being that specific duties should be applied to all the great articles of iron which can be named and described in a tariff bill, and that an ad valorem duty more than equal to it should be applied on the manufactures made out of iron and steel as the raw material; but the sudden change in the prices has disturbed that and we have endeavored to correct it.

The Senator from Kentucky says he will move to reduce the duty on Bessemer steel to $14 a ton. How does he know the effect of it? I think he is very much mistaken in the effect of it. I think the committee have gone as far as they ought to go in the reduction of the duty on Bessemer steel until the general revision takes place that will equalize things. I believe that the general range of duties on great bodies of articles in the tariff laws ought to be reduced; and although I thought it would have been better to have the proper committees of the two Houses make this reduction, yet I still am hopeful that the tariff commission will give us the basis upon which a reduction can be made.

This bill with the amendments proposed by the Senate Finance Committee reduces taxes nearly $40,000,000, the duty on sugar counting $10,000,000, and then the reduction of the duty on Bessemer steel, making about one million, and the aggregate is as much as a safe, prudent man would say the reduction ought to be now. Is it not better to take this bill as it is? Is it wise for us at this period of the session to embark in all the wide sea of general discussion on this subject of the tariff? Why not, like practical legislators dealing with the interests of our people, carefully watching that no harm is done to them by the provisions of this brief bill, seeing that the general relation of the remaining taxes to each other is maintained and kept up, pass this bill, leaving the general subject to be decided hereafter, next winter, when the tariff commission shall report?

I agree in the main in the general argument made by the Senator from Indiana, [Mr. VOORHEES,] but I do not agree at all with his conclusion. If he expects the Democratic party to deal wisely with the tariff question he is very much mistaken. The strength of the Democratic party lies in the city of New York and in the Southern States where, by prescription you may say, by long usage, by long

study, the leading classes are opposed to what is called the protective school of politics. They honestly believe as agriculturists that free trade will be better for them. I do not think so, and if my friend from Indiana expects to carry out the Coleman letter of General Jackson—and General Jackson undoubtedly was a protectionist in a moderate way—if he expects the Democratic party to carry out those ideas he will be mistaken. He will have to fall back after all upon that party which believes that it is best for the farmer, best for the cotton-grower, best for all classes of citizens that our industries shall be diversified, by wise protective laws; that wherever a trade, an occupation, a manufacture can with a reasonable prospect be built up with the aid of some assistance from the tariff laws, that assistance should promptly be given.

And, sir, I say to him that I am in favor of protection, but not to the capitalist. The capitalist is able to take care of himself. There was a time when it was the interest of this country to build up capital and induce capital to be invested in machinery and to start factories; but the growth of wealth in this great country of ours has been so rapid that already there is more surplus wealth here than in almost any country in the world. It is no longer necessary to protect the capitalists; but we must protect labor. The people of this country never will and never can be made to compete with the labor of European countries. They are not accustomed to the hard usage and hard fare. They will not do with the food and care and nurture and housing of the laborer of Europe. It is for that reason that the laborer of Europe, whenever he can, comes here to share our blessings.

The object of these protective laws, if wisely administered, wisely carried out, is to protect the laboring-men, to give them opportunities to educate their children, to give them a comfortable home, a comfortable housing, good clothing, and fair wages, and enable them to make their way in life. Thus it is and by means of agencies like these that we find the richest men in this country to-day were the laborers of only a few years ago. In every city of the country you will find the men who now are called the capitalists were the laboring-men who labored with their own hands in honest toil, and probably laid the foundation of their fortunes in that labor.

I do not want to go further into this subject except to say that I trust the Senate will regard this as an opportunity of doing a great good to the people of the United States; that we ought to confine the operations of this bill to such a reduction of taxes as will render the greatest possible service. I do not, for one, believe that tobacco is deserving of any more reduction of taxes than is given by this bill, to the amount of $7,000,000 or $8,000,000. If you reduce the tobacco tax $13,000,000 more, as is now proposed—the tax on manufactured tobacco yields $26,000,000, and if you take $13,000,000 off that, you disable yourselves from making those necessary reductions and modifications in the tariff laws when the time shall come when we can properly and fairly deal with that question.

I say, "let well enough alone;" let us do what good we can now, with the assurance that within one year from this time we may be able, or shall have the opportunity at least, to correct any other incongruities in the tariff laws or make any reduction that is then in our power to do.

On the question of the sugar reduction I may have occasion, when the subject comes up properly, and when that subject alone is considered, to say something further about the amendment proposed by the Committee on Finance.

Mr. MORRILL. I understand there is a necessity for an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Will the Senator withdraw that motion for a moment?

Mr. MORRILL. Yes, sir.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe, returned from the House of Representatives with an amendment.

The amendment of the House of Representatives was read, being in section 1, line 9, after the word "amalgamation," to insert "combination to establish rates."

Mr. WINDOM. I ask that the Senate concur in the House amendment. I am sure there will be no objection. It simply prevents combinations with other companies.

The amendment was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 604) granting a pension to Margaret Beymer;

A bill (S. No. 984) increasing the pension of Emma H. Collins;

A bill (S. No. 1040) granting a pension to Theodore Ranthe;

A bill (S. No. 1068) for the relief of certain citizens of Tennessee;

A bill (S. No. 1201) granting a pension to Jacob Nix;

A bill (S. No. 1886) donating four condemned cast-iron cannon for the soldiers' monument at the village of East Bloomfield, New York;

A bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes.

A bill (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon-balls for the soldiers' monument at Ironton, Ohio; and

A bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1858) to provide additional industrial training schools for Indian youth and authorizing the use of unoccupied military barracks for such purpose was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE SESSION.

Mr. MORRILL. I renew my motion.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-nine minutes spent in executive session the doors were reopened, and (at six o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 17, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PERSONAL EXPLANATION.

Mr. MCLANE. Mr. Speaker, I desire to trespass upon the attention of the House for a few moments. On last Saturday I was not present in the House, being detained by indisposition. When the item in the river and harbor bill appropriating $20,000 for the survey of the Chesapeake and Delaware Canal was under consideration, the honorable chairman of the Committee on Commerce [Mr. PAGE] stated that if I were present I would no doubt agree with the committee to non-concur.

I want to confirm that statement, and to say in explanation that this was the course agreed upon by the committee with reference to all the amendments of the Senate without regard to their merits. We deemed this the best method of dealing with the bill and bringing all its items to the attention of the committee of conference. Therefore, the conclusion which was drawn by more than one honorable gentleman on this side of the House that there was nobody here to defend the item was altogether unwarranted. Not only was this conclusion unwarranted, but so far as I am personally concerned I desire to say to at least one of those honorable gentlemen, my friend from Kentucky, [Mr. CARLISLE,] that I have not only advocated the proposition with reference to the Chesapeake and Delaware Canal, which was contained also in the last river and harbor bill, but I have been a supporter of the proposition to purchase for the Government and dedicate to the commerce of the country the Louisville and Portland Canal. At the unanimous request, as I supposed, of the Kentucky delegation of the last Congress and in this, I have voted to put that canal in the possession of the Government and make it a free canal, regarding that as one of the wisest measures that could be adopted by the Government. So far as the principle is concerned, I for one am fully committed to it, not only with reference to that and other Western canals, but also to the Delaware and Chesapeake Canal, as wise measures for facilitating commerce.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had concurred in the amendment of the House to the bill (S. No. 1068) for the relief of certain citizens of Tennessee.

The message also announced that the Senate had passed without amendment the joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States, for the fiscal year ending June 30, 1883, and for other purposes.

The message further announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MCMILLAN, Mr. JONES of Nevada, and Mr. RANSOM.

PERSONAL EXPLANATION.

Mr. HEWITT, of New York. Mr. Speaker, I rise to a question of parliamentary and personal privilege. I regret to do so in the absence of the gentleman from New Jersey, [Mr. ROBESON,] but I have no choice.

The SPEAKER Does the gentleman rise to a personal explanation?

Mr. HEWITT of New York. I rose to a question of personal and parliamentary privilege concerning the integrity of the records of the House.

It will be remembered that the debate on the naval appropriation bill was closed by the gentleman from New Jersey on the 6th of July. His speech did not appear in the RECORD until the 11th. At that time I was at home sick, and only saw the RECORD on the 13th. I at once returned to Washington, and came to the House on Saturday for the purpose of calling attention to the matter to which I shall now request the consideration of the House. The gentleman from New Jersey was not then in his seat. I have therefore waited until to-day. To-day again he is not in his seat. This afternoon I am compelled to leave the city, in order to meet my family, who have just returned from Europe, and who have now landed in New York. I will therefore forbear to make any comments whatever upon the nature of the matter which I wish to submit to the House.

On the 11th of July there appeared in the RECORD the speech of the honorable gentleman from New Jersey, in which I find the paragraph I desire to have the Clerk read.

The Clerk was proceeding to read, when

Mr. BURROWS, of Michigan, (interrupting,) said: I suggest to the gentleman from New York [Mr. HEWITT] whether the proprieties of the case would not dictate to him that he wait a few moments. The gentleman from New Jersey is now in the building and has been sent for.

Mr. HEWITT, of New York. I will gladly wait. I myself sent for him, and I was told that he was not in Washington.

Mr. O'NEILL. He has just arrived.

Mr. HEWITT, of New York. Then I prefer to defer the matter, with the consent of the House, until the gentleman from New Jersey is present.

AMENDMENT OF RULES—ORDER OF BUSINESS.

Mr. POUND. Mr. Speaker, in order to enable this House, during the little remnant of time left it, to reach the consideration of public business other than privileged questions or those favored with special assignments, I desire to give notice that on to-morrow I shall submit the following resolution——

The SPEAKER. The gentleman had better send it to the Clerk to be read.

Mr. POUND. It is my writing; and if I can make myself heard, I prefer to read it:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of public bills and resolutions which shall have been previously reported by standing committees of the House and such reports printed, and Senate bills and resolutions on the Speaker's table, the substance of which shall have received favorable action of appropriate House committees, in the following manner, to wit: The Speaker shall call the standing committees in their order, whereupon, by direction of committees so-called, not more than two measures may be severally called up for final consideration. If not more than four members object, such consideration shall proceed, providing that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees.

Mr. HOLMAN. That is not in order, I believe.

Mr. POUND. I desire to give notice——

The SPEAKER. The gentleman from Wisconsin [Mr. POUND] desires to give notice that he will call it up under the rule to-morrow.

Mr. POUND. I desire to give notice that I will submit it to-morrow.

Mr. RANDALL. It is a complex proposition.

The SPEAKER. Its appropriate reference would be to the Committee on Rules; but the Chair has notice that there are precedents——

Mr. HOLMAN. It is not before the House, and I call for the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. VAN HORN. Have it printed in the RECORD.

The SPEAKER. There are precedents under the rule which would seem to be right in favor of giving notice one day that the next day a certain thing would be called up for consideration.

Mr. HOLMAN. Has the gentleman the right to do it under the rules?

The SPEAKER. Of course notice is required of a change of the rules of the House.

Mr. RANDALL. It can come in regularly on Monday under the call of States for bills and joint resolutions.

Mr. HOLMAN. I call for the regular order.

Mr. ATKINS. I rise to a parliamentary inquiry. How does this come before the House?

The SPEAKER. Because it relates to the business of the House, and as such takes precedence.

Mr. ATKINS. Does notice that to-day a certain matter will be called up to-morrow take precedence under the rules of the House?

The SPEAKER. That notice is required by the rules of the House. It cannot be considered to-day.

Mr. RANDALL. I suggest to the gentleman to let it go to the Committee on Rules.

Mr. HOLMAN. I demand the regular order of business.

Mr. POUND. I do not offer the resolution now, but give notice I will do so to-morrow.

Mr. McMILLIN. Let us have the regular order of business.

Mr. POUND. I have given notice in conformity with the rules of the House that I will call it up to-morrow, and in the mean time I ask that it be printed in the RECORD.

Mr. BLACKBURN. I wish to know whether this motion to change the rules or to adopt a new rule must not go to the Committee on Rules for consideration?

Mr. POUND. That question will arise to-morrow when this is before the House.

The SPEAKER. Under the rules all matters relating to a change of the rules when referred must be referred to that committee. The rules also provide that upon one day's notice a change of rules may be moved.

Mr. BLACKBURN. "May be moved," but does that do away with the requirement of the rules that it shall be referred to the Committee on Rules for consideration?

Mr. POUND. I submit that question is not before the House for consideration at this time.

The SPEAKER. The Chair has given no particular consideration to this question.

Mr. BLACKBURN. I wish to call the Chair's attention to it, and shall ask him to rule at the proper time.

The SPEAKER. It does not arise at this time, but the Chair prefers it should go to the Committee on Rules.

Mr. RANDALL. It will expedite business to send it to the Committee on Rules.

The SPEAKER. Does the gentleman consent to its reference to the Committee on Rules?

Mr. POUND. I desire to proceed in my own way in this matter, and then the House can decide.

Mr. O'NEILL. I desire to proceed in my own way, and shall ask to take up Senate bill No. 297, which is unobjectionable to members.

Mr. COX, of New York. Let us have the regular order of business.

Mr. BURROWS, of Michigan. The proposed change of rule will of course be printed in the RECORD.

The SPEAKER. Of course.

RIVER AND HARBOR BILL.

Mr. PAGE. Before the regular order is called I move that the House insist on its disagreement to the amendments of the Senate to the river and harbor appropriation bill and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. PAGE, Mr. TOWNSEND of Ohio, and Mr. REAGAN.

LEAVE OF ABSENCE.

Mr. REAGAN, by unanimous consent, was granted leave of absence for the day, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;

A bill (H. R. No. 1543) granting a pension to Albert O. Miller, and for other purposes;

A bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin;

A bill (H. R. No. 2872) to increase the pension of James Hawthorne;

A bill (H. R. No. 4082) granting a pension to Ellen Gillespie;

A bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts; and

A bill (H. R. No. 5809) for the relief of Jacob Humble.

CALL OF STATES FOR BILLS, ETC.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference. Under this call also joint and concurrent resolutions of State and Territorial Legislatures are in order, and also resolutions of inquiry addressed to the heads of Departments for reference to appropriate committees.

JAMES P. JOHNSON.

Mr. STEELE introduced a bill (H. R. No. 6762) for the relief of James P. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DREWETT.

Mr. STEELE also introduced a bill (H. R. No. 6763) for the relief of William Drewett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. ROWAN.

Mr. STEELE also introduced a bill (H. R. No. 6764) for the relief of George B. Rowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. E. KEENE.

Mr. BURROWS, of Michigan, introduced a bill (H. R. No. 6765) for the relief of W. E. Keene; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPARTMENT OF THE POTOMAC, G. A. R.

Mr. WILLITS introduced a joint resolution (H. R. No. 258) authorizing the Secretaries of War and Navy to donate condemned ordnance stores to the Grand Army of the Republic of the Department of the Potomac; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS KEARNEY.

Mr. STRAIT introduced a bill (H. R. No. 6766) granting a pension to Francis Kearney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEMPHIS AND NEW ORLEANS RAILROAD AND LEVEE COMPANY.

Mr. LYNCH introduced a bill (H. R. No. 6767) to facilitate the construction of the Memphis and New Orleans Railroad and Levee, to regulate commerce, and to promote and protect the postal service; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

FRANCES A. ROBINSON.

Mr. VAN HORN introduced a bill (H. R. No. 6768) for the relief of Frances A. Robinson, administratrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OYSTER PLANTERS, RICHMOND COUNTY, NEW YORK.

Mr. BELMONT (by request) introduced a bill (H. R. No. 6769) for the relief of oyster planters in the county of Richmond and State of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN CITIZENS IMPRISONED ABROAD.

Mr. COX, of New York, submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That this House earnestly request the President to insist on the release of the remaining American citizens, imprisoned by the British Government under a suspension of law in Ireland, and especially the case of D. McSweeney, of California, confined for more than thirteen months, without charge, trial, or conviction, whose innocence of crime is proven by the fact that the British Government offered him freedom on condition of returning home immediately.

Mr. ROBINSON, of New York. Mr. Speaker, I desire to present a resolution of inquiry upon the same subject, which, however, is wider and broader in its scope than that introduced by my colleague, who has just given me notice of his intention to offer the resolution which he has submitted.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the President of the United States is hereby respectfully, but urgently, requested to inform this House when it may expect an answer to its resolution of June 18, now twenty days ago, adopted unanimously, calling for any additional information not heretofore communicated to Congress relative to our citizens still suffering unjust imprisonment in British jails; and whether any proposition has been made to any American citizen to accept their release upon conditions, and whether he has yet made the demand which this House unanimously requested him to make forthwith on said 28th day of June, 1882, and to report all the facts and proceedings as soon as practicable, in compliance with the imperative provisions of the law of July 27, 1868; and whether any correspondence has taken place with James Russell Lowell, nominally our minister to Great Britain, but really doing police duty and detective work under Lord Granville in discovering imperfections in certificates of American citizenship, even when certified under seal of our courts and State Department, relative to his resignation or recall, as requested by numerous petitions and resolutions presented to this House from the principal cities and States of the Union.

The resolution was referred to the Committee on Foreign Affairs.

NORTH CAPITOL HORSE RAILROAD.

Mr. ROBINSON, of New York, (by request,) introduced a bill (H. R. No. 6770) to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMERICAN CITIZENS IN BRITISH PRISONS.

Mr. ROBINSON, of New York, also submitted the following resolution of inquiry; which was read and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State is hereby directed to inform this House whether he cannot now communicate the telegrams relating to our citizens in British prisons, the publication of which was thought to be incompatible with the public interest as expressed in his letter to the President of April 5, 1882 and that he is hereby directed to communicate every item of correspondence relating to these citizens by mail or cable, not hitherto communicated, which, even if their publication may be deemed incompatible with the public interest, may be considered in secret session of this House or of its Committee on Foreign Affairs.

INTEROCEANIC CANAL.

Mr. ROBINSON, of New York, also submitted the following resolution of inquiry; which was read and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State, in view of the present political disturbances in Egypt and one of its most recent results, namely, the closure of the Suez Canal to navigation and the resulting injury to the commerce of the world, and the possible recurrence of such an event if national public works be carried out under the assistance and superintendence of European powers on the soil of the sister republics of this continent, is hereby directed to inform this House if the State Department has any information to communicate with regard to the progress toward construction of the interoceanic canal across the isthmus of the United States of Colombia, and whether it be not advisable at this time that this country should reassert its intention to be governed by the principle of non-allowance of the intervention of European governments in public affairs on this continent.

AMERICAN NAVAL FORCES AT ALEXANDRIA.

Mr. ROBINSON, of New York, also submitted the following resolution of inquiry; which was read and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of the Navy is hereby instructed to communicate to this House any correspondence with or instructions to Commodore Nicholson relative to his extraordinary threat to open fire upon the city of Alexandria under certain contingencies; and also to inform the House whether he has been informed that American sailors and officers are performing police duty in the city of Alexandria under the British Admiral, and if so, by what authority.

ISHMAEL JONES.

Mr. PRESCOTT introduced a bill (H. R. No. 6771) granting a pension to Ishmael Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD D. BREWER.

Mr. RICE, of Ohio, introduced a bill (H. R. No. 6772) to remove the charge of desertion from the military record of Richard D. Brewer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROWENA A. HOLMES.

Mr. SHULTZ introduced a bill (H. R. No. 6773) granting a pension to Rowena A. Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARRIAGE, ETC., OF DANGEROUS ARTICLES.

Mr. TOWNSEND, of Ohio, introduced a bill (H. R. No. 6774) to amend section 4472 of the Revised Statues relating to the carriage and use as stores of certain dangerous articles; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHILIP DENNICK.

Mr. GEDDES introduced a bill (H. R. No. 6775) granting a pension to Philip Dennick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOLS OF MEDICAL PRACTICE.

Mr. O'NEILL introduced a joint resolution (H. R. No. 259) relative to schools of medical practice in the United States, and the graduates thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAFE DELIVERY OF LETTERS.

Mr. O'NEILL also introduced a joint resolution (H. R. No. 260) to better secure the safe delivery of letters from foreign countries, and also that of letters of domestic origin; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. SHALLENBERGER introduced a bill (H. R. No. 6776) granting condemned cannon and cannon-balls to Post No. 208, Grand Army of the Republic, at New Brighton, Pennsylvania, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN G. ORR.

Mr. CURTIN introduced a bill (H. R. No. 6777) to amend the military record of John G. Orr; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOPHIA GUMP.

Mr. CAMPBELL introduced a bill (H. R. No. 6778) granting a pension to Sophia Gump; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. WALKER introduced a bill (H. R. No. 6779) donating condemned cannon and other munitions of war to G. H. Barnes Post No. 175, Grand Army of the Republic, Department of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. F. M. LEWIS.

Mr. PETTIBONE introduced a bill (H. R. No. 6780) restoring J. F. M. Lewis to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ILLINOIS AND MICHIGAN CANAL.

Mr. WARNER (by request) introduced a bill (H. R. No. 6781) requiring the State of Illinois to execute the trust created by act of Congress approved March 2, 1827, and subsequent acts, relating to the Illinois and Michigan Canal; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORT DEARBORN RESERVATION.

Mr. WARNER (by request) also introduced a bill (H. R. No. 6782) to restore to the public domain the unsold land in Fort Dearborn military reservation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREEMORTON YOUNG.

Mr. HOUK introduced a bill (H. R. No. 6783) granting arrears of pension to Freemorton Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. THOMAS.

Mr. HOUK also introduced a bill (H. R. No. 6784) granting a pension to John S. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOCH WARD.

Mr. HOUK also introduced a bill (H. R. No. 6785) for the relief of Enoch Ward; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

GILBERT C. BROWN.

Mr. HOUK also introduced a bill (H. R. No. 6786) granting a pension to Gilbert C. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARVEY J. FRYAR.

Mr. HOUK also introduced a bill (H. R. No. 6787) for the relief of Harvey J. Fryar; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT BRATTLEBOROUGH, VERMONT.

Mr. TYLER introduced a bill (H. R. No. 6788) making an appropriation for the erection of a public building at Brattleborough, Vermont; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ARCHIBALD AND JOHN NELSON.

Mr. FULKERSON introduced a bill (H. R. No. 6789) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY JOHNSON LONSDALE.

Mr. DARRALL introduced a bill (H. R. No. 6790) for the relief of Nancy Johnson Lonsdale; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREE MATERIALS FOR BUILDING VESSELS.

Mr. DINGLEY introduced a bill (H. R. No. 6791) to remit import duties on materials used in the construction and equipment of vessels to be employed in the foreign carrying trade; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GENERAL ISRAEL VOGDES.

Mr. McLANE introduced a bill (H. R. No. 6792) for the relief of Colonel and Brevet Brigadier-General Israel Vogdes, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES T. CLEMENT.

Mr. PETTIGREW (by request) introduced a bill (H. R. No. 6793) for the relief of Charles T. Clement; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM W. ARMSTRONG.

Mr. WALKER (by request) introduced a bill (H. R. No. 6794) for the relief of William W. Armstrong; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES C. PICKETT.

Mr. ROBERTSON introduced a bill (H. R. No. 6795) for the relief of Charles C. Pickett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GRAND LODGE I. O. O. F., OF LOUISIANA.

Mr. ROBERTSON also introduced a bill (H. R. No. 6796) for the relief of the Grand Lodge of the Independent Order of Odd Fellows of State of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions for reference has now been concluded.

PEACE CONGRESS.

Mr. PEELLE. I have here a memorial of 106 citizens of my district, in reference to a peace congress; which I ask may be referred to the Committee on Foreign Affairs, and the body of the petition printed in the RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

The undersigned citizens of seventh Congressional district of the State of Indiana respectfully represent that they are deeply interested in the proposition presented by the President to your honorable bodies in his message of the 18th of April, 1882, in reference to a congress of all the independent countries of North and South America "for the purpose of considering and discussing the methods of preventing war between the nations of America."

Your petitioners respectfully but earnestly urge that you confirm the action of the President toward convening said congress and authorize him to appoint delegates to represent the United States therein.

Your petitioners would further ask that the President of the United States be authorized or directed to invite all the powers of the civilized world to join us in this league of peace and amity, and that such appropriation of the public funds shall be made as will enable the President to carry out this beneficent and humane undertaking.

REPRINT OF AN ACT.

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 3,000 copies of the act approved July 14, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," be printed for the use of the House.

WATCHMAN FOR HOUSE FOLDING-ROOM.

Mr. SMITH, of Pennsylvania, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House of Representatives be and is hereby authorized to employ a night watchman for duty at the folding-room at 217 East Capitol street, at a salary of $75 per month, to be paid out of the contingent fund of the House.

VINEGAR MADE FROM GRAIN.

Mr. CARLISLE, by unanimous consent, introduced a bill (H. R. No. 6797) to regulate the manufacture of vinegar made from grain; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions having been concluded, the regular order to-day, this being the third Monday of the month, is the consideration of motions for suspension of the rules submitted under instruction of committees. The last committee called under this order was the Committee on Military Affairs. The next in order is the Committee on Naval Affairs.

OCEAN TELEGRAPHIC COMMUNICATION.

Mr. TALBOTT. I am authorized by the Committee on Naval Affairs to move that the rules be suspended to take from the Speaker's table and pass with an amendment the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe.

The bill was read, as follows:

Be it enacted, &c., That Robert Garrett, William F. Burns, and William F. Frick, of Maryland, their associates, successors, and assigns, shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cables on the Atlantic coast of the United States of America, to connect the American and European coasts by telegraphic lines, wires, or submarine cables: *Provided*, That said company shall begin to lay said cable or cables within two years from the passage of this act: *And provided further*, That no amalgamation, union, or sale of cable interests established under this act shall be made to any existing European or other cable companies.

SEC. 2. That any telegraphic line or cable laid be subject to the following conditions, stipulations, and reservations, to wit:

First. The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines, or cable or cables, as there may, by law, agreement, or otherwise be exercised and enjoyed by any foreign government whatever.

Secondly. Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nation.

Thirdly. The transmission of dispatches shall be made in the following order: First, dispatches of states under such regulations as may be agreed upon by the governments interested, the rates not to exceed those charged to individuals; secondly, dispatches on telegraphic service; and, thirdly, private dispatches.

Fourthly. The lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided.

Fifthly. Before extending and establishing any such line or lines, or cable or cables, in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the parties above named, or a majority of them, their associates, successors, or assigns, or by the company or corporation which may be organized to construct and operate cables under this act.

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges herein contained.

SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress.

The SPEAKER. The gentleman from Maryland moves to suspend the rules to pass this bill with the amendment, which amendment will be read.

The Clerk read as follows:

After the word "amalgamation" insert "combination to establish rates."

Mr. DEZENDORF. I desire to offer an amendment.

The SPEAKER. That is not in order.

The question being taken on the motion of Mr. TALBOTT to suspend the rules and pass the bill with the amendment read, it was agreed to, two-thirds voting in favor thereof.

LETTER-CARRIERS.

The SPEAKER. The next committee in order under this call is the Committee on the Post-Office and Post-Roads.

Mr. BINGHAM. I am directed by that committee to move a suspension of the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which I send to the desk, and pass the same.

The Clerk read as follows:

A bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes.

Be it enacted, &c., That section 3 of an act entitled "An act to fix the pay of letter-carriers," approved February 21, 1879, be amended so as to read as follows:

"SEC. 3. Upon the recommendation of the postmaster of any city the Postmaster-General may establish a third grade of letter-carriers, known as auxiliaries, who shall be paid at the rate of $600 per annum, and who may be employed at any letter-carrier office."

SEC. 2. That section 4 of the act aforesaid be, and the same is hereby, amended so that it will read as follows:

"SEC. 4. Appointments of letter-carriers in cities having two or more classes shall be made to the class having the minimum rate of pay, and promotions from the lower grades in said cities shall be made to the next higher grade at the expiration of one year's service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year: *Provided, however*, That the Postmaster-General be, and he hereby is, authorized to appoint one or more substitute letter-carriers, whose compensation shall be $1 per annum and the pro rata compensation of the carriers whose routes they may be required to serve: *And provided further*, That no boxes for the collection of mail-matter by carriers shall be placed inside of any building except a public building or railroad station."

SEC. 3. That all laws inconsistent herewith are repealed.

Mr. McMILLIN. I demand a second on the motion to suspend the rules.

The SPEAKER. If there be no objection the second will be considered as ordered.

There was no objection.

The SPEAKER. Does the gentleman from Tennessee [Mr. McMILLIN] desire to control the time in opposition to the bill?

Mr. McMILLIN. I wish first to hear the reasons that may be given for the bill.

Mr. BINGHAM. Mr. Speaker——

Mr. HOLMAN. I hope the gentleman from Pennsylvania [Mr. BINGHAM] will explain fully to what extent this bill increases salaries.

Mr. BINGHAM. This subject is so familiar, especially to those who represent large cities, that I had not expected it would be necessary on this occasion to make any presentation of facts in connection with the bill, or urge anything in its support. I will, however, explain the changes which it proposes to make in the existing law on the subject, the law of 1879. This bill proposes to establish by law a grade of substitute letter-carriers. Such a grade has been organized for seventeen years under the regulations of the Department; but the Postmaster-General in his report has asked that this body of letter-carriers may exist under statute. To this class of employés $1 a day is at present allowed, in order that they may come under the obligations of the law; and in addition they receive for every day's service that they perform the *pro rata* compensation of the man whose place they fill. The average pay received by these substitute letter-carriers is about $400 a year.

The law of 1879 fixes the grade of auxiliary letter-carriers with a compensation at $400 a year. It has been found that with the present cost of living this compensation is unjustly and unreasonably small; for these auxiliary carriers in the large offices, by reason of the increase of work since the establishment of this grade of carriers, perform the same service as those receiving $800 a year and $1,000 per annum. This is the fact at all first and second class offices. It is proposed in this bill that hereafter auxiliary letter-carriers shall be appointed at $600 per annum instead of $400.

There is another class of carriers who receive $800; and let it be remembered that a man is not appointed in the first instance to an $800 position, is not appointed to the position even of auxiliary carrier at $400 or, as we propose, $600; but in the first place he must go in as a substitute carrier; and in all the large cities it takes a little more than two years before a man advances from the grade of substitute to that of auxiliary.

Again, the carrier has reached the $800 grade; it is the purpose of this bill after one year's service in said grade that he shall be promoted to the $1,000 class. In other words, to state it briefly, in accordance with some letters I have before me—I will read for the better information of the committee, so that the illustration will more forcibly exhibit the delay attending any increase of pay to the $800 carrier unless after many years of service:

POST-OFFICE, CINCINNATI, OHIO, *May* 15, 1882.

DEAR SIR: Yours of the 11th instant is at hand.

So much depends upon the increase of force by authority of the Post-Office Department, and upon the uncertainty attending casualties in the higher grade, that it is difficult to give a satisfactory answer to your questions. I will, however, give some facts in connection with the matter, and make as close an approximation as possible to the time you inquire about.

Since the present law went into effect but two carriers of the $800 class have been promoted to the $1,000 class in this office.

During the same time nine auxiliaries have been promoted to the $800 class, four by vacancies in the higher grade, and five by order of the Department.

It takes over two years in this office for an auxiliary to reach the $800 class, and no substitute has ever reached the $1,000 class, nor are any likely to for a good many years.

I believe I am safe in saying that a man who should be appointed a substitute carrier in this office to-day would not reach the $1,000 class in less than twenty years, provided of course that no extraordinary increase in the carrier-service takes place.

There would be forty $800 men between the ranking auxiliary and the $1,000 grade, the larger portion of whom are young men.

I trust you will pardon me for going outside the subject of your letter sufficiently to say that I am now working my auxiliaries very nearly and in some cases quite full time. I cannot otherwise meet the demands of the public with my limited force. I justify myself for imposing upon these men work entirely disproportionate to their pay by the hope that relief will soon be afforded them by your honorable body.

Very respectfully,

S. A. WHITFIELD, *Postmaster.*

Hon. HENRY H. BINGHAM, *Washington, D. C.*

The postmaster at Chicago, Illinois, writes me as follows:

CHICAGO POST-OFFICE,
Chicago, Illinois, May 15, 1882.

MY DEAR SIR: Your letter of the 11th instant, asking me to inform you of the length of time it will take to promote a substitute carrier to auxiliary, through the auxiliary class, to $800 class, and through that grade to the $1,000 grade, has been received.

In reply, I have the honor to inform you that, as shown by our records since 1879, the average time a substitute has had to serve as such before reaching the grade of auxiliary has been one and eleven-twelfths years, and for an auxiliary to the $800 grade, one year.

In regard to the estimated length of time of a person appointed a substitute to-day before he would reach the $1,000 compensation under the conditions of existing statute I have selected a case approximating a fair average. This man was appointed a substitute July 15, 1879, promoted to auxiliary April 1, 1881; service as substitute, one year eight months and seventeen days. He was promoted from auxiliary to $800 grade December 16, 1881, having served as an auxiliary eight months and seventeen days. This man is number seventy-seven on the roll of second ($800) class carriers. There have been eleven carriers of this office advanced to the $1,000 grade during the past two years. Taking the individual case I have mentioned as a basis, fourteen years would be required from the time a carrier entered the second grade before he would reach the $1,000 annual compensation; add to that the two years five months and three days he served before reaching the second grade, would require sixteen years and five months for him to reach the maximum grade.

Very respectfully, &c.,

F. W. PALMER, *Postmaster.*

Hon. HENRY H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

The postmaster at Saint Louis, Missouri, writes me the following:

POST-OFFICE, SAINT LOUIS, MISSOURI, *May* 15, 1882.

SIR: I inclose you a detailed statement of ten carriers which I think will fully answer your questions. You will observe that there are forty-eight carriers of the second class now awaiting promotion; the last of whom would under the present law, according to the average changes, reach the first class about the years 1890-1892. The carriers come into more direct contact with the people than any other class of employés. The position is one of great responsibility. Often large sums of money, important business contracts, and even human life is at stake and depending on a prompt and correct delivery. Your intelligent experience, however, in the conduct of a large office makes any enforcement of this argument unnecessary. The facts demand that the men who are placed on the force should be competent and reliable men, and to procure and retain such men they should be paid a reasonable compensation, and certainly $1,000 is not too much. Our service is often crippled by the fact that our *best* men gradually resign because they cannot live respectably on $800, and can do better elsewhere, especially when business is prosperous and other avenues of compensative labor are open to them.

Very respectfully,

SAMUEL HAYS, *P. M.*

HON. HENRY H. BINGHAM,
Chairman of the Committee on the Post-Office and Post-Roads,
Washington, D. C.

THIRD DIVISION, SAINT LOUIS POST-OFFICE.
(Carriers, Box, and General Delivery.)
Saint Louis, Missouri, May 15, 1882.

SIR: The last five carriers who were promoted to first class are as follows:

R. L. White, substitute, July 1, 1875; second class, December 1, 1875; first class, September 3, 1881.

J. H. Mitchell, substitute, October 1, 1875; second class, February 10, 1876; first class, September 16, 1881.

B. C. Wetmore, substitute, October 22, 1875; second class, February 10, 1876; first class, October 25, 1881.

H. M. Day, substitute, November 13, 1875; second class, February 10, 1876; first class, April 28, 1882.

L. Merz, substitute, February 18, 1876; second class, July 25, 1876; first class, May 1, 1882.

The last five who were promoted to second class are:

J. H. Getty, substitute, December 4, 1880; auxiliary, October 1, 1881; second class, January 21, 1882.

P. E. Hanley, substitute, January 22, 1881; auxiliary, October 1, 1881; second class, February 4, 1882.

W. C. Flynn, substitute, April 7, 1881; auxiliary, October 1, 1881; second class, April 25, 1882.

W. T. Wheeler, substitute, April 8, 1881; auxiliary, October 1, 1881; second class, May 1, 1882.

J. Finan, substitute, June 2, 1881; auxiliary, October 1, 1881; second class, May 15, 1882.

There are forty-eight second-class carriers awaiting promotion to first class between the two groups above mentioned.

Respectfully, yours,

H. C. WRIGHT,
Superintendent.

SAMUEL HAYES, Esq., *Postmaster.*

The postmaster at Boston writes me as follows:

POST-OFFICE, BOSTON, MASSACHUSETTS, *May* 13, 1882.

DEAR SIR: Will you kindly allow me to add to my letter of this date, in reply to yours of 11th instant, that I most sincerely hope that the compensation to auxiliary carriers will be raised to $600 per annum. It is clearly, in my judgment, in the interest of true economy and the *morale* of the service, and is indeed right and just in every aspect of the matter.

Very respectfully, yours,

E. S. TOBEY, *P. M.*

Hon. H. H. BINGHAM, *M. C., Washington.*

The postmaster at Albany, New York, writes:

Eight hundred men have been in the service seven, eight, and nine years; but two promotions since 1879. Would take about fifteen years to gain the first grade.

The postmaster at Baltimore, Maryland, writes:

Not more than one or two promotions occur during the administration of a postmaster's term of four years, and the last man will grow gray in the service before he reaches the first grade under present law.

The postmaster at Detroit, Michigan, writes:

There has been but one promotion in three years, and taking that as a rule it will be forty-eight years before the man who is now last on the list will reach the first grade.

The postmaster at Pittsburgh says, "it will be from ten to twelve years."

I will also include in my remarks the circular notice issued by the postmaster at Philadelphia, Pennsylvania, relating to applicants for place in the carriers' service and the character they must maintain and possess:

POST-OFFICE, PHILADELPHIA, PENNSYLVANIA, *June* 2, 1881.

Circular for the information of persons applying for positions as letter-carriers.

After July 1 the carrier force of this office will be composed of 269 regular carriers, 65 auxiliary carriers, and as many substitute carriers (40 to 60) as may be required to do the work of absent regular or auxiliary carriers.

The pay of carriers at this office is as follows: 168 regular carriers, $1,000 per annum; 101 regular carriers, $800 per annum; 65 auxiliary carriers, $400 per annum.

Substitute carriers do not have regular work and do not receive regular pay, being entitled only to the pay of carriers whose work they do for such time as they actually work.

Substitute carriers should earn, on an average, as much as $400 per annum.

A substitute carrier furnishes a bond for $1,000 and takes the required oath of office, which stands good until he is promoted, unless, for any reason, a new bond or oath is required.

Each regular, auxiliary, and substitute carrier provides himself twice a year with a regulation uniform.

A man appointed to the carrier force of this office has his name placed at the bottom of the list of substitute carriers, and is entitled to promotion in turn only as vacancies occur above him.

The work required of carriers is severe and responsible, and only men who are physically strong, who are regular and steady in their habits, who desire to remain permanently in the service, and who can and will support themselves and families without incurring debt should apply for positions on the force.

An applicant must furnish ample and satisfactory proof of his integrity of character before any examination will be made as to his other qualifications for the position.

H. S. HUIDEKOPER, *Postmaster.*

Now, Mr. Speaker, these statements illustrate the hardships of the present law. A man in this service, commencing as a substitute, making about $400 a year, takes from twelve to twenty years before he reaches the grade of $1,000. This bill proposes simply this: to appoint a man a substitute carrier. He averages about $400 a year. It takes him two years to get through that grade, and he is then to be appointed an auxiliary carrier, at $600. After one year's service in that grade he is promoted to $800. After one year's service in that grade he is promoted to $1,000. It is only a fair living to a class of men who are under security, who buy two uniforms a year, who deliver registered and other valuable mail matter, always under temptation, who are never allowed a day's leave of absence, if sick must pay for their substitute, and must be on duty every day, working the three hundred and sixty-five days of the year. I will include in my remarks the address of the auxiliary carriers of Boston, Massachusetts, which clearly sets forth their difficulties and hardships:

Address by the auxiliary corps of letter-carriers of Boston to the members of the Forty-seventh Congress.

GENTLEMEN: We, the auxiliary corps of letter-carriers of the city of Boston, Massachusetts, do earnestly petition you to look with kind and attentive consideration on our deplorable condition. For $400 a year we labor hard and intelligently; for $400 a year we are obliged to support a family, which amount is utterly inadequate for providing ourselves with the bare necessaries of life. Suppose, as an example of the inadequacy of our salary, that we cite the cost of a few things in order to show how far a man can go on the yearly stipend received by a member of our class: two uniforms a year, at a cost of $35; rent of tenement in any respectable part of our city, $15 a month, making a yearly amount of $180. Already, but for two items, uniforms and rent, $215 is expended, leaving $185 for providing clothes, fuel, food, light, &c., for our families, almost every one of us being married. We are expected to be of good moral character, of more than average intelligence, to possess the energy and peculiar ability requisite for the performance of our duties; our hours are long and labors severe, and as compensation for all this we receive not one-half what we would command in any other business demanding as many qualifications.

As an incentive, the chance for advancement is held up, which chance is not only no better but not even as good as that thrown out in the ordinary business walks of life. It may be said that the advantages of advancement will repay deficiencies at present existing with us, advancement will come in three or four years; but until it comes how are we to keep body and soul together? Is it not handicapping the settled man of family and giving the chance to irresponsible parties whose sole ambition is to take care of themselves only and whose intention is to lead an unsettled life? When advancement occurs is the salary then so large as to allow a man to do much more than support himself and family in a respectable manner and in any better manner than do thousands of others in business which requires neither the same amount of responsibility nor of intelligent labor? We cannot exist under our present conditions. We are compelled to live, be clothed, and act in a way which will reflect honor and credit upon our Government, and must we be compelled to withdraw from necessity and count the time spent in the Government employ as so many months or years of our lives thrown away? What we ask for is but a chance to live.

Gentlemen, we have now stated our case to you and we rest satisfied that after knowing our condition you will assist in speedy legislation toward the alleviation of our reasonable wants.

Submitted with respect.

M. F. DOLAHAR, *Chairman.*
A. F. GORDON, *Secretary.*
G. W. GOODELL,
G. W. HARRINGTON,
R. T. MURPHY,
E. L. SMITH,
A. J. BAILEY,

Executive Committee of Boston Auxiliary Letter-Carriers' Association.

Mr. Speaker, I now reserve the remainder of my time.

Mr. BUTTERWORTH. Was not this bill unanimously reported from the Committee on the Post-Office and Post-Roads?

Mr. BINGHAM. It is reported unanimously from that committee.

Mr. McMILLIN. I yield to the gentleman from Indiana.

Mr. HOLMAN. I wish the attention of the gentleman from Pennsylvania, who reported this bill, for a few moments. If I understand the proposition correctly it is confined to first-class cities of this country. Am I correct as to that?

Mr. BINGHAM. It will be necessary to explain what second-class cities are. Cities with a population less than 75,000 are second class. It is only in the very large cities they have substitute carriers.

Mr. HOLMAN. Does the gentleman mean this applies only to first-class cities?

Mr. BINGHAM. It applies to first and second class cities. In the second-class cities the auxiliary letter-carrier will receive $600 a year.

Mr. HOLMAN. I desire to ask my friend another question. What will be the annual increase if these salaries be increased as proposed?

Mr. BINGHAM. That will depend wholly on the appropriation annually allowed for the postal service.

Mr. HOLMAN. If we allow this increase of course appropriation will have to be made to carry it into effect.

Mr. TOWNSHEND, of Illinois. I hope gentlemen will speak a little louder or that conversation will cease in the Hall, for it is next to impossible to hear what the gentlemen are saying.

Mr. HOLMAN. Of course, Mr. Speaker, appropriation will be made in accordance with any law passed by Congress. I wish to know from the gentleman from Pennsylvania if this bill be passed what will be the annual increase required?

Mr. BINGHAM. I think about $100,000, and possibly not that much, and for this reason: the Department has waited assignments to the letter-carrier cities until Congress determined in reference to this proposition. It will be a month, or one-twelfth of a year, before it will go into effect. The annual increase caused by this bill will amount perhaps to $100,000.

Mr. HOLMAN. It seems to me a fairer rule could be adopted than that proposed by this bill. I think the law as it has heretofore stood was reasonable enough, except it would be just and fair and promotive of valuable public interests in large cities if there were a moderate annual increase of salaries. The benefits of this law will suggest itself at once, and to go up $200, from $400 to $600, from $800 to $1,000, and at once make an annual increase of the expenses of the Post-Office Department, I think, is not a reasonable proposition.

The tendency to increase the salaries of Government employés is naturally very strong in this country. Many influences are brought to bear in that direction. Here for instance is a very meritorious class of public employés who come in daily contact with the people of the cities whom they serve, and hence the effect has been that efforts have been made for years to secure an increase of their compensation. Now I think the compensation is fully up to the average compensation received throughout the country for services involving the same amount of labor, and the same degree of responsibility; and I do not believe that the salaries of the employés of this Government should materially exceed the compensation paid to men in private life; and I believe that the real reform in the civil service of this country, that which will purify and elevate, will be the removal of those incentives which now exist and are largely increasing to draw into the public service young men from all classes of our populace who have a desire to press into such employments for the reason that they furnish perhaps larger salaries and ordinarily less exhaustive labors than equal service in private employment, either physical or mental.

I do not therefore believe in the increase of salaries as a general rule, nor do I believe in paying any salaries to Government employés beyond what is fair and reasonable, so as to secure the best degree of integrity and efficiency in that service. On the contrary, I regard the tendency to increase salaries and the increased eagerness to enter public employments as the great evil of the hour attaching to our republican system of Government; and while it may be said with

perfect truth that this class of employés now under consideration is a very meritorious class, yet the fact that gentlemen are anxious to secure these appointments and are willing to perform the duty at the salaries now paid is an indication that the compensation is fairly sufficient. Hitherto, as has been admitted on all sides, this service has been well supplied.

Another thing, Mr. Speaker, this is a service which pertains exclusively to the larger cities of the country, and is undoubtedly paid at the expense of the rural populace. The great cities of the country will undoubtedly perpetuate this system, and the smaller cities will have it increased from time to time, and yet the whole amount of the expense is not paid by them but is drawn from the general revenues of the country, and it is consequently that much taken from these revenues drawn from all alike, as much from the rural population as from the cities for the benefit of these favored localities where this service exists. I believe the system of letter-carriers is now regarded as an admirable one, and, as I have said, will naturally be perpetuated, and it would be useless as well as unwise to make an effort now to do away with it.

But I must insist, as one of the representatives of the people upon this floor, that it is not the part of wisdom nor sound policy to seize upon the efficient manner in which such public service is performed as a means to secure an increase of salary beyond the compensation received by the same class of persons, or persons performing duties no more onerous and exacting in private life. I would be content, as I have suggested already to the chairman of the Committee on the Post-Office and Post-Roads, to commence with the salaries as they are now fixed and take that as a basis, and because of the integrity with which the duties are preformed and the faithfulness of the officers grant a small annual increase of compensation. But I doubt the wisdom of adding at one time the large increase which is proposed here, involving an expenditure of $100,000 from the public Treasury.

Mr. ELLIS. I would like to ask the gentleman from Indiana, if he will permit me, if he has any idea of the amount of labor performed by this class of employés, the auxiliary letter-carriers?

Mr. HOLMAN. Oh, yes. I understand they have very considerable work to do, and, as I have said, the work is very well done.

Mr. ELLIS. I would like to ask the gentleman if he knows that in summer and in winter, in cold or in heat, these men have to deliver from a thousand to one thousand two hundred letters per day?

Mr. HOLMAN. Undoubtedly my friend must understand that I am aware of these facts.

Mr. ELLIS. That they have to knock at a thousand doors, or mount a thousand or one thousand two hundred door-steps, and ring a thousand or one thousand two hundred door-bells to deliver these letters?

Mr. HOLMAN. I am very well aware of the extent of their duties, but I do not believe that they do more in that respect or that the labor is any more exacting than that which is done by the great majority of people in private life who are employed in private establishments.

Mr. McMILLIN. I now yield five minutes to the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, the gentleman from Pennsylvania [Mr. BINGHAM] has failed to assign any good reason why the salaries proposed to be raised by this bill should be now increased that did exist when the law was first enacted. I am one of those who do not believe that salaries should be raised until we are able to reduce the burdens now resting upon the people, and therefore I am opposed to the increase of salaries for these or any other of the employés of the Government. But my object in rising, sir, was principally to call the attention of the House to the fact that we are now in a condition when we can properly relieve the people to a limited extent at least by a reduction of the postage upon letters and newspapers mailed from the office of publication. I must express my surprise that notwithstanding the Committee on Post-Offices and Post-Roads have had lying before them for some time bills for this purpose, they have not reported any of them, but instead have brought in a bill to increase the salaries of the employés of that Department, thus necessitating the absorption of the receipts of the postal revenues and thereby postponing the opportunity for reduction of the rates of postage.

Mr. COX, of New York. Let me ask the gentleman from Illinois, if it should turn out that this measure would save revenue and not be a measure of expense, if he would vote for it?

Mr. TOWNSHEND, of Illinois. It would take longer than the time that I have at my command for gentlemen to convince me that raising salaries can increase the revenue of the Department. I will further say, upon the question of reduction, I am satisfied it will be found at this day, as it was found in England and as it has been found in every instance in this country where we have reduced letter postage, that the reduction will greatly multiply the letter mail matter and thereby will increase the receipts of the Department; and I feel sure this committee would perform a meritorious duty to the country by reporting the measure to reduce letter postage at least to two cents per half ounce.

Again, I wish to call particular attention to a bill which I introduced and had referred to a committee repealing the section of the law requiring postage on newspapers mailed from the office of publication. I regard that as a tax upon the intelligence of the people which the postal revenues can afford to dispense with. This would occasion but a comparatively small reduction of receipts. In answer to a resolution of inquiry which I presented to this House, the Postmaster-General on the 18th of May last reported to this House that the total receipts from second-class matter or newspaper postage mailed from offices of publication was only $1,399,048.64, and the Postmaster-General recommended the repeal of postage on second-class matter and to allow newspapers and magazines mailed at the office of publication to be sent free through the mails. This is done now within the boundaries of counties where newspapers are published. I think we might well take off the postage entirely from newspapers that are mailed from the office of issue and leave them to go through the mails free.

This would greatly tend to cheapen the cost of newspapers to the people and promote the diffusion of knowledge among the people.

I also concur in the suggestion that the postage on merchandise should be increased. If this is done the reduction of letter and newspaper postage will be fully covered.

I ask that the letter of the Postmaster-General be published in the RECORD:

POST-OFFICE DEPARTMENT,
Washington, D. C., May 18, 1882.

SIR: In response to a resolution of the House of Representatives of the 29th of April, 1882, "that the Postmaster-General be, and he is hereby, requested to inform this house of the total weight, cost of carrying, and the postage collected on second-class mail matter during the fiscal year ending June 30, 1881, together with his opinion of the propriety of abolishing the postage on such mail matter," I have the honor to state that the revenues collected from mail matter of the second class during the years specified were $1,399,048.64. That sum is equal to about 3.3 per cent. of the whole postal revenue for the year.

It is not possible to do more than approximate to the weight of that class of matter transported; the records of the Department show only the weight of matter on which postage by law is chargeable. That weight, of course, is 69,952,432 pounds. That portion of second-class matter which circulates within the county of publication, and so under the law pays no postage, is not weighed.

The only data in the Department from which the weight can be estimated points to the conclusion that postage is paid only on about one-fourth the total weight of second-class matter carried. It is still more difficult to estimate the cost of transporting such matter.

The cost per pound at which the mail is carried differs according to the mode of transportation. The rate is different on star and steamboat routes from what it is on railway lines. That rate also, as is well known, differs greatly on different railways, according to the total weight carried thereon.

The following table, prepared by the Superintendent of Railway Mails, shows the different distances for which two cents will carry one pound at the rates paid on different roads:

Rate paid per mile per annum.	Average number of pounds carried daily.	Distance for which 2 cents will carry one pound.
		Miles.
$42 75	200	34.15
64 13	500	48.06
85 50	1,000	85.47
106 88	1,500	102.50
128 25	2,000	113.89
149 63	3,500	170.80
171 00	5,000	213.50
192 38	7,000	683.06

But for the express command of the House of Representatives I should hardly venture to express an opinion as to the propriety of abolishing postage on second-class matter. I have no exclusive or exceptional means of forming an opinion on the subject. Nevertheless, my opinion is that such postage should be abolished. Of course it will add somewhat to the cost of the service and it will diminish the revenues nearly one and a half million of dollars.

I may be too sanguine, but unless I am misled by figures, which seem to have been well considered, the business of the Department will, during the next fiscal year, upon the present basis, show a surplus nearly equal to that sum.

It is true the deficiency in the postal service for the fiscal year which ended on the 30th of June last was $2,481,129.35. That is a large deficit. It does not encourage the remission of postages. But the very rigid and judicious scrutiny which during the last year the Second Assistant Postmaster-General bestowed upon that branch of the service under his direction has already effected a reduction in the cost of transportation over star routes of more than $1,700,000. Very nearly the whole of the star and steamboat service has been readjusted and relet for a term of four years from the 1st of July next.

The precise cost of that service under the new contracts cannot now be stated, but it is believed it will be quite a million less than the present cost. If this estimate is realized more than the whole deficit of June, 1881, will be saved in the cost of the star and steamboat service during 1883.

This, however, is not all profit. As the quantity of mail matter increases, the cost of handling it must increase, though not in the same ratio. And while the cost of star service is greatly diminished, the cost of railway service will be considerably increased, because both of the greater number of the pounds carried and the greater number of miles traversed. After these deductions are made, however, it is believed the total cost of mail transportation will be considerably less during the next fiscal year than in any recent year.

It is also gratifying to know that while expenditures are decreasing the revenues are increasing. That, indeed, has been our experience from year to year.

Even if these gratifying predictions are not realized, it does not necessarily follow that postage on second-class matter should not be abolished.

There seems to be a conflict of opinion as to whether the postal service should be administered as a business or as a beneficence. It is in fact under existing laws administered upon neither principle. Existing laws discriminate both in respect of sections to be served and of classes of mail to be handled. In one section of the Union the mail service is a lucrative business; in the other it is a great charity. In twelve States and one Territory the service yielded during the last fiscal year a net revenue of $4,892,219.65. In the remaining States and Territories the same service was conducted at a net loss of $7,501,127.49.

First-class matter, consisting of personal correspondence, sealed or open, is undoubtedly handled at a profit. Fourth-class matter, consisting of merchandise in

packages not exceeding four pounds in weight, is handled at a great loss. No one will dispute the first proposition; no one can safely dispute the last.

The Government has no monopoly of the carriage of merchandise as it has of letters. It competes with all other carriers for the business of carrying merchandise, and it competes upon very unequal terms. The Government has but one rate for all distances, long or short. All other carriers vary rates according to distance. Sixteen cents per pound is an exorbitant charge for the carriage of goods between Boston and New York. But as the Government will not carry for less, other carriers do that business. That rate does not pay between New York and Arizona. Consequently, the mail is burdened with everything which can be sent in four pound packages to such distances. Wherever a profit is to be made others make it. Only where a loss is to be incurred are the mails employed for the carriage of fourth-class matter.

Consequently, the nation is taxed that the trader in New Mexico or Idaho may stock his shop with small wares at less than the cost of transportation, and that he may buy in New York or Boston rather than in San Francisco. To discriminate in favor of one section of the Union is sanctioned, if not by reason, at least by prescription. It has always been so, but to discriminate in favor of merchandise as against letters and newspapers or magazines is sanctioned by neither. That practice is of recent date and seems unwise.

If the public is to be taxed for the transportation of either class of mail matter, unquestionably it should be not for the fourth class, but for the second. Intelligence rather than trade should be fostered by the Government. It does not much concern the whole people what it costs the merchant of Montana to transport his teas or his shoes from New York or Boston. On the contrary, the diffusion of intelligence is a matter of public and of general concern.

It is hardly an extravagance to say that the circulation of newspapers and magazines in Texas is a benefit to Vermont, and *vice versa*. This fact is recognized by existing laws. To spread information among the people the Government not only sends free of postage hundreds of thousands of volumes through the mails, but actually prints them for free distribution.

If it be said these volumes detail the transactions of the Government which it is of prime importance to have widely known, that must be admitted. But it may well be doubted if the whole people get as much information of public affairs from the volumes gratuitously thrown at them as they do from newspapers and magazines which they purchase and pay for.

It is also noticeable that such publications are, under existing laws, distributed through the mails free of postage within the county of publication. There does not seem to be any sound reason why the Government should distribute a New York newspaper freely within the county of New York, or a Boston paper within the county of Suffolk, and yet charge postage on the same newspapers when they cross the lines of those counties.

It happens not unfrequently that newspapers or other second-class matter is published in towns which are traversed by the line dividing two counties. It does not seem reasonable to send papers free to the subscribers on one side of the line and to exact postage from those on the other side.

Other considerations might be urged, but the foregoing are the principal ones which have led me to the conclusion that Congress may, at the present time, safely abrogate all discrimination between subscribers to newspapers and magazines, and send the same through the mails without charge, whether such subscribers reside within the county of publication or outside of it.

I am, very respectfully, your obedient servant,

T. O. HOWE,
Postmaster-General.

Hon. J. W. KEIFER,
Speaker of the House of Representatives, Washington, D. C.

Mr. McMILLIN. I desire to call the attention of the House to the fact that in the ten or twelve minutes occupied by the chairman of the Committee on the Post-Office and Post-Roads, who asks the passage of this bill, not a single fact was given showing that the public service demanded this increase of salaries. You may read his speech when it appears in the RECORD, or you may recall it now as it fell on your ears, and the fact stands that the only reason he gave for the bill was that the promotions are not rapid enough.

I for one hold that the object of the establishment of this Government is not to increase promotions. I think it will be accepted, too, as sound doctrine that the Post-Office Department ought ultimately, if it can, be made self-sustaining, in order that those who use the service may pay for it. It can only come in that way. That day is postponed every time we increase the expenditures of the Department.

If the gentleman from Pennsylvania [Mr. BINGHAM] wants to increase promotions and give equality of salaries he may begin at home. For right here in this House and in the other end of the Capitol and in the folding-room you will find men performing the same service, and one getting a salary 20 or 25 per cent. larger than the other receives.

I yield the remainder of my time to the gentleman from Arkansas, [Mr. DUNN.]

The SPEAKER. The gentleman from Tennessee has no time to yield. Does the gentleman from Pennsylvania [Mr. BINGHAM] desire to occupy the remainder of his time?

Mr. BINGHAM. I yield two minutes to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. I desire, if I can, to get the attention of the House. I think the House ought to vote intelligently on this matter.

The SPEAKER. The House will come to order.

Mr. COX, of New York. The Speaker will remember the trouble we had in having the pay of these letter-carriers raised against the same kind of objection as is now urged. The matter is certified to as beyond all doubt that these local letter-carriers are a source of revenue and not of expense.

I have only two minutes, but I will ask the Clerk to read a statement from the report of the Postmaster-General, which shows in 1881 a surplus of nearly $800,000 growing out of this very service.

Mr. BINGHAM. And this year it will be a million.

Mr. COX, of New York. And this year, as the chairman of the committee, who was formerly a postmaster himself, holding that position in Philadelphia, tells the House, it will be a million. I know the surplus is growing in New York, and I know every man who will take the trouble to read the statistics on this subject will vote for this bill, especially those men who claim that they wish to increase the revenues of the Department, and not add to its expenses. I especially desire to have this read for the benefit of my distinguished friend from Illinois, [Mr. TOWNSHEND.]

The Clerk read as follows:

The receipts for local postage at the larger post-offices have enabled the Department to show, in several successive annual reports, that the free-delivery service, as a whole, has become a source of revenue instead of an item of expense; and I present herewith, in tabular form, a statement showing the remarkable increase during the past ten years, both in the operations of the service and in the receipts from local postage incident thereto:

Fiscal year ending June 30—	Letters, &c., delivered and collected by carriers.	Expenditures free-delivery service.	Receipts from local postage.	Deficiency.	Surplus.	Number of offices.
1872.....	311, 847, 397	$1, 385, 965 76	$907, 351 93	$478, 613 83	.....	52
1873.....	374, 915, 664	1, 422, 495 48	1, 112, 251 21	310, 244 27	.....	52
1874.....	503, 386, 397	1, 802, 696 41	1, 611, 481 66	191, 214 75	.....	87
1875.....	574, 201, 474	1, 880, 041 99	1, 947, 559 54	.....	$67, 517 55	87
1876.....	631, 777, 473	1, 981, 186 51	2, 065, 561 73	.....	84, 375 22	87
1877.....	666, 563, 478	1, 893, 619 85	2, 254, 597 83	.....	360, 977 98	87
1878.....	715, 782, 150	1, 824, 166 96	2, 452, 251 51	.....	628, 084 55	87
1879.....	809, 854, 065	1, 947, 706 61	2, 812, 523 86	.....	864, 817 25	88
1880.....	932, 121, 843	2, 363, 693 14	3, 068, 797 14	.....	705, 104 00	104
1881.....	1, 016, 197, 562	2, 493, 972 14	3, 273, 630 39	.....	779, 658 25	101

Mr. COX, of New York. That shows the truth of what I stated. We can make money out of this business instead of losing by it.

Mr. BINGHAM. I yield two minutes to the gentleman from New York, [Mr. ROBINSON.]

Mr. ROBINSON, of New York. I am in favor of the passage of this bill. I desire to say a word to my distinguished friend from Illinois, who seems to be afraid that by reducing the postage we will make a great hole in the revenues of the Department, so that it would not be wise to increase the pay of these letter-carriers. I hope we will reduce the postage on letters to a great extent; not to two cents, but to one cent; and if there was a coin less than one cent in the currency of the country, I would move, when the bill comes properly before the House, to have the postage half a cent or a quarter of a cent on each letter under half an ounce. The moment you reduce the postage to one cent, you will have ten letters sent for one cent each for every letter now sent at three cents; and you can easily calculate the difference.

One pound of a certain kind of mail-matter is carried for two cents. With letter postage at the present rates there would be required ninety-six cents to carry the same weight of letters. If letters were charged at one cent each half ounce, it would require thirty-two cents to pay for the same amount of letter matter as is now carried for two cents, of a certain kind of mail matter.

I have not the time to go into the subject in two minutes. Whatever may be the result of this bill, I believe we are going to make a large reduction in the rates of letter postage, which reduction will double, treble, and quadruple the amount of income from the postal service. This country, with 50,000,000 of people, will then send ten and twenty letters for every one now sent. That very reduction of postage will place an additional burden upon these letter-carriers, who are the most meritorious and the worst paid class of employés that we have.

Mr. BINGHAM. I now yield one minute to the gentleman from New York, [Mr. MCCOOK.]

Mr. MCCOOK. In my judgment, no more meritorious bill has ever been presented for the consideration of this House than the one now called up by the gentleman from Pennsylvania, [Mr. BINGHAM.] I know from personal observation that the letter-carriers of the city of New York are the hardest worked and the poorest paid public officials, not only in that city but in the United States. And so with the letter-carriers in every city in the United States.

I will guarantee that the letter-carriers of the city of New York do more work in one day and receive less pay for it than the average clerk in the city of Washington does in three days. It seems to me that we cannot go astray if we make some additional provision for this very worthy class of office-holders.

Mr. BINGHAM. I now yield one minute to the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. BUTTERWORTH. I wish to supplement what my friend from New York [Mr. MCCOOK] has said, in this: the object of this bill is to do what was originally intended to be accomplished by the law of 1879, to secure adequate pay to these men. It so happened, however, that the peculiar drafting of that law failed to accomplish what it was intended to accomplish. It was thought that promotions would be sufficiently rapid to secure the proper and adequate compensation of these men. It turns out that owing to the peculiar phraseology of the law, by its practical working, they are not adequately paid.

Mr. HUTCHINS. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. If I have time to answer it.

Mr. HUTCHINS. Will you agree that these officers shall be excepted from the 2 per cent. assessments?

Mr. BUTTERWORTH. Certainly; I am willing to have every official of the Government excepted who desires to be; it is entirely a voluntary thing.

Mr. BINGHAM. I yield one minute to the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Ohio. The present law was passed when I was a member of the Committee on the Post-Office and Post-Roads, and I had charge of the bill on this floor. It was the best law we could pass at that time, and the most equitable. But it was then understood that in the operations of the departments amendments and changes would become necessary.

I have examined this bill carefully and I am satisfied that it is a good bill. It is but equitable that we should increase the pay of these employés, and the increase proposed by this bill will amount to only about $100,000 for the entire service, which is not so much as the increase of receipts from this service in a single year. I trust, therefore, that this bill will become a law, believing as I do that it will result to the best interests of the service.

The question was taken on the motion to suspend the rules and pass the bill as read; and upon a division there were—ayes 121, noes 15.

Mr. McMILLIN. Let us have the yeas and nays.

The SPEAKER. Does the gentleman call for the yeas and nays?

Mr. SCALES. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—ayes 20, noes 100.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

Accordingly the rules were suspended and the bill was passed, two-thirds voting in favor thereof.

BUSINESS FROM THE COMMITTEE ON PUBLIC LANDS.

Mr. POUND. By direction of the Committee on Public Lands, I move to suspend the rules and adopt the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That Thursday, p. m., the 20th instant, after the recess of said day, be set apart for the consideration of bills favorably reported by the Committee on Public Lands, and Senate bills upon the Speaker's table the subjects of which have been favorably reported on by said committee; this special order not to interfere with privileged reports, and if displaced by privileged reports, then to take effect the next succeeding day not occupied by privileged reports or previous special orders.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. The subject-matter of the resolution does not seem to have been referred to that committee.

The SPEAKER. The Chair thinks that makes no difference; it is a matter presented by the committee.

Mr. VAN VOORHIS. I call for a second.

Mr. O'NEILL. The gentleman ought to make it a general proposition to take up all Senate bills.

The SPEAKER. If there is no objection, the second will be considered as ordered.

Mr. VAN VOORHIS. I object to that.

Mr. CANNON. I think the gentleman from Wisconsin [Mr. POUND] should also except revenue appropriation bills.

The SPEAKER. The gentleman from Wisconsin regulates this matter. A second is demanded of the motion to suspend the rules and adopt the resolution which has been read.

Tellers were ordered; and Mr. VAN VOORHIS and Mr. POUND were appointed.

The House divided; and the tellers reported that there were—ayes 31, noes 67.

So the motion to suspend the rules was not seconded.

INDIAN TRAINING-SCHOOLS.

The SPEAKER. The next committee in order under this call is the Committee on Indian Affairs.

Mr. HASKELL. I am directed by the Committee on Indian Affairs to move that House bill No. 1858 be taken from the House Calendar and passed.

The Clerk read as follows:

A bill to provide additional industrial training-schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to set aside, for use in the establishment of normal and industrial training-schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide.

Mr. HOLMAN. I demand a second upon this motion.

The SPEAKER. If there be no objection a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] will be recognized to control the time in opposition to the motion.

Mr. HOLMAN. I trust that the gentleman from Kansas [Mr. HASKELL] will explain fully the character of this bill.

Mr. HASKELL. Mr. Speaker, very nearly $200,000 have been appropriated by this Congress to be expended in the discretion of the Secretary of the Interior for the education of Indian youth belonging to tribes with whom we have treaty stipulations. This bill simply provides that military barracks unused and not needed for military purposes may, if the Secretary of War shall so desire, be set apart for the establishment of industrial training-schools for Indian youth, thereby saving the expense of erecting buildings for the purpose. The measure has been twice reported unanimously by the Committee on Indian Affairs. It has been urged upon Congress by every board connected with Indian education. It has been recommended by both the present Secretary of the Interior and his predecessor. It contains no appropriation of money. It simply allows the Secretary of the Interior, with the consent of the Secretary of War, to take possession of these unused military posts wherever they may be contiguous to this educational work, to establish schools there, and expend there the money already appropriated or such sums as may hereafter be appropriated. It binds Congress to no appropriation in the future. The schools will be continued from year to year only as you appropriate for them. If they are continued, these unused posts may be used, so that no money will needlessly be expended for the erection of buildings.

The bill also provides that if the Secretary of War chooses he may detail an Army officer to take charge of the schools. But the policy of the present Secretary of War and of the Commander-in-Chief is against this to a great extent; and it is not expected that this authority will be exercised, although if it be desired in behalf of this educational system the bill allows it to be done.

I yield five minutes to my former colleague on the Committee on Indian Affairs, the gentleman from Wisconsin, [Mr. POUND,] who introduced this bill.

Mr. POUND. Mr. Speaker, having introduced this bill, and taking as I do a deep interest in the question involved, I had expected when it came up for final action to submit a brief argument in its support. I am thoroughly convinced that ample provision for the industrial education and training of Indian youth, male and female, removed from parental and tribal influence and control, is the true policy for the Government to adopt. Such a policy vigorously prosecuted will, in my opinion, very soon solve the vexed Indian problem.

Train up the youth of both sexes to habits of industry and personal independence on the plan so well inaugurated by Captain Pratt at Carlisle Barracks, Pennsylvania; dissolve all tribal relations so far as they interfere with civil accountability; allot their lands in severalty, and encourage individuality of interest in labor and its results. In place of the distribution of food and raiment substitute farming and other industrial tools and implements; give them spades in place of powder, plows in place of guns, opportunity rather than hymns and prayers. Make every person amenable to law, and subject to local as well as national authority. Encourage citizenship, with all the responsibilities and privileges which it implies; break down as rapidly as practicable reservation lines; endow border communities with authority and means of defense; turn the face of the red man eastward, toward the rising instead of the setting sun.

But, Mr. Speaker, the condition of our Calendars will not justify prolonged discussion, and I respectfully ask that the report of the Committee on Indian Affairs, which is brief and which does me the honor to adopt the report submitted by me to the Forty-sixth Congress in support of a similar bill, be printed in connection with or as a part of my remarks. I trust the bill will pass without a dissenting voice.

The report is as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1858) to provide additional industrial schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose, report said bill back to the House with the recommendation that the same do pass.

There are now three training schools for Indian youth in the United States—one at Hampton, Virginia, one at the old military barracks at Carlisle, Pennsylvania, and one established by State authority in Oregon.

The result of these experiments demonstrates that this method of massing the Indian youth, male and female, at the training schools is the true way to advance civilization and education among the Indian tribes.

A very exhaustive report on this subject was made to the Forty-sixth Congress, second session, by Governor Pound, in which he embodies the report made on this same subject, on the 14th of June, 1879. This report of Governor Pound is adopted and made part of this report.

"The Committee on Indian Affairs, having further considered the bill (H. R. No. 1735) entitled 'A bill to increase educational privileges and establish additional industrial training schools for the benefit of youth belonging to such nomadic Indian tribes as have educational treaty claims upon the United States,' report the same back with amendments, with the recommendation that it pass when so amended.

"The committee, in reporting this bill for final action, beg to restate and reaffirm the considerations set out in their report of June 14, 1879, submitted for printing and recommittal, and to supplement and emphasize the same by citing a few pertinent facts of subsequent history. The following is from the report above referred to:

"'Your committee beg to submit, in support of such recommendation, that the Government has made treaty stipulations with several nomadic tribes of Indians, specifically providing for educational advantages for their youth "between the ages of six and sixteen;" notably with the Cheyennes and Arapahoes, Kiowas

and Comanches, Crows, Navajoes, Sioux, Utes, and the Northern Cheyennes and Arapahoes.

"'These several treaty provisions now in force are, in like terms, as follows. (See treaty between the United States and the Cheyennes and the Arapahoes, proclaimed August 19, 1868, article 7:)

"'"In order to insure the civilization of the tribes entering into this treaty the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher."

"'The treaties referred to were made in 1868; the tribes named including about 71,000 Indians, having upward of 12,000 youth eligible to such school advantages. Ten years have elapsed since these treaties were concluded, (twenty being the term of the stipulation,) and less than 1,000 youth have received schooling as provided. In what degree the failure to carry into effect these treaty provisions may be attributed to the failure on the part of the United States to provide adequate school facilities, or on the part of the several tribes to a disinclination or refusal to accept such facilities and compel the attendance of their children, your committee cannot definitely state, neither is it deemed material. It is clear that the material interests and well-being of the Indians and the Government, as well as the cause of civilization and humanity, alike demand that these provisions be fully carried out and enforced. This bill provides for the utilization, for such school purposes, of vacant military posts and barracks, "so long as the same may not be required for military occupation," and the employment of officers of the Army, either from the active or retired list, as teachers or otherwise, to be detailed by the Secretary of War, with no extra allowance for such service; such schools to be conducted as normal and industrial schools, for the training of Indian youth of the nomadic tribes, under the direction of the Secretary of the Interior. It is believed that the measures and methods so provided will prove economical, acceptable, and efficient, and, if thoroughly carried out and enforced, must eventuate in great and incalculable good to the Indians and to the Government. Industrial education, as a means of civilizing and elevating the savage, has ceased to be experimental.

"'The effort in this direction recently undertaken and now in successful progress at the Industrial and Normal Institute at Hampton furnishes a striking proof of the natural aptitude and capacity of the rudest savages of the plains for mechanical, scientific, industrial, and moral education, when removed from parental and tribal surroundings and influences. Upon this subject, in his report of November 1, 1878, the Commissioner of Indian Affairs says:

"'"Experience shows that Indian children do not differ from white children in similar social status and surroundings in aptitude or capacity for acquiring knowledge, and opposition or indifference to education on the part of parents decreases yearly, so that the question of Indian education resolves itself mainly into a question of school facilities."

"'He further speaks of the present policy in this regard as not only "short-sighted," but "in direct contravention of treaty stipulation," and concludes that "what should be the work of a year will be protracted through a decade, and the work of a decade through a generation." In a letter addressed to the Secretary of the Interior, April 28, 1879, relative to the provisions of this bill, the Commissioner says "that the proposition to make use of unoccupied military posts or barracks and the detail of certain Army officers in connection with industrial and normal training schools for the benefit of Indian youth has the unqualified approval of this Department;" and, after quoting from his annual report, wherein attention is called to treaty violations on the part of the Government, and to the deficiencies of the present system, he adds:

"'"The plan of utilizing vacant military posts and barracks will in a degree meet the great deficiencies of this work. It has in it the merit of saving much in the cost of buildings for such as can be accommodated, and it is hoped the speedy execution of it may not be delayed for want of such necessary authority as is needed from Congress. The experience of the Department has been that the best results are obtained by a removal of the children from all tribal influence during the progress of education, so that educators can command all the time and attention of their pupils. Youth so educated return to their tribes as teachers, interpreters, and examples in farming, &c., and, if properly sustained and guided thereafter, prove far more effective guides than whites of the same capacity. Nothing is more essential than that Indian youth while passing through school should have thorough instruction in some practical branch of labor that will meet his or her needs for obtaining a livelihood after leaving school."

"'The schools contemplated to be established by the bill under consideration will have this direction. Farming, the care of stock, mechanics, and other needful industries will be an important feature, and it is expected that in course of time many of the teachers, interpreters, farmers, blacksmiths, carpenters, and other employés required at the agencies may be supplied by Indian youth educated for that purpose.

"'The Department has in course of training at the Hampton Normal and Industrial school in Virginia sixty-six Indians, boys and girls, from eight different nomadic tribes, and although this work was only begun last year the results already demonstrate that no better plan now exists. The Hampton school was established in the interest of the colored race, with the avowed purpose of teaching the "salvation of hard work." This spirit seems to meet the needs of the Indian race equally well, and the very considerable number of agents, teachers, missionaries, and others engaged in or interested in Indian educational work, who have visited and witnessed the methods of Hampton, join in commending it as just what the Indian needs. The intercourse between the youth at Hampton and their parents and people on the plains has produced extraordinary interest and demand for educational help from these tribes.

"'It is as commendable as it is notable that our modern systems of education are looking more and more to the training of hands to work. Useful employment either of the head or hands for all classes of society is absolutely essential to the preservation of good order, public and private morals, and good government. It therefore cannot be too strongly urged that in the education of Indian youth the primary aim should be to train the hands to work, and to impress upon them the absolute importance of useful labor to insure their well-being and happiness as well as the ability to properly converse, read, write, and calculate.

"'The following are some of the vacant posts with barracks and quarters which may be used for school purposes as proposed by this bill, named by the Adjutant-General, to wit: Fort Bridger, Wyoming; Carlisle Barracks, Pennsylvania; Fort Craig, New Mexico; Fort Cummings, New Mexico; Forts Harker and Larned, Kansas; Fort Marion, Florida; Fort Rice, Dakota; Fort Sedgwick, Colorado; and Camp Stambaugh, Wyoming.

"'Is it not wise economy to occupy these Government buildings and premises for the objects contemplated, employ (in part) Army officers who are fitted as teachers and otherwise in connection with such schools, and to vigorously and adequately provide for and enforce the treaty stipulations recited; thereby not only discharging a solemn government obligation and duty, but speedily accomplishing the education, elevation, and civilization of all the savages in our land? It is believed that herein will be found the true solution of the Indian question, and if adopted and duly executed a generation will not pass before the use of a standing army to protect our frontiers from Indian raids, depredations, barbarities, and murders will no longer be required.

"'In view of its treaty obligations and of every consideration of sound public policy, the Government can surely afford to enter upon and speedily consummate such a work. It cannot afford to longer neglect it.'

"Pending action upon this measure, and in pursuance of its policy, a school has been established in the Carlisle Barracks, in the State of Pennsylvania, which is progressing in a most successful manner.

"Section 7 of chapter 35 of the statutes passed at the first session of the present Congress provides 'that the Secretary of War shall be authorized to detail an officer of the Army not above the rank of captain for special duty with reference to Indian education.'

"Under authority of this act Captain R. H. Pratt, of the Tenth United States Cavalry, was detailed for this special service, and the barracks named above were assigned for the use of such school, which was opened in the month of October last with one hundred and fifty-eight pupils in attendance, of whom forty were females. These youths were voluntarily committed to the charge of Captain Pratt by their parents, and are mainly children of the chiefs and headmen of the Rosebud, Pine Ridge, and Sisseton agencies in Dakota Territory, the Cheyenne and Arapaho, Kiowa and Comanche, Pawnee, Ponca, and Nez Percé agencies in the Indian Territory, and the Green Bay agency of Wisconsin. Received in the rudest state of savagism, their progress is already most remarkable.

"Your committee, accompanied by the Secretary of the Interior and others, made a visit of inspection to this school on the 21st of February last, and were highly gratified with the methods of education and training adopted, and the marvelous advancement already manifest, which fully attest the feasibility and wisdom of such a policy. The following extract from a report submitted by Captain Pratt to the visitors on the occasion referred to will be of interest in this connection:

"'The aim of the school is to give education in the common English branches adapted to the condition in life of students; to inculcate habits of industry and thrift and to impart to them such knowledge in common useful pursuits as will make them feel self-reliant and incite them to free themselves from the position of Government paupers.

"'It is claimed for this school that it serves a double purpose—first, as an educator of those who are here, and second, as an educating and controlling influence over the Indians of the West. It is plain that they will feel a lively interest in an institution which shelters and provides for their children. It is also plain that the fact of having here so many children of chiefs and headmen is an effectual guarantee of the good behavior of the tribes represented. Our buildings furnish ample accommodation for 350 students; and by adding recitation-rooms, 500 can be handled. Increase of numbers would reduce the per capita cost.

"'An ordinary intelligence is now exhibited by the pupils in all the departments, and their progress is already greater than we had expected. Their personal influence on the Indians at home is very great, and is entirely on the side of friendship, good feeling, and progress. The tide of Indian sentiment has set toward education. Our correspondence with agents, educators, missionaries, and Indians themselves is very large, and it all indicates that the time has arrived when almost every Indian child may become a pupil in an English school.

"'The bill submitted by the Indian Committee, directing the use of vacant military posts for the establishment of industrial training schools, ought to provide the best opportunities for thousands, and their agency schools would receive new impetus, and through these means most of the wild Indians can surely be placed upon a self-supporting basis before many years.

"'To the foregoing might be added many significant data and other pertinent considerations, showing the feasibility, economy, and eminent fitness of the policy so well initiated in the school above described.'"

All of which is respectfully submitted.

Mr. SCALES. Mr. Speaker, I sympathize in the objects of this bill, but I would like to ask the gentleman from Wisconsin whether the proviso does not give the Secretary of the Interior too large a discretion. It provides, I believe, that all moneys appropriated for Indian education may be used for the purposes contemplated by the bill; and under this authority the Secretary of the Interior may at any time, it would seem, suspend the schools on reservations, and appropriate the money to these schools. Is that so?

Mr. POUND. I do not so understand it. Even if the discretion is so wide, there can certainly be no danger in it, for no Secretary would encourage any such policy.

Mr. SCALES. It seems to me dangerous, however, to give him the discretion to divert money from the purpose for which it is appropriated.

Mr. HASKELL. The appropriations as made provide what shall be done with the money.

Mr. POUND. Yes, sir; there are certain funds specifically appropriated for Indian education at the different agencies. This bill does not divert or encroach upon those specific appropriations; it only refers to the general educational fund.

Mr. HOLMAN. Mr. Speaker, from a hasty examination of this bill it seems to me a very proper measure. Where the Government has abandoned its military posts in the West, it would seem to be eminently proper that those ancient agencies of oppression and wrong toward the Indian tribes should be made available to enable the Government to display something like the national humanity which it owes to these native tribes. I think, sir, that when the history of the last one hundred years shall be written it will be a pleasant thing for our children to find here and there a green spot in reference to our treatment of the Indians—an expression of national sympathy and national honor toward these disappearing tribes.

For myself, I am willing to go to any reasonable extent in aiding these remnants of the tribes to advance in the path of progress and development. I think the effort now being made by Congress and by our people everywhere to do something like justice to the Indians is deserving of the warmest commendation and support. I hope there may be no objection to the passage of this bill.

Mr. SCALES. Just one moment. I believe I was mistaken in the view I took of the pending proposition, because it gave to the Secretary of the Interior too large a discretion. I have since examined it, and find the provisions of the bill cover the point I was aiming at. I shall therefore, Mr. Speaker, support the bill.

Mr. HASKELL. I believe the bill is agreed to on all hands. I yield now to the gentleman from Iowa, [Mr. DEERING.]

Mr. DEERING. Mr. Speaker, I am in favor of this proposition, looking, as it does, to the education of Indian children. If we are right in our civilization, if education is better than ignorance, industry than indolence, then it is certainly time that we should give to this ill-fated race the benefit of a change.

Now, sir, what has been the policy heretofore of this Government toward the Indians? Until very recently it has been to drive them as far away as possible from us, to make and break treaties with them, and to carry on savage warfare and keep them in barbarism. If we wish to improve the condition of the Indians and settle the whole question we must change entirely the policy of the past. It is necessary that we should educate and lift them up to a higher plane, and in order to do that we must bring them nearer to us and more directly under the influence of our civilization.

We have in this country only about 253,000 Indians, all told. That is about a fair average of what we have had for a century. Only a few more in number than the population of the district I have the honor to represent on this floor, and still this handful of savages, barbarous people, has kept this country in constant perplexity, turmoil, and savage warfare since the foundation of the Government.

I am glad, Mr. Speaker, that the right way has been found at last. We have determined to devote attention to the Indian children, to educate them and train them up in habits of industry. The industrial policy is the all-important one. They must be made to understand that if they wish clothing and food and other necessaries of life they must work for them and earn them as white people do.

In a speech made by me on this floor in 1880 I declared that lawlessness and indolence would make fiends of any people on the face of the earth, and I am of the same opinion still. Take any community of white people, establish agencies among them, supply them with food and raiment and other necessaries, inculcate no habits of industry, but on the contrary let them live in indolence, roaming aimlessly from day to day and year to year, and how long would it be before they would degenerate into barbarism?

In 1880 it was my privilege to visit the Indian school at Carlisle. There I found Indian children representing eleven or twelve different tribes of wild Indians. They had just commenced their studies. Two or three months ago it was again my privilege to visit that same school, and there I found those same Indian children ranged in rooms and pursuing various industries with success and skill. In one working-room every part of the shoe was manufactured, in another every variety of tin-ware, and in another every part of the market-wagon; and I was informed that those Indian youths who were being instructed at that school could of themselves and without assistance lay out the work and put up entire the two-seated wagons upon which they were then employed. At that time I remarked to a friend near me: "Here, then, is the solution of the vexed Indian problem. When we can educate the Indian children, train them up to trades and the arts of farming and other industries, other matters of citizenship, homes in severalty, and other kindred questions will naturally take care of themselves."

That is all I have to say on the subject, Mr. Speaker; I am decidedly in favor of the pending proposition and hope the bill will pass.

Mr. HASKELL's motion was agreed to; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

PERSONAL EXPLANATION.

Mr. HEWITT, of New York. I rise, Mr. Speaker, to a matter of personal privilege which was temporarily suspended in consequence of the absence of the gentleman from New Jersey, [Mr. ROBESON.]

The SPEAKER. There being no objection, the gentleman from New York will proceed. How much time does the gentleman desire?

Mr. HEWITT, of New York. I shall be very brief. Mr. Speaker, in the discussion of the naval appropriation bill, the gentleman from New Jersey [Mr. ROBESON] on the 6th instant closed the debate. I listened to the argument of the gentleman and to his remarks with a great deal of care and attention, because I had received an intimation that something of a personal nature would be introduced by him and used in his remarks against me, and that I had better give attention to it. But in the speech as delivered I observed nothing open to just objection. I find in the published report of this speech, however, which was delivered on the 6th of July and published in the RECORD of the 11th, a paragraph which I send to the desk and ask to have read.

The Clerk read as follows:

I regret very much, Mr. Speaker, that I have but little time left to review the presentation of these subjects made by the gentleman from New York, [Mr. HEWITT.] That presentation was specious, though it pretended to be candid; was extravagant, though it assumed to be careful; was false, though it claimed to be frank. Though it was evidently founded upon information gathered from the malevolence and misrepresentations of others, the gentleman who presented it gave it the stamp of his approval with all that reckless confidence which seems to be his nature when called upon to indorse anything which impugns the conduct or misrepresents the motives of others. But time will only permit me to answer him in general terms.

Mr. HEWITT, of New York. Now, as I have said, I listened carefully and deliberately to the remarks of the gentleman from New Jersey, and I am prepared to say that not one word of the paragraph which has just been read was delivered on the floor of this House in that connection. If it had been so delivered I should have availed myself of such privilege as the rules of this House afford and the usage authorizes on such occasions to protest against the use of such language.

In the first place, I will add that I have caused the notes of the official stenographer to be examined, and he informs me that no portion of that sentence is to be found in his notes of the remarks of the gentleman from New Jersey on that occasion, which confirms the statement I have made.

Now, Mr. Speaker, I should not make the slightest reference to this interpolation if it were an exercise of the ordinary privilege which is given to all gentlemen, as an enlargement of the argument of the gentleman from New Jersey. I concede it to be his right to make such enlargement and to make such statements in a fuller and plainer manner than he may have made them upon the floor of the House, and to render them clearer by any warranted addition. But it is not his right, in the revision of a speech, to insert a personal attack upon another member, and thus put into the RECORD a personal assault which he did not utter upon the floor of the House.

The attack to which I call attention here is personal in this sense that it charges me with having made misrepresentations, or false statements—not erroneous statements, not statements derived from false information, as he afterward did say, when I intervened promptly and corrected him—but that I had made absolutely "false statements" in this connection; this was not made upon the floor of the House, but the gentleman deliberately sits down in his study and inserts a personal charge which he did not make on the floor against me, of having made a false statement upon the floor and then proceeds to impugn my motives. Now, Mr. Speaker, whatever my motives may have been, the proper place to have impugned them was upon the floor of the House where I was face to face with the gentleman and ready to make such answer and such denial as the circumstances of the case warranted, and not insinuate them into the RECORD where I had no opportunity to reply.

I do not propose to criticise the language or the action of the gentleman from New Jersey beyond the mere statement of the fact as I have given it, that he availed himself of what he conceived to be his opportunity to attack me covertly after his speech had been delivered in open House, and leveled at me a personal attack charging false statements; a charge which he did not make upon the floor of the House, and which if made would have given me an opportunity then and there of meeting it and of protesting against the use of such language as a violation of the ordinary parliamentary rules of the House.

I confess, sir, that I do not know what my remedy is. But as the language was inserted in the RECORD and not used upon the floor of the House I think I have the right to require that that sentence shall be stricken from the RECORD. I therefore ask the Speaker of the House to order that the sentence just read shall be stricken from the RECORD, and if the Chair declines to do so I shall be compelled to ask the House to require that that sentence containing this attack upon me shall be stricken from the RECORD—I mean from the stereotyped edition.

Mr. ROBESON. I would be glad, Mr. Speaker, if the Clerk would report again the sentence to which the gentleman from New York has called attention.

The Clerk read as follows:

I regret very much, Mr. Speaker, that I have but little time left to review the presentation of these subjects made by the gentleman from New York, [Mr. HEWITT.] That presentation was specious, though it pretended to be candid; was extravagant, though it assumed to be careful; was false, though it claimed to be frank. Though it was evidently founded upon information gathered from the malevolence and misrepresentations of others, the gentleman who presented it gave it the stamp of his approval with all that reckless confidence which seems to be his nature when called upon to indorse anything which impugns the conduct or misrepresents the motives of others. But time will only permit me to answer him in general terms.

Mr. ROBESON. Mr. Speaker, it is not my habit to write out my speeches. It is my habit to make what lawyers call "briefs," containing general propositions, from which heads certain arguments are made and conclusions drawn. How much of the sentence was actually delivered and how much was heading in my brief I cannot now say; but the gentleman from New York a few days previous to the day upon which I spoke had himself made an elaborate speech more than half of which was not delivered upon this floor, but which was afterward printed in the RECORD. Indeed, the gentleman himself said:

I have reached a point where I have carefully prepared my speech, and I therefore ask leave to print it—

or something to that effect.

But for myself I am not accustomed, Mr. Speaker, to say anything on this floor which I do not believe to be a proper characterization of the subject-matter of which I treat. I repeat that the general presentation of the case as made by the gentleman from New York was specious, but not candid; that the presentation was fallacious, if he objects to the word "false," and this it was, though I did not use the word false with any personal application to him—that his presentation was fallacious, though it purported to be true.

I gave him credit then, and I am willing, if he wishes, still to afford him that credit, that he received his information from others; and I

only stated what I think still to be true, that the defect of the gentleman's character—for he has defects which are known of all men—is a too inconsequent and too reckless indorsement of the attacks made by other men upon the character and reputation of his friends. It comes perhaps from a defect in disposition which the gentleman cannot help; but for myself I should have less confidence in my own character and should feel less self-respect in my own heart if I were willing always to impute the falsest motives and the basest purposes to every other man.

Now, Mr. Speaker, I find in the gentleman's speech here—not delivered upon this floor, but prepared deliberately beforehand and printed afterward—many suggestions which I do not think would escape all the criticism which he would wish to impute to my utterances. He says among other things, I find in looking over the speech now hastily:

It is a strain on the charitable side of our nature to refrain from charging criminal incapacity to any one who advised or directed that this vessel should be repaired.

As I had directed it, and as I had within a day or two before said that I assumed the responsibility of these things and did not desire to shelter myself behind the grave of a dead man, and as the gentleman in the earlier part of his speech quotes that declaration, to whom was that remark that it was a strain upon the charitable side of his nature to imagine that there was no criminality in the person who advised or directed, &c.—to whom was that directed; not in the heat of debate, not in the turmoil of controversy, but deliberately prepared before and printed afterward?

Mr. HEWITT, of New York. But that declaration is not quoted.

Mr. ROBESON. Is that declaration argument——

Mr. HEWITT, of New York. You said I quoted it; I did not quote it.

Mr. ROBESON. Is that inference, is that enlarging any proposition which the gentleman says, and I agree, is proper—or is it a deliberate charge made in the body of the RECORD on a printed speech not delivered but afterward inserted in the RECORD?

I might go on through this speech and strip off the cover of specious pretense of reasonable moderation in it if I chose to do so. I cite that only as one proposition. I think I may possibly refer to another if I can turn to it in a moment.

Mr. Speaker, I cannot now turn to it. I will quote it if it is necessary. But I remember the gentleman said, it is here in his speech, I do not know whether he said it or whether he printed it in his speech—"whether these contracts were the result of lawful commerce between the Department and the contractor, or whether they were the result of criminal intercourse between those parties I will not undertake to say;" or, "whether they were the result of lawful commerce, which I do not believe, or of criminal intercourse, I do believe." I leave anybody to draw the fair inference of what was the moderation and what was the candor of the gentleman from New York in that remark.

The gentleman's candor will more thoroughly appear when I say that through all that speech there is a labored attempt to attack me over the shoulders of Mr. Isaiah Hanscom, who has, since I left that Department, gone to his grave, honored and beloved by those who knew him, leaving behind him in the ships he built for the Navy of the United States the proudest record of his genius. I am not one who would shelter myself behind the grave of any man; and the gentleman from New York knew it, and knows it to-day. There were other people mentioned in this debate who are also dead and whom I have cause to attack if I chose to do so. Mr. Lenthall also has gone to the grave. But I would not attack him, because I do not admire the nobleness or the courage of that animal which shrinks from the face of living man but gather in packs to howl above his grave. Mr. Speaker, that remark I make at least, and the reporter will find it in his notes. If there is anything unparliamentary in it——

Mr. HEWITT, of New York. Will the gentleman repeat that remark? I would like to hear it. I did not hear what he was saying.

Mr. ROBESON, (raising his voice.) I said that I did not attack men who were quoted as experts in this debate, although I had cause to attack them; because I did not mean to lay my hand upon the grave of any man, and because I did nôt admire the courage or the character, nor desired to imitate the conduct, of the animal that shrinks from the face of living man to howl its detestation over his grave.

Mr. Speaker, as I have said, it comes with an ill grace from the gentleman to question these remarks, because he says they were not actually delivered in debate. I may not be able now to say how much of them was delivered, but I intended to deliver them, and I accept them now. I say again that his presentation was not frank, that it was specious, and although I will not say the gentleman told a falsehood, I do not wish to do that, I say his presentation—and that is the language of that quotation—was false. If he prefers another word I will substitute it—was fallacious; though it seems to be frank, though it was presented as frank. I characterized the presentation, and I gave him the credit in that statement of having received it from others, I said nothing unparliamentary or unusual in this. If the gentleman desires to have it stricken from that RECORD, it can be done; but it will all be in this RECORD, two or three times over. So that to strike it out amounts to nothing. But I will not ask him or ask this House to strike out anything of insinuation or anything of characterization of acts of mine, not of presentation, which are to be found here in his speech.

It is "a strain upon the charitable side" of my nature, I admit it, to speak as guardedly upon this subject as I do now speak. I repeat again that I cannot say whether that exact language was repeated on this floor or not; but I will say that there is no idea, no proposition, no argument, contained in that printed speech which I would not readily repeat, and which I did not mean to say when I was on the floor.

Mr. MILLER. Before the gentleman from New Jersey [Mr. ROBESON] takes his seat, I want to ask him a question.

Mr. ROBESON. Oh! no, no.

Mr. MILLER. I want to know if the gentleman from New York [Mr. HEWITT] is the same gentleman who certified that the Morey letter was genuine?

Mr. ROBESON. I am not dealing with abstractions at this time.

Mr. MILLER. And who said that he so certified from long acquaintance with Mr. Garfield?

Mr. ROBESON. I am not entering upon that subject now. I have no desire to do other to-day than merely to say that the remark concerning which the gentleman shows so much sensitiveness is moderate compared with the remarks which are scattered through that portion of his speech which was not delivered but printed.

Mr. HEWITT, of New York. The gentleman from New Jersey seeks to evade the only issue that there is in this matter. That issue is that he has deliberately inserted in the RECORD a sentence attacking me personally, which he had not the courage or the manliness to utter on the floor of this House; and that under the cover of the RECORD, supposing that it might escape notice, he has made a personal attack which he would not have dared to make on the floor of this House in the regular course of debate. He says now he is willing to substitute some other word for the word "false."

Mr. ROBESON. I take that back after the remarks of the gentleman.

Mr. HEWITT, of New York. Then the gentleman charges, as I understand it, a falsehood against me. Now, let me say one word. When a man has been charged upon the floor of this House by a gentleman responsible for what he says with being a thief, a liar, and a perjurer, and takes no occasion to have it stricken from the RECORD and does not seek to hold the author of that language to any account, then it seems to me that anything he can say after that, in the face of gentlemen and in the face of the country, is simply a matter of utter and absolute contempt. [Some applause on the Democratic side.]

Now, in the preparation of the speech which I delivered in part and printed in part by the consent of the House I was most careful to avoid the use of all unparliamentary language or to make insinuations which in any way, in my judgment, could be deemed to be offensive.

And the language which the gentleman quotes, (and I take it it is the most severe words he can find in any portion of that speech,) that language is strictly parliamentary; and whatever it may attribute of criminality to any man only becomes a personal charge in his case if he chooses to assume it, for I had most carefully stated, I felt bound to state it, that the acts which I denounced were done by his subordinates, and they could only be charged to him in case he chose to assume the responsibility. And all through his speech he carefully avoided assuming the responsibility for those acts.

I understand him now to assume the responsibility. I say, then, that if he assumes the responsibility of those acts, then every word that I uttered, that those contracts were conceived in iniquity and born in sin and that they were corrupt, may be fitted to the gentleman and taken down as the charge I make against him.

Now, lastly, the language which I uttered was uttered in this House and in his presence, and he took no exception to it. But the language which I now seek to have stricken from the RECORD was not uttered in this House, but was concocted by the gentleman in the private recesses of his own room, after five days of reflection in what manner he should make answer to the allegations I brought against, not him, but against the administration of the Navy Department while he was its Secretary.

If he stands condemned, he stands condemned by no words of mine; he is condemned by the record of fact which he made, and every word of which I have derived, as I have assured him already, and assure this House, not from the sources which he indicates, but from the answers to the resolution which I introduced into this House in January last, made by the Navy Department, and from the official reports made by boards of that Department; and not one suggestion came from any individual whatever discharged from a navy-yard or otherwise.

It was a careful attempt to get at the truth, and I believe I have got the truth. I think the evidence of it is that the gentleman having no adequate answer to make in fact, sits down, concocts, and perpetrates a foul libel upon a fellow-member who had no opportunity to make answer to it. And there I leave the gentleman to get out of this disagreeable predicament in which he has placed himself as best he may.

Mr. ROBESON. My position may be disagreeable to the gentleman, but it does not trouble me. The gentleman says that he made

his speech on the floor of this House. I ask him if he used these words on the floor:

It is a strain on the charitable side—

Mr. HEWITT, of New York. No; I did not.

Mr. ROBESON, (reading.)

It is a strain on the charitable side of our nature to refrain from charging criminal incapacity to any one who advised or directed these vessels should be repaired.

That is the only thing I can now turn to. I would take the time, if it were worth while, to examine the RECORD in this respect, and I have no doubt I could find many more equally specious but equally false charges.

Now, the gentleman from New York has a specious reputation in the country, which he earnestly cultivates through the columns of the newspapers and by the expenditure of his private means, which avail him alike for advertisement of himself and for the depreciation of others. I know something of his history. I shall not here recite it. But I do know that all that he is, and all that he has been, and all that he hopes to be, he owes to the charity of an old man whom I heard him seek to depreciate on this floor. I heard him say in substance on this floor that he objected to being called "the son-in-law of Mr. Cooper," and he hoped the time would come when Mr. Cooper's title of distinction would be that he was the father-in-law of Mr. HEWITT. [Laughter.] Now, Mr. Speaker, wherever liberal science aids the mechanical arts, wherever well-applied charity builds up and elevates the labor of American workingmen, there Mr. Peter Cooper's name will be known long after that of his aspiring son-in-law is lost and forgotten—sunk to the grave, covered with the obloquy which he seeks to pile upon others.

Now, let me say that I could answer the gentleman if I chose in strains as abusive as his own. He knows, and I know, what was the familiar epithet by which his romancing youth was characterized in the State in which we both lived.

Now, then, I do not know that I ought to allude further to the gentleman after his remark. But this I will say, to point his attack on me: I think that the forgery of that document which was known as the Morey letter was a crime of the deepest dye; and while I do not charge the gentleman with having written it, I consider that the man who stood by the telegraph window and telegraphed to California, too late for denial, and after the dead President had denied it circumstantially, that it was ascertained to be true——

Mr. HEWITT, of New York. Who did it?

Mr. ROBESON. Committed a crime——

Mr. HEWITT, of New York. Who telegraphed that?

Mr. ROBESON. Committed a crime——

Mr. HEWITT, of New York. Who did it? Who telegraphed that?

Mr. ROBESON. The man who stood at the telegraph window and signed the name of the chairman of the Democratic committee——

Mr. HEWITT, of New York. Who did it?

Mr. ROBESON. And telegraphed to California, too late for denial, that the statements of that letter were ascertained to be true—whoever did that committed a crime, not as punishable, but as detestable——

Mr. HEWITT, of New York. I did not do it.

Mr. ROBESON. As was the forgery of the original letter. I do not know that it can be proved according to the strict letter of the law, since I do not know how a case can be made; but if the gentleman will ask for a Congressional investigation——

Mr. HEWITT, of New York. I do ask it.

Mr. ROBESON. I will aid him with all my might to obtain it, and see if it was true. [Applause.] I will contribute toward a fair investigation of the matter all that I have of influence, and then the gentleman may clear himself of what is believed against him in this country—the maintenance after denial by the dead President of the truth of that forgery; and it cannot be denied that standing before a court of justice——

Mr. BROWNE. I demand the regular order.

Mr. ROBESON. That standing before a court of justice he did, in the face of the rebuke of the bench——

The SPEAKER. Does the gentleman from Indiana [Mr. BROWNE] make a point of order?

Mr. BROWNE. Yes, sir.

The SPEAKER. The gentleman from Indiana makes the point of order that——

Mr. BROWNE. I should have made it much earlier had I foreseen the result of this debate. There have been two personal explanations and two attacks on each side, and I propose to insist that we proceed with the regular business of Congress.

The SPEAKER. The Chair thinks the point well taken.

Mr. BROWNE. In the first place, as a question of order, I insist that gentlemen take their seats.

The SPEAKER. The House will come to order. Gentlemen will resume their seats.

Mr. HEWITT, of New York. So far as I am concerned, I see no occasion to pursue this matter further, and only ask that the paragraph to which I have referred be stricken from the RECORD.

The SPEAKER. Does the gentleman insist that the Chair shall rule on the matter of striking out?

Mr. HEWITT, of New York. I submit to the Chair there is a passage in the printed speech the Chair would have ruled out of order if delivered on the floor, and I ask it be stricken out of the RECORD.

The SPEAKER. The Chair would be called on in that case to ascertain a question of fact, and that it cannot now enter upon.

Mr. HEWITT, of New York. He admits the fact, and the stenographer's notes are here.

The SPEAKER. The Chair will have to find the facts.

Mr. HEWITT, of New York. The Chair has control of the RECORD.

The SPEAKER. The Chair has also to investigate other questions in reference to it.

Mr. COX, of New York. Allow me, Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BROWNE. I demand the regular order of business.

The SPEAKER. The Chair will recognize the call for the regular order of business. For what purpose does the gentleman rise?

Mr. COX, of New York. If the gentleman makes the point of order I will not rise at all.

The SPEAKER. The gentleman from Indiana makes the point of order.

Mr. COX, of New York. I will not press it as I find I have no chance to make any remarks.

Mr. BROWNE. I ask the House shall now go to the regular order of business. We have had our usual matinee, and as the curtain has been rung down let us go to business. [Laughter.]

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I move that the Senate amendments to the pension appropriation bill be taken from the Speaker's table, numbered, and ordered to be printed, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

ADMISSION OF DAKOTA.

Mr. BURROWS, of Michigan. I am directed by the Committee on the Territories to move the suspension of the rules and the adoption of the following resolution:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House (H. R. No. 4456) to enable the people of the Territory of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and make said bill a special order for Wednesday, December 13, 1882, and from day to day thereafter until disposed of, not to interfere with general appropriation bills.

Mr. CONVERSE. I demand a second.

The SPEAKER. If there be no objection, the second will be ordered.

Mr. CONVERSE. I object.

The SPEAKER appointed as tellers Mr. BURROWS, of Michigan, and Mr. CONVERSE.

The House divided; and there were—ayes 93, noes 65.

Mr. TOWNSHEND, of Illinois. There is a mistake made by the Clerk. The count as I have it is—ayes 90, noes 65.

The SPEAKER. The gentleman probably fell into some error, but it is immaterial, as there is considerably more than a quorum.

The question recurs on the motion to suspend the rules and adopt the resolution.

The question was taken; and there were—yeas 102, nays 76, not voting 112; as follows:

YEAS—102.

Aldrich,	Fisher,	Mackey,	Scranton,
Anderson,	Ford,	Mason,	Shallenberger,
Brewer,	George,	McClure,	Shultz,
Briggs,	Godshalk,	McCoid,	Smith, A. Herr
Buck,	Guenther,	McKinley,	Smith, Dietrich C.
Burrows, Julius C.	Hammond, John	Miller,	Smith, J. Hyatt
Butterworth,	Harmer,	Moore,	Spooner,
Campbell,	Harris, Benj. W.	Neal,	Steele,
Candler,	Haseltine,	O'Neill,	Strait,
Cannon,	Haskell,	Orth,	Thomas,
Carpenter,	Hazelton,	Pacheco,	Thompson, Wm. G.
Caswell,	Henderson,	Parker,	Tyler,
Chace,	Hepburn,	Peelle,	Updegraff, J. T.
Crapo,	Hill,	Peirce,	Updegraff, Thomas
Crowley,	Horr,	Pettibone,	Urner,
Cullen,	Houk,	Pound,	Valentine,
Darrall,	Hubbell,	Prescott,	Van Aernam,
Davis, George R.	Jacobs,	Ranney,	Van Horn,
Dawes,	Jones, George W.	Ray,	Van Voorhis,
Deering,	Kasson,	Rice, John B.	Walker,
De Motte,	Kelley,	Rice, Theron M.	West,
Dezendorf,	Ketcham,	Rich,	White,
Dingley,	Lacey,	Ritchie,	Williams, Chas. G.
Dwight,	Lewis,	Robinson, Geo. D.	Willits.
Farwell, Chas. B.	Lord,	Robinson, James S.	
Farwell, Sewell S.	Lynch,	Russell,	

NAYS—76.

Armfield,	Caldwell,	Dowd,	Hatch,
Atherton,	Carlisle,	Ellis,	Hewitt, Abram S.
Atkins,	Chapman,	Ermentrout,	Hoblitzell,
Barbour,	Clements,	Evins,	Hoge,
Bayne,	Cobb,	Forney,	Holman,
Berry,	Converse,	Garrison,	House,
Blanchard,	Cook,	Geddes,	Hutchins,
Bliss,	Cox, William R.	Gunter,	Jones, James K.
Blount,	Cravens,	Hammond, N. J.	Kenna,
Buchanan,	Culberson,	Hardenbergh,	Klotz,
Buckner,	Dibrell,	Hardy,	Latham,

Leedom,	Muldrow,	Scoville,	Upson,
Manning,	Phelps,	Simonton,	Vance,
Matson,	Phister,	Singleton, Otho R.	Warner,
McCook,	Randall,	Thompson, P. B.	Wellborn,
McLane,	Reed,	Tillman,	Whitthorne,
Money,	Robertson,	Townshend, R. W.	Willis,
Morrison,	Rosecrans,	Turner, Henry G.	Wilson,
Moulton,	Scales,	Turner, Oscar	Wise, George D.

NOT VOTING—112.

Aiken,	Davidson,	Ladd,	Ryan,
Barr,	Davis, Lowndes H.	Le Fevre,	Shackelford,
Beach,	Deuster,	Lindsey,	Shelley,
Belford,	Dugro,	Lowe,	Sherwin,
Belmont,	Dunn,	Marsh,	Singleton, Jas. W.
Beltzhoover,	Dunnell,	Martin,	Skinner,
Bingham,	Errett,	McKenzie,	Sparks,
Bisbee,	Flower,	McMillin,	Spaulding,
Black,	Frost,	Miles,	Speer,
Blackburn,	Fulkerson,	Mills,	Springer,
Bland,	Gibson,	Morey,	Stephens,
Bowman,	Grout,	Morse,	Stockslager,
Bragg,	Hall,	Mosgrove,	Stone,
Browne,	Harris, Henry S.	Murch,	Talbott,
Brumm,	Heilman,	Mutchler,	Taylor,
Burrows, Jos. H.	Herbert,	Nolan,	Townsend, Amos
Cabell,	Herndon,	Norcross,	Tucker,
Calkins,	Hewitt, G. W.	Oates,	Wadsworth,
Camp,	Hiscock,	Page,	Wait,
Cassidy,	Hooker,	Paul,	Ward,
Clardy,	Hubbs,	Payson,	Washburn,
Clark,	Humphrey,	Reagan,	Watson,
Colerick,	Jadwin,	Rice, William W.	Webber,
Cornell,	Jones, Phineas	Richardson, D. P.	Williams, Thomas
Cox, Samuel S.	Jorgensen,	Richardson, J. S.	Wise, Morgan R.
Covington,	Joyce,	Robeson,	Wood, Benjamin
Curtin,	King,	Robinson, Wm. E.	Wood, Walter A.
Cutts,	Knott,	Ross,	Young.

So (two-thirds not voting in favor thereof) the rules were not suspended and the resolution was not adopted.

Pending the roll-call the following pairs were announced from the Clerk's desk:

Mr. SHERWIN with Mr. KING.
Mr. W. A. WOOD with Mr. NOLAN.
Mr. CORNELL with Mr. BLACK.
Mr. LOWE with Mr. HERNDON.
Mr. MCCLURE with Mr. LEEDOM.
Mr. JONES, of New Jersey, with Mr. HERBERT.
Mr. TAYLOR with Mr. SPARKS.
Mr. HEILMAN with Mr. BLAND.
Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.
Mr. MCCOID with Mr. CLARK.
Mr. LINDSEY with Mr. LADD.
Mr. WATSON with Mr. TALBOTT.
Mr. HUMPHREY with Mr. BRAGG.
Mr. HALL with Mr. WISE of Pennsylvania.
Mr. SKINNER with Mr. FLOWER.
Mr. THOMAS with Mr. CURTIN.
Mr. HUBBS with Mr. SHACKELFORD.
Mr. JOYCE with Mr. STOCKSLAGER.
Mr. BARR with Mr. DAVIDSON.
Mr. MILES with Mr. SINGLETON of Illinois.
Mr. MOREY with Mr. COLERICK.
Mr. STONE with Mr. HEWITT of Alabama.
Mr. ROBESON with Mr. BLACKBURN.
Mr. DUNNELL with Mr. DUGRO.
Mr. WARD with Mr. AIKEN.
Mr. WEBBER with Mr. MCKENZIE.
Mr. HISCOCK with Mr. COX of New York.
Mr. BOWMAN with Mr. TUCKER.
Mr. PAYSON with Mr. KNOTT.
Mr. NORCROSS with Mr. WILLIAMS of Alabama.
Mr. WAIT with Mr. SPRINGER.
Mr. TOWNSEND, of Ohio, with Mr. MCMILLIN.
Mr. BINGHAM with Mr. SPEAR.
Mr. YOUNG with Mr. CLARDY.
Mr. RYAN with Mr. LE FEVRE.
Mr. SPAULDING with Mr. DAVIS of Missouri.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. No. 803) granting a pension to Laban Connor;
A bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry;
A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;
A bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock;
A bill (H. R. No. 1997) granting a pension to Joel R. Carter;
A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;
A bill (H. R. No. 2278) for the relief of John H. Jackson;
A bill (H. R. No. 2349) granting an increase of pension to George J. Webb;
A bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell;
A bill (H. R. No. 4372) for the relief of Robert P. Walker;
A bill (H. R. No. 4914) granting a pension to Emeline Pink;
A bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig;
A bill (H. R. No. 5684) granting a pension to Newton Boutwell; and
A bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenditures of the Government for the fiscal year 1883, and for other purposes, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Senate had appointed Messrs. ALLISON, DAWES, and DAVIS of West Virginia as the managers of said conference on the part of the Senate.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth E. Custer.

The message also announced that the Senate had passed without amendments bills of the House of the following titles:

A bill (H. R. No. 369) granting a pension to Jacob R. McFarren.
A bill (H. R. No. 1098) granting a pension to Martha Westervelt;
A bill (H. R. No. 1102) granting a pension to Elizabeth T. Dubois;
A bill (H. R. No. 1422) granting a pension to Mary Wade;
A bill (H. R. No. 2127) granting a pension to James F. Rose;
A bill (H. R. No. 2481) for the relief of Dicey Bobbitt;
A bill (H. R. No. 3316) granting a pension to David Darling;
A bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge;
A bill (H. R. No. 5239) granting a pension to Mrs. Speedie B. Eggleston; and
A bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll.

Also that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 864) granting a pension to Amanda J. McFadden;
A bill (H. R. No. 1873) for the relief of Patrick Sullivan; and
A bill (H. R. No. 3599) granting a pension to David T. Stephenson.

The message further announces that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 70) granting a pension to Sarah Hayne;
A bill (S. No. 703) granting a pension to Sarah Shea;
A bill (S. No. 1170) granting a pension to Jane S. Taplin;
A bill (S. No. 1577) for the relief of Hardy H. Helper;
A bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers; and
A bill (S. No. 2110) for the erection of a public building at Haverhill, Massachusetts.

JURISDICTION OF UNITED STATES OVER SHIP-CANALS, ETC.

Mr. LORD. I move, under instructions from the Committee on Railways and Canals, to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 5545) declaring and defining the jurisdiction of the United States over certain ship-canals and other navigable waters, and for the regulation and uses of certain public works, and for their care and preservation, and put it upon its passage.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted &c., That the Secretary of War is hereby directed to assume full control over the Saint Mary's Falls Canal, Lake Superior; the harbor of refuge at Sand Beach, Lake Huron; the Saint Clair Flats Canal, on the river Saint Clair; the Des Moines Canal, on the Mississippi River; the Louisville and Portland Canal, at the Falls of the Ohio; the canal around the Mussel Shoals, in Alabama; the canal around the Cascades of the Columbia River, in Oregon; the jetties and other works of improvement at the South Pass of the Mississippi River, including the entire extent of the channel of the pass; and all other ship-canals, locks, dams, and harbors of refuge that are now or may hereafter be built, operated, and kept in repair by the United States for the improvement of navigation, so far as necessary to control the passage through and regulate the use of those works.

SEC. 2. That it shall not be lawful for any person or persons to take possession of, or make use of for any exclusive purpose, build upon, alter, deface, injure, obstruct, or in any other manner willfully or negligently impair the usefulness of any sea-wall, bulk-head, jetty, wharf, pier, or other work built by the United States for the preservation and improvement of any of its navigable waters, or boundary-marks, tide-gauges, surveying-stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works.

SEC. 3. That it shall not be lawful to cast, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, or other craft, or from the shore, pier, wharf, or mills of any kind, any ballast, stone, slate, gravel, earth, ashes, rubbish, wreck, filth, slabs, edgings, sawdust, or mill waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States for the improvement of which Congress has made or may hereafter make appropriations, nor deposit, or cause to be deposited or placed, any ballast, stone, slate, gravel, earth, ashes, rubbish, wreck, filth, slabs, edgings, sawdust, or other mill waste in any place on shore where the same shall be liable to be washed into any navagable waters for the improvement of which the United States has made appropriations, either by ordinary high tides or by storms or floods, or otherwise: *Provided*, That nothing herein contained shall extend to the casting out, unlading, or throwing out of any ship, vessel, or other craft, any stones, rocks, lime, bricks, or other material used, or to be used, in or toward the building or repairing of any quay, pier, wharf, bridge, weir, or other work lawfully erected, or to be erected,

on the banks or sides of any port, harbor, or channel, or within any navigable waters where such works are in progress, or depositing of any material excavated for the improvement of navigable waters into such places and in such manner as may be deemed by the United States officer supervising said work most judicious and for the best interest of such improvements.

SEC. 4. That every person, persons, or corporation offending against the second and third sections of this act shall, for each and every offense, forfeit and pay a penalty of $250, (one-half, on conviction of the offender, to be paid to the informer,) besides such further sum as may be found, in any action for the recovery of the penalty or penalties incurred under this act, to be the expense of making good the damage incurred or of removing to a proper place the things deposited in violation of this act; such penalties to be recoverable by and in the name of the United States, with costs, in any circuit or district court of the United States, at the suit of any district attorney, in any district where or near where the offense shall have been committed or where the offender shall be.

SEC. 5. That the Secretary of War shall establish such regulations as he shall deem needful to regulate the movement of vessels through and in the various waters enumerated in section one of this act so as to avoid damage to each other or injury to the public improvements at those places; and he shall cause such regulations to be promulgated by public notice given in such newspapers as he may deem suitable to give them the greatest publicity; and such regulations may, in like manner, be changed from time to time; and any person willfully or negligently interfering with, or obstructing, or attempting to obstruct the free use of such improvements, in violation of the regulations aforesaid in this section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not exceeding $500, or imprisonment for not more than six months, or both, at the discretion of the court. And any person who shall willfully or negligently strand or sink any vessel, boat, or craft in any of the waters and within the works aforesaid, or in the channels or approaches thereto, or shall obstruct the superintendent or his authorized agent in enforcing the regulations of the Secretary of War in any of the said works or improvements, shall be liable to like penalties.

SEC. 6. That it shall be the duty of the officers and agents having the supervision on the part of the United States of the works completed or in progress for the preservation and improvement of said navigable waters, and, in their absence, the United States collector of customs and other revenue officers, to enforce the provisions of this law by giving information to the district attorney of the United States nearest to the place where any violation of any provision of this act shall have been committed, and the said prosecuting officer shall immediately proceed against the offender or offenders under the provisions of this act.

SEC. 7. That whenever the Secretary of War is reliably informed, or has reason to believe, that in any port or harbor, navigable river, or the approaches to any ship-canal of the United States navigation is impeded, or shoals, bars, or other impediments to navigation have been created by reason of the improper extension of wharves, piers, or other structures into harbors or rivers, under the authority of local laws or by individuals without such authority, or that the future usefulness of such harbors or rivers or approaches to ship-canals is imperiled by such structures to the injury of commerce, he shall cause to be made by the Corps of Engineers of the Army full and complete survey and examination of such harbor or river or entrance to ship-canal, and plans and descriptions thereof showing the depth of water in the same, and the location, size, and description of all piers, wharves, and other structures, and obstructions therein, and the extent to which the same encroach upon the channels and water-ways used for navigation, and further to lay down and mark on such plans and descriptions lines which should limit the boundaries within which any wharf, pier, or other obstruction shall thereafter be erected, constructed, placed, or projected in any harbor, or navigable stream, or entrance to ship-canal; and such plans or descriptions shall be on a scale and of a kind to be fixed by the Secretary of War, so that they may be easily understood and examined by all parties interested; and the Secretary of War shall be, and is hereby authorized, upon the application of any State, or the principal authority of any city, town, or county, to which the harbor or navigable waters of any such plan and description pertains, to have the same lithographed, or otherwise copied, at the expense of said State or municipal authority, and to supply such number of copies thereof as they may require.

SEC. 8. That if it shall be found by the officers making such surveys, examinations, plans, and descriptions that there are any existing wharves, piers, or other obstructions in any harbor or navigable waters surveyed, examined, planned, and described by them which are injurious to and impede the navigation thereof by being situated beyond the lines established by them, they shall so report to the Secretary of War, to the end that proper steps may be taken by Congress for the removal of the same by compensation to the owners thereof, if the same have been erected by State or municipal authority, or if not erected by such authority, then to take order for the removal thereof as nuisances by proper legal proceedings.

SEC. 9. That it shall further be the duty of the Secretary of War, when he is reliably informed that in any port, harbor, navigable river, or entrance to any ship-canal of the United States navigation is about to be impeded by the improper extension of wharves, piers, or other structures, to give notice to the party or parties about to make such wharves, piers, or other structures that he will order an immediate survey of such place or places; and when notice thereof shall have been given it shall not be lawful for such party or parties to proceed in the erection of such wharves, piers, or other structures until the Secretary of War shall have rendered his decision thereon, which shall be subject to an appeal to the Federal courts.

SEC. 10. That no bridge shall be built across any navigable river or ship-canal until a plan in duplicate showing the location and situation thereof shall have been presented to the Secretary of War and approved by him; and his approval, if given, shall be certified on one of said plans, and the duplicate thereof shall be retained and preserved in the War Department: *Provided*, That this act shall not be construed so as to give authority to erect such bridge without an act of Congress.

SEC. 11. That such sums of money as may be necessary to execute the provisions of this act are hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

Mr. HOLMAN. I ask for a second upon that motion.

A second was ordered.

Mr. LORD. If in order, I would like to have the report of the committee read in this case.

The SPEAKER. It can only be done in the gentleman's own time.

Mr. LORD. How much time have I?

The SPEAKER. The gentleman has fifteen minutes.

Mr. LORD. It may be read, then, in my time; and there is also connected with it, which I desire to have read, a letter from the present Secretary of War upon the subject.

The report was read, as follows:

The Committee on Railways and Canals, to whom was referred the bill (H. R. No. 4319) declaring and defining the jurisdiction of the United States over certain ship-canals and other navigable waters, and for the regulation and use of certain public works, and for their care and preservation, have considered the same, and respectfully report:

It has been the custom of the country during most of the period of its history to place all works of improvement in the navigable waters of the United States under the supervision of the Secretary of War while the said improvements were in course of construction, and they have usually remained under his direction afterward so far as needing governmental supervision.

There is no constitutional provision giving to the Secretary of War supervision over any of the navigable waters of the United States, nor any statutory provisions except as to each particular work, as the case has arisen, and then limited mainly to such authority as gave the Secretary custody and control for the purpose of making such works available for their several purposes and the subsequent keeping of them in repair.

It has been the custom of the War Department to publish notice of such regulations as were deemed necessary at the several ship-canals and other works of improvement in charge of the Department, but if resisted they lack the force of law which it is the design of this bill to supply.

There have been instances of temporary occupation of piers as landing-places for cargoes which, by their weight, might injure the works; but in most cases the practice was discontinued upon notification.

There are instances of injury to piers from collision of vessels, from carelessness as well as from unavoidable causes.

There are also instances of willful injury arising from the pulling up of the deck-planks of wooden piers for the purpose of tying vessels.

There are instances of serious injury to navigable waters by the discharge of saw-mill waste into streams; also from booms for logs being placed in such a way as to seriously, and sometimes totally, impede navigation; and also instances of removal of stone from wing-dams, and of breaking openings through them for the passage of small boats or running of logs, thus rendering the dams incapable of effecting the object for which they were built.

There are instances of injury to water-gauges permanently established for the record of fluctuations of water surface.

In fair-ways of harbors, channels are injured from deposits of ballast, steamboat ashes, oysters, and rubbish from passing vessels.

In some instances the local authorities have exercised a control over the public works in their vicinity, and in most cases the trespass or injury has been corrected upon notification.

So long as works are in progress and in charge of an officer or agent these evils are rare, but as they pass out of his hands they are at the mercy of evil-disposed persons.

It is the design of this bill to cover all cases of trespass on United States grounds and structures; to cover all cases of negligent as well as willful injury; to cover not only river, harbor, and navigation works, but also all structures or marks established by the United States, so as to include all boundary-marks, tide-gauges, stations, buoys, &c.

The special act of Congress (18 Stat. L., part 3, p. 30) for the protection of the work in progress for the improvement of the navigation of the mouths of the Mississippi by dredging has proved defective, inasmuch as it requires proof of malice or intention, instead of simple proof of fact of injury or impediment to navigation.

In the case of the Louisville and Portland Canal, and at the harbor of refuge at Sand Beach, Lake Huron, experience has shown the necessity of some enactment to regulate the movement of vessels therein, to avoid danger to vessels and injury to the works.

The Sault Ste Marie Ship-canal has just passed from under the authority of the State of Michigan, and that of the United States, except by presumption of law, has not yet attached. At that place proper police regulations resting on authority are indispensable.

Your committee have sought information from the Secretary of War and from the Chief of Engineers of the War Department, and from these and such other sources of knowledge as were available they are convinced of the urgent need of such legislation as the bill under consideration proposes, and report it back by substitute and recommend its passage.

The committee annex and make a part of their report a letter from the Secretary of War, dated the 14th instant.

WAR DEPARTMENT,
Washington City, March 14, 1882.

SIR: I have the honor to transmit herewith, in response to your request, and for the information of the Committee on Railways and Canals, a report of the Chief of Engineers upon bill H. R. No. 4319, declaring and defining the jurisdiction of the United States over certain ship-canals and other navigable waters, and for the regulation and uses of certain public works, and for their care and preservation, and to invite your attention to the amendments suggested by the Chief of Engineers, the propriety of which is concurred in by me.

The necessity for such a law, particularly in respect to those works which are operated by the United States, has been represented to Congress in former reports of the Chief of Engineers, and I earnestly recommend the passage of the bill as modified by him.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

Hon. H. W. LORD, *House of Representatives.*

Mr. LORD. I do not care to take the time of the House in presenting anything in addition to what has been read from the report of the committee except simply to say this is a bill of very great consequence, its object being to supply the Secretary of War with authority he has never had for the regulation of the various ship-canals and water-ways of the country on which the Government has expended money for the improvement thereof.

The Secretary of War puts up series of notices and regulations in all such places, and they have a kind of deterring effect on mariners and others who would encroach and trespass upon those works. But he assures me he has no authority whatever, and no predecessor of his has had any authority to enforce the rules which they have published and endeavored to make binding on these various water-ways.

I have in my hand a letter which has come to me this morning, a letter from an extensive commercial establishment of Michigan and Ohio, in which they say in some of the harbors of Northern Michigan where money has been expended for improvement they are entirely unable to use the motive power of their own steamboats on account of the floating logs and other obstructions, and that they are compelled to employ tug-boats to tow their vessels through these harbors; and when they have appealed to the engineer representing the United States in that district, he has informed them that unless some such bill as this now pending be passed there is no authority whatever by which those water-ways can be cleared for those steamboats so that they can be propelled by their own motive power. But

I do not desire to discuss the bill, because it has been well discussed on its merits in the report.

Mr. CANNON. I desire to ask the gentleman from Michigan a question. Is this bill in accordance with the views of the Secretary of War and substantially the same as he approves at the close of his letter?

Mr. LORD. It is the very same bill, with every provision in it that the Secretary of War and the Chief of Engineers have suggested. I have been through it very carefully with both those officers, paragraph by paragraph, and the bill meets their entire approbation. Both the Secretary of War and the Chief of Engineers desire that this bill shall pass.

I yield five minutes to my colleague on the committee, the gentleman from West Virginia, [Mr. KENNA.]

Mr. KENNA. It had not been my purpose to say anything on this bill. I will remark, however, that the object of the committee in preparing and reporting it was to report a general bill to prevent obstruction to navigable waters of the United States. The committee was unanimous, I believe, in the opinion that the bill as drawn accomplishes that purpose. It was not intended that it should in any way interfere with the rights of any person, except to the extent to which it became necessary to accomplish the main object of the bill.

The bill as originally drawn gave to the Secretary of War absolute and final control over the question as to what did or what did not constitute an obstruction. Some of the committee thought that was going rather too far, and an amendment being offered the committee adopted it, to provide that an appeal should lie from his decision to the decision of the Federal courts. As that clause is embraced in the bill, it seems to me in every way well calculated to accomplish the object intended.

Section 9 winds up with the provision referring to the decision of the Secretary of War, and says it shall be subject to an appeal to the Federal court. I am not sure that the court would understand exactly how to deal with a provision of that sort; and I want to suggest to my friend from Michigan that with the consent of the other members of the committee and of the House he should accept of a modification of that clause. I have made a draft which I think will meet the difficulty; but if not satisfactory some other may be suggested in lieu of it:

Subject, however, to revision by the Federal courts upon petition for permit to erect such structure, and notice thereof of at least thirty days to the United States district attorney.

I add, at the suggestion of the gentleman from Kentucky, [Mr. CARLISLE,] "district courts." I think there will be no objection, Mr. Speaker, to that change of the phraseology, if it be acceptable to the gentleman from Michigan, [Mr. LORD,] for it does precisely what the committee intends to do by the language of the bill.

Mr. RANDALL. I desire to ask the gentleman a question. I observe that the last section makes an appropriation of money. What is the probable cost of paying the tolls on these canals?

Mr. KENNA. There is no paying of tolls on canals.

Mr. RANDALL. Is it not provided that the Secretary of War may take possession of the canals?

Mr. KENNA. The possession referred to in the bill is a jurisdiction simply with reference to controlling the manner in which they shall be conducted and the uses of them.

Mr. RANDALL. Not interfering with them in other respects?

Mr. KENNA. No, sir; I cannot state the probable cost except in this way. The appropriation contained in the last clause is intended to be of such amount as may be necessary to enable the Secretary of War to direct an inquiry where an inquiry shall become necessary to ascertain whether what may be complained of amounts to an obstruction. It is necessary for him to have some amount at his disposal to allow of such investigation.

Mr. RANDALL. But the work would extend to a removal of the obstruction as well as to the inquiry as to the matter, would it not?

Mr. KENNA. It may go to that extent.

Mr. LORD. This bill is not expected to furnish the Secretary of War with money for the removal of obstructions.

Mr. RANDALL. I think the language would warrant that construction. If the gentleman would make it plainer, and confine the expenditure of the money to an inquiry as to whether there was an obstruction or not, and then require them to come to Congress, if there be an obstruction, to obtain the money to remove it, it would be better.

Mr. LORD. The object is simply to place at the disposal of the Secretary of War such small appropriation as would be necessary, for instance, if an engineer was sent to examine as to the construction of a pier or the situation of a mill or a wharf.

Mr. RANDALL. I have no objection to a provision making an appropriation of money to cover the expenses of an inquiry. But to give full authority to the Secretary of War to involve the Government in the expense of removing whatever may be determined by the engineers to be an obstruction is, I think, going too far.

Mr. LORD. I think the committee would be entirely willing to accept any such amendment as the gentleman would suggest. It is simply intended to place in the hands of the Secretary of War a sufficient appropriation to cover the expenses of the inquiry.

Mr. HUBBELL. The gentleman cannot well do that, for that would be giving away the whole bill.

Mr. LORD. Oh, no!

Mr. HUBBELL. Yes, it does. Vessels by throwing out ballast, or throwing overboard part of their cargoes, might cause obstructions to navigation, and you cannot wait until you come to Congress for an appropriation to remove them. You must have money sufficient to remove all such temporary obstructions.

Mr. RANDALL. I am inclined to think that it is rather a loose bill, and one that should be discussed at some length and not passed in this way.

Mr. KENNA. If the gentleman apprehends that in the final section of the bill too much money will be appropriated, a limit might be suggested which I think would be acceptable to the friends of the bill. There is no purpose whatever on the part of the committee to appropriate any large sum of money.

Mr. RANDALL. Well, say $5,000.

Mr. KENNA. I am willing, if that is acceptable to the other members of the committee.

Mr. LORD. Five thousand dollars annually.

Mr. CARLISLE. I would like to ask the gentleman a question.

Mr. KENNA. Certainly.

Mr. CARLISLE. Is it the purpose of this bill, when some party without authority has obstructed the navigation of a river, to authorize the Secretary of War to use the public money to remove that obstruction improperly placed there by some one?

Mr. KENNA. The purpose of the bill was to authorize the Secretary of War to remove such obstructions.

Mr. CARLISLE. The party putting them there should be required to remove them.

Mr. KENNA. Suppose that he does not; suppose he is not able to do so.

Mr. CARLISLE. Suppose that a bridge has been so constructed in violation of the authority conferred upon the company by Congress as to impede the navigation of a river; ought the Government of the United States to pay for removing that obstruction?

Mr. ROBINSON, of Massachusetts. There is no authority in this bill, as I understand it, for the Secretary of War to remove such obstructions. He is simply authorized to make an examination and report to Congress.

Mr. KENNA. There is no danger of that sort, because there are no bridges constructed over navigable waters of the United States except by consent of Congress; and hence they do not come within the provisions of this bill.

Mr. ROBINSON, of Massachusetts. I think if the gentleman from Kentucky [Mr. CARLISLE] will examine sections 7 and 8 of this bill he will find that it does not give any such authority. I have examined the bill very closely, and I do not think any such authority is given to the Secretary of War.

Mr. DAWES. I want to call attention to section 3 of this bill, which provides that it shall not be lawful to cast slabs, edgings, sawdust, or mill waste of any kind into any navigable river or other waters of the United States for the improvement of which Congress has made or may hereafter make appropriations; or to deposit any mill waste or sawdust or ashes on the shore where the same may be liable to be washed into any such navigable waters.

Now, along the Ohio River there are saw-mills which are doing this all the time, as a matter of course. It does not impede navigation at all; there is no danger that there will result from it any damage to navigation. But under this bill any such act is made unlawful. And every person, persons, or corporation offending against the second and third sections shall for each and every offense forfeit and pay a penalty of $250, one-half, on conviction of the offender, to go to the informer. Now the point I wish to raise is whether this does not endanger an inquisition upon the saw-mill men along the Ohio River and along the Kanawha River, represented by the gentleman from West Virginia, [Mr. KENNA.] I would inquire whether this provision in relation to ashes or mill-waste of any kind does not endanger the rolling-mill men who are doing the same thing? It does not obstruct navigation; it does not injure the channel of the river; but under this act it is made an offense liable to a penalty of $250, of which the informer is to get one-half.

Mr. KENNA. I do not take any stock in that clause of the bill which gives one-half of the penalty to the informer. I have never been in favor of any such provision of law. My observation and experience have taught me that such provisions usually operate to obstruct the enforcement of the law. But that would not affect the mill men of which my friend speaks, unless these cinders, &c., amount to an obstruction of the navigation, and if so it ought to affect them.

Mr. ROBINSON, of Massachusetts. It is not so restricted in the bill.

Mr. BAYNE. The whole purpose of the bill is to provide that such things shall not impede or interfere with the navigation of any of these navigable streams.

Mr. HOLMAN. I will now yield three minutes to the gentleman from Kentucky, [Mr. WILLIS.]

Mr. WILLIS. I am in full accord with the object of the committee as presented in this bill. I have myself, at the suggestion of a num-

ber of river men, introduced a bill similar to this in some of its provisions. But I do not think that a bill so important as this, and which is unquestionably, as shown by the debate on this floor, susceptible of different interpretations even by lawyers, should be passed in this hurried way. It is too grave and important a matter to come up in a short debate of twenty or thirty minutes.

I find that by the first section of the bill various canals are placed in the charge of the Government, a provision which, of course, implies and carries with it an appropriation to operate them. Whether all these canals are now under the charge of the Government I doubt if a single gentleman on this floor can now tell. I know that three of them are; I believe that three or four are not. That is one question suggested by the first section of the bill.

I find also that the Secretary of War is authorized to make regulations, which may be right or wrong, and no appeal is allowed to be taken from them. I think that section 5 ought to be carefully guarded.

In the concluding portion of the bill, as I find by this hurried review, appropriations which may amount to millions of dollars are made to carry out the provisions of the bill. No one with this bill before him and observing the duties imposed upon the Secretary of War under it can say that the appropriations authorized by the last section may not extend to hundreds or thousands and peradventure to millions of dollars.

Mr. DUNN. I wish to ask the gentleman whether this bill authorizes the Secretary of War to remove railroad bridges across navigable rivers which are not now complained of by steamboat men but which were built without authority of Congress?

Mr. WILLIS. I find in section 10 a reference to bridges; but my examination of the bill has of course been very hurried; and whether it goes to the extent indicated by the gentleman's inquiry I am not prepared to say.

Mr. LORD. The bill has nothing to do with bridges except where they impede navigation.

Mr. WILLIS. In the few moments remaining to me I will say that with the objects of the bill I most cordially sympathize. I recognize the necessity of regulations that shall control the navigation of our maritime highways. I recognize the necessity of some well-guarded legislation which will keep unobstructed the channels of our great rivers. But I do insist that this is a question which ought to come up deliberately and be discussed carefully before we put a measure of this sort upon the statute-book.

Mr. HOLMAN. I now yield for a few minutes to the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. MCMILLIN. Mr. Speaker, I have given some attention to the bill now under consideration, and am compelled to state, in candor, I do not believe that there could be devised in the same number of lines any more efficient means of encouraging the institution of lawsuits which would be harassing in their nature. I say this with all deference to the committee reporting the measure, for I have no idea that such was their intention. Sir, let us scrutinize the provisions of this extraordinary bill. Section 3 provides as follows:

SEC. 3. That it shall not be lawful to cast, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, or other craft, or from the shore, pier, wharf, or mills of any kind, any ballast, stone, slate, gravel, earth, ashes, rubbish, wreck, filth, slabs, edgings, sawdust, or mill waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States for the improvement of which Congress has made or may hereafter make appropriations, nor deposit, or cause to be deposited or placed, any ballast, stone, slate, gravel, earth, ashes, rubbish, wreck, filth, slabs, edgings, sawdust, or other mill waste in any place on shore where the same shall be liable to be washed into any navigable waters for the improvement of which the United States has made appropriations, either by ordinary high tides or by storms or floods, or otherwise.

It will be seen from this that it is made unlawful to "cast slabs, edgings, sawdust or mill waste of any kind into a navigable river or other waters of the United States for the improvement of which Congress has made or may hereafter make appropriations." Is this Congress ready to enact such a law? Are members going to place every mill-owner they represent in a condition to be indicted for dropping their sawdust and slabs in the river? I answer, no! We will never do it till we are ready to prove recreant to our trusts.

Mr. Speaker, I now call attention to the heavy penalty to be inflicted for a violation of this bloody statute. Section 4 is in this language:

SEC. 4. That every person, persons, or corporation offending against the second and third sections of this act shall, for each and every offense, forfeit and pay a penalty of $250, (one-half, on conviction of the offender, to be paid to the informer,) besides such further sum as may be found, in any action for the recovery of the penalty or penalties incurred under this act, to be the expense of making good the damage incurred or of removing to a proper place the things deposited in violation of this act; such penalties to be recoverable by and in the name of the United States, with costs, in any circuit or district court of the United States, at the suit of any district attorney, in any district where or near where the offense shall have been committed or where the offender shall be.

Sir, I have the honor to represent constituents living on three navigable rivers—the Cumberland, Caney Fork, and Obeds Rivers—embracing about three hundred miles of navigable water-course upon the banks of which, from one end to the other, are saw-mills. They are at Rome, Carthage, Celina, and other points. And where are these prosecutions to be? Not before the magistrates of the county; not in the State courts, but in that too often engine of oppression, the Federal court. And how? At the instance of any man who may be greedy enough to desire to obtain the penalty, half of which goes to the informer. It requires neither a prophet nor the son of a prophet to see that under this inducement of half the penalty, which is fixed at $250, parties would unhesitatingly go to a court where they will not be liable for costs, where they will have an attorney to prosecute their suit without expense to themselves; where they will have all to gain and nothing to lose. I predict that if this bill becomes a law there will be hundreds, and I would not exaggerate it if I should say thousands, of lawsuits commenced in the Federal courts all through the country under the third and fourth sections of this bill.

Let us not bind our people down with new criminal laws and deliver them over to the Federal court to be prosecuted and persecuted away from home, in strange courts, as long as cupidity may tempt the avaricious, or malice urge the vindictive to prosecute. We have seen too much of Federal court oppressions already. We have already heard complaints against its usurpations which were but too well founded. Let the representatives of the American people remember that these are the courts of which Mr. Jefferson said:

The great object of my fear is the Federal judiciary. That body, like gravity, ever acting, with noiseless foot and unalarming advance, gaining ground step by step, and holding what it gains, is ingulfing insidiously the special governments into the jaws of that which feeds them. * * * Yet be not weary of well-doing. Let the eye of vigilance never be closed.

Let us heed his admonitions to-day and put the stamp of our disapproval on this bill.

Furthermore, I wish to call attention to the fact that it is made penal not only to throw sawdust, slabs, edgings, &c., into the water-course itself, but to throw them anywhere under such circumstances that they may by the floods be drifted into navigable waters. It is a well-known fact that all the interior part of our country is drained by navigable rivers; and you can hardly conceive of a place where a saw-mill could be established where this refuse matter might not at flood-tide be washed into a navigable river.

Sir, a scrutiny of section 6 reveals to us the fact that not only the temptation of one-half the penalty is held out to drum up volunteer prosecutors of mill men, but the United States collector of customs and "other revenue officers" are forced to spy out violations of this law. It is in this language:

SEC. 6. That it shall be the duty of the officers and agents having the supervision on the part of the United States of the works completed or in progress for the preservation and improvement of said navigable waters, and in their absence the United States collector of customs and other revenue officers, to enforce the provisions of this law by giving information to the district attorney of the United States nearest to the place where any violation of any provision of this act shall have been committed, and the said prosecuting officer shall immediately proceed against the offender or offenders under the provisions of this act.

Sir, not only are these anomalous provisions found in the bill under consideration but the doors of the Treasury are thrown open, and without stint or limit those who are enforcing the law are let in. Section 11 makes the appropriation in the following language:

That such sums of money as may be necessary to execute the provisions of this act are hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

What sane, patriotic legislator would, after his attention is called to the fact, give such an unbridled rein to officers. Any amount could be taken, from one dollar to one hundred million.

Now, from my experience and observation for years of the operations of some of the finest saw-mills in the country, I know that they are no impediment to navigation whatever. At the capital of my State and all the way up the Cumberland River you encounter fine mills which have been running for years, and still there has been no complaint; no trouble has ever arisen, and none will. Our people have been carried to the Federal courts on other questions, and they are jealous of the unnecessary yielding of criminal jurisdiction to those courts. In their behalf I protest against it. [Here the hammer fell.]

Mr. HOLMAN. I yield for two minutes to the gentleman from Arkansas, [Mr. DUNN.]

Mr. DUNN. Mr. Speaker, I asked a question a few moments ago in reference to the provisions of this bill, because I am not informed as to the powers intended to be conferred by it. It so happens that all the railroad bridges in my State have, with one single exception, been built without any enabling act by Congress. The navigation of the rivers has not been obstructed thereby; and the steamboat men have made no complaint. But I presume that upon inspection the War Department would find that those bridges did not come up to the requirements of this bill, and they might be declared obstructions to navigation.

Railroad business might be seriously obstructed. They might pile up costs merely for the purpose of making fees for some informers or district attorney, or to enable one road to inflict an injury on another, or the enemies of a road inflict an injury on it. I should regret to see this bill pass before it can be understood. I have had no opportunity to thoroughly examine it and do not know exactly its full scope. I judge from the character of the arguments made here that everything which has not been heretofore authorized by Congress and does not happen to come up to the requirements of the War Department might be assailed under the operations of this act and great injury inflicted where there is no real complaint now and no harm done. I hope the gentleman will withdraw his bill and give members time to consider it.

Mr. KENNA. I wish to add to what the gentleman has said another suggestion——

Mr. LORD. I feel convinced from the tone of the House in regard to this matter, it is impossible such an extensive proposition can pass under a suspension of the rules and upon so short consideration, and therefore, with permission of the House, I will withdraw it for the present with a hope of getting it before the House with fuller information and more time for its consideration.

Mr. WILLIS. Let the gentleman change his motion and fix a day in December next for its consideration.

Mr. COX, of New York. Oh, no; the bill ought to be killed.

Mr. LORD. I withdraw the bill.

TESTING MATERIALS OF BRIDGES, BUILDINGS, ETC.

The SPEAKER. The next committee under the call is the Committee on Manufactures.

Mr. CAMPBELL. Mr. Speaker, I have been directed by the Committee on Manufactures to move to suspend the rules and pass the bill (H. R. No. 4726) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduct useful rules therefrom.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint a commission of seven members, selected from among men skilled in the investigation, production, and use of metallic substances and other structural materials, to hold their appointment during the pleasure of the President of the United States, which commission shall plan and superintend the execution of such tests and investigations of materials used extensively in the construction of buildings, bridges, ships, and other structures, and machinery, as it shall think most important to be made, and from time to time publish results of the tests and investigations, and also such scientific principles and such practical rules deduced therefrom as it shall consider most useful. The said commission shall organize itself, and adopt such rules and make such assignment of duties among its members as it shall deem most promotive of the object of its appointment. Vacancies occurring from time to time in said commission shall be filled by the President of the United States.

SEC. 2. That the said commission shall report its work, with its results and the deductions made therefrom, annually, to the Secretary of the Interior; and its accounts shall be settled in the Interior Department, through such channels as the Secretary shall direct.

SEC. 3. That the members of said commission shall be entitled to mileage and other necessary expenses incurred in the prosecution of their duties, but no salaries as members of the commission.

SEC. 4. That the said commission is hereby authorized to appoint a principal expert, who shall personally conduct the examinations and tests which the commission shall direct, with such assistants and laborers as may be necessary, and also to purchase such material for test and investigation as may from time to time be required.

SEC. 5. *That manufacturers of iron, steel, and other structural material who may request tests of their productions shall file with the commission a full and detailed statement of the mode and process of manufacture of said production, also giving the name and character of each of the original ingredients and the proportion which the component parts entering into such production bear to each other.*

SEC. 6. That this act shall take effect immediately.

Mr. BROWNE. I demand a second on the motion to suspend the rules.

Mr. COX, of New York. This bill ought not to pass.

Mr. HOLMAN. I also demand a second.

The SPEAKER. If there be no objection the second will be considered as ordered.

Mr. HOLMAN. No; let us have a vote.

The SPEAKER appointed as tellers Mr. CAMPBELL and Mr. BROWNE.

The House divided; and the tellers reported—ayes 68, noes 45.

Mr. COX, of New York. I voted under a mistake, as I am paired with my colleague, Mr. HISCOCK.

The SPEAKER. The gentleman is to be the judge of that. The second is ordered.

Mr. BROWNE. Do I understand that less than a quorum is enough to order a second?

The SPEAKER. The point that no quorum voted has not been made. The Chair recognizes the gentleman from Pennsylvania, [Mr. CAMPBELL.]

Mr. CAMPBELL. I ask for the reading of the report accompanying the bill.

Mr. COX, of New York. I hope the gentleman will withdraw the bill, as it cannot pass.

Mr. CAMPBELL. Let the report be read.

The SPEAKER. It will be read in the gentleman's time.

The report is as follows:

The Committee on Manufactures, to whom was referred the bill (H. R. No. 4726) authorizing the President to appoint a commission of experts skilled in the investigation, production, and use of metallic substances and other structural materials, &c., submit the following report:

The object of this bill is the creation of a commission of experts to ascertain and make public the strength and other properties of materials used in structures upon a scale beyond that which can be carried out by private means, information rendered necessary by the requirements of the present and increasing developments of the future.

The work to be done is of the greatest importance. Its object is to secure information which will result in more economical construction, in increased safety for life, and in the more assured protection of much valuable governmental and private property now dangerously liable to accident and destruction.

In proportioning the parts of structures to resist the strains to which they may be exposed, constructors have heretofore necessarily been guided to a great extent by rules deduced from European experiments, comparatively few in number, differing in their character, in the methods of manufacture of the materials, and of their use from those of our own country; and in nearly every case made with specimens of small dimensions cut from the piece to be tested. The slight dependence placed on these rules is shown by the practice of our engineers, who have habitually proportioned their works to carry from five to ten times the strain which could come upon them, this large allowance being made to cover the existing uncertainty as to the actual strength of the materials in the forms and dimensions of practice. Recent experiments tend to show that the relative strength of materials in large pieces is less than that of the small specimens heretofore used for tests. This renders it probable that many structures in constant use do not possess the surplus of strength they were supposed to have, and also that many of the accidents involving loss of life and destruction of property are to be attributed to the lack of accurate knowledge of the materials employed.

These and many other considerations prove the necessity of testing materials of the full size of the members to be used in actual structures. Such tests, properly conducted, will enable the constructor to give his works ample and safe dimensions without that excess of weight which is sometimes in itself a source of danger and a limit to the capabilities of construction.

Everything which tends to the greater security of structures, of bridges, roofs, walls, floors, &c., is of direct interest to the general public, and is a fact so plain as to need no discussion.

The proposed commission would promote largely the interests of manufactures by indicating to them the value of different methods of obtaining strength, and, of still greater moment, securing uniformity in their productions.

Its work would affect the interests of the public by the economies it will promote. Bridges, warehouses, and other structures may be built not only of safer proportions but at diminished cost. During the year just passed some 80,000 tons of iron and steel were used in bridges, one-third of this being in forms in which the materials are proportioned solely upon theoretical considerations, not verified by experiments upon the actual scale of practice.

But the largest single user of materials of construction is the General Government. A hundred new public buildings will probably be erected during the present year, in the construction of all of which iron and steel will largely enter. The consumption of these materials in them will probably reach 25,000 or 30,000 tons. A more thorough knowledge of the characteristics of the materials and the methods for securing uniformity of quality might easily effect a saving of 10 per cent. upon this quantity, say $250,000 in the single year.

The science and practice of metallurgy are making great progress. New products are constantly brought forward, some of great value, and it is important to all industrial interests that their merits should be established at the earliest possible moment. There is, indeed, hardly a branch of industry which will not be benefited by a more thorough knowledge of materials, whether it be the armor, the frames, and the plates of our new Navy, the roof of a public building, the floor of an assembly-room, the long-span bridge, or the iron columns of the store-fronts that line our streets.

Among the many reasons why this commission should be appointed and maintained by the General Government are that the expense of making such investigations is too great to be borne by any but the most wealthy manufacturers. If made by such, or by private parties, they would remain unpublished, lest rivals should reap results; the large body of constructors who represent the interests of the general public would be deprived of any benefit from them. On the other hand, tests by manufacturers upon their own productions would never command that confidence which would be indispensable to their effective use.

Constructors, manufacturers, and users of all structural materials are deeply interested in the investigations to be made by a body of men, foremost in their profession, familiar with the processes of manufacture, with chemical analysis, and with the varied uses to which materials are applied, each one skilled in some special department of construction. Such a commission will command alike their confidence and that of the general public.

A testing-machine, said to be the best and most perfect ever built, is now the property of the Government, and is located in the Watertown Arsenal, near Boston. It has a capacity of 800,000 pounds, and is the only one in existence capable of testing and determining results on bars of the size which it is desirable to use in structures of such magnitude that it is important to use steel in them.

Mr. Ashbel Welch, of Lambertville, New Jersey, president of the American Society of Civil Engineers, at a recent meeting of the American Institute of Mining Engineers, said:

"I have been struck by the emphasis with which the confession is made that so little is known of the strength of the larger sized members constantly used in building structures of the magnitude which the present requirements of the country demand. * * * This is no disgrace, for with the means heretofore in use it was impossible to get the information required. A good preliminary step toward the acquisition of knowledge is to feel and frankly confess our ignorance."

Charles MacDonald, civil engineer, president of the Delaware Bridge Company, in discussing the same subject, said:

"It is safe to say that the recent fall of one of the most important bridges in the country would not have occurred if at the time of its construction the engineer could have tested full-sized sections of his material on such a machine as the Government now owns, at Watertown Arsenal.

* * * * * * *

"It would be possible to point out many other directions in which experimental knowledge is sadly needed, but if nothing else were done than to determine practically the laws which govern the strength of compression and tension members of bridges and the flexure of rolled beams, a very great advance would be made in our modes of construction, and a great safety would be assured to the hundreds of thousands of people who are constantly trusting their lives upon such structures."

E. D. Leavitt, jr., M. E., of Cambridgeport, Massachusetts, probably the greatest living authority on this subject, in discussing the question, said:

"Our knowledge regarding the strength and behavior of materials under strain is yet very limited. The best and most experienced constructors admit and lament this. In these days of high speed by railways and steamships, of long-span bridges and deep mines, engineers must know what materials will safely endure. Life depends upon it, and every means available for increasing and disseminating information on such a subject, which is of such vital consequence to all, should be provided.

"I freely acknowledge that I have learned more about structural materials through the tests made at Watertown during the last two years than in twenty-five years' previous experience."

Mr. O. Chanute, civil engineer, said:

"There is great uncertainty as to the actual strength of the bridges which we are daily erecting. Their strength is of course limited by that of the weakest part, but while we endeavor to make every part equally strong, as well as we know how, yet we are almost entirely ignorant as to what is actually the weakest part of a bridge of any magnitude, and of just where it would give way first, if loaded to rupture.

* * * * * * *

"The General Government is the proper party to institute and carry out the needed experiments, not so much because as has been claimed, the materials to be tested are American iron, steel, and other metals, but because there is need of general information, which no single other party is likely to obtain and make public.

The Government has the machine, it has abundant resources, and the manufacturers and engineers of the country, with universal good-will, stand ready to tender their aid and technical knowledge."

Alfred P. Boller, civil engineer, of New York, bridge and elevated-railway constructor, said:

"What so intimately affects the people in every household is worthy of the profoundest sympathy of the legislative powers, and the members of any Congress who grasp this subject as its magnitude and importance demand will live to see not only a great work performed in the interests of science and manufactures but also a web of protection thrown around every hearthstone in the land by removing, to a great extent, the ignorance and empiricism to which too many broken bridges, fallen buildings, and imperfect machines testify."

The committee are also in receipt of numerous communications from civil, mining, and mechanical engineers, and others, from various sections of the country, expressing views similar to those quoted, and urging early and favorable action upon this question.

Your committee, appreciating the magnitude and importance attached to this measure, report back the bill with an amendment, and recommend that it do pass.

Mr. CAMPBELL. I interrupt the reading of the report and ask it be printed in the RECORD. I yield to the gentleman from New York, [Mr. HEWITT.]

Mr. BAYNE. I hope we will have order, as this is an important matter and should receive the closest attention.

Mr. HEWITT, of New York. Mr. Speaker, if the report accompanying the bill in this case had been read, I think it would be necessary to say but very little in support of the propriety of this pending measure. It is known to most gentlemen here that a testing machine has been constructed and now belongs to the United States Government. This machine is at the United States arsenal in Watertown, Massachusetts. It is, perhaps, the most remarkable exhibition of mechanical ingenuity that has been produced in our time; and the inventor, Mr. Emery, has recently received from the machinist's charitable institution of Massachusetts the medal which they confer once in a long period upon the invention which is the most calculated to advance the interests of mankind. In other words, the machine in question has received the highest honor that it is possible to confer in this country at the hands of those who are competent to judge of its merits.

Now, the machine in question is kept in operation for the purpose of making sporadic tests, if I may use the language, of such specimens as may be sent to it by private individuals who desire to get information as to the strength of the materials they propose to use. But what is wanted is a systematic regulation and organization of these tests. The Society of Mechanical Engineers, the Society of Civil Engineers, and the Society of Mining Engineers, the three great practical scientific bodies of this country, have unanimously recommended the appointment or establishment of a commission for the operation of this machine, with a view to get full details or definite and systematic results. It has already achieved very great results, results of enormous value to the country, and there is not a bridge built in the United States nor a structure of any considerable consequence erected in which the tests and the results obtained from the use of this machine are not practically employed.

In the interests of human life—the safety of life—in the great architectural structures and operations of this country, the result of this machine, from the examination of material, has been absolutely essential in order that we may protect the public from unseen danger. More than that, the Government of the United States is itself a very great consumer of iron for structural purposes—the largest on the continent. We are expending millions of dollars annually for public purposes, and are to engage now in the building up of a new Navy. Now, the saving of one-tenth of 1 per cent. in the weight of metal in one of the vast structures of this country would pay all of the expenses of this commission and the continuance of these tests for a generation. Therefore, as a measure of economy this provision ought to be adopted; not only, I say, as a measure of safety in the interest of human life but absolutely a question of practical economy itself.

It is a curious fact, Mr. Speaker, that while in Europe—Great Britain, France, Sweden, Germany, and Austria—experiments of this kind have been made in order to determine the strength of materials used in building; this machine of ours, invented by a man who had never seen one of their machines, has corrected their data and led to large economy, and the eyes of the scientific world are upon the results. I for one trust that the House may rise to the importance of this question and put this thing in a shape in which the great opportunity may be realized, and the vast results which will sum up into millions and hundreds of millions of dollars in the course of a century, results obtained from the operations of this machine, may be accomplished and utilized by the adoption of such a measure as this.

Mr. CONVERSE. I desire to occupy the time for a minute or two on the opposite side.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] is recognized to control the time in opposition.

Mr. BROWNE. I will yield to the gentleman from Ohio such time as he may desire.

Mr. CONVERSE. I desire only a few minutes. I appreciate, Mr. Speaker, all that has been said by the gentleman from New York upon the subject of these tests of iron and steel; but the most important fact bearing upon this bill he has not mentioned in his remarks, and that is that this machine for which he speaks so eloquently is in use at this time, and has been for the last two years.

Mr. HEWITT, of New York. I so stated.

Mr. CONVERSE. Why, then, do you want a board or commission to work it?

Mr. HEWITT, of New York. Because, as I stated, the experiments now being made with it are sporadic and should be systematic.

Mr. CONVERSE. They are not sporadic by any means. We made an appropriation two years ago of ten or twelve thousand dollars for this purpose and have inserted another item for the same purpose in a recent appropriation bill; and the men who are working the machine and making experiments are the most skillful in the United States. They are detailed from the Engineer Corps of the Army. The Government pays no additional salary to these men. They are all paid from the Army appropriation and are detailed to perform this duty. There is already a report, which has come in within the last few days from this board, and I hold in my hand a pamphlet of five or six or seven hundred pages giving the details of experiments made by this board within the last two years.

Mr. HEWITT, of New York. Now, will the gentleman from Ohio, who I know does not want to misstate, permit me to say those are the experiments made by the commission which expired, and not by the engineer officers? The gentleman is entirely in error.

Mr. CONVERSE. The gentleman from New York is entirely mistaken. The appropriation was made on my motion two years ago; and that appropriation bill requires the experiments to be made in industrial interests; not for purposes of war but for purposes of industry; and these experiments have been going on under that appropriation.

What the gentleman from New York alludes to is this: there were a few experiments that were not completed by the commission. Those experiments which were begun and not completed by the commission which expired two or three years ago have been carried forward by this board.

Mr. HEWITT, of New York. The gentleman does not want, I know, to misstate. Will he read this report——

Mr. CONVERSE. What the gentleman is refetring to is the first part of the report.

Mr. HEWITT, of New York. The gentleman ought to inform himself.

Mr. CONVERSE. And certainly the gentleman from New York ought to inform himself. I say this report was made by the commission which was raised on my motion.

Mr. HEWITT, of New York. I beg the gentleman's pardon. It was a commission raised before the gentleman was in Congress.

Mr. CONVERSE. The gentleman is mistaken; that is all there is about it. The commission expired before I came into this House, three years ago, and on my motion $10,000 were appropriated, and these military officers were required to go forward and make their experiments in iron and steel for domestic use. That board has been at work for two years, and they completed the experiments which were begun, it is true, by the commission, and they have added tests since these experiments which are brought forward in this report. And these men have material for another report as large as this one which I have exhibited. These experiments are being made, and as carefully made as they could be by a commission.

This bill proposes to raise a commission of seven or eight men to rove all over the country at the public expense, employ chemists, &c., and be as expensive as the old commission was. I cannot state now exactly what that old commission did expend, but the law was repealed because it had become so expensive, while the results which had flowed from the expenditure were so few.

Mr. HEWITT, of New York. They expended $50,000, and here is one volume of the results.

Mr. CONVERSE. If that is the volume it is the first volume published, two years ago.

Mr. HEWITT, of New York. No, sir.

Mr. BROWNE. I cannot yield further to this controversy.

Mr. CONVERSE. I know I am trespassing on the time of the gentleman from Indiana, [Mr. BROWNE.] I will only repeat there is already a board required by law to make these experiments. I repeat it has been in operation for the last two years and these men have been engaged daily and weekly in the business; and there is no necessity of duplicating that board.

Mr. HEWITT, of New York. Allow me to say there is no board at all. This is being done by Colonel Laidley, who is an Army officer and not an engineer officer.

Mr. CONVERSE. That is what I said. He is detailed by the President for this work.

Mr. HEWITT, of New York. Colonel Laidley is commandant of the Watertown Arsenal, and in the regular performance of his duties conducts what experiments are conducted; and there is no board.

Mr. BROWNE. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. CANDLER. In opposition?

The SPEAKER. Yes.

Mr. CANDLER. I should like to speak in favor of the bill.

The SPEAKER. There are seven minutes remaining for debate in favor of the bill, which are controlled by the gentleman from Pennsylvania, [Mr. CAMPBELL.]

Mr. CAMPBELL. I yield to the gentleman from Massachusetts, [Mr. CANDLER.]

Mr. CANDLER. It seems to me it is a question of scientific engineering and mechanical authority as to the value and real merit of this bill. I am not a member of the committee, but I have been appealed to by some of the ablest and most scientific and public-spirited engineers in this country to advocate this bill as not only in the interest of science but in the interest of the safety of the people and of the industrial development of the country, so far as metals are concerned, in constructing bridges, boilers, warehouses, and ships.

I wish to say I sustain the position taken by the gentleman from New York [Mr. HEWITT] that this great machine is almost lost to the public. To support the position which I take, and which he has taken, I shall read from a letter from a distinguished engineer in Massachusetts, the engineer who was appointed by the State and successfully completed the Hoosac tunnel, that cost the State of Massachusetts about $17,000,000. I think his opinion, the earnest request which he makes, will have a stronger influence on this House as an authority than anything I can offer. He writes to me:

The bill—

This bill which is before the House—

was proposed by the American Society of Civil Engineers, in connection with the American Society of Mechanical Engineers and the American Institute of Mining Engineers, and provides for the appointment of a commission of scientific experts to test metals and materials used in construction.

And when the members of this House realize that to-day ships, bridges, and warehouses are continually constructed of metals, and this engineer states that "the new processes brought into use for making steel and refined iron within twenty-five years render useless all former tests;" when gentlemen realize that, and that every time they and the people who look to them for wise legislation pass over the water or the land in steamships or on a railroad, their safety and their lives depend on a proper construction of the iron vessels and the iron bridges which they are to use, they should feel it is time, when the engineers of this country believe that the past experience under old processes with the new processes is valueless, that the intelligent Congress of the United States should listen to their request, and appoint a commission, which is not a salaried commission, but a commission of experts, under the control of the President of the United States, to pursue systematic and thorough investigation and prove what the metals are worth for construction to-day.

It will be noticed that the bill covers two points; the first is the test of metals, and the second is the use of a machine which the Government owns and which is the best machine in the world. Whatever may have been said here to-day by others as to its use, I say it is at this moment practically idle at the arsenal at Watertown. I read again from the letter of Edward S. Philbrick, one of the distinguished engineers in New England to whom I have referred:

The machine belonging to the Government now at Watertown Arsenal is lying nearly idle, but might be made of great use to the community by a properly organized system of tests. Private parties can use it now, but the information they obtain is only a drop in the bucket and is their own property, not available for public uses. Engineers want to know what the new metals are to be depended on in various shapes and sizes. The information can only be obtained by a well-studied and systematized series of tests on full-sized specimens, by means of which we shall be enabled to use the metals economically, safely, and efficiently. We are now groping in the dark while the best apparatus in the world is lying comparatively idle for want of such organized action. Pray give this bill your favorable attention.

I submit the statement of this engineer against the statement of the gentleman on the other side. You have also in this report of the committee the statement of probably the best expert on metals in the world, so recognized by all, and he asks that this bill may be passed and this commission appointed—E. D. Leavitt, jr., civil engineer, of Cambridgeport, Massachusetts. He says:

Our knowledge regarding the strength and behavior of materials under strain is yet very limited. The best and most experienced constructors admit and lament this. In these days of high speed by railways and steamships, of long-span bridges and deep mines, engineers must know what materials will safely endure. Life depends upon it.

It seems to me that it is but a meager provision to carry out a proper system of tests when you recognize the advance that has been made in the use of metals and the importance of a knowledge of them. We ought not to hesitate to appoint at the call of the most scientific men of this country a commission under the control of the President, which commission asks no salary and only asks that their expenses be paid. It is not an extravagant or unreasonable proposition. Can we justify our action if we do not listen to the appeal that comes to us from them? It is a warning as well as an appeal that demands consideration.

Allow me to say that there are scientific men in this country who, when they advocate this measure, do so with a full consciousness that they have a reputation at stake. There is no humbug and no selfish purpose about it. There are scientific men who seek for knowledge with a patriotic and public-spirited purpose.

I believe that there can be passed no bill of this kind that can be of more service to the people, more important for their safety, or of more advantage to the development of our mining interest, our manufacturing, our building, and our refining processes, than this same bill. It is an advanced step in the right direction.

Let us send out through experiments upon this machine, which is acknowledged to be the best in the world, the information the people want. Let us prove all that we can and hold fast to those things which we find through these scientific tests to be true. I believe it is a first-rate measure, and I hope it will pass.

Mr. BROWNE. There are always distinguished scientists who have a patriotic inclination to scientific research, but who always seem to desire that their patriotism be supported by an appropriation out of the Treasury.

Mr. CANDLER. Not for a salary.

Mr. BROWNE. I shall not say that the Congress of the United States may not appoint a commission of the kind contemplated by this bill. But evidently the gentleman who advocates it so warmly has never read it.

Mr. CANDLER. The gentleman has read it very carefully.

Mr. BROWNE. Then I desire to say that he has read a bill of the most imperfect character. In the first place, it provides for the appointment of a commission for the purpose of making certain tests in metals, with a view to ascertaining their strength, &c. It provides that these scientists shall from time to time make reports.

Mr. CARLISLE. Allow me to suggest to the gentleman from Indiana [Mr. BROWNE] that the tests are not to be confined to metals; they can test woods, any structural materials whatever.

Mr. BAYNE. The bill is all the better for that.

Mr. BROWNE. First, they are required to make a report. I ask the gentleman to tell us to whom the report is to be made, how often it is to be made? How is the report to be secured? In what manner is the report to be paid for?

Mr. CANDLER. Will the gentleman allow me to suggest that if he will read the second section of the bill he will find that the commission is to report annually to the Secretary of the Interior.

Mr. BROWNE. That had escaped my observation.

Mr. CAMPBELL. Who is it now who has not read the bill? [Laughter.]

Mr. CANDLER. Allow me to suggest that I think the gentleman himself has not read the bill.

Mr. BROWNE. I have read the bill carefully. I will put this question to the gentleman: At what time does the commission begin; how long does it continue, and when will it end?

Mr. CANDLER. It begins whenever any one goes there for tests, or whenever they can make them from time to time.

Mr. ROBINSON, of Massachusetts. And it continues during the pleasure of the President.

Mr. BROWNE. I know the President has power to fill vacancies.

Mr. ROBINSON, of Massachusetts. And that continues the commission.

Mr. BROWNE. The bill continues it without limitation.

Mr. ROBINSON, of Massachusetts. And was meant to do so.

Mr. BROWNE. It is assumed by the gentleman that this is to cost nothing.

Mr. CANDLER. Oh, no.

Mr. BROWNE. There are no salaries to be paid to this commission, but it is provided that they shall be paid their traveling and other necessary expenses; and there is no limitation as to the sum that shall be paid.

Mr. CAMPBELL. The members are not to receive any compensation.

Mr. BROWNE. I know; but they are to receive their necessary expenses; and beyond that they are authorized to employ an expert and laborers and assistants, and the expert and the laborers and the assistants are to be paid. They are authorized to purchase material of every description without limitation as to amount or cost. They are authorized to do all this. They are authorized to make their reports and authorized, in addition, to publish them, at the expense of the Government I suppose, although there is no sum specified in the bill from beginning to end that is to be paid either for expenses or experts or laborers or materials or for the publication of reports.

Mr. HUTCHINS. Will the gentleman allow me a question?

Mr. BROWNE. Certainly.

Mr. HUTCHINS. Could not these men run the country in debt to the extent of millions of dollars under this bill?

Mr. BROWNE. There is no limitation whatever as to the extent of the expenses, except the discretion of the commission itself.

Now, I assume, Mr. Speaker, notwithstanding what has been so well said by the distinguished gentleman from Massachusetts [Mr. CANDLER] that there is nothing in the objects of the bill or the purpose for which this commission is to be created that may not be as well done by private enterprise, if not better. I see no reason for the appointment of a commission the expenses of which are to be borne by the Government. To be sure, there may not be much money involved in this; but the tendency of our legislation is to commit almost every conceivable subject to a committee or a commission and to pay their expenses out of the public Treasury. It is only recently that it has been found necessary for the American Congress to engage in private enterprise at the public expense. I am opposed to a commission of this description. As the gentleman from Massachusetts [Mr. MORSE] who sits near me remarks, we have a liquor commission, a woman' rights commission, and I believe a tariff commission.

Mr. SPRINGER. You voted for the tariff commission, did you not?

Mr. BROWNE. We have had a silver commission; and I suppose

next we shall appoint a commission of lunacy. [Laughter.] How much time have I remaining?

The SPEAKER. Two minutes.

Mr. BROWNE. I yield one minute to the gentleman from Pennsylvania [Mr. BAYNE] who is in favor of this proposition.

Mr. BAYNE. Mr. Speaker, I think that the importance of this bill can scarcely be overrated. Private enterprise cannot make these tests.

Mr. HARRIS, of Massachusetts. Private parties have not the machinery.

Mr. BAYNE. No, sir; they have not the machinery. The gentlemen who make this proposition are men of the very highest character—as high as that of any gentleman in the country. The Society of American Engineers, that met here in the city of Washington a short time ago, adopted resolutions unanimously asking Congress to pass a bill like this. These gentlemen are as a rule men without much means. They have ability, science, culture, candor, and every other requisite to make fair, honorable, and just tests. It is for Congress to say whether this talent which has been cultivated in the colleges and schools of the country shall be utilized for great public objects.

If the action of this commission should not be satisfactory, it can be done away with at the will of the President. These are men of such high character that we know they will not abuse the trust confided to them; and when men of the best intellect, of the highest scientific culture come here and make an appeal of this sort, I respectfully submit that Congress ought to respect the appeal where it does not involve the expenditure of a large sum of money, and where it subserves a great public purpose.

Mr. BROWNE. I yield my remaining minute to the gentleman from Ohio, [Mr. CONVERSE.]

Mr. CONVERSE. Mr. Speaker, I desire merely to read the clause of the statute making appropriation for this very purpose last year:

For caring for, preserving, using, and operating the United States testing machines at Watertown Arsenal, $10,000: *Provided*, That the tests of iron and steel and other material for industrial purposes shall be continued during the next fiscal year, and report thereof shall be made to Congress.

Now, $10,000 is enough to buy all the material that needs to be tested in any one year. Men who are paid officers of the Government, men of skill and integrity, are making these tests with more care than they could be made if you appointed some politicians on this board. It is better to leave the matter just where it is. This course is in the interest of science; it is to the advantage of the iron interests of the country.

Mr. BAYNE. The iron interests do not think so.

Mr. ROBINSON, of Massachusetts. Politicians could never get on this board, for there is no salary.

Mr. CONVERSE. They will be very likely to get salaries before they are done.

Mr. BROWNE. They will get whisky and cigars.

Mr. SPRINGER. I ask unanimous consent that the bill may be modified by adding the following proviso:

Provided, That no purchases shall be made or liability incurred beyond the amount expressly appropriated for the purpose of carrying out the provisions of this act.

The SPEAKER. Is there unanimous consent that the bill be modified in the manner indicated by the gentleman from Illinois?

Mr. CONVERSE. I object.

The question being taken on the motion of Mr. CAMPBELL to suspend the rules and pass the bill, there were—ayes 67, noes 41.

Mr. BAYNE. No quorum.

Tellers were ordered; and Mr. BAYNE and Mr. BROWNE were appointed.

Mr. BROWNE. Would it be in order at this time to move that the House adjourn?

The SPEAKER. The House is dividing.

Mr. BROWNE. But there is no quorum.

The SPEAKER. That has not been ascertained in the proper way.

The question was taken; and the tellers reported—ayes 92, noes 55.

So (two-thirds not having voted in favor thereof) the rules were not suspended, and the bill was not passed.

ENROLLED JOINT RESOLUTION.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service; when the Speaker signed the same.

SALE OF OLD POST-OFFICE SITE IN THE CITY OF NEW YORK.

Mr. SHALLENBERGER. I am instructed by the Committee on Public Buildings and Grounds to move that the rules be suspended and the bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for a post-office in the city of New York be taken from the Speaker's table and passed with an amendment, to strike out "$500,000" and in lieu thereof to insert "$600,000."

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell at public auction in the city of New York to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of New York, the land and premises formerly occupied as the site of the post-office in the city of New York, lying upon Nassau street, between Cedar and Liberty streets, and known as the old post-office site; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $500,000, with power to reject any and all bids, and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof; and if he deems it best for the public interest he may subdivide said land into parcels and sell in such parcels.

Mr. GARRISON. I demand a second of the motion to suspend the rules.

The SPEAKER. If there is no objection, the second will be considered as ordered.

Mr. HOLMAN. I object. Let us have a vote on it.

The Speaker appointed Mr. GARRISON and Mr. BROWNE as tellers.

The House divided; and the tellers reported—ayes 83, noes 30.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The tellers will resume their places.

The House further divided; and the tellers reported—ayes 113, noes 35.

So the motion to suspend the rules was seconded.

Mr. TOWNSHEND, of Illinois. I rise for the purpose of discussing this bill.

The SPEAKER. The gentleman does not control the time.

Mr. TOWNSHEND, of Illinois. But fifteen minutes are allowed on each side for debate.

Mr. GARRISON. I will yield to the gentleman from Illinois.

The SPEAKER. For how long?

Mr. GARRISON. Such time as he wants.

Mr. TOWNSHEND, of Illinois. I am governed, Mr. Speaker, by one motive only, and that is to secure the proper value for this property belonging to the Government. I desire that it shall bring a fair price and that is all I desire. I wish to put the Government in a position where no combination can force the sale of this property except for its just and proper value. I do not think any honest representative of the people should break down any safeguard and risk in the sale of this property its sacrifice for a much lower price than it ought to bring.

The Government is not so poor that its property must be forced under the hammer at such figure as it will bring. We have the fact staring us in the face in respect to the sale of this property that holding it for four years its price has run up from $150,000 to $500,000. It was then proposed to sell it for $150,000, and holding it for four years the Government has gained $350,000. The Committee on Public Buildings and Grounds is willing now to fix the minimum price at $600,000, or an additional gain of $250,000.

It was said the other day, Mr. Speaker, when the bill was attempted to be taken from the Speaker's table and passed with a minimum of $500,000, that that was all it would bring in the market, and yet the Committee on Public Buildings and Grounds now come in with a proposition to increase the price to $600,000.

It was stated on the floor by Representatives of the city of New York that this property is regarded as worth $1,250,000. So far as we have any evidence of its value, it is shown that it is worth a million of dollars. If the opinion of those in New York who are competent judges of New York real estate is to be relied on, this property is worth from $1,000,000 to $1,250,000. I ask, in the name of justice and common sense, why we should fix the minimum at $600,000? All I ask is that the House will fix the minimum at $1,000,000, and I will then withdraw all opposition to the bill.

I have no other feeling in the matter than to get the best price we can. My constituents have an interest in that property as well as the constituents of the gentleman from New York, and I am here to protect their interests as well as the interest of the people at large. Feeling as I do, having the opinion of men capable of judging, men of the highest character and of the best judgment, I do not think we ought to fix the minimum lower than $1,000,000.

Then I insist that that guard should be placed around the sale of the property. But gentlemen say, "Why would you insist upon fixing the minimum value at such a large sum if this is to be sold at public auction?" They say a minimum sum is fixed in the bill and there will be no chance for combinations, but that the property will bring its full value. That is the argument? But what are the circumstances under which they are proposing to make this sale? You require in the first place that it shall be sold for cash. In the second place you put a provision in this bill by which you place in the Secretary of the Treasury discretion to sell it in one lot. Now, Mr. Speaker, let me ask gentlemen here conversant with business affairs in New York how many men there are who would be willing to come in and buy a piece of property of that character, with a minimum fixed at even $600,000, if required to pay cash down for it? There is only one combination that I have any knowledge of in New York, and that is the Chamber of Commerce, who, I understand, have been investigating the subject of purchasing it.

I think it only right and just to the people of this country and to the Government that that property should be sold in such a manner as to bring the very best price of which it is capable, and that it should be sold on time. But suppose you put into this bill a command upon the Secretary of the Treasury requiring him to sell it in lots. If he finds that the aggregate sum derived from the sale of the property by lots will amount to more than if he sells it in bulk

then he should be compelled to accept the tenders made to him for certain portions of the property. All I desire to say now, however, in the brief time given to debate is simply this: that if gentlemen will fix the value of this property at a fair price I for one will not oppose the passage of the bill.

Mr. SINGLETON, of Illinois. Will the gentleman allow me to interrupt him for a moment?

Mr. TOWNSHEND, of Illinois. I have but a few moments.

Mr. SINGLETON, of Illinois. I am sure my colleague does not mean to misstate the facts. The bill, of course, authorizes the Secretary of the Treasury to sell at a higher price. Of course he is not limited as to the manner of selling; he may exercise his discretion.

Mr. TOWNSHEND, of Illinois. I know it leaves it discretionary with him; but I do not wish to leave it discretionary with him. I want to put it in such a position that the Government will derive the greatest value from it; and, further, I am informed that we are now paying $110,000 rent per annum.

Mr. VAN VOORHIS. One hundred and thirty thousand dollars.

Mr. TOWNSHEND, of Illinois. Or $130,000, as my friend from New York [Mr. VAN VOORHIS] suggests, as rental for property used by the Government there outside of what it owns itself.

Mr. SINGLETON, of Illinois. Well, we had the figures before the committee, and I can tell the gentleman he is mistaken.

Mr. TOWNSHEND, of Illinois. My friend [Mr. VAN VOORHIS] says the amount of rental paid there now for Government purposes is $130,000 per annum.

Mr. SINGLETON, of Illinois. That is not borne out by the examination of the committee.

Mr. TOWNSHEND, of Illinois. But whether that statement be entirely accurate or not, it must be apparent to everybody that the only way to dispose of this property is in that manner that will produce the best results for the people of this country; and if we do sell this property, there will be a clamor after a while from that city for the purchase of ground on which to erect some other public building, and then we will be compelled to pay a vastly increased sum for it. I reserve the remainder of my time.

The SPEAKER. The gentleman has nine minutes remaining.

Mr. TOWNSHEND, of Illinois. I yield two minutes to the gentleman from New York, [Mr. VAN VOORHIS.]

Mr. VAN VOORHIS. It seems to me that there is no necessity for selling this property at this time. There is no business demand for the sale. The Government is not in such need of money that it should sacrifice this property. The Government is paying, as I am told, now rent for buildings which are other than those belonging to the Government of over $130,000 a year.

Mr. SPRINGER. Who says that?

Mr. VAN VOORHIS. I am informed by gentlemen who have examined the records in the Treasury Department. I do not vouch for the correctness of the statement, but I have no doubt of its correctness. It is stated in the committee's report that three years ago the rents paid by the United States Government in New York were $140,000 a year.

Mr. HUTCHINS. There is nothing like that amount paid.

Mr. SPRINGER. The committee have had all the facts before them, and I understand that they do not find any such figures.

Mr. McCOOK. The only mistake the gentleman makes is $100,000 a year, that is all.

Mr. VAN VOORHIS. Why should we be paying these large rents in New York when we have a piece of property that we can utilize without paying any rent at all? If we sell it it will be but a year or two before we will have to buy something there to build on, and when you go into the market to buy this property the Government will have to pay $2,000,000 to get it.

At the beginning of this business the Government received an offer from somebody of $200,000 for this property. It was afterward increased until it got up to $300,000; then it went up to $400,000; then to $500,000, and now we are told we can get $600,000 for it. That is not one-half of its value. There is nobody, so far as I know, Mr. Speaker, that desires to have the Government sell this property except those who want to buy it. [Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I now yield two minutes to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. I only rise to ask if the Government has had any appraisal of this property from any gentleman who has investigated it?

Mr. SINGLETON, of Illinois. Mr. Speaker, I reply to my friend from Texas by saying that the Committee on Public Buildings and Grounds have investigated the question by calling before them the best men competent to judge of the matter in the city of New York and the members from the city of New York, and we have had no one before us except the present lessee of the property who objected to the sale. Nobody has estimated it at an amount exceeding that fixed as the limit in the bill.

Mr. MILLS. Six hundred thousand dollars?

Mr. SINGLETON, of Illinois. Yes, sir.

Mr. RUSSELL. How much is that a foot?

Mr. SINGLETON, of Illinois. I cannot say precisely at this moment.

Mr. ATHERTON. From whom does the estimate come?

Mr. SINGLETON, of Illinois. From such men as John E. Devlin, who have estimated a much less sum than that.

Mr. ATHERTON. By whom were these witnesses produced?

Mr. SINGLETON, of Illinois. They were produced at the request of the committee.

Mr. MILLS. I resume the floor. It seems to me if gentlemen would act in a business way about this they would authorize by a joint resolution or act of Congress a board of appraisers to go and appraise that property at its present cash value, and then we can intelligently understand how to put the property on the market for sale. Nobody now knows what is its value. Some time ago they were proposing to authorize it to be sold at a minimum of $200,000. Then it was put at $300,000; then at $500,000; and now it has got up to $600,000. If we were providing for the sale of the property a year or two ago at a minimum of $300,000, if it is now worth more than $600,000, we were legislating very foolishly, it seems to me. This is a business transaction and it should be treated in a business way. The Government should ascertain from some of its duly appointed officers—not men who want to buy the property—what the cash value of that lot and house is to-day, and then Congress should fix a minimum corresponding to that report.

Mr. SPRINGER. Will the gentleman from Texas [Mr. MILLS] allow me to ask him a question?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. TOWNSHEND, of Illinois. I reserve the remainder of my time till I hear the opposite side.

Mr. SHALLENBERGER. I yield three minutes to the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. ROBINSON, of Massachusetts. This question has been before the House on other occasions and I have listened to hear what was the ground of objection to what is here proposed. If it is granted that the United States has real property in New York that is not needed at all, and not likely to be needed, it is certainly good economy to sell it if we can sell it for what it is worth. Now, how shall we find that out? The ordinary way is to sell at public auction.

I understand this bill provides for the discretion of the Secretary of the Treasury. I presume he is to be relied upon. Everybody seems to rely on his honor and good faith and judgment, and rightfully, too. The sale must be advertised. That is specifically provided in the bill. All the safeguards are there. And, as I understand, the public auction is to be had in New York. Now, I think it is very safe to assume there are people enough in New York City to make competition for the property so that it will be sold for its fair value. There is talk as if a ring will be got up, by which all the moneyed men of New York City who might otherwise buy will be in some way controlled.

I have been informed—if it is not the fact I will withdraw the statement—that some man of the name of Conant now rents that property at $12,500 a year and sublets it so that he makes $15,000 or $20,000 a year. If that be the fact he would have a very large interest in the matter, so as to induce him to persuade members of Congress, if he could, to interpose objections.

Mr. TOWNSHEND, of Illinois. If Mr. Conant gets it at a cheaper rent than he ought to get it, why does not the Secretary of the Treasury take it out of his hands and rent it to some one who will pay a higher rent?

Mr. ROBINSON, of Massachusetts. It is understood that is all the Government can rent it for.

Mr. VAN VOORHIS. And why does not the Government use it instead of paying large rents elsewhere?

Mr. ROBINSON, of Massachusetts. I understand it is not valuable for the purposes of the Government. There is a minimum put in here, and gentlemen say the committee are shifting ground as to that. I am not on the committee, but I say there is no shifting of ground. Somebody said unless you raise it to a certain minimum price we will object; and suppose the minimum was raised to a million, there would be objections still.

In other words it may be the policy of some parties to prevent any sale whatever that somebody may get the profit that Mr. Conant is evidently getting.

Mr. TOWNSHEND, of Illinois. The Government has made $300,000 by holding on to the property for four years.

Mr. ROBINSON, of Massachusetts. If this property is worth so much as it is said, it is not to be supposed that it will not be sold for something near its worth merely because somebody suggests that after it is advertised in all the papers nobody will come to buy it, but all will stand off and allow a ring to control the sale.

Mr. SHALLENBERGER. I yield now five minutes to the gentleman from New York, [Mr. HEWITT.]

Mr. McCOOK. I ask the House to listen attentively to my colleague, [Mr. HEWITT,] who was absent when this bill was formerly under discussion.

Mr. HEWITT, of New York. First, as to the grievance which the city of New York is under. Here is property upon which jurisdiction has been relinquished and which is not subject to taxation. If it is required for Government use, then there is no grievance; but if it is not required for Government use and is rented out for revenue, then the city of New York is deprived of its lawful taxes upon this

property, and all the Government makes in the way of rent, while the value is rising, is money improperly taken from the treasury of the city of New York. That is the first thing.

Secondly, as to the misapprehension which prevails on the part of gentlemen. They seem to think that property put up at auction in the city of New York might not find bidders, for so much money as a million of dollars would be difficult to raise. To a New Yorker that is simply absurd and ridiculous. A hundred millions of dollars could be raised on one hour's notice for a real-estate transaction in New York on which the buyer could make 2½ per cent.

If this property is put up at auction the dealers in real estate and the great capitalists in New York will be there to buy, and it will be absolutely impossible to prevent the property from bringing a fair price. When gentlemen talk about the Government having made money by raising this limit of value that is all ridiculous nonsense. A limit of $100,000 is just as good as a limit of $600,000; and when the limit was put at $200,000 the property would have brought $1,000,000 just as quickly as it will to-day, if it is worth that amount of money. The limitation is merely the upset price and does not gauge the value of the property at all. No one knows what it will bring; but one thing is certain, it will bring more if sold as a whole than if divided up and sold in parts.

Mr. VAN VOORHIS. Who is urging the sale of this property?

Mr. HEWITT, of New York. I am urging it as the Representative of my city; and every Representative from the city of New York is urging it. And we are met here by one single man, Mr. Conant, who has been able to block the wheels of Congress against the unanimous judgment of the delegation from New York City.

Mr. TOWNSHEND, of Illinois. Is the gentleman aware that two weeks ago the gentleman from New York [Mr. COX] and the gentleman from New York [Mr. ROBINSON] opposed the passage of this bill?

Mr. HEWITT, of New York. Mr. ROBINSON is not a Representative from the city of New York; he is from the city of Brooklyn. As to Mr. COX, he admitted to me in conversation after I returned to this city that he had no proper idea of the value of this property; that he merely desired to see the sale properly made. He admits now that this bill is properly guarded. The change of limit to $600,000 has been made at his request. I went to the committee to have the limit made in order that the scruples of Mr. COX in that particular direction might be met. I wish he was here at this time to make the statement for himself.

But I want to say that whether you put the limit at $600,000 or at $100,000 will make no difference as to the amount which this property will bring when sold. And now as regards the value of this property. I am a judge of this sort of property, let me say, for when I was a young man, and "poor and a subject of charity," I delivered my first speech in this old church building, and I know something about it. [Laughter.]

I will say that in my judgment $600,000 is as near the extreme limit of the value of this property as I can possibly make it. I have some doubt whether it will bring $600,000, but I think it will.

A piece of property directly south of this, one block nearer to Wall street, comprising one-half of the block, with a six-story marble building upon it, was sold two months ago for $360,000. The building alone on the property is worth at least $200,000.

Mr. HUTCHINS. Allow me to correct my colleague; it was sold for $462,500.

Mr. HEWITT, of New York. I will correct my statement; it was sold for $462,500.

Mr. TOWNSHEND, of Illinois. On what street was that property?

Mr. HEWITT, of New York. On the same street with this property, but one block farther south; on the corner of Pine street. I know about the value of the building, because I myself furnished a part of the materials used in the construction of that building. And I say that a similar building could not be put there to-day for less than $250,000, which would leave the ground to be worth $200,000.

Mr. TOWNSHEND, of Illinois. How much ground?

Mr. HEWITT, of New York. The block is exactly the same length and exactly the same front as this; but half the front was sold.

Mr. HUTCHINS. That piece of property was 70 feet front; the post-office lot is 170 feet.

Mr. TOWNSHEND, of Illinois. A hundred feet more.

Mr. HEWITT, of New York. A hundred feet more front of ground, but the building is one of the very finest class of buildings built within the last seven or eight years.

Mr. TOWNSHEND, of Illinois. Does not this post-office building front on three streets, whereas the other fronts on only two?

Mr. HEWITT, of New York. The other fronts on but two streets, because, as I said, but half the block was sold. The price at which that property was sold indicates that $600,000 is too high for this property. But I think this property will bring $600,000, for the reason that a large block of ground not built upon is to-day regarded in New York as more desirable than one that is improved, because the purchaser of it can improve it as he may desire.

Now, it is said that the Government should retain this property because it rents so much property in the city of New York. It is true the Government rents other property there, but for purposes for which this property is not at all suited. If the Government wanted this property to use in the way in which it uses property it rents, then it ought to keep it. But the property which it rents is used mainly for storage purposes, and this property is too valuable for use in that way.

I should be unwilling that the House should be misinformed as to the real facts in this case. I say to the House that it is not in the power of man to prevent this property from bringing all it is really worth at public auction. If there be any ring about the matter, any hugger-muggery about it, the Secretary of the Treasury is authorized to set aside the sale, and he is a man whom we all in the State of New York are willing to trust, whether we are Democrats or Republicans.

Mr. SHALLENBERGER. I would inquire of the Chair how much time I have left.

The SPEAKER. The gentleman has six minutes of his time remaining.

Mr. SHALLENBERGER. I will yield three minutes of my time to the gentleman from New York, [Mr. HUTCHINS.]

Mr. HUTCHINS. When the bill was before the House some weeks ago I took no part in the debate. Since that time I have informed myself concerning the facts of the case, and I am ready to vote for the bill as now amended by the committee. I have had knowledge of this property for forty years. During several years I had an office opposite to it. It was formerly a church, but was purchased by the Government about the year 1861 and changed into a post-office. Since the time it ceased to be needed for this purpose, it has been rented by the Government.

I can conceive of no purpose for which it can be now profitably used by the Government. It is not needed for a site for a post-office, a building in which courts may be held, or for Government offices of any description.

The gentleman from Illinois [Mr. TOWNSHEND] stated that the bill provided that the property should be sold for cash. In this he is mistaken. There is no limitation in that respect. The Secretary of the Treasury may sell it upon credit—upon such credit as he may be pleased to give.

Mr. TOWNSHEND, of Illinois. I beg my friend's pardon; I think the gentleman from Pennsylvania [Mr. SHALLENBERGER] himself will correct the gentleman from New York on that point. The bill does contemplate the sale for cash.

Mr. HUTCHINS. There is no provision of that kind in the Senate bill now before us.

Mr. TOWNSHEND, of Illinois. The reading of the bill will convince my friend from New York that the sale must be for cash; and I believe my friend from Pennsylvania will confirm this statement.

Mr. HUTCHINS. If it would not be taken out of my time I would pause to allow the bill to be read.

The SPEAKER. It cannot be read except in the gentleman's time.

Mr. HUTCHINS. I presume we can have the bill read again before voting upon it. I am satisfied an examination of it will show the gentleman from Illinois that he is mistaken.

Besides there is in the bill a provision that the Secretary of the Treasury may reject all bids. If the property does not bring as much as he thinks it ought, he has power to reject all bids, readvertise it, and offer it for sale again and again until it brings such price as he thinks it is worth.

Mr. Speaker, I took occasion to send an inquiry as to the value of this property to E. H. Ludlow & Co., who, as every member from New York City knows, are real-estate auctioneers in the city of New York doing an extensive business. They are men whose statements may be implicity relied upon, and who I am confident would have no interest in the purchase of the property. I have learned from them in reply that they fix the value of the property at $600,000.

[Here the hammer fell.]

Mr. SHALLENBERGER. I have now three minutes remaining. I propose to yield one minute to the gentleman from New York, [Mr. MCCOOK,] one to the gentleman from Illinois, [Mr. SPRINGER,] and retain one for myself.

Mr. MCCOOK. Mr. Speaker, on a recent occasion when this bill was before the House I expressed my opinion in regard to its merits; and I am very glad that to-day two of my colleagues from that city, or practically from that city, one residing there, and one a short distance to the northward, [Mr. HEWITT and Mr. HUTCHINS.] have verified what I said in regard to the character of the bill and its justice. It comes before the House with the unanimous support of every member of the House from the city of New York—six Democrats and one Republican. I have never pretended to have any personal knowledge with regard to the value of this property. My views were based upon what I heard from men who were before the committee, real-estate owners or experts as to the value of property in New York City. I simply wish now to say that I believe it would be a gross piece of injustice to the city of New York if we should refuse to dispose of this property under the bill. So long as it remains in its present condition, the city of New York is deprived of between $40,000 and $60,000 of taxes from the property, which, when improved will probably be worth a million or a million and a half of dollars.

I wish also to correct a mistake which has been made here with regard to the amount of rent paid by the Government in the city of New York. My colleague from the northern part of the State [Mr. VAN VOORHIS] stated the amount I believe at $100,000; but the evi-

dence before the committee showed conclusively that it did not exceed $33,000. [Here the hammer fell.]

Mr. SPRINGER. Mr. Speaker, I am in favor of the passage of this bill. It is well known and admitted that the Government does not need this property. The true test, then, whether the Government should sell it or not, is whether the Government, if it did not own it, should buy it. Is there a gentleman on this floor who would propose that the Government should buy this property now, if it did not own it?

Mr. SINGLETON, of Illinois. And did not need it.

Mr. SPRINGER. Yes, sir. Now if you apply this test what gentleman upon this floor would vote to buy the property? The Government has no use for it; and if, supposing it did not own the property it would not buy it, we ought now to sell it and let it pass into the hands of those who can use it for business purposes.

As to the value of this property, I am willing to take the opinion of the gentleman from New York [Mr. HEWITT] as against any commission or board that we might organize for the purpose of appraising it. If gentlemen representing the city of New York on this floor are not competent to judge of the value of this property I do not know where we can go to find competent men. I am willing to take their statements; and as they represent the views of their people, we ought not to go against their wishes in a matter of this kind.

[Here the hammer fell.]

Mr. SHALLENBERGER rose.

Mr. TOWNSHEND, of Illinois. As I have reserved five minutes of my time, I should be glad to use that time now; and the gentleman from Pennsylvania [Mr. SHALLENBERGER] when he takes the floor may reply to me.

Mr. SHALLENBERGER. Very well.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I do not desire that anything shall be done unfairly in regard to this matter. I am governed by no other motive in the question than regard to the public interest.

I am perfectly willing to take the opinion of the gentlemen from New York who advocate the sale of this property, and concede to them pure and honest motives, and I only ask the same motives shall be attributed to myself. I have no objection to the sale of this property and all I insist upon is that it shall not be offered for less than its fair cash value. A valuation has been placed on the property by good and honest men of from $1,000,000 to $1,250,000. And I stood on that property in the city of New York four years ago in company with an ex-Secretary of the Treasury, a man whose word is synonymous with honesty and truth throughout the land, and he told me then the property was worth at least $1,000,000. Now, Mr. Speaker, Mr. HEWITT, of New York, says this property has not grown in value during that four years——

Mr. HEWITT, of New York. I beg the gentleman's pardon; it has grown in value.

Mr. TOWNSHEND, of Illinois. It must necessarily grow in value every day. It is in the heart of the business part of New York City. It is within two blocks of Wall street. It is within two blocks of the Stock Exchange. The property is growing in value every day. Everybody familiar with the locality knows that there is not a spot of ground where property is growing more rapidly in value than this old post-office site.

A hue and cry is raised about some poor man living there. I am told he is there by the leave of the Secretary of the Treasury, and the Secretary can eject him whenever he pleases.

If Mr. Conant does not pay enough rent, then why does not the Government oust him?

Mr. SINGLETON, of Illinois. Does my colleague believe when the General Government has acquired property for a specific purpose and has ceased to use it for that purpose that it should continue to hold it forever?

Mr. TOWNSHEND, of Illinois. I have no time to answer my friend. I wish to come to the gentleman from New York, [Mr. MCCOOK.] He says that the city of New York loses $60,000 a year in taxes on this property because it is Government property. What does that teach us? The gentleman no doubt is stimulated by his desire to advance the interest of the city of New York, but let me call attention to the fact that when the gentleman says the city of New York loses $60,000 of tax on this property every year that is an evidence this property is worth $3,000,000, for the rate in New York is 2 per cent., and 2 per cent. on $3,000,000 would only produce $60,000 a year the amount of tax he says is lost by the city of New York by this being Government property.

Mr. HEWITT, of New York. Then they would put a building on it costing $3,000,000.

The SPEAKER. The gentleman from Pennsylvania has one minute left.

Mr. SHALLENBERGER. Mr. Speaker, this is a piece of Government property in the city of New York which has not been used by the Government for the last five years. The present Secretary of the Treasury says it will not be needed and should be sold. If he needs more accommodations for public offices in the near future he states this is not the property he would advise the Government to occupy with a new building. Secretary Sherman, the preceding Secretary of the Treasury, gave us a like recommendation to sell this property.

There is no question in the mind of any official of the Treasury Department, I think, as to the propriety of selling this piece of property. Not one Representative from the city of New York, not one prominent business man from that city or elsewhere has hesitated to indorse the sale at public auction as provided for in this bill. Although as a committee when considering this bill we gave public and private notice of our desire to hear both sides, not a single individual appeared in opposition to this proposition except one man, and he was the lessee, making $12,000, $15,000, or possibly $20,000 a year out of the lease of this property by subletting.

I say this property should be sold some time, and there never was a time, nor will there soon occur a time in all probability, when it could be sold to better advantage than now. There cannot be a bill more carefully framed or better calculated, in my judgment, and in the judgment of gentlemen better informed on this subject than myself, to secure the last dollar it is worth.

The SPEAKER. The gentleman's time has expired. The question recurs on the motion to suspend the rules and pass the bill and amendment reported from the Committee on Public Buildings and Grounds.

The House divided; and there were—ayes 101, noes 26.

Mr. TOWNSHEND, of Illinois. No quorum has voted. If gentlemen will give us the yeas and nays I will withdraw the point of order, otherwise I shall insist on it.

The SPEAKER. The gentleman must take his own course.

Mr. HOLMAN. I make the point of order there is no quorum.

The SPEAKER appointed Mr. SHALLENBERGER and Mr. HOLMAN as tellers.

The House again divided; and the tellers reported there were—ayes 126, noes 20.

Mr. VAN VOORHIS. I demand the yeas and nays.

The yeas and nays were not ordered.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended was passed.

ENROLLED BILLS SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 604) granting a pension to Margaret Beymer;

A bill (S. No. 984) increasing the pension of Emma H. Collins;

A bill (S. No. 1040) granting a pension to Theodore Rauthe;

A bill (S. No. 1068) for the relief of citizens of Tennessee;

A bill (S. No. 1201) granting a pension to Jacob Nix;

A bill (S. No. 1886) donating four condemned cast-iron cannon for the soldiers' monument at the village of East Bloomfield, New York;

A bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes;

A bill (S. No. 2050) donating four condemned cannon and four cast-iron cannon-balls for the soldiers' monument at Ironton, Ohio; and

A bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BRAGG, indefinitely, on account of important business.

To Mr. HEWITT, of New York, indefinitely, in consequence of sickness.

To Mr. TALBOTT, for ten days.

To Mr. PHELPS, indefinitely, on account of sickness in his family.

LEAVE TO PRINT.

Mr. LEEDOM, by unanimous consent, was granted leave to print some remarks on the bill to admit Dakota as a State into the Union. [See Appendix.]

RACHAEL J. FLOYD.

Mr. RAY, by unanimous consent, introduced a bill (H. R. No. 6798) for the relief of Rachael J. Floyd; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

And then, on motion of Mr. RANDALL, (at four o'clock and fifty-eight minutes p. m.,) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: The petition of Mary M. Spencer, of Geneva, New York, and others, for the passage of the French spoliation-claims bill—to the Committee on Foreign Affairs.

By Mr. DEZENDORF: The petition of E. H. Murrell, of Lynchburgh, Virginia, for relief—to the Committee on War Claims.

By Mr. DINGLEY: The petition of General Thomas W. Hyde and 125 others, citizens of Maine, for the settlement of the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. S. S. FARWELL: The petition of 141 citizens of the second Congressional district of Iowa, for the confirmation of the call for a peace congress to be held in Washington, District of Columbia, November 22, 1882—to the same committee.

By Mr. KASSON: The petition of 35 citizens of the seventh and

ninth Congressional districts of Iowa, for a confirmation of the call for a peace congress in Washington, November 22, 1882—to the same committee.

By Mr. McLANE: The petition of Colonel and Brevet Brigadier-General Israel Vogdes, United States Army, retired, for relief—to the Committee on Military Affairs.

By Mr PETTIBONE: The petition of A. H. Pettibone, for the establishment of a post-route from White Pine to Parrottsville, in the State of Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. SPOONER: The petition of the Bailey Wringing Machine Company and others, protesting against the passage of bill (H. R. No. 5752) providing for extension of patent to the heirs of John Young—to the Committee on Patents.

By Mr. WHITTHORNE: The petition of W. T. Sutton and others, for the establishment of a post-route from Graham to Only, in the State of Tennessee—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *July* 18, 1882.

The Senate met at eleven o'clock, a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MORRILL, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. PENDLETON presented a petition of 64 citizens of Ohio, praying for the confirmation of the call for a peace congress to meet in Washington in November, 1882; which was referred to the Committee on Foreign Relations.

Mr. SEWELL. I present the petition of William Hughes, late of the Capitol police, praying to be granted all pay and allowances, such as would have accrued to him as a member of the Capitol police force had he never been discharged on a certain false allegation. Attached to the petition is the certificate of George B. Corkhill, United States attorney for the District of Columbia. I move that the petition be printed, and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MITCHELL presented resolutions of the board of health of Philadelphia, praying for an appropriation to continue the publication of the bulletins of the National Board of Health; which were referred to the Committee on Appropriations.

He also presented a petition of citizens of York, Pennsylvania, praying that the reductions in the tax on tobacco may by the proposed legislation on the subject be made to take effect from the passage of the act; which was ordered to lie on the table.

Mr. LOGAN. At the request of the Senator from Ohio, [Mr. SHERMAN,] I present the petition of John P. Hamlin, foreman, and the other jurors in the Guiteau case, praying for additional compensation of $5 a day for their services as such jurors. I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. COCKRELL, Mr. DAWES, Mr. GROOME, and Mr. VANCE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2037) to amend the military record of Samuel S. Troy, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which were referred sundry bills, authorizing the Secretary of War to donate cast-iron cannon and cannon-balls for the decoration of certain cemeteries and national monuments, to report them favorably without amendment.

The bills were announced by title, as follows:

A bill (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York;

A bill (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois; and

A bill (S. No. 2154) to authorize the Secretary of War to furnish cannon and cannon-balls for monumental purposes.

Mr. MILLER, of New York. I ask consent that the bills just reported may be considered at this time.

Mr. MORRILL. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bills will be placed on the Calendar.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 89) directing the Secretary of War to loan tents and camp equipage to the Second Regiment of Virginia Volunteers, reported it without amendment.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the reckoning of longitude and in the regulation of time throughout the world, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, the amendment providing for an appropriation of $5,000 for repairing and extending wharf and the erection of boat-houses at Coaster's Harbor Island, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2155) to authorize the Public Printer to make certain purchases without previous advertisement; which was read twice by its title, and referred to the Committee on Printing.

Mr. JACKSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2156) granting a pension to Mrs. E. G. C. Abbott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business the morning hour is closed.

Mr. COCKRELL. The Calendar.

Mr. MORRILL. I understand that the Senator from Rhode Island has some business to present which is in order, and as soon as he gets through with that I shall ask the Senate to continue the consideration of the tax bill.

The PRESIDENT *pro tempore*. The Senator from Vermont gave notice yesterday that he would not call up the tax bill to-day until one o'clock.

Mr. MORRILL. I know, but I have altered my mind.

Mr. ANTHONY. I ask the Chair to lay before the Senate the resolution for printing the Tenth Census, which I think comes up in order on the Calendar.

The PRESIDENT *pro tempore*. That is in order under the rule. The resolution will be read.

The Acting Secretary proceeded to read the bill (S. No. 2151) to provide for the publication of the Tenth Census.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks for the consideration of this bill. If there be no objection, it is before the Senate.

Mr. MORRILL. I object to the consideration of the bill. I thought it was a resolution, which would be in order, but it seems to be a bill, and I therefore object, and ask that the Senate proceed to the consideration of the tax bill.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the bill.

Mr. ANTHONY. The Senator from Vermont is right; I thought it was a resolution, but I find that it is a bill.

Mr. HOAR. Before the bill passes from the Senate I should like to give notice of an amendment to it. I ask the Senator from Vermont to give consent to have the bill taken up, so as to have the amendment I propose printed with the bill.

Mr. MORRILL. I have no objection to having the amendment printed with the bill.

The PRESIDENT *pro tempore*. Does the Senator ask to have the amendment read?

Mr. HOAR. It is not necessary that it be read now.

Mr. ALLISON and others. Let it be printed in the RECORD.

Mr. HOAR. If the amendment is to be printed in the RECORD I ask leave to have two letters from the Secretary of the Interior relating to the subject printed also in the RECORD.

Mr. ANTHONY. I think these things had better not be printed in the RECORD. We are getting into the practice of cumbering up the RECORD with bills and letters that might just as well be printed in the usual mode and laid on the table.

Mr. HOAR. Very well. I will not take time by insisting upon the printing of the papers in the RECORD. Let the amendment be printed, and let it be considered that the bill is taken up for the purpose of offering the amendment and having it printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed Mr. R. M. MCLANE, of Maryland, a member of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, in place of Mr. J. H. REAGAN, excused.

The message also announced that the House had passed the bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for the post-office in the city of New York, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3411) for the relief of John M. Higgins; and

A joint resolution (H. R. No. 261) to continue the provisions of a oint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 15th instant, approved and signed the following acts:

An act (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier in the war of 1812;

An act (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased;

An act (S. No. 144) granting a pension to Mary E. Ambrester;

An act (S. No. 462) granting a pension to Emma A. Ramsey;

An act (S. No. 603) granting a pension to Sarah C. Golderman;

An act (S. No. 718) granting a pension to Ellen M. Godfrey;

An act (S. No. 725) granting a pension to S. Annie Esterbrook;

An act (S. No. 802) granting a pension to Mrs. Cornelia F. White;

An act (S. No. 1195) granting a pension to William Hazelit;

An act (S. No. 1532) granting a pension to George C. Quick;

An act (S. No. 1576) granting a pension to Ellen Lardner;

An act (S. No. 1852) granting a pension to Florida G. Casey; and

An act (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York.

EXECUTIVE SESSION.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 30, noes 20.

Mr. ROLLINS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 20; as follows:

YEAS—39.

Bayard,	Davis of Illinois,	Hawley,	Morgan,
Beck,	Davis of W. Va.,	Hill of Colorado,	Pendleton,
Butler,	Farley,	Ingalls,	Pugh,
Call,	Ferry,	Jackson,	Saulsbury,
Camden,	Garland,	Jonas,	Sawyer,
Cameron of Wis.,	Gorman,	Kellogg,	Slater,
Chilcott,	Groome,	Lapham,	Vance,
Cockrell,	Grover,	Logan,	Voorhees,
Coke,	Hampton,	Maxey,	Walker.
Conger,	Harris,	Miller of N. Y.,	

NAYS—20.

Aldrich,	Dawes,	Miller of Cal.,	Rollins,
Allison,	Frye,	Mitchell,	Saunders,
Anthony,	Hale,	Morrill,	Sewell,
Blair,	Harrison,	Platt,	Sherman,
Cameron of Pa.,	Hoar,	Plumb,	Windom,

ABSENT—17.

Brown,	Johnston,	McMillan,	Vest,
Edmunds,	Jones of Florida,	McPherson,	Williams.
Fair,	Jones of Nevada,	Mahone,	
George,	Lamar,	Ransom,	
Hill of Georgia,	McDill,	Van Wyck,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and twenty minutes spent in executive session, the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 369) granting a pension to Jacob R. McFarren;

A bill (H. R. No. 1098) granting a pension to Martha Westervelt;

A bill (H. R. No. 1102) granting a pension to Elizabeth T. Dubois;

A bill (H. R. No. 1422) granting a pension to Mary Wade,

A bill (H. R. No. 2127) granting a pension to James F. Rose;

A bill (H. R. No. 2481) for the relief of Dicey Bobbitt;

A bill (H. R. No. 3316) granting a pension to David Darling;

A bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge;

A bill (H. R. No. 5239) granting a pension to Mrs. Speedie B. Eggleston; and

A bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll.

AMENDMENTS TO BILLS.

Mr. DAWES, Mr. PLUMB, and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3411) for the relief of John M. Higgins was read twice by its title, and referred to the Committee on Military Affairs.

GOVERNMENT EXPENDITURES.

Several Senators addressed the Chair.

Mr. SHERMAN. Before anything is done, let me ask what is the pending question?

Mr. MORRILL. I moved before we went into executive session to take up the tax bill.

Mr. INGALLS. What is the unfinished business?

The ACTING SECRETARY. The bill (H. R. No. 5538) to reduce the internal-revenue taxation.

Mr. ALLISON. I ask that the Chair lay before the Senate a joint resolution which passed the House of Representatives this morning, in order that it may be taken up and considered at this time. It will take but a moment.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 261) to continue the provisions of a joint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Mr. INGALLS. How much longer are these resolutions to be continued, succeeding each other, before the consideration of the regular appropriation bills which are on the table?

Mr. ALLISON. A joint resolution was passed on the 30th of June extending the appropriations of the last fiscal year until the 20th of July. That time expires the day after to-morrow, and the joint resolution now before the Senate extends the time to the 31st day of this month inclusive.

Mr. INGALLS. Before the joint resolution is considered I wish again to propound the inquiry when the regular appropriation bills which are on the table are to be considered, in order that this slipshod method of pontoning over the embarrassment may be avoided?

Mr. ALLISON. I do not know to whom the Senator from Kansas addresses the question.

Mr. INGALLS. To the chairman of the Committee on Appropriations, Mr. President.

Mr. ALLISON. There is but one appropriation bill now pending in the Senate. I think it is hardly worth while at this hour of the day to undertake to take that bill up.

Mr. INGALLS. My inquiry is, when it is to be taken up?

Mr. ALLISON. That depends upon a majority of the Senate.

Mr. MORRILL. Exactly.

Mr. INGALLS. I ask the committee——

Mr. HARRIS. When will the Senator ask to take it up?

Mr. INGALLS. I ask the Senator from Maine [Mr. HALE] who has charge of the naval appropriation bill when he proposes to move that the Senate consider that bill?

Mr. HALE. I gave notice yesterday that I intended to move to take it up to-day. The day is so far gone that I do not think it hardly worth while to move to proceed with the bill to-night. I may also say to the Senator from Kansas that the Senator from Vermont who has charge of a little tax bill is quite desirous of bringing that bill up and perhaps passing it to-night; and if that can be done, I shall be very willing that he may do that in order to have it out of the way of the appropriation bills, so that we may go right on with that to-morrow.

Mr. HARRIS. Does the Senator from Maine intend to wait until the tax bill is passed before he asks for the consideration of the naval appropriation bill?

Mr. HALE. I will say to the Senator from Tennessee that the Senator from Vermont has a very persuasive way, and he has induced me in connection with the persuasions of sundry other Senators to yield in order that he may put his bill on its passage.

Mr. HARRIS. I know the persuasive ways of the Senator from Vermont. My question is, will the Senator from Maine yield to them

and bide his time until the tax bill is passed before asking for the consideration of the naval appropriation bill?

Mr. HALE. I have for the present yielded to those persuasive ways. I hope the Senator from Vermont may get his bill up now, and that we may vote upon it at once.

Mr. HARRIS. How long does the Senator from Maine propose to wait if the bill of the Senator from Vermont shall not pass to-day?

Mr. HALE. That I cannot tell. I presume there will be no further debate on the tax bill and we can proceed to vote at once upon the amendments to it.

Mr. VOORHEES. The Senator from Maine is mistaken. There is a difference upon this subject. It is not possible that a bill entering into the reduction of taxation and dragging in great questions that relate to the duties on imports can be considered in any haste. There is no mistake about that at all. I do not want to enter into the discussion to-night, nor will I be betrayed into doing so; but it is not to be thought of that that measure will be voted upon in a hurry.

Mr. HALE. Let me say to the Senator, if he will allow me to interrupt him, that it cannot be with any justice now asserted that if we come to a vote it has been reached in a hurry, because the Senator from Vermont reported his bill more than a week ago, and all the time since has been given to different Senators to deliver long and eloquent and able speeches on the subject. It is the general feeling everywhere that we are ready now to go to work and vote. I do not suppose the Senator himself perhaps cares to discuss the measure at length any further.

Mr. VOORHEES. I have some remarks to make upon it, neither long nor eloquent.

Mr. HALE. Perhaps the Senator could make those remarks under the five-minute rule.

Mr. VOORHEES. No; I could not submit to any five-minute rule on a question that involves millions and hundreds of millions of revenue. I do not want to talk to-night at five o'clock; but if I were under the necessity of doing so, I could say some things to show the mere dribbling sham and trifling character of this proposed legislation that came here to the Senate preceded by a proposition on the part of the House to adjourn in ten days—a question involving millions upon millions—and it is not decent even to talk of a vote on the proposition now.

Mr. HALE. The Senate, I am sure, will be willing to wait to-night and listen to the Senator from Indiana, and even then we might get a vote after he has finished.

Mr. VOORHEES. There can be no vote taken now.

Mr. CONGER. Would there be any impropriety in inquiring when the regular order is to be proceeded with?

Mr. ALLISON. I ask unanimous consent, as there certainly will be no objection, to consider the joint resolution. It is necessary that we should prolong the time, whatever may be done with the tax bill or the appropriation bills.

Mr. GARLAND. I want to ask a question in reference to this joint resolution. I ask if the Committee on Appropriations of the Senate have considered it?

Mr. ALLISON. I must answer the Senator by saying that they have not formally considered it.

Mr. GARLAND. When the former resolution was passed I made the same suggestion. I thought then that twenty days was not enough. I have very great doubts now as to thirteen days further being enough. It makes thirteen days from now to the 31st.

Mr. ALLISON. I quite agree with the Senator, and if it will suit his purpose better I am willing that the joint resolution may be referred to the Committee on Appropriations to-night, so that it may be considered in committee.

Mr. GARLAND. I was going to object to its consideration this evening. I wish the joint resolution to go to the Committee on Appropriations, and I shall offer an amendment to carry it to the first Monday in October.

Mr. BUTLER. Let it be reported again. I have not been able to hear it.

The Acting Secretary read the joint resolution.

Mr. ALLISON. If the Senator from Arkansas desires to prolong the time, I have no objection. Of course the effect of the joint resolution is only to continue this class of appropriations until the regular appropriation bills are passed; so if he desires to prolong the time, I shall interpose no objection.

Mr. GARLAND. I understand that perfectly well, but we have been called on now in the space of about twenty days to do this thing twice. It is getting a little tiresome, a little monotonous. I prefer that the joint resolution shall be referred to the Committee on Appropriations, and if we have no more light on this subject to-morrow I think it is very likely we had better carry it to the first Monday in December. I move the reference of the joint resolution to the Committee on Appropriations.

The motion was agreed to.

NEW YORK POST-OFFICE SITE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for the post-office in the city of New York. The amendment of the House of Representatives is in line 11, after the word "than," to strike out "five" and insert "six."

Mr. MORRILL. If there is no objection, I will move that the Senate concur in the amendment of the House.

Mr. ROLLINS. I move that the Senate concur in the amendment.

Mr. MORRILL. That is right.

Mr. HOAR. I ask for the regular order.

Mr. VOORHEES. Then I have a motion to make.

Mr. INGALLS. What is the amendment of the House? Let it be reported, that we may vote understandingly.

Mr. HOAR. I ask for the regular order. What is the regular order?

Mr. INGALLS. This is the regular order. Such business is always in order.

Mr. HARRIS. What is the amendment we are asked to concur in?

Mr. ROLLINS. To strike out "$500,000" and insert "$600,000" in the limit of the price of the sale of the old post-office site in New York. That is all of it. It adds $100,000 to the price we are to get.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

Mr. HOAR. What is the regular order?

The PRESIDENT *pro tempore*. The regular order is the unfinished business.

Mr. HOAR. I rise to a question of order, then. The tax bill is before the Senate. The Chair may undoubtedly interrupt that by laying before the Senate for its information the action of the House, but it does not put the question of concurrence in the House amendment in order. In order to do that the tax bill must be laid aside by a vote.

The PRESIDENT *pro tempore*. The Chair will state that this is commonly done, and there has been no objection made to the practice.

Mr. ROLLINS. That is all there is to it.

The PRESIDENT *pro tempore*. The Chair will then put the formal motion.

Mr. VOORHEES. I have the floor, and I believe a motion to adjourn is always in order.

The PRESIDENT *pro tempore*. It is.

Mr. VOORHEES. I move that the Senate do now adjourn.

Mr. GORMAN. I ask the Senator——

Mr. VOORHEES. I have the floor, and shall yield to no one.

Mr. LAPHAM. Before that is done——

Mr. VOORHEES. I ask for the question on my motion.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate adjourn.

The Senate refused to adjourn; there being, on a division—ayes 21, noes 31.

INTERNAL REVENUE AND TARIFF DUTIES.

Several Senators addressed the Chair.

Mr. SHERMAN. Let us go on with the regular business.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, although it is customary to have a disposition of House amendments to Senate bills. The formal motion is to lay aside the bill in order to consider the amendment of the House of Representatives.

Mr. SHERMAN. Let us go on for ten minutes in order to proceed with the tax bill. I object, therefore, to laying aside the regular order.

The PRESIDENT *pro tempore*. The bill (H. R. No. 5538) to reduce internal-revenue taxation is before the Senate. The pending question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the Committee on Finance.

Several SENATORS. Let it be read.

The ACTING SECRETARY. The amendment to the amendment is to substitute for the words proposed to be inserted by the committee amendment the following:

> Now imposed by law on manufactured tobacco on and after January 1, 1883, from and after that date the tax on manufactured tobacco shall be 10 cents per pound; and.

Mr. VOORHEES. I wish to ask the other side of the Chamber whether it is proposed to act on the pending amendment with the Senator from Kentucky out of his seat, and without the slightest idea on his part that such a question would be precipitated upon the Senate at this hour? If that is the intention, we have as much endurance as you have.

Mr. BAYARD. Mr. President——

Mr. VOORHEES. I appeal to the Senator from Vermont, the chairman of the Committee on Finance, whether he proposes in the absence of the Senator from Kentucky to bring on a contest of endurance on this question and see who can stay the longest? If so, I want to know it. It will be so totally unfair and outrageous, and I so characterize it before he speaks, that I should be astonished if he gave his countenance to it.

Mr. MORRILL. I understand that the Senator from Kentucky is in the Appropriations Committee room, and was but a moment ago in the Senate.

Mr. VOORHEES. I do not know; that may be; but I ask the

Senator from Vermont whether he proposes to sit the bill out to-night? Is that the meaning of this movement?

Mr. MORRILL. I propose to go on with the bill whenever the Senate is ready to go on with it.

Mr. VOORHEES. The Senator from Vermont knows very well that it is near the usual time of adjournment. The Senator from Vermont knows that it is impossible to deal double with me. He knows perfectly well the meaning of what I am asking, whether he means to force a sitting to-night on this question or whether he means simply for the next half hour to go on and consider the bill and then adjourn. As the Senator from Kentucky is absent, if he proposes to force a vote upon the amendment offered by the Senator from Kentucky it would be a very unusual proceeding.

Mr. SHERMAN. My friend from Indiana can see that there are two Senators ready to speak on the question. Why not let them proceed?

Mr. VOORHEES. I should like to see the Senator from Kentucky here. I would not for one moment take up a question involving an amendment offered by the Senator from Ohio in his absence; I would not for one moment force a vote upon an amendment offered by the Senator from Ohio upon a great and important question in his absence, and I hope he would not in the absence of anybody else.

Mr. BAYARD. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Indiana make a motion?

Mr. VOORHEES. I yield for the present.

The PRESIDENT *pro tempore*. The Senator from Delaware.

Mr. BAYARD. Mr. President, the amendment now under consideration by the Senate is of very large importance. The question of the diminution of the tax on tobacco is perhaps more effective in the way of reduction of taxation than any feature of the bill. I propose to submit some reasons to the Senate why the tax should be diminished, and why it can be safely diminished not only with reference to the revenues but with regard to the general prosperity of the country.

The subject is large and very important and I had no idea that it would be taken up now or that the discussion would be ended this evening. The executive session began soon after eleven o'clock and we were shut in here without fresh air until within the last few minutes, and I am very sure that it is not the intention of the Senator from Vermont to bring up a bill of this kind and to continue its consideration at such cost to the health of the Senate, without gain to the public business; and therefore I hope that some gentleman of the majority will move that the Senate do now adjourn.

I do not care to address the Senate now on this subject. It is a matter to be discussed in a serious way. I hope, therefore, that we shall adjourn now at quarter past five, we having been shut in here with closed doors and closed windows in this fearful atmosphere.

Mr. INGALLS. Mr. President, I favor a reduction of the present tax on tobacco and I want the opportunity of voting to that effect. I understand that the amendment offered by the Senator from Kentucky is now not in a condition to be amended, it being in the second degree. It is my judgment that the per cent. named by him is lower than it should be, and I ask him if he is not willing to change the rate from 10 to 12 cents in his amendment?

Mr. BECK. I said yesterday I had no objection to testing it at 8 or 12 cents; and in view of the very large expenditures we are making and the reductions we ought to make on other things, I am entirely content to have the vote taken at 12 cents.

Mr. INGALLS. Then I suggest that the amendment be modified by striking out "10" and inserting "12."

Mr. BUTLER. In view of the statement just made by the Senator from Delaware it seems to me it would be very improper to go on with the discussion of this question this evening. The Senator from Delaware has stated that he desires to address the Senate on this amendment, and I think in view of that fact it would be almost indecorous to ask us to take a vote on this amendment this evening. As far as I am concerned I am inclined to vote for it, but the Senator from Delaware has stated that he desires to address the Senate, and does not feel ready to go on this evening, and appealed to the other side to move an adjournment.

Mr. LOGAN. If the Senator will allow me, I desire to read some telegrams now by way of argument on this proposition.

Mr. BUTLER. Certainly, I yield.

Mr. LOGAN. I desire to read some telegrams from large tobacco and cigar men, merchants, and others in the State of Illinois on this subject. They carry their own argument with them. From Quincy, Illinois, where there are some very large firms in the tobacco business, I have this telegram:

QUINCY, ILLINOIS, *July* 17, 1882.

Senator JOHN A. LOGAN, *Washington, D. C.*:

It is the unanimous wish of undersigned that the tobacco tax should all be taken off or allowed to remain as it is. Agitation is what hurts us.

That is the language of some large firms in Quincy. Then from Chicago:

CHICAGO, ILLINOIS, *July* 18, 1882.

Hon. JOHN A. LOGAN, *United States Senator*:

Trade and consumers neither ask for nor require reduction of tax on tobacco and cigars; but if tax is reduced, we, the wholesale dealers, have laid in heavy stocks for fall trade, and to change the tax now without affording them the relief of rebate on stock on hand will entail great loss to all and ruin to some.

M. E. McDOWELL & CO.

And quite a number of others. Again:

CHICAGO, *July* 18, 1882.

Hon. JOHN A. LOGAN:

If tax on tobacco, cigars, and cigarettes is reduced we will sustain heavy losses, unless rebate is allowed on stocks on hand. Please use your strongest influence for our protection.

WM. M. HOYT & CO.
FARRELL, COLEMAN & CO.
W. G. SHERER & CO.
HARMON, MERRIAM & CO.
DEANE, WHITAKER & CO.
TOWLE, CARLE & CO.
INGRAHAM, CORBIN & MAY.
GOULD, DRAPER & CO.
FARWELL, MILLER & CO.
McNEILL & HIGGINS.
JOHN A. TOLMAN & CO.
LOWENTHAL, KAUFMAN & CO.
KAUTZLER & HARGIS.
THOWART & ROEHLING.
GRADLE & STRATZ.
H. C. & C. DURAND.
BOIES, FAY & CONKEY.
McKINDLEY, GILCHRIST & CO.

These are very large firms in Chicago. And here is another dispatch from large firms there:

CHICAGO, *July* 18, 1882.

Hon. J. A. LOGAN:

Owing to the agreement made in the House caucus some time since that there would be no change in tobacco tax this session, Western dealers demand in the name of justice that we shall be protected from heavy losses by rebate on stocks on hand when reduction takes place.

SPRAGUE, WARNER & CO.
REID, MURDOCH & FISCHER.
FRANKLIN, MacVEAGH & CO.
GEORGE LUERSSEN & CO.
GRAY, BURT & KINGMAN.
ELLIOTT & WIERTLE.
WILLIAM T. ALLEN & CO.
M. E. McDOWELL & CO.

Mr. SAULSBURY. Do I understand that there was a proposition in that House caucus that there should be no reduction on the tobacco tax, as the telegram states it?

Mr. LOGAN. They are speaking of the House caucus. It was published in the newspapers that the House caucus agreed that there should be no reduction in the tobacco tax.

Mr. SAULSBURY. A Republican caucus?

Mr. LOGAN. Yes, sir; it refers to that of course.

Mr. BUTLER. Are any of these parties producers of tobacco?

Mr. LOGAN. No, sir; they are wholesale and retail dealers in tobacco and cigars, and some of as large firms perhaps as there are in the United States. These are very large firms of Chicago and Quincy, Illinois.

Mr. BUTLER. Are any of them manufacturers of tobacco?

Mr. LOGAN. Some of them are; quite a number.

Mr. VOORHEES. I should like to ask the Senator from Illinois if the same caucus of the Republican party of the House to which he alludes did not give forth to the world that they did not intend to disturb the internal-revenue tax on anything?

Mr. LOGAN. I am not discussing the caucus of the House; I have nothing to say about it. I only, in answer to the Senator from Delaware, said this dispatch referred to that.

Mr. VOORHEES. Such was my understanding.

Mr. LOGAN. It does not make any difference about the Senator's understanding; I have no understanding about it; I was not in the caucus and had nothing to do with it; I only stated what the dispatch referred to.

Mr. CAMERON, of Wisconsin. I desire, in connection with the telegrams that have been submitted by the Senator from Illinois, to read a telegram received from two of the largest manufacturers of tobacco in Milwaukee, dated to-day:

MILWAUKEE, WISC., *July* 17, 1882.

Senator PHIL. SAWYER, *Washington*:

We protest against the passage of any law reducing the tax on tobacco. The manufacturers of tobacco, the merchants, and the tax-payers of this section are opposed to any legislation on tobacco at the present time. A change to take effect January 1st next, without rebate, would be ruinous to the trade generally, and we request you to oppose the measure. If a change is unavoidable it should be made to take effect March 1st, with rebate. Please communicate this to Senator CAMERON.

B. LEIDERSDORF & CO.,
F. F. ADAMS & CO.,
Tobacco Manufacturers.

Mr. LOGAN. In connection with what I said a moment ago I desire to make a remark. In reference to the telegram from Quincy, in response to the Senator from Indiana, I will say that it was from manufacturers of tobacco, and, as I understand it, the firms in Quincy who telegraphed me employ about 2,000 hands in the manufacture of tobacco. The first telegrams I read from Chicago were from manufacturers of tobacco who employ a very large number of hands. The others were from wholesale dealers.

Mr. CAMERON, of Wisconsin. The firms who sign the telegram from Milwaukee which I read are very large manufacturers of tobacco.

Mr. JONAS. I have a similar dispatch directed to myself and my colleague, from New Orleans, dated July 11. The parties say:

NEW ORLEANS, LOUISIANA, *July* 11, 1882.

Hon. B. F. JONAS or W. P. KELLOGG, *Washington, D. C.*:

We most urgently and earnestly request you to insist on having inserted in the

internal-revenue bill a provision to refund to dealers the difference between the new and old rates of tax on the tax-paid cigars, cigarettes, and tobacco on hand at the time the act goes into effect, whether it goes into effect immediately or subsequently. If tax is reduced immediately without this relief, great loss will be sustained by dealers, inasmuch as relying on the protection of the Government they have bought and hold large stocks, the value of which would depreciate in proportion to the reduction of the tax. If reduced to take effect subsequently, great loss would be consequent by reason of great reduction in volume of business and unsettlement of values. If provision is made, but little loss or interruption to business will ensue. Outside of its justice and equity it would be policy of Government not to interfere with business of its citizens, but aid and promote it by all possible protection. Get all Representatives from Louisiana to aid you effectively.

GAUDCHAUX & SIEBUNAGEL.
PERKINSON & BROS.
ZUBERBIER BEVAN.
L. I. LEVY & MANDEVILLE.
FLOOD, PRESTON & CO.
JNO. I. ADAMS & CO.

These signers are some of the largest tobacco dealers and merchants in New Orleans. Before this bill was reported I presented similar dispatches and letters from very large tobacco manufacturers and manufacturers of cigars and cigarettes in New Orleans, and handed them to the chairman of the Finance Committee, and I understood that they were laid before the Finance Committee. Still this bill comes to us reported to the Senate with the proviso inserted in the House for a rebate stricken out. The House bill is perfectly acceptable to the tobacco trade. The proviso contained in the House bill would afford ample protection to the parties who relied on the faith of the Government. Believing that the Republican party were responsible for the legislation of Congress, they saw that in the popular branch where revenue bills must originate the Republican party in caucus had determined not to legislate upon the question of the reduction of internal revenue, and they laid in large stocks of cigars and cigarettes, and paid the tax to the Government. It is certainly but reasonable that the heavy loss which will be caused by the reduction proposed should not fall upon them, and that a rebate should be allowed; but the Finance Committee of the Senate with a Republican majority has stricken out this proviso, and no rebate is to be allowed and no protection, but on the contrary the time is extended until the 1st of October, during which dealers are to get rid of the immense stocks which they have laid in.

Mr. DAWES. Mr. President, I desire to state in this connection that my colleague and myself have received telegrams from associations of tobacco manufacturers in our State, which embrace, I believe, nearly all the manufacturers in the State, of the same tenor as those presented by the Senator from Illinois and the Senator from Wisconsin, protesting very strongly against any reduction of the duty upon tobacco that does not carry with it a rebate of all the taxes that shall be due when the act takes effect.

Mr. ALLISON. I only desire to say a word in connection with the statement of the Senator from Louisiana that through a Republican majority this rebate was refused in the Committee on Finance. I of course will not state what occurred in the committee room, whether by a majority or a minority, or whether there was any majority or minority. I only want to call attention to the fact that there never has been in any reduction of taxes hitherto a rebate. That involves considerations which it is practically impossible to carry out, and therefore hitherto when we have reduced the taxes upon tobacco and upon cigars, as we have two or three times, and upon other articles, the uniform practice has been to make the law take effect at a future time. The rebate is wholly an impracticable idea.

Mr. CONGER. I desire to present a telegram from the principal manufacturers of tobacco in the city of Detroit, and have it go upon the record, dated July 18, 1882:

DETROIT, MICHIGAN, *July* 18, 1882.

Hon. OMAR D. CONGER, *U. S. S.*:

All observe the question of reducing tax on manufactured tobacco is again being agitated. If any change is made the Detroit manufacturers are in favor of reducing to 8 cents, to take effect January 1, 1883. We must be protected against a free-leaf bill as long as any tax is paid.

AMERICAN EAGLE TOBACCO CO.
JOHN BAGLEY & CO.
GLOBE TOBACCO CO.
DANIEL SCOTTEN & CO.

This is signed by the four leading manufacturers of tobacco in the city of Detroit.

Mr. BECK. Mr. President——

Mr. LOGAN. Will the Senator allow me to make a statement? I desire to say, that it may go on record, that my colleague [Mr. DAVIS, of Illinois,] has similar dispatches to those I read, from tobacco manufacturers and merchants in the State of Illinois.

Mr. BECK. I have no doubt of it, and I feel sure there never was a change in taxation made where there was not a concerted movement on the part of men who had stocks on hand to get all the relief possible by a rebate. The other day when the matter was under consideration before the Committee on Finance the patent-medicine men all wanted a rebate on the old stock they had on hand for perhaps five or six years, and the match men came before us. We did agree at that time to make the reduction take effect on the 1st of May, to give them the longest time possible to prepare for the change. Everybody wants a rebate. If we were to go into it fully we should have to give ten years' rebate. I have plenty of telegrams of the same kind, all wanting rebates. That is the reason why I proposed to have the reduction take effect the 1st day of January next. When the tobacco men were here the other day, thirty or forty of them, they all agreed that the 1st day of January was the best time if the change had to be made. There is no doubt about that.

Mr. JONAS. The committee amendment proposes the 1st of October.

Mr. BECK. Not on tobacco. We made some provision relative to matches, putting them in warehouses, I believe. The House thought it better to have a rebate. If the Senate thinks it wise, it can be made. No doubt any change makes a disturbance to dealers and manufacturers, and they want a rebate for everything they have on hand. The only question is, how to do it with the least possible harm. The House provided for a rebate.

Mr. JONAS. If the Senator will permit me, I will state that the bill as reported provides:

SEC. 3. That on cigars which shall be manufactured and sold, or removed for consumption or sale on and after the 1st day of October, 1882, there shall be assessed and collected, &c.

Mr. BECK. I am speaking about manufactured tobacco, not cigars.

Mr. JONAS. My dispatch referred to cigars and cigarettes.

Mr. BECK. I was not aware of that.

Mr. FARLEY. I wish to present a dispatch that does not interfere with the proposition of the Senator from Kentucky. I have a dispatch dated at San Francisco last night, from the board of trade, asking me to urge attention to the rebate clause in the tobacco bill. There is nothing in the dispatch that indicates any opposition to the reduction of the tax on tobacco, but it simply asks that the rebate clause which was in the House bill be retained in the Senate bill. This dispatch was sent by the board of trade, signed by its president, Jacob S. Taber. My colleague, I understand, has a similar dispatch, in which there is not a word said against the reduction of the tax on tobacco; it only suggests that the rebate be retained.

Mr. MORRILL. And not calling for the reduction of the tax on tobacco.

Mr. BECK. The proposition I made is changed to 12 cents now, and I agreed to that for two reasons: the tobacco is put up now in packages of pounds, half pounds, and quarter pounds; the tax being 16 cents a pound, 12 cents for three-quarters of a pound, 8 cents for half a pound, and 4 cents for a quarter pound. Making it either 8 or 12 cents is better than 10, on account of the way tobacco is put up, and as I believe we shall not have as much revenue as I thought some time since we should have, as we have made larger appropriations than I thought we would, I think we shall get rid at 12 cents of as much revenue as we can spare.

I am one of those who believe we had better make some arrangement about the time, allowing a margin to the 1st of January, rather than have a rebate; but that can be considered hereafter.

Now, one other suggestion. The Senator from Illinois yesterday thought all the benefit of a reduction went to the dealer who had a stock on hand. I think the Senator from Illinois will see now that all the dealers do not think so. I said the producer and consumer got the benefit of the reduction, and yesterday I happened to speak to a gentleman who was very largely interested in the tobacco trade——

Mr. LOGAN. The Senator will understand that that does not change the statement I made at all. If these men who have purchased are allowed a rebate, they make the profit just the same.

Mr. BECK. I do not want to discuss that.

Mr. LOGAN. Nor I; but that is the effect of giving them the rebate, and they ought to have it in justice.

Mr. BECK. What I said yesterday was that the producer got largely the benefit of the reduction of the tax. I know that personally. My colleague is a large producer of tobacco himself, and he advises me that that is true. I therefore went to a gentleman yesterday who I supposed knew all about it, and he sent me a letter, which I got but a few minutes ago, which takes the same view I take.

Mr. LOGAN. If you reduce the tax and the dealers do not reduce the price of tobacco I do not see how the consumer gets any advantage. It is the manufacturer who gets the advantage and not the consumer.

Mr. BECK. Everybody gets it. I will present this letter, as the man who wrote it is very well informed on the subject:

WASHINGTON, *July* 18, 1882.

Senator BECK:

DEAR SIR: The statistics of the various leaf-tobacco markets of the country show a remarkable increased value of tobacco immediately following the reduction of the tax to 16 cents, and continuing until the present. This is more particularly the case in those markets where the tobacco is mostly used for home consumption, and consequently subject to the tax.

Reduction resulted exactly as the advocates of the measure predicted, namely, the grower and consumer were about equally benefited, each obtaining 4 cents of the reduction. It is far from being true that the consumers were not benefited, for they have either obtained the same quantities for less price, or better articles for the same price.

For instance, under the 24-cent tax the common smoking tobacco, which constitutes a large proportion of the whole and which cannot be sold for more than 16 cents for 4 ounces, had to be made very largely of stems, (the woody fiber,) with a small proportion of leaf and of consequent inferior quality. Now this grade of smoking can be made exclusively of leaf, and the 4 ounces sold for the same price is worth to the smoker 8 ounces of the former mixture; so that the benefit to the poor man in the use of his greatly begrudged luxury is far greater than the mere reduction of the tax.

The stems formerly used are now principally converted into fertilizers, and their

place in manufacture supplied with low grade leaf tobacco, thus greatly increasing the demand for the latter.

There are certain tobacco regions where they cultivate principally for export, and as most of these countries have a government monopoly, their object is to buy a cheap, common article.

It is well known that this country is the chief tobacco-producing country in the world, and our exportation is about equal to our home consumption.

The price of this export tobacco, while not directly regulated by the rate of tax, is so indirectly to a very large extent.

For instance, the substitution of leaf for stems, and the very large increase in consumption of the common smoking, under the 16-cent rate, have drawn largely from the stocks of export tobacco, so that the price of these grades, which fell off one-half under the cruel and most disastrous advance from 20 to 24 cents, financially wrecking thousands of dealers, much more than recovered their original values under the benign influence of the 16-cent tax.

So well is this principle understood by the great contractors for foreign governments, that they keep a watchful eye over our tax rate and bring their powerful influence to bear against any reduction of tax.

It is well known to those who have carefully considered and are familiar with the subject, that no reduction of any taxes in this country ever resulted in such large and widely diffused benefits to any class as did this reduction to the agriculturists interested in tobacco culture.

The whole history of the tobacco tax in its effects and results, if carefully studied and analyzed by political economists and legislators, will give much light and guidance on many vexed topics of finance.

It can be clearly demonstrated by the trade statistics that reduction of the tax from 24 to 16 cents has been worth to the growers of tobacco more than $12,000,000 annually, and at least an equal amount to the consumers of the same. This has all been gained with, as is well known, an increase instead of a diminution of revenue, notwithstanding the doleful predictions of the Government and the opponents of reduction.

The interest in the study of these tobacco subjects is enhanced by the fact that in every effort for reform of system or of amelioration of tax (with but one single exception, the free-leaf measure) the whole force of the Internal Revenue Department has been arrayed since 1867 against the trade; and in every case the result has been directly opposite to the labored theories and predictions of the officers of revenue.

It is a popular idea that the culture of tobacco belongs almost wholly to the South. The census will show this to be far from the case. The valley of the Ohio, embracing Kentucky, Ohio, Indiana, West Virginia, Illinois, Missouri, has so far reaped the largest benefits from the last reduction of tax. The market centers of this, the greatest tobacco-growing region of the world, are Cincinnati, Louisville, Evansville, Paducah, Saint Louis, Henderson, Kentucky, and Dayton, Ohio. The annual sales at Cincinnati exceed that of any other original market of which there is a record. Last year the amount paid there for leaf tobacco exceeded $10,000,000, the product of a radius of one hundred miles, giving steady and remunerative labor to many people and important business to banks, insurance companies, and railroads.

Ten or more counties of Southern Ohio find to-day their most profitable product to be leaf-tobacco, and the acreage is constantly increasing. Uncleared land in those counties, which was formerly only worth $10 per acre, is now worth from $30 to $50 per acre, and this change has all taken place since the reduction of the tax.

Allusion was made yesterday by an honorable Senator to the fact that tea had not been materially reduced in price by the removal of the duties upon it.

This fact is in entire harmony with the teachings of the tobacco tax, namely, that the tax or duty depresses the value of the article in the hands of the producer more than it increases the price to the consumer.

Tobacco has become a necessity through long use to the laboring and middle classes of society, equally so at least as tea and coffee, and enters into the expense of nearly every household.

It is called a *luxury* and therefore should be taxed, and if that is the reason hundreds of other far greater luxuries should be embraced in the tax-list, unless the fact that tobacco is one of the original and great staples of the country and that it is emphatically the *cheap* luxury of the laboring man *in its untaxed state* should be reasons for excepting it from ordinary rules.

Other luxuries, the product of foreign lands, remain untaxed for apparently the benefit of those countries, while tobacco, the especial product of this country, covering thousands of acres and employing a million of producers, with its thousands of manufacturers, should, in the opinion of Senators, be subjected to the highest burdens which it can bear.

There seems to be a strange and unaccountable blindness to the economic aspects of this great agricultural interest, for if justice or equity prevailed it would be wholly liberated from taxation, and if necessary other sources of revenue would be substituted for it.

The reduction, however, to 8 cents would give marked relief both to growers and consumers, and no other reduction is worthy of consideration.

We know that it would produce a great revenue at that rate, with a steady annual increase.

The advantage of reduction to manufacturers is of secondary importance, and benefits them principally in their competition with the consumption of natural leaf and by the increased volume of sales which has always followed reduction.

They are, however, greatly interested in having the question settled, so that the regular current of business may go on without these serious interruptions.

Mr. LOGAN. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 18, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Clerk proceeded to read the Journal.

Mr. ANDERSON. I ask unanimous consent to dispense with the reading of that portion of the Journal relating to the introduction of bills.

There was no objection.

The Clerk resumed and concluded the reading of the Journal.

Mr. ROBINSON, of New York. I desire, Mr. Speaker, to correct the Journal and the RECORD. In the resolution for information which I presented on yesterday, the date of the last resolution adopted by the House is given as the 18th of June; it should be the 28th; it is printed incorrectly both in the Journal and RECORD.

The SPEAKER. The correction will be made.

The Journal as corrected was then approved.

MARK WALKER.

Mr. O'NEILL. I ask, Mr. Speaker, unanimous consent to take from the Speaker's table at this time and put upon its passage the bill of the Senate No. 297, for the relief of Mark Walker.

Mr. HISCOCK. Let it be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Reserving the right to object, I desire to hear a statement from the gentleman presenting this bill as to the facts in the case.

Mr. O'NEILL. I will make that statement in a few minutes. This bill, Mr. Speaker, has passed the Senate twice, during the last Congress and the present Congress——

Mr. BURROWS, of Michigan. It is impossible to hear a single word the gentleman is saying.

The SPEAKER. As soon as order is restored the public business will be proceeded with.

Mr. O'NEILL. I repeat that a bill for the relief of Mark Walker passed the Senate during the last Congress, and the present bill which is now pending in this body passed during the present session. A bill of similar effect passed the House during the last Congress.

Mr. HOLMAN. What are the facts in the case?

Mr. O'NEILL. I am coming to that now. I was merely stating the condition of these several bills. This bill has been reported favorably from the Committee on Military Affairs. The facts are these: owing to the medical treatment of the officer who is the beneficiary of this act, who had been, as the record shows, a meritorious soldier, a gallant volunteer officer, and afterward in the regular service, he became disabled. During his illness he was treated by the ablest surgeons, but the prescriptions given to him by his medical advisers undermined his constitution.

The effect of the medical treatment was such as to produce a condition of things for which he was tried by a court-martial and himself pleaded guilty to an act that was visible to his command and to the eyes of his fellow-officers. He was undoubtedly guilty of the fact, but the circumstances should have been taken into account. He had been treated for his disease by the use of powerful stimulants to such an extent that on this one occasion he fell from weakness and exhaustion in the presence of his officers and men. A court-martial was summoned immediately to try the case, and he confessed to that one act as charged. But the sentence was against him, though, owing to mitigating circumstances, the court recommended clemency.

Efforts were made by the commandant of his regiment and other officers to have him reinstated in the Army by the President of the United States, but their efforts failed. He was not reinstated, while some dozen other officers, whose crimes were as great, were pardoned or kept in the Army, or their reinstatement was permitted. Yet this poor sick man, who was recommended by the court who tried him and by the medical officers who attended him, has never been reinstated and put upon the retired list.

The Senate, as I have said, examined into this matter twice and gave favorable indorsement to the application on each occasion. The House has acted upon it in the manner I have said, and on one occasion passed a bill. I now ask that we take up the Senate bill and pass it for the relief of a worthy man and distinguished officer of the volunteer army, who distinguished himself also in the regular Army, and proved himself to be capable and competent. As I have said, the circumstances in this case show that he was attacked by a fearful disease of a rheumatic nature and was treated by powerful stimulants, from the effect of which, on the occasion to which I refer, he was overcome. And yet all the time he was sick he performed his duties faithfully. He stuck to his post of duty, and although his officers suggested that he ask leave of absence, he would not do it.

Mr. HOLMAN. This bill simply authorizes the President to reappoint.

Mr. O'NEILL. Yes, sir; in his own discretion.

Mr. HOLMAN. It has no retroactive operation.

Mr. O'NEILL. None at all; it takes away the pension he now receives.

Mr. HAZELTON. I would like to ask the gentleman from Pennsylvania whether this man is to be put back into the active service?

Mr. O'NEILL. Not at all, but on the retired list and deprived of the pension which he is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS, of Michigan. I object, and demand the regular order.

Mr. KLOTZ. I hope the gentleman will withdraw his objection.

The SPEAKER. The regular order is demanded.

TEMPORARY APPROPRIATIONS.

Mr. HISCOCK. I offer the following joint resolution, and ask its immediate adoption.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. R. No. 261) to continue the provisions of a joint resolution, approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Resolved, &c., That the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved June 30, 1882, be, and the same are hereby, extended and continued in full force and effect to and including the 31st day of July, 1882.

Mr. TOWNSHEND, of Illinois. It strikes me if the Committee on Appropriations were more industrious it would not be necessary to pass these resolutions for extension of time.

Mr. RANDALL. Is there not already a joint resolution which extends the appropriations for thirty days?

Mr. HISCOCK. Only to the 20th of July. This extends the time to the 31st.

Mr. RANDALL. Can the gentleman from New York give us any assurance that by that time we will get away?

Mr. HISCOCK. I think I can give the gentleman this assurance, that the appropriation bills will be all passed by that time.

Mr. HOLMAN. Why not make the extension longer so that it will not be necessary to pass another resolution?

Mr. HISCOCK. I think the extension fixed in the joint resolution is sufficient.

Mr. TOWNSHEND, of Illinois. It seems to me if we were to stop granting these extensions we would adjourn sooner.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREPARATION OF REVENUE BILLS DURING RECESS.

Mr. KASSON. I am instructed by the Committee on Ways and Means to report and ask the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means have leave to sit during the recess of Congress, and they are instructed to assemble at Washington for the preparation of revenue bills on the second Tuesday of November next.

Mr. TOWNSHEND, of Illinois. I should like the gentleman from Iowa to explain what is intended by this resolution.

Mr. KASSON. I can do so in two words. By the tariff-commission act the reports of the commission are to be made from time to time, and the committee deem it important, in order to facilitate action and to get the subject properly before the House, that the Committee on Ways and Means should take up the consideration of those reports immediately after the fall elections and before the meeting of Congress in order to get their bill in a very forward state of preparation before Congress assembles.

Mr. TOWNSHEND, of Illinois. Is the commission to report to the Committee on Ways and Means or to the House?

Mr. KASSON. The commission is to make its reports and publish them, and copies are to be given to every member as soon as they are printed.

Mr. TOWNSHEND, of Illinois. Will the committee have authority to act upon those reports before they are referred to them by the House?

Mr. KASSON. Certainly; the committee has the same authority to prepare revenue bills as the Committee on Appropriations has to sit during the recess and prepare appropriation bills.

The resolution was adopted.

Mr. KASSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—STOVALL VS. CABELL.

Mr. ATHERTON. On behalf of the Committee on Elections I desire to present the unanimous report of the committee in the contested-election case of Stovall against Cabell. I ask for the present consideration of the resolutions.

Mr. RANDALL. Did I understand the gentleman from Ohio to say that this was a unanimous report?

Mr. ATHERTON. It is the unanimous report of the committee.

Mr. BURROWS, of Michigan. I supposed I had demanded the regular order.

The SPEAKER. This is the regular order. The resolutions will be read by the Clerk.

The Clerk read as follows:

Resolved, That John T. Stovall was not elected to a seat in the Forty-seventh Congress from the Fifth Congressional district of Virginia, and is not entitled thereto.

Resolved, That George C. Cabell was duly elected to a seat in the Forty-seventh Congress from the fifth Congressional district of Virginia, and is entitled to represent the same.

The resolutions were agreed to.

Mr. ATHERTON moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—ANDERSON VS. REED.

Mr. HAZELTON. I am instructed by the Committee on Elections to present the unanimous report of that committee in reference to the contested-election case of Anderson *vs.* Reed, from the first Congressional district of Maine. I ask for the consideration of the resolutions at the present time.

The Clerk read the resolutions, as follows:

Resolved, That the contestant, Samuel J. Anderson, was not elected and is not entitled to a seat in this Congress.

Resolved, That Thomas B. Reed, the contestee, was elected and is entitled to retain his seat in this Congress.

Mr. RANDALL. In the noise I did not understand distinctly whether the gentleman from Wisconsin said this was a unanimous report.

Mr. HAZELTON. It is, as I understand.

The resolutions were adopted.

Mr. HAZELTON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. POUND rose.

Mr. CALKINS. I desire to give notice that immediately after the matter in charge of the gentleman from Wisconsin [Mr. POUND] is disposed of I shall call up the contested-election case of Smith *vs.* SheHey, and shall follow that with the contested-election case of Smalls *vs.* Tillman.

AMENDMENT OF RULES—ORDER OF BUSINESS.

Mr. POUND. As a question of privilege, under Rule XXVIII, and in pursuance of a notice given on yesterday, I desire to call up and move the adoption of the resolution which I ask the Clerk to read. Before the Clerk proceeds to read I ask the House to be in order and listen to the resolution, as the reports of the press were very misleading.

The Clerk read the resolution, as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of public bills and resolutions which shall have been previously reported by standing committees of the House and such reports printed, and Senate bills and resolutions on the Speaker's table, the substance of which shall have received favorable action of appropriate House committees, in the following manner, to wit: The Speaker shall call the standing committees in their order, whereupon, by direction of committees so called, not more than two measures may be severally called up for final consideration. If not more than four members object, such consideration shall proceed, providing that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees.

Mr. POUND. I do not care to discuss this resolution at any length. I am aware of the fact that the general practice of the House has been to submit amendments to the rules and have them referred to the Committee on Rules.

Mr. TOWNSHEND, of Illinois. I do not understand this question is up for consideration.

The SPEAKER. The Chair so understands.

Mr. TOWNSHEND, of Illinois. Does the Chair understand it is properly before the House for consideration?

The SPEAKER. The Chair understands the gentleman from Wisconsin to call up the resolution for consideration.

Mr. REED. But does the Chair understand the point of order is reserved?

Mr. TOWNSHEND, of Illinois. I raise the point of order that this, like any other resolution or bill, should be referred to a committee for report.

The SPEAKER. Under what rule?

Mr. TOWNSHEND, of Illinois. Under the general rule that requires the reference of all subjects to committees.

Mr. RANDALL. While the gentleman is hunting up the rule——

Mr. BURROWS, of Michigan. If the gentleman from Illinois [Mr. TOWNSHEND] will yield to me, I will cite a rule under which I think the point of order should be made. Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rule;" and clause 41 of that rule provides that "all proposed action touching the rules and joint rules shall be referred to the Committee on Rules." Now, this is proposed action in regard to the rules of the House, and the rule I have quoted is imperative that it shall be referred to the Committee on Rules.

The SPEAKER. The Chair will call attention to the first paragraph or clause of Rule XXVIII, which the Clerk will read.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

Mr. REED. I desire to suggest that the point of order shall be open to discussion, for if we are going to establish as a precedent, among other things, that any member may offer an amendment to the rules and it will come up as a privileged question the next day,

without consideration by any committee of the House, it seems to me that we will establish a precedent that will be very troublesome indeed.

Mr. TOWNSHEND, of Illinois. And you might as well abolish your Committee on Rules.

Mr. REED. Therefore the point of order should receive full discussion. I apprehend that the rules are entirely consistent with each other, not only the rule which the Speaker has just caused to be read but the rule which the gentleman from Michigan [Mr. BURROWS] has cited as one under which the point of order could be made.

Mr. TOWNSHEND, of Illinois. Does not the clause read by the Clerk refer to reports from the Committee on Rules?

Mr. REED. I apprehend that the two rules are perfectly consistent, and they do not seem to me to need any such interpretation as will allow any member to present a proposition for a change of the rules to come up as a privileged question after one day's notice. The two rules are perfectly consistent with each other and not at all consistent with the idea that any member can present a new rule to be acted on the next day. If that should be held to be the correct construction of the rules it would certainly lead to very singular results.

Mr. TOWNSHEND, of Illinois. The paragraph read by the Clerk evidently refers to reports from the Committee on Rules, and not to any proposition from individual members to change the rules.

Mr. BURROWS, of Michigan. I take it that Rule XXVIII, which was read by the Clerk, is simply a general proposition or rule that "no standing rule or order of the House shall be rescinded or changed without one day's notice." As the gentleman from Maine [Mr. REED] has said, I do not believe it confers upon any member of this House the right to give notice that on the following day he will move to change the rules, and then the question must come up as a privileged question. The paragraph of Rule XI which I have cited is imperative that "all proposed action touching the rules and joint rules shall be referred to the Committee on Rules." This is proposed action in regard to the rules and orders of the House, and Rule XI sends it to the Committee on Rules. Any other interpretation would do away with the necessity for any Committee on Rules at all. We might abolish that committee at once, and then any one who desires to amend the rules could give notice to-day of a proposition to that effect, or any half a dozen members could give notice to-day of such propositions, and they would come up to-morrow morning as questions of privilege, and their consideration might occupy the entire session of the day and even more.

Mr. KASSON It is evidently in order to move to refer this proposition to the Committee on Rules. That committee having the right to report at any time, I make the motion to refer it to the Committee on Rules.

Mr. POUND. I do not yield the floor for any such motion. Of course when a point of order is raised I must yield to it; but I do not yield the floor to any such motion as that indicated by the gentleman from Iowa, [Mr. KASSON.]

Mr. HAMMOND, of Georgia. I desire to say a word or two on the point of order.

Mr. POUND. I desire to be heard on the point of order. I apprehend that the rules providing the order in which the business of this House shall be referred to committees, and stating the committees to which it shall be referred, amount simply to this: when a reference is had then the reference shall be as set forth in the rules.

Certainly questions of privilege may be considered by the House without reference to committees; and there is no doubt but that this proposition to amend the rules and orders of the House is a question of privilege, and it certainly is in conformity with usual parliamentary practice to give one day's notice of such question.

I do not apprehend that the members of this House are going to play upon the time of the House by giving notice every day of proposed amendments to the rules. And I do think that even if the point of order did obtain, in this exigency it should not be taken advantage of. I would like on this occasion to speak of what this exigency is, but it would hardly be in order on the point of order.

Mr. HAMMOND, of Georgia. Rule XI implies that all such propositions as these should be referred to the Committee on Rules. The only doubt that could be raised in that connection is the fact that Rule XXVIII says that "no standing rule of order of the House shall be rescinded or changed without one day's notice of the motion therefor."

Now, let us take Rule XI by itself. The gentleman may propose and have referred an amendment of the rules. The Committee on Rules may meet and report it back favorably within an hour, and it may be passed upon to the exclusion of all other business to-day. Rule XXVIII simply amends Rule XI in that particular by providing that while all matters in relation to a change of the rules must be referred to the Committee on Rules, and while the Committee on Rules may report at any time and have the privilege of the floor at any time, there shall be no consideration of their report until one day's notice has been given to the House.

Mr. RANDALL. The Committee on Rules have not under the rules the right to report at any time.

Mr. HAMMOND, of Georgia. But suppose they have; this is an important limitation—that without notice given to the House for one day no rule shall be changed.

Now, the gentleman from Wisconsin [Mr. POUND] says he presumes members will not take up the time of the House in giving notice of changes of the rules. That may be a fair presumption; and yet, if it were important sometimes to consume the time of the House as it is frequently thought to be by gentlemen in opposition to particular movements, we could give fifty notices in a day and consume the whole time of the House in considering the rules. There certainly is no conflict between the two rules; and as I understand when the Committee on Rules make a report, it is not acted upon without unanimous consent until a day thereafter.

Mr. POUND. Mr. Speaker, inasmuch as this is a new departure in the practice of the House, and there seems to be a disposition to discuss the point of order at great length, and inasmuch as the time of the House is precious, I will assent to the motion that the resolution be referred to the Committee on Rules, hoping, but I fear hoping in vain, that it may be reported back at an early day. I will make that motion myself.

The SPEAKER. The gentleman from Wisconsin [Mr. POUND] withdraws his request for the present consideration of the resolution and consents that it be referred to the Committee on Rules. It will be so referred. The Chair desires to state in this connection that under the former practice there seems to have been——

Mr. POUND. If I may be permitted I should like to accompany my motion with instructions that the committee report upon this proposition to-morrow.

Mr. BLACKBURN and others. Oh, no.

The SPEAKER. The committee has power to report at any time. The Chair desires to state, without deciding anything, but in order that the question may have further consideration, that it seems under the old rule, which was in substance the same as the present one, motions to change the rules were entertained on one day's notice being given. There seems to have been a long line of precedents in that direction.

Mr. TOWNSHEND, of Illinois. Was not that by unanimous consent?

The SPEAKER. The Chair could point to cases where the point of order was made and overruled, and the consideration of the question entered upon. The Chair, however, at present decides nothing, but simply calls attention to these precedents that they may be examined.

Mr. HOLMAN. I wish to inquire whether it is not the fact that while the former rule imperatively required that proposed amendments of the rule should be referred to the Committee on Rules, the recent rule——

The SPEAKER. The Chair thinks that the former rule was in substance the same as the present in regard to the reference of matters of this kind.

Mr. RANDALL. I wish to say that while in the body of the rules no right is given to the Committee on Rules to report at any time, such authority was granted by a general order in the early part of this session. This authority has been derived from a resolution introduced, I think, by the gentleman from Kansas, [Mr. HASKELL,] and accords with the past practice. The Chair is correct in his statement as to what the practice has been.

LEAVE OF ABSENCE.

Mr. HOBLITZELL, by unanimous consent, obtained leave of absence for to-day, on account of sickness.

PLATE-PRINTING.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House of May 10, 1882, relative to plate-printing by steam-presses, and transmitting a letter from the Chief of the Bureau of Engraving and Printing, with accompanying reports; which was referred to the Committee on Banking and Currency, and ordered to be printed.

CONTESTED ELECTION—SMITH VS. SHELLEY.

Mr. CALKINS. I now call up the contested-election case of Smith *vs.* Shelley, from the fourth district of Alabama.

Mr. RANDALL. Against which I raise the question of consideration.

Mr. CALKINS. I wish to state that my colleague on the committee, the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] has stated to me that he would not be ready to go on with this case this morning. If the gentleman from Pennsylvania [Mr. RANDALL] insists on raising the question of consideration, and the case should now come up, he simply forces the consideration of this case first. If he desires, however, that his colleague shall be present——

Mr. RANDALL. I raise the consideration against either of these cases. My object, which I frankly state, is a very plain one. Of course these cases can be proceeded with under the new rule when there is a quorum on the other side. But we propose to insist that there shall be such a quorum. My purpose in raising the question of consideration is to test the presence of a quorum on the other side.

Mr. CALKINS. If I understand the statement of the gentleman from Pennsylvania [Mr. RANDALL] I will say that out of deference to my colleague from Pennsylvania, a member of the Committee on Elections, [Mr. BELTZHOOVER,] who stated to me that he was not prepared to proceed with the case of Smith *vs.* Shelley, I will waive

that case and call up the next case on the Calendar, of Small *vs.* Tillman.

Mr. RANDALL. I raise the question of consideration.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The Chair is informed that the gentleman from Texas [Mr. REAGAN] is ill and unable to serve as one of the conferees in the conference on the disagreeing votes of the two Houses on the river and harbor appropriation bill, and declines further service. The Chair will appoint in his place the gentleman from Maryland, [Mr. MCLANE.]

CONTESTED-ELECTION CASE—SMALL VS. TILLMAN.

Mr. MOULTON. I should like to say a word.

The SPEAKER. The Chair will state the question before the House. The gentleman from Indiana, chairman of the Committee on Elections, calls up for present consideration the South Carolina contested-election case of Small *vs.* Tillman, against which the gentleman from Pennsylvania raises the question of consideration.

Mr. MOULTON. I wish to say a word. We are not ready to proceed with that case to-day, for two reasons. The gentleman from Missouri, [Mr. DAVIS,] who principally examined it, is not here, but is expected to be here. As to myself, notice was only given to me yesterday, and yesterday afternoon and last night I was engaged in other matters, or rather my time was so taken up I had no opportunity to examine the case at all. I will not make that objection to-morrow morning, so far as I am concerned, but shall be ready to proceed; and I hope my friend will defer it until to-morrow morning as a personal accommodation to me.

Mr. CALKINS. I will say to my friend, if I had control of the matter that out of courtesy to him I would cheerfully agree to defer it until to-morrow morning; but this side is compelled to maintain a quorum, and it is no fault of theirs, a quorum now being present, that we ask to proceed with this case.

The SPEAKER. The question of consideration is not debatable.

Mr. WILSON. Let me make a parliamentary inquiry. Is it in order to move to dispense with the consideration of this case until some day in December next?

The SPEAKER. The case has not yet been entered upon.

Mr. RANDALL. Time will be saved by ordering the yeas and nays.

The question was taken; and there were—yeas 129, nays 2, not voting 159; as follows:

YEAS—129.

Aldrich,	Farwell, Sewell S.	Mason,	Sherwin,
Anderson,	Fisher,	McCoid,	Shultz,
Bayne,	Ford,	McCook,	Smith, A. Herr
Belford,	Fulkerson,	McKinley,	Smith, Dietrich C.
Bingham,	George,	Miles,	Smith, J. Hyatt
Bisbee,	Godshalk,	Miller,	Spaulding,
Brewer,	Guenther,	Moore,	Spooner,
Briggs,	Hammond, John	Morey,	Steele,
Browne,	Harmer,	Neal,	Strait,
Buck,	Harris, Benj. W.	Norcross,	Taylor,
Burrows, Julius C.	Haseltine,	O'Neill,	Thomas,
Butterworth,	Haskell,	Orth,	Thompson, Wm. G.
Calkins,	Hazelton,	Pacheco,	Townsend, Amos
Camp,	Heilman,	Parker,	Tyler,
Campbell,	Henderson,	Payson,	Updegraff, J. T.
Candler,	Hepburn,	Peelle,	Updegraff, Thomas
Cannon,	Hiscock,	Peirce,	Valentine,
Carpenter,	Horr,	Pettibone,	Van Aernam,
Caswell,	Houk,	Pound,	Van Horn,
Chace,	Hubbell,	Prescott,	Van Voorhis,
Cornell,	Hubbs,	Ranney,	Wadsworth,
Cullen,	Jacobs,	Reed,	Wait,
Cutts,	Jadwin,	Rice, Theron M.	Ward,
Darrall,	Jones, Phineas	Rice, William W.	Washburn,
Davis, George R.	Jorgensen,	Rich,	Webber,
Dawes,	Kasson,	Ritchie,	West,
Deering,	Kelley,	Robeson,	White,
De Motte,	Ketcham,	Robinson, Geo. D.	Williams, Chas. G.
Dezendorf,	Lacey,	Robinson, Jas. S.	Willits
Dingley,	Lewis,	Russell,	Wood, Walter A.
Dwight,	Lord,	Ryan,	
Errett,	Lynch,	Scranton,	
Farwell, Chas. B.	Mackey,	Shallenberger,	

NAYS—2.

Hardenbergh,	Jones, George W.

NOT VOTING—159.

Aiken,	Buckner,	Culberson,	Gunter,
Armfield,	Burrows, Jos. H.	Curtin,	Hall,
Atherton,	Cabell,	Davidson,	Hammond, N. J.
Atkins,	Caldwell,	Davis, Lowndes H.	Hardy,
Barbour,	Carlisle,	Deuster,	Harris, Henry S.
Barr,	Cassidy,	Dibrell,	Hatch,
Beach,	Chapman,	Dowd,	Herbert,
Belmont,	Clardy,	Dugro,	Herndon,
Beltzhoover,	Clark,	Dunn,	Hewitt, Abram S.
Berry,	Clements,	Dunnell,	Hewitt, G. W.
Black,	Cobb,	Ellis,	Hill,
Blackburn,	Colerick,	Ermentrout,	Hoblitzell,
Blanchard,	Converse,	Evins,	Hoge,
Bland,	Cook,	Flower,	Holman,
Bliss,	Covington,	Forney,	Hooker,
Blount,	Cox, Samuel S.	Frost,	House,
Bowman,	Cox, William R.	Garrison,	Humphrey,
Bragg,	Crapo,	Geddes,	Hutchins,
Brumm,	Cravens,	Gibson,	Jones, James K.
Buchanan,	Crowley,	Grout,	Joyce,
Kenna,	Morrison,	Robinson, Wm. E.	Townshend, R. W.
King,	Morse,	Rosecrans,	Tucker,
Klotz,	Mosgrove,	Ross,	Turner, Henry G.
Knott,	Moulton,	Scales,	Turner, Oscar
Ladd,	Muldrow,	Scoville,	Upson,
Latham,	Murch,	Shackelford,	Urner,
Leedom,	Mutchler,	Shelley,	Vance,
Le Fevre,	Nolan,	Simonton,	Walker,
Lindsey,	Oates,	Singleton, Jas. W.	Warner,
Lowe,	Page,	Singleton, Otho R.	Watson,
Manning,	Paul,	Skinner,	Wellborn,
Marsh,	Phelps,	Sparks,	Whitthorne,
Martin,	Phister,	Speer,	Williams, Thomas
Matson,	Randall,	Springer,	Willis,
McClure,	Ray,	Stephens,	Wilson,
McKenzie,	Reagan,	Stockslager,	Wise, George D.
McLane,	Rice, John B.	Stone,	Wise, Morgan R.
McMillin,	Richardson, D. P.	Talbott,	Wood, Benjamin
Mills,	Richardson, Jno. S.	Thompson, P. B.	Young.
Money,	Robertson,	Tillman,	

Pending the roll-call the following pairs were announced from the Clerk's desk:

Mr. HISCOCK with Mr. COX of New York.
Mr. SHERWIN with Mr. KING.
Mr. HARMER with Mr. HOBLITZELL.
Mr. LOWE with Mr. HERNDON.
Mr. MCCLURE with Mr. LEEDOM.
Mr. JONES, of New Jersey, with Mr. HERBERT.
Mr. HEILMAN with Mr. BLAND.
Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.
Mr. MCCOID with Mr. CLARK.
Mr. LINDSEY with Mr. LADD.
Mr. WATSON with Mr. TALBOTT.
Mr. HUMPHREY with Mr. BRAGG.
Mr. HALL with Mr. WISE of Pennsylvania.
Mr. SKINNER with Mr. FLOWER.
Mr. HUBBS with Mr. SHACKELFORD.
Mr. JOYCE with Mr. STOCKSLAGER.
Mr. BARR with Mr. DAVIDSON.
Mr. MOREY with Mr. COLERICK.
Mr. STONE with Mr. HEWITT of Alabama.
Mr. ROBESON with Mr. BLACKBURN.
Mr. DUNNELL with Mr. DUGRO.
Mr. WARD with Mr. AIKEN.
Mr. BOWMAN with Mr. SPARKS.
Mr. YOUNG with Mr. CLARDY.
Mr. RYAN with Mr. LE FEVRE.
Mr. URNER with Mr. MCLANE.
Mr. RAY with Mr. MARTIN.

Mr. HISCOCK. I am announced as being paired with my colleague, Mr. COX. I have reserved the right to vote to make a quorum at all times.

Mr. WARD. I am paired with the gentleman from South Carolina, Mr. AIKEN. That pair was on condition that I reserved the right to vote to make a quorum. I understand my vote is necessary for that purpose and have voted on this call.

Mr. HEILMAN. I am paired with Mr. BLAND, but have reserved the right to vote to make a quorum. The Democrats do not vote and I voted. [Laughter.]

Mr. ROBESON. I am announced as being paired with Mr. BLACKBURN. That pair is off, both being present.

Mr. HARMER. I am paired with Mr. HOBLITZELL, but with the right to vote if necessary to make a quorum.

Mr. MOREY. I am paired with Mr. COLERICK, but understand that my vote is necessary for a quorum and have reserved the right to vote in such case. I have therefore voted on this bill.

Mr. JONES, of New Jersey. I am paired with Mr. HERBERT, but reserved the right to vote to make a quorum.

Mr. CALKINS. I ask unanimous consent to dispense with the reading of the names.

Mr. SPRINGER. I object.

The Clerk then read the names of those voting; after which the result of the vote was announced as above recorded.

Mr. RANDALL. No quorum has voted.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. No. 369) granting a pension to Jacob R. McFarren;
A bill (H. R. No. 1102) granting a pension to Elizabeth T. Dubois;
A bill (H. R. No. 1422) granting a pension to Mary Wade;
A bill (H. R. No. 2127) granting a pension to James F. Rose;
A bill (H. R. No. 2481) for the relief of Dicey Bobbitt;
A bill (H. R. No. 3316) granting a pension to David Darling;
A bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll;
A bill (H. R. No. 5239) granting a pension to Mrs. Spedie B. Eggleston;
A bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge; and
A bill (H. R. No. 1098) granting a pension to Martha Westervelt

CONTESTED-ELECTION—SMALLS VS. TILLMAN.

Mr. CALKINS. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll.

The following is the list of members who failed to answer to their names:

Aiken,	Davis, Lowndes H.	Ladd,	Robertson,
Barr,	Dugro,	Leedom,	Scoville,
Beach,	Dunnell,	Lindsey,	Shackelford,
Belmont,	Flower,	Lowe,	Skinner,
Black,	Frost,	Marsh,	Sparks,
Bland,	Grout,	Martin,	Stephens,
Bliss,	Hall,	McLane,	Stockslager,
Bowman,	Harris, Henry S.	McMillin,	Stone,
Bragg,	Herbert,	Mosgrove,	Talbott,
Brumm,	Herndon,	Murch,	Thompson, P. B.
Burrows, Jos. H.	Hewitt, Abram S.	Nolan,	Townsend,
Clardy,	Hewitt, G. W.	Page,	Walker,
Clark,	Hoblitzell,	Paul,	Wood, Benjamin
Colerick,	Hoge,	Phelps,	Young.
Cox, Samuel S.	Humphrey,	Reagan,	
Crowley,	Joyce,	Rice, John B.	
Davidson,	King,	Richardson, D. P.	

Mr. CALKINS. I ask that the doors be now closed.

The SPEAKER. Under the rule the doors will now be closed and the names of the absentees called for excuses.

The Clerk proceeded to call the names of absentees, as follows:

Mr. AIKEN. Absent with leave.

Mr. BARR. Absent with leave.

Mr. BEACH. No excuse offered.

Mr. BELMONT. No excuse offered.

Mr. BLACK. Absent with leave.

Mr. BLAND. Absent with leave.

Mr. BLISS. No excuse offered.

Mr. BOWMAN. No excuse offered.

Mr. BRAGG. Absent with leave.

Mr. BRUMM. No excuse offered.

Mr. BURROWS, of Missouri. Absent with leave.

Mr. CLARDY. No excuse offered.

Mr. CLARK. No excuse offered.

Mr. COLERICK. Absent with leave.

Mr. COX, of New York. No excuse offered.

Mr. CROWLEY. No excuse offered.

Mr. DAVIDSON. Absent with leave.

Mr. L. H. DAVIS. No excuse offered.

Mr. DUGRO. No excuse offered.

Mr. DUNNELL. No excuse offered.

Mr. FLOWER. No excuse offered.

Mr. FROST. No excuse offered.

Mr. GROUT. Absent with leave.

Mr. HALL. Absent with leave.

Mr. H. S. HARRIS. No excuse offered.

Mr. HERBERT. No excuse offered.

Mr. HERNDON. No excuse offered.

Mr. A. S. HEWITT. Absent with leave.

Mr. G. W. HEWITT. No excuse offered.

Mr. HOBLITZELL. Absent with leave.

Mr. HOGE. No excuse offered.

Mr. HUMPHREY. No excuse offered.

Mr. JOYCE. Absent with leave.

Mr. KING. No excuse offered.

Mr. LADD. Absent with leave.

Mr. LEEDOM. No excuse offered.

Mr. LINDSEY. Absent with leave.

Mr. LOWE. Absent with leave.

Mr. MARSH. No excuse offered.

Mr. MARTIN. No excuse offered.

Mr. MCLANE. No excuse offered.

Mr. MCMILLIN. No excuse offered.

Mr. MOSGROVE. Absent with leave.

Mr. MURCH. No excuse offered.

Mr. NOLAN. No excuse offered.

Mr. PAGE. No excuse offered.

Mr. PAUL. No excuse offered.

Mr. PHELPS. Absent with leave.

Mr. REAGAN. Absent with leave.

Mr. JOHN B. RICE. No excuse offered.

Mr. D. P. RICHARDSON. No excuse offered.

Mr. ROBERTSON. No excuse offered.

Mr. SCOVILLE. No excuse offered.

Mr. SHACKELFORD. Absent with leave.

Mr. SKINNER. Absent with leave.

Mr. SPARKS. Absent with leave.

Mr. STEPHENS. Absent with leave.

Mr. STOCKSLAGER. Absent with leave.

Mr. STONE. No excuse offered.

Mr. TALBOTT. Absent with leave.

Mr. P. B. THOMPSON. No excuse offered.

Mr. TOWNSEND. No excuse offered.

Mr. WALKER. No excuse offered.

Mr. BENJAMIN WOOD. No excuse offered.

Mr. YOUNG. No excuse offered.

Mr. CALKINS. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to arrest and bring to the bar of this House such of its members as are absent without its leave.

The resolution was agreed to.

Mr. MATSON. I desire to state that my colleagues, Mr. COLERICK and Mr. STOCKSLAGER, are both absent by leave of the House.

The SPEAKER. The gentleman from California, Mr. PAGE, the gentleman from Ohio, Mr. TOWNSEND, and the gentleman from Maryland, Mr. MCLANE, are absent attending a conference. If there be no objection they will be excused.

Mr. SPRINGER. I object.

The SPEAKER. The gentleman does not rise to object.

Mr. SPRINGER. I rise to withdraw my objection.

Mr. TOWNSHEND, of Illinois. Cannot the doors be left open and guarded, so that we may have some air?

The SPEAKER. The doors leading into the corridor may be opened and the outside doors closed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate agreed to the amendment of the House of Representatives to the bill (S. No. 2084) to encourage and promote telegraphic communications between America and Europe.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

Joint resolution (H. R. No. 69) authorizing the Public Printer to pay the employés of the Government Printing-Office the pay deducted from them during the obsequies of the late President Garfield, and for other purposes;

An act (H. R. No. 6676) to more effectually punish house-breaking in the District of Columbia, and for other purposes;

An act (H. R. No. 5535) fixing the rate of interest upon arrearages of taxes due July 1, 1879, and on all special assessments due the District of Columbia, and which may be paid by November 1, 1882, and for other purposes;

An act (H. R. No. 4179) for the erection of a public building at Oxford, Mississippi;

An act (H. R. No. 4173) for the erection of a public building at Brooklyn, New York;

An act (H. R. No. 4167) to enable national banking associations to extend their corporate existence, and for other purposes; and

Joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883.

CONTESTED ELECTION—SMALLS VS. TILLMAN.

Mr. CALKINS (at 2.35 p. m.) I move to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. CALKINS. I again call up the contested case of Smalls *vs.* Tillman.

Mr. RANDALL. I raise the question of consideration; or that question recurs.

The SPEAKER. The question is, Will the House now proceed to the consideration of the contested-election case of Smalls *vs.* Tillman?

Mr. RANDALL. To save time I call for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered on this proposition.

The question was taken; and there were—yeas 140, nays 2, not voting 148; as follows:

YEAS—140.

Aldrich,	Farwell, Chas. B.	McCoid,	Shallenberger,
Anderson,	Farwell, Sewell S.	McCook,	Sherwin,
Bayne,	Fisher,	McKinley,	Shultz,
Belford,	Ford,	Miles,	Smith, A. Herr
Bingham,	Fulkerson,	Miller,	Smith, Dietrich C.
Bisbee,	George,	Moore,	Smith, J. Hyatt
Bowman,	Godshalk,	Morey,	Spaulding,
Briggs,	Guenther,	Neal,	Spooner,
Browne,	Hammond, John	Norcross,	Steele,
Brumm,	Harmer,	O'Neill,	Stone,
Buck,	Harris, Benj. W.	Orth,	Strait,
Burrows, Julius C.	Haseltine,	Pacheco,	Taylor,
Butterworth,	Haskell,	Page,	Thomas,
Calkins,	Hazelton,	Parker,	Thompson, Wm. G.
Camp,	Heilman,	Paul,	Townsend, Amos
Campbell,	Henderson,	Payson,	Tyler,
Candler,	Hepburn,	Peelle,	Updegraff, J. T.
Cannon,	Hill,	Peirce,	Updegraff, Thomas
Carpenter,	Hiscock,	Pettibone,	Urner,
Caswell,	Horr,	Pound,	Valentine,
Chace,	Houk,	Prescott,	Van Aernam,
Cornell,	Hubbell,	Ranney,	Van Horn,
Crapo,	Hubbs,	Ray,	Van Voorhis,
Crowley,	Jacobs,	Reed,	Wadsworth,
Cullen,	Jadwin,	Rice, John B.	Wait,
Cutts,	Jones, Phineas	Rice, Theron M.	Walker,
Darrall,	Kelley,	Rice, William W.	Ward,
Davis, George R.	Ketcham,	Rich,	Washburn,
Dawes,	Lacey,	Ritchie,	Watson,
Deering,	Lewis,	Robeson,	Webber,
De Motte,	Lord,	Robinson, Geo. D.	West,
Dezendorf,	Lynch,	Robinson, Jas. S.	White,
Dingley,	Mackey,	Russell,	Williams, Chas. G.
Dwight,	Mason,	Ryan,	Willits,
Errett,	McClure,	Scranton,	Wood, Walter A.

NAYS—2.

Hardenbergh, Jones, George W.

NOT VOTING—148.

Aiken,	Culberson,	Jones, James K.	Richardson, Jno. S.
Armfield,	Curtin,	Jorgensen,	Robertson,
Atherton,	Davidson,	Joyce,	Robinson, Wm. E.
Atkins,	Davis, Lowndes H.	Kasson,	Rosecrans,
Barbour,	Deuster,	Kenna,	Ross,
Barr,	Dibrell,	King,	Scales,
Beach,	Dowd,	Klotz,	Scoville,
Belmont,	Dugro,	Knott,	Shackelford,
Beltzhoover,	Dunn,	Ladd,	Shelley,
Berry,	Dunnell,	Latham,	Simonton,
Black,	Ellis,	Leedom,	Singleton, Jas. W.
Blackburn,	Ermentrout,	Le Fevre,	Singleton, Otho R.
Blanchard,	Evins,	Lindsey,	Skinner,
Bland,	Flower,	Lowe,	Sparks,
Bliss,	Forney,	Manning,	Speer,
Blount,	Frost,	Marsh,	Springer,
Bragg,	Garrison,	Martin,	Stephens,
Brewer,	Geddes,	Matson,	Stockslager,
Buchanan,	Gibson,	McKenzie,	Talbott,
Buckner,	Grout,	McLane,	Thompson, P. B.
Burrows, Jos. H.	Gunter,	McMillin,	Tillman,
Cabell,	Hall,	Mills,	Townshend, R. W.
Caldwell,	Hammond, N. J.	Money,	Tucker,
Carlisle,	Hardy,	Morrison,	Turner, Henry G.
Cassidy,	Harris, Henry S.	Morse,	Turner, Oscar
Chapman,	Hatch,	Mosgrove,	Upson,
Clardy,	Herbert,	Moulton,	Vance,
Clark,	Herndon,	Muldrow,	Warner,
Clements,	Hewitt, Abram S.	Murch,	Wellborn,
Cobb,	Hewitt, G. W.	Mutchler,	Whitthorne,
Colerick,	Hoblitzell,	Nolan,	Williams, Thomas
Converse,	Hoge,	Oates,	Willis,
Cook,	Holman,	Phelps,	Wilson,
Covington,	Hooker,	Phister,	Wise, George D.
Cox, Samuel S.	House,	Randall,	Wise, Morgan R.
Cox, William R.	Humphrey,	Reagan,	Wood, Benjamin
Cravens,	Hutchins,	Richardson, D. P.	Young.

The following additional pair was announced:

Mr. GROUT with Mr. TALBOTT.

Mr. CALKINS. I ask unanimous consent to dispense with the reading of the names.

Mr. RANDALL and Mr. SPRINGER objected.

The Clerk then read the names of those voting.

The SPEAKER. On this vote there are—yeas 140, nays 2.

Mr. RANDALL. No quorum has voted.

Mr. CALKINS. I ask unanimous consent that, without moving a call of the House, this roll-call be vacated for the purpose——

Mr. RANDALL. Not anything by unanimous consent.

Mr. CALKINS. Then I move a call of the House.

The SPEAKER. The roll-call vacates itself, there being no quorum voting.

Mr. CALKINS. Then I call up the contested-election case of Smalls against Tillman.

Mr. RANDALL. That is the motion now pending.

The SPEAKER. That motion is pending undoubtedly, but the vote which has just been taken on that motion, there being no quorum voting, is a vote that goes for nothing and is not in the way of another vote.

Mr. RANDALL. The rule provides that when there is no quorum but two motions are in order—a motion to adjourn, and a motion for a call of the House.

The SPEAKER. But it does not follow that either of those motions need be made.

Mr. MILLS. When the House is judicially informed that a quorum is not present, no motion is in order except to adjourn or for a call of the House.

The SPEAKER. When there is a call of the House, that is undoubtedly true.

Mr. CALKINS. I will put an end to all this and move a call of the House.

The SPEAKER. The Chair does not think that it follows, even where a quorum has not voted on a call of the yeas and nays, that the House is concluded on the question of a quorum being present.

Mr. RANDALL. When a quorum is not acting it is not a House, and that drives us to one of but two motions—to adjourn or for a call of the House.

The SPEAKER. There is not a day but what the point of no quorum is made against some vote by division; but it does not follow that therefore there must be a call of the House.

Mr. RANDALL. There are but two motions now in order.

Mr. CALKINS. I do not agree with the gentleman from Pennsylvania.

Mr. RANDALL. That is correct, nevertheless.

Mr. CALKINS. And I do not expect to agree with the gentleman when he is wrong, as he often is.

The SPEAKER. The question is upon the motion for a call of the House.

The motion was not agreed to.

Mr. CALKINS. I now call up the contested-election case of Smalls vs. Tillman.

Mr. ATHERTON. I move that the House now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 23, noes 83.

Before the result of the vote was announced,

Mr. ATHERTON called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays, and there were 10 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The motion to adjourn was accordingly not agreed to.

Mr. CALKINS. I now call up the case of Smalls against Tillman.

The SPEAKER. The Chair thinks that the question recurs upon the proposition just voted upon; that is, Will the House now proceed to consider the contested-election case of Smalls *vs.* Tillman? On that question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 143, nay 1, not voting 146; as follows:

YEAS—143.

Aldrich,	Farwell, Chas. B.	McClure,	Shallenberger,
Anderson,	Farwell, Sewell S.	McCoid,	Sherwin,
Bayne,	Fisher,	McCook,	Shultz,
Belford,	Ford,	McKinley,	Smith, A. Herr
Bingham,	Fulkerson,	Miles,	Smith, Dietrich C.
Bisbee,	George,	Miller,	Smith, J. Hyatt
Bowman,	Godshalk,	Moore,	Spaulding,
Brewer,	Guenther,	Morey,	Spooner,
Briggs,	Hammond, John	Neal,	Steele,
Browne,	Harmer,	Norcross,	Stone,
Brumm,	Harris, Benj. W.	O'Neill,	Strait,
Buck,	Haseltine,	Orth,	Taylor,
Burrows, Julius C.	Haskell,	Pacheco,	Thomas,
Butterworth,	Hazelton,	Page,	Thompson, Wm. G.
Calkins,	Heilman,	Parker,	Townsend, Amos
Camp,	Henderson,	Paul,	Tyler,
Campbell,	Hepburn,	Payson,	Updegraff, J. T.
Candler,	Hill,	Peelle,	Updegraff, Thomas
Cannon,	Hiscock,	Peirce,	Urner,
Carpenter,	Horr,	Pettibone,	Valentine,
Caswell,	Houk,	Pound,	Van Aernam,
Chace,	Hubbell,	Prescott,	Van Horn,
Cornell,	Hubbs,	Ranney,	Van Voorhis,
Crapo,	Jacobs,	Ray,	Wadsworth,
Crowley,	Jadwin,	Reed,	Wait,
Cullen,	Jones, Phineas	Rice, John B.	Walker,
Cutts,	Jorgensen,	Rice, Theron M.	Ward,
Darrall,	Kasson,	Rice, William W.	Washburn,
Davis, George R.	Kelley,	Rich,	Watson,
Dawes,	Ketcham,	Ritchie,	Webber,
Deering,	Lacey,	Robeson,	West,
De Motte,	Lewis,	Robinson, Geo. D.	White,
Dezendorf,	Lord,	Robinson, Jas. S.	Williams, Chas. G.
Dingley,	Lynch,	Russell,	Willits,
Dwight,	Mackey,	Ryan,	Wood, Walter A.
Errett,	Mason,	Scranton,	

NAY—1.

Jones, George W.

NOT VOTING—146.

Aiken,	Curtin,	Jones, James K.	Robinson, Wm. E.
Armfield,	Davidson,	Joyce,	Rosecrans,
Atherton,	Davis, Lowndes H.	Kenna,	Ross,
Atkins,	Deuster,	King,	Scales,
Barbour,	Dibrell,	Klotz,	Scoville,
Barr,	Dowd,	Knott,	Shackelford,
Beach,	Dugro,	Ladd,	Shelley,
Belmont,	Dunn,	Latham,	Simonton,
Beltzhoover,	Dunnell,	Leedom,	Singleton, Jas. W.
Berry,	Ellis,	Le Fevre,	Singleton, Otho R.
Black,	Ermentrout,	Lindsey,	Skinner,
Blackburn,	Evins,	Lowe,	Sparks,
Blanchard,	Flower,	Manning,	Speer,
Bland,	Forney,	Marsh,	Springer,
Bliss,	Frost,	Martin,	Stephens,
Blount,	Garrison,	Matson,	Stockslager,
Bragg,	Geddes,	McKenzie,	Talbott,
Buchanan,	Gibson,	McLane,	Thompson, P. B.
Buckner,	Grout,	McMillin,	Tillman,
Burrows, Jos. H.	Gunter,	Mills,	Townshend, R. W.
Cabell,	Hall,	Money,	Tucker,
Caldwell,	Hammond, N. J.	Morrison,	Turner, Henry G.
Carlisle,	Hardenbergh,	Morse,	Turner, Oscar
Cassidy,	Hardy,	Mosgrove,	Upson,
Chapman,	Harris, Henry S.	Moulton,	Vance,
Clardy,	Hatch,	Muldrow,	Warner,
Clark,	Herbert,	Murch,	Wellborn,
Clements,	Herndon,	Mutchler,	Whitthorne,
Cobb,	Hewitt, Abram S.	Nolan,	Williams, Thomas
Colerick,	Hewitt, G. W.	Oates,	Willis,
Converse,	Hoblitzell,	Phelps,	Wilson,
Cook,	Hoge,	Phister,	Wise, George D.
Covington,	Holman,	Randall,	Wise, Morgan R.
Cox, Samuel S.	Hooker,	Reagan,	Wood, Benjamin
Cox, William R.	House,	Richardson, D. P.	Young.
Cravens,	Humphrey,	Richardson, Jno. S.	
Culberson,	Hutchins,	Robertson,	

Mr. CALKINS. I ask unanimous consent that the reading of the names be dispensed with.

Mr. SPRINGER. I object.

The names having been read,

The SPEAKER said: On this question there are 143 in the affirmative and 1 in the negative.

Mr. RANDALL. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted.

Mr. CALKINS. I move a call of the House.

The motion was agreed to; there being—ayes 93, noes 4.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Aiken,	Davidson,	Holman,	Phelps,
Barr,	Deuster,	Humphrey,	Reagan,
Beach,	Dugro,	Joyce,	Richardson, D. P.
Belmont,	Dunnell,	King,	Shackelford,
Black,	Flower,	Ladd,	Skinner,
Bland,	Frost,	Lindsey,	Sparks,
Bliss,	Gibson,	Lowe,	Stephens,
Bragg,	Grout,	Marsh,	Stockslager,
Burrows, Jos. H.	Hall,	Martin,	Talbott,
Clardy,	Harris, Henry S.	McLane,	Taylor,
Clark, jr.	Herbert,	Mosgrove,	Townsend,
Colerick,	Hewitt, Abram S.	Murch,	Wilson,
Cox, Samuel S.	Hewitt, G. W.	Nolan,	Wise, Morgan R.
Culberson,	Hoblitzell,	Oates,	Wood, Benjamin
Darrall,	Hoge,	Page,	Young.

Mr. HARDENBERGH. Mr. Speaker, on the last vote I refrained from voting. My attention, however, has been called to the fact that according to my agreement with the gentleman from Wisconsin, [Mr. HUMPHREY,] with whom I am paired, I was to vote to make a quorum. I regret that I did not vote. I make this statement before another vote is reached. As by the terms of the pair with Mr. HUMPHREY I am to vote upon all questions to make a quorum, I shall hereafter do so.

Mr. CALKINS. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question now recurs, Will the House proceed to consider the contested-election case of Smalls against Tillman? On that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 139, nays 2, not voting 149; as follows:

YEAS—139.

Aldrich,	Farwell, Chas. B.	McClure,	Shallenberger,
Anderson,	Farwell, Sewell S.	McCoid,	Sherwin,
Bayne,	Fisher,	McCook,	Shultz,
Belford,	Ford,	McKinley,	Smith, A. Herr
Bisbee,	George,	Miles,	Smith, Dietrich C.
Bowman,	Godshalk,	Miller,	Smith, J. Hyatt
Brewer,	Guenther,	Moore,	Spaulding,
Briggs,	Hammond, John	Morey,	Spooner,
Browne,	Harmer,	Neal,	Steele,
Brumm,	Harris, Benj. W.	Norcross,	Stone,
Buck,	Haseltine,	O'Neill,	Strait,
Burrows, Julius C.	Haskell,	Orth,	Thomas,
Butterworth,	Hazelton,	Pacheco,	Thompson, Wm. G.
Calkins,	Heilman,	Parker,	Townsend, Amos
Camp,	Henderson,	Paul,	Tyler,
Campbell,	Hepburn,	Payson,	Updegraff, J. T.
Candler,	Hill,	Peelle,	Updegraff, Thomas
Cannon,	Hiscock,	Peirce,	Urner,
Carpenter,	Horr,	Pettibone,	Valentine,
Caswell,	Houk,	Pound,	Van Aernam,
Chace,	Hubbell,	Prescott,	Van Horn,
Cornell,	Hubbs,	Ranney,	Van Voorhis,
Crapo,	Jacobs,	Ray,	Wadsworth,
Crowley,	Jadwin,	Reed,	Wait,
Cullen,	Jones, Phineas	Rice, John B.	Walker,
Cutts,	Jorgensen,	Rice, Theron M.	Ward,
Darrall,	Kasson,	Rice, William W.	Washburn,
Davis, George R.	Kelley,	Rich,	Watson,
Dawes,	Ketcham,	Ritchie,	Webber,
Deering,	Lacey,	Robeson,	West,
De Motte,	Lewis,	Robinson, Geo. D.	White,
Dezendorf,	Lord,	Robinson, Jas. S.	Williams, Chas. G.
Dingley,	Lynch,	Russell,	Willits,
Dwight,	Mackey,	Ryan,	Wood, Walter A.
Errett,	Mason,	Scranton,	

NAYS—2.

Hardenbergh,	Jones, George W.

NOT VOTING—149.

Aiken,	Covington,	Hewitt, Abram S.	Moulton,
Armfield,	Cox, Samuel S.	Hewitt, G. W.	Muldrow,
Atherton,	Cox, William R.	Hoblitzell,	Murch,
Atkins,	Cravens,	Hoge,	Mutchler,
Barbour,	Culberson,	Holman,	Nolan,
Barr,	Curtin,	Hooker,	Oates,
Beach,	Davidson,	House,	Page,
Belmont,	Davis, Lowndes H.	Humphrey,	Phelps,
Beltzhoover,	Deuster,	Hutchins,	Phister,
Berry,	Dibrell,	Jones, James K.	Randall,
Black,	Dowd,	Joyce,	Reagan,
Blackburn,	Dugro,	Kenna,	Richardson, D. P.
Blanchard,	Dunn,	King,	Richardson, Jno. S.
Bland,	Dunnell,	Klotz,	Robertson,
Bliss,	Ellis,	Knott,	Robinson, Wm. E.
Blount,	Ermentrout,	Ladd,	Rosecrans,
Bragg,	Evins,	Latham,	Ross,
Buchanan,	Flower,	Leedom,	Scales,
Buckner,	Forney,	Le Fevre,	Scoville,
Burrows, Jos. H.	Frost,	Lindsey,	Shackelford,
Cabell,	Fulkerson,	Lowe,	Shelley,
Caldwell,	Garrison,	Manning,	Simonton,
Carlisle,	Geddes,	Marsh,	Singleton, Jas. W.
Cassidy,	Gibson,	Martin,	Singleton, Otho R.
Chapman,	Grout,	Matson,	Skinner,
Clardy,	Gunter,	McKenzie,	Sparks,
Clark,	Hall,	McLane,	Speer,
Clements,	Hammond, N. J.	McMillin,	Springer,
Cobb,	Hardy,	Mills,	Stephens,
Colerick,	Harris, Henry S.	Money,	Stockslager,
Converse,	Hatch,	Morrison,	Talbott,
Cook,	Herbert,	Morse,	Taylor,
	Herndon,	Mosgrove,	Thompson, P. B.
	Tillman,	Upson,	Williams, Thomas
	Townshend, R. W.	Vance,	Willis,
	Tucker,	Warner,	Wilson,
	Turner, Henry G.	Wellborn,	Wise, George D.
	Turner, Oscar	Whitthorne,	Wise, Morgan R.
			Wood, Benjamin
			Young.

Mr. RANDALL. I make the point that no quorum has voted.

Mr. CALKINS. I move a call of the House.

Mr. O'NEILL. Oh, I hope not.

Several MEMBERS. Let us vote it down.

The question being taken, on the motion of Mr. CALKINS, it was declared not agreed to.

Mr. SPRINGER. I think we had better have the yeas and nays on this. I call for the yeas and nays.

Mr. CALKINS. I withdraw the motion.

Mr. TOWNSHEND, of Illinois. I renew it.

Mr. KENNA. The motion cannot be withdrawn except by consent.

The SPEAKER. The House was dividing upon the motion; and at any rate any gentleman has the right to renew it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 16, nays 148, not voting 126, as follows:

YEAS—16.

Atherton,	Forney,	Klotz,	Turner, Oscar
Cravens,	Geddes,	Mills,	Vance,
Culberson,	Hardenbergh,	Simonton,	Walker,
Ermentrout,	Hutchins,	Turner, Henry G.	Warner.

NAYS—148.

Aldrich,	Farwell, Sewell S.	McClure,	Scranton,
Anderson,	Fisher,	McCoid,	Shallenberger,
Bayne,	Ford,	McCook,	Sherwin,
Belford,	George,	McKenzie,	Shultz,
Bingham,	Godshalk,	McKinley,	Singleton, Otho R.
Bisbee,	Guenther,	McMillin,	Smith, A. Herr
Bowman,	Hammond, John	Miles,	Smith, Dietrich C.
Brewer,	Harmer,	Miller,	Smith, J. Hyatt
Briggs,	Harris, Benj. W.	Moore,	Spaulding,
Browne,	Haseltine,	Morey,	Spooner,
Brumm,	Haskell,	Mutchler,	Steele,
Buck,	Hatch,	Neal,	Stone,
Burrows, Julius C.	Hazelton,	Norcross,	Strait,
Butterworth,	Heilman,	O'Neill,	Taylor,
Calkins,	Henderson,	Orth,	Thomas,
Camp,	Hepburn,	Pacheco,	Thompson, Wm. G.
Campbell,	Hill,	Page,	Townsend, Amos
Candler,	Hiscock,	Parker,	Tyler,
Cannon,	Horr,	Paul,	Updegraff, J. T.
Carpenter,	Houk,	Payson,	Updegraff, Thomas
Caswell,	Hubbell,	Peelle,	Urner,
Chace,	Hubbs,	Peirce,	Valentine,
Cornell,	Jacobs,	Pettibone,	Van Aernam,
Crapo,	Jadwin,	Pound,	Van Horn,
Crowley,	Jones, George W.	Prescott,	Van Voorhis,
Cullen,	Jones, James K.	Ranney,	Wadsworth,
Cutts,	Jones, Phineas	Ray,	Wait,
Darrall,	Jorgensen,	Reed,	Ward,
Davis, George R.	Kasson,	Rice, John B.	Washburn,
Dawes,	Kelley,	Rice, Theron M.	Watson,
Deering,	Ketcham,	Rice, William W.	Webber,
De Motte,	Lacey,	Rich,	West,
Dezendorf,	Lewis,	Ritchie,	White,
Dingley,	Lord,	Robinson, Geo. D.	Williams, Chas. G.
Dwight,	Lynch,	Robinson, Jas. S.	Willis,
Errett,	Mackey,	Russell,	Willits,
Farwell, Chas. B.	Mason,	Ryan,	Wood, Walter A.

NOT VOTING—126.

Aiken,	Cox, Samuel S.	House,	Robertson,
Armfield,	Cox, William R.	Humphrey,	Robeson,
Atkins,	Curtin,	Joyce,	Robinson, Wm. E.
Barbour,	Davidson,	Kenna,	Rosecrans,
Barr,	Davis, Lowndes H.	King,	Ross,
Beach,	Deuster,	Knott,	Scales,
Belmont,	Dibrell,	Ladd,	Scoville,
Beltzhoover,	Dowd,	Latham,	Shackelford,
Berry,	Dugro,	Leedom,	Shelley,
Black,	Dunn,	Le Fevre,	Singleton, Jas. W.
Blackburn,	Dunnell,	Lindsey,	Skinner,
Blanchard,	Ellis,	Lowe,	Sparks,
Bland,	Evins,	Manning,	Speer,
Bliss,	Flower,	Marsh,	Springer,
Blount,	Frost,	Martin,	Stephens,
Bragg,	Fulkerson,	Matson,	Stockslager,
Buchanan,	Garrison,	McLane,	Talbott,
Buckner,	Gibson,	Money,	Thompson, P. B.
Burrows, Jos. H.	Grout,	Morrison,	Tillman,
Cabell,	Gunter,	Morse,	Townshend, R. W.
Caldwell,	Hall,	Mosgrove,	Tucker,
Carlisle,	Hammond, N. J.	Moulton,	Upson,
Cassidy,	Hardy,	Muldrow,	Wellborn,
Chapman,	Harris, Henry S.	Murch,	Whitthorne,
Clardy,	Herbert,	Nolan,	Williams, Thomas
Clark,	Herndon,	Oates,	Wilson,
Clements,	Hewitt, Abram S.	Phelps,	Wise, George D.
Cobb,	Hewitt, G. W.	Phister,	Wise, Morgan R.
Colerick,	Hoblitzell,	Randall,	Wood, Benjamin
Converse,	Hoge,	Reagan,	Young.
Cook,	Holman,	Richardson, D. P.	
Covington,	Hooker,	Richardson, Jno. S.	

So the House refused to order a call of the House.

During the vote the following additional pair was announced from the Clerk's desk:

Mr. JORGENSEN with Mr. BARBOUR.

The vote was then announced as above recorded

Mr. CALKINS. Let us have a vote on the main question.

The SPEAKER. The question is, Will the House now proceed to the consideration of the contested-election case of Smalls *vs.* Tillman.

Mr. RANDALL. Yeas and nays.

The SPEAKER. The yeas and nays have been ordered.

The question was taken; and there were—yeas 144, nays 2, not voting 145; as follows:

YEAS—144.

Aldrich,	Farwell, Chas. B.	McClure,	Shallenberger,
Anderson,	Farwell, Sewell S.	McCoid,	Sherwin,
Bayne,	Fisher,	McCook,	Shultz,
Belford,	Ford,	McKinley,	Smith, A. Herr
Bingham,	Fulkerson,	Miles,	Smith, Dietrich C.
Bisbee,	George,	Miller,	Smith, J. Hyatt
Bowman,	Godshalk,	Moore,	Spaulding,
Brewer,	Guenther,	Morey,	Spooner,
Briggs,	Hammond, John	Neal,	Steele,
Browne,	Harmer,	Norcross,	Stone,
Brumm,	Harris, Benj. W.	O'Neill,	Strait,
Buck,	Haseltine,	Orth,	Taylor,
Burrows, Julius C.	Haskell,	Pacheco,	Thomas,
Butterworth,	Hazelton,	Page,	Thompson, Wm. G.
Calkins,	Heilman,	Parker,	Townsend, Amos
Camp,	Henderson,	Paul,	Tyler,
Campbell,	Hepburn,	Payson,	Updegraff, J. T.
Candler,	Hill,	Peelle,	Updegraff, Thomas
Cannon,	Hiscock,	Peirce,	Urner,
Carpenter,	Horr,	Pettibone,	Valentine,
Caswell,	Houk,	Pound,	Van Aernam,
Chace,	Hubbell,	Prescott,	Van Horn,
Cornell,	Hubbs,	Ranney,	Van Voorhis,
Crapo,	Jacobs,	Ray,	Wadsworth,
Crowley,	Jadwin,	Reed,	Wait,
Cullen,	Jones, Phineas	Rice, John B.	Walker,
Cutts,	Jorgensen,	Rice, Theron M.	Ward,
Darrall,	Kasson,	Rice, William W.	Washburn,
Davis, George R.	Kelley,	Rich,	Watson,
Dawes,	Ketcham,	Ritchie,	Webber,
Deering,	Lacey,	Robeson,	West,
De Motte,	Lewis,	Robinson, Geo. D.	White,
Dezendorf,	Lord,	Robinson, James S.	Williams, Chas. G.
Dingley,	Lynch,	Russell,	Willits,
Dwight,	Mackey	Ryan,	Wood, Walter A.
Errett,	Mason,	Scranton,	The Speaker.

NAYS—2.

Hardenbergh,	Jones, George W.

NOT VOTING—145.

Aiken,	Curtin,	Joyce,	Rosecrans,
Armfield,	Davidson,	Kenna,	Ross,
Atherton,	Davis, Lowndes H.	King,	Scales,
Atkins,	Deuster,	Klotz,	Scoville,
Barbour,	Dibrell,	Knott,	Shackelford,
Barr,	Dowd,	Ladd,	Shelley,
Beach,	Dugro,	Latham,	Simonton,
Belmont,	Dunn,	Leedom,	Singleton, Jas. W.
Beltzhoover,	Dunnell,	Le Fevre,	Singleton, Otho R.
Berry,	Ellis,	Lindsey,	Skinner,
Black,	Ermentrout,	Lowe,	Sparks,
Blackburn,	Evins,	Manning,	Speer,
Blanchard,	Flower,	Marsh,	Springer,
Bland,	Forney,	Martin,	Stephens,
Bliss,	Frost,	Matson,	Stockslager,
Blount,	Garrison,	McKenzie,	Talbott,
Bragg,	Geddes,	McLane,	Thompson, P. B.
Buchanan,	Gibson,	McMillin,	Tillman,
Buckner,	Grout,	Mills,	Townshend, R. W.
Burrows, Jos. H.	Gunter,	Money,	Tucker,
Cabell,	Hall,	Morrison,	Turner, Henry G.
Caldwell,	Hammond, N. J.	Morse,	Turner, Oscar
Carlisle,	Hardy,	Mosgrove,	Upson,
Cassidy,	Harris, Henry S.	Moulton,	Vance,
Chapman,	Hatch,	Muldrow,	Warner,
Clardy,	Herbert,	Murch,	Wellborn,
Clark,	Herndon,	Mutchler,	Whitthorne,
Clements,	Hewitt, Abram S.	Nolan,	Williams, Thomas
Cobb,	Hewitt, G. W.	Oates,	Willis,
Colerick,	Hoblitzell,	Phelps,	Wilson,
Converse,	Hoge,	Phister,	Wise, George D.
Cook,	Holman,	Randall,	Wise, Morgan R.
Covington,	Hooker,	Reagan,	Wood, Benjamin
Cox, Samuel S.	House,	Richardson, D. P.	Young,
Cox, William R.	Humphrey,	Richardson, Jno. S.	
Cravens,	Hutchins,	Robertson,	
Culberson,	Jones, James K.	Robinson, Wm. E.	

So the motion was agreed to.

During the roll-call,

Mr. CALKINS said: Mr. Speaker, I interrupt the roll-call a moment to ask unanimous consent that the order for a session this evening be vacated.

The SPEAKER. Is there objection?

Mr. BLACKBURN. Nobody wants a night session.

Mr. TOWNSHEND, of Illinois. With the understanding the House shall adjourn.

The SPEAKER. Is there objection?

Mr. ATHERTON. I object, unless with the understanding we shall adjourn.

Mr. RANDALL. At what time is it proposed to adjourn this evening?

Mr. CALKINS. A little after five—at the usual hour.

Mr. RANDALL. I am satisfied to take the word of the gentleman from Indiana.

Mr. CALKINS. We do not propose to have the House sit later than six o'clock.

The SPEAKER. Is there objection?

Mr. SPRINGER. I object.

The SPEAKER. The Chair will vote in the affirmative, making a quorum.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The House has voted to proceed to the consideration of the contested-election case of Smalls *vs.* Tillman.

Mr. CALKINS. In rising to open this case I do not intend to occupy but a moment or two, and that for the purpose of asking unanimous consent to vacate the session for this evening.

Mr. RANDALL. The gentleman can vacate the session to-night by moving to adjourn.

Mr. CALKINS. I am aware of that; but I make the motion by unanimous consent to vacate the session for this evening.

The SPEAKER. Is there objection?

Mr. ATHERTON. No; if the gentleman from Indiana says they are going to adjourn.

Mr. ROBESON. Yes; we are going to adjourn at the usual hour.

Mr. BLACKBURN. The gentleman from Ohio does not object. I state the gentleman from Indiana informed me that he only wanted to begin the consideration of the case, when he would be ready to adjourn at the usual hour.

Mr. CALKINS. I distinctly stated that I would not make a motion to adjourn at once, but that an adjournment would be had at the usual hour.

Mr. TOWNSHEND, of Illinois. At what hour does the gentleman propose, then, to adjourn?

Mr. BLACKBURN. Before the gentleman from Indiana yields the floor I understand that he will make a motion to adjourn.

Mr. CALKINS. It is not the intention to keep the House in session to a late hour. I shall yield in the first instance to my colleague on the committee, [Mr. WAIT,] who desires to proceed for awhile this evening, after which an adjournment will be arrived at. I now ask unanimous consent to vacate the order for the evening session.

The SPEAKER. The Chair will again submit the request to the House. Is there objection to vacating the order heretofore fixed requiring the House to take a recess at five o'clock, to reassemble at eight o'clock for an evening session?

There was no objection, and it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe.

CONTESTED ELECTION—SMALLS VS. TILLMAN.

Mr. CALKINS. I now yield to my colleague on the committee, Judge WAIT.

The SPEAKER. What length of time does the gentleman yield?

Mr. CALKINS. I am informed by my colleague that he will not exceed thirty minutes.

Several MEMBERS. Wait until to-morrow.

Mr. WAIT. Mr. Speaker, if I am to address the House for the brief time allotted to me I should be glad to proceed now, and will hold gentlemen as little time as possible.

Mr. CALKINS. If my colleague will yield to me for a moment, I desire to give notice to the House that three hours' discussion of this case under the present condition of business is all we can yield at this time, to be equally divided between the two sides of the House.

Mr. ATHERTON. Why not take a vote now, if you are going to cut off debate?

Mr. CALKINS. I will call the previous question after three hours' debate.

Mr. ATHERTON. I want to make a suggestion to the House. There are between seven and eight hundred pages of this record of testimony. It requires necessarily the examination of a great part of it by members who desire to know anything of the case on which they are called to vote, and requires much investigation and consideration. I hope no such limited time as three hours will be insisted upon.

Mr. UPDEGRAFF, of Ohio. The Democrats have wasted already four hours and a half in filibustering, which we might have occupied in the consideration of the case.

Mr. REED. You could have had all the time you wanted to-day.

Mr. HAZELTON. The gentleman's argument would have been a very good one on that point this morning.

Mr. HISCOCK. We have been devoting ourselves to reading the evidence all day waiting for gentlemen to vote.

The SPEAKER. The gentleman from Connecticut is entitled to the floor and will proceed.

Mr. WAIT. Mr. Speaker, the duties which the Committee on Elections are called upon to perform are rarely if ever agreeable. Our personal or social relations with the parties in a case like the one now pending may be such that we reluctantly come to conclusions that compel us to reject the claims of one or the other of them to a seat in this House. But the members of this committee in the performance of their duties act in a judicial capacity; they are bound not

to know the faces of men and to decide between the contesting parties in obedience to the law and in the light of the evidence.

In the present contest between Smalls and Tillman for a seat in this House from the fifth Congressional district of South Carolina a majority of the committee, after full and careful consideration, believe that Mr. Smalls was duly elected a member of the present Congress and as such entitled to his seat, and that Mr. Tillman has no just or legal claim to the seat which he now occupies.

The issues presented by the two reports from the committee now come before the House for us as a body to pass upon, and though there are pleasant friendships existing between gentlemen here who differ radically in their political views, yet in our decision of these issues our action should be such as right and justice and law demand.

This Congressional district embraces six counties, namely, Colleton, Beaufort, Barnwell, Edgefield, Aiken, and Hampton. The contestee holds his seat by virtue of a certificate from the governor of South Carolina predicated upon the statement of the vote of the district made by the State canvasser, which is as follows:

Fifth Congressional district.

Counties.	Names of candidates.		
	George D. Tillman.	Robert Smalls.	Scattering.
Colleton	3,475	2,776	.....
Beaufort	391	5,978	2
Barnwell	5,422	2,445	.....
Edgefield	6,467	1,046	.....
Aiken	4,980	1,467	.....
Hampton	2,590	1,575	.....
Total	23,325	15,287	2

STATE OF SOUTH CAROLINA,
Office of Secretary of State:

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congress in the fifth Congressional district in said State, as returned by the county board of canvassers for the counties composing the fifth Congressional district, and which returns are now of record in this office.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881.

[SEAL.] R. M. SIMS, *Secretary of State.*

The returns from these counties are certified by the governor of the State of South Carolina as the result of the report made to him by the State canvassers, and if they were correct would give the election to Mr. Tillman, he receiving by these returns 23,325 votes and Mr. Smalls 15,287 votes. I say I admit that if the returns of the State canvassers made to the governor and the secretary of state are to be relied upon, then Mr. Tillman comes here a legally elected member of this House, and holds his seat by over 8,000 majority.

Now, the majority of the committee, after a careful, thorough, and impartial examination of all the evidence in the case, could not assent to the correctness of the report of the State canvassers, or for one moment admit the claim of the contestee that he was entitled to the majority named or to any majority whatever. For, after subjecting the evidence adduced on the one side and the other to the closest scrutiny, impelled as we were by a determination to elicit the truth, we were left no alternative but to decide that not only should the 8,000 majority claimed for Mr. Tillman be entirely wiped out but that it was our duty to go further and declare that Mr. Smalls, at the lowest calculation, was fairly and legally entitled to membership here by a majority of nearly 1,500 votes.

But, Mr. Speaker, I do not stop here. I say to the House without hesitation or mental reservation that if there had been in this Congressional district at that November election a free ballot and a fair count; if the supporters of Mr. Smalls had been permitted to go to the polls and cast their ballots without molestation; if they had not been kept away or driven back by intimidation and violence; if there had been no tampering with the ballot-boxes in the six counties I have named, the contestant would have been sent here, not by the comparatively meager majority of 1,500 votes, but the freemen of that district would have triumphantly placed him in his seat by over 10,000 majority.

Now, the claim which I make, that if the election in this district had been a free and a fair one, Mr. Smalls would have been chosen by over 10,000 majority, is not a naked and idle assertion unsupported by facts. The contestant claimed, at the hearings before the committee, that the returns made by the State canvassers do not represent the votes actually given to him; that he was entitled to a large number of ballots which were cast for him but not counted by the precinct managers; that a large number of votes were counted for the contestee that did not lawfully belong to him; and that polls were returned for him which, because of this fraudulent count, should have been thrown out; and, further, that by violence and intimidation at various places in each of the counties composing the district large bodies of men, his friends and supporters, who were desirous to cast their ballots for him, were prevented from so doing; and that for such several causes the votes of many precincts in five of the counties should never have been included in the returns. I say to the House that the facts in the case, developed by the testimony, sustain the claims of the contestant.

There is to my mind the clearest evidence that in the three counties of Edgefield, Barnwell, and Colleton fraud was premeditated long before the day of election. These three counties are reported by the State officials as having cast 21,641 votes, and that of these 15,364 were given for Tillman and 6,261 for Smalls. The census of 1880 shows that when this election occurred there was in these three counties a colored population of 80,010 and a white population of 42,055. No intelligent and fair-minded man, familiar with the political relations of the colored men of South Carolina, but will tell you that ninety-nine out of every one hundred of them are enrolled in the ranks of the Republican party. So far as the census of 1880 can indicate how the votes in these three counties with a free ballot and a fair count would have been cast, it furnishes the strongest evidence that Smalls would have received nearly twice as many votes as Tillman. But the managers in the Democratic party in this Congressional district, who were determined to defeat Smalls, not only knew the surest mode to effect their purpose but also the proper course to pursue to conceal, if possible, the fraud.

In this connection I would state to the House that the laws of South Carolina imperatively direct that the county canvassers send up to the governor and secretary of state, in connection with their aggregated statement of the vote, the precinct returns, the poll lists, and all papers appertaining to the election, to enable the State canvassers to make up the statement of the vote, upon which statement the certificate of election of the governor is to be issued. But, mark you, from these three counties there were no returns made to the governor and secretary of state as by law required. Hence the State board of canvassers had no reliable data upon which they could base the votes of these counties in their tabulated statement. In my opinion the county canvassers willfully and corruptly neglected to forward these public documents to their superiors in authority. At a subsequent period, when Mr. Smalls called upon the governor for the poll lists and precinct returns, that he might examine the same for the purpose of proving the frauds perpetrated by the subordinate officials, he was informed by the executive secretary that neither of the papers asked for nor any returns pertaining to the election of 1880, other than the aggregated statement of the county canvassers, were then or ever had been on file in the executive office.

The county canvassers cannot shelter themselves under the claim that they were ignorant of the law, for it had been in force from 1872, had been obeyed at all prior elections, and the other counties in this district conformed to its requirements at this time. Had the county canvassers in these three counties obeyed the law and placed these poll lists and other papers where the contestant could have had access to them, he could have obtained evidence which would have brought to light the frauds that were committed at the different precincts in these counties; he could have brought forward the voters themselves and so shown what the true vote was, and placed this contest beyond all question by indubitably proving that he received in these three counties a large majority of the legal votes cast. The conclusion is unavoidable that the last thing which the Democratic managers desired was that these important documents should be placed on file and be open for inspection in the office of the secretary of state. Can the House ask for higher evidence than that which the suppression of these documents discloses—that there was a deep-laid and premeditated scheme on the part of the Democratic leaders in this Congressional district to defeat Mr. Smalls at this election by the grossest frauds?

This violation of law and neglect of duty by the county canvassers in Edgefield County in not sending forward the poll lists and returns is not the only offense that can be fastened upon them. They were guilty of sins of commission as well as of omission. They exercised an authority with which the laws of the State had not clothed them. They threw out the boxes from five precincts, to wit, Ethridge's Store, Perry's Cross-Roads, Colman's Cross-Roads, Coughman's Store, and Liberty Hall, and if they counted the votes did not embrace the number in the aggregated statement they returned.

So far at least as members of Congress are concerned, the powers of this county board are to aggregate the returns of the several precincts, and to send such statement with the precinct returns and poll lists to the governor and secretary of state. When they have done this, their duties are concluded and their powers are exhausted. But these officials assumed an authority not recognized by any section of the laws of South Carolina. This act on their part struck a deadly blow at the reliability of their statement, and took from the State canvassers all the evidence on which they could base their report to the governor, giving the number of votes that each candidate received in the county of Edgefield. For aught that the State canvassers could know from the returns which they received, the ballots in these five boxes had been counted, and the number embraced in the statement presented to them. There can be but one construction put upon this action of the county officers, and that is that it

was their deliberate intention, willfully and fraudulently, to deprive Smalls of the advantage which he would derive from a count of these ballots. The fair presumption is that such count would have materially changed the result in the county of Edgefield, and perhaps given Smalls a clear majority.

There is a principle of law, Mr. Speaker, which very neatly fays in at this point and which I think will lead a majority of the House at least to agree with the majority of the committee, that on account of the misconduct of the county officers in not returning proper papers to the governor and secretary and in suppressing the vote in the five precincts named, the entire vote of Edgefield County should be rejected. Mr. McCrary in his work on contested elections (section 441, page 374) says:

> A willful and deliberate fraud on the part of such an officer, being clearly proven, should destroy all confidence in his official acts, irrespective of the question whether the fraud discovered is of itself sufficient to change the result. The party taking anything by an election conducted by such an officer must prove his vote by evidence other than the return.

But I do not end my arraignment of the Democratic managers in Edgefield County by fixing upon its board of canvassers the fraudulent withholding of papers that the State required them to transmit to the governor and secretary, or by proving that they willfully and corruptly arrogated to themselves the right to reject the entire vote of certain precincts, and by such means change the vote of the county. I go further and assert that at this November election lawlessness reigned throughout the length and breadth of this county. At every precinct within its limits where the polls were opened violence and intimidation were brought into requisition to prevent the Republican supervisors from performing their official duties and to drive the colored men from the polls, the intent being to diminish if not to blot out the Republican vote. Fraud exhibited itself in tissue ballots, repeating, box-stuffing, and unfair practices in the withdrawal of surplus ballots. I will endeavor in as brief terms as possible to present to the House the gist of the evidence going fully and clearly to establish the fact that there was neither a free ballot or an honest count in any one of the precincts in Edgefield where the polls were opened.

I will first call attention to the evidence showing the condition of things at Edgefield Court-House, the most important precinct in the county. A prior-formed purpose to disregard the law in order to defeat the rights of the majority was boldly carried out. A crowd of mounted men attired in red shirts, armed with pistols or other weapons, rode to and fro through the streets, discharging fire-arms, yelling and resorting to other methods calculated to intimidate the colored voters. The poll was held upstairs in the court-room, and one of the double doors was securely closed while the other, eighteen inches wide, was watched by a Democratic guard, so that those Republicans who succeeded in forcing their way through this crowd of Democrats were subjected to every form of insult and personal abuse. Every hinderance was placed in the way of these men when they attempted to cast their ballots, and the garments of some of them were torn from their persons.

An arbitrary line was established in front of the court-house, on the inner side of which the red-shirters paraded, armed with pistols and guns. The evidence, coming from the mouths of many witnesses, is conclusive that from 2,000 to 2,500 colored Republicans assembled at this poll to exercise the elective franchise, and yet when the poll was closed 763 ballots were counted for the contestee and 11 ballots only for the contestant. Pistols were presented at many of the Republicans when they advanced toward the court-house, the lives of others were threatened, and the great mass abandoned all attempts to vote and returned to their homes. At this precinct a military company was placed in a hall opposite the poll, and the Republicans retired when it became evident that they could not cast their ballots without bringing on a conflict which would inevitably terminate in bloodshed. Witnesses tell us that at the Mount Willing precinct similar scenes of violence were enacted, that from 180 to 190 colored voters were kept away from the poll, and that several of these men in attempting to exercise their rights were beaten with clubs. At the Meeting-House precinct the supervisor, who was a Republican, was not allowed to act in his office, struck three times over his head, one of the Democratic leaders at the same time saying to him that he would "smell hell before night."

At George's Cross Roads Democrats crowded the doorway leading to the ballot-box and would not let Republicans enter the room where the votes were being received, and, presenting pistols and threatening personal violence, forced great numbers of Republicans to retire without voting. At Cheatham's Store a Democrat took the supervisor's commission from him, saying at the same time to him that he should not supervise that day. Pistols were fired by Democrats and Republicans were driven away from the poll. One man was beaten and his life threatened unless he changed his ballot, and to save himself from bodily injury he consented to do as bidden and voted the Democratic ticket. At Talbot's Store the entrance to the room where the votes were received was crowded by Democrats in such manner as to prevent Republicans from entering, and the supervisor states that twenty-five colored men only voted, one hundred and fifty being deterred by threats from making the attempt. At Red Hill the Republican supervisor had his commission forced from him, and he was told to leave or a hole would be put through him. We learn from the testimony of the supervisor that at Landrum's Store seventy-six more ballots were found in the box than there were names on the poll list, and to prevent an investigation the supervisor's poll list was forcibly taken from him. At Johnston's the Republican supervisor remained till nearly three o'clock, when he was seized by a red-shirter, who, with profane and threatening language, compelled him to leave the precinct. It was at this poll that Democrats were riding up and down during the day, waving clubs and swords and discharging pistols and guns. One colored man was shot in the head and killed, and out of the seven or eight hundred colored men who came to this precinct to vote not over thirty of them were permitted to cast their ballots.

The evidence, Mr. Speaker, shows beyond question that in this county the whites were Democrats and that the colored men were voting or attempting to vote the Republican ticket. The great effort of the Democrats was to keep the colored men from casting their ballots, and over 3,000 of them in this county were driven from the polls. I will now call the attention of the House to evidence drawn from the census which pours a flood of light upon the true condition of political parties in Edgefield County. The secretary of state certified that this county aggregated for the contestee 6,467 and for the contestant 1,046 votes. The census, taken the year of this election, shows white voters 3,590, colored 5,648; colored majority 2,058. Now, if every white man twenty-one years of age should have voted for the contestant he must also have received the votes of 2,877 colored men. No one who is at all familiar with the history of political parties in South Carolina during the last ten years will for one moment believe that any such number of colored men as the figures of the secretary of state indicate, or even one-tenth part of that number, residents of Edgefield County, ever cast their vote for a Democrat. They have not forgotten and never can forget the atrocities committed at Hamburgh in July, 1876, when ten unoffending colored men were shot down in the streets and lots of that village. The riots at Ellenton in September of that year and the ruthless slaying of their friends and kinsfolk that followed are imprinted in the memories of the colored men of Edgefield County as if burned in by fire. The record which that county made on the two occasions referred to is one of which its honorable and fair-minded citizens have ever been ashamed.

Mr. TILLMAN. Allow me to correct the gentleman. Both of these riots occurred in Aiken County.

Mr. WAIT. But does not Aiken County abut on Edgefield County; and did not Ellenton originally belong to the last-named county?

Mr. TILLMAN. There are six counties in the district; and Ellenton was never a portion of Edgefield County. It is in the extreme southern boundary of Aiken County.

Mr. WAIT. My friend of course understands the geography of his own State better than I do. I had the impression I was right, but stand corrected and cheerfully say I was wrong. I am willing to do justice also to Edgefield; for that county has offenses enough for which to answer without being made responsible for the bad deeds of Aiken. The gentleman I presume will not deny that these outrages and atrocities were committed by Democrats who were residents of the fifth Congressional district and citizens of South Carolina.

I will now, Mr. Speaker, step over from Edgefield into Aiken and pay a little attention to the constituents of my friend [Mr. Tillman] who reside there. I have not the time to give any extended statement of the lawless course pursued by the Democrats in this county at the election of November, 1880; but I can say without fear of contradiction that the same spirit of violence reigned that prevailed throughout the county of Edgefield, and the same glaring frauds were practiced. At Aiken Court-House Republicans were beaten, cut with knives, and in some instances driven from the polls by having cayenne pepper thrown in their eyes.

The Palmetto Rifles, carrying arms, were marched to the polls, and a cannon was trained upon a body of Republican voters. At this precinct an aged colored man, when attempting to vote, was brutally stabbed in the breast, and the scar is still there from the wound which was made by the red-shirter's knife. At Summer Hill fraudulent ballots were stuffed into the box, a Republican speaker beaten by the crowd, and but one Republican permitted to vote. At Windsor the life of the Republican ballot vender was threatened; he was compelled to leave, and no ballots were allowed to be distributed. At Hankerton's Store the box was stuffed with fraudulent ballots, and the clerk, who was keeping a list, was dragged from the poll and whipped with switches till he bled. At Creed's Store the lives of colored voters were threatened, and fraudulent votes put in the box. At Kneece's Mill a Democrat took from a Republican supervisor his poll list and destroyed it. At Jordan's Mill the Republican supervisor was not permitted to see the box opened before voting commenced. I ask the attention of the House to this piece of testimony, because I am led to believe that it was not an isolated case. Now, the law of South Carolina requires that the box should be publicly opened, and opened, too, in the presence of the supervisor, who goes there to protect the rights of the minority; or, in this case perhaps, to protect particularly the rights of the colored voters; so that if there should be any attempt in advance to crowd the box with tissue ballots or fraudulent votes, as was done throughout the district, the supervisor would have an opportunity to observe and guard against

such fraudulent practices of that kind. But here a witness testifies that in his opinion there were at least 50 fraudulent votes put in the box prior to the supervisor being permitted to be present and watch the proceedings of his associate officials.

I will read an extract from the majority report of the committee, which shows conclusively that there was not even the semblance of a free ballot and a fair count in four of the voting precincts of Aiken County, and justice to the contestant demands that the returns from these precincts should be rejected:

The statements represent this county as casting 6,447 votes, whereas by the census of the same year there were only 5,985 males over twenty-one years of age, so that if every elector had voted there are 562 more votes than voters, and this, too, in the face of the fact that hundreds of voters were excluded from the polls. The testimony shows that in this county the vote was essentially upon the color line, and according to the census of the same year there were only 2,873 white males over twenty-one years old, so that if every one had voted for contestee it would require 2,107 colored votes to have given the contestee the 4,980 votes claimed for him.

In 1876 both parties had a full national, State, and county ticket in nomination, and the campaign is historic, yet the whole vote of this county that year was only 4,820. The pretended vote of 1880 is an increase of 1,627, indicating an increase of more than 25 per cent. of votes for a campaign in which only a national ticket was run, and yet as an illustration it may be noted that at Silverton precinct in 1880 not a single Republican vote is reported, while in 1876 it counted 232 for the present contestant, and only 182 for present contestee. In 1876, at Aiken Court-House, the contestant received a majority of 327 over the present contestee, while in 1880 the present contestee is reported to have received a majority of 336.

I recognize the fact, Mr. Speaker, that my time is limited, and that I must occupy but a few moments in speaking of the lawlessness that prevailed and the fraudulent manner of conducting the election in the counties of Hampton, Barnwell, and Colleton. The majority of the committee determined that the returns from five voting precincts in the first-named county should be rejected, and the evidence sustains them in their decision.

It was at Brunson precinct, in this county, that 588 ballots were put in the box against 350 names on the poll list. At Early Branch repeating and box stuffing, the discharging of pistols and beating of voters, rendered the election in that precinct a farce. At Beach Branch the Democrats took from the Republican messengers 1,200 ballots, and not a single Republican was permitted to vote. At Lawtonville one colored man was cut with a saber, many were beaten, and three were shot. At Varnsville there was an excess of 229 ballots over the names on the poll list, and over eighty Democratic and two Republican tickets contained duplicate votes. What reliability, I ask the House, can be placed upon returns from this precinct? I must call the attention of gentlemen to the fact that the canvassers certified that 4,165 votes were polled and counted in this county of Hampton. The census shows that there were only 3,828 males over twenty-one years, of whom 1,381 were white, while 2,590 votes are certified for the contestee, and this too when the friends of the contestee were resorting to violence in every form to prevent colored men from coming to the polls. I can easily believe that box stuffing and repeating gave to the contestee the 1,209 votes required to make up the 2,590 returned by the county canvassers.

In the county of Barnwell, Allendale precinct was the only one rejected, and that because the evidence sustained the claim of the contestant that the violence and intimidation at this poll drove away Republican voters and prevented them from casting their ballots.

In Colleton County, although the testimony shows that the mode of conducting the election on the part of the Democratic managers was most unfair, yet the only changes recommended by the committee was to add to the number of votes returned for the contestant the votes of two precincts which were illegally rejected by the county and State canvassers, and give 90 votes to him in another precinct which had been improperly credited to the contestee. The majority of the committee, after a careful examination of the testimony presented to them by the parties, changed the vote of the district as they believed justice demanded, and gave Mr. Smalls 1,489 majority.

RECAPITULATION.

Corrected statement of the vote of the fifth Congressional district of South Carolina.

	Tillman.	Smalls.
Aiken	3,409	1,058
Hampton	1,019	1,166
Barnwell	4,700	2,431
Colleton	3,388	3,760
Beaufort	391	5,978
Total	12,904	14,393

Smalls's majority, 1,489.

I now appeal to every member of this House, to gentlemen on both sides of this Hall who desire to act impartially and pass fairly on the issues between the contesting parties for this seat, whether in the light of the evidence that has been presented they can for one moment believe that in the absence of violence, intimidation, and fraud the result of the election would have been as it is claimed by Mr. Tillman? In no Southern State is the color line in politics more strictly drawn than in the State of South Carolina. In every county in that State the colored people are recognized as Republicans. In the fifth Congressional district there were 14,394 whites and 27,262 colored males who were twenty-one years of age and over. Here was a clear majority of 12,968 in favor of the contestant. Not one spark of testimony was produced before the committee to show us how, by any fair and legitimate means, that could have been changed into 8,038 majority for the contestee.

An examination of how the vote in each county in a division on the color line would have stood shows that in no one of them did the contestee have the slightest chance with a free and fair election to secure a majority.

In Colleton County there was an excess over the white vote of 769; in Barnwell County there was an excess over the white vote of 2,291; in Edgefield County there was an excess over the white vote of 2,877; in Aiken County there was an excess over the white vote of 2,108.

I need not refer to Beaufort County, because there is not any claim that there was any other than a free ballot and an honest vote here. I will pass that county by.

Mr. ATHERTON. Oh, no; I should like to hear about that.

Mr. WAIT. In that county there were 2,242 whites and 27,732 colored persons; 693 whites and 6,127 colored males over 21 years of age.

Mr. ATHERTON. How many blacks voted in that county?

Mr. WAIT. The State canvasser's return shows that 5,978 blacks and 391 whites voted. Every source of information which I have examined gives me irrefutable proof that to secure the election of Mr. Tillman the Democratic managers and the Democratic officers, who controlled the precincts in five counties in this district, resorted to the most unbridled lawlessness and unblushing fraud.

As evidence to sustain this assertion I must be permitted to go back for a moment and speak of a statement made in regard to frauds practiced at Edgefield Court-House. A witness swore that he sat near the poll where he could distinctly see what took place, and that he noticed different men who came up and voted Democratic ballots from one to seven times.

Those electors were rendering pretty valuable service to my friend [Mr. TILLMAN] who sits in front of me; and I certainly recognize the gentleman from South Carolina as a friend, for no other than pleasant relations have ever existed between us. The electors who did this work for the contestee have a demand upon him for gratitude if not for something which I think they would value more than his gratitude.

Mr. ATHERTON. Did the gentleman find no contradiction of that testimony?

Mr. WAIT. The gentleman asks me if that testimony stood uncontradicted. I find in running over the eight hundred printed pages of testimony, many of the statements made on one side or the other contradicted, and in this case I presume witnesses were found who testified that they saw no repeating at that poll. But my colleague on the committee is a keen, thoroughly trained, and experienced lawyer, and knows the difference that exists between positive and negative testimony. This one man swears what he did see, the others only to what they did not see. Their testimony will not outweigh his.

Mr. ATHERTON. Suppose the judges who were present should testify that no such thing occurred, would you call that negative testimony?

Mr. WAIT. The judges may not have seen all that took place, and besides that the whole evidence shows that the judges of elections throughout the entire county of Edgefield countenanced bulldozing, connived at fraud, and resorted to any means, however corrupt, that would aid to elect the Democratic nominees.

In passing upon the questions in issue before us, I believe that it is the desire of every member of the House to decide the same, as I said in opening, in accordance with sound legal principles and in the light of the evidence presented. I think that we should be guided to some extent at least by the fact that in former elections this district has given a very large Republican majority. What, I ask, has happened recently to change the political character of the district? What has been done to induce the colored voters of South Carolina to sever old party ties and rally around the Democratic standard? Nothing, so far as we can learn from the evidence. When lawless men at Hamburgh and Ellenton reddened the soil of South Carolina with the life-blood of their fellow-citizens who were guilty of no offense whatever, unless to receive at the hands of God a black skin is a crime, they did more to perpetuate the color line than ever had been done before by the united efforts of all the Republican leaders in that State. Now, I say to my friend who sits in front of me, [Mr. TILLMAN,] if he has wrought this wonderful change through his own personal influence and efforts, he must have exhibited an eloquence in his appeals hardly surpassed by that of Paul when he spoke to the men of Athens. But there is an entire failure of evidence in both of the reports before the House to show any such miraculous conversion of the colored men of South Carolina to the Democratic faith; and although the contestee evidently searched throughout his district as with candles, he has only been able to prove that here and there a solitary black man cast a Democratic ballot.

The colored men of the South remember that the great Republican party made them free, and bestowed upon them all the rights, priv-

ileges, and immunities which they now enjoy; that this party placed the ballot in their hands, and, to protect them in the right to vote, declared by an amendment to the Constitution that such right should not be denied or abridged by the United States or by any State on account of race, color, or former condition of servitude.

We are now in duty held to protect them in the enjoyment of all the rights which we have bestowed upon them; to see that in all legitimate ways they are educated, elevated, and advanced; and if a majority of the freemen in any Congressional district South see fit to send a black man to represent them on the floor of this House, we are bound to admit him and place him in the seat to which he is entitled. Mr. Smalls was legally elected a member of this House, and as such he should at once be recognized and received.

Mr. WAIT. How much time have I left?

The SPEAKER *pro tempore*, (Mr. BINGHAM in the chair.) Fourteen minutes.

Mr. WAIT. I yield now to the gentleman from Indiana, chairman of the committee, [Mr. CALKINS.]

Mr. CALKINS. Mr. Speaker, I now assume the floor, and will yield to any gentleman for a motion to adjourn.

Mr. MOULTON. I make that motion. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS.

The following papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ERMENTROUT: Papers relating to the claim of the Berks County (Pennsylvania) Agricultural Society—to the Committee on War Claims.

SENATE.

WEDNESDAY, *July* 19, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

FITZ-JOHN PORTER.

Mr. SEWELL. I present a petition of the Society of the Fifth Army Corps, accompanied by a resolution, which I ask to have read. I shall have a motion to make in relation to the subject afterward.

The PRESIDENT *pro tempore*. The petition will be read if there be no objection.

The Acting Secretary read as follows:

To the honorable the Senate of the United States:

I have the honor to forward herewith a copy of the resolution adopted unanimously at the annual meeting of the Society of the Fifth Army Corps held at Detroit, Michigan, June 14, 1882, asking that justice be done General Porter.

In behalf of the society I take the liberty to urge speedy consideration of General Porter's case by the Senate. For many years past resolutions in his favor have been adopted with unexceptional unanimity at the successive reunions of the Fifth Army Corps by men who served with him and knew from personal observation that instead of deserving punishment he merited praise for loyal, gallant, and efficient conduct on the 29th of August, 1862. These resolutions have been presented to Congress at different times, but apparently without producing any effect. I beg leave to suggest that it is the opinion of the veteran soldiers who compose this organization that Congress has no higher duty to perform than to secure as far as possible justice to every citizen, and that no business should have precedence of the proposed legislation to carry into effect the recommendations of the advisory board which reviewed the case of General Porter and found that great injustice had been done him.

I have the honor to be, respectfully, your obedient servant,

JAMES McQUADE,
Brevet Major-General United States Volunteers,
President Society of the Fifth Army Corps.

Resolution of the Society of the Fifth Army Corps adopted unanimously at their reunion at Detroit, Michigan, June 14, 1882.

Resolved, That the society earnestly and respectfully asks of the Congress of the United States to take measures to carry into effect the recommendations of the advisory board so as to insure at an early date the full vindication which the Army and the country know General Porter's conduct deserves, which conduct the advisory board declares it is not possible that any court-martial could have condemned if it had been correctly understood. On the contrary, that conduct was obedient, subordinate, faithful, and judicious. It saved the Union Army from disaster on the 29th of August, 1862.

Mr. SEWELL. I have been anxious for some time to bring the bill for the relief of Fitz-John Porter to the attention of the Senate. I recognize at the same time the fact that the Senate dislikes to take up at this period of the session anything except the appropriation bills which are necessary for the support of the Government. I should like to fix a day, say the first Monday in December, for the hearing of this case; and I move that the bill be set down for that day.

Mr. CONGER. I object to any action upon that motion until more Senators are present.

Mr. SEWELL. There certainly will be no objection to fixing a day at the next session of Congress when the bill may be considered.

Mr. CONGER. Many Senators who have expressed an interest in this matter are not present.

Mr. SEWELL. I have desired to bring the bill up for some time, and I think I certainly ought to be allowed to have a day fixed at the next session when it shall be made a special order. I will state that the chairman of the Committee on Military Affairs, [Mr. LOGAN,] who made the minority report in this case, accepts of this arrangement.

Mr. CONGER. I object.

Mr. SEWELL. I see no reason why the bill should not be called up now for that purpose.

Mr. CONGER. I do not think there is a quorum of the Senate present. There are very few Senators on this side of the Chamber.

Mr. SEWELL. I move that the bill (S. No. 1844) for the relief of Fitz-John Porter be made the special order for the first Monday in December next.

Mr. BAYARD. I hope that order will be adopted.

Mr. SHERMAN. We shall have to take the bill up before we can make it a special order.

The PRESIDENT *pro tempore*. There is no special order for the first Monday in December. There has been a special order made for the first Wednesday in December.

Mr. CONGER. I object to the bill being taken up, if an objection will carry it over.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the bill for the relief of Fitz-John Porter be made the special order for the first Monday in December.

Mr. CONGER. I think the bill is not before the Senate now.

Mr. MORRILL. It cannot be done now.

Mr. INGALLS. Any Senator can move that the bill be made a special order for that time.

Mr. SEWELL. I think a majority vote of the Senate can take up the bill for that purpose.

Mr. CONGER. Lest that might be assented to, I will state that I think it requires a two-third vote to make a special order.

Mr. MORRILL. Is the morning business through?

The PRESIDENT *pro tempore*. No; the morning business has just commenced. The Senator from New Jersey presented a petition upon the Fitz-John Porter case, upon which he makes a motion.

Mr. MORRILL. I shall insist upon going on with the tax bill at the earliest moment I can.

Mr. SEWELL. I ask that the question on my motion be put.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

Mr. ALLISON. Where is the bill? Is it now before the Senate?

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. BAYARD. The bill is on the Calendar, and it is proposed to fix a day for its consideration next December.

Mr. HARRIS. A special order for what time?

The PRESIDENT *pro tempore*. A special order for the first Monday in December.

Mr. SHERMAN. I have no objection at all to having the bill made a special order, if it is done in order; but I think we had better conclude the morning business and then let the Senator from New Jersey make his motion.

Mr. SEWELL. Is not this, properly speaking, morning business? I do not ask to take up the bill now to interfere with any proposition before the Senate; I should expect that to be met with objection. But when I ask the Senate to fix a day next December I think it ought to be granted to me without objection.

The PRESIDENT *pro tempore*. It is for the Senate to decide. The question is on the motion of the Senator from New Jersey to make the bill indicated by him a special order for the first Monday in December. The Chair will state that it takes a two-thirds vote to make a bill a special order.

Mr. CONGER. I make the point that at this stage of the proceedings such a motion is not in order when we are acting in the morning hour.

The PRESIDENT *pro tempore*. It is not strictly morning business.

Mr. CONGER. Then I make that objection. I suppose that will be sufficient?

The PRESIDENT *pro tempore*. The Senator from New Jersey can make the motion at another time.

Mr. SEWELL. Will the Chair please specify a time when he will entertain the motion?

The PRESIDENT *pro tempore*. Any time the Senator can get the floor after the morning business is concluded. The morning business, of course, consists of such routine business as petitions, reports of standing committees, &c. The Chair will indicate to the Senator that he can give notice that at the conclusion of the morning business to-morrow morning he will make the motion.

Mr. SEWELL. I will state that I have on two or three occasions given notice that I should bring this bill up at a particular time. Would it be in order to move that the bill itself be taken up now?

The PRESIDENT *pro tempore*. Not until we get through with the morning business.

Mr. SEWELL. Then I give notice that at the conclusion of the morning business I shall move that the matter be considered.

Mr. PLATT. I make the inquiry whether when the order of "concurrent and other resolutions" comes to be considered the motion, which is really a resolution, if put in the form of a resolution, would not be in order?

The PRESIDENT *pro tempore*. It would if put in the form of a resolution; but if in that shape it would require one day's consideration if objected to.

Mr. HARRIS. I suggest to the Senator from New Jersey that instead of endeavoring to make the bill a special order for the first Monday in December he simply give notice that he will on that or some subsequent day move to proceed to its consideration. That would have just the same effect that to-day making it the special order would have. He gains nothing by having the order of the Senate to-day that it shall be the special order on that day. He had just as well give notice that he will on that day move to proceed to its consideration.

Mr. SEWELL. I will say to the Senator from Tennessee that I have given a similar notice two or three times this session already, but that somebody else has always got up and obtained the floor and brought some other measure before the Senate.

Mr. LOGAN. I wish to make a statement in connection with what has been said by the Senator from New Jersey. I made an adverse report in this case this winter, and as I have said to the Senator I will say here, that at the next session of Congress, whenever it suits his convenience, either on the first day or any other day, to take the bill up, I shall interpose no obstruction to taking it up for consideration. I say that here in order to carry out in good faith what I have said to the Senator heretofore.

Mr. SEWELL. I so stated to the Senate.

Mr. LOGAN. I did not not know that; I have just come in.

Mr. ANTHONY. Nothing is gained by making a bill a special order. I understand that a special order is superseded by the unfinished business, and unless there should happen to be no unfinished business on the day for which the special order is fixed it goes over as a matter of course. I think if the Senator will give notice that on a certain day he will call up the bill he will accomplish his whole object.

Mr. SEWELL. I give notice then that I shall call up the bill on the first Monday in December.

The PRESIDENT *pro tempore*. The Senator from New Jersey gives notice, which will go into the RECORD, that on the first Monday in December he will call up the bill (S. No. 1844) for the relief of Fitz-John Porter.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented the petition of R. J. Henry, M. D., late acting assistant surgeon United States Army, praying additional compensation; which was referred to the Committee on Military Affairs.

Mr. DAWES. I present a memorial of the Stockbridge tribe of Indians, by their delegates now here, remonstrating against the passage of the bill (S. No. 2143) for the relief of the Stockbridge and Munsee Indians. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COKE presented a petition of citizens of Texas, praying for a confirmation of the call for a peace congress to meet in Washington on the 22d of November, 1882; which was referred to the Committee on Foreign Relations.

Mr. HAWLEY. I have the honor to present a carefully drawn and strong petition from the New Haven Chamber of Commerce in favor of the bill providing for the settlement of the French spoliation claims, a matter of indisputable justice lying before this Government for eighty years; "and once again," say they, "we renew the demand for justice." A bill has been reported in favor of the measure already, and I move that the petition lie on the table.

The motion was agreed to.

Mr. CALL. I present a petition of James T. Pemberton, Henry Parrish, Bethel Ludley, and many others, citizens of Florida, living along the line of the Tropical Florida Railroad; also a petition from A. M. Cason, W. A. Hamwody, David Westfield, and many others, to the same effect; also a petition of I. L. Barron, W. W. Kellam, A. P. R. Churchill, and many others, to the same effect, praying that the Congress of the United States may adopt some legislation prohibiting the location of public lands of the United States along the line of said railroad as an indemnity to said railroad company for lands which they claim under an act granting the same to the Tropical Railway Company.

The petitions are short and to the same effect, and I will read a brief extract from one of them:

The undersigned petitioners, living along the line of the Tropical Florida Railroad, respectfully call the attention of your honorable body to the fact that, from the extraordinary lapse of time since the donation, the railroad company has forfeited all rightful claim to any part or portion of said donation, and we consider it an act of simple charity to permit said railroad company to acquire titles to such lands of the original donation as they may find unoccupied at the time of completing their railroad to said unoccupied lands.

That a railroad corporation desirous of reaping profits from their legitimate business rather than land speculation would hail with delight the settlement in advance of the entire tract donated, even should they not be indemnified to the extent of a single acre.

That during thirty years of sluggish sleep or designing delay on the part of the railroad company settlements by homestead and otherwise have gone steadily onward and that, too, at such a rate as to make the opening of the railroad a paying enterprise from the running of the first train to our country, as has been demonstrated.

That the reserving from homestead entry and taking off the market such a large quantity of land along the line of said railroad, penetrating as it does the most desirable portions of the peninsula, coupled with the uncertainty of the railroad ever acquiring titles and the indefinite period of its getting and perfecting such titles, is driving from our midst that most desirable class of inmates, honest men of small means; wherefore we pray for positive and immediate action.

We especially beseech your honorable body that the said railroad company be not allowed to locate upon or acquire any title or claim to the even-numbered sections as indemnity for lands of the original grant which have been occupied by settlers; and we further pray that no lands be reserved from pre-emption and homestead for the benefit of the railroad company beyond the advance of their locating survey, and that no lands reserved along the located survey be withheld from homestead and pre-emption for the benefit of the railroad company for a longer period than two years, and that lands thus reserved under this provision be made subject to homestead and pre-emption if the railroad has not been completed to them within two years after their reservation.

The petitioners further state that more than thirty years have elapsed since the passage of the act of Congress granting this land in aid of the said railroad, and that in the meantime they have been settled upon to a large extent by actual settlers under the homestead laws of the United States, and under the action of the Land Department they allege that these homesteaders are deprived of the homes they have occupied for many years under the laws of the United States.

I ask that this, with the accompanying papers, be referred to the Committee on Public Lands, and I respectfully ask that the committee may take it into immediate consideration, as it presents a grievance of a very serious character to citizens of Florida.

The petitioners certainly make statements which demand careful consideration and action by the Departments. Although a grant made by Congress with certain and definite conditions, with express limitations of time, by some customary processes of action if not of reason has been held both by the courts and the Departments to be unconditional and indefinite as respects the rights of the Government and the people, yet I can see no reason why Congress should not without delay make such laws as will protect the actual settler under the laws of the United States who has expended his labor in making the wilderness habitable, who has improved a wild and valueless piece of land and made it attractive to others; who has by his own example and his constant labor invited others to make their homes in the same neighborhood; who has himself with his own labor and his own money done that which was the consideration for the grant of the land to the original railway company.

I can see no reason why this actual settler, who has complied with all the conditions required by the Government and holds the public faith as the security for his possession; I can see no reason why this man with his wife and children should be deprived of his home or his right of entry by a corporation that has not performed the conditions required by the law, and does not hold the public faith pledged as a security for its rights. I think without any injury to these public enterprises, and indeed with great advantage to them, Congress may so legislate as to secure the public lands to the actual settler.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Public Lands.

Mr. CALL. I also present the petition of Edwin Cripey and others, non-commissioned officers of the United States Navy, praying the Congress of the United States to act favorably upon the bill introduced by Hon. Mr. MORSE, of Massachusetts, granting officers of the Navy not furnished with quarters and fuel the same allowance granted to officers of the Army when on duty. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Sumter County, Florida, praying that the appropriation in the river and harbor bill, as recently passed by the House of Representatives, for the Cumberland Sound be increased to $150,000; which was ordered to lie on the table.

NEW YORK POST-OFFICE SITE.

Mr. HOAR. The Chair laid before the Senate yesterday a Senate bill returned with a House amendment, which is a mere slight amendment. I objected at that time, because I wanted to see exactly what the bill was, as I had been spoken to by some outside parties about it. I have no further desire to object. If the Chair should see fit to lay that before the Senate now I should make no objection.

Mr. ROLLINS. I suggest that the bill be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for the post-office in the city of New York. The amendment of the House of Representatives is, in line 11, after the word "than," to strike out "five" and insert "six."

Mr. DAWES. What does that mean?

Mr. ROLLINS. Simply to strike out $500,000 and insert $600,000, increasing the limit.

Mr. INGALLS. Let the clause proposed to be amended be read.

The ACTING SECRETARY. The last clause of the bill reads:

The time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than sixty days after the passage of this act, and at a price not less than $500,000.

The amendment is to strike out "five" and insert "six."

The amendment was concurred in.

GOVERNMENT EXPENDITURES.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 261) to continue the provis-

ions of a joint resolution, approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government," have instructed me to report it with an amendment, and I ask for its immediate consideration.

The amendment reported by the Committee on Appropriations was read, being in line 6, after "June 30, 1882," to insert:

And the provisions of a joint resolution entitled "A joint resolution authorizing the payment temporarily of certain employés of the War Department," approved July 12, 1882.

Mr. INGALLS. Let that lie over for the present under the rules.

Mr. ALLISON. I hope the Senator from Kansas will not object to the consideration of this joint resolution to-day, as it must go back to the House, and on to-morrow the joint resolution passed on the 30th of June will expire, and no expenditures can be made in any department of the Government unless this is passed.

Mr. ROLLINS. How far does this extend the time?

Mr. ALLISON. To the 31st of July.

Mr. HARRIS. I desire to ask the Senator from Iowa if it would not be better, as the resolution has to be amended and go back to the House, that we further amend it by extending the time to, say the 10th or 20th or the last of August?

Mr. ALLISON. The Committee on Appropriations considered that question very carefully, and I am of the opinion that we can finish our business by the 31st of July by working actively and energetically and to a purpose.

The PRESIDENT *pro tempore*. Does the Senator from Kansas interpose an objection?

Mr. INGALLS. For the present; yes, sir.

Mr. DAVIS, of West Virginia. Has the resolution gone over?

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his objection?

Mr. INGALLS. Not for the present.

Mr. DAVIS, of West Virginia. I will say what I have to say when the joint resolution comes up. I think there has been enough delay, and I hope we shall go on with the appropriation bills. I agree with the chairman as to the adjournment provided we can get to work on the appropriation bills, but not otherwise.

The PRESIDENT *pro tempore*. The joint resolution goes over.

Mr. ALLISON. I hope it will be taken up in a later hour in the day when gentlemen feel more agreeable.

LAURINDA G. CUMMINGS.

Mr. SEWELL. I ask that the bill (H. R. No. 4345) granting an increase of pension to Laurinda G. Cummings, which was reported adversely by the Committee on Pensions and indefinitely postponed and afterward reconsidered, may be recommitted to that committee.

The PRESIDENT *pro tempore*. That order will be made.

REPORT ON TORNADOES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States, to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to print 3,000 copies of the report of John P. Finley, made under the direction of the Signal Service, on the subject of tornadoes; 1,500 of which shall be for the use of the House of Representatives, 750 for the use of the Senate, and 750 for the use of the Signal Service Bureau.

Mr. ANTHONY. The cost is $1,900.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLAGS OF MARITIME NATIONS.

Mr. ANTHONY. The Committee on Printing, to which was referred a Senate concurrent resolution to print 3,000 copies of the Flags of Maritime Nations, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed from the plates now in the possession of the Bureau of Navigation, Navy Department, 3,000 copies of the Flags of Maritime Nations, of which 800 copies shall be for the use of the Senate, 1,200 copies for use of the House of Representatives, and 1,000 copies for the use of the Navy Department, to be used on board of vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 422 of the Revised Statutes.

THOMAS C. MANNING.

Mr. VANCE. I am instructed by a majority of the Committee on Privileges and Elections to report a resolution, and ask for immediate consideration.

The Acting Secretary read the resolution, as follows:

Resolved, That there be paid from the contingent fund of the Senate to Hon. Thomas C. Manning, who was appointed United States Senator from Louisiana by the governor thereof to fill the vacancy caused by the death of H. M. Spofford, the sum of $1,000 in full compensation of all expenses incurred in endeavoring to obtain the seat to which his credentials accredited him.

Mr. INGALLS. Is that report from the Committee on Privileges and Elections?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SAULSBURY. I desire to say as one member of the committee that I have opposed all the appropriations of that character, and I shall vote against this. I have not given my consent to its being reported from the committee, and I shall vote against it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. SHERMAN. There are two or three similar resolutions. If one passes they all ought to pass; and if any of them is objected to they all should be.

Mr. HOAR. They all have passed, as far as I am informed, except this one, and one which the committee have not yet reported, and one which is in charge of the Senator from New York, [Mr. LAPHAM,] reported some time ago.

Mr. SHERMAN. They ought all to come up together.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I object. Let it go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over.

REMOVAL OF CHARGES OF DESERTION.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion, to report it favorably, with certain amendments.

Mr. PLUMB. I ask the Senator if it would not be agreeable to him to ask the Senate to consider that bill at this time? It is an act of justice long delayed.

Mr. COCKRELL. It has been delayed a long while, and the Committee on Military Affairs have put it in the best possible condition, and I should be much gratified if it were passed.

The PRESIDENT *pro tempore*. The present consideration of the bill just reported is asked for. Is there objection?

The Acting Secretary read the bill.

Mr. SEWELL. That bill is not printed as amended.

The PRESIDENT *pro tempore*. The amendments will now be read.

Mr. SEWELL. Is the bill up for consideration now?

The PRESIDENT *pro tempore*. No objection was made to its present consideration. The Senator can object.

Mr. SEWELL. I shall ask to have the bill printed with the amendments before it is considered.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. PLUMB. Do I understand the Senator from New Jersey to object to the present consideration of the bill?

Mr. SEWELL. Until the bill is printed. It is not printed as amended.

Mr. PLUMB. What will be its condition when printed?

The PRESIDENT *pro tempore*. It goes to the Calendar, if there is an objection now, and will stand its chance of being taken up like any other bill.

Mr. SEWELL. This bill was before the committee yesterday, and there is a large number of amendments to it. It is not proper that it should be brought up for action without the amendments being printed.

Mr. PLUMB. I understood objection was called for and objection was not made. Therefore the bill is now before the Senate, and is not subject to objection.

The PRESIDENT *pro tempore*. It is usual to have a bill read for information, and then anybody can object after the bill is read.

Mr. COCKRELL. I will simply state that this matter has been before the Committee on Military Affairs for a long time. It has been brought up by the Senator having it in charge before the committee repeatedly. It was brought up yesterday and last night; it was fully considered, and I think that the bill is a proper bill, that it is properly guarded, and that it ought to pass. It will do justice to a class of meritorious soldiers, and it will relieve Congress of the consideration of many special cases, and I venture the assertion that not one soldier would be relieved under the bill that would not be relieved under a special act of Congress if his case were submitted to Congress.

Mr. HARRISON. I think the Senator from Missouri is right about that. We considered it carefully.

Mr. PLUMB. Let me say in regard to the suggestion of the Senator from New Jersey, that he knows well that if this bill goes on the Calendar there are ninety-nine chances to one hundred against its being considered at this session.

Mr. SEWELL. I will state to the Senator from Kansas that I will not have a particle of objection to the bill being taken up to-morrow, but I insist that I have a right to have the amendments printed.

Mr. PLUMB. I suggest, then, that the Senator from Missouri withdraw his report and have the bill printed for the use of the committee, and report it back to-morrow so as not to have it go on the Calendar. It will then come up in the order of morning business. It is a bill I have very great interest in, and I should very much regret that Congress should adjourn without passing it.

The PRESIDENT *pro tempore*. The bill can be printed and recommitted.

Mr. COCKRELL. I ask that the bill which I have reported this morning may be printed with the proposed amendments for the use of the committee.

Mr. LOGAN. Printed and recommitted.

The PRESIDENT *pro tempore*. The bill can be printed and recommitted.

Mr. COCKRELL. I only ask for its printing for the use of the committee. I withdraw the report now and to-morrow morning I will report it with the amendments; and I ask the Secretary to see that it is printed at the earliest practical moment, so that we can have it in the morning.

The PRESIDENT *pro tempore*. The report is withdrawn.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe; and it was thereupon signed by the President *pro tempore*.

NIOBRARA MILITARY RESERVATION.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2997) granting right of way to the Fremont, Elkhorn Valley and Missouri River Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation, to report it back with sundry amendments.

Mr. VAN WYCK. May I ask if it will suit the Senator's views to have the bill considered now? I presume there will be no objection, as it has been substantially sanctioned by this body before at this session. It is a House bill reported with amendments.

Mr. COCKRELL. I have no objection to its present consideration if the Senator from Nebraska asks for it.

Mr. VAN WYCK. I hope it will be done. The Senate has substantially passed the bill at this session.

Mr. HARRIS. Let the bill be read for information.

Mr. MORRILL. I object to the consideration of any bill.

Mr. VAN WYCK. I trust not, as long as there is no objection to the bill. Why object when the bill has passed the Senate already and this action proposed is upon a House bill to make the House bill conform to the Senate bill already passed?

Mr. MORRILL. If it takes no time and there is no debate I will not object.

Mr. INGALLS. What bill is it?

The PRESIDENT *pro tempore*. The bill will be read for information.

The Acting Secretary read the bill.

Mr. ALLISON. Part of that bill I am for, as far as granting the right of way is concerned; but I do not understand the necessity of selling a portion of that reservation.

Mr. VAN WYCK. I think the amendment strikes that out.

Mr. ALLISON. Very well.

Mr. COCKRELL. We propose to strike that out, and in lieu of that to put in a provision offered by the Senator from Nebraska opening up a part of that military reservation which the Secretary of War does not want any longer to the public domain.

Mr. VAN WYCK. The Senate has already passed that part of it.

Mr. ALLISON. How is it opened as public domain? I am told there are some people in there who have already opened it up partially. If it is to be opened up in any way it ought to be sold to the highest bidder, so it strikes me.

Mr. SAUNDERS. I think the Senator from Iowa will be satisfied when he hears the amendment. It becomes public land and should be disposed of just as any other public land. It does not belong to anybody but the United States. It has been reserved for a military reservation, and now the proposition is to turn it back and let it be used as other public lands are used.

Mr. ALLISON. I have no objection to it if everybody is to have an equal chance there. I want to look at it a little. I trust the Senator will allow it to go over to-day.

Mr. VAN WYCK. I hope it may have the same disposition as the last report so that it shall not go on the Calendar. Let it be printed as amended and the Senator can examine it.

The PRESIDENT *pro tempore*. The only way is for the Senator from Missouri to withdraw the report.

Mr. COCKRELL. If the Senator from Nebraska desires it I withdraw the report and ask that the bill be printed for the use of the committee with the amendments.

The PRESIDENT *pro tempore*. The report is withdrawn, and the bill will be ordered to be printed as amended.

AMENDMENTS TO BILLS.

Mr. MAHONE. I am instructed by the Committee on Naval Affairs to report a proposed amendment to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. I move that the amendment be referred to the Committee on Appropriations, and ordered to be printed.

The motion was agreed to.

Mr. MILLER, of California, from the Committee on Naval Affairs, reported an amendment to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS. I submit an amendment to the naval appropriation bill merely to amend the title of the bill. I ask to have it read.

The Acting Secretary read as follows:

Amend the title of bill H. R. No. 6616 so as to read:

"An act providing for the reorganization of the Navy and making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE, Mr. GORMAN, Mr. SEWELL, Mr. VANCE, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. LOGAN. If there are no further reports, I desire the floor for a moment. I ask unanimous consent to introduce a bill without previous notice, and I desire that it may be read.

By unanimous consent, leave was granted to introduce a bill (S. No. 2157) to construe section 2 of an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882; and it was read the first time by its title, and the second time at length, as follows:

Be it enacted, &c., That section 2 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, shall not be so construed as to apply to Chinese on board of vessels in transit between foreign ports, touching at ports within the United States when such landing is for the purpose of allowing them to pass through this country to their own with no intention of violating said law.

Mr. LOGAN. I desire, so that we may have a full understanding of this matter, to call the attention of the Senate to section 2 of the law that I have offered this bill for the purpose of construing. Section 2 of the act of May 6 reads:

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

Without criticising this section harshly I will say that certainly the intention of Congress could not have been that no vessel should land on our shores having on board Chinese laborers where the intention was not to allow them to either become residents or to seek employment or to stay in our country. Take the whole act together, and there is nothing so harsh in the act as to give it this construction except this particular language.

I will say further that there are to-day—and I have a statement here which I shall have read—in the West Indies some sixty thousand Chinese laborers who desire transit through our country to their homes in China without any purpose to stop a moment on the way except merely to eat. Many of our railroads have arrangements with them if they can pass through this country. I made an application to the Secretary of the Treasury in behalf of one of the railroads of the United States, the Chicago, Rock Island and Pacific, and it was referred to the Attorney-General for a construction of this law.

It is deemed advisable, however—I am not sure why—that Congress itself shall construe what it intended this act to mean. It certainly can do no harm to any one, and we surely do not wish to rank ourselves with the most barbarous nations of the earth by placing upon our statute-book a law which would prohibit the landing of a vessel merely because Chinamen are on board of that vessel, when there is no intention whatever of their stopping on our shores for any purpose except to pass to their own country. Such a law is a disgrace to civilization; that part of it at least.

Not only that, but by this act a fine is imposed of $500 for each person landed, no matter whether in a storm or otherwise. We do not even provide that the act of God or the king's enemies shall be an exception; but if they are landed for any purpose whatever the master of the vessel is required to pay a fine of $500 for each one on board his vessel, and in addition to that may be imprisoned. Why, sir, if a man had a cargo of tigers and wanted to pass through this country such a law as that would not be made to apply to them if they were not to stop on the way. I think the Senators and members of the House of Representatives who advocated and voted for this act did it without fairly considering that portion of the bill.

Now, I ask that the Secretary read the statement of the general ticket and passenger agent of the Chicago, Rock Island and Pacific Railroad Company.

The Acting Secretary read as follows:

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY,
OFFICE OF THE GENERAL TICKET AND PASSENGER AGENT,
Chicago, Illinois, July 6, 1882,

SIR: The undersigned, general ticket and passenger agent of the Chicago, Rock Island and Pacific Railway, respectfully represents that he has information which he considers reliable that there are in the West Indies from forty to sixty thousand Chinese whose term of service (under a contract made several years ago) is about to expire, and who desire to return to their homes in China via the United States, which is the shortest and most expeditious route, as well as the least expensive, from the West Indies to China.

I am also advised that under a literal construction of the law recently passed by Congress it is very doubtful whether authority could be granted by the officers of the Government permitting them even to land on our shores, notwithstanding they desire simply to pass directly through the country, and with no intention of remaining in our country a longer time than would be necessary to complete the journey from ocean to ocean, making the trip a continuous one, and departing from San Francisco by steamer for China immediately on arrival at that port, or within twenty-four or forty-eight hours thereafter. It would seem that it could not have been really intended by Congress to prohibit through, continuous journeying between one foreign country and another, but that the real intent was to prohibit the Chinese who came with the intention of remaining on our shores from landing.

Their passing simply through the country it would certainly seem would be beneficial to the country's interest, which would result in an expenditure within the country, assuming the number to be even 40,000, (the smallest number estimated as desiring through passage,) and the expenditure which at the least calculation would in all probability be $100 per capita, and we have a total of $4,000,000 to be paid to American interests out of money earned by these people in a foreign land. It would seem that the United States should reap the benefit of this capital and not England.

I further represent that these people can be ticketed from the West Indies or South American ports through to China on a through, continuous passage ticket, and that we would engage to have this done, that arrangements could be made to handle them in lots of from three hundred to a thousand at a time, and such other safeguards placed over the business as might seem necessary to assure positively the through and continuous journey to China on the part of those holding this through transportation.

With assurances of high regard, very respectfully, your obedient servant,

E. ST. JOHN,
General Ticket and Passenger Agent,
Chicago, Rock Island and Pacific Railway.

Hon. JOHN A. LOGAN,
United States Senator.

Mr. LOGAN. Not only are these facts indisputable but I have a right to say that more than one of our transportation companies have investigated the question as to the number of these people wanting to pass through our country, and instead of passing around the other route their desire is to pass through San Francisco and be deported on ships from there. They say they will pass them through here in bodies of from three hundred to a thousand at a time until they get them through; and they are willing to give bonds to carry out any regulation that may be imposed by the Secretary of the Treasury so as to make it perfectly safe that none of these people shall stop for the purpose of residing or obtaining employment in this country. They will be taken clear through from the West Indies to their homes. These arrangements have already been made with the transit companies, railroads, and steamships. If the United States Government think that they can afford to keep a law of this kind on the statute-book and deprive our people of receiving four or five million dollars and put us on the plane of the most barbarous nations of the earth, be it so; I shall have no part in it. No harm can arise to the Government or to the people of California or anywhere else by the construction I propose to put on the law. In fact it would be profitable to this country and to the people of this country if this construction should be given to this law. I hope that the Senators who were desirous of having the bill passed for the purpose of excluding Chinese laborers from this country will not carry their prejudices so far that they will not even permit them to stop on our shores, to even cross our country in order to get to their own land, for fear of a contamination of the soil. I hope the prejudice will not go so far as that. If it does not, to allow this bill to pass giving a construction to the statute so that the Chinese may pass through in transit without stopping in our country, it would relieve the law from the embarrassments which will otherwise arise under it.

I say to my friends now that, with the feeling which has been aroused by the law throughout the country outside of the Pacific coast, the fact that you will stick to the law and permit no construction to be given to it to allow the Chinese to pass through this country, depriving the transportation companies and persons along the route of amounts of money which would be expended by them, will still increase the prejudice and opposition to the law to such an extent that before twelve months roll around you may have a very different sentiment all over the country outside of your own coast from what you found at the time the law was passed. That is all I desire to say at present.

Mr. MILLER, of California. I do not wish to enter into a discussion of the measure at this time. I do not suppose it would be in order to do so. The bill is not before the Senate for consideration, I believe.

The PRESIDENT *pro tempore*. The bill was introduced and read twice, and will now be referred.

Mr. MILLER, of California. I move that it be referred to the Committee on Foreign Relations.

Mr. LOGAN. I object to that reference. I have introduced the bill and I ask its reference to the Committee on the Judiciary. That is the committee which gives construction to the law.

The PRESIDENT *pro tempore*. The first question will be on the motion to refer the bill to the Committee on Foreign Relations.

Mr. FARLEY. The Committee on Foreign Relations has had this whole subject under consideration and reported both the bills which passed Congress. Any measure now proposing to interpret or give a construction to any part of the act as it now stands, it seems to me, should properly be referred to the Committee on Foreign Relations.

I regret that the Senator from Illinois says or seems to think that he does believe Senators have been governed by prejudice in the passage of the so-called Chinese bill. I have no prejudice upon that subject myself, but it is a subject on which, in my judgment, legislation was demanded on the part of the Government for the protection not only of the people of the Pacific coast but of the people of the entire United States. I think the honorable Senator from Illinois is mistaken when he thinks that there is a change in public sentiment in any portion of this country, except perhaps a very small portion of it, against the provisions of the Chinese act, as it is known throughout the country. The people on the Atlantic coast, in my opinion, are as much interested in the protection of their every-day laborers as are the people on the Pacific coast.

Mr. LOGAN. This proposed construction does not interfere with laborers.

Mr. FARLEY. I understand that; but if you open the door so as to land Chinamen in San Francisco, Boston, or New York, and pass them through the country by transportation companies, they will be scattered from the city of Boston or the city of New York to San Francisco. I do not mean to impute to the honorable Senator from Illinois any other purpose than that which he has designated in his statement here, but I do say that the construction he now seeks to have placed upon the act would have the effect to leave Chinese laborers scattered all over this country, and up into the Northern Pacific Railroad region, where they are asking for Chinese laborers; the Chinese would be scattered from one end to the other of that region of country, where they are to-day engaged in building railroads. I do not mean that the honorable Senator intends that his proposition shall have that effect, but I say that would be the natural result. The result would be just as I have stated, in my honest judgment.

I again repel the idea, so far as I am individually concerned, and I think I can make the statement for those who supported the Chinese act, that we were governed or influenced by prejudice in this case.

Mr. LOGAN. I desire to say, in response to what the Senator has said in reference to turning the Chinese loose on the road, that we talk about Chinamen here as though they were wild beasts. If the law is construed as I desire it shall be it would not authorize the turning of them loose at way-stations, but they would pass through the country under regulations made by the Secretary of the Treasury. The Secretary of the Treasury would do what is proposed in the letter which was written to myself; he would require these transportation companies to give bond, to state the number that should go upon their vessels or their railroad cars; that they should be charged to certain steamers in San Francisco, the list made up, the numbers given, and they would be held under bonds that these people should be transported directly and passed through the country, without the permission to stop anywhere on the route. They themselves would be compelled under heavy penalties and bonds to do this. That is the object of this proposed construction of the law.

I did say that it was a prejudice so far as objecting to the passage of the Chinese through the country is concerned. I have no disposition to discuss the general features of the law, but when we are so prejudiced against a race that we will not allow them to pass through the country at all, but force them to go on the transportation lines of foreign countries, and those companies may obtain the money for the transportation instead of our own, I do think that is a prejudice, and a very serious prejudice, one that is not justified by the civilization of this age.

I did say, and I say now, that you may transport Africans, you may transport elephants, tigers, wild beasts of every kind through this country, and the only exception to that rule is the Chinaman. I say it is a disgrace to this country to have such a law upon our statute-books. It makes no difference to me if every constituent of mine were in favor of it, I would announce the same ideas on this floor. Whenever on the rich soil of this country, with the institutions of this country, the people of the country become so narrow in their views that Congress will pass laws depriving any other nation or race of people from setting their feet on our shores with the object only of passing to their own country, I say it is such a prejudice as speaks not well for our people, and such a one as will arise soon to plague the inventors of this scheme.

You cannot maintain this proposition before the intelligent people of this country. Whenever you put the question to an intelligent man whether a wild beast, or the master and owner of one, shall have this privilege, and it shall not be given to the Chinaman, common sense and Christian civilization revolt against the idea. You put your exclusion on these people so far as becoming residents of this country, so far as becoming settlers in this country, so far as becoming laborers in this country. That you provide for, you say for the protection of the laboring classes of our people; but when you go so far as to say that the Chinese shall not land upon our shores for the purpose of passing to their own homes, that is going too far.

Mr. PLUMB. Do I understand the Senator from Illinois to say that a wild beast has the privilege of going through this country in cars or otherwise?

Mr. LOGAN. Yes, sir.

Mr. PLUMB. I thought it was the privilege of the man who owned the wild beast.

Mr. LOGAN. I said the man who owned the wild beast.

Mr. PLUMB. Then it is the privilege the Senator seeks now for some man who owns the Chinaman.

Mr. LOGAN. No, sir.

Mr. PLUMB. I do not see the parallel between the Chinaman and the wild beast.

Mr. LOGAN. The parallel is that the man with the wild beast may take his wild beast through, but the freeman cannot pass through. That is the parallel, and I have stated the reason for it. The man who is a freeman cannot pass through, but the animal held by a man can be passed through, if the Senator can understand that.

Mr. PLUMB. I understand it perfectly, but it does not bear out the Senator's conclusion, as I understand it.

Mr. LOGAN. I say it does. A man owns a wild beast and takes him through the country, but in the case of the man who wants to pass through the country, who is the owner of himself, you deprive him of the right.

Mr. PLUMB. That is not the point at all. I suppose to make the parallel complete the Senator ought to say that somebody owns these Chinamen and has had a contract for labor with Chinamen and wants to take them through, to herd them through as we herd horses or wild beasts. So there is no point to the argument, no question of humanity or anything of that sort in it. It is simply a question of judgment as to what we ought to do to meet the convenience of persons who prefer to go through this country rather than to go around Cape Horn, and it has to be determined upon the question of the interests of the people of the country, and not on the question of their interests at all. There is no question of sentiment about it.

Mr. LOGAN. So far as the Senator from Kansas is concerned, I agree that his ability and capacity for understanding things is beyond my comprehension. I agree to that.

Mr. PLUMB. I thank you.

Mr. LOGAN. I agree that the Senator understands law better than I do, if he desires me to assent to that; that he understands humanity and sentimentalism and everything else far beyond my ken I agree; but when the Senator rises in his seat and says there is nothing in what I say, that I do not understand what I am saying, I beg the Senator's pardon. I do understand what I am saying, and I say to the Senator that he will understand it before many years roll around. I say to him now that the man who has a conscience that can deprive a human being of the right to pass through our country to his own home has that of which I do not envy him, so far as I am concerned.

Mr. PLUMB. If I compared the Chinamen, as the Senator from Illinois has done, to wild beasts, I certainly should vote against him. I want to vote with him, but I want him to get on some tenable ground. The Senator says that I shall know more about it. I understand what that means. It is that my judgment will be quickened by something in politics; in other words, that the people of the country will not indorse this proposition. It is simply a mild form of bulldozing, and I will take my chance with the public sentiment of this country as to my vote without any admonition from the Senator from Illinois.

Mr. LOGAN. The Senator from Illinois does not pretend to admonish the Senator from Kansas. He would like to have him vote with him. If he does it is not necessary for him to undertake to criticise the argument I am making. It is rather a strange way for a man to be in favor of a bill and always opposed to it. I am not apt to do that, and I do not wish any discussion with the Senator from Kansas on this point unless he desires it. I am not in the habit of coming in contact with Websterian intellects and overthrowing them. I am a plain, simple-minded man, and give my views in a plain, simple way, perhaps so that they may be understood by some men and misunderstood probably by others.

If the Senator desires to understand what I meant, I will say that this is a simple proposition. Every man who is a freeman in this country owns himself. If he is a freeman as these men are, their terms of service having expired in Cuba and through the West India Islands, they are free. They desire to go home. They are freemen. They apply to our Government for permission to pass through our country. We say, "No; you shall not do it." I was illustrating it by saying that if a man has a menagerie of wild animals and wishes to go through the country with them we do not prohibit it. Hence I say the prohibition applies to Chinamen when it does not apply to wild animals. I said that, and I say it still. No matter whether a wild animal is owned by the Senator from Kansas or by anybody else, no matter whether the man is a freeman or not, he is free to go through our country, and it is asked to have the laws apply to the Chinese that are applicable to all other freemen. That is all there is of it.

Mr. SAULSBURY. Will the Senator allow me to ask if there has been any application by Chinamen in other countries for leave to pass through this country on their way home?

Mr. LOGAN. I had a paper read here showing the fact.

Mr. SAULSBURY. I was not in and I did not understand whether any communication had been sent by the Secretary of State.

Mr. LOGAN. No, sir; I have talked with the Secretary of the Treasury. He has had several applications made to him by transportation companies to have the privilege of passing Chinese through this country, and it has been denied under the law.

I wish to put a conundrum to my friend from Kansas, but I believe he is not present now. He could not understand my analogy, he said, between the wild beast and the Chinaman. I put this question to him: suppose a Chinaman owned a tiger, and he wanted to take him through this country, you would let the tiger go through, but you would not let the Chinaman go through. That is your proposition. That is a good deal like the gentleman in Massachusetts, or somewhere else, who was speaking for the Maine liquor law. He was for the law but opposed to the enforcement of it. It reminds me a good deal of the old gentleman who once made an application for a ferry across a river and a road to the ferry. The county court examined the case very deliberately and quietly for some time, and finally decided to grant the ferry but not to grant the road; so the man got the ferry but he got no road to it. If the Chinaman owned a tiger the Chinaman could let his tiger go through the country, but he could not go through with it. That is the effect of your law precisely, and that is all there is of it. You exclude the Chinaman, the only human being on earth, but if he owned a tiger he could not go through as the owner of the tiger, but if the tiger took the Chinaman in charge I suppose he might pass him through as a monkey perhaps. That is about the idea of the Senator from Kansas.

Mr. PLUMB. In the paucity of ideas which, if I may use that expression, I impressed upon the Senator from Illinois, I suppose as a matter of charity he is trying to put some ideas into my head.

Mr. LOGAN. Not at all; I could not do it. I could not think of it.

Mr. PLUMB. The Senator is imputing to me something that I did not say, and he has made some very witty observations about it, which of course I shall not follow him in. I was trying to distinguish between the right of the tiger to go through and the right of the man who owned the tiger. The Senator said the tiger had a right to take a Chinaman through. That is a proposition of law, constitutional or statute, upon which I am not entirely advised.

Mr. LOGAN. I did not say any such thing.

Mr. PLUMB. The Senator from Illinois announced that deliberately as his judgment upon that question, and if he is willing to stand upon that before the Senate and the country, of course that is entirely satisfactory to me.

Of course I yield to the Senator from Illinois by comparison, but if I cannot get on ground more solid than he himself has announced in regard to this measure then I shall vote against him. That is all there is about it. If there is no more right in it, if it stands on the ground the Senator puts it, then I say it is absolutely useless, and a contemptible piece of legislation. That is the way I view it. In saying that I do not impute anything to him; I impute to myself simply a lack of ability, but as I am supplied with a quota of understanding, or lack of it, as the case may be, I of course must have a basis upon which to place my vote. I want to see some better ground for the support of the bill. I voted for the act and the vote I cast I am bound to maintain, and I am entirely willing to maintain it, the Senator from Illinois to the contrary notwithstanding, not as being inhuman but as being humane to the people I care a great deal more about than the people who live in China. I put my humanity first to the people whom I do take some interest in, and if there is anything left it is for the rest of mankind, and I think the Senate, and perhaps Congress, voted on that idea in regard to the law.

If this action is sought to be maintained on the ground that somebody's convenience can be accommodated better by amendments than by the original act, and that convenience can be accommodated without transgressing the rights we have sought to protect by legislation, I am willing to do that. As I said before, we have a right to exclude any person; we have a right to exclude Chinese as lepers or improper persons to be brought in or to exclude them on any other ground. On the necessity for such exclusion we can base legislation, and the only question is whether we can provide legislation in order to meet a case of inconvenience which has not arisen in its administration. That is all there is about it.

Mr. LOGAN. The Senator has finally come to the proposition that I made first, and if he had been here he would have understood it. I stated the fact that Chinamen were in the West India Islands, and that they wanted to pass through our country to their own country. It was a convenience to them because the nearest route, and not only that but the transportation companies of our country were concerned, and our own country was concerned, that the amount of money which it would take to pass them through should be left with our people. That was all the proposition. The Senator came rushing in, however, and got into this tiger controversy, and did not seem to understand exactly what I was trying to reason out for myself, not for him. I am only trying to reason for myself. If I were to undertake to reason for him I should certainly fail; there is no question about that.

Let us see if there is any justice in this case. The Senator says that we have a right to exclude the Chinamen. Of course we have a right to exclude them if it is desired to do so. Nobody undertakes to controvert that proposition. So we have a right to exclude anybody else from coming to this country if we desire, but I do not propose to help do it. I say when you come to the exclusion of them from the country, and at the same time deny them the right to pass through the country, it is going too far; it is going further than any civilized people on earth ever have gone before; further than will

be justified by the civilized nations of the earth, and further than we ought to go.

Mr. FARLEY. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. FARLEY. Does this application for the proposed legislation sought by the Senator from Illinois come from the Chinese people themselves or from American transportation companies?

Mr. LOGAN. What does the Senator mean? This application for what?

Mr. FARLEY. For a law to construe the statute as the Senator proposes to construe it.

Mr. LOGAN. I introduced the bill on my own responsibility.

Mr. FARLEY. I refer to the petition or letter to the honorable Senator from certain railroad companies.

Mr. LOGAN. I used that merely for the purpose of showing the fact that the law deprived them of the power to transport Chinese through the country. I used that merely to show the effect of the law, not because it was from a railroad company, but because of the fact that they in investigating the case have made application to the Secretary of the Treasury in reference to this question, agreeing to give bonds, security, and everything else for the passing of Chinese directly through without stopping anywhere by the way. That is the reason why I had the paper read. I had it read for the purpose of showing the fact that I had stated and for no other purpose.

I introduced the bill because I think the law is wrong in that particular, and not because it affects a railroad company or ship company or anybody else. I voted against the law, or was paired against it, and one of the grounds of my opposition was the stringent section in it which prevented even in time of storm or at any other time the Chinese from landing on our shores. So far as the law is concerned, as it would have to be construed, if a storm should take place and a vessel should be landed on a sand-bar in our country, you would have to obtain a construction of that law before you could relieve the owners of the vessel from the fine of $500 for each Chinaman.

Mr. FARLEY. Oh, no.

Mr. LOGAN. I beg the Senator's pardon; a court would have to say it was the act of God or of the king's enemies. Hence I say you would have to give it that construction, because the law itself construed strictly would deprive a man of the right to land Chinese on our shores in case of shipwreck or in a storm. There is no exception to it.

Mr. MILLER, of California. The law expressly provides for such cases.

Mr. LOGAN. I am speaking of the section that we propose to construe.

Mr. MILLER, of California. But I refer to another section of the law.

Mr. LOGAN. I know where that section is. I ask that the bill be referred to the Committee on the Judiciary. I ask it for the reason that I want the bill reported back either favorably or adversely, and because that is the law committee of the Senate to examine the question and say whether the law ought to have such a construction. I hope the bill will be so referred.

Mr. MORRILL. If the bill can be referred without further debate I shall not object, but I shall object to any further consumption of time unless we reach a direct vote.

Mr. LOGAN. The bill is regularly before the Senate, and I say to the Senator from Vermont that he has no right to take a Senator from the floor.

Mr. MORRILL. I thought the Senator had concluded.

Mr. LOGAN. I had concluded, but it does not come in very good taste, after a Senator has got through, to get up and say you will object to further debate when the matter is regularly before the Senate.

Mr. SHERMAN. I do not think my friend from Illinois is exactly just to my friend from Vermont. The discussion has been going on by common consent upon a general understanding that it would take but a few moments of time. That is the way I understand the discussion has proceeded.

The PRESIDENT *pro tempore*. The Chair will state the case. In the order of morning business bills and joint resolutions were reached. The Senator from Illinois introduced a bill and the Senator from California moved to refer it to the Committee on Foreign Relations. The Senator from Illinois antagonized that motion by moving to refer it to the Committee on the Judiciary, and the question of reference has been up for discussion.

Mr. SHERMAN. The Senator from Vermont certainly understood that it would take only a moment, and did not understand that the whole morning hour would be consumed by it.

Mr. LOGAN. I did not understand that the Senator from Vermont was entitled to the morning hour any more than anybody else.

Mr. SHERMAN. The morning hour is closed.

The PRESIDENT *pro tempore*. The morning hour extends to one o'clock.

Mr. SHERMAN. Only under the Anthony rule. The morning hour is one hour for petitions, reports of committees, and routine morning business.

The PRESIDENT *pro tempore*. When it is through the Anthony rule is operative.

Mr. SHERMAN. I ask for the reading of the rule.

The PRESIDENT *pro tempore*. The rule provides—

That at the conclusion of the morning business for each day, unless, upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until two o'clock.

Mr. SHERMAN. That is the Anthony rule. This question does not arise under the Anthony rule. The bill was introduced as morning business and that morning business ends at twelve o'clock, at which time it was the duty of the Chair to call attention to the fact that the morning hour was closed.

The PRESIDENT *pro tempore*. The Chair does not consider that the morning hour is over until one o'clock.

Mr. SHERMAN. If the Chair will read the rule he will see that the morning hour is confined to one hour, whenever we may meet. It is true the Anthony rule fixes a different hour and says the consideration of the Calendar shall continue until two o'clock.

Mr. LOGAN. I can only say, not by way of apology however, that it is very seldom I take the morning hour or any part of it in discussing propositions, but this proposition is equally as important as some propositions which have been reported and fathered by the Senator from Ohio.

The PRESIDENT *pro tempore*. The Senator from Ohio is right; the first hour of the session is for morning business. The question is upon the motion of the Senator from California to refer the bill to the Committee on Foreign Relations.

Mr. HOAR. Then this matter goes over under the rule?

Mr. MORRILL. No; let it be voted upon.

Mr. HOAR. I desire to address the Senate if there is to be a controversy about the reference, but if the bill can go to the Judiciary Committee by unanimous consent I shall not ask to be heard.

Mr. SLATER. It cannot go to the Judiciary Committee by unanimous consent.

Mr. MILLER, of California. It cannot go there by unanimous consent; it must be by a vote of the Senate.

The PRESIDENT *pro tempore*. The first motion is to refer the bill to the Committee on Foreign Relations.

Mr. WINDOM. Is that the pending motion now?

The PRESIDENT *pro tempore*. The morning hour is closed, and the bill goes over until to-morrow morning.

ORDER OF BUSINESS.

Mr. MORRILL. I ask that the tax bill be now taken up.

Mr. VAN WYCK. Will the Senator from Vermont allow me to say one word?

Mr. MORRILL. Certainly.

Mr. VAN WYCK. I wish to say that I intended this morning, during the morning hour, to call up for consideration the joint resolution directing the Secretary of the Interior to defer action upon the payment of the pension to General Ward B. Burnett until the bill on the subject of the payment of double pensions was passed by both Houses of Congress and signed by the President of the United States. I should like to have done so this morning, but I assume I could not now without unanimous consent, and I suppose the Senator from Vermont will not concede that.

Mr. MORRILL. I cannot.

Mr. VAN WYCK. Then I give notice that at the first opportunity I shall call up that resolution for consideration.

The PRESIDENT *pro tempore*. Will the Senator from Vermont yield for any routine morning business which will not require any discussion?

Mr. MORRILL. Certainly.

Mr. MORGAN. I wish to call up the resolution which I offered the other day for the appointment of a select committee from the two Committees of Naval Affairs and Military Affairs on the subject of sea-coast ordnance and projectiles.

Mr. MORRILL. I can hardly consent to that.

Mr. MORGAN. It will not take much time.

Mr. MORRILL. I cannot consent to have the tax bill interfered with.

Mr. HARRIS. What is the regular order?

The PRESIDENT *pro tempore*. The regular order is business under the Anthony rule.

Mr. HARRIS. So I supposed.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the consideration of the regular order with a view to take up the revenue bill, as it is called.

Mr. WILLIAMS. I only want it understood that I vote in the negative not to express any opposition on my part to having the tax bill considered, but there was an agreement the other day to take up that bill at two o'clock every day. I am very anxious to have considered some bills on the Calendar which are very important to my constituents, and which I hoped to have taken up this morning under the Anthony rule. We certainly shall have plenty of time after two o'clock to consider the tax bill, and I am opposed to taking it up now.

The PRESIDENT *pro tempore*. The question is on the motion of

the Senator from Vermont to set aside the regular order of proceedings under the Anthony rule with a view to take up the revenue bill.

The motion was agreed to; there being on a division—ayes 27, noes 25.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation, the pending question being on the amendment proposed by Mr. BECK to the amendment of the Committee on Finance.

The PRESIDENT *pro tempore*. On the pending question the Senator from Delaware [Mr. BAYARD] is entitled to the floor.

Mr. BAYARD. Mr. President, it appears that gradually the importance of the measures we are discussing and the impossibility of dealing with them in the light and airy manner proposed by the bill brought in from the Republican caucus is growing both upon the Senate and the country.

The amendment now before the Senate, proposed by the Senator from Kentucky, is to reduce the present tax upon tobacco from 16 to 12 cents. The intimation from the Senator from Kansas, and perhaps from others, was that the amendment for reduction would be stronger if it were more moderate than was at first suggested by the Senator from Kentucky. The great object is, or ought to be, a measure of practical relief to the tax-payers of this country.

If that can be accomplished without a reduction of revenue at the same time there is a diminution of the tax it is obviously highly desirable to accomplish both at the same time.

Here is an agricultural product which can be produced in perhaps a majority of the counties all over this Union. There are a few States in which it cannot actually be produced, and in a majority of the States it can be produced profitably.

It were well if the Senate should now consider the great changes which have taken place within the last fifteen or twenty years in this country in the developments of agricultural capacity and for manufacture, many of which have changed their geographical bases. There are States whose chief production not very long ago was tobacco that now scarcely produce it at all. There are others in which the cultivation of tobacco was almost unknown which are now producing it in great abundance, thanks to the fact that absolute and unlimited free trade exists all over the Union of these States. As free as the air that blows is the intercourse between our people. Their right to buy and sell just where their interest dictates is the law within this Union for all its citizens, and I believe myself constitutes one of the chief causes of our great prosperity.

Following this adaptation of soil and climate, the aptitude of our people for congenial pursuits has been allowed to have free, untrammeled exercise. As a result you see in agriculture each State abandoning the production of those things which are less profitable and embracing others which are profitable. The great West has become, I was going to say, the great wheat manufactory. I believe that phrase has been applied by distinguished political economists of this country, so that it is scarcely any longer possible for the former growers of cereals on the Atlantic coast to compete with the West in the production of the cereals; they can buy corn and wheat cheaper in the western markets and transport them cheaper than they can raise them at home.

Therefore you find an area for the production of wheat and corn upon the Atlantic slope lessening and giving way to other and more special cultivations and taking up their abode upon the virgin soils of the Western prairies, whose productions are so bountiful.

Among the illustrations of this adaptation which our happy freedom of trade and intercourse among each other has permitted and encouraged, and which there are no malefficent laws to prevent, we find that tobacco is one of the most valuable in States where only lately it has been cultivated. In the RECORD this morning I find an interesting, able, and thoughtful paper, presented yesterday by my friend from Kentucky, [Mr. BECK,] but written by whose hand I scarcely know, written on the 18th of July to that Senator, upon the subject of the tax on tobacco. Reference is made to the locality of the tobacco production. Says this writer:

> It is a popular idea that the culture of tobacco belongs almost wholly to the South. The census will show this to be far from the case. The valley of the Ohio, embracing Kentucky, Ohio, Indiana, West Virginia, Illinois, Missouri, has so far reaped the largest benefits from the last reduction of tax. The market centers of this, the greatest tobacco-growing region of the world, are Cincinnati, Louisville, Evansville, Paducah, Saint Louis, Henderson, Kentucky, and Dayton, Ohio.

I would add to that Lancaster County, Pennsylvania, where the crop, formerly measured by thousands of dollars, to-day amounts to millions.

This illustrates the nature of the subject with which we are to deal, and we must apply to it principles and axioms of taxation that are wise and sound, and we are entitled to deal with it in the light of the practical experience of this Government in taxing this commodity.

I believe not more than two-fifths of the tobacco crop of this country pays tax; that three-fifths is exported and consequently pays no tax. Therefore from two-fifths of this remarkable agricultural product more than $47,000,000 was drawn by taxation into the Treasury last year.

What has advanced the revenue from $40,000,000 in 1878 to $47,000,000 in 1882? It has been the increased production, encouraged by the removal of an excessive tax. In 1878 we had a tax of 24 cents per pound upon tobacco. It was reduced in 1878 under a bill which I brought here as the organ of the Committee on Finance. It became a law after long debate, despite the opposition of my friend from Vermont [Mr. MORRILL] and of the adverse opinion of the Senator from Ohio, [Mr. SHERMAN,] who was then the Secretary of the Treasury, both of whom were of opinion, in which I believe they were backed by the Commissioner of Internal Revenue, that if the tax was reduced from 24 to 16 cents there would be a loss of 33 per cent. to the amount of revenue; in other words, a loss of from $10,000,000 to $12,000,000.

That was stated impressively by those experienced and able gentlemen, and caused me at that time a great deal of reflection, because I found my view of taxation opposed to theirs. I believed then that we had taxed this commodity beyond its revenue point; I believed that we were offering too great a premium to those who would evade the tax; I believed that we were repressing production by such heavy taxation; and, so thinking, after giving due weight to the positive assertions of such gentlemen as I have referred to, and giving due weight to all their greater experience, I joined with others and voted for the diminution of the tax; and what has been the result? The benefit of that reduction is stated by this same intelligent writer already cited, as follows:

> It can be clearly demonstrated by the trade statistics, that reduction of the tax from 24 to 16 cents has been worth to the growers of tobacco more than $12,000,000 annually, and at least an equal amount to the consumers of the same.

Twelve million dollars and $12,000,000 make $24,000,000. This has, as is well known, accompanied an increase instead of a diminution of revenue, notwithstanding the doleful predictions of the Government officials and the opponents of reduction. I do not believe any one will dispute these figures or facts, and the principle that caused this great beneficence to the producers of this commodity and also to the consumers, relieving them of $24,000,000, absolutely has added to the revenue, as the figures prove, more than $7,000,000 in one year.

Forty-seven million dollars as against $40,000,000 is the unanswerable fact, that you have not only relieved the producer, increased production, relieved the consumer, but you have replenished the Treasury by a still greater revenue and under a lower rate of taxation.

Now, sir, guided by such lessons as this I propose to assist in extending still further, not the experiment, but I will call it the approved principle upon which the revenues have been increased and at the same time public burdens have been lessened. What is 16 cents per pound tax upon this commodity? It is from 300 to 400 per cent. ad valorem. Taking the average prices of unmanufactured tobacco it is not less than 200 per cent. and sometimes 300 and even as high as 400 per cent. ad valorem. In a country as vast as this, with a people so accustomed to freedom of movement and independence of personal action, if you propose to surround the production of this agricultural plant with such artificial attempts to control its sale and manufacture as will prohibit absolutely evasion of the duty, then let common sense and experience guide you in this that you do not stretch the cord too tightly lest it may snap.

I have no means of saying how much of the tobacco consumed in the region of its production is manufactured in a home-made way and pays no tax at all, but I do know from the testimony brought before the Committee on Finance when they were debating this question of reduction, and the history that was given, how choice, admirable home manufactures of tobacco were carried on that paid no tax at all, and that it was impossible to trace the avenues and by-ways through which it came to the consumers.

There is the practical result that by an unduly heavy tax your revenue is lessened, and there comes back of that another result which legislators, especially those who pretend to deal with such questions as are before us now and with interests so vast as are intrusted to the Congress of the United States, should never forget, the demoralization to the people that comes from constant infractions and evasions of laws. A law that stands upon your statute-books defied or despised is worse than no law at all. The principle that overstrains the allegiance of the citizen is unwise if it breeds in them a disrespect of law, which is fatal in our system of government. So that I say, considering this question practically by the light of experience, considering it by any rule of philosophy that you may apply to taxation, a reduction of the tax on tobacco to 12 cents is not only exceedingly moderate, but it is absolutely safe, and almost certainly will not only not diminish revenue, but, in my own belief, within two years' time will rather increase it—judging of the future by the past.

Everything that will tend to untrammel the exertions of our people and encourage production, and encourage obedience to laws because they are reasonable and fair and just and not oppressive, increases the revenue and at the the same time relieves from taxes which are onerous and oppressive. All this surely is marching in the path of revenue reform, toward which the American people have set their faces and which they intend to follow.

By an excessive tax you first lessen production by crippling the producer, you lessen the consumption by overcharging the consumer, and this applies to the tax-paid article, when you come to the great body of our crop of tobacco, of which three-fifths goes abroad. It goes abroad improved in quality, increased in quantity, free from tax-

ation, to swell that balance of trade in our favor which has been so beneficent, and which will be still more beneficent when you cause a reformation of tariff duties that shall allow our citizens to bring back into the country the proceeds of their production, which they can take in exchange for what they carried abroad, and not be restricted, as now they are, to sell American products only for money, and in this way have the single profit of selling, instead of the double profit of buying as well as selling.

Mr. President, for these reasons as given, and referring to these figures, I hope this reduction in the tax upon tobacco will take place. I have before me the figures which have been read, and I do not care to read them again. They are in the RECORD, produced here by the Senator from Kentucky [Mr. BECK] to show the enormous advance in revenue, both by imports and excise.

In 1881 and 1882 there was an increase in the receipts from impost duties of $21,826,547, and upon excise duties an increase of $11,171,992. There was a net increase of total revenue, according to the figures from the Department, of $43,071,000. It is agreed that these burdens are unnecessarily heavy; it is agreed that they ought to be reduced, and I submit to the Senate, by the figures before them, by the clear experience of the past—and I do not think one word of what I have said will be denied by any gentleman on the other side of the Chamber—will you not diminish a tax which shall at the same time increase production, increase revenue, and relieve our industries from the weight which now oppresses them and forbids them to compete in foreign markets?

If, as the writer to whom I have referred has said, by reducing our tax from 24 cents to 16 cents, we have in the first place gained in revenue $7,000,000, and in the next place we have relieved producers $12,000,000 and consumers $12,000,000 more, is there anything unreasonable in taking that as a postulate for the statement that by taking off 4 cents to-day, 25 per cent. of the present rate, we shall have an advantage of millions to the producer and to the consumer, and an advance in the total receipts of revenue at the same time?

If I wished to find an illustration of the difference between an undue tax and a sound and reasonable tax in its effect upon production, upon consumption, and upon revenue, I would choose the commodity we have now under consideration. The figures which I have given are taken from the published reports of the Treasury. They show conclusively the results that I have alleged; and how in the face of such results can the Senate hesitate to diminish the tax, to assist the producer, to assist the consumer, and by the same to assist the revenue, because such will, I believe, be found to be the result?

I do not say that this revenue is to increase in a single year; it was not so before. There was a halt between the advance from $40,000,000 to $47,000,000; at one time there seemed to be a slight check. Every day it will be found that by making your tax more reasonable you increase the respect for the law and the ease with which the taxpayer can meet his obligations. This has been proved to you in many cases. With the tax of $2 on distilled spirits it was with difficulty $23,000,000 of revenue was collected. By reducing the tax to 50 cents a gallon you had a revenue which immediately rose to $50,000,000, and I believe it would be greatly more productive to the revenue if its present rate of 90 cents per gallon was brought down to 60.

My friend from West Virginia [Mr. DAVIS] suggests to me that every diminution of the tax on tobacco has been accompanied by an addition to the sum total of revenue raised under it; but I refer especially to the last reduction we made from 24 cents to 16 cents, made in the face of such a volley of warning and denunciation from the Treasury Department, and from its chosen representatives on this floor, the loss was so confidently prophesied that I adduce it now, showing that there should be some respect now paid to facts which have vindicated themselves, and that we should deal with this question to make the tax as profitable as we can to the Treasury and as easy as we can to the people who are to pay it, to encourage production, to encourage consumption, both at lower rates to the producer and consumer, and at the same time increase the revenue, as has been shown.

Why, sir, if the reasoning and facts as given by this writer in the RECORD, who evidently understands the business, and to whose statements I invite the attention of the Senate, for I have been very much impressed by them, be true, the manifest advantage of the proposed reduction is so clear that I cannot understand how gentlemen can take the responsibility of voting against it.

Mr. MAHONE. Mr. President, much has been said, forcibly and justly said, in behalf of the reduction of the tax on tobacco, and the Senate has heard the emphasized opinion of the trade in favor of retaining the provision for a rebate on all unbroken tax-paid factory packages. If no petition has come from that quarter in behalf of a reduction of the tax, it will not be said in the name of any dealer or manufacturer that he is opposed to the repeal of the tax entirely or such reduction as will inure to the benefit, the relief of the producer and the consumer.

If the producer and the consumer have not spoken it is because of no lack of concern on their part for the concession of a reduced tax, but for the want of an opportunity to give expression to their solicitude for such relief of an oppressive burden, long and patiently borne.

I make no venture when I predict the disappointment and feeling of neglect which will go to every district where tobacco is grown and to the great mass of the people who use it if we fail, Mr. President, to recognize the claims of these interests in any reduction of the excise tax.

But it is the rebate which concerns all, every interest—the culture, the manufacture, the consumption, and the value of this staple. It is protection against interruption to the manufacture of the article, the intermediate source of demand, which is needed to let its cultivation proceed and the producer enjoy the fair fruits of his toil.

It is the unobstructed flow of the current of demand for the manufactured article that is needed to preserve the power and stimulate the product of the manufacturers, and there must be no embargo upon their customers or the contrary result follows.

The jobber refuses to carry any stock and the retail dealer declines the risk of the usual supply to meet the demands of his customers when they have to take the risk of the higher tax. The whole tide of trade, from the consumer back to the producer, is arrested—every interest suffers, and a consequent sudden and heavy loss of revenue follows, never fully to be regained when the period of depression has gone by.

The foreign buyer, the speculator, and the capitalist gain. The fixing of any time ahead when the change in the rate shall go into effect lessens but does not remove the evils. They must be consequent upon any change in the tax, and can only be honestly and thoroughly prevented by a guarantee to refund the excess of the tax.

Here, Mr. President, I would ask attention to the well-put views of the largest manufacturer of tobacco in America. Twenty-two and a half million pounds are the product of the Lorillards, and from three to four million taxes the amount of their contribution to the Treasury on tobacco. They say:

JERSEY CITY, NEW JERSEY, *July* 12, 1882.

DEAR SIR: As tobacco manufacturers we observe with apprehension that it is proposed by the Finance Committee of the Senate to strike out the drawback or rebate clause of the new internal-revenue bill.

We believe that we also speak the sentiments of manufacturers of tobacco, cigars, and cigarettes, generally throughout the United States. We are not concerned in the manufacture of cigars or cigarettes, although we manufacture all other kinds of tobacco and snuff, but we greatly fear that, if the rebate or drawback clause is stricken out, such action will set up a dangerous precedent, whenever the time arrives for a reduction in the rate of tax on other kinds of tobacco, or if it should be deemed expedient to totally abolish the same.

We therefore earnestly hope and pray that you will exercise your great influence to have the rebate clause in question restored to the said bill, as it is a valuable feature in many respects.

Firstly. Because it is a simple act of justice to such as have paid the tax in the cost price of the article, and a consequent reduction in the rate depreciates the value of his property on hand just that much.

Secondly. Because with this feature added to the bill it will not be necessary to provide that a long period of time shall intervene in order to enable manufacturers and dealers to provide for a lower rate of tax.

Thirdly. Because this feature will enable dealers and manufacturers and their operatives to pursue their business regularly, consecutively, and legitimately without any disturbance or cessation of labor or other evils.

We also learn through the papers that it is your intention to offer an amendment to the internal-revenue bill in question to reduce the rate of tax on tobacco to 10 cents per pound during the present session.

If this be the case, we respectfully urge that a reduction be made of 8 cents per pound, thus leaving the tax to be paid 8 cents per pound, or exactly one-half cent. per ounce, and thereby avoid the use of fractions in the calculation of ounce, saving much trouble in many ways.

Unless this can be effected we greatly prefer to see the rate of tax remain as it is until the Government is ready to abolish the same entirely; but in the event of a reduction in the rate or a total abolition of the entire tax, we respectfully and importunately urge, as a measure of justice to the dealers of the country who have large stocks of tax-paid tobaccos on hand, that the Internal-Revenue Department or Treasury Department be authorized to repay the tax paid on the same on all unbroken packages.

Unless this is done the dealers of the country will suffer to such an extent that many of them will be seriously crippled and others driven into bankruptcy.

On the other hand, if you will endeavor to overcome this objection by stating a future date or period when the law shall take effect, you will virtually throw out of employment the thousands and thousands of operatives who are dependent upon this industry for a livelihood. You will also reduce the price of leaf tobacco very materially, as manufacturers cannot buy when they cannot work, and the only parties deriving a benefit from such action will be the buyers for foreign governments, (regie,) or such as buy for foreign dealers.

Begging that you will seriously consider this matter, and that you will pardon the liberty we have taken in addressing you, we are,

Very respectfully, yours,

P. LORILLARD & CO.

Hon. W. MAHONE,
United States Senate, Washington, D. C.

Besides this authority sustaining the propriety of providing a rebate in the event of any reduction in the rate of taxation, I have before me another authority from Cincinnati, which I will read:

If the tax be reduced ½ to 8 cents, the consumers will obtain at once the full benefit of the reduction, which will be exactly ½ cent per ounce.

If it be reduced only 6 cents, in many if not in most cases the retailer will be chiefly benefited, and the consumer but little.

You will readily, I think, perceive the advantage of having the new rate a multiple of the old.

A very large amount of plug tobacco is made in 8 or 16 ounce lumps, divided by indentations to cut into 2-ounces pieces, and the reduction of ½ cent per ounce would be readily adjusted.

A very large amount of common cut or granulated smoking-tobacco is sold in the 4-ounce legal package to the laboring classes at 10 cents per package or 40 cents per pound. A reduction of 8 cents would be 2 cents on this package, and it would be sold for 8 cents instead of 10 cents. The reduction of 6 cents would be 1½ cents on this 4-ounce package, and as the profit to the retailer is now small he would endeavor to sell it as before at 10 cents.

It is the universal expression of the trade that if we are to have reduction, and cannot now have an abolition of the tax, 8 cents should be the rate.

The lower the tax can be placed the nearer are we to its extinction, and the better prices will be received by the growers for leaf.

The 1st of January, 1883, is the time when the reduction should take effect. An earlier period would be disastrous to many interests.

Yours, most respectfully,

T. R. SPENCE.

I say there is one universal judgment of the tobacco interest of this country in respect to this matter of a rebate. Objection is raised to this provision that it is troublesome; that it is difficult to administer, to execute. But that is no reason why we should not do justice in the matter; it is no reason why we should not act honestly toward the dealer.

Again, Mr. President, it has been said that there is wanting precedent for such a provision. I doubt the correctness of this statement. I believe heretofore drawbacks, the same in effect as rebates, have been provided in respect to subjects of taxation laboring under like circumstances.

And now, Mr. President, as to the pending amendment, I shall feel constrained from a sense of duty and my understanding of the object of those who favor a reduction of the tax upon tobacco to vote against the pending amendment.

Mr. President, I shall vote against the pending amendment. It is not, I respectfully submit, germane at the point named in the bill; and the reduction it proposes, of 4 cents on the pound or one-fourth of a cent to the ounce, will fall short of compensating results for the decrease in revenue, to the gain of the retail dealer mainly. But small part of such concession will reach the planter and the consumer, when the object should be to secure all to them. The marketable form of all packages is the multiple of the pound—none of these less than 8 ounces where the reduction, when the rate is put at 12 cents to the pound, would furnish a margin, the reduction being eight quarters, or 2 cents, sufficient to enforce competition in the trade.

If, however, we put the tax, as I propose, at 8 cents per pound, you make such a substantial reduction in the rate as to carry the benefits to the consumer and to the planter; therefore, for this further and stronger reason, I shall vote against the pending amendment, intending when we reach the third section of the bill to ask the Senate to adopt the amendment submitted some days ago, substituting 8 for 10 cents, as there proposed, as the tax to be collected from and after the 1st of January next. In connection with that amendment I desire to submit some facts which I have drawn from the experience we have had upon this subject.

I trust that the day is near at hand when the onerous tax to which this important agricultural product, this valuable factor in our American industry, has so long been subjected, will be absolutely and cordially repealed. I would rejoice, as I think every Senator here would be glad to know, that the fitting occasion had come, but when that belief is not the enlightened judgment of the Senate, I should fail nevertheless of a proper discharge of representative duty were I not to ask for the measure of relief which the amendment to which I have referred aims to secure, in behalf, Mr. President, of an industry which, besides its magnificent contribution to the wealth of the country and its foreign exchange, has paid into the national Treasury $572,541,650 since the inauguration of the internal-revenue system and the 31st of December, 1881—sixteen and two-thirds years.

Of all the staples of our varied productions, the dominant agricultural interests of several States, and to several an increasing factor in their agricultural products, tobacco, and tobacco alone, is made the subject, by indirection, of invidious and proscriptive legislation; for whatever may be said in justification of the tax imposed, it is the only direct product of the soil which the producer himself is forbidden to convert into such form as may yield to him the largest results, except such as are converted into malt and alcoholic liquors.

If tobacco is a luxury, and in some forms it may be so classified, it is none the less practically a necessity. Certain it is, its production is the source of employment and the means of support for the laborer and the farmer of a commanding portion of the country—not less than 300,000 persons are employed in its cultivation. Certain it is, this staple otherwise gives active and profitable employment to over thirty millions of capital and work to full 50,000 people, besides the 400,000 dealers engaged in the trade.

If we would stimulate its growth, inspire the industries which it has created and enlarge this source of national wealth, the burden which restrains all must be removed. But this you are not ready to do to the full removal of the present tax, and out of a fear, which I shall not question, of an insufficiency of income to grant such relief, and to meet the certain demands upon the Treasury, I would not ask it after the lucid statement of the Senator from Ohio, [Mr. SHERMAN.] He treats the subject with conspicuous candor and impressive caution. All, however, are agreed that our finances are in condition to admit a reduction of taxes, import and excise. The bill under consideration confesses to this judgment.

I will not discuss the relative merits of the subjects which are to enjoy the measure of relief it is proposed to grant. That we may safely venture upon a larger reduction than is contemplated I trust the Senate will cheerfully conclude, and allow the tobacco interests of the country to participate in the relief of burdens it would extend. It may be argued that the tax on tobacco does not affect the producer, but results demonstrate that it does influence the quantum of production, and in this practically refutes the theory.

In the sixteen and two-thirds years, when the average of the variable tax was over 25 cents, there was consumed of leaf in the manufacture of tobacco in the various forms 2,113,953,849 pounds, and taking these figures as the measure of production—for the quantity of leaf exported does not sensibly change the relations of these figures—the yearly average was 126,536,230 pounds. In the two and two-thirds years, when the tax was 16 cents, there was consumed of leaf 669,949,890 pounds, or a yearly average of 251,231,208 pounds, an increase of 100 per cent. under the lower rate of taxation. So we find, Mr. President, that a reduction of the tax has operated to increase production and to enlarge the field for labor in the growth and in the manufacture of this staple. It has lessened the difference between the lower and higher grades of the raw material, so as to induce the growth of the commoner grades. It has operated, as the markets attest, to increase the price of leaf of the same grades, while the manufacturer has been able to give the consumer the same article for a less price or a better article for less money. Producer and consumer share the concession of a reduced tax. It cannot be concluded, even so long as a tax upon this industry shall be deemed necessary for the purposes of revenue, that the minimum rate which will produce the maximum of results has been reached. It cannot be fairly assumed that the reduction in the rate proposed by the amendment I offer will work a proportionate decrease in the amount of revenue derived from this source.

For the sixteen and two-thirds years when the tax was over 25 cents the average yearly revenue was $17,369,222. On the other hand, during the two and two-thirds years when the tax has been 16 cents the average has been $43,270,605, an increase of 150 per cent. under this reduction of 16 cents.

For the eleven months of the fiscal year ending the 30th June, 1882, the revenue was $43,050,980, an increase over the corresponding period of the previous year of 1881 of $4,335,467. Thus it appears, Mr. President, that under the operation of the reduced tax of 16 cents we have had an encouraging increase in the measure of production and in the amount of revenue as well, sufficient, I would hope, to bring the fair judgment of the Senate to the concession I ask for this agricultural product, a concession which will greatly enlarge the acreage of cultivated lands, reach the laborer, the farmer, and the consumer, and go to expand and multiply the growing industries to which and to their legion of dependents this staple gives employment, and to swell the aggregate wealth of the nation.

Mr. WILLIAMS. I have no set speech to make, sir; but as I come from a State that produces 40 per cent. of all the tobacco produced in this country, it is incumbent on me to say something for so large an interest in which so many of my constituents are interested. The Senate has indulged me very recently in two set speeches on the question of revenue, both external and internal, and I shall occupy to-day but a few minutes.

In whatever we do in this regard as to reducing taxation there should be one feature throughout our legislation recognized, and that is the rate of internal taxation should never be suddenly changed without allowing a rebate for such taxes as have been paid on commodities in the possession of the dealers and jobbers of the country. If this principle of rebate was allowed and recognized by Congress our discussions here never would disturb the trade of the country in any of the taxed articles. But it is the constant apprehension of legislation in regard to these subjects that damages trade more than almost anything else. I know that the tobacco market now in my own State, at Louisville, and at Cincinnati is suffering from the very discussion of this subject. I know that the whisky trade has been made to suffer from the discussion of the question of the tax on whisky. We should always postpone the taking effect of a law reducing a tax to such time in the future as will allow the holders of the commodities time to run off the stock they have on hand before the changed tax applies.

MR. BAYARD. My friend will notice also that if you shall fix a time in the future when a tax is to be lowered, of course all dealers will diminish their stock as much as possible before that time arrives.

Mr. WILLIAMS. Of course; and the true principle is to follow the example of the British Government, which always allows a rebate when a tax is reduced. I am a tobacco raiser; I have tobacco that will be sold next week in Louisville, and I know the market is oppressed by the very discussion we are having here on this subject.

Mr. ALLISON. What is the price of tobacco in Louisville, the average price?

Mr. WILLIAMS. It depends upon the quality.

Mr. ALLISON. The average price.

Mr. WILLIAMS. I suppose from seven to ten cents. I raise one sort of tobacco and I can tell you the price of mine. If the condition of the country and of the public debt and the growing and increasing demand of the Government for money to keep up with the extravagant appropriations we are constantly making allowed it, I should be for taking taxes off everything, for I regard the internal-revenue taxes as the most unequal and most unjust of all the modes of collecting revenue. The internal taxation is odious to our people. From the time of the whisky rebellion in Pennsylvania down to the present day the people of the country have almost always been ready to revolt against any tax of this kind; not so much against customs duties, because they are of an indirect character and do not come out of the pockets of the people on the spot.

There is another view of this internal-revenue taxation which in my judgment should induce us to repeal it at the earliest possible moment. It is that if we wish to encourage a spirit of patriotism among our people nothing has done so much to mar it as this unequal and unjust taxation. No man can give a better reason why tobacco should be taxed than he can why corn or wheat should be taxed; no man can give a better reason why whisky should be taxed than coal oil or turpentine when you come to the logic and the philosophy of the thing. I think it has done more to weaken the sentiment of loyalty and patriotism toward the Government than all other causes combined. Men love a government for the benefit it confers, for the protection it gives; but they hate it for its oppressions and its injustice to them. I can see in my mind's eye at this moment, away back in the mountains of Kentucky and Tennessee and North Carolina and some parts of Pennsylvania, those one-gallows, straw-hatted fellows flying from the revenue officials to their mountain fastnesses, from which they are dragged off three hundred miles to a Federal court, indicted, fined, and imprisoned for selling half a dozen plugs of tobacco or half a dozen gallons of apple-jack made from their own orchards.

I tell you where a law is unjust or oppressive there is no patriotic, there is no moral restraint to withhold the people from violating it; and hence you find the whole mass of the people sympathize with the "moonshiners." Is not that so? I pledge you my honor that my sympathies are always on their side. I cannot help it when I see poor men dragged from the mountains three or four hundred miles, tried in the Federal courts, condemned to pay a fine which they are really unable to pay, and to confinement in jail. A man was arrested away up in Letcher County, carried to Covington, three hundred and fifty miles, tried, condemned to a heavy fine and imprisonment, and the evidence showed that his offense consisted in selling only a quart of whisky. He was not a distiller, but he brought a gallon of whisky into Letcher County, and one of his neighbors wanted a quart to make camphor. He swapped a quart of whisky for a gallon of molasses. That man was arrested, brought to Covington, tried, and sentenced to imprisonment and fine. I took his papers to the Department of Justice here, and, be it said to their honor, they recommended that he should be pardoned.

In view of such things, I should like to see the whole of this legislation in regard to internal taxes wiped out. It was built up only by the necessities of the Government in the midst of the most gigantic war the world ever saw, and we should reduce the taxes as fast as possible. I should be glad to see them all abolished, if I thought we could do it. If I thought the revenues from customs would be sufficient to meet the demands of the Government, I should like to see the whole thing go by the board, for then we should get clear of the hordes of officials that are posted all over our country and have possession of all the strongholds of power and the little citadels in the towns everywhere over the country that persecute our people and pay their assessments for party purposes, and are active and efficient at the polls on election day. We should get clear of them. But this little bill of the House, with the Finance Committee amendments, does not propose to abolish any of the officials. It proposes to get clear of some of the taxes, but the system is allowed to remain; both the systems of customs and internal revenue. None of the amendments, nor the bill itself, propose to reduce the force one single man. The force will be left on the country and remain as it is.

Why, sir, the bill professes to be a bill to reduce internal-revenue taxation; but there is one provision in it that proposes to add to the taxes. The increase of 100 per cent. on cotton-ties made of iron is an additional tax upon the cotton-growers of the South of nearly $700,000. The cotton-planter is not the only man in the country who uses these ties. Every man who distills whisky, every man who makes beer uses the ties. There are 3,000,000 whisky-barrels made annually, there are 10,000,000 beer-barrels made annually. Every wash-tub that a poor woman uses who earns her livelihood and supports her children by washing is banded with this hoop of iron; every milk-pail into which the poor woman milks her little brindle cow is banded with hoops of iron; and gentlemen have no conception how much they increase the revenue by doubling the tax on hoop-iron.

Gentlemen talk about a reduction of the tax on sugar. It is all a sham and a cheat, the attempt and the pretense that the tax to the consumer is reduced. The committee's amendment proposes to reduce the tax on the lowest grade of imported sugar, but does not touch the best. It is the lowest grade, such as cannot enter into consumption until it is refined in a sugar refinery and goes through a manufacturing process, and the manufacturer gets the profit, and not the consumer of the sugar. That is all a sham. There is no tax taken off the better standards of sugar.

Mr. SHERMAN. My friend, I think, misunderstands it. This bill extends to all grades of sugar, melada, and molasses. It is a reduction of the 25 per cent. added in 1875.

Mr. WILLIAMS. No; refined sugar is not affected.

Mr. SHERMAN. It strikes all alike.

Mr. WILLIAMS. All sugar?

Mr. SHERMAN. All sugars; takes off the 25 per cent. added in 1875.

Mr. WILLIAMS. I did not so understand it. I thought the higher grades of sugar were not touched.

Mr. SHERMAN. The act of 1875 puts an additional duty of 25 per cent. on all grades of sugar up to No. 20, Dutch standard, and melada and molasses, and this simply repeals that increase of duty imposed in 1875, extending to all grades of sugar. I simply wished to correct the Senator.

Mr. WILLIAMS. Does the Senator mean to say that this amendment of the Committee on Finance takes the tax off the higher and finer grades of sugar, of refined sugars, so that they can be imported?

Mr. SHERMAN. It takes off all taxes imposed by the act of 1875, which was a general addition of 25 per cent. to the sugar tax.

Mr. HARRIS. I ask my friend from Ohio, however, if it is not true that even when the 25 per cent. reduction shall take place upon the higher grades of sugar the tariff is still prohibitory as to those grades, and if they are not prohibited by the existing duties?

Mr. SHERMAN. The tariff rates are about from 1¼ to 3 cents a pound.

Mr. HARRIS. The duty levied on the higher grades of sugar will be prohibitory, practically, will it not?

Mr. SHERMAN. No; the grades are just about ad valorem reduced to a specific form.

Mr. WILLIAMS. What is the tax on the higher grades of sugar?

Mr. SHERMAN. It varies from 1¼ to 3 cents a pound.

Mr. WILLIAMS. Is there any such tax upon any of the sugars enumerated?

Mr. MORRILL. Below No. 7, Dutch standard.

Mr. WILLIAMS. Section 4 reads:

That on and after the first day of October, 1882, so much of section 3 of an act approved March 3, 1875, entitled "An act to further protect the sinking fund and provide for the exigencies of the Government," as imposes an additional duty of 25 per cent. on all molasses, tank-bottoms, sirup of sugar-cane juice, melada, and on sugars, according to the Dutch standard in color,

Mr. SHERMAN. That includes all sugars.

Mr. WILLIAMS. But is there not a tax of 2½ cents a pound?

Mr. SHERMAN. On sugars above No. 10, Dutch standard, the duty ranges from 2 to 3 cents a pound. They grade first all below 7, then up to No. 10, then up to No. 14, and then up to No. 20. The highest refined sugar is taxed at a higher rate than the lower grades.

Mr. WILLIAMS. Still, I understand that on the higher grades imported, of a bright, clear color, fit for use, the tax is still 2½ cents a pound.

Mr. SHERMAN. It is reduced 25 per cent. all around on all kinds of sugar alike.

Mr. WILLIAMS. But the 25 per cent. was in addition to the specific tax which this bill proposes to remove, leaving the 2½ cents a pound. I thought it was 4 or 5 cents.

Mr. SHERMAN. The tax at 25 per cent. imposed in 1875 was a tax on all sugars of one-fourth of the original tax, and that tax is repealed. This takes off, in other words, one-fifth of all the taxes imposed on sugars in any form whatever.

Mr. WILLIAMS. Does the Senator suppose that when this amendment passes there will be any refined sugars imported from any country to this? Will not the law then amount to a total prohibition of the importation of such sugars as are fit for table use without going through the refining process? So that the reduction proposed is in the interest of the refiner and not of the consumer, and the revenue will be lost to the Treasury without any corresponding benefit to the people.

Mr. SHERMAN. I think there is very little sugar except raw sugar brought into this country, nor has there been for years. Our refineries are considered to be about the best in the world now, and nearly all the sugar that is brought into this country is raw sugar and passes through our refineries, except some of the sugars of Cuba.

Mr. WILLIAMS. The Senator from Ohio has been Secretary of the Treasury long enough to discuss the question about sugar, and I have no doubt he is better informed on the subject than any man in the Senate; and without having the means of investigating the matter now, I will perhaps admit that his statement of it is the correct one.

Mr. SHERMAN. I knew the Senator did not want to fall into an error, and therefore I took the liberty to make the correction, not with any desire to weaken his argument.

Mr. WILLIAMS. I am very glad to be corrected, because I want that statement to go to the country.

Now, sir, the bill as amended proposes on Bessemer steel to reduce the duty from $28 to $20 a ton. Does not every man on earth know that $20 a ton is as effectual a prohibition as $30 a ton would be? Can anybody import Bessemer steel here and pay $20 a ton duty? I noticed yesterday that it can be bought in London for less than £5 per ton—£4 15*s.* 6*d.* To pay $20 a ton on that will be an immense benefit to the railroads of the country, an immense benefit to the people of the Northwest, who have the grandest crop, the grandest yield that God ever blessed the people with, an immense advantage to them, with our 107,000 miles of railroad needing repair, to reduce the tax on Bessemer steel from $28 to $20 a ton when it can be put on board a ship in England free of all cost at less than £5 a ton. Bessemer-steel rails can be made as cheap as the ordinary iron rails.

Mr. President, this whole bill is the product of a party necessity. The Republican party had made a record and had gone before the country. That had aroused and stirred the whole farming population of

the great West. The cries of popular indignation were rolling up from the Western prairies to the capital of the country, and the party who had labored here eight months making a record on a question vital to their interests felt the necessity before Congress adjourned of doing something themselves or pretending to do something late in the session, when we are all anxious to go home. They must do something to deceive the people into the belief that they were anxious to relieve them from taxation and its oppressions. Take this bill and all the amendments proposed and they are all in the interest of capital, all in the interest of the manufacturers, all in the interest of the money-power; no thought of the farmer, no thought of the laborer. Why have you not put in a reduction of the tobacco tax? Is not tobacco a product of the earth? It is not even a manufacture, and the little things that they put in this bill in regard to the tobacco and the whisky tax are in the interest of the manufacturer and the dealer, not of the man who produces the tobacco and the corn. The idea that reducing the tax on tobacco will not benefit the farmer is fallacious in the extreme.

When these gentlemen talk about the customs duties they say the consumer does not pay them but that the manufacturer and the importer pay them; and when you come to the internal-revenue tax they tell you it is not the producer of the tobacco, it is the manufacturer who pays the tax. There is not a word of truth in that. The truth is that the internal tax is paid, one-half by the producer of the raw material and the other half by the consumer of the manufactured article. I raise tobacco myself and I know that when you took the tax off before from 24 cents down to 16 cents a pound it raised the price of my tobacco $4 a hundred pounds. No man can tell me about that; I know it did. I sold a crop myself before the reduction at $13 a hundred, and the next crop I sold after the reduction I got $17 for it.

Mr. LOGAN. Tobacco went up.

Mr. WILLIAMS. Yes, tobacco went up and the production increased. The production has nearly doubled in eight years. A little over one-half of all the tobacco produced goes abroad; the better and higher quality is kept at home for home consumption, and that used at home has increased double. That which goes abroad is in the shape of strips. The higher qualities of tobacco are kept for home consumption.

Gentlemen say the manufacturers do not complain. No; they do not ask a reduction; they do not care a cent; it does not affect them; the agitation of the question affects them, but the higher the tax the better for the rich manufacturers. Now, I will tell you what I know occurred in my own experience in regard to that. I had a crop of tobacco and the agent of the largest manufacturing establishment in the United States and perhaps in the world said to me, "What will you take for your tobacco?" I gave a price. Said he: "I will give it to you all around if you will agree when you go to Washington to vote against reducing the tobacco tax."

Mr. LOGAN. What did you say?

Mr. WILLIAMS. I said, "No, sir; if you gave me twice that price, I would not." "Colonel," said I, "now tell me why you are against the reduction of the tobacco tax?" He answered, "I will just tell you. There are a few establishments in the United States that command capital to carry on this business, and the larger the tax the more capital it takes." They freeze out the small fellows. When you reduce the tax to 10 cents you will multiply the factories all over the country. In Virginia alone he said there would be added two hundred and fifty more factories if the tax was reduced, and Kentucky was mentioned and Ohio was mentioned, and instead of having twenty or thirty you would have five hundred buyers. A high tax puts the whole business in the hands of men of very large means; a reduced tax or free tobacco will bring it within the reach of men of small capital.

I saw it stated the other day by a very careful man as a statistician that before this tobacco tax there were 15,000 manufacturers of tobacco in the city of New York alone, and to-day not 1,500. I can remember when all over my State, in nearly every county, there was a factory for tobacco, and there is hardly one anywhere in the rural portion of the State to-day. It has all gone to the big cities; it has all gone into the hands of capitalists who have a complete monopoly. That is the truth. They do not object to taking off the tax, provided we give them a rebate on what they have in store on which the tax has been paid. They ought to have it. It is just and right that they should have it.

There is no use in saying to me that the planters do not want this relief. I know they do. My State raises 40 per cent. of all the tobacco produced in the country, and you are collecting now $44,000,000 of tax from tobacco alone, and half the tobacco goes abroad. Kentucky raises 40 per cent. of all that is made. The amount of taxation collected off the tobacco she produces alone is $17,500,000. Are we not interested in taking off this tax?

Is the banking business languishing? Are the perfumers about to become bankrupt? Are the people who make patent medicines groaning and staggering under oppressive taxation? If I could tax them out of existence, I would tax the patent medicines out of existence and benefit the country by it. Yet these people are favored in this bill, but the tobacco-raiser is not favored. I agree with my friend from Virginia [Mr. MAHONE] that the reduction should be at least to 8 cents on the pound. I prefer that to the 10 or the 12 cent rate, because if I cannot get all I want, which is a complete abolition of the tax on tobacco, I want as much reduction as possible.

You say tobacco is a luxury. My God, is it any more of a luxury than tea or coffee? There are several things that are considered with us necessaries besides those required to sustain life merely. We consider tea to be a necessary; we consider coffee a necessary. Why? Because the people have been so long accustomed to their use that to deprive them of them now would be to occasion great personal discomfort to them. It is the same with tobacco. The laboring people of the country all use tobacco. There is not an Irishman or a Dutchman in the whole land that does not use tobacco; at least I have never met one who did not. Does not this tax increase the price upon them? Is it not as much a necessity to them as tea and coffee? I never saw an Irishman or a German who would not give up his dinner before he would his glass of beer, his jigger, or his pipe. It is a necessity; it is the solace of the poor man. You tax tobacco so high that you deprive the old countrywoman of the privilege of smoking a pipe of tobacco.

My neighbor who owns a cotton plantation raised a splendid crop of tobacco. He had a hundred negroes at work on his cotton farm. He wrote to me to ask me to see the internal-revenue officer and see if he could not ship his tobacco from his own plantation in Kentucky down to his cotton plantation and sell it to his hands. He said he could sell it for 12 or 15 cents a pound. Of course the reply was that he could not, and he told me he sent his tobacco to Louisville and sold it for 12 cents. He then bought tobacco and took it to his farm which cost his negroes 75 cents a pound. And yet gentlemen talk about tobacco being a luxury that ought to be taxed. Why, sir, it is a luxury that is enjoyed by the poor and by the laboring-man as the solace of the evening after his hard day's work is over. To deprive him of it would be a personal discomfort of a severe character.

If I cannot get the tax entirely off tobacco I shall vote first for reducing it to 8 cents, then to 10, and I will take 12 if I cannot get anything more off; but I do want Congress, whatever it does in this matter, to put into this bill some principle that shall assert the right of a rebate whenever there is a sudden change of the revenue, because I know how injuriously it affects the people; I know how it is working just at this moment. I know how it has been to the consumer.

I know, Mr. President, that there is a large extent of country adapted to the growth of tobacco. It is not confined to Kentucky alone. Maryland, Virginia, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Kansas, and all this belt of country that lies between the cotton regions and the extreme North is well adapted to tobacco; it can all produce it, and the consumption has increased immensely since the war, notwithstanding the high tax upon it. I know one thing, that if the tax is reduced the producer of the tobacco will get the benefit of about one-half of the reduction and the consumer will be relieved to the same extent. The intermediate man is not interested at all.

Mr. ALLISON. Will the Senator allow me to put a question?

Mr. WILLIAMS. Yes, sir.

Mr. ALLISON. I want to get at the facts. I understand the Senator from Kentucky to say that just at this moment there is great depression in the tobacco market.

Mr. WILLIAMS. I cannot say depression so much as uncertainty.

Mr. ALLISON. I want to ask the Senator whether the crop this year is in abundance or scarcity?

Mr. WILLIAMS. Nobody can tell yet, because the crop is very small, scarcely out of the ground.

Mr. ALLISON. I thought the Senator spoke about marketing his tobacco.

Mr. WILLIAMS. Marketing! It is just planted.

Mr. ALLISON. What did the Senator mean by saying that he was offered a very low price for his tobacco?

Mr. WILLIAMS. Oh, no, I did not say that. I referred to what occurred some years ago, a past crop, at the time the reduction was made from 24 to 16 cents per pound. I said that an agent of a great manufacturing establishment said to me——

Mr. ALLISON. What I want to ascertain is what influences the increase or the reduction of the price of this article? I understood the Senator to state that the lower priced tobacco is exported.

Mr. WILLIAMS. Yes, sir.

Mr. ALLISON. And that the higher priced tobacco is used in this country, the best quality is used in this country for manufacturing purposes.

Mr. WILLIAMS. As a general thing.

Mr. ALLISON. And it is of course used by our manufacturers. For what purpose?

Mr. WILLIAMS. For chewing-tobacco, fine-cut, some of it for cigars and wrappers. Our Kentucky tobacco makes both fillers and wrappers.

Mr. ALLISON. And is used by manufacturers for fine-cut tobacco?

Mr. WILLIAMS. Oh, yes.

Mr. ALLISON. How are these packages put up and sold?

Mr. WILLIAMS. In quarter-pound packages.

Mr. ALLISON. For chewing?

Mr. WILLIAMS. For chewing and smoking both.

Mr. ALLISON. Are they not put up in two-ounce packages?

Mr. WILLIAMS. Four-ounce packages.

Mr. ALLISON. A two-ounce package, I understand, is the smallest package for chewing-tobacco. Suppose the Senator and myself should drop into a store to buy a paper of tobacco, would not that be two ounces?

Mr. WILLIAMS. Two ounces and four ounces.

Mr. ALLISON. Say a two-ounce paper. I want to ascertain the effect on the consumer. Here is a manufacturer who takes this fine article of tobacco and puts it up in a two-ounce paper.

Mr. WILLIAMS. The average price would be about forty cents a pound.

Mr. ALLISON. What would be the price of two ounces?

Mr. WILLIAMS. Ten cents for four ounces.

Mr. ALLISON. Then a two-ounce paper would be 5 cents?

Mr. WILLIAMS. Yes, sir.

Mr. ALLISON. The tax on that class of tobacco is 16 cents; or there is a 2-cent stamp upon a two-ounce paper. Now I want to ask the Senator if we reduce the tax on that two-ounce paper to 1½ cents as proposed by his colleague, whether in his judgment a gentleman going into one of these stores and endeavoring to buy a two-ounce paper of chewing-tobacco would be likely to have the benefit of that half-cent reduction?

Mr. WILLIAMS. No, sir, he would not; and that is why I prefer 8 cents, as I said.

Mr. ALLISON. Suppose you do not get the 8 cents and take the 12; the difference will be half a cent on the two-ounce paper. The Senator, as I understand him, says that one-half of that will go to the benefit of the consumer and the other half will go to the benefit of the producer.

Mr. WILLIAMS. Certainly.

Mr. ALLISON. The argument is that the retail dealer will sell a two-ounce package at one-fourth of a cent less than he will if the tax remains at 16 cents. I am asking now for information. I want to ascertain how that will be.

Mr. WILLIAMS. The four-ounce package sells for 10 cents under a tax of 16 cents. Take off 8 cents of that, and you have 2 cents reduction on the package. That is a perceptible amount, and the consumer will get the benefit of it to the extent of 1 cent at one end and the farmer will get the benefit at the other.

Mr. ALLISON. Then on the four-ounce package, according to the reduction suggested, the consumer will get the benefit of 1 cent and the farmer will get the benefit of the other cent. Is that the statement of the Senator from Kentucky?

Mr. WILLIAMS. That would be right on a four-ounce package.

Mr. BAYARD. Where can be the difficulty of taxing tobacco 12 cents a pound, three-fourths of a cent an ounce? But we have no coin to express less than a cent, no doubt of that. Here is one of the difficulties of the amendment, that if you put it at 12 cents per pound you will have to adjust your packages to meet the tax.

Mr. ALLISON. Undoubtedly.

Mr. BAYARD. And there will undoubtedly be the difficulty, just where you would have it to-day on your articles of perfumery. You take off a penny stamp from a bottle that costs 25 cents, and what is the advantage to the consumer? We have no coin to express 24 cents. There is no doubt that an 8-cent tax on tobacco would at least have the advantage of an equal subdivision in the denomination of the stamp, 8 cents a pound would be one-half a cent an ounce; on every two ounces you would have a 1-cent stamp. Undoubtedly where you fix the tax at the rate of three-fourths of a cent an ounce, you have difficulty in expressing that upon your package because you have then 1½ cents on one package and you have no coin to express it.

Mr. ALLISON. There is no difficulty in making a stamp to represent the tax, because a stamp is put on each package; and there is no difficulty in making a stamp that will represent it. But the argument of the Senator from Kentucky very much interested me, and I wanted to run it down into detail and see who were to be benefited by this reduction, whether if I went into a tobacco store to buy a paper of tobacco, as my young friends from Kentucky do, I should get the benefit of this cent, or half cent, as the case may be. I wanted to see whether or not, after all, this is not a device in the interest of the manufacturers, who will sell this tobacco at the same price they now sell it at, and thus benefit no one except the monopolists who, the Senator says, now have control of the manufacture. That is what I wanted to find out.

Mr. WILLIAMS. That is the reason I prefer 8 cents, because the 8 cents will be divided so as to make the tax 2 cents on a 4-ounce package. Twelve cents I believe will not make it come out even.

Mr. ALLISON. That is what I wanted to find out.

Mr. MAHONE. Allow me——

Mr. ALLISON. I only wanted to get at the facts about the reduction.

Mr. WILLIAMS. Here is another thing about this taxation on tobacco-raisers. We have thousands of people who live in the poorer counties, in the mountains, where they raise a few hundred pounds of tobacco. These men have to sell it to a licensed dealer; they cannot raise a thousand or two thousand pounds, which makes a hogshead, and send it off to market at Cincinnati or Louisville. Therefore they do not raise it all.

I am in favor of letting it be perfectly free. Let every man feel as if he has a right to cultivate his own soil and raise from it whatever product the God of nature has adapted it to, and let him sell it where he pleases. Let him feel as a free man, for these are restraints actually on his personal liberty, and then the poorest man in the mountains may raise two or three hundred pounds of tobacco, and every time he goes to town he can take a sackful and twist it up into nice tobacco for chewing or smoking, and may supply his family with sugar and coffee and a calico dress now and then. Many a farmer in Kentucky might realize $300 a year in that way; but now the poor people are cut off. A man may raise but 300 pounds; he has no market for it; he cannot go 300 miles to a licensed dealer and put it upon the breaks at Cincinnati, Louisville, or anywhere else. Look what an oppression it is upon him; and yet the friends of this bill say their bill is in the interest of labor. It is not so, Mr. President. It is not in the interest of labor. It is in the interest of a few favored classes. It is against the interests of the great mass of the people of our country who produce and who consume these articles which we have been discussing.

I shall not detain the Senate any longer. I should greatly prefer to have the tax taken entirely off, and if that cannot be done I shall favor the proposition of the Senator from Virginia [Mr. MAHONE] and his colleague, [Mr. JOHNSTON.] I believe each has an amendment pending to reduce the tax to 8 cents. I hope it will be reduced to 8 cents, for that would be a great benefit. It would benefit my people to the extent of at least 4 cents a pound upon their tobacco, which would be many millions of dollars. It would encourage the people of the far West to produce tobacco, for the time is not far distant when we shall produce tobacco in this country to meet the wants of the entire world. We used to bring tobacco from Brazil to this country. They do not use their tobacco now; they are using our tobacco. The English buy it in New York and take it out to Rio and sell it to Brazil. Our own Western country is furnishing all the tobacco they use. This is an important industry, which ought to be encouraged by every fair means, as a means of extending our foreign commerce, and it will bring us many millions annually.

Mr. JOHNSTON. Do I understand the Senator from Kentucky [Mr. BECK] to have consented to modify his amendment so as to make the tax 12 cents instead of 10 cents?

The PRESIDENT *pro tempore*. That is the understanding of the Chair.

Mr. JOHNSTON. Then that is the pending amendment?

The PRESIDENT *pro tempore*. That is the pending question.

Mr. JOHNSTON. I am in favor of reducing the tax on tobacco to 8 cents a pound, as I indicated the other day. When the Senate does come to vote upon the proposition I want it to vote understandingly, and to know that a reduction to 8 cents is going to be insisted upon. I prepared an amendment which will obviate some objections, and will meet the views of both myself and my colleague, who represent such a large tobacco State. I understand several Senators object to voting for the amendment of the Senator from Kentucky [Mr. BECK] upon the ground that it is in an improper place in the bill. To meet that, the amendment I propose is to the third section, which is the one relating to the reduction of the tax on cigars. I send it to the Chair to be read. I cannot offer it now, but shall do so when the proper time comes, and I wish it to be regarded as a proposition antagonistic to that of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The proposed amendment, which will be in order when that section of the bill is reached, will be read.

The ACTING SECRETARY. After the word "thousand," in line 10 of section 3, it is proposed to insert:

> And on and after the 1st day of January, 1883, the tax on manufactured tobacco and snuff shall be 8 cents per pound.

Mr. MAHONE. I suppose my colleague is not aware of the fact that that is precisely the place which I have indicated for my amendment, which has been already printed.

Mr. JOHNSTON. I do not mean to interfere with my colleague in any way in the least. I have no motive of that sort. I simply desire to reduce the tax for the benefit of the country. If my colleague has already offered an aendment which has been printed, let the vote be taken on that. I desire simply to benefit the country. I have no other object in view.

The PRESIDENT *pro tempore*. These are all suggested amendments.

Mr. JOHNSTON. Mr. President, the Senator from Ohio [Mr. SHERMAN] in his remarks the other day objected to the reduction of the tax on tobacco upon some grounds which I do not think are very sound. He said that the balance of trade was changing somewhat, and whereas it had been very largely in favor of the United States it was now getting against us, and that was a reason why a reduction of taxation on tobacco should not be made. As I understand it, the question of the amount of duties on imports is entirely a different thing from the balance of trade. Whether the balance of trade is against us or for us depends upon the relative amount of exports and imports. The revenue depends entirely upon the amount of imports, and if it be a fact that notwithstanding the balance of trade be against us, still if the imports have increased then the revenue increased also; and the proposition may be entirely true that the balance of trade is against us and still the revenue which we derive from imports may not be diminished.

The Senator from Ohio also drew a gloomy and apprehensive picture of the future as a reason for not reducing this tax. He spoke of the good crops of wheat in Europe and of other things which might impair the value of our own great crop and put the country in a bad condition. I think the Senator is a little mistaken in that respect. In the papers of this morning there is a telegram from London to this effect:

LONDON, *July* 18.

A dispatch from Dublin to the Times says: "It is feared that another crisis is approaching. The weather threatens utter destruction to what promised to be one of the finest of harvests ever reaped in Ireland. The heavy and almost incessant rain has laid low many flourishing fields. Potatoes have suffered severely. If the weather improve there would still be hope of recovery."

I understand the same condition of things exists in England, and the bad weather there has injured and shortened the crops, as has been the case for some years past. And as to Egypt, which is one of the wheat granaries of the world, the situation there is such as banishes the expectation of aid from that region. The wheat crop in Ireland, England, and Egypt may be largely lessened and to that extent our own, which is the largest we have had for years and which has been already saved, will find a ready market in Europe and at fair prices.

In addition to that, the army preparations which the European powers are making, the assembling of fleets and of armed men, and the increased consumption arising from these causes, will also create an additional demand, and I think we may settle it down to be very sure that we will have a good demand abroad at fair prices for our extraordinary wheat crop, and that the country in that respect is safe, and we may look forward for a year or two to an era of prosperity instead of one of distress, as the Senator from Ohio thought might occur.

In all attempts to reduce taxation the effort should be to benefit the greatest number of persons and the greatest variety of classes. When reductions are made, let them be on such articles as will relieve the poorer classes instead of the richer if possible.

The bill as passed by the House and reported by the Senate Committee on Finance abrogates the tax on bank deposits and banking capital, bank checks, perfumery, and proprietary medicines. As the Senator from Kentucky has said, if the entire production and consumption of proprietary or patent medicines in this country was stopped in some way or other it would be a benefit to the people. Some quack goes out into the fields and gathers a parcel of injurious weeds and makes a "proprietary" medicine, which he vends to the ignorant and credulous, and which impairs in most cases the health of those who use it. That class of men, instead of being encouraged by a reduction of the taxes upon their medicines, ought to be if possible prohibited from their production altogether.

What is prefumery but a luxury? What can be a greater luxury than bank deposits or the capacity to draw bank checks, or the ownership of bank capital, or of bank stock? These are all articles of luxury; these are all things that the rich only enjoy. Poor men do not use bank checks, do not have bank deposits, do not buy cologne. The rich only have these things, and when a reduction of tax is made upon articles it is made upon articles that the poor know nothing about. As to the matter of convenience we all know that business men buy checks with the stamps already upon them, and there is no trouble affixing the stamps, and if a man is able to have a bank account it is very little trouble to put a two-cent stamp on a check. Tears of compassion tremble in the eyes of the Senator from Ohio [Mr. SHERMAN] when he thinks of the burdens imposed upon the Irishman who smokes, of the tax on the match with which he lights his pipe. But I respectfully submit to him that the way to relieve the Irishman is not to take the tax off of cologne or bank deposits, of which the Irishman has none, nor off of bank capital, of which the Irishman has none, but from such things as the Irishman uses and without which he cannot get along.

More than one Senator has in this debate, and recently on this floor, referred to the discontent of certain laboring classes in the Northern States and the strikes which prevail among all classes of laborers except the agricultural. That condition of things is undoubtedly worthy of serious consideration. Congress should attempt to ascertain the causes producing this discontent and prevent them if possible.

What does a laboring-man strike for? It is because his wages are inadequate to his support. Why are they inadequate to his support? Because the high duty upon the leather that makes his shoes, upon the cloth that makes his coat and his shirt, and the high price of provisions that he and his family consumes makes the cost of living so great that his wages, good as they seem, are inadequate to his support.

Therefore if you want to prevent strikes and to benefit the class who do strike, the way to do it is to give relief by reducing the duties upon the articles with which the laboring-man clothes and feeds himself and his family. When that is done, strikes, with their accompanying losses, disorders, and troubles, which are so disastrous to all the interests of the country and so disturbing to the public peace and good order, will cease. But to remedy these things, instead of reducing the duty on leather and cotton goods it is proposed to relieve the Pittsburgh puddler or the New Jersey longshoreman or the Cumberland miner, by abolishing the tax on cologne, quack medicines, bank checks, banking capital and deposits!—things which the classes named neither own or use. They do use shoes, clothes, and food; if they are to be relieved let them be relieved through remedies addressed to these articles.

In the few remarks which I made the other day in regard to the reduction of revenue which would ensue from putting the tax on tobacco at 8 cents I made an overestimate, not having the figures before me at the time. I have looked at the figures since, and I now propose to show briefly what the reduction would be. I use the published reports for the year 1881. According to them the receipts upon cigars for that year were $16,095,724 and on cigarettes $992,981; on snuff $689,183 and on chewing and smoking tobacco $22,833,287. The tax being 16 cents per pound for smoking and chewing tobacco and $6 per thousand on cigars.

Suppose the tax were reduced from 16 cents to 8 cents, it by no means follows, as I contended then, that it would be attended by a reduction of one-half the revenue. That matter has been referred to so fully by the Senators who have already spoken that it seems hardly worth while to discuss it again; but I wish to call attention to certain facts in addition to those heretofore adduced.

For the year 1880 the total collections from tobacco in all forms were $38,870,140, and for the year 1881 $42,854,991, or an increase of $3,984,851.

In 1880 the number of pounds used in the manufacture of smoking and chewing tobacco and snuff was 136,000,000; in 1881, was 147,000,000, being an increase of 11,000,000. In 1880 the number of cigars made was 2,367,803,250, and the tax on that was $14,921,000. In 1881 the number of cigars was 2,682,620,000, an increase in a year of 314,816,750. For the year ending 31st of May, 1882, the total tobacco receipts were $47,249,891, being an increase of $4,394,900. The number of pounds manufactured in 1881 was 225,631,108. Counting the same relative rate of increase of receipts and the increase of the quantity of tobacco manufactured we may safely say that the quantity of tobacco manufactured in the ensuing year will be from 275,000,000 to 300,000,000 pounds. Let us see what result that will give.

It may safely be counted, judging from the regular annual increase in the number of cigars made, that the number manufactured this year will be 3,200,000,000, which, at a tax of $4 a thousand, as proposed by this bill, will produce a revenue of $12,800,000. As the amount produced last year was $16,095,724, the decrease on that item would only be $3,295,724. Then supposing that 190,000,000 pounds were made into manufactured tobacco, an increase only equivalent to that of previous years, at 8 cents it would yield $15,300,000. Deduct that from $22,833,287 previously received and the difference would be $7,533,287. As the committee report to reduce the tax on cigars from $6 to $4, the amendment proposed to reduce the tobacco tax to 8 cents would only make a reduction in excess of those made by the committee of $7,533,287 in the next year, which, added to the other proposed reductions, would not be more than the Treasury could safely bear.

The Senator from Iowa [Mr. ALLISON] asked some questions in regard to the effect of the reduction of the tax to 8 cents. I have a letter here from a gentleman who has given this subject more attention, and is as well informed as any man in the whole country in regard to it. It is Mr. T. R. Spence, of Ohio, and I will ask the Secretary to read it.

The Acting Secretary read as follows:

WASHINGTON *July*, 15, 1882.

DEAR SIR: * * * If the tax be reduced 8 cents it will then be one-half cent per ounce, and as all cut and granulated tobacco for smoking must be put up in 2, 3, 4, 8, or 16 ounces, the reduction can be readily made on the retail prices of these packages. A very large amount of good common tobacco is sold to the laboring classes in the 4-ounce package at 10 cents per package, or 40 cents per pound. If the rate is made 8 cents or one-half cent per ounce, this package would be sold for 8 cents, and the consumers obtain the whole benefit of the reduction. If there should only be a reduction of 6 cents it could not be sold for 8 cents as the profits are very small, and in most cases the benefit of the reduction would inure wholly to the retail dealer.

While the advantage to plug tobacco of 8 cents in the way of retail prices might not be quite as great as to the smoking, still the new prices can be much more readily adjusted than by the 6-cent reduction.

A very large amount of plug is made in 8 or 16 ounce lumps and marked off by depression to cut into 2-ounce pieces, and these pieces could be sold for 1 cent less than at present.

The universal preference of the trade is for a reduction to 8 cents, if total abolition cannot now be obtained, and this rate would give at once the whole benefit of the reduced tax to the consumer, while that of 6 cents would not. We know well that the lower the price the more will be consumed.

Senator JOHNSTON.

Mr. JOHNSTON. That will answer some of the questions which the Senator from Iowa asked in regard to this reduction. It is very true that a slight reduction would not inure relatively as much to the benefit of the consumer as a large one, because where the amount is very small the dealers may very well retain their former prices. The difference between 12 cents and 16 cents is so small, especially on small packages, that the dealers might very well retain the same prices. But a reduction to 8 cents would bring the amount of the tax in accordance with the size of the packages used and required. Plug tobacco is marked by depressions into 2-ounce sizes. Smoking-tobacco and fine-cut, as it is called, are put up in 2, 4, and 8 ounce packages, and by putting the tax at 8 cents no inconvenient change would result. It would be just a reduction exactly of one-half the tax, and it would work precisely with the present rules and methods of the manufacturer.

The package upon which at 16 cents a stamp of 2 cents is affixed would if 8 cents have a 1-cent stamp, and no change would be necessary in machinery or modes. No inconvenience to the trade or the purchasers would result. On the contrary, convenience and facility of manufacture both favor it. No change would be necessary either in the operations or machinery of the manufacturer.

The Senator from Kentucky alluded to one fact in connection with the tobacco trade that I shall also refer to. That is the disadvantage which this whole system imposes upon small farmers and people who raise a small quantity of tobacco. A man lives ten, fifteen, or twenty miles in the country. He rents a little patch of land from some richer neighbor and on that he raises his corn, his wheat, and his oats, and as a money crop he puts in a quarter or half an acre of tobacco. He is forbidden to sell to his neighbor, or to anybody but a licensed dealer. To show how those who have studied this subject express themselves in regard to such cases, I will read an extract from a speech recently made by the chairman of the Finance Committee of the House:

> The case of the owner of a small piece of ground devoted to tobacco growing is scarcely less painful and must invest the moonshiner with his sympathy. Under the provisions of the law he may not sell an ounce of his crop to his neighbor, nor to any citizen who is not a licensed dealer in leaf tobacco. There are many thousands of these people for whose small crop there would be a ready market in the neighborhood, whose entire production is too small to pay for its transportation to a distant center of trade, or even to invite visits from traveling purchasing agents. These poor men must therefore barter their crop at the neighboring store at such prices as the single customer will offer, and for such goods as he is prepared to give in exchange. I may not extend these illustrations, but in conclusion would repeat that justice to the South requires the earliest possible repeal of the entire system of internal taxes.

I favor the entire abolition not only of the tobacco tax but of the whole internal-revenue system. The people of my country regard it as undemocratic; they look upon it as a feature of despotic governments. They despise spies, they despise detectives, they despise informers, they hate the restraint and espionage the system imposes upon them. When a poor man employs his neighbor to help him raise his crop of tobacco, he wants the privilege of paying his wages in tobacco. If he has tobacco and his neighbor has wheat, and an exchange suits, he wants the privilege of making it. He never will be able to see why his use of his own tobacco should not be as free as of his own corn or wheat.

I am in favor, therefore, whenever it can be done, of abolishing the entire revenue system. I want to support the Government from customs duties, and if in doing that it becomes necessary to protect American industries to a certain extent let it be so. I am not opposed to American industries; but on the contrary their friend, and desire to see them prosper.

If the tax on bank capital and bank deposits is stricken off will the banks lend money any lower than they did? Will not the rates of discount be precisely what they are this day? Would the customers of the banks get any reduction in the rates of their interest? I venture to say not, and any hope of relief to borrowers is delusive; they would pay the same they do now for accommodations. The relief would be to the owner of the bank stock, and to him alone, and would only add that much more to his already great profits.

The same would be the case in regard to reducing the duty on steel rails. I am in favor of that, but I doubt very much whether the people of the country will get any benefit from it. The general understanding is that the railroads charge for freight and fares not what the railroad costs them and what they can reasonably afford, but what the trade will bear, and no matter what reduction we may make if the trade will bear it the rates will remain or be increased. That the people generally, the travelers and shippers of freight, will be any better off if the duty on steel rails is put at $20 instead of $28 per ton is, to say the least, very problematical.

Several Senators, notably the Senator from Ohio, [Mr. SHERMAN,] have referred to the sinking fund and the necessity of maintaining its sanctity. We have paid off the national debt far in advance of the requirements of the sinking fund. Nobody now thinks of it as a means of maintaining the credit of the United States. Nobody in buying United States bonds regards the sinking fund at all. The world puts faith in the honesty of the American people and the great resources of the country, and they take our bonds because they know that we are not only able but willing to pay them. If it becomes a question between the sinking fund and the reduction of taxation there is no reason why we should not reduce taxation and disregard to that extent for the present the sinking fund. It has been done before and no harm resulted. Let us relieve the people as far as we can and we may safely trust to them to take care of the national credit.

Mr. SHERMAN. I do not see my friend from Kentucky [Mr. BECK] present. I wanted to correct one or two mistakes that he made. If we can have a vote, I have no objection to taking the vote now.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the committee.

Mr. VOORHEES. Let the amendment be reported.

The Principal Legislative Clerk read the amendment to the amendment.

Mr. SAULSBURY. Mr. President, I shall vote for the amendment of the Senator from Kentucky reducing the tax on manufactured tobacco to 12 cents per pound. At the same time I would prefer, if we are to adopt any measure affecting the revenues of the country, that we shall give some relief from the imposition of customs duties rather than from the reduction of internal taxation. Every measure which proposes to increase or diminish taxation is an important measure, not only because it affects the supply of revenue to the Government but also because it affects to some extent the burdens which the people must bear.

This question ought to have engaged attention at an earlier day. All questions affecting the revenue ought to be well considered, so that no mistake shall be made and the revenue be neither improperly diminished nor improperly increased and the burdens of the people be adjusted to the necessities of the Government. This question, I repeat, ought to have come here at an earlier day. I do not hesitate to say that the people of the country expected, prior to the meeting of the present session, that some action would be taken during the session to relieve them from unnecessary taxation. They expected it, first, because their taxes were oppressive, and, secondly, because there was no necessity of drawing from the people the amount of revenue that was being collected. The Treasury was overflowing. We were paying off more than $100,000,000 of the public debt annually, besides meeting the demands of an extravagant administration of the Government.

The people of the country, therefore, had just ground to look to the present Congress for some measure of relief, but no measure to reduce taxation was brought forward until within a few days. We have been in session seven months and a half, and are now verging upon the time when it is customary to adjourn and go home, but until this bill was introduced we heard nothing of any purpose on the part of the party controlling the legislation of the country to furnish relief or reduce taxation in any particular whatever. On the contrary, there has been a studied effort to avoid the responsibility of meeting this question. While the ingenuity of the party in power has been taxed to expend money, there has been no purpose manifested to relieve the people from unnecessary taxation.

Why was this? During the discussion on the tariff-commission bill this side of the Chamber insisted that we ought to go into the examination of this question for the purpose of reducing the receipts from customs duties and providing relief for the people. There was scarcely a Senator on this side of the Chamber who made a speech on that bill that did not insist that it was our imperative duty at the present session to grant relief to the people from taxation. Most of us voted against the tariff commission upon the ground that it was evading an issue which had been thrown upon us, and was postponing a revision of the tariff laws which ought to be done at the present session. Some Democratic Senators voted for the commission, not because they were opposed to a revision of the tariff laws at the present session of Congress, but because they believed there was no purpose or intent on the part of those controlling the legislation of the country to furnish any relief whatever. I will venture to say that there was not one of them who voted for the tariff commission but who was willing on the very next day to take up this question and go into a revision of the tariff, had an opportunity to do so been afforded. But no such opportunity was afforded by the majority in this Chamber and in the other House. I do not suppose that they intended at that time that there should be any measure brought forward for the reduction of the revenues of the country or for the relief of the people from the burdens of taxation. The Senator from Iowa on the day the tariff-commission bill passed voiced the opinion of his side of the Chamber that the result of that measure, if not its purpose, was a postponement of a modification or revision of the tariff for at least two years.

After that bill was passed the tariff commission was appointed, composed as it doubtless is of gentlemen of character. I have not a word to say against the personal character of the gentlemen composing the tariff commission, yet it was an accepted fact by the country that the composition of the tariff commission did not promise much aid in the revision of the tariff. Then it was that in a Republican caucus of the House the idea was conceived of a reduction of certain internal-revenue taxation. The bill as it came to the Senate proposed but little relief to the tax-payers of the country. It proposed the remission of the tax upon bank capital and upon bank deposits, but no one anticipated that the people of the country would be benefited by that further than as they were stockholders or persons interested in the banking institutions of the country.

As was said just now by the Senator from Virginia, [Mr. JOHNSTON,] the reduction of the tax upon banking capital or upon bank deposits will not affect the persons who have business with the banks. It will not reduce the rate of interest upon accommodations. It will in no wise affect the great body of the people, and was not expected to do so.

I have no objection to relieving the banks from any unnecessary or improper taxation. I have no disposition, as was intimated by the Senator from Ohio the other day on the part of some, to kick the banks. I am personally acquainted with many persons connected with banks in my own town. They are my neighbors and friends. I have no interest whatever in thwarting their interest as bankers. On the contrary, I am glad to know that the banks in my own State are in a prosperous condition and all of them are paying fine dividends to the stockholders. I am glad of it. If they are un-

necessarily burdened I am perfectly willing to see a remission of their taxes, and will assist to relieve the banks from any unnecessary taxation which is imposed upon them.

I am willing to take the taxes off of their capital, but I doubt very much whether we ought to go further and relieve them from taxation upon their deposits. These banking institutions enjoy exceptional privileges, and it is because of the valuable privileges that they enjoy that they are enabled to secure deposits. Upon those deposits they discount and make money.

A relief upon their capital would affect all banks alike, but it would not affect all banks alike merely to tax them upon the circulation, because there are certain large banking institutions in this country that have no circulation and want no circulation. If you should take the tax off of both capital and deposits some of the largest banks would escape taxation of every kind, whereas the rural banks, which are compelled to have circulation, would be subject to taxation upon that circulation, while banks in some of the large cities, making immense fortunes for their stockholders and having no circulation, would entirely escape taxation.

Mr. MAXEY. Will the Senator from Delaware permit me to interject a statement here?

Mr. SAULSBURY. Yes, sir.

Mr. MAXEY. In private banks, not of issue, deposits are placed to the credit of the depositors, and properly of course the money passes into the bank. By reason of the money being placed to the credit of the depositors the bank has a right to loan it or do as it pleases with it, and it is responsible for it in case of loss. Thus it is the banks which would be relieved from taxation and not the depositors. It does not help the depositor a farthing.

Mr. SAULSBURY. The remission of taxes upon banks gives no relief to the people at all. The bill as it came from the House proposing to take off the tax on capital and on deposits would, I repeat, operate to the extinguishment of taxation upon the larger banking institutions of the country, while it would hold the weaker institutions to a taxation upon their circulation. The banking institutions of the country, especially national banks, which are receiving interest on the bonds deposited with the Government to secure their circulation, ought to contribute their proper share to the revenues of the Treasury. Moneyed capital, no less than capital employed in the development of the industries of the country, should bear a just proportion of the burdens of government. I see but very little in the bill as it came from the House and was first reported to the Senate by the Finance Committee that is in relief of the people at all; it is in relief of certain classes. For instance, if you take the tax off proprietary medicines and perfumery, as proposed in the bill, I do not see what benefit the great body of the people would derive from that. There is not one man nor one woman in ten in this whole country who uses either patent medicine or perfumery. Young men and ladies use at times a little cologne or some other perfumery, but of the great body of the people neither men nor women use any considerable amount. The same is true of patent medicines; and I concur very heartily with what was said by the Senator from Virginia, [Mr. JOHNSTON,] that the prohibition of patent medicines would be an advantage to the country. Some of these medicines may be valuable and beneficial, but many of them, instead of contributing to the health of the people, are prejudicial to health and life.

There was but little in this bill as it came from the House calculated to give relief to the people of the country from taxation. Indeed I think if the ingenuity of the other House of Congress had been taxed to devise the means that should reduce the revenues of the country ten or twelve or fifteen million dollars without granting relief to the people, they could not have devised a more effective measure for that purpose.

Mr. MORRILL. May I ask my friend from Delaware if he thinks the bill that came to us from the House was any worse than the same bill reported by his colleague last year which passed the Senate unanimously?

Mr. SAULSBURY. I say to my friend from Vermont that I am not discussing a measure that was before Congress before the flood; I am discussing a proposition which he, as chairman of the Finance Committee, has brought here to be considered at the present time, and I hope to indulge in no improper or unjust criticisms of that measure, but he must not shrink from a fair exposure of the proposition which he has brought here, I will not say for the purpose of hoodwinking the people of the country——

Mr. MORRILL. I do not shrink from it, but I merely desire to know whether the Senator regarded the repeal of the tax on deposits and capital of banks any worse this year than it was last year when reported by his colleague.

Mr. SAULSBURY. I shall not discuss the proposition of last year, but I am discussing the proposition which the Senator from Vermont has brought here as chairman of the Finance Committee at this session and at this late hour of the session, and that was brought here, as I am warranted in believing, not in accordance with his own judgment of what was right and proper, but at the dictation of a Republican party caucus, which, taking council of its fears at this late period of the session, thought to avert the consequences to the party of its indifference to the interest of the country.

Now, what is there in the bill as it came from the House and which was reported by the Senator from Vermont from the Finance Committee that promises relief to the people of the country? It is true they propose to take off the tax on matches. That would perhaps grant some little relief. The Senator from Ohio suggested that it would be a great relief to the Irishman who lights his pipe occasionally with a match. Well, the Irishman and other people might perhaps buy matches a little cheaper. I have no very special fondness for the tax upon matches, because that tax has a tendency to create, and does create, a monopoly of that business, and I am opposed to monopolies wherever I find them. I would strike the head of a monopoly wherever I could discover it, whether it is in my own State, or whether it is anywhere else. Here is a proposed measure of relief. What is the reduction of the tax on matches? It amounts to nothing. The average family in the land does not use a dollar's worth of matches a year. So that the relief from that measure does not promise to increase the revenue of anybody very materially. I shall probably vote for this proposed abolition of tax on matches, but do not regard it as important or an essential measure to the people of the country.

There is nothing, therefore, I assert, in the bill as it came from the House and as it was first reported to the Senate that promises any essential reduction in the taxation of the people of the country. That measure, as I before intimated, was a measure which was conceived not from any desire to relieve the people but to furnish something that would mislead the country into the belief that there was a purpose on the part of the controlling party in the two Houses to do something for relief, and justify the Republicans in claiming that they had reduced taxation, while the proposed reduction of taxation is upon banks principally and upon the owners of proprietary medicines and perfumery, and not upon matters affecting the great body of the people, who demand relief and who ought to have it, and who ought to have had it before now. Six months ago we should have had some measure in this Congress for the reduction of taxes, because you cannot properly consider in a day nor in a week any measure which affects the revenues of this country; and I am sure that the other side of this Chamber, if they had intended to consider properly this question, would have had the subject brought here at an earlier day, and not postponed the consideration of so important a measure to the closing hours of the session.

It is not a trifling matter to deal with the revenues of the country. However anxious the people may be for relief, however right it may be that they should have it, when as legislators we come to deal with questions affecting the revenues of the country, they are matters which ought to be well considered and well understood. We ought not hastily to be called upon to vote for any measure affecting the revenues until it is thoroughly discussed and thoroughly understood by every person who is called upon to vote. Now, how many Senators to-day after listening to the discussion upon this question of the reduction of the duties on tobacco to 12 cents per pound have arrived at a conclusion in their own minds as to how that measure is to affect the revenues of the country or the production of tobacco. I suppose that it will reduce for the time being the revenues of the country to some extent to reduce the tax 8 or 10 or 12 cents a pound; but how is it to affect the revenues from that source permanently? The Senator from Kentucky says after quite a short time the revenues will be increased by the reduction of the tax. That may be true. I confess I do not know whether it is so or not. That will depend upon other conditions than the mere fact of reduction.

The Senator from Virginia, [Mr. JOHNSTON,] who lives in a State that produces a large quantity of tobacco, seems to coincide that in a short time a reduction to 8 or 10 cents will eventuate in an increase of the revenues from tobacco, and he cites some calculations and figures to prove it; but it is mere speculation after all as to what effect a reduction of the tax on tobacco will have on the revenues from that source hereafter.

Mr. President, I am not very anxious for a reduction of internal-revenue taxation. I believe that the greatest relief that could be given to the people of this country in the way of the reduction of taxation would be by a proper modification of the customs duties. We must have a certain amount of revenue to run this Government. The estimate is that there will be $350,000,000 of expenditures in the next fiscal year. That money is to be derived from some source. Our appropriations for the fiscal year just commenced will not fall far short of $400,000,000. We must have revenue from some source to meet these expenses, and we must derive it wholly from internal taxation, or wholly from duties on importations, or in part from each. I believe that the true policy of this country is to derive part of the revenue from the imposition of internal taxes and part of it from the imposition of duties upon foreign importations.

We have had an onerous tariff taxation in the past, and yet we only derived a little over $200,000,000 in the last fiscal year from duties on foreign importations; and if we abolish the internal taxation or greatly reduce it there must be an increased amount derived from impost duties. We must, in other words, either import more largely than we have done, or we must impose a heavier impost duty if we abolish internal taxation, or very seriously reduce it. Therefore I am not very particular about reducing internal taxation at all, whether it be a reduction of taxes upon the banks or upon tobacco, or upon anything else that is subject to internal taxation.

I said in a short speech which I made on the subject of the elect-

oral commission that the persons who favored a high protective tariff would insist on the abolition of internal taxation; and I am sorry that there is on the part of some persons who are opposed to heavy tariff duties upon foreign importations a disposition to slip from under the internal taxation which is imposed on interests which they represent. We must meet this question, gentlemen, fairly and squarely; we must have either a considerable amount of our revenue from internal taxation, or we must have an enormous amount drawn from duties upon foreign importations. I want to see a retention of a large part of the internal taxation in order that the tariff duties may be reduced.

Now, what is the bill here offered as amended by the Finance Committee? It proposes to take some of the duty off sugar. How far will that relieve the people? I heard the question put to the Senator from Ohio who perhaps is more familiar with the operation ot the tariff laws than any other Senator on this floor. His experience as Secretary of the Treasury when he had to deal with this question, his duties in administering the Treasury Department, necessarily gave him a fund of information on that subject that has not been open to most of the Senate. The question was propounded to him this morning by the Senator from Kentucky [Mr. WILLIAMS] how far the reduction upon sugars proposed in this bill would be a relief to the people, whether a reduction of 25 per cent. upon sugars would reduce the price of that class of sugars which are used in common consumption in life. I believe the Senator from Ohio intimated that he was not certain that it would have that effect. I may have misunderstood him.

Mr. SHERMAN. I have no doubt the reduction will operate on all classes of sugars alike. There will be a reduction of one-fifth of the present tax or duty on all classes of sugar, molasses, and melada.

Mr. SAULSBURY. But does not the Senator know that of the class of sugars which are used in the common consumption of life a very small per cent. have in the last few years been imported sugars, but they were sugars that were produced by our refineries and not sugars which had paid a duty and had been imported in the grade in which they are consumed? So if you reduce 25 per cent. as is proposed in this bill, the question with me is how far that will become a relief to the people in the consumption of the sugars which enter into consumption. It will reduce the sugars which go to the refineries, and the refiners of sugars will be benefited by the proposed measure; but will the people who buy the sugars after they are refined be enabled to buy at lower prices? That the refiners could afford to lower prices is not doubted, but who can guarantee that they will do so. Foreign sugars of the same grade cannot, with the duties that will remain upon them, be imported and be brought in competition with the sugars produced in our own refineries. The duty after the abatement proposed by this bill will remain prohibitory. I shall, however, vote for this proposed reduction in the hope that it may benefit consumers to some extent.

I have already said that I was not much in favor of a reduction of internal-revenue taxation, and I say to the Senator from Kentucky who favors a reduction of the tax on whisky and the Senator from Virginia who favors the abolition of all internal taxes that I shall not vote for either proposition. Whisky and tobacco are luxuries and can well bear a reasonable rate of taxation.

Mr. WILLIAMS. So is tea or coffee.

Mr. BECK. Will the Senator allow me a word?

Mr. SAULSBURY. Certainly.

Mr. BECK. When you put whisky into varnish and into a thousand things people have to use, is it a luxury then?

Mr. SAULSBURY. I have no doubt some of it does go into varnish and various other things, but the great purpose of whisky-making is to furnish a beverage for mankind.

Mr. BECK. Less than a third of what we make is used in that way.

Mr. SAULSBURY. I do not believe, as is contended, that if you take off a part of the tax on whisky you increase the production and consumption and consequently increase the revenue from that source, because in a discussion which took place here a short time ago it was said that the holders of whisky and spirits have 80,000,000 gallons now in store that they cannot find a market for; and how are you going to increase the revenue from whisky by decreasing the tax from 90 to 50 or 60 cents a gallon when there is a surplus now on hand? I do not believe you will increase the consumption, and I do not hesitate to say here in my place in the Senate that I do not believe it is desirable that you should increase the production of whisky in the country. We have enough of it not only produced but consumed, and I shall never vote for any measure, however beneficial it might be to the revenues of the country, if in my judgment it would tend to increase the consumption of the article and the evils resulting therefrom.

Mr. President, this is about all I care to say specially on this bill. I wanted to put myself on record as being opposed generally to any material reduction of the internal taxation of the country while we have a necessity for $350,000,000 or $400,000,000 annually to meet the demands and wants of the Government. I am opposed to it, because if we reduce the internal taxation there is no hope of relief from the onerous burdens imposed by our tariff laws.

Now, sir, I am not in favor of keeping up our customs duties for the purpose of protection. I am willing that the manufacturing interests of this country shall receive whatever incidental protection will arise from a proper adjustment of tariff rates, and I suppose that the average tariff rate cannot fall materially below 30 per cent. It is now 43. I do not believe we shall be able for a number of years to reduce our duties on importations below 28 or 30 per cent. That, properly adjusted, will furnish ample protection to every manufacturing interest in the country. I have no disposition to oppress manufactures. On the contrary, I desire to see our manufacturing interests everywhere and of every kind prosperous, but I do not want the great body of the people to pay tribute to those interests. The fact is there is no other interest in the country to-day that is as generally prosperous as the manufacturing interest. There may be and doubtless are exceptions, cases where manufactures are not in a flourishing condition, but I speak of the general condition of manufacturing interests, not of exceptional cases.

I do not see the Senator from Indiana [Mr. VOORHEES] in his seat; but we all listened with delight to his description of the prosperity of his State the other day, a State I believe that has a population of less than 2,000,000. He portrayed the fertility of her soil; he spoke of her vast resources in mineral wealth; he spoke with just pride of her manufacturing interest, and he gave some statistics to show that the manufacturing interest of his State, which I suppose fairly represents the manufacturing interests of many other States, is in the most prosperous condition. I will quote from the speech of the Senator some statistics which he gave to show that in the State of Indiana under the present tariff laws the manufacturing interest of that State is realizing to-day on the capital invested almost 100 per cent., while I am certain that I am justified in saying that the agricultural interest of his State to-day does not pay 6 per cent. on the capital invested. The Senator, after referring to the prosperity of his State, said:

The figures of the forthcoming census report for 1880 make the following exhibit of the manufacturing industries of Indiana for that year:

Number of establishments	14,480
Number of hands employed	57,939
Capital invested	$76,341,728
Amount of wages paid	$24,195,057

Materials—

Materials manufactured, I suppose—

Materials	$97,342,880
Products	$185,050,220

The amount of capital was a little over $76,000,000, the amount of production over $185,000,000, and the amount of wages and materials combined was about $121,000,000. Taking the cost of material and the cost of wages from the production, there is left a clear profit of nearly $65,000,000 upon a capital invested of a little over $76,000,000. Sir, on that showing I am justified in saying that the manufacturing interest of this country is prosperous, for I take it that the manufacturing interest of Indiana but fairly represents in profit the manufacturing interest in every other State, and I have referred to these figures in the speech of the Senator from Indiana for the purpose of showing that the manufacturing interest of this country to-day is in a more healthful and prosperous condition than any other interest.

If I may be allowed to refer to Indiana a little further, I will say I would be glad to see the same measure of prosperity that attaches to her manufacturing interest attach to every other interest in that State and every other State in this Union—but how is it with the agricultural interest in Indiana? That doubtless is in a very healthful condition, but I venture the assertion that it is not receiving anything like one-tenth the same amount of profit on the capital invested that the manufacturing interest of that State is receiving.

Indiana raised, in 1880, 134,000,000 bushels of corn; she raises, I suppose, 50,000,000 bushels of wheat; and if every bushel of corn and every bushel of wheat had been sold it would not have amounted to as much as the product of the manufacturing establishments in the State. There were but fifty-seven thousand and a few hundred inhabitants engaged in the manufacturing interest, while the great body of the inhabitants were engaged in agriculture. I would not oppress the manufacturing interest of the country; I would give them the benefit of all the protection which a proper amount of revenue derived from customs duties would afford them; but I stand here in my place and say that I will never consent by my vote to tax any interest of this country for the special benefit and behoof of any other interest. The taxing power in my opinion was not given to Congress for any such purpose. The taxing power was given to raise the revenue to support the Government, to pay the debts, and provide for the common defense and the general welfare of the United States. I would use it for those purposes; and if in so using it incidental protection is given to the manufacturing interests, or any other interests, so let it be. I would not disturb it. I am aware that every interest in this country is so connected that we cannot injure one interest without affecting injuriously every other interest. To a certain extent those engaged in manufacturing become the consumers of the products of other people and especially the agriculturist, and to that extent they contribute to the benefit of the agriculturist. In former years when we had but a sparse population and agricultural products much less than at present, the amount of such products consumed by persons engaged in manufacturing pursuits was a very considerable matter to the agriculturist

of the country; but at the present time the amount of farm products consumed by manufactures is but a small percentage of such products.

Our agriculturist must now, when we are producing such vast quantities of grain, both wheat and corn, look to foreign countries for a market for our large surplus, and our policy should be to cultivate commercial relations with them and not by a prohibitory or an unnecessarily high protective policy repel them and force them to seek supplies in other quarters of the world.

I believe in 1879 and perhaps in 1880 we exported nearly one-half of the wheat crop of this country. We are every year exporting large amounts of the cereals in one form or another. Sometimes the wheat is sent abroad unmanufactured; sometimes it goes in the form of flour. Sometimes we send cargoes of corn to Europe and a certain percentage of the surplus corn goes in in the shape of meal; our corn goes to Europe in stock, in beef, in pork fed by corn, and the foreign market for these various products, for wheat, for flour, for meal, for corn, and for the cattle and the pork fed by corn, becomes a much more important matter to the people of this country than it formerly was. Why, sirs, we are feeding Europe largely. We are sending meat to other countries, the hogs and cattle being fattened upon the products of the field. While farm products do not go exclusively in the shape of bushels of corn, bushels of wheat, or barrels of meal, or barrels of flour, the products of the field are fed to stock which we are sending to almost every country of Europe and especially to England. But for the foreign market a large part of our grain would remain unsold and our fertile fields would soon become in part at least uncultivated.

Mr. President, I have said about all I care to say. I have not desired to occupy much time and have spoken without preparation, but as we are to vote upon this bill I have thought it proper that I should state now that, while I shall vote for the reduction proposed by the amendment of the Senator from Kentucky [Mr. BECK] to reduce the taxation on tobacco to 12 cents, I am not very particular whether it is reduced or not, because the more we reduce internal taxes the less chance there is for a reduction of import duties. I desire to see taxation reduced on such things as enter into the common consumption and benefit the poor as well as the rich. We are paying now for every article of ready-made clothing 35 per cent., whether worn by men, women, or children. A reduction of that taxation would relieve the people who wear ready-made clothes. So we are paying upon woolen goods 35 per cent. and on some things higher rates. We are paying on agricultural implements high rates of duty—upon plows, upon harrows, upon all the instruments of agriculture; upon all furniture; upon all our people wear and much that they eat they are paying high and oppressive duties, and as far as we can properly reduce them I want to see the reduction applied. A reduction of duties on articles which enter into common consumption will benefit all classes alike, and especially benefit that class which are less able to bear the burdens of government than those who are in more fortunate circumstances.

It seems to me, Mr. President, that the highest duty to-day of American statesmanship is to bring back this Government to the original principles upon which it was founded, securing to the people their just rights and at the same time reducing the measure of their burdens to the lowest possible amount consistent with the necessities of the Government.

Mr. BECK. Before the Senator concludes, I wish to call his attention to the fact that I shall present at the conclusion of his remarks a table showing the effect of an amendment I have submitted to abolish all duties above 50 per cent. ad valorem on certain schedules. The result will be a loss of about $15,000,000 of revenue to the Government and a relief of over $200,000,000 to the tax-payers.

Mr. SAULSBURY. Mr. President, I had about concluded the remarks which I proposed to make, and I was just saying when I was interrupted by the Senator from Kentucky that I should be glad to see our friends on the other side of the Chamber and the party with which they are connected, now that they have control of every department of this Government, both Houses of Congress, the Executive office, and the Supreme Court, which has become, in the estimation of some, a political department of the Government, now that they have every department of this Government, I should be glad to see them bring forward measures that would bring back this Government to the original principles on which it was established by the fathers, securing the just rights of the States of this Union and of the people of this land, and at the same time so administering the Government and expending the revenues of the country that the people should have all proper relief from unnecessary taxation.

Mr. BECK. In connection with the remarks just made by the Senator from Delaware, I wish to say that I have an amendment to the bill when we come to the tariff items, providing that on and after the 1st of July, 1883, no tax shall be levied in excess of 50 per cent. ad valorem on certain schedules, which schedules have been carefully carried out in a table which Hon. WILLIAM R. MORRISON, of Illinois, a member of the House and also of the Committee of Ways and Means of the House, kindly furnishes to me. I desire to have this table printed in the RECORD showing the fact that we can reduce those taxes that are now over 50 per cent. down to 50 per cent. with a loss of only $15,000,000 of revenue, and I think with a relief of over $200,000,000 to the tax-payers of the country.

This table is explanatory of an amendment now pending submitted by me; and as the time is very short and I do not desire to delay, I ask that this table be printed in the RECORD, and the amendment as well, so that all gentlemen can see exactly what it is, so that to-morrow morning gentlemen may know exactly the effect of that amendment without taking the time necessary to explain it.

The proposed amendment of Mr. BECK, is as follows:

That on and after July 1, 1883, no duty shall be levied, assessed, and collected on merchandise imported into the United States in excess of 50 per cent. ad valorem on any article embraced in the following schedules of section 2504 of the Revised Statutes, and not subject to tax under the internal-revenue laws, to wit:
Schedule A, cotton and cotton goods;
Schedule B, earths and earthenware;
Schedule C, hemp, jute, and flax goods;
Schedule E, metals;
Schedule F, provisions;
Schedule G, sugars;
Schedule H, silks and silk goods;
Schedule I, spices;
Schedule K, wood;
Schedule L, wool and woolen goods;
Schedule M, sundries.

The following is the statement submitted by Mr. BECK:

List of articles imported and entered for consumption enumerated in schedules A, B, C, E, F, G, I, L, and M, with average ad valorem rate of duty, amount of duty received, also estimated loss of duty; computed on basis of importations for the fiscal year ended June 30, 1881.

SCHEDULE A.—*Cotton and cotton goods.*

Articles.	Average ad valorem rate of duty, 1881.	Amount of duty received, 1881.	Estimated loss of duty.
Cotton, manufactures of:	*Per cent.*		
Printed or colored, valued at 25 cents or less per square yard—			
Over 100 threads to the square inch, and not exceeding 200, including warp and filling	58.05	$263,460 71	$36,539 21
Over 200 threads to the square inch, including the warp and filling, finer and lighter than the above	58.03	27,192 54	3,763 54
Jeans, denims, drillings, bed-tickings, ginghams, cottonades, pantaloon-stuff, and cotton goods of like description, not exceeding 20 cents per square yard, printed, painted, or colored—			
Over 100 and not over 200 threads to the square inch, counting the warp and filling	52.25	760,230 17	32,747 67
Over 200 threads to the square inch, counting the warp and filling	58.34	46,110 14	6,592 14
Thread on spools—			
Not exceeding 100 yards of thread each	74.94	32,417 76	10,788 01
Exceeding 100 yards	78.54	38,438 30	13,966 55
Thread, yarn, warps, or warp-yarn, not wound on spools—			
Valued at over 40 and not exceeding 60 cents per pound	58.33	156,004 24	22,276 74
Valued at over 60 and not exceeding 80 cents per pound	61.39	330,110 16	61,250 66
Valued at over 80 cents per pound	53.98	633,459 94	46,653 44
Total Schedule A		2,287,413 96	234,577 96

SCHEDULE B.—*Earths and earthenware.*

Kaolin	51.67	$34,436 86	$1,109 86
Whiting and Paris white	252.99	19,749 13	15,845 99
Glass:			
Plate-glass, cast, polished, not silvered—			
Above 24 by 30 inches, and not above 24 by 60	59.65	172,804 67	27,951 17
Above 24 by 60 inches	109.94	651,110 70	354,968 20
Plate-glass, cast, polished, silvered or looking-glass plates—			
Above 24 by 30 inches, and not above 24 by 60	86.90	63,946 57	27,153 57
Above 24 by 60 inches	55.15	504 60	47 10
Window-glass, cylinder, crown, or common, unpolished—			
Not above 10 by 15 inches	57.09	190,514 03	23,658 25
Above 10 by 15 inches, and not above 16 by 24	66.80	245,064 24	61,644 41
Above 16 by 24 inches, and not above 24 by 30	75.33	273,843 35	92,071 85
Above 24 by 30 inches	80.17	289,644 67	109,010 80
Window-glass, cylinder and crown, polished—			
Above 24 by 30 inches, and not above 24 by 60	52.23	2,271 45	96 95
Above 24 by 60 inches	71.17	4 27	1 27
Total Schedule B		1,943,894 54	713,579 42

SCHEDULE C.—*Hemp, jute, and flax goods.*

Articles.	Average ad valorem rate of duty, 1881.	Amount of duty received in 1881.	Estimated loss of duty.
	Per cent.		
Bagging for cotton, or other manufactures not otherwise specified, suitable to the uses for which cotton bagging is applied, composed wholly or in part of hemp, jute, flax, gunny-cloth, gunny-bags, or other material, valued at over 7 cents per square yard	58.82	$854 07	$128 07
Gunny cloth (not for bagging) valued at 10 cents or less per square yard	52.72	106 50	5 50
Total Schedule C		960 57	133 57

SCHEDULE E.—*Metals.*

Iron and manufactures of:			
Anchors or parts thereof	88.68	$695 25	$303 25
Band, hoop, and scroll iron, from ½ to 6 inches wide, not thinner than ⅛ inch	54.63	40,061 13	3,396 13
Under ⅛ inch and not thinner than No. 20 wire-gauge	65.46	127,513 16	30,120 66
Thinner than No. 20 wire-gauge	60.62	4,848 00	849 50
Bar-iron, rolled or hammered, comprising flats, less than ⅜ of an inch or more than 2 inches thick, or less than 1 inch or more than 6 inches wide; rounds less than ⅜ of an inch or more than 2 inches in diameter, and squares less than ⅜ of an inch or more than 2 inches square	57.66	89,612 21	11,904 28
Cable and cable-chains	74.52	1,242 91	409 00
Cut nails and spikes	52.35	127 18	5 72
Cut tacks, brads and sprigs, not over 16 ounces per thousand	59.35	15 43	2 43
Cast-iron steam, gas, and water-pipe, vessels, stoves, and stove-plates	53.49	2,713 00	176 84
Chains, halter, trace, and fence:			
Not less than ½ inch in diameter	58.25	30,027 59	4,254 88
Less than ½ inch in diameter and not under No. 9 wire-gauge	51.08	25,787 76	547 26
Hollow-ware, glazed or tinned	82.12	1,778 75	695 75
Locomotive tires or parts thereof	64.44	23,900 31	5,355 31
Round iron in coils ⅞ of an inch or less in diameter, coated with metal or not so coated, and all descriptions of iron wire, and wire of which iron is a component part, not otherwise provided for	73.47	363 85	180 10
Sheet-iron, common or black, thinner than No. 25 wire-gauge	51.16	16,891 94	381 94
Wire, bright, coppered, or tinned, drawn and finished, not more than one-fourth inch in diameter—			
Not less than No. 16 wire-gauge	71.35	66,259 82	19,824 02
Over No. 16 and not over No. 25 wire-gauge	61.15	385 83	70 03
Wire rope, strand, or chain, either bright, coppered, galvanized, or coated with other metal, (subject to the same rates of duty imposed on iron wire, of which the same are composed,) not over one-fourth inch in diameter—			
Not thinner than No. 16 wire-gauge	58.41	30,714 47	4,421 78
Over No. 16 and not over No. 25 wire-gauge	59.62	7,851 65	1,267 15
Wrought hinges, bed-screws, board-nails, spikes, rivets, and bolts	58.95	6,254 89	949 83
Wrought-iron railroad chairs, fish-plates, and nuts, and washers, punched	131.36	18,695 05	11,578 93
Wrought, steam, gas, and water tubes and flues	82.61	3,954 58	1,561 08
Steel and manufactures of:			
Files, file-blanks, rasps, and floats, exceeding 10 inches in length	57.71	20,039 46	2,675 96
Railway bars or rails, wholly of steel	76.29	4,654,691 31	1,604,076 05
Saws, back, not over 10 inches in length	63.71	10 83	2 33
Wire, not less than ½ inch in diameter, valued at 7 cents or less per pound	65.19	1,761 44	410 44
Wire rope, strand or chain, &c., valued at above 11 cents per pound	61.26	77 80	14 30
Lead:			
Old scrap, fit only to be remanufactured	67.62	1,845 27	480 77
Ore and dross	92.49	89 72	41 22
In pigs, bars, and molten	54.32	86,441 36	7,876 83
Silver leaf, in packs of 500 leaves	102.01	937 50	478 00
Total Schedule E		5,265,789 45	1,714,311 77

SCHEDULE F.—*Provisions.*

Articles.	Average ad valorem rate of duty.	Amount of duty received.	Estimated loss of duty.
	Per cent.		
Sardines and anchovies, in any other form	60.00	$6,263 85	$1,043 98
Rice:			
Cleaned	105.31	1,047,961 14	550,412 14
Uncleaned	86.17	4,875 12	2,046 29
Paddy	69.86	184 65	52 50
Total Schedule F		1,059,284 76	553,554 91

SCHEDULE G.—*Sugars.*

Sugar, Dutch standard in color:			
Not above No. 7	57.06	$8,785,579 42	$1,087,707 42
Above No. 7 and not above No. 10	54.95	33,086,299 54	2,978,095 86
Above No. 10 and not above No. 13	57.01	4,016,173 35	493,835 65
Above No. 13 and not above No. 16	70.12	43,560 54	12,498 88
Above No. 16 and not above No. 20	92.45	497 29	228 35
Above No. 20 and all refined, loaf, lump, crushed, powdered, and granulated	58.46	934 95	135 30
Sugar candy and confectionery:			
Not colored	132.99	3,707 65	2,313 67
Molasses concentrated, tank bottoms, sirup of sugar-cane juice, and melada	53.82	385,028 40	27,349 40
Total Schedule G		46,321,781 14	4,602,164 53

SCHEDULE I.—*Spices.*

Spices:			
Cassia and cassia vera	95.94	$198,705 20	$95,152 20
Cassia buds	129.73	12,839 80	7,891 30
Cinnamon	53.97	2,079 45	153 10
Ground or prepared n. o. p. f	780.73	51 45	48 15
Mace	62.15	20,632 25	4,032 25
Mustard, in bulk	66.13	4,982 60	1,215 10
Mustard, in glass or tin	53.09	70,771 24	4,114 74
Other n. o. p. f	208.70	12 00	9 12
Pepper, whole, black or white	58.44	423,081 64	52,421 97
Pepper, ground, black or white	54.94	618 08	55 57
Pepper, Cayenne, ground	66.21	2,535 25	620 58
Pimento, whole	55.47	88,717 20	8,742 27
Pimento, ground	112.44	955 70	530 70
Total Schedule I		825,981 86	174,987 05

SCHEDULE L.—*Wool and woolen goods.*

Wools, hair of the alpaca, goat, and other like animals, and manufactures of—			
Raw or unmanufactured—			
Class No. 1, clothing wool, value 32 cents or less per pound	55.39	$2,488,616 40	$242,196 51
Scoured; value 32 cents or less per pound, (before scouring)	64.92	5,546 52	1,274 52
Washed—			
Value 32 cents or less per pound, (before washing)	67.09	3,500 96	891 96
Valued over 32 cents per pound	76.40	318 60	110 10
Carpets and carpeting—			
Brussels carpets, wrought by the Jacquard machine	68.37	146,130 19	39,268 19
Brussels tapestry, printed on the warp or otherwise	75.92	215,815 54	73,686 54
Druggets and bockings, printed, colored, or otherwise	96.30	2,698 20	1,297 20
Patent velvet and tapestry velvet, printed on the warp or otherwise	67.20	44,836 65	11,476 15
Saxony, Wilton, and Tournay velvet, wrought by the Jacquard machine	68.13	48,829 70	12,992 70
Treble, ingrain, three-ply, and worsted chain Venetian carpets	52.26	4,941 08	214 08
Yarn, Venetian and two-ply ingrain	51.38	7,701 87	206 97
Dress goods, women and childrens' and real or imitation Italian cloths—			
Valued at not exceeding 20 cents per square yard	69.74	3,178,005 86	899,589 35
Valued at above 20 cents per square yard	66.86	6,281,624 47	1,583,680 83
Weighing four ounces and over per square yard	63.46	1,274,431 48	270,258 76
Balmorals—			
Valued at above 60 and not above 80 cents per pound	85.52	11,247 95	4,671 45
Valued at above 80 cents per pound	66.07	7,856 10	1,910 60
Blankets—			
Valued at not exceeding 40 cents per pound	72 63	238 56	74 34
Valued at above 40 and not exceeding 60 cents per pound	90.49	79 74	35 88

SCHEDULE L.—*Wool and woolen goods*—Continued.

Articles.	Average ad valorem rate of duty.	Amount of duty received.	Estimated loss of duty.
Wool—Blankets—Continued.	*Per cent.*		
Valued at above 60 cents and not exceeding 80 cents per pound	98. 91	$258 15	$127 65
Valued at above 80 cents per pound	71. 50	898 65	270 21
Weighing over four ounces per square yard	85. 00	17 00	7 00
Flannels—			
Valued at not exceeding 40 cents per pound	95 00	95	45
Valued at above 40 and not exceeding 60 cents per pound	102 60	1, 128 96	578 81
Valued at above 60 and not exceeding 80 cents per pound	95 68	13, 628 15	6, 506 22
Valued at above 80 cents per pound	65 45	1, 302 08	307 33
Weighing 4 ounces and over per square yard	61 45	180 65	33 65
Hosiery only—			
Valued at above 40 and not exceeding 60 cents per pound	89 44	24 15	10 65
Valued at above 60 and not exceeding 80 cents per pound	88 46	19 86	8 63
Valued at above 80 cents per pound	55 78	461, 569 30	47, 815 24
Manufactures of, not otherwise specified—			
Valued at not exceeding 40 cents per pound	84 51	17, 124 45	6, 992 95
Valued at above 40 and not exceeding 60 cents per pound	93 02	20, 237 05	4, 359 55
Valued at above 60 and not exceeding 80 cents per pound	87 91	79, 275 55	34, 188 34
Valued at above 80 cents per pound	69 10	981, 726 22	271, 314 22
Shirts, drawers, and other knit goods—			
Valued at above 80 cents per pound	67 96	121, 442 95	32, 100 16
Manufactures of wool and worsted—			
Bunting	77 25	21 94	7, 74
Cloths	72 63	6, 810, 073 89	2, 122, 055 03
Clothing—			
Articles of wear	56 24	97, 940 38	10, 862 51
Ready-made	58 64	489, 051 31	72, 024 23
Endless belts or felts for paper or printing machines	58 60	72, 120 65	10, 588 15
Hats—			
Valued at above 40 and not exceeding 60 cents per pound	93 90	4 31	2 02
Valued at above 60 and not exceeding 80 cents per pound	96 03	47 21	22 63
Valued at above 80 cents per pound	58 22	547 82	77 38
Manufactures wholly or in part of wool, not otherwise provided for	67 67	288, 178 96	75, 200 11
Shawls—			
Woolen	59 16	66, 307 31	10, 265 81
Worsted	58 04	617, 610 36	85, 552 86
Webbings, beltings, bindings, braids, galloons, fringes, cords, buttons, &c.	68 26	223, 443 64	59, 783 14
Yarns—			
Valued at not exceeding 40 cents per pound	83 53	1, 254 44	503 53
Valued at above 40 and not exceeding 60 cents per pound	85 17	1, 905 37	786 78
Valued at above 60 and not exceeding 80 cents per pound	87 90	4, 540 76	1, 957 97
Valued at above 80 cents per pound	78 54	417, 200 28	151, 604 15
Oil-silk cloth	60 00	6 00	1 00
Total Schedule L	.....	24, 511, 508 58	6, 149, 752 23

SCHEDULE M.—*Sundries.*

Chemicals, drugs, dyes, &c.:			
Acids:			
Acetic, acetous, and pyroligneous, specific gravity over 1.047	132. 05	$456 90	$283 90
Tannic	222. 01	1, 041 22	806 72
Alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake	56. 07	12, 521 70	1, 356 18
Aniline dyes, by whatever name known, not otherwise specified	68. 48	827, 621 18	223, 344 48
Baryta:			
Acetate of	75. 00	1 50	50
Sulphate of	66. 18	7, 591 61	1, 856 11
Chloroform	151. 51	50 00	33 50
Collodion	85. 84	2 00	83
Ether, other, not otherwise provided for	55. 37	485 00	47 00
Iron, sulphate of, (copperas)	79. 23	757 48	279 48
Licorice, paste or in rolls	78. 59	87, 290 02	31, 754 02
Magnesia, carbonate of	59. 63	21, 008 40	3, 392 40
Magnesia, sulphate of, (Epsom salts)	59. 42	174 10	27 60
Opium, prepared for smoking	60. 25	458, 677 50	78, 002 00
Potassa, acetate of	60. 00	3 00	50
Santonine	62. 47	1, 447 50	289 00
Soda:			
Acetate of	216. 67	6 50	4 00
Caustic	63. 51	741, 980 78	157, 742 06

SCHEDULE M.—*Sundries*—Continued.

Articles.	Average ad valorem rate of duty.	Amount of duty received.	Estimated loss of duty.
Chemicals, drugs, &c.—Continued.	*Per cent.*		
Strychnia	81. 15	$99 00	$38 00
Sulphur, flowers of	61. 22	2, 587 14	474 14
Pipes:			
Meerschaum pipes and bowls	83. 41	53, 679 79	21, 502 79
Pipe cases, stems, mouth-pieces, and all metallic mountings for pipes, and all smokers' articles	75. 00	58, 477 10	19, 492 37
Wood, porcelain, lava, and all other pipes and pipe goods, not otherwise specified	86. 67	96, 950 31	41, 017 63
Fire-crackers, in boxes of 40 packs, not exceeding 80 to the pack	101. 66	221, 867 48	112, 742 47
Nuts:			
Almonds, not shelled	53. 73	176, 074 86	12, 212 86
Other nuts, not otherwise provided for	53. 68	7, 069 10	484 81
Pea-nuts and other ground-nuts, not shelled	55. 72	403 33	41 43
Plums	61. 62	397 46	74 96
Hair-cloth seatings:			
Less than 18 inches wide	52. 73	2, 888 56	149 56
18 inches wide or over	65. 32	10, 984 40	2, 576 40
Marble:			
Sawed, dressed, or polished marble slabs and paving tiles, not exceeding 2 inches in thickness	110. 82	375 69	206 19
Veined and all other, in block, rough, or squared, not otherwise provided for	63. 32	297, 645 81	62, 622 31
White statuary, brocatella, sienna, and verd-antique, in block, rough or squared	70. 20	1, 030 49	296 49
Mineral waters, in bottles	63. 06	7, 472 28	1, 547 28
Oils:			
Coal, crude	75. 00	1 50	50
Petroleum, crude, or rock oil	91. 25	136 80	61 84
Castor	152. 54	1, 463 63	983 89
Cotton seed	85. 71	6 00	2 50
Croton	114. 92	2, 541 50	1, 435 75
Flaxseed or linseed	61. 66	2, 904 57	549 14
Salad, and all in bottles or flasks	56. 99	216, 788 48	26, 374 33
Salad, other than olive	109. 66	1, 012 50	950 83
Cloves	120. 56	604 00	353 50
Cognac, or œnanthic ether	164. 10	64 00	29 50
Fruit ethers, essences or oils of apple, pear, &c., made of fusil oil or of imitations thereof	134. 72	242 50	152 50
Lead:			
Red, dry or ground in oil	63. 67	6, 372 69	1, 368 19
White, dry or ground in oil	53. 28	32, 040 92	1, 974 63
Litharge, dry or ground in oil	73. 67	1, 891 74	607 74
Umber	66. 32	7, 379 19	1, 816 19
Paraffine	81. 13	43 00	16 50
Pens, metallic	58. 31	68, 886 58	9, 816 25
Pencils, of wood, filled with lead or other material	55. 51	44, 106 24	4, 379 21
Salt, in bulk	64. 35	423, 488 77	94, 454 85
Seed—castor-beans or seed	63. 05	21, 924 00	4, 539 00
Starch, of rice or other material	119. 69	39, 920 36	23, 243 34
Varnish, valued at $1 50 or less per gallon	67. 53	43, 413 37	11, 271 20
Total Schedule M	.....	4, 014, 351 53	918, 681 35

Recapitulation.

Schedules.	Commodities.	Duty received, (1881.)	Estimated loss of duty.
A	Cotton and cotton goods	$2, 287, 413 96	$234, 577 96
B	Earths and earthenwares	1, 943, 894 54	713, 579 42
C	Hemp, jute, and flax goods	960 57	133 57
E	Metals	5, 265, 789 45	1, 714, 311 77
F	Provisions	1, 059, 284 76	553, 554 91
G	Sugars	46, 321, 781 14	4, 602, 164 53
I	Spices	825, 981 86	174, 987 05
L	Wool and woolen goods	24, 511, 508 58	6, 149, 752 23
M	Sundries	4, 014, 351 53	918, 681 35
	Total	86, 230, 966 39	15, 061, 742 79

Mr. SHERMAN. Mr. President, I intended awhile ago when I got the floor to correct some errors into which the Senator from Kentucky [Mr. BECK] fell, and in which the Senator from Delaware [Mr. BAYARD] followed him this morning, but I am getting so tired of this debate that I am getting almost ashamed to speak five minutes on the subject, because I think we ought to have a vote; but I wish to correct a very marked statement. When the Senator from Kentucky spoke day before yesterday he made a statement about the result of the reduction of the tax on tobacco from 24 to 16 cents. That surprised me very much; but as I had not the figures before

me then I did not stop to correct him. His speech is published in this morning's RECORD, and I now have it before me. He says in the RECORD that the reduction of the tax on tobacco from 24 to 16 cents largely increased the revenue from tobacco. I will read his own language. After speaking of the contest in 1879 over the tax bill he said:

> The Senate took that view of it, and in spite of all the protests of the Senator from Ohio and of the Senator from Vermont the tax was reduced to 16 cents. I do not like to read my own speeches, but I said at that time:
>
> "I know that all the statements made by the Commissioner of Internal Revenue and the men who are backing him as to the loss of revenue are exaggerations. I feel confident that if the tax remains as it is now we will not obtain as much revenue in the next three years—certainly not in the next five or six—as we will if it is reduced to 16 cents."
>
> My words have not only been verified, but we are receiving nine millions more.

That is a declaration by the Senator from Kentucky that under a tax of 16 cents on tobacco we are now receiving $9,000,000 more than we received under the tax of 24 cents. Then he goes on and argues that the reduction of the tax increases the revenue. Now, let me show the exact returns. The tax on tobacco in 1878 yielded $26,383,000. The reduction of the tax took effect on the 1st of May, 1879, so that two months of that year were at the lower rate. In the fiscal year 1879 the amount yielded by the tax was $25,601,000, which as a matter of course was for ten months at the old rate and for two months at the reduced rate. Now, mark the immediate effect on the next year. In 1880 the result of the tax was reduced to $21,804,000, or about $5,000,000 less than the year preceding the reduction. In 1881 the tax yielded $23,000,000, still not coming up to the old standard. This year it yields $26,000,000; I have not the exact figures. So the Senator is mistaken in saying that the 16 cents tax yielded $9,000,000 more than the 24 cents tax. On the contrary we have not yet got back to the collection of the amount of tax that we got the year before the change in the law.

But he says that there is a large increase in the entire tobacco tax. So there has been, but no larger than in any other tax that was not repealed or reduced. His argument is that the reduction of the tax did not cause a diminution of the revenue; on the contrary I have shown that it did cause a diminution of the revenues, but from some other causes, which he did not state, the amount of consumption has gradually increased until the revenue now at 16 cents a pound is nearly what it was four years ago at 24 cents a pound. He says that is caused by the reduction of the tax. On the contrary I can show the Senator that on four or five of the leading articles on which the tax was not reduced the increase of the production of the tax is fully 50 per cent. The increase upon taxes that were not reduced is at a higher rate per cent. than it is on the taxes that were reduced, in some cases.

Mr. BAYARD. Would it disturb the Senator from Ohio to allow me to make a suggestion?

Mr. SHERMAN. Not at all. I will hear what the Senator has to say.

Mr. BAYARD. We should address ourselves to the question of general taxation of a country whose productions and manufactures are so diversified as our own, in which the industries are so necessarily interdependent that it is impossible to select one and say that your diminution or advance of it shall not affect the rest. In my judgment wherever you make a prosperity, growing from a release from taxation upon one branch, say of agricultural industry of this kind, you will also affect the rest.

Mr. SHERMAN. I thought the Senator was about to ask a question.

Mr. BAYARD. The Senator will pardon me; I did not mean to interject more than to say this: it is fair to argue *post hoc propter hoc* and to say that if, in contradiction of the statement of the Senator from Ohio that if you took 8 cents a pound tax off tobacco you would diminish the revenue ten and one-half million dollars, you find, instead of that, you have increased it, then it is a fair argument that the release from the tax was an advantage to the industry and to the general prosperity of the country.

Mr. SHERMAN. Suppose I can show to the Senator from Delaware that on similar or kindred articles on which the tax was not reduced there was a larger percentage of increase during the same time than on the tax which was reduced, will he not conclude that on the whole this increase was caused by some other general cause, and not by the special reduction of taxation?

Mr. BAYARD. No, I would have to consider the article, take up its history, take up its use, because a great many taxes are thoroughly delusive for the reason that while producing no revenue they oppress business merely without producing revenue, and you cannot diminish revenue in that way.

Mr. SHERMAN. I will follow the Senator still further. Take the consumption of cigars and cigarettes, the tax on which has always borne a certain proportion to the tax on manufactured tobacco.

The tax on cigars and cigarettes was not decreased in 1879; the tax remained the same. Now, let us see what has been the result of the increase of revenue from the tax on cigars and cigarettes. In 1878, the tax yielded $11,719,000; in 1879, $12,532,000; in 1880, $14,922,000; in 1881, $17,088,000; and in 1882, I am told it is between eighteen and nineteen million dollars; so that the increase on cigars is a greater percentage, more than 50 per cent. increase on the consumption of cigars. What is the reason of that? The reason is simply that the country is generally prosperous, and the consumption of all of these articles has increased. The same thing is true in regard to whisky. There is another article the revenue from which has increased about 50 per cent. in the last three or four years. Why? Because there has been an increased demand for the consumption of it. The tax has not been reduced; on the contrary, the tax is too high on whisky, and when we come to deal with this question generally, I think I can show that it has got beyond the revenue point; but notwithstanding the high rate of taxation, in 1878 the whisky tax yielded $45,000,000; in 1879, $47,000,000; in 1880, $55,000,000; in 1881, $62,000,000, and in 1882 about $70,000,000, an increase of fully 50 per cent. since 1878. So that the increase does not depend upon the change of the tax. It depends upon the increased consumption, and that increased consumption does not depend on the reduction of the tax, but it depends upon the power and ability of the people to purchase.

Mr. BAYARD. And of the Government to collect.

Mr. SHERMAN. And of the Government to collect. I hope I have said enough in these simple figures to correct the fallacy that a reduction of the tax on tobacco does not cause a corresponding loss of revenue, because tobacco, whisky, beer, and sugar, and a few articles of that kind are not affected at all by the rate of taxation. They are in the nature of necessities; that is, people want them so much that they do not inquire particularly about the tax or do not count the tax when they consume them.

Now, take still a broader view of this subject; take the whole internal and external revenues of the country and you will find the same increase in all articles. In 1878 our customs duties were only $130,000,000; in 1879 they were $137,000,000; in 1880, $186,000,000; in 1881, $198,000,000; in 1882, $220,000,000; so that in four years the aggregate customs revenues have increased from $130,000,000 to $220,000,000, or fully 60 per cent. There is no reduction of taxes there; the taxes remain the same. It is only the increased prosperity of the country, the increased consumption of imported goods, the ability of the people to pay for them, that has caused this increase; and the whole doctrine on which my friend from Kentucky based his argument is utterly fallacious. Take also the internal-revenue taxes in the aggregate. In 1878 they were $110,000,000; in 1879, $113,000,000, a gradual increase, because the country was recovering from its collapse; in 1880, $124,000,000; in 1881, $135,000,000; in 1882, $146,000,000.

So you see that there is the same increase there on articles on which there was no reduction of taxation; and it seems to me I have read enough figures already to show that the argument of the Senator from Kentucky is utterly fallacious. Now, the yield of the tobacco tax is $26,000,000 on manufactured tobacco. If you reduce that tax one-fourth it amounts to six and a half millions. It is true that the quantity consumed may increase by the growth of our population and the prosperity of our country, and it may fall off by hard times and the inability of the people to buy and the substitution of cheaper articles in consumption, and so on. Many causes may combine to interfere; but you may take it as a substantial basis of any calculation you may make that if you throw off one-fourth the tax on tobacco it will be a decrease of six and a half millions of revenue; if you throw off one-half it will be thirteen millions.

Mr. BAYARD. The Senator just now read the statistics of production, and tax, and revenue upon distilled spirits, and showed that although the tax had not been reduced, the revenue had increased. Does not the Senator know that almost the whole of our export of alcohol to Europe has been a trade created within the last five years?

Mr. SHERMAN. That does not give any tax.

Mr. BAYARD. But it is just the relief of that amount, of fifteen or sixteen million dollars.

Mr. SHERMAN. If I was speaking about the quantity of whisky manufactured in this country, that would be a proper element of calculation; but when I speak of the tax collected, as the exported article does not pay a tax, it does not make any difference. All I wished to do was to show that the increase in the tobacco tax yield which has only come up now about to the standard of what it was in 1878 before the tax was reduced, was not due to the reduction in the rate. It took four years to recover from it. It has not increased at the same rate per cent. per annum as any other tax or as the aggregate of all the taxes, internal and external, and therefore the argument of my friend from Kentucky upon which he felicitated himself as having shown that the Senator from Vermont and myself were egregiously in error, is an utter mistake. The advance of our income, the increase of our internal and external taxes has grown out of the prosperity of the country which commenced you may say in the summer of 1878, increasing in geometrical ratio from that time to this. There is no doubt about that. It has extended to all branches of business and all branches of revenue, external and internal.

No doubt the ability of our people to consume, and the increased consumption, have added somewhat to the result of the tax on tobacco, but the increase of the tax on tobacco is a less per cent. than it is on almost any other article on the list, which proves conclusively that the reduction of that tax was not the cause of that increase of revenue, because the increase of that revenue is less per ratio than upon almost any leading article. Take sugar, for instance. I could give the figures on sugar, but it is not necessary, as I have

given the figures on other leading articles of internal and external revenue.

I desire to say no more, Mr. President.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the committee.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. ALDRICH. Mr. President, the amendment offered by my friend from Kentucky, upon which the Senate is now to vote, I hope, is one of a series of important amendments offered by that Senator. These amendments if adopted—and he has given notice concurrently with the consent of at least one-half the Chamber that he intends to press them for adoption—would result in serious disaster to the public revenue.

For the purpose of assisting Senators somewhat in the consideration of this bill and its amendments, I propose to offer and have printed in the RECORD a carefully prepared statement of the probable receipts and expenditures for the fiscal year ending on the 30th of June, 1883. The receipts are based on the receipts for the last fiscal year, with the reductions made by the bill as reported from the Committee on Finance estimated upon the receipts of the last fiscal year, except upon sugar and molasses, and as to those I submit a statement for this and the last fiscal year. I will not stop to read the detailed statement, but merely say that the total estimated receipts after making these reductions will amount to $367,107,639. The expenditures are based upon the appropriations which have been already made on appropriation bills which have become laws, and in the case of the sundry civil and naval bills as they passed the House, and the legislative, river and harbor, and deficiency bills, on the basis that they now are in conference committees. To those I have added the interest on the public debt and other permanent appropriations as estimated by the Treasury Department, making a total of estimated expenditures for the next fiscal year of $318,259,008.92, allowing a surplus of receipts over expenditures of $48,908,630.08.

From this, if we deduct the estimate required for the sinking fund by the Secretary of the Treasury, we have a net surplus for the fiscal year ending June 30, 1883, of only $3,296,915.86. From this should be deducted the probable increase in the sundry civil bill in the Senate, which has been estimated to me by members of the Committee on Appropriations at nearly $2,000,000. We should deduct from this also a probable appropriation for the printing of the census reports to the amount of $1,000,000. This, it will be seen, will nearly destroy the apparent net surplus for the next fiscal year. This statement does not include the inevitable deficiencies which always occur from year to year near the close of the fiscal year.

It is therefore very evident that if we intend to pay on the public debt the amount estimated as required by the sinking fund of $45,611,714.22, we cannot further reduce the revenue than to the amount of the bill now pending before the Senate with the amendments of the Committee on Finance.

The Senator from Kentucky has offered several amendments to this bill, to which I propose very briefly to call the attention of the Senate. He proposes to reduce the tax upon whisky from 90 cents to 50 cents a gallon, or a reduction of $27,650,000. He proposes to reduce the tax upon tobacco to 10 cents a pound, or a reduction of $8,800,000. He now changes his amendment to 12 cents a pound, making a reduction of $5,878,962.69. He proposes in addition to this to reduce the duties on all imports, except sugar and molasses, 10 per cent. on the 1st of January, 1883, or a gross amount of $16,000,000. He proposes a further reduction on the 1st of July, 1883, of another 10 per cent., or $14,400,000. He proposes to reduce all duties, by a statement he has sent to the desk to be printed, to 50 per cent. ad valorem, making a reduction according to his own statement of $15,000,000. He proposes to take all customs duties from ships and from the materials of which ships are composed, and I have no idea as to the amount which that would reduce the revenue, if at all.

The amendments to which I have called the attention of the Senate offered by the Senator from Kentucky amount, in addition to the reduction proposed by the bill as now pending, to $81,850,000, and if adopted would not only destroy the sinking fund but reduce the net receipts below the actual and ordinary expenses of the Government about $40,000,000.

Other Senators on the other side have offered amendments; for instance, the Senator from Virginia [Mr. JOHNSTON] has given notice of an amendment to take off the entire tobacco tax and to allow a rebate on the stock on hand, which would amount to about $46,000,000, in addition to the amendments suggested by the Senator from Kentucky.

The Senator from North Carolina [Mr. VANCE] has offered a very large number of elaborate amendments to the bill. I have no idea what the amount of reduction would be by them, but it must be very considerable if they should be adopted by the Senate.

The Senator from Mississippi [Mr. GEORGE] has offered a number of amendments to the bill to reduce the revenue.

I have stated what we really shall have if this bill is adopted; and I do not understand that the Senators on the other side have objected to the bill of itself. They have stated that it did not go far enough. The only fault they have found with it, as shown by their speeches and by their proposed amendments, has been that it did not extend far enough in the direction of the reduction of taxes. The Senator from Delaware [Mr. BAYARD] has announced his adhesion to the general principles of the bill, and I think to its details to a very large extent. He finds fault that the bill does not go far enough, as the other Senators do who have spoken on the other side of the Chamber.

Now, what are the facts? We find ourselves with no surplus revenue above the amount required for the sinking fund; and with that statement the Senator from Kentucky puts in the forefront of this reduction of taxes the reduction of the tax on tobacco, and says to us in effect, "If you do not reduce the tax on tobacco I shall not support your bill; I consider that of more importance than the reduction of any other tax in the bill." And he announced—and I hope I do not do him any injustice in that—his approval of a certain statement made by the chairman of the Committee on Ways and Means [Mr. KELLEY] in New York at a convention some months ago; and he states that he would like to go as far as Mr. KELLEY would go in the reduction of internal-revenue taxes.

After my statement has been presented and printed—and if it is not correct I shall invite the correction of any Senator on the Democratic side of the Chamber—I shall watch with some anxiety and with some curiosity to see if Senators who are so strongly in favor of tariff reform, who are so anxious to reduce the duties upon imports, will vote for a reduction of the tax on tobacco when they know that the inevitable effect will be to prevent the reduction of the duties on imports; that is, unless they want to destroy the sinking fund.

When the bill reported from the Committee on Finance in relation to refunding was before the Senate, the chairman of the Committee on Finance stated that he did not think it probable we could reduce the public debt more than $350,000,000 within the next five years, or an average of $70,000,000 a year. Democratic Senators scouted the idea, and they stated, the Senator from Kentucky speaking for them, that they believed it was possible to pay the entire debt represented by the 3½ per cent. bonds within a period of three years, or $117,000,000 a year. Now, when we have at the most a sufficient surplus to pay the amount of the sinking fund, they propose to reduce taxes to the extent of more than $100,000,000, and that in the face of a declaration that they hoped and intended to pay even $550,000,000 within the next three years. The increase in expenditures of the fiscal year 1883 over those of 1882 amounts to $59,372,471.59.

Mr. BECK. That means the appropriations for the year.

Mr. ALDRICH. That means the annual appropriations and the permanent appropriations.

Mr. BECK. The permanent appropriations remain the same.

Mr. ALDRICH. Yes; they remain unchanged.

Mr. BECK. Will the Senator tell us how that $59,372,471.59 is made up?

Mr. ALDRICH. With pleasure. The increase in pensions is $41,807,641; the additional clerks in the Pension Office, as estimated, $1,700,000; additional appropriations in the river and harbor bill, $8,591,725; increase in general deficiency made necessary by the inadequate appropriations of the preceding Democratic Congress, $7,265,054.96.

Mr. BECK. Nearly all that deficiency grows out of pensions, I think, as the Senator will observe.

Mr. ALDRICH. None of the deficiency I am now alluding to.

Mr. BECK. There are $16,000,000.

Mr. ALDRICH. That is not included in the statement I am now making. There is an increase in general deficiencies of over $7,000,000, made necessary, as I have stated, by the inadequate appropriations of the last Congress.

Mr. BECK. Does the Senator expect that there will be less than $7,000,000 deficiency at the end of next year, notwithstanding the larger appropriations we are making for the coming year, growing out of the defiance of law of the officers of the Departments?

Mr. ALDRICH. The ordinary deficiency appropriations, I think, have been in the neighborhood of $5,000,000. This year they have aggregated $29,000,000; but that includes, of course, pension deficiencies and general deficiencies on account of the general purposes of the Government, an increase, as I have said, of between seven and eight million dollars. I make these statements not for the purpose of making an argument on the subject, but that they may be printed in the RECORD, where Senators can examine them.

The table presented by Mr. ALDRICH is as follows:

Statement for fiscal year ending June 30, 1883.

RECEIPTS.

Receipts for fiscal year ending June 30, 1882		$403,853,475 00
Reductions made by H. R. bill 5538 as amended by Finance Committee:		
Tax on capital and deposits, banks and bankers	$5,073,830 00	
Tax on capital and deposits of national banks	5,372,178 00	
Tax on matches, perfumery, medicinal preparations, and other articles in Schedule A	7,574,099 00	
Dealers in leaf and manufactured tobacco	1,137,852 00	
Tax on cigars, cheroots, and cigarettes	6,602,464 00	
Tax on sugar and molasses	9,595,427 00	
Tax on steel railway bars	1,329,986 00	
		36,685,836 00
Total estimated receipts		367,167,639 00

EXPENDITURES.

Pensions		$100,000,000 00	
Military Academy		335,557 04	
Fortifications		380,000 00	
Consular and diplomatic		1,256,655 00	
Navy		15,421,176 80	
Post-Office	$44,643,900 / Less receipts, 43,000,000	1,643,900 00	
Indian		5,217,803 91	
Army		27,258,000 00	
Legislative		20,032,380 65	
Sundry civil		23,976,783 66	
District of Columbia		1,700,347 01	
River and harbor		20,147,575 00	
Miscellaneous acts (estimated)		5,000,000 00	
Agricultural		427,280 00	
Deficiency bills	Amt. of bills, $29,686,432 68 / Paid prior to June 30, 1882, 14,816,107 83	14,870,324 85	
Interest on public debt		65,000,000 00	
Permanent annual appropriations		15,591,225 00	
Total estimated expenditures			$318,259,008 92
Surplus			48,908,630 08
Sinking fund			45,611,714 22
Net surplus			3,296,915 86

Mr. BECK. Mr. President, I do not propose to delay a vote; but I have a word to say, and I will begin with the statements made by the Senator from Rhode Island, [Mr. ALDRICH,] who is endeavoring to show, if I understand him correctly, that our expenditures will be so large for the fiscal year just begun that we ought not to make any reductions at all, or, if any, very few; that we cannot afford to take off even 4 cents from the tobacco tax for fear we shall cripple the sinking fund, which fund always comes to the front as one of the sacred things that must be preserved. Under the pretense of providing for that fund in 1875, the 10 per cent. taken off the tariff in 1872 was restored and the tax on whisky was increased from 70 to 90 cents, and on tobacco from 20 to 24 cents per pound. That increase was pressed with much emphasis by the Senator from Vermont and the Senator from Ohio. They never fail to demand that the sinking fund must always be cared for. Now it seems the sinking fund is in danger again; it always is, and always will be, the moment a proposition is made for substantial relief to the tax-payers of the country.

I should like to know, by way of parenthesis, why it is, if the sinking fund is in so much danger, that $2,226,503 is to be taken out of the Treasury and given to the owners of patent medicines? Are they a suffering class? Will the Senator from Rhode Island be kind enough to tell me why it was so very urgent that the Committee on Ways and Means of the House and the Finance Committee of the Senate could find no more meritorious object of reduction than to give nearly $2,300,000 to the owners and venders of patent medicines when the sinking fund was in danger? I pause for a reply. I am anxious to be enlightened.

Mr. ALDRICH. The intention of both committees and of the House of Representatives, as I understood, was to remove all the internal-revenue taxes except such as were collected on whisky, tobacco, and beer.

Mr. BECK. Does the Senator think this particular gift to these patent-medicine men is going to relieve the country from any burden? If not, we might save that much to the sinking fund, and that would be more than the loss we shall incur by my proposition to reduce the tax on tobacco. Is it more meritorious to make a donation to the owners of patent medicines of $2,300,000 than to reduce $2,300,000 for the benefit of the producers and consumers of tobacco all over the country?

Mr. ALDRICH. I presume the Senator from Kentucky will agree with me that there is a much larger proportion of people in this country who use patent medicines than ought to.

Mr. BECK. If I had my way I would prohibit the manufacture of patent medicines, just as I would prohibit the carrying of pocket pistols. I think one is about as dangerous to the life of the people as the other.

Mr. ALDRICH. I doubt very much whether the Senator from Kentucky would be willing to keep an annoying stamp tax upon these articles alone when everything else had been relieved. I want to call the Senator's attention to a fact which may not be known to him, that in the last House of Representatives a Democratic Committee on Ways and Means presented to the House a unanimous report in favor of taking off precisely the same internal-revenue taxes which we now propose to take off by this bill.

Mr. BECK. I understand the Senator from Rhode Island to say that in the opinion of the Committee on Finance of the Senate they could afford to give away $2,226,503 to the owners of patent medicines, even if the sinking fund was in danger, it being one of the few things that they thought worthy of going before the country upon as a great relief measure.

There has been a wonderful amount of humbug thrown into the Senate about this sinking fund. Although the Senator from Ohio, when Secretary of the Treasury, told us that we had paid about $228,000,000 more than it required, he insisted in 1875, and the Senator from Vermont, the chairman of the Committee on Finance, in his anxiety to preserve this sacred fund demanded an increase of taxation on tobacco, whisky, cotton, woolens, iron, sugar, &c., of over $37,000,000, which resulted in a loss of $29,000,000 revenue the next year, instead of an increase of $37,500,000, as they assured us it would furnish in order to protect the so-called sinking fund; $37,500,000 increase would follow the increase was the assurance we received from the Senator from Ohio, and from the Senator from Vermont, then chairman of the Finance Committee, as the effect of increasing the tax on sugar, the tax on whisky, and the tax on tobacco, and restoring the 10 per cent. which Congress had taken off in 1872 from the general tariff; but instead of increasing $37,500,000, we lost in the second year $29,000,000. The effort to protect the sinking fund was a miserable failure by that mode of proceeding.

At that very time, when the sinking fund was so sacred that we had to pay fifty-odd million dollars a year, they had so arranged the public debt that $738,000,000 of the debt could not be paid without going into the market and buying it at any premium the holders of it might see fit to ask till after 1907. I repeat, to emphasize it, $738,000,000 of it was postponed till 1907 by previous laws, so that no sinking fund can be applied to it; and to-day the condition of our indebtedness is such—I ask the Senator from Rhode Island if my statement is not true—that we cannot from now until 1907 pay on an average to the sinking fund more than $28,000,000 a year. Still they are demanding and insisting that it is repudiation not to pay all that we are told the sinking fund requires.

Mr. ALDRICH. I will answer the Senator from Kentucky with pleasure. On or before the year 1891 we can pay off $700,000,000 of the public debt.

Mr. BECK. If so, what can we pay from 1891 to 1907?

Mr. ALDRICH. That is not the question I am now discussing.

Mr. BECK. That is the question, considering the permanent arrangement of our bonds.

Mr. ALDRICH. We can pay for the next ten years $76,000,000 a year to reduce the public debt without buying a dollar of bonds at a premium, and I believe it to be the duty of the Congress of the United States to see that they are paid.

Mr. BECK. The Senator from Rhode Island is too good a business man not to understand my proposition. The amount that he proposes to pay between now and 1891 is all that we can pay until 1907, and Congress has so arranged the debt that we cannot pay the remaining $738,000,000 before 1907 without going into the market and buying the bonds at any premium the holders may see fit to ask.

I repeat that $28,000,000 a year is all that we can pay on the sinking fund on an average from now till 1907, when the last $738,000,000 falls due; and it is no answer to me to say that we can pay between now and 1891 $76,000,000 and leave the gap between 1891 and 1907 to take care of itself. The party to which the Senator belongs has so arranged the bonds and so fixed the time of their maturity that they cannot be paid till 1907, at least $738,000,000 of them, and all we can pay as a sinking fund is $28,000,000 a year average between now and that time; and then to tell us we are obliged to provide for the sinking fund and pay it all before 1891 and leave nothing to pay from 1891 to 1907 would go very far to carry out the idea of the Senator from Ohio, stated the other day, that we were children if we argued in that way with each other.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. ALDRICH. Does the Senator think it would have been the duty of the Secretary of the Treasury with $150,000,000 surplus in the last year to have paid but $28,000,000 on account of the public debt?

Mr. BECK. Oh, no; I do not. I think he ought to pay every dollar he has got and pay more than he has paid, and credit the sinking fund or charge it with all so paid.

Mr. ALDRICH. Do you not think it the duty of Congress——

Mr. BECK. But I deny that it is the duty of any Senator to seek to alarm the Senate about a sacred sinking fund of $50,000,000 a year that has to be provided for and tell us that we cannot reduce taxation because we must provide for that, when the average between now and 1907, when the last $738,000,000 fall due, is only $28,000,000 a year. I propose to reduce taxation and remove burdens with the difference between $28,000,000 and $50,000,000, and to do so in such a way as to benefit the tax-payers at least twice as much as the revenue is reduced.

Our debt was over $2,700,000,000 in 1866–'67; now it is less than $1,700,000,000; yet we are to be told about a sinking fund of $50,000,000 and odd a year to be kept up, nearly as much as the interest on our debt, so that we cannot reduce taxation because we are likely to endanger that absurd fund. That is one of the things I hope the Senate will not be frightened about any longer; they were frightened into an increase of taxation of 4 cents on tobacco and 20 cents a gallon on distilled spirits, of 10 per cent. on the general tariff taxation that we relieved the people from in 1872 on all the cotton, the woolens, and iron products of the country, as a bonus to the manufacturer; upon the same false plea that the sinking fund was in danger, when, as I said, the Secretary of the Treasury himself had shown that we were $228,000,000 in advance of all its requirements.

I admit that although our debt is only about $1,700,000,000 or under we owe more to-day in gold and silver coin than we got from the bondholders and the bankers for the $2,700,000,000 that we

owed in 1866. The money they paid us for our then great indebtedness in gold and silver coin would pay all that we owe to-day, and all the struggle we have been going through for the last fifteen years to reduce our debt from $2,700,000,000 to $1,700,000,000 has only been making up to them the difference between the value of the gold they paid us and the present gold we have to pay them now. But I care nothing about that. It is too late to grumble now. They made that much; they get everything they demand; everything goes to them; we all belong to them; that is all right, in the opinion of gentlemen on the other side.

The Senator from Rhode Island said that I had made a series of propositions which are going to take $80,000,000 or $100,000,000 from the revenue, and that we cannot afford to give up more than $40,000,000 or $50,000,000 because of our enormous expenditures. Why, sir, the fact remains, though the Treasury Department has been at work for the last five years to separate the different items that make up the tax on tobacco in all its forms, that the yield from tobacco was under $40,000,000 in 1879, under the 24-cent tax, and it is $47,000,000 now. We were told that we would lose $12,000,000 by the reduction to 16 cents. We are $8,000,000 or $9,000,000 ahead; yet since they told us we would lose $12,000,000 by the reduction they have been working from that day to this with all the ingenuity possible to prove that on this item we had increased, and on that item we had decreased, and on this we had not come up, and on the other we had not come up. The great fact remains that the tobacco industry of the country now pays eight or nine millions more than it did when we reduced the tax.

You are told that I want to take off the tax on distilled spirits and another great reduction of revenue would follow. I deny that. I presented a table some time ago showing that the amount of spirits withdrawn on which the tax was paid rose from 6,700,000 gallons in 1868—when there was a 2-dollar tax, when everybody was cheating, and the chairman of the Committee on Ways and Means of the House, General Schenck, said in his place that there was not 10 per cent. stolen except with the direct connivance of Treasury officials—to 76,339,000 gallons in 1870 under a 50-cent tax, and it never reached a higher point than 67,000,000 gallons in 1881 under a 90-cent tax. More gallons by 9,000,000 were withdrawn and paid for in 1870, when the population of this country was about 38,000,000, than in 1881 at 90 cents, when the population was over 50,000,000, according to the census. What is the meaning of that? It is that the reduction of the tax from $2 to 50 cents caused the withdrawal of tax-paid spirits to raise from 6,700,000 gallons to 76,000,000 gallons in two years after at a 50-cent tax.

The increase to 90 cents, with twelve or thirteen millions more of population, reduced it down to 67,000,000 gallons in 1881. These are the official figures. The reduction to-day to 50 cents would so far facilitate the manufacture and export and the use of it in every branch of industry, in everything into which alcohol goes, that, instead of reducing in proportion, as it is said it will do, it would increase the revenue next year. The high tax causes the trouble we have now; the immense quantity lying in bond is because consumption does not keep pace with production. I submit the table showing these results:

Statement of the quantities of spirits distilled from materials other than fruit, produced, withdrawn for consumption, remaining in warehouse at close of year, and exported; also the several rates of tax per gallon at which collections were made, the amount of tax collected on spirits withdrawn for consumption, and all other taxes relating to distilled spirits, by fiscal years, from September 1, 1862, to June 30, 1881.

[The production for 1863 and 1864 includes spirits distilled from apples, peaches, or grapes.]

Fiscal year ending June 30—	Quantities of spirits distilled from materials other than fruit.				Amount of tax collected.			Rates of tax per gallon on spirits distilled from materials other than fruit since 1865, and from all materials whatever prior to that date
	Produced.	Withdrawn, tax-paid.	Remaining in warehouse June 30.	Exported.	On spirits withdrawn from warehouse tax-paid, and on spirits distilled from fruit.	From all other sources relating to distilled spirits.	Total.	
	Gallons.	*Gallons.*	*Gallons.*	*Gallons.*	*Gallon-tax.*			
1863 (ten months)	16, 149, 954	16, 149, 954	.....	.....	$3, 229, 991	$1, 946, 539	$5, 176, 530	20 cents.
1864	85, 295, 393	85, 295, 393	.....	.....	28, 431, 798	1, 897, 352	30, 329, 150	20 and 60 cents.
1865	16, 936, 777	16, 936, 777	.....	.....	16, 007, 707	2, 723, 715	18, 731, 422	$1.50 and $2.
1866	23, 814, 051	14, 599, 289	6, 081, 551	.....	29, 482, 078	3, 786, 094	33, 268, 172	$2.
1867	32, 299, 629	14, 148, 132	17, 887, 272	4, 654, 816	29, 164, 409	4, 378, 543	33, 542, 952	$2.
1868	16, 395, 651	6, 709, 547	27, 278, 420	4, 128, 188	14, 290, 731	4, 364, 900	18, 655, 631	$2.
1869	53, 367, 884	61, 183, 559	16, 685, 166	1, 173, 226	33, 735, 324	11, 335, 907	45, 071, 231	$2 and 50 cents.
1870	71, 497, 099	76, 339, 807	11, 671, 886	915, 629	39, 245, 099	16, 360, 995	55, 606, 094	50 cents.
1871	54, 576, 446	59, 503, 972	6, 744, 360	780, 153	31, 157, 314	15, 124, 534	46, 281, 848	50 cents.
1872	68, 275, 745	64, 914, 471	10, 103, 392	950, 213	33, 117, 789	16, 357, 727	49, 475, 516	50 cents.
1873	68, 236, 567	62, 971, 413	14, 650, 148	2, 358, 630	43, 131, 665	8, 968, 307	52, 099, 372	50 and 70 cents.
1874	68, 805, 374	61, 763, 700	15, 575, 224	4, 060, 160	43, 807, 094	5, 636, 996	49, 444, 090	70 cents.
1875	60, 930, 425	62, 580, 998	13, 179, 596	587, 413	46, 877, 938	5, 204, 053	52, 081, 991	70 and 90 cents.
1876	57, 959, 647	56, 989, 389	12, 595, 850	1, 308, 900	51, 390, 490	5, 035, 875	56, 426, 365	90 cents.
1877	59, 912, 268	56, 848, 525	13, 091, 773	2, 529, 528	52, 671, 291	4, 798, 139	57, 469, 430	90 cents.
1878	56, 103, 053	49, 573, 128	14, 088, 773	5, 499, 252	45, 626, 533	8, 794, 283	50, 420, 816	90 cents.
1879	71, 892, 621	51, 885, 939	19, 212, 470	13, 837, 581	47, 709, 464	4, 860, 821	52, 570, 285	90 cents.
1880	90, 355, 270	61, 100, 362	31, 362, 869	16, 765, 066	55, 919, 119	5, 266, 390	61, 185, 509	90 cents.
1881	117, 728, 150	67, 372, 575	64, 648, 111	15, 921, 482	62, 214, 128	4, 939, 847	67, 153, 975	90 cents.
Total	1, 090, 372, 004	946, 864, 930	294, 856, 861	76, 470, 837	707, 209, 362	127, 781, 017	834, 990, 379	

Again, the Senator from Rhode Island said that I proposed by my amendments to reduce the duty on Bessemer steel from $28 to $14 a ton, and thus take off half the revenue from that source. The duty is substantially prohibitory now. Reduce it to $14 and you will double the revenue, yes, quadruple it.

When I propose to reduce every item which pays more than 50 per cent. ad valorem, the Senator says that I am cutting the revenue down $15,000,000. That is the normal appearance of the reduction, no doubt; but instead of its being a diminution of revenue the result will be to bring down the duties from 100 to 50 per cent. in many cases, and the result will be in many items to double your revenue while you will relieve the people from five or ten dollars of taxation for every dollar of tax that you take off, and you will only bring down the profit of the protected manufacturer. Make a tax prohibitory and you get nothing. That is obvious, and then the protected manufacturers make people pay whatever they choose.

Bring duties down to the revenue point, (and surely 50 per cent. is the highest percentage you can call a revenue point,) and you make competition possible with somebody else; men must now send their corn and wheat and tobacco and cotton to foreign countries to find a market, as 70 per cent. of the cotton goes abroad and three-fifths of the tobacco goes abroad, and our producers can only sell to men from whom they will buy; they have got to swap with the men of Germany, of England, and of France. Bring down your duties to 50 per cent. of the value of the thing they have to take in exchange for their cotton, their wheat, and their tobacco, and you double your revenue, instead of compelling them to buy from some manufacturer in Rhode Island or New England at any price the man asks and give the Government nothing.

My amendment seeks to bring about that result. Why should the man who sends his wheat abroad—and 36 per cent. of all raised in the great Northwest has to go abroad for a market—why should the man who raises cotton—and 71 per cent. of it has to go abroad to find a market—why should the man who raises tobacco—and three-fifths of all raised here has to go abroad to find a market—why should they be compelled to bring the money back home and buy what they need and are compelled to have in order to carry on their business at more than 50 per cent. more than it is worth, when they could swap their cotton, tobacco, and wheat with the men of Germany, France, and England at a fair and reasonable rate, and get what they want?

That is the meaning of the struggle the men of New England are making. All they want seems to be to help the banks, help the patent-medicine men, and pretend that they are going to aid us by taking off the tax on matches. They think they will fool somebody by that, and if they attack anything in the tariff attack the sugar, the cotton-ties, and say "these are the only meritorious objects of attack." If the men of the West, the men of the great Mississippi

Valley, the men of the South, are going to lend themselves to a scheme of plunder like that, they are worse than serfs and vassals to the monopolists of the East.

I want fair taxation. I want fair and honest relief. There are other men besides bankers and patent-medicine venders in this country. There are other interests paramount to theirs. I deny that a single amendment that I have offered will be deleterious to the best interests of the country. Why, sir, the Republican Congress in 1872 took off 10 per cent. which was restored under a fraudulent pretense about the sinking fund in 1875. The Senator from Massachusetts [Mr. DAWES] advocated it then. The war taxes had been removed, the income tax was gone, the 5 per cent. on manufactures was gone; a thousand embarrassments that had been thrown in the way during the necessities of the war on the manufactures of the country by internal-revenue taxation were removed; and in 1872 when decency required something to be taken off to correspond with this the sinking fund came to the front again, as it comes now to increase taxation; and under the pressure in 1875 that 10 per cent. was reimposed. They are hanging on to it now. Seven years after we have reduced the debt so low that we cannot pay more than $28,000,000 a year to the sinking fund on an average between now and 1907 still they claim that we are seeking to bankrupt the country if we even ask to go back to the condition of things that existed in 1872 and insist that the 10 per cent. which common decency then required should be taken off shall be again removed from us.

I know I shall be charged with delaying a vote or seeking to defeat the bill if I say any more. I want a vote, and I want a vote by yeas and nays on every proposition. I will reserve what else I want to say and say it to the people in the great Mississippi Valley; but I want the yeas and nays on every one of these amendments; and let me say to all Senators on both sides that we are educating the people pretty rapidly. We may not get relief now, but it will come after awhile. They cannot be deceived long, and I am willing to bide my time. I want the yeas and nays to see who it is that wants to keep the taxes up and who it is that seeks to give relief to the people.

Mr. ALDRICH. Mr. President, I feel a very deep regret to find that the Senator from Kentucky has abandoned the Democratic doctrine, as fairly delineated by the Senator from Indiana [Mr. VOORHEES] a few days since. I feel a deeper regret, however, to find that he has changed his mind as to the payment of the public debt; and I want to call his attention just a moment to language which he used on the 24th of January, in the debate on the funding bill, when he said:

> I have changed my opinion as to what is best, and I will take the chances of being able to pay off this debt in three years, as two Secretaries, the present Secretary and the late Secretary, Mr. WINDOM, have said we can.

Mr. MORRILL. I will not delay the Senate but a moment. I mean myself to make an honest and sincere effort to reduce taxes to the amount of the bill proposed with the amendments from the Committee on Finance, that is to something like $40,000,000. I cannot go for the utter extinction of the internal revenue derived from tobacco and whisky and beer duties. I know it is suggested on the part of some that all the war taxes should be removed; gentlemen want to get rid of them. We cannot get clear of the result of that war by removing these taxes. There is a debt to be paid; there is a pension list to be paid; and while our debt is so large and our annual appropriations are so largely increased in consequence of the pensions, we must necessarily have a large revenue.

The Senator from Kentucky, and the Senator from Delaware who first addressed us on this subject, represent that if we reduce the taxes upon tobacco we are going to gain thereby and that we have gained about $7,000,000 in consequence of the reduction made in 1879. I believe that the Senator from Ohio utterly annihilated the idea that we have made a gain in consequence of reducing the tax on tobacco. If we have made any increase of revenue it has been in consequence of the increased prosperity of the country and that always affects taxes upon liquor and upon tobacco.

Mr. President, the arithmetic of the Senators who figure out this gain is very much akin to the arithmetic of the man that was urged to buy a stove because it would save half of his wood. Senators represent that if this tax were reduced to 8 cents it would increase the revenue $7,000,000; that would make $14,000,000, with what we have already increased the revenue, according to their statement. Then, if we were to reduce the tax to nothing, we should have, I suppose, double the revenue. The man who was about to buy the stove, when told that he would save half of his fuel, said, "Then if I buy two I shall save the whole of it." [Laughter.] It seems to me that the arithmetic here is first cousin to that of the stove man.

But, Mr. President, we are called on to reduce the tax on tobacco when nobody has asked us to reduce it. We have not a petition from a producer or a manufacturer in favor of this reduction. The most that they have said is that if you reduce the tax you must either postpone the time when it shall go into operation or allow a rebate of the taxes already imposed. Mr. President, it does seem to me——

Mr. HARRIS. Does the Senator from Vermont propose to allow a refund of the taxes imposed on matches and proprietary medicines, and other things that he proposes to reduce taxes upon?

Mr. MORRILL. No, sir. We propose to postpone the day when the operation of the law is to take effect, so that the stocks on hand may be disposed of.

Mr. HARRIS. I should be glad to ask the Senator from Vermont why it is that he is compelled to grant a refund in respect to the reduction of the tax on tobacco any more than on the other things that are taxed by the internal-revenue laws?

Mr. MORRILL. We do not propose to do it. But I say the telegrams I have received (and I have received a great many, as well as letters) ask that if the tax is reduced there shall be a rebate or refund of the tax or that it shall be postponed. I receive quite a number of communications urging that nothing shall be done in relation to tobacco until 1884.

But, Mr. President, I am more anxious for a vote than I am to discuss this matter, and if we can have a vote it is all I desire. I mean, at all events, that if this tax bill is defeated it shall not be defeated by me, and I trust not by the party to which I belong.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the Committee on Finance, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.] I suppose he would vote "nay." I should vote "yea," but for the pair.

Mr. FRYE, (when his name was called.) I have had a pair with the Senator from Georgia [Mr. HILL] nearly all this session of Congress, with a private understanding that I should vote on all questions that were not political in themselves, and also refrain from voting where I myself believed that he would take an especial interest in the subject and in a different way from what I would. I suppose the Senator from Georgia, if here, would be very desirous of voting in favor of this amendment, and therefore, under the understanding with him, I will announce my pair and refrain from voting.

Mr. GEORGE, (when Mr. JACKSON'S name was called.) The Senator from Tennessee [Mr. JACKSON] is paired with the Senator from Connecticut, [Mr. PLATT.] If he were present, the Senator from Tennessee would vote "yea."

Mr. LAPHAM, (when his name was called.) On these questions I am paired with the Senator from Ohio, [Mr. PENDLETON.] If he were here, he would vote "yea" and I should vote "nay."

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from Georgia [Mr. BROWN] upon all political questions, and any other questions where we should vote differently. I should like to know what his position would be on this amendment, if any Senator can inform me.

Mr. MORGAN. The Senator from Georgia left me this memorandum: "I would vote for a reduction of the internal revenue in the best shape I can get the bill."

Mr. MCMILLAN. Then you understand he would vote for this amendment?

Mr. MORGAN. I think it very clear that he would.

Mr. MCMILLAN. I would vote "nay," and he would vote "yea." I withhold my vote in his absence.

Mr. PLATT, (when his name was called.) As has been announced, I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were here, I should vote "nay."

Mr. ROLLINS, (when his name was called.) I have a general pair with the Senator from Florida [Mr. JONES] on political questions. I suppose if the Senator were present, he would vote in favor of this amendment, as he would probably vote with his colleague, [Mr. CALL.] I shall therefore withhold my vote. I should vote "nay."

Mr. SAUNDERS, (when his name was called.) On political questions I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were here, I should vote "nay."

Mr. SEWELL, (when his name was called.) On this question I am paired with my colleague, [Mr. MCPHERSON.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. WALKER. My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, my colleague would vote "yea."

Mr. HILL, of Colorado. I am paired on this question with the Senator from Nevada, [Mr. FAIR.]

Mr. MAHONE. As stated in the outset, I shall vote against this amendment, because I intend to offer another one when we get to the proper place. I vote "nay."

The result was announced—yeas 29, nays 26; as follows:

YEAS—29.

Bayard,	George,	Jones of Nevada,	Vance,
Beck,	Gorman,	Kellogg,	Vest,
Butler,	Groome,	Maxey,	Voorhees,
Call,	Grover,	Morgan,	Walker,
Camden,	Hampton,	Pugh,	Williams.
Cockrell,	Harris,	Ransom,	
Coke,	Johnston,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	

NAYS—26.

Aldrich,	Blair,	Chilcott,	Dawes,
Allison,	Cameron of Pa.,	Conger,	Ferry,
Anthony,	Cameron of Wis.,	Davis of Illinois,	Harrison,

Hawley,	Mahone,	Morrill,	Van Wyck,
Hoar,	Miller of Cal.,	Plumb,	Windom.
Logan,	Miller of N. Y.,	Sawyer,	
McDill,	Mitchell,	Sherman,	

ABSENT—21.

Brown,	Hale,	Lamar,	Rollins,
Edmunds,	Hill of Colorado,	Lapham,	Saunders,
Fair,	Hill of Georgia,	McMillan,	Sewell.
Farley,	Ingalls,	McPherson,	
Frye,	Jackson,	Pendleton,	
Garland,	Jones of Florida,	Platt,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Committee on Finance as amended.

Mr. ALLISON. Let it be reported.

The ACTING SECRETARY. After the word "the," in line 6 of section 1, the committee proposed to strike out the following words:

Stamp tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the six months period ending, in the case of national banks, on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

And, as amended by the amendment of Mr. BECK, it is proposed to insert in lieu thereof:

Taxes now imposed by law on manufactured tobacco on and after January 1, 1883; and from and after that date the tax on manufactured tobacco shall be 12 cents per pound; and on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and.

So as to read:

That the taxes herein specified, imposed by the laws now in force, be, and the same are hereby, repealed as hereinafter provided, namely: The taxes now imposed by law on manufactured tobacco on and after January 1, 1883; and from and after that date the tax on manufactured tobacco shall be 12 cents per pound; and on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A, following section 3437 of the Revised Statutes.

Mr. BECK. Are those items divisible? There are some that I should like to vote for and some that I should like to vote against; for example, the tax on bank capital, the tax on bank deposits, and the tax on perfumery and medicinal preparations.

The PRESIDENT *pro tempore*. The Senator may move to amend; but it is all one entire question.

Mr. BECK. What I wish to know is if I may properly ask for a separate vote on each item, as the tax on bank capital, which is one thing, and the tax on checks, which is another.

Mr. SHERMAN. That can only be done by amendment.

The PRESIDENT *pro tempore*. The Chair is of the opinion at first blush that the Senator can move to amend by striking out; but the proposition of the committee is an entire thing. The subject can be divided for the purpose of amendment.

Mr. BECK. I am not familiar enough with the rules to know exactly what course to pursue. All I desire is to have a separate vote upon bank capital, upon bank deposits, upon the stamp tax on bank checks, drafts, orders, and vouchers, upon medicinal preparations, &c. I propose to vote for some and against others, if I can.

The PRESIDENT *pro tempore*. The Senator can move to strike out.

Mr. HARRIS. I suggest to the Senator from Kentucky——

Mr. BECK. I hope that the Senator from Tennessee will make the proper motion himself, for he knows exactly what to do and I do not know that I do.

Mr. HARRIS. I want to suggest to the Senator from Kentucky, now that the bill is in the committee and will be considered in committee in all its parts and sections, that we go on for the present considering the bill as in Committee of the Whole without attempting to separate or to further amend this section. When we see what the disposition of the Senate may be in respect to the reduction of taxes on other articles we shall know better how far we are willing to go in reducing taxes upon banking capital, upon checks on banks, upon perfumery, patent medicines, matches, and other things. At this moment we are not prepared, at least I am not, for I am inclined to reduce those taxes if we do not make sufficient reduction upon other articles that will be a greater relief to the country.

Therefore I suggest to the Senator from Ohio that now in committee we pass from the first section and consider the other sections, putting on such amendments as a majority of the Senate may see proper to put on other sections. Then we can determine more definitely than now how far we are willing to go in respect to the various items of this section.

Mr. BECK. That is precisely what I desired to know. If we accept this clause as amended it will not be further amendable as in Committee of the Whole, I understand.

Mr. HARRIS. But will be in the Senate.

Mr. BECK. It will be amendable in the Senate.

Mr. HARRIS. Exactly.

Mr. BECK. I do not want to be precluded from a separate vote.

The PRESIDENT *pro tempore*. The question now is on striking out the words from line 6 to line 18.

Mr. COCKRELL. I desire to know what amendments have now been acted upon.

The PRESIDENT *pro tempore*. The formal amendments have been acted on down to the word "namely," in line 6.

Mr. COCKRELL. What amendment has been adopted?

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky to the amendment of the Committee on Finance.

Mr. COCKRELL. Let that be reported.

The PRESIDENT *pro tempore*. It will be again read.

The ACTING SECRETARY. After the word "taxes," in line 18, the Senate has voted to insert the words:

Now imposed by law on manufactured tobacco on and after January 1, 1883; and from and after that date the tax on manufactured tobacco shall be 12 cents per pound.

Mr. ALLISON. That was a proposition to amend an amendment.

Mr. COCKRELL. Certainly it was.

Mr. ALLISON. Now, the question is on the amendment as amended.

The PRESIDENT *pro tempore*. Of course.

Mr. ALLISON. That cannot be divided.

The PRESIDENT *pro tempore*. But it is to strike out and insert.

Mr. BAYARD. The Senator from Iowa says properly the question is now upon the amendment as amended, but I wish to know whether the amendment extends beyond the words in italics in line 22.

The PRESIDENT *pro tempore*. The question is on striking out the words from line 6 to line 18, and inserting what the committee proposes, as amended by the Senator from Kentucky.

Mr. ALLISON. That is it.

Mr. FERRY. I suppose it can be further amended if necessary.

The PRESIDENT *pro tempore*. Of course it can.

Mr. FERRY. That may be done in the case of checks by the Senator from Kentucky moving to strike out.

The PRESIDENT *pro tempore*. It can be further amended, of course.

Mr. BAYARD. I will state, if the Chair pleases, my reasons for asking the question how far the amendment as amended which we are now to vote upon extends, whether it goes further than the words in italics, running from line 18 to line 22. My reason for asking that is because after that, on line 22, I find the words not in italics:

The tax on matches, perfumery, medicinal preparations, and other articles imposed by schedule A, following section 3437 of the Revised Statutes.

I propose to amend that when the Senate shall come to act upon it.

The PRESIDENT *pro tempore*. That is the text of the bill as it came from the House. The words printed in italics are the committee amendment.

Mr. BAYARD. The words I have read are not affected by the present vote?

Mr. ALLISON. Not at all.

Mr. BAYARD. I want to amend that clause by striking out at the proper time.

Mr. BECK. I asked the question because at some time the amendment which the Senate has voted upon and adopted, reducing the tax on tobacco from 16 cents to 12 cents, renders necessary a proper adjustment of the taxes upon cigars and cigarettes, and I do not want to be deprived of the right to amend the bill at the proper time so as to make it correspond with the amendment.

The PRESIDENT *pro tempore*. Those are different sections altogether.

Mr. HARRIS. I suggest to my friend from Kentucky that his amendment was an amendment to an amendment. His amendment has been adopted. If the Committee of the Whole shall agree to the amendment as amended, when it comes into the Senate after the Committee of the Whole shall have acted upon every section of the bill, it will be open to amendment, and he or any other Senator may offer any amendment he sees proper to the first section or to any other section of the bill.

Mr. BECK. That is all I cared to know, because I desire to have some time to-night a consultation with the Senator from Tennessee, the Senator from Delaware, and others, as to what would be a proper adjustment now in regard to cigars, cigarettes, and other things.

The PRESIDENT *pro tempore*. The question is on striking out what the committee recommend shall be stricken out from line 6 down to line 18 and inserting what was proposed by the committee and amended by the Senate.

Mr. DAVIS, of West Virginia. How far does the committee amendment go?

The PRESIDENT *pro tempore*. It goes down to the word "and," after the word "vouchers," in line 22. The question is on the amendment as modified.

Mr. GEORGE. I desire to offer an amendment to the amendment before the vote is taken. After the word "vouchers," in line 22, I move to insert "under $100 in amount;" so as to read:

And on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers under $100 in amount, and the tax on matches, perfumery, &c.

Mr. BAYARD. As I understand, the part which is not in italics is not to be voted on now.

The PRESIDENT *pro tempore*. The Chair stated that the part stricken out by lines through them, with the italics, down to and including the word "and," after "vouchers," is what is to be voted on.

Mr. HARRIS. I understand the amendment of the Senator from Mississippi comes in after the word "vouchers," in line 22, and before the word "and," and is properly in order as an amendment to the committee amendment.

The PRESIDENT *pro tempore*. Yes, sir; it is properly in order.

Mr. DAVIS, of West Virginia. The effect, if I understand the Senator's amendment——

The PRESIDENT *pro tempore*. But it is a whole committee amendment.

Mr. DAVIS, of West Virginia. I understand that. I am speaking of the amendment itself. If I understand it, any check less than $100 will not require a stamp and all over $100 will require a stamp.

Mr. GEORGE. That is exactly the amendment I propose.

Mr. ROLLINS. Is the object of the amendment to the amendment to provide for the use of stamps on some checks and not to require them on others?

Mr. GROOME. Yes, to use stamps on checks of $100 in amount and over.

Mr. ROLLINS. The Senate will see at once the practical effect of that. All business men have a check-book prepared, with the stamp on the check.

Mr. HARRIS. Two check-books will be necessary under the amendment.

Mr. FERRY. It would compel the drawer to multiply his checks; and that is an inconvenience.

Mr. ROLLINS. It is a great inconvenience, and I hope the amendment to the amendment will not be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the committee.

Mr. VOORHEES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. Mr. President, a single word. It is obvious that all the effect of this proposition will be to force gentlemen who want to draw for $500 to use five checks instead of one.

Mr. HARRIS. Why not use one and put on a 2-cent stamp?

The PRESIDENT *pro tempore*. The roll will be called.

The Principal Legislative Clerk proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Maine [Mr. HALE] on this question. If he were present, I should vote "yea."

Mr. FRYE. I supposed the Senator from Kentucky [Mr. BECK] was paired with my colleague. That is a standing pair, and my colleague was paired with the Senator from California, as stated, only on the tobacco tax.

Mr. FARLEY. The Senator from Kentucky came to me and transferred the pair, which I agreed to accept.

Mr. FRYE. All right.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. LAPHAM, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. PENDLETON.] If he were here, he might vote "yea;" I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Georgia, [Mr. BROWN.] I do not know how he would vote on this question. Can the Senator from Alabama [Mr. MORGAN] tell me?

Mr. MORGAN. I have an idea, but I do not know.

Mr. FERRY and others. He would vote "nay."

Mr. MORGAN. I think the Senator from Georgia if here would vote "nay" on this question.

Mr. McMILLAN. I vote "nay."

Mr. PLATT, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. JACKSON.] I do not know how he would vote and therefore I withhold my vote. I should vote "nay" if he were here.

Mr. ROLLINS, (when his name was called.) I vote "nay." I take it for granted the Senator from Florida [Mr. JONES] would vote the same way if he were present.

The roll-call having been concluded, the result was announced—yeas 19, nays 39; as follows:

YEAS—19.

Butler,	Grover,	Morgan,	Vest,
Call,	Hampton,	Pugh,	Voorhees,
Cockrell,	Harris,	Saulsbury,	Walker,
Coke,	Jonas,	Slater,	Williams.
George,	Maxey,	Vance,	

NAYS—39.

Aldrich,	Davis of Illinois,	Ingalls,	Morrill,
Allison,	Davis of W. Va.,	Jones of Nevada,	Plumb,
Anthony,	Dawes,	Kellogg,	Rollins,
Bayard,	Ferry,	Logan,	Saunders,
Blair,	Frye,	McDill,	Sawyer,
Camden,	Gorman,	McMillan,	Sewell,
Cameron of Pa.,	Groome,	Mahone,	Sherman,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Van Wyck,
Chilcott,	Hawley,	Miller of N. Y.,	Windom.
Conger,	Hoar,	Mitchell,	

ABSENT—18.

Beck,	Garland,	Johnston,	Pendleton,
Brown,	Hale,	Jones of Florida,	Platt,
Edmunds,	Hill of Colorado,	Lamar,	Ransom.
Fair,	Hill of Georgia,	Lapham,	
Farley,	Jackson,	McPherson,	

So the amendment to the amendment was rejected.

Mr. VEST, (at five o'clock and ten minutes p. m.) I move that the Senate adjourn.

Mr. ALLISON, Mr. SHERMAN, and others. Oh, no!

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri, that the Senate adjourn.

The Senate refused to adjourn, there being on a division—ayes 19, noes 35.

Mr. VANCE. I move to amend the amendment of the committee by inserting in line 19, after the word "payable," and before the semicolon, the words "and all duties on salt." I ask for the yeas and nays on the amendment.

Mr. HARRIS. I had intended, when it became legitimate, to move to amend the text of the bill by striking out, in line 22, the word "perfumery" and inserting "salt." I think that is a better place for the amendment.

Mr. ALLISON. That is better, I think.

Mr. HARRIS. I had intended, so soon as it was in order, to move to strike out "perfumery" and insert "salt," though I have no objection to the amendment coming in wherever the Senate sees proper.

Mr, VANCE. The effect of the amendment suggested by the Senator from Tennessee is that in the clause he suggests it would not go into effect until 1883. I desire to have the amendment inserted in a manner which will enable it to go into effect immediately.

Mr. HARRIS. I yield to the Senator's suggestion.

Mr. VANCE. We are badly off for perfumery in this country, but I think we need free salt about as badly as we do free perfumery.

Mr. BAYARD. If the Senator from North Carolina desires a vote on his proposition no doubt he will get it, but I submit to him that we are now dealing with the internal revenue part of the bill entirely, the excise taxes, and I suggest he had better move his amendment at another part of the bill.

Mr. VANCE. I yield to the suggestion of the Senator from Delaware. While the amendment is germane to the bill, it is not germane to the first section. I withdraw the amendment for the present.

The PRESIDENT *pro tempore*. The amendment to the amendment is withdrawn.

Mr. GEORGE. I move to strike out all between the word "taxes," in line 18, and the word "vouchers," in line 22.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Mississippi would strike out the amendment just adopted relative to the tobacco tax. The Chair supposes he does not want to do that.

Mr. VOORHEES. The amendment of the Senator from Mississippi will be in order when we come into the Senate.

Mr. GEORGE. I did not know where the amendment reducing the tobacco tax came in.

Mr. COCKRELL. Let the amendment as amended be reported, and then the Senator can offer his amendment.

Mr. HARRIS. And then let the amendment proposed by the Senator from Mississippi be reported.

The PRESIDENT *pro tempore*. The amendment as amended will be read to line 22 to the word "vouchers," and then it will be read as it would read with the amendment of the Senator from Mississippi.

The ACTING SECRETARY. The words proposed to be inserted by the Committee on Finance, as amended, are as follows:

Taxes now imposed by law on manufactured tobacco, on and after January 1, 1883; and from and after that date the tax on manufactured tobacco shall be 12 cents per pound, and on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and.

The proposed amendment is to strike out after the word "taxes," in line 18, down to and including "vouchers," in line 22.

Mr. COCKRELL. That is not in order.

Mr. SHERMAN. That is not in order, Mr. President.

Mr. FERRY. Is the amendment of the Senator from Mississippi in order?

The PRESIDENT *pro tempore*. The Senator from Mississippi intends to modify his amendment.

Mr. FERRY. A motion to strike out and insert is indivisible. The Senator from Mississippi moves to strike out all that is inserted, which is virtually dividing the question, and it is not in order, in my judgment.

Mr. GEORGE. I will offer it in a different place. After the word "pound," in line 18, I move to strike out all down to and including "vouchers," in line 22, in the following words:

And on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers.

Mr. McMILLAN. What is the effect of that?

The PRESIDENT *pro tempore*. That leaves the tobacco tax alone. The purpose of the Senator from Mississippi is to get at the tax on capital and deposits of banks and bankers and the stamp tax on bank checks, drafts, orders, and vouchers.

Mr. FERRY. He has modified his amendment as he originally presented it. He now proposes to strike out only a part of what is proposed to be inserted by the amended amendment of the committee.

Mr. COCKRELL. Yes, sir.

Mr. FERRY. That, of course, would be in order.

Mr. VOORHEES. Mr. President, I have desired to submit a few observations in regard to this peculiar legislation in which we are engaged. I should prefer to have waited until to-morrow, but it seems the desire of the Senate that we shall go on until a late hour, and I do not know but that I shall have to embrace the opportunity presented at this point.

It is perfectly well known that the country has expected legislation looking to a reduction of taxation for many years past, not merely on the subject of a revision of the tariff, to correct its many evils, but also on the subject of internal revenue. We have been here now about eight months, and it surprises me that grave men can look each other in the face without their risibles being excited while engaged at this late hour upon a bill like this.

I have never in all my experience been struck more unfavorably, more disagreeably, more unpleasantly by an attempt for mere political capital, to get a party catch-word to go before the country with, in a matter of law-making in my life. It is not worth while for us to try to deceive ourselves or to suppose that we can deceive the country. It is a fact perfectly well known that during this entire session the impression was given forth by the other House, where alone revenue measures can originate, that nothing of this kind was to be done. A majority of the House gave that forth a month ago. The whole country understood it. There was an attempt perhaps in February or March on the part of the Committee on Ways and Means of the House to inaugurate legislation of this kind, when the matter was summarily suppressed by a caucus of the dominant party of the House of Representatives.

From that time until this matter was sprung upon the country nobody supposed that these questions were to be agitated at this session of Congress. These are facts perfectly well known, and it is a mere afterthought, this attempted legislation now, and it is a fraud upon the country, if Senators will pardon me, for I mean no offense to anybody, to call it an honest and legitimate measure for the reduction of taxation. It will not be so accepted; it will not be so understood.

Allow me to refresh the mind of the country and of the Senate upon some points, upon which, however, the mind of the Senate needs no refreshing. When the question had been considered as to a final adjournment, and a resolution was passed fixing the day and sent to us to invite us to adjourn, within ten days after that came this "lame and impotent," and, pardon me for saying, to my mind thoroughly contemptible proceeding, labeled a measure for the reduction of taxation.

The methods in regard to this matter are all wrong; the methods are all illegitimate and improper. A fair and legitimate attempt at the reduction of taxation would not have come stealing in here in the "wee sma' hours" of the session as they are closing. A fair, open, and square purpose to do something for the tax-payers would have shown its head here in the stalwart hours of the session, before we were dwindling away our remains of time and hurrying to get away from here.

I say, therefore, the methods are all wrong here. The bill comes before us at a wrong hour; it comes at a wrong time. It came here after a notice that we were wanted to adjourn, asking us to hurry through this poor little thing to give somebody the privilege of going before the country and saying upon the stump, "We have reduced taxation."

Having said that the methods are wrong in this matter, let us see what is proposed. Let us see what this poor little thing was when it came from the House, and let us have no deception practiced upon the country. The Republican party of the House of Representatives sent us a bill which, to do the majority of our Finance Committee justice, and indeed the Republican party of the Senate justice, they were ashamed to put before the Senate and country until they had reconstructed it and put something else upon it; but even with their reconstruction it appears by its own original ear-marks that it ought to have been entitled "A bill for the relief of banks," with some little additions for the purpose of deceiving the country into the supposition that something else was meant.

I hold in my hand the estimate made by the Committee on Ways and Means of the House as to what reduction would take place by the measure as it proposed it.

Mr. ALLISON. Will the Senator from Indiana yield to me?

Mr. VOORHEES. I would have been glad to have done so before I commenced, as I did not wish to speak this evening.

Mr. ALLISON. I ask the Senator from Indiana to give way for a moment that I may call up a joint resolution which was passed over this morning.

Mr. VOORHEES. I thought it was for a motion to adjourn. The Senator from Iowa could ask me nothing that I would not give.

Mr. ALLISON. It will take but a moment, I think.

Mr. VOORHEES. I will yield with pleasure to anything the Senator from Iowa wants.

GOVERNMENT EXPENDITURES.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 251) to continue the provisions of a joint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate as in Committee of the Whole, if there be no objection. It was reported back by the chairman of the Committee on Appropriations with an amendment.

Mr. DAVIS, of West Virginia. I do not see the Senator from Kansas [Mr. INGALLS] in his seat who objected this morning. Is it right to take up the joint resolution in his absence?

Mr. ALLISON. I inquired of the Senator from Kansas and he authorized me to say that he no longer objected. The joint resolution must be passed to-day, I will say to the Senate, in order that the employés of the Government may go on legally. There is an absolute prohibition against the employment of any person in any of the Executive Departments except under appropriations already made.

Mr. BAYARD. I take it for granted there is not the slightest objection to the joint resolution.

Mr. DAVIS, of West Virginia. I have a word to say about it.

Mr. SEWELL. I wish to say that a large number of discharges have already taken place in consequence of the joint resolution not having been passed.

Mr. DAVIS, of West Virginia. Evidently it ought to be passed. I do not object to that part, and I understand the Senator from Kansas has withdrawn his objection.

Mr. INGALLS. I have withdrawn my objection.

Mr. DAVIS, of West Virginia. What I have to object to is the necessity for passing such resolutions. We have been here seven months and a half, and this is the second time since the war that we have been called upon to pass a resolution similar to this for the purpose of carrying on the Government. I believe that the appropriation bills ought to come to the Senate earlier and be acted upon. There is a fault somewhere. It is not on this side of the Capitol, of course, for the Appropriations Committee of the Senate has acted promptly. There is a fault, however, and I think the sooner it is known at the other end of the Capitol that the Senate has a right to ask that the appropriation bills shall come here in proper time to be passed upon, so that the affairs of the Government may go on in a proper way, the better.

We pass this joint resolution to-day and what is the result? There are a number of offices being filled that the appropriation bills for the current year abolish. There are a number of employés provided for in the appropriation bills that cannot be put to work until the regular bills are passed. You are paying to-day on the appropriation bills of last year, when really they are out of place in many instances, and money is being expended foolishly and extravagantly for services not performed because the year has expired in which the persons were employed. What is the result? We are, as I said, appropriating just the amount appropriated in the bills for last year, not this year, and yet we are a month running into the present fiscal year. It is all wrong and out of place.

As I said in committee this morning the resolution ought to pass; it is proper that it should pass; but it is wrong that we should be in this condition.

Mr. BECK. Allow me to add one word. The joint resolution ought to pass, and the appropriation bills all ought to be passed for two reasons. We are continuing on the basis of last year for one thing; and we are suspending the improvement inaugurated by these bills for a month. Still, although we are doing that, we must in the present condition continue the old appropriations.

Mr. DAWES. I agree with the Senator that the joint resolution ought to pass, but the reason why it ought to pass is because the legislative, executive, and judicial appropriation bill has been hung up in a conference committee for the last three weeks, and the reason why that has been hung up in a committee of conference is because of the four insignificant differences between the two Houses, to which attention was called the other day. If that appropriation bill were a law there would be no necessity for passing this joint resolution.

Mr. DAVIS, of West Virginia. My friend is mistaken about that.

Mr. ALLISON. There are very many things embraced in this resolution which are also embraced in what is known as the sundry civil bill, and therefore this must pass.

Mr. DAWES. The Government would go on without the slightest trouble if the legislative, executive, and judicial appropriation bill were a law.

Mr. DAVIS, of West Virginia. The naval appropriation bill is on our tables unacted on, and how can we meet the demand of that bill without passing the joint resolution?

Mr. DAWES. The naval bill has been here long enough to have been disposed of if there had not been a disposition to reorganize the Navy rather than to provide appropriations for it.

Mr. FARLEY. Why do you not take it up and decide upon it?

Mr. DAWES. The reason why the naval bill is delayed and the reason why the legislative bill is delayed is because of the attempt to do in an appropriation bill what nobody ought to attempt to do in an appropriation bill. The legislative bill, which pays all the salaries of the Government, and the delay of which renders necessary this joint resolution, is hung up in a committee of conference because we cannot have the Supreme Court reports printed as a public document, and because the location of clerks in the public buildings must be fixed by law.

Mr. BECK. Will the Senator allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. BECK. How does he know that the Senate will not correct all evils now in that bill? How does he know that the Senate will not correct all the wrongs?

Mr. DAWES. I do not know, of course. I only know that it is held in a conference committee where it cannot be submitted to the Senate.

Mr. JONAS. I should like to ask the chairman of the Committee on Appropriations a question. I should like to ask who is responsible for not presenting the naval appropriation bill to the Senate for consideration. We hear that there is important legislation upon it, changing the organization of the Navy; we hear that there are objections to that bill; but Senators have not had an opportunity to consider it. I ask when that bill will be presented for the consideration and action of the Senate?

Mr. ALLISON. All Senators know perfectly well the reason of the delay in the naval bill. Yesterday we went into executive session—I will not say who was responsible for that—and spent the day. To-day the Senator from Maine, [Mr. HALE,] who is in charge of the bill, is not very well, and has not been present in his seat for a good portion of the day.

Mr. JONAS. The Senator from Maine said when he reported the bill that he would call it up Saturday or Monday. He did neither.

Mr. ALLISON. We are working here at other things that I suppose are important. We have just agreed to a reduction of the tobacco tax. We are told that is a great boon to consumers and producers, by my eloquent friend from Kentucky, [Mr. WILLIAMS,] so that I think our time is not all wasted.

But I do not wish to go into a discussion as to the causes which render the joint resolution necessary. I only wish to say that we must pass it this evening or else the ordinary operations of the Government must stop. And now I want to apologize to my friend from Indiana for interrupting him, because I did not suppose this would take a single moment.

Mr. VOORHEES. I will say to the Senator from Iowa that he need never to apologize to me for anything he asks at my hands.

Mr. LOGAN. If the Senator from Indiana will allow me, I desire to say a word in answer to the insinuation that has been thrown out about the naval appropriation bill. The naval appropriation bill has not been detained one day on account of the legislation that is upon it. I was on the sub-committee which considered that and other bills I could mention, and it is not for that reason it has been detained. The legislation that is on the naval appropriation bill was put on in the House. The Senate committee has amended it somewhat in many respects.

I want to say, in order to relieve the mind of any person who may be alarmed about it, that many attempts have been made to reorganize the Army and the Navy, and there is an influence around Washington City which has always prevented the reorganization of the Army or Navy except on an appropriation bill. I say to Senators now that they cannot name a reorganization of the Army from the war to the present time which has not been done on an appropriation bill, for the very reason that every attempt which has been made legitimately to do it has found an influence that defeated it either in one House or the other.

That is the only way the Army has ever been reorganized, and so with the Navy. There is an absolute necessity for some reorganization in these branches of the service, and when there is no way by which it can be done, when Congress has not the power to do it except on a bill of this kind, it becomes the duty of Congress to do that in the best manner which it can.

So far as the question is concerned about the reorganization of the Navy, I will say to Senators right here on every proposition of reorganization in the naval bill doubtless the committee that did it are prepared to defend it. I for one am perfectly willing to take that question when it comes up and discuss it with any Senator as to the propriety of that portion of the bill.

Mr. HARRIS. Does the Senator from Illinois think that the Committee on Military Affairs and the Committee on Naval Affairs are the appropriate committees to determine all the questions involved in reorganizing the Army and in reorganizing the Navy?

Mr. LOGAN. I think they are the appropriate committees, but they have tried it time and again and have not succeeded. The reorganization of the Army, so far as it was done on the appropriation bill at this session, was done by consent of the Military Committee.

Mr. HARRIS. Does not the Senator think that those are the proper committees to reorganize or recommend reorganization, and if they have failed heretofore, ought they not to continue to try to reorganize according to such lights as direct them?

Mr. LOGAN. I agree that they are the appropriate committees, but when those committees cannot do it, or do not do it, if proper legislation is on any other bill, there is no reason why it should not be passed.

I will say to the Senator from Tennessee that although I am not myself an advocate of putting general legislation on appropriation bills, there is sometimes a necessity for it which cannot be avoided. At the last reorganization of the Army I was chairman of the Military Committee of the House. It was tried over and over again as a separate measure and we could not be successful, and by a conference committee of the two Houses the bill was put on an appropriation bill. That is the manner in which the Army stands reorganized to-day and it could not have been done in any other way.

Mr. HARRIS. The Senator from Illinois recognizes that that is a very vicious system of legislation.

Mr. LOGAN. Oh, that is all very true.

Mr. HARRIS. I ask the Senator if the Committee on Naval Affairs of the Senate has had an opportunity to consider and report upon the various suggestions made on the naval appropriation bill looking to the reorganization of the Navy?

Mr. LOGAN. I do not know whether they have considered them or not.

Mr. FARLEY. The bill has not been before the committee.

Mr. HARRIS. Does not the Senator think it is important that the Committee on Naval Affairs should consider every question looking to the reorganization of the Navy?

Mr. LOGAN. I have nothing to say about the Naval Committee, as to what they should do or should not do. When the bill comes before the Senate the Naval Committee will have ample opportunity to state their judgment or opinions either for or against these propositions. Nobody will deter them or prevent them from doing it. The propositions on the bill came from the House and we acted in accordance with the rule that is generally adopted. We took it up and improved it, as we think, and so reported it to the Senate.

Mr. ROLLINS. Will the Senator allow me to ask him a question right there?

Mr. LOGAN. Yes, sir.

Mr. ROLLINS. The Senator says that the Army appropriation bill, having reference to the reorganization of the Army, met the approval of the Committee on Military Affairs of the Senate. I have no doubt that is true, but as I understand, that portion of the bill was referred to the Committee on Military Affairs, of which the honorable Senator from Illinois happens to be a member. I want to inquire now if any portion of the bill with reference to naval affairs was referred to the Committee on Naval Affairs.

Mr. LOGAN. If the Senator will allow me I will correct him, for he is certainly in a very serious error. That portion of the Army appropriation bill was not referred to the Military Committee at all; no portion of it was referred to it. The Military Committee, after reading and examining it, met and gave their opinions and referred their conclusions to the Committee on Appropriations. The bill was not referred to them. They took up the question themselves just as the Naval Committee might have done in this instance if they so desired, but they did not do it. The Military Committee did not have the bill referred to them.

Mr. ROLLINS. There is no member of the Committee on Naval Affairs upon the Committee on Appropriations to speak for the Committee on Naval Affairs, and the various amendments that were suggested by the Committee on Naval Affairs had no consideration from the Committee on Appropriations, so far as I understand. But at some other time I purpose to call the attention of the Senate more at length to this matter.

Mr. McMILLAN. I think we had better come to a vote on the joint resolution or another day will be spent. Complaints have been made that so much time has been spent.

Mr. LOGAN. These complaints are generally made by Senators who have got through talking themselves and are tired of listening to other people.

Mr. McMILLAN. The Senator does not experience that himself.

Mr. LOGAN. I do not talk half as much as the Senator from Minnesota.

Mr. BECK. I desire to ask the Senator from New Hampshire, [Mr. ROLLINS,] who is a member of the Committee on Naval Affairs, whether the Committee on Naval Affairs were aware of the fact until yesterday (if they were I should like to know it) of the long list of rear-admirals and others which appears in yesterday's RECORD in a communication made by the Secretary of the Navy, many of whom were retired as captains with a salary of $1,700 and who are now drawing $4,500, and who have been regularly promoted during all the years of their retirement? I ask if they were aware of the existence of that fact, and if they were, whether they think it is right?

Mr. ROLLINS. If the Senator will wait until to-morrow or some other day, I shall endeavor, as a member of the Committee on Naval Affairs, to answer the inquiry of the Senator from Kentucky fully and completely.

Mr. BECK. Then I shall not press it now.

Mr. ROLLINS. I shall undertake to show why the rear-admirals upon the retired list receive $4,500, whereas they did not receive more than $1,500 or $1,600 some years ago.

Mr. BECK. When they were retired.

Mr. ROLLINS. And I shall undertake to show that they received a large portion of it by reason of the action of the Committee on Appropriations in undertaking to regulate the pay of the Navy by

amendments upon an appropriation bill. I shall endeavor to fix it, if I have not done it yet.

Mr. BECK. I made the remark because if the naval appropriation bill is wrong, the Senate will have a clear chance to correct it the very moment it is brought up, and it would have been brought up to-day, in my opinion, but for the sickness of the Senator from Maine, [Mr. HALE,] who has charge of it and who knows more about it than all of us put together. It will be brought up by him as soon as he is well enough to be here. There is no doubt about that.

I only rose to say that whatever there may be of irregularity, and however much I may have differed with the Senator from Illinois, and I believe I generally differ with him, there has never been a man connected with either House who has so boldly and audaciously, if I may use the word, endeavored to correct abuses in both the Army and Navy, and he has done it, I think, pretty efficiently, as the Senator from Illinois. I would rather follow him generally than any committee I know.

Mr. ROLLINS. I shall take an early opportunity to explain that matter in regard to the retired list.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment of the Committee on Appropriations.

Mr. ALLISON. In view of the lateness of the hour, I ask the consent of the Senate to allow me to withdraw the amendment, in order that the joint resolution may pass as it came from the House; and to-morrow I shall introduce a separate joint resolution covering the point in the amendment.

The PRESIDENT *pro tempore*. The amendment of the committee is withdrawn.

The joint resolution was reported to the Senate without amendment, ordered for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. HAWLEY, Mr. KELLOGG, Mr. LAPHAM, and Mr. VANCE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAWYER submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, reported an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations with the accompanying papers, and ordered to be printed.

BILL INTRODUCED.

Mr. MILLER, of New York, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 2158) authorizing the Court of Claims to hear and determine the claim of Edward McDonald Reynolds; which was read twice by its title, and referred to the Committee on Claims.

ROBERT PELKEY.

Mr. HARRISON. I move that the bill (H. R. No. 2290) for the relief of Robert Pelkey be recommitted to the Committee on Pensions, the committee having additional evidence.

The motion was agreed to.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. MORGAN. I offer an amendment to the pending bill, which I ask may be printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 19, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. CALKINS. I now, Mr. Speaker, call up the pending order, being the contested-election case of Smalls *vs.* Tillman, which is the unfinished business coming over from yesterday.

Mr. HOOKER. Will the gentleman from Indiana yield to me for a moment for the purpose of calling up a bill which I have been endeavoring for some time to get before the House?

Mr. CALKINS. My friend from Mississippi will see that it is impossible. There are many applications to me for an opportunity to present just such requests, and if I yield to one of course I would have to yield to others. It will be impossible this morning, therefore, but after to-day I trust we will not have occasion to occupy the attention of the House very much longer.

The gentleman from Connecticut had fifteen minutes of his time remaining, which was yielded to me. I now yield that time to the gentleman from New Hampshire, [Mr. BRIGGS.]

CONTESTED ELECTION—SMALLS VS. TILLMAN.

The SPEAKER. The gentleman from New Hampshire is recognized for fifteen minutes.

Mr. BRIGGS addressed the House. [See Appendix.]

Mr. ATHERTON. Mr. Speaker, the time allotted me in this case is too limited to permit me to enter at length upon a discussion of the facts pertaining thereto.

My colleague on the committee [Mr. WAIT] in the beginning of his remarks made a suggestion that meets with my hearty concurrence. He says that in its consideration we are to be governed by the law and the evidence. We are judges, and should invoke a nonpartisan spirit and be governed by no consideration except the real merits of the case. I repeat we are to be governed by the testimony taken in the case in pursuance of law, not by matters outside of the case, nor by far-fetched conclusions or inferences outside of the proofs, but by the testimony.

He invites you to presume that every white man voted the Democratic ticket and every black man the Republican ticket; that the one voted for contestee and the other the contestant. I protest against all such presumptions. We would be false to our duty as judges if we act upon them. We have here the record of the testimony taken in pursuance of law. Let us with judicial fairness learn the facts from this authorized source and decide upon that.

The gentleman from New Hampshire [Mr. BRIGGS] suggests that the vote of former years is to be looked to and that you are not to regard the returns showing a different result; that is at least the logic of his argument.

Such a presumption would be hard on some of the friends I see around me. My colleague from Ohio [Mr. MCKINLEY] came here four years ago with a majority of 2,000 in a district that gave a Democratic majority at the election next before of about 15. Is not that about the fact, Major?

Mr. MCKINLEY. The majority I received was over 1,300.

Mr. ATHERTON. Very well; there was a change in that district from one election to the other of more than 2,500 votes without any more apparent reason for it than can be given for the change in the district now under consideration.

My friend from Texas, my colleague on the committee, [Mr. JONES,] who expects to receive a majority in the "Lone Star State" as governor, would regard it as a very hard thing if some man should undertake to unseat him next year by showing what the vote was in that State last year.

We are not to act upon any such shadowy grounds as that, but we are to rely upon the record and to decide the case, as my colleague on the committee [Mr. WAIT] has said, in view of the testimony and of the law.

I have some comments to make both upon the report and upon the speech of that gentleman. I will allow any member of the committee to interrupt me if I make a misstatement upon that subject. I say that the report of the testimony upon which he claims to rely is made up by taking the extreme declarations of witnesses and not referring to any modification of their testimony which occurred in any other portion of the evidence, by not taking account of any impeachment of their testimony by the counter-statements of the witnesses on cross examination, and not taking any account of the impeachment of that statement by the testimony offered by the contestee.

Now, if you will confine yourself to that kind of evidence and are willing to predicate your judgment upon it, it is possible that you can arrive at some such conclusion as the gentleman arrives at. But if you consider the whole testimony, that of the contestee as well as of the contestant; if you take the testimony of the witnesses for the contestant upon cross-examination as well as in chief, you will find that almost every allegation made here in respect to the precincts in Edgefield County, to which I have given especial attention, will melt away substantially if not utterly fall.

I object to that mode of preparing a report and to that manner of discussion. The judicial mind will at once concede the fact that you are to consider all the testimony, to weigh it all, to concede the honesty of witnesses on both sides, so far as they are not contradicted or impeached. Admit that a man is not to be considered as false, even though he lives in the South and has the misfortune to have a white skin instead of a black skin, and happens to be a Democrat instead of a Republican, that should not prevent some small suspicion at all events that he might tell the truth.

Before referring to these questions, however, there is one thing with regard to which I take issue with the gentleman from Connecticut [Mr. WAIT] and with the majority of the report of the committee. The gentleman says that three counties which happen to give large Democratic majorities should be excluded from the count because of certain irregularities of which he complains, the counties of Edgefield, Colleton, and Barnwell.

What is the ground upon which he proposes to exclude the vote of those three counties from the count? It is this: the law of the State provides that the precinct managers shall send up with the reports to the county managers the poll list and all the other papers relating to the election, as well as the election returns. And it is also provided by statute that these poll lists shall be sent up to the board of State canvassers, not by the county board of canvassers, but by the man who may have acted as the chairman or the presiding officer of that board. They are to be sent severally to the secretary of state, to the governor, and to the comptroller.

No use is to be made of those poll lists by the State board of canvassers. That board is to make up its judgment according to the certified statement of the returns, and I have the statute here if anybody desires to see it, and it reads upon the certified statement of the returns. There is no provision in that law that the State board of canvassers are to receive into their possession these poll lists at all; but they are to go to the secretary of state, who simply happens to be a member of the board of State canvassers, and to the governor, who is not a member of the State board at all.

A little irregularity grew up in this way: the secretary of state, not wanting the poll lists duplicated, gave out that it would not be necessary to send to his office these lists, supposing that if they were sent to the governor that would be sufficient. A misapprehension was had about this matter, the county canvassers concluding that no such lists were to be sent to any of the State officers; the result was that in regard to three counties these poll lists were not sent at all, simply by reason of a mistake or a misapprehension, either on the part of the secretary of state or on the part of the election officers. The mistake, however, did not and could not change the result in the slightest particular.

Now, although the State board of canvassers cannot look to these lists for any purpose whatever, the majority of the Committee on Elections of this House modestly ask you to throw out thousands and thousands of Democratic votes because of this technical departure from the letter of the statute. They did not ask you to do that in the other election cases which have been considered here. They did not ask it in the other South Carolina case, where it happened that looking over such little violations of the statute, or such little technical departures from the strict letter of the statute, it gave them a majority, and therefore they did not dream of asking that the House should do any such thing.

But I must hurry on. The majority say that if these returns are not rejected for that reason, that the county of Edgefield should be thrown out because various irregularities occurred at the several polling places in that county. That fraud was rife, that intimidation was general, that violence held high carnival, that red-handed murder prevented the people from the exercise of their right of suffrage; in fact, if the report of the majority of the committee presented a true picture of the affairs in that district, it would be in fact a sad commentary on free institutions.

The charges made in the report and substantially reiterated in argument are like these, touching the Court-House precinct in Edgefield County: that armed men, friends of contestee, with flashing pistols and red shirts, were on the night before the election seen to go through the town of Edgefield firing their pistols and producing a scene of terror; that an armed guard took possession of the court-house the night before the election; that they kept the Republicans from the ballot-box; that armed partisans, under a strange officer and dressed in a peculiar uniform, seemed to be stationed along an imaginary line in front of the court-house on election day and prevented the colored voters from approaching over that line to vote; and that the Republican supervisor was not allowed to keep a poll list, and perhaps other matters.

Now, as against that, it was charged upon the other side that the Republicans had massed their voters at this and one or two other precincts in the county, and in pursuance of an unlawful design had brought them in organized companies near the town of Edgefield the night before the election; that they had determined to take violent possession of the ballot-box and overpower the voters; that the evening before the election they took possession of the road leading to the town, beleaguered the town with their forces, and fired upon peaceable citizens who simply went out to inquire the occasion of all this warlike preparation and array; that they came with clubs and arms early in the morning to the polls; and that the only display of force upon the other side was for the purpose of self-defense and of preventing them from forcibly taking possession of the polls as against the legal officers, and attempting by these demonstrations to control the voting by force of arms or by force of numbers, in other words, by brute force.

By a candid investigation of the evidence there can be but little trouble in ascertaining the truth about this matter. I think the fact that such counter charge is made, and that the same is amply sustained by convincing testimony, is not even adverted to in the report, and it was scarcely mentioned in the argument; but it is shown in the evidence and it is uncontradicted and undisputed that there did gather and congregate around that town the night before the election from 2,000 to 2,500 black men; that they came there from all over the county of Edgefield, and came for a purpose, and that purpose was to take forcible and violent possession of these polls; that white men, fearing a disturbance and fatal mischief, sent out some of their numbers on that evening for the purpose of investigating why these men appeared in force in that way with their provisions and haversacks, and camped around that town, taking possession of all the roads that led into it. They sent out men for the purpose of making the inquiry as they had a right to do and as it was proper to do; and instead of being peaceably received as they should have been, they were fired upon by the men thus encamped. This produced consternation about the town, and there were a few men, some perhaps with pistols, riding through it; one of the witnesses for the contestant says three or four hundred; the next witness reduces the number to sixteen. One of them says they fired pistols for a long time; another says a few of them fired pistols, and another that one or two shots were fired. When we come to look at the testimony dispassionately we find that the only excitement connected with this matter grew out of the fact that these colored men came there under the control of their leaders, attempting in this warlike and violent way to overawe the people there and to get possession of these polls.

That excitement should ensue was natural; that some acts of violence should take place was probable, and arming in self-defense was both inevitable and completely justifiable. What did the people do in view of this violence which is complained of, and complained of more in this county of Edgefield than at all other places in this Congressional district? They became alarmed. They were afraid these men would take possession of the polls. Some white men in the interest of peace and good order did take possession of the court-house. A few white men on election day got into a building in the immediate vicinity of the polls, not displaying arms, never showing any arms, though probably they were armed, and not interfering with the election in any way.

Will anybody on the other side tell me that there was not ground for apprehension and excitement and for some preparation when these men came in this way? In the morning at daybreak these men came, not unarmed, but each of them cutting a club or a bludgeon, or a "big cane," as it was called, and marched to the polls in martial array under the command of chosen leaders. They demanded not that they should vote alternately with the whites—and I refer particularly to the testimony of a witness named Wiley Miller, a witness for contestant, who was in command of one hundred and fifty men—these colored men thus menacingly approached the polls and proposed to vote if fifteen or twenty could be permitted to vote at once, but in no other way. They refused the proposition that two or three colored men should alternate with the whites, as they were invited to do; they demanded that fifteen or twenty should vote at once and that being refused they would not vote at all. By eleven a. m. they voluntarily marched away and left the polls, under command of their leaders, because they could not get possession of these polls. A large number of them left without voting at all. None of them staid longer than that. After coming in that way, and after these preparations had been made to meet a threatened force, they marched voluntarily away without voting.

Mr. TYLER. May I ask the gentleman a single question?

Mr. ATHERTON. Yes, sir.

Mr. TYLER. If, as the gentleman claims, some 2,000 or 2,500 colored men on the morning of the election approached the polls armed with clubs and fire-arms, and came up to the steps of the court-house for the purpose, as the gentleman claims, of taking forcible possession of the polls, I want to know why they did not do it, when, as the minority report claims and as the gentleman's argument admits, their approach was resisted by only one hundred or one hundred and fifty white men?

Mr. ATHERTON. The complaint has been made that overlooking the polls were a few men with fire-arms. The men there were courageous, determined to maintain their rights, and this large force of negroes, something like 2,500, had not the moral or physical courage to make the attack upon these men who undertook to vindicate the law and maintain their place at the polls. They were the officers of the law; they had a right to maintain their positions there; they were courageous men, and although only one hundred in number, they did maintain the polls, and did preserve order and prevent any breach of the peace.

Mr. MACKEY. Will the gentleman let me ask him a question?

Mr. TYLER. The officers of the law were only twelve constables, according to the report.

Mr. ATHERTON. The men in charge of the polls were themselves officers of the law, duly appointed and acting as such. A few men were there under arms by order of the sheriff, for the purpose of preserving the public peace.

Mr. MACKEY. Will the gentleman allow me to ask him a question?

Mr. ATHERTON. I have only forty-five minutes.

Mr. MACKEY. Is there a particle of testimony to show a single one of those 2,000 colored men had any fire-arms?

Mr. ATHERTON. Yes.

Mr. MACKEY. I wish you would refer me to the testimony.

Mr. ATHERTON. I cannot stop to find it now, but I know there is such testimony, and I have read it within the last twenty-four hours, and that, too, testimony given by the witnesses of the contestant, showing that some of these colored men came there with pistols as well as with clubs. Another evidence of it which I can

give to the gentleman is that these same men who were posted on the public road the evening before when approached for the purpose of inquiring why they came in that way if they were on a peaceable errand, fired at the men who addressed the question to them.

Mr. CAMP. Will the gentleman allow me to ask him a question?

Mr. ATHERTON. I cannot have all my time taken up by questions.

Mr. CAMP. I ask for information.

Mr. ATHERTON. Very well, go on.

Mr. CAMP. The gentleman said about 800 voters voted at this poll and about 2,000 colored were entitled to vote——

Mr. ATHERTON. No; not entitled to vote, except that they can come from any portion of the county under the law of South Carolina and vote at any precinct in the same at their election.

Mr. CAMP. Under the law they were entitled to vote, for if they saw fit they could come from any part of the county, but the election officers insisted the vote should come alternately, a white vote and a black vote. Now, if that were the order would it not be the result that only 800 colored votes could come into the ballot-box although there were 2,000 of them there.

Mr. ATHERTON. The election officers made a fair offer to let white and black voters alternate in voting. They could not stop to count who was in the majority. If the voting had gone on quietly and the rule was applied a fair proportion of each would have got to the ballot-box. If massing so many voters at a single precinct prevented them from depositing their ballots during the day it would have been a misfortune but not the fault of the election officers. They simply acted impartially and tried to make no discrimination between white and black voters.

At that same poll, as was shown by the gentleman yesterday, the highest Republican vote ever given before was a little over 800. Will the gentleman tell me, then, why 2,500 black men came to that poll when no more than 800 had ever voted there before?

Mr. CAMP. I heard a reason assigned which I can give the gentleman, but I will not take up his time to do so.

Mr. ATHERTON. I would like the gentleman to submit it to the House.

Mr. CAMP. Very well, then. I am told by a gentleman from that county that the reason for assembling at the court-house was because these voters thought they would receive protection there and be entitled to vote and have their votes counted, whereas if they attempted to vote at the cross-roads and other polling places in the county they would be driven off and their votes would not be counted.

Mr. ATHERTON. I wish to say, Mr. Speaker, to the gentleman from New York that there is not one word of proof to show any intention whatever, preconcerted or otherwise, so far as this county is concerned, to unlawfully interfere with any voter or to deprive him of his vote. It is not true that any effort was made by fraud of the contestee to disturb a single voter going to any poll in any portion of that county except when they came with clubs and were themselves the aggressors, and then strictly in the interest of peace and as a measure of self-defense. There is not in testimony to-day, if you will take it, sift it, and give it careful consideration, and not pick out detached and contradicted portions of it, any proof of acts of violence, with fire-arms, or otherwise, that was not instigated and precipitated by outrageous acts of violence on the part of the colored men. In every case the initiative was taken by them. In each instance where fire-arms were discharged they did the first firing. They came to the polls in a disorderly and improper way. Election day is a day of peace. The voter should come orderly and quietly. But not only did they come in squads, companies, and battalions under their officers, but they came brandishing their clubs and like wild Comanches. They came not only to the court-house poll in Edgefield County, but to other polls in that county in the same way, which I have not time to even allude to. All I wish is that gentlemen will not take little detached pieces of testimony, as the committee invite, but all of the testimony, and give it fair consideration—that is, give as much credit to the white man as to a black man and no more, as much consideration to intelligence as to ignorance, in estimating the value of testimony and credibility of witnesses; and I say, Mr. Speaker, when the membership of this House do that they must come inevitably to the conclusion there was not an act of violence in the town of Edgefield or the county of Edgefield on that day that was not initiated by the black men in their futile attempts to intimidate voters and get unlawful possession of the ballot-box.

A great deal has been said touching a very small matter connected with the Edgefield poll. It has been alleged in the report of the majority and in argument that a man in a strange uniform was there exercising authority, issuing orders, and preventing voters from crossing over an imaginary line in front of the court-house. A colored man was not allowed to pass beyond it.

The existence of such a line was disproved by the witnesses upon the other side. There was no such line, real or imaginary. No such arrangement could be carried out; and this line existed only in the fervid imagination of the witness himself. And it turned out in the sequel that this man in the calico suit, who was said to be in uniform there of a peculiar kind and exercising a very considerable authority at the election, was simply a crank "cavorting" around, the object of merriment; and the evidence shows that by twelve o'clock high noon he was lying in a fence corner dead drunk. And that was the terrible fellow who was there in the wonderful uniform awing the black voters and frightening them from exercising their constitutional privileges! Thus passes away the glory of that calico uniform. *Sic transit gloria* calico suit! *Hic jacet* the crank!

But another complaint is made there, that the Republican supervisor was not allowed to keep a poll list and he was examined—his testimony was taken—and when plied with questions he says that the Democrats, speaking of them in a general way, the Democrats prevented him from keeping a poll list. Upon cross-examination, being pressed to answer and say how many Democrats there were who prevented him from doing this, he reduces it down to "a Democrat," and it dwindled in that manner from the Democratic party at that poll to a single Democrat. But finally he was asked to give his name, and what was his response? "I decline to give his name."

Now, Mr. Speaker, a man who tells a story like that, and then declines to describe his man or give his name, must expect to inspire a good deal of doubt in the mind of every thinking man as to whether he tells the truth, or even tries to; and I ask any lawyer upon this floor how much credit would a jury give to a witness of that character in any case involving the title of even a trifling piece of property? How much truth would you expect to get from a witness of that character, and how much reliance could you place upon testimony like that, and particularly when it is shown that when confronted with the testimony of the election officers that it is all a myth and not entitled to any consideration? Would you not rather believe the testimony of the other officers of election than the story of a man who testifies in that manner? I do not think it is worthy of a moment's consideration. On the other hand, I do not believe that it has come to such a pass in this country that the testimony of all of these men who contradict these unworthy and untruthful witnesses will be rejected simply because they happen to be Democrats, or white, or intelligent.

Now, these 2,000 or 2,500 men who came there to the polls, as it is claimed, in a body, could not have expected reasonably to have had their votes received and counted at that poll, and why? The reason is plain to any man who will reflect for a moment. In addition to the number which so came, there were some eight hundred Democrats, or about that number, who habitually voted there.

Now, suppose that there were 2,500 black men who also came there and expected to vote, how could they possibly do it within the time allowed for holding the election? That number would make about 3,300 votes in all at a single poll. This would require the casting and counting of about five votes every minute. It is absolutely certain that such a number of votes as that could not have been received and deposited; and if the leaders of the Republicans brought that number there, to vote this number there, they ought to have known that it would have been impossible to deposit the ballots.

But, Mr. Speaker, before the managers of election could count these votes under any circumstances that were not in fact deposited the voters would be required to show in the first place that they were rejected illegally; and then they must find out, either by the testimony of the voters themselves or in some other manner, how these parties intended to vote. They must then find out how many, if any, voted elsewhere in the county; and how can they tell where they voted, or how many of them voted, or how many times they voted? It is shown that they left the polls by eleven o'clock and went elsewhere. This man Wiley Miller, to whom I have referred, says that he kept his one hundred and fifty men together until night, and that they did not vote; that he commanded them, and that they had agreed to do what he told them. They are the only men out of these 2,000 or 2,500 who could not have voted elsewhere on that very day if they had tried.

Mr. MILLER. Only a thousand or a little over voted in the whole county on that day; how do you explain that?

Mr. ATHERTON. I explain it by asking you if every man that votes, because he happens to have a black skin on him, is expected to vote the Republican ticket, when it is shown, as I understand it, that there were 1,300 in 1878 in this county of black men who were in Democratic clubs?

Mr. CALKINS. I hope the gentleman will permit me——

Mr. MILLER. Is that in the record?

Mr. ATHERTON. No.

Mr. MILLER. My friend will not pretend that there is any evidence here of that character.

Mr. ATHERTON. I have not so stated.

Mr. CALKINS. I hope my friend will permit me to say that in this record there is no evidence to show that any considerable number of black men voted the Democratic ticket at this election. In fact the evidence is all the other way.

Mr. ATHERTON. But my friend from Indiana is certainly too good a lawyer to stand here and insist that a vote should be counted in one way or the other unless it is proved how the elector would have cast his vote by some better evidence or indication than the mere color of his skin?

Mr. CALKINS. Certainly not; but I was simply referring to the gentleman's own argument as to the question of presumption.

Mr. ATHERTON. But that was only in answer to the question of my friend from Pennsylvania. Of course it is outside of the legitimate course of argument, and was simply in answer to his suggestion.

Mr. MILLER. You said they might have voted elsewhere, and I said they could not.

Mr. ATHERTON. There is another matter to be considered in this connection as to the votes for member of Congress. You will remember this record discloses the fact—one of the witnesses says the reason of the unpopularity of this candidate about which so much has been said, and in respect to whom so much interest is attempted to be excited—one of the witnesses indicates that while a member of the South Carolina Legislature, a senator of that State, he was convicted and sent to penitentiary for bribery. Now, there may have been some black people that would not and did not admire that kind of man for candidate. It is barely possible it is so. It is said here, as I understand it in this record, that he was not only convicted of bribery and sentenced to the penitentiary but that he went there and that he was pardoned out of the penitentiary by the governor.

Mr. CALKINS. Who was that?

Mr. ATHERTON. I refer to one of the candidates for Representative in Congress in this district; and I say this in answer to my friend for the purpose of showing that perhaps every black man would not vote for a man whose escutcheon was stained by that kind of conviction.

Mr. CALKINS. I want to say, with the permission of my friend and colleague on the committee, [Mr. ATHERTON,] right at this point, that it is alleged by the contestant in this case that he was tried and convicted upon the sole testimony of a man who alleged himself to be a co-conspirator, without any sort of testimony at all corroborating this testimony, upon which in our country no man can be convicted. He further alleges——

Mr. ATHERTON. The gentleman from Indiana will pardon me; I am not discussing the justice of his conviction.

Mr. CALKINS. The contestant further alleges that he was convicted not for the crime he was charged with but for surrendering a gunboat during the war.

Mr. ATHERTON. I decline yielding further. That was not it at all. The taking of the gunboat during the war had nothing to do with the conviction of Smalls for bribery when, long afterward, he was a member of the South Carolina Legislature. I was not discussing the question as to whether he was properly or improperly convicted. I am discussing the question as to whether the conviction might not be a circumstance that would tell against his popularity. But I have to say in answer to the suggestion of the gentleman from Indiana that I understand he was convicted by a jury of his peers, and half of that jury were men of his own lineage, blood, and color, for an alleged nefarious crime committed long after the civil war.

Mr. MILLER. I think the gentleman should not, as to either candidate, go into that question, which is not in the record, as we might go into the same line of discussion as to the other side.

Mr. ATHERTON. Those particulars are not in the record, but the fact itself to which I have referred is in the record.

Now, then, when people attempt to draw the color line upon candidates, when they attempt to say every black man shall vote for a black man and every white man shall vote for a white man, you call for a discussion of the reasons why in all probability the assumed popularity did not exist in his case even with people of his own lineage and blood. But I was drawn aside into this discussion simply because of the irrelevant questions put to me by gentlemen on the other side.

Mr. MILLER, (in his seat.) It is an indecent thing to go into.

Mr. ATHERTON. If the gentleman thinks it indecent, and says so loud enough to be heard, we can talk about that another time. Now, let us go to some of these other precincts, and if gentlemen will let me alone I will not be drawn into these discussions.

It is said—without going into the discussion of the facts as to these various precincts—it is said that the excess of votes found in all the ballot-boxes in this county above the number of names on the poll lists are all to be considered as Democratic votes and are to be counted against the sitting member. Wherefore? Why should you do anything of the kind? The law of South Carolina provides that this excess shall be drawn out in a particular way. It provides that one of the judges of the election, blindfolded, shall withdraw a number of votes equal to the excess found in the ballot-box. Now, if you had a case—as is true of some election cases—where there was evidence tending to show how many Republican votes went into the ballot-box, we would not be wholly without proof as to how the excess was to be adjusted. In this case we are wholly without proof as to the manner of making the necessary correction, and therefore are remitted to the rule of the statute.

But suppose you have a case like this, Democrats say the excess of ballots is due to Republican repeating, and Republicans say it is due to Democratic repeating. There is no evidence as to how the votes got into the box. It will be recollected by the law of South Carolina every man who approaches the ballot-box does not hand his ballot into the hands of a judge of the election, but himself deposits the ballot in the box. A judge of the election sits by, but he has no right to take the ballot into his hand at all, and no right to interfere. The voter approaches the box and deposits his own ballot in the box. Now, how are you to assume upon any such case as that that the excess of ballots that went into the box were deposited by one party rather than the other? You cannot do it. You are bound by the statute and are bound to draw out this excess according to the statute; and if you simply draw it out according to the statute the little majority figured up for the contestant as against the contestee dwindles into thin air and disappears even if you allow him everything else he claims.

You have only to consider the law and obey it, in the language of my friend from Connecticut, [Mr. WAIT,] in this respect alone, in order to allow the sitting member to retain his seat. There is another thing most wonderful in regard to this county of Edgefield to which I have not heard any attention called at all by gentlemen on the other side. There are twenty election precincts in that county; only eleven of them are challenged in the slightest degree by any proof whatever. There is no proof in the report of the majority in respect to nine of the precincts; not a suggestion that anything illegal occurred there at all.

Mr. MACKEY. Five of them were never counted by the board of county canvassers.

Mr. ATHERTON. Why should you not count the vote of the nine precints against which there is no proof at all? To what injustice do you invite this House when you ask it to say that the vote of the whole county should be rejected because at eleven of the precincts there may have been some irregularity, while there is no insinuation of irregularity against nine of the precints?

Mr. MILLER. Tell us how the vote was and we will count it.

Mr. ATHERTON. All you have to do is to take the return itself.

Mr. MILLER. They are not returned.

Mr. ATHERTON. If you do not show that there was any wrong, the legal presumption is in favor of the regularity of the election. And in respect to the precincts which Mr. MACKEY mentions as having been omitted in the returns, count them; you have the testimony in regard to the condition of the votes in those precincts. What I object to is this: because you claim to have given some proof of irregularities, as you claim in reference to a few precincts in the county, then you try to prevent the counting of all the votes of the county in all the precincts, however honestly they may be given. This is to disfranchise the voters of the entire county simply because you have found a little something wrong in a few of the precincts.

Mr. MILLER. Let me say to the gentleman from Ohio [Mr. ATHERTON] that there is not one particle of evidence returned by the managers to show how any one of those nine precincts voted, and no man in this House knows the vote of a single one of them; you cannot even aggregate the vote of the nine precincts.

Mr. ATHERTON. I do not yield. I say that the other side found no trouble in proving the vote of any precinct in this county which they desired to prove. The precinct managers sent up the returns to the county managers; many of them sent up everything that was required by the statute. But the exact roll of every precinct was sent to the county board of managers—the returns, poll list, and all the papers required by statute—and the record before us shows the vote of each unless I am greatly mistaken.

Now, I would like to ask gentlemen on the other side, not the men who are attempting simply to make points in this case, but the honest lawyer-like sentiment of that side of the House, whether when you have the means of proving the vote you will throw out the vote of the whole county simply because it does not happen to suit you, although you are able to prove and do prove what the vote was at any precinct in the county.

Mr. MILLER. I ask the gentleman to show the vote of a single precinct in that county from the evidence.

Mr. ATHERTON. I do not yield. The gentleman tells me to show that it is so. I invite the gentleman to take the report of his colleague on the committee, who has put together the testimony relating to certain precincts in the county, and show me where a single complaint is made against nine out of the twenty precincts of Edgefield County. Here is the report; do it if you can, and if you cannot do it, then do not make allegations which you cannot sustain.

At all of these precincts, instead of colored voters being kept from voting, they voluntarily went away from the polls. It was a part of the scheme of this election that these voters should be massed at three or four precincts in the county, should take possession of the polls, vote 15 or 20 at a time; and if they could not do that they were to march away under the general control and management of their party leaders. They did go away; they did not remain until the close of the election and assert their right to vote, but they went away at eleven o'clock in the morning, not because they were compelled to do so, but, as they themselves say in their testimony, because they were ordered by their party leaders to go away and stay there no longer and no longer try to vote.

The only reason that they had not voted all along was that they had come there with their clubs and their bludgeons, with their display of force, had caused panic and alarm, had to some extent caused disturbance, had caused some display of force and self-defense, and not being able to control matters just as they pleased they marched away early in the morning without attempting to exercise

the right of suffrage either there or at any other place, so far as we can learn from the testimony. How many voted elsewhere we do not know.

I have occupied more time than I expected to do, and I thought I would be able to discuss much of the evidence in this case, and I would have said a great deal more except for these interruptions. I will leave the case for the candid consideration of the members of this House. Gentlemen said yesterday when we refused to vote they utilized the time by reading this record. If they have read it then I am happy to know that their time was not misspent, for they have obtained information which they cannot get either from the report of the majority or the speeches made by members of the majority in this House.

So far as the speeches in support of that majority report indicate, there is a total misconception of the testimony. Detached portions of it are put before you without any reference to the statements brought out in cross-examination or to the testimony of other witnesses; without any reference being made to the large mass of evidence on the other side refuting, contradicting, brushing aside these falsehoods of prejudiced and ignorant men. And in the instances where personal violence is alleged to have occurred there is not a case where a man was shot where the first pistol was not fired by somebody in the Republican ranks and among those negroes, who went there with bludgeons in their hands and pistols in their pockets.

The wrong was all their own. They incited disturbance; they sought by lawlessness, violence, and force to get possession of the ballot-box. They failed. They sowed the wind and should not complain if they reaped the whirlwind. Let us hope that they may learn wisdom by the past; that peace and good order may be the rule and not the exception at the elections in the South, and that together, white and black, they may work out for themselves the problem of peace, progress, and prosperity.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] is now entitled to the floor for fifteen minutes.

Mr. HORR addressed the House. [See Appendix.]

Mr. CAMP. I ask that ten minutes be allowed to the gentleman from Ohio, [Mr. ATHERTON,] if he wants that time.

Mr. EVINS rose.

Mr. ROBINSON, of New York. I understand the Speaker to recognize me.

Mr. CAMP. I ask unanimous consent that the gentleman from South Carolina [Mr. EVINS] shall have five minutes.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] is recognized.

Mr. HOOKER. The gentleman from Indiana, I think, will not object to according a half minute to the gentleman from South Carolina.

The SPEAKER. The Chair cannot permit three or four propositions to be made at a time. When the House comes to order all these questions will be reached. The gentleman from Indiana, [Mr. CALKINS,] the Chair understands, is entitled to the floor.

Mr. CALKINS. Under the arrangement the gentleman from Illinois [Mr. MOULTON] is now entitled to the floor, and while the time on that side is running, and a gentleman is on the floor, perhaps unanimous consent should not be asked. I suggest that as a matter of procedure.

The SPEAKER. Does the gentleman from Illinois [Mr. MOULTON] desire to be heard now?

Mr. CAMP. I desire to ask unanimous consent of the House that the gentleman from South Carolina [Mr. EVINS] may have five minutes time in which to address the House, not to be taken out of the time of any one.

Mr. HORR. That is right.

The SPEAKER. Is there objection?

Several members objected.

Mr. EVINS. It is seldom that I claim the attention of the House, and I think it is not right for gentlemen to vilify my State and refuse me any time to reply.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. When was debate on this case limited by the House?

Mr. CAMP. It has not been limited at all.

Mr. TOWNSHEND, of Illinois. Then how is it that the gentleman from Indiana [Mr. CALKINS] says that so much time has been allotted to this side?

The SPEAKER. The gentleman makes that statement on his own authority.

Mr. TOWNSHEND, of Illinois. Then I understand that there has been no limit made to the debate.

Mr. CALKINS. Only the limit which you compel us to make by refusing to vote and requiring us to have a quorum here. It is an arrangement which is well understood between gentlemen on that side and on this.

Mr. HORR. Will the gentleman from Illinois [Mr. MOULTON] yield me half a minute?

Several members objected.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MOULTON. I do not want to proceed unless there is order.

The SPEAKER. The Chair will endeavor to maintain order.

Mr. MOULTON. If my friend from Michigan [Mr. HORR] asks for a minute, I will give it to him with great pleasure, though he objected to my friend from South Carolina, [Mr. EVINS.]

Mr. THOMAS. It was not he who objected.

Mr. HORR. I want only a half minute, simply to show my friend from Ohio, [Mr. ATHERTON,] who took me unawares in reference to the district which my brother expects to represent in this House in the next Congress, that the district as now made is [holding up a small map] that small square chunk right there. Now, to put on the county which my friend says naturally belongs to the district, would extend it away out yonder, [pointing to the map.] But he thinks it ought to go on there because that is the Democratic way of making districts. [Laughter.] It is now made in a square block, as it should be.

Mr. ATHERTON. Now, Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MOULTON] is entitled to the floor.

Mr. ATHERTON. That is a good way of getting time and cutting off any reply.

Mr. SPRINGER. Before my colleague [Mr. MOULTON] proceeds, I ask unanimous consent that in a spirit of fairness the gentleman from South Carolina [Mr. EVINS] may be allowed five minutes.

Mr. HORR. I hope that will be done.

The SPEAKER. Is there objection?

Several members objected.

Mr. MACKEY. I object unless I can have five minutes.

Mr. WHITE. I hope unanimous consent will be given.

The SPEAKER. Objection is made.

Mr. SPRINGER. Who objected?

The SPEAKER. Several members objected.

Mr. SPRINGER. I have a right to know who objected. I did not hear any objection.

The SPEAKER. The gentleman has not the floor.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Have I not the right to know who objects to my proposition?

The SPEAKER. If the gentleman gives attention he will learn.

Mr. SPRINGER. I want to know who it is.

The SPEAKER. Several gentlemen objected; at least two rose and objected.

Mr. SPRINGER. I heard no one myself.

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Illinois [Mr. MOULTON] will proceed.

Mr. MOULTON. Mr. Speaker, we have given gentlemen on the other side a hearing. I hope they will be kind enough to listen to what we have to say on this side.

The gentleman who last had the floor [Mr. HORR] wholly failed to discuss any proposition or question in this record. I think he stated that he did not design to discuss the question that members of this House are to pass upon now as judges.

His point was that in the districting of South Carolina there had been some improper conduct. I do not care to spend very much time upon that. I only say that so far as my knowledge goes there has been no Republican Legislature in this Union but has used all the means within its power to obtain every advantage which they could by districting the State so as to control the entire State as against the minority, the Democratic party.

He says that in South Carolina such conduct is villainy, while in the State of Michigan or in the State of Illinois it is laudable, because the Republicans can obtain an advantage over Democrats. There is a district in the State of Illinois made by Republican "villainy" that would not compare unfavorably with any district on the map of South Carolina which my friend from Michigan [Mr. HORR] has exhibited here. The doctrine of Mr. HORR is that when the Democrats district a State for their advantage it is "villainy," but when the Republicans do the same thing it is laudable, righteous, and "altogether lovely." This is a good specimen of Republican sense of equity and justice.

I want to call the attention of this House to some few things that are in the record of this case. I want to say that if members on the Republican side have read the report of the majority they will find there only one side of the evidence stated. The members of the majority have selected the most partisan and reckless statements of witnesses on the side of the contestant, not even giving their cross-examination and giving none or comparatively none of the testimony on the side of the contestee; whereas if a full and fair statement had been made of the evidence it would have shown that the results claimed by the majority of the committee to have been proved were not proved, but, on the contrary, were wholly contradicted. It is a remarkable fact that, though in this House we are regarded as sitting as judges upon this case, there is not, I will venture to say, one member out of twenty who has looked at the record, who has read a particle of the evidence; but the great mass of members are ready to vote upon the question without, as I think, any knowledge or understanding of the case. This certainly is a travesty on judicial proceedings.

This contest is from the fifth Congressional district of South Carolina. The contestee, George D. Tillman, holds the seat by virtue of a certificate issued to him by the governor, predicated upon the

statement of the vote of the district made by the State board of canvassers, which is as follows:

Fifth Congressional district.

Counties.	Names of candidates.		
	George D. Tillman.	Robert Smalls.	Scattering.
Colleton	3,475	2,776	.....
Beaufort	391	5,978	2
Barnwell	5,422	2,445	.....
Edgefield	6,467	1,046	.....
Aiken	4,980	1,467	.....
Hampton	2,590	1,575	.....
	23,325	15,287	2

STATE OF SOUTH CAROLINA,
Office of Secretary of State:

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congress in the fifth Congressional district in said State, as returned by the county board of canvassers for the counties composing the fifth Congressional district, and which returns are now of record in this office.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881.

[SEAL.] R. M. SIMS, *Secretary of State.*

This certificate gives Tillman over 8,000 majority. This the Republicans of the House propose to entirely wipe out.

In the short time allowed me in this debate (forty-five minutes) it will be impossible to do more than to briefly allude to some of the general questions involved, and the evidence in any detail cannot be considered.

The conclusions of the minority of the committee will be found fully stated in their report and the evidence given to support those conclusions.

Now, it is charged and given as one reason for setting aside the 8,000 majority given Mr. Tillman by my friend from Connecticut [Mr. WAIT] that in this election there were great frauds arising from ballot-box stuffing, and that the drawing out of the excessive ballots was always to the disadvantage of the Republican side. You would infer from his statements, as well as from the report of the majority of the committee, that thousands of excessive ballots had been put into the boxes—sufficient to control the whole election.

The gentleman from Connecticut did not go into particulars; but I want to call the attention of the House to just what the record shows upon this point. Out of 38,000 votes cast in that district there were in the entire district only a little over 400 excessive ballots shown by the record to have been found. In the five counties of this district there are only eight precincts as to which any charge of this kind has been made. I wish to remove the impression which my friend from Connecticut may have created that there were thousands of these excessive ballots in this district, and that the drawing out was invariably to the advantage of the Democratic side. In the aggregate there were only 418 excessive ballots in the entire district. In the drawing out there were 311 Republican ballots drawn out, and 107 Democratic. Now, there are many precincts in the city of New York and all over this country where a greater number of excessive ballots are found at every election. Yet the simple fact of these comparatively few excessive ballots in this district in South Carolina is seized upon and claimed as being sufficient to vitiate the entire election in one whole county. In the drawing out at Page and Hankason precinct, 26 votes were drawn from one of the boxes, of which 7 were Republican and 19 Democratic. I can refer any gentleman to the record, but I will not stop to read it now.

I call upon the gentleman upon the other side who will follow me to show any error that I have made in the statement as to the excessive ballots.

There are two hundred or three hundred precincts in the district, and no charge is made of excessive ballots except as to eight precincts. The drawing out of more Republican than Democratic tickets was the result that in those precincts the Republican votes greatly outnumbered the Democratic vote, or by accident. This certainly is not a very substantial ground upon which to disfranchise a whole people.

It is not shown or pretended to be shown that even if you give the entire excessive vote against the Democratic party it changed the result in any county or precinct in the district.

Besides it is not shown in the record by any witness how or by whom ballot-boxes were stuffed. The Democrats charged it upon the Republicans, the Republicans charged it upon the Democrats. But at any rate the excessive ballots were drawn out in the manner the law of South Carolina provides; that is all that could be done. The vote, having been purged under the law, is entitled to be recognized and counted as an expression of the will of the people. This is the rule and the law, and this House has acted on it in all the election cases heard at this session.

It was apparently claimed by counsel in the argument of the case before the committee that the statute of South Carolina required the board of county managers to send up the protest and the papers referring to the election with their statements to the State canvassers; that in three of the counties these papers were omitted to be sent up, and that by reason of this omission the vote of those three counties—Colleton, Barnwell, and Edgefield—should be thrown out. That position has been abandoned by the majority of the committee in their report. The proposition was too flagrant. Every lawyer knows that the statute in this respect was merely directory. The old law on this subject is the same in substance as the amended law referred to by the committee. It was always construed as being merely directory.

The majority of the committee seek to take a technical advantage of the provision of the present law, which provides that the president of the board shall within three days after the adjournment of the county canvassers send up the papers pertaining to the election, and that this was not done in the three counties. Therefore it is urged that those three counties should not be counted, they having given Tillman large majorities. Whenever a technicality makes for the Republican party they insist upon it, and whenever it makes for the Democratic party they repudiate it. But that technicality cannot be insisted upon in this case, because the provision of the statute is purely directory. If the State canvassers had all the returns from the precincts they could not use them; the statute compels them to act simply upon the statement of the county managers, and upon nothing else. That has always been the law in South Carolina. It would be monstrous to disfranchise the people of three counties because a county officer failed to perform a duty merely directory.

I wish to call attention to another very great error under which, in my judgment, the Republican party is laboring, and that is with reference to the colored vote. The claim is made by the Republican party that in many parts of the Southern States the colored race has a large predominance in numbers over the white; and yet notwithstanding this the colored men have had no offices, have not been sent to Congress since the Federal troops were withdrawn from his support in 1876. That is the general claim made. It is made here to-day by all the speakers. The assumption is that in those places where the colored men outnumber the white men the colored men should prevail and dominate the white men. That is the claim which is made. The conclusion of the Republican party is that where the colored man under the circumstances of a majority in his favor fails to hold the offices and dominate the white man it is conclusive evidence in some manner that the colored man has been cheated and defrauded by the white man. That is the proposition upon which they stand in their arguments before this House.

A more unjust conclusion and a more erroneous view cannot be presented. This view assumes that the colored men all vote one ticket, are all harmonious and belong exclusively to one party. The evidence in this case shows that is a very great error, and that thousands of colored men voted for the contestee. The record shows there were Democratic colored clubs and organizations all over those five counties. There are some fifty or sixty places in the record where it is shown conclusively by witnesses on both sides that there were from 50 to 200 or 300 colored voters in a precinct, and that these colored men voted for the contestee.

Now, I must, at the expense of being a little tedious, refer to the testimony, as this is one of the great points expressly denied by the Republican party that the colored men either affiliated with or voted for any Democrat, but that they all went with the Republican party. I will refer to pages of the record evidence, and if any Republican members on that side have that record evidence they can follow me and judge for themselves. I will give a few instances where the colored men were not harmonious among themselves and where a large number of colored men voted the Democratic ticket. This they did in the election of 1878 and the moment the pressure of the Federal bayonets were removed, and this also in 1880.

I will first come to Aiken County and to the poll at Hankinson and Page's store, which my friend from Connecticut [Mr. WAIT] spent most of his argument on yesterday. I will read from page 273 only a word or two. E. S. Naumon testifies:

Question. Did you hold any official position that day?
Answer. As a trial justice, the law requiring my presence. I got there an hour and half before polls opended and remained the entire day very near the poll until the poll closed, and the Republican supervisor accompanied me home and staid with me that night.
Q. What was the conduct of the election there that day?
A. In the main very peaceable and quiet.

That is the very precinct my friend expended the most of his eloquence on yesterday, and here we see by the testimony that the election was a very peaceable one. I read further from the same page:

Question. Did you see any colored people vote Democratic tickets that day?
Answer. Yes, sir; the most of them voted the Democratic ticket.

This was a large precinct, and the most of the colored people voted for Tillman. Yet, while that is the character of the proof all the way through the assumption is made here that where the colored people were permitted to vote they did vote the Republican ticket.

The proof shows that in this instance they did vote the Democratic ticket.

I come next to the testimony on page 314 of the record for the purpose of showing how this thing is. I read from the testimony of the high sheriff of the county of Aiken, M. T. Holley:

Question. At the close of the polls, how many colored people who had not voted?

Answer. I cannot say; there was a pretty good crowd, but I do not know whether they had voted or no.

Q. Of these 500 colored men how many are Democrats?

A. From what they told me, about 100 colored men voted Democrat tickets; what they told me before election and the fact of their voting usually with us in 1876 and 1878; these are men of character, and some of them acquiring property.

Q. Taking these 100 colored Democrats and the white Democrats how many more were they than the Republicans?

A. I cannot say; the Democrats carried this poll.

This was at another precinct, Aiken Court-House. It is shown that these were all men of character, some of them having acquired property. It is proved that 200 of them voted the Democratic ticket. It is proved by testimony of the high sheriff and of others, and is contradicted by nobody.

I now come to pages 551 and 552. Here is another witness, E. L. Stevens, Meeting street precinct, Edgefield County:

Question. Was there any discrimination shown by the managers with regard to votes; I mean by that on account of race or party?

Answer. None.

Q. Did any colored men vote the Democratic ticket at your precinct?

A. They did.

Q. Was not the manner in which the Republicans approached the polling precinct calculated to confirm the rumor that they intended to take forcible possession of the same?

A. It was.

Q. Was not the manner in which the Republicans came up to the vicinity of the polls calculated to intimidate Democratic voters?

A. It was, if they could have been intimidated.

Q. Were not all the voters allowed to vote who attempted to do so?

A. They were; the managers sent out for the parties to come in and vote and that they should not be interfered with.

Q. Was not the election a fair and square one, and the box sent up to commissioners in accordance to law?

A. It was.

Now we come to the cross-examination; same witness:

Question. Do you not know that colored Democrats are very few and scattering in your neighborhood, and is it not a fact that colored men who generally identify themselves with the Democratic party are known perfectly well by nearly all of the citizens of the neighborhood in which they live?

Answer. It is hard to tell when you do strike a Democratic negro or a Republican negro. They go to Democrats, they are Democrats; go to the Republicans, they are Republicans. When they want a favor they are Democrats, and when they don't they are not; but they always want favors.

Q. Are there any colored men who are Democrats in your neighborhood?

A. They voted the ticket—Democrat ticket, I mean.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. About how many colored men voted the Democratic ticket at your box, and what were their names?

A. The colored men would come up and show their ticket, which would be folded, and say, "Here's a Democrat ticket." About two hundred of them did this. I don't know whether it was a Democratic or not. Some of them I gave tickets to that would vote them right there; I saw them do it—Jack McKinny, Laurence Richardson, Giles Dorn, Joe Fraser.

E. L. STEVENS.

On page 641 of the record E. B. Dunbar testified that he was at Millett's precinct, Barnwell County, on the day of election:

Question. Do you know Captain J. B. Bates?

Answer. I do; have known him from his boyhood.

Q. Was he at Millett's on that day?

A. Yes; went to the polls together. He was one of the managers, and remained there until I left, at five o'clock in the afternoon. At eight o'clock p. m. he came by my house and told me everything was quiet.

Q. Could every person vote on that day the ticket he chose?

A. Yes; without any interruption.

Q. Did any colored persons vote the Democratic ticket on that day, and how many?

A. About sixty-five belong to my club. I saw them vote the Democratic ticket.

Q. Was there any others voted it that you know of?

A. Yes.

Q. Did the Republicans hold any political meetings in your section during the last campaign?

A. None nearer than Red Oak that I know of.

On page 636 Elliott Ester, colored, testifies that he was at Baldock precinct, Barnwell County, on election day, and as follows:

Question. A good many colored people voted the Democratic ticket, you say?

Answer. Yes.

Q. What means had you for knowing this?

A. I was frequently at the door and saw them take up Democratic tickets and put them in the box, and about fifty voted the Democratic ticket.

ALLENDALE PRECINCT.

This is the precinct against which so many charges have been made of intimidation and refusal to permit colored men to vote.

Thomas S. Myers, colored, a witness of legal age, produced by contestee, upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?

Answer. Thomas S. Myers.

Q. What is your age?

A. Forty-eight years old.

Q. Where do you reside?

A. Allendale.

Q. What is your occupation?

A. Farmer.

Q. Where were you on the day of the last general election?

A. Allendale.

Q. Were you in the neighborhood of the polls during the day?

A. Yes.

Q. Do you know of any disturbance at the polls during the day?

A. No.

Q. Do you know of any one who did not vote on that day?

A. Heard a good many who I took to be Republicans who said they had not voted. I invited them up to vote. They said they did not intend to vote; that the poll would be thrown out anyhow.

Q. Are there any colored Democrats in this section?

A. Yes; a good many voted the Democratic ticket.

Q. Do you know of any colored Democratic club at Allendale before the last election?

A. Yes.

Q. How many members?

A. Two hundred and twenty-five.

Q. Did that club vote generally at the last election?

A. Yes; most of them did.

Q. Do you know of any other colored Democrats who voted here on that day who did not belong to this club?

A. Yes; a good many from Bull Pond.

Q. Do you know of any Republicans who voted on that day?

A. Yes.

Q. Do you know of any who were molested on that day?

A. No.

I wish to call attention to another page of the record, 610. It is testified to by several witnesses, but I will only read from one, that there were enrolled in Barnwell County over 1,372 colored Democrats in a Democratic club. It was known all over the county, as they held public meetings everywhere. Colonel T. Lartigue testified:

Question. How many colored voters were reported to you by Democratic club chairmen in the last campaign as enrolled in affiliated Democratic clubs?

Answer. Five months before the election 1,372 enrolled members were reported to me and rolls of their names furnished.

(The answer objected by counsel for contestant as being hearsay.)

Q. What instructions, if any, were issued by you to Democratic club chairmen with regard to securing for the Democratic nominees the votes of colored persons not enrolled in affiliated Democratic clubs?

A. They were instructed to appoint working committees to electioneer colored men independently of those on the affiliated rolls.

Q. Colonel, what is this, (presenting a Democratic ticket, which was introduced into evidence, marked Exhibit E?) Who was the candidate of the Democratic party on that ticket for Congress of the fifth Congressional district of South Carolina?

A. George D. Tillman.

This is the testimony of Colonel Lartigue, a white man, and a man as respectable as any North or South, as I am informed. Now, on cross-examination the same witness said:

Question. Will you illustrate some of the plans of the campaign of the Democratic party of Barnwell County, which you characterized as within the lines of law and order?

Answer. The plan was to influence as many colored men to join our clubs and vote the Democratic ticket, at the same time instructing our clubs that the campaign was inside of the lines of law and order; that no laws would be violated and no disorder encouraged. After the affiliated club rules had been furnished, instructions were issued to secure the promises of as many colored voters of those who had not joined our clubs and were afraid to identify themselves with our party openly.

I want to say, Mr. Speaker, to the House and to the Republican party here that I have the pages of more than fifty references to the record showing that all through these five counties Republican colored men affiliated themselves with the Democratic party and voted with it all the time, and are voting with the Democratic party to-day; and your not recognizing that fact is your great mistake and error in assuming that there are no Democratic colored men in the South. I venture to say that there are thousands of colored men who vote the Democratic ticket secretly, because in many places if it was known that they had voted the Democratic ticket they would be persecuted, and by their own color.

But another thing, Mr. Speaker, and I intend to give now some reasons, which seem to escape the attention of gentlemen on the other side, for the purpose of accounting for the natural fact that the colored people in the Southern States should support the Democratic party and vote the Democratic ticket. I wish to show the reasons why the colored man may vote the Democratic ticket.

No allowance is made by gentlemen upon the other side for the great disparity between the colored and white races in intelligence and all of the elements which constitute power and capacity to manage, control, and govern. In these latter particulars the Anglo-Saxon race is pre-eminently and infinitely the superior of the colored race. There is also the other great fact that does not seem to have been taken into consideration by the Republican party as a reason why thousands of colored men should vote with the Democrats or affiliate with the Democratic party, and that is the fact that almost the entire property of the Southern States is owned by the white men, who are Democrats. This is an element of great power and is always used and everywhere for purposes of advantage and control, in political as well as in other matters, against the weaker class. None of these facts are taken into consideration, and they are sufficient to account for the natural growth of the Democratic party in the South from the ranks of the colored people.

Now, with these great advantages on the side of the white man, is it strange or unreasonable or wonderful that, living in the same section with the colored man, who constitutes a very large percentage of the voting population, that the intelligent white man of the South should use his power over the colored man by argument, by persuasion, by position, by superior intelligence, by appeals to his own sense of good government, to take sides with them in political questions? Or, being owners of the property, and having the capacity

to control and govern, it is entirely natural that he should induce the colored man to vote and act with him for his own as well as the white man's interest.

I ask if there is anything strange or unnatural in such a course as this? I ask if it is not entirely reasonable and proper that such course should be pursued? Why, it is the universal law that governs everywhere throughout the world; why should it not operate in South Carolina? The weaker leans upon the stronger—the stronger controls the weaker; and if it is for the interest of the stronger man to control the weaker man by using his vote or his muscle, it is done. It is done in Massachusetts, it is done in Illinois, it is done in South Carolina.

My proposition, then, is that the white race of this country in no State in this Union, whatever the disparity of numbers may be, will ever submit to the domination of the inferior race; and that the colored race, the ratio of numbers being the same, would have no greater chance for political success in Massachusetts than it has in South Carolina or in Illinois than in Mississippi. The superior race never has submitted in the history of this world and never will submit to the domination or control of the weaker or inferior race. This is the great universal law of nature. We see it exhibited everywhere. It is practiced every day. It is practiced in every community, in every country, in all climates, and there is no exception to the rule. It is then a principle governing humanity that may be accepted as without exception that the strong will take advantage of his strength and use his influence and his power for the interest of himself, whether physical or political.

And this, Mr. Speaker, is the teaching of all history. It is the inevitable law of the survival of the fittest. The superior race will control the inferior, not necessarily or usually by force, or by fraud, but by the power of superior intelligence and the power resulting from that intelligence. The weak everywhere yield to the strong, by persuasion or by argument, or by appeals to self-interest, and it is these circumstances that surround the colored man of the South and compels his subordination. It is this which enables the man with superior intelligence, or the man with property, with position, with power, to control the weaker party not only physically but politically; and it is the merest hypocrisy, the merest platitude, for any one to pretend the contrary. My friend from Michigan uses that power in his own State; it is done everywhere. It is a principle of power that springs from the advantages of intelligence, wealth, or capacity to govern and control.

Mr. Speaker, the principle of power from superior advantages of intelligence, wealth, capacity to govern and control obtains everywhere in the Middle States and in the New England States. The weaker everywhere are driven to the wall. The Republican party to-day alone maintains its power by the circumstance of its possession of the offices, by the circumstance of its possession of the elements of power, its unlimited control over one hundred thousand or more office-holders.

I may illustrate one phase of the power of the Republican party by the fact that they have just assessed and are now collecting $1,000,000 from their employés for political purposes and to perpetuate their power.

This it is claimed to be legitimate; and yet when the white man of the South uses his legitimate power from the circumstances that surround him to induce the colored man to vote the Democratic ticket and against the Republican party, in Republican eyes it is infamous and all wrong.

Why, Mr. Speaker, in my judgment the possession of the Government by the Republican party is due to this very principle of power of circumstance, the circumstance of possession, the circumstance of unlimited wealth. Your possession of the Army, of the Navy, of the Supreme Court, of all the offices of this Government—it is this power that gives you the control, and you use it unscrupulously; you use it to the full extent; you assess your operatives; you raise your millions, and you flood with it the States where there is doubt of losing control. The tenure of your offices to-day is held by this principle, which you claim is self-preservation. But I want to say those Southern men cling to that same principle down there; the right of self-preservation, the right to govern themselves in their own way and for their best interests. The power held by the Republican party is being used to-day to perpetuate their power. You use every appliance within your means and I am sorry to say that you are unscrupulous in your methods of using your power to control this Government.

I want to say something further in this connection. You may make your election laws; you may turn out the white men of the South and you may seat your colored brother. It will not reverse the natural law of the will and the power of the white man to control in matters of this kind. You may turn out Mr. Tillman, but the white men will return him here, whatever the census may show as to numbers.

No part of the country can again ever be controlled by the negro race. We have had sufficient illustrations of their government and the consequences that flowed from it. I say that this is a country for the white man, and in no part of it—not in Massachusetts or Illinois or in Michigan, would the white men, whatever their disparity of numbers may be, submit to the domination of the weaker, the colored race. It would be against the law of nature to do so. In illustration of this statement allow me to say you may place 500 colored men upon an island and you may place 100 white men from Michigan there with them and in less than six months the 100 white men will absolutely control and rightfully control the 500 colored men. And why? Because they are the superior race, because they have the intelligence, the capacity to govern. The inferior race cannot cope with them and necessarily yields before them. I say that is legitimate, it is right, it is the law of nature. You cannot pass any statute to reverse it. No fifteenth amendment to the Constitution can reverse it. It stands out as a great law that governs human nature everywhere and has always governed it.

I wish to say in conclusion, as my time is almost out, here is a case which shows that thousands of the colored men have voted for Mr. Tillman. We show there is every reason why they should have voted for him on general principles, principles which govern communities everywhere. But it is proposed to ignore Mr. Tillman's 8,000 majority. It is proposed to throw out Barnwell county, and without any reason. It is proposed to say to Mr. Tillman, "We will not permit you to hold your seat here; it is true we are guessing at the thing; there is no proof about it; but you have got to go, and the colored man is to take your seat in order that there may be a public sentiment created in the Southern States so that we may control them more effectually." I say that this sort of doctrine will not do. I say that whatever you may do in reference to this particular case, the white race of the South will dominate there. The white race of the South will control the elections; the white race of the South will send up white men to represent it, whatever may be your action here.

Mr. TYLER. May they do it by force?

Mr. MOULTON. No, sir; I have said it is not necessary to do it by force. I have said that superior intelligence, capacity to govern, superiority in everything, the holding of the property gave them every advantage in controlling the weaker race just as they would control and do control it in the gentleman's State and my State, and everywhere.

Now, Mr. Speaker, you will vote Mr. Tillman out. I know that Mr. Smalls will take his seat. I would not if I could say a word against Mr. Smalls. It would be disreputable for me to attack him and I will not attack him. But I want to say a single word in conclusion as another reason why Mr. Smalls fell so far behind in his vote. There was a bitter political feud in the Republican party in two or three counties growing out of controversies about elections and certain candidates for State and county offices, where hundreds of the colored men scratched Mr. Smalls's name, as shown by the record, and refused to vote for him.

That is another reason why the vote of Mr. Smalls fell short, and why you cannot predicate any argument upon the number of colored men or census of the colored vote, for the reason that the colored men did vote the Democratic ticket.

The record conclusively shows that Mr. Tillman was elected and that Smalls was not elected. This case is but the repetition of the other election cases that have been decided by this House at this session.

The evidence has been ignored. The principles of law that govern are disregarded and a blind partisan zeal governs. In the next Congress the numbers will predominate upon the Democratic side, and then the record that the Republican party has made on these election cases will return to trouble and perplex you. But the Democratic party will be just and upright, I hope, in whatever it may do.

Mr. SIMONTON. I scarcely know how, Mr. Speaker, to gauge myself to ten minutes in discussing the question now before the House. But I can at least offer my protest to what seems to me to be the perpetration of a great wrong.

The proposition before the House is to unseat the gentleman from South Carolina [Mr. TILLMAN] who occupies a position here upon the certificate of the governor of the State of South Carolina, upon the official returns of the officers properly constituted to hold an election, and upon the returns showing a majority of 8,000 votes. It is a proposition by a vote of this House to cancel that certificate, to give the stamp of falsehood to the official action of men of unimpeachable character, and to wipe out a majority of 8,000 votes.

I know that anything that I may say, or anything that other gentlemen might say, on this question will not reverse the decision which has been decreed and will not prevent the turning out of Mr. TILLMAN. You have erected the altar, party exigency demands a sacrifice, and his head must fall. But I do think there should be given sufficient time at least to discuss this question decently and in order, to weigh the evidence and to adjudge it properly, for I assert that the testimony in this case is contradictory and of a very peculiar character.

The testimony in this case embraces more than seven hundred printed pages. It is not only contradictory, not only partisan, but upon its very face much of it that is relied on by the majority bears the stamp and impress of downright and absolute perjury. Men are relied upon as witnesses in support of this case who, by their own confession, have been bribe-takers, and others, who upon their own cross-examination showed that they are partisans and unworthy of respect. Yet there is not sufficient time given to analyze this testimony, to weigh it and consider it judicially, and to arrive at what the truth of it may be.

If gentlemen on the other side are determined in their minds, for partisan purposes, or in compliance with any arrangement heretofore entered into, or for any other reason, to turn out Mr. Tillman, they are acting a wise part when they use the gag of the previous question to prevent any investigation of the character of the testimony by reason of which the deed is to be perpetrated.

During the time when Republicans held rule in Louisiana that State received the unenviable distinction of furnishing the champion liar of America. But I think that Eliza Pinkston has been actually eclipsed by the testimony given in this case, and I say that gentlemen are acting a wise part, shielding themselves well, when they apply the previous question to prevent an examination of the testimony upon which they propose to cancel the certificate of a governor of a State, the sworn returns of proper officers, against whom there is no impeachment, and to wipe out by a resolution, without judicial ascertainment of the truth, a majority of 8,000 votes.

Gentlemen on the other side have not even spent their time in discussing the testimony in this case, and the honorable gentleman from Michigan [Mr. HORR] has beat his tom-tom and brought forward a side show in order to divert the minds of gentlemen who sit here as judges upon a matter of grave importance. In order to distract their minds he has presented a side issue, and has talked to the House for half an hour about gerrymandering in the State of South Carolina, presenting maps and diagrams, upon which he descanted with a levity and passion both that little becomes the character of a judge.

That was well enough, I suppose, for it has as much relevancy and is just as good reason and argument for turning out Mr. Tillman as any of the credible testimony in the case. I am inclined to think that the gentleman from Michigan has shown the more shrewdness in substantiating the position taken by the majority of this committee when he puts it upon the ground that South Carolina has been redistricted in a manner not satisfactory to him.

Mr. McMILLIN. And since this election.

Mr. SIMONTON. And that, as my colleague suggests, has been done since this election. When you act upon the assumption that wherever there is a majority of colored people in a district in the South there must come from that district a Republican Representative, and when you are determined blindly or by any kind of testimony to unseat the gentleman who may be returned from that district as elected—when you assume that districts in which there is a colored majority must return Republican members, you drive these people to using this gerrymandering for their own protection.

So far as that gerrymandering is concerned, about all there is in it is just this: this is a progressive age, and these people down there in South Carolina have simply improved a little upon what the Republicans taught them. And I do not know that they have improved upon it at all, because in the districting of the State of South Carolina under Republican rule they did not even have contiguous territory in the Congressional districts, while they have that now.

I would like to remind gentlemen upon the other side in this connection that when the apportionment bill was under consideration here an amendment was offered to prohibit this very gerrymandering and to require that districts should consist of contiguous territory. Gentlemen on the other side voted that amendment down, thereby giving the stamp of their approval to the doctrine of gerrymandering; and in this case it has been applied perhaps only a little more than elsewhere. In the gentleman's own State of Michigan they manage somehow to suppress the whole Democratic vote, as they have done in other States.

Mr. McMILLIN. And in Pennsylvania they divided counties.

Mr. SIMONTON. And in Pennsylvania they divided counties likewise. Gentlemen assume that because there is a colored majority in the fifth Congressional district of South Carolina therefore the Republican candidate in that district was elected. Now, if you go upon that assumption, why should there be any investigation or any contest at all? Why should you not pass a joint resolution unseating at once every Democratic member here who happens to be from a district where there is a colored majority?

But it happens that in the testimony in this case one colored man says that he declined to vote for Mr. Smalls because he had been convicted of stealing. Another colored man says that a leader in his county and other colored men also declined to vote for him because he had been convicted of stealing. I do not know how that is; I do not know anything about the facts or the history of the matter to which they allude.

But one thing is sure, that the voters in that district thought so, believed so, and it was a motive of action with them. They had some regard for decency and propriety, some regard for the character of the Representative who should represent them upon this floor, which I recommend to gentlemen upon the other side of this Chamber. I believe, Mr. Speaker, my time has about expired.

[Here the hammer fell.]

Mr. MOULTON. Mr. Speaker, how much time is there left on our side?

The SPEAKER *pro tempore*, (Mr. CROWLEY.) Thirty minutes.

Mr. MOULTON. I believe my friend from South Carolina [Mr. TILLMAN] will now occupy the floor, or his colleague, [Mr. EVINS.]

Mr. MILLER. I will yield five minutes of my time to Mr. EVINS. Do not let it be taken out of Mr. TILLMAN'S time.

Mr. EVINS. Mr. Speaker, I am obliged to the gentleman who yields me a portion of his time, and as I speak by the courtesy of others I shall be very brief.

I never saw my friend from Michigan [Mr. HORR] apparently more happy than this morning, when he stood in the middle of the area in front of the Speaker's desk flourishing his wand and vilifying the State of South Carolina. Now, I think he would have found no fault at all with that artistic map which he exhibited if he could have convinced himself that the effect of such a division of the State would be to return a solid Republican delegation.

We of South Carolina object to being eternally lectured as to what we should do or leave undone. We repudiate the guardianship of the Republican party.

Why, sir, what right have members of that party to lecture anybody in reference to good morals? Have they not gerrymandered every State of which they have had control? Have they not suppressed the Democratic vote wherever it was in their power to do so? Did they not steal the Presidency of the United States? Have they not filled every department of the Government with corruption? Did they not glorify ex-Senator Dorsey, now famous on account of his connection with the star-route steal, for buying a majority for Garfield and Arthur in the State of Indiana at the last Presidential election? Do they not continually levy blackmail upon the office-holders of the Government in order to raise hundreds of thousands of dollars by which the voters of this country may be corrupted? And are we to be eternally lectured by these men as to what is a proper standard of morality for us in political matters? We are tired of this thing. For gentlemen belonging to that party to talk about a high standard of morality in politics is something like the bawd talking about the beauties of virtue, or Guiteau inveighing against political assassination.

Sir, I have as great an abhorrence of fraud and corruption as any gentleman on either side of this House. I repudiate it wherever I find it. But if there ever was an excuse any where for gerrymandering, we in South Carolina have a better one than can be offered by the people of any other State. Why, sir, we are judged as if we had a perfectly normal condition of things down there, as if everything were just as it is in the New England States, or any of the well-regulated States of the North. Gentlemen have no idea at all of the terrible menace with which our very civilization is threatened all the while. They know nothing of the condition of things down there, and only betray their own ignorance whenever they talk about it. Why, sir, every honest Republican who has come to South Carolina and investigated the condition of things for himself has told the truth about these matters. We are continually confronted there with the vote of more than a hundred thousand persons, to whom you gave the suffrage, grossly ignorant and totally unfitted to exercise the right of a voter either for their own benefit or that of others.

I do not blame and never have blamed the colored man for this. I have done, and my people are doing, all they can to elevate the colored race by giving them means and opportunities for education. I trust there is a better time coming for them and for us. We have not grumbled because we were taxed for their benefit. We have given our means cheerfully and liberally to educate them. The very first thing that the people of South Carolina did when they came into power in 1876 was to amend the constitution so as to create a larger fund for the education of these very people.

Now, Mr. Speaker, I do not care to enter into any dirty squabble about the good morals of South Carolina or of any other people. I think that we should rise above the miserable party feelings and the vile personal abuse which one side of the House is accustomed to pour upon the other. All that we claim is equality. All that we assert is that we have just the same rights in this Government that you have, and so long as we do not violate the constitution and laws of our country you have no right to criticise us unjustly or pronounce harsh judgments upon our actions.

We have no cause to hope for justice at your hands and cannot accept your officious counsel as prompted by any higher motive than a desire to serve your party ends and keep yourselves in power. But gentlemen say we do violate the law. Why, Mr. Speaker, is not the law violated in every State of the Union? If violations are more frequent in our State than in some others can gentlemen see no reason why it may so happen? Are not the circumstances in our case vastly different from those which environ the people in many other States?

I do not care to allude to the past. I do not set up any Republican standard of virtue as the standard by which I am to be guided. My friend from Tennessee [Mr. SIMONTON] has already referred to the gerrymandering of South Carolina by the Republicans when they were in power and sent a solid Republican delegation here; in their gerrymandering they did not even pretend to make the territory of a district contiguous. Yet you never raised a question about it. And when the question was raised by my friend General McGowan against Judge Hoge, your side of the House laughed him to scorn and seated Hoge without hesitation. Yet you have the assurance to talk to us as if all virtue, all honor, all wisdom were the peculiar heritage of the Republican party, and would perish with it and sleep forever in its grave.

I say that we have a just right to complain of this eternal and everlasting abuse of our people and our section. Do you expect to

make things better by adding fuel to the fires of sectional hate which you are endeavoring to keep alive? We have made progress, and we hope to make progress every day, not only in material prosperity and internal harmony but toward fair, quiet, and peaceable elections; if you please, toward having things managed and conducted in our State as in those States where everything is in a normal state and no such difficulties exist as we have to contend with.

We passed a registration law, and that did not please you. You criticised it, saying that it was made in the interest of fraud. We laid off a Congressional district with an overwhelming majority of colored voters in it, so that they would be able to send at least one Representative to this House, and yet that did not please you. [Laughter.]

You have an equal right also to contest the election in all the other districts. None of them have a large white majority. That does not please you. Why, my friend, we did not do it for the purpose of pleasing you. We had no idea of consulting you as to what we should do. We did it because we wanted to do it and because we thought it was right to do it. We do not propose to consult you, but we propose to continue to do what we think best under the law, and to hold ourselves responsible not to the Republican party but to the Government of the country.

Mr. WAIT. Will the gentleman let me ask him a question?

Mr. EVINS. Certainly.

Mr. WAIT. When the colored people are in a large majority in your State is it right they should have only one Representative in Congress?

Mr. EVINS. My friend from Connecticut tries election cases on the color line. In his speech yesterday he was unwilling to admit that any colored man in South Carolina could or would vote except upon the color line.

He and his party do all in their power to array the colored voters on this line and compel us to recognize it. We want it abolished, but you will not permit it to be done. Why should they have a distinct representative from the white man? Are they not a part of the great body of the people? Why my friend talked and argued upon this pending election case as if the colored people of South Carolina were a body of people entirely separate and apart from the body-politic in South Carolina, with no interest and no sympathy in common with the white people. He spoke of them as if they were not moved or swayed by any of the usual considerations or motives which influence voters, but with absolute blindness obeyed the behests of their party leaders. He first exaggerated very greatly their voting strength according to the recent census, then he took it for granted that every one of them turned out to the polls, that every one of them voted, and that each cast a ballot for the Republican candidates.

Mr. HORR. How came you to make the seventh district if you did not recognize that same principle? Explain that.

Mr. WAIT. And on the color line.

Mr. HORR. Explain that.

Mr. EVINS. I say we have tried to get rid of the color line, but you will not let us do it.

Mr. HORR. Were you trying to get rid of it when you made that seventh district?

Mr. EVINS. I asked the gentleman to yield to me and he repeatedly declined to do it.

Mr. HORR. Oh, no; I did not decline, but yielded to you every time.

Mr. EVINS. Let the RECORD show how it was.

The SPEAKER *pro tempore*, (Mr. CROWLEY in the chair.) The gentleman's time has expired.

Mr. MILLER. The gentleman from Michigan was allowed ten minutes additional time, and I ask, by unanimous consent, that the gentleman from South Carolina be allowed five minutes more.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. EVINS. Mr. Speaker, I had no idea of making a speech.

Mr. HORR. How came you to make this seventh district if you did not recognize the color line?

Mr. EVINS. I have already answered the gentleman's question, and do not propose to answer it again.

Mr. MOULTON. I object to further interruption. If you give him five minutes, let him have it without interruption.

Mr. EVINS. I do not care to avail myself of any further time. I have said about all I had intended to say, and will not trespass further on the time of the House.

Mr. TILLMAN. I believe I have the floor, and I will yield one minute to the gentleman from Illinois, [Mr. SPRINGER.]

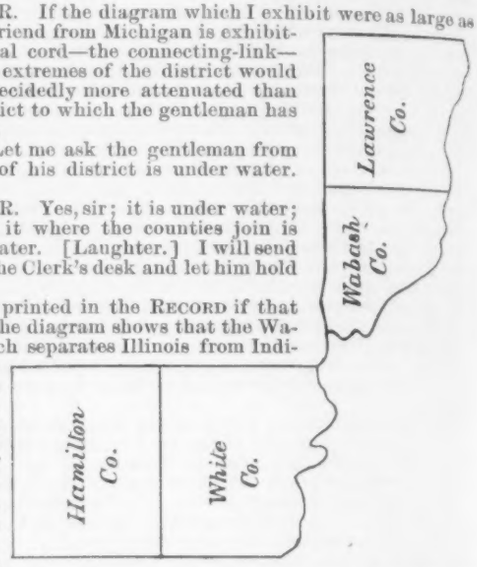
Mr. SPRINGER. The gentleman from Michigan [Mr. HORR] exhibited a map to show the gerrymander in South Carolina. He had employed some skillful artist to produce a beautiful design on such large colored sheets that it was not difficult to see it anywhere in the House. In the brief time which has elapsed since his exhibition I regret I have not been able to furnish a similar map of the legislative and Congressional districts of the State of Illinois made by our Republican Legislature at its last session. One of the districts for legislative purposes was similar to that exhibited from South Carolina by the gentleman from Michigan.

Mr. CANNON. Which one?

Mr. SPRINGER. The district composed of the counties of Lawrence, Wabash, Hamilton, and White was made in utter defiance of the constitution, which requires that the districts should be made of compact and contiguous territory. Instead of that it was made in the shape gentlemen will see by the map I hold in my hand.

Mr. HORR. Look at this. How does it compare? [Holding up a map.]

Mr. SPRINGER. If the diagram which I exhibit were as large as that which my friend from Michigan is exhibiting, the umbilical cord—the connecting-link—joining the two extremes of the district would be seen to be decidedly more attenuated than that of the district to which the gentleman has called attention.



Mr. HORR. Let me ask the gentleman from Illinois if part of his district is under water. [Laughter.]

Mr. SPRINGER. Yes, sir; it is under water; that portion of it where the counties join is entirely under water. [Laughter.] I will send the diagram to the Clerk's desk and let him hold it up.

I will have it printed in the RECORD if that can be done. The diagram shows that the Wabash River, which separates Illinois from Indiana, forms the east line of the district. At the point of junction between the counties of White and Wabash the Bonpas River empties into the Wabash, and hence the point of contact is under water. If the diagram can be produced it will appear in the RECORD. By arranging the counties in this shape another Republican district was made, which elects three members of the Illinois house of representatives and one senator, and the effect may be to secure the election of a Republican United States Senator.

Mr. ROBINSON, of New York. Will the gentleman from South Carolina yield me a minute?

Mr. HAZELTON. Is this a question of Ireland?

Mr. ROBINSON, of New York. No, sir; and my friend will never be for Ireland while he can shirk his duty. He is with England and cannot get away from her side.

Mr. HAZELTON. Certainly.

Mr. ROBINSON, of New York. I was going to say, in the one minute of my friend's time, that if any one wants these pictures to illustrate——

The SPEAKER *pro tempore*, (Mr. CROWLEY in the chair.) Does the gentleman from South Carolina yield?

Mr. TILLMAN. For one minute.

Mr. ROBINSON, of New York. If gentlemen want to exhibit the districts by illustrations in the RECORD I ask them to go over to my district in Brooklyn, and that I suppose may be called the "dumbbell district." It has been made up by a Republican Legislature more out of all reasonable shape than any other district that has been presented here, or even than the one which has so much horrified my friend HORR. [Laughter.] And go across into New York, the district of my friend Mr. FLOWER, and you will find that they have made that into a regular "grasshopper district." In that district they have taken all of the monopolists and all of the friends of England and put them in my friend's district and made it a grasshopper district, crowding the Democratic precincts into other districts and reserving the aristocratic slices of several wards to make up this district. Since the day of Gerry in Massachusetts (and Massachusetts is still at it) there never was anything like it.

Mr. HAZELTON. Who was elected from that district? Was he a Republican or a Democrat?

Mr. ROBINSON, of New York. I have not time to go into that.

Mr. HAZELTON. Was the man elected a monopolist or a poor man?

Mr. ROBINSON, of New York. Mr. Astor was not elected.

Mr. SPRINGER. They ran against him [Mr. FLOWER] a large monopolist, but could not get him in.

Mr. HAZELTON. Who was the man they elected?

Mr. ROBINSON, of New York. He was a flower compared with the daffodil you ran. [Laughter and applause.]

Mr. HAZELTON. Balm of a thousand flowers.

Mr. ATHERTON. You did not get in this monopolist you wanted.

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired. The gentleman from South Carolina is entitled to the floor.

Mr. TILLMAN. May I ask how much time I am entitled to?

The SPEAKER *pro tempore*. The gentleman has seventeen minutes of his time remaining.

Mr. TILLMAN. If I am to be limited to seventeen minutes the vote had just as well be taken now without one minute's debate.

Mr. ATHERTON. There certainly is a mistake in the time allowed to the gentleman from South Carolina.

Mr. ATKINS. The gentleman from South Carolina yielded but one minute to the gentleman from Illinois and one minute to the gentleman from New York, [Mr. ROBINSON.]

Mr. ROBINSON, of New York. For which I thank him sincerely.

Mr. CALKINS. Mr. Speaker, during this debate I have not asked the extension of the time of any gentleman on this side of the House, for the reason that I considered that the debate should close without delay, because we were put to the trouble of securing a quorum and maintaining it here; but if the gentleman from South Carolina desires more time than the seventeen minutes remaining to him I ask him how much time he does desire?

Mr. ATHERTON. Seventeen minutes is not the proper time to which he is entitled anyhow.

Mr. TILLMAN. I cannot say, sir, exactly how long I would ask the indulgence of the House, but I shall make this promise, that I will be as brief as possible; and the House will bear me witness that throughout the last Congress and the present one I have consumed but very little of the public time.

Mr. CALKINS. I asked the gentleman the question for the purpose of ascertaining if possible how much time he would require, with the view to requesting unanimous consent of the House that he be given such time as he desires. Now, if he will indicate to me the time he wants I will ask this side of the House to make no objection.

Mr. TILLMAN. I certainly shall not exceed one hour, and will try to come within a half hour.

Mr. CALKINS. Mr. Speaker, I ask unanimous consent that the time of the gentleman from South Carolina be extended for his own use to forty minutes.

Mr. ATHERTON. I submit that the statement of time belonging to him was not accurate.

Mr. CALKINS. My colleague will pardon me. May I ask unanimous consent to grant forty minutes' time to the gentleman from South Carolina?

The SPEAKER *pro tempore*. If there be no objection forty minutes' time will be granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as the site for a post-office in the State of New York.

Also that the Senate had passed a resolution authorizing the printing of the report of the United States Commissioner of Fish and Fisheries upon the subject of food-fishes in the United States; and

A resolution providing for the printing of 3,000 copies of the Flags of Maritime Nations.

The message further announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 240) for printing the reports on the subject of tornadoes in the Western States.

CONTESTED ELECTION—SMALLS VS. TILLMAN.

Mr. TILLMAN. Mr. Speaker, I propose to say but a few words at present, and those few shall be more to vindicate the right of my constituents to be represented on this floor by their chosen Representative, and the right of my country, the United States, to have its laws made by Representatives whose certificates of election are from the proper State authorities, in preference to having them made by Representatives who are chosen in part, and it seems in reference to this body a considerable part, by the dominant party of the House of Representatives. I think, sir, the people of a State ought to know whom they prefer to represent them in Congress; and as long as the election laws permit them to choose their Representatives and to certify the election to this body this House ought to hesitate long before going behind the certificate to set it aside for any cause.

The Constitution says the laws shall be made by representatives chosen by the people, not by the majority party here. To oust a member of Congress who has a certificate of election according to the laws and under the broad seal of his State is tyranny, because it wounds the dearest rights of the people and vitiates the whole legislation of the country by having law-givers chosen not by the people but by the majority party in Congress. In all contested elections here I think more regard should be had for the certificate of election than anything else. This is the general doctrine of the Democratic party, and we applied it in the last Congress. In the last Congress we voted to retain Messrs. Loring and Yocum in their seats, mostly because they had the certificates, yet one of them was a Republican and the other a Greenbacker, while both of their seats were contested by Democrats.

Mr. Speaker, I shall endeavor to be brief, because any judge—and you are all judges both of the law and of the facts in this case—is impatient to hear further argument after he has made up his mind; and you judges have made up your minds before ever one word was said in regard to the merits of this case; and you made them up without examining either the evidence, the briefs, or the reports, except a very few of you—I venture boldly to assert that not more than half a dozen members have looked into the papers with any care, and that half dozen are partisan, prejudiced judges, who were purposely selected to condemn me.

Mr. HORR. Does that apply to both sides of the House?

Mr. TILLMAN. What I have said does apply to both sides of the House unfortunately to a great extent; each party, in the language of your great leader, Thad. Stevens, usually taking "care of its own rascal."

I think you will all agree with me, or rather agree with every standard writer in America and England on elections, that it is a fault in our American constitutions which permits a legislative body to be sole judge of the election and returns of its members. Why? First, because although every member of such a body acts as judge in a contested election, yet it is notorious that but few members have either the time, the inclination, or the opportunity to examine into a contested case properly. The drudgery is too great for the honor it brings, the labor too severe for the average legislator, and the time necessary for a proper discharge of the duty can ill be spared from other legitimate cares. The eight hundred or one thousand pages of dry facts and law usually embraced in the testimony, briefs, and reports of a contested-election case require far too much toil for the average Congressman to study and digest properly.

All our contested elections are generally decided in the first instance by a sub-Committee on Privileges and Elections consisting of about five members, three of whom are usually of the majority party. Whatever report they make to the whole committee is confirmed by that body nine times out of ten, and whatever report this whole committee makes to the House is also unanimously ratified by the majority party. Oftentimes the attorneys of the contestant and contestee not only write out the report of the sub-committees but also compose speeches in support of it, which are read in the House by members of the sub-committee who never study the case, yet decide it, and this is what is called a judicial decision.

Another reason why this House should not determine contested elections is that party policy is eternally exciting party prejudice to make members go contrary to the merits. Even to carry on simple legislation produces that effect unconsciously. It does it in the British Parliament where there is no patronage in the executive government, and where the prime minister, Mr. Gladstone, boasted the other day he had no patronage but the appointment of his private secretary and was glad of it. You have the patronage of a hundred thousand offices turning upon the Presidential election, which itself generally turns in a great measure upon the control of this body to make you still more partisan in deciding election cases. All these grounds apply with equal force to both the great parties in this country.

But, gentlemen, you Republicans have still a fourth cause to strengthen your party zeal and to blind you to the merits of a contested election. That is the new propagandism you have been engaged in for the last twenty years of the doctrine of "universal fatherhood of God and the universal brotherhood of man." In espousing that doctrine you have attempted to subvert the laws of God, and you have failed and will continue to fail. That would lead you to enfranchise the Chinaman. It would lead you to throw open your ports and allow the Asiatic hordes to overrun this country and to be clothed with the ballot and overwhelm our very civilization with barbarism.

I have made these few remarks more in the spirit of a philosopher, or rather as a legislator trying to make a practical application of the present case to future legislation than from any feeling of anger on my part, knowing that you are going to expel me from among you. The sorrow that I feel is much less for the loss of my seat than for the violation of the Constitution by seating a man who was never elected by the people. I hope, therefore, that some one here on one side of the House or the other may examine the English statute relating to the decision of election contests introduced by Mr. Disraeli in 1868, and passed through the British Parliament, creating a court to hear and determine the facts and indicate the law applicable to those facts in a report to Congress, as is done to the British Parliament.

Nearly all the precedents that are worth following or that deserve our confidence come from the mother country. And I do hope that the bill introduced by the gentleman from Iowa the other day [Mr. KASSON] will receive more consideration than it seems to have done up to this time, although I must say, in all candor, I differ with him about submitting contested elections to the Court of Claims. I think that perhaps a separate court ought to be constituted here at the Capital for that express purpose, or that a contested election ought to be submitted to the district court including the Congressional district where a contest arises.

I have said this, gentlemen, as a parting speech on the legislation which I would recommend to your earnest attention, and I now propose to say a few words in reference to my own case. As I have said, neither the law, the evidence, nor justice will have anything to do with the decision of this case, nor will it with that of my friend SHELLEY, from Alabama. The census and party policy have already decided both cases. Both of the briefs of the contestant and the speech of the gentleman from Connecticut, [Mr. WAIT,] the speech of every gentleman on that side, show that the census, not the testimony nor the law, has anything to do with the decision of my case. Even the miserable majority report, which is simply partyism gone mad, presents a state of facts to which, if the law were correctly applied, my election could only be vacated, and the contestant could not be given

the seat. The doctrine assumed was very distinctly announced, but in rather a jocular manner, by a Republican member of the sub-committee [Mr. RITCHIE, of Ohio] which heard the argument in my case. He said if every colored man did not vote the Republican ticket he ought to do it, and it ought to be counted that way anyhow. For if he failed to vote it, the presumption is he was either defrauded or bulldozed out of his vote, and the responsibility of proof to the contrary ought to rest with the man who claims the contrary, and that, therefore, where the census shows that a Congressional district has a majority of colored voters the seat ought to be given to the Republican, no matter who has the certificate.

I cannot, for lack of time, go into the details of the evidence in regard to particular precincts nor in regard to numerous wholesale allegations of illegality, fraud, and intimidation as to both counties and precincts. But I will say this much in a general sort of way, that while much of the testimony does seem to make strongly against me, on account of the horrid tales recited by many of contestant's witnesses, who are nearly all colored, yet most of this testimony is wholly false or grossly exaggerated. The average agricultural negro at the South is not only a constitutional coward, and therefore prone to let his fears exaggerate even the slightest excitement or disturbance into a riot, but he is a moral bankrupt also, especially as to such small virtues as truth, honesty, and chastity.

The sanctity of an oath is a thing he cannot comprehend, and will commit perjury with such facility that for $5 each I can easily get five hundred affidavits or depositions in my district from colored men to prove conclusively that the honorable chairman of the sub-committee who has this case in charge [Mr. WAIT] stole a horse and robbed a hen-roost in Aiken County, South Carolina, last year.

If I had time to analyze the whole testimony and marshal the facts, as faulty and defective as my defense has been made, I could rebut almost every charge which has been alleged in the record against me or my political friends; but time presses and I must pass on from particulars to generals, since I shall not be able to say much about even the latter.

I wish, Mr. Speaker, to recur to the idea of the census furnishing the proper returns of a member of Congress from the South. It has been contended, as I have said, that every negro must necessarily vote the Republican ticket. I think the gentleman from Illinois [Mr. MOULTON] made some very strong suggestions to an impartial mind why a great many negroes should vote the Democratic ticket.

I will mention still other causes for it. The white land-owners of my State, poor as they are, to-day pay a higher tax for public school purposes, to which their own children go than any white men of any State on this continent, and the bulk of the tax fund so raised is used to educate the negro.

In the days of the carpet-bag and African barbarian rule the school funds were all stolen, or nearly so, and the negroes of the present day in my State are grateful for the change in that regard which has been wrought by the Democrats.

And just here I cannot help but remark that when the gentleman from Connecticut, the honorable chairman of the sub-committee to which my case was referred, [Mr. WAIT,] boasted yesterday that the Republicans would educate and stand by and hold up in his rights and manhood the African—I could not help but remember that the Republican party in this Government has not voted seventeen cents out of the national Treasury toward educating the millions of Africans in the South who were freed seventeen years ago. But you have left us with all our poverty to bear the sole burden of educating them, and yet you expect them to continue to vote for your party, and that too when you plainly show that you only love the negro at election times, or when he contests a Democrat's seat in Congress.

Many of the negroes in my State, under the honest and economical Democratic State government, are acquiring lands and other property. The thrifty ones among them have learned the meaning of taxation, and they vote the Democratic ticket on that account. Then, too, the superior intelligence, superior tact, above all the imperial manhood of the white race, asserts itself there just as the intelligence and virtue of the controlling classes at the North assert their rule over what you might call the lower orders of society, especially in most of the New England States. You Republicans of the North can safely preach your high-sounding doctrine of the universal brotherhood of man as applied to the negroes of the South and the Chinese of the Pacific. It costs you nothing, as the practical application is too far from your doors, but the white men most concerned utterly repudiate your dogma and still maintain that the Caucasian is as much the lord of the earth to-day as when the Puritans decreed that the land of the Indians belonged to the saints and that they were the saints. But I will not repeat the argument that was so well put by the gentleman from Illinois [Mr. MOULTON] as to why the colored people ought to support the Democratic ticket at the South. I will simply say, however, that in one county of my Congressional district, to wit, Barnwell, the home of the present admirable governor of the State, who justly has great popularity with the colored people, there were 1,300 colored men in the last canvass whose names were enrolled in Democratic clubs, who wore red shirts, who turned out at public meetings and processions and voted the Democratic ticket. In Colleton County even still more did so.

It was proved here and there by the contestant's own witnesses that from 50 to 60 and 200 colored men voted for me at various precincts. I did not undertake to show in my testimony how many colored men had voted for me; I did not think it necessary. I had supposed in my confiding ignorance that the certificate based upon the returns, giving me a clear majority of over 8,000 votes, would suffice. But, as I have said, the census and party policy have wiped out this majority as a thing of naught. How was it done? Principally by throwing out the entire vote of my own county, Edgefield. Why was that county thrown out? Merely because I got the largest Democratic majority there of any of the six counties, the county being larger than the State of Rhode Island and being the most populous county in the Congressional district. That was the reason why that county and no other was excluded from the count.

But, gentlemen, if the briefs in the case had anything to do with the decision, if justice and the facts would weigh a feather with you, the utmost you could do would be to vacate this election. Why? Because the first brief that the contestant filed, as well as the brief which he put in in answer to mine, took the ground that there was such intimidation and fraud practiced in the three largest counties of the district—Barnwell, Colleton, and Edgefield, where a majority of the votes of the Congressional district were cast—that the vote of all three of those counties should be thrown out. McCrary, and all the American and English authors, all the reported decisions, take the ground that where a majority of the vote of the constituency is tainted, either by illegality, fraud, or intimidation, there is no election. Why? Because the very definition of an election is an opportunity for a majority of the voters of the constituency to cast their votes untainted in any manner. But, gentlemen, I am sorry to say the Republican members of the committee who had charge of this case seem to have overlooked this principle of the law entirely. I am not astonished at it, for the reason that I knew you intended to turn me out. I knew you intended to do as your national organ said this morning you would do, and as it has been advising you to do for months, in order to get a strong, liberal, working majority for your party, and enthuse negro voters and tempt independent Democrats. You only had a plurality at the start, but owing to your coquetting with the Readjusters and Greenbackers you now have several recruits; and I am satisfied you are going to get some more. [Laughter.] But, gentlemen, there is an old adage that chickens come home to roost. I must repeat I am exceedingly sorry for it, since, although I have a party, thank God I have a country. I love it, and wish to see the best laws passed for it that the wisdom and justice of man can devise; and I desire to see not only the Constitution observed but moderation practiced by all political parties.

Mr. Speaker, unfortunately for my lately down-trodden State, which in some counties has just gotten on its feet and in others on its knees from the ravages and prostration of the war and the tyranny that followed the war—I say unfortunately we have accumulated a little property since an honest, economical, stable government was inaugurated in 1876; and I am afraid, from the bold, unceremonious manner in which the people's representatives, certified by the State authorities, are kicked out of this body, there is another ring forming to swoop down on us and rob us of the little substance we have accumulated in these six years of comparative repose and prosperity. If the Republicans go on as they are doing now, when they shall have acquired a controlling vote in the other end of the Capitol, still holding the Executive, I am satisfied the South will be re-reconstructed, and especially my little State, for the purpose of plunder, encouraged by the declaration of the last carpet-bag Senator we had, who remarked, in 1876, if correctly reported, that there was still left five years' good stealing in South Carolina. If the Republicans shall get the upper hand again in both Houses of Congress I am equally satisfied that raids will be committed on the Federal Treasury as well as on the Southern States, and that it will be done largely by the help of the self-seeking Senators and Representatives who shall be admitted to Congress from the South, thus repeating the worst days of Grantism, when both Representatives and Senators from the conquered section were so disreputably cheap.

If the majority party in Congress can spit upon the certificate of election by the State authorities, then that majority can elect whom it pleases in defiance of the people, and can seat candidates whom the people refused to elect.

Now, gentlemen, so long as African barbarism, aided by carpet-bag rascality and supported by the bayonet, dominated the Southern States, you were as dumb as statues. The Democrats were all disfranchised, virtually; ah, really, while that hell reigned there for eight dismal years in my State, (from 1868 to 1876,) and not a man among you had the instinct of the Caucasian to raise his voice in our behalf. You not only put the barbarians over us, not only sustained them with the bayonet, in insulting, robbing, and tyrannizing over us, but you did it with a devilish refinement of torture that would have shocked the manhood of a savage Indian.

Yet now, forsooth, since 1876, since the Caucasian has risen in his might and asserted his God-given right to rule where any considerable number of his race sojourn among the colored races, we hear nothing but eternal complaints and charges of fraud and intimidation and illegality in elections.

This is the stock in trade of the bloody-shirt wing of the Repub-

lican party, and I desire to say in reply to it, once for all, you may find fault, scold, and threaten to your heart's content, but we expect to hold the even tenor of our way. If necessary, we can submit again to the rule of the bayonet in the hands of white men, but never, never more will we bow to the yoke of the African and carpet-bagger; yet, we propose to cheerfully accord the negro all his rights, with the understanding, however, that he must take them from us, not we ours from him.

In this connection, we of the South also want it distinctly understood that we have no quarrel with the Federal Government. It is our Government as well as yours. It is all the National Government we have or want. We love it and intend to preserve and protect its Constitution to the best of our ability. Our fathers contributed as much blood, brains, and money to found and nurture the Government as yours did, and we have equal rights under the Constitution and will submit to nothing less.

But, while these are our sentiments, we boldly proclaim that we do war on the administration of the Federal Government as conducted by the Republican party and we expect to war on it to the bitter end, until the Democratic party shall have driven the administration from power. Not only were our fathers the equals of you Northern Republicans, who are forever setting yourselves up as our superiors and as our chastising schoolmasters, but we are your equals, intellectually, morally, physically, and every other way, man to man, and we intend to have our rights as freemen or struggle for them all along the line to the end of time. So you had just as well quit attempting to hector us.

Of course, there are illegality, fraud, and intimidation, more or less, at every election, in all the States; but abuses that are overlooked entirely at the North are regarded as great crimes at the South by pharisaical Republicans. Even gerrymandering is objected to at the South, while it is justified at the North. Now, what gerrymandering can possibly have to do with the consideration of this contested election is a mystery to me, yet the gentleman from Michigan [Mr. HORR] says I must be turned out of my seat, and my State must be punished by being deprived of one of her chosen Representatives, simply because her Legislature reorganized the Congressional district to suit itself, as it had a perfect right to do. Yes, sir, in his intemperate zeal to prejudice his party friends against the merits of my case, the gentleman from Michigan, [Mr. HORR,] who, if he is not partisan and sectional, seems not to be able to be anything, exhibited here a gerrymandering map, as he called it, of my State. And while he pranced around like a clown in a circus, [laughter,] prating against the wrong that the white men in South Carolina have done against the negro in redistricting my unfortunate State, I could not help but remember that there are 165,000 men in his own State of Michigan who do not vote the Republican ticket, but who are yet gerrymandered out of any member on this floor, and they are white men at that. There were about 180,000 Republican votes cast at the last Congressional election in Michigan——

Mr. HORR. How many?

Mr. TILLMAN. One hundred and eighty thousand Republican voters, and 130,000 Democratic voters——

Mr. HORR. I beg your pardon.

Mr. TILLMAN. And 35,000 Greenback voters also. I added them up this morning, so that my memory is a little fresher than yours. Now I would like to ask that gentleman how it is that 135,000 Democratic voters come not to have a single member on this floor, and if there is any more wrong in that condition of affairs in Michigan than there would be in South Carolina in the event that the negroes should have only one representative on this floor? Under the next apportionment South Carolina Democrats do give the negroes one member, but the Michigan Republicans are not willing to give the Democrats any representative at all.

Mr. HORR. Do you want me to answer you now?

Mr. TILLMAN. No, sir. [Laughter.]

Mr. HORR. Well, go on.

Mr. TILLMAN. You would not yield to my colleague, [Mr. EVINS.]

Mr. HORR. I did yield to him.

Mr. TILLMAN. You could not spare time enough from playing the buffoon. The only statesman-like, the only national, patriotic sentiment that has fallen from the gentleman since I have served with him on this floor, was the speech he made the other day on the Mississippi River improvement. And I was at a loss to conjecture what caused such a change to come over the spirit of his dream, until I read the report of the Mississippi River commission, and found that he had stolen all his facts and argument from that report without acknowledging it.

Mr. Speaker, I have a good many points I would like to make, a good many ideas coursing rapidly through my mind that I would like to express. But I see the Republicans are impatient to finish their work; and, sir, I can truthfully say to them it will not disturb my equanimity in the least. I have long ago discounted the worst they could do. I knew what was coming, because I knew what governed that party in its action on contested elections. I also know in my own mind that when they turn out Mr. SHELLEY and myself we are coming back to the next Congress. We can come back here—I can at least, and I think he can—almost alone by the colored vote of our respective districts. I am going to be a candidate for Congress in the second district, (which is my present district, except that two counties have been cut off,) unless my constituents should think me as unworthy to represent them as you do; and if they should change their minds now it would be more than they have done in the last twenty-eight years, for they have always given me every office I have asked them for. I say, sir, I am going to be a candidate again unless they have changed their minds. And if any of you, any of your best stump orators, from Mr. Blaine down—and I believe you regard him as the best you have; but no matter who——

A MEMBER. HORR.

Mr. TILLMAN. Yes, even the clown from Michigan; let him come down there. I will guarantee him the best entertainment that can be had.

A MEMBER. And personal safety?

Mr. TILLMAN. Yes, and personal safety. My stars! I am astonished that anybody should make that remark. I will guarantee him good eating and good drinking, if he drinks; but I expect he is a prohibitionist, although he does not look like it. [Laughter.] I do not mean any offense; for it is not in my heart to say anything unkind to the gentleman if he would only lay aside his infernal sectionalism and partyism.

If he will come down there I will take my carriage and horses and drive him to every Democratic public meeting in the district I wish to go to, or I will carry him to every public meeting held by the Republicans. I will not say a word, except I may make one speech in reply to him, and I will guarantee to whip him out of the district so badly that he will come back home satisfied to let the South alone, and I will do it simply by Democratic negro orators. [Laughter and applause.] Not that they are superior to white men naturally, but they are the most wonderfully imitative creatures in the world, and have the best memories and the most humor. [Laughter.] The white man's forte is invention and the negro's is imitation. And, gentlemen, you may make a speech of an hour's length, inject into it argument and humor and wit, and even clownish buffoonery that would shame Michigan if you want to, [laughter,] and I guarantee there are a dozen colored orators in my district who will remember every word of it after they have heard it once, or twice at the outside, and will even improve on it, especially the humor. They are not only born orators, mimics, and humorists——

Mr. VAN VOORHIS. Are those the barbarians?

Mr. TILLMAN. And they will shame the gentleman from Michigan out of his boots, as is remarked by the gentleman near me, Mr. ROBERTSON, of Louisiana. [Laughter and applause.]

Mr. HORR. Are those barbarians?

Mr. TILLMAN. Ah! I said their faculty was imitation. They lack profound analysis unless crossed with white blood. [Great laughter and applause.] And the orators I will select, except two, will be pure Africans.

Do you suppose those people, who have another characteristic in a much higher degree than the white men, that is, they have a childish affection and kindness if left to themselves—do you suppose those people, who have nobody to go to but the white folks when they get into trouble, when they need medicine, when they need money, above all when they need legal advice, suretyship, and protection, when they have rows or lawsuits with one another—do you suppose those people have no affection for the men around them to whom they look up as naturally as night follows day?

No, gentlemen; what disturbs your equanimity, what mortifies you, is the solid negro line is broken, while the solid white South remains like adamant, simply because you pin us together with the bayonet. [Applause on the Democratic side.]

You have failed either to make white men out of negroes or negroes out of white men, and that is what galls your self-love. When you organized your reconstruction hell you looked upon every negro not only as a Republican but as a black-white man who could maintain the Republican party in power at the South for all time according to the census returns of the comparative numbers of the two races. Yes, sir, I repeat it, what goads the Republican party almost to madness is that the solid negro line is broken.

Mr. HORR. If that is true what makes you put them all into one district?

Mr. TILLMAN. What makes you put those 130,000 Democrats in Michigan so none of them can have a hearing here? [Laughter and applause on the Democratic side.]

Mr. HORR. You admit they are Republicans then?

Mr. TILLMAN. Admit they are Republicans? No.

Mr. HORR. What made you put them together?

Mr. TILLMAN. Because we expect to have a colored Democratic Representative next time. [Great laughter and applause.]

Why, gentlemen, there is a colored Democrat named Tom Hamilton, a rice-planter, who resides in that district that can beat the gentleman from Michigan on the stump upon any line of argument he has a mind to adopt. There is another such orator there named Smith, and still a dozen others. No doubt you will spend $5,000, $10,000, or even $25,000 in some of your Congressional districts; a part of that fund you ought to be ashamed of levying on the employés of the Government. [Laughter and applause.]

Now, furnish me $10,000 of that or any other fund and I guarantee

to have a colored Democrat on this floor in the next Congress from the black district of South Carolina. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. TILLMAN. Allow me two minutes more.

Mr. CALKINS. Yes.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Several MEMBERS. Give him ten minutes.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman's time is extended.

Mr. TILLMAN. I only want to continue and finish what I was saying. I think, Mr. Speaker, the Republican party ought to hang its head in shame and not go upon the house-tops and around the street corners praying with puritanical Jesuitism, like the Pharisee of old, I thank God I am better than other men. [Laughter.] I say that any party that robs the employés of the Government who are paid out of the national Treasury as the Republican party is doing now ought never to say a word about the little gerrymander in South Carolina. [Laughter and applause.] Every State at the North where the Republican vote is in the majority is gerrymandered without any conscience at all, and in many instances worse than in my own State. I will cite the gentleman to the district so eloquently depicted by my friend, Mr. BELTZHOOVER, in the State of Pennsylvania, the district of Mr. KLOTZ. Why take Mr. KLOTZ's district in Pennsylvania——

Mr. HORR. It does not touch this.

Mr. ATHERTON. I have a picture of Mr. KLOTZ's district here, if you want to see it.

Mr. TILLMAN. The State of New York has two Democratic districts in Brooklyn and New York City with over 300,000 inhabitants each, which the Republican authorities refuse to change by redistricting the State because it would certainly give the Democrats two more Congressmen.

It nearly breaks a stalwart Republican's heart to have to acknowledge that even hated little South Carolina still has some rights under the Constitution, and among them the right to redistrict the State so as to let the Democrats elect at least six out of seven Congressmen, even according to the census. I shall have the largest colored vote in my district next to that of the black district, but, as I remarked a while ago, I am coming back to the next Congress, and I am coming by a free election and a fair count.

Mr. CALKINS. That is good.

Mr. TILLMAN. Before closing I beg you, Republican gentlemen, to remember that you perpetrate a great wrong upon the people of this country when you turn away the representatives that the worth and virtue and intelligence and the wealth of a State have chosen and sent here to make laws for them. It vitiates the whole legislation of the country when a majority here for party purposes turns out a member who is honestly and fairly entitled to his seat, and you have already turned out four and will probably turn out four or five more, and it may be fourteen more, or even an hundred, until you get a two-thirds majority and overthrow the Constitution. There is no limit upon your audacious usurpation except the fear of public opinion, and I must do your side the justice to say that it has the courage of its convictions more than my side has, [applause and laughter on the Republican side,] because the Democrats respect the Constitution and fear the people, while your party does not. I will give you a remarkable instance of it. In the Forty-fifth Congress I contested Mr. Smalls's seat. He had only 1,700 majority and he did not get that nearly as honestly and fairly as I got my 8,000 for this Congress. The entire Democratic members of the Election Committee recommended that the election should be vacated. Well, that was the most I hoped. I claimed more. I claimed the seat, but I did not even get what the committee recommended. Although they recommended that the election should be vacated they would not vacate. [Laughter on the Republican side.] The Republicans to a man stood by Smalls, with whom I am glad to say I always get along pleasantly; and enough Democrats deserted me to let Smalls stay in. [Laughter.] And while I am giving it to them I must go a little further and tell the whole story. If they had told me early in the first session that party policy suggested they should not turn out any more Republicans, (for I believe they had turned out some, I do not know whether for cause or not,) but if they had told me and my friend RICHARDSON over there, who was contesting Rainey's seat from South Carolina at the same time, that it would not do to oust either Smalls or Rainey, whom you were kind enough to nominate for Clerk when he stood no chance of election, and put up Mr. MCPHERSON when there was a certainty, [great laughter and applause;] I say that if they had only told us or whispered in our ear that it was not prudent to do what we wanted and what they said ought to be done, we would have gone back home at once and saved ourselves a vast deal of expense and humiliation.

But we staid here with hope deferred; and they had a little caucus of the leaders of the party, who decided that it would not do to turn a colored man out. But this caucus kept their decision to themselves. If it were a white man whose seat each of us was contesting they would say it might do to turn him out, but being a "nigger," they could not. Now, if they had told us that at first we could have gone about our business; but instead of that they kept me dancing attendance here with my finger in my mouth, and my friend RICHARDSON too. [Laughter.] I sympathized with him. [Renewed laughter.] We used to lean over the rails there in sight of the promised land [great laughter] and wanted to enter; for I will acknowledge that the highest ambition of my life was to be a member of Congress; and that is one reason why I am coming back here again. But we could not enter the charmed circle because, as I said, some of the Democrats were timid and all of the Republicans stood by their man like men. Well, we danced attendance all through the long session and then through the short session, until about three weeks before its adjournment; and I got tired then when I found they would not do anything and went home in disgust. From my experience then I can assure you there is a great deal of difference between a real member of Congress and only a hermaphrodite. [Great laughter and applause.]

There is still another disagreeable fact connected with my experience on that occasion which I will mention. From first to last I was led to believe by many Democrats that I would be reimbursed for all my legitimate expenses. Several Democrats here often came up and patted me affectionately on the shoulder, saying, "Never mind, Tillman; we will make it all right in the appropriation bill." [Great laughter.]

Yet when the appropriation bill was passed they did not reimburse one-half of the expenses I had sworn vouchers for, to say nothing of a good deal of expense I had taken no vouchers for. Well, they wanted to get a reputation for economy, which you all do not. [Great laughter and applause.] I like for my party to be economical, but not at my expense. I think we all ought to be economical with other people's money; but I must say I think we rather overdo it on this side of the House, while on your side you all are too liberal. Anyhow you have taken better care of your contestants and contestees and done a much better part for them every way than the Democrats did for me. And now, to close, I have made this speech in part, as I said, to advocate some legislation about how to determine election contests from my own experience in two contests during the last six years, and because I want to do my duty as a Representative here the very best I can in this speech, since it is the last I shall make in the present Congress. [Laughter.]

Again I warn you that I am coming back. The Anglo-Saxon always indignantly resents the expulsion of his real representative by the law-making power. Every time the Tories in the House of Commons expelled or refused to admit John Wilkes to his seat he was returned again and again by an increased majority. The seating of Luttrell, the minority candidate, instead of Wilkes at last aroused such a storm of indignation throughout all England that the Commons did not dare to refuse Wilkes his seat at the next election. Fortunate will it be for the United States if our people shall at the next election rebuke the abuse of power by the present House as to vacating seats.

I know you have faith in your party carrying the next House, but have a care lest you exhaust the patience of the masses. If you have violated the Constitution so often with impunity and plundered the Treasury so frequently without losing the confidence of the people you had better check up your recklessness in trampling upon the representative principle, or otherwise prepare for defeat.

Once more, I shall come back to the next Congress if I am living, and if I die it does not matter so far as I am concerned; but then some other good Democrat will come in my place——

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TILLMAN. Just half a minute. And when I get here I will do a better part by any of you than you have done by me if your seats shall be contested; for I will read your evidence, study your briefs, examine your reports, and I will not turn you out unless you ought to be turned out. This, too, is the feeling of every true Southern man and Democrat on this floor. Even as Paul is his bonds before Agrippa, we plead for peace, union, and justice [Applause.]

Mr. CALKINS. I only want to make one remark before moving the previous question. The last sentiment uttered by the gentleman from South Carolina, that there should be a tribunal, possibly the district or circuit court of the United States, in the States to treat contested-election cases, will commend itself to every member of this House, or at least every member who has been so unfortunate as to serve on the Committee on Elections. Before that can be done, however, the gentleman sees as well as the country that the Constitution of the United States must be amended—that is, to make it final; and when that will come I am unable to say. I have no doubt myself that no judgment of any court until the Constitution is amended will ever be final or binding upon this body.

But no more of that. I only wanted to express my hearty sympathy with any sentiment that will remit these cases to a judicial finding, that when they come here they may have the sanctity of that sort of judgment. Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. MILLER Mr. Speaker, if I believed that the gentleman who now occupies a seat in this House claiming to represent the fifth Congressional district of South Carolina was entitled to hold that seat and represent that district in this Congress I trust, sir, I should be the last man in this House to vote to unseat him or to put any one else in his place. And if in the review of the evidence of this case I am unable to satisfy a majority of this House, first, that he

should be unseated, and, second, that Mr. Smalls should be seated, it is the duty of this House and of every man that is not so satisfied to vote that the contestee shall remain as the Representative from that district.

In the course of what I shall say I shall not travel out of my way to utter anything derogatory to the character of any man who is a Representative in this House or who claims a seat. To such of the gentlemen upon the Democratic side who have seen fit to travel out of the record and unjustly assail the character and reputation of Mr. Smalls I commend the language of my colleague on the second sub-committee of the Committee on Elections, [Judge MOULTON, of Illinois,] when he said:

I would not if I could say a word against Mr. Smalls. It would be disreputable for me to attack him, and I will not.

I commend that language, uttered by the gentleman from Illinois, to those gentlemen who have seen fit to travel out of this record and assail the character of the man who has asked for admission to a seat in this House.

The fifth Congressional district of South Carolina is composed of the counties of Colleton, Beaufort, Barnwell, Edgefield, Aiken, and Hampton. A portion of this district adjoins the State of Georgia. The district itself is historical. Edgefield County was one of the counties comprising the fourth Congressional district of South Carolina in 1856, and was represented by Preston S. Brooks, who shocked the people of the North and of all civilized countries, except the people of his own district, by his cowardly, fierce, and inhuman attack upon Hon. Charles Sumner on the floor of the Senate of the United States. That attack, which created such excitement throughout the entire country, will not be soon forgotten, and it is noticeable that that county which was once represented by Brooks should have been, twenty years later, the scene of that terrible butchery afterward known as the Hamburgh massacre.

Barnwell, Beaufort, and Colleton, three other counties in the district, have an historical interest from the fact that in 1856, and for some years prior and subsequent thereto, they composed a portion of the district which was represented by Lawrence M. Keitt. Without dwelling on the history of this district in ante-bellum days, or calling up anything that would add to the notoriety which has attached to it and to those who then represented it, I pass over the intervening period up to July 4, 1876. I do not halt there for the purpose of reviving the memories of that massacre, which occurred in Hamburgh on the night of July 8, 1876, but for the purpose of showing that that massacre, disgraceful as it was, was a well-organized conspiracy for the purpose of taking this district out of the control of an overwhelming Republican majority and placing it in the Democratic column.

THE HAMBURGH MASSACRE.

This massacre, of which much has been said, occurred in the village of Hamburgh, then a town of five or six hundred inhabitants, almost all of them blacks. The village is situate on the Savannah River and opposite the city of Augusta, in Georgia. On the 4th of July, 1876, our centennial year, the colored Republicans of that vicinity, with a very few white associates, assembled to celebrate the day, to read the Declaration of Independence, and listen to patriotic speeches from a number of those present.

After this meeting had formally adjourned the militia company of Hamburgh, a company regularly organized under the laws of South Carolina, and which had been provided with arms as are other militia organizations in the several States, went out to drill in an unfrequented street on the outskirts of the village. The street was one hundred and fifty-eight feet wide, and the company in its evolutions occupied the center of the street, leaving ample room on either side for any persons who desired so to do to pass either on foot or in vehicles.

About five o'clock in the afternoon of July 4 two young white men, one named Getzen and the other named Butler, the son of one R. J. Butler, whose farm adjoined the town, and whose occupation prior to the war and the abolition of slavery was that of pursuing and hunting black fugitives, sat in their buggy and for perhaps one-half an hour watched the drill. They then turned their horse toward the company, passed up the street in the center of it, and demanded that the company halt and permit them to drive through. The captain of the company, having halted the same, protested against this, but, after some parley, and finding that the young men would not bear to the right or left, gave the command to his company to "open order" and permit them to pass through, which was done.

Although many persons in the company were dissatisfied with this proceeding, no insult was offered to these two young men, and to all appearance the episode was forgotten. On the next morning, however, the father of young Butler entered a complaint before the trial justice of the village against the captain and officers of this militia company for obstructing the public highway by their drill on July 4. After a preliminary hearing was had the case was adjourned over until Saturday, July 8, at four o'clock in the afternoon.

GENERAL M. C. BUTLER AT HAMBURGH.

On Friday, July 7, General M. C. Butler, one of the present Senators from that State, and who lived at Edgefield Court-House, in the county of Edgefield, left his home for Hamburgh, ostensibly for the purpose of trying the case on the part of the prosecution before the trial justice. He reached Hamburgh between two and three o'clock in the afternoon. There was not, up to four o'clock p. m., more excitement than ordinarily attends such a trial in any town or village in the country. A number of persons were present, it is true, but so far as the blacks of the town were concerned there was no disorder nor any attempt to create any. The evidence disclosed the fact that instead of proceeding with the trial of the case a demand was made, without any law or authority, that the militia company, whose only duty was to report to the State authorities, should surrender their arms and disband their organization. This demand was unqualified and imperative, and a limited time was given in which the demand should be complied with. Between this time and the time that this demand was made General Butler crossed the river to Augusta and, according to his own statement, remained there one-half or three-quarters of an hour. He states that he found there was a great deal of excitement in Augusta, a great many people asking what was the condition of things in Hamburgh, and his reply was, "Very bad; and I wouldn't be surprised at any time if a riot were to break out there."

The Chronicle and Sentinel, a Democratic paper published in Augusta, adds the further fact that General Butler went over from Hamburgh across the bridge into Augusta. Saw young men over there and said to them, "Things over in Hamburgh look squally, young men; we may want you over there; get yourselves in readiness." The editor of the paper further says that these young men, fully armed, and to the number of two hundred or three hundred, went over to Hamburgh shortly afterward.

Late in the afternoon a large number of whites began to congregate in the town, and a number of the militia company who were in the town, and other black men, their friends, fearing bodily injury if they staid in the streets, sought refuge in the public hall, used as a drill-room, as the most convenient place of safety. Up to this time not a single colored man had committed an assault or offered to commit one upon any of the large number of white men in the town. Immediately upon the refusal of the officers of the militia company to surrender their arms firing was commenced upon them and continued at intervals for over one hour. In the mean time a cannon—a six-pounder—was brought over from Augusta, placed in position within fifty yards of the house, and four rounds of canister fired. Seeing the inevitable destruction of his company and fearing that the building might be blown up (threats of which had already been made) Captain Adams, who was in command of the militia company, evacuated the armory.

A portion of the command left with Lieutenant Attaway and scattered in different directions, hiding in cellars, in houses, under houses, in out-houses and wood-piles, and wherever else they could find shelter from those pursuing them. Captain Adams piloted the men with him to the out-lying fields and concealed them among the bushes growing on the banks of the stream.

From eleven o'clock Saturday night, after the escape of the militia and their friends from the drill armory, until two or three o'clock Sunday morning the Merriweather Rifle Club and the other armed horsemen from Edgefield, reinforced by the mob from Augusta, numbering, several of the witnesses say, as high as two thousand in all, were engaged in hunting for the fugitives and the prominent colored citizens of Hamburgh, in breaking open their houses, destroying and breaking their household goods, and in assassinating in cold blood five of the defenseless prisoners whom they unlawfully captured.

The Augusta Chronicle and Sentinel, the Democratic paper heretofore referred to, published just across the river from the massacre, in its issue the day following states that during the night ten negroes were killed outright, a number wounded, one white man killed, and one white man wounded by a white comrade who shot at a fleeing negro. It further adds:

SHOOTING DOWN CAPTURED PRISONERS.

Early this morning seven of the prisoners were taken out and killed. About two o'clock, or a little before the roll was called of the prisoners and six who were considered ring-leaders of the disturbing element in this county were carried to a corn-field near the river and turned loose. As they ran they were fired upon and killed. One of the men named Attaway, (one of the lieutenants of the militia company,) was a county commissioner and a member of the Legislature. The remainder were then turned loose. Before the shooting took place a detail of twenty-five men was made and ordered to take the prisoners to Aiken to jail. On the way it was determined to kill the ring-leaders, and the shooting was done as described. The list now foots up: ten negroes killed, one white man killed, another severely wounded. As the remainder of the prisoners were turned loose they were fired into, but it is not known whether any of them were killed or not. The force of mounted white men in Hamburgh during the evening numbered several hundred, a portion of whom were from South Carolina, and a portion from Augusta. They were armed with revolvers, shot-guns, and rifles, and were under the leadership of General Butler.

That language is not mine, but I quote from the Augusta Sentinel and Chronicle, a Democratic paper published in that State.

Mr. SIMONTON. May I ask the gentleman a question?

Mr. MILLER. Not now; in a few moments.

DEMOCRATIC PROOF OF THE CRIME.

The Charleston News and Courier, then and now the leading organ of the South Carolina Democracy, in its issue of July 10, 1876, says:

Assuming that accounts of the Hamburgh fight given by the Augusta newspapers are in the main correct, we find little if any excuse for the conflict itself, and absolutely none for the cowardly killing of the several negro prisoners who were shot down like rabbits long after they had surrendered.

General Butler, who appears to have been in command of the whites, admitted that an apology by the militiamen would satisfy his clients. The affront to Mr. Butler, therefore, was not the immediate cause of the fight that followed. This was brought on by the demand that the militiamen surrender their arms into the keeping of the whites. The killing of seven of the prisoners was barbarous in the extreme. We have no words strong enough to express our condemnation of such a crime. It pains us to be forced to speak in this strain of any act done in South Carolina by white men. When they give way to passion and revenge, when they kill unarmed prisoners, they do what as soldiers they would not have dreamed of doing.

That, too, I quote from the leading Democratic paper of South Carolina. I am sustained in all that I have said and more too by the record found in the "report upon the denial of elective franchise in South Carolina at the State and national elections of 1876," which was prepared by the distinguished Senator from Wisconsin, Senator CAMERON, in 1877, by order of the United States Senate, and I commend Democrats and Republicans to read it, for it details deeds of horror and of bloodshed that excite the pity and sympathy of any man not heartless or inhuman, even living in a society described by the gentleman from South Carolina, [Mr. TILLMAN,] as he says, where there are barbarians.

Mr. EVINS. Allow me to correct one statement.

Mr. MILLER. Wait until I get through and then you can do it.

Mr. EVINS. I simply want to say right here, in justice to Senator BUTLER, he was not there at all.

Mr. MILLER. There is no necessity for a controversy. The evidence reported by Senator CAMERON, of Wisconsin, shows conclusively that he was present, and the Charleston News and Courier of July 10, 1876, a Democratic journal, stated positively he was present and in command. So also does the Augusta Chronicle and Sentinel, a Democratic journal published just across the river from Hamburgh.

THE ELLENTON RIOT.

The Ellenton riot, which occurred in Aiken and Barnwell Counties in September, 1876, exceeded in ferocity that of Hamburgh. It too was commanded by one of the Butlers, relative of the present Senator. From the 15th to the 21st the slaughter of the innocent victims continued. Men were shot down in cold blood while working in the fields, while passing along the highways following their daily avocations, or dragged from their beds and murdered. To read this record of crime makes the blood of the bravest run cold and starts a tear from the most unemotional. I cite but a single instance, the assassination of Simon Coker, of Barnwell County, which is found on pages 208 and 209 of the report above referred to, prepared by Senator CAMERON, of Wisconsin.

ASSASSINATION OF SIMON COKER.

It has been recorded that a crowd of colored men, alarmed at the continued hunting and assassination of persons of their race by Butler's cavalry, assembled for consultation at Ellenton station on Monday evening, and that they were addressed by Mr. Simon Coker, a farmer and influential colored member of the Legislature. All the witnesses who heard his speech agree in stating that he advised them to go back to their work and not to think of fighting, and that the colored people promptly followed his advice. He promised them to go to Columbia and see Governor Chamberlain if the persecutions of Butler's cavalry did not cease. Within a few hours after this speech the assassinations were renewed. Next morning he got ready to go to Columbia. He lived at Robbins station, a few miles above Ellenton.

After Colonel A. P. Butler left Ellenton to slaughter the negroes in the swamp near Rouse's Bridge, on Tuesday morning, there still remained at the station from four hundred to five hundred men, all armed and mounted, under the command of Captain O. N. Butler, of Augusta, who seems to have been distinguished even among the rifle clubs for the transcendent brutality of his nature. He introduced himself to one colored man as the "Georgian tiger," and he seems to have merited the self-given title.

The passenger train from Augusta was stopped at Ellenton by the rifle clubs at ten o'clock. It was on this train that Mr. Coker would have gone to Columbia. A construction train was then seized by a company of twenty or twenty-five men, or more, who took it to Robbins station and returned in about an hour with two colored prisoners.

"When I got there," said Captain Floyd, a resident of the place, "I saw Simon Coker standing on the platform, ready to go down on the train. I bid him good morning. I have known him all my life. While there I got off my creature, as he was afraid of the train that had come down, and while I was standing there I saw white armed men jump out of a train that had come down. They were armed with guns and pistols, and they came to me first and asked me where I was going, and I told them home, as I had fever. A one-armed man, with his left arm gone, asked me, 'You know who I am? This is Captain Butler, a nigger-buckler, and if you move a step I'll shoot your brains out.' He had his pistol in his hand, and he cocked it at me. He then walked up to Coker and said, 'You get up,' and Coker got up. He then said to both of us, 'March aboard of that train,' and we both did so, and they carried us to Ellenton. Coker and I were together in the same car and they carried us both side by side. The train just came as far as Robbins and then went back to Ellenton. Nothing was said to us. They did not speak nor did they allow us to speak. When we got to Ellenton this one-armed man came to Coker and said, 'Get up,' (I was lying down,) and they marched him out to Bonner's store, on to the piazza, and kept him there half an hour to my knowledge."

"General" or "Captain" O. N. Butler went through the train, insulting and threatening negroes. He then walked over to the piazza where Mr. Coker was guarded by a dozen armed men, one of whom said they were "waiting for orders from Captain Butler." "Butler was armed with a revolver, but the others were armed with shot-guns and breech-loading rifles. Some of them had short rifles, and some had double-barreled shot-guns."

A squad of six men then took Coker around the corner of Bonner's store, about one hundred and fifty yards from the railroad, over a field, "by the side of a fence by a big mulberry tree." They were followed by a number of "other squads," which "consolidated."

"I saw them shoot. I was looking right at them. These six men had rifles. I think Coker must have kneeled down to say his prayers. He kneeled down, and then got up."

"Most of the men I saw there," says a white eye-witness, "were from Columbia County, Georgia. They said they had killed every nigger they had seen. Butler was very drunk."

Butler fired first. Coker did not fall. Three others fired instantly and Coker fell dead. As he was falling eight or ten men fired. "They sounded a perfect roar."

As Coker's body lay on the ground, "the one-armed man fired last," says Mr. Floyd; "I think he shot him in the face, as he held his pistol down."

Two men then shot into the prostrate body.

"And then they all wheeled round and walked off from him."

"Old John Ready got there after Coker was killed, and was so vexed and wanted to shoot him that he took his horse and made it walk over him, and he spat on him."

Coker's pockets were then searched. Walter Barnes, one of the whites, says that they "got $30 in money and got drunk on it."

A gentleman, Mr. N. A. Patterson, who brushed the flies from the corpse, so enraged the assassins that they threatened to kill him.

Mr. Colcock, the conductor of the train, says that "everybody thought a good thing had been done."

Coker's corpse was riddled with balls. He was shot through the head, over his left eye, in his groin, in his side, through the chin, and half his lip was blown off.

THE ELECTION OF 1880.

I have thus, Mr. Speaker, referred briefly to these riots, because I believe it was part of an organized conspiracy started in 1876 to wrest this district, which was overwhelmingly Republican, out of the hands of the Republican organization and turn it over bodily to the Democracy. I am justified, sir, in saying this, because I find in the evidence of Mr. Cain, on pages 457 and following, of the record in this case, that, owing to this massacre and subsequent riots in the county of Edgefield during the summer and fall of 1876, it was not deemed expedient to hold Republican meetings in that county during the campaign of 1880. The wisdom of this procedure is further demonstrated from the evidence that the only public meeting held in that county during the campaign was advertised publicly for one day and by private information held a day earlier for the purpose of avoiding any conflict.

Mr. Cain states that on the day upon which the meeting was publicly advertised to be held, but the day after it was actually held, the town was filled with rifle-clubs and red-shirters, mounted on horses, who had come, as had been predicted, for the express purpose of breaking up the Republican meeting, but finding that they had been outwitted, and that the meeting had been held the day previous, left the town, swearing, cursing, and threatening. It is eminently proper, therefore, in view of this evidence, that the gentleman from South Carolina [Mr. TILLMAN] should offer to act as body-guard for the gentleman from Michigan, [Mr. HORR,] if he should conclude to visit this district in the campaign of 1882, and make Republican speeches. If the presence of the gentleman from South Carolina [Mr. TILLMAN] is so potent for peace I hope he will accompany native Republican speakers.

It is further shown from the fact that although at many localities, and noticeably at Edgefield Court-House, the home of the present Senator BUTLER, where the colored voters outnumbered the white voters three or four to one, the white Democrats were enabled to prohibit the colored voters from exercising their right of franchise, and over 2,000 Republican votes were prevented from being cast at that poll alone; that at Johnston's precinct, in the same county, from 700 to 800 Republican votes were prevented from being cast; that at Lawtonville, in the county of Hampton, a number of colored Republicans were wounded, one man being shot as often as six times, (when the testimony was taken exhibiting the wounds where five balls had entered his body,) and in the neighborhood of 100 Republicans voters driven from the polls; that at Summerville precinct, in the county of Colleton, between 600 and 700 Republican votes were lost to the Republican candidate because the Democratic managers refused and neglected to open the poll at that place; that at Beach Branch, in Hampton County, between 100 and 200 votes were lost to the Republican candidate by reason of armed Democrats waylaying the Republicans who were bringing the Republican tickets to the poll, seizing them and forcibly taking them from them; and that in sixteen precincts throughout the district the Republican United States supervisors were either obstructed in the performance of their duties or forcibly driven from the polls entirely—in one instance Edmund Glover, the Republican United States supervisor for the Lawtonville precinct, in Hampton County, being driven from the poll and into a swamp, and never heard of up to the date of January 28, 1881, the time of the taking of the testimony. Although not in the record, I am informed that he has never been heard of since.

EDGEFIELD COUNTY.

The committee in arriving at the conclusion that the sitting member, George D. Tillman, was not elected as a Representative to this Congress from the fifth Congressional district of South Carolina, and not entitled to retain the seat which he now occupies in this House, and that Robert Smalls was duly elected as the Representative from that district and is entitled to a seat as such, threw out in their consideration the entire vote of Edgefield County. This county was returned by the State board of canvassers as follows:

For George D. Tillman	6,467 votes.
For Robert Smalls	1,046 votes.

In arriving at this conclusion the State board of canvassers acted upon the returns made to them by the county board of canvassers for Edgefield County, which threw out five precincts in that county, to wit, Ethridge's Store, Perry's Cross-Roads, Coleman's Cross-Roads, Coughman's Store, and Liberty Hall.

One of the county canvassers, W. E. Lynch, testifies on page 432

of the record that these polls were not counted on account of irregularities.

No evidence was offered to the board to show how the vote stood at any one of these precincts and it is utterly impossible for the committee to find or even approximate the number of Republican votes and the number of Democratic votes thrown out of these five precincts or any one of them. That the county board of canvassers clearly violated the law of South Carolina as laid down by her supreme court admits of no discussion. It is admitted on this floor by every Democrat who has examined the question that the supreme court of that State, which is Democratic, has decided that so far as canvassing the vote for a member of Congress is concerned not only the county board but the State board of canvassers acts purely in a ministerial capacity, and it is the duty of each to canvass the vote and returns precisely as cast and returned by the precinct managers

If for no other reason, therefore, than this the majority of the committee holds that it was justified in rejecting the entire county, from the fact that the election officers in this Congressional district, and of the State as well, who passed upon this case, have put it out of the power of the Elections Committee to know what the true result was in that county as to Congress in 1880. But the committee are still further justified in their action in throwing out this entire county by reason of the violence, intimidation, and fraud practiced at the various precincts throughout the county, by means of which the legal vote as cast by the voters has not been and cannot be ascertained. Throughout the entire county the spirit of violence and lawlessness which was inaugurated in 1876 was rampant at the election in 1880, everywhere manifesting a fixed purpose to prevent the colored voters first from voting and then to evade a fair and honest count of the vote which had been polled.

THE ELECTION AT SENATOR BUTLER'S HOME.

At no point could this spirit of violence and lawlessness be better illustrated than by citing Edgefield Court-House, in the county of Edgefield. At this place, above all others, being the home of one of the United States Senators from that State, we would naturally have expected a free vote and a fair count. Owing to the threats which the colored Republicans had heard in that county prior to the election, and remembering the massacres of Hamburgh and Ellenton in 1876, they determined as largely as possible to assemble at Edgefield Court-House to vote on November 2, 1880. Under the law of South Carolina a legal voter can vote at any precinct in the county. In accordance with this, on the night previous to the November election large bodies of the colored voters of Edgefield County commenced congregating at Edgefield, and by early morning of November 2 from 2,000 to 2,500 colored voters are estimated to have been present.

A NOVEL PLACE FOR A BALLOT-BOX.

Prior to 1880 there had been two polling places in the village of Edgefield Court-House, one in a room on the first floor and the other in the court-house. For some reason unexplained in the testimony the polling place on the first floor was not opened, and the polling place at the court-house was opened in the second story of the building.

Mr. TILLMAN. Will the gentleman allow me to correct him as to a matter of fact?

Mr. MILLER. You must allow me additional time for interruptions.

Mr. TILLMAN. We will. Why, sir, the present law of South Carolina does not authorize two voting precincts at Edgefield Court-House. The Republicans had for a time three and all the while two, in order that the colored voters might repeat, that they might go in a circle from one precinct to the other. But the Democrats abolished that, and there is now but one voting precinct.

Mr. MILLER. There was no cheating done by the Republicans at Edgefield Court-House on the 2d of November, 1880. Out of the whole 2,000 Republican voters who were there clamoring to vote but 15 voted, and the Democratic election board counted only 11 of the 15. Therefore there was no cheating done by the Republicans there on that day. A narrow staircase, about four feet wide, led from the street to the second floor. Near the head of the stairs was a doorway about three feet wide, which was furnished with two double doors, each of them about eighteen inches wide, but one of which was opened. From that doorway to the polling place was a narrow hall about four feet wide.

As early on the morning of the election as four o'clock the stairway and room where the election was to be held was filled by near one hundred Democrats, and so remained filled until about ten or eleven a. m., not by the same men but by others, changing off and relieving those who were there. Every avenue to the ballot-box was crowded with Democrats; on the outside 2,000 Republicans were urgent to vote.

Shortly after eight o'clock in the morning, and over two hours after the polls had been opened and the voting had commenced, Mr. Cain, who was chairman of the Republican county committee of Edgefield County, met Senator BUTLER (the same Butler who is charged with officiating at Hamburgh in 1876) near the court-house steps, and complained to him about the Republicans being kept from voting. He says:

I told him the Democratic party had been voting all the morning. I then pulled out my watch and showed him what time it was; he looked at his watch, and he too was twenty-one minutes past eight.

Shortly after that, he then says:

I went near the court-house in order to vote. When within five or six yards of the court-house steps I was shown a line that had been drawn. The "red-shirters" were on the court-house side of the line and quite a number of colored men were on the other side. I walked to the line to see if they would allow me to cross, and was told by a "red-shirter," who appeared to be a sentinel, to stand back. I went back about twenty-five or thirty yards and remained there for two hours watching the progress of the election. During this period about six or eight colored men went up, three at a time. Seeing they staid up there so long, I timed three of them. They staid twenty minutes by the watch. I left there and returned no more during the day. I did not vote.

THE EDGEFIELD RIFLES CALLED OUT.

Just across the street from the polling place was the armory of the Edgfield Rifles, a State military company. Early in the day D. R. Durisoe, the chairman of the Democratic county committee, ordered Captain St. Julien Bland, who was in command of this military company, to call his company together and assemble at the armory forthwith, which he did, the company meeting just across the street from the polling place, armed and fully equipped. In addition to this, this same Democratic county chairman sent messengers to Landraum's store, Trenton, Johnston's, and Cheatam's store for detachments of other armed Democratic clubs to come to Edgefield forthwith.

Mark, you, this is the testimony of the Democratic chairman himself, as found on pages 528 and 529 of the printed record. Will some Democrat inform me for what purpose the Edgefield Rifles were ordered to their armory by the Democratic chairman and armed themselves in plain view of the polls? Will he inform me for what purpose the Democratic chairman sent messengers to other points in the county requesting the immediate presence of armed Democratic rifle-clubs? Will some Democrat tell me for what reason Dr. G. W. Wise, the commander of the Democratic club of Trenton, left his own polling place with all his command that had not already gone to Johnston's and reported at Edgefield with the armed company?

Is not this the same Democratic party which protested against bayonets being exposed at the polls? Is not this the same Democratic party which, at the extra session of Congress over three years ago, attempted time after time to vote riders on appropriation bills to prevent even one United States unarmed officer from standing by and witnessing an election? Why were these armed men ordered there? Had a single colored man assaulted a white Democrat? Were not these 2,000 colored men, although assembled for a lawful purpose, and although prevented from exercising their right of franchise, were they not peaceable and orderly and quiet; and when kept from approaching the polls did they create any disturbance? The answer as to the presence of this Edgefield Rifle Company and of this armed Democratic club from Trenton is given by one R. T. Anderson, a Democrat, and a witness for the contestee in this case, who, on page 504 of the record, states as follows:

As to the explanation by some of these parties that were in the hall (the Edgefield Rifles) they knew full well the Republicans could not stand the sight of fire-arms.

This Democratic witness knew full well that the colored Republicans, remembering Hamburgh and remembering Ellenton—remembering the massacres of 1876—could not stand the sight of fire-arms. He reasoned well, for, notwithstanding that it was the home of a United States Senator, of all those 2,000 voters that assembled at Edgefield on the morning of November 2, 1880, to vote, but 15 ballots were cast by them that day and but 11 counted. To call such a farce an election is a travesty on American institutions. To permit any man to hold a seat in this House by such a fraud, by such intimidation, by such violence, would be a reflection on the House and every member in it.

JOHNSTON'S POLL—EDGEFIELD COUNTY.

At Johnston's precinct, in the same county, a colored Republican was shot and killed instantly at the poll about eleven o'clock in the forenoon, which so alarmed the Republicans that the evidence shows that all present left. One witness testifies that between 700 and 800 colored Republicans left without voting. The Republican United States supervisor testifies that he knew personally that 200 or more of them had taken Republican tickets to vote, who left without voting; and that only 25 or 30 Republicans voted that day. He himself was forcibly driven from the polls at half past two in the afternoon. What the vote was at that poll is not known.

MOUNT WALLING POLL.

At Mount Walling, in the same county, the Republican United States supervisor testifies that between two and three o'clock in the afternoon a crowd of Democrats commenced beating the colored people with clubs and sticks; that one pistol was fired; that after the pistol was fired there was a great deal of shooting, and the colored people, to the number of 180 or 190, ran home, and that he was driven away himself during the firing, and was not present at the count.

CHEATHAM'S STORE POLL.

At Cheatham's store, in the same county, the Democrats present in the morning engaged in the gentle pastime of fighting a sham battle in front of the place where the election was being held, and the managers refused the Republican United States supervisor admission. He testifies that he knows of no Republicans who voted at that poll that day.

MEETING STREET POLL.

The Republican United States supervisor at Meeting street poll was not permitted to be present at the election. He states that his papers were forcibly taken from him; that he was beaten over the head with a piece of fence-rail in the hands of a Democrat and compelled to leave the poll. He states that on his way home he met between 100 and 200 Republicans, told them of the treatment he had received, and that none of them went to the polls.

TOLBERT'S STORE POLL.

At Tolbert's store the Republican United States supervisor was not allowed in the room where the poll was held, and he testifies that over 150 Republicans were prevented from voting.

RED HILL POLL.

At Red Hill the Republican United States supervisor's papers and commission were taken from him, and a Democratic bystander said to him: "You had better leave here, and that mighty quick, and not let me see you here any more to-day; if you do I will put a light-hole through you." It is needless to say that he left.

The census taken in 1880 shows that the male population of Edgefield County over twenty-one years of age, is as follows:

Colored	5,648
White	3,590

The testimony further shows that in that county the whites were in almost every instance Democrats, and the colored men in almost every instance Republicans and trying to vote the Republican ticket. Yet in this county the managers of the election, who were the political friends of the contestee in this case, after throwing out the five precincts above referred to, after preventing 2,000 men from voting at Edgefield, 700 to 800 from voting at Johnston's, and large numbers from voting at other precincts, return this county as follows for Congress: For George D. Tillman, 6,467 votes; for Robert Smalls, 1,046 votes.

The absurdity of such a return is as manifest as the fraud. Had every white voter in the county actually voted for the contestee it would still have been necessary for him to have received the votes of 2,877 colored men to have swelled his vote to what it is returned.

It was upon such evidence, it was from such facts, that the committee find that the will of the electors was suppressed by violence and intimidation and that the pretended count and canvass is involved in such an inextricable confusion of fraud that the records which should show the truth in regard to it have been largely suppressed, that the committee decided to reject the vote of the entire county. In doing so we believe that, instead of doing an injustice to the contestee in this case, if the truth could have been known, if a free vote and a fair count could have been had, the contestant would have had a clear majority in the county.

AIKEN COUNTY.

In Aiken County, in which Hamburgh is now a part, the committee, after the most careful investigation, have thrown out four precincts, the vote of which has been returned by the State canvassers as follows:

County.	Tillman.	Smalls.
Aiken Court-House	719	383
Silverton	225	.....
Creed's Store	231	16
Windsor	396	10
Total	1,571	409

AIKEN COURT-HOUSE POLL.

At Aiken Court-House a large number of voters who resided in the Ellenton section, which was the scene of the riots in 1876, had assembled, not daring to resort to the precincts in their own immediate neighborhood for fear that violence would be practiced toward them. At this precinct a barricade was erected in front of the poll, at one end of which the voters were to enter and at which end the evidence shows a Democratic guard was placed who made it his business to keep back Republicans, while Democrats were permitted to enter at either end to vote freely. All the managers of this district were Democrats, and according to the testimony of one of them there was a constant stream of white voters for over three hours. At the end of that time, about nine o'clock in the forenoon, a riot was inaugurated, a number of Republicans in the crowd were cut, and Cayenne pepper was thrown in the eyes of the Republican voters gathered at the end of the barricade guarded by Democratic sentinel aforesaid.

At this poll, also, a large cannon was placed in such position as to command the end of the barricade at which the Republican voters were gathered awaiting an opportunity to deposit their ballots. The testimony conflicts as to whether this cannon was loaded or not, and also as to the circumstances under which and the purposes under which it was there. But one thing is assured: in view of the past it had the natural effect of aiding in the intimidation of voters, when the disturbance was raised by cutting with knives and throwing Cayenne pepper.

THE PALMETTO RIFLES,

a military organization of the town, were ordered up, drawn up in line, armed with State guns, and stationed so as to command the barricade. An effort was made on the part of the contestee to show that this was not a military organization, but the constabulary force; but it is an indisputable fact that a Mr. Jordan, a member of the Aiken bar, and James T. Wingard, the town marshal, both of them witnesses for the contestee, distinctly state that it was a military organization, and no one disputes that they were armed with rifles. It is estimated by several witnesses that over three hundred Republicans who would have voted for the contestant were prevented and intimidated from doing so. The result of the poll is sufficient evidence that unfair means were used in obtaining the result, for if there had been a fair and free vote, at the farthest the Democratic vote would not have exceeded the Republican.

SILVERTON POLL.

At Silverton precinct, which is also in the vicinity of Ellenton, a Republican meeting was broken up by violence by the Democrats on the Saturday preceding the day of the election, and J. H. Holland, a Republican leader and one of the speakers, was cruelly beaten, was prevented from returning home on the train, as he had come, and forced to go home through the swamps and woods, a distance of forty miles, on foot. On the day of election the Republican voters were driven from Silverton, and a number of them attempted to vote at the next precinct, Low Town Wells, but here too they were intimidated and prevented from voting, and as a consequence not a single Republican vote was polled at Silverton, and none of them permitted to vote, so far as the testimony shows, at any other place. If the gentleman from Michigan [Mr. HORR] should conclude to speak at Silverton in the coming campaign he would do well to have the contestee, Mr. Tillman, go with him, or he will have to foot it home.

WINDSOR POLL.

At Windsor the Republican who had the tickets for his party was driven from the polls and his life threatened, and as a consequence it was impossible for those desiring to vote the Republican ticket to obtain a ballot.

CREED'S STORE POLL.

At Creed's Store a disturbance by shooting among the Republican voters was raised, and the Democratic United States supervisor who remained was examined as a witness and admits that the ballot-box had an excess of ballots in it, but he was unable to remember or would not remember how many were thrown out.

In the remaining precincts the committee resolved all these doubts in favor of the contestee and counted the balance of the county as returned by the managers of election.

The returns made by the Democratic State canvassers represent this county as casting 6,447 votes, of which 4,980 were cast for George D. Tillman, whereas by the census of the same year there were only 5,985 males over twenty-one years of age in the county. The census further shows that the male population over twenty-one years of age was as follows:

White	2,873
Colored	3,112

So that if every white male over twenty-one had voted for the contestee it would still be necessary for him to have received 2,107 votes of colored men to enable him to have the 4,980 votes claimed by him.

BARNWELL COUNTY

is returned by the State board of canvassers as follows:

For George D. Tillman	5,422 votes,
For Robert Smalls	2,445 votes.

This is one of the counties in the district from which no precinct returns and poll-lists were sent to the State board as required by the election laws of the State, and that fact in connection with the gross frauds as evidenced by the testimony produced, would have justified the Committee on Elections in rejecting the entire county. The intention of the law in requiring that the precinct returns should be returned to the State board of canvassers and the vote tabulated by precincts was to enable either a court of justice or a legally constituted board reviewing the election to ascertain whether or not the vote had been counted by the county and State commissioners as it had been originally counted by the managers, and whether or not it had been correctly counted and returned by the managers.

It is utterly impossible therefore to know whether or not the aggregate vote returned is a correct summary; and for this reason the committee only rejected the vote of Allendale precinct on account of the fraud and intimidation practiced at that poll and restored to the contestant 22 votes which were illegally taken from him at Ferrill's Store.

ALLENDALE POLL.

That the committee were justified in rejecting the vote at Allendale, which the evidence shows was counted for George D. Tillman 700, for Robert Smalls 36, it is only necessary to refer to the testimony of Lewis Rivers, the Republican United States supervisor at that poll, which is fully corroborated by a large number of other witnesses. It appears from this testimony that the ballot-box was placed in the rear end of the store, over thirty or forty feet from the

front door, and that during the entire day large numbers of Democrats crowded around the door and compelled the colored men who were permitted to enter the store to show their tickets, and when it was found that they had Republican tickets the crowd would obstruct the door and prevent them from entering; that this was continued from early morning until one o'clock, but few Republicans being permitted to either enter the store or deposit their ballots, when many of them left and went toward Barker's Mill precinct, but, being refused the privilege of voting there, returned to Allendale about three or four o'clock.

From that time on until the close of the polls the same system of obstruction was continued, and Mr. Rivers says that between three hundred and four hundred Republicans were prevented from voting; while Mr. Blake and other witnesses testify that in their opinion fully five hundred Republicans were prevented from depositing their ballots who were there that day for the purpose of doing so. The Republican United States supervisor further testified that in counting the votes he noticed that several ballots were folded together and all of them counted; that for the above reasons he refused to sign the poll list and return at the close of the election, and that after he had returned home a number of Democrats came to his house about one o'clock in the morning and demanded that he should get up and sign the return. Upon his refusal he states that they cursed and threatened to break down his door, and shot around the house that night, alarming his family. Returning the next evening, they did the same, and he was compelled to leave home and stay away for a considerable time after the election for the safety of his person and property.

While the contestee claims that he received 5,422 votes in this county, it is an indisputable fact that the census of the same year showed that the number of males of both colors over twenty-one years of age was as follows: White, 3,131; colored, 4,775; a total of 7,906; so that to have received the vote claimed by the contestee in this case it would not only be necessary to have received the vote of every white male over twenty-one but also the votes of 2,291 colored males in addition thereto. In the entire county it is in evidence that over 1,100 Republicans were prevented from voting, and adding this number to the number that the contestee claims voted would make a total voting population of 8,967, while the census shows that there were only of males over twenty-one of both colors in the county 7,906.

The contestee, Mr. Tillman, in his argument asserted that he received 1,300 colored votes in this county, and further asserted that these 1,300 colored wore red shirts so as to distinguish them. There is nothing in the record to establish this, and this statement is so remarkable under all the circumstances of this case that we call the attention of the House to the following deposition of a witness in this case, a resident and voter in Barnwell County. It is found on pages 58 and 59 of the printed record:

Personally appeared Benj. Gifford, a witness for contestant, who, being sworn, deposes and says:

My name is Benjamin Gifford; age fifty-one; occupation farmer; live at Bennet Springs.

Question. Did you go to Red Oak on election day to vote?

Answer. I did; and on my way to the poll I met some men armed about half a mile from the poll, as we were going to the poll to vote; we met about eighteen white men who shot among or over us, and the colored men scattered like partridges, and some of them never did come back.

Q. Do you know of any Republicans being prevented from voting?

A. Yes; a great many.

Q. How?

A. The Democrats rode around the neighborhood on the night before the election. Some of them came to my house and broke my door down and told me that if I went ten steps out of my house the next morning they would shoot me like they did Simon P. Coker.

Q. Do you live near Millett?

A. Yes; about three miles from there.

Q. How far do you live from Red Oak; why did you go to Red Oak instead of Millett?

A. Because I wanted to vote the Republican ticket, and the Democrats said no Republican ticket should be voted at Millett, and that they would shoot every man who voted the Republican ticket at Millett.

Q. Do the Democrats keep their word when they say they will kill you over there?

A. They killed a good many there in '76.

Q. Are you a Republican?

A. Yes.

Q. Did you know Jeff Williams, Henry Ingraham, Simon Coker, George Tutts, Bill Tutts, Bas Dunbar, Ed. Dublin, Sam Wilkins, Alex. Evans, Peter Graham, Andrew Smith, and Lewis Robinson?

A. I did; I knew them well.

Q. Did they vote the Republican ticket this time?

A. No; they were killed in '76. Andrew Smith was killed at church. Jeff Williams was taken from a cotton field and killed. Alexander Evans was killed in a house near Pen Branch. Henry Ingraham was killed in a cotton patch. Simon Coker was killed at Ellenton, being carried first from Robbins precinct. George Tutts was put upon a stump and shot; so was Bill Tutts. Bas Dunbar was killed at the upper Three Runs. Ed. Dublin was killed near Mr. Turner's. Sam Wilkins was taken out of his father's house near Pen Branch and killed. Peter Graham, who was sick, was called to his door and shot. Andrew Smith was killed at church of Lower Runs. Paris Robbins was killed in the swamp. Paul Kelsey, a blacksmith at Ellenton, had two sons killed near Mr. W. G. Dix's.

Q. Where did these people live?

A. In my neighborhood.

Q. Were they Republicans?

A. Yes.

Q. Where did these men generally vote?

A. At Ellenton, Millett, and Robbins. Four of them were not voters, being boys.

Q. What effect has this had on the votes in your section?

A. They are afraid to vote.

Q. Was this fear and terror quite general among the Republicans in the last election over there?

A. Yes.

Q. At Robbins precinct do the Republicans believe they could go to the poll and vote with perfect freedom and safety?

A. They do not; they would if they could.

Q. How about Millett?

A. The same way.

Q. Are the colored people in your section Republicans or Democrats?

A. All Republicans but a few.

Q. Are there more Republicans around there than Democrats?

A. Yes.

Q. Then why did the Democrats get more votes than the Republicans?

A. Because the colored people are afraid to vote the Republican ticket there. The night before the election the Democrats came in my yard and threatened to kill me if I went to Red Oak to vote. These threats were generally made to others.

Q. Did this same feeling of terror pervade all the Republicans in your section?

A. It did.

Q. Do you know of any Republicans who were driven off and could not vote?

A. A large number were coming from Robbins and Millett to vote at Red Oak, and shots were fired by Democrats, and the Republicans ran away and did not vote.

HAMPTON COUNTY.

Hampton County was returned by the State board of canvassers as follows: For George D. Tillman, 2,590 votes; for Robert Smalls, 1,575 votes.

The committee, after careful consideration of this county, recommended that the precincts of Brunson, Early Branch, Beach Branch, Lawtonville, and Varnsville be rejected on account of the intimidation and violence practiced in these several precincts.

BRUNSON POLL.

At the Brunson poll, where but 19 Republican votes were returned by the managers, the contestee's witnesses admit, on page 100 of the record, that there were 232 more ballots found in the box at the close of the polls than there were voters, and E. A. Brabham, who was the Republican United States supervisor at this poll, testifies that the election was held in the back room of an old store building, and that the voters had to pass through the front room to get to the ballot-box; that the old store was filled with a disorderly crowd of Democrats nearly all day, and that no voter was permitted to go to the poll without their consent; that whenever a Republican would apply at the outer door for entrance, they would crowd him and yell and jeer at him, and would very often hold sticks across the door and not allow Republicans to enter; that after a Republican would get to the ballot-box the Democrats would ask him all sorts of questions, thereby worrying him and detaining him, so that many went out and did not vote at all.

One Republican voter that he mentions particularly, after pressing his way through the outer room to the back room where the ballot-box was, was caught by the Democratic voters who surrounded the box and beat on the head with clubs until he turned and ran away without voting. A number of witnesses were called who corroborated him in this statement, and one Halford, at page 89 of the record, testifies that the tickets which he had in his possession and which he was handing out were forcibly taken from him by the Democrats and cut to pieces.

BEACH BRANCH POLL.

At Beach Branch not a single Republican vote was polled, for the reason that it was impossible for the Republicans to obtain any tickets with which to cast their votes. Early in the morning, about seven o'clock, the Republicans, finding that no tickets were at the polls, sent four men to Brunson to obtain tickets. They obtained a bunch of about twelve hundred from the chairman of the Republican county committee, and started back to Beach Branch poll. When about three miles from Brunson the testimony shows that these four messengers were overtaken by a number of Democrats, eight or nine; that they were halted, and a demand made for the tickets, accompanied by the threat that if they did not give them up they would blow their brains out. One of the attacking party held a pistol to the breast of the man who had the tickets, while another held a club over his head, and a third put his hand into his pockets and took out the tickets.

Four of these men were personally known to one of the messengers, who was a witness for the contestant, and were named by him; but it is a remarkable fact that, although these men were living in the community not one of them was called to contradict or explain away this outrage. In addition to this the Republican United States supervisor was driven from the poll and not permitted to serve. On account of this violence and intimidation, and on account of the inability of the United States supervisor to perform his duties, this poll was rejected.

VARNSVILLE POLL.

At Varnsville precinct, in the same county, on the counting of the ballots the undisputed evidence shows that there was an excess of 229 ballots over the number of voters as shown by the poll list kept by the election officers. That this excess of 229 ballots was fraudulently put into the box by Democrats is undoubted. In drawing out this excess 160 Republican tickets and but 69 Democratic tickets were drawn out, and the poll returned as 459 Democratic votes to 129 Republican. It is further in evidence that over 80 Democratic tickets were found to contain one or more extra tickets. It was impossible for the committee to ascertain the true vote at this poll,

and being firmly convinced that the official return was utterly unreliable, the same was rejected.

It is also worthy of note in this case that while the contestee claims, and the State board of canvassers certify that 4,165 votes were polled and counted in this county, the census of the same year shows that there were only 3,828 males, white and colored, over 21 years of age in the county; and this, too, in the face of the testimony that a large number of voters were driven from the polls and did not vote. The census further shows that the males over 21 were as follows: White, 1,401; colored, 2,427.

The contestee claims that he received 2,590 votes, which would make it necessary that he should not only have received the vote of every white voter in the county but also the votes of 1,189 colored voters; and this, too, when his political friends and adherents were riding over the country the night previous and on the day of the election threatening, beating, and shooting colored people. The only way by which such a statement of the vote of this county can be explained is by the method illustrated so well at Brunson's, where the excess of votes over the poll list, according to the Democratic manager, was 232, and at Varnsville, where the excess was 229.

COLLETON COUNTY.

This county was returned by the State board of canvassers as follows:

For George D. Tillman..... 3,475 votes
For Robert Smalls..... 2,776 votes

The only changes recommended in this county were to count the vote at Jacksonborough and Horse Pen, which were illegally rejected by the county and State canvassers, and deduct 90 votes from the contestee at Walterborough precinct and credit the contestant with a like amount. This was one of the counties in which there were no precinct returns and poll lists sent up by the county canvassers to the State board of canvassers, and in which the statement of the State board was made in the aggregate and not by precincts. To discover, therefore, how any of the precincts voted, it was necessary to resort to the testimony of those present at the polls.

WALTERBOROUGH POLL.

At Walterborough the excess of ballots found in the box at the election was 140. The managers of the poll were all Democrats, and this excess of 140 ballots could only have been stuffed into the box by the connivance or by the action of the managers themselves. In drawing out this excess there was between 20 and 30 Democratic ballots drawn out and the balance were Republican ballots while the entire number drawn out should have been Democratic, but in order that no injustice might be done the contestee a correction of but 90 ballots was made by the committee.

JACKSONBOROUGH PRECINCT.

While fraud, violence, and intimidation was the rule and a peaceable election the exception at the great majority of the polls in this district, the very acme of cheating was attained at the precinct of Jacksonborough. In this locality there had originally been five precincts to accommodate the large number of voters living in that vicinity. Three of these precincts had been abolished by the Legislature of the State, which compelled all the voters in that vicinity to go to Gloversville and Jacksonborough. The managers of these polls were all Democrats, and evidently by a preconcerted plan between the commissioners of election and the managers of these two precincts the poll was not opened at Gloversville, and the smallest sized box recognized by the law was sent to the Jacksonborough precinct. The election here was quiet, and every person, without distinction of color, was permitted to vote.

Large numbers were necessarily driven to this poll by the abolition of the three boxes above referred to and the refusal to open the poll at Gloversville. By one o'clock in the afternoon the Democratic managers of election announced that the box which had been furnished them by the commissioners was full, and that as a necessity the polls must be closed. To this the Republican United States supervisor protested, and urged that another box be used for the purpose of receiving the ballots of those present and of others who would necessarily be compelled to report at this poll on account of the Gloversville poll not having been opened. The managers, however, being in control, peremptorily closed it and refused to receive any further votes. On the request of the Republican United States supervisor that the ballots be counted (and his record showed that 618 persons had voted) the commissioners, well knowing that but few, if any, Democratic votes other than their own had been deposited in the box, refused to count them on the ground that they had no authority to do so, the poll having been closed before the legal time, six o'clock p. m.

In accordance therewith, and against the protest of the United States supervisor, the box, with the statement of the managers why it was closed and the reason it was not counted, was sent to the county canvassers, and a Mr. Holmes, the only Republican on the board of election commissioners, testifies on page 379 that this precinct was rejected because the poll had been closed before six p. m.

The evidence further shows that the contestant lost between 300 and 400 votes by the failure of the managers to open the Gloversville poll, and between 600 and 700 votes by the failure to open the Summerville poll; and that fully 100 votes in addition to the 618 votes heretofore referred to were lost to the contestant by illegally closing the poll at Jacksonborough.

In this county alone the evidence discloses the fact that not less than 1,400 voters were deprived of their votes by the Democratic managers and the county board of canvassers by the failure to open and illegally closing the polls; while 223 fraudulent ballots were stuffed into the boxes. As corrected by the committee the vote is counted:

For George D. Tillman..... 3,388 votes.
For Robert Smalls..... 3,760 votes.

And in doing this the committee believe that they not only accord to Mr. Tillman more votes than he was entitled to, but that they have not been able to accord to Mr. Smalls nearly the amount that he actually received if there had been a free vote and a fair count.

RECAPITULATION.

The vote as returned by the Democratic State board of canvassers for the entire district is as follows:

Counties.	George D. Tillman.	Robert Smalls.	Scattering.
Edgefield	6,467	1,046	.....
Aiken	4,980	1,467	.....
Barnwell	5,422	2,445	.....
Hampton	2,590	1,575	.....
Colleton	3,475	2,776	.....
Beaufort	391	5,978	2
Total	23,325	15,287	2

The committee find that the correct vote of the district is as follows:

Counties.	George D. Tillman.	Robert Smalls.	Scattering.
Edgefield			
Aiken	3,409	1,058	.....
Barnwell	4,700	2,431	.....
Hampton	1,019	1,166	.....
Colleton	3,388	3,760	.....
Beaufort	391	5,978	2
Total	12,904	14,393	2

THE CENSUS OF 1880.

The following statement shows the total number of white and colored inhabitants, and the white and colored males over twenty-one years of age, in each county in the fifth Congressional district of South Carolina, according to the census of 1880:

Counties.	Total population.		Males twenty-one years and over.	
	Colored.	White.	Colored.	White.
Aiken	15,170	12,936	3,112	2,873
Barnwell	26,003	13,853	4,775	3,131
Beaufort	27,732	2,442	6,127	693
Colleton	24,181	12,184	5,173	2,706
Edgefield	29,826	16,018	5,648	3,590
Hampton	12,453	6,286	2,427	1,401
Total			27,262	14,394

Such is a brief review of the evidence in this case which governed the committee in finding the facts as stated. The record which governed the committee in this finding is one made by the citizens of the fifth Congressional district of South Carolina themselves, unaided by any committee of either branch of Congress, and without assistance of any United States officer. The witnesses appeared before resident officials and were examined and cross-examined by counsel employed by the contestant and contestee, living in the immediate vicinity.

While the evidence on the part of the contestant is not as full as it might have been, yet it is remarkable that in a district which was the scene of the Hamburgh massacre and the Ellenton riots of 1876, and which has witnessed the violence and intimidation which is marked on every page of this record, that testimony disclosing so much glaring fraud could have been taken at all.

At one poll, and that the home of a Senator who now sits in the United States Senate, more than 2,000 persons were prevented from voting, and armed militia drawn up near by and commanding the ballot-box. At another precinct the messengers sent for the tickets

were basely assaulted and the Republican tickets taken forcibly from them, the men who did it recognized, and no one of them called to explain away their action or their conduct. At another a colored Republican was killed near the polls, and his lifeless body left lying there as a warning to all others that such would be their fate if they attempted to vote the Republican ticket. At another five men were wounded with fire-arms, one of them carrying in his body at the time of taking the testimony in the case the marks of five wounds, which were exposed to the officer so taking the testimony. At many others bodies of armed men were at the polls for the express purpose of intimidating persons from voting, while at some polling places mounted armed men rode through the crowds at the polls cutting them with sabers and driving them away.

At sixteen of the precincts in the district the United States Republican supervisors, who were appointed by a law passed by the Congress of the United States for the express purpose of witnessing the election and making a return as to Congress, were assaulted, beaten, obstructed and driven from the polls, one of whom was followed into the swamps and has never since been heard of.

How long shall such a state of affairs continue in one of the States of this Union? In this House a contested-election case from Mississippi presented a state of affairs that was not creditable to that State, but nothing approached what occurred in this district. In Alabama and Florida the will of the people was betrayed and persons returned as elected who were not entitled to seats in this House, but the violence and intimidation there was as child's play compared to this.

In the second Congressional district of South Carolina frauds were perpetrated which ought to shame every honest man, but they seem to have been conducted in a refined manner as compared with this district.

Well may citizens ask themselves the question, "How long shall this continue" In 1860 a portion of the people of this country, being determined that they would not abide by the decision of the electors of the United States, fairly and honestly expressed at the ballot-box, attempted a dissolution of this Union, and South Carolina was the first State to incite that revolt. In 1876 the same party in that State, finding themselves in a minority, determined to overthrow the party in power, determined that they would not abide by the result as expressed at the ballot-box, and inaugurated a conspiracy whereby the voice of the people of that State as expressed at the ballot-box should be stifled and avoided.

Systematically from that time to this that conspiracy has been carried forward, and in 1880 culminated in the frauds and violence and intimidation shown in this record.

A REPUBLICAN STATE ON A FREE VOTE AND FAIR COUNT.

It was charged on this floor by the distinguished gentleman from Massachusetts [Mr. RANNEY] that in the second South Carolina Congressional district cheating had been reduced to a science. Sir, the same could be truthfully said of the whole State. I firmly believe that that State, if an honest and fair election had been held in 1880, cast a majority for General Garfield. The evidence submitted to this House from the first, second, third, and fourth Congressional districts will satisfy any candid mind that frauds enough were committed by the Democratic election officers to give the Democratic ticket all and more than the majority returned, leaving out the balance of the State. It does not answer, therefore, to say that this question only concerns the people of South Carolina. It concerns the people of the whole country. The question is, Shall a minority rule this country? Shall the frauds and violence in South Carolina be permitted to add to the majority that may rule this House? Shall the tissue ballots and false count in South Carolina change the result of a Presidential election? Shall South Carolina be exempt from the principle of majority rule?

South Carolina Democrats say they will not tolerate the rule of the majority, and openly proclaim their purpose to defeat it even by the commission of the most outrageous frauds and crimes upon free suffrage and the rights of citizens?

What says the rest of the country to that proposition?

What answer does the Democracy make to that proposition?

Will it still be silent in public, while secretly it encourages the fraud?

A FREE BALLOT AND FAIR COUNT OUR ONLY SAFETY.

In our Government the supreme power is vested in the people to be exercised by means of the ballot. Based as it is upon popular suffrage it can be successful only to the extent that the popular voice is freely expressed, fairly and honestly ascertained, and fully obeyed. It is a potent fact, known of all men of ordinary observation, that in a portion of this country—in many of the Southern States—popular elections are controlled by fraud and violence. The problem used to be how to secure a fair election in our large cities; the problem of to-day is how to secure a fair election in the rural districts of the South. To discover, at the close of the poll, in a New England village where 200 electors had voted an excess of 2 ballots over the number of voters would excite indignation and distrust; to discover an excess of 100 to 500 ballots at a poll in South Carolina where but 500 electors voted excites only a laugh. To forcibly prevent a single elector from exercising his right of franchise in a Northern village is the cause of a criminal prosecution; to forcibly prevent 2,000 men from exercising the same right of franchise in a Southern village, and that too at the home of and in the presence of a Democratic United States Senator, only called forth the remark, "Be patient, your time will come after a while."

Ay! and it did come in less than two hours, when the Edgefield Rifles, armed and equipped, took their places to command the ballot-box, supported by the Trenton Democratic Rifle Club, which had reported, at the call of the Democratic county chairman, for duty.

THE QUESTION OF TO-DAY.

To-day it is a question how to secure and record a free vote and a fair count from nearly twelve million voters. No difference of opinion should exist among honest men as to the propriety, nay, the necessity, of accomplishing this. How, then, shall we explain the attitude of the Democratic party on this question? When has it raised its voice against these frauds at the South? What Democrat has denounced them? What Democrat in this House has raised his voice against them? If there is one let him stand up!

Has not that party defended Chalmers in Mississippi, Wheeler in Alabama, Finley in Florida, and Dibble in South Carolina? Who of them has condemned the admitted illegal stuffing of the ballot-boxes of the South? Who of them has condemned the fraud and violence and outrages in the fifth Congressional district? Who of them denounced the Hamburgh massacre of July, 1876, or the Ellenton riots of September, 1876? Who of them will rise in his seat and utter but a single word of condemnation for this carnival of fraud and outrage and wrong and violence? I pause for a reply. Is it possible that the once proud and powerful Democratic party is willing to accept power at any price of national honor and at any sacrifice of personal rights! Has it come to this, that the great Democratic party admits that a solid South is a prerequisite to Democratic success and that their Southern allies may choose their own means to make it solid?

Shall this reign of perjury and fraud and tissue ballots and violence and bloodshed on Southern soil usher in the long-expected Democratic era? God forbid! Let every man North, South, East, and West who loves his country, who cherishes her institutions, who believes that the ballot is our great Magna Charta, who is determined to transmit this Government of, for, and by the people in all its strength and purity to future generations, let all such unite in one common cause to protect the purity and sanctity of the ballot and guard it by the wisest and best legislation that statesmanship can devise. Then, and not till then, will the permanency of republican institutions be assured. "Then those who died on the hundred battle-fields of the rebellion shall not have died in vain; then this nation, under God, shall have a new birth of freedom; and government of the people, by the people, and for the people shall not perish from the earth."

Mr. CALKINS. I now call for a vote.

Mr. MOULTON. I move as a substitute for the resolutions reported by the majority of the Committee on Elections the resolutions accompanying the report of the minority.

The resolutions were read, as follows:

1. *Resolved*, That Robert Smalls was not elected as a Representative to the Forty-seventh Congress of the United States from the fifth Congressional district of South Carolina, and is not entitled to occupy a seat as such.

2. *Resolved*, That George D. Tillman was duly elected as a Representative from the fifth Congressional district of South Carolina, and is entitled to retain his seat as such.

The question was taken upon the resolutions offered as a substitute, and they were not adopted.

The question recurred upon the resolutions reported by the majority of the committee, which were as follows:

Resolved, That George D. Tillman was not elected as a Representative to the Forty-seventh Congress from the fifth Congressional district of South Carolina, and is not entitled to retain the seat which he now occupies in this House.

Resolved, That Robert Smalls was duly elected as a Representative from the fifth Congressional district of South Carolina in the Forty-seventh Congress, and is entitled to his seat as such.

Mr. MOULTON. I call for a division of the question.

The SPEAKER. The question is susceptible of division, and will be first taken on the first resolution.

Mr. ATHERTON and Mr. MOULTON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 1, not voting 145; as follows:

YEAS—144.

Aldrich,	Carpenter,	Fisher,	Hubbs,
Anderson,	Caswell,	Ford,	Jacobs,
Bayne,	Chace,	George,	Jadwin,
Belford,	Cornell,	Godshalk,	Jones, George W.
Bingham,	Crapo,	Guenther,	Jones, Phineas
Bisbee,	Crowley,	Hammond, John	Jorgensen,
Bowman,	Cullen,	Harmer,	Kasson,
Brewer,	Cutts,	Harris, Benj. W.	Kelley,
Briggs,	Darrall,	Haseltine,	Ketcham,
Browne,	Davis, George R.	Haskell,	Lacey,
Brumm,	Dawes,	Hazelton,	Lewis,
Buck,	Deering,	Heilman,	Lord,
Burrows, Julius C.	De Motte,	Henderson,	Lynch,
Butterworth,	Dezendorf,	Hepburn,	Mackey,
Calkins,	Dingley,	Hill,	Mason,
Camp,	Dwight,	Hiscock,	McClure,
Campbell,	Errett,	Horr,	McCoid,
Candler,	Farwell, Chas. B.	Houk,	McCook,
Cannon,	Farwell, Sewell S.	Hubbell,	McKinley,

Miles,	Prescott,	Shultz,	Valentine,
Miller,	Ranney,	Smith, A. Herr	Van Aernam,
Moore,	Ray,	Smith, Dietrich C.	Van Horn,
Morey,	Reed,	Smith, J. Hyatt	Van Voorhis,
Neal,	Rice, John B.	Spaulding,	Wadsworth,
Norcross,	Rice, Theron M.	Spooner,	Wait,
O'Neill,	Rice, William W.	Steele,	Walker,
Orth,	Rich,	Stone,	Ward,
Pacheco,	Ritchie,	Stralt,	Washburn,
Page,	Robeson,	Taylor,	Watson,
Parker,	Robinson, Geo. D.	Thomas,	Webber,
Paul,	Robinson, Jas. S.	Thompson, Wm. G.	West,
Payson,	Russell,	Townsend, Amos	White,
Peelle,	Ryan,	Tyler,	Williams, Chas. G.
Peirce,	Scranton,	Updegraff, J. T.	Willits,
Pettibone,	Shallenberger,	Updegraff, Thomas	Wood, Walter A.
Pound,	Sherwin,	Urner,	Young.

NAY—1.

Hardenbergh.

NOT VOTING—145.

Aiken,	Curtin,	Jones, James K.	Robinson, Wm. E.
Armfield,	Davidson,	Joyce,	Rosecrans,
Atherton,	Davis, Lowndes H.	Kenna,	Ross,
Atkins,	Deuster,	King,	Scales,
Barbour,	Dibrell,	Klotz,	Scoville,
Barr,	Dowd,	Knott,	Shackelford,
Beach,	Dugro,	Ladd,	Shelley,
Belmont,	Dunn,	Latham,	Simonton,
Beltzhoover,	Dunnell,	Leedom,	Singleton, Jas. W.
Berry,	Ellis,	Le Fevre,	Singleton, Otho R.
Black,	Ermentrout,	Lindsey,	Skinner,
Blackburn,	Evins,	Lowe,	Sparks,
Blanchard,	Flower,	Manning,	Speer,
Bland,	Forney,	Marsh,	Springer,
Bliss,	Frost,	Martin,	Stephens,
Blount,	Fulkerson,	Matson,	Stockslager,
Bragg,	Garrison,	McKenzie,	Talbott,
Buchanan,	Geddes,	McLane,	Thompson, P. B.
Buckner,	Gibson,	McMillin,	Tillman,
Burrows, Jos. H.	Grout,	Mills,	Townshend, R. W.
Cabell,	Gunter,	Money,	Tucker,
Caldwell,	Hall,	Morrison,	Turner, Henry G.
Carlisle,	Hammond, N. J.	Morse,	Turner, Oscar
Cassidy,	Hardy,	Mosgrove,	Upson,
Chapman,	Harris, Henry S.	Moulton,	Vance,
Clardy,	Hatch,	Muldrow,	Warner,
Clark,	Herbert,	Murch,	Welborn,
Clements,	Herndon,	Mutchler,	Whitthorne,
Cobb,	Hewitt, Abram S.	Nolan,	Williams, Thomas,
Colerick,	Hewitt, G. W.	Oates,	Willis,
Converse,	Hoblitzell,	Phelps,	Wilson,
Cook,	Hoge,	Phister,	Wise, George D.
Covington,	Holman,	Randall,	Wise, Morgan R.
Cox, Samuel S.	Hooker,	Reagan,	Wood, Benjamin.
Cox, William R.	House,	Richardson, D. P.	
Cravens,	Humphrey,	Richardson, Jno. S.	
Culberson,	Hutchins,	Robertson,	

[By an error in the tally, the vote was given to the Speaker as yeas 145, nay 1.]

So the resolution was declared to be adopted.

The following pairs were announced:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FOWLER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. MOREY with Mr. COLERICK.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. RICE, of Massachusetts, with Mr. BLOUNT.

Mr. TYLER. I desire to state that my colleague [Mr. JOYCE] is detained at his home in Vermont by severe illness.

Mr. BOWMAN. Understanding that it was necessary to make a quorum, and my pair being on that condition, I have voted.

Mr. CALKINS. I ask consent to dispense with reading the names of those voting.

There was no objection, and it was so ordered.

The result of the vote was then announced as above stated.

The SPEAKER. The question now recurs upon the second resolution reported by the majority of the Committee on Elections, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That Robert Smalls was duly elected as a Representative from the fifth Congressional district of South Carolina in the Forty-seventh Congress, and is entitled to his seat as such.

Mr. RANDALL. I ask for the yeas and nays on the adoption of that resolution.

The yeas and nays were ordered.

Mr. ROBINSON, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. I understand that if any member fails to vote at the time his name is called he cannot afterward vote unless he asserts upon his honor that he was paying attention and did not hear his name called. Now, I observe that some members are recorded as voting whose names were called and they did not answer. Is that so?

The SPEAKER. That is a question of fact which the gentleman makes with the officers of the House the Chair is not called upon to decide.

Mr. ROBINSON, of New York. I only wanted an answer as a precedent.

The question was taken; and there were—yeas 140, nays 5, not voting 144; as follows:

YEAS—140.

Aldrich,	Farwell, Chas. B.	McCoid,	Sherwin,
Anderson,	Farwell, Sewell S.	McCook,	Shultz,
Bayne,	Fisher,	McKinley,	Smith, A. Herr.
Belford,	George,	Miles,	Smith, Dietrich C.
Bingham,	Godshalk,	Miller,	Smith, J. Hyatt
Bisbee,	Guenther,	Moore,	Spaulding,
Bowman,	Hammond, John	Morey,	Spooner,
Brewer,	Harmer,	Neal,	Steele,
Briggs,	Harris, Benj. W.	Norcross,	Stone,
Browne,	Haseltine,	O'Neill,	Strait,
Brumm,	Haskell,	Orth,	Taylor,
Buck,	Hazelton,	Pacheco,	Thomas,
Burrows, Julius C.	Heilman,	Page,	Thompson, Wm. G.
Butterworth,	Henderson,	Parker,	Townsend, Amos
Camp,	Hepburn,	Paul,	Tyler,
Campbell,	Hill,	Payson,	Updegraff, J. T.
Candler,	Hiscock,	Peelle,	Updegraff, Thomas
Cannon,	Horr,	Peirce,	Urner,
Carpenter,	Houk,	Pettibone,	Valentine,
Caswell,	Hubbell,	Pound,	Van Aernam,
Chace,	Hubbs,	Prescott,	Van Horn,
Cornell,	Jacobs,	Ranney,	Van Voorhis,
Crapo,	Jadwin,	Ray,	Wadsworth,
Crowley,	Jones, Phineas	Reed,	Wait,
Cullen,	Jorgensen,	Rice, John B.	Walker,
Cutts,	Kasson,	Rice, William W.	Ward,
Darrall,	Kelley,	Rich,	Washburn,
Davis, George R.	Ketcham,	Ritchie,	Watson,
Dawes,	Lacey,	Robeson,	Webber,
Deering,	Lewis,	Robinson, Geo. D.	West,
De Motte,	Lord,	Robinson, Jas. S.	White,
Dezendorf,	Lynch,	Russell,	Williams, Chas. G.
Dingley,	Mackey,	Ryan,	Willits,
Dwight,	Mason,	Scranton,	Wood, Walter A.
Errett,	McClure,	Shallenberger,	Young.

NAYS—5.

Calkins,	Hardenbergh,	Jones, George W.	Rice, Theron M.
Ford,			

NOT VOTING—144.

Aiken,	Culberson,	Humphrey,	Richardson, D. P.
Armfield,	Curtin,	Hutchins,	Richardson, Jno. S.
Atherton,	Davidson,	Jones, James K.	Robertson,
Atkins,	Davis, Lowndes H.	Joyce,	Robinson, Wm. E.
Barbour,	Deuster,	Kenna,	Rosecrans,
Barr,	Dibrell,	King,	Ross,
Beach,	Dowd,	Klotz,	Scales,
Belmont,	Dugro,	Knott,	Scoville,
Beltzhoover,	Dunn,	Ladd,	Shackelford,
Berry,	Dunnell,	Latham,	Shelley,
Black,	Ellis,	Leedom,	Simonton,
Blackburn,	Ermentrout,	Le Fevre,	Singleton, Jas. W.
Blanchard,	Evins,	Lindsey,	Singleton, Otho R.
Bland,	Flower,	Lowe,	Skinner,
Bliss,	Forney,	Manning,	Sparks,
Blount,	Frost,	Marsh,	Speer,
Bragg,	Fulkerson,	Martin,	Springer,
Buchanan,	Garrison,	Matson,	Stephens,
Buckner,	Geddes,	McKenzie,	Stockslager,
Burrows, Jos. H.	Gibson,	McLane,	Talbott,
Cabell,	Grout,	McMillin,	Thompson, P. B.
Caldwell,	Gunter,	Mills,	Townshend, R. W.
Carlisle,	Hall,	Money,	Tucker,
Cassidy,	Hammond, N. J.	Morrison,	Turner, Henry G.
Chapman,	Hardy,	Morse,	Turner, Oscar
Clardy,	Harris, Henry S.	Mosgrove,	Upson,
Clark,	Hatch,	Moulton,	Vance,
Clements,	Herbert,	Muldrow,	Warner,
Cobb,	Herndon,	Murch,	Wellborn,
Colerick,	Hewitt, Abram S.	Mutchler,	Whitthorne,
Converse,	Hewitt, G. W.	Nolan,	Williams, Thomas
Cook,	Hoblitzell,	Oates,	Willis,
Covington,	Hoge,	Phelps,	Wilson,
Cox, Samuel S.	Holman,	Phister,	Wise, George D.
Cox, William R.	Hooker,	Randall,	Wise, Morgan R.
Cravens,	House,	Reagan,	Wood, Benjamin.

Mr. CALKINS. Before the announcement of this vote, I desire simply to say that conscientiously I believe this election should have been referred back to the people. My vote does not express my sentiment on that subject.

Mr. ATKINS. What was the remark of the gentleman? We did not hear it.

Mr. CALKINS. Mr. Speaker, I desire to change my vote to "no." Conscientiously I believe that this election ought to go back to the people.

Mr. RANDALL. I am sorry you have not more conscientious men on that side.

The SPEAKER. The Chair desires to vote on this question, and

votes "aye." There are 141 yeas and 5 nays. The second resolution is agreed to.

Mr. WAIT moved to reconsider the vote by which the two resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair desires to state at this time that in footing up the preceding vote on the first resolution a mistake was made. In the absence of the vote of the Chair the result would have been one less than was announced. The Chair, to make a quorum, exercises its constitutional right to vote, and will have the vote recorded. This is in accordance with the rule and also the practice. [Cries of "Too late!"]

Mr. ATHERTON. I make the point that that cannot be done now.

The SPEAKER. It does not change the result. No point was made at all events; but it is due to the correctness of the record that the statement should be made.

Mr. RANDALL. Let us hear and understand this matter correctly.

The SPEAKER. The Chair simply states that the total vote, if the footing had been accurate, would have been 145.

Mr. RANDALL. That would not have been a quorum.

The SPEAKER. But the vote of the Chair, which under paragraph 6 of Rule I, which it was required to give, would have made exactly a quorum. The Chair exercises its right to vote, following both the rule and the precedent.

Mr. ATKINS. How happens it that the clerks did not know there was no quorum?

The SPEAKER. The Clerk made a mistake in carrying from one column to another 59 instead of 58. The vote of the Chair makes a quorum.

Mr. RANDALL. If the vote had been correctly announced, I would have made the point that no quorum voted.

The SPEAKER. And the Chair would then have voted, as required by the rule, so that there would have been a quorum. The Chair did not vote at all. This is in accordance with the practice.

Mr. RANDALL. I object, under the circumstances, to the vote, because it establishes a precedent. We have passed from that vote.

The SPEAKER. The Chair will state that it is informed it is only following a precedent.

Mr. RANDALL. Will the Chair state the precedent? [Cries of "Regular order!"]

The SPEAKER. The Chair has not examined the matter very fully, but understands that precedents have been set.

Mr. RANDALL. The Chair can state the precedent if, as he says, there is one. [Cries of "Regular order!"]

The SPEAKER. There was no point made; but the Chair thought it proper to make this statement.

Mr. ATHERTON. I make the point——

Mr. CASWELL. I desire to call attention to a precedent.

Mr. ATHERTON. I make the point that the Chair cannot exercise any higher privilege in respect to voting than any other member.

A MEMBER. Oh, yes, he can.

The SPEAKER. Attention was not called to the point that no quorum voted, and if it had been the Chair under the rule would have been required to vote, and, under such circumstances, it at the first opportunity directs its vote to be recorded.

Mr. RANDALL. The Chair did not vote at the time.

The SPEAKER. The Chair did not, because the figures as given to it showed a quorum. As soon as the Chair learned that there was no quorum, it did exactly what was its right and duty and the rule required.

Mr. TOWNSHEND, of Illinois. But the rule required——

Mr. RANDALL. I object to the Chair voting under the circumstances.

Mr. CASWELL. I desire to call attention to a precedent which occurred in the Forty-fourth Congress.

The SPEAKER. The Chair will hear one gentleman at a time.

Mr. BAYNE. I ask that the gentleman from Wisconsin [Mr. CASWELL] be heard.

The SPEAKER. But the Chair cannot hear that gentleman when the gentleman from Pennsylvania is talking.

Mr. BAYNE. I am merely asking that order be preserved that he may be heard.

The SPEAKER. The House will be in order. There is no complication about this proposition. The Chair understands that it has the right and is required under the rules to vote in order to make a quorum or to give a result when there is a tie vote.

Mr. RANDALL. Does the Chair state that after the result has been announced and accepted by the House as the result of a yea-and-nay vote by the House the Chair can come in and change the result, as in this case presented?

The SPEAKER. The vote of the Chair did not change the result. It simply makes a quorum; and the gentleman from Pennsylvania, when Speaker, as the Chair is informed, exercised this right one day after the vote had been taken.

Mr. RANDALL, (amid great confusion.) I never did, under such circumstances as here presented.

The SPEAKER. It is stated here, and the record will show it.

Mr. RANDALL. I ask the Chair to produce the full record. The Chair nowhere can find any such decision. There is no warrant for such construction or decision referred to, as I believe.

Mr. CASWELL rose.

The SPEAKER. Gentlemen will come to order.

Mr. ATHERTON. I rise to a question of order.

The SPEAKER. The gentleman will be heard later. The Chair now recognizes the gentleman from Wisconsin.

Mr. CASWELL. The gentleman from Pennsylvania cannot have forgotten the fact that in the Forty-fourth Congress he voted the next day to carry a measure.

Mr. RANDALL. I never voted when there was objection, as there is here. The gentleman will produce the record.

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The SPEAKER. One at a time. Gentlemen will be heard patiently, but the House must come to order.

Mr. BLACKBURN. I will abide the Chair's pleasure.

Mr. TOWNSHEND, of Illinois. I desire to read Rule XV, which absolutely prohibits it.

Mr. BLACKBURN. Just wait a minute.

Mr. TOWNSHEND, of Illinois. It requires that every member shall answer to his name at the roll-call.

The SPEAKER. The Chair will direct the Clerk to read certain paragraphs from the Digest.

Mr. KASSON. I ask that gentlemen shall be seated, so members may hear what is going on.

The SPEAKER. Members will resume their places. The Clerk will read from the Digest, page 354.

The Clerk read as follows:

On a very important question, taken December 9, 1803, on an amendment to the Constitution, so as to change the form of voting for President and Vice-President, which required a vote of two-thirds, there appeared 83 in the affirmative and 42 in the negative; it wanted one vote in the affirmative to make the constitutional majority. The Speaker, [Macon,] notwithstanding a prohibition in the rule as it then existed, claimed and obtained his right to vote, and voted in the affirmative; and it was by that vote that the amendment to the Constitution was carried. The right of the Speaker, as a member of the House, to vote on all questions is secured by the Constitution. No act of the House can take it from him when he chooses to exercise it. [See latest instance by Mr. Speaker Randall—Journal, 2, 44; pages 23, 24.]

The SPEAKER. The Clerk will now read from the Journal the case cited under Mr. Speaker Randall.

The Clerk read as follows:

Pending which,

Mr. Banks moved that the Journal and RECORD be corrected so as to include the name of Mr. Plaisted in the negative on the vote on the adoption of the resolution submitted on yesterday by Mr. ABRAM S. HEWITT.

After debate,

The Speaker decided that it was the right of the gentleman from Maine to have his vote recorded upon the said resolution upon the statement made by Mr. Plaisted that he did vote in the negative when his name was called.

Mr. Fuller asked that the Journal and RECORD might be further corrected, so as to show that he voted in the affirmative upon the aforesaid resolution, stating that he was present and so voted when his name was called.

The Speaker decided, as in the case of Mr. Plaisted, that the gentleman from Indiana was entitled to have his name recorded.

And therefore the names of Mr. Plaisted and Mr. Fuller were recorded, the first in the negative and the last named member in the affirmative, upon the adoption of the aforesaid resolution.

The Speaker thereupon claimed and exercised his constitutional right to vote upon any question before the House, and voted in the affirmative upon the said resolution.

[Applause and laughter.]

The SPEAKER. This right of the Speaker to vote was exercised the next day after a result had been announced.

Mr. RANDALL. That was not a question of a quorum nor a majority. I believe it was done by consent of the House, while in this instance there is objection.

Mr. HAZELTON. The question is of the right of the Speaker to vote.

Mr. RANDALL. I had a right to vote as Speaker. Gentlemen's votes were added which changed the result, and the case is entirely dissimilar.

The SPEAKER. The gentleman then Speaker claimed the right to vote and exercised it. It was not done by unanimous consent, or the Journal does not show it.

Mr. RANDALL. Gentlemen's votes were added which changed the result, and there was no objection.

Mr. REED. Regular order!

Mr. RANDALL. The changes made in fact produced an even tally, and the Speaker had a right to and did vote.

The SPEAKER. The principle is exactly the same in the present case.

The Clerk will now read from what occurred Monday, January 8, 1849, (Mr. Winthrop, Speaker.)

The Clerk read as follows:

MONDAY, *January* 8, 1849.

As soon as the Journal of Saturday had been read,

The SPEAKER said: The House will remember that the vote on the passage of the bill for the relief of the representatives of Antonio Pacheco was originally made up by the Clerk—ayes 90, noes 89; and this record having been handed to the Speaker and by him announced to the House, the Speaker proceeded to make some remarks upon the bill preparatory to giving the vote contemplated in such cases by the rules of the House. While in the act of explanation, the Speaker was interrupted by the Clerk, who stated that on a more careful count the vote was found to be—ayes 91, noes 89. The intervention of the Speaker was therefore no longer allowable; and the bill was declared to have passed the House.

The Chair takes the earliest opportunity to state to the House this morning that,

upon a re-examination of the yeas and nays the Clerk has ascertained that an error existed in the announcement of the vote on Saturday. The vote actually stood—ayes 89, noes 89. The correction will now accordingly be made on the Journal; and a case is immediately presented, agreeably to the twelfth rule of the House, for the interposition of the Speaker's vote.

The SPEAKER. At this stage of the proceedings the Speaker was interrupted by Mr. Farrelly, who rose and called for a further correction of the Journal, stating that he voted in the negative on Saturday last, and his vote appeared not to have been recorded.

The Speaker decided that it was the right of the gentleman from Pennsylvania to have his vote recorded if he voted on Saturday last; and the correction was accordingly made.

The vote was then finally announced—yeas 89, nays 90.

Mr. BLACKBURN. I rise to a parliamentary inquiry. I do not believe the inquiry I am to submit or the answer that the Speaker is to give will have the slightest effect on the case now pending, but I submit it in order that we may have an understanding that will serve hereafter in the shape of a precedent to test this: whether there is any defense to be made of the officials of this House, in the person of its clerks, who failed to allow it to be known to the House that a quorum had not voted on a question where a quorum was needed.

And, further, whether the Speaker of this House intends to claim the right, not that, which no one questions, as a Representative of the people to vote upon all questions, but whether he intends to claim the right to vote upon any question after the final announcement as to the result of that vote has been made and given to the House, and after other business has intervened? Now, Mr. Speaker, I trust that none of us would question the right of a member of this body who has been honored by being placed in the high position as presiding officer of this House to cast his vote upon all questions properly before the House. When he is elected Speaker no one will pretend to claim that that election deprives him of the right with which he is clothed as a representative of the people. He has his constitutional right to vote upon any and all questions; but I want to know whether his elevation to the Speaker's chair clothes him with the right and the power upon the floor which under the rule no member of the House enjoys, and that is to cast his vote after the roll-call has been completed and the final result has been announced to the House? I deny his right to do so; and I want to know further whether the Speaker of the House has a reserved right as a Representative which does not attach to other members, to vote on any question after the roll-call on which his vote is to be recorded is completed and another call has been had, and then come and claim the privilege which the House has over and over again refused to allow to any member of the House, which is to vote after the completion of the second roll-call.

Mr. TOWNSHEND, of Illinois. Rule XV determines that matter.

Mr. BLACKBURN. I ask the Speaker to have the rule indicated by the gentleman from Illinois read; and I ask further that the Speaker will remember that notwithstanding he has been made Speaker and the presiding officer of this House by its votes, that still, even as presiding officer, under the law he is but a member of this House.

The SPEAKER. The gentleman will allow the Chair to state that it has never been the rule or practice for the Speaker's name to be called in the regular roll-call; and therefore the Speaker does not respond to the roll-call as other members do, nor does he come within the provision of the rule which is applicable to other members whose names are upon the roll. The rule, paragraph 6, Rule I, provides when the Speaker shall vote. It is as follows:

He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or when the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Rule XV may be read, but it has no possible application.

Mr. BLACKBURN. May I ask, then, Mr. Speaker, another question as to the construction given to this rule by the Chair on the subject of voting, or on the right to vote: Does that position elevate the Speaker of this House one inch above the plane occupied by other members of the House?

The SPEAKER. The Chair does not disagree with the gentleman in that respect. The Chair claims no higher right or privilege than is accorded to other members, except in cases when by the rules, law, or Constitution other or higher rights are given it.

Mr. BLACKBURN. Then would any other member of the House, after the ruling and the construction applied to this rule frequently by the present occupant of the chair, have the right to rise in his place and ask even unanimous consent to have his name recorded after the second call of the roll has been completed?

The SPEAKER. Certainly not; the rule is very clear and prohibits that.

Mr. BLACKBURN. Then by what authority does the Chair claim the right to vote?

The SPEAKER. Under the rule applicable to the Chair. The rule which the gentleman invokes has no sort of application to the Chair, but to the members whose names are called.

Mr. BLACKBURN. Then may I ask this further question? Is the Chair, the Speaker of this House, by his election to that position elevated above all rules, and does he know no rule?

The SPEAKER. The rules do not require the Speaker's name to be called, nor does his name appear upon the roll. That is the practice of the House, and has been, as far as the present occupant of the chair knows, for all time.

Mr. BLACKBURN. What rule does that?

The SPEAKER. The rule to which the gentleman refers.

Mr. BLACKBURN. I ask to have that rule read.

The SPEAKER. The rule is very clear.

Mr. BLACKBURN. But after the Chair has announced the result of a vote, I ask if, under that rule, he has the right to vote; and I ask to have the rule read.

The SPEAKER. The rule is familiar to everybody; but the Chair will of course have the rule the gentlemen refers to read if he so desires. It has no application to the Speaker.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The Chair can recognize but one.

Mr. HAZELTON. No Speaker's name has ever been called upon the roll.

Mr. BLACKBURN. My friend will allow the rule to be read?

Mr. ROBESON. I want to know whether the vote on the passage of the resolution to which reference is made was not 144 to 1; and whether that was not a majority?

Mr. BLACKBURN. It was not a quorum.

Mr. ROBESON. And whether the point of no quorum was made? Further, I wish to ask whether, that point not having been then made, it can be made now; and if the gentleman claims the right to make the point of no quorum now, because of the fact that the House was misinformed as to the vote, has not the Speaker the right to vote now to make a quorum?

The SPEAKER. It is not only his right, but he must exercise it under the rule.

Mr. TOWNSHEND, of Illinois. The rule is explicit that no member shall even be permitted to ask unanimous consent to record his vote after the announcement of the vote has been made.

Mr. ATHERTON. The question is whether when a wrong has been done there is any way of righting it. [Cries of "Regular order!"]

The SPEAKER. The Chair thinks that there is no question before the House. No wrong was done to any one, but the vote was corrected at the earliest possible time.

Mr. REED. I demand the regular order.

Mr. HAZELTON. The only question before the House is the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BLACKBURN. Does the Chair decline my request to have Rule XV read?

The SPEAKER. The Chair has no objection to having the rule read.

Mr. BLACKBURN. I ask to have it read.

The SPEAKER. The Clerk will read Rule XV.

The Clerk read as follows:

Upon every roll-call the names of the members shall be called alphabetically by surname, except where two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. BLACKBURN. I thank the Chair for having the rule read. I only desire further to ask a question as to fact in the shape of a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. I demand the regular order.

The SPEAKER. The gentleman from Kentucky rises to make a parliamentary inquiry, which the Chair will hear.

Mr. BLACKBURN. The gentleman from New Jersey [Mr. ROBESON] has said that upon the report of the voting it stood 144 yeas and 1 nay. I now desire to know whether the clerks of this House did not report 145 yeas instead of 144?

The SPEAKER. Undoubtedly, and solely through a mistake.

Mr. WAIT. As a question of privilege I ask that Mr. Smalls be sworn in.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Illinois will state his question of order.

Mr. TOWNSHEND, of Illinois. I raise the point of order that a quorum not having voted on the resolution unseating Mr. Tillman as a Representative from South Carolina the present applicant to be sworn in has not been lawfully declared elected a member of this House.

The SPEAKER. That vote has no reference to the one declaring Mr. Smalls elected. The point is overruled.

Mr. TOWNSHEND, of Illinois. I have not finished stating my point of order. My point of order is that through the error of the Clerk in reporting that a quorum had voted when a quorum had not done so, the House was deceived into proceeding to the consideration of the second resolution, and that now, it having appeared that a quorum did not vote on the resolution unseating Mr. Tillman, the gentleman from South Carolina, Mr. Tillman, is still entitled to retain his seat.

The SPEAKER. But the result of the vote had been announced, and there was no question about it.

Mr. TOWNSHEND, of Illinois. It was because the House was misled by the report made by the Clerk.

The SPEAKER. That does not apply to the resolution declaring Mr. Smalls entitled to a seat. The Chair wishes to state again that it simply exercised, at the earliest time the case arose, what it believes to be a constitutional right, and it acted in accordance with the rule in the light of various precedents, some only of which have been cited.

Mr. RANDALL. I find the precedent, as far as I am concerned, is not at all like the present case. In the instance which was cited, other gentlemen (Messrs. Plaisted, of Maine, and Fuller, of Indiana) whose votes had not been recorded presented themselves on the following day and said they had voted. Their votes were received, changing the result, and the Speaker under these circumstances had, as he had a right to do, then voted, making a two-thirds vote, and it was done without objection; in fact this controversy is quite different as I consider it.

The SPEAKER. The principle is precisely the same, and both arose in consequence of unintentional mistakes or omissions of the Clerk.

Mr. SMALLS appeared, and qualified by taking the oath prescribed in section 1756 of the Revised Statutes.

CONTESTED ELECTION—SMITH VS. SHELLEY.

Mr. CALKINS. I call up the contested-election case of Smith *vs.* Shelley from the fourth Congressional district of Alabama.

Mr. RANDALL. Upon that I raise the question of consideration.

Mr. CALKINS. And upon the question of consideration I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is, Will the House proceed to the consideration of the contested-election case of Smith *vs.* Shelley?

The question was taken; and there were—yeas 145, nay 1, not voting 145; as follows:

YEAS—145.

Aldrich,	Fisher,	McCook,	Smith, A. Herr
Anderson,	Ford,	McKinley,	Smith, Dietrich C.
Bayne,	Fulkerson,	Miles,	Smith, J. Hyatt
Belford,	George,	Miller,	Spaulding,
Bingham,	Godshalk,	Moore,	Spooner,
Bisbee,	Guenther,	Morey,	Steele,
Bowman,	Hammond, John	Norcross,	Stone,
Brewer,	Harmer,	O'Neill,	Strait,
Briggs,	Harris, Benj. W.	Orth,	Taylor,
Browne,	Haseltine,	Pacheco,	Thomas,
Brumm,	Haskell,	Page,	Thompson, Wm. G.
Buck,	Hazelton,	Parker,	Townsend, Amos
Burrows, Julius C.	Heilman,	Paul,	Tyler,
Butterworth,	Henderson,	Payson,	Updegraff, J. T.
Calkins,	Hepburn,	Peelle,	Updegraff, Thomas
Camp,	Hill,	Peirce,	Urner,
Campbell,	Hiscock,	Pettibone,	Valentine,
Candler,	Horr,	Pound,	Van Aernam,
Cannon,	Houk,	Prescott,	Van Horn,
Carpenter,	Hubbell,	Ranney,	Van Voorhis,
Caswell,	Hubbs,	Ray,	Wadsworth,
Chace,	Jacobs,	Reed,	Wait,
Cornell,	Jadwin,	Rice, John B.	Walker,
Crapo,	Jones, George W.	Rice, Theron M.	Ward,
Crowley,	Jones, Phineas	Rice, William W.	Washburn,
Cullen,	Jorgensen,	Rich,	Watson,
Cutts,	Kasson,	Ritchie,	Webber,
Darrall,	Kelley,	Robeson,	West,
Davis, George R.	Ketcham,	Robinson, Geo. D.	White,
Dawes,	Lacey,	Robinson, Jas. S.	Williams, Chas. G.
Deering,	Lewis,	Russell,	Willits,
De Motte,	Lord,	Ryan,	Wood, Walter A.
Dingley,	Lynch,	Scranton,	Young,
Dwight,	Mackey,	Shallenberger,	The Speaker.
Errett,	Mason,	Sherwin,	
Farwell, Chas. B.	McClure,	Shultz,	
Farwell, Sewell S.	McCoid,	Smalls,	

NAY—1.

Hardenbergh.

NOT VOTING—145.

Aiken,	Clements,	Geddes,	Latham,
Armfield,	Cobb,	Gibson,	Leedom,
Atherton,	Colerick,	Grout,	Le Fevre,
Atkins,	Converse,	Gunter,	Lindsey,
Barbour,	Cook,	Hall,	Lowe,
Barr,	Covington,	Hammond, N. J.	Manning,
Beach,	Cox, Samuel S.	Hardy,	Marsh,
Belmont,	Cox, William R.	Harris, Henry S.	Martin,
Beltzhoover,	Cravens,	Hatch,	Matson,
Berry,	Culberson,	Herbert,	McKenzie,
Black,	Curtin,	Herndon,	McLane,
Blackburn,	Davidson,	Hewitt, Abram S.	McMillin,
Blanchard,	Davis, Lowndes H.	Hewitt, G. W.	Mills,
Bland,	Deuster,	Hoblitzell,	Money,
Bliss,	Dezendorf,	Hoge,	Morrison,
Blount,	Dibrell,	Holman,	Morse,
Bragg,	Dowd,	Hooker,	Mosgrove,
Buchanan,	Dugro,	House,	Moulton,
Buckner,	Dunn,	Humphrey,	Muldrow,
Burrows, Jos. H.	Dunnell,	Hutchins,	Murch,
Cabell,	Ellis,	Jones, James K.	Mutchler,
Caldwell,	Ermentrout,	Joyce,	Neal,
Carlisle,	Evins,	Kenna,	Nolan,
Cassidy,	Flower,	King,	Oates,
Chapman,	Forney,	Klotz,	Phelps,
Clardy,	Frost,	Knott,	Phister,
Clark,	Garrison,	Ladd,	Randall,
Reagan,	Shelley,	Talbott,	Whitthorne,
Richardson, D. P.	Simonton,	Thompson, P. B.	Williams, Thomas
Richardson, Jno. S.	Singleton, Jas. W.	Townshend, R. W.	Willis,
Robertson,	Singleton, Otho R.	Tucker,	Wilson,
Robinson, Wm. E	Skinner,	Turner, Henry G.	Wise, George D.
Rosecrans,	Sparks,	Turner, Oscar	Wise, Morgan R.
Ross,	Speer,	Upson,	Wood, Benjamin.
Scales,	Springer,	Vance,	
Scoville,	Stephens,	Warner,	
Shackelford,	Stockslager,	Wellborn,	

So the House agreed to consider the contested-election case of Smith *vs.* Shelley.

Mr. CALKINS. I ask that the reading of the names be dispensed with.

Mr. McMILLIN. I object.

The names of members voting were read.

The SPEAKER. The Chair votes "ay."

The result of the vote was then announced as above stated.

ALLEGED MISTAKE IN ANNOUNCEMENT OF VOTE.

Mr. CALKINS. I ask as a matter of privilege to submit at this time the resolution which I send to the desk relative to the alleged mistake in the announcement of the vote upon the first roll-call.

The Clerk read as follows:

Whereas Mr. BLACKBURN, a Representative from the State of Kentucky, has asserted that the record of the vote taken to-day on the following resolution:

"*Resolved*, That George D. Tillman was not elected as a Representative to the Forty-seventh Congress from the fifth Congressional district of South Carolina and is not entitled to retain the seat which he now occupies in this House"—as reported to the House, was falsified by the Clerk: Therefore,

Resolved, That a select committee of three be appointed whose duty it shall be to fully and thoroughly examine into the charge made and report thereon to the House without delay.

Mr. RANDALL. The gentleman from Kentucky [Mr. BLACKBURN] is not present. Will the gentleman from Indiana withhold the resolution for a moment till that gentleman returns?

Mr. CALKINS. I have no objection to withholding it.

The SPEAKER. The Chair thinks it is a privileged matter.

Mr. CAMP. Is it of higher privilege than a contested-election case?

The SPEAKER. It is not.

Mr. CAMP. Then an objection keeps it out.

The SPEAKER. The Chair thinks the resolution should be adopted.

Mr. RANDALL. I only wish the gentleman from Kentucky, who is referred to by name in the resolution, should be present.

Mr. CALKINS. I recognize the propriety of what is suggested by the gentleman from Pennsylvania, and I am willing the matter shall lie over till morning.

ELECTION CONTEST—SMITH VS. SHELLEY.

The SPEAKER. The gentleman from Massachusetts [Mr. RANNEY] is recognized for one hour on the contested-election case of Smith *vs.* Shelley.

Mr. CALKINS. I ask the gentleman to yield to me to submit a motion to adjourn.

Mr. RANNEY. I will yield for that purpose.

Mr. CALKINS. I move that the House now adjourn.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Pending the motion to adjourn,

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for the post-office in the city of New York.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States.

The motion of Mr. CALKINS was then agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

SENATE.

THURSDAY, *July* 20, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. GARLAND. I suppose the best thing to do would be to have a call of the Senate. I move a call of the Senate.

The PRESIDENT *pro tempore*. If there is no objection the roll of the Senate will be called.

The Principal Legislative Clerk called the roll, and 46 Senators answered to their names.

Mr. GARLAND. As there is a quorum present, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. VEST. I present a petition from a large number of tobacco dealers in the city of Saint Louis, praying for a rebate of tax on all goods in unbroken tax-paid packages on hand in the event of the passage of the bill now pending. I move that it lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1411) granting an increase of pension to Jacob Luskey, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. HOAR. I desire to ask the Chair for information whether, when morning business of this class is over, the morning business which went over at the expiration of the morning hour yesterday will be in order? I do not know myself.

The PRESIDENT *pro tempore*. The Chair supposes that when the order of bills and joint resolutions is reached the business to which the Senator refers will be the first question. The Chair will lay that before the Senate at the proper time.

SAINT LAWRENCE RIVER BRIDGE.

Mr. CONGER. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River, to report it without amendment, and I ask for its passage at this time.

The PRESIDENT *pro tempore*. The joint resolution will be reported for information.

The Acting Secretary read the joint resolution, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CONGER. The joint resolution has been referred to the Secretary of War for the opinion of the engineers, and to the Secretary of State for his opinion in regard to it, this being an international bridge.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASES FOR PRINTING OFFICE.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the bill (S. No. 2155) to authorize the Public Printer to make certain purchases without previous advertisement, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It makes it lawful for the Public Printer to purchase in the open market, and without previous advertisement, such supplies as the Government Printing Office may require, of ink, rollers, composition for making rollers, tapes, press-blankets, and lubricating oils; taking care that only the lowest market prices be paid for the quality of the articles purchased; and, when practicable, issuing circulars for bids from persons capable of supplying them.

Mr. INGALLS. What is the reason for the exception of those articles from the general rule?

Mr. ANTHONY. These articles include ink, rollers for distributing the ink, composition for the manufacture of rollers, tapes, lubricating oil for presses, and blankets for presses. These items made an aggregate of $4,660.22 for the last year. They are very small in cost, and it is absolutely necessary that they be of the best quality in order to make good printing. You may have good type, good presses, good pressmen, and good paper, but unless you have good ink you cannot make good printing. The Printing Office now is using, or attempting to use, ink that was bought under advertisement, and the contract assigned to the lowest bidder, which cost less than the materials to make good ink would cost. Good ink can only be made of linseed oil. This cheap ink is made of fish oil—menhaden—and it spoils the printing and offends the smell.

There are seven or eight first-rate manufacturers of ink in this country, one manufacturing the best news ink, one the best book ink, and others the best qualities of other kinds of ink. I am sure that no man managing a private establishment would put out these items to competition and select the lowest bidder. The whole aggregate cost is less than $5,000, and the committee think it is very essential to the excellence of the printing, and so does the Public Printer.

Mr. INGALLS. Does the Senator state that this ink which has an "ancient and fish-like smell" is sold for less than the cost of the material of which it is composed?

Mr. ANTHONY. The material of which good ink is composed.

Mr. INGALLS. Why would not the same principle apply to all other materials used in the Printing Office?

Mr. ANTHONY. Because as to paper you can test the quality of it by examination, and so it is as to type.

Mr. INGALLS. Do you get the best paper for the lowest price?

Mr. ANTHONY. We get the best paper for the lowest price for the quality.

Mr. INGALLS. But the poorest ink for the lowest price?

Mr. ANTHONY. We get the poorest ink for the lowest price.

Mr. INGALLS. It is a singular discrimination.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF CHARGES OF DESERTION.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion, to report it with amendments. This is the bill for which consideration was asked yesterday morning, and it has been since printed with the amendments. I ask that it may now be acted upon, as it is a very important matter and will only take a few moments.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, line 10, after the word "the," to strike out "first" and insert "twenty-second;" in line 12, after the word "or," to strike out "who were" and insert "was," and in the same line, after the word "completing," to strike out "their" and insert "his;" so as to make the section read:

That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 22d day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of his duty, but who by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

The amendment was agreed to.

The next amendment was, in section 2, line 8, after the word "leave," to insert "did not intend to desert, and;" and in line 9, after the word "such," to insert "charge of;" so as to make the section read:

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave did not intend to desert, and after such charge of desertion or absence without leave voluntarily returned to his command and served in the line of his duty until he was mustered out of the service and received a certificate of honorable discharge.

The amendment was agreed to.

The next amendment was, in section 4, line 8, after the word "to," to insert "relief under;" and in line 15, after the word "than," to strike out "three" and insert "twelve;" so as to make the section read:

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence: *And provided further*, That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than twelve months, or who received a local bounty and deserted, shall be entitled to the benefit of the provisions of this act.

The amendment was agreed to.

Mr. HOAR. I do not know that I understood the bill correctly by listening to a single reading, but if I did, one of the first sections provides for relieving the soldier of the effect of a mere technical desertion, where he served through the whole war, but failed to be present when his regiment was mustered out, or who after the active service was all over was in such ill health that he failed to report at a hospital, perhaps; having had a furlough, he did not come back to the hospital. It relieves the soldier against that mere technical desertion where he performed substantially all the duties of the soldier.

If that be the effect of the first section, why should that class of cases be exempted from the benefit of the first section by the fourth section, which provides that no soldier who has received a local bounty and deserted shall be entitled to the benefit of this act? This is desertion technically just as much even if you relieve the soldier from the operation of it. Why should not that class of soldiers who did receive a local bounty of one, two, or three hundred dollars and served through the war entirely be included in the bill?

Mr. COCKRELL. The Senator will find a copy of this bill on his table among the other bills. There is a difference between the act of desertion and the charge of desertion. At the close of the war, when the war was all over as everybody knew, on the 22d of May, 1865, when the grand reviews were held here, a great many soldiers stopped off at their homes in Pennsylvania, Ohio, Indiana, and other places. A large portion of the Army was sent to Louisville and was mustered out there along in June and up to the 1st of July. When the final muster-out came quite a large number of soldiers were not there. They were not absent on furlough or regular leave of absence, and they were indiscriminately marked "deserted." There was no desertion in that.

Mr. HOAR. Was not that technical desertion?

Mr. COCKRELL. It was not technical desertion by any means. Absence without leave is only one step in desertion. Every desertion includes absence without leave, but every absence without leave is not a desertion. Desertion is more than absence without leave. It is absence without leave with the intention of not returning, and that constitutes the gist of desertion. The last clause in the fourth section is in regard to what were known as bounty-jumpers; those who would enlist and receive a local bounty, and when started off to their commands would not get there, but would turn up at some other place and enlist again. We guarded that in that way.

Mr. HOAR. I have a case in my mind which, if the Senator will allow me, I shall state. There was a soldier in Worcester County, Massachusetts, of great distinction who was terribly wounded. He got leave to go from one hospital to another just at the close of the war. One hospital was about five or six miles from his home, the other was at Readville, I think, in the eastern part of the State. Instead of going to the hospital, he went to his home in a country town near where I live. Congress passed an act removing the charge of desertion from his name.

Mr. COCKRELL. That was right.

Mr. HOAR. President Grant vetoed the act, and we passed it over his veto.

Mr. COCKRELL. That was right.

Mr. HOAR. The Senator may recollect the case. Was that in fact a desertion?

Mr. COCKRELL. Not at all.

Mr. HOAR. Why not? It is construed as desertion.

Mr. COCKRELL. It is not a desertion any more than it would be larceny if you were to take my horse in my absence and ride him half a mile to a neighbor's and bring him back and turn him into the lot. It would be trespass to take the horse without leave, but it would not be larceny. There is the same difference between absence without leave and desertion. That man was not a deserter, and yet the charge of desertion was entered on his record. The object of the bill is to remove this charge of desertion, and the second section restricts it to those who did not intend to desert, so that it does not apply to cases of actual, willful deserters.

Mr. MAXEY. I will ask the Senator from Missouri in charge of the bill to explain one other point, so as to place the committee right. The bill provides that in the case of the soldier who served to the end of his enlistment, or to the 22d of May, 1865, it was necessary to state on the record the reason why one who did not serve to the end of his enlistment, or to the 22d of May, 1865, should not be regarded as a deserter.

Mr. COCKRELL. I have just stated in reply to the Senator from Massachusetts that everybody knew the war was over. The armies were reviewed here on the 21st, 22d, and 23d of May, 1865, and then a large portion of the Army was sent to Louisville to be mustered out.

Mr. MAXEY. I understand it, but I say that is the reason which actuated the committee. That was the general day of discharge.

Mr. COCKRELL. We have a great many special cases. One soldier in Cincinnati, Ohio, as he was passing through the city, saw his residence where his mother and his family were living, and he ran to see them for a few moments. Before he got to the landing the boat was gone to Louisville, and when he got to Louisville his company was mustered out and he was charged as a deserter.

Mr. PLATT. Is it not a sufficient guarantee of the good faith of the soldier that he served twelve months? Why should we have this clause in the bill at all, "or who received a local bounty?" It is put here, as I understand, to prevent bounty-jumpers from taking advantage of the provisions of this act. If a man served twelve months is not that a guarantee that he was not a bounty-jumper? Why is it necessary to put that in here to see that the class of people who are called bounty-jumpers shall not be relieved of the charge of desertion?

In the Eastern States almost all the soldiers who volunteered received local bounties, and, as it seems to me, leaving that clause in the last section simply prevents any one of our citizen-soldiers who volunteered from the Eastern States and from New York and from many other States deriving the slightest advantage from this bill. It seems to me to be entirely unnecessary.

I move to strike out in line 15 of section 4 the words "or who received a local bounty."

Mr. PLUMB. I suggest to the Senator from Connecticut that he ought to move to strike out the next two words as well, the words "and deserted."

Mr. PLATT. I will so modify my amendment.

The PRESIDENT *pro tempore*. The amendment will be reported as modified.

The ACTING SECRETARY. In section 4, lines 15 and 16, it is proposed to strike out the words "or who received a local bounty and deserted;" so as to read:

That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than twelve months shall be entitled to the benefit of the provisions of this act.

Mr. HARRISON. I wish to make a suggestion. There may be some reason in the suggestion of the Senator from Connecticut that if a soldier received a local bounty, as very many Western soldiers did, as well as the Eastern, and served until the expiration of the term of enlistment or until the 22d day of May, 1865, and then, under his own summary and ill-considered construction, perhaps, of his contract of enlistment, went home, he should receive the benefits of this measure.

Mr. COCKRELL. He would be relieved under the first section of the bill just the same as anybody else. Under the first and second sections those who received local bounties are relieved just as much as any others.

Mr. HARRISON. I am not sure that the Senator from Missouri is right in saying that this general provision in the bill, excepting all those cases where a soldier received local bounty, would not also apply to the first section. I think it would. If so, then the clause which the Senator from Connecticut moves to strike out should be made to read "or who received a local bounty and deserted before the expiration of their term of enlistment or before the 22d of May, 1865." With that modification there might be some reason for the amendment. As the amendment was proposed by him it would apply to a case of desertion prior to the 22d day of May, 1865. The deserter to be excused is one who received no bounty as provided in the first section after the expiration of the term of enlistment or after the 22d day of May, 1865.

Mr. HOAR. Do not the other sections of the bill make provision for all that by only describing certain classes of cases that come within it?

Mr. HARRISON. I think the provision in the fourth section that no soldier, &c., who served in the Army a period of less than twelve months, or who received a local bounty and deserted, shall be entitled to the benefit of the provisions of this act, takes that class of men out of the benefits of it. It extends the period of desertion after the expiration of the term of enlistment or after the 22d day of May, 1865. I should have no objection if the words were inserted in the sixteenth line, after the word "deserted," "before the expiration of his term of enlistment or before the 22d day of May, 1865." I suggest to the Senator from Missouri whether that would not be right.

Mr. COCKRELL. I have no objection to that amendment. It makes it just what I think it would be any way. I think the apprehensions of the Senator from Connecticut are not well founded.

Mr. PLATT. I feel quite an interest in this matter, because there are in Connecticut, as in other States, a class of young men who went to the war who volunteered from patriotic motives, who received local bounties, who fought bravely until the war was practically over, and then without waiting to be mustered out went to their homes. It was not a thing which should stand against them charging them as deserters, and which their children would look to as a record of the unfaithfulness of their fathers. This bill is presented here because the Secretary of War has no power to-day to remove the charge of desertion under such circumstances.

There is another class spoken of in the first section, and that is those soldiers who were prevented from completing their term of service by reason of wounds received and of disease contracted, and who were not present when their regiment was mustered out. The Secretary of War cannot relieve that charge of desertion, and in my judgment if this clause remains here he will not be able to remove it after the bill passes. The object of the bill is to enable him to do something which he has not the power to do now. He will not be able to remove the charge of desertion either in the case of the soldier who served faithfully through the war but went home when the war was over, or who was prevented from being with his regiment when it was mustered out by reason of sickness, nor in cases where he did not intend to desert, and after the charge of desertion returned to his command. It seems to me we ought to be very careful not to shut a man out from the provisions of the bill in this respect because he received from his town or his State a local bounty.

I think, nearly twenty years after the war, when—my brethren on the other side will permit me to say it—we have removed almost every disability from those who fought against us, it is not fair because a man happened to receive a local bounty that the charge of desertion should still remain against him in the office of the Secretary of War, all other things being in his favor; and it does seem to me that the anxiety to prevent bounty-jumpers from receiving the benefits of this act, an anxiety in which I share as well as the members of the Military Committee, is perfectly met and answered by the provision that no one shall be entitled to the benefits of it unless he served twelve months. If a person served twelve months I think it is fair to assume that he was not a bounty-jumper. So I hope that the amendment which I have suggested will prevail.

Mr. PLUMB. I think if the Senator from Indiana will examine this section carefully he will find that the amendment of the Senator from Connecticut covers the precise point which he himself seems to be driving at. The whole effect of that proviso is to limit the class of persons to whom it shall be applicable, and proceeds on the theory that twelve months' service constitutes a *prima facie* case. I think it should be amended, in order to make the bill harmonious, by providing at the close of line 16 of section 4 that this class of persons should not have the benefit of section 1 of the act, that being the only section which actually states an act of grace.

The next section provides for a different class of persons, for those who did not intend to desert and who, after the assumed act of desertion, returned to their command. That of itself ought to be sufficient, without any further provision or any distinction, that such a

person should be entitled to have the charge of desertion removed from him.

Mr. HARRISON. Not altogether, for I have an illustration in my own mind of what occurred at Camden, South Carolina, where some men undertook to desert at Broad River. The raft could not hold them all, and one who undertook to swim was caught by a shark, and the others, with very scant clothing, were left on our side, and they came back to camp. I did not give them much credit for that. Their return to camp was not evidence that they did not intend to desert.

Mr. PLUMB. I have no doubt there will be some men left out who ought to be put in this bill, and as a matter of course some men will be in who ought to be left out. The general rule is, I think, as I have stated it. However, I am not particular about that clause so much. It does seem to me there is great force in what the Senator from Connecticut says, that there ought not to be any distinction made against the men who received a local bounty on that account alone. In the Eastern States, all the later enlistments I think did receive local bounty, and consequently you take out from the beneficent operations of this bill a very large and, I think, equally as meritorious a class of people with those who enlisted at first perhaps; at all events they were sufficiently meritorious for the Government to call on them and it was very glad of their services, and the services they rendered, as far as I know, were as good as those of anybody else.

Mr. HOAR. I desire to ask the Senator from Kansas, who I believe is a member of this committee, a question. The two first sections describe the class of persons to be benefited, and the second section excludes the class put by the Senator from Indiana. Is there any doubt that under either of these sections men ought not to have the relief just as much if they had enlisted with bounty as without it?

Mr. PLUMB. I think so undeniably. I want to say in regard to this bill as it is now that I have given the subject a great deal of attention, and the bill will not bring within its operation any man who actually did desert; and I may say that the best definition of desertion is found in the later military works. It is defined to be the act of deserting the flag; that is to say, a man who intends to leave the service of his country, to turn his back upon the service which he has engaged to perform, to get out from under the flag he enlisted to serve under; and while technically leaving a man's company and going into another company and rendering service there is desertion, at the same time for practical purposes it is not desertion.

I happen to know of cases arising in my State and cases arising in regiments enlisted from other States, all very hard cases indeed. Every soldier who enlisted enlisted to serve for a certain term or during the war. Those words "during the war" were held to qualify, to modify, to limit the term of service. It was not to be three years absolutely, but three years if the war lasted so long, and if the war did not last three years then the service terminated whenever the war terminated. For all practical purposes, while the Supreme Court fixed a date some time in 1866 when the state of war terminated for certain purposes of justice in insurrectionary States and the rights of persons therein, practically the war closed prior to or about the date named in this bill, the 22d of May, 1865. That was the date when the army of Sherman and the Army of the Potomac met here in review, and every preparation then was made to muster out; money was raised to pay the men; they were sent to convenient depots for the purpose of mustering out, and, as stated by the Senator from Missouri, regiments went to Louisville for that purpose, and as they went through Indiana the men left and went to their homes governed by an instinct which was just as noble and just as patriotic and just as much for the benefit of the country as the instinct was which induced them to enlist. I say that in the act of the dispersion of the Army the instinct that led these men to go back to their homes was equally as honorable as that which led them to enlist in the first place, and distinguishes the citizen soldiers of the Republic from the hirelings of despotism as any other act they could have done.

It was the interest of the Government that these men should go back and that they should want to go back, and when their terms of service had expired some of them, as described by the Senator from Connecticut, left intending to go home, not caring about the formality of mustering out. At that time they did not care particularly about the charge of desertion because all their neighbors knew that they had served, and it did not detract from a man's merit to have it known that he had gone home, because everybody knew he had served; but as time goes on and it gets away from the recollection of men, other people grow up, a new generation arises and the record becomes the main thing, and now these men say: "We want the record all right; we do not want to depend on the recollection of our neighbors, or on tradition, for the fact of our service and the honor of that service." I think now at this time, when we can do it without setting any possible bad example for the future, we ought to do this thing, not only justly but generously.

I think myself, on reflection, that this part of the bill moved to be stricken out by the Senator from Connecticut ought to be stricken out in justice to what must have been a very large class of persons enlisted in the Eastern States.

Mr. PLATT. I want to say a single word more. The bill as it stands to-day will not help one single Connecticut soldier. Every one of them received a local bounty, if the State bounty is a local bounty. So it will not relieve one single soldier in Connecticut.

Mr. BLAIR. I cannot help thinking that the Senator from Connecticut is really somewhat mistaken as to the significance of the language of this proviso, though it may as well all of it be stricken out. He seems to confound the class specified in this proviso with those who are included in the rest of the bill, and to aid which the bill seems to have been introduced.

This proviso as it strikes me includes a class of soldiers that is not covered at all by the general provision. It is not only those who served less than twelve months and those who received a local bounty, but who in addition to the reception of local bounty actually deserted. It is not those who rest under the charge of desertion merely, for those who are charged with desertion on the records are not deserters as a necessary consequence. They are dealt with as *prima facie* deserters; but, as in the case of every other crime, the essence of desertion is in the intent. The words "and deserted" found in this provision of course contain the implication of the crime of desertion itself, the intent to desert, and I do not understand that the rest of the bill includes that class at all.

If any Connecticut soldier, or any New Hampshire soldier, or any Western soldier, who went into the service, whether he received a local bounty or did not receive a local bounty, having served twelve months or less, did desert with intent to desert the flag, he then became a participator in the crime of treason, and that man ought not to receive benefit under this act, and I do not understand that the provisions of the act extend to that man; but they apply to him who did not desert, who, stimulated by the love of home and knowing that the war was substantially over, or for any other reason which does not include the essence of the great crime of desertion, abandonment of the service itself, was absent without leave. It is to meet the necessities of that very large class of men that the general provisions of the bill are applicable. But where a man is not only charged with desertion but cannot remove that charge by furnishing evidence under the other provisions of this act, so that upon the testimony which each individual must adduce before the War Department in order to obtain any benefit at all under this act it finally appears upon the judicial action of the Department that he is still a deserter, he ought to have no remedy, whether he is a Connecticut or a New Hampshire man or any other man whatever, no matter if he deserted at the very last moment of the war.

I think that the proviso is utterly inapplicable to the class of men whom it is designed to reach; but if the whole proviso was stricken out the bill would then be perfect; and if the Senator from Connecticut will make a motion to strike out the entire proviso he will have the bill perfect, as it strikes my mind, and I shall be very glad to support it.

Mr. DAWES. I understand the bill to go upon the principle of relieving a man from the charge of desertion who is not guilty in fact but has incurred that record, and it does not seem to me that it is affected at all by the question whether he received a local bounty or not; but the question is whether the charge of desertion rests upon a man who did not intend in fact to desert.

I have some knowledge of a case. A soldier, as honest a man as ever lived, died within sight of my own home who served through two enlistments and had in his pocket two honorable discharges; but during his first service, when confined by sickness in a hospital, he was unable to reach his regiment before his furlough expired, but as soon as he was able to reach his regiment he went back and served through the war, but was recorded a deserter. He had an honorable discharge, re-enlisted, and served during the war and brought home to his family two honorable discharges, and when disabled he applied for a pension here and labored for six years to get his case considered in the Pension Bureau, and when it was reached there appeared before him a charge of desertion, which went upon his record two years and a half before he ended his service, of which he was absolutely ignorant, as he was absolutely innocent, and it was impossible for him to get over that charge, and he died with it over him. He received a local bounty, and according to the provision of this bill he would have no benefit from it. It is the object of this bill, as I understand it, to relieve those of that charge who never intended to incur it; and what local bounty has to do with it I do not see.

Mr. COCKRELL. Mr. President——

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived the morning hour is over.

Mr. COCKRELL. I hope this will go on; it will only take a few minutes.

Mr. MORRILL. If there can be a vote without debate I shall not object.

Mr. HAWLEY. There will be a little debate, but it is a matter of great interest. The bill has come from the House, and it ought to be disposed of.

The PRESIDENT *pro tempore*. Is there unanimous consent to proceed with the bill? The Chair hears no objection.

Mr. COCKRELL. I want to state to the Senator from Massachusetts that the case he refers to would have been relieved directly under the provisions of this bill; there is no question about that in the world. Senators picking up this bill and reading it and not analyzing and classifying the cases may take an improper conception in regard to some provisions of it.

What is the bill? In the first place, every soldier who served

faithfully until the expiration of his enlistment, but who by reason of absence from his command at the time it was mustered out failed to be mustered out and receive an honorable discharge, shall have an honorable discharge.

That is one class of cases; that is absence without leave, and if it were not absence without leave the charge of desertion could not have been entered on the record, and the charge of desertion in such case shall be removed.

There is another class: every soldier who served faithfully until the 22d of May, 1865, and who by reason of absence from his command at the time it was mustered out did not receive an honorable discharge, shall have the charge of desertion against him removed.

There is another class, and that is, every soldier who was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty and who was absent from his command at the time it was mustered out, and did not receive an honorable discharge, shall have an honorable discharge and shall have the charge of desertion removed.

Those are three classes under the first section. The second section embraces another class, and that is that every soldier charged with desertion or absence without leave who did not intend to desert, and after such charge of desertion or absence without leave voluntarily returned to his command and served in the line of duty until he was mustered out and received an honorable discharge, shall have that charge of desertion removed. That is the class of cases to which the Senator referred.

Mr. FERRY. Will the Senator allow me right there?

Mr. COCKRELL. Certainly.

Mr. FERRY. I had noticed that, and I was fearful that section 2 conflicted with section 1. I have listened with great attention to the Senator from Missouri, because the State of Michigan is very much interested in this section. There were soldiers from that State who enlisted for the war, and as stated by both Senators from Connecticut, as in the case of the soldiers from that State, they believed when the war was ended that they had a right to return home, and many of them did so, but upon the close of the war many were ordered to the Indian frontier, and because they did not respond were declared to be deserters. Now, I see that the first section fully exonerates them.

Mr. COCKRELL. Unquestionably.

Mr. FERRY. But section 2 apparently appears to be in conflict, but I see the copulative "and" applies to those who voluntarily returned to the service, and in that case section 2 applies, but it does not apply to those who did not voluntarily return, but who remained home.

Mr. COCKRELL. It does not apply to them at all. The First Michigan Cavalry, which I remember very well as one of the regiments ordered out on the plains after the close of the war, and from which quite a number of soldiers left and returned to their command, will be covered by the first section of the bill.

Mr. FERRY. That is satisfactory to me.

Mr. COCKRELL. The second section is to meet the class of cases mentioned by the Senator from Massachusetts, of which there are quite a number, men who received honorable discharges and who went home and have rested in the belief that there was no stain upon their military record, but when they make an examination they find what was a charge merely of desertion when they have an honorable discharge in their pocket, that may deprive them of a little pay or something of the kind, and this relieves all of them.

Mr. DAWES. I know the Senator desires to reach the same end I do; but I want to know——

Mr. MORRILL. I shall have to object to this going further.

Mr. DAWES. I want to know why in the case I stated if a man received a local bounty he should be excluded. Is he not excluded by this proviso?

And provided further, That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than twelve months, or who received a local bounty and deserted, shall be entitled to the benefit of the provisions of this act.

If a man received a local bounty and was charged with desertion he is excluded.

Mr. COCKRELL. A charge of desertion is not what that speaks of. It is absolute desertion. Absence without leave or a charge of desertion is not desertion. That section only applies to those who were absent without any intention of returning.

Mr. DAWES. Why not put in "willfully" before "deserted."

Mr. MORRILL. I only gave way provided there was to be no debate. I find it will take an hour longer.

Mr. COCKRELL. Oh, no.

Mr. MORRILL. I object to the further consideration of the bill.

Mr. INGALLS. This matter rests with a majority of the Senate, and not with the Senator from Vermont.

Mr. COCKRELL. The bill was taken up in the morning hour by unanimous consent and it cannot be objected to now. I ask that it be proceeded with.

Mr. MORRILL. It was with the understanding that it would lead to no further debate.

Mr. FERRY. I hope the Senator from Vermont will allow at least fifteen minutes, as this bill can be decided in that time.

Mr. INGALLS. A majority of the Senate have control.

Mr. FERRY. As the Senator from Kansas has stated, a majority of the Senate control, but I hope we shall have the concurrence of the Senator from Vermont, who has charge of the financial bill.

The PRESIDENT *pro tempore*. Does the Senate consent to the extension of the morning hour until this bill is through?

Mr. MORRILL. How long a time?

Mr. HAWLEY. Half past twelve.

Mr. MORRILL. Oh, no.

Mr. FERRY. Half past twelve.

Mr. HAWLEY. Only twenty minutes more.

Mr. INGALLS. I move that the further consideration of this bill be continued.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the consideration of this bill be continued.

Mr. HALE. Mr. President, I am very desirous of going on to-day with the naval appropriation bill, which has been reported for some time, and whenever the Senator from Vermont reaches the tax bill I shall appeal to him to give way in order that I may get up the naval appropriation bill. I hope it will not be long before the Senate, but that we may be able to get it out of the way. Of course, everything that comes up now and takes the morning hour and an hour or two beyond, as yesterday, delays both the appropriation bill and the tax bill.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to continue the consideration of this bill?

Mr. DAVIS, of West Virginia. I agree with the Senator from Maine that the appropriation bills ought to be proceeded with, for the reason, if no other, that the service is now suffering; and again, after the passage of the appropriation bills it will take several days, perhaps a week, in conference before they are finally disposed of. Such bills as the one we are now discussing can be taken up after the passage of the appropriation bills and after the passage of the revenue bill. There will then be nothing in the way of it. There will be several days, perhaps a week, after the passage of all of these bills, when the Senate will have to be in session. Why? The appropriation bills must go into conference and the revenue bill must go back to the House. While they are acting on it there we can take up other bills, such as the one now being discussed.

I hope the Senate will proceed at once to the appropriation bill or the revenue bill. We ought not to be putting them off and taking up little bills and consuming time.

Mr. MORRILL. I move to lay aside the pending and all previous orders for the purpose of taking up the tax bill. It is obvious that if we mean to have an early adjournment this bill must be disposed of, and the proper way to do it is to do it now, and let the House have something to be at work upon. The appropriation bills are sure to pass.

Mr. HOAR. Mr. President, what is the regular order?

The PRESIDENT *pro tempore*. The regular order after twelve o'clock is the Calendar under the Anthony rule. The Chair understood that the Senator from Vermont said that if the bill under consideration led to no debate he would not object. Then the regular order was laid aside and the bill was before the Senate, and the Chair understood there was no objection to the consideration of the bill; but the understanding was that it would not occupy much time. The motion of the Senator from Kansas now is to continue the consideration of the bill.

Mr. HOAR. What is the regular order?

The PRESIDENT *pro tempore*. The regular order is the consideration of the Calendar under the Anthony rule.

Mr. VOORHEES. Allow me a single word. I believe the motion of the Senator from Kansas ought to prevail. The bill will not take long, and there is a large and meritorious class interested in the legislation proposed. I happen to know that it is an act of simple justice, and the best way to legislate is to legislate on those cases that are before us that have real merit in them. I know there is a loud demand for the passage of the revenue bill of my friend from Vermont, but it might be able to wait twenty, thirty, forty, or possibly fifty minutes to relieve a few thousand, possibly five or six thousand, excellent men who are placed in a false position on account of no fault of theirs, whom this legislation proposes to relieve.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. FERRY. I appeal to the Senator from Vermont that he will yield until half past twelve, which will be twenty minutes longer, and I think in that time this bill can be disposed of.

Mr. INGALLS. I ask for a vote on my motion.

Mr. HOAR. Mr. President, is the motion of the Senator from Kansas in order? The regular order being the Anthony rule, must not that be laid aside?

The PRESIDENT *pro tempore*. If the Senator from Massachusetts calls for the regular order it will be proceedings under the Anthony rule.

Mr. FERRY. I wish to say a word in explanation of my position and my vote. I am on the Committee on Finance, and I desire to stand by the financial bill with the chairman who is pressing it; but this is a case of a charge of desertion, and I think the charge of desertion is entitled to twenty minutes' consideration against a charge of taxation, and therefore if the motion is pressed by the

Senator from Kansas I shall vote to lay aside the financial question for the purpose of disposing of this, which I believe will be concluded in twenty minutes.

Mr. PLATT. I think we shall gain time by letting this matter go over until to-morrow morning. It is a subject which has not been considered until this morning, and I think if we can have the time between now and to-morrow to think of it we can arrive at amendments which will be agreed to by the Military Committee, and the bill will take no time to-morrow morning.

Mr. FRYE. It will be discussed for an hour now whether or not to take it up.

Mr. MAXEY. As a member of the Military Committee, I beg to say that I hope the motion of the Senator from Kansas will prevail. This bill has received very great consideration from that committee, and if it is important at all it is important that it should be acted on promptly. I do not believe any further light can be obtained by a postponement, and I do believe that after one hour has been spent upon it we should come to a conclusion by going on and disposing of it.

The PRESIDENT *pro tempore*. If the regular order is not called for, the Chair——

Mr. CAMERON, of Wisconsin. I call for the regular order.

Mr. INGALLS. I move to lay it aside.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to lay aside the regular order.

Mr. MORRILL. I made a motion to lay aside the pending and all other orders for the purpose of taking up the tax bill.

The PRESIDENT *pro tempore*. But that was before the regular order was laid before the Senate. The occupant of the chair recognized the Senator from Wisconsin to make the call because he was on the floor.

Mr. CAMERON, of Wisconsin. I move to proceed to the consideration of the regular order.

The PRESIDENT *pro tempore*. Which is the Calendar under the Anthony rule.

Mr. INGALLS. Now I move to lay aside the regular order, to postpone it till to-morrow.

The PRESIDENT *pro tempore*. The question is on that motion.

Mr. HOAR. Must not some bill be first laid before the Senate to see what it is? I insist on the regular order. A bill must be laid before the Senate under the Anthony rule.

The PRESIDENT *pro tempore*. The Anthony rule is:

> That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions.

The Chair thinks the motion is proper, to postpone the consideration of business on the Calendar until to-morrow.

Mr. MORRILL. I desire to know whether my motion does not take precedence.

The PRESIDENT *pro tempore*. The Senator did not make the motion in season. The other Senator had the floor before him.

Mr. MORRILL. But I had made it some time ago.

The PRESIDENT *pro tempore*. When there was another motion before the Senate. The Senator from Kansas can now make any motion.

Mr. INGALLS. I move to proceed with the consideration of the bill reported by the Military Committee.

Mr. CAMERON, of Wisconsin. If that motion prevails the Senator from Vermont can then move to lay aside the pending business and proceed to the consideration of the bill he has in charge.

Mr. INGALLS. The Senator from Vermont will no doubt be very much obliged to the Senator from Wisconsin.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to continue the consideration of the desertion bill.

The motion was agreed to; there being on a division—ayes 27, noes 26.

ORDER OF BUSINESS.

Mr. MORRILL. Now I move to lay aside the present and all other orders for the purpose of taking up the tax bill.

Mr. COCKRELL. Is that in order?

The PRESIDENT *pro tempore*. The Senator can move to lay aside his bill, the Chair supposes. The Senator from Vermont moves to lay aside the consideration of this bill with a view to taking up the tax bill.

Mr. COCKRELL. I hope the motion will not prevail.

The question being put, a division was called for; and the ayes were 24.

Mr. MORRILL. I ask for the yeas and nays.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 29; as follows:

YEAS—35.

Aldrich,	Conger,	Lapham,	Ransom,
Allison,	Davis of W. Va.,	Logan,	Rollins,
Anthony,	Frye,	McMillan,	Sawyer,
Bayard,	George,	Mahone,	Sherman,
Beck,	Hale,	Miller of Cal.,	Slater,
Blair,	Hampton,	Miller of N. Y.,	Van Wyck,
Cameron of Pa.,	Hawley,	Mitchell,	Vest,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Windom.
Chilcott,	Johnston,	Platt,	

NAYS—29.

Butler,	Ferry,	Jackson,	Sewell,
Call,	Garland,	Jonas,	Vance,
Camden,	Gorman,	Kellogg,	Voorhees,
Cockrell,	Groome,	McDill,	Walker,
Coke,	Grover,	Maxey,	Williams.
Davis of Illinois,	Harrison,	Morgan,	
Dawes,	Hoar,	Plumb,	
Farley,	Ingalls,	Pugh,	

ABSENT—12.

Brown,	Harris,	Jones of Nevada,	Pendleton,
Edmunds,	Hill of Georgia,	Lamar,	Saulsbury,
Fair,	Jones of Florida,	McPherson,	Saunders.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill (H. R. No. 5538) to reduce internal-revenue taxation is before the Senate as in Committee of the Whole.

Mr. INGALLS. That bill is not up.

Mr. ANTHONY. The Senator from Vermont moved to lay aside the other bill and take up the tax bill, and no call for a division was made.

Mr. INGALLS. That motion was not in order under the rules.

Mr. HOAR. I faithfully attended to the Chair when the motion was put, and it was this: "The Senator from Vermont moves to lay aside the pending order with a view of taking up the tax bill." That was the only way in which it was in order.

Mr. MORRILL. I had already moved to take it up. Of course another vote can be called for.

Mr. MORGAN. I understood the Senator from Maine [Mr. HALE] to say he intended to ask for the consideration of the naval appropriation bill.

Mr. HALE. I said that I appealed to the Senator from Vermont not to push the tax bill; but after the very large vote that has just been taken, when I think a majority of the Senators evidently supposed the tax bill was coming up, I do not propose now to antagonize that with the naval bill.

Mr. MORGAN. The Senator of course has charge of the bill, and I have no right to interfere.

Mr. HALE. I do not propose to call it up at this moment.

Mr. MORGAN. I was still in hopes he would move to take up the naval bill.

The PRESIDENT *pro tempore*. Will the Senate take up the revenue bill?

The motion was agreed to.

Mr. FARLEY. I desired to get the ear of the President before the vote was announced to make a motion to take up the naval appropriation bill. I now make that motion.

Mr. ANTHONY. The tax bill has been taken up.

The PRESIDENT *pro tempore*. The Senate has agreed to take up the tax bill.

Mr. INGALLS. But the Senator can move to postpone.

Mr. FARLEY. I move to lay it aside.

The PRESIDENT *pro tempore*. The Senate can lay this aside.

Mr. FARLEY. I make that motion.

The PRESIDENT *pro tempore*. The Senator from California moves to lay aside the pending bill, which is the revenue bill, with a view of taking up the naval appropriation bill.

Mr. MORRILL. This may be an important vote, and I desire to see it on record. I shall regard a vote to postpone the tax bill at the present time as a virtual abandonment of the idea of any reduction of taxation at the present session.

Mr. COCKRELL. You may regard it that way and somebody else the other way.

Mr. MORRILL. It is perfectly clear that unless we keep this bill ahead we are to have nothing else. There is not a Senator here who does not know that to pass the appropriation bills will take up a considerable amount of time, and when those are passed the Senate will adjourn. Now, in order to do business in the proper order, and to allow this bill to go back to the House for proper consideration there after it shall have been amended here, it is very important that it shall be voted on first. The House will have nothing to do after the appropriation bills are passed, and therefore I ask of those who intend to accomplish anything at this session in the way of reductions of taxes to stand by this bill.

Mr. FARLEY. I will state why I have made this motion. I suppose the action of this Congress is almost unprecedented in the history of the Government. Day after day resolutions are offered here to carry on the Government by continuing last year's appropriations. The appropriation bills for the current year are lying on the table ready to be acted on, and they have been delayed time and time again. I do not believe that the suggestion of the honorable Senator from Vermont will have the effect he anticipates. This naval appropriation bill is an important one. It is one that has been here for some time, and notice was given by the honorable member of the Appropriations Committee who has it in charge that it would be taken up last Saturday or Monday. We have gone through this week and no movement is made to take it up; and to delay the appropriation bills for the purpose of keeping up a discussion on a bill that will probably take three or four or five days longer to dispose of it, strikes me as not exactly a wise thing to do. The appropriation bills that are here and have been here for the last three or four weeks should have been passed long since. The naval bill has been

lying on the table ready to be acted on for days. If it had not been antagonized by the honorable Senator from Vermont and those who are seeking to press the tax bill in advance of the appropriation bills, it could have passed before now. I understand the Appropriations Committee claim the right of way for all appropriation bills. They have, for reasons best known to themselves, yielded that right of way in this case.

Mr. MORRILL. Will the Senator from California allow me?

Mr. FARLEY. Certainly.

Mr. MORRILL. It has been the universal practice, so far as revenue bills are concerned, in this body and in the other House, that they take rank and precedence over all other bills.

Mr. FARLEY. That may be where they are legitimate revenue bills, presented in proper time and in proper form and shape; but here is a bill that was sprung into this body upon the eve of an adjournment, and a great many persons believe (whether justly or not I am not prepared to say) that it was intended more as a sort of joke for the country than to do the country any particular good. That is a question I am not prepared to argue, and I do not say that I concur in that opinion; but I insist on my motion now to take up the naval appropriation bill and let us get through with it. Perhaps it can be disposed of within an hour or two hours. I cannot tell how long it will take.

The PRESIDENT *pro tempore*. The motion of the Senator from California is in order to lay aside the revenue bill. The other bill will have to be taken up on a separate motion.

Mr. BECK. Mr. President, I rise only to say that I do not think the Senator from Vermont has any right when the yeas and nays are called to avow that he is going to hold everybody responsible for setting aside the tax bill who sees fit to vote to take up an appropriation bill. Since I have been in the Senate appropriation bills, I believe, have always been taken up in preference to everything else. As the Senator from California very well said, the naval appropriation bill ought to have been passed long ago, before the 1st of July; indeed it ought to have been passed before the 1st day of June. The law substantially demanded that it should be passed, because the law of the country requires that no contract shall be made in many branches of the naval service for provisions, supplies, materials, and many other things, without a month's public notice having been given, and the law further requires that no contracts or obligations shall be created by any officer of the Government until appropriations are made to enable him to carry them out.

The fiscal year began on the 1st day of July. If any notice has been given, any publication made, any proposition for contracts before this time, it has been made in violation of law because of the exigency of the situation. The naval bill has generally passed this body in an hour; perhaps it will do so again; or it may take days; I do not know. But that bill ought to be passed for the reason I have assigned and for many others.

We thought that in many regards the laws were to be changed, because there were existing conditions that ought to be removed; we thought there were new facilities for the management of business that ought to be given. Now, what are we doing? We have extended to the 31st day of this month already the old condition of things with all the evils in it going on now, and we are not allowing any of the things that are to be done by the new bills to take effect because the appropriation bills are not passed. Why should everything stop until that time? We have had seven months in which to consider the tax bill and we have four months now before the 1st of December. I can stay here and am willing to stay. I will vote to take up the tax bill against everything else but appropriation bills. The appropriation bills should come up, as the fiscal year has now run for more than half a month, and will run on until these bills are passed. I see no reason why we should not temporarily lay aside the tax bill and let the appropriation bills pass. Let the evils which these bills will correct be corrected, and let the benefit the country can get from the improved legislation be had at once. One-twelfth part of the current fiscal year 1883 has gone or will be gone certainly before we can pass the naval bill even now. Contracts have to be made, advertisements have to be made, changes of all sorts are made in the Navy Department, and the bill I think can be passed in an hour and a half if the Senator from Maine will push it. I shall vote to take up the naval appropriation bill, and I intend as earnestly as the Senator from Vermont to vote for a reduction of taxation.

Mr. HALE. Mr. President, the position of the naval appropriation bill is this: it was reported by me from the committee one week ago; I then gave notice that I would call it up on Saturday or on Monday last; both days have long since passed. I fully intended to do so. I have been constrained by the judgment and action of my associates upon this side to give way to the revenue bill under the charge of the Senator from Vermont. That is the reason, and the sole reason, why I have not before this moved to take up the naval appropriation bill. With the feeling of a large majority of my associates on this side of the Chamber as to the necessity of pushing the revenue bill, I did not think it advisable to antagonize that myself.

I am ready personally to go on with the naval bill whenever the Senate shall decide to take it up in preference to any and all other business. I shall vote on any question of antagonizing it with the revenue bill, with my associates or a majority of them here, to continue action upon the revenue bill; but if the Senate decides otherwise and to take up the naval appropriation bill, it will not be delayed one minute by any action or non-action on my part.

Mr. BAYARD. Mr. President, I am perfectly willing at all times to accord to the majority of the Senate the right to control the order of its business. It is proper that as they are to bear the responsibility, they should have the power of control over the order of business. In the present case I am perfectly willing to see this question decided by a vote of the majority alone. The tax bill has been sought to be made the subject of misrepresentation of the minority of this body, and I see the untruthful reports being sent out to the public of a disposition to delay the consideration of this measure or to embarass its decision. Therefore, it is that I have all the way through, with a number of my associates, perhaps a majority on this side, voted to continue the consideration of that bill, and I propose still to continue its consideration.

But it is not simply with the design to thwart what I think is an unjust and unfair disposition toward the party with whom I act in this Chamber. There is consideration of public business, of public duty. My own judgment is that the business of this country has suffered and is suffering more to-day from the shadow of change, of uncertainty, of instability, that is thrown over it by bringing here at the very close of a session important changes in large matters of public trade and interest, and I believe we should do more to settle those questions in the public mind by letting our manufacturers and our merchants and producers know their fate in regard to these proposed changes and important changes in our taxing laws. I do not believe that, measured by money alone, it is as important now that we should decide on appropriation bills as that we should decide upon this question of public burdens and of taxation. To-day doubt, uncertainty hangs over various important branches of trade in this country, and I think that doubt should be removed one way or the other.

I know that it is proposed to make some of these taxes temporary between now and next December, which I think the most vicious proposition in legislation that can well be stated; for of all things that do palsy trade and cripple honest industry it is uncertainty as to what is the law under which it is to be conducted. I do not believe that there is a more important duty than for Congress to fix something at least, and let our citizens know their fate. And yet at the same time believing that the majority have the right—and I mean by that they have the responsibility and ought therefore to have the power to control the order of business, to economize the public time—I am perfectly willing to take their decision on the matter before us.

Mr. FARLEY. Mr. President, I did not make this motion with the intention of antagonizing specially what is known as the tax bill, nor did I make the motion with the intention of in any way interfering with the Committee on Appropriations. I made the motion simply to test the sense of the Senate as to the propriety of considering the naval appropriation bill at this time. Having been reported by the Committee on Appropriations, it was announced to the Senate and the country at large that a motion would be made by the honorable Senator who reported it that it should be taken up on last Saturday or last Monday. What influences have controlled the honorable Senator in his action in delaying it it is not for me to say. I do not know what those influences were; but it does seem to me that this naval appropriation bill may be disposed of to-day; and I say to the honorable Senator from Vermont that so far as his tax bill is concerned I have no disposition to antagonize it in any shape or form or to prevent action upon it. But it was suggested by the honorable Senator from Vermont that if this appropriation bill is passed Congress will adjourn without going on with the tax bill. I do not think the position is a tenable one, because if the bill is of importance Congress will continue in session long enough to act upon it. As was suggested by the honorable Senator from Kentucky, we are every day, if not violating the law, opening the door for the law to be violated by refusing to pass the appropriation bills that are necessary to carry on the Government. I will say now that as soon as the naval appropriation bill is disposed of I will vote with the honorable Senator from Vermont to take up his tax bill and act upon it.

Mr. SHERMAN. I have but a word to say, Mr. President. I am perfectly indifferent myself which of these bills is taken up. I am willing to vote on the naval bill and on the tax bill. I am only concerned in this question as it promotes the order of business. Both ought to be considered; both are so important that they must be considered at the present session and very soon; but I appeal to the Senate whether it is not a very unusual course for a Senator not having charge of an appropriation bill or being on the committee having charge of an appropriation bill to call it up. The Senator from Maine, in due order, I have no doubt, will call it up.

Again, I am glad to hear what is said by the Senator from Delaware, that there is no desire to delay or procrastinate the consideration of the tax bill. I do not believe that that bill ought to occupy more than to-day.

I am perfectly willing myself to agree to sit it out and to stay here until it is ended, and without any further debate on my part, leaving everybody else to participate in the debate. I take it that all of us must have seen that we can go no further in the reduction of taxes than has been already acquiesced in by the Committee on Fi-

nance or by the Senate in its action yesterday. Everybody must perceive that we cannot go much further than has already been approved partially by the Senate or its committee; and therefore that bill ought not to take longer perhaps than to-day. I think the sober sense and judgment of every Senator must teach him that we ought not to go further in the reduction of taxes than some $40,000,000.

Mr. FARLEY. Will the Senator from Ohio allow me to answer a suggestion he has made?

Mr. SHERMAN. I will if the Senator desires it.

Mr. FARLEY. He intimated that it is a want of courtesy on my part to move to take up the naval appropriation bill.

Mr. SHERMAN. It is rather unusual.

Mr. FARLEY. I think not, if the Senator understood my position in reference to it. There is a very large portion of that bill that properly belonged to a committee of which I am a member, the Committee on Naval Affairs; and I had a perfect right, in my own judgment, to make the motion, without violating any of the courtesies of the Senate, having announced that I did not propose to take it up in opposition to the views or wishes of the Appropriations Committee, that it was not intended to interfere with their controlling it at pleasure. As a member of the Naval Committee, I did not state then, but I now state, that the Naval Committee have certain views in reference to the bill and we are anxious to have it up to have the question disposed of.

Mr. SHERMAN. I withdraw what I said. I did not intend to reproach the Senator.

Mr. HALE. Let me say, as I have charge of the naval appropriation bill, that in the position in which I am, having appealed to the Senator from Vermont to give way to the naval appropriation bill, under the constraint that I am under as I have stated, I do not and I have not considered it any breach of courtesy on the part of any gentleman seeking to test the sense of the Senate as to which of these bills should be taken up.

Mr. SHERMAN. If the Senator from California thinks I misconstrued his conduct, I withdraw that, because any Senator has the same right on the floor to move to take up a bill that even the person who represents it has, though it is unusual.

If we take up and finish the tax bill that will be the end of it here; it goes to the House, where it must be considered again by the House and probably go to a committee of conference. When the naval bill comes up, if nobody else does it, and I suppose some one else more familiar with the subject will, I shall move to recommit that bill with instructions to strike from it all legislative provisions and let us have it an appropriation bill alone. But that is a matter which will come up then, and it seems to me that it had better not be hurried; but the Naval Committee may look over the subject and study it a little and no doubt they are prepared to take the initiative in that movement.

Mr. HOAR. I appeal to the Senator that if the naval bill is to be recommitted certainly it ought to be done at once, because the legislative provisions affect the appropriations very seriously.

Mr. SHERMAN. The Committee on Appropriations can in five minutes strip this bill—I have looked over it—of everything but the appropriations and report it back, and it can pass the Senate in an hour. There is no trouble about that. The question to be decided by the Senate is whether they will make that issue upon this bill, because the Committee on Appropriations should at once be relieved from all the trouble about the bill, and simply conform it to existing law, making appropriations for the support of the Navy during the fiscal year.

I want to get away by the end of this month. I think it is important that we should. I believe we can do it easily; and if the Senate is willing to sit out this tax bill to-day, or to-morrow even, that will clear the docket, and we shall have nothing to do except to pass two appropriation bills still back and those that are in conference and the current business of the session, which will be disposed of very rapidly in the last ten days of the session.

I shall vote to stand by the Senator from Vermont until the tax bill is out of the way.

Mr. BLAIR. I wish to make a suggestion which will influence my own vote very much in this matter, and it may possibly that of some others. The naval appropriation bill involves the expenditure of about $15,000,000. There is a customs bill pending before the Senate coming from the House, and which follows in natural order the disposition of the revenue bill which is now under discussion, known as the knit-goods bill, and its passage involves the salvation and its failure the destruction of an amount of capital now active and doing business, and involving the sustenance of thousands and thousands in this country to quite as large an extent as is involved in the passage of the appropriation bill for the maintenance of the Navy. Within a few days I have received from my own State telegrams of the utter failure and destruction of the business of extensive firms by reason of the delay that has already taken place in the disposition of the knit-goods bill. It follows the disposition of the pending revenue bill. We have agreed substantially upon a programme with reference to the disposition of those two bills. It was demonstrated yesterday that, by adhering closely to that, we made very great progress in the disposition of the revenue bill, which we had been led to suppose might be the subject of interminable debate. If we stand as we are, I feel very confident from what was demonstrated yesterday, and the expressions of sentiment coming from the honorable Senator from Delaware and others this morning, that the revenue bill will very soon be disposed of and the knit-goods bill can be reached, and this capital can be saved. Between forty and fifty thousand of my own constituents are affected directly and indirectly, and all of them seriously, by the result of the bill of which I now speak.

If we dispose of the naval appropriation bill, there is no reason why, when the sundry civil bill is reported, the Senate should not take it up immediately and pass it as soon as the naval appropriation bill is disposed of; and when those two bills are out of the way, the man who thinks the knit-goods bill is worth a ninepence does not understand the effect of hot weather on the Senate of the United States.

Mr. President, feeling very seriously as I do, not from a political stand-point, but from the stand-point of one who would be very glad to see a large proportion of his constituents in a situation to get a living for the next year, or for the next five or ten years, it may be—for that depends upon the success or the destruction of this industry—I desire that we continue the consideration of the revenue bill until its disposal, believing it will very soon be disposed of if we adhere to this programme, and that it will not, nor will that which follows it, be successfully disposed of if we once break down the course of procedure which we have adopted.

Mr. SAUNDERS. A few days ago we had before us as the regular order a bill providing for a new Territory, and that was displaced by a large vote of the Senate on both sides of the Chamber to take up the bill now before us, the revenue bill. I go with the majority. That majority said they wanted the tax bill considered, and wanted to dispose of it at the expense of other bills, which they had a right to say. Now, I am in favor of continuing this bill until we get through with it. We have had it before us some time, and the very reason that we are not getting along with our work, in my opinion, is that we are changing. We first take up a bill and operate a while upon it and then take up something else. We ought to take up one bill at a time and finish it, and then another and another, and that is the way to economize our time. I am in favor now of continuing with this bill until we get through with it.

Mr. WINDOM. Mr. President, I shall occupy but a single moment. I shall give preference to the internal-revenue bill, for the purpose of economizing time. I believe we shall secure an earlier adjournment by doing so. The appropriation bills will occupy no time in the House of Representatives. All Senators here, and especially members of the Committee on Appropriations, know that when the Senate makes amendments to an appropriation bill the House rejects them as a whole and that the remainder of the work is done entirely by conference committees; so that if we go on with the work of the appropriation bills and finish those there will be nothing for the House to do. If we pass the tax bill, which will create a good deal of discussion in the House, it can be considered there while the Senate and the conference committees are considering the appropriation bills, and I believe it will save just that much time. Therefore, I shall vote for proceeding with the tax bill.

Mr. FRYE. I shall vote to take up anything on earth except the order of business, which has already occupied four-fifths of the time of the Senate, and I should like to take up something else.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California, to lay aside the revenue bill with a view of taking up the naval appropriation bill.

The question being put, there were on a division—ayes 16, noes 38.

The PRESIDENT *pro tempore*. The motion is lost, and the revenue bill is before the Senate. If there be no objection the Chair will receive morning business.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for a post-office in the city of New York;

A joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States; and

A joint resolution (H. R. No. 261) to continue the provisions of a joint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

REPORTS OF COMMITTEES.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2402) to quiet title to certain lands in Washington, District of Columbia, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. GROVER, from the Committee on Military Affairs, to whom was recommitted the bill (S. No. 1997) granting a certain right of way to the San Francisco and Ocean Shore Railroad Company, reported it with an additional amendment.

Mr. GROOME, from the Committee on Pensions, to whom was re-

ferred the bill (S. No. 757) granting a pension to Joseph McGuckian, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2159) for the relief of A. L. Shotwell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DAVIS, of West Virginia, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2160) to incorporate the North Capitol and Glenwood Cemetery Horse-Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

DOUBLE PENSIONS.

Mr. VAN WYCK. I offer the following resolution:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has ordered the issue of pension certificates for a double pension—one under the general law and one under special act—to Ward B. Burnett, and when such order was made; also to give his reasons for issuing certificates for such double pensions pending the action of Congress on that subject.

Mr. VOORHEES. I object to the consideration of that resolution now.

Mr. VAN WYCK. I give notice that I shall call it up to-morrow morning.

Mr. VOORHEES. I have seen the Secretary of the Interior and there will be no trouble about the matter. There will be no two pensions paid.

The PRESIDENT *pro tempore*. The resolution goes over on objection.

Mr. VAN WYCK subsequently submitted the following resolution; which was read:

Resolved, That the Attorney-General be directed to furnish the Senate with copies of memoranda made by the Solicitor-General and submitted to the Attorney-General June 15, 1881, in regard to the pension claim of Ward B. Burnett; also a copy of the opinion of Attorney-General thereon; also copies of opinions of Solicitor-General and Attorney-General on letter addressed June 23, 1881, by Secretary of Interior, as also copy of letter from said Secretary of Interior in regard to pension of Ward B. Burnett, together with copies of all letters and communications addressed to said Attorney-General, and of all opinions by Solicitor-General and Attorney-General relating to aforesaid pension.

Mr. MORRILL. Let that lie over.

Mr. VOORHEES. Let it go over several days.

Mr. VAN WYCK. Not for several days. I shall call it up to-morrow morning, I will tell my amiable friend from Indiana.

Mr. VOORHEES. I shall be here to-morrow morning.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) Objection being made the resolution goes over.

AMENDMENTS TO BILLS.

Mr. HOAR submitted two amendments intended to be proposed by him to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMDEN, Mr. FARLEY, Mr. FERRY, Mr. MILLER, of New York, and Mr. SAUNDERS (by request) submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, reported an amendment to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Finance as amended. The amendment to the amendment will be read.

The ACTING SECRETARY. It is proposed, in line 18, after the word "pound" in the amendment as amended, to strike out all down to and including "vouchers," in line 22, in the following words:

And on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers.

Mr. VOORHEES. Mr. President, I have not the slightest desire to rob anybody of well-earned honors. I see in the morning papers that this most valuable, judicious, and proper amendment is attributed to me. I am free to say that I would be glad it were mine, but I have no desire to rob the Senator from Mississippi, [Mr. GEORGE,] although he has his honors thick and blushing upon him at this time.

Last evening I was proceeding to point out the very peculiar manner in which this extraordinary measure of legislation reached this body. I do not know that I need to enforce that point any further. I have no idea there is a Senator on the opposite side of the Chamber any more than on this but who perfectly understands that this measure was born in an afterthought; that the purpose of the Republican party at this session of Congress was not to legislate either for a revision of the tariff or for a revision of the internal-revenue laws. Certainly that was my understanding, and I believe that to have been the understanding of everybody. I doubt very much whether anybody supposes the bill we are now considering will really become a law, even if we should agree upon the amendments, and pass it.

I pointed out yesterday that if legitimate and ordinary legislation had been intended a bill to that effect would have come here at an earlier and a different period. I pointed out that the times and circumstances under which this bill was originated were abnormal and singular. Having dwelt as much as I care to on that point, I desire now to call attention to another feature.

The Senator from Ohio [Mr. SHERMAN] laid down certain propositions in the early part of this discussion to which I desire to call attention. I have the utmost respect for the ability of that distinguished Senator. He has long adorned the halls of legislation. He has been the minister of finance, the Secretary of the Treasury. He has aspired, with a respectable following, to the first office in the gift of a Republic of 50,000,000 of people. Consequently what he says is entitled to entire consideration. If erroneous, what he says is calculated to mislead; if he is correct, his words have weight, and demand a great following.

When this bill came here, which I shall characterize further on, the Senator from Ohio, with his long experience and his weighty name before the country, indulged in the following language:

What taxes shall we reduce?

Said he—

Is it worth while for us to range through the whole gamut of external and internal taxes from top to bottom? Is it worth while to make over again our tariff speeches and recite again the peculiar theories, doctrines, or dogmas we stand upon? Is it worth while for each Senator to snatch out from among this mass of taxes of $400,000,000 the very one that on account of the local interests of his State he desires to have reduced? Not at all—

Somewhat *ex cathedra*, he says, "Not at all"—

but we must take a view of the whole field, and we must give the utmost relief possible to all classes and all interests fairly apportioned among all sections and among the people that can be given by the repeal of $40,000,000 of taxes.

How broad and statesmanlike that sounds! How comprehensive! I feared when he limited the specifications of the proposed relief to the Irishman lighting a match and smoking his pipe he was not up to the statesmanship of this great bill, but I find that he says we must raise ourselves to the height of the argument and legislate upon this measure for the interest of all classes and all sections. Very well; that sounds right. That is what ought to be done.

In order to show what that Senator and his followers mean by rising to a comprehension of all the interests of this country, I desire to call attention to the bill as it came before the Senate and as it stands now. I desire to call the attention of the Senate to the relief which this bill affords, if any at all. The Senator from Ohio asks:

What taxes shall we reduce? Is it worth while for us to range through the whole gamut of external and internal taxes from top to bottom?

He answers those pregnant questions in the negative; that it is not worth while to range through all of them. This bill shows that it is framed according to his idea, not to go through all the varied interests of the country but to pick out a few points in behalf of the rich and the luxurious and those not burdened, and give them a relief which is not called for.

Mr. President, we have had a spectacle this morning as if certain interests were crying out for relief. We have had a spectacle here of hot haste; we have had the distinguished Senator from Vermont—and no one can speak more kindly of him than I will—stating to the Senate that he would regard an opposition to taking up this bill as something peculiarly odious at this time. That signifies that there is haste, that there is clamor, that there is pressure for the relief contained in this bill.

The Senator from Ohio says we need not range from top to bottom of popular interests. No; we need not. He only takes the top. He says we need not range through the whole list of human burdens, forbearance, oppression, but just take up this bill and pass it, and that will answer the crying demands of the country.

Is there a Senator here who does not understand perfectly well the head and front of this measure? Across its front what do you find? I hold in my hand the report of the Committee on Ways and Means of the House, which says this bill as sent here would reduce taxation twenty-three million and odd dollars, and of that $23,000,000 the banks are to be relieved nearly $12,000,000. The banks take the lion's share as usual; the banks carry off all the relief as usual; and yet this is the measure the gentlemen challenge this side of the Chamber to go before the country upon, and say we are resisting the reduction of taxes when we denounce it as one of the most odious

pieces of favoritism which has been brought forward in the last two decades in behalf of the privileged classes.

I say that across the front of this bill is written "relief for the banks." I read the figures; I ask nobody to take my mere statement. The banks have in this bill a relief of $11,387,797 as against every other item of relief afforded by it. The Senator from Ohio says we must look to the relief of all classes and sections; that we need not range through the whole gamut of human wants, desires, and human interests, but we must take what is best for all classes.

Mr. President, has it seemed to you—if so, it has not seemed so to me—that the class most in want of relief from taxation are the banks of this country? Nearly $12,000,000 at one fell swoop is taken off them in one way and another. They already bank on untaxed bonds; they already issue their circulation on the deposit of bonds which pay no tax whatever. The bank which issues $90,000 of circulation is issuing it on $100,000 of untaxed bonds. That goes without saying. They have paid some little taxes in other ways, not half what they ought to have done, for the poor man has to pay the bondholders' taxes.

Mr. MORRILL. Will my friend from Indiana allow me to ask him whether he is denouncing the pending bill or the bill introduced in the House by Mr. CARLISLE by the unanimous report of the committee last year?

Mr. VOORHEES. The Senator from Vermont will find out exactly what I am for by the time I get through. I do not wish to give him anything but the most courteous and affectionate answer that I could give anybody, but we all have our own way of looking at things, and although it may not be as pleasant as words I would desire to say to the distinguished Senator, yet I repeat that the poor of this country have paid the school taxes, they have paid the road taxes, they have paid the State taxes and the county taxes for the bank bondholder who banks on his untaxed bonds, and now the banks have the audacity to come here and ask to be relieved of taxation upon their capital, upon their stock, and upon their deposits.

I voted yesterday in favor of the amendment offered by the Senator from Mississippi to relieve those who cannot draw their checks for any great amount of money; I am willing to do that because that bears upon them. But when gentlemen come here and ask me, as a measure for which there is a crying need, to reduce taxation so as to go before the country and tell the people, "We have relieved your burdens" by striking off twelve millions of taxation paid by the banks, when they are already relieved of taxation so far as nearly all they possess is concerned, I cannot allow such a demand to go without being challenged.

It has not been my desire to speak, it is not my desire to speak now, but when I hear and know that this matter was concocted after the other branch of Congress had agreed to adjourn and had sent us their invitation to that effect, that the Republican party did not dare to adjourn without an issue on this subject, and that they could do no better than present to us such a measure as this, I do not propose to sit here and allow the country to be deceived thereby.

The purpose and gravamen of this bill is to relieve those who do not need to be relieved. The Senator from Ohio (and I speak of him as a clear, cogent debater, a man of suave presence and excellent ability) in presenting his side of the question taunted, as it were, somebody, whether on this side of the Chamber or somebody else, with hostility to the national banks; he said it was thought to be an easy matter to kick banks. Sir, I have no hostility of that kind. I attempt to entertain a common-sense idea of justice; and what is fair for banks ought to be fair for other people. I have no raid to make on banks; but as the Senator from Ohio has made that kind of taunt, allow me to ask him why it is that, when he says it is not worth while to range through the whole gamut of human wants and requirements on the subject of taxation, he stops so suddenly, halts so stubbornly, upon the question of banks?

Why is it that with nearly $12,000,000 of a reduction in their favor he does not get beyond banks? Why is it that the great burden of this bill, more than one-half of it, touches upon banks and upon nothing but banks? Are they acting so well and so fairly? I have an article here from a paper that nobody can say is impartial to banks. I have an article taken a day or two ago from the New York Herald, which I read:

The position of the national banks of this city—

Speaking of New York—

in regard to the silver clause of the new banking law is a peculiar one.

When the bill for the recharter of the national banks was under discussion in this body the Senator from Rhode Island [Mr. ALDRICH] denied that the banks were hostile to the recoinage of silver; he denied that the banks were hostile to silver as a currency equally honored with gold. What says the New York Herald, the organ of the great mercantile, Wall street, and moneyed interests of the city of New York? It says:

Their managers—

That is, of the banks—

do not intend to obey it in the spirit, and yet they desire to preserve the appearance of abiding by the dictates of the Federal Congress, upon whose will their existence depends. The president of one of the strongest banks in the vicinity of Wall street said to a Herald reporter yesterday:

"While this law is utterly absurd in principle as it regards silver certificates and the certification of checks, and while it is worded so loosely and so bunglingly that to all intents and purposes it will in that respect be a dead letter, yet we cannot afford to evade it openly or to treat it with contempt. We stand in the attitude of petitioners before Congress at the present time asking for a remission of the tax on our deposits.

"We do not know yet whether our prayer will be granted. We do not want to excite needless antagonism on the part of the representatives who have favored the law that has just passed, as it might result in the destruction of the entire national-bank system. They thought that they were accomplishing a great deal, while in reality when closely examined it is found that their work cannot affect in any radical degree the accustomed business of bankers and brokers. But it will not do to crow over them. We are willing that they should have the credit before their backwoods' constituents of being commercial reformers and moral financiers.

"In reality, however, if they had known more of the subject upon which they have legislated they would either have created an entirely different measure or they would have let the present system alone. The necessities of trade are like those of nature; they cannot be abolished by act of Congress. It is the old story of King Canute and the tide over again. Mr. BECK has said: 'Thus far shalt thou come and no farther,' but the tide will mount all the same. When the genius of Wall street fails to find methods of conducting business that are equal to its necessities American statesmanship, if it is not so already, will be dead."

Mr. HARRISON. Will my colleague allow me to ask him a question by way of interpreting the extract from the Herald which he is reading? I should like to ask him whether he understands that the reference to the Senator from Kentucky [Mr. BECK] as having said to the banks, "Thus far shalt thou go, and no farther," referred to the bill introduced by that Senator at the last Congress?

Mr. VOORHEES. It refers to an attempt to correct the fraudulent certification of bank checks, because it goes on——

Mr. HARRISON. I did not know but that it referred to the bill introduced at the last Congress by the Senator from Kentucky to abolish the tax on bank deposits and bank capital and the stamp tax on bank checks.

Mr. VOORHEES. My colleague is obscure on that subject. I will read on further.

Mr. HARRISON. Do I understand my colleague to say it does not in his opinion allude to that bill?

Mr. VOORHEES. I understand it to allude to what is in this article, and now I will read the remainder of it. The reporter asked:

What is the practical result of the action of the clearing-house on Saturday?

The answer of the banker was:

It works no change whatever in the methods of the banks. It is the opinion of sagacious men that the clause about certificates being accepted in payment of differences in the clearing-house cannot be legally construed as referring to any metal except gold.

There is national-bank hostility to silver. They intend to stab it. They are not as friendly to it as Judas was. Judas took the silver and betrayed another; they intend to betray it.

Mr. HARRISON. The question I intended to present to my colleague was this——

Mr. VOORHEES. I know what my colleague alluded to, and I am giving an answer.

Mr. HARRISON. I shall not interrupt further then.

Mr. VOORHEES. Says this banker further:

But suppose that it does mean silver certificates and could be enforced if they were presented. They will not be presented. The banks tacitly understand this.

I shall be perfectly frank and candid with my colleague. I know very well that the Senator from Kentucky introduced a bill to remove the tax on bank deposits. Does my colleague say therefore that the tax on bank capital and on bank stock and everything else should be relieved? I understand the reasoning of the Senator from Kentucky and my own, so far as the tax on deposits is concerned. The removal of that tax would be a relief to those whose money is in the banks, and to the extent of small depositors I voted yesterday to relieve them on checks under $100 in amount.

Mr. HARRISON. Now, as my colleague is through with the Herald article, I should like to call his attention to the bill of the Senator from Kentucky, which I have here before me, which was Senate bill No. 1945 of the Forty-sixth Congress. It proposes not only to reduce the tax on deposits but to reduce the tax on capital and to abolish the stamp tax. In other words, as introduced it goes just as far as the pending bill as reported.

Mr. VOORHEES. I do not so understand it.

Mr. HARRISON. Let me read it now.

Mr. VOORHEES. Let us debate one bill at a time.

Mr. HARRISON. I have it before me.

Mr. VOORHEES. My colleague is too good a lawyer not to know what he is doing now. I propose to discuss briefly the bill before the Senate; and with the most perfect courtesy that I am capable of to anybody, I say to my colleague that I do not think it is right for him to seek a discussion upon a bill which I have not before me. I have not a copy of it here; I cannot look at it, and I am not going to be diverted from the subject in hand. When I get through I will accommodate my colleague, and so will the Senator from Kentucky.

Mr. HARRISON. I beg my colleague to excuse me. I supposed this interruption would not be distasteful to him.

Mr. VOORHEES. Not at all, only I had not the subject here.

Mr. HARRISON. I supposed, therefore, that he desired to be set right upon the scope of the bill introduced by the Senator from Kentucky, if he was mistaken in regard to it, and I desire now to set him right by reading the bill introduced by the Senator from

Kentucky, and showing that it repealed all these taxes on banks, the repeal of which in this bill which comes here from our Finance Committee he has denounced with so much vigor.

Mr. VOORHEES. My colleague is mistaken. We will settle that hereafter.

Mr. HARRISON. Why not let me read it now?

Mr. VOORHEES. No, Mr. President, not now; after a while.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Chair will remind Senators that they must address the Chair.

Mr. VOORHEES. It is not right.

The PRESIDING OFFICER. The senior Senator from Indiana [Mr. VOORHEES] has the floor, and cannot be interrupted without his consent.

Mr. VOORHEES. I certainly allow a wide margin of discussion, but my colleague cannot compel me to discuss what I am not bringing before the Senate at this time.

Mr. HARRISON. I see the reluctance of my colleague to discuss it.

Mr. VOORHEES. I certainly desire to treat my colleague with the utmost courtesy, but he cannot compel the discussion of more than one subject at a time.

Mr. President, I repeat the great bulk of relief proposed by this bill, brought here in the small, dwindling moments of this long session of Congress, is in favor of the banks of this country, and I ask now any Senator here whether he thinks there is any relief in it for the poorer classes of society? Go into any town throughout the United States and if you do not find the stockholders of banks and the bank officers owning the best corner lots, on which there are the best brick houses, your experience will be different from mine. Yet this bill is brought here under whip and spur, jumped in upon us like a home rush on a race-track, just before the closing hours of this long session, with its object the relief of the banks.

But, sir, let us pass to another point. I repeat what the Senator from Ohio said, that we must look over the whole field and find out those things in which we ought to give relief. I am disposed, at least for the time being, to speak no further in regard to the banks, the poor, poverty-stricken banks, oppressed with taxation, wanting relief, furnishing a political cry, intending to violate the law on the subject of silver: ay, more, but a little more than a year ago bullying the Administration of this Government into the veto of a funding bill by which $10,000,000 or $11,000,000 was lost to the Government. That is the attitude of the banks. Do you gentlemen desire to go before your constituents and say that these poor people, these humble, obedient, law-abiding people, require a reduction of taxation of $10,000,000 or $12,000,000, which must be paid in some other way by somebody else, while they are in defiance of you on every funding bill, and on every silver bill? Others can do so; I shall not.

In looking over the whole field, as the Senator from Ohio, with his air of statesmanship, characterizes it, what do you suppose is the next interest found clamoring for relief, pounding at these doors with a heart palpitating for relief from financial oppression? "Perfumery." That is calculated first to excite a smile perhaps, but there is more in it than that. How much do you suppose this article of luxury returns to the Government? Perhaps a couple million dollars. Yet it is one of the things that, looking over the whole field, not looking into the blacksmiths' shops, not looking into the carpenters' shops, not looking into the machine shops, not looking into the cornfields or at the laborers, but looking over the "whole field," the Ohio Senator finds the men who use perfumery oppressed by taxation. For the sybarites, dandies, and dissipated, curled, worthless dregs of human society, men and women both, perfumery must have no further tax. It must be free.

I took a little pains last evening to look and see what this item would embrace, which we find brought forward by the statesman from Ohio, Senator, Finance Minister, possible President, and it would not trouble me if he should be actual President if his party ever produces another, which God forbid. In his catalogue of relief we find essences, toilet water, cologne, cosmetics, toilet powder, and here is a commentary upon these ingredients which must be relieved at once from taxation. This article before me says:

The demands of luxury, the diffusion of comfort, and a more thorough appreciation of the laws of hygiene, are spread more among all classes of society, and have consequently imposed on industry constant efforts, which have resulted in prodigies of good taste in the art.

Yes, it will impose on the costly efforts of industry to make up this tax, which will be abolished in favor of the curling, perfumed fops of human existence, these gadflies, the loss of which would be a blessing to any part of the civilized earth. Continues this article:

The perfumer of these days knows that he holds in his hands not only the beauty but also the health of the fair ones of society.

He shares it now with the Senator from Ohio. He will know hereafter that the Senator from Ohio holds in his hands at least a moiety of the beauty and health of the "fair ones of society." He desires to give them a free range in the use of those things which conduce to these desirable results.

Mr. SHERMAN. I do not like to wear borrowed honors. I thank my friend for the compliment he gives me, but we have taken this provision from the House, and it is exactly copied from the bill reported by Mr. CARLISLE, of Kentucky. I wish the Senator would give credit to the proper person and not to me.

Mr. VOORHEES. The Senator from Ohio knows that I did not interrupt him. I know that when a man reaches his time of life he is a little sensitive on the subject of furnishing free perfumes to beautify the ladies, but I hope he will take kindly all I say, for nothing is otherwise meant.

Perfumery—

Continues this author—

made greater by chemistry, is at present a science—but a science so charming that it reflects all the forms, illusions, and seductions of art, and only appears to the eyes of the profane as clad in vestments woven by fairies.

I am afraid we are the "profane" over here; I am afraid we are not up to this æsthetic standard; but I must say to the Senator from Ohio that as between the hard laboring men whom I represent who toil in the fields and workshops of Indiana, who eat their bread, in obedience to the command of God, in the sweat of their faces—as between them paying $2,000,000 taxes and these luxurious, dainty, tasty individuals, both male and female, I will keep the tax on where he wants to strike it off.

The art of creating perfumes was originated at the beginning of this century, &c.

Mr. President, I am dealing with this bill with perfect fairness. You, gentlemen, propose to make certain things free of taxation so that somebody will have to make it up or it will not be made up. This is the grave matter that comes here in the lingering moments of an eight months' session of Congress to tax our patience, to weary our last hours. It comes here after we are notified to adjourn, and I believe and feel that I am right in saying that such a bill is an insult to the intelligence of the Senate; it is an insult to the intelligence of the country. It is not fair legislation, and without arraigning anybody I do not believe it was meant to be fair. I can now see the Senator from Ohio, the Senator from Vermont, the Senator from Rhode Island, and all others over there who want a little battle-cry with banners spread, with flags flying, and on them inscribed something like this: "Horsford's Acid Phosphate, free; Jayne's Alterative, free; Briggs's Corn Alleviator, free; Read's Ambrosia, free; Hedge's Annihilator, free." These are proprietary medicines. "Allen's Anti-Fat and Allen's Anti-Lean made free; Green's August Flower, free." Lord, what a catch it will be among the farmers of the West to have these great reductions of taxes on the absolute necessities of life! Let me turn here and see what will be more particularly the specialty of my friend from Ohio on the question of perfumery: Bazin's Society Bouquet perfume, Monogram Carbons, Colgate's perfume, Cashmere Bouquet, all free; Jockey Club Bouquet as an odor, all free; Tea Rose Bouquet, free; Damask Rose, Lily of the Valley, Magnolia, May Flower, Bridal Bouquet, all free; and there are a thousand of them here, all to be free. I see my friend from Ohio on his highway to the Presidency dispensing sweet odors all around him, and all of them free; Musk and Ottar of Roses scenting the very air like the perfume of "Araby the blest."

Why not? I never knew such a campaign document as this will make. I never in my life knew such a bid to his fellow-countrymen and his fellow-countrywomen as the distinguished and gifted Senator from Ohio has held out in making sweet odors free. I confess that I like such odors. I like the Balm of a Thousand Flowers, but I doubt if the stalwart, strong, oppressed farmers of Ohio or of Indiana will appreciate the diminution of revenue $2,000,000, which they will have to make up under this bill in order to have these odors rained down on them. Bouquet de Caroline, Musk Rose, New-Mown Hay, and Night-Blooming Cereus, all free. Does it not strike you, Mr. President, that this is one of the most important measures for relief against oppressive taxation you ever knew in your life? I could stand here and read 2,500 specific articles of that kind, which we are required to stay here upon approaching dog-days to make free to the people of the United States.

I did not desire to take part in this discussion, but my very gorge rose when I came to examine the trifling, and without offense be it spoken, the fraudulent nature of this proposed legislation. Perfumery! May all its good odors waft my friend from Ohio, but let me say to him that however sweetly he may talk about relieving the Irishman on his match he will not be borne by prosperous winds from these odors made free.

Sir, a word or two more. You must bear in mind the argument I am making, if it can be called such, arises from the fact that we are compelled by a caucus of the Republican party, coerced as you are, into the consideration of this question at an improper time. We are forced to this consideration, not by reason of the importance of the subjects embraced, but because of an attempt to deceive the people into a belief that something has been done for their relief. Consequently I ask you what is next? Perfumery free and then "medicinal preparations."

Mr. WINDOM. I should like to ask the Senator from Indiana——

Mr. VOORHEES. Oh, you do not want to ask anything just now. It is a hot day.

Mr. WINDOM. I want information. I want to know if the Senator from Indiana, who is a member of the Committee on Finance, opposed in committee this bill containing the items he is discussing?

Mr. VOORHEES. I did give it as good a tongue-lashing as I knew how.

Mr. WINDOM. I want to know further if the Senator from Indiana ever read the report of the House Democratic committee by Mr. CARLISLE asking for the repeal of these same items of taxation?

Mr. VOORHEES. I will attend to the Senator when I get through. I know this is not comfortable. I know that the Senator would rather discuss something that occurred two or three years ago.

Mr. WINDOM. It is very interesting. I want to know if the Senator has that information?

Mr. VOORHEES. If you will conduct the discussion here I will let somebody else conduct it elsewhere. It is no answer whatever to ask me what Mr. CARLISLE said. I do not know——

Mr. WINDOM. I did not ask the Senator——

Mr. VOORHEES. Pardon me. The Senator from Minnesota knows——

Mr. WINDOM. I did not ask the Senator what Mr. CARLISLE said. I asked him if he read the report of the Democratic committee of the House made by Mr. CARLISLE.

Mr. VOORHEES. The Senator from Minnesota knows perfectly well that I do not intend to be anything but kind and courteous to him, and he knows perfectly well that his mode of interruption is not argument at all. If the Democratic address or Mr. CARLISLE'S report does not meet with my approbation I will say so. If your position here cannot be defended had you not better say so than to drag up something done two or three years ago? Would not that be fairer argument? In other words, let us discuss what is before us.

Mr. WINDOM. I ask the Senator's pardon for annoying him with the record of his own party.

Mr. VOORHEES. It is no annoyance at all, and I ask the Senator's pardon for annoying him with patent medicines. They are a great annoyance, I know. After perfumery comes "medicinal preparations." What a scream for relief there is on patent medicines!

I have some views of my own upon these subjects. I am inclined to believe that one doctor knows a little more than another or a little less, whichever the way may be, but if patent medicines were not quite so free I believe the human organization would be freer; I believe if the tax on patent medicines was heavier the tax of disease would be lighter upon the human system. But I am furnishing the platform of the Senator from Ohio with one of the articles that he says must be free. He says he searched through the whole field for those subjects from which taxation ought to be relieved for the general good. One is Pearls of Assafœtida and another Pearls of Chloroform. They get up these words in such shape as to be very difficult for me to pronounce them. There are 4,000 of them of all kinds and descriptions, and the Senator from Ohio says there is a screaming need to have all of them made free. Winslow's Soothing Sirup! That is a pretty good programme for the Presidency, for if the Senator from Ohio were a little more diffusive and a little more emotional toward the mothers and their babies he would be stronger; and therefore I venture to recommend a bottle of soothing sirup in one pocket and in the other perfumery and cosmetics and sweet-smelling odors to beautify their mothers. I would not then doubt his future success; not at all.

Sir, here we have these three articles that we must hurry up and take the tax from: $11,387,797 from the poor, impoverished banks; $2,226,503 from patent medicines, vermifuges and the like; $3,700,000 from sweet-smelling odors. Then we would expect to strike off something, would we not, that the common people of the country had some interest in; and what is that? Cigars and cigarettes.

I used to smoke cigars in my early days when I was moving along with the plain people with whom I was raised, for I worked with the rest of them in the corn-fields, and the harvest-fields, of which I am proud. I knew about cigars. I had heard of them. Cigarettes is one of the new-fashioned things which have come in with perfumery, cosmetics, and patent medicines; and cigars and cigarettes now are the object of the tender care and affectionate regard of the Republican side of the Chamber. They must be relieved, of how much? Of $2,666,000. I would be willing now to see them relieved of this taxation, but is there nothing else? Is there no other thing that we might relieve to better advantage than the dandy's cigar and cigarette?

Let me again invoke the attention of my distinguished friend from Ohio, who, with the deep pathos which characterizes him, alluded to the Irishman's wants. I do not find the Irishman's common smoking-tobacco relieved here. I do not find his tobacco with which he fills his cob pipe, and on which he places a coal from the fireplace with the tongs, has any advantage in this legislation.

There is nothing here for the poor laboring class. But says the Senator from Ohio, and so does the Senator from Michigan now adorning the chair which he adorned in long years gone by, "matches." Matches! Matchless statesmanship! Matchless legislation! Lucifer matches, locofoco matches, if you please, shall be made free, and $3,278,580 is taken off of them.

My word for it, Mr. President, while that plain, simple article is an article of necessity for the poor it will not reduce the selling price, the purchasing price of it one single hair's breadth of a farthing. There is no cry here for reduction in matches. Is there any clamor on the outside that we should take the tax off of matches? I have heard none.

I desire to deal with perfect candor with this whole question. I have endeavored to do so. When Senators on the other side of the Chamber say there is a popular demand for any of the reductions called for here I join issue with them.

I say there is a popular demand for reductions of a different kind, and now I come for a few moments (and I have taxed the patience of the Senate longer than I intended) to matters that are of grave import. When this little contemptible bill came here, with not one feature of merit in it, the able and sagacious chairman of the Committee on Finance, the Senator from Vermont, and the equally able Senator from Ohio, saw that it would not do to trust this thing in its abortive shape, misbegotten, deformed, before the Senate and the country. They spirited it away to a Republican caucus and there attempted to amend its infirmities by putting on two great measures, two measures which ought to be considered in connection with an entire system for revision and not alone by themselves.

The Senator from Ohio made an able and valuable presentation some time ago of the sugar question. I do not say that I agree with all he said, but I listened to him with profit and with instruction. However, it does not follow that at this hour of the session the great sugar interests of the country should be separated from all other tariff questions and made to stand out and be legislated for alone. It is wrong, Senators; it is wrong. It is seized upon as a great Southern interest and is separated from what should take place, a general revision of the whole question of the tariff. I am not prepared to say but what I shall vote for some change in regard to the tariff upon sugar. I am not prepared to say that I shall. I do not know and I cannot now, nor can anybody else know intelligently on this floor until it is considered in reference to a whole system of revision, reductions, and readjustments. That is what we want and that is what we need.

If tried by the standard which that great Democratic leader, James K. Polk, laid down, then the man would be a bold one who would touch seriously the sugar interest. He said that as long as revenue increased under a rate of impost duties the maximum standard of revenue had not been reached and the duty might continue to be raised. The sugar interest is the best for revenue; it yields more revenue than any other one product of the American soil. The tariff on it is essentially a revenue tariff. No tariff can be independent of the question of revenue. There is no more possibility of divorcing the two propositions than there is of divorcing soul and body without death. If that be true of this article, then I say touch lightly until you have fairly and fully considered the whole question. Sugar has yielded $47,000,000 a year of revenue.

As to the question of reduction on Bessemer steel I believe all parties are united. There ought to be a reduction. Whether the other side of the Chamber has proposed to reduce it enough I do not know. I think most likely not. Whether it is or not, I say the country cannot be deceived by picking out two great interests in connection with the tariff and tacking them to this poor little bill, in the last hot hours of this session, while we are weary, jaded, and worn, and in a hurry to get away.

I stand ready to join whenever the dominant party in either branch of Congress goes to work on this whole subject, not a part of it, not picking out here and there, but whenever they take up the whole question and treat it fairly. I have been unwilling, however, to let this bill go to the country as a measure in good faith to reduce taxation. If you can give the banks relief to the extent of $12,000,000, and perfumery and the rest of these trifles, so be it, but I shall stand ready to meet some place else the men who have made the issue here.

Mr. HARRISON. Mr. President, I do not find myself to-day in a condition of health to make speaking an object of interest to myself, and I never find it an object of pleasure. I cannot refrain, however, from saying a few words.

I begin by expressing my grave solicitude in behalf of my colleague. He is getting into antagonistic relations with his Democratic associates to an extent that really disturbs me. I had hoped for him a brilliant future. Indeed, with some of his friends I have counted it in his case, as he says he does in the case of the Senator from Ohio, a not unlikely thing that if the country should so far forget itself as to choose a Democratic President at any time in the near future, before he is called to his rest, he might, with a thousand other Democrats, have a chance to be President. But I begin to lose faith in his prospect for the reason that I find him so out of harmony with his own party friends. I listened the other day with a great deal of interest to his speech upon the tariff question, and I was more than glad to find that the good Whig instructions which he received in his early manhood had not altogether lost their power over his opinions. It was not hard to find in his speech an illustration of that faith which makes the mother so careful to instill into her boy the lessons of truth and virtue, in the hope that however far and wide he may wander he will at some time in his future life be laid hold upon by those early teachings and brought back to the truth.

I have in all my experience seen no more conspicuous and perfect example of the power of early instruction in the good old Henry Clay school of Whig doctrine, to which my colleague belonged in his early life, than in this late return of the prodigal from the husks of Democratic free trade to the sound doctrine of protection for American manufactures. And yet as he returns to these early teachings and as he approximates the truth upon this question, just in that proportion he separates himself from his present political allies.

Mr. President, not only upon the tariff question has he signalized his departure from the household in whose records his name is now inscribed but much more in this speech to which we have just lis-

tened he has shown himself willing to put upon the head of his Democratic associates here in the Senate, and upon the head of a most honored and conspicuous party associate in the House, all the opprobrium and contempt and ridicule which he could crowd into this address.

Mr. President, my predecessor in the Senate, a distinguished Indiana Democrat, as one of his latest utterances in the Senate addressed himself to a consideration of the tariff question. It will be hard for my colleague to persuade the old-time, native-born Democrats of Indiana that Joseph E. McDonald is not a Democrat. And yet when I recurred as I did the other day to that parting speech of my predecessor, and then contrasted it with the recent utterances of my distinguished colleague upon that question, I could not believe that the party lines were wide enough to hold them both.

Mr. President, I have not now before me that speech, though I shall have it for careful examination and contrast when we shall come before the people of Indiana to discuss this question; but I have before me an interview with Senator McDonald, after the delivery of that speech and after his return to his home, in which he reiterates the sentiments of the speech, and I beg the indulgence of the Senate for a moment while I contrast the utterances of my colleague, who claims to be in entire accord with all his party platforms and to be the Simon pure, unadulterated, unimpeachable interpreter of Democratic doctrine upon the tariff question, with the expressed views of my predecessor. Mr. McDonald said:

> I think that the true theory of all commercial countries is free trade, and that the sooner we can approach to that consistently with supplying governmental wants the better.

There was a part of my colleague's speech the other day with which I was in entire sympathy. In all that he said that was eulogistic of the greatness of Indiana, the magnificence and diversity of her resources, and the virtue and intelligence of her people he spoke truly and well; but when he comes to talk of tariff doctrine I proclaim that he is not announcing the Democratic doctrine as held in Indiana. This is Mr. McDonald's view. We had hoped that in the next Democratic national convention the predilections of the Democratic party might point to my esteemed and clever predecessor as their choice for the Presidency; but my colleague has altogether blasted his chances, and it was an unkind thing to do. He has proved in his tariff speech here that Mr. McDonald is not in line with his party on the tariff question; that whereas Mr. McDonald says that the next Democratic platform will declare, as the last did, that a "tariff for revenue only" is the Democratic doctrine, my colleague here proclaims that it was a political blunder that lost them the State of Indiana.

Now, Mr. President, I not only regret that my colleague should endanger his own political future by thus putting himself out of harmony with the leaders of Democratic sentiment in Indiana, but that he should endanger the chances of his friend and mine, Joseph E. McDonald, for the Democratic nomination by putting him without the pale of the Democratic church; and especially that he should so eulogize here the tariff utterances of General Hancock as to afford a natural suggestion that he, upon that letter of his, might carry Indiana. My feelings are those of mingled pleasure and regret; pleasurable in that I find my colleague coming again, after years of wandering, to the truth; disagreeable in that I find him affecting by his utterances his own regular standing in the church to which he still adheres and impeaching the fidelity and Democratic orthodoxy of friends in whom we have a mutual interest.

But, Mr. President, he has also read out of the party the Senator from Kentucky, [Mr. BECK,] and the Senator from North Carolina, [Mr. VANCE,] and others who have taken the old Democratic view of the tariff question in recent speeches here. And in this discussion, in order that he might make cheap capital in a campaign approaching by an assault upon the banks and by remarks drawn from a catalogue of perfumes and cosmetics, he has been willing to assault the Senator from Kentucky again and to hold him up to contempt and ridicule and to display him here as a friend of the banks. At least this is the effect of my colleague's comments on the provision of the bill abolishing the tax on banks, because the Senator from Kentucky introduced here at the last session of Congress, when my colleague's political friends were in the majority in both Houses, a bill to repeal all the taxes on bank capital, bank deposits, and bank checks. In an article read by my colleague from the New York Herald, the Senator from Kentucky was held up as the consistent enemy of the national banks; as the potent voice that had said here in the Senate to the grasping monopoly of bank capital, "Thus far shalt thou go and no farther." I asked my colleague when he read that extract if he understood that eulogy of the New York Herald to relate to the action of the Senator from Kentucky in introducing Senate bill No. 1945 at the last session to abolish all bank taxes. If my friend intended to set up the Senator from Kentucky as a conspicuous champion of the anti-bank feeling, and he is undoubtedly, with what sort of consistency can he assail the majority here now for proposing to do just what this great champion of anti-bank sentiment proposed to do in the last Congress?

And that is not all, Mr. President. I do not think I shall fail to bring home to my colleague some responsibility for the subsequent action upon this bill of the Senator from Kentucky. I do not know whether he was then a member of the Committee on Finance to which the bill of the Senator from Kentucky went. I infer that he was.

Mr. MORRILL. He was.

Mr. HARRISON. But whether he was there or not he was here in his place in the Senate, and that bill was reported by the distinguished Senator from Delaware, [Mr. BAYARD,] striking out the tax on capital, striking out the stamp tax on checks, and proposing the abolition of the tax on deposits.

Mr. BAYARD. It passed.

Mr. HARRISON. Yes, sir; it passed the Senate. While my colleague is declaiming against our proposed legislation to abolish these taxes, the Senator from Delaware, a Democrat yet I hope, informs me that a bill was passed by a Democratic Senate taking off the tax on bank deposits; and does the Senator know how much that was? As I have learned by reference to the report of the Commissioner of Internal Revenue, the annual tax on deposits of State banks which would have been removed by this bill was $2,986,000, and on national bank deposits the further sum of $4,940,000.

The bill now before us includes also the tax on capital, which is about a million more. Where was my colleague then when his Democratic friends were overpowered by the banks? When the Democratic Senator from Kentucky, the champion of the anti-bank sentiment, proposed to take off all these taxes, and when a Democratic committee reported to take off the tax on bank deposits and that bill came before this Senate for consideration, where was my colleague then? If I may be allowed to use a phrase without the slightest disrespect, why was not his "halcyon and vociferous" voice lifted then against this legislation? Mr. President, that bill passed the Senate without a division; and yet how loud and furious is his protest now when it is proposed by us to follow this Democratic precedent. I agree, Mr. President, that it is reversing somewhat the order of political history for the last twenty years when the Republican party follows the Democratic party; it is reversing the order of things. We have been accustomed to be in the lead; we have been accustomed to think of the party to which my colleague belongs as halting along far in the rear, protesting against every progressive step in national legislation, and at last, when the logic of events had demonstrated the wisdom and patriotism of our course, coming halting up to write "indorsed" upon Republican achievements. I agree that we are reversing the order of things somewhat when as Republicans here we follow the lead of the Democratic associates of my colleague inaugurated in the last Congress.

But that is not all. My colleague, so far as I can learn, was silent when he should have turned to his Democratic colleagues and denounced them as friends of monopoly in that they were taking taxes off national banks; but he said nothing then. I cannot tell from the RECORD whether he voted for the measure or not; but he bided his time until a Republican committee proposes the same legislation and then he assails it with all the powers of epithet and denunciation of which he is possessed.

That is not all, Mr. President. The proposition to abolish the stamp tax on perfumery and proprietary medicines my colleague says makes his gorge rise. One would think from the disgust he showed that nobody but a Republican could be capable of such an enormity. But it is painful to find that he is here again criticising a Democratic committee of the House of Representatives, and one of the most distinguished Democrats of that body, Mr. CARLISLE, of Kentucky, who was chairman of that committee. I have been almost ready to suspect that the Democratic party as a party have an interest in removing the stamp tax on proprietary medicines, for I recollect that one of the most distinguished Democrats of Indiana on one occasion turned out patent medicines on an execution against him. It is hardly fair, perhaps, to suggest that in advancing this Democratic reform it was intended to aid such practices.

I may be mistaken, but I thought as I passed my colleague's desk this morning that I detected—undoubtedly it must have been from some of those gentlemen who sit about him—the smell of the Balm of a Thousand Flowers. [Laughter.] I am sure it could not have been from him, or, if from him, that it must have been simply a spiritual efflorescence coming from that midnight study which my colleague has given to that compendium or catalogue of perfumery and patent medicines which he has upon his desk.

Mr. President, the people of Indiana are an intelligent people. Common schools are the pride of our State. They will be able to see that, in striking down these old stamp taxes, the last that remain of an extended list originating in the necessities of the war, the Republican party is not intending to show favor to the manufacturers or to those *dilettante* people, whether Democrats or Republicans, who use these cosmetics and perfumes. I should underestimate their intelligence if I did not believe they could understand this, and especially when, as I promise to show, the Democratic party inaugurated the proposition to remove these taxes. And now, Mr. President, I propose to address myself to that consideration.

It is painful to me to be compelled to place Democrats, great Democrats, conspicuous Democrats, under the fire of my colleague's guns, as was done with Union prisoners at Charleston. I have suggested a remote but possible motive that may have actuated the Democratic gentlemen who inaugurated the project of repealing this tax on proprietary medicines, drawn from an incident which occurred in my own State. It is suggested to me by a Republican Senator

that another distinguished recent candidate of the Democratic party and still a future possibility, is not unconnected with the manufacture of cosmetics. I was intending to show what a Democratic committee of the House had done with a view to the removal of these very taxes of which my colleague speaks with such contempt this morning. If in the course of the next campaign the wide and national demand which is always made for his services in campaigns should draw him to Kentucky and into the district of Mr. CARLISLE, how appropriate his utterances of this morning would be!

I will read from report No. 307 of the House of Representatives of the Forty-sixth Congress, third session, to show the attitude of a Democratic committee and of a great though not a greater Democrat. In the course of that report, submitted by Mr. CARLISLE from the Committee on Ways and Means, he says, speaking of the repeal of these very taxes, including the bank tax and the tax on proprietary medicines and perfumes, about which my colleague has been talking:

> The repeal of these taxes and some others also was recommended by the Secretary of the Treasury and by the Commissioner of Internal Revenue in their last annual reports, and has been urged upon Congress during the present session by many thousand memorialists residing in all parts of the country and engaged in all the various occupations of life.

So it seems that Mr. CARLISLE recognized that coming from all the avocations of life, in the form of memorials, there was a call for the abolition of these last remnants of the special taxes that were levied during the war. Not only so, but I proceed to show just what taxes now he is talking about. He says:

> The taxes which it is proposed to repeal, and the amounts realized from them in 1880, are as follows:
>
> | | |
> |---|---|
> | Bank checks, drafts, and orders | $2,270,421 00 |

My colleague was willing to go up to $100. He was willing to relieve checks for $100 or less from the imposition of a stamp; but if one of the farmers for whom he professes so great admiration was compelled to draw a check for $200 he must pay the tax. My colleague drew the line right there, and he would not be induced to go one step further. But it was proposed here by Mr. CARLISLE to remove all the taxes on bank checks; not only so, but—

Bank deposits, other than national and savings banks	$2,347,568 07
Friction matches	3,561,300 00
Medicines, perfumery, cosmetics, &c	1,836,673 22

Ah, Mr. President, the very things that make my colleague's gorge rise here—the taxes on perfumery, cosmetics, proprietary medicines—a Democratic committee in the House, speaking through one of the ablest Democrats there, said ought to be removed. That is not all:

National-bank deposits	$4,058,710 61
Savings-bank deposit	163,207 36
Total	14,237,880 26

Now, I will just ask the Senate to listen to one other extract, for I know this cannot be very interesting, from the concluding page of this report of Mr. CARLISLE:

> It may be stated generally, however, that if the reduction of taxation at the present time is to be confined entirely to the articles embraced in the internal-revenue laws, there would seem to be more propriety in selecting at first those small items which affect the business and consumption of a great number of people than there would be in attempting merely to reduce the rate upon distilled spirits, fermented liquors, manufactured tobacco, snuff, and cigars, from which the great bulk of the internal revenue is derived.
>
> No one who understands the real necessities of the Government would be willing to advocate the immediate repeal of the entire internal-revenue system, nor would it be wise in the judgment of your committee to disturb business and derange existing values by agitating at this time the question of either reducing or increasing taxes upon the principal articles just mentioned. These and other considerations have induced the committee to agree upon the bill herewith reported. The repeal of the taxes upon bank checks, drafts, and orders, bank deposits, friction matches, medicines and medicinal preparations, perfumery, and cosmetics will not disturb any of the business interests of the country. It will not be a mere experiment upon the revenues of the Government, because the extent to which it will affect the receipts can be calculated in advance with almost absolute certainty; nor can it be said with justice that the relief afforded—

And to this I call my colleague's attention, as the opinion of Mr. CARLISLE—

> nor can it be said with justice that the relief afforded by the proposed repeal will not be equitably distributed according to the character and magnitude of the interests involved.

There is the opinion of Mr. CARLISLE, that the removal of these taxes to which the Senator has directed most of his attention, not including, I believe, as I read it, the tax upon bank capital which was included in Mr. BECK'S bill—the repeal of these taxes Mr. CARLISLE says will operate equitably and fairly upon the business interests of the country.

Mr. President, as I have said, the bank taxes that are to be relieved are the last of a class. We have lifted our hand from manufacturers of every kind, except of tobacco and matches; we have lifted our hand from almost every business in life, and there was scarcely one that was excepted from the necessities of a time of war. We have lifted our hand one by one from them all, until these stand as the only remaining relics of a system of internal-revenue taxation, except tobacco, whisky, and beer. I should be glad to know what taxes my colleague proposes to abolish. Do I understand him in thus protesting against action upon this bill now to be opposed to any reduction of taxation at this session of Congress? I pause that he may make a reply.

Mr. VOORHEES. Let the party that is responsible for the administration bring forward its measure, instead of a contemptible thing like this that my colleague espouses, and I will answer whether I am for it or against it. Does my colleague suppose that he can deceive anybody by a question of that kind? Of course I am for a reduction of taxation; but let it be something worthy the attention of men of sense, and not a thing of this kind.

Mr. HARRISON. Will my colleague be good enough to indicate what in his opinion would be worthy of men of sense? Does he mean to exclude the Senators from Kentucky and Delaware and Mr. CARLISLE from that category?

Mr. VOORHEES. Does my colleague expect me to be so devoid of propriety as to devise a system of revenue off-hand here on the floor of the Senate?

Mr. HARRISON. No, I had thought of no such thing, Mr. President; but I had supposed in the long experience of my colleague here, brought as he has been year after year in contact with these great questions, and full of sympathy, as he says he is, for an overtaxed people, that his mind did not stand to-day an absolute blank, and without a suggestion as to what subjects he would relieve from taxation. I supposed he would have been able off-hand, since he has said so eloquently and intensely that these objects from which it is proposed to lift the hand of the tax-gatherer are inappropriate, to name at least one article that he could present as a suggestion from which taxes should be taken.

Mr. VOORHEES. I would take taxes off the necessaries of life. My colleague would take them off the luxuries, the cigars and cigarettes, and the perfumery, and the cosmetics, and the patent medicines, and the banks. That is the difference between us. If my colleague ever stood for a popular interest before the people of Indiana, let him advise me what it was.

Mr. HARRISON. Mr. President, I stood for a popular issue, and I am prepared now to advise my colleague what it was. I stood for the defense of the flag when treason South and treason in Indiana and in the Democratic party lifted itself against the Government. I may answer further and say that I stood for a protective tariff before the gentleman did.

But I am not to be diverted from my suggestion and inquiry. My colleague says—and I pass by his reference to myself—I would take the tax off perfumery and cosmetics. I have shown him that the initiative of that proposition was in his own household. I pass that by, and I again ask him when he says he would take the tax off the necessaries of life, to be specific and tell me off what necessaries.

Mr. VOORHEES. I will answer in my own time, not yours.

Mr. HARRISON. I am sorry at the refusal of the gentleman to answer now.

Mr. VOORHEES. I prefer to answer in my own way. I know debates of this kind are not worthy of the subject. I will answer when my time comes; my colleague need not fear that I will not answer him. He and I have met each other before.

Mr. HARRISON. Many a time in the forum, never face to face on the stump, but we have been chasing each other around. Now, I am sure my colleague knows that I did not intend in the least to be offensive, and I think if he will reflect for one moment he will see that my interrogatory was a perfectly fair and reasonable one. Since he has opened here this morning with the assault all along the line upon these subjects of taxation which we propose to relieve, and has denounced them, it is but proper that he should state now to us one article not included in this bill which he describes in the general category of articles of necessity from which he would lift taxation. But if he declines to do it now, and prefers to take his own time to do it, it will perhaps necessitate, if the Senate will bear with such a discussion longer, that I should then make some response.

Mr. President, sugar is included here, and I presume my colleague is in favor of reducing the tax on that, though I did not understand him to commit himself to that proposition when he was making his address—he was not sure that he favored it. Bessemer steel is reduced $8 a ton. I infer that my colleague is in favor of that. So that we have classes of articles here relieved from taxation which have the strongest Democratic indorsement, and there are included two articles which I think my colleague himself will not dissent from.

Mr. President, I believe that we cannot enter into the general subject of tariff reduction, and we ought not perhaps to reduce much now the taxes on those three articles which I believe the common concurrent consent and common sense of all the people agree should remain the last subjects of internal revenue—I mean whisky, beer, and tobacco. I do not announce a doctrine from which I expect any general dissent, certainly not on the Democratic side of the Chamber.

Now, into the tariff discussion I shall not enter for two reasons. I do not think I know enough about its details to discuss it profitably, and it is not proposed by anybody, I think, seriously, that we shall now go generally into tariff revision. My colleague has consented to refer that to a commission of experts. I come then to say that in supporting this measure from our Finance Committee we are reducing our internal-revenue taxes to those three articles which by common consent should remain at least till the indefinite future upon our list of products upon which excise taxes are to be levied.

Mr. President, I had not intended to detain the Senate one moment upon this subject. I had thought that in this first year of my

service here with colleagues on both sides so much maturer in their experience than myself I could well be a learner, and a silent one, rather than a talker. I therefore beg the pardon of the Senate for detaining it so long. I thought the speech of my colleague called for some notice at my hands.

Mr. JONAS. Mr. President, this legislation, as it came to us from the House, near the close of the session, when we were all preparing to adjourn, consisted of proposed amendments to the internal-revenue law. It came to us unexpectedly, because the House, at the beginning of the session, when we had six or seven months before us in which to consider these questions, had announced through a caucus of the dominant party controlling its business, both in its committees and on its floor, that no such legislation would be considered at this session. The bill comes to us now, after over seven months of the session have passed away, after Congress has passed a bill creating a tariff commission, and after a debate had here months ago, in which the members of the Finance Committee and leading Senators on the Republican side of the House announced to the country that it was not proposed to legislate on the subject of the revision of the tariff at the present session.

The House has made no such proposition. The amendments in that regard come from the Finance Committee of the Senate, and they come, as we all know, from a caucus of the Republican party of the Senate. That party seem not to have been satisfied with the reduction of internal revenue proposed by the House. They seem to have thought that it would not do to go before the country merely with the proposed reduction of the tax upon banks, bank capital, bank deposits, bank checks, proprietary medicines, cigars, cigarettes, and matches. The caucus was hurriedly called together. The bill which, I think, was reported three times to the Senate and three times recommitted, changed and reported again, now contains, at the behest of the caucus, what is called a reduction of the tariff for the present emergency. To the amendments proposed by the caucus I will confine myself. I wish to show that they are a mere sop to Cerberus so far as reduction is concerned, while they are a stab at the great agricultural industries of the South.

Mr. President, when the tariff-commission bill was first discussed, at least when the Senate passed the first bill providing for a tariff commission on the 29th of last March, long enough ago for this Congress to have entered upon a full discussion of the tariff and on its intelligent revision, the opinion was expressed by a large majority on this side that when the bill should pass and when the commission should be appointed, the question of the revision of the tariff would be remitted until that commission should report, no matter at how distant a day that might be. I know that view was entertained by Senators on this side who voted against the bill. The statement was boldly made and was rarely contradicted—in fact it was admitted in the final debate by a leading Senator, the chairman of the Committee on Appropriations and a distinguished member of the Committee on Finance. The Senator from Iowa [Mr. ALLISON] said:

> It seems to be taken for granted, at least in all the debates as far as I have listened to them, that when this commission shall be appointed all legislation on the subject of the tariff will stop until their report comes in.

There were one or two cries of "Oh, no." They came from Senators on this side who honestly believed that by passing the bill they were creating a commission of experts that would render valuable aid to Congress in gathering testimony and information for the revision of the tariff, and "Oh, no," came also from my friend from Wisconsin, [Mr. CAMERON,] but the Senator from Iowa repeated:

> That will be the practical effect, I will state to my friend from Wisconsin; and I suppose that is the practical intention of it. Now, I do not want the internal-revenue laws to stand in that position during this and the next session of Congress. It is perfectly manifest to my mind that if this commission shall be appointed it is substantially saying to the country—

And he went on to show that it was impossible for Congress at that late day to legislate intelligently, that it was impossible for members of Congress to digest and perfect at this session such legislation as the interests of the country demanded, and that it was impossible to legislate properly and fairly to all interests connected with the tariff until the report of the commission should be made. I am aware that the Senator from Minnesota [Mr. WINDOM] said:

> I shall vote against the amendment proposed by the Senator from Iowa, and do not agree with him that if those words remain in the bill they will prevent any amendment to the internal-revenue laws. I think we have full power over the subject, precisely as we should have if those words were stricken out. I think the passage of this bill does not in any way interfere with any revision either of the tariff or the internal-revenue laws that the House of Representatives may present to us.

Now, Mr. President, what bill providing for tariff revision has the House of Representatives presented to us? What bill comes with the approval of the Committee on Ways and Means of the House? What bill comes from that branch of Congress which must originate revenue measures, which has by custom if not by law the charge of appropriation bills, in which, under the Constitution, all revenue bills must originate? They have sent us a bill to reduce internal-revenue taxation. In doing so they have taken the responsibility of departing from an assurance which they had previously given to the country by the action of their caucus that no such legislation would be considered at this session. They have introduced at this late period a disturbing element into the trade and commerce of the country, which has distracted at least one branch of business as we see from the numerous telegrams which have been sent to Senators; that is the trade in tobacco, cigars, and cigarettes. But they never contemplated and never dreamed of proposing a revision of any single schedule of the tariff or they would have sent us a bill here for that purpose. These amendments, as I said before, come entirely from a Republican caucus of the Senate.

When the bill was finally reported and taken up (after being recommitted two or three times) it was introduced, by a little speech from the honorable chairman of the Finance Committee, [Mr. MORRILL,] in which he said:

> These amendments of the internal-revenue laws and the tariff will cause a diminution of revenue of something less than $40,000,000. The amendments are such as would be sure to be made even after the most careful and thorough consideration, but at this late hour of the session they are all that ought to be made in lump sums especially when the whole subject will be again before us in about four months. It would also be becoming on our part to show a wise moderation even in amending a revenue bill which the House of Representatives has the sole constitutional power to originate. It will be decent to bear in mind also that we have a commission authorized by law to examine and report upon these vastly important subjects.
>
> The hot season by that time will be over; there will be less occasion for buncombe speeches or buncombe amendments, and we can then act more intelligently and more profitably for the country and ourselves. Undoubtedly other amendments could be offered that would seem appropriate. I could, if hard pushed, offer some myself, but believing the bill of the House and the amendments of the Committee on Finance contain all that we have any time to properly consider now, and that we ought not to open any wider field of labor for the House for which we must stand and wait, I shall feel constrained to ask the Senate to refuse, regardless of what may be their merits, any additional amendments which may be offered, and which perhaps in the near future may be likely to be accepted. It is time this session was drawing to a close, and I shall do nothing now and I trust nothing hereafter to prolong it by either long or frequent speeches.

Thus this honorable Senator, and one or two other Senators who have spoken briefly, and the Senate Committee on Finance have undertaken, without any instruction from that branch of Congress which originates revenue measures, without any consultation with the Committee on Ways and Means of the House, without any agitation of the question in Congress up to the present time, to revise the tariff in two or three particular schedules, the necessity for which the honorable Senator from Vermont says is so apparent that everybody must concede that they are proper and appropriate matters to be considered at this time and in this connection.

Mr. President, I voted against the tariff-commission bill. I voted against it last year. I did so because I believed the motive for creating that commission was to delay a proper and needed revision of the tariff; and representing as I do upon this floor a protected interest, I considered that that interest was safer in the hands of Congress, and safer when considered in connection with the whole subject of tariff revision. I feared not that an interest which yielded so large an amount to the public revenue with so small a measure of protection would be so disturbed as to destroy the labor and the capital invested in it.

I felt that I could safely trust it, and I am willing to trust it to-day, in connection with any general measure of tariff reform. I expect when the tariff shall be revised, when the various interests of the country shall be marshaled together, when the various schedules shall be considered, that there will be a revision of the sugar tariff as of all other subjects of taxation. Our people expect it, and when the proper time comes will be satisfied if equal justice is done to them. I allege, however, that the legislation now proposed is without the expectation or demand of the country; it is without the recommendation of the revenue branch of Congress, and if enacted it will be disastrous in the extreme to the people whom I represent, who alone in this country are engaged in sugar culture.

Mr. President, what is the sugar tariff? As was shown in the speech of a distinguished member of Congress from Illinois, Mr. MORRISON, made upon the tariff commission, it is almost all revenue. As he says:

> The quantity of sugar and molasses produced in this country was less than one-seventh of the quantity imported. But for the tariff it could have been imported for $11,103,466, and cost of importation with freight added. Commercial rates establish the fact that it was sold for more than $16,719,970, a price equal to the value of the foreign article with duty added—that the price to the consumer was increased $5,616,504, which was a bounty to the planters. The whole increase in cost to the consumer resulting from the tariff, which on sugar and molasses is largely a revenue tariff, was $48,820,418, which was so divided that the Treasury received $7.51 of revenue, while the planter received $1 of bounty.

Now it is pretended to justify the onslaught on the sugar interest by saying that it is intended merely to repeal a temporary act which added 25 per cent. to the duty, the act entitled "An act further to protect the sinking fund and provide for the exigencies of the Government," approved March 3, 1875. If this is so, let me ask the committee who report the bill, and let me ask the honorable Senator, its chairman, why none of the other schedules which were increased at the same time by the same act are to be reduced now, and why this blow is struck alone at sugar?

I find by reference to that act that it increased the tax on distilled spirits from 70 cents to 90 cents a gallon; I find that it increased the tax on tobacco from 20 cents a pound to 24 cents a pound. In 1879 it was reduced again to 20 cents a pound, but the friends of this bill yesterday attempted to prevent a further reduction in that tax. I find that it provided:

> That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein

enumerated by section 2504 shall be levied, collected, and paid be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

What were those schedules? Section 2503 of the Revised Statutes, which was repealed by this act of 1875, provided that only 90 per cent. should be levied and collected on the duties "imposed by the said schedules upon said articles severally, that is to say:"

On all manufactures of cotton of which cotton is the component part of chief value.

On all wools, hair of the alpaca, goat, and other animals, and all manufactures wholly or in part of wool or hair of the alpaca and other like animals, except umbrellas, parasols, and sun-shades covered with silk or alpaca.

On all iron and steel, and on all manufactures of iron and steel, of which such metals or either of them shall be the component part of chief value, excepting cotton-machinery.

On all metals not herein otherwise provided for, and on all manufactures of metals of which either of them is the component part of chief value, excepting percussion-caps, watches, jewelry, and other articles of ornament: *Provided*, That all wire rope and wire strand or chain made of iron wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the iron wire of which said rope or strand or chain is made; and all wire rope, and wire strand or chain made of steel wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the steel wire of which said rope or strand or chain is made.

On all paper, and manufactures of paper, excepting unsized printing-paper, books, and other printed matter, and excepting sized or glued paper suitable only for printing-paper.

On all manufactures of India rubber, gutta-percha, or straw, and on oil-cloths of all descriptions.

On glass and glass ware, and on unwrought pipe-clay, fine clay, and fullers' earth.

On all leather not otherwise herein provided for, and on all manufactures of skins, bone, ivory, horn, and leather, except gloves and mittens, and of which either of said articles is the component part of chief value; and on licorice-paste or licorice-juice.

All these articles were increased 10 per cent. under this same act "to further protect the sinking fund and provide for the exigencies of the Government." The honorable Senator says that such provision is no longer necessary. He showed us that we could get along well enough without it; that the sinking fund is not only secure but that the surplus has grown so great that the country demands that taxation shall be reduced. Then why, let me ask the honorable chairman of the Finance Committee, did he not propose to renew this rebate of 10 per cent. on this whole schedule, embracing nearly all the articles on which duties are levied under our tariff? Why was not the duty on distilled spirits reduced again to 70 cents? Why was sugar alone selected, and cotton-ties, interests valuable and necessary to the Southern agriculturist, with the mere sop of $8 a ton on Bessemer steel, a reduction from $28 a ton, a duty wholly prohibitory and which will remain prohibitory yet at $20.

I have shown, Mr. President, that the sugar tariff is a revenue tariff. I have shown that while it affords some protection to the sugar-planter it pays into the Treasury seven or eight dollars of revenue where it affords one dollar of protection. Can the same thing be said of any of these other schedules which are not included in the reduction proposed by the Committee on Finance? Can the same thing be said of the tariff on cotton manufactures, of the tariff on woolen manufactures, of the tariff on iron and steel and iron manufactures? Can it be said of the tariff on leather and leather manufactures, on paper and paper manufactures, of all the schedules which ten years ago were reduced 10 per cent., and which were increased again by the legislation of 1875, and which the Committee on Finance propose to allow to remain on the increased duty levied under the special pretense that it was to maintain and protect the sinking fund?

Mr. President, the sugar production of the United States comprises about one-ninth of the amount consumed; the rest is imported. Sugar in this country is only grown in Louisiana. The total consumption of sugar in the United States in 1880 was 730,519 tons of imported sugar and 88,822 tons of domestic sugar. The sugar product of Louisiana in 1880 was 218,814 hogsheads. In 1881 the crop was much less, owing to a disastrous season.

Who is engaged in the production of this sugar crop? The sugar parishes of Louisiana are about twenty-two in number. All the sugar raised in the State is raised in those twenty-two parishes, with the exception of an amount so trifling as not to be included in the detailed statement. These parishes contain a population, according to the present census, of 344,271. Of this population 148,586 are whites and 195,685 are colored. Divided in politics, as shown by the last election, these parishes cast 10,217 Republican majorities and 2,701 Democratic majorities, giving a Republican majority of 7,516.

A.

Parish.	White.	Colored.
Ascension	5,968	10,855
Assumption	8,938	8,067
Avoyelles	8,483	8,213
East Baton Rouge	7,103	12,863
Iberia	8,100	8,575
Iberville	4,784	12,759
Jefferson	4,864	7,290
La Fayette	7,694	5,541
La Fourche	11,282	7,806
Plaquemines	4,254	7,214
Pointe Coupée	4,785	12,969
Rapides	9,512	13,942

A—Continued.

Parish.	White.	Colored.
Saint Bernard	2,104	2,288
Saint Charles	1,401	5,746
Saint James	4,850	9,862
Saint John Baptist	3,855	5,792
Saint Landry	20,473	19,309
Saint Martin's	5,783	6,876
Saint Mary's	6,717	13,115
Terre Bonne	8,613	9,111
Vermillion	6,771	1,957
West Baton Rouge	2,252	5,415
Totals	148,586	195,685

Total population, 344,271; colored majority, 46,099.

B.

Parishes.	Majorities.	
	Republican.	Democratic.
Saint Mary	1,610	
Assumption	662	
Iberville	1,688	
Ascension	1,232	
Saint James	945	
Terrebonne	566	
La Fourche	270	
Plaquemines	245	
Saint John	672	
West Baton Rouge	31	
Iberia	515	
Saint Charles	922	
Pointe Coupée		132
Jefferson	543	
East Baton Rouge		94
Rapides		1,186
Saint Martin	316	
Saint Bernard	49	
Saint Landry		797
Vermillion		268
Avoyelles		22
Lafayette		153
Totals	10,217	2,701
	2,701	
Republican majority	7,516	

Whom do the Republican party injure by this proposed legislation? Why is this district of country so largely Republican and why has it been so? It has been so because the colored men in that portion of the country were taught to believe that their interests were best protected by the Republican party; that it was a protection party, and that it was pledged to protect the peculiar industry in which they were engaged and which afforded them their bread and their livelihood, and although most of the planters, their employers, may be Democrats, yet the doctrine has even been preached to them, so that a large portion of them vote the Republican ticket or have abstained from voting at all because they thought their interests would be better protected by that party.

My colleague in the other House, who represents the principal sugar district in the State, Mr. DARRALL, a Republican, was chosen at the last election by 5,766 majority, and the contest in that district now for nomination and election is, I understand, between my colleague on the other side of the Chamber [Mr. KELLOGG] and Mr. DARRALL, the present Representative.

It is this interest, and it is these men, and it is these laborers that the Republican side of the Senate proposes at this time and by this legislation to strike down.

Why, Mr. President, we have heard nothing preached to us for a long time except the dignity and importance of labor. The Republican party have professed to be the peculiar friends and advocates of the laborer. The protective policy is alleged to be for the purpose of protecting and advancing the interests of American labor. I wish to ask for the benefit of these people at home, whether only the labor of the North is to be protected, and whether the labor of the South is to be abandoned; whether only the labor employed in manufacturing industries is to be protected, and if the agricultural laborer is to be left to starve and the interests in which he is engaged, and which afford him his livelihood, are to be neglected or destroyed by vicious legislation?

The honorable Senator from Ohio [Mr. SHERMAN] said the other day in answer to the Senator from Indiana, [Mr. VOORHEES:]

I say to him that I am in favor of protection, but not to the capitalist. The capitalist is able to take care of himself. There was a time when it was the interest of this country to build up capital and induce capital to be invested in machinery and to start factories; but the growth of wealth in this great country of ours has been so rapid that already there is more surplus wealth here than in almost any country in the world. It is no longer necessary to protect the capitalists; but we must protect labor. The people of this country never will and never can be made to compete with the labor of European countries. They are not accustomed to the hard usage and hard fare. They will not do with the food and care and nurture and housing of the laborer of Europe. It is for that reason that the laborer of Europe, whenever he can, comes here to share our blessings.

Mr. President, is none of this protection, none of this sympathy to be extended to the colored laborer of the South? I wish to show what wages the sugar laborer in the South gets and how the people with whom he lives protect him:

The laborer on a sugar plantation in Louisiana during the cultivation of the crop receives 75 cents per day and during the "rolling" or sugar-making season $1.50. In addition to wages he is furnished, free of charge, rations, house, fuel, and garden plot. The following estimate will furnish a comparison of wages paid North and South:

[From report of commissioner of agriculture and emigration of Louisiana.]

On Louisiana sugar plantation:	
Nine months' labor, (234 days,) at 75 cents per day	$175 50
Three months' labor, (78 days,) at $1.50 per day	117 00
Twelve months' rations, at 12½ cents per day	$45 60
Twelve months' rent of cabin	25 00
Twelve months' fuel	10 00
Twelve months' rent of garden plot	5 00
Total wages of laborer one year	378 10
On Louisiana cotton plantation:	
Twelve months' labor, at $15 per month	$180 00
Twelve months' rations, fuel, cabin and garden rent	85 60
Total wages of laborer one year	265 60
Common laborers' wages at the North:	
Three hundred and thirteen days' labor, at $1.10 per day	$344 30
Deducting house rent	$75 00
Deducting fuel	25 00
Deducting food	100 00
	200 00
Net wages of laborer one year	144 30

Therefore all the comforts of home, wages, living, everything is afforded to the laborer on the sugar plantation of the South and he makes $378.10 a year, while the net wages of a laborer one year in the North is $144.30.

Mr. BLAIR. Will the Senator allow me to ask him right there if it would not seem then that the sugar interest of Louisiana, that now pays the laborer twice what he gets at the North, with the protection of the North, could bear a little reduction of taxation?

Mr. JONAS. If the Senator will follow me, before I get through I will try to answer the question.

It will be seen that the money realized by the laborer on the Louisiana sugar plantation amounts to the sum of $292.50 and on the cotton plantation to $180. To each of these amounts should be added $85.60, the value of necessaries furnished the laborer without charge. Under the tenant system which prevails generally in the cotton region and is extending also to the sugar plantations the amount received by the industrious laborer is even greater. Besides the pecuniary advantages, the climatic advantage reduces the cost of food and clothing far below what these items must cost the farm laborer of the North. (Same report.)

While so much sympathy is extended to the laborer of the North and West, while so much protection must be afforded to him in order to protect him against competition from European ill-paid and pauper labor, why are no tears of sympathy shed for the colored laborer on the sugar plantation in the South, who is exposed to competition from slave and cooly labor?

From the Hawaiian Islands, under the so-called reciprocity, were imported in 1879 $2,811,192.61 worth of sugar; in 1880 over $4,100,000 worth; and in 1881 over $4,927,000 worth was imported free of duty. Where do the largest amounts of sugar imported come from? The total imports of last year amounted to some $81,332,572. Of that amount $8,143,959 worth came from Brazil and $51,282,815 worth from Cuba, making $59,000,000 out of $81,000,000, and added to that about $5,000,000 worth from the Hawaiian Islands. This amount of sugar came from countries where slave labor or cooly labor is employed, and brought in contact with the laborers of this country, whom you have enfranchised, whom you have elevated to manhood, to whom you have given political rights, whom you have made equals and sovereigns in the country in which they reside, whom you are bound to protect in their rights in every shape and form, as you would protect the rights of any other citizen. You are willing to protect them in the enjoyment of their political rights, but you propose to ignore and destroy them so far as their material rights are concerned.

Mr. President, I am aware that a great deal is said about these colored men, but gentlemen who are so considerate in regard to them have never inquired whether they were adequately paid or not. They are aware, because they must know, that they are engaged in the cultivation of sugar to a large extent in my State. I have shown to what extent. A colored population of 195,685 souls reside in the country where sugar is almost wholly cultivated, and are engaged in that culture, yet you propose to reduce the sugar tariff, scarcely touching any other article, without caring whether your action will work against their interest, whether it will reduce the profits of their labor, whether it will deprive them of employment, whether it will destroy their employers, or whether it will compel them to leave their homes and seek new ones elsewhere.

I am aware that a great deal is to be done for the colored people. I am aware that my friend from New Hampshire, who interrupted me a few minutes ago, proposes to do a great deal for them. He wants to know if 25 per cent. is taken off the sugar tariff whether their wages will still not be sufficient and whether they will still not have the comfortable wages and comfortable homes which I have described. Why did he not inquire into that? Has he any information on that point which will justify him in voting for that reduction? He is careful enough to inquire on other points. He proposes to look after their mental welfare; he proposes to educate them; he proposes with that large philanthropy which characterizes him to pay $10,000,000 from the national Treasury and give them their proportion based not on their education but on their illiteracy.

They have been engaged in the cultivation of sugar, at which they can make money with which to educate themselves and their children with the wages they are getting and will continue to get if their industry prospers. They are certain to attain comparative comfort, and to be able to make provision for the education and comfort of their families if the sugar planter can employ them; but the Senator proposes out of his beneficence and out of the Treasury of the United States to come to their relief and educate them; and the honorable Senator from Illinois [Mr. LOGAN] proposes to take the tax on distilled spirits, which you do not propose to reduce, and to use that fund for the same purpose. Perhaps that is the reason why the caucus proposed no reduction of the tax on distilled spirits, because it is proposed to employ the yield of that tax for the purpose of educating the youth of the country.

But, Mr. President, before you educate them would it not be well to feed them? Is this true philanthropy, to give them education, to teach them to read and write, and to take away from them their employment and leave them to starve? I say to the Senator from New Hampshire he should see to it, while providing for their educational advancement, and while proposing in any manner to assist them to improve their condition intellectually, that he does not take away from them their bread, take away from them their employment, compel them to leave their homes, and compel them to be beggars upon the face of the earth.

Mr. BLAIR. The Senator, I am told, has made some observations during my absence relative to myself. I trust they were not of an uncomplimentary character.

Mr. JONAS. Not at all.

Mr. BLAIR. I asked him a question just before absenting myself from the Chamber for a few moments, which was suggested by the statistics which he himself read to the Senate, and he has brought a fact to light which I myself had observed for some time. I learned it first from the testimony which was developed before the exodus committee a year or two since, and these statistics are corroborative of what was then established.

Mr. JONAS. I will say to the Senator by way of explanation that there was no exodus from the sugar parishes and no question of sugar labor in the exodus problem.

Mr. BLAIR. Nevertheless it was shown by the testimony of many and apparently reputable Southern witnesses that labor at the South was very much better compensated than labor at the North. I took occasion to say privately to many colored gentlemen who appeared before the committee that it seemed to me that there was slight excuse for the exodus, that very many of my own constituents would be exceedingly happy to have the like rewards for corresponding labor. The Senator is arguing here to save the sugar interest from some reduction upon the tariff. As I understand him, that is the point of his speech, and his statistics have reference to compensation for labor expended in the production of sugar.

The Senator reads to the Senate and sends to the country the fact that the Southern laborer on the sugar plantation has at the end of the year at least double the net compensation of the laborer at the North. It may be that he expends more profusely than he ought to, but he has left certainly as a net result of his labor, to be expended as he may see fit to expend it, at least two dollars where the Northern laborer has one. Having demonstrated that fact, and having shown what we have assumed to do here, that the Republican party as a party is undertaking to reduce somewhat the tariff upon sugar, I ask him if there is any force whatever in his drawing the comparison between the Northern and Southern laborer and asking us to keep that tariff as it now is? If our laborer at the North, working as he does, gets only half the compensation of the man who is engaged in the cultivation of sugar, I ask him if it is not precisely the thing which we ought to do—attack this overgrown monopoly, the sugar interest, in the interest of the laborer at large?

Mr. JONAS. I am not discussing the relations between employer and laborer in the Northern States; I know all about them in the Southern States. If the laborer in the South is paid too high he is paid by the planter; the money, if any is made, is made by the laborer. Sugar-planting has not been remunerative, as I will show as I go on. I do not know how remunerative manufacturing may be in the North; I do not know how much the laborer may receive in wages in order that the pockets of the employer may be filled; I only know that the laborer on the sugar plantation is well paid whether the employer makes a dollar or not, and at the end of the year if the employer is left to ruin and loss the laborer has received his wages, regularly paid, to the same amount as he would have received if the season had been prosperous and the crop good.

As I was saying, this colored population of laborers in the sugar parishes are opposed to the competition of cooly labor in the Hawaiian Islands, a system of labor which I say here, from what I have read, is more irksome, more exacting, and more cruel than slavery ever was in the South. They are exposed to competition with this cooly labor in the Hawaiian Islands, the products of which reach our ports free of duty to the amount of some $4,000,000. They are

exposed to competition with the slave labor of Cuba, with the slave labor of Brazil, with the cooly labor of Brazil and the cooly labor of Cuba, with the cooly labor of the West India possessions, and they are exposed to all the drawbacks which the different climatic influences produce.

The laborer in the tropics requires less to eat and less to wear. A man in the tropics may indulge in idleness and vagrancy and yet live; the climate being always warm he requires nothing to wear except a single garment to hide his nakedness; he may lie down and slumber in the sun, and a ripe banana will drop in his mouth and furnish him with sustenance; but our laborers live in a temperate climate; they are compelled to be clothed as warmly as your laborers in the North; they are compelled to work as hard for bread and meat with which to feed themselves and their families as your laborers in the North.

They are fed by no providential aid; no tropical fruit grows which will supply their wants and necessities. By the sweat of their brows they live as do the laborers of the North and West, and they are as much entitled to protection, if protection to American labor is to be the order of the day, as your laborers at the North and West, and I ask the Senator what authority he has for saying that this reduction of the tax of 25 per cent. will not bear fatally and crushingly upon them and their industry? He knows nothing about it; he is not informed. He follows the lead of his caucus; he follows the recommendations of his committee, but he has no statistics, no recommendation, no reason to offer to the country why he should vote for this reduction.

Mr. BLAIR. I quote the Senator's own statistics.

Mr. JONAS. I only yield for a question.

Mr. BLAIR. My question was suggested by the Senator's statisties and the comparison which he drew between the Northern and Southern laborer, and I say to him, and for the purpose of showing that the compensation to the laborer engaged in the sugar cultivation was nearly twice that——

Mr. JONAS. I do not care to be interrupted further.

The PRESIDING OFFICER. The Senator from Louisiana declines to be interrupted.

Mr. BLAIR. Then I hope the Senator will not make that sort of pointed allusion to me and put sharp questions apparently directed to me as requiring a particular answer. I have no desire to interrupt the Senator.

Mr. JONAS. I was alluding to the interest the Senator represents and the interest I represent. I know nothing of the profits of the Northern employer; I do know the liberal wages paid to the Southern manumitted slave, now a sovereign in the district of country in which he lives. I know that the culture of sugar yields but little profit to the planters; I know that they are not enriched thereby; I know they go on year after year in a tedious course of labor and existence, hoping to find profit in the future. The Senator can tell better than I the condition of the Northern employer and Northern laborer; he can tell better than I whether the Northern manufacturers have amassed colossal fortunes through the employment of labor, and he can tell better than I whether those laborers ever reach a similar condition or have any prospect of it.

I only protest against the Senator assuming that this tax of 25 per cent. can be removed without doing injury to labor. He arose to-day in the interest of a large portion of his constituents, who he says are interested in the manufacture of woolen knit goods, and told the Senate that unless the amendment which has passed the House and which was recommended by the Finance Committee of the Senate should pass the Senate, a large number, I think he said 30,000 laborers, in his State would be thrown out of employment. I ask the Senator to have some bowels of compassion for people in other sections of the country besides his own, and to have some compassion for that class of the population in whom he professes to take so great an interest, and I ask him while offering to them education not at the same time to take away the bread and meat from them on which they live.

I say a large proportion of the population of Louisiana and of that portion of the population in which he professes to feel a deep interest, and in which I feel as deep an interest as he possibly can, perhaps far deeper, for I was raised among these people—a large portion of that population will be reduced to poverty and perhaps deprived of employment and of the means of livelihood by such legislation as this. Why, Mr. President, what is to become of this labor if, as I assert and the Senator doubts, the removal of this 25 per cent. protection at this time when other interests are not touched; at this time when the crop is growing and approaching perfection, and when no one ever dreamed that the sugar tariff would be touched; at this time when over one-half of that productive country has been under water, when many of the planters have had their whole crops destroyed, when whole fields have been desolated, when a perfect deluge has prevailed in a large portion of that country for many months, inflicting almost irreparable loss to the planters and their employés—I ask him, if this shall inflict the ruin that I say it will, where these people are to go?

If sugar-planting is not to be productive, what is to become of the soil principally devoted to the culture of sugar? In a large portion of that country, notably on what is called the sugar coast of the Mississippi, cotton-planting was abandoned fifty years ago because it was found that cotton could no longer be produced there. It grows well enough; it is a rank and beautiful plant; up to the month of July or August it looks as well and promises as well as it does in any other portion of the country; but it is invariably destroyed by the caterpillar, and cotton culture has been, as I said, abandoned for fifty years except during the brief period of the Federal occupation of New Orleans; during that time, tempted by the high price of cotton and the great demand for it, some Northern gentlemen embarked in the culture of cotton on this land. Thousands and hundreds of thousands of dollars were expended; hundreds and thousands of acres were planted, and the result was complete loss. There were cotton-fields of thousands of acres, and where a thousand bales were promised almost up to the very day of picking, the caterpillar came and destroyed the crops so utterly that not a single bale was picked.

It is not a corn country, and none of the cereals produced in cooler climates flourish there. Therefore these people will have to seek new lands, and thousands of them were born upon these lands, and their fathers and their grandfathers before them. No one is more attached to home than the colored man, no one leaves it more reluctantly, and specially so in these sugar parishes, where the majority are creoles speaking the French language. They have grown up in the knowledge of that language, and no other, in the knowledge of no other culture or occupation than sugar-planting; and where shall they go? Shall they, like the exodusters, go to Kansas and be as hospitably received as they were received by the people of that State?

Admitting that they can go elsewhere, why should they be driven from their homes any more than the manufacturers of knit goods in New Hampshire should be driven to seek new livelihoods and new homes because of the failure of the Government to protect that industry in which they are so largely engaged?

Mr. President, in the fall of 1879 I happened to be in New Orleans just before the meeting of Congress. I remember when Stewart L. Woodford came to Louisiana to preach the gospel of Grant and protection. I met him and had a long and friendly conversation with him, and he told me he had come down to take part in the State canvass then going on in Louisiana, a canvass which involved nothing of a national character, but was merely for State officers. Yet he canvassed the State, and he was welcomed and received kindly everywhere, forwarded from place to place and audiences assembled to meet him. He came, as he told me, to preach the doctrine of Grant and peace and protection.

The Grant part of the programme failed. Peace has prevailed in Louisiana ever since it has been under the dominion of her own people. He came to tell the people of Louisiana that their only safety was in going with the Republican party on the question of protective tariff; he came to tell them that their interest as sugar growers and sugar planters was inseparably connected with the success of that party, and the maintenance of that party in power in Congress; that with the accession of the Democratic party they would be ground to the dust and their industry destroyed, because that party was a free-trade party and opposed to a tariff for protection.

He addressed the colored people in the sugar country, who gathered by thousands to hear him. He told them, "You must vote the Republican ticket; you must vote for it whether your employer does or not. If he is blind to his interest you must be awake to your own, and because only while protection is continued to the industry you are engaged in will the planter be enabled to continue planting and be enabled to pay you the wages you now receive, so that you may make your families comfortable and prosperous." It will be strange news to those people, and if I only felt the interest of a Democratic politician I would feel that it were better that the news should go to them that the Republican party in the Senate has determined to make war upon the industry which gives them bread and a livelihood, leaving all the manufacturing and industrial interests of the North untouched. Nearly every parish in that district is Republican; they give Republican majorities, they have Republican parish officers, they have Republican senators and members of the Legislature, they are represented here by a Republican Congressman in part, and they cast a large Republican vote in the other two districts, of which the city of New Orleans forms a component part, though they are Democratic.

I repeat, if I took a mere partisan pleasure in this thing, I would not obstruct it. Let the men who have invested their capital in the sugar-planting parishes, let the colored men who are deaf to our solicitations, understand this. Strike off this tariff. They do not vote with us; they do not belong to us. Let them go where they will and get the wages that are given to the laborers in New Hampshire and other States; but I represent them as much on this floor as I represent the white people.

I am contending for their interest here to-day, and I deny that the Senate can intelligently proceed to legislate on the tariff and adopt the amendment reported by the Finance Committee without doing irreparable injury. I have here, and I will read to my friend from New Hampshire, the statement of one of the most prominent sugar-planters in the State of Louisiana, which will show how profitable this industry is under the present tariff. This statement was prepared for me by Hon. Duncan F. Kenner, a member of the tariff commission, president of the Sugar-Planters' Association of Louisi-

ana, a man who has been engaged his whole life in the culture of sugar, one of the largest and most intelligent employers of labor in that State, and one of the largest capitalists engaged in the production of sugar. Mr. Kenner says:

The reduction of the tariff on sugar of 25 per cent. will be a serious calamity to the citizens of Louisiana, particularly after the great loss sustained by that people from the late floods. This can be easily shown by the small profits realized from the culture and manufacture of sugar. There are to-day in Louisiana 1,100 or 1,200 planters, the aggregate value of whose property, by the assessments for taxation, amounts to $40,000,000. Add to that $20,000,000 for low appraisements, or one-third more than the appraisement list, the aggregate is $60,000,000 invested in lands and machinery for the cultivation of the cane and the manufacture of the sugar. Owing to the expensive character of this cultivation and manufacture, it requires a working capital of $20,000,000, making a grand total of $80,000,000. One of the best crops made in the last few years was 240,000,000 pounds of sugar, which, at 7½ cents, realized $18,000,000. The molasses from this sugar would be worth $4,000,000 more, making $22,000,000 in all, the value of the product of the crop. The cost of making this crop was $20,000,000, which, deducted from the $22,000,000, leaves $2,000,000 net profit, or 2½ per cent. on the investment.

And I would ask Senators representing Northern or Western States largely engaged in manufacturing industries, whether such investments do not yield a larger profit than 2½ per cent., with less risk; because the planting of sugar, from the planting of the cane to the making of the crop, at least in Louisiana, is one continuance of doubt and difficulty, and the whole crop is at all times exposed to casualty.

Any serious reduction of this price would necessarily entail such a loss in the receipts as would wipe out entirely all profits.

That is the statement of a gentleman largely engaged in the production of sugar. It might wipe out all profits, and the laborer would get the same wages; it might wipe out all profits because sometimes year after year they fail to make a profit and have to pay the same wages; the negro laborer has his garden, his rations, and his wages. It is different with the cotton-planter. The cotton-planting is generally done on shares. The laborer is entitled to a share of the crop, and if the crop fails he has taken his risk and he shares the loss and gets nothing. If the caterpillar comes and destroys the crop he loses as well as the planter; they share together; he has lost his wages and he has lost his year's work.

It is not so with the sugar-planter and the sugar laborer. The sugar laborer receives his wages, receives everything as set forth in the schedule I have read already, whether the planter makes money or not. The losses to which I alluded are occasioned by early frost, by failure of the cane, and if to that loss you add an unforeseen reduction of the tariff, planting will no longer be followed. If the employer can no longer plant sugar, and is compelled to discharge his laborers, the wages will be gone of course.

Mr. President, I contend that this reduction if effected will be of no benefit to the consumer. I know the clap-trap with which Senators propose to go before the country saying that they have reduced the tax on sugar, a necessary of life, and they propose to bring to every man's house and every man's cabin door, at a reduced price, this common necessary of life. The other day the Senator from Illinois, [Mr. LOGAN,] when the question of tobacco was under consideration, said to the Senator from Virginia, [Mr. JOHNSTON:]

I am not asking about everything else being equal; I am asking for the fact. My understanding is that it did not reduce the price to the consumer, but that the only effect of the reduction of the tax on tobacco has been to put a large amount of money into the hands of the manufacturer, and not into the hands of the producer or into the hands of the consumer. That is the effect of it, just the same as it was at the time we took off the tax on coffee. That did not cheapen the coffee in this country; it only gave the people in Brazil and other countries and places from which we purchased coffee a chance to increase their profits. That was the effect it had.

The statement of the Senator from Illinois is entirely true. When the tax was taken off coffee a great cry was raised for "free coffee; we will give the people free coffee!" After a short time the price of coffee was the same as it was before, and, if I am not mistaken, to-day the price of coffee is about the same as it was before the repeal of the tax. The reduction was met by Brazil and Mexico and other coffee-exporting countries putting an export duty on coffee. When we repealed the duty on quinine Brazil and Peru put duties on Peruvian bark, and the price of quinine has been very little reduced to the consumer, although it may be to the manufacturer. Not less than three times in the history of the sugar culture in this country, when the tariff has been reduced, has that reduction been met by an export duty levied by Spain on the exports from Cuba and other Spanish provinces to compensate for the reduction made in the import duty by the United States.

Mr. President, I regret that the Senator from Ohio [Mr. SHERMAN] is not in his seat, because yesterday I was not in mine when my friend from Kentucky [Mr. WILLIAMS] engaged in the discussion of this question, and not being entirely familiar with the sugar tariff, although thoroughly versed in the tobacco question, he said that this reduction falls entirely on the low sugars and does not affect the higher grades of sugar, and he was under the impression that the proposition was simply to reduce the tariff on low sugars. He was corrected on that point by the Senator from Ohio, who with, I would say if he were present, a want of his usual candor said in answer to the Senator from Kentucky:

Mr. WILLIAMS. Does the Senator mean to say that this amendment of the Committee on Finance takes the tax off the higher and finer grades of sugar, of refined sugars?

Mr. SHERMAN. It takes off all taxes imposed by the act of 1875, which was a general addition of 25 per cent. to the sugar tax.

Mr. HARRIS. I ask my friend from Ohio, however, if it is not true that even when the 25 per cent. reduction shall take place upon the higher grades of sugar the tariff is still prohibitory as to those grades, and if they are not prohibited by the existing duties?

Mr. SHERMAN. The tariff rates are about from 1⅞ to 3 cents a pound.

Mr. HARRIS. The duty levied on the higher grades of sugar will be prohibitory, practically, will it not?

Mr. SHERMAN. No; the grades are just about ad valorem reduced to a specific form.

Mr. WILLIAMS. What is the tax on the higher grades of sugar?

Mr. SHERMAN. It varies from 1⅞ to 3 cents a pound.

Mr. WILLIAMS. Is there any such tax upon any of the sugars enumerated?

Mr. MORRILL. Below No. 7 Dutch standard.

Again:

Mr. SHERMAN. That includes all sugars.

Mr. WILLIAMS. But is there not a tax of 2⅛ cents a pound?

Mr. SHERMAN. On sugars above No. 10 Dutch standard the duty ranges from 2 to 3 cents a pound. They grade first all below 7, then up to No. 10, then up to No. 14, and then up to No. 20. The highest refined sugar is taxed at a higher rate than the lower grades.

Now, Mr. President, let us see whether this is so or not. I know the honorable Senator is just as well acquainted with the sugar tariff as I am, far better; I know that he knows it by heart, and for that reason I am astonished that he should have made the statement he did in answer to the Senator from Kentucky. The present tariff is as follows:

On sugars not above No. 7 Dutch standard, 1⅞ cents plus 25 per cent., 2.18 cents.

On sugars above No. 7 and not above No. 10, 2 cents plus 25 per cent., 2.50 cents.

On sugars above No. 10 and not above No. 13, 2⅛ cents plus 25 per cent., 2.81 cents.

On sugars above No. 13 and not above No. 16, 2⅞ cents plus 25 per cent., 3.43 cents.

On sugars above No. 16 and not above No. 20, 3⅛ cents plus 25 per cent., 4.06 cents.

On sugars above No. 20, 4 cents plus 25 per cent., 5 cents.

On refined sugars, 4 cents plus 25 per cent., 5 cents.

Thus on all the sugars above No. 13 and under 16 the tax is 3.43 cents a pound, and on all above No. 16 the tax is 4.06 cents per pound, while the Senator from Ohio stated that the highest rate was 3 cents a pound. Now let us see whether that is prohibitory or not. Last year there were imported into this country of dutiable sugars 1,869,173,897.50 pounds, to the value of $82,721,087.27. On those sugars not above No. 7 Dutch standard the duty paid was $15,395,744.01; above No. 7 and not above No. 10, $20,216,407.36.

These are low grades. Now, above No. 10 and not above No. 13, $7,044,675.40; above No. 13 and not above No. 16, $62,123.30; above No. 16 and not above No. 20, $497.20; above No. 20 and all refined lump, crushed, powdered, and granulated sugar, $934.95. Thus confirming entirely what the Senator from Kentucky said, although he did not understand the exact position of the tariff which is graded according to the Dutch standard, but showing that the tariff on high sugars and refined sugars and white sugars, sugars of a superior quality above No. 13 Dutch standard is from 3.43 to 5 cents a pound, duties which are simply prohibitory, so prohibitory that little or no sugar of that kind is imported into the United States but a few hundred dollars' worth, while the sugar importation into the United States of the low grades are sugars used for the purpose of refining, and which pass into the hands of the consumer after refining.

Mr. SAULSBURY. What will be the effect of this reduction?

Mr. JONAS. I desire to say, and the figures show it, that a reduction of 25 per cent. on these high-priced sugars will still leave the duty on sugars above No. 13, 3.18 cents a pound; it will reduce sugars above No. 16 to 3.81 cents, and sugars above that grade to 4.75 cents a pound, duties which are simply prohibitory, and under which not one pound of refined sugar can be imported into this country, because it cannot compete with our refined sugar. Therefore this whole reduction is for the benefit of the refiners.

The brown sugars produced in Louisiana are fitted for table use without refining, but they find their way very little beyond the boundaries of that State, for it has become the custom to use refined sugars everywhere; brown sugar is seldom seen, and the great mass of these dutiable sugars are imported here in such class and condition as to be unfit for use; some of them are black as tar; they resemble a thick paste; they are full of dirt and impurities. They are such as would not be consumed even by this class of laborers in Louisiana whom you propose to consign to hard-tack and short rations by your proposed legislation. This sugar is all imported for refining purposes and has to pass through the hands of refiners, and there is nothing in this reduction which will make sugar one cent cheaper to the consumer after the reduction is effected than it was before.

Mr. FRYE. Can the Senator conveniently give the annual crop of Louisiana?

Mr. JONAS. Yes, sir. The crop of Louisiana in 1878 was 213,221 hogsheads; in 1879 it was 169,972 hogsheads; in 1880 it was 218,314 hogsheads; and in 1881 it was about 179,000 hogsheads. I have not the exact figures.

Mr. FRYE. How many pounds per hogshead?

Mr. JONAS. I have given the amount in pounds already; I think about 240,000,000 pounds. I wish to give the opinion of a noted tariff reformer, of an advocate of the reduction of sugar duties as well as of all other duties. It is known that Mr. David A. Wells is an authority on this subject among the free-traders certainly in the

largest sense. Mr. David A. Wells, in his Report on the Assessment and Collection of Duties on Imported Sugars, says:

> The evidence seems to be incontrovertible that, so far as the mere process or art is concerned, sugars can now be refined in the United States to any degree of purity cheaper than in any other country. The claim, therefore, that through any modification of the tariff, or in the event of the abolition of all duties, sugars suited to the wants of the masses can be sold at a cheaper rate, absolutely or comparatively, than they now are in the United States, rests upon no good and sufficient foundation.

Reduce this tariff of 25 per cent. and it affects the lowest grade of sugars. The reduction falls upon the grade of imported sugars which come in competition with our Louisiana production. You furnish a sugar which is not consumed; you furnish a sugar which our people have abandoned as an article of food; you furnish a sugar to the refiners, but at what profit? Think you the refiners will sell sugar at a reduction? Such a reduction as the Senator from Illinois said has followed the reduction of the tobacco tax. It has proved a failure as far as coffee is concerned, as far as quinine is concerned, and it will be one as far as sugar is concerned, until you intelligently revise the tariff and devise some system which will classify sugar properly, and which, without striking down this industry altogether, will afford such protection as is afforded to other industries. This interest should not be the sole victim of special legislation.

Mr. President, I have a word or two to say on the subject of cotton. I said that this proposed revision is to affect alone the agricultural interests of the South. The tax on cotton-ties is proposed to be increased 100 per cent., from 35 per cent. ad valorem to 75 per cent. I know it is called a reduction, a reduction on hoop-iron, but it is an increase on hoop-iron used for the baling of cotton of 100 per cent., and an increase made at the very beginning of the harvesting of the cotton crop, when all the contracts have been made for the manufacture of cotton-ties with which to bale cotton. In whose interest is this? Is it in the interest of a large mass of people, North or South or East or West? Is it in the interest of a large class of manufacturers? I am told there are only half a dozen all told, and the effect of it is to increase the tariff only about seven to eight hundred thousand dollars, a petty sum when compared with the effect. But upon whom does it fall?

Upon the agriculturists of the South engaged in the cultivation of cotton, and cotton is not planted by lordly planters as it was in times past. Planters no longer cultivate their thousand acres and employ their hands and pay them wages and live off the profit of the investment. A large portion of the cotton crop, three-fifths of it, is made by small planters with the labor of their own hands and the aid of their wives and children in picking and following the plow. Three-fifths of the cotton crop of the South is made by white labor of this kind, and the other two-fifths is made by colored labor equally interested with the planter in planting and making the crop and in the profits; and this petty tax, petty because of the amount it puts in the Treasury, petty because of the manner in which it will bear on the labor of the South, is levied upon the workingman engaged in cotton culture, upon the colored man engaged in cotton culture, and who participates as a partner in the enterprise with his employer, no matter if that employer is engaged in planting a thousand acres.

I ask why this invidious legislation at this time if it is not intended as a matter of principle to strike at the interests of the South, and strike at the colored labor of the South, which the philanthropists on the other side profess to desire to foster?

Mr. President, one word more as to cigars and cigarettes. A reduction is proposed on cigars and cigarettes. I do not know whether it is demanded by the country or not. I do not know whether on these articles of pure luxury the tax should be reduced or not; but I do know that if the tax is now to be reduced at this late hour, after the House, through the caucus of the Republican party in control of its legislation, gave notice to the country and gave notice to the trade several months ago that there would not be any legislation for the purpose of reducing the tax on cigars and cigarettes—if it is to be effected, I ask that the people who are engaged in this trade shall be protected from the ruin that will be wrought by the action of Congress, I care not whether it is by rebate or by allowing them a sufficient time to work off the stocks which they purchased on the good faith of the Government.

Believing there would be no legislation of this kind, they have laid in large stocks, they have bought the stamps and paid the tax. The House provided that there should be a rebate, and that they should be allowed the difference between the present tax and the amount to which the tax will be reduced. The Senate Committee on Finance has stricken out that proviso, and the only provision that comes here at all is the one that the act shall take effect after October 1. The stocks will not be worked off and disposed of before October. The stocks are not all held by manufacturers, but by the trade all over the country. This bill has unsettled and destroyed the market temporarily for cigars and cigarettes, and all business has been suspended.

I ask, if this bill is to pass at all, that there shall be incorporated in it either the House proviso allowing a rebate or else a provision that the act shall not take effect until May, or at least until January, after the bill passes, so as to give manufacturers and dealers proper time in which to dispose of their stocks on hand.

Mr. SAUNDERS. Mr. President, after the appointment of the tariff commission I feared that the effort to give relief to the people from excessive taxation would end for this session, but the House, where such bills originate, has sent us at last one in which some relief is proposed. But the trouble is it does not go far enough; it does not reach down to the great masses who are the producers, but who are also in many particulars the great consumers, and who are therefore the heavy tax-payers.

The tax on banks and bank deposits and on stamps for checks and drafts should by all means be abolished, for after all such taxes are mainly paid by the patrons of the bank and not by the bank itself.

But, sir, far beyond this is the call for relief from the exorbitant duty paid on sugar. Sugar is no longer a luxury; it is a necessity in every home in the land. On every pound of sugar we consume more than one-fourth of its cost is a tax upon the purchaser. When we reflect that nearly $50,000,000 are annually paid for duty on sugar, it brings painfully to our minds the thought that a large portion of this vast sum is paid by those who are illy prepared to meet such a drain. This tax was assessed at a time that it was thought proper to make a great sacrifice in order to make good and insure the sinking fund, then regarded as necessary in order to keep intact the credit of our Government, but which necessity now no longer exists.

Mr. President, I am glad even at this late day to have a chance to give my vote in favor of affording this measure of relief to the people. I am willing, now that a commission of experts has been created, to leave to that commission the suggesting of changes that may be made on the luxuries and on the finer goods; but I am not willing to defer for a moment longer than is necessary to adopt the proper legislation, the lessening of the tax on such articles as sugar, Bessemer steel, friction matches, &c. Some one may ask why I include Bessemer steel in this list, and may say that the great masses of the people do not use this article. That is true, Mr. President, they do not directly have use for the article, but nevertheless they are interested in it, and in this way: railroad companies who purchase and use Bessemer steel count the cost of their iron and steel among the other items of cost of their railroads, and on these expenditures they base the cost of their roads, and on which they ask such earnings as will reimburse them for the outlay and then give them a reasonable interest on their expenditures. It is not difficult, then, sir, to see where after all the producers and shippers have to bear the burden of heavy taxation on steel or any other of the material articles used in building railroads. That the tariff on Bessemer steel is too high is proven by the fact that in England they can make and sell this steel for $33 or $35 per ton, while in the United States the duty on the same is fixed at $28 per ton.

Already the Senate has taken action in favor of lessening the tax on tobacco. I voted against that, first, because I thought it one of the articles of luxury that could wait and abide the action of the tariff commission. And then, again, I do not believe that the advantages will come to the producers that the friends of the amendment are anticipating. In other words, I believe that when the tax on tobacco is lessened, that it should be put at such figures as would bring about the relief sought by both the producers and consumers. Hence my opposition to the action taken by the Senate on that point.

I sincerely regret, Mr. President, that this bill has come to us so late in the session. The fault, of course, does not lie at the door of the Senate, for all these revenue bills we know must originate in the House. While I favor all the amendments that have been proposed by the House, I could not give them my support without first doing all I could to procure favorable action on the articles of sugar and Bessemer steel. In the price or duty fixed upon these articles every tax-payer is interested.

Glad as I would be to see this Congress adjourn and allow us to return to our homes to spend the warm season, still I would insist on the relief sought in the bill now before the Senate, even if I have to remain here till the frosts of fall shall come to cool the atmosphere in order to effect it. Mr. President, I would like to say more on this interesting subject, but I feel more like voting than talking, and I sincerely hope that a final vote may be taken on the amendments and on the bill before we adjourn to-day, and therefore I shall content myself with using my time in voting, rather than in speaking, and will therefore say nothing further upon the subject at present.

Mr. CAMDEN. Mr. President, I shall vote against striking out the committee's amendment to this bill, because I believe the amendment to be just and proper. The amendment of the Senator from Mississippi proposes to strike out the committee's amendment repealing the tax on the capital and deposits of banks and bankers, and also the stamp tax on checks, vouchers, &c.

Now, first, in relation to the tax on bank capital. The national banks are already exempt from taxation on all the capital invested in United States bonds, and are, therefore, substantially exempt from taxation on their capital. Private bankers and banks chartered under State laws, including savings institutions, not having their capital invested in United States bonds, are not exempt from taxation. This tax works unequally between the two systems, and therefore discriminates against a fair and equal competition in business, which ought not to exist.

The second item is the tax on deposits. This tax, in my judgment, never ought to have been levied, for the reason that it is a tax upon the indebtedness of the bank, which is liable to be called for on any day; or, more properly speaking, it is a tax upon the bank for being

the custodian and assuming the responsibility of taking care of other people's property. The indebtedness either of corporations or of individuals ought not to be made the subject of taxation.

But, Mr. President, in addition to this there are other and to my mind conclusive reasons why both these taxes should be repealed. All taxes are paid by the people, either directly or indirectly. The banks do not pay this tax.

The customers of the bank pay it, just as the consumers pay all other taxes. The customers of the banks are the borrowers, and the borrowers are the men of energy, push, and vigor that create the business thrift and wealth of the country. The tax on the use or loan of money is, in my judgment, the most objectionable form in which a tax can be levied, for the reason that it is a tax upon the producing energy and business interests of the people. It is a tax paid directly by the commission merchant, the grocer, the mechanic, the farmer, the planter, the grazer who buys stock, the dealer who handles it, the lumberman, the miner, and in fact all business and commercial enterprise which is the foundation of the wealth and prosperity of the country, and indirectly is paid by the production and labor of the country with an added percentage, for this tax forms an item of profit to be taken into consideration in all the transactions from the borrower to the producer and laborer. As a rule, persons of sufficient capital to be independent of bank accommodations are not the men who are engaged in the active industries and the laborious pursuits of trade which contribute most largely to the development of the country and its business thrift, and consequently capital does not pay this tax.

And, Mr. President, I cannot refrain from saying in this connection that the disposition to discriminate against capital invested in banking is in my judgment unfortunate and unwise. Banks are not only a convenience but a necessity to the business interests of the country, and I do not believe the Government should make the privilege of banking the source of revenue or speculation. The Government in rechartering the bank reserves to itself as a royalty all the circulation of the banks lost or destroyed, and it also collects from the banks the cost of preparing the plates and furnishing circulation. This is right; but in my judgment the tax of 1 per cent. on circulation ought also to be repealed as soon as the revenue requirements of the Government will admit it.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Finance.

Mr. HARRIS. Let the amendment be read.

The ACTING SECRETARY. In line 18, of section 1, it is proposed to strike out from and including the word "on," down to and including the word "and," in line 22, as follows:

On capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and.

Mr. DAVIS, of West Virginia. I shall occupy the attention of the Senate but two or three minutes. I wish to state a few facts, not to make an argument. Banks are as essential for the use of the country and for its business as any other branch of industry. Without banks it would require probably five times the amount of money that we have to transact the business that is now transacted in the country. I believe, taking the country over, there is 81 per cent. of its money business done by checks and drafts.

Mr. MORRILL. Ninety-five per cent.

Mr. DAVIS, of West Virginia. I think my friend is mistaken taking the entire country, but so far as the large cities are concerned my friend from Vermont is right. About 5 per cent. of the business of the great moneyed centers is done with actual money and 95 per cent. with paper, bank checks, &c. So I conclude that banks are as necessary for the business operations of the country as any branch of industry, no matter what it may be.

That being the case, ought we in any way to try to discriminate against them and to make a tax upon them declare that they are moneyed institutions and therefore ought not to be treated as all other subjects of taxation. It seems to me that it is bad policy in any person or any party to try to array capital for it or against it. Labor and capital are two of the essential things of the world. That business may be properly conducted there should be no difference between them. They should be friends and not enemies.

I find by examination of the figures that the taxation on the capital of State banks and on that of national banks is very different. National banks, as is known, to the extent of their United States bonds are not taxed on their capital. State banks and private banks are taxed to the full extent of their capital. It occurs to me that if you strike out from this bill the tax upon capital you, without intending it I have no doubt, legislate in favor of the national banks as against the State and private banks. As to the tax paid by the two, I find by examination that the State banks pay about double the amount of tax paid by the national banks on bank capital. The State banks pay $811,000. I wish to call the attention of my friend from Mississippi [Mr. GEORGE] to these facts. I find that the State banks pay on capital (one of the items proposed to be stricken out) $811,000 in round numbers to the General Government in addition to the tax to the States. The Federal tax on the capital of the national banks is $431,000. I notice by looking over the bank statement that there is not a single national bank in his State, while there are seventeen State banks with a capital of $644,205. If the amendment of the Senator from Mississippi prevails, as I understand it, he continues the Federal tax on the banks in his State with not a single national bank there.

Mr. GEORGE. The amendment I offered does not propose to tax anybody or any bank. It proposes simply to leave this tax where it is now to be relieved at the same time and to the same extent that relief is given to other great interests of the country; that is all.

Mr. DAVIS, of West Virginia. I do not propose to discriminate.

Mr. GEORGE. The people pay the tax.

Mr. DAVIS, of West Virginia. The people do not pay anything to the General Government direct except the very taxes the Senator proposes to continue.

Mr. GEORGE. What is the difference so far as the people are concerned whether they pay the money directly or indirectly? They lose the money.

Mr. DAVIS, of West Virginia. If this amendment prevails, these banks will pay to the General Government as well as to the State.

There is something to be said, and there has been considerable said, about the national banks paying no tax on their bonds. I say to my friends on both sides of the Chamber that the bonds owned by the national banks are the only United States bonds that pay taxes. For instance, there are $426,000,000 of United States bonds of the national banks held by the Government as security for their circulation. They are all taxed; the stockholders of every bank are taxed to the full extent of their stock; so that the States all over the country get from the $426,000,000 bonds owned by the national banks a State taxation, and they are the only United States bonds on which they do get a State taxation. So that, if our entire debt was held by national banks to-day, the States would derive a regular taxation from them.

There is a little bank in the town in which I live, and I took the trouble the other day to write to the cashier to know how much tax it paid. The capital of the bank is $50,000. He says:

We paid from January to July 1, 1882, $829 Government tax.

This, remember, is a national bank of $50,000 capital.

In addition to this we pay State tax about $450, corporation $275. Total $2,185, or more than 4 per cent. on the capital of the bank.

That is the heaviest taxation I know of. It is heavier than on any other species of property.

Mr. GEORGE. How much General Government tax?

Mr. DAVIS, of West Virginia. Eight hundred and twenty-nine dollars.

Mr. GEORGE. What percentage?

Mr. DAVIS, of West Virginia. Four per cent. in all. There has been something said by some of my friends about the national banks being great makers of money. That may be in some cases; but the Comptroller's report shows that their average dividend, taking the country over, was less than 7 per cent.

Mr. GEORGE. The Senator says the bank pays the tax. I understood his colleague to say that the bank does not pay the tax, but that it is paid by the customer. Which is right?

Mr. DAVIS, of West Virginia. I say nothing about who pays it ultimately; but I say we are both right, the bank pays and the people pay.

Mr. GEORGE. Then you pay it twice.

Mr. DAVIS, of West Virginia. No, they do not pay it twice. The banks collect it from the people and they pay it here. My colleague said that indirectly the people paid it; he did not say directly.

I simply wanted to call attention to the fact more particularly that the State banks are to be the sufferers and not the national banks if the amendment of the committee is disagreed to, so that it is not the national banks especially, but it is the State banks to a very great extent that will be affected.

Let me state what the deposits of the two are. There are nearly twice as many State banks and private banks as there are national banks in this country. There are 2,115 national banks, and there are 4,681 State banks, savings-banks, and private banks in the country. I understand that the amendment is intended to relieve the State banks entirely from taxation, so far as the General Government is concerned. Of course they will pay the State tax just the same. The amount of deposits that the State banks have is greater than the amount the national banks have. The amount of the deposits of State banks is about $1,500,000,000, while the national banks have about $1,300,000,000. So the greater portion of this tax comes from the State banks and private bankers, and not from the national banks.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Finance as amended.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. Mr. President, it is proposed by the Senator from Mississippi to strike out from the bill that provision which relieves the stamp duties upon everything that now remains. I believe that the people of the United States have had an aversion to a stamp tax from the time of 1776, and as the Democratic Committee on Ways and Means of the House unanimously reported in favor of the repeal of these taxes, I take it that we may be unanimous here.

Then it is proposed to strike out by the same amendment of the Senator from Mississippi the removal of the tax on the capital of banks. There is no capital in this country engaged in whatever business it may be that is taxed at all, and banking is as free as any other kind of business.

There is one other proposition which he proposes, and that is to except from the removal of taxation tax on deposits. That is a tax upon the debts due from the banks. Was it ever known before the existence of this tax that a tax was based upon the debts of persons or corporations?

I trust that we shall have an undivided vote against the proposition of the Senator from Mississippi.

Mr. BECK. Mr. President, I have been compelled to be in the room of the Committee on Appropriations nearly all day as one of the sub-committee having charge of the sundry civil bill, listening to everybody who desired amendments. I have heard nothing of the debate in the Senate to-day, of course. I understand reference has been made to a bill which I introduced relative to bank taxation. I may be mistaken in regard to it.

Mr. DAVIS, of West Virginia. No; the Senator is correct.

Mr. BECK. My recollection of that whole matter is that we were making an earnest effort to have the bonds of the United States refunded at 3 per cent. My colleague in the House [Mr. CARLISLE] having presented a section to that bill requiring the national banks to take 3 per cent. bonds, some very eminent gentlemen in Kentucky, the president of the Northern Bank of Kentucky particularly, at our request, certainly at mine, prepared very carefully a bill for the relief of the taxation of banks, which we laid before the Committee on Finance with the idea that if the banks would consent to aid us to refund the debt of the United States at 3 per cent. instead of 3½, which was being urged, and would consent to have——

Mr. MORRILL. Will the Senator from Kentucky allow me to remind him that his bill was introduced December 21, and there was no proposition for refunding at a lower rate such as he speaks of until very late in the session?

Mr. BECK. There was no vote taken until very late, but there were propositions pending in both Houses, I think, at that time. At any rate, the letter of Madison C. Johnson, the president of the Northern Bank, was made a part of the RECORD. It was a very able letter, and I shall turn to the RECORD to-night, and lay it before the Senate in the morning. I think Senators will see that he gives many very good reasons in that letter why the tax on capital at least should be taken off.

Being extremely anxious to have the debt funded at 3 per cent. and have the banks consent to take the bonds, and not desiring to coerce them any more than was necessary to accomplish the object, I was very anxious to give them a corresponding relief by removing their taxes.

Now, I shall not vote for the amendment of the Senator from Mississippi. I will vote to take the tax off the capital now. I believe that it is unequal, that it is unfair to the banks other than national banks, and I am not sure but that I shall vote to take off all the other taxes.

The tax on deposits has this effect in many parts of the country: banks allow their depositors interest in many places. If the banks have to pay that tax they just pay the depositor so much less interest and take it out of his pocket.

So in regard to bank checks; the stamp tax on them does not come out of the bank; it comes out of you and me, and all of us who use checks. I confess the tax is a nuisance, and everbody complains about it.

I am not complaining of the particular taxes that are now sought to be removed from the banks. I am complaining that the proposition of the House and of the Committee on Finance at first was just to limit the reduction to them alone. I want to make their removal part of a general system, so far as we can. I have no enmity to banks, no desire to break them down; and until we can adopt a better system I have never seen any propriety in pulling down the only system we had and substituting nothing for it. I know of no better system that we can substitute at present. I have voted for the issue of silver certificates and gold certificates, so as to have currency independent of the national banks if I can. I am not seeking to injure the business of the country.

Not knowing what has been said, however, I merely rise to say that to-morrow morning I shall look over the RECORD, and I shall be glad to have a chance again to read the letters which I remember to have received from Mr. Johnson, which I thought were very able, and perhaps it would do the Senate good to hear them again. When I have time to look at the exact facts I shall state them.

Mr. VEST. Mr. President, for the second time in this debate we have heard the proposition advanced that these banking deposits are not the property of the banks, but that they represent simply the indebtedness of these institutions. My friend from Delaware [Mr. BAYARD] announced that proposition the other day in his address upon the question, and now we have it from the chairman of the Committee on Finance, [Mr. MORRILL.] I do not propose to allow that assertion to go unchallenged. I deny it *in toto*, and I assert that no lawyer with due respect to his reputation, after deliberate reflection, will make any such statement.

The deposits of a bank represent the property of the bank; they belong to the bank. The bank loans its deposits and receives interest upon them, and any gentleman acquainted with the business of a bank knows that its profits come from its deposits, in the Western States almost entirely from deposits received from the community at large, and then loaned out to various persons by the bank.

It is true that the bank owes this money; but suppose the vaults of that bank are broken open, suppose a dishonest cashier or teller robs the bank, upon whom falls the loss? Does it fall upon the depositors? The crucial test of the whole thing is, where does the loss accrue? It is upon the stockholders of the bank and upon the institution itself.

If I buy a piece of land and execute my notes for $10,000 and receive a deed for the land, who pays the tax upon the land? I pay it, because the title to the property is in me and in me alone, and although I may owe the $10,000, still under the great principle of the taxing laws the usufruct carries with it the power of levying revenue upon it. The citizen who has the use of property, who enjoys the benefits of it, is the proper person to pay taxation upon it.

Who enjoys the deposits of a bank? They are enjoyed by the bank itself. The loss, if they are lost, falls upon the institution, not upon the depositors. Therefore the assertion here that the deposits of a bank are not as absolutely the property of that bank as the franchise it receives from the Government is, to my mind, an entire absurdity.

Allusion has been made here to a bill reported by the Senator from Delaware in the closing hours of the last Congress which took off the tax upon banking deposits. I was not present in the Senate myself.

Mr. HOAR. May I inquire of the Senator from Missouri what he means by deposits of a bank in reference to this present discussion on the point he is now making? Does he mean a thing which is in existence? He compares it to the ownership of a farm. There is nothing in existence. The bank receives a million dollars of deposit and loans it out, so that the two things which are in existence are certain debts due to the bank from persons to whom it lent money on notes which it discounted and a certain other sum due from the bank. The law proposes not to tax deposits as a thing, for there is no such physical entity. It proposes to tax the bank in proportion to its debts simply; it does not deal with the debts due to it, it does not deal with the amount of property, it does not deal with anything held in the vaults of the bank, but it uses the phrase "deposit," which is not technically and strictly a correct phrase when talking about making a comparison of debts as in the case of a man who is a land owner and pays a land tax. The point, as I understood my honorable friend from Vermont, is to tax a man or corporation according to the amount of debt that he owes.

Mr. VEST. That is ingenious, but it will not bear the test of examination for a moment Under the banking law the officers of a bank are required under oath to make certain statements to the Government and to the public, and in those statements they state what the debts of the bank are, and in another column they state what the deposits of the bank are, the assets of the bank. If I take to a bank $500, and hand in my bank-book together with the $500, the bank takes the $500 and gives me credit to that amount; that is to say, I can draw for that $500 if the bank has it. It is the property of the bank from the moment that I pass it into the hands of the teller, as absolutely the property of the bank as the $500 which is paid to me as a debt and which I put into my pocket, or which I borrow from a gentleman and give him my note of hand for; the $500 is mine.

Mr. MORRILL. May I ask my friend from Missouri if the deposits are not always accounted for as liabilities on the part of the bank?

Mr. VEST. That may be true in the banking phrase, but I put this question to the chairman of the Committee on Finance: suppose that money is lost, upon whom falls the loss? Does it fall upon the depositor?

Mr. MORRILL. If the bank fails it falls upon the depositor.

Mr. VEST. It falls upon the bank, because they are bound to pay it to the depositor. If the cashier or teller or any officer of the bank steals it if the stockholders are solvent as a matter of course they must pay it.

Mr. HOAR. Will the Senator from Missouri allow me to ask him a question in the line of his inquiry? He says supposing that money is lost, on whom does the loss fall? Undoubtedly it falls on the bank, and you propose to go on taxing the bank for it after it has lost it because it still owes it to the depositor.

Mr. VEST. That is rather chalky, to say the least of it, in a serious financial question of this sort. The proposition is unanswerable that the stockholders are the losers, in other words the institution; and that determines the right of property and that determines the proper party who should pay the tax to the Government.

But to return to what I was about to say in regard to the bill of last year. I was not in the Senate when the bill passed. My first intimation, speaking for myself, was obtained the next day in the RECORD. I was either absent from the city or absent from the Senate; but that bill, as the RECORD I think will show, passed in the morning hour without any word of comment, without the yeas and nays, without one particle of discussion. It simply took off the tax on deposits; and the explanation made to me the next day by gentlemen on this side of the Chamber who had advocated the bill was that it

was a sort of emollient, a financial poultice to the banks after the funding bill had been passed. The proposition was and the idea was to induce the national banks to fund their bonds and to take bonds at 3 per cent. This poultice was applied for that purpose by taking off the tax. I was opposed to it then and I am opposed to it now. I hold that the banks are more able than any other class in this country to bear these taxes and to pay them.

I only rose, not to discuss that proposition, but simply to say that I utterly repudiate and deny as a lawyer the proposition that these deposits are the property of anybody except of the bank itself.

Mr. BAYARD. Mr. President, for the purpose of deciding whether it is expedient or not that this public tax shall be removed from the deposits of a bank, I do not think it very important whether the naked legal title to the fund should be adjudged to be in the bank or in the person who put it there and who has the right to recall it at any moment.

There are such things known in the law as depositaries and bailees for hire, and undoubtedly there may be very ingenious and important decisions respecting the liability of any one who takes in charge the property of another and is paid for the custody or has any advantage from the custody. I do not mean to say that the courts of this country have not decided that where a man puts his property in bank and accident occurs to it the bank is liable and not the person who trusted the bank, but that is not the question. The question is, does this description of property answer that which ought to be subjected to a tax? It is a right of property so floating, so indeterminate, so changeable, that it scarcely can be said to have any of the features of property at all. It is a loan on call, a loan on demand, a deposit made to-day and capable of being withdrawn to-morrow. If it is placed in the bank but for a few hours and is taken back to the custody of the real owner the next day, upon whom shall the tax rest? There is the substantial condition of the facts. From day to day it goes in; from day to day it comes out.

I will agree that for the purpose of settling legal liabilities it is well and proper to have the legal title to that money or that deposit settled by judicial decision; but when you settle that you have not settled the wisdom or the unwisdom of a tax upon it. It is not a tax upon a permanent property. It may be called technically the property of the bank to-day; it may to-morrow be nothing more than the debt of the bank. It is that which it owes, not that which it owns. Taxation should certainly rest upon that which is owned, not that which is owed.

It is for that reason that I said in my judgment this tax ought never to have been laid. I do not believe it was a wise tax in its origin. I believe it is wise, expedient, and just to repeal it.

When you come to consider the effect of taking this tax off this description of property, so called, who has the benefit of it? Is it these institutions in fact, or is it as my friend from West Virginia [Mr. CAMDEN] stated to-day, the interests of the country represented by men of all trades and professions who necessarily must go to the bank for their accommodation and for the ordinary purposes for which banks are used? A center of deposit; a center of trust, machinery for distribution; that is all that a bank is; accumulated capital that shall give to all who deal with it a confidence that distributed capital never can have. That is all that is meant by the credit of a bank, and upon that credit the community trades and is benefited.

This is a tax which, as I said, ought never to have been laid, and in my judgment the sooner it is repealed the better it will be for the business of the country.

Mr. VEST. The argument of the Senator from Delaware is, to say the least of it, a most remarkable one. Carried to its legitimate and logical result, it exempts every bank in this country from all sorts of taxation. If the argument of the Senator is worth anything, it goes to the extent that the banks, the corporations which are able to accumulate property together and furnish exchange and furnish places of deposit to the general public are such benefactors that the State itself can charge them nothing upon their property. Sir, if that proposition be correct, then indeed we belong to the banks of the United States and they are not the servants either of the Government or of the people. If that be the correct proposition, then instead of a government of the people it is a government of these corporations, free from the ordinary burdens which are placed upon the labor and the capital of the individual citizens of the country.

If the legal proposition here amounts to anything, it is that these banks are simply the trustees of the money of the depositor, and that the money paid into the bank is not the absolute property of the bank itself. I say if that be true every lawyer is bound to hold that the profits made upon that capital belong to the depositor and not to the bank. If I were the trustee of a neighbor, or fellow-citizen, and received from him a certain amount of money and put it in any enterprise, a court of equity would hold me to interest upon that deposit, and not only to interest, but it would compound that interest if it turned out in evidence that I refused to make an honest accounting for the sum placed in my hands.

The report of the Comptroller of the Currency shows that last year these injured and persecuted corporations which, through their friends in Congress, say they are making nothing, that the commune of the country, as they denominate those of us who are opposed to these inordinate corporate privileges, have struck down all their profits, and are now almost destroying the entire system of banks—the report of the Comptroller of the Currency shows that last year they made nearly 9¼ per cent. profit clear of all expenses. My own State represents as intelligent and as wealthy a class of agriculturists as there are in the whole domain of the Union, and I speak of my own State and of the West. While the farmers were glad to make 3 and 4 per cent. upon their investments the national banks declared dividends of 9¼ per cent., and that too in the face of the assertion that they were ground to the very dust, and, as we heard in the discussion upon the funding bill, when we had pursued such a system of legislation as was grinding them out of existence and they would cease to do business for the rest of the country. In the very teeth of that assertion the report shows that last year these banks increased more than in any other year since they went into existence under an act of Congress.

Is it possible that institutions making 9¼ per cent. upon their investments, a profit which nothing else legitimately pays in this country except manufactories, can stand before the American people and claim that they are oppressed and that taxes should be taken off either their deposits, their capital, or the checks that are passed over their counter?

That is the question, and it is for this Congress to determine whether the agriculture of the country is to be taxed, whether the labor of the country is to be taxed, which is paying 2, 3, and 4 per cent., and the aggregated capital of the country in the shape of these banks, that is paying over 9 per cent., can come here session after session and hold up their helpless hands and say, "Give us relief from the burdens placed upon us."

Mr. BAYARD. Mr. President, it is a very easy matter for the honorable Senator from Missouri to state an utterly supposititious case, to take something wholly different from the matter before the Senate, and then to draw the most extravagant consequences from it.

We are speaking now as to the justice and expediency of removing the Federal taxes from deposits in banks. Upon that the Senator raises the question whether those deposits are first the property of the bank or the property of the depositor; and he proceeds to denounce most vigorously all who shall suggest that the money so placed and subject to immediate recall is not such property in the hands of the banks as should be taxed.

Nothing that I have said, nothing that has been said here in debate, warrants the Senator from Missouri in the slightest degree to suggest that banking property is not subject to tax as any other property is. It is taxed by the State, it is taxed by the United States, and properly taxed. There is a tax upon its circulation to-day, which is its own, given to it and secured by the bonds which it bought and paid for. There are State taxes upon all these banks, State taxes which yield, I believe, to the various State treasuries more than the banks have paid to the United States.

Therefore it is idle to speak of objection being made to taxing the property of a bank. The property of a bank is like any other property, to be taxed equitably and equally, whether it be the corporate property or the individual property. I think the true rule of justice is to recognize no difference between the two, but to tax all in equity alike. That is not the question. Here is a property so fluctuating in its possession, so fluctuating in the title of its ownership that it may belong, under law, to the bank to-day and the title may be changed to-morrow by the act of the depositor. What is it? It is a tax imposed upon the circulating medium of the country, that which passes from hand to hand, which performs the office of paying debts day by day and hour by hour. The question is, is it wise or expedient to impose upon such a fund a tax? My answer is no.

It may be that the bank assets taken by the reports may show large deposits. The day after that report they may show none. The question is, where in equity and justice should your tax lie?

I merely repeat that in my opinion deposits, owing to the movable, fluctuating character of the possession and the right of possession of the bank, should not be a subject of taxation. I said that originally I would not have chosen them as a subject of taxation. I say so now. I say that I was in favor of the repeal, and I say so now. I voted for it before, and I shall vote for it again; but I do not choose to have the ground of my vote misstated by the Senator from Missouri and have the idea given out that I stand in favor of any special legislation, in favor of exempting property because it exists under a corporate form. I shall neither be for it nor against it. I shall treat property in any shape with equality before the law, and treat it justly and protect it when I think it is unjustly assailed.

Mr. MORRILL. I merely desire to call attention to the amount of dividends paid for the six months ending September, 1881, by the national banks. They were 3.33 per cent. only upon the capital and surplus of the banks. I wish to call attention to another fact, that the banks paid for the year 1881, 3.6 cents taxes, State and national, and in many of the States they paid as high as 4¼ per cent.; in Kansas they paid 5.8 cents, State and national; in Tennessee, 4.6 cents; in New York, 3.6 cents. It is quite evident that the dividends of the banks are little more than half what they used to be, and their taxes have been increased.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Finance as amended, on which the yeas and nays have been ordered.

Mr. VOORHEES. Mr. President, I desire to say a single word before the vote is taken. I remember very well when we were trying to fund the national debt at 3 per cent. it was thought the banks might be placated somewhat by certain relief as to their taxes, in which, while I did not concur with, I acquiesced in; but after that act was passed in their behalf they went into rebellion, flagrant, open, absolute rebellion, and bulldozed and intimidated the administration of Mr. Hayes into vetoing the bill which the representatives of the people had passed funding the debt at 3 per cent. After that veto had been launched upon us, it was not in the power of Congress to pass that necessary, just, and righteous bill for the funding of the national debt at 3 per cent. over the veto. Consequently it failed, and the result is and has been that the late Secretary of the Treasury, now the Senator from Minnesota, [Mr. WINDOM,] funded the national debt without any semblance of law whatever. He funded the debt because of the permission given him by the banks that had denied it to the law-making power of this Government.

That is the history of this matter, and while at one time some of us acquiesced in the reduction of taxes so far as banks are concerned, the circumstances, reasons, and conditions why it was done at that time no longer exist.

Mr. MORGAN. Mr. President, I shall vote with the Senator from Mississippi [Mr. GEORGE] in favor of striking out this broad and sweeping amendment of the Committee on Finance. I would much prefer, however, an opportunity to vote upon a modification of it. I am not in favor of a taxation of deposits in the private banks, nor am I in favor of taxing the capital of private banks. I make a distinction between the capital of private banks and the capital of national banks, because, as I understand the subject, the national banks virtually pay to the Government of the United States a tax upon their capital for the privilege of their franchise, and I think that is exactly right.

That franchise is valuable; it is exclusive; it covers the whole subject of the national circulation. That franchise gives the privilege of circulating the money of the United States, for it is the money of the United States and not of the banks; it is money redeemable by the United States directly, and not even indirectly. It gives that privilege to one class of banks in the United States, the national banks; and that privilege, along with some others which belong to such incorporations, is worth paying for, and it is worth the price these banks are paying for it in the form of the tax upon their privilege of banking, in the form of the tax upon their capital stock.

I would exempt those banks, however, from tax on deposits, as I would the private banks, for the reason that I concur in the opinion that the banks furnishing a facility for the safe-keeping of money of private persons who desire to deposit with the banks thereby entitle themselves as facilitators of commerce to an exemption from taxation upon that feature of their business.

Those persons can trust them who choose; there is no compulsion about it; and if they furnish such facilities, such security, for the preservation of the earnings of the people, whether in the form of savings-banks or ordinary banks of discount and deposit, I see no reason why the Government should charge them for that.

There is a plain, palpable distinction between the tax upon the capital of a bank, which bank receives its charter from the Government and in consideration therefor agrees to be taxed and ought to agree to be taxed, and a tax upon the deposits of those who in the condition of commercial business see proper to make their deposits with them.

I find, however, speaking now alone of the relations of the national banks to the people of the United States and to the Government of the United States, that in one way and another we have so nicely adjusted those relations as that the account may be said to be balanced between the banks on the one hand and the Government on the other, the Government receiving in the form of taxation upon national banks almost the exact equivalent of what it pays in the form of interest upon the bonds deposited to secure circulation. I have been to the pains of collecting data upon that subject and will call the attention of the Senate very briefly to the facts.

The amount of bonds deposited at the close of the last fiscal year for the security of circulation was $363,335,500. I assume (and I think I do so upon a predicate which has been entirely well established in the Senate here by debate and by concession on all hands) that the average rate of interest that banks receive upon the money which is thus deposited is about 3 per cent. If it costs 119 or 120 to buy 4 or 4½ per cent. bonds, one who would be establishing a bank to-day would invest in the bonds to the extent of $100,000, about the sum of money upon which he would draw 3 per cent. interest in the outcome; so that I assume that the rate is now and is to be in the future 3 per cent. upon the money invested in bonds for the purpose of carrying on the national banks. That would yield an interest to the holder of these bonds and to the national banks of $10,900,065 per annum. That is about the sum that I presume we shall collect in the future from the national banks in proportion to the amount of money that they have invested as capital.

Mr. MORRILL. The Senator from Alabama of course understands that many of these banks pay 3 per cent on their deposits.

Mr. MORGAN. I understand that, and I know also that they have accumulated large surplus funds which we turn over to them.

Mr. MORRILL. The savings-banks pay all that they receive.

Mr. MORGAN. Yes, they have made 89 per cent. on their investment, besides the accumulation of a large surplus. I give now a hypothetical state of facts, but a state of facts I think reasonably certain and true, and that is that we shall pay annually upon these bonds $10,900,065. Then what is the income that they pay us annually? On page 55 of the last report of the Comptroller of the Currency I find that the taxes on deposits, on capital, and on circulation aggregate $8,499,552.50. These are national banks of which I speak. I find then that the stamp tax, (which I am willing to concede is not a tax upon the bank, and yet it is about as much of a tax upon the bank as the tax on deposits,) added to that is $2,336,081, according to the last report of the Secretary of the Treasury. These two sums aggregate $10,835,633.50; so that we pay out in the form of interest upon the bonds deposited to secure circulation annually $10,900,065 and we receive back in the different forms of taxation to which I have referred $10,835,633.50. Keeping the transaction between the national banks and the Government, what is the difference? It is $64,332.50 in favor of the Government.

I assume therefore that under the existing condition of things, in one way or another, we have so thoroughly balanced the account between the national banks and the Government that it might be a great mistake to disturb it. If we are receiving just the amount of money in taxation upon these banks that we are paying out at a 3 per cent. rate upon the bonds in order to secure circulation, it seems to me we have arrived at that point where it would be exactly our duty to let well enough alone.

I voted at the last session of Congress—I say I voted, I have no doubt I did—in favor of the proposition which has been mentioned on several occasions to-day, to repeal the taxes upon the deposits in banks and banking associations. That vote was given under the circumstances which have been mentioned by the Senator from Indiana, [Mr. VOORHEES.] It was given really as a *placebo* to the national banks to induce them to be better reconciled to taking a rate of 3 per cent. interest, which we thought the Government securities ought to be funded at, and we thought also that we had a right to compel them, or to undertake to compel them—we would have done so had it not been for the President's veto—to take bonds at 3 per cent. as the basis of future banking operations.

I was willing then to make that concession. I am not willing because I then voted under such circumstances as a part of a general arrangement, as I understood it, now to disturb the whole matter, to take off the tax upon deposits, and also upon the capital of the banks. These banks ought to pay taxes upon their capital.

One of the real difficulties in the condition of the popular mind in the United States at this time in reference to our financial position is the fact that we have such an immense amount of capital invested in bonds and securities that are not taxable. The people of the United States recognize a serious and dangerous inequality in that condition of affairs. It seems to me that the more rapidly we can draw away from that and put money and property and labor and everything else in this country that is valuable upon something like an equality of relation to the Government of the United States, especially in reference to taxation, that will relieve the country from very many serious embarrassments and actual danger, for there is danger. At this very time there is danger in having that immense amount of capital in this country entirely exempt from taxation when men are striking because they have not the means of subsistence even under the high-tariff system that we have in this country at this time. It is a dangerous thing.

Sir, I would go further than this, for I am not an enemy of the national banking system. I have proclaimed that fact on this floor every time that I have had occasion to say anything about it. I regard the national banking system as a safe and valuable fiscal agent, a better one than the "pet banks," a better system than any which has yet been devised. When its constitutionality has been determined by the Supreme Court of the United States, determined finally and forever as I have no doubt, I do not undertake to make a question which otherwise would have lingered in my mind for many long years perhaps, if I should have ever got rid of it. I propose to try to make these fiscal agencies of as much service as possible, to make them instruments of good and not of evil, to make them subserve the general interest and welfare of the country, and not to break them down. I would venture upon that not on my own authority, not as an undertaking of my own, but as a thought that emanated from one of the best bankers in the United States, the president of a national bank, a gentleman with whom I had a long discussion several years ago upon this very subject, we taking up the statutes and going over them with great care. I will venture the assertion that when the national banks come to the conclusion that it is to their interest in depositing their bonds to secure their circulation to give up all demand for interest against the United States Government under the bonds which are on deposit, and that the Government shall come to the conclusion that it is to the Government's interest and that of the people to abolish the taxation upon the banks of every kind and character, circulation, deposits, capital, and stock, then we shall have reached the true solution of the difficulty, and we shall have removed out of this system all of its grinding and all of its friction that is continually irritating the country without resulting in any good either to the banks or to the people.

Sir, look at the fact now. While our system does not permit us to deposit gold and silver in the Treasury of the United States and thereupon to take circulating notes and issue them to the country, look at the fact that we are compelled to deposit bonds of the United States and nothing else as the basis of the security of circulation, and we see at once the injustice and inequality in that. We recognize the fact when we issue silver certificates and gold certificates that gold and silver deposited in the Treasury are ample security for the redemption of those certificates, and yet we do not recognize the fact that the deposit of gold and silver is any security for the issue of bank paper thereupon, not even to the extent of 90 per cent., to no extent whatever.

I will state the true theory of all banking, and it has been the theory of it since the first bank of issue was ever organized. I have once before stated it, and I will venture to state it again in the Senate. The true theory of all banks of issue is that the capital which is set apart for the redemption of the issues of the bank is a sacred fund that neither the bank nor anybody else has a right to touch in the way of circulation, and it is never considered as a fund upon which interest may be earned, because in the attempt to earn interest you always expose the capital to danger. That is the true theory of banking. I would go to the extent, if the national banks would consent to file releases in the Treasury for the interest accruing upon their bonds during the time that they remain in pledge for the redemption of their circulating notes, of removing all taxes upon circulation, upon deposits, and also upon capital stock.

Although I have ventured to have printed, merely to draw the attention of the Senate to it, an amendment to that effect, I do not know that I shall offer it on this bill, for I do not wish to consume the time of the Senate in the discussion of propositions which are entirely novel, and to which the attention of the Senate has not been heretofore seriously drawn, and which no committee of the Senate has had an opportunity to consider.

Mr. VEST. I should like to ask the Senator a question, as I may have misunderstood him. Do I understand the Senator from Alabama to state that the interest paid by the Government to national banks upon the bonds deposited by them is about equal to the amount of taxes paid by the banks to the Government?

Mr. MORGAN. Yes, it is just about the same sum of money.

Mr. VEST. I have not the Comptroller's report here.

Mr. MORGAN. I have it here.

Mr. VEST. But I undertake to say that the last fiscal year the difference was about $9,000,000, or a little more, against the Government.

Mr. MORGAN. The Senator is speaking of private banks and national banks.

Mr. VEST. I am speaking of national banks, the bonds of the Government deposited. I shall undertake to show that to-morrow.

Mr. MORGAN. I assume that the rate money would bear now invested in a national banking corporation would from this time forward be about 3 per cent., whatever it may have been heretofore; that their financial condition has approximated that rate; and that an investment of money would draw about 3 per cent. interest now from the Government of the United States. If you wish to buy threes, three-and-a-halfs, fours, or four-and-a-halfs, and go into the market to do it, it would require about a sum of money which would yield you 3 per cent. interest on the investment, although you may get a 4½ per cent. rate from the Government of the United States. That is my proposition, and assuming that not as a fact absolutely established, but as one we may well assume, and assume without any hesitancy, I reassert the proposition that the amount of money we are receiving now in taxation from the national banks would just about cover the amount of the interest upon the bonds at 3 per cent. I find that it just about covers it, and it is for that reason that I am indisposed to disturb the existing order of things. I prefer to let it remain, and I shall vote for the amendment of the Senator from Mississippi on that ground.

Mr. BUTLER. Mr. President, the Senator from Alabama has expressed my views so much better than I can that I shall not detain the Senate by any remarks upon the pending amendment. I would be quite willing to vote for an amendment removing the taxes on the deposits of the banks, but I am not willing to vote for the sweeping amendment proposed by the committee. I think the committee have begun at the wrong end in the way of giving relief in the reduction of taxation. There are so many other things and so many other people in this country who are more in need of relief than the banks that I shall vote for the amendment of the Senator from Mississippi on that ground.

Mr. CALL. Mr. President, I dislike to detain the Senate, but there are a few suggestions which occur to my mind which will control my own vote on the pending amendment. I do not concur altogether in any of the views which have been presented. I regard the business of banking as a means for the distribution of the production of the country, and every burden which is imposed upon it as an agency of exchange must of necessity, under our present financial system and the division of labor, be imposed upon labor and production.

But the business of banking has an incident of profit attached to the labor engaged in it, and as this profit is much greater than that attached to other pursuits, the question is whether there is any reason why it should be exempted from the burdens of taxation for the support of Government while the ill-requited laborer in the farm or factory is subjected to them.

The question presented to us by this amendment is whether in a bill for the reduction of taxation it is wise and just to discriminate against the poor, the great mass of the people, and exempt the well-to-do, the rich, the men of means, the luxuries, and leave the taxes on the labor, on the necessaries of life, on the poor.

Let us see if it is not demonstrable that the bill in the form in which it is presented, in selecting these special forms of relief, does not have precisely this effect. I think it is clear that it does. The people of any State, in all forms of political and social economy, considered in their relation to Government as subjects of taxation, are engaged in production and distribution. Of the former we have the things which are necessary to subsistence, their comfort, enjoyment, luxury, but the three last must manifestly all draw their compensation from the first, and the production of subsistence must be sufficient not only for those engaged in it but also to pay out of its stores the labor of those engaged in producing the things necessary to comfort, enjoyment, and luxury. But the results of labor in the making of the comforts and luxuries appropriate a far greater part of the production of subsistence than the producers themselves obtain. Skilled labor in these things commands its higher reward, and over all commerce and distribution obtains the royal share.

Shall we exempt this royal share, this larger part of the results of labor in the possession of those who have exchanged this labor invested in making the things which minister to comfort and luxury from taxation, and impose it all on the smaller share of subsistence left in the hands of the tiller of the soil, the farmer?

Such a system must in the end be fatal to the manufacturer and the banker or distributer, to all the immense and complicated fabric of business which depends on labor engaged in producing subsistence for its very life.

There is nothing in the world which is properly the subject of taxation or can produce a return under a system of taxation except human labor. To predicate arguments on the expediency of unusually taxing labor in different forms in different and excessive degree only confuses the mind and leads into error. The man who hoes corn and invests his labor in corn or cotton or wheat or barley or any other agricultural production is compelled to pay a tax. The law says when you receive the corn which you have made or bought with your labor, as you may phrase it, and exchange it for a hat, or a coat, or a blanket, or sugar, or coffee, or tea, or tobacco, or flour, you shall pay a tax.

It is not material whether the tax is by internal revenue or by a tariff direct or indirect; it is a tax upon the labor of the man who has hoed the corn or grown the cotton and the wheat and invested his labor in it. It is a tax imposed by Government, and phrase it as you may you cannot alter the fact that it is a tax upon labor and nothing but a tax upon labor.

The question presented in the pending amendment is whether the laborer with the hoe, the agricultural producer, shall say, "Here is a man who keeps the money of other people, who has invested his labor in handling money or credits. At the end of the season he has made $10,000; I have made one hundred bushels of corn. It has taken all my corn to buy my hat, my shoes, my sugar, my tobacco, and that for my wife and children. It takes but a small part of that $10,000 of labor invested in the handling of money to buy his hat, his coat, his shoes, his tobacco, his sugar, and his coffee. You tax him nothing, but you tax me upon my corn which my labor has made."

How can you avoid by any just system of reasoning admitting that this is a discrimination against the labor of the man who produces the corn, cotton, or sugar? Beyond all question, call it by what plausible term or phrase you may, it is an unjust discrimination, and it has been the history of all times and of all divisions of labor that upon the man who hoed the corn and raised the wheat and the cotton lies all the burden of supporting the Government.

The answer that is made in the instance I have stated is that when the banker, the man who has made money, comes to buy his hat or the same articles as the laborer he will pay the same tax, but the trouble is that in the labor he invested in the same time as the farm laborer these greater net results have accrued to him which escaped taxation. When he invests the money in land, in other things, in the second instance it becomes the subject of taxation, but in the primary instance there is this discrimination, and it is the object of every wise system of imposing taxes to relieve the burdens which rest upon the labor of the country as shown in the instance I have cited relating to the agricultural product of the country.

The difficulty, however, only commences here under our system. When you impose a tax on banking you add to the burden of the laborer, you add to the price which he pays for his hat, his coat, his coffee, his sugar. It becomes an element under our system of business of additional price to him. The tax ought if possible to be upon the net results of labor, and certainly ought to be *pro rata* upon the net results of labor.

As I said, bankers are but the agency of exchange and distribution. To impose a tax on their performance of these functions will be only to add another burden to the farmer. To impose the whole tax on agricultural labor and production would be unquestionably

the greatest of evils and the greatest injustice. Yet, desirous as I am, recognizing the fact that these agencies of commerce, these centers of credit, these concentrations of what is called the capital of the country, are but a means of distribution, of production, and desirous as I am to relieve them of any tax upon the gross amount of their exchanges and their business, I can see in this relief granted to them only an additional imposition upon the labor of the country in its less profitable forms.

Internal-revenue taxation and customs taxation are the same in their results, and it does not matter to the tax-payer and his industries whether he pays it by one or the other method so far as results are concerned. You can not reduce the burdens of taxation upon labor equitably and fairly without considering the effect of customs taxation.

I do not believe it is to the interest of bankers and of banking to be exempt from a just system of taxation, a system that does not impose a tax on the gross amount of their exchanges or discounts, but is levied on their capital and their net profits and the net results of their business.

The difficulty with this bill is in presenting distinct and special forms of relief of labor engaged in the higher industry of the country so far as banking is concerned, of the profitable industries of the country, without discriminating as to the amount of relief, without levying a tax and making some provision for a tax upon the net results of their labor, you disadvantage those who are disposed to take a fair and just view of the benefits and the burdens to be granted to or imposed upon labor in its different forms.

For one I should be glad to vote for a relief to the banking interest, the capital, if you please to call it so, the concentrated credit of the country, which should diffuse it everywhere and enable it to come easily within the reach of the producing class, but I scarcely think touching this great interest alone, and leaving the burdens of taxation unrelieved upon the agricultural productions of the country and upon labor in manufactures, and the necessaries of life will benefit either the banks or the public at large.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Finance as amended. The yeas and nays have been ordered upon the amendment to the amendment, and the roll will be called.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I should vote "yea," if he were here.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Georgia [Mr. BROWN] on many questions. Upon this particular question I think he would vote "nay," if I am properly advised. The Senator from Alabama [Mr. MORGAN] perhaps can inform me.

Mr. MORGAN. My impression is that he would vote "nay;" that he would vote with the committee on the amendment.

Mr. McMILLAN. I concur in that view. I therefore feel at liberty to vote, and I vote "nay."

Mr. MILLER, of California, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am paired on all questions with the Senator from Maine, [Mr. HALE,] who has been obliged to go home; but I believe on this question he would vote "nay," and therefore I vote "nay."

Mr. PLATT. I am paired with the Senator from Oregon, [Mr. SLATER.] I should vote "nay" if he were present.

Mr. VEST, (after having voted in the affirmative.) I withdraw my vote. I now recollect that I am paired with the Senator from Kansas, [Mr. PLUMB.] I do not know how he would vote, but I withdraw my vote anyway. I should vote "yea" if he were here.

The result was announced—yeas 15, nays 41; as follows:

YEAS—15.

Butler,	Farley,	Morgan,	Voorhees,
Call,	George,	Pugh,	Walker,
Cockrell,	Harris,	Ransom,	Williams.
Coke,	Maxey,	Vance,	

NAYS—41.

Aldrich,	Davis of W. Va.,	Jonas,	Rollins,
Allison,	Dawes,	Jones of Florida,	Saulsbury,
Anthony,	Ferry,	Kellogg,	Saunders,
Bayard,	Frye,	Lapham,	Sawyer,
Beck,	Groome,	Logan,	Sewell,
Blair,	Hampton,	McDill,	Sherman,
Camden,	Harrison,	McMillan,	Van Wyck,
Cameron of Pa.,	Hawley,	Mahone,	Windom.
Cameron of Wis.,	Hoar,	Miller of N. Y.,	
Chilcott,	Ingalls,	Mitchell,	
Conger,	Jackson,	Morrill,	

ABSENT—20.

Brown,	Gorman,	Johnston,	Pendleton,
Davis of Illinois,	Grover,	Jones of Nevada,	Platt,
Edmunds,	Hale,	Lamar,	Plumb,
Fair,	Hill of Colorado,	McPherson,	Slater,
Garland,	Hill of Georgia,	Miller of Cal.,	Vest.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

Mr. SAULSBURY. I move to amend the amendment of the committee by striking out, in line 18, the words "and deposits," and on that question I wish to say a few words.

Mr. HOAR. I ask for the yeas and nays on the amendment of the Senator from Delaware.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, I voted against the amendment of the Senator from Mississippi because I am perfectly willing to relieve the banks from a portion of the taxes which they now pay. I am willing to relieve them from the tax upon capital. His amendment proposed to strike out the attempted relief on capital as well as on deposits. I believe the banking capital of the country ought to pay some portion of the taxes of the country as well as other people.

Mr. HARRIS. If the Senator from Delaware will allow me, if that be his view, he should move to strike out "capital" instead of "deposits."

Mr. SAULSBURY. No; I want to retain the tax on deposits.

Mr. HARRIS. Then the Senator's amendment is proper.

Mr. SAULSBURY. When these taxes were imposed the condition of the country was such that the capital of banks was made a subject of taxation as well as various other things. We do not need so much revenue now, and I am willing to relieve the banks to a certain extent, but I am not willing to relieve them to the extent that the Senate Finance Committee propose. I wish the tax upon deposits to remain, and I think there are some reasons why those taxes should remain.

The tax upon capital, the tax upon deposits, the tax upon circulation, is but a means of ascertaining and determining the amount of taxes the banks shall pay. Sometimes a State taxes a railroad company on its gross earnings, sometimes on its net earnings, sometimes on its capital stock. This is all with a view to ascertain the just proportion of taxes which these banks shall pay, both the tax on capital and the tax on circulation.

I do not believe that banks should be relieved from all taxes, and I believe it to be more just to all the banking interests of the country to relieve them from taxation upon capital rather than from taxation upon deposits, for the reason that the national banking institutions of this country now pay but a small portion of the tax upon capital, as their capital is largely invested in Government bonds which are exempt from taxation, while State banks pay upon their entire capital. If, however, you tax them upon deposits and relieve them from taxation on capital, it bears equally, according to the business done, upon all the banks, both national and State banks.

Therefore I think it is more proper to require the banks to pay a tax upon deposits, because it is more exact and just to all the banking institutions than to tax them upon capital. There is an additional tax upon national banks, upon their circulation. That tax is not paid by the State banks because the State banks have no circulation. It is a tax imposed very justly upon the banks, because the Government has interfered and prevented the State banks from issuing circulation, and has given the national banks a monopoly of the bank circulation of the country. The national banks possess a monopoly of the circulating medium, and they therefore ought to be taxed upon the circulation. By taxing them on their deposits, I repeat, all the institutions, State and national banks, would be taxed in a measure according to the amount of the deposits which they had received and the business done upon those deposits, and it would be perfectly just and equitable among banking institutions. If you were to tax them upon capital all alike, then the State banks would pay a much larger per cent. according to capital than the national banks by reason of the exemption of the bonds which form a part of the capital of the national banks.

I believe the banking institutions, whether State or national, ought to bear a portion of the common burden of the country. I have no desire to make any of the banks, whether they are State or national banks, pay any more than their just proportion. I can see no reason why money invested in banking should be exempt from taxation, while money invested in business enterprises and in the industries of the country is subject to taxation. I shall therefore vote for the amendment which I have offered, which simply retains the tax on deposits, and I shall vote to exempt the banks from the tax upon their capital.

Mr. DAVIS, of West Virginia. I wish to make an inquiry of the Chair. As I understand, the Senator from Mississippi [Mr. GEORGE] moved to strike out from the word "pounds," in line 18, down to and including the word "vouchers," in line 22. The Senate refused to strike out those words, and now the Senator from Delaware moves to strike out a part of what the Senate refused to strike out. I wish to ask whether that is in order?

The PRESIDING OFFICER. It is not in order. The Chair was not aware that such an amendment had been moved and voted down. The vote of the Senate rejecting the amendment of the Senator from Mississippi is equivalent to a vote retaining that part, and therefore it cannot be stricken out.

Mr. HARRIS. Does the Chair hold that where a number of lines have been proposed by an amendment to be stricken out and the Senate decided not to strike out half a dozen lines of the bill a motion that a part of those lines be stricken out afterward is not in order?

The PRESIDING OFFICER. Certainly, because the greater in-

cludes the less. The Senate have refused to strike out a whole clause, and therefore that is equal to its retention; and a motion to strike out a part of it is not in order. A motion to strike out and insert would be in order.

Mr. HARRIS. The Senate has refused to perfect the amendment of the committee as proposed by the amendment of the Senator from Mississippi. Now, another Senator proposes to perfect the same amendment, not in the same way, and it certainly is in order it seems to me.

The PRESIDING OFFICER. The Senator from Tennessee is too good a parliamentarian to hold such an amendment to be in order. The difficulty with the amendment of the Senator from Mississippi was that it covered the whole, and the refusal of the Senate to strike out the whole precludes a motion to strike out a part. The rule is clear on the general question. The Chair will read it.

Mr. COCKRELL. What is the number of the rule?

The PRESIDING OFFICER. It is on the subject of general amendments, on page 290 of Jefferson's Manual. A refusal to strike out is equal to a retention, and unless a motion is made to strike out and insert something else it cannot be entertained, on the principle that you cannot move again to strike out that part which the Senate has refused to strike out unless you move to strike out and insert other matter.

Mr. HARRIS. I am not for the amendment of the Senator from Delaware, but the bill stands now as though the amendment of the Senator from Mississippi had never been offered and rejected by a vote of the Senate. Here is an amendment of the committee which is open to amendment.

The PRESIDING OFFICER. The Chair replies to the Senator that a refusal to strike out a clause is equivalent to its retention.

Mr. HARRIS. May I ask the Chair if the Chair is not bound to submit the question to the Senate: Will the Senate agree to this amendment of the committee? and if so, the rule the Chair refers to is not conclusive upon this question?

The PRESIDING OFFICER. The final question is on the amendment as amended. That question comes next.

Mr. SAULSBURY. I do not propose to controvert a question of parliamentary law with the Chair; but what was the judgment upon the last vote of the Senate? It was that the whole matter covered by the amendment of the Senator from Mississippi should not be stricken out. That was the judgment which the Senate passed, but it has never passed the judgment that a portion of the matter covered by the amendment of the Senator from Mississippi should not be stricken out. I am aware that if I were to offer an amendment covering the whole ground covered by the amendment of the Senator from Mississippi then the judgment of the Senate upon that question was final and conclusive; but upon the motion which I make I hold there has been no judgment of the Senate.

The PRESIDING OFFICER. If the Senator will allow the Chair he will read from the Manual on page 290.

Mr. HARRIS. What rule does the Chair read from?

The PRESIDING OFFICER. It is under the head of "amendments" in Jefferson's Manual. Of course our rules do not cover this case. This is a point of general parliamentary law. Any parliamentarian understands that a motion to retain is one thing and that a refusal to strike out is equal to a retention. The Chair will read from the Manual.

Mr. HOAR. May I inquire of the Chair, suppose the motion were to strike out all of the bill after the enacting clause and it was rejected, would it not then be possible to amend afterward?

The PRESIDING OFFICER. If the Senate should refuse to do that it would be equal to a retention of the matter. The Chair will read the rule if Senators will permit.

Mr. BUTLER. After the Chair has read the rule, as the question is becoming somewhat involved, I give notice that I shall move an adjournment.

Mr. HARRIS. May I be allowed, before the Chair proceeds, to inquire if the Senate is estopped by the vote which has been taken upon the amendment of the Senator from Mississippi to strike out? Has the Senate been precluded and estopped from perfecting the amendment before it votes upon it? That seems to be the inevitable conclusion of the Chair.

The PRESIDING OFFICER. The difficulty with the Senator from Tennessee is that this is not a motion prior to the action by the Senate on the motion of the Senator from Mississippi; but the Senate declined to strike out the matter, and therefore that is equal to its retention, and it cannot now be changed.

Mr. HARRIS. The Senate declined to strike out the whole clause that he moved to strike out.

The PRESIDING OFFICER. The whole.

Mr. HARRIS. That was not declining to strike out a single word or a single item in the amendment.

The PRESIDING OFFICER. If the Senator will allow the Chair, the Senator confounds the question of striking out the whole paragraph with the question of striking out a part of the paragraph. If it had not been moved to strike out the whole, then it would be in order to amend another part of the paragraph, but the difficulty is that the amendment of the Senator from Mississippi has covered the whole. The Chair will now read the rule.

Mr. RANSOM. Would not the amendment of the Senator from Delaware be in order when the bill reaches the Senate?

The PRESIDING OFFICER. Clearly it would.

Mr. HARRIS. Unmistakably.

THE PRESIDING OFFICER. The Chair will read from the Manual:

> If on the question it be retained, it cannot be amended afterward, because a vote against striking out is equivalent to a vote agreeing to it in that form.

The amendment of the Senator from Mississippi was to strike out a paragraph. Disagreeing to that was equivalent to agreeing to the clause in that form.

Mr. HARRIS. Then the Chair holds, according to that authority, that this amendment is agreed to, and we pass from it?

The PRESIDING OFFICER. The Chair holds that the amendment, so far as that part is concerned, has been agreed to, but the amendment of the committee is to strike out and insert. Therefore that is a different question from this.

Mr. VANCE. Mr. President, there are six sections to the bill——

Mr. SHERMAN. I hope there will be a vote on the amendment of the Senator from Delaware.

Mr. VANCE. There are six sections to the bill. Suppose I were to move to strike out five of them and the Senate should refuse to do it; could not those five sections then be amended in any particular?

The PRESIDING OFFICER. They cannot without adding to them. That is clear. Any parliamentarian will say so.

Mr. DAVIS, of West Virginia. In the Senate they can be amended.

The PRESIDING OFFICER. Certainly; but the Chair is speaking of the Committee of the Whole.

Mr. MORRILL. There is no objection to taking the vote on the amendment of the Senator from Delaware, [Mr. SAULSBURY.]

The PRESIDING OFFICER. The Chair rules it out of order, but the Senator from Vermont asks unanimous consent to take the vote on it.

Mr. COCKRELL. I will not give that consent until I enter my protest against the decision of the Chair; and if it were not for the request of the Senator from Vermont I should take an appeal from the decision. I do not think it is sustained at all by the rule which the Chair has quoted, and I cannot permit the decision of the Chair to pass with my approbation.

Mr. MORRILL. There is no objection to taking a vote on the amendment.

Mr. HARRIS. I do not appeal from the decision of the Chair, but I desire to enter my protest against the decision.

Mr. SAULSBURY. I appeal from the decision of the Chair.

Mr. LOGAN. We will take a vote on the proposition.

The PRESIDING OFFICER. The Senator from Vermont [Mr. MORRILL] proposes to take a vote on the proposition and there is no objection to that. The question is on the amendment of the Senator from Delaware, [Mr. SAULSBURY,] on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. FRYE, (when Mr. HALE's name was called.) My colleague [Mr. HALE] and the Senator from Kentucky [Mr. BECK] are attending to the business of the Appropriations Committee and are paired.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. McMILLAN, (when his name was called.) I vote as the Senator from Georgia, [Mr. BROWN,] with whom I am paired, would vote if he were here.

Mr. MILLER, of California, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. PLATT, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.] I should vote "yea," if he were here.

The roll-call was concluded.

Mr. PLATT. The Senator from Pennsylvania [Mr. CAMERON] desired me to announce his pair with the Senator from South Carolina, [Mr. BUTLER.]

Mr. LAPHAM, (after having voted in the negative.) I inadvertently voted. I am paired with the Senator from Ohio, [Mr. PENDLETON.] I withdraw my vote. If he were here, I should vote "nay."

The result was announced—yeas 5, nays 45; as follows:

YEAS—5.

George,	Saulsbury,	Vance,	Williams.
Gorman,			

NAYS—45.

Aldrich,	Davis of West Va.,	Jones of Florida,	Ransom,
Allison,	Dawes,	Kellogg,	Rollins,
Anthony,	Ferry,	Logan,	Saunders,
Bayard,	Frye,	McDill,	Sawyer,
Blair,	Hampton,	McMillan,	Sewell,
Call,	Harris,	Mahone,	Sherman,
Camden,	Harrison,	Maxey,	Van Wyck,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Voorhees,
Chilcott,	Hoar,	Mitchell,	Windom.
Coke,	Ingalls,	Morgan,	
Conger,	Jackson,	Morrill,	
Davis of Illinois,	Jonas,	Pugh,	

ABSENT—26.

Beck,	Farley,	Johnston,	Platt,
Brown,	Garland,	Jones of Nevada,	Plumb,
Butler,	Groome,	Lamar,	Slater,
Cameron of Pa.,	Grover,	Lapham,	Vest,
Cockrell,	Hale,	McPherson,	Walker.
Edmunds,	Hill of Colorado,	Miller of Cal.,	
Fair,	Hill of Georgia,	Pendleton,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Finance as amended.

Mr. MORRILL. When we vote on that I shall afterward move an adjournment.

Mr. ALDRICH called for the yeas and nays; and they were ordered.

Mr. COCKRELL. Let the amendment be read as amended.

The ACTING SECRETARY. The amendment is to strike out the following words from lines 6 to 18:

Stamp tax on bank checks, drafts, orders, and vouchers, the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended, the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

And in lieu thereof to insert:

The taxes now imposed by law on manufactured tobacco on and after January 1, 1883; and from and after that date the tax on manufactured tobacco shall be 12 cents per pound; and on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and

The Principal Legislative Clerk proceeded to call the roll.

Mr. PLATT, (when the name of Mr. CAMERON, of Pennsylvania, was called.) The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. FRYE, (when Mr. HALE'S name was called.) My colleague [Mr. HALE] is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. FARLEY, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] and myself are paired on this question. I do not know how he would vote. For that reason I withhold my vote.

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.] If he were here, I would vote "yea."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Georgia, [Mr. BROWN.]

Mr. MILLER, of California, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. PLATT, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.] If he were present I should vote "yea."

Mr. VEST, (when his name was called.) If I were not paired with the Senator from Kansas [Mr. PLUMB] I should vote "nay."

The roll-call was concluded, and the result announced—yeas 39, nays 10; as follows:

YEAS—39.

Aldrich,	Davis of W. Va.,	Jackson,	Ransom
Allison,	Dawes,	Jonas,	Rollins,
Anthony,	Ferry,	Jones of Florida,	Saunders,
Bayard,	Frye,	Kellogg,	Sawyer,
Call,	Gorman,	Logan,	Sewell,
Camden,	Hampton,	McDill,	Sherman,
Cameron of Wis.,	Harrison,	Mahone,	Van Wyck,
Chilcott,	Hawley,	Miller of N. Y.,	Williams,
Conger,	Hoar,	Mitchell,	Windom.
Davis of Illinois,	Ingalls,	Morrill,	

NAYS—10.

Blair,	George,	Morgan,	Voorhees.
Cockrell,	Harris,	Pugh,	
Coke,	Maxey,	Vance,	

ABSENT—27.

Beck,	Garland,	Jones of Nevada,	Platt,
Brown,	Groome,	Lamar,	Plumb,
Butler,	Grover,	Lapham,	Saulsbury,
Cameron of Pa.,	Hale,	McMillan,	Slater,
Edmunds,	Hill of Colorado,	McPherson,	Vest,
Fair,	Hill of Georgia,	Miller of Cal.,	Walker.
Farley,	Johnston,	Pendleton,	

So the amendment as amended was agreed to.

Mr. MORRILL. I wish before making a motion to adjourn to give notice that to-morrow I shall try (and I hope I shall have a united effort on the part of the Senate) to finish this bill. I now move that the Senate adjourn.

Mr. VOORHEES. One word. I am afraid there will be a misunderstanding to-morrow, and I do not want any misunderstanding. I understood the Senator from Vermont to ask an agreement to sit this bill out to-morrow.

Mr. MORRILL. I did not ask for unanimous consent, but I said I hoped there would be consent to what I suggested.

Mr. VOORHEES. That is all right.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at six o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 20, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. R. No. 261) to continue the provisions of a joint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenses of the Government."

REPORT ON FOOD-FISHES, ETC.

The SPEAKER laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and is hereby, instructed to print, in quarto form, a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and the fisheries of the United States, the engravings to be in relief, and to be contracted for by the Public Printer under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped and 10,000 extra copies printed, of which 2,500 shall be for the use of the Senate, 5,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent thereon added.

FLAGS OF MARITIME NATIONS.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring,) That there be printed from the plates now in the possession of the Bureau of Navigation, Navy Department, 3,000 copies of the Flags of Maritime Nations, of which 800 copies shall be for the use of the Senate, 1,200 copies for use of the House of Representatives, and 1,000 copies for the use of the Navy Department, to be used on board of vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes.

ALLEGED ERROR IN ANNOUNCEMENT OF VOTE.

Mr. CALKINS. I now call for the regular order, and call up the resolution which I offered last evening. I see that the gentleman from Kentucky [Mr. BLACKBURN] is now in his seat.

Mr. BLACKBURN. Let that resolution be read.

The Clerk read as follows:

Whereas Mr. BLACKBURN, a Representative from the State of Kentucky, has asserted that the record of the vote taken to-day on the following resolution:

"*Resolved*, That George D. Tillman was not elected as a Representative to the Forty-seventh Congress from the fifth Congressional district of South Carolina, and is not entitled to retain the seat which he now occupies in this House"—

as reported to the House, was falsified by the Clerk: Therefore,

Resolved, That a select committee of three be appointed, whose duty it shall be to fully and thoroughly examine into the charge made and report thereon to the House without delay.

Mr. CALKINS. If the gentleman from Kentucky has no objection to the resolution, I ask for its immediate consideration.

Mr. BLACKBURN. I have objection to the resolution, and before I get through I will suggest some modifications. I desire in the first place to ask the gentleman from Indiana, [Mr. CALKINS,] offering the resolution, where he finds warrant for that portion which charges that I have asserted that the clerks have falsified the record?

Mr. CALKINS. The resolution was drawn before the remarks of the gentleman from Kentucky were printed. I understood from the remarks made by the gentleman yesterday that he used the words "falsification of the record," not in the sense, as I understand, of charging anything upon the Clerk intentionally. And for the purpose of correcting any impression or any idea that the Clerk had falsified the record this resolution was introduced; not for the purpose of saying that the gentleman from Kentucky charged that it was intentionally done, but at the request of the Clerk, that the truth might be known and reported to the House.

Mr. BLACKBURN. Now, Mr. Speaker, I want to be entirely frank and fair in treating this matter. In my judgment it is a question of privilege, for it involves in a very vital degree the integrity of the proceedings of this House. I am sure that I do not mean to deal harshly with any of the officers of this House, the clerks or others, who have no right of reply or explanation here. I am sure that the RECORD as it is printed does not warrant attributing to me a charge of the falsification of the record against the clerks. I wish to say further in this connection that I never saw the notes of any remarks that I made yesterday. I never saw those remarks until I saw them in print in the RECORD. I never touched the report; I did go to the chief stenographer of this House immediately upon concluding what I had to say, told him that I did not want to see the notes, and told him further not to let my utterances be changed in the slightest respect. That is all I have had to do with the matter until the RECORD was delivered at my room this morning.

Mr. CALKINS. The gentleman will allow me to say that I certainly do not charge him——

Mr. BLACKBURN. I am sure of that.

Mr. CALKINS. If there is any language that the gentleman desires by way of modification of the resolution I will gladly put it in. My only purpose was to obtain the appointment of a committee to show (if it be true) that this was an entire mistake and one that might happen at any time on the part of the clerks.

Mr. REED. If nobody charges the contrary, it seems to be unnecessary to have an investigation.

Mr. BLACKBURN. Let me say, Mr. Speaker, that I stand by the RECORD precisely as it appears. If it is not correct, it is not my fault; for I never saw the report and never touched it, but through abundant caution asked the chief stenographer that there should not be one word changed. I will read the language. I asked this question:

Whether there is any defense to be made of the officials of this House, in the person of its clerks, who failed to allow it to be known to the House that a quorum had not voted on a question where a quorum was needed.

Now, Mr. Speaker, I insist that if the ruling of the Chair is correct—and I am not controverting that now—if the ruling of the Chair is correct that the right of a member to have his vote recorded survives to him even after that roll-call has been completed, provided he will state that he did vote on the call and the Clerk did not catch the vote—I am not controverting that position; but I say if that is true, the right of every member of this House to demand a quorum where a quorum is needed must survive to him. If that tally-sheet had been made up and reported correctly, we all admit that no quorum had voted; and then it was the right of any member of this House to demand a quorum. But it was made up incorrectly—whether by accident or by design it does not matter. Being so made up incorrectly, a quorum appeared when there was no quorum. Now I say by the fairest application of reason that can be employed, when that mistake was discovered the right survived to every member of this House to make the point and demand a quorum.

Now, what I said I said upon information which it was fair to accept. The tally clerk of this House came from his desk to the seat I occupied, just here; and the gentleman from Illinois, [Mr. SINGLETON,] who now sits by me was present, and examined that tally sheet with me. I say that it was the baldest of all mistakes. We know how these rolls are made up. I want that tally sheet produced here, I want it preserved, if there is to be any inquiry into this matter.

The SPEAKER. They are always preserved.

Mr. BLACKBURN. These rolls—I hold one in my hand—are made up, as will be seen, in five columns. The figures of the first column were carried down properly; those of the second were carried down properly; but here toward the foot, if not at the foot, of the second column, opposite the name of the last man voting on that column, if not the last name on the column, were placed the figures 58. It was all fair and right up to that point. Right at the top of, say the third column—not in the column, not opposite anybody's name, but above the column, are put the figures 59; and opposite the first name in the third column the figures 60 appear.

Mr. CALKINS. Will the gentleman allow me to say——

Mr. BLACKBURN. The numbers are opposite to the names of the individuals who voted.

Mr. CALKINS. Will the gentleman allow me to interrupt him a moment, though I know it is unpleasant? Is it not the fact that the last number at the foot of each column is carried up above the names on the next column, in that computation?

Mr. BLACKBURN. I think so; but the last number on the second column was 58, and the number put at the head of the third column was 59.

Mr. CALKINS. But the gentleman will see how easy it would be for the clerk in keeping the tally, instead of carrying up 58, to start on the next column by mistake with 59.

Mr. BLACKBURN. I cannot see for my life how it could be done by mistake.

Mr. HORR. Does not the gentleman know that is the most common mistake among bookkeepers?

Mr. BLACKBURN. I am not a professional bookkeeper, but I do know this, that tally sheet will show the figures 58 opposite the last name voting, that represented 58 men voted, toward the bottom of the second column, if I am right as to the number of the column, at the bottom of one column; and I know the number 59 has no name to correspond to it at all, and it is not put in a column, but put way above the column, and the first name or the next succeeding, which in my recollection is the third column, has the number 60 opposite to it.

I know more: to test the accuracy with which this record is kept, on last Monday Mr. STOCKSLAGER, the gentleman from Indiana, was recorded as voting, when he was not within four hundred miles of this city. I know as to yesterday the RECORD I have this morning in my hand shows that Mr. CALKINS, the chairman of the committee himself, in his place said: "Mr. Speaker, I desire to change my vote to 'no,' as I conscientiously believe this election ought to go back to the people." No objection was made. It was his right to change, but I know in this RECORD he is recorded in the affirmative.

Mr. CALKINS. But not in the Journal. The RECORD shows the whole proceedings from beginning to end. It shows when I changed my vote, and then the Speaker states the result after the change was made. Both are exactly right.

Mr. BLACKBURN. I am speaking of the evidence. I say it is not right to record that vote in the affirmative when the gentleman voted in the negative. Now, Mr. Speaker, I have no objection to inquiry. It is not for myself I am speaking now; I am speaking for the clerks of this House. I do not want to appear or have any member appear as doing any injustice or making any charge in advance against any officer of the House. If an investigation is desired here by anybody to inquire into the manner and method of keeping the tally-list of this House I am perfectly willing to see it done, for I do believe that during contested-election cases mistakes have been made before; but I am more than willing to have any investigation instituted or any inquiry put on foot any gentleman desires. I have simply stated the facts.

Mr. CALKINS. Now if the gentleman will suggest any change he desires made in the resolution, I will make it.

Mr. BLACKBURN. If that is to be done I have but one suggestion to make. If there is to be any inquiry made into this matter at all, I trust the gentleman will correct his resolution in two respects: first, so it shall not appear that I am charging the clerks with falsification; and, secondly, so as to let the inquiry reach to every call of the roll in all these election cases. [Cries of "No!" "No!" on the Republican side.]

Mr. CALKINS. I could not do that without a charge being made.

Mr. BLACKBURN. I make as much charge as to the others as to this one. I say that I believe mistakes have been made equal to this in other cases.

Mr. CALKINS. As to the first particular I am willing to make the resolution to suit the gentleman and to make it suit him exactly, precisely. In the latter particular I do not believe that the House ought to go into the investigation. I should be unwilling to do so unless some specific charge was made.

Mr. BLACKBURN. If the gentleman wishes to offer a resolution to raise a committee of inquiry I will move to amend so as to make it apply to all the roll-calls on contested-election cases in this Congress.

A MEMBER. And in former Congresses.

Mr. BLACKBURN. If we are going to hunt for the truth let us get it all.

The SPEAKER. The Chair desires to state that it is not a fact, as the tally sheets will show, that Mr. STOCKSLAGER was improperly recorded.

Mr. BLACKBURN. I state it on the statement of his colleague, [Mr. COLERICK.]

The SPEAKER. That is true, but that is not the fault of the tally clerk. The tally sheet is correct.

Mr. BLACKBURN. Who are we to hold responsible for mistakes of the votes as shown in the RECORD?

The SPEAKER. Sometimes the printers.

Mr. BLACKBURN. The printer is not an officer of the House. The printer might leave out the name of a member voting, but he never would put in the name of one not voting.

Several members addressed the Chair.

The SPEAKER. The gentleman from Maine is recognized.

Mr. REED. It seems to me, Mr. Speaker, that there is no occasion whatever for any difficulty about this matter. The gentleman from Kentucky, although he has insinuated charges, positively declines to make any against the clerk.

Mr. BLACKBURN. I beg the gentleman's pardon. I have made no insinuation at all.

Mr. REED. Well, the House will judge of that. The House has heard the statements of the gentleman from Kentucky, and will judge whether my criticism is a correct one or not.

Now, I wish to say, Mr. Speaker, that the whole matter of this mistake seems to me to be not only very clear but easily explained. The tally clerk, when he had counted down one column of the roll, found that there were fifty-eight members who had voted, and by a very natural mistake, liable to occur at any time and to anybody, instead of carrying up the number fifty-eight to the head of the next column went on counting and put down the consecutive number fifty-nine. Any man can see on a moment's reflection that this is a perfectly natural mistake, and can easily see how it might occur. We must also understand and take into consideration the entire absence of any possible motive for making a willful error in the count. The only possible ground on which it could be alleged that a willful miscount occurred would be that a quorum was demanded upon the vote.

Now, a quorum was present. The Speaker was in the chair ready to vote. He had been exercising his right as a Representative to vote constantly, and there was consequently not the slightest occasion for the tally clerk to make an intentional error. This is so plain and so palpable that if the vision of the gentleman from Kentucky were not obscured by party passion I believe he would be the very first man to acknowledge the injustice of what he has said, let it be an insinuation, charge, or however he himself may choose to characterize it.

But further than that, upon the point of order that was made with reference to the right of the Speaker to vote on that occasion, it seems to me that not only on precedent but on principle the matter of his right to do so is as clear as plate glass. The clerk had made a mistake. The Speaker, as soon as the mistake was discovered, an-

nounced it to the House. Thereupon the gentlemen upon the other side wished to go back and have matters *in statu quo*, as before the announcement of the vote, so that they could make the objection that there was no quorum voted upon that call. But if you are going to have anything *in statu quo* as to one point you have to take it as to everything which relates to it, and every point in connection with it will have to be relegated back to the time when it occurred.

Now, the Speaker of the House, occupying the chair then, exercised his right to vote, and the right to object on the ground of the quorum ceased forever. The gentleman from Pennsylvania, [Mr. RANDALL,] when Speaker of this House, had set a precedent, not himself first, but in obedience to the universal custom of the House, a custom which was just and absolutely right, by declaring that if a correction was to be made in the RECORD by which the record was to be entirely changed, the day after the transaction occurred, that everything assumed its former position with reference to the subject, and the whole transaction took place as of the time when it ought to have been correctly recorded, and he thereupon cast his vote. That being the case it does not lie in his mouth to question a similar act, and when founded upon sound sense and common judgment; for whatever the result, you certainly cannot allow the Journal to stand as they claim it should, for that would be to misrepresent the action of the House by making it appear that it had done one thing when in fact another thing had occurred. Nor can you deprive members of the right to vote who were present and did vote on a certain roll-call. If the House decides to vacate the action which it has taken in such a way as that, and take another vote, the answer of a member would be, "I did vote. I was present and voted upon the question; but after voting I went about my business. I have done my duty. I have represented my constituents, and I have gone to attend to their business and now by your action you prevent my vote from being recorded." Hence I say you must do everything as if the mistake had been pointed out at the time and immediately corrected.

Now I submit, Mr. Speaker, that upon both of these heads, and upon sound common sense and judgment, if it was not for the personal request of the tally clerk that this investigation should be had for his own vindication, I should object to it and oppose it; but since he desires it, and if it is deemed necessary by gentlemen upon the other side for his vindication, I am willing that it shall go on. But I appeal to their sense of justice and fairness, and in view of the absence of all possible motive, as well as the naturalness of the mistake, that it should prevent them from making these charges, and especially in view of the fact that the mistake was announced and corrected as soon as discovered.

Mr. BLACKBURN. Mr. Speaker, the gentleman from Maine is peculiar in many things. He is peculiar in this, that he is the only man in this House or elsewhere who knows me who would believe for an instant that it is competent or possible for me to indulge in any insinuation or in any innuendo upon any subject.

He is peculiar in another respect; and that is in frequently treating this House to lectures on non-partisan demeanor on the part of Representatives, and painting the beauties of that supremely balanced state of mind where a man can act without the slightest bias growing out of his party affiliations. That is a peculiarly interesting spectacle that the gentleman presents; and I know of nothing in this world that it reminds me of, and of but one thing in the other world, and that would be the devil undertaking to prate upon the beauties of the scheme of universal redemption. [Laughter.]

Mr. REED. I thought that was the part of the other world with which the gentleman would naturally be familiar. [Renewed laughter.]

Mr. BLACKBURN. I trust if I shall suffer such a doom as that I may at least be spared that supremest of tortures the company of the gentleman from Maine.

Mr. REED. You will be.

Mr. BLACKBURN. I have said all I care to say. If I have any time I yield it to the gentleman from Georgia, [Mr. HAMMOND.]

Mr. CALKINS rose.

Mr. HAMMOND, of Georgia. Will the gentleman from Indiana [Mr. CALKINS] yield to me a moment?

The SPEAKER. The gentleman from Georgia, [Mr. HAMMOND,] if he desires it, will be recognized. The only question now pending is on the adoption of the resolution offered by the gentleman from Indiana.

Mr. HAMMOND, of Georgia. I desire to offer an amendment.

Mr. CALKINS. I desire to amend the resolution first myself, so that its terms may meet the approval of the gentleman from Kentucky, [Mr. BLACKBURN.] I move to strike out the words "asserted that" and insert the word "questioned."

The SPEAKER. The gentleman can modify his own resolution.

Mr. HAMMOND, of Georgia. How will it read then?

Mr. CALKINS. It will read thus:

Whereas Mr. BLACKBURN, a Representative from the State of Kentucky, has questioned the record of the vote taken to-day, &c.

The SPEAKER. The word "to-day" should be stricken out also.

Mr. CALKINS. I will strike out "to-day" and insert "yesterday." That will satisfy the gentleman from Kentucky, as I understand.

Mr. BLACKBURN. And then I ask the privilege of offering an amendment, so as to extend the investigation to the past.

Mr. RANDALL. Before the question is taken I wish to say a word in answer to the gentleman from Maine, [Mr. REED.]

The gentleman from Maine alluded to a decision made by me as Speaker in the Forty-fourth Congress. I only want to say a careful reading of that decision leads me to say and believe that the two cases are not at all identical. In that instance two gentlemen came in on the following day and actually added their votes; whereas in this case there was a vote represented to be cast without any Representative responsible for it. That is one of the distinctions. In addition, at that period it was constantly the habit to allow members to come days afterward and ask the privilege of recording their votes; and if it did not change the result the practice was to allow that to be done.

The SPEAKER. In the case referred to by the gentleman it did change the result.

Mr. RANDALL. I know it did. But in that case the vote of the Speaker was preceded by the votes of two gentlemen being received which had not been recorded, and as to which the Clerk insisted that the record was correct. Now, if two other men could vote, surely the right attached to the Speaker to vote under the altered circumstances. The vote was as the record shows on the first day—yeas 156, nays 78, being two-thirds. When those two gentlemen voted, of course the result was changed. And the circumstances were different. The rule now is entirely different from what was the rule then in reference to the recording of the yeas and nays.

The SPEAKER. The Chair will state its understanding of that case. The Speaker properly allowed gentlemen to come in and have their votes recorded, which they claimed ought to have been recorded before. In that way the record was corrected; and then the Speaker exercised his right to vote.

Mr. RANDALL. The practice then was very loose about the yeas and nays, members being allowed by unanimous consent to have their votes recorded days afterward. That practice the new rule broke up.

The SPEAKER. But it was the fact that in that case the gentlemen whose votes were received insisted that they had voted, although their votes were not recorded at the time.

Mr. RANDALL. I decided they had a right to have the record of the vote corrected.

The SPEAKER. Undoubtedly; and then the Speaker exercised his right to vote.

Mr. RANDALL. The cases are not at all alike.

Mr. HAMMOND, of Georgia. I desire to offer as an amendment to the pending resolution what I send to the desk.

The Clerk read as follows:

Resolved, That said committee do further inquire into the truth of the charge of Mr. ROBINSON, of New York, that on said vote some members are recorded as voting whose names were called and they did not answer.

Mr. HAMMOND, of Georgia. I base that upon what I ask the Clerk to read from the RECORD.

The Clerk read as follows:

Mr. ROBINSON, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. I understand that if any member fails to vote at the time his name is called he cannot afterward vote unless he asserts upon his honor that he was paying attention and did not hear his name called. Now I observe that some members are recorded as voting whose names were called and they did not answer. Is that so?

The SPEAKER. That is a question of fact which the gentleman makes with the officers of the House, the Chair is not called upon to decide.

Mr. ROBINSON, of New York. I only wanted an answer as a precedent.

Mr. ROBESON. I desire to ask the gentleman from Georgia a question: Does he not know that Mr. ROBINSON, of New York, is so deaf that he cannot hear one-half the proceedings of the House? And does the gentleman not know he is trying to found this charge upon the statement of a gentleman so deaf that no man will take his apprehension of whether a man voted or not?

Mr. HAMMOND, of Georgia. In answer to the gentleman from New Jersey, if I am allowed, I will show what I mean.

Mr. ROBESON. I have no objection to that, if the gentleman makes the charge himself; but I do not want him to take the statement of a deaf man to found the charge upon.

Mr. HAMMOND, of Georgia. If the gentleman will only possess his soul in patience one moment I will let him understand what I mean.

The SPEAKER. With the permission of the gentleman, the Chair will state that it understood from the gentleman from New York [Mr. ROBINSON] himself that when that remark was made by him the gentleman was under the impression that Mr. TYLER, who rose after the roll-call was completed, was permitted by the Chair to vote. The gentleman from Vermont merely stated what appears at the foot of the second column on page 37 of the RECORD this morning:

I desire to state that my colleague [Mr. JOYCE] is detained at his home in Vermont by severe illness.

The gentleman from New York [Mr. ROBINSON] was under the impression, as he stated, that the Chair had permitted Mr. TYLER to vote.

Mr. HAMMOND, of Georgia. The remark of the Chair is equally unfortunate with that of the gentleman from New Jersey [Mr.

ROBESON] in coming prematurely before I had been allowed to utter a sentence.

I am opposed to this resolution in toto; but if it is to pass at all it had best include this other matter also. I am opposed to it for this reason: in the first place I question whether it is a matter of privilege, because it does not affect "the integrity of the proceedings of this House." The RECORD shows that the gentleman from Kentucky uttered no word on the subject but this:

The gentleman from New Jersey [Mr. ROBESON] has said that upon the report of the voting it stood 144 yeas and 1 nay. I now desire to know whether the clerks of this House did not report 145 yeas instead of 144?

The SPEAKER. Undoubtedly, and solely through a mistake.

Now, nobody pretended to deny that it was a mistake.

Mr. ROBESON. Will the gentleman allow me to call his attention to another part of the RECORD?

Mr. HAMMOND, of Georgia. Yes.

Mr. ROBESON. On page 39 of the RECORD the gentleman from Kentucky [Mr. BLACKBURN] says:

I submit it in order that we may have an understanding that will serve hereafter in the shape of a precedent to test this: whether there is any defense to be made of the officials of this House, in the person of its clerks, who failed to allow it to be known to the House that a quorum had not voted on a question where a quorum was needed?

That is the gravamen of the statement.

Mr. BLACKBURN. I have already read that to the House.

Mr. ROBESON. Certainly.

Mr. HAMMOND, of Georgia. I have the unfortunate habit of a lawyer of sticking to the case. The resolution of the gentleman from Indiana [Mr. CALKINS] does not contain any allusion whatever to what the gentleman from New Jersey [Mr. ROBESON] has mentioned. The gentleman from Indiana says nothing in his resolution, nor did the Clerk ask him to say anything, of that which the gentleman from New Jersey refers to as requiring the raising of a committee of investigation.

They have selected their language in the resolution. They admit this morning that there was no charge in the language of the gentleman from Kentucky of a falsification of the record. Now, it will not do to shift ground and say that the charge was that the Clerk did not tell the Speaker something that he ought to have told him a little sooner than he did tell him.

I say that the charge made by the gentleman from New York [Mr. ROBINSON] was a clear, specific charge that the Clerk did record names of persons who had not voted. I know that the gentleman is deaf; I know that very likely he was mistaken. Even if he could have heard he might have made the same mistake in the confusion that prevailed here.

I mention this simply to show that remarks of that kind, where there is nothing charging that anything was done for a bad purpose or with any impure motive at all, are not questions affecting "the integrity of the proceedings of the House;" are not privileged questions at all. I may say of any gentleman, however honorable he is, that he made a false statement, without impeaching his honor or his integrity, where I make it in such way as simply to say it is not the truth. That is all the record shows.

I therefore have submitted my resolution, not because I desire its adoption, for I do not, but because I desired an opportunity of showing that the Clerk had noticed and unwittingly selected what was not a charge against him for the purpose of raising a committee that in my opinion ought not to be raised.

While I am upon the floor I wish to make a remark touching the scene that occurred yesterday. Very frequently in the midst of confusion and excitement things of that kind get wrong. I wish to say that I wholly dissent from the views of the gentleman from Maine [Mr. REED] that the Speaker was right. Yet the result might have been the same.

I understand the right thing to be this: when that mistake occurred the right and just thing was to place everything *in statu quo*. The Speaker should have stated that he had discovered that there were but 145 votes cast upon that roll-call and then allowed any gentleman on this side the privilege of raising the question of a quorum. If we had raised the question of a quorum, then by going back and having another vote we would have corrected the wrong and not left the House to rely upon a precedent, if it be one, which was not well and properly taken.

It will not do for us to do such things irregularly where the right of a member depends upon the casting of one vote. Here is a remarkable fact, that when this mistake was communicated to the Speaker, (I know not when it was, but I suppose it was just as soon as it was found out,) before the vote was announced, Mr. CALKINS said:

Before the announcement of this vote, I desire simply to say that conscientiously I believe this election should have been referred back to the people. My vote does not express my sentiment on that subject.

Mr. ATKINS. What was the remark of the gentleman? We did not hear it.

Mr. CALKINS. Mr. Speaker, I desire to change my vote to "no." Conscientiously I believe that this election ought to go back to the people.

Mr. RANDALL. I am sorry you have not more conscientious men on that side.

Now, it might have occurred that had the Chair said, this mistake being discovered, it is proper for us to go back and allow a quorum to be called, and then if a quorum was insisted upon and the voting of the Chair refused to be allowed, that we would have had a new vote, and it might have been that conscientious men enough on that side, together with such on this side as might then have chosen to vote, would have been found to change their votes and thus change the result, after the chairman of the Committee on Elections had announced that in his conscience he was obliged to break with his party. I move to lay the whole subject on the table.

Several MEMBERS. That is right.

The SPEAKER. The Chair desires to state that if yesterday he had done as the gentleman from Georgia thinks he ought to have done, and the point of no quorum had been made, the Chair would then have had the right to vote. No mistake in the tally could have deprived the Speaker of his right to vote.

Mr. HAMMOND, of Georgia. The Chair would have had the right to vote at that time, but not after other proceedings had taken place. The mistake came through the Chair's not finding out the fact at the time through its proper organ; and when the fact was ascertained we should have been remitted *in statu quo*.

Mr. ROBESON. I desire to say a word before the gentleman from Georgia [Mr. HAMMOND] sits down.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] moves to lay the whole subject on the table.

Mr. CALKINS. I hope the gentleman will withdraw that motion for a moment to enable me to reply to one statement he has made in reference to myself.

Mr. ATKINS. I rise to a parliamentary inquiry.

Mr. HAMMOND, of Georgia. I will yield to the gentleman from Indiana, and then renew my motion.

Mr. ATKINS. It seems to me there ought to be a practical result of this matter; and that practical result should be a ruling of the Chair upon this point: whether or not it shall be the practice in this House from this time forward that the Chair when he concludes to vote may vote after intervening business has been had.

Mr. VALENTINE. That is not the question.

Mr. ATKINS. I have risen to a parliamentary inquiry.

The SPEAKER. The Speaker decided that question yesterday, and acted upon the decision.

Mr. ATKINS. What did the Chair decide?

The SPEAKER. The Chair decided to vote as soon as the mistake was discovered, following the precedent made long ago.

Mr. ATKINS. Will the Chair allow me with all deference——

The SPEAKER. Certainly.

Mr. ATKINS. Does the Chair intend now to be understood as ruling that the Chair has the right to record his vote upon any roll-call when intervening business has been had since that roll-call?

The SPEAKER. The Chair rules nothing of the kind and claims nothing of the kind.

Mr. CALKINS. The gentleman from Georgia, [Mr. HAMMOND,] as I understand, withholds his motion to lay this matter on the table for the purpose of giving me an opportunity to reply to what he has said through evident inadvertence. The gentleman said that perhaps if the vote had been set aside some gentleman on this side might have changed their votes because of something that I had remarked about another resolution. Now, believing conscientiously that there was no fair election held in that district, I voted to unseat Mr. Tillman. Upon the other question there is no doubt that the law and the facts of the case justified every man who cast his vote to seat Mr. SMALLS. But I am at war with the law and the precedents in that respect as settled long ago. I intend to make war on them in every case until I can get the House, if I am here long enough, to set the precedents aside. Every precedent from the earliest history of the Government has been with the gentlemen who voted to seat Mr. SMALLS—every one of them; but I am not willing that those precedents shall stand. Four years ago I commenced trying to tear them down; and I shall continue that effort until, as I hope, I shall get the House to reverse that line of precedents.

Mr. Speaker, this is all I desire to say. If the gentleman from Georgia will withhold his motion to lay on the table, I withdraw my resolution.

The SPEAKER. If there be no objection, the resolution will be withdrawn.

There was no objection.

Mr. BRIGGS. I wish to ask the gentleman from Indiana [Mr. CALKINS] a question. In this election in the fifth Congressional district of South Carolina—— [Cries of "Regular order!"]

The SPEAKER. The regular order is insisted upon. The resolution has been withdrawn.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 261) to continue the provisions of a joint resolution approved June 30, 1882, entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I rise to submit a privileged report, the report of the committee of conference on the river and harbor appropriation bill.

The Clerk was proceeding to read the report when,

Mr. RANDALL said: I ask that the amendments referred to in the

report may be read, because, from the mere numbers of the amendments as recited in this report, we can obtain no information.

Mr. PAGE. The chairman of the Committee on Elections tells me he is anxious to go on with the business of that committee, and I will therefore ask to withdraw the conference report. I ask, however, it may be printed in the RECORD, together with the accompanying statement.

The SPEAKER. The Chair hears no objection, and it is so ordered.

The report and the statement are as follows:

The managers on the part of the House of the conference on the river and harbor appropriation bill submit the following statement in explanation of the report agreed upon by the conference committee:

The effect of the action recommended by the committee on the Senate amendments will be as follows:

That amendments No. 13, Saint John's Creek, Delaware, $10,000; No. 15, increasing amount from $5,000 to $15,000 for Saint Jerome's Creek, Maryland; No. 16, harbor at Annapolis, Maryland, $20,000; No. 20, $20,000 for steam dredge at Michigan City, Indiana; No. 36, increasing amount from $60,000 to $100,000 for Yaquina Bay, Oregon; No. 65, Big Black River, Mississippi, $10,000; No. 66, Bayou La Fourche, $15,000; No. 67, Bayou Teche, $5,000; No. 70, White River, Arkansas, above Buffalo Shoals, $12,600; No. 71, Current River, Arkansas and Mississippi, $5,000; No. 74, Red River, Tennessee, $5,000; No. 87, canal around Cascades of Columbia River, Oregon, increasing amount from $265,000 to $300,000; No. 93, harbor at New Buffalo, Michigan, increasing amount from $5,000 to $10,000; No. 96, Romley Marsh, Georgia, increasing amount from $10,000 to $15,000; and No. 107, striking out the provision relating to harbor of refuge at Port Orford on the Pacific coast, are stricken out.

That the House agrees to the following amendments of the Senate, namely:

No. 1: Plymouth, Massachusetts, increasing appropriation from $5,000 to $14,000.

No. 2: Block Island, Rhode Island, $19,000.

No. 6: Oswego Harbor, New York, increasing amount from $50,000 to $80,000.

No. 8: Striking out "by removal of sunken rock at Port Chester, New York."

Nos. 10 and 11: Increasing amount from $3,000 to $8,000, so as to complete improvement at Port Jefferson, New York.

No. 12: Supupawanus Inlet, New York, $2,000.

No. 14: Increasing amount for Wilmington Harbor, Delaware, from $40,000 to $50,000.

No. 18: Increasing amount for Brunswick Harbor, Georgia, from $18,000 to $25,000.

Nos. 21 and 22: Increasing the amount for harbor at Calumet, Illinois, from $20,000 to $35,000, and providing for improvement of the Calumet River.

No. 23: Increasing amount for Black Lake Harbor, Michigan, from $4,000 to $10,000.

No. 24: Increasing amount for Frankfort Harbor, Michigan, from $10,000 to $15,000.

Nos. 25 and 26: Increasing amount for harbor of refuge, Lake Huron, Michigan, from $50,000 to $75,000.

No. 27: Increasing amount for harbor at Manistee, Michigan, from $10,000 to $15,000.

No. 29: Portage Lake, Michigan, increasing amount from $20,000 to $25,000.

No. 30: Increasing amount for Saugatuck, Michigan, from $5,000 to $8,000.

No. 31: Increasing amount for South Haven, Michigan, from $7,000 to $10,000.

No. 32: Superior Bay, Wisconsin, increasing amount from $35,000 to $40,000.

No. 33: Duluth, Minnesota, increasing amount from $40,000 to $45,000.

No. 35: Inserting words "entrance to" Yaquina Bay, Oregon.

No. 37: Wood's Holl, Massachusetts, $52,000.

No. 38: Inserting "the channel of Salmon River" instead of "Saybrook Bar."

No. 39: Indian River, Delaware, $10,000.

No. 40: Inserting the words "the mainland on Darnes Quarter," instead of "Little Deal's Island."

Nos. 42 and 43: A mere verbal change.

No. 45: Increasing amount for Cape Fear River, North Carolina, from $140,000 to $225,000.

No. 46: Cape Fear River, North Carolina, from Wilmington to Fayetteville, $30,000.

Nos. 47 and 48: Correcting name and increasing amount from $5,000 to $10,000 for Contentia Creek, North Carolina.

No. 49: Yadkin River, North Carolina, $25,000.

No. 50: Beaufort Harbor, North Carolina, $30,000.

No. 51: A verbal change.

No. 52: New River, North Carolina, $5,000.

No. 53: Meherin River, North Carolina, $5,000.

Nos. 54 and 55: Increasing amount for Neuse River, North Carolina, from $5,000 to $35,000, and a verbal change.

No. 56: Roanoke River, North Carolina, $5,000.

No. 57: Pamlico and Tar Rivers, North Carolina, increasing amount from $5,000 to $10,000.

No. 58: Increasing amount for Trent River, North Carolina, from $5,000 to $10,000.

No. 59: Santee River, South Carolina, $20,000.

No. 60: Savannah River, above Augusta, Georgia, $15,000.

Nos. 62 and 63: Increasing amount for Choctawhatchee River, Florida and Alabama, from $12,000 to $20,000, and directing the mode of expenditure.

No. 64: Back Bay of Biloxi, Mississippi Sound, $5,000.

Nos. 68 and 69: Increasing amount for ship channel, Galveston, Texas, from $50,000 to $94,500 to complete improvement.

No. 72: Obey's River, Tennessee, $5,000.

No. 75: Increasing amount for Detroit River, Michigan, $50,000 to $60,000.

No. 76: Directing the mode of expenditure of appropriation for Fox and Wisconsin Rivers, Wisconsin.

Nos. 77 and 78: Increasing amount for Saint Croix River, Minnesota and Wisconsin, from $25,000 to $35,000, and a verbal change.

No. 79: Striking out proviso ceding jurisdiction over the land to the United States.

No. 80: Appropriating $30,000 for dry-dock at Des Moines Rapids Canal on Mississippi River.

No. 81: Providing for a dry-dock at Sault Sainte Marie Canal.

No. 83: Increasing amount for survey of Missouri River from $25,000 to $40,000.

Nos. 84 and 85: Increasing amount for Petaluma Creek, California, from $8,000 to $14,000, so as to complete the improvement.

No. 86: A verbal change.

No. 88: Increasing amount for Lower Willamette and Columbia Rivers from $75,000 to $100,000.

Nos. 89 and 90: Increasing amount for surveys, &c., from $100,000 to $150,000.

No. 91: Directing the mode of expenditure of appropriation for Susquehanna River.

No. 94: Increasing amount for Appomattox River, Virginia, from $20,000 to $35,000.

No. 97: Directing the mode of expenditure for Hay Lake Channel.

No. 106: A verbal change.

Nos. 108 to 150: Both inclusive are for surveys added in the Senate.

By amendment No. 3 the appropriation for Great Sodus Bay, New York, is changed from $30,000 to $25,000.

By amendment No. 4 the appropriation for Little Sodus Bay, New York, is changed from $30,000 to $25,000.

By amendment No. 5 the appropriation for Echo Harbor, New York, is changed from $15,000 to $10,000.

By amendment No. 7 the amount appropriated for Oak Orchard Harbor is reduced from $10,000 to $3,000.

By amendment No. 9 the amount given to Gowanus Bay in the Senate is reduced from $30,000 to $20,000.

By amendment No. 19 the amount for Pensacola, Florida, is reduced to $50,000 from $75,000.

By amendment No. 28 an appropriation is made for Cedar River, Michigan, of $15,000.

By amendment No. 34 the amount for Wilmington Harbor, California, is made $100,000, and direction is made as to the mode of expenditure.

By amendment No. 44 $31,000 is appropriated for the Little Kanawha River, West Virginia, and provision made for the manner of expenditure.

By amendment No. 61 direction is given as to the amount of expenditure.

By amendment No. 73 $15,000 is appropriated for Cumberland River, Kentucky, instead of $25,000 put on in the Senate.

By amendment No. 82 $850,000 is appropriated for the Missouri River instead of $900,000, as provided for in the Senate, and direction given as to the mode of expenditure.

By amendment No. 92 $6,500 is appropriated for Elk River, Maryland, instead $13,000, as provided for in the Senate.

By amendment No. 95 the House agrees to increase of appropriation of $28,000, instead of $10,000, for Cocheco River, New Hampshire, so as to complete the improvement.

The committee have been unable to agree on the amendments relating to the following items: The Chesapeake and Delaware Canal, the Potomac River in the vicinity of Washington, the Hennepin Canal, and the Mississippi River.

The amount of bill as passed the House of Representatives was $17,367,875, amount added by the Senate was $2,779,700, making total, $20,147,575; reduction by the conference committee, $346,875, making the present amount of the bill, $19,800,875.

All of which is respectfully submitted.

H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,
Managers on the part of the House.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 15, 16, 20, 36, 65, 66, 67, 70, 71, 74, 87, 93, 96, 107.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 8, 10, 11, 12, 14, 18, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 72, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 86, 88, 89, 90, 91, 94, 97, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out "15" and insert "10;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out "10" and insert "3;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out "30" and insert "20;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out "75" and insert "50;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "crade" and insert "cedar;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "and twenty-five" and insert the following: "of which a sum not exceeding $10,000 shall be applied for the survey of the harbor at Santa Monica;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the words "for this improved navigation" and insert in lieu thereof "on the Little Kanawha River;" and the Senate agree to the same.

Amendment numbered 61: That the Senate recede from its amendment numbered 61, and insert in lieu thereof, after the word "dollars," in line 626, the following: "And $20,000 of this amount may be used on the river above the mouth, if the Chief of Engineers shall consider it best for the interest of commerce;" and the House agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out "twenty-five" and insert "fifteen;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with amendments as follows: After the word "Iowa" insert "including such harbors on said river now in course of improvement as in the judgment of the Chief of Engineers will benefit commerce and navigation;" strike out "nine" and insert "eight;" and after the word "hundred" insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out "thirteen thousand six" and insert "six thousand five;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: After the words "New Hampshire," insert "completing improvement;" and the Senate agree to the same.

The committee have been unable to agree on the amendments numbered 17, 41, 86, 99, 100, 101, 102, 103, 104, and 105.

H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,
Managers on the part of the House.

S. J. R. McMILLAN,
JNO. P. JONES,
M. W. RANSOM,
Managers on the part of the Senate.

CONTESTED-ELECTION CASE—SMITH VS. SHELLEY.

The SPEAKER. The gentleman from Massachusetts [Mr. RANNEY] is recognized for one hour upon the contested-election case.

Mr. RANNEY. Mr. Speaker, before proceeding I desire to state that I understand gentlemen upon the other side will desire only one hour and thirty minutes for discussion upon their side. I presume it will take only about the same length of time upon our side, and at the expiration, therefore, of three hours debate I shall call the previous question upon this case.

Mr. CARLISLE. I think gentlemen on this side of the House have not been able to understand the announcement of the gentleman from Massachusetts.

Mr. RANNEY. I will repeat the statement. My understanding is that one hour and a half will be sufficient for the debate on each side of the House on this case, and therefore I stated that at the expiration of three hours I should demand the previous question.

Mr. BELTZHOOVER. The gentleman from Massachusetts and myself talked over the subject this morning and concluded that possibly three hours' debate would be sufficient. I think, however, it might be better not to fix a limit at this time, for while we may possibly require less than even an hour and a half on this side it may be necessary to extend the time a short period beyond that.

Mr. RANNEY. I feel compelled to give notice that the previous question will be called at three o'clock.

The SPEAKER. The Chair desires to state that that is only a notice to the House.

Mr. BELTZHOOVER. Very well, there is no objection to the notice, because we may not consume even such time as has been indicated.

Mr. RANNEY and Mr. BELTZHOOVER addressed the House. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 2155) to authorize the Public Printer to make certain purchases without previous advertisement; also that the Senate had passed a joint resolution (S. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River; in which the concurrence of the House of Representatives was requested.

CONTESTED ELECTION—SMITH VS. SHELLEY.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, Mr. BELTZHOOVER, has six minutes of his time left.

Mr. BELTZHOOVER. How long does my friend from Alabama want?

Mr. OATES. I should like to have not less than a half hour, and more if possible.

Mr. BELTZHOOVER. We are entitled to an hour and a half on this side of the House, and I ask to yield the six minutes remaining to me and fourteen minutes more to the gentleman from Pennsylvania, my colleague, [Mr. CURTIN.]

The SPEAKER *pro tempore*. The gentleman can yield, the Chair supposes, the remainder of his time or reserve it.

Mr. BELTZHOOVER. If there be no objection, I will yield the remainder of my time to my colleague and request that fourteen minutes additional time be allowed him.

Mr. THOMPSON, of Iowa. There will be no difficulty about time. The gentleman can have fifteen minutes of my time.

Mr. OATES. How much time will that leave on this side?

Mr. BELTZHOOVER. About twenty minutes.

Mr. OATES. I shall want more than twenty minutes.

Mr. BELTZHOOVER. We are not limited exactly in regard to time and I shall insist that the gentleman shall have as much time as required.

Mr. CURTIN. Mr. Speaker, I am quite sure that nothing I can say to this House will change the result, for I apprehend that the report of the majority of the Committee on Elections in the pending case will be approved, and the sitting member will be detruded from his seat. We have turned out two sitting members already in a very few days, and I sincerely hope that the majority of this House have not excluded the sitting members and voted in the contestants in these cases for the reason simply that they were negroes. To vote the negroes in because they are men, under the paramount law of the land, would be creditable, as they have equal rights with the members on this floor and with all other American citizens conferred by the amendments to our Constitution. But if they are voted in as members of this House for political purposes in the future because they are negroes, it is not so creditable to the majority, and if the action of the House is controlled by any such motives, serious apprehensions may be entertained in the assertion of such a precedent for the future quiet of the country.

Mr. Speaker, I gave my hearty approbation to the learned gentleman from Iowa [Mr. KASSON] when he introduced a bill some days since to change the manner of disposing of contested elections by taking it away from this House so far as possible and remain within the letter of the Constitution; because in the contests as I have noticed we are merely resolved into a political body and the representation of the Congressional districts in contests is referred exclusively to a committee of the House or a party caucus of the majority. That committee must be so constituted as to represent a majority of the political sentiment of the House; and the political majority of the House in obedience to the report of their own committee or their own caucus have in this Congress uniformly unseated the sitting member and seated the contestant.

Mr. Speaker, as we are now sitting the Constitution declares us judges. To be called a judge is a designation known to sacred and profane history in all governments, ancient or modern. It comes down to us from the great nation upon whose institutions our own are in a large measure modeled. When a contest is made for a seat as a member upon this floor, representing a constituency of the people of the United States, we are the judges of that election and we should sink the politician and the partisan; we should put on the ermine and the ermine should be spotless. And there being no intervening tribunal between the judges of that contest as we are constituted and the God to whom we make our oaths, we should be careful that we leave outside these Halls all partisan political feeling and judge of the rights of contestants independent of political considerations, caste, color, or condition; and this House should not by any improper disposition of its high and important powers weaken in the least measure public confidence. The American citizen has ever, and I hope will ever trust to the judgment of his peers as one of the cardinal principles that protects his rights, liberties, and enjoyment of happiness, and, what is infinitely of greater consequence, that the written law shall not be tortured by sectional antagonism or partisan zeal into the degradation of the means of punishment or disregard of guaranteed powers for his protection.

I heard the distinguished gentleman from New Jersey, [Mr. ROBESON,] the acknowledged leader of the majority of this House, on a memorable election contest assert, as I understood his language, that this House, acting as judges, had a right to override the constitution of a State and the election laws made in pursuance of that constitution, and being, as he said, a law unto ourselves, decide a contest involving constitutional legal rights independent of the sovereignty of the State or the local law regulating elections or the right of its citizens. Mr. Speaker, one step more and you have revolution. I have always learned in my reading that the rules of a deliberative body were made for the protection of the minority; and I can well understand how a majority may override the rights of a minority, representing perhaps an equal number of the people of the United States, from what has occurred on this floor.

The SPEAKER *pro tempore*, (Mr. RYAN.) The six minutes yielded to the gentleman from Pennsylvania have expired.

Mr. CURTIN. But another gentleman agreed to yield me fifteen minutes.

Mr. THOMPSON, of Iowa. I want it to be understood how much time I am yielding.

Mr. CURTIN. I understand that you yield me fifteen minutes of your time.

Mr. THOMPSON, of Iowa. Very well.

Mr. CURTIN. I was proceeding to say that the rules of a deliberative body are made, as I understand, for the protection of the minority. And I said the gentleman from New Jersey, [Mr. ROBESON,] the acknowledged leader of the majority of this House, has declared that this House can override the constitutions of States and local laws and unseat a member at their pleasure. Let us see, Mr. Speaker, where we would be carried by the assertion of such a principle or the exercise of such a power if pressed to its logical consequences.

It would be possible for the Speaker of this House, as he has power under the rules to constitute the committees at his pleasure, to form a committee if he pleases of the majority of the House that could unseat man by man, no matter what districts they represented, what States or by an acknowledged majority of their constituencies, until the minority was destroyed and not one left to voice the will or the wishes, the interests or the sentiments of one-half of the people of the United States, in all important measures directed to the collection of revenue, the expenditures of public money, the disposition of all those measures which lead to prosperity. The conservative sentiment and principles which underlie our structure of government would be set at naught, and the minority might be frittered away under the powers given by the rules and under the Constitution to the Speaker of this body; and the majority having acquired absolute control could not only if they pleased increase that majority so as to be entirely satisfactory for the measures they proposed, but they might destroy the minority of the House altogether, and the minority of the people of the United States might be left without representation on this floor, and might cry in vain for relief, or ask for measures for their prosperity and the glory and the power of this Government. For they would be in the hands of an inexorable majority. Take one step more in the carrying out of such a principle and you have ignored the written law of the land, deranged the balances and checks of the powers of the Constitution, and defy the lessons of the fathers as learned in our history and traditions.

Mr. Speaker, if ever revolution comes to this great country; if the liberties, the privileges, and the power of this great people should ever be broken, it will not be by war; it will not be caused by geographical, sectional divisions, pursuits, or interest, or caste, or privilege, or social relations. Through this body is the highway upon which bad and designing men may travel to revolution when in the future they may dare to strike at this matchless structure of human government. And I emphasize when we put on the ermine, when the partisan or the politician becomes a judge, let it be spotless. In God's name let us be judges and not partisans. Let us sink the character of political representatives of class or privilege or color, and feel that we represent a people. The Constitution makes us judges, and let us judge fairly when we come to judge, and not seat a man because he is a black man, nor exclude a man because he is a white man. If he is a black man having legal rights superior to a white man, let us seat him, because he is a man created by the same Providence that created the white man. That is surely logical, as we have made the black man our equal before the law by amendments to our Constitution. And if in our political struggles we reach for the black man for political purposes to delude, degrade, and beguile him, to oppress and bring him back to a mental bondage, a deeper degradation to him than the physical bondage from which he has been relieved, we degrade ourselves and humiliate our pride of superiority of race, and fail to elevate him.

Mr. Speaker, take care that your committees report properly, after full, impartial, and just consideration of the law and evidence. But who on that side of the House has read the evidence as detailed by the gentleman from Massachusetts, who has indulged in bitterness, in denunciations, in charges of falsehood and of perjury? Who has read that evidence but himself? In the answer made by my distinguished and youthful colleague from Pennsylvania you have a perfect and entire answer to the gentleman's allegations.

Mr. RANNEY. Will the gentleman allow me to ask him a question?

Mr. CURTIN. What is it you want?

Mr. RANNEY. Have you read the record in this case?

Mr. CURTIN. No, I have never read the record, and do not believe it as you state it. I take my knowledge of the facts from the statements of my colleague, [Mr. BELTZHOOVER,] and to his admirable and trenchant speech what I say is a supplement.

Mr. RANNEY. If you have never read it, then do not deny it.

Mr. CURTIN. I am contending for the right of freemen and the representation of freemen. The bitter allegations which have been made here come mostly from a vitiated political desire to assert power. If the contestant was elected, although he is dead, let us act as judges and expel the distinguished gentleman who is here in his seat and represents a constituency. If the contestant was not elected, our duty will be performed when we declare as judges fairly and honestly on the testimony as adduced, and not be betrayed into the adoption of the sentiments, principles, and declarations of the committee without a thorough and fair investigation, in the absence of which all the allegations, rhetoric, and declamation to which in this and the other contested rights to membership drivel into unmeaning farce, and the consumption of time which should be given to the very important business of the House yet to be disposed of.

That there was something wrong and out of place is shown by the fact that the learned and distinguished chairman of the Committee on Elections [Mr. CALKINS] yesterday, when a majority had decided, a painful majority brought about under circumstances not the most creditable to this Government, got up in his place and stated that in his conscience he did not believe that the man now sitting in his seat had a right to occupy it, and notwithstanding his declaration, and he of all others, as chairman of the committee, should know, on what legal evidence the majority acted, and the contestant is in, a member of the House. It is time that the judges upon this floor should remember the character they have assumed and decide deliberately, controlled by the evidence and the constitution and laws of the State in which the election we are now considering was held.

I believe that the man contesting in this case was a white man; I understand he was. No matter whether he was white or black, he had rights in this great country. If he were living he would have rights on this floor provided he had facts clearly established which brought him within the laws of the State, a constituency of which, if living, he might have represented on this floor.

We are now asked to exclude the sitting member on the flimsy and uncertain testimony from poor, illiterate, untutored, and trained negroes, who swore indiscreetly and without knowledge. We are asked to turn him out as though the people of that district may be better without a Representative than to have the distinguished gentleman, who is in all respects qualified and cultured, to represent their interests and sentiments.

Now, if it is true that we can absolve ourselves from the local law of a State or of a Congressional district, if we can rise above and override State sovereignty and laws made under the constitution of the State and of the United States, and the majority of this House can be a law unto itself and settle in caucus or committee or by the dictum of leadership the question as to who shall represent the people upon this floor, then I say that we make an attack directed to the integrity of the Government which, if carried to logical results, may lead to serious disturbance, if not revolution.

It is not the first time that this has been done. It may possibly be that it is done to punish the people of the South for what has occurred in the past. Surely I have demonstrated in my modicum of history that I did not agree with them in that terrible war. I gave to my country, faithfully and conscientiously, the freshest, strongest years of my life in an active struggle to give the moral and physical power of a great State to aid the central Government in compelling obedience to the laws; and here is a proper place and this an opportunity to declare my admiration and gratitude as an American citizen to the faithful and heroic people of Pennsylvania in that sublime struggle in human affairs.

As I then understood it and understand it now, the North would not suffer a disruption of the union of States, and war was made to compel the States south of the line to remain within the Government and enjoy its blessings and benefits. In that terrible war 700,000 strong men, and more, went down to death, and those who contended against the Government and those who gave the highest measure of loyalty to sustain the Government can now unite together in the enjoyment of our matchless Constitution and its broad liberty as citizens of one common country. It did not occur to me that the great heart of the North, when obedience to the law was compelled and the people of that portion of the Government which had been in insurrection had returned to their allegiance, that they would take advantage to disturb their relations with color and caste to plunder and rob them of what little was left. Mr. Speaker, I never accorded with that revengeful spirit or sentiment and never will; perhaps if I did I would not be here and have the honor of a place on this floor.

In this case the House is brought face to face with a contest from that disturbed part of the United States. No matter whether the parties to this contest are white men or black. The members of this House will not forget their character as judges, remembering in their deliberations their oaths to their Maker, the anchor which binds the soul of man to God, and judge knowingly and understandingly say that no man, remembering that he is acting as judge and juror, will cast his vote and turn his back upon this contest without feeling in his conscience that he has performed a high and important duty faithfully to himself, faithfully to his fellow-citizens and to his country.

What I say will, I am quite sure, go for naught; you have decided to turn this gentleman out. You have spoken on that side of the House, and you will speak more. I am expressing my sentiments. While they may not affect a man of the majority of that side of the House, what I will say will wing its way to my constituency, knowing well that the people I represent, who live in the mountains of Central Pennsylvania, will respond heartily to the sentiments which for them I now declare, that they have no ill feeling of hostility or revenge to any portion of the people of this country, and to the august tribunal of public opinion in that district these views of duty are submitted for candid consideration.

Surely they regard every man within the borders of a common country as a brother. They have that sublime feeling of patriotism which extends throughout all our land, not that sentiment which binds you to your home and State and the valley in which you live, however beautiful it may be; or to the town or city of your residence; or to your social relations, however agreeable; but that patriotism which is a holier and higher sentiment of the human heart, and makes us call every American citizen a brother; that sentiment which goes out in sympathy to all humanity.

If the action soon to occur is designed to punish the people of the South, then it is time to pause, for such direction may lead to trouble. If it is expected to humiliate the minority on this side of the aisle, then there must be another denial of parliamentary usage, custom, and law, which gives to the minority rights which cannot be disregarded without a dislocation of the great fundamental principles which lie at the very foundation of our great structure of human government. The recollections of that unnatural war which so challenged the brain and all the energies and powers of this Government to give to this great people a grandeur which was quite new to the nations of the Old World, which illustrated the heroism of the American people, and has so thoroughly established their character wherever martial virtues receive the homage of respect, it must never be forgotten was fought against men, against our own kith and kin, against American citizens. We did not in that war direct our forces against women and children, but against strong, brave men; and we learned a lesson we are not to forget. We found in the great battles of the war, our losses on the bloody field, and the long contest which agitated the commerce and the trade and the sentiments of the civilized world, we were engaged in a great work which called to the front all our resources, loyal, moral, and physical. It was not war for revenge, and the revengeful feeling now discussed is discreditable to any American man. Its logical lessons have been carried out, and we should forget the animosities and antagonisms which arose out of that strife in the return of the people of that section restored once more to their sworn allegiance to the Government. When Toulon fell in the French Revolution the Abbé Says wrote to the Directory—

Toulon has fallen. We shot one hundred and fifty rebels this morning; we will kill two hundred and fifty more to-morrow morning. It is the only way we have to celebrate victory. My heart swells with gratitude and tears of joy run down my cheeks.

When the American citizen calls to memory that there was no such war in this country, surely his earnest prayer will be for the return of fraternity through all the borders of our country. There can be no divisions in the future, and if we are true to ourselves then we will be, as we are, once more united. If it be true that the Representative now on trial has a right to his seat, it is unmanly to punish, through him, his constituency because gentlemen on this floor are governed by recollections of the past. The testimony as detailed and the conclusions made by the ingenious gentleman from Massachusetts fail to convince me that the gentleman from Alabama has not a right to his seat. I will say, Mr. Speaker, if we are to regard the lessons of history teaching by example, that the beginning of all revolutions is the oppression of the minorities in governments republican in form. There was a Russian field-marshal once said "order reigns in Warsaw," and the heroic people of Poland, a nation which had made its mark so strongly on the affairs of humanity during all the time of their national life, a people who resisted and drove back the Turk, then carrying his conquests into the heart of Europe, a strong liberty-loving people for their natural right of liberty and law as derived from their own nationality, were compelled to submission, to despotic power, to imprisonment, exile, and death.

Hope for a season bade the earth farewell,
And freedom shrieked when Kosciusko fell.

And with the life of the great hero, friend of man and liberty, the darkness of slavery fell upon his country, and there was truly no minority to trouble despotic tyranny there.

[Here the hammer fell.]

Mr. THOMPSON, of Iowa, resumed the floor.

Mr. CURTIN. I would like five minutes more; only five minutes.

Mr. THOMPSON, of Iowa. I have no time to spare.

Mr. CURTIN. You were born in Pennsylvania and must be a generous man. Just give me five minutes. [Laughter.]

Mr. CALKINS. The time of the gentleman from Iowa has all been given out. I will yield five minutes of my time to the gentleman from Pennsylvania, [Mr. CURTIN.]

Mr. CURTIN. I thank the gentleman. Now I have only five minutes to speak of minorities.

In the French revolution, after the king had lost his head and legitimate government was destroyed, there remained in the Council of Five Hundred an intelligent and conservative minority which gave offense and trouble to the progressive revolutionists of that country. One day when the council was in session and the minority asserted and contended for their rights, the bloody-handed leader of the revolution uttered the declaration, "Purge the convention! Let the blood of the wicked flow!" In one hour there was no minority in that body. This is a disposition of a minority not likely to occur in this country, certainly not in this House, but who can tell what may occur in the future; and should we not protect posterity by the wisdom of our Government from all such scenes as occurred in Paris, where, under a semblance of a representative form of government, the streets of Paris ran with human blood and government was moved from its legitimate and proper functions? For fifteen years civilization rocked and reeled under the heavings of that wonderful revolution and millions of people went down to death. Commerce barely lived, civilization was brought to a pause, millions denied God and set up for worship the Goddess of Reason.

Mr. Speaker, I do not say this is to occur in this country; I do not expect it; but it is proper and right to say before I close that the minority has rights guaranteed by the Constitution and laws of this country which cannot be denied without disregarding the great fundamental principles of this government, under which we enjoy so many blessings. And if it should occur that a body of men in the future should conceive to conspire revolution, to strike down our form of government as to take from the Representatives on this side of the aisle the benefits and blessings accorded them by the Constitution of the United States and the rules of this House, this is the place for such a body of men and this the highway to the consummation which we can only contemplate with feelings of sorrow and humiliation. [Applause.]

Mr. Speaker, governments are amenable to the precepts and laws of morality as well as individuals, and the disregard of the just rights of others, so reprehensible in a man, applies equally to a government, and most of all to a government of the people, which we especially enjoy above all the people of the earth. To justify the action of this House by recitals of wrongs suffered long since, or by rehersal of the antagonisms, sufferings, and hatreds of the war, cannot be in harmony with our history, our traditions, morality, or religion.

The war left the South in poverty, and it is not unjust to say left (as successful wars, in fact, have,) some blisters on the morality of the North, and now fair-minded and patriotic men North and South are hoping for the full return of concord and fraternity to all sections and all the people within our borders.

Mr. THOMPSON, of Iowa. I understand that the gentleman from Alabama [Mr. OATES] wishes to speak, and I yield to him fourteen minutes.

Mr. OATES. I think I have thirty minutes in my own right, yielded to me by the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] who controls the time upon our side.

The SPEAKER *pro tempore*, (Mr. RYAN.) The Chair has recognized the gentleman from Iowa in his own right, and he is distributing his time in his own way.

Mr. THOMPSON, of Iowa. I would like to understand this matter. If the gentleman from Alabama [Mr. OATES] is to occupy his own time I wish to know it. As a matter of courtesy and at the request of others I have yielded him fourteen minutes.

The SPEAKER *pro tempore*. The Chair does not recognize the gentleman from Alabama [Mr. OATES] in his own right, but in the time yielded by the gentleman from Iowa—fourteen minutes.

Mr. THOMPSON, of Iowa. That is what I understood.

Mr. BELTZHOOVER. I desire to have an understanding about this question. I stated this morning that I did not think we would need more than an hour and a half on our side, and I understood I had the right to control that hour and a half; otherwise other members of the minority of the committee would have taken their time. I understood that my colleague [Mr. CURTIN] wanted about twenty minutes, which he obtained, partly from the gentleman from Iowa and six minutes from myself. I think the gentleman from Alabama [Mr. OATES] ought to have half an hour.

The SPEAKER *pro tempore*. The gentleman from Alabama has been recognized in the time of the gentleman from Iowa.

Mr. ATHERTON. Before the gentleman from Alabama begins his remarks I would like to have an understanding about the matter. I wish to address the House very briefly, and hope it will be understood that the previous question shall not be called until I have occupied at least a few moments.

Mr. RANNEY. There is a half hour on the other side which will be at the disposal of the gentleman from Pennsylvania [Mr. BELTZHOOVER.]

The SPEAKER *pro tempore*. For the present the gentleman from Alabama [Mr. OATES] is recognized in the time of the gentleman from Iowa, who has yielded to him fourteen minutes.

Mr. BUCKNER. Let the gentleman from Iowa reserve his time, and the gentleman from Alabama be recognized in the time of the gentleman from Pennsylvania.

Mr. SIMONTON. The time occupied by the gentleman from Pennsylvania [Mr. CURTIN] was, I understood, by unanimous consent——

[Cries of "Oh, no!"]

The SPEAKER *pro tempore*. The Chair will remind the gentleman from Tennessee [Mr. SIMONTON] that the gentleman from Pennsylvania spoke in the time of the gentleman from Iowa.

Mr. SIMONTON. Then there is half an hour due to this side.

Mr. RANNEY. There is no misunderstanding about this. We agreed to give one hour and a half to the other side of the House, and we have not only given them that but we have given them half an hour of our own time.

Mr. BUCKNER. What objection can there be to giving the gentleman from Alabama all the time he wants?

Mr. RANNEY. Because we have not the time to spare.

Mr. ATHERTON. Why should gentlemen be in such a hurry about this matter?

Mr. REED. Because you have wasted a day. That is the reason; and notice has been given that the previous question will be called at three o'clock.

Mr. RANDALL. I hope the gentleman from Alabama will be allowed whatever time he wants.

Mr. REED. You cannot waste your cake and have it.

Mr. RANDALL. I am not talking about cakes.

Mr. REED. It does not seem in good taste for gentlemen who wasted a whole day to come begging for time now they might have had then.

Mr. RANDALL. We do not ask further than that the gentleman from Alabama should be heard.

Mr. REED. It does not look brave.

Mr. ATHERTON. We ask that the gentleman from Alabama, from the State from which this case comes, shall be heard.

Mr. REED. If gentlemen want time and choose to waste it they should not ask for it afterward.

Mr. ATHERTON. That makes no difference.

Mr. REED. Not with you, but it does with people who look at it rightly.

Mr. ATHERTON. We need not debate that at all.

Mr. REED. If you spend time filibustering you ought not to complain.

Mr. ATHERTON. I ask the gentleman from Maine, who talks in that way, who lectures the House in this way, whether he has read the testimony or the reports in this case? [After a pause.] Can we have an answer? No, he is silent.

Mr. REED. I do not hear it. He interrupts so much people have got into the habit of not paying much attention to him any way.

Mr. ATHERTON. The gentleman has time to lecture this side.

Mr. REED. And the lecture gets well placed.

Mr. ATHERTON. The bad humor of such gentlemen as the gentleman from Maine does not trouble anybody but themselves.

The SPEAKER *pro tempore*, (Mr. RYAN in the chair.) The gentleman is out of order. The gentleman from Alabama is recognized in the time of the gentleman from Iowa, [Mr. THOMPSON.]

Mr. OATES. Allow me to inquire whether the time occupied by the gentleman from Pennsylvania [Mr. BELTZHOOVER] was not six minutes less than an hour? If so, then those six minutes were

yielded to his colleague, [Mr. CURTIN,] and fifteen minutes more were yielded to the same gentleman by the gentleman from Iowa, [Mr. THOMPSON.] Therefore this side of the House has occupied but one hour of the time allotted to it, and I would be entitled to thirty minutes,

The SPEAKER *pro tempore*. The Chair wishes to remind the gentleman that the House has made no adjustment of time. The gentleman from Massachusetts had one hour, and he was followed by the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] who occupied his hour with the exception of six minutes, which he yielded to his colleague. Then the gentleman from Iowa [Mr. THOMPSON] was recognized in his own right, and he yielded fifteen minutes of his time to the gentleman from Pennsylvania, [Mr. CURTIN.] The gentleman from Iowa [Mr. THOMPSON] was afterward recognized again and he yielded fourteen minutes of his remaining time to the gentleman from Alabama, [Mr. OATES.] The gentleman from Alabama is now recognized.

Mr. OATES. Mr. Speaker, I concede that this House is the judge of the elections, qualifications, and returns of its own members. That, however, is a revisory power to be exercised in a judicial manner. Members of Congress are not properly Federal officers, but are delegates from the States they represent. They come here commissioned by the chief executives of their respective States. That entitles them to seats on this floor. That entitles them to represent their people. At the same time this House has the constitutional power to revise, to examine, to investigate, and to adjudicate their title whenever it is called in question. This is in fact a judicial power, but it is not always a judicial investigation, for in my limited experience it is more political than judicial. I am sorry it is so.

In reference to the case in hand, on the returns made by the proper authorities in the fourth Alabama district the sitting member received the certificate, and properly received it. The contestant had the right to find a defect in that title if he could do so by competent testimony and have the judgment of this House whether Mr. Shelley should retain his seat or be ousted from it and the seat given to Mr. Smith.

It is conceded by the gentleman from Massachusetts [Mr. RANNEY] that fourteen at least of the precincts from which the returns of the election were rejected were, under the laws of the State of Alabama, properly rejected by the county boards of supervisors. From my examination the evidence was sufficient to justify the committee, on an investigation of the facts, to count some of the votes cast at some of these precincts where the vote was rejected by the election officers for Mr. Smith. The presumptions to be indulged by this House in the adjustment of this question are precisely such as pertain to every judicial question before the courts of the country. In the production, the application, and the sufficiency of the testimony the rules of common law should apply and govern. Where does the burden of proof rest in such an investigation? It rests necessarily upon the contestant. He holds the affirmative of the case; and unless by his evidence he makes it clear that he, and not the sitting member, is entitled to the seat the House should never consent to yield it to him. The question then presents itself for our consideration, Has that been done? Has the testimony been produced by the contestant, Mr. Smith, which shows that the title of Mr. Shelley is defective? In the first place, that ancient rule, which is one of the most wholesome in all judicial investigations, that the very best and highest evidence that the nature of the case admits of should be produced, has not been observed by the contestant.

The laws of Alabama provide for the preservation of the ballots and of the poll lists of all elections, and not only this but the result found by the canvassing officers of the county, which result is recorded in a book prepared for that purpose and must be safely kept; and it is required by the statute that the ballots and the poll lists shall be retained in the hands of at least one of the inspectors of election for a period of not less than sixty days; and if any one desires to contest the election it is his duty to give notice to such inspector, who is then required to retain this evidence until it is called for by the contestant. Now, Mr. Speaker, so far as I am able to discover from this record, there is no evidence whatever in this case that this original evidence, preserved by statute for the purpose of presenting the best proof possible in a contested-election case, was beyond the reach of Mr. Smith, the contestant. On the contrary, in many of these precincts he called and examined as his witnesses the very men in whose hands the law required this evidence to be kept, and yet he never called for it.

Gentlemen, it is unsafe to trust to the slippery memory of men these important matters, and it should never be done where there is higher and better evidence. Now, when we look through the record we find that at Pine Flat precinct, in Dallas County, the county supervisors refused to estimate the returns from that precinct for a reason which I believe to be insufficient, and the Committee on Elections was therefore fully justified in reporting upon the evidence the vote polled at that precinct—280 for Mr. Smith and 25 for Mr. Shelley.

At the Prairie Bluff precinct, in Wilcox County, the only defect claimed in the returns of the supervisors was the omission to insert the name of the precinct. But that name appeared upon the cover of the ballot-box, and it was a defect which was correctible; therefore the committee unquestionably had sufficient evidence to authorize them to count the returns of that precinct, as the votes were cast, and give 305 votes for Smith and 23 to Shelley. Then at Pope's precinct, in Perry County, wherein the committee gives 300 for Smith and 30 for Shelley, the inspectors of election failed to count the vote merely because one of them was taken sick—a Republican inspector—about the time the counting commenced, and retired from the room and failed to return. The other two inspectors remained until about eleven o'clock, and then decided they had no authority to count the vote and sent the box containing the ballots to the sheriff.

The probate judge, sheriff, and clerk of the county having no power to count the vote, it was rejected. Now, the evidence authorized the committee to count the vote of that precinct in that case, but in doing so their partiality appears. I submit that the committee should have resorted to the original testimony, the ballots themselves, as proper evidence, and the only competent evidence to be taken, to show exactly the result of the vote at that precinct; and certainly the majority of the committee have no warrant for giving the result of the vote from that precinct as 300 for Smith and only 30 for Shelley upon the mere opinion of witnesses. This they do upon outside testimony, and so they report. The fact of the matter is that the testimony of the leading witness for the contestant, whose name was also Smith—S. T. Smith—the Republican United States supervisor, swears that before that Republican inspector retired from the room the count had proceeded until 46 ballots had been counted for Smith and 40 for Shelley, and then a controversy arose between him and the clerk as to a ticket which it was claimed should have been counted for Smith but which the clerk had failed to tally for him, when the inspector was taken sick and retired from the room. Now, the committee, as I have said, reported but 30 ballots for Shelley, when the very witness on whom they rely swears that the count had proceeded far enough to show that 40 had actually been counted for him. This illustrates the necessity of adhering to the rule that secondary evidence is not admissible when the original can be had. There is no evidence that it was beyond the reach of the contestant. But the main point I make upon the committee's report, and one which I say should be fatal to it, is the fact that they stand upon no certain and sufficient evidence to sustain it.

If the committee had presented a report which was sufficient and covered the grounds on the basis of the proof taken, no man would vote more cheerfully, however much I would regret to see my distinguished colleague turned out of this House, than I would if the law and the evidence required it from my conscience.

But, gentlemen, when you come to examine the evidence in this case you will find that it is enshrouded in so much uncertainty and doubt that it does not prove anything.

Mr. THOMPSON, of Iowa. Will the gentleman permit me a question there in connection with the reference he has made to the evidence?

Mr. OATES. Yes, sir.

Mr. THOMPSON, of Iowa. In the seventeen precincts which in my report I particularly refer to, will you name a single witness, with the exception of three, that the contestee has called in this contest? And does not the record show that two of those were indicted for the very wrongs complained of?

Mr. OATES. It is true the contestee did not call witnesses; but I submit to this House if that is a reason why he should be condemned. In every court upon the face of the earth where justice is respected the defendant has a right to stand upon the insufficiency of the testimony brought against him. That is a right accorded to the poorest criminal in the courts of the country. And if the contestant has failed to produce sufficient evidence to show the title of Mr. Shelley defective, that is his misfortune and is not to be visited upon Mr. Shelley or insisted upon to his prejudice. Many better men than the contestant was have lost their cases for the lack of evidence.

Now, look at the character of the evidence. In Pintlala precinct, in Lowndes County, it is charged that a great fraud was perpetrated by a gentleman entering the room in which the election was being conducted and exchanging, as is charged by the gentleman from Massachusetts, a stuffed ballot-box for the true one, which he put into his satchel and carried away. That is established—upon what testimony? Upon the evidence alone of W. D. Gaskin, a man who, by his own admission, was expelled from the Legislature of Alabama, a Republican Legislature, for bribery.

The SPEAKER. The time of the gentleman from Alabama [Mr. OATES] has expired.

Mr. THOMPSON, of Iowa. I ask the gentleman where is any such evidence?

Mr. OATES. In this record.

Mr. THOMPSON, of Iowa. I beg your pardon. There is not a word of testimony of that kind.

Mr. RANNEY. I understood it was arranged the gentleman from Alabama should proceed till three o'clock. It is now within ten minutes of that hour.

The SPEAKER. Is there unanimous consent that the gentleman's time shall be extended for ten minutes?

Mr. RANNEY. With the understanding that it will come out of the time allowed on that side.

There was no objection.

Mr. OATES. The question was asked Gaskin on cross-examination if such was not the fact, and he declined to answer for the

reason he thought it was not right. But I know of my own knowledge it was a fact.

Mr. THOMPSON, of Iowa. You are not on the witness stand. If you were I should like to cross-examine you.

Mr. OATES. If you did you would not get much from me in favor of your man Gaskin. His testimony is uncorroborated. There were other officers at that precinct, and Republicans also, holding that election, and not one of them testified to any such transaction. The man Holcombe, who he charges came in and made that exchange and took away that ballot-box, was in his grave when that testimony was given, and the record shows it. One of the United States supervisors who was present all this time swears he saw nothing of it. He says when they commenced to count they found that there were a good many tickets coming out different from what was expected. When they took them out and examined them they found that for Stevens and Shelley there were more ballots than for Smith. Some one said, "There is a wrong here, and fraud has been practiced;" and they simply certified on the ballot-box that it was not the box in which the ballots were deposited, and sent it on to the sheriff.

Gaskin, after swearing that Holcombe took away the ballot-box and substituted a stuffed one, admits that he did not see it done, but that he knew from the appearance of the box and its contents that the fraudulent substitution was made. Such testimony needs corroboration. To say the least, it leaves the matter in doubt.

Is it not passing strange that if this transaction actually occurred, as Gaskin states it did, none of these other officers of election should have seen it? Nobody swears to it but that man. The report of the committee stands alone upon his testimony. The following is the return of the inspectors, in which they only express their belief that there was a change of boxes, and that belief is based not upon what Gaskin swore, but upon a difference between the poll lists and the box of one ballot only. Those ballots were not estimated by the county board:

We, the undersigned managers of Pintlala beat, do hereby certify that there are three hundred and fifty-five tickets in the box, and the poll list shows three hundred and fifty-four, and we do not believe that the box containing such tickets is the correct box.

TONEY DAVIS,
PHILLIP SAMUEL,
ROBERT DANDRIDGE,
Managers.

Again, I say that although the circumstances might strike some men as indicative that there was a fraud perpetrated, the contents of that ballot-box are not sufficiently proven. The evidence leaves it in doubt, and gentlemen, in a matter of this importance, where the burden of proof rests upon the contestant, I submit to every fair man whether it is right to decide for him when he is required to show a clear case and has failed to do it?

In the time that I have it will be impossible for me to go through this record. I will therefore only allude to one or two other facts in connection with this alleged fraudulent election. It is true that that district is Republican. By the census it might be presumed to be largely so. The reason, however, why they have never had a Republican Representative in this House is that the very strength of the party there is its weakness. It is so overwhelmingly Republican that the fact gives rise to wrangles and party strife among the petty politicians and aspirants, until they invariably have two or more tickets in the field; and this disgusts many Republicans, who either refuse to vote at all or are induced to vote for the Democratic candidate. My friend Mr. Shelley, as all who have seen him and know him are aware, is a man who commands the respect of his entire acquaintance. This is not only true among the white people but it is true—let it be said to their credit—among the colored people also.

I call the attention of gentlemen to the testimony in this record of Ben De Lemos, of that district, known to be one of the leading white Republicans in it. He swears that when the convention met to make the nomination the wrangles were such between the friends of Mr. Smith and Mr. Stevens, his colored opponent, that they were not able to perfect even a temporary organization, and the convention adjourned without making a nomination, and they both became candidates.

He swears that he believes that Stevens was the legal candidate of the party, because he subsequently made the proposition to Smith to reassemble the convention and submit their names to it and abide by its action. Smith declining to do so, a part of the convention did reassemble and nominated Stevens. The fight was more bitter between Stevens and Smith than between Smith and Shelley. That has always been the case in that district. There has been a division there, owing to the great strength of the Republican party, which has resulted disastrously to it.

Mr. De Lemos also swears that, from his knowledge of other portions of Lowndes County, a great many colored men voted for Mr. Shelley. The whole vote cast in the district amounted to less than 16,000, showing that only a little more than one-half of the voters in that Congressional district attended the polls and cast their votes that day.

The witness Harris's testimony accords with that of De Lemos, that Stevens was the regular nominee of the Republicans.

But the other side say that they were deprived of the opportunity to vote in consequence of the two Democratic inspectors which were appointed declining to serve, thereby doing a great wrong. We find in this record and in the report of the committee that the chairman of the Republican executive committee in each of the counties of the district made application to the probate judge, the clerk, and the sheriff to give them one member of their party as one of the inspectors of election at each election precinct, and their proposition was disregarded. But they did appoint a colored man, and the proof shows that in every case he was a Republican.

They say that they offered to furnish the names of intelligent and competent men from their party to act as inspectors of elections. Now, when these Democratic inspectors had been appointed and declined to serve they left the polls to be managed by the Republican party. While it is the law of Alabama that no penalty is affixed to the declination of any gentleman to act as an election inspector, there was at that time no compensation given him by law for such service. It would have been a great hardship and an outrage to affix a penalty upon a man for not doing work for the public when no compensation was provided therefor. Therefore one could decline to act and incur no penalty.

But the remedy for that is the provision of law which authorizes, in case any one of the inspectors named is absent, the substitution of another man as inspector; and in case all of them are absent or decline to serve then any three electors of the precinct present may open the polls and hold the election.

Now, if these executive committees of the respective counties in the district tendered the names of competent men of their party to act as inspectors when the Democrats appointed for that purpose failed to attend or declined to act, where in God's name were the intelligent Republicans whom the executive committee proposed for appointment as inspectors? If there were such why did they not then come forward and conduct the election? There was nothing to prevent their doing so. The committee are therefore estopped by their own allegations from claiming, as they do, that the poor, ignorant negroes did not have sense enough to conduct the election, and that the white Democrats knew it and conspired not to act, and thereby cheat the negroes out of their suffrages.

The gentleman from Massachusetts [Mr. RANNEY] in his remarks said that while the election laws of Alabama affixed very severe penalties to illegal voting, that there was no penalty for the failure of those appointed to conduct an election, or for the corrupt management and fraudulent counting in case they did act. This is at least the substance of what he said. I interrupted him at the time to show him that he was in error. The following section of the code of Alabama is the law upon that subject:

SEC. 4284. If any inspector, clerk, or other officer, on whom any duty is imposed by the election laws, willfully neglects to perform such, or is guilty of any corrupt conduct in the execution of the same, and such neglect or corrupt conduct is not otherwise provided for, he is guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred nor more than one thousand dollars; but no person shall be deemed an inspector, clerk, or officer, within the meaning of this section, until he shall first have taken an oath well and truly to discharge the duties of such office to the best of his ability, or until he shall have performed some of the duties pertaining to such office. The failure and refusal of any person to accept office, or his failure and refusal to discharge and perform the duties of such office at any time after his appointment thereto, and prior to his taking the oath of such office, and before he shall have discharged and performed any of the duties thereof, shall not, in either event, be deemed any violation of this section.

So it will be seen that severe penalties are affixed to any fraudulent conduct of elections as well as to fraudulent voting. No State in the Union has fairer or more honest election laws than Alabama, and they are exclusively the work of Democratic hands. The law secures to every qualified voter the right to vote for whom he pleases and to have his ballot counted as cast. There is no discrimination in favor of the learned and the rich against the illiterate and the poor in Alabama as there is in Massachusetts. The constitution of Alabama, made by Democratic delegates, declares that there shall be no abridgment or denial of the right of suffrage and to hold office on account of race or color or of illiteracy or poverty. It is the freest, most liberal constitution to be found in the United States. There is no disfranchisement, no ineligibility, except for crime. The perfect secrecy of the ballot is protected by law—a law which was flagrantly violated by the Republican inspectors at several precincts in Dallas and other counties at the election now under consideration.

The election was held and they had it all their own way. In one or two of the precincts we find that there were only two inspectors, while the law of the State which would control in this matter provides that an election shall be held by three inspectors and not by two. While it is the fact that for any irregularities, any clerical errors, any mistakes or omissions, the votes cast at an election shall not be invalidated, but may be counted on sufficient proof; yet where the election itself is illegal, there is no law on the face of the earth that authorizes the ballots there cast to be proven and counted.

You might as well take the census of the different precincts, go around through the district and take down upon a piece of paper the names of the different voters and consult them as to their preference, and then count that as an election, as to prove the number of ballots cast at an absolutely illegal poll, giving a party the benefit of it, as is proposed by this committee to be done for Mr. Smith. Such was the election held at Hopewell, in Lowndes County. The committee reports at this void election 298 votes for Smith, 24 for Shelley, and none for Stevens; although Sullivan and Jones, the return-

ing officers, swear that most of the colored people were for Stevens. Judge McDuffee, Smith's friend and agent, admits that in that precinct the true division of parties was 200 Republicans and 100 Democrats.

I say that at one or two of the precincts no legal election was held; the election was absolutely illegal and void. Yet the committee, upon oral testimony as to the ballots thus illegally cast at an illegal election, find in favor of the contestant, Mr. Smith. These are but illustrations of the character of proof submitted and upon which they acted.

If I had time I could go through and show to this House that the evidence in the case does not justify the position taken by the committee, does not justify any change in the vote between the deceased contestant and the contestee to exceed 1,000. It is utterly defective and cannot establish anything. Such testimony would not entitle a man in an action upon a simple account in a court of justice to recover; no jury could find for him upon such flimsy testimony. Therefore it must be held that the majority of the Committee on Elections have come to their conclusion on account of their political preferences.

Mr. THOMPSON, of Iowa. Will the gentleman allow me to interrupt him to ask a question?

Mr. OATES. If I have time.

The SPEAKER. The time of the gentleman has expired.

Mr. CALKINS. I now ask for the previous question.

Mr. OATES. I would like to have my time extended for a few minutes.

Mr. CALKINS. I will yield to the gentleman time enough for a question and an answer.

Mr. THOMPSON, of Iowa. I would inquire of the gentleman whether, according to the returns as counted, Mr. Smith did not beat Mr. Shelley 1,142 votes?

Mr. OATES. Returns in which county?

Mr. THOMPSON, of Iowa. In Lowndes County; whether the legal returns as you pretend to count them to-day in your argument do not show that Mr. Shelley ran behind Mr. Smith 1,142 votes?

Mr. OATES. There was one precinct which went largely for Mr. Shelley that was not counted.

Mr. THOMPSON, of Iowa. I am speaking of the general result in the county.

Mr. OATES. I have not gotten through with Lowndes County yet. At Benton precinct two elections were held; that is, two polling places were opened when but one was provided for by law. One of these was therefore void. At one poll General Shelley received 51 votes, and at the other Judge Smith received 156 votes. The committee give Smith his 156 votes but rejected the 51 for Shelley as void, upon evidence which leaves it in doubt as to which was legal. The board of county supervisors held that the Shelley votes were legal.

At Whitehall precinct in Lowndes County the committee in their report give Smith 276, Shelley 14, and Stevens no votes. The ballot-box when opened by the county board of canvassers contained no certificate of the result of the election, and they were therefore unable to make any estimate of the vote of that precinct. The box did contain 45 ballots for Smith, and between 200 and 300 for Stevens. Philip White, Republican United States supervisor and returning officer, swears that he delivered the box to the sheriff of the county in precisely the condition in which he received it from the hands of the inspectors; and Mr. Graves, the sheriff, swears that he delivered the box to the county board with its contents in the precise condition in which he received it from Mr. White. None of the inspectors swear that they made out regular tally sheets and certified their returns as required by law. Yet upon the opinion of McDuffee, Smith's most active supporter, that the box had been opened from the bottom and stuffed with Stevens ballots, and the opinion of the inspectors, all partisans of Smith, the committee make the estimate I have stated. There is no pretense that this box was tampered with before it was delivered to White.

At Newbern, in Hale County, the committee report that there was a substitution of a stuffed ballot-box for the true one, and that one of the inspectors "was caught in the very act." The testimony of House, a Republican United States supervisor, tends to but does not establish the fact. The testimony of Robert Lee, a Republican inspector, T. L. Huggins, a Democratic inspector, and Herron, one of the clerks, contradicts that of House, while the evidence of Lavender and Hill, which is relied on to sustain him, fails to do it, and is of the most contradictory and uncertain character. Yet the committee seems to have believed all of the evidence which tended to show fraud and none of that which tended to show honesty and fairness, and fixed the vote upon the uncertain oral testimony of the colored Republican witnesses. At Scott's precinct, in Perry County, the inspector returned in legal form 196 ballots for Smith and 227 for Shelley.

Upon the testimony of one Lowery, the United States supervisor, who was a Republican negro preacher and lived on Mr. Smith's plantation and was in his employ, the committee bases its action. Lowery swears that he accepted from Mr. Turpin, a Democratic inspector, $35, which he retained as a bribe to permit Smith ballots to be taken from the box and changed to Shelley, which was done, and he made his return as supervisor in accord with the fraud which he swears was thus perpetrated. He says that he was openly bribed and the money paid him in the presence of those managing the election. Upon this testimony that election is by the majority of the Committee on Elections of this House held to be fraudulent. Nay, more; every one of the other men, without regard to party or color, who managed that election, Turpin, Avery, Lee, Driver, and Evans, swear that no such transaction occurred. Mr. Perryman swears that five or six days after the election Lowery told him that he saw nothing done at the election but what was fair, and that no money had been paid to him; that some one had been trying to get him to swear it, but that he would go to the penitentiary before he would do it. Perryman also swears that he knows Lowery's general character, that it is bad, and that he would not believe him on oath.

The only evidence tending to corroberate him is that of William Henry and one Henderson, two negroes who saw Smith tickets issued out to the colored voters, but they did not read the names on them nor see them voted and can only give an opinion as to the number who voted for Smith. Yet the committee upon this evidence set aside the inspectors' returns, which the law presumed to have been correct, and assume that a fraud—which the law never presumes to exist but requires convincing proof to establish—had been committed, and on the opinion of ignorant partisan negro witnesses against the oaths of reputable intelligent white men say that the latter certified falsely, change the result, and give Smith 470 votes and General Shelley but 37 votes. In this way is Shelley's majority of 2,651 in the district reversed and a majority given to Smith.

The reasoning and conclusions of the majority of the committee remind me of Black, a professional informer, who wished to acquit his friend Bobbins and convict Johnson who were indicted for gaming. Black swore that the playing took place in a closed room into which no one could see from the outside. That he peeped through the key-hole in the door and distinctly saw Johnson playing with Bobbins, but that he did not see Bobbins playing with Johnson. If anything further were necessary to show the partisan bias of the majority of the committee the extract from the brief of the late Mr. Smith, which they copied in their report, with the comment they made upon it which I now read from the second page, fills the chasm to overflowing:

> The South was to be made solid, and the fourth district must be, and was, captured to accomplish this much-to-be-desired end. The negro electors of the fourth district are now as successfully deprived of the elective franchise as when they wore the chains of slavery, were sold at the auction block, and their backs quivered at the overseer's lash.
>
> This is the language of a citizen of the State of Alabama since his early boyhood—a man who has held high positions of honor and trust—the contestant in this case, and made in the light of the facts he has presented in his evidence in this contest.

Judge Smith is dead, and out of consideration for his widow I will not make the reply to what is said in laudation of him that I should make were he in life to speak for himself. The people of Alabama know his character. If the committee desire fuller information upon that point I refer them to ex-Governor (now United States district attorney) William H. Smith, or to the Baron Paul Strobach, both prominent Republican politicians of Alabama, and if information is desired as to how worthily he wore his judicial ermine while holding "high positions of honor and trust," go to the members of the judiciary committee of the house of representatives in Alabama during the years 1871–'72.

The gentleman from Massachusetts, [Mr. RANNEY,] referring to the unfortunate state of affairs in the fourth Alabama district, condemned in emphatic terms that which he seemed to think most appalling frauds in elections committed against the rights of the negro voters by white Democrats. I inferred from his remarks that he might entertain some feelings of commiseration, but for the fact he asserts "you did it yourselves." The States, he said, regulate the suffrage and can restrict and limit the right somewhat, provided the discrimination is not on account of color. I agree with him in respect to the latter proposition as to the existence of the power. I also agree that the States ought to have the right to say who of their citizens shall be qualified to vote. But perhaps the gentleman has forgotten a part of the history of his own party.

Under the reconstruction acts of 1877 a constitutional convention was called in Alabama, at which the negroes registered and for the first time voted for delegates. They were enfranchised by act of Congress, when the Republican party had supreme control of all departments of the Federal Government, and enforced it by military power. The law of Congress provided that when such State convention framed a constitution it should be submitted to the registered voters for ratification, and if a majority of them voted for it, it became the constitution of the State, &c. That convention was composed entirely of Republicans. The carpet-baggers and negroes of which it was composed framed a constitution, so called, after four months of laborious effort, and submitted it to the people, and ordained at the same time an election of all State and county officers. This was done to insure, as they thought, the ratification of their bill of abominations called a constitution. After a protracted election of five days they failed to induce a majority of registered voters to vote. By abstaining from voting—a little filibustering process—the people defeated the constitution, which under the law they had a perfect right to do. General Meade, commanding that military department, reported to Congress that it was defeated. But your party went back on its enactment; changed the rule like you did in the Dibble case, which

was but following the illustrious precedent of the party, and declared the constitution ratified, and admitted to seats in this House a full delegation of carpet-baggers from Alabama, who were utter strangers to the people of the State, and who had not been elected by the people. This was the first election fraud I ever heard of in my State; and in this way were the negroes enfranchised. A Republican was declared to have been elected State senator in the district in which I live, and served four years, when he only received 70 votes out of a voting population of 7,000.

In the Legislature chosen at that ratification election there was but one Democrat in each House. Both branches were almost solidly Republican. The governor and all the State officers were Republicans. They, too, cried aloud for a "free ballot and a fair count." They made an election law in which they inserted a section making it an indictable offense to challenge the vote of any person who offered to vote at any election within the State, so that by voting the poor ignorant negroes early and often they could retain complete control of the State. The people of Alabama had never theretofore known of such a thing as dishonest or fraudulent voting or counting at elections. Your party gave our people the first lessons in that demoralizing business.

Under the operations of that election law and the fostering care of the Federal administrations the Republicans held and controlled the State for six years. While it was in force I saw at an election a seventeen-year-old negro boy vote twenty-five times the same day and in the same box, and no man dared to challenge him. At a municipal election in Mobile, when the whole number of voters in the city and county did not exceed 12,000, the Republican candidate was elected over his Democratic competitor by about 17,000 majority. Such are the antecedents of the Republican party in Alabama in favor of "a free ballot and a fair count." When the Democrats came again into power at the November election in 1874 they found that the State debt had been increased from $7,000,000 to $30,000,000. The credit of the State, which, when the Republicans took control of it in 1867, was at a premium in the money marts of the world, was gone. The bonds of the State were hawked about and sold or hypothecated at 33 cents on the dollar; the Treasury was depleted and a general state of demoralization existed among the people, who were loaded down by the most unequal and grinding taxation. To regain control of the State at that election and drive from power the carpet-bag and negro vampires that were sucking the life-blood of our people, or to abandon our homes and fly to another land, was the dire alternative presented. The State had to be rescued. All of its business and industries were paralyzed, and their very existence jeopardized. The people, the white people, resolved, and the carpet-bag negro government melted away like frost before the uprising sun.

And just here let me say to the men of the Republican party that you had as well legislate to change the current of the Mississippi and make it run up stream as to try to make any other race dominate over the Caucasian. The irrepressible white man who has planted the banner of civilization upon the loftiest mountain peaks and in the burning sands and wild jungles of Africa will assert his superior right, which God has given him, to rule the inferior races of men wherever he comes in contact with them. The white people of Alabama, nearly all of whom affiliate with the Democratic party, are not enemies to the colored people. They are generally a kindly-disposed people. The colored are the best laborers in the world for that climate. We want them to remain with us. We enact and our courts impartially administer laws for their equal protection. Very few of them own any taxable property, and hence they pay but a small fraction of the taxes. There was disbursed for public school education in Alabama last year $410,000, nearly two hundred thousand of which went to the support of colored public schools. They received the same per capita as white children. Their condition is slowly improving. The colored people, as a general proposition, are not a bad or malicious people. It is not ill treatment by the whites that makes the majority of them Republicans in politics; it is a feeling of gratitude to the Republican party for their enfranchisement.

They know nothing about party principles. The best informed among them—and Haralson, Turner, Rapier, and Stevens of the fourth Alabama district are of that class—know but little of the fundamental differences between the political parties of the country. They are, however, the most zealous partisans, and utterly intolerant and proscriptive of their own race on account of party differences. Hundreds will at every election vote just as their white friends desire them, provided it can be kept secret from the partisan leaders of their own race. The majority of the committee seem to rely implicitly upon the evidence in this case of the negro committeemen at each polling place who distributed tickets and took down the names of the voters to whom they were given.

This method was not invented, as is supposed, solely for the purpose of detecting frauds, but its main purpose was and is to expose to the indignation of the Republicans any negro who votes for a Democrat. Its object is intimidation, as every gentleman at all familiar with Southern elections knows. With all their vigilance, however, they are frequently deceived. The voter frequently takes a ticket from the committee, and gives them his name, when he has a Democratic ticket in his pocket which he votes instead of the Republican one. To guard against this the record in this case shows that at one precinct the inexorable managing committee of bulldozers formed the voters in line, then gave them Republican ballots and decreed that every man should hold his ballot out at arm's length to make sure that he deposited that particular ballot in the box. Any man who carried his hand to his body before he voted would have been placed under the ban and proscribed by his own race, if not beaten with clubs, on the suspicion of having voted a Democratic ticket. Would you call that a free election and fair count? They are both superstitious and suspicious.

They are the most imaginative people in the world, and whenever they are disappointed in the result they are ready to swear that there was fraud and rascality practiced upon them by some shrewd and designing white man. They are conceited, and you never can satisfy one that he is mistaken unless you are of his politics. These remarks apply to the partisan leaders among them. There are thousands of them who, since they have become satisfied that there is no danger of re-enslavement, care nothing about voting, or whose preference is to vote with or for some good man whom they know to be reliable, without regard to party affiliation. In the county in which I live there are 1,300 colored voters, and between 800 and 900 of them vote the Democratic ticket. They do it from choice, because they believe it to their interest to do so.

Mr. Speaker, the committee in the concluding paragraph of one report in this case say:

> In conclusion, your committee state that they have but little pleasure in reporting the facts which the evidence in this case discloses, as such acts must be and remain a blot upon our boasted civilization, and a more deliberate, wanton, barefaced, and cruel fraud was never practiced upon a people guaranteed by the laws of our common country the right to cast a free ballot and have it honestly counted.

I have already reviewed the testimony sufficiently to show the slender foundation for this assault upon the character and civilization of the people of the fourth Alabama district. I say, sir, from my personal knowledge, that nowhere can there be found a more honest, intelligent, and chivalrous people than those of that district. Among them are men quite equal in ability to any man in this House, and of as fair fame as any in the United States.

Why expel General Shelley from this House? There is no one now to take his seat. You but necessitate an extra or special election. General Shelley is a man of the highest integrity, and is a vigilant and useful member. He has sometimes differed from his party colleagues, but he has the courage to assert his convictions, and no man who knows him will ever question his motives. The strong point against him with Republicans is that as such a large majority of the people of his district are colored, and assuming as they erroneously do that the color line divides parties there, Shelley is not, therefore, a representative of his people.

Mr. Speaker, I say that according to my observation no Representative upon this floor has been more active and energetic than General Shelley in attending to the interests, wants, and requests of his constituents, without regard to color or politics. He is the Representative of the entire people of his district, and a more efficient and honorable gentleman could not be found within the borders of that district. But upon the meager and flimsy evidence in the record, which, in my solemn judgment, is not sufficient to warrant a recovery upon an open account of $10 before an ordinary country justice of the peace, the majority of the Committee on Elections have said that he must go. But few find time to examine the evidence. The party in this House will stand by the committee, and Shelley must go. You have the power to thus deprive the people of their Representative; but I predict his vindication and your rebuke by the people of his district, who will return him to the next session by an increased majority.

Mr. CALKINS. I now call the previous question.

Mr. RANDALL. I call for the vote by a division.

Mr. CALKINS. Let me say to the gentleman that I propose to yield as soon as the previous question is ordered.

Mr. RANDALL. I cannot help that.

The question was taken upon ordering the previous question; and upon a division there were—ayes 102, noes none.

Mr. RANDALL. No quorum.

Mr. CALKINS. Let us have the yeas and nays; that is the quickest way to settle the question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nay 1, not voting 146; as follows:

YEAS—143.

Aldrich,	Cannon,	Ford,	Hubbell,
Anderson,	Carpenter,	Fulkerson,	Hubbs,
Bayne,	Caswell,	George,	Jacobs,
Belford,	Chace,	Godshalk,	Jadwin,
Bingham,	Cornell,	Guenther,	Jones, George W.
Bisbee,	Crapo,	Hall,	Jones, Phineas
Bowman,	Crowley,	Harmer,	Jorgensen,
Brewer,	Cullen,	Harris, Benj. W.	Kasson,
Briggs,	Darrall,	Haseltine,	Kelley,
Browne,	Davis, George R.	Haskell,	Ketcham,
Brumm,	Dawes,	Hazelton,	Lacey,
Buck,	Deering,	Heilman,	Lewis,
Burrows, Julius C.	De Motte,	Henderson,	Lord,
Butterworth,	Dingley,	Hepburn,	Lynch,
Calkins,	Dwight,	Hill,	Mackey,
Camp,	Errett,	Hiscock,	McClure,
Campbell,	Farwell, Chas. B.	Horr,	McCoid,
Candler,	Farwell, Sewell S.	Houk,	McCook,

McKinley,	Prescott,	Shultz,	Valentine,
Miles,	Ranney,	Smalls,	Van Aernam,
Miller,	Ray,	Smith, A. Herr	Van Horn,
Moore,	Reed,	Smith, Dietrich C.	Van Voorhis,
Morey,	Rice, John B.	Smith, J. Hyatt	Wadsworth,
Neal,	Rice, Theron M.	Spaulding,	Wait,
Norcross,	Rice, William W.	Spooner,	Walker,
O'Neill,	Rich,	Steele,	Ward,
Orth,	Richardson, D. P.	Stone,	Washburn,
Pacheco,	Ritchie,	Strait,	Watson,
Page,	Robeson,	Taylor,	Webber,
Parker,	Robinson, Geo. D.	Thomas,	West,
Paul,	Robinson, Jas. S.	Thompson, Wm. G.	White,
Payson,	Russell,	Townsend, Amos	Williams, Chas. G.
Peelle,	Ryan,	Tyler,	Willits,
Peirce,	Scranton,	Updegraff, J. T.	Wood, Walter A.
Pettibone,	Shallenberger.	Updegraff, Thomas	Young.
Pound,	Sherwin,	Urner.	

NAY—1.

Hardenbergh.

NOT VOTING—146.

Aiken,	Curtin,	Humphrey,	Richardson, Jno. S.
Armfield,	Cutts,	Hutchins,	Robertson,
Atherton,	Davidson,	Jones, James K.	Robinson, Wm. E.
Atkins,	Davis, Lowndes H.	Joyce,	Rosecrans,
Barbour,	Deuster,	Kenna,	Ross,
Barr,	Dezendorf,	King,	Scales,
Beach,	Dibrell,	Klotz,	Scoville,
Belmont,	Dowd,	Knott,	Shackelford,
Beltzhoover,	Dugro,	Ladd,	Shelley,
Berry,	Dunn,	Latham,	Simonton,
Black,	Dunnell,	Leedom,	Singleton, Jas. W.
Blackburn,	Ellis,	Le Fevre,	Singleton, Otho R.
Blanchard,	Ermentrout,	Lindsey,	Skinner,
Bland,	Evins,	Lowe,	Sparks,
Bliss,	Fisher,	Manning,	Speer,
Blount,	Flower,	Marsh,	Springer,
Bragg,	Forney,	Martin,	Stephens,
Buchanan,	Frost,	Mason,	Stockslager,
Buckner,	Garrison,	Matson,	Talbott,
Burrows, Jos. H.	Geddes,	McKenzie,	Thompson, P. B.
Cabell,	Gibson,	McLane,	Townshend, R. W.
Caldwell,	Grout,	McMillin,	Tucker,
Carlisle,	Gunter,	Mills,	Turner, Henry G.
Cassidy,	Hammond, John	Money,	Turner, Oscar
Chapman,	Hammond, N. J.	Morrison,	Upson,
Clardy,	Hardy,	Morse,	Vance,
Clark,	Harris, Henry S.	Mosgrove,	Warner,
Clements,	Hatch,	Moulton,	Wellborn,
Cobb,	Herbert,	Muldrow,	Whitthorne,
Colerick,	Herndon,	Murch,	Williams, Thomas
Converse,	Hewitt, Abram S.	Mutchler,	Willis,
Cook,	Hewitt, G. W.	Nolan,	Wilson,
Covington,	Hoblitzell,	Oates,	Wise, George D.
Cox, Samuel S.	Hoge,	Phelps,	Wise, Morgan R.
Cox, William R.	Holman,	Phister,	Wood, Benjamin.
Cravens,	Hooker,	Randall,	
Culberson,	House,	Reagan,	

Mr. DWIGHT. My colleague from New York [Mr. HAMMOND] has been called home by a telegram summoning him to the bedside of his mother, who is very ill and not expected to recover.

Mr. THOMPSON, of Iowa. I wish to announce now, once for all, that I am paired with the gentleman from Georgia, [Mr. COOK,] but reserving the right to vote to make a quorum. If my vote is necessary in this case, it shall remain; if not, I will withdraw it.

The following pairs were announced from the Clerk's desk:

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. BOWMAN with Mr. SPARKS.

Mr. YOUNG with Mr. CLARDY.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. MOREY. I am paired with the gentleman from Indiana, [Mr. COLERICK;] but understanding that my vote was necessary to make a quorum, I have voted.

Mr. BOWMAN. I have supposed that on all these votes my vote would be necessary to make a quorum; so I am voting, although I am paired.

The SPEAKER. On this question there are 143 in the affirmative, 1 in the negative.

Mr. RANDALL. Not a quorum.

The SPEAKER. The point is made that no quorum has voted. Mr. CALKINS rose. The question recurs upon ordering the previous question, on which the yeas and nays have been ordered.

Mr. CALKINS. Very well, let us have another vote.

The question was again taken; and there were—yeas 145, nay 1, not voting 144; as follows:

YEAS—145.

Aldrich,	Ford,	McKinley,	Smalls,
Anderson,	Fulkerson,	Miles,	Smith, A. Herr
Bayne,	George,	Miller,	Smith, Dietrich C.
Belford,	Godshalk,	Moore,	Smith, J. Hyatt
Bingham,	Guenther,	Morey,	Spaulding,
Bisbee,	Hall,	Neal,	Spooner,
Bowman,	Harmer,	Norcross,	Steele,
Brewer,	Harris, Benj. W.	O'Neill,	Stone,
Briggs,	Haseltine,	Orth,	Strait,
Browne,	Haskell,	Pacheco,	Taylor,
Brumm,	Hazelton,	Page,	Thomas,
Buck,	Heilman,	Parker,	Thompson, Wm. G.
Burrows, Julius C.	Henderson,	Paul,	Townsend, Amos
Butterworth,	Hepburn,	Payson,	Tyler,
Calkins,	Hill,	Peelle,	Updegraff, J. T.
Camp,	Hiscock,	Peirce,	Updegraff, Thomas
Campbell,	Horr	Pettibone,	Urner,
Candler,	Houk,	Pound,	Valentine,
Cannon,	Hubbell,	Prescott,	Van Aernam,
Carpenter,	Hubbs,	Ranney,	Van Horn,
Caswell,	Jacobs,	Ray,	Van Voorhis,
Chace,	Jadwin,	Reed,	Wadsworth,
Cornell,	Jones, Geo. W.	Rice, John B.	Wait,
Crapo,	Jones, Phineas	Rice, Theron M.	Walker,
Crowley,	Jorgensen,	Rice, William W.	Ward,
Cullen,	Kasson,	Rich,	Washburn,
Darrall,	Kelley,	Richardson, D. P.	Watson,
Davis, George R.	Ketcham,	Ritchie,	Webber,
Dawes,	Lacey,	Robeson,	West,
Deering,	Lewis,	Robinson, Geo. D.	White,
De Motte,	Lord,	Robinson, Jas. S.	Williams, Chas. G.
Dingley,	Lynch,	Russell,	Willits,
Dwight,	Mackey,	Ryan,	Wood, Walter A.
Errett,	Mason,	Scranton,	Young.
Farwell, Chas. B.	McClure,	Shallenberger,	
Farwell, Sewell S.	McCoid,	Sherwin,	
Fisher,	McCook,	Shultz,	

NAY—1.

Hardenbergh.

NOT VOTING—144.

Aiken,	Culberson,	House,	Reagan,
Armfield,	Curtin,	Humphrey,	Richardson, Jno. S.
Atherton,	Cutts,	Hutchins,	Robertson,
Atkins,	Davidson,	Jones, James K.	Robinson, Wm. E.
Barbour,	Davis, Lowndes H.	Joyce,	Rosecrans,
Barr,	Deuster,	Kenna,	Ross,
Beach,	Dezendorf,	King,	Scales,
Belmont,	Dibrell,	Klotz,	Scoville,
Beltzhoover,	Dowd,	Knott,	Shackelford,
Berry,	Dugro,	Ladd,	Shelley,
Black,	Dunn,	Latham,	Simonton,
Blackburn,	Dunnell,	Leedom,	Singleton, Jas. W.
Blanchard,	Ellis,	Le Fevre,	Singleton, Otho R.
Bland,	Ermentrout,	Lindsey,	Skinner,
Bliss,	Evins,	Lowe,	Sparks,
Blount,	Flower,	Manning,	Speer,
Bragg,	Forney,	Marsh,	Springer,
Buchanan,	Frost,	Martin,	Stephens,
Buckner,	Garrison,	Matson,	Stockslager,
Burrows, Jos. H.	Geddes,	McKenzie,	Talbott,
Cabell,	Gibson,	McLane,	Thompson, P. B.
Caldwell,	Grout,	McMillin,	Townshend, R. W.
Carlisle,	Gunter,	Mills,	Tucker,
Cassidy,	Hammond, John	Money,	Turner, Henry G.
Chapman,	Hammond, N. J.	Morrison,	Turner, Oscar
Clardy,	Hardy,	Morse,	Upson,
Clark,	Harris, Henry S.	Mosgrove,	Vance,
Clements,	Hatch,	Moulton,	Warner,
Cobb,	Herbert,	Muldrow,	Wellborn,
Colerick,	Herndon,	Murch,	Whitthorne,
Converse,	Hewitt, Abram S.	Mutchler,	Williams, Thomas
Cook,	Hewitt, G. W.	Nolan,	Willis,
Cox, Samuel S.	Hoblitzell,	Oates,	Wilson,
Cox, William R.	Hoge,	Phelps,	Wise, George D.
Covington,	Holman,	Phister,	Wise, Morgan R.
Cravens,	Hooker,	Randall,	Wood, Benjamin.

So the previous question was ordered.

Mr. CALKINS Mr. Speaker, in rising to close this debate, I desire to say in reference to the pending case I had no doubt after examining the testimony, and have none now, that the contestant, recently deceased, was duly elected by a majority of the legal votes cast to the office of Representative in this Congress from this fourth Congressional district of Alabama.

When the committee examined this case it found in Lowndes County the vote, as explained by my colleague on the committee, [Mr. RANNEY,] had been almost entirely suppressed. The committee further found that in many of the precincts where there was a large Republican majority the Democratic inspectors, being in the majority, for some unaccountable reason failed to open the polls. The officers failed to furnish tally lists and other blanks upon which to make returns of the election, leaving everything in charge of the ignorant and illiterate class recently enfranchised, leaving them to get together and cast their ballots as best they could under the law.

In this state of the evidence the committee felt it to be a duty to count those votes which had been thus carelessly or criminally suppressed and give them to the person for whom they had been cast. Having done this there was no doubt of the election of the contestant by the legal voters in that district.

In answer to that part of the speech made by my colleague on the

committee, the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] that there were two Republican candidates running in this district, all that is necessary to state is that by the evidence the man Stephens, the other Republican candidate, received about 1,600 votes, mostly in one county, while in all the other counties and precincts there were but scattering votes cast for him—one and two and the like—the great body of the party supporting the contestant in this case. About this, Mr. Speaker, there is no dispute and can be none.

So we start with this admitted fact; because when anything is testified to and not controverted, and is legal evidence and is legally introduced, I take it there can be no dispute about the fact thus proved. We start, I say, with the admitted fact that the vote thrown gave a majority to the contestant; that the other candidate received about 1,600 votes.

All the arguments addressed to this case by parties who have spoken to it on the other side have been launched against the testimony and how it should be treated and what it shows. I repeat what I have said before that after evidence is legally introduced it becomes a question of its convincing character.

Therefore, Mr. Speaker, in this case there is nothing to do but to discharge a public duty. Having ascertained that Mr. Shelley, the sitting member, was not duly and legally elected, the House has but one duty to perform, the contestant being dead, that is to declare the seat vacant and to ask that it be filled by a new election.

I make this further observation at this point. Personal considerations ought to have no weight in determining a question judicially, for if that were not so, as my colleague [Mr. RANNEY] has already said, we might be inclined to do quite another thing; but when we are called upon to perform a public duty, to discharge a public trust, and called upon to do it in that way and by that means which satisfies the conscience, however much personally we should like to have the contestee retain his seat, nevertheless in the discharge of this high public duty, having arrived at this conclusion there is but one thing for us and the House to do.

On yesterday I concurred in a statement made by Mr. Tillman in reference to a change of the tribunal to which election cases should be referred. I want to say one thing in furtherance of that suggestion, and to do that I can illustrate what I intended to say and mean by that which has become familiar to every member who has been placed on the Election Committee of this and former Houses.

What I say I say advisedly. If there is a committee of this House that should act judicially, that should sit impartially, should try questions upon their merits, without inquiring as to the partisan affiliations of the parties to contests, it is the Committee on Elections. I may say that each member of the Committee on Elections ought to possess the four requisites which Socrates has tersely stated, namely, "To hear cautiously, to answer wisely, to consider soberly, and to decide impartially."

But, Mr. Speaker, in the very nature of things, however much the earlier committees may have so acted, it is impossible, in the present state of political parties in this country, (and I fear those that come after us will be no better than we,) to surround ourselves, or that any of the members of this Committee on Elections could surround himself with that judicial atmosphere in which all of these questions should be considered, and in which that committee alone should move. Not long ago I had a conversation with a former chairman of the Committee on Elections of the Forty-fifth Congress, [Mr. HARRIS,] and he said to me, "I would not serve again on that committee, as its chairman or otherwise, under any consideration." He said further: "It seems to be understood some way that the duty of that Committee is to bolster up the party in the majority." Mr. Speaker, he never uttered truer words than these. It seems now to have become a kind of settled conclusion that the Committee on Elections must strain its conscience, must do and perform acts which, if acting otherwise judicially, no person would think of offending by offering a word or hint relative to the judicial determination of the questions pending before it.

Mr. Speaker, no man would think of approaching a judicial officer having before him a case to be determined and undertake to talk privately to him or make suggestions about the case, and yet, surrounded as we are, it has gotten to be a common practice for persons on each side of the House to talk with members of the committee in relation to their duty in contested cases. If we do not listen to these suggestions and explanations they sometimes become vexed. It has gotten to be a common thing for members of each side of the House, especially of the majority side, to ask "When are you going to turn that fellow out and put our fellow in? Why don't you do it right now?" and such like questions; and the sentiment of the press is often quickened under this example, and the Committee on Elections is lashed because they have not acted as common sentiment seems to dictate. I do not refer to this for the purpose of criticism or to cast or impute improper motives either to members or the press, but I refer to it as an unfortunate state of affairs which should be corrected; and I do not believe it can be until the questions of law and fact involved in contested-election cases are removed from the immediate arena of a political body. These acts come from association and are the natural result of party feeling. Mr. Speaker, I shall never be a willing member of another Committee on Elections. Left to myself, there is no consideration that will induce me to again take a place thereon.

The time has come when we have got to seek a judicial body outside of this House to report the law and the facts, judicially determined, to the House for its final action, in order to have that fairness which will commend itself to the even judgment of all men.

I announce another thing. The judiciary in this country will be respected, obeyed, and their decisions acquiesced in by all only so long as the people believe the judgments rendered are pure, unbiased, and impartial. I opposed the electoral-commission bill which the Forty-fourth Congress passed—which our Democratic friends passed, and about which we have heard so much lately. My objection to it was that it placed the highest judicial officers of this country in a position where they might be criticised and attacked throughout the country, whichever way they might decide, because of supposed partisanship in rendering a decision. It turned out that my apprehensions were too true, although I believe the questions were tried and decided as fairly and honestly as any questions ever were. So I repeat that any question judicially determined by any body to whom that question is remitted will receive the respect of the people of this country only so long as the people are convinced that that question has been met fairly, treated impartially, and the best judgment of the officers brought to the consideration and determination of the case freed from party bias and prejudice.

I make this further suggestion: what right have I to suppose that any judicial tribunal chosen to adjudge these election cases would be treated any fairer by the Democratic party than were the members of the Supreme Court who served on the electoral commission? Would they not be charged with bias and prejudice just as the Supreme judges were? I am afraid the venom of partisanship would be visited upon such tribunals and by that means their acts brought into disrepute. The fact is that public judgment is warped by representative men, and unless all parties agreed to stand by the decisions so made it would avail nothing.

These election cases have come to be known as partisan questions. They ought not to be. It is a shame and a disgrace to this body that they should be so considered or treated. I said long ago, Mr. Speaker, when I first entered Congress and saw our Democratic friends excluding the member from Colorado, Judge BELFORD, who had received a majority of the 26,000 votes cast in that young State, and seating his competitor, who had received less than 1,300 votes, that it was simply a judicial outrage. I repeat it now. No such act as that from any tribunal, however high, can ever stand the honest gaze of the yeomanry of this country.

Mr. SPRINGER. Will the gentleman allow me to ask him if that question did not turn upon the law as to the day when the election should have been held and not upon the question of majorities at all?

Mr. CALKINS. Common decency, in my judgment, ought to have referred back the question to the sovereign people of that State at that time.

Mr. SPRINGER. The law prescribed a day——

Mr. CALKINS. I understand the law; and I cannot yield. I am only telling you what I think about it. I impugn no man's judgment nor his vote. I am giving only what my judgment was then and is now.

Mr. SPRINGER. The gentleman is impugning the judgment of the House of Representatives.

Mr. CALKINS. No, sir; I am not impugning it; because you can find flagrant cases which the Republican side is responsible for which happened just after the war, and I am not impugning the action of the House in either case, but am calling attention to a manifest abuse which must be corrected. I do not believe that the Democrats of the Forty-fifth Congress would have denied Judge BELFORD his seat only as a sort of political necessity. And it is time that thing should stop. We have got to draw the line somewhere and some time. The sooner we begin the better.

I proceed to examine briefly the work of the Committee on Elections of this Congress. We may be never so impartial and examine a case with the greatest care; if it be one that is reported unanimously it will go through the House in one minute after we have bestowed weeks of labor upon it, and nobody pays the least sort of attention to it. It is only on those cases to which the attention of the House and of the public is particularly attracted that the Committee on Elections gets any credit for its work.

We were confronted at the commencement of this session with twenty-two contested-election cases. We have, and this House when it disposes of this case will have, disposed of eighteen of them, leaving but four cases undisposed of. Out of that number, if this case shall be disposed of in accordance with the report of the majority of the committee, six contestees will have been ousted; five contestants will have been seated; eleven of the cases reported were in favor of the contestees, and the Utah case in favor of declaring a vacancy.

A MEMBER. All of them Democrats.

Mr. CALKINS. All of them Democrats, as my friend suggests, except Mr. REED, of Maine; but it is no matter what their politics were. What I am trying to enforce upon the House and what I am trying to have reach the ear of the country is, that in the consideration of these cases the action of the Committee on Elections in the Forty-seventh Congress will challenge favorable comparison with the action of any other Committee on Elections in the last twenty-five years.

Mr. SPRINGER. With that of the Forty-sixth?

Mr. CALKINS. My friend from Illinois suggests the committee of the Forty-sixth Congress, but I think the ex-chairman of that committee has no particular pride in its accomplishments.

I now pass to notice the cases the committee have disposed of in this session and the manner in which it has been done. The first is that of James Gillette against Thomas H. Herndon, from the first district of Alabama. In that case the record comprised some two or three hundred pages of testimony. The contestant died before the case was considered, but even after that the committee in some degree examined it to see if it was a case on which the House ought to act. After examination it reported promptly to the House in favor of the sitting member.

The case of Paul Strobach against Hilary A. Herbert, from the second district of Alabama, was a case involving very many intricate questions of law and of fact. Mr. Strobach, as I call to mind, was represented by the ablest orator in the Republic, if not in the world, Colonel Robert G. Ingersoll. After a painstaking hearing and laborious examination of the case, after having gone through the record of many hundred pages, taking up the questions one by one, the Committee on Elections unanimously reported in favor of Mr. Herbert, and the House confirmed its action.

The next was the case of A. A. Mabson against William C. Oates, from the third district of Alabama, a case referred to by my colleague on the committee this morning, in which the contestant had attempted to take his testimony and presented one hundred and fifty or two hundred pages of it to the committee. He then came before us with affidavits showing the impossibility, as he said, of taking the residue in a district hostile to him. He asked that Congress should take steps to take testimony or that he might be allowed that opportunity to prove the allegations of his contest. But because of the manifest defects in his affidavit the sub-committee reported unanimously against the request. Then after, when by the report he discovered those defects, he filed a supplemental affidavit which was clearly sufficient, and my friend from Iowa, [Mr. THOMPSON,] a man who loves justice, thought it was a great outrage that we did not allow Mr. Mabson to take the testimony covered by the supplemental affidavit, and that it was an outrage for us to dismiss the case. But a majority said: "If you allow your sub-committees to point out the defects and infirmities in pleadings and affidavits, and then let the parties come in and file supplemental affidavits, supplying matters they had left out, you simply turn the committee into legal advisers of the parties litigant, and our only safety is to stand upon the law." The committee reported in favor of Colonel Oates, and the House confirmed their report.

The next case is that which we are now considering, and I pass that by.

The next is that of William M. Lowe against Joseph Wheeler, from the eighth district of Alabama. I need not refer to that case. The principal point involved was simply that of rejecting ballots that had been legally cast because of numerals and figures printed upon them. That was the principal point. There was no partisanship in that case, certainly so far as this side of the House was concerned. It would have been quite the other way, I take it, if you had left it to partisanship, for a great many had harshly criticised Colonel Lowe for certain acts which he had committed in a former Congress. But the committee believed that he had received a majority of the legal votes cast and so reported to the House, and the House confirmed its action.

The next case was that of Bisbee against Finley, from Florida. That case was thoroughly argued and I need not stop here to make an epitome of the points involved in it. The speech of my colleague on the committee, Judge RANNEY, as well as that of the contestant, fully disclosed the points involved.

The next case is that of Cook against Cutts, from the State of Iowa. The only reason that case has not been disposed of long ago is because the contestant appeared before the committee and showed that it had been impossible for him to complete his testimony because of a snow-storm which had occurred. The committee promptly extended to him the time that he asked. That case is the only case which has not been argued and submitted to the committee, and it will be submitted on the 21st or 22d of this month.

Mr. ATHERTON. Allow me to correct my colleague by saying that Mr. Cook was not given permission to take the testimony which he failed to take on account of the snow-storm, but was allowed to take certain other testimony in the case.

Mr. CALKINS. There will be no difficulty between my colleague and myself. The point I am making is to show the reason why the case has not been determined. I do not propose to enter into any controversy about the facts. My colleague perhaps is right in his suggestion. The next case is that of Smith against Robertson, from the State of Louisiana. In that case the committee was presented with hundreds of affidavits which tended to show a state of things in that district which, if true, and could have been shown by competent testimony, would, to say the least of it, have made a serious contest for that seat. But the committee, standing upon the law, said that notwithstanding their decision might militate against a party friend, they would never stop to inquire his politics, but he must go out of court; and the committee promptly dismissed his case. Lanier *vs.* King, from the same State, was a similar case, and disposed of in the same way.

The case of Anderson against Reed from Maine was tried and determined by the committee upon a large printed record. The committee unanimously reported in favor of the sitting member, and the House adopted the report. I need not enter into a discussion of the question involved in that case, except to say that it was a case which occupied much of the time of the committee and took its best labors and its best judgment.

The next case is that of Buchanan against Manning, from the State of Mississippi, which is still undetermined in full committee.

The next case is that of Lynch against Chalmers, from the State of Mississippi. I need not recite the points in this case. Suffice it to say that it was somewhat analogous to the case of Lowe against Wheeler, from the State of Alabama. Marks on ballots were the principal point in the case.

The committee promptly restored and counted certain other ballots which had been cast and returned by the precinct officers to the county commissioners, and which had by them been rejected purely on technicalities.

The next case is that of Sessinghaus against Frost, from the State of Missouri. That is a case in which the printed record amounts to over 3,000 pages; and although the committee have spent many weeks upon it the case is yet undetermined.

The next case is that of Lee against Richardson, of South Carolina, which is in substantially the same condition as that of Sessinghaus against Frost.

The next case is that of Stolbrand against Aiken, from the State of South Carolina. Here again a printed record was presented to us of many hundred pages. Upon examination it was found that the testimony had all been taken by a United States commissioner. Upon looking at the law and the precedents under the law it was found that a United States commissioner was directly excluded from the right to take testimony in contested-election cases. And upon this technicality alone, if you please, if it be a technicality, the committee decided against one of its own political party and unanimously reported in favor of continuing the sitting member in his seat.

The next case was the case of Smalls against Tillman, too fresh in the minds of members to need more than this passing notice.

The next case was that of Stovall against Cabell, from the State of Virginia. That case was likewise presented to the committee with a large printed record, consisting of three or four or five hundred printed pages. It involved very much labor in its determination. After careful consideration the committee reported unanimously to the House in favor of the sitting member.

The next case was the case of Bailey against Barbour, from the State of Virginia. That case turned entirely upon a legal question. My friend from Connecticut [Mr. WAIT] was the chairman of the sub-committee having charge of that case. He made an elaborate and able report, which follows the law as it has been settled for many years, in favor of my friend from Virginia, [Mr. BARBOUR,] and as I may also add against one of the party friends of the majority of the committee.

The next case was the case of Witherspoon against Davidson, from the State of Florida. The same questions were presented in this case as were presented in the case of Robertson and the case of Oates and one or two others. Affidavits, some 1,200 in number, were presented to the committee which, if the facts stated in them are true, make a serious question as to the right of the sitting member to hold his seat. But the majority of the committee, through Judge RANNEY, made a report, following strictly the law, allowing the contestant in that case to withdraw his papers. I believe that question is yet undetermined in the House.

Mr. RANNEY. That was the case where the lawyer had stolen the papers and refused to return the money he had received.

Mr. CALKINS. Yes, sir; that is the case where the contestant's attorney, as it was alleged, had stolen the papers and refused to pay back the money which had been given him as a retaining fee.

Mr. RANNEY. It was not technically stealing; but the lawyer wrongfully withheld the papers.

Mr. CALKINS. I withdraw the word "stealing;" the papers were improperly withheld.

Now, Mr. Speaker, this is the work of the Committee on Elections at this session, involving the disposition of eighteen contested-election cases, six of which have been reported to the House in favor of the contestants and twelve in favor of the sitting members, with the exception of the case of Campbell *vs.* Cannon, from the Territory of Utah, in which the committee reported in favor of refusing the seat to either litigant and referring the question back to the people. This is a *résumé* of the work of the committee. I will say I never have had the honor of serving with a body of men who performed their severe labors with more conscientiousness, earnestness, and impartiality than have been displayed by my colleagues on this committee. It is to them that the House and the country are indebted for the work which has been accomplished.

It has been the purpose of the committee from the beginning never to unseat a man who had received a majority of the legal votes of his district. It has been the honest intention of the committee to

give voice and potency to the majority of the legal voters in every Congressional district throughout the United States where the seat was contested. If the majority of the committee have erred, Mr. Speaker, they have erred against their own party friends.

I have no disposition to refer to anything personal, but if I have been criticised it is because I could not bring myself to believe that anything should be done on account of which partisanship should justly be laid at the door of the committee. But no matter how much the majority have desired or intended to do their duty, they have been unjustly assailed and unfairly criticised. I make no complaint of my friends in the minority on the committee. They have been literally worked to death, to use a common phrase. They have scarcely ever agreed with the majority, it is true, but they have been as diligent and faithful and painstaking as any of us. Errors have been committed by us all, but they have been of the head and not of the heart.

I would be derelict in my duty if I did not call the attention of the House and the country again to the scenes which have been enacted in this Congress. I trust and hope and believe they will never be repeated; certainly this side of the House will never take part in enacting such scenes. For ninety-three years the undoubted right of a majority of the House to determine who should sit as members of this body was never questioned. Even through the days of the rebellion, when partisanship and party rancor were ready at times to burst out into flames on the floor of this House, no man carried his feeling so far as to say that the right of a majority to determine who should sit as members in this body should be suppressed. It was reserved for the minority of the Forty-seventh Congress in a case which has been thoroughly discussed and has passed into history to attempt to assert and maintain that the majority should not determine this right—not only not determine it but should not even discuss it in this arena of the people. Whether this filibustering movement was not a criminal assault upon the life of this country, I shall carry to the people who are the final umpires on all these questions.

I pass now, Mr. Speaker, to one other point, which will conclude what I desire to say upon this case. I do not fear any unjust criticism which may be directed against myself, for during my life I have always been ready to bear the brunt of whatever act I might perform, standing or falling as it might merit; but, Mr. Speaker, I could not agree with my associates on the committee in the last election case which has been tried and disposed of in this House. Not that I did not believe that there had been—I heartily agreed with the majority that there had been—such acts of fraud, intimidation, and violence through a large part of the district as rendered the election wherever such things occurred entirely void. As was truly said yesterday by the gentleman from Ohio, [Mr. ATHERTON,] an election means a free choice—the free expression through the ballot of the will of the elector, and wherever there is a reign of terror which prevents freedom of action on the part of the elector in casting his ballot, the election is a simple nullity, for it does not express the voice of the people. There was no question on that point. There was no doubt that by a long line of precedents this House had almost invariably determined a contested election by eliminating that portion of the vote of the Congressional district that was tainted by intimidation or fraud, and seating upon the remaining ballots whichever candidate had received a majority of those ballots. The majority of the Committee on Elections were clearly right upon the law and the fact in the case determined yesterday, for Mr. Smalls had both on his side in this view. But it was against this principle of law that I was contending. I believe that if Congress does not overturn these precedents the time will come when they will bring anarchy and confusion upon the House and the country. As a question of law, I do not believe, however much the doctrine may have been asserted and acted upon, that it is right to eliminate one-third of the entire votes of a district and seat a man upon the remaining two-thirds. I believe that in all such cases this House should declare to the people of the Congressional district, "We will hold the dominant party, whichever it is, responsible and compel them to have a fair and free election."

Mr. RANNEY. May I ask the gentleman a question?

Mr. CALKINS. Certainly.

Mr. RANNEY. Suppose it to be true that in the precincts or counties which are rejected one of the candidates had clearly a majority of the legal voters on his side ready and willing to vote for him, and the opposite party, knowing this, proceed by fraud and intimidation to prevent the votes being cast, or commit such frauds otherwise as serve to vitiate the elections in such precincts or counties; would that not under your rule result in or enable such a party to prevent the candidate being elected at all when otherwise he would have been elected, and thus to succeed, if repeated at each election, in keeping the seat perpetually vacant? The object in such a case might be to prevent the other side electing their candidate, knowing that they could not in a fair election choose their own. Declaring the whole election void, instead of giving the candidate the seat who had the highest number of votes in the rest of the district after rejecting the precincts and counties wherein the intimidation and fraud were practiced, would operate to aid and accomplish the very purpose of the fraud and wrong practiced.

Mr. CALKINS. That is true, and it is an argument which comes to every man with great force. It is an argument which staggers me; yet when I come to consider a question of law, and to decide it judicially, must I look at the result at all? Must I not enforce the law as I find it without regard to the result?

In what I have said, Mr. Speaker, I do not want the members of the committee to think I have set my judgment up against theirs. I adopt the language of the chairman of the Judiciary Committee [Mr. REED] when he found himself alone on a question, that he yielded to the force of the majority where he believed he was right, but might be wrong. I yield implicitly to my colleagues on the committee and in the House. I do not in one iota challenge what they did, for they acted as conscientiously as I did.

Mr. RANNEY. Does not the gentleman admit that the course which the rest of us pursued in seating Mr. Smalls was in accordance with precedent and law, and mean to say only that he thinks the law and precedents followed are wrong?

Mr. CALKINS. Precisely. I say again the action of the majority of the committee was expressly within precedent and law. The only objection I had was as to the law. I have tried for four years to get Congress to overturn it. I think it was a bad precedent.

Mr. ATHERTON. It was a precedent that the man who received the minority of votes should be seated.

Mr. CALKINS. Never.

Mr. ATHERTON. And that is this case.

Mr. RANNEY. This is a case where the alleged votes of precincts are rejected for fraud and intimidation which vitiates the elections held therein, and when it cannot be determined what the vote actually cast in the same was or would have been otherwise.

Mr. CALKINS. When you eliminate fraudulent votes and ascertain the residue, that residue is the legal vote. That is the proposition. McCrary lays this down as the law. It is established law, but its application, as he says, ought to be carefully guarded in every case. The committee did consider it carefully in this case and brought to it that patience and care they have in every other. But that is enough on that point.

I voted that way honestly and conscientiously, because I believed it was right, and I have no fault with those who did not agree with me. They were as honest and conscientious as I, and far more likely to be right. One other point and I close.

Mr. RANNEY. I wish to say, as I did not address the House on that matter, that originally I had a doubt whether I could vote to seat Mr. Smalls, and ought not simply to vote to declare the seat vacant, as my associate, the chairman, did finally. I took a week's time to examine the authorities, the law, and the precedents in such cases, and to consider the soundness and reason of the doctrine and rule adopted and followed heretofore. My doubts were solved by this examination and consideration. I signed the report and voted accordingly, and I am clear that I was right in so doing.

Mr. ATHERTON. Yes, my friend from Massachusetts always falls on the other side.

Mr. CALKINS. It has been the purpose of the committee as far as possible to emphasize one important principle in this Congress, and that is this: that hereafter, so far as we had the power, there should be a free ballot and a fair count. In this country, a country governed by the majority, wherever it is ascertained what the voice of that majority is it must be obeyed. [Applause.] A majority is one more than half, and when that is legally ascertained it is as binding as if it was multiplied by a million. That has been the purpose of the committee and of the House acting in concert with the committee, that the voice of the people should be obeyed and a majority of ballots legally cast should settle all these questions. [Applause.]

Mr. Speaker, I admit this side of the House can make progress in purifying the ballot system very slowly if it must act by itself. Party ties are so strong that a denial of these acts which have been so clearly proven by the Democratic partisan press is taken as a sufficient refutation of these unlawful acts, but there never has been a time since tissue ballots were resorted to, since ballot-boxes were captured and destroyed, since precinct returns were unlawfully rejected, since precinct election officers annually and purposely failed to open the polls, and since murder and intimidation ran rife to frighten voters from the polls and suppress a free ballot, that the Democratic party of the North could not have stopped it. One word from the party leaders would repress it and stop it forever.

A MEMBER. How?

Mr. CALKINS. By simply rising up here and saying it must be stopped.

A MEMBER. But they do not want to stop it.

Mr. CALKINS. Let the Democrats say so and that system will stop.

Mr. PETTIBONE. They are not ashamed of it.

Mr. CALKINS. When the men of this country shall burst the bonds of partisanship and shall look at the right alone, it will cease, but it will never cease until then. [Applause.] Let us have fair elections hereafter. Let us go to the ballot-boxes all over the country, from one end to the other, and let every voter cast one ballot only, and let that ballot be fairly and honestly counted, and all this turmoil will cease. [Applause.] Let all men of every party insist upon this being done, and with one united voice this sentiment will permeate every part of the country, and it will become the shibboleth of all honest men, of all parties, and the people will respond to it and maintain it, because it is right.

Mr. SPRINGER. If your party is in favor of honest elections, what is the gentleman going to do with the 2 per cent. wrung from the employés of the Government?

Mr. CALKINS. I cannot stop to answer the "Stormy Petrel" from Illinois. His presence on the floor is always indicative of a storm. This 2 per cent. question seems to trouble him. He labors with it all the time, and it just about fills his soul full.

Mr. SPRINGER. It is filling your pockets full.

Mr. CALKINS. Mr. Speaker, my friend from Illinois is a great constitutional lawyer. He is a great statesman. He is "gorged with statesmanship and giddy with constitutional joy." Let him possess his soul in peace; we will take care of the 2 per cent.

Mr. SPRINGER. I suppose you will. I have never doubted but you would take care of it; but do you intend to use any part of it to pay the fine——

Mr. CALKINS. Mr. Speaker, I believe I have made all of the observations I think necessary in this case, and I ask now a vote upon the resolutions.

Mr. ATHERTON. Will the gentleman allow me simply to make a request to the House?

Mr. CALKINS. Certainly.

Mr. ATHERTON. I merely want the right to print some remarks upon this case in reference to some points brought forward on the other side during this argument.

Mr. RANNEY. I think it is due to the committee, since I do not know, of course, what my friend wants to print, to have it understood that there is nothing personal or otherwise objectionable to the committee or the members.

Mr. CAMP. Reserve the right to reply.

Mr. RANNEY. If it is only a matter that naturally would arise in the course of the debate of course there is no objection.

Mr. ATHERTON. I have tried hard to get an opportunity to say what I wanted to say upon this case, and this is the first time I have asked leave to print.

Mr. RANNEY. I simply suggested, of course, my objection, and leave the matter entirely to the discretion of the gentleman himself.

The SPEAKER. Without objection, the gentleman will be permitted to print such remarks as he desires in the RECORD.

There was no objection. [See Appendix.]

Mr. CALKINS. I now demand a vote upon the resolutions.

Mr. SPRINGER. Before that I wish the gentleman would answer the question [cries of "Regular order!"] whether it is proposed by the Congressional committee to use a part of that 2 per cent. fund to pay the fine of General Curtis, [cries of "Vote!" "Regular order!"] one of the Republican collectors who has been fined a thousand dollars by the court in New York, which holds the law against political assessment to be constitutional. [Cries of "Regular order!"]

Mr. ATHERTON. Gentlemen seem to be impatient and anxious for the sacrifice. Let them go on and have it.

The SPEAKER. The Clerk will report the resolutions on which the vote is to be taken.

The Clerk read as follows:

Resolved, That Charles M. Shelley was not elected as a Representative to the Forty-seventh Congress from the fourth Congressional district of Alabama, and is not entitled to retain the seat which he now occupies in this House.

Resolved, That James Q. Smith was duly elected as a Representative from the fourth Congressional district of Alabama to the Forty-seventh Congress, and, having deceased, the seat is declared vacant.

Mr. RANDALL. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. Both resolutions will be voted on together, I presume?

The SPEAKER. Both together.

The question was taken; and there were—yeas 145, nay 1, not voting 144; as follows:

YEAS—145.

Aldrich,	Darrall,	Houk,	O'Neill,
Anderson,	Davis, George R.	Hubbell,	Orth,
Bayne,	Dawes,	Hubbs,	Pacheco,
Belford,	Deering,	Jacobs,	Page,
Bingham,	De Motte,	Jadwin,	Parker,
Bisbee,	Dingley,	Jones, George W.	Paul,
Bowman,	Dwight,	Jones, Phineas	Payson,
Brewer,	Errett,	Jorgensen,	Peelle,
Briggs,	Farwell, Chas. B.	Kasson,	Peirce,
Browne,	Farwell, Sewell S.	Kelley,	Pettibone,
Brumm,	Fisher,	Ketcham,	Pound,
Buck,	Ford,	Lacey,	Prescott,
Burrows, Julius C.	George,	Lewis,	Ranney,
Butterworth,	Godshalk,	Lord,	Ray,
Calkins,	Guenther,	Lynch,	Reed,
Camp,	Hall,	Mackey,	Rice, John B.
Campbell,	Harmer,	Mason,	Rice, Theron M.
Candler,	Harris, Benj. W.	McClure,	Rice, William W.
Cannon,	Haseltine,	McCoid,	Rich,
Carpenter,	Haskell,	McCook,	Richardson, D. P.
Caswell,	Hazelton,	McKinley,	Ritchie,
Chace,	Heilman,	Miles,	Robeson,
Cornell,	Henderson,	Miller,	Robinson, Geo. D.
Crapo,	Hepburn,	Moore,	Robinson, James S.
Crowley,	Hill,	Morey,	Russell,
Cullen,	Hiscock,	Neal,	Ryan,
Cutts,	Horr,	Norcross,	Scranton,
Shallenberger,	Stone,	Valentine,	Webber,
Sherwin,	Strait,	Van Aernam,	West,
Shultz,	Taylor,	Van Horn,	White,
Smalls,	Thomas,	Van Voorhis,	Williams, Chas. G.
Smith, A. Herr	Thompson, Wm. G.	Wadsworth,	Willits,
Smith, Dietrich C.	Townsend, Amos	Wait,	Wood, Walter A.
Smith, J. Hyatt	Tyler,	Walker,	Young.
Spaulding,	Updegraff, J. T.	Ward,	
Spooner,	Updegraff, Thomas	Washburn,	
Steele,	Urner,	Watson,	

NAY—1.

Hardenbergh.

NOT VOTING—144.

Aiken,	Culberson,	House,	Reagan,
Armfield,	Curtin,	Humphrey,	Richardson, Jno. S.
Atherton,	Davidson,	Hutchins,	Robertson,
Atkins,	Davis, Lowndes H.	Jones, James K.	Robinson, Wm. E.
Barbour,	Deuster,	Joyce,	Rosecrans,
Barr,	Dezendorf,	Kenna,	Ross,
Beach,	Dibrell,	King,	Scales,
Belmont,	Dowd,	Klotz,	Scoville,
Beltzhoover,	Dugro,	Knott,	Shackelford,
Berry,	Dunn,	Ladd,	Shelley,
Black,	Dunnell,	Latham,	Simonton,
Blackburn,	Ellis,	Leedom,	Singleton, Jas. W.
Blanchard,	Ermentrout,	Le Fevre,	Singleton, Otho R.
Bland,	Evins,	Lindsey,	Skinner,
Bliss,	Flower,	Lowe,	Sparks,
Blount,	Forney,	Manning,	Speer,
Bragg,	Frost,	Marsh,	Springer,
Buchanan,	Fulkerson,	Martin,	Stephens,
Buckner,	Garrison,	Matson,	Stockslager,
Burrows, Jos. H.	Geddes,	McKenzie,	Talbott,
Cabell,	Gibson,	McLane,	Thompson, P. B.
Caldwell,	Grout,	McMillin,	Townshend, R. W.
Carlisle,	Gunter,	Mills,	Tucker,
Cassidy,	Hammond, John	Money,	Turner, Henry G.
Chapman,	Hammond, N. J.	Morrison,	Turner, Oscar.
Clardy,	Hardy,	Morse,	Upson,
Clark,	Harris, Henry S.	Mosgrove,	Vance,
Clements,	Hatch,	Moulton,	Warner,
Cobb,	Herbert,	Muldrow,	Wellborn,
Colerick,	Herndon,	Murch,	Whitthorne,
Converse,	Hewitt, Abram S.	Mutchler,	Williams, Thomas
Cook,	Hewitt, G. W.	Nolan,	Willis,
Cox, Samuel S.	Hoblitzell,	Oates,	Wilson,
Cox, William R.	Hoge,	Phelps,	Wise, George D.
Covington,	Holman,	Phister,	Wise, Morgan R.
Cravens,	Hooker,	Randall,	Wood, Benjamin.

So the resolutions were agreed to.

Mr. CALKINS. I ask unanimous consent to dispense with the reading of the names.

Mr. BLACKBURN. I object.

The names of those voting were then read by the Clerk; after which the result of the vote was announced as above recorded.

Mr. CALKINS moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VACATION OF ORDER FOR EVENING SESSION.

Mr. HISCOCK. Mr. Speaker, I ask unanimous consent that the previous order of the House providing for an evening session to-day be vacated.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I move that the House do now adjourn.

The question was taken; and the Speaker decided that by the sound the motion was not agreed to.

Mr. TOWNSHEND, of Illinois. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 58, nays 129, not voting 102; as follows:

YEAS—58.

Barbour,	Deuster,	Klotz,	Speer,
Blackburn,	Dibrell,	Knott,	Springer,
Buchanan,	Dowd,	Le Fevre,	Thompson, P. B.
Buckner,	Evins,	Manning,	Townshend, R. W.
Cabell,	Forney,	Matson,	Turner, Henry G.
Cannon,	Fulkerson,	McKenzie,	Turner, Oscar
Cassidy,	Hammond, N. J.	McMillin,	Upson,
Chapman,	Hardenbergh,	Morrison,	Vance,
Clements,	Hardy,	Oates,	Warner,
Colerick,	Hatch,	Randall,	Wellborn,
Covington,	Hoblitzell,	Rosecrans,	Whitthorne,
Cox, William R.	Hoge,	Ross,	Williams, Thomas
Cravens,	Hooker,	Scales,	Wilson.
Culberson,	House,	Simonton,	
Curtin,	Jones, George W.	Singleton, Otho R.	

NAYS—129.

Aldrich,	Brumm,	Cornell,	Dingley,
Anderson,	Buck,	Crapo,	Dwight,
Bayne,	Burrows, Julius C.	Crowley,	Errett,
Beach,	Butterworth,	Cullen,	Farwell, Chas. B.
Belford,	Calkins,	Cutts,	Farwell, Sewell S.
Bingham,	Campbell,	Darrall,	Fisher,
Bisbee,	Candler,	Davis, George R.	Ford,
Brewer,	Carpenter,	Dawes,	George,
Briggs,	Caswell,	Deering,	Godshalk,
Browne,	Chace,	De Motte,	Guenther,

Hall,	McCook,	Rich,	Townsend, Amos
Harmer,	McKinley,	Richardson, D. P.	Tyler,
Harris, Benj. W.	Miller,	Ritchie,	Updegraff, J. T.
Haseltine,	Moore,	Robeson,	Updegraff, Thomas
Haskell,	Morey,	Robinson, Geo. D.	Valentine,
Hazelton,	Neal,	Robinson, Jas. S.	Van Aernam,
Henderson,	Norcross,	Russell,	Van Horn,
Hepburn,	O'Neill,	Ryan,	Van Voorhis,
Houk,	Pacheco,	Scranton,	Wadsworth,
Hubbell,	Page,	Shallenberger,	Wait,
Jacobs,	Parker,	Sherwin,	Walker,
Jadwin,	Paul,	Shultz,	Washburn,
Jorgensen,	Payson,	Smalls,	Watson,
Kasson,	Peelle,	Smith, A. Herr	Webber,
Kelley,	Peirce,	Smith, Dietrich C.	West,
Lacey,	Pettibone,	Smith, J. Hyatt	White,
Lewis,	Pound,	Spaulding,	Williams, Chas. G.
Lord,	Prescott,	Spooner,	Willits,
Lynch,	Ray,	Steele,	Wood, Walter A.
Mackey,	Reed,	Stone,	Young.
Mason,	Rice, John B.	Strait,	
McClure,	Rice, Theron M.	Taylor,	
McCoid,	Rice, William W.	Thomas,	

NOT VOTING—102.

Aiken,	Davis, Lowndes H.	Humphrey,	Orth,
Armfield,	Dezendorf,	Hutchins,	Phelps,
Atherton,	Dugro,	Jones, James K.	Phister,
Atkins,	Dunn,	Jones, Phineas	Ranney,
Barr,	Dunnell,	Joyce,	Reagan,
Belmont,	Ellis,	Kenna,	Richardson, Jno. S.
Beltzhoover,	Ermentrout,	Ketcham,	Robertson,
Berry,	Flower,	King,	Robinson, Wm. E.
Black,	Frost,	Ladd,	Scoville,
Blanchard,	Garrison,	Latham,	Shackelford,
Bland,	Geddes,	Leedom,	Singleton, Jas. W.
Bliss,	Gibson,	Lindsey,	Skinner,
Blount,	Grout,	Lowe,	Sparks,
Bowman,	Gunter,	Marsh,	Stephens
Bragg,	Hammond, John	Martin,	Stockslager,
Burrows, Jos. H.	Harris, Henry S.	McLane,	Talbott,
Caldwell,	Heilman,	Miles,	Thompson, Wm. G.
Camp,	Herbert,	Mills,	Tucker,
Carlisle,	Herndon,	Money,	Urner,
Clardy,	Hewitt, Abram S.	Morse,	Ward,
Clark,	Hewitt, G. W.	Mosgrove,	Willis,
Cobb,	Hill,	Moulton,	Wise, George D.
Converse,	Hiscock,	Muldrow,	Wise, Morgan R.
Cook,	Holman,	Murch,	Wood, Benjamin.
Cox, Samuel S.	Horr,	Mutchler,	
Davidson,	Hubbs,	Nolan,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. HORR with Mr. ATKINS.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. KETCHAM with Mr. ELLIS.

Mr. HISCOCK with Mr. COX of New York.

Mr. URNER with Mr. MCLANE.

The result of the vote was then announced as above stated.

AMENDMENT OF RULES.

Mr. REED. I call up the report of the Committee on Rules of March 8, proposing amendments to the rules; and I offer the following as an amendment to be prefixed to the changes proposed:

Resolved, That the following changes in the rules be made to go into effect on the first day of next session.

I call the previous question on the report.

Mr. BLACKBURN. I raise the question of consideration. I cannot be prevented from doing that.

The SPEAKER. The gentleman's right to raise that question will not be lost. The Chair thinks the report should be read, the right to raise the question of consideration being reserved.

Mr. SPRINGER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Is this report unfinished business?

The SPEAKER. It is.

Mr. SPRINGER. Then I make the point of order that it must come in after the morning hour. The morning hour has not been had to-day, the election case having been taken up immediately after the reading of the Journal.

The SPEAKER. But this is privileged, as has been held already.

Mr. SPRINGER. I submit it does not have that kind of privilege which takes precedence of the morning hour. It should come in at the time appropriated for unfinished business, having been once before called up.

The SPEAKER. It is unfinished business of a privileged class. The Clerk will read the report, the right of the gentleman from Kentucky [Mr. BLACKBURN] to raise the question of consideration being reserved.

The Clerk read as follows:

The Committee on the Rules report that they recommend the following changes in Rule XXIV:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays, (except the first and third in each month,) after the call of States and Territories, there shall be a morning hour for reports of committees, which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate: *Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to, or are already on, the House Calendar, if the committee in charge when called shall so direct. The Speaker shall call each committee in regular order, and if the Speaker shall not get through the call of committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the measure last under consideration; but whenever any committee shall have occupied the morning hour in one day it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After one hour shall have been devoted to reports from committees, except on the second and fourth Mondays of each month, it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar, motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading; that they be referred to committees or put on their passage: and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union it shall be in order, pending that motion, if directed by a committee, to move to designate a bill to be first considered in the committee, which motion shall not be subject to amendment or debate, and only one designation shall be pending at a time. If no bill be designated, or, being designated, is disposed of in committee, it shall then consider, first, bills for raising revenue and general appropriation bills, and then other bills on its Calendar.

"7. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days."

Add to Rule XXIV the following clause:

"8. After the morning hour, on the second and fourth Mondays of each month, it shall be in order to consider legislation relating to the District of Columbia, unless dispensed with by a two-thirds vote of the House."

That there be added to Rule XXIV the following clause:

"9. Before the morning hour it shall be in order to proceed to the consideration of unfinished business, other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

The SPEAKER. The gentleman from Kentucky raises the question of consideration. The question now is, Will the House proceed to consider the report just read?

Mr. BLACKBURN. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 2, not voting 150; as follows:

YEAS—137.

Aldrich,	Ford,	McKinley,	Shultz,
Anderson,	George,	Miles,	Smalls,
Bayne,	Godshalk,	Miller,	Smith, A. Herr
Belford,	Guenther,	Moore,	Smith, Dietrich C.
Bingham,	Hall,	Morey,	Smith, J. Hyatt
Bisbee,	Harmer,	Neal,	Spaulding,
Brewer,	Harris, Benj. W.	Norcross,	Spooner,
Briggs,	Haseltine,	O'Neill,	Steele,
Browne,	Haskell,	Pacheco,	Stone,
Brumm,	Hazelton,	Page,	Strait,
Buck,	Heilman,	Parker,	Taylor,
Burrows, Julius C.	Henderson,	Paul,	Thomas,
Butterworth,	Hepburn,	Payson,	Thompson, Wm. G.
Calkins,	Hill,	Peelle,	Townsend, Amos
Camp,	Hiscock,	Peirce,	Tyler,
Campbell,	Horr,	Pettibone,	Urner,
Candler,	Houk,	Pound,	Valentine,
Carpenter,	Hubbell,	Prescott,	Van Aernam,
Caswell,	Hubbs,	Ranney,	Van Horn,
Chace,	Jacobs,	Ray,	Van Voorhis,
Cornell,	Jadwin,	Reed,	Wadsworth,
Crapo,	Jones, Phineas	Rice, John B.	Walker,
Crowley,	Jorgensen,	Rice, Theron M.	Ward,
Cullen,	Kasson,	Rice, Wm. W.	Washburn,
Cutts,	Kelley,	Rich,	Watson,
Davis, George R.	Ketcham,	Richardson, D. P.	Webber,
Dawes,	Lacey,	Ritchie,	West,
Deering,	Lewis,	Robeson,	White,
De Motte,	Lord,	Robinson, Geo. D.	Williams, Chas. G.
Dingley,	Lynch,	Robinson, Jas. S.	Willits,
Dwight,	Mackey,	Russell,	Wood, Walter A.
Errett,	Mason,	Ryan,	Young.
Farwell, Chas. B.	McClure,	Scranton,	
Farwell, Sewell S.	McCoid,	Shallenberger,	
Fisher,	McCook,	Sherwin,	

NAYS—2.

Bowman,	Hardenbergh.

NOT VOTING—150.

Aiken,	Buckner,	Cravens,	Frost,
Armfield,	Burrows, Jos. H.	Culberson,	Fulkerson,
Atherton,	Cabell,	Curtin,	Garrison,
Atkins,	Caldwell,	Darrall,	Geddes,
Barbour,	Cannon,	Davidson,	Gibson,
Barr,	Carlisle,	Davis, Lowndes H.	Grout,
Beach,	Cassidy,	Deuster,	Gunter,
Belmont,	Chapman,	Dezendorf,	Hammond, John
Beltzhoover,	Clardy,	Dibrell,	Hammond, N. J.
Berry,	Clark,	Dowd,	Hardy,
Black,	Clements,	Dugro,	Harris, Henry S.
Blackburn,	Cobb,	Dunn,	Hatch,
Blanchard,	Colerick,	Dunnell,	Herbert,
Bland,	Converse,	Ellis,	Herndon,
Bliss,	Cook,	Ermentrout,	Hewitt, Abram S.
Blount,	Covington,	Evins,	Hewitt, G. W.
Bragg,	Cox, Samuel S.	Flower,	Hoblitzell,
Buchanan,	Cox, William R.	Forney,	Hoge,

Holman,	Martin,	Reagan,	Townshend, R. W.
Hooker,	Matson,	Richardson, Jno. S.	Tucker,
House,	McKenzie,	Robertson,	Turner, Henry G.
Humphrey,	McLane,	Robinson, Wm. E.	Turner, Oscar
Hutchins,	McMillin,	Rosecrans,	Updegraff, J. T.
Jones, George W.	Mills,	Ross,	Updegraff, Thomas
Jones, James K.	Money,	Scales,	Upson,
Joyce,	Morrison,	Scoville,	Vance,
Kenna,	Morse,	Shackelford,	Wait,
King,	Mosgrove,	Simonton,	Warner,
Klotz,	Moulton,	Singleton, Jas. W.	Wellborn,
Knott,	Muldrow,	Singleton, Otho R.	Whitthorne,
Ladd,	Murch,	Skinner,	Williams, Thomas
Latham,	Mutchler,	Sparks,	Willis,
Leedom,	Nolan,	Speer,	Wilson,
Le Fevre,	Oates,	Springer,	Wise George D.
Lindsey,	Orth,	Stephens,	Wise Morgan R.
Lowe,	Phelps,	Stockslager,	Wood, Benjamin.
Manning,	Phister,	Talbott,	
Marsh,	Randall,	Thompson, P. B.	

Mr. REED. I ask unanimous consent to dispense with the reading of the names of those voting.

There was no objection.

The SPEAKER. On this vote the yeas are 137, nays 2.

Mr. BLACKBURN. No quorum.

Mr. REED. There being no quorum, I move that the House now adjourn.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

POST-ROUTE BILL.

Mr. BINGHAM. Before the question is taken on the motion to adjourn I desire to state to the House that the Committee on the Post-Office and Post-Roads will present to the House on Saturday next the final post-route bill for this session. Therefore all members who desire to have routes included in that bill will please present them to the committee to-morrow.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. KELLEY, until Monday next, on account of important business.

To Mr. COOK, indefinitely.

The motion of Mr. REED was then agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HOGE: Papers relating to the claim of the Presbyterian church at French Creek, Upshur County, West Virginia—to the Committee on War Claims.

By Mr. MOREY: The petition of citizens of the twelfth Congressional district of Ohio, for confirmation of call for a peace congress—to the Committee on Foreign Affairs.

By Mr. PETTIBONE: Paper relating to the pension claim of John R. Shultz—to the Committee on Invalid Pensions.

By Mr. E. W. ROBERTSON: The petition of citizens of Louisiana, for an appropriation for educational purposes—to the Committee on Education and Labor.

SENATE.

FRIDAY, *July* 21, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

BENJAMIN WEIL AND LA ABRA SILVER MINING COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State and accompanying papers, furnished in response to the resolution of the Senate of December 21, 1881, calling for the correspondence with the Mexican Government in regard to the claims of Benjamin Weil and La Abra Silver Mining Company against Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, July* 20, 1882.

The PRESIDENT *pro tempore*. The document is voluminous.

Mr. MORGAN. I ask that it be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Without printing?

Mr. MORGAN. I shall not ask that it be printed at the present time.

The PRESIDENT *pro tempore*. The committee can ask for the printing if they deem it necessary.

Mr. VOORHEES. The Committee on the Judiciary have always heretofore considered that subject. I am not particular about it, but I think that the message had better be referred to the Committee on the Judiciary.

Mr. MORGAN. I understand there is a convention which accompanies those papers. Of course that would go to the Committee on Foreign Relations. I suppose the subject cannot be divided.

The PRESIDENT *pro tempore*. The message will be referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin. I present a petition, numerously signed, of members of the Society for the Prevention of Cruelty to Animals of the District of Columbia, praying that House bill No. 3575, to increase the police force of the District of Columbia, and for other purposes, now pending before the Senate, be amended so as to assign one of the additional policemen provided for in that bill for the enforcement of the laws for the protection of the animals in this city. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of citizens of California, praying for the establishment of a mail-route between Lower Lake and Bartlett Springs, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON, of Pennsylvania, presented the petition of William Idler, of Philadelphia, administrator of Jacob Idler, deceased, in reference to claims against Venezuela for supplies furnished Simon Bolivar, the liberator, and asking Congress to pass an act requiring the Secretary of State to pay the claimants out of the money now on hand; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the petition of J. H. Herrick and others, citizens of New York City and Brooklyn, New York, praying for the passage of the act to prevent the taking of menhaden and other fish with purse-nets, &c.; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CHILCOTT, from the Committee on Pensions, to whom was referred the bill (S. No. 2080) granting a pension to George Foster, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 6677) to regulate immigration, to report it without amendment. I desire to state that, at an early day, after the tax bill shall be out of the way, I shall ask the Senate to take up the bill and consider it.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. No. 88) authorizing the appointment and retirement of Samuel Kramer, a chaplain in the Navy of the United States, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

TERMS OF COURT IN NORTHERN OHIO.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. No. 5388) to fix the times for holding terms of the circuit and district courts of the United States in the northern district of Ohio, and have instructed me to report it without amendment, and recommend that it be passed. As this bill is of great importance to the northern district of Ohio, I am instructed by the committee to ask for its immediate consideration. It is local in its character.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BAYARD. The bill (S. No. 1377) for the relief of W. S. Kimball and others, reported from the Committee on Finance by me, affects the interests of quite a number of people, and as the Senate is not particularly occupied I should be very glad, as I examined the bill and made the report, if the Senate will take it up and pass it. I do not think it will lead to any debate.

Mr. MORGAN. Are we acting under the Anthony rule?

The PRESIDENT *pro tempore*. No, sir; the morning business is not through.

Mr. MORGAN. I think we had better finish the call for morning business. Several of us have morning business which we have been unable to attend to heretofore.

The PRESIDENT *pro tempore*. The Senator from Alabama wishes to have the call of morning business completed. Reports of committees are in order.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution for printing additional copies of the Report of the Commissioner of Education, instructed me to report it with amendments favorably, and I ask for its present consideration. I desire to have it read as amended. The amendments make a reduction of the number only.

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The resolution as proposed to be amended was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Report of the Commissioner of Education for 1881 be printed, and 4,000 additional copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 13,000 copies for distribution by the Commissioner.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ANTHONY. I have a very earnest letter from the Commissioner urging the number proposed in the original resolution. The chairman of the Committee on Education and Labor is in favor of giving that number, but the Committee on Printing cut it down to the number which was furnished last year.

Mr. BLAIR. Will the Senator please state the number of copies provided by the original resolution and the number reduced?

The PRESIDENT *pro tempore*. The original resolution will be read, and then the resolution as proposed to be amended.

The Acting Secretary read the concurrent resolution submitted by Mr. BLAIR on the 21st of June, as follows:

Be it resolved by the Senate, (the House of Representatives concurring,) That of the Report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

The PRESIDENT *pro tempore*. The resolution as reported will be read.

The Acting Secretary read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Report of the Commissioner of Education for 1881 be printed, and 4,000 additional copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 13,000 copies for distribution by the Commissioner.

Mr. BLAIR. That is a reduction of 7,000 of the number for distribution by the Commissioner. I hope that the original resolution will be passed. It is only asking for a slight increase of 5,000 copies over the number printed last year. When the resolution was introduced I took occasion to state to the Senate that the information to disseminate which the bureau itself exists is mainly scattered through the medium of the circulation of this report, and that hitherto the demand has been very much beyond the supply, and the demand is increasing from year to year. The usefulness of the office depends very largely upon the provision made for the circulation of this report, and as I stated at that time such is the provision made under the law that a city like Boston or New York obtains officially under the law but a single copy. The Commissioner of course distributes in his discretion as well as he can to supply the demand, but, as he informed me, the supply was exhausted during the earlier months of last year, and it does seem as though, if the bureau ought to exist, it ought to be properly supported, and that in so slight a thing as this provision for printing that which we acquire at very considerable expense Congress ought not to be niggardly.

This information is as useful as any information that we print, whether we care about it here in the Senate or in Congress. There are 300,000 teachers in this land and the great majority of them are exceedingly anxious to get a copy of this report, and yet we propose to print only 25,000 copies. Feeling belittled that I have had to ask so slight a thing, I do hope that the original resolution will prevail.

Mr. ANTHONY. It is a mere question of expense.

Mr. BLAIR. Of very slight expense.

Mr. ANTHONY. To carry out the resolution as originally presented would cost $25,000, but we have cut it down to about $17,000. Of course there is no end to the demand for books that are given away, and, although this is a very useful book, it seemed to the committee that some of those to whom it is so very valuable might buy it.

It must be a queer distribution of 20,000 copies of a document in which the city of Boston and the city of New York get each but a single copy. I cannot understand that statement. I think that the Commissioner must make a better distribution than that of the number placed at his disposal, and I think that the Senators and Representatives from Massachusetts and New York must make a better distribution of those assigned to them than to send only one copy to each of those two great cities.

Mr. BLAIR. I did not design to be understood as saying that no larger number went to those cities. I say no other number than a single one under the law goes to them officially. Of the copies which the Commissioner distributes in his discretion many of them undoubtedly reach individuals who desire the information they contain, residing in those cities, but officially one copy goes to each city of over a certain number of inhabitants.

But, however that may be, the fact remains that there is a very great demand for the report; that the edition was exhausted last year during the first six months of the season, and that educators throughout the country were clamoring and clamoring for the report during the remainder of the year and the bureau was entirely unable to satisfy them.

It is only a question of $5,000. The bureau has been cut down by this Congress in other respects; and I assure you, Mr. President, and I assure the Senate, that the impression created upon the class of men who take an interest in education in this country by the action of Congress thus far in dealing with the cause of education at the present session is not favorable, and I think the impression created is not likely to be rendered any more favorable if we withhold this little pittance of $5,000 to circulate the report which we are at the expense of originating and publishing.

I hope that the Senate will let the resolution pass according to the terms in which it was originally submitted. It is a very slight thing to do and it is an exceedingly important thing for this country.

Mr. MORRILL. Undoubtedly this is a document of greater value than almost any other that is published, and if we are to cut in in the way of economy we ought to cut down the abridgments of the President's message and documents. Those books are really valueless when sent out as abridgments. Then, the President's message and documents, which are sent out in half a dozen volumes, ought to be sent to libraries alone. I think that we might very well cut off $5,000, or $10,000 even, from the cost of printing the Agricultural Report rather than to cut in upon this document, which is really of value, and of permanent value.

Mr. GORMAN. I trust the amendment of the Committee on Printing will be adopted. While the Committee on Printing do not underrate the value of this report, it is proper for the Senate to know that the printing already ordered, including the census reports which must be ordered, will in all probability amount to between four and five million dollars. That will be about the cost of the printing ordered at this session of Congress. The committee have therefore thought it absolutely necessary to reduce the number of documents to be hereafter ordered, and, as they will all be stereotyped, at the next session, if it is thought necessary to print another edition, it can be done without any very great expense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Printing.

Mr. BLAIR. I ask for the yeas and nays. The amendment reduces the number of copies.

Mr. ANTHONY. The amendment cuts down the number of copies given to the Commissioner for distribution from 20,000 to 13,000.

Mr. CAMERON, of Wisconsin. How much does it reduce the expense?

Mr. ANTHONY. Five or six thousand dollars.

Mr. BLAIR. Five thousand dollars.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on the amendment.

The yeas and nays were ordered.

Mr. GEORGE. I should like to know what the question is upon which we are to vote.

The PRESIDENT *pro tempore*. The Committee on Printing reports in favor of cutting down the number of volumes of the Report of the Commissioner of Education to be printed for the use of the Commissioner from 20,000 to 13,000. The roll will be called.

The question being taken by yeas and nays, resulted—yeas 29, nays 22; as follows:

YEAS—29.

Anthony,	Garland,	Lapham,	Sherman,
Bayard,	Gorman,	McMillan,	Vance,
Blair,	Groome,	Morgan,	Van Wyck,
Butler,	Hampton,	Platt,	Vest,
Call,	Harris,	Plumb,	Walker.
Cameron of Wis.,	Hawley,	Pugh,	
Davis of Illinois,	Jackson,	Saulsbury,	
Davis of W. Va.,	Johnston,	Saunders,	

NAYS—22.

Chilcott,	George,	Maxey,	Rollins,
Coke,	Harrison,	Miller of Cal.,	Sawyer,
Conger,	Hill of Colorado,	Miller of N. Y.,	Sewell,
Dawes,	Hoar,	Mitchell,	Voorhees.
Ferry,	Ingalls,	Morrill,	
Frye,	Mahone,	Ransom,	

ABSENT—25.

Aldrich,	Edmunds,	Jones of Florida,	Pendleton,
Allison,	Fair,	Jones of Nevada,	Slater,
Beck,	Farley,	Kellogg,	Williams,
Brown,	Grover,	Lamar,	Windom.
Camden,	Hale,	Logan,	
Cameron of Pa.,	Hill of Georgia,	McDill,	
Cockrell,	Jonas,	McPherson,	

So the amendment was agreed to.

Mr. BLAIR. I shall enter a motion to reconsider the vote just taken.

The PRESIDENT *pro tempore*. The Senator has a right to move to reconsider, but it must be decided at once. Rule 21 provides that—

Every motion to reconsider a vote taken upon any amendment or other question connected with a subject under consideration shall be decided at once, and a motion to reconsider may be laid on the table without affecting the question in reference to which the same may be made.

Mr. MORRILL. May I inquire of the chairman of the Committee on Printing what the absolute cost of printing these volumes will be? I understand that the report is already in type, and it would not cost more than about thirty-three cents a volume. If so it ought not to provoke a contest.

Mr. ANTHONY. Thirty-two thousand copies would cost $25,000 in round numbers. It is another volume which costs thirty-three cents.

Mr. INGALLS. How much does the amendment of the committee propose to reduce the number named in the resolution?

Mr. ANTHONY. A little less than one-quarter.

Mr. INGALLS. What is the saving to the Government?

Mr. ANTHONY. Six or seven thousand dollars.

Mr. HOAR. It is not one quarter of the cost, only one-quarter of the number.

Mr. McMILLAN. How does the number of volumes recommended by the committee compare with the number heretofore printed?

Mr. ANTHONY. It is the same as was printed last year, except 1,000 less for the Senate and 1,000 less for the House, and 2,000 more for the Commissioner.

Mr. HOAR. What do I understand is the total cost of the 32,000 copies?

Mr. ANTHONY. About $25,000.

Mr. HOAR. How many do the committee deduct?

Mr. ANTHONY. The committee recommend 25,000.

Mr. BLAIR. It is a reduction of 7,000 copies.

Mr. HOAR. Does the Senator from Rhode Island claim that it would cost to print this additional 7,000 copies the proportion of the number deducted to the whole number?

Mr. ANTHONY. Not quite. There is the type-setting.

Mr. HOAR. It is stereotype, is it not?

Mr. ANTHONY. The stereotyping hardly costs anything.

Mr. INGALLS. It is in type now.

Mr. ANTHONY. I think it is not in type now.

Mr. BLAIR. It will have to be put in type in order to get the work out.

Mr. HOAR. Does the Senator from Rhode Island claim that it will cost more than from thirty-three to forty cents a volume additional?

Mr. ANTHONY. Yes.

Mr. HOAR. My information was in a former year that forty cents a volume would be the expense of additional copies.

Mr. ANTHONY. The report has grown longer and longer every year.

Mr. BLAIR. Not essentially so. It has been about the same size for quite a number of years. It is about 1,000 pages.

Mr. ANTHONY. I think it will be 1,200 pages this year.

Mr. BLAIR. That may possibly be the case. If so it is 1,200 pages of good matter, and the value is increased correspondingly.

Mr. COCKRELL. I rise to a point of order. Is the Reporter taking down this private conversation? I should like to hear it if it is for the benefit of the Senate.

Mr. SAWYER. Would it be in order to introduce a bill at this time?

The PRESIDENT *pro tempore*. It would not. The motion to reconsider must be disposed of now. It is moved by the Senator from New Hampshire to reconsider the vote by which the amendment of the Committee on Printing was agreed to.

Mr. BLAIR. Mr. President, I have but very little more to say to the Senate in regard to this matter. It is idle for me to try to impress upon gentlemen competent to sit in the Senate of the United States the importance of this subject of education, and of this report, which represents such information as the Congress of the United States collects for dissemination throughout the country.

The Bureau of Education is the point of exchange of information upon this subject-matter for the entire country. We have seen fit to authorize its existence by law and we appropriate very considerable sums of money from year to year to maintain and support it. The net result of the whole is this report. This is the thing that the country gets for its expenditure, and there is very great demand for it. The information is of very great value, and by limiting its distribution after we have once obtained it we practically waste the money which we appropriate.

The Commissioner, as I have said before, found his supply entirely exhausted during the earlier months of the last year. The demand is annually increasing, and that is nothing for which the bureau itself ought to be blamed. If the report has increased in size, if there is more and more of this information collected with the growth of the country, the bureau ought to be complimented rather than to be accused and blamed by reason of it, because it shows all the more plainly that it is answering the purpose for which it was created, and that the public do really value what they receive for the expenditure of their money.

At the end of about six months the report was exhausted. This year quadruple the number could have been profitably distributed if they had existed. The Commissioner asks an increase of only seven thousand volumes over the number he has been accustomed to receive for several years. The cost can be very slightly more than the material itself, the paper and the manual work of striking off these copies and binding them. It is very slight. I do not think it possible, from what is stated by other Senators, that it can be more than fifty cents per copy. If these seven thousand additional copies are printed there cannot be more than from three to four thousand dollars of expenditure required in addition to the amount which we propose to appropriate.

It seems to me like an exceedingly small point in dealing with a great interest of this kind for us to waste much time on the passage of the resolution as it was originally introduced. It does seem to me that the Committee on Printing ought to economize in some other direction, and that Congress ought to contrive to economize in some other direction. We have just passed a river and harbor bill, which appropriates over $20,000,000, and no man I think who reflects on the subject seriously, no man who contemplates the principles of action and the principles which are really controlling the destiny of this country, can hesitate to acknowledge that the education of the people is of infinitely more importance than material internal improvements. Yet, when we come here and ask for this little pittance of three or four thousand dollars, to very largely improve the efficiency of this great national agency of education, we are met with a cry of economy, that we must save money, and that we must save even this three or four thousand dollars, when by so doing we are entirely inconsistent with the example which we have ourselves set in reference to everything of a material character.

As I stated before, I feel ashamed to be obliged to talk on a subject of this kind. I ask the Secretary to read the letter of the Commissioner of Education.

The PRESIDENT *pro tempore*. The Secretary will read the letter handed up by the Senator from New Hampshire.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, July 7, 1882.

DEAR SIR: Your letter of the 6th instant requesting an estimate of the number of pages, &c., required for my report for 1881 is received.

The report is made substantially on the same plan from year to year, having been generally approved by the educators of the country, and the size is nearly the same. Out of the numberless variety of subjects certain selections are made for fuller treatment one year and omission another, while the items called for in the essential and general statistics remain the same. The purpose is that the report shall not exceed a thousand pages, unless for some exceptional reason. In 1876 the pressure was so enormous that the number of pages rose to 1,155. The present report, covering ten years, with comparisons, &c., by admitting additional tables of statistics, will rise to 1,200 pages. The work that we have already done on the report of 1881 is on the plan of 900 or 1,000 pages; for this we are cutting and paring to the very quick, and we shall do all in our power to keep it within that limit.

The report will contain no engravings but will include a limited number of diagrams, the cost of which in the case of the report for 1879 amounted to about $150.

A word perhaps may be permitted in regard to the reports in general. They are made absolutely without any exercise of authority over those who contribute the data; but the inflow of material in quantity and quality is unparalleled by any voluntary contribution of the sort that I know of, and may be considered perhaps as an estimate set by the teachers of the country upon the work done by the office. Of course in the midst of such an almost interminable variety of interests, public, private, State, city, sectarian, and political, it requires a most even hand and an unvarying purpose of fairness, and the question of including or excluding enters not only into the question of the length of the report, but of just and fair treatment.

I may take the occasion to add further with regard to the number estimated for the use of the office, that although the estimates have been carefully made in the past the number furnished has never equaled the demand. All the reports for the years previous to 1876 were ordered reissued, and the reissue was well nigh exhausted in supplying the demand of foreigners during the centennial year. Our only return to those who contribute information for the report is a copy of it when published, and other publications of the office. This supply is only one to the superintendent of each State, county, or city, and the head of each institution or department or faculty reporting. It has been a subject of frequent complaint that only one copy could go to the faculty of a college though many members of the faculty were interested in special inquiries in the prosecution of which the report was essential. Not infrequently these and other independent investigators furnish us invaluable information, and by degrees this list of inquirers and collaborators has greatly increased, and they have become very sensitive if they cannot have a copy of the report.

Another special demand has also greatly increased. When questions of education are before a State board of education or city council or before a Legislature often every member at work on a given question that is being agitated will demand a copy of the report. These demands I have not been able to supply fully, but in the belief that they should be more generally satisfied in the future than in the past the number of reports estimated for the use of the office has been increased to 20,000.

I have the honor to be, very respectfully, yours,
JOHN EATON, *Commissioner.*

Major BEN: PERLEY POORE,
Clerk of Printing Records, U. S. Senate.

Mr. MAXEY. I voted against the reduction and shall vote in favor of the motion to reconsider. I am a member of the Committee on Education and Labor, and I know personally the very great demand for this book. In my own State there is a very great interest in the cause of education. We are to-day holding normal schools for the education of teachers in the summer months. We are told in the South very often of the magnificent effect of the common-school system in the North and East. I agree to that. I commend them for their efforts. We want to do something of the same kind.

In my judgment there cannot be the same amount of money appropriated more wisely, more efficiently, or with a better effect than the little appropriation asked for the spread of these books among the educators of the country, and especially in the South, where our purpose is to ascertain what is the best system of free schools, and we get more information out of that book, which I read with great pleasure, than out of any other work I know of. For that reason I hope the motion to reconsider will be entertained, and that we shall vote against the committee's proposed reduction.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire to reconsider the vote adopting the amendment of the Committee on Printing.

The question being put, there were on a division—ayes 25, noes 28.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 32; as follows:

YEAS—30.

Allison,	Ferry,	Mahone,	Ransom,
Blair,	Frye,	Maxey,	Rollins,
Call,	George,	Miller of Cal.,	Sawyer,
Cameron of Pa.,	Harrison,	Miller of N. Y.,	Sewell,
Chilcott,	Hoar,	Mitchell	Voorhees,
Coke,	Ingalls,	Morgan,	Windom.
Conger,	Logan,	Morrill,	
Dawes,	McDill,	Platt,	

NAYS—32.

Anthony,	Davis of West Va.,	Hawley,	Saulsbury,
Bayard,	Farley,	Jackson,	Sherman,
Beck,	Garland,	Johnston,	Slater,
Butler,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Lapham,	Van Wyck,
Cameron of Wis.,	Grover,	McMillan,	Vest,
Cockrell,	Hampton,	Plumb,	Walker,
Davis of Illinois,	Harris,	Pugh,	Williams.

ABSENT—14.

Aldrich,	Hale,	Jones, of Nevada,	Pendleton,
Brown,	Hill of Colorado,	Kellogg,	Saunders.
Edmunds,	Hill of Georgia,	Lamar,	
Fair,	Jones of Florida,	McPherson,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question now is on the resolution as amended.

The resolution as amended was agreed to.

ENGRAVING WITHOUT ADVERTISEMENT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution authorizing the Public Printer to contract for illustrating the Coast and Geodetic Survey Report and the Report of the Smithsonian Institution, without previous advertising, have instructed me to report back the same with a bill as a substitute and ask for its present consideration, as the documents are about to be printed.

The bill (S. No. 2161) authorizing the Public Printer to contract for the engraving, lithographing, and illustrating of certain reports, &c., was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., That the Public Printer be, and he is hereby, authorized to contract for the engraving and lithographing illustrating the Reports of the Coast and Geodetic Survey, the Smithsonian Institution, the Department of Agriculture, and the Entomological Commission, under the direction of the Joint Committee on Printing and without previous advertisement.

Mr. INGALLS. I think this change of law in favor of the Government Printing Office has gone about as far as it ought to go without protest. We passed one bill yesterday permitting the Public Printer to make purchases of certain articles specified therein without advertising for proposals as required by law. Now here is another step in the same direction. I cannot understand why the Public Printer should be exempted from the operations of this statute any more than the heads of the other Departments of the Government; and unless the chairman of the Committee on Printing, who seems to have by some mysterious law the right of way for every bill that is presented here from that committee without the ordinary parliamentary proceeding, can offer some better argument than yet appears, I shall object to the further consideration of this bill this morning.

Mr. ANTHONY. The Committee on Printing have the right of way because the printing must go on, and the printing of extra numbers——

Mr. INGALLS. I think much of it had better be stopped.

Mr. ANTHONY. The type is already set and the additional numbers can be printed from the type that is set if we act promptly, whereas if the resolutions for additional numbers were postponed, the type would have to be reset. I have asked for the present consideration of this bill because the documents have been ordered to be printed and the engravings should be going on. The law requires that all engraving costing over $250 shall be let out to the lowest contractor, but authorizes the Committee on Printing in cases of emergency to dispense with the law. Now, the heads of the bureaus with whose reports this engraving is to be printed are very earnest indeed that it should be done by experts and not by the lowest bidder. The engraving is a fine art, and cheap engraving is "cheap and nasty."

Under the direction of the Public Printer, who has no interest whatever in this bill—it is not a bill which he asked for—but under the direction of the Joint Committee on Printing, the Senate may be sure that the work will be done at the cheapest price at which work of a proper quality can be done.

Mr. INGALLS. What is the emergency, if the chairman will permit me to inquire, for proceeding with extraordinary dispatch to engrave the outlines of a lot of bugs and vermin and insects that are injurious to vegetation, without the ordinary advertisement?

Mr. ANTHONY. There is no emergency, and therefore we ask for the passage of this bill. If it was an emergency the Committee on Printing would be authorized to have it done without advertising.

Mr. INGALLS. Then if there is no emergency, and the committee report that there is none, why should not this follow the ordinary course of law?

Mr. ANTHONY. There is no emergency for the execution of the engraving; but the reports cannot be printed until the engraving is done. The committee do not consider it a case in which they have a right under the statute to interpose their authority; at least they think it would be a stretching of the law which they do not wish to do, and therefore they ask for specific authority.

The heads of all these bureaus are very earnest to have this done. I have no personal interest in the matter whatever; and although it may seem very useless to the Senator from Kansas to draw the outlines of bugs and worms and insects, it is very useful to those who raise cotton and to those who raise wheat and tobacco and oranges. The investigations which have been made into these injurious insects have been of vast use to the agriculture of the country.

Mr. SHERMAN. I do not think this bill, which involves a departure from the established policy of the Government to let out all contracts to the lowest bidder, ought to pass without some opportunity for consideration. I therefore object to its consideration.

Mr. ANTHONY. This is not the established policy of the Government; it is a special law that was passed a year or two ago. The engraving before that law was passed was always put out to the lowest and the best contractor for the public good. Engraving put out to the cheapest engraver is sure to be worthless.

Mr. SHERMAN. There is a general statute on the books applying to all departments requiring all work to be done by contract. Although there are cases where that rule is very inconvenient, it is a wise policy in general and ought not to be departed from.

Mr. HAWLEY. Let me make a suggestion on that point.

Mr. MORRILL. I ask for the regular order. I move to take up the tax bill.

The PRESIDENT *pro tempore*. The hour of twelve has arrived and the morning hour is closed. The Senator from Ohio objected to the consideration of the bill reported from the Committee on Printing, as the Chair understood, and the morning hour is closed.

Mr. SAWYER. I wish to introduce a bill.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the ordinary morning business, which leads to no debate, shall be received?

Mr. MORRILL. I do not object to that, but I object to anything that leads to discussion.

The PRESIDENT *pro tempore*. Reports of committees are still in order.

POST-ROUTE BILL.

Mr. FERRY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5812) to establish post-routes, to report it back with amendments, and ask that it be printed and recommitted to the committee. I desire in this connection to invite the attention of Senators to the importance of referring all post-routes which they desire to embody in this bill to the committee, as the committee will at a very early day report the bill for action.

The bill was ordered to be printed with the amendments, and recommitted to the Committee on Post-Offices and Post-Roads.

NAVY RETIRED LIST.

Mr. ROLLINS. I submit a letter from the Secretary of the Navy accompanied by a statement and tables showing the condition of officers upon the retired list of the Navy, explaining fully the list submitted a few days since by the Senator from Kentucky, [Mr. BECK.] I ask that it be printed for the information of the Senate. I also desire to state to the Senate that when the naval appropriation bill comes up and the Senator from Maine [Mr. HALE] has submitted his exposition of the bill, I shall desire to submit a few remarks in reference to this matter.

Mr. COCKRELL. Is it proposed to print this in the RECORD alone, or also to print it as a separate document?

Mr. ANTHONY. I think that it ought to be printed as a separate document except that the document to which it is a reply was printed, against my remonstrance, in the RECORD. I think it ought to have the same chance as that to which it replies.

Mr. BECK. What is it that it is a reply to?

Mr. ROLLINS. This is an exposition of the table which was submitted by the Senator from Kentucky a few days ago. It goes into details and shows that there were no increases of pay on the retired list by reason of promotions on the retired list.

Mr. COCKRELL. Is this from the Secretary of the Navy?

Mr. ROLLINS. From the Secretary of the Navy. There is a letter from the Secretary of the Navy accompanying the table.

Mr. BECK. I have no objection to its being published.

Mr. ANTHONY. I am utterly opposed to encumbering the RECORD with documents which might as well be printed and laid upon our table; but as, against my remonstrance, the list of which this is an explanation was printed in the RECORD, I think this ought to have the same chance.

Mr. LOGAN. That was part of a speech.

Mr. ANTHONY. No, it was put in in the morning hour.

Mr. ROLLINS. I will make it part of my speech if it is desired.

Mr. COCKRELL. Let both be printed together.

Mr. ANTHONY. The other is already in the RECORD; and I think this ought to have the same chance.

The PRESIDENT *pro tempore*. It will be printed in the RECORD.

Mr. BECK. I am glad to have made some sensation among naval officers. I hope the matter will be fully discussed when it comes up, and that we shall see to it that officers when retired on $3,000 a year shall not get an increase of pay. I want all the papers published.

Mr. ROLLINS. In that I most heartily concur.

The PRESIDENT *pro tempore*. Is there objection to printing this document in the RECORD? The Chair hears none.

Mr. COCKRELL. I want it printed separately also.

Mr. ANTHONY. Let both be printed separately.

Mr. COCKRELL. That is what I ask, that both go in the RECORD.

Mr. LOGAN. Why go in the RECORD?

Mr. ANTHONY. This should go in the RECORD because the other went into the RECORD, and we should treat both sides fairly. I think the Senator from Kentucky will agree to that, and then if it is desirable to have both printed as separate documents I shall have no objection.

The PRESIDENT *pro tempore*. The document will be printed in the usual form and also in the RECORD.

The document is as follows:

NAVY DEPARTMENT,
Washington, July 20, 1882.

SIR: In compliance with your request, I have the honor to transmit herewith a statement showing the names of all officers on the retired list of the United States Navy, their present rank, rank when retired, date of retirement, pay when retired, and present pay, with notes referring to the laws regulating the pay in each case.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. E. H. ROLLINS, *United States Senate.*

Statement showing the names of all officers on the retired list of the United States Navy, their present rank, rank when retired, date of retirement, pay when retired, and present pay, with notes referring to the laws regulating the pay in each case.

Name.	Present rank.	Rank when retired.	Date of retirement.	Pay when retired.	Present pay.	Remarks.
J. R. Sands	Rear-admiral	Captain	Dec. 21, 1861	$1,738	$4,500	Paid when retired under sec. 22, act Aug. 3, 1861, 12 Stat., 290. Considered as retired as rear-admiral under act of March 3, 1873, 17 Stat., 547. Present pay 75 per cent. under sec. 1588, R. S.
John Marston	do	do	Dec. 21, 1861	1,738	3,375	(a)
L. M. Powell	do	do	Mar. 1, 1862	1,738	3,375	(a)
T. O. Selfridge	do	Commodore	Oct. 10, 1866	1,800	4,500	Paid when retired under sec. 20, act of July 16, 1862, 12 Stat., 587. Under joint resolution of July 1, 1870, 16 Stat., 384, promoted to rear-admiral with pay of that grade. Present pay 75 per cent. under sec. 1588, R. S.
A. A. Harwood	do	do	Oct. 9, 1864	1,800	3,750	(b)
H. Y. Purviance	do	Captain	Dec. 21, 1861	1,738	3,375	(a)
William Radford	do	Rear-admiral	Mar. 1, 1870	2,000	4,500	(b)
T. T. Craven	do	do	Dec. 28, 1869	2,000	4,500	(b)
J. W. Livingston	do	Commodore	May 22, 1866	1,800	3,750	(b)
Thomas Turner	do	Rear-admiral	Apr. 21, 1870	2,000	4,500	(b)
C. H. Poor	do	do	June 9, 1870	2,000	4,500	(b)
James F. Schenck	do	Commodore	June 19, 1869	1,800	4,500	Paid when retired under sec. 20, act of July 16, 1862, 12 Stat., 587. Under joint resolution of July 1, 1870, 16 Stat., 384, promoted to rear-admiral with pay of that grade. Present pay 75 per cent. under sec. 1588, R. S.
S. P. Lee	do	Rear-admiral	Feb. 13, 1873	3,000	4,500	(c)
O. S. Glisson	do	do	Jan. 18, 1871	3,000	4,500	(c)
M. Smith	do	do	Mar. 24, 1871	3,000	4,500	(c)
C. S. Boggs	do	do	Jan. 29, 1872	3,000	4,500	(c)
J. F. Green	do	do	Nov. 25, 1872	3,000	4,500	(c)
T. A. Jenkins	do	do	Dec. 11, 1873	4,500	4,500	(d)
W. R. Taylor	do	do	Nov. 7, 1873	4,500	4,500	(d)
B. F. Sands	do	do	Feb. 11, 1874	4,500	4,500	(d)
Chas Steedman	do	do	Sept. 24, 1873	4,500	4,500	(d)
Alfred Taylor	do	do	May 23, 1872	3,000	4,500	(c)
T. P. Greene	do	Commodore	Nov. 1, 1871	2,500	3,750	(c)
A. L. Case	do	Rear-admiral	Feb. 3, 1875	4,500	4,500	(d)
G. F. Emmons	do	do	Aug. 23, 1873	4,500	4,500	(d)
D. McDougal	do	Commodore	Dec. 27, 1871	2,500	3,750	(c)
J. J. Almy	do	Rear-admiral	Apr. 24, 1877	4,500	4,500	(d)
J. H. Strong	do	do	Apr. 25, 1876	4,500	4,500	(d)
W. E. Le Roy	do	do	Mar. 24, 1880	4,500	4,500	(d)
R. M. Stembel	do	Commodore	Dec. 27, 1872	2,500	3,750	(c)
J. R. M. Mullany	do	Rear-admiral	Oct. 26, 1879	4,500	4,500	(d)
S. D. Trenchard	do	do	July 10, 1880	4,500	4,500	(d)
Edward Middleton	do	Commodore	Dec. 11, 1872	2,500	3,750	(c)
G. H. Treble	do	Rear-admiral	Feb. 25, 1878	4,500	4,500	(d)
T. H. Patterson	do	do	May 11, 1882	4,500	4,500	(d)
J. C. Howell	do	do	Nov. 24, 1881	4,500	4,500	(d)
T. H. Stevens	do	do	May 27, 1881	4,500	4,500	(d)
S. T. Carter	do	Commodore	Aug. 6, 1881	3,750	3,750	(d)
Henry Walke	do	Rear-admiral	Apr. 26, 1871	3,000	4,500	(c)
F. Stanley	do	do	June 4, 1874	4,500	4,500	(d)
Reed Werden	do	do	Mar. 27, 1877	4,500	4,500	(d)
A. Murray	do	do	Apr. 30, 1878	4,500	4,500	(d)
E. Donaldson	do	do	Sept. 29, 1876	4,500	4,500	(d)
D. Ammen	do	do	June 4, 1878	4,500	4,500	(d)
D. M. Fairfax	do	do	Sept. 30, 1881	4,500	4,500	(d)
J. C. Beaumont	do	do	Feb. 3, 1882	4,500	4,500	(d)
J. C. Febiger	do	do	July 1, 1882	4,500	4,500	(d)
J. H. Hull	Commodore	Captain	Dec. 21, 1861	1,738	3,375	(a)
Charles Lowndes	do	do	Dec. 21, 1861	1,738	3,375	(a)
Henry Eagle	do	Commodore	Jan. 1, 1863	1,800	3,750	(b)
R. B. Hitchcock	do	do	Sept. 25, 1866	1,800	3,750	(b)
T. A. Hunt	do	do	July 23, 1867	1,800	3,750	(b)
J. M. Berrien	do	do	Dec. 28, 1866	1,800	3,750	(b)
S. B. Bissell	do	do	Mar. 1, 1870	1,800	3,750	(b)
C. Price	do	do	Dec. 2, 1867	1,800	3,750	(b)
L. C. Sartori	do	do	June 3, 1874	3,750	3,750	(d)
W. Rockendorf	do	do	Nov. 9, 1874	3,750	3,750	(d)
A. G. Cleary	do	do	June 3, 1874	3,750	3,750	(d)
C. W. Pickering	do	do	Feb. 1, 1867	1,800	3,750	(b)
S. Nicholson	do	do	Apr. 7, 1881	3,750	3,750	(d)
Charles Green	Captain	Captain	Nov. 15, 1862	1,600	3,375	(b)
W. D. Whiting	Commodore	Commodore	Oct. 11, 1881	3,375	3,750	Has rank and retired pay of commodore by special act April 1, 1882.
F. B. Ellison	do	Captain	Oct. 1, 1864	1,600	3,375	(b)
S. Lockwood	do	Commander	Oct. 1, 1864	1,400	2,625	(b)
Henry Bruce	do	do	Sept. 13, 1855	1,800	2,625	(e)
W. B. Whiting	do	Lieutenant	Sept. 13, 1855	1,200	1,950	(e)
Robert Handy	do	Commander	Feb. 6, 1862	1,125	1,150	Retired on furlough pay.
D. Lynch	Captain	Captain	Jan. 30, 1872	2,250	3,375	(c)
T. M. Brasher	do	Commander	Aug. 2, 1864	1,400	2,625	(b)
F. S. Haggerty	do	do	May 5, 1862	1,100	2,625	(a)
W. A. Parker	do	do	Dec. 23, 1865	1,400	1,750	(f)
T. G. Corbin	do	Captain	Jan. 5, 1874	2,250	2,250	(g)

Statement showing the names of all officers on the retired list of the United States Navy, their present rank, rank when retired, &c.—Continued.

Name.	Present rank.	Rank when retired.	Date of retirement.	Pay when retired.	Present pay.	Remarks.
M. C. Marin	Captain	Commander	Aug. 15, 1864	$1,400	$2,625	(b)
E. C. Bowers	do	Lieutenant	Sept. 13, 1855	1,200	1,950	(c)
F. Lowry	do	do	Sept. 13, 1855	1,200	1,950	(c)
S. R. Knox	do	do	Sept. 13, 1855	600	900	Retired on furlough pay.
Charles Thomas	do	do	Sept. 13, 1855	600	900	Do.
Overton Carr	do	Commander	Dec. 3, 1861	900	1,150	Do.
W. M. Gamble	Commander	Lieutenant-commander	Apr. 26, 1866	1,300	2,100	(b)
C. H. Cushman	do	Commander	Apr. 24, 1877	2,625	2,625	(d)
T. L. Swan	do	do	July 10, 1877	2,625	2,625	(d)
G. M. Bache	do	do	Apr. 5, 1875	2,625	2,625	(d)
G. Cilley	do	Lieutenant-commander	Mar. 18, 1865	1,300	1,400	(f)
E. E. Stone	do	Commander	Jan. 5, 1874	1,750	1,750	(g)
B. N. Westcott	do	Lieutenant	May 14, 1863	600	900	Retired on furlough pay.
S. Magaw	do	Commander	Oct. 29, 1868	840	1,150	Do.
F. G. Dallas	do	Lieutenant	Dec. 16, 1864	600	900	Do.
S. W. Nichols	do	Commander	Apr. 14, 1882	2,625	2,625	(d)
A. R. McNair	Lieutenant-commander	Lieutenant-commander	Oct. 26, 1872	1,500	2,250	(c)
C. E. McKay	do	do	June 25, 1869	1,300	2,100	(b)
H. C. Tallman	do	do	Oct. 9, 1872	1,500	2,250	(c)
F. O. Davenport	do	do	Oct. 19, 1870	1,500	2,250	(c)
F. I. Naile	do	do	Jan. 18, 1871	1,500	2,250	(c)
G. K. Haswell	do	do	Nov. 23, 1876	2,250	2,250	(d)
E. M. Stedman	do	do	Feb. 10, 1875	2,250	2,250	(d)
T. F. Wade	do	do	Nov. 3, 1877	2,250	2,250	(d)
L. Chenery	do	do	Dec. 20, 1881	2,100	2,100	(d)
C. H. Craven	do	do	Apr. 21, 1881	1,100	1,100	Retired on furlough pay.
C. E. Hawley	do	Lieutenant	Aug. 10, 1864	1,000	1,950	(b)
F. H. Sheppard	do	Master	Mar. 26, 1869	800	1,000	(f)
John Weldman	do	Lieutenant-commander	June 26, 1875	1,100	1,100	Retired on furlough pay.
C. W. Tracy	do	do	Oct. 22, 1878	1,500	1,500	(g)
George F. Morrison	do	Master	Feb. 1, 1860	700	700	Retired on furlough pay.
W. W. Bassett	do	do	June 8, 1872	1,000	2,100	Commissioned lieutenant-commander on the retired list with the advice and consent of the Senate, March 12, 1875.
H. R. Baker	Lieutenant	Lieutenant	Dec. 2, 1876	1,950	1,950	(d)
D. Roben	do	do	Oct. 26, 1872	1,300	1,800	(c)
F. Turnbull	do	do	July 10, 1877	1,950	1,950	(d)
James Franklin	do	do	Mar. 9, 1880	1,950	1,950	(d)
G. M. McClure	do	do	Nov. 9, 1868	1,000	1,200	(f)
A. H. Fletcher	do	do	Oct. 11, 1881	900	900	Retired on furlough pay.
J. E. Morse	do	do	July 22, 1874	1,200	1,200	(g)
H. C. Keene	do	do	Mar. 20, 1871	1,300	1,950	Appointed on the retired list by special act of March 3, 1871, 16 Stat., 601.
W. P. Randall	do	do	Feb. 15, 1882	1,950	1,950	(d)
E. J. Berwind	Master	Master	May 14, 1875	1,350	1,350	(d)
W. B. Arrants	do	do	May 23, 1870	800	900	(f)
F. E. Upton	do	do	Nov. 21, 1877	900	900	(g)
H. G. Tallman	do	do	June 26, 1875	900	900	(g)
C. V. Morris	do	do	Sept. 13, 1855	750	1,500	(e)
W. N. Brady	do	do	Sept. 13, 1855	750	1,500	(e)
R. C. Jones	do	do	Sept. 13, 1855	750	1,500	(e)
J. S. Bohrer	do	do	Feb. 24, 1858	750	1,350	Paid as retired master under act of March 3, 1877, 19 Stat., 516.
E. E. Bradbury	do	do	Mar. 20, 1871	900	1,350	Appointed on the retired list by special act of March 3, 1871, 16 Stat., 601.
L. R. Chester	do	do	Mar. 12, 1873	1,350	1,350	Appointed on the retired list by special act of February 21, 1873, 17 Stat., 468.
H. F. Moffatt	do	do	Mar. 12, 1873	1,350	1,350	Appointed on the retired list by special act of March 3, 1873, 17 Stat., 608.
Gilbert Morton	Ensign	Ensign	Feb. 14, 1874	900	900	(d)
W. H. E. Masser	do	do	May 8, 1876	900	900	(d)
F. H. Parker	do	do	Nov. 17, 1868	500	600	(f)
F. L. Ludlow	do	do	Nov. 20, 1877	600	600	(g)
C. P. Welch	do	do	Nov. 8, 1872	700	900	(c)
G. E. Hutter	do	do	Feb. 3, 1882	500	500	Retired on furlough pay.
H. C. Longnecker	Midshipman	Midshipman	Nov. 5, 1872	300	300	Do.
G. R. B. Horner	Medical director	Surgeon	June 18, 1866	1,600	3,150	(h)
W. S. W. Ruschenberger	do	do	Sept. 4, 1869	1,600	3,150	(h)
T. L. Smith	do	do	Aug. 16, 1862	1,800	3,150	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.
L. B. Hunter	do	do	Oct. 9, 1866	1,600	3,150	(h)
J. C. Palmer	do	Medical director	June 29, 1873	3,750	3,750	Retired as chief of bureau, sec. 1473, R. S. Rank and retired pay of commodore.
David Harlan	do	do	Nov. 30, 1871	2,200	3,300	(c)
J. D. Miller	do	do	Nov. 6, 1872	2,200	3,300	(c)
Joseph Beale	do	do	Dec. 30, 1876	3,750	3,750	Retired as chief of bureau, sec. 1473, R. S. Rank and retired pay of commodore.
C. D. Maxwell	do	Surgeon	Oct. 21, 1868	1,600	2,775	(h)
George Maulsby	do	Medical director	Dec. 27, 1872	2,200	3,300	(c)
Wm. Grier	do	do	Oct. 5, 1878	3,750	3,750	Retired as chief of bureau, sec. 1473, R. S. Rank and retired pay of commodore.
Samuel Jackson	do	do	Apr. 1, 1879	3,300	3,300	(d)
J. S. Missersmith	do	do	June 28, 1872	2,200	3,300	(c)
T. M. Potter	do	do	Aug. 12, 1876	3,300	3,300	(d)
L. J. Williams	do	do	Oct. 14, 1881	3,300	3,300	(d)
Marius Duvall	do	do	June 9, 1880	3,300	3,300	(d)
Joseph Wilson	do	do	Jan. 6, 1878	3,300	3,300	(d)
R. T. Macconn	do	do	Apr. 19, 1879	3,300	3,300	(d)
Philip Lansdale	do	do	Apr. 30, 1879	3,300	3,300	(d)
H. O. Mayo	do	do	Feb. 2, 1875	3,300	3,300	(d)
G. W. Codwise	do	Surgeon	Apr. 30, 1861	1,800	3,150	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.
John Thornley	do	do	June 1, 1861	1,200	2,400	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150. Present pay act Apr. 7, 1882.
William E. Taylor	Medical inspector	Medical inspector	Jan. 14, 1881	3,300	3,300	(d)
Wm. Lowber	do	do	July 5, 1872	1,300	1,300	Retired on furlough pay.
R. E. Weber	Surgeon	Surgeon	Nov. 23, 1863	1,000	2,100	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.
R. D. Payne	do	do	Apr. 13, 1876	2,100	2,100	(d)
O. K. Yancey	Passed assistant surgeon	Passed assistant surgeon	May 21, 1880	1,650	1,650	(d)
F. V. Greene	do	do	June 30, 1879	1,650	1,650	(d)
D. C. Burleigh	do	do	June 30, 1879	1,650	1,650	(d)
Frederick Horner, jr	do	do	May 8, 1861	850	1,100	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.

Statement showing the names of all officers on the retired list of the United States Navy, their present rank, rank when retired, &c.—Continued.

Name.	Present rank.	Rank when retired.	Date of retirement.	Pay when retired.	Present pay.	Remarks.
A. O. Leavitt	Assistant surgeon	Assistant surgeon	June 24, 1862	$650	$1, 275	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.
Wm. M. Nickerson	do	do	Mar. 15, 1874	1, 425	1, 425	(d)
Isaiah Dewling	do	do	June 30, 1879	1, 425	1, 425	(d)
J. D. Smith	do	do	June 30, 1879	1, 425	1, 425	(d)
J. J. Page	do	do	June 30, 1879	1, 425	1, 425	(d)
E. H. Van Wyck	do	do	May 8, 1861	650	950	Paid when retired under sec. 3, act Feb. 21, 1861, 12 Stat., 150.
S. D. Flagg	do	do	June 20, 1864	800	850	
E. T. Dunn	Pay director	Pay director	Jan. 22, 1873	2, 500	3, 750	Retired as chief of bureau, sec. 1473, R. S. Rank and retired pay of commodore.
H. M. Heiskell	do	do	Sept. 24, 1875	3, 300	3, 300	(d)
Horatio Bridge	do	Paymaster	Apr. 8, 1868	1, 800	3, 750	Retired as chief of bureau, sec. 1473, R. S. Rank and retired pay of commodore.
G. F. Cutter	do	Pay director	Aug. 30, 1881	3, 750	3, 750	Do.
J. G. Harris	do	do	Oct. 23, 1871	2, 200	3, 300	(c)
J. S. Gulick	do	do	May 14, 1879	3, 300	3, 300	(d)
C. C. Jackson	do	do	Aug. 26, 1876	3, 300	3, 300	(d)
R. H. Clark	do	do	Dec. 5, 1880	3, 300	3, 300	(d)
A. A. Belknap	do	do	Jan. 27, 1873	2, 200	3, 300	(c)
C. C. Emery	do	do	May 28, 1882	3, 300	3, 300	(d)
J. N. Carpenter	Pay inspector	Pay inspector	Mar. 7, 1879	3, 300	3, 300	(d)
G. L. Davis	do	do	Jan. 17, 1881	2, 200	2, 200	(g)
G. A. Sawyer	Paymaster	Paymaster	June 29, 1869	1, 300	2, 400	(h)
A. McC. Bishop	do	do	Mar. 9, 1870	1, 300	2, 100	(h)
R. B. Rodney	do	do	Sept. 8, 1871	1, 000	1, 400	Retired on furlough pay. Transferred to retired pay list under sec. 1594, R. S.
M. B. Cushing	do	do	April 1, 1882	2, 625	2, 625	(d)
G. W. Long	Passed assistant paymaster	Passed assistant paymaster	June 30, 1875	1, 650	1, 650	(d)
F. J. Painter	do	do	Mar. 13, 1869	800	1, 500	(h)
N. H. Stavey	Assistant paymaster	Assistant paymaster	Sept. 1, 1876	1, 425	1, 425	(d)
W. W. W. Wood	Chief engineer	Chief engineer	May 30, 1880	3, 300	3, 300	(d)
J. W. King	do	do	Aug. 26, 1881	3, 300	3, 300	(d)
Elbridge Lawton	do	do	Mar. 3, 1881	3, 300	3, 300	(d)
E. S. DeLuce	do	do	Dec. 13, 1878	3, 300	3, 300	(d)
W. H. Rutherford	do	do	Oct. 26, 1874	2, 625	2, 625	(d)
Henry Mason	do	do	Oct. 16, 1868	1, 300	2, 400	(h)
John Johnson	do	do	June 10, 1876	2, 625	2, 625	(d)
E. B. Latch	do	do	Nov. 22, 1878	2, 625	2, 625	(d)
G. D. Emmons	do	do	Oct. 31, 1879	2, 625	2, 625	(d)
W. H. Hunt	do	do	Feb. 8, 1871	1, 200	1, 200	Retired on furlough pay.
W. K. Purse	Pased assistant engineer	Passed assistant engineer	June 16, 1874	1, 650	1, 650	(d)
R. H. Gunnell	do	do	July 8, 1873	1, 650	1, 650	(d)
David Hardie	do	Assistant engineer	Mar. 15, 1867	500	1, 275	(h)
J. M. Hobby	do	Passed assistant engineer	Oct. 19, 1870	1, 100	1, 650	(c)
A. V. Frazer	do	do	Mar. 24, 1874	1, 650	1, 650	(d)
C. E. Lee	do	do	Dec. 2, 1876	1, 650	1, 650	(d)
N. B. Clark	do	do	Oct. 16, 1868	800	1, 500	(h)
J. D. Toppin	do	Assistant engineer	May 11, 1867	500	1, 275	(h)
R. B. Plotts	do	do	Jan. 16, 1866	500	1, 275	(h)
R. T. Bennett	do	Passed assistant engineer	May 21, 1880	1, 650	1, 650	(d)
H. C. Beckwith	do	do	Dec. 2, 1876	1, 650	1, 650	(d)
J. B. Upham	do	do	Dec. 27, 1875	1, 650	1, 650	(d)
H. C. Blye	do	do	Oct. 28, 1874	1, 650	1, 650	(d)
J. W. Hollihan	do	do	Oct. 31, 1879	1, 650	1, 650	(d)
C. A. Uber	do	Third assistant engineer	Mar. 27, 1867	400	1, 275	Present pay under special act of May 23, 1872, 17 Stat., 662.
Theophilus Cook	do	Passed assistant engineer	Oct. 11, 1881	1, 650	1, 650	(d)
J. T. Smith	do	do	Feb. 24, 1875	1, 500	1, 500	(d)
B. C. Bampton	do	do	Sept. 6, 1873	1, 100	1, 100	(g)
Jefferson Young	do	do	Mar. 7, 1871	1, 100	1, 100	(g)
L. T. Safford	do	do	Oct. 11, 1881	850	850	Retired on furlough pay.
Benjamin Kavanaugh	do	Third assistant engineer	Apr. 3, 1866	400	480	
H. D. Sellman	Assistant engineer	Assistant engineer	Nov. 7, 1871	950	1, 425	(c)
F. G. Coggin	do	do	Jan. 5, 1866	800	1, 275	(h)
F. C. Goodwin	do	do	Mar. 2, 1868	800	1, 425	(h)
A. H. Price	do	do	Oct. 26, 1872	950	1, 425	(c)
J. S. Green	do	do	May 24, 1867	800	1, 275	(h)
J. W. Saville	do	do	Feb. 1, 1871	950	1, 425	(c)
D. A. Sawyer	do	do	Jan. 22, 1866	800	1, 275	(h)
G. W. Beard	do	do	Feb. 1, 1866	400	1, 275	Present pay under special act of May 23, 1872, 17 Stat., 662.
J. W. Patterson	do	do	Oct. 21, 1869	800	1, 425	(h)
J. J. Ryan	do	do	Oct. 28, 1874	1, 425	1, 425	(d)
J. A. Kaiser	do	do	July 8, 1873	1, 425	1, 425	(d)
Edward Stiles	do	Third assistant engineer	Oct. 24, 1866	400	1, 275	Present pay under special act of May 23, 1872, 17 Stat., 662.
J. G. Littig	do	Assistant engineer	July 14, 1874	1, 425	1, 425	(d)
F. C. Burchard	do	do	Apr. 24, 1877	1, 425	1, 425	(d)
W. G. McEwan	do	do	May 24, 1875	1, 425	1, 425	(d)
W. H. Platt	do	do	Nov. 3, 1877	1, 425	1, 425	(d)
G. C. Drinen	do	do	Oct. 19, 1875	1, 275	1, 275	(d)
E. F. McElmell	do	do	Nov. 1, 1878	1, 425	1, 425	(d)
M. H. Plunkett	do	do	June 22, 1874	1, 275	1, 275	Appointed on retired list by special act of June 22, 1874, 18 Stat., 202.
Nelson Ross	do	do	Oct. 26, 1872	600	600	Retired on furlough pay.
J. A. Deaver	do	do	Feb. 28, 1874	600	600	Do.
H. D. Potts	do	do	Oct. 26, 1874	600	950	Retired on furlough pay. Transferred to retired pay list under sec. 1594, R. S.
Jabez Burchard	do	do	Oct. 26, 1874	600	950	Do.
H. E. Rhoades	do	do	Dec. 30, 1874	500	850	Do.
B. H. Warren	do	do	June 11, 1878	500	500	Retired on furlough pay.
Chester Newell	Chaplain	Chaplain	July 3, 1865	1, 000	2, 100	Retired with retired pay of lieutenant, act June 1, 1860, 12 Stat., 23. Present pay under sec. 1588, R. S.
Joseph Stockbridge	do	do	July 14, 1873	2, 100	2, 100	(d)
John Blake	do	do	June 20, 1873	2, 100	2, 100	(d)
E. C. Bittinger	do	do	Mar. 19, 1881	2, 100	2, 100	(d)
J. L. Watson	do	do	Dec. 21, 1861	1, 200	2, 100	Retired with retired pay of lieutenant, act June 1, 1860, 12 Stat., 23. Present pay under sec. 1588, R. S.
Robert Given	do	do	Apr. 10, 1881	2, 100	2, 100	(d)
G. W. Dorrance	do	do	Feb. 14, 1873	1, 400	2, 100	(c)

Statement showing the names of all officers on the retired list of the United States Navy, their present rank, rank when retired, &c.—Continued.

Name.	Present rank.	Rank when retired.	Date of retirement.	Pay when retired.	Present pay.	Remarks.
Photius Fisk	Chaplain	Chaplain	July 18, 1864	$600	$2,100	Retired on furlough pay. Transferred to the retired pay list under sec. 1594, R. S.
J. H. C. Coffin	Professor of mathematics	Professor of mathematics	Sept. 15, 1877	2,625	2,625	(d)
H. H. Lockwood	do	do	Aug. 18, 1876	2,625	2,625	(d)
J. E. Nourse	do	do	Apr. 17, 1881	2,625	2,625	(d)
E. A. Roget	do	do	1864	1,300	1,800	(h)
Edward Seager	do	do	Apr. 8, 1871	1,350	2,025	(c)
B. F. Greene	do	do	Oct. 25, 1879	2,025	2,025	(d)
J. W. Easby	Naval constructor	Naval constructor	Dec. 13, 1881	3,750	3,750	Retired as chief of bureau with rank and retired pay of commodore, sec. 1473, R. S.
W. P. S. Sanger	Civil engineer	Civil engineer	Oct. 15, 1881	2,625	2,625	(d)
B. F. Chandler	do	do	Oct. 15, 1881	2,625	2,625	(d)
Calvin Brown	do	do	Oct. 15, 1881	2,250	2,250	(d)
T. G. Bell	Boatswain	Boatswain	July 3, 1872	900	1,350	(c)
John Burroughs	do	do	Jan. 30, 1880	1,350	1,350	(d)
James Walker	do	do	Nov. 13, 1871	900	1,350	(c)
Edward Kenny	do	do	Mar. 11, 1881	1,350	1,350	(d)
John Walker	do	do	Aug. 15, 1877	1,350	1,350	(d)
John Smith	do	do	Nov. 10, 1878	1,350	1,350	(d)
William Henton	do	do	Oct. 12, 1876	900	900	(d)
Thomas Smith	do	do	Feb. 18, 1874	1,350	1,350	(d)
Jasper Coghlan	do	do	Oct. 27, 1875	1,350	1,350	(d)
H. E. Barnes	do	do	Dec. 19, 1876	600	600	Retired on furlough pay.
Edward Hughes	do	do	June 14, 1882	1,050	1,050	(d)
Thomas Robinson	Gunner	Gunner	May 22, 1863	900	1,350	(e)
George Sirrian	do	do	Dec. 15, 1880	1,350	1,350	(d)
J. C. Ritter	do	do	Mar. 9, 1877	1,350	1,350	(d)
A. F. Thompson	do	do	Dec. 3, 1881	1,350	1,350	(d)
B. P. Allen	do	do	Dec. 2, 1876	1,350	1,350	(d)
Thomas Stewart	do	do	Dec. 2, 1876	1,350	1,350	(d)
William Cheney	do	do	Feb. 15, 1882	1,350	1,350	(d)
David A. Roe	do	do	Mar. 15, 1882	1,350	1,350	(d)
William Burditt	do	do	June 8, 1882	1,350	1,350	(d)
Henry P. Leslie	Carpenter	Carpenter	Feb. 12, 1876	1,350	1,350	(d)
Joseph Cox	do	do	Dec. 21, 1861	1,000	1,350	(e)
Jonas Dibble	do	do	Dec. 16, 1866	900	1,350	(h)
William D. Jenkins	do	do	Nov. 14, 1870	900	1,350	(c)
James McDonnell	do	do	June 16, 1878	1,350	1,350	(d)
E. W. Barnicoat	do	do	Nov. 16, 1872	900	1,350	(c)
Charles Boardman	do	do	Sept. 21, 1868	1,000	1,350	(h)
Nicholas Mager	do	do	Nov. 9, 1871	900	1,350	(c)
Ebenezer Thompson	do	do	Aug. 6, 1879	1,350	1,350	(d)
J. G. Thomas	do	do	Dec. 2, 1876	1,350	1,350	(d)
J. W. Stimpson	do	do	Jan. 26, 1876	1,350	1,350	(d)
David Bruce	Sail-maker	Sail-maker	Aug. 9, 1876	1,350	1,350	(d)
J. C. Bradford	do	do	June 6, 1878	1,350	1,350	(d)
J. W. North	do	do	Oct. 15, 1879	1,350	1,350	(d)
T. C. Herbert	do	do	Mar. 20, 1876	1,350	1,350	(d)
Francis Boom	do	do	Sept. 9, 1881	1,350	1,350	(d)
William Rogers	do	do	Dec. 2, 1876	1,350	1,350	(d)
B. B. Blydenburg	do	do	Nov. 5, 1872	900	1,350	(c)
J. C. Chavalier	do	do	Mar. 17, 1882	1,350	1,350	(d)

(a) Paid at date of retirement under section 22, act of August 3, 1861, (12 Statutes, 290.) Present pay 75 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

(b) Paid at date of retirement under section 20, act of July 16, 1862, (12 Statutes, 587.) Present pay 75 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

(c) Paid at date of retirement 50 per cent. of the highest pay of his grade, under section 5, act of July 15, 1870, (16 Statutes, 333.) Present pay 75 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

(d) Paid at date of retirement and at present 75 per cent. of the sea-pay of his grade, (section 1588, Revised Statutes.)

(e) Paid at date of retirement under section 2, act of February 28, 1855, (10 Statutes, 617.) Present pay 75 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

(f) Paid at date of retirement under section 20, act of July 16, 1862, (12 Statutes, 587,) not having been recommended for promotion. Present pay 50 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

(g) Retired on 50 per cent. of the sea-pay of his grade, not having been recommended for promotion, (section 1588, Revised Statutes.)

(h) Paid at date of retirement under section 20, act of July 16, 1862, (12 Statutes, 587,) and section 7, act of April 21, 1864, (13 Statutes, 54.) Present pay 75 per cent. of the sea-pay of the grade in which retired, (section 1588, Revised Statutes.)

PRODUCTION OF GOLD AND SILVER.

Mr. HAWLEY. By direction of the Committee on Printing I report a concurrent resolution of the House of Representatives for the printing of the report of the Director of the Mint on the annual production of gold and silver, with certain amendments, and ask for its present consideration.

By unanimous consent the Senate proceed to consider the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 8,000 copies for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,000 for the use of the Director of the Mint.

The amendments of the Committee on Printing were, in line 2, to strike out "15,000" and insert "8,500;" in line 6, to strike out "8,000;" and insert "4,000;" in line 7, to strike out "3,000" and insert "1,500;" and in line 8, to strike out "4,000" and insert "3,000."

Mr. HAWLEY. It is a reduction of the total from 15,000 to 8,500 with about the same proportionate distribution between the two Houses and the Director. On consideration the committee thought 15,000 copies were too many to print.

Mr. COCKRELL. How many does that leave the Senate and the House?

Mr. ANTHONY. Fifteen hundred for the Senate and 4,000 for the House.

Mr. COCKRELL. Let the resolution be read as proposed to be amended.

The Acting Secretary read the resolution as proposed to be amended, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That 8,500 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 4,000 copies for the use of the House of Representatives, 1,500 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

Mr. COCKRELL. I move to strike out 1,500 and insert 2,000 for the use of the Senate.

The amendment to the amendment was agreed to.

Mr. COCKRELL. Then add 500 to the total number, so as to make it 9,000.

Mr. ANTHONY. But if the number given to the Senate is increased and the number given to the House is not increased the proportion is disturbed.

Mr. COCKRELL. I have always understood the Senate got one-third and the House two-thirds, and that is what I have put it at.

Mr. ANTHONY. Sometimes so, and sometimes the proportion is one-half.

Mr. COCKRELL. This is a good place to have it "sometimes so," and we will take one-third this time and give the House two-thirds.

Mr. ANTHONY. I care nothing about it. I only call attention to it.

Mr. BLAIR. I should like to understand what increase is necessary in the direction of the silver interest, why it should be taken care of and an increased circulation given to information on that

subject-matter, while common schools are neglected and abandoned and abused in the house of their friends.

Mr. HAWLEY. We have reduced this in a very much larger proportion than we reduced the number of the Report of the Commissioner of Education. That was reduced less than a quarter, and this is reduced from 15,000 to 8,500 by the report of the committee and upon consultation with the Secretary of the Treasury. It is for the Senate to decide what it thinks best.

Mr. BLAIR. By similar consultation with the Secretary of the Interior the same committee would have learned that the number of volumes asked for of the Report of the Commissioner of Education was very much less than that same Department thought it should be.

Mr. ANTHONY. The committee did consult with the Secretary of the Interior or the Commissioner of Education, and his letter was read at the request of the Senator from New Hampshire.

Mr. BLAIR. That is very true, but the Commissioner of Education thought his request was so exceedingly modest and so far behind the real demands that it would not be necessary to repeat it in open Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended on the motion of the Senator from Missouri.

The amendment as amended was agreed to.

Mr. MORRILL. The gross amount ought to be increased 500.

Mr. HAWLEY. The aggregate amount should be increased.

Mr. COCKRELL. Make it 9,000.

The PRESIDENT *pro tempore*. It is moved to increase the aggregate from 8,500 to 9,000. The question is on that amendment.

The amendment was agreed to.

The resolution as amended was concurred in.

BILLS INTRODUCED.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2162) to authorize the Secretary of War to donate to the J. F. Sawyer Post No. 7 of the Grand Army of the Republic, at Omro, Wisconsin, one condemned 24-pounder cast-iron cannon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2163) for the relief of Henry Herman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAYARD (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe; which was read twice by its title, and referred to the Committee on Foreign Relations.

PERSONAL EXPLANATION.

Mr. COCKRELL. I ask for the passage of the following resolution.

Mr. BUTLER. Before the Senator from Missouri offers his resolution I should like to have a moment.

The PRESIDENT *pro tempore*. The regular morning business is being gone through with.

Mr. BUTLER. I rise to a question of personal privilege, Mr. President. I believe I have a right to do that.

The PRESIDENT *pro tempore*. Certainly.

Mr. BUTLER. Mr. President, I observe in the RECORD of this morning that a person in another place made a wanton attack on my character and committed a breach of the privileges of this body, for which he was not called to order, in discussing a contested-election case. I shall not at this late day be betrayed into a controversy with this individual, whose acquaintance I have never had the misfortune to make, but shall rather leave him to the judgment and contempt of all honorable men for attacking another in a forum where he could not be answered, under cover of the privileges of that forum, for declining to allow the correction of the falsehoods he was uttering, the garbling of the evidence, perversion of the truth, falsification of the record, and for refusing to give the person attacked the benefit of his own statement. I have withstood the mastiffs of the radical party in the past, and can afford to dismiss with this brief notice the yelping of this cur of low degree. The name of this creature I believe is SAMUEL H. MILLER.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate of the 15th instant to print 10,000 copies of the Report of the United States Commissioner of Fish and Fisheries, upon the food-fishes and the fisheries of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, further insisted upon its disagreement to certain other amendments of the Senate to the said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. F. PAGE of California, Mr. AMOS TOWNSEND of Ohio, and Mr. R. M. MCLANE of Maryland the managers at the further conference on the part of the House.

EXPENDITURES FOR RIVERS AND HARBORS AND PUBLIC BUILDINGS.

Mr. COCKRELL. I offer the following resolution:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to report to the Senate at the earliest practicable time the expenditures in each State and Territory for rivers and harbors from 1789 to June 30, 1882; and also the expenditures in each State and Territory for public buildings from 1789 to June 30, 1882.

Mr. ALLISON. I ask that lie over for a day. I want to add some things to it. I do not object to the resolution itself.

The PRESIDENT *pro tempore*. The resolution will lie over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following acts:

An act (S. No. 1886) donating four condemned cast-iron cannon for the soldiers' monument at the village of East Bloomfield, New York;

An act (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes;

An act (S. No. 2050) donating four condemned cast-iron cannon and four cast-iron cannon-balls for the soldiers' monument at Ironton, Ohio; and

An act (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to certain amendments of the Senate to the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes, and agreed to the amendment of the Senate No. 4 with an amendment, in which it requested the concurrence of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. MCMILLAN. I desire to make a report from the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The ACTING SECRETARY proceeded to read the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 15, 16, 20, 36, 65, 66, 67, 70, 71, 74, 87, 93, 96, 107.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 8, 10, 11, 12, 14, 18, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 72, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 86, 88, 89, 90, 91, 94, 97, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out "15" and insert "10;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out "10" and insert "3;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out "30" and insert "20;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out "75" and insert "50;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "crade" and insert "cedar;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "and twenty-five" and insert the following: "of which a sum not exceeding $10,000 shall be applied for the survey of the harbor at Santa Monica;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the words "for this improved navigation" and insert in lieu thereof "on the Little Kanawha River;" and the Senate agree to the same.

Amendment numbered 61: That the Senate recede from its amendment numbered 61, and insert in lieu thereof, after the word "dollars," in line 626, the following: "And $20,000 of this amount may be used on the river above the mouth if the Chief of Engineers shall consider it best for the interest of commerce;" and the House agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out "twenty-five" and insert "fifteen;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with amendments as follows: After the word "Iowa" insert "including such harbors on said river now in course of improvement as in the judgment of the Chief of Engineers will benefit commerce and navigation;" strike out "nine" and insert "eight;" and after the word "hundred" insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment

as follows: Strike out "thirteen thousand six" and insert "six thousand five;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: After the word "New Hampshire" insert "completing improvement;" and the Senate agree to the same.

The committee have been unable to agree on the amendments numbered 17, 41, 98, 99, 100, 101, 102, 103, 104, and 105.

S. J. R. McMILLAN,
JNO. P. JONES,
M. W. RANSOM,
Managers on the part of the Senate.
H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,
Managers on the part of the House.

Mr. SHERMAN. This conference report is published in to-day's RECORD. It is hardly worth while to read it at length at the desk. Nobody can understand it from the mere reading. It is already printed.

Mr. ANTHONY. I hope the Senator from Minnesota will state what the disagreements are?

Mr. SHERMAN. It is in the RECORD, page 20, of this morning.

Mr. INGALLS. I ask the Senator from Minnesota to state also specifically, item by item, as appears in the report of the conference, what has been done by way of agreement and concurrence, or non-agreement and modification.

The PRESIDENT *pro tempore*. The further reading of the report will be dispensed with if there be no objection.

Mr. McMILLAN. That is very fully set forth in to-day's RECORD, on pages 19 and 20.

Mr. INGALLS. I think it had better be passed over temporarily until this report, which I did not know had been printed in full, can be examined by those who may wish to look into it.

Mr. ANTHONY. The report only refers to the amendments by their numbers.

Mr. INGALLS. No, sir; the report is specific.

Mr. SHERMAN. The Senator refers to the statement required by the House rules.

Mr. McMILLAN. If the Senator from Kansas desires me to withhold the report for an hour or two, I will not call it up at present, but it is desirable that the matter be disposed of as soon as possible.

Mr. MORRILL. I move to proceed to the consideration of the tax bill.

Mr. ANTHONY. I rise to morning business.

Mr. McMILLAN. I will state to the Senator from Kansas and the Senate that there is a disagreement upon some of the items in the bill, and the Senate committee of conference will ask the Senate to insist upon those amendments and have a further conference.

Mr. INGALLS. What are the amendments concerning which there is disagreement?

Mr. McMILLAN. The disagreement is upon the Potomac flats, upon the two canals, and upon the Mississippi River appropriation.

Mr. INGALLS. "The Chesapeake and Delaware Canal, the Potomac River in the vicinity of Washington, the Hennepin Canal, and the Mississippi River."

Mr. McMILLAN. Yes, sir. In regard to the Mississippi River it is proper to say that the only question of disagreement thus far is upon the amount.

Mr. INGALLS. Those are Senate amendments, are they not?

Mr. McMILLAN. Yes, sir; and we ask that the Senate concur in this report and appoint another committee of conference.

The PRESIDENT *pro tempore*. Is the report to be considered now?

Several SENATORS. No! No!

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. Then the question is on postponing the consideration of the regular order, which is the Calendar under the Anthony rule, and taking up the revenue bill.

Mr. ANTHONY. I rise to morning business.

Mr. McMILLAN. Do I understand that there is objection to disposing of the conference report? It is merely to ask the Senate to insist upon the amendments not settled and agree to a further conference.

Mr. INGALLS. I understood it was the purpose of the conferees on the part of the Senate to ask the opinion of the Senate as to the action that should be taken with regard to the contested amendments.

Mr. McMILLAN. No, sir, we do not propose that. We ask the Senate to concur in the report as far as it goes, and then to insist upon its remaining amendments, and grant a further conference.

Mr. RANSOM. To that there can be no objection.

Mr. McMILLAN. If there is no objection to that it might be disposed of now.

Mr. ALLISON. What is the proposition of the Senator?

Mr. McMILLAN. That the Senate insist on its amendments and grant the further conference asked by the House.

Mr. ALLISON. I do not object to that if the vote of the Senate is to mean something, but I ascertain by reading the report of the committee of conference that they have agreed to pretty much everything except what I regard as the most essential things in this bill, and upon those questions they seem to differ.

I desire, for one, to have the sense of the Senate with reference to each and every one of these disagreements, so that we may understand whether our committee of conference is to give up now or ever these great improvements the amendments as to which are disagreed to by the two committees. I want that understood, and with that understanding with regard to this report, I am perfectly willing that we shall insist upon our amendments.

Mr. RANSOM. I can understand the feeling of the Senator from Iowa upon this question; but I think the proposition of the chairman of the Committee on Commerce, who is the head of the conferees of the Senate, asking the Senate to insist on their amendments meets the suggestion of the Senator from Iowa.

Mr. ALLISON. No; it does not meet my suggestion. These conferees have consented to the improvement of all the little creeks and all the small streams in every part of our country, have agreed upon all the matters of minor importance; but when we come to the great water-ways of this country, involving the questions of transportation of the great products of this country, it seems that there is a disagreement.

Now, what I want to understand is whether these questions are to be closed up and then we are to go into a conference again upon only the four topics left? That is what I desire to know. I hope this conference report will be voted down unless we have some understanding with reference to the questions involved in the amendments as to which there is a disagreement.

Mr. HOAR. Mr. President, how is that possible without disrespect to the House of Representatives, and without injuring rather than strengthening the things the Senate desires?

Mr. ALLISON. The Senator asks me how it is possible. There is no disrespect to anybody. These conference reports must come in and must be considered by the Senate and agreed to by the Senate before they have any force or vitality. It is no disrespect to anybody to disagree to a report.

Mr. HOAR. I was about to observe that the Senate has, on full discussion, expressed its sense and placed these matters in the bill. They are separate, independent questions, having no connection whatever with the smaller matters which have been adjusted between the conferees. The conferees have declined in any way to impair or weaken the position on which the Senate has insisted. The conferees come in and ask the Senate to insist. But to insist with a declaration by the Senate that in no event will it give up, however firm its purpose may be, weakens, not strengthens us, because that at once puts the other House on its mettle. That is the reason why the vote is always to insist and not to adhere. The Senator from Iowa seems to me to desire—he knows I voted with him on the matter of which he speaks—that we should add to the formal usual motion to insist something which will make it convey to the House of Representatives a purpose to adhere. I say again that is a weakening and not a strengthening of the position of the Senate.

Mr. ALLISON. I desire to ask the Senator from Massachusetts how it is possible to ascertain the sense of the two Houses on these disagreeing votes by a mere formal agreement to all that has been done by our conferees, and then a mere formal further insisting upon our remaining amendments?

Mr. DAWES. Let me suggest to my friend from Iowa how he can get this thing. Let the report be accepted, and then there will be a few certain amendments upon which the two Houses are apart. You can get the sense of the Senate in two ways; either move to recede from an amendment and get a vote on that, or move to concur with the House. Either of those motions will get the sense of the Senate upon that particular amendment, and take it by yeas and nays, and you have an intimation to the House just exactly how the Senate stands upon that particular amendment. That seems to me to be the only way.

Mr. LOGAN. I should like to ask one question of the conferees on the part of the Senate. I do not know very much about the rules that apply to conference committees, but it seems to me that the usual way is for a conference committee to either agree or disagree. If we adopt that which the conference committee report, that passes so much of the bill and then there is an agreement of both Houses on so much of the bill. I do not mean that the bill becomes a law without these other amendments being agreed or disagreed to, but it closes out that part of the bill on which the conference committee have agreed. You only confer afterward on these other points. That is an unusual mode.

Mr. RANSOM. The Senator will pardon me; I may be in error, but I do not agree with him. I do not consider now that either one of the Houses has anything to do with this report except to agree or disagree. The only question is whether the Senate will insist on its amendments or not. That is the way I comprehend it; but I may be wrong in that.

Mr. LOGAN. That is not the proposition, however. The Senate insists on certain amendments, those amendments that have not been agreed on by the two conference committees. The Senate is asked to agree to that report as far as it goes. I so understand it.

Mr. RANSOM. I do not, nor do I think that the Senate could agree to a report in part.

Mr. DAWES. I understand the report to be that the two Houses are asked to agree upon certain amendments, and to stand as disagreeing still on certain other amendments.

Mr. LOGAN. Exactly. That is precisely what I say.

Mr. DAWES. If the report is accepted by both Houses, both

Houses will have agreed so far, and they are no longer at difference as to those parts of the bill, but they stand as to the remainder precisely as they did when they went into conference.

Mr. LOGAN. That is precisely it.

The PRESIDENT *pro tempore*. The Chair would like to understand whether this report is before the Senate, because the Senator from Minnesota moved to proceed to the consideration of the report and the Senator from Kansas objected for the time being, to which the Senator from Minnesota rather yielded.

Mr. McMILLAN. I understood the Senator to withdraw his objection.

The PRESIDENT *pro tempore*. The question on proceeding to the consideration of the report is to be decided without debate; and when the report is before the Senate debate can go on.

Mr. SHERMAN. I should like to have the action of the House read. Thus we shall know precisely what we are asked to do. The House have asked either for a general committee of conference or for a special committee.

Mr. LOGAN. All I desire to say is that I am never so discourteous to anybody as to try to take him off the floor. I had the floor, and if I am to be made to sit down I will agree to do it provided the Senate vote me down; not otherwise.

Mr. SHERMAN. I did not mean to take the Senator off the floor.

Mr. LOGAN. I have given way to everybody who wanted to say anything, and I have about as much right to talk as anybody else, and I desire to have my say right here.

I desire to say to the Senate that this conference report is only a piece of the same character of performance that we had here five or six years ago. The very same proposition that is contained in one of these amendments was on a bill of this character, put on it by the Senate. The conference committee made a report, the Senate agreed to it, but the House never agreed, and the Senate backed down and left the very proposition out just in the same manner that it is proposed to do it now.

I do not propose, so far as I am concerned, as a representative of the people, if I can help it, to have the same kind of a thing perpetrated again. I looked upon that as a trick. I do not say that this is, but I looked upon that some five years ago as a trick in order to pass that bill through the Senate and then leave off the very proposition that the Senate had voted on. It was done then. I regard this as the same kind of a move precisely. We are asked to agree to all that this conference committee has reported an agreement upon, leaving four propositions, and then we are to have a new conference, and the House will refuse to agree to our amendments, and late in the session the Senate will back down and we shall leave these important propositions out. That will be exactly the result, I fear. Whether it is intended or not, I do not know, but that is to be the result.

Now, we have the report of the conference committee as to what they are willing to agree to. Let the Senate stand by all its amendments, and if we have a new conference let them confer in reference to all the propositions. That is the honest and proper way to do it. If they agree to this report as far as the first conference committee has gone, all well; but let us not agree to it now in the Senate. If the Senate agrees to it, then the Senate is closed out so far as each and every one of these propositions agreed on is concerned. That is exactly the objection I have to adopting this conference report.

I hope the Senate will insist on every amendment that was put on, and when this bill goes back to another conference let it go as a whole proposition and not with all the amendments agreed on except four. That is what I want to see done and that is exactly what I desire. I desire it for the reason I have stated, that I do not believe in seeing bills come to the Senate and move around and everybody get his proposition put on, and then a conference committee go right straight, in order to pass the bill through the Senate, and cut it all off and deprive men of the amendments that had been put on for the benefit of their part of the country, and then agree to the bill passing in that shape. I do not believe in any such legislation as that. I do not regard it as sound or just or fair legislation. I am for the propositions on which this conference committee have not agreed, much more so than I am for the main body of this bill.

Mr. CAMERON, of Wisconsin. I understand the Senator from Illinois is opposed to the bill. He voted against it and spoke against it, and he denounced it just as strongly as he denounces the action of the conference committee.

Mr. LOGAN. Mr. President, I will say to the Senator from Wisconsin, who is a little excited——

Mr. CAMERON, of Wisconsin. Not at all.

Mr. LOGAN. That he is mistaken. I made no speech about this bill in the Senate; I made no speech against it in the Senate; I did no such thing as denounce it; I did not open my mouth about it except to cast my vote against it, and I can give the Senator the reason why I voted against it.

Mr. CAMERON, of Wisconsin. I do not want it.

Mr. LOGAN. I think it is not necessary for the Senator to be so critical in reference to it. Other Senators voted against this bill. Because a man votes against a bill does he have no right to discuss the bill? Is that the kind of Senatorial courtesy that is to prevail here?

Mr. CAMERON, of Wisconsin. He has no right to discuss it when it is not before the Senate for discussion. This bill is not before the Senate now for discussion, and the Senator knows perfectly well that he is out of order and all the remarks that he has made here upon this matter were out of order.

Mr. LOGAN. Very well, suppose they are.

Mr. CAMERON, of Wisconsin. I state it.

Mr. LOGAN. I was not called to order.

Mr. CAMERON, of Wisconsin. The statement I have made is a call to order.

Mr. LOGAN. I do not propose to be called to order unless by the President of the Senate. I say that the Senator from Wisconsin is all wrong. I do not want to get into a wrangle with him; my Scotch blood does not get up as quickly as his does; I do not get excited as he does. While the Senator from Iowa was talking, that was all right, that was perfectly in order; while the two Senators from Massachusetts were talking, it was perfectly in order; but if I say anything, it is out of order because I happened to vote against this bill. I did vote against the bill. But suppose I did, the people of my country have as much right to be represented in this bill as the people of your State have.

Mr. CAMERON, of Wisconsin. Undoubtedly. Nobody denies that.

Mr. LOGAN. If I am trying to protect the interests of my own people I do not see why I should be criticised any more than any other Senator.

Mr. CAMERON, of Wisconsin. Mr. President, I will ask now, inasmuch as this matter has gone as far as it has, what is the question that is before the Senate?

The PRESIDENT *pro tempore*. That is what the Chair was endeavoring to find out.

Mr. LOGAN. I will state to the Senator what the question is.

Mr. CAMERON, of Wisconsin. I do not ask the Senator from Illinois what the question is. I ask the Chair what the question is.

The PRESIDENT *pro tempore*. The question is whether the Senate will proceed to the consideration of the conference report.

Mr. CAMERON, of Wisconsin. That, I understand it, under the rules, is a question to be decided without debate.

The PRESIDENT *pro tempore*. Without debate.

Mr. LOGAN. Of course it is. I understand that perfectly well, as well as the Senator does.

Mr. INGALLS. I understood that the chairman of the committee assented to my proposition that temporarily the report should lie over, to be taken up subsequently in the day.

Mr. McMILLAN. I did, but subsequently appealed to the Senator from Kansas, after some remarks by other Senators, whether he would not withdraw his objection and permit the matter to be considered now. I thought perhaps time would be saved, as the action of the Senate committee merely proposed a further conference on the disagreeing votes of the two Houses on this bill by acting at once. If the conference committee can agree on these amendments the amendments will come before the Senate for examination hereafter.

Mr. INGALLS. From a very casual examination of the report there are some exceedingly suggestive and some sinister features about it, as I shall be glad to have the opportunity of pointing out hereafter.

Mr. McMILLAN. Then I ask that it be done now in view of the remarks of the Senator from Kansas.

Mr. INGALLS. It is very extraordinary, Mr. President, that the amendments agreed to are those in States where the members of the committee of conference reside, very extraordinary.

Mr. McMILLAN. Mr. President, another thing remarkable is——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. McMILLAN. On that point——

Mr. LOGAN. I knew I was out of order, but I presume these gentlemen are in order.

The PRESIDENT *pro tempore*. Nobody is in order except the Senator moving for the consideration of the report, and he has a right to a vote on his motion.

Mr. LOGAN. I apologize to the Senate for being out of order, and I will apologize for these other gentlemen, if they will allow me, for they are all out of order.

Mr. McMILLAN. I ask that the report be now considered.

The PRESIDENT *pro tempore*. That is the question before the Senate, will the Senate proceed to the consideration of this conference report, which is to be decided without debate. [Putting the question.] The ayes have it, and the report is before the Senate.

Mr. INGALLS. Now, I ask that the first amendment that the committee disagree about be reported.

The PRESIDENT *pro tempore*. The report will be read.

Mr. INGALLS. No, sir; I want the first amendment reported.

Mr. McMILLAN. I ask that the report be read.

Mr. BECK. I rise to a parliamentary inquiry, Mr. President. The report being before the Senate as it is, is it debatable?

The PRESIDENT *pro tempore*. It is.

Mr. BECK. Then I want to ask a question of the chairman of the committee.

The PRESIDENT *pro tempore*. The report is debatable.

Mr. SHERMAN. Not until the action of the House is read. I

again respectfully demand that that be read before anything is done. The Senator from Illinois got angry because I demanded what I had a right to demand.

The PRESIDENT *pro tempore*. The Senate will come to order. Senators will take their seats and those here by the courtesy of the Senate will be seated. The Sergeant-at-Arms will see that everybody is seated. Is it the pleasure of the Senate that this report be read in detail?

Mr. SHERMAN. The action of the House is what I called for.

The PRESIDENT *pro tempore*. The action of the House will be read, but is it the pleasure of the Senate that the report in detail be read?

Mr. INGALLS. The Senator from Ohio asks the House action sent here this morning be read.

The PRESIDENT *pro tempore*. That will be read and then the whole report.

Mr. INGALLS. The details of this matter we will adjust hereafter.

The PRESIDENT *pro tempore*. The action of the House will be read.

Mr. BECK. I rose to ask a question, because I want to understand the details of the report.

Mr. SHERMAN. The message of the House is only one page long, and when that is read everybody will understand what we are to act upon. That can be ascertained by learning what the House has done.

The Acting Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 21, 1882.

Resolved, That the House agree to the report of the committee of conference on the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors and for other purposes, and that it insist upon its disagreement to the amendments of the Senate numbered 17, 41, 98, 99, 100, 101, 102, 103, 104, and 105, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. PAGE, Mr. TOWNSEND, and Mr. MCLANE be the conferees on the part of the House.

Attest:

EDWARD MCPHERSON, *Clerk*.

Mr. SHERMAN. Now the only question of disagreement, so far as the committees are concerned, are the amendments last named, and I think they had better be read one by one, so that we may see what they are.

Mr. INGALLS. Is it not a question whether or not we will concur in the action of the conferees of the two Houses in the points on which they have agreed?

Mr. SHERMAN. Certainly; and the Senator, if he desires to look over the list, can pick out those as to which he dissents from the action of the committee.

Mr. INGALLS. I see the members of the committee have taken good care of their amendments.

Mr. CAMERON, of Wisconsin. I do not understand that the chairman of the committee of conference asks that we should now agree to any of the amendments. He simply reports that the conferees on the part of the two Houses have agreed as to certain amendments, and have disagreed as to others, and he asks in general terms that the Senate insist upon its amendments and agree to a further conference. That is all there is in it.

Mr. CONGER. Now, Mr. President, I ask that the Secretary read the numbers of the amendments disagreed to, so that Senators can take them down.

The ACTING SECRETARY. Amendment No. 17——

Mr. MCMILLAN. I take occasion to say to the Senate that all these amendments are specified and printed at length in the House proceedings contained in the RECORD of this morning.

Mr. CONGER. They are numbered in the printed bill, and I ask that the numbers of the amendments as to which there is a disagreement may be read slowly.

The ACTING SECRETARY. No. 17, page 5, after the word "dollars," in line 140——

Mr. CONGER. I do not ask that the amendments be read, only that their numbers be stated.

Mr. INGALLS. I want to know what No. 17 means. Let the amendment be read.

Mr. CONGER. I asked only for the numbers of the amendments.

Mr. INGALLS. I do not understand what No. 17 means. I should like to hear the amendment read.

Mr. CONGER. In the printed bill the amendments are all numbered, and if Senators have the printed bill they can look at the amendments when they know their numbers.

Mr. INGALLS. We have a clerk for the purpose of reading amendments, I suppose.

Mr. KELLOGG. Not one Senator in ten has the printed bill.

The ACTING SECRETARY. Amendment No. 17, after the word "dollars"——

Mr. CONGER. I made a request that the Secretary might read the numbers. I did not suppose anybody would object to that. After that let anybody else ask for what he chooses.

The ACTING SECRETARY. "The committee have been unable to agree on the amendments numbered 17, 41, 98, 99, 100, 101, 102, 103, 104, and 105.

Mr. CONGER. That satisfies the inquiry I made. Let other gentlemen now speak for themselves.

The PRESIDENT *pro tempore*. The Senator from Kansas asks for the reading of the amendments.

Mr. INGALLS. Let No. 17 be read first.

Mr. DAWES. I should like to ask the committee whether so far as they have agreed they have agreed by the House receding, or have they receded with amendments?

Mr. MCMILLAN. The House has receded in some instances, and receded with amendments in others, and agreed to our amendments with amendments in other instances.

Mr. DAWES. Then I do not see how the Senate can intelligently agree to accept the report upon these amendments unless they know what the receding with amendments means, what the amendments which they recommend to the two Houses to come together upon are. It is groping in the dark.

Mr. RANSOM. Will the Senator from Massachusetts allow me to interrupt him for a second? I may be wrong about it, and if I am I hope some Senator who is better advised on parliamentary law than I am will correct me. My impression has been, and still is, that adopting any part of this report, any part of the action of the conferees of the two Houses, amounts to nothing unless there is an agreement as to the whole bill; and although the House say they have adopted the report of the conference, that adoption of theirs simply means an advice to their conferees that the House is satisfied with their action. But when the final conference report is made, if it should be made, the whole matter then comes before the two Houses for adoption or rejection under the conference report. That was my first impression, and I am advised by gentlemen largely learned in parliamentary law that I am correct in it.

Mr. DAWES. It does not seem to me that there can be any mistake about the legal effect and the consequence of adopting this report. It is the old practice. The recent practice cannot be found in the old practice of the two Houses. It has always been the practice until recently to agree as far as the committees can agree, to bring that in along with the report, which is a whole, that there are certain amendments that they cannot agree upon, and when that report is adopted the result is that so far as they have agreed the two Houses are together, but so far as the report says they have not agreed the two Houses are apart.

A part of this report—and we cannot adopt a part without adopting the whole—brings the two Houses together upon matter which is new, upon amendments which it is agreed by these committees that the House shall concur in with amendments. Now there is no other vote upon this report but a vote as a whole; and a vote upon it as a whole makes the two Houses agree, but there is a concurrence on the part of the House in some of our amendments with an amendment. What that amendment is no mortal in the Senate but the three conferees knows.

Mr. MCMILLAN. If the Senator from Massachusetts will permit me, upon his table has been laid the RECORD containing a very full, detailed, and accurate statement of all the items.

Mr. DAWES. I am not saying that I cannot find it somewhere. I am only discussing the question, What will be the effect of adopting this report? Let me repeat, there can be no vote which does not adopt it as a whole. When it is adopted as a whole there are some half dozen amendments enumerated there that are still open. The other amendments are closed forever. Those amendments come to us along with amendments to the amendments. What these amendments to the amendments may put upon us as legislation I do not know. Probably they are all right. I can ascertain it, as the Senator from Minnesota says, by studying my RECORD; but I do not know that I can study it before the yeas and nays are called upon this report, if we are forced to a vote at this moment, unless each amendment is read at the Secretary's desk and what the amendment to that amendment is which the committee recommend shall be adopted.

I am asked to vote now upon this report. I vote upon it now and I close it up forever, whatever may be the character of the modifications which the committee recommend. I do not speak with any suspicion as to any such modification. I only speak of the fact that when I am asked to adopt this report I am called upon to blindly take the modifications which the committee recommend. I would do it as quick with this committee as any that I know of in the Senate.

Mr. MCMILLAN. It is not blindly, because the statement has been printed in the RECORD in order that it might be examined and that Senators might inform themselves of the facts. It would certainly be more satisfactory to have had this report on their tables, with an opportunity of examining it this morning before the bill was called up, than to take action upon the mere reading of the report from the committee on the floor of the Senate.

Mr. ALLISON. I have been endeavoring to study this report somewhat, and I find on page 20 of to-day's RECORD amendment No. 91, which is inserted "directing the mode of expenditure of appropriation for Susquehanna River." Now I turn to the House print of the bill, and I find that the Senate increased the sum from $5,000 to $7,500, and I find nothing new with reference to the method of expenditure; that is, the Senate made no amendment in that re-

gard. So it seems that the conference committee, if this report be right, has made some new provision there with reference to the expenditure of that money. Now, I ask the Senator from Minnesota how we can tell from this report what has been done there? I call his attention to amendment No. 91, of which it is said "directing the mode of expenditure of appropriation for Susquehanna River."

Mr. McMILLAN. If the Senator will refer to that he will observe that the amendment is an amendment merely qualifying the mode in which the amount originally inserted in the bill shall be applied. The original item in the bill was:

Improving Susquehanna River above and below Havre de Grace, Maryland, $25,000, of which sum $5,000 shall be expended above the bridge, and $5,000 for the completion of the channel to the Fishing Battery light-house and for strengthening and extending the piers and breakwater for the protection of said channel.

Mr. ALLISON. That is satisfactory.

Mr. McMILLAN. The only amendment the Senate made was, to strike out "$5,000" and insert "$7,500," as the amount which should be expended above the bridge, &c., as contained in the other clause.

Mr. ALLISON. Yes, after the explanation of the Senator I thoroughly understand it.

Mr. McMILLAN. The Senator by reading it and reading the amendment could have obtained that information before. That is the only suggestion I wish to make.

Mr. ALLISON. Perhaps I could have dug it out myself.

Mr. FERRY. The Senator from Massachusetts, [Mr. DAWES,] as well as the Senator from North Carolina, [Mr. RANSOM,] stated the case clearly before the Senate, and I suppose there can be no question that the report must be accepted or rejected as it is reported to the Senate. It cannot possibly be amended. It has been so ruled in the Senate, and I will read the rule. In Jefferson's Manual, at page 308 of our compilation, it is stated:

And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. (9 Grey, 226; 3 Hats., 280.)

This has been done. All the items have been printed in the RECORD, and I suppose this request by the Senator from Kansas is simply for information, for certainly no motion can be entertained to amend, to strike out of this report, or to add to it. It must be accepted as it is or rejected as it is. I will read further:

This report cannot be amended or altered, as that of a committee may be.

That is from the Journal of the Senate, May 24, 1796. It has been a standing order of the Senate that a report of a conference committee must be received *in toto* as it is reported, and must be voted on either for or against. If Senators are against the conclusion of the conference committee they can vote against the report; if they are dissatisfied with it let them vote against it, for if they vote in the affirmative they conclude all that has been agreed to by the conference committee. So if they vote affirmatively it is just what has been assented to except the cases dissented to. That I understand to be the parliamentary law.

Mr. HOAR and Mr. GARLAND addressed the Chair.

Mr. HOAR. I rise to a question of order. The question of order is that this report is itself out of order and cannot be received by the Senate in its present condition, and the point of order is based upon page 20 of the CONGRESSIONAL RECORD, which I suppose is a correct printing of the report. On the second column, under the head of "Amendment numbered 61," the committee report—

That the Senate recede from its amendment numbered 61 and insert in lieu thereof—

A certain thing. Now, this is not a proposition to recede absolutely or to concur absolutely or to concur with an amendment; but the Senate has absolutely receded and then the conferees propose to make a new amendment which the House is to concur in, which is entirely beyond the scope and authority of the committee.

Mr. FERRY. Ah, Mr. President, but that is done by the conference committee; and the only way of coming together might be by receding with an amendment. That is what I understand they have done. That is within the proper authority of the conferees. It might have been impossible to agree unless with this amendment, and I take it for granted that that is the status of the case, and it is assented to by the chairman of the conference committee. They have full power to add any amendment that will bring the conferees together. That is the duty with which they are charged by the different bodies.

The PRESIDENT *pro tempore*. The point of order is overruled.

Mr. GARLAND. As I understand the report made by the committee of conference, it is an agreement in all that the Senate has done except as to ten amendments numbered from 17 to 105. No one, I suppose, is disposed to controvert the proposition stated by the Senator from Michigan that this report must be received and acted upon as a whole. It must be either approved as a whole or rejected as a whole. But the disturbing proposition here, as I catch from the suggestion of several Senators, is whether or not it is permissible for the two Houses to enter into a partial agreement and leave other points unsettled, subject to a future conference. I think that is an important question here to be determined; but if this report is concurred in all that the Senate has done upon this bill is agreed to, with the exceptions stated, and a further conference is ordered as to these ten amendments. The parliamentary law, as laid down by Cushing on this subject, reads as follows:

Sometimes, instead of a single point of difference between the two Houses, there are several relating to or growing out of the same subject-matter; in which case the two Houses may agree upon different points at different stages of the proceedings; but so long as any one point remains they have not arrived at that full and perfect agreement which it is the purpose of conferences to bring about. Conferences may consequently take place until nothing remains in dispute, or until one or the other of the Houses sees fit to drop all further proceedings, or until both Houses adhere to their respective proceedings. A partial agreement is, of course, communicated at the conference which is held upon the points still remaining in dispute.—*Cushing's Law and Practice of Legislative Assemblies*, 344.

Mr. FERRY. But if the Senator will allow me right there, if the Senate concur in this report, which came to us as an agreement on a portion of the bill, that concludes that portion and leaves unadjusted or unsettled between the two Houses only such amendments as are reported as disagreed to; and if the Senate agree to this report and appoint a new committee of conference, their duty is confined to the disagreeing points of the bill, or that part of the bill upon which the conference disagreed, and that alone.

Mr. GARLAND. I am very glad that the Senator from Michigan is in strict accord with the authority I have read. He has simply repeated in different language what Cushing states in the section I have read; so that the matter is simplified to this: if this report is adopted we have concurred in all the amendments which are agreed upon; they are no longer a subject-matter of conference at all, and then ten amendments are left to be considered, nothing more, nothing less, which is permissible under the rule I have read.

Mr. FERRY. That is correct.

Mr. GARLAND. Now, then, to get at this intelligently, these different amendments should be read, that we may know exactly what we are voting upon; for as a matter of course I presume that the Senate is willing to concur in the report, and see then whether it is ready to agree to the committee of conference asked by the House, which is usually granted under parliamentary rule as a matter of courtesy. I think this proceeding is entirely and directly within the rules.

Mr. FERRY. I suppose there is no objection to having each of the amendments read. I said before that I supposed the object of the Senator from Kansas in asking that was for information, inasmuch as he could not move an amendment. As the Senator from Arkansas well said, and corroborated by the citation of very good authority, the report, if concurred in, concludes everything that the conference concluded.

Mr. INGALLS. I stated that in my judgment the report of the committee contained many sinister features, to which the Senator from Minnesota took exception.

Mr. McMILLAN. I do, sir.

Mr. INGALLS. I propose to substantiate that declaration by saying that the amendments of the Senate which have been given away are those which relate to improvements in States where the members of the Committee on Commerce do not reside, and those which have been taken care of, notably and conspicuously and shamelessly, are in those States where not only do members of the Committee on Commerce reside but where the members of the committee of conference reside.

Mr. McMILLAN. The RECORD does not sustain the truth of the allegation of the Senator from Kansas.

Mr. INGALLS. I will read, to see whether it sustains the truth or not. I read from page 19 of the RECORD of this morning. I believe the Senator from North Carolina [Mr. RANSOM] is a member of the committee of conference.

Mr. RANSOM. Yes, sir.

Mr. INGALLS. Let me begin:

No. 45: Increasing amount for Cape Fear River, North Carolina, from $140,000 to $225,000.

No. 46: Cape Fear River, North Carolina, from Wilmington to Fayetteville, $30,000.

Nos. 47 and 48: Correcting name and increasing amount from $5,000 to $10,000 for Contentia Creek, North Carolina.

No. 49: Yadkin River, North Carolina, $25,000.

No. 50: Beaufort Harbor, North Carolina, $30,000.

Will it stretch to the crack of doom?

No. 52: New River, North Carolina, $5,000.

No. 53: Meherin River, North Carolina, $5,000.

Nos. 54 and 55: Increasing amount for Neuse River, North Carolina, from $5,000 to $35,000, and a verbal change.

No. 56: Roanoke River, North Carolina, $5,000.

No. 57: Pamlico and Tar Rivers, North Carolina, increasing amount from $5,000 to $10,000.

No. 58: Increasing amount for Trent River, North Carolina, from $5,000 to $10,000.

The Senator from North Carolina is a member of the committee of conference; the Senator from North Carolina is a member of the Committee on Commerce; and when I say that the amendments of the Senate which have been given away are those which relate to improvements in States where members of the committee do not reside, and those which have been accepted to and accepted are in States where members of the committee of conference do reside, I say the report is sinister and shameless. If the Senator from Minnesota desires to raise an issue of veracity between him and me as to the question whether my statements are true and borne out by the RECORD, I turn him to the RECORD which I have just read. I will go further:

No. 23: Increasing amount for Black Lake Harbor, Michigan, from $4,000 to $15,000.

Is the State of Michigan represented on the Committee on Commerce?

Mr. FERRY. I am not on that committee. If the Senator will allow me——

Mr. INGALLS. Is not the Senator's colleague on that committee?

Mr. FERRY. I desire to correct the statement. If that is in print, that is incorrect.

Mr. INGALLS. We do not want to agree to this report if it is incorrect. If the Senator from Michigan says that this is incorrectly printed, and that we are not in the possession of the exact information we do not want to agree to it.

Mr. FERRY. I desire, if the Senator will allow me, to read from the RECORD:

No. 23: Increasing amount for Black Lake Harbor, Michigan, from $4,000 to $10,000.

I rose simply to correct that. I am not on the Committee on Commerce; my distinguished colleague is a member of that committee; but I desire to correct the statement of the Senator from Kansas simply in that particular.

Mr. INGALLS. In what particular?

Mr. FERRY. As the Senator read the item the appropriation was increased from $4,000 to $15,000.

Mr. INGALLS. It is possible that I may have by defective eyesight been misled; but does that change the fact that there has been an increase in Michigan, and that the junior Senator from that State is a member of the Committee on Commerce?

Mr. McMILLAN. He was not on the committee of conference.

Mr. INGALLS. That is a very poor evasion.

Mr. McMILLAN. It is not an evasion, sir.

Mr. INGALLS. It is a very poor evasion.

Mr. McMILLAN. It is no evasion, sir.

Mr. INGALLS. It is part of the same policy which has been pursued by the advocates of this degraded, and base, and sordid bill from the outset.

Mr. McMILLAN. The Senator from Kansas made the statement that it was the members of the Committee on Commerce and the members of the conference who made these concessions, and I merely——

Mr. INGALLS. I have been establishing it pretty well so far.

Mr. McMILLAN. In the Senator's opinion perhaps he may. It would be well for him to wait until the whole truth shall be told. The Senator from Michigan was not a member of the committee of conference, and I merely wished to correct the statement of the Senator from Kansas to that effect, as his statement to that extent was not in accordance with the fact.

Mr. INGALLS. The sensitive Senator from Michigan, who says he is not a member of the Committee on Commerce, in which I think he is justified——

Mr. FERRY. I think I am just to the Senator from Kansas when he rises here to make corrections and misreads a fact. I am just to him and not sensitive only so far as protecting the Senate, which by a vote decided to increase the appropriation for Black Lake Harbor from $4,000 to $10,000, and when the Senator reads it as an increase from $4,000 to $15,000, it is an exaggeration.

Mr. INGALLS. I am not discussing the action of the Senate. I am simply endeavoring to substantiate the proposition I made that this report is sinister and shameless in that the amendments which have been agreed to have been those which relate to items in States represented by members of the Committee on Commerce, which reported the bill. I hope I shall be understood.

Mr. FERRY. I ask the Senator to read the amendments correctly.

Mr. INGALLS. I will proceed:

No. 24: Increasing amount for Frankfort Harbor, Michigan, from $10,000 to $15,000.

Nos. 25 and 26: Increasing amount for harbor of refuge, Lake Huron, Michigan, from $50,000 to $75,000.

No. 27: Increasing amount for harbor at Manistee, Michigan, from $10,000 to $15,000.

No. 29: Portage Lake, Michigan, increasing amount from $20,000 to $25,000.

No. 30: Increasing amount for Saugatuck, Michigan, from $5,000 to $8,000.

No. 31: Increasing amount for South Haven, Michigan, from $7,000 to $10,000.

I am not saying that these amendments were not just; I am not saying that they were not proper to be made; but I do say that the Senator from Minnesota was excessively wise and sagaciously prudent when he asked with so much plausibility that the Senate would simply concur in the amendments which had been agreed to by the conference without any further scrutiny or examination. He was very wise; I commend his sagacity.

But to proceed. I believe the State of Texas is also represented upon the Committee on Commerce. Texas was also especially fortunate. It is very singular, as the Irishman once said, that large rivers always flow by great towns; and it is not a less extraordinary coincidence that all these great national improvements are absolutely essential in the States where members of the Committee on Commerce reside—a coincidence which is certainly startling.

Nos. 68 and 69: Increasing amount for ship-channel, Galveston, Texas, from $50,000 to $94,500, to complete improvement.

No difference of opinion between the conference on that subject at all, not because it was in Texas, not because Texas was represented on the committee, but because there was something in the order of things and in nature itself which required that this appropriation should be made.

The Pacific coast has been acceptably provided for. I believe California had a member on the Committee on Commerce. Am I correct?

Mr. FARLEY. Yes, sir.

Mr. INGALLS. One in each House; doubly fortunate; piling Pelion upon Ossa.

No. 88: Increasing amount for Lower Willamette and Columbia Rivers from $75,000 to $100,000.

That is on the Pacific coast.

Mr. FARLEY. At what point?

Mr. INGALLS. The Lower Willamette.

Mr. FARLEY. That is in Oregon.

Mr. INGALLS. I say it is on the Pacific coast.

Mr. McMILLAN. Was that given away?

Mr. INGALLS. Given away? I have not said it was given away. I said it was agreed to by the committee of conference.

Mr. McMILLAN. But the Senator said that the Senate conferees had given away the appropriations in the case of amendments where their States were not concerned.

Mr. INGALLS. I said those which had been given away were in the States which were so unfortunate as not to be represented by members of the Committee on Commerce. I did not say all had been given away.

Mr. McMILLAN. Is that true here?

Mr. INGALLS. If the Senator will turn to the first paragraph of this report——

Mr. McMILLAN. I ask the Senator if that is true here?

Mr. INGALLS. I said, and say again, that those which had been given away were in States not represented by members of the Committee on Commerce.

Mr. McMILLAN. Does the Senator refer to the amendment he has just read, I ask?

Mr. INGALLS. I say that this is one that has been agreed to under, as I suppose, the solicitation of the Senator from California, who represents the Pacific coast.

Mr. SLATER. I should like to ask the attention of the Senator for a moment to the fact. The appropriation for the improvement of Yaquina Bay was increased in the Senate from $60,000 to $100,000 by a direct vote of 36 to 22, but $40,000 was given away by the conference committee in one of the most important parts of the country where improvements should be made, and $35,000 was given away in the appropriation for the Cascades.

Mr. INGALLS. That escaped my attention in the short time I have been able to give an examination to this report as amending the bill. If there is a single feature or an item that redeems it from absolute baseness, I am glad to know it, and I thank the Senator for calling my attention to this one gleam that illumines this black and gloomy horizon.

Mr. SLATER. Yes, but the improvement of the Cascades is made annually the same as the Mississippi. There is as great a proportion of commerce there, and it has greatly increased, and millions of dollars are being invested to reach the Yaquina Bay by capitalists in New York to-day.

Mr. McMILLAN. What was the report of the engineers in the volume of reports made in this case? Will the Senator from Oregon state that?

Mr. INGALLS. It has long passed beyond debate.

Mr. McMILLAN. Let us have the truth of this matter, and do not give a half presentation of the fact.

Mr. INGALLS. Let me proceed:

By amendment No. 34 the amount for Wilmington Harbor, California, is made $100,000, and direction is made as to the mode of expenditure.

Mr. McMILLAN. What was the amendment there?

Mr. FARLEY. The Senator will allow me to explain to him——

Mr. INGALLS. I do not want an explanation. It explains itself.

Mr. FARLEY. That amendment was cut down in the committee of conference from $125,000.

Mr. INGALLS. I am glad to learn that.

Mr. FARLEY. It seems the Senator is talking at random in reference to these propositions.

Mr. INGALLS. Everybody must be talking at random, because there has been no information given about these items.

Mr. McMILLAN. I ask the Senator to permit me to make a remark.

Mr. INGALLS. Go right on. I do not object at all.

Mr. McMILLAN. The Senator made a statement and has admitted now that he knew nothing about the facts.

Mr. INGALLS. I am trying to find out something, and have succeeded pretty well so far.

Mr. McMILLAN. It is a pretty late period.

Mr. INGALLS. We have discovered some facts very interesting so far. The committee of conference report an agreement in these particulars and a disagreement in regard to the four great propositions, the canal across the Chesapeake Peninsula, the Hennepin Canal, the improvement of the Mississippi River, and the reclamation of the Potomac flats. I do not propose to discuss the merits of any one of those different propositions; they have been already sufficiently considered in the Senate; but I say to the friends of those four amendments that if they agree to this partial and incomplete report of this conference committee, made as I have stated and described,

they practically abandon them to disaster and overthrow and defeat. That is exactly what it means, and nothing more.

Mr. McMILLAN. Mr. President, we all know that the Senator from Kansas is a paragon of perfection in everything that pertains to integrity; that anything he would do would be so far above suspicion that no member of the Senate would pretend to insinuate or cast a reflection upon him. He has attacked the report of the conference committee in terms ungentlemanly and unjust and without a particle of foundation.

In reading over the amendments which he has stated here to prove his position that the members of the conference committee upon the part of the Senate have given away amendments which were in favor of sections or States where they were not residents, and have retained appropriations and amendments in their own States recklessly, and maintaining by those citations his position that the report should not be sustained by the Senate, the Senator from Kansas ran against a stumbling-block in attempting to maintain his position, and he found that the facts were not as he attempted to inform the Senate.

In the State of California there was a reduction of $25,000 made upon one of the improvements in that State, represented by a Senator from that State upon the Committee on Commerce. In reference to the State of Michigan, the Senator from Kansas did not read all the amendments and the action of the committee of conference, because the Senate did recede from its amendment to one of the appropriations made for that State. In the State of Oregon, to which the Senator from Oregon [Mr. SLATER] has called the attention of the Senator from Kansas, although in regard to the appropriation for Yaquina Bay the appropriation was reduced, yet the engineer's report originally made and contained in the volume of reports recommended as the amount which could be profitably expended this year $60,000. The whole amount of $60,000 was incorporated in the bill by the House and there remained. In the Senate a vote was taken to increase that amount, and it was increased by the Senate against the protest of the Committee on Commerce, and it was done without the full consideration which should have marked the action of the Senate in the increase of an appropriation of that character. It comes with an ill grace from the Senator from Oregon to attempt to criticise the conference committee upon the part of the Senate in endeavoring to retain his amendment, because if that appropriation was reduced it was reduced because those who were on the ground on the Senator's own coast knew more about it than he does, or at least more than he has presented here.

Mr. SLATER. I did not undertake to criticise the conference committee. I merely called the attention of the Senator from Kansas——

Mr. McMILLAN. The Senator was attempting to furnish aid to the Senator from Kansas to maintain a position here which was false.

Mr. SLATER. No; not at all. I merely called attention to the fact that we were unjustly dealt with, in my judgment, in that matter.

Mr. McMILLAN. He was attempting to furnish aid to the Senator from Kansas to maintain a position which he could not do.

Mr. SLATER. If the Senator from Minnesota wants to put it that way, I have no objection.

Mr. McMILLAN. It was a position which the facts stated by the Senator from Oregon do not sustain, and it puts the appropriation for Yaquina Bay in a position where the Senate can understand the truth of it.

Then in the State of Florida an appropriation inserted in the bill by the Senate against the suggestion and desire of the Committee on Commerce was retained to one-half its amount by the Senate conferees.

Mr. JONES, of Florida. May I ask the Senator if there was anything very unusual, anything remarkable in that?

Mr. McMILLAN. No; I think the action of the conference committee throughout was usual and ordinary. I cite that fact for the purpose of showing that the statement of the Senator from Kansas is not true, and he ought to have known it; and if he had examined the reports and facts in this case he would have known it.

Mr. President, it will not do for Senators to come in here and make these rash and reckless statements. Has the Senator from Kansas no interest in this bill? Does the Missouri River lave the shores of the State of Kansas? Does the Senator deny that he has any interest in that river? Does he take no interest in the improvements made for the benefit of his constituents? For the Missouri River the Senate committee increased the appropriation in the bill as it came from the House $100,000, and in conference they have retained $50,000 of that increase; with what exertion, the committee know themselves. If the Senator from Kansas had taken any interest in his constituents he would have known that that was one item which the Senate conferees did not give away.

Mr. INGALLS. They gave away half of it.

Mr. McMILLAN. That was increase against the vote of the Senator against the bill and his denunciation of it when it was before the Senate in terms which were as unjustifiable and ungentlemanly as the remark made by him in the Senate to-day. It will not do for the Senator from Kansas to suppose that he can abuse the public in regard to this bill by denunciations such as he has uttered here without examination and without reflection, recklessly. If truth is to be qualified with such recklessness then it is time we should know it.

Throughout the whole history of this country the appropriations in river and harbor bills have been expended under the direction of the Chief of Engineers and the Secretary of War. I challenge any Senator upon this floor, I challenge any person elsewhere, to point to one instance of scandal which has arisen out of the expenditures of the money appropriated under the river and harbor bills. I refer to the action of the engineers of this country, the United States Army engineers, and I challenge the Senator from Kansas to point to one item of scandal that has ever arisen out of these appropriations.

Mr. INGALLS. The whole bill is a scandal in itself and has been for years.

Mr. McMILLAN. The Senator cannot sustain his position. Every item in the bill is sustained by the report, first, of the local engineers in charge of the improvement, by the recommendations of the Chief of Engineers of the United States Army, and by the adoption of that report by the Secretary of War. If other bills of appropriation, if other items of expenditure of this Government, were as free from scandal as the appropriations for rivers and harbors, then this Government could well sustain itself and every citizen of the country could be proud. There are no star-route scandals about the river and harbor bills; they are wholly free from such things. I challenge the Senator to point to an item of scandal in regard to these matters.

The Senator from Kansas has affirmed and charged that if the Senate should concur in this report it would be an abandonment of the amendments for the two canals, for the Potomac flats, and for the increase of the appropriation for the Mississippi River. I tell the Senator from Kansas that the charge is untrue. He has no ground whatever for saying so. He cannot cite a circumstance which would tend to prove that fact. He made that assertion recklessly, without foundation, and untruly.

The Senator from Kansas has been opposed to this bill throughout, and he has acted without intelligence on the subject. I fear not to submit this bill to the judgment of the American people. I fear not to let it go to my constituents and to the constituents of the Senator from Kansas. The country will decide this matter, and the Senator from Kansas cannot be permitted, as is his usual custom, to indulge in Billingsgate or slander when he attacks a bill reported by a committee of which I am a member.

Mr. SLATER. Mr. President, with the controversy between the chairman of the Committee on Commerce and the Senator from Kansas [Mr. INGALLS] I have nothing to do. At the time that the latter was bringing as it were the Oregon appropriations under the wing as he supposed of the Committee on Commerce, showing that Oregon was one of the favored States in this matter, I sought to correct his statement by showing to him that of all the States the appropriations voted and the increase voted in the Senate had been most ruthlessly attacked by that committee in regard to Oregon; that out of $100,000 appropriated as an increase $75,000 had been sacrificed in the committee of conference.

It is stated in the RECORD of to-day that the reductions effected by the conference committee amount to $346,000. Of that amount nearly one-fourth is taken from the State of Oregon alone and from two works of which no more important works are on the list of improvements, to wit, $35,000 at the Cascades, recommended to have $750,000, and $40,000 at Yaquina Bay, which was recommended in the engineer's report at $60,000 and subsequently raised to $140,000 by a special letter from the Chief Engineer. The increase of $40,000 for Yaquina Bay was voted in upon a yea-and-nay vote in the Senate, over the opposition of the chairman of the Committee on Commerce, and there were 36 votes in the affirmative and 22 in the negative, if I remember correctly.

I submit that when attention is called to these facts it is hardly proper for the chairman of the Committee on Commerce to say that I have arraigned the Committee on Commerce. I simply submit these facts, which are incontestable; and when I say that the interest of Oregon has been sacrificed in this matter I simply say what the record proves. I hope the conference report will not be concurred in.

Mr. LOGAN. Mr. President, I was criticised pretty sharply this morning because I did not vote for the bill. I presume that the reason why the Potomac flats item has been left out of the appropriations in the bill, for the conferees disagree as to that and the appropriation for the Hennepin Canal, which was merely an appropriation for a survey, and the appropriation for the Chesapeake Canal, which was merely an appropriation for a survey, was because they were of doubtful constitutionality, or something of that kind.

Mr. McMILLAN. Neither item is left out; it is disagreed to merely.

Mr. LOGAN. I understand that it was disagreed to; but if the House conferees had agreed to them, I suppose the Senate conferees would.

Mr. McMILLAN. That we would have agreed to keep them in?

Mr. LOGAN. Yes.

Mr. McMILLAN. Yes.

Mr. LOGAN. If there was some such reason, other portions of this bill might be subject to criticism on the same theory. I do not desire to criticise the bill, so far as I am concerned, except such criticism as will be perfectly apparent upon the face of it. I voted against

it, and my friend from Wisconsin seemed to be aroused very much because I did, and therefore thought probably it was well enough to leave the Hennepin Canal out because I did not vote for the bill.

I merely wish to call attention to one proposition in the bill. If there is a question as to the propriety or constitutionality of the survey of any canal, I should like for some gentleman who is so tenacious about the Constitution to explain to me why it is that a proposition like that relating to the reservoirs could pass through both Houses without criticism. The proposed improvement belongs in the State of the chairman of the committee, and I have nothing to say about it; I am merely going to read it as a parallel case to the one that I advocated here. I read from the text of the bill:

Reservoirs at headwaters of Mississippi River: Continuing operations, $300,000; and this sum shall be expended at such places on said headwaters of the Mississippi River and its tributaries as the Secretary of War shall determine.

But here is the point to which I wish to call attention:

That the Secretary of War be, and he is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises, and any materials of stone, timber, or other kinds that may be necessary and proper for the construction of said works. And in case the owner of such lands, premises, and materials and the Secretary of War cannot agree as to the value of the lands, premises, and materials taken or to be taken for said use—

Then they shall go before a court for the purpose of having it condemned. I want some one to tell me why it is that a survey of a canal connecting the great water-ways of this country from the West to the East for the benefit of commerce can be criticised, as subject to a constitutional objection or any objection, when the proposition in this bill is not only to buy land but to buy stone, and to buy everything necessary—for what? Not for making a canal, but for digging the earth out and opening a reservoir to let the water in, to hold it there in a kind of lake, I presume, and to let it out at some time when the Mississippi River is a little low. I do not know but that it may be beneficial; I do not say it will not be; it certainly would be for saw-mills below it, by giving them plenty of water; but whether it would be beneficial to the Mississippi River, I am not capable of saying.

Mr. McMILLAN. What do the engineers say?

Mr. LOGAN. I say I am not capable of saying.

Mr. McMILLAN. I ask what do the engineers say?

Mr. LOGAN. They may be capable of saying and they may not be. It is not every statement of an engineer that I would take, nor would any other man of good judgment take every such statement. I presume engineers will say that you may dig out holes large enough to hold sufficient water to increase the volume of water in the Mississippi River. Doubtless that is true if we would give them money enough to do it. You might dig out a large enough place for the Gulf of Mexico if you had money enough to do it; but for any one to say that a proposition to build a canal is objectionable so far as the Constitution is concerned, and then turn around and vote that you may dig holes in the earth for the purpose of holding water and letting water out, is an argument I cannot understand. I will only say to my friend from Minnesota that one of the reasons why I voted against the bill was that very proposition in it.

Mr. McMILLAN. I have not challenged the Senator's vote.

Mr. LOGAN. I know the Senator has not. The proposition for reservoirs has been agreed to by the House and by the Senate; hence it cannot be stricken out now; but I am only answering the criticism of my friend from Wisconsin on me for opposing this bill.

I could state many other reasons why I did not vote for the bill. I did not oppose it openly except by my vote. That was given I suppose as a reason why the conference should not agree to propositions for improvements in States where the Senators did not agree to all there is in the bill. That is no argument. That is the argument, I will not say of a child, because Senators are not children, but it would be probably such an argument as children would adduce. It is not such an argument as good judgment would afford against any proposition. The question as to a proposition is not whether a man votes for it or against it. The question is whether it is right, whether it is proper, whether we ought to do it.

I insist before the Senate that if we agree to the report of this conference committee thereby we exclude the propositions that they disagreed to. I do not mean that we directly do it, but we indirectly do so. Every Senator here who is in favor of the Chesapeake Canal or in favor of improving the Potomac flats, or in favor of an appropriation for the Mississippi River, or for the Hennepin Canal, who agrees to the conference report, will lose the proposition he is in favor of.

Mr. McMILLAN. No, sir.

Mr. LOGAN. Well, I say so.

Mr. McMILLAN. The Senator is mistaken.

Mr. LOGAN. I believe it. I know it occurred here in the Senate once before precisely in the same way. Some five or six years ago the Hennepin Canal was on an appropriation bill, voted on it almost unanimously by the Senate. The bill went to a committee of conference and they went through exactly the same performance that this conference committee has done, and the proposition was defeated. My judgment is that that will be the result again.

For that reason I protest against the agreement by the Senate to the conference report in any sense whatever. I am in favor of disagreeing to the whole thing and letting it go to a new conference committee.

Mr. KELLOGG. Mr. President, I happen to be a member of the Committee on Commerce, and I fully concur in what the honorable Senator from Illinois [Mr. LOGAN] has just said in regard to the course he desires to see taken in the Senate in respect to this conference report. I also desire to set myself and others who I think entertain the same view right in regard to the appropriation looking to the improvement of the Mississippi River, as to what the Senator from Kansas said charging that the members of the committee of conference and the members of the Committee on Commerce not on the conference committee had taken good care to see that their interests were provided for.

In looking over the report of the committee of conference I find five or six amendments of the Senate not concurred in, among them the very important amendment, in my opinion, and I think in the opinion of all the Senators from the Mississippi Valley, namely, the appropriation of $5,000,000 for the improvement of the commerce and navigation of the Mississippi River. That is an appropriation which received the unanimous vote of the Senate in a separate bill, and which met with not one single voice or vote of dissent when that amendment of the Senate in the river and harbor bill was before the Senate for consideration. It is an appropriation which has received the signal approval and commendation of the President of the United States in a special message to Congress.

I take it for granted that every member of the committee of conference designated by the Senate was in favor of the appropriation for the improvement of the Mississippi River. Am I right?

Mr. McMILLAN. Yes, sir.

Mr. KELLOGG. And that the opposition if there was any came from the conferees of the House? Now, I am quite sure there is no member of the House from the Mississippi Valley who would not say if asked, without qualification or hesitation, that he is in favor of this appropriation. Therefore I assume that the conference committee of the House were backed by a unanimity that knows no wavering on the part of the members of the House from the Mississippi Valley.

The President of the United States, in a message sent to the Senate on the 18th of April, 1882, said:

I transmit herewith a letter, dated the 29th ultimo, from the Secretary of War, inclosing copy of a communication from the Mississippi River commission, in which the commission recommends that an appropriation may be made of $1,010,000 for "closing existing gaps in levees," in addition to the like sum for which an estimate has already been submitted.

What is that estimate? The estimate submitted by the Mississippi River commission, sent to both Houses of Congress through the Secretary of War at the commencement of the session, estimated:

For initial work for contracting the channel and protecting caving banks on six reaches of the river, constituting a length of 184 miles, namely, New Madrid Reach, 40 miles long; the Plumb Point Reach, 30 miles long; the Memphis Reach, 16 miles long; the Helena Reach, 30 miles long; the Choctaw Bend, 35 miles long, and the Lake Providence Reach, 30 miles long, $3,113,000; for closing existing gaps in levees, $1,010,000; total, $4,123,000.

These were gaps that existed at the time that this report was framed and when it was sent to Congress. Then came the floods of last spring, which inundated that whole country until a stretch of water nearly fifty miles wide and a thousand miles long could be seen, broken only by the débris of floating houses, barns, and cottongins, save here and there a planter with his family turned loose upon the surging waters waiting for a passing steamboat to take them up and convey them to some place of safety.

Because of this great calamity the Mississippi River commission transmitted a letter to the Secretary of War saying that in view of the crevasses occasioned by the recent floods it would be necessary to add $1,010,000 to the estimate already made by them to Congress at the commencement of the session, and to which I have just called the attention of the Senate.

I shall not trouble the Senate to read the letter of the Secretary of War or the message in detail or the communication containing the estimate. This supplemental estimate asks that $1,010,000 be added to the estimates for the next fiscal year made by the Mississippi River commission in October, 1881, for works of channel improvement. As I have said, the President thought it was sufficiently important to send a special message to Congress, and upon that message and the estimates made the Senate by a unanimous vote appropriated $5,000,000. I may add that the estimates exceeded this appropriation by $123,000.

After the House passed the river and harbor bill, among other communications addressed to Senators—I received several—one was sent to the honorable Senator from Arkansas, [Mr. GARLAND,] written by Patrick Henry, who was one of the commissioners sent here by the levee convention, which met some months since in Saint Louis, to consider this great question of the improvement of the Mississippi River. I happen to have it before me. I will ask the Secretary to read this letter for the information of the Senate.

The Acting Secretary read as follows:

CLARKSVILLE, TENNESSEE, *June* 21, 1882.

MY DEAR SENATOR: As the Senate is about to vote upon the appropriation bill for the improvement of the Mississippi River, I take the liberty of reminding you that the last million asked for by the commission is the one that most interests the people in the bottom, and I hope you will use your best endeavors to have that amount included in the appropriation.

The commission first asked for so much for improvement at various points, and for one million and ten thousand for closing the existing gaps in the levee; but

when Colonel Percy and I were in Washington they asked an additional million and ten thousand for closing the gaps made by the great flood of this winter.

Now, as I have said above, the only hope for relief of the people who have suffered so much in this way is in the last million asked for, and which the President has recommended.

* * * * * * *

Very respectfully,

PATRICK HENRY.

Senator A. H. GARLAND.

Mr. KELLOGG. It will be noticed that Mr. Henry refers especially to the appropriation of $1,010,000 estimated for by the supplemental report of the Mississippi River commission under date of March 2, 1882, transmitted with the special message of the President to which I have referred. This communication is one of a score or more addressed to the members of one committee or the other and to myself, asking that when the river and harbor bill came up for consideration $1,010,000 should be appropriated for the purpose of closing the crevasses and gaps occasioned by the floods of last winter and last spring, which were so disastrous in their nature.

The estimate of $4,123,000 is for the five reaches commencing at New Madrid and ending at Choctaw Bend.

The Mississippi River improvement commission know what they want, and they say in their report that for the fiscal year there can be economically and properly expended $4,123,000 on these five reaches. That does not include the gaps occasioned by the inundation of last winter and last spring. The supplemental report sent by the President says that there can be and there ought to be appropriated for the purpose of closing the gaps occasioned by the recent disastrous floods $1,010,000 in addition to the $4,123,000 estimated by the Mississippi River commission in their report to Congress at the commencement of the session.

I desire to call the attention of the Senate also to the fact that in the appropriation contained in the river and harbor bill as it came from the House the improvement of the harbors of New Orleans, Vicksburgh, and Memphis is included, although there are estimates on your table and which were before that committee of some $600,000 for the improvement of those harbors. Now, if these harbors are to be improved according to the estimates made, it must come out of the appropriation of $4,123,000 estimated for by the Mississippi River commission.

Mr. McMILLAN. I cannot understand——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. KELLOGG. Oh, yes.

Mr. McMILLAN. I cannot understand what the Senator from Louisiana means by his remarks. The Mississippi River has not been left out by the conference committee. There has been a disagreement. The Senate committee have insisted upon retaining that amendment, and why does the Senator from Louisiana talk as he does about the Mississippi River being left out?

Mr. KELLOGG. The Senator is doing me the greatest possible injustice.

Mr. McMILLAN. The Senator from Louisiana is a member of the Committee on Commerce.

Mr. KELLOGG. In the outset of my remarks I asked the honorable Senator from Minnesota if it was true, as I understood, that the conferees on the part of the Senate maintained that the amendment made by the Senate increasing the appropriation $1,010,000 should be retained, and that they adhered to the Senate action, and he said they did. I am not blaming them; I am not criticising them. I am endeavoring to call especial attention to the justice of the claim on the part of the Senate that the amendment of the Senate to the House bill be firmly adhered to by the Senate, and that its conferees hereafter insist upon its adoption on the part of the conferees of the House. I want to impress upon the Senate that it is not just to agree to the numerous amendments of the Senate, affecting small and inconsiderable rivers, comparatively speaking, while such great and needed works demand the attention of Congress, with the approbation of the country, as the proposed appropriation of $500,000 for the much-needed improvement of the Potomac flats, $1,010,000 for closing gaps occasioned by the inundation and flood of last winter and spring, the Chesapeake Canal, and the Hennepin Canal. Let all of these appropriations be agreed to. I submit they are quite as meritorious and just as any appropriation contained in the bill.

One word more. There is an appropriation of $15,000 for Bayou La Fourche, in Louisiana, for which the Secretary of War transmits a communication, in answer to a resolution I introduced in the Senate, saying that $15,000 could be profitably expended at the mouth of that bayou, a bayou of great importance to the rice and sugar planters of the lower portion of the State of Louisiana, and I see that is left out. I submit this is not just.

Finally, I appeal to the Senate in behalf of the special message of the President, a harbinger of glad tidings to the residents of the Mississippi Valley as it was. He deemed the appropriation that he asked for of sufficient importance to challenge the attention of Congress by a special message. I ask that the just request of the people of the Mississippi Valley, suffering as they are from the recent inundations and floods, be complied with at the hands of Congress, and that an additional appropriation of $1,010,000 be added, especially when you consider, as I have already said, that by the House bill the appropriation therein includes the harbors of New Orleans, Vicksburgh, and Memphis, for which about $600,000 was estimated, and that if really applied, as it should be, to the improvement of these harbors it would reduce the House appropriation to some $3,500,000.

Mr. BECK. Mr. President——

Mr. MORRILL. I desire to inquire now whether the tax bill does not come up without any motion? If it does not, I shall move to postpone this river and harbor bill until Monday, as I think it would bear perhaps investigation, and besides I think we should be likely to agree to it in less time after it has been considered, and I desire to get through with the tax bill to-day, and if not to-day certainly to-morrow.

Mr. RANSOM. Does not a conference report take precedence of everything?

The PRESIDING OFFICER. The Senator from Kentucky has the floor, and when the Senator is through the question of order can be stated.

Mr. MORRILL. If we do not get through with the tax bill to-day I shall insist on finishing the bill to-morrow, and therefore I want all the time for it. I think the bill comes up without a motion at two o'clock.

The PRESIDING OFFICER. A question of order has been raised by the Senator from Vermont.

Mr. BECK. I had the floor before the question was raised.

The PRESIDING OFFICER. A question of order can be raised at any time. The Chair will decide it. The Secretary will read the rule.

Mr. BECK. I do not know who had the floor to raise a question of order. I have said nothing out of order.

The PRESIDING OFFICER. That is true; but the question of order can be raised at any time.

Mr. BECK. And take me off the floor if I am not out of order?

The PRESIDING OFFICER. The rule will be read and the Chair will give his decision.

Mr. BECK. I have been trying for an hour and a half to say a word.

The Acting Secretary read Rule 49, as follows:

The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

The PRESIDING OFFICER. The Chair decides under that rule that this matter continues in order until it is disposed of by a vote of the Senate.

Mr. BECK. I am glad to hear that. Now, sir, I have but little to say——

Mr. MITCHELL. I rise to a question of order. I desire to inquire whether debate is in order on the presentation of a conference report?

The PRESIDING OFFICER. It is. The Chair so decides.

Mr. MITCHELL. Under the rule just read?

Mr. INGALLS. On the question of taking up the report debate is not in order under the rule.

Mr. BECK. I rose at first simply to ask a question, but failed a good many times. Now I desire to say that it is utterly impossible for any committee of conference to obtain all that they want. The House of Representatives of course has its rights, but I do not understand that the conferees on the part of the Senate have given away anything. They have reported the truth; they have agreed to a certain number of items on which the two Houses were at a disagreement; and as to others they have failed to agree. I suppose that they merely gave us information as to what they had done, and made a report of the facts. We can agree to the report as a whole, and if we do not then we shall appoint either the same three conferees or three others, still insisting on the amendments we have made and telling them to go back and do the best they can.

I do not understand that the Senate is obliged to agree to anything, notwithstanding they tell us that up to a given point they have agreed. Suppose different men altogether are appointed, and they may be, will these three other conferees be bound by what the three former conferees have done, or if the House appoint three other conferees will those three conferees be bound by what these have done?

Mr. DAWES. They will be bound so far as these conferees have agreed and we accept the report.

Mr. BECK. Oh, no.

Mr. DAWES. Certainly.

Mr. BECK. The report has to be accepted or rejected as a whole.

Mr. DAWES. Allow me a moment.

Mr. BECK. Wait a moment.

Mr. DAWES. Let me call the Senator's attention to what the report is.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECK. Certainly; I am always delighted to hear him.

Mr. DAWES. The report recommends that the two Houses agree so far, and by the acceptance of the report the two Houses have agreed so far, and the report recommends that the two Houses stand disagreed as to the other amendments.

Mr. BECK. This is my idea about it. The whole binding part of

the report is that the conferees of the two Houses have failed to agree, and when we appoint new conferees they have a right if they see fit to go over the whole bill. That has been the way practically when we disagree upon appropriation bills. I have served with the Senator from Massachusetts many a time on conference committees upon these bills. When we agree to certain things the conference disposes of them and goes on with the other amendments, but they are not bound to do it; they can go on *ab initio* and consider the amendments all over again. But in this case there seems to be so much heat and so much temper, much of which I think is wholly unnecessary, that it would be far better just to say, "Let us agree to this report and insist on our amendments," and tell these gentlemen to go back free, without any embarrassment from any agreement heretofore made, and they may meet the same conferees on the part of the House or they may meet others; leave it all open. Any vote we can take that leaves it all open is the best vote the Senate can give in view of the present temper of the Senate. We can agree to this report and insist on our amendments; tell the conferees to go back and start again and let us come to some conclusion.

I have no idea that any man on the part of the Senate gave away anything because it belonged to some other State, or that he claimed any advantage because an appropriation was for his own State. The Senator from Massachusetts knows well the nights he and I have sat in conference week after week, the House conferees folding their arms and the Senate conferees folding their arms and saying, "We will not agree. What are you going to do about it?" Something has to be done. We have to get together.

I am one of the men who voted against the river and harbor bill, and I voted against it mainly for one reason. There was a provision put into it in the House giving $300,000 for reservoirs at the headwaters of the Mississippi River, which I think means $10,000,000, perhaps $20,000,000, finally, under some idea that the engineers have got that they can build ponds away up near the Lake of the Woods that will flood the Mississippi River in dry seasons and make navigation possible there, which, with all due respect to the engineers, I regard as so absurd that I could not afford to vote for a bill which I knew was going to have that effect. It was amended in the Senate by adding the following provision for a survey to continue the system:

The lakes near the headwaters of the Cannon River, in Rice and Le Sueur Counties, Minnesota, with a view to adding the same to the reservoir system of the Mississippi River and its tributaries.

You might as well pour water out of a tea-kettle into the bay of New York with the expectation of raising the Atlantic Ocean as to attempt to improve the navigation of the Mississippi River by building ponds up there near the Lake of the Woods, that will do no more than float a saw-log down to a saw-mill at Minneapolis. I have traversed that river to its source. I have boated over it, I have waded in it, and I know all about it; and that is such an absurdity that I cannot vote for the bill with that provision in it. So with several other provisions.

What I rose to say was that we should get out of this tangle in some way; reject the report, do anything, send the three same gentlemen back, saying the Senate is satisfied with the truth they told them, or with what action has been taken, and let them go to work and close this bill in some way or other. That is all I want to do.

Mr. DAWES. Mr. President, I agree with the Senator from Kentucky that there is not in this report the slightest evidence that our conferees have given away anything. It is because they have not given away anything, it is because they have insisted and refused to give away these important matters that there is a disagreement as to any of these items. It is because they have refused to give away the items that are considered important and which, in my opinion, are almost all there is in the bill which justifies a vote for it—it is because they have insisted on these very items in the bill that we are here over any disagreement. The Senator from Kentucky is mistaken if he supposes by an acceptance of this report the conferees will be free to consider anything except these amendments that they report a disagreement about; and the reading of the report will disclose that they recommend "that the Senate recede from its amendments numbered 13, 15, 16, 20, 36, 65, 66, 67, 70, 71, 74, 87, 93, 96, 107." The House have agreed to that, and if we accept this report we have agreed to it, and we have receded from these amendments.

Mr. BUTLER. I understand the Senator from Kentucky to propose that we disagree to the report, not to agree to it.

Mr. DAWES. Then they recommend "that the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6," &c. When both Houses agree to that it is perfectly evident that the matter is concluded and the two Houses have agreed on so much of the bill. The only way to leave these conferees free, uninstructed, is to reject the report entirely, which I hope will not be done. I think that as far as they have agreed the matter had better be closed. I would not vote for the report if I supposed the result would be that we should lose the items as to which there is a disagreement. It was the very items upon which there is a disagreement that induced me, as I stated in the Senate, for the first time in ten years to vote for a river and harbor bill, and the Senate conferees have insisted upon those amendments. Instead of being charged with giving them away, they have insisted upon those very items, and I hope they will continue to insist on them.

Mr. RANSOM. Mr. President——

Mr. FERRY. Will the Senator allow me to ask the Senator from Massachusetts to state further, which I think he did not in that connection, and I agree with him entirely——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. RANSOM. For a moment, and only for a moment.

Mr. FERRY. The Senator from Massachusetts did not further state that if the Senate agrees to this report it leaves free to the conferees only the items upon which the two Houses have disagreed.

Mr. RANSOM. Mr. President, in the few words that I shall submit to the Senate I shall not forget what is due to the Senate and what is due to myself. Whatever laurels are to be won in the field of crimination, whatever character is to be made by charges which cannot be sustained, whatever credit there may be in assertions that shall be proved to be untrue, I shall leave to Senators who are ambitious to indulge in that style of debate. I trust that I shall never think it any part of my duty to bandy epithets here or elsewhere. Mr. President, it has been charged that the report of the conference committee was a device "to give away," to use the expression of Senators, the four items upon which there is a disagreement between the Senate and House. Upon that point I desire to say, with as little of egotism as possible, that if any Senator in this body or any member of the House could possibly feel a deeper interest in the principal item of those in dispute—the Potomac flats—than I do, I should be greatly surprised. How is it possible with common intelligence, with common honor, after what has taken place on this floor in the last ten days, that I could knowingly propose or consent to a plan to surrender the appropriation for the Potomac flats.

Sir, nothing could be more absurd or more unjust. Did not each member of the committee of conference of the Senate vote for the canals which are in dispute? Did not each one of us vote for the Mississippi River amendment, and are we not here to-day asking the Senate to stand by us in our disagreement to the action of the House on those measures. And because we come to the Senate with what we have done and ask the Senate to agree with us so far and no farther, and to insist upon its other amendments, Senators are seized with a sudden suspicion that this is a device to "give away" this question. Mr. President, I deny it. I protest against it. There is not a word of truth, there is not a word of probability in it. It has no foundation whatever in reason or in common fairness. No such idea, I suppose, has entered the brain of any one of the Senate conferees, to give away anything without the consent of and after consultation with the Senate.

Mr. President, a person in the galleries of the Senate or a stranger who shall read the RECORD of to-day's debate and see what has been said would suppose that there were tricks and devices in this body; he would fancy that there was a way of carrying measures through this Senate which Senators could not detect; that there were cunning methods of accomplishing legislation here unjust to the country and dishonorable to Senators. I deny it, sir. Nothing can go through this body, if Senators are just to their duty, without the light shining upon it, without its being discussed, without its being understood, without its being comprehended in all of its details. Nothing can be further from the truth than such an intimation.

It does not become me to lecture Senators, and I shall not undertake that task. I have no right to do it. The rules of the Senate give me no authority to attempt it, and certainly in my own breast I feel no such disposition. But I say statements of the character made here to-day are unjust to the Senate; they are calculated to diminish it in the eyes of the public; they are calculated to wrong it in the general opinion of the people of this country, and they are as unjust to the Senator who made them as they are to the Senate itself.

Let us look at this subject, and I wish attention to it because it has become very common when it suits the taste of Senators to reflect upon the conduct of committees of conference. Let me show now, if the Senate will bear with me for a few moments, that every charge made against this committee is unjust and unfounded. Not an insinuation but a bold assertion has been uttered that the committee of conference has been governed by selfish motives in its action on this bill, and that assertion is attempted to be proved by the statement that the members of this conference committee have taken care of what are called their own amendments, the amendments affecting their own States.

Look at the six New England States, beginning at Maine. Of the twelve Senators representing the great New England States there are but four who voted for this bill. Not one of these Senators is on the Committee on Commerce; not one is on the committee of conference. No interest there; nothing but the sense of disinterested duty actuated the committee. Look at the report of the committee of conference, and not an amendment has been stricken out from any one of the New England States. Rhode Island stands intact, Massachusetts intact, Connecticut intact, New Hampshire intact, Maine intact, and every New England State has retained upon the conference report every amendment which the Senate put upon the bill. Does that sustain the charge which has been made on the floor of the Senate that we were governed by selfish considerations?

Look next to New York, that great, grand, magnificent State—I shall not consume time to speak of it—that empire in itself. That State

is represented on the Committee on Commerce by my friend, [Mr. MILLER,] who represents it certainly with great fidelity. If I am wrong the chairman of the committee will correct me, but in New York many of the amendments I know have been stricken off.

Mr. McMILLAN. And others reduced.

Mr. RANSOM. And others reduced.

Mr. MILLER, of New York. Nearly all of them have been reduced.

Mr. RANSOM. What becomes of the charge of the selfishness of the Committee on Commerce? Go next to the State of New Jersey; there everything is retained, though I believe there was no change proposed in New Jersey. Go to Delaware, little, glorious Delaware. Her Senators had induced the Senate and the committee to put on three amendments for the State, each for $10,000—one for Indian River, one for Saint Jones River, and one for the Christiana. Two out of the three were retained by this selfish and sinister committee of conference. Go to Maryland. The State of Maryland on the committee of conference was represented by a gentleman who is also upon the Committee on Commerce of the House, a gentleman whom I will not do the injustice to speak of here, but known to the whole country as an able, faithful, conscientious, and experienced Representative. On that committee he had all the devotion that a man can feel for his State, exerted an influence second to no member of the committee, and yet you find the State of Maryland on this report of the committee of conference with the amendment for Annapolis rejected, the amendment for Saint Jerome's Creek reduced, the amendment for Elk River reduced, and a dispute over the Chesapeake and Delaware Canal. Was that selfish consideration for members of the committee of conference? Go next to the State of my friend here, [Mr. JOHNSTON,] great, grand, old Virginia. Every amendment that she put on the bill in the Senate is retained. Go to West Virginia. She has no member on either committee in the House or Senate, and her amendments are retained. Go to Kentucky, and every amendment she secured in the Senate is retained with a proper reduction; that State which votes against the bill.

Mr. WILLIAMS. I always vote for the bill.

Mr. RANSOM. My friend from Kentucky [Mr. WILLIAMS] corrects me; he always votes for the bill. Go to Alabama; her amendments are retained. Go to Georgia; her amendments, which were adopted by the Senate, are retained. Go to South Carolina, and all her amendments are retained. Go to Florida, and my friend on my left [Mr. JONES, of Florida] knows that his amendment has been retained in part, increasing the appropriation for Pensacola Harbor to $50,000. Go to Louisiana. The Senator from Louisiana [Mr. KELLOGG] is on the Committee on Commerce, and if the statements made here had one particle of truth in them of course he would have been taken care of, and yet there is no State that has had more amendments stricken off than the State of Louisiana. Was this selfish provision for the Committee on Commerce? Go to California and there you find the chief of the conferees of the House, Mr. PAGE, if I may call him by name, devoted to his State, working day and night to accomplish her great improvements, and the amendments that the Senate put on the river and harbor bill for that State are decreased $25,000. Go to Missouri, the young, beautiful, growing, powerful State of my friend over the way. Her Senator [Mr. VEST] is on the Committee on Commerce, a most influential and potential member of that committee, who seldom if ever fails to accomplish his wishes and whose devotion to his State is unsurpassed, and yet of the amendments for Missouri $50,000 was taken off of the Missouri River and $5,000 off the Currant—over half of the Senate amendments on the bill. Wisconsin, too, has not been disturbed in her amendments. Iowa and Illinois have retained their amendments, and the committee of conference has appealed to the Senate to insist on the amendment for the Hennepin Canal. Indiana is substantially untouched, and there is not a State in the Union which has not been fairly dealt with by the committee of conference. All have been treated justly and impartially. Then go to North Carolina. That State seems to be the burden, the trouble to certain Senators. What do you find? North Carolina on the bill as it came from the House, as I have heretofore stated, had but few and small appropriations. After a debate of some length the Senate, by a decided vote, adopted each one of the amendments proposed for her improvements, and when we went to the committee of conference, if I may be allowed to say it, not one word of objection, not one suggestion was made in reference to their abatement or reduction, because the committee of the House and the committee of the Senate knew that North Carolina had not received more than her just rights on the bill.

Mr. PLUMB. A fair divide!

Mr. RANSOM. I do not understand this question of what the Senator calls a divide on the river and harbor bill. In reference to North Carolina I have this to say: I may have been very wrong in my apprehension of the duty of a Senator; I may have misconceived what his position and what his aspirations should be; but I have always believed that the highest and best duty a Senator could perform was to be conscientiously and persistently faithful and devoted at all times to the rights and interests and honor of his State.

If it be a crime to be true to your State then I am guilty of that crime. If there is a Senator on this floor who was ever known to ask that his appropriation should be stricken down, if there is a Senator on this floor who volunteers and electioneers to reduce and diminish the appropriations for his own State, he will be, in my judgment, a phenomenon in American legislation. I did and I shall do, and I pray to God I always shall do, everything I can for that people, and I trust that the day will never come when it shall be considered a subject of reproach that a Senator is true to the interests of his own State.

Sir, if I may be allowed to say so, if I could be allowed to be relieved from the obligation of silence that rests on committees, the Senate will bear me out when I declare that by no act of mine, by no word of mine, by no intimation of mine, have they been induced to do anything but common justice to the great State that I in part represent.

I have shown, I think, Mr. President, in the clearest manner that every charge against the fairness and impartiality of this committee is without foundation in fact or argument. I have demonstrated that it has taken fully as good care of all the other States as it has taken of the States which the members of the committee represent. I have proved that not one shadow of the charge made against the committee has any foundation in fact, in reason, or even probability. With these facts, indisputable as they are, I submit the question to the Senate.

Mr. PLUMB. Mr. President, I have no interest in the personal controversies which have grown out of this report. I voted against the bill, not because it had not good things in it, but because it had so many bad ones. I believe it will result in wasting about half the money that is appropriated, and I regret to see that the Senate conference committee have been led in some way into the error of making the bill a great deal worse.

There is one item in which I have great interest, and that is the improvement of the Missouri River. In the first place, I think the committee have exceeded their power in their treatment of lines 977 and 978. I speak in this matter with some diffidence as I am not authority on parliamentary questions; but the item as it came from the House provided for an appropriation of $800,000 for improving the Missouri River from its mouth to Sioux City, Iowa. The Senate amended it by inserting $900,000, increasing it $100,000, not touching in any other way the paragraph. I conceive that gave to the conference committee jurisdiction alone of the question of amount about which the two Houses had differed. I do not understand that a conference committee gets jurisdiction of anything except the subjects of difference between the two Houses; but in this case the committee have taken up that paragraph and inserted in it a specific direction in regard to the work, which was not in controversy at all and was not the subject of differences between the two Houses, in addition to which they have amended the amount of the appropriation.

The parliamentary question I do not care anything about, except as it touches matters of substance. I believe, however, as I said, that the committee in this case have exceeded their power, and to that extent the report ought to be treated as absolutely void. They have inserted a direction for the work, which I will read:

After the word "Iowa" insert "including such harbors on said river now in course of improvement as in the judgment of the Chief of Engineers will benefit commerce and navigation."

It should be borne in mind that there had been no difference on this question at all; the House had not passed upon it, and no one in the House had suggested that there should be any limitation or any restriction in regard to the expenditures of the money appropriated. It was to be left to the judgment of the engineers. Now, without the action of either House, without the instruction of either House, the committee themselves evolving out of their own inner consciousness this scheme or plan of improvement, have inserted that in their report to be put in the bill, not by the Houses ordinarily acting on amendments to a bill, but acting on a committee of conference report.

Mr. McMILLAN. Will the Senator permit me to make a word of explanation?

Mr. PLUMB. Yes.

Mr. McMILLAN. In conference the House conferees determined to have the whole amount of the Senate amendments stricken off, and by way of compromise and settlement of that we agreed to divide the sum, conceding to them this amendment proposed by them as to the harbors. The Senator will remember that when the bill was in the Senate both Senators from Nebraska offered an amendment and were very anxious to have this specification made, and the chairman of the Committee on Commerce raised a point of order on their amendment, and it was excluded. So that when we came into conference we believed that where the amendment modified the amount we could concur in that with an amendment, which is in a modified form the amendment proposed by the Senator from Nebraska, and we supposed it would meet with the approbation of the Senators from that region.

Mr. PLUMB. If I am any judge of the force of language or ideas, I say that the statement of the Senator from Minnesota weakens his position. He says that because an amendment was rejected in the Senate, therefore the committee of conference had jurisdiction of it.

Mr. McMILLAN. Oh, no; I did not say that.

Mr. PLUMB. That is what it comes to. It was rejected in the Senate, the Senate refused to entertain it, and this is an attempt to

do that which the Senate, acting in its capacity as one of the branches of the Legislature, had decided not to do, and which it had practically taken away from the jurisdiction of the committee of conference.

Mr. McMILLAN. It was ruled out on a point of order. I do not know what the parliamentary law is, but I supposed the committee of conference had power to make that amendment.

Mr. PLUMB. I respectfully differ on that point with the Senator.

Mr. McMILLAN. This amendment leaves the matter in the discretion merely of the engineers.

Mr. PLUMB. From year to year for many years appropriations have been made for improving sundry portions of the Missouri River. I have in my hand a dispatch I have just received from an eminent officer of the Army, himself, until he was promoted to be major-general, an officer of engineers, now serving, as he has for many years, on the banks of the Missouri River, well qualified to judge of the effect of the expenditures heretofore made, and he says this not in response to any inquiry from me about this matter but simply closing a dispatch about another matter:

Unless money for improvement of Missouri River be thrown into the river the greatest care should be taken, for in the opinion of engineers all the work has been a complete failure.

It does not need the authority of a major-general or anybody else to state that, but it has been the manner in which Congress has expended money, I have no doubt, which has made the trouble. Any one familiar with the Missouri River and with the result of the expenditures which have been made upon it can see just as plainly as a major-general of the Army or any engineer that the money might just as well have been thrown into the channel of the river and floated away.

This bill was conceived with the idea, which I think is a proper one, that a change was necessary, and the most obvious change was to give a gross sum and put it in charge of the engineers to devise a comprehensive system of improvement and spend the money in such way as would result in putting improvements upon the river which would stay there, so that when once made they would not need to be repeated. But here we find the committee going back to the old principle which the committee itself had sat down upon, and which this body had sat down upon, of giving a direction that it should be spent for improving the harbors along the river, precisely the mode of expenditure heretofore which has resulted in absolute and entire waste of the money.

It is true that the Senator from Minnesota may make a verbal criticism on this amendment and say that because it does not say it shall be so done, therefore it is in the discretion of the engineers. But "a wink is as good as a nod to a blind horse." When an engineer or any other officer charged with the discretion of the expenditure of this money finds that Congress has undertaken to say, even qualifiedly, how that discretion shall be exercised, he will be very willing to absolve himself from responsibility by simply following it; and the result will be if this is put in that the money will be spent for the improvement of harbors, levees, and things of that kind, while the channel between them is absolutely left to take care of itself, and the navigation will not be improved one single particle under this provision if this amendment is allowed to be tacked onto it.

There could be nothing worse, nothing more subversive of the idea of the committee than this amendment here proposed; and it is singular to me that after this matter had received the sanction of both committees and both branches of Congress, when no question was raised about it except that raised by the amendment of the Senator from Nebraska, which was to put a certain portion of money at points above Sioux City in Iowa, the conference committee should have undertaken to violate the action of both Committees on Commerce, the action of both Houses of Congress, to fly in the face and eyes of both and divert the money when that diversion results in the absolute loss of the appropriation.

Mr. SAUNDERS. Will the Senator please tell us where he wants to have the money spent on that stream?

Mr. PLUMB. If I were an accomplished engineer as the Senator from Nebraska is, I should endeavor to enlighten the Senate as to the place where this money should be spent. I propose hereafter, in place of inserting in the bill that part of it shall be put in the harbor of Booneville, and part to the harbor of Brownville and Sioux City, and so on, to leave it to the engineers and let them say what expenditure of money is necessary to improve the navigation of that river. The landings should be left to take care of themselves.

This simply means a little expenditure around various towns for local purposes and with a local object in view, and in view of which the improvement of the navigation of the river is entirely lost sight of. You might just as well, and a good deal better, have stricken the entire amount out of the bill as to have inserted that proviso; and I say now under no circumstances will I consent, so far as I can avoid it, to any action of any kind on this report except that the committee of conference shall do that, and that only, which it was required by the vote of the two Houses to do, to wit, take up these matters which are the subjects of difference between the two Houses and until they have receded from this vicious amendment which, in violation of parliamentary law, they have sought to put on this bill.

Mr. SAUNDERS. I am a little astonished at the position the Senator from Kansas [Mr. PLUMB] takes. Indeed, I may say now that it looks to me as though there was some little meaning to his opposition to the bill the other day. He let the bill alone until it came to voting on it, and then voted against it, stating his opposition to be to the manner in which the money was to be disposed of. It seems now that he thought there was something in the appropriations for the Missouri River that was probably favorable to himself, and therefore he was willing to have the rest of us pass the bill while he opposed it. The Missouri River appropriation stood a little different from that for the Mississippi River; otherwise I should have been the one to oppose the bill. The appropriation for the Mississippi up as high as Cairo was to be spent under the direction of the Mississippi River commission. Above that it seems to have been left to the direction of Congress and to the Engineer Corps under the direction of the Secretary of War.

Yes, Mr. President, I did offer an amendment the other day, when this river and harbor bill was up, which was ruled out, as I thought at the time wrongfully, but I submitted to it.

But, sir, these points on the Missouri River where the work has already been commenced and where money has been already expended, must now have further attention or all will be lost that has heretofore been expended. Take the point where I live, Omaha. Within the last week one of the largest boats in the Upper Missouri River came down and was grounded on a sand-bar within five minutes' run of the point where it wanted to land, and lay there nearly a whole day. Why? Because in the Missouri River near that point a cut-off took place a few years ago, where it was five miles around and the cut-off line was only about a half mile long. The water cut into the bank and formed a kind of pocket where the boats have great difficulty in getting out. They hardly ever fail to stick there. Last year there was a considerable sum expended under the direction of the War Department in trying to relieve and better the navigation of the river at that point; but more money must now be expended to finish the work or all that has heretofore been expended will be lost.

So I offered that amendment, and it was done in accordance with the estimates of the War Department; it appropriated the exact amounts named or required at the different points named. I think yet I was right in offering that amendment. I did not go before the conference committee. What they have done has been done without advising with me, but I believe they have done right and I propose to defend them in their action on the case.

Mr. McMILLAN. The House conferees proposed it.

Mr. SAUNDERS. I now understand the amendment came from the House members of the committee. They were nearer right, then, than the Senate committee in this matter, and I thank them for their good work, because I am sure they were right.

I am aware that some Senators were favorable to the plan of expending the appropriation beginning at the mouth of the river and working up as far as it would go; but it seems a little inconsistent, to say the least, in those who opposed the whole bill to now come in and object to any expenditure being made at points which are recommended by the War Department, and where it is absolutely necessary it should be done in order to save what has heretofore been expended as well as to further improve the navigation at such points. I want the money expended where it will do the most good and where it will help the navigation of the stream; and the best way to accomplish this result is to trust to the War Department to expend the money, and that, as I understand it, is just what this amendment proposes. We should put the money in the hands of those who understand how to expend it; and who, I ask, is better qualified to take charge of it than the engineers? The committee have not said how much money shall be spent at Omaha, at Sioux City, or any other point; they have only said that under the direction of the War Department such sums as shall be necessary to protect what has been done, and to protect, further, the navigation of the stream, shall be expended there. I say that is right, and whoever opposes it makes a mistake, or at least I think he does.

I do not know how much work ought to be done at the mouth of the Missouri River, but I do know enough about that river to know that if you were to spend millions of dollars at the mouth of the river and do nothing above, it would have no good effect. It is a long stream; it has navigable waters quite three thousand miles in length. The river is about as good for navigable purposes above Omaha as it is below Omaha, but there are certain points like Sioux City and Council Bluffs, and Omaha, Plattsmouth, Nebraska City, and Brownville, and other places, where it needs improvement, and there is where a portion of the money has been expended heretofore, and there is where a portion of it should be expended now if you want to save what you have expended heretofore. I know nothing about these other points, but I do believe that it ought to be left to the War Department to decide where the money should be expended and how it should be expended. If we do not so guard it the work will be run at loose ends and the whole of this appropriation will probably be lost. I therefore wish to defend the committee for the proposed amendment, for I believe the money will under this amendment be more economically expended than if left as the original bill proposed.

Mr. MORRILL. I hope now, Mr. President, we can have the question on this report.

Mr. COKE. Mr. President, I have very little to say on the river

and harbor bill, and shall detain the Senate but a very few minutes now.

The committee of conference appointed by the Senate has shown itself amply able to take care of its own reputation, and while I approve fully its action I have nothing to say in its defense. I approve the report of the conference committee; I hope the Senate will adopt it and ask for a further conference upon the matters not agreed to in this report.

The honorable Senator from Kansas, [Mr. INGALLS,] in his assault upon the committee of conference, turned to the CONGRESSIONAL RECORD, and among other evidences read by him to show that it was a shameless report, as he charged it to be, read the item as to the amendment for the ship channel in Galveston Bay which was agreed to by the joint committee of conference. I say here to that honorable Senator and to the Senate that the river and harbor bill may be searched from one end to the other and a more meritorious provision, one more demanded by the commercial wants of a large and prosperous section of country, cannot be found within its pages. It is for the completion of the improvement that the amount granted in the House bill was amended and added to in the Senate. The bill came from the House to the Senate with $50,000 for that improvement.. Upon my amendment it was increased to $94,500, the engineer's estimate for the completion of an improvement over which the largest commerce will go when completed that floats over any water in the United States of its width and depth.

Now, Mr. President, the honorable Senator from Kansas used the fact that this one single amendment offered in behalf of my State in the Senate to the river and harbor bill, in connection with the fact that I am a member of the Committee on Commerce, as evidence to sustain his sweeping charge against the Committee on Commerce and the conference committees of the two Houses. Sir, I say there is nothing in this specification to sustain his charge. I say that if he will examine the reports of the engineers, if he will examine the statistical reports which show the commerce passing over the water, the improvement of which is to be completed by this appropriation, he will see that it has merit to stand on and justify it, and that the conference committee was impelled by a sense of official duty and not by favoritism to myself as a member of the Commerce Committee to agree to it.

Mr. MAXEY. I call the attention of my colleague to the important fact that it was the only amendment for Texas, and the object of it was to complete this very important work.

Mr. COKE. I have already stated that. It was the only amendment offered in the Senate for Texas, and that to complete an indispensable public work, a work in which the Senator's own State, Kansas, and its commerce is directly interested. Now, Mr. President, I submit that the Senator from Kansas ought in common honesty and in common candor to acknowledge before the Senate that there is nothing in this one amendment coupled with the fact that I am a member of the Committee on Commerce to sustain the charge that he has made against the conference committee.

I will say further, Mr. President, that in view of the able and satisfactory expositions made by the chairman of the Committee on Commerce [Mr. MCMILLAN] and his colleague on the committee of conference, the Senator from North Carolina, [Mr. RANSOM,] of the action of the conference committee and of the Committee on Commerce, I do believe that it would be but candid and decent and decorous for the Senator from Kansas to admit that his charge was too broad, too sweeping, and does injustice to conscientious and honorable Senators who have discharged their duty faithfully in this matter.

It seems to be popular in some quarters to make slurs, to fling innuendoes at the river and harbor bill. For my part I assume a full share of the responsibility for that bill. I regard it as the most important bill for the general commerce of the country that passes the Senate annually. I regard it as the only bill that has proved a practical solution up to this time of the great transportation question which is involved in the great railway problem. I believe the way to get cheap transportation in this country, and the way to break down railroad monopoly, is to clean out and make navigable the rivers and harbors of the country, the Mississippi from its head down, all of our rivers and all of our harbors. They belong to the people; they are the people's own highways; they pay no tribute to anybody. If we will clear them out and make every stream in the United States that ought to be navigated navigable, we shall have done more for the great producing interests of this country, we shall have done more to cheapen to consumers all they use, than by any other legislation we can enact.

It is in this view that I favor the annual river and harbor bills. I know that there are some improper provisions in all these bills; I know that there are some appropriations, small though they are, that ought not to be in this bill. It is impossible to avoid something of that sort; it is impossible to avoid a small percentage of appropriations of this character in a bill like this covering all the rivers and harbors and lakes in the United States. Notwithstanding these, notwithstanding a much larger percentage than is generally found in these bills of such appropriations, I maintain that there is no money expended by this Government that goes so generally in disbursement among all the people or that diffuses more widely its benefits over the whole country.

Gentlemen think because the river and harbor bill can be slurred at as a bundle of bargains, as a log-rolling concern, as one in which Senators and Representatives combine for local interests, therefore the country disapproves it and that it is unpopular. But, Mr. President, there was never a greater mistake. There is no more popular bill that passes either House of Congress than the river and harbor bill. It is confined to no locality, to no section; it is universal in its operation. Wherever the American flag floats and navigable water runs in this country the river and harbor bill carries its advantages. It does not contain something for a class or a ring or a section; it confers benefits upon the whole country and all its people. There is not a producer in the country, there is not a consumer in the country, who does not feel its benefits in cheapening transportation, in opening up water-routes and placing them in active competition with railway lines.

Mr. President, the honorable Senator from Kansas, during this session, some two months ago, voted against allowing the people of my State a right of way through the Indian Territory, voted against a bill providing for the right of way for a railroad through the Indian Territory, in the face of the fact that that Territory is penetrated by but one railroad, the Missouri, Kansas and Texas, and that unless others are built it is a gigantic monopoly, unrestrained by law or authority.

The honorable Senator from Kansas spoke and voted against a bill before the Senate authorizing the construction of another road, which would unloose the coil of this monopoly from the throats of the people of Texas in giving a competing line.

We have between five and six thousand miles of railroad in daily operation in Texas. After stopping us up, allowing us no outlet except over the Missouri Pacific monopoly, the honorable Senator, when we seek an ocean outlet and the conference committee recognize the justice of our claim upon the Government for aid in establishing it, finds in this fact evidence of misconduct on the part of the committee. Sir, I deny the justice of such conclusions, and affirm the propriety in the highest degree of the committee's action.

Sir, we have in Texas a territory large enough for five States; we have a population of not less than 2,000,000 and increasing rapidly every day. Shall we be charged with improper conduct for seeking to elude the grasp of a great railroad monopoly?

Mr. President, the State I have the honor in part to represent is dealt liberally with in this river and harbor bill. An appropriation of $50,000 in the House was increased to $94,500 in the Senate on my motion. That is the only addition made to it here for Texas. While liberal, I can truthfully say that not one dollar is appropriated in that bill for Texas which under the most rigid rule or requirement could be dispensed with. Wherever one dollar is appropriated the engineers have recommended two or three, except in the single instance of the ship channel, for which the Senate has increased the appropriation to the amount the engineer says will complete the improvement.

The appropriations on this bill for the Texas coast are not for creeks or trout streams, but are to be expended in salt sea water. Every point appropriated for has a fertile and productive country and a thriving, busy, energetic population behind it, who need the outlet to the ocean for the products of industry. The development now so rapidly progressing will in a few years send out from the most unimportant of them an untold wealth of exports.

I am willing, ay, anxious, that the light shall be turned on this subject so far as Texas is concerned, and do not for one moment doubt that the same scrutiny is desired by other Senators whose States are provided for in this bill.

I make no harsh allegation against any Senator who, ignorant of the facts, makes charges which cannot be sustained; but turn the lights on and look at the evidence, the facts. Look at the population, look at the production, look at the railroads, at the growth, the commerce, the development. See the outlets, or rather the absence of outlets and the necessity for them, and how by the expenditure of money our harbors can be made to accommodate the grand commerce awaiting them. Let all these things be seen, and then if a Senator shall make an unjustifiable allegation touching them, as has been done to-day, I will respond to him in Anglo-Saxon that cannot be misunderstood.

Mr. President, I have nothing more to say further than that the charge against the conference committee as made by the Senator from Kansas is utterly unjustifiable because unsustained by facts or reason.

Mr. MORRILL. Mr. President, I hope the question will now be taken.

Mr. INGALLS. Mr. President, I share in the solicitude of the Senator from Vermont, that the debate on this bill should be ended and that early action should be taken on the measure which he has in charge; but the course that the debate has taken appears to render it appropriate that I should make an observation or two before the Senate acts upon the report of the committee of conference. It is not my habit, Mr. President, to deal in innuendoes, to

> Damn with faint praise, assent with civil leer,
> And, without sneering, teach the rest to sneer;
> Willing to wound, and yet afraid to strike,
> Just hint a fault, and hesitate dislike.

And in what I have had to say about this river and harbor bill I

think the Senate will bear me out that I have used as open and unmistakable terms as were at the command of my limited vocabulary.

It is immaterial what Senators may say, it is of no consequence at this hour what explanations may be made, the verdict of public opinion has passed upon this measure. It is regarded by the American people as the most wanton, wicked, profligate, and indefensible appropriation for this purpose that ever was made from the public Treasury.

The Senator from Texas wants the light turned on. The light has been turned on. The public understand the methods, revolting to the public conscience, by which combinations are formed by means of which these extraordinary amounts are voted out of the public Treasury. They understand by what measures appropriations are voted that no man would otherwise record himself in favor of without a blush of indignation. And when Senators arise and attempt under cover of personal aspersion and insinuations, from the consequences of which they are protected by parliamentary privilege, (and which they would hesitate long before they made them were they responsible for them,) to delude the public, to distract attention from the methods that have been pursued to secure the appropriations made in this bill, they are very much mistaken. I do not propose, sir, to renew the debate on this subject. The practical question——

Mr. RANSOM. I hope the Senator from Kansas did not allude to me; but he appeared to look at me when he made the remark just now about personal responsibility.

Mr. INGALLS. I regret if from the direction in which I was looking the Senator assumed that I had any personal reference to him; and at the same time I beg to say to that Senator and to the Senator from Minnesota, that while I had no reference to them personally and intended to impute to them in their capacity as men or as Senators no turpitude, yet I do not shrink in any sense from the responsibility that attaches to the language that I employ. I trust, sir, that my attitude is fully understood.

Mr. RANSOM. I understand the Senator to say that he has no personal reference to me.

Mr. INGALLS. Mr. President, the practical question before the Senate is, what action shall be taken on the report of the committee of conference? I again repeat that this report is a Trojan horse, and if the Senate agree to it and adopt it in its present imperfect and partial condition they do, notwithstanding what has been said about the purpose or design, in fact what I have stated; they imperil and hazard the prospect of concurrence and agreement upon those four great amendments which sundry Senators, notably the Senators from Iowa and Wisconsin, regard as material and important.

Mr. CALL. Mr. President, I feel it my duty to say that I am in favor of a liberal and beneficent system of internal improvements. I believe it is a policy more important to the welfare of the country than any other that can be pursued. I believe that every improvement, whether it be by a ditch, or a canal, or a navigable or an unnavigable stream, that ministers to the distribution fairly and equally of the production of the country, is a measure of the highest importance to the hundred millions of people soon to inhabit our country, for whom we cannot too soon prepare the avenues of transportation. I have never failed to vote for any measure of appropriation, undismayed by the magnitude of the amount, so long as it was consistent with the imposition of a reasonable burden of taxation upon the people of the country.

I am not hampered by any constitutional scruples. I believe that the Constitution in the exercise of power contemplates results and not theories; that it desires and provides in its indirect powers for the improvement of the avenues of transportation and the means and facilities of commerce. Hence I would as gladly vote for the appropriation for the Hennepin Canal or for the reservoirs of the Mississippi River, if informed by reasonable scientific knowledge that they were practicable and useful, as for a ship-canal across the peninsula of Florida.

But, sir, I voted against the river and harbor bill, and, acknowledging the propriety of the motives which may have governed the members of the committee of conference, I did it because it was unjust and unequal, and a discrimination against the interests of the different portions of this country. I did it because in my judgment it was made without the proper reference to the value of the improvements, laying the Mississippi River aside, or to the great commercial interest of this country. I did it because the reports of the Bureau of Statistics, if time and opportunity afforded, would justify by proof every word I have said.

Now, sir, the State of Michigan receives—not for the State, because I use the term simply to localize the country—$700,000 in this bill for her internal navigation and her great lakes and the improvement of her ports, every dollar of which I have no doubt could have been wisely and well appropriated there; but the reports show that not a tenth part of the commerce of the United States passes along the lakes. The great railroads of the country have for years been grasping the transportation of that vast mass of production away from the water-ways of the country. Yet, sir, I am in favor of the improvement of the water-ways; but the question before the Senate, the question before the committee, was not as to the abstract importance of this or that river, this or that harbor, but as to its relative importance in the light of the statistics of the general commerce of the country. Take my own State, with her 1,500 miles of sea-coast, along which passes the $3,000,000,000 of commerce from the great Mississippi River, from the West Indies, from everywhere; and nearly half the commerce, foreign and domestic, of the country, in some shape or form, comes in contact with that coast. We asked for a little appropriation for the only accessible harbor, Fernandina, when two and three and four hundred thousand dollars had been given for other places which concern not the twentieth part of the commerce of the United States, and it was scarcely even considered by the committee.

I say then, sir, that, according to the committee all proper motives, they acted without proper consideration of the reports of the engineers or the reports of the Bureau of Statistics in regard to the internal commerce of this country, and the record shows it. When I speak of the committee acting without consideration I should have said without conformity to the reports, without being sustained by them, for I do not wish to question the committee's endeavor to discharge their duty in this respect. I make no reference to the motives of Senators on the committee; but, sir, it is the highest object of legislation to make an equality of benefits between the different States and the different people of the States. This body is composed of Senators from thirty-eight sovereign States, each the equal of the other, the smallest State equal to the most important. We are sent here for the specific purpose, charged by the Constitution with seeing that there is no inequality in the legislation of the two Houses of Congress allowed to touch even the feeblest member of the Union.

Now, Mr. President, facts, not declarations, not idle affirmations, however eloquent or however beautiful, must determine questions. It is the logic of facts; it is truth. I ask what then would justify this committee in refusing proper recognition to 1,500 miles of sea-coast, with a little river and a bay opening as a place of refuge every fifty miles, with a great harbor within six miles of the Atlantic Ocean, and the only one, as your own reports show, where vessels have perished for the want of the capacity to enter in very sight of the land; and distinguished officers of your own Army have been drowned and washed ashore, losing their lives because of this neglect? What would justify a discrimination which gave only 10 per cent. of the amount that the engineers demanded for that necessary improvement as against 40 and 50 per cent. for other places? And shall I be told that it was my duty to sit quietly by, charged here by the Constitution with seeing that there was no inequality either to my own State or to any other, or to the people of any other?

I am charged with that as my express commission and duty, as every Senator is, for he does not come here to appropriate the benefit that belongs to the people of other States to his own. He comes here to see that no inequality exists in the practical legislation of this Government between his own State and other States, but that equal and exact justice is done to the people and the general welfare everywhere promoted. Shall I be told that this vast sum of $20,000,000 must go with this inequality and this discrimination everywhere, this nonconformity to the reports of the Bureau of Statistics in regard to the amount and the value of the foreign and internal commerce local to different places, with this utter disregard of the relative importance of the places concerned in the bill? The bill includes the Little Kanawha in West Virginia, which I am as willing to improve as the great harbor of New York, and which stands on precisely the same reason and the same ground, or the Hennepin Canal, or the reservoirs at the head-waters of the Mississippi River as I would be to open a ship-canal across Florida. That could not even receive a moment's consideration while, as I said, $2,000,000,000 of the commerce of the United States, foreign and domestic and of foreign countries, would pass through that canal and would have access to the Gulf in that direction; but that could not even receive the consideration of the committee.

Mr. President, it was because this bill was thoroughly unequal and violated the constitutional equality of the States and the people and their right to equality in the practical benefits of legislation, that I voted against it. As I said, I am ready to vote any amount of money consistent with not imposing too heavy a burden upon the industries of the people of this country, that is necessary to create the avenues of commerce and the means of cheap distribution of agricultural and manufactured production. It is that which brings joy and gladness to the poor man's home; it is that which makes the air light and blithesome with the glad voices of the women and children of the country, and I find no objection in the Constitution of the United States to making avenues which shall cheapen production and subsistence to the labor of this country; but you must not attach as a condition to that support that there must be an inequality in the distribution of the benefits of appropriations to the foreign and domestic commerce of the country. I will not, as far as I, representing one State, am concerned, consent to any bill which carries with it distinctions of an inequality in the distribution of the benefits of the appropriations contained in it.

THE IMPROVEMENT OF RIVERS AND HARBORS.

The Constitution of the United States and our system of Government prescribes as its first and essential principle an equality of right, power, and dignity of the States of the Union, an equality of right and benefit to the people of each State, an equality of burdens

in the exercise of the powers of government in practical legislation to the people of the several States.

The Senators from each State are made by our form of government the appointed guardians of this equality of right and benefits to each State and to the people of their respective States, and their first duty in the exercise of the powers of legislation, alike to their own States and to all the States, alike to the present beneficial administration of government and to the preservation for the future of the Government itself, is to see that this equality of right and benefit is secured to each and all the States. He who seeks and obtains for his own State an advantage over other States in the benefits of the administration of government, he who denies to the people of another State their equal share of benefit in national legislation, not more surely stabs with a fatal wound the life-giving principle which sustains the Government than he destroys his own State and fatally wounds the prosperity of his own people.

The life of all is bound up with the life of each, and the legislator who is indifferent to the interests of any State, however small and insignificant in political power, who would appropriate for one State that which belongs to another under the idea that he is inserting his dagger into the life-blood of another, will soon find that it is his own heart into which he has driven his poisoned weapon.

If precept needs to be added to the manifest conclusion of equality of right and power of each State, and the right of the people of each State to an equality of benefit in the practical results of legislation, it is only necessary to refer to the provisions of the Constitution which prescribe an equality of power in this body, an equality of right in the ports of each State, a prohibition of preference of the ports of any State over those of another.

The object of these provisions of the Constitution, and, what is more important, their practical and necessary effect, is to make the people of all the States one people in their subjection to the laws and obligations, the duties and burdens of the National Government, and thus secure them an equal share of its benefits without discriminations against the people of any locality, and to protect them against combinations of political power to the injury of one portion of the people and for the benefit of another. For the attainment of this difficult and yet necessary end, which up to this period has been the fatal curse which has destroyed governments, dynasties, and peoples, and upon which all representative and free government has hitherto failed, our system recognizes the States as distinct factors, and creates this body, with its equal power in the persons of two Senators, representing for this purpose and to this extent an acknowledged sovereignty and associates them with their peers and equals to consider and determine on this equality of right and duty in the administration of powers which equally concern each State and all the States, each one and all the people of the United States. In the light of this interpretation of the powers and duties of the Senate and Senators, it is my purpose to consider the present state of legislation respecting the rivers and harbors of the several States and of the United States, and the question as to what constitutes a preference of ports of one State over those of another in relation to the constitutional prohibition on this subject.

I consider, as I have said, a large and beneficial exercise of legislative power in aid of commerce and for its development and regulation necessary for the continuance of good government, so absolutely essential that without it neither the blessings of liberty to ourselves and posterity can be preserved and perpetuated, nor justice be established, nor the general welfare be promoted, nor a more perfect union formed. I do not recognize as true the political philosophy which holds that our Constitution had formed a Government which forbids the attainment of these ends. On the contrary, I concur in that interpretation of the Constitution which has practically asserted itself throughout the history of the Government and which has triumphed over the disputations of the schoolmen; which exercises national power for purposes which concern all the people, and exclusive State power for purposes which concern the people of the State, with one single potential and absolute limitation, which is the sheet-anchor of our safety, that the political autonomy of States cannot be interfered with; and to this end the electoral qualifications and the control of elections is reserved to the States and prohibited absolutely to the National Government.

Upon the subject, therefore, of the encouragement and the development and the regulation of commerce, interstate or foreign, which is but the distribution of the fruits of labor of production, which is but placing food at the door of the toiling millions, making glad the heart of the mother and the child, filling the air with the glad sounds of cheerful mirth, I am equally in favor of it whether it is done by a canal, a ditch, the improvement of the unnavigable or the navigable waters of the United States; I am equally in favor of it whether by the Hennepin Canal, in Illinois, or by the improvement of the harbors of the lakes and the rivers of Michigan, or the improvement of Fernandina or New York, or a ship-canal across Florida. I am persuaded that $20,000,000 or $30,000,000 or $100,000,000, with due regard to lightening the burdens of taxation, would be well expended if the labor of the people could be better paid by means of it; if subsistence and comfortable homes could be brought within the reach of all. One hundred million of people will soon be the population of the United States. The supply of those people and the distribution of the fruits of their labor will soon need all the channels of transportation, natural and artificial, which can be furnished.

We have not a day to spare in getting ready for this vast population. I am not in favor of spending a dollar either on the sea-coast or off of it without this result. I am in favor of the result; it is the effect that I desire, the distribution of production and the means of distribution, which is commerce and means and avenues of commerce. But the question for consideration which addresses itself to one as Senator is as to the methods by which it shall be determined; that is, when, where, and how shall these avenues of commerce be made, these means of distribution of production be created. Shall we confine them to one locality? Shall they be exclusively in one State and the others neglected? Shall I say, assuming the altogether incorrect statement of the Senator from Michigan, [Mr. CONGER,] made some days ago, to be true, that more than half the commerce of the United States passes along the coast of Michigan and only a small part along the coast of Florida, therefore we shall improve the means of distribution for the more than half of the commerce of the United States on the shores of Michigan and make none for the small part that passes along the coast of Florida? That is to say, that equality of right, equality of benefits, depends on the magnitude of interests.

I apprehend, Mr. President, that those men who are accustomed to reflect and to reason upon subjects of legislative action and to accept conclusions resting upon some established foundation, who live in the world of facts, will not differ in reaching the conclusion that the equality of right and benefit demanded by the Constitution for each State must be measured and apportioned by the extent and degree of its capacity to contribute to the development and protection of commerce in that State with other States and with foreign states, and by the needs of that commerce, whether great or small.

As a Senator from the State of Florida I cannot accept the conclusion that because she is one of the small States in population therefore she has no right to a just share of the benefits of legislation; that although it is true that along her coast of 1,500 miles more than half of the commerce of the United States passes, while not one-fourth of it passes along the coast of Michigan and about one tenth or twentieth in California and one-tenth along the coast of North Carolina, therefore nearly $800,000 shall be appropriated for Michigan and the same amount for California, and for Florida and her 1,500 miles of coast no facilities shall be furnished and her harbors and rivers closed to all access to this great commerce except at Pensacola and the Saint John's River, nearly 1,500 miles apart; and while these States receive for their ports, because of a much smaller commerce than that which passes along the coast of Florida, and in order to obtain access to them for such commerce, such sums as $600,000 for California and $700,000 for Michigan, and for Florida, with a commerce of $2,000,000,000 passing along her coast, with little rivers and estuaries of the sea opening into the Gulf and the Atlantic Ocean every fifty miles, and with a sponge trade and a timber trade and fish and cattle seeking access to foreign countries and the sea to bring back gold, with ships laden with valuable cargoes seeking access for safety and protection, only one-twentieth of the amount estimated for is allowed to one of the principal entrances of the Atlantic coast and only 10 per cent. of the estimates for her only Atlantic deep-water port, while 40 per cent. of the estimates is allowed for other ports of far inferior commercial advantages and usefulness.

To justify legislation in aid of commerce it must be such as will develop and facilitate either foreign commerce or interstate commerce. This will bring it, in respect to its national character, within the range of the national powers as now accepted by all parties; but to bring such legislation within the spirit and purpose of the Constitution it must not be inclusive of one locality and exclusive of others. It must not be such as practically to create and obtain a preference of the ports of one State over those of another.

To give it the essential quality of an equality of distribution of the benefits of legislation in aid of commerce in all the States the proportion of the aid given or amount appropriated is quite as important as the fact of an appropriation. It is quite as possible to deny to the commerce of a State or a particular locality its proper equality of benefit in an appropriation for rivers and harbors by giving a cent to one and a hundred thousand dollars to another as it is by denying it altogether.

It is quite as unconstitutional to create a preference of the ports of one State over those of another by giving only 10 and 20 per cent. of the amount estimated for and by giving 40 per cent. of the estimate to the ports of other States. It is quite as possible to deny to a State her proper equality of right in the benefits of legislation by making surveys for canals in Illinois and on the Chesapeake and Delaware and by refusing it in Florida, where the interests of commerce demanding it are ten times as great as in the former States. But, Mr. President, I propose to depart from these general propositions of abstract truth and to apply them. The great interests of foreign and interstate commerce are not promoted but are sacrificed under the principle and policy of the appropriation bill for rivers and harbors, which makes the law upon that subject. Let us examine these statements.

Supporting as I do by my votes on all occasions liberal appropriations for the support of rivers and harbors and canals and all other modes by which commerce can be aided in distributing production, so that all the people may be comfortably fed and furnished cheaply not only with the necessaries but with the comforts of life, when a condition is imposed on my support of such a bill that I must consent to an unequal and unjust distribution of this great sum of money, not in aid of commerce, not in aid, except secondarily, of distribution of production between the States, but in order to secure an undue proportion of this great sum for some localities over others; when a condition is imposed that I must consent to sacrifice the interests of foreign and interstate commerce in my own State and to accept an altogether unreasonable proportion of that great sum of money for the interest of commerce connected with my own State, the bill becomes no longer connected with or in aid of commerce, either foreign or domestic, but it becomes an appropriation of $20,000,000 in aid of public works for the benefit of some States to the exclusion of others, without reference to commerce except in a secondary degree. Under this system the smaller States, the least in political influence, must always be the victims. And my own State, contributing in gold values from her internal productions 100,000 bags of cotton, of which about one-sixth is the Sea Island cotton, of a value of 22 cents per pound, or from six and a half to ten millions; of lumber twelve millions; of sponges and corals and fruits and cattle and fish from nearly all the little rivers, bays, and entrances of her 1,500 miles of sea-coast; some valuable productions for foreign trade; with the whole vast commerce of the Gulf of Mexico, outward and inward bound, following lines of travel and of commerce which require access to all parts of her coast and entrance into her harbors for communication and protection, is refused proper consideration and aid.

Two millions of bales of cotton from Texas and the Mississippi, by the report of Mr. Nimmo, the statistician, are shipped by the Gulf and Atlantic from the Mississippi and Texas annually, making one hundred millions; the returning cargoes will make another hundred million. These with grain, sugar, and other products will equal $1,000,000,000. To this must be added the commerce of Mexico, of Central America, of South America, of Cuba, and the West Indies, aggregating more than $2,000,000,000 of annual values, passing along and around and not far from the Florida coast, and requiring and seeking access to all of her harbors and to all parts of her coast—the largest amount of commerce the world has now or has ever had at any time in its history. Along 1,500 miles of neglected and unimproved coast, within sight of which ships with freight of human lives and valuable cargoes constantly perish, and upon which every tide washes the bodies of men, women, and children, and relics of valuable cargoes lost by the neglect of the interests of commerce—and yet the bill in question could appropriate $20,000,000 and give to the only deep-water harbor on the Atlantic coast, within a few miles of the open ocean, at present capable of being made accessible to large ships, only 10 per cent. of the amount certified to be absolutely necessary for the interests of commerce and the naval and military defense of the country, while it gave $225,000 to the Sacramento and Feather Rivers in California on a special report made since the commencement of this session of Congress, and $200,000 to the great Kanawha River and $31,000 to the Little Kanawha River above the locks on condition that the company owning the locks and dams should charge no tolls on vessels going above them. The mere statement of these undeniable facts demonstrates the injustice and inequality of the legislation in the distribution of the public money; not in aid of commerce, but in aid of certain public works in certain States, giving them and their ports a preference over those of other States.

The PRESIDENT *pro tempore*. The question is on the adoption of the report of the committee of conference.

Mr. HOAR. I am very sorry to detain the Senate and very sorry to interfere with the desire of my honored friend, the chairman of the Committee on Finance; but I wish to say a word about that river and harbor bill, and I think this is as good a time to say it as any other occasion that will be presented.

I have been in public life in this Capitol about fourteen years. During the greater part of that time I represented a district in the interior of the Commonwealth of Massachusetts having no large stream within its limits and as little interested in any scheme for the improvement of rivers or harbors as any community in the United States. Since I came to the Senate the moderate requests which have come up from Massachusetts to her Senators or Representatives have been so reasonable that I believe not only has there never been a request made by a Massachusetts Senator or Representative that has not been granted by Congress in regard to an appropriation upon this bill, but I think no request has ever come to us from a constituent which has not been granted. And for our entire sea-coast this bill contains only the moderate appropriation, all summed up together, of $371,000. So I have not the slightest personal interest, and my constituency have no interest which should induce me to cast my vote for these bills unless I believed them just.

I have voted, I think, every year for the river and harbor bill, as I have this year. I have heard these annual denunciations that the bills were shameful, that they were extravagant, that they were wasteful, that they were steals and frauds. I have read such things in the columns of newspapers edited by persons for whose judgment I have the very largest respect and with whom I generally concur. But during the whole time I think it is true, without an exception, that I never have heard pointed out in debate, I never have seen in the public discussions in the press a single item, great or small, in one of these river and harbor bills specified concerning which the objector claimed that the people of the United States did not get their full and fair equivalent, their money's worth, in the public benefit to commerce which we have under our charge. If there has been such an item during my fourteen years' experience it has been so small and unimportant that it has failed to make a lodgment in my memory.

Now, sir, having every possible inducement to vote against this bill and bills of this class; having the temptation which assails every man who is made of flesh and blood to please objectors, to please the local public sentiment which he represents, to avoid exposing himself to this class of charges, hard to bear by any man who regards his personal honor or his public reputation, I deem it my duty to give my support to these liberal expenditures, no matter for what quarter of the Union they are to be made.

I think, sir, it is desirable to the whole people that there should be some things to which the people of the United States shall accustom themselves to look to the General Government as a benefactor. The centrifugal forces are not few in this country. There are very few things which draw the hearts of the people to the nation compared with those which draw the hearts of the people to the State and the locality. The United States has two Senators, and a dozen or two Representatives, and a marshal and a few deputies, and a judge or two of the United States courts, and the postmasters who receive and distribute letters, and these are the only persons interested in supporting the dignity or representing the authority of the Government of the United States. On the other hand, every State executive or legislative officer, every State judge, every county officer, every township officer, every officer of a school district is interested in advancing the dignity and the authority of the local community to which he belongs. The subjects of national jurisdiction are few. We have had already one great rebellion; we have had many others threatened; and we must be blind and unable to read the future from the past if we do not anticipate in the growth of the diverse interests of this continental Republic other causes which will alienate for a time the feeling of affection of the communities, and other dangers to our Union will present themselves.

Now, I hold it a good thing that along every coast where a lighthouse may hold out its beacon to the mariner, that in every harbor into which the commerce of mankind may enter and the products of other countries be exchanged for our own, that along every navigable river and every great lake the dweller there shall feel that the safety, the convenience of commerce upon which the prosperity of his community is to depend is due to the constant, beneficent, watchful, benignant care of the Government of the whole country. Of this $20,000,000 five million is a special appropriation for the great Mississippi River, that great inland ocean, and half a million more is an appropriation to protect the capital of the country from pestilence. I think this money is well spent; and of all the appropriations of the year, with slight exceptions, I believe we shall get for the money which we spend the amplest returns from this bill.

Having therefore, as I said in the beginning, no personal interest, no local interest, no State interest, having everything which might offer a temptation to my own special ambition to induce me to vote the other way, I stand here to say that I give my full, hearty concurrence to the policy which has guided the committee under the lead of my honorable friend from Minnesota, [Mr. McMillan,] and I am glad to add that any suggestions of indirection or sinister motive or crooked conduct which shall be made or has been made from any quarter against the character of that distinguished Senator and distinguished jurist, who has been so trusted by the people of his State in the great places of life where confidence is expressly demanded, will recoil and will not injure the mark at which they are aimed.

The PRESIDENT *pro tempore*. The question is on the adoption of the report of the committee of conference.

Mr. LOGAN called for the yeas and nays, and they were ordered.

Mr. VEST. I ask the Chair what is the effect of the vote now to be taken. The question is on the report. Does that involve the appointment of a new committee or the same committee?

The PRESIDENT *pro tempore*. No, sir. That is a separate vote. The first question is on the adoption of the report. Then the chairman of the committee can ask for the appointment of another committee of conference.

Mr. VEST. We affirm, then, the action of the conference so far as they have agreed.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BAYARD. May I ask when a new committee or the same committee on the part of the Senate shall meet in conference, do they merely take up the points of difference left after this settlement?

The PRESIDENT *pro tempore*. So the Chair understands.

The Acting Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. Edmunds.] If he were here, I should vote "yea."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Georgia, [Mr. BROWN,] but on this question I am, advised he would vote "yea;" and as I should vote the same way, I cast my vote.

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. LAPHAM, (after having voted in the negative.) I am paired with the Senator from Ohio, [Mr. PENDLETON.] Not knowing how he would vote, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator's vote is withdrawn.

The result was announced—yeas 41, nays 10; as follows:

YEAS—41.

Aldrich,	Conger,	Johnston,	Sawyer,
Allison,	Davis of West Va.,	Jones of Florida,	Sewell,
Anthony,	Farley,	McDill,	Sherman,
Bayard,	Ferry,	McMillan,	Vance,
Beck,	George,	Mahone,	Vest,
Blair,	Groome,	Maxey,	Voorhees,
Butler,	Hampton,	Miller of N. Y.,	Walker,
Cameron of Pa.,	Harrison,	Pugh,	Windom.
Cameron of Wis.,	Hawley,	Ransom,	
Chilcott,	Hoar,	Rollins,	
Coke,	Jackson,	Saunders,	

NAYS—10.

Call,	Hale,	Jonas,	Van Wyck.
Frye,	Harris,	Mitchell,	
Gorman,	Ingalls,	Plumb,	

ABSENT—25.

Brown,	Garland,	Lapham,	Platt,
Camden,	Grover,	Logan,	Saulsbury,
Cockrell,	Hill of Colorado,	McPherson,	Slater,
Davis of Illinois,	Hill of Georgia,	Miller of Cal.,	Williams.
Dawes,	Jones of Nevada,	Morgan,	
Edmunds,	Kellogg,	Morrill,	
Fair,	Lamar,	Pendleton,	

So the report was concurred in.

The PRESIDENT *pro tempore*. It is moved that the Senate agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the committee on the part of the Senate, and Mr. McMILLAN, Mr. JONES of Nevada, and Mr. RANSOM were appointed.

The PRESIDENT *pro tempore*. The Chair thinks there should be a motion to insist.

Mr. SHERMAN. That follows of course. Let it be so entered.

Mr. MORRILL. Now I ask that the tax bill be taken up.

Mr. LOGAN. I should like to know by this vote what instruction the conference committee will deem that they have from the Senate? I did not vote because I did not understand this as it seems many other Senators did. By the conference committee reporting an agreement in part and a disagreement as to the rest, I understood the vote to affirm what they had agreed to, and to leave open for another conference only the points as to what they did not agree. That was the way I understood it.

The PRESIDENT *pro tempore*. That was the action.

Mr. LOGAN. If another conference committee is appointed, or the same one, I would desire to know whether they will consider themselves instructed to stand by the amendments of the Senate, or whether they will go back again merely for the purpose of having another disagreement if the House does not recede from its non-concurrence in our amendments?

The PRESIDENT *pro tempore*. The Chair understands that nothing is referred to the committee of conference but the amendments on which the former committee could not agree.

Mr. LOGAN. That is the way I understand it.

Mr. SHERMAN. The Senate has insisted on the other amendments.

Mr. LOGAN. I do not understand the vote as insisting on the amendments, but as agreeing to what they have done.

Mr. SHERMAN. I am sure the Chair so understands.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Illinois that usually there is a motion to insist. If the Senator wishes to insist on these amendments he can make the motion that the Senate insist.

Mr. LOGAN. I ask that the Senate take a vote on insisting on the amendments now open for conference. I make that motion now.

Mr. HOAR. I understand that that has been done in substance, for although it was not in form put, the appointment of another committee is insisting.

Mr. LOGAN. I understand it exactly from the discussion we had this morning, and Senators here generally agree about it. The objection that I had to this report, as I stated, was that we agreed to a portion of the amendments, leaving the committee of conference to exercise their own judgment as to the remainder. Now, I desire that the Senate instruct the committee of conference in this way: let the Senate insist on these four amendments, so that the committee of conference will be instructed by the Senate. That is my proposition, and I make that motion.

Mr. SHERMAN. That was the motion made by the Senator from Minnesota [Mr. McMILLAN] in the very beginning.

Mr. LOGAN. Oh, no; I beg pardon.

Mr. SHERMAN. I am quite sure of it.

Mr. LOGAN. I did not so understand it, and the discussion did not run in that direction at all.

Mr. INGALLS. The adoption of that motion would not preclude the conference committee from receding.

Mr. LOGAN. I know it would not, but I ask that the Senate insist on its amendments in respect to these four propositions.

Mr. INGALLS. That is indispensable to the motion for a further conference, and I understand that that is the formal action taken by the Senate.

The PRESIDENT *pro tempore*. That is the formal vote of the Senate.

Mr. LOGAN. I know it is formally the action; but I ask a vote of the Senate on it, and then the conferees will understand it.

Mr. ANTHONY. Of course the Senate insists on its amendments or it would not go into a conference. If it agreed to the action of the House there would be no need of a conference.

Mr. LOGAN. I understand that. Is it going to injure this conference for them to be instructed by the Senate that we insist upon our amendments?

Mr. ANTHONY. They are insisted on; it is so journalized.

Mr. LOGAN. It may be indirectly, but not directly. I ask for the instruction.

Mr. ANTHONY. I ask if the resolution will not be journalized that the Senate insists on its amendments?

The PRESIDENT *pro tempore*. That is so. The Secretary says that it will be journalized that the Senate insisted on its amendments and agreed to the further conference asked by the House.

Mr. SHERMAN. That was the motion made by the Senator from Minnesota at the outset of this controversy. I listened to him, and he moved that the Senate insist on its disagreeing votes and agree to the further conference.

Mr. LOGAN. I did not so understand it; but if it is so journalized, if it goes on the record that the Senate does insist on the amendments now in controversy, that is all that I desire.

The PRESIDENT *pro tempore*. It so goes on record.

Mr. MORRILL. Now I ask for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; further insisted upon its disagreement to the amendment of the Senate, No. 47, to the said bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. GEORGE M. ROBESON of New Jersey, and Mr. S. S. COX of New York, managers at the same on its part. The message also announced that the House had further authorized its conferees to propose to the Senate a further amendment appropriating the sum of $6,928.60 to cover a deficiency in the appropriation for salary and mileage of Representatives and Delegates to the Forty-seventh Congress.

AMENDMENTS TO BILLS.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, reported an amendment to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON of Pennsylvania, Mr. MORGAN, and Mr. SLATER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which, with the accompanying papers, were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSION APPROPRIATION BILL.

Mr. LOGAN. The appropriation bill for pensions has been returned to the Senate from the House with one single amendment, and I ask that the Senate agree to that. It will take but a moment. The amendment is only two words.

The PRESIDENT *pro tempore* laid before the Senate the action of the House on the amendments of the Senate to the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

The House concurred in all the amendments except the fourth, and

concurred in that with an amendment in line 2, after "pursuant to," to insert "this and."

Mr. INGALLS. Will the Senator explain that?

Mr. LOGAN. "This and" refers to persons who are subpœnaed as witnesses. The section known as Senate amendment No. 4 applies to certain witnesses, and provides that they shall be paid in a certain way by the United States; and "this and" refers to the whole bill, so as to include all witnesses referred to in the bill, to provide that they shall be paid in a similar manner. That is the effect of the amendment. I move that the Senate concur in the House amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service, with amendments, in which it requested the concurrence of the Senate.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

The PRESIDENT *pro tempore*. The reading of the bill will be continued.

Mr. BAYARD. Before the Secretary proceeds with the reading, I desire to suggest to the Senate the propriety of inserting the word "snuff" before the words "on manufactured tobacco," in the amendment which was last voted upon. It was an omission unintentional on the part of the Senator who offered that amendment to the amendment of the committee, and I do not believe that the tax will be reduced upon the commodity unless it is specified. I therefore move to insert the words "snuff and" before the words "on manufactured tobacco." Let the Secretary read it as it would stand if amended as I propose.

The Acting Secretary read as follows:

The taxes now imposed by law on snuff and on manufactured tobacco on and after January 1, 1883.

Mr. BAYARD. I think the words "snuff and" should also be inserted further on, so as to read:

From and after that date the tax on snuff and on manufactured tobacco shall be 12 cents per pound.

Mr. MORRILL. I hope the Senator from Delaware will allow us to go through with the amendments of the committee and then come back and make any amendments the Senate may decide upon.

Mr. BAYARD. This is one to which I apprehend there will be no objection. I look upon it more as a verbal amendment, and I think it had better be put in now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Acting Secretary resumed the reading of the bill, as follows:

The tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A, following section 3437.

Mr. BAYARD. I will state to the Senator from Vermont that I do not desire to interrupt his mode of progressing with the bill he has in charge, but I think it would be as good a time as any other to move an amendment I desire at this point, which is to strike out "matches."

Mr. MORRILL. I hope the Senator will allow us to go through with the amendments of the committee first, and then come back and submit all the amendments that Senators may please to the bill afterward.

Mr. BAYARD. The Senator will find that we cannot intelligently vote upon the proviso which is in italics upon the second page unless this question is settled first. Therefore, in line 22 I move to strike out the word "matches," and in line 23 after the word "articles" to insert "excepting matches," so as to read:

The tax on perfumery, medicinal preparations, and other articles, excepting matches, imposed by Schedule A, following section 3437, of the Revised Statutes.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. BAYARD. Mr. President, I do not care to repeat the objection I have already suggested to the Senate to the proposed dismissal of this tax, but at the same time I wish to submit to the good sense and discretion of the Senate whether they had not better pause a little while before they throw away a revenue amounting to more than three million and a quarter of money in the last year and probably even a greater sum in the present year, which comes to the Treasury almost without the cost of a dollar for its collection, for the repeal of which not one single petition has been filed, which distresses no man, and which is the easiest tax both levied and collected that can be imagined. Before we throw away so clear, so clean, so easy a tax as this and so abundant in its proportions, is it not wiser for the Senate to consider the effect upon the revenues of the country of your proposed tariff alterations as well as the internal-tax arrangement?

The professions of this bill were to relieve the people of the United States from burdensome taxation. It is alleged, and I believe truly, that the taxes as they now are imposed have so increased the cost of living that a most unhappy condition has been created by the attempt to compel men to work at rates of wages which do not give them a comfortable and reasonable support. In illustration of that you have the unprecedented condition of men able to labor and willing to labor but who are not at work because they declare that the wages proffered them will not support them. No country and no time ever witnessed the number of men going out of employment for the reasons I have stated as do the United States of America to-day.

The question now is, is this tax which brings three and a quarter million dollars to the Treasury, as I have stated, a burden and a distress, and does it increase the cost of living materially on any man, rich or poor, in the United States?

Look at the effect on the mythical person to whom the Senator from Ohio [Mr. SHERMAN] referred, the Irishman—and I do not see why that particular nationality was singled out—who is to have the enormous advantage of getting matches less than one hundredth of a cent apiece cheaper in order that he may smoke his tobacco at a superior rate of tax. The proportion of the match to the tobacco is the proportion of Falstaff's bread to the sack that he drank—"but one half-pennyworth of bread to this intolerable deal of sack!" I heard once of an ingenuous youth who said to his father that if he could only get an egg he could eat some salt; and it seems the Senator from Ohio would think if a man could only get a match he might smoke some tobacco.

When the Commissioner of Internal Revenue was interrogated by a committee of the House, the Committee of Ways and Means, in February last, in regard to this proposed diminution of taxes, he was asked by Mr. RUSSELL:

Now, if we do away with these taxes altogether what are we going to save in expenses by way of compensation?

Commissioner RAUM. I am proceeding to answer that. The saving on matches would simply be the cost of the paper and printing of the stamps.

That is all that there will be saved. The question of taxation is oftentimes a question of the practical adjustment of a burden to the habits and the business of a people. If it be one that can be imposed almost universally, gradually, and steadily, and a tax of this kind, it then becomes the one of all others that a wise legislator would be unwise to repeal, simply because he cannot supply its place with another as easy and as favorable.

I am perfectly well aware from a debate which took place elsewhere, and from some remarks which have been made here in the Chamber, that there is an objection that the parties who pay this tax have by a combination in the business formed a virtual monopoly. I will agree that that is un-American and to me very anti-republican, but that is one of the results which the war did not create, which superior capital and superior business enterprise bring, and which I do not understand you have the right either to create by law or to interfere with by law. There is a power arising from combinations of capital and skill which the law does not create, which the law ought not to create, but which it would be unlawful to assail especially.

It is a pure question of taxation. It is not one in which it is possible to mingle anything of florid imagination or sympathy or sentimentality. Here is an object apparently minute and unimportant in its every-day retail consumption, but its use is universal. There is no man, woman, or child in the land, far or near, in the densely populated city, or even in the wilderness, but has use for this invention of modern times. It is supplied abundantly; it is very cheap, and the tax that it pays to the Government, drawn from this infinitely great number of petty sources, brings a solid revenue which is almost incredible.

Senators, if you take it off you cannot put it back. It is one of those things that must grow quietly by adjustment to the habits of the people. I think I have authority for so speaking of this tax. You will all remember that when the Government of Great Britain, influenced by the statements published from our Treasury, the tax then amounting to about a million and a half of money, proposed to lay a tax upon the hitherto untaxed friction matches of Great Britain, there was such a feeling among all the people engaged in the manufacture that it led certainly to a very threatening procession, if not a mob, who went down, as I remember, to the House of Parliament, and the expression, and what I may call the popular growl was so deep and fierce that they abandoned the attempt to tax matches. That, I believe, is the simple statement of a historic fact, and yet I apprehend there is no doubt that those people who resented the imposition of that tax have much less power as a popular force to resent it than the people of the United States.

I submit in all candor, in view of the certain reduction which is to take place in taxes, both excise and tariff taxes; in view of whatever may be the action of the Senate in regard to this bill affecting the revenue, both external and internal; in view of what may be the report of the tariff commission, who, whether they may carry out the idea which created them or not, undoubtedly were intended to do a work that is to be done, which is the simplification and the reduction of the tariff upon imports; if this be the future upon which you can intelligently look, is it not unwise for you to

drop out from your national revenue so important a sum as three and a quarter million dollars derived from a tax that bears hardly upon not one human being in this broad land?

If a tax favorable to be imposed can be defined, if it can be described, I wish some one would rise in this Chamber and define to me a tax that is clearer in its gain to the Treasury, perfectly free from any indirect good, any addition to its avowed and public good, which is universal in its pressure and which is hurtful and heavy upon no man—if this be not the idea of a fair and of a wise imposition of a public burden, if this be not a wise manner to provide revenue for the public by taking in this manner almost unconsciously from the citizen that which swells into so large an amount from so many petty rivulets of supply, then I think it would be impossible to state what is an equitable, fair, and a wise tax.

I do not mean to say that when the tariff shall have been adjusted, that when you shall comprehend the result either of the amendments which may be offered here in the Senate or which may take place in the near future, you may not find that you can spare this money; but as there are obviously so many things which are burdensome, there is so much of commerce that is prevented to-day by prohibitory legislation, is it not wiser to pause at least for a time before you dismiss this most important and acceptable contribution to the public purse?

For this reason I hope that the stamp tax upon matches will not now be dropped from our list of dutiable articles, but that it may be retained.

There is, I may say, a tariff tax also of 35 per cent. upon friction matches made abroad, and there is also a tariff taxation amounting to, I could scarcely state what, upon the various chemicals that enter into the composition of a friction match. I do not know what that may be, but I believe under our tariff it amounts to probably 20 or 25 per cent. ad valorem. But still there stands the fact, to use the language of the Commissioner of Internal Revenue, that with a cost to the Government of printing the paper and stamps, the gain to the Government is more than three million and a quarter dollars.

I submit that this is not a relief to anybody. It is simply throwing away a tax that by the length of time it has been permitted to stand has, I may say, grown into the daily habits and use of the entire American population. I would not dispense with an article so purely profitable for revenue, which has no indirect bearing otherwise for restriction upon the citizen. I submit to the Senate that it is proper that the stamp tax upon matches should be retained as part of the revenue of the United States.

Mr. MORRILL. Mr. President, there is no doubt, as the Senator from Delaware says, that this article is consumed by every family in the country. If the tax were to be removed it would reduce the price two-thirds of the amount. These matches are bought by families in quarter grosses, half grosses, and full grosses at a time, and to abolish the tax would unquestionably reduce the price at least two-thirds of the amount. I should very much regret to see this as the only lingering stamp tax when it is put upon an article which is so useful and so necessary.

Let me say further that the only parties in the country who desire the continuance of this tax are monopolies. There are but twenty or thirty manufacturing establishments of matches in the country at this time, perhaps less, and these have a perfect monopoly. Before this monopoly manufactories grew up in almost every portion of the country. I trust, therefore, that we shall remove this stamp tax upon matches, which will go to the relief of every family in the country and also tend to enable the smaller manufacturers of matches to compete with what is at present an entire monopoly.

Mr. BAYARD. The word "monopoly" is and ought to be an odious one to the American ear. I endeavored to state as plainly as I could to the Senate the result of the combination of the men who are engaged in the manufacture of matches. They have the trade in this country pretty much in their own hands; that is probably true, but let me ask, by striking off this tax which they pay will you by that means encourage the independence of smaller manufacturers?

Mr. MORRILL. I think so.

Mr. BAYARD. Not a bit. I have heard a great deal about this subject, and friends of mine here have asked me in regard to it. I asked the Commissioner of Internal Revenue in regard to it and I have examined the law. The idea was that these people combining with a superior capital could buy their stamps cheaper than other people could. That is stuff and nonsense. Any man who can buy the $500 worth of stamps (and there is no man engaging in the manufacture but would buy so many) obtains a discount of 5 per cent. If he buys less than $500 worth he obtains no discount; if he buys up to $500 he obtains 5 per cent., and if he buys $5,000,000 he gets no more than 5 per cent.

I have been astonished and surprised at the statements made. I scarcely believed this Government would so lend itself to the rich and do injustice to the poor as to sell stamps at a lower rate to a rich man.

Mr. SHERMAN. That has been the law all along, I will state to the Senator.

Mr. BAYARD. The Senator will find presently in the section which I have looked at that there is a law which enables the Government to sell postage-stamps to the amount of $100 to some retail dealer and gives him a commission upon that provided he does not sell those stamps at more than their face value. Then there is a law that for the convenience of the Government induces the purchasers of proprietary stamps, those who furnish their own dies from which the stamp is printed, to obtain a discount of 5 per cent. if they buy more than $500 worth, which, of course, they all do. What I say is that after you have reached the amount upon which the discount of 5 per cent. is allowed there is no profit, whether the purchase extends to $1,000,000 or to $10,000,000, according to the law as I have read it and according to the statement made by the Assistant Commissioner of Internal Revenue in the presence, I think, of the Senator from Ohio and the Senator from Vermont.

Mr. CONGER. Mr. President, before the stamp tax upon matches was prescribed by law, all through every State where there was pine lumber there were hundreds and thousands of manufacturers of matches. Men, women, and children earned a subsistence by taking the raw material, the timber, the butts of trees left in the woods wherever they could get it cheap or for nothing, and engaging in the preparation of match-splints. There were hundreds and thousands of people in Michigan, embracing whole families, who earned their subsistence by sawing out and splitting and preparing match material, which was sold to those who would prepare it for inflammable purposes. Even after the law affixing stamps to matches was passed that industry was pursued in all of the pine-growing States and in many others where the timber could be obtained.

The law, different from what the Senator from Delaware says, provides that on stamps to the amount of over $500, 10 per cent. reduction shall be given. The small manufacturers of matches, whether they make them entire or prepare the wood, cannot buy $500 worth of stamps. They never have and never could. It drove them entirely out of the business and compelled them to engage in some other means of occupation for a livelihood. The small dealers could not give the bonds which were requisite and buy and keep on hand the stamps to carry on their business in competition with the large manufacturers. The result has been in the United States that there are but five or six, perhaps seven, large match factories, and they are combined in a monopoly. The Senator from Delaware understands this, because one of the largest manufacturers, I understand, is in his own State.

Mr. BAYARD. He lives there, and it is from him, in the presence of the Committee on Finance, that I have received this information.

Mr. CONGER. He lives in the Senator's own town, as I am informed. There has been, and I charge it in its fullest and broadest terms, a monopoly of match-making and match-selling. There has been for some years past such a combination that every man engaged in match-making is united with every other man, and they control the sales throughout the United States.

What makes the monopoly in its most aggravated and worst form is that they have contracted among themselves when they sell matches to any dealer whatever to compel the purchaser to enter into a contract that he will not sell those matches to the people of the United States for less than a given sum. That is the condition in this country, and has been for some years.

What is the result of the law as to 10 per cent. deduction on amounts of stamps over $500, and what is the result of this stamp tax? Hundreds of thousands of dollars are paid by each of these firms in each year. I have heard the manufacturers themselves admit that if they could save this discount of 10 per cent. on the price of their matches they could make all the profits they wanted. They do not pretend to make a profit on the manufacture, but they do make 10 per cent. on the stamps.

Here is a tax of over $3,000,000 a year on an article that the people of the United States, rich and poor, high and low, all over the country, use as an absolute necessity. Whoever buys $40 worth pays 80 cents of it in stamps. It does not do to say in behalf of these five, six, eight, or ten monopolies that the tax is so small, so infinitesimal that the people who buy do not feel it. I do not speak of that branch of the question which would restore to its proper industry and its proper competition the manufacture of matches, but I can illustrate the effect of those combinations from matters within my own observation and my own knowledge.

When one of the largest grocers in Saint Louis, a wholesale dealer in groceries, matches, and things of that kind, would buy his matches of any of those monopolies he was compelled to sign an agreement not to give them away, or not to sell them for less than a given price, and otherwise he could not buy of any of those manufacturers. He said to them, "In my dealing with the people of the South and the West I throw in grosses and grosses of matches, as dealers do frequently throw in such articles, or sell them very cheaply." There were several dealers of that kind, and they could not get the opportunity of purchasing matches from any known manufacturers in the United States without making that contract. To avoid it and to protect their customers they went to match-makers in the lumbering regions of Canada and found out how they could purchase their matches there. They got permission from the Government to take the stamps and affix them without having duties or tariff charges on the value of the stamps added, and car-load after car-load of manufactured matches came from Canada, and are coming to-day from Canada by the Grand Trunk Railway and other railways, from the lumbering regions of the Saint Lawrence to Saint Louis, Mis-

souri, paying the duty which, as my friend from Vermont informs me, is 35 per cent. upon matches as a manufactured wood, bringing them into the United States and putting a stamp upon them, and then only having the privilege of selling them to their customers at whatever price they choose, or to give them away. If there is any monopoly in the United States which manufacturers have made by combinations to oppress all classes of people in the United States match-making is that monopoly.

Mr. MORGAN. Will it interfere with the Senator if I ask him a question?

Mr. CONGER. No, sir.

Mr. MORGAN. I want to know from the Senator what part of the existing law imposing duties or taxes upon matches enables any one to create a monopoly? I do not see it in the statute.

Mr. CONGER. This provision I alluded to, which I thought made plain the provision of law which authorizes a discount of 10 per cent. upon all purchases of stamps over $500.

Mr. MORGAN. Then the better plan would be to repeal that law.

Mr. CONGER. The better plan would be to strike at the root of the evil and repeal the stamp tax entirely, and leave the people of this country at liberty to pursue that branch of manufacture as they choose. That provision of law drives out of the manufacture all small dealers necessarily. The poor men who work from day to day cannot buy $500 worth of stamps to carry on their business. They cannot pay half a million dollars, or $100,000, or $50,000 a year to carry on their business.

Mr. MORGAN. Then if I understand the Senator, he is in favor of hand-made matches as against machine-made matches.

Mr. CONGER. No, I am not in favor of hand-made matches against machine-made matches, but I am in favor of leaving that industry open to whoever may engage in it without the monopoly that has been required by this provision of law. That is what I am in favor of.

There is no need of this stamp tax. However infinitesimal it may be, however ridiculous it may be to talk about the stamp duty on a match or a hundred matches, the fact is apparent that there are over $3,000,000 paid by somebody, paid by the people of the United States who use matches, as a tax, and coupled with that and with the law authorizing that stamp the price of matches is more than treble what it would be without.

I have friends who are engaged in the business in Michigan who belong to this monopoly, but I have not yet seen that it was my duty to oblige the few men in Michigan who belong to this combination to the injury of the whole people, either in their industries or in their expense for this article. However you may belittle this tax, there are three million and a half of dollars paid annually for these stamps. By virtue of it the monopoly is permitted to exist, which compels the payment of double, if not treble, the actual cost and value of the match, which would be five or six or seven million dollars to the people of the United States which they would not otherwise pay.

It is in keeping with the sneers which are so liberally thrown out here against the people of the West and South who live remote from towns, from physicians, who are compelled from their necessities to use such medicines as they can buy, proprietary medicines, and yet this Chamber rings with the sneers of high-toned gentlemen ridiculing the frontier people and the Southern people for buying their medicines already made up, when they must have those or none. It does not sound well, and I tell you, however elegant such talk as that may be, and however high a man may be who despises people who use patent medicines, there are more than half the people of the United States to-day who depend upon what are called patent or proprietary medicines in all cases of sickness and to arrest the ravages of disease.

It is a happy faculty I find here for men to sneer at those who cannot call around them great physicians, who have no druggist to whom they may go to buy their medicines; but, sir, more than half the people of the United States purchase prepared medicines from choice or from necessity, and the sneers that are flung about so lavishly in this Chamber strike right home upon one-half, and that, unfortunately, the poorer half of the people of the United States.

Mr. BAYARD. Does the Senator class it among the privileges and benefits of the American citizen that he may get patent medicines cheap?

Mr. CONGER. I do not know. I have no kind of sympathy with the feeling which will prompt a Senator of the United States to ridicule one-half of his fellow-citizens in their sickness and their disease and their attempt to recover health. Let those whose happy natures can fly above all the ills and afflictions of humanity throw out these flings and talk about the trifling cost of patent medicines, and that it will not relieve anybody to take off the tax from them.

I say these things with some feeling, I confess, having passed the most of my life in frontier countries, in new countries, where the physicians were scarce, and in many places where the drug-shop was unknown, in regions where disease and sickness prevail, as it does generally in all new countries. I have seen the struggles that the frontier men have for health and for life in building an empire in the West. I have no kind of patience with the spirit of the man who will talk about the insignificance of the tax on matches used by the poor, and sneer at those who take medicines prepared for them, proprietary medicines, or patent medicines, as it is the custom to call them, by those who sneer at them among the high-toned people of the world.

Somebody should say a word or two there. I had hoped that some one who could do it better than I would put in at least one little plea for the half of the population of the United States, the twenty or twenty-five millions of them, who leave the abodes of peace, and calmness, and pleasure, and pride, and wealth, and go off to endure as forerunners the hardships of Western and Southern life and meet diseases and meet death; aye, meet death with more calmness than they would meet the sneers of these high-toned gentlemen who ridicule them on the floor of the Senate of the United States for being compelled to save their families and their children from disease by the use of patent medicines.

Having thrown in this little mild remark about the sneers of my friends here against the poor and against their medicines and against their matches, having made in a feeble way some slight rebuke to those who stand by the great monopolists to the injury of the masses, I leave the subject.

Mr. BAYARD. I could not make a kinder wish for my amiable friend from Michigan than to hope that he may not be condemned to take so freely the medicines of which he seems to have been constituted the especial defender. I remember a while ago reading a lecture by Dr. Holmes on the Border Lines of Medical Science in which he said that if all the drugs were poured into the sea it would be very well for mankind and very bad for the fish. I am inclined to think that if he could only have included, as he was a regular scientific physician, the mass of these so-called patent medicines he would have done his countrymen a very great service. However, my friend may physic the poor man to his heart's content; so far as I am concerned, I should advise him to take as little medicine as possible.

I want now merely to read the provisions of the section of the Revised Statutes which perhaps I cited inaccurately. It is section 3425, and I will send it to the Secretary and ask him to read it.

The Acting Secretary read as follows:

SEC. 3425. The Commissioner of Internal Revenue is authorized to sell and supply to collectors, deputy-collectors, postmasters, stationers, or any other persons, at his discretion, adhesive stamps, or stamped paper, as herein provided for, in amounts of not less than $50, upon the payment, at the time of delivery, of the amount of duties said stamps or stamped paper so sold or supplied represent, and may allow, upon the aggregate amount of such stamps, the sum of not exceeding 5 per cent. as commission to such purchasers; but the cost of any paper shall be paid by the purchaser of such stamped paper. The proprietor of articles named in Schedule A, who furnishes his own die or design for stamps to be used especially for his own proprietary articles, shall be allowed the following commissions: on amounts purchased at one time of not less than $50 nor more than $500, 5 per cent.; and on amounts over $500, 10 per cent. on the whole amount purchased: *Provided*, That the Commissioner may, from time to time, deliver to any manufacturer of friction or other matches, cigar-lights, or wax-tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the Treasurer of the United States within the time prescribed for such payment. And upon all bonds or other securities taken by said Commissioner, under the provisions of this chapter, suits may be maintained by said Treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside or may be found, in any appropriate form of action.

Mr. BAYARD. I had that read merely to be precise in my statement. The advantage is greater in its extent than I stated. Any persons furnishing their die to the Department can have their special proprietary stamps printed as a kind of trade-mark upon their own goods and obtain thereon a discount of 10 per cent. provided the amount reaches $500; but what I said in substance and which I now repeat is that after the maximum of $500 has been purchased there is no increase in the discount, and if a man, as I said before, is able to buy the $500 worth he obtains just as great a rate of discount as a man who buys $5,000,000 worth.

In regard to the question of monopolies it is certainly not wise or just in a republican form of government to give undue advantage to any one. If under this law which has been standing for years on the statute-book it is found that there is an advantage which should not be given even to a capitalist, if you would call him a capitalist who can raise $500, an advantage over the man who cannot raise $500—if that be unjust, abolish it; it takes but three words of repeal to produce the effect, and do away with that which has been so misdescribed, so misunderstood, and so constantly misstated in regard to there being under this law some especial privilege given to the class of people who combine to sell friction matches.

Do you by your law now give any especial privilege to a capitalist for this manufacture? Can you by your law prevent the effect of capital? Your vast lines of railway are the creation of aggregated capital; the capital of individuals could not suffice to build them, and because they are built the benefit results to the community in the cheap transportation of each man's property.

I witness the inequality in the distribution of property all over this country with a great deal of apprehension. I witness with regret the defeat of those republican laws that were intended to provide for a wise and equitable distribution of property. We do see under our system of incorporations an inequality of fortune that is filled with dangers to our republican form, but can you prevent this?

I saw in the statement of Mr. Edward Atkinson the other day that by virtue of the trunk lines of railways, which are monopolies, which are great aggregations of capital, a man living in the dearest food

market in the United States, and I think that is Boston, Massachusetts, can with the wages of a single day transport his supply of bread and meat for one year from the cheapest food market in the country, and that, I believe, is Chicago. How can he do that? Simply by this result of the aggregation of capital which has built the railways and which in single hands never could have been accomplished. In this great complexity of civilization there are results which bear with them many blessings and at the same time are constantly accompanied by danger.

As to the business of making matches, the Senator from Michigan has referred to a man who is my fellow-townsman and who owns property in these matches all over the country, an intelligent man of capital, who has told me precisely how this matter stands, and I am endeavoring as plainly as I can to tell the Senate. There is no question that the combination of their capital, the superiority of their machinery, it may be patents which they have upon this thing, or chemical secrets in the composition of the igniting fluid which they put on the match give them an advantage over others; but, Senators, you are not to destroy these men when you take off this tax. There will be still the same opportunity for capital to aggregate itself, for skill to assert itself. It will be the same, tax or no tax. I would not care the snap of my finger in regard to this thing, except as a question of public revenue. You cannot by crying out "monopoly" prevent that capital from asserting itself in this case.

But your law does not assist in that.

I will tell you what your law does. Being an excise law and prescribing the affixing of stamps on each identical package, which is a very minute thing in the matter we are now talking about, the foreign competitor is at a disadvantage. These stamps must be put on at the time the match is made and put in its package. Foreigners cannot provide themselves with stamps; they will not attempt to do so. Therefore it is that this revenue law affixing stamps, whether it was a half cent or a whole cent, or ten cents, prevents the foreigner from coming in competition with our manufacturers.

If you say you do not want this money for the Treasury and that three million and a quarter dollars so paid in is a matter of no moment, and you have something else that you prefer to put it upon, that is your judgment.

My own belief is that matches will not be a great deal cheaper to the people who buy them, to the poor who are so especially represented by my friend from Michigan, and that there will be probably a great many more imported. All I believe now that come in are smuggled. The matches are perhaps cheaper on the continent of Europe than they are here; I think they are, from a very slight personal experience, and I should be very glad to have them cheaper here.

It is simply a question of judgment. You have to get so much money to carry on your Government; you have to get so much money to assist in paying such appropriation bills as you have just given your assent to here in the Senate, and the question is, is this an equitable and an easy way to raise three million and a quarter dollars. If you think it is not, if you think there is hardship in it, take it off. If you think as I do you will certainly vote to retain the tax.

Mr. ALDRICH. Mr. President, in the very able speech of the Senator from Delaware in which he opened the debate on the pending bill he expressed a desire that the reductions made by the bill should be such as would relieve the burdens upon the people and not be for the benefit of monopolists. It appears from the statement which I hold in my hand, made by Mr. William H. Swift, of Wilmington, Delaware, that the match-manufacturing business of this country is very largely controlled by the Diamond Match Company, whose principal office is at Wilmington, with a capital of two million and a quarter dollars.

Mr. BAYARD. I think they have works in Connecticut, and I think they have their works in Chicago, Saint Louis, and half a dozen other places.

Mr. ALDRICH. Very probably, but their headquarters are at Wilmington, with a capital of two million and a quarter dollars, and they have practically a monopoly of the match-manufacturing business in this country.

Mr. BAYARD. I believe that is true.

Mr. ALDRICH. They have simply branches in various parts of the States. There is no other tax in the whole range of our taxes, internal or external, that represents a contribution upon every household in this country, I believe, except the tax upon matches.

Mr. BAYARD. Is not that a good thing?

Mr. ALDRICH. It is a tax on the people.

Mr. BAYARD. Does not the Senator think that universality in a tax is a wise feature?

Mr. ALDRICH. If it is a wise and just tax, yes; but if it is an unwise and unjust tax, no.

The Senator undertakes to show that this monopoly has not been detrimental to the interests of the people in the price of matches. Let us see what the facts are. Before the internal taxes were levied upon matches the price of common matches, such as are used in New England and known as card-matches, was 28 cents a gross wholesale. The present price is $1.85 a gross. The net amount of tax is $1.31 a gross, leaving the price of matches at the present time 54 cents, being an increase of 26 cents, or nearly 100 per cent., upon the price before the internal taxes were imposed, besides the amount of tax. Almost every other article of common consumption manufactured from wood or other articles of that kind have decreased in price since that time, and here is an article which under the operations of this law has increased very largely in price.

Why has that been so, and why has it been possible to have this monopoly in the manufacture of matches? In the first place it is accounted for by the discount of 10 per cent. which is made upon taxes where parties have a special die. Many of the ordinary match manufacturers in Michigan or elsewhere throughout the country who manufacture a small amount with no special die can get but 5 per cent. These other people get 10 per cent. upon the large amount of stamps bought by them.

But there is another reason. This tax is the most excessive tax in our whole range of taxes. It amounts to about 500 per cent. ad valorem upon the prime cost of the matches. With that tax off a man might carry on the business of manufacturing matches with a capital of $10,000; with the tax on the same business requires a capital of $50,000. It is utterly impossible for a man to engage in the business of manufacturing matches with the tax of $1.44 a gross without having a large capital at his command.

Mr. BAYARD. May I ask the Senator a question?

Mr. ALDRICH. Certainly.

Mr. BAYARD. Does the Senator believe that the monopoly, which is objectionable to him and to me, is created by the stamp?

Mr. ALDRICH. Yes, sir; very largely.

Mr. BAYARD. Does the Senator believe that by taking off the stamp tax the capacity to monopolize the trade would be lessened?

Mr. ALDRICH. I say most certainly, because a small amount of capital then would enable a man to engage in the business of manufacturing matches. It is within my knowledge, as has been stated by the Senator from Michigan, that before this tax was put on there were small manufacturers of matches located in all portions of this country, because it required a very small amount of capital to carry on the business; at farm-houses they were made in all parts of the country; but now a very large amount of capital is required to purchase the stamps and distribute the matches in various parts of the country.

Mr. BAYARD. May I ask the Senator does he not believe that the monopoly, that is to say the advantage given to capital in dealing on a large scale, has been the result of discovery and application of machinery to it, and the abolition of hand-made matches, which formerly did exist in a small way all over the country? I heard the Senator from Ohio say the other day that he knew some one in the town he lived in who made matches. Why did not the man go on with it? Simply because machinery has taken the place of the imperfect means of manufacture that he referred to.

It is perhaps one of the crucifixions of civilization that the force of capital will assert itself. I look upon it with no particular pleasure; I can see the injuries and dangers to our republican form in that; but you cannot check it by putting this tax on or off this commodity. Precisely the same power of capital will exist. The truth is that the growth of this present manufacture is entirely a modern thing. I take it it has grown within the last twenty years, and I believe you will see the same result precisely whether you have your tax off or on, the only difference being that you will probably have a greater amount of foreign matches brought in if you remove the tax.

Mr. ALDRICH. Possibly the fact which the Senator has stated is an element which enters into this matter; I presume likely it is; because the purchase of machinery makes it necessary to have a larger amount of capital. It aggravates the evil to which I have alluded. The fact that these gentlemen believe that the levying of the tax will assist them in maintaining and upholding the monopoly which they have is evidenced by their earnest desires expressed upon every occasion through all of their friends among Senators to have the tax retained.

Mr. BECK. Mr. President, I believe I agreed at last to report in favor of reducing the tax on matches. I had a great deal of difficulty about it for the reasons given by the Senator from Delaware. I thought it was a legitimate tax, every dollar of which went into the Treasury, and there were so many other taxes imposed which were not legitimate, the money being paid in in such a way that the tax did not really go into the Treasury, that I was very much tempted, though it was a little out of order, to connect matches with another very necessary article used by everybody, and which is taxed $5, I think, for every dollar that goes into the Treasury, and so I was inclined to propose free matches and free salt. I coupled them together. Salt, like matches, is a thing of very universal use, and as the fishermen packed their fish-salt for nothing, I thought people who were packing pork and beef and everything else, both for home and abroad, ought to have the same privilege; and if you could make free matches and free salt that would be a fair adjustment. The Senator from Michigan says that matches are universally used. The two would go together very well.

I have no doubt, and it has been proved before us, that very many people who were engaged in making matches before the tax was imposed are now not engaged in it, because the large manufacturing establishments have grown up and enabled matches to be made much cheaper. I can remember when over the old Maysville road, which Congress

has heard of in years gone by, were hauled all the goods from the Ohio River to the interior of Kentucky. There was a little roadside tavern and there would be three or four miles of wagons with bells on their horses, and horns, which were to be seen every hundred yards. When the railroad came along everybody said that there would be no sale for horses and everything would be ruined; the locomotive would take off everything. The wagons disappeared; the roadside tavern, went down; but the horses were worth more afterward than they were before. The people over the country who were manufacturing matches found more profitable employment in doing something else, I have no sort of doubt.

I was in the House of Representatives when forcible arguments were made, because they could be made very forcible and applied with great power in favor of a free breakfast table, free coffee, and free tea. I was one of the men who were fortunate or unfortunate enough not to be able to see the great advantage of it, and I voted against free coffee and free tea. The result was that coffee cost 3 cents a pound more after the tax was taken off than it did when we were paying the tax. It went up instead of going down.

I was not hunting for matches as one of the things from which to give the country relief until I could see what other taxes we could relieve the people from that would give real relief to the amount of the tax. Still the proposition came and the investigation was made, and, very much to my surprise, for I believed that the price of matches would not be decreased by taking off this tax, when we examined Mr. Swift and others in regard to it, the proof was made satisfactory to my mind that the people would get the benefit of a reduction of the tax in matches. When I found that to be true I gave my consent to vote to take off that tax and take the chances of what we may be able to do hereafter with other things.

I want to make the explanation merely to say that this was not one of the things that I was looking after, not one of the things I was selecting, but one of the things in regard to which I felt an anxiety to do the best I could.

There was a great clamor made by some all spring and winter about knit goods. It was said that there was great injustice being done in that matter, and I was made to believe that great wrong would be perpetrated if something was not done for relief. The Senator from New Hampshire [Mr. BLAIR] and others have time and again pressed upon us the necessity of giving the knit-goods manufacturers relief, and a bill on that subject has been pressed on us and is before us now.

It has been said that unless we double up the tax on those articles the manufacturers will be ruined. I picked up an article from the Boston Herald the other day, which I have before me now, and I was amazed to find that that was one of the frauds where by a false clamor we were to be driven to double up the tax. I have the fact here in illustration of the fraud in making us increase the duty, given in the form of an interview with a leading Boston wool merchant reported in the columns of the Boston Herald. I believe I will read it if it does bore the Senate, because the knit-goods duty has been held up as one of the glaring iniquities, one of the things that the Senator from Vermont has been pressing upon us and urging us to go to work and give relief on all at once:

"If the profits of the business," said the merchant——

Mr. DAWES. Will the Senator tell us the name?

Mr. BECK. I find it in an interview which the New York Evening Post gives, taken from the Boston Herald.

Mr. DAWES. I only wanted to know the name of the individual who had been interviewed.

Mr. BECK. I have no doubt the editor of the Boston Herald can give the name.

Mr. DAWES. I did not know but that the Senator had it. He spoke of him as a large wool-dealer; I did not know but that the Senator knew who he was.

Mr. BECK. I do not; I said I had the paper in my hand containing the interview.

Mr. DAWES. Then the Senator does not know whom he is indorsing?

Mr. BECK. I know I am reading what I purport to read, an article from the Boston Herald. Did I say anything more than that?

Mr. DAWES. There is a great deal in the Boston Herald the Senator would not like to indorse.

Mr. BECK. There is a great deal in Massachusetts I would not like to indorse, outside of the Boston Herald.

Mr. DAWES. I know it, and I would not indorse that man unless I knew who he was.

Mr. BECK. It may be; but here is what he says, and we shall see whether it is true or not, for we have been almost dragooned into this thing:

"If the profits of the business," said the merchant, "were due entirely to the use of improved machinery, there would be more reason for restoring the pound duty and keeping away competition from foreign knit goods; but there has been another tremendous source of profit, and it is in this direction that competition from foreign goods is the most feared. Wool is dear in this country as compared with Europe. The duties alone nearly double the cost of it. Hence the greater temptation on this side of the water to use a substitute. In the art of mixing cotton with wool the hosiery manufacturers in America cannot be beaten. In conversation the other day with a dealer in flocks, shoddies, wool extracts, and wool waste, the remark was made that unless Congress tinkered the tariff and restored the pound duty the hosiery mills in New England would all have to shut down. He said, 'Let them shut down. They have made money enough during the past few years. Talk about the cost of raw material! They don't use any really good wool except in the very highest-priced goods, while the amount of worthless flocks and shoddy they work into clear cotton goods to make them look like wool would surprise you. It is the competition with goods made abroad, where wool is cheap, that the hosiery men are afraid of. Why, only the other day I purchased 1,000 pounds of yarn "hard ends," the bits of yarn usually left on the spool, from a manufacturer of hosiery yarn. The stuff was to be rendered into shoddy or filling of some kind, and in separating it the buyer actually took out 50 pounds of sand or earth of some kind from under his pickers.'"

That was some other smart fellow outside of this person who did that.

"'A sizing is made of starch, and this clay or earth mixed into it, and then the yarn is treated to it, after scouring, and sold by the pound. Stockings of a certain quality must weigh so many pounds to the dozen, but loaded sizing is cheaper than good, cleaned wool, worth at least 75 cents per pound. Why, I have sold tons of flocks to the hosiery men. You know what they are. They are shearings from woolen cloth in the process of finishing. The fibre is not the hundredth part of an inch in length. The stuff is as fine as flour apparently, and yet it possesses all the nature of wool, and will felt or drive into the surface of cotton goods. This flocks or wool dust is mixed into soapy water, and goods made entirely of cotton are put in, and after undergoing a process of pounding and squeezing for some time, these little fibers are driven into the surface, and the goods come out "fleece-lined" or "wool-lined," or "part wool." Once or twice washing or a few day's wear will remove all signs of wool.

"'Let such rascally cheats go to the wall, I say. Do the hosiery manufacturers in this country expect to be protected against competition from all-wool goods made abroad, and continue to put a miserable fraud onto the market? Take a pair of "all-wool hose," as the dealers term them, or a single stocking will do, and put it into a chemical solution which will cut away the wool and leave the cotton, what will you have? In some instances you will have left a complete cotton stocking, only the thread will be finer and the knitting will be open like netting. How are such goods made? A cotton thread is spun, but while in the process of twisting very fast short wool (too short for any other purpose) comes in contact with the yarn, and a complete coating of wool is spun around it. Such yarn has the appearance of all wool, and the fraud is hard to detect, but the value of real wool in such goods is next to nothing.'"

It is to help this sort of fellows that we were called upon to abandon everything in the way of legislation and take up a bill to double the duty on the kind of goods they were pretending to make, in order to enable them to make the kind of goods that this man says they have been making as a fraud upon the country. These are the things which are being pressed upon us here, saying there was an error in the revision, and, driven from that because the suit was brought in the courts before the revision was had, charging all the things that are now charged, then it had to go to the Finance Committee, and the pretense was made that they were starving to death, that thousands, perhaps hundreds of thousands, of people would be thrown out of employment unless we hurried up all at once to double up the tax to give them some protection. These are the kind of things this Boston man says they are making, and it behooves us to look with a little care before we double up taxes to please anybody. That is what I used that article from the Boston Herald for.

Mr. FRYE. Will the Senator allow me to ask him a question about that, because he reads that article as if he believed it?

Mr. BECK. Certainly.

Mr. FRYE. Does the Senator know that the trade-mark of a manufacturing establishment is worth as much to the establishment as the Senator's character is worth to him in Kentucky, and if that article was true no knit-goods establishment could live a single year? The discovery would be made at once by the people using those goods whether they were made of flocks or shoddy or wool, and the reputation of the concern would be ruined at once and it could not run its business at all.

Mr. BECK. Does the Senator think that those people in New England have no way of selling goods without having a trade-mark upon them? Why, sir, I have no doubt three-fourths of those goods are sold without any trade-mark at all. Before a committee of which I was a member and the Senator from Massachusetts [Mr. DAWES] was chairman the proof was made that there was hardly a wholesale establishment in New York City that was not selling goods that they had every reason to believe were smuggled. They did not dare to import them, because they would come in competition with masses of just such things as are here. There is no doubt of that; but that is getting away from the subject perhaps.

Mr. FRYE. Matches.

Mr. BECK. I wanted the benefit of this article when the next clause comes up, for we shall be pressed with knit goods all the time.

Mr. DAWES. Will the Senator yield to me?

Mr. BECK. There are one or two other things I want to say, and only one or two.

Mr. DAWES. Like this?

Mr. BECK. Not about knit goods any more, but about other things connected with this bill.

Yesterday while the question was up in relation to taxes on banks I found that a good deal had been said about my position in regard to the matter, and I took occasion then to say a word, but I had heard no part of the previous debate. I have looked over it slightly this morning. I said yesterday:

At any rate, the letter of Madison C. Johnson, the president of the Northern Bank, was made a part of the RECORD. It was a very able letter, and I shall turn to the RECORD to-night, and lay it before the Senate in the morning.

I really rose to do that as bearing on the question of taxation upon the banks. At the time when I introduced that bill, in December, 1880, a full discussion was being had among members of the two Houses, especially members of the Democratic party, with whom I associated more than I did with others, relative to the question of

what it was best to do. We were seeking to endeavor to bring the bonds down to 3 per cent. interest. The Secretary of the Treasury and others were very much opposed to it, and 3½ was the minimum they said to which it was safe to go. I introduced the bill which was referred to yesterday, and after asking leave to introduce the bill to take off the taxes on capital and deposits and checks, I said:

Mr. President, I desire to say one word, if the Senate will allow me, in regard to the bill. I know that bills of this character have to originate in the other House, but perhaps we have bills before us, or certainly will have, to which this will be an appropriate amendment. I desire, if the Senate will allow me, to make part of the RECORD a very short letter from the President of the Northern Bank of Kentucky, one of the best lawyers in Kentucky, which perhaps may influence those who know him, and I think it will. I do not care to read it, but if it may go into the RECORD without reading, I prefer it.

The short letter was this, full of sense:

NORTHERN BANK OF KENTUCKY,
Lexington, December 14, 1880.

DEAR BECK: As the revenue greatly exceeds the expenditures of the Government—

And I want to say that the same reasons that induced me to desire to give some relief to banks would apply to matches, and I think the same reasons now exist—

As the revenue greatly exceeds the expenditures of the Government, I think there should be a reduction of the taxes, either by reducing the amount or taking off certain taxes entirely. At present the only internal taxes are upon whisky, banks, tobacco, and patent medicines. You will not be surprised at my believing that banking is not a more legitimate subject of taxation than that of buying and selling merchandise. Whisky, tobacco, and patent medicines, from their pernicious effects, are legitimate subjects of taxation. I exclude from these remarks national banks, which are legitimate subjects of taxation to the extent of the benefit conferred on them by the Government in giving to them a circulation, and by guaranteeing the punctual payment of that circulation. Guarantee is a legitimate subject of purchase; it is an ordinary subject of purchase between private persons. It is a common transaction to pay as high as 2½ per cent. for indorsing paper which is good. Therefore the tax on circulation is a legitimate price for a benefit conferred. It should not be repealed. Any one can avoid its payment by giving up its circulation, and none need keep it unless at the price paid for it (the tax) it is profitable to them.

But the tax for which no benefit is conferred is the tax on capital and upon deposits. The tax on checks is abominable. Why should men who keep their money in a place of safety (a bank) be compelled to pay a tax upon it, by the indirect mode of a stamp on checks, over the person who keeps his money in his own safe?

The tax on capital as it stands is a very unequal tax. It is merely a tax on the State banks and private bankers, because the tax on capital is taken off to the extent of United States bonds held by the bank. The national banks hold bonds generally to the amount of their capital and get an equivalent in circulation. This absolves them from all tax on capital, so that really they only pay one-half of 1 per cent. on their circulation, instead of 1 per cent., which they nominally pay.

In fact this tax on capital, from which the national banks are free, is a kind of protection to the national banks to keep down competition from State banks and private bankers.

The national banks, therefore, never asked Congress to repeal the tax on capital. It is really a benefit to them in putting their competitors at a disadvantage.

All banks are equally interested in the repeal of the tax on deposits and checks. It is a great benefit to the whole community that the surplus money of individuals should be kept in bank where it can be utilized by making money for loan more abundant and interest lower to the borrower from the greater abundance of money. If that money was kept in the pockets of the owners money would be more stringent and interest higher.

It is therefore a general benefit, and in no sense a subject of taxation, except when everything has to be taxed, as in a state of war.

I hope, therefore, that you will find it consistent with your duty to urge the repeal of the taxes indicated.

With the United States debt funded at a low rate of interest, it is not good policy to tax the people to pay off the principal. It is taking money which is worth 5 or 6 per cent. to the people from whom it is taken to pay a debt only bearing 3 per cent., not counting the cost and expense of collection, which will probably make 1 per cent. more.

The debt should always be diminishing, but it should be slowly.

Yours, truly,

M. C. JOHNSON.

It was upon the faith of that letter and the bill prepared by him, with the general soundness of the views in which I concurred, that I offered the bill as part of a system to reduce bank taxation. I am not sorry that the Senate has agreed to take it off.

Yesterday a good deal was said, and the New York Herald was read to show what a persistent enemy I had always been of the banks. I deny that. Whenever a complimentary thing is said about a man in the wrong direction, the papers are always marked and sent to him, and I have had the privilege of receiving another compliment from the New York Herald, because I was such a fool as to think that I could stop the overcertification of checks, stating that I was dealing with a subject entirely beyond my grasp, entirely beyond the understanding of a man living where I do, and knowing no more than I do. My effort with the banks has only been to require them to obey the law.

Mr. VOORHEES. The Senator from Kentucky certainly does not understand that I adduced the New York Herald with a view to show his hostility to banks.

Mr. BECK. Oh, no.

Mr. VOORHEES. I read it to show the hostility of the banks to the proposition he had made.

Mr. BECK. I think the Senator from Indiana did exactly right in what he did; and I am not complaining of his colleague particularly either, because it is not my habit to find fault; but the Senator's colleague, [Mr. HARRISON,] in reply to me, said, after quoting the New York Herald:

If my friend intended to set up the Senator from Kentucky as a conspicuous champion of the anti-bank feeling—and he is undoubtedly—with what sort of consistency can he assail the majority here now for proposing to do just what this great champion of anti-bank sentiment proposed to do in the last Congress?

That Senator [Mr. HARRISON] took occasion to have no doubt about my hostility to the banks and put it on the record, which I deny. No act of mine justified the Senator from Indiana [Mr. HARRISON] in saying that I was undoubtedly the enemy of the banks, though the New York Herald did say that I did not have sense enough to know what I was trying to do. I was endeavoring, and have always been, to make the banks obey the law; and the reason I demanded that they should not be allowed to have their charters renewed except with a provision that they should obey the law in regard to the certification of checks grew out of the fact that section 5208 of the Revised Statutes reads thus:

It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section 5234.

That section provides that in the case of certain delinquencies, of which this is made one, it shall be his duty to close the bank and appoint a receiver to take charge of it and put it in liquidation. All that I proposed to do was to say that any violation of that law should not only have this penalty enforced upon it, but that the men who were guilty should be punished personally for violating the law. The section I introduced was simply word for word a bill that passed the House of Representatives ten years ago unanimously, and which the Comptroller of the Currency himself said had prevented that practice for many years. And yet the leading papers of New York, which have been quoted on this floor, laughed at the idea of any man trying to stop the banks from violating that law just as they pleased, and editorials have been read on this floor saying that I was a fool for thinking I could do it, that they had found other ways of doing it, and that they are evading it now, and while they are not pursuing the old method they are pursuing other methods.

What I complain of is that we have a Comptroller of the Currency here who is so far the agent and attorney of the corporations whom it is his duty to prosecute for the violation of the law that he stands by and encourages them and allows them to do what the New York Herald avows they are doing every day, and it gives conversations with bank officers telling how they do it, and he neither prosecutes them nor attempts to prevent them from doing it. I am called an enemy of the banks because I show the fact that they are violating the law and bring up his own report and furnish him now with the New York Herald, or he can obtain it from the RECORD, from the one I hold in my hand, of last Wednesday, July 19. From that it appears that the bank officers themselves were boasting in the streets of New York that none of the laws we are passing can bind them or prevent them from violating a statute of the United States, the violation of which under the present law makes it the duty of the Comptroller to close the banks.

I am not an enemy of any institution founded by the laws of the United States until I can devise some better system. I oppose the banks, of course, when they defy the law. The report of Mr. CRAPO in regard to the extension of their charters says:

In forming a judgment of the wisdom of the proposed legislation extending the corporate existence of national banks, it is proper to consider what effect the failure of Congress to act will have upon the paper circulation of the country. In the absence of any authority to continue their business, within the next twelve months three hundred and ninety-three banks must go into liquidation. This will compel the withdrawal of $69,160,980 of lawful money now in active circulation, in order to procure $75,768,700 United States bonds lodged with the Comptroller, and which the liquidating banks will withdraw for sale, for the purpose of closing their affairs and making division of their assets.

We are threatened with a contraction of the currency to a ruinous extent unless we comply with their demands! I have always, as far as I know, endeavored to give fair privileges to the banks, but I have at the same time endeavored to compel them to obey the law. I have seen the Comptroller of the Currency do as he did in Richmond—and if he did it there I suppose he did it in a thousand other instances—where he was required by law to take affidavits from bank directors that they would not violate any provisions of the title of the Revised Statutes relative to banks, yet he allowed them to insert in the body of the oath for five or six years an exemption from its provisions in regard to interest. I produced here the affidavits made by the officers of two banks in Richmond, showing that they expressly exempted from that obligation the right they claimed to have of charging more interest than the laws of the State allowed. And yet after obtaining proof from his office that this was done from 1877 to 1881, no word has ever been said against the officer who allowed that to be done; and if that was done there the probabilities are that it has been done in a thousand other cases.

If a man is allowed to violate the law by permitting false oaths to be filed, and allowing overcertification of checks to go on, and by his own report he shows that he knows it, am I an enemy of the institutions because I call attention to this flagrant wrong? I deny it. It is my duty to do it, and it is the duty of Congress to see that none of its officers violate the law and that none of its fiscal agents violate the law, and that no bank, national or other, ought to have the power or right to violate the law. The Senator from Indiana [Mr. HARRISON] had no right to say on this floor that I was undoubtedly an enemy of the banks because of any act I have ever done or any vote I have ever given. I want to relieve them from oppressive

taxation. I am opposed to all men and all corporations who defy our law. That is my position in regard to these matters.

Though I am not anxious to do it, I shall vote to take off the tax on matches. I shall vote against relieving patent-medicine men, because I believe that no good will come from it and $2,500,000 will be given away for nothing. I expect to follow that by fair votes for the reduction of taxation on many of the items of the tariff when we come to consider them. I will vote to change the classification of sugars, to what extent I do not know, but I think one rate of tax from No. 13, Dutch standard, down and another rate from thirteen up, simplifying it, would be worth millions to the revenues of this country. I believe that a reduction of the import duties down to a rate not exceeding 50 per cent. will save this country $100,000,000 and lose us only seventeen or eighteen millions taxation. I said fifteen millions yesterday, but the schedules now embrace silk goods which will take off $2,800,000, making $17,800,000 instead of $15,000,000 as I stated yesterday.

Mr. MORRILL. I ask for the yeas and nays on the pending question.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to strike out the word "matches," on line 22, and to insert on line 23 "except matches."

Mr. DAWES. Mr. President, I am not in the habit of crowding myself upon the Senate, but I have no compunctions in asking their indulgence for a few minutes now.

Mr. CALL. I ask the Senator from Massachusetts if he has any objection to an adjournment?

Mr. DAWES. Does the Senator ask if I desire that the Senate should adjourn as soon as I get up?

Mr. CALL. If the Senator desires to go on I will not make a motion to adjourn.

Mr. DAWES. That was not what I got up for. [Laughter.] I got up merely to say a word or two, and I felt that it ought to have been said at the time the Senator from Kentucky [Mr. BECK] felt called upon to indulge in a rôle which no man is more familiar with than he, in a gratuitous assault upon a section of this country, its character, the character of those who compose it and of their business. The Senator from Kentucky in all his personal and social relations is justly deemed an honorable man; but in his dealings with public questions here upon this floor he is a mystery to me.

I have been amazed that a gentleman who in everything else but that which pertains to his duty here is called upon to treat and does treat his fellow-men as honorable men until he knows something to the contrary indulges himself whenever he gets upon his feet with the most reckless charges of dishonesty, and fraud, and chicanery, and thievery, and extortion against men who bear in the community in which they live and with every one with whom they deal characters as honorable as the character which the Senator from Kentucky justly has from his fellow-citizens in all his personal relations. I once took a speech of the Senator's and counted up the number of crimes he repeated in a single speech here and charged upon New England men that they were thieves, that they were extortionists, that they were plunderers, that they were robbers, without producing one single scintilla of evidence that they were not at that moment as honorable men as himself.

Sir, if the Senator would take instruction from his eyes instead of his ears, and go among the people he slanders day after day with these gratuitous charges, he has too much honor in him, I believe, to repeat even here those charges, though it would strip every speech he makes of everything there is in it.

Sir, the Senator has come here to-day for the hundredth time with a charge against New England people, an anonymous charge cut out of a newspaper and carried around in his vest pocket till it is dirty, as dirty as the charge itself; and when he is asked in a respectful manner whom it is that he indorses he does not hesitate to say that he indorses an anonymous charge.

He charges New England men with cheating, and says that they sell their goods under false marks, and he knows that he has not one scintilla of proof about him that justifies such a charge. The men he charges have been in the business to which he alludes since 1867, all over not New England alone but New York and Pennsylvania and Illinois and Ohio, and millions and millions of capital are invested in the business, and thousands and thousands of men are employed in it, earning an honest and honorable living and depositing their earnings in savings-banks to benefit and protect and build up honest, hard-working families in honorable and educated and high-toned communities. He tells you that an anonymous scribbler in some newspaper, whose name he does not know, has told him that they have accumulated money by cheating, and he feels justified, he an honorable man in all other relations in life, in standing up here in the Senate of the United States and indorsing that charge. Sir, I say that the course of the Senator from Kentucky is a mystery to me. I know him to be an honorable man in all he does himself. I beg him to answer me: is it honorable to charge men day after day with thieving, with robbery, with extortion, with plundering, and not bring forward one scintilla of proof of his charge?

Every employment, it seems to him, in which men are engaged outside of those which are peculiar to his own State, is reeking with fraud and cheating and robbery, and every officer of the Government at one time or another is engaged, he seems to think, in the commission of some fraud upon the people. Why, sir, he seems, himself an honorable, upright man, to live in the midst of one great Sodom or Gomorrah. I beg him to take, like Lot of old, his household gods and move out from among a people that reek so with all manner of crime and offenses against honesty and fair dealing.

Does he not know that not a New Englander or a New Yorker or anybody else employed in any of the pursuits known in this country can pursue the course he has charged unblushingly here to-day without being brought not only to the bar of public opinion, and there condemned, but into the courts of justice and condemned for frauds, if they exist other than in the imagination of such men as teach him?

Sir, I have nothing to charge upon the Senator for the views he takes of public policy. They are his. I have no complaint to make of the zeal and the ability with which he seeks to enforce them. I only complain that the Senator will not better inform himself upon the integrity and honesty and fair dealing of the people among whom I live.

Mr. BECK. Mr. President, the RECORD will show in the morning what I said and how far I indorsed anything. I stated when I began that I read from the Boston Herald, copied into the New York Evening Post, what purported to be an interview with a highly respectable Boston merchant, whose name I suppose the editor of the Herald has, that charged all sorts of frauds in the manufacture of these things. It is a leading paper in New England. I concealed nothing. A telegram to the Boston Herald, I suppose, will bring out who this man is; I cannot tell his name, but when I heard so much clamor about having to rush the knit-goods bill through I thought I might as well read what was said in their own papers by men purporting to be respectable. I should have been very much afraid that I had done something terrible if I had ever charged all New England or all anybody else with what is charged here about some dealers, if I had not heard a worse scolding and a more noisy and more emphatic denunciation about some old man who was run off from a gin-house in Mississippi into Louisiana, and God knows where, on some anonymous communication that the Senator from Massachusetts had himself to get up and take back on the floor of the Senate after making a good deal of fuss about it.

Mr. DAWES. The Senator is in just as much trouble about that as the other thing.

Mr. BECK. I was not troubled about it. I have heard the speeches of the Senator and they are all so much alike that I was used to this last one.

Mr. DAWES. I may have failed to bring properly to the notice of the Senate the enormity of the charge I made here to which the Senator alludes. I made a charge upon the authority of a colleague of mine, and I did state to the Senate on what authority I made it, and if the Senator prefers to feed upon the offal that is picked out of partisan papers, whether they be in Massachusetts or Kentucky, he has his choice.

Mr. BECK. The resemblance in the style of this speech and the other was so great that it amused. He made wonderful charges, but the proof was extremely slim, and as far as I know the charge was abandoned, "thundering in the index," just as he is doing now, trying to make believe that I have made all sorts of charges against everybody because I read from a respectable paper what purports to come from a respectable man about the sort of dealings of a set of men who are here clamoring to get through (if what he says is true) a very unjust increase of taxation, and to impose burdens upon all. I am willing that the RECORD shall come out with what I said; I do not expect to see it until it appears in the morning.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The Principal Legislative Clerk proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Navada, [Mr. JONES.] I do not know how he would vote if present; therefore I withhold my vote.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.] I do not know how he would vote on this amendment. If he were here, I should vote "nay."

Mr. McMILLAN, (when his name was called. I am paired with the Senator from Georgia, [Mr. BROWN.] If the Senator from Alabama [Mr. MORGAN] is advised in regard to the position of the Senator from Georgia on this question, I should like to know it.

Mr. MORGAN. I only know it generally. I think he would vote "nay."

Mr. McMILLAN. I would vote "nay," and therefore feel at liberty to vote. I vote "nay."

Mr. HAWLEY, (when Mr. PLATT'S name was called.) My colleague [Mr. PLATT] is called home. He is paired with the Senator from Oregon, [Mr. SLATER,] whom I do not see here. My colleague, if present, would vote "nay."

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GORMAN.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] He is not here, and as I do not know how he would vote, I shall not vote.

The result was announced—yeas 8, nays 44; as follows:

YEAS—8.

Bayard,	Harris,	Morgan,	Voorhees,
Coke,	Maxey,	Pugh,	Walker.

NAYS—44.

Aldrich,	Ferry,	Jackson,	Mitchell,
Allison,	Frye,	Johnston,	Morrill,
Beck,	George,	Jonas,	Ransom,
Blair,	Groome,	Jones of Florida,	Saunders,
Butler,	Hale,	Kellogg,	Sawyer,
Call,	Hampton,	Logan,	Sherman,
Cameron of Wis.,	Harrison,	McDill,	Vance,
Chilcott,	Hawley,	McMillan,	Van Wyck,
Conger,	Hill of Colorado,	Mahone,	Vest,
Davis of Illinois,	Hoar,	Miller of Cal.,	Williams,
Dawes,	Ingalls,	Miller of N. Y.,	Windom.

ABSENT—24.

Anthony,	Edmunds,	Hill of Georgia,	Platt,
Brown,	Fair,	Jones of Nevada,	Plumb,
Camden,	Farley,	Lamar,	Rollins,
Cameron of Pa.,	Garland,	Lapham,	Saulsbury,
Cockrell,	Gorman,	McPherson,	Sewell,
Davis of W. Va.,	Grover,	Pendleton,	Slater.

So the amendment of Mr. BAYARD was rejected.

Mr. JONES, of Florida. I move that the Senate adjourn.

Mr. MORRILL. I hope the Senator from Florida will consent that the Senate shall reach the third section. There is nothing in the second section that will cause debate, I think.

Mr. JONES, of Florida. I think we have done a good day's work.

Mr. MORRILL. I shall ask the Senate to hold on until we reach the third section. It will take but a few minutes, I think.

Mr. JONES, of Florida. I insist on the motion, that the Senate do now adjourn.

The question being put, a division was called for; and the ayes were 31——

Mr. MORRILL. I ask for the yeas and nays because I want to reach the third section. The second section I do not think there is any opposition to, and if we can reach the third section I shall be glad to adjourn. I know as to the third section there will be various amendments.

Mr. BECK. The most serious opposition we have had will be in regard to patent medicines, the very next thing.

The PRESIDENT *pro tempore*. Is the call for the yeas and nays insisted upon?

Mr. MORRILL. Certainly.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 26; as follows:

YEAS—29.

Bayard,	Davis of West Va.,	Jonas,	Vance,
Beck,	Farley,	Jones of Florida,	Vest,
Butler,	Garland,	Kellogg,	Voorhees,
Call,	George,	Maxey,	Walker,
Camden,	Hampton,	Morgan,	Williams.
Cockrell,	Harris,	Pugh,	
Coke,	Jackson,	Ransom,	
Davis of Illinois,	Johnston,	Saulsbury,	

NAYS—26.

Aldrich,	Frye,	McDill,	Rollins,
Allison,	Hale,	McMillan,	Sawyer,
Blair,	Harrison,	Mahone,	Sherman,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Van Wyck,
Conger,	Hill of Colorado,	Miller of N. Y.,	Windom.
Dawes,	Hoar,	Mitchell,	
Ferry,	Ingalls,	Morrill,	

ABSENT—21.

Anthony,	Gorman,	Lapham,	Saunders,
Brown,	Groome,	Logan,	Sewell,
Cameron of Pa.,	Grover,	McPherson,	Slater.
Chilcott,	Hill of Georgia,	Pendleton,	
Edmunds,	Jones of Nevada,	Platt,	
Fair,	Lamar,	Plumb,	

So the motion was agreed to; and (at six o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 21, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER, D. D.

The Journal of yesterday's proceedings was read and approved.

MORNING HOUR BUSINESS.

Mr. BLACKBURN. By direction of the Committee on Rules I report to the House for consideration at this time a resolution in the nature of an amendment to the rules.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed, in the House as in Committee of the Whole, to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House and such reports printed, and Senate bills and resolutions on the Speaker's table which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the standing committees in their order, whereupon, by direction of committees so called, not more than one measure may be called up for final consideration; if not more than four members object such consideration shall proceed; providing that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees; this hour not to interfere with revenue or appropriation bills.

Mr. BURROWS, of Michigan. Is that reported for adoption at this time?

The SPEAKER. It is.

Mr. BURROWS, of Michigan. Under the rule does it not have to lie over one day?

The SPEAKER. This matter was referred to the Committee on Rules, and the committee has made its report.

Mr. TOWNSHEND, of Illinois. But the committee did not make the report until to-day.

The SPEAKER. Under a resolution adopted on the 19th of December last, the Committee on Rules was authorized to report at any time.

Mr. BURROWS, of Michigan. But the rule provides that one day's notice must be given of a change of the rules; and it has been customary to say when the Committee on Rules make a report, and it has been frequently said, "This will lie over one day under the rules."

The SPEAKER. If it were an original matter that would be true.

Mr. TOWNSHEND, of Illinois. But the rule says that no rule shall be changed except after one day's notice.

The SPEAKER. This is the same resolution that was offered some days ago by the gentleman from Wisconsin, [Mr. POUND.]

Mr. BURROWS, of Michigan. Does that do away with the necessity of the report lying over one day?

The SPEAKER. Under the practice, the reference of the matter to the committee is equivalent to notice. But the Chair will state that at the time of the adoption of the standing rules of this House a resolution was adopted, on motion of the gentleman from Kansas, [Mr. HASKELL,] which authorizes the Committee on Rules to report at any time; and under that authority their reports are in order for consideration.

Mr. HASKELL. I want to say further that that same point was carefully canvassed, and it was stated on the floor that it was the intention of that resolution to confer on the Committee on Rules the right to report at any time for action.

Mr. BLACKBURN. I am satisfied that if any gentleman present desires to discuss or inquire into the effect of this resolution reported from the Committee on Rules there would be no objection made to that.

Mr. ROBINSON, of Massachusetts. I desire to make an inquiry.

Mr. BLACKBURN. The Committee on Rules is prepared and perfectly willing to state to the House, if it be desired, exactly what the effect of this resolution will be if adopted, and what modification the committee has made in the resolution as originally offered by the gentleman from Wisconsin.

Mr. ROBINSON, of Massachusetts. That anticipates the question I was about to ask. It has been intimated that this is the same resolution presented by the gentleman from Wisconsin.

Mr. BLACKBURN. It has been modified in several respects.

Mr. ROBINSON, of Massachusetts. In this connection I want to suggest to the Chair, although I do not insist upon it, that the resolution adopted on motion of the gentleman from Kansas [Mr. HASKELL] was that the Committee on Rules should have leave to report at any time, and although that ordinarily carries with it the right of immediate consideration, it may perhaps be worthy of suggestion that it is to be taken in connection with the special rule of the House that provides for a change of the rules after one day's notice.

The SPEAKER. The Chair will state that under a rule of the House all reports when first made are required to be referred to the calendars. But if a committee is authorized to report at any time by authority of the House, that is regarded as a special order and overrides the general provisions of the standing rule; and being authorized to report at any time carries with it the right of present consideration.

Mr. BLACKBURN. In justice to the Committee on Rules I will say that the committee had no purpose, I am sure, to precipitate the consideration of this resolution upon the House.

Mr. ROBINSON, of Massachusetts. I do not object to it at all; I only desire that we may not by this seeming construction of the rule and the resolution imply that it would be in the power of the Committee on Rules to bring in any proposition to-day for the first time, and put it before the House for adoption. I question that very much.

The SPEAKER. That would seem to be the effect of the resolution adopted on motion of the gentleman from Kansas.

Mr. TOWNSHEND, of Illinois. I ask that this report may be printed in the RECORD and go over until to-morrow.

Mr. BURROWS, of Michigan. Yes; let it lie over for one day.

Mr. BLACKBURN. Speaking for myself, I have no objection to its lying over.

Mr. SIMONTON. I ask that the resolution be again read.

Mr. TOWNSHEND, of Illinois. I move that the report be printed in the RECORD and lie over until to-morrow. That will give us an opportunity to understand it.

Mr. POUND. The resolution has been twice printed in the RECORD.

Mr. TOWNSHEND, of Illinois. Attention has not been called to it since the Committee on Rules acted upon it.

Mr. BLACKBURN. I am satisfied that if the House will let me state in half a dozen sentences the modifications made by the Committee in the resolution originally offered by the gentleman from Wisconsin and twice printed in the RECORD, members will see that there is no necessity for postponing its consideration.

The SPEAKER. It is the wish of some gentlemen that the resolution be again read. After the reading the gentleman from Kentucky [Mr. BLACKBURN] will be recognized.

Mr. BRIGGS. I rise to a parliamentary question. If objection is made to the consideration of this resolution this morning, will it not under the rules go over until to-morrow?

The SPEAKER. The Chair thinks not. The Clerk will again read the resolution.

The resolution was again read.

Mr. BLACKBURN. Mr. Speaker, this is the resolution offered by the gentleman from Wisconsin, [Mr. POUND,] with some modifications. For instance, as originally offered, it proposed to allow each committee to report or call up two measures for consideration. This report, if adopted, will only allow one measure to be called up by each committee. This modification was made for the reason that if each committee were allowed, when called in its order, to bring up two measures, it would be perfectly patent that during the remainder of this session we would never get through the list of committees, even if we got half through.

Mr. POUND. Let me submit to the gentleman from Kentucky whether it would not have been better to have extended the hour to two hours.

Mr. BLACKBURN. I think not, Mr. Speaker; and the committee thought not.

Mr. POUND. I am not particular about that.

Mr. BLACKBURN. The committee thought that one hour was enough. If the House should adopt this resolution its practical effect will be to allow each committee of this House, in its regular order when called, to bring up for consideration a House bill or resolution which has been reported favorably and the report printed; none other. Or it would allow a committee when called to bring up from the Speaker's table a Senate bill or Senate resolution, provided the same, or substantially the same bill or resolution has been favorably considered by the appropriate committee of this House, and none other. The resolution then puts a limitation of four objections on the consideration of all these measures.

Mr. ROBINSON, of Massachusetts. After the bill has been read?

Mr. BLACKBURN. Of course. After the bill has been called up and read, if four gentlemen on this floor object it cannot be considered. Then there is provided another limitation—that the consideration of these measures called up by committees shall not interfere with revenue or appropriation bills; and of course they could not interfere under the rule with reports from conference committees.

Mr. O'NEILL. I wish to ask the gentleman for information what becomes of the individual right of the member, and what becomes of Senate bills which are piled up on the Speaker's table according to the date of their reception from the Senate, and which may never be reached under this resolution because they have not been considered by a committee of this House?

Mr. BLACKBURN. I answer the gentleman that it is always in order under our rules to move to go to the Speaker's table after the morning hour shall have expired. This resolution provides that only one hour on each day shall be occupied under this order from this time till the end of the session. It is temporary in its character and provisions. But one hour each day will be occupied, and that means an hour of sixty minutes, subject to the limitations which I have stated; and the check or safeguard is provided that four objectors shall be sufficient to prevent the consideration of any measure.

Now, I will say to the gentleman from Pennsylvania that if there is a Senate bill or Senate resolution on the Speaker's table which has never been considered by the appropriate committee of this House, and if no bill or resolution substantially the same has been so considered by a committee, it will not be entitled to consideration under this resolution.

Mr. O'NEILL. One other question.

Mr. ROBINSON, of Massachusetts. It requires five objectors.

Mr. BLACKBURN. No; only four.

Mr. ROBINSON, of Massachusetts. It says not more than four, which means five.

Mr. BLACKBURN. That is right. I will say further, Mr. Speaker, if the resolution reads not more than five objectors it was not so intended by the Committee on Rules. The Committee on Rules meant to make it read that four shall be sufficient. If there be no objection I will modify it so as to make four objectors sufficient.

Mr. ROBINSON, of Massachusetts. Let it be again read.

Mr. BLACKBURN. I will ask the resolution be modified so as not to require five but only four objectors.

Mr. O'NEILL. Let me ask the gentleman one other question for information. I wish to ask whether the Committee on Rules took into consideration this point: bills having passed the Senate——

Mr. BLACKBURN. I am informed by the Clerk that it only provides for four objectors.

Mr. ROBINSON, of Massachusetts. I think that is a mistake.

The SPEAKER. It does require more than four.

Mr. BLACKBURN. Then I ask to modify it so as to require only four, as such was the purpose of the Committee on Rules. I move to strike out "not more than four," and insert "not less than four."

Mr. ROBESON. Modify it so it will read, "not more than three."

Mr. KASSON. I think the resolution should be modified so as to read, "if not less than ten members object."

Mr. O'NEILL. Mr. Speaker, let me finish my question.

Mr. BELFORD. I am opposed, Mr. Speaker, to any rule that allows four oligarchs in this House to dominate its legislation. It is an infamous law or rule which should be abolished; a rule that should be spurned by the intelligent representatives of the people on the floor of this House. I say the whole theory of the Government is that the majority shall control, govern, and dictate the legislation of this House.

I for one, Mr. Speaker, shall oppose any rule which centers in four or five or ten men the right to say what bills shall be considered when the Constitution says that power shall vest and reside in the majority of the House. We have seen a minority practically controlling the legislation of Congress, and I think it is time when a majority decrees a bill shall be considered that bill shall be considered, and no four obstinate, mulish members, leaning back in the breeching-strap and wagging their ears, shall say it shall not be considered. [Laughter.]

Mr. BLACKBURN. If it will tend to conciliate my amiable friend from Colorado I wish to say that the minority of the Committee on Rules agree to this. It does not emanate from that quarter at all. It came from that side of the House. The minority of the Committee on Rules simply acceded to it, believing it would tend to perfect legislation on important matters where there was practically no difference of opinion among us, and to that extent is offered as an aid to the Chair in his well-directed efforts to preserve order.

Mr. TOWNSHEND, of Illinois. This debate is all out of order. Under the rules, this amendment to the rules should lie over for one day. I insist on that point of order for this reason, that we are here establishing a precedent which hereafter may return to plague us. The rule may be harmless, but the precedent we are establishing allowing a report from the Committee on Rules changing the rules to be taken up and acted on at once, instead of letting it lay over for one day, may establish a dangerous precedent hereafter.

The SPEAKER. The Chair has already ruled on that. The point, at all events, comes too late.

Mr. BLACKBURN. I demand the previous question.

Mr. ROBINSON, of Massachusetts. A word in reply to what my friend from Colorado has said. It must be borne in mind this provision as to four objectors is not alone to defeat the measure, but it will be seen there will be only five minutes' debate on either side.

Mr. BLACKBURN. And five minutes for the reading of the report.

Mr. ROBINSON, of Massachusetts. Leaving that out, the rule allows only five minutes for debate on either side. There might be many gentlemen disposed to debate the measure in Committee of the Whole House on the state of the Union in the ordinary way who would not, however, consent to have that measure brought up and put through on ten minutes' debate, five minutes on each side. Therefore, sir, there ought to be that rigid rule in regard to objection. It would be unsafe to intrust to any committee the power to force the passage of a bill with only five minutes' debate on each side. We ought to have the power to prevent that.

Mr. BLACKBURN. The gentleman has stated the safeguard as well as it could be put, and I now demand the previous question.

The previous question was ordered.

The House divided, and there were—ayes 87, noes 41.

The SPEAKER. The ayes have it; and the resolution is adopted.

Mr. VAN VOORHIS. I demand the yeas and nays.

Mr. BLACKBURN. I move to reconsider and lay the motion to reconsider upon the table.

Mr. VAN VOORHIS. I called instantly for the yeas and nays, but the Speaker did not recognize me.

Mr. TOWNSHEND, of Illinois. The gentleman did call for the yeas and nays.

The SPEAKER. Did the gentleman rise and call for the yeas and nays before the motion to lay on the table?

Mr. VAN VOORHIS. I did.

Mr. TOWNSHEND, of Illinois. The gentleman did call for the yeas and nays, but the Speaker did not hear him.

Mr. O'NEILL. I voted against this myself; but we are beaten two to one, and why is it necessary to waste any more time by calling the roll upon it?

The SPEAKER. If the gentleman from New York insists that he rose in time the Chair can only state that it did not hear him, but will not of course cut him off from the privilege to which he is entitled.

Mr. VAN VOORHIS. At the request of gentlemen around me, I withdraw the demand for the yeas and nays.

PERSONAL EXPLANATION.

Mr. ROBINSON, of New York. Mr. Speaker, during my absence on yesterday my friend from Georgia [Mr. HAMMOND] raised a question about the point of order that I had made the previous day with reference to the right of the gentleman from Massachusetts to vote after the roll-call had been concluded, and the Speaker made some explanation as to my position, in which he was mistaken. The Speaker mentioned that I had referred (as will be seen by reference to page 37 of the RECORD of yesterday) to the gentleman from Vermont, [Mr. TYLER.] I did not refer to him.

Turning, however, to the beginning of the next page, Mr. BOWMAN'S name appears on the first line of that page, and it was to him that I had referred. During the voting the gentleman from Massachusetts [Mr. BOWMAN] came down to the front and stated that he was paired with some gentleman, but inasmuch as he had retained the privilege of voting to make a quorum he would vote to make that quorum. I say that such was my understanding of what he said. I may have been mistaken, of course, and the gentleman may have voted before, but so I understood him, and I understood him distinctly.

During that time the gentleman or the member from New Jersey made a very unkind, uncalled-for, and ungentlemanly reference to a personal defect of myself. I acknowledge, Mr. Speaker, that Providence has seen fit to afflict me, not exactly with deafness, but with hardness of hearing, and I attribute it somewhat to my being so near the member from New Jersey that my difficulty of hearing has been increased by his constant braying here upon the floor of the House.

I wish to say further that I do not know whether that is the cause or not, but I believe a gentleman from my State has been compelled to go home, whether injured to some extent from being too near him I do not know. [Laughter.] Mr. Speaker, I know of only one gentleman more to be pitied than I, and that is a certain gentleman who has had fastened upon his head the charges of liar, thief, and perjurer and was the only member who did not hear them.

The SPEAKER, (rapping with his gavel.) The gentleman from New York is entirely out of order. The Chair understood the gentleman from New York to refer in his remarks to the gentleman from Vermont, [Mr. TYLER;] but if it was to the gentleman from Massachusetts [Mr. BOWMAN] it is also quite immaterial.

ORDER OF BUSINESS.

Mr. PAGE. I rise to call up the privileged report from the committee of conference on the river and harbor appropriation bill, but will yield to some gentlemen present who desire to make reports from committees.

NICARAGUA CANAL COMPANY.

Mr. KASSON, by unanimous consent, from the Committee on Foreign Affairs, reported, as a substitute for House bill No. 4245, a bill (H. R. No. 6799) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CARRIAGE OF PASSENGERS BY SEA.

Mr. GUENTHER, from the Committee on Commerce, by unanimous consent, reported back the bill (H. R. No. 6722) to regulate the carriage of passengers by sea; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

G. W. STUART.

Mr. McCOOK, from the Committee on Military Affairs, by unanimous consent, reported back the bill (H. R. No. 4641) for the relief of George W. Stuart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERTISEMENTS FOR PROPOSALS.

Mr. BURROWS, of Michigan, by unanimous consent, introduced a bill (H. R. No. 6800) to amend section 3709 of the Revised Statutes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM F. VON DEYN.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 6801) for the relief of William F. von Deyn; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MICHAEL C. O'DONOHOE.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. No. 6802) granting a pension to Michael C. O'Donohoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF THE COMMISSIONER OF AGRICULTURE FOR 1881.

Mr. VALENTINE, by unanimous consent, introduced a joint resolution (H. R. No. 262) providing for the printing of the Annual Report of the Commissioner of Agriculture for the year 1881; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REPORT ON FISH AND FISHERIES.

Mr. SPRINGER, from the Committee on Printing, reported back with favorable recommendation the following Senate concurrent resolution; which was read, considered, and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and is hereby, instructed to print in quarto form a report by the United States Commissioner of Fish and Fisheries upon the food-fishes and the fisheries of the United States, the engravings to be in relief and to be contracted for by the Public Printer, under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted; the work to be stereotyped, and 10,000 extra copies printed, of which 2,500 shall be for the use of the Senate, 5,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.

Mr. SPRINGER moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McCLURE. I desire to submit a report.

Mr. UPSON. Is it privileged?

The SPEAKER. The Chair understands it is not.

Mr. UPSON. Then I object.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I submit a privileged report; the report of the committee of conference on the river and harbor appropriation bill.

The Clerk read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 15, 16, 20, 36, 65, 66, 67, 70, 71, 74, 87, 93, 96, 107.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 8, 10, 11, 12, 14, 18, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 72, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 86, 88, 89, 90, 91, 94, 97, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out "30" and insert "25;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out "15" and insert "10;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out "10" and insert "3;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out "30" and insert "20;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out "75" and insert "50;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "crade" and insert "cedar;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "and twenty-five" and insert the following: "of which a sum not exceeding $10,000 shall be applied for the survey of the harbor at Santa Monica;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the words "for this improved navigation" and insert in lieu thereof "on the Little Kanawha River;" and the Senate agree to the same.

Amendment numbered 61: That the Senate recede from its amendment numbered 61, and insert in lieu thereof, after the word "dollars," in line 626, the following: "And $20,000 of this amount may be used on the river above the mouth, if the Chief of Engineers shall consider it best for the interest of commerce;" and the House agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out "twenty-five" and insert "fifteen;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with amendments as follows: After the word "Iowa" insert "including such harbors on said river now in course of improvement as in the judgment of the Chief of Engineers will benefit commerce and navigation;" strike out "nine" and insert "eight;" and after the word "hundred" insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out "thirteen thousand six" and insert "six thousand five;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: After the words "New Hampshire" insert "completing improvement;" and the Senate agree to the same.

The committee have been unable to agree on the amendments numbered 17, 41, 98, 99, 100, 101, 102, 103, 104, and 105.

H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,
Managers on the part of the House.

S. J. R. McMILLAN,
JNO. P. JONES,
M. W. RANSOM,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. PAGE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAGE. I move that the House insist on its disagreement to the amendments relating to the Mississippi River, the Hennepin Canal, the Chesapeake and Delaware Canal, and the Potomac flats. We have reported a disagreement as to those four items. The disagreement includes all of the Senate amendments in relation to the Mississippi River, namely, the amendments numbered 99, 100, 101, 102, 103, 104, and 105.

The SPEAKER. By reference to the last clause of the report it appears that there are ten amendments on which there is a disagreement. The gentleman from California moves that the House further insist on its disagreement to those amendments and ask a further committee of conference.

Mr. PAGE. I will state that amendment 17 relates to the Chesapeake and Delaware Canal; amendment 41 relates to improving the Potomac River in the vicinity of Washington; amendment 98 has reference to the Hennepin Canal; the remainder of the amendments relate to the Mississippi River.

Mr. MORRISON. Will the gentleman from California allow me to say a word or two?

Mr. PAGE. I have no objection.

Mr. MORRISON. Before this bill passed the House the $600,000 appropriation for the Mississippi, between the Ohio and Illinois Rivers, was made to include Alton Harbor. This was done with the approval of the Committee on Commerce and was believed sufficient to secure the continuance to completion of the work at Alton, which has the double purpose of confining and deepening the channel of the river in the interest of general navigation and of improving the harbor.

This work was recommended by a board of engineers after careful examination and survey, and was at first estimated to cost $78,000, but will cost something more. About $33,000 has been already expended.

After the bill had been passed by the House with this general provision for Alton in it I took the precaution to ascertain if it would certainly accomplish its purpose and found that it would not, or at least it might not.

Major Ernst, in charge of Mississippi River improvements at Saint Louis, is of opinion that to continue the work at Alton a specific appropriation is necessary. In his letter to me on the subject he says, "to insure the application of any portion of the general fund at Alton the law should explicitly order it and should state the amount to be so applied."

With this information I went before the Senate Committee on Commerce, stated the facts, and asked that this amendment, specifically appropriating $35,000 for continuing this work, should be made, and it was made. In fact the Senate committee made or adopted the amendment which I prepared and asked should be made, and I trust that there will be no objection to it here.

Mr. PAGE. I have no doubt there will be no objection to that in the conference. But I do not want that amendment taken out from the others relating to the Mississippi River, which are non-concurred in. My desire is that they shall all go to the committee of conference.

Mr. MORRISON. Very well.

The SPEAKER. The question is on the motion of the gentleman from California, that the House further insist on its disagreement to the Senate amendments on which there was not an agreement in the committee of conference, and ask for a further conference.

The motion was agreed to.

Mr. PAGE moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will announce as members of the committee of conference on the part of the House, Mr. PAGE of California, Mr. TOWNSEND of Ohio, and Mr. MCLANE of Maryland.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I desire to make a privileged report from the Committee on Appropriations.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes, together with the amendments of the Senate thereon, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 2, 3, 5, 6, and 7.

They recommend concurrence in the amendment No. 4, with an amendment, as follows: After the word "to," in the second line of said amendment, insert the words "and this."

Mr. VAN VOORHIS. I would like to inquire whether these amendments should not be first considered in Committee of the Whole?

Mr. O'NEILL. Oh, no; in the House as in Committee of the Whole.

The SPEAKER. Does the gentleman from New York specify any amendment of the Senate which he thinks should be first considered in Committee of the Whole?

Mr. VAN VOORHIS. Yes, sir.

The SPEAKER. The Chair will pass on it.

Mr. VAN VOORHIS. Amendment No. 6 of the Senate adds about $2,000,000 expenses.

Mr. O'NEILL. The gentleman is very much mistaken in that; it does not add one dollar of expense. The appropriation has already been made for those expenses; and an appropriation of $275,000 for the payment of examining surgeons is made.

Mr. VAN VOORHIS. That amendment creates new boards of surgeons and requires these surgeons to examine all the claims which have not yet been examined and all the pensioners over again, and it doubles the fees of the surgeons, which is all well enough. But it requires them to examine every case now on file and every case on the pension-rolls. That amendment should be first considered in Committee of the Whole, because it adds more than a million of dollars to the present expense to pay the additional examining surgeons; whereas all the frauds there are do not amount to over $28,000 a year, or thereabout, according to the report of the Commissioner of Pensions. This amendment creates a new board of surgeons.

Mr. ATKINS. The gentleman means that they have discovered only $28,000 amount of frauds.

Mr. VAN VOORHIS. That is the report of the Commissioner, that one-tenth of 1 per cent. will cover all frauds.

Mr. ATKINS. That is all they have discovered.

Mr. VAN VOORHIS. They have discovered about all there are.

The SPEAKER. The question is whether this amendment is one which, if originating in the House, would require its first consideration in the Committee of the Whole House on the state of the Union. That is the point upon which the Chair desires to hear the gentleman from New York.

Mr. VAN VOORHIS. I will call attention to section 3, which confers extraordinary power upon courts and clerks of courts, establishes a traveling court to go about the country anywhere, examining witnesses *ex parte*, without giving the pensioner or the party implicated any chance to defend himself. The law will not allow him to employ a lawyer, because if he does, and pays him or agrees to pay him more than $10, the lawyer commits a state-prison offense. By this section we establish a court to travel all about the country and investigate these claims *ex parte* without giving the claimants any opportunity to employ counsel to defend themselves. This must be paid for, and the expense and fees of witnesses and expenses of the courts will be large.

Mr. MCMILLIN. As there seems to be some misunderstanding as to the effect of these Senate amendments, I would suggest to the gentleman from Pennsylvania [Mr. O'NEILL] the propriety of allowing the report of the Committee on Appropriations to be printed and taken up to-morrow morning.

Mr. O'NEILL. The bill with the Senate amendments has been printed for several days. I propose that we consider these amendments in the House as in Committee of the Whole, and if the gentleman from New York [Mr. VAN VOORHIS] has anything to say on the amendments of the Senate to this bill he can do so, and I think I can explain them satisfactorily to the House.

The SPEAKER. The first question is on the point of order made by the gentleman from New York, [Mr. VAN VOORHIS,] who insists that these Senate amendments shall have their first consideration in Committee of the Whole House on the state of the Union. The Chair is not yet satisfied that amendment No. 6, being section 4 of the bill, if originating in the House, would under the rule have to be first considered in Committee of the Whole House on the state of the Union. The Chair, however, is inclined to think that amendment No. 4, providing compensation for witnesses, would come within the rule.

Mr. O'NEILL. These different sections have already passed the House, and have merely been amended by the Senate, without increasing the expense one dollar.

Mr. HISCOCK. Will not my colleague [Mr. VAN VOORHIS] be as well satisfied to let these amendments be considered, here and now, in the House as in Committee of the Whole?

Mr. VAN VOORHIS. If they can be considered in the House as in Committee of the Whole, and we can have a chance to debate them, I will be satisfied.

Mr. O'NEILL. There is no objection to that.

Mr. HISCOCK. My recollection is that the item in regard to the payment of witnesses was in another part of the bill as it passed the House; that the Senate amendment is not new legislation.

The SPEAKER. There is a provision here fixing the compensation to be allowed witnesses in the courts of the United States. The Chair assumes that that would require an appropriation to be made.

Mr. O'NEILL. If the Chair will permit me, I will say that all the appropriations contained in the bill were in the bill as it passed the House. The Senate has passed the bill just as it passed the House so far as the appropriations are concerned. The expenses of the examining surgeons, and the expenses of witnesses are included in the aggregate appropriation in the bill. The Senate has merely made some amendments to the House bill.

The Committee on Appropriations has authorized me to report recommending concurrence in the amendments of the Senate, save the addition of two words, a verbal correction, in line 17 of section 4.

Mr. HISCOCK. I find I am right in my recollection of this mat-

ter. The clause with reference to witnesses was in the bill as originally passed by the House. It was a section by itself, reading in this way:

Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

All that the Senate has done is the transposition of that clause, putting it in another part of the bill, adding it to the preceding section, while in the bill as passed by the House it made a section by itself. Therefore I believe the point of order, that these amendments must go to the Committee of the Whole House on the state of the Union, is not well taken.

The SPEAKER. That explanation may change the opinion which the Chair was inclined to hold.

Mr. VAN VOORHIS. That entire section has been disagreed to by the Senate. The Senate has adopted a substitute for it.

The SPEAKER. What section is referred to by the gentleman?

Mr. VAN VOORHIS. Section 3.

The SPEAKER. That section the Chair has not before it.

Mr. O'NEILL. Three or four lines of that section have been stricken out by the Senate and consolidated with another section, but without changing the provision of the House bill in any respect.

Mr. HISCOCK. It is simply a transposition of the language.

Mr. VAN VOORHIS. Oh, no. Section 3 as it was in the House bill is entirely stricken out, and a new section 3 put in, beginning with these words:

That in addition to the authority conferred by section 184, title 4 of the Revised Statutes, any judge or clerk of any court of the United States in any State, district, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a witness, &c.

Then comes the provision inserted by the Senate into their section, not the section of the House bill:

And witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

Now I do not care if that was in the bill in some other place; it was not in this place; this section was not in the bill in this shape when passed by the House. The Senate having inserted a new section, although the appropriation contained in it may be in the same language which the House would have used or did use, it is an appropriation nevertheless.

The SPEAKER. Does the gentleman object to the consideration of these amendments in the House?

Mr. VAN VOORHIS. I will not if they can be considered to-morrow morning. I did not suppose the question would come up in this shape. I made inquiry and understood the Speaker to say that when the report came up it would be considered in Committee of the Whole.

Mr. O'NEILL. These amendments have been before the House in print for several days; any member could have seen them and read them. I assert that there is no material amendment by the Senate except in the new section relative to boards of surgeons.

The SPEAKER. The Chair simply desires to settle the manner in which this question shall be considered. Does the gentleman from New York object to the consideration of the amendments in the House?

Mr. VAN VOORHIS. I do.

The SPEAKER. The Chair will entertain a motion from the gentleman from Pennsylvania, [Mr. O'NEILL.]

Mr. O'NEILL. I move that these amendments of the Senate be considered in the House as in Committee of the Whole.

Mr. HISCOCK. I suggest to my colleague on the committee not to make that motion until it has been decided by the Chair that the amendments must be considered in Committee of the Whole.

Mr. O'NEILL. The Chair seems to be in great doubt about the question.

The SPEAKER. The Chair has not had its attention called to anything which determines with certainty whether these amendments should first be considered in Committee of the Whole. The decision turns upon a question of fact and requires an examination of the whole bill. The Chair, with the light it now has, is not able to say that the amendments should first be considered in Committee of the Whole.

Mr. VAN VOORHIS. I will consent that they be considered in the House as in Committee of the Whole.

Mr. UPSON. I object, if it requires unanimous consent.

The SPEAKER. Does the gentleman from New York [Mr. VAN VOORHIS] make the point that these amendments must first be considered in Committee of the Whole?

Mr. VAN VOORHIS. I will not make that point, but I understand it is made by some gentleman on the other side.

Mr. ATKINS. I ask the gentleman why the bill cannot be debated in the House just as well as in Committee of the Whole, and if so why should he make objection?

Mr. VAN VOORHIS. I do not object.

The SPEAKER. The gentleman from New York withdraws the objection, although the objection by itself would not be sufficient to carry the bill into the Committee of the Whole. The question is now on agreeing to the report of the Committee on Appropriations.

Mr. VAN VOORHIS. Mr. Speaker, there has been a great deal of talk about frauds in pension cases. The Commissioner of Pensions has had abundant power heretofore to investigate frauds, and he reports to this House that the amount of all the frauds in reference to pensions is only one-tenth of 1 per cent, or about $28,000 yearly on fraudulent claims. The frauds do not consist in the fact that any persons get pensions who have not served the country as soldiers or who are not the widows or minor children of soldiers; but it is claimed that the disabilities are exaggerated and disabilities claimed which were not incurred in the service. It is some comfort to know that the pensioner has been a soldier, and if he happens to lay greater stress upon his infirmities than the case warrants I do not want to draw too fine a sight upon him. We can spend money more profitably than in hunting down such cases. The time may come when every soldier may have a pension, whether disabled or not. I do not believe much in the cry of fraud. It is easy to make the charge and more difficult to prove it.

Now, these new provisions of the bill add over $1,000,000 to the fees of the surgeons, because they create new boards and give the surgeons $6 for each claimant examined. Many of these men get but $2 a month or $24 a year, and yet the surgeon's fee for one examination is $6, and if the examination is repeated half a dozen times he gets as many times $6, or quite as much as the entire pension of the pensioner.

There are 268,830 pensioners now on the roll, and the average pension paid each is less than $9 a month.

The law requires the examination of "pensioners and claimants."

The claimants are 250,000. The new surgeons' fees for examining these will be $1,500,000. The Army pensions are over 150,000. An examination of these would cost $900,000 in the new surgeons' fees.

This makes altogether $2,400,000 for surgeons' fees provided for in this bill by these amendments.

All this is new and additional expense, because the old boards of surgeons are not discontinued, but remain as they have been.

All we need to do is to increase the pay of the surgeons now in this service to $2 each for each examination.

It is unnecessary to harass the soldiers who apply for pensions by additional examinations. It is bad enough now.

I have a letter which I ask the Clerk to read in reference to these examinations. I do not object to paying $2 for each examination. I think that is right, but this bill does more. It provides that every case now on the rolls shall be re-examined. I ask the Clerk to read the letter which I send up. It is from an officer who has been examined by boards of surgeons. I will omit the name, but I will be willing to give it to anybody who wants it.

The Clerk read as follows:

INDEPENDENCE, KANS., *May* 23, 1882.

DEAR SIR: Just received yours of May 20, 1882, containing order from Commissioner Dudley to report to the president of the examining board at Fort Scott, Kansas, for examination. I would state in reply that I have been examined twice by Dr. G. R. Baldwin, of Fort Scott, pension surgeon, once by the board, consisting of Dr. Barnett, president, Dr. Dickinson, secretary, and Dr. Baldwin, and once was ordered to Nevada, Missouri, for examination before Dr. Rockwood, who was absent from home. There is a record of all the examinations in the office of the examining board at Fort Scott. I return the order herewith, and I will be d—d if I am going to coast over the country any more for the thing. I performed my duty as a soldier in the Army, and incurred the disabilities for which I claim pension, and I am not going to falsify myself or spend what little means I have got left on this order, for I have no surety that I won't receive an order shortly to report to Melville, at the mouth of the Lena River, in Siberia. If this *spiles* the thing it can go to the devil, for I am sick and disgusted the way I have been hocussed around for over three years.

Very respectfully, your obedient servant.

Mr. VAN VOORHIS. As I said before, this requires every claimant and every pensioner on the rolls to be examined. The language is mandatory. The whole amount of increase by this bill for surgeons' fees is between two and two and a half million dollars. This seems to be entirely unnecessary.

Now, about this itinerant court. I am opposed to this increase. I believe in giving every man a fair chance to be heard. I know of no good reason why a committee of Congress should organize itself into a court of high commission to try somebody and render a verdict on *ex parte* evidence without notice and without a chance for defense; nor do I know any good reason why any clerk of the Pension Office should be permitted to require these pensioners to submit to a trial without the power to employ a lawyer to defend them. We ought not to do it.

As the law stands, if a pensioner makes a bargain to give a lawyer more than $10 in any case it is an offense punishable by imprisonment, that is if the lawyer accepts the employment on any such understanding. This bill therefore institutes criminal proceedings against pensioners when they are practically deprived of the right of being defended by counsel.

I move to non-concur in the Senate amendments.

Mr. O'NEILL. Mr. Speaker, I wish to say a few words in behalf of the Committee on Appropriations. The object of the Senate amendment is to make less expensive and troublesome to the pensioners application for pension, while at the same time it guards the Government against every opportunity for the presentation and granting of fraudulent claims.

The letter read at the Clerk's desk at the request of the gentleman from New York [Mr. VAN VOORHIS] proves exactly the necessity for and the benefit which will result from the adoption of these Senate provisions.

The wish of the Commissioner of Pensions, as well as of the Senate

in adopting these amendments, is to get rid of individual examinations by surgeons. It has been found where examinations have been made by individual surgeons they have to be repeated many times, thus adding greatly to the expense. The saving in this regard is greater than any increased cost otherwise.

At the same time the convenience of the pensioner is provided for in another portion of the Senate amendment, which I will read:

Provided, That when a claimant is so disabled as not to be able to present himself to a board of surgeons for examination the Commissioner may order a surgeon to make the examination at the claimant's residence; and the fee for such examination shall be $2, in addition to the payment of the actual traveling expenses of the surgeon.

Mr. VAN VOORHIS. What is the necessity for abolishing the present boards?

Mr. O'NEILL. The present boards are not abolished. They are not temporary boards, but permanent. The idea of establishing these new boards is to meet the desire of the Commissioner of Pensions to secure proper administration of the Pension Office by securing these surgical examinations by unprejudiced men instead of by surgeons living in the neighborhood of the pensioners.

Mr. VAN VOORHIS. These are to be in addition to the present board?

Mr. O'NEILL. These are only to be called together when necessary in the discretion of the Commissioner.

Mr. VAN VOORHIS. But are they to be in addition to the present board?

Mr. O'NEILL. Not in addition to the present board, for they are permanent. These are designed to examine claimants under certain circumstances where now this claimant is examined by a single surgeon only.

Mr. VAN VOORHIS. It does not, then, disturb the present board?

Mr. O'NEILL. Not at all. Nor does it add a dollar of expense. Indeed, the argument of the Commissioner of Pensions was conclusive that it decreased expenditures, for the examination by three surgeons is more apt to be complete than the examination by one.

I now call the previous question upon the adoption of this report. This, of course, is understood to include the two verbal amendments to the text of the Senate amendment.

The SPEAKER. Of course. The report of the committee, if concurred in, covers that, being a recommendation to concur with an amendment.

The previous question was ordered; and under the operation thereof the report was agreed to.

Mr. O'NEILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I desire to submit a privileged report from the committee of conference on the general deficiency bill.

The SPEAKER. The report will be read.

The report was read. It is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 12, 13, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, 31, 34, 36, 37, 38, 40, 41, 42, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 73, 74, 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, and 90, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "Bolivia," in line 2 of said amendment, insert the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 5 of said amendment, strike out the word "nine" and insert in lieu thereof the word "seven," and strike out the two last lines of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 17, page 7 of the bill, strike out the name "Seibert" and insert the name "Siebert," it being the proper spelling of the same; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 1 of said amendment strike out "E. G. Moore" and insert in lieu thereof "Ely Moore;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: After line 23, page 17 of the bill, insert as follows, as an independent paragraph: "To pay to the American Photo-Lithographic Company of New York City the sum of $2,000, which shall be in full of the amount hereby declared due them from the Government in final settlement of their claim for reproducing copies of drawings of patents in 1869 and 1870, to be paid by Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2, page 29 of the bill, strike out the words "the United States" and insert in lieu thereof "Alvin P. Hovey *et al.*;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the words proposed to be inserted by said amendment insert the following: "To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 6th day of December, 1880, to the 1st day of December, 1881, inclusive, $445.27;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments as follows: After line 8, page 32 of the bill, insert as independent paragraphs, the following:

"To pay John P. Maloney for services as messenger to the official reporters of debates from December 5, 1881, to February 24, 1882, at the rate of $1,000 per annum, $220.65;

"To pay J. S. Jones the difference between the amount received by him as messenger to the Committee on Appropriations of the House of Representatives during the Forty-sixth Congress, and $1,200 per annum, $408.33;

"To pay Henry H. Smith, journal clerk of the House of Representatives, for extra services rendered and as reimbursement for money expended by him in compiling and indexing questions of order decided in the House of Representatives, under the resolution of August 15, 1874, and the revision thereof for the present session, $500;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Insert after said amendment, as an independent paragraph, the words: "To pay Leonard Myers expenses incurred by him as per vouchers for the same in contesting the seat of John Moffitt in the Forty-first Congress, $1,597.23;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And to enable the commissioners to meet liabilities incurred under the act approved March 3, 1881, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes,' so much of the unexpended balance now remaining to the credit of the District for the year 1881 as is not required to meet outstanding liabilities is hereby transferred and made applicable to the year ending June 30, 1882. And the unexpended balances of appropriations for the District for the years ending June 30, 1879, and June 30, 1880, are hereby reappropriated for the purpose of paying legal obligations incurred during the said fiscal years: *And provided further*, That in consideration of a deficiency in the collection of taxes for the year 1882 the sum of $50,000, or so much thereof as may be necessary, of the District revenue from taxes for the year 1883, may be credited and applied to meet liabilities of the District the same as if collected during the year ending June 30, 1882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: At the end of said amendment insert the words "in full satisfaction therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; after the word "all," in line 4 of the matter inserted by said amendment, insert the words "just and reasonable;" and the Senate agree to the same.

Upon amendment numbered 47 the committee are unable to agree.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.
EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The accompanying statement will be read.

The statement was read. It is as follows:

STATEMENT IN EXPLANATION OF THE REPORT.

The managers on the part of the House on the conference on the deficiency appropriation bill with Senate amendments thereto, submit in explanation of the effect of the report of the conferees, if adopted, upon the said amendments of the Senate, the following:

There were 77 disagreeing amendments.

On the amendment numbered 1, it inserts in the bill, "for the contingent expenses of the Department of State for 1882, $900."

On amendment 2: Provides that $300 of the appropriation for the Yorktown Centennial expenses may be paid to the disbursing officer of that commission.

On amendments 3, 4, 5, 6, 7, 8, 9, and 10: Inserts as follows:

"(3) For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $3,000.

"(4) For defraying the expenses incurred in the transmission and reception of cable and domestic telegrams by the Department of State and legations abroad owing to the illness and death of the late President, $10,000.

"(5) To meet the expenses of the special mission to Peru, Chili, and Bolivia, not exceeding $20,000.

"(6) To reimburse the resident commissioners of the United States to the international congress of electricians held in Paris in 1881, $1,000.

"(7) To compensate Philip Walker, late secretary of the commission, for his services, $2,000.

"(8) For compensation of S. O. Houghton, commissioner to investigate the management of the United States mint at San Francisco, and expenses connected therewith, $1,000.

"(9) To pay the expenses of Thomas L. Young, also designated by the Secretary of the Treasury for the same purpose, $900.

"(10) FIVE AND 6 PER CENT. BONDS.

"For the office of the Secretary of the Treasury, $5,283.14.

"For the office of the Register of the Treasury, $1,804.42.

"For the office of the Comptroller of the Currency, $482.44, as a reasonable additional compensation to the employés of the Treasury Department employed in continuing at a lower rate of interest the 5 and 6 per cent. bonds of 1881;"

And strikes out $2,000 for extra service of the clerks in the office of the First Comptroller.

On amendments 11, 12, and 13: Strikes out the following:

"(11) TERRITORIAL GOVERNMENTS.

"(12) For legislative expenses, Territory of Montana, namely: For printing house and council journals of the eleventh regular session of the Legislative Assembly, being for the service of the fiscal year 1879, $1,145.85.

"(13) For legislative expenses, Territory of Washington, namely: To pay the members and officers of the Legislative Assembly for the extra session from December 2 to December 8, 1881, (six days,) convened by proclamation of the governor of November 28, 1881, $1,194."

On amendment 14: Inserts the following:

"(14) To pay the Western Union Telegraph Company $114.66, being expenses incurred by the Surgeon-General of the Marine-Hospital Service."

On amendment 15: Makes a verbal correction in text of the bill, and inserts the following:

"(15) To pay to the legal representatives of Eben Eveleth, late commissioner of the Court of Claims, for services rendered by said Eveleth and his legal assistant, $5,000."

On amendments 16, 17, 18, 19, 20, 21, 22, 23, and 24: Inserts the following:

"(16) To pay William H. Johnson an amount sufficient to cover payments made by him to certain supervisors of election in New York City for legal services rendered by the same: *Provided*, That the amount does not exceed $1,885.

"(17) That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Francis E. Spinner, late Treasurer of the United States, with the sum of $47,097.65, amount of the deficiency of June 2, 1875; also to pay the sum of $650.61 to reimburse said Treasurer for an amount appearing on his books as a deficiency.

"(18) To enable the Secretary of the Treasury to pay to the State of Kansas 15 per cent. of the amount of her quota of the direct tax of 1861, on account of the proper costs for assuming the collection of the same, $10,761.50.

"(19) To enable the Secretary of the Treasury to refund to the sureties of C. H. Davis, late postmaster at Vernon Springs, Alabama, $731.07.

"(20) For amount due Enos Richmond for salary and expenses as agent of the late Southern claims commission, being a deficiency for the fiscal year 1880, $215.96.

"(21 and 22) For the payment of Army transportation due land-grant railroads, $124,000: *Provided*, That such compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for said services: *And provided further*, That any such land-grant roads as shall file with the Secretary of the Treasury their written acceptance of this provision shall hereafter be paid for like services as herein provided; and all accounts of such railroads for services heretofore rendered shall be audited and paid as herein provided upon application of such roads and their acceptance of such sum in full of all claims for such services.

"(23) The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

"(24) For the payment to Demott Bishop, N. Mayer, Joseph Valentine, John T. Carroll, and Charles Schmidt, employed in the military prison at Fort Leavenworth, Kansas, for balance of pay due for the fiscal years 1878 and 1879, $200 each, $1,000."

On amendments 28, 30, 31, and 33: Inserts the following:

"(28) To pay John H. Morgan, as acting sergeant-at-arms of the committee of the Senate required to investigate the Cheyenne Indian raid of 1878, twenty days' service, $120.

"(30) For accrued mileage to naval officers and officers of the Marine Corps under the act approved June 30, 1876, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Temple, $50,000.

"(31) For accrued longevity pay of officers of the Marine Corps, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Tyler, $25,000.

"(33) The payment to the heirs of Ely Moore, deceased, late register of the land office at Lecompton, Kansas, for fees and commissions due him for the calendar year 1859, $423.61."

On amendment 34: Makes a verbal correction, substituting "Mohave Indians" in lieu of "Hualapai Apaches in Arizona."

On amendment 35: Strikes out the following: "To pay to John R. Baylor amount of certificate numbered 5830, due him as special Indian agent, 'for 1879 and prior years,' $417.25;" and inserts: "To pay the American Photolithographic Company, of New York City, the sum of $2,000, which shall be in full of the amount hereby declared due them from the Government in final settlement of their claim for reproducing copies of drawings of patents in 1869 and 1870, to be paid by the Secretary of the Interior."

On amendments 36 and 37: Provides $2,000 for expenses of the Ute commission, and $3,900 for the expenses of the board of Indian commissioners.

On amendment 38: Inserts the following:

"(38) To pay James L. Henry, of Asheville, North Carolina, for services as attorney in behalf of the North Carolina Cherokee Indians, $150, to be paid out of any funds in the Treasury belonging to said Indians."

On amendment 39: Strikes out the following:

"(39) For one-half month's extra pay to the employés of the Census Bureau to whom certificates of service were issued after June 1, 1881, $30,000."

On amendments 40, 41, 42, and 45: Inserts the following:

"(40) To pay in full for transferring the foreign mails through the city of Chicago from November 1, 1879, to June 30, 1883, $6,000.

"DEPARTMENT OF JUSTICE.

"(41) For contingent expenses of the Department, $2,750.

"(42) To pay the balance due for the rent of four floors of the Freedman's Bank Building to and including May 31, $4,587.90.

"(45) For Territorial courts in Utah for 1880, $2,877.76; for 1881, $10,032.22."

On amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 72: Inserts the following:

"SENATE.

"(48) For clerks to committees and pages, $2,500.

"(49) For pay of folders, $158.

"(50) For miscellaneous items, $24,000.

"(51) To enable the Secretary of the Senate to pay George B. Edwards for services as clerk to the special committee appointed to investigate the affairs of the United States Soldiers' Home, from January 11, 1882, to March 7, 1882, inclusive, fifty-six days, at $6 per day, $336.

"(52) To enable the Secretary of the Senate to pay the clerk to the Committee on Appropriations of the Senate the difference between the salary received by him and the amount paid to the clerk to the Committee on Appropriations of the House of Representatives for services as clerk to that committee for the fiscal years 1880 and 1881, such sum as may be necessary is hereby appropriated.

"(53) To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 6th day of December, 1880, to the 1st day of December, 1881, inclusive, $445.27.

"(54) To enable the Secretary of the Senate to pay to the messengers in his office the difference between their present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $144 each.

"(55) To enable the Secretary of the Senate to pay to Joseph McGuickian the difference between his pay as special policeman in the office of the Secretary of the Senate and that of a messenger of the Senate of the United States from July 1, 1879, to June 30, 1880, $144, he having performed the duties of a messenger during that period.

"(56) To enable the Secretary of the Senate to pay George A. Clarke, messenger to the reporters' room of the Senate, the difference between his present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $240.

"(57) To enable the Secretary of the Senate to pay George Gilleland an amount equal to the difference between his pay as laborer on the rolls of the Senate and that received by messenger in charge of the reporters' gallery, $412.85.

"(58) To enable the Secretary of the Senate to pay S. H. Colbath the sum of $1,258.89, the balance of salary due by law to one discharging the duties performed by him as a messenger of the Senate from April 1, 1877, to May 5, 1879.

"(59) To enable the Secretary of the Senate to pay Thomas B. Bailey for services rendered by him as page in the Senate Chamber from November 9 to December 4, 1881, inclusive, $67.50.

"(60) To enable the Secretary of the Senate to pay John S. Hickcox for services as assistant in folding-room from July 1, 1881, to June 30, 1882, inclusive, $240, this amount being the difference between the pay he receives and that of assistants in the document-room: *Provided*, That hereafter no officer or employé of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

"(61) To enable the Secretary of the Senate to pay Daniel O'Neill for forty-five days' services as a watchman on the Capitol police force, $112.50.

"(62) For work on the Capitol and general repair thereof, and for fire-proofing the rooms adjoining the hall of the old House of Representatives, $2,000.

"(63) For payment of expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress, $1,500, to be paid to the estate of the late Alexander R. Esty.

"(64) To enable the Secretary of the Senate to pay Charles N. Richards the difference between the pay of keeper of stationery and assistant keeper of stationery of the United States Senate for the period of time between the 1st day of May, 1880, and the 1st day of November, 1881, $454.10.

"HOUSE OF REPRESENTATIVES.

"(65) For compensation of members of the House of Representatives and Delegates from the Territories, $286.47."

"To pay John P. Maloney for services as messenger to the official reporters of debates from December 5, 1881, to February 24, 1882, at the rate of $1,000 per annum, $220.65.

"To pay J. S. Jones the difference between the amount received by him as messenger to the Committee on Appropriations of the House of Representatives during the Forty-sixth Congress and $1,200 per annum, $408.33.

"To pay Henry H. Smith, journal clerk of the House of Representatives, for extra services rendered and as reimbursement for money expended by him in compiling and indexing questions of order decided in the House under the resolution of August 15, 1874, and the revision thereof for the present session, $500.

"(66) For mileage of members of the House and Delegates, $1,485.60.

"(72) To pay George W. Julian expenses of contest with John S. Reid for seat in the House of Representatives, Forty-first Congress, $2,000; to pay Leonard Myers expenses incurred by him, as per vouchers for the same, in contesting a seat with John Moffitt in the Forty-first Congress, $1,597.23."

On amendments 73, 74 and 75: Insert the following relating to the District of Columbia:

"(73) For two extra brick ventilating shafts for Tenth and H streets school building, $750; for two extra brick ventilating shafts for First street and Massachusetts avenue school building, $750.

"(74) To enable the commissioners of the District of Columbia to pay to the janitors of the Franklin, Sumner, Jefferson, Seaton, Curtis, Randall, Abbott, and John F. Cook school buildings the amounts withheld from the pay of said janitors on account of quarters in said buildings during the fiscal year 1880, from which quarters they were removed for sanitary reasons after the appropriations for said year had been made, $1,344, or so much thereof as may be necessary.

"(75) For the purpose of enabling the commissioners of the District of Columbia to complete the investment of the 10 per cent. retained under the contract for the construction of the first section of the Boundary street sewer, a sufficient sum is hereby transferred from the money paid into the Treasury for the year 1881 and made applicable to the year 1879; and reappropriates certain unexpended balances, and allows the use of $50,000 of the District revenue for 1883 to meet liabilities of the District as if collected during the fiscal year 1882."

On amendments 76, 77, and 78: Insert the following:

"(76) To pay Thomas J. Hobbs for disbursing the appropriations for the construction of the National Museum building, under appointment of the Secretary of the Treasury of March 28, 1879, $250 in full satisfaction thereof.

"(77) To pay John S. Williams, of the General Land Office, for extra services in compiling and supervising the Biennial Register for 1879, $200: *Provided*, That hereafter no extra compensation shall be allowed any officer or clerk of the Interior Department for compiling the Biennial Register.

"(78) To pay General M. C. Meigs for expenses incurred for drawings and advertising under the provision of the sundry civil act for 1882, relating to a new Pension Office building, $306.19."

On amendment 79: Insert the following:

"(79) Fulfilling treaty with Flatheads and other confederated tribes, 1873 and prior years: To pay balance found due by the accounting officers to Charles S. Jones, late Indian agent, on settlement of his accounts, $719.32, as per letter of the Secretary of the Treasury of June 22, 1882."

On amendment 80: Increases the appropriation for incidental expenses of the Quartermaster's Department for 1879 and prior years $200.

On amendment 81: Increases the appropriation for the pay of the Navy prior to July 1, 1879, $651.58.

On amendments 83, 84, 85, 86, 87, and 88: Inserts the following:

"(83) For pay of Indian agents, 1879 and prior years, $492.97.

"(84) For contingencies of Indian Department, 1879 and prior years, $46.

"(85) For incidental expenses of the Indian service in Arizona, 1879 and prior years, $180.

"(86) For incidental expenses of the Indian service in Nevada, 1879 and prior years, $83.40.

"(87) For support of Apaches of Arizona and New Mexico, 1879 and prior years, $1,280.89.

"(88) For telegraphing and purchase of Indian supplies, 1881, $39."

On amendments 89 and 90: Inserts as follows:

"(89) For Army pensions, 1879 and prior years, $500.90.

"(90) And to pay D. F. Murphy, Official Reporter of the Senate, for extra services and for clerk hire paid out by him, $1,000, for the first session of the Forty-seventh Congress."

On amendment 91: Inserts in the sixth section of the printed bill, providing for "a board of audit to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President," before the said word "allowances," the words "just and reasonable."

On amendment No. 47, proposing to allow payment of mileage to Senators attending special session of the Senate convened in October last, no recommendation is made, the conferees being unable to agree.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

Mr. HISCOCK. I demand the previous question on agreeing to the report of the committee of conference.

Mr. SPRINGER. Will the gentleman from New York state what is the point of disagreement?

Mr. HISCOCK. The disagreement is on the amendment of the Senate for the payment of mileage to Senators for the extra session. That question is still open.

Mr. SPRINGER. Is that the only point?

Mr. HISCOCK. That is the only point of disagreement.

Mr. SPRINGER. What is the action of the committee as to the pay of the surgeons who were in attendance on the late President Garfield?

Mr. HISCOCK. Upon that the conferees recommend concurrence in the Senate amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question being taken, there were—ayes 76, noes 12.

Mr. KNOTT. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 7; not a sufficient number.

Mr. SPRINGER. I call for tellers on the yeas and nays.

On the question of ordering tellers on the yeas and nays there were ayes 8; not a sufficient number.

So tellers on the yeas and nays were not ordered, the yeas and nays were refused, and the report was agreed to.

Mr. HISCOCK moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. I desire to say a word to the House in reference to the item on which there has been no agreement; that is as to the pay of mileage to Senators for the extra session. I am satisfied, Mr. Speaker, that upon this question the Senate will not recede. I desire to make this statement of facts with reference to that item which I believe will be somewhat at variance with the statement made upon the floor at the time the item was under consideration with the other Senate amendments.

The extra session was called for the 10th of October last year. It was represented upon the floor of the House in the former discussion that there was a continuous session from that time until the December session; that in fact the Senators did not return to their homes, and that no traveling had been performed which applied to this item for mileage and for which mileage should be computed.

Mr. SPRINGER. I ask the gentleman whether this claim is not based on the extra session commencing on the 4th of March, immediately after the regular session.

Mr. HISCOCK. It is not. The Senate had an extra session commencing on the 4th of March, but there is nothing for that extra session included in this item.

Mr. SPRINGER. It is not proposed to allow mileage for that?

Mr. HISCOCK. No, sir.

Mr. SPRINGER. I know one of the Senators, speaking to me on the subject, said at that session he had come to attend the meeting of Congress at great expense, and had received no mileage; and I had supposed this item related to mileage for that session as well as the other, or that in view of the fact that two extra sessions had been held mileage was claimed for one. I think those Senators not members of the Forty-sixth Congress who came here for the extra session ought to have mileage for that session.

Mr. HISCOCK. The bill does not carry an appropriation, as I understand, for mileage for the extra session which commenced on the 4th of March.

Mr. TOWNSHEND, of Illinois. They were all here.

Mr. SPRINGER. The new Senators were not here.

Mr. HISCOCK. It may be perhaps that they ought to have it, but the Senate amendment did not carry an appropriation for that session, as I understand. It carries an appropriation but for one mileage for the two extra sessions.

Mr. SCALES. I ask the gentleman from New York if in his opinion there is any authority of law for this appropriation? I ask him still further if the law does not expressly say that mileage shall only be allowed at each regular session of Congress?

Mr. HISCOCK. In answer to the question of the gentleman from North Carolina, I will say I do not understand the statute to declare that it shall only be for the regular session. I do understand that that has been the accepted meaning of the statute, but that it is susceptible of the other meaning also; that it is for any session.

Mr. COBB. During the Forty-fifth Congress the Committee on Mileage, of which I had the honor to be chairman, gave that question a very careful consideration. It will be remembered we had an extra session in October during that Congress. We were all, with great unanimity, after examining the law, satisfied that members of this House were not entitled to mileage for the extra session, and we so reported to the House. The report is on file. If the gentleman from New York [Mr. HISCOCK] would go back and examine the different statutes which have been passed on the subject, I think there is no question but he would agree with me that we are not entitled, and the Senators come under the same rule, to draw mileage for an extra session under the law as it now stands.

Mr. HISCOCK. Without having examined the law critically at this time I am not prepared to disagree with, but am inclined to accept the gentleman's construction of the law. Passing from that, I say further in this connection that I have no doubt but an appropriation to pay this mileage, originating in the House, would be subject to a point of order. I do not believe that an amendment to the bill, coming from the Senate, is subject to the point of order.

As I was proceeding to say, it was stated on the floor in the former discussion that the Senators came here on the 10th of October and continued in session until December.

Mr. TOWNSHEND, of Illinois. And they got their mileage for the December session.

Mr. HISCOCK. Yes; and they received their mileage for the December session; and that therefore no appropriation should be made for mileage for coming here in October. That question was examined by your conferees, and I think I am warranted in stating that all the members of the Senate—with possibly two or three exceptions—left Washington mainly to return to their homes or to go to some other point equally distant from Washington on the 29th of October, the time when the session expired.

An election was to take place soon after that time, and that called them away, at least a large proportion of them; they returned home on account of the election. If one or two of them remained here they constituted exceptions to the rule. I have presented the claims of the Senate and stated the reasons given by the Senate conferees why this appropriation should be made. I am frank to say that upon their statement of facts that they continued in session only until the 29th of October and then returned to their homes; and in view of the fact that there were certain new members of the Senate who came on here to the extra session of March, and for the payment of whose mileage no appropriation was made, a much stronger case of equity is made out in favor of the Senate than was presented at the time the proposition was considered in the House.

Mr. CARLISLE. Is it not the fact that when the Forty-fifth Congress adjourned on the 4th day of March, 1879, an extra session was called by the Executive to assemble on the 18th of March, 1879, and the members of the new Congress all attended at that time, and no mileage was allowed to any member of this House for that session?

Mr. HISCOCK. That is the fact.

Mr. CARLISLE. And at the expiration of that extra session they all returned home, and had to come back to the regular session again.

Mr. RYAN. That is the fact, and we ought to have had our mileage.

Mr. HISCOCK. I do not wish to be understood as making an argument either for or against the allowance of this item. I have discharged my duty by putting the House in full possession of all the facts. I am entirely indifferent whether the House concur with the Senate in this amendment or not. I desire to say this, however, in reference to the suggestion of the gentleman from Kentucky, [Mr. CARLISLE:] he will remember that that extra session of Congress was rendered necessary by the failure of the preceding Congress to make the necessary appropriations for the support of the Government. The extra session which was then called was rendered necessary by the action of Congress itself; Congress was responsible for that extra session.

Mr. COBB. That is all true; but the gentleman, I know, does not want to do injustice to anybody.

Mr. HISCOCK. And I remember a remark which was made by one of the most distinguished gentlemen on the other side of the House in connection with that extra session. I will not call any name. He said that he did not believe that Congress had any right to pay mileage for that extra session when it was the fault of Congress that the extra session was rendered necessary.

Mr. CARLISLE. Was it not a fact that the preceding Congress passed all the appropriation bills and some of them were vetoed by the Executive?

Mr. ROBINSON, of Massachusetts. Then you did not pass them according to the Constitution.

Mr. CARLISLE. That is a difference of opinion.

Mr. COBB. That was a new Congress, and many new members had been elected to that Congress who had had nothing to do with defeating the appropriation bills to which the gentleman from New York [Mr. HISCOCK] alludes. They had to come from their homes to this city and attend that extra session, and they went home without any allowance for mileage.

Mr. RYAN. It was a new Congress entirely.

Mr. COBB. It was a new Congress entirely, in no way responsible for the action of the former Congress. I know several gentlemen from my own State who were new members, and they came on here and attended that extra session at their own expense and went home without receiving any mileage. I am not going to say that these Senators ought to be paid mileage for the extra session of the Senate, but I do say that if you pay them mileage for that extra session then you ought to go back and pay mileage to the members of the House who attended the extra session of Congress in 1879.

Mr. ROBINSON, of Massachusetts. The Senators received no mileage for that extra session.

Mr. COBB. Of course not; neither did the members of the House; they are all upon an equality.

Mr. ROBINSON, of Massachusetts. They are all on an equality, but the Senators have done more work than the members of the House.

Mr. ANDERSON. And they are paid for it by the year.

Mr. ROBINSON, of Massachusetts. So are we.

Mr. COBB. If the mileage now allowed is too low then the law ought to be changed. But I am not in favor of allowing Senators mileage contrary to law and allowing Representatives to go unpaid, for we need it as much as they do.

Mr. HISCOCK. A single word further. We have in several Congresses, certainly in this Congress and in the Forty-fifth and Forty-sixth Congresses, perhaps not in regard to the pay of Senators, but in regard to the pay of the employés of the Senate—in regard to that question we have always had this locking of horns. We said we would not yield to the Senate, would not allow them to control the amount to be paid to their employés, and all that. This proposition is akin to the others, and in this very bill we have concurred in the Senate amendments allowing them to fix the compensation of their employés for the extra session.

Mr. HUBBELL. As we should have done.

Mr. HISCOCK. As I have said, it is a question which is constantly being presented, and the result always is that the Senate insists that it shall control the compensation of its own employés, as it insists in this case that it has the right to control the question of the mileage of its members; that they are responsible to the country and are willing to take that responsibility.

Mr. TOWNSHEND, of Illinois. If members of the House vote for it they will be responsible for indorsing a position of that kind.

Mr. HISCOCK. In answer to that, all I have to say is this: I have no doubt, when we get through with this matter, we shall find that the Forty-seventh Congress has done precisely what the Forty-fifth and Forty-sixth Congresses did—has receded upon this point, letting the Senate take the responsibility. Believing that this will be the result, I for one do not propose to spend any more time over the question than is absolutely necessary.

Mr. TURNER, of Kentucky. Will the gentleman from New York allow me one moment? In the Forty-sixth Congress mileage was proposed to be allowed by an amendment which was put on in the Senate; but when the bill came back the House after consideration refused to concur in that amendment. I voted against the Senate amendment, and no mileage was allowed to members who attended the extra session, although we came here on the 18th of March under proclamation of Mr. Hayes, and remained here in session nearly four months. We claimed no mileage, and the Appropriations Committee of this House made no appropriation for mileage to that extra session in their bill, and when the Senate added an amendment giving mileage we refused to concur in the amendment, and no mileage was given to any member or claimed by any member on this floor. I do not believe the law authorizes mileage to an extra session, and I cannot indorse it.

Mr. HISCOCK. I can only say with reference to that—and I say it also in answer to the suggestion of the gentleman from Indiana, [Mr. COBB]—that if the Senate takes more than it is entitled to under the law, I for one shall not favor an amendment to the bill to give the same amount to the House. We are certainly responsible for the amount which we take for our own use. If I take that which I do not think I am entitled to under the law, it is no excuse to say that the Senate takes what it is not entitled to.

Mr. TURNER, of Kentucky. We ought not to take what we are not entitled to or let the Senate do it either.

Mr. RYAN. The Senate cannot take it unless we agree to it.

Mr. HISCOCK. I can only say that the firm Democracy on the other side who have fought over this question heretofore, and have been goaded on by such stern patriots as the gentleman from Kentucky, have always when the time came yielded.

Mr. TURNER, of Kentucky. That is not so; the gentleman is mistaken. We did not yield in the Forty-sixth Congress, and the Senate receded and the Senate amendment was stricken out.

Mr. HISCOCK. We yielded the mileage to Senators and simply struck out our own.

Mr. TURNER. The record will not sustain the gentleman; he is mistaken.

Mr. ATKINS. That was in the Forty-fifth Congress.

Mr. TURNER, of Kentucky. No, in the Forty-sixth Congress.

Mr. ATKINS. In the Forty-fifth Congress mileage was allowed to those who came here for the first time as Senators.

Mr. TURNER, of Kentucky. I was not a member of the Forty-fifth Congress. But how about the Forty-sixth Congress?

Mr. ATKINS. I am speaking of the Forty-fifth Congress. I wish to ask the gentleman from New York a question. From his argument the House would infer that he believes under the law Senators are entitled to this mileage.

Mr. HISCOCK. The gentleman is mistaken. I do not believe they are entitled to it under the law.

Mr. ANDERSON. Then why do you propose to give it to them?

Mr. ATKINS. I desire to say——

Mr. HISCOCK. Let me make my answer to the gentleman more complete. This is like many other things for which we appropriate money, although there is no law in existence authorizing the appropriation. We make a new law when we vote the money.

Mr. ATKINS. As the law provides that mileage shall be for each regular session, I did not know but that the gentleman gave to the word "regular" a construction which would embrace any session of Congress provided for by its own act.

Mr. HISCOCK. No; my recollection is that the word "regular" is not in the statute.

Mr. ATKINS. The gentleman is mistaken about that.

Mr. HISCOCK. My opinion of the law is not different from that of the gentleman from Indiana and the gentleman from Tennessee.

Mr. ATKINS. I have here the old law. I was about to read it, but the gentleman from Kansas [Mr. RYAN] tells me the law has been modified. I know we have always proceeded on the idea of allowing mileage for two sessions of each Congress, which are called regular sessions. In the old law the word "regular" is used, but I understand in the Revised Statutes it is left out.

Mr. HISCOCK. I thought I was right in my recollection. The word "regular" does not occur in the law as it is.

Mr. ATKINS. The change was made by the committee that made the revision.

Mr. TOWNSHEND, of Illinois. I wish to ask my friend from Tennessee this question: If, after the Senate has adopted this amendment, the House should allow it to pass and become law, does not the House shoulder equal responsibility with the Senate?

Mr. ATKINS. I beg to say to the gentleman from Illinois that I am not advocating the adoption of the Senate amendment.

Mr. HISCOCK. The question which the gentleman from Illinois [Mr. TOWNSHEND] asks is not a parliamentary one.

Mr. ANDERSON. But a very sensible one.

Mr. TOWNSHEND, of Illinois. It is a question for members of the House to answer on their own responsibility. The Senate cannot get this mileage without the consent of the House.

Mr. HISCOCK. I yield to the gentleman from New Jersey, [Mr. ROBESON.]

Mr. ROBESON. Mr. Speaker, it is well enough that the House should understand exactly how this question is presented. By the law of 1866 it was provided that mileage should be allowed at each regular session. The construction of the word "regular" might possibly be a matter of doubt in the minds of lawyers, or in the action of the House. However, by a provision of the Revised Statutes passed in 1873, a subsequent statute of the United States, treating upon and covering the subject, and if so, to a certain extent at least regulating the matter, and repealing the restrictions of the old law, it is provided as follows:

The compensation of Senators, Representatives, and Delegates, as prescribed in section 35—

Which is the $5,000 clause—

shall be in lieu of all pay and allowances except actual individual traveling expense from their homes to the seat of Government and return by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs, to be certified, &c.

Mr. ATKINS. Allow me to ask the gentleman from New Jersey a question. Did not the act repealing that act, which is generally known as the "salary-grab" law, restore the old law as to mileage?

Mr. SCALES. Yes, sir; it did.

Mr. ROBESON. No, sir; that remains. The Revised Statutes affirm this.

Mr. HORR. That is not the law now.

Mr. ROBESON. It affirms this.

Mr. ATKINS. That is not the law now. The law of the Forty-fourth Congress repealed that law.

Mr. ROBESON. Where is it?

Mr. SPRINGER. Here it is.

Mr. ROBESON. What I was about to say about that is this: that would be subject to great difficulty of construction, and it would be doubtful whether the word "session" was not covered in its reference to the old law. I do not say that it is at all conclusive. I only state this thing as it appears in the Revised Statutes. If the Forty-fourth Congress has passed any other law later than that of course it will govern.

Mr. SPRINGER. Here is the law, and I ask it to be read in order to throw light on this subject.

Mr. ROBESON. Very well; send it up to the Clerk's desk to be read.

The Clerk read as follows:

An act repealing the increase of salaries of members of Congress, and other officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of March 3, 1873, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employés, whether Members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress, in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Approved January 20, 1874.

Mr. ROBESON. I only desire we may understand the subject-matter. It would have been very doubtful with the law of 1874, whether the mere general language of "session" in the Revised Statutes would repeal the qualification of "regular session" in the old law. It appears by the act of 1874 the old law is revised and every restriction upon the allowance remains as if this section in the Revised Statutes had not been made.

But the question is just here. We are now called upon to legis-

late again. It will not be doubted if we adduced and passed the law making this appropriation, but to that extent and for that purpose it would in this instance repeal the effect of that general act *pro tanto*. No one will doubt that.

The question is shall we do it? We are not bound by our own past acts and laws as if they were constitutional restrictions. The question is whether, under the exigencies of the case, a sufficient case has been made to authorize and encourage us to do it?

Now, the facts of this case are just these: in the autumn of 1881 the country found itself with but a single life between the Government and anarchy. By universal accord and by universal pressure of all the people of the country, without distinction of party, all good men called upon the Senate to come together and elect a President of the Senate, who should be the legatee of the power of the Government. In response to that condition of things, and the pressure which was thus inaugurated, the acting President of the United States called the Senate together. In the middle of the business season of the autumn they came together on the 5th day of October, 1881. They sat in continuous session until the 29th of that month; then they departed to their homes and were gone six weeks, until the 5th day of the following December. We were told in the conference committee by the Senators who composed it that there were but four Senators who remained in Washington during that interval.

For the session which followed the 4th of March, the extra session of the Senate, to exercise its power of confirming appointments in executive session, there was no allowance made, that not being considered according to precedent and not presenting a special case. But the Senators say—every Senator of all parties and of every shade of feeling and opinion—that they believe this mileage should be allowed them. They inform us that the vote is unanimous; and I confess that under the circumstances of the case it does appeal to me and to my sense of justice as the right thing to do to allow them mileage for this extraordinary session, which was not brought about under the ordinary operations of the law, and could never have been contemplated by the law-makers when they made the restricting statute.

Mr. CASWELL. Will the gentleman from New Jersey permit me to ask him a question, simply for information, and that is, if he does not think there is a distinction between a regular session of Congress and this extra session of the Senate which took place in October last?

Mr. ROBESON. Of course there is a clear distinction, and the distinction is just this: that this was an occasion which could not have been contemplated by the law-makers. It was an extraordinary session, brought about by extraordinary conditions, which could not be anticipated in legislation, and could not have been in the minds of the men who framed the restrictive act.

Mr. CASWELL. But it being simply a session of the Senate, the House not being in session, it was clearly not within the terms of the law a session of Congress.

Mr. ROBESON. I do not say, nor do I mean to claim, that it was a regular session of Congress at all. I was only speaking of the reasons which impel me to think that we ought, even to this extent and for this occasion only, *pro tanto* to repeal this restrictive law and let the Senators have this mileage. I now yield to my colleague on the committee, the gentleman from Kentucky.

Mr. BLACKBURN. Mr. Speaker, whatever may be said as to the construction that has been given to the law in reference to mileage of Senators and Representatives in extraordinary sessions of Congress, I desire to enter here now my protest against the Senate amendment, which seeks to give mileage to the Senators for the late extra session of the Senate into which they were called, as the gentleman from New Jersey has said, on an extraordinary occasion. I find, sir, and I read now from the Manual and Digest of this House, that—

> By the seventeenth section of the act of July 28, 1866, it is provided that mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually traveled, in going to and returning from each regular session of Congress, shall be allowed to each Representative and Delegate, the accounts thereof to be certified by the Speaker.

I find further that this law, and others that follow it bearing upon the same point, were revived by the act of January 20, 1874, repealing the increase of salaries of members of Congress and their officers.

When this matter was under discussion before in the House some days since, I made a statement to the effect that after the expiration of this extra session of the Senate, the Senators remained in Washington until the meeting or near about the time of the meeting of the regular session of Congress, and consequently it would be constructive mileage if they were allowed to take the money which this amendment contemplates. I am glad now to have the opportunity of correcting that statement. The Senate finished its work for which it had then been called together on the 29th day of October, and under the law Congress met in its regular session on the first Monday in December thereafter. That much time therefore intervened; not six weeks, but more than a month. Some of the Senators went home, others remained in Washington.

Now I wish to call the attention of the House to the fact that the law which was originally passed upon this subject did give mileage for regular sessions of Congress, in order to get rid of the abuse which grew up in the shape of this constructive mileage. Extra sessions were sometimes called immediately after the adjournment of regular sessions, and members of both Houses of Congress who remained at the national capital claimed their regular mileage when they had not traveled a mile, just as some members of the present Senate Chamber will collect their mileage without having left the capital or traveled a foot toward home or from their homes toward Washington.

In order to obviate these abuses and to protect the Federal Treasury against these claims for constructive mileage this law was passed. I am willing, sir, to admit that when, according to the provisions of the Federal Constitution, the Congress of the United States, or either branch, is convened in extraordinary session by proclamation of the President there is as much equity in giving to gentlemen who attend such sessions their mileage as there would be in giving it to them for the regular sessions provided for by law.

But I do insist that under the law as it stands to-day this amendment of the Senate is not to be supported. The law expressly provides that mileage shall only be paid for attendance upon a regular session of Congress. That was no session of Congress at all; it was no regular session even of the Senate. It was an extraordinary session of one branch of the law-making power.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. TOWNSHEND, of Illinois. I ask the gentleman if the mileage for the December session was not sufficient to defray the traveling expenses for three or four extra sessions?

Mr. BLACKBURN. That I do not know. But I know this: if this amendment shall be voted down there is not a member of the Senate who will say that by reason of the calling of the extra session of the Senate he has been damaged in purse to the extent of one dollar.

Now, more, sir. Since I have been a member of Congress we have had several extra sessions of Congress and have been summoned from our homes to come here to attend those sessions. And no member of this House ever received a dollar of mileage for any extra session since I came here. It has never been awarded and it has never been claimed.

I do not care what gentlemen may say about the extra compensation passed by the Forty-third Congress. I undertake to say here in my place that this is a repetition on the part of the Senate of the back-salary law. They are asking for money they never were entitled to by law. They are asking to repeal a law and give the repeal an *ex post facto* operation. I will not undertake to offer objection if the proposition comes to amend the law so as to give to every member of both Houses of Congress mileage for extra sessions as well as regular sessions, provided there is a safeguard against the abuse of constructive mileage. But so long as the law stands as it is, my friend from New Jersey, [Mr. ROBESON,] who now sits before me, will not deny, if this amendment had been offered in the open House it was amenable to the point of order.

Mr. MILLS. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Yes, sir.

Mr. MILLS. What higher equity is there in paying Senators than there is in paying members of the House for attendance on an extra session?

Mr. BLACKBURN. None whatever.

Mr. MILLS. We have never received mileage for an extra session.

Mr. BLACKBURN. I thank the gentleman from Texas for the question, because there I want to emphasize——

Mr. WILLITS. I ask the gentleman from Kentucky whether the actual compensation of members and Senators ought not to be equal.

Mr. BLACKBURN. Yes, sir; and the law intends to make it so.

Mr. WILLITS. Does the law make it so?

At the extra sessions of Congress neither the members of the House nor the members of the Senate got mileage. So there was no inequality between them as to those. But now comes an extra session of the Senate alone, and my question is whether in fairness to the Senate they ought not to have enough to make them equal to the House. When they are called in an extra session of the Senate alone they have to pay their own expenses in attending that extra session in addition to what we have to pay. Now, would it not be the fair thing to pay them the actual traveling expenses for the extra session? They would then be on a par with the Members of Congress.

Mr. BLACKBURN. I will answer my friend from Michigan, and I will do it in this wise: no allowance, either for mileage or for actual expenses, has ever been made to any member of this House for an extra session since I have been a member.

Mr. WILLITS. Let me suggest to the gentleman that at the same time the House was called for an extra session the Senate was called also, and therefore no disparity existed between them. But now comes an extra session of the Senate under the Constitution when the House is not in session, and I think, in order that their pay and compensation may be equal to those of the House they ought to have at least their actual traveling expenses.

Mr. BLACKBURN. I do not think it is fair legislation to undertake to provide either in the way of mileage or actual expenses for

one of the two branches of the Congress of the United States in the matter of an extra session and leave the other unprovided for altogether.

Mr. KETCHAM. But the other was not called.

Mr. BLACKBURN. But it has been called more than once since my friend from New York [Mr. KETCHAM] and myself have been members of this House. If it is intended to change the law, and this amendment of the Senate does propose to change the law, let it be done fairly and on even terms. A Senator's salary is exactly that of a member of this House. I know of no special privileges and I know of no advantages that belong to this House of Lords. It should stand upon the exact equality with this House, where the law puts it.

Mr. REED. I know of one advantage the Senators have: they remain there six years to our two.

Mr. BLACKBURN. And that is a very notable advantage.

Mr. ANDERSON. And they have a private barber shop, and get shaved without paying for it.

Mr. BLACKBURN. So much the greater argument for not allowing this amendment to come in. I say if it be the purpose of Congress to change the law on the subject of mileage let us change it, not for a special case, not to fit an exigency which has come up, but let us change it for all time to come; let us make it apply to both Houses instead of one; let us make it fair instead of discriminating.

I will not agree that a Senate amendment which if it had been offered in the House would have been amenable to a point of order, because it changes existing law and increases instead of reduces expenditures, shall be allowed to pass here without a protest. There is no equity in this demand of the Senate; the law does not support it, and I trust this House will refuse to give its sanction to it.

Mr. TURNER, of Kentucky. Mr. Speaker——

Mr. HISCOCK. I do not understand that there is any question before the House.

The SPEAKER. The question that comes up is the question of concurrence with the Senate amendment or——

Mr. HISCOCK. No motion has been made and no resolution of instructions to the conferees submitted. I made a statement of the points of difference between the conferees so that the House might be possessed of all the facts. I will say this now, that the conferees on the part of the House will doubtless bring in a proposition to the House that it can vote upon directly——

Mr. ROBINSON, of Massachusetts. The gentleman can move to recede from the disagreement to the Senate amendment.

The SPEAKER. The Chair would suggest that the report having been made from the committee on conference, showing a disagreement upon this one amendment of the Senate, a further motion may be necessary, which motion may be that the House further insist on its disagreement to the Senate amendment and ask for a further conference.

Mr. ROBINSON, of Massachusetts. Or that the House recede from its disagreement.

The SPEAKER. That motion would be in order.

Mr. HISCOCK. Should not our present action be first communicated to the Senate, so that they may recede from their amendment?

The SPEAKER. Should the Senate recede, then the action of the House in regard to a further conference would fall.

Mr. HISCOCK. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Which House should first take action in that direction, either in the way of non-concurrence or receding from disagreement?

The SPEAKER. The original proceeding was this: the House disagreed to the Senate amendments; that disagreement was communicated to the Senate, and the Senate insisted upon its amendments, and the House consented to a conference. The conference committee having reported a disagreement, it is for either House now to act. The House can recede from its disagreement to the Senate amendment, or can further insist upon its disagreement, as in the case of the conference report made this morning on the river and harbor appropriation bill. The Chair thinks a motion to further insist and ask another conference would be in order.

Mr. HISCOCK. I move that the House recede from its disagreement to the Senate amendment.

The SPEAKER. That motion is in order.

Mr. SPRINGER. The report of the committee of conference has been agreed to.

The SPEAKER. The report has been agreed to, but it shows that one amendment of the Senate is still undisposed of.

Mr. HISCOCK. I call for the previous question on my motion.

Mr. TURNER, of Kentucky. I would have liked the gentleman to allow me to make a statement, as others have discussed this question.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from New York, [Mr. HISCOCK,] that the House recede from its disagreement to the Senate amendment.

The question was taken; and upon a division there were—ayes 56, noes 21.

Mr. TOWNSHEND, of Illinois. No quorum has voted.

Mr. ROBINSON, of Massachusetts. Do not make that point.

Mr. TOWNSHEND, of Illinois. With the understanding that the yeas and nays can be taken on the final proposition, I will withdraw that point of order.

Mr. HISCOCK. Oh, I do not want to make any understanding.

Mr. TOWNSHEND, of Illinois. I want everybody to go upon the record.

Mr. HISCOCK. The gentleman need not say that. I do not believe there is a gentleman in this House who is not always willing to go upon the record with reference to his vote.

Mr. TOWNSHEND, of Illinois. Then let us have the yeas and nays.

Mr. REED. That takes time, and people are not spending their spare time hunting up records of this dimension.

Mr. TOWNSHEND, of Illinois. I want to give my friend from Maine an opportunity to indorse this proposition.

Mr. REED. The people are not interested in the microscopic character of performances of this kind. The public cares nothing about this kind of trash.

Mr. TOWNSHEND, of Illinois. I understand the gentleman from Maine favors legislation of this character.

Mr. REED. You do?

Mr. TOWNSHEND, of Illinois. And I want to give him an opportunity to go upon the record.

Mr. REED. You do not understand anything about it. The gentleman from Illinois is not capable of understanding my views on such subjects. [Laughter.]

Mr. TOWNSHEND, of Illinois. The gentleman from Maine is better understood than he imagines he is, both by "the gentleman from Illinois" and others.

Mr. REED. Not by the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. Unless consent is given that there shall be a yea-and-nay vote on the motion of the gentleman from New York, [Mr. HISCOCK,] I must insist upon the point of order that no quorum voted.

Tellers were ordered; and Mr. HISCOCK, and Mr. TOWNSHEND of Illinois, were appointed.

The House divided; and the tellers reported 80 in the affirmative.

Before the negative vote was counted,

Mr. TOWNSHEND, of Illinois, said: As I intend to insist upon the yeas and nays on the final proposition, I will withdraw the question of a quorum on the demand for the previous question.

So (no further count being called for) the previous question was ordered.

The SPEAKER. The question now recurs upon the motion of the gentleman from New York, [Mr. HISCOCK,] that the House recede from its disagreement to the amendment of the Senate.

Mr. BLACKBURN. And on that motion I call for the yeas and nays.

Mr. HISCOCK. Let us have a vote by division.

Mr. BLACKBURN. No; let us have the yeas and nays now.

The question was taken upon ordering the yeas and nays, and there were 30 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 99, not voting 130; as follows:

YEAS—60.

Aldrich,	Dunn,	Oates,	Smith, Dietrich C.
Barbour,	Farwell, Chas. B.	O'Neill,	Smith, J. Hyatt
Bingham,	Farwell, Sewell S.	Page,	Speer,
Bliss,	George,	Parker,	Spooner,
Butterworth,	Harris, Benj. W.	Paul,	Strait,
Camp,	Hepburn,	Pound,	Thomas,
Candler,	Ketcham,	Prescott,	Thompson, Wm. G.
Carpenter,	Lewis,	Ray,	Townsend, Amos
Caswell,	Lynch,	Reed,	Tyler,
Chace,	Mackey,	Rice, John B.	Upson,
Chapman,	McClure,	Robeson,	Van Horn,
Cornell,	McCoid,	Robinson, Geo. D.	Wait,
Cravens,	Miles,	Russell,	Walker,
Crowley,	Moore,	Sherwin,	Washburn,
Deering,	Norcross,	Smalls,	Webber.

NAYS—99.

Anderson,	De Motte,	Latham,	Scales,
Armfield,	Dibrell,	Leedom,	Shallenberger,
Atherton,	Dingley,	Le Fevre,	Shultz,
Bayne,	Dowd,	Manning,	Simonton,
Beach,	Dwight,	McCook,	Singleton, Otho R.
Beltzhoover,	Ellis,	McKenzie,	Skinner,
Berry,	Ermentrout,	Miller,	Smith, A. Herr
Blackburn,	Evins,	Mills,	Steele,
Blanchard,	Fisher,	Money,	Taylor,
Briggs,	Forney,	Morey,	Townshend, R. W.
Browne,	Fulkerson,	Morse,	Turner, Henry G.
Buchanan,	Geddes,	Muldrow,	Turner, Oscar
Buck,	Godshalk,	Murch,	Updegraff, J. T.
Buckner,	Gunter,	Neal,	Updegraff, Thomas
Burrows, Julius C.	Hammond, N. J.	Payson,	Vance,
Carlisle,	Hardy,	Peelle,	Van Aernam,
Clements,	Haskell,	Peirce,	Warner,
Cobb,	Hatch,	Randall,	West,
Colerick,	Houk,	Rich,	White,
Covington,	Jadwin,	Richardson, D. P.	Whitthorne,
Culberson,	Jones, George W.	Ritchie,	Williams, Thomas
Cullen,	Kenna,	Robertson,	Willis,
Curtin,	Klotz,	Robinson, Wm. E.	Willits,
Cutts,	Knott,	Rosecrans,	Wise, George D.
Dawes,	Lacey,	Ryan,	

NOT VOTING—130.

Aiken,	Dugro,	Humphrey,	Rice, Theron M.
Atkins,	Dunnell,	Hutchins,	Rice, William W.
Barr,	Errett,	Jacobs,	Richardson, Jno. S.
Belford,	Flower,	Jones, James K.	Robinson, Jas. S.
Belmont,	Ford,	Jones, Phineas	Ross,
Bisbee,	Frost,	Jorgensen,	Scoville,
Black,	Garrison,	Joyce,	Scranton,
Bland,	Gibson,	Kasson,	Shackelford,
Blount,	Grout,	Kelley,	Singleton, Jas. W.
Bowman,	Guenther,	King,	Sparks,
Bragg,	Hall,	Ladd,	Spaulding,
Brewer,	Hammond, John	Lindsey,	Springer,
Brumm,	Hardenbergh,	Lord,	Stephens,
Burrows, Jos. H.	Harmer,	Lowe,	Stockslager,
Cabell,	Harris, Henry S.	Marsh,	Stone,
Caldwell,	Haseltine,	Martin,	Talbott,
Calkins,	Hazelton,	Mason,	Thompson, P. B.
Campbell,	Heilman,	Matson,	Tucker,
Cannon,	Henderson,	McKinley,	Urner,
Cassidy,	Herbert,	McLane,	Valentine,
Clardy,	Herndon,	McMillin,	Van Voorhis,
Clark,	Hewitt, Abram S.	Morrison,	Wadsworth,
Converse,	Hewitt, G. W.	Mosgrove,	Ward,
Cook,	Hill,	Moulton,	Watson,
Cox, Samuel S.	Hiscock,	Mutchler,	Wellborn,
Cox, William R.	Hoblitzell,	Nolan,	Williams, Chas. G.
Crapo,	Hoge,	Orth,	Wilson,
Darrall,	Holman,	Pacheco,	Wise, Morgan R.
Davidson,	Hooker,	Pettibone,	Wood, Benjamin
Davis, George R.	Horr,	Phelps,	Wood, Walter A.
Davis, Lowndes H.	House,	Phister,	Young.
Deuster,	Hubbell,	Ranney,	
Dezendorf,	Hubbs,	Reagan,	

So the motion of Mr. HISCOCK was not agreed to.

The following pairs were announced from the Clerk's desk:

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. BOWMAN with Mr. SPARKS.

Mr. YOUNG with Mr. CLARDY.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. KETCHAM with Mr. ELLIS.

Mr. HISCOCK with Mr. COX of New York.

Mr. URNER with Mr. GARRISON.

Mr. LORD with Mr. HOBLITZELL.

Mr. CANNON with Mr. THOMPSON of Kentucky.

Mr. BELFORD with Mr. WELLBORN.

Mr. WILLIAMS, of Wisconsin, with Mr. WILSON.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. KELLEY with Mr. CONVERSE.

Mr. KASSON with Mr. BLOUNT.

Mr. SPAULDING with Mr. JONES of Arkansas.

Mr. DAVIS, of Illinois, with Mr. CALDWELL.

Mr. ORTH with Mr. MARTIN.

Mr. VALENTINE with Mr. FROST.

Mr. MCLANE with Mr. ROBINSON of Ohio.

Mr. HORR with Mr. ATKINS.

Mr. ERRETT with Mr. SPRINGER.

Mr. WISE, of Virginia. I am paired with my colleague, [Mr. DEZENDORF;] but my vote on this question is not in violation of our understanding. Therefore I do not withdraw it.

Mr. HISCOCK. I wish to inquire whether a quorum has voted? If so, I wish to withdraw my vote, as I am paired.

The SPEAKER. A quorum has voted. The gentleman's vote will be withdrawn.

The result of the vote was then announced as above stated.

Mr. HISCOCK. I move that the House insist on its disagreement to the Senate amendment and ask a further conference with the Senate.

Mr. WILLITS. Is a suggestion or an instruction to the committee of conference in order?

The SPEAKER. It is not upon this motion. The Chair does not desire to decide that question till it is presented.

The motion of Mr. HISCOCK was agreed to.

The SPEAKER announced as the committee of conference on the part of the House Mr. HISCOCK, Mr. ROBESON, and Mr. COX of New York.

PENSION BILLS.

Mr. BROWNE. I ask unanimous consent that Senate pension bills on the Speaker's table be taken up and referred to the Committee on Invalid Pensions.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

Mr. BROWNE. There are on the Speaker's table three or four pension bills of the House to which the Senate has added merely verbal amendments, as for instance changing the initial letter in a name. I ask unanimous consent that those bills be taken up for concurrence in the amendments of the Senate.

Mr. UPSON. I object.

DEFICIENCY BILL.

Mr. HISCOCK. I ask unanimous consent to attach to the deficiency appropriation bill in the next committee of conference an item of $6,928.60 for the salary of Representatives and Delegates of the Forty-seventh Congress and their mileage. There is that deficiency, and I ask unanimous consent of the House to incorporate it into the bill.

The SPEAKER. It can only be done by unanimous consent. But how can that get before the Senate?

Mr. HISCOCK. We may some time concur in the Senate amendment in some form or other.

Mr. UPSON. What is the proposition?

Mr. HISCOCK. It is to add $6,928.60, that being a deficiency in salary and mileage for members of the Forty-seventh Congress.

The SPEAKER. Is there objection to its being considered as an amendment to the general deficiency bill?

There was no objection; and it was ordered accordingly.

UNCOMPAHGRE AND WHITE RIVER UTE INDIANS.

Mr. BELFORD. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table Senate bill No. 698, relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians, for consideration at this time.

I ask the House for the privilege of making a statement in reference to this matter. Over a year ago the Uncompahgre and White River Ute Indians were removed from this reservation in the State of Colorado, and during the last six months the people of my State have been very anxious to enter upon that reservation. Those Indians have been removed from that reservation under treaty with them, and I sincerely hope the House will consent to take up the Senate bill and pass it, because it is a matter of vital importance to my constituents.

Mr. UPSON. I object.

Mr. BURROWS, of Michigan. I call for the regular order of business.

MORNING HOUR DISPENSED WITH.

Mr. BINGHAM. I move to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. BINGHAM. I now call up the business of the Post-Office Committee under the special order of the House of the 5th of June last, and ask first for the consideration of the bill (H. R. No. 5661) to modify the postal money-order system, and for other purposes.

The SPEAKER. The Clerk will read the special order made by the House in reference to this matter.

Mr. HISCOCK. I understand the Committee on the Post-Office and Post-Roads, under that order, are entitled to a day, and they are reluctant to call it up if their time will be exhausted by this day's session. It will facilitate the public business if there be unanimous consent to have as much time to-morrow as they have lost to-day, because their business has not been called up until after two o'clock.

The SPEAKER. What is the gentleman's proposition?

Mr. HISCOCK. That the Committee on the Post-Office and Post-Roads have as much time to-morrow as they have lost to-day.

The SPEAKER. Is there objection?

There was no objection, and it was ordered accordingly.

The SPEAKER. The order provides for the consideration of certain business, and if they conclude their business to-day of course they will not want any time to-morrow.

Mr. CULBERSON. I move to proceed to the consideration of the business on the Speaker's table.

The SPEAKER. The special order is called up, which takes precedence, as it was fixed by a two-thirds vote of the House.

Mr. BELFORD. The gentleman from Texas will withdraw his objection.

Mr. BINGHAM. I move to go into the Committee of the Whole House on the state of the Union for the purpose of considering the postal money-order bill.

Mr. BELFORD. Let me make a statement. Does my friend from Texas insist on his motion to go to the Speaker's table?

Mr. UPSON. I have a bill of great and pressing importance.

Mr. BELFORD. I have no doubt about that, and it ought to pass.

Mr. UPSON. I shall have to object.

The SPEAKER. The Chair is not aware that the bill referred to by the gentleman from Pennsylvania should be considered in the Committee of the Whole House on the state of the Union.

Mr. BINGHAM. Very well, I ask that it be considered in the House.

Mr. KASSON. What bill is it?

The SPEAKER. It is the bill (H. R. No. 5661) to modify the postal money-order service.

Mr. RANDALL. I understood it was agreed to allow the recognition of the gentleman from Colorado on the other side and the gentleman from New York on this.

Mr. BELFORD. I appeal to the House in reference to this matter; it is a matter of vital importance to my constituents.

The SPEAKER. The gentleman from Texas is entitled to recognition next.

Mr. RANDALL. Why not extend the opportunity to gentlemen on this side for unanimous consent as it was extended to the other side?

Mr. BINGHAM. I am perfectly willing to do that, the House having yielded me time to-morrow.

The SPEAKER. Gentlemen must not be misled. The gentleman from Texas is entitled to recognition.

Mr. BELFORD. Well, I hope that there will be no objection on this side to the consideration of his bill.

Mr. UPSON. Then I ask unanimous consent to take up the bill.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The Chair understood that the gentleman had yielded to the requests for unanimous consent. Does the gentleman insist upon the demand?

Mr. BURROWS, of Michigan. I do. We have such an admirable system of rules——

The SPEAKER. It is not debatable.

Mr. BURROWS, of Michigan. I am not trying to debate it.

The SPEAKER. The Chair was simply desirous of facilitating business, and thought that consent was given.

Mr. RANDALL. The rules are very good to prevent the waste of a great deal of money, at all events.

Mr. BURROWS, of Michigan. And to prevent the transaction of public business.

Mr. BLACKBURN. You have been tinkering with them all of this session.

Mr. BURROWS, of Michigan. Trying to make them better; but such as they are let them be enforced.

Mr. BLACKBURN. I thought the rules had been suspended altogether by the action of the majority of this House some time ago.

Mr. BURROWS, of Michigan. I hope the Speaker will apply the rules. I insist upon the demand for the regular order.

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I understand this to be the council of the nation; and I desire to know whether the voice of one man is more potent than the expressed will of the majority of the members on this floor?

Mr. REED. Certainly, under our present rules.

Mr. BELFORD. And I want to know whether one gentleman by objecting to the consideration of a bill can absolutely divest the majority of the representatives of the people of the right of proceeding with its consideration. Here is a bill of vast and vital importance to the people of my State, and I am their sole representative on this floor. I have not intruded myself upon the consideration of this House very often; and I ask now whether it is just and right or proper to interpose an objection in this way to prevent the consideration of a bill in which the people I am representing are so vitally interested?

The SPEAKER. The Chair thinks that is not a parliamentary inquiry. The gentleman from Pennsylvania is recognized.

POSTAL MONEY-ORDER SYSTEM.

Mr. BINGHAM. I call up for present consideration from the Calendar of the Committee of the Whole on the state of the Union, the bill (H. R. No. 5661) and ask that it be read.

The Clerk read as follows:

Be it enacted, &c., That for the transmission of small sums under $5 through the mails the Postmaster-General may authorize postmasters at money-order offices to issue money-orders, without corresponding advices, on an engraved form to be prescribed and furnished by him; and a money-order issued on such new form shall be designated and known as a "postal note," and a fee of three cents shall be charged for the issue thereof. Every postmaster who shall issue a postal note, under the authority of the Postmaster-General, shall make the same payable to bearer, when duly receipted, at any money-order office which the remitter thereof may select, and a postal note shall in like manner be payable to bearer when presented at the office of issue; and after a postal note has once been paid, to whomsoever it has been paid, the United States shall not be liable for any further claim for the amount thereof; but a postal note shall become invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amount of an invalid postal note, must forward it to the superintendent of the money-order system at Washington, District of Columbia, together with an application, in such manner and form as the Postmaster-General may prescribe, for a duplicate thereof, payable to such holder; and an additional fee of three cents shall be charged and exacted for the issue of the duplicate.

SEC. 2. That the provisions of section 3834, title 46, chapter 1, and the provisions of sections 4027, 4030, 4039, 4041, 4042, 4043, 4044, 4045, 4046, 4048, title 46, chapter 13 of the Revised Statutes, edition of 1878, shall be deemed and taken to be applicable to postal notes as well as to money-orders; and that in addition to the authority granted by section 4048 of said Revised Statutes to the Postmaster-General to pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business, he is hereby authorized to pay out of the proceeds of said business the compensation of an agent and the necessary assistance to distribute postal notes to postmasters, and also the necessary incidental expenses of the agency; and such agent shall, before entering upon his duties, give bond for the faithful performance thereof in such sum and form and with such security as the Postmaster-General may approve. And all blanks, blank-books, and printed or engraved matter supplied to postmasters by the Postmaster-General or used in his Department for the transaction of the money-order business shall be obtained from the lowest bidders for furnishing printed and engraved matter, respectively, under separate advertisements calling for proposals to furnish the same for a period of four years, upon such conditions as the Postmaster-General may prescribe; and the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department are hereby authorized to submit proposals in conformity with the provisions of this section to furnish, respectively, such printed and engraved matter as may be required for use in the money-order business.

SEC. 3. That a money-order shall not be issued for more than $100, and that the fees for money-orders shall be as follows, to wit:

For orders not exceeding $10, eight cents.
For orders exceeding $10 and not exceeding $15, ten cents.
For orders exceeding $15 and not exceeding $30, fifteen cents.
For orders exceeding $30 and not exceeding $40, twenty cents.
For orders exceeding $40 and not exceeding $50, twenty-five cents.
For orders exceeding $50 and not exceeding $60, thirty cents.
For orders exceeding $60 and not exceeding $70, thirty-five cents.
For orders exceeding $70 and not exceeding $80, forty cents.
For orders exceeding $80 and not exceeding $100, forty-five cents.

SEC. 4. That postmasters at money-order post-offices whose annual salary is not less than $3,000 may be allowed by the Postmaster-General to employ such number of clerks in the transaction of their money-order business, and at such rates of compensation respectively, as he may deem expedient; and at all other money-order post-offices the compensation for the clerical labor employed in the money-order business, including the issue and payment of postal notes, shall be three and one-half cents for each domestic or international money-order issued, paid, or repaid, and one cent for each postal note issued, and three-quarters of one cent for each postal note paid thereat, and in case any office is designated to receive on deposit surplus money-order funds from other post-offices, three and one-half cents for each certificate issued in acknowledgment of the receipt of such funds; but the total allowance made by the Postmaster-General for money-order clerks at any first-class office shall be based, as nearly as possible, upon the number of transactions, at the same rate for each transaction as is above fixed for the compensation of clerical labor at other post-offices: *Provided*, That in addition to an allowance for clerical service at the rates above mentioned, the Postmaster-General may allow to the postmaster at New York, New York, to the postmaster at San Francisco, California, to the postmaster at Portland, Oregon, and to the postmaster at each international exchange office, such amount in each case, out of the proceeds of the money-order business, as he may deem expedient to enable these postmasters to obtain the clerical labor necessary for the performance of such special duties as are imposed upon them by the operations of the money-order system, and are not required of other postmasters: *And provided further*, That credit shall not be allowed to a postmaster at a first-class office on account of any expenditure in payment of clerical service in the money-order business of his office except upon a voucher duly receipted by the person by whom such service shall have been performed: *And provided further*, That the salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post-Office Department.

SEC. 5. That the Auditor of the Treasury for the Post-Office Department shall, as soon as practicable after the close of the present fiscal year, transmit to the Postmaster-General a statement of the aggregate amount of all money-orders which at the beginning of said year shall have remained unpaid for a period of seven years or more after the date of their issue; and as soon as practicable after the close of each fiscal year thereafter he shall transmit in like manner a statement of the aggregate amount of all money-orders and postal notes which at the commencement of such year shall have remained unpaid for less than eight and not less than seven years after the date of their issue; and the Postmaster-General shall cause the aggregate amount of such unpaid orders and postal notes as reported annually by the Auditor to be deposited in the Treasury, to the credit of the Treasurer of the United States, for the service of the Post-Office Department. But nothing contained in this act shall be so construed as to prevent the payment, out of current money-order funds, by duplicate under the authority of the Postmaster-General, of any lost or invalid money-order or of any invalid postal note more than seven years old, upon the presentation of satisfactory proof to the Postmaster-General of the ownership of such money-order or upon the production of such invalid postal note in accordance with the provisions of section 1 of this act; and the total amount of such lost or invalid money-orders or invalid postal notes more than seven years old paid during each year by duplicate shall be deducted from the aggregate amount of unpaid money-orders and postal notes to be deposited at the close thereof in the Treasury as hereinbefore provided.

SEC. 6. That all laws or parts of laws inconsistent with the provisions of this act shall be void in so far as they may apply to cases which may arise under this act: *Provided*, That the provisions of this act shall be put into operation by the Postmaster-General within six months after the date of its approval by the President.

Mr. BINGHAM. Mr. Speaker, in discussing the bill now before the House I shall endeavor to confine myself to a plain, clear, and explicit explanation of its several sections, and I ask the attention of gentlemen to the details I shall submit, in order that it may not be necessary to repeat my remarks when we come to consider the bill by sections. Permit me to state that the bill has been most carefully prepared by your committee, after frequent consultation with the experienced and capable superintendent of the money-order system, and that it meets with his approval as well as the approval of the honorable Postmaster-General, and is the unanimous report of the committee.

Section 1 of the bill meets a positive and urgent demand for transmission through the mails of small sums of money at a very low fee, and with wise safeguards, which the bill indicates as a postal note, payable to bearer, in contradistinction to a money-order, payable to the party named in the advice of the order or to the party to whom the payee may indorse the same.

Section 2 refers to the sections of the Revised Statutes which should be made applicable to postal notes as well as the money-orders.

Section 3 reduces the fees on small money-orders without causing loss to the Department, and fixes the maximum money-order at $100 instead of $50.

Section 4 regulates the compensation of postmasters for the transaction of the money-order business, and changes the compensation of postmasters according to the work performed, that is by the transaction.

Section 5 makes wise disposition of the accumulated fund from unpaid money-orders, now amounting to over $1,000,250.

These, Mr. Speaker, are briefly the sections of the bill which I shall now proceed in detail to explain and discuss.

I will, in my remarks with reference to the postal note, quote largely from the report of the superintendent of the money-order system, who has given this subject careful examination:

Since the withdrawal of fractional paper currency from circulation, there has been a somewhat general demand upon the Post-Office Department to provide some means for making remittances of small sums through the mails, which shall be cheaper and simpler than the present money-order and advice; and numerous plans, more or less crude and impracticable, or inexpedient, have been submitted to it from time to time, the details of which have, nevertheless, received careful and thorough consideration.

It is not to be questioned that the transfer of small sums by mail, even at comparatively cheap rates, can be effected with less risk of loss to the public by the money-order and advice now in use than by any postal-note or postal-order device that has yet been proposed; but it is believed that a simpler method, involving less expense to the Department, and therefore less cost to the public, even though it afford a less degree of security than the money-order, would, if put into operation in connection with the present money-order system, meet a public want, and that it would be largely employed, especially by publishers of newspapers and extensive dealers in articles of small value.

In the consideration of this question the effort has been to devise a means for making small remittances which should afford the greatest practical safety for the least possible expense. The advice, which in the present money-order is the principal element of expense as well as of security, would have to be dispensed with; the written application, the preparation of which devolves upon the remitter, must, in order to simplify the process of purchasing, be done away with; and the amount of clerical labor required must be reduced to a minimum in order to further lessen the cost to the Department.

The advice in the present money-order system is intended to prevent erroneous and fraudulent payment, by putting the postmaster drawn on in possession of all the particulars of the remittance before the order—which does not contain either the name of the remitter or that of the payee—is presented for payment. It furthermore serves as a safeguard against the alteration of the amount as well as the counterfeiting of the order. A device intended for remittances which is not to embrace an advice must, therefore, to afford reasonable security, provide in an absolutely effectual manner against alteration of the amount of the order, and in the process of manufacture should be made to contain efficient checks against counterfeiting.

The public could not with reason expect the same degree of security for remittances made by postal notes without advice and at slight expense to the remitter as for those made by money-orders and it has been thought that a scheme which would as far as practicable insure against alteration of the amount and counterfeiting of the order, and would provide for payment to the bearer at a designated money-order office, would fill all the requirements of the popular demand.

A design for a postal note should be issued concurrently with money-orders, the several distinctive features of which I beg leave to describe hereunder in the words of the superintendent of the money-order system:

1. No written application is to be required from the remitter.
2. The postal note is to be issued for sums less than $5.
3. It is to be made payable at a particular money-order office.
4. It is to be issued without advice.
5. The orders are to be numbered consecutively for each office of issue.
6. The stub in the book of forms is the only record of issue to be kept in the post-office.
7. The orders are to be payable to bearer.
8. A duplicate cannot be issued of a postal note lost in the mails or otherwise.
9. The orders are to be payable at any time within three months from the month of issue. If presented after the expiration of three months from the last day of the month of issue, they are to be cashed only upon payment of an additional fee, equal to the original fee, for every three months, or fraction of three months in excess of such period.
10. The orders are to be printed in sheets, upon thin bank-note paper, from engraved plates, and are to be separated from each other and from the stubs by perforated lines. The sheets are to be bound in book form.

The comparatively small sums for which postal notes of this description would be issued would offer but slight temptation to theft.

The issue of notes without advice and without the written application, and the dispensing with registers of notes issued and of notes paid, will much lessen the cost of the service to the Department and correspondingly reduce the fees to be charged the public.

The provision that postal notes shall be payable to bearer will tend to further economy by lessening the costliness of the process of paying, inasmuch as it will relieve the paying postmaster of all responsibility as to requiring the identification of the applicant for payment. It is believed that this feature will be especially acceptable to extensive business houses in the larger cities, upon which it is anticipated the greater proportion of postal notes for small amounts will be drawn, because it will obviate the inconvenience of either personal application at the post-office for payment of small sums or of the formal appointment of an agent or attorney to collect such sums in the name of the firm.

The postmaster who is called upon to issue a postal note is first to write upon the stub the amount in figures, the date of issue, and the name of the office drawn upon. He is then to write the name of the office drawn upon and the amount in figures in the order, sign the latter, stamp it with his money-order stamp, and punch, with a conductor's punch or ordinary hand-punch, from the figures on the right those which represent the amount of the order; as, for example, if the order be for $3.47, the 3 from the dollars or hundreds column, the 4 from the dimes or tens column, and the 7 from the cents or units column. The note is then complete and ready to be handed to the applicant upon payment of the amount and fee.

I beg leave to invite attention to the fact that the punching from the note of the figures which go to make up the amount entirely precludes the possibility of the alteration of the amount.

The postmaster to whom a postal note is presented for payment is to require the receipt of the holder. He must see that the amount written in the body of the note and the amount represented by the figures which have been punched out agree.

The accounts of issued and paid postal notes may be embraced in the postmaster's weekly statement of money-order transactions, the summary of the week's business being made to include the postal note as well as the money-order business.

Careful estimates, so far as they could be made, regarding the several elements of cost, lead me to believe that if postal notes of this description be issued concurrently with money-orders, and the maximum amount of the latter be increased to $100, the fee to be charged the public for a postal order need not exceed three cents. It is proposed that a commission of one cent shall be allowed to the postmaster for every order issued, and of three-quarters of a cent for every order paid, and the cost of engraving and printing has been estimated at three-quarters of a cent for each order; so that a margin of one-half of a cent on each order is left to cover the cost of distribution and of the clerical labor of supervision in the Department and in the Auditor's office, and to provide for miscellaneous items of expense.

I venture to express the opinion that while it would be unwise for the Government, having due regard to the safety of the post-office establishment as well as of the public, to amend the conditions under which money-orders are issued beyond the readjustment of the scale of commissions, as recommended by this office last year and again urged hereinafter, it would be both desirable and practicable to issue, in connection with money-orders, "postal orders," under the conditions above set forth, which would afford additional facilities for the rapid transmission of very small sums at a reduced cost to the public both of time and money.

I am not prepared to deny that the introduction of the proposed postal orders will be attended by some additional risk to those who may avail themselves of the facilities which they will afford. The scheme, however, is one devised to meet a popular demand, and the risk would be incurred, not by the Department, but by those who would take advantage of the postal order as a simpler method of remittance, this order supplying for that purpose the place of the old fractional currency. It would always be open to the public, provided the two systems were in concurrent operation, to obtain the greater and almost absolute security of the money-order by the payment of the slightly increased fee which its use would involve.

MODEL OF PROPOSED "POSTAL NOTE."

NEW YORK, N. Y.
No. 26399.

Amount, $_____

Date of issue, _____

Office drawn upon,

_____

Stamp of issuing office.

FEE 3 CENTS.

Stamp of paying office.

JAN.	1882
FEB.	1883
MAR.	1884
APR.	1885
MAY.	1886
JUNE	1887
JULY	1888
AUG.	1889
SEPT.	1890
OCT.	1891
NOV.	1892
DEC.	1893

Postal Note

For sums less than five dollars.

Payable in the United States only.

NEW YORK, N. Y.
No. 26399.

To the Postmaster of the Money-Order Offices at _____

Pay to **Bearer**, at any time within Three Months from the last day of the month of issue, the sum of _____ Dolls. | Cts.

_____ *Postmaster.*

This postal note is also payable to bearer at the office of issue, with the same limitation as to time. If lost or destroyed, no duplicate thereof can be issued.

Received the above.

_____

[Signature of the person who obtains payment.]

If this postal note be not paid within three months from the last day of the month of issue, it will become invalid and not payable, and the holder, to obtain the amount thereof, less an additional fee of three cents, must forward this postal note, duly signed by him, through the postmaster of some money-order office, together with an application for a duplicate payable to him by such postmaster, to the Superintendent of the Money-Order System, Post-Office Department, Washington D. C.

After once having paid this postal note, by whomsoever presented, the United States will not be liable for any further claim.

Dolls.	Dimes.	Cents.
1	1	1
	2	2
2	3	3
	4	4
3	5	5
	6	6
4	7	7
	8	8
0	9	9
	0	0
Hunds	Tens.	Units.

The following sections of the Revised Statutes should be made applicable to postal notes as well as to money-orders:

Section 3834. Additional bond for money-order postmaster.

Section 4027. General provision for establishment of money-order business.

Section 4030. Penalty for issuing money-orders on credit.

Section 4039. Provision for repayment of money-order.

Section 4041. Lottery enterprises.

Section 4042. Transfers from postal to money-order fund and *vice versa*.

Section 4042. Transfer by warrant to money-order funds.
Section 4044. Periodical reports from postmasters.
Section 4045. What to be considered money-order funds.
Section 4046. Embezzlement of money-order funds.
Section 4048. Payment of incidental expenses.

There is now employed at New York City a postage-stamp agent, with a force of clerks under his charge, whose duty it is to receive from the manufacturers supplies of postage-stamps and to dispatch the same to postmasters. There will be the same necessity for the employment of a responsible officer at the place of manufacture, who shall give bond for the faithful performance of his duties, to receive from the contractor supply of postal notes, dispatch the same to postmasters, and generally to act as a responsible medium between the Department and the contractor for furnishing postal notes.

It has been deemed expedient to make provision for the purchase, under contract with the lowest bidder, of all printed and engraved matter required in the transaction of the money-order and postal-note business, in the same manner as postage-stamps, stamped envelopes, and postal cards are now purchased, the contracts therefor to cover the same period of time—namely, four years—the Chief of the Bureau of Engraving and Printing of the Treasury Department and the Public Printer to be allowed to bid with outside competitors for furnishing these supplies.

It has been urged that the present fee of 10 cents on money-orders of small amounts is too high and ought to be reduced in the interest of public convenience. But even at this rate of commission a loss is sustained upon every small money-order. During the five years ended June 30, 1880, the actual average cost of the issue and payment of a money-order, as shown by the statistics of the Post-Office Department, was 12.6 cents, and the actual average gross revenue from each order was 12.7 cents, so that any diminution of the fees charged for such small orders, which comprise about one-half of all the orders issued, would result in a heavy loss to the system, other conditions remaining the same.

The difficulty may be solved by adopting the suggestion made in the last annual report of the Postmaster-General, to increase the maximum limit of a money-order from $50 to $100, the fees to be increased in proportion for amounts over $50, the present limit, so that a single money-order for any amount over $50 may be made to take the place formerly occupied by two orders, the labor of issue and payment for such amounts, as well as all other expenses, may be reduced one-half, and the increased commissions received for the sale of the larger orders may offset the loss which would result from any reduction of the fees for small orders.

The subjoined tabular statement No. 1 shows the estimated number of orders of each denomination which would be issued under the schedule of fees proposed in the bill under consideration, and the estimated annual revenue from the money-order system under that schedule, assuming the average cost of the issue and payment of an order to be 11.63 cents, as estimated in the tabular statement No. 2:

Statement No. 1.

Class of orders.	Estimated number in 1,000.	Scale of fees.	Accruing gross revenue.
		Cents.	
Not exceeding $5	500	8	$40 00
Exceeding $5 and not exceeding $10	170	8	13 60
Exceeding $10 and not exceeding $15	50	10	5 00
Exceeding $15 and not exceeding $20	50	15	7 50
Exceeding $20 and not exceeding $25	30	15	4 50
Exceeding $25 and not exceeding $30	20	15	3 00
Exceeding $30 and not exceeding $35	10	20	2 00
Exceeding $35 and not exceeding $40	10	20	2 00
Exceeding $40 and not exceeding $45	10	25	2 50
Exceeding $45 and not exceeding $50	20	25	5 00
Exceeding $50 and not exceeding $60	20	30	6 00
Exceeding $60 and not exceeding $70	20	35	7 00
Exceeding $70 and not exceeding $80	20	40	8 00
Exceeding $80 and not exceeding $90	30	45	13 50
Exceeding $90 and not exceeding $100	40	45	18 00
Totals	1,000	.....	137 60

The average fees of 13.7 cents resulting from this calculation would be little more than 2 cents in excess of the estimated average cost of the issue and payment of an order, 11.63, as shown in table No. 2. At this rate 8,000,000 money-orders would yield a net revenue of $170,400, without taking into account postal notes, which would doubtless to a great extent take the place of small money-orders, and would therefore decrease this revenue.

STATEMENT No. 2.—*Estimated average cost of the issue, payment, or repayment of a money-order, or of the issue of a certificate of deposit, provided postmasters' compensation be paid according to the work performed,* (3½ *cents per transaction.*)

Postmasters' compensation for each order issued, paid, or repaid, or for each certificate of deposit issued		$0 $\frac{3,500}{1000}$
Average expense per transaction on account of erroneous payments, lost remittances, bad debts, &c		$\frac{80}{1000}$
Ditto on account of miscellaneous and incidental expenses		$\frac{575}{1000}$
Total payable from the proceeds of the business		$\frac{4,125}{1000}$
Average expense per transaction on account of clerks in the superintendent's office	$0 $\frac{317}{1000}$	
Ditto for books, blanks, printing, and stationery for ditto	$\frac{207}{1000}$	
Ditto for clerks in Sixth Auditor's Office	$\frac{930}{1000}$	
Ditto for books, blanks, printing, and stationery for ditto	$\frac{16}{1000}$	
Total payable from appropriations		$\frac{1,470}{1000}$
Total estimated cost of each transaction		$\frac{5,595}{1000}$
Making issue and payment of each order cost		$\frac{11,63}{100}$

Mr. UPSON. Will the gentleman allow me to ask him a question?

Mr. BINGHAM. Yes, sir.

Mr. UPSON. Why charge 8 cents for orders not exceeding $10 when in the old law the charge was only 5 cents?

Mr. BINGHAM. The charge under the present law is 10 cents. The gentleman is thinking of the law of 1872.

Mr. UPSON. I find this in the old law:

For orders not exceeding $10, 5 cents.

Mr. BINGHAM. What the gentleman is quoting from is the act of 1872. The law under which orders not exceeding $15, for which the fee is 10 cents, are now issued is the law of 1875.

Mr. UPSON. I would suggest that the fee of 8 cents is an inconvenient one in States where cents are not in circulation.

Mr. BINGHAM. I will state to the gentleman from Texas I have here the figures showing how much loss would accrue to the Department should we return to the old law which he has been quoting. That law has been repealed since it has been found that the money-order department could not exist and pay its expenses under that law:

Under existing law (Revised Statutes, section 4047) all postmasters at money-order offices are allowed as compensation for issuing and paying money-orders not exceeding one-third of the whole amount of the fees collected on orders issued, and one-fourth of 1 per cent. on the gross amount of orders paid at their respective offices, provided such compensation, together with the postmaster's salary, shall not exceed $4,000 per annum, except in the case of the postmaster at New York City.

But the Postmaster-General is authorized (section 970, Postal Laws and Regulations of 1879) to allow to "postmasters whose total compensation from all sources amounts to $4,000 per annum" "a fixed sum for the necessary clerical force actually employed in" their money-order business.

The Post-Office Department has uniformly held to the opinion that the commissions accruing to postmasters "as compensation for issuing and paying money-orders" are not to be considered in the nature of a perquisite or a gratuity, but that they ought to be disbursed to the clerk or clerks whose time, either wholly or in part, is occupied in the transaction of the money-order business. But some postmasters, whose salary is more than $3,000 and less than $4,000 per annum, have claimed that they, individually, are entitled by law to receive an amount from money-order commissions sufficient to make the aggregate compensation $4,000 per annum, without rendering any clerical service therefor in the transaction of the money-order business. The commissions accruing by law primarily to the postmaster, it has been difficult to control the final disposal thereof in accordance with what seems to be the intent of the law.

The provisions of section 4 of the bill under consideration have been devised with a view to settle the vexed question of the ownership of money-order commissions by not allowing to postmasters at first-class offices any compensation for their money-order business, and by permiting them to employ, under the authority of the Postmaster-General, the clerical force requisite for the transaction of that business. Furthermore, it (1) fixes the compensation for the clerical labor employed in the money-order business, including the issue and payment of postal notes, at all other post-offices at 3½ cents for each domestic or international money-order issued, paid, or repaid, at depositories, 3½ cents for each certificate of deposit issued in acknowledgment of the receipt of surplus money-order funds; 1 cent for each postal note issued, and three-fourths of a cent for each postal note paid; (2) requires the postmaster at a first-class office, who claims credit on account of any expenditure for clerical labor in the money-order business of his office, to furnish a voucher duly receipted by the person by whom the labor has been performed, and to whom the money has been paid; and (3) provides "that the salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred, and for the personal services rendered by them as custodians of the money-order and other funds of the Post-Office Department."

Under the law now in force the postmaster who issues an order for $50 receives one-third of the fee (25 cents) for an order of that amount, to wit, 8⅓ cents, while the postmaster who issues an order for $5 performs just as much labor as the other and receives but one-third of 10 cents, or 3⅓ cents. In the same manner, the postmaster who pays a $50 order receives one-fourth of 1 per cent. of that amount, or 12½ cents, while the postmaster who pays a $5 order for the expenditure of the same amount of time and labor receives but 1¼ cents. A uniform rate of compensation, 3½ cents per transaction, has therefore met the unqualified approbation of your committee, and the change is deemed particularly desirable as well as for the sake of simplicity in matters of account as in the interest of justice. The compensation allowed by existing law averages 3.7 cents per transaction.

The necessary authority has been given in this bill to the Postmaster-General to allow additional compensation for clerical labor at international money-order exchange offices, and also at the offices of New York, New York; San Francisco, California, and Portland, Oregon, upon which, besides the labors of the exchange office, are imposed certain special duties which are not required of other offices.

By the several money-order treaties in force between the United States on the one hand, and Switzerland, Great Britain and Ireland, the German Empire, France and Algeria, Jamaica, and Italy on the other, New York, New York, is made the international exchange office through whose agency orders issued in this country are certified for payment in either of the others; and by treaty also San Francisco, California, is made the exchange office between the United States on the one hand and the British colonies of Victoria, New South Wales, and New Zealand; while Bangor, Maine; Buffalo, New York; Detroit, Michigan; Portland, Oregon; Saint Albans, Vermont, and Saint Paul, Minnesota, are the exchange offices in the service between the United States and the Dominion of Canada.

Furthermore, the office at New York being the general depository of surplus money-order funds, the postmaster thereat is required to keep credit accounts with postmasters at money-order offices, to pay drafts drawn upon him by them, and to conduct the correspondence arising from the performance of these duties; while the postmaster at San Francisco, California, and the postmaster at Portland, Oregon, are assigned the labor of receiving, examining, and correcting the weekly statements of postmasters on the Pacific slope before the same are transmitted to the Post-Office Department, of supervising the collection of balances as they become due by such postmasters on money-order account, and of furnishing them, upon application, with funds when needed to meet payments of money-orders, the supervision of these neighboring post-offices saving the Department, situated at so great a distance, much time, which would otherwise be consumed in tedious correspondence. The labors of the international exchange offices are varied in character, involving many matters of account and bookkeeping and a huge volume of correspondence.

SECTION 5.

There is no provision of law under which the amounts of unclaimed money-orders can be disposed of, save as specified in the recent legislation appropriating for the expenses of the Post-Office Department for the fiscal year ending June 30, 1883. The fund which has accumulated from such orders is deposited in the sub-treasury at New York City to the credit of the Postmaster-General on money-order account, and is utilized as capital with which to conduct the operations of the money-order system. But the rapidly growing fund from this source is now larger than is needed for the purpose, or will in all probability be required for any exigency; so that it would seem to be expedient that a portion of the unclaimed money should be turned over to the Treasury and be made available for the service of the Post-Office Department. It is not intended that the owners of unclaimed money-orders shall forfeit

their claims to the money, but simply that such amounts shall be placed at the disposal of the Post-Office Department; and if, at any subsequent time, any of the orders be claimed, they may be paid by duplicate out of current money-order funds, and their amounts will then be deducted from the next annual deposit of unclaimed money made in the Treasury.

The total amount of unpaid money-orders at the close of the fiscal year ended June 30, 1881, was $2,005,966.56. The Auditor of the Treasury for the Post-Office Department has estimated that of this sum $1,250,000 may be classed as unclaimed, that is, the amounts of the orders which compose it will never be called for; and the Post-Office Department represents, with very good reason, that a sum equal to the amount of the unpaid orders for a period of at least seven years next preceding the commencement of each fiscal year will be required in the hands of the assistant treasurer at New York, for the exigencies of the money-order service as well as for its current operations. For the seven years preceding July 1, 1881, this sum is $659,875.89.

On June 30, 1881, there was in the hands of postmasters, in the form of reserves to enable them to meet the payment of money-orders, and in remittances of surplus money-order funds in transit, $1,427,108.59, this sum representing at that date the larger portion of the working capital of the money-order system. At the same date the total amount of money-order funds in the sub-treasury at New York was $2,321,740.83; but of this amount there was due to foreign postal departments, $330,000; to the Treasury for the revenue from the international money-order business for 1881, about $50,000; to the postage account for transfers, $464,505.07, and to the Treasury for the domestic revenue for 1881, $295,581.39, (including the international revenue for 1880.) So that the available fund in the sub-treasury at New York was reduced to $1,181,654.37.

It is important, in the consideration of the question as to what amount might be turned over to the Treasury for the service of the Post-Office Department without detriment to the money-order system, that provision should be made for the retention not only of a sum equal to the amount required from year to year for working capital but of a sufficient amount in addition to meet any unforeseen or unusual demand upon the money-order funds, such as might be occasioned by delay in remittances of surplus money-order funds from distant points.

There is another important consideration in favor of the retention of rather a large amount of money-order funds in the sub-treasury at New York:

1. The current of the international money-order business with Switzerland, Great Britain and Ireland, Canada, Germany, Italy, and France is in favor of those countries, and large sums must be sent weekly to them to meet payments of orders of United States origin.

2. The current of the business with Jamaica, New South Wales, Victoria, and New Zealand is in favor of the United States, and large numbers of orders must be paid here before the remittances from those distant localities can be received in the United States.

From the report of the Committee on the Post-Office and Post-Roads I quote their words:

In conclusion, your committee are of opinion that the provisions of this bill will—

First. Meet an urgent public want.

Second. Simplify, to a great extent, the operations of the money-order system.

Third. Adjust the compensation of a large class of Government officers upon an equitable basis.

Fourth. Add to the revenues of the Post-Office Department annually an amount received from the public for the issue of money-orders which would otherwise remain unclaimed and unused in the hands of the assistant treasurer at New York.

We therefore recommend the passage of the bill as substituted and submitted.

In order that there may be an intelligent understanding of the money-order service recently introduced by the American Express Company, I will include in my remarks a statement of the peculiar features of their system as compared with the proposed postal note. I also add a brief description of the British postal-orders for sums under one pound sterling.

MONEY-ORDER SYSTEM OF THE AMERICAN EXPRESS COMPANY.

On the 1st of March, 1882, the American Express Company put into operation a money-order system of its own. Express money-orders are for the present paid at four hundred and fifty-seven offices of the company, but are issued at all of its offices, more than 4,000 in number. In the course of time its officers hope to make arrangements with other connecting express companies by which the number of issuing offices will be increased to between 30,000 and 40,000.

The total number of post-offices in the United States authorized to issue and to pay money-orders is nearly 6,000. Express money-orders are not issued for sums less than $1, but they may be drawn for multiples of 5 cents from $1 to $10, the maximum limit. No express money-order can be issued for a fraction of 5 cents or for any sum including a fraction of 5 cents.

The money-order of the American Express Company may be paid at any paying office of the company in either of three ways:

1. To the bearer.

2. To the person named in an advice card mailed by the remitter with the order.

3. To order.

The express company's fees for money-orders are:

For sums under $5, 5 cents.

For sums over $5 and up to $10, 8 cents.

If Congress shall see proper to pass the bill (H. R. No. 5661) the proposed postal note and the present money-order will cover the same field embraced by the express money-order; that is to say:

1. The postal note will be payable to bearer.

2. The money-order will be payable to the person named in the corresponding advice.

3. The money-order will also be payable to the order of the person named in the advice, as per indorsement upon the back of the order.

But for the postal note the Post-Office Department will charge:

For sums under $5, 3 cents.

And for money-orders:

For sums under $10, 8 cents.

The Post-Office Department will thereby afford to the public facilities for making small remittances equal to if not greater than those of the express companies, and at cheaper rates. It is hardly to be doubted that the Government money-order business will be conducted through more accessible channels and by methods superior to those of the express companies.

The Government postal note may be issued for any sum from 1 cent to $4.99, and the money-order for any sum from 1 cent to $100, if the bill under consideration is passed.

The express money-order may only be issued for even multiples of 5 cents, and cannot be drawn for any sum less than $1 or more than $10.

BRITISH POSTAL ORDERS.

Postal orders, for certain fixed sums from 1*s.* up to £1, are now issued to the public at all post-offices in the United Kingdom of Great Britain and Ireland at which money-order business is transacted, about 6,000 in all.

The following are the amounts for which British postal orders are issued, together with the fee payable in respect of each order:

Postal order for 1*s.*, ½*d.*; for 1*s.* 6*d.*, ½*d.*; for 2*s.* 6*d.*, 1*d.*; for 5*s.*, 1*d.*; for 7*s.* 6*d.*, 1*d.*; for 10*s.*, 2*d.*; for 12*s.* 6*d.*, 2*d.*; for 15*s.*, 2*d.*; for 17*s.* 6*d.*, 2*d.*; for 20*s.*, 2*d.*

There are, it will be seen, two denominations at ½ penny fee each, three denominations at 1 penny fee each, and five denominations at 2 pence fee each. If the same number of orders of each denomination were issued the average fee would be 2½ cents each, or within a fraction of the fee which it is proposed to charge in the United States, upon postal notes from 1 cent to $4.99.

Like the proposed postal note in the United States, British postal orders are valid and payable for a period of three months.

British postal orders, it will be noticed, are issued for fixed sums, engraved upon the face of the order, and they therefore occupy the same position exactly, so far as remittances by mail are concerned, as the withdrawn fractional currency of this country.

The act establishing the postal order in Great Britain took effect January 1, 1881, and the introduction of the postal order was occasioned by the demand for some cheap means of making small remittances by mail, a demand very similar to that in the United States, which has arisen since the withdrawal of fractional currency.

The special features in which the proposed United States postal note excels the British postal order are, that, by the method of punching out the figures representing the amount, the United States postal note may be issued for any sum whatever from 1 cent up to $4.99, while the British postal orders can be issued only for ten fixed amounts, no provision being made for intermediate sums; and that the United States postal note requires but a single blank form for any required amount from 1 cent to $4.99, while a different form, with the amount engraved upon it, must be employed, in the United Kingdom, for each of the several fixed sums, ten in number, for which British postal notes are issued. The inconvenience and expense of supplying postmasters with ten different kinds of blank order forms will readily be understood.

Mr. TOWNSHEND, of Illinois. Is the bill open now to amendment.

The SPEAKER *pro tempore*, (Mr. REED.) If no other gentleman desires to address the House in the general debate the bill will be read by sections for amendment.

The Clerk read the first section of the bill, as follows:

That for the transmission of small sums under $5 through the mails the Postmaster-General may authorize postmasters at money-order offices to issue money-orders, without corresponding advices, on an engraved form to be prescribed and furnished by him; and a money-order issued on such new form shall be designated and known as a "postal note," and a fee of three cents shall be charged for the issue thereof. Every postmaster who shall issue a postal note, under the authority of the Postmaster-General, shall make the same payable to bearer, when duly receipted, at any money-order office which the remitter thereof may select, and a postal note shall in like manner be payable to bearer when presented at the office of issue; and after a postal note has once been paid, to whomsoever it has been paid, the United States shall not be liable for any further claim for the amount thereof; but a postal note shall become invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amount of an invalid postal note, must forward it to the superintendent of the money-order system at Washington, District of Columbia, together with an application, in such manner and form as the Postmaster-General my prescribe, for a duplicate thereof, payable to such holder; and an additional fee of three cents shall be charged and exacted for the issue of the duplicate.

Mr. DINGLEY. I move to strike out the last word, for the purpose of asking the chairman of the Committee on the Post-Office and Post-Roads a question. I ask the gentleman why it is necessary to confine the benefits of the postal-note system to money-order offices. I believe there are only about six thousand money-order offices, while there are forty-four or forty-five thousand post-offices. Therefore only about one-eighth of the post-offices of the country will receive the benefit of the postal-note system. The question I desire to ask the gentleman is, whether or not the benefits of the postal-note system cannot be extended to offices of a lower class than those accorded the postal-order privilege. I ask the question merely for information.

Mr. BINGHAM. I will state in reply to the gentleman from Maine that as this is largely an experiment, we have endeavored in this matter to follow as closely as possible the existing British system, and there the issuance of these postal notes has been confined to the money-order service. We have felt, in establishing this service in connection with 6,000 money offices, that we have gone as far in providing for the convenience of the public as we can safely do in the

first instance at least. We have felt also that in this way we can handle this question better here without meeting the difficulties and antagonisms that would meet us should the proposition be submitted for a system of issuing postal notes that would have ramifications through all the 40,000 post-offices in all sections of the country. We have thought we can better protect ourselves in starting this system—whatever the future may develop—by confining it to the money-order service than we can do by going beyond the 6,000 money-order post-offices. That is as large a number as the number of offices in which the privilege is enjoyed in the entire British service.

Mr. DINGLEY. But is it not true that every office in the United Kingdom is a money-order office?

Mr. BINGHAM. They are not all money-order offices; the number of English money-order offices is about 6,000. Each parliament indicates how many money-order offices shall be established.

Mr. DINGLEY. The benefits of this postal-note system would be largely increased if it could be extended to that large class of offices which are not money-order offices now. It would give them the advantages of the money order system.

Mr. DUNN. Will the gentleman allow me to suggest that the class of offices on the frontier especially to which the benefits of the money-order system are not extended are generally located in counties where there are no banking or express facilities, and the advantages of the postal-order system would be peculiarly beneficial to business in such localities. In the last Congress I introduced a bill to remedy the existing defect by extending the benefits of the postal-order system to all post-offices at county seats everywhere in the United States.

Mr. BINGHAM. I think it would be fair to take up that proposition as a distinct proposition at some other time, rather than by taking it up to-day embarrass the establishment of this service.

Mr. LACEY. There are other good reasons why this postal-note system should not be extended to all the post-offices in the United States. First let me remind the House that these postal notes are to be engraved on steel in a style of art equal to the greenback or the national-bank note, and as compared with the common printed money order will be very expensive. This is necessary to protect the purchaser. If we were to supply all the post-offices in the United States with a complete stock of these notes, so as to enable each of the 50,000 postmasters to keep them on sale, the expense would be enormous, and especially so at the inauguration of the system.

In the next place the postal notes which this bill proposes to place in the hands of postmasters are not of a fixed amount. The amount of the note is written in and punched out by the postmaster when he sells it. It is not like the English orders, which when delivered to the postmasters are always for fixed amounts. They have a series of ten different denominations—the smallest one shilling and the largest one pound. In England, therefore, the post-office department can very promptly and easily settle with every postmaster, for the exact number and denomination of the postal notes are known when delivered to the postmaster and their money value charged to him in account.

When he makes his returns daily, weekly, or quarterly, as the case may be, he must produce the notes or remit their value in money. But in this case notes are delivered to the postmasters with a blank space for the amount, and when sold they are filled up with such sums as are called for by the purchasers. Consequently the Department cannot finally settle the money-order accounts of any postmaster until all the postal notes issued by him are paid and returned to the Department from the paying office.

Now, to place in the hands of every postmaster in the United States a stock of these engraved notes with authority to make them payable at any or all the other 50,000 offices, thereby requiring a settlement of money-order account with each and every postmaster in the United States, would make the system so vast and unwieldy as to render proper administration impossible, and would so greatly increase the expenses as to make the business a serious charge upon the public Treasury. It should be remembered that the issue of these postal notes at so small a fee is at best an experiment. More than one-half of the orders issued now by the money-order department at the present high fees are for amounts less than $10. A reduction from 10 cents to 3 cents on nearly one-half the orders issued is a very grave experiment, and it would be exceedingly unwise to further complicate the situation by the adoption of this amendment. I hope it may be defeated.

Mr. DINGLEY. I withdraw the *pro forma* amendment.

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. Is it now in order to submit amendments?

The SPEAKER *pro tempore*. It is in order to offer an amendment to the first section of the bill.

Mr. DUNN. I want to offer an amendment to the effect that every post-office located at the seat of justice in any county in the United States shall be designated as a money-order office. I have not had time to examine and ascertain whether such an amendment in the nature of a proviso would be germane to the first section of the bill.

Mr. BINGHAM. I would be compelled to raise the point of order that it is not germane.

Mr. DUNN. To that section?

Mr. BINGHAM. It is not a section relating to money-order offices.

Mr. LACEY. The present law permits the Postmaster-General now to establish a money-order office at any post-office in the United States if requested so to do by those living within the delivery of that office. There is no need for this proposed legislation.

Mr. DUNN. I will not offer the amendment now, but if I consider it necessary I will offer it to another portion of the bill.

The SPEAKER, *pro tempore*. No amendment being offered, the Clerk will read the next section.

The Clerk read section 2 of the bill, as follows:

SEC. 2. That the provisions of section 3834, title 46, chapter 1, and the provisions of sections 4027, 4030, 4039, 4041, 4042, 4043, 4044, 4045, 4046, and 4048, title 46, chapter 13, of the Revised Statutes, edition of 1878, shall be deemed and taken to be applicable to postal notes as well as to money-orders; and that in addition to the authority granted by section 4048 of said Revised Statutes to the Postmaster-General to pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business, he is hereby authorized to pay out of the proceeds of said business the compensation of an agent and the necessary assistants to distribute postal notes to postmasters, and also the necessary incidental expenses of the agency; and such agent shall, before entering upon his duties, give bond for the faithful performance thereof in such sum and form and with such security as the Postmaster-General may approve. And all blanks, blank-books, and printed or engraved matter supplied to postmasters by the Postmaster-General or used in his Department for the transaction of the money-order business shall be obtained from the lowest bidders for furnishing printed and engraved matter respectively, under separate advertisements calling for proposals to furnish the same for a period of four years upon such conditions as the Postmaster-General may prescribe; and the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department are hereby authorized to submit proposals in conformity with the provisions of this section to furnish, respectively, such printed and engraved matter as may be required for use in the money-order business.

Mr. ROBINSON, of Massachusetts. I move to strike out the last word for the purpose of making an inquiry of the chairman of the Committee on the Post-Office and Post-Roads. I wish to call attention to the provision commencing in line 30 of this section, which reads:

And the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department are hereby authorized to submit proposals in conformity with the provisions of this section to furnish respectively such printed and engraved matter as may be required for use in the money-order business.

Is not that a new feature which it is proposed to incorporate into this bill?

Mr. BINGHAM. It is intended that the Public Printer and the Chief of the Bureau of Engraving and Printing shall submit proposals if desired. At the present time the Public Printer prints for the money-order department all their blanks, certificates, forms, &c., annually amounting to about $64,000, which is paid out of the money-order fund.

Mr. ROBINSON, of Massachusetts. Simply at the cost of printing?

Mr. BINGHAM. Simply at the cost.

Mr. ROBINSON, of Massachusetts. Then how can outside parties compete with the Government? Can they furnish this work at less than cost?

Mr. BINGHAM. I do not know that.

Mr. LACEY. This provision is to place this matter upon the same ground as the printing of postage-stamps. Postage-stamps are now supplied by competitive bids; they are not engraved by the Department, but supplied under contract.

Mr. ROBINSON, of Massachusetts. Does the Public Printer or the Chief of the Bureau of Engraving and Printing put in proposals for postage-stamps in the same manner as provided here?

Mr. LACEY. I do not know about that.

Mr. ROBINSON, of Massachusetts. I think not.

Mr. LACEY. The bill as first submitted by the Department left that clause out; but it was thought best to let the Public Printer and the Chief of the Bureau of Engraving and Printing come in as bidders, and if they bid below private parties then they should take the work. It is to be let to the lowest bidder, especially as these are to be steel engravings.

Mr. ROBINSON, of Massachusetts. My only suggestion is that there do not seem to be certain analogies which ought to obtain between the office of the Public Printer and the office of the Bureau of Engraving and Printing and outside printers. You can hardly say that the Public Printer and the Chief of the Bureau of Engraving and Printing can submit proposals; they are not in a condition to do that. They can submit estimates of cost, but can hardly be proposers in the way of competing for a contract.

The phraseology of the latter part of this section does not seem to be quite what it ought to be. Although the purpose of the committee is undoubtedly a good one, an economical one, I think it hardly a proper thing for us to provide that public officers of the Government shall, by making proposals for doing printing, come in competition with private parties.

Mr. BINGHAM. I admit that the criticism of the gentleman is a fair one.

Mr. ROBINSON, of Massachusetts. I would suggest that this section be passed over for the present, so that if it be necessary it can be returned to for the purpose of offering an amendment.

The SPEAKER *pro tempore*. If there is no objection that will be done.

There was no objection, and it was ordered accordingly.

Section 3 of the bill was then read, as follows:

SEC. 3. That a money-order shall not be issued for more than $100, and that the fees for money-orders shall be as follows, to wit:
For orders not exceeding $10, 8 cents.
For orders exceeding $10 and not exceeding $15, 10 cents.
For orders exceeding $15 and not exceeding $30, 15 cents.
For orders exceeding $30 and not exceeding $40, 20 cents.
For orders exceeding $40 and not exceeding $50, 25 cents.
For orders exceeding $50 and not exceeding $60, 30 cents.
For orders exceeding $60 and not exceeding $70, 35 cents.
For orders exceeding $70 and not exceeding $80, 40 cents.
For orders exceeding $80 and not exceeding $100, 45 cents.

Mr. RAY. I submit as an amendment to that section that which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after line 3 of the section and insert the following:
"For orders not exceeding $25, five cents; exceeding $25 and not exceeding $50, ten cents; exceeding $50 and not exceeding $75, fifteen cents; and exceeding $75, twenty cents."

Mr. RAY. How much time am I entitled to occupy?

The SPEAKER *pro tempore*. The gentleman from New Hampshire [Mr. RAY] is entitled to one hour.

Mr. RAY. I do not wish for more than five minutes; I only wanted to be sure that I was entitled to that.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. RAY. Mr. Speaker, while I desire to express my obligations to the chairman and the other members of the Committee on the Post-Office and Post-Roads for most of the provisions of this bill, I think there is too long a schedule of prices and too high charges made for money-orders. I think the bill will be very much simplified by the adoption of the amendment proposed.

That amendment in substance provides for striking out of the committee's bill the long list of prices therein specified, namely, "for orders not exceeding $10, 8 cents; for orders exceeding $10 and not exceeding $15, 10 cents; for orders exceeding $15 and not exceeding $30, 15 cents," and so on up to a charge of 45 cents for a hundred-dollar money-order, and to insert instead thereof a charge of 5 cents for money-orders not exceeding $25 in amount; between $25 and $50, 10 cents; between $50 and $75, 15 cents; between $75 and $100, 20 cents. This makes a uniform increase of 5 cents for every additional $25 or fractional part thereof up to $100.

Mr. BINGHAM. The gentleman does not want to throw the Government into bankruptcy?

Mr. RAY. No, sir; and the gentleman need have no fear of that, because his own report shows that out of this money-order business an unclaimed fund of $1,250,000 has already accumulated.

Mr. BINGHAM. That does not belong to us.

Mr. RAY. An unclaimed fund of one and a quarter millions of dollars, which I contend is a proper matter to be taken into the consideration of this section of the bill, and ought to go to the credit of this division or bureau of the Post-Office Department. It has come from the people and is unclaimed. From the suggestion made by the Department I infer it never will be claimed, and the amount will be continually increasing.

In this connection I wish to quote from the committee's report at the foot of page 9, that "the total amount of unpaid money-orders at the close of the fiscal year ended June 30, 1881, was $2,005,966.56. The Auditor of the Treasury for the Post-Office Department has estimated that of this sum $1,250,000 may be classed as unclaimed—that is, the amounts of the orders which compose it will never be called for." It appears reasonable to my mind that this permanent gain to the receipts of the Department, which is constantly growing, should be passed to the credit of this division or bureau alone, and that we may properly take it into the account by making a suitable reduction of the rates charged on money-orders. I submit that the Government does not want to make and ought not to make a profit out of the people, either in the matter of postages or in the sale of money-orders. In a measure of this kind the object should be, so far as finance is concerned, simply to reimburse the Government, to pay the expenses, or in other words "to make ends meet."

The people should be enabled to send these sums of money from one part of the country to another, as well as their correspondence, through the mails as cheaply as possible. Of course letter postage is paid upon the letters transmitting all these money-orders. As bearing upon the objection made to my amendment, I want to call attention to the fact that every time a reduction in the rates of postage has been made in this country a large increase of mail matter has resulted and an accumulation of profits to the Department and the Government has in the end invariably occurred—more than sufficient to balance any loss accruing immediately after such reduction.

I submit that a charge of 5 cents is enough for a money-order of $25 or less. In my section of the country bank checks or drafts can usually be obtained by the payment of one-quarter of 1 per cent. of their amount. It is rather a poor commentary upon the business methods of the Post-Office Department if it cannot afford to sell money-orders as cheaply as bank checks or drafts can be obtained.

It may be urged that banks do other kinds of business besides selling drafts. Of course they do; this is but an incident of the chief business for which they are established and which they transact. So the selling of money-orders is merely incidental to the principal business which the post-offices of the country do. Their primary business is to receive and deliver letter, newspapers, and other mail matter.

I believe the Government can afford to furnish these orders at the rates proposed in my amendment, and I am sure the people will welcome the reduction. Eight cents for a money-order not exceeding $10 is too much—5 cents makes even change—and the charges in the committee's bill for money-orders exceeding $50 and not exceeding $100, range from 30 to 45 cents each, about one-half of 1 per cent., and amount almost to a practical prohibition of their use. No one would pay such a percentage as this bill provides for money-orders if he could procure a check or draft, or help himself in any other way. Again, a money-order for $50 or $100 can be drawn with as little work or trouble as an order for $1. In my judgment, to have a single uniform rate of 5 cents for each order without regard to its amount would be preferable to adopting the rates provided in the bill.

I wish to suggest that the rates named in my amendment are, as I understand, substantially those which have already been adopted by an enterprising express company in New England—the United States and Canada Express Company—thereby anticipating the action of Congress and occupying that field in advance of the Government.

Mr. BINGHAM. The gentleman is wrong; that company charges 8 cents for a draft over $5 and not exceeding $10; 5 cents for $5 and less.

Mr. RAY. I do not mean to say the rates charged by that express company are exactly the same as those named in my amendment; but according to my recollection their schedule of prices, so far as they go, is lower than the charges for some of these money-orders in the bill before the House.

Mr. BINGHAM. No, sir; I have the charges here.

Mr. RAY. Issued how recently?

Mr. BINGHAM. On the 1st of March, 1882. The gentleman has reference to the American Express Company, which charges for sums of $5 and less, 5 cents; over $5 and not exceeding $10, 8 cents. It does not issue drafts for any larger amount, and these drafts are only issued and payable at some four hundred offices—four hundred and sixty-one.

Mr. RAY. The gentleman is undoubtedly correct. A copy of that company's rates for such drafts was placed in my hands several months ago, and not having examined it recently my recollection may be at fault. But the Government surely ought to be able to do such business cheaper than anybody else, especially cheaper than a local company which has gone into it for the sake of gain alone.

Mr. Speaker, it seems to me that the adoption of my amendment will simplify the provisions of this bill; that past experience warrants the making of this reduction, and that a trial at the rates proposed can, at least, be afforded.

I would be glad also to offer an amendment reducing letter postage to 2 cents wherever it is legally chargeable at 3 cents under existing law, to take effect January 1, 1883, but am satisfied it would not be germane to this bill, and as my friend from New Jersey, [Mr. HILL,] who has had that matter under consideration, proposes, as I understand, to move the passage of his bill for that purpose under a suspension of the rules at the first opportunity, I will not propose such an amendment at the present time.

Another reduction which I would like to see made in our postal rates is a uniform charge of 1 cent only on all local or drop letters instead of 2 cents for each half ounce or fraction thereof made under existing law where the system of free delivery has been established. We can, I think, creditably to ourselves and advantageously to our constituents, make considerable reductions in the rates charged as well for postage on letters as for money-orders, and to some extent probably on other mail matter.

Even if there should at first be a deficiency of one or two million dollars per annum the people will not complain. With the unexampled growth of our country and the steady increase of postal business which the last ten or fifteen years have witnessed, such deficiency would soon disappear and a balance inure to the credit of the Department.

Everybody, the rich and the poor, the high and the lowly, are interested in cheap land and ocean postage. I hope, sir, that my amendment will be adopted.

Mr. BINGHAM. I will state in reply to the gentleman from New Hampshire that in accordance with the report of the Postmaster-General for 1881, after deducting all the expenses of the money-order service, there was the sum of $119,544.28 in excess of all determinable legitimate expenses, which was the profit of the money-order department.

I further desire to state to the gentleman from New Hampshire that I do not think it becomes us in considering a bill fixing the fees for money-orders to take credit for the unclaimed money-orders in the Treasury. They do not belong to us, and we have no right to them save as trust funds, and I am sure we have no desire to go before the people appropriating what does not belong to us.

Now, the amendment suggested by the gentleman from New Hampshire is almost in the exact words of the bill he introduced

into the House and which was referred to the Committee on the Post-Office and Post-Roads. Every bill referred to that committee has been critically and carefully examined, that bill as well as all others, and the action of the committee has been taken after the fullest information and discussion of the facts.

Now, Mr. Speaker, let the gentlemen of the House listen for one moment to an exhibit of the impoverished condition in which the adoption of the gentleman's amendment would leave the money-order service.

This exhibit is based upon bill H. R. No. 5757, introduced by the gentleman from New Hampshire, and, so far as fees are concerned, identical with the gentleman's amendment.

During the week ended September 18, 1880, at the money-order post-offices of (Northern) New York, Chicago, Philadelphia, Cincinnati, Boston, and (Southern) Saint Louis, Louisville, Baltimore, New Orleans, and Washington, the ratio per thousand of each of six different grades of money-orders paid, was as follows:

Not over $5	459
Over $5 and not over $10	195
Over $10 and not over $20	160
Over $20 and not over $30	80
Over $30 and not over $40	35
Over $40 and not over $50	71
	1,000

Assuming this to be a fair estimate of the proportion of each of the classes of all the orders issued in the United States during the last fiscal year those orders would be divided as follows:

Not over $5	3,517,424
Over $5 and not over $10	1,494,330
Over $10 and not over $20	1,226,117
Over $20 and not over $25	306,529
Over $25 and not over $30	306,529
Over $30 and not over $40	268,213
Over $40 and not over $50	544,090
The number of orders issued during the last fiscal year was	7,663,232

The following statement shows the gross revenue which would have accrued from the transactions of the money-order system during the last fiscal year under the schedule of fees proposed in the bill (H. R. 5757) introduced by Mr. RAY on April 10, 1882:

3,517,424 money-orders at 5 cents each	$175,871 20
1,494,330 money-orders at 5 cents each	74,716 50
1,226,117 money-orders at 5 cents each	61,305 85
306,529 money orders at 5 cents each	15,326 45
306,529 money-orders at 10 cents each	30,652 90
268,213 money-orders at 10 cents each	26,821 30
544,090 money-orders at 10 cents each	54,409 00
Gross revenue	439,103 20

The bill in question provides that postmasters shall be allowed as compensation for issuing and paying money-orders one-half of the whole amount of fees collected on orders issued (instead of one-third of such fees as at present) and one-fourth of 1 per cent. on the gross amount of orders paid at their respective offices.

If this bill had been in operation during the fiscal year ended June 30, 1881, postmasters would have been paid in the aggregate—

One-half of $439,103.20	$219,551 60
One-fourth of 1 per cent. of $104,219,871.65	260,549 68
Total compensation to postmasters	480,101 28

So that the gross revenue from the money-order business would have been insufficient by $40,998.08 to pay postmasters' compensation alone; and the following items of expense would have been unprovided for:

Paid from proceeds:	
Lost remittances	$167 00
Bad debts	3,692 28
Incidental expenses	104,438 82
Paid from appropriations:	
Salaries to thirty-seven employés in the superintendent's office	48,954 48
Salaries to one hundred and five employés in the money-order division of the Auditor's office	121,143 03
Stationery furnished for use in the superintendent's office	566 36
Books, blanks, printing, and stationery furnished for use in the money-order division of the Auditor's office	5,373 24
Add deficiency in postmasters' compensation, mentioned above	40,998 08
Total deficiency which would have resulted during last fiscal year if bill H. R. No. 5757 had been a law	325,333 29

During the three years ended June 30, 1875, the business was transacted upon the basis of the fees established by the act of June 8, 1872, which were as follows: For orders not exceeding $10, 5 cents; over $10 and not over $20, 10 cents; over $20 and not over $30, 15 cents; over $30 and not over $40, 20 cents; over $40 and not over $50, 25 cents. The gross revenue amounted to $293,924.21, but the actual net loss, including expenses paid from appropriations, was $241,561.54. To prevent a continuance of such loss from the business the fee for small orders was increased by the act of March 3, 1875. The new schedule, which is still in force, is as follows: For orders not exceeding $15, 10 cents; over $15 and not over $30, 15 cents; over $30 and not over $40, 20 cents; and over $40 but not exceeding $50, the maximum amount of an order, 25 cents.

Now, when the gentleman claims there should be a reduction of the fees greater than that which the committee's bill proposes, he forgets we have a most thorough and complete service, ranking among the best in the world, and when we complete our legislation providing for the postal note, it will rank among the cheapest. We provide for sums less than $5 a fee of 3 cents, which is cheaper than what is proposed by the American Express Company, which has recently put into operation a money-order system of its own. Out of every thousand money orders issued the average is 459 for sums less than $5. The House must see, therefore, how greatly we are diminishing and endangering our revenues for the purpose of furnishing conveniences to the public in issuing postal notes for sums less than $5 for the very small fee of 3 cents.

Mr. RAY. The amendment is not the bill I introduced.

Mr. BINGHAM. It is not necessary for me to go over all the figures embraced in this report of the Postmaster-General touching this question, but they substantiate every statement I have made. I will print it in my remarks, so that when this bill comes to be considered elsewhere all may see the full force of my criticism. I wish, however, to impress upon the House this one particular statement in reference to the reduction of fees on money orders and the introduction of postal notes.

I make the statement after critical examination that the fees we have submitted in this bill are the lowest possible fees with which the Department can pay its expenses.

Mr. UPSON. Let me ask the gentleman the question how such a great loss happens?

Mr. BINGHAM. It arises from the vast number of money-orders issued under $5, for which during the time when these losses occurred a fee of but 5 cents was charged. Taking last year as an illustration, the report exhibits that 467 out of every 1,000 orders issued were for sums of $5 and under, and the fee received for the same was 10 cents each. The Postmaster-General in his official report states that the average cost of every money-order is 12.6 cents, while the average the Government receives is 12.7 cents.

Mr. UPSON. How can such a loss arise?

Mr. BINGHAM. Under the law now in force the postmaster who issues an order for $50 receives one-third of the fee of 25 cents, to wit, 8⅓ cents. The postmaster who issues an order for $5 performs as much service and receives only one-third of 5 cents. In the same manner the postmaster who pays $50 receives one-fourth of 1 per cent. of that amount, or 12 cents, while the postmaster who pays a $5 money-order receives one cent and a quarter. The average compensation that a postmaster receives for issuing or paying an order is 3.7 cents; hence for every order issued and paid 7.4 cents are paid to the two postmasters, while the expenses incidental, such as books, blanks, stationery, clerk hire, and the expense of supervision and the adjustment of postmasters' money-order accounts in the Post-Office Department and in the Sixth Auditor's Office, brings up the total average cost of each money-order to 12.6 cents.

One of the objects of this bill is to make the compensation of postmasters uniform for every money-order issued and for every money-order paid, 3.5 cents instead of the present commission of 3.7 cents.

Mr. BUTTERWORTH. It reduces the charges, then?

Mr. BINGHAM. Yes, sir.

Mr. RAY. I would like to ask the gentleman from Pennsylvania what difference there is in the expense of issuing or paying an order of $5, say, and one of $50?

Mr. BINGHAM. I have stated already that there is no difference whatever; and for that reason this bill changes the law that fixes the percentage or gives to the postmaster for every transaction the sum which I have already mentioned in my remarks. This makes the average about 3½ cents, as I have stated, instead of 3.7 cents. There is no difference in the actual labor in issuing a money-order for $5 or for $50.

Mr. LACEY. Permit me to say, Mr. Speaker, that this is not a matter of speculation, but it is one of absolute demonstration. I hold in my hand several tables which I will print with my remarks, and among them is one giving the fees which have been charged from the inauguration of the money-order system down to the present time; and there never has been a scale of fees adopted anywhere near as low as proposed by the gentleman from New Hampshire; and yet this table shows that we have made an actual net loss since the organization of the Department of $178,178.79.

And even that does not show the exact loss nor all of the facts, because the Government has received nothing and charged nothing for transporting the money-order funds, (which last year amounted to nearly $100,000,000,) nor for carrying the letters that are incident to the transaction of the business. A reasonable charge for these services would greatly decrease the deficiency.

Our money-order system is largely copied from the English, and their experience has been of great value to us. The fees charged on the English postal order and money-order are equally as high as those proposed in this bill. Commencing with the third series of money orders they run almost exactly at the rate of one-half of 1 per cent. throughout the whole scale.

The postal notes or orders authorized by the English law are issued for an average fee of about two cents and eight mills, substantially the same fee that is proposed by this bill, while theirs are engraved for specified amounts, requiring no clerical work to prepare them for sale, and ours are to be filled out in writing by the selling postmaster, with amounts to suit the purchasers. So it will be apparent to all that we have fixed the fees as low as safety will permit, and about the same as those adopted in England, where the funds can be more safely and cheaply transported than in the United States, and where salaries, stationery, &c., are much lower.

Mr. BUTTERWORTH. I want to ask my friend before he takes his seat whether I am correct in my understanding that the bill greatly increases the facilities for obtaining money-orders and cheapens the rate?

Mr. LACEY. It does both. It is especially designed to accommodate those persons who are remote from banks and who desire some safe and cheap way of making remittances in payment for newspa-

pers, books, magazines, merchandise, &c. Since the retirement of the fractional currency there has been a great demand for a cheaper money-order. The postal note is designed to meet this want. The committee have placed the fees at the lowest possible point, if the system is expected to be self-sustaining, and we are of the opinion that it should be so. It is a great convenience certainly, but only a convenience, and there is no reason why it should not pay its own way, and it should do nothing more.

Statement showing the different scales of fees adopted since the organization of the Money-Order Department, and the loss or gain each year.

Act organizing the money-order system from June 30, 1854, to June 30, 1866:
For $10 and under, fee 10 cents.
Over $10 and not over $20, fee 15 cents.
Over $20 and not over $30, (maximum,) fee 25 cents.
Net loss for year ending June 30, 1865, $18,375.20.
Net loss for year ending June 30, 1866, $14,504.18.
Act June 12, 1866, from June 30, 1866, to June 30, 1868:
For $20 and under, fee 10 cents.
Over $20 and not over $50, (maximum,) fee 25 cents.
Net loss for year ended June 30, 1867, $8,851.19.
Net gain for year ended June 30, 1868, $5,743.47.
Act July 27, 1868, from June 30, 1868, to June 30, 1872:
For $20 and under, fee 10 cents.
Over $20 and not over $30, 15 cents.
Over $30 and not over $40, 20 cents.
Over $40 and not over $50, 25 cents.
Net loss for year ended June 30, 1869, $1,467.36.
Net gain for year ended June 30, 1870, $10,914.90.
Net gain for year ended June 30, 1871, $6,319.81.
Net loss for year ended June 30, 1872, $22,220.90.
Act June 8, 1872, from June 30, 1872, to June 30, 1875:
Ten dollars and under, fee 5 cents.
Over $10 and not over $20, fee 10 cents.
Over $20 and not over $30, fee 15 cents.
Over $30 and not over $40, fee 20 cents.
Over $40 and not over $50, fee 25 cents.
Net loss for year ending June 30, 1873, $90,872.17.
Net loss for year ending June 30, 1874, $76,956.38.
Net loss for year ending June 30, 1875, $73,732.89.
Act March 3, 1875, from June 30, 1875, to June 30, 1881, and to date:
Fifteen dollars and under, fee 10 cents.
Over $15 and not over $30, fee 15 cents.
Over $30 and not over $40, fee 20 cents.
Over $40 and not over $50, fee 25 cents.
Net gain for year ended June 30, 1876, $2,424.91.
Net loss for year ended June 30, 1877, $75,009.58.
Net loss for year ended June 30, 1878, $5,971.54.
Net gain for year ended June 30, 1879, $13,295.27.
Net gain for year ended June 30, 1880, $94,806.71.
Net gain for year ended June 30, 1881, $76,277.53.
Balance of net loss since organization, $178,178.79.

Present fees, act 1879.

Money-orders $15 and under, fee 10 cents.
Over $15 and not over $30, fee 15 cents.
Over $30 and not over $40, fee 20 cents.
Over $40 and not over $50, fee 25 cents.

Fees in the bill under consideration.

Postal notes under $5, fee 3 cents.
Money-orders $10 and under, fee 8 cents.
Over $10 and not over $15, fee 10 cents.
Over $15 and not over $30, fee 15 cents.
Over $30 and not over $40, fee 20 cents.
Over $40 and not over $50, fee 25 cents.
Over $50 and not over $60, fee 30 cents.
Over $60 and not over $70, fee 35 cents.
Over $70 and not over $80, fee 40 cents.
Over $80 and not over $100, fee 45 cents.

Fees on English money-orders, stated in United States currency.

Under $2.44, fee 4 cents.
For $2.44 and under $9.74, fee 6 cents.
For $9.74 and under $14.61, fee 8 cents.
For $14.61 and under $19.48, fee 10 cents.
For $19.48 and under $24.35, fee 12 cents.
For $24.35 and under $29.22, fee 14 cents.
For $29.22 and under $34.09, fee 16 cents.
For $34.09 and under $38.96, fee 18 cents.
For $38.96 and under $43.83, fee 20 cents.
For $43.83 and under $48.70, fee 22 cents.
For $48.70, fee 24 cents.
Invalid when over one year old.

Fees on English postal orders stated in United States currency.

For 24 cents, fee 1 cent.
For 37 cents, fee 1 cent.
For 61 cents, fee 2 cents.
For $1.22, fee 2 cents.
For $1.83, fee 2 cents.
For $2.44, fee 4 cents.
For $3.05, fee 4 cents.
For $3.65, fee 4 cents.
For $4.26, fee 4 cents.
For $4.87, fee 4 cents.
Invalid after three months from last day of month of issue.

I have made a careful estimate as to the results for the coming year, should this bill become a law, and have obtained the figures as accurately as possible. It shows that the net revenue from this source will not exceed $33,000 on a business estimated for the next year at from one hundred and fifteen to one hundred and twenty millions of dollars, and that does not allow one cent for transporting the $100,000,000 back and forth through the mails, nor for carrying over 9,000,000 of letters which convey advices.

Estimated receipts and expenditures under this bill, H. R. No. 5661.

RECEIPTS.

Postal notes and money-orders.	Number.	Amount.
Postal notes, fee 3 cents	4,000,000	$120,000 00
Money-orders, $10 and under, fee 8 cents	1,638,145	131,051 60
Money-orders, over $10 and not over $15, fee 10 cents	804,639	80,463 90
Money-orders, over $15 and not over $30, fee 15 cents	1,647,596	247,139 40
Money-orders, over $30 and not over $40, fee 20 cents	383,161	76,632 20
Money-orders, over $40 and not over $50, fee 25 cents	248,400	62,100 00
Money-orders, over $50 and not over $60, fee 30 cents	165,600	49,680 00
Money-orders, over $60 and not over $70, fee 35 cents	96,600	33,810 00
Money-orders, over $70 and not over $80, fee 40 cents	69,000	27,600 00
Money-orders, over $80 and not over $100, fee 45 cents	110,400	49,680 00
Total	9,163,541	878,157 10

EXPENDITURES.

Commissions and clerk hire	$431,447 87
Printing and distributing postal notes	40,000 00
Allowances at international exchange offices	45,000 00
Bad debts	5,000 00
Lost remittances	4,000 00
Supplies for post-offices and incidentals	120,000 00
Departmental expenses	200,000 00
Total expenditures	845,447 87

The SPEAKER *pro tempore*. The question is on the adoption of the amendment proposed by the gentleman from New Hampshire.

The amendment was not agreed to.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read the fourth section of the bill.

Mr. BINGHAM. To this section the committee recommend the following amendment, to be inserted in line 21, before the word "provided:"

And the compensation of the postmasters and the clerks provided for in this section shall be paid out of the fees received for the issue of money-orders and postal notes.

The amendment was agreed to.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I move to strike out all of this section, beginning with line 1, down to and including the word "expedient," in line 6, and to strike out in this line "and all other;" also to strike out the first proviso. I do not know but that the whole section ought to be stricken out, unless some very good reason is assigned why it should be retained. This section leaves it discretionary with the Postmaster-General, it seems to me, to employ as many clerks as he may deem proper to expedite the business, and he may fix their salaries, which may differ materially at different places. It seems to me that there is too large a discretion vested in the Postmaster-General. In fact under this bill he may fix a salary in one city and make a different salary for the same amount of service in another city. Unless there is some good reason for retaining this section in the bill I think it had better be all stricken out.

Mr. BINGHAM. The gentleman has not perhaps understood the amendment which has been incorporated in this section. Section 970 of the postal laws and regulations for 1879 provides that the Postmaster-General may allow to postmasters whose total compensation from all sources amounts to $4,000 per annum a fixed sum for the necessary clerical force employed in the money-order business. Now, the amendment just adopted on motion of the committee, which has been left out of the printed bill by an error, provides that the payment of these clerks shall be made out of the fees collected from the issue of money-orders and postal notes.

Now, take as an illustration the city of Philadelphia. The postmaster there receives $4,000. This brings that down to offices where the postmaster receives $3,000 and applies the same rule to them as now applies to $4,000 offices, that the clerical force allowed shall not exceed the sum-total of the fees that would accrue to the postmaster should he be allowed the fees. The clerical force in the Philadelphia post-office must be approved by the Postmaster-General and the salaries fixed, which must not exceed the sum total of the fees received at that office.

Mr. TOWNSHEND, of Illinois. I know that, but no fixed salary is specified in the bill.

Mr. BINGHAM. The compensation is fixed by the postmaster in accordance with the work done and in accordance with the sum total of the fees received from that office. It does not exceed the receipts a penny. But I will tell the gentleman what the bill does. It makes more efficient the service than we have it to-day, and for this reason: a postmaster who to-day is receiving $3,200 is of the first class. He assumes that under the construction of the law he himself is entitled to the money-order fees accruing in that office until his compensation reaches $4,000. He does no clerical work for that; for the general clerks allowed his office do that work. Now this bill says a postmaster receiving $3,000 compensation for his postal service and administration shall receive nothing additional himself as fees, but the fees shall be applied to clerical labor. This will make the service much more efficient.

That is the purpose of the bill. We meet the antagonism of postmasters who receive a little over $3,000. We prohibit them from

reaching $4,000, and we take the fees which accrue from the money-order service and pay them to the clerk who does the work.

Mr. TOWNSHEND, of Illinois. Why not fix the salary of the clerk?

Mr. BINGHAM. The compensation of the clerical force must come from the fees of the money-order service and must never exceed the fees. In the great New York office it does not exceed the fees. No office is allowed to exceed the fees; and as fixed by law they are down to the lowest possible basis of expense.

Mr. TOWNSHEND, of Illinois. I think it is a loose way of legislation to leave the question of the amount of salary and the number of employés entirely in the discretion of the Postmaster-General.

Mr. BROWNE. Will the gentleman from Illinois tell me under what law there is a fixed salary for the clerks in the post-offices of the country?

Mr. BINGHAM. There is no such law.

Mr. TOWNSHEND, of Illinois. That is no argument against the position I assume, that the Postmaster-General should not be permitted such discretion as is permitted in this bill.

Mr. BROWNE. He has been exercising it for a number of years.

Mr. TOWNSHEND, of Illinois. That is an argument in favor of the repeal of the law. A good Postmaster-General such as we have to-day will exercise a sound discretion and no evil will result. But in the hands of one not quite so good, that discretion may be exercised in such a way as to abuse the privilege given under this law.

Mr. BINGHAM. The privilege already exists as to postmasters receiving $4,000 salary. This brings it down to the $3,000 offices.

Mr. LACEY. The sale and the payment of money-orders is something outside of the ordinary duties of a postmaster. This bill says the postmaster shall receive three and one-half cents for every order issued and three and a half cents for every order paid. That is deemed a sufficient recompense for the labor. In the smaller offices the postmaster is allowed to take those fees and hire his own clerks at his own price, without any one to supervise him. But this bill says when you get up to the $3,000 offices the postmaster shall not be allowed to do that; but he shall hire such clerks as the Postmaster-General shall authorize, and at prices that the Postmaster-General shall authorize and no more, not to exceed the amount of these fees; and then if there is anything left of these fees after those clerks have been paid it goes back into the Treasury of the United States.

The rule is not applied to the smaller offices, because the clerks in the smaller offices do not confine themselves to the money-order business. They have to issue money-orders, to sell stamps, to work at the small windows, and you cannot assign clerks specially for that duty. But when you get to larger offices you can; and then you turn back into the Treasury all of these fees which exceed the amount necessary for compensating the clerical force.

Mr. TOWNSHEND, of Illinois. But the postmaster would have power to absorb all the fees himself.

Mr. LACEY. They belong to him if he performs the duties. And in the larger offices, if the amount of fees exceeds what the postmaster can hire a clerk for, the excess goes back into the Treasury of the United States.

Mr. TOWNSHEND, of Illinois. Does the gentleman suppose that any amount would ever get into the Treasury?

Mr. LACEY. It has gone there very frequently.

Mr. BROWNE. Not the fees; it is not intended they should go into the Treasury.

Mr. LACEY. The commissions of the postmaster over and above the allowance for clerk hire are to go into the Treasury.

The question was taken upon the amendment of Mr. TOWNSHEND, of Illinois, and it was not agreed to.

The Clerk read the following:

SEC. 5. That the Auditor of the Treasury for the Post-Office Department shall, as soon as practicable after the close of the present fiscal year, transmit to the Postmaster-General a statement of the aggregate amount of all money-orders which at the beginning of said year shall have remained unpaid for a period of seven years or more after the date of their issue; and as soon as practicable after the close of each fiscal year thereafter he shall transmit in like manner a statement of the aggregate amount of all money-orders and postal notes which at the commencement of such year shall have remained unpaid for less than eight and not less than seven years after the date of their issue; and the Postmaster-General shall cause the aggregate amount of such unpaid orders and postal notes as reported annually by the Auditor to be deposited in the Treasury, to the credit of the Treasurer of the United States, for the service of the Post-Office Department. But nothing contained in this act shall be so construed as to prevent the payment, out of current money-order funds, by duplicate issued under the authority of the Postmaster-General, of any lost or invalid money-order or of any invalid postal note more than seven years old, upon presentation of satisfactory proof to the Postmaster-General of the ownership of such money-order or upon the production of such invalid postal note in accordance with the provisions of section 1 of this act; and the total amount of such lost or invalid money-orders and invalid postal notes more than seven years old paid during each year by duplicate shall be deducted from the aggregate amount of unpaid money-orders and postal notes to be deposited at the close thereof in the Treasury as hereinbefore provided.

Mr. TOWNSHEND, of Illinois. I desire to offer an amendment to come in as a new section, after the one just read.

Mr. DUNN. Does not my amendment come in first?

The SPEAKER *pro tempore*. The Chair has not been informed where the gentleman from Arkansas [Mr. DUNN] intended to propose his amendment. He said some time ago that he would offer one, but he did not indicate the time when he would offer it or the nature of the amendment.

Mr. DUNN. I want to offer it as an additional section to the bill.

Mr. TOWNSHEND, of Illinois. I have no objection to the gentleman offering his amendment first.

Mr. DUNN. Any additional section ought to come in at this point, before the last section of the printed bill is reached.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

SEC. 6. That the Postmaster-General shall designate the post-office at the county seat of every county in the United States as a money-order office.

Mr. DUNN. My object in offering this amendment has been already stated. The information that I am in possession of from all parts of the country satisfies me that the money-order system, as stated by the gentleman from Maine, [Mr. DINGLEY,] ought to be extended to a lower class of post-offices than it is now extended to.

Under the rules of the Department, as now administered, the money-order system is not extended to any office unless its revenue is equal to $250 a year. My information is, and I think it is correct, that the small offices on the frontier where there are no railroads, no banks, and no express facilities, are generally below the standard adopted by the Department for extending the benefits of the money-order system to. They are also the places which most need the facilities of that system as a substitute for the banking and express facilities which they do not now have. If the Committee on the Post-Office and Post-Roads knows any good reason why the benefits of the money-order system should not be so extended, I shall be glad to hear it.

Mr. BROWNE. Has not the Postmaster-General already given a sufficient reason why it should not be extended?

Mr. DUNN. I have not seen a reason given that is satisfactory to me.

Mr. BROWNE. I have conferred with the Post-Office Department upon that question. The Department is entirely willing to extend the money-order system to every post-office in the country that can sustain it. There is no reason why the rule is established to extend the system only to those offices whose receipts or income is equal to $250 a year, except that in offices doing a less business there is no fund to redeem the orders presented.

In many instances, even in post-offices with an income of $250 a year, the postmaster finds himself under the necessity of going to the stores about town and borrowing the money with which to redeem the money-orders presented, and waiting until the resources of the office will enable him to return the money so borrowed. In many instances within my knowledge money-orders have been held by the persons to whom they were directed awaiting such time as they might be redeemed by the postmaster.

Mr. DUNN. Right there let me ask the gentleman a question.

Mr. BROWNE. The reason why the system is not extended to the small offices is simply because they have not the revenues to transact the business; because they are confined simply to such revennes as they take in from day to day in the ordinary transaction of their business.

Mr. DUNN. The chief reason why I urge this amendment is to give people resident at such places the opportunity to deposit money in the post-office and obtain orders to send off. As I understand it, the money-order system operates both ways. The orders are not all sent to one point for payment. The funds deposited by persons who take out orders to send away ought certainly to equal the amount of payments that may be made of orders presented.

I do not know what the statistical history of that feature of the service may be. But reasoning from an ordinary common-sense view of business, and from our practical knowledge of business, it would seem that as much money would be deposited for orders to be sent away as would be demanded for orders presented for payment.

Mr. UPSON. And more, too.

Mr. DUNN. And more, too; because people doing business at such points, where there are no banks to issue checks or exchange, where there are no express facilities, are much more in need of the money-order facilities for sending away their money than for receiving it. Small merchants, dealers, and traders, people living at these remote points, buy and send away money orders as the only means within their reach of remitting money to a distance.

Mr. BROWNE. Will the gentleman permit a question?

Mr. DUNN. Certainly.

Mr. BROWNE. Why then arbitrarily fix upon county-seats as the places to which this system shall be extended?

Mr. DUNN. Because they are usually the most important offices in the county, and are as a general rule the business centers and market towns of the counties.

Mr. BROWNE. Very frequently the most unimportant ones in the county.

Mr. DUNN. That sometimes occurs; but ordinarily they are the most important, central, and convenient points, and the places where the people mostly congregate for general business purposes.

Mr. BROWNE. Why not fix it upon a revenue basis of $150 a year?

Mr. DUNN. I am perfectly willing to fix it on the basis of revenue, provided you give each county a money-order office, for each county ought to have at least one such office.

Mr. BROWNE. Whether the office has the funds to redeem the orders or not?

Mr. DUNN. They receive money for orders as well as pay it out

upon them, and I believe that the privilege will of itself provide the means. At any rate we have no satisfactory evidence that it will not.

Mr. BUTTERWORTH. My friend from Arkansas [Mr. DUNN] is aware that this is only a regulation of the Department, and that the Department can now establish a money-order office wherever it is desired.

Mr. DUNN. Yes, where the revenues amount to $250 a year.

Mr. BUTTERWORTH. Oh, no.

Mr. DUNN. That is the invariable answer I have received at the Department whenever I have asked that post-offices be designated as money-order offices.

Mr. BUTTERWORTH. That is only a regulation of the Department. Wherever it is deemed expedient to establish a money-order office the Department can now do it.

Mr. DUNN. That power he has uniformly refused to exercise in favor of any office having a revenue of less than $250.

Mr. BUTTERWORTH. That is on the theory that the facts shown would not warrant the establishment of a postal money-order office at that point.

Mr. DUNN. The invariable answer I have received from the Post-Office Department to such applications has not been that it was not expedient to establish a money-order office at the point designated, but that the Department does not deem it expedient to designate as a money-order office any office the revenues of which are below $250. The Department has adopted this as an arbitrary rule.

Mr. BUTTERWORTH. The experience of our postal system has been that $250 is a proper limit to fix. I apprehend that if this limit is adhered to strictly it is because, were it disregarded in one case, there would be pressure to have it disregarded as to every office in the country. Senators and Members desiring to oblige their constituents, and not always being governed by the perfect proprieties of the case, would urge to have the limit disregarded in one case after another until it would be practically abolished. The evil result of establishing as a money-order office any lower grade of office would be greater than the good which could possibly result.

Mr. DUNN. This amendment does not propose to open the door to such mischief as the gentleman apprehends, nor to deprive the Department of a wholesome discretion and power of limitation. It only makes it obligatory upon the Postmaster-General to give to each county in the United States at least one money-order office; it drives him no further.

Mr. BUTTERWORTH. That is, without regard to the number of inhabitants or the receipts of the office. A county might not have twenty-five inhabitants.

Mr. DUNN. Mr. Speaker, I believe that our postal service, with all its benefits and privileges, ought to follow the footsteps of the hardy pioneer wherever he may go in his brave and rugged march over our broad Western plains and distant mountains, for he it is who opens and smooths the pathway for the onward march of civilization and who receives the first as well as the rudest shock in the conflict with the savage and other elements of obstruction that oppose its advance. I believe that it is the duty that the Government owes to the gallant pioneer to keep up this line and means of communication between him and the civilization that is behind him.

Mr. BUTTERWORTH. As a matter of rhetoric I agree with my friend; but I submit that the safety of the service and the protection of the funds of the Government ought to be taken into consideration.

Mr. DUNN. That is now guarded. A special bond is required under the law, and I do not seek to change that requirement.

Mr. BUTTERWORTH. The moving tide of emigration of which my friend speaks rapidly builds up the county-seat if the county is worth settling at all, so that within the briefest possible period such a place would come within the rule established by the Post-Office Department. I only desire to see this rule adhered to, because experience has demonstrated its wisdom and expediency.

Mr. DUNN. I have asked whether there is statistical information showing that this measure ought not to be adopted, that the damage to the Government would be greater than the benefit to the people concerned. For one I believe that no better use can be made of public money than in extending postal facilities to all the people, even to the provincial regions to which the gentleman from New York [Mr. COX] referred the other day.

Mr. BUTTERWORTH. I quite agree with the gentleman on that point.

Mr. DUNN. And now, unless it can be shown from facts within the knowledge of the Department or committee that this will be a seriously damaging provision, it ought to be adopted. I will take occasion to remark here that I do not approve the tendencies of the postal policy as lately administered and as I understand it.

It must be apparent to every careful observer that the policy is to expedite and develop the postal system to its highest possible perfection in the great cities and centers of population. Vast sums are spent for fast-mail service, and frequent and free delivery of letters. In the cities and centers of dense populations letters are now delivered twice a day at every one's door, while in what is contemptuously termed the provincial regions, where the hardy pioneer and the toiling farmer dwells, slow mails are grudgingly sent once or twice a week, with a disposition to discontinue that because they say it does not pay a profit to the Government, and, being too poor to have banks and railroad express, we are told that they are too poor to have money-order post-offices, even upon good security. Sir, I protest against such a policy and denounce it as unjust and vicious. The pioneer and the farmer upon the frontier and in the rural districts—the provinces—have as good a right to all the privileges and benefits of the postal service to the extent of their needs as the haughty dweller in the metropolitan city.

Mr. MONEY. Mr. Speaker, I desire to say a word or two in reply to my friend from Arkansas, [Mr. DUNN.] It has been the design of the Post-Office Department to extend the money-order system as widely as possible to make its beneficence generally felt, because as it is sustained by taxation on the whole people its benefits should be enjoyed by all. The only obstacle to its extension has been the difficulty of operating the system in connection with the offices receiving a very small revenue. The Post-Office Department by actual experiment has found that offices whose annual revenue does not amount to $250 cannot handle this system. Postmasters are required to make frequent remittances of the amounts received by them for money-orders, to make remittances every day if there is a mail, keeping in hand only a sufficient amount to pay the unpaid advices of the preceding two weeks. If postmasters were permitted to retain for any great length of time the money received for money-orders, every gentleman must at once see the vast difficulty of operating the system. Apart from this difficulty, which must be taken into consideration, there is no objection anywhere to extending the system. So far as I am concerned I would be glad if not only every county-town but every post-office in the country were in the enjoyment of the system.

Mr. DUNN. I cannot see why the Department can extend the system to an office having $250 annual revenue and cannot extend it to an office having $249 revenue. If the gentleman can demonstrate to me any reason for the distinction, I would be glad to understand it.

Mr. MONEY. In the same way my friend would be unable to see why a person twenty years and eleven months old is not allowed to cast a vote, although he may do so on attaining the age of twenty-one. There must be a line drawn somewhere; because this is a matter of practical business. The Post-Office Department has found that the limitation of $250 is the lowest limitation practicable.

Mr. DUNN. I prefer a rule which would assign these money-order offices by county lines, rather than by the question whether the office has $250 of postal revenue. It seems to me the rule I propose would better serve the public convenience.

Mr. MONEY. My friend will pardon me, but it would simply make the whole system inoperative, for the reason that when an order is made payable at an office having an income, for instance, of $50 a year, the postmaster may not have in his hands funds sufficient to redeem that order.

Mr. DUNN. Suppose that some man has paid for a money-order and deposited $250 therefor.

Mr. MONEY. If he did it opportunely to meet an incoming advice it would do very well. But they are prohibited from keeping money on call beyond what is necessary to pay two weeks' advices. If they were to retain the money in their hands gentlemen would see what confusion it would create.

Mr. DUNN. How many more orders are paid in any one given office than are sold in any one given office? If he shows me that he can show there would be a failure.

Mr. MONEY. I will admit, for the sake of argument, that the same number is sold that is paid.

Mr. DUNN. I contend they are both paid and sold, while you assume they are only sent to an office and that not one is sold.

Mr. MONEY. I was unfortunate in my statement then, because my friend entirely misapprehended me. I did not intend to make any such impression upon him. I certainly never expected to say, and I did not say, that all of the business was done at one end of the line. I will assume the number paid and sold to be exactly the same, but do you contend that on $100 total revenue they will so exactly hit each other in point of time that a man will come in to pay a money-order and meet a man to whom a money-order has been sent?

Mr. DUNN. That is not necessary.

Mr. MONEY. But that is the whole difficulty. It is there and nowhere else. If the gentleman can make that arrangement I assure him, from my knowledge of the Post-Office Department, they will largely extend the system to meet his design. No one would be more pleased than myself to see this made possible, but that is the practical difficulty in the way.

Mr. CRAVENS. The largest offices require at times some money to be transferred to them to pay these money-orders. Two hundred and fifty dollars would cut but a little figure in this matter in the way of paying money-orders. It would not pay more than the draft or orders of two men.

Mr. VANCE. Mr. Speaker, my experience has been that the money comes from the rural districts to the cities, to the places of trade, and it is seldom an order will be drawn on any one of these places and there will be no money to meet it. Every one knows the money goes from the country to the city, and I am in favor of giving these privileges to the people. I think it is right to do so. I introduced a bill in a former Congress to establish a money-order office in every county in a State. The reason why it should be put at the county

seat is because there is where the business is transacted, where the stores are located, and where everybody goes.

Mr. LACEY. In the first place, Mr. Speaker, there is no reason why it should be at a county seat. If there is any place where a money-order office is wanted it is at a market town, where people go to sell their produce and where they go if they want to send money away. And in the second place, it is a notorious fact that at small offices small orders are issued and very large orders are paid. At these small money-order offices the orders which are sent are small in amount, whereas those which are paid are invariably large. At the present limit of $100, and with permission to issue two or three, it is easy to see at small offices there would be times when two or three hundred dollars would be required to meet orders, while only two or three orders would be sold of $5 and less. There is, in my judgment, no reason why it should be at a county seat. It should be, when established, at a market town.

Mr. DUNN. I have no objection to such modification if it is urged by anybody. I designated county seats because the county seat is generally the market town of a county. It is not always so, and I have no objection to modifying the amendment so as to provide that money-order offices shall be established at least at one point in a county. My object is to get one money-order office in each county.

Mr. LACEY. The superintendent of the money-order branch of the Post-Office Department is as anxious to establish these offices as anybody can be to have them established, and whenever $250 is too large a limit he will decrease it; but there must be a limit somewhere. We have gone on in excellent shape under the present superintendent, and we should leave this matter to his discretion. I have been in his office when members of Congress came in and asked to have money-order offices discontinued because the people did not want them; they did not want to give bonds; they did not want to employ a clerk to be trusted with the money. If this law is passed to establish a money-order office in every county, what is going to be done about such cases where they do not want any such money-order offices?

Mr. DUNN. Will the gentleman allow me to state in answer to what has been said that if the people do not want this, and the postmaster cannot and will not make the bond required by law, this does not compel them to have it at all. But if the bond is made as required by law to protect the United States, then they are entitled to have it and ought to have it. I prefer county lines as the lines of distinction rather than a sum of money. I do not believe in disfranchising any locality or any people or dispossessing them of any right on the ground of property qualifications or the sum of their revenues. They are entitled to the bounty of the Government or to its justice, and they ought to have it.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment proposed by the gentleman from Arkansas.

The House divided; and there were—ayes 19, noes 44.

So the amendment was not agreed to.

Mr. TOWNSHEND, of Illinois. I now propose this amendment to follow section 5 as additional sections 6 and 7.

The Clerk read as follows:

SEC. 6. Strike out the word "three" and insert "two" on the eighth line of section 3903 of the Revised Statutes.

SEC. 7. Strike out sections 3905 and 3906 and insert "that the postage on second-class mailable matter be, and the same is hereby, abolished, and that such mail matter shall be conveyed in the mails of the United States free from postal charges."

Mr. ANDERSON. I make the point of order upon that.

Mr. BINGHAM. I make the point of order that that is not germane to this bill.

Mr. TOWNSHEND, of Illinois. I desire to discuss that point of order a moment, that is if it is seriously pressed. I presume, however, the gentleman will scarcely claim that that amendment is not germane.

Mr. BINGHAM. It is not germane. It pertains simply to the transportation of mail matter. This bill relates to the money-order system, and not to the transportation. It has nothing to do with the mail transportation.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I do not think the reasons assigned by the gentleman from Pennsylvania are good. This does not relate to the transportation of mails, but to the expense of postage. Now, this bill relates in some way to the question of postage.

Mr. BINGHAM. In no way whatever.

Mr. TOWNSHEND, of Illinois. In so far as the money-order system is concerned it certainly does; and it strikes me that it is germane to the pending proposition presented from the Committee on the Post-Office and Post-Roads. That bill is one which contemplates a revision to some extent at least of the postal laws. The amendment I suggest is of the same nature. It is simply an amendment of the rates charged for postage upon mail matter and abolishes the postage upon newspapers mailed from the offices of publication. The purpose of this bill is to revise to a considerable extent the postal service in so far as it relates to money-orders, and this amendment strikes me as being entirely germane.

Mr. BINGHAM. I will state for the information of the gentleman from Illinois and of the House that there are several bills of that character now before the committee.

Mr. TOWNSHEND, of Illinois. Then why do you not report some of them?

Mr. BINGHAM. Simply because we have been engaged in preparing other bills, and have not passed upon them yet. We have a vast amount of labor to perform.

Mr. TOWNSHEND, of Illinois. But if such bills are pending before the committee, and likely to be reported upon, why not take the subject up now and consider it?

Mr. BINGHAM. Simply because the committee has not itself reached a conclusion upon them.

Mr. TOWNSHEND, of Illinois. But if the bills are before the committee they should be acted upon.

The SPEAKER *pro tempore*. The Chair is ready to rule upon the point of order. The Chair sustains the point of order.

Mr. TOWNSHEND, of Illinois. I understand the Chair rules this amendment out of order.

The SPEAKER *pro tempore*. The Chair has so ruled.

Mr. TOWNSHEND, of Illinois. This has been to some extent recommended by the Postmaster-General himself.

The SPEAKER *pro tempore*. The Chair is ruling upon the principles of parliamentary law which govern in such cases, and is not bound by the opinion of the Postmaster-General.

Mr. TOWNSHEND, of Illinois. I appeal to the gentleman from Pennsylvania to withdraw the point of order and allow the House to act upon this matter.

Mr. MONEY. If he does withdraw it I will renew it.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. ROBINSON, of New York. May I ask if the amendment of the gentleman from Illinois has been withdrawn?

The SPEAKER *pro tempore*. It was ruled out of order.

Mr. PEELLE. I desire, Mr. Speaker, unanimous consent to offer an amendment to the twenty-sixth line of the second section, by inserting after the word "lowest" the word "responsible;" so that it will read "from the lowest responsible bidders."

The amendment was agreed to.

Mr. ROBINSON, of Massachusetts. I now send up the proposed amendment to the second section.

The Clerk read as follows:

Strike out all after the word "prescribe," in the thirtieth line, and insert:

"*Provided*, That the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department shall submit respectively estimates of the cost of furnishing such printed and engraved matter as may be required for use in the money-order business; and they shall furnish such printed and engraved matter whenever upon their estimates of cost the expenditure therefor will be less than upon proposals made as above provided for."

Mr. TOWNSHEND, of Illinois. I reserve the point of order till I hear what the gentleman has to say.

Mr. PEELLE. What point of order?

Mr. TOWNSHEND, of Illinois. That we have passed that part of the bill.

The SPEAKER *pro tempore*. There was an understanding that the House might recur to that section.

Mr. TOWNSHEND, of Illinois. I was not present at the moment and was not aware there was such an understanding.

Mr. ROBINSON, of Massachusetts. I do not think the amendment requires any explanation. It is sufficiently plain.

The amendment was agreed to.

Mr. BINGHAM. I move the previous question on the bill and amendments.

The previous question was ordered; and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EXECUTIVE DOCUMENTS.

Mr. SPRINGER. I am instructed by the Committee on the Post-Office and Post-Roads, to whom were referred the following executive documents transmitted to the House of Representatives by the Postmaster-General, namely, report of offers and contracts, report of land and water mails, report of allowances to contractors, report of curtailment of expenses, to report the same back with the recommendation that said reports be recommitted and printed. Through an oversight at the time these reports were referred to the committee they were not ordered to be printed. This is for the purpose of having them printed.

The SPEAKER *pro tempore*. Unanimous consent is asked by the gentleman from Illinois that the reports he has indicated be printed and recommitted to the committee. Is there objection? The Chair hears none?

ORDER FOR EVENING SESSION VACATED.

Mr. BROWNE. I ask unanimous consent that the House vacate the order for this evening only that requires a recess to be taken on Friday at five o'clock.

There was no objection, and the order was vacated for this evening.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 5388) to fix the times for holding terms of the circuit and district courts of the United States in the northern district of Ohio.

The message further announced that the Senate agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 4 to the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

The message further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; that it further insisted upon the amendments numbered 17, 41, 98, 99, 100, 101, 102, 103, 104, and 105 to the said bill disagreed to by the House of Representatives; agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. JONES of Nevada, and Mr. RANSOM to be the conferees on the part of the Senate.

The message further announced that the Senate had adopted a resolution for the printing of the report of the Commissioner of Education for 1881, and 4,000 additional copies for the use of the Senate, 8,000 for the use of the House of Representatives, and 13,000 copies for distribution by the Commissioner, in which resolution the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution of the House of Representatives of June 26, 1882, to print 1,500 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States, with amendments, in which the concurrence of the House was requested.

RAILWAY MAIL SERVICE.

Mr. BINGHAM. I move to take from the Speaker's table and put upon its passage the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service.

Mr. UPSON. If that requires unanimous consent I object.

The SPEAKER *pro tempore*. The request of the gentleman from Pennsylvania [Mr. BINGHAM] is not in accordance with the order. It can only be agreed to by unanimous consent.

Mr. BINGHAM. I will state that the Senate bill is almost identical, word for word, with the House bill. It is a bill to reorganize the railway mail service, and creates no additional expenditure. The Senate bill and the House bill, alike, merely provide a reorganization by which the clerks can be classified so that four distinct systems of books and auditing accounts and four distinct sets of employés shall be done away with.

Mr. UPSON. I must object. I have been desiring to take from the Speaker's table a Senate bill for the last two months and a half.

Mr. BINGHAM. By this proposition we are simply seeking to expedite legislation under the right given to our committee.

The SPEAKER *pro tempore*. Is the Chair to understand that the bill called up by the gentleman from Pennsylvania is identical with the House bill No. 854?

Mr. BINGHAM. It is; substantially so.

Mr. SPRINGER. If there is objection we can take up the House bill and offer the Senate bill as a substitute for it.

Mr. BINGHAM. I move to take up the bill (H. R. No. 854) to designate, classify, and fix the salaries of persons in the railway mail service.

The bill was read, as follows:

Be it enacted, &c., That persons in the railway mail service known as railway post-office clerks, route agents, local agents, and mail-route messengers shall, on and after the 1st day of July, 1882, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum: First class, $800; second class, $900; third class, $1,000; fourth class, $1,200; and fifth class, $1,400.

Mr. MCMILLIN. I desire to have the report read.

Mr. BINGHAM. I move to substitute for that bill the Senate bill No. 314.

The SPEAKER *pro tempore*. If the gentleman desires to pass the bill which has come from the Senate, that would require unanimous consent.

Mr. BINGHAM. I propose to amend the House bill by offering the Senate bill as a substitute for it. I ask the Clerk to read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"*Be it enacted, &c.*, That persons in the railway mail service, known as railway post-office clerks, route agents, local agents, and mail-route messengers, shall, on and after the 1st day of July, 1882, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding $800; second class, not exceeding $900; third class, not exceeding $1,000; fourth class, not exceeding $1,200; fifth class, not exceeding $1,400: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not, in any case, allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs."

Mr. BINGHAM. I move to amend the substitute by striking out, in line 5, the words "the 1st day of July, 1882," and inserting in lieu thereof, "the passage of this act."

The amendment to the substitute was agreed to.

Mr. BINGHAM. I move as an additional section to the substitute that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 2. That the sums appropriated in the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882, for the compensation of railway post-office clerks, route agents, mail-route messengers, and local agents, be consolidated into one fund and applied for the compensation of the clerks embraced in the five classes under the title "railway postal clerks" provided in this act.

Mr. BINGHAM. That is simply to make available the sums already appropriated in the Post-Office appropriation bill.

The amendment was agreed to.

The question was upon agreeing to the substitute as amended.

Mr. SPRINGER. The substitute as amended is precisely the Senate bill with the amendments which the gentleman from Pennsylvania [Mr. BINGHAM] has offered. If passed as it now stands it will go to the Senate as a House bill. Therefore, for the purpose of facilitating business, I ask unanimous consent that these amendments be considered as having been adopted to the Senate bill.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. MCMILLIN. Before that is done I would like to hear the report read, or the statement of some gentleman showing the object and effect of this bill and the necessity for it.

Mr. SPRINGER. The gentleman from Pennsylvania [Mr. BINGHAM] has stated the object of the bill.

Mr. MCMILLIN. I did not hear it.

Mr. BINGHAM. It makes no appropriation.

Mr. MCMILLIN. Do I understand that it does not increase expenditures?

Mr. SPRINGER. Not at all.

Mr. MCMILLIN. And is not intended ultimately to do so?

Mr. SPRINGER. No.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] asks consent that the amendments just adopted to the proposed substitute be considered as amendments to the Senate bill, and that the Senate bill be now put on its passage. Is there objection? [After a pause.] The Chair hears none.

Accordingly the Senate bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service was taken from the Speaker's table, read a first and second time, amended as proposed by Mr. BINGHAM, and as amended ordered to a third reading, read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection the House bill will be laid on the table.

There was no objection, and it was ordered accordingly.

EXTENSION OF MAIL SERVICE.

Mr. LACEY. I now desire to call up House bill No. 5029, authorizing the Postmaster-General in certain cases to extend post-routes.

The SPEAKER *pro tempore*. If that bill does not come within the order of the House it can only be taken up by unanimous consent at this time.

Mr. LACEY. I desire to substitute for the House bill the bill of the Senate, No. 1845, to authorize the Postmaster-General to extend the mail service in certain cases.

The SPEAKER *pro tempore*. That requires unanimous consent. The Clerk will read the Senate bill.

The Clerk read as follows:

Be it enacted, &c., That the Postmaster-General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail-route under contract, at not exceeding *pro rata* additional pay, for any distance not exceeding twenty-five miles beyond either terminal point named in said contract: *Provided*, That the consent of the contractor shall be previously obtained to such extension, and that no contract shall be extended beyond the original terminal points more than once during the term for which it shall have been made.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. LACEY] asks unanimous consent to take from the Speaker's table for consideration at this time the bill of the Senate which has just been read. Is there objection? [After a pause.] The Chair hears none.

The bill (S. No. 1845) was accordingly taken from the Speaker's table, and read a first and second time.

Mr. LACEY. I move to amend the proviso of the bill by striking out the words "that the consent of the contractor shall be previously obtained to such extension, and." I would say in reference to that amendment, that unless it is adopted the proviso of this bill will be introducing a new feature into this contract business.

Under the provision of the law and the present regulations of the Department the consent of the contractor is not required to any change. When a change is proposed by dropping off a part of the route, or by embracing some office not already served on the route, or anything of that kind, the consent of the contractor is not re-

quired. The Department states if this amendment is not adopted the bill will be substantially inoperative.

Mr. McMILLIN. I have not examined the question, but it seems to me at first sight that we would have some difficulty in forcing a contractor to extend his route and perform new service without his consent.

Mr. LACEY. The same rule prevails in the Department now. Suppose that a line extends from A to B and there is another office at C, ten miles away from the line which it is proposed to supply. Under the present regulations, the Postmaster-General can order the office at C to be embraced in the service and make the contractor travel twenty miles more, allowing him *pro rata* per mile. That agreement is made in the contract with the contractors, that the Department shall have the right to extend the contract or change it in any way.

The question was taken upon the amendment offered by Mr. LACEY, and it was agreed to.

Mr. ROBINSON, of Massachusetts. I have only heard the Senate bill read, but it seems to me the word "service" is not employed there as it is in the House bill, but the word "contract" is used instead. In that respect I think the House bill is better than the Senate bill. The House bill reads:

Provided, That no service shall be extended beyond the original terminal points more than once during the term for which the contract shall have been made.

This bill is not intended to extend the contract, but to extend the service. The proviso of the Senate bill reads as follows:

Provided, That no contract shall be extended beyond the original terminal points more than once during the term for which it shall have been made.

The word "contract" there should be "service."

Mr. LACEY. I ask unanimous consent that the word "service" be substituted for the word "contract" in the proviso.

The amendment was agreed to.

Mr. ROBINSON, of Massachusetts. And in the latter part of the proviso the word "it" should be stricken out and the words "the contract" inserted; so that it will read:

During the term for which the contract shall have been made.

The amendment was agreed to.

Mr. LACEY. I move as an additional section what I send to the desk.

The Clerk read as follows:

SEC. 2. And whenever a contractor for postal service fails to commence proper service under the contract, or having commenced service fails to continue in the proper performance thereof, the Postmaster-General may employ temporary service on the route at a rate of pay per annum not to exceed the amount of the bond required to accompany proposals for service on such route, as specified in the advertisement of the route, or at not exceeding *pro rata* of such bond, in cases where service shall have been ordered to be increased, reduced, curtailed, or changed subsequent to the execution of contract, the cost of such temporary service to be charged to the contractor, and to continue until the contractor commences or resumes the proper performance of service, or until the route can be relet as now provided by law and service commenced under the new award of contract; all acts or parts of acts inconsistent with the provisions of this act being hereby repealed.

The amendment was adopted.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. The title of the bill should be amended, in view of the new section adopted on motion of the gentleman from Michigan, [Mr. LACEY,] by adding the words "for other purposes."

The SPEAKER *pro tempore*. If there be no objection the title will be so amended.

There was no objection.

COMPENSATION OF FOURTH-CLASS POSTMASTERS.

Mr. BINGHAM. I now call up the bill (H. R. No. 714) to fix the compensation of postmasters of the fourth class.

The bill was read, as follows:

Be it enacted &c., That the compensation of postmasters of the fourth class shall be the whole of the box rents collected at their offices and commissions on unpaid letter postage collected, on amounts received from waste paper, dead newspapers, printed matter, and twine sold, and on postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled as postages on matter actually mailed at their offices, at the following rate, namely: On the first $100 or less per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; and on all over $300 per quarter, 40 per cent.; the same to be ascertained and allowed by the Auditor in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the compensation of any postmaster of this class shall reach $1,000 per annum, exclusive of commissions on money-order business, and when the returns to the Auditor for four quarters shall show him to be entitled to a compensation in excess of that amount under section 7 of the act of July 12, 1876, the Auditor shall report such fact to the Postmaster-General, who shall assign him to his proper class, and fix his salary as provided by said section: *Provided further*, That in no case shall there be allowed to any postmaster of this class a compensation greater than $250 in any one of the first three quarters of any fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sum as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of $1,000 exclusive of money-order commissions.

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. McMILLIN. I ask that the report in reference to this bill may be read.

Mr. BINGHAM. I will make a statement which I think will give the gentleman the information he desires and dispense with the necessity of reading the report. I will state, in the first place, that this entire bill, with the exception of the last five lines, is simply a re-enactment of the present law. And a bill similar to this was reported favorably in the Forty-sixth Congress by the Committee on the Post-Office and Post-Roads.

Under existing law, act of June 17, 1878, it is provided "that in no case shall there be allowed to any postmaster of this class a compensation greater than $250 in any one quarter, exclusive of money-order commissions."

The general accounts of postmasters of the fourth class are audited annually, and the compensation fixed upon the amount of work performed and commissions allowed under act of June 17, 1878, but in no case can there be an allowance greater than $250 in any quarter.

In many offices of this class located at watering-places and summer resorts the work performed allows in commissions amounts in excess of $250 for a quarter, but the Auditor, under the statutes, cannot give credit for the surplus, and the postmaster thereby loses all commissions and allowances over the said $250.

The present bill will allow the Auditor of the Post-Office Department to give credit to such earned surplus, the sum total, however, in any one year not to exceed $1,000, exclusive of money-order commissions. It seems just and fair that when the work is done that official should have the full benefit of the commissions allowed by statute. I submit the following letter of Hon. James N. Tyner, late First Assistant Postmaster-General:

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 25, 1880.

SIR: Answering your inquiry in regard to bill H. R. No. 3799, which reached me by this morning's mail, I will say that I presume it is intended to provide additional compensation to postmasters at watering-places or other places of summer resort, whose labor and responsibility is very much increased by the sojourn of visitors at such places. If this is the object of the bill I can perceive no objection to its passage. It is a verbatim copy of the present law, except the few lines at the close of the first section which I have underscored with pencil lines.

Very truly,

JAS. N. TYNER,
First Assistant Postmaster-General.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.

Mr. ROBINSON, of Massachusetts. There is necessity for a slight amendment of this bill, as my friend from Pennsylvania [Mr. BINGHAM] is aware.

Mr. BINGHAM. The committee will not object to the gentleman's amendment.

Mr. ROBINSON, of Massachusetts. The law formerly allowed commissions on unpaid letter postage collected, but subsequently there was provided, instead of such commissions, a commission on the amount of canceled postage-stamps. Hence, it is necessary to change the phraseology of the bill. The amendment I propose will not alter the amount of compensation, but simply makes the bill conform to the present law. I move to amend by striking out in the fifth line the words "unpaid letter postage collected" and inserting "the amount of canceled postage-due stamps."

The amendment was agreed to.

Mr. WHITE. It has occurred to me, Mr. Speaker, that this bill does not reach a class of postmasters who, in my judgment, do more work according to the pay they receive than any other officers under the Government. I refer to postmasters at fourth-class offices at the cross-roads, such postmasters as were spoken of by the gentleman from Michigan, [Mr. LACEY,] when speaking of money-order offices—men who have to distribute the mails passing through their hands, but under the existing law can receive no pay for doing that work. I am now speaking of separating offices. The men who do this work are at fourth-class offices. The law as it stands does not make any provision by which these men can receive compensation at all adequate for the work they perform. A man may give more work to the separating of the mails passing through one of these cross-roads offices than is given by any first, second, or third class clerk in any of our Departments at Washington; yet in many cases by no construction of the law can such a postmaster receive $100 salary. There are cases of that kind within my own knowledge; and provision ought to be made in this bill to meet such cases. By this bill we provide in effect, as I understand, that when $250 is received the office shall no longer be a fourth-class office.

Mr. BINGHAM. No. Should the office make by commissions $300 in a quarter the $50 surplus will go to the benefit of the postmaster.

Mr. WHITE. All I meant to say was that that provision does not touch the class of postmasters to which I refer. I would like to offer an amendment to this bill giving to the post-office officials some discretionary power to rectify the inequality or injustice in cases of this kind. At present there is no possible chance for the officials to meet such a case as that. They give compensation, but that is regulated by the amount of stamps they cancel.

Mr. SPRINGER. This bill is for a special purpose and does not cover the cases suggested by the gentleman from Kentucky. Let him bring in a bill on that subject and refer it to the committee and we will consider it. This is to relieve watering-places, where the whole business is done in one or two months.

Mr. WHITE. Very well, then; with the understanding I shall have the assistance of the gentleman from Illinois I will withhold my amendment.

Mr. SPRINGER. You will have the assistance of every member of the committee.

Mr. BROWNE. I do not desire particularly to antagonize this bill, but I do wish to ask the chairman of the Committee on the Post-Office and Post-Roads in regard to postmasters of the fourth class. If I understand it they are allowed a compensation of 60 per cent. on stamps canceled in their offices.

Mr. BINGHAM. They are allowed $60 on the first $100, and $40 on the second $100, and so on.

Mr. BROWNE. I suppose that is correct. I wish to give an instance in my own district, so gentlemen can understand the injustice done to these postmasters. A post-office in my district is located three miles from the railroad. Service is put on twice a week between the railroad and the post-office. The postmaster of this country office sells all the stamps that are used in that locality, but as there are but two mails a week between his office and the railroad his customers do not mail their letters at his office, but send them where they have three mails a day. He has to sell all the stamps, but does not get a single advantage on that account. The consequence is, therefore, that he has to sell all the stamps but does not get any to cancel, or very few, and does not receive any adequate compensation. He has to receive the mails, deliver the letters, and sell the stamps, but, as I have stated, very few of the stamps being canceled in his office, he does not get the compensation to which he is entitled.

The principle on which the compensation of these postmasters is fixed is all wrong. There ought to be some mode of compensating postmasters situated as he is.

I should like to inquire of the chairman of the Committee on the Post-Office and Post-Roads whether that committee has taken this matter into consideration and whether they have devised any method of relief in such cases?

Mr. BINGHAN. I will say to the gentleman from Indiana that the bill under consideration, with the exception of the last four lines, is identical with the existing statute. The cancellation of stamps as a basis of compensation for postmasters was agreed to two Congresses ago and it was adopted to prevent the evil the gentleman suggests. Postmasters were then paid commissions on the stamps which they sold. The result was that country postmasters would buy their goods in the cities and pay stamps for them and would dispose of stamps in every way possible so as to obtain commissions. In order to remedy that evil and do away with that abuse the Department adopted the principle of cancellation of stamps and fixed the compensation according to the actual business done at a post-office.

Mr. BROWNE. I understand that, and perhaps the mode adopted was the proper one to do away with the evil which existed. But so far as these fourth-class postmasters are concerned the present system is as bad as was the original one. It is manifestly unjust to these men. These postmasters of the fourth class have to attend to the delivery of the mails and the distribution of letters and the selling of stamps, and yet, for the reason I have stated, they do not get any adequate compensation, as but few of the stamps they sell are canceled at their offices. It strikes me the gentlemen on the Post-Office Committee should devise some means by which relief should be afforded to these men. I hope they will do it.

It is suggested in many instances the stamps are purchased at the post-office lying off the railroad and the letters are posted on the postal cars.

Mr. WHITE. Something certainly should be done to remedy this gross injustice to these postmasters of the fourth class.

Mr. McCOID. I move the following amendment.

The Clerk read as follows:

That the postal clerks receiving mail on railways shall report monthly to the Post-Office Department the amount of stamps canceled on such mail, and the same shall be credited to the post-office at such station.

Mr. BINGHAM. That is not germane.

Mr. ROBINSON, of Massachusetts. And I make the point of order that it is not germane to this bill.

The SPEAKER. The Chair sustains the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House do now adjourn.

Mr. BINGHAM. I desire first, Mr. Speaker, unanimous consent to submit two additional reports from the Committee on the Post-Office and Post-Roads.

The SPEAKER. Without objection the reports will be received.

ALLOWANCE FOR EXPEDITION.

Mr. BINGHAM, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 6339) repealing section 3961 of the Revised Statutes, and the proviso of section 2 of the act "providing for a deficiency in the appropriations for the transportation of mails upon star routes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BIDS FOR MAIL SERVICE.

Mr. BINGHAM also, by unanimous consent, from the same committe, reported back the bill (H. R. No. 6719) to amend section 3953 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOUNT SAVAGE IRON COMPANY.

Mr. CHAPMAN, from the Committee on War Claims, by unanimous consent, reported, as a substitute for House bill No. 2446, a bill (H. R. No. 6803) for the relief of the trustees of the Mount Savage Iron Company; which was read a first and second time, referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE. I wish, Mr. Speaker, to make a parliamentary inquiry. I find on page 221 of our Manual that the engineers and others engaged in the heating and ventilation of this building are to be subject to the orders of the Architect of the Capitol and are under the control of the Speaker of the House. Now, I would like to know if there is any method or plan by which we can have this Hall better ventilated, and have the sky-lights cleaned so that there can be a little better sunlight in the Hall at some times during the day.

The SPEAKER. The Chair thinks that is hardly a parliamentary inquiry, but is a subject that properly belongs to the Committee on Ventilation. [Cries of "Regular order!"]

Mr. HENDERSON. Before the motion to adjourn is submitted to the House I would like to ask unanimous consent to pass a joint resolution relating to the loan of some tents for a soldiers' reunion.

Mr. RANDALL. I have no objection to that.

The SPEAKER. Without objection the joint resolution to which the gentleman from Illinois refers will be read.

Mr. UPSON. I object.

Mr. RANDALL. Then I insist upon the motion to adjourn. [Cries of "Regular order."]

The SPEAKER. The Chair desires to submit some personal requests of members if there be no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, for one week, on account of sickness.

To Mr. BREWER, three days, on account of important business.

To Mr. CORNELL, indefinitely, on account of important business.

To Mr. HALL, indefinitely, on account of important business.

To Mr. HOBLITZELL, for July 22, on account of important business.

To Mr. HUBBS, indefinitely, on account of sickness.

To Mr. PHISTER, indefinitely, on account of important business.

FORTS DODGE AND WALLACE MILITARY RESERVATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, requesting legislation authorizing him to subdivide the military reservations of Forts Dodge and Wallace, Kansas, and to sell the buildings with the grounds upon which they are located; which was referred to the Committee on Military Affairs, and ordered to be printed.

NETHERLANDS COLONIAL EXHIBITION.

The SPEAKER. The Chair desires to state that there is a Senate resolution on the Speaker's table which it was supposed had been referred to the Committee on Commerce. That committee has reported upon a similar bill, while in fact the joint resolution upon the Speaker's table has not been so referred. The Chair now asks unanimous consent to have the joint resolution referred. The Clerk will read the title if there be no objection.

The Clerk read as follows:

Joint resolution (S. No. 52) authorizing the Government of the United States to accept the invitation of the Government of the Netherlands to take part in a general colonial and export-trade exhibition to be held in Amsterdam in the year 1883.

The SPEAKER. Without objection this joint resolution will be taken from the Speaker's table and referred to the Committee on Commerce.

There being no objection, the joint resolution was taken from the Speaker's table, read by its title a first and second time, and referred to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. HORR. There is, Mr. Speaker, a veto message which I made a motion to have referred to the Committee on Commerce, but it has not been done up to this time. The committee have the subject under consideration.

Mr. RANDALL. I object to that, and demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania that the House do now adjourn.

Mr. HENDERSON. The gentleman from Texas [Mr. UPSON] has a matter here which he desires to present and to which he says there will be no objection. Now, if we have unanimous consent to take that up and pass it I shall also ask to pass this joint resolution.

Mr. RANDALL. I think we had better have the regular order.

The SPEAKER. The question is on the motion that the House do now adjourn.

The House divided; and there were—ayes 33, noes 34.

So the House refused to adjourn.

BRIDGE OVER RIO GRANDE RIVER.

Mr. BINGHAM. I call for the regular order, but will yield for a few moments to the gentleman from Texas, [Mr. UPSON.]

Mr. UPSON. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River between the city of El Paso, Texas, and Paso del Norte, Mexico.

The SPEAKER. The bill has been frequently read.

Mr. RANDALL. It must be read in order to pass.

The bill was read, as follows:

Be it enacted, &c., That the El Paso Street-Railway Company, a corporation organized and created under and by virtue of the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, own, maintain, and operate a street-railway bridge over the Rio Grande River between the city of El Paso, in the State of Texas, and the city of Paso del Norte, in the State of Chihuahua, Mexico, at such point as may be most convenient to said corporation to unite and connect the street-railroad to be constructed by them in the said city of El Paso with any street railroad that may be constructed by any person or company in the said city of Paso del Norte, and to build and lay on and across said bridge ways for the passage of animals, foot-passengers, and vehicles of all kinds, for the transit of which said corporation may charge a reasonable toll, which charge shall be subject to revision and regulation by the Secretary of War from time to time.

SEC. 2. That said bridge may be built with unbroken and continuous spans, and of the following dimensions, to-wit, six hundred feet in length, twenty feet in width, ten feet in height above high-water level, and with twenty-eight spans, twelve of which to be thirty feet in length and sixteen of which to be fifteen feet in length; that said bridge when completed in the manner herein specified shall be deemed and taken to be a legal structure: *Provided*, That said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction or alleged obstruction to the free navigation thereof caused or alleged to be caused by said bridge, the case may be tried before the district court of the United States of the State in which any portion of said bridge may be situated: *And provided also*, That Congress reserves the right to withdraw the authority and power conferred by this act in case the free navigation of said river shall at any time be substantially or materially obstructed by said bridge, or for any other reason, and to direct the removal or necessary modifications thereof at the cost and expense of the owners of said bridge; and Congress may at any time alter, repeal, or amend this act: *And provided further*, That the consent of the Mexican state of Chihuahua and of the proper authorities of the Republic of Mexico shall have been obtained before said bridge shall be built or commenced.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ILLINOIS SOLDIERS' REUNION.

Mr. HENDERSON. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the joint resolution (H. R. No. 205) granting the use of articles, tents, &c., at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882, and to have the resolution put upon its passage.

Mr. RANDALL. The practice of the Chair has been to go from side to side in recognizing gentlemen to make requests for unanimous consent. I do not object to this joint resolution. But the gentleman from Illinois having been recognized, I suggest that the next recognition should be on this side.

The SPEAKER. The Chair has no disposition to violate its own practice in this respect.

Mr. RANDALL. I did not say it had. I only wanted to remind the Chair of the practice, so as to secure recognition on this side.

The SPEAKER. The last recognition was on that side, having been given by the Chair to the gentleman from Texas, [Mr. UPSON.]

Mr. REED. I am glad to see this chaotic business reduced to a system.

The joint resolution as proposed to be amended by the Committee on Military Affairs was read, as follows:

Resolved, &c., That the Secretary of War be, and is hereby, authorized to send from some convenient quartermaster's depot or arsenal, to be used at a soldiers' reunion to be held in the State of Illinois in the year 1882, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after holding of said reunion in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the arsenal and depot shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Illinois, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BINGHAM. I call for the regular order, and yield to my colleague on the Committee on the Post-Office and Post-Roads, the gentleman from Ohio, [Mr. MOREY.]

Mr. McMILLIN. I move that the House do now adjourn.

Mr. PEELLE. I hope the gentleman from Tennessee will withdraw that motion. There is an important bill to be acted on which will take about ten minutes.

The SPEAKER. If the motion to adjourn is not insisted upon the regular order is the consideration of business called up by the Committee on the Post-Office and Post-Roads, and the gentleman from Ohio [Mr. MOREY] is recognized.

Mr. RANDALL. I move that the House do now adjourn.

The question was taken on Mr. RANDALL's motion; and there were—ayes 32, noes 29.

So the motion was agreed to.

Pending the announcement of the result,

Mr. BINGHAM said: Of course the House knows the Committee on the Post-Office and Post-Roads is entitled to two additional hours to-morrow.

The result of the vote was then announced; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. R. COX: The petition of W. R. COX, for the establishment of a post-route from Scotland to Norfleet's Ferry, in the State of North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: The petition of Michael Pfortner, to have the charge of desertion removed from his military record—to the Committee on Military Affairs.

By Mr. McCOID: The petition of D. B. Hillis, M. D., relative to legislation pertaining to the National Board of Health—to the Committee on Appropriations.

By Mr. O'NEILL: The petition of Mr. Idler, of Philadelphia, Pennsylvania, administrator of Jacob Idler, deceased, relative to claims for supplies furnished Simon Bolivar, liberator of Venezuela, and asking Congress to pass an act directing the Secretary of the Treasury to pay over the money in his hands to the claimants—to the Committee on Foreign Affairs.

By Mr. PARKER: Paper relating to the pension claim of John Dean—to the Committee on Invalid Pensions.

By Mr. RICH: Paper relating to the pension claim of J. W. Taylor—to the same committee.

By Mr. SPRINGER: Papers relating to the pension claim of Mrs. Eliza J. H. Tomlin—to the same committee.

By Mr. WHITE: The petition of P. B. Stanfield, for compensation for services as a Government scout—to the Committee on War Claims.

SENATE.

SATURDAY, *July* 22, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, representing the necessity of the passage of a resolution authorizing him to subdivide the reservations of Forts Dodge and Wallace, Kansas, and to sell the buildings and grounds upon which they are located; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a petition of the Board of Trade and Transportation of New York, praying that the bill (S. No. 2084) to encourage and promote telegraphic communication between America and Europe be amended so as to more fully protect the public; which was referred to the Committee on Foreign Relations.

He also presented the petition of Alexander B. Grant, of Faribault, Minnesota, praying for the passage of a bill granting him a pension because of the loss of his three sons in the Union Army; which was referred to the Committee on Pensions.

Mr. HAWLEY presented the memorial of Colonel S. C. Lyford, United States Army, asking for the publication of the reports of the participation of the Executive Departments of the Government in the United States centennial exhibition of 1876; which was referred to the Committee on Printing.

Mr. GROOME presented a petition of supervisors of registration of Baltimore City, praying increased compensation; which was referred to the Committee on Appropriations.

INDIAN TRAINING SCHOOLS.

Mr. DAWES. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1858) to provide for additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose, to

report it without amendment, and I ask that it may be considered at this time. I think there will be no objection to it. The Department is very anxious to have the bill passed at this session as it is desired to do some work under it during the summer.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCRETIA R. GARFIELD.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the bill (H. R. No. 6739) for the relief of Lucretia R. Garfield, instruct me to report it favorably without amendment, and as it will take no time, I ask that it may be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to Mrs. Lucretia R. Garfield, widow of James A. Garfield, late President of the United States, or, in the event of her death before payment, then to the legal representatives of James A. Garfield, the sum of $50,000, less any sum paid to him, or to his widow or representatives, on account of his salary as President of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT MARQUETTE.

Mr. ROLLINS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4174) for the erection of a public building at Marquette, Michigan, to report it favorably without amendment.

Mr. CONGER. I ask for the present consideration of that bill.

Mr. MORGAN. I object. I want that bill and all others to go on the Calendar. The Calendar has been driven off by such measures every morning hour for some weeks. There are measures on the Calendar which have passed the House and have been recommended by committees of this body unanimously, and we cannot get them considered because the morning hour is all the time taken up by this irregular method of procedure.

Mr. CONGER. I hope the Senator will not object. This is a building very much needed in the northern peninsula of Michigan, at Marquette, where there is a United States court provided by law. There is no building there belonging to the county or the Government that is suitable. The bill authorizes the construction of a cheap, substantial building sufficient for the purpose; and I may say to the Senator that it is an absolute necessity for the transaction of business in the Lake Superior region, the peninsula there. The limitation is $100,000 for a building for all the offices up in that country.

There is no appropriation in this bill; the appropriation has to be made in another bill. If the bill cannot be passed at this time the appropriation cannot be made this year in the sundry civil bill and would throw us out of the use of the building for another year. It is a bill that has passed the House. I do not like to urge the matter if the Senator has any serious objection to it.

Mr. MORGAN. I have no objection to the bill.

Mr. CONGER. I do not like to ask its consideration now, but I think it is a measure that ought to be passed so that the work may be commenced and the necessities of the Government provided for.

Mr. MORGAN. At the time I interposed the objection I did not even know what the bill was. I wanted merely to preserve something like the order of business of the Senate that we might reach cases in something like a fair order and not take up committee reports dropped in on the Senate every morning, occupying the time of the Senate to the exclusion of all the bills on the Calendar.

Mr. CONGER. The Senator will remember that a few days since we took all the public buildings bills reported on the Calendar and disposed of them. Perhaps there is no other case on the Calendar for a public building.

Mr. MORGAN. That is very true, and here is another Senator by my side, [Mr. CAMERON, of Pennsylvania,] who wishes to have a similar bill considered this morning. I will withdraw my objection now and see how far the matter will extend.

Mr. CONGER. I am much obliged to the Senator.

Mr. DAVIS, of West Virginia. I do not object to the bill, but I want to give notice now, and I hope the Senator from Vermont will hear what I have to say, that each morning we are detained from the regular business by bills being called up and leading to discussion. I make no reference to the bill in which the Senator from Michigan is interested, but I suggest to the Senator from Vermont, if he wants to have the revenue bill passed, that he ought to ask the Senate to proceed directly to the consideration of that bill.

Mr. MORRILL. I will join my friend from Alabama and my friend from West Virginia in opposing the consideration of any other bill that may be brought forward. In this case there seems to be a necessity.

Mr. DAVIS, of West Virginia. I wish to say to the Senator from Vermont that the appropriation bills are now lying on the table ready for action, and if we are not to go on with the revenue bill then we ought to take up the appropriation bills.

Mr. VOORHEES. In this hour I think it entirely proper to consider bills of merit which are not objected to or objectionable. It is that part of the session of the day when a great deal can be done and on bills of a great deal of merit. I have a little bill here for the relief of a widow and her orphan children which I should like to call up. I object to the tone of remark which would seem to dictate to the Senate that it shall not at its own pleasure take up business to suit itself. I think the Senate has a perfect right, and I think it is very proper, especially at this stage of the day, to take up measures of this kind to which there is no objection.

I have no objection to the bill which the Senator from Michigan wants to have passed. I have no idea that he would have any objection to the bill which I want to have passed. At the same time, if the Senator from Vermont, who has charge of the leading measure before the Senate at this time, wants to insist on that as the order of business, I shall not antagonize it with any private bill; but I do say that at this hour of the day it is very proper and right to take a half or three quarters of an hour to pass measures that have consumed a great deal of time and a great deal of labor in committee, and that will consume no time at all in their passage here.

Mr. MORRILL. I merely observe that I shall object to any other bill for the reason that yesterday we lost two-thirds of the day in discussion of a conference report.

Mr. VOORHEES. I shall not antagonize the wish of the Senator from Vermont, of course.

Mr. MORRILL. I am very anxious to get along with the tax bill.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill reported by the Senator from New Hampshire?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4174) for the erection of a public building at Marquette, Michigan.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT SCRANTON.

Mr. CAMERON, of Wisconsin. By direction of the Committee on Public Buildings and Grounds, I report back formally the bill (H. R. No. 4178) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania.

Mr. CAMERON, of Pennsylvania. I ask for the immediate consideration of that bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. No. 219) for the relief of Elizabeth Leebrick, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2524) for the relief of Alice J. Bennit, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR. I am instructed by a majority of the Committee on Pensions to report favorably and without amendment the bill (H. R. No. 1011) granting an increase of pension to Daniel G. George. In that case there are to be filed hereafter the views of the minority. I desire the immediate printing of the majority report.

The PRESIDENT *pro tempore*. All bills and reports are printed.

Mr. BLAIR. In such a case the majority report is printed without delay, not waiting for the views of the minority?

The PRESIDENT *pro tempore*. Yes, sir; the views of the minority will be presented hereafter.

Mr. GROOME. My impression is that our Calendar is free of pension cases favorably reported. The first case reported by the Senator being a unanimous report, I suggest, if it meets the approval of the Senate, that it be taken up and acted on now.

Mr. MORGAN. I object to that.

The PRESIDENT *pro tempore*. Objection is made to the present consideration of the bill.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MORRILL. I am directed by the Committee on Finance to report back to the Senate an amendment to be proposed to the sundry civil appropriation bill, being the amendment presented by the Senator from Iowa, [Mr. ALLISON,] which was referred to the Committee on Finance. I do not ask to have it printed, but that it be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Appropriations without being printed.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 97) in relation to Government contractors; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved, &c., That when a person who is a contractor under the Government of the United States is appointed to and accepts an office which gives to such appointee the control or custody of public money, the said contracts shall be rescinded and annulled from and after the date of such appointment and acceptance of such office.

Mr. MORGAN. I merely desire to call the attention of the committee to whom the reference will be made to the necessity of some law upon this question. The statutes now provide that postmasters shall not be interested in mail contracts, and that statute is beneficial in its operation, I will say. We have recently confirmed a postmaster for Mobile, Alabama, who has contracts with the Government on that coast to the amount of $120,000. I feel some apprehension about these things. I desire to see those men who are put in custody of the public funds and who are not held accountable at periods shorter than about three months, restrained by some act of Congress from using the public moneys which they may receive, in their private business or in executing public contracts. If it is proper to cut off postmasters from an opportunity to be interested in mail contracts, it ought to be equally so to cut them off from being interested in any other public contracts, particularly contracts for building post-roads and matters of that kind.

I desire to call the attention of the Committee on Civil Service and Retrenchment to this joint resolution, and I move that it be referred to that committee.

Mr. MORRILL. Let me inquire of the Senator from Alabama, provided any of these men had a contract which they found was an onerous one that they wanted to get rid of, could they not avoid it by getting appointed to some petty office?

Mr. MORGAN. Then they ought not to be appointed. It would be a good reason for not appointing a man who had an onerous contract that he would thereby be relieved from it.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Civil Service and Retrenchment.

Mr. ALLISON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 98) authorizing the Secretary of War to turn over to the governor of Iowa such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment; which was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 714) to fix the compensation of postmasters of the fourth class;

A bill (H. R. No. 5661) to modify the postal money-order system, and for other purposes; and

A joint resolution (H. R. No. 205) granting the use of articles, tents, and so forth, at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882.

The message also announced that the House had passed the bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River between the city of El Paso, Texas, and Paso del Norte, Mexico.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 5388) to fix the times for holding terms of the circuit and district courts of the United States in the northern district of Ohio; and

A bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

GOVERNMENT RECEIPTS AND EXPENDITURES.

Mr. COCKRELL. I offer a resolution which I ask may be acted on. I offer it as a substitute for the resolution I submitted yesterday morning:

Resolved, That the Secretary of the Treasury is hereby directed to report to the Senate at the earliest practicable time the expenditures by the United States in each State and Territory from 1789 to June 30, 1882, for public buildings and other public works; and also for rivers and harbors, forts, arsenals, and armories.

The resolution was considered by unanimous consent, and agreed to.

Mr. COCKRELL. I now move that the resolution submitted by me yesterday be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to report to the Senate at the earliest practicable time all receipts of money from all sources by the United States from 1789 to June 30, 1882.

Mr. HOAR. What does the Senator mean by "all receipts of money?"

Mr. COCKRELL. Revenue of all kinds received by the United States. They have the list prepared at the Treasury, and will be able to submit it in a very short time.

Mr. HOAR. Does the Senator mean that every specific item is to be reported?

Mr. COCKRELL. I mean that they shall report it just as they have it in the Treasury Department already made up.

Mr. HOAR. The resolution, literally construed, requires the Secretary of the Treasury to report in detail every specific item of money received by this Government since its origin.

Mr. COCKRELL. The Senator from Massachusetts will remember that there have been three or four or five resolutions heretofore presented requiring the Secretary of the Treasury to report to Congress the expenditures of the Government for various works. Those reports have been made; they are continuing the work, and this is simply to authorize them to present to the Senate the work they have already completed.

Mr. HOAR. That is not the resolution we are talking about. It is the other one.

Mr. COCKRELL. In regard to the last one, they have the summary prepared, and I am simply following the memorandum which was given to me by the officer who is preparing it. They will understand it at the Department, and they will not give us a book that will not be of any service. It will be simply a book showing the receipts from various sources for each year, the receipts from customs, the receipts from internal revenue, &c.

Mr. HOAR. I know about what they have got in the Treasury. I have seen the accomplished statistician there many times. The criticism which I make is on the language of the Senator's resolution, which is a direction to the Secretary of the Treasury to report all the receipts of the Government from the beginning, which would require, literally construed, the report of every specific item of receipts. Of course the Senator does not desire that. If the Senator accompanies the passage of his resolution with a statement that he merely desires the summaries or footings of the different classes of receipts which they have in the Treasury, that is enough, I shall not detain the Senate.

Mr. COCKRELL. That is precisely what is wanted; that is precisely what I think the resolution calls for, and it is precisely what they have prepared already and which is ready to be submitted and verified.

Mr. HOAR. The Secretary of the Treasury will probably take that as an interpretation of the resolution.

Mr. HAWLEY. I should like to ask the Senator does the same explanation apply to his previous resolution? It is very sweeping in its terms. Is this already prepared? Is it something that the Treasury can furnish without great labor?

Mr. COCKRELL. They have got it all prepared and verified up to within a few years past.

Mr. HOAR. I suggest to the Senator to put into both resolves "furnish the statements now prepared in the Treasury" of these things, and that will show that we are asking for the specific matter.

Mr. COCKRELL. They have already submitted four or five statements; they understand it perfectly; it is all right.

Mr. HOAR. The Senator has no objection to putting that in? That would make it clear.

Mr. HAWLEY. The Senator's first resolution calls for a statement of all "expenditures of the United States in each State and Territory, from 1789 to June 30, 1882, for public buildings and other public works," which is a very sweeping phrase, "and also for rivers and harbors, forts, arsenals, and armories." If the Senator knows that there has been an abstract, a summary prepared there, that will not cost much labor; that is another affair, if he understands that it is already made; but the resolution on the face of it calls for many months' work of many clerks.

Mr. COCKRELL. If the Senator will only take the trouble of going to the document-room and looking at the reports already submitted, he will see that reports have been submitted in detached fragments up to 1873.

Mr. HAWLEY. That is one of the reasons why I was surprised at the resolution, because there is every year printed a statement of all receipts and expenditures, from the beginning of the Federal Government to the present time. That is given every year in the annual report.

Mr. COCKRELL. It takes a volume of each year's report in order to get them now, and this is to be a summary.

Mr. HAWLEY. It takes about a page to give the annual receipts and expenditures—the general summary on both sides.

Mr. COCKRELL. This is a summary in each State. It shows the appropriations in each State, it shows the appropriation for each public building; it shows the appropriation for each specific object in each State, but it does not give the different items of expenditure. It gives the amount appropriated and expended for each particular object, so that when you look at it you will see all that has been expended in each State for each particular object.

Mr. ROLLINS. What is the question before the Senate?

The PRESIDENT *pro tempore*. There is not any.

Mr. HAWLEY. There is a pretty serious question just now before it.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are still in order.

PONCA INDIANS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate what sums of money have been paid each year since the fiscal year 1871 on account of the Ponca tribe of Indians, and under what law or treaty obligations the same have been paid.

BERMUDA CABLE.

Mr. ANTHONY submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of having a telegraphic cable laid between Bermuda and some convenient point in the United States, for the use of the Signal Service.

Mr. ANTHONY. I desire to call the attention of the Committee on Military Affairs to the importance of this inquiry, and I will read a few lines sent to me by the Chief Signal Officer. The resolution directs the committee to inquire into the expediency of establishing a cable from Bermuda to some convenient point in the United States, for the use of the Signal Office. The Chief Signal Officer writes:

In this connection I beg to invite your attention to the inclosed chart showing the tracks of some of principal West India hurricanes from 1873 to 1881.

It is officially reported that hurricane No. 1 destroyed 491 lives and damaged, wrecked, or destroyed 1,032 vessels, large and small. Of this hurricane the British meteorological office reports:

"Its existence was known on the 18th at Saint Thomas, a week before the damage was done on the American coast, and on the 21st the residents at Bermuda were fully aware of its existence, and could have foretold its track. From both of these place warnings might have been sent to America if telegraphic communication had existed."

The great hurricane of last August, which reached the Atlantic coast near Savannah on the 27th, was reported on the 21st as north of Saint Thomas, West Indies. Had a telegraphic communication been available the meteorological conditions then existing would have given indications of the track which was afterward pursued by this great storm.

Mr. HOAR. Why does the Senator desire the inquiry to be addressed to the Committee on Military Affairs?

Mr. ANTHONY. The Signal Office is under their charge.

Mr. HOAR. I know the Signal Office is, but on the other hand all matters relating to foreign cables have been considered by the Committee on Foreign Relations. It involves the use of the diplomatic agency of the Government and our relation with a foreign power. The Senator will remember that when the French cable was landed at Duxbury that matter was referred to the Committee on Foreign Relations.

Mr. ANTHONY. I have no choice about it.

Mr. HOAR. I merely make the suggestion.

Mr. ANTHONY. Let the inquiry be addressed to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution was agreed to.

REPORT OF CHIEF SIGNAL OFFICER.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved, (*the House of Representatives concurring*,) That there be printed 7,500 additional copies of the Report of the Chief Signal Officer for the use of the Signal Office.

DOUBLE PENSIONS.

Mr. VAN WYCK. Mr. President——

Mr. HALE. I desire to call up a conference report.

The PRESIDENT *pro tempore*. The Chair suggests to the Senator from Maine to wait until the regular morning business is through.

Mr. HALE. I suppose a conference report is undoubtedly privileged at any time.

The PRESIDENT *pro tempore*. It is.

Mr. HALE. I do not want to wait long, for I wish to give an opportunity to the Senator from Vermont to proceed with the bill he has in charge.

Mr. VAN WYCK. I suggest to the Senator that there is a little more morning business, and the conference report can be called up at any time.

The PRESIDENT *pro tempore*. The Senator from Nebraska was recognized before the Senator from Maine rose.

Mr. VAN WYCK. I ask the Senate to take action on the resolution which was objected to a day or two since by the Senator from Indiana, [Mr. VOORHEES.] He will interpose no objection to this inquiry, although he may have some objection when the matter comes up finally to be considered.

The Senate proceeded to consider the following resolution submitted by Mr. VAN WYCK on the 20th of July:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has ordered the issue of pension certificates for a double pension, one under the general law and one under special act, to Ward B. Burnett, and when such order was made; also, to give his reasons for issuing certificates for such double pensions pending the action of Congress on that subject.

The resolution was agreed to.

Mr. VAN WYCK. I also ask the consideration of another resolution submitted by me on the same day.

The Senate proceeded to consider the following resolution submitted by Mr. VAN WYCK on the 20th of July:

Resolved, That the Attorney-General be directed to furnish the Senate with copies of memoranda made by the Solicitor-General and submitted to the Attorney-General June 15, 1881, in regard to the pension claim of Ward B. Burnett; also a copy of the opinion of the Attorney-General thereon; also copies of opinions of Solicitor-General and Attorney-General on letter addressed June 23, 1881, by Secretary of Interior, as also copy of letter from said Secretary of Interior in regard to pension of Ward B. Burnett, together with copies of all letters and communications addressed to said Attorney-General and of all opinions by Solicitor-General and Attorney-General relating to aforesaid pension.

Mr. WILLIAMS. It seems to me that all the information which can be possibly of any use to the Senate is already before us. However, I shall not object to the inquiry.

The resolution was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I call up the conference report on the deficiency appropriation bill.

Mr. VOORHEES. Let me ask the Senator from Maine if he expects to occupy the time of the Senate after calling it up?

Mr. HALE. I do not think it will take much time.

Mr. HARRIS. I suggest to the Senator from Maine that it will take but a very few minutes to get through the routine business, and perhaps it would be better for him not to call up the report until the routine morning business is gone through with.

Mr. HOAR. Is not the Chair bound to present to the Senate the question of the consideration of the conference report, so that we may determine whether to finish the routine business of the morning first?

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report on the deficiency bill?

Mr. HALE. This is the conference report upon the deficiency bill. It certainly ought to be out of the way and ended. It has come back from the House.

The PRESIDENT *pro tempore*. The question is not subject to debate. The question is on the motion to proceed to the consideration of the conference report.

The motion was agreed to—ayes 45, noes not counted.

Mr. HALE. I present the report.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 12, 13, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, 31, 34, 36, 37, 38, 40, 41, 42, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 73, 74, 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, and 90, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "Bolivia," in line 2 of said amendment, insert the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "nine" and insert in lieu thereof the word "seven," and strike out the two last lines of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 17, page 7 of the bill, strike out the name "Seibert" and insert the name "Siebert," it being the proper spelling of the name; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 1 of said amendment strike out "E. G. Moore" and insert in lieu thereof "Ely Moore;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: After line 23, page 17 of the bill, insert as follows as an independent paragraph:

"To pay the American Photo-Lithographic Company of New York City the sum of $2,000, which shall be in full of the amount hereby declared due them from the Government in final settlement of their claim for reproducing copies of drawings of patents in 1869 and 1870, to be paid by the Secretary of the Interior;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2, page 29 of the bill, strike out the words "the United States" and insert in lieu thereof "Alvin P. Hovey *et al.*;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the words proposed to be inserted by said amendment, insert the following: "To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 6th day of December, 1880, to the 1st day of December, 1881, inclusive, $445.27;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments as follows: After line 8, page 32 of the bill, insert as independent paragraphs the following:

"To pay John Maloney for services as messenger to the official reporters of debates from December 5, 1881, to February 24, 1882, at the rate of $1,000 per annum, $220.65;

"To pay J. S. Jones the difference between the amount received by him as messenger to the Committee on Appropriations of the House of Representatives during the Forty-sixth Congress, and $1,200 per annum, $408.33;

"To pay Henry H. Smith, journal clerk of the House of Representatives, for extra services rendered and as reimbursement for money expended by him in compiling and indexing questions of order decided in the House of Representatives,

under the resolution of August 15, 1874, and the revision thereof for the present session, $500;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Insert after said amendment, as an independent paragraph, the words: "To pay Leonard Myers expenses incurred by him as per vouchers for the same in contesting the seat of John Moffitt in the Forty-first Congress, $1,597.23;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And to enable the commissioners to meet liabilities incurred under the act approved March 3, 1881, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes,' so much of the unexpended balance now remaining to the credit of the District for the year 1881 as is not required to meet outstanding liabilities is hereby transferred and made applicable to the year ending June 30, 1882. And the unexpended balances of appropriations for the District for the years June 30, 1879, and June 30, 1880, are hereby reappropriated for the purpose of paying legal obligations incurred during the said fiscal years: *And provided further*, That in consideration of a deficiency in the collection of taxes for the year 1882 the sum of $50,000, or so much thereof as may be necessary, of the District revenue from taxes for the year 1883, may be credited and applied to meet liabilities of the District the same as if collected during the year ending June 30, 1882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: At the end of said amendment insert the words "in full satisfaction therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and after the word "all," in line 4 of the matter inserted by said amendment, insert the words "just and reasonable;" and the Senate agree to the same.

Upon amendment numbered 47 the committee are unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

Mr. HALE. Mr. President, the committee of conference came to an accord upon everything in the deficiency bill with one exception, and the report which has just been read, and which has been submitted to and acted upon by the House of Representatives, covers that agreement upon all but one amendment. That amendment was the Senate amendment No. 47, providing for the payment of mileage to Senators who attended the special session of the Senate convened on the 10th day of October, 1881, by proclamation of the President. In conference it was found impossible to agree upon that. The Senate conferees, impelled by the almost or quite unanimous vote of the Senate sustaining the amendment, could not recede. The House conferees, as special attention had been called to the Senate amendment when the appropriation was sent back to that body and the House had taken its attitude upon it, could not recede from their position, and it was agreed that the report should be made covering an agreement upon all but that proposition, and that that distinctively should be presented to the House.

Yesterday the report was made to the House of Representatives, and, as Senators will find who will read the debate arising upon the report in the House, found in this morning's RECORD, the distinct proposition of mileage for Senators for the extra sesion called by proclamation of the President to convene on the 10th of October, 1881, was submitted to the House on a motion of the chairman of the Committee on Appropriations of that body that the House recede from its disagreement and agree with the Senate amendment, accompanied by remarks in the direction of his motion. Senators will find on examining the debate that discussion arose on that proposition, and the House at last, after an hour's debate, rejected the motion made by the chairman of its committee to agree to the Senate's proposition upon a small vote, but by a majority of about thirty. And thereupon, as in duty bound, the chairman made his motion that the House insist upon its disagreement, and that a new conference be appointed; and a new conference, consisting of the members of the old conference, was reappointed; and the bill comes back now with the House insisting upon its disagreement to our amendment, and asking the appointment of a further conference.

The question for the Senate to determine here is whether it will insist upon its amendment No. 47 and agree to the further conference asked by the House; and at the proper time, if no discussion arises, and if the Senate is ready to act on this question without discussion in view of the pressure of other business, I shall make that motion, that the Senate insist upon its amendment and agree to the further conference asked for by the House.

Mr. BUTLER. Why may not the Senator make that motion now and have it disposed of? I think the Senate is in full possession of all the information to vote now.

Mr. HALE. It may be well, without taking time, to state that I have examined pretty carefully this question of mileage as affecting this body. The old evil of constructive mileage continued for years, and was at last cut off by the statute of 1866, which provided that it should only apply to regular sessions, excluding such a session as is covered by this amendment. During the troubles arising in the administration of Andrew Johnson an extra session of both branches was provided by Congress, thus becoming a regular session, to commence on the 4th day of March at the close of each Congress; and of course for that mileage was allowed to both Houses, it being by act of Congress a regular session, each Congress having three instead of two regular sessions.

When that act was repealed the Senate continued, in accordance with unvaried usage, to have a session called by the President on the 4th day of March for executive business, immediately following the adjournment of the preceding Congress; and then remedial legislaiton against constructive mileage came, in provisions that only Senators who were obliged to travel to Washington, and who had not been members of the preceding Congress, should receive their mileage. That continued through the Forty-fourth and Forty-fifth Congresses. It dropped out in the Forty-sixth Congress. In that Congress the Senators did not receive any mileage, whether new Senators or old, for the extra session upon the 4th of March called by the President.

I do not find any case exactly in point of late years, except that of the extra session of the Senate called on the 10th day of May, 1871, to consider the provisions of the treaty of Washington. There was a session called without any intervention of Congress, without any preceding act of Congress obliging it to be called, convened by a proclamation of the President almost when summer had come, for a distinctive purpose; and for that session, at the next regular session of Congress, provision was made in this language:

That the payment of mileage of Senators for actual attendance at the session of the Senate convened on the 10th day of May, 1871, by proclamation of the President is hereby authorized.

And under that, for the special session then called, months after the regular session had closed, and months before the next session began, mileage was allowed. That is the only case in point analogous, and it is almost exactly like the session provided for in this amendment of the Senate.

Mr. BUTLER. May I ask the Senator if it has not been stated somewhere that although we came here in extra session on the 10th of October, we remained until December, and therefore there was no expense for mileage incurred? Has not that statement been made?

Mr. HALE. It was so stated when the Senate amendment first went to the House.

Mr. BUTLER. That is not true in point of fact.

Mr. HALE. An impression on the part of some gentleman there led him to state that this extra session of the Senate for which mileage was provided ran around to the regular session in December, and that nobody went home, and that therefore it was in effect a continuous session. All that was disclaimed yesterday, and the member of the House who took that position before retracted his statement, and said that he was glad to be corrected. The fact is generally understood now that the session was called on the 10th of October; that the Senate adjourned on the 29th of October; that elections were coming on, and other things which called Senators home, and probably not more than one, two, or three Senators remained here for the five or six weeks intervening between that and the regular session. It was also brought out in discussion, and that undoubtedly increased the vote of the House in favor of the Senate amendment, that at the called session in March, 1881, there was no mileage allowed or claimed, and that it is not covered by this amendment.

Mr. HOAR. If it will not trouble the Senator in that connection, I desire to suggest that there are eighteen new members of this body who came to that called session in March and also came to the called session in October who have received no compensation for either.

Mr. HALE. Undoubtedly; and under the precedent heretofore followed invariably until the Forty-sixth Congress, those Senators would be entitled to mileage for the session called in March. Everybody knows that the Senate last summer was a movable body. It was called here in March and remained until late in May. It was called here again almost bodily on the sad occasion of the death of the President; a majority of the Senators then came to Washington. It was called again in the crisis on the accession of the new President in October and remained here for three weeks. And for all of that this amendment provides for but one mileage. Upon this statement I leave it to the Senate for its vote, making the motion that the Senate insist on its forty-seventh amendment and agree to the further conference asked for by the House.

The PRESIDENT *pro tempore*. The first question is on the adoption of the report so far as the conference committee have agreed, and afterward the other motion will be put.

Mr. HALE. I did not make that motion, because it was not made in the House. It was simply moved there that the House insist upon its disagreement, and the bill is brought back to us in that way; and so I make the motion as made in the House, that the Senate insist on its amendment, and agree to the further conference.

Mr. MAXEY. Is not the Senator from Maine aware that the House voted by yeas and nays?

Mr. HALE. That I understood. The conferees are in accord upon the matter. Nothing will be touched except this one item, and I have followed the course of the House.

Mr. MAXEY. The Senator does not understand the point of my suggestion. In order that the House conferees and the House may understand the action of the Senate, would it not be well for the Senator to request the yeas and nays on this motion?

Mr. HALE. I do not think that is needed.

Mr. WILLIAMS. Do I understand the motion is now that the Senate insist on its amendment?

The PRESIDENT *pro tempore*. Yes, sir. The question is, Will the Senate insist on its amendment No. 47 and agree to the further conference asked by the House?

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

The PRESIDENT *pro tempore*. Twelve o'clock has arrived.

Mr. MORRILL. I ask for the consideration of the tax bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL] to postpone the regular order, which is proceedings under the Anthony rule.

The motion was agreed to.

The PRESIDENT *pro tempore*. Now the Senator from Vermont moves to take up the revenue bill.

The motion was agreed to.

Mr. HALE. I find on examining the record as sent from the House that it appears that the House agreed to the report of the committee of conference on the deficiency bill, which covered all the items excepting this one, and disagreed to that. So I was wrong in my statement, as I find on looking at the record; and I ask that the motion be, by unanimous consent, journalized that the report was agreed to, and that the Senate further insisted on its amendment in relation to mileage.

The PRESIDENT *pro tempore*. That was the proper motion, but the Chair did not wish to interfere. The vote will be so entered, unless objection be made.

Mr. ALLISON. I call the attention of the Senator having charge of this bill to page 25 of the RECORD of to-day, where Mr. HISCOCK had unanimous consent for the conferees to consider an amendment which he intended to propose to this amendment. It seems to me the Senate ought to take some action in reference to that amendment, in order to give our conferees jurisdiction of it.

The PRESIDENT *pro tempore*. The Chair hears no objection to that authority being granted.

NOTICES OF BUSINESS.

Mr. WILLIAMS. I wish to give notice that when the revenue bill is disposed of I shall move to take up the House bill to prevent the spread of contagious diseases among domestic animals.

Mr. HOAR. I desire to give notice, as the Senator from Kentucky has given one, without wishing to antagonize him, that I shall at the earliest possible moment after the revenue bill is disposed of move to take up the bill to regulate the Presidential succession.

Mr. ANTHONY. There is a bill before the Senate—I do not propose to provoke the ire of my friend from Vermont by asking to take it up now—which is of great importance and must be passed, as I am sure every Senator who listens to me will agree. That is the bill for printing the census; and as soon as the revenue bill is disposed of I shall ask the Senate to take it up.

PENSIONS TO MEXICAN WAR SOLDIERS.

Mr. GEORGE. I offer a resolution, to be read and lie over, to be called up hereafter.

The Acting Secretary read the resolution, as follows:

Resolved, That the Committee on Pensions be directed to report a bill giving a pension of $8 per month to soldiers who served in the Mexican war and who were honorably discharged, and who are without the means of support unless by their own manual labor, and also to the widows of such who are in a similar condition.

RAILWAY MAIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service.

The amendments were, in line 3, to strike out the words "the 1st day of July, 1882," and insert "the passage of this act;" and at the end of the bill to add:

SEC. 2. That the sums appropriated in the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882, for the compensation of railway post-office clerks, route agents, mail-route messengers, and local agents be consolidated into one fund and applied for the compensation of the clerks embraced in the five classes under the title "railway postal clerks" provided in this act.

Mr. FERRY. I move the concurrence of the Senate in the amendments. They are simply to conform to the passage of the bill by both Houses. It passed the Senate before the 30th of June and provided for its taking effect on that day. It having passed the House since, it is now provided by an amendment that it shall take effect at once.

Then the other clause is to consolidate the fund, which has hitherto been separated to railway postal clerks, mail messengers, route agents, and local messengers. They are all hereafter to be called railway postal clerks, and this is to consolidate the fund so that it can be properly applied.

Mr. MAXEY. The bill was in my charge in the Senate, and I have examined the amendments of the House. The amendments simply conform to the purpose of the bill when passed.

Mr. ANTHONY. Does not every act take effect from its passage?

The PRESIDENT *pro tempore*. It is a great deal easier to agree to these amendments than to get up a debate on that subject.

Mr. ANTHONY. I concur with the Chair in that.

Mr. MAXEY. The date fixed in the bill by the Senate was the 1st of July for its taking effect; but the final passage being after the 1st of July, the change is necessary.

Mr. ALLISON. I should like to hear the amendments read again.

The PRESIDENT *pro tempore*. The amendments will be read.

The Acting Secretary read the amendments.

Mr. ALLISON. The separate section seems to be changing entirely the provisions of the appropriation law of 1882, wherein we made separate and distinct appropriations for each of these classes.

Mr. FERRY. But I will state to the Senator from Iowa that since that time both Houses have passed a bill changing the designation of these clerks. Instead of railway postal clerks, and route agents, and local messengers, and mail messengers, they are now called by this law railway postal clerks, and they are classified into five classes with regular grades, so that they can be promoted and properly adjusted by the Department.

Mr. INGALLS. Is this a report of a committee of conference?

Mr. FERRY. No; amendments of the House to a Senate bill.

Mr. INGALLS. When did the bill come over?

Mr. FERRY. Yesterday.

Mr. INGALLS. Has it been referred to a committee?

Mr. FERRY. It has not. It is simply a question of concurrence. The bill passed the Senate before the 30th of June, and now as that time has passed an amendment is necessary, so as to have the bill take effect on its passage.

The PRESIDENT *pro tempore*. The Chair laid the amendments of the House before the Senate for action. The motion is to concur.

Mr. INGALLS. The matter affected is certainly one of considerable importance, and, as the Senator from Iowa says, it is proposed to change existing laws, and it seems to me it ought to have the action of some committee, or the Senate ought to be more advised than they are now about the alterations that are proposed. One of the great difficulties about legislation at the close of a session is that important measures are slipped through in this easy way without explanation, and frequently great mischief results. I do not know that there would be anything of that kind in this case, but there ought not to be action taken on important measures of that kind without any information before the Senate at all.

Mr. ALLISON. I should like to have the law to which the Senator from Michigan alludes read at the Clerk's desk, and then I do not know that I shall object to the passage of the bill.

Mr. FERRY. Let it lie on the table, if the Senator desires to examine it, until that can be procured.

The PRESIDENT *pro tempore*. It will lie on the table for the present.

AMENDMENTS TO BILLS.

Mr. GROOME. I offer an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes. I move that it be referred to the Committee on Appropriations and be printed.

The motion was agreed to.

Mr. GROOME. In order that the committee may understand this amendment I will state, in a single sentence, that there is a new registration law being put into force at this time in the State of Maryland which will require the supervisors of registration during the present year to be present at the registration places for forty-three days. The present law simply allows them $5 a day for not exceeding ten days, which would seem to be an inadequate compensation. The object of the amendment I offer is to allow them a larger rate of compensation.

Mr. ANTHONY, Mr. FERRY, Mr. LOGAN, Mr. MORGAN, and Mr. VANCE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ANTHONY, from the Committee on Printing, reported an amendment to the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills of the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 714) to fix the compensation of postmasters of the fourth class; and

A bill (H. R. No. 5661) to modify the postal money-order system, and for other purposes.

The joint resolution (H. R. No. 205) granting the use of articles, tents, and so forth, at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882 was read twice by its title, and referred to the Committee on Military Affairs.

EXTENSION OF MAIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases, which were read.

Mr. FERRY. I move that the amendments be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JOHN BAILEY, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States;

A bill (H. R. No. 4962) to amend section 5463 of the Revised Statutes;

A bill (H. R. No. 4963) to amend section 3893 of the Revised Statutes; and

A bill (H. R. No. 6722) to regulate the carriage of passengers by sea.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. VAN WYCK. I desire to enter a motion to reconsider the vote of the Senate on the passage of the concurrent resolution reported by the Committee on Printing providing for printing additional copies of the annual Report of the Commissioner of Education. It is due to myself to say that in entering this motion——

The PRESIDENT *pro tempore*. The motion of the Senator to reconsider will have to be accompanied by a motion to request the return of the resolution from the House of Representatives.

Mr. VAN WYCK. Yes, sir. I wish to state that I do not enter this motion because I desire myself a reconsideration of the vote, because I shall vote as I voted before. I believe the Committee on Printing have reported an ample supply of these reports, and, therefore, of course, I do not make the motion for the purpose of securing an increase, but I do it as a matter of courtesy to the Senator from New Hampshire, [Mr. BLAIR,] who feels a deep interest in the matter and desires to present the consideration of this question again to the Senate.

The PRESIDENT *pro tempore*. Will the Senate ask the House to return this concurrent resolution?

Mr. COCKRELL. I do not think there is a quorum present here. Let the motion be entered and taken up and acted on at some other time.

Mr. BLAIR. I do not wish action at the present time. I simply wish the motion entered at the present time and that the request be made to the other House that the resolution be returned.

The PRESIDENT *pro tempore*. When a motion to reconsider is made the request to return the resolution must be made of the House at once. Does the Senator from Missouri object to the return of the resolution from the House?

Mr. COCKRELL. No, sir; I make no objection.

The PRESIDENT *pro tempore*. The question is on the motion to request the House to return the resolution.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States—to the Committee on Public Lands.

The bill (H. R. No. 4962) to amend section 5463 of the Revised Statutes—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 4963) to amend section 3893 of the Revised Statutes—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 6722) to regulate the carriage of passengers by sea—to the Committee on Commerce.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 5538) to reduce internal revenue taxation.

The PRESIDENT *pro tempore*. The reading of the bill will be continued from the point where it was left off yesterday.

The Acting Secretary resumed the reading of the bill at line 22, section 1. The next amendment of the Committee on Finance was, in section 1, line 24, after the word "of," to strike out "said" and insert "the;" so as to read:

Schedule A following section 3437 of the Revised Statutes.

The amendment was agreed to.

Mr. BECK. I intended to offer an amendment striking out the words "perfumery, medicinal preparations, and other articles."

The PRESIDENT *pro tempore*. That is in order.

Mr. BECK. I make the motion now to strike out in lines 22 and 23 the words "perfumery, medicinal preparations, and other articles;" so as to make the clause read:

And the tax on matches imposed by Schedule A.

There is nothing in Schedule A except perfumery, medicinal preparations, and matches, as I understand. I think I am correct in that. I have the Revised Statutes before me.

The PRESIDENT *pro tempore*. The Senator means to strike out "perfumery, medicinal preparations, and other articles," in lines 22 and 23.

Mr. BECK. I do, so as to leave the tax on matches repealed, and not the tax on perfumery and medicinal preparations.

The PRESIDENT *pro tempore*. Then the Senator moves to strike out "perfumery, medicinal preparations, and other articles."

Mr. BECK. That is it; so as to repeal only the tax on matches.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. HARRIS called for the yeas and nays, and they were ordered and taken.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "yea."

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. WILLIAMS, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. SAUNDERS.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. SLATER. On this vote I am paired with the Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "yea."

The result was announced—yeas 26, nays 29; as follows:

YEAS—26.

Bayard,	Davis of W. Va.,	Jackson,	Saulsbury,
Beck,	Farley,	Johnston,	Vance,
Butler,	George,	Jonas,	Vest,
Call,	Gorman,	Jones of Florida,	Voorhees,
Camden,	Grover,	Maxey,	Walker.
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pugh,	

NAYS—29.

Aldrich,	Davis of Illinois,	Ingalls,	Morrill,
Allison,	Dawes,	Lapham,	Rollins,
Anthony,	Ferry,	Logan,	Sawyer,
Blair,	Frye,	McDill,	Sherman,
Cameron of Pa.,	Hale,	Mahone,	Windom.
Cameron of Wis.,	Harrison,	Miller of Cal.,	
Chilcott,	Hawley,	Miller of N. Y.,	
Conger,	Hoar,	Mitchell,	

ABSENT—21.

Brown,	Hill of Georgia,	Pendleton,	Slater,
Edmunds,	Jones of Nevada,	Platt,	Van Wyck,
Fair,	Kellogg,	Plumb,	Williams.
Garland,	Lamar,	Ransom,	
Groome,	McMillan,	Saunders,	
Hill of Colorado,	McPherson,	Sewell,	

So the amendment was rejected.

Mr. VANCE. In line 22, after the words "Schedule A," I move to insert the words "except playing-cards," playing-cards being one of the articles mentioned in Schedule A. So far as I am aware, there is no particular popular groan in this country for the removal of the tax on playing-cards, and therefore I move to insert these words excepting them from this gracious shower of relief which is now descending upon the people of this country.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina, [Mr. VANCE.]

Mr. VANCE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. If the Senator from North Carolina really wants to keep up the old system of stamp taxes solitary and alone upon playing-cards, be it so; but I am rather surprised that he should make the motion. Now, it is hardly worth while to keep up the system of stamp taxes merely to show the Senator's horror of playing-cards.

Mr. VANCE. I want that tax to continue, and I confess that my motion is actuated to some extent by a little curiosity to know what American statesmen prefer to keep the tax on the salt and let playing-cards be free in the interest of God and morality.

Mr. SHERMAN. If the Senate want to insist on a piece of what I call demagogism by keeping a small stamp tax on playing-cards, I am perfectly willing that they should do so. It yields probably $5,000. There is no internal-revenue tax on salt that I am aware of. If it is desired now to show our virtuous indignation against card-playing, to single out this tax which probably yields but three or four thousand dollars a year—I do not know how much—to show our virtuous indignation against people who play cards and against card-playing, let it be done in the name of Heaven. Let us keep this as a monument of our virtue and intelligence and the horror of the Senate of the United States against playing whist and euchre. I hope that no such vote will be given.

These stamps on playing-cards are but a part of a system of internal revenue which at one time yielded us thirty or forty million dollars. Now, if all are to be repealed except the stamp tax on playing-cards, it would be for the benefit of that side of the House, as a protest against it, to express our holy horror at the using of cards to amuse ourselves or to allowing the children at home in the hay-mow or wherever they choose to play to play cards.

Mr. VANCE. I confess I could not hear a word the Senator from Ohio said, but I am satisfied, from his gesticulations and his general appearance, that he was saying something in behalf of the oppressed people of this country who have to pay five cents a pack on playing-

cards. I have no doubt that defense of this method of conveyancing or transferring property from one person to another will be highly appreciated. And I have no doubt there is not a gambling-hell in the United States but what will be grateful to the Senator. I have no doubt that not a man in the United States but who, when he "stands pat" with three jacks, or draws to two aces, will glorify the name of the Senator from Ohio; and, Mr. President, if there is gratitude in human nature, I expect to see the next edition of playing-cards bearing a full-size portrait of the Senator from Ohio as the distinguishing mark of the "yerker." [Laughter.]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina.

Mr. BECK. Before the vote is taken I will hand in Schedule A, containing a list of the medicines and preparations from which we have taken the tax, the amount collected being, I believe, $2,300,000 a year, so that the country will understand that nobody will get any benefit by taking off this tax, and that nobody will get anything one cent cheaper by having it taken off. The following language will give the idea:

SCHEDULE A.

MEDICINES OR PREPARATIONS.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, or occult secret, or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at retail price or value, the sum of 25 cents, 1 cent.

Where such packet box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents, and not exceed the retail price or value of 50 cents, 2 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 50 cents, and shall not exceed the retail price or value of 75 cents, 3 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents, and shall not exceed the retail price or value of $1, 4 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of $1, for each and every 50 cents or fractional part thereof over and above the $1, as before mentioned, an additional 2 cents.

PERFUMERY AND COSMETICS, ETC.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any essence, extract, toilet-water, cosmetic, hair-oil, pomade, hair-dressing, hair-restorative, hair-dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of 25 cents, 1 cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents, and shall not exceed the retail price or value of 50 cents, 2 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 5 cents, and shall not exceed the retail price or value of 75 cents, 3 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents, and shall not exceed the retail price or value of $1, 4 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of $1, for each and every 50 cents or fractional part thereof over and above the $1, as before mentioned, an additional 2 cents.

We tax things prepared by people having an occult secret or who hold them as proprietors, and every dollar taken off is just a present to these people, and nothing more.

Mr. CONGER. I should like to inquire whether what has been said by the Senator from Kentucky will appear in print in the RECORD?

Mr. BECK. Simply the list of articles.

Mr. CONGER. I ask whether it will appear in the RECORD to-morrow?

Mr. BECK. It will.

Mr. CONGER. I could not hear a word the Senator said. I do not want to lose a word he says; and I hope it will appear in print, so that I can see it to-morrow.

Mr. BECK. It will. I have sent the schedule to the reporter for that purpose.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina, [Mr. VANCE,] on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I would vote "yea."

Mr. HILL, of Colorada, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. ROLLINS, (when his name was called.) Upon this important question I am paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.] Were he here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Davis of West Va.,	Harris,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Butler,	George,	Johnston,	Saulsbury,
Call,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Jones of Florida,	Vest,
Cockrell,	Grover,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.

NAYS—28.

Aldrich,	Conger,	Hoar,	Miller of Cal.,
Allison,	Dawes,	Ingalls,	Miller of N. Y.,
Anthony,	Ferry,	Kellogg,	Mitchell,
Blair,	Frye,	Lapham,	Morrill,
Cameron of Pa.,	Hale,	Logan,	Sawyer,
Cameron of Wis.,	Harrison,	McDill,	Sherman,
Chilcott,	Hawley,	Mahone,	Windom.

ABSENT—20.

Brown,	Hill of Colorado,	McPherson,	Saunders,
Davis of Illinois,	Hill of Georgia,	Platt,	Sewell,
Edmunds,	Jones of Nevada,	Plumb,	Slater,
Fair,	Lamar,	Ransom,	Van Wyck,
Garland,	McMillan,	Rollins,	Williams.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Acting Secretary resumed the reading of the bill, and concluded the reading of section 1. The next amendment of the Committee on Finance was to add to section 1:

Provided, That no drawback shall be allowed upon articles embraced in said schedule that shall be exported on and after the 1st day of October, 1882: *Provided further*, That on and after August 15, 1882, matches may be removed by manufacturers thereof from the place of manufacture to warehouses within the United States without attaching thereto the stamps required by law, under such regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. BAYARD. I have already expressed my views in regard to the policy of abandoning the stamp tax as a source of revenue. The Senate has acted in disregard of the experience of other and older countries than our own in refusing a tax by stamps, but I do not propose to pass again on that policy; I said all that I cared to say about it yesterday; and I leave the future to decide upon an experience that I think is not very distant, whether the Senate has not so far elected to pass from the cheapest and the easiest burdens they could lay or that human ingenuity has yet discovered may be laid in the shape of a tax, in order to retain others that will come under discussion before this bill gets through. But I want to call the attention of the Senate to a hardship that will come to those citizens who have purchased stamped articles, whether they be tobacco, or matches, or proprietary articles, into the cost of which the stamp tax has entered, and which it is provided now shall not be returned to them on the articles remaining on their hands unsold when the law goes into effect.

So far as the match stamp is concerned, I believe the second proviso very materially abridges the loss to the manufacturers, but it does not abridge the loss to small dealers throughout the country whose sales are limited and who will necessarily have on hand stamped commodities when the law goes into effect.

We know that the Assistant Commissioner of Internal Revenue said that the execution of the law would be attended with difficulty and exceedingly liable to abuse if any man who had a stamped article in his possession unsold, the amount of which stamps he had paid in good faith and in money to the Government, was to have no allowance made for them, although his article had not passed into consumption and the tax had been repealed.

I think we ought to guard against the hardship which comes from such alterations of the tax laws. Some of these stamps form a large proportion of the value of the article in the hands of the distributing trader, and this amendment provides that he shall not receive any rebate for stamps which in good faith he has bought and paid for; that the stamps which in good faith he has affixed shall be valueless to him and valueless to his vendee from and after the 1st of October. It was stated in the presence of the Finance Committee by one of the parties in interest that if the law went into effect at once, without any amendment, the loss to the interest he represented would be $125,000 in money. That has been ameliorated by providing that the article which I speak of should be, under certain regulations, removed from warehouses under regulations prescribed by the Treasury Department, and that in the warehouses there should be an allowance made for the stock so on hand in the warehouse at the time the law went into operation. Nevertheless, while I see great difficulties in the way, I feel great reluctance in not making some provision by which the people who hold these taxed commodities, having in obedience to law paid their taxes, affixed their stamps, shall receive an allowance when, suddenly and without notice almost, we repeal the tax and abandon the system.

I say it is one of the results of not taking a question of this character up in time and giving full opportunity to invent some means by which these people might be saved the money which they have paid. The tax was laid in the discretion of the Legislature; it be-

came the law; the citizen obeyed it; he paid it in full. Now, I do say that when you repeal these tax laws you ought not to punish the man who has been obedient to them; and although it may strain the ingenuity of gentlemen of the Finance Committee or gentlemen representing the Administration in the Executive Departments to find a method of relief, I do submit it is incumbent upon them to take care that those citizens who have obeyed the law and affixed these stamps should not lose by their obedience to the law.

I do not wish to underrate at all or to deny the incidental trouble that will come, and this is only one of the illustrations that will come from instability in your laws of taxation. The tax is from 100 to 200 per cent. on some articles. I do not know what the ad valorem percentage of the tax on perfumery and such articles is, but of course it is a very much inferior ad valorem to the tax on matches. The tax on tobacco is now 16 cents; you propose to reduce it, as the bill now stands, from 16 to 12 cents; this is a reduction of about 25 per cent. of the existing tax. You see the result. Mr. Raum says:

There were 776 active tobacco manufacturers in the country last year; there were 3,297 dealers in leaf tobacco and 411 five-dollar tax men.

That makes 4,484 men engaged in the trade in tobacco who pay a license tax. I do not learn here what is the number of persons engaged in the sale of tobacco as retail dealers, but no doubt it must be largely in excess of that number. I ask the Senate to consider the case of a small retail dealer in tobacco whose stock may be worth a thousand to two, three, four, or five thousand dollars. He is obliged necessarily to keep it up; and when the law falls upon him as it does under this provision he is obliged to keep the taxed articles on hand to the very day the law takes effect. What is to be done with the 25 per cent. difference in the tax when the time comes when it no longer shall be necessary to be imposed? One man will have bought his tobacco with 16 cents per pound superadded and the other will have bought it with 12 cents added. That is more and much more than the profit. It is a loss so great that I submit to the Senate that there ought to be some means of guarding against it; and because it is inconvenient to find it, because it is a strain upon the ingenuity of gentlemen who frame tax laws, I do not see that it is any less their duty; and it is our duty, mine as much as anybody else's in the Senate, to provide some means by which men who are compelled up to a certain day to pay a tax shall be relieved from the amount of taxed property on their hands inevitably and from which they cannot relieve themselves.

I asked yesterday morning that the Senate should take up, and I wish at an early day they would pass a bill to relieve a great number of dealers in tobacco, wholesale and retail, from the excessive tax that they had paid in the shape of stamps upon their tobacco when we changed the law in 1878. The Supreme Court had made a decision that if the stamp was, in point of fact, put upon the tobacco prior to the hour in which the bill was signed and became a law and that fact was shown, even though it covered the greater portion of the day on which the law was dated, the parties would be entitled to have refunded to them the amount so overtaxed, and the judgment of the court was in favor of the claimant, the facts appearing as I have stated.

I only recite the facts in that case for the purpose of showing the Senate that the court of last resort in this country, following what was palpably the justice of the case, relieved a man from the effect of an increased tax, which certainly was put an end to, and yet from the effects of which he could not, by having preaffixed the stamp, relieve himself without the action of the Department. There ought not to be a necessity for the action of the court; there ought not to be the necessity for the action of the Department; there ought to be legislative action that should be executed by the Department, and that legislative action we should furnish.

Therefore, I submit that there ought to be some provision in the shape of rebate or some qualification as to the stamp tax which you by law are making unnecessary after a certain time, which you have up to that time compelled a man to put on under heavy penalties.

Mr. SHERMAN. The Senator from Delaware is premature in the discussion of the question of rebate. The question of rebate is presented by section three and not by section one.

Mr. BAYARD. That is the one we are now voting on.

Mr. SHERMAN. No; the Senator is mistaken.

Mr. BAYARD. It was transposed by the action of the committee.

Mr. SHERMAN. The Senator will see that the proviso now pending relates simply to the drawback on the exportation of articles; and if he agrees with me I will refrain from citing some authorities in regard to rebates until we come to that question.

Mr. BAYARD. We have stricken out the section.

Mr. SHERMAN. No; that is a different provision. The provision in section 1 relates solely to the drawback on the exportation of articles in Schedule A. It does not relate to tobacco or to anything else, but simply says that if any articles are exported after the 1st of October next embraced in Schedule A there shall be no drawback. Now when an article manufactured in this country subject to an internal-revenue tax is exported, there is a drawback given to the exporter, because only in that way can he compete with the foreign manufacturer. This provides that after the 1st of October, when the tax ceases on the article, the drawback shall not be refunded.

The question that the Senator very properly presented is embraced in section 3, and when we come to that I shall read some documents on the subject.

Mr. BAYARD. That is about tobacco.

Mr. SHERMAN. This does not relate to tobacco.

Mr. BAYARD. What I said about tobacco can stand till then, and not apply to the present case, but it will apply to all matters mentioned in Schedule A.

Mr. SHERMAN. Yes.

Mr. BAYARD. Then I think there ought to be something said in regard to that.

Mr. SHERMAN. There was no difference of opinion about this in committee. The only article embraced is matches. We have no exportation of matches practically.

Mr. BAYARD. The tobacco tax is the chief one as we now stand as to which the bill ought to make some kind of provision.

Mr. SHERMAN. That will come up in the discussion of section 3, and I think we had better postpone it now. I have a letter from the Commissioner of Internal Revenue giving the established practice of the Government from the beginning to show that we have never entered into the idea of a rebate when we have repealed taxes. But that will come up later in the discussion.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

Mr. LOGAN. I desire to make an inquiry. Is this question on the proviso?

The PRESIDENT *pro tempore*. The two provisos added to section 1.

Mr. SHERMAN. At the end of the first section.

Mr. LOGAN. The proviso beginning in line 25?

The PRESIDENT *pro tempore*. It commences there.

Mr. SHERMAN. It relates to tobacco in case of exportation, that after the taxation is removed there shall be no further allowance of drawback.

Mr. LOGAN. I only wanted to understand it.

Mr. BECK. Before the vote is taken I want the Senator from Ohio to tell us in relation to this clause. I think it must have been changed one day when I was not in committee. We had fixed the 1st of May next as the time for the reduction taking effect, and then changed it. It now reads:

Provided further, That on and after August 15, 1882, matches may be removed by manufacturers thereof from the place of manufacture to warehouses within the United States without attaching thereto the stamps required by law, under such regulations as may be prescribed by the Commissioner of Internal Revenue.

That is all right. I was afraid they could send them to their own warehouses without supervision. I see it is right.

Mr. SHERMAN. It is a simple provision made for the temporary distribution of matches.

The amendment was agreed to.

The Acting Secretary proceeded to read section 2 of the bill.

The next amendment of the Committee on Finance was, in section 2, line 2, after the word "shall," to insert "annually;" so as to read:

SEC. 2. That from and after the 1st day of May, 1883, dealers in leaf tobacco shall annually pay $12; dealers in manufactured tobacco shall pay $2.40; all manufacturers of tobacco shall pay $6; manufacturers of cigars shall pay $6; peddlers of tobacco, snuff, and cigars, shall pay special taxes, as follows: peddlers of the first class, as now defined by law, shall pay $30; peddlers of the second class shall pay $15; peddlers of the third class shall pay $7.20; and peddlers of the fourth class shall pay $3.60.

Mr. BECK. I am in favor of the amendments made by the committee, which are simply reductions of the taxes imposed on dealers in tobacco. The present rate on dealers in leaf tobacco is $25. It is made $12 in this bill. Dealers in manufactured tobacco now pay $5. By this bill it is made $2.40. All manufacturers of tobacco now pay $10, which is here made $6. Manufacturers of cigars now paying $10 are by this bill to pay $6. Peddlers of tobacco, snuff, and cigars pay special taxes, as follows:

Peddlers of the first class as now defined by law shall pay $30.

This requires them to pay $30. Peddlers of the second class now pay $25. This requires them to pay $15. Peddlers of the third class now pay $15, and this requires them to pay $7.20. Peddlers of the fourth class now pay $10, and this requires them to pay $3.60. Retail dealers in leaf-tobacco now pay $500. This requires them to pay $250, and they now pay 50 cents for each dollar on the amount of their monthly sales in excess of $500 per annum. This reduces it to 30 cents for each dollar on the amount of their monthly sales in excess of $500.

I believe that all these taxes are too high. They are wholly unnecessary. We have relieved the taxes on patent medicines and on matches and bank capital and deposits and checks, and I see no good reason why these taxes should be kept up on men who are dealing in tobacco. I agree that some taxes ought to be imposed, not however any more for the purpose of obtaining revenue from this class of dealers and from their business. That is admitted to be no longer necessary. The only thing that is necessary is to have a tax imposed upon these dealers so that they can be identified, so that they can be brought within the control of the Commissioner of Internal Revenue provided they attempt to do business otherwise than as they are required to agree to do it, but their business ought to be as free as possible; taxation on them ought to be as light as possible, and it ought to be light for the reason that a serious effort will be made,

and I made it myself years ago in the House, and will make it again—to allow all producers of tobacco to sell their products free.

We have been making a struggle for years to reduce the taxes on peddlers and dealers of all sorts, so that these men who buy small crops, who go up to the heads of creeks and hollows where people are raising little patches in their gardens, may compete for it. The storekeeper living near by can afford to pay $1, $2, or $5 a year to be a licensed dealer when he cannot afford to pay $25, or $50.

I see no reason why these taxes ought not to be reduced to the smallest amount possible, to give the Commissioner of Internal Revenue absolute control over the business. It is not to get the $12.50, or the $25, or the $30 from the peddlers that we desire to keep this tax on, but it is to identify them, to keep them under the control of the Commissioner of Internal Revenue, to let the penalties that are imposed on them for violation of the law be imposed to prevent smuggling and cheating.

Now, why should there he kept up four classes of peddlers, the first class to pay $30, the second class to pay $15, the third class $7.20, and the fourth class $3.60? Why not a uniform tax of $5 on all peddlers of tobacco? Why should there be $250 on retail dealers in leaf tobacco? Why is not $5 as good as $250, and why should there be an addition for each dollar's worth of their monthly sales unless it be a burden on the business for the purpose of obtaining revenue? Every guard would be as well thrown around that business with a tax of $5 as it can with a tax of $250. But the additional taxes that were imposed on these people you have reduced. That is right so far, but a uniform tax should be imposed on dealers in tobacco of $5 each, instead of discriminating, and making some pay $50, some $25, some $15, some $10, according to their magnitude. A uniform tax of $5 on each dealer will answer for the purpose of protecting the revenue just as well, and will be an immense relief to all the men engaged in that business. When the tax is placed at $250, that is a tax on the men who produce the article in which they deal, for they have got to get that much more out of the persons with whom they are dealing than they would have to if they did not have that tax to pay, and with the competition among themselves they will keep the margin down to the lowest possible point.

As the revenue is no longer needed these taxes ought to be reduced down to the smallest point. The dealers in this article ought to be encouraged to come as near to the homes of the men who produce the article they want as possible. A man on a large farm raising one hundred acres of tobacco has no trouble; it makes no difference to him. My colleague said the other day that he was a large producer. He has to go to Cincinnati with his twenty or thirty hogsheads anyhow, while the man who lives remote from a town or village, whose little family raise a patch of tobacco in the garden and who rely on that little patch of tobacco to buy them their sugar, their coffee, their tea, and other little articles they need about home, is in a very different situation. If a dealer is taxed $20, $30, or $50 for a license he has to have sufficient business to enable him to make some money out of that business. He never lives near where his own people raise that tobacco. They do not raise enough to make it an object to carry it to the larger villages or towns to make sales. It would take perhaps all that twenty or thirty of the neighbors could raise to make a hogshead.

But if you reduce the tax on the dealers down to $5 or $2 you can guard the Government just as well. While the man who keeps a store nearest the place where they raise the tobacco will pay the $2 license to deal in it, and those who raise it will carry it to that store, the small amount of tobacco they make, perhaps not over one hundred pounds, perhaps not over fifty pounds in some cases, and they will deal with this licensed man who has paid the small tax. Thus the great hardship will be removed of which many complain, and complain very justly, that they are not allowed to sell to anybody but licensed dealers the products of a patch in their gardens which is raised by children, or a patch where the tobacco-worms are picked off by the turkeys and chickens while the men are off at work somewhere else.

If this tax is reduced the tobacco will be taken to the nearest store, to a dealer who will collect what he can and trade it off, and thus these people will not be absolutely deprived of the right to sell. I speak for the men in the eastern part of Kentucky, in North Carolina, and Tennessee, where I have been, and knowing how remote many of them live from any store of any magnitude and how they have been fined. I have seen both black and white taken to Louisville before the United States court and fined and put in jail, and the more ignorant they are the more liable they are to that sort of thing, because they have given to the storekeeper or somebody else two or three handfuls of tobacco for a pound of sugar; and that is magnified before the United States court, and they are taken to Louisville and fined and imprisoned for it. Government officials have been sent into this region and have tempted those people to sell their tobacco, and have given ten cents or a quarter dollar for it, and then reported on them; and the fees of the officers have in many instances run up to $40 or $50 for mileage for bringing down these people, and for witnesses whom they have summoned after they had gone over and paid ten cents or a quarter for a handful of tobacco. That was the *gravamen* of the charge.

Mr. MORGAN. Allow me to ask a question for information. I find that the second section of this bill provides "that from and after the 1st day of May, 1883, dealers in leaf tobacco shall annually pay $12." I suppose that is a license.

Mr. BECK. This is all license tax.

Mr. MORGAN. Then at the close of the same section: "Retail dealers in leaf tobacco shall pay $250."

Mr. BECK. But dealers in leaf tobacco are those who deal in large quantities.

Mr. MORGAN. This bill does not say so. This bill merely says that "dealers in leaf tobacco shall annually pay $12," and in the closing part of the section says:

Retail dealers in leaf tobacco shall pay $250, and thirty cents for each dollar on the amount of their monthly sales in excess of the rate of $500 per annum.

The question I wanted to ask the Senator from Kentucky is upon what principle the distinction is made in this bill or in the law as it now exists between dealers in leaf tobacco and retail dealers in leaf tobacco, allowing the one to deal in tobacco to any amount by the payment of $12 and prohibiting the others from dealing to any amount unless they pay $250, and in addition thereto "thirty cents for each dollar on the amount of their monthly sales in excess of the rate of $500 per annum." Without knowing the reasons for this class of legislation, it strikes me as being so entirely unjust that I desire to ask the Senator, who is a member of the Committee on Finance, why this distinction is made; why a retail dealer who may not sell more than $500 worth of goods a year should pay a license tax of $250, and the dealer in tobacco who may sell as much as he can is to pay a license tax of only $12?

Mr. BECK. I can answer that better by first reading the provisions of the present law, which I hold in my hand. Whether the object be good or bad the Senator himself must determine. The provisions of the act of 1875 as amended by the act of March 1, 1879, are:

Sixth. Dealers in leaf tobacco, except retail dealers in leaf tobacco, as hereinafter defined, shall pay $25.

Every person shall be regarded as a dealer in leaf tobacco whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf tobacco;

And payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf tobacco from the payment of the special tax therefor hereby required.

But no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco, for selling tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of said farmer, planter, or minor:

Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf tobacco for export.

That is the act of 1875 as amended.

Seventh. Retail dealers in leaf tobacco shall each pay $500, and if their annual sales exceed $1,000, shall each pay, in addition thereto, fifty cents for every dollar in excess of $1,000 of their sales. Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers, or to persons other than dealers in leaf tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Whenever it becomes necessary to ascertain the amount of annual sales made by any retail dealer in leaf tobacco, or to ascertain the excess of such sales over $1,000, such amount and excess shall be ascertained and returned under such regulations and in such form as may be prescribed by the Commissioner of Internal Revenue. And whenever the amount of sales or receipts is understated or underestimated by any retail dealer in leaf tobacco, he shall be again assessed for such deficiency, and shall be required to pay the same, with any penalties that may by law have accrued or be chargeable thereon.

The policy of the law, as Senators will see, was to put an enormous tax upon the retail dealers in leaf tobacco, first to obtain revenue and next to discourage those things as much as they could and prevent small dealers engaging in the business, and thus force it all into the hands of large dealers and manufacturers. I propose to reduce taxation to enable men who raise small quantities where there are no large dealers and manufacturers to have a right to sell it for use and consumption at home. I do not want to put such restrictions upon them as that men cannot live.

Mr. VEST. I understand that by the act of June, 1880, dealers in leaf tobacco who were licensed at $5 could purchase of the farmer to the amount of 25,000 pounds. Now, I ask the Senator from Kentucky if this present bill pending does not repeal that provision, and if anybody can now deal with a farmer except one of these retail leaf-tobacco men who pays $250 license under this act and 30 cents on every dollar of sales over $500 a month, which is absolutely prohibitory? I ask the Senator if this bill reported here now does not repeal the act of June, 1880, which permitted a dealer to pay a license of $5 and then buy from a farmer tobacco raised on his place up to 25,000 pounds?

Mr. BECK. If it does, I am not aware of it. There is nothing in the language of the bill that would indicate it. I have not made an examination to see whether it would have that effect or not. If it has, I shall endeavor to correct it.

Mr. VEST. I have examined the law, and I think it will have that effect.

Mr. BECK. I have not.

Mr. VEST. Because this bill as reported now from the committee absolutely provides that nobody shall be a retail dealer in leaf tobacco unless he pay $250 as license and 30 cents on every dollar of tobacco that he sells over $500 a year. Under the law prior to this time a retail dealer in leaf tobacco paid a license of $500 and 50 cents on every dollar's worth of tobacco that he sold over $1,000 a year. Now, the committee reduce the license to $250 and to 30 cents on every dollar's worth over $500.

Mr. BECK. The committee merely left the provision of the House bill to stand; we left the House provision in that regard to stand without change. What is now desired will not interfere at all with progress in the direction indicated by the Senator from Missouri. I desire to strike down all these taxes on dealers of every sort so as not to exceed five or ten dollars at the outside. I propose that in the interest of the producer, first, because every dollar that is charged in any form takes so much from the producer; next, because it is burdensome and prevents the storekeepers in remote parts of the country from taking out a license, thereby preventing persons who are remote from large dealers getting an opportunity to sell their tobacco. I see no reason any longer why we should prevent retail dealers in leaf tobacco from obtaining crops of small producers by making the license more than $5 a year, nor do I see why a peddler who drives a two-horse wagon should pay a larger license than one who drives a one-horse wagon. It just keeps up a system of espionage all over the country in which there is no sort of good.

What I rose to say particularly was, that I would reduce all these taxes down to a minimum of, say, $5. Why should there be four rates on peddlers? All the taxes in the second section of the bill in my judgment ought to be reduced down to a minimum which will secure the collection of the revenue.

Mr. VEST. Mr. President, I intended when the amendment I have offered to this bill came up to discuss the subject to which the Senator from Kentucky [Mr. BECK] has alluded. The amendment which I offered removed that restriction on producers of tobacco which compels them to sell their crop only to licensed dealers in leaf tobacco and manufacturers of tobacco, snuff, &c., and puts the production of tobacco on the same footing with that of wheat, corn, and other agricultural products of the country. It is very obvious that this part of section 2 is an absolute prohibition of the existence of retail dealers in leaf tobacco:

Retail dealers in leaf tobacco shall pay $250, and 30 cents for each dollar on the amount of their monthly sales in excess of the rate of $500 per annum.

As the law stood before this the license tax was $500, and 50 cents on every dollar's worth of leaf tobacco sold by the licensed dealer over $1,000 per annum, and, as the Commissioner of Internal Revenue told the committee of the House of Representatives in his testimony, there were only five licensed retail dealers in leaf tobacco in the United States, and only five had ever existed, and they were parties convicted of violating the law, who compromised with the Government and were permitted to pay the tax after conviction.

The object of the law which required a retail dealer in leaf tobacco to pay $500, and 50 cents on every dollar's worth of tobacco he bought over $1,000, was to prevent the farmer from selling to anybody except to these wholesale dealers. It was an absolute prohibition, because the Commissioner of Internal Revenue says that the man who would pay that license of $500 and then give one-half of all that he bought over $1,000 to the Government would be an idiot. No man could do it and no man did do it, except these five convicted persons, as I have shown by the evidence of Mr. Raum before the House committee. Then when you reduce it to $250 license and 30 cents on every dollar over $500 per annum it amounts to just the same thing, for the man who would undertake to pay that tax for this privilege is a lunatic. The whole of the revenue involved in that last clause of the bill and in the amendment which I have offered does not amount to $40,000 in nine years. I wish to read the testimony of the Commissioner of Internal Revenue. This retail dealer in leaf tobacco is a mythical personage; only five of them ever existed, and those five paid the license tax after conviction:

Mr. ERRETT. In regard to these leaf-tobacco dealers who have to pay $500 a year license fee the great complaint appears to be that there are only five of them in the whole country, and that producers who raise less than a hogshead of tobacco have nobody to sell it to; have you any suggestion to make on that subject?

Commissioner RAUM. Yes; when you levy a tax upon a manufactured article which is manipulated so little as the best tobaccos are, unless you have some restriction upon the sale of raw material, tobacco in the hand as it is called, the result will be that the growers will simply have a bounty to the extent of their tax on the retail of their tobacco for consumption.

I wish to say in passing that the great argument for prohibiting the producers of tobacco from selling to anybody they please, as they sell their corn, their oats, their wheat, has been that it is necessary for the revenue system of the country and to secure revenue on tobacco.

This is a most material matter to the tobacco growers of the United States, to the farmers of the country, and I call the attention of the Senate to the reason given by Mr. Raum, the head of the internal-revenue system of the country. He does not pretend to say that it is necessary for the collection of revenue on tobacco, but he says it is necessary to the monopoly of tobacco in the hands of the Lorillards of New York, and the largest tobacco dealers in the United States, and other dealers in manufactured tobacco. That is the whole of it. He never once says in his testimony, when asked about this very provision, that it is necessary in order to secure the internal-revenue tax on tobacco. On the other hand, he says it was put in the law in 1872 at the express request of the large dealers in manufactured tobacco. I want my friend from Rhode Island, [Mr. ALDRICH,] who honors me with his attention, and who was so eloquent yesterday against the monopoly of matches, to help me now to get rid of this monopoly in favor of these large tobacco manufacturers. If he is consistent he will do it. If he is consistent in his opposition to monopolies he will not stop with his zeal against the monopoly in matches, but he will help the tobacco growers of the country in their attempt to escape from this monopoly, as Mr. Raum showed it to be. Mr. Raum continued:

As to the great bulk of that which goes into smoking-tobacco in North Carolina, and much of that which is grown in Virginia, Tennessee, and Kentucky, all that you have to do is to take the stem out of it, twist up the leaf, and put it in your pocket and it is all ready for consumption, and a great number of people would just as lief use it in that way as any other.

They do not intend for them to use it in that way; they intend for them to use it as they manufacture it.

Now, if a man can retail from his barn to all comers tobacco in the hand, he simply comes into competition with the men who manufacture and who pay a manufacturer's tax and his tobacco is really just as good.

There is the essence of the argument, the very gist and essence of it. Here Mr. Raum says it is not the policy to let the farmer who has toiled and plowed and sweat and suckered and wormed, to bring his tobacco in competition with the manufacturer. I know something about these terms, living in a tobacco country. It is the hardest crop that any farmer ever raised; it is the most exhaustive, so far as the soil is concerned; it is the most unremitting in its requisition for vigilance and care from one year's end to another. But Mr. Raum says you must not allow that farmer to sell what he raises with the sweat of his brow out of the ground and bring it in competition with the manufacturer. That is not the policy of this Government; the manufacturer must have a monopoly and the farmer who produces the tobacco must not come in competition with him. Not a word about the collection of revenue; not a word about this being a necessary part of the detective revenue system of the country; but the whole essence and gist of this argument from beginning to end, of the head of the internal-revenue system, is that the farmers of the country must not be permitted to compete with the manufacturers of tobacco. Let us go a little further:

Mr. CARLISLE. How did the law operate from 1868 to 1872, during which time this prohibition against the sale of leaf tobacco to consumers was not in force?

Because it was put in in 1872.

Commissioner RAUM. I know nothing about that except from the tradition of the office, which is that at the time of the passage of this law in 1872 there was a very great demand—

Now, listen to this. On the part of the people? Oh, no. On the part of the farmers who raise 82 per cent. of the exports of this country, who compose 47 per cent. of the entire population of 51,000,000 people? Oh, no. Where did the command come from for the law of 1872, expressly legislating against one of the agricultural productions of the country?—

there was a very great demand on the part of manufacturers throughout the country that some measure should be adopted to relieve them from the competition of growers of tobacco, and for that reason this law was passed.

And for no other.

Now, in point of fact, if you should take off the tax from manufactured tobacco, the men who produce tobacco, the farmers and others, would have no greater facilities for the sale of it than they have to-day. Those of you gentlemen who live in tobacco-growing regions know perfectly well that tobacco must be sold to some man who intends to either manufacture it or send it off to market. I live in a tobacco-growing country myself, and I know all about handling the plant. You have here a lot of farmers in a neighborhood who have each from one to ten acres of tobacco; they cut it and cure it, and strike it into hand, and have it all ready to sell to some man who will do one of two things, either pack it in hogsheads and send it to market or else sell it to somebody who will send it to market. A manufacturer who wants that class of tobacco will go to market where he knows he can obtain it. At Richmond, Danville, Petersburgh, and Lynchburgh, where the manufacturers are in the midst of the tobacco-growing region, the farmers bring their product right to the warehouses. At Lynchburgh they have daily sales. A man drives up with his wagon, containing three or four hundred pounds, the tobacco is brought in and weighed and put in a pile, and probably there will be three or four hundred piles of it in the warehouse. It is sold at auction and bought by the manufacturers. This is the present method of the sale, and it will be the method if you should take the tax off tobacco, and the men who clamor to have this $500 tax removed simply wish to give the farmers an opportunity to retail the raw material in competition with manufactured tobacco throughout the country.

That is a fair statement and I accept it. If I know myself, if I know the party with which I claim to be in sympathy, it is its wish to give the farmers of this country an opportunity to compete with the manufacturer or anybody else. If I understand the principles upon which the Government of the United States itself is based, it is that there shall be no such monopoly as is created by this law which we are seeking to repeal.

Mr. ERRETT. I think they complain, not about the amount of the tax, but about the prohibition of selling to any but licensed dealers.

Mr. CARLISLE. It is substantially the same thing.

Mr. ERRETT. No; because they could sell to a dealer who pays the $25 tax.

Mr. CARLISLE. But they cannot sell at retail, except to a licensed dealer of this class.

Commissioner RAUM. They can sell five or ten pounds to a dealer, but not to a consumer.

Mr. CARLISLE. A retail dealer can sell to a consumer.

Commissioner RAUM. Well, I suppose you gentlemen understand that it was not anticipated—

There is the point again—"it was not anticipated"—

that many people would take out that $500 license. Here and there a man does it, but the fact that there are only five such licensed dealers in the United States shows that very few avail themselves of that privilege. In fact these men are compulsory tax-payers; they did not take out the license of their own motion.

Mr. CARLISLE. That is, you caught them selling as retail dealers, and made them pay the tax.

Or go to jail.

Commissioner RAUM. Yes. Now, that tax being so high and being intended originally for the protection of revenue—

In other words, it was intended as a monopoly and to prevent the producer of tobacco from selling his tobacco except to one of these dealers—

you will understand that in the enforcement of the law we are as considerate as possible, &c.

Mr. President, there is the most favorable construction of this law from the head of the Internal-Revenue Department itself. Without any rhetoric, without any appeal to any sort of prejudice or passion what are the simple facts? Take a man who has four acres planted, one acre in wheat, one acre in corn, one acre in oats, and one acre in tobacco. The acre of tobacco takes three times as much toil, three times as much attention, three times as much capital as any one of the other three acres, but when his corn ripens, when the billowy waves produce the great staff of life, he can take the product where he pleases as free as the winds of heaven or the waters of the ocean.

You tax whisky. Do you tax the corn out of which the whisky is made? The farmer can sell his corn to the distiller; he can sell it to the cattle dealer; he can sell it to the mill. After it is made into whisky it becomes subject to the revenue tax of the Government. But do you wait until the tobacco is manufactured? Do you carry out the parallel and wait until the tobacco, grown out of the ground with sweat and toil, is manufactured until you put the tax upon it? You tax it from the moment that it shows its head above the soil; you tax it in the leaf. The wheat goes free to market; the oats go free to market, but of all the productions which God has permitted the husbandman to bring from the soil of this North American continent tobacco alone is discriminated against in the internal-revenue system of the United States.

Mr. BECK. Will the Senator permit me to read the amendment I propose?

Mr. VEST. Certainly.

Mr. BECK. I propose to strike out section 2 and insert:

That from and after the 1st day of May, A. D. 1883, all dealers in leaf tobacco and in manufactured tobacco, and all manufacturers of tobacco and cigars, and all retailers in leaf tobacco, and all peddlers of every class shall hereafter pay a tax of $5 each per annum.

Mr. VEST. I now ask the Acting Secretary to read the amendment which I have offered.

The ACTING SECRETARY. It is proposed to add at the end of section 2 the following proviso:

Provided, That no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco, or as a retail dealer in leaf tobacco, for selling to consumers or others tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of the said farmer, planter, or minor; and all laws and parts of laws in conflict herewith are hereby repealed: *And provided further*, That nothing herein shall be so construed as to authorize any such farmer, or planter, or executor, administrator, or guardian to sell tobacco by peddling the same, or to appoint or employ others to sell tobacco for him, without the payment of the special tax.

The PRESIDING OFFICER, (Mr. MILLER, of California, in the chair.) Does the Senator from Missouri propose to offer at this time the amendment which he has had read?

Mr. VEST. I would as soon offer it now as at any other time. My object is to get it before the Senate and get a vote on it.

In order that we may understand the exact status of this question I will read from a table which the Senator from Ohio [Mr. SHERMAN] furnished to the Senate the other day from the Internal Revenue Department. From this table it appears that retail dealers in leaf tobacco, of whom there have never been but five, according to the report of Mr. Raum, pay to the Government of the United States $1,458. The wholesale dealers in leaf tobacco pay $39,496; and the dealers in manufactured tobacco pay $1,026,201. The whole amount of revenue paid by the retail dealers in leaf tobacco, that is, by the man who can go to the farmer and buy his crop "out of hand," as the expression of Mr. Raum is, amounts to $1,458 annually.

As I said before, the provision in this bill that license shall be taken out at $250 and then the retail dealer shall pay to the Government 30 cents on every dollar's worth of tobacco sold over the amount of $500 is an absolute prohibition of the existence of any retail dealer in leaf tobacco in the United States. No man will undertake to pay it.

We come next to the inquiry, is the provision of the act of June, 1880, which permitted a dealer for $5 to take out a license as a retail dealer in leaf tobacco and to buy from the farmer to the amount of 25,000 pounds at all consistent with the one in the latter part of section 2? If this provision in the bill is enacted it is a repeal absolutely of the provision of June, 1880, and nobody can buy this leaf tobacco under a hogshead from the farmer unless he pays $250 tax and 30 cents on every dollar's worth over $500. In so many words, it simply amounts to this: that the farmer cannot sell unless he sells to the licensed dealers in leaf tobacco or to the manufacturers of tobacco, snuff, &c. Unless he hunts up one of this privileged class, he cannot sell one pound of the tobacco raised by his labor, often when it is all he has with which to procure a bare subsistence.

Mr. Raum tells us that this law has been executed in a beneficent and charitable manner. I appeal to every lawyer—I am not upon the hustings now; I am not making a partisan appeal—but I ask every lawyer who has had any experience in the Federal courts within the tobacco-growing districts if there have not been the most distressing convictions under this very clause of the statute. I recollect one instance in which I saw a poor broken-down old man brought three hundred miles and convicted because he sold a pound and a half of tobacco to a neighbor.

Talk about any beneficent operation of this dectective system under the internal-revenue law! The whole thing is based upon a system of espionage. It gives food and breath and life to the detective system. These detectives prowl through all the rural districts where tobacco is raised, and where they find a man, woman, or child who sells one pound of tobacco and receives one cent in pay for it, except from a licensed dealer, the person violating the internal-revenue law is dragged without mercy to a Federal court and fined to the full extent of the statute.

I pronounce it here to-day a gross and unparalleled outrage that the fruits of any husbandman's labor and toil and care and vigilance should be legislated against in the fashion that this internal-revenue system has legislated against the growers of tobacco, the only agricultural product that is put under the ban of the law.

We have heard a great deal in this discussion about the protection of labor. The Senator from Ohio [Mr. SHERMAN] the other day concluded his remarks by an appeal in behalf of American labor against the pauper labor of Europe. In every canvass the great staple of the Republican party has been protection to American labor against the pauper labor of Europe. What is meant by American labor? Is it the labor of the manufacturer? Is it the labor of the farmer? Forty-seven per cent. of the population of the United States are farmers. Is not that a portion of the labor system of this country?

By what right, under what plea of pretended consistency, is this legislation now had against the farmers of the country, who labor through the cold of winter and the heat of summer, and who have this inhibition and this ban placed upon their production so that they cannot sell it where they please; that too, as Mr. Raum emphatically says, not for the collection of revenue, but at the claim of the manufacturers of tobacco in order that a monopoly shall be created for them?

The dominant party in this Chamber have taken the tax from the capital and deposits of national banks, and they accuse every one who here speaks against that removal as a demagogue and as pandering to the communistic spirit of the country. If the gentlemen who reported in favor of taking off this tax pretend that they propose to relieve the poor and the distressed laboring-man of the country, and to put the taxes alone upon those who are best able to pay them and to bear them, let me inquire what do the farmers in this country make out of their toil? I undertake to say the farmer who makes more than 3 per cent. upon capital invested can rarely be found. I speak from personal experience and knowledge of my own State, one of the largest agricultural States in the Union, and where there is the most successful class of agriculturists upon this continent, and I say that the farmer who makes over 3 per cent. is an exception to the class to which he belongs.

The Senator from Vermont [Mr. MORRILL] told us yesterday, as an appeal to the Senate, as an argument, that all the taxes should be taken off capital and deposits of national banks, as we had reduced their profit from year to year, and they were now declaring less dividends than ever before. My great personal regard for that Senator prevents me from intimating that he intended for a single instant, and I do not believe it, to keep the real facts from the Senate or the country. I know he is capable of nothing of the kind, but I call the attention of my friend to the gross inaccuracy of that statement.

The Senator from Vermont declared then, as the RECORD will show, that the dividends paid by national banks to their stockholders had been but 3.33 for the six months ending September 1. The impression created by that assertion was simply this: that Congress by its legislation had decreased the profits of national banks from year to year, and therefore they were less able to stand this taxation, and it should be taken off. If the chairman of the Committee on Finance did not mean that, what did he mean? If that argument is worth anything it goes to the extent that I have named and described; that these banks having had their dividends curtailed from year to year under the vicissitudes of business and the legislation of Congress, they are now to be relieved from this taxation in consideration of their decreased profits.

Let us look at the Comptroller's report and see what the truth is in regard to that matter. I read from the Comptroller's report, the last one in print:

The percentage to capital of dividends paid, and of dividends and earnings to combined capital and surplus, is given by similar divisions for the years 1879, 1880, and 1881, in the following table.

The broad issue between the defenders and advocates of taking the tax off of the national banks and those who oppose it is whether the

banks have made more money or less money under the tax. They come here as suppliants for relief. They come here and hold up their hands and say, "We are oppressed with this tax; we cannot make any money under it. Tax the farmer; tax the producers of the country, but do not tax us. We are the favored few of Heaven, whose dividends are not to be decreased by the taxation of the General Government." Now let us look at the report.

In 1879 the national banks of the United States, East, West, North, and South paid dividends to capital 7.6, and dividends to capital and surplus 6.1. They have only one hundred and twenty-eight million one hundred and some odd thousand and some hundreds and odd dollars and some few cents as surplus. They have that laid by for a rainy day, if the commune take possession of the country; a nice little nest-egg for the hard times which may follow upon the legislation of Congress. In 1879 they made on earnings to capital and surplus 5.5 per cent. In 1880, with this same tax on, loaded down to the guards with the oppressive taxation of Congress, breathing hard, murmuring, often appealing for assistance and aid to Congress, in 1880 they made dividends to capital 8 per cent., an increase from 7.6 per cent.; dividends to capital and surplus 6.4 per cent., an increase from 6.1; earnings to capital and surplus 7.9 per cent., an increase from 5.5 per cent. We will go a year further, the tax still on, and the banks laboring still under this terrible burden. What is the report of the Comptroller? In 1881, dividends to capital 8.4 per cent., an increase over the year previous of four-tenths; dividends to capital and surplus 6.6, an increase of two-tenths; earnings to capital and surplus, 9.2 per cent., an increase from 7.9 per cent. on the preceding year.

Yet we are told that these taxes were decreasing their dividends so that they could hardly exist. I recollect very well that when the funding bill was before the Senate, when the national banks were clamoring around these lobbies and declaring, "If you dare to pass that bill we will strike down the business of the country;" and when President Hayes acceded to their demands and vetoed the bill; I recollect when that bill was up in the Senate, and the RECORD will bear me out in it, the Senator from New Hampshire [Mr. BLAIR] told us that if these taxes were continued on the banks every bank in New Hampshire would go out of existence, and the national-bank system would be destroyed. The report of the Comptroller of the Currency, which I hold in my hand, shows that they increased more last year than in any other year since they have been in existence. Poor, oppressed, bleeding corporations, emaciated with famine, attenuated with financial scarcity, when their dividends have increased from year to year, when their surplus has been piled up until it reaches the enormous amount of $130,000,000; still, like the daughters of the horse-leech, they cry "Give, give." At the judgment seat, if corporations shall be found there, the national banks, with their dividends and their surplus, will be clamoring for Congress to "take off the taxes and give us relief."

Mr. President, you take the taxes off of the banks, you relieve them from the taxation of the country, but the man who toils in the production of tobacco, the hardest crop of all that is known to the husbandman, has this burden put upon him, that he must go to the licensed dealers of the Government, if they are five hundred or a thousand miles distant, before he can put into the commerce of the country and the marts of the country the product of the sweat of his brow and the toil of his limbs. It is infamous, it is unchristian, it is against the divine mandate that a man shall earn his bread by the sweat of his brow. The Congress of the United States tells the farmer he shall not sell that product of his toil, but he shall go to the licensed dealers of the country; and they take care to put the tax so high on retail dealers in leaf tobacco that none of them are in existence, so that the manufacturers can have their corner lots and their brown-stone houses and their dividends from the banks and their non-taxable United States bonds, and the money can be poured into their coffers year after year, and the bounty of Congress and the beneficence of Congress are given alone to the corporations and to these great manufacturers.

Yet the gentlemen who do this pretend that they are protecting American labor. Eighty-two and a half per cent. of the exports of this country, which give us the balance of trade, come from the agricultural interests of the United States, and less than one-third of 1 per cent. of the exports come from manufactured products. Under your protective-tariff system you have built up not only a home market for manufactures but a home monopoly.

Mr. President, I might as well say now what I think and believe, and declare the principles upon which I shall vote in regard to this high protective system, whether it appears here in this bill or at any other time or place. A few days ago I received from the largest manufacturing institution in my State, and from an old personal friend, certain articles manufactured in the State of Missouri and out of Missouri wool. I have them here on my desk. They were sent here to be exhibited to the chairman of the Committee on Finance. I complied with that request of my constituent and friend, and did so exhibit them. They came from a high protectionist, a gentleman whose personal character is unassailable, and of whom I could only speak in the warmest terms, for he has been my life-long friend, politically and personally. On the tariff question we differ as widely as it is possible for any two human beings to differ. He follows his interests and opinion and I follow mine. I represent two and a quarter millions of people and not any monopoly. He represents himself, and is honest, I have no doubt, in what he writes to me and in what he asks of me. He wants my colleague and myself to vote for what is known as the Kelley knit-woolen bill, and to raise the tariff from 35 per cent. to 85 per cent. on knit-woolen goods. In the letters and samples he sends are contained the strongest arguments against a high protective tariff.

My friend sends to me half-hose manufactured in Missouri. The hose are made out of Missouri wool, and he asks me to demand of the representatives of New England, and particularly of my friend from Vermont, [Mr. MORRILL,] whether any New England manufacturer can sell these goods at the price they are sold for now by the manufacturer in the State of Missouri. The hose cost the manufacturer 16⅔ cents a pair—hose good enough for the wear of any Senator on this floor. The Senator from Delaware [Mr. BAYARD] suggests that I show them. Here they are, not only liberal in quality but in quantity, large enough for anybody, good enough for anybody.

These hose cost the manufacturer 16⅔ cents a pair. But at what price are they sold to the people of Missouri? They cost 16⅔ cents a pair and are sold to my constituents at 50 cents a pair, or $6 a dozen. In other words, my constituent who wants my vote for 50 per cent. more tariff upon knit-woolen goods makes 200 per cent. profit upon the hose, and yet wants more.

Not only that, but I have another sample, [exhibiting.] These are cassimeres, made out of Missouri wools by an Iowa factory just across the line. The tags are on them, with the prices marked by my correspondent. They do great credit to Western manufacture. They are astonishingly good; the wool in them is exceptionally fine. Here is a mark upon them, which any Senator can examine. These cassimeres, the best of them, cost the manufacturer 57½ cents per yard, material, labor, and all, and the price for them to the consumer is $2 a yard, nearly 300 per cent. profit, and yet he wants more tariff duty in order to protect him against foreign competition!

Mr. VANCE. In order to protect labor.

Mr. VEST. Yes, that is the phrase in vogue now; "to protect labor;" 200 per cent. on half hose, nearly 300 per cent. on cassimere cloths. This is one manufacturer, and there are but three hundred and seventy-four of them in the whole United States in knit woolen goods. Yet we are told, when not one-tenth of the whole industry and capital of the country is in manufactures, that the other nine-tenths are to pay these prices in order to protect American labor and furnish us with a home market.

The farmer, who furnishes 82½ per cent. of the entire exports of this country, is made to come in competition with his products with the ill-fed, ill-clothed, and pauper labor of Europe, with the lower classes of Russia, and the miserable population of India. There is no protection for him. He is compelled to come in competition with this pauper labor all over the world as to his productions, and he is compelled at the same time to pay 200 and 300 per cent. and 374 per cent. ad valorem, as the Senator from Delaware [Mr. BAYARD] showed the other day, in order to protect the manufacturers of the country and enable them to pile up colossal fortunes.

Mr. President, if the tariff system did protect even the laborers in the manufactories of the country, that would be some excuse for it; but it does nothing of the sort. The statistics show that so far from increasing the price of labor the unprotected industries of the country pay more to labor than those protected. Take the railroad employés of the country, amounting to thousands; their pay is much more than that of the men in the manufactories. Take the years in which there was not this high protective tariff and labor was better paid than after the protective tariff went into existence. Home market, protection to American labor, when 47 per cent. of the labor of the United States is not only unprotected but oppressed to the earth and made to pay this enormous tax under the special plea that a home market is made for their productions!

Mr. President, one-third of 1 per cent. of the exports of the United States come from manufactured articles, and what is the meaning of that? The meaning of it is that they do not go abroad with their products because they can make 150, 200, and 300 per cent. profit at home. From whom do they make it? Do they make it from the earth, the air, and the water? Do the birds bring it to them? Where do these enormous fortunes come from? Go to Providence, the home of my friend from Rhode Island, a beautiful city which I visited upon a melancholy occasion last summer, when our late beloved companion and colleague, the former Senator from Rhode Island, was put to his eternal rest. What did I see there? Magnificent residences, colossal manufactories. "What is this gentleman worth?" "Five million dollars." "Who lives there?" "Mr. So-and-so, a man worth $10,000,000." "Who is living across the street?" "A gentleman worth $20,000,000." "Who is living around the corner?" "Oh, he is not a rich man; he is only worth $15,000 or $20,000." Where did this money come from? Did the billows of the ocean waft it to them? Did the birds of the air bring it to them? How were these enormous and colossal fortunes piled up in that little city in Rhode Island? and I speak of it respectfully, and in no sort of acrimony and envy. Where did this money come from? It came from the farmers of the United States. It came from just such productions as this cassimere and these woolen hose.

To-day I am asked by my constituent who carries on the manufact-

uring business that the rest of the two and a quarter million people whom my colleague and myself represent, the hard-handed, honest toiling millions of the State, shall be taxed to pay 150 and 200 per cent. to build up fortunes in Missouri such as have been built up in New England. My constituent writes me what I ought to do in order to enable him to compete with New England manufacturers. If we are to be destroyed, I care not who destroys us; I have no choice as to the instrumentalities if destruction is the inevitable result.

Mr. President, I am against these monopolies, whether in Missouri or New England. The other day when my eloquent friend from Indiana, [Mr. VOORHEES]—and he knows that I am his friend, and I know that he is my friend—described in glowing words the natural resources of his great State and paid the high compliment to my State to call it "that magnificent empire of Missouri," I could but think that the beneficence of God, the bounty of nature, the mountains of iron, the navigable rivers, the exhaustless soil which nature had given us ought to be protection enough; that those to whom God has given so much, of all the people upon earth should be the last to ask for protection from the Government. If a sterile soil, if no mineral wealth, if a scarcity of productions, had made us of the West a poor and burdened people, compelled to ask protection from the law in order to earn subsistence and living from an unresponsive soil, there would be something in the argument; but is it possible that Indiana and Missouri are to come to the Congress of the United States and ask for these enormons duties in order that their natural resources, exhaustless in themselves, shall bring about the legitimate and inevitable result of prosperity to their people?

Speaking for Missouri, I here declare that her people protest against any system of laws which taxes one class or one section for the benefit of another; and no specious appeal to local interests or individual greed can ever make us forget that the General Government and all its powers are the property of all the people of all the States, and should be used for the general welfare, without favoritism to classes, sections, or persons. Nor do I believe that the Democracy of Indiana, or my friend who represents them, will assume any different position.

Sir, my State is known as the State of the Iron Mountain, but we have more than one iron mountain. That is but the first of the great metallic sentinels that guard the border of Southeast Missouri. I have traveled for miles over solid iron worth a dollar an acre because no railroad has yet reached it and no capital has developed this hidden wealth. There are in Missouri many of those iron mountains, and much as their development would add to our wealth, yet all their weight together, compressed and consolidated, is not like the weight of this enormous protective tariff upon the industries, the energies, and resources of a great people, but a people whose endurance and forbearance has at last a limit.

Within the scope of a tariff for revenue I shall vote to foster and protect by just discrimination in tariff duties the iron interests of Missouri. That is not only my duty but one of paramount obligation, and I shall earnestly discharge it, but always and without exception I must adhere to the great principle that a tariff for protection to any interest over and above the limit of a tariff for revenue is in violation of the Constitution.

Protection to American labor! Home market for the productions of the farmers of the country! The wife of the man who grew this wool and sheared it from the sheep that she had fed, and nourished, and tended, after it is sold for 35 or 40 cents a pound, goes to the manufacturer of that wool and pays 200 per cent. profit upon the sweat and toil of her own husband. That is protection. The very bounty which you put upon the wool grower of the West becomes an instrument of oppression, because the manufacturer says, "You protect the wool grower, now protect me. If you put a certain per cent. upon his production then you are bound logically to put it on my manufacture of the same article." The result is at last like one of these patent well-buckets that comes up full and goes down empty, and repeats this process the year round; the farmer thinks he is protected in his wool when he is paying to the manufacturer 200 per cent. profit, and not only his own profit but his actual subsistence is taken away under this system.

Mr. President, I do not purpose to go fully into the statistics to show that there is no protection such as is claimed to American labor. Just a few items in regard to that assertion and I am done. I have before me, taken from Wright's table, a calculation of the amount that is paid to labor and the amount paid to capital under the protective system as it now obtains in the United States:

The average annual wages include the wages of laborers skilled and unskilled, males and females, clerks, bookkeepers, and superintendents. Workers in iron and steel receive per day (300 days in the year) $1.31, in wool 98 cents, silk 88 cents, in cotton 81 cents. Besides the 141,000 laborers in iron-works there are 32,000 iron miners, who receive $1 per day, and the average wages for the 173,000 men working from ten and a half to twelve hours per day in iron and iron mines, 32,000 of them under ground, was $1.25 per day. This was in the year of exceptional prosperity—1880. There were at least five years between 1870 and 1880 when these men received less than 90 cents per day. Wages are higher in this than in any other protected industry. After ninety years of protection—sometimes by a protective tariff, sometimes by a revenue tariff—this system gives to the laborer this pittance of 90 cents to $1.25 per day. It appears from official statements that since the period of low wages in 1878 in Massachusetts, the richest State in the Union, wages have increased but 7 per cent., while the cost of living has increased 21 per cent. The most prosperous mills in that State have recently reduced wages from 90 cents to 68 cents per day.

This is the result of high protective tariff in that State, with one exception the richest manufacturing State in the whole Union. So with silk and so with cotton. When we come to the iron and steel works, I have a calculation here made by Mr. CARLISLE, taken from the same table, in which he makes this statement, and I have no question but that it is mathematically correct:

Here is the report on the iron and steel production of the United States for the year 1880, made to the Census Bureau by its special agent, Mr. Swank, and I shall call the attention of the committee to the effect which this high rate of protection has had upon the manufacture and prices of Bessemer steel rails. Mr. Swank is the secretary of the American Iron and Steel Association, and the editor of its organ, the Bulletin; and it is not unjust to him to say that his report is doubtless as favorable to their interests as he could honestly make it. From this report it appears that the number of hands employed in the Bessemer and open-hearth steel works during the census year 1880 was 10,835; the wages paid amounted to $4,930,349; the amount of capital invested, including all the real estate, was $20,975,999; total cost of material used, $36,826,928; and the total value of the product was $55,805,210. Deducting the total cost of labor and materials from the value of the product, there is left the sum of $14,047,933, which is a small fraction less than 67 per cent. on the whole capital invested. It thus appears that while capital retains in its hands, after paying the whole cost of production, nearly 67 per cent., labor received less than 9 per cent. of the value of the product.

That is the protection given to the laborers in that specific department of industry, 67 per cent. to the capital and 9 per cent. to the labor. So it has been, and so it will be. Yet our friends on the other side of the Chamber go to the honest laboring-man in the manufactory and say to him, "What are your wages?" "They are a dollar a day." "Look at these tables, prepared by Mr. KELLEY, of Pennsylvania. See what the operatives get in Europe. They get 14 and 15 cents a day, and if you vote the Democratic ticket you will come to that, and starvation and famine will prevail throughout every household of every manufacturing laborer in the whole country." This too in the face of the statistics; this too in the face of the fact that the tables show that in England the laborer in manufactories is to-day better off than in the United States. It costs him less to live, and he lives more comfortably.

We are asked, why do they come to this country? Why do they pour into Castle Garden year after year?

Let me ask the advocates of high protection through the States of New England, why do your sons come to the West and leave that halcyon paradise of a high protective tariff? Why do the laborers of the New England manufactories come to the Western States? Why is the tide of immigration pouring eternally Westward? Did the tariff have anything to do with it? Ask any of these emigrants from Europe why he comes to this country. Does he tell you "Because I want the benefit of a high protective tariff?" He will tell you with broken accent, and sometimes with moistened eye, "I came here to get liberty; free institutions; cheap land." That is what brings them to this country, and not the high protective tariff.

So far from a protective tariff being an inducement to immigration, the statistics show that it has the opposite effect. Under the revenue tariff from 1790 to 1800 the increase in our population was 35 per cent.; under a like tariff from 1800 to 1810, 36 per cent. Under a revenue tariff for six years and a protective tariff for four years, from 1810 to 1820, the increase was 33 per cent. From 1850 to 1860, under a revenue tariff, the increase was 35½ per cent. From 1860 to 1870, under a protective tariff, it was 22 per cent. increase, and from 1870 to 1880, 29 per cent.

In 1842, at the instance of the high-tariff men, inquiry was made as to the wages paid in iron industries, and the Saltonstall report shows that during the existence of the high protective tariff enacted in 1828 and for fourteen years, up to 1842, there was no increase in wages.

In 1850 the average of wages paid per year was $248. In 1860, after a decade of low tariff, wages had risen to $290. In 1870, after ten years of protection, wages in gold were $250, a decline of 13 per cent.

I assert again that wages in the manufactories of England are higher than in the United States. English weavers receive from $3.85 to $8.64 per week; Massachusetts weavers, $4.82 to $8.37; English spinners, $7.20 to $8.40; American spinners, $7.07 to $10.30. In January, 1881, the average wages of men in the Lancashire mills were $8 per week, women $3.40 to $4.30; in Massachusetts mills at the same period men received $8.30, women $5.62. In Lancashire hours of labor were fifty-six, and in Massachusetts sixty. And it must be remembered that in England house-rent and clothing are from 50 to 100 per cent. cheaper.

The claim that a high protective tariff increases wages is a fraud and delusion.

But, Mr. President, I base my opposition to the system upon a still higher ground. The Government has no constitutional power to tax one class of its citizens simply to protect another. Congress has the power to impose tariff duties to raise sufficient revenue to carry on the Government, and within this limit can so impose these duties as to protect American industries and at the same time equalize the burdens of taxation; but the instant that duties are imposed beyond the necessity I have named, and only to protect certain class interests, the imposition is outside of the Constitution and antagonistic to the spirit of our institutions.

It may be trite, but it is certainly true, that the very corner-stone of our theory of Government is "equal rights to all, exclusive privileges to none."

Mr. President, I do not propose to discuss this question at any great length. I come back to the amendment which I have offered and which presents the single and sole issue, whether tobacco raised by a farmer with his own toil is to be, of all the products of his farm and industry, put under the ban of internal-revenue taxation. While you may sell your corn, your wheat, your oats, your rye anywhere that you please, and to whomsoever you please, when you come to tobacco you must bring it to the licensed agents of the Government, the men whom we have permitted to buy of you to the exclusion of all others. If that is not the essence of monopoly, if that is not the quintessence of tyranny, I should be obliged to some learned gentleman to give me a definition.

Of all the things that benefit the human race the productions of agriculture should be free. If there is anything in which by divine command there is prescriptive right and title to the producer, it is in the fruits and productions of our mother earth. To-day in this bill is a provision which says to the man who raises tobacco by his toil and by his attention "You shall not sell it to whom you please. You may sell anything else which you may have, but when you come to this we put our ban upon it and we say that you shall only sell it to the licensed dealers; that no matter what is the expense of travel, of time, of money, you must hunt up the licensed dealers in leaf tobacco before you may part with the product of your own toil. I say it is infamous.

I want the record to show the people of this country whether the dominant party in this Chamber and in this Government are willing to take the tax off of aggregated capital, to make pretentious speeches in regard to protecting the laborers of the country, and at the same time strike down the great principle upon which this Government is based: Equality to all, equal rights to all; the Government shall not be used either as a means of oppression or of undue protection to any class or to any individual.

When that principle is struck down as to this article of tobacco or any other article it is but a question of time when the Government made by our fathers, blessed with their prayers, moistened with their blood, becomes the mere phantom of republicanism, an engine of oppression, an instrument of fraud, a heritage to be cursed to us and to our children after us.

Mr. MORRILL. Mr. President, yesterday we had a long speech on banks and various other topics from the Senator from Kentucky [Mr. BECK] when the subject of matches was up. To-day, when the subject of licenses for the sale of tobacco and cigars is up, we have a long speech from the Senator from Missouri [Mr. VEST] on banks and manufactures.

The statement that I made to which the Senator from Missouri alluded was quoted from the report of the Comptroller of the Currency, and it is absolutely correct. The only point is that the banks in the last twenty years have accumulated some surplus which I believe they are required by law to keep to a certain amount, so that the income upon the amount of capital invested upon surplus is now very small. But the Senator from Missouri showed by his vote upon the bill for the extension of the bank charters that he was ready at once to exterminate them. Therefore I am not surprised at his position in relation to banks.

He also has made some reference to the vast profits of the manufacturers in Providence, Rhode Island. The Senator ought to know that of all the manufactories that have been built there every one of the original owners, with the exception of two or three, has absolutely failed. But it is not my habit to discuss questions which are not before the Senate, and I therefore shall not go into the discussion of the bank question or of the tariff question. We are simply upon the tobacco question, and the amendments proposed by the Senator from Kentucky and the Senator from Missouri, if I could be astonished at anything, would astonish me. I certainly supposed that this second section of the bill was unanimously agreed to by the Committee on Finance, and yet the Senator from Kentucky comes in here with an amendment to that section.

This question was throughly considered in the House and debated, with any amount of documents presented, showing clearly and conclusively that any amendment of the character of those proposed by the two Senators I have named would result in not only reducing the amount of revenue upon tobacco but would absolutely destroy it. We might as well abandon the tax upon tobacco as to permit the amendments proposed by the Senators from Kentucky and Missouri.

The bill as it comes to us from the House did propose to reduce the special taxes upon dealers in leaf tobacco and upon manufacturers and upon peddlers, but no more than one-half of the existing amount. That is to say, that the dealers in leaf tobacco should pay $12 where they paid $25; that the dealers in manufactured tobacco should pay $2.40 where they paid $5; and that peddlers of the first class who formerly paid $50 should be reduced to $30. These peddlers are those who travel with more than two horses. In the second class it was proposed that they should be reduced from $25 to $15, that is, of the class of peddlers who travel with two horses; and the third class is reduced from $15 to $7.20; that is, those who travel with only one horse; and in the case of foot-peddlers, who formerly paid $10, their license tax is reduced to $3.60. It was provided that retailers in leaf tobacco should pay $250.30 where they formerly paid $500.50 for each dollar above the amount of their sales exceeding the rate of $500 a year.

Mr. President, all the evidence that we have had since the existence of the tax upon tobacco shows very clearly that if you allow the producers to sell at retail their tobacco it will be twisted up and sold, and it will be utterly impossible for the Government to trace it or to obtain any revenue from it. As the law now is producers do not have to pay a dollar of tax. The law has gone on without any friction; and if we mean to retain the tax upon tobacco at all we should most assuredly reject these proposed amendments.

Mr. BAYARD. Mr. President, I am very desirous of granting the most practicable relief to the tax-payers of this country and the producers of this country; but it is necessary to be practical upon this subject. I wish to state my belief founded upon some experience in the consideration of this tax upon tobacco and upon the statements made by the revenue officers of the Government, that if all the artificial restrictions upon the manufacture and sale, not upon growth, except the sale by the growth,—if all of these restrictions with which the statute-books are filled are to be removed, the payment of the tobacco tax will become a voluntary question among the people and will not be enforced by law.

During the speech of my eloquent friend from Missouri I have read over the provisions of law relating to the tax upon manufactured tobacco. These laws impose restrictions of an exceedingly complicated character upon every manufacturer. Upon him they are more inquisitorial, more severe, than they are upon any other one who handles the commodity. Undoubtedly they do also extend their inquisition and extend their artificial restrictions to the grower, the producer of tobacco.

It would weary the Senate and be useless to read the various restrictions imposed upon the manufacturer; they are many; with which, under heavy penalties summarily executed, he is compelled to comply. So with the peddler and so with the licensed dealer. Everywhere in dealing with a commodity that has been so especially selected for taxation it is impossible to make taxation yield upon it unless these artificial features and restrictions are imposed. It is one of the necessary effects of an excise tax upon an agricultural commodity producible in every section and quarter of our Union.

Section 3361 of the Revised Statutes provides:

It shall be the duty of every farmer or planter producing and selling leaf tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every such farmer or planter who willfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be liable to a penalty not exceeding $500.

In 1879, by the act of the 1st of March, it was provided:

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf tobacco, as hereinafter defined, shall pay $25. Every person shall be regarded as a dealer in leaf tobacco whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf tobacco; and payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf tobacco from the payment of the special tax therefor hereby required. But no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco, for selling tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of said farmer, planter, or minor: *Provided*, That nothing in this section shall be construed to exempt from a special tax—

That is, the $25 tax—

any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf tobacco for export.

I have read these provisions to show that undoubtedly there is here made the sole and single exception of a restriction to sell an agricultural product in the United States.

It will be observed that the farmer cannot sell his tobacco by retail, nor can he sell to any one who has not paid a special tax as a dealer or manufacturer. The tax on dealers in tobacco under the eighth section of this law is $5. In the statement made by the Commissioner of Internal Revenue before the House committee, cited by the Senator from Missouri incidentally, the number of these persons is stated. Any farmer by paying $25 can become a licensed dealer in tobacco. This class of persons mentioned in the statement of the Commissioner is 776 active tobacco manufacturers, 3,297 dealers in leaf tobacco, and 411 five-dollar tax men. How many are there of those who are farmers who are the authorized vendees of the tobacco crop? They may be so *ad libitum*.

Beyond that is the tax of $500 imposed by the present law on retail dealers in leaf tobacco. That is by this section reduced to $250. They are to pay that annually, and if their sales exceed a thousand dollars a year, they pay in addition thereto 50 cents for every dollar in excess of $1,000 a year, which by this section is reduced to 30 cents. That amounts to an absolute stoppage of the business of selling leaf tobacco by retail. It ends it just as much as did the imposition of 10 per cent. tax stop the currency of the State banks. The object of the tax was to prevent the issue.

But is it or is it not, as a fact, essential for you if you design to continue the collection of this tax? I will assume that the tax is not to be repealed. We may lower it—I wish we could lower it—to 8 cents instead of 12, but whatever it may be, 8 or 12, so long as that tax is there the question is: Do you intend to collect it and enforce the law? I say if you do, you must either prevent the existence of retail dealers in leaf tobacco or you must tax them in such a way as to virtually stop the operations of such retail dealers in leaf tobacco. Such a dealer is defined by the law as follows:

Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers or to persons other than dealers in leaf tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

The meaning of that is that there shall be no such thing as a retail dealing in leaf tobacco, because the tax imposed originally of $500 license and 50 cents additional for every $1,000 of sales brought down the number of licensed dealers in leaf tobacco to five in the whole country. What would be the effect of taking that tax off? What would be the effect of repealing this law and allowing the amendment of the honorable Senator from Kentucky to stand as it is now, putting a tax of $5 on a retail dealer in leaf tobacco? Here is the answer given by Mr. Raum to Mr. CARLISLE in response to a question put by Mr. CARLISLE in the Committee on Ways and Means:

In other words—

Said Mr. CARLISLE—

you think it would reduce the consumption of manufactured tobacco and thereby reduce the revenue received from it?

Commissioner RAUM. Yes. It would be precisely like allowing all the small distillers throughout the country who use no more than ten bushels of grain a day to sell their whisky without paying the tax. If you did that, of course their product would be brought directly in competition with the tax-paid article. It would not be quite so good as your Kentucky whisky, and the raw tobacco is not quite so good for consumption as the manufactured article, but it is a good tobacco; and people say that some of this moonshine whisky is a pretty good article, too.

The internal-revenue code has in it many features repulsive and repugnant to the habits, the traditions, and the feelings of the American people. It is filled with inquisitorial features which have been exercised most cruelly and harshly and produced a great deal of resistance in many quarters of the country. As I said before, the execution of some of the features of the internal-revenue laws has been accompanied with blood and oftentimes the blood of innocent men.

There is no question also that this feature of inquisitorial examination calling upon every farmer to keep books of every particle of tobacco produced and sold, every retail dealer to disclose his dealings, every manufacturer, and so on, involving a system of domiciliary visitation, a system of inspection in every relation and every occupation of life at all connected with the production of tobacco, is repugnant to our people. While these laws were inquisitorial in various of their provisions, at the same time I do not see how this tax is to be collected at all unless you maintain some such machinery as the law now provides for it; and, therefore, it is fairly and squarely a question of rendering null and void the tax on tobacco by permitting tobacco that has paid no tax to come in competition with that which has paid the tax. It is that competition which will be produced if we shall strike down these artificial safeguards devised for the collection of the tax. It is an artificial system. It is unpleasant to make the article pay the tax at all; no doubt about that; but it has been selected as an object of taxation, and it brought into the Treasury last year $47,000,000, making a large sum and an important one.

The question is whether you are really and honestly to diminish that tax or whether you propose to pull to pieces the machinery through which alone it can be collected. That feature which requires a retail dealer in leaf tobacco to pay such a tax as virtually destroys the trade in leaf tobacco, except by licensed dealers, is part of the machinery which is necessary for the purpose of maintaining this tax. I believe that to be so.

But I want to say one word more, because these things run together. Why is it that this law has been made so repugnant and is so harsh in its execution? It is because, after having given the right to Government officials by night or by day to enter the home or the place of business of men engaged in this business, to go to the house of every farmer, you have superadded to the objection of a tax so collected and so inquisitorial in the nature of its collection the fact that every officer is, in addition to that, a heated partisan, who not only seeks to collect the revenue, but to punish and overawe his political opponents. I commend this view to the consideration of my friend from Ohio, [Mr. PENDLETON,] who I am glad to see was sustained in his civil-service reform by the indorsement of the great party to which he belongs in the State of Ohio at the convention over which he has so lately presided. I rejoice at its indorsement of the condemnation of the spoils system of politics.

If the officials who collect the revenue under these laws, necessarily so inquisitorial in their nature, should be men animated solely by a sense of public duty, a desire to collect these taxes from each citizen equally and in a spirit simply of the execution of the law, the inquisitorial nature of the thing would be greatly relieved; but the fact is known that because these officials hold their office only by the tenure of the execution of party commands and under partisan direction, that they do not hold under the tenure of good behavior but hold only on the basis of party service, and hence it is that things, bad as they are, are made ten times worse by the method of their execution.

If to-morrow these officials would hold their office under some tenure like good behavior, if they were not to be rewarded for extraordinary partisan exertion, if they were not to be punished for a lack of it, then I think very much of the troublesomeness and annoyance of these laws would be removed and would pass away. I refer to this simply as being a palpable proof of the wisdom of the great principle which has been set on foot and which I am glad to see the Democracy of the State of Ohio indorsed the other day.

But, Mr. President, I hope the Senator from Kentucky will amend his amendment, and if not I shall move to amend it that nothing in the amendment sent by him to the desk shall affect the present law relating to the tax upon retail dealers in leaf tobacco. If you repeal that tax, which I agree is in result prohibitory on the trade of retailing leaf tobacco, you will then bring tobacco that has paid no tax in competition with tobacco that has honestly paid the tax and that every honest dealer and every honest manufacturer is interested in paying. This tax to-day amounts to 300 or 400 per cent. ad valorem of the article upon which it is laid; and the man who honestly pays the tax must be protected against the man who proposes to sell tobacco without paying the tax and I say to you if you do not maintain the prohibition upon the retail sales—for that is what the license is—if you do not maintain that prohibition and that protection of the honest tax-paid tobacco, you will not only do much to demoralize the whole business, but you will do much to bring your revenue down to very small proportions.

Mr. HARRIS. I should like to ask my friend from Delaware, if it would not interrupt him, if he has the data before him which will enable him to inform me how much less was the revenue collected upon manufactured tobacco before this prohibition of the producer to sell the leaf tobacco to whomsoever he pleased than it has been since that prohibition has been in force? Is the Senator able to answer that?

Mr. BAYARD. I am not, and for the reason that the tobacco tax has reached its very great proportion within a very few years. I cannot answer the Senator how much it has produced at different periods, but I do say this: among the 776 manufacturers of tobacco and the 3,297 dealers in tax-paid tobacco, who expect to deal in tax-paid tobacco, there is but one sentiment on this subject that these restrictions on the planters' sales, that he shall not sell tobacco at retail, are essential to protect their tax-paid product from the competition with that which pays no duty. Therefore we come down really to the decision of the question, shall we give up our tax on tobacco wholly, or shall we retain these artificial regulations which experience has shown to be necessary for the purpose of protecting those who pay the tax against those who otherwise would not pay it.

Mr. VEST. I want to call the attention of the Senator from Delaware to the authority from which he has read and from which I read. The Commissioner, he says, assumed that this restriction ought not to be removed because tobacco that had not paid the tax would come in competition with that which had paid the tax. Mr. Raum, the head of the Internal Revenue Bureau, says exactly the opposite.

Mr. BAYARD. I did not say that it would come in competition. I said it would enable the farmer by selling the leaf in retail to have it manufactured by those who would not pay the tax, and therefore you would have competition between the tax-paid tobacco and the non-tax-paid tobacco.

Mr. VEST. There is not a manufacturer of tobacco in the United States who does not pay the internal-revenue tax.

Mr. BAYARD. But every man to whom a sale is made can trace it. If you allow the sales to be made otherwise, you will not know and therefore you cannot trace it.

Mr. VEST. If that is the argument, is it not the most remarkable thing in the history of this whole transaction that Mr. Raum never pretended to say anything of the kind?

Mr. BAYARD. I can state what he said to me personally. I have heard Mr. Raum declare before the Committee on Finance over and over again, and members of the committee who are here can verify it, that unless these restrictions were maintained it would be impossible to collect the tax.

Mr. VEST. Then I will read his testimony, taken before a committee of the House February 16, 1882. He says on page 9:

Now, in point of fact, if you should take off the tax from manufactured tobacco the men who produce tobacco, the farmers and others, would have no greater facilities for the sale of it than they have to-day. Those of you gentlemen who live in tobacco-growing regions know perfectly well that tobacco must be sold to some man who intends to either manufacture it or send it off to market. I live in a tobacco-growing country myself, and I know all about handling the plant. You have here a lot of farmers in a neighborhood who have each from one to ten acres of tobacco; they cut it and cure it, and strike it into hand, and have it all ready to sell it to some man who will do one of two things, either pack it in hogsheads and send it to market or else sell it to somebody who will send it to market. A manufacturer who wants that class of tobacco will go to market where he knows he can obtain it.

At Richmond, Danville, Petersburgh, and Lynchburgh, where the manufacturers

are in the midst of the tobacco-growing region, the farmers bring their product right to the warehouses. At Lynchburgh they have daily sales. A man drives up with his wagon, containing three or four hundred pounds, the tobacco is brought in and weighed and put in a pile, and probably there will be three or four hundred piles of it in the warehouse. It is sold at auction and bought by the manufacturers. This is the present method of the sale, and it will be *the* method if you should take the tax off tobacco; and the men who clamor to have this $500 tax removed simply wish to give the farmers an opportunity to retail the raw material in competition with manufactured tobacco throughout the country.

Mr. BAYARD. That is just it. If they are to retail in competition with the manufacturer it means manufactured tobacco which has paid the tax. I am not pleased with this condition of things; I wish to God the necessity for the existence of this tax, the debt, was done away with; but here is the fact: you have to raise a revenue; and if you propose to get a revenue from tobacco you must get it under an artificial system every feature of which you must support although it may be restricted upon natural rights. A tax, after all, is against natural right; it is a payment forced by the Government for its use.

Mr. VEST. Mr. President, I will not go into that discussion; there is too much matter of difference between the Senator and myself to go into the internal-revenue system. I hold in my hand the bill (H. R. No. 6563) to abolish the internal-revenue taxes on tobacco, snuff, cigars, and cigarettes, and for other purposes, which suits me much better than any bill I have seen. This bill was introduced by Mr. KELLEY, of Pennsylvania, and abolishes the entire tax on tobacco. It repeals all sections of law imposing tax on any sort of tobacco. That is not before the Senate, however, and I come back to Mr. Raum's statement. I say it is entirely different from the position of the Senator from Delaware. Mr. Raum says, if he says anything, that if this license on retailers in leaf tobacco were taken off, still the farmers would sell to the manufacturers, and his position is that it will be no relief to the farmers; but, at any rate, whether it is a relief or not it makes the internal revenue consistent with itself.

Now, I put a question, and I want some Senator to answer it, and unless it is answered I say the inference is irresistible: the Senator from Delaware in his logic says that it is necessary to put this system upon the producer in order to find out what leaf tobacco goes to the manufacturer, in order that the Government may collect its tax from the manufacturer. Then, I ask, why do you not make the man who sells corn to a distiller make a return under oath? If you want to insure the collection of the tax on whisky, why do you not make the man who sells wheat, rye, or corn to the manufacturer of whisky come in and make his affidavit and return as you require of the man who raises tobacco? You legislate distinctively against the tobacco-grower. You make no such provision as to the grower of corn, wheat, or rye. If that is the real reason, it is a most remarkable fact that Mr. Raum never struck at it; he never pretended to say this thing was necessary to collect the tax. He said it was simply bringing the farmer in competition with the manufacturer, who now has a monopoly, for that is the meaning of it, no more and no less. After all it comes down to that, that the farmer shall not be permitted to come in competition with Mr. Lorillard and the other manufacturers of tobacco. I undertake to say that a few manufacturers of tobacco control the whole article in this country. The Lorillards in New York and one house in Saint Louis control the whole thing. The Senator from Delaware speaks of the farmer as if he owed a tax to the Government.

Mr. ALDRICH. Will the Senator from Missouri allow me to interrupt him for a moment? I desire to call his attention to the report of the Commissioner of Internal Revenue, by which it appears that there are nine hundred and forty-nine manufacturers of tobacco in this country, of which seventy-eight are in the State of Missouri. I hardly see how he can characterize this as a monopoly.

Mr. VEST. I mean to say that there are two tobacco establishments in the United States that control the trade, which is as well known as any other fact in this country, one in Saint Louis and one in New York. They control it, and the rest of these manufacturers amount to nothing when it comes to the price of tobacco.

I say the argument of the Senator from Delaware is not pertinent when he speaks of the manufacturer and the farmer as standing on the same level. I say there is an inherent right in a man who raises tobacco with his toil and his sweat to sell it to anybody he pleases. I say that any law that discriminates against any production of the soil is an unjust law. If the farmer stood like the manufacturer, if he undertook to evade the penalties or the taxes put upon the class to which he belongs, then the argument would be pertinent; but he does not belong to that class. The thing is wrong in principle; it is an outrage. You are singling out the men who bring out of the ground an agricultural production, and you say that they shall not sell it to anybody they please, and vote here against the amendment which I propose, that simply says that an article which comes out of the soil of the United States shall be sold to anybody that the producer chooses to sell it to.

Mr. BAYARD. Mr. President, I do not propose to make this discussion of taxation a matter of personal or prolonged debate. I am not the representative of any portion of these interests. They are to me all alike, the agriculturist, the manufacturer, and every class of the people of this country; I have an equal duty to them all. I am disposed to take exception to the remarks of the honorable Senator from Missouri, who seems disposed to pervert my statement so as to declare an issue of interest between the farmers on the one hand and the manufacturers on the other, and then to arraign me as being in favor of one or the other, I do not care which. I am not in favor of either one or the other. I am in favor of both. I propose just so far as my abilities allow me to produce fair and equal laws of taxation, and to consider these tax laws in the light of argument and reason.

Now here is an admitted fact, that the Government of the United States has selected for taxation tobacco and taxed it highly. The temptations to evade that tax are very great. Around the collection of that tax they have sought to impose certain safeguards and those certain safeguards become restrictions upon the manufacturer, restrictions upon the producer, restrictions upon the purchaser, and they are all considered necessary safeguards to protect the collection of the revenue. That is all.

We are told by the laws as they now stand and by the advice of those by whom those laws were framed that the Government can better protect its revenue by seeing that the tobacco passes into the hands of the manufacturer only in such a way rather than allow it to be sold by the farmer to whomever he pleases. You may tell me that is a restriction on the farmer. I deny it. It is one of the necessary accompaniments of a law like this; it is one of the safeguards required for the protection of the revenue; and I do not care where that safeguard is necessary, whether it be the restriction of the one or the other, you must maintain the safeguard if you mean to have the revenue. That is just the issue here, and I propose to advocate those reasonable restrictions that shall secure the revenue.

Mr. MORGAN. At the time of the passage of the cotton tax every cotton-grower had a right to sell his cotton without getting a license from the Internal-Revenue Bureau.

Mr. BAYARD. I do not know the object of my friend in that reference. The tax on cotton was one of the most cruel and unstatesmanlike taxes ever laid since the sun shone. It was put upon a people in the very depth of their misery, at a time when they needed support, and they were crushed down.

Mr. MORGAN. That is very true. The tax was put on cotton and the Government had no difficulty in collecting its tax.

Mr. BAYARD. I always regarded that tax as very cruel and unwise; but I do not see what it has got to do with this debate. I simply mean to say that there are safeguards needed to guard the revenue, and this is one of them. If the Government thinks it can protect its revenue better by imposing this license tax on retail dealers so that it shall bring tobacco, upon which it reckons for its revenue, into the hands of the manufacturer and compel the farmer to bring it there, then I say, if that is wise, it should be retained. It is not a discrimination against the farmer any more than all these restrictions are discriminations against all who trade either by way of manufacture or otherwise. That is all I wish to say.

The Senator from Kentucky is not in his place; but I move to amend the amendment he has offered, by excepting retail dealers in leaf tobacco.

Mr. WILLIAMS. I am opposed to this entire system of internal-revenue taxation, and would gladly vote to-day, if the condition of the Treasury and the wants of the Government were such that we could do it, to dispense with the entire tax derived from that source; but as we cannot do it, I am for relieving everything from internal taxation except whisky and bank circulation, and I think we can do that. That would lessen the revenue only about $75,000,000, and the report of the Secretary of the Treasury, the message of the President, and our own knowledge as to the revenue all admonish me that we may safely reduce the revenue to that extent.

I do not propose to make a speech, but I want to offer an amendment while we are on this subject of tobacco. I am especially opposed to any tax on tobacco. I would gladly see it all taken off, because I think it is unjust and it is unequal. It is contrary to the spirit of free and popular institutions; it is undemocratic; it is unrepublican; and if it is not contrary to the letter it is to the spirit of the Constitution.

One word in regard to the question of free leaf tobacco. There can be no sort of doubt that if you take the tax off leaf tobacco and let every man sell it to whom he pleases it will come in competition with manufactured tobacco and it will run that tobacco out of the market. Before we had any tax on tobacco the most of the people used leaf tobacco, what they call long green or twist, which was the favorite tobacco of the laboring classes, and it is to-day, and they would prefer it. This restriction on the sale of leaf tobacco is not altogether in the interest of the manufacturer; it is equally in the interest of the large producers. The interest of the manufacturer and the large producer is identical in that respect. I am a raiser of tobacco. I raise enough to justify me in sending it off to market. I do not want to retail my tobacco; I want to sell it wholesale; and it is greatly to my interest personally that this restriction upon the sale of leaf tobacco should be retained in the law. But, sir, it is an act of gross injustice, it is an iniquity, it is an outrage upon the poor men of the country who are not able to produce a quantity sufficient to justify them in sending it off to market.

I hold that this restriction curtails the production. Take off this

tax from leaf tobacco and there will be a much larger growth of tobacco. I say the restriction on the sale of leaf tobacco curtails the production; it prevents thousands of men from engaging in it; and while it would be to my interest as a large producer of tobacco to retain the tax, I would scorn to do it, for hundreds of thousands of my countrymen, equally as patriotic as myself, might engage in the cultivation of it upon a smaller scale. That is the reason I shall vote for every amendment to take all the tax off tobacco in every shape, cigars and cigarettes, manufactured and leaf tobacco, and everything else, and I intend to vote, if I cannot get it all off, to reduce the tax to the lowest possible point.

I agree with the Senator from Delaware that it is ruin to the revenue to allow the sale of leaf tobacco, and I am for allowing it because I am opposed to getting revenue from that source. Whenever you allow leaf tobacco to become free you destroy the revenue from tobacco, and that is the reason why I shall vote for the amendment of my colleague.

The PRESIDENT *pro tempore*. The question is——

Mr. WILLIAMS. I wish to send to the Chair an amendment that I propose to offer.

The PRESIDENT *pro tempore*. The first question is on the committee amendment. The amendment proposed by the Senator from Kentucky [Mr. WILLIAMS] can be read for information.

Mr. WILLIAMS. That is what I wish.

The Acting Secretary read the proposed amendment, as follows:

That after the 1st day of January, 1883, all laws or parts of laws imposing a tax upon leaf or manufactured tobacco in any of its forms are hereby repealed; and on all unbroken packages of prepared tobacco held by manufacturers or dealers on said 1st day of January, 1883, there shall be allowed a drawback of the full amount of the tax.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee, which will be read.

The ACTING SECRETARY. In line 2 of section 2 it is proposed to insert, after "shall," the word "annually."

The amendment was agreed to.

The Acting Secretary resumed the reading of section 2.

The next amendment of the Committee on Finance was, in line 14 of section 2, after "dollars," to insert "per annum;" so as to read:

Retail dealers in leaf tobacco shall pay $250, and 30 cents for each dollar on the amount of their monthly sales in excess of the rate of $500 per annum.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Missouri, [Mr. VEST,] which will be read.

The Acting Secretary read the amendment, which was to add to section 2 the following proviso:

Provided, That no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco, or as a retail dealer in leaf tobacco, for selling to consumers or others tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of the said farmer, planter, or minor; and all laws and parts of laws in conflict herewith are hereby repealed: *And provided further*, That nothing herein shall be so construed as to authorize any such farmer, or planter, or executor, administrator, or guardian to sell tobacco by peddling the same, or to appoint or employ others to sell tobacco for him, without the payment of the special tax.

Mr. HARRIS. The amendment of the Senator from Missouri is an addition to the second section. There is an amendment offered by the Senator from Kentucky [Mr. BECK] as a substitute for the second section. I expect the amendment of the Senator from Kentucky should be first voted upon, and then the amendment of the Senator from Missouri.

The PRESIDENT *pro tempore*. The Chair thought that the amendment of the Senator from Missouri was to perfect the section.

Mr. MORRILL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARRIS. If the addition of the amendment of the Senator from Missouri to this section shall be adopted, will it be then in order to strike out that part of the second section that the Senator from Kentucky proposes to strike out?

The PRESIDENT *pro tempore*. Certainly.

The Principal Legislative Clerk proceeded to call the roll on Mr. VEST's amendment.

Mr. PENDLETON, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

Mr. SLATER, (when his name was called.) On this and all other questions connected with this bill I am paired with the Senator from Connecticut, [Mr. PLATT.]

The roll-call was concluded.

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, he would vote "yea" and I should vote "nay."

Mr. JOHNSTON, (after having voted in the affirmative.) I withdraw my vote. I am paired with the Senator from Iowa, [Mr. MCDILL.]

Mr. VAN WYCK. I am paired with the Senator from Oregon, [Mr. GROVER.] He is in favor of this amendment; I am opposed to it.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. GROVER] has voted.

Mr. VAN WYCK. Then I vote "nay."

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.

Brown,	Farley,	Jonas,	Vance,
Call,	George,	Jones of Florida,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pugh,	Williams.
Davis of W. Va.,	Jackson,	Ransom,	

NAYS—28.

Aldrich,	Conger,	Hoar,	Morrill,
Allison,	Davis of Illinois,	Ingalls,	Plumb,
Anthony,	Dawes,	Kellogg,	Rollins,
Bayard,	Frye,	Logan,	Sawyer,
Cameron of Pa.,	Hale,	McMillan,	Sherman,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Van Wyck,
Chilcott,	Hawley,	Miller of N. Y.,	Windom.

ABSENT—25.

Beck,	Gorman,	Lapham,	Saulsbury,
Blair,	Groome,	McDill,	Saunders,
Butler,	Hill of Colorado,	McPherson,	Sewell,
Edmunds,	Hill of Georgia,	Mahone,	Slater.
Fair,	Johnston,	Mitchell,	
Ferry,	Jones of Nevada,	Pendleton,	
Garland,	Lamar,	Platt,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Kentucky, [Mr. BECK,] which will be read.

The ACTING SECRETARY. The proposed amendment is to strike out section 2 and insert in lieu thereof:

That from and after the 1st day of May, A. D. 1883, all dealers in leaf tobacco and in manufactured tobacco, and all manufacturers of tobacco and cigars, and all retail dealers in leaf tobacco, and all peddlers of every class shall hereafter pay a tax of $5 each per annum.

Mr. MORRILL. I ask for the yeas and nays.

Mr. BAYARD. I move at the end of the amendment to add:

Excepting the tax on retail dealers in leaf tobacco, the tax upon whom shall continue as now provided by law.

I hope the Senator from Kentucky will accept my amendment.

Mr. BECK. I do not like the amendment in that form, and for this reason: if the object is to prohibit the retailing of leaf tobacco, let it be so said. If the true intent and meaning of a tax of $500 is to prevent retailing in leaf tobacco, let it be so stated. There is certainly no propriety in reducing the tax from $500 to $250 if that is the object. If you intend to prohibit it, and that seems to be the argument, say so. If the reduction from $500 down to $250 is intended to be prohibitory, it is absurd to make the reduction because $500 is a better prohibition than $250.

Mr. BAYARD. It is not simply the first payment of the tax of $500, but there is the addition on every hundred dollars of sales.

Mr. BECK. Then say that men shall not be allowed to exercise that business. That is the manly way to meet the question. If you are going to allow the thing to be done at all, and you do not desire revenue from the license, these dealers ought to pay no more license than anybody else. We all agree that there is no object in obtaining money from these little licenses for peddlers and dealers for the sake of revenue, and as long as it is regarded as a legitimate business I do not see why there should be any discrimination in the tax. I took pains awhile ago to go to the document-room and look at the old bills of 1872. The House of Representatives almost unanimously agreed to this provision at the time we were imposing the tax of 20 cents on tobacco.

Retail dealers in leaf tobacco shall each pay $500, and, if their annual sales exceed $1,000, shall each pay, in addition thereto, 50 cents for every dollar in excess of $1,000 of their sales.

Then saying who should be regarded a retail dealer the same as we have it now—

Provided, That nothing in this section shall be construed to prevent a farmer or planter from selling, at the place of production, tobacco of his own growth and raising at retail directly to consumers, to an amount not exceeding $100 annually.

There was hardly a dissenting voice in the House of Representatives against that position when you come to look over the record, and that was intended to obviate one of the serious difficulties that now exist that raisers of small patches of tobacco remote from towns and villages, remote from the points where there are retail or other dealers in tobacco, should have a right to sell their own production to an amount not exceeding $100 annually. That clause was stricken out in the Senate, and notwithstanding effort after effort has been made from that time on to enable the small producer to have a chance to sell his product, the tax is maintained on retail dealers in leaf tobacco to such an amount as to make it prohibitory. Why not meet the question fairly and make it prohibitory directly? You have put a tax on it that puts it beyond the power of anybody to sell.

I am not advised at this moment when that tax was first imposed. My recollection is—I may be wrong—that the producer of leaf tobacco up to 1872 could sell to whom he pleased. It was so up to 1872, I am advised by the Senator from Missouri—I have not looked it up myself; I started to do so, and in the haste and confusion of the debate springing up, I have not concluded it. If that is the effect it becomes very apparent that there would be no great loss from allowing him to do it now. Why do I say so? I have the

statement made by the Commissioner of Internal Revenue in his last annual report of these facts: in 1870 the total amount received from tobacco was $31,351,000; in 1871, $33,578,000; in 1872, $33,798,000. That was before the law of that year took effect, because it did not pass until June, near the close of the fiscal year 1872. Then the prohibition came, and observe the result. The tax yielded $31,351,000 in 1870; $33,578,000 in 1871; $33,798,000 in 1872. Then came the prohibition, and it was $34,386,000 in 1873; $33,042,000 in 1874; $37,303,000 in 1875; $39,000,000 in 1876; $41,000,000 in 1877; $40,000,000 in 1878, and so on, running up now to $47,000,000, keeping up with the natural growth and increase of the country, considering the change of taxation. These figures clearly indicate that the amount of fraud in the sale of leaf tobacco was very small indeed. The Senator from Missouri confirms my general recollection in that respect.

I say, then, if the small tax I propose is laid, you can still keep trace of the article, still know all that goes into market. There can be no fraud under it. There will be the use of hand-leaf-twist tobacco to a limited extent, but not to a very great extent.

If you mean to prohibit the sale of leaf tobacco by the producer, say so; but failing in that, it is a legitimate interest and should pay no more tax than its fair share. In declining to accept the amendment of the Senator from Delaware I am actuated by the fact that it appears that before there was any such thing as a prohibitory tax, and while the producer of tobacco had a right to sell the leaf tobacco to whom he pleased, we were getting the same proportion of revenue that we have got since, indicating that the fraud, if any, was very slight.

The act of 1880 allowed retail dealers to sell limited quantities so as to reach this class. I have not got it before me. The Senator from Missouri has.

Mr. VEST. The law of 1880 was amended.

Mr. BECK. That small tax was imposed for the purpose of relieving small producers.

Mr. VEST. But if the Senator will permit me, I will call his attention to the statement made by the Commissioner before the House Committee of Ways and Means:

> He stated that there were a great many small producers of tobacco in his district especially who would raise three or four hundred pounds of tobacco, and that no man would pay a $25 tax to qualify himself to buy it, so you passed a law providing that a man could take out a $5 license and buy 25,000 pounds of tobacco. If you will read the speeches and reports that were made on that occasion you will find that that was to be the great panacea which would correct all the evils that were supposed to result from this restrictive legislation.
>
> Mr. CARLISLE. But that was, in fact, a compromise bill; the result of an attempt to pass the same bills that we have now before us.
>
> Mr. HATCH. Under the law as it now stands anybody can take out a five-dollar license and buy tobacco from these producers.
>
> Commissioner RAUM. Yes.
>
> Mr. MORRISON. But as a matter of fact they don't do it.
>
> Mr. WILLIS. Well, a man to handle tobacco must have a place; he must have a barn; he must have a screw; and I do not believe that such a change as this would help the producer.

So that a man could take out a $5 license and buy 25,000 pounds of tobacco. Does that remove the evil of which he complains? It is a very good argument for the Senator from Kentucky. I am only sorry that he did not make it before in support of my amendment.

Mr. BECK. The amendment of the Senator from Missouri was too radical, and therefore I refrained from voting for it. I am equally opposed to the suggestion made by my colleague to give up forty-seven millions of revenue on tobacco alone, because it is equivalent to refusing to reduce any other tax or to give any other relief. Therefore that is too radical. I do not propose to do radical things, no matter how well they may sound or however much I may desire them. I am willing to go as far as I can and to strain a point in the way of relieving tariff taxation, but I do not care to do things that I believe will work absolute destruction.

Mr. SHERMAN. Mr. President, it is manifest that the Senate is now in a temper to do what it does not intend to do, and the proposition of the Senator from Kentucky [Mr. BECK] is the strongest illustration of the folly of this mode of dealing with a grave and important business proposition.

The second section of this bill was carefully prepared by the Commissioner of Internal Revenue, and was designed to reduce the tax about one-half on the dealers in tobacco. Of these dealers there are about 4,000. It reduces the tax on the dealers in manufactured tobacco to $2.40, and the number of these dealers who now pay the tax is 386,259. They pay a special tax of $1,976,000. That is the body of the tax on dealers. There are about 30,000 other dealers in tobacco in various parts, who pay a tax of about $200,000. The proposition sent to us by the House reduces about one-half the tax on dealers. What is the proposition of the Senator from Kentucky? He does not understand it. He increases the tax, doubles the tax on 386,259 dealers and decreases the tax on about 40,000. The Senator certainly does not understand that.

Mr. BECK. I did not hear that.

Mr. SHERMAN. The Senator proposes to levy a tax of $5 on each dealer in tobacco without any reference to the character of his employment. Now there are 386,295 dealers in manufactured tobacco. That is nearly all there are. The House proposition, carefully considered, framed by the Commissioner of Internal Revenue, puts the tax on these dealers, the small fry as they may be called, at $2.40. The Senator from Kentucky puts upon these small dealers $5, and upon the large dealers only $5, thus discriminating against the small dealers. The operation of his amendment, though he does not so intend it, is to increase the special tax on the small dealers $960,000, from $2.40 each to $5. That is not the Senator's intention.

Mr. BECK. No. I would as soon have it $1 as $5, so as to keep track of what they are doing. I do not care for the revenue from it.

Mr. SHERMAN. Is it not manifest that we have a simple measure before us that does give immediate relief to the dealers in tobacco, as it reduces the tax on the great body of them, nine-tenths of them, to $2.40. Now, the Senator from Kentucky makes a proposition here upon his own hook, you may say, without submitting it to the Committee on Finance, without taking the opinion of the Commissioner of Internal Revenue, by which he doubles the tax on 386,000 people and reduces it on some thirty or forty thousand. Certainly that is not his intention. I know that he does not intend that; but that is the effect of his amendment. This proposition in the bill has been carefully considered, and received the sanction of the House of Representatives after a full debate.

The proposition submitted by the Senator from Missouri [Mr. VEST] was debated in the House and voted down on this very bill. The proposition of the Senator from Kentucky was never submitted to anybody, but it puts a tax of $5 on the small dealers and reduces the tax on the large dealers to $5, thus adding to the burden of the small dealers, who pay nine-tenths of the special tax in order to relieve the large dealers of the small amount they pay. That is not the purpose of the Senator from Kentucky, but that is the operation of his amendment.

In a matter of this kind, which depends upon dry figures, it is better to take the propositions which have been maturely considered by two committees and by the executive officers of the Government having charge of the matter, rather than to take any amendment suddenly thrust upon us on a complicated question of taxation.

Mr. BECK. There is no tax on a dealer now less than $5.

Mr. SHERMAN. I know; but the bill proposes to make it $2.40.

Mr. BECK. I understand. There is no tax now less than $5 on any dealer. I did not have the numbers before me when I offered the amendment that were engaged in each branch of the business, but I sought to reduce all down to $5, so that those who are now paying $25 or $10 or $50 or $500 should come down to what is now the minimum; but I would as soon have it $2 as $5. If I have a right to amend it I will move to make it $2, my object being not to secure any more taxes from this class of people beyond what are necessary to keep track of their business, as I avowed in the beginning.

I understand that the object of the reduction here is to diminish the revenue because we do not need it, and to give relief, and therefore I put it down to the lowest point that is safe. Therefore I selected at my desk the lowest tax that was imposed on anybody under existing law. But I have no desire to put taxes up beyond what the committee is willing to bring them to; $2.40 is their rate, and one will accomplish my object as well as the other. I will move now that the tax on all these dealers shall be $2, which will save to the Government the expense of making out the license, for that is all we care for getting out of them. Is it desirable to take any money from them for revenue purposes? Two dollars and forty cents will not do it. If it is not desirable to take it for revenue purposes why is not $2 as good as $5 and $5 as good as $50?

Mr. SHERMAN. The committee propose $2.40.

Mr. BECK. For one class.

Mr. SHERMAN. The great complaint with dealers in tobacco is that no discrimination is made between the large and the small. The committee have yielded to that by reducing the tax on the great mass of those dealers to $2.40. That is a substantial relief, throwing off revenue to the amount of $970,000. Let the Senator from Kentucky modify his proposition ever so much he cannot make it better than the section is, because it has been carefully debated and carefully considered by the Commissioner and by the two committees of Congress.

Mr. BECK. They can all be reduced to the minimum, and I shall move to strike out "five" and insert "two."

The PRESIDENT *pro tempore*. The Senator can make that modification if there be no objection. The question is on the amendment of the Senator from Delaware [Mr. BAYARD] to the amendment of the Senator from Kentucky, [Mr. BECK.]

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. It is proposed to strike out section 2 and insert in lieu thereof:

> From and after the 1st day of May, A. D. 1883, all dealers in leaf tobacco and in manufactured tobacco, and all manufacturers of tobacco and cigars, and all retail dealers in leaf tobacco, and all peddlers of every class shall pay a tax of $2 each per annum.

Mr. COCKRELL. I ask the Senator from Kentucky if that will permit the producer of tobacco to sell at retail his tobacco from his farm?

Mr. BECK. It does not change the present law in that regard. It only changes the rate of taxation on dealers.

Mr. COCKRELL. In other words, it benefits the producer nothing.

Mr. BECK. It does just this much, it reduces the taxation in the section that much. If the Senator thinks it not worth while, he had better not vote for it. That is all.

Mr. COCKRELL. The question is whether it benefits the producer, the man who raises and grows tobacco. I say it does not benefit him, and it does not benefit the consumer. It benefits neither the producer nor the consumer. It benefits neither one of the classes of people in this country who ought to be benefited.

Mr. BECK. It is not dealing with the taxation at all; it is dealing with the amount of license that men shall be required to pay to do business. That is all. There will be more men engaged in the business at $2 than there will be at $25, and more than there will be at $250; and when you put it down to $2 it gives the farmer the chance of having twenty men at $2 rather than one at $100 to make his sales to.

I am not dealing with taxation now, but seeking to diminish the burden to the lowest possible point consistent with safety where men are allowed to do business and give the farmers and consumers alike a chance.

The Principal Legislative Clerk proceeded to call the roll.

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

The roll-call was concluded.

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "nay."

Mr. PENDLETON. I am paired with the Senator from New York, [Mr. LAPHAM.] If he were here, I should vote "yea."

The result was announced—yeas 20, nays 31; as follows:

YEAS—20.

Beck,	Farley,	Jonas,	Vance,
Brown,	George,	Jones of Florida,	Vest,
Butler,	Gorman,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Walker,
Coke,	Johnston,	Ransom,	Williams.

NAYS—31.

Aldrich,	Chilcott,	Hoar,	Mitchell,
Allison,	Conger,	Ingalls,	Morrill,
Anthony,	Davis of Illinois,	Kellogg,	Plumb,
Bayard,	Dawes,	Logan,	Rollins,
Blair,	Frye,	McDill,	Sawyer,
Camden,	Hale,	McMillan,	Sherman,
Cameron of Pa.,	Harrison,	Mahone,	Windom.
Cameron of Wis.,	Hawley,	Miller of Cal.,	

ABSENT—25.

Cockrell,	Grover,	Lapham,	Saunders,
Davis of W. Va.,	Hampton,	McPherson,	Sewell,
Edmunds,	Hill of Colorado,	Miller of N. Y.,	Slater,
Fair,	Hill of Georgia,	Pendleton,	Van Wyck.
Ferry,	Jackson,	Platt,	
Garland,	Jones of Nevada,	Pugh,	
Groome,	Lamar,	Saulsbury,	

So the amendment was rejected.

Mr. HARRIS. In line 12 of section 2, after the word "pay," I move to strike out "two hundred and fifty," and insert "ten;" and after the word "dollars," in the same line, to strike out to the end of the section, except the words "per annum;" so as to make the clause read:

Retail dealers in leaf tobacco shall pay $10 per annum.

Mr. President, under the bill as it comes from the House the tax imposed on retail leaf-tobacco dealers is $250 for the privilege of selling $500 worth of tobacco, and for every pound of tobacco in excess of $500 an additional tax of 30 cents per pound is imposed, obviously and absolutely prohibitory. No tax will ever be paid under this act by a retail leaf-tobacco dealer. If reduced to $10 there would be a large number of retail leaf-tobacco dealers, and the tobacco producer would have a large number of buyers to whom he could sell in any quantities he might desire to sell; and yet the evil apprehended by the Commissioner of Internal Revenue of not being able to keep trace of the tobacco that is grown and sold is as effectually prevented under a tax of $10 or $1 as it is under a tax of $500. That evil is effectually remedied. With my amendment adopted it becomes at once a source of revenue, the tobacco producer is greatly benefited by having a large number of purchasers to whom he can sell his tobacco, and I cannot see that any one is by possibility injured to the slightest degree by it. I therefore hope the amendment will be adopted.

Mr. MORRILL. This is "Monsieur Tonson come again." It is merely a proposition that leaf tobacco shall be sold by the parties producing it; and it will enable any party producing it, by paying $10, to evade the entire tax. I trust we shall have the yeas and nays. I ask for them on this amendment.

Mr. MORGAN. Mr. President, Monsieur Tonson will return several times, so long as in your dealings with these producing people you put their products in the hands of monopolies and do not allow them to have control of their own products. It is only fair that the producer of leaf tobacco should have free right to sell it.

Mr. MORRILL. It is the only way we can secure any taxation.

Mr. MORGAN. You do not collect any tax under this provision.

Mr. HARRIS. Allow me to ask the Senator from Vermont if he does not know that the last two years before this prohibition, when every farmer was free to sell leaf tobacco to every citizen in the land, we collected $33,000,000 and over of tax on manufactured tobacco?

Mr. MORGAN. This feature of existing law, it is confessed on all hands, is not designed to increase the revenue. No revenue is paid practically by the retail dealers in leaf tobacco. We get no advantage to the Government from that. It is to prohibit men from selling leaf tobacco to others than licensed dealers in leaf tobacco, and it is through that channel to carry the monopoly of the tobacco manufacturing into the hands of men who have capital enough to control it in the United States.

If we intend to have a revenue let us put the tax at a point where it will bring revenue and not where it will exclude revenue; and, as the Senator from Tennessee well observed, it is quite as easy to trace the tobacco through a $10 tax as it is through a $500 tax. A $500 tax amounts to nothing but an oppressive burden upon one of the industries of the country.

I trust that we shall hear no more about monopolies, at least from the other side of the Chamber, hereafter, if this monopoly, thrown directly and expressly into the hands of the manufacturers of leaf tobacco, is not relieved. I am very tired of listening to all this cant about monopolies. When we come to the real fact, when we come to the point where the burden is actually oppressive, no gentleman on that side of the Chamber is willing to lift his hand to raise the burden from a very excellent class of people in the country.

There are a great many men, as has been frequently stated, and no one has denied it, who raise small quantities of tobacco, and who ought to have the privilege, at least on the payment of a $10 tax, to sell it to whom they wish. If an American citizen, in raising tobacco, which is a legitimate crop, which we are not trying to suppress by law, but are trying to increase the production of in order that we may gain more revenue, must be compelled to pay a license to sell it to one man, when he is not required to pay a license to sell it to another, in order to give the privilege to the man to whom he is compelled thus to sell it to manufacture it and make large profits out of it, I think we had better stop this childish babble about monopolies from this time forward.

Mr. MORRILL. Mr. President, it is obvious that this would be destructive of the duty collected on the manufactured article. If, as is suggested to me by the Senator from Ohio, we were to allow the distillers to take corn and put it into whisky and retail it without license or without taxes, we should lose all the revenue on whisky. I only ask a vote upon the question, Mr. President.

The Principal Legislative Clerk proceeded to call the roll on the amendment of Mr. HARRIS.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here I should vote "nay."

Mr. HARRIS, (when his name was called.) Upon all questions connected with this bill I am for the rest of the evening paired with the Senator from Rhode Island, [Mr. ALDRICH,] who has been called out of the Chamber. I should vote "yea" if I were permitted to vote.

Mr. HILL, of Colorado, (when his name was called.) I am paired on this question with the Senator from Nevada, [Mr. FAIR.]

Mr. SLATER, (when his name was called.) On all questions connected with this bill I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. VAN WYCK, (when his name was called.) For to-day I am paired with the Senator from Oregon, [Mr. GROVER.]

The roll-call was concluded.

Mr. MILLER, of New York, (after having voted in the negative.) I withdraw my vote. I am paired with the Senator from Maryland, [Mr. GROOME.] I did not notice that he had left the Chamber.

Mr. HAWLEY. My colleague [Mr. PLATT] is paired with the Senator from Oregon, [Mr. SLATER.]

Mr. BROWN, (after having voted in the affirmative.) I am paired with the Senator from Minnesota, [Mr. MCMILLAN.] I do not see him in the Chamber, and I withdraw my vote.

Mr. HARRISON. I desire to announce that the Senator from New Jersey [Mr. SEWELL] who sits by my side is paired with his colleague, [Mr. MCPHERSON.]

Mr. HALE. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from West Virginia, [Mr. DAVIS.]

The result was announced—yeas 21, nays 26; as follows:

YEAS—21.

Beck,	George,	Jones of Florida,	Voorhees,
Butler,	Gorman,	Maxey,	Walker,
Call,	Hampton,	Morgan,	Williams.
Cockrell,	Jackson,	Ransom,	
Coke,	Johnston,	Vance,	
Farley,	Jonas,	Vest,	

NAYS—26.

Anthony,	Cameron of Pa.,	Conger,	Hale,
Bayard,	Cameron of Wis.,	Dawes,	Harrison,
Blair,	Chilcott,	Frye,	Hawley,

Hoar,	McDill,	Morrill,	Sherman,
Ingalls,	Mahone,	Plumb,	Windom.
Kellogg,	Miller of Cal.,	Rollins,	
Logan,	Mitchell,	Sawyer,	

ABSENT—29.

Aldrich,	Ferry,	Lamar,	Saulsbury,
Allison,	Garland,	Lapham,	Saunders,
Brown,	Groome,	McMillan,	Sewell,
Camden,	Grover,	McPherson,	Slater,
Davis of Illinois,	Harris,	Miller of N. Y.,	Van Wyck.
Davis of West Va.,	Hill of Colorado,	Pendleton,	
Edmunds,	Hill of Georgia,	Platt,	
Fair,	Jones of Nevada,	Pugh,	

So the amendment was rejected.

Mr. BECK. I propose to add the following proviso at the end of the second section:

Provided, That farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising at retail, directly to the consumer, to an amount not exceeding $100 annually.

All I care to say about that is, that it is a proviso which was inserted in 1872 in the House of Representatives almost unanimously when the bill passed reducing internal-revenue taxes.

Mr. MORGAN. Who voted for it?

Mr. BECK. Everybody voted for it in the House, but it was defeated in the Senate by the distinguished gentlemen who are now fighting it here. The Senator from Vermont [Mr. MORRILL] and the Senator from Ohio, [Mr. SHERMAN,] being conferees on the part of the Senate, struck it out.

Mr. VEST. If the action of the House of Representatives is to be alluded to, I beg to say a word. The Senator from Ohio alluded to the action of the House of Representatives on my amendment, and yet the RECORD I have before me shows that a motion to suspend the rules and take up that proposition only lacked seven of carrying two-thirds of the House.

Mr. MORRILL. I ask for the yeas and nays. This amendment is the same old question. It would be destructive of the manufacturers, and also very damaging to the collection of the revenue.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Missouri, [Mr. COCKRELL.]

Mr. BROWN, (when his name was called.) I am paired with the Senator from Minnesota [Mr. MCMILLAN] on this question. If he were here, I should vote "yea."

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] I should vote "yea" if I were not paired.

The roll-call was concluded.

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I should vote "nay" if he were here.

Mr. MILLER, of New York, (after having voted in the negative.) I withdraw my vote; I am paired.

Mr. PENDLETON. I desire to say again that I am paired with the Senator from New York, [Mr. LAPHAM.] I shall not announce the pair again this evening.

The result was announced—yeas 24, nays 23; as follows:

YEAS—24.

Beck,	George,	Jones of Florida,	Ransom,
Butler,	Gorman,	Kellogg,	Vance,
Call,	Hampton,	Mahone,	Vest.
Camden,	Jackson,	Maxey,	Voorhees,
Coke,	Johnston,	Morgan,	Walker,
Farley,	Jonas,	Pugh,	Williams.

NAYS—23.

Bayard,	Dawes,	Ingalls,	Plumb,
Blair,	Frye,	Logan,	Rollins,
Cameron of Pa.,	Hale,	McDill,	Sawyer,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sherman,
Chilcott,	Hawley,	Mitchell,	Windom.
Conger,	Hoar,	Morrill,	

ABSENT—29.

Aldrich,	Fair,	Jones of Nevada,	Saulsbury,
Allison,	Ferry,	Lamar,	Saunders,
Anthony,	Garland,	Lapham,	Sewell,
Brown,	Groome,	McMillan,	Slater,
Cockrell,	Grover,	McPherson,	Van Wyck.
Davis of Illinois,	Harris,	Miller of N. Y.,	
Davis of W. Va.,	Hill of Colorado,	Pendleton,	
Edmunds,	Hill of Georgia,	Platt,	

So the amendment was agreed to.

Mr. MORGAN. Before proceeding to section 3, I offer the following amendment, which will necessitate the alteration of the numbering of the sections——

Mr. BUTLER. Allow me to make an inquiry. I wish to ask the chairman of the Committee on Finance if he proposes to dispose of the bill this evening? If not, I shall move an adjournment. It is Saturday evening, and I think it is about time to adjourn. If it will not be offensive to the Senator from Alabama, I will move an adjournment.

Mr. MORGAN. Not at all, after my amendment is read. I want it read first.

The ACTING SECRETARY. It is proposed to insert after section 2 the following, as section 3:

That hereafter the special tax of a dealer in manufactured tobacco shall not be required from any farmer, planter, or lumberman who furnishes such tobacco only as rations or supplies to his laborers or employés in the same manner as other supplies are furnished by him to them: *Provided*, That the aggregate of the supplies of tobacco so by him furnished shall not exceed in quantity one hundred pounds in any one special tax year; that is, from the 1st day of May in any year until the 30th day of April in the next year; *And provided further*, That such farmer, planter, or lumberman shall not be, at the time he is furnishing such supplies, engaged in the general business of selling dry goods, groceries, or other similar supplies in the manner of a merchant or storekeeper to others than his own employés or laborers.

Mr. MORRILL. I call for the yeas and nays.

Mr. MORGAN. Mr. President——

Mr. BUTLER. I move that the Senate adjourn.

Mr. MORGAN. I yield to that motion.

Mr. MORRILL. I desire to go on, and make a good deal more progress than we have yet made before we adjourn.

Mr. MORGAN. I suppose, by computation, we are about half through the bill.

Mr. BUTLER, (at four o'clock and twenty-eight minutes, p. m.) There is a universal feeling of fatigue all over this Chamber, and I am sure that in view of that fact the Senator from Vermont will not insist on proceeding further. I submit the motion to adjourn.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield for that motion?

Mr. MORGAN. I yield, in order to test the sense of the Senate on that question.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "nay."

Mr. HARRIS, (when his name was called.) Notwithstanding my pair with the Senator from Rhode Island, [Mr. ALDRICH,] as I am sure I vote the way he would vote if here, I record my vote "nay."

The roll-call was concluded.

Mr. ANTHONY. I am paired with the Senator from Missouri, [Mr. COCKRELL.] I understand he would vote to adjourn. Therefore I shall not vote.

The result was announced—yeas 22, nays 25, as follows:

YEAS—22.

Bayard,	Farley,	Jonas,	Vest,
Beck,	George,	Jones of Florida,	Voorhees,
Butler,	Gorman,	Morgan,	Walker,
Call,	Hampton,	Pugh,	Williams.
Camden,	Jackson,	Ransom,	
Coke,	Johnston,	Vance,	

NAYS—25.

Blair,	Hale,	McDill,	Rollins,
Brown,	Harris,	Mahone,	Sawyer,
Cameron of Wis.,	Hawley,	Maxey,	Sherman,
Chilcott,	Hoar,	Miller of Cal.,	Windom.
Conger,	Ingalls,	Mitchell,	
Dawes,	Kellogg,	Morrill,	
Frye,	Logan,	Plumb,	

ABSENT—29.

Aldrich,	Fair,	Jones of Nevada,	Saulsbury,
Allison,	Ferry,	Lamar,	Saunders,
Anthony,	Garland,	Lapham,	Sewell,
Cameron of Pa.,	Groome,	McMillan,	Slater,
Cockrell,	Grover,	McPherson,	Van Wyck.
Davis of Illinois,	Harrison,	Miller of N. Y.,	
Davis of W. Va.,	Hill of Colorado,	Pendleton,	
Edmunds,	Hill of Georgia,	Platt,	

So the Senate refused to adjourn.

Mr. MORRILL. May I ask whether the first question now is not on the adoption of the second section rather than a new section?

The PRESIDENT *pro tempore*. The committee amendments to the second section have been adopted. The Senator from Alabama has now moved an amendment.

Mr. MORGAN. Mr. President, the amendment that I have offered is more a matter of convenience than it is a question of revenue. The amount of money that will be lost to the revenue in consequence of this amendment will be very slight; the inconvenience that is inflicted upon a large number of men who employ hands in distant localities is very great. Planters in the cotton and sugar-growing regions of the South frequently live at quite distant points from stores and places where tobacco may be obtained. I suppose that is really the case with the lumbermen of the North and Northwest. This inconvenience has a long time been the subject of complaint before the Commissioner of Internal Revenue, and he has made up his opinion about it in a very distinct way, and has always been desirous of having an amendment of the law something similar to that which I now present. The men who conduct plantations and who conduct lumbering establishments are compelled to do one of two things, either to supply their hands with manufactured tobacco or allow them to go out to the stores wherever they may find an

opportunity for doing so and purchase their little supplies, one at a time. This has been found to be a matter of very great inconvenience; it has led to much complaint.

This amendment did not originate with me. It originated with a member of the House who has been drawn away from the Congress of the United States by an affliction in his family, and who wrote me asking me to take charge of it in the Senate. He had addressed a letter to the Secretary of the Treasury on this subject, which was referred by him to the Commissioner of Internal Revenue. I will send the Commissioner's letter to the Secretary's desk and ask that it be read, in order to inform the Senate that this amendment, though it seems to be light in its character, is really meritorious; it will not affect the revenue, and will not affect the principle of the bill in any way.

The Acting Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 23, 1882.

SIR: I am in receipt of a letter from Hon. H. A. HERBERT asking my opinion upon the amendment offered by him on the 21st instant to the bill for the reduction of internal-revenue taxes, a copy of which amendment is hereto attached.

The subject-matter of this amendment has many times been considered by this office. I am of the opinion that its passage would be judicious.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. CHARLES J. FOLGER, *Secretary of the Treasury.*

Mr. MORGAN. I hope after that recommendation there will be no objection to this amendment.

Mr. LOGAN. What is the amendment? Let it be read.

The Acting Secretary read the amendment of Mr. MORGAN.

Mr. SHERMAN. The amendment does not involve any large amount, but it involves a departure from the principle of the law in one respect. The object of these special taxes is not revenue so much, because they do not yield very much revenue; under the present bill they will not yield over $1,000,000, but they are for the purpose of enabling the Department to follow the history of every package of tobacco to the final consumer. These dealers have to make returns which are important to the Internal-Revenue Office. We have reduced these special taxes to so low a rate—only $2.40 each—that it is no burden at all to any lumberman or planter, such as is described in this amendment, to get out a special license. It only costs $2.40. There are now 386,000 of such dealers. They are scattered in every county, town, village, and hamlet in the land. It is no hardship for the lumbermen or planters described in this amendment to take out a license as a dealer, having to pay only $2.40.

I think the proposition is a departure from the principle of the law, and while the amount is not very large, yet it is an entering-wedge. These lumbermen and planters are generally men of wealth. They can buy a dozen kegs or packages of tobacco and deal it out, and there would be no mode of tracing it, there would be no return made of it. If it is sold by licensed dealers, they have to make the returns, and therefore we can follow up the packages to the final consumer. This would break down this system. I should like to have General Raum's letter read again; I did not quite catch it.

The Acting Secretary again read the letter of Commissioner Raum.

Mr. SHERMAN. Does the Senator say that refers to the same amendment?

Mr. MORGAN. The same amendment handed to me by Mr. HERBERT.

Mr. SHERMAN. All I can say is that from my knowledge of the internal-revenue laws it might create embarrassment, and it is no hardship for a lumberman or planter to take out a special license, and it might be a very important thing to have him do.

Mr. MORGAN. The Senator will notice that the amount is limited to one hundred pounds in the tax year. That is not much, and therefore it would not apply to the owners of large steam manufactories of lumber, but to the men who are away off in the forest wilds, planters who may be separated from stores and places of supply by many miles. There may be some inconvenience about it; I am not prepared to say there is not; but I take General Raum's idea on the subject as being correct. He knows whether the Government will suffer by this provision or not, and he knows whether the indulgence proposed to be granted to these classes of people in this limited way would be of advantage both to the Government and to the people. It is a very slight boon, and after we have dealt so stringently on the subject of the manufacture of tobacco, as if it was arsenic or some poison, it seems to me we might exercise some little generosity to those men who have to dispense it to the common laboring people, who receive it from them as supplies or rations.

We might as well speak of taxing the sugar in the hands of the lumberman, the farmer, or the planter, or the salt, or coffee, or anything he has to supply to his operatives, as to tax the tobacco which these common laboring men enjoy very much, and which adds greatly to their comfort, and which relieves the business of the country by taking from them the necessity of traveling back and forth to the place of supply and buying from the retail dealers at their extravagant profits, as they put them on very high in the remote parts of the country.

Mr. BLAIR. Allow me to inquire if every such consumer as is here spoken of will not want one hundred pounds a year?

Mr. MORGAN. The Senator evidently is not acquainted with the subject.

Mr. BLAIR. What relief is there in this? Here is a lumberman with five hundred men, and he is only relieved of the tax to the amount of one hundred pounds a year, as I understand.

Mr. MORGAN. He is relieved to the amount of one hundred pounds, and he will have to pay $2.40 for a license if he wants to supply more.

Mr. BLAIR. For his license to sell at all?

Mr. MORGAN. Yes.

Mr. BLAIR. That does not relieve anybody. What is it about the one hundred pounds? What is the relief on the one hundred pounds?

Mr. MORGAN. A lumberman or planter or farmer has the right to supply as rations or supplies to his laborers, persons in his employ, one hundred pounds in a year.

Mr. BLAIR. The whole body of laborers, or any one laborer?

Mr. MORGAN. The whole body, not exceeding one hundred pounds in one tax year. It is merely to supply a convenience to persons away out on the borders of civilization.

Mr. BLAIR. Does the Senator think the privilege of furnishing only one hundred pounds to his working crew is of much consequence to a lumberman or to the crew itself?

Mr. MORGAN. It is of enough consequence to me to ask for it, and quite enough for Mr. Raum to recommend it in the form in which this amendment is presented. It may do a great deal of good.

Mr. BLAIR. It seems to me it is trifling with the lumberman and with the workmen to limit it to such an amount as this if it is to be of any real relief to anybody.

Mr. MORGAN. The Senator can relieve himself if he thinks it is trifling with the subject by raising it to 200 or 250 pounds. I am content with 100.

Mr. BLAIR. It would look like an amendment which had something of good faith if it were raised to five hundred or a thousand pounds.

Mr. MORGAN. I do not know as to good faith. Mr. Raum treats of this subject with good faith and intelligence.

Mr. BLAIR. There is some lumbering done in my State. Fifty to one hundred men may be employed under a single manager on that class of work, and I do not think the privilege of furnishing free of taxation 100 pounds of tobacco to the men whom he employs would be looked upon by him as of the slightest possible account, and it would not be. Unless there is something more than is apparent on the face of it, it seems to me there is nothing to it.

Mr. MORGAN. Nothing to it, nothing added to it, and nothing of it more than is there. It has been submitted to Mr. Raum and he speaks of it as a matter that has his recommendation after due consideration. The subject has often been presented. The Senator must not overlook the fact that there are a great many persons in this country who do not employ more than three or four or five men, who would like to have this privilege and who ought not to be taxed for it.

Mr. BLAIR. Those individuals, however, still have to pay their $2.40 license fee.

Mr. MORGAN. Not by any means, unless they consume more than 100 pounds, and not in the issue of supplies or rations to their laboring people.

Mr. BLAIR. Then the effect is to relieve the man who has this gang of laborers from the $2.40 license, and it also relieves the 100 pounds from taxation.

Mr. MORGAN. It is to relieve him from being indicted and being brought into a circuit or district court of the United States if he lives fifty miles from civilization cutting logs in a pinery or if he is cultivating a cotton field and in a remote border from being brought in for trial because he supplied a plug of tobacco to one of his operatives.

Mr. BLAIR. I do not think any man living as remote from civilization and conducting the lumber business on any reasonably extensive scale would care for this amendment.

Mr. MORGAN. Not if the scale was reasonably extensive in the estimation of the Senator. I do not know what scale the Senator would think reasonably extensive, but there are a great many persons who have to employ people and who do not wish to be indicted and brought into court because they sell a plug of tobacco or supply it as rations to one of their operatives. That is all there is to it.

Mr. BLAIR. Is there any danger of their being indicted and brought into court?

Mr. MORGAN. I suppose so from the fact that Mr. Raum says this subject has been often under consideration in his Department. He recognized the proposition. There is, therefore, danger.

Mr. BLAIR. He simply says it will not do any particular harm. I do not see that it does any good.

Mr. MORGAN. That is not his language. He recommends it. Let the Senate pass upon it; I do not care to debate it.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

The Acting Secretary resumed the reading of the bill to the proviso in section [3] 4.

The next amendment of the Committee on Finance was, in section 4, [3,] line 2, after the word "or," to strike out "use" and

insert "sale on and after the 1st day of October, 1882;" so as to read:

That on cigars which shall be manufactured and sold, or removed for consumption or sale on and after the 1st day of January, 1883, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: on cigars of all descriptions, made of tobacco or any substitute therefor, $4 per thousand; on cigarettes weighing not more than 3 pounds per thousand, 75 cents per thousand; on cigarettes weighing more than 3 pounds per thousand, $4 per thousand.

Mr. MAHONE. I offer the following amendment, to come in after the word "thousand."

The PRESIDING OFFICER. Is the amendment offered by the Senator from Virginia to the words in italics in the second and third lines or later on in the section?

Mr. MAHONE. After the word "thousand" in the tenth line.

The PRESIDING OFFICER. That point is not yet reached. The question is on the amendment of the Committee on Finance in lines 2 and 3.

The amendment was agreed to.

Mr. MAHONE. I move to insert, after "thousand," in line 10 of the section:

That on and after the 1st day of January, 1883, there shall be levied and collected upon all snuff manufactured of tobacco, or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use; and upon all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner, other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of 8 cents per pound.

Mr. President, the amendment is in the exact language of the present statute, and there is no change in it except as to the rate. It is proposed to reduce the rate from 16 cents to 8. I have nothing to add to what I said in behalf of this amendment a few days ago, further than to call the attention of the Senate to the impression which I have that the reduction from 16 to 12 cents a pound or one-quarter of a cent per ounce, will effect but little more than a reduction in the revenue of about $6,000,000. It will carry very little comfort or relief either to the producer or the consumer, since the packages in which tobacco is sold are in all cases fractions of the pound, so that when we have a reduction of one-quarter of a cent an ounce, for a 2-ounce package it is a half cent, and we have no currency which will meet such a contingency, and in such a case the retail dealer is not going to make a reduction, but he is going to take this diminution of the tax himself. Hence I say the reduction of one-quarter of a cent to the ounce will not carry fully the relief that is designed either to the producer or to the consumer, whereas on the other hand the reduction of half a cent to the ounce makes a reduction of 1 cent on the smallest package, a margin sufficient to incite competition between the dealers, and thus carry to the consumer and to the producer the relief which you would afford.

The difference in the aggregate is $12,000,000; that between 12 cents and 8 cents is $6,000,000; between 16 and 8 of course it is $12,000,000. The entire tax now amounts to about $26,000,000.

Mr. President, if we mean to afford any relief to the consumer and to the producer in this matter of the tobacco tax, it seems to me we ought to fix it at such a rate as will make the reduction inure to the consumer and the producer. There is but one opinion, and that opinion is universal with the manufacturing interest of the country, and that is that if there is to be any reduction in this tax it ought to be 8 cents.

Mr. JOHNSTON. I favor the reduction of this tax to 8 cents, for several reasons. In the first place, as I have already stated on the floor of the Senate, I consider it important to reduce this tax to such a point as will tend to prevent agitation for its reduction to a lower rate. If it is put at 8 cents, there will never be any more agitation for a reduction below 8 cents. After that time the only agitation will be for the total abolition of it; and a reduction to 8 cents will prevent the recurrence of the agitation on the subject of the reduction of the tax, which is so injurious to the trade. For that reason I think it ought to be put at 8 cents.

In addition to that, the classes that we ought to seek to relieve are the consumers and producers; and the reduction of this tax ought to be to a rate that we know will afford relief to them. The manufacturers would like to have it 8 cents, but the question of taxation is less important to them than it is to the man who raises the tobacco or the man who consumes it; and in the interest of consumer and producer both, I am very earnest in desiring the reduction of the tax to 8 cents, believing, as I say, that it will stop further agitation, that it will benefit the man who raises tobacco, and will benefit the man who consumes tobacco and will not have any injurious effect upon the revenue.

I trust this amendment will be adopted.

Mr. SHERMAN. Mr. President, if this amendment is adopted it makes the reduction thus far of internal revenue over $40,000,000. Thirteen million dollars and over is on account of the reduction proposed by the amendment, counting on the basis of the returns of the year 1881; and this, with the other taxes modified and repealed makes the aggregate $40,000,000. If the Senate have made up their mind that they are going to give all the relief that can be given now to the people by a reduction of taxes or internal revenue on such articles as have been depicted by Senators on the other side, perfumery and cosmetics and banks and tobacco, leaving no relief from taxation on any other articles, then probably it is just as well that the amendment be adopted and there stop, because it is manifest that if we are to be governed by the ordinary prudential motives that influence business men we ought not to endanger our whole financial system, the balance of our revenues after paying the sinking fund, by the reduction of any more taxes. The $150,000,000 surplus of which we have heard so much is gone. Every sensible man who knows that the country has been very prosperous during the past few years and that our revenues have been greater than ever before, unless he believes that state of things is to continue and increase, must see that we have gone to the end of the tether. We know now already that we have increased the appropriations some $40,000,000 over what they were last year. We know also that there is a deficiency made by the operation of our pension laws over and above the amount appropriated of $20,000,000 or $25,000,000. We know that after the application of the sinking fund and making provision for these expenses the $150,000,000 is reduced to $40,000,000, and yet we propose now by these amendments to internal taxation to provide for throwing off taxes to that amount.

So, then, we can expect, as the most favorable and hopeful view of our finances during the present year, to have revenues equal to our expenditures and not much more. I had hoped, however, that instead of these numerous amendments prevailing and this wide range of debate on this bill, and tactics as remarkable as I have ever known in my Congressional life, we should be able to throw off other burdens besides those imposed by the internal-revenue laws. It was on that view that the Senate Finance Committee finally agreed to propose some reductions on other taxes. But if this amendment is adopted, as I fear it will be from the votes already taken, we are in no condition to throw off any more taxes.

Mr. LOGAN. It will not be adopted if all our folks vote.

Mr. SHERMAN. The Senator says it will not be adopted if they all vote. I am not so sure about that. At any rate we have got now to choose; we have come to that path where the ways turn. If we propose to make any reduction of external taxes, or to have the ability to reduce taxes next winter when the tariff commission may make a report, we cannot go so far as we have gone in the removal of internal taxation. Senators sometimes say that we have repealed foolishly a great many taxes that were not burdensome. That has been discussed and decided by a majority of the Senate; a majority of the Senate have considered that it is best to reduce and repeal all taxes derived from internal revenue except on whisky, tobacco, and beer. That is the judgment of the Senate and the judgment of the House by an overwhelming majority, and it is the opinion of the country. I do not hesitate to say that there is a general desire among all classes of our people, without regard to party, that the remnants of the internal-revenue system shall be swept away except on whisky, tobacco, and beer. You have done that already by your votes here, repeated over and over again, by decided majorities in many cases. That has passed and gone. If now you add to these reductions a reduction of the tobacco tax you but exhaust your ability to reduce taxes.

Now, is it wise to do it? This tobacco tax of all others is the easiest collected, the most certain, increasing constantly from year to year, depending upon an appetite that will be indulged no matter what may be the tax, a tax that has been more stable than any other. No amount of tax likely to be put on tobacco will prevent its being smoked and chewed and snuffed. In all other countries where taxation prevails this is a favorite subject of taxation. In England, France, and Prussia, and in every other country where taxation prevails, tobacco yields a much larger portion of the revenue than in our country. As we produce tobacco there is a constant collision between the producers of tobacco and the tax on tobacco——

Mr. WILLIAMS. If the Senator will allow me, at that point I should like to ask him to bear in mind that in England no tobacco is produced; very little in Prussia, and only a few plants in France, and their whole system of taxing tobacco is a tax on imports from other countries, particularly the United States.

Mr. SHERMAN. I said a moment ago that the fact that we produce tobacco made the tax on tobacco less popular here than in any other country. In Prussia they raise tobacco, and they do in France, but they do not in Great Britain. They make it a monopoly in France and Prussia with a view to get the highest possible tax, and their tax on tobacco is much larger than ours and yields much more.

Mr. WILLIAMS. Yes, but their tax is on tobacco that they import from this country. They send agents here and buy our tobacco and the governments there sell it.

Mr. SHERMAN. I said that.

Mr. WILLIAMS. In England the tax on leaf tobacco is 75 cents a pound and the tax on manufactured tobacco $1.25 a pound.

Mr. SHERMAN. I have said all that, only not so well as my friend.

Mr. WILLIAMS. We are taxing our own farmers and our own consumers while they are taxing us, taxing a foreign product, because nearly all the tobacco consumed in those countries is produced in the United States. Foreign imports are what they are taxing.

Mr. SHERMAN. I am amazed at my friend from Kentucky. I supposed as a matter of course the consumer paid the tax, according to the well-established logic of the Democrats in all cases. Let me

say to him that the tax on tobacco in this country has not affected in the least the value of the tobacco raised by the farmer, and the statistics will show that the farmer gets more for his tobacco since it has been taxed by our system of taxation than he did before; it is less variable in price, more certain in results, and larger in amount. Ohio is by far a larger tobacco-growing State than Kentucky.

Mr. WILLIAMS. Oh, no.

Mr. SHERMAN. Look at the returns——

Mr. WILLIAMS. My dear sir, the returns show that Kentucky produces 40 per cent. of all that is produced in the United States.

Mr. SHERMAN. Look at the returns——

Mr. WILLIAMS. I have looked at the returns, and I know without looking.

Mr. SHERMAN. As to the manufacture of tobacco, we manufacture two to one.

Mr. WILLIAMS. Oh, yes. I thought you spoke of the production of tobacco.

Mr. SHERMAN. I think we do produce more, but I am not sure.

Mr. WILLIAMS. Kentucky produces nearly 40 per cent. of all the tobacco that is produced in the United States. I know what I am talking about.

Mr. SHERMAN. I have not the tables before me.

Mr. WILLIAMS. When the Senator says that the tax does not diminish the price of tobacco in the hands of the farmer, the man who produces it, I know he is mistaken. I have information about it, because I am a tobacco-raiser myself, and I understand this whole business that I am talking about. I know that I sold my crop of tobacco before the reduction of the tax from 24 cents to 16 cents a pound, and when that 8 cents was taken off I got for my very next crop, which was not a particle better, $4 per one hundred pounds more than I did for the crop I sold before the tax was taken off, which was exactly half the diminution of the tax. The tax was reduced 8 cents a pound and the price of tobacco increased 4 cents a pound.

Mr. SHERMAN. I must take advantage of my friend's admission. He says that when the tax on tobacco was reduced from 24 cents a pound to 16 cents he only got the benefit of one-half or 4 cents. If you reduce it again another 8 cents he will only get the benefit of one-half the reduction, or four cents. So what is the use to the farmer of reducing the tax?

Mr. WILLIAMS. The consumer will get the benefit of the other half.

Mr. SHERMAN. I say the tax on tobacco does not diminish the price to the farmer who raises it. The price of tobacco depends on whether the crop is good or bad, just as any other crop; and I say we are throwing off a tax which, by the judgment of all civilized nations, is the best source of taxation, and we are doing it at a time when we were hopeful of a reduction of both internal and external taxation. We are exhausting our surplus revenue by reducing the taxes which are least burdensome and most easily collected. Then when the Democratic party are called upon to face the solution of the tariff question they will have found that they have wasted the golden eagles which they hoped to have thrown off the tariff list.

I should like to call a halt if it is not too late. It may be too late. It may be that this bill is to be defeated, as my colleague once said in the House, "kicked to pieces by grasshoppers and eaten by pismires," (that was the way he expressed it,) defeated by amendment after amendment in the last expiring days of the session.

It may be that the end of this contest will be a proposition to repeal $40,000,000 of internal taxation, with no margin left in which to reduce external taxation. The committee, on the other hand, thought it was better to continue the tobacco tax, because it is a tax easy to collect, cheaply collected, easily borne, and borne by people who choose to indulge in an appetite which probably they had better be without. The Committee on Finance thought it was better to present the alternative of giving some relief from the sugar tax by removing the addition which was levied in 1875, rather than to take off a tax which can be so easily collected, like the tobacco tax. But if we are outvoted we must submit and let the majority select the repeal of the tobacco tax, rather than a reduction of the sugar tax.

By the reduction of the sugar tax we shall reduce the price of sugar in every household of this broad land from 1 to 1½ cents a pound. By the reduction of the tobacco tax you may take off a little, perhaps, from the consumer; he may get his 4-ounce plug or 4-ounce package of tobacco at 9 cents instead of 10 cents, but the probability is that the dealer will put on the additional cent to make change, or the improvident habits of our people will induce them to stick to the 10 cents. I do not believe the consumer will get the tobacco substantially any cheaper; the dealer will get it cheaper. We throw off a tax, therefore, which is easily borne by those who are willing to pay it, and thus prevent ourselves from relieving our people from a tax which bears equally upon all the families of this country.

But the argument has been exhausted so far as I am concerned. I do not want in these expiring hours of the session to prolong a debate which may be useless. If it is deemed best to throw off this tax of $40,000,000, so be it. As I said before, the people of Ohio are interested in producing tobacco. We do not raise as much as they do in Kentucky, but we make twice as much of the manufactured article. We can stand it if the rest can; but the sober judgment of the people will say that in the disposition of this tax question we have not acted as wisely as the House of Representatives have acted. I would rather take the bill naked as it was sent to us by the House and pass it just as it came here without amendment. They have considered this question much more wisely than we have, leaving the tariff question until the next session of Congress. We have stripped ourselves of the ability to reduce taxes derived from customs duties.

Mr. JONAS. Will the Senator from Ohio permit me to ask him a question?

Mr. SHERMAN. I am through. I give way entirely.

Mr. JONAS. I should like to ask the Senator from Ohio how he expects the price of sugar to be reduced 1½ or 2 cents a pound by a proposed reduction in the tariff of half to three-quarters of a cent?

Mr. SHERMAN. The Senator is mistaken; the average rate is 2½ cents.

Mr. JONAS. The average rate on sugars imported is from 1¾ to 2¼ cents. The reduction of 25 per cent. would be a reduction only of three quarters of a cent a pound on the highest grades usually imported into this country. I ask the Senator how is that to reduce the price of sugar from 1½ to 2 cents a pound?

Mr. SHERMAN. About a cent a pound; the rate ranges now at 2¼ cents a pound, I believe.

Mr. BAYARD. One and three-quarters.

Mr. SHERMAN. No; one and three-quarters is the old rate, to which we restore it. The present duty is two cents and nearly a quarter.

Mr. JONAS. Supposing it is three, it is only reduced three-quarters of a cent a pound.

Mr. SHERMAN. I beg the Senator's pardon.

Mr. JONAS. I have here the tariff. Not above No. 7 it is 2.18 cents a pound; above No. 7 and not above No. 10, of which the largest amount is imported into the country, 2½ cents a pound. On sugars above No. 10 and not above No. 13, 2.81 cents a pound. Very little sugar is imported into the country over that grade. A reduction of 25 per cent., which is all that the bill proposes, would be less than three-quarters of a cent a pound upon this superior grade of sugar.

Mr. SHERMAN. I have the official figures here, and when I read them I think the Senator will see the difference: all sugars not above No. 7 Dutch standard, $2\frac{9}{16}$ cents a pound; above No. 7 to No. 10, 2½; above No. 10 to No. 13, $2\frac{13}{16}$; above No. 13 to No. 16, $3\frac{7}{16}$; above No. 16 to No. 20, $4\frac{1}{16}$; above No. 20, 5.

Mr. JONAS. I ask the Senator how much is imported into this country above No. 16 or even above No. 13?

Mr. SHERMAN. Nearly all the sugar imported in this country is by the admixture of foreign articles, and by a new process reduced to below No. 7 Dutch standard, but that will be corrected by this bill. Until the decision of the Supreme Court there was no doubt but what the grade of sugar ranged from about No. 10 to No. 13, but now by this new process of coloring they have reduced the grade nearly all below No. 7 Dutch standard.

Mr. KELLOGG. So that reducing the tariff will benefit the refiner, not the consumer.

Mr. BECK. Will the Senator from Ohio read the duties on sugar once more?

Mr. SHERMAN. I have lost the place. It is in Heyl's Import Duties. I will send the book to the Senator.

Mr. JONAS. I wish to show, as I did the other day, what sort of sugars are imported into this country. I take the customs returns as I find them. I cannot assume as the Senator does that there are great frauds perpetrated in the collection of duties. We have no proof here. It has been so asserted, and I think the issue has been tried in the courts at the instance of the Senator when Secretary of the Treasury, with a result unfavorable to the Government.

Mr. SHERMAN. No, the Senator is mistaken. Both courts and juries in every case have decided in favor of the Government, but the Supreme Court finally held that the law was defective, and that the refiner had the right to put in this foreign admixture, and that Congress, as the Supreme Court said, should at once correct it.

Mr. JONAS. I will read the tariff rates on sugar again:

On sugars not above No. 7 Dutch standard, 1¾ cents plus 25 per cent., 2.18 cents.
On sugars above No. 7 and not above No. 10, 2 cents plus 25 per cent., 2.50 cents.
On sugars above No. 10 and not above No. 13, 2¼ cents plus 25 per cent., 2.81 cents.
On sugars above No. 13 and not above No. 16, 2¾ cents plus 25 per cent., 3.43 cents.

I will also call attention to the importations last year. There were imported of dutiable sugars 1,869,173,897½ pounds to the value of $82,721,087.27. On those sugars not above No. 7 Dutch standard the duty paid was $15,395,744.01, and on that grade of sugar the tariff is 2.18 cents a pound. Above No. 7 and not above No. 10, $20,216,407.36. The duty on those sugars is 2½ cents a pound. Above No. 10 and not above No. 13, $7,044,675.40. Of the higher grades above No. 13 and not above No. 16, where the duty is 3.43 cents a pound, the whole quantity imported amounted to $62,123.30, and above those grades, between Nos. 16 and 20, to $497.29. Above No. 20, and all refined, loaf, lump, crushed, powdered, and granulated sugar, to $934.95.

Thus the great majority of the sugars imported into the country pay only a duty of 2.18 to 2½ cents on the pound. Allowing that all paid 3 cents a pound, this reduction would be only about .75 of a cent a pound, and yet the Senator from Ohio says it will bring sugar into every man's household from a cent and a half to two cents cheaper

than the present price. The fact is it will reduce the price to the importer and refiner something under 60 cents a pound.

Mr. KELLOGG. Mr. President, I only want to make one observation, and that is, as there seems to be considerable dispute between the honorable Senator from Ohio and my colleague in regard to this matter, and as the honorable Senator from Ohio stated a few moments ago that the House had acted very wisely, and he commended the action of the House in referring all these issues to the tariff commission which we dwelt so much upon and authorized the President to appoint, I want to suggest to him that it would be proper to leave this very intricate question of the tariff on sugar until the tariff commission can consider it in connection with the tariff on woolens and all other commodities. I think what is sauce for the goose, to use a homely expression, is sauce for the gander. I commend that to the Senator from Ohio.

Mr. MAHONE. Mr. President, I have very great respect for the views of the Senator from Ohio; his caution is admirable; but I submit that it does not follow because we propose to reduce the tax on tobacco from 16 cents to 8 cents, that we are to have a corresponding reduction in the revenue. Our experience is to the contrary, for it will be observed that during sixteen and two-thirds years, under a variable tax ranging over 25 cents to the pound, the average revenue was a fraction over $17,000,000; and, on the other hand, since the reduction of the tax from 24 cents to 16 cents we have had an average revenue during the two and two-thirds years under that rate of taxation of over $43,000,000. I hold that the apprehensions of the Senator from Ohio are unduly excited, and that we are not to have such a reduction in revenue as corresponds directly with the reduction in the rate.

Again, I must insist that a reduction in the tax operates to stimulate production as well as a growth in revenue, because we have seen that during the sixteen and two-thirds years when the tax was over 25 cents the production as measured by the amount of the leaf manufactured was 126,000,000 pounds, whereas under the existing rate of taxation of 16 cents the amount was two hundred and fifty odd million pounds. I submit it does not follow because we reduce the tax that we are to have a corresponding reduction in the revenue, and there is justification in making a reduction when you undertake to make one that will go to the relief of the consumer and the producer.

Mr. LOGAN. Mr. President, I desire to say a word, and that will be rather general. I do not agree with the Senator from Virginia in reference to the results which will be produced by a reduction of the tax on tobacco. It is not a fact in my judgment by any means that the reduction of the tax on tobacco has increased the production, as he suggests. In order to understand that you must take into account the condition of things at the time, the amount on hand, the increase of population, and everything of that kind, besides the efficiency in collecting the tax. I do not wish to go into any of these matters. I have examined them somewhat, but I do not wish to take the time of the Senate in discussing them.

I rose merely to say that I do not admire the sort of statesmanship which will denounce day after day the protective tariff system, as it is called, adopted by the Republican party in this country, the tariff on salt and other things, and exhibit great desire to reduce it, and then at the same time by votes and amendments do the very things that will prevent the reduction of the tariff being realized, so that it will be fair and just to all parts of the country. The course being taken here is the very thing that will keep the tariff exactly where it is. When a Senator rises and talks about salt that goes to the table of every person in the United States, and nearly all over the civilized world, and who, while discoursing upon the subject of salt and other things will at the same time, for the purpose of taking the tax off an article produced in one or two States, largely disregard the general welfare of the whole country, and a fair distribution of taxation to weigh equally upon all parts of the country, it is not the character of statesmanship that I admire.

It is a well-known fact, as has been stated by the Senator from Ohio, that the tax on tobacco and whisky is a tax collected in every civilized nation, and is one of the greatest sources of revenue in nearly all countries, because it is easily collected; it is a tax the people generally do not complain of, and a tax that nobody asks to be taken off except a few persons. So far as tobacco is concerned, there were no petitions of any consequence presented at any time to the Congress of the United States asking relief on account of the tax on that article.

Tobacco and whisky in this country are two articles which ought to bear their proportion of taxation for the reasons which have been suggested, that the tax is easily collected, that it is a tax the people do not complain of, and they are articles which ought to bear their proportionate burden of the taxation of the people of this country. But because a man chews tobacco he must be relieved from taxation; because a man drinks whisky he must be relieved from taxation; because a man eats salt and sugar the tax must be kept up. I do not understand that kind of reasoning. Just as certain as you reduce the tax on tobacco and reduce the tax on whisky, and bring the taxation of this country down to the point where the necessities of the Government require a certain amount of revenue, just so certain you will not be able to reduce on anything else.

You talk about the tariff on iron, the tariff on steel, the tariff on hoop-iron, the tariff on sugar, the tariff on salt, the tariff on goods of different kinds, and you think it is too high, and you make attacks every day upon the party which has put it there, and yet at the same time you do the very act that will keep it there. The Senator from Kentucky knows the fact that every dollar he takes off tobacco if the Government requires a revenue has got to be put on somewhere else. It has got to be put on some other article either by direct or indirect taxation.

Mr. WILLIAMS. I will say to the Senator from Illinois, as he seems to be addressing me, that I do not know any such thing at all. The President in his message, and the Secretary of the Treasury in his report, have stated to us that we had $100,000,000 in the Treasury and the prospect was that the surplus would amount to $150,000,000 the coming year, and they both recommended some reduction in taxation. Therefore I do not see why it is that if you take $20,000,000 tax off tobacco, that $20,000,000 must be collected somewhere else. That does not follow.

Mr. LOGAN. I said if the Government required the revenue it would have to be collected.

Mr. WILLIAMS. Oh, yes; but it does not require it.

Mr. LOGAN. If the Government does not require the revenue today, is it a fact that it will not require it to-morrow? Is this prosperity to continue all through the existence of this Government? Statesmen, in my judgment, should take the past into consideration for the purpose of judging of the future. If they would do so they would understand, it seems to me, that we should look well to our condition now. It is impossible for any man to believe that the present condition of this country is going to go on year after year, and that we shall have no disturbance in our trade, no disturbance whatever in our commerce. When I say "disturbance" I mean no change upon what we have now. We find a vast change taking place this very day. Instead of the balance of trade being, as it was a year ago, in our favor, we find that the balance is going against us. If that continues, I want to ask, where are we to derive the revenues of the country?

Mr. VANCE. Will the Senator from Illinois allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. VANCE. I ask the Senator if, in regard to a great many of the articles which he has enumerated, a reduction of the imposts or tariff upon them would not be followed by an increase of revenue instead of a diminution?

Mr. LOGAN. That might be so, as applicable to certain articles, and it might not; I will not say. There are some articles which are taxed so high that they are not imported at all.

Mr. VANCE. Then we get no revenue.

Mr. LOGAN. Very well; I say that as an illustration would apply; but no matter whether that be true or not, I ask the Senator when he takes off the tax on tobacco, whisky, and articles from which we derive what is called an internal tax, how he proposes to convince the country that a reduction of the tariff is a thing which can be accomplished? Both sides, Democrats and Republicans, in this Chamber are in favor of a reduction of the tariff rates on certain articles, but unless you satisfy the country that the tariff rates need not be kept up for the purpose of producing a revenue you cannot reduce them; and whenever you reduce the internal tax down to that point that the country understands you must have a certain amount of revenue, you foreclose yourselves against a reduction of the taxes commonly called tariff duties. Exactly what I desired to say in reference to the arguments which are made here is that Senators who make arguments every day against high protection, as they call it, take the very course themselves that produces it, and then complain of others.

Sir, I am opposed to the reduction of the tax on tobacco. I voted against it the other day. The tax has been honestly collected, and we derive great revenues from it. The revenues have been increased because of the increase of production, not because of the reduction in taxation, but because of the demand of the country. Nobody is going to produce more than the demand when that is ascertained. The demand for it causes the production. When it is produced the revenues are collected, and fairly collected, and it is a great source of revenue to this country, and it is a tax that is not harsh on anybody.

Mr. VANCE. Will the Senator allow me to ask him if a demand for the article which causes an increase of revenue is not occasioned by a reduction in the price?

Mr. LOGAN. In some articles it is; but so far as tobacco is concerned the tax on tobacco has never prevented a man from using it or caused a man to use it.

Mr. BUTLER. It has prevented him from raising it.

Mr. LOGAN. There has always been enough raised, so far as that is concerned. There is no trouble about that.

I have said all I desired to say on this question. I only rose for the purpose of indicating, in my judgment, that the course pursued by Senators was the very course which would bring about the results they did not desire. There are a great many manufacturers of tobacco in my State, a great many tobacco producers in my State. In the Southern part of the State they produce tobacco very extensively, but I have never heard at any time any complaint from any of the people in reference to the tax on tobacco. The complaint is

made in reference to tax on other things, and not on tobacco. I have heard it nowhere on tobacco.

Mr. BECK. Mr. President, the Senator from Ohio resists the reduction of the tax on tobacco—I do not care about speaking of this particular amendment—because it was so easily collected and there was so little complaint about it, and therefore it ought not be disturbed. He said no petitions have come here asking for the reduction of it. I have been on the Committee on Finance for some time, and I have never seen a petition for the reduction of the tax on matches; I never heard of a petition for the reduction of the tax on patent medicines. If the bankers had petitioned as much as they pleased, when they show us they have dividends of 9, 9½, and 10 per cent. per annum, and a surplus fund of more than $60,000,000, over and above all their capital, owning the finest buildings on every street corner wherever I have been, nobody would have thought they were a very suffering class.

The Senator from Ohio says the bill has been very carefully considered in the House of Representatives and was carefully considered by the committee of the Senate, but it has taken care not to remove one single man of all the army of office-holders, spies, and informers, who roam over this country, and who are paying 2 per cent. of their salaries to the Republican campaign fund. I took occasion just now to go over the list and I find that there are 126 collectors for whom we are appropriating; 1,035 deputy collectors outside of Washington; 191 clerks, messengers, and janitors; 706 gaugers; 1,074 storekeepers and gaugers; 644 storekeepers; 30 deputy inspectors, and 241 clerks, &c., in the Department in Washington, making an army of 4,047, independent of an army of spies and detectives, for whom we are appropriating $100,000 or $150,000 a year, to go wherever they see fit. Not one man of that force is taken off by these gentlemen who are boasting so much of this bill. The bankers paid their taxes direct through the banking system. The match men paid by stamps, and the patent-medicine men did the same thing, and this whole army is left.

Mr. MORRILL. May I ask the Senator from Kentucky if this army of collectors will not have to be continued as long as we continue any tax upon tobacco, and whisky, and beer?

Mr. BECK. But could not the Senator have found something else to have done instead of giving the patent-medicine men $2,200,000 that would have taken some of this army away? That meritorious class of men, who will sell their patent medicines for as much as they did before, are relieved from taxation. I think he could if he had been looking in that direction. This little army of 4,047 at an average of $2,000 a year salary cost $8,094,000, and 2 per cent. on that is over $160,000 to the Republican campaign fund. That is the great item to which I suppose Senators were looking, and the maintenance of which I suppose they think is indispensable.

Mr. MORGAN. That tax collects itself. [Laughter.]

Mr. BECK. Yes, the tax collects itself.

Mr. VANCE. It is a tax "for revenue only." [Laughter.]

Mr. BECK. I do not care to say anything more about it. I am not sure that we can safely go beyond the reduction we have made on tobacco.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. LOGAN. I wish to get the judgment of the Senator in regard to the tobacco tax. The tax was reduced on his motion to 12 cents?

Mr. BECK. Yes, sir.

Mr. LOGAN. The Senator seems to be very conversant with matters of taxation, and he is, I agree. I ask him now if in his opinion he believes that the tax can be reduced any further with safety?

Mr. BECK. I should rather not go any further at present until we see what we can do in regard to tariff taxation, but I believe that what is now claimed as $50,000,000 for a sinking fund is an absolute absurdity, and we ought not to be acting as if we had to pay $50,000,000 when we can only pay $28,000,000, and we can go $30,000,000 further in the reduction of taxes than Senators think we can.

Mr. LOGAN. I am not discussing the sinking fund.

Mr. BECK. It makes a difference between $40,000,000 and $70,000,000.

Mr. LOGAN. I understand that, but still we should discuss one thing at a time. I notice every time a Senator gets up here he generally starts off on tobacco and gets on banks, or starts on banks and gets on sugar, or starts on sugar and gets on salt and whisky. I seldom notice an exception to the fact that when a Senator gets up to speak on the proposition before the Senate he gets on something that is not before the Senate. The proposition now is in regard to tobacco, and taking the condition of things as it now exists, the sinking fund and all included, can we afford to reduce the tax on tobacco any further than it was reduced by the amendment of the Senator from Kentucky?

Mr. BECK. I will answer that question very fairly. I said I would rather have other things acted on before we reduced the tax on tobacco below the point to which it was reduced by my amendment. I say to the Senate that while the members of the Finance Committee on the other side of the Chamber are insisting that $40,000,000 or $45,000,000 is a sufficient amount to reduce taxation, it is perfectly apparent that they are counting fifty-odd million dollars to be set apart for what they call a sinking fund when $28,000,000 is all that can by any possibility be required, and the taxes may be reduced further with perfect propriety and safety.

If we can reduce taxes $70,000,000 instead of $45,000,000 then we can make tobacco 8 cents instead of 12, and I should prefer to see how far we can go in reducing tariff taxes on many articles before we make that additional reduction. Still, as I have said, I shall vote to make the tax 8 cents and take the chances, though I am sorry the proposition is made until other things are tested, because if we do make it 8 cents it necessarily follows that we shall have to bring the tax on cigars down to $3 to correspond, and we shall have to bring the tax on cigarettes weighing over three pounds per thousand down to 50 cents instead of 75 cents, and cigarettes weighing less than three pounds per thousand to $3 instead of $4. I did not care to make that reduction now, but I do declare that I shall always maintain (though I do jump from one thing to another) that the present army of men we are keeping employed, the number of which has been exhibited to this body, is absolutely disgraceful to any service in the world. Some time ago, when another bill was up, I showed the condition of the number of collectors and employés in one of the Congressional districts in Kentucky. I have the exhibit before me that I made then. Here it is:

Statement showing the amount of tax collected from the following distilleries from July, 1880, to June 30, 1881.

Name of distiller.	No. of warehouse.	County.	Daily capacity and production.		Amount remaining in the bonded warehouse.	Months in operation for year 1881.
			Bushels.	*Gallons.*	*Gallons.*	
L. C. Caskey	15	Wolfe	4.13	10.33	.....	3
W. W. Green (9)	220	Elliot	8.16	20.40	376	3
Lykins & Walters	301	Morgan	7.69	19.23	.....	1
James Miller	950	Knox	3.50	8.82	10	1
Joseph Clark	901	Clay	4.10	10.25	101	1
Archibald Leger	897	Knox	3.73	9.32	203	3
Elsberg Little	891	Wolfe	2.85	7.12	65	1
Lewis Angell	890	Whitley	3.95	9.87	.....	.....
James C. Tye	889	Whitley	2.93	7.32	135	4
James Roberts	887	Lee	4.83	12.07	59	2
James Eversole	883	Owsley	4.75	11.87	15	3
Alfred Owens	882	Rock Castle	7.10	17.75	292	2
McCager, Napier & Co.	881	Wolfe	4.80	12.00	.....	.....
James W. Ross & Co.	809, 876	Wolfe	4.04	10.10	185	5
J. & H. D. Davis	811	Knox	4.64	11.60	398	3
J. Brandenburgh	810	Lee	3.32	8.08	.....	.....
J. H. Brown	809	Wolfe	4.06	10.15	105	2
John Archer	746	Whitley	3.60	9.00	125	6
H. C. Rice & Co	745	Estell	3.49	8.72	283	3
Frederick Benge	685	Clay	5.43	13.57	10	4
Joseph E. Hay	554	Knox	8.48	21.20	761	1
Samuel Harris	416	Knox	4.04	10.10	81	3
Elihu Reynolds	409	Owsley	6.01	15.02	113	1
John Steele	402	Owsley	5.26	13.15	.....	.....
Levi Ross	379	Owsley	4.63	11.57	.....	.....
John Links	405	Laurel	4.37	10.92	23	3
Melville Phelps	410	Laurel	5.30	13.25	123	4
Amount now in warehouse					3,473	

Grand total, $8,284.60.

Average while running, 4.78 bushels a day, producing 11.95 gallons, for seventy days per annum. There are now seven storekeeper gaugers employed at $3 per day, making $21, and three general storekeepers, at $4, making $12, their daily pay being $33, to guard 3,473 gallons, or $3,125.70 of tax. The pay of officials for ninety-five days will amount to more than the tax. The amount of tax for the year ending June 30, 1881, is $8,284.60, and the pay of officers per year at present employed is $10,296. When General Clark was asked for the other expenditures in the eighth and ninth districts in Kentucky he called on Mr. F. D. Sewell, chief of the division of revenue agents, for information, and received the following reply:

APRIL 19, 1882.

GENERAL: I find that there has been expended from the appropriation for the discovery of violations of internal-revenue law since June 30, 1878, to the present time, $5,687.78 in the eighth district of Kentucky, and $1,434.27 in the ninth district; total $7,122.05. This has been used entirely for the discovery and seizure of illicit stills and the arrest of offenders. In addition to this quite a large amount has been expended by revenue agents for special employés who have been employed in that State and have devoted a good deal of their time to work in Landram's district.

I am not able, however, to determine the amount expended in this way. It would be safe to put it at not less than $1,000; probably $1,500 is nearer the correct amount.

Respectfully,

F. D. SEWELL,
Chief Division of Revenue Agents.

General W. T. CLARK, *Chief Clerk.*

Yet this Republican party of the Senate would not even recommend a proposition authorizing the Commissioner to consolidate these little fragments in one common warehouse where one man could guard it, because it would cut the heads off a swarm of political bummers who pay them 2 per cent. and who influence elections.

Mr. BLAIR. Mr. President, while I defer very largely to the judgment of others, I am not one of those who are anxious to see any reduction of taxation. I do not feel anxious for the passage of this bill, either as it came from the House or as it may be amended by the Senate. I believe that there is slight danger of any surplus revenue beyond the actual wants of the country. I think taxation is now so adjusted that its collection is hardly perceptible, that its burden is scarcely felt. I think that the people of the United States, but for the advertisement of the debates in Congress, would hardly be aware that they were paying taxes at all.

Whatever is now imposed in the way of national taxation falls upon the luxuries and vices, and those things which are not the necessaries of life. Yet we are not in the receipt of a revenue which is beyond the real necessities of the country itself, either now or prospectively. I believe that a surplus of $100,000,000, or $150,000,000, or $200,000,000, or $300,000,000 could be most beneficially expended in increased internal improvements of the country and in large national expenditures for the benefit of the country now and in the long hereafter.

I think it would be better that we should go from this session leaving the laws relative to taxation and revenue, either the customs laws or the internal-revenue laws, entirely unmodified and to the tariff commission itself, even if the legislation which may follow upon its report should result in no great reduction of taxation, than that any other result should be arrived at.

If now we go further than we already have gone and insert a provision in the bill diminishing our revenue some six or twelve millions of dollars further upon the single article of tobacco, it is perfectly evident to my mind that we shall soon find ourselves in national embarrassments for the want of a sufficient revenue.

I think those Senators on this floor and those citizens of this country who take an interest in the initiation and in the practical carrying out of great measures bearing upon the education of the people of this country, would do well to pause and consider whether by insisting upon a reduction still further of the revenues of the country they do not entirely preclude the possibility of anything like national aid to the cause of common-school education. That is a subject which has not been discussed in this Congress. It has been discussed in this country, and very earnestly and seriously, and when Senators and members of the House of Representatives after going home reassemble at the next session they will find behind them an intense and nationally developed sentiment demanding legislation in this direction, and demanding appropriations not by thousands, but by millions for the education of the people of this country.

I make no invidious allusion to any particular section of this country in what I say, for the demand for national aid, the necessity for national aid, is as great at the self-righteous North as it is in what we are accustomed to call the illiterate South. The tendencies in this direction to-day are as evil and as hurtful north of what is known as Mason and Dixon's line as they are south of it.

In the House of Representatives there is a pending bill, moved unanimously by the Committee on Education in that body, which proposes an appropriation of $10,000,000 to be distributed upon the basis of illiteracy throughout the entire country. That is not taken into account in any of our propositions to reduce the revenues of the country. We have a bill pending here in the Senate which will appropriate, if it passes, $15,000,000 for the same purpose, and it is but a mere pittance. The honorable Senator on my left [Mr. LOGAN] has introduced a bill which should and which will immortalize him, although it is so extravagant, as many think, in its terms that in some directions there is a disposition to hoot at it, because it proposes to appropriate to the salvation of the Republic $60,000,000 a year.

Mr. President, that is too small a sum for the necessities of this country, as they are demonstrated to-day by the eternal and undeniable figures of the census, the statistics for collecting and obtaining which we have paid $5,000,000.

The men who take an interest in this subject have to elect to-day whether they will so reduce the revenues of the country that the amelioration of the condition of our people in the direction of their illiteracy now or prospectively is entirely out of the question or whether they will leave our revenue and our means of revenue intact.

It is better to kill this bill. It is a bill that ought never to have originated. It is a bill that should die to-night, and the tendency of the debate and of the amendments which are being attached to it is such that for one I have no hesitation in saying that if we pass another inch in this direction, so far as my vote can contribute to the destruction of this measure it most certainly shall do so.

My honorable friend from Virginia, [Mr. MAHONE,] who knows the interest that I personally take in the cause of education in his own State, and in whose political fortunes I feel as great an interest, as he knows, as does any man outside of the borders of the noble old Commonwealth which he so gloriously represents here, must decide to-day, and so must those who have the cause of education at heart, whether they will destroy the prospect of the education of their people in order that they may get a little more extensive market for their tobacco; and also whether they will initiate a course of legislation which, if it extend to tobacco, is inevitably and logically very soon to apply to the other great source of our revenue, and that is the alcoholic production of the country.

Mr. President, there are some other things in this country which are important besides the reduction of taxes upon our vices and our luxuries. Nobody rises here to say that the tax of the present day is not substantially imposed upon those two things, and both interests are sufficiently wealthy and both sufficiently powerful to bear not only the taxation now imposed upon them but a very much greater degree of it. For one, I am in favor of keeping the laws as they are, and if it will produce a greater revenue I would impose still more taxation, and I would impose taxation upon the necessaries of life if it should be found that we could not get the needful revenues in any other direction for the purpose of insuring the proper education and development of our people.

That is a thing we are not likely to do under our State system. Aid from the national Government is indispensable, and aid from the national Government is as logical and as proper a thing to give to our people, so that the national citizen may be educated to be competent to exercise the functions of sovereignty in his national capacity as that he may be able to perform the same functions as the citizen of a State.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia, [Mr. MAHONE.]

Mr. MORRILL. I ask for the yeas and nays.

Mr. HARRIS. If the Senator from Vermont does not desire to complete the consideration——

Mr. MORRILL. I wish the yeas and nays on the amendment.

Mr. HARRIS. I was going to move to adjourn, unless the Senator from Vermont expects to complete the bill to-night.

Mr. MORRILL. I want the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. BUTLER. Mr. President, I predicted when this discussion began that some of our friends on the other side would get sick of the reduction of taxation, and I am very sorry to see that the Senator from New Hampshire is ailing a good deal. Therefore——

Mr. BLAIR. The Senator will permit me to say that I was sick from the beginning, and have given my reasons.

Mr. BUTLER. I was not aware of the fact that the Senator was complaining.

Mr. BLAIR. I was a little sick from the beginning. As I said, I deferred to the judgment of others.

Mr. BUTLER. I am sorry to see the Senator in such a condition of health and, therefore, I was going to move to adjourn in order that the Senator might have Sunday in which to recover his health, and renew the discussion on Monday.

Mr. ROLLINS. Let us take the vote on the pending amendment.

Mr. BUTLER. I am sure my other friend from New Hampshire is not getting sick.

Mr. ROLLINS. Not at all.

Mr. BUTLER. I am glad to hear that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia, on which the yeas and nays have been ordered.

Mr. BAYARD. I wish to submit to the Senator from Vermont that it is not well to continue discussion on this bill any longer to-day. We have been here since eleven o'clock; it is now nearly six; the amendment is a very serious one, and it has been made much more so by the amendment adopted by the Senate by a majority I believe of but one or two votes, to adopt which in my judgment shakes at the whole system of tobacco taxation. It is to my mind one to repeal the restriction upon the sale of leaf tobacco by the grower and leave him free, without Government inspection and without safeguard, to sell his tobacco to whom he pleases to an amount equal to $100, and it is in my judgment to perform a task upon your revenue that you would upon a barrel of whisky if you bored a gimlet-hole in it.

I think it very important that the question of tobacco taxation should be agreed upon fairly and soundly, whether you are to abandon it or not. One fact is certain, it brought $47,000,000 into the Treasury last year, and as the Senator from Ohio has said, it is one of those articles that every government has selected as the subject of especial taxation.

It is not worth while to resolve to do a thing and then vote so as to make it impossible. If you intend upon this agricultural product to lay a duty of 8 cents a pound, which is more than 100 per cent. ad valorem, more than double the value of the property which you tax, and which is produced all over the country, you must cast around it those safeguards that common experience tells you are necessary to get your tax; otherwise certainly the best way is to abandon it. You will have all your inquisition, you will have all your suits, you will have all the distress to the people that will come from attempting to collect a tax which yet your laws enable them successfully to evade. If you want a tax like this, you have got to impose restrictions upon the use by the people of their property, and what I may call the natural use of their property. They cannot buy and sell and deal in this thing just as if it were not subject to a tax. You begin by imposing your regulation upon manufacturers, and you continue it to producers and to sellers and peddlers, and all these intermediate persons; and if you wish to collect this tax you have got to continue those restrictions.

Yet to-day by a vote the Senate has agreed to allow the farmer to

sell to whom he pleases to the amount of $100. What is the use of talking of the amount of $100? He may sell just as much as he pleases in small quantities and you cannot detect it, you cannot prevent it. If you try by machinery to follow that man up in his every day dealings you will increase the inquisitorial features of your law so painfully that you will produce trouble, and you will bring all sorts of poor people into your courts; and so instead of helping them you will hurt them. That will be just the result of that. I believe I see it as plainly as I see the faces of Senators before me.

I would have been willing without that amendment to put the tax at 8 cents a pound, not without hesitation, but still I would have put it at 8 cents a pound for the purpose of diminishing the premium upon evasion which a high tax always creates. But if you mean to get revenue say so, and pass laws for it, and pass the necessary restrictions for it, but do not pass the law with one hand and then throw those restrictions off.

I say to the Senator from Vermont that I wish he would move that the Senate do now adjourn. I should like to vote correctly on this subject. I did want to vote for 8 cents a pound originally, and my friend from Kentucky [Mr. BECK] would have put his amendment at 8 cents a pound if he had not been informed that he would gain votes by putting it at 12 cents. That was his view originally and mine, but in the mean time amendments have been put on which I think make it very doubtful whether we shall get a revenue.

I suggest to the honorable Senator from Vermont that he move an adjournment, and I hope he will do so. I do not want to assume the control of business in this body, but it is reasonable that we should adjourn. It is now six o'clock, and I submit to my friend from Vermont that it will not prolong the debate on this bill to have an adjournment now, and I do not think it will expedite the passage of the bill to continue the debate now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. BAYARD. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 22, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read in part.

On motion of Mr. BUCK, by unanimous consent the further reading of the Journal was dispensed with.

The SPEAKER. If there be no objection the Journal will be considered as approved.

There was no objection.

CARRIAGE OF PASSENGERS BY SEA.

Mr. GUENTHER. I ask unanimous consent to take from the House Calendar for immediate consideration the bill (H. R. No. 6722) to regulate the carriage of passengers by sea.

Mr. CARLISLE. Let the bill be read subject to objection.

Mr. GUENTHER. The bill is of some length. I ask that the reading of the bill be dispensed with.

Mr. RANDALL. While I favor this bill I do not consider it would be at all safe to pass any bill through the House without its being read.

Mr. GUENTHER. I withdraw, then, my request that the reading be dispensed with.

The SPEAKER. Any member is entitled to have a bill or other proposition read upon which the House is to vote.

The bill as proposed to be amended by the Committee on Commerce was read, as follows:

[Omit the parts within brackets and insert the parts printed in italics.]

Be it enacted, &c., That it shall not be lawful for the master of a steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein one hundred cubic feet, if the compartment or space is located *on the main deck or* on the first deck next below the main deck of the vessel, [or in a poop or deck-house constructed on the main deck of the vessel,] and one hundred and twenty cubic feet for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel; and it shall not be lawful to carry or bring passengers on any deck other than the [two] decks above mentioned, [and in the aforesaid poop or deck-houses.] And in sailing-vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the [uppermost] *main* deck of the vessel, or in a poop or deck-house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between-decks, nor in any compartment, space, poop, or deck-house, the [clear] height of which *from deck to deck* is less than six feet, [and in the cabin or upper decks not less than six feet six inches.] In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been during the voyage taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck-house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined $50 for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

SEC. 2. That in every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation, as hereinafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other. All the male passengers upward of fourteen years of age who do not occupy berths with their wives shall be berthed in the forepart of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead; and unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured. Families, however, shall not be separated except with their consent. Each berth shall be numbered serially, on the outside berth-board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until [they have been inspected by a customs officer as hereinafter provided] *the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period.* For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of $5 for each passenger carried or brought on the vessel.

SEC. 3. That every such steamship or other vessel shall have adequate provision for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces. To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions; and in all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers, which hatchways shall be properly covered with houses or [boody] *booby* hatches, and the combings or sills of which shall rise at least [one foot] *six inches* above the deck; [and the said houses shall have a door on each side, so constructed as to afford the greatest amount of light and air and of protecting from wet that the case will admit;] and there shall be proper companion-ways, or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companion-ways or ladders shall be securely constructed, and be provided with hand-rails or strong rope, and, *when the weather will permit*, such passengers shall have the [free and unimpeded] use [of the whole] of each hatchway situated over the compartments or spaces appropriated to their use; and every vessel carrying or bringing such passengers shall have a properly located and constructed [camboose] *caboose* and cooking range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers. In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly inclosed and located on each side of the vessel, and shall be separated from passengers' spaces by substantial and properly constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage. For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding $250.

SEC. 4. [That every such steamship or other vessel shall have on board during the voyage, properly stored and secured, a supply of good and wholesome food, provisions, and water sufficient to provide for the daily distribution to each of such passengers while on board the vessel an allowance of food and provisions equal, for the first twenty days of the voyage, in value to least fifty cents, United States money, per head, and to be of good and wholesome character and of sufficient quantity, and to be served on tables, with seats around, as now is customary in the second cabin of the transatlantic steamships, the computations of the fifty cents value to be made in bulk at the rate of fifty dollars for every hundred passengers. Mothers] *An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water not less than four quarts per day shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such passengers shall at any time during the voyage be put on short allowance for food or water, the master of the vessel shall pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance. Mothers* with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter. *Tables and seats shall be provided for the use of passengers at regular meals.* [On sailing-vessels and on steamships, for the time after the first twenty days of the voyage, an allowance of food and provisions equal in quality and quantity to a navy ration of the United States, and of water not less than three quarts per day, shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such

passenger shall, at any time during the voyage, be put upon short allowance of food or water, the master of the vessel shall pay to such passenger $3 for each and every day the passenger may have been put on short allowance, except in cases of accidents where the captain is obliged to put the passengers on short allowance.] And for every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not more than $500, and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners.

SEC. 5. That in every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a [deck house constructed on the main deck or on the deck next below the uppermost deck] *space below the deck next below the main deck* of the vessel, [and not elsewhere.] The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so [filled and] supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea-voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers or to any infant or young child of any such passengers who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding $250.

SEC. 6. That the master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the [uppermost] *main or any upper* deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding $250.

SEC. 7. That neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding $100 and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than $100 for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or *principal* languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do he shall be deemed guilty of a misdemeanor and shall be fined not more than $100.

SEC. 8. That it shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitro-glycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel; and horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment, except in a vessel built of iron and of which the compartments are divided off by water-tight bulk-heads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $1,000 and be imprisoned for a period not exceeding one year.

SEC. 9. That it shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel; and on the arrival of any such steamship or other vessel within any collection district of the United States, the master thereof shall deliver to the officer of customs who first comes on board the vessel and makes demand therefor a correct list, signed by the master, of all the passengers taken on board the vessel at any foreign port or place, specifying separately the names of the cabin passengers, their age, sex, calling, and the country of which they are citizens, and the number of pieces of baggage belonging to each passenger, and also the name, age, sex, calling, and native country of each emigrant passenger, or passengers other than cabin passengers, and their intended destination or location, and the number of pieces of baggage belonging to each passenger, and also the location of the compartment or space occupied by each of such passengers during the voyage; and if any of such passengers died on the voyage, the said list shall specify the name, age, and cause of death of each deceased passenger; and a duplicate of the aforesaid list of passengers, verified by the oath of the master, shall, with the manifest of the cargo, be delivered by the master to the collector of customs on the entry of the vessel. For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding $1,000.

SEC. 10. That in case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of $10 for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease; and the master or consignees of any vessel who neglect or refuse to pay to such collector, within the times hereinbefore prescribed, the sums of money aforesaid, shall be liable to a penalty of $50 in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

SEC. 11. That the collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space; the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of this act, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Secretary of the Treasury at such times and in such manner as he shall direct.

SEC. 12. That the provisions of this act shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or *vice versa*; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of this act have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of this act have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding $1,000 and be imprisoned not exceeding one year, and the vessel shall be liable to seizure and forfeiture.

SEC. 13. That the amount of the several fines and penalties imposed by any section of this act upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the provisions of this act, shall be liens upon such vessel, and such vessel may be libeled therefor in any circuit or district court of the United States where such vessel shall arrive or depart.

SEC. 14. That this act shall come into operation and take effect ninety days after the passage of this act; and sections 4252 to 4277, inclusive, of the Revised Statutes of the United States are, from and after said date, repealed; and this act may be cited for all purposes as "The passenger act, 1882."

The SPEAKER. Is there objection to the present consideration of the bill just read? [After a pause.] The Chair hears none.

Mr. GUENTHER. I wish to call attention to the fact that the bill as it came from the printer this morning omits the word "not" between the word "space" and the word "below," in line 7 of section 5 of the printed bill. I ask that the word "not" be there inserted, so that it will read "the hospitals shall be located in a space not below the deck next below the main deck of the vessel."

There was no objection.

Mr. VAN VOORHIS. Is this bill now in a form satisfactory to the steamship companies?

Mr. GUENTHER. Satisfactory to the better class and to the friends of the bill.

Mr. VAN VOORHIS. If it is such a bill as the steamship companies want, why pass any bill at all? They would do the same thing now.

Mr. GUENTHER. It is not a bill which the steamboat companies want.

Mr. VAN VOORHIS. I object to the steamboat companies preparing such bills as they desire for us to pass.

Mr. GUENTHER. That is not the case.

Mr. DEUSTER. I desire to say that this is not a bill shaped by the steamboat companies, but their representatives were present at the meeting of the committee and acquiesced in what the committee had done; they will no longer fight the bill. That is all; it is not the bill of the steamboat companies.

Mr. VAN VOORHIS. I only wanted to know.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. GUENTHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ELLIS. I ask consent——

Mr. KASSON. I call for the regular order.

Mr. ELLIS. I ask my friend from Iowa [Mr. KASSON] to waive the call for a moment. I think if he will hear me he will not insist upon it.

Mr. KASSON. I am charged with a duty under the regular order; and as I shall be called out soon I must ask for it early. If it will take only five minutes I will yield to the gentleman.

Mr. O'NEILL. And let me have two or three minutes after that.

SAINT TAMMANY WATER WORKS COMPANY, NEW ORLEANS.

Mr. ELLIS. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States, and to put the same on its passage at this time. The bill was reported from the Committee on Commerce with an amendment.

Mr. BURROWS, of Michigan. I reserve the right to object until the bill is read.

Mr. ELLIS. The object of the bill——

Mr. BURROWS, of Michigan. Let the bill be read.

Mr. ELLIS. Let me talk first. The object of the bill is to give right of way to a company over the lands and waters of the United States for the purpose of laying pipes and aqueducts to give the city of New Orleans a supply of pure, healthy water. It will not cost the Government a dollar, and I know no one will object to it.

Mr. BURROWS, of Michigan. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That Davidson B. Penn, of New Orleans, Louisiana, and his associates, under the name and style of the "Crescent City Aqueduct and Water Works Company," or such other style as they may adopt, be, and are hereby, granted the right of way to lay conduits, pipes, arches, and aqueducts under the waters of Lake Pontchartrain to connect its northern shores with the city of New Orleans, and over and under any of the public waters or lands of the United States between New Orleans and said shore of said lake: *Provided*, That every part of such pipes, aqueducts, or other constructions shall be at least ten feet below the surface of said waters at mean low tide: *Provided also*, That if at any time the constructions of said company shall in any way obstruct or interfere with the free and safe navigation of any of said waters, such constructions shall be removed or changed by the company upon notification by the Secretary of War.

The SPEAKER. Is there objection to considering at this time the bill which has been read?

There was no objection, and the House proceeded to consider the bill.

The amendment reported from the Committee on Commerce was agreed to.

Mr. ELLIS. In order to perfect the text, I move to strike out the words "Crescent City Aqueduct and" and to substitute therefor the words "Saint Tammany;" so that it will read, "Under the name and style of the Saint Tammany Water Works Company." That is the name which has been chosen by the corporation.

Mr. ROBINSON, of Massachusetts. I wish the gentleman from Louisiana [Mr. ELLIS] would tell us whether there are any lands of the United States to be crossed by this company, except those covered by water?

Mr. ELLIS. I do not think there are any; but I put that in from abundant caution.

Mr. ROBINSON, of Massachusetts. It does not cross any arsenal grounds or hospital grounds, or anything of that kind?

Mr. ELLIS. I do not think it touches a foot of the public domain; but not being absolutely certain I put in those words out of caution.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KASSON. I now call for the regular order, only remarking that these same unanimous consents can be asked for at the close of the morning hour provided by the new rule adopted yesterday.

Mr. O'NEILL. Which rule shuts out everything by unanimous consent.

Mr. POUND. Only for the morning hour.

The SPEAKER. The regular order is called for, which under the special rule adopted yesterday is the call of committees in their order for the purpose of calling up bills and resolutions for consideration. Under the rule the Chair will recognize one person from each committee to call up business. The morning hour will begin at eighteen minutes before twelve o'clock.

MATERIALS FOR THE CONSTRUCTION OF VESSELS.

Mr. KASSON. I am directed by the Committee on Ways and Means to ask that the bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sailing vessels for foreign account be now taken from the House Calendar for consideration at this time.

Mr. SHALLENBERGER. I rise to a parliamentary inquiry, reserving my right under the rule to object.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. It is whether this bill comes before the House by express direction of a committee in session, a quorum being present?

The SPEAKER. The Chair presumes it does.

Mr. KASSON. The direction was given this morning without objection at a meeting of the Committee on Ways and Means, a quorum being present.

Mr. SHALLENBERGER. With that construction of the rule I do not object.

The SPEAKER. The Chair gives no construction to the rule except to say that when members state that they are authorized by their committee to call up certain business the Chair will take the word of such members.

Mr. REED. And it will be at the option of any member of the House to inquire whether it has been so authorized by a committee; and unless the member in his place states that he has been directly so authorized it will not be admissible under the rule.

The SPEAKER. The Chair never undertakes to question what a member states about a matter of this sort. If members choose to raise the question, it is their right, not a matter for the Chair.

Mr. SPRINGER. As we are just beginning action under this new rule, I rise to make a parliamentary inquiry as to the practice which will be observed by the Chair in reference to objections. Under the rule a measure is to be considered, as I understand, unless objected to by more than three members. Now, what is the time to make objection—before the bill is read?

The SPEAKER. Members are not expected to object until they know what the measure is. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sail vessels for foreign account.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3020 of the Revised Statutes shall be amended by adding the following, to come in at the end of the last line of said section: "Steam and sail vessels built for foreign account, of domestic and imported materials, shall be entitled to the benefit of the rate of drawback on the imported materials as provided in the preceding section.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROBESON. I desire to ask a parliamentary question. If this bill should now come before the House in its present form without objection, and should be amended so as to become objectionable, will the right of objection remain in respect to the amended bill?

The SPEAKER. It will not, as the Chair thinks.

Mr. ROBESON. Then I object.

Mr. O'NEILL. I ask whether there is a report from the Committee on Ways and Means on this bill.

Mr. HASKELL. Yes, sir; a unanimous report.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ROBESON. As this bill may be amended so as to bring in the whole tariff question, I object.

Mr. MORRISON. One objection is not sufficient.

Mr. ROBESON. I object; if no one else does so I cannot help it. The Chair has ruled that after the bill is before the House any amendment may come in and be considered.

The SPEAKER. The Chair suggests that gentlemen desiring to object will rise.

Mr. KASSON. Before that is done, I suggest that in accordance with the practice the report may be read, the right to object being reserved till after the reading.

The SPEAKER. The rule provides that the report may be read as a part of the consideration of the measure. The question whether it will be considered is first to be determined. A sufficient number of members not having risen to object, the bill is before the House.

Mr. KASSON. I now ask that the report may be read under the rule.

The SPEAKER. The Clerk will read the report, provided the reading does not occupy more than five minutes.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sail vessels for foreign account, submit the following report:

The purpose of this bill is to extend to vessels built in the United States on foreign account, partly of domestic and partly of imported materials, the same drawback that is allowed under section 3019 of the Revised Statutes on manufactured articles constructed wholly of imported materials. Under sections 3019 and 3020 of the Revised Statutes, ship-builders of the United States can import all the materials used in the construction of vessels, and, when such vessels are exported, can obtain drawback equal to the amount of duty paid on the materials used in construction, less 10 per cent. But if a single dollar's worth of domestic materials be employed in conjunction with imported materials then no drawback can be allowed. The increasing demand from abroad for American-built vessels of a certain class makes it necessary to remove this discrimination in order that American ship-builders may be placed on an equality with their foreign competitors, and in order that they may be enabled to accept orders for building vessels on foreign account.

A further reason controlling the opinion of your committee is found in the fact that the existing law discourages the use of American material by making its use an occasion for depriving ship-builders of the drawback which is allowed when no domestic materials are used. There is no dispute that a sound economic policy requires us to give employment to our labor in the largest degree for foreign account. As this bill embraces no new principle of legislation, and is simply an enlargement of the application of the principle established in the sections of law referred to, your committee report back the bill with the recommendation that it pass, with an amendment of the title so that the same shall read: "A bill to allow drawback on foreign material used in connection with domestic materials in the construction of steam and sail vessels for foreign account."

Mr. KASSON. Mr. Speaker, the report I think explains the very simple object of this bill. For the benefit of those gentlemen who

did not attend to the reading, I have only to say that under our existing laws if a vessel is built entirely of foreign materials a drawback of the duty on those materials, less 10 per cent., is allowed; but if there are some domestic materials used in the construction of the vessel the benefit of the drawback is lost.

Mr. ROBESON. The gentleman will pardon me. I wish to ask whether this bill is still subject to objection? I understood the gentleman to ask that the report be read, subject to objection.

The SPEAKER. The bill is not now subject to objection.

Mr. O'NEILL. The right to object was reserved by the gentleman from New Jersey.

The SPEAKER. The Chair did not so understand.

Mr. ROBESON. I understand, Mr. Speaker——

Mr. KASSON. I beg to proceed with my statement.

Mr. ROBESON. I understood the gentleman from Iowa to ask that the report be read, subject to objection.

The SPEAKER. The Chair did not so understand.

Mr. ROBESON. Did not the gentleman so ask?

The SPEAKER. The Chair announced that the bill was before the House prior to the reading of the report.

Mr. KASSON. I beg to make my statement, as I have the floor for that purpose under the rule.

Mr. O'NEILL. It was distinctly announced that the right to object was reserved pending the reading of the report.

The SPEAKER. The Chair can recognize but one gentleman at a time. The gentleman from Iowa is on the floor.

Mr. TOWNSHEND, of Illinois. I ask that an amendment be read.

Mr. KASSON. Will the gentleman from Illinois allow me my right to the floor?

Mr. TOWNSHEND, of Illinois. Certainly.

Mr. KASSON. I beg to state to my friend from Illinois and to the House that the simple object of this bill is to further the doing of work for foreign countries by allowing the use of domestic materials without loss of the drawback which the present law allows when a vessel is built entirely of foreign materials. Under the present law, if in the construction of a steamship built for foreign account $10,000 worth of domestic materials are used, the benefit of the drawback which would be allowed if all the materials were foreign is lost.

The ship-builders represented more particularly by the gentleman from Delaware, [Mr. MARTIN,] who introduced this bill, state that they have a growing business of this sort for the construction of a certain class of vessels which our ship-yards are turning out for foreign account with very considerable speed; and this business they can do to greater advantage and with greater security against the competition of foreign ship-yards, if all the domestic materials which can be used more cheaply than foreign materials are allowed to be used without the loss of the drawback on the foreign materials.

It does not in any respect change the principle of the law of drawback. It only limits the amount of drawback to be required by that proportion of domestic materials used. And I appeal to the patriotism of gentlemen on both sides who wish to encourage so useful a work as this, for which we are paid by foreign money and which applies to foreign account alone, to allow that bill to pass and increase the employment of our ship-yards and the labor applied to that class of business. I have to add that I believe the Committee on Ways and Means were unanimous. I know of no objection on their part, and with that statement I reserve the balance of my time.

Mr. TUCKER. Mr. Speaker, I move to amend the bill, in line 6, by inserting the word "domestic" between the word "foreign" and "account." I wish the Clerk to take cognizance of it.

The SPEAKER. Does the gentleman wish to be heard?

Mr. TUCKER. I do. Now, the purpose of the amendment is, and I call the attention of my friend from Iowa to it——

Mr. KENNA. Let us have order, so the gentleman can be heard.

The SPEAKER. The House is in order and the gentleman will proceed.

Mr. TUCKER. The purpose of the amendment is this: the bill if it passes will enable the foreign ship-owner to have a vessel built in an American ship-yard of material cheapened, if of foreign product, by having a drawback on those materials. But if I want to get a ship built in the same ship-yard to sail under an American register and foreign materials are used, I get no drawback. So it will cost me more as an owner of a ship sailing under the American flag than it will the owner of a foreign ship. In the interest of all shippers of this country, for the benefit of the shipping interest, I ask we be allowed to buy our ships as cheaply as the foreigner can buy them or have them constructed in our own ship-yards. For that purpose I have moved to insert the word "domestic" between the word "foreign" and the word "account," so that an American shipper can get a ship built in Delaware as cheaply as a foreigner can get it built there.

Mr. SCALES. That is to put our shippers on an equality with foreign shippers in getting ships built in the State of Delaware.

Mr. TUCKER. Yes, that is it exactly. It is in the interest of the great shipping interest of the country. Gentlemen are complaining our carrying trade is going away from our shippers. Here is a bill which enables the foreigner, who has an advantage of us already, to get a cheaper ship in an American ship-yard than an American shipper can have a ship built in the same yard.

Mr. TOWNSHEND, of Illinois. I desire to offer an amendment to the bill.

Mr. TUCKER. It is in effect a premium to the British flag over the American flag.

Mr. TOWNSHEND, of Illinois. I desire to offer an amendment.

The SPEAKER. One amendment is already pending.

Mr. TOWNSHEND, of Illinois. My amendment is in the nature of an additional section to the bill.

The SPEAKER. Then it is not in order at this time.

Mr. TOWNSHEND, of Illinois. As soon as it is in order I wish to offer it.

Mr. LORD. Mr. Speaker, I rise to support the amendment of the gentleman from Virginia, [Mr. TUCKER,] and if the House will indulge me I will take a few moments to state the reason why it should be adopted. There are, Mr. Speaker, as you well know, a large number of ship-yards upon our great inland seas, employing hundreds and thousands of people, and they would like, in behalf of their interests, to have just such an amendment inserted in this bill as the one suggested by the gentleman from Virginia. I hope the House will therefore seriously consider whether it will insert the word "domestic" alongside of the word "foreign," so that our people shall stand upon an equal footing with foreigners desiring ships built.

Mr. HASKELL. Mr. Speaker, is there any time left for debate?

The SPEAKER. Yes, one minute.

Mr. HASKELL. I wish to say, then, in a single word, that the amendment offered by the gentleman from Virginia [Mr. TUCKER] raises the whole question of free ships, as it is fallaciously termed. If that amendment of the gentleman from Virginia is adopted here in the hurry of a special consideration of a bill unanimously reported from the Ways and Means Committee it will compel every man who believes in the protection of American industries to vote against that bill.

And just one word further. I wish to call the attention of the House and the country to the fact that when a unanimous Ways and Means comes in here with a carefully prepared bill to relieve a given interest of the United States, that, rather than see that relief granted, the free-traders and Democrats of the House will attach amendments to it and make it impossible for us to go for it. That is what the amendment means.

Mr. TUCKER rose.

The SPEAKER. Debate is exhausted.

Mr. ROBESON. Can anybody be heard in opposition to this bill?

Mr. TUCKER. I wish to ask my friend from Kansas——

The SPEAKER. It may be done by unanimous consent.

Mr. BURROWS, of Michigan. Let us have the regular order under the new rule. We have adopted it and let us work under it.

Mr. TOWNSHEND, of Illinois. I have sent up an amendment which I desire to offer.

The SPEAKER. It can be offered when it is in order. The Chair has repeatedly told the gentleman his amendment is not now in order.

Mr. TOWNSHEND, of Illinois. Why is it not in order?

The SPEAKER. Simply because there is an amendment pending, and the gentleman has informed the Chair he desires to offer his, not as an amendment to the amendment, but as an amendment in the nature of an additional section.

Mr. TOWNSHEND, of Illinois. I wish to have my rights protected; that is all.

Mr. KASSON. I rise to oppose the amendment of the gentleman from Virginia in the remaining time which I reserved.

The SPEAKER. The gentleman has exhausted his time.

Mr. KASSON. Then I ask a vote upon the measure.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Virginia.

Mr. ROBESON. I ask unanimous consent that somebody may be allowed to be heard in opposition to this bill.

Mr. TOWNSHEND, of Illinois. Regular order.

The SPEAKER. The question is on the amendment proposed by the gentleman from Virginia.

The House divided; and there were—ayes 62, noes 49.

Mr. O'NEILL. No quorum has voted. I demand tellers.

Tellers were ordered.

The SPEAKER appointed Mr. O'NEILL and Mr. TUCKER as tellers.

The House again divided; and the tellers reported—ayes 84, noes 23.

Mr. O'NEILL. No quorum.

Mr. MILLS. I demand the yeas and nays.

Mr. TOWNSHEND, of Illinois. There is fairly a quorum in the House. I hope that there will be no filibustering by gentlemen on that side on this bill.

Mr. TUCKER. I call for the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. DUNN. I desire to ask one word of explanation.

The SPEAKER. Debate is not now in order.

Mr. DUNN. I simply wish to ask a question, by consent, for information.

The SPEAKER. It is not in order to interrupt the roll-call which has commenced.

Mr. DUNN. I do not well understand the question, and what I desire to ask is simply a parliamentary question as to what the vote is to be taken upon?

The SPEAKER. It is upon the amendment of the gentleman from Virginia.

Mr. DUNN. I wish to ask a further question. I want to ask the gentleman from Virginia or the Chair, if this amendment is not adopted and the bill be passed as reported from the committee, if it is true that that will leave the law in this shape——

The SPEAKER. The gentleman is not in order.

Mr. DUNN. That an American ship-owner cannot buy a cheap ship abroad or have it built at home, while a foreigner may do both?

Mr. TUCKER. Yes, that is it.

The SPEAKER. The Chair thinks that is not a parliamentary question, but goes to the merits of the bill.

Mr. McCOOK. I rise to a parliamentary inquiry. Are we proceeding in the House as in Committee of the Whole?

The SPEAKER. We are proceeding in the House not as in Committee of the Whole.

Mr. McCOOK. Are we not proceeding under the provisions of the amended rules?

The SPEAKER. We are.

Mr. McCOOK. Does not that require that this hour shall be proceeded with in the morning in the House as in Committee of the Whole?

The SPEAKER. Still we are in the House.

Mr. TOWNSHEND, of Illinois. The roll-call cannot be interrupted.

The SPEAKER. The gentleman from New York rose to a parliamentary inquiry.

Mr. McCOOK. I wish to make the statement that I do not understand how, under the provisions of the rule adopted yesterday, we are proceeding in the House and not as in Committee of the Whole, and how the roll can be called under that rule.

The SPEAKER. We are proceeding in the House still. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 95, nays 12, not voting 182; as follows:

YEAS—95.

Aldrich,	Cutts,	Knott,	Robertson,
Armfield,	De Motte,	Latham,	Robinson, Wm. E.
Atherton,	Dibrell,	Leedom,	Rosecrans,
Atkins,	Dowd,	Lord,	Scales,
Belmont,	Dunn,	McCook,	Simonton,
Beltzhoover,	Dwight,	McKenzie,	Singleton, Jas. W.
Berry,	Ermentrout,	McMillin,	Springer,
Blackburn,	Evins,	Mills,	Stone,
Blanchard,	Farwell, Sewell S.	Money,	Strait,
Browne,	Flower,	Morey,	Thompson, P. B.
Buchanan,	Forney,	Morrison,	Townshend, R. W.
Buckner,	Fulkerson,	Morse,	Tucker,
Butterworth,	Garrison,	Moulton,	Turner, Henry G.
Cabell,	Gunter,	Muldrow,	Turner, Oscar
Caldwell,	Hammond, N. J.	Murch,	Upson,
Carlisle,	Hardenbergh,	Mutchler,	Valentine,
Cassidy,	Harris, Henry S.	Parker,	Vance,
Clements,	Hatch,	Payson,	Warner,
Colerick,	Herndon,	Peelle,	Webber,
Covington,	House,	Peirce,	Wellborn,
Cox, William R.	Jones, George W.	Randall,	Whitthorne,
Cravens,	Kenna,	Rice, Theron M.	Williams, Thomas
Culberson,	King,	Richardson, Jno. S.	Wise, George D.
Cullen,	Klotz,	Ritchie,	

NAYS—12.

Belford,	Darrall,	Pound,	Smith, Dietrich C.
Calkins,	Hill,	Rich,	Tyler,
Caswell,	Jadwin,	Skinner,	Wadsworth.

NOT VOTING—182.

Aiken,	Cook,	Harmer,	Ladd,
Anderson,	Cornell,	Harris, Benj. W.	Le Fevre,
Barbour,	Cox, Samuel S.	Haseltine,	Lewis,
Barr,	Crapo,	Haskell,	Lindsey,
Bayne,	Crowley,	Hazelton,	Lowe,
Beach,	Curtin,	Heilman,	Lynch,
Bingham,	Davidson,	Henderson,	Mackey,
Bisbee,	Davis, George R.	Hepburn,	Manning,
Black,	Davis, Lowndes H.	Herbert,	Marsh,
Bland,	Dawes,	Hewitt, Abram S.	Martin,
Bliss,	Deering,	Hewitt, G. W.	Mason,
Blount,	Deuster,	Hiscock,	Matson,
Bowman,	Dezendorf,	Hoblitzell,	McClure,
Bragg,	Dingley,	Hoge,	McCoid,
Brewer,	Dugro,	Holman,	McKinley,
Briggs,	Dunnell,	Hooker,	McLane,
Brumm,	Ellis,	Horr,	Miles,
Buck,	Errett,	Houk,	Miller,
Burrows, Julius C.	Farwell, Chas. B.	Hubbell,	Moore,
Burrows, Jos. H.	Fisher,	Hubbs,	Mosgrove,
Camp,	Ford,	Humphrey,	Neal,
Campbell,	Frost,	Hutchins,	Nolan,
Candler,	Geddes,	Jacobs,	Norcross,
Cannon,	George,	Jones, James K.	Oates,
Carpenter,	Gibson,	Jones, Phineas	O'Neill,
Chace,	Godshalk,	Jorgensen,	Orth,
Chapman,	Grout,	Joyce,	Pacheco,
Clardy,	Guenther,	Kasson,	Page,
Clark,	Hall,	Kelley,	Paul,
Cobb,	Hammond, John	Ketcham,	Pettibone,
Converse,	Hardy,	Lacey,	Phelps,
Phister,	Scoville,	Stephens,	Ward,
Prescott,	Scranton,	Stockslager,	Washburn,
Ranney,	Shackelford,	Talbott,	Watson,
Ray,	Shallenberger,	Taylor,	West,
Reagan,	Sherwin,	Thomas,	White,
Reed,	Shultz,	Thompson, Wm. G.	Williams, Chas. G.
Rice, John B.	Singleton, Otho R.	Townsend, Amos	Willis,
Rice, William W.	Smalls,	Updegraff, J. T.	Willits,
Richardson, D. P.	Smith, A. Herr	Updegraff, Thomas	Wilson,
Robeson,	Smith, J. Hyatt	Urner,	Wise, Morgan R.
Robinson, Geo. D.	Sparks,	Van Aernam,	Wood, Benjamin
Robinson, Jas. S.	Spaulding,	Van Horn,	Wood, Walter A.
Ross,	Speer,	Van Voorhis,	Young.
Russell,	Spooner,	Wait,	
Ryan,	Steele,	Walker,	

The following pairs were announced:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. McCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE, of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. KETCHAM with Mr. ELLIS.

Mr. HISCOCK with Mr. COX of New York.

Mr. LORD with Mr. HOBLITZELL.

Mr. WILLIAMS, of Wisconsin, with Mr. WILSON.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. KELLEY, of Pennsylvania, with Mr. CONVERSE.

Mr. KASSON with Mr. BLOUNT.

Mr. SPAULDING with Mr. JONES of Arkansas.

Mr. GEDDES with Mr. NEAL.

Mr. ORTH with Mr. MARTIN.

Mr. HORR with Mr. ATKINS.

Mr. JORGENSEN with Mr. STEPHENS.

Mr. HUBBELL with Mr. McKENZIE.

Mr. MILES with Mr. HOOKER.

Mr. MILLER with Mr. McLANE.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. REAGAN.

Mr. BREWER with Mr. HOGE.

Mr. CURTIN with Mr. THOMAS.

Mr. URNER with Mr. CHAPMAN.

Mr. LACEY with Mr. HEWITT of New York.

Mr. RYAN with Mr. LE FEVRE.

Mr. STEELE with Mr. SPOONER.

Mr. McKENZIE. I desire, Mr. Speaker, to inquire whether or not a quorum has voted?

The SPEAKER. A quorun has not voted.

Mr. McKENZIE. Then I will not withdraw my vote. I am paired, as announced, with the gentleman from Michigan, Mr. HUBBELL, reserving the right to vote if necessary to make a quorum.

Several members withdrew their votes.

Mr. TOWNSHEND, of Illinois. I object to any member withdrawing his vote.

The SPEAKER. The Chair thinks it has been the practice of the House to allow this to be done.

Mr. TOWNSHEND, of Illinois. If they are not needed to make a quorum I shall not object.

The SPEAKER. Under what rule of practice does the gentleman object?

Mr. TUCKER. I move that the reading of the names be dispensed with.

Mr. BURROWS, of Michigan, objected.

The names of members voting were read.

The SPEAKER. On this vote the yeas are 95 and the nays 12.

Mr. WARD. No quorum.

Mr. O'NEILL and Mr. TUCKER moved that there be a call of the House.

Mr. KASSON. I desire to make a parliamentary inquiry.

Mr. RANDALL and Mr. KENNA called for the regular order.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] says he rises to make a parliamentary inquiry. The gentleman will state it.

Mr. KASSON. I think gentlemen, if they will exercise a little patience, will see——

Mr. KENNA. I object to debate.

The SPEAKER. The gentleman from Iowa will state his parliamentary inquiry.

Mr. KASSON. My inquiry is this: this bill having been reported under the new rule, and the hour expiring, as it will, in three minutes——

The SPEAKER. In less than that.

Mr. KASSON. The bill will be treated as unfinished business, as I understand; and if so—and I ask that question of the Chair—if so, does it not block the operation of the rule?

Mr. TUCKER. I hope the gentleman will not obstruct my motion for a call of the House.

The SPEAKER. The Chair, in answer to the gentleman from Iowa, will state this would go over as the unfinished business of its class in the hour provided for by the special rule.

Mr. RANDALL. The Chair is right. That is the effect of the rule.

Mr. TOWNSHEND, of Illinois. I move that there be a call of the House.

Mr. McCOID. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOID. I am paired with the gentleman from Missouri, [Mr. CLARK,] but reserved the right to vote to make a quorum.

Mr. BURROWS, of Michigan. Has the hour expired?

The SPEAKER. It has.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. KLOTZ. I rise to make a parliamentary inquiry.

Mr. McCOID. I had risen to make a parliamentary inquiry.

The SPEAKER. The gentleman spoke about a pair.

Mr. McCOID. There was more than that.

The SPEAKER. The gentleman will state his inquiry.

Mr. McCOID. I am paired with the gentleman from Missouri, [Mr. CLARK,] reserving the right to vote to make a quorum. I ask if I can vote now.

The SPEAKER. The gentleman's vote cannot be recorded now.

Mr. KENNA. I submit that it makes no difference whether the hour has expired or not. The last vote having disclosed the absence of a quorum the motion of the gentleman from Virginia [Mr. TUCKER] must be put.

The SPEAKER. The Chair has not heard the motion, but will now recognize the gentleman from Virginia.

Mr. TUCKER. I rose before the gentleman from Iowa [Mr. KASSON] rose, and before the hour expired, and moved a call of the House; and I understood I was recognized by the Chair.

The SPEAKER. A number of gentlemen were at the time insisting upon making parliamentary inquiries and they took precedence. Does the gentleman from Virginia insist on his motion for a call of the House now?

Mr. TUCKER. I do.

Mr. BURROWS, of Michigan. I move to lay that motion on the table.

Mr. SPRINGER. That motion is not in order.

Mr. TUCKER. Because the House is not in a condition to lay it on the table.

Mr. BURROWS, of Michigan. I have no objection to a direct vote being taken on the motion. I withdraw the motion to lay on the table.

The SPEAKER. The question is on the motion of the gentleman from Virginia, [Mr. TUCKER,] that there be a call of the House.

Mr. HAMMOND, of Georgia, and Mr. TOWNSHEND, of Illinois, called for the yeas and nays.

Mr. RANDALL. I think nothing will be gained by that. This will come up to-morrow as unfinished business in the hour assigned by the new rule.

The SPEAKER. It certainly cannot come up again to-day.

Mr. TOWNSHEND, of Illinois. I insist on the call for the yeas and nays.

Mr. SPRINGER. We want to know who were here to do business and did not vote.

The yeas and nays were ordered, thirty-three members voting therefor.

The question was taken; and there were—yeas 73, nays 79, not voting 137; as follows:

YEAS—73.

Armfield,	Ermentrout,	McMillin,	Singleton, Jas. W.
Atkins,	Evins,	Mills,	Singleton, Otho R.
Belmont,	Flower,	Money,	Springer,
Beltzhoover,	Forney,	Morrison,	Thompson, P. B.
Berry,	Garrison,	Morse,	Townshend, R. W.
Buchanan,	Gunter,	Moulton,	Tucker,
Buckner,	Hammond, N. J.	Muldrow,	Turner, Henry G.
Caldwell,	Hardenbergh,	Mutchler,	Turner, Oscar
Cassidy,	Hatch,	Oates,	Upson,
Clements,	Herndon,	Payson,	Vance,
Colerick,	House,	Peirce,	Walker,
Covington,	Kenna,	Randall,	Warner,
Cox, William R.	King,	Rice, Theron M.	Wellborn,
Cravens,	Klotz,	Richardson, Jno. S.	Whitthorne,
Culberson,	Knott,	Robertson,	Williams, Thomas
Curtin,	Latham,	Robinson, Wm. E.	Wise, George D.
Dibrell,	Leedom,	Rosecrans,	
Dowd,	Manning,	Scales,	
Dunn,	McCook,	Simonton,	

NAYS—79.

Aldrich,	Briggs,	Campbell,	Davis, George R.
Bayne,	Browne,	Candler,	Deering,
Belford,	Buck,	Carpenter,	De Motte,
Bingham,	Burrows, Julius C.	Caswell,	Dingley,
Bisbee,	Butterworth,	Chace,	Dwight,
Bowman,	Calkins,	Cullen,	Errett,
Farwell, Chas. B.	Lewis,	Rice, William W.	Smith, J. Hyatt
Farwell, Sewell S.	Mackey,	Rich,	Spooner,
Fisher,	McKinley,	Richardson, D. P.	Strait,
Godshalk,	Moore,	Ritchie,	Taylor,
Harris, Benj. W.	Morey,	Robeson,	Tyler,
Haseltine,	Norcross,	Robinson, Geo. D.	Updegraff, J. T.
Haskell,	O'Neill,	Russell,	Valentine,
Hazelton,	Pacheco,	Shallenberger,	Van Aernam,
Henderson,	Parker,	Sherwin,	Van Horn,
Hill,	Peelle,	Shultz,	Van Voorhis,
Horr,	Pound,	Skinner,	Webber,
Houk,	Ray,	Smalls,	West,
Jadwin,	Reed,	Smith, A. Herr	White.
Ketcham,	Rice, John B.	Smith, Dietrich C.	

NOT VOTING—137.

Aiken,	Deuster,	Jones, Phineas	Robinson, Jas. S.
Anderson,	Dezendorf,	Jorgensen,	Ross,
Atherton,	Dugro,	Joyce,	Ryan,
Barbour,	Dunnell,	Kasson,	Scoville,
Barr,	Ellis,	Kelley,	Scranton,
Beach,	Ford,	Lacey,	Shackelford,
Black,	Frost,	Ladd,	Sparks,
Blackburn,	Fulkerson,	Le Fevre,	Spaulding,
Blanchard,	Geddes,	Lindsey,	Speer,
Bland,	George,	Lord,	Steele,
Bliss,	Gibson,	Lowe,	Stephens,
Blount,	Grout,	Lynch,	Stockslager,
Bragg,	Guenther,	Marsh,	Stone,
Brewer,	Hall,	Martin,	Talbott,
Brumm,	Hammond, John	Mason,	Thomas,
Burrows, Jos. H.	Hardy,	Matson,	Thompson, W. G.
Cabell,	Harmer,	McClure,	Townsend, Amos
Camp,	Harris, Henry S.	McCoid,	Updegraff, Thomas
Cannon,	Heilman,	McKenzie,	Urner,
Carlisle,	Hepburn,	McLane,	Wadsworth,
Chapman,	Herbert,	Miles,	Wait,
Clardy,	Hewitt, Abram S.	Miller,	Ward,
Clark,	Hewitt, G. W.	Mosgrove,	Washburn,
Cobb,	Hiscock,	Murch,	Watson,
Converse,	Hoblitzell,	Neal,	Williams, Chas. G.
Cook,	Hoge,	Nolan,	Willis,
Cornell,	Holman,	Orth,	Willits,
Cox, Samuel S.	Hooker,	Page,	Wilson,
Crapo,	Hubbell,	Paul,	Wise, Morgan R.
Crowley,	Hubbs,	Pettibone,	Wood, Benjamin
Cutts,	Humphrey,	Phelps,	Wood, Walter A.
Darrall,	Hutchins,	Phister,	Young.
Davidson,	Jacobs,	Prescott,	
Davis, Lowndes H.	Jones, George W.	Ranney,	
Dawes,	Jones, James K.	Reagan,	

So the motion for a call of the House was not agreed to.

The following additional pairs were announced:

Mr. WILLITS with Mr. HOGE.

Mr. ELLIS with Mr. HARMER.

Mr. ANDERSON with Mr. BLACKBURN.

Mr. SINGLETON, of Illinois. I move to dispense with the reading of the names of those voting.

There was no objection.

The result of the vote was then announced as above stated.

Mr. CURTIN. I have voted, although I am paired with the gentleman from Iowa, [Mr. THOMPSON;] but the pair was made with the reservation of the right to vote to make a quorum.

PERSONAL EXPLANATION.

Mr. KING. I desire to state that for some time past I was paired with Hon. Mr. SHERWIN, of Illinois. He returned here without my being aware of it, and for several days I have not been voting.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1858) to provide additional industrial training-schools for Indian youth, and authorizing the use of unoccupied military barracks for such purposes;

A bill (H. R. No. 4174) for the erection of a public building at Marquette, Michigan;

A bill (H. R. No. 4178) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania; and

A bill (H. R. No. 6739) for the relief of Lucretia R. Garfield.

The message also informed the House that the Senate had agreed to the conference report on the amendments of the Senate, except the forty-seventh amendment, further insisted upon its amendment disagreed to by the House to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. ROBESON. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BINGHAM. I move to dispense with the morning hour for the call of committees.

The motion of Mr. BINGHAM was agreed to, two-thirds voting in favor thereof.

AMERICAN MERCHANT MARINE.

Mr. BELMONT. I ask unanimous consent to submit a petition, which I ask to have printed in the RECORD and referred to the committee on Commerce.

Mr. BURROWS, of Michigan. Printed without the names?

Mr. BELMONT. Certainly.

Mr. ALDRICH. Let it be read.

The petition was read, as follows:

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, who are interested in the shipping of the United States, believe such shipping to be of itself an important factor in the welfare of the nation, and entertain the full conviction that the foreign trade of the country is closely related to the industries of agriculture and manufacture, and that the present decline of United States tonnage has a depressing influence upon all interests of the country, besides the depriving of employment a large class of citizens who would seek the sea for a livelihood. They also believe that a revival of the interest can be facilitated by wise changes in existing law.

They therefore respectfully ask that a committee of Congress may be appointed to consider the subject, with authority to sit during the recess and report at the next session.

The petition was accordingly referred to the Committee on Commerce.

Mr. BELMONT. I ask unanimous consent to submit a resolution for consideration at this time.

Mr. BURROWS, of Michigan. Let it be read.

The resolution was read, as follows:

Resolved, That a special committee of seven members of this House be appointed with authority to report upon the causes of the decline of the American merchant marine, and to recommend to the House at its next session what changes in existing laws are needed to secure a revival of this interest.

The SPEAKER. Is there objection to the consideration of this resolution at this time?

Mr. SINGLETON, of Illinois. I object.

Mr. BELMONT. Then I ask consent that it be referred to the Committee on Commerce.

Mr. SINGLETON, of Illinois. I have no objection to that.

The resolution was accordingly referred to the Committee on Commerce.

WILLIAM A. GAVETT.

Mr. LACEY. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate bill No. 679 for the relief of William A. Gavett.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William A. Gavett, out of any moneys in the Treasury not otherwise appropriated, such sum as the said Secretary shall be satisfied is equitably due, if anything, for the information and services of the said Gavett in the case of James C. Harris, of Tennessee: *Provided*, That the amount paid shall not exceed $2,650.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

Mr. ATKINS. I object.

Mr. LACEY. Will the gentleman wait until I can make a statement?

Mr. ATKINS. No, sir.

The SPEAKER. Objection is made, and the bill is not before the House.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. BINGHAM. I now call up for consideration the bill (H. R. No. 859) regulating rates of postage on second-class mail matter at letter-carrier offices. That bill was reported from the Committee on the Post-Office and Post-Roads, and placed on the House Calendar.

The SPEAKER. The gentleman from Pennsylvania, [Mr. BINGHAM,] in continuation of the privilege given by the special order of the House to the Committee on the Post-Office and Post-Roads, calls up for consideration at this time the bill indicated by him, which will be read.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the rate of postage on second-class publications deposited in a letter-carrier office for delivery by the carriers of the office shall be uniform at two cents a pound.

SEC. 2. That the proviso to section 20 of the act of March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department," &c., is hereby repealed.

Mr. BINGHAM. I now yield to the gentleman from Mississippi, [Mr. MONEY.]

Mr. MONEY. Before I make any remarks upon the merits of the bill, I desire to correct a typographical error. In line 1, section 2, the word "twenty" should be "twenty-five."

There was no objection, and the correction was made.

Mr. MONEY. This is a bill to produce uniformity in the rates of postage for second-class mail matter. As the law now stands to-day it is illogical and unjust. I do not suppose this bill will require much argument; a simple statement will be sufficient.

This bill has been twice reported unanimously by the Committee on the Post-Office and Post-Roads. The only objection that has heretofore been urged to it has been urged by the Post-Office Department, and upon the ground only that if this special rate upon papers and magazines at offices of publication in free-delivery cities should be repealed, an extra burden would be put upon the letter-carriers of these cities. This objection of the Post-Office Department has been removed. It was not sufficiently well founded in the first instance, because there was really no ground for the apprehension which the officers of the Department entertained. The Post-Office Department has very recently, in an official communication to this House, recommended that all postage be taken off newspapers and other printed matter of this class. Of course if the officers of the Department are willing that the whole burden of printed matter of this class should be put upon the letter-carriers without the payment of postage at all, they can have no further objection to this modification of the postal laws, which secures something like logic in the text of the law, and something like justice to the publishers of newspapers.

As the case stands to-day, as shown by the report of the committee, which is very brief, a newspaper published in New York or San Francisco or even in London or Paris can be transported through the United States mails to this city, put in the hands of the letter-carriers and delivered to every subscriber within the limits of this city, without the imposition of any extra rate whatever beyond 2 cents per pound. But a newspaper published in this city—the Post, Republican, Star, or Critic—must pay an extra rate of 1 cent for each copy delivered to their subscribers within this free-delivery city. In other words, the present provision of the law proceeds upon the principle that the more service the Government renders the less its pay should be, and the less service it renders the more its pay should be. The House will at once see the inconsistency, the want of logic in this arrangement. A San Francisco newspaper can come here through the mails and be distributed to every subscriber in the city free of any postal charge except the 2 cents per pound, while papers published in this city are not admitted to the same privilege.

As I said a moment ago, the apprehension that the letter-carriers would be weighed down by the burden of the mails if this change in the law should be made was, in the first place, not well founded. All the heavy magazines, such as the Century, Harper's, the North American Review, would pay a very slightly increased rate under the provisions of this bill, if enacted. These magazines now pay only two cents a copy, their weight generally being from nine to eleven ounces. But the light magazines, such as the Missionary Herald, the oldest of all the magazines published in the United States, and certainly one of the best, are now obliged to pay upon the copies sent, for instance, to 1,000 subscribers in Boston $240 postage for each delivery, while the same number of copies can be sent to this city for about $35.

As to the daily papers, every man residing in a city who peruses the morning or the evening papers knows that the publishers cannot use the mails to deliver papers to their readers in the city of publication, because the mail delivery is not at a suitable hour. The man who takes a morning paper wants it at his breakfast table, long before the first delivery by the letter-carriers, which is never earlier than eight o'clock. The man who reads an evening paper wants to read it fresh from the press; he cannot wait till it has been sent to the post-office and delivered by a mail-carrier. So that there can be no apprehension that this class of printed matter will burden the carriers. As to the magazines, we all know that they are, to a large extent, sold by the newsdealers; and, as I have stated, the heavier ones will pass about as cheaply through the mails under this bill as they now do.

This bill coincides entirely, so far as it goes, with the recent recommendation of the Postmaster-General. I am not willing to go so far as he is, and say that all the printed matter of the country should be relieved from this postal charge; but I am willing to say that this extra rate which without any reason, consistency, logic, or justice is now imposed upon this class of matter at the office of publication in letter-carrier cities should be removed. We now transmit through the mails all over the country parcels of merchandise weighing less than four pounds; they are delivered to the person to whom they are addressed and no extra rate is imposed upon them. Books of every description are sent through the mails and delivered by the carriers in free-delivery cities without extra charge. The weekly newspapers of the country are by law permitted to go free of postage to all their subscribers in the county of publication except in letter-carrier cities, and then they are subjected only to the charge of two cents per pound. The only discrimination is against magazines and daily newspapers. As will be seen at once, there is no danger whatever of these two classes of publications becoming a burden upon the carriers under this bill. It simply proposes to remove one of the most glaring inconsistencies that ever crept into any law upon the statute-book. It will do justice to a class of publishers conducting publications which ought to pass through the mails at the lowest rates. At present those magazines which are the educators of the people, which represent the religion, the intelligence, the culture of society, are the very publications coming within the restrictions of the law and are to a certain extent prohibited from free circulation.

Now I suppose it is for the House to decide. I do not know that there is any objection to the bill, but I desire to say this much——

Mr. TOWNSHEND, of Illinois. I wish to offer an amendment to the bill.

The SPEAKER. Does the gentleman from Mississippi yield the floor?

Mr. MONEY. I do.

Mr. TOWNSHEND, of Illinois. I offer what I send to the desk as an additional section to the bill.

The Clerk read as follows:

SEC. 6. Strike out the word "three" and insert "two" on the eighth line of section 3903 of the Revised Statutes.

SEC. 7. Strike out sections 3905 and 3906 and insert "that the postage on second-class mailable matter be, and the same is hereby, abolished, and that such mail matter shall be conveyed in the mails of the United States free from postal charges."

Mr. PEELLE. I raise the point of order on that amendment.

Mr. TOWNSHEND, of Illinois. What is the point of order?

Mr. PEELLE. That it is not germane to the bill.

Mr. TOWNSHEND, of Illinois. Why?

Mr. PEELLE. This relates to newspapers, and the gentleman's amendment relates to the reduction of letter postage.

Mr. TOWNSHEND, of Illinois. I say that amendment is clearly in order. It is so clear there is no necessity to argue it. The bill relates to the reduction of postage, and I do not see how my amendment cannot be considered germane.

Mr. MONEY. The substance of the bill is pending before the Committee on the Post-Office and Post-Roads.

Mr. TOWNSHEND, of Illinois. Oh, no.

Mr. MONEY. Oh, yes.

Mr. TOWNSHEND, of Illinois. There is no such bill the same as this amendment.

Mr. BINGHAM. Mr. Speaker, I make the further point of order that the amendment is not in order to this bill, because there is now substantially the same proposition pending before the Committee on the Post-Office and Post-Roads.

Mr. TOWNSHEND, of Illinois. Let the bill be produced and the gentleman will find that it is not so.

Mr. MONEY. It is substantially the same.

The SPEAKER. Is there such a bill?

Mr. TOWNSHEND, of Illinois. Let the bill be produced.

Mr. PEELLE. There is more than one bill pending before the Committee on the Post-Office and Post-Roads looking to the same end.

Mr. TOWNSHEND, of Illinois. Produce the bill.

Mr. PEELLE. That can be easily done.

Mr. TOWNSHEND, of Illinois. You will find no bill before the Committee on the Post-Office and Post-Roads such as the amendment I have offered.

Mr. PEELLE. There is a number of bills before the Committee on the Post-Office and Post-Roads reducing the postage on letters to two cents.

Mr. TOWNSHEND, of Illinois. My amendment is not only to reduce postage, but to abolish postage on second-class mail matter.

Mr. MONEY. You have introduced such a bill.

Mr. TOWNSHEND, of Illinois. The bill only relates to one feature of my amendment.

Mr. MONEY. The gentleman's amendment refers to two bills now pending before the Committee on the Post-Office and Post-Roads.

Mr. TOWNSHEND, of Illinois. No such bill as my amendment is pending before the committee. You have bills relating to different features of the amendment, but no bill embracing all the features of my amendment.

Mr. MONEY. This amendment offered by the gentleman from Illinois embraces two bills pending before the Committee on the Post-Office and Post-Roads.

Mr. TOWNSHEND, of Illinois. The rule is quite different from what the gentleman apprehends it to be. The rule is that the pending bill must be substantially that of the amendment proposed to be offered. Now, no such bill is pending before the Committee on the Post-Office and Post-Roads. I am willing the bills shall be brought in here.

Mr. MONEY. I rise to a parliamentary inquiry. I wish to know whether any gentlemen can evade the rule which says a member shall not move an amendment substantially the same as a bill pending by simply making his amendment cover two pending bills?

The SPEAKER. There is some difficulty about that. If it is made to appear an amendment proposed is the same as pending propositions before the House——

Mr. TOWNSHEND, of Illinois. I am willing to concede that; but the point is this: they claim there are bills pending before the committee which taken together would cover all of this amendment, but I maintain that does not make my amendment obnoxious to the rule. The amendment under the rule must be covered by a bill pending before the House—not bills, but bill. That is the language of the rule.

Mr. PEELLE. The spirit of the rule evidently reaches the gentleman's amendment.

Mr. TOWNSHEND, of Illinois. I call attention to the rule.

The SPEAKER. It is clear to the Chair that the purpose of the rule is to prevent amendments being offered to the pending bill substantially the same as propositions already pending before the House. If it should turn out the proposition is so embraced, it is not in order.

Mr. TOWNSHEND, of Illinois. I ask to have the rule read.

The SPEAKER. The Chair will have read paragraph 4, Rule XXI.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Mr. TOWNSHEND, of Illinois. Now, then, on that point it will be seen that the rule expressly provides that no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any bill pending before the House. It says bill or resolution pending before the House, it does not say bills or resolutions. It is in the singular number and it provides that the amendment must be substantially the same as a bill or resolution pending before the House. How, then, can it be argued this rule applies to my amendment which embraces the features of a number of bills? There are bills before that committee, one relating to one feature and others to other features of my amendment, but I maintain there is no bill pending in the House which embraces all the features of this amendment and which are the same as this amendment.

Mr. PEELLE. Here is House bill No. 1036, which reads as follows:

Be it enacted, &c., That from and after the 1st day of July, 1882, the rate of postage on all domestic letters transmitted through the mails of the United States, and not exceeding one-half ounce in weight, shall be uniform at 2 cents, and for each half ounce or fraction thereof of additional weight there shall be charged an additional rate of 2 cents, to be in all cases prepaid by postage-stamps plainly affixed to such letters.

Mr. TOWNSHEND, of Illinois. That, it will be seen, covers only one of the features of the proposed amendment.

Mr. PEELLE. That covers clearly, Mr. Speaker, one of the points, a substantive point, in the amendment of the gentleman from Illinois. Now, it will hardly be claimed that because the amendment of the gentleman from Illinois covers two points, which are clearly embodied in pending bills, that it would bring his amendment within the rule and save it from the point of order urged against it.

Mr. TOWNSHEND, of Illinois. Now, the gentleman from Indiana admits that I am correct in the statement that the bill to which he refers relates to only one feature of this proposed amendment. Any man can see, however, that the amendment which I propose goes a great deal further, and while it may embody a single feature in a bill pending, it does a great deal more. It is not, then, subject to the rule. That is as plain as that two and two make four; and while it is true, as I have said, that the amendment covers only one of the features of this bill to which he refers, it embodies other propositions entirely different and goes a great deal further. The bill he mentions, therefore, has nothing further to do with the amendment than that it merely relates to one single feature of the amendment.

Mr. MONEY. I hardly believe, Mr. Speaker, that the gentleman from Illinois is serious in his attempt to pervert the rules of the House by that kind of an argument. This is not a question of grammatical construction, or of grammatical form, but a question which relates to the spirit and intent of the rules of the House. I suppose the gentleman would lay down the principle that because it is a crime to steal a hog, a man can evade the law and be held guiltless under an indictment by stealing two hogs; and according to his logic, if a man wants to introduce an amendment here which is obnoxious to the rule because it embodies the substance of a pending bill, all that he has got to do is to incorporate in it the provisions of one or two other bills and it takes it from under the operation of the rule. Now the gentleman has introduced an amendment here which covers substantially two bills pending before the committee; and he proceeds to say that because the amendment covers the features of the two the rule is not operative upon it. I repeat that my friend is going to the grammar and not to the spirit of the law to evade the point of order; and because we make a point of order that the amendment does not contain the substance of only one but of two bills, and because the offense is greater than the law provides for he claims that it does not meet his case. I repeat I hardly think he is serious in what he says.

Mr. TOWNSHEND, of Illinois. I am glad, Mr. Speaker, that the gentleman from Mississippi has made the illustration that he has with reference to an indictment, for the logic of the gentleman's position is that if a man was indicted for stealing an ox you can convict him if he steals a hog.

Mr. MONEY. Oh, no; the gentleman did not understand me that way.

Mr. TOWNSHEND, of Illinois. That is the logic of his argument. Now, the amendment which I introduced proposes a reduction of the letter-mail postage and abolishes the postage on newspapers mailed from the offices of publication. There is no bill before the House that embraces these two features. A bill has been brought in and referred to here which reduces the postage on letter mail, but says nothing whatever with regard to the postage on newspapers mailed at the offices of publication.

I still maintain, therefore, Mr. Speaker, that the language of the rule is too plain to be misunderstood, that the amendment must be substantially the same as a bill—not two bills or three bills, but the substance of one bill pending before this House; and I hold that this amendment is not substantially the same as that, and does not come under the rule.

The SPEAKER. The Chair does not think it matters whether the proposition is one that is to be found in several bills pending before the House or in only a single bill. But let us look at the question a little closer. The bill before the House is a bill to regulate the rates of postage on second-class mail matter at letter-carrier offices. The amendment proposed by the gentleman from Illinois is to reduce the rate of postage upon ordinary letters and newspapers. It undertakes to amend the statutes in another respect and entirely different from that proposed by the pending bill. The Chair is by no means satisfied that the amendment would be germane to this bill. This is not a general proposition to revise the postal laws of the United States; but if it be a fact that any portion of this amendment is, in substance, included in a pending bill or pending bills, then that portion would clearly not be in order. But there being a portion of the amendment not in order, as must be conceded, it is perfectly clear that the whole amendment must go out. If a portion of a proposition submitted is clearly not in order the whole must be rejected, for under no cover of including that which is not in order with that which is could such an amendment be admitted.

The Chair holds, therefore, the amendment is not in order under the point of order made against it.

The gentleman from Mississippi asks unanimous consent to make a verbal amendment which he has suggested to correct the text of the bill. Without objection, this amendment will be considered as agreed to.

There was no objection.

Mr. CANNON. I would like to talk about five minutes in my own time.

The SPEAKER. The gentleman will be heard.

Mr. CANNON. I must be permitted to express some doubt, Mr. Speaker, as to the propriety of this proposed legislation. The letter-carrier system, as I recollect, costs about $3,000,000, existing as it does in about one hundred and twelve to about one hundred and fifteen cities. Under the present law, as I understand it, the newspapers of the country make up about three-fourths of the whole mail matter. It costs to transport the mails probably from twenty to twenty-five millions of dollars in round numbers. These yield for postage about $1,200,000. Now, as I understand the law, in the counties where the newspapers are printed they are permitted to go free through the mails except in the one hundred and fifteen letter-carrier offices, and the reason for that exception is this: that if the newspapers were allowed to go free through the mails in the letter-carrier offices they would be liable to weigh down the carriers. For instance, suppose you take the city of Boston or the city of Chicago or the city of New York. There they have letter-carrier offices, and you dump ten tons of mail every morning, or one hundred tons, as the case may be, for distribution by the letter-carriers free without postage. Now, that will either break down the letter-carrier system or it will increase its expense, if you make it effective, two or three fold, so that I doubt the propriety of it. Gentlemen say, however, as I understand it, that the papers will not go this way to any great extent. They say the daily papers will not be delivered in that way at all. I am not so sure about that. Whenever you give the power of having the papers distributed in the letter-carrier offices without postage, I am not so sure, at least in all smaller cities, but there will be a demand raised for the letter-carriers to carry them, and to carry them sufficiently early to suit those who receive the papers. I am inclined to think that will be the case; and in the larger cities I am not so sure but the same thing will be the case. I think we had better let the letter-carrier system go right along as it is. It is operating very well. It costs $3,000,000 a year. Some people grumble at that. I never was inclined to grumble at that. While in a great many little cities it does not pay, still it is a great convenience. But I do not believe we ought to throw this additional work upon it.

The gentleman from Mississippi [Mr. MONEY] said it was a very peculiar state of law that you might mail a paper printed in New York to Philadelphia or Chicago or San Francisco and have that paper delivered there free in Philadelphia, San Francisco, or Chicago, and yet could not have it done in New York. That is true; and it does look a little inequitable and a little strange. But the reply to that is that no considerable number of those papers go to Philadelphia or Chicago or San Francisco; but that if you let them go free in the letter-carrier office where they are published, for instance in New York, or Philadelphia, or Boston, you at once weight down the mails; you at once burden this meritorious service.

That is all I have to say about it. I think the House ought to think twice before it passes this bill. I do not think it ought to pass.

Mr. MONEY. I had anticipated what has been said by the gentleman from Illinois [Mr. CANNON] in the remarks I submitted to the House. The information from some of the larger post-offices of the United States is that in the opinion of the employés in those offices this will not increase perceptibly the burden on the letter-carriers, for the reasons I have stated. It is obvious to every man who reads a daily paper that no one will consent to wait for the first morning letter-carrier delivery for his morning newspapers. The newspapers will be scattered over the city before the letter-carriers go out upon their rounds. There is not the slightest foundation for this apprehension; not a bit in the world.

Mr. HILL. I shall favor this bill; and I am in favor of any bill that is in the interest of the people and for the good of the people and that favors reform and improvement in our postal service. But I do feel that the committee have made a mistake and that they should have first taken hold of the letter-postage bill reducing postage to 2 cents, and made a reduction in that direction, and prepared the way whereby we might have many other reforms so necessary to the Department and which are in the interest and for the welfare of the people.

I was looking over last night an article in the New York Tribune of the 17th instant to which my attention has been called, a statement by the postmaster at New York City that they required there additional mail facilities, and that the surplus should be used to increase the efficiency of the service; that what was wanted was not lower postage, but "more efficiency in the service."

Now, this is just what we contend 2 cents postage will accomplish, by increasing correspondence and thereby increasing revenue, and thus providing means to make the service more efficient. Under the present 3-cent postage rate there has been a constant deficiency in the revenues of the Department. If the letter postage were reduced to 2 cents, the rapid increase of correspondence will in a short time result in large and constantly increasing surplus of receipts, thus enabling the Department to give the public every needed improvement in the service. The city of New York has now below Canal street, about one mile from the post-office, only nine deliveries, and above Canal street to Harlem River only five to seven deliveries, and only three and four deliveries in Westchester County, within the city limits.

Now, I find in the city of London each district within about three miles of the general post-office, and in a circuit of six miles there are daily twelve deliveries, commencing 7.20 a. m. The last delivery, extending to all the districts, begins at about 7.45 p. m. The first is 7.20; second, 8.30; third delivery at about 10 a. m. The next nine deliveries are made in every district hourly. Each delivery within the town limit occupies about an hour.

I find that there they are enjoying the very best of postal facilities, as I have seen them nearly perfect in every respect, and all for the very reason and fact that they have what they call the penny postage, two cents of our money, which creates an extensive correspondence and yields a large revenue to the post-office department, whereby they have everything that is required to facilitate the moving of the mails and operating the business of the department and making efficient its work and giving to the people all the accommodation that they desire; and so I think it would be in New York City; with lower postage a larger revenue would be realized, and the service become more efficient, hourly delivery be given to the people in every part of the city, and the business men as well as all other citizens be well served.

In Great Britain there is a population of 34,505,043; and yet the last report of their post-office department of 1880 that we have shows that 1,176,000,000 letters passed through the post-office there that year, yielding a revenue to the government of over $12,988,840. In this country, with a population of 50,152,866, only 847,830,029 letters passed through the post-office during the same year, and there was a deficiency in the revenues of the Department of $3,227,324. In this country we have a 3-cent rate of letter postage; in Great Britain the rate is equivalent to 2 cents, and their standard of weight through the mails double that in the United States, showing very clearly that cheap postage creates correspondence and increases revenues. And it must be considered that while Great Britain is more compact and has less expense attending her postal matters, yet by the above figures for 1880 it will be seen that the United States, with a population of fifty millions, has nearly one-third less number of letters passing through the mails.

Give us a 2-cent rate of letter postage in this country, and I believe that the revenue of the Post-Office Department will be large enough in due time to enable us to give the people all the great reforms and improvements in the postal service for which they ask. And by and by perhaps we will be able to give the people 1-cent letter postage. We are growing in population in this country every month and every year, and also our resources are developing and business increasing. The people of the country are corresponding with each other more every year. With cheaper postage this correspondence will increase and the revenues of the Post-Office Department will increase also, for the cheaper we can make postage to the masses the greater, more extended, and more frequent will be communication and the multiplication of exchanges one with the other.

New facilities which give circulation of correspondence tend greatly to transmit knowledge and intelligence throughout the country. Instead of seeking to make the Post-Office Department a source of material profit we should have in view the great national profit, the increase of all the relations of society.

The postmaster of New York in the article referred to says "this talk about cheap postage benefiting the working classes and farmers to any extent is not sensible, as they are the ones who do very little letter-writing;" that the post-offices in little towns and villages concern a comparatively small number of people, "and if they have a money-order and registered-letter department, and two or three mails a day, that is about all that can be done for them and all they can expect. The improvement is needed in the larger cities." By this it will be seen what is wanted is more efficient work about the city post-offices; that the little post-offices for the benefit of the

farmers and the workingmen scattered around the country are of no account. Why, Mr. Speaker, the workingmen of this country, the farmers of this country, the people outside of the business circles of this country have a great deal to do with furnishing the revenue whereby the mails are transported and the whole business of the Post-Office Department supported and carried on.

They are indispensable to the business men of the country, as correspondence with them and each other forms a very important part of the mails, and they could hardly get along without them; they are necessary to create business and build up the country. It is further remarked in the article referred to that "the more efficient the service the more it will be used." That is true; and the cheaper the postage the more the mails will be used and greater correspondence there will be, which will in the end increase the revenue and prepare the way for greater efficiency in the postal service, both in the city and in the country.

I hold, therefore, we should have commenced first to reduce postage; then as the way opened for it we should reduce the standard of weight for carrying through the mails; then reduction on newspapers and drop-letters and all these other matters. But first of all we should have done that which is most in the interest and for the good of the people at large throughout the country, a reduction of the rates of letter-postage.

I shall vote for this bill. I have cheerfully voted for all the bills that have been presented that come from this committee, and shall continue to vote for every bill that is in the interest of postal reform and improvement of the service. I trust that after we have passed these several bills reported by the Post-Office Committee the House will then take up the 2-cent postage bill and make that a law, and try if that system will not work as well in this country as it does in England.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

USING THE MAILS FOR FRAUDULENT PURPOSES.

Mr. BINGHAM. I now call up from the House Calendar for consideration at this time the bill (H. R. No. 4961) to amend section 5480 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That section 5480 of the Revised Statutes be, and the same is hereby, amended by striking out the word "or," where the same occurs between the words "defraud" and "be," in the second line, and inserting in lieu thereof the work "to."

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE INSPECTORS.

Mr. MOREY. I now call up from the House Calendar for consideration at this time the bill (H. R. No. 4958) making it an offense to personate a post-office inspector.

The bill was read, as follows:

Be it enacted, &c., That any person who shall falsely personate or represent himself to be a post-office inspector shall be liable, upon conviction in any court of competent jurisdiction, to a fine of not less than $500 nor more than $2,000 and to imprisonment for a term not to exceed three years.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OBSCENE BOOKS, ETC., NOT MAILABLE.

Mr. MOREY. I now call up from the House Calendar for consideration at this time the bill (H. R. No. 4963) to amend section 3893 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That section 3893 of the Revised Statutes be, and the same is hereby, amended by adding the words "in which or" after the word "letter" in the ninth line of said section.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORGING POSTAL MONEY-ORDERS.

Mr. MOREY. I now call up from the House Calendar for consideration at this time the bill (H. R. No. 4962) to amend section 5463 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That section 5463 of the Revised Statutes be, and the same is hereby, amended by inserting after the word "indorsement," in the seventh line thereof, the words "or receipt."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VIOLATIONS OF POSTAL LAWS AND REGULATIONS.

Mr. MOREY. I now call up from the House Calendar for consideration at this time the bill (H. R. No. 4954) making certain violations of the postal laws a misdemeanor.

The bill was read, as follows:

Be it enacted, &c., That any postmaster, post-office inspector, or other official employed in the postal service who shall do, or cause to be done, or aid and abet in the doing of any act forbidden by any law relating to the postal service, or who shall willfully neglect or refuse to perform any duty imposed on him by law, shall, unless the punishment for such offense be otherwise provided for by existing law, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than $5 nor more than $100, and may be imprisoned, at the discretion of the court, not more than thirty days.

Mr. DE MOTTE. I would like to inquire the object of this bill.

Mr. MOREY. It is simply a general statute to cover any violation of the postal laws that are not now specifically provided for in the statutes. It fixes a punishment of not less than five nor more than one hundred dollars fine, and imprisonment of not more than thirty days. It is recommended by the Department.

Mr. DE MOTTE. I understand that; but I supposed some specific provision had already been made.

Mr. BINGHAM. There is an omission in the statutes.

Mr. DE MOTTE. That is what I wish to find out—what crime and misdemeanors have not been provided for.

Mr. MOREY. The acts specified in this bill; any willful violation of any order or regulation that may be made by the Post-Office Department under the law. Certain discretion is vested in the Postmaster-General to provide rules and regulations for the government of postmasters and their offices. This bill is intended to cover any offense not specifically provided for by the statutes.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FALSE CERTIFICATES OF MAIL ARRIVALS AND DEPARTURES.

Mr. LACEY. I call up from the House Calendar for consideration at this time the bill (H. R. No. 4951) to punish postmasters for making false certificates of the arrivals and departures of mail. It was reported from the Committee on the Post-Office and Post-Roads with amendments.

The SPEAKER. The bill as proposed to be amended will be read.

The bill was read, as follows:

Be it enacted, &c., That any postmaster or other employé of the postal service charged with the keeping of registers of arrivals and departures of the mails who shall, for any purpose, willfully make and render, or cause to be made and rendered, to the Post-Office Department, any false register, record, certificate, or other report of arrivals or departures of the mails, or any other false return, or who, having knowledge of delinquencies of mail contractors, their agents or carriers, shall fail to report the same promptly to the Postmaster-General, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $1,000, or shall be imprisoned not more than two years, or both.

The amendments reported from the committee were agreed to.

The bill as amended was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCOUNTS OF POST-OFFICE DEPARTMENT, ETC.

Mr. PEELLE. I call up from the House Calendar for present consideration the bill (H. R. No. 3255) to amend sections 269 and 277 and to repeal section 270 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That the first paragraph of section 269 of the Revised Statutes, which reads as follows: "First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor and by the Commissioner of the General Land Office, and to certify the balances arising thereon to the Register," be, and the same is hereby, amended to read as follows:

"First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth and Sixth Auditors and by the Commissioner of the General Land Office, and to certify the balances arising thereon to the Register: *Provided*, That all balances arising from the settlement of the accounts of the Sixth Auditor, together with the accounts and vouchers pertaining thereto, shall be certified back to said Auditor."

SEC. 2. That the first clause of paragraph 7 of section 277 of the Revised Statutes of the United States, which reads as follows: "Seventh. The Sixth Auditor shall receive all accounts arising in the Post-Office Department or relative thereto, with the vouchers necessary to a correct adjustment thereof, and shall audit and settle the same and certify the balances thereon to the Postmaster-General," be, and the same is hereby, amended to read as follows:

"Seventh. The Sixth Auditor shall receive and examine all accounts arising in the Post-Office Department, or relative thereto, together with the accounts and vouchers necessary to a correct adjustment thereof, and certify the balances arising thereon, together with all accounts and vouchers pertaining thereto, to

the First Comptroller; and when the balances shall have been certified back to him as determined by the Comptroller, said Sixth Auditor shall then certify such balances so returned to him by the First Comptroller to the Postmaster-General."

SEC. 3. That section 270 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. PEELLE. I ask that the report of the committee be read, as it proposes an amendment under the direction of the committee.

The SPEAKER. Is not the amendment reported in the bill?

Mr. PEELLE. No, sir; it is stated in the report.

The SPEAKER. It ought to have been reported in the bill. Does the gentleman offer an amendment?

Mr. PEELLE. I ask that the report be read, as it will show the amendment which I propose to offer on behalf of the committee.

The Clerk read as follows:

Your committee to whom was referred the bill (H. R. No. 3255) to amend sections 269 and 277, and to repeal section 270 of the Revised Statutes of the United States, having had the same under consideration, report as follows:

The First and Fifth Auditors of the Treasury are required to certify all balances arising from the settlement of accounts by them to the First Comptroller, except accounts arising from the receipts from customs, which are required to be certified by the First Auditor to the Commissioner of Customs, who, under section 317 of the Revised Statutes, has the same power as the First Comptroller with reference to such accounts. The Second, Third, and Fourth Auditors are required to certify all balances arising from the accounts settled by them to the Second Comptroller; while the accounts settled by the Sixth Auditor are not only required to be examined by him and audited, but his decisions thereon are final, except in case of appeal, as provided in section 270 of said statutes, to the First Comptroller. As a matter of fact your committee find that few appeals have been taken, and it will be seen from said section 270 that the Sixth Auditor has it in his power to prevent appeals, and thereby avoid a review of his decisions by any other officer of the Treasury by simply making satisfactory allowances.

This bill provides that the accounts settled by the Sixth Auditor shall be passed upon by the First Comptroller, and that the balances found by the First Comptroller shall be the balances certified to the Postmaster-General by the Sixth Auditor, after the same shall have been certified back to him by the First Comptroller, thereby avoiding any innovation in the mode of doing business in the Post-Office Department, and at the same time conforming the Sixth Auditor to the same rule or check as in the case of all other Auditors.

Your committee recommend that said bill be amended by adding thereto a fourth section, as follows:

"SEC. 4. That wherever the words 'Auditor of the Treasury for the Post Office Department' occur in any law, the same shall be construed to mean 'Sixth Auditor of the Treasury,' and hereafter that officer shall be known in all official transactions as Sixth Auditor of the Treasury."

And that when said bill be so amended, your committee recommend that the same do pass.

Mr. ATKINS. I hope the gentleman from Indiana [Mr. PEELLE] will give an explanation of this bill.

Mr. PEELLE. Mr. Speaker, the preparation and introduction of this bill were suggested to me because of the alleged charges of irregularity growing out of the star-route contracts. I desire it distinctly understood that, in presenting the bill to the House, I disclaim any purpose whatever of reflecting upon anybody, official or otherwise, in connection with those contracts. My purpose is to secure uniformity in the settlement of accounts in the Treasury Department.

Section 269 of the Revised Statutes of 1878 defines the duties of the First Comptroller of the Treasury. This proposed amendment of that section simply includes the accounts of the Sixth Auditor among those which shall be settled and adjusted by the First Comptroller of the Treasury. The duty of the Sixth Auditor as heretofore defined by law has been not only to audit the accounts of the Post-Office Department but to settle those accounts and certify the balances not to the Register of the Treasury but to the Postmaster-General. Every other Auditor except the Sixth Auditor is required to certify his accounts to the First or the Second Comptroller for final adjudication, except that accounts arising in the customs department are certified to the Commissioner of Customs, who, under section 317 of the Revised Statutes, has the power of a Comptroller. I believe that the accounts audited by the Sixth Auditor should pass the scrutiny of the First Comptroller of the Treasury, so that the adjustment of accounts in the Treasury Department may be made uniform. That is simply the purpose of this bill.

Section 277 of the Revised Statutes, which this bill proposes to repeal, provides for an appeal from the Sixth Auditor to the First Comptroller in case of any dissatisfaction on the part of either of the parties interested.

Mr. ATKINS. The gentleman will allow me to ask why he desires the repeal of that section? Does it not provide a salutary check?

Mr. PEELLE. The reason of the proposed repeal is that the section will become unnecessary if this bill should become a law, because all the accounts will be transferred from the Sixth Auditor to the First Comptroller for final adjudication.

This bill includes all the accounts of the Post-Office Department. I shall at the proper time offer an amendment which will except from its provisions the accounts of the money-order department and those of postmasters. When this amendment has been made all the accounts pertaining to ocean steamboat, railroad, and star-route mail service will go to the First Comptroller. In the adjudication of money-order accounts and postmasters' accounts no trouble so far as I know has ever arisen; and the making of the exceptions which I shall propose by way of amendment will lessen the amount of force required in the First Comptroller's Office to pass upon and settle these accounts.

The section which the committee propose to add to the bill by way of amendment seeks simply to restore to the Sixth Auditor the name which that officer originally bore. The act creating this office used the designation "Sixth Auditor of the Treasury;" and it is only by virtue of subseqnent legislation that this officer has become known as the Auditor of the Treasury for the Post-Office Department. This additional section provides simply that the words "Auditor of the Treasury for the Post-Office Department" wherever they occur in any law shall be construed to mean "Sixth Auditor of the Treasury," and hereafter this officer shall in all official transactions be known by the designation of Sixth Auditor of the Treasury.

Now, Mr. Speaker, this bill has been submitted to the First Comptroller of the Treasury for his opinion. It has also been submitted to the Sixth Auditor of the Treasury. While the Sixth Auditor does not oppose the policy proposed by this bill, I am free to say he is not in accord with this, because he believes the accounts settled by the Sixth Auditor of the Treasury cannot be passed upon by the First Comptroller in the time allowed by law for the settlement of those accounts.

The difficulty which he suggests and which forms the basis of his objection to the bill has been somewhat eliminated by the exceptions I propose to make, excepting money-order and postmasters' accounts. In connection with this, as to the amount of additional force which will be required in the First Comptroller's Office for the settlement of these accounts, I ask the Clerk to read a letter which I have received from the First Comptroller of the Treasury in response to my inquiry upon that question.

The Clerk read as follows:

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., April 5, 1882.

SIR: In compliance with your request for an estimate of the number of clerks which would be required—in addition to the present force of this office—to re-examine here the accounts examined in the office of the Auditor of the Treasury for the Post-Office Department, I have to submit the following:

For accounts of contractors, railroad and ocean transportation, star and steamboat service, eight clerks.

For quarterly and general accounts of postmasters, sixteen clerks.

For accounts of postmasters under the money-order system, six clerks.

In the Auditor's Office about one hundred and twenty clerks are employed in the money-order division. Their principal work is comparing the orders paid with the accounts of the postmasters who issued the orders and those who paid them. To make similar comparisons here would require as many clerks in this office. But even with such a force, it is thought that it would be impracticable to do the work owing to the necessity of keeping all the accounts in one place. If, however, it be assumed in this office that the orders have been carefully examined and properly checked in the Auditor's Office, I am of opinion that six clerks, as estimated above, can make a general examination of the results shown by the Auditor's work, in order to ascertain whether the accounts have been correctly adjusted.

Three of the clerks in this estimate of thirty should be chiefs of division, and should be paid accordingly.

Very respectfully,

WM. LAWRENCE,
Comptroller.

Hon. STANTON J. PEELLE, *House of Representatives.*

Mr. PEELLE. It will be seen, Mr. Speaker, that if this bill shall go through as it is now, providing for the First Comptroller passing upon the accounts of postmasters and money-order accounts, it would require a much larger force, so that at least three would have to be chiefs of divisions, as stated by the First Comptroller of the Treasury; but to pass upon ocean, steamboat, railroad, and star-route accounts he says it would require but eight additional clerks in his office.

Now, Mr. Speaker, it is simply a question for this House to determine whether the accounts of the Sixth Auditor shall be transferred to the First Comptroller of the Treasury to pass under his scrutiny at an expense of the salary of eight clerks or not.

I have taken some pains to examine the Sixth Auditor's office, and while I am prepared to say the business in that office is conducted with rare discretion and ability, while, in my judgment, it has been done in a very systematic manner, while I could make no criticism on any of the auditors who have occupied that position, and while I have no disposition to do so, yet I am free to say unless the accounts of the Sixth Auditor's office can be passed under the scrutiny of the First Comptroller for his final determination, no mode can be adopted for the settlement of those accounts in that office which will not be liable to abuse. For that reason I wish the settlement of accounts in the Department to be uniform; and in this connection, and in justice to the present as well as the preceding auditors, I wish to call attention to the following letter, which shows the mode of doing business in the Sixth Auditor's office. The letter is as follows:

OFFICE OF THE AUDITOR OF THE TREASURY,
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 4, 1882.

SIR: In compliance with your request I have the honor to transmit herewith a statement of the organization, powers, and duties of my office, the methods of auditing and settling accounts, &c. Your special attention is invited to the increase in the work of the office since 1871 as compared with the increase in clerical force.

Very respectfully,

J. H. ELA, *Auditor.*

Hon. S. J. PEELLE, *House of Representatives.*

In the matter of the organization, powers, and duties of the office of Sixth Auditor, or Auditor of the Treasury for the Post-Office Department.

The powers and duties of the Auditor, as defined by law, generally stated, are:

To receive all accounts arising in the Post-Office Department, or relating thereto, with the vouchers necessary to a correct adjustment thereof, and to audit and settle the same and certify the balances thereon to the Postmaster-General, and to keep and preserve all accounts and vouchers after settlement. (R. S., section 277.)

To superintend the collection of all debts due the Post-Office Department, and all penalties and forfeitures imposed for any violation of the postal laws, or arising under other statutes where they are the consequence of unlawful acts affecting the revenues or property of the Post-Office Department. (R. S., section 292.)

He may, with the written consent of the Postmaster-General, compromise a judgment obtained for a debt or damages due the Department when it satisfactorily appears that such judgment, or any part thereof, cannot be collected by due process of law, and accept less than the full amount thereof. (R. S., section 295.)

He is required to register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster-General, when warranted by law. (R. S., section 277.)

He shall report to the Secretary of the Treasury quarterly the receipts and expenditures of the Post-Office Department, and perform such other duties in relation to the financial concerns of the Department as he may assign to him; and he shall make such reports respecting the receipts, expenditures, and financial concerns of the Department as either the Secretary of the Treasury or the Postmaster-General may require. (R. S., section 277.)

It is made the duty of the Postmaster-General to decide on the forms of all official papers; to prescribe the manner of keeping and stating accounts.

To control according to law and subject to the settlement of the Auditor all expenses incident to the service of the Department.

To enforce the prompt rendition of returns relative to accounts. (Revised Statutes, section 396.)

The Auditor has direct official relations with both the Treasury and Post-Office Departments, being in many respects the officer both of the Secretary of the Treasury and the Postmaster-General. (Attorney-General Cushing, 7 Opinions, 439.)

The office of the Auditor is organized in eight divisions, namely:

Examining, registering, bookkeeping, stating, collecting, pay, foreign-mail, and money-order.

The accounts settled are of three classes:

Postal accounts.

Money-order accounts.

Transportation, supply, and agents' accounts.

The method of auditing and settling is as follows:

1. THE POSTAL ACCOUNT.

An account current, showing the revenues collected and office expenses under each head is rendered by each postmaster quarterly. This is received by the examining division, where a stamp clerk first checks the stamp entries with the record of issues and receipts furnished by the Third Assistant Postmaster-General and already recorded by offices in a stamp-book. The whole account is then examined and settled by an examiner. The account next passes to the registering division, where the settlement is reviewed and the items entered on a register under the proper heads of revenue, expenditure, and final balance. Should an error appear in the postmaster's statement the account is reviewed in the error-room of the examining division and the postmaster advised of the correction.

Ninety days are required to audit, settle, and register the 45,000 accounts current received each quarter. When the registers are recapitulated they are handed over to the bookkeeping division.

Postmasters are required to deposit the balances found due by them quarterly or oftener, according to the class of office, at certain designated postal or Treasury depositories. The certificates of deposit, when received through the Third Assistant Postmaster-General's Office, are examined in the bookkeeping division, checked with the weekly transcript of drafts paid and deposits received rendered by each depository, and registered.

Payments by postmasters to letter-carriers, mail messengers, special carriers, railway post-office clerks, route agents, mail-route messengers, local agents, and for temporary mail service, are not entered in the account current. A separate return is made for these, and they are settled on special desks of the pay division. A register is kept of these settlements, which, at the close of each quarter, is turned over to the bookkeeping division.

On the money-order division is kept a quarterly register of all transfers from or to the postal account, and this, when completed, is transferred to the bookkeeping division. Thus the records of credits and debits pertaining to a postmaster's account, whenever made, finally reach the bookkeeping division, where a ledger, or what is styled a "general postal account," is kept with each postmaster. To this account is carried the items found on the several registers before handed over, and also all journal entries made for the correction of accounts after they have been audited. These accounts when with offices of the fourth class—all where the salary is below $1,000 per annum—are drawn off by the stating division on prescribed forms, which, when folded, are briefed on the outside with the name of office and postmaster, date of appointment, bond and commission, &c. These "slips" are filed alphabetically and stated up quarterly. The accounts with Presidential offices are stated, in part, from the auxiliary registers, in advance of the ledgers, and compared with a quarterly statement of general account rendered from offices of this class. All accounts are, however, compared with the ledgers, each division checking the other.

The stating division is required to watch the account, report delinquencies, &c., and conduct the correspondence on current accounts with Presidential offices.

The collecting division is charged with the adjustment of accounts with late postmasters and contractors, the collection of the balances found due thereon, and in general the correspondence growing out of the general postal account. A brief of all correspondence had or action taken is made on a fold of the stated account, letters, or other papers on which it is based, and the bond of the postmaster when late being filed inside. On this division the weekly report of changes made up in the appointment office of the Post-Office Department is recorded and all copies of accounts made.

2. THE MONEY-ORDER ACCOUNT.

This is rendered by each postmaster at a money-order office weekly, and includes all items of revenue and expenditure pertaining to that account; inclosed with it are all money-orders paid, repaid, or void.

An examiner checks paid, repaid, and void entries and all footings. In the draft-room the transfers, drafts, and deposits are verified, the checkers for whom the paid orders have been reassorted by the office of issue check the items of orders issued.

The Register receives the weekly statement from the checkers, reviews all errors noted, registers the account, and makes the quarterly settlement, he having charge of the general account.

3. THE TRANSPORTATION AND SUPPLY ACCOUNTS.

Railroad service.

The Postmaster-General, having placed the mails upon a railroad and determined the weight transported, issues his order recognizing the service and fixing the pay per mile and distance, certifying the same to the Auditor. The order is recorded in the pay division and an account opened with the company. At the close of each quarter, and on the receipt of a certificate from the Second Assistant Postmaster-General that service has been performed, the Auditor certifies back to the Postmaster-General that the amount he has fixed as the pay of said company per quarter, less fines and deductions he may have notified the Auditor of, is due, and on that certified account, prepared on the pay division, a warrant is drawn in the office of the Third Assistant Postmaster-General. When signed by the Postmaster-General the warrant, with the certified account attached, is transmitted to the bookkeeping division of the Auditor's office, where a comparison is made of name and amount and the warrant is registered to the proper appropriation.

It is then countersigned by the Auditor, noted on the pay division, returned to the Third Assistant, signed by the Treasurer of the United States, and finally mailed to the creditor by the Third Assistant Postmaster-General.

Star and steamboat service.

This service, except when temporary, is under contract, all contracts being filed in the pay division. The rate of pay is obtained from the contract, but all increases and decreases by reason of increased trips or speed or discontinuance or curtailment of service are determined by the Postmaster-General and the revised annual rate of pay certified to the Auditor.

Copies of said contracts are filed in the office of the Second Assistant Postmaster-General, notice of such filing and the amount to be withheld from a contractor being sent to the Auditor; otherwise the methods of settlement for this service are the same as for railroads.

It will be noticed that in the settlement of railroad accounts the Auditor simply records and certifies back the action of the Postmaster-General, he not being furnished with the weight of mails, certificates of the mail-weighers, or any other data on which the order of the Postmaster-General or certificate of service is based; while in the settlement of the star-service accounts where service is expedited he has no evidence of the additional stock or number of carriers required by such expedition.

Supply accounts.

These are for stamped material, twine, wrapping-paper, locks, and keys, &c. The contracts therefor are filed in the pay division, and satisfactory evidence of the receipt of all articles for which bills are rendered is received. Accounts for advertising are adjusted in accordance with law.

A record is kept of the appointment of all special agents, of their pay and per diem as fixed by the Postmaster-General, and their accounts are settled monthly on satisfactory vouchers.

The several accounts stated by pay clerks pass a reviewing desk on the division, this being the only check on a settlement.

On the bookkeeping division a ledger account is kept with each railroad company and mail-contractor. When the settlements for a quarter are completed, a report is made by each pay clerk to the chief of the bookkeeping division of the gross amount found due for service on each route and the amount of all fines and deductions. These items are posted to the ledger account to which they pertain.

Against these are charged the warrants as registered, and a balance is struck each quarter. The pay division is advised of all accounts out of balance before the next quarter's settlement is made.

This check is simply to detect omissions or errors in addition.

Foreign mail transportation.

The compensation for ocean mail service is based on sea postages. These are made up on the foreign mail division from returns rendered from the dispatching offices, and the Postmaster-General is advised of the aggregate amount to be credited to each carrier. When an allowance is made an account is stated on the pay division and certified to the Postmaster-General.

Accounts with foreign governments.

These are rendered to the Auditor and audited and settled in the foreign mail division. The certificates of balances are prepared on this division.

In addition to the duty of supervision, the chief of the examining division, with an assistant, audits and settles the expense account of first and second class offices, keeping a register thereof.

The chief of the registering division has in charge one of the twelve sections of the division and recapitulates the final footings of all the registers.

The chief of the bookkeeping division keeps the general revenues, expenditure and appropriation accounts, accounts with foreign countries, Treasurer of the United States, and Executive Departments; prepares and registers all covering warrants and requisitions on the Treasury and the quarterly reports to the Secretary of the Treasury and Postmaster-General, and the annual report, with exception of the money-order business.

The chief of the stating division conducts the correspondence and attends to special cases.

The chief of the collecting division is charged with the special correspondence and the adjustment of the accounts of failing contractors and bidders.

The chief of the pay division is charged with special correspondence and attends to special cases.

The chief of the foreign mail division, with two assistants, performs all the work of the division.

The chief of the money-order division is charged with general correspondence, and checks all correspondence of the division.

The increase in the work of the office since 1871 is shown in part by the following comparative statement:

Registering and examining divisions.

	1871.	1881.
Quarterly accounts-current	111,325	174,450
Clerks	47	48
Bookkeeping division:		
Ledger accounts	41,123	60,819
Certificates of deposit	6,400	161,367
Amount deposited	$4,874,376.87	$16,523,144.43
Warrants and drafts	23,791	45,924
Amount involved	$10,315,919.53	$18,925,675.60
Weekly depository accounts	653	5,092
Clerks	16	24
Stating and collecting divisions:		
General accounts	39,227	53,566
Clerks	32	39
Pay division:		
Quarterly accounts	50,950	119,148
Amount involved	$15,605,765.31	$28,409,967.99
Clerks	17	23
Foreign mail division:		
Accounts	145	351
Clerks	4	3
Money-order division:		
Weekly accounts	109,221	248,064
Amount of vouchers	$83,920,276.10	$209,022,521.72
Number of money-orders issued	2,122,081	7,934,330
Clerks	47	113

It will be noticed that the increase in work since 1871 is out of all proportion to the increase in the clerical force of the office.

The pressure for the dispatch of business—to make prompt settlements—is immense, and all the energies of the force are directed to that end. There has not, in consequence, been the opportunity for the consideration and adoption of new methods and for the exercise of the full powers with which the Auditor is clothed.

It appears to have been assumed in fixing the salaries and classifying the clerical force that the responsibilities of the Sixth Auditor were similar to those of the other Auditors of the Treasury. But this officer is not only auditor but comptroller and register for the Post-Office Department.

While an appeal lies from his decision to the First Comptroller of the Treasury, this right is rarely exercised. When a creditor or claimant is satisfied, the Auditor's settlement is, in practice, final.

Now, Mr. Speaker, whether there were any irregularities or not growing out of the star-route service, if these accounts had passed under the scrutiny of the First Comptroller of the Treasury, I believe there never would have been any difficulty in the star-route service.

Mr. CANNON. I cannot see, Mr. Speaker, how eight clerks in the First Auditor's office can be of any practical service to the Government in examining and passing on these accounts.

Mr. PEELLE. The First Comptroller of the Treasury says in the letter which has just been read that they will be sufficient.

Mr. CANNON. I want to ask the gentleman from Indiana whether eight clerks is all that is desired for that purpose?

Mr. PEELLE. Yes, with the exceptions I have indicated. From my conversation with the First Comptroller as well as from the statements contained in the letter which has just been read, I have his opinion that eight clerks will be all that will be required to pass upon the ocean steamboat, railroad, and star-route accounts.

Mr. CANNON. There are in round numbers, Mr. Speaker, 12,000 of those routes, the accounts of which have to be settled every three months, and under the contracts have to be settled within sixty days of the close of the quarter. In fact this is done in the inspection division of the Second Assistant Postmaster-General's Office. On the certificate of that inspection division they go to the Sixth Auditor and the Sixth Auditor takes the certificate of service and compares it with the contract, and if it appears under the contract the accounts certified to amount to so much, then he audits the account. I wish to ask the gentleman whether it is merely for the purpose of doing all that a second time these accounts are to be referred to the First Comptroller's Office. Is that the object he desires to accomplish by this bill?

Mr. PEELLE. Not only that, but to pass upon the legal questions involved in the adjustment of those accounts.

Mr. CANNON. I wish to ask the gentleman whether he does not think we have checks enough now in passing upon these accounts. We already have two checks upon those accounts. In the first place, we have the Inspection Bureau of the Second Assistant Postmaster-General's Office, and also the Sixth Auditor's office of the Treasury Department. The fact whether the service was performed or not according to the vouchers is examined by one clerk in the Second Assistant Postmaster-General's Office.

And if that clerk makes a mistake or should be dishonest, then there would be certified down to the Sixth Auditor full service when there is but half service rendered. Now, I ask the gentleman from Indiana if he does not think the reform he contemplates would be more practical if he probed a little deeper and provided this force to examine the proofs of the service. I think that is a reform which is needed, rather than this examination which is spoken of here.

Mr. PEELLE. The seventh subdivision of section 277 of the Revised Statutes of 1878 reads as follows:

The Sixth Auditor shall receive all accounts arising in the Post-Office Department or relative thereto, with the vouchers necessary to a correct adjustment thereof, and shall audit and settle the same, &c.

So the law expressly provides now that the vouchers shall be before him when he passes upon these accounts. If in practice he does not have the vouchers before him, as provided by this section of the law, that of course is no defect in the law, but in the practice. But I am not prepared to say that there is any defect in the practice. I know the Sixth Auditor quite well, and entertain the highest regard both for his ability and integrity.

Mr. CANNON. Will the gentleman permit me a moment? I presume we both want to get at the facts of the case. That section has been construed from the beginning as applying only to the accounts of postmasters, and never to accounts touching mail transportation; and from the foundation of the Department to this time the Sixth Auditor, or no other officer, except the Second Assistant Postmaster-General, has ever examined these vouchers.

Mr. PEELLE. Mr. Speaker, I have interpreted the law according to the common rules of interpretation; and I find no exception which the gentleman names with reference to the star-route, steamboat, or railway mail service.

Mr. CANNON. I am only speaking of the facts.

Mr. PEELLE. I have no doubt as to the correctness of the statement the gentleman makes; but there is no necessity, if I construe the law correctly, for any additional law upon that subject. The fault is not with the law, if I am correct in my understanding of it.

Now, less than one year ago a case was appealed to the First Comptroller growing out of expedition of service on a star route; it was entitled the "Allman's case." That case is as follows:

In the matter of increased and expedited "star-route" mail service—Allman's appeal.

George Allman contracted with the Post-Office Department to carry the mails on route 46210, California, a distance of sixty-three miles, making a trip on each of six days in every week for $1,490 per annum, and on route 46211, California, once each week for $699 per annum, for four years from June 30, 1878. The trips on each route were by the Postmaster-General increased so as to require a trip each day.

February 21, 1881, the Postmaster-General made an order as to route 46210, as follows:

"1. From February 22, 1881, increase service one trip per week and allow contractor $748.33 per annum additional pay, being *pro rata*.

"2. Reduce running time from thirty-six hours to twenty eight hours and allow contractor $2,619.16 per annum additional pay, being 50 per cent. of original cost of service, but less than *pro rata*, as shown by carrier's sworn statement."

On the 25th of February, 1881, the Postmaster-General made the following order in respect to route No. 46211:

"1. From March 1, 1881, increase service from four (4) trips per week, and allow contractor $2,796 per annum additional pay, being *pro rata*.

"2. Reduce running time from thirty-four (34) hours to eighteen (18) hours, and allow contractor $2,446.50 per annum additional pay, being 50 per cent. of the original cost of the service, but less than *pro rata*, as shown by sworn statement of carrier."

The contractor was duly notified, and the "increased" and "expedited" service has been duly performed since the orders went into effect.

August 4, 1881, the Sixth Auditor, in settling the accounts of the contractor for the quarter year ending June 30, 1881, allowed him in respect to the "expedited" services on route 46210 an increase of 50 per cent. on the original contract price per trip for six trips per week, and on route 46211 an increase of 50 per cent. on the original contract price for only one trip per week.

August 4, 1881, Allman appealed from the settlement of the Sixth Auditor to the First Comptroller.

Nathaniel Wilson, for the contractor, made an able oral argument and submitted a brief, as follows:

"The act of April 7, 1880, (21 Stat., 71,) means that the contract as originally let must be taken as establishing the rate of pay, and the rate of pay for expedited service cannot exceed 50 per cent. of the rate of pay fixed by the contract. The limitation of 50 per cent. is of the rate of pay, and not of the aggregate of the payments to be made for expedited service. Thus in reference to the service on route 46211, as by the original contract, the service was to be performed once a week for $699 per annum, the statute limits the compensation for expediting that service to 50 per cent. of that sum, and if seven expedited trips are required instead of one then the contractor is entitled to seven times what he is allowed for one expedited trip. If he receives 50 per cent. of $699 ($699+$349.50=$1,048.50) he will receive a rate of pay not exceeding 50 per cent. upon the original contract."

The report of Hon. Thomas J. Brady, Second Assistant Postmaster-General, of November 1, 1879, contains this:

"Under section 3961 allowances for increased speed are based upon the sworn statements of contractors showing the additional stock and carriers required. This practically makes a man and a horse of equal value as factors in determining the rate of increased compensation to be allowed. I would, therefore, recommend that allowance for increased speed be based upon the proportion the cost of performing the original service bears to the cost of the service at the increased speed; and that such additional allowances shall in no case be greater than 50 per cent. of the original cost of the service. In case the cost of increased speed would amount to more than 50 per cent. of the cost of the original service, the Postmaster-General shall readvertise for service with the increased speed; or, in his discretion, he may advertise in any case where increased speed is necessary. The advertisement to be inserted for not less than thirty days in newspapers published at the termini of the route, or in those published elsewhere having circulation along the line of the route, the contract to be awarded to the lowest responsible bidder, as usual.

"This will accomplish, with but little delay, the desired improvement in the service, and with, I think, great advantage to the Government."

The section in the act of April 7, 1880, in question was reported by the Senate committee and passed on the statement that it was intended to carry out the recommendation of the Postmaster-General.

By section 3965 of the Revised Statutes the Postmaster-General may require an increase in the number of trips in his discretion; and under section 3961 he may expedite the service on each trip. It would cost the contractor more to run one trip per week in eighteen hours than in thirty-four. If 50 per cent. of the cost of one trip per week with thirty-four hours' running time would be a proper additional compensation for expediting that trip to eighteen hours, it certainly would not be a proper compensation for two, three, six, or seven trips per week. If the act of 1880 prohibits the Postmaster-General in every case where a contract has been made for one trip per week from paying for expedited service on any but that one trip, then the act has practically taken from him the power to authorize the performance of one trip per week under that contract. Policy required a construction which will not impair the powers of that officer.

Section 3961 has been uniformly construed as having reference to the trips specified and provided for in the contracts, and the term "compensation in the original contract" has always been understood to mean the sum of the cost of all the trips provided for under that contract, and which by the terms of the contract the contractor might be required to perform.

In presenting this appeal of the contractor, the attention of the Comptroller is called to the following provisions in the contractor's agreement with the Post-Office Department:

"It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster-General may discontinue or extend this contract, change the schedule and the termini of the route, and alter, increase, decrease, or extend the same in accordance with law, he allowing a *pro rata* increase of compensation for any additional services thereby required, or for increased speed, if the employment of additional stock or carriers is rendered necessary; and, in case of decrease, curtailment, or discontinuance of service, as a full indemnity to said contractor, one month's extra pay in the amount of service dispensed with, and a *pro rata* compensation for the service retained: *Provided, however*, That, in case of increased expedition, the contractor may, upon timely notice, relinquish the contract."

Under this clause the contractor had the right to decline to perform the expedited service required of him. If he had been informed that he could not have been paid for all the expedited service on route 46611 but $349.50, he would undoubtedly have declined to perform it. He did not decline because he was promised by the Postmaster-General $2,446 in payment for the service when performed.

DECISION BY WILLIAM LAWRENCE, FIRST COMPTROLLER.

The questions arising on this appeal relate to what is called the "star-route service."*

* This service has been thus explained: The name "star route" has been adopted and is used by the Post-Office Department to designate all post-routes established by Congress other than railroads and steamboat routes.

Section 18 of the act of March 3, 1845, fifth statute, page 737, provides for the letting of contracts for the transportation of the mails to the lowest bidder, without other reference to the modes of such transportation than may be necessary to provide for the due celerity, certainty, and security of such transportation.

Immediately after the passage of the above act blank contracts were printed with three groups of four stars each, thus:

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in the body of the contract, and are intended to signify the words "celerity," "certainty," and "security."

The word "star," as applied to post-routes, first appears officially in a report of

The act of April 7, 1880, (21 Stat., 71) "to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and for other purposes," makes an appropriation, and section 2 has a clause as follows:

"*Provided*, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let."

When an original contract is made for carrying the mail on any route for one trip in a week, and the Postmaster-General subsequently requires two or more trips in a week, the additional trips are increased or additional service. When such contract requires a trip to be made on a route in thirty-four hours, and the Postmaster-General requires it to be made in eighteen, or any less number of hours, this is expedited service.

For the purpose of presenting the principle decided by the Sixth Auditor, it will only be necessary to state his action in relation to compensation for service on one route, No. 46211. The original contract provided that the mail should be carried once in each week in thirty-four hours for $699 per annum. The service was subsequently increased four trips, making five in all per week, and the time was expedited to eighteen hours per trip. The Sixth Auditor, in his settlement of the contractor's account for the quarter ending June 30, 1881, allowed compensation at the rate of $699 per annum for each of the five trips per week, and allowed him for expedited service $87.37, being at the rate of 50 per cent. on the original contract price for one trip, and disallowed $524.25, as being in excess of 50 per cent. of the contract as originally let.* It will thus be seen that the order of the Postmaster-General of February 25, 1881, ordered an increase of 50 per cent. on the contract price for each of the five expedited trips per week; but the Sixth Auditor only allowed the extra 50 per cent. on one of the five trips per week, thus holding that the Postmaster-General exceeded his authority except as to the one trip per week. Did he so exceed his authority? This question now to be decided involves a construction of the statutes above cited.

It is clear from several considerations that the Postmaster-General exceeded his authority. The contractor can only claim an increase of 50 per cent. on the compensation for the one trip per week required "in the contract as originally let."

1. This is the plain meaning of the explicit language of the act of April 7, 1880, (21 Statutes, 71.) It provides "that the Postmaster-General shall not hereafter have the power to expedite the service under any contract * * * to a rate of pay exceeding 50 per cent. upon the contract as originally let." It is entirely clear from this language that the increase of 50 per cent. relates to and is authorized solely "upon the contract as originally let," and for the service and compensation therein specified. The contract as "originally let" only authorized one trip per week at an annual compensation of $699. This was "the rate of pay" "upon the contract as originally let." And this is the rate of pay which the statute declares shall not be increased "exceeding 50 per cent." by reason of expedited service. It would do violence to the clear language of the statute to assign to it any other meaning. The Supreme Court has said that "statutes must rest on the words used—nothing adding thereto, nothing discriminating." (Leavenworth, &c., *vs.* United States, 92 U. S., 751.)

And this rule is carried so far that when the language of the Revised Statutes "is plain, the court cannot recur to the original statutes to see if errors were committed in revising them." (United States *vs.* Bowen, 100 United States, 508; United States *vs.* Hirsch, *Id.*, 33; Waller *vs.* Harris, 20 Wend., 562; Sedgwick Stat., 195; Johnson *vs.* Bush, 3 Barb. Ch. R., 238; Young *vs.* Dake, 1 Selden, 463.) Vattel says "The first general maxim of interpretation is, that it is not allowable to interpret what has no need of interpretation." The maxim applies: *Optime statuti interpretatrix est (omnibus particulis ejusdem inspectis) ipsum statutum.*

2. A well-settled principle of construction leads to the same result. In construing a statute four things are to be considered: (1) the prior law; (2) the mischief which it authorizes, or for which it does not provide; (3) what remedy the later statute has provided; and (4) the reason of the remedy. (Potter's Dwarris, Stat., 184; Hayden's case, 3 Coke Rep., 7; 1 Kent Com., 462; 10 Coke, 57, 6; Plowd., 10, 57, 350, 363; Boulton *vs.* Bull, 1 H. Blackst., 499; 9 Wheat., 189; Sedgwick Stat., 198; 1 Blackst. Com., 87.)

The prior law conferred large powers on the Postmaster-General as to the increasing of service and the making of extra allowances for expedited service. This, as the act of April 7, 1880, shows, was deemed by Congress an evil. A skillful contractor might drive off competition by a bid to carry the mail one trip per week for less than the service was worth. Having done this, increased and expedited service might bring exorbitant compensation and profits. A door was opened to favoritism and fraud, contrary to the safe rule which should not lead into temptation. And if actual fraud should not exist two other evils were left—liability to enormous increase in expenditures without the direct sanction of Congress, and the danger from the exercise of large discretion to increase and expedite service where not needed and upon *ex parte* and interested representations. The investigations in Congress sufficiently show this. (Vol. 3, House Mis. Doc. 31, parts 1 and 2, March 25, 1880, Forty-sixth Congress, second session.)

The general state of opinion, public, legislative, and judicial, may be sometimes considered. (Keyport *vs.* Farmers, 3 C. E. Greene, 13; Delaplaine *vs.* Crenshaw, 15 Gratt., 457; Sedgwick Stat., 204 n.) The act of April 7, 1880, was designed to furnish a remedy for these evils, and the reason of the remedy is sufficiently apparent.

It has been urged that "it would be against the settled rules of law to give to this act an effect that would impair the general powers conferred on the Postmaster-General," &c. The essential purpose of the act was to limit and reduce the powers previously exercised under the Revised Statutes. It is a duty "so to construe statutes as to meet the mischief, and to advance the remedy." (Potter's Dwarris, 184; Hart *vs.* Cleis, 8 Johns., 44.) In Lynde *vs.* Bernard, it was said by Parke Baron that "we must always construe an act so as to suppress the mischief, and advance the remedy." (1 M. & W., 113; Potter's Dwarris, 73; Johns *vs.* Johns, 3 Dow, 15; Gillett *vs.* Moody, 3 N. Y., 479; People *vs.* Runkie, 9 Johns R., 147.) "This is especially the case as to statutes which relate to matters of public utility." (Magdalen College Case, 11 Coke R., 71, 6; Baring *vs.* Erdman, 14 Hazards, Pa., Register, 129.)

To hold that there may be an increase of 50 per cent. on every additional expedited trip is to leave the whole evil almost without, or at least with a very inadequate, remedy. In this case the original contract was for one trip per week at an annual compensation of $699. If there may be seven expedited trips each week with an increase of 50 per cent. on each, the annual compensation will be $7,339.50, or an increase of 350 per cent. in the rate of pay "upon the contract as originally let," and there is nothing to prohibit even two trips a day, and so double this expenditure. Upon the principles stated, the act of April 7, 1880, clearly must be construed to limit the authority of the Postmaster-General so that he may only give an increase of 50 per cent. on the service required in the original contract.

The meaning of the statute is not to be ascertained by reference to the report of the Postmaster-General or debates in Congress. (Sedgwick Stat., 203; Bank *vs.* Com., 7 Pa. St., 144; Southwark *vs.* Com., 26 Pa. St., 446; Leese *vs.* Clark, 12 Cal., 425; Taylor *vs.* Taylor, 10 Minn., 107.) But if this were otherwise there is nothing shown to change the result.

When payments have been made in excess of the amount lawfully authorized a question may arise whether there is a remedy for the United States; but this is not now presented for decision. When the Government has in its custody money due to a claimant there is an undoubted right to apply it by way of set-off as a credit on any equal amount due the United States from such claimant. (Rev. Stat., 236, 1059, 1061, 1766, 4734, 5073; act March 3, 1875, 18 Stat., 481; Gratiot *vs.* United States, 15 Pet., 370; United States *vs.* Wilkins, 6 Wheat., 144; McKnight *vs.* United States, 98 United States, 186; 4 Op., 380; Viser's case, 1 Lawrence, Comptroller's Decisions, 75.)

The question of reopening an account already settled is somewhat different. (United States *vs.* Bank Metropolis, 15 Pet. R., 401; 2 Op., 515; 3 Op., 461; 12 Op., 386; 13 Op., 297.)

The settlement made by the Sixth Auditor is affirmed.

DEPARTMENT OF THE TREASURY,
OFFICE OF THE FIRST COMPTROLLER, *August* 12, 1881.

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the Postmaster-General, dated December 1, 1860, page 2, in which he states that the coach and inferior modes of service had been merged into one class styled "star," or with "celerity, certainty, and security." A like explanation is given of the use of the word "star" as applied to mail service, in a glossary of words having a technical meaning in the postal service, appended to the postal laws and regulations of 1879.

The term "star routes" is first used by Congress in an act approved July 12, 1876, making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, in which an amount is appropriated for transportation on star routes, and by steamboats and all other than railroad routes. (See United States Statutes at Large, volume 19, pp. 78, 79.

The Revised Statutes provide as follows:

"SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

"SEC. 3961. No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

"SEC. 3965. The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper."

* Thus the contract price for a year for one trip per week, $699; one-fourth for three months, $174.75; 50 per cent. for expediting one trip, $87.37. These two latter sums are allowed by the Sixth Auditor. The amount allowed for expedited service by order of February 25, 1881, per annum $2,446.50, equal per quarter to $611.62 and claimed by contractor, of which disallowed $524.25 and allowed $87.37.

The SPEAKER. The question is on the amendment proposed by the gentleman from Indiana, which will be again read.

The Clerk read as follows:

SEC. 4. That wherever the words "Auditor of the Treasury for the Post-Office Department" occur in any law the same shall be construed to mean "Sixth Auditor of the Treasury," and hereafter that officer shall be known in all official transactions as the Sixth Auditor of the Treasury.

The amendment was agreed to.

Mr. PEELLE. I offer now the following amendment, which I have already suggested, to come in after the word "Auditors," in the thirteenth line of the first section.

The Clerk read as follows:

Insert after the word "Auditors," in the thirteenth line of the first section, the words "except money-order accounts and accounts of postmasters."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The House divided; and there were—ayes 49, noes 13.

Mr. CANNON. I make the point that no quorum has voted.

The Speaker appointetd ellers.

Mr. CANNON and Mr. PEELLE were appointed tellers.

The House again divided; and the tellers reported—ayes 51, noes 43.

So, no further count being demanded, the bill was passed.

Mr. PEELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5388) to fix the times for holding terms of the circuit and district courts of the United States in the northern district of Ohio; and

A bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

BIDS FOR MAIL TRANSPORTATION.

Mr. LACEY. Mr. Speaker, I wish to call up now for present consideration the bill (H. R. No. 6719) to amend section 3953 of the Revised Statutes.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That so much of section 3953 of the Revised Statutes as requires that bidders on a class of mail-routes therein described shall accompany their bids with a certified check or draft be, and the same is hereby, repealed; and hereafter no bidder for mail service on any route shall be required to furnish or file with or accompany his bid or proposal with a check or draft.

Mr. BUTTERWORTH. May I ask what is the object of this bill?

Mr. LACEY. Under the present law all bidders upon routes where the annual compensation on such routes exceeds at the time of letting the sum of $5,000 are required to accompany their bids with a certified check or draft, payable to the order of the Postmaster-General

upon some solvent national bank for an amount not less than 5 per cent. of the annual pay upon such route, which is a guarantee that they will enter into the contract in case the bid is accepted. This law has proved to be perfectly worthless to the Department, and has served to exclude local bidders who could not furnish certified checks at points where there are no national banks.

This provision as now presented is in the interest of competition, giving the local bidders an opportunity to compete with professional bidders. The present law has not realized anything in the way of security or value to the Government. These checks are returned to the maker of them as soon as the contract is executed and the person making it enters upon the practical performance of the work.

Mr. BUTTERWORTH. As the law now stands bidders are required to furnish bond as security, the sufficiency of the security to be determined by the proper officer of the department?

Mr. LACEY. Yes, sir.

Mr. BUTTERWORTH. That is deemed sufficient security by the Department?

Mr. LACEY. That is the fact.

Mr. BUTTERWORTH. That is deemed by the Department and your committee as sufficient?

Mr. LACEY. That is deemed as sufficient and is the only security that has proved of any practical value to the Department in the past history of these transactions.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM A. GAVETT.

Mr. LACEY. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 679) for the relief of William A. Gavett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William A. Gavett, out of any moneys in the Treasury not otherwise appropriated, such sum as the said Secretary shall be satisfied is equitably due, if anything, for the information and services of the said Gavett in the case of James C. Harris, of Tennessee: *Provided*, That the amount paid shall not exceed $2,650.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTE BILL.

Mr. BINGHAM. In accordance with the notice I gave two days ago I now report from the Committee on the Post-Office and Post-Roads the final post-route bill, and I ask unanimous consent that it may be put upon its passage.

The being no objection, the bill (H. R. No. 6804) to establish post-routes was received and read a first and second time.

Mr. HASKELL. I ask that the reading of the bill be dispensed with.

Mr. RANDALL. Of course there is no legislation in the bill?

The SPEAKER. The question is asked whether there is any legislation in the bill.

Mr. BINGHAM. There is no legislation in it.

The reading of the bill *in extenso* was dispensed with.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IOWA SOLDIERS' REUNIONS.

Mr. McCOID, by unanimous consent, introduced a joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and is hereby, authorized to send from some convenient quartermaster's depot or arsenal, to be used at soldiers' reunions to be held in the State of Iowa in the year 1882, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after holding of said reunions in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the arsenal and depot shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Iowa, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HASKELL. I call for the regular order.

Mr. REED. I should like to have permission to pass two bills that are needed for the public business of the Departments.

Mr. ROBERTSON. I should like the gentleman from Kansas to yield to me for a moment.

Mr. HASKELL. I must ask for the regular order. But before it is proceeded with I ask that the Committee on Indian Affairs may have three and a half hours on Tuesday, being the same favor as was given to the Committee on the Post-Office and Post-Roads. My object in making this request is that in taking up the business of the Committee on Indian Affairs to-day we may not be concluded with a session of an hour or half an hour.

The SPEAKER. There is a special order setting apart a day for the consideration of such business as may be indicated by the Committee on Indian Affairs. Is there objection to the request of the gentleman from Kansas, [Mr. HASKELL?]

Mr. RANDALL. That is to say, he has now three and a half hours, and he proposes to take part of that time to-day and part on Tuesday.

The SPEAKER. The gentleman proposes to take the remainder of this day and to have enough of Tuesday next to make up one entire day.

Mr. RANDALL. That I understand is in accordance with the original resolution.

The SPEAKER. The resolution gave the committee one day. The Chair hears no objection to the request of the gentleman from Kansas.

Mr. HASKELL. I am besieged on all hands with requests to yield for various matters; and if some one else does not call the regular order, I am willing to yield for a few minutes for little matters of reference.

The SPEAKER. If it is confined to matters of reference the Chair will only recognize such.

Mr. TOWNSHEND, of Illinois. Gentleman can introduce their bills on Monday.

Mr. REED. I call for the regular order.

The SPEAKER. The regular order is called for, and the gentleman from Kansas [Mr. HASKELL] is recognized to call up such measures as come within the provision of the special order, which the Clerk will now read.

The Clerk read as follows:

Resolved, That Wednesday, June 14, after the morning hour, be set aside for the consideration of such business as may be indicated by the Committee on Indian Affairs, not to interfere with the consideration of general appropriation bills; this order to continue and be in force from day to day thereafter until executed.

TITLE FROM SENECA INDIANS.

Mr. HASKELL. I call up for present consideration the bill (H. R. No. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes. I move that the Committee of the Whole House be discharged from the further consideration of the bill and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Seneca Nation of Indians of the State of New York, in the manner provided by their constitution, to quit-claim to the Wildwood Cemetery Association of the village of Salamanca and State of New York, duly organized under the laws of said State, not to exceed thirty acres of land within said village of Salamanca, as defined in accordance with the provisions of the act of Congress approved February 19, 1875, for cemetery purposes: *Provided*, That a suitable plot of land within said Wildwood Cemetery be set aside for interment of Indians resident on the Allegany reservation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UTE INDIAN RESERVATION, COLORADO.

Mr. HASKELL. I now call up from the Speaker's table Senate bill No. 698, relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The bill was read, as follows:

Be it enacted, &c., That all that portion of the Ute Indian reservation in the State of Colorado lately occupied by the Uncompahgre and White River Utes be, and the same is hereby, declared to be public land of the United States, and subject to disposal, from and after the passage of this act, in accordance with the provisions and under the restrictions and limitations of section 3 of the act of Congress approved June 15, 1880, chapter 223, except as hereinafter provided, under regulations to be prescribed by the Secretary of the Interior in accordance with the provisions of this act.

SEC. 2. That the Secretary of the Interior shall, at the earliest practicable day, ascertain and establish the line between the land mentioned in section 1 of this act and that now or lately occupied by the Southern Utes in said State; and for that purpose there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $500.

SEC. 3. That all entries, settlements, or locations heretofore made, under any law of the United States, by duly qualified persons, upon a strip of land extending northerly and southerly, not exceeding ten miles in width, within that part of the Ute Indian reservation in the State of Colorado lately occupied by the Uncompahgre and White River Ute Indians, and bounded on the east by the one hundred and seventh meridian of longitude west from Greenwich, shall legally date from the time they were respectively made; and the rights of said persons shall be in all respects the same as if the lands had been legally subject to their claims when the same were initiated: *Provided, however*, That if homestead entries have been made on said strip, the lands so entered shall be paid for in cash, after proof which would be satisfactory under the pre-emption laws: *And provided further*, That none of said lands shall be disposed of for any consideration other than cash, nor for a less price than $1.25 per acre.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

AUDITING INDIAN ACCOUNTS.

Mr. HASKELL. I now call up for consideration from the House Calendar the bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury are authorized and directed to examine and audit all the unpaid claims heretofore filed in the Departments for services rendered and supplies furnished under directions of the Indian Bureau or any of its agents; and in cases where said services and supplies are found to have actually been applied to the benefit of the Indians to report to Congress the balances equitably due on said accounts respectively, notwithstanding no sufficient appropriation existed.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. SCALES. I would like to have some explanation of that bill.

Mr. HASKELL. And I should be very glad to make it, because it is a very important bill. It has been found in the offices of the Second Auditor and the Second Comptroller of the Treasury Department that in the auditing of Indian accounts, under the somewhat complicated system of conducting Indian affairs, there is a disagreement, merely upon legal technicalities, between those two offices and the findings of the Indian Bureau.

There are some sixty-nine or seventy Indian agents, a great many of them managing Indian affairs. When they are first appointed they are of course unfamiliar with the great volumes of the statutes regulating the auditing of accounts in connection with Indian business. It often occurs that these accounts are suspended in the auditing offices of the Treasury Department because of mere legal technicalities, which those offices of course must take note of. In the expenditure of the money involved in the accounts the Indians have received the absolute and full benefit; the goods have been furnished them and the work has been done. The Auditor, Comptroller, and everybody familiar with the business can see that no wrong has been perpetrated upon the Indians, and that the money is due.

This bill provides that the officers of the Treasury Department may audit these accounts in cases, to use the language of the bill, "where said services and supplies are found to have actually been applied to the benefit of the Indians." Those officers are authorized to audit those accounts for the equitable amounts found due and to report the facts to Congress.

Mr. SCALES. Can it possibly embrace claims for Indian depredations?

Mr. HASKELL. It cannot.

Mr. SCALES. How far back does it extend?

Mr. HASKELL. Only to accounts for supplies and labor furnished to Indians under treaty stipulations.

Mr. SCALES. For what time?

Mr. HASKELL. I have not the bill before me, but it is an open order to the Second Auditor and Second Comptroller to audit all the claims which they believe in equity should be audited, and to report the facts to Congress.

Mr. SCALES. Then it may go back for fifteen or twenty years.

Mr. HASKELL. Unless barred by some statute. It provides for certifying the claims to Congress with all the facts in the case.

Mr. SCALES. Is it recommended by the Commissioner of Indian Affairs?

Mr. HASKELL. It is. I have here a letter from Commissioner Trowbridge, and also one from Commissioner Price, which I will incorporate in my remarks. I have also here a letter from the Second Comptroller of the Treasury Department, which I will incorporate.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1880.

SIR: I acknowledge the receipt of your letter of the 11th instant, in which you inclose, at the request of Hon. J. Whiteaker, the bill (H. R. No. 3458) "to authorize the auditing of certain unpaid accounts in the Indian Bureau," and in which you request an expression of the views of this office on the bill and the proposed amendments noted thereon.

In reply I have to state that the legislation proposed by the inclosed bill is a just and necessary measure and would afford relief to a large number of creditors who have filed valid claims, and have been deprived of their just dues for services rendered and supplies furnished for the Indian service for want of necessary appropriations to meet the same.

Regarding the proposed amendments, as indicated in lines 6, 7, 8, and 9, I respectfully recommend the following, namely: that lines 6, 7, and 8 be changed to read "in the fiscal year 1879 and prior years," and in line 9 to insert the word "its," so as to read "or its agents."

I would also recommend that the title of the bill be amended by adding the words "and accounting officers of the Treasury," for the reason that a large percentage of the claims in question are now in the office of the Second Auditor of the Treasury for examination.

The bill is returned herewith.

Very respectfully,

R. E. TROWBRIDGE,
Commissioner.

A. H. GALLAWAY,
Clerk House Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1882.

SIR: I have the honor to be in receipt of your communication of the 12th instant, inclosing bill (H. R. No. 1364) "to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury," which bill you state has been referred to you by the House Committee on Indian Affairs, and in which you request a report as to whether the said bill is a just and necessary measure, and which, if enacted into a law, would afford relief to creditors of the United States who have filed valid claims before the Interior Department, and who have been deprived of their just dues for services rendered and supplies furnished for the Indian service. In reply I have to advise you that the legislation proposed is in every sense a just and necessary measure, and, if enacted into a law, would afford relief to a large number of creditors who have been deprived of their just dues for services rendered and supplies furnished for the Indian services, under authority of this bureau or its agents, on account of limited appropriations made by Congress. On the 23d day of March, 1880, my predecessor recommended similar legislation, as set forth in bill H. R. No. 3458, and the views therein expressed are concurred in by me. I respectfully recommend the following change in the title of bill 1364, namely: Strike out after "unpaid" the words "accounts in," and insert in lieu thereof the words "claims against." The inclosures submitted with your letter are respectfully returned.

Very respectfully,

H. PRICE, *Commissioner.*

Hon. GEORGE AINSLIE, *House of Representatives, City.*

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., January 16, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, inclosing House bill 1364, entitled "A bill to authorize the auditing of certain unpaid accounts of the Indian Bureau by the accounting officers of the Treasury," and requesting a report or an opinion as to whether the legislation therein proposed is a just and necessary measure to afford relief to the creditors of the United States who have filed valid claims or have been deprived of their just dues.

In reply I respectfully state that there are many claims pending in the office of the Second Auditor and in this office for goods furnished and services rendered under direction of officers of the Indian Bureau, which remain unpaid because it does not appear that any appropriation existed at the time the goods or services were ordered. The most of these accounts are for supplies which have been furnished in good faith and for the benefit of the Indians; and it is believed that it is unlawful to audit and allow these claims without further legislation.

I think that justice to the claimants and to the United States demands their payment, and that the legislation proposed by the said bill will afford the needed relief.

I therefore reply in the affirmative, that I think the legislation proposed is a just and necessary measure.

Very respectfully,

W. W. UPTON.

Hon. GEORGE AINSLIE, *House of Representatives.*

Mr. SCALES. I would inquire of the gentleman further if in his opinion it would not be better to fix a limit as to time, and not go back so far as this bill may go? I do not want to antagonize the bill, but I think there should be some limit.

Mr. HASKELL. I think not. I think the operation of the bill will be entirely harmless. It simply allows these two officers to audit these claims and to report their findings to Congress. Of course these two auditing officers of the Treasury Department, the Second Comptroller and the Second Auditor, will act upon their responsibility, and in the matter of auditing claims they would hardly take up any overhanging account that they did not deem was equitably due.

I think the bill is entirely safe, for when these accounts shall have been examined, when the Indian Office and the two auditing offices of the Treasury Department shall have agreed upon these accounts, they will still be for Congress to act upon. I do not think any limitation is necessary. As this legislation has been urged on Congress for some time, it might be that there would be some old claims which are most equitable.

Mr. SCALES. It occurs to me that there ought to be some limitation. But as this comes from the Indian Committee, and I have great confidence in the committee, I will not antagonize the bill.

Mr. HASKELL. It not only comes from the Indian Committee of this House but is recommended by the Commissioner of Indian Affairs and the accounting officers of the Treasury Department.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERTISING SALES OF KANSAS INDIAN LANDS.

Mr. SPAULDING. By direction of the Committee on Indian Affairs I call up for present consideration the bill (H. R. No. 5003) to enable the Secretary of the Interior to adjust the accounts of certain newspapers for the advertisements of the sales of the Kansas Indian lands.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to pay to such newspapers as published under previous authority of the Department the advertisement of Kansas trust and diminished-reserve Indian lands, in 1874 and 1875, the amount of their bills as rendered at the Interior Department not exceeding the regular commercial rates, and not in any case exceeding twenty-five cents per line for each insertion, payment to be made from the proceeds of the sales of said lands in the same manner as other expenses of such sales are now provided by law.

The House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURE OF SALT IN INDIAN TERRITORY.

Mr. BUCK. By direction of the Committee on Indian Affairs I call up from the House Calendar for present consideration the bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

The bill was read, as follows:

Be it enacted, &c., That the legislative council of the Cherokee Nation may execute a lease of the salines or salt deposits on the plains, not to exceed three in number, located on the lands of the Cherokee Nation lying west of the ninety-sixth degree of longitude, in the Indian Territory, and so much land connected therewith as may be necessary for the working of the same for a period of not exceeding twenty years, with right of a highway for ingress and egress, to be reserved for such purpose and to facilitate the manufacture of salt, and the conditions of which lease shall insure the payment to the Cherokee national authorities of a royalty of not less than $1 per ton; said lease being subject to such conditions and to the proper jurisdiction of the Cherokee national legislature, and said lease and conditions subject to the approval of the Secretary of the Interior: *Provided*, That the proceeds of such royalty from the manufacture of salt shall be an addition to the educational fund of said nation: *And provided further*, That said salines shall continue subject to any rights of the United States under sections 15 and 16 of the treaty of July 19, 1866, with the Cherokee Indians; and said lease or leases shall be liable to revocation by the legislative council of the Cherokee Nation and the Secretary of the Interior for the non-performance of any of said conditions.

Mr. SCALES. I would like to hear an explanation of this bill, which seems to me a very important one to the Indians of the Cherokee Nation.

Mr. BUCK. The bill simply authorizes the legislative council of the Cherokee Nation, with the approval of the Secretary of the Interior, to make leases of certain salt mines which have been discovered in that Territory, west of the ninety-sixth parallel. These mines are located within the unassigned portion of the lands belonging to that nation, and under treaty stipulations the United States may settle on those lands any civilized Indian tribe with the previous consent of the Cherokee Nation. This bill makes these leases subject to the provisions of that treaty.

Mr. SCALES. Does not the bill open up the Territory for as many persons as may see proper to go there?

Mr. BUCK. No, sir; it does not. It simply authorizes the legislative council of the Cherokee Nation to make leases of these salt mines, subject to the approval of the Secretary of the Interior, for not less than twenty years, reserving a royalty——

Mr. SCALES. Is this bill presented at the instance of the Indians themselves?

Mr. BUCK. The council of the Cherokee Nation has asked for it.

Mr. TOWNSHEND, of Illinois. It seems to me we ought not to take up and consider a bill of this importance in so thin a House. We have not been able to get a quorum to-day. It is very apparent that a quorum is not now present. It strikes me that instead of considering so important a bill this evening, the House had better adjourn. At first blush this bill would appear to open up the Indian Territory——

Mr. BUCK. The money derived from these leases is to go to the educational fund of the Cherokee Nation, and nowhere else.

Mr. HASKELL. These saline deposits in the western part of the lands of the Cherokee Nation have until recently been absolutely valueless, because there was no railroad near enough to transport the product of any operations which might be carried on for the production of salt. The roads are now in order; and the Cherokees themselves ask that they may be allowed to lease these lands for a royalty of $1 a ton, which is very high—higher than the committee thought ought to be charged. The leases are to be approved by the Secretary of the Interior, and are to be operative for twenty years.

Mr. BUCK. And may be revoked at any time.

Mr. HASKELL. The five civilized tribes of which the Cherokees are one have always been in the habit of regulating their own internal affairs, making leases for farm lands, &c., without coming here to Congress. But as to this western part of their reserve, it is absolutely essential that there should be Congressional or departmental action to allow them to make these leases. As these Cherokees ordinarily conduct their own business in their own way, this bill is simply in the line of that policy. It is a measure which they themselves ask for. I know of no white person interested.

Mr. DUNN. I wish to inquire whether the rights or interests of persons who may take leases are carefully guarded? The gentleman from Kansas [Mr. HASKELL] refers to leases of lands, &c., heretofore made in the Indian Territory. I remember that a few years ago there was very wide-spread damage done in that Territory by the action of a governor or some other high Indian official ordering out people who under leases had acquired grazing rights, saw-mill rights, and other rights upon the lands. Their mills, their lumber, their cattle, their crops, were "gobbled up." If this bill is simply a trap to decoy some more game of the same kind it ought not to be passed.

Mr. BUCK. The rights of lessees will be protected by the leases.

Mr. DUNN. There is another view of this matter. As I understand, these Indians under existing law have no power to dispose of these lands. Is it not impolitic and unwise for us now to allow them to grant leases which may run for twenty years? Before the expiration of that time the Government may change its policy; the lands may be distributed to the Indians in severalty; the Territory may be organized into a State and opened up to settlement.

Mr. BUCK. The bill provides that the leases may be revoked at any time.

Mr. DUNN. By whom?

Mr. BUCK. By the Secretary of the Interior and the Cherokee Nation itself.

Mr. HASKELL. These lands are in the Cherokee country, not in the Indian Territory proper; they are in a part of the country where Congress has already given these Indians the right of self-government.

Mr. DUNN. But the Government of the United States may change its policy.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BUCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF KICKAPOO LANDS IN KANSAS.

Mr. HASKELL. I now call up from the Speaker's table the bill (S. No. 469) to provide for the sale of certain Kickapoo Indian lands in Kansas.

The bill was taken up and read a first and second time.

The bill was then read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to cause to be appraised and sold for cash to the highest bidder, after due advertisement, in tracts not exceeding one hundred and sixty acres to any one person, the following-described tracts of land in the State of Kansas, reserved in accordance with the provisions of the amended eleventh article of the treaty made June 28, 1862, by and between the United States and the Kickapoo tribe of Indians, for mill-site and missionary and agency purposes, namely: The south half of section 4, township 5, range 16, and the north half of section 9, township 5, range 16, for mill-site purposes; the south half of section 33, township 4, range 17, reserved for mission purposes; lots 5, 6, and 7, section 3, township 5, range 17, and lot 6, section 15, township 5, range 17, reserved for agency purposes: *Provided*, That no tract shall be sold for less than the appraised value thereof, and in no case for less than $6 per acre.

SEC. 2. That the net proceeds of the sale of said lands, after deducting therefrom the expense incident to said appraisement and sale, shall be deposited in the United States Treasury to the credit of the Kickapoo tribe of Indians, and shall bear interest at the rate of 4 per cent. per annum; and the Secretary of the Interior is authorized to expend the interest annually accumulating thereon, and all or any part of the principal fund, at such time and in such manner as he may deem for the best interests of said Indians: *Provided*, That if the Secretary of the Interior shall direct the payment of said principal sum in installments, the unpaid portion thereof shall continue to draw interest until paid.

SEC. 3. That the Secretary of the Interior shall cause patents in fee-simple to be issued to the purchasers of the lands sold under the provisions of this act in the same manner as patents are issued for the public lands.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREEK ORPHAN FUND.

Mr. DEERING. I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 307) to reimburse the Creek orphan fund.

The motion was agreed to; and the bill was read, as follows:

Be it enacted, &c., That the sum of $251,055.97, with 5 per cent. interest on $176,755.97 from April 6, 1872, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund, and is due to the Creek orphans and their heirs under the treaty of March 24, 1832: *Provided*, That said sum shall, in the discretion of the President, be paid to the Creek orphans and their heirs under the direction of the Secretary of the Interior: *Provided further*, That it shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act, to receive the money hereby appropriated; and it shall be his duty to see that said moneys shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the passage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of $69,956.68, used for general purposes of the Creek Nation, against the general fund of said nation, and said sum shall be retained by the Secretary of the Interior in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DEERING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF OMAHA RESERVATION.

Mr. HASKELL. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, reported from the Committee on Indian Affairs with a substitute.

The motion was agreed to.

The substitute is as follows:

That with the consent of the Omaha tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of their reservation in the State

of Nebraska lying west of the right of way granted by said Indians to the Sioux City and Nebraska Railroad Company under the agreement of April 19, 1880, approved by the Acting Secretary of the Interior July 27, 1880. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Omaha tribe of Indians, and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and he hereby is, authorized to issue proclamation to the effect that all unallotted lands are open for settlement under such rules and regulations as he may prescribe. That at any time within one year after the date of such proclamation each *bona fide* settler occupying any portion of said lands and having made valuable improvements thereon, or the heirs at law of such settler, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase for cash through the United States public land-office at Neligh, Nebraska, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, according to the survey and the appraised value of said lands, as provided for in section 1 of this act: *Provided*, That the Secretary of the Interior may dispose of the same upon the following terms as to payments, that is to say: one-third of the price of said land to become due and payable one year from the date of entry, one-third in two years, and one-third in three years from said date, with interest at the rate of five per cent. per annum; but in case of default in either of said payments the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he might have made: *And provided further*, That whenever any person shall under the provisions of this act settle upon a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in survey to make township and section lines conform to the boundary lines of the reservation, his purchase shall not be rejected on account of such excess, but shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case for less than $2.50 per acre: *And provided further*, That all land in township twenty-four, range seven east, remaining unallotted on the 1st day of June, 1885, shall be appraised and sold as other lands under the provisions of this act.

SEC. 3. That the proceeds of such sale, after paying all expenses incident to and necessary for carrying out the provisions of this act, including such clerk hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of said Indians in the Treasury of the United States and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 4. That when purchasers of said lands shall have complied with the provisions of this act as to payment, improvement, and so forth, proof thereof shall be received by the local land-office at Neligh, Nebraska, and patents shall be issued as in the case of public lands offered for settlement under the homestead and preemption acts: *Provided*, That any right in severalty acquired by any Indian under existing treaties shall not be affected by this act.

SEC. 5. That with the consent of said Indians as aforesaid the Secretary of the Interior be, and he is hereby, authorized either through the agent of said tribe or such other person as he may designate, to allot the lands lying east of the right of way granted to the Sioux City and Nebraska Railroad Company, under the agreement of April 19, 1880, approved by the Acting Secretary of the Interior July 27, 1880, in severalty to the Indians of said tribe in quantity as follows: To each head of a family, one quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section; and to each other person under eighteen years of age, one-sixteenth of a section; which allotments shall be deemed and held to be in lieu of the allotments or assignments provided for in the fourth article of the treaty with the Omahas, concluded March 6, 1865, and for which, for the most part, certificates in the names of individual Indians to whom tracts have been assigned have been issued by the Commissioner of Indian Affairs, as in said article provided: *Provided*, That any Indian to whom a tract of land has been assigned and certificate issued, or who was entitled to receive the same under the provisions of said fourth article, and who has made valuable improvements thereon, and any Indian who being entitled to an assignment and certificate under said article has settled and made valuable improvements upon a tract assigned to any Indian who has never occupied or improved such tract, shall have a preference right to select the tract upon which his improvements are situated, for allotment under the provisions of this section: *Provided further*, That all allotments made under the provisions of this section shall be selected by the Indians, heads of families selecting for their minor children, and the agent shall select for each orphan child; after which the certificates issued by the Commissioner of Indian Affairs as aforesaid shall be deemed and held to be null and void.

SEC. 6. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indians to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Nebraska, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in said State shall apply thereto after patents therefor have been executed and delivered.

SEC. 7. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribe of Indians shall have the benefit of and be subject to the laws, both civil and criminal, of the State of Nebraska; and said State shall not pass or enforce any law denying any Indian of said tribe the equal protection of the law.

SEC. 8. That the residue of lands lying east of the said right of way of the Sioux City and Nebraska Railroad, after all allotments have been made, as in the fifth section of this act provided, shall be patented to the said Omaha tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the said Omaha tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha tribe of Indians, in fee discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That from the residue of lands thus patented to the tribe in common allotments shall be made and patented to each Omaha child who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as are provided in section 6 of this act, touching patents to allottees therein mentioned. But such conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents, when issued, shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in the patent issued to the tribe.

SEC. 9. That the commissioners to be appointed by the Secretary of the Interior under the provisions of this act shall receive compensation for their services at the rate of $5 for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

SEC. 10. That in addition to the purchase, each purchaser of said Omaha Indian lands shall pay $2, the same to be retained by the receiver and register of the land office at Neligh, Nebraska, as their fees for services rendered.

Mr. SCALES. I ask the gentleman from Kansas not to press that bill in the absence of a quorum, for I shall be compelled to ask for a division on it.

Mr. HASKELL. I am left then no alternative but to withdraw it.

Mr. SCALES. I do not mean to say I shall be hostile to the bill when I come to look into it.

Mr. HASKELL. I do not wish to press it unduly.

Mr. VALENTINE. Let it be printed in the RECORD.

Mr. HASKELL. Yes, that will be done. I withdraw the bill for the present.

INCREASE OF COMMISSIONER'S SALARY.

Mr. BUCK. I move that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5010) to increase the salary of the Commissioner of Indian Affairs, and that it be taken up for present consideration.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Indian Affairs shall be entitled to a salary of $5,000 a year.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN TRADERS.

Mr. HASKELL. I now call up from the Speaker's table the bill (S. No. 114) to amend section 2133 of the Revised Statutes, in relation to Indian traders.

The bill was taken up and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That section 2133 of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read:

"Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the five civilized tribes, residing in said Indian country, and belonging to the Union agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said five civilized tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE CLERK.

Mr. HASKELL. I am instructed by the committee to report the following resolution for adoption:

Resolved, That the clerkship of the Committee on Indian Affairs of this House be, and is hereby, declared an annual clerkship, with compensation fixed at $2,000 per annum. And the Clerk of this House is directed to pay the clerk of said committee such compensation for the fiscal year 1883 from the contingent fund.

Mr. SCALES. Let that go to the Committee on Accounts.

Mr. HASKELL. This resolution has already been before the Committee on Accounts and referred there unanimously by the action of our committee. But by reason of the failure to secure a quorum of the committee, a trouble with which many of our committees are now afflicted, it has never been reported. I think it would not be objected to by the Committee on Accounts. The Committee on Agriculture and the Committee on Public Lands, both of them smaller in the amount of business they have before them than the Committee on Indian Affairs, have been given annual clerks.

Our committee is very anxious during the recess of Congress, in view of the important legislation pending and which is now before that committee, to leave that room in the custody of a clerk during the vacation, so that these important papers will not be overhauled and disturbed. This is a matter which personally I did not press upon the committee. They were unanimously of opinion, however, that it should be done. Our committee has now some five hundred bills before it, and there is not a day that we have a meeting that attorneys and others urging various interests, rights of way and the possession of large tracts of land, are not anxious to get access to the papers to aid their investigation. As I have said, the committee is anxious to prevent the overhauling and overturning of its rooms during the recess. For that reason we desire to leave this room in the custody of a clerk. There are six hundred bills pending before the committee. I am so informed by my colleague——

The SPEAKER *pro tempore*. If the point of order is insisted upon the Chair will have to rule that this must go to the Committee on Accounts.

Mr. SCALES. I think it ought to go to the Committee on Accounts.

The SPEAKER *pro tempore*. It will be so referred.

Mr. HASKELL. I withdraw the resolution.

ABBIE SHARP.

Mr. HASKELL. I now call up for consideration the bill (H. R. No. 306) for the relief of Abbie Sharp.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to deduct from any annuities due or to become due to the Sioux Indians the sum of $2,000, and pay the same to Abbie Sharp, formerly Abbie Gardner, who was captured and whose family was killed by the Sioux Indians at Spirit Lake, in the State of Iowa, on the 8th day of March, A. D. 1857.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed and read a third time.

Mr. KLOTZ. I move that the House do now adjourn. We have gone far enough, I think, in this Indian business.

The House divided; and there were—ayes 18, noes 28.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. RANDALL. I demand a division on the passage of the bill.

The House divided; and there were—ayes 26, noes 8.

Mr. RANDALL. That is not a quorum.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. RANDALL. The House is too thin now to transact public business, and I think we had better adjourn.

Mr. DEERING. I would like to say a word or two in regard to this bill, which is a very meritorious one.

Mr. RANDALL. If we can get an assurance that the House will adjourn after the passage of this bill, I shall withdraw the objection I have made.

Mr. DEERING. If an explanation as to this bill is desired, I can make one very briefly, which I am sure will be entirely satisfactory to every member present.

Mr. RANDALL. It is not this bill to which I am making objection now, but I object to the few members present here to-day conducting legislation of any character.

Mr. DEERING. This is a just bill and ought to pass.

Mr. RANDALL. I have no doubt it ought, but there are only some fifty or sixty gentlemen present and voting, and we ought not to undertake to vote money out of the Treasury without a quorum present.

Mr. HASKELL. I do not want to weary the House or the members with the business of our committee unduly. That bill has been most carefully considered. Several bills of those before the committee which have received a careful and patient investigation have been selected for presentation. These are the least objectionable of all; but if the House desires to adjourn or to transact only routine business, I will withdraw the demand for the further consideration of Indian business with the understanding that on Tuesday I will avail myself of the continuing order——

Mr. RANDALL. I do not wish to be understood as objecting to this bill, and have stated that if there can be an assurance that the House will adjourn after its passage, I will withdraw the objection.

Mr. DEERING. I hope this bill will be passed. It is an exceedingly meritorious case, and I appeal to gentlemen to withdraw their objection and let it go through. If desired by the House I will explain in a moment the facts in connection with it and the necessity for its passage, which I am sure will be entirely satisfactory to everybody.

Mr. RANDALL. I withdraw the objection to this bill.

The bill was passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter mation was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to submit some personal requests of members, and some resolutions which should be referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMPSON, of Iowa, for ten days, on account of important business; and to Mr. MASON, for ten days from Monday next, on account of sickness.

REPORT OF THE DIRECTOR OF THE MINT.

The SPEAKER laid before the House the following concurrent resolution of the House, with Senate amendments; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 8,000 copies for the use of the House, 3,000 for the use of the Senate, and 4,000 copies for the use of the Director of the Mint.

REPORT OF THE COMMISSIONER OF EDUCATION.

The SPEAKER also laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved, &c., That the Report of the Commissioner of Education for 1881 be printed; 4,000 additional copies for the use of the Senate; 8,000 for the use of the House, and 13,000 for distribution by the Commissioner of Education.

ORDER OF BUSINESS.

Mr. RICE, of Missouri. I desire to make a report from the Committee—— [Cries of "Regular order!"]

Mr. MORSE. The gentleman from Pennsylvania has agreed to yield to me for a moment.

The SPEAKER. The regular order is demanded, which is on the motion of the gentleman from Pennsylvania that the House do now adjourn.

The motion was agreed to; and accordingly (at three o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. McCOID: The petition of the Iowa State board of health, praying for an appropriation for the support and maintenance of the National Board of Health—to the Committee on Appropriations.

By Mr. McLANE: The petition of E. D. Bigelow & Co. and other merchants of Baltimore, Maryland, for the appointment of a committee of Congress, to sit during the recess, to take into consideration the shipping interests of the United States—to the Committee on Commerce.

By Mr. McMILLIN: The petition of W. H. Carroll and others, for an appropriation for the improvement of the mouth of the Cumberland River—to the same committee.

SENATE.

MONDAY, *July* 24, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the New Jersey Society of the Cincinnati, expressing thanks for the appropriation voted by Congress to erect a monument on the battle-field of Monmouth; which were ordered to lie on the table.

Mr. LAPHAM. I have a communication from Dr. William M. Smith, health officer of the port of New York, on the subject of the necessity of an appropriation to enable the National Board of Health to continue their investigation to prevent the introduction and spread of small-pox in this country. I ask to have it read and referred to the Committee on Appropriations. It relates to a very important subject.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The communication was read, and referred to the Committee on Appropriations, as follows:

HEALTH OFFICER'S DEPARTMENT, STATE OF NEW YORK,
Quarantine, Staten Island, July 22, 1882.

DEAR SIR: I understand the civil appropriation bill has passed the House of Representatives without any provision which will enable the National Board of Health to pay their inspections of immigrants, or continue their quarantine supervision on the southern seaboard.

Allow me very briefly to say that more than two years ago I saw that small-pox was likely to be largely introduced into our country through the immigration which at that time had already assumed unusual proportions; not through any omissions of duty at our maritime quarantines, but because the period from the time of infection to that of development (four days) is greater than the average passage of transatlantic passenger steamers; thus allowing the infected immigrant to pass our quarantine and perhaps hundreds of miles into the interior while the contagion was latent, or, in other words, undeveloped.

My warnings, and the proposed remedy—to wit, the appointment of inspectors of immigrants at certain points on the great lines of travel, as a measure of interstate quarantine to detect the cases as they develop—was repeatedly urged through published articles in the New York papers and otherwise, but was unheeded until a few months since, when such inspectors were appointed by the National Board of Health. In the mean time, in upward of two hundred localities in the West and Northwest, small-pox had developed.

At the present time the epidemic of this disease is under control; but the immigration to this country continues, and is likely to increase rather than diminish in the future. The maritime quarantines may be ever so vigilant, but for reasons given cannot prevent the admission of this contagion in its latent or undeveloped condition. The failure of an appropriation for the National Board will compel the discharge of the inspectors and the abandonment of important quarantine measures on the southern seaboard.

More than 100,000 immigrants pass into the United States at Port Huron, where no medical inspection has been made until very recently.

In the interest of sanitary work, in the interest of public health, I would most earnestly urge the appropriation of such sum as may be necessary to continue the work of the National Board of Health.

Very truly, yours,

W. M. SMITH,
Health Officer, Port of New York.

Hon. E. G LAPHAM.

Mr. LAPHAM. I also present a letter from the lieutenant-governor of the State of New York on the same subject, which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES. I present the petition of Felton & Son; Chapin, Trull & Co.; John D. & M. Williams, and a large number of other wholesale dealers in liquors, of Boston, Massachusetts, praying for some provision by which the time for keeping liquors in bond may be extended from three to five years. As the Finance Committee, I believe, are still trying to find a way to give some partial relief in that line, I move that the petition be referred to that committee, and I hope it may be carefully considered by them.

The motion was agreed to.

Mr. DAWES. I present the petition of the W. W. Rockwell Post No. 125, Grand Army of the Republic, a large association of soldiers in Pittsfield, Massachusetts, praying for the passage of House bill No. 1410, for an increase of pensions to those who have lost one arm, one hand, one leg, or one foot, or have suffered an equivalent disability thereto, which is being considered by the Committee on Pensions. I move the reference of the petition to that committee.

The motion was agreed to.

Mr. SHERMAN. I present a petition of citizens of Ohio, praying for the passage of the bill (H. R. No. 6018) to amend section 4919 of the Revised Statutes relating to the recovery of damages for the infringement of patents. I move the reference of the petition to the Committee on Patents.

Mr. HOAR. The Committee on Patents have reported a bill largely accomplishing that purpose, which is on the Calendar.

Mr. SHERMAN. Then let the petition lie on the table.

The PRESIDENT *pro tempore*. The petition will lie on the table.

JOHN W. FORNEY'S ESTATE.

Mr. VOORHEES. If it does not interfere with the morning business I should be glad to call up for consideration the bill (S. No. 2099) for the relief of the executors of John W. Forney. It is a bill which has been reported from the Committee on Claims. I call the attention of the Senator from Massachusetts [Mr. HOAR] to the bill. There is quite an elaborate report, a very conclusive and satisfactory report, accompanying the bill made by that Senator; but I do not apprehend that it will be necessary to detain the Senate to read it. I think a very few words from the Senator from Massachusetts himself explanatory of the bill will be satisfactory to the Senate, and that it will take no time in its consideration.

Mr. SHERMAN. The bill is on the Calendar?

Mr. VOORHEES. It is on the Calendar.

Mr. MORRILL. If this bill takes no time, I shall not object to its consideration; but I give notice that I shall object to taking up any other bill. I believe this bill is upon the same basis as the bills we have passed for Mr. Spinner and for sundry officers of the Treasury, and therefore it ought to pass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the executors of John W. Forney $27,684.70, to reimburse the estate of Forney for losses sustained by him while Secretary of the Senate in making good the deficit in the accounts of the financial clerk.

Mr. HOAR. I can state the whole point of this matter I think in three minutes; and if the Senate will give me their attention it may save time.

Mr. Forney was elected Secretary of the Senate, as everybody knows, in 1861. The habit of his office was to keep the cash, which amounted to several million dollars in a year, which were disbursed by the Secretary of the Senate, in a safe to which a clerk known as financial clerk had the sole access. It had a very difficult combination with which he alone was intrusted. The other duties of the Secretary of the Senate took the whole time of Mr. Forney, as they did of his predecessor and do of his successor; so that what he did, and what he properly ought to do, was to appoint a financial clerk in whose integrity he could confide and give him sole access to this cash and to the safe, not reserving any access to it himself. That was what Mr. Forney did. He appointed a man of mature age, who had been teller and cashier in an important bank and who sustained a spotless reputation. Mr. Forney was entirely justified in making that selection, and was entirely justified in giving up to this man the sole charge of the accounts, which it was impossible he could keep any knowledge of himself.

It turned out, however, after about a year or a year and a half of service, that there was a defalcation. This man had been called upon suddenly to pay a large debt on which he had been surety for some friend. He yielded to the temptation and took the money from the Senate safe, expecting that by meeting the debt in that way, a bank note I think it was, he could replace it pretty soon. Being unable to do it the detection came.

Mr. Forney instantly, in the most honorable manner, mortgaged his own property and raised $40,000, which he deposited in the safe and made his accounts good. The delinquent made over to Mr. Forney all the property he had, which was not a great deal. That reduced the defalcation to about $27,000, the sum mentioned in this bill, and that Mr. Forney of course had made good in that way.

The Committee on Claims, who considered this matter very anxiously, thought that Mr. Forney was entirely free from blame and had done everything that could be done, as Mr. Spinner did in his case, with one single exception, and that created our doubt and anxiety in the beginning. We thought that Mr. Forney might have had a more frequent system of examination of the accounts of this man; that he might have had a system of bookkeeping whereby some bookkeeper should have been a check on the financial clerk, or that there should have been an examination by himself at intervals of two, four, six, eight, or ten weeks. That would not, so far as we can know, have made any difference in this defalcation unless it would have had the effect to make the man so much more in fear of early detection that it would have prevented the defalcation.

Mr. HARRIS. How long was it after the abstraction of the funds before the defalcation was discovered?

Mr. HOAR. It was several months. It was discovered by a communication from the Comptroller of the Treasury in the first instance. Still, the man expected when he took the money to be able to raise money among his friends and replace it immediately.

I have stated this point fully so that the Senate might see the weakness, if there was a weakness, as well as the strength of this case. On the whole, we thought that we ought not to refuse this reparation to Mr. Forney's family by reason of that one possible loop-hole which we can see, looking back, he might have closed. In the first place, we are not sure that it would have made any difference; and, in the next place, when he came into the office he followed the custom of his predecessors, a custom perfectly well known to the Senate. The Senate, by the way, had established this office of financial clerk and given its assent to the method of dealing with its funds. He followed the custom of all his predecessors for a great many years, almost from the foundation of the Government.

We thought, therefore, as Mr. Forney had done what everybody had done, that he was free from personal blame. He had selected a man of irreproachable character and of mature years; and he had come forward with this absolute and scrupulous sense of honor, and without raising any question in the first instance, which he might well have raised, of his liability for this money; he might have had a lawsuit and a very doubtful question. He comes in and takes the $40,000, which largely exceeds the defalcation, and puts it in the safe, so that no possible question shall arise. So we thought we ought to grant the family the relief. While it makes no difference, it gives us more pleasure to come to that conclusion from the fact that this is nearly the whole fortune (if you can call $27,000 in these days a fortune for a family in that condition of life) left by Mr. Forney to his representatives. That is the whole case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 2004) to authorize the administration of oaths under the homestead laws by notaries public and by justices of the peace, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. No. 2112) granting a pension to Lewis L. Cannaday, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4888) increasing the pension to John F. Ellis, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 306) for the relief of Abbie Sharp;

A bill (H. R. No. 307) to reimburse the Creek orphan fund;

A bill (H. R. No. 859) regulating rates of postage on second-class mail matter at letter-carrier offices;

A bill (H. R. No. 1078) to authorize the Seneca Nation of Indians, of the State of New York, to grant title to lands for cemetery purposes;

A bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury;

A bill (H. R. No. 3255) to amend sections 269 and 277 and to repeal section 270 of the Revised Statutes of the United States;

A bill (H. R. No. 4951) to punish postmasters for making false certificates of the arrivals and departures of mails;

A bill (H. R. No. 4954) making certain violations of the postal laws a misdemeanor;

A bill (H. R. No. 4958) making it an offense to personate a post-office inspector;

A bill (H. R. No. 4961) to amend section 5480 of the Revised Statutes;

A bill (H. R. No. 5003) to enable the Secretary of the Interior to adjust the accounts of certain newspapers for the advertisement of the sales of the Kansas Indian lands;

A bill (H. R. No. 5010) to increase the salary of the Commissioner of Indian Affairs;

A bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory;

A bill (H. R. No. 6719) to amend section 3953 of the Revised Statutes;

A bill (H. R. No. 6804) to establish post-routes; and

A joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882.

The message also announced that the House had passed the following bills:

A bill (S. No. 114) to amend section 2133 of the Revised Statutes, in relation to Indian traders;

A bill (S. No. 469) to provide for the sale of certain Kickapoo Indian lands in Kansas;

A bill (S. No. 679) for the relief of William A. Gavett; and

A bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

DARIUS A. DOW AND CORNELIUS FITZGERALD.

Mr. LOGAN. I move that the votes by which the bill (S. No. 1519) granting a pension to Darius A. Dow and the bill (H. R. No. 3582) to reinstate Cornelius Fitzgerald on the pension-roll were postponed indefinitely be reconsidered, and that the bills be placed on the Calendar.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I submit the report of the committee of conference on the legislative, executive, and judicial appropriation bill, and I ask the Senate to proceed to its immediate consideration, as it is an important matter.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the report? The Chair hears no objection. The report is before the Senate, and will be read.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 51, 52, 59, 75, 86, 87, 87½, 88, 89, 90, 95, 96, 97, 98, 108, 109, 118, 120, 121, 122, 135, 137, 140, 142, 156, 157, 166, 180, 181, 184, 185, 191, 192, 196, 197, 199, 200, 201, 202, 213, 214, 215, 222, 223, 224, 233, 237, 240, 260, 261, 262, 264, 266, 271, 272, 279, 284, 285, 286, 286½, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, and 308.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 54, 55, 56, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 76, 80, 81, 83, 84, 91, 92, 93, 94, 103, 104, 105, 106, 107, 110, 112, 113, 114, 115, 116, 117, 119, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 138, 139, 141, 143, 144, 145, 146, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 161, 162, 164, 168, 169, 170, 172, 173, 174, 175, 178, 182, 187, 189, 190, 193, 194, 195, 203, 205, 206, 208, 209, 210, 211, 212, 216, 219, 220, 221, 227, 228, 229, 230, 232, 235, 236, 238, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 263, 265, 268, 269, 270, 274, 277, 278, 281, 282, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 309, 311, 312, 313, 314, 315, 316, 317, 318, 323, 326, 326, 327, 329, and 338, and agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of "twenty-four" insert "twenty-seven;" and the Senate agree to the same.

Amendments numbered 57 and 58: That the House recede from its disagreement to the amendments of the Senate numbered 57 and 58, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 24, page 8, of the bill to the end of the amended paragraph, and insert in lieu thereof the following: "One deputy to the Sergeant-at-Arms, $2,000; one cashier, $3,000; one paying teller, $2,000; one bookkeeper, $1,800; one messenger, $1,200; one page at $60 per month, and one laborer at $660;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of "five" insert "four," and strike out the word "eight," in line 3, page 11, of the bill, and insert in lieu thereof the word "nine;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,640;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the word "twelve" where it occurs on page 16, in line 9 of the bill, and in lieu thereof insert "eleven;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fourteen;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,550;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments as follows: In lieu of the number proposed by said amendment insert "seven;" on page 18, in line 9 of the bill, after the word "dollars," insert the following: "One chief of appointment division, $2,750;" and in line 12 strike out "six," where it occurs on page 18 of the bill, and in lieu thereof insert "five;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with amendments as follows: In lieu of the number proposed by said amendment insert "forty-one;" and in line 18, page 18 of the bill, strike out the word "twenty-nine" and in lieu thereof insert "thirty;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$498,733.25;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: On page 22, in line 16 of the bill, strike out "nine" and in lieu thereof insert "eight;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "thirty-seven;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fifty-two;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,690;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,610;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "two," and in line 16, page 36 of the bill, after the word "dollars," insert the word "each;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,180;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In line 17 of said amendment, after the words "per diem," insert the words "and mileage;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: After the word "appointed" where it occurs in said amendment, insert the words "from civil life;" and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,140;" and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: On page 54, in line 20 of the bill, after the word "one" where it occurs, insert the following: "and all the clerks provided for in this paragraph;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,580;" and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$30,000;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: On page 58, in line 21 of the bill, after the word "office" where it occurs, insert the following: "including those provided for in this paragraph;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with amendments as follows: After the word "watch," in line 6 of the amendment, insert the following: "at the rate of $1,200 per annum;" after the word "carpenter," in line 6 of the amendment, insert the following: "at the rate of;" and after the word "dollars," in line 7 of the amendment, insert the words "per annum;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with amendments as follows: On page 63, in line 13 of the bill, after the word "streets," insert the following: "one engineer, $1,000;" and in same line strike out "four" where it occurs and insert "five," and in line 20, same page, strike out "ten" and insert in lieu the word "eleven;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: On page 65, in line 13 of the bill, where they occur strike out the words "two hundred;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: After the word "appointed," where it occurs in said amendment, insert the words "from civil life;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with amendments as follows: After the word "for," where it first occurs in said amendment, insert the word "professional;" and on page 68, in line 1 of the bill, strike out "five thousand" and insert in lieu thereof "two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with amendments as follows: After the word "one," where it first occurs in said amendment, insert the words "clerk who shall act as;" and on page 77, in lines 5 and 6 of the bill, strike out the words "and one clerk at $1,200;" and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,350;" and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: Strike out of said amendment the words "who shall be persons skilled in surveying and having knowledge of the land laws of the United States;" and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$66,400;" and after the word "dollars," in line 3, page 79 of the bill, strike out the "period" and insert a "semicolon;" and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amend-

ment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with amendments as follows: In lieu of the words "two chiefs," where they occur in said amendment, insert "one chief," and strike out the word "each" at the end of the amendment; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of "eight" insert the word "seven;" and the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,620;" and the Senate agree to the same.

Amendment numbered 267: That the House recede from its disagreement to the amendment of the Senate numbered 267, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,580;" and the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: Strike out "four" where it occurs in said amendment and insert "two;" and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: Strike out "four" where it occurs in said amendment and insert "two;" and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: On page 87, in line 20 of the bill, strike out "three" and insert in lieu thereof "nine;" and the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,910;" and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fourteen;" and the Senate agree to the same.

Amendment numbered 287: That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,060;" and the Senate agree to the same

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,120;" and the Senate agree to the same.

Amendment numbered 319: That the House recede from its disagreement to the amendment of the Senate numbered 319, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,410;" and the Senate agree to the same.

Amendments numbered 321 and 322: That the House recede from its disagreement to the amendments of the Senate numbered 321 and 322, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "The reporter of the decisions of the Supreme Court of the United States shall be entitled to receive from the Treasury an annual salary of $4,500 when his report of said decisions constitute one volume, and an additional sum of $1,200 when by direction of the court he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of $1,200, and to office rent, stationery, and contingent expenses in the sum of $600; and an amount sufficient for the payment of said sums is hereby appropriated: *Provided*, That the above provision shall not apply to decisions of the court pronounced at the last term thereof, but that said decisions shall be printed and the volumes containing them delivered to the Secretary of the Interior as prescribed by existing laws, and an amount sufficient to pay the salary and compensation of the reporter in connection therewith is hereby appropriated: *And provided further*, That the volumes of the decisions which said court shall hereafter pronounce shall be furnished by the reporter to the public at a sum not exceeding $2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor;" and the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senaten umbered 324, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in any Executive Department or subordinate bureau or office thereof, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services;" and the Senate agree to the same.

Amendment numbered 328: That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "but shall be charged to the quotas of the several States and Territories from which they are respectively appointed. And nothing herein shall be construed to repeal or modify section 166 of the Revised Statutes of the United States;" and the Senate agree to the same.

Upon amendments 330, 331, 332, 333, 334, 335, 336, and 337 the committee are unable to agree.

W. B. ALLISON,
H. L. DAWES,
H. G. DAVIS,
Managers on the part of the Senate.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

Mr. ALLISON. If any further explanation is necessary I shall be glad to make it. I will say that the whole bill is now agreed to, as far as the committee of conference is concerned, except section 6 of the bill, which is a matter relating to the transfer of the records of the Surgeon-General's Office and the adjustment of the new State, War, and Navy building. We were unable to agree upon the amendments to that section.

Mr. SHERMAN. Will the Senator please state that again?

Mr. ALLISON. We were unable to agree upon section 6 of the bill, which is legislation relating to the transfer of the records of the Surgeon-General's Office to the Adjutant-General's Office, and also relating to the distribution and the occupancy of the building known as the State, War, and Navy building. We have agreed upon everything else.

Mr. SHERMAN. Would it help the matter if the Senate should recede from the last amendment? I believe the House is right in regard to the distribution of rooms in that building. Would that help the matter toward an agreement if we should recede?

Mr. ALLISON. It would very much, so far as the House is concerned.

Mr. SHERMAN. Would the House then agree to the other amendments?

Mr. ALLISON. No, sir; they would not.

Mr. SHERMAN. What does the Senator advise?

Mr. ALLISON. My advice is another conference. I will say briefly that while I have no doubt there ought to be some reorganization of the clerical force in that large building known as the State, War, and Navy building, yet it seems to me that that ought to be left in some way to the Departments now in the occupation of that building and should not be fixed by law. Especially is that so in view of the fact that the north wing of the building is not yet completed. It seems to me that a permanent readjustment of the clerical force in that building cannot well be made until the north wing is completed, which will not be before November. The Senate conferees believe that we should leave at least for the present this readjustment to the several Secretaries having charge of the building, and if by next winter they are not willing to make a proper, economical adjustment of the clerical force in that building, then I shall be ready for one to take hold of the matter and fix it by legislation; but it seems to me it is premature to undertake to do so at this time.

Mr. SHERMAN. I doubt very much whether there is authority on the part of the Executive to open the walls which it would be necessary to open for the use proposed. Is there such authority?

Mr. ALLISON. There is no authority, but the Senate agreed to that provision of the House, and not only agreed to it but insisted upon another opening; and I believe myself that there should be a complete opening on every floor of that building.

Mr. SHERMAN. My own opinion is that the State Department, when it attempts to occupy a great wing of that great building, is just like a chestnut in a great granary. I suppose there are more rooms in that building than there are clerks in the State Department. The business of the State Department under our Government is not as much as that of the smallest bureau in either the War or Treasury Department; there are fewer employés; and the idea of occupying a great building like that for the business of the State Department is ridiculous. It ought to be cured, and the House have attempted to cure it. I said nothing about it when it was pending before, though I should have been willing to vote for the House provision.

I think myself that a large portion, probably fully one-half, of the south wing of that building should be turned over to the War or the Navy Department, whichever is adjacent to it, for the purpose of allowing ample room and verge. There is no necessity for allowing three or four times as much room for a clerk in the State Department as for a clerk in any other Department of the Government.

That matter ought to be arranged; and I do not believe that the President can do it, because he will not like to undertake to decide a controversey between the Secretary of State and the Secretary of the Navy. The Secretary of State will never surrender his part of the building because it is part of the dignity of his Department to have all that great wing. The Secretary of the Navy may insist upon having part of it, but he cannot prevail unless the Secretary of State will yield, and they will never agree. Therefore, I think the law ought to determine exactly how much room shall be allotted, giving to the State Department and giving to the Navy Department ample room and verge enough, I think to the former a little more than any other Department in proportion to its size; but I think the great body of that wing ought to be assigned to an active Department of the Government.

Mr. ALLISON. I will state the situation. The provision of the House proposes to take the fourth story of the State Department and the attic story and transfer them to the War Department. It also proposes that the north half of the east wing shall be permanently assigned to the War Department, leaving only the south half of what is known as the east wing, now the center of the building to the east, for the Navy Department. The north wing is not yet completed.

There is great force in the suggestion made by the Senator from Ohio that a portion of the State Department might possibly be used by the Navy Department, because the south half of the east wing is in close proximity to the south wing. The House provision requires that the War Department shall pass over from the center of the building and occupy the fourth floor and the attic of the State Department.

The Senator says that one-half of the building ought to be used for other purposes. I do not know but that he is right; I do not know that he is right; but I think it is impossible for the seventy-six men

in the Senate to exercise a proper judgment in that regard. If these several heads of Departments cannot agree as to the proper and economical distribution of these rooms, then there ought to be a commission to examine and investigate the matter, and make a report. The Senate conferees made that suggestion to the House conferees. These rooms ought not to be made permanently available until the completion of the north wing. We proposed to the House conferees a committee or commission who should go into the building and make a fair distribution of the several officers in it to the several Departments with a view to economy, with a view to saving rents, because every one of our Departments here is paying rents now outside of its building.

It is a strange thing that here in the city of Washington we are paying $186,000 per annum for rents of buildings for the use of the Government. We are erecting little buildings in every part of our country costing from $50,000 to $100,000, and yet we are paying right here in the city of Washington for the use of the Government rents at the rate of 8, 10, and 12 per cent. upon the value of the buildings in this city. We believe we ought to build our own buildings here as we build them elsewhere, and we believe as the Senator from Ohio believes, that there ought to be an economical use of this great State, War, and Navy Department building, which will cost $15,000,000 when it is completed, the State Department portion alone costing nearly $5,000,000. We are no more in favor of housing there a few clerks of the Secretary of State than is the Senator from Ohio; but we believe that we ought intelligently to act upon this question, and we are not prepared, at least I am not prepared for one, to say how much of the State Department building should be surrendered.

If the State Department is not willing to surrender the just and proper proportion of that building for the use of the Navy Department if that shall be wise, or for the use of the War Department if that shall be wise, then next winter I shall be willing for one to undertake to regulate this subject by a legislative provision; but I think it is premature for us to undertake to do this thing in advance of the completion of the north wing of the building.

Therefore the conferees on the part of the Senate refused to agree to this provision in reference to the readjustment of the clerks in the building.

So far as the transfer of the Surgeon-General's records is concerned, that is a separate and distinct provision, and we were not willing to agree to a transfer of those records.

Mr. DAWES. Mr. President, the legislation proposed by the House ignores another feature of this case which seems to me to be very important. When the building is completed there will be a wing around on Seventeenth street and a cross-section, which this legislation takes no notice of at all, but it fixes and locates these three Departments of the Government without reference to that entire wing around on Seventeenth street, and the cross-section which in accordance with the original design was all to go to the War Department. The War Department, according to the original design, would have the north end corresponding to that now occupied by the State Department and the wing on Seventeenth street and the cross-section, the Navy Department having the east section, and the State Department the south.

I think there can be no doubt, as the Senator from Iowa says, that the State Department has at present more than its proportionate part of the room, probably more than its proportionate part when the building is completed, but just how much more and just what should be the proper location, it did seem to the Senate conferees that there was not information enough to justify our fixing by statute. It seemed to us that these three officers could best adjust the matter themselves during the completion of the building by mutual arrangement, and we discovered nothing in our conferences with the three officers which led us to any different conclusion.

As the Senator from Iowa says, in advance of the completion of the north wing it is proposed to crowd the Secretary of the Navy into just one-half of the part assigned to him, involving the necessity of his going out with a portion of his clerks and hiring room. Indeed the proposition was made to him by the other branch before they inserted this provision in the bill to communicate to them what building he would like to have rented for him outside of this building. Here he is in one-half of his original assignment, crowded in in anticipation of the War Department going into the north end of the building as soon as it is completed in December, and it is proposed to keep him there and rent buildings for him outside. It seemed to us to be wise to let this matter be until the next session of Congress.

As to the removal of the records, which is a part of this amendment and which follows, the appropriation to the War Department of all this building as a part of the plan, and because this is the plan appropriating the building, that presents quite another feature. It is simply the dwarfing of the Surgeon-General's Department into a cipher and magnifying the Adjutant-General's Bureau into the entire control of almost everything pertaining to the War Department. It may be right; I have no particular knowledge of the administration of the War Department, but like the locating of bureaus in particular buildings this is matter of administration over which the Secretary of War to-day has power. If the Secretary of War, after examining the whole subject, upon his own responsibility is disposed to take everything away from the Surgeon-General and put it all under the Adjutant-General, that is his matter; he is responsible for it, and is responsible for the wisdom or unwisdom of such an administration of affairs. I am entirely willing to leave it to him.

I am one of those disposed to impose upon every executive officer of this Government, high or low, the responsibility of administration in his Department and in his bureau and give him the authority and hold him to a rigid responsibility. So I would in this case. I have no hesitation in leaving that responsibility with the Secretary of War just where the law leaves it; but to take the responsibility off his shoulders upon our own by an enactment so that he can say "it is not my doings, but yours," is to assume too largely, in my opinion, the administration of an executive branch of this Government.

Mr. BECK. I do not propose to criticise the action of the conferees nor to object to any action they may have taken; but we have had this matter of public buildings and rents so far pressed upon us that it is very fortunate that this discussion has happened in the Senate so that the whole matter can be looked into.

As the chairman of the committee said very well just now, we are paying $186,000 rent annually in the city of Washington alone, independent of all the immense buildings we have erected. That $186,000 at 3 per cent., at which we can borrow money enough, is the interest on a capital of over $6,000,000. That is the principal of the sum we are paying for rent in the city of Washington.

The State Department employs only one hundred persons in all, and yet it occupies a building that cost us over $4,300,000, according to my recollection, and there is no other Department of the Government that has a building of that magnitude or that size in which there are less than five hundred persons employed, in my opinion.

It is absolutely absurd to allow the State Department to occupy a building of that size with one hundred persons all told employed, while we have to pay rent at the rate we are paying. Why do that in order to keep up the appearance of some sort of dignity? I go to the State Department; I go to see the chief clerk. I do not know his name. I find him sitting in a room, with bars thrown across him to keep off him the ordinary multitude, larger and better than the room of the Committee on Appropriations of the Senate. Ten men ought to be employed at work in that room instead of one. While I do not propose to insist on this committee doing anything on this subject, I hope the discussion will bring a resolution from the Senate instructing their Committee on Public Buildings and Grounds to make a careful survey of the public buildings and the way in which they are occupied, and to report to the Senate what changes can be made in their occupation; and when that is once known, let us act. The Secretary of State, the Secretary of the Navy, and the Secretary of War will never surrender anything that they have now.

But we are erecting buildings, and we are paying rent for others. The officials are doing public services in the buildings. There are thirty Senators here to-day in the Senate doing the work of States who have not a place where they can by right put a desk or sit down to write a letter except here in this Chamber where they are annoyed by everybody who sees fit to come in. Resolutions have been offered to give us clerks. What is the use of giving me a clerk? Where can I send him? It is against the rule to have him sit at my desk, and I have no other place where I can put him. I cannot impose on the chairman of my committee by sending a clerk to the committee-room and disturbing the consultations of committees of conference, &c.

We are cramped for room in this Capitol, and these gentlemen just seem to want a grand room to themselves with no more use for it than a wagon has for a fifth wheel, in my opinion; but I do not think this bill is the place to go into that question. Let us instruct our Committee on Public Buildings and Grounds, and the Senator from Vermont, [Mr. MORRILL,] the Senator from New Hampshire, [Mr. ROLLINS,] the Senator from Missouri, [Mr. VEST,] and others can look into it and make a disposition that will not require these different secretaries to come into conflict with each other as to their respective rights; but let Congress, the master of all of them, who represent the tax-payers of this country, who furnish the means, say what is right and what each ought to have, and require them to obey whatever law or joint resolution we may pass.

If this discussion has a tendency to bring about a thing of that kind I shall be glad. We are discussing in committee now a proposition to secure a square, as I understand, and a very fine one fronting the Smithsonian grounds, where perhaps we may erect a building that will accommodate the Pension Office, and do it for an amount of money that would not be more than the capital of one-third what we now pay as rent. Something has to be done about it. I go into the Treasury Department once in a while. There are only one hundred clerks in the State Department, and I think I have seen one hundred people crowded into one of those long rooms in the Treasury Department working from morning till night, and fans had to be put up in order to give them decent ventilation. That was perhaps before the Engraving Bureau was put in a separate building. We have given others extreme latitude in order to have all the rooms they want. We ought to take the responsibility ourselves.

Mr. JONES, of Florida. Allow me to ask a question?

Mr. BECK. Very well.

Mr. JONES, of Florida. Will the new War, State, and Navy building have room enough to accommodate all the employés?

Mr. BECK. I think there will not be. We have Winder's building and we have added largely to the force of the Surgeon-General's Office in connection with pensions and many other things, so that there will not be room enough for all. I cannot answer the question accurately, but I do think we ought to have a report about it and we ought to take the responsibility of settling it ourselves. I want the Department where foreign ministers and distinguished strangers go to be a credit to us; but I do not want the room wasted unless some proper committee say they are entitled to all there is, and if they do report that they need it all they ought to have it all, and I expect to vote as they say; but I want information.

Mr. COCKRELL. I understand the Senate conferees adhere to the action of the Senate in regard to the disposition of the records in the Surgeon-General's Office. I regret very much that the conferees of the Senate adhered to that position. I think it is wrong, radically wrong. Those records belong of right and properly in every military sense to the Adjutant-General's Office, and they ought to have been there all the time.

Mr. ALLISON. Then let me ask my friend why they are not placed there. Why is Congress asked to intervene in respect to it?

Mr. COCKRELL. Simply because Congress has recognized their existence at the other place, in the Surgeon-General's Office, where they do not belong. They relate to the *personnel* of the Army. They are just as much a part of the records of the Adjutant-General as the company muster-rolls are, and they ought to be there. It is to the interest of the public service, it is to the interest of the pensioners, it is economy, it saves time, it saves labor if they are put there, and I trust that the Senate will instruct their conferees to recede on that point.

Now you write a letter to the Adjutant-General for the record of a soldier. He comes to the fact that he went to his regimental hospital, and he has to stop and send a letter from his department to the Surgeon-General's and probably wait two months before he can furnish the man's record. If that record was in the Adjutant-General's Office, he could have made out the complete record and furnished it to the Pension Office in a very short time. Here you are consulting two departments, independent departments, for the one thing, the personal history and the military record of the soldier. I do trust that the Senate will understand that proposition and recede from it.

The PRESIDENT *pro tempore*. What motion does the Senator make?

Mr. COCKRELL. I move that the Senate conferees on that point recede.

Mr. ALLISON. I suggest to the Senator from Missouri if he wants to test the sentiment of the Senate on that subject to wait until we get through with this report. I move that the Senate further insist on its amendments No. 330 and so on which the conferees could not agree on, and agree to the report as made so far as it discloses an agreement. After that is done, if the Senator from Missouri wants to test the sense of the Senate, he can then move to recede from amendment No. 330 because that matter is all in a single amendment. If the Senate recede there will be nothing upon that subject before the further conference.

The PRESIDENT *pro tempore*. The question is, Will the Senate adopt the report of the committee of conference, and further insist upon its amendments on which the conferees have not agreed.

Mr. DAWES. The question is, will the Senate adopt the report, and after that there is a matter of difference left to be further acted on.

The PRESIDENT *pro tempore*. The Chair will put the question on the report.

The report was concurred in.

Mr. ALLISON. Now I move to insist upon the amendments of the Senate mentioned in the report on which the committee have not agreed, and ask for a further conference.

Mr. COCKRELL. I move that the Senate recede from the amendment in regard to the records of the Surgeon-General's Office.

Mr. ALLISON. That is No. 330.

Mr. LOGAN. I admire consistency in the action of the Senate, and I hope the Senate will not agree to the proposition suggested by the Senator from Missouri for this reason: the other day when a conference committee made just exactly such a report as this on the river and harbor bill, after long debate a vote was taken on the report, and it was made just exactly as in this case. I arose then and asked that the Senate vote in favor of insisting on the other amendments that had been disagreed to, and it was held that I was out of order, and the Senate utterly refused to take any action, on the ground that I was out of order.

The Senator from Wisconsin [Mr. CAMERON] shakes his head. The RECORD will show the fact. The Senator from Ohio [Mr. SHERMAN] insisted that the vote of the Senate was an affirmation of the report of the conferees, and that no further action was necessary. Is not that true?

Mr. SHERMAN. No; my understanding was that the motion of the Senator included also an insisting on the disagreeing votes which had been agreed to. Therefore the Senate was voting on a question already passed upon by the Senate.

Mr. LOGAN. That is exactly the motion now. The motion is that we agree to the report.

Mr. DAWES. But there is one question open upon which that motion can be made.

Mr. LOGAN. I understand it just exactly as I said the other day. It is all right, of course; but I merely wished to call the attention of the Senate to the fact that it makes a very great difference who makes the motion.

Mr. DAWES. I understand that there is one question of disagreement between the two Houses and upon that the Senator from Iowa moves that the Senate insist. Any other Senator can move that the Senate recede, and that motion would take precedence of the motion of the Senator from Iowa, because a motion to recede, if carried, brings the two Houses together, and any motion that has a tendency to bring them together takes precedence of a motion which keeps them apart. So that it is perfectly in order for anybody to move now that the Senate recede from its disagreement, and that will take precedence of the motion of the Senator from Iowa.

Mr. LOGAN. I only want to understand the rules of the body.

Mr. HARRIS. The question is, will the Senate recede from amendment No. 330 on the motion of the Senator from Missouri.

The PRESIDENT *pro tempore*. That is the first question. The question is, Will the Senate recede from its amendment numbered 330?

Mr. HAWLEY. Is an affirmative vote here equivalent to a vote removing these records from the Surgeon-General's Department?

Mr. ALLISON. Yes, sir.

Mr. HAWLEY. I am emphatically and totally opposed to it. It would be a great mistake in administration in my humble judgment. The Surgeon-General's Office contains car-loads of books which are the returns of hospitals, alcove after alcove running up in tiers to the ceiling, a magnificent and pathetic record of this war, such a monument of it as I cannot see anywhere else, made by surgeons every page of it, managed by surgeons now, and if anything in the world belongs to the Surgeon-General's Department more than that I do not know what it is, or anything so much as that.

Mr. COCKRELL. I ask the Senator to tell the Senate how many surgeons have ever been inside of that place or given one particle of attention to the management of it.

Mr. HAWLEY. There is a very capable and admirable surgeon there every day supervising it.

Mr. COCKRELL. How long has he been supervising?

Mr. HAWLEY. He lives about there and in there—the new officer detailed to take charge, who succeeded to the very eminent and able Dr. Woodward, who had personal charge and command of it, who is now, I am sorry to say, very much broken down in health, a man capable of holding any position in this Government or any other government in the medical department. The new surgeon is a very able and capable man, and is becoming a thorough master of the office, and the bureau is in thorough order and organization and working admirably, and has been so far as its force would allow it to work.

Now, as to the effect of taking it over to the Adjutant-General's Department, it will be necessary to have surgeons in charge of it, and the same routine of work will go on. There is simply a reference to the medical records in the investigation of pension cases, and in all or nearly all the cases a reference to the medical department, and whether you say that it is under the Secretary of War or under the Surgeon-General is an immaterial thing; it is a matter of words. It is now a part of the War Department, under the command of the Secretary of War.

I see no imaginable gain to be made by the change. The only change I would make anywhere in that work would be to take from the Adjutant-General's Department now a few regimental hospital records which were turned in with the returns of the regiments, and which ought to go with the general hospital records. I do not believe there can be any possible improvement by this transfer. I see no sense in it; I see no object in it.

Mr. ANTHONY. Has not the Secretary of War the authority to transfer these records from one bureau to another if he sees fit?

Mr. LOGAN. No.

Mr. SHERMAN. I doubt whether he has.

Mr. LOGAN. He has not.

Mr. SHERMAN. The question has been asked two or three times whether the head of a Department has a right to transfer clerks, &c., from one bureau to another. Unless that power is expressly given by law, he has it not. It is given to the Secretary of the Treasury, and is exercised daily; but here for year after year appropriations have been made for clerical force in the Surgeon-General's Office. I doubt very much whether the Secretary of War, unless he has some express power, has a right to transfer those clerks which by law are located in the Surgeon-General's Office into the Adjutant-General's Office. I do not believe he has.

Mr. ALLISON. I will call the attention of the Senate to section 166 of the Revised Statutes, which reads:

> Each head of a Department may from time to time alter the distribution among the various bureaus and offices of his Department of the clerks allowed by law, as he may find it necessary and proper to do.

I think there is no trouble about transferring clerks.

Mr. SHERMAN. That would give authority expressly.

Mr. ALLISON. That section is expressly saved in this bill.

The PRESIDENT *pro tempore*. The question is on the motion of

the Senator from Missouri, that the Senate recede from its amendment numbered 330.

Mr. ALLISON. An affirmative vote leaves the House bill so far as these records are concerned, and the clerks follow them.

The motion to recede was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Iowa, that the Senate insist on the residue of its amendments not settled by the conference report, and ask for a further conference.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia, were appointed the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the act (S. No. 1774) authorizing the sale of the land and premises formerly occupied as a site for the post-office in the city of New York.

The message also announced that the President had on the 22d instant approved and signed the following acts:

An act (S. No. 984) increasing the pension of Emma H. Collins;

An act (S. No. 1201) granting a pension to Jacob Nix;

An act (S. No. 1040) granting a pension to Theodore Rauthe; and

An act (S. No. 604) granting a pension to Margaret Beymer.

HOUSE BILLS REFERRED.

Mr. MORRILL. I now ask that the tax bill be taken up.

The PRESIDENT *pro tempore*. Will the Senator allow the Chair to lay certain House bills before the Senate?

Mr. MORRILL. Yes, sir.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 859) regulating rates of postage on second-class mail matter at letter-carrier offices;

A bill (H. R. No. 3255) to amend sections 269 and 277, and to repeal section 270 of the Revised Statutes of the United States;

A bill (H. R. No. 4951) to punish postmasters for making false certificates of the arrivals and departures of mails;

A bill (H. R. No. 4954) making certain violations of the postal laws a misdemeanor;

A bill (H. R. No. 4958) making it an offense to personate a post-office inspector;

A bill (H. R. No. 4961) to amend section 5480 of the Revised Statutes;

A bill (H. R. No. 6719) to amend section 3953 of the Revised Statutes; and

A bill (H. R. No. 6804) to establish post-routes.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 306) for the relief of Abbie Sharp;

A bill (H. R. No. 307) to reimburse the Creek orphan fund;

A bill (H. R. No. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes;

A bill (H. R. No. 5003) to enable the Secretary of the Interior to adjust the accounts of certain newspapers for the advertisements of the sales of the Kansas Indian lands;

A bill (H. R. No. 5010) to increase the salary of the Commissioner of Indian Affairs; and

A bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

The joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882 was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury was read twice by its title.

Mr. MILLER, of California. That bill should go to the Committee on Claims; but they having reported a similar bill I ask that this bill lie on the table until to-morrow, when I shall ask to take it up.

The PRESIDENT *pro tempore*. The Chair will let the bill lie on the table until to-morrow.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that——

Mr. HALE. Before the Senator from Vermont has his motion put, I appeal to him to give way in order that the naval appropriation bill may be taken up. The House of Representatives evidently has waste time upon its hands waiting for appropriation bills. The revenue bill now has run ten days, and has made, and when we last adjourned was making, very slow progress. I hope that the Senator may be willing to give way this morning in order that the naval appropriation bill may be taken up with the understanding that when that is pushed through as rapidly as is possible we shall at once return to the revenue bill and finish it. I ask the Senator whether he is not willing now to do that?

Mr. MORRILL. I am not, Mr. President, for the reason that I want to push this revenue bill to-day and ask the Senate to finish it. If the Senate should take hold of it with an earnest purpose to abandon those amendments that are proposed by those who do not expect them ever to be incorporated into the statutes of the country we can soon finish it. We can as well finish it to-day as take longer time, and if the bill is treated with the usual courtesy that the Senate is in the habit of treating a bill of its importance we ought to finish it to-day; and so far as work is concerned, I am sure that the bill will give the House as much work when it is returned as the naval bill will.

Mr. HALE. I hope the Senator in every way possible will push this bill, by endeavoring to limit debate, or by sitting it out at night, or in any way that will bring it to a focus; but I feel bound to say to him that unless some appreciable progress is made with the bill within the next twenty-four or forty-eight hours, I shall feel constrained to test the sense of the Senate upon the proposition of taking up the naval appropriation bill and finishing that and then returning to the revenue bill. If the Senate goes on and makes progress, that is another thing.

Mr. LOGAN. I ask the Senate to allow me to have a motion decided. I introduced the other day a bill to construe section 2 of what is commonly known as the Chinese bill, and I asked that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The pending motion was the motion of the Senator from California to refer the bill to the Committee on Foreign Relations.

Mr. LOGAN. Yes, sir; but I hope the Senator from California will allow it to go to the Committee on the Judiciary, and will not ask that it be referred to the Committee on Foreign Relations. It is an important bill, construing a section of the law, which ought to go to the Judiciary Committee. I should like for it to go at least where it might have some friend. I will not say friends, but some friend at least, and for that reason I would rather it should go to the Committee on the Judiciary. I hope the Senate will agree that it have that reference, so that it will be reported back to the Senate at some time.

Mr. MORRILL. I will give way if it involves no debate.

Mr. LOGAN. I do not wish any debate. It will make no difference in reference to the views of the Senate where it goes.

Mr. MORRILL. The Senator from California informs me at once that there will be a debate about it.

Mr. LOGAN. Debate on what?

Mr. MORRILL. On the Senator's motion for reference.

Mr. LOGAN. I do not see why there should be any debate on it.

The PRESIDENT *pro tempore*. The Senator from Vermont declines to withdraw his motion. The Senator from Vermont moves that the regular order of business, which is the consideration of the Calendar under the Anthony rule, be postponed with a view of taking up the tax bill.

Mr. ANTHONY. There is a bill upon the table which has almost the status of a privileged question; that is the bill to print the reports of the census. I wish the Senator from Vermont would allow that to be taken up.

Mr. MORRILL. I cannot this morning.

Mr. ANTHONY. Well, I will appeal to the Senator to-morrow morning.

Mr. MORGAN. I do not understand that the Senator from Vermont has control of the business here. I ask the Senator from Rhode Island to insist on his motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont is pending.

Mr. MORGAN. I would like to say to the Senator from Vermont, and to the Senate, too, that the Senator from Vermont will not be able to confine the debate on this revenue bill by an intimation that amendments are offered here for the mere consumption of time or without the expectation of their ever becoming a part of the law of this country. So far as I know, that intimation is entirely gratuitous. I believe that no amendment has been offered to this bill that has not been offered in good faith, and he may expect to have these amendments asserted upon the idea that they are offered in good faith, and that they deserve to be debated and the country to be informed of their merits.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. HALE. I give notice of an amendment to the revenue bill, and ask to have it printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Illinois that when the order of business of receiving resolutions is reached the motion to refer his bill can be entertained then. That point has not been reached to-day.

Mr. COCKRELL. I ask the Senator from Vermont to yield for what I do not think will take ten minutes to consider, the bill to relieve certain soldiers of the late war from the charge of desertion. It was under consideration and was about to be voted upon the other day when the Senator interposed his motion. I am satisfied now that it will pass without further discussion.

Mr. MORRILL. The Senator does that with profound gravity, but he has already seen that other Senators with really important

measures have had to be refused, and therefore I shall have to refuse him.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; that it further insisted upon its disagreement to the amendments of the Senate to said bill numbered 330 to 337, inclusive, insisted upon by the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. G. CANNON of Illinois, Mr. FRANK HISCOCK of New York, and Mr. J. D. C. ATKINS of Tennessee, the managers at the further conference on the part of the House.

The message also returned to the Senate in compliance with its request the concurrent resolution of the Senate of the 21st instant, for the printing of the report of the Commissioner of Education for 1881.

The message also announced that the House had passed a bill (H. R. No 6723) to repeal all laws which require the inspection and measurement of wood brought to the city of Washington for sale; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River, between the city of El Paso, Texas, and Paso del Norte, Mexico;

A bill (H. R. No. 1858) to provide additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose;

A bill (H. R. No. 4174) for the erection of a public building at Marquette, Michigan;

A bill (H. R. No. 4178) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania; and

A bill (H. R. No. 6739) for the relief of Lucretia R. Garfield.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation, the pending question being on the amendment proposed by Mr. MAHONE, to insert, after the word "thousand," in line 10 of section 3, the following:

That on and after the 1st day of January, 1883, there shall be levied and collected upon all snuff manufactured of tobacco, or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use; and upon all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner, other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of 8 cents per pound.

Mr. ALLISON. Now, I ask unanimous consent to take up a little bill which will occupy but a moment. I am obliged to be out of the Senate a good deal. It is a House bill——

Mr. INGALLS. Why not ask unanimous consent to take up the naval appropriation bill?

The PRESIDENT *pro tempore*. The Senator from Iowa must appeal to the Senator from Vermont.

Mr. ALLISON. I understood that the bill of the Senator from Vermont was up.

The PRESIDENT *pro tempore*. The revenue bill is up.

Mr. ALLISON. Now, I ask, pending that, unanimous consent to take up a bill which will occupy but a single moment.

Mr. MORRILL. I shall be compelled to refuse, because I have refused six or eight other equally meritorious cases.

Mr. ALLISON. I do not think the Senator has heard my case. I will take an opportunity at a later hour in the day to ask consent for it.

Mr. INGALLS. What is the bill the Senator from Iowa desires to take up?

Mr. ALLISON. A little bill for a poor old citizen of my State, who is likely to die before the bill is passed.

Mr. INGALLS. He will die of old age before it is passed if he waits for final action on this revenue bill. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia, [Mr. MAHONE.]

Mr. MORRILL. A single word in relation to that amendment; I believe the yeas and nays have already been ordered on it. The question arises at once whether we are to consider tobacco as the most meritorious of all articles, in either the internal-revenue list or the tariff, upon which a reduction should be made. The question is whether we shall reduce on tobacco, and dealers in tobacco and cigars, the amount to the extent of about $21,000,000, namely, $1,137,000 on dealers; on cigars and cigarettes a little over $6,000,000; and on tobacco $13,000,000 and over, making in round numbers about $21,000,000 that is proposed to be reduced on tobacco. I suppose if the other side of the Chamber shall vote solid with one or two on this side of the Chamber they can carry even an amendment of that character. They must take the responsibility.

Mr. BAYARD. Mr. President, I understand the amendment now before the Senate proposes to reduce the tax on manufactured tobacco to 8 cents a pound. I am not at all sure but that if all the safeguards upon the collection of the tax had been steadily maintained, by diminishing the tax 8 cents a pound, the production of tobacco would be encouraged, people believing that it is a very profitable crop; and under later discoveries and the adaptation of new soils to its production we could have afforded as a matter of revenue to diminish the rate of the tax, and have reasonably expected to maintain the aggregate of the tax growing out of the increased production. But, sir, on Saturday the Senate saw fit to adopt two amendments; one allowing any grower of tobacco to sell at retail to whom he pleases, without tax or license, tobacco to the value of $100 per annum. Next to that another amendment was carried allowing persons engaged in the employment of numbers of hands, to sell to them tobacco in the shape of supplies, not exceeding one hundred pounds per annum.

It is obvious that the withdrawal of the restriction upon the retail sales by non-licensed persons of this commodity is going to bring a large amount of untaxed tobacco into competition with taxed tobacco. The manufacturer is placed under more stringent regulations as to his business than is the producer or the dealer. The manufacturer's warehouse is open day and night to the knock of the revenue official. The capital he has involved, the machinery he has there, everything makes him thoroughly responsible for the slightest evasion or attempt to evade the revenue tax, and therefore it is fully and thoroughly paid by him. My own belief is that these amendments have been upon the side of mercy and kindness to a very poor class of people, but these feelings have been indulged in at the cost of the collection of the revenue.

I have heard many statements of the cruelty, of the hardship upon an exceedingly poor class of people, who in distant places, in remote and secluded spots grow their little patches of tobacco, and then if they sell them or exchange them for their necessities they are liable to be caught up, dragged a great distance, held for hearing, subjected to trial, and even if they are not convicted, they are almost ruined by the expense of the litigation. There is not a Senator within the hearing of my voice but who has himself, if he lives in a tobacco-producing region, witnessed exceeding hardship upon old women for retailing or attempting to retail either the raw leaf tobacco or a certain crude manufacture of it twisted into a shape that enabled it to be used.

I did not vote for those amendments on Saturday. My sympathies were with that class, and yet at the same time I looked upon it as a business proposition. If we impose this tax upon our manufacturers we are bound to see that they are protected against those who shall otherwise evade it. However, the Senate has seen fit to vote otherwise, and as we now stand, as I say, $100 worth of tobacco may be sold by any man who grows it; and who shall determine or can determine when the maximum of $100 has been reached? Who shall say whether the man who supplies his hands has sold them more than one hundred pounds? He keeps no books; the law requires none. It is impossible to watch him; it is impossible to follow him. Therefore I say that it is obvious that two very important leaks have been created in the collection of the tobacco tax by the amendments that have been adopted.

For that reason, and believing that the revenue will be materially diminished thereby, I shall not vote for a further reduction of the rate. I shall vote to maintain the 12 cents per pound that was agreed upon by the Senate a few days ago. But for these two amendments my judgment would be to vote for the 8 cents per pound; but looking at the matter from my point of view, which is simply a point of view of duty to the Treasury, to maintain our revenues at such a point that there shall not be embarrassment for the necessary appropriations and expenses of this Government, I cannot sustain the pending motion. If, after the trial of time, the working of these two new amendments and the working of the 12-cent tax, it shall be found that the internal revenue of $47,000,000 is maintained, or is approximately maintained, I shall be glad to vote for a reduction of the tax.

There are many features of the internal-revenue system which are to me most repulsive, most objectionable. Their inquisitorial features and the manner in which they have been oftentimes conducted I have spoken of before, and I care not now here to repeat what I have said; but standing where we do now, as I hope, upon the dawn of a material reduction in our taxes upon imports and a readjustment of the tariff of the United States to suit the modern discoveries and the present condition of manufactures and trade, I shall not vote to reduce the tobacco tax below the amount fixed by the Senate the other day at 12 cents a pound.

Mr. INGALLS. Mr. President, it appears to me that it would be just as sensible to expect to retain water in a sieve as to collect revenue from tobacco with the amendment of the Senator from Kentucky [Mr. BECK] and that of the Senator from Alabama [Mr. MOR-

GAN] left in this bill. It was my purpose to vote for a reduction of the tax to 8 cents a pound before these amendments were adopted; but the only safety that the Government has in the collection of the tax on tobacco is in being able to trace the entire production from the field to the spittoon. The Government must be able to know precisely what the production is, in whose hands it is manufactured, and to whom it is finally disposed of.

Now what will be the practical effect of these two amendments? The producer and the seller under certain conditions are authorized, without the payment of any tax whatever, to sell tobacco to the amount of one hundred pounds per annum. I do not know the number of producers of tobacco; I suppose there are a great many thousands, perhaps several hundred thousand.

Mr. SHERMAN. I think there is over a million of them.

Mr. INGALLS. Over a million, the Senator from Ohio tells me. Now, unless the Government by some system of espionage and inquisition places agents in every locality where tobacco is raised, so that they can ascertain who the persons are who are entitled to sell under these amendments and when they have reached the amount they are entitled to dispose of without tax, what security has the Government that this law will not be absolutely and systematically evaded?

I have no doubt that greater revenue would be collected if the tax could be carefully guarded at 8 cents a pound than at the figures that have been heretofore named; but with these two amendments on the bill by which the entire control of the Government over this product is practically released, I should be unwilling to vote to reduce the tax below 12 cents, although I think there is a great deal of force in what has been said about the difficulty of distributing ratably the tax of 12 cents over the production of tobacco as it is now manufactured and sold.

I thought originally that the mistake, the fallacy of those who insisted that 12 cents was an inconvenient tax, was found in the fact that they assumed that there was some necessity in the nature of things why tobacco should always be sold in packages of two or four or six ounces or multiples thereof as the case might be. That seemed to me to be an assumption that was absurd; but I am told that the manufacturers of tobacco have adopted expensive machinery by which the plug and the twist and the fine-cut are distributed almost automatically into these packages, so that to effect a change by which different multiple of ounces should be adopted and the tax distributed so that it might fall equally upon the consumer and the producer, would be enormously expensive and might be for a long time delayed.

I am unwilling, therefore, so far as my vote is concerned, to vote for any reduction of this tax that will inure to the benefit of the middleman or the retailer. If anything can be done by which the burden on the producer or consumer can be reduced I shall cordially vote for it. I should like to vote for a reductien to 8 cents, but with their amendments added to the bill I shall be unable to do so.

Mr. WILLIAMS. Mr. President, these are singular arguments made by the Senator from Delaware and the Senator from Kansas that they will vote against reducing the tax to 8 cents because the bill has been so amended as to allow any farmer to sell by retail to the extent of $100.

Mr. INGALLS. That is not exactly a fair statement of the argument.

Mr. WILLIAMS. The argument is that therefore they cannot afford to reduce the tax on the manufactured tobacco. Now, sir, the necessity of reducing the tax on manufactured tobacco to 8 cents grows out of that very fact. It is an absolute necessity now, in order to do justice to the manufacturers, that you reduce the tax to the lowest possible limit, because if you do not the small retail dealers at $100 apiece will drive the manufactured article out of the interior counties of the country. The very moment you allow that and remove the restriction upon the retailing of leaf tobacco, as an act of justice to the manufacturer you should really take the whole tax off; but as we cannot do that, then I say reduce it to 8 cents and you still leave the manufacturer with a tremendous competition against him. The very fact of having removed those restrictions upon the retailing of leaf tobacco makes it a necessity to the manufacturer to have this reduction. I am for both.

Now, to illustrate the hardship of this on the farmers of the country, I know one man in my State who raised tobacco. He was in the habit of putting up every season a small box for himself and a small box for his son, which he gave to him. He had a carpenter employed building him a house, and he said to the carpenter, "make me three boxes and I will give you one." He did it. The carpenter got angry after that about the settlement for building the house, and went to a revenue officer and reported on him, and it cost that man nearly $1,000 to get out of the difficulty. He sent his papers here to me, and I tried to get him a pardon, but failed to do it. This man kept his own tobacco for his own use and not for sale, but it was held to be a sale because the carpenter made three boxes and he gave him one of the boxes filled with tobacco.

Now, I want to say one word to the Senator from Ohio, [Mr. SHERMAN.] On Saturday we had a controversy about the production of tobacco in Kentucky and Ohio. I knew then I was right, because, as great a financier as he is and as able and well informed as he is on the subject of finance and bonds, I knew I was a better judge than he was of the tobacco question. I sent to the Census Bureau and I have here a statement of the amount produced in his State and mine. He said that Ohio produced more tobacco than Kentucky, and took issue with me. Here is the census report, and Kentucky produced in 1880, 171,120,784 pounds of tobacco, Ohio produced 34,735,000 pounds. Thus it will be seen that Kentucky produces nearly six times as much as Ohio. Ohio is the fourth State in the production of tobacco. I merely mention this fact to sustain the statement which I made without having the statistics before me.

Mr. SHERMAN. I corrected myself, the Senator will remember, and said Ohio manufactured largely in excess of Kentucky. I was thinking of the manufacture of tobacco at the time I made the statement.

Mr. WILLIAMS. One hundred and seventy-one million pounds are produced by Kentucky. The next largest State is Virginia, which produces 79,000,000 pounds. The next largest State is Pennsylvania, which produces 36,000,000 pounds; and the fourth State is Ohio, which produces 34,000,000 pounds. The next largest State is Tennessee, which produces 29,000,000 pounds. The next largest State is North Carolina, which produces 26,000,000 pounds. Connecticut produces 17,000,000 pounds.

Mr. SHERMAN. I should like to have the Senator inform me of a matter of fact that he probably is familiar with or he may find it in the statistics. How many persons are employed in raising tobacco? How many tobacco-growers are there?

Mr. WILLIAMS. I do not find it in the statistics here. I looked for that very fact.

Mr. SHERMAN. What is the average price of ordinary Kentucky leaf tobacco per pound?

Mr. WILLIAMS. In Kentucky we have two or three classes of tobacco. We have what we call white burley, and then we have bright wrapper tobacco.

Mr. SHERMAN. What would be the average?

Mr. WILLIAMS. I said the other day from seven to ten cents, I cannot tell exactly. The white burley is much higher than the shipping leaf, and the bright wrapper is much higher than either. I noticed that some white burley was sold in Louisville on Saturday as high as $40 a hundred.

Mr. SHERMAN. Mr. President, I am very willing to acknowledge my error in regard to the production of tobacco in Kentucky. My first idea when I rose was that Ohio was a larger tobacco-manufacturing State than Kentucky, and I thought she produced nearly equal to Kentucky or probably as much as Kentucky of leaf tobacco; but it seems I was mistaken in that, and I acknowledge the error. Ohio is a much larger tobacco-manufacturing State than Kentucky.

But I rose, Mr. President, not to deal in questions of the past, but to call the attention of the Senate to the condition of this bill. If this amendment is adopted it will be proposed by this bill to reduce the tax on tobacco nearly $21,000,000, as if tobacco was the great article produced in this country that was under distress from taxation. More than one-half of all the taxation that we can prudently throw off will have then been thrown off tobacco.

The amendment offered by the Senator from Kentucky, [Mr. BECK,] adopted without consideration and without debate, would utterly destroy the tobacco tax, root and branch. I would not name any certain sum for the tobacco tax if it is understood that every person who chooses to raise tobacco can sell $100 worth by retail to anybody, and I will never vote for this bill or touch it under any circumstances, whatever other provisions there may be in it, if that privilege is given to the grower of tobacco. It is an utter destruction of $46,000,000 of revenue; it is an utter destruction of the manufacturers engaged in manufacturing tobacco. In Virginia it would be utter ruin to the manufacturers, as I have already warning over and over again. It would be utter ruin to our manufacturers in Ohio.

Let us look at it. How many persons are engaged in raising tobacco? I estimate it in round numbers at a million.

Mr. WILLIAMS. I think over a million.

Mr. SHERMAN. Something over a million. That authority granted by this bill as amended would extend at the utmost to $100,000,000 worth of tobacco, or more than twice all the crop of tobacco in the United States, if there was no fraud. But how can you tell whether a farmer sells more than $100 worth? In the State in which I live the tobacco is largely grown by the children for spending money. A wealthy farmer in some parts of our State will give to his children a patch to raise tobacco and give the children the proceeds of that tobacco for spending money. That is a very common way. It is raised in small crops, $100 worth on a farm; probably 1,000 pounds would be considered a pretty large tobacco crop; and then it is sold to the dealers in leaf tobacco. The temptation to convert that leaf tobacco into some form that may be consumed without being manufactured is so great that it would go on to a great extent; we cannot estimate the extent. It would utterly destroy all your tobacco manufacturers.

The convenient form in which the tobacco manufacturers put their product makes the demand for manufactured tobacco. The difficulty of getting leaf tobacco, caused by the very stringent provisions of the law, makes it very important indeed that the manufacturer should be protected in his employment so that he shall have the benefit of converting this product into the manufactured article, and in that

way we get the tax; but if every farmer, if every boy, if every girl in this country can raise tobacco in a little piece of land near a town and sell it at retail, it is an utter destruction of the manufacture of tobacco.

Mr. HARRIS. Will the Senator from Ohio allow me to suggest to him that the amendment as adopted gives this right of sale only to the owner of a plantation who may grow tobacco, or the tenant-farmer who rents a plantation and grows tobacco, but does not extend to the thousands and multiplied thousands of people who may be engaged as laborers in growing tobacco?

Mr. SHERMAN. If that is so, it makes it worse and worse. You give a privilege to the land-owner that you will not give to the colored man who hires a little piece of land.

Mr. HARRIS. It is extended to the tenant-farmer as well as to the owner of the land.

Mr. SHERMAN. I will read the amendment:

Provided, That farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising at retail, directly to the consumer, to an amount not exceeding $100 annually.

That is the amendment adopted, that the farmer and producer of tobacco, any man, may sell at the place of production. There are 400,000 small dealers in tobacco who pay a license to carry on that employment. Every dealer may hire a quarter or a half acre of land anywhere in the neighborhood of the town where he sells, and he may raise tobacco there enough to supply his demands within the limits of that $100 without violating the law; he may raise what would sell for $400.

The Senator from Kentucky [Mr. WILLIAMS] says, and his recollection agrees with mine, that the average value of leaf tobacco is about 8 cents. The cheaper form of the leaf tobacco is considerably less, but for the average it is 7 or 8 cents. That tobacco is usually sold and manufactured subject to a tax of 16 cents per pound, which is 200 per cent., so that the inducement to fraud is very great. Every one of these dealers, instead of buying tobacco from the farmer, will raise the tobacco himself, and he can convert this leaf tobacco by using molasses and licorice and a few other things, as was done when we first framed the tobacco law, and make a tolerably comfortable and palatable tobacco for either smoking or chewing.

Mr. HARRIS. He would be liable as a manufacturer if he did that.

Mr. SHERMAN. Not at all. There is no manufacturing about it. The very tobacco that is put in the tobacco hogshead is twisted, and he may dip that in licorice; that would not make it a manfactured article.

Mr. HARRIS. It is so held by the Internal Revenue Bureau.

Mr. SHERMAN. You would have at the next session a law to allow him to do that. It simply shows that you cannot collect this tobacco tax except by some restriction on the use of the article in its original form, and this very proposition has been debated now for twenty years in both Houses, and was rejected in the House of Repretatives on this very bill; and yet it was adopted here by the narrow majority of one on Saturday on the motion of the Senator from Kentucky, [Mr. BECK.] I must confess that although I had been watching this bill this amendment did not attract my attention when it was offered. I was called out for a moment. I say I cannot vote for the bill. I do not care what is in it, with this provision, without being willing to abandon the entire tobacco tax. The Senator from Kentucky [Mr. WILLIAMS] is entirely right that if you take away from the manufacturers this protection you must, as a matter of course, repeal the tax on the manufacturer of tobacco. The logic is irresistible, and he is perfectly correct. With a tax of 8 cents the manufacturer cannot stand up against the farmer and producer who can make a kind of tobacco which would probably supply the wants of more than one-half of our people.

Mr. HARRIS. Will the Senator from Ohio allow me to ask, from his large experience and information on this subject, how it was that when every tobacco grower in the country was at liberty to sell his leaf tobacco to whomsoever he pleased, in any quantities he pleased, without restraint, we collected over $33,000,000 a year from manufactured tobacco, and how it is that we are to lose revenue entirely if we extend that privilege now to $100 worth a year.

Mr. SHERMAN. I know that notwithstanding in the first bills these restrictive provisions were not inserted, it soon became absolutely necessary, after the fullest debate, to put in these restrictive clauses, and they have been maintained and held ever since. If you could hear now the voice of the manufacturers of Richmond or Cincinnati or any portion of this country, honest men who are engaged in this business and giving you $47,000,000 of revenue, they will tell you that they cannot compete against leaf tobacco, especially when the authority is given by this very amendment to allow every man, woman, and child, black and white, in this country to produce tobacco on rented land, or land whether it is his own or not, and sell it at retail against the product of the manufacturer. Why, sir, it is an utter destruction.

But I have no criticism to make on my friend from Virginia, [Mr. MAHONE,] who represents, I believe, the largest tobacco-growing, certainly the largest tobacco-manufacturing region in the country, about his proposed reduction of the tax to 8 cents; but I again beg the Senate as a whole not to throw away all the surplus revenue that we have by reducing the tax on tobacco. I have telegrams and letters without number on this subject, but I very rarely read such things in the Senate. Here is a letter from a very influential and leading citizen of Saint Louis and I have no doubt that he is well known to my friend from Missouri. I will read what he says about the tobacco tax in a letter written on the 18th of July:

I will say to you that I have conversed with many liquor, beer, and tobacco men. If petitions are before Congress for reduction in their taxes, they talk one way and act another, for they invariably tell me "we want no change; we wish to God Congress would let us alone; collect the taxes and go on and pay off the public debt, so that if trouble should ever come again we can borrow all the money we need at lowest rates." They say this everlasting agitation of a reduction of taxes paralyzes their business; people hold off from buying, and it hurts them. They want to let it rest. No one feels the tax on whisky, beer, and tobacco. If you reduce it a few cents the middlemen want the original man to return to them more than the Government takes off; but the retail consumer pays about the same. The reduction helps no one really but the middleman. The tobacco planter gets no more for his tobacco; the corn and grain man no more for his grain to be made into whisky; the (malt) barley raisers get no more for their barley and hops for beer. Those who chew and smoke will pay the same for tobacco and cigars; those who drink, the same for their beer and liquor. Neither the consumer nor the producer will be benefited, only the middlemen, and the producers say to me they don't ask any reduction, but to be let alone. There is much humbuggery about the whole thing.

This is the opinion of a very intelligent man——

Mr. MORGAN. Will the Senator from Ohio inform us what the present tax on leaf tobacco is?

Mr. SHERMAN. There is no tax on leaf tobacco.

Mr. MORGAN. So I understood.

Mr. SHERMAN. There is no tax on leaf tobacco at all; the tax is on manufactured tobacco. Now, here is a telegram from a firm in Ohio who say:

DAYTON, OHIO, *July* 19.

Hon. JOHN SHERMAN, *United States Senate:*

Result of reducing tobacco tax 4 cents will be 5 cents reduction to dealers, nothing to consumers; loss to Government and manufacturers. Trade earnestly request reduction to 8 cents or no change, and prefer latter.

COTTERILL, FENNER & CO.

That is a large establishment in Dayton. Although in my State they produce, it seems from the statistics, nearly 40,000,000 pounds of leaf tobacco; although they pay taxes on manufactured tobacco to the amount of over $3,000,000, yet no citizen of Ohio from city or country has written to me asking of me the reduction of the tobacco tax, while many of them have written and telegraphed me to let it alone by all means; and yet at the urgent demand of the two Senators from Kentucky we are called upon to surrender over $20,000,000 of revenue, at a time when we only have $40,000,000 to give up, on an article which by common consent of all nations is the one most easily taxed, most cheaply taxed, and on which the tax is felt the least. I say, sir, it is bad policy.

The two amendments which have already been adopted to the tobacco clauses, in my judgment, impair this bill and endanger it and make it very difficult to say whether or not on the whole it is not better to allow the bill to go over until the next session of Congress. Certainly, if we have to confine more than one-half the reduction proposed by this bill to tobacco, I would say a thousand times it had better be postponed until we can consider the subject differently. I had hoped that all sides of the Senate without respect to party lines—but nearly all these votes have been on party lines—might contribute in some way the greatest possible good by the proposed reduction of $40,000,000 of taxation. I was perfectly willing to vote for any proposition that might be made from either side that looked to relieving our people from a portion of the burdens of taxation. But are we now brought to this, that of this measure of relief more than a majority is to be absorbed by repealing a tax that no man in this country desires to have repealed, the repeal of which no petition has called for, the repeal of which no public sentiment demands, the repeal of which no public officer recommends, the repeal of which no committee of Congress recommends? The House of Representatives has refused it; the committee of the House have refused it; the committee of the Senate have refused it; and now at the last hours of the session upon the motion of individual Senators we are to have more than one-half of all the benefits of this bill to relieve the people from taxation confined to tobacco, when no interest requires it and no public sentiment demands it. Sir, it may be good politics, but it is not good sense.

Senators on the other side may think from the vote—I can almost refer to it as a party vote though it is not entirely so—that they can make political capital by reducing the tax on tobacco. I do not believe it. I believe the plain people of this country, as Mr. Lincoln called them, see through it. They are willing to pay the tax on tobacco, on whisky, and on beer. These are the only internal taxes that they are willing to pay, and I am willing to let those three taxes stand as they are until we can gradually reduce them as the condition of our revenue may allow. Strip your internal revenue of all other classes, even if to do so does benefit some of the banks, even if it does repeal taxes that might be kept on a little while longer with no very great injury; yet it confines the system to these three articles which in every country are the subjects of taxation. Then spread the balance of your reduction on the external taxes, and do what little good you can until the tariff commission enables us to reduce the whole system of external taxes.

That is my theory about this bill. The House of Representatives

did reduce the tax on tobacco between seven and eight million dollars. They reduced the tax on cigars; they reduced the tax on dealers; they threw off special taxes to the amount of $1,137,000; they threw off the tax on cigars and cigarettes to the amount of $6,602,000; there was seven or eight million of reduction in the tax on tobacco. Why is not that enough? Why treble that by another reduction of one-half the tax on manufactured tobacco? Why make the reduction on tobacco amount to over $26,000,000 when you have but $40,000,000 to give away altogether?

I ask Senators again to look at this thing in a business light rather than as a political proposition. They may think the farmers who raise tobacco will be pleased at being relieved from this burden. I do not believe it. I do not see that they demand it; they have not asked it. They do not pay the taxes, and the tobacco raising of this country is now more prosperous than it has ever been. We export enormously of tobacco. We raise it for exportation, and the farmer gets the full benefit of the market in Europe without tax on all that is exported; and the price of the exported article fixes the price to the manufacturers in this country. That price must be according to the price fixed in the foreign market, and we now have a liberal foreign market which admits of the exportation of large quantities of American tobacco. The growth of tobacco in this country is increasing, and will increase in the Southern States as their industry becomes adapted to the new order and condition of labor there; tobacco will be a great production, greater even than it is now in the Southern States.

Some Senator said the negro naturally adapts himself to the methods of cultivating tobacco; it is a crop he likes to cultivate. Negroes succeed in cultivating it, and I believe if you just let the market alone we shall continue to be, as we are now, the largest tobacco-producing country in the world. We can go on increasing until tobacco will be like corn and wheat, one of the staples of our foreign exportation. But we had better not disturb the present relations that exist between the manufacturer of tobacco in this country and the producer of tobacco. The amendment that has been put on the bill will make that disturbance, will make loud demands from the manufacturers for relief; you will have them before the next session of Congress. They are now beginning to make loud demands. Why, sir, one of the most intelligent authorities on the tobacco question, a gentleman from Cincinnati, whom I have seen in the galleries and talked with, who knows all about this subject, says it is better to let it alone; that the tobacco tax is now well adjusted, well arranged. The manufacturers have adjusted their packages so as to give the consumer the full benefit of the reduction made two or three years ago. It is now a good business, yielding us $47,000,000 revenue without disturbing or limiting the production of the tobacco. The export of tobacco is increasing; its production in this country is increasing; its manufacture is increasing; the revenue from it is increasing. Why, then, disturb that happy relation?

My friend from Virginia again repeats the argument made the other day that because, after we reduced the tax from 24 to 16 cents, in the course of three or four years the 16 cents yielded as much revenue as the 24 cents formerly did, therefore the reduction of the tax rather benefited and increased the revenue. Why, sir, the argument that I made the other day in reply to that was conclusive, that there was a larger increase of the production of other taxes that had not been disturbed or lowered than there was of the tobacco tax. It took three or four years for the tobacco tax at 16 cents to come up to what it had produced at 24 cents, while the production of the whisky tax increased 50 per cent. in the same time. The consumption of whisky, tobacco, and beer does not depend upon your tax at all; it depends on the demand for them. That demand is regulated by an appetite that disregards the price. Nothing is more clearly established both by English experience and our own experience than that. There is a point beyond which you cannot levy a tax on whisky. We tried that, and perhaps we have the tax on whisky too high now; but as a rule the amount of the tax on these articles, if you can collect it honestly and fairly, does not cause a falling off of consumption. When you put the tax too high it may make the inducement to fraud so great that you may be cheated by the manufacturer, not by the consumer; the consumer drinks the whisky whether the tax is 50 cents, 70 cents, or 90 cents. When you have too large a margin between the original value of the whisky or tobacco and the tax you induce fraud in the manufacture, fraud in the distribution of the articles, not fraud in the consumer; the consumer drinks as much and chews as much as he ever did.

I am sorry to have detained the Senate so long, but I do hope we shall call a halt in this matter. Let us give to tobacco the same relief we give to other interests. We have provided for the reduction of the tobacco tax seven or eight million in this bill. Extend relief to other interests within the limits of what may be considered prudence and care and safety; keep within the safety line and make a fair distribution; but do not give away of our surplus revenue more than half of it on an article which is the proper source of revenue, the legitimate subject of taxation, on which the tax is more cheerfully paid and more easily collected than on any other in the whole range or gamut of taxes.

Mr. BECK. Mr. President——

Mr. HOAR. I desire to say to the Senator from Kentucky that I want at some time in this debate to put on record a couple of letters in relation to a matter which he alluded to the other day, and perhaps he will allow me to do it now.

Mr. BECK. Very well. I do not desire to yield the floor absolutely, but I will yield for that.

Mr. HOAR. I will not occupy three minutes in what I have to say. The Senator from Kentucky [Mr. BECK] the other day caused to be read to the Senate an anonymous article, published, however, in a paper of high character and wide circulation in the city of Boston, purporting to give a description of the method of the manufacturers of knit goods, who are many of them employed in Massachusetts as well as in the other Northern manufacturing States. I was not present in my seat when the Senator addressed the Senate at that time. The charge of this communication was that these manufacturers pursued a system of the grossest fraud, palming off worthless and non-durable articles for the clothing of the people under the protection of a very high tariff.

I desire to place on record now my own statement that I am personally acquainted with a very large number of gentlemen engaged in this manufacture. They are men who maintain the highest character as citizens and business men, and while there may be of course exceptions in that business as in any other, I am willing to risk my own reputation on the assertion that there is no more honorable and trustworthy class of business men to be found anywhere on earth than the men who have built up and who now conduct these manufacturing establishments.

I desire to read two letters which I have received since the honorable Senator addressed the Senate. One is signed by a name which has done as much to make the name of the American merchant and manufacturer known to the ends of the earth as any name within the limits of the country; a name which for generations has been a synonym for commercial honor, for generosity, for large public spirit, and for a liberal political opinion; a name, I may add, which is identified with that class of opinion in Massachusetts which first resisted what our brethren in other parts of the country call our extreme opinions, and which has endeavored more than perhaps any other family in Massachusetts to promote kindly feeling and harmony of opinion on questions which have divided the country. The gentleman to whom I refer is Amos A. Lawrence, a man who is now approaching the latter part of a life which has been consecrated to public charity and beneficence. His uncle, Hon. Abbott Lawrence, was our minister to England; his father one of our most distinguished founders of institutions of learning. Mr. Abbott Lawrence in the year 1832 endeavored to induce the people of the Commonwealth of Virginia at that time to improve and develop the vast manufacturing and mining advantages which her rivers and her deposits of coal conferred upon her. Mr. Lawrence's letter reads thus:

BOSTON, *July* 21, 1882.

MY DEAR SIR: The knit-goods manufacturers have been in great distress this season owing to the error in the printing of the revised tariff. But the expectation that Congress would remedy the evil has prevented us from being flooded with foreign goods made of free wool.

Now we are in great anxiety about the autumn business for now is the time when we buy our wool and take our order; I mean for 1883. If Congress should adjourn without action now, we shall be left helpless. The mills must stop, for the risk will be too great. In fact the foreigners would receive the orders. This interest is great here in Massachusetts, the product in the country is very nearly $50,000,000 worth.

Excuse my writing you at this time, but necessity knows no law.

Very truly, your obedient servant,

AMOS A. LAWRENCE.

Hon. GEO. F. HOAR, *United States Senator.*

The other letter is from a gentleman perhaps less known here, but very well known and connected with Mr. Lawrence in this business:

BOSTON, *July* 22, 1882.

MY DEAR SIR: Your telegram in reply to mine received in due time. I sincerely trust when the little knit-goods bill comes before the Senate that it will receive prompt and favorable consideration.

By the papers this morning I notice that Senator BECK made an attack upon hosiery knitters, using an article published in the Boston Sunday Herald as his text. I inclose the full article. The manner of manufacturing described being an impossibility, I did not deem it worthy of notice.

The fact is in all our mills, making the finer classes of goods and which are affected by the recent decision of the Supreme Court, no waste of any kind is used, not even the better grades made in our own mills. The mill is to sell all waste, and you can judge of its character by the prices realized, which range from 20 cents to 37½ cents per pound, according to its class.

In other words the mills to which this fraudulent manufacture was imputed by the article read by the Senator from Kentucky sell their own waste at from 20 to 37½ cents per pound:

The waste here referred to does not come properly under the waste known as shoddy, it being from yarn almost exclusively. If we were making coarse goods, it would be made use of in our own mills, but being confined exclusively to fine goods, we dispose of it.

Our mills are open for inspection and nothing would please us better than to have Senator BECK and any other Senator visit us. I promise them *entré* into all our mills and they can examine stock, process of manufacture, and the operatives. I am confident if they would take the trouble they would be satisfied of our honesty and desire to give the consumer a good article, even if they do prefer free trade to protection.

Sincerely, yours,

GEO. C. BOSSON.

Hon. GEORGE F. HOAR, *Senator.*

Mr. BECK. Mr. President, when the Senator from Massachusetts called my attention this morning to the letters he received I said to him that it was but fair that these letters should appear in the REC-

ORD, accompanied by such statements as he might choose to make, so as to do away with any injustice my remarks might have done to his people.

The article I read the other day was, as I then said, published in the New York Evening Post, with a long editorial accompanying it, copied from the Boston Herald, and the editor of that paper spoke of the gentleman who had been interviewed as a highly respectable Boston merchant, and then gave the interview. I thought while we were pressed quite urgently in regard to this particular item it was well the Senate should see what was said about it by men who were indorsed as respectable Boston merchants in what I regard as a respectable Boston paper, that an answer should be allowed. I know nothing about the facts; the paper has always been regarded as a respectable paper by all of us. When we come to discuss that particular part of the tax bill it can be more fully presented.

Mr. HOAR. I did not impute to the honorable Senator the indorsement of the article, and I wish to say that I am quite sure that whatever the Senator's speculative opinion may be he would be as far from making any charge which imputed want of personal integrity to any class of his fellow-citizens as any Senator in the Senate.

Mr. BECK. I think I am. The Senator's colleague [Mr. DAWES] many years ago acquired the habit of scolding me, and I got so used to that from him that I do not mind it. I have been lectured by him over and over again and I do not mind it; however, we will discuss that hereafter.

Mr. DAWES. The Senator will allow me at this stage to say that my complaint of him was that he did not go and see for himself, but took advantage of an anonymous statement.

Mr. BECK. I know nothing of the facts except what is stated in that article. There are good and bad men in Massachusetts just as there are in Kentucky. Some men will cheat and others would scorn to do it. How far the facts alleged are true I do not know and never professed to know; but I have known of a great many very sharp things connected with tariff legislation, and I did not know to what extent this might be one of those things, and I sought to call attention in order to see if this was one of them.

I will state an instance. Turn to the Revised Statutes, page 479, and you will find this provision:

> Lastings, mohair cloth, silk twist, or other manufactures of cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for buttons exclusively, not combined with India rubber: 10 per cent. ad valorem.

Yet if you take lastings, mohair, silk twist, or any of these things not cut into patterns, solely for the use of button-makers, they have to pay 40 and 50 per cent. tax; but if they are cut into a particular shape, so that button-makers only can use them, they pay 10 per cent. ad valorem. "Buttons, barrel buttons, or buttons of other forms for tassels or ornaments, made in whole or part of wool, worsted, or mohair," pay under our present system when imported 50 cents a pound, and 50 per cent. ad valorem.

There is as nice a little job fixed up for one or two button factories quietly inserted into the tariff—as nice a job as can well be imagined. On all imports in the shape of mohair, silk twist, or lasting the duty is 50 per cent. ad valorem unless the material is cut into shape for the button maker, and then he gets it for 10 per cent. and he gets the tariff of 50 cents a pound on his buttons and 50 per cent. ad valorem in order to prevent competition from abroad, a prohibitory protective tariff. And the button makers are no doubt as good and as honest men as the knit-goods manufacturers are.

But we will talk about these things hereafter. I think I know where these button factories are which have been so favored and protected.

Mr. BLAIR. Will the Senator at that point allow me to make one statement of fact which I know with reference to the knit goods manufactured in my own State?

Mr. BECK. Now please let me go on.

Mr. BLAIR. Just one fact——

Mr. BECK. If the Senator starts his line what will become of the bill?

Mr. BLAIR. The Senator will bear in mind that he has himself introduced the knit-goods discussion on this bill. For my own part I had abstained and had intended to abstain from it; but I wish to put on record at this point just this fact: in our own State I am assured by responsible manufacturers that out of every dollar's worth of their knit goods (I mean of the manufactured article, which of course includes the dyes, the labor, and the other materials) there is over fifty cents' worth of raw material, of wool, actual *bona fide* wool.

Mr. BECK. Waiving all other questions, let me say that I listened to a very remarkable speech from the Senator from Ohio [Mr. SHERMAN] attacking an amendment I had the honor to offer in the Senate and which the Senate was wise enough to adopt, very much to the disgust of the Senator. Indeed I think anything disgusts the Senator from Ohio and the Senator from Vermont which gives any relief to anybody except the bankers and patent-medicine men, with a little salve thrown in by way of buncombe to the manufacturers of matches. They are willing to abandon their own bill and postpone it till December, indeed to let it go altogether, if we ask them to do anything except what they think in their wisdom ought to be done. If that is their opinion of their own bill they have a right to maintain it; they are welcome so far as I am concerned to abandon it whenever they see fit. I for one shall insist upon attaching to the bill such amendments as I think are for the good of the country, because I am audacious enough, irreverent enough is perhaps a better word, to doubt whether all the wisdom of this country is concentrated in those two Senators from Vermont and Ohio.

For years leaf tobacco could be sold without license or tax by the producer; indeed, up to 1872 the producer could sell to anybody he pleased. The Senator from Vermont and the Senator from Ohio both took an active part in the passage of the law of 1868, which gave the producer the right to sell to anybody he saw fit. In 1868 the law was passed and those two distinguished gentlemen had charge of it more than any other two, yet they made the law of 1868 far more sweeping in the liberality of its provisions than I propose to make it by the amendment which the Senate has adopted. I have the law of July 20, 1868, before me. Let me read the provision which the Senator from Vermont and the Senator from Ohio both agreed to and indorsed; it worked well for more than four years.

> Dealers in leaf tobacco whose annual sales do not exceed $10,000 shall each pay $25—

That is the law of 1868, the law which the Senator from Ohio and the Senator from Vermont framed—

> and if their annual sales exceed $10,000 shall pay in addition $2 for every thousand dollars in excess of $10,000. Every person shall be regarded as a dealer in leaf tobacco whose business it is, for himself or on commission, to sell or offer for sale leaf tobacco. And payment of a special tax as wholesale dealer, tobacconist, manufacturer of cigars, or manufacturer of tobacco shall not exempt any person dealing in leaf tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf tobacco for selling tobacco of his own production or tobacco received by him as rent from tenants who have produced the same on his land.

Observe that the law of 1868 imposed a tax of only $25 on dealers in leaf tobacco, which they afterward made $500 in 1872 and now seek to reduce to $250. That provision which they made in 1868, you will observe, allowed any farmer, or planter, without any tax, to sell to whom he pleased, in any amount he pleased, tobacco of his own production or that he had received as rent from tenants who had produced the same on his land, without any license whatever. Senators will observe that I have restricted it greatly below their provisions in my amendment which is so much denounced by them now. I have so restricted it that farmers and producers of tobacco may only sell at the place of production; they are not to go about and peddle it over the country, but they may sell tobacco of their own growth and production directly to the consumer. Under the law of 1868 these same men could sell it to anybody, and their vendees could sell it over again as often as they pleased for profit. I limit it to sales by producer and consumer, and I limit it to $100. These gentlemen allowed producers to sell it to anybody, whether they saw fit to sell it again or not; indeed, to anybody they pleased, and what harm was done? None, as I will show.

Mr. SHERMAN. The Senator certainly misconstrues that clause.

Mr. BECK. I read the law, at page 152 of the Statutes at Large, volume 15.

Mr. SHERMAN. That simply relieved the farmer and planter from taking out a single license to sell his own crop.

Mr. BECK. Certainly; and my amendment only allows him to sell his own crop, his own production.

Mr. SHERMAN. But here is a prohibition in the same law that persons who take out a license can buy it even of the farmer. There is no authority to the farmer to sell at retail, as is given by the Senator's amendment.

Mr. BECK. I have read the exact language of the law. I will read it again:

> Dealers in leaf tobacco whose annual sales do not exceed $10,000 shall each pay $25.

Now, you demand a reduction from $500, imposed in 1872, to $250. Why did you allow them to deal at a tax of $25 when you passed the law in 1868, if prohibition was your object.

Mr. SHERMAN. That clause only provides that no farmer who raises his own tobacco shall be required to take out a license, a special tax. That is right. He sells, however, only to those who have the right to sell again, only to special dealers.

Mr. BECK. My amendment prevents him from selling to anybody who has a right to sell again.

Mr. SHERMAN. No; it authorizes him to sell at retail.

Mr. BECK. Only to sell it to a neighbor for consumption, not in open market.

Mr. SHERMAN. This does not do that.

Mr. BECK. I ask why $25 was tax enough for dealers in leaf tobacco, when it is now demanded that he shall pay $500 or $250 for the purpose of prohibiting his business altogether? Let me tell the Senator and tell the Senate that under that law, which only required from the retail dealer a tax of $25, and when any farmer could sell to anybody he pleased without paying license in any amount that was infinitely more sweeping than what I propose, still under that the Government received from tobacco in 1870, $31,351,000; it received in 1871, $33,578,000, and in 1872, $33,798,000 before the present law took effect prohibiting the sales of leaf tobacco. After the present law did take effect the increase was no greater than the natural increase of population, because the tax only yielded $34,386,000 in 1873, and $33,042,000 in 1874. Two years after the new order of things it was less than it was in 1872, before the stringent legislation was imposed.

The question I ask is, if there were such frauds perpetrated when we allowed producers to sell all they raised without paying any tax to anybody they pleased, and when retail dealers could retail leaf tobacco to anybody they pleased, only paying a tax of $25 up to $10,000 worth, how was it that the Government received more revenue from tobacco in 1871 and 1872, before the imposition of the present restrictions, than they received in 1874, after the restrictions were imposed?

Mr. ALDRICH. Does the Senator want an answer?

Mr. BECK. I do.

Mr. ALDRICH. Will the Senator turn to page 145 of the report of the Commissioner of Internal Revenue?

Mr. BECK. I have not the report before me.

Mr. ALDRICH. The report shows that in the year 1872 there was a tax collected on 95,209,319 pounds of manufactured tobacco at an average rate of tax of 25.81 cents. In the year following, after the change had taken place which the Senator has alluded to, there was collected on manufactured tobacco a tax on 114,789,208 pounds, nearly 115,000,000 pounds, a gain in that year of about 20,000,000 pounds, and there was a reduction in the tax the same year. The tax paid in 1873 was on an average 20.38 cents, or more than 5 cents a pound less than it was the preceding year, with a gain upon the tax paid on tobacco of over 20,000,000 pounds, growing out, I have no doubt, of the change in the law. The law further restricted the privilege of the farmer by saying if he sold tobacco as a peddler, he should pay a peddler's license. That was the only change made by the law of 1872.

Mr. BECK. The Senator from Rhode Island is very seldom mistaken in his facts, but he has been misled this time, perhaps by the Senator from Ohio at his side.

Mr. ALDRICH. I have read the figures from the report of the Commissioner of Internal Revenue.

Mr. BECK. The tax before that reduction was 32 cents, upon all but the lowest grade of smoking tobacco; the tax was 32 and 16; nine-tenths of it was 32 cents. We reduced it all to 20 cents. It was said that we would by so doing sustain a loss of over $6,000,000. The Treasury Department sent that information to Mr. DAWES, then chairman of the Committee on Ways and Means, as I published in a table the other day, when I showed that the reduction from 32 cents to 20 cents, when the large bulk of it was paying 32 cents, not only did not reduce it $6,000,000, but reduced it less than a million dollars or a million and a half. The gain of revenue commenced by a reduction of the tax. The tax on all but the lowest grade of smoking tobacco was 32 cents; the fraction paying 16 cents cut a very small figure. Under that law producers were allowed to sell as they pleased all the leaf tobacco they raised, for there never was a tax upon leaf tobacco; there is no tax upon it now.

The tax of $500 on the retail dealer in leaf tobacco was imposed just as 10 per cent. upon State banks was imposed, in a mean, indirect way, when Congress did not venture directly to repeal it, and the people who obtained the reduction from 32 cents down to 20 cents submitted to the limitation that was put upon them of selling their own tobacco to anybody they pleased, as they had always the right before, in order to get the benefit of the reduction from 32 to 20 cents. The Senator says that this is the old contest which has been going on for twenty years, has been going on trying to obtain the right of limited sale. I hold the act in my hand which passed the House of Representatives in 1872. It contains this provision:

Provided, That nothing in this section shall be construed to prevent the farmer or planter from selling, at the place of production, tobacco of his own growth and raising at retail directly to the consumers to an amount not exceeding $100 annually.

The Senator from Ohio says Congress never would allow that to be done. The House of Representatives in 1872 passed it with great unanimity. I was there and know it. The chief of the internal-revenue tobacco section, Mr. Kimball, and Mr. Douglass, the Commissioner, came before the Committee on Ways and Means, of which I was a member, and said the restricted right would do no harm, and we passed it. It went to the Senate and of course fell into the hands of the Senator from Ohio and the Senator from Vermont. They struck it out and raised the same hue and cry against the producers of tobacco they are raising now. Up to that time no fraud had been perpetrated. The provision, I repeat, passed the House of Representatives without a charge of fraud, and it was stricken out by these two very gentlemen now raising the hue and cry, in a conference committee, and I have the conference report before me.

No fraud was ever proved to have been perpetrated under the law of 1868, and how can it be perpetrated? The men on their own places, as I said, at the head of creeks and hollows and little places where dealers will not go, raise their little patches in a garden; the whole crop is only worth $20, $50, or $75—less than $100. Nine-tenths of these so-called million of tobacco producers Senators are talking about raise less than $50 worth. It is raised by the women and children when the men are at work elsewhere, perhaps hired out, many of them black, many of them poor white people. They were in the habit always of selling to the consumer of tobacco a few hands of tobacco for a little money to buy their sugar, coffee, tea, and, if you please to call them so, the luxuries that they needed. This trade never reached the big cities or even the villages, and they never interfered with the manufacturers of tobacco. They have a right to-day, every man has a right, to raise his own tobacco, to have his own tobacco patch and smoke tobacco and chew it and use it and give it away, but he cannot go into the market and buy a dollar's worth of sugar with it. They always had the right to use their own product, they always have done it, and Congress cannot prevent them from doing it, unless it prevents the cultivation of tobacco altogether.

All that this amendment allows them to do is when they want to exchange tobacco with a neighbor who has none, who wants to consume it himself, for a chicken or a dozen eggs or something the tobacco producer needs and has not got, he shall have the right to utilize his product instead of throwing it away. It never did any damage to the revenue; and it never will do any harm to any extent that will interfere with it to any appreciable extent.

As I have said, there is no tax on leaf tobacco. These gentlemen who oppose my proposition so strenuously now in 1868 did not venture to impose a heavy tax; even on the dealer it was not more than $25 up to $10,000 worth of sales. If retail sales were going to do any harm why did such sales not do it then? Why did they not reduce the tax received by the Government below $30,000,000 and $33,000,600 in 1871 and 1872 if frauds were committed such as is now said will be? I regret extremely that my colleague fell into that error. I knew the Senator from Ohio would make all those charges. My colleague on Saturday said:

I agree with the Senator from Delaware that it is ruin to the revenue to allow the sale of leaf tobacco, and I am for allowing it because I am opposed to getting revenue from that source. Whenever you allow leaf tobacco to become free you destroy the revenue from tobacco, and that is the reason why I shall vote for the amendment of my colleague.

Although my colleague is generally right on these questions, yet he is not right in that position. Producers sold leaf tobacco from 1868 to 1872 without limit, indeed from 1864 to 1872; and retail dealers only paid $25 license during that time, and no harm ever came of it. In the light of that experience, I insist that by agreeing to my amendment to-day no damage to the revenue will come from it.

Each producer, I repeat, can now smoke and chew as much as he pleases of what he raises himself. He would have a right to sell it to a consumer under my amendment, not to a man to sell again, not to a man to put it upon the market, but to his neighbor; and it must be done at the place of production. As I said, up at the heads of creeks or remote hollows away from railroads, where communication is difficult and a hogshead could not be hauled, at places where no dealer would come, he should have a right to swap a hand or two of tobacco raised by his children, with the worms picked off by his chickens or turkeys, to a man who had a dozen eggs to sell him, and to swap it for what he needs instead of throwing it in the gutter. That is all I seek to do. There is no fraud in it. It will neither break down nor contract the revenue. It never did break down the revenue and never will. The amendment has passed, and this tirade over a thing which has already passed the Senate seems to me to be a useless quarrel over a settled question.

The Senator from Ohio illustrated that the tax of 16 cents was at a point where it would produce the maximum revenue, and he says if you reduce it you will reduce the revenue to the amount that the tax is taken off. I have denied that so often and proved it so often that it is not worth while to repeat it. When we reduced the tax from 32 cents down to 20 cents in 1872 the revenue swelled. When we put it back in 1875 from 20 cents to 24 cents the revenue did not swell at all in proportion to the tax. When in 1879 we reduced it from 20 cents to 16 cents the revenue did not fall off $12,000,000, as the Senator from Ohio, who was then Secretary of the Treasury, ding-donged into our ears in message after message that it would. The Senator from Vermont spoke of it on this floor in the same way, and in order to maintain themselves, by a system of Treasury bookkeeping they sought to charge everything that they could to manufactured tobacco and the increase from tobacco to something else.

Yet the great fact, as I said, remains that the amount collected from tobacco is $8,000,000 more than it was before we reduced the tax to 16 cents, and you may reduce it to 12 cents to-day and in three years we will get as much as we now get at 16 cents. My opinion is you may reduce it to 8 cents and in less than seven years you will receive as much revenue as you are doing with the tax at 16 cents. Of course there will be a reduction at first.

I repeated the other day, and I repeat again in answer to the argument of the Senator from Vermont and the Senator from Ohio, that decrease in revenue does not follow a diminution of the taxes.

Take the tax on distilled spirits as given by the table furnished by the Commissioner. At a tax of $2 a gallon in 1868 there were 6,709,547 gallons withdrawn and the tax paid. The tax was reduced in 1868 to 50 cents, and in 1870 the number of gallons was 76,339,807 withdrawn and paid for. Again, in 1875 the tax was put up to 90 cents and with twelve or thirteen million more people and the larger industries requiring alcohol in every form, for the year ending July, 1881, only 67,372,575 gallons were withdrawn and tax paid.

Why was it that 38,000,000 people, no more prosperous and not as prosperous when the tax was 50 cents a gallon, withdrew and paid for 76,000,000 gallons when fifty-one or fifty-two million people in 1881 only withdrew and paid for 67,000,000 gallons? It was because the tax at 90 cents crippled the industries of the country in everything in which alcohol was used and made people seek for other

substitutes for their varnishes and in the thousand things they used alcohol for. So when you reduce the tax now the reduction will not at all correspond with the amount that is taken off. The increase will follow naturally from increased consumption, and the producer is benefited by two pounds being consumed where one is now.

Senators, there can be no proposition that in my opinion will give more relief to the people of this country than the small, apparently insignificant amendment which was passed on my motion allowing the poor people to sell their tobacco to the amount of $100 to the people who want to consume it; in other words, to swap their little garden profits, for that is all it will do, for something they need. If one old woman in the neighborhood has no tobacco and knits a pair of socks that she cannot carry to market, and she enjoys smoking leaf tobacco, she will swap that pair of socks she has knit for a few hands of tobacco with the child of a neighbor who has raised the tobacco. That is all there is in it. It does not go into the market, it does not interfere with the manufacturer at all; they do it now almost to the same extent that they will do it when you give them this right, except that the mass who do not use tobacco or need something else a little worse, and have no means of disposing of it, would be allowed the right of exchanging it, for no other purpose than to avoid what I have seen.

I have been at the court at Louisville. Judge Hays was appointed since I have been here as a judge of the circuit there. I attended the court the first time it met. He did not know much about it. He had never been in a United States court I believe before, and many of us doubted whether he would know how to conduct the affairs of the court, and there was some curiosity to see how it would be done. When he went to that court he found himself surrounded by the poorest set of people that anybody ever saw, white and black, brought from the mountains of Kentucky and from the heads of hollows, and nine-tenths of them were brought there because they had sold a hand of tobacco to somebody for 10 cents or swapped it for a pound of sugar, and there they were culprits against the law of the United States, brought there by the officers. When the judge comprehended the situation and saw that these people were brought there by men who had traveled hundreds of miles to bring them, and when some of them had gone there pretending to be peddlers of sugar and coffee and tea and sugar, which these so-called peddlers were going around with and taking hands of tobacco for, who had arrested them and brought them to Louisville and charged the United States from $10 to $20 apiece mileage, and fees for arresting and bringing them there, the judge, like a sensible man, dismissed all the cases and gave his officers warning that if there was any more of that sort of thing he would imprison them for contempt of his court, and we knew he was a good judge from that day on.

It is to prevent that condition of things that I seek this amendment. There is more persecution, there is more oppression done in the way of deceiving people by Government officers going in the guise of peddlers and dealers and then arresting and imprisoning them and making the United States pay the expenses of it, than in all other regards put together.

Mr. President, I did not expect to say a word upon this subject. The amendment has passed, and I think the sense of the Senate will allow it to remain as a part of the bill, whether these gentlemen see fit to abandon the bill or not. If they want to abandon their bill perhaps it will be a very wise and decent thing in them to do it and bring us in a respectable bill, and when they do that we shall not embarrass it by amendments. But when they look all over the taxation of this country, over the army of official spies and informers they have everywhere, and look over the tariff taxation, and then see nothing meritorious except to relieve a few bankers and patent-medicine venders, and to take the tax off matches that cost nothing, their bill is contemptible and they ought to abandon it. If it is made decent at all it will be done by our amendments, by amendments such as these I have offered for the relief of a suffering people; and I assure them that they cannot deter us from offering amendments by threatening to abandon their bill.

Mr. ALDRICH. I desire to call the attention of the Senator from Kentucky and the Senate to the fact that the legislation of 1872 resulted from the experience of the Government and was made upon the recommendation of the Commissioner of Internal Revenue and the Secretary of the Treasury for the purpose of avoiding the class of frauds to which the Senator from Ohio and the Senator from Delaware have already alluded.

Mr. BECK. Did not the Government receive the sums of money that I said it received?

Mr. ALDRICH. I will read from the report of the Commissioner of Internal Revenue for the year 1871:

> For the last three years this office has been in possession of information that a large and increasing amount of raw or leaf tobacco, in portions of the country, was being sold at retail directly to consumers without the payment of tax. Evidences of this traffic have from time to time been furnished by assessors and collectors, and more especially by supervisors, who, in taking transcripts from the books required by law to be kept by leaf dealers, have reported that they find scores of pages of these books where entries were made of sales from one-half pound to four pounds each; and I am constantly in receipt of letters from manufacturers of tobacco, complaining of the injury to their business arising from such sales, and informing me that in some localities where they formerly received frequent and large orders for manufactured tobacco they now make no sales, the same parties who used to make these orders now ordering instead supplies of natural leaf from the wholesale leaf dealers. Against this traffic, grown to such large proportions, so injurious to their business as manufacturers and prejudicial to the interest of the Government revenue, they ask to be protected.
>
> To this end I would recommend that section 59 of the act of July 20, 1868, be so amended as to impose a special tax of $500 on every person who shall make a business of selling raw or leaf tobacco to persons other than those who have paid special tax as leaf dealers, or as manufacturers of tobacco, snuff, or cigars, or who shall sell leaf tobacco in quantities less than 25 pounds, or who shall sell such tobacco directly to consumers or for consumption without its being manufactured. And if this is not deemed sufficient I would further recommend such a tax on the sales of such dealers in excess of $5,000 annually as would be equivalent to the tax on the same amount and value of manufactured tobacco. Such a provision of law will not only give the required protection to the manufacturer who now pays a special tax for carrying on his business in addition to a specific tax on all his products, but it will also, I am persuaded, tend largely to increase the Government revenue from this source.

The Commissioner of Internal Revenue in his report for 1872, after this law had been adopted and had been in force for a number of months, said:

> I have, however, reason to believe that, with the additional safeguards provided by the new law against the sale of manufactured tobacco in fraud of the revenue, and with the taxes imposed upon the sale at retail of raw or leaf tobacco for consumption without its being subjected to any process of manufacture, the collections from tobacco under the uniform rate of 20 cents a pound, which is a reduction of more than 6 cents a pound from the average rate for the last two fiscal years, will reach nearly if not quite the sums realized for either of the same years.

Showing that the large increase of 20,000,000 pounds upon which tax was collected in 1873 was directly traceable to the change in the law, of which the Senator from Kentucky now complains.

Mr. MORGAN. Mr. President, the Senator from Kentucky [Mr. BECK] has demonstrated that the amendment which he offered to the bill will not injuriously affect the revenues from tobacco. He has also shown that it will be a great convenience to a large number of small producers of tobacco. Inasmuch as this bill is entitled "a bill to reduce taxation," and is brought forward with a boast that it is intended to relieve the country of the necessity of supplying a surplus revenue which we do not know what to do with, it seems that the relief which ought to be given under it should be extended to those classes who are most in need of it. I shall not further discuss the amendment of the Senator from Kentucky, for it would be useless to undertake to add anything to the force of the arguments and facts which he has adduced to support it.

The amendment which I had the honor to offer in the Senate, and which the Senator from Ohio and the Senator from Delaware think will furnish them a sufficient excuse for voting against the amendment proposed by the Senator from Virginia, is in itself a very harmless amendment; entirely so so far as the internal revenue is concerned. This amendment takes hold of the subject of tobacco after it has passed through the process of manufacture and is ready for sale to consumers. It has paid all the tax that the law has imposed upon tobacco.

The Senator from Ohio informed us of the fact which we knew very well, but I desired to put it on record from his own lips, that leaf tobacco in this country pays no tax; it is only manufactured tobacco that is taxed. My amendment deals only with manufactured tobacco. The Senator from Kansas suggested that these two amendments form a sieve through which all the revenue to be collected from tobacco would be taken away and the country would be left entirely prostrate so far as that source of taxation is concerned. The junior Senator from Kentucky [Mr. WILLLIAMS] seems to have concurred in that opinion.

Mr. WILLIAMS. The Senator does not understand that I am against the amendment?

Mr. MORGAN. No; he is not against the amendment, he is for it, but for a wrong reason.

Let me refer to the laws which relate to the sale of manufactured tobacco. The manufacturer, before the tobacco is removed from the manufactory, pays the tax upon it. He puts the last stamp upon the box or package, whatever it may be. That is made requisite by law, and he is liable to very severe penalties if he allows tobacco to go out of his factory without the stamp being affixed to it. The retail dealer pays no tax whatever upon the tobacco itself. All that the law requires him to do is to take out a license to sell it, and to sell it to whom he may, and in such quantities as he may choose. That license, under this bill, costs $2.40, I confess an inconsiderable sum to a man who is engaged in the business of retailing tobacco, or in any other business that is licensed by law. It seems to be quite a small tax. Bear in mind that that is the only additional source of revenue upon manufactured tobacco, so far as my amendment affects the bill, which the law has imposed on this commodity.

The simple question is presented whether a person having hands under his control, not being a retail dealer in tobacco, not being in the pursuit of any mercantile business whatever, may, without the payment of a license tax of $2.40, not sell, but furnish as supplies or rations to his own hands manufactured tobacco to the extent of one hundred pounds per annum. Really the matter appears to be so small that if I were not acquainted with the fact that it is a matter of great public convenience and security I should not be here asking that this amendment should be put upon the bill; but the convenience of it I have already mentioned and described in the remarks which I made last Saturday.

I have shown that to men who are living distant from points of distribution, from the retail stores in the country, it is a matter of very great convenience that they should be allowed to furnish as

supplies or rations to their hands a small quantity of tobacco. I will suppose that one hundred pounds per annum would be a sufficient supply for five hands, possibly eight, on the average. Those men who have larger plantations, larger lumbering interests which they are accustomed to supply, cannot abuse the privilege of selling the manufactured tobacco unless they take out a license tax of $2.40 so as to authorize them under the law to proceed to sell to whomever they may please.

The difficulty and danger which I wish to avoid is this: it very often happens that a man buys tobacco for his own purpose. It is bought by the package; it is bought by the box. A man would buy one hundred pounds of tobacco in a box, who lives perhaps fifteen or twenty miles from the nearest point of distribution and finds it inconvenient to send his wagon in to get tobacco when he wishes, or to send a messenger or to go himself to a retail store distant from him to buy his supply of tobacco. The person employed to work for him may be his own son; it may be his neighbor; it makes no difference who he is, so he is in his employment and desires to receive in the nature of supplies or rations a part of the tobacco which he has bought and upon which the entire tax has been paid. If that man ventures to sell the tobacco, to exchange it for labor or to exchange it for any other commodity, to dispose of it and carry it into his accounts with his employé, he is liable to be indicted and is too frequently indicted and carried away and put upon trial for this trifling and inconsequential violation of the mere technicality of the law, leaving its spirit entirely untouched.

The Government of the United States is trying to derive revenue from the license tax upon tobacco and from all other sources. Why should it not make this exemption in favor of men whose convenience is thus so greatly subserved? It only brings the planter in competition with the retail dealer, the retail dealer himself having the privilege of selling in any quantity on paying $2.40 a year license tax for selling tobacco; whereas the man who merely wishes to distribute it in the form of supplies or rations to his employés cannot afford to do that and he cannot afford to be harassed by it.

It has been intimated here that the retail dealer has some returns to make to the Government. That is not the law. No retail dealer of tobacco is required by law to make any return whatsoever of the amount of sales or the persons he sells to; so that the Senator from Kansas was quite mistaken when he supposed it was the purpose of the law to trace the tobacco all the way from the field in which it was cultivated to the spittoon. The Government of the United States ceases its vigilance over this question after the tax has been paid and the stamp affixed, thereafter concerning itself no further to ascertain whether the person who buys it or who handles it for retail distribution through the country has taken out his license.

That is the whole subject, and in the amendment which I have had the honor to offer, and which is an amendment that is very highly thought of by a large number of people of the United States, although it is a small matter perhaps for the Senate to consider, the controversy is entirely between the men who wish to use tobacco as supplies or as rations to their employés and the retail dealers, not with the Government at all. Therefore the Senator from Delaware and the Senator from Ohio have perched upon a very small margin when they undertake to combat the amendment offered by the Senator from Virginia, which is an important amendment to this bill, because this bill has such slight features in it as they have complained of. It will not do to take refuge behind these pretexts for now refusing to reduce the tax to be levied upon manufactured tobacco. The principle of the amendment of the Senator from Virginia is exactly correct, and it will increase the revenues perhaps rather than decrease them.

But suppose it does decrease them, we are upon a bill now the very purpose and title of which is to decrease taxation, not to increase it. In all that we have so far discussed under the bill there is no class who have yet been mentioned who are so deserving of the consideration of the Congress of the United States as the men who engage in the production of this valuable article of commerce.

We have here the bankers and we have the manufacturers of patent medicines. I have always thought that it was a serious blot upon our system of laws that we authorized any patent upon proprietary medicines. We have the manufacture of matches and matters of that kind. Contrasting these classes together, I would very freely give to the producers of tobacco, the only class mentioned besides those I have named, and of sugar, the entire advantage of all the reduction we are to make rather than to place it to the advantage of the other classes who have been mentioned here; it would be very much better for the country.

Sir, there is harm always in the taxation of agricultural productions. The law as it stands now and as this bill proposes to keep it is a law which discriminates in the most cruel and violent manner against the producers of a large agricultural crop in this country which yields very many millions not only to the local and home trade but also a great many millions to the foreign exportation. The Senate cannot shut its eyes to the fact that the system of laws we have now does discriminate against the producer of tobacco. It does not give a man who has the free right to produce this article a free market in which to sell it. That is undeniably true. You compel the producer of tobacco in the leaf to sell it to the manufacturer, and if you make it for foreign exportation it is the same thing to the producer.

Here is a license tax placed upon the dealer in leaf tobacco. If he is a retail dealer it is a very heavy license tax; if he is a wholesale dealer engaged in that business it is comparatively a light tax. But suppose a planter in Kentucky or Virginia desires to raise tobacco which finds a better market in London than it does here when sold in the leaf, how is that man going to export his tobacco in the leaf? What agencies must he resort to? The man who grows ten, fifteen, or twenty hogsheads of tobacco, or five or three, as the case may be, is not an exporter of tobacco; he cannot form the commercial relations which are necessary to enable him to get his crop disposed of in a foreign country; he must have a middleman. Who is the middleman that the law requires as it now stands and as this bill requires? It must be a man who is a licensed dealer in leaf tobacco. The planter who desires to make his crop entirely for export, to reach a better market than he can find in the United States, is bound to have it handled by a man who is a licensed dealer in leaf tobacco. What does that amount to? You may disguise it as you please, but it is an export taxation upon the producer of the tobacco. It is true that it is not levied in the form and in the nature of an export tax, but it is as to that man just as much an export tax as if directly laid by act of Congress, for you prohibit a man from selling to the foreign purchaser who may come here unless he is a licensed dealer, or from selling to the home purchaser unless he is a licensed dealer, and you compel him either to become the exporter of his own product in his own name or through the agency of another. I do not even know that he could export it in his own name; but certainly if it is exported in the name of another or through the agency of another, that person must be a licensed dealer, and that is your export tax upon tobacco.

We speak of the fact that France and England and other states across the Atlantic Ocean are large consumers of tobacco raised in the United States, and that that is an immense source of revenue to our people here. If a free market for tobacco across the Atlantic Ocean is required, we have no right to except tobacco raised for exportation by a levy of the tax upon the man who is to take it from the plantation and put it on board ship for exportation abroad into the hands of a man who is licensed under our laws to handle it.

Gentlemen rush forward in their desire to raise revenue regardless of their duty under the Constitution of the United States. They seem to have no regard for anything or anybody except the manufacturers of tobacco, whom they provide for by confining the whole product of the United States in one channel and compelling it to follow that and no other. There never was a more distinctive monopoly created by law in the world than that which is created by the existing laws on the subject of the taxation on tobacco in favor of the manufacturer. It is a clean, pure monopoly, and when we come here and ask that the tax upon it shall be reduced so that the people may have a better chance to realize something for their labor and to have a part of the profit out of this great crop to themselves, one little objection and another is urged here upon the floor of the Senate. It is said that gentlemen would vote for a reduction if it were not for the fact that the man who produces the tobacco has the right to sell $100 worth of it in leaf to the consumers about his cabin in the mountain gorges, or the man who is off in a distant place working lumber for market or raising cotton, corn, wheat, or whatever it may be, distant from all parts of distribution, has the mean, poor privilege of distributing one hundred pounds of it as rations and as supplies to his employés. Senators stand upon ground like that, and argue against a reduction of this tax from 16 cents to 8 cents upon the fancy that they are secure in their apologies for placing what I must be permitted to say is an act of injustice on the people of this country.

Sir, the people of this country are opposed to these internal-revenue taxes, and if it were not for the mischief that whisky is working in this land and has always wrought in it there would be a universal outcry throughout the land for a reduction of the tax upon whisky. That complaint cannot be made against tobacco, for the myriads use it in all the nations of the earth. There is no nation so polite and yet none so barbarous as that they do not use this production of the earth, and it is a very much mooted question now among the greatest authors in medicine whether it is not one of the most healthful of the agencies which have been employed by man.

I have regretted very much that the amendment of the Senator from Virginia has received so cold a welcome from the other side of the Chamber. The Committee on Finance took a bill which was confined exclusively to the reduction of internal revenue as it came from the House and they took the liberty of incorporating two features upon it. One was the reduction of 25 per cent. taxation upon sugar; another was the increase of 100 per cent. upon cotton-ties, seeming thereby to single out the productions of a particular part of this country and the articles which are of a peculiar use in a particular part of the country from all the vast grist of customs duties imposed by law, and to devote their talents and energies and attention to the raising of the tariff upon one and a reduction upon the other. After the Committee on Finance have come in here with that proposition upon a bill sent to us by the House of Representatives, and have originated every feature of the bill that relates to customs duties, they surely do not expect Senators on their own side or on this to refrain from offering such amendments to the bill as in their judgment would affect the revenues of the country and also benefit the people.

The Committee on Finance have no right to expect to choke down

men who come here for the purpose of giving relief to the great masses in this country, when they themselves, for purposes of their own, possibly only for party purposes, venture a reformation of the tariff of the country in two particulars which cut exclusively against a certain section of the country. Then when a Senator from the same section rises and proposes to give further relief to the people of his own country, he a Southern Senator, the objection and complaint is made that the bill is being so overloaded with amendments that the fathers and friends of it are about to abandon it to its fate. I prognosticated when the bill came in that it would be abandoned by the Senators who brought it here. I foresaw that whenever any material amendment was put on the bill for the relief of the country those gentlemen who have framed it according to their own views and for their own purposes would unquestionably abandon it.

I am getting to be the friend of this bill. If the bill is modified somewhat more, so that the people of the United States who are engaged in its actual industries, in its profitable industries, in its beneficial industries, shall receive some of the advantage of it, I shall get my consent to vote for it with a great deal of pleasure.

The Senator from Virginia must recollect that when he comes in here as a readjuster, as he announced himself when he first arrived on the floor of the Senate, the party he is acting with intends to permit only that readjustment which is a political readjustment not material readjustment. We are in favor of a readjustment of the tariff here to-day, and I am heartily in accord with the Senator from Virginia in his attempt to readjust the tax upon tobacco, for although my State is not a large tobacco-producing State, still it has a large interest in the consumption of tobacco, and it also produces a reasonable amount of it. This is a species of readjustment that I am in favor of, and I regret to see that when the great readjuster from Virginia has taken his seat on that side of the Chamber he cannot persuade his colleagues to do anything else but to readjust the politics of the country. Let us readjust the tariff; let us readjust the internal revenue of the country; and we shall thereby gain some benefit to the people of this land, to say the least of it.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on agreeing to the amendment of the Senator from Virginia, [Mr. MAHONE,] on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I wish to state that the Senator from Virginia [Mr. JOHNSTON] has been called to Richmond to attend to some important private business, and he requested me to pair with him before he left. I did so. I am paired with the Senator from Virginia.

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HILL, of Colorado, (when nis name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

Mr. SLATER, (when his name was called.) I am paired on these questions with the Senator from Connecticut, [Mr. PLATT.] But as I understand that on this question he would vote "nay," I shall vote. I vote "nay."

The roll-call having been concluded, the result was announced—yeas 18, nays 38; as follows:

YEAS—18.

Beck,	Farley,	Morgan,	Voorhees,
Brown,	Grover,	Pugh,	Walker,
Butler,	Jonas,	Ransom,	Williams.
Call,	Kellogg,	Vance,	
Cameron of Pa.,	Mahone,	Vest,	

NAYS—38.

Aldrich,	Dawes,	Jackson,	Plumb,
Allison,	Ferry,	Jones of Florida,	Rollins,
Anthony,	Frye,	Logan,	Saulsbury,
Bayard,	George,	McDill,	Sawyer,
Blair,	Hale,	McMillan,	Sherman,
Camden,	Hampton,	Maxey,	Slater,
Chilcott,	Harris,	Miller of Cal.,	Van Wyck,
Coke,	Hawley,	Mitchell,	Windom.
Conger,	Hoar,	Morrill,	
Davis of Illinois,	Ingalls,	Pendleton,	

ABSENT—20.

Cameron of Wis.,	Garland,	Hill of Georgia,	McPherson,
Cockrell,	Gorman,	Johnston,	Miller of N. Y.,
Davis of W. Va.,	Groome,	Jones of Nevada,	Platt,
Edmunds,	Harrison,	Lamar,	Saunders,
Fair,	Hill of Colorado,	Lapham,	Sewell.

So the amendment was rejected.

Mr. RANSOM. I was not in the Senate when either the name of the Senator now presiding or that of the Senator from Virginia [Mr. JOHNSTON] was called. I should have stated that those Senators are paired. The Senator from Virginia would have voted "yea" on the amendment which has just been passed upon.

The PRESIDING OFFICER. The Senator who now occupies the chair announced the pair. The next amendment of the Committee on Finance will be announced.

The ACTING SECRETARY. After the word "thousand," in line 10, section 3, the Committee on Finance report to strike out the following proviso:

Provided, That on all original unbroken packages of checks, matches, cigars, cheroots, and cigarettes held by manufacturers or dealers on the passage of this act, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the reduction. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

Mr. MORRILL. I ask for the yeas and nays on the amendment.

Mr. MAHONE. I wish to offer an amendment to the amendment.

Mr. LOGAN. As I understand, the rebate is in reference to taxation on all these articles.

Mr. HARRIS. Had we not better have the amendment of the Senator from Virginia read before the Senator from Illinois proceeds?

The PRESIDING OFFICER. The amendment of the Senator from Virginia [Mr. MAHONE] will be reported.

The ACTING SECRETARY. It is proposed to substitute for so much of section 3 as is proposed to be stricken out by the Committee on Finance the following:

Provided, That on all original and unbroken factory packages of such articles, including smoking and manufactured tobacco, held by manufacturers or dealers at the time such reduction shall go into effect upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the reduction: *Provided*, The same shall not apply in any case where the claim has not been ascertained or presented within thirty days following the date of the reduction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia to the amendment of the committee.

Mr. MORRILL. Mr. President, a single word. It will be seen that it will be very difficult, if not impossible, that this provision should be inserted without a very large increase of force of the internal revenue. To make this reduction not only upon the manufacturers but upon the dealers throughout this country would involve an endless amount of work.

Mr. LOGAN. Mr. President——

Mr. BUTLER. Before the Senator from Illinois proceeds, I should like to have read a telegram from Charleston on this subject.

The Acting Secretary read as follows:

CHARLESTON, *July* 7, 1882.

Senators HAMPTON and BUTLER:

Make all efforts to retain rebate clause in revenue bill.

MANTONE & CO.

Mr. LOGAN. I desire to make an inquiry of the Senator from Vermont. He says this rebate will cause a large increase in the force of the Internal Revenue Department. I should like to have him explain in what way it would require an increase of the force.

Mr. MORRILL. This rebate would be allowed to all the dealers throughout the country, and of course there should be some inspection of the amount on hand. It is what has never been done even when we made a reduction twice as large. When we reduced the tax from 24 cents to 16 cents it only had from March to May to go into operation, and there never was any complaint about that. By nearly all who are interested in this bill it has been represented that if we only give sufficient time, so that the dealers can sell what they have on hand, there will be no necessity for any rebate.

Mr. LOGAN. I do not wish to detain the Senate in order to discuss this proposition, but merely suggest that I cannot understand why an increase in the force of the Internal-Revenue Department would be necessary for the purpose of ascertaining the amount of the tax paid. According to the argument which has been made here by different Senators on the part of the Committee on Finance, and the debate has shown that these tobaccos were traced all the time, and the objection was made to one of the amendments proposed to the bill, which I think was very improper, that it would be impossible to trace that character to tobacco, and hence fraud might be perpetrated.

Mr. MORRILL. You cannot trace it after it has been stamped and sold.

Mr. LOGAN. It is not stamped and sold. It is where the tobacco is in the hands of a manufacturer, where the tax has been paid, that the rebate is to apply. Hence all of this character of tobacco is traceable and does not require special agents or any increase of force in the Department. All the tobacco within a division or district is traceable by the collector of internal revenue. His books are kept in such a way, as I understand, as to trace all the tobacco, and his report is made here to the Commissioner of Internal Revenue in reference to every package, with the number, so that there is no difficulty whatever in tracing it so far as ascertaining the amount of taxation.

Mr. MORRILL. The Senator from Illinois has not noticed the amendment proposed by the Senator from Virginia, which not only includes manufacturers but all dealers. That is a very different thing.

Mr. LOGAN. Whether manufacturers and dealers in manufactured tobacco, where the dealer paid the tax, I cannot see why that tobacco is not traceable just as well as it would be in the hands of the manufacturer. The Senator laughs. Now, let me see whether I am correct or not. If all dealers are required to make a report just the same as the manufacturer is, and that report is made to the collector as to the amount of tax paid, and that is reported to the Commissioner, I should like to know what the trouble would be in tracing that tobacco.

I cannot understand that there is any difficulty about it at all. It seems to me that there is none, and I am in favor of this proposition of the Senator from Virginia, which provides for a rebate on tobacco

and articles of this kind. I think the proposition of the House goes too far. This is a modification of that, as I understand it, leaving out checks, &c., and I am for that amendment. I think it is right.

Mr. SHERMAN. Mr. President, the proposition for a rebate is always extremely plausible, and upon the basis of the bill as it passed the House it was right. The bill as it passed the House was to take effect immediately in regard to all these taxes, and in that case it would seem to be just and right. It would be a surprise to any dealer or manufacturer, a manufacturer especially, to require him to make a sudden change in his taxes and not refund him the money he had paid. For instance, take a manufacturer who had bought stamps and applied those stamps to packages, if the repeal should be effected immediately he could not sell those packages, although the mere effect of repeal was to reduce the value of the stamped article. That would be an act of injustice. However, to avoid that injustice, in our revenue laws heretofore we have put their taking effect forward to a time when it was believed that all the stock on hand would be consumed or sold. That is the principle of the bill as reported by the Senate committee. The bill as it passed the House took effect immediately. The first line read, "That from and after the passage of this act, except as hereinafter provided." The Senate Finance Committee, however, have changed that, and the Senate have agreed to their amendment, so that all these taxes take effect in the future.

Mr. LOGAN. On the 1st of October.

Mr. SHERMAN. Some of them on the 1st of January. The reduced tobacco tax, for instance, takes effect on the 1st of January by the amendment of the Senator from Kentucky, [Mr. BECK.] It has always been the custom to allow a reasonable time within which the stock on hand may be absorbed, so as to make it easy to adopt the new system and prepare for a new demand at the end of a fixed period. That has been done in this case, and to the satisfaction of dealers. Therefore it was that the provision for a rebate was stricken out, and it was done at the recommendation of the Commissioner of Internal Revenue. I call the attention of the Senator from Illinois to the letter of the Acting Commissioner. I will read it:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, July 1, 1882.

SIR: I have the honor to suggest for your consideration that the inclosed bill (H. R. No. 5538) "to reduce internal-revenue taxation," which passed the House of Representatives on the 27th ultimo, and is now before the Finance Committee of the Senate, be amended as follows:

Strike out the proviso to section 3 of said bill and insert, before the words "the tax on matches," in line 17 of section 1 of the bill, the words, "and on and after the 1st day of January next;" and after the words "Revised Statutes," in line 20 of said section 1, insert the following words: "Provided that no drawback shall be allowed upon articles embraced in said schedule that shall be exported on or after that date." Also strike out, after the words "consumption or," in line 2 of section 3, the word "use," and insert in lieu thereof the words, "sale, on and after the 1st day of January next."

It has not been customary heretofore in acts for the repeal or reduction of internal-revenue taxes to provide for the refunding of taxes already paid. A notable instance of this is in the case of the reduction by act of March 1, 1879, of the tax on tobacco from 24 cents to 16 cents per pound, which act made no provision for refunding, but deferred the taking effect of the reduction until the 1st day of May following, and under such provision the trade was fully prepared therefor. There is no necessity for the provision in the proviso to section 3 for the refunding of the tax to manufacturers, even if the stamps in their hands are placed on goods not removed from the factory, as section 3426 United States Revised Statutes amply provides for the redemption of all stamps unused or unnecessarily used.

The great objection to the provisions of said proviso to section 3 is that it would involve the Government in a very large expenditure for additional clerks to examine and deputy collectors to investigate the hundreds of thousands of small refunding claims—most of them for a less amount than it would cost the Government to adjust them—which would be presented by cigar dealers who have on hand one or more unbroken boxes of cigars, and by other dealers who may have a few boxes of matches. Further, it would open the door to a mass of fraudulent claims that would be difficult to detect.

The postponement of the time of taking effect of the reduction of the tax on cigars and cigarettes until the 1st of January next will give this office the needed time in which to dispose of the present stock of stamps, to prepare the new stamps to be used after the reduction and to duly provide for the accountability of the collectors in all the districts of the country, however remote, as to stamps in their hands at the date of the taking effect of the reduction, the values of which are thereby changed to but two-thirds of their value at which they were issued and charged to such collectors.

I have now to ask that if you agree with me in the views herein expressed, you will cause this letter, or the substance thereof, to be communicated to the Committee on Finance of the Senate, with the request that I be given an apportunity to appear before the committee before definitive action upon the bill, and explain with greater detail than is practicable in this letter my reasons for the amendments herein suggested.

Very respectfully,

H. C. ROGERS,
Acting Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

Now, Mr. President, the number of claims can be illustrated by the number of dealers in tobacco alone. There are about 400,000 dealers in tobacco. Every one of these dealers may have one or more boxes of cigars or packages of manufactured tobacco. If the law should take effect immediately and each of these 400,000 persons should make claim, as they all would, it would be impossible to detect any fraud; you would have to take the statement of the dealer, for it would be impossible to send agents around to examine and identify and count the number of boxes or packages. So in the case of match-stamps, which are distributed all over the country; it would be impossible to test the claims that might be presented for the return of the tax paid on matches. Therefore it was that the great manufacturers of matches came to the committee and said that there would be no trouble at all if you would allow them two months' time, because the stock on hand would be absorbed and they could provide beforehand for the new unstamped matches and distribute them so that there would be no difficulty and no reclamation. They said they would not ask any reclamation if they had a reasonable time, and the Committee on Finance have in every case given the parties a reasonable time such as they wanted.

In regard to tobacco, which was first put off a little longer, the Senator from Kentucky in his amendment proposed the 1st of January, which is ample time to absorb all the stock on hand.

Mr. LOGAN. October is the time fixed for cigars.

Mr. SHERMAN. I know, and that is sufficient time, because cigars are more rapidly sold; but if the Senator thinks that is a mistake, he can move to put it at November or January; but the experience of the Department is that two months is ample to absorb the stock on hand.

Mr. LOGAN. The amendment in reference to tobacco gives till the 1st of January?

Mr. SHERMAN. Yes, sir.

Mr. LOGAN. And the amendment in regard to cigars and cigarettes is the 1st of October.

Mr. SHERMAN. But all the trade have adapted themselves to this supposing it would pass in this shape. We have not heard a word of complaint from any of the dealers in cigars, and they are multitudinous as we know, in regard to the time of the act taking effect. The reduction is only one-fifth of a cent, and they probably will get rid of all their stock and will not feel it. At any rate it is not worth while to open the door.

Mr. MILLER, of California. But does putting off the time of the act taking effect relieve the dealers who are remote from the place of manufacture? They are obliged to keep a stock on hand. Take for example the dealers on the Pacific coast. They are obliged to keep two months' stock on hand. Being 3,000 miles away from the place of manufacture of these articles, they cannot sell out all their stock and have none on hand at the time the act goes into effect, because it would stop their business for at least thirty days, because it would take thirty days to get a new stock from the manufacturers. It would really take longer than that, perhaps sixty days. It does not relieve them any by putting the time off.

Mr. ALLISON. They would have thirty days more to sell the stamped goods.

Mr. MILLER, of California. But they cannot buy the new stock, which pays the lesser tax.

Mr. SHERMAN. Oh, yes; they can buy immediately. We have provided in this bill that after the 15th of August they may manufacture the new stock; but I am not tenacious about that. The committee fixed the 1st of October because that was the general opinion of the trade; but if the Senator from California thinks they would not have notice in San Francisco or other places on the Pacific coast in October, the proper motion would be to fix it on the 1st of January.

Mr. MILLER, of California. I do not make the point that they would not have notice by October. The point I make is that it does not make any difference to them, but if there is a clause which permits the manufacturer to manufacture and stamp the goods at the reduced rate before October comes——

Mr. SHERMAN. I think that only relates to matches.

Mr. MILLER, of California. It ought to relate to cigars.

Mr. SHERMAN. There is no trouble, because the very moment the law takes effect they may get the new stamps as soon as they can get them.

Mr. MILLER, of California. But it is the manufacturer who stamps.

Mr. SHERMAN. The manufacturer may stamp with the new stamp, but he cannot sell until the 1st of October.

Mr. MILLER, of California. Now, see the condition in which the dealer in San Francisco is placed. He cannot buy any of the new stock until the 1st of October at the place of manufacture, say in New York. It will take thirty days to get that stock out to San Francisco. During those thirty days he has no stock on hand except the old stock.

Mr. ALLISON. But he, of course, continues to sell the old stock for thirty days. Of course if the stamped article cannot get to San Francisco for thirty days he is perfectly protected for those thirty days in selling his stamped article. There is not the slightest trouble about that. It is a perfect machine; it works whether it be one, two, three, or twenty or thirty days. If consumers want the article they will continue to buy from day to day.

Mr. MILLER, of California. It may be so, as between him and other dealers, but as between him and the Government, the Government is taking something off him which it does not receive from other people.

Mr. ALLISON. The statement is a plausible one, but has no force. A little dealer will buy to supply his customers of the stamped tobacco or whatever until he can get the reduced stamp tobacco, and the customer must do without smoking or chewing for a month unless he pays the additional price. There is not the slightest trouble about it in practice.

Mr. MAHONE. Mr. President, I do not think the Senate can fail

to observe that the change in the tax proposed by the amendment is but a becoming act of justice to all the tobacco interests, for it affects all. It is urged on the part of gentlemen that it is difficult to execute the law, that it will be troublesome to the Government to ascertain what amount of rebate is due to the dealers in tobacco. Why, sir, we must not forget that it is troublesome, it is difficult, and it is expensive to administer justice everywhere, even in our courts, and yet they are essential. Now, what is all this revenue establishment for? Why will not the existing agents of the Revenue Department of the Government be ample and sufficient to ascertain what is justly due these dealers in tobacco who are found with unbroken tax-paid packages when this law goes into effect? What is the difficulty? I undertake to say——

Mr. SHERMAN. Will my friend allow me to say that on reading his amendment I see that there will be no practical difficulty. I see that he deals only with manufactured tobacco. There is no difficulty at all about the manufactured tobacco, because it can be exported under existing law and the exporter has a refund of the duties.

Mr. MAHONE. The amendment which I propose applies to all the articles embraced in the third section, cigars and cigarettes, and also to the amendment adopted by the Senate, offered by the Senator from Kentucky, in respect to smoking and manufactured tobacco and snuff.

Mr. SHERMAN. I say, in respect to all these classes of articles, tobacco and the various manufactures of tobacco, if the dealer has it on hand he may export it at any time and get a refund for it.

Mr. MAHONE. Now, I ask what is the difficulty in carrying out this provision? It is not sufficient to say that it will be troublesome to the Government or that it will be expensive. You can make no such answer as that to a just demand; but I ask what is the difficulty? You have your revenue system not only comprehending grand divisions of the State but all manner of subdivisions—subdivisions of such magnitude as to territory as will enable the revenue officer to see all the dealers in tobacco as often as it may be necessary to enforce the law and to see that the law is respected. These agents of the Government are required at certain periods during the year to take verified inventories of all the tobacco held in stock. Now, I want to know why this cannot be done under this provision? I undertake to say that the Revenue Department of this Government will not deny that their existing agents can within thirty days visit every factory and every dealer and there verify the inventory of the tobacco on hand, tax-paid, at the time your law goes into effect.

Where, then, is the difficulty? Where is the expense? I cannot understand. Then, Mr. President, the Senator from Ohio has told us that no one comes here asking for a reduction in the rate of taxation on tobacco. Well, sir, if that be true it is because the people engaged in the culture of tobacco have had no opportunity to express themselves through any organized body to the Senate; but there is no Senator here who represents a tobacco-growing district in this country that will undertake to deny, so far as his constituents are concerned, that they are anxious for a reduction of the tax. But, sir, I would ask the Senator from Ohio, I would ask other gentlemen here, to tell me where there is a tobacco-manufacturing establishment, whether of chewing-tobacco, smoking-tobacco, snuff, or of cigars or of cigarettes, that has not emphasized their great concern and desire for the principle of this rebate as essential to the protection of their just and proper interest, and as essential to protect the proper interest of the growers of tobacco, because as the one is affected the other sympathizes.

Now, sir, how has this operated in the past? When the tax was reduced, in 1879, from 24 cents to 16, who has forgotten the disaster which was brought on the tobacco interest throughout the country, how many failures there were, how many men were pushed into bankruptcy by reason of the sudden and extraordinary reduction in the rate of the taxation, and against which, as to those holding tax-paid tobacco, there was no rebate? There was no measure of relief. What effect had it upon the revenue? I will mention but a single instance. One town in the State of North Carolina had regularly paid an average tax to the Government ranging from $160,000 to $170,000 per month; and it fell to $20,000 in 1879, under the influence of the discussion, the agitation, and the apprehension that there would be a stoppage of their business.

Immediately after the question was settled by Congress the revenue resumed its flow; immediately it returned to $170,000 from that single town in the State of North Carolina. I say now that there come here to this Chamber from Cincinnati, from the Pacific coast, from all the South, from the North, from all the dealers and manufacturers in this article, appeals that, whatever is done, you make this provision so that this business may go on without that interruption to which it has been heretofore subjected by the agitation, and by the discussion of this subject creating a depression in the trade and market value of this staple, which must continue so long as the question is open to discussion; and discussion, agitation, will continue so long as the tax prevails. Now, then, this interest pleads for justice in this, that whenever you shall change the tax you shall provide that on all tax-paid unbroken packages the difference shall be refunded.

Mr. President, what are the proper relations of the manufacturer and the dealer with the Government? Practically he is constituted its agent to collect this tax, for the whole theory of the tax is that the consumer shall pay it, that he who takes one pound shall pay 16 cents to the Government; but in order to make the mode of collecting the revenue easy and certain the Government chooses to constitute every manufacturer and every dealer in tobacco an agent, requiring him to give bond and sufficient security for an honest collection of the revenue, and he is required to pay this tax in advance. He not only becomes the guarantor but he has to advance the money. Now, I ask if it is just that your agent who has already advanced 16 cents a pound on tobacco, when you change your law and make it 12, or any lower rate, shall be required to suffer the loss between the 16 cents and the lower rate? That is practically the result. It is not honest.

Gentlemen say that you will accommodate this difficulty by fixing the time ahead when the new tax shall go into operation. That is not true; it cannot be true. If the declaration be true, you must suppose that every manufacturer in the United States is to stop now the manufacture of tobacco, to put his house in order when the new tax is to go into effect, or that he is to so measure the exact quantity of demand in order that he shall not be left on the day when the new tax goes into effect with any stock on hand on which he has paid the 16 cents.

It is no answer, I submit, to say that it is difficult, troublesome, or expensive to carry out this provision. If you desire that this business shall go on uninterruptedly, that the production and manufacture of this staple shall proceed, say to them by this provision that they shall be dealt fairly and equitably by; in a word, that on the day when this new tax goes into effect they shall be able to sell their tobacco, on which the higher tax has been paid, at the same rate as the man who comes in the day after and pays the new rate of taxation.

Mr. VANCE. I should like to ask the Senator from Virginia if his amendment, applying as it does to section 3, would include the reduction of the tax on tobacco generally which was adopted in section 1 by the Senate?

Mr. MAHONE. Yes, sir; I have amended it to cover that case.

Mr. VANCE. I was not aware that it had been so modified. If it has been so modified, I shall vote for the amendment of the Senator from Virginia with great pleasure. I think it nothing but a proposition of fair and even justice that when dealers in tobacco, or in any other article for that matter, have laid in a large supply for the purpose of supplying the trade, and Congress unexpectedly reduces or abolishes the tax, that they should not be made to suffer, but that the Government should compensate them for any loss that they might sustain in the stock on which they had paid the full amount of the original tax. It would not only put them to great loss in their actual outlay for stock, but it would put them at a great disadvantage with all other dealers who had not laid in any stock, and I therefore hope the Senate will concur in this amendment.

Mr. MAHONE. In answer to the Senator from North Carolina, I will state that the amendment I have proposed to the third section as it originally stood would have comprehended the subject of manufactured tobacco and snuff and smoking tobacco, looking to the adoption of the 8 cents reduction which I intended to bring in on the tenth line; but that amendment of mine failing, I have accommodated the proposed amendment by inserting smoking and manufactured tobacco and snuff, which are the three articles enumerated in the amendment adopted in connection with the first section.

Mr. DAWES. Mr. President, I hope the amendment will prevail. I have heard no good reason why it should not prevail. I think it is conceded by all that it should be taken as an abstract proposition that from and after the day that this law takes effect all tobacco should have a uniform rate of taxation, and that tobacco which necessarily comes into the market from and after that day should not bear two rates. Every discussion of this question here, like that upon the reduction of the tax upon whisky, necessarily has had a very depressing effect upon the business. The uncertainty whether the tax in the future will be one thing or another compels men to live from hand to mouth, and to have no more on hand than is absolutely necessary. The same is true when a reduction in the future is fixed. No man will have on hand as he approaches that day any more than is absolutely necessary for him to carry on his business if, notwithstanding the reduction takes place on that day, the tobacco that he has on hand will be obliged to pay a higher rate. The consequence is that this depression is to continue till October, till January, or till April. It were better far for all dealers in tobacco for it to take effect immediately without rebate than to take effect at any time in the future unless they can have a rebate.

Nobody will say, except the Senator from Iowa, that it is fair to make a man after the 1st day of January pay 16 cents a pound on tobacco which he had on the 31st day of December, when the tobacco which entered into the market on the 1st day of January pays only 12 cents.

The Commissioner of Internal Revenue objects to this on two grounds. One is a ground which I hear every day, that it will make a great deal of trouble in the Internal-Revenue Bureau. I have heard opposition to reform in legislation based on the fact that it would compel us to open a new entry in a book in a Department. That was charged upon the consolidation of the agencies of the In-

dian Bureau. There has been for twenty years an account kept in the Interior Department for the collection, gathering together, and subsistence of Indians in particular localities, when the Indians all have been gathered for thirty-five years; and when it was proposed this year to strike that part out, it would not do because it would cause a great deal of trouble in the Interior Department to open a new account. And now the Commissioner of Internal Revenue says this will cause trouble; it will take he does not know how many clerks to do this business. That shows that the effect is general, that it affects a great many people. If there would be a great many applications for this drawback, that is an argument in favor of the redress it gives to a great many people. If it was only a hardship which was incidental and touching an individual, it might be that it must be regarded as one of those hardships that must be borne in the amendment of laws; but this is a universal one, according to the Commissioner of Internal Revenue, as the Senator from Ohio has stated his views.

Another objection which the Senator from Ohio has urged from the Commissioner is that he thinks there will be fraud, that there will be fraudulent claims. I am sure there will be; I have known of no remedial statute of this kind since I have been here that some wicked man did not think he would try to take advantage of; but I never knew before that that was a good reason for depriving all honest men of redress because some rascal or three or four rascals or a great many rascals would seek to take advantage of it and there would not be sagacity enough in the Department to detect it. That is a good argument against bank bills or Treasury notes, because time out of mind they have been counterfeited and the counterfeits have been passed off on the public by rascals. We must do the best we can to sift out the rascals and put our hands on them, and if I were the head of the Internal-Revenue Bureau I would cry *peccavi* and would not make any more such statements.

But the Senator from Iowa has the best way of getting over this. He says it is a hardship to make a man pay 16 cents tax on the 1st day of January on his tobacco that his neighbor has to pay only 12 cents on; but he says if his neighbor lives a good way off and cannot get into the same market with him he can put it off on his customer; and he says in the San Francisco case the dealers there will have an advantage of thirty days to do it in. My friend from Iowa does not mean that. That is not any fair answer, because my poor constituents cannot do that and all the rest who do not live on the Pacific coast cannot do it; and if they could do it would it be right? It does not alter the question, and it does not alter the justice of the thing when you change it off from one man to another man. It does not alter the fact that you get it off on the customer. It is wrong that after the 1st day of January unconsumed tobacco should be any more taxed because it was manufactured before than because it was manufactured after the 1st of January. That is the thing.

I see from the Commissioner's letter but two difficulties. One is a matter of bookkeeping and the other is a matter that he is afraid some people will deceive him. Are they objections? The other that my friend from Iowa suggests, which is a matter that I do not think he can seriously urge, is that the dealer will get it off his shoulders. The dealers off at a distance may have very immense quantities, as the Senator from California said, on hand tax paid. The dealers must if this rebate is refused stop having any on hand and keep only just enough to meet the demand from day to day; and so they must all over the country, and thus trade comes to a standstill.

But what is the difference between this case and when we took the stamp tax off legal instruments? We provide that anybody who had the stamps on hand could have them redeemed at the Treasury Department, and so whenever we have abolished taxes from time to time and year to year my friend from Iowa has co-operated with me in provisions which are in essence this rebate. We have provided that those who had invested in taxable property had paid a tax for the use of the Government upon articles not used until after a reduction in the tax should have a rebate. It is easier, I know, to take a stamp to the Internal-Revenue Bureau and have it redeemed, but the principle was precisely the same.

If our Finance Committee would trust itself to methods instead of coming here in this way with a refusal, absolutely saying it cannot accomplish this end, I think it would do the trade and business of the country great service and do no wrong to the Government.

Mr. RANSOM. Mr. President, I have been absent from the Senate the principal part of the day upon a committee of conference and am not perhaps as well prepared to speak upon this question as I should be, but I will ask the attention of the Senate for a few moments, because, in my judgment, this is a question of very great interest and very great importance to a very large class of people of this country.

I hope that the Senate this morning will remember that certainly for the last ten years this tobacco tax has been a question of constant agitation before Congress. There has scarcely been a session of the two Houses of Congress in which this question has not been disturbed. I do not think the statement can be disputed that in the last ten years this subject has been more agitated and that more changes have taken place and more have been attempted on this tax than upon any other or all other subjects of taxation together. Certainly at every Congress, and I think more than once at different sessions of the same Congress, this tax has been changed or threatened to be changed. At one time it was reduced from 32 cents to 24 cents; at another time to 20 cents, and at another to 16 cents. And once it was changed from 20 cents back to 24. The tobacco manufacturers have constantly during the last ten years been subject to uncertainty and fluctuation and suspense brought about by the action of Congress.

I submit to the Senate if this system of vicissitude in your laws of taxation can be right toward the manufacturer or toward the people? No business can flourish under such a system of legislation. I do not mention it as a partisan, but we all know the fact that last winter a declaration equivalent to an official announcement went forth from Washington that this tax should not be disturbed. I allude to the fact only to illustrate the constant change under which these manufacturers have had to labor. They have been the victims constantly of this repeated change of legislation by Congress.

Some Senator has said that the manufacturer made money by the change. That suggestion has only to be mentioned for every one to see its error. Each time that these changes have taken place the tobacco trade has been paralyzed, the market has been suspended, and hundreds and thousands of people, manufacturers, laborers, and traders have suffered not only inconvenience but absolute loss, real privation, by the act of the Government.

The tax should be reduced as it has already been reduced. And I regret that the amendment still further reducing the tax to 8 cents was not adopted by the Senate; but justice should be done to the manufacturer by an honest rebate.

What will be the effect of this reduction? The act is to take effect, I believe, on the 1st of January, 1883. I understood the Senator from Ohio to say it would take effect in October of this year, but the bill reads—I have consulted the Secretary—the 1st of January, 1883. What will be the result? Every tobacco manufacturer will be deterred from buying tobacco and manufacturing it for fear that he will have a large stock on hand without purchasers. Every dealer will hesitate to buy from the manufacturer, because he will say, whether he deals in 50 pounds or 1,000 pounds or 5,000 pounds, "I shall be caught on the 1st day of January, 1883, with this overtaxed tobacco in my hands and I shall suffer a loss." The result will be that the tobacco market will be depressed, the business of the tobacco manufacturer will be paralyzed, his laborers will be distressed, and all the co-ordinate branches of trade and business near him will sympathize in that depression, and you will find general stagnation, despondency, perhaps ruin, around all the tobacco markets and manufactories. Agriculture, commerce, all trade will share in the general decline.

Senators may speak lightly on the moment about the 4 cents tax on the tobacco which is left over. It may seem a small matter. Let any Senator apply the principle to his own business and ask himself what effect it would have upon that business on the 1st day of January to suffer a change of 25 per cent. in its value. Mr. President, the net profit of any legitimate business does not exceed generally 6 per cent. That business does well which pays 6 per cent. profit, and when you strike 25 per cent from the gross value of all business what must be the effect upon it and everything related to it?

What wrong will this rebate do? What injury will it inflict? Will Senators at this time of our national life, will Senators, with the light of the world shining upon this young Republic, tell us that upon a question of justice to the American citizen we must stand by and be halted by an argument of convenience or of difficulty? Sir, I know I speak the sentiment of every man in the Republic when I declare that if one citizen of this Republic was deprived of his liberty for an hour in Russia, in Germany, in France, or in England, the people of the country would rise up as one man and send millions of money and millions of lives to vindicate its citizen and its honor.

We would not dream of thinking of the inconvenience, of the difficulty in our way. But you turn around—I speak it in no disrespectful sense, for I have no more appropriate words to use—you turn around and rob your own people because it gives the Treasury Department some inconvenience and some trouble to do them justice. Then you must retire from the line of justice, you must fall back upon convenience and custom and leave the citizen to suffer and be victimized because justice is troublesome or expensive. If the manufacturer makes money by it, as has been suggested, the people suffer by it, because the money is paid by the consumer after all, and if the manufacturer makes somebody must suffer. But I deny that the manufacturer, that anybody in honest occupation can make money by such variations in legislation without any compensation.

Mr. President, I repeat, what harm will the rebate do? Let us look at the great difficulty; let us measure this monster that affrights the Finance Committee of the Senate and the Commissioner of Internal Revenue. Is not every tobacco manufacturer in the Republic well known? Are they not all listed, numbered, located in certain districts and divisions, and are not they constantly and habitually supervised and inspected? Are not the collectors, the tobacco inspectors, the revenue agents familiar with the business that is done by each one of the tobacco dealers and tobacco manufacturers? Does not every dealer in the United States have a license; is not every dealer required to make a certificate of the tobacco which

he has sold; and does not the amendment demand that a certificate of what is on hand must be made in thirty days after the reduction occurs?

I ask you, Senators, if in a case of admitted justice, a case, the right of which no man can dispute, the Government will take money out of the citizens' pockets and not give an equivalent for it, when by its own act the citizens must suffer? I ask you if it is right to weigh a consideration of right, moral and legal right, against the petty inconvenience which the Government may encounter, or the possible loss it will suffer from fraud on the revenue?

Senators may say that this is too small a subject to discuss seriously, but above all other considerations let this country by the side of its love for liberty preserve its sense of justice without a blemish or a doubt.

Mr. President, I feel a deep interest in the tobacco manufacturers of the South, for it is of them that I have special knowledge. I have watched their history with pride and delight. I know that I am right in declaring that no class of our people, that no commercial industry in the land is doing more for the development and improvement of our section of the Union than the tobacco manufacturers. As a rule they are bold, enterprising, intelligent, public-spirited men. They began their business in a time of great trial and with the smallest means. Their only capital was their industry, their courage, and their character.

By these qualities they have established a young trade which penetrates every part of this country and has been extended across the oceans to the eastern continents. Their resources are numbered by thousands, hundreds of thousands and millions, the conquests of their excellence in all the branches of their business. They have given an impulse to Southern manufacturing which has quickened every pursuit and interest in that section, and is an example of the success that will attend every art well followed in the South. In my own State they have already built magnificent trade-houses, founded beautiful and happy villages, established successful markets, and stimulated agriculture, education, and all the arts. And all this without bounty or privilege from the Government, but under the burdens of a most exorbitant and variable tax. Such men and such interests should command equity from the Government. They deserve it. They pay annually $50,000,000 revenue to the Government. They demand only justice. Shall it be said that this great Republic will refuse justice to any man, to any interest upon its soil?

The country possesses the monopoly in fact of the tobacco production of the world, and it is our duty and should be our policy to foster and protect it.

Mr. ALLISON. Mr. President, I am just beginning to understand this tobacco discussion. I listened with great interest to my venerable friend from Kentucky [Mr. WILLIAMS] the other day when he presented to us a pathetic picture of this agricultural production and how it was depressed in every part of our country, and now my friend from North Carolina [Mr. RANSOM] comes and informs us that this tobacco trade is in a splendid condition, that villages and cities are growing up where tobacco grows, and that we are extending our sales of tobacco into other regions and into other countries, that we have a monopoly of the production of tobacco. The Senator from Kentucky the other day, and nearly every Senator who has spoken thus far on the tobacco question, has informed us that this is an agricultural product that we are taxing, and that when we reduce the taxes we are benefiting the tiller of the soil, the man who puts his hand to the plow and prepares day by day this tobacco for sale, that it is a raw product, and that if we reduce the tobacco tax we are dividing the reduction of the tax in its benefits equally or nearly equally between the producer of tobacco and the consumer of tobacco. But there is nothing in this whole argument with reference to the reduction of the tax on tobacco unless it be that it is an agricultural product and that the reduction is to benefit the producer of the raw material.

But what do we find on the heels of that? We find the Senator from Virginia [Mr. MAHONE] coming in with an amendment that proposes to refund to the dealers in tobacco the full amount of the difference in the tax, and yet we have heard as an argument for the reduction of the tobacco tax over and over again that the price of the tobacco will only be reduced by about one-half the amount of the diminution of the tax and that the other half will be made up in the increased cost of the tobacco on the farm, and yet the Senator from Virginia comes in now and insists that we shall vote the benefit to the dealers, who are only going to lose one-half of the loss occasioned by the reduction of the tax, that those dealers shall have the full amount of the reduction of tax at once paid to them, when it is admitted, or else there is no argument at all for the reduction of the tax, that the producer of the tobacco is to receive one-half, or at least a large portion of this benefit.

With that fact given absolutely as a reason why we should reduce the tax upon tobacco, immediately following the statement of it, we are confronted with the amendment of the Senator from Virginia that we shall put into the pockets of the dealers and manufacturers one-half the whole amount of the reduction of the tax—the whole of it the Senator from Illinois [Mr. LOGAN] suggests. Is there anything fair in such a proposition as that, or do Senators who vote for it believe that the price of tobacco will be reduced by an amount equal to the taxation taken off? I pause for a reply from my friend from North Carolina.

Mr. RANSOM. I do not know that I quite comprehended the interrogatory of the Senator.

Mr. ALLISON. I will reiterate it so that the Senator can comprehend it. The proposition adopted was to reduce the tax on manufactured tobacco 4 cents a pound; and now the proposition is made to pay to the man who has already paid 16 cents a pound the difference between 12 and 16, or 4 cents. Do I understand the Senator from North Carolina to say that the price of the tobacco will be reduced 4 cents a pound because of the reduction of the tax? I want an answer to that.

Mr. RANSOM. I think the price of the manufactured article may be reduced to that extent; but here is what I say——

Mr. ALLISON. I want the Senator to give me his judgment whether it will be reduced 4 cents a pound or not.

Mr. RANSOM. If the Senator from Iowa thinks that to-day I am going into a long discussion here as to who pays the tax, whether the producer or the consumer, he is mistaken. I shall not do that.

Mr. ALLISON. I do not ask that.

Mr. RANSOM. I do not presume the Senator asks me to do that; but here is what I say: I say that when a manufacturer or a dealer has paid 16 cents tax to the Government and then the Government reduces that tax 4 cents, down to 12 cents a pound, the man who paid that tax loses 4 cents by that operation, and the Government ought to protect him, and it is immaterial who else may gain or who else may lose. To allow him the 4 cents is an act of simple justice and should be discharged by the Government. Having taken the man's money without an equivalent and changed the law themselves, the Government should put him where he would be if the law had not been changed.

Mr. WILLIAMS. The question is smply this: the 16-cent tobacco comes in competition with the 12-cent tobacco, and unless the man who has paid the higher rate gets a rebate of the 4 cents he is bound to lose.

Mr. ALLISON. Now, I want to put the question to the Senator from Kentucky, is the whole of the 4 cents lost to the dealer who holds the tobacco? In other words, is the reduction of 4 cents in the tax on tobacco equivalent to a reduction in its price?

Mr. WILLIAMS. I think some of it goes to the producer.

Mr. RANSOM. For the first time I now understand the Senator from Iowa.

Mr. ALLISON. I am sorry I did not make myself understood before.

Mr. RANSOM. No doubt it was my fault; I did not mean to intimate that it was the fault of the Senator from Iowa. Now I will answer him. I will take the case of a tobacco dealer who has one hundred pounds of tobacco on hand on the 1st day of January, 1883, on which he has paid 16 cents tax. That day the Government reduces the tax to 12 cents. His neighbor over the street, another dealer, has no tobacco on hand, and he buys one hundred pounds of tobacco at the 12 cents tax. Does not the Senator from Iowa know that the man who holds the one hundred pounds of tobacco on which he has paid 16 cents a pound tax must take four cents off the price to compete with his neighbor who pays only 12 cents tax?

Mr. ALLISON. I thank the Senator from North Carolina for that answer. I did not know the fact he states, and the reason I did not know it was that the Senator from Kentucky and other Senators here have made an argument for the reduction of the tax on tobacco on the ground that it was an agricultural product, and that we must look out for the interest of the agriculturists who were producing tobacco. Now I learn for the first time that the whole amount of this tax is paid by the consumer, that the reduction is no benefit whatever to the agriculturist; and here we have now a proposition to take back the entire amount paid, or the difference between the 16 cents charge and the 12 cents charge, to the dealer. Why? Because the consumer will get the tobacco at a rate 4 cents less, so that the agriculturists of North Carolina and Virginia who are engaged in this laudable business of producing tobacco for the foreign market, which has so grown of late, and for our own consumption, are not benefited one stiver according to the statement of the Senator from North Carolina, and it is only the man who smokes and chews and uses tobacco that is manufactured who gets the benefit of this reduction of the tax.

Mr. RANSOM. I know the Senator from Iowa is seeking for light on this matter, and if he is wrong he wishes to know it.

Mr. ALLISON. I do.

Mr. RANSOM. I think the Senator is satisfied that the dealer will lose 4 cents. He agrees to that. Now, let me show him the effect upon the farmer, the planter. The tobacco manufacturer and the tobacco dealer, seeing this trouble in the near future of a loss of 4 cents on each pound of tobacco, immediately call a halt. The farmer sends his tobacco to market. The manufacturer says, "I do not want to buy any tobacco now; I have all on hand that I want. This new tax goes into effect on the 1st day of January, and I must not increase my stock. I do not want to have a large stock and pay heavy taxes on it. I want to sell what I have." The dealer says to the farmer he will not buy tobacco because he does not know whether he can sell it in time before the new law goes into effect. What is the result? When the farmer sends his tobacco to market there is no demand

for it. French merchants, German merchants, English merchants, seeing that the American demand is depressed, will cut down immediately, lower their prices, and tobacco will fall down low, and the poor farmer has to sell it at what he can get.

Let me tell the Senator from Iowa one fact; almost every Senator here knows the fact; the Senator from Delaware knows it; the Senator from Kentucky knows it, and the Finance Committee know it. Other Senators know it, for it was in the newspapers before. The fear of the reduction of the tax on tobacco produced such a paralysis of the whole trade that the Messrs. Lorillard, of New York, the largest dealers in the country, believing that the tax would not be reduced, sent a written contract to each one of their customers in the United States binding themselves if the changed tax did go into effect to make a rebate of the tax upon their sales, and so great an effect did it have upon the trade that almost every tobacco dealer in this country, as the Senator from Virginia and the Senator from Kentucky and my colleague well know, rose up and tried to resist it, because they said it would give the Lorillards a monopoly of the tobacco trade of the country. With that fact I leave the Senator from Iowa.

Mr. ALLISON. I only wanted to ascertain why it was that we are to give this rebate.

Mr. MAHONE. One minute, if the Senator will allow me. It strikes me that he is presenting one proposition and arguing another. He wants to know what effect on the producer is the payment back of this advanced tax of 4 cents. The payment back of the rebate is not proposed by anybody here to operate on the producer, but the reduction of the tax is a very different question. It can be shown that the reduction of the tax would stimulate the production.

Mr. ALLISON. Very well. Now, I think I understand the Senator from Virginia. He seems to think that we ought to give this rebate because it is an honest thing to do, and that it will have the same effect as suggested by the Senator from North Carolina, and that is the dealer will lose unless we do it; and yet in the same breath he tells us that production will be stimulated so that the profits will not be reduced. That is a sort of logic that I cannot comprehend.

I know perfectly well, and the Senator from North Carolina need not undertake in any roundabout way to tell me the effect of agitation upon the trade of the country. He and other Senators need not tell me that agitation has the effect to paralyze the industries of our country. Every agitation of the tax question affecting great industries has a tendency to do that thing. Do we not all know that by the throwing in here of the sugar question we have practically paralyzed the sugar market for the time being, because in view of our proposition to reduce the duties 25 per cent. men who believe that we mean to accomplish what we propose are not willing to buy sugars pending that proposition unless they can buy with a certainty or something approaching it. So the sugar dealers are gambling today, if I may use that word, as to whether or not we are to be able to pass this bill at this session of Congress, or whether by some system of legerdemain, either in this House or somewhere else, the bill will be finally defeated.

So it is with the tobacco tax. I have no doubt that the tobacco business is this day paralyzed from one end of this country to the other. Why? Because there is a proposition here to reduce the tax 25 per cent., and nobody knows yet whether or not it may not be reduced 50 per cent., or from 16 to 8 cents a pound. That is the thing that is paralyzing this great industrial interest of tobacco, paralyzing whatever may be held by dealers or by manufacturers.

But now we are told that it is an honest thing to pay back the tax that has been received, and that a failure to pay it back is dishonest. I am amazed at some of the suggestions made with reference to that question. I am amazed at my venerable friend from Massachusetts, [Mr. DAWES.] I call him venerable, not for his years, but for his long service in the two Houses of Congress. He has just waked up this moment to the idea that a rebate is an honest thing, and not to give it a dishonest thing. He seems to have forgotten that during the long years that he has served in this House and the other, often at the head of the Ways and Means Committee, changing the taxes, putting money into men's pockets and taking money out of men's pockets, according to this theory, it never occurred to him before that it was an honest thing to give a rebate. We reduced the tax in 1872, when he was chairman of the Committee on Ways and Means, to the uniform rate of 20 cents, when the rate before had been 32 cents.

Mr. DAWES. When did it take effect?

Mr. ALLISON. No matter when it took effect, according to this theory of the Senator. This is proposed to take effect at a time so remote as to enable all the stamped tobacco at 16 cents to be sold; yet the Senator from Massachusetts, when he reduced the rate from 32 cents to 20 cents, never dreamed of the idea of giving a rebate of 12 cents. It was never suggested to him then by anybody that not to do that thing was a dishonesty. I have the statute before me, but I will not take time to see whether that act went into effect immediately or at some future day. I know that in the year 1878, when we reduced the tax from 24 cents to a uniform rate of 16 cents, making a difference of 8 cents in the rate of taxation upon the great body of the tobacco of this country—because the 24 per cent. reduction was on tobacco that entered most largely into consumption, and was the tobacco from which we received the most revenue, the 16-cent tobacco being only smoking-tobacco—when we made that great reduction of 8 cents no proposition was sustained in either House, and I do not remember even that it was made, for a rebate of the 8 cents.

Mr. BAYARD. That is true, but at the same time there was the accompanying fact that the trade, in common with the whole country, had notice that the reduction was about to take place. The House passed the bill for the reduction in the spring and we passed the bill for the reduction in the following spring, and the consequence was that from the natural apprehension of the reduction of duty the stocks were diminished as much as possible. But I want to say this to my friend from Iowa, that that was accompanied with great suffering. I have had scenes described to me in those vast factories, in which the operatives were numbered by thousands, that would make any man with a heart within his breast feel how serious, what a really serious and tragical thing it is to be dealing in this way with great public laws that affect the earnings of so many thousand people.

The result was that, anticipating the decline of the tax which was an accepted fact, delayed, postponed, but certain in the future, the tobacco trade became paralyzed and lessened day by day. First the manufacturers lowered the wages as low in point of scale as they could, then they diminished the days on which men could work and women could work and children—for all of these are concerned in this tobacco manufacture; and I can see to-day the faces of those women and children growing whiter and whiter and thinner and thinner as the period approached at which the reduced rate of duty should take place. It was by such processes that we avoided the question of a rebate of duty.

But I say to my friend, who I am satisfied means to legislate fairly for the people of this country—I am sorry that it makes some gentlemen smile, but it is true and they ought not to smile—that great public laws are pregnant with the most fearful consequences to the people who are affected by them; and I have learned that in my experience of legislation, if I have learned nothing else. You did postpone the reduction of the tax and you prolonged the agony. Now what is your remedy for that? Make your change in taxation immediate, but do grant some relief to those who have paid the tax fully demanded by your law and ask you a rebate for it. I think that is the remedy. I will agree that the question is difficult. We may throw upon the officers of the department of revenue additional trouble in settling these claims; but you must either do one of two things: enable the people who hold stock which has paid the tax to your Government time to work it off, or you must grant them some relief, fairly and equitably, which your laws must provide. I will not say it is not troublesome; I will not say that it will not open the door to fraudulent claims; but I do say that it only throws upon us some of the difficulties and the trouble of providing the machinery to meet this end.

I want that done. I want something done. I think perhaps if you extend the time you paralyze the trade until that time shall arrive; but I do believe that there can be a remedy and there ought to be one. I include myself in those who are called upon to assist in furnishing a remedy, and I will assist as well as I may. But I do say when a man has paid a tax to his government in good faith and the government chooses suddenly to change that tax, there ought to be some relief given to the man who has paid it.

Mr. ALLISON. I agree with the statement made by the Senator from Delaware just now that there is difficulty here, but I submit that the proposed amendment does not meet the difficulty as it ought to be met.

Who will be injured by this proposed change? The Senator from Delaware says he has seen faces growing paler day by day, working in these factories, when the reduction of taxes that took place has been postponed to a future day. I do not see why that should necessarily follow. If these manufacturers are to find a market for their products, they are not obliged to attach their stamps on these products until the manufactured tobacco leaves the bonded warehouse or the manufacturer's warehouse.

The manufacture of tobacco under this system has grown up to be in a sense a monopoly. The manufacture of most of the tobacco in this country is in great hands. The Lorillards have been spoken of. They are great manufacturers. There are great manufacturers in Cincinnati, in Detroit, in Lynchburgh. The effect of a tax upon this article or upon any article has a tendency to require large amounts of capital to conduct the business, and so it has been with tobacco, with whisky, and with matches, as was so well stated the other day. If these people know certainly that on the 1st day of January they are to find a renewed and stimulated market by the reduction of the tax they will go on manufacturing day by day and month by month until that time comes, and I submit to Senators that no serious injury will result if the day of taking effect of the reduced tax is postponed to the 1st of January. If that is not long enough postpone it to another month. The entire tobacco crop of this year will have been manufactured and used up before the 1st of January. The new crop will practically come in under the new and stimulated market, according to the suggestion of the Senator from Kentucky, [Mr. WILLIAMS.] The men who are now growing tobacco, according to his ideas and theories, will receive some of this advantage. I do not believe a word of it.

Now, let us look a little further into the details of this proposition. The amendment of the Senator from Virginia does not apply alone to tobacco, as I understand it. If I am mistaken in that I shall be glad to be corrected. It applies——

Mr. LOGAN. It applies to tobacco and snuff.

Mr. ALLISON. It applies to tobacco in all its forms, and nothing else.

Mr. SHERMAN. Yes, other articles.

Mr. ALLISON. Is it not intended to apply only to tobacco?

Mr. MAHONE. Tobacco, snuff, and cigars.

Mr. ALLISON. Then I trust the Senator from Virginia will modify his amendment so as to make that perfectly clear, because, on reading it I supposed it applied to other articles of manufacture besides tobacco.

Mr. RANSOM. That can be changed.

Mr. ALLISON. I want that made clear that it is only intended to apply to tobacco.

Now, let me see how this will operate in detail. Senators say there is no difficulty in fixing this matter. I submit that there is great difficulty in fixing it. In the first place you must reach not only the manufacturers, for the manufacturers long before the 1st of January will cease to put on the 16-cent stamp. There is nothing in the amendment which has the slightest effect on the manufacturers of tobacco, not even on the manufacturers of cigars. The practical effect of the amendment is to reach only large and small dealers. You are compelled to deal with over 500,000 people, and you are compelled to state an account with each of them, and you are compelled in the main to rely upon those dealers for the integrity with which they make their returns with reference to the packages they have in their hands.

I submit that that will cost not less than from three to five million dollars in money that must be paid out of the Treasury, and you must appropriate that sum if you wish to carry out the provisions of the amendment. I submit again that a great many people will commit frauds because opportunities will be offered, and when opportunity is presented frauds are always committed. Opportunities will be offered to commit large and small frauds with reference to the amount of stamp taxation actually paid. I submit that it is wiser and better to postpone the day of these reduced taxes until such time as that the old stock of 16-cent tobacco can be worked off, and dealers will be readily and quickly supplied with prepared manufactured but not stamped new tobacco till after the 1st day of January.

The Senator from Massachusetts was shocked beyond measure that I should suggest that in California, where it took a stock of cigars or tobacco thirty days to reach there, the dealers there would lose nothing because the tobacco stamped at the new 12-cent rate could not reach there for thirty days, and therefore they would have thirty days longer to work off their old stock on hand than the dealers in Boston or Cincinnati who were living under the shadow of the manufacturers of tobacco.

I believe that it is wise for us as practical legislators to follow the precedents which have existed for these fifteen years with reference to the changing of taxes and tariffs, and to refuse to give rebates with reference to any changes in the taxes. We have never found, at least not to my knowledge, and I have been connected more or less with this legislation for many years, that the system worked serious harm or injury to anybody. I confess that my experience and observation do not teach me that any great hardship has resulted from these changes without giving rebates.

But now, as I am up, I want to say one word further upon this question of the tobacco tax. I am not responsible for bringing it in here. I am not responsible for this agitation of the subject now at the heels of the session. I believe it would have been wise for us to have postponed the consideration of the tobacco tax not only this year but next year until we shall have seen what else will be done with the varied industries of our country and the various taxes that are now imposed, not upon luxuries but upon necessities for the great body of the people. I assert here without fear of successful contradiction that in the whole range of manufactured products there is not a product upon your list of taxes that can so well bear taxation as tobacco. I know of no useful thing that tobacco can be applied to in its manufactured form. It is the most essential luxury there is in this country or in any country to-day, far more so than distilled spirits and alcohol, because the result of an agricultural product also, distilled spirits enter largely into the arts and the manufactures and the industries of our country and other countries; but tobacco the world over is recognized as a pure article of luxury and cannot be utilized for any purpose known to civilized man save and except purposes of luxurious consumption.

Now, what should be the measure of tax upon such an article? I assert here, without fear of successful contradiction, that the measure of that tax should be the largest amount of revenue consistent with honest and faithful collection; and I assert here again, in the face of what I have already heard from the two Senators who have argued this question, that this is an article the tax on which does not affect the producer of the raw material in its price, if the tax only be moderate. It is such an article of luxury as that the whole tax is paid by the consumer. So, whether the tax be 12 cents a pound or 16 cents, if that be a reasonable tax, the consumer pays it all, and I submit the consumer is entitled to pay his reasonable proportion of the necessary revenues of the Government on an article that is not essential in any way to the comfort of a family or a home. It is an article that the consumer pays the tax upon, for, as was stated by the Senator from North Carolina, we have practically a monopoly of its production. Three-fifths and more than three-fifths of all the tobacco produced in this country is consumed abroad; it goes to France, to Spain, and to Italy where it is sold as an absolute monopoly by the governments themselves, and to other countries in large quantities. Therefore the price here is affected by not only the consumption in our own country but the consumption in foreign countries, and I venture the assertion, without fear of successful contradiction, that at 16 cents a pound the tax is not excessive upon the consumer, that all the tobacco that will be consumed in this country at 12 cents a pound will be consumed at 16 cents a pound. Hence the difference is a difference to the Treasury alone upon this article essentially of luxury, and not an article of necessity. So, then, for myself I am opposed at this time to the reduction of the tax on tobacco below 16 cents a pound.

We have heard over and over again in this Chamber that we receive this year from the tax upon tobacco more than we have ever received at any other rate. If that proves anything, it proves that we have at last reached the proper rate of tax to secure the largest consumption of this article of luxury. If we have reached that point, I submit we ought not to change it; and although I have high respect for the judgment of my friend from Delaware on these questions as to the rate of tax, I do not believe that at 12 cents or at 8 cents or at any figure below 16 cents we shall receive the amount of revenue we do at 16 cents per pound.

Senators, if we are to change this rate at all I first want that it shall be put at 12 cents, and then I want every safeguard that is now thrown around the collection of this tax to be maintained on your statute-book, and I want to fix such a time in the future as will enable all the holders of this article having paid 16 cents as dealers to get rid of their stock on hand; and so far as manufacturers are concerned that is a dead letter to them, because long before the 1st day of January they will have filled their manufactories and bonded warehouses with manufactured tobacco upon which they will have placed no stamps at all, so that there will be no need of any legislative provision to secure a rebate for them.

When I rose I intended to occupy but a few moments of time. I regret that I have spoken so long.

Mr. LOGAN. Mr. President, if this debate so far this morning has done nothing more it has certainly developed the fact that those of us who opposed the reduction of the tax on tobacco were nearer correct than our friends who were in favor of it. I was opposed to the reduction of the tax on tobacco for many reasons. I am now in favor of giving a rebate to those people who shall have paid the tax on tobacco at the time this bill shall go into active operation. I am in favor of a rebate of the tax for the reason that if the Government of the United States demands a tax upon any article, it makes no difference of what character that article may be, and then while the manufacturer has that article in possession with the amount of tax paid to the Government and the Government takes it upon itself to reduce the tax while this amount is on hand, it seems to me that it is nothing more than just and honest that the Government should at least give back the amount of money that has been paid for the unsold property, no matter what it may be.

I cannot understand how it is that a government dealing with its citizens can deem it an honest and just transaction to require money to be paid by a party as revenue to the government and then that government shall deprive the party of the benefit of that amount paid and shall refuse to give him the reduction or pay it back. I cannot understand that as an honest way of dealing with a citizen.

In reference to the effect of this rebate of taxation let us examine that for a moment and see whether or not it is as has been stated by Senators on this floor. The Senator from Iowa and the Senator from Vermont say that a rebate applicable to any article subject to taxation is calculated to produce fraud and to increase the number of persons employed by the Government for the purpose of ascertaining the facts in regard to the reduction of taxation. They say it is calculated to produce embarrassment and to give trouble far beyond that which is necessary in the collection of the tax assessed by the Government. I should like to say in answer to that, that it is not a question for the Senate to determine to-day or at any other time what amount of trouble is imposed upon the officers of the Government for the purpose of carrying out or executing a law. That is not the question. The question to be determined is whether or not it is just to do and perform the act. If it is, it is not a question for the Government what amount of trouble will be imposed upon the officers of the Government. Trouble is a thing that is incident to every act the Government performs in reference to the assessment and collection of taxes or revenue. That trouble is incumbent upon the Government; it is a part of the levying, assessing, and collecting of taxes. We should not act to-day, then, by reference to which will be the greater or the less trouble, but what will be the greater justice to the individual after the Government has exercised its right, and exercised finally its right, and allowed the citizen to exercise his right as against the Government in making his application for that which is just to him.

There is one other thing to which I wish to call the attention of the Senate in reference to this question of taxation. My friend from North Carolina [Mr. RANSOM] said great embarrassment was produced when the tax on tobacco was reduced before, great distress in the trade, great confusion, great wrong, bankruptcy in many instances ensued. That is true, and the very same state of things will exist again. I want to say to the Senator from Kentucky that his proposition for a reduction of the tax to 12 cents on the pound of tobacco is a proposition for the benefit of the manufacturer of and dealer in tobacco, and not a proposition for the benefit of the producer or the consumer of tobacco. I have had a telegram from one of the largest manufacturing establishments in my region, stating that this would be no benefit to the consumer of tobacco, and it will be none.

Mr. BECK. Will the Senator allow me, as he has referred to that, to ask if that is the fact, which I deny, can these men not very well afford to go on without rebate? The Senator is in favor of a rebate, and yet he says those who ask for the rebate will get the benefit of the reduction. They may go on without the rebate if they get that much benefit.

Mr. LOGAN. I beg the Senator's pardon. It is not the manufacturer of tobacco; he sells to the merchant, the merchant sells to the retailer. I speak of the sale to the consumer. The consumer does not buy it by the hogshead; he buys it by the plug, by the pound, and so on, and I am speaking of that individual. The manufacturer and the seller of the tobacco will not reduce it. When it comes to the consumer of a pound of tobacco he will not get it one farthing less than he would have received it had you kept the tax at 16 cents on the pound. That is my honest conviction, and it is the judgment of some of the best tobacco dealers and manufacturers in this country. But because it goes into the hands of retail dealers, and they keep the price the same as it was when the manufacturer paid 16 cents tax per pound, that is no reason why the manufacturer should be defrauded of 4 cents a pound by the Government and the Government get the benefit and the other party lose the amount. One act does not justify the other; one reason does not support the other.

My own judgment is that when taxes are levied and when we get to what we understand is the revenue point, that point in reduction where you get the largest amount of revenue so as not to bear too heavily on the consumer, on the producer, or on the manufacturer, the less you disturb the question the greater benefit it is to the people generally. My judgment is that tobacco when reduced to 16 cents came down to the revenue point, and every time you touch it from that on going down lower you derange the sale, the transfer, the business; you derange it all over the country in such a way as to produce commotion in the trade and lead to disaster. I believe that honestly. The Commissioner of Internal Revenue thinks that is true. I understand the Secretary of the Treasury and men who are conversant with the collection of taxes on tobacco and cigars, &c., have satisfied themselves that it is true. If this is so what benefit is the Government to derive, what benefit is the country to derive, from this reduction of 4 cents per pound? I should like to know that.

I can see nothing whatever in this effort on the part of Senators to reduce the tobacco tax 4 cents a pound, except for the purpose of benefiting the dealers in tobacco and at the same time not helping the producer or the consumer.

Mr. BECK. One word and I shall not interrupt the Senator further. Sixteen cents a pound is 200 per cent. on the average value of tobacco, and the Commissioner of Internal Revenue when the tax was 24 cents protested that we should lose $12,000,000 by reducing it to 16 cents. That shows of how little value his opinion is. One hundred per cent. on the value of anything is an uncommonly high tax, quite beyond the revenue point.

Mr. LOGAN. The Senator has stated and restated that I do not know how many times, certainly so often that it will not be forgotten very soon in the Senate. It is a mere question of judgment, not a question of statement, for we have had that frequently over and over again. I do not agree with the Senator. I have not stated my view quite as often and perhaps not so well as he has stated his; but I believe what I say about it.

I do not say that this proposition is merely for the ear of those who produce tobacco in the South. I will not say that; but if it is to encourage them still in believing that their friends are reducing taxation for their benefit, I say to them that it is a delusion; they will not find the benefit that they expect to find from it; they will not in any sense whatever derive the benefit that their friends have told them they would derive from it, and in less than twelve months from this date they will understand that they have not been benefited by this reduction that has been made.

Now, Mr. President, there is one other thing that I rose to say——

Mr. SAULSBURY. Right at that point will the Senator allow me to make an inquiry of him? Does he think that the tax on tobacco, let the tax be what it may, has any effect on production? I understand from his argument that he does not consider that this reduction of the tax on tobacco will affect the producer at all. Now, I ask him whether the tax, let it be what it may, affects the production?

Mr. LOGAN. I was replying to the statements that were made by both Senators from Kentucky when they said it would affect the producer, and the great argument was made by one of the Senators from Kentucky that because he was a tobacco producer himself he knew it would benefit the producer. I do not agree with him. I was restating his proposition, not my own.

Mr. SAULSBURY. The Senator does not agree with them. Then I ask him the question whether the tax imposed on tobacco affects the production of it at all? That is the point that I desire to have the Senator's opinion upon.

Mr. LOGAN. My opinion perhaps would not agree with that of the Senator. I do not see that it would benefit the producer in the least. I do not think it affects the production of tobacco, unless it is made excessive, and I do not see how it can. I know it has been argued that it does, but I do not believe it does unless the tax is onerous. If it is, it may affect the production of tobacco, but it would not in my judgment in any other way.

If there is a reduction of the tax on tobacco, following that will come, as a matter of course, from the friends of the reduction of the tax on tobacco, very soon, I do not know when, a reduction of the tax on something else that seems to be a great product in some of the Southern States, and a product in my State. I want to call the attention of my friends from that part of the country to this proposition: I have heard a great deal said, not particularly in speech from that side of the Chamber, but in other ways, in the newspapers of that portion of the country, about education in the South, and the want of education there. I do not wish to discuss that. God knows education is needed so far as the people generally are concerned. Nobody questions that, nobody doubts it; the statistics show it.

I and many others in my section of the country having my kind of politics have been in favor and are in favor now of giving the surplus revenues of this country to a very great extent for the education of the people, and I have proposed to do it so as not to interfere with the common-school system of the States. I have proposed to do it by turning over to the States themselves, to their people, money to aid their own common-school system under certain restrictions, and those restrictions only were that they should have schools open so many months in each year and that the benefits should apply to every child in the country. Our people to-day and all over the North nearly are in favor of it; but you, gentlemen, by your votes are taking the tax off the very articles that produce the surplus revenue in our country that will accumulate so that we can make a fund for the benefit of those who are illiterate. If this reduction goes on and the taxes are reduced until the amount of revenue realized is all necessary for the machinery of the Government as it now exists without applying any of it in the way I have suggested, the opportunity to aid education is cut off in my judgment. I agree with what has been said by honorable Senators on this side of the Chamber; I would levy a tax on tobacco, whisky, beer, and everything of that sort in order to make a surplus revenue, so that the people of this country might receive the benefit in the way of the education of the children of this land. I have advocated that on this floor. I will advocate it again on this floor, at home and elsewhere, and if honorable Senators deprive us who are willing to aid you in this particular of the facilities for doing it, it is your own fault and not ours.

It always strikes me as a very strange and curious kind of infatuation that seems to seize men that because a certain article is produced in their own part of the country, therefore to satisfy their constituents that they are great statesmen and legislators they must always harangue the country upon the taxes imposed on their particular product. That is not good economy; it is not wise legislation, in my judgment. Products in my country are taxed as well as yours, and it is not well or wise for us to seize upon the product that bears a tax easily, that bears a tax without complaint and without being felt so far as the people are concerned, and reduce the tax on that product, so that there is a necessity to put the same amount of taxation on something else.

I repeat what I said the other day, the very Senators in this Chamber who are crying out against the tariff system of this country are doing the very act that the men who are in favor of the highest protection in this land desire them to do. They are playing into their hands, and they are chuckling over it now that the men who talk about free trade in this country are playing into the hands of the protectionists; and so you are. Every dollar you take off tobacco, every dollar you take off whisky, every dollar you take off beer is playing into the hands of the protectionists of this land. I am a protective-tariff man myself to a certain extent, perhaps not so extreme as some men are, but certainly extreme enough. I say to you now that if I wanted to build a wall around this country so that no product from any other country could come inside of it, I would want to reduce every tax that is levied on articles by the internal-revenue system, so that all the money required to carry on the Government should be collected by a protective tariff, and thereby prevent the products of other countries coming into this land.

Mr. VANCE. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. VANCE. Suppose that all the internal-revenue taxation were

repealed now, where would the Senator from Illinois proceed to create or to raise the revenue that would be lost by cutting off the internal-revenue taxes, and how would he proceed to raise it?

Mr. LOGAN. If I were to give medicine to a sick man I would certainly want to know how to give something else to produce a certain character of action with that medicine without asking somebody else to do it. If the Senator helps to take a tax off now, he is the gentleman to answer that question himself, and not I.

Mr. VANCE. I will say very briefly how I would undertake to do it, if the Senator will allow me.

Mr. LOGAN. Very well.

Mr. VANCE. I would proceed to lower the tariff to a point that would raise the amount of revenue necessary to support the Government. I would not allow the tariff to go to a point that was prohibitory and therefore brought in no revenue.

Mr. LOGAN. I can see exactly how the Senator would do that. If the Senator was in a majority and that majority agreed with him, it would be very easy for him to do that; but inasmuch as he is not, and inasmuch as his own party do not agree with him altogether, and inasmuch as he cannot do the thing that he talks about, he is only producing the result he does not want. When the Senator comes to a reduction of the tariff, he may find some of his own friends disagreeing with him on certain articles that he would want to reduce. He would probably find as much disagreement among his own friends as he would anywhere else.

Mr. VANCE. We should be obliged to do it in order to raise revenue. There would be no difference of opinion on that subject.

Mr. LOGAN. Would there not? If you can convince a high-protective-tariff man of that I should like you to go at it. I do not think you can. I know that it is the old-fashioned Democratic argument that has always been made, but you have failed to convince the people of this country of it, and inasmuch as you have failed heretofore I do not expect you will succeed in the future. You cannot convince this country of any such thing. There are certain things, as far as we on this side are concerned, that we believe should be reduced, for a reason that it is not necessary to give. I did not intend to enter into this discussion, nor do I now, but I only intended to say that the course pursued by Senators who claim that they desire a reduction of the tariff system of taxation, as they call it, is the very course that will not produce the result they profess to desire.

Mr. President, the Senators do not thank me perhaps for any such argument as this to them.

Mr. MORGAN. We are in a minority and cannot help ourselves.

Mr. LOGAN. You cannot help yourselves?

Mr. MORGAN. No.

Mr. LOGAN. I presume, however, that as I state this in good nature to them as my judgment, it is certainly not offensive.

Mr. MORGAN. We will receive the advice, but we cannot help ourselves. We cannot get the Senator's assistance to get us out of trouble.

Mr. LOGAN. My assistance to help you out of what trouble?

Mr. MORGAN. The trouble of making the tariff and internal tax correspond by taking off the tax on tobacco, and making it necessary that the duty should be high on imports.

Mr. LOGAN. I want to say to the Senator that within a few short years his friends have been in the majority in both ends of this Capitol, and I fail to ascertain by examination of the record that they have undertaken to reduce the tariff. I fail to see that they have done that which they suppose now they will accomplish after awhile.

Mr. SHERMAN. They reduced the duty on quinine.

Mr. LOGAN. Oh, yes; I do remember that they did make a reduction in favor of chills and fever. They reduced the tariff on quinine, and immediately it went up higher than it was before. I believe they did accomplish that great feat of statesmanship in regard to the reduction of the revenues of the country, but that is the only one I remember.

I find by reading a newspaper the manner in which they propose to do it, especially over in the State of Ohio, and I want to read it, because I want them to understand it.

Mr. MORGAN. Allow me, before the Senator reads the extract, to say this: perhaps if he had lectured us so vigorously during the time we had control of both Houses as he does now we might have effected something, at least with his assistance.

Mr. LOGAN. I am not lecturing the Senator. The Senator is very much mistaken. I am not doing any such thing. I am only giving my views as to the effect of this; and inasmuch as the Senator from North Carolina and the Senator from Alabama wanted to interrogate me about the tariff, I should like to read a resolution that it may go in the RECORD, to stand there until somebody can explain it, for I cannot, I am sure:

Resolved, That we favor a tariff levied to meet the actual needs of the Government,—

You are for that, I suppose, are you not?—

and so adjusted in its details with a view to equality in the public burdens as to encourage productive industries and afford labor a just compensation without creating monopolies.

I merely want that to go on the record and stand there until somebody can explain it.

Mr. ALLISON. What is that?

Mr. LOGAN. That is the tariff resolution of the recent Ohio Democratic convention which met at Columbus last week. I have no doubt that it can be explained, but I want it to go on record as a Democratic statement of the condition of the party on the subject of the tariff and on the subject of protection and on the subject of monopolies, and to say to my friend from North Carolina that the Ohio Democracy are in favor of a tariff sufficient for the necessities of the Government; in other words, they are in favor of all the revenue that is raised being raised by a tariff. That is what it means. They are in favor of wiping out all the internal taxes and making the necessities of the Government rely wholly upon a tariff. You cannot read it any other way. Therefore I am sustained in what I have said, that the party here to-day are playing into the hands of the protectionists of the country by resolving in favor of wiping out all internal taxation and relying wholly upon the tariff for the revenues of the Government.

Mr. MORGAN. The Senator seems to understand it after all.

Mr. LOGAN. That is the way I read it, but it does not seem to be according to the views of certain gentlemen here. I say if that is what it means then the Democracy of Ohio are in favor of all taxation being raised by assessment in our tariff laws.

Mr. VANCE. Will the Senator allow me?

Mr. LOGAN. Yes, sir.

Mr. VANCE. I simply desire to ask if he is for any more taxation than is required to meet the necessities of the Government? That is what I understand the Ohio platform to say—just so much tariff as will meet the necessities of the Government. I ask him if he is for any more?

Mr. LOGAN. I am for meeting the necessities of the Government by internal taxation and the tariff combined.

Mr. VANCE. You are in favor, then, of something to meet the necessities of the manufacturers, private individuals, besides the necessities of the Government?

Mr. LOGAN. That may be very sharp, but I cannot see it. That is an argument that you make that I deny, but that is no way to argue or reason about a proposition and say what another one is for. The best way is for you to say what you are for yourself, if you can ascertain that fact. Sometimes I have known persons unable to ascertain where they did stand themselves. Of course that does not apply to the Senator from North Carolina, because he ought to, and probably does, always understand where he is.

Mr. President, in conclusion, I want to say that so long as Senators on the other side of the Chamber persist in a reduction of the tax on tobacco and on whisky, which will come up finally, so long as you persist in the reduction of taxes on articles that the people of this country are in favor of paying taxes upon almost universally, for I have never yet found a man anywhere in this land who was not in favor of the taxation of tobacco and whisky, except those gentlemen who want to take it off for the benefit of the protectionists of the country——

Mr. SAULSBURY. Allow me to say that if everybody is in favor of it, there is not much danger of its being taken off.

Mr. LOGAN. I have never found a Democrat outside of this Chamber that was not in favor of taxing whisky and tobacco; at least in my experience in my country I never found one. I can find them here in the Senate Chamber. They may voice the wishes of their own constituents; I do not know as to that; but they certainly do not the constituents whom I represent.

As I said, I am in favor of a rebate on tobacco, cigars, cigarettes, and all character of articles made from tobacco, because I believe it is just, I believe it is honest, I believe it is fair; and so far as the trouble that is going to come from it in connection with paying back this rebate is concerned, no matter whether it takes extra clerks or extra examiners or extra inspectors, that makes no difference. It is the duty of the Government to afford such force as is absolutely necessary to pay back the money that it obtained from these men. It has no right to the money, to the amount of the reduction of the tax on tobacco after it reduces the tax. The Government has no right to it; it does not belong to it. The very moment it passes a law to reduce the tax the amount so reduced does not belong to the Government, but belongs to the individual and it ought to be paid back.

Mr. BLAIR. Mr. President, the question is with reference to the rebate or repayment of the tax, and I admit that it has some complications to my mind. I should be glad to vote right upon it. I find that Senators, without much reference to the general question involved in the debate, are somewhat at a loss with reference to the merits of this proposition of the Senator from Virginia. I have examined it, and I find the original proposition reducing the tax to be this, that it shall take effect on the 1st day of next January. Until then the tax is to be paid as it has been hitherto. Now, it is proposed that on and after the 1st day of January next there shall be repaid to the manufacturer the tax which he may have paid upon unbroken packages existing at that date.

It seems to me that primarily the real question here is, what is to come into competition? Here is the crop of last year, which has been raised, harvested, sold by the producer to the manufacturer, manufactured principally, and gone to the dealer it may be, and the manufacturer or the dealer, in whosesoever hands it may be, now has from this time until next January, six months, in which to dispose

of his stock upon which this taxation has been paid. That is, it seems to me, a very liberal allowance of time during which to dispose of the stock of manufactured tobacco which has already been taxed and upon which the tax has been paid.

The crop of this year is just starting from the ground. It has to be raised, harvested, cured, sold to the manufacturer, manufactured, disposed of to the dealer, and from him pass to the consumer. So that the crop of this year, which is the only thing that comes in competition with the crop of last year and the only one which is liable to tax at all, will not reach the market until next January or later.

All questions of rebate, then, have reference to last year's crop, and not to that which is at present in the ground. The crop that is in the ground, the crop that is being produced this year, is the only one in which the producer—the farmer—has any interest whatever. Therefore it is that this question touching the rebate in no way whatever has any bearing upon the interest of the producer, and he is out of the question; and we are dealing only with last year's crop, and not with the crop now in the ground, which is to be sold after next January.

We have eliminated, then, the producer, and the next individual that has anything to do with the tobacco crop, as any other crop, is the manufacturer, and it is to the manufacturer that the rebate is to be paid by the provisions of the amendment itself, and he is the only man that is to receive it. Now, in what way are the interests of the manufacturer affected?

Mr. HARRIS. I would suggest to the Senator from New Hampshire that the tax does not have to be paid on manufactured tobacco until it is removed from the manufactory.

Mr. BLAIR. Precisely; and that is the point.

Mr. HARRIS. The retailer is the only man who will be interested in the rebate.

Mr. BLAIR. The Senator but anticipates my point. The manufacturer has placed the stamps upon so much as he has disposed of to the dealer.

Mr. HARRIS. So much as he has removed from the manufactory.

Mr. BLAIR. So much as he has removed from the manufactory, which is that which he has disposed of to the dealer. Then he has notice of the fact that he has until next January, and he will not make a package from this time forward on which he will pay the tax unless there is such a demand for it that he can afford to sell it at the cost to him, including the tax and all. Therefore the manufacturer is not interested; he is in no danger of loss; he has from now till next January to manufacture and he will pay for no more stamps than he can make his market for without loss. I would ask any gentleman, this being so, he affixing his stamp and paying for his stamp only when it is necessary to part with the manufactured article, how it is possible that the manufacturer is in any danger of loss whatever? He cannot be.

Mr. President, the proposition here is to repay to the manufacturer, the capitalist that we hear so much about, this man who comes here and has advocates on this floor, he is the only man to whom it is proposed to repay any money. If he is in no danger of losing money by the enactment of this law, and the point which the Senator from Tennessee [Mr. HARRIS] suggested is the precise point I was about to make, and shows that he is in no such danger, why should the amendment prevail? Why should there be any rebate? Is it not, then, upon the showing of Senators themselves, upon the admitted facts, simply a proposition to pay the amount of this reduction of tax to the manufacturer, which will operate to him as an additional profit beyond what he could make if there were no reduction of the tax at all?

I would go further, and say that to the consumer it is a matter of no consequence, so far as the rebate is concerned, and it is to no human being a thing of the slightest consequence but to the manufacturer, and he is in no danger of loss if this bill should pass precisely as the amendment now stands. It is a proposition, pure and naked, to give to him this 4 cents beyond what he could make if we did not deal with this legislation. It seems to me that upon the admitted facts it is simply a monstrous attempt to rob the Treasury for the benefit of those men who already are, as our friends tell us, bloated monopolists.

Mr. MORRILL. I hope we may now have a vote.

Mr. MORGAN. I wish to propose to the Senator from Virginia a modification of his amendment, which I hope he will be willing to accept. The part of the House enactment stricken out by the Senate committee reads as follows:

Provided, That on all original unbroken packages of checks, matches, cigars, cheroots, and cigarettes held by manufacturers or dealers on the passage of this act, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the reduction.

I propose to add, after the word "reduction," the following:

Payable in stamps for taxes on manufactures of tobacco in any form.

Then I am willing to add also the other provision offered by the Senator from Virginia in regard to the statute of limitations, only I think it ought to be enlarged:

Provided, That the right to claim a rebate payable in stamps shall not extend to a period exceeding one hundred and twenty days from the time this act shall take effect.

I think perhaps one hundred and twenty days is a better allowance of time under the system that I present than the thirty days suggested by the Senator from Virginia. I propose that we shall take the House enactment as it is, introducing after the word "reduction," in line 15, page 4, the words "payable in stamps for taxes on manufactures of tobacco in any form;" so as to read:

There shall be allowed a rebate or drawback of the full amount of the reduction payable in stamps for taxes on manufactured tobacco in any form.

I do that rather than undertake to require a payment of money, because the stamps that may be issued in compensation for the difference between 16 cents and 12 cents a pound can be used by the manufacturers upon the article as it is manufactured and sent to the markets of the country.

Mr. MORRILL. May I ask the Senator from Alabama what difference that will make in our resources next year; if it will not diminish them to the same extent?

Mr. MORGAN. I understand that our resources for next year are proposed to be reduced by this bill. As I said before when on the floor, if this was a bill to raise revenue I should have some difficulty, perhaps, in that question; but as it is a bill to reduce revenue, a bill to reduce taxation, a bill to cut down superfluous income into the Treasury, the question that is left for us to consider on such a bill as that is the method by which it can be done with the least disturbance to the manufacturer, to the producer, and to the consumer. Now, we merely, by the proposition I make, give a credit to the manufacturer or to the holder of the manufactured article in the original packages for the difference between 16 cents and 12 cents per pound upon the goods that he holds.

The Senator from Illinois has presented this subject in a very strong light. We ought not, in endeavoring to reduce taxes, to do it at the expense of any industry in the country; I care not whether it may be the manufacture of cigars, cheroots, snuff, tobacco, or what not; nor should we do it at the expense of the consumer or at the expense of the producer, if we can find means by which this can all be done without any friction at all. Now, I respectfully submit to the Senate that this proposition for the rebate in stamps to be used in the future upon the manufactured article will relieve this case of all of its friction. The same idea was suggested by my honorable friend from North Carolina.

Mr. RANSOM. May I say a word to my friend from Alabama? I think his amendment in reference to this question is excellent, with this proviso, that it should apply to the manufacturer and not to the dealer, because your dealer would have no use for the stamps with that proviso. It seems to me the Senator from Virginia should have no objection to the amendment of my friend from Alabama.

Mr. MORGAN. I have no objection to limiting it to manufacturers. I put in "dealers" because I had what I confess to be a rather vague idea that they might be injured in some way, for I did not make the expression very broad. I have no particular care about the precise method of the application of the idea, but I do believe that by the payment of the rebate in stamps, which may be used in the future operations of the manufacturers, we can relieve all the friction in this measure and make it perfectly easy for the Government and for the manufacturers to get along with the subject in the future.

And as to the method of accounting, it seems to me to be simple enough. The manufacturer who has affixed stamps upon the manufactured article, whether a box of tobacco or a box of cigars or a bottle of snuff, can claim at the proper Department and in the proper bureau an allowance of stamps in consideration of the 4 cents per pound reduction that we make upon this manufactured article. That Department, under the following provision of the bill, can easily control the whole subject and make the matter of accounting a matter of inconsiderable importance, I think:

It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

The party who holds goods upon which he has affixed stamps renders his account. If there is a doubt about it under the regulations the Secretary of the Treasury may prescribe, he can send his inspector, his agent there, and see whether those stamps are actually affixed on these boxes, and in that way he can ascertain the precise state of the account. There would probably be no loss whatever, no danger of fraud.

When a system of this kind, which it seems is entirely just, can be applied, as I think and believe, with so little of difficulty to this subject, it seems to me that it would be better to adopt this plan. I therefore hope that the Senator from Virginia, with such modifications as he may think best, will adopt this system, that the rebate shall be paid in stamps to be used in the future dealings of the manufacturer with this subject.

It is undeniably true that we take 4 cents a pound of tax actually paid from the men who have been manufacturing unless the extension of time that we give here shall be a sufficient allowance to enable them to work off their stock. I am persuaded, and I am also informed by some persons who are largely engaged in the manufacture of tobacco and snuff, that the extension of time itself is not a remedy. It is precarious, it is uncertain, and it may result in depriving a large number of operatives of their daily bread. While legislating upon a subject of this kind, I should like to aid the men who are engaged in doing the work for the manufacturers.

The Senator from Virginia proposes, in place of my amendment, to add to his own "and such rebate to manufacturers may be paid in stamps at the reduced rate." I am entirely satisfied with that and I will vote for that proposition, and that supersedes the necessity of mine.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator from Virginia [Mr. MAHONE] modifies his amendment. The amendment will be read as modified.

The Acting Secretary read as follows:

Provided, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes, held by manufacturers or dealers at the time such reduction shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the reduction: *Provided*, The same shall not apply in any case where the claim has not been ascertained or presented within thirty days following the date of the reduction: and such rebate to manufacturers may be paid in stamps at the reduced rate.

Mr. ALLISON. I want to ask a question about the language there. It must be ascertained within thirty days. How "ascertained?"

Mr. MORGAN. The Senator from Virginia submitted the proposition, and can of course explain it better than I can.

Mr. MAHONE. Of course the revenue department will inaugurate a system for ascertaining by inventory what is on hand.

Mr. ALLISON. In thirty days ascertaining the difference between 16 and 12 cents with three hundred and eighty-six or four hundred and twenty-five thousand different accounts is practically impossible. I think it can hardly be ascertained within ten years. That is about as short a time as the Commissioner can do it.

Mr. HOAR. Is that in the alternative, "ascertained or presented."

The PRESIDING OFFICER. That part of the amendment will be again reported.

The Acting Secretary read as follows:

Where the claim has not been ascertained or presented within thirty days.

Mr. HARRIS. I want to call the attention of the Senator from Virginia for one moment to the modification of his amendment. It provides that such rebate to manufacturers may be paid in stamps. The point to which I wish to call his attention is, can there under the existing law be any rebate to a manufacturer? That is to say, does the manufacturer ever put the stamp on a package of manufactured tobacco until he is ready to remove it from the factory? And he never removes it from the factory until he has negotiated the sale.

Mr. MAHONE. The manufacturer frequently puts a large quantity of stamps on the tobacco preparatory to filling an order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. MAHONE] to the amendment of the Committee on Finance.

Mr. MORRILL called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If I were not paired, I should vote "nay," and he would vote "yea."

Mr. GROOME, (when his name was called.) I am paired with the Senator from New York, [Mr. MILLER,] and hence withhold my vote.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I am requested to announce that the Senator from Nevada [Mr. JONES] is paired with the Senator from Indiana, [Mr. HARRISON.] Mr. JONES, I am told, would vote in favor of the amendment and Mr. HARRISON against it.

Mr. ALDRICH, (after having voted in the negative.) On this question I am paired with the Senator from Kansas, [Mr. PLUMB.] I therefore withdraw my vote. I should vote "nay" if he were present.

Mr. MITCHELL. The Senator from Nebraska [Mr. VAN WYCK] is paired with the Senator from Oregon, [Mr. GROVER.] The Senator from Nebraska desired me to make the statement.

The result was announced—yeas 27, nays 25; as follows:

YEAS—27.

Brown,	Hampton,	McDill,	Sewell,
Butler,	Hoar,	Mahone,	Vance,
Call,	Ingalls,	Miller of Cal.,	Vest,
Cameron of Pa.,	Jonas,	Morgan,	Voorhees,
Davis of Illinois,	Jones of Florida,	Pendleton,	Walker,
Dawes,	Kellogg,	Pugh,	Williams.
Farley,	Logan,	Ransom,	

NAYS—25.

Allison,	Conger,	Hawley,	Rollins,
Beck,	Ferry,	Hill of Colorado,	Sawyer,
Blair,	Frye,	Jackson,	Sherman,
Camden,	George,	McMillan,	Windom.
Chilcott,	Gorman,	Maxey,	
Cockrell,	Hale,	Mitchell,	
Coke,	Harris,	Morrill,	

ABSENT—24.

Aldrich,	Fair,	Johnston,	Platt,
Anthony,	Garland,	Jones of Nevada,	Plumb,
Bayard,	Groome,	Lamar,	Saulsbury,
Cameron of Wis.,	Grover,	Lapham,	Saunders,
Davis of W. Va.,	Harrison,	McPherson,	Slater,
Edmunds,	Hill of Georgia,	Miller of N. Y.,	Van Wyck.

So the amendment to the amendment was agreed to.

Mr. MORRILL. I ask unanimous consent that there may be a recess taken from half past five to half past seven o'clock this evening.

Mr. ALLISON. I suggest to the Senator to say eight o'clock.

Mr. MORRILL. Very well, eight o'clock. I move that the Senate take a recess from half past five to eight o'clock.

Mr. BAYARD. I thought it was distinctly understood that if we came here at eleven we should avoid this thing of a recess. That was the understanding and was the reason given, that if we came here at eleven and sat until six we should avoid coming back at night, when everybody knows that in this weather the Senate will be thin and public business will not be properly attended to.

Mr. INGALLS. The motion is not debatable.

Mr. HOAR. I understand the motion is out of order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. HOAR. The motion is out of order.

Mr. INGALLS. No; the motion is in order and is not debatable.

Mr. HOAR. You can move to take now a recess to a future time if you choose, but you cannot now move that at a future time the Senate shall take a recess.

Mr. MORRILL. Then I move now that the Senate take a recess from this time until eight o'clock.

Mr. BECK. Mr. President——

Mr. INGALLS. The motion is not debatable.

Mr. BECK. It is not debatable, but I desire to say that I shall be here, and there will be a call of the House, and nothing shall be done without a quorum.

Mr. INGALLS. Is not that debate?

The PRESIDING OFFICER put the question and declared that the noes seemed to prevail.

Mr. HALE called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. PENDLETON. Mr. President——

The PRESIDING OFFICER. There was a response to the roll-call.

Mr. PENDLETON. There was a response?

The PRESIDING OFFICER. There was a response.

Mr. PENDLETON. The response was made in defiance of my asking the attention of the Chair.

Mr. SHERMAN. The motion is not debatable.

Mr. PENDLETON. I did not ask to debate it; I rose to ask merely that the motion should be stated so that we might understand it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. PENDLETON. I ask that the motion be stated from the Chair.

The PRESIDING OFFICER. The Chair will state the motion distinctly again. He endeavored to do so before. The motion of the Senator from Vermont is that the Senate now take a recess until eight o'clock this evening.

Mr. PENDLETON. I understood the motion to be to take it from some subsequent period.

Mr. BECK. Pending that I move that the Senate do now adjourn.

The PRESIDING OFFICER. The roll-call has already commenced. The Secretary will proceed with the roll-call.

The Principal Legislative Clerk continued the call of the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. GROOME, (when his name was called.) I am paired with the Senator from New York, [Mr. MILLER,] and hence withhold my vote.

Mr. HILL, of Colorado, (when his name was called.) I am paired on all political questions with the Senator from Nevada, [Mr. FAIR.]

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Mississippi, [Mr. LAMAR.]

The roll-call was concluded.

Mr. PENDLETON. I am paired for this afternoon with the Senator from New York, [Mr. LAPHAM.] I do not know how he would vote upon this question, and therefore I withhold my vote.

Mr. COCKRELL. I am paired with the senior Senator from Rhode Island [Mr. ANTHONY] and have been for some time, he being indisposed. I shall not vote, as I presume he would vote "yea" if present.

Mr. DAVIS, of Illinois. I voted "yea" on this question. I am not well and cannot be here to-night, and therefore change my vote to "nay."

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Aldrich,	Dawes,	Jones of Nevada,	Morrill,
Allison,	Ferry,	Logan,	Rollins,
Blair,	Frye,	McDill,	Sawyer,
Cameron of Pa.,	Hale,	McMillan,	Sherman,
Chilcott,	Hawley,	Miller of Cal.,	Windom.
Conger,	Hoar,	Mitchell,	

NAYS—27.

Bayard,	Davis of Illinois,	Jonas,	Saulsbury,
Beck,	Farley,	Jones of Florida,	Vance,
Brown,	George,	Mahone,	Vest,
Butler,	Gorman,	Maxey,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Camden,	Harris,	Pugh,	Williams.
Coke,	Jackson,	Ransom,	

ABSENT—26.

Anthony,	Groome,	Kellogg,	Plumb,
Cameron of Wis.,	Grover,	Lamar,	Saunders,
Cockrell,	Harrison,	Lapham,	Sewell,
Davis of W. Va.,	Hill of Colorado,	McPherson,	Slater,
Edmunds,	Hill of Georgia,	Miller of N. Y.,	Van Wyck.
Fair,	Ingalls,	Pendleton,	
Garland,	Johnston,	Platt	

So the motion was not agreed to.

Mr. SHERMAN. I call for the reading of the amendment as amended. There is some confliction of opinion about it.

The PRESIDING OFFICER. The amendment as amended will be read.

The Acting Secretary read as follows:

Provided, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, and cheroots held by manufacturers or dealers at the time such reduction shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the reduction: *Provided*, The same shall not apply in any case where the claim has not been ascertained or presented within thirty days following the date of the reduction; and such rebate to manufacturers may be paid in stamps at the reduced rate.

Mr. HOAR. I understand that the amendment of the committee, the text which was amended, struck out the whole clause down to line 19.

The PRESIDING OFFICER. The Committee on Finance proposed to amend by striking out from line 10, including the word "provided," to the end of the section.

Mr. HOAR. The Chair did not hear me complete my statement. I understand that the committee proposed to strike out from line 10 down to line 19, to the word "effect." The amendment of the Senator from Virginia is in the nature of perfecting that section before it is stricken out; that the Senator from Virginia added at the fifteenth line the amendment; but the question must still be put on striking out the entire section down to line 19 as one independent question. That has made of the committee amendment two amendments and not one.

The PRESIDING OFFICER. The Chair understood the amendment of the Senator from Virginia to be a substitute for the words proposed to be stricken out by the committee, and it is so printed.

Mr. HOAR. What has become of the matter from line 15 to line 19, may I inquire of the Chair?

The PRESIDING OFFICER. That is stricken out.

Mr. HOAR. When was it stricken out?

The PRESIDING OFFICER. By the yea-and-nay vote just taken.

Mr. HOAR. Did the Senator from Virginia substitute his amendment for those lines?

The PRESIDING OFFICER. Certainly. The question was so submitted.

Mr. HARRIS. Let the Secretary report exactly what the amendment of the Senator from Virginia was and where it came in, whether it was a substitute for anything or not, and if for any thing, what.

The PRESIDING OFFICER. The Secretary will read the words printed before the text of the amendment of the Senator from Virginia.

The ACTING SECRETARY. It was proposed to insert as a "substitute for so much of section 3 as is proposed to be stricken out by the committee the following."

Mr. HOAR. I did not understand that it was put in that form from the desk, but the Chair is clearly right as the Secretary reads. Then, as I understand it, the adoption of this amendment leaves no power in the Commissioner of Internal Revenue to adopt rules and regulations for ascertaining the amount of rebate to which any manufacturer or dealer may be entitled.

Mr. RANSOM. That can be added.

Mr. HOAR. That ought to be added.

The PRESIDING OFFICER. Does the Senator from Massachusetts move an amendment?

Mr. MORRILL. I take it there will be no objection to inserting those words.

Mr. HOAR. I suppose before putting the question on the amendment as amended it is in order to add the words beginning "it shall be the duty of the Commissioner of Internal Revenue," in the fifteenth line. It is only a part of what was stricken out, not the whole, so that it may be reinserted.

The PRESIDING OFFICER. The Senator from Massachusetts moves to amend the amendment of the Senator from Virginia by adding the words which will be read.

The Acting Secretary read as follows:

It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

Mr. HOAR. I think instead of the word "act" I will substitute the word "section;" so as to read, "as may be necessary to carry this section into effect."

Mr. MAHONE. That is better.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to. The Chair hears none. The next amendment of the Committee on Finance will be reported.

The ACTING SECRETARY. The Committe on Finance report to add the following as a new section:

SEC. 4. That on and after the 1st day of October, 1882, so much of section 3 of an act approved March 3, 1875, entitled "An act to further protect the sinking fund and provide for the exigencies of the Government," as imposes an additional duty of 25 per cent. on all molasses, tank bottoms, sirup of sugar-cane juice, melada, and on sugars, according to the Dutch standard in color, imported from foreign countries, is hereby repealed; and the duties on such articles shall be and remain the same as before the passage of said act. And the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duty on sugar, and to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength, and not according to the color.

Mr. HALE. I offer an amendment to the proposed section, in accordance with the notice given some days since. I move to strike out all after the word "act," in line 11, in the following words:

And the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duties on sugar, and to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength, and not according to the color.

Mr. HARRIS. If the Senator from Maine will yield to me for one moment, I desire to enter a motion to strike out the fourth section entirely and insert what I send to the desk. The amendment of the Senator from Maine will take precedence of my amendment, and will first be acted upon. The amendment that I propose is a slight modification of an amendment of which the Senator from Kentucky gave notice some days ago, and I desire to have it reported now.

Mr. HALE. I have no objection to that being moved.

Mr. HARRIS. The amendment of the Senator from Maine of course takes precedence because it is in order to perfect the section before a motion to strike out and insert would be in order.

The PRESIDING OFFICER. The amendment to be proposed by the Senator from Tennessee will be read.

The ACTING SECRETARY. It is proposed to strike out the whole of section 4 and to insert:

That all taxes and customs duties imposed by laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day January, 1884.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, [Mr. HALE.]

Mr. HALE. Mr. President, the object of my amendment, as is very plain, is to reduce the operation of section 4 to simply leaving the duty upon sugar at what it was before the 25 per cent. additional duty was put on. I desire there to leave it. I do not desire to enter into the discussion and the consideration of all the different tests of sugar. The very object of my amendment is to avoid that discussion and that consideration.

To some Senators it seems very plain that the provision which has been reported from the committee should be put on; to others it is very blind and dark and doubtful. All of those questions I wish to avoid by my amendment. The subject-matter in that part of the section which is struck out by my amendment was before the House of Representatives Congress after Congress. The Ways and Means Committee of the House of Representatives dealt and wrestled with that question year after year, Congress after Congress, and to-day it is a grave question as to what tests should be applied.

If there is any thing, in my judgment, that should be left to the tariff commission it is such an adjustment as is implied or invoked in the remnant of this section which I seek to leave out. The tariff commission has already assembled; it is now at work; I am told is considering this very subject; and I want to strike this matter from the section and let that commission discuss and deal with the subject.

I move the amendment also in the interest of expedition, for, depend upon it, if we enter into the discussion of all the subject-matters involved in the latter part of this section we prolong this discussion for days.

For all these reasons I desire to limit the section to the plain restoration of the duty upon sugar as it was before the 25 per cent. was put on.

Mr. BECK. I desire to say to the Senator from Maine that the tariff commission have gone down to Long Branch for their health and have issued bulletins calling for information upon tariff questions, and I hope he will move that a copy of the RECORD for the last week shall be sent to each of them, which perhaps will enlighten them.

Mr. FRYE. I hope not. [Laughter.]

Mr. HALE. I presume that the members of the commission are fond of light reading by the seaside, and they cannot get along without the RECORD. I have no doubt that every member of the commission has a copy, and is reading it to the exclusion of English and French novels and everything else commonly read by the seaside.

Mr. FRYE. I would not want to have the speech of the Senator from Kentucky before them either.

Mr. MORRILL. I suggest also to send them a record of the Democratic caucus this morning.

Mr. FRYE. I desire to offer an amendment to this section that would precede the one offered by my colleague, in fact two amendments. I suppose if the pending amendment should be adopted I would not then be precluded from offering amendments to portions of the section before the part that my colleague moves to strike out.

The PRESIDING OFFICER. The amendment of the Senator would be in order after action upon the pending amendment.

Mr. BAYARD. I am obliged to ask for information from an unaccustomed quarter. I ask the honorable Senator from Vermont, was there a Democratic caucus this morning?

Mr. MORRILL. I heard so.

Mr. BAYARD. I never did.

Mr. GROOME. None of us heard of it.

Mr. BAYARD. The Senator knows so much of the Republican caucuses in connection with the tariff that probably he had better send the tariff commission a record of those.

Mr. MORRILL. I find it in the Associated Press report.

Mr. BECK. Was it in the Boston Herald? If it was in the Boston Herald, it is doubtful, I judge, from what has been said about that paper. That is the only paper which has published it, I suppose.

Mr. SHERMAN Mr. President, with respect to the amendment of the Senator from Maine, [Mr. HALE,] section 4 is a repeal of one section of the act of March 3, 1875, (section 3,) which reads as follows:

SEC. 3. That on all molasses, concentrated molasses, tank-bottoms, sirup of sugar-cane juice, melada, and on sugars according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected, and paid, in addition to the duties now imposed in schedule G, section 2504 of the Revised Statutes, an amount equal to 25 per cent. of said duties as levied upon the several articles and grades therein designated; *Provided*, That concentrated melada, or concrete, shall hereafter be classed as sugar dutiable according to color by the Dutch standard; and melada shall be known and defined as an article made in the process of sugar-making, being the cane-juice boiled down to the sugar point and containing all the sugar and molasses resulting from the boiling process and without any process of purging or clarification, and any and all products of the sugar-cane imported in bags, mats, baskets, or any other than tight packages shall be considered sugar and dutiable as such: *And provided further*, That of the drawback on refined sugars exported allowed by section 3019 of the Revised Statutes of the United States only 1 per cent. of the amount so allowed shall be retained by the United States.

The first clause of section 4 of the pending bill proposes to repeal that section and restores the duties to what they were as stated in the Revised Statutes; in other words, it restores the sugar duties to the same rate of duties which had been fixed for some eight or ten years before, which are set out in the Revised Statutes. That is a simple proposition upon which I do not care to enlarge, at this hour of the evening especially. It is for the Senate to say whether this additional tax, passed as it was declared for the purpose of protecting the sinking fund and to provide for the exigencies of the Government in March 3, 1875, imposing the additional duty of 25 per cent. on sugar, ought to be repealed. Every Senator can answer that for himself.

As to the last clause, that portion of the section proposed to be stricken out by the Senator from Maine is intended to restore the law as it was administered by the Treasury Department prior to the decision of the Supreme Court. Until that decision, within the last three or four months, the taxes were collected upon the basis of the saccharine strength of the sugar as tested by the polariscope. I do not intend at this unseasonable hour to go at any length into the necessity of this provision, because I hope that every Senator will recall a previous discussion on this subject and look at it in a dispassionate way and decide it upon the actual merits of the proposition.

The history of the sugar question is pretty well understood already. Some two or three months ago, on the discussion of the tariff-commission bill, I had occasion to state the difficulties that arose out of the collection of the sugar tax. In the course of the manufacture of sugar foreign matters are intermixed with it which reduces the standard of color, making sugars of high saccharine strength and value appear to be of very dark color and greatly less than their real value. Under the law the standard of color was the only standard prescribed by statute, and the darker grades of sugar were taxed at a lower rate. Schedule G of section 2005 of the Revised Statutes fixes the duty on sugar as it was before the passage of the act of March 3, 1875, and as it will be if this section passes now, and is as follows:

SCHEDULE G.—SUGARS.

Sugar not above No. 7 Dutch standard in color: 1¾ cents per pound.

Sugar above No. 7 and not above No. 10 Dutch standard in color: 2 cents per pound.

Sugar above No. 10 and not above No. 13 Dutch standard in color: 2¼ cents per pound.

Sugar above No. 13 and not above No. 16 Dutch standard in color: 2¾ cents per pound.

Sugar above No. 16 and not above No. 20 Dutch standard in color: 3¼ cents per pound.

Sugar above No. 20 Dutch standard in color, and on all refined loaf, lump, crushed, powdered, and granulated sugar: 4 cents per pound. But sirup of sugar, sirup of sugar-cane juice, melada, concentrated melada, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States.

Sugar-candy, not colored: 10 cents per pound.

All other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, valued at 30 cents per pound or less: 15 cents per pound.

Confectionery valued above 30 cents per pound, or when sold by the box, package, or otherwise than by the pound: 50 per cent. ad valorem.

Molasses: 5 cents per gallon.

Tank-bottoms, sirup of sugar-cane juice, melada, concentrated melada, and concentrated molasses: 1¼ cents per pound.

It thus appears that the tax increased as the color became lighter. The color being the only standard fixed, and the Dutch standard of color being a well known commercial term and phrase which had been adopted in Holland and in all countries as the best standard then known of the relative value of the different grades of sugar, it was adopted in our tariff.

The Dutch standard of color was also a standard of value. The different classes according to the Dutch standard, though evidenced by color, were in fact and intent classes according to value. This is clearly stated in numerous authorities which I have had occasion to consult, one of which, Mr. R. A. Ogilvie, surveyor-general of the British customs, sets forth fully in regard to the color of sugar as a standard of value as follows:

The sugar of the cane is composed of pure sugar and molasses; and as pure sugar is white and molasses is dark, a mixture of the two gives such or such a shade of color according to the proportion in which the molasses predominates. This was the natural state of things; the shade of color was in consequence accepted as accurately indicating the quality, and purchases were regulated accordingly in England, and in France they were made on the same type *de bonne quatrieme*.

Hon. David A. Wells also gives the history of the Dutch standard as follows, namely:

Dutch standard.—The so-called Dutch standard was first introduced into the American tariff in 1861, through the provision that thereafter sugars should be classified for the purposes of the customs revenue into those not above No. 12 Dutch standard of color and refined sugars; the No. 12 being assumed as representing the dividing line between raw and refined sugars. This standard finds its origin and name in the circumstance that it was adopted many years ago by the Dutch merchants, primarily for the purpose of classifying the various sugar products of the Island of Java, a Dutch East Indian dependency. It is founded on the assumption that color in sugars is the coefficient of purity or saccharine strength; and starting with the very lowest grade of sugar that is found in commerce, one that by reason of the crudeness and imperfection of its manufacture is almost black with impurity, and designating such sugar with a given number as a unit for color, say from 1 to 4, that each additional number represents a corresponding progressive gain in color, and if in color, then also a corresponding gain in saccharine strength or purity. The standards as thus arranged by the Dutch gradually came into extensive use throughout the world for the classification and designation of the sugars of commerce, and in many countries also became the basis for the assessment of customs revenue, specific samples of sugar corresponding to the different numbers, and hermetically sealed in glass bottles, being annually prepared and distributed by the Dutch authorities. All sugars according to the Dutch standard which grade below No. 7 in color are the typical crude sugars, simply purged from molasses, and really constitute the raw material for every further process of manufacture; and every grade of sugar above No. 7 may be regarded as an advanced manufacture, every step forward in which reduces (brightens) the color and increases the cost, through the added expense of labor and capital.

Dr. Kauffman, an eminent European authority, after stating the history of the Dutch standard, says:

The introduction of this method is based on the observation that sugar in a pure state is, in itself, throughout white; on this was founded the theory (*annahme*) that the degree of coloration, which could only be caused by the intermixed substances or decomposition products of sugar adhering to the sugar, was to be considered as a measure of the lower value of the sugar. At the same time, as a conversion of the crystals to powdered sugar caused the mass to seem less intensely colored than would otherwise be the case, it was sought to perfect the method by testing the sugar as to the sharpness of the grain, which could be felt by rubbing it between the fingers; and finally it was sought to estimate the degree of dampness of the sugar in order to be able to approximately determine or estimate the amount of water contained therein.

The color types, which by this method furnished the principal criterion of the value of the sugar, had originally in the case of colonial sugars a tolerably well-justified importance, which, however, can no longer be ascribed to them, since technical progress has made it easy for the industry to effect the coloration of raw sugars by artificial means without materially altering the value of its yield in pure sugar (refined sugar)—*i. e.*, its refinery yield. It is at present not only possible to prepare raw sugars with a lighter color, which shall show a bright luster even in the last products, without their containing any more pure sugar than the far darker-colored products of other manufactories, but sugars of high percentage are frequently colored dark in order to reduce the tax or duty to which they are liable without causing them to suffer any reduction of refinery yield.

This shows not only the purpose of the Dutch standard, but the dangers to which it is exposed. In fact, after the adoption of it as our standard of value it was evaded and avoided by artificial processes, as by the admixture of foreign substances, so as to darken the sugar and thus reduce the tax.

For a time that substantial fraud was corrected and defeated. The Treasury Department at the time when Mr. Boutwell, Mr. Richardson, and Mr. Bristow were Secretaries held that such artificial coloring was a fraud subjecting the sugars to seizure; and that if it was shown to be artificially colored that it could be taxed according to its true and natural color in the ordinary and usual process of manufacture. That decision of the Department was sustained by the courts in every instance, first in a case in California, and then I believe in many other cases.

Finally, however, a new process of manufacturing was discovered, a centrifugal process, by which the coloring matter was introduced in the process of manufacture and before it assumed the form of commercial sugar. It was introduced by a process of manufacture, and not by an admixture of foreign articles. The sugar was darkened by burnt molasses and other processes of manufacture, which operated in the same way to defraud the revenue as the previous actual admixture of foreign substances did. Then it was that the Treasury Department, in meeting this new difficulty, issued the following order:

All sugars containing 90 per cent., and not more than 94 per cent., of crystallizable sugar, the apparent color of which is not above No. 7 Dutch standard in color, shall be classified as above No. 7 and not above No. 10 Dutch standard in color. All sugars containing more than 94 per cent. of crystallizable sugar, the apparent color of which is not above No. 10 Dutch standard in color, shall be classified as above No. 10 and not above No. 13 Dutch standard in color.

This order applied to the sugar what is called the polariscope test, an ingenious device, by which the actual saccharine strength of the sugar was determined and ascertained.

Mr. MORGAN. Will the honorable Senator describe that process so that the country may know just what the polariscope is?

Mr. SHERMAN. I do not think I could, any more than I could describe the process of a thermometer, although I have seen it applied.

Mr. HALE. Let me ask at this point, has it not been proved by experience that with all that is claimed for the polariscopic test it is fallacious and misleading, and that the same test applied at different times by different individuals produces a different result? Is it not therefore a doubtful thing in the minds of many men as to its being a complete, fixed, and perfect test?

Mr. SHERMAN. I will answer the question of the Senator from Maine, but I hope no other question will be put to me for a few moments until I can make a statement.

Mr. MORGAN. Before the Senator proceeds to answer it, I desire to call his attention to the fact that the Senator from Delaware [Mr. BAYARD] the other day stated, as I understood, that goods brought into the custom-houses by the polariscopic test were not sold upon that test to buyers, that the merchants were not willing to adopt it. I have no knowledge of the subject, but I refer to the remarks made on that subject the other day by the Senator from Delaware.

Mr. SHERMAN. I will answer these two questions, and I hope that they will be all that I will have to answer until I get through.

In answer to the Senator from Maine, I say that the polariscopic test is acknowledged to be the best now known among all dealers in sugar, refiners, manufacturers, and importers in every country in the world, and I have the authority here to prove it. I have further to say that when it was applied by the custom-house department for two or three years while the Treasury order remained in force, there was but little dispute or controversy about the accuracy of that test or its truth and reliability. There never was a litigation or controversy about the accuracy of the test of the polariscope.

As I have already shown, sugar in its natural state is pure white. When an admixture is made, as by molasses and other things, most of it molasses, it becomes darker and darker, reducing its grade and value until it is a dark mass of apparent dirt. As it is advanced in color and purified from these foreign substances it becomes lighter in grade until the pure sugar of chemistry is entirely white. The Dutch standard was founded upon that fact. It was adopted in Holland, making twenty different grades of sugar, from the most impure of all sugars up to the highest standard, No. 20, in different grades, and those grades of sugar according to color measured also the saccharine strength and value of sugar, and they did not vary to any considerable degree, but became the acknowledged standard of the value of sugar in every market.

But, sir, by the devices and discoveries I have stated the colors of the Dutch standard have been blackened, so that the apparent color is no longer the test of value but rather the degree of fraud. It is to test the extent of this fraud that the polariscope is applied. It was done after Congress had been fully informed of the purpose of the Department and with its tacit advice and consent.

Every commercial nation has met the evasion of the Dutch standard by new tests of saccharine strength.

The regulations adopted by the Kingdom of the Netherlands are stated by the Minister of Finance as follows:

> The law of May 25, 1880, has by no means for its object the general substitution of saccharometric methods for the color standard in the classification of raw sugars. The changes which it is intended to introduce in the existing conditions relate solely to sugars that have been purposely colored, or whose general characteristics lead to the presumption of a higher degree of richness than that of the highest number of the class to which it would according to the color standard belong. In these two special cases the contents in sugar shall be determined by the method of polarizing after washing out, as described in the royal edict of September 25, and these sugars shall be classified according to the relation that the contents in sugar so found bears to the scale based on the investigation conducted in a similar manner of Java sugars of the numbers 15, 10, and 7, (that is to say, of a number above the highest of each class.)

The course of the French Government is indicated by the statement of Mr. Peligot, French minister of agriculture and commerce:

> In brief, Mr. Peligot declared that as an indication of saccharine richness of a sugar he would give the preference to the shade of color, that is to say, to the types (color standard tr.) over saccharometry and chemical analysis, always on the condition that the types be suitably prepared and renewed whenever necessary. It is necessary to reserve the right to have recourse to saccharometry in certain cases as a means of verification. In practice for the government the shade of color gives results as exact as possible.

There is another thing and a far more important commercial fact. Every man who buys sugar to-day in New York or in Cuba, in Holland or in France, buys by the polariscopic test, or some other test of saccharine strength than the color test. I give you a recent quotation from the Havana markets:

> HAVANA, *July* 1.
>
> Sugar: Market active; holders firm; molasses sugar, 86° to 89° polarization, 6⅞ to 7 reals gold per arrobe; Muscovado, common to fair, 6⅞ to 7⅛ reals; centrifugal, 92° to 96° polarization, in boxes and hhds., 8½ to 9⅜ reals gold per arrobe. Stock in warehouse at Havana and Matanzas 88,600 boxes, 131,400 bags, and 136,100 hhds.; receipts during the week 1,700 boxes, 600 bags, and 1,900 hhds.; exports during the week 4,850 boxes, 60 bags, and 4,900 hhds., all the bags and hhds. to the United States. Spanish gold, 169¼. Exchange firm; on the United States, 60 days, gold, 8 to 8⅛ premium; on the United States, short sight, 8¾ to 9¼ premium; on London, 19¼ to 19⅜ premium; on Paris, 5⅛ to 5¼ premium.

The refiners who oppose this bill and who received enormous bounty in the shape of drawbacks from the Treasury, actual bounty before the polariscope order took effect, as I shall show hereafter, those very refiners test their sugar when they buy it in or when they sell it by the polariscope.

Let me go back to the Treasury order. When issued it was applied for two years, and the revenue of the Government upon sugar increased at the rate of about $2,000,000 a year as the result of this test. Before that test had been applied nearly all the sugar was imported as under No. 7 Dutch standard. After that order was issued the average grade of sugar rose to No. 10 Dutch standard. The difference in duty between these two grades is about one-third of a cent per pound. Up to the issuing of that order two-thirds or three-fourths of the sugar was introduced at the lowest grade. After the application of that order the average grade was No. 10 Dutch standard, and that new test of the standards of sugar increased the revenue by ascertaining its saccharine strength.

That continued for more than two years until by the decision of the Supreme Court it was held that the Treasury order which applied the polariscopic test was not within the power of the Treasury Department. The majority of the court held that a manufacturer might, in the process of the manufacture of sugar, change its color by the means stated. Such process was conceded to be an evasion of the law, but that Congress alone had the power to correct that evasion by adopting other tests.

And now, sir, the sum and substance of this proposition is to enable the Treasury Department to apply the polariscope or any other test to ascertain the saccharine strength of sugar in levying duties upon it, just such tests as are applied by every merchant, refiner, importer, or dealer in sugar to ascertain its value when he buys or sells. Upon this plain proposition it would seem to me to be conclusive that the tests adopted by the Treasury should be authorized by law in accordance with the opinion of the Supreme Court and should be continued by the Department until the commission shall propose new grades, or guards against evasion and fraud.

It may be, and I trust it will be, that when the commission come to revise this whole subject they will provide grades of sugar and probably avoid these difficult questions which have arisen in the construction of the Dutch standard. Our action will not at all conclude them, but it will simply enable the Treasury Department in the mean time, until the report is acted upon, to apply tests that will prevent an actual practical fraud upon the Treasury.

I might amplify this debate; I might read the decision of the Supreme Court. I might show from quotations in the daily prints that all dealers deal upon the basis of the polariscopic test. I might show you more fully than I have done that the Dutch themselves and other commercial nations have adopted this very system, and by it have ascertained the strength of sugar; but it is not necessary.

Under existing law all sugar exported is entitled to a drawback of all duties paid upon the raw sugar imported, but the amount of the drawback can only be ascertained by the condition of sugar when exported. The effect of the operation of the decision of the Supreme Court will be that when we come to give a refund for sugars exported from this country we pay in effect by the polariscope test, while we collect duties by the Dutch standard, applied to sugars artificially reduced in color, and thus are cheated and defrauded in revenue. Yet when refineries take that black sugar and clean it from the discoloring matter and it is exported we pay them the drawback based upon the estimated quantity of raw sugar required to produce the sugar exported. We pay the drawback by the polariscope test; we import by the false Dutch standard; and thus necessarily pay more in drawbacks than we receive as duties on that sugar. We paid as drawback in the year ending November 30, 1878, $2,330,083; in 1879, $3,365,297. After the Treasury order issued, the payment on drawback fell in the year 1880 to $913,660; and in 1881, to $758,048.

I wish to call the attention of the Senate to the fact that since the decision of the Supreme Court we are paying the refiners who are converting at the rate of some 75,000,000 pounds of sugar from its raw state, brought into this country and discolored, and when they refine and export that same sugar we pay a higher sum for drawback than we actually collected as duty on the raw sugar.

I have a recent report, made by an officer of the Treasury Department, in which the difficulties which grew out of this subject are very clearly stated by one of the ablest officers of the Department, Mr. Chamberlain. I read a single paragraph:

> In practice, we find that a very high grade of raw sugar, (centrifugals,) costing the highest market price, equal to clayed sugars, from No. 16 to No. 18 Dutch standard, is received into a refinery, and the duty assessed at its color valuation, indicating an estimated out-turn of refined loaf, cut-loaf, crushed, granulated, or powdered sugar of less than 69 per cent. of the raw material, and paying a duty accordingly of 2.18¾ cents per pound. If, however, as the fact really is, that this sugar, so refined, not only produces an out-turn of 68 pounds of pure loaf sugar, but 22 pounds additional of the same sugar, making a total of 90 pounds out-turn, it will at once be seen that this refiner, when he has exported 68 pounds, and received his drawback of 3.18 cents per pound thereupon, which is equal to the amount of duty paid on the raw material, has still on hand 22 pounds, which have in reality paid no duty, because the whole amount of duty on the original raw sugar imported has been returned to him in the drawback received upon the hard sugar exported.

Perhaps I can illustrate it by taking an invoice of sugar which is brought into this country. It may be of saccharine strength and saccharine value of No. 12 Dutch standard. If it was of that strength it would pay a duty of 2$\frac{1}{16}$ cents a pound, but if by this

process of discoloring it would be reduced to No. 7 Dutch standard of color, it only pays $2\frac{5}{16}$ cents a pound. Thus by this process, which the Supreme Court hold is not a fraud, it does operate to deprive the Government of $\frac{3}{4}$ of a cent on every pound of sugar thus discolored. Suppose that sugar is put into a refinery. It is there by a simple process expurgated from the discoloring matter, from the molasses, from the dirt and other things that are introduced into it, and it is raised to No. 20 Dutch standard of color. When that sugar, which is only cleaned of its dirt you may say, is exported, drawback taxes are paid back to the refiner, who perhaps is also the importer, at the rate of 3.18 cents a pound, or about one cent more than the tax which has been paid to the Government.

But it is said it is in the power of the Treasury Department to change the drawback. It is true the law authorizes the Secretary of the Treasury to fix from time to time by regulations the drawbacks that shall be paid upon sugar; but how is that done? It is only by estimating the duty that the refined sugar would pay if imported and pay this sum as a drawback. Therefore, when the sugar is examined by the custom-house officer for exportation, he takes its apparent color as his guide in fixing the drawback, but its apparent color is then its real color. It then shows what it is. That sugar may be a pure sugar of No. 20 Dutch standard or refined sugar, but when imported it may have paid duties only as No. 7 Dutch standard, but with saccharine strength and intrinsic value of No. 14 Dutch standard. The officer of the custom-house cannot track the sugar from the dock through the refinery to ascertain what duties were, but must judge from the sugar when ready for exportation in fixing the drawback. He is bound then to say that it is entitled to a drawback of about 3.18 cents a pound.

You may say here is a fraud, and that the Secretary of the Treasury may change it and reduce the amount of drawback. He can only test it by the Dutch standard of color. This would make the Dutch standard of color prevail both in the importation and the exportation, but when the article is imported it is reduced by the discoloring process down to the lowest grade possible; when it is exported it is exported in the highest grade possible, and thus it is unavoidable from the very nature of the transaction to prevent a large amount from being now paid from the Treasury of the United States to the refiner for exporting the sugar more than was paid by him when the sugar was admitted into the country and carried to the refinery.

What is the object of bringing sugar here to be refined? It is only to give employment to our people. What is just to the refiner? Simply to return him what he paid to the Government as taxes when he exports it, and no more.

We do not propose to give a bounty to a refiner for refining sugar. We only propose to give him an amount equal to the amount of tax he paid; but by this change in the standard of value, by this change in the mode of testing that standard, the Government is actually defrauded, and is compelled to pay a larger amount to the refiner. I firmly believe that upon the sugar refined in 1879 the Government refunded as a drawback one million dollars more than it collected as taxes on the raw sugars from which the exported sugars were made.

Therefore it is that three years ago, in the year ending June 30, 1879, 116,862,583 pounds of sugar were brought to this country for refining and soon after exported, and upon exportation the United States paid as drawback $3,365,297. This was before the Treasury order was issued. No such sum was paid on the importation of this sugar. By this device, amounting to a fraud upon the Government, we have collected duty on this sugar at a less rate, and thus have lost a sum so large that I do not care scarcely to name it. We have paid large sums back to these refiners for refining sugars for the foreign market in excess of the amount they paid to us in duty.

Unless you change either at one end of the line or at the other the Treasury Department is entirely powerless. Unless you give the Secretary of the Treasury the same means of testing the saccharine strength of the sugar when it is imported as you do when it is exported you leave the Treasury officers hamstrung and disabled from doing their duty.

I have no feeling or interest in this matter, except as I was called upon to execute the law, and I deemed it my duty to execute it so as to do justice and right, and not to allow any one, whether they were rich corporations of refiners scattered through the country, to as I thought defraud the Government and evade the tax. That is the operation of the existing law, and the Treasury Department is utterly powerless.

The officers of the Treasury Department since the decision of the Supreme Court have been trying to find a way of ascertaining what drawback should be paid out. It is admitted that too large a sum is paid and must necessarily be paid under the present system.

Mr. HALE. Let me ask the Senator what is the date of that decision?

Mr. SHERMAN. I have it here. It is a matter of history.

Mr. HALE. About what time?

Mr. SHERMAN. About two or three months ago.

Mr. HALE. A little more than that.

Mr. SHERMAN. I think this spring. When that decision was made, as a matter of course the Department at once conformed to it, and they are now collecting duty on all the immense bulk of sugar which comes into this country by the apparent color, not by the real strength. They are compelled to do that in pursuance of what is admitted to be and declared to be a plain evasion for the purpose of defrauding.

Senators who heard me when I read the decision of the Supreme Court will remember that it was there said by the Supreme Court that it was admitted on the trial of the case that this process was adopted to evade the duty, to reduce the grade, and when evidence was offered that that was the avowed purpose, when men were sent there to show the process and had it demonstrated before the jury and showed how it was done and why it was done, the Supreme Court held that as this was a discoloration before the sugar was completed they had the right to do it, because the law fixed only one standard, and that was the Dutch standard; that the Department and the courts could not present another standard; it was for Congress only to provide another standard.

After that decision was rendered, at once the attempt was made to correct this drawback. The innumerable difficulties are stated in these documents. Some four or five years ago the grades of drawback were made to conform to the grades of duty upon the importations. If you have a right to test the saccharine strength when the goods come in and when they go out, then you have a test; but under the present mode the Department alone may collect the duty upon the apparent color reduced by burnt molasses and caramel, and when the goods go out you pay out the bounty, the drawback, upon the real color, you make an advance in some cases of three-fourths of a cent to one cent a pound. When you consider that that applies to over 100,000,000 pounds which were imported in one year, it is a large sum.

The first effect of the order issued by the Treasury Department in 1879 was to prevent bringing in sugar here by a false standard and exporting it by a larger standard. It reduced the amount of importations very largely. It did give to the Government the rate of the duty according to its saccharine strength, and did prevent us from paying out of the Treasury a drawback in excess of the duties paid by the importers.

But now the Department is utterly unable to guard itself or to guard the Treasury, and its skillful officers cannot devise a rule. Now that according to the decision of the Supreme Court they are compelled to take an apparent color as the standard of value they can only take it, and when the goods are exported they can only take the new, then become the real sugar, and pay the drawback upon that. Yet the amount of labor in some cases applied to that sugar in bringing about this strange metamorphosis will sometimes not cost as much as the increased drawback which is given to them by the operation.

This is a fraud upon the Government. It is a fraud upon the producers of sugar in Louisiana. It tends to demoralize the trade, it tends to throw the whole amount of this great business in a few hands, and to give them the advantage. It breaks down all the smaller refineries and builds up all the large ones. It has all the elements and the worst elements of a monopoly.

Sir, it is nothing to me further than my attention was called to it as I was called upon to administer the law. I have no regrets at the mode in which it was administered, although it seems from the decision of the Supreme Court that the Department went beyond its legal powers to do what was right. I think on the whole the judgment of Judge Matthews is altogether the wiser statement of the law. Certainly it was as we understood the law to be, but I do not want to read those extracts again.

I say for us now to reduce the duty on sugar and not enable the Department to ascertain the saccharine strength of the sugar by some test would be an injustice to the Government and an injustice to the people.

If the Senator from Maine wants to discuss with me the merits of the polariscope, there is not a word said in the amendment about the polariscope. It leaves the Treasury Department to find out the best possible test. I say the polariscope is the true test so far as it is now known.

The Senator from Delaware said the other day that officers might with this test defraud the Government, and after all it would depend upon the judgment of the officers, their accuracy and their skill. No great skill is required to make this test, but their accuracy and their honesty must be relied upon. It does not require as much accuracy as the testing of color by the Dutch standard. The saccharine strength of sugar can almost be accurately stated by the polariscope; but suppose it cannot be—this bill does not confine the Department to the polariscope; it requires the Secretary of the Treasury to furnish standards of color according to the Dutch standard, and to test the sugars brought in not only by the color shown by its standard but by the saccharine strength of the sugar.

The best known device is that of the polariscope. Perhaps some other may be discovered. The Secretary of the Treasury is at liberty to adopt either. The passage of this section does not injure anybody; it only prevents a fraud.

I have said all I care to say about this matter, although I have here and could amplify the action of the different countries to show what laws the wise Dutchmen have made upon this subject. I have also the action of France and of England. I have also here the decision of the Supreme Court and many other documents upon which

I could amplify and show to the Senate as clear a case as ever was made, and that it is the imperative duty, according to the language of the Supreme Court, for Congress, with its supreme power over this subject in imposing duties, to come in and fix the standard of saccharine strength. It is a duty that ought not to have been neglected even this long. If we allow it to go over until the next session we will do nobody any good, except to enable refiners to import by one standard and export by another.

Mr. HALE. To show that there was not such complete and universal acquiescence in the polariscopic test as the Senator from Ohio believes, I ask to have a letter, which the Senator from Delaware has just handed to me, read.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The letter will be read.

The Acting Secretary read as follows:

NEW YORK, *July* 17, 1882.

DEAR SIR: The undersigned, brokers in raw or imported sugars in the city of New York, having seen some statements reported to have been made by Senator SHERMAN during your speech on the tariff on the 14th inst. which are incorrect and misleading, desire to inform you of the facts in the premises. Mr. SHERMAN is reported to have said that the polariscope tests of the Government under his orders while Secretary of the Treasury were unchallenged, or words to this effect, and that such tests were made a basis for transactions between merchants. As to the first point, we assert that *re*-samples and *re*-tests were demanded by the merchants in a large percentage of the cargoes coming under the edict of the Treasury Department, and very frequently so manifestly incorrect that a third and sometimes a fourth test was demanded. These were, however, generally refused, and the merchant compelled to accept the figures of the Government. It is only proper to say, in addition, that the number of these tests to which objection was made is no criterion as to their general correctness, inasmuch as very many merchants took no pains to protest, believing the United States courts would ultimately refund to the importers the full amount imposed under the polariscope orders. In regard to the second statement we have only to say we have never known an instance in the port of New York where the Government tests were accepted as a basis of sales. We are

Yours, very respectfully,

SKIDDY, MINFORD & CO.,
BOWERMAN BROTHERS,
EDEY, FURNACE & CO.,
BRODICK, FRISBIE & CO.,
STANNARD & TRIBOUT,
GEO. H. TOBIAS.

Hon. THOMAS F. BAYARD,
United States Senate, Washington, D. C.

Mr. HALE. I have no doubt that the Senator from Ohio honestly and profoundly believes in this one distinctive test over all others and is desirous that it should be adopted; but the letter which has just been read, which might be duplicated and triplicated, and for that matter be reproduced here in hundreds of cases, as I am informed, shows that so far from its having been accepted or having been made the test and medium for sales, the contrary was largely the fact.

What I object to is that with so doubtful a matter upon this section, which is simply the restoring of the old rate upon sugar, any attempt should be made now to introduce this question of the test. It can do no great harm if the Treasury is left as it is now until a tribunal which has ample time to consider this and other tests can report to Congress, and then we can act more intelligently; perhaps not the Senator from Ohio, but certainly the rest of us.

It is for that reason in the main that I have offered the amendment, and I insist upon it that no harm will come if we simply reduce the duty on sugar and put it back, leaving this subject to be considered where it can be much more deliberately than it can now.

Mr. SHERMAN. I will simply say that the section does not fix the polariscope as a test, but leaves it to the Treasury Department. I appeal to the Senator from Maine to say what harm there is in allowing the matter to continue, as it did for two years, when it is admitted that no fraud occurred. What is the objection to allowing them to apply the best test they can until the commission may furnish a better one? That is the only answer I need make.

Mr. HALE. The whole argument of the Senator proceeded upon the theory based upon his late administration in the Treasury Department, and not as to the immediate necessity of a test, saying this test would be applied. I do not want to put the Treasury Department to that test in this hurried way.

Mr. FRYE. In connection with the remarks my colleague has made I want to call attention to one statement of the Senator from Ohio. He said that the polariscope was the test used by the merchants the world over. I desire to say, and to say it emphatically, that there never was a cargo of sugar sold by one merchant to another merchant in the United States where the polariscope of the one merchant determined the saccharine strength of that cargo of sugar. There cannot be an instance found where a merchant used the polariscope for that purpose. True, one merchant who is the seller uses his polariscope, and the other merchant who is the buyer uses his polariscope. The testimony before our committee was that there was not one instance in a hundred where they agreed, and that then they compromised between the two polariscopes.

The Senator says that the Government was not questioned. The Government was absolute, arbitrary, could do its own business in its own way, and the merchant and refiner had no chance on earth with it. Whatever that polariscope of the Government said in the hands of an honest man or in the hands of a dishonest man—as the Senator himself in his report said always in the hands of a low-paid man, whether honest or dishonest—the man who was a refiner had to comply with or suffer.

Mr. SHERMAN. Just a word more.

Mr. KELLOGG. I move that the Senate adjourn.

Mr. SHERMAN. I have the floor for a moment. The statement made by the Senator from Maine shows that neither of these merchants relied upon a color test; they both took the polariscope. They did exactly as merchants with a yard-stick—every man has his own yard-stick and will not rely upon the yard-stick of the seller, but the buyer always uses his own stick and tests it. After all, the polariscope was the test.

HOUSE BILL REFERRED.

Mr. KELLOGG. I move that the Senate adjourn.

The PRESIDING OFFICER. Before putting the question the Chair will present a House bill for reference.

The bill (H. R. No. 6723) to repeal all laws which require the inspection and measurement of wood brought to the city of Washington for sale was read twice by its title, and referred to the Committee on the District of Columbia.

ADJOURNMENT.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. KELLOGG] moves that the Senate adjourn.

Mr. MORRILL. I hope we shall take the vote on the amendment of the Senator from Maine before we adjourn.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate adjourn.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. GROOME, (when his name was called.) I am paired with the Senator from New York, [Mr. MILLER.]

Mr. WILLIAMS, (when Mr. JOHNSTON'S name was called.) I wish to say that the Senator from Virginia [Mr. JOHNSTON] is paired with the Senator from Nebraska, [Mr. SAUNDERS.] He was paired with the Senator from Wisconsin [Mr. CAMERON] and I was paired with the Senator from Nebraska. The Senator from Nebraska and the Senator from Virginia both being absent the pair has been transferred, so that both the Senator from Wisconsin and myself can vote.

The roll-call was concluded.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is paired with the Senator from Missouri, [Mr. COCKRELL.]

Mr. HAWLEY. I wish it may be recorded that my colleague [Mr. PLATT] has been paired during the day with the Senator from Oregon, [Mr. SLATER.]

The result was announced—yeas 27, nays 19; as follows:

YEAS—27.

Bayard,	George,	Jones of Florida,	Saulsbury,
Beck,	Hampton,	Jones of Nevada,	Vance,
Brown,	Harris,	Kellogg,	Vest,
Call,	Hoar,	Maxey,	Voorhees,
Camden,	Ingalls,	Morgan,	Walker,
Coke,	Jackson,	Pugh,	Williams.
Farley,	Jonas,	Ransom,	

NAYS—19.

Aldrich,	Ferry,	McDill,	Morrill,
Allison,	Frye,	McMillan,	Rollins,
Blair,	Hale,	Mahone,	Sawyer,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Sherman.
Conger,	Logan,	Mitchell,	

ABSENT—30.

Anthony,	Edmunds,	Hill of Georgia,	Plumb,
Butler,	Fair,	Johnston,	Saunders,
Cameron of Pa.,	Garland,	Lamar,	Sewell,
Chilcott,	Gorman,	Lapham,	Slater,
Cockrell,	Groome,	McPherson,	Van Wyck,
Davis of Illinois,	Grover,	Miller of N. Y.,	Windom.
Davis of W. Va.,	Harrison,	Pendleton,	
Dawes,	Hill of Colorado,	Platt,	

So the motion was agreed to; and (at six o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 24, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday's proceedings was read and approved.

CORRECTION.

Mr. MANNING. I desire to correct the RECORD. On Saturday last, when the bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sailing vessels for foreign account was before the House, and a vote was taken on the amendment offered by the gentleman from Virginia, [Mr. TUCKER,] I announced that I was paired with Mr. DAWES, of Ohio. Although I reserved the right to vote to make a quorum, yet I did not exercise that right and announced I would have voted "ay" on the amendment if he were present. That fact does not appear in the RECORD.

ORDER OF BUSINESS.

Mr. WAIT. I call for the regular order.

Mr. DAVIS, of Illinois. I ask unanimous consent to call up a bill for consideration which I am sure will give rise to no debate.

Mr. O'NEILL. And I give notice that I will follow that by asking unanimous consent for the consideration of a bill which will not take one minute to pass.

The SPEAKER. The gentleman from Illinois [Mr. DAVIS] asks unanimous consent to take from the Committee of the Whole House on the state of the Union, for present consideration, a bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is the proceeding under the special rule.

Mr. PAYSON. I rise to a privileged matter.

Mr. BURROWS, of Michigan. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS, of Michigan. I understand the Chair to state the regular order will be the call of committees under the new rule. The new rule, it is true, provides that immediately after the approval of the Journal the committees will be called. But Rule XXIV provides that on Mondays, immediately after the approval of the Journal, the States will be called for the introduction of bills, &c. My inquiry is, does the latest rule override the other?

The SPEAKER. The Chair thinks the special rule overrides the standing rule in that respect.

Mr. O'NEILL. I hope the House will override the new rule, so that we may get the pending bill out of the way.

Mr. KELLEY. I move to recommit the pending bill to the Committee on Ways and Means.

The SPEAKER. The pending motion when the bill (H. R. No. 3902) went over as unfinished business was the motion of the gentleman from Virginia [Mr. TUCKER] to amend the bill. The gentleman from Pennsylvania now moves to refer the bill to the Committee on Ways and Means.

LAND GRANTS TO NORTHERN PACIFIC RAILROAD.

Mr. KNOTT addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. KNOTT. My colleague on the Judiciary, the gentleman from Illinois, [Mr. PAYSON,] desires to present certain views of the minority which the House authorized us to present at any time. I rise for the purpose of asking that these views may now be laid before the House.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] is recognized.

Mr. PAYSON. I submit a report of a minority of the Committee on the Judiciary in connection with House bill No. 6390 and to accompany House report No. 1284.

The SPEAKER. The report of the committee, as the Chair recollects, was laid on the table and ordered to be printed. This will also be ordered to be printed.

Mr. KNOTT. I offer some additional views on the part of myself and several of my colleagues on the committee which I now present, accompanied by a joint resolution, which I ask shall be placed on the Calendar.

Mr. VAN VOORHIS. Let the joint resolution be read.

Mr. KNOTT. I hope there will be no objection to this joint resolution going upon the Calendar, although we may not have any action upon it during this session.

Mr. ALDRICH. I reserve the right to object.

The SPEAKER. As the Chair understands the statement of the gentleman from Kentucky, this is not a report, but is simply the views of the minority of the committee. It can then only be printed and take the same course as the report.

Mr. KNOTT. I wish to ask if that report should not be upon the Calendar?

The SPEAKER. That is a matter the Chair did not direct. The House directed it to be sent to the table by unanimous consent and that is now disposed of. What the gentlemen from Illinois and from Kentucky now present are the views of the minority.

Mr. KNOTT. Accompanied with a joint resolution which I think this House would like to consider and discuss. I therefore ask it shall have the opportunity to do so, and that it may go upon the Calendar for that purpose.

Mr. TOWNSHEND, of Illinois. Let the joint resolution be read.

The SPEAKER. The joint resolution may be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That all the lands granted to the Northern Pacific Railroad Company, under an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast, by the northern route," approved July 2, 1864, which had not been patented to said company on the 1st day of July, 1882, be, and they are hereby, declared forfeited to the United States by reason of a breach of the conditions upon which said grant was made, and that said lands are hereby restored to the public domain and made subject to sale and settlement under existing law.

The SPEAKER. In the absence of objection the report will be printed.

Mr. KNOTT. I ask unanimous consent that the resolution go upon the Calendar with the report of the committee.

Mr. CASWELL. I object to that.

Mr. KNOTT. Who objects? Let us have the name on record of the gentleman who objects to considering this proposition.

Mr. TOWNSHEND, of Illinois. Who objects?

Mr. CASWELL. I object.

The SPEAKER. There is no question about the practice as to the views of the minority. It has been the custom to receive them and print them with the report of the majority.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is this: that it is the right of the committee or a member of the committee to move that this joint resolution be placed on the Calendar; and I make that motion.

Mr. COX, of New York. In reference to that point of order——

The SPEAKER. The Chair can hear only one gentleman at a time on a point of order.

Mr. COX, of New York. And there is only one speaking when I am up.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] has the floor.

Mr. TOWNSHEND, of Illinois. I submit the motion that this joint resolution be placed on the Calendar.

Mr. CASWELL. And I make the point that that motion is not in order.

Mr. TOWNSHEND, of Illinois. I will withdraw the motion, and yield to the gentleman from Kentucky [Mr. KNOTT] to make it.

Mr. KNOTT. I make the motion.

The SPEAKER. The Chair will be very glad to have the gentleman from Kentucky [Mr. KNOTT] state any rule which authorizes the views of the minority of a committee to go upon the Calendar as a report; that is entirely a new practice.

Mr. KNOTT. There are certain facts in this case——

Mr. CASWELL. I object to the discussion of this question; there are facts on the other side also.

Mr. KNOTT. There were sundry bills referred to the Committee on the Judiciary touching these land grants. That committee made a report to the House in which it recommends no action at all. A minority of the committee, seven out of fifteen members, dissent from the legal views of the majority and present certain facts showing the necessity of action by this Congress.

The question now comes up, when the committee has made a report to the House, whether the House is in such condition that it cannot consider that report, or consider any counter proposition that may be made by the minority of the committee. In a word, can a committee of this House by giving its report a peculiar shape preclude the possibility of the House considering the subject at all?

The minority of the Committee on the Judiciary, dissenting from the views of the majority, which recommend simply total non-action, present a substantive proposition for the action of the House. Now, I think it is due to the House, I think it is due to the people of this country, who are interested equally with this railroad company in this land grant, that this House should have an opportunity to consider the question and to dispose of it, and that it should not be precluded at all by any peculiarity in the report of the majority of the committee.

It does seem to me to be due to the members of this House that the question of this grant should go upon this Calendar, to be reached and discussed in order as other propositions there pending.

Mr. CASWELL. I ask the Clerk to read the last paragraph on page 305 of the Manual. I am willing to be governed strictly by the rule.

The SPEAKER. It will be read.

The Clerk read as follows:

A minority of a committee cannot make a report. It has been the practice for many years to permit the minority of a committee (even of one member) to present their "views," which are appended to the report of the committee; but unanimous consent is required for this purpose. And in cases where an amendment or substitute is recommended by such minority for the bill or resolution reported, it has no parliamentary status until submitted in due form in the House when the subject is under consideration.

Mr. TOWNSHEND, of Illinois. I desire to submit this in support of my motion. However, I will yield to the gentleman from New York [Mr. COX] if he desires to be heard.

Mr. COX, of New York. One word as to the rule which has been read, and which I was about myself to have read, if it be a rule. When adverse reports are made we have a right to have them placed upon the Calendar.

The SPEAKER. When they are reports.

Mr. COX, of New York. In this case I understand that the House, by unanimous consent, gave to the minority of this committee the privilege of making a report.

The SPEAKER. Objection was made.

Mr. COX, of New York. I understand that the views of the minority——

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] objected.

Mr. TOWNSHEND, of Illinois. The gentleman objected to the

joint resolution being placed on the Calendar; not to the reception of the report.

Mr. COX, of New York. When the report of the majority of the committee came in gentlemen asked the privilege to bring in a minority report.

Mr. TOWNSHEND, of Illinois. And it was granted at that time.

Mr. COX, of New York. Which was then granted.

Mr. POUND. The privilege was granted to bring in the views of the minority, not a report.

Mr. COX, of New York. In ordinary parlance it is a report. Now, if the record shows that consent has been heretofore given for a minority report, or that the views of the minority might be brought in, then why should not a joint resolution appended to that minority report be brought in with it, and, in the absence of any affirmative action on the part of the majority, why may it not be placed on the Calendar like an adverse report, if you please? The rule which the gentleman from Wisconsin [Mr. CASWELL] had read says:

> And in cases where an amendment or substitute is recommended by such minority for the bill or resolution reported, it has no parliamentary status until submitted in due form in the House when the subject is under consideration.

In this case there is no affirmative proposition, no bill, nothing reported here for the action of the House on the part of the majority of the committee. And the only thing on which the House can get any action on this most momentous question is the joint resolution accompanying the views of the minority of the committee.

Unless on this question, of all questions, as I claim, the most important in this Congress to-day, the forfeiture of these Pacific Railroad grants back to the Government—unless we can get a vote on that question, our committees are enabled to close all action by the House of Representatives by their manner of presenting reports. This is the only possible form, without a conflict with the rule read at the instance of my friend from Wisconsin, [Mr. CASWELL,] in which the House can give any expression of its will on this momentous question. Therefore I wish my friend from Illinois, if possible, to press his point of order up to the point, if you please, to an appeal from the decision of the Chair, so that we may have some expression on this matter of land grants at this Congress.

Mr. TOWNSHEND, of Illinois. In support of the motion I make I desire to say that there is in this Congress no question of greater importance than the one now presented.

Mr. POUND. I rise to a point of order. I desire that the point of order shall be adhered to strictly in this discussion.

The SPEAKER. The gentleman from Illinois can only be heard upon the question of reference and printing.

Mr. TOWNSHEND, of Illinois. If my friend from Wisconsin [Mr. POUND] will possess his soul in patience for a few moments he will find that I am proceeding to discuss alone the point of order; but I regard it as not improper to make the remark that a resolution involving indirectly over 100,000,000 acres of land belonging to the Government is a proper subject for discussion and most careful investigation of the authorities on this point.

I have given some thought and attention to this question; and I am fully convinced in my own mind that it is in order and highly proper that the motion made by the gentleman from Kentucky should be entertained. The report brought in here is in accordance with authority granted by this House on the 7th of June. The gentleman from Massachusetts, [Mr. ROBINSON,] who presented the report of the majority, reserved to the minority the right to present their views; and out of abundant caution, at a subsequent time on the same day, I asked that leave be granted to the minority to bring in their report. I have before me the RECORD, which shows my statement to be correct.

The minority report is now properly before the House under the leave granted on the 7th of June. This report is accompanied with a motion. When the majority of a committee bring in a report accompanied with a bill it is necessary that a motion shall be submitted to the House to place that bill on the Calendar; and it has always been the practice of the House when a minority bring in a report accompanied by a bill to allow a motion to be made to put it on the Calendar. The gentleman from Kentucky proposes to do nothing more than is done every day when reports accompanied by bills or resolutions are received; that is, to present a report and move that it be printed, and, with accompanying bill or resolution, placed on the Calendar. The gentleman from Kentucky having the floor under the previous leave of the House, accompanies the minority report with a motion and submits it to the House. I have before me Cushing's Law and Practice of Legislative Assemblies, in which it is stated that—

> According to a practice begun in Congress about thirty years ago, and now prevailing in all our legislative assemblies, though it is not known to the parliamentary law of Great Britain, the views of those members of a committee who do not concur in the report are allowed to be presented to the House to which the committee belongs.

Further, the same author says:

> They are received by the courtesy of the House, expressed by the ordinary vote of a majority.

Now, that is all we ask for in this case. The gentleman from Kentucky, has availed himself of the privilege of bringing in his report, and moves that the joint resolution which the minority recommend to the House shall be placed on the Calendar. Under the principle laid down in Cushing, this is a question for the majority of the House to decide, not for the Speaker to determine on a point of order. All I insist upon is that it is perfectly competent and proper that the motion of the gentleman from Kentucky should be entertained and submitted to the House.

Mr. ROBESON. Mr. Speaker, without discussing the importance of this question, which is certainly important, let us pay attention strictly to the condition of things under the rule. Some time since, when the majority of this committee made their report, they reserved as was the custom the right to the minority to present their views. That was granted by unanimous consent. In pursuance of the unanimous consent then granted, the views of the minority have this morning been presented; but that unanimous consent only went to the presentation of the views. Such presentation only is now in order as a privileged question under the unanimous consent. The views of the minority have been presented. But the gentleman presenting them under that unanimous consent undertakes to supplement the presentation by a new motion, which is that a resolution which he offers and which has no parliamentary status shall now go upon the Calendar. There has been no unanimous consent given for that. It is not only contrary to precedent, but the objection of a single member defeats it, as it is not a privileged motion. The objection has been made; and in my opinion there is nothing before the House.

Mr. COX, of New York. I wish to ask the gentleman from New Jersey whether he is informed of the fact that unanimous consent has already been given to make this minority report?

Mr. ROBESON. Undoubtedly; and it has been done. The motion of the gentleman from Kentucky is not in pursuance of the consent which has been granted. He asks another thing, that the resolution which he attaches to the views of the minority may be placed on the Calendar to be called up for action. He thus proposes to give to that resolution a parliamentary status which it has not and cannot have without unanimous consent. Unanimous consent is denied, and that is the end of it.

Mr. COX, of New York. Let me finish my question to the gentleman. If the matter is brought up here by a minority report submitted to this House, the gentleman from Kentucky being on the floor in charge of that minority report, and the business of that committee being completed and before the House, why has not the gentleman from Kentucky the right to make a motion to dispose of the bill of the minority?

Mr. ROBESON. Because the gentleman from Kentucky is on the floor now on a privileged question only by virtue of a unanimous consent previously given.

Mr. COX, of New York. Cannot he make a motion to refer?

Mr. ROBESON. The unanimous consent was only extended to his making a report of the views of the minority.

Mr. BLACKBURN. Answer me a question.

Mr. ROBESON. I cannot add to my friend's knowledge.

Mr. BLACKBURN. That I do not expect.

Mr. ROBESON. Very well; what is the gentleman's question?

Mr. BLACKBURN. I wish to inquire if the majority of this committee in making this report had embodied a joint resolution which it wanted to pass, whether the objection could have been made to letting that joint resolution be placed on the Calendar for future action? Most certainly not. Then, if objection could not be made to a joint resolution offered by the majority of the committee——

Mr. HISCOCK. Let me ask the gentleman from Kentucky a question?

Mr. BLACKBURN. Certainly.

Mr. HISCOCK. Could an objection be made to its being put on the Calendar?

Mr. BLACKBURN. No, sir.

Mr. HISCOCK. It would go there as a matter of right.

Mr. BLACKBURN. Yes, sir.

Mr. HISCOCK. Now, I desire to ask the gentleman another question. Is there any such thing as a minority report?

Mr. TOWNSHEND, of Illinois. Let me answer the gentleman from New York.

Mr. BLACKBURN. I am speaking in my own time.

Mr. TOWNSHEND, of Illinois. Let me answer the gentleman from New York.

Mr. BLACKBURN. The gentleman from New York rose to ask me a question, and then before I had answered his question undertakes to make a speech in my time.

Mr. HISCOCK. Oh, no!

Mr. BLACKBURN. I will not yield until I answer the question which the gentleman has submitted.

Now, Mr. Speaker, if the majority of the committee embodied a joint resolution in their report it would have been the right of that majority to have moved to put it on the Calendar.

It would not go there of its own weight, but it would go there on a motion; and when the House extended to the minority of that committee equally with the majority to submit their views this House gave to that minority also the right in that regard with the majority to submit a bill or joint resolution as the result or expression of those views. It is a right the minority has this moment to move

the reference of this joint resolution to the Calendar, and I know of no reason which can be assigned in support of a so-called point of order unless it be to gag this House from an expression of its views on the subject of these land grants.

Now, Mr. Speaker, I want to know what becomes of the constantly reiterated protests on that side against allowing the majority of this House to vote and legislate as it pleases. Here is a proposition simply to allow the majority to express its views in reference to these land grants——

Mr. POUND. Mr. Speaker, I raise a point of order against the gentleman from Kentucky that he must confine his remarks to the point of order under discussion.

The SPEAKER. The gentleman from Kentucky will confine his remarks to the point of order.

Mr. BLACKBURN. I am confining my remarks to the point of order, and the point of order is this: if a majority of that committee had closed their report with a joint resolution no man on this floor will deny, not even the Speaker of this House, they had a right to move its reference to the Calendar. When this House by unanimous consent conferred the privilege in the matter of a report on the minority of a committee it conferred equal privilege in the matter of reporting a bill or joint resolution, and the minority have a perfect right now to make the motion which my colleague has made, and I know no rule and I know of no dictum in any author on parliamentary law which will warrant its exclusion.

Mr. CASWELL rose.

The SPEAKER. The Chair is ready to decide the question.

Mr. CASWELL. I wish to say there is only one report known to the rules, and that is the majority report. The minority may, by consent, present their views, but those views must follow the majority report. If they have accompanied those views with a joint resolution it is simply in explanation of those views. It is not a joint resolution as would be a joint resolution coming from a majority, but it is only a part of the views of the minority and must follow the majority report.

Mr. TOWNSHEND, of Illinois. Only one point further. I wish to say, Mr. Speaker, the point I make is this, and I wish the Speaker to keep that in mind, that it is competent for the gentleman from Kentucky under the circumstances to present his motion, and it is the duty of the Speaker to submit that motion to the House, and it is in the power of the House to determine by a majority of the vote whether the resolution shall go to the Calendar or not.

Mr. HAZELTON. Let me say a word. It seems to me, Mr. Speaker, when the House gave unanimous consent that this report might be brought in it was simply on the ground that, the report not being ready to accompany the majority report, the courtesy was extended to the minority to file their views. If the position taken by the gentleman from Kentucky [Mr. BLACKBURN] be true, then the minority of every committee in this House would have as much power to shape legislation as the majority, and would have equal power to accompany their views with affirmative bills, to stand against the finding of the majority, and compel the House to consider those bills instead of the action of the majority. That is the logic of his position.

Mr. BLACKBURN. The majority of the House can do it.

Mr. HAZELTON. The rules of the House have fixed and laid down that a majority of the committee stands in the place of a majority of the House in shaping what legislation shall come back before the House to be considered by it; and if there is anything which we have learned in the last three Congresses, it is clearly this: that a majority of a committee can absolutely control what is to come to this House for its consideration from that committee.

Mr. BLACKBURN. Except by the unanimous consent of the House or by a vote of the majority.

Mr. HAZELTON. You cannot find a precedent for any such position in the last fifty years, I venture to assert.

Mr. BLACKBURN. Because no such precedent was ever made.

Mr. HAZELTON. Because it was so unreasonable that it would not have been made.

Mr. BLACKBURN. Because it was absolutely preposterous to raise a question which would establish such a precedent.

Mr. HAZELTON. It was never necessary, for no man would have raised such a question.

The SPEAKER. The Chair is ready to rule upon this question.

Mr. COX, of New York. I desire to say, Mr. Speaker, that I spoke in the time of my friend from Illinois, and I want to add only a word in my own right unless the Chair has made up his mind already upon the question.

The SPEAKER. If the gentleman has any new suggestions the Chair will hear him.

Mr. COX, of New York. I was going to say with some emphasis that when the House gave unanimous consent to this minority of the committe to bring in this report, and when that minority chose to make a resolution attached to their report, that resolution is here to be placed upon the Calendar, and a motion to place it there is in order. That is a succinct statement of the case, I think.

The SPEAKER. The Chair is ready to rule upon the point of order.

With the importance of this question the Chair has nothing whatever to do. The gentleman from Kentucky [Mr. KNOTT] presented the views of certain members of the Committee on the Judiciary, not a majority of the committee, under permission granted when the report of the committee on this subject was presented, and moves to have a resolution accompanying the views placed upon the Calendar. Now, there is no doubt but this belongs to the minority of the committee as a matter of right if it is to be regarded as a report at all. This question has frequently been raised, where a minority of a committee proposed to make a report and claimed the right to bring a subject before the House; but it has been always rejected and treated as though no such right existed, the majority of the committee alone being competent to bring in a report and submit it to the House for its consideration.

There is no case known to the Chair, and certainly none has been cited in the discussion of this point of order, to indicate that under any circumstances these views of the minority are to be regarded as a report.

As Cushing says in his admirable work on parliamentary law, "these views are sometimes submitted under the somewhat incongruous name of minority reports, when they are in no sense reports."

Now, to go back, at the time the report was made upon this subject the gentleman from Massachusetts [Mr. ROBINSON] stated to the House that there were certain views of the minority which they might desire to present to the House, and asked on behalf of the minority that these should be printed, which request was granted. And it was then ordered, not that they should come in as a report, but that their views, dissenting from the report of the committee, should be received and printed, and, to use the exact language of the record, "the views will be received and be printed with the report of the majority." Consent was given for this and nothing more.

Now, the gentleman from Illinois [Mr. TOWNSHEND] has cited Cushing's Manual of Parliamentory Law, and the Chair thinks it would be well enough to examine it further and have read a little more from the same paragraph and sentence from which the gentleman has already quoted. The Clerk will read.

The Clerk read as follows:

They [minority views] are received by the courtesy of the House, expressed by the ordinary vote of a majority and usually receive the same destination with the report; that is, they are printed, postponed, and considered in the same manner. But they are not in any parliamentary sense reports, nor entitled to any privilege as such; and their only effect is, in the first place to operate upon the minds of members as arguments, and secondly to serve as the basis for amendments to be moved on the resolution or other conclusion of the report. If they contain or recommend a bill it is read not as a bill, but as a part of the report and for the information of the House.

Mr. TOWNSHEND, of Illinois. Let the whole paragraph be read.

The SPEAKER. That is the whole of this chapter.

Mr. TOWNSHEND, of Illinois. I desire to have read the first portion of the paragraph.

The SPEAKER. The Chair will state that the portion of the paragraph just read which used the word "majority" has distinct reference to a majority of the House as a matter of courtesy having the right and power to allow the views of the minority to be presented and had no reference to the disposition of them on the House Calendars.

The Chair will cause the Clerk to read now from the House Journal proceedings in 1836, where the question was made whether or not the minority of a committee could make a report.

The Clerk read as follows:

Mr. Hall, of Vermont, a member of the Committee on the Post-Office and Post-Roads, to which was referred so much of the message of the President of the United States, at the commencement of the session, as relates "to the report of the Postmaster-General, the condition and operations of the Post-Office Department, and every thing connected therewith," offered to submit to the House a paper, in the form of a report, which, he stated, contained the views of the minority of the committee on that part of the said message which suggests "the propriety of passing such a law as will prohibit, under severe penalties, the circulation, in the Southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection."

The Speaker decided that, when reports from committees are called for, a report cannot be made from a minority of a committee, as a minority is not a committee; that the paper offered was not a report authorized to be made to the House by authority of the committee, and could not be received as a report from the minority, and that, consequently, it was not in order to offer the same.

The SPEAKER. The Chair thinks that under what seems to be the uniform practice all the Chair can do is to indicate that the action shall be taken which was directed to be taken on the 6th of June last when the majority report was introduced; and that is that the views of the minority shall be printed with the majority report.

Mr. KNOTT. I desire to ask what is now the parliamentary status of the joint resolution presented by the minority?

The SPEAKER. It has no possible parliamentary status except that when the majority report shall come up for consideration it might be referred to only as a matter of information to the House; and it might furnish a basis upon which amendments might be offered to the action of the majority, if action can ever be taken on that. It is now on the table and it seems to call for no action on the part of Congress. That report concludes as follows:

We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none.

Mr. KNOTT. It is then in no sense a pending proposition before the House?

The SPEAKER. Independently of the majority report, it is not, as the Chair apprehends.

Mr. HOLMAN. I rise to make a parliamentary inquiry.

Mr. COX, of New York. I desire to take an appeal from the decision of the Chair.

Mr. REED. I move to lay that appeal on the table.

Mr. HOLMAN. My parliamentary inquiry is this: it is shown from the record that the gentleman from Kentucky [Mr. KNOTT] had the floor properly by consent of the House to submit this report.

The SPEAKER. It is not a report.

Mr. HOLMAN. To submit whatever he has submitted. And having the floor, I claim he had a right to make, under that consent, the statement or report or whatever else it may be called—that having the floor rightfully he had the right to make whatever was the proper motion touching the subject-matter. Therefore he had a right, having the floor by consent, to move to refer that joint resolution to the Calendar.

Mr. POUND. But the subject-matter is not before the House.

The SPEAKER. The gentleman had only the right, except by unanimous consent, to have the resolution offered and printed. The gentleman from New York [Mr. COX] states that he appeals from the decision of the Chair, and the gentleman from Maine moves to lay that appeal on the table.

Mr. CASWELL. I do not understand there is anything to appeal from.

The SPEAKER. The Chair understands the gentleman from New York to appeal from the ruling of the Chair, in which the Chair holds a minority of the committee cannot make a report and have it referred to the Calendar.

Mr. TOWNSHEND, of Illinois. But the Chair goes further than that——

Mr. ROBESON. Did not the Chair also decide that at this time, this not being a privileged motion, and no unanimous consent having been given for that motion, it is not in order if an objection be made.

The SPEAKER. The Chair does not hold the gentleman is out of order in presenting the views of the minority; but the Chair holds the gentleman from Kentucky did not present any report in the proper sense of the word.

Mr. COX, of New York. I make my appeal from the ruling of the Chair, which I understand to be this: that the Chair rules out of order the motion made by the gentleman from Kentucky to refer this joint resolution to the Calendar. From that decision of the Chair I respectfully appeal.

The SPEAKER. And the gentleman from Maine moves that the appeal be laid upon the table.

Mr. HOLMAN. I call for the yeas and nays.

Mr. CANNON. I wish to know whether the majority resolution accompanying the report of the majority of the committee is now on the Calendar.

The SPEAKER. It is not.

Mr. HAMMOND, of Georgia. That is the trouble. We want to get something on the Calendar.

Mr. COX, of New York. And that is what they are dodging.

The SPEAKER. The Chair understands if the report of the committee had been accompanied by a bill or joint resolution, and had gone to the Calendar, then this matter would have taken the same course. It would have been printed and would have accompanied the majority report. Wherever the majority report went, under the uniform practice the minority views must go also. The gentleman from Maine [Mr. REED] moves to lay upon the table the appeal taken by the gentleman from New York from the decision of the Chair.

Mr. HOLMAN. And upon that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. Is it in order now for me to ask to have a statement read from the Digest?

The SPEAKER. The Chair thinks the question is not debatable now.

The question being taken, there were—yeas 97, nays 71, not voting 122; as follows:

YEAS—97.

Aldrich,	George,	Norcross,	Smith, J. Hyatt
Bayne,	Harris, Benj. W.	O'Neill,	Spaulding,
Bisbee,	Haseltine,	Orth,	Spooner,
Briggs,	Haskell,	Parker,	Steele,
Browne,	Hazelton,	Peelle,	Stone,
Brumm,	Henderson,	Peirce,	Strait,
Buck,	Hill,	Pettibone,	Taylor,
Burrows, Julius C.	Hiscock,	Pound,	Townsend, Amos,
Butterworth,	Horr,	Prescott,	Tyler,
Calkins,	Houk,	Ray,	Updegraff, J. T.
Campbell,	Jadwin,	Reed,	Valentine,
Candler,	Jones, George W.	Rice, William W.	Van Aernam,
Cannon,	Kasson,	Rich,	Van Horn,
Carpenter,	Kelley,	Richardson, D. P.	Van Voorhis,
Caswell,	Ketcham,	Ritchie,	Wadsworth,
Chace,	Lewis,	Robeson,	Wait,
Cutts,	Lord,	Robinson, Geo. D.	Walker,
Darrall,	Lynch,	Robinson, Jas. S.	Watson,
Davis, George R.	McClure,	Russell,	Webber,
Dawes,	McCoid,	Shallenberger,	White,
Deering,	McKinley,	Sherwin,	Williams, Chas. G.
De Motte,	Miles,	Shultz,	Willits.
Errett,	Moore,	Smalls,	
Farwell, Sewell S.	Morey,	Smith, A. Herr	
Fisher,	Morse,	Smith, Dietrich C.	

NAYS—71.

Armfield,	Culberson,	Kenna,	Rosecrans,
Atherton,	Dibrell,	Klotz,	Simonton,
Atkins,	Dowd,	Knott,	Singleton, Jas. W.
Barbour,	Dunn,	Latham,	Singleton, Otho R.
Belmont,	Ermentrout,	Leedom,	Springer,
Berry,	Evins,	Manning,	Stephens,
Blackburn,	Ford,	McKenzie,	Thompson, P. B.
Blanchard,	Fulkerson,	McMillin,	Townshend, R. W.
Blount,	Garrison,	Money,	Tucker,
Buchanan,	Gunter,	Moulton,	Turner, Henry G.
Cabell,	Hammond, N. J.	Muldrow,	Turner, Oscar
Caldwell,	Hardenbergh,	Murch,	Upson,
Cassidy,	Hatch,	Mutchler,	Vance,
Clements,	Hoblitzell,	Oates,	Warner,
Colerick,	Holman,	Payson,	Wellborn,
Cox, Samuel S.	Hooker,	Rice, Theron M.	Whitthorne,
Cox, William R.	House,	Robertson,	Williams, Thomas.
Cravens,	Jones, James K.	Robinson, Wm. E.	

NOT VOTING—122.

Aiken,	Deuster,	Hutchins,	Reagan,
Anderson,	Dezendorf,	Jacobs,	Rice, John B.
Barr,	Dingley,	Jones, Phineas	Richardson, Jno. S.
Beach,	Dugro,	Jorgensen,	Ross,
Belford,	Dunnell,	Joyce,	Ryan,
Beltzhoover,	Dwight,	King,	Scales,
Bingham,	Ellis,	Lacey,	Scoville,
Black,	Farwell, Chas. B.	Ladd,	Scranton,
Bland,	Flower,	Le Fevre,	Shackelford,
Bliss,	Forney,	Lindsey,	Skinner,
Bowman,	Frost,	Lowe,	Sparks,
Bragg,	Geddes,	Mackey,	Speer,
Brewer,	Gibson,	Marsh,	Springer,
Buckner,	Godshalk,	Martin,	Stockslager,
Burrows, Jos. H.	Grout,	Mason,	Talbott,
Camp,	Guenther,	Matson,	Thomas,
Carlisle,	Hall,	McCook,	Thompson, Wm. G.
Chapman,	Hammond, John	McLane,	Updegraff, Thomas
Clardy,	Hardy,	Miller,	Urner,
Clark,	Harmer,	Mills,	Ward,
Cobb,	Harris, Henry S.	Morrison,	Washburn,
Converse,	Heilman,	Mosgrove,	West,
Cook,	Hepburn,	Neal,	Willis,
Cornell,	Herbert,	Nolan,	Wilson,
Covington,	Herndon,	Pacheco,	Wise, George D.
Crapo,	Hewitt, Abram S.	Page,	Wise, Morgan R.
Crowley,	Hewitt, G. W.	Paul,	Wood, Benjamin.
Cullen,	Hoge,	Phelps,	Wood, Walter A.
Curtin,	Hubbell,	Phister,	Young.
Davidson,	Hubbs,	Randall,	
Davis, Lowndes H.	Humphrey,	Ranney,	

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. REAGAN.

Mr. BREWER with Mr. HOGE.

Mr. CURTIN with Mr. THOMAS.

Mr. URNER with Mr. CHAPMAN.

Mr. LACEY with Mr. HEWITT of New York

Mr. RYAN with Mr. LE FEVRE.

Mr. HUBBELL with Mr. WILLIS.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. HARMER with Mr. ELLIS.

Mr. HAMMOND, of Georgia, with Mr. PHISTER.

Mr. GEDDES with Mr. NEAL.

Mr. ORTH with Mr. MARTIN.

Mr. BELFORD with Mr. COVINGTON.

Mr. MCCOOK with Mr. RANDALL.

Mr. CRAPO with Mr. CONVERSE.

Mr. GUENTHER with Mr. DEUSTER.

Mr. WEST with Mr. FORNEY.

Mr. BINGHAM with Mr. HUTCHINS.

Mr. CROWLEY with Mr. BLISS.

Mr. MCLANE with Mr. MILLER.

Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.

Mr. CARLISLE with Mr. FARWELL of Illinois.

Mr. CASWELL. I move to dispense with the reading of the names.

Mr. MURCH. I object.

The names of those voting were then read by the Clerk, and the result announced as above stated.

the reference of this joint resolution to the Calendar, and I know of no reason which can be assigned in support of a so-called point of order unless it be to gag this House from an expression of its views on the subject of these land grants.

Now, Mr. Speaker, I want to know what becomes of the constantly reiterated protests on that side against allowing the majority of this House to vote and legislate as it pleases. Here is a proposition simply to allow the majority to express its views in reference to these land grants——

Mr. POUND. Mr. Speaker, I raise a point of order against the gentleman from Kentucky that he must confine his remarks to the point of order under discussion.

The SPEAKER. The gentleman from Kentucky will confine his remarks to the point of order.

Mr. BLACKBURN. I am confining my remarks to the point of order, and the point of order is this: if a majority of that committee had closed their report with a joint resolution no man on this floor will deny, not even the Speaker of this House, they had a right to move its reference to the Calendar. When this House by unanimous consent conferred the privilege in the matter of a report on the minority of a committee it conferred equal privilege in the matter of reporting a bill or joint resolution, and the minority have a perfect right now to make the motion which my colleague has made, and I know no rule and I know of no dictum in any author on parliamentary law which will warrant its exclusion.

Mr. CASWELL rose.

The SPEAKER. The Chair is ready to decide the question.

Mr. CASWELL. I wish to say there is only one report known to the rules, and that is the majority report. The minority may, by consent, present their views, but those views must follow the majority report. If they have accompanied those views with a joint resolution it is simply in explanation of those views. It is not a joint resolution as would be a joint resolution coming from a majority, but it is only a part of the views of the minority and must follow the majority report.

Mr. TOWNSHEND, of Illinois. Only one point further. I wish to say, Mr. Speaker, the point I make is this, and I wish the Speaker to keep that in mind, that it is competent for the gentleman from Kentucky under the circumstances to present his motion, and it is the duty of the Speaker to submit that motion to the House, and it is in the power of the House to determine by a majority of the vote whether the resolution shall go to the Calendar or not.

Mr. HAZELTON. Let me say a word. It seems to me, Mr. Speaker, when the House gave unanimous consent that this report might be brought in it was simply on the ground that, the report not being ready to accompany the majority report, the courtesy was extended to the minority to file their views. If the position taken by the gentleman from Kentucky [Mr. BLACKBURN] be true, then the minority of every committee in this House would have as much power to shape legislation as the majority, and would have equal power to accompany their views with affirmative bills, to stand against the finding of the majority, and compel the House to consider those bills instead of the action of the majority. That is the logic of his position.

Mr. BLACKBURN. The majority of the House can do it.

Mr. HAZELTON. The rules of the House have fixed and laid down that a majority of the committee stands in the place of a majority of the House in shaping what legislation shall come back before the House to be considered by it; and if there is anything which we have learned in the last three Congresses, it is clearly this: that a majority of a committee can absolutely control what is to come to this House for its consideration from that committee.

Mr. BLACKBURN. Except by the unanimous consent of the House or by a vote of the majority.

Mr. HAZELTON. You cannot find a precedent for any such position in the last fifty years, I venture to assert.

Mr. BLACKBURN. Because no such precedent was ever made.

Mr. HAZELTON. Because it was so unreasonable that it would not have been made.

Mr. BLACKBURN. Because it was absolutely preposterous to raise a question which would establish such a precedent.

Mr. HAZELTON. It was never necessary, for no man would have raised such a question.

The SPEAKER. The Chair is ready to rule upon this question.

Mr. COX, of New York. I desire to say, Mr. Speaker, that I spoke in the time of my friend from Illinois, and I want to add only a word in my own right unless the Chair has made up his mind already upon the question.

The SPEAKER. If the gentleman has any new suggestions the Chair will hear him.

Mr. COX, of New York. I was going to say with some emphasis that when the House gave unanimous consent to this minority of the committe to bring in this report, and when that minority chose to make a resolution attached to their report, that resolution is here to be placed upon the Calendar, and a motion to place it there is in order. That is a succinct statement of the case, I think.

The SPEAKER. The Chair is ready to rule upon the point of order.

With the importance of this question the Chair has nothing whatever to do. The gentleman from Kentucky [Mr. KNOTT] presented the views of certain members of the Committee on the Judiciary, not a majority of the committee, under permission granted when the report of the committee on this subject was presented, and moves to have a resolution accompanying the views placed upon the Calendar. Now, there is no doubt but this belongs to the minority of the committee as a matter of right if it is to be regarded as a report at all. This question has frequently been raised, where a minority of a committee proposed to make a report and claimed the right to bring a subject before the House; but it has been always rejected and treated as though no such right existed, the majority of the committee alone being competent to bring in a report and submit it to the House for its consideration.

There is no case known to the Chair, and certainly none has been cited in the discussion of this point of order, to indicate that under any circumstances these views of the minority are to be regarded as a report.

As Cushing says in his admirable work on parliamentary law, "these views are sometimes submitted under the somewhat incongruous name of minority reports, when they are in no sense reports."

Now, to go back, at the time the report was made upon this subject the gentleman from Massachusetts [Mr. ROBINSON] stated to the House that there were certain views of the minority which they might desire to present to the House, and asked on behalf of the minority that these should be printed, which request was granted. And it was then ordered, not that they should come in as a report, but that their views, dissenting from the report of the committee, should be received and printed, and, to use the exact language of the record, "the views will be received and be printed with the report of the majority." Consent was given for this and nothing more.

Now, the gentleman from Illinois [Mr. TOWNSHEND] has cited Cushing's Manual of Parliamentory Law, and the Chair thinks it would be well enough to examine it further and have read a little more from the same paragraph and sentence from which the gentleman has already quoted. The Clerk will read.

The Clerk read as follows:

They [minority views] are received by the courtesy of the House, expressed by the ordinary vote of a majority and usually receive the same destination with the report; that is, they are printed, postponed, and considered in the same manner. But they are not in any parliamentary sense reports, nor entitled to any privilege as such; and their only effect is, in the first place to operate upon the minds of members as arguments, and secondly to serve as the basis for amendments to be moved on the resolution or other conclusion of the report. If they contain or recommend a bill it is read not as a bill, but as a part of the report and for the information of the House.

Mr. TOWNSHEND, of Illinois. Let the whole paragraph be read.

The SPEAKER. That is the whole of this chapter.

Mr. TOWNSHEND, of Illinois. I desire to have read the first portion of the paragraph.

The SPEAKER. The Chair will state that the portion of the paragraph just read which used the word "majority" has distinct reference to a majority of the House as a matter of courtesy having the right and power to allow the views of the minority to be presented and had no reference to the disposition of them on the House Calendars.

The Chair will cause the Clerk to read now from the House Journal proceedings in 1836, where the question was made whether or not the minority of a committee could make a report.

The Clerk read as follows:

Mr. Hall, of Vermont, a member of the Committee on the Post-Office and Post-Roads, to which was referred so much of the message of the President of the United States, at the commencement of the session, as relates "to the report of the Postmaster-General, the condition and operations of the Post-Office Department, and every thing connected therewith," offered to submit to the House a paper, in the form of a report, which, he stated, contained the views of the minority of the committee on that part of the said message which suggests "the propriety of passing such a law as will prohibit, under severe penalties, the circulation, in the Southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection."

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The SPEAKER. The Chair thinks that under what seems to be the uniform practice all the Chair can do is to indicate that the action shall be taken which was directed to be taken on the 6th of June last when the majority report was introduced; and that is that the views of the minority shall be printed with the majority report.

Mr. KNOTT. I desire to ask what is now the parliamentary status of the joint resolution presented by the minority?

The SPEAKER. It has no possible parliamentary status except that when the majority report shall come up for consideration it might be referred to only as a matter of information to the House; and it might furnish a basis upon which amendments might be offered to the action of the majority, if action can ever be taken on that. It is now on the table and it seems to call for no action on the part of Congress. That report concludes as follows:

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Mr. KNOTT. It is then in no sense a pending proposition before the House?

The SPEAKER. Independently of the majority report, it is not, as the Chair apprehends.

Mr. HOLMAN. I rise to make a parliamentary inquiry.

Mr. COX, of New York. I desire to take an appeal from the decision of the Chair.

Mr. REED. I move to lay that appeal on the table.

Mr. HOLMAN. My parliamentary inquiry is this: it is shown from the record that the gentleman from Kentucky [Mr. KNOTT] had the floor properly by consent of the House to submit this report.

The SPEAKER. It is not a report.

Mr. HOLMAN. To submit whatever he has submitted. And having the floor, I claim he had a right to make, under that consent, the statement or report or whatever else it may be called—that having the floor rightfully he had the right to make whatever was the proper motion touching the subject-matter. Therefore he had a right, having the floor by consent, to move to refer that joint resolution to the Calendar.

Mr. POUND. But the subject-matter is not before the House.

The SPEAKER. The gentleman had only the right, except by unanimous consent, to have the resolution offered and printed. The gentleman from New York [Mr. COX] states that he appeals from the decision of the Chair, and the gentleman from Maine moves to lay that appeal on the table.

Mr. CASWELL. I do not understand there is anything to appeal from.

The SPEAKER. The Chair understands the gentleman from New York to appeal from the ruling of the Chair, in which the Chair holds a minority of the committee cannot make a report and have it referred to the Calendar.

Mr. TOWNSHEND, of Illinois. But the Chair goes further than that——

Mr. ROBESON. Did not the Chair also decide that at this time, this not being a privileged motion, and no unanimous consent having been given for that motion, it is not in order if an objection be made.

The SPEAKER. The Chair does not hold the gentleman is out of order in presenting the views of the minority; but the Chair holds the gentleman from Kentucky did not present any report in the proper sense of the word.

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The SPEAKER. And the gentleman from Maine moves that the appeal be laid upon the table.

Mr. HOLMAN. I call for the yeas and nays.

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The SPEAKER. It is not.

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Mr. COX, of New York. And that is what they are dodging.

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Mr. HOLMAN. And upon that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. Is it in order now for me to ask to have a statement read from the Digest?

The SPEAKER. The Chair thinks the question is not debatable now.

The question being taken, there were—yeas 97, nays 71, not voting 122; as follows:

YEAS—97.

Aldrich,	George,	Norcross,	Smith, J. Hyatt
Bayne,	Harris, Benj. W.	O'Neill,	Spaulding,
Bisbee,	Haseltine,	Orth,	Spooner,
Briggs,	Haskell,	Parker,	Steele,
Browne,	Hazelton,	Peelle,	Stone,
Brumm,	Henderson,	Peirce,	Strait,
Buck,	Hill,	Pettibone,	Taylor,
Burrows, Julius C.	Hiscock,	Pound,	Townsend, Amos,
Butterworth,	Horr,	Prescott,	Tyler,
Calkins,	Houk,	Ray,	Updegraff, J. T.
Campbell,	Jadwin,	Reed,	Valentine,
Candler,	Jones, George W.	Rice, William W.	Van Aernam,
Cannon,	Kasson,	Rich,	Van Horn,
Carpenter,	Kelley,	Richardson, D. P.	Van Voorhis,
Caswell,	Ketcham,	Ritchie,	Wadsworth,
Chace,	Lewis,	Robeson,	Wait,
Cutts,	Lord,	Robinson, Geo. D.	Walker,
Darrall,	Lynch,	Robinson, Jas. S.	Watson,
Davis, George R.	McClure,	Russell,	Webber,
Dawes,	McCoid,	Shallenberger,	White,
Deering,	McKinley,	Sherwin,	Williams, Chas. G.
De Motte,	Miles,	Shultz,	Willits.
Ermentrout,	Moore,	Smalls,	
Farwell, Sewell S.	Morey,	Smith, A. Herr	
Fisher,	Morse,	Smith, Dietrich C.	

NAYS—71.

Armfield,	Culberson,	Kenna,	Rosecrans,
Atherton,	Dibrell,	Klotz,	Simonton,
Atkins,	Dowd,	Knott,	Singleton, Jas. W.
Barbour,	Dunn,	Latham,	Singleton, Otho R.
Belmont,	Ermentrout,	Leedom,	Springer,
Berry,	Evins,	Manning,	Stephens,
Blackburn,	Ford,	McKenzie,	Thompson, P. B.
Blanchard,	Fulkerson,	McMillin,	Townshend, R. W.
Blount,	Garrison,	Money,	Tucker,
Buchanan,	Gunter,	Moulton,	Turner, Henry G.
Cabell,	Hammond, N. J.	Muldrow,	Turner, Oscar
Caldwell,	Hardenbergh,	Murch,	Upson,
Cassidy,	Hatch,	Mutchler,	Vance,
Clements,	Hoblitzell,	Oates,	Warner,
Colerick,	Holman,	Payson,	Wellborn,
Cox, Samuel S.	Hooker,	Rice, Theron M.	Whitthorne,
Cox, William R.	House,	Robertson,	Williams, Thomas.
Cravens,	Jones, James K.	Robinson, Wm. E.	

NOT VOTING—122.

Aiken,	Deuster,	Hutchins,	Reagan,
Anderson,	Dezendorf,	Jacobs,	Rice, John B.
Barr,	Dingley,	Jones, Phineas	Richardson, Jno. S.
Beach,	Dugro,	Jorgensen,	Ross,
Belford,	Dunnell,	Joyce,	Ryan,
Beltzhoover,	Dwight,	King,	Scales,
Bingham,	Ellis,	Lacey,	Scoville,
Black,	Farwell, Chas. B.	Ladd,	Scranton,
Bland,	Flower,	Le Fevre,	Shackelford,
Bliss,	Forney,	Lindsey,	Skinner,
Bowman,	Frost,	Lowe,	Sparks,
Bragg,	Geddes,	Mackey,	Speer,
Brewer,	Gibson,	Marsh,	Springer,
Buckner,	Godshalk,	Martin,	Stockslager,
Burrows, Jos. H.	Grout,	Mason,	Talbott,
Camp,	Guenther,	Matson,	Thomas,
Carlisle,	Hall,	McCook,	Thompson, Wm. G.
Chapman,	Hammond, John	McLane,	Updegraff, Thomas
Clardy,	Hardy,	Miller,	Urner,
Clark,	Harmer,	Mills,	Ward,
Cobb,	Harris, Henry S.	Morrison,	Washburn,
Converse,	Heilman,	Mosgrove,	West,
Cook,	Hepburn,	Neal,	Willis,
Cornell,	Herbert,	Nolan,	Wilson,
Covington,	Herndon,	Pacheco,	Wise, George D.
Crapo,	Hewitt, Abram S.	Page,	Wise, Morgan R.
Crowley,	Hewitt, G. W.	Paul,	Wood, Benjamin.
Cullen,	Hoge,	Phelps,	Wood, Walter A.
Curtin,	Hubbell,	Phister,	Young.
Davidson,	Hubbs,	Randall,	
Davis, Lowndes H.	Humphrey,	Ranney,	

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. WARD with Mr. AIKEN.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. REAGAN.

Mr. BREWER with Mr. HOGE.

Mr. CURTIN with Mr. THOMAS.

Mr. URNER with Mr. CHAPMAN.

Mr. LACEY with Mr. HEWITT of New York

Mr. RYAN with Mr. LE FEVRE.

Mr. HUBBELL with Mr. WILLIS.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. HARMER with Mr. ELLIS.

Mr. HAMMOND, of Georgia, with Mr. PHISTER.

Mr. GEDDES with Mr. NEAL.

Mr. ORTH with Mr. MARTIN.

Mr. BELFORD with Mr. COVINGTON.

Mr. MCCOOK with Mr. RANDALL.

Mr. CRAPO with Mr. CONVERSE.

Mr. GUENTHER with Mr. DEUSTER.

Mr. WEST with Mr. FORNEY.

Mr. BINGHAM with Mr. HUTCHINS.

Mr. CROWLEY with Mr. BLISS.

Mr. MCLANE with Mr. MILLER.

Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.

Mr. CARLISLE with Mr. FARWELL of Illinois.

Mr. CASWELL. I move to dispense with the reading of the names.

Mr. MURCH. I object.

The names of those voting were then read by the Clerk, and the result announced as above stated.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River between the city of El Paso, Texas, and Paso del Norte, Mexico;

A bill (H. R. No. 1858) to provide additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose;

A bill (H. R. No. 4174) for the erection of a public building at Marquette, Michigan;

A bill (H. R. No. 4178) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania; and

A bill (H. R. No. 6739) for the relief of Lucretia R. Garfield.

ORDER OF BUSINESS.

Mr. NEAL. I call for the regular order.

Mr. BAYNE. I desire to submit a report.

Mr. NEAL. An hour and a half has been spent already this morning without the regular order being reached.

Mr. BAYNE. I merely desire to submit a report to go upon the Calendar.

Mr. NEAL. I will yield for a report.

The SPEAKER. The regular order being called for, it must be withdrawn generally.

Mr. NEAL. I cannot withdraw it generally.

The SPEAKER. Is there objection to the gentleman from Pennsylvania [Mr. BAYNE] submitting a report?

There was no objection.

GENERAL ALFRED PLEASANTON.

Mr. BAYNE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 5525) authorizing the President to appoint and retire Alfred Pleasanton a major-general; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MATERIALS FOR THE CONSTRUCTION OF VESSELS.

The SPEAKER. The regular order being called for, the House now resumes the consideration of the bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sailing vessels for foreign account, pending at the close of the morning hour on Saturday last. The morning hour under the new rule now begins at twenty-five minutes past twelve o'clock.

Mr. KELLEY. I move to refer the pending bill and amendment to the Committee on Ways and Means.

Mr. TUCKER. I rise to a point of order on the motion of the gentleman from Pennsylvania. On Saturday, when the House adjourned, or at least when this question was adjourned, we were in the progress of voting upon the amendment which I had the honor to offer. The question was taken, as the Speaker will remember, by a rising vote, then by tellers, then by yeas and nays; and the point being raised that there was no quorum, I moved a call of the House, which was refused. So that we were in the midst of a vote upon the amendment at the time the question went over. I now raise the question, and ask the Chair to rule upon it, whether it is in order for the gentleman from Pennsylvania to move to refer the bill and amendment to the Committee on Ways and Means before a vote has been taken upon the amendment, which vote was being taken at the time the question went over.

The SPEAKER. The recollection of the Chair is that the yeas and nays had been ordered upon the amendment of the gentleman from Virginia——

Mr. KASSON. Under the rule it is in order even after the previous question is ordered to move to commit.

The SPEAKER. But the point is——

Mr. TUCKER. That we are in the midst of a vote.

Mr. TOWNSHEND, of Illinois. The House was dividing at the time that this question went over on Saturday.

Mr. O'NEILL. There was no quorum; hence the proceeding on the vote failed.

Mr. TUCKER. The point was made that no quorum had voted; and of course the vote must be taken again.

Mr. O'NEILL. A quorum showed itself at the end of the hour; hence I think all proceedings upon the matter ended then and there.

Mr. KASSON. The division was over; and after a division is over the motion to refer, it seems to me, is in order.

The SPEAKER. The difficulty is not as to the division; but the House had ordered the yeas and nays to be taken upon the amendment offered by the gentleman from Virginia, and although a vote was taken it disclosed no quorum voting. The point being made that no quorum voted, the question would immediately recur upon taking the vote anew, if no motion of higher privilege should be made.

Mr. HASKELL. But pending the declaration that there was no quorum came the motion that the House adjourn, which showed conclusively to the Chair, in ordinary parliamentary practice, that it was not the intention of the House at that time to force a quorum. In the same way as upon the arrest of a member for disorder the motion to adjourn cuts off that proceeding. Now, upon the reassembling of the House the question stands upon the amendment offered by the gentleman from Virginia as a new proposition, and pending that a ranking motion has been made—a motion to refer.

Mr. TUCKER. It may be a "ranking motion," but it seems to me a rank departure from correct parliamentary law for any gentleman to insist that while the House is in the act of voting on an amendment on which a vote by yeas and nays was inoperative because there was no quorum there can be interjected a new motion which takes the House away from the very question which was under decision at the time.

Mr. HASKELL. The very point I raise is that the House did not order the yeas and nays; there was no quorum to do so. Upon the motion for a call of the House there was no attempt made on the part of the House to compel a quorum, and the adjournment cut off the proceeding.

The SPEAKER. The recollection of the Chair is that the House had ordered the yeas and nays. If the question were simply between the motion to amend and the motion to refer, the Chair would hold that the motion to refer must take precedence; but the question presents something more than that. The motion to amend was pending, and upon it the yeas and nays had been ordered. A call of the yeas and nays had taken place and a quorum was not disclosed.

Mr. KASSON. I move to reconsider the vote by which the House ordered the yeas and nays.

The SPEAKER. In view of the fact that the yeas and nays had been ordered on the amendment, the Chair must decline to entertain now the motion to refer.

Mr. KASSON. Then I make the motion to reconsider the vote by which the yeas and nays were ordered.

Mr. McMILLIN. I make the point of order that the motion of the gentleman from Iowa cannot be entertained at this time, because the House is voting upon the amendment.

The SPEAKER. The roll is not now being called, and there is no other time that the motion can be entertained except after the yeas and nays have been ordered.

Mr. KENNA. What vote is required to reconsider the vote ordering the yeas and nays?

The SPEAKER. It has been held that the ordering of the yeas and nays can be reconsidered by the vote of a majority. If the reconsideration be agreed to the question will immediately recur upon the ordering of the yeas and nays.

Mr. KNOTT. I make the point of order, Mr. Speaker, that the motion to reconsider the ordering of the yeas and nays—I do not care how frequently entertained by the House—never can be in order.

The SPEAKER. The Chair thinks it is in accordance with the practice.

Mr. KNOTT. It may be in accordance with the practice heretofore, but I make the point now, in the nature of things you cannot rob one-fifth of the members of the House of their right under the Constitution to demand the yeas and nays.

The SPEAKER. The Chair agrees with the gentleman from Kentucky in that respect, and, if the motion to reconsider should prevail, the question will recur on ordering the yeas and nays if the yeas and nays shall be demanded.

Mr. KNOTT. That shows the absurdity of the proposition.

The SPEAKER. The Chair did not make the practice or the rule.

Mr. KNOTT. I understand the practice has been as the Chair has stated it, but it is a practice I never did accede to and never can.

The SPEAKER. The gentleman from Iowa moves to reconsider the vote ordering the yeas and nays.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. If it is out of order for the gentleman from Pennsylvania to move to recommit the bill to the Committee on Ways and Means, why is it not equally out of order for the gentleman from Iowa [Mr. KASSON] to make a motion to reconsider the vote by which the yeas and nays were ordered? They stand exactly on the same principle. It is because the yeas and nays have been ordered and the House is dividing. If the motion of the gentleman from Pennsylvania is out of order, then the motion of the gentleman from Iowa [Mr. KASSON] for precisely the same reason is out of order.

Mr. TUCKER. Let me make one remark on that point. I understand the Chair has decided, and I think correctly, that as the House when this matter went over, the hour having expired, on Saturday, went over until to-day, as the House was in the act of taking the vote by yeas and nays, the motion to recommit is not in order. Now, there is a motion made to reconsider the vote ordering the yeas and nays. Suppose there is a reconsideration—allow me to call the attention of the Chair to the point—would the Speaker rule, there having been a reconsideration of the vote ordering the yeas and nays, it would be in order then for the gentleman from Pennsylvania to move to recommit?

The SPEAKER. The motion to refer is of higher order.

Mr. TUCKER. But does not the Speaker see the logic that, having decided the motion to refer is out of order, by permitting the motion to reconsider to come in he allows that motion to refer to come in in order which he has decided to be out of order?

The SPEAKER. Perhaps it is the object of the gentleman from

Iowa [Mr. KASSON] in making the motion to reach precisely that result. It is for the House to decide what it shall do.

Mr. TUCKER. I ask the Speaker this question. If the Speaker is right, as I think he is, that it is out of order for the gentleman from Pennsylvania [Mr. KELLEY] to make the motion to recommit to the Committee on Ways and Means, is it not equally out of order for the gentleman from Iowa [Mr. KASSON] to move to reconsider the vote of the yeas and nays when we are acting under that order, and taking the yeas and nays on the amendment which I have moved? Will not the Speaker see that if his present decision is right that the motion to reconsider is out of order and cannot be entertained.

The SPEAKER. The Chair thinks that is not so. It gives the House a right to reconsider its action.

Mr. KNOTT. The Speaker holds it is in order to entertain the motion to reconsider the call for the yeas and nays. Suppose that motion prevails, does not the question immediately recur on ordering the yeas and nays?

The SPEAKER. Yes, when the question comes up on the amendment. Then any member can demand the yeas and nays, and on the order of one-fifth of those present the yeas and nays can be ordered. But if the gentleman has the right, as the Chair has indicated, to make the motion to refer, that would take precedence of the motion to amend, because paragraph 4 of Rule XVI provides expressly for it.

Mr. KNOTT. With the permission of the Chair I wish to submit this point of order.

Mr. TUCKER. I raise the question of order on my friend from Iowa, [Mr. KASSON.]

The SPEAKER. The gentleman from Kentucky has the floor.

Mr. TUCKER. I raise the question of order on the gentleman from Iowa, and that is whether he can move to reconsider the ordering of the yeas and nays when he did not vote on that question.

Mr. KASSON. There was no record of the vote on that question, and it does not matter how I voted.

The SPEAKER. There has been no record on ordering the yeas and nays, and therefore the point does not lie. But only one point of order can be pending at the same time.

Mr. HAMMOND, of Georgia. There was a call of the yeas and nays, and on that call of the yeas and nays the gentleman from Iowa declined to vote.

Mr. ALDRICH. I move to reconsider the vote ordering the yeas and nays.

Mr. KNOTT. I believe, Mr. Speaker, I have the floor.

The SPEAKER. The Chair has recognized the gentleman from Kentucky on the point of order.

Mr. ALDRICH. The yeas and nays were ordered and the yeas and nays were called, but there was no quorum.

Mr. KNOTT. Mr. Speaker, the Constitution of the United States guarantees to one-fifth of the members of the House the right to demand and have put on record the yeas and nays on any proposition. That being so, no majority of this House, however large, unless by unanimous consent, can deprive that one-fifth of that constitutional right. That being so, a motion to deprive them of that right is in derogation of the Constitution, and is manifestly out of order.

Now, let us look at this proposition *ab inconvenienti*. I make a motion, for instance, for the yeas and nays, one-fifth of the members present second it, and the demand is sustained. A gentleman moves to reconsider the vote by which the yeas and nays were ordered, and a majority vote to sustain the demand for reconsideration. I call for the yeas and nays on that demand, and one-fifth of the members present order them. Another gentleman rises and moves to reconsider the vote by which that demand was sustained and it is carried, and one-fifth of those present again demand the yeas and nays upon that.

Is it not evident that you can go on, sir, without limit until the crack of doom, working in a complete circle in a vain attempt to get a vote upon any question at all as long as one-fifth of the members present see proper to insist upon their constitutional right which neither you nor any majority of the House can deprive them of. I maintain that the very absurdity of the proposition is so patent that I cannot see how it can possibly be entertained at all. By what authority can a majority of the House say to one-fifth of those present, "You shall not exercise your constitutional right?" If they have no authority to do that, what authority have they or has the Speaker to submit a question to the House which contemplates depriving them of that right?

Mr. BURROWS, of Michigan. Will the gentleman from Kentucky allow me to send to the desk and have read a ruling bearing upon this point?

Mr. KNOTT. I have no objection.

Mr. ATKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. What is the question before the House, and how did that question get before the House? Is not the *status quo* of Saturday, when we adjourned on this question, the *status quo* of this moment, the unfinished business coming over and occupying the present consideration of the House? If that be so, we were dividing at that time, and a motion was made to reconsider another motion while we were dividing.

The SPEAKER. The Chair will state in answer to the gentleman from Tennessee that the yeas and nays were ordered. The roll-call is not going on, and if it is in order to move to reconsider at any time it is in order now.

Mr. ATKINS. It is going on, I beg pardon of the Speaker; we are dividing.

The SPEAKER. Does the gentleman hold that the roll-call is going on?

Mr. ATKINS. Yes, sir.

The SPEAKER. The Chair thinks not.

Mr. ATKINS. It ought to be going on at this moment.

The SPEAKER. As a matter of fact it is not going on, however.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. There was no vote ordering the yeas and nays on Saturday. There were some thirty-odd members of the House who constituted one-fifth of the members of the House and who demand their constitutional right to have the yeas and nays entered upon the Journal. There was no vote, however, upon it. Therefore my colleague who makes a motion now to reconsider that vote by which the yeas and nays were ordered has no right to make it.

The SPEAKER. There is no question about the fact that the yeas and nays were ordered.

Mr. TOWNSHEND, of Illinois. But not by a vote of the House.

Mr. BURROWS, of Michigan. I ask now to have read, as bearing upon the point of order, what I send to the desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. KELLOGG moved that the order by the House of the yeas and nays be reconsidered.

Mr. POLLOCK raised the question of order that it required four-fifths to reconsider an order for the yeas and nays.

The SPEAKER decided that according to the precedents a majority might reconsider the order, but that the question would immediately recur on ordering the yeas and nays, when one-fifth would be sufficient for that purpose. (February 14, 1848.)

Mr. POUND. But one motion to reconsider would be in order.

Mr. KNOTT. I believe, Mr. Speaker, I still have the floor.

Mr. HASKELL. Will the gentleman from Kentucky yield to me for a moment?

Mr. KNOTT. In a few minutes. This question, Mr. Speaker, so far as it establishes anything at all, establishes the inalienable right of one-fifth of this body to demand the yeas and nays, and also that four-fifths of the members cannot deprive them of that constitutional right. It establishes, further, that if four-fifths of the members present should be held competent to deprive the one-fifth of that right, they can immediately reassert it, and that the question, *co instanti*, recurs upon ordering the yeas and nays again before another motion can be entertained.

But the point I make is this: if there were ten thousand precedents to the contrary, that they cannot override the plain letter of the Constitution, and this continually recurring vicious precedent of allowing a reconsideration of a vote ordering the yeas and nays could not be held sufficient to override the plainest rule we have and the plainest rights laid down in the organic law of this country.

Mr. HASKELL. I would like the attention of the Speaker and of the House for a moment. It is clearly evident to my mind that the gentleman from Kentucky is right in the general principle of his argument, because, not that he is technically right and that the motion to reconsider cannot be put, for I believe it can be under the rule, but if the effect of that action is right one-fifth of the members can order the yeas and nays again after that reconsideration.

Now, I submit to the House, Mr. Speaker, that it is wise to go on and vote upon the amendment, and when the roll-call is concluded the motion to reconsider and lay on the table can be entertained by the Chair and the sense of the House can be tested in the matter by a positive vote; and I ask unanimous consent of the House that the roll be called on the amendment and the vote had, and after that the motion of the gentleman from Pennsylvania [Mr. KELLEY] can be entertained.

The SPEAKER. The Chair thinks that, following the precedents, it must entertain the motion. There seem to have been precedents during the entire history of the Congress of the United States in favor of entertaining the motion to reconsider a vote ordering the yeas and nays. The Chair might agree with the gentleman from Kentucky if this was an original question; but the decisions are all one way. It is very true, as has been stated, that after such a vote is reconsidered one-fifth of those present would still have the constitutional right to again order the yeas and nays on the same question.

Mr. KNOTT. I call for the yeas and nays on that motion.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] moves to reconsider the vote by which the yeas and nays were ordered, and the gentleman from Kentucky [Mr. KNOTT] calls for the yeas and nays on the motion to reconsider.

The yeas and nays on the motion to reconsider were ordered—42 members voting therefor.

Mr. DUNN. I move now to reconsider that vote by which the yeas and nays have been ordered on the motion to reconsider.

The SPEAKER. The Chair thinks the gentleman from Arkansas can hardly be in earnest about that.

Mr. DUNN. I want to run the rule to a ridiculous result.

The SPEAKER. All parliamentary rules that are followed out improperly may run into absurdities.

Mr. DUNN. The position I take is that this runs into an absurdity.

Mr. ROBESON. It cannot be in order to reconsider a vote to reconsider.

Mr. DUNN. If any one makes the point of order on my motion let the Chair rule upon it.

The SPEAKER. The Chair has simply ruled, following a line of precedents through the entire history of the House, that a motion to reconsider the vote by which the yeas and nays were ordered was in order. The Chair cannot entertain two motions of that kind at the same time.

Mr. DUNN. But this was a vote ordering the yeas and nays. Now, I move to reconsider that vote; and if a point of order is made on my motion, I ask the Chair to rule upon it.

The SPEAKER. It is like making several appeals at the same time. The Chair cannot present any such absurdity under the rule. The Clerk will call the roll.

Mr. KENNA rose.

The Clerk proceeded to call the roll, and called the first two names.

Mr. KENNA. I rose to a point of order before the call of the roll began. I ask the Chair to rule upon the motion of the gentleman from Arkansas.

The SPEAKER. That motion would undoubtedly be in order, but the Chair cannot entertain two motions of the same kind at the same time.

Mr. KENNA. This motion does not apply to the same vote as the other. The one is to reconsider the vote ordering the yeas and nays on the amendment of the gentleman from Virginia, [Mr. TUCKER.] This does not apply to the same vote at all. The motion of the gentleman from Arkansas applies to the vote last taken.

The SPEAKER. The Chair understands that perfectly well. But it is the same character of motion.

Mr. KENNA. Does the Chair hold it out of order?

The SPEAKER. The Chair does not hold it out of order. But the Chair holds it cannot entertain two motions of the same kind at the same time.

Mr. KENNA. Does the Chair hold it to be in order?

The SPEAKER. The Clerk will call the roll.

Mr. KENNA. I ask the Chair to decide whether the motion of the gentleman from Arkansas is in order or is not in order.

The SPEAKER. The Chair would hold it would be in order if the House was not proceeding to vote on a similar motion.

Mr. KENNA. If the Chair holds the motion is out of order I desire to appeal from the decision of the Chair.

Mr. HISCOCK. I make the point of order that the Clerk had commenced the roll-call and that two names had been called.

Mr. KENNA. I rose before the Clerk began, and was recognized.

Several members called for the regular order.

The SPEAKER. The regular order is the call of the roll.

Mr. KENNA. Does the Chair entertain my appeal?

The SPEAKER. The Chair can submit no appeal pending the roll-call.

Mr. KENNA. I rose in my place and was recognized by the Chair.

The SPEAKER. There need be no difficulty about this. The Chair followed the precedents in entertaining the motion of the gentleman from Iowa. In every session of Congress, so far as the Chair is able to learn, certainly in all the Chair is familiar with, the practice has been to allow a motion to reconsider a vote by which the yeas and nays have been ordered. If presented as an original question the Chair might hold otherwise. But when the yeas and nays have been ordered on a motion of that kind, the Chair does not think it can entertain a similar motion and submit the question on that, going on indefinitely. In this the Chair follows exactly the precedent that two appeals cannot be submitted at the same time.

Mr. KENNA. I only desired the Chair to pass on that because it is a new proposition.

The SPEAKER. The Chair would hold the proposition of the gentleman from Arkansas in order for the same reason that it has entertained the other motion; but it cannot entertain the two at the same time.

Mr. KENNA. And from the ruling of the Chair, that the motion of the gentleman from Arkansas is out of order, I desire to appeal, in order that there may be a decision of the House on this novel proposition.

The SPEAKER. The Chair did not so rule. The Clerk will proceed with the call of the roll.

The Clerk resumed and concluded the call of the roll.

The question was taken; and there were—yeas 94, nays 78, not voting 117; as follows:

YEAS—94.

Aldrich,	Burrows, Julius C.	Davis, George R.	Ford,
Anderson,	Campbell,	Dawes,	Godshalk,
Bayne,	Caswell,	De Motte,	Harris, Benj. W.
Bisbee,	Chace,	Dingley,	Haseltine,
Briggs,	Crowley,	Dwight,	Haskell,
Browne,	Cullen,	Errett,	Hill,
Brumm,	Cutts,	Farwell, Sewell S.	Hiscock,
Buck,	Darrall,	Fisher,	Horr,
Houk,	O'Neill,	Robinson, Jas. S.	Townsend, Amos
Jacobs,	Parker,	Russell,	Tyler,
Jadwin,	Payson,	Shallenberger,	Valentine,
Kasson,	Peelle,	Sherwin,	Van Aernam,
Kelley,	Peirce,	Shultz,	Van Horn,
Ketcham,	Pettibone,	Skinner,	Van Voorhis,
Lewis,	Pound,	Smalls,	Wadsworth,
Lord,	Prescott,	Smith, Dietrich C.	Wait,
Lynch,	Ray,	Smith, J. Hyatt	Walker,
McClure,	Reed,	Spaulding,	Ward,
McCoid,	Rice, Wm. W.	Speer,	Watson,
McKinley,	Rich,	Spooner,	Webber,
Miles,	Richardson, D. P.	Steele,	White,
Miller,	Ritchie,	Stone,	Willits.
Moore,	Robeson,	Strait,	
Norcross,	Robinson, Geo. D.	Taylor,	

NAYS—78.

Armfield,	Culberson,	Klotz,	Robinson, Wm. E.
Atherton,	Dibrell,	Knott,	Rosecrans,
Atkins,	Dunn,	Latham,	Simonton,
Barbour,	Ermentrout,	Leedom,	Singleton, Jas. W.
Belmont,	Evins,	Manning,	Singleton, Otho R.
Berry,	Flower,	Matson,	Springer,
Blackburn,	Forney,	McKenzie,	Stephens,
Blanchard,	Fulkerson,	McMillin,	Thompson, P. B.
Buchanan,	Garrison,	Mills,	Townshend, R. W.
Buckner,	Gunter,	Morrison,	Tucker,
Cabell,	Hammond, N. J.	Morse,	Turner, Henry G.
Caldwell,	Hardenbergh,	Moulton,	Turner, Oscar
Candler,	Harris, Henry S.	Muldrow,	Upson,
Cannon,	Hoblitzell,	Murch,	Vance,
Cassidy,	Holman,	Mutchler,	Warner,
Clements,	Hooker,	Oates,	Wellborn,
Colerick,	House,	Reagan,	Whitthorne,
Cox, Samuel S.	Jones, George W.	Rice, Theron M.	Williams, Thomas.
Cox, William R.	Jones, James K.	Richardson, Jno. S.	
Cravens,	Kenna,	Robertson,	

NOT VOTING—117.

Aiken,	Davis, Lowndes H.	Hubbs,	Ranney,
Barr,	Deering,	Humphrey,	Rice, John B.
Beach,	Deuster,	Hutchins,	Ross,
Belford,	Dezendorf,	Jones, Phineas,	Ryan,
Beltzhoover,	Dowd,	Jorgensen,	Scales,
Bingham,	Dugro,	Joyce,	Scoville,
Black,	Dunnell,	King,	Scranton,
Bland,	Ellis,	Lacey,	Shackelford,
Bliss,	Farwell, Chas. B.	Ladd,	Smith, A. Herr
Blount,	Frost,	Le Fevre,	Sparks,
Bowman,	Geddes,	Lindsey,	Stockslager,
Bragg,	George,	Lowe,	Talbott,
Brewer,	Gibson,	Mackey,	Thomas,
Burrows, Jos. H.	Grout,	Marsh,	Thompson, Wm. G.
Butterworth,	Guenther,	Martin,	Updegraff, J. T.
Calkins,	Hall,	Mason,	Updegraff, Thomas
Camp,	Hammond, John	McCook,	Urner,
Carlisle,	Hardy,	McLane,	Washburn,
Carpenter,	Harmer,	Money,	West,
Chapman,	Hatch,	Morey,	Williams, Chas. G.
Clardy,	Hazelton,	Mosgrove,	Willis,
Clark,	Heilman,	Neal,	Wilson,
Cobb,	Henderson,	Nolan,	Wise, George D.
Converse,	Hepburn,	Orth,	Wise, Morgan R.
Cook,	Herbert,	Pacheco,	Wood, Benjamin
Cornell,	Herndon,	Page,	Wood, Walter A.
Covington,	Hewitt, Abram S.	Paul,	Young.
Crapo,	Hewitt, G. W.	Phelps,	
Curtin,	Hoge,	Phister,	
Davidson,	Hubbell,	Randall,	

So the order for the yeas and nays was reconsidered.

The following additional pairs were announced:

Mr. WILLIAMS, of Wisconsin, with Mr. WILSON.

Mr. WEST with Mr. SCALES.

Mr. CORNELL with Mr. ROSS.

Mr. MOREY with Mr. HARDY.

Mr. HEPBURN with Mr. AIKEN.

Mr. MASON with Mr. MONEY.

Mr. MARSH with Mr. MCLANE.

Mr. HATCH with Mr. BUTTERWORTH.

The result of the vote was then announced as above stated.

Mr. KELLEY. I now move that the bill with the pending amendment be referred to the Committee on Ways and Means.

Mr. KNOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I make the point of order that under the Constitution not a majority simply but four-fifths is required to reconsider the order for the yeas and nays, if a motion to reconsider such order can be entertained at all.

The SPEAKER. The Chair will simply state in answer to the gentleman that if it were an original question the Chair would sustain the point of order. But having looked at the precedents, and they seem to be as numerous as the sessions of Congress, beginning with the first, in which it has been held by all previous Speakers that a motion can be made to reconsider an order for the yeas and nays, which reconsideration can be carried by a majority vote, the Chair overrules the point of order.

Mr. KNOTT. And I make the further point of order that the question immediately recurs upon the demand for the yeas and nays, according to the authority read from the desk a while ago.

The SPEAKER. The Chair agrees with the gentleman that the yeas and nays can again be ordered at once if the vote is taken upon that question; but the Chair also holds that the motion to refer takes precedence.

Mr. KNOTT. The question recurs at once on the demand for the yeas and nays, and fairness to this side of the House requires it to be taken.

Mr. ERRETT. Pending the demand for the yeas and nays a motion to refer is made.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. The House is voting on the question, and the motion of the gentleman from Pennsylvania [Mr. KELLEY] cannot therefore be entertained. In support of that point of order I wish to suggest that we quit off, when in session on Saturday last in the morning hour, in the midst of a vote. We now go back, if this reconsideration of the order for the yeas and nays can be had at all, right where we quit off, which was in the midst of a vote. I insist there is no power that can prevent this side of the House from having the yeas and nays on the question, if the constitutional number should desire them.

The SPEAKER. Nobody, so far as the Chair has heard, disputes that proposition. The question recurs——

Mr. McMILLIN. If the motion of the gentleman from Pennsylvania be entertained we are deprived of our right to the yeas and nays.

The SPEAKER. If the vote is to be taken on the proposition to amend, it can be taken by yeas and nays if one-fifth of those present so order; but the motion to refer not being in order pending the order of the House to take the vote by yeas and nays, and that order being now reconsidered, the motion to refer becomes by the express terms of the rule in order, and must first be submitted.

Mr. KENNA. But on that point I want to call the attention of the Chair to the fact which the gentleman from Tennessee has already suggested, that independently of the question of yeas and nays the House was dividing. A vote had been taken by tellers; and pending the division of the House on the amendment the motion to refer cannot be entertained.

The SPEAKER. The motion to refer is in order pending the other motion, because it is a privileged motion.

Mr. KENNA. Pending the other motion, but not pending the putting of the motion and a division upon it.

The SPEAKER. The Clerk will read paragraph 4 of Rule XVI.

The Clerk read as follows:

When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely being decided, shall be again allowed on the same day at the same stage of the question.

Mr. McMILLIN. Now, I make the point that the rule just read cannot apply, because the House is not in the condition upon which the rule was intended to operate.

The SPEAKER. The Chair overrules the point of order.

Mr. KENNA. I wish to make a suggestion, and call attention to the statement of the Digest in support of it. If the motion to refer had been submitted at the time the motion to amend was made the rule would undoubtedly have given precedence to the motion to refer, but it was not submitted at that time. The motion to amend was made, and the House was dividing upon that motion; it had gone to the extent of taking the vote by tellers, and the Digest expressly declares that when on taking a vote less than a quorum is present the question continues to occupy precisely the same status. That status is a division of the House. The House is in the act of dividing on this amendment, and by all the precedents——

The SPEAKER. The Chair is quite familiar with the status of this matter. A vote was taken by yeas and nays, and that vote was void because no quorum voted. The point of no quorum was made and then the question recurred on the amendment. The order for yeas and nays having just been reconsidered the motion is now made to refer, which motion is privileged over the motion to amend.

Mr. KENNA. The Chair cannot cite a precedent where any Speaker of this House has ever allowed a division of the House to be interrupted by the interjection of any motion.

The SPEAKER. The Chair agrees with the gentleman that a division of the House cannot be interrupted.

Mr. KENNA. The House is in the act of division.

Mr. KASSON. Not at all.

The SPEAKER. The House has just reconsidered the vote by which it ordered the yeas and nays——

Mr. KENNA. But the House has not reconsidered the vote which it was taking by tellers.

The SPEAKER. The Chair holds that the motion to refer is now in order. [Cries of "Question!" "Question!"]

Mr. BURROWS, of Michigan. Mr. Speaker, has not the hour for proceedings under the new rule expired?

The SPEAKER. The hour has expired.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. KELLEY. My motion is pending?

The SPEAKER. It is; it goes over as unfinished business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the return by the House of a concurrent resolution of the Senate to print additional copies of the report of the Commissioner of Education for 1881.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; and further insisted upon its amendments to said bill disagreed to by the House, and asked a further conference on the disagreeing votes of the two Houses thereon and had appointed Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia, as the conferees on the part of the Senate.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title: A bill (S. No. 2099) for the relief of the executors of John W. Forney.

PRINTING REPORT OF COMMISSIONER OF EDUCATION.

The SPEAKER. The regular order, this being Monday, is the call of States and Territories for the introduction of bills and joint resolutions, resolutions of inquiry, and resolutions of State and Territorial Legislatures for reference. Before proceeding with that order, the Chair desires to state that there is on the table a request from the Senate for the return of a resolution of that body for printing additional copies of the report of the Commissioner of Education for 1881. This resolution has already been referred to the Committee on Printing; but if there be no objection that committee will be discharged from its further consideration, and it will be returned to the Senate in accordance with the request. The Chair hears no objection, and it is so ordered.

NICARAUGUA CANAL.

Mr. CANNON. I rise to a privileged report.

Mr. BLOUNT. Before the gentleman calls up his report, I desire to make a request of the House. The other day the gentleman from Iowa [Mr. KASSON] reported from the Committee on Foreign Affairs a bill to incorporate the Nicaraugua Canal Company; the bill being accompanied with a report. It was understood in the committee that the minority should be allowed to make a report; but the gentleman from Iowa by some oversight failed to ask such consent of the House. I desire now to ask authority to make a minority report and have the same printed with the report of the majority.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks to be allowed to submit the views of a minority of the Committee on Foreign Affairs upon a measure on which a report has already been made.

Mr. KASSON. What is the bill?

Mr. BLOUNT. The bill to incorporate the Nicaragua Canal Company.

Mr. KASSON. I am not disposed to make any objection to the submission of the views of the minority, but there should be some time named within which they shall be submitted.

Mr. BLOUNT. I desire to state that immediately upon the committee perfecting the bill the gentleman had his report ready, and the minority had no opportunity to prepare a report before the bill was presented to the House.

Mr. KASSON. I suggest that the gentleman simply say "may be submitted at this session."

Mr. BLOUNT. I do not know why the gentleman wishes to hold me down to this session. I expect to do it as soon as I possibly can; but why the gentleman should wish to restrain me to possibly a week I cannot understand; I do not accept it subject to such a qualification.

The SPEAKER. The Chair does not hear any objection to the gentleman presenting his views at such time during this session as they may be ready.

Mr. BLOUNT. I do not ask it subject to the qualification of being put in during the session. If I am to be cut off——

The SPEAKER. It is not debatable.

Mr. BLOUNT. Yes, I know that, and I am merely putting an inquiry to the Chair and not debating the proposition.

The SPEAKER. The gentleman can withdraw his request if he wishes to do so.

Mr. BLOUNT. My object is not to withdraw it, but if it is to be refused by the action of the gentleman from Iowa, let it take that course.

The SPEAKER. The gentleman has stated that no objection would be made by him to the views being submitted during this session.

Mr. BLOUNT. I made no request of that sort. I asked to submit the views of the minority. If the gentleman wants to make that qualification let him do so. I am not going to consent to taking any such privilege on so important a question.

Mr. KASSON. I think, Mr. Speaker, it is customary to have some time named in order we may have the opportunity to see those views when they are presented, and if the entire remainder of this session is given, it seems to me to be enough, as after adjournment no one will be able to see the report. It is only fair the majority should see the views of the minority.

Mr. BLOUNT. I do not object to their seeing it, but I do not want, on a question of such importance, to be restricted to so many days. The gentleman has had charge of it all the session.

Mr. KASSON. Will ten days after the close of the session be sufficient for the gentleman's purpose?

Mr. BLOUNT. I say to the gentleman from Iowa the minority will submit their views at the earliest possible moment.

Mr. NEAL. Let us have the regular order of business.

Mr. KASSON. I should not feel authorized to have the minority permitted to run into the next session. I will say, speaking for myself and not speaking for anybody else, I will agree to the gentleman having ten days after the adjournment of this session of Congress in which to submit the views of the minority.

Mr. BLOUNT. Very well; I am content to take ten days after the close of the present session.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R No 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 51, 52, 59, 75, 86, 87, 87½, 88, 89, 90, 95, 96, 97, 98, 108, 109, 118, 120, 121, 122, 135, 137, 140, 142, 156, 157, 166, 180, 181, 184, 185, 191, 192, 196, 197, 199, 200, 201, 202, 213, 214, 215, 222, 223, 224, 233, 237, 240, 260, 261, 262, 264, 266, 271, 272, 279, 284, 285, 286, 286½, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, and 308.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 54, 55, 56, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 76, 80, 81, 83, 84, 91, 92, 93, 94, 103, 104, 105, 106, 107, 110, 112, 113, 114, 115, 116, 117, 119, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 138, 139, 141, 143, 144, 145, 146, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 161, 162, 164, 168, 169, 170, 172, 173, 174, 175, 178, 182, 187, 189, 190, 193, 194, 195, 203, 205, 206, 208, 209, 210, 211, 212, 216, 219, 220, 221, 227, 228, 229, 230, 232, 235, 236, 238, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 263, 265, 268, 269, 270, 274, 277, 278, 281, 282, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 309, 311, 312, 313, 314, 315, 316, 317, 318, 323, 325, 326, 327, 329, and 338, and agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of "twenty-four" insert "twenty-seven;" and the Senate agree to the same.

Amendments numbered 57 and 58: That the House recede from its disagreement to the amendments of the Senate numbered 57 and 58, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 24, page 8 of the bill, to the end of the amended paragraph, and insert in lieu thereof the following: "one deputy to the Sergeant-at-Arms, $2,000; one cashier, $3,000; one paying teller, $2,000; one bookkeeper, $1,800; one messenger, $1,200; one page at $60 per month, and one laborer at $660;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of "five" insert "four," and strike out the word "eight," in line 3, page 11 of the bill, and insert in lieu thereof the word "nine;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,640;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the word "twelve," where it occurs on page 16, in line 9 of the bill, and in lieu thereof insert "eleven;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fourteen;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,550;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments as follows: In lieu of the number proposed by said amendment insert "seven;" on page 18, in line 9 of the bill, after the word "dollars," insert the following: "one chief of appointment division, $2,750;" and in line 12 strike out "six," where it occurs on page 18 of the bill, and in lieu thereof insert "five;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with amendments as follows: In lieu of the number proposed by said amendment insert "forty-one;" and in line 18, page 18 of the bill, strike out the word "twenty-nine" and in lieu thereof insert "thirty;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$498,733.25;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: On page 22, in line 16 of the bill, strike out "nine" and in lieu thereof insert "eight;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "thirty-seven;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fifty-two;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,690;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,610;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "two," and in line 16, page 36 of the bill, after the word "dollars," insert the word "each;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,180;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In line 17 of said amendment, after the words "per diem," insert the words "and mileage;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: After the word "appointed," where it occurs in said amendment, insert the words "from civil life;" and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,140;" and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: On page 54, in line 20 of the bill, after the word "one," where it occurs, insert the following: "and all the clerks provided for in this paragraph;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$73,580;" and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$30,000;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: On page 58, in line 21 of the bill, after the word "office" where it occurs, insert the following: "including those provided for in this paragraph;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with amendments as follows: After the word "watch," in line 6 of the amendment, insert the following: "at the rate of $1,200 per annum;" after the word "carpenter," in line 6 of the amendment, insert the following: "at the rate of;" and after the word "dollars," in line 7 of the amendment, insert the words "per annum;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with amendments as follows: On page 63, in line 13 of the bill, after the word "streets," insert the following: "One engineer, $1,000;" and in same line strike out "four," where it occurs, and insert "five," and in line 20, same page, strike out "ten" and insert in lieu the word "eleven;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: On page 65, in line 13 of the bill, where they occur, strike out the words "two hundred;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: After the word "appointed," where it occurs in said amendment, insert the words "from civil life;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with amendments as follows: After the word "for," where it first occurs in said amendment, insert the word "professional;" and on page 68, in line 1 of the bill, strike out "five thousand" and insert in lieu thereof "two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with amendments as follows: After the word "one," where it first occurs in said amendment, insert the words "clerk who shall act as;" and on page 77, in lines 5 and 6 of the bill, strike out the words "and one clerk at $1,200;" and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,350;" and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: Strike out of said amendment the words "who shall be persons skilled in surveying and having knowledge of the land laws of the United States;" and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$66,460;" and after the word "dollars," in line 3, page 79 of the bill, strike out the period and insert a semicolon; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with amendments as follows: In lieu of the words "two chiefs," where they occur in said amendment, insert "one chief," and strike out the word "each" at the end of the amendment; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of "eight" insert the word "seven;" and the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,620;" and the Senate agree to the same.

Amendment numbered 267: That the House recede from its disagreement to the amendment of the Senate numbered 267, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,580;" and the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: Strike out "four," where it occurs in said amendment, and insert "two;" and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: Strike out "four," where it occurs in said amendment, and insert "two;" and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: On page 87, in line 20 of the bill, strike out "three" and insert in lieu thereof "nine;" and the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "27,910;" and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "fourteen;" and the Senate agree to the same.

Amendment numbered 287: That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,060;" and the Senate agree to the same.

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,120;" and the Senate agree to the same.

Amendment numbered 319: That the House recede from its disagreement to the amendment of the Senate numbered 319, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,410;" and the Senate agrees to the same.

Amendments numbered 321 and 322: That the House recede from its disagreement to the amendments of the Senate numbered 321 and 322, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "The reporter of the decisions of the Supreme Court of the United States shall be entitled to receive from the Treasury an annual salary of $4,500 when his report of said decisions constitutes one volume, and an additional sum of $1,200 when by direction of the court he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of $1,200, and to office rent, stationery, and contingent expenses in the sum of $600; and an amount sufficient for the payment of said sums is hereby appropriated: *Provided*, That the above provision shall not apply to decisions of the court pronounced at the last term thereof, but that said decisions shall be printed and the volumes containing them delivered to the Secretary of the Interior as prescribed by existing laws, and an amount sufficient to pay the salary and compensation of the reporter in connection therewith is hereby appropriated: *And provided further*, That the volumes of the decisions which said court shall hereafter pronounce shall be furnished by the reporter to the public at a sum not exceeding $2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor;" and the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in any Executive Department or subordinate bureau or office thereof, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services;" and the Senate agree to the same.

Amendment numbered 328: That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "but shall be charged to the quotas of the several States and Territories from which they are respectively appointed. And nothing herein shall be construed to repeal or modify section 166 of the Revised Statutes of the United States;" and the Senate agree to the same.

Upon amendments 330, 331, 332, 333, 334, 335, 336, and 337 the committee are unable to agree.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
H. G. DAVIS,
Managers on the part of the Senate.

The managers on the part of the House of the conference on the legislative, executive, and judicial appropriation bill submit the following detailed statement in explanation of the action recommended in the report submitted:

The effect of the action recommended by the committee on the Senate amendments will be, if ratified by the two Houses, as follows:

On amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50, all of which relate to the Senate, corrects total of a paragraph; increases salary of the financial clerk from $2,592 to $3,000, of two messengers from $1,292 to $1,440 each; provides for new offices, as follows: clerks to Committees on Foreign Relations and Public Lands at $2,220 each; assistant clerk to the Committee on Pensions at $1,440; telephone operator at $720; clerk to superintendent of document-room at $1,440; one messenger in post-office at $1,200; and for seven messengers at $1,440 each; appropriates $4,500 for materials for folding and $2,500 for folding speeches, and provides for the salaries of clerks and other employés of the Senate at the rates of compensation now allowed them by law.

On amendments 51 and 52: Makes a verbal correction in the text of the bill and fixes the appropriation for contingent expenses of the Capitol police at $100.

On amendments 53, 54, 55, 56, 57, 58, 59, and 60, relating to the House of Representatives: Corrects total stated in a paragraph; provides for clerk to the Committee on Agriculture at $2,000 and an assistant clerk to the Committee on Commerce at $1,500; for a cashier at $3,000 in lieu of the clerk to the Sergeant-at-Arms at $2,100; for a deputy Sergeant-at-Arms at $2,000 and a bookkeeper at $1,800; strikes out provision for one additional messenger at $1,200 and provides for an additional messenger at $1,200 in the post-office.

On amendments 61, 62, and 63: Provides for a clerk of class 4 in lieu of one of class 2 in the Office of the Public Printer and corrects total of the paragraph.

On amendments 64, 65, 66, 67, 68, 69, 70, 71, and 72: Reorganizes the force employed in the Library of Congress, reducing the total cost thereof $200.

On amendment 73: Makes a verbal correction in the text of the bill.

On amendments 74, 75, 76, 77, and 78: Provides for one additional chief of bureau at $2,100, two clerks of class 2 and four clerks of class 1, and reduces clerks of class 4 from twelve to eleven in the State Department.

On amendments 79, 80, 81, 82, 83, 84, and 85, relating to the office of the Secretary of the Treasury: Provides for an additional chief of division at $2,500, for five in lieu of six assistant chiefs of division at $2,000, for one assistant superintendent of building at $2,100, for estimate and digest clerk at $2,000; increases the salary of appointment clerk and of the actuary $250 each; provides for forty-one in lieu of forty-two clerks of class 4, for thirty in lieu of twenty-nine clerks of class 3, for sixteen in lieu of fifteen clerks at $1,000 each; makes a verbal correction in the text of the bill and corrects the total of a paragraph.

On amendments 86 and 87: Strikes out proposed increase of salary of photographer in Supervising Architect's Office.

On amendments 87½, 88, 89, and 90: Leaves paragraph for the office of the First Comptroller without change as passed by the House.

On amendments 91, 92, 93, and 94: Provides for three in lieu of four clerks of class 4, and three in lieu of four clerks of class 3, and for two clerks of class 1, in Second Comptroller's Office, for work relating to pensions.

On amendments 95, 96, 97, and 98: Leaves paragraphs for offices of Commissioner of Customs and First Auditor without change as passed by the House.

On amendments 99, 100, 101, and 102, relating to the Second Auditor's Office: Provides for one additional chief of division at $2,000, for eight in lieu of nine clerks of class 4, for thirty-seven in lieu of forty-five clerks of class 3, and for fifty-two in lieu of forty-four clerks of class 2, and corrects total of the paragraph.

On amendments 103, 104, and 105, relating to the Third Auditor's Office: Provides for two additional chiefs of division at $2,000 each, for forty in lieu of forty-three clerks of class 1, and corrects total of the paragraph.

On amendments 106, 107, 108, 109, 110, and 111, relating to the Fifth Auditor's Office: Provides for one additional chief of division at $2,000, for four in lieu of five clerks of class 4, four in lieu of five clerks of class 2, six in lieu of five clerks of class 1, two in lieu of one laborer, and corrects total of the paragraph.

On amendment 112: Strikes the following from the bill as it passed the House: "To provide the necessary force for examining registers on arrival and departure of mails, and obtaining information and making such examination and revision as is necessary for the proper auditing and settlement of accounts for the transportation of the mails: Four clerks of class 4; six clerks of class 3; four assorters at $900 each; in all, $20,400."

On amendments 113, 114, 115, 116, and 117, relating to the office of the Register of the Treasury: Provides as follows: For seventeen in lieu of eighteen clerks of class 3, for twenty in lieu of nineteen clerks of class 1, for sixty in lieu of fifty-eight copyists, and for seven in lieu of eight laborers, and corrects total of the paragraph.

On amendment 118: Inserts the following proposed to be stricken out by the Senate: "For expenses of special examinations of national banks and bank plates, $2,000."

On amendment 119: Corrects total of a paragraph.

On amendments 120, 121, and 122: Leaves the paragraph in reference to the Bureau of Engraving and Printing unchanged as it passed the House.

On amendments 123, 124, 125, 126, and 127, relating to the office of the Life-Saving Service: Fixes salary of civil engineer and draughtsman at $1,800; provides for one clerk of class 4, and one clerk of class 3 additional; corrects total of the paragraph, and authorizes detail of one officer from special agency, customs and revenue service, for duty in Washington.

On amendments 128 and 129: Provides for a hospital steward in the office of the Marine Hospital Service, and corrects the total of the paragraph.

On amendments 130, 131, 132, 133, and 134, relating to office of the Commissioner of Internal Revenue: Provides for twenty-four in lieu of twenty-three clerks of class 1, for seventy-nine clerks at $900 in lieu of seventy-six, for two messengers, for fourteen in lieu of thirteen assistant messengers, and corrects total of the paragraph.

On amendment 135: Strikes out proposed increase of $125,000 for salaries of collectors and deputy collectors of internal revenue.

On amendments 136, 137, 138, 139, 140, 141, 142, 143, 144, and 145: Reduces the aggregate amount passed by the House for contingent expenses of the Treasury Department $16,500.

On amendments 146, 147, and 148: Provides for one coin and currency clerk at $1,500, and one additional watchman for the sub-treasury at Chicago.

On amendments 149 and 150: Provides for one assistant engineer at $720 in the sub-treasury at New York, and corrects total of the paragraph.

On amendments 151 and 152: Strikes out one receipt clerk at $1,600 at the sub-treasury in San Francisco, and corrects total of the paragraph.

On amendments 153, 154, 155, 156, and 157, relating to the office of the Director of the Mint: Provides for two copyists in lieu of one, and for one helper at $360, corrects total of the paragraph, and leaves amounts for contingent expenses of the office as passed by the House.

On amendments 158, 159, 160, and 161: Reduces salary of register of deposits in the mint at San Francisco $200, and corrects the total of the paragraph.

On amendment 162: Gives for wages of workmen at assay office in New York $25,000.

On amendment 163: Inserts the following:

"*Provided*, That the governor, chief-justice, and the speaker of the house of representatives, and the president of the council during the last session of the Legislature of the Territory of Montana shall constitute a board, who shall assemble at the capital of the Territory on the call of the governor; and such board or a majority thereof, shall have power to organize any new county not now organized which may contain five hundred or more inhabitants, and appoint temporary officers therefor, and fix the boundaries of the same. And such board, or a majority thereof, shall reapportion the members of the council and house of representatives of said Territory upon the basis of the population as it exists at the time of their assembling as may truly appear to them from the best sources of information; and the governor shall issue notice of such apportionment, and the next Legislature shall be elected in accordance therewith, as provided by law. The members of this board shall be allowed the same compensation per diem and mileage as are allowed the presiding officers of the Legislature. All acts of this board shall be subject to the revision of the Legislative Assembly."

On amendment 164: Inserts the following: For the salaries of the commissioners appointed under an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, $25,000; and the salaries of said commissioners are hereby fixed at the rate of $5,000 per annum each.

On amendments 165, 166, 167, and 168: Provides for an Assistant Secretary of War at $3,500; strikes out proposed increase of salary of chief clerk of War Department; corrects total of the paragraph and inserts the following: "*Provided*, That the President may authorize and direct the commanding general of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section 179 of the Revised Statutes, and section 1222 of the Revised Statutes shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties."

On amendments 169, 170, 171, 172, and 173, relating to clerks in the office of the Adjutant-General engaged on pension work: Provides for ten clerks at $1,000 each in lieu of twenty-five, for thirteen in lieu of five clerks of class 4, makes verbal change to perfect text of the bill, and corrects totals of paragraphs.

On amendments 174 and 175: Provides an additional clerk of class 1 for Bureau of Military Justice, and corrects total of a paragraph.

On amendments 176, 177, 178, and 179: Provides for twenty-five agents to investigate claims under act of July 4, 1864, and $30,000 for their expenses.

On amendments 180 and 181: Leaves paragraph for office of the Commissary-General as passed by the House.

On amendments 182 and 183: Provides for fifteen in lieu of twenty-one clerks of class 4 and fifty-nine in lieu of fifty clerks of class 1 for work on pensions in the Surgeon-General's Office.

On amendments 184 and 185: Leaves paragraph for office of publication of Records of the Rebellion as passed by the House.

On amendment 186: Inserts the following: "For the additional force required for the north wing, the north half of the east wing, and two stories of the south wing of the State, War, and Navy Department building, namely: One assistant engineer for the period of nine months, at the rate of $1,000 per annum, $750; one captain of the watch, at the rate of $1,200 per annum, $900; one carpenter, at the rate of $1,000 per annum; one conductor of elevator for the period of nine months, at the rate of $720 per annum, $540; one laborer; five firemen for the period of nine months, $2,700; twelve charwomen for the period of nine months, $1,620; one hostler, $660; two hostlers, at $540 each; one watchman, at $540; in all, $10,390, or so much thereof as may be necessary."

On amendment 187: Makes a verbal correction in the text.

On amendments 188, 189, and 190: Provides for one engineer at $1,000, and one laborer at $480, for building corner Seventeenth street and F, and corrects total of the paragraph.

On amendments 191 and 192: Leaves paragraph for compensation of superintendents of War Department buildings as passed by the House.

On amendment 193: Appropriates $3,000 for foreign postage for the War Department.

On amendments 194 and 195: Inserts the following: "And the amounts necessary to pay the said additional clerks and other employés shall be transferred from the respective appropriations for the support of the Army for the fiscal year ending June 30, 1883, under such titles of appropriation as shall make them available for payment of the salaries of the clerks and employés hereby authorized in lieu of said "general service" or "detailed enlisted men."

* * * * * * *

"*Provided*, That the general service and detailed enlisted men herein referred to may receive the rates of compensation and allowances now prescribed by law and regulations, until the Secretary of War shall have adjusted the said force in accordance with the provisions of this act, and that such adjustment shall be effected on or before the 1st day of October next."

On amendments 196 and 197: Leaves clause for Bureau of Military Justice as it was passed by the House.

On amendment 198: Reduces pay of mechanical engineer in office of the Quartermaster-General to $1,600 and corrects total of the paragraph.

On amendments 199 and 200: Leaves paragraph for office of the Surgeon-General as it passed the House, and corrects total of the paragraph.

On amendment 201: Leaves paragraph for office of Paymaster-General as it passed the House.

On amendments 202 and 203: Strikes out proposed increase of salary of public gardener, and makes a verbal correction in the text.

On amendments 204, 205, and 206: Provides for an Assistant Secretary of the Navy at $3,500, for two additional clerks of class 2 in the office of the Secretary of the Navy, and corrects total stated in the paragraph.

On amendment 207: Provides $2,500 for professional books for Navy Department and $2,500 for contingent fund.

On amendments 208 and 209: Corrects the total stated in a paragraph, and makes a verbal correction to perfect the text.

On amendments 210, 211, and 212: Provides for two laborers in the naval laboratory at $1,000 and $720 each, respectively, in lieu of two at $660 each.

On amendments 213, 214, and 215, relating to the office of the Secretary of the Interior: Strikes out proposed increase in the salaries of the Assistant Secretary and a chief of division, and corrects total stated in the paragraph.

On amendments 216, 217, and 218: Provides for an additional law clerk in the Interior Department at $2,500; makes provision for a stenographer therein at $1,600 in lieu of a clerk of class 1, and corrects total stated in a paragraph.

On amendments 219, 220, 221, 222, and 223: Provides for rent of building or buildings for use of Pension Office, $20,000.

On amendments 224, 225, and 226, relating to General Land Office: Strikes out provision for an assistant commissioner at $2,500, and provides for three inspectors of surveyors-general and district land offices, and corrects total stated in the paragraph.

On amendments 227, 228, and 229: Provides for three clerks of class 3 in lieu of one; for two clerks of class 2 and two clerks of class 1 in lieu of seven clerks of class 1, heretofore paid from appropriations for swamp-land claims.

On amendments 230, and 231: Provides for miscellaneous expenses and expenses of inspectors for General Land Office, $30,000.

On amendments 232, 233, 234, 235, 236, 237, 238, 239, 240, and 241, relating to Indian Office: Increases salary of Commissioner $500; strikes out provision for assistant commissioner; provides for one chief of division at $2,000; for three clerks class 4 in lieu of four clerks of that class; for a stenographer at $1,600; for fifteen in lieu of sixteen clerks of class 2; for seven in lieu of six clerks at $1,000 each; and corrects total stated in the paragraph.

On amendments 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 256, 257, 258, 259, relating to the Pension Office: Provides the force in that office exactly as estimated for by the Commissioner of Pensions, and also inserts the following: "*Provided*, That the duties of first and second deputy commissioners shall be such as are now fixed by law for the deputy commissioner of pensions; and in case of death, resignation, absence, or sickness of the Commissioner his duties shall devolve upon the first deputy commissioner until his successor is appointed or such absence or sickness ceases, and in case of the like absence of the Commissioner and first deputy commissioner the second deputy commissioner shall act as Commissioner in like manner."

On amendments 260, 261, 262, 263, and 264, relating to the Patent Office: Provides for twenty-five fourth-assistant examiners at $1,200 each; corrects total stated in the paragraph, makes a verbal correction in the text, and strikes out the following: "For completing and publishing the classified abridgment of letters patent now in progress relating to agricultural implements, in conformity with the act approved March 3, 1881, $35,000."

On amendments 265, 266, and 267: Provides for a collector of statistics at $2,400, and otherwise leaves the paragraph for Bureau of Education as when it passed the House.

On amendments 268, 269, and 270, relating to office of the Commissioner of Railroads: Strikes out one clerk of class 2, corrects total stated in the paragraph, and gives $1,200 for purchase of books and book-cases.

On amendment 271: Makes a verbal correction in the text of the bill.

On amendments 272, 273, 274, 275, and 276, relating to the office of the Geological Survey: Provides for salary of the director at $6,000; chief clerk, $2,200; disbursing clerk, $2,200, and for the librarian at $2,000; and corrects total stated in the paragraph.

On amendment 277: Fixes salary of the surveyor-general of Dakota at $2,500.

On amendments 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317, relating to the Post-Office Department: Increases salaries of the three Assistant Postmasters-General $500 each; provides for one copyist additional in office of the Postmaster-General; two clerks of class 1 and two clerks of class 3 in the First Assistant's Office; one clerk of class 4, two clerks of class 3, one assistant messenger, one clerk of class 1, and three copyists in Second Assistant's Office; one copyist in Third Assistant's Office; one plumber and one awning-maker at $900 each; and reduces the aggregate amount for contingent expenses $6,500.

On amendments 318, 319, and 320, relating to the Department of Justice: Provides for an additional law clerk at $2,000, and for one laborer, and corrects total stated in the paragraph.

On amendments 321 and 322, in lieu of the amended paragraph in the bill touching salary of the reporter of the Supreme Court and publication of the Supreme Court reports inserts the following: "The reporter of decisions of the Supreme Court shall be entitled to receive from the Treasury an annual salary of $4,500 when his report of said decisions constitutes one volume, and an additional sum of $1,200 when by direction of the court he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of $1,200, and to office rent, stationery, and contingent expenses in the sum of $600, and an amount sufficient for the payment of said sums is hereby appropriated out of any money in the Treasury; *Provided*, That the above provision shall not apply to decisions of the court pronounced at the last term thereof, but that said decisions shall be printed and the volumes containing them delivered to the Secretary of the Interior as prescribed by existing laws; and the amount sufficient to pay the salary and compensation of the reporter in connection therewith is hereby appropriated: *And provided further*, That the volumes of the decisions which said court shall hereafter pronounce shall be furnished by the reporter to the public at a sum not exceeding $2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor."

On amendments 323, 324, 325, 326, 327, and 328 makes section 4 of the bill read as follows:

"SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall, after the 1st day of October next, be employed in any of the Executive Departments or subordinate bureaus or offices thereof at the seat of Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in an Executive Department or subordinate bureau or office thereof, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services; and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employés at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employés from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury: *Provided*, That the sums herein specifically appropriated for clerical or other force heretofore paid for out of general or specific appropriations may be used by the several heads of Departments to pay such force until the said several heads of Departments shall have adjusted the said force in accordance with the provisions of this act; and such adjustment shall be effected before October 1, 1882. And in making such adjustment the employés herein provided for shall, as far as may be consistent with the interests of the service, be apportioned among the several States and Territories according to population: *Provided further*, That any person performing duty in any capacity as officer, clerk, or otherwise in any Department at the date of the passage of this act who has heretofore been paid from any appropriation made for contingent expenses or for any contingent or general purpose, and whose office or place is specifically provided for herein, under the direction of the head of that Department may be continued in such office, clerkship, or employment without a new appointment thereto, but shall be charged to the quotas of the several States and Territories from which they are respectively appointed. And nothing herein shall be construed to repeal or modify section 166 of the Revised Statutes of the United States."

On amendment 329: Corrects the number of a section in the bill.

On amendment 338: Strikes out the following:

"SEC. 7. That no part of the contingent fund appropriated by this act shall be expended in payment of clerks employed by Senators or members of the House of Representatives."

On amendments 330, 331, 332, 333, 334, 335, 336, and 337, relating to the transfer of the records of the Surgeon-General's Office pertaining to the settlement of pensions, together with the clerical force engaged thereon, to the Adjutant-General's Office, and the assignment of the room in the State, War, and Navy building for the occupancy of the State, War, and Navy Departments respectively, the committee are unable to agree, and it is recommended by the conferees on the part of the House that the House insist upon its disagreement to said amendments and ask for a further conference thereon.

The total amount appropriated by the bill as it passed the House was $19,880,273.35; as it passed the Senate it appropriated $20,276,300.65; as agreed upon in conference it appropriates $20,038,000.65, or $157,727.30 more than as it passed the House and $238,300 less than as it passed the Senate.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

The SPEAKER. The question is on the adoption of the report of the conference committee.

Mr. HOLMAN. Mr. Speaker, I would call the attention of the House before a vote is taken upon the adoption of this report to the enormous increase of officers and salaries contemplated by this bill, and to arrest the attention of the House to those points while I make a brief parliamentary inquiry; that is, whether or not under the rule the report of the conference committee is to be printed as a separate document?

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. Then does it go into the RECORD?

The SPEAKER. It will go into the RECORD.

Mr. SPRINGER. I desire to inquire of the gentleman submitting this report whether the conferees in considering the disagreeing votes of the two Houses have increased the number of clerks in the Departments beyond the number agreed upon by either of the Houses?

Mr. CANNON. No, sir; by no manner of means. If the gentleman had noticed the concluding part of the report he would have seen that the Senate amendments increased the House bill, in round

numbers, $400,000, and that as a result of the conference the Senate receded $238,000, in round numbers, and the House assented in conference to an increase over the House bill of $157,000, or about that sum, which is a very material decrease in the amendments of the Senate.

Mr. SPRINGER. Was that on account of the increased number of officials allowed by the Senate?

Mr. CANNON. Substantially.

Mr. SPRINGER. Was it principally for the increased number?

Mr. CANNON. Yes.

Mr. SPRINGER. How many new offices are created by this bill and clerks provided for which were not provided under this bill in the last Congress?

Mr. CANNON. If my friend will allow me, I will state that I see my colleague on the committee of conference, the gentleman from Tennessee, is on his feet, and I hope he will be allowed to have such time as he may desire to explain his position with reference to this report.

Mr. ATKINS. I thank the gentleman from Illinois. I was going to inquire, with the consent of my colleague on the committee, who has charge of the bill, if he had any remarks to make or motion to submit?

Mr. CANNON. I had, sir.

Mr. ATKINS. I presumed the gentleman had, although he seemed to be a little dilatory.

Mr. CANNON. I propose to move the adoption of the conference report.

Mr. ATKINS. Before that is done, permit me to submit two or three observations. It will be observed by the House, Mr. Speaker, that my name is not appended to the conference report, and perhaps it is due to the House as well as to my friends on this side of the House to assign the reasons why my name does not appear there.

In the first place, I did not vote for the bill when it passed the House; and I did not vote for it for what in my judgment were good and sufficient reasons.

I thought it was too large a bill, and that it provided too large a force altogether. That was my opinion, and I did not vote for it for that reason. Now, I am not going to give the details of that reason. I shall not go into the minutiæ of the matter. What I have said must be sufficient upon that point. In the next place, the Senate, not content with the bill as it went from the House, so far as the clerical force of the Government is concerned, has added in round numbers one hundred employés to the catalogue of clerks and employés.

Mr. SPRINGER. Where are they to be assigned?

Mr. ATKINS. I do not know that I can give the details exactly, but this provides six additional clerks in the State Department; in the Treasury Department nineteen; the War Department is increased twenty-six; the Navy Department two; the Interior Department seven; the Post-Office Department has been increased sixteen; the Department of Justice is increased two, one of them being a law clerk at a salary of $2,000 a year; and then the Senate has increased its own employés thirteen, and five additional employés have been given to the House. This, it will be found, amounts to ninety-six additional clerks. I was not in favor of those additional clerks.

Perhaps there might be some that were necessary; I won't say but that some of them might not have been; but if they were needed some of those who are not needed might have been substituted and not employ or appoint new ones, as far as that is concerned. I think the force is too large now. Then I have another objection to the bill. It has created some new officers. For instance, it has created the office of Assistant Secretary of War and Assistant Secretary of the Navy. Now, we have gotten along for this one hundred years past without these officers, and I believe we can get along some time longer without them. We went through one of the most gigantic wars of modern times, one of the most tremendous that has shocked the face of the earth, and yet we had no Assistant Secretary of War or Assistant Secretary of the Navy, and did not feel the want of them. I do not myself believe that it is necessary to have them now. Therefore I object to the creation of these new officers. Then, sir, we increase some salaries which I do not favor. For instance, the bill increases the salaries of the Utah commissioners from $3,000 to $5,000 each, a very considerable increase—66⅔ per cent.—and that during the very session of Congress which created them.

The report increases the salaries of the Assistant Postmasters-General First, Second, and Third, $500 each. Now, I am not very certain that there is not some apology for that; and I will not say that on that account alone I would have withheld my assent from this conference report. It may be necessary. The Post-Office Department is increasing very rapidly. Eight or ten per cent. a year is the regular increase of that Department. And if these offices have been at $3,500 always I am not certain that there is not some justice in this increase. I desire to be fair.

Then the Commissioner of Indian Affairs has his salary increased $500. I do not believe there is a particle of necessity for that; not one particle. There are fewer Indians to-day than there were twenty years ago. Their number is growing less every day; and we are appropriating now four or five million dollars—in round numbers, $5,000,000—a year for the Indians, whereas some years ago we appropriated $8,000,000 for this Department. And I do not believe there is any necessity for the deputy commissioner, now that we are expending $5,000,000 a year, when we did not have him at the time we were expending $8,000,000.

The report increases also the salary of the surveyor-general of Dakota. I think, sir, the salaries of all the surveyors-general are too large. The truth of the business is it is an unnecessary office. I became convinced of that years ago; and the more I have heard that office discussed on this floor the better satisfied I am I was correct in that opinion. But as the House of Representatives, and as the Senate in concurring with the action of the House, as those two bodies have failed to reduce the salaries of the surveyors-general of all the rest of the Territories I think it was but right that the salary of the surveyor-general of Dakota should be increased as it is. At this time it is $500 below the salary of any of the rest. I think, therefore, that is right in itself; but I think the others should have been brought down instead of his salary being put up. Two thousand dollars is the present salary of the surveyor-general of Dakota; $2,500 the salary of each of the surveyors-general of all the other Territories.

Then the report increases the salary of the friend of my friend from Illinois [Mr. MORRISON] on my left—a very worthy old gentleman—$250. I shall not make any attack on that. I refer to the Actuary of the Treasury.

Mr. MORRISON. He has got brains, that old gentleman.

Mr. ATKINS. These are the leading objections that I had to signing the report. I sympathize with the gentleman who has charge of the bill, I will remark while I am up, in the disagreeing feature of the report; that is as to the transfer of the records of the Surgeon General's Office, so far as they relate to pensions, to the office of the Adjutant-General. I entirely sympathize with him upon that point, and I should stand by him, and I hope our friends on that side, if they will allow me to make the suggestion with regard to this matter, will stand by the gentleman who has charge of this bill upon the important matter of transferring the hospital records and the records containing the military history of the soldiers of the country to the Adjutant-General's Office, and also of the quota of clerks, so far as they have to do with the matter of pensions, to the Adjutant-General's Office.

Mr. CANNON. I was desirous my colleague on the committee should first note his objections to this report, as I desired to see just what they were. I will now very briefly call attention to the report, and answer the gentleman's objections. But before I do so I want to state to the House that I am indebted to my colleague on the sub-committee [Mr. ATKINS] for many valuable suggestions and much valuable work in the preparation of this bill; and I regret that he did not see his way clear to sign the conference report. But, as each one must act for himself, whether as a member of a committee or a member of the House, I have no complaint to make. It occurs to me, however, if he had looked over the whole ground and then had taken a bird's-eye view of the appropriations in the last Congress, some, at least, of his objections might have been removed.

The bill, as I before stated, was increased by the Senate $396,000. As it passed the House it carried $19,880,273.35; as it passed the Senate it carried $20,276,300.65; an increase of $396,027.30. As it is now reported in this conference report it carries $20,038,000.65; which, as I before stated, is an increase over the House bill of $157,727.30; and it is a decrease from the Senate bill of $238,300. It is true that most of this increase of $157,000 was for clerks, and that a large portion of the decrease that the Senate conferees submitted to in this report was for clerks.

I thought, so far as the number of clerks was concerned, when the House passed this bill, in the main the bill was sufficient, and so stated. I must state however, that the bill was made economically after very considerable investigation, and I am not sure now, after having met the conferees and inquired perhaps a little more fully, but what in some of the Departments, notably in the Post-Office Department, the extraordinary increase of business in the country demanded a slight additional increase in the clerical force. For that reason the House conferees met those of the Senate, as I have stated before.

It is true that we provide in this bill for an Assistant Secretary of War and an Assistant Secretary of the Navy at $3,500 each. It is true those offices never have been provided for before. This was in pursuance of a Senate amendment. The House receded, and perhaps it is due to the House as well as to the committee that I should state very briefly the reasons which moved us to recede.

It will be recollected, or is known to gentlemen, that the War Department and the Navy Department, with the exception of the Secretary of War and the Secretary of the Navy, are run substantially by the Army and Navy. If you go there and look up the head of a bureau, you will find that he is an Army officer or a Navy officer; and many of their assistants belong to the regular Army and the Navy. Those two Departments are and always have been under the traditions and the practice and largely under the control of the Army and the Navy.

Now the Army has its proper place, and the Navy has its proper place; and I want to say that in my opinion, and I think in that opinion the House and the country will concur, it is not good policy that the Army and the Navy should dominate in the Department of War and the Department of the Navy here in Washington. Those

Departments should have more of a civil bent, if you please, than they now have.

Therefore when the Secretary of War and the Secretary of the Navy appeared before us and stated that they desired to have these assistant secretaries given them in order that they might be able to make more full inquiry, that they might have a civil arm at their command, and not have to rely exclusively upon the officers of the Army and Navy in all matters of detail in administration, we thought the request was reasonable, and that it would be money well spent to give an Assistant Secretary of War and an Assistant Secretary of the Navy to be appointed from civil life. And this bill, as we report it from the committee of conference, provides for those two additional officers. So much for that.

I believe from the remarks made by the gentleman from Tennessee [Mr. ATKINS] that he substantially agrees in the propriety of the increase of salary of $500 to each of the three Assistant Postmasters-General. I must confess that I believe it a wise increase; and I want to say that if under the House rules we had had the power to make that increase upon the appropriation bill in the first place, for one I should have favored it.

The increase in salaries made by this bill as now reported, provided you take into account the $3,500 each to the Assistant Secretary of War and the Assistant Secretary of the Navy, amounts to $20,200. If you deduct those two salaries, however, it amounts to only $13,200, made up of the following items: to the Utah commissioners an increase of $2,000 each. The law as passed gave them only $3,000 each. The Senate thought that was insufficient and that they ought to have $5,000 each. I must confess I was strongly inclined to that opinion myself; and the majority of the committee of conference agreeing with me, we receded from our disagreement to that amendment and consented that the Utah commissioners should receive a salary of $5,000 a year each instead of $3,000 as provided in the original law, making an increase of $10,000 on that item alone.

Then comes the Assistant Secretary of War with a salary of $3,500; and then the Assistant Secretary of the Navy with a salary of $3,500; making $7,000 for the two. Then comes the Commissioner of Indian Affairs with an increase of salary of $500. I think that is an apt and proper increase, and I want to indorse it. No man who is competent and has the integrity he ought to have to act as Commissioner of Indian Affairs but what will amply earn the salary of $4,000 a year, as we propose to give him.

Then there is the Assistant Commissioner of Pensions, whose salary is increased $1,200. That was involved in the original cast of the bill, or rather in the original estimate as submitted by the commissioner of Pensions. It was not placed in the House bill when we reported it, because it was subject to a point of order. I think that is an apt increase.

Then the three Assistant Postmasters-General are given an increase of salary of $500 each, making $1,500 in all for them. The increase of salaries by this bill, as before stated, is $20,200 in all, including the salary of the Assistant Secretary of the Navy and the salary of the Assistant Secretary of War. If you deduct their salaries and also deduct the increase of salary for the Utah commissioners, then the increase of salaries by this bill amounts in round numbers to only about $3,000. Nearly all the increase is upon those two items.

I want to call the attention of my friend from Tennessee, [Mr. ATKINS,] a member of the Committee on Appropriations and of the conference, to the fact that during the Forty-sixth Congress, when he so worthily presided over the Committee on Appropriations, noted for his efficiency and economy, he originated and assented to an increase of salaries during that Congress of $14,700.

I can run over the items in a minute. The salary of the chief clerk of the Treasury Department was increased from $2,700 to $3,000 a year. The salaries of the judges of the Territorial courts, twenty-five in number, were increased from $2,600 each to $3,000 each. The salary of the Commissioner of Pensions was increased from $3,600 to $5,000 a year. The salary of the Auditor of Railroad Accounts was increased from $3,600 to $5,000; afterward reduced by the Senate to $4,500 a year. The assistant treasurer at Boston had his salary increased from $4,500 to $5,000 a year. The Chief of the Bureau of Statistics had his salary increased from $2,400 to $3,000 a year, and the Assistant Secretary of State had his salary increased from $3,500 to $4,500 a year; making an aggregate of increase during that Congress of $14,700.

I am not criticising or finding fault with the gentleman on account of this increase. On the contrary, I think it was apt and proper. But I merely wish to call his attention to the fact that in the extended service of this rapidly growing country, these slight increases will almost necessarily creep in, cut and carve and investigate as you will.

Mr. ATKINS. The gentleman will allow me to say that in most of the instances he mentions where salaries were increased the increase did meet my approval. I believed that the interests of the service required it. I believed that by the enlargement of the governmental service there were placed upon the shoulders of these officers additional burdens much larger than those borne by the incumbents of the same offices years back, and therefore their salaries were properly increased. As a notable case I mention that of the Commissioner of Pensions. As to the officer at Boston, the increase was made upon the solicitation of almost the entire delegation from that State. With regard to the Territorial judges their salaries were at one time $3,000, but had been stricken down to $2,600; and we were assured that in the Territories it costs a great deal more to live than it does in most of the States. Therefore I felt, and the committee felt, and the House felt, and Congress felt, and the country feels that it was perfectly just and right to put up those salaries.

With regard to the Assistant Secretary of State, the increase did not originate in the Committee on Appropriations or in this House, but if I remember correctly was an amendment of the Senate, which was acceded to upon the part of the House committee because it was urged by the Secretary of State and by the conferees of the Senate. The other increases I stand by to-day.

Mr. CANNON. Certainly; but you may take the increases made in the present bill and compare them with those made in the last Democratic Congress, and I am firmly of the opinion that while the former increases were proper to be made these are equally proper, and are not, when you come to examine them, larger in amount.

One word as to the surveyors-general. We did increase the salary of the surveyor-general of Dakota to $2,500, his salary having been $500 below that of the others. I think this a proper increase, because he has more duty to perform than probably any other three surveyors-general in the whole country. It may be that the others are getting too much; but I will say to my friend from Tennessee that one pretty good evidence that their salaries are not exorbitant is the fact that they are only $2,500 as we find them in the present law, after our Democratic friends have been six years in power in the House and having followed the policy of decreasing salaries quite generally under the Executive.

Now, then, my friend said he did not vote for this bill originally when it passed the House, because it bore too great an increase. I want to call the attention of the House to the fact that the total increase of this bill as it passed the House over the present law was $1,742,430 for an increase of the pension force, and the total other increase was only $220,153.

Mr. SPRINGER. For increase of official force?

Mr. CANNON. Yes; for increase of official force exclusive of increase in the Pension Office. But it is not necessary to discuss the increase of the Pension Office, as that was in pursuance of a policy begun by this side of the House and, I think, demanded by the country.

Mr. HISCOCK. I will ask the gentleman from Illinois a question, with his permission.

Mr. CANNON. Certainly.

Mr. HISCOCK. When he says it is an increase over the present law by some $200,000, does he take into account the force carried by indefinite appropriations? Would there, in other words, be any increase if you took that into account?

Mr. CANNON. Yes; there would be an increase of the official force.

Mr. HISCOCK. I think I am right, and I wish to inquire how much his bill carries of force heretofore paid from the sundry civil appropriation bill?

Mr. CANNON. Three hundred and eighty-one thousand dollars in round numbers.

Mr. SPRINGER. Will the gentleman from Illinois in this connection allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. SPRINGER. How many new places are created by this bill in clerical and official force of the Government over the existing law?

Mr. CANNON. I cannot tell the gentleman without a little addition. Here it is, and I will answer the gentleman's question: not considering the pension people, that is, the people carried on the bill to adjust claims in connection with the payment of pensions, it is about two hundred and sixteen.

Mr. ATKINS. The bill originally had one hundred and fifty-seven over and above those for pension purposes. The Senate has increased that number by ninety-six to one hundred. It will be about two hundred and fifty-five.

Mr. SPRINGER. How many are provided by the bill for persons having some connection with the administration of the Pension Bureau?

Mr. CANNON. I will answer the gentleman's question. After examination, in round numbers, the total increase of this bill, not considering the increase in the pension force, is about two hundred and sixteen.

Mr. SPRINGER. The gentleman from Tennessee says it is two hundred and fifty.

Mr. CANNON. The gentleman will ascertain on investigation he is mistaken.

Mr. ATKINS. I made the remark that we had increased outside of the Pension force about one hundred and fifty-seven or one hundred and sixty-seven in the original bill as it passed the House. Since then it has been increased about ninty-six by the Senate, making in all about two hundred and fifty. Now, so far as the Pension force is concerned it numbers twelve hundred and ten employés, at a cost of $1,742,430.

Mr. SPRINGER. I hope the gentleman will give us the table showing it in detail as he has it before him.

Mr. CANNON. I will refer to it, but I will not stop to go over it

again. It is contained in full in the report of the Committee on Appropriations. It is also in the remarks I submitted when this bill was reported to the House.

Mr. SPRINGER. Does this bill decrease the force in any one Department of the Government?

Mr. CANNON. Oh, yes.

Mr. SPRINGER. In what Department?

Mr. CANNON. It makes a marked decrease in the Navy Department.

Mr. SPRINGER. Below existing law?

Mr. CANNON. Yes, below existing law.

Mr. SPRINGER. In what respect?

Mr. CANNON. In the number of employés, and their cost.

Mr. SPRINGER. Is there any decrease in the State Department?

Mr. CANNON. There is no decrease in the State Department. On the contrary, if my memory serves me, there is a slight increase.

Mr. SPRINGER. Does the gentleman take into consideration the number of persons borne on what is called the temporary roll?

Mr. CANNON. I cannot yield, or reply in a full, thorough, and exhaustive manner upon all of these points, which have been already explained over and over again, and are fully set out in House report No. 1276, first session of the Forty-seventh Congress, as made by the Committee on Appropriations when the bill was first reported, as my friend will find if he chooses to examine it.

Mr. SPRINGER. Do I understand that this contains the number of persons discontinued?

Mr. CANNON. Certainly; it covers the whole ground from A to izzard.

Mr. FLOWER. I suppose, then, these two hundred additional men, or whatever the number may be, will be kept busy all summer and fall in franking campaign documents, as I perceive that the language has been stricken out of the bill, providing—

That no part of the contingent fund appropriated by this act shall be expended in the payment of clerks employed by Senators and members of the House of Representatives?

Mr. CANNON. Of course, when you enter the realm of supposition, with the mind of my imaginative friend from New York, God knows where it will stop. But I cannot be responsible for his suppositions; I am only dealing with facts now.

Mr. ATKINS. I am sure my colleague on the committee does not desire to mislead the House; and as to the number of clerks borne by this bill over and above the number provided by law, I wish to state that I was not referring entirely to the Departments, but to the number aggregated in the bill. The additional force in the Departments is two hundred and thirty-five, and eighteen to the House and Senate, which would make two hundred and fifty-three in all, as I have said.

Mr. CANNON. After consulting the clerk of the committee at my side I made the reply I did, and his statement to me is that the increase of number of clerks in Departments is about two hundred and sixteen, and of employés in the House and Senate is eighteen—in all two hundred and thirty-four.

Mr. SPRINGER. It is a very important matter, and the committee ought to agree a little more harmoniously as to the facts.

Mr. CANNON. I wish to say in all kindness to my friend that criticism does not lie in his mouth, for I have patiently listened to him ask a dozen questions which have already been answered a half dozen times in response to inquiries upon this floor.

Mr. SPRINGER. Inasmuch as the committee of conference themselves or the members of the Committee on Appropriations disagreed as to the facts, it cannot be surprising that I am in the dark.

Mr. CANNON. I am not responsible for the disagreement of my friends upon the other side of the House.

Mr. SPRINGER. I knew of course what had been agreed to with reference to the Pension Department heretofore, but I did not know what the result of the action of the committee of conference was in respect to that matter.

Mr. CANNON. The conference report states exactly what it is. The only criticism on the ground of extravagance in increased expenditures that this bill is subject to is this increase of the additional force in the Pension Office and the appropriation necessary for their payment. Now, a Republican committee reported this bill, the Republican majority substantially of that committee agreed upon it, knowing it involved large additional expense for pensions. Now, while we must bear the blame of that apparently large increase, if any, I trust my friends upon the other side will allow us whatever credit may belong to the action.

Now, Mr. Speaker, at the close of a few additional remarks I will move the adoption of the conference report; and while upon my feet it is perhaps well enough that I should say that I will then, in the event that the House adopts the conference report, move to insist upon the disagreement of the House to the amendments of the Senate numbered from 330 to 337 inclusive; and I do not think it is necessary to talk at any length touching these amendments. I will, however, ask the attention of the House to the point in controversy, because if the House adopts the conference report it closes up the whole bill except section 6, which I have specified.

This section provides for a discretion in the Secretary of War to consolidate the pension records in the Surgeon-General's Office and the office of the Adjutant-General under one head, and then directs the transfer of those records to the new War, State, and Navy Department building, so as to get them out of harm's way, where they can be economically, properly, and safely examined. In perfect justice to the House, permit me to say that I am satisfied that the committee of conference could have agreed upon one-half of this section, which provides for the consolidation of the records, and we could have agreed upon it in this way. The Senate conferees objected that the Secretary of War might take this as a direction for a consolidation. We replied that our only object was to carry out the law as it now is and to clothe him with power to exercise the discretion which he now has. Under that discretion it is within his power to take the records from the Adjutant-General's Office and put them in the Surgeon-General's Office or vice versa. But that power is not a fruitful one, for the reason that if you examine the bill you will find the contingent fund which contains an appropriation for the furniture and contingencies is so much for the Adjutant-General's Office and so much for the Surgeon-General's Office, and we finally, I am satisfied, could have agreed to strike out that part of the section and merely provide that the Secretary of War might have power to use the two contingent funds interchangeably, leaving in him the discretion and responsibility, if he saw proper to exercise it, by making the consolidation in the event that the public services demanded it.

But when we come to the other half of the section we struck a rock and could not approach an agreement. The other half of the section directs that these records be transferred to a fire-proof building. If the House will give me its attention just two minutes—I will not make the statement longer than that—I think I can revive the memory of the House touching this item.

We found on investigation, when we were making this increased appropriation for the pension force, that the records the force would have to examine in the Adjutant-General's Office are situate in seven imperfect, unsafe buildings, not owned by the Government, but leased and not fire-proof. We found that the Surgeon-General's records were in two buildings, the old Ford Theater, and the Holtzman building. We inspected the buildings in person. And, if any of you gentlemen have not been there, if you will step inside that old Ford building where the small army of clerks are at work, almost as thick as bees in a hive, you will perhaps agree with me it is the worst place to have so large a body of men at work in this city or anywhere else in the country.

Now, when we asked about this item, bringing the Secretary of War before us, and the Commissioner of Pensions and the Adjutant-General and the Surgeon-General, we found that they required to have a considerably larger force of clerks because these records were so scattered. We found further on inspection that those records were absolutely in danger, every day and every hour, of destruction. They are more insecure than if in frame or brick buildings in any of the little villages in the country.

There was but one thing for us to do, and unanimously we resolved to find fire-proof buildings where these records could be placed, and where they would be safe and could be economically handled and examined. The result of that inquiry was that the fire-proof buildings to be leased in this city by the Government are not to be found; they do not exist. Then it was we inquired whether the Government owned any such buildings. We found it did. We found this magnificent State, War, and Navy Department building; we found that the north wing was to be completed in October, and the south wing, which I said the other day would accommodate a thousand pension clerks, only had fifty-six people in it all told; that they were there lost, so to speak, in space. And we then performed the duty, as we thought we ought to do, of recommending this House to direct the transfer of these records which are in such peril into that building, designating what parts of it should be taken; taking care, however, out of consideration for the dignity of the State Department, to leave it twice as much room as any other Department in this Government occupies; yes, three times as much, in comparison with the number of employés, as any other Department or office in this Government occupies.

Well, the House agreed with us. You passed this bill. You said it was good economy. You said it would be negligence akin to crime not to place these records on which so much depends inside of a fire-proof building, and of which records, as a friend near me suggests, there is but one copy in the world. Our bill went to the Senate. The Senate struck that proposition out; and it is but fair for me to state the grounds on which they based their action.

Mr. McMILLIN. Let us hear them.

Mr. CANNON. They say they will not enter upon this matter. They do not care to inquire how much office space there is in this building or in that building; they do not care to inquire whether there are fifty-six clerks or a thousand clerks occupying the State Department building. They say that is a matter of administration; that is a matter the Secretaries must adjust between themselves. And therefore they will not even inquire as to the propriety or necessity of thus disposing of this room. The reply to that position is, Congress makes the law. We vote the appropriation. We appropriate for the clerks; the people pay the bills. And when this great interest of the people requires caring for, and it can be cared for in the buildings that we now have, we say it is our duty as the law-making power, and as the Secretaries have not made this adjustment, to step in and enact this law, making the adjustment for them.

Now, I state to the House that I will not, if I should chance to be a member of another conference committee, that I never will sign a conference report in which the House recedes from its position upon this section 6, unless the House instructs me or otherwise directs me so to do. After making this statement I want to ask the House again, in conclusion, to disagree to these amendments of the Senate, and to disagree in such a way that it will be understood that the House insists in fact as well as in form upon its disagreement. For one, if these records are not to be housed, if this increased force is not to be utilized in this way, if this measure of protection is not to be taken, I think it is of that degree of importance to the material interests of the country that the country should judge between the Representatives of the people who originate the appropriation bills and the body which can only amend them. I shall ask in conclusion that the House disagree to these amendments of the Senate, and otherwise adopt the conference report.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. CANNON. A question, yes; and then I desire to yield to the gentleman from New York, [Mr. HISCOCK.]

Mr. HOLMAN. I desire to ask a question in regard to the provision for publishing the volumes of decisions of the Supreme Court. Under the present law the reporter of the Supreme Court is entitled to receive a salary of $2,500 a year for the first volume of the reports; and if he publishes a second volume he is then to receive an additional salary of $1,500. He is to furnish the Government three hundred copies of each volume of those reports without any charge to the Government.

Now, the effect of that provision of law is this: if he publishes two volumes of the reports then he receives a salary of $4,000 a year. From that you deduct $600, being the value of three hundred copies of each of the volumes at $2 a copy; so that the real amount paid him from the Treasury is but $3,400 a year.

Under the provision now in the bill he is to receive for his first volume $4,500; for his second volume $1,200; he is to have a clerk at $1,200 and contingencies amounting to $600; making a total of $7,500 a year. Now, if you deduct from that sum the amount allowed under the present law, $3,400, it will be seen that the amount to come out of the Treasury will be increased by this bill by $4,100. And all that is done apparently for the purpose of enabling Congress to fix the price of these reports at $2 per copy to the lawyers who purchase them.

Now, the question I want to ask is this: Can Congress, composed largely of members of that profession, afford to adopt a provision of law that will increase the charge upon the Treasury by the sum of $4,100 a year for the simple purpose of reducing the price of these reports to the legal profession of the United States? Can we afford to do that?

Mr. CANNON. In reply to the gentleman from Indiana [Mr. HOLMAN] I will state that the salary of the reporter of the Supreme Court as paid from the Treasury now is $2,500 a year for the first volume and $1,500 for the second volume; making $4,000 in all.

Mr. HOLMAN. And he furnishes three hundred copies of each volume to the Government free of cost.

Mr. CANNON. Yes; that is true. But we found, having the reporter before us, that he gets a royalty from the publishers upon each volume of $1,750, making a royalty for each year of $3,500. In addition to the payment of that royalty to him by the publishers, the publishers furnish the three hundred volumes to be given the Government without expense to the reporter. Therefore the total compensation of the reporter of the Supreme Court is now $7,500 a year.

We found further that out of that amount he is compelled to pay for the employment of a clerk at $1,200 a year; to pay for office rent $600 a year, making $1,800, which deducted from his total compensation leaves him a net compensation of $5,700 a year.

Mr. HOLMAN. But, Mr. Speaker——

Mr. CANNON. I will answer the gentleman's question; I am merely stating the facts.

It will be remembered by the House that the gentleman from Illinois, [Mr. TOWNSHEND,] or the other gentleman from Illinois, [Mr. SPRINGER,] or perhaps both of them, as well as various other gentlemen in the House, insisted upon an amendment to this bill directing the printing of these reports at the Public Printing Office, and I believe fixing the salary of the reporter at $5,000 a year. The Senate struck out that amendment.

I called the attention of the House to that fact when we reported this bill a week ago upon a disagreeing conference report, and told the House substantially what we could do in this matter in conference, and asked for a substantial expression of opinion on the part of the House. The result was that the Senate refused absolutely to recede from its amendment. We could not get the House amendment touching these reports and their publication at the Printing Office for the reason, as the Senate claimed, that if you publish these reports at the Government Printing Office they would soon come to be considered as other public documents are, and the result would be that the Treasury would be very largely mulcted by Congress voting these reports as public documents.

Finally we were enabled to agree upon a proposition to pay the Supreme Court reporter directly from the Treasury just what he now gets; that is, $5,700 a year net compensation, $1,200 for clerk hire, and $600 for office rent.

Mr. CASWELL. Contingencies.

Mr. CANNON. Yes, for contingencies; still requiring the reporter to furnish to the Government, free of charge, three hundred copies of each volume of these reports. We also provide in addition that he shall sell these volumes of the report to the public at $2 per volume.

I am not a friend of this provision; I was not a friend of the original amendment, or of the provision as reported by the conference. I was content to let the law remain as it now is; but as the servant of the House I did the best I could.

As the law now is, the people who buy the reports of the Supreme Court pay the $3,500 a year royalty given the reporter by the publishers of these volumes, which is so much of his salary. Next they pay for the three hundred copies of each volume that are furnished to the Government free of cost.

Now, that is somewhat of a tax on the people who buy these reports. I undertake to say that there is no other book published by the Government or under the auspices of the Government where the people who buy the books are taxed to the extent of five or six thousand dollars a year for the privilege of buying the books besides paying for the books themselves.

Mr. HOLMAN. My friend still misapprehends my question. It is conceded that by this proposition there is a material increase in the compensation paid out of the Treasury to this reporter. The question I put to the gentleman is whether for the purpose of having these reports furnished more cheaply than heretofore we can afford to have additional compensation paid to the reporter out of the Treasury on account of the reduced price at which the reports are furnished?

Mr. CANNON. I will answer the question in about as short a time as it has taken the gentleman to ask it. I am not, I will state again, a friend of this proposition. I have acted as the servant of the House in getting the best compromise I could. I will say further that Congress can always afford to do right. I do not think it right to tax the people who buy three thousand five hundred or four thousand copies of these books each year $5,000 over their cost for the privilege of buying them.

Mr. HOLMAN. Will my friend say that there is no way of cutting off the royalty except by taking the money out of the Treasury?

Mr. CANNON. If the gentleman will allow me, I will complete my answer. After we have relieved those who buy these books from the payment of that royalty, we still leave upon them, after paying for the books they buy, the burden of paying for the three hundred copies of each volume of the reports furnished free to the Government. This is the whole proposition. It is with the House to determine the question. I have no pride of opinion in the matter.

Mr. HOLMAN. The obligation to furnish the Government with three hundred copies of each volume of the reports exists already under the law, and the Government has been paying but $4,000. Now, we propose to take from the Treasury $7,900 in order that these volumes may be reduced in price to those who desire to purchase them. What I object to is the taking of money out of the public Treasury in order that a book desired by the legal profession may be purchased more cheaply in the market. I do not think Congress has a right to do this.

Mr. CANNON. I am perfectly content to let the House vote on the question. I certainly shall not grieve if the House declines to concur. While I am not a friend of the proposition, I do not think the country will complain if we relieve the people who buy these reports from the tax of $5,000 which they now pay every year over and above the cost of publication for the poor privilege of buying these volumes.

Mr. SPRINGER. Will the gentleman allow me to ask a question on another point? I have examined the report to which he called my attention—the report submitted by the Committee on Appropriations in regard to the increase of clerical force in the State Department. I find that the amount allowed by law for the fiscal year which ended June 30, 1882, was $117,880, for the force of the State Department generally; and there was an appropriation of $8,000 for extra clerk hire in that Department, making the cost of the whole force of the Department for the last fiscal year $125,880. I find upon an examination of this bill—I desire to know whether I am correct—that as it now stands agreed to in the conference committee, including the Senate amendments, there is appropriated for the State Department $129,550, making an increase for that Department, if my figures are correct, of $3,670.

Mr. CANNON. The gentleman's figures are correct.

The question being taken on agreeing to the report of the committee on conference, there were—ayes 50, noes 18.

Mr. HOLMAN. I make the point that no quorum has voted, and I also call for the yeas and nays.

The SPEAKER. The gentleman from Indiana calls for the yeas and nays on agreeing to the report.

Mr. HOLMAN. But I do not waive the point that no quorum has voted.

The SPEAKER. The Chair thinks that the call for the yeas and nays would waive that point.

Mr. SPRINGER. Then we insist upon tellers, to which we are entitled as no quorum has voted.

Tellers were ordered; and Mr. CANNON and Mr. HOLMAN were appointed.

The House again divided; and there were—ayes 92, noes 55.

Mr. HOLMAN. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 15, noes 72; less than one-fifth in the affirmative.

Mr. HOLMAN. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered; and the report of the conference committee was agreed to.

Mr. CANNON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CANNON. I now move that the House insist on its disagreement to the Senate amendments numbered 330 to 337, inclusive, and agree to the further conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced as the conferees on the part of the House, Mr. CANNON, Mr. HISCOCK, and Mr. ATKINS.

BILLS AND JOINT RESOLUTIONS APPROVED.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolutions and bills of the following titles:

Joint resolution (H. R. No. 174) for printing the report of the Life-Saving Service;

Joint resolution (H. R. No. 261) to continue the provisions of a joint resolution approved June 30, 1882, entitled a "Joint resolution to provide temporarily for the expenditures of the Government;"

Joint resolution (H. R. No. 240) for printing the report on the subject of tornadoes in the Western States;

An act (H. R. No. 4166) to divide the State of Iowa into two judicial districts;

An act (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll;

An act (H. R. No. 2349) granting an increase of pension to George J. Webb;

An act (H. R. No. 2005) to increase the pension of Elijah W. Penny;

An act (H. R. No. 803) granting a pension to Laban Connor;

An act (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry;

An act (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;

An act (H. R. No. 1451) granting a pension to Thomas W. Rothrock;

An act (H. R. No. 1997) granting a pension to Joel R. Carter;

An act (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell;

An act (H. R. No. 4914) granting a pension to Emeline Pink;

An act (H. R. No. 5382) granting a pension to Peter J. Welshbelbellig;

An act (H. R. No. 5684) granting a pension to Newton Boutwell;

An act (H. R. No. 369) granting a pension to Jacob R. McFarren;

An act (H. R. No. 1098) granting a pension to Martha Westervelt;

An act (H. R. No. 1102) granting a pension to Elizabeth T. Dubois;

An act (H. R. No. 1422) granting a pension to Mary Wade;

An act (H. R. No. 2127) granting a pension to James F. Rose;

An act (H. R. No. 3316) granting a pension to David Darling;

An act (H. R. No. 4719) granting a pension to Betty Taylor Dandridge;

An act (H. R. No. 5239) granting a pension to Mrs. Spedie B. Eggleston;

An act (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child;

An act (H. R. No. 2481) for the relief of Dicey Bobbitt;

An act (H. R. No. 4372) for the relief of Robert P. Walker; and

An act (H. R. No. 2278) for the relief of John H. Jackson.

ORDER OF BUSINESS.

Mr. FLOWER. I ask unanimous consent to introduce a bill for reference.

Mr. SPRINGER. Is it in order to submit a report? [Cries of "Regular order!"]

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions, resolutions of inquiry, and resolutions of State and Territorial Legislatures for reference.

A. JONES.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 6805) granting a pension to A. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BUCHANAN.

Mr. SMITH, of Illinois, introduced a bill (H. R. No. 6806) for the increase of the pension of James Buchanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KANSAS PACIFIC RAILWAY COMPANY.

Mr. ANDERSON introduced a bill (H. R. No. 6807) to collect from the Kansas Pacific Railway Company the cost of surveying, selecting, and conveying certain lands granted to it, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

FORFEITURE OF LAKE SUPERIOR AND PUGET SOUND LAND GRANT.

Mr. KNOTT introduced a joint resolution (H. R. No. 264) declaring certain lands granted to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound by the northern route forfeited for breach of the conditions on which the grant was made; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Mr. KNOTT also introduced a joint resolution (H. R. No. 265) in relation to the Northern Pacific Railroad land grant; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES COURTS, BATON ROUGE, LOUISIANA.

Mr. ROBERTSON introduced a bill (H. R. No. 6808) to establish regular terms of the circuit and district courts of the United States for the eastern district of the State of Louisiana at Baton Rouge, Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADJUSTMENT OF DUTY ON IMPORTED HAY.

Mr. DINGLEY introduced a bill (H. R. No. 6809) to adjust the duty on imported hay; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMERICAN SHIP-BUILDING, ETC.

Mr. DINGLEY also introduced a joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COUNTERFEITING.

Mr. WILLITS introduced a bill (H. R. No. 6810) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JERRY H. CRAWFORD.

Mr. LACEY introduced a bill (H. R. No. 6811) granting a pension to Jerry H. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW AND HEIRS OF JOHN A. STEPHENS, DECEASED.

Mr. HASELTINE introduced a bill (H. R. No. 6812) for the relief of the widow and heirs of John A. Stephens, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED H. GRICE.

Mr. HASELTINE also introduced a bill (H. R. No. 6813) for the relief of Alfred H. Grice; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COURT OF CLAIMS.

Mr. RAY introduced a bill (H. R. No. 6814) relating to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS' MONUMENT, UTICA, NEW YORK.

Mr. PRESCOTT introduced a bill (H. R. No. 6815) to authorize the Secretary of War to furnish condemned cannon for the soldiers' monument at Utica, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA M. KEITH.

Mr. FLOWER introduced a bill (H. R. No. 6816) for increase of pension to Eliza M. Keith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. FLOWER also introduced a joint resolution (H. R. No. 267) to amend the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY WILSON POST, SLATERVILLE, NEW YORK.

Mr. DWIGHT introduced a bill (H. R. No. 6817) to donate four condemned cannon to Henry Wilson Post No. 68, Grand Army of the Republic, of Slaterville, New York, for monumental purposes in the cemetery at that place; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. JACOBS introduced a bill (H. R. No. 6818) donating condemned cannon for monumental and other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA ANN CONNELL.

Mr. ROBINSON, of New York, introduced a bill (H. R. No. 6819) for the relief of Eliza Ann Connell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEANDER HAMILTON.

Mr. VAN VOORHIS introduced a bill (H. R. No. 6820) to increase the pension of Leander Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENTAL ASSOCIATION, ALLEGHENY COUNTY, PENNSYLVANIA.

Mr. BAYNE introduced a bill (H. R. No. 6821) donating condemned cannon to the Monumental Association of Allegheny County, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADAM SMITH.

Mr. FISHER introduced a bill (H. R. No. 6822) granting a pension to Adam Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUIDLINGS, BEAUFORT, SOUTH CAROLINA.

Mr. SMALLS introduced a bill (H. R. No. 6823) for the erection of a building to be used as a custom-house, post-office, and other Government offices at Beaufort, South Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROTECTION OF THE TREASURY.

Mr. ATKINS introduced a bill (H. R. No. 6824) to protect the Treasury.

Mr. REAGAN. I ask to have that bill read.

The bill was read.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the bill be put upon its passage.

The SPEAKER. It is not in order at this time. What reference does the gentleman from Tennessee desire?

Mr. HISCOCK. I would like to inquire of the gentleman from Illinois if he is in favor of that bill?

Mr. TOWNSHEND, of Illinois. I am, as I understand it.

Mr. HISCOCK. I am very sure the gentleman does not understand it, then.

Mr. TOWNSHEND, of Illinois. If it is as I understand it a limitation upon——

The SPEAKER. Debate is not in order. What reference does the gentleman from Tennessee desire?

Mr. ATKINS. I hope the colloquy between the gentleman from New York and the gentleman from Illinois will not prejudice my bill. I ask its reference to the Committee on the Judiciary.

The bill was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE K. OTIS.

Mr. McCOID introduced a bill (H. R. No. 6825) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land warrants lost while in the possession of the officers of the Government; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONDEMNED CANNON, MYSTIC, CONNECTICUT.

Mr. WAIT introduced a bill (H. R. No. 6826) to authorize the Secretary of War to turn over to Williams Post, Grand Army of the Republic, of Mystic, Connecticut, four condemned cannon and four cannon-balls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUST MILLER.

Mr. WAIT (by request) also introduced a bill (H. R. No. 6827) for the relief of August Miller; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EXAMINATIONS IN PENSION CASES.

Mr. MATSON introduced a bill (H. R. No. 6828) relating to special examinations in pension cases; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MONUMENTAL ASSOCIATION, PICKAWAY, OHIO.

Mr. NEAL introduced a bill (H. R. No. 6829) to authorize the Secretary of War to donate to the Monumental Association of Pickaway County, Ohio, five condemned cast-iron cannon and five cannon-balls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDERSON B. GOSE.

Mr. WHITE introduced a bill (H. R. No. 6830) for the relief of Anderson B. Gose; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES HALL AND OTHERS.

Mr. McCOID. I ask leave at this time to submit a resolution for reference.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Clerk be, and he is hereby, authorized and directed to pay out of the contingent fund of the House the following specified sums to the persons herein named, for services rendered as laborers in the Forty-fourth Congress, namely: to James Hall $260, to Alexander Thomas $260, and to Charles Carter $260.

Mr. McCOID. I ask the reference of the resolution to the Committee on Accounts.

Mr. SMITH, of Pennsylvania. That should go to the Committee on Claims, not Accounts. It relates to the Forty-fourth Congress.

Mr. McCOID. It refers to a payment out of the contingent fund.

The SPEAKER. This the Chair understands to be a claim.

Mr. McCOID. It proposes to pay these men out of the contingent fund of the House.

Mr. URNER. It is for services rendered in the Forty-fourth Congress; and as we understand it, the Committee on Accounts has no jurisdiction over the contingent fund except for the contingent expenses of the present Congress.

The SPEAKER. The Chair thinks it is a claim, and should be referred to the Committee on Claims.

The resolution was referred to the Committee on Claims.

WILLIAM H. TILSON.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 6831) for the relief of William H. Tilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESIDENTIAL VETOES.

Mr. THOMPSON, of Kentucky. I ask unanimous consent that the joint resolution (H. R. No. 267) to amend the Constitution of the United States, introduced to-day by the gentleman from New York, [Mr. FLOWER,] be printed in the RECORD. It is short and important, and ought to be put in print.

Mr. COX, of New York. What is the subject of the joint resolution?

Mr. ANDERSON. It is all right.

There being no objection, the joint resolution was ordered to be printed in the RECORD. It is as follows:

A joint resolution to amend the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring,) That the following article of amendment to the Constitution of the United States be, and the same is hereby, submitted to the several States for their ratification or rejection, and the same, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution, namely:

ARTICLE XIV.

Every bill, resolution, or vote containing several items of appropriations of money to which the concurrence of the Senate and House of Representatives may be necessary, shall be presented to the President of the United States, who may object to one or more of such items while approving of the other parts of the bill, resolution, or vote. In such case he shall append to the bill, resolution, or vote a statement of the items to which he objects, and the appropriations so objected to shall not take effect unless reconsidered and passed by two-thirds of each House as provided in section 7 of article 1 of the Constitution. The items objected to shall be separately reconsidered in each House, and if on such reconsideration one or more of them shall be approved by two-thirds of each House the same shall become part of the law, notwithstanding the objection of the President.

BILLS OF LADING.

Mr. CHACE, by unanimous consent, introduced a bill (H. R. No. 6832) to make bills of lading negotiable; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. NEAL. I call for the regular order.

The SPEAKER. This being the fourth Monday of the month, immediately after the call of States and Territories business may be presented by the Committee on the District of Columbia.

Mr. NEAL. I yield to my colleague on the committee [Mr. GARRISON.]

INSPECTION AND MEASUREMENT OF WOOD.

Mr. GARRISON. I move that the bill (H. R. No. 6723) to repeal all laws which require the inspection and measurement of wood brought to the city of Washington for sale be taken from the House Calendar and put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That all laws which require that wood brought to the city of Washington for sale shall be subject to the inspection and measurement of wood inspectors or measurers, be, and the same are hereby, repealed: *Provided, however*, That nothing herein shall be construed to repeal or affect any law which requires that wood purchased for the use of the Government of the United States shall be first inspected and measured.

The SPEAKER *pro tempore*, (Mr. ROBINSON, of Massachusetts.) The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL ASSESSMENTS—EXTENSION OF TIME.

Mr. KLOTZ, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. No. 2937) to extend time of payment of special assessments, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the act of June 29, 1879, be so amended that the time for payment on all special assessments and general taxes to January 1, 1879, under the provisions of said act, be extended to October 1, 1882.

SEC. 2. That the drawbacks due upon special assessments unrevised at the time of payment, but since revised and corrected, shall be issued to such parties as they are due under the provisions of said act, and receivable in payment of all general taxes to October 1, 1882, and for all special assessments.

SEC. 3. That all persons who did work under permits, whether under the board of public works or District commissioners, shall receive two-thirds compensation for the character of work done, when the item is not charged in the bill.

Mr. BLOUNT. Is there a report accompanying the bill?

The SPEAKER *pro tempore*. There is. The Clerk will read the report.

The report of the committee was read, as follows:

The committee recommend the passage of the bill amended, as follows:

First. By striking out the first and third sections.

Second. By striking out the word "October," in line 5 of the second section, and inserting in lieu thereof the word "January;" and by striking out of lines 5 and 6 in the same section "1882" and inserting in lieu thereof "1879."

The SPEAKER *pro tempore*. The question is on agreeing to the amendments recommended by the committee.

Mr. HOLMAN. I hope the bill will be read as proposed to be amended. It is very important to know what is the effect of these amendments.

The Clerk read as follows:

That the drawbacks upon special assessments unrevised at the time of payment but since revised and corrected shall be issued to such parties as they are due under the provisions of said act, and receivable in payment of all general taxes to January 1, 1879, and for all special assessments.

Mr. COX, of New York. I would like to have the gentleman from Pennsylvania or some one else explain the nature of this bill.

Mr. TOWNSHEND, of Illinois. Is it in relation to political assessments?

The SPEAKER *pro tempore*. The question is on the amendments reported by the committee.

Mr. COX, of New York. Would it be in order to move an amendment to the amendment of the committee? I propose to amend the amendment, so as to have a proviso that all license taxes on commercial travelers shall be repealed.

Mr. BAYNE. That is right; that ought to pass.

The SPEAKER *pro tempore*. The Chair desires to know whether the gentleman from New York proposed an amendment to one of the committee's amendments or an additional section?

Mr. COX, of New York. I would prefer having an additional section, but I am afraid I may lose my grip.

The SPEAKER *pro tempore*. The Chair thinks he will endeavor to keep the gentleman from New York in his proper place. The question is on the amendments of the committee. If no separate vote is demanded the question will be taken on the amendments together.

There was no objection; and the question being taken on the amendments of the committee, they were agreed to.

The Clerk read the amendment proposed by Mr. COX, of New York, as follows:

Add as a new section the following:

"That all license taxes on commercial travelers, so called, be, and the same are hereby, repealed."

Mr. NEAL. I raise the point of order on that amendment.

Mr. BAYNE. Oh, do not do that.

Mr. NEAL. Yes, I will do that.

The SPEAKER *pro tempore*. The Chair desires the gentleman from Ohio to state what is his point of order.

Mr. NEAL. It is that the amendment is not germane to this bill; and it does not retrench expenditure, but on the contrary it increases expenditure.

Mr. COX, of New York. This is not an appropriation bill. It has to do with taxation. This amendment is absolutely and perfectly in order.

Mr. NEAL. It certainly is not an appropriation bill. It simply authorizes the issuing of drawbacks for some over-paid taxes. That is all there is of it.

Mr. COX, of New York. Before the Chair decides on the question of order I would like to have the privilege of making one statement.

The SPEAKER *pro tempore*. The Chair will hear the gentleman on the point of order.

Mr. COX, of New York. I have already said what I wanted to say on the point of order. There is more merit in this thing than the point of order would develop.

Mr. NEAL. I object to any remarks except on the point of order.

Mr. COX, of New York. I am speaking to the Chair.

Mr. NEAL. I am objecting to what you are addressing to the Chair if it be not on the point of order.

Mr. URNER. I would like to say one word on the point of order. I favor the proposition of the gentleman from New York as an independent proposition, but I do not think it is in order upon this bill. I do not think it is germane. The object of the bill, as I understand it, is this: under the District government certain improvements were ordered to be made upon the streets of the city. Assessments were made on the property-owners whose properties abutted on the streets improved. After this there was a revision of this assessment order. When the revision was made, in many instances the assessment was wiped out, in some instances cut down one-half, and in other instances cut down in various other proportions. Some of the parties whose property had been assessed for these improvements, paid their assessments before the revision was made. It is now proposed by this bill that those persons who paid their assessments before the revision was made shall receive drawback certificates for the difference between what they paid and that which they would have been required to pay if they had waited until the revision. That is all there is in it, and it seems to be a meritorious proposition.

Mr. COX, of New York. I want to modify my amendment so as to make it applicable only to the District of Columbia, and to connect itself thereby with this bill, inasmuch as the bill connects itself with taxation in the District.

There is no other way by which the people of this country can be relieved of these local taxes in this District, except by a bill of this nature. My friend from Ohio, [Mr. NEAL,] as I hope, does not propose to press to-day his general tax bill for the District. He did press it at one time here, and failed because of something in the bill in reference to taxing the property of religious institutions, and also in reference to the taxes on these very commercial travelers. I say to this House that there are over 100,000——

Mr. NEAL. I object to the gentleman discussing the merits of this proposition.

The SPEAKER *pro tempore*. The Chair is ready to rule on the point of order.

Mr. SKINNER. I desire to speak on the point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. SKINNER. The bill now under consideration proposes a drawback on certain taxes already paid. That certainly relates to the matter of assessments and taxation. It seems very clear to me that any matter which relates to assessments and taxation, not only of the residents of this District but the residents of other portions of the country who come into this District, should be regarded as entirely in order. Both of them relate to the same subject. It may be said that both of them relate to drawbacks, the one to drawbacks on people who have paid taxes, and the other to drawbacks on people who are unjustly taxed.

Mr. BAYNE. I would like any gentleman to point out what rule there is that excludes this amendment.

The SPEAKER *pro tempore*. The Chair is ready to rule on the point of order.

Mr. BAYNE. I am unable to find any rule that excludes this amendment.

The SPEAKER *pro tempore*. The simple question is whether this proposition is germane to the subject-matter of the bill. Of course the ordinary clause of the rule referring to appropriation bills is not applicable to this question.

Mr. BAYNE. Not at all.

The SPEAKER *pro tempore*. It therefore comes under the general principles of parliamentary law.

Mr. BAYNE. Is there a rule of this House that requires that propositions to amend must be germane to the bill under consideration?

The SPEAKER *pro tempore*. The Chair thinks there is; the overrunning principle governing all parliamentary proceedings.

Mr. BAYNE. I submit to the Chair whether or not, under the existing rules of this House, we may not make what is known in many States as an omnibus bill; a conglomeration of different provisions relating to entirely different subjects, but every one of them within the rules, so far as we have any rules here in the House. The point of order as to whether or not a proposition is germane to a bill is applicable only to appropriation bills. I think it is the duty of the gentleman who raises the point of order to point out affirmatively that provision of law or that rule of the House which precludes this amendment to this bill.

Mr. BUTTERWORTH. I would like to ask the chairman of the Committee on the District of Columbia——

The SPEAKER *pro tempore*. The Chair is not informed whether the gentleman from Pennsylvania [Mr. BAYNE] has concluded his remarks.

Mr. BAYNE. I am done.

Mr. BUTTERWORTH. I want to ask the gentleman in charge of this bill whether he is opposed to the proposition submitted by the gentleman from New York [Mr. COX] as a proposition?

Mr. NEAL. I am opposed to it.

Mr. BUTTERWORTH. Otherwise, I suppose the point of order might be withdrawn. I myself favor the proposition.

Mr. COX, of New York. I desire to say, Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will hear the gentleman on the point of order.

Mr. COX, of New York. It does not seem to be in order for me to say whether I am for or against the proposition. I might have made a point of order on this colloquy which has just taken place, but I did not; I might have objected to the remark of my friend from Ohio [Mr. NEAL] having been put upon record. It having been put upon record, I think I am entirely right in saying to the House that the most outrageous proceeding connected with this Government is this tax of $200——

Mr. NEAL. I must insist upon the gentleman confining himself to the point of order.

Mr. COX, of New York. I know that this gentleman makes that point on me, and yet he evaded the point of order by saying that he was opposed to my amendment.

Mr. NEAL. I answered in a gentlemanly manner a question which was asked of me in a gentlemanly manner. If the gentleman from New York will ask such a question I will answer it.

Mr. COX, of New York. If the gentleman is not in favor of the proposition all that I ask is a vote on it in the House. The people are taxed $200——

Mr. NEAL. I object to the gentleman debating the merits of the proposition.

The SPEAKER *pro tempore*. The Chair is ready to pass upon the point of order if the gentleman from New York will withhold his remarks.

Mr. COX, of New York. There is no other way in which we can get this matter before the people or the country.

The SPEAKER *pro tempore*. The Chair believes the general principle which he intimated in reply to the gentleman from Pennsylvania, [Mr. BAYNE,] that propositions offered by way of amendment must be germane, is very clear. As showing that the House intended to include this principle in the rules, the Clerk will read clause 7 of Rule XVI.

The Clerk read as follows:

> A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The SPEAKER *pro tempore*. Without intimating anything as to the merits of the proposition, the Chair is very clearly of the opinion that the amendment presents a different subject-matter from that of the pending bill. The bill relates to drawbacks in connection with special assessments concerning improvements upon real property; it does not refer to any general method of assessing taxation in the District. Therefore the Chair sustains the point of order.

Mr. NEAL. As the first section of the bill has been struck out, it is necessary to make a verbal amendment in the second section. I move to amend by striking out the words "said act" and inserting "the act of June 29, 1879."

The amendment was agreed to.

Mr. HISCOCK. I desire to inquire of the gentleman in charge of this bill how many of these drawback certificates it is expected there will be, or the amount which will be involved?

Mr. NEAL. I understand there are only two or three parties.

Mr. HISCOCK. I would like to know the amount involved; I do not care about the number of the parties.

Mr. MORSE. It is very important we should know the amount.

Mr. HISCOCK. Certainly; before we pass a bill of this kind we should have some information as to the amount involved. These drawback certificates are to be receivable for taxes. In the adjustment of the expenses of the District between the District of Columbia and the United States a certain amount is alloted to the District to be raised by taxation and a certain amount to the United States. Hence I think it due to the House that the Committee on the District of Columbia should inform us how much money is involved in this bill; what amount of taxes may be paid by the certificates to be issued under this very innocent-looking measure.

In connection with another bill with which I have had something to do, an investigation developed the fact that while Congress had appropriated a certain amount from the Treasury to defray the Government's proportion of the expenses of the District, the turning in of certificates of this kind in the payment of taxes reduced to such an extent the amount expected to be raised by District taxation that there was, I think, a deficiency of $150,000. An examination of the question developed the fact, I believe, that these drawback certificates had been issued to the amount of something over a million dollars. Disinterested gentlemen who have examined this subject have assured me that they think the law was stretched almost if not quite to the breaking in the allowance of three-quarters of a million of the drawbacks already allowed. While knowing very little about this bill, I suggest that the gentleman in charge of it ought to be able to state the amount of money that is involved.

Mr. KLOTZ. This bill only undertakes to refund taxes which were erroneously paid in consequence of overassessment, as is conceded, I believe, by the District authorities. An abatement of these excessive assessments was allowed to those who did not come forward and pay the taxes as assessed; and now these men who promptly paid their taxes before the revision was made ask simply that the amount overpaid may be refunded to them. The District commissioners have agreed that this demand is right. They concede that there was an overassessment; and no matter what the amount may be, this overpayment should be refunded. The amount is not large. The gentleman from New York is mistaken when he speaks of $150,000.

Mr. BAYNE. How much do these overpayments amount to?

Mr. KLOTZ. I do not know; but no matter what the amount may be, the excessive payments should be refunded. These men paid more than they ought to have been required to pay, as was shown by the revision; and we should not now refuse to authorize a refund.

Mr. HISCOCK. It has been communicated to me that there is a great deal of anxiety to procure in some way a legislative indorsement or recognition of certain drawback certificates which have been issued and which it is believed have not yet been sanctioned by Congress. In the deficiency bill now pending between the two Houses we were compelled to insert an item of $50,000 because the amount which should have been raised by the District of Columbia for the payment of its share of the expenses of the District government was not raised, by reason of the receipt of these certificates. As I have stated, our investigation developed the fact that the deficiency of this character amounted to over $150,000—reached nearly $200,000. It was in this connection that a gentleman of the very highest character, thoroughly conversant with District of Columbia matters, suggested that we needed to be very careful that we did not give legislative sanction to these certificates.

Mr. COX, of New York. It is a very strange thing that the gentleman who has charge of this bill cannot give us the amount of this rebate.

Mr. NEAL. The gentleman from Pennsylvania [Mr. KLOTZ] has charge of the bill.

Mr. COX, of New York. The gentleman from Pennsylvania is equally unfortunate with the gentleman from Ohio, [Mr. NEAL.] When he was asked the question as to the amount involved in this remission of taxes he said he did not know. Now, suppose some one should ask the chairman of our Committee on Appropriations how much money would be expended by reason of an item in an appropriation bill and he should not be able to answer, I should be ashamed of my chairman as I am ashamed of members who bring in a bill of this nature. And yet this same gentleman undertook here to cut down by a point of order a decent and fair reform of the infamous tax system of this city by which goods are raised in price to all our own folks and families who live in this city, in protest of which I have telegrams from merchants all over the country; a tax system which will not allow people to come here and sell goods from abroad unless they get a license of $200, which license, as I can show, is peddled around this town by the people who get the license. We cannot get a reform on that. No wonder there is prejudice in this House against the District.

The gentlemen say, why not move an amendment? I have moved it as an amendment. I will say to my friend who understands the District of Columbia business that the point was made against it by the gentlemen on the other side, and it was ruled out of order. We did not appeal from the decision of the Chair. Why? Because the Chair, I imagine, has the respect of the House in the majority, and although he may in some sense be wrong in this ruling, as I believe he is, nevertheless I have the right now to argue the point in connection with this rambling, shambling sort of a bill. [Laughter.] I never saw a bill brought here so inconsiderately, and if we were in the House I would move to lay it on the table.

Mr. NEAL. We are in the House.

Mr. COX, of New York. I move to lay the bill on the table.

Mr. KLOTZ. Before that is done I wish to say a word.

Mr. COX, of New York. The motion to lay upon the table is not debatable. I can make the point of order as well as gentlemen on the other side.

The SPEAKER *pro tempore*. Debate is not in order.

The motion of Mr. COX, of New York, was agreed to; and the bill was laid on the table.

DANIEL DONOVAN.

Mr. URNER. I am directed by the Committee on the District of Columbia to report back House bill No. 5614, for payment to Daniel Donovan for additional labor and services rendered the District of Columbia.

The bill was read, as follows:

> *Be it enacted, &c.*, That the sum of $1,200 be, and the same hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to Daniel Donovan for additional labor and services rendered the District of Columbia: *Provided*, That this sum shall be in full compensation for all such labor and services.

Mr. COX, of New York. I make the point of order that that bill must receive its first consideration in the Committee of the Whole House.

The SPEAKER *pro tempore*. It seems that this bill was referred to the Committee on Accounts and ordered to be printed. The Chair does not know about that.

Mr. URNER. The bill was inadvertently referred, as I understand, by the gentleman from Mississippi to the Committee on Accounts. It is a bill which provides payment to a party in the District of Columbia for extraordinary services as an expert in a certain case of Strong *vs.* The District Government.

The SPEAKER *pro tempore*. Has it been referred to the Committee on the District of Columbia?

Mr. URNER. I understand it is not necessary it should be referred to that committee. I was directed by that committee to report it to the House.

Mr. BURROWS, of Michigan. How did that committee get jurisdiction of it?

Mr. NEAL. Under the rules of the House we have the right to report any bill relating to the District of Columbia.

Mr. BURROWS, of Michigan. Appropriation or any other?

Mr. NEAL. Anything referring to the District of Columbia.

Mr. URNER. If the rules are strictly enforced it might properly

not be reported from the Committee on the District of Columbia. It is a bill in which the business men of the District of Columbia have shown a great deal of interest. The bill was mislaid, and we have searched in vain for it until recently.

The SPEAKER *pro tempore*. The Chair will ask for unanimous consent from the House. The bill, it appears, was referred to the Committee on Accounts, and that committee has jurisdiction over the matter. The Committee on the District of Columbia desire to present the bill on their own motion without reference to the House. Is there objection?

Mr. GODSHALK. I object.

The SPEAKER *pro tempore*. The bill is not before the House.

CHRISTIAN RUPPERT, ETC.

Mr. URNER. I am directed by the Committee on the District of Columbia to report joint resolution (H. R. No. 268) to give effect to the act approved June 22, 1882, for the relief of Christian Ruppert and others. This has not been reported to the committee, and is originated by that committee.

Mr. COX, of New York. I make the point of order on it.

The joint resolution was read, as follows:

Resolved, &c., That the provisions of the act of Congress approved June 22, 1882, entitled "An act for the relief of Christian Ruppert, William F. Mattingly, and Christian Heurich, trustees," be, and the same are hereby, construed to authorize and direct the commissioners of the District of Columbia to issue to said trustees, or their heirs and assigns, a drawback certificate for the sum of $781.75, which drawback certificate shall be received in payment of all special assessments and for all general taxes due prior to July 1, 1877.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the joint resolution.

Mr. SKINNER. I offer this amendment as an additional section.

The Clerk read as follows:

That all license taxes on commercial travelers, so called, within the District of Columbia be, and the same are hereby, repealed.

Mr. URNER. I raise the point of order that that amendment is not germane to the pending proposition. I am thoroughly in favor of it as an independent proposition, but it has no business here on this bill.

Mr. COX, of New York. I raise the point of order upon the bill generally.

The SPEAKER *pro tempore*. Does the gentleman from Maryland insist upon the point of order?

Mr. NEAL. I insist upon it.

The SPEAKER *pro tempore*. Does the gentleman from New York who submitted the amendment desire to be heard?

Mr. COX, of New York. Let me say that this is a drawback bill. According to the gentleman's own statement he was not authorized to report it. It was not referred to his committee. It was reported by the committee without authority of the House, and nothing was sent to the committee to warrant them in framing such a joint resolution.

The SPEAKER *pro tempore*. The Chair desires to inquire what is the subject-matter of the original bill to which this joint resolution is supplementary?

Mr. URNER. The first section of the bill provides:

That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to refund to Christian Ruppert, William F. Mattingly, and Christian Heurich, trustees, of the District of Columbia, their heirs and assigns, drawback certificates to the amount of $781.56, erroneously collected from them on October 1, 1879, as taxes on certain land in the county of Washington assessed in the names of Juan Pizzini and E. P. Hickey, owing to an error of the tax clerk.

That section authorizes the commissioners to issue certain drawback certificates as stated in the section.

The SPEAKER *pro tempore*. Is there anything in the other sections of the bill of a different character?

Mr. URNER. No, sir; it refers to the same subject.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. COX, of New York. I have made a point of order upon the whole bill.

The SPEAKER *pro tempore*. The Chair thinks it is rather late to make the point of order upon the bill now. An amendment has been offered and passed upon.

Mr. COX, of New York. But I reserved the point of order when the amendment was offered, as the Chair will remember.

The SPEAKER *pro tempore*. If the gentleman made the point of order in time the Chair will of course hear him upon it.

Mr. COX, of New York. I have already stated, Mr. Speaker, that, according to the announcement of the gentleman who reports this joint resolution, it was never referred to the Committee on the District of Columbia; and I make the point of order that no committee can report back something unless it is referred to them by the House. Such matters must originate in the House.

The SPEAKER *pro tempore*. The original proposition the Chair understands was before the Committee on the District of Columbia, and the House passed a bill reported from the committee upon this subject. This is a joint resolution giving a construction to the bill which was reported from the committee, and of which the committee had jurisdiction.

Mr. COX, of New York. But the point of order that I make is this: even if it be the construction of another law which has been reported from that committee this joint resolution was never sent to the committee by the House, and the committee therefore has no jurisdiction over the matter. It passed from its possession when the bill was reported and acted upon by the House.

The SPEAKER *pro tempore*. The Chair thinks that if the subject-matter is before the committee——

Mr. COX, of New York. But it was disposed of.

The SPEAKER, *pro tempore*. That it is still before them.

Mr. ROBESON. I desire to make a parliamentary inquiry. Will the Chair hold that the amendment of the gentleman from New York covering the taxes levied under authority of the District of Columbia would be germane to a bill levying taxes in this District? Because if that be so the second section of this bill does levy taxes upon certain property.

Mr. NEAL. That bill is not before the House at all. It has become a law. This is a different matter.

Mr. COX, of New York. But this is giving a construction to that law. The Chair was not advised of that fact when it ruled upon the first point of order.

The CHAIRMAN. Will the gentleman from Maryland state what the provisions of the second section of this bill are?

Mr. URNER. I will explain further. The facts of the case are these: this party as trustee went to the tax clerk to pay the taxes. The tax clerk gave the bill of taxes due against his property, but he added to it, it was discovered afterward, other property, having made an error in preparing the tax bill by including in it taxes due upon other persons' property. Now it is proposed by the bill already passed that a draw back certificate shall be issued to these trustees for the amount of tax paid in error, and the second section requires the commissioners of the District of Columbia to proceed and collect the tax erroneously assessed upon another man's property. That is all it does. It is simply a private bill, and has no reference to the general tax laws of the District.

Mr. HISCOCK. Let me ask a question. Was this erroneous tax, or improperly levied tax, a special assessment upon this property?

Mr. URNER. No, sir; it was a general tax.

Mr. PRESCOTT. I would like to inquire whether or not the tax has been paid twice?

Mr. URNER. No, sir.

Mr. NEAL. But the lots are still held for the tax under the law.

Mr. PRESCOTT. The parties who should have paid the tax have not done so?

Mr. URNER. No, sir; and the second section of the bill makes provision for its collection.

Mr. ROBESON. This section of the bill provides for levying and collecting a tax upon certain property.

Mr. COX, of New York. I desire to read this second section.

The SPEAKER *pro tempore*. The Chair desires to know whether it bears upon the question before the House. The Chair would like to dispose of the question of order first.

Mr. KENNA. I would like to be heard for a moment upon the point of order.

The SPEAKER *pro tempore*. The gentleman will be recognized in a moment.

Mr. COX, of New York. I desire now to call the attention of the Chair to this second section. It provides for levying a tax upon the property in question. It therefore embraces the question of taxes. It directs the commissioners of the District of Columbia—

To charge said property with the said taxes, interest, and penalties, to the same extent, and to like effect, as if the said taxes had not been paid by said trustees.

This second section, therefore, looks to the assessment and collection of taxes; and I hold—and the Chair can still reverse his opinion of it if he chooses—that the amendment offered by my colleague as to another class of taxes or license is perfectly in order; and I would like to have the Chair look at this second section and rule accordingly.

Mr. KENNA rose.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from West Virginia upon the point of order.

Mr. KENNA. I have no desire to obstruct this bill, because I do not know anything about it. It may be a very meritorious proposition. But on the question whether it is before the House or not, if I can have the attention of the Chair for a moment, I desire to submit some observations. As I understand the facts, a bill was introduced into the House, referred to the committee, considered by the committee, reported to the House, passed the House, passed the Senate, and became a law. Whether that be correct or not, at any rate it passed the House.

Mr. NEAL. The gentleman's statement is correct; it has become a law.

Mr. KENNA. The original bill covering this proposition, and of which this resolution is explanatory, has gone beyond the reach of both Houses and has become law. It is the law that this resolution, as I understand, seeks to explain and to interpret.

Now, I submit as a matter concerning methods of legislation that a resolution looking to the correction or change of a law like any other original law must originate in this House and not in one of its committees. The practice in this House has been, even in cases where it was sought to correct the enrollment of bills after they have passed both Houses and gone to the Committee on Enrollments, to require the formal introduction into the House in which the bill

originated of a resolution explanatory or making the necessary correction. And in no instance that I am aware of has a bill to repeal, amend, or explain a law been allowed to originate with a committee. The introduction of such a practice would entirely upset the whole methods of procedure.

Mr. BAYNE. I desire to ask the Chair this question, whether or not anything that would be germane to the original law which this resolution proposes to explain or modify would not be germane to this resolution?

The SPEAKER *pro tempore*. The Chair will pass upon that question when it arises.

Mr. BAYNE. I desire to offer an amendment.

The SPEAKER *pro tempore*. No amendment is at present in order. The question is made upon the right of the committee to present this joint resolution.

Mr. NEAL. If the Speaker will look at the resolution under which this day is set apart for business of the District Committee, it seems to me there can be no question about it. I want to say a word in reply to what the gentleman from New York [Mr. COX] said about the point of order; and, incidentally, I will remark, if my recollection serves me, he said he was ashamed of the chairman of the committee because he came in here ignorant of certain facts which he ought to know. Now, I will say the Committee on Ways and Means cannot tell when they report a tax bill here what amount of taxes is to be raised from particular sources. And we cannot tell when we report a bill for the issuing of drawbacks just the amount to be issued. Nobody in the world can tell it.

Mr. COX, of New York. But you did not even approximate to the amount.

Mr. NEAL. While the gentleman from New York may be ashamed of me for being ignorant of what nobody could know, let me say I am ashamed of him because he comes here—after being a member of the House for a period beyond which the memory of man runneth not—because he comes here and shows he does not know what the rules are.

Mr. COX, of New York. Mr. Speaker, I rather guess that is personal. [Laughter.] I did not make use of the remark that I was ashamed of the gentleman from Ohio. I said I would be ashamed of my chairman if he could not answer proper questions on a bill he had reported.

Mr. NEAL. You said more than that.

Mr. COX, of New York. Very likely I did. And now the gentleman comes and undertakes to make a personal point on me. He brings in a bill as to a drawback connected with taxation, and you cannot tell from his statement whether it is $10,000 or $1,000,000. The committee which ought to instruct this House, the committee specially charged with this kind of business, does not know the responsibility which the Government may incur or which the taxpayers will incur or be relieved from by the bill, and I say the gentleman from Ohio is the last man, with this great pall of ignorance around him, to lecture any man. He makes a little cuttle-fish arrangement here with himself, and throws the ink all around him as if we could not see he is entirely ignorant of the very bill which he and the gentleman from Pennsylvania try to champion.

Mr. NEAL. And you try to put on a private bill a matter of a general nature, which is not germane; which your experience in this House ought to have taught you is not according to the rules, and which your reputation as a parliamentarian ought to have made you ashamed to propose.

Mr. COX, of New York. Any lecture from any gentleman from Ohio of course I will most cheerfully take. [Laughter.] I am from Ohio myself, in early days; but I have grown beyond some men from Ohio in experience. I will not be particular to name them; very likely they will never be heard of again in public life, because they gave up to the District what was meant for mankind.

Now, the gentleman from Ohio [Mr. NEAL] in refusing time and again to reform the vicious tax system of this District, because his first bill was a tax on religious associations and on these commercial travelers, failed in his duty. And now he and his colleagues on the committee make a little point of order on us when we try to have some liberality in trade in this District.

Sir, they are not the men to scold gentlemen who are here representing their districts; they are the last men who can be said to be here trying to benefit this District, because they are seeking to make the government of the District odious with all men who care about fair trade in this District.

Although it is not strictly on the point of order, I desire to say that people cannot come here, and live, and purchase ordinary articles of merchandise except at an enormous advance and at higher prices than they can be bought elsewhere, because of the very dereliction of these men who represent the District here in this House. They themselves are a burden and a tax on the community, and they ought to be repealed or laid on the table or under the table. [Laughter.]

Mr. NEAL. The gentleman from New York, who professes to take such an interest in the affairs of this District, is the very last man who has proposed any beneficial legislation for the District. He wants to impose burdens on the merchants of this District, in order that a few drummers from the city of New York may come here and forage on this District.

Mr. COX, of New York. There are thousands in New York of what the gentleman calls drummers, and drumming is just as honorable in trade as it is in politics.

Mr. HISCOCK. I desire to ask if this is District of Columbia day or Ohio day? [Laughter.]

Mr. COX, of New York. A little of both, and New York also.

The SPEAKER *pro tempore*. The Chair desires to pass upon the point of order; he thinks the debate is drifting somewhat away from the point of order.

The Chair finds that in addition to the bill referred to there is also a bill upon the Calendar for the relief of Christian Ruppert and others, trustees, still pending before the House, reported from the Committee on the District of Columbia. The Chair therefore thinks he could not exclude this joint resolution from the consideration of the House on the point made.

Upon the other point of order which has been made, that a general provision in relation to taxation may not be incorporated in this joint resolution, the Chair desires to restate his position and to reaffirm his former decision. The Chair does not find in the pending proposition anything referring generally to assessments and taxation. And, further, it is a well-established rule of parliamentary law that it is not in order to ingraft upon a private bill a general provision of law. The Chair, therefore, is confident that his former ruling was correct.

Mr. BAYNE. I propose an amendment in the way of an additional section.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

That all license taxes on commercial travelers within the District be, and the same are hereby, repealed; and the said taxes paid, if any, during the year 1882, shall be refunded.

Mr. NEAL. I make a point of order on that amendment. It is not only not germane to the joint resolution but it is an attempt to ingraft general legislation upon a private bill.

Mr. BAYNE. It is not general legislation.

Mr. NEAL. Yes, it is general legislation.

Mr. BAYNE. It is intended to relieve a class of people who have been imposed upon in this District during the year 1882; those who have paid their $200, and those who have succeeded in compromising for $100, as I understand has been the case in some instances.

Mr. NEAL. I insist that the gentleman must speak upon the point of order.

Mr. BAYNE. I am speaking on the point of order.

Mr. NEAL. No, you are not, unless you change your tone or words.

Mr. BAYNE. I do not propose to change my tone or my words. I propose to call things by their right names.

I say it is a proposition to refund to men who have during the year 1882 paid the license tax of $200 and those who, as I understand, have compromised for $100 the amount of money they have paid. It is special, therefore, in its nature as to them. I submit that it is perfectly germane and in keeping with the pending proposition to refund to certain other persons the amounts of money they have paid.

The SPEAKER *pro tempore*. The Chair has no difficulty with the point of order, and sustains it upon the grounds before given, that the amendment proposes a general repeal, which the Chair thinks is not in order on the pending proposition. The question now is upon ordering the joint resolution as amended to be engrossed and read a third time.

The question was taken, and the House refused to order the joint resolution to be engrossed.

Mr. COX, of New York. I move that the joint resolution be laid on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. I move that the House now adjourn.

Mr. NEAL. I desire to make a statement. I had proposed, if we had been allowed as much time to-day as we expected, to have brought before the House a bill embracing a comprehensive system of District taxation, in connection with which the questions arising about this license tax could have been thoroughly discussed and considered. The committee has never been able to bring a measure of that kind before the House since the general tax bill was voted down upon a motion to suspend the rules. I have here a letter from the gentleman from Pennsylvania [Mr. RANDALL] asking me to postpone the consideration of the tax measure until his return, he having been called away suddenly by the sickness of his brother.

Mr. COX, of New York. I will withdraw the motion to adjourn if the gentleman will bring in a bill to which we can make a germane amendment as to these commercial travelers.

Mr. NEAL. I hope the gentleman from New York will listen to my statement.

Mr. COX, of New York. Does the gentleman refer to the long tax bill?

Mr. NEAL. Yes, sir.

Mr. COX, of New York. We can never get through with that.

Mr. NEAL. We cannot do it to-day. But as I was saying, I have a letter from the gentleman from Pennsylvania, especially requesting me to postpone the consideration of this tax measure until his

return. The District Committee cannot of course have another day unless the House will set it apart by unanimous consent.

Mr. HAZELTON. There is no time left now.

The SPEAKER. Does the gentleman from Ohio bring forward any other District of Columbia bill?

Mr. NEAL. It is too late now to consider any other measure of any moment.

DETROIT HOUSE OF CORRECTION.

Mr. LORD. I ask unanimous consent to have taken from the Speaker's table for present consideration the joint resolution (S. R. No. 17) relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit house of correction, in the State of Michigan.

The joint resolution was read, as follows:

Whereas an internal-revenue tax was assessed against and collected from the Detroit house of correction, an institution belonging to the State of Michigan, during the years A. D. 1863 to 1868, inclusive, amounting to about the sum of $16,566.20; and

Whereas said institution was during said time, and still is, exempt from such taxation; and

Whereas the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal made, to remit, refund, and pay back all taxes erroneously or illegally assessed and collected; and

Whereas application has been heretofore made for the refunding of said tax, and by inadvertence the said application was denied; and

Whereas, under the rules adopted and in force in the office of the Commissioner of Internal Revenue, the present Commissioner of Internal Revenue has decided that he cannot reopen and review said decision, inasmuch as it was made by his predecessor in office: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue be, and he hereby is, authorized and directed to reopen and reconsider any determination or decision heretofore made by his predecessors in office rejecting the application of the said Detroit house of correction for the refunding of internal-revenue taxes heretofore assessed against and collected from said Detroit house of correction, and if, in his opinion, said taxes should be refunded, to refund the same; and the money therefor hereby is appropriated out of any moneys in the Treasury not otherwise appropriated.

There being no objection the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. LORD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT RICHARDSON.

Mr. BUCHANAN. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the resolution which I send to the desk, and that it be now considered.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay Robert Richardson for services as messenger in the Clerk's office, out of the contingent fund of the House of Representatives, the difference between the pay of a laborer, received by him, and that of a messenger, from the 23d day of January, 1876, to the 13th day of October, 1877, $826.29.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BROWNE. Has it been before the Committee on Accounts?

Mr. BUCHANAN. It was referred to the Committee on Claims and favorably reported.

Mr. SKINNER. I object.

Mr. ALDRICH. If the report be read there will be no objection. The committee was unanimous.

Mr. McMILLIN. I move that the House adjourn.

Mr. SPRINGER. I hope the gentleman from New York [Mr. SKINNER] will withdraw his objection to this resolution. [Cries of "Regular order!"]

The question being taken on the motion of Mr. McMILLIN that the House adjourn, it was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BERRY: The petition of citizens of California, protesting against the enlargement of the Yosemite reservation in the State of California—to the Committee on Public Lands.

By Mr. CLEMENTS: Memorial of the mayor and council of Marietta, Georgia, for an appropriation for the improvement of the highway leading to the National Cemetery near that city—to the Committee on Military Affairs.

By Mr. DEERING: The petition of the Iowa State board of health, for an appropriation for the maintenance of the National Board of Health—to the Committee on Appropriations.

By Mr. DUNN: Memorial of the board of trade of the city of Van Buren, Arkansas, for the passage of a bill authorizing the Cherokee Railway and Telegraph Company to construct and operate a line from Kansas City, Kansas, to a point at or near Fort Smith, Arkansas—to the Committee on Commerce.

By Mr. RUSSELL: The petition of Charles W. Williams and others, of Lowell, Massachusetts, for the enactment of a general bankrupt law—to the Committee on the Judiciary.

SENATE.

TUESDAY, *July* 25, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. JONAS. I present a petition of steamboat owners, captains, and pilots on the Mississippi River, praying for an increase of the appropriation for the Light-House Board. I move that it be referred to the Committee on Appropriations, to be considered in connection with the sundry civil appropriation bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 1174) to grant the right of way over the public lands and a military reservation to the Jacksonville, Saint Augustine and Halifax River Railway Company, reported it with an amendment.

NEW ORLEANS WATER-WORKS.

Mr. MORGAN. The Committee on Public Lands, to whom was referred the bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States, direct me to report it without amendment, and to recommend its passage. I ask for the present consideration of that bill in consequence of the urgency of the case, which I can explain in a moment if an explanation is desired.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants the right of way to Davidson B. Penn, of New Orleans, Louisiana, and his associates, under the name and style of the "Saint Tammany Water Works Company," or such other style as they may adopt, to lay conduits, pipes, arches, and aqueducts under the waters of Lake Pontchartrain to connect its northern shores with the city of New Orleans, and over and under any of the public waters or lands of the United States between New Orleans and the shore of the lake.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TENTH CENSUS.

Mr. ANTHONY. I ask unanimous consent to proceed to the consideration of the bill (S. No. 2151) to provide for the publication of the Tenth Census. Its importance must be obvious to every Senator. We are near the close of the session, and the bill will have to go to the House and will probably come back with amendments.

Mr. HOAR. Before the Senator from Rhode Island proceeds with that request I wish to call the attention of the Senator from Vermont to the fact that the amendment to the tax bill in regard to the rebate of the tobacco tax does not appear by the Journal to have been adopted. The question was not in fact put. Various amendments to that amendment were adopted, but on the amendment as amended the question was not put.

Mr. ANTHONY. I ask that the census bill be taken up.

Mr. HOAR. I do not wish to object to the Senator's request for unanimous consent, but I did not expect the bill to come up at this time. I have an important amendment that I wish to move. If I can get my amendment I shall give consent.

The PRESIDENT *pro tempore*. The Chief Clerk has the amendment of the Senator from Massachusetts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2151) to provide for the publication of the Tenth Census.

Mr. ANTHONY. There was a mistake in the estimate, and the appropriation should be reduced to $678,624.61. I move that amendment.

Mr. DAVIS, of West Virginia. To what extent does it reduce the appropriation?

Mr. ANTHONY. About $150,000. There was an error in the estimate, and it is reduced. I propose to strike out "$834,461.61" and insert "$678,624.61."

Mr. DAVIS, of West Virginia. I should like to inquire whom made the estimate; whether it was the Public Printer or the committee itself?

Mr. ANTHONY. It was made by the committee, the Public Printer, and the Superintendent of the Census. The mistake was made in the committee-room.

Mr. DAVIS, of West Virginia. The object of my inquiry is not to oppose the printing of the census, for I think the appropriation ought to be made; but how was the specific amount obtained? In what way was it ascertained what the cost would be?

Mr. ANTHONY. In the usual way—by the number of pages, the composition, the paper, the stereotyping, and the binding; and a clerical error occurred in the figures as the report was printed.

Mr. SAULSBURY. I should like to ask the chairman a question. Some days ago there was some debate about the publication of the census, and suggestions were made that the printing might be curtailed so as not to publish all that had been prepared to be printed. Has anything of that kind been done?

Mr. ANTHONY. The Superintendent has been instructed, or has agreed in consultation with us—for we had no right to instruct him—to reduce the census reports from 18,000 to 15,000 pages. As the report of the committee states, there have been some investigations made under this census which are not strictly within the line of enumeration, but the information has been collected at considerable expense, it is interesting, and it seems a pity to throw away all that has been done because of the comparatively trifling cost of printing it. In the debate to which the Senator refers allusion was made to the history of New Orleans, with several engravings. That is a small paper of about one hundred pages, I believe.

Mr. SAULSBURY. I should like to make the further inquiry whether the Superintendent of the Census himself determines everything in reference to what portion of the census reports shall be published? It seems to me there ought to be some persons charged with the examination of the matter prepared in the Census Office, so that there shall be some intelligent understanding as to what is to be published. I inquire whether the Superintendent of the Census determines that himself, or the Printing Committee?

Mr. ANTHONY. Of course the Superintendent of the Census must determine it. My honorable friend has been a member, a very valuable member, of the Committee on Printing. I do not think if he was on that committee now he would undertake himself to go over 18,000 pages and decide what should be printed and what not. The committee of course can do nothing of that kind.

Mr. SAULSBURY. When I was a member of the Printing Committee, being in the minority, I had to follow the dictation and lead of my seniors, and I was always very happy to be led by the Senator from Rhode Island.

Mr. PLUMB. Let me ask the Senator from Rhode Island if it was not competent for the committee to expurgate some entire volumes from the material which has been gathered by the Census Bureau?

Mr. ANTHONY. If the Senator from Kansas will go on the committee as an extra member and undertake the labor of reading through those volumes——

Mr. PLUMB. I think I could make a report off-hand on that subject which would satisfy me.

Mr. ANTHONY. What volume would the Senator expurgate?

Mr. PLUMB. I can say at least that the history of New Orleans was not very important to be published.

Mr. ANTHONY. I do not think it was precisely. If I can have the attention of the Senator from Louisiana, [Mr. JONAS,] I do not think the history of New Orleans came properly within the purview of the census, but it is a very interesting document and New Orleans is a very unique city. It has been under the control of three different governments, and the paper is exceedingly valuable, not perhaps as belonging properly to the census, but valuable for its historical and statistical information, and the cost of printing it is not very expensive now that the type has been set and it is stereotyped. It is only about one hundred pages, I believe.

Mr. PLUMB. In regard to that, I think it is very expensive to publish now any volume which is not particularly germane to the work which has been undertaken by the Census Bureau, and it is expensive just in this way: we encourage the officers of the Executive Departments to put in type whatever they think ought to be published, and then we are under a stress to continue the publication because it does not cost much. They incur the greater part of the cost, but we should commence sitting down on them and determine what shall be printed. In regard to the history of New Orleans or in regard to the seals of Alaska it does not perhaps matter, but at all events the line ought to be drawn somewhere. I am in favor of leaving out three or four volumes which have been prepared under the officers of the Census Bureau and saying that those shall not be published, for the purpose of emphasizing the determination to put some limit upon the executive branch of the Government in regard to the matter prepared for printing and which is put in type in such a way, as I said, as to compel us to take it because it does not cost us much.

Mr. HOAR. Does the Senator propose to draw the line on the seals?

Mr. PLUMB. For the purpose of saving time I will draw it on all of them. I do not say that some of those volumes ought not to be published. It is a very interesting volume about New Orleans, I have no doubt, but much more interesting would be the exploration of Captain Pike in the territory we acquired under the Louisiana treaty and all the interesting questions which grew out of the question of boundary between the Spanish possessions, the French possessions, and the American possessions. So far as that matter goes, this country is full of questions of that kind which could be well published by somebody who had the enterprise and the cash to do it. The Government has more cash and more enterprise for that purpose, it seems. I submit that it is a travesty upon government and upon a census to have that bureau select out the history of individual cities and put it into volumes that are to be compiled and publish it as a part of the census literature of 1880 or of any other year. I think in Congress we ought to sit down upon it. We ought to do so for the purpose of emphasizing the determination that we shall have some kind of control over this class of expenditures. Upon the theory on which the Committee on Printing now proceeds the Secretary of the Treasury could publish a book of light literature if he so pleased; he could publish anything.

Mr. ANTHONY. No; he cannot publish anything beyond the limits assigned by the Committee on Appropriations. The Committee on Appropriations appropriates so much money to be expended by the Secretary of the Treasury, and he cannot publish one cent beyond that unless he has the sanction of Congress.

Mr. PLUMB. That is very true, but how easy to avoid that law by saying he will publish one of Emile Zola's novels instead of a report on his Department and use the money in that way.

Mr. ANTHONY. If the Senator supposes the head of a Department is capable of doing that, then the Senator's opinion holds good, but I have some confidence in the heads of Departments.

Mr. PLUMB. I will admit that is an extravagant statement, but I submit that it will hardly be called extravagant when we consider what the Census Bureau have done. Why the history of New Orleans more than the history of Louisville, the "dark and bloody ground" made famous by the exploits of Daniel Boone?

Mr. HALE. Will the Senator allow me to explain about the matter of the census, not to interrupt him?

Mr. PLUMB. Certainly.

Mr. HALE. The Committee on the Census looked into this matter pretty thoroughly. They found, for instance, this pamphlet or tract, or interesting paper, whatever you may call it, upon New Orleans became embodied as part of the census in this way: when General Walker, who was selected by common consent to be at the head of this great work, sat himself down to consider what should be the scope of the census he was beset in every direction from Senators and Members and from the Departments with suggestions for amplification of the work. Anybody who will go and see the records there, the letters he received, will find some of the difficulties under which General Walker labored. Everybody wanted it extended to his own particular region.

Finally it was decided by General Walker that a sketch of the history of events and the peculiarly distinguishing things that rally around certain cardinal points in the settlement of the country should be incorporated as part of the census, and New Orleans naturally fell into that classification. It is not to be confined, if allowed, to New Orleans, but other interesting points in all parts of the country, east, west, north, and south, were intended to be embodied in the census.

Of course the Senator knows, if he has examined it, that no comparison can very well be made between this census and any other. Everybody understood that it was to be enlarged very greatly. For instance, there are to be volumes upon the great mining industries of the country, that in their extent alone will be almost as great as has been covered heretofore by a complete census. The statistics upon manufactures, upon the cotton growth of the country alone, will make of volumes and matter and substance-matter equal or nearly equal to that published of any previous census.

So in amplifying this great work, one thing and another crept in, and General Walker, then superintendent, who had the main work upon his hands, was obliged to yield in many directions, and did yield. He has, as my friend knows, a bright and enthusiastic mind, he became an enthusiast in his subject, and undoubtedly many things have got into his plan of the work that were not strictly needed. It has been cut down from 18,000 pages to 15,000 pages.

I can say to my friend that on this matter of printing, which the Census Committee examined and then turned over to the Printing Committee, a great part of the difficulty has been obviated in this way: certain matter which is essential to the census, which he and I and everybody would say is essential, will be printed very largely. The compendium in two volumes will cover what almost everybody wants. There will have to be 150,000 or 200,000 copies of that issued; of other matter, 20,000 copies will do; of certain other things, 10,000 copies will do; there are some parts of it of which quite likely there will only need to be a small edition of 1,000 or 1,500 or 2,000 copies, for colleges and libraries and scientific men, and to be sent abroad. Quite likely the volume containing the sketches and history and early results of settlement in different parts of the country may be embodied in one volume and published in brief, so that the expense will not be great, and I believe the Committee on Printing can regulate that.

I make this explanation in justice to the Census Bureau, because it will be seen, if what I state is correct and has any impression, that the Superintendent, undoubtedly encouraged in making a great work and enthusiastic upon it, was beset in many ways, and all the counsel that he got in every direction, so far as I have seen from his records and the letters, was in direction of amplifying and spreading out this work. I believe the expense can be regulated very largely by the Senator from Rhode Island and his confrères upon the Committee on Printing.

Mr. PLUMB. Mr. President, the explanation still does not satisfy me. New Orleans is no more significant a place than some others.

Mr. HALE. The Senator will allow me to state that it is suggested by my friend from Ohio [Mr. PENDLETON] that as the result of our investigations in the Census Committee we did not find that this spreading out, this amplification, had ever been in a direction that was not valuable to a certain degree. There is no really superflu-

ous or needless or extraneous matter that somebody or other would not find of value.

Mr. PLUMB. Everything in this world is comparative. The history of New Orleans, I have no doubt, is of some importance to the entire country, but it is no more so perhaps than the history of Saint Louis, no more so than the exploits of Marquette and La Salle.

Mr. HALE. All those are to be published.

Mr. PLUMB. Then I think it is time to draw the line. Those are of no more consequence than the history of the settlement of California; no more phenomenal thing ever occurred in the history of civilization than the settlement and growth of California. Next after it comes perhaps the history and growth of Leadville and the mineral discoveries in the vicinity. So we might go on multiplying. Congress did, I think, under the advice of the Superintendent of the Census, seek to limit the total expense of this census by restricting the total appropriation to be available for that purpose. We fixed that at $3,000,000, but we find that this expenditure constantly exceeds the limit set by Congressional authority, and it is contagious. I do not blame General Walker for it, because Congress goes on all the time to appropriate money for the expenses of the Executive Departments of the Government. General Walker was encouraged to go ahead and told practically to have the census embrace the history of various portions of the country; but it is time we put a stop to these things.

I insist it is proper that a stop should be put here; not merely because these matters are unnecessary as parts of the census, but because it is a good time to assert the intention of Congress to limit these expenditures which have heretofore been unlimited on the part of the executive branch of the Government. I therefore move to amend so that the publication of the census—if that is in order—in the text shall not exceed twenty volumes, to be selected by the Committee on Printing.

Mr. ANTHONY. I trust that it will not be assigned to the Committee on Printing. We are nearly at the close of the session; we cannot get together in the recess; and if we are to go through all those 18,000 pages of manuscript and decide what shall be printed we cannot satisfy the Senator from Kansas nor ourselves. If that duty is to be done by anybody it should be done by the Superintendent of the Census, who is a very accomplished scientific man, who devotes himself wholly to this work. It is not his intention to extend the work above 15,000 pages, and certainly he is the best judge, perhaps not of how many pages should be suppressed, but of what the suppressed pages should consist.

Mr. HOAR. Mr. President, I move the following amendment——

The PRESIDENT *pro tempore*. As an amendment to the amendment or as a separate amendment?

Mr. HOAR. Is there an amendment pending?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HOAR. Then I will wait. My amendment relates to the mode of distribution.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves an amendment, which will be read.

Mr. PLUMB. I move to amend the first section by inserting after the words "reports of the tenth census of the United States," in line 3, the following:

> Not exceeding twenty volumes in number, to be determined by the Superintendent of the Census in connection with the Committee on Printing of the Senate.

Mr. ANTHONY. I think that the Committee on Printing had better be omitted from that amendment. The Superintendent of the Census is fully capable and will conscientiously carry out any directions that Congress may give to him.

Mr. HOAR. What is the size of the volumes?

Mr. ANTHONY. One hundred pages or a thousand, just as he pleases.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be read as prepared by him.

The ACTING SECRETARY. After the words "United States," in line 3 of section 1, it is proposed to insert:

> Not exceeding 20 volumes in number, to be determined by the Superintendent of the Census.

Mr. INGALLS. That will be entirely inoperative unless there is some further limitation. If the policy of my colleague is to secure only the publication of a certain portion of the material that has been collected, then his amendment will be of no avail, because the Superintendent of the Census can make these volumes large or small, as he pleases; and I have no doubt that he will find some way to circumvent the will of Congress if he can find out what that will is.

Mr. ANTHONY. Why does the Senator from Kansas make that remark?

Mr. INGALLS. Because that is the inevitable tendency of all executive officers in all particulars.

Mr. ANTHONY. If the Senator means to include the Superintendent of the Census in the general description of mankind, I shall not attempt a defense of him; but if the Senator means to charge him with any peculiar design to thwart the will of Congress, I shall have to object.

Mr. INGALLS. If the Senator wishes to say something, I will make that charge, to hear what he has to say about it.

Mr. ANTHONY. I should like to know what the Senator from Kansas has to say in support of that charge.

Mr. INGALLS. That is not the question.

Mr. HALE. Mr. President, I do not know whether the Senator from Kansas knows anything about the present Superintendent of the Census, whether he has had any acquaintance with his manner of work or his character. I know something about that, and in my opinion a man more laborious, more faithful, and more modest in every way than the Superintendent of the Census does not live here in Washington.

Neither is he a man who is inclined to force his own work on to Congress. I think he is an exception there to what is commonly the case, I admit, and I agree with the Senator from Kansas [Mr. INGALLS] that ordinarily the heads of bureaus are desirous of foisting their work upon Congress, and in many cases of finding ways to circumvent the limitations that we attempt to throw around them; but Colonel Seaton is a man who is not of that kind. He is a man who does not besiege Congress; he is a man who comes not before Congress or raps at the committee doors until he is sent for, and when he makes his plain, simple, unvarnished statement, and retires, that is the last that is heard of him until committees send for him again. I wish in that regard that other heads of bureaus here in Washington would emulate the Superintendent of the Census; and the Senator from Kansas, and the rest of us would be troubled much less than we are if they worked after his pattern.

Mr. HAWLEY. Mr. President, while the Senator from Kansas [Mr. PLUMB] was speaking, and while this discussion was going on, I have been hastily glancing over a list of the reports, to see what could be reasonably thrown out. I will call attention to a few of them, if the Senate desires to look into them, because this proposition is to print twenty volumes. It has been suggested already that that is a very indefinite term indeed. There are reports here as low as ten pages, others forty-sixty pages, others fifty pages. These things are given out to specialists. Twenty, forty, fifty of these reports can go in a volume. The word "volume" is indefinite, because it may mean four hundred pages, or it may mean twelve hundred pages. It will be very difficult to carry out the proposed amendment. What will you throw away? Here is a report on the statistics of the iron and steel production of one hundred and eighty pages. That is a magnificent industry. The report embodies a vast amount of statistics, and there is information there of great value to the country. I have not examined the report, but it is by a man whose life has been devoted to that business, and I think it is worth something. Then there is a report on the water-power of the South Atlantic coast. I do not know exactly whether that is essential or not, but there is a growing tendency toward manufactures on all that South Atlantic coast, and the water-power question is a very important one.

Mr. INGALLS. Perhaps that refers to the river and harbor bill.

Mr. HAWLEY. No, it has nothing to do with the river and harbor bill; it is manufacturing water-power. There is another report on the statistics of the manufacture of silk. The silk manufacture has increased immensely as an industry in the country. I do not know why we should throw that out. There is a paper on the manufactures of the twenty largest cities of the United States, containing thirty-two pages. It is not large but it is valuable. Of course it is possible it might have been put in a condensed form in the general report. There is a report on the newspapers and periodicals of the United States. No country equals the United States in the number of newspapers and periodicals, &c., in proportion to the population, and the statistics of them are valuable. They are evidence of the civilization and progress of the people.

Mr. PLUMB. Let me ask right there if there is not published by particular firms in this country every one of the essential facts contained in that report and circulated free?

Mr. HAWLEY. I know the volumes to which the Senator refers, because they are sent to all of us engaged in the newspaper business, but they do not answer the purposes of the census. Their aim is to describe the facilities for advertising. That is what they are directly aimed at.

Mr. PLUMB. They give the circulation, politics, and name of each paper published.

Mr. HAWLEY. They do, in a measure; and you might say the whole census was unnecessary because you could go around picking up something about every branch of it probably. You can get a tolerable estimate of the population, for many of the cities take an account of their population, and so do many of the States. So you might dispense with the whole census on that theory.

Mr. PLUMB. Newspaper people know all about it and publish it.

Mr. HAWLEY. Here is a report on the growth of the cereal crops of the United States, which is certainly valuable, and another on the meat production of the country, which has grown into very great importance in a few years and resulted in the exportation of immense quantities. I should like to know something about that, and it is very convenient to refer to occasionally.

Here is another report on the tobacco culture of the United States, and here is a report on the whale fisheries of the United States and a report on the quarries of Ohio and Kentucky, but that is only ten pages. There are other reports on quarries. That seems to have

been a special report. Then there is Robert P. Porter's report on the state of municipal taxation and valuation. That is valuable. Then there is Robert P. Porter's report on the railroad statistics of the United States. That is valuable. Did I mention the tobacco culture, because there is a valuable report, an excellent report, on that? Then there is a report on forestry and the lumbering industry; a report on the cotton manufacture; a report on the woolen manufacture; reports on the manufacture of glass and of coke and on wages in manufacturing industries; a report on fire and marine insurance; a report on the production, transportation, and manufacture of petroleum; Special Agent King's report on the mining of the precious metals, mining industry, laws, regulations, &c.; report on the useful metals in mining industry, &c.; report on the water-power of the regions not previously mentioned, and on the machinery employed in the manufacture of textile fabrics, boots, shoes, &c.; report on the manufacture of machine tools; report on the social statistics of cities; report on pauperism and crimes and on the afflicted classes, namely, the deaf, dumb, blind, insane, and idiotic. Then certain reports on statistics relating to the ages of living inhabitants, deaths and the causes of death, and to life insurance—vital statistics as they are generally called—under the care of Lieutenant-Colonel John S. Billings, surgeon United States Army, a gentleman well known, whose authority is excellent.

It is difficult, in running these over and seeing that these reports run from ten pages to five hundred pages, to say just what to strike out. I will mention some about which there might be an inquiry or a doubt. The report on flour milling and milling machinery is estimated at twenty pages. I put a query against that. There is not much of it, but it is of some value. I made a query against another report, that "on the water-power of the Missouri River and its tributaries." You may say of that as of the similar report as to the South Atlantic coast, that the statistics are valuable.

I will not detain the Senate; but you see when you come to look over the list and find that these reports run from ten pages up and really all refer to subjects of importance and illustrate the growth and power of the country, that it is a very difficult thing for anybody to say that they shall all come within twenty volumes and say what shall go within twenty volumes of 5,000 pages, and what shall not go in. We did require the Superintendent to reduce his aggregate from 18,000 to 15,000 pages, and then we want to correct the evils partially, in some degree to obviate the difficulties that the Senator from Kansas has in mind by providing that certain volumes only should be published in certain limited numbers, and that the general compendium should be published in one good large volume rather than in two as the original purpose was, because the work would be likely to be separated in distribution and be an eternal vexation. It is better that the compendium should be all in one volume, and so we required that that should be condensed. I prefer the bill in the form reported by our committee, for I gave my assent to it there after considerable consideration, and if any further great or serious condensation is contemplated it had better be a matter of deliberate consideration.

Mr. PLUMB. For that purpose I desire to get the sense of the Senate on the question of limiting the work. I am aware that under my amendment the privilege may be abused, and as my colleague suggests the Superintendent can publish such volumes as he chooses, but I want the sense of the Senate on the question of limiting the publication. For the purpose of making it effective I will object to the further consideration of the bill, if that is in order.

Mr. ANTHONY. It is not in order. The bill has been taken up and is before the Senate.

The PRESIDENT *pro tempore*. The bill has been taken up unanimously.

Mr. HOAR. I should like to call the recollection of the Senator from Kansas to one fact. A point has been made as to the natural inclination of the Superintendent of the Census to magnify his own work. The Superintendent of the Census who is responsible for the scope and scheme of this census, and for everything that is embraced in it, has gone out of office, General Walker, who has become the head of the great ethnological school in Boston, and his successor is now in office, so that the power will be left as the bill leaves it, in a person who comes with entire impartiality to the consideration of the question how much shall be published.

Mr. PLUMB. I think so myself. I would be willing to leave it absolutely to the discretion of the Superintendent of the Census. And in regard to the suggestion made by the Senator from Connecticut in relation to this matter, I do not desire to blame General Walker or Mr. Seaton, but an abuse has crept in which ought to be stopped, and I think this is a good place to stop at. Take the subjects treated of as read by the Senator from Connecticut; they are valuable, but what ought to be considered if we go into that class of subjects? Take the culture of tobacco; what does it compare with the statistics of the production of corn, wheat, cattle, hogs, and things of that kind?

Mr. HAWLEY. They are all in.

Mr. PLUMB. Why should there be a special treatise on tobacco and not on some other product? We ought to have a thousand volumes if we go on in that way. We are here magnifying certain products of the country and certain localities, as New Orleans, the South Atlantic coast, and the Missouri River. That only shows how much we ought to have if we are to have a census going into those subjects at all. There is where the abuse lies. There is enough to show the total inapplicability of what they have done.

Mr. HAWLEY. I did not refer to corn because I took it for granted everybody must know there was something about corn and wheat. I did not name Special Agent Brewer's report on the cereal crops of the United States, estimated at four hundred pages.

Mr. FRYE. I should like to ask either Senator why these spasms of economy should touch first the educational report, one of the most valuable and interesting that is made, and second the census report, more valuable still? Why not touch a thing like that [exhibiting a volume] laid on my desk this morning, bound in calf, with my name printed on it, "Report of the Chief of Ordnance," which I shall never look into in my life, which no Senator will ever examine, which no human being will ever read, which is only valuable to put into a few libraries, and must cost thousands of dollars in the way of distributing? Why not let the spasm of economy strike the messages and documents? My recollection is that we get seventy or eighty a piece of them every year.

Mr. ANTHONY. Only about fourteen.

Mr. FRYE. When I was in the House there were sixty or seventy of them.

Mr. ANTHONY. That is the abridgment in a single volume.

Mr. FRYE. I should like to know what earthly use that abridgment is? Nobody wants it. You cannot find a man in the country who wants it. I never know where to send it, but I do know wherever I send it, in all human probability in less than three months it will be in a junk-shop, sold for two cents a pound.

Why does not the Printing Committee or somebody just take and print all that is necessary of documents that are of use and stop this printing and binding of documents that are of no earthly use to anybody? I am sure the census report must be of infinite value all over the country.

Mr. ANTHONY. I think if that duty is to be assigned to "the Committee on Printing or somebody," it had better be assigned to "somebody." These documents are printed by statute, and the abridgment of the message and documents is an exceedingly valuable publication. The message and documents are sent to Congress. They are of no use unless they are printed. A Senator or Representative cannot go through a thousand pages of manuscript to be passed from hand to hand, and although the whole of it is not useful to any one man, every part of it is useful to some man. I think no Senator or the Committee on Military Affairs will pronounce the report of the Chief of Ordnance useless.

Mr. HAWLEY. Let me say that if the Senator from Maine does not want his copies I shall be glad to take half a dozen, for I have large arms manufacturing concerns about me that would be glad to get them.

Mr. FRYE. I shall be glad to give them all to the Senator from Connecticut.

Mr. HAWLEY. Thank you.

Mr. ANTHONY. These documents are "the ledgers of the realm;" they are the history of the country for the last year, and the reports are prepared with great care, great industry, and great expense, and they must be printed for the use of Congress at any rate; and to print a few more copies involves a comparatively small cost. I think the number that we receive of the unabridged message and documents is fourteen, and I certainly could distribute in my little State three times that number to profit and advantage.

I think, Mr. President, that this compression of the reports, whatever is decided upon, should be left to the Superintendent of the Census. I am quite sure that he will attempt to carry out, not to circumvent, the will of Congress in the matter. I believe the Senator from Kansas [Mr. PLUMB] has relieved the Committee on Printing.

The PRESIDENT *pro tempore*. The Committee on Printing is not named in the amendment of the Senator from Kansas. The question is on that amendment.

Mr. ANTHONY. Let it be read.

The ACTING SECRETARY. In line 3, after "census," it is proposed to insert:

Not exceeding 20 volumes in number, to be determined by the Superintendent of the Census.

The amendment was rejected.

Mr. HOAR. Now I move to amend the bill by inserting, after line 34, the following:

That in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document rooms of the Department of the Interior; and the Secretary of the Interior shall distribute those ordered for the use of Congress as follows: In sets to each of such fifteen libraries and other public institutions as shall be named to him for this purpose by each Senator, and to each of such ten libraries and other public institutions as shall be named to him for this purpose by each Representative and Delegate, and in volumes to such other parties as shall be designated by Senators, Representatives, and Delegates until the quota of each shall be exhausted: *Provided*, That one copy of each volume shall, on its reception from the Public Printing Office, be transmitted to each Senator, Representative, and Delegate in Congress: *And provided further*, That the party receiving the work upon the order of a member of Congress shall be informed by the Secretary of the Interior upon whose request it is supplied. And the Secretary of the Interior shall report to Congress at its next session the names and locations of the libraries and other public institutions designated to receive these reports under the provisions of this bill.

Mr. President, if the Senate will observe this amendment, they will see that it does not in the least change the existing right or privilege of any Senator or Representative, unless he so elects, except so far as it requires the supply out of this large number of copies of a certain number of libraries. If there is not that number of libraries in any State, then all the remainder is to be distributed to such persons as the Senator or Representative shall direct. If he chooses he may direct the whole to be sent to his own room as now, and distribute them by franking them himself; but if he does not choose to do that, then the Secretary of the Interior sends them to such persons as the Senator or Representative shall direct, keeping a record and notifying the person that it is sent at the request of the particular Senator or Representative who sent in his name. That accomplishes several very important objects. In the first place it prevents the duplicating of these sets to various individuals, because if the Representative from a district and a Senator from the State and his colleague have named the same person, they would receive notice simply that this person they had named had been supplied by another member of Congress.

Now, I will venture to say that of the number of public documents which are printed for public distribution nine-tenths are totally wasted, certainly more than half; a large majority is totally wasted. We have a law under which the executive documents as they are called are distributed by the Department of the Interior to certain persons who are named; and the Department of the Interior has a certain other number which it distributes at its discretion; but in regard to all the documents like the census reports, like Major Powell's wonderful report on ethnology, like the Medical and Surgical History of the War, there is no provision whatever by which these documents go into any one place, or by which even the different volumes of the same documents go to the same place. There is an old law by which the Librarian of Congress has fifty copies to send to certain enumerated foreign governments, and a large number of those foreign governments have gone out of existence. A lot of little German states that were swallowed up in the German Empire are still entitled by law to have a copy sent them by the Librarian of Congress. It is the duty of Mr. Spofford to send a copy to the state department of Sardinia, a nationality which has long since been merged in the Kingdom of Italy. In fact there is no place in this country where we deposit by law these valuable and important documents published under the direction of any Department of the Government, except those which are called legislative or executive documents sent to Congress, which are distributed by law.

I do not see the junior Senator from Rhode Island [Mr. ALDRICH] in his seat, but I will venture to say that he does not know where his eminent predecessor, General Burnside, sent the volumes which have been so far published of the Medical and Surgical History of the War. He has got to guess who are the persons. The membership of the other House is constantly changing. There may have been in some districts four or five different members in succession while the publication of the Medical and Surgical History of the War has been going on, which, taking the cost of the original returns and adding the expense of editing, will cost the Government $125 a set, and taking the actual cost of printing, binding, and engraving, cost the Government fifty or sixty dollars more a set; and thus the different volumes of that publication are entirely wasted and lost so far as any benefit comes from their distribution.

Take the matter of the publication of the records of the rebellion. There will be ninety-five volumes, I am told, and those ninety-five volumes will go one to one constituent to whom a member wants to pay a compliment. By and by our successors here will be called upon to send the fiftieth or fifty-first volume of these records to a person who has never had any of the preceding volumes and is not likely to have any of the succeeding ones.

The chairman of the Committee on Printing, who I believe fully sympathizes with the purpose of this amendment, has endeavored more than once to have a general law which should secure this matter, and it has passed the Senate on his recommendation and has gone down to the House and failed there in the press of business. Now I wish to put upon the bill for the printing of this costly volume of the census a carefully prepared scheme for its distribution. As I said before, it leaves every Senator to take the present method if he pleases, because he may order his set to be sent to him; but if he does not it saves him the trouble of franking. It insures that the volumes will all go to the same place because the successor will inquire of the Interior Department where the previous volumes went, and it gives the Senator the same opportunity to pay a compliment to anybody to whom he chooses by requiring the Interior Department to send with the volume a statement of at whose request it was sent to the recipient.

Mr. HALE. Will not the Senator have the amendment read again?

Mr. HOAR. I will.

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived.

Mr. HOAR. Allow me to finish my statement, and then I will have it read again. This amendment has been very carefully prepared, under the direction of our late colleague, now the Secretary of the Interior Department, by the accomplished librarian of the Department of the Interior. I desire to have read two letters, one addressed by Secretary Kirkwood to the chairman of the Committee on Printing on this subject, and another addressed by the present Secretary of the Interior to me, heartily indorsing this scheme. Let the amendment be read again in the first instance and then these two letters.

The PRESIDENT *pro tempore*. The hour of twelve o'clock has passed.

Mr. HOAR. I hope the Senate will at least allow this amendment to be read.

Mr. ANTHONY. I hope the Senate will finish this bill.

Mr. ALLISON. I think we had better have these letters printed in the RECORD.

Mr. HOAR. Let them be read.

Mr. ALLISON. Have them read and printed in the RECORD, so that we can examine them, and let the whole matter go over until to-morrow morning.

Mr. ANTHONY. We cannot get it up to-morrow.

Mr. HOAR. This amendment, I think, when I get through, will be adopted by the Senate without further debate.

Mr. ALLISON. I do not understand it, and therefore shall not oppose it. I only want to insist upon the tax bill being taken up now, so that we may make some progress during this day on that topic.

The PRESIDENT *pro tempore*. The letters will be read if there be no objection.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 6, 1882.

SIR: As this Department is in receipt of numerous requests for the reports of the Tenth Census prepared under its supervision, and as no provision has yet been made by Congress for the printing and distribution of this series of reports, I have the honor to invite the attention of your committee to the inclosed draft of a joint resolution having this end in view. The investigations of the Tenth Census were more comprehensive than those of any census ever before taken, and the information obtained is in proportion large and varied.

These statistics when prepared for publication will constitute a voluminous and invaluable work, comprising, it is estimated, from 18 to 25 quarto volumes of nearly 1,000 pages each.

Taking this fact into consideration, and also the further fact that the printing of these volumes in editions sufficiently large to meet all proper demands on the part of the public will require a very large appropriation, it will be admitted that some method of distribution should be adopted by which, in the first place, all duplication of these volumes may be avoided, and, in the second place, by which libraries and public institutions in whose possession they will be of special service to the public shall be assured of complete sets.

The inclosed resolution has been drawn with particular reference to these two objects, providing, as it does, that the whole edition of these volumes shall be distributed by one agency, though in no wise interfering with the customary rights and privileges of members of the two Houses of Congress in the matter of distribution.

The agency specified is this Department in part, because the documents in question are prepared under its supervision, but chiefly because an office designed for the general distribution of documents has already been established by Congressional action in connection with the Department, and has long been in operation, so that no new machinery will be required in order to accomplish the distribution provided for. Careful provision is made for securing that the party receiving one or more of these volumes upon the order of a member of Congress shall be informed upon whose request it is supplied, so that due credit may be accorded by him to the Senator or Representative through whose courtesy it is sent. No disadvantage or special inconvenience to any member of Congress would seem to be involved in the method of distribution suggested, while the care that is taken in the dispatch of documents from this Department, in the record that is kept of the same, and of their receipt by the parties to whom they are addressed affords the best guarantee that their distribution will be properly accomplished and that these documents will reach their destination.

On the other hand the advantages afforded by the proposed method of distribution are manifest, especially in this, that any possible duplication will be at once detected and prevented, for whenever the name of an individual or institution that has already received the same is submitted for one or more of these volumes, the records of the Department will show the fact of such reception, and no duplicate copy will be sent, thus saving to the Senator or Representative for some party, yet unsupplied, the volume or volumes that would under the ordinary system have been sent in duplicate.

As documents are distributed under the method that now usually obtains, the members of one House of Congress are in ignorance of what members of the other House have done, and there is no doubt but that in a large number of cases both are sending the same documents to the same parties. This perhaps would not be regarded as a matter of very serious importance in the case of an ordinary document, but in the case of documents of the character of those under consideration, and costing what these volumes will cost, it is believed to be worthy the careful consideration of Congress.

It is probable that Senators in very many instances will put upon their lists to receive the census reports the names of the same papers and periodicals, the names of the same libraries and other public institutions, the names of the same prominent individuals connected with the two political parties, and of many others, that are also upon the lists of Representatives for the same purpose.

The only practical means of guarding against the great and unnecessary waste that will result from this sending of the same documents to the same parties is to provide that the whole edition shall be distributed through one agency. It is believed that on the basis as to numbers provided in the accompanying resolutions, and on the supposition that this work will embrace twenty volumes, not less than $150,000 will be saved to the Government in the printing of these reports by the method of distribution suggested in accomplishing the same results that would be accomplished under the ordinary method. In other words, the expenditure of $1,000,000 for the printing and distribution of these volumes under the provisions of this resolution will suffice to put them into as many separate and individual hands as will be reached by the expenditure of $1,150,000 under the usual system.

This amount of saving will be increased should the volumes cost more than $2 per copy, or the number printed be much increased above that specified in the resolution. In view of the importance of publishing a large edition of this work, and of securing the widest distribution possible for the amount to be appropriated for printing the same, it is hoped that the provisions of this resolution may commend themselves to the favorable consideration of your committee.

The number of copies of the several volumes specified has been fixed with regard to the wide interest that has been awakened in the result of the Tenth Census, and of the large demand being and that will continue to be made for these reports.

The number, however, can be increased or diminished without interfering with the distinctive features of the resolution. Should it be thought desirable this Department might be required to report to Congress not only the names of institutions to which these reports are sent under the provisions of the resolution but also the names of all individuals. Such information might be of service to Congress in the matter of future legislation touching the distribution of documents.

The publication of this series of reports affords an unusual opportunity for testing the wisdom of the method of distribution herein suggested, and it is confidently believed that the result will be entirely satisfactory to all parties concerned.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. HENRY B. ANTHONY,
Chairman Committee on Printing, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, July 18, 1882.

SIR: Referring to the bill now before the Senate, providing for the publication of the reports of the Tenth Census, the inclosed copy of a letter addressed by this Department to the chairman of the Committee on Printing expresses its views in the premises.

While the number of copies of said reports suggested in the resolution accompanying this letter is larger than that named in the bill above referred to, the arguments in behalf of the methods of distribution suggested apply with equal force to the smaller number.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. GEORGE F. HOAR, *United States Senator.*

Mr. CONGER. Allow me to say that it is but a few years since the Interior Department sent a communication to Congress stating that there had accumulated in the rooms of the Interior Department a great many hundred thousand volumes that were left there, just as this proposes to leave them, and asking Congress to make some provision for their distribution. In view of that Congress passed a joint resolution authorizing the distribution of those books through the members, and I think there were from five hundred to seven hundred volumes of these accumulated books of all kinds, including some very valuable ones and some of less value. Among them were copies of the American State Papers; there were whole sets of the Annals of Congress. There were books which could not be found anywhere, distributed to members. As a reservoir of valuable books, for their disposition ten, twenty, or thirty years hence, this plan is a very good one, a very excellent one, because otherwise these books will be scattered where they cannot be obtained at all.

It seems to me, and I think of it in connection with this very proposition because it comes from the Interior Department, that ten or fifteen years hence we shall have a notice from the Interior Department that that Department is filled up with this class of books and Congress should provide for them, and there will then be a distribution which will be valuable to those who live in those days.

Mr. HOAR. Let me add one word. If this amendment is adopted, to which I understand the chairman of the Committee on Printing assents, then in future resolutions for printing documents it will be simply necessary to distribute them according to the provision now by law applied to the census reports.

Mr. ANTHONY. I wish to propose an amendment to the amendment.

Mr. ALLISON. Do I understand that now we are to have no further debate on this bill?

Mr. INGALLS. No, no.

Mr. ANTHONY. I wish to speak two minutes. This amendment provides that the document shall be distributed in sets to each of such fifteen libraries and other public institutions as may be named by the Senator and ten to be named by the Representative. I think there are districts where there are not ten public libraries, and I think that therefore this had better be amended by saying "to each of such ten libraries and other public institutions or individuals," so that the sets shall go to ten individuals from each Senator.

Mr. HOAR. I have no objection to that.

Mr. INGALLS. That is provided for in the subsequent clause because they can be sent to individuals upon the application of any Senator or Representative.

The PRESIDENT *pro tempore*. The Senator from Massachusetts can accept the modification.

Mr. HOAR. It does no harm.

Mr. ANTHONY. After the word "institutions," in line 9 of the amendment, I move to insert "or individuals."

The amendment to the amendment was agreed to.

Mr. ANTHONY. And in lines 11 and 22, after the word "institutions," in each of those lines, I move the same amendment.

The amendment to the amendment was agreed to.

Mr. ALLISON. I insist on the regular order.

Mr. ANTHONY. Let us take a vote. I do not wish to speak.

Mr. ALLISON. But other Senators say they desire to speak.

Mr. ANTHONY. No one desires to speak. The Senator from Kansas was just in fun.

Mr. ALLISON. Very well.

Mr. PENDLETON. I desire to speak, but I do not desire to occupy the attention of the Senate more than a moment. I do not see in this amendment a provision which is alluded to in the letter just read to the Senate; that is, that there shall not be a duplicate sent under the order of a Senator or Representative to a library unless the parties are notified of the fact.

Mr. HOAR. I think that is understood by the Interior Department.

Mr. PENDLETON. It may be understood by them, but it is not in the amendment.

Mr. HOAR. I do not think it is necessary to put that in; but if the Senator thinks it is necessary I will defer to him.

Mr. PENDLETON. I think it advisable to put it in; but I do not intend to embarrass the amendment of the Senator from Massachusetts. I am thoroughly in sympathy with it; but I think it advisable to put into the amendment itself a direction that duplicate copies shall not be sent under the direction of a Senator or Representative to different libraries without advising them of the fact. In Cincinnati and in other large cities perhaps duplicate copies would be advisable, but in many libraries they would not be.

Mr. HOAR. I will then add to the amendment, after the word "Congress," in the eighteenth line:

Provided, That no duplicate shall be sent of any volume until the party requesting it shall be first informed that it is a duplicate.

Mr. PENDLETON. That is just the amendment I had sketched on my bill, and that satisfies me entirely.

The amendment to the amendment was agreed to.

Mr. COCKRELL. Let the amendment be now read as modified.

Mr. INGALLS. Suppose by accident some duplicate should reach a library, what would happen? Would it be sent back to any Senator or Representative? This is a very important amendment, and I do not think it is entirely understood.

Mr. HOAR. I will accept the form proposed by the Senator from Ohio.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts as amended.

Mr. COCKRELL. I want to ask the Senator from Massachusetts whether I understand the amendment as amended. Under this amendment the entire set of documents will be sent to the Secretary of the Interior.

Mr. INGALLS. The entire edition will be sent.

Mr. COCKRELL. The entire edition of the publication will be sent to the Secretary of the Interior.

Mr. INGALLS. We shall have to build a public building to hold them.

Mr. HOAR. They have ample accommodation.

Mr. COCKRELL. Then each Senator can send an order there for fifteen sets.

Mr. HOAR. No; he can send the names of fifteen libraries. Then, in addition to that, he may have the whole balance of those put at his distribution sent to his room, just as they are now.

Mr. COCKRELL. Where is the authority for that?

Mr. HOAR. "And in volumes to such other parties as shall be designated by Senators, Representatives, and Delegates." He may designate himself.

Mr. COCKRELL. There is no authority in this amendment which would permit a Senator or a Representative to send to the Interior Department and have any of these books sent to his room.

Mr. HOAR. I understand that there is.

Mr. COCKRELL. There is none.

Mr. ALLISON. I am satisfied that this bill cannot be passed this morning. I move to take up the tax bill.

Mr. ANTHONY. If this bill goes over now I do not believe it will be taken up again this session.

Mr. ALLISON. Why not take it up to-morrow morning?

Mr. ANTHONY. I have done my duty, and I shall not be responsible for the failure to print the census. The bill will take no longer time now than it will take hereafter, and I think it can be disposed of in ten minutes now. At all events it must be done.

Mr. HOAR. No suggestion has been made except as to whether the phraseology of the amendment is explicit on some minor point. It can easily be removed. I hope the Senate will not waste the hour it has spent on this bill.

Mr. ALLISON. Very well. I hope not either.

Several SENATORS. Vote! Vote!

Mr. HOAR. I have no objection to inserting there that any Senator or Representative may require his quota to be sent to him if he sees fit, though I think it is clear enough.

Mr. COCKRELL. Before this can be acted on it must be understood, and it must be very definite and certain. Now, in our Western States we have not the same number of organized libraries that they have in some other States, and yet our people are just as anxious for the information contained in these reports as they are in the States where libraries are organized.

Mr. ANTHONY. After the words "libraries and other public institutions" the words "or individuals" have been inserted.

Mr. COCKRELL. I do not propose that the distribution of these valuable works shall be confined to village libraries.

Mr. HOAR. The Senator is quite right. I suggest to him, on the twelfth line, after the words "in volumes to," to put in:

Senators and Representatives, or such other parties as shall be designated by Senators, Representatives, and Delegates, until the quota of each shall be full.

That would cover the Senator's objection.

Mr. COCKRELL. Let it be inserted there so that we can understand it.

The ACTING SECRETARY. In line 12, after the word "to," at the end of the line, it is proposed to insert:

Senators and Representatives, or.

Mr. CONGER. I should like to have it read as it stands.

Mr. ALLISON. Mr. President, I should like to have it read again myself. I move now to proceed with the tax bill.

Mr. ANTHONY. I hope we shall finish this matter.

The PRESIDENT *pro tempore*. Does the Senator withhold his motion for a few moments?

Mr. INGALLS. How can that motion be made? This question is properly before the Senate, and a motion to proceed to the tax bill is not in order. This bill has got to be disposed of in some way.

The PRESIDENT *pro tempore*. This bill came up in the morning hour. The Chair announced when the morning hour had closed, and the Senator from Iowa rose at once. The Chair allowed the Senator from Massachusetts to occupy five minutes after.

Mr. HOAR. I had the floor when the Senator rose and raised the point and the Chair sustained it.

The PRESIDENT *pro tempore*. The Chair allowed the Senator from Massachusetts five minutes beyond the morning hour.

Mr. HOAR. Where did the Chair get any authority to allow me five minutes?

The PRESIDENT *pro tempore*. No objection was made. It was the duty of the Chair exactly at twelve o'clock to call attention to the fact that the morning hour had expired.

Mr. HOAR. Will the Chair be good enough to point to the section of the rule which gives him authority to allow Senators five minutes beyond their time?

The PRESIDENT *pro tempore*. The Chair could say that the morning hour was out, and then if it was the pleasure of the Senate to go on with the regular business it could do so.

Mr. ALLISON. If I saw any prospect that this bill would be finished, I would give way, but we have been twenty minutes on it now beyond the morning hour. I make the motion——

Mr. HOAR. I hope the motion will not prevail. I think that there is other business which can be attended to at this session, and a part of that business is the printing of the census report, and this scheme, if it be well devised, if it be what I believe it to be, will save the Government the wasteful expenditure of hundreds and hundreds of thousands of dollars. The report which is to be distributed will cost $800,000 according to the estimate, and some think it will cost millions.

Mr. BECK. I should like to ask the chairman of the Committee on Appropriations, who is evincing uncommon anxiety about the tax bill, what prospect he sees for the consideration of the naval appropriation bill, which I supposed there would be some anxiety about at this time?

Mr. ALLISON. I see no prospect to-day. I understand that bill is not to be taken up to-day; but we must proceed with the essential business of the session. I do not know but that this bill is important, but we are making amendments to it at the Clerk's desk, putting in changes in this important proposition, and I want to see them in print, and the matter can just as well go over until to-morrow morning and be taken up then and intelligently disposed of.

Mr. BECK. I do not want to have new resolutions offered from the House or the Senate extending the old appropriations of last year any longer.

Mr. INGALLS. When does the last one expire?

Mr. BECK. The last one we passed was about a week ago, which extends the appropriations to the 31st day of this month. If we expect to pass the naval appropriation bill and allow the Government to run on, it is time we were passing it, or we shall have to extend the old appropriations again and continue a pretty bad condition of things now existing, and fail to get the benefit of the good we are proposing in the new bill. The tax bill of course will run a month or two, and the naval bill may pass in an hour or two. I should like to see the Government running on and the naval appropriations made.

Mr. ROLLINS. I suggest that we extend the resolution to the 31st day of January next, which will obviate all difficulty.

The PRESIDENT *pro tempore*. The question is on postponing the regular order, which is the Anthony rule.

Mr. HOAR. On that I call for the yeas and nays.

Mr. ALLISON. I do not want to go into a controversy.

Mr. MAXEY. I do not think the morning business ought to be set aside in this way.

The PRESIDENT *pro tempore*. The Chair was proceeding with the call of the usual morning business when by unanimous consent the Senate took up the bill in regard to printing the census reports.

Mr. MAXEY. Reports of committees are to be laid over, I suppose.

The PRESIDENT *pro tempore*. Unanimous consent was given. If the Senator had been here he could have objected. The morning business was set aside by unanimous consent.

Mr. MAXEY. I was in committee-room hard at work preparing reports. I do not see the justice and reason of cutting off the opportunity to make reports.

The PRESIDENT *pro tempore*. The Chair cannot help it. The morning hour expires at twelve o'clock. The Chair would be glad to receive everything now if he could.

Mr. ALLISON. Let us have a vote on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa postponing the regular order to take up the——

Mr. HOAR. What is the question?

The PRESIDENT *pro tempore*. On postponing the regular order.

Mr. HOAR. On that I demand the yeas and nays.

The PRESIDENT *pro tempore*. The regular order is proceedings under the Anthony rule.

Mr. ALLISON. This printing matter is not pending before the Senate now, I understand.

The PRESIDENT *pro tempore*. It is not.

Mr. ANTHONY. Why, I thought it was taken up.

The PRESIDENT *pro tempore*. It expired at twelve o'clock, but the Senator from Massachusetts was allowed to continue his remarks. The Senator from Iowa got up and made his motion then.

Mr. HOAR. What is the regular order?

The PRESIDENT *pro tempore*. Proceedings under the Anthony rule.

Mr. HOAR. Was not the census bill continued by unanimous consent after twelve o'clock?

The PRESIDENT *pro tempore*. No, sir. The Senator from Iowa stood up all the time and said that as soon as the Senator from Massachusetts concluded he would make his motion.

Mr. ANTHONY. I do not think anybody wishes to say another word. Let us have a vote.

Mr. ALLISON. If a vote can be taken, I shall not object.

Mr. MORRILL. If a vote can be taken on this bill, there is no objection to that.

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. If a vote can be taken I am perfectly willing to withdraw it temporarily for that purpose, but not to lose it.

Mr. INGALLS. What is the state of the bill now?

The PRESIDENT *pro tempore*. The bill is in Committee of the Whole.

Mr. CONGER. I ask to have the amendment read again as amended.

The PRESIDENT *pro tempore*. Does the Senator from Iowa give way to have this read? If so the Chair will understand that this bill is to proceed until it is finished.

Mr. ALLISON. Well, Mr. President, I was only temporarily in charge of this tax bill in the absence of the Senator from Vermont, and at his request I made this motion. Now, if the Senator from Vermont, having charge of the tax bill, is willing that this matter of printing shall be injected here, which will certainly take an hour or two to dispose of, I shall not interpose.

Mr. MORRILL. I do not object, provided a vote can be taken.

Mr. ALLISON. But it cannot be done.

Mr. ANTHONY. Yes, it can.

Mr. MORRILL. If a vote can be taken without debate after reading the amendment, I will not object; otherwise I shall ask that the tax bill be proceeded with.

Mr. HOAR. There was more time taken in saying that which the Senator from Vermont has now said for the first time than would have sufficed to pass the bill. This is the way time is wasted.

Mr. CONGER. I object to any arrangement by which this vote shall be taken without debate or opportunity for debate.

Mr. MORRILL. Then I insist on the motion made by the Senator from Iowa.

Mr. HOAR. I call for the yeas and nays on that motion.

The PRESIDENT *pro tempore*. The question is, Will the Senate postpone the regular order, which is the consideration of the Calendar under the Anthony rule, with a view to take up the tax bill, as it is called?

Mr. HOAR. I do not call for the yeas and nays on that.

The PRESIDENT *pro tempore*. The question is on that motion.

The motion was agreed to.

Mr. HOAR. I move now to proceed to the consideration of the bill for the printing of the census.

Mr. HALE. Pending that I rise to a privileged report, a conference report on the deficiency appropriation bill.

Mr. HOAR. I understand that I am entitled to have my motion stated from the Chair. Then the Senator comes in as of right.

The PRESIDENT *pro tempore*. The motion of the Senator from Massachusetts is in order.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Pending that I offer a conference report. Nobody will object. There is only to be a vote upon it.

The PRESIDENT *pro tempore*. The Senator from Maine presents a conference report, which will be read.

The Acting Secretary read as follows:

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from

permanent appropriations, and for other purposes, having met, after full and free conference, have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

Mr. HALE. I move that the report be accepted.

Mr. INGALLS. Will the Senator state for the information of the Senate, in order that we may ascertain what the condition of the public business is, whether this disagreement is to all the items, or whether a concurrence has been reached as to part?

Mr. HALE. Under the action of the House and Senate the other day an agreement was reached on every point in the bill except the item in relation to Senatorial mileage for the extra session of last October. Upon that, and that alone, the conferees have met and disagreed, and this report is the result of that meeting and disagreement. I move the acceptance of the report.

The report was concurred in.

Mr. HALE. Now I move that the Senate further insist on its amendment and ask for a further conference.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 17) relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit House of Correction, in the State of Michigan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 114) to amend section 2133 of the Revised Statutes, in relation to Indian traders;

A bill (S. No. 469) to provide for the sale of certain Kickapoo Indian lands in Kansas;

A bill (S. No. 679) for the relief of William A. Gavett; and

A bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I rise to a privileged report. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the river and harbor bill.

The Acting Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 99, 102, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 100 and 101, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 141, strike out "twenty" and insert "ten:" also, after the word "constructed," in line 153, insert the following: "*Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement. The Secretary of War is hereby directed, at his discretion, to cause an examination or survey, or both, and estimates of the cost of improvement proper to be made between City Island and New Rochelle Harbor, New York, and including the channel around Glen Island, the expense of such survey to be paid out of the amount appropriated in this act for examinations and surveys;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 481, strike out "five" and insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all after the word "therefor," in line 1168, to and including the word "Chicago," in line 1171; also, in line 1172 strike out "one hundred" and insert "thirty;" also, after the word "appropriated," in line 1174, insert the following: "*Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement;" and the Senate agree to the same.

S. J. R. MCMILLAN,
JNO. P. JONES,
M. W. RANSOM,
Managers on the part of the Senate.

H. F. PAGE,
AMOS TOWNSEND,
R. M. MCLANE,
Managers on the part of the House.

Mr. MCMILLAN. I can state for the information of the Senate the effect of the action recommended by the committee of conference. It is as follows:

Amendment No. 17: The appropriation for the survey of the Chesapeake and Delaware Canal is reduced from $20,000 to $10,000, and a proviso added that nothing herein contained shall be construed to commit the Government to proceed to the construction of the said improvement.

There is also added a provision for a survey between City Island and New Rochelle Harbor, New York, including the channel around Glen Island, which is a survey at this point, inserted at the request of the House conference committee in view of the concession which they had made. It does not affect the other; it is merely an ordinary survey, and in the same position as the other general surveys embraced in the bill.

Mr. ALLISON. A new item inserted?

Mr. MCMILLAN. Yes, sir. By amendment No. 41 the appropriation for the Potomac River at Washington is reduced from $ 00,000 to $400,000. By amendment numbered 98 the amount appropriated for the survey of the Hennepin Canal is reduced from $100,000 to $30,000, and the following proviso is added:

That nothing herein contained shall be construed to commit the Government to proceed with the said improvement.

By amendments Nos. 99, 100, 101, 102, 103, 104, and 105 the amount appropriated for the Mississippi River below Cairo is reduced from $5,000,000 to $4,123,000, as provided by the House. The items providing for a lock at the mouth of the Bayou Plaquemine and for the expenditure of a sum not exceeding $35,000 for Alton Harbor are agreed to, and the work is to be prosecuted under the direction of the Mississippi River commission, as provided by the House, instead of the Secretary of War, as provided by the Senate.

This action will reduce the aggregate of the bill from $19,800,875 to $18,743,875. The reduction in the amount with reference to the two canals is made upon communications from the Chief of Engineers, justifying that reduction and stating that the amount allowed is sufficient.

Mr. ALLISON. Do I understand the Senator from Minnesota to say that $30,000 is regarded by the Chief of Engineers as sufficient to make the survey and location of the Hennepin Canal and also to make the survey of the enlargement of the Illinois and Michigan Canal?

Mr. MCMILLAN. That matter was submitted distinctly to the Chief of Engineers, and he says:

First. For the Hennepin Canal and other objects stated in House bill No. 6242, in lines from 1139 to 1174—

Which embraces both the objects referred to by the Senator from Iowa—

$30,000 is sufficient.

And in regard to the Chesapeake and Delaware Bay Canal he says $10,000 is sufficient.

Mr. KELLOGG. I should like to ask the Senator from Minnesota if the reduction of the appropriation for the improvement of the Mississippi River from $5,000,000 to $4,123,000 is in conformity with any recommendation from the War Department, or is it contrary to the express recommendation of the Mississippi River commission and also of the Secretary of War?

Mr. MCMILLAN. No communication or information from any official source was received by the conference committee on that subject.

Mr. KELLOGG. Let me inquire if the message of the President transmitting a letter from the Secretary of War, and also from the Mississippi River commission, is not a communication which was under the consideration of a conference committee.

Mr. MCMILLAN. The Senator could not have heard what I said, or that question perhaps would have been unnecessary. I said the committee of conference had received no official communication on that subject during their sessions.

Mr. KELLOGG. Now I ask the Senator what I asked in the first place, and he replied by saying they had received no communication. I ask him if that reduction was not made against and in the face of an estimate for $5,000,000 made by the Mississippi River commission and transmitted to the Senate and to the House?

Mr. MCMILLAN. I do not understand that it was for the purpose embraced in this bill. However that may be, the House conferees insisted upon the amount named in the House bill as the only amount which should be allowed for the purposes named in the bill, and the Senate conferees believed that if the Senate did not recede from its amendment and accede to the House its position the bill would not pass.

Mr. KELLOGG. Now, may I ask the Senator another question? Had the conferees of the Senate any better reason to suppose the House would not submit to an increase of $250,000 for one State alone over the appropriation made in the House bill, added by the Senate and agreed to by the conferees of the House and Senate?

Mr. MCMILLAN. I do not understand the Senator.

Mr. KELLOGG. I will try to make myself understood. Does the Senator believe that the House would have opposed accepting the report made by the conferees of the House and Senate in respect to the amendments put upon the river and harbor bill by the Senate increasing in one State the House bill $250,000 if the Senate conferees had adhered to the appropriation asked by our amendment for the Mississippi River?

Mr. MCMILLAN. The Senate conferees were satisfied beyond doubt that the House would not agree to any change in the amount appropriated for the Mississippi River improvement, and they believed that the bill would not pass if there was a disagreement between the conferees. The conferees on the part of the Senate believed that the interests of the Mississippi River and all the public interests in-

volved would be subserved by the Senate conferees yielding to the conferees of the House upon that point. All the other points are conceded by the conferees of the House except in regard to that amendment.

Mr. VEST. I ask the Senator from Minnesota what is the amount of increase now put upon the bill by the Senate?

Mr. McMILLAN. The bill as it came from the House appropriated $17,367,875. The Senate Committee on Commerce added to that $2,096,100. The Senate added to those sums $683,600, making a total of $20,147,575. The reduction by the first conference committee, and agreed to, was $346,700; the reduction by the second conference is $1,057,000.

Mr. KELLOGG. At the expense of what, may I inquire?

Mr. McMILLAN. No expense whatever, but in the interest of the public as the Senate conferees understand it.

Mr. KELLOGG. Of that $683,000, if I mistake not, fully one-half is at the expense of the $877,000 taken off the Mississippi River improvement.

Mr. McMILLAN. I do not understand that the agreement to the amount appropriated for the improvement of the Potomac River is at all at the expense of the Mississippi River appropriation or any other public improvement.

Mr. KELLOGG. But $250,000 are added to the North Carolina improvements.

Mr. VOORHEES. Is there any other question of difference except the appropriation for the Mississippi?

Mr. McMILLAN. We have agreed upon all the items.

Mr. VOORHEES. What provision is made for the Mississippi River? What does it get?

Mr. McMILLAN. The Mississippi River has appropriated for its improvement from Cairo to the passes $4,123,000. It has $600,000 additional from Cairo to the Illinois River, including Alton Harbor, and $200,000 additional from the Illinois River to the Des Moines Rapids; and it has $250,000 additional from the Des Moines Rapids to the Falls of Saint Anthony. It has other special appropriations for specific points, some few.

Mr. VOORHEES. If the Senator from Minnesota will pardon me for interrupting him, I desire to say that, in my judgment, the Senate had better take what is agreed to by the conference at this stage of the session. I do not think anybody will charge me with a want of liberality toward the Mississippi River or its tributaries. This is in itself quite a munificent appropriation of over $4,000,000. It is but a little while until another session of Congress intervenes, when other provision can be made. This is certainly enough to start the great work, and start it in no mean or niggardly way. I trust and I believe that that will be the common sense of the Senate and of the country, that we shall acquiesce in what the House insists upon on this point. While it is not as much as I would be glad to give, nor perhaps was the original amount equal to what I would have given, yet under all the circumstances, surrounded as we are by a closing session and all its duties, I believe candidly that we had better close the river and harbor bill upon the basis presented by the Senator from Minnesota; and I shall vote accordingly.

Mr. GORMAN. I should like to ask the Senator from Minnesota if the reduction in the appropriation for his Chesapeake and Delaware Canal was made upon the recommendation of the Chief of Engineers?

Mr. McMILLAN. Yes. The Chief of Engineers, in response to a communication addressed by a member of the conference committee on the part of the House, said that $10,000 would be amply sufficient for the survey.

Mr. COCKRELL. I move that the Senate insist upon its amendment No. 99, upon the question of the Mississippi River, the most important appropriation in the entire bill and the amount which passed the Senate unanimously. It is the only appropriation which will benefit all the producers and consumers in the whole United States. The Senate has a right to insist upon that amendment, the people have a right to expect the Senate to insist upon it, and I hope the Senate will insist upon it.

Mr. LOGAN. I wish to learn from the Senator from Minnesota if I understand the figures correctly. If I understood the Senator aright, from the head of the passes of the Mississippi River to Cairo there is appropriated $4,120,000?

Mr. McMILLAN. Four million one hundred and twenty-three thousand dollars.

Mr. LOGAN. Then from Cairo what is the next point?

Mr. McMILLAN. Six hundred thousand dollars from Cairo to the Illinois River, including Alton Harbor.

Mr. LOGAN. Then how much from there?

Mr. McMILLAN. Two hundred thousand from the Illinois River to the Des Moines Rapids.

Mr. LOGAN. Then the next point?

Mr. McMILLAN. There is another item of $250,000 from the Des Moines Rapids to the Falls of Saint Anthony.

Mr. LOGAN. Then above the Falls of Saint Anthony $300,000.

Mr. McMILLAN. Ten thousand dollars for the river above that point, and for the reservoirs $300,000.

Mr. LOGAN. That would be $310,000. If I have made the calculation correctly it would be $5,483,000 for the whole Mississippi River.

Mr. McMILLAN. If the figures are added right; there are some specific items for localities along the river not included.

Mr. LOGAN. But the general appropriation for the Mississippi River is $5,483,000.

Mr. VEST. Mr. President, there is a great deal of very sound discretion in what the Senator from Indiana has said. It is more than probable that the best thing the representatives of the people of the Mississippi Valley can do is to accept the report as it comes to us, but I do not propose that it shall be agreed to until I express my opinion in regard to the extraordinary conduct of a co-ordinate part of the Government, the House of Representatives and its conferees, in regard to this question. In the battle of epithets which raged here the other day, when the Senator from Kansas [Mr. INGALLS] attacked the conference committee, I took no part. I satisfied myself upon reflection to "let the galled jade wince," my "withers are unwrung." I had made no increase on the bill for the local interests of any portion of the State of Missouri, although I was a member of the Committee on Commerce. Five thousand dollars was placed in the bill at my instance for a river in Southeast Missouri, and that was stricken out by the committee of conference. I made no complaint of it; I let it go.

I devoted all my energies, all my strength, and what little ability I possessed in the Commerce Committee to the improvement of the Mississippi River and the Missouri River. For those great national highways I was willing to strike out every dollar for every local interest in Missouri if the Government would give its bounty to those great rivers, whose improvement is so necessary to the people of the Northwest and of this whole country.

Now, what is the result? The Senate of the United States, representing the sovereign States of the Union, by a unanimous vote declared that $5,000,000 should be given to the improvement of the Mississippi River, and $1,000,000 to the Missouri River. The President of the United States, coming from the eastern portion of the Union, and one of the Atlantic States, never having been upon the banks of the Mississippi River, with no local influence about him, but induced by the overwhelming interests involved in the improvement of that great river, sent an extraordinary, a special message to the Senate and the Congress of the United States recommending the appropriation made by the Senate, and even a larger one.

In the face of all these facts, after we had unanimously voted in favor of $5,000,000 for the Mississippi River and $1,000,000 to the Missouri River, the House of Representatives send us a bill for over $17,000,000; and while the whole country indorses the Mississippi River appropriation the press of the country, the public men of the country, the officials of the country without a dissenting voice, so far as I know, the House of Representatives says, we will strike down the appropriation for every river and harbor in the United States rather than put on $1,000,000 more for the Mississippi River in accordance with the recommendation of the Mississippi River commission.

Sir, the Senate of the United States has come to this, that it must give up its deliberate judgment under an oath of office taken by each of us. If we are to give up our judgments thus to the House of Representatives, then we might as well abdicate all right and all part in any portion of the legislative power of the country.

The bill comes back to us with a million dollars struck off for the Mississippi River, and half of the $100,000 added for the Missouri River which had been voted unanimously by the Senate struck off, and a provision put upon it which absolutely destroys the system recommended by Mr. Suter, the engineer for that river.

Mr. President, I have no official information of the fact, but I want to say that some potent influence is at work in the House of Representatives, subtle—I will not use the word of the Senator from Kansas, "sinister"—but most extraordinary. I have heard it said, I cannot believe it, but the air is rife with the rumor and the statement that members from States upon the banks of the Mississippi River have protested against the increase made by the Senate.

I do not blame the conferees of the Senate; they have doubtless done their best; but I have heard it, and I believe it to be absolutely correct, that this opposition does not come from other sections, but it comes from the representatives of the people who are vitally interested in the improvement of that great river. Those representatives, I am proud to say, are not from the State of Missouri.

I want the people of this country to know who has done this thing. I want the people of the Mississippi Valley to know from my place in the Senate that my skirts and those of my colleague and of the Senators from Louisiana and of Mississippi and all the Senators representing those States are free from the responsibility of this reduction. It comes from another source, and let the people of those States hold to the strictest responsibility the men who have done it.

I shall vote probably in the last resort, if I can do no better, for this report, but I do it under protest. I do it remonstrating against the rank, the gross injustice perpetrated upon the people of the Mississippi Valley and upon the Senate. If my course were mapped out and pursued by myself without reference to anything but my own feeling I would say to the Senate, "stand by the original amount of $5,000,000." If the House of Representatives see proper to defeat the river and harbor bill rather than give us $1,000,000 more for the Mississippi River, after they have appropriated over $13,000,000 for

all the minor improvements, let them take the responsibility and go back to their constituents and answer for it.

Mr. CONGER. Mr. President, the representatives of the country in the Senate and in the House believe that all parts of the United States have some rights in a bill of this kind. They do not believe that the entire interests of the country are centered in any one locality, East or West, North or South, or in the middle. It is susceptible of proof, because it is in figures right before any gentleman who will foot it up, that the Mississippi River and its tributaries in the river and harbor appropriation bill have half of all the money appropriated in the bill. There is half of it on the Mississippi and Missouri Rivers alone, to say nothing of the Ohio, the Tennessee, the Cumberland, the Red, the Arkansas, the White, the Current, and a dozen others that could be mentioned which are tributaries of the Mississippi River. More than a third of the whole appropriation is on the Mississippi and Missouri Rivers alone.

Has there been anything niggardly in the appropriation to the Mississippi and its tributaries? Taking them all together, half of this large appropriation is made to the Mississippi River and its tributaries. That is a matter of computation which is before every Senator. Take all the tributaries and all the Mississippi, and it can be shown to be half, or about that.

If the Senator from Missouri thinks that other Senators and other Representatives propose to transfer to any one part of this country the whole appropriation, or the great burden of it to another part of the country, he is mistaken. Here are appropriations for tributaries of the Mississippi River intended to make them navigable streams, to give the people along their borders the opportunity of floating their produce upon them, not that they are so now any more than an undug canal.

From my knowledge of the appropriations for rivers and harbors for the last thirteen years, and I believe I have given a careful and honest examination of the whole subject during that term, I say there has not been up to this year so munificent, so magnificent an appropriation for the Mississippi River and its tributaries as there is in this bill. There never began to be. It seems as if the whole country and the representatives of every region, the representatives of the Atlantic coast and the rivers and harbors running into the Atlantic coast, and of the Pacific coast, and of the great basin of the lakes, have vied with each other—I say, without fear of contradiction, that they have vied with each other in exhibiting liberality to this great interior empire of the Mississippi Valley, the Mississippi River and its tributaries.

A few years ago it would not have been dreamed that there should have been given eight, ten, or eleven million dollars to the Mississippi River and its tributaries. It would not have been thought possible that the common judgment of all the representatives of the people should have come to an accord as they have in this bill, by making these munificent, these magnificent appropriations for the speedy reclamation of the channels and the commerce and navigation of the Mississippi River and its tributaries.

But the more that is given the more complaint there is that more is not given. This vast amount of appropriations for the Mississippi is made here, which the Senator from Missouri knows and I know, and every man who thinks of it knows cannot possibly be expended before the 4th of March next with any economy or any judicious application of means to an end. This great appropriation is made here, and the Senator from Missouri says if he cannot get the remaining $500,000 or the remaining $1,000,000 let the bill go down; let all works stop; let the improvements cease; let all the magnificent improvements of the whole country stop for the year rather than lose $500,000 or $1,000,000 for the Mississippi, which by any possibility cannot be expended until another river and harbor bill, if any is passed at all next year, will have been passed.

Try these millions; experiment with them; carry on this great work on the Mississippi River; do all that can be done for its improvement and for its tributaries, and it is impossible from the time when work can be carried on, aside from freshets and floods, that this money can be judiciously expended. We all know that very well. While we know it, we are desirous that there should be a large appropriation, that contracts may be entered into, that the plans may be carried out or at least may be insured.

I speak for the valley of the lakes, with its important navigation interests; I speak for the Atlantic coast; I speak for the Pacific coast as well as for the Mississippi Valley. I say let us pass this bill; let the work of improving these navigable streams and the harbors of the country go on. Another year, when we have reports of these expenditures, we can judge better whether we have left out large appropriations that ought to have been made for the Mississippi, and can add to them. It is on the list of public works. It is a grand scheme. We thought in early days that the Mississippi was a great inland sea that needed no more appropriations to make it navigable than the ocean itself, but we found with the greater increase of depths of vessels, the increased amount of commerce, the necessities of the country, that there must be great and expensive improvements even upon the Father of Waters to make it do the duty and the toil of the carrying business of the Mississippi Valley. This appropriation, liberal perhaps to the whole country, but especially liberal to the Mississippi Valley, is enough for this remaining portion of the year.

Sir, I do not yield to any one in this Chamber in my desire that the carrying capacity of every river, and of every stream that spreads through all the valley of the Mississippi, shall be improved to its utmost capacity within reasonable limits, and that as speedily as possible. That is necessary to the development, to the growth, to the necessities of our common country. We have come to a place now where the judgment of the two Houses differs in regard to the amount of an appropriation, and I for one would not sacrifice the vast interests that circumscribe the whole exterior coast of the United States, and the great lakes, and all the other parts of the country, by claiming the addition of a few thousand dollars, more or less, for any particular region of the country.

Mr. CALL. Mr. President, I have just one word to say. There is a great deal said about the Mississippi River here, and I wish simply to call attention to one fact. The Senate ought to act upon facts, not on mere assertions. I hold in my hand the report of the Bureau of Statistics upon the internal commerce of the country. There is the map, and there is the route which the Mississippi River takes in bearing the production of the Mississippi Valley into the gulf and into the ocean. Yet the Senate and the committee have seen fit to give that stream of commerce which passes along the coast of Florida but $300,000, in defiance of the report of the engineers and of the statistics of commerce, which show 2,000,000 bales of cotton, 15,000,000 bushels of grain, and returning cargoes from the Mississippi River alone, following the extension of its channel along the coast of Florida, and up to the cities of the Atlantic seaboard. Three hundred thousand dollars alone is proposed to be given as against $6,000,000, and yet the report of the Bureau of Statistics is that 81 per cent. or 300,000,000 bushels of the 400,000,000 bushels of grain which finds its way eastward goes upon the railroads of the country, and only 80,000,000 bushels by water transportation.

I am not averse to any appropriation which may be necessary for the Mississippi River, but I am averse to the committee and the Senate denying the report of the bureaus of the Government, the volume of commerce and the interests of commerce in regard to the Atlantic coast and to my own State. And I wish the point to be distinctly made that great as is the internal commerce of the Mississippi River it is not greater than that which passes out of its mouth and along the coasts of Florida.

Mr. KELLOGG. Mr. President, I do not propose to oppose, nor do I think it good policy to oppose the report of the committee of conference. I am a member of the Committee on Commerce, and of course I know somewhat in regard to these amendments. I know what the Mississippi River improvement committee have reported, what estimates have been made by them, the rule adopted by the committee, and by the Senate, in respect to such appropriations, the liberal manner in which appropriations have been given to other States, coming up to the full estimates in many cases, if not exceeding them. I know that this, the most important appropriation, an appropriation that has the best, firmest, surest, and most justifiable foundation, is to be cut down; an appropriation especially asked for as applying to the closing of the crevasses and gaps occasioned by the disastrous floods of the last few months. That is sacrificed for no good reason, as I believe. Whether for the reason given by the Senator from Missouri [Mr. VEST] I do not myself know, and I do not care to go into it further, but this whole matter has a singular history. The Senate amendment is cut down and divided among certain States supposed to be a little short under the provisions of the House bill. It can all be summed up in the quotation, not correctly rendered I admit, from a book probably not much known to some of the Senate: "They parted our raiment, and for our vestment did they cast lots."

Mr. MCMILLAN. I wish merely to say in regard to the injustice to the House conferees, that they were heartily in favor of the improvement of the Mississippi River and that they represented the feeling as general throughout all parts of the country which compelled them to take the position they did in regard to this report. The House conferees stood upon that principle.

The PRESIDENT *pro tempore*. The question is on concurring in the report. The Chair would inform the Senator from Missouri [Mr. COCKRELL] that if the report of the committee of conference is concurred in that concludes the whole question, and therefore his motion will not be put.

The report was concurred in.

Mr. MCMILLAN. I ask the unanimous consent of the Senate to correct an error which occurred in transcribing the amendments to the bill adopted by the Senate. The item in regard to Echo Harbor, New Rochelle, was reported as amended by the engrossing clerk, when the item preceding was the one which had been amended. In line 19, on page 3 of the bill, I ask to insert, where the word "ten" occurs, the word "fifteen," and further to disagree to the amendment numbered 5 to the bill, which is the one which was inaccurately made. It is a clerical error, and I am desired by the conference committee to have the correction made.

The PRESIDENT *pro tempore*. Is there objection to having this correction made?

Mr. HARRIS. Does the error that the Senator suggests has occurred change the bill as it stands?

Mr. MCMILLAN. It was a clerical error made by the engrossing clerk. The bill as passed by the Senate is the correct bill, of course,

but in engrossing the amendments the engrossing clerk made a mistake in placing the amendment upon a wrong item in the bill. The change will reduce the amount of the appropriation $2,000, and it corrects it in accordance with the action of the Senate.

Mr. HARRIS. The question that I desire to call the attention of the Senator from Minnesota to is this: the bill having passed both Houses, and the report of the committee of conference having been concurred in, can the Senate by unanimous consent or otherwise change any feature or any one of the phrases or words in the bill?

Mr. McMILLAN. The report has not been concurred in by the House.

Mr. HARRIS. I do not propose to make any motion, but only wished to call the attention of the Senator to the matter.

Mr. McMILLAN. The report of the committee of conference has not yet been made to the House.

Mr. HARRIS. Very well.

Mr. McMILLAN. I understand that there are precedents for such action.

The PRESIDENT *pro tempore*. Unanimous consent is given to the correction of the error.

HOUSE BILL REFERRED.

The bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury was referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department; and

Joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws.

The message also announced that the House had agreed to the concurrent resolution of the Senate of the 12th instant for the printing of 1,000 copies of the report of the Surgeon-General of the Navy for the use of the Navy Department.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Captain Charles F. Powell, Corps of Engineers, of a survey of the Columbia River at the Dalles, in Oregon, made in compliance with requirements in the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to proceed to the consideration of the census bill.

Mr. MORRILL. Is that motion in order? The Senator from Massachusetts does not want it now.

Mr. HOAR. I do want it very much indeed, but wanting it very much indeed, I will still waive it for the Senator from Vermont.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts withdraw his motion?

Mr. HOAR. I do. I shall make the motion to-morrow morning to take up the census bill.

Mr. MORRILL. I move to proceed with the tax bill.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to take up the revenue bill.

Mr. INGALLS. Before voting on that, for my information I should like to ascertain what is the condition of the appropriation bills. The naval appropriation bill has been reported to the Senate for ten days, and now lies upon the table awaiting action. The joint resolution continuing appropriations will expire in five days from to-day. The sundry civil bill, as I understand, is yet in the Committee on Appropriations not reported. I should like for information to ascertain, if the chairman of the committee will advise me, when we may expect to have the bill making appropriations for sundry civil expenses reported to the Senate.

Mr. ALLISON. In response to the inquiry of the Senator from Kansas, I think I can assure him that day after to-morrow morning we shall be able to present that bill to the Senate with sundry amendments.

Mr. INGALLS. It will take considerable time to dispose of the naval appropriation bill. Both of those bills will necessarily be obliged to go into conference. I hope the Senate will feel it to be its duty, and that the Senator from Maine [Mr. HALE] will feel it to be incumbent upon him, to antagonize the motion made by the Senator from Vermont and ask that the naval appropriation bill may be taken up and considered. There will be abundant time to consider the revenue bill when these appropriation bills are in conference.

Mr. HALE. I certainly shall consider it incumbent upon me either this morning or to-morrow morning to antagonize the tax bill. I wish now to inquire of the Senator from Vermont what course he proposes to pursue to-day if the Senate determine to take up the tax bill to the exclusion of everything else? Yesterday morning I appealed to him in every way—for I yielded then and did not make the motion to take up the naval appropriation bill—to try to hasten the tax bill. I urged him to try to have the five-minute rule applied to the amendments. The day passed and no such attempt was made, although evidently the Senate was tired of the discussion and ready to proceed to vote. Toward night a motion was made for a night session following a recess, which was voted down, and this morning the Senate finds itself but very little further along in the consideration of the tax bill than it was yesterday morning.

So far as I am concerned, I shall speedily, at no further distant day than to-morrow morning, if this bill is not finished, or nearly so, bring before the Senate a motion to take up the naval appropriation bill and let the Senate decide. I ask the Senator from Vermont what course he proposes to pursue as to trying to get rid of the tax bill? We spent yesterday on it and did nothing.

Mr. MORRILL. We did not spend yesterday without doing something, and something rather harmful than otherwise perhaps to the bill. Still we made some progress. So far as I am concerned, I have not consumed the time of the Senate by any elaborate or long speeches upon any amendment or upon the bill itself, and I shall propose myself to continue in the practice of not consuming time and urging the Senate to finish the bill to-day.

Mr. HALE. But will the Senator try, as any Senator may who is in charge of a bill, to limit debate after amendments come up and try to have the five-minute rule applied to them? That has not been done up to this time on the bill. In the whole eleven days which have been consumed nobody has even asked the Senate to consent to the five-minute rule applying to a single amendment.

Mr. MORRILL. I ask now that the five-minute rule be applied to the bill and all further amendments.

Mr. MORGAN. I object to that.

Mr. HALE. I suggest to the Senator first to ask that it apply to the pending amendment, and to proceed one at a time and ask for something that we may get.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the tax bill be taken up.

Mr. BECK. The tariff bill shall remain in the Senate, so far as I can help to keep it there, until it is finally disposed of. No factious objection will be made to the early passage of the bill; but if it requires unanimous consent to discuss it under the five-minute rule that consent will never be given, for I shall oppose it. It is a matter of too much importance; it involves the whole system of taxation of the country, and we are just entering now upon the first proposition to amend the tariff. The Senator from Vermont opened the question early in December with an elaborately prepared speech of great weight, no doubt, and we argued it a good while. Finally a tariff commission was appointed, and they are struggling with the question.

Questions have now been thrown in relative to the reduction of taxation on sugar and the increase of the tariff taxation on cottonties, as though those were the only things out of the thousand articles in the tariff that needed any consideration. I shall endeavor to discuss those questions fairly without wasting any time or making any long speech, as that seems to be the dread with some gentlemen in some quarters, so as to have a fair vote taken upon each of the amendments as they come up and have them fairly and fully discussed. If it takes a day to discuss each one, let it be so.

The bill is brought before the Senate now and let us have it fairly understood. We can stay here until December; there is no reason in the world why we should not if this matter is important enough to demand our consideration. I for one am willing to stay until it is discussed, but there shall be no "sitting out," and no five minute-rule, nothing out of the ordinary line. The bill could have been brought in in December last just as well as on the 10th day of July. It has been held back for the pleasure of having a summer discussion instead of a winter one, and I am willing that we shall have it, and have it to the satisfaction of everybody.

Mr. HALE. If the Senator will allow me, I will state that I do not expect general discussion upon new subject-matter upon the tax bill to be limited to five minutes; but in my little experience in the Senate I have never known anything that approaches what in the House is known as the previous question except that after an amendment has been discussed and overdiscussed until everybody is tired to death of it, unanimous consent at last is given that upon that amendment the five-minute rule shall apply, and then the talk ceases and we get a vote. We never shall get a result on the different amendments upon the tax bill if at the proper stage that is not consented to and applied so that we may get votes.

Mr. BECK. We have commenced with the first item of tariff taxation relative to the sugar interest, and all that has been said about it was said by the Senator from Ohio [Mr. SHERMAN] and the Senator from Maine, [Mr. HALE.] The speech of the Senator from Ohio is withheld from publication to-day so that we cannot see it.

Mr. HALE. Mine was less than five minutes.

Mr. BECK. Perhaps it was, but it is the speech of the Senator from Ohio that we desire to see. The Senator from Ohio undertook while Secretary of the Treasury to overrule the Supreme Court, and he desires us now to overrule it. I want to see the reasons why we should do so, and they are not in the RECORD this morning. The amendment of the Senator from Maine may be a valuable one in that regard. I mention that merely to show that we are only approaching the subject for the first time. There has not been a word said

about it yet except what was said yesterday, and we have not in the RECORD what was then said.

I shall endeavor, as I said, to have a fair vote upon each proposition as to the tariff upon the knit-goods question, upon Bessemer steel, upon sugar, upon all the various propositions connected with it. I believe there ought to be a change in the sugar tax. I think we ought to make it 50 per cent. ad valorem. That has been my opinion. That would relieve us four or five million dollars. If we cannot do that, let us simplify it and have one rate on all sugar below No. 13 Dutch standard, and one on sugar above No. 13.

The polariscope may be a very good thing, but the polariscope is very much like the somewhat celebrated story of John Randolph at the race-course when somebody proposed to bet him $100 and said his friend John Smith would hold the stakes, and Mr. Randolph wanted to know who would hold Smith. The polariscope may be a very good thing in the hands of an honest man, but with a cargo of goods depending upon it the man may be color-blind perhaps as to what the standard will show. I do not know as to that, and I want to hear it discussed. That cannot be done in five minutes, in my opinion.

What I rose to say was this: I am willing to go on with the tax bill, and I propose to go on with it. I shall urge every amendment which I think is fair and oppose every amendment that I do not believe is fair. That bill ought to be fairly considered, but I do say that we should take up the naval appropriation bill, which, by the rules of the House, ought to have been reported in sixty days after they met, but which they kept for over seven months, and now, gentlemen, we are holding it back in the Senate for ten days after it is reported, when we are passing joint resolutions to carry on the Government illegally and improperly merely to bridge over the difficulty.

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. HALE. The Senator talks about "holding back" the naval appropriation bill. Does he not know that three days ago the Senate voted not to take it up?

Mr. BECK. I do not blame the Senator from Maine; he has been ready to go on with it.

Mr. HALE. I do not like the Senator to use the phrase "holding back." As soon as I believe the Senate is ready to take up that bill and pass upon it I shall move to take it up; and at a date not further along than to-morrow morning the Senate may have an opportunity of testing it. It has already tried it once.

Mr. BECK. I am not blaming the Senator from Maine. If he had made the motion to take up the naval bill it would have been a good deal stronger than it was.

Mr. HALE. On the contrary I stated at that time that, constrained as I was, I could not make the motion myself, but I considered it no invasion of my privilege.

Mr. BECK. I know it.

Mr. HALE. And I said that I was ready to go on with the bill whenever the Senate was prepared to proceed with it.

Mr. BECK. I did not believe the Senator would regard it as any invasion of his privileges, but he did not feel at liberty to make the motion himself. The Republican caucus had ordered him not to, I presume. Is not that so?

Mr. ALLISON. I am amazed at the Senator from Kentucky trying to inquire into Republican caucuses.

Mr. BECK. I do not want to inquire into that, nor do I care to inquire into the secrets of Mr. HUBBELL and the gentlemen who are running the 2 per cent. assessment on salaries for political purposes.

Mr. ALLISON. I am perfectly willing the gentleman shall inquire into that subject.

Mr. VAN WYCK. I should like to propound a question.

Mr. HALE. What I wanted to say in answer to the Senator from Kentucky is, that I am amazed with my friend from Iowa at the extent of the knowledge the Senator has of matters that we know nothing about. I fancy that his little fling is only a return for one which went from this side over to that side yesterday about caucuses.

Mr. BECK. I do not object to caucuses. I think the only good thing in the bill was put there by order of the Republican caucus. I am not finding fault with the caucus. The caucus was wiser than the Committee on Finance of the Senate, and dignified the bill very greatly, because the caucus knew that the little absurd bill which was first reported by the Finance Committee was disgraceful and would defeat the Republican party among all intelligent people in the fall campaign. That is my opinion.

Mr. MORRILL. May I ask the Senator from Kentucky if it was any more disgraceful than the bill he sent to the Finance Committee last year, or any more so than that reported from the Committee on Ways and Means of the Democratic House?

Mr. BECK. The Democratic House was a little bit unfortunate in being under the lead of some people in a corner who did not lead us in the right direction, in my opinion. But I am not going into the question of the Democratic House. We are dealing with things as they are now. The Democratic House is past; so is Noah's flood past; and a great many other things have gone by. We are living in the present and dealing with the future.

What I want to say is that we have been going along passing resolutions to make provision temporarily to carry on the Government when we have the naval appropriation bill for carrying on that branch of the public business before us and have had it for ten days. I shall not for one vote any more temporary expedients to carry on the naval affairs of the Government after the 31st day of July, when we cannot by proper, legal, legitimate methods make provision for that service, which I am willing to do. To oblige that caucus I shall not again vote to extend the time; but I shall insist that the Senate shall consider the naval appropriation bill and let it be passed in the orderly way, and let the affairs of the Navy go on under the law as we shall pass it. I shall insist at the earliest possible moment that we shall bring up the naval appropriation bill and pass it and then go on with the tariff and tax bill and discuss it fairly until the sundry civil bill is ready. Perhaps we can get along that way for a while, but I do insist that the naval appropriation bill ought to be taken up.

I do not blame the Senator from Maine. I know he has been ready to go on with the bill all the time, and I believe that if I were in charge of a bill and a Democratic caucus had ordered me not to bring it up I would not have rebelled any more than he did.

Mr. HALE. The Senator's programme is a very good one, and I think a wise one, to pass the naval appropriation bill and return to the tax bill and stick to that.

Mr. BECK. That is right.

Mr. HALE. I agree with the Senator.

Mr. BECK. That is all I want to do.

The PRESIDENT *pro tempore*. The question is on taking up the revenue bill.

Mr. DAVIS, of West Virginia. Why not take up the naval appropriation bill now, I ask my friend from Maine, who has charge of that bill?

Mr. HALE. The Senator will bear in mind that I am trying to proceed as wisely as possible. I do not think it advisable to make the motion this morning, but I shall certainly make it to-morrow morning. I am willing that the Senator from Vermont shall go on another day and see how he will get along, see what opposition is developed, see what new amendments are introduced, and see what is the likelihood of the speedy disposition of the tax bill; but I agree fully in what the Senator from Kentucky has stated, and I have no doubt he will be borne out by his associates, that no further agreement shall be made to extend appropriations, but that it is our duty to pass the appropriation bill for the Navy.

Mr. DAVIS, of West Virginia. I regret that my friend from Maine, who has charge of the naval appropriation bill, and on which I had the honor of being one of his lieutenants on the sub-committee, has felt it to be his duty to remain silent so long and allow that bill to lie upon our tables. I take it, though, he has done so for a good and sufficient cause. I wish, however, we had taken up that bill the day after he brought it here. We should have had it passed, probably, and in conference before now, so that we could have proceeded properly with the tax bill now pending before us, and it would have caused much less discussion. I shall aid him to-morrow morning if he makes the motion, and I hope he will succeed in getting up the naval bill and let us dispose of it, and if necessary we can return to the revenue bill, which is before us, until the sundry civil bill is ready, which I hope will be not many days coming to the Senate. As I see the chairman of the Committee on Appropriations now looking at me, I will say to him that I hope it will not be many days before he will report the sundry civil bill. I think that will tend to hurry us along a little. I want to adjourn some time this summer, and not remain here until next fall, and I think we can do it if we shall have more voting and less talking.

Mr. ALLISON. I agree with the Senator from West Virginia.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to take up the internal-revenue bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 329) to authorize the preparation and publication of a classified analytical and descriptive catalogue of all Government publications from July 4, 1776, to March 4, 1881.

The message also announced that the House had passed a concurrent resolution for the printing of 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1881.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library; and

A joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORGAN, from the Committee on Foreign Relations, reported an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1883, and for other purposes; which, with the accompany-

ing letter from the Secretary of State, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM, from the Committee on Foreign Relations, reported an amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation, the pending question being on the amendment proposed by Mr. HALE, which was, after the word "act," in line 11 of the amendment of the Committee on Finance, proposed as section 4, to strike out the remainder of the section in the following words:

> And the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duties on sugar, and to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength, and not according to the color.

The PRESIDENT *pro tempore*. The Senator from Vermont can now move that debate be limited.

Mr. HOAR. There is no such motion known to the rules.

Mr. MORRILL. I ask that debate be limited on the pending amendment.

Mr. HARRIS. That cannot be controlled by a motion; it must be done by unanimous consent.

The PRESIDENT *pro tempore*. Of course.

Mr. MORRILL. I ask for unanimous consent.

The PRESIDENT *pro tempore*. Is there objection?

Mr. FRYE. I think I shall have to object, as a Senator opposed to the amendment has occupied over an hour in discussing it.

The PRESIDENT *pro tempore*. There is objection, and of course debate will not be limited.

Mr. FRYE. Mr. President, I admit that I feel some interest in the amendment which has been proposed by my colleague to this bill, but my interest does not come from any local feeling whatever. I am not aware that there is a refiner in the whole State of Maine; I do not recall now a single importer of raw sugars in the State of Maine; and I do not know anybody especially interested in this question. My interest comes from the fact that for five years in the House of Representatives I have heard this very proposition to legalize the polariscope discussed. My interest comes from the fact that for two years on the Committee on Ways and Means I heard nothing but sugar and polariscopes, dry tests and wet tests, chemical analyses, and all that sort of thing, and day and night they were pouring in on to me little phials of sugars of various colors showing how frauds on sugar were committed, and I arrived at a conclusion from all the discussion I heard, and that conclusion was deliberately arrived at. It was first that the Secretary of the Treasury never had any right to establish a law fixing the duties upon sugar rather than the duties which the tariff law itself had fixed upon the sugars.

I arrived at another conclusion, that the conduct of the Treasury Department toward the refiners of sugar, honest and dishonest, was arbitrary in the extreme; that it compelled these men to pay, over beyond that which the law of the land required them to pay, $2,000,000 and upward, and held it in the Treasury of the United States for years until the Supreme Court of the United States declared that the Treasury Department had no right to enact laws establishing tariffs and duties.

I came to another conclusion, that the polariscope defrauded more honest refiners and importers than it protected the Treasury of the United States from frauds of dishonest importers and dishonest refiners.

I arrived at another conclusion, that there was no certainty in the polariscopic test at all; that the only earthly use of the polariscope is to have it in the hands of the buyer and in the hands of the seller as an assistant to them to arrive at some conclusion as to the saccharine strength in a given amount of sugar and they settle it by compromise.

But when the Government of the United States uses a polariscope it puts it into the hands of its agent, and that agent declares the result. There is no appeal; there is no escape; there is no compromise whatever. The man who has imported the sugar is compelled to pay precisely what the polariscope in the hands of that low-paid agent, as the Secretary said in one of his reports, determined. If that agent is faithful to the Government of the United States, if he participates in the feeling that the Secretary of the Treasury then held toward these refiners, if he believes with the Secretary of the Treasury that the greater part of them are defrauding the Treasury of the United States, and he is the faithful agent of the Treasury in detecting those frauds, I submit to the Senate of the United States, would not the polariscope in the hands of that faithful agent of the Government to detect fraud decide every time in favor of the Government and against the importer of the sugar? Do not Senators in the South know that the Treasury Department agents think that? Do we not in the North and in Maine, where we have an immense border line all on the north and the east of our State, know that the Treasury agents, the Treasury detectives, have but one side, and that is the Government side, unless somebody is dishonest enough to buy the agent and get him on his side?

In the hands of this agent of the Government, paid six or seven hundred dollars a year, the polariscope, if he is faithful to the Government, defrauds the honest importer and refiner of sugar more than the dishonest importers and refiners of sugar defraud the Government. If, on the contrary, the dishonest refiner bribes in any possible way that agent, with the polariscope in his hands, then the Government of the United States is defrauded out of what is its due, very much more largely than it is without any polariscope at all.

Sir, I do not think that the Secretary of the Treasury himself believed that a majority of the refiners of this country were engaged in a scheme to defraud the Treasury. There are some of the best men in this country, some of the proudest names in New York and Boston engaged in this very refining business. Surely the Secretary of the Treasury did not believe there was a combination of the refiners and of the importers in Baltimore, Philadelphia, New York, and Boston to defraud the Treasury. If there were men who defrauded it was the exceptional case and not the rule; but the Secretary of the Treasury, finding that there were frauds, instead of undertaking to provide against those frauds under the law which fixed the Dutch color as a standard for importations of sugar, put in a new provision of the polariscope, in order to determine what the frauds were, and then undertook to enforce it and did enforce it, and then came to Congress to ratify what he did. The Forty-fourth Congress refused to ratify, the Forty-fifth Congress refused to ratify, the Forty-sixth Congress refused to ratify. Once the Committee on Ways and Means reported in favor of the polariscope, and it went before the House of Representatives, was discussed for a week, and beaten by a large majority on the floor of the House.

Mr. DAVIS, of West Virginia. May I ask my friend whether it is a fact—I believe it is—that from some cause or other the sugar refiners at Baltimore, Philadelphia, and perhaps Boston, have been sacrificed to a very large extent under the ruling?

Mr. FRYE. Before I get through I will come to that. The last Committee on Ways and Means could not be induced by all the Treasury agents, by the Secretary himself appearing before them again and again, by the agent for the Treasury Department sending out circulars every day and every hour of the day almost, to ratify and confirm the action of the Secretary of the Treasury, to establish the polariscope as a test. For five years the conflict has been going on in the other House of Congress and for five years the Secretary of the Treasury has been defeated at every turn.

Now, sir, it is proposed here right at the close of this session of the Senate, on this bill to reduce taxes, to accomplish that which the honorable Senator from Ohio has failed to accomplish after complete discussion, after exhaustive investigation in the other House during the last five years of time.

Sir, I said I was satisfied that the polariscope was not the test to determine. The polariscope, I said, cannot determine accurately the saccharine strength of sugar, and therefore it is utterly unsafe. There are grades above No. 13 Dutch standard, above No. 10, above No. 7, and at each grade under the law the tariff duty lifts up one-fourth of a cent. The refiners are content with a profit of one-eighth of a cent. If the polariscope on No. 7 sugar coming in in a cargo puts it up one degree, makes it just over 7, there is a quarter of a cent added to the duty and the profit is changed to a loss to the man who honestly imported that cargo. In the hands of a faithful man to the Treasury Department, trying to develop fraud, there is not any doubt that that degree will go up; it will never go down. In the hands of an unfaithful man, a man who is hired by the refiner, it will go down and the importer will save this one-fourth of a cent. I have some tests of the polariscope that I want the Senate to understand:

Statement of polariscope tests.

A.—A cargo of sugar of which samples were carefully drawn, thoroughly mixed, and then sample of each lot evenly divided, one-half of each going to Boston and one-half to New York, (tests per chemists' certificates.)

Mark.	Quantity.	New York test.	Boston test.	Difference.
[F]cc	50 hogsheads	90	89.20	.80
RB	100 hogsheads	87.70	87.50	.20
LH	59 hogsheads	86.30	85.30	1
B	161 barrels	86.10	83	3.10
BV	55 barrels	85.40	82	3.40
EV	87 hogsheads	82.70	82.50	.20
I	8 tierces	81.20	80.70	2.34
OF	17 tierces		78	
CF	13 hogsheads	78.10	79.20	1.10
	500 packages	Average, 86.30	Average, 83.74	Av., 2.56

Statement of polariscope tests—Continued.

B.—A cargo sampled, mixed, and tested under same conditions.

Mark.	Quantity.	New York test.	Boston test.	Difference.
B	34 hogsheads	92.20	90.10	2.10
LS	95 hogsheads	90.70	89.90	.80
Consejo	24 hogsheads	89.70	89	.70
Consejo C	34 hogsheads	89.50	88.30	1.20
HML	18 hogsheads	86.60	85.40	1.20
M	91 hogsheads	86.40	84.50	1.90
PB	29 hogsheads	82.50	84.10	1.60
	265 hogsheads	Average, 88	Average, 86.84	Av., 1.16

C.—A cargo of Cuba sugar landed in New York; tests by two analytical chemists, experts. This cargo was very dry high-grade sugar.

Marks.	Quantity.	Test No. 1.	Test No. 2.	Difference.
Najareno	46 boxes	92.3	92.1	.20
Trinidad	576 boxes	94.8	94.1	.70
Bajaco	724 boxes	93.8	93.1	.70
Remedios	85 boxes	91.5	91	.50
Concordia	141 boxes	92.4	92.2	.20
Jesus Maria	32 boxes	93	92.5	.70

D.—A cargo in New York of Cuba sugar.

No mark	211 hogsheads	90.8	89.3	1.50

E.—A cargo of Cuba sugar.

Esperanza	500 hogsheads	95.9	95.2	.70

F.—A cargo of Cuba sugar.

Matilda 2	233 hogsheads	89.6	90.9	1.30
Matilda 3	145 hogsheads	92.5	93.6	1.10

The following table gives the results of three different tests from the same cargo of sugar by three analytical chemists who make sugar-testing a business:

Mark.	Quantity.	By Sherer.	By Grund.	By Weichert.	Difference.
	Hhds.				
A	51	88.80	88.30	87	1.80
B	9	85.30	84.20	83.30	2
C	42	81.20	82.70	80.60	2.10
D	16	83.50	84.50	82.90	1.60
NP	25	85.70	87.20	85.50	1.70

These two tests were from the same samples:

Mark.	Quantity.	By Sherer.	By Krackowizer.	By Weichert.	Difference.
	Hhds.				
A	286	85.50	83	85	2.50
B	109	82.80	81.6	83.40	1.80

The following gives the result of twelve tests of one hogshead muscovado sugar, samples drawn and tested by P. de Ricketts, E. M., Ph. D., New York:

No. 1, from head	91.1
No. 2, from foot	90.1
No. 3, from side No. 1	89.5
No. 4, from side No. 2	89
No. 5, from side No. 3	90.2
No. 6, from side No. 4	90
No. 7, from side No. 5	90.5
No. 8, from side No. 6	91
No. 9, mixed from all of above samples, by C. L. Constant	93.1
No. 10, mixed from all of above samples, by Sherer	92.8
No. 11, mixed from all of above samples, by Weichert	93.3
No. 12, mixed from all of above samples, by Weichert	93.6

Suppose the Treasury Department puts the polariscope in the hands of one man employed at $600 or $700 a year, and puts him onto the Government wharf or onto the refiner's own wharf, and lets him with that polariscope determine a cargo of sugar, when the difference by that polariscope may be $10,000 on a cargo of sugar against the honest importer.

The Senator from Ohio says that this amendment is in the interest of the small refiner.

Mr. SHERMAN. The large refiner.

Mr. FRYE. I mean that the polariscope was in the interest of the small refiner.

Mr. SHERMAN. Oh, yes; that is right.

Mr. FRYE. I want to say to the Senator from Ohio——

Mr. SHERMAN. I say that the effect of this process is to give an advantage to the large refiners as against the small ones, although I think nearly all the refiners were opposed to the use of the polariscope.

Mr. FRYE. That is most singular, because the king of all refiners in this country, the man who refines more sugar than any other man or concern in this country; the man who has made more money than nearly all the rest of them put together in refining sugar, Theodore Havemeyer, of New York, was the one man I ever heard of, out of all the refiners in New York, Boston, Baltimore, and Philadelphia, who asked that this polariscope be ratified by Congress. On the contrary, nearly every small refiner sent in his earnest remonstrance against the polariscope, and the complaint of the small refiners was that they would be driven out of the business absolutely by the use of the polariscope, and that Theodore Havemeyer and one or two others who owned their own wharves and their own docks and had all these inspections made on their own wharves and on their own docks, instead of on the Government wharves and Government docks, would be the men who would make all the money.

Now, I desire to say that to-day, when the Senator from Ohio is demanding this legislation on this bill, there is not a single refiner in New York, Boston, Baltimore, Philadelphia, or anywhere else in this country; there is not a single importer of sugar in the whole country, there is not a single dealer in sugar in the whole country, there is not a single consumer of sugar in the whole country, except the Senator from Ohio, who is asking for that legislation. I understand that Theodore Havemeyer himself now declares against the polariscope, and is not asking that it shall be legalized in this bill or any other bill.

Mr. President, is it not a little strange when nobody on earth is asking for this legislation in this bill, the most important and intricate legislation too on the whole bill or in the whole tariff law, that at the close of the session the Senator from Ohio, who was Secretary of the Treasury when the polariscope was unlawfully adopted as a test, should be the only man who is trying to reanimate the thing into life?

Again, Mr. President, there is no class of men in this country, there is no refining interest, there is no importing interest asking to-day that the Dutch standard, as it is called, adopted by our tariff law without the polariscope, shall be the law of the land. The Dutch standard undoubtedly has gone by; the Dutch standard undoubtedly cannot be relied upon to-day. The Senator from Ohio was right when he said that the Dutch standard opened the door to fraud in the coloring of sugars. I have no question about that; but it is the only way to prevent that fraud this way which the Senator from Ohio demands shall be adopted, to-day when everybody else has declared against it.

Why sir, at the last Congress, in the House of Representatives, Mr. CARLISLE, of Kentucky, and myself examined it with a great deal of care, and we came to the deliberate conclusion after thorough investigation that the Dutch standard making three degrees below 13 was not a proper standard, could not be enforced, could be evaded, that it was not in the interest of the consumer, it was not in the interest of the importer, it was not in the interest of the refiner nor in the interest of the Government, and we proposed a bill which I hold in my hand, striking out every grade below 13, and the Senator from Ohio will agree with me when I say that the frauds were below 13 and never above, that the chance for fraud above 13 is infinitesimally small, and that when you strike out the grades 7 and 10, and put on a single duty upon all sugars imported below 13 you stop all fraud and you have a tariff bill perfectly simple; then put on 2 cents a pound, and you will reduce the duty largely from what it is now; you will collect every dollar of it, and there will not be the slightest difficulty on earth. That bill is as follows:

A bill to regulate the duties on sugar and molasses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. That all tank-bottoms, sirup of sugar-cane juice and melada, shall pay a duty of one cent and fifty hundredths of a cent per pound; that concentrated melada or concrete, and all sugars not above No. 13 Dutch standard in color, shall pay a duty of two cents per pound: above No. 13 and not above No. 16 Dutch standard in color, shall pay a duty of two cents and twenty-five hundredths of a cent per pound; above No. 16 and not above No. 20 Dutch standard in color, shall pay a duty of two cents and sixty hundredths of a cent per pound; above No. 20 Dutch standard in color, and all refined loaf, lump, crushed, powdered, and granulated sugar, shall pay a duty of three cents and twenty-five hundredths of a cent per pound. Molasses five cents per gallon.

SEC. 2. That melada shall be known and defined as an article made in the process of sugar-making, being the cane juice boiled down to the sugar point, and containing all the sugar and molasses resulting from the boiling process, and without any process of purging or clarification. And any and all products of the sugar-cane imported in boxes, mats, baskets, or other than tight packages, shall be considered as sugar, and dutiable as such. And that sirup of sugar, sirup of sugar-cane juice, melada, concentrated melada, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States: *Provided*, That the above schedule of duties shall apply to all goods hereinbefore described held in bond in warehouses, public stores, or on bonded wharves, at the date of the passage of this act: *And provided further*, That of the drawback on sugars exported, allowed by section 3019 of the Revised Statutes of the United States, only 1 per cent. of the amount so allowed shall be retained by the United States.

SEC. 3. That at interior ports where there are no customs warehouses or pub-

lic stores for the storage of imported goods in bond there shall be allowed on concentrated melado, or concrete, and on all cargoes of sugars imported before the passage of this act, and on hand in original packages at the time of the passage of this act, and upon which the duties shall have been then paid, a drawback equal to the difference between the amount of duties actually paid and the duties hereinbefore prescribed; and the Secretary of the Treasury shall make such rules and regulations as may be necessary to ascertain the amount of such drawback and to facilitate the payment of the same.

SEC. 4. That nothing herein shall be construed to alter or repeal the act entitled, "An act to carry into effect a convention between the United States of America and his majesty the King of the Hawaiian Islands," signed on the 30th of January, 1875; which act was approved August 15, 1876.

Why does not the Senator from Ohio propose that as an amendment? The Senator from Ohio, in 1877, used this language in his report:

The Dutch standard is an unsatisfactory basis for the assessment of duty, founded as it is on color alone, which bears no definite relation to the value of the sugar. If, however, the Dutch standard is to be retained, it is recommended that the grades be reduced in number, so that there shall be but three rates of duty, one for sugars not above No. 13, one for sugars above 13 and not above 20, and another for all sugars above No. 20, including all refined sugars.

In another place, January, 1878, he said:

Unless the committee is satisfied that some sure test of sugar of No. 10 and below can be made, I still adhere to the recommendation made in my annual report:

That was the recommendation for one duty on all below No. 13.

But upon that question I think the committee has better means of deciding than I.

Again he said, in 1878:

It is deemed imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all sugars, up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty, or to commit fraud by means of sampling and classification. The duties now are, to a large extent, dependent upon the fidelity of the sampler, one of the lowest-paid officers in the public service.

Again he said in a communication in 1879:

It is deemed imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all sugars up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty or to commit fraud by means of sampling and classification.

So that the Secretary himself in 1877, in 1878, and in 1879 was urging what? This Dutch standard of color and the polariscope? No, he was urging this bill which stands here as the bill of Mr. CARLISLE, of Kentucky, simplifying the duties on all below No. 13. I have no doubt that that would prevent all difficulty, prevent all fraud, at least to the extent that it is prevented in any other business of manufacturing, refining, or importing in this country. Again, there are to-day in this country refiners, importers, and consumers asking that that be adopted as the tariff on sugar. There are more refiners and importers asking that the ad valorem, as it is called, be the duty upon sugar. I have here before me a bill introduced by Mr. CANDLER, of the House, who himself is a sugar-man, fixing an ad valorem duty. Let me read it:

A bill to simplify and equalize duties on sugar and molasses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the —— day of ——, 188-, in lieu of the duties and rates of duties now imposed on molasses, melada, concentrated melada, tank-bottoms, sirup of sugar-cane juice, concentrated molasses, and sugar imported from foreign countries, there shall be levied, collected, and paid the following duties and rates of duties, that is to say: On all molasses, melada, concentrated melada, sirup of sugar-cane juice, tank-bottoms, concentrated molasses, and on all sugars not above No. 13 Dutch standard in color, 25 per cent. ad valorem; on all sugars above No. 13 Dutch standard in color, 35 per cent. ad valorem: *Provided*, That the Secretary of the Treasury shall by regulation prescribe and require that samples from packages of molasses, melada, concentrated melada, sirup of sugar-cane juice, tank-bottoms, and concentrated molasses shall be taken by the proper officers in such manner as to ascertain the true value of such articles, and that samples of sugars shall be taken by said officers in such manner as to ascertain the true color and value of such sugars.

All provisions of law inconsistent herewith are hereby repealed.

A 25 per cent. duty is enough to protect Louisiana or the beet-sugar interest of the country, and Mr. CANDLER says he knows of no difficulty at all, he knows of no chance for fraud, and this ad valorem proposition is supported by such gentlemen and houses as these: The Standard Sugar Refinery; Boston Sugar Refinery; Bay State Sugar Refinery; Cyrus Wakefield & Co.; Benjamin Burgess & Co.; Elisha Atkins & Co., of Boston; and I have read some of the best names in the city of Boston who never went into any raids on the Treasury of the United States about sugar or anything else. In New York all the refiners but two are in favor of an ad valorem duty. Almost the entire trade petitioned for an ad valorem tariff in the following words:

A bill for the levying of ad valorem duties upon sugar as embodying the only just and equitable system for an import tax on the article.

MOSES TAYLOR & CO.
HOWLAND & ASPINWALL.
A. A. LOW & CO.
E. D. MORGAN & CO.
AMSINCK & CO.
FABBIE & CHAUNCEY, and others.
BROOKLYN SUGAR REFINERY.
HAVEMEYER & ELDER.
F. O. MATTHIESON & WIECHEY SUGAR REF. CO., and others.

All the refiners in New York but two. They do not fix the rate of duty, but say unitedly they leave that to Congress and do not care what that is, so far as they are concerned. There are two propositions, one of them which the Secretary has indorsed over and over again; one of them which he says will absolutely prevent fraud; one of which he says is entirely fair, indorsed by some of the leading refiners in this country; for instance, in Boston by Benjamin Burgess & Co., as honest men as there are in the world, I know them personally; indorsed by gentlemen in New York who are engaged in the refining business, indorsed by the Secretary of the Treasury, indorsed by Mr. CARLISLE, believed in fully by me as the best method, after a complete investigation. There is that proposition, and then there is the other one of an ad valorem duty, indorsed by all but two refiners in New York and by nearly all of them in Boston. Now, why cannot the Senator from Ohio put that proposition which I favor or the other proposition of Mr. CANDLER into this bill instead of undertaking to confirm the doings of the Treasury Department in 1879 in resorting to the polariscope, which I think I have shown clearly is not to be relied upon?

I know the Senator will say that it is relied upon by men. I said yesterday what I desired to say about that. It is not relied upon by men. I say the purchaser and the seller take it for their convenience. They never agree; at least the figures which I have read to-day show that they never agree. They have the opportunity to compromise and come to an agreement in relation to it after they have approached it by the polariscope; but when the Secretary of the Treasury is making a raid on dishonest refiners, and all his agents are engaged with him in making the same raid, and the dishonest agent or the honest agent discovers what the polariscope says about a cargo of sugar, I ask you what opportunity there is for a compromise?

Take the case of Nash, Spaulding & Co., with one or two cargoes of sugar, honest men who bought it by the Dutch standard under the law as they had a right to do. It was an honest purchase by them. It was below No. 7 by the Dutch color. It was undoubtedly below No. 7 too by saccharine strength. They bought these two cargoes of sugar honestly. They bought them of an honest seller. It was No. 7 and under by the Dutch standard of color; it was not colored artificially in any way for the purpose of defrauding the Government; yet the Treasury polariscope was put to the two cargoes; it went a bit over seven, and thousands of dollars were added to the duties on those two cargoes of sugar, and they were compelled to pay the money under protest. It went into the Treasury of the United States; it lay there for two years. They begged and besought the Secretary of the Treasury to bring those cases to trial, and the refiners all over the country were urging that those cases might be tried, and that the question might be settled. They waited about two years, when they had a settlement and got their money back. I say that it never entered the head of the Secretary of the Treasury in my judgment that Nash, Spaulding & Co. were undertaking to defraud the Government of the United States. They are not the men who would undertake to do it.

The Senator proposes to make this the tariff law just as the fall sugar season commences; to make it take effect in October, right in the middle of it; and he says that he does not undertake to legalize the polariscope. He says that the section allows the Treasury officers in any way they please to determine what the saccharine strength of sugar is. Why is that any better than the polariscope? This month they will take the polariscope, next month they will take a chemical test, next month they will take a dry test and next month a wet test, and next month another test; and when all those tests vary from two to three and four degrees on the same cargo of sugar, ay, from one to five degrees on the same hogshead of sugar, I ask you where your refiners and your importers of sugar will be for the next six months' time until Congress meets again to repair the wrong? I ask you where the business of sugar refining and importing will be? I ask you where the relief to the people in taking off the 25 per cent. will be? They will seek for and find it not. The polariscope, as the Secretary says, increases the duties in almost every instance. Does it reduce dishonesty? No; because the Dutch standard of color made it so and that is the law, and the polariscope, disregarding the Dutch standard of color, increases it in every instance, and then the Treasury gets more. Who pays it? The people pay it; and here is a proposition in relief of the people to take off 25 per cent., and the Senator from Ohio and the Finance Committee handicap it with this proposition to adopt the polariscope, to break up the business of refining and importing largely for the next six months, to confuse all the business connected with it, and thus take from the people themselves the very help which this Senate and the House are undertaking to extend.

Mr. President, I beg pardon of the Senate. For the last ten days I have been terribly tired of hearing talk, and I have no doubt Senators are just as tired of hearing me talk. I have said all I desire to say in relation to the proposed amendment.

Mr. SHERMAN. I wish very briefly to answer some of the points of the interesting speech made by my friend from Maine, [Mr. FRYE.] I will not go outside of the text he has given me. I will state some of the points he has made and answer them if I can. This is purely a dry business question, and I do not think it is necessary for either him or me to get very much excited about it.

The Senator says the polariscope in the hands of a poorly paid agent is a dangerous weapon. The whole process of levying taxes on imported goods is a dangerous process.

Mr. FRYE. I was quoting the Senator.

Mr. SHERMAN. That is true, but I spoke of it in connection with

another matter. The polariscope test is much less dangerous than any other.

The Senator announced before closing his remarks that he was in favor of an ad valorem tax, that is that the value of every cargo of sugar brought to our market must be ascertained by the custom-house officers. The same custom-house officers would levy the ad valorem tax that would apply the polariscope, and therefore it is much more dangerous when you come to deal with the customs duties levied by an ad valorem rate on every specific cargo, each one of which varies from the other, than when you are dealing with an instrument which cannot lie unless it is read wrong.

As I understand the process of the polariscope, they take a certain sample of sugar, reduce it to a liquid state, and apply an instrument which shows on its face like a thermometer the degree of saccharine strength. That process is simple enough. You may say you may make a thermometer lie as to the state of the weather. If you bring ice near it, it will make it lie. You may make the barometer lie very easily, and barometers may vary. The variation of the polariscope does not arise out of any defect in the instrument, but out of the defect in the sample. Take two samples from different hogsheads of sugar. It is known that the bottom is full of molasses, while the top is clear, the middle is about medium. If you take different samples and apply the polariscope to the different samples you will have different tests, and that may explain somewhat the difference between the polariscope applied by the owner of the sugar and the polariscope applied by a customs officer, and between the polariscope as applied to the bottom of a cask and as applied to the top. There is no more trouble in applying the polariscope than there is in applying any other instrument of that kind, and the fact that it is done by all other nations, it seems to me, ought to weigh something in the matter.

It is adopted in Holland. I had their law before me last night, and I intend to put it in the remarks I made yesterday to show you what Holland has done. In 1881 it adopted the very plan we propose in this bill in substance. The French have done it and with success, not to vary from the Dutch standard, but in order to preserve the Dutch standard and in order to prevent the adulteration or change from the Dutch standard in the ordinary process of manufacture.

We must trust some one in collecting duties, and we can certainly trust the officers of the Treasury Department in the application of the polariscope. We had two years of trial; it was in force two years. That Treasury order was enforced and was applied, and there was no trouble about it; there was no contest about it. No dispute was ever made as to its correctness. Of course any importer in New York might at any time dispute the accuracy of the polariscopic test, but it was never done and never varied. Even the quotations read by the Senator show that in the tests which were made the difference was only as to a portion of a degree, never as to a whole degree in the polariscope. There are 100 degrees, while in the Dutch standard there are 20 numbers. The variation between No. 7 Dutch standard and No. 10 Dutch standard is easily met by a little burnt molasses put in a pan in the process of manufacture.

But the Senator says that Mr. Havemeyer, the greatest refiner, was the only one who was in favor of adopting the polariscope. My recollection is that Mr. Havemeyer, together with most of the refiners and most of the dealers, as well as the Treasury Department, was in favor of a simplification of the grades of sugar. I was very strongly in favor of that, and recommended to Congress to put one specific rate of duty on all sugars below No. 12 or No. 10 Dutch standard. For two or three years I made that recommendation, but Congress did not listen to it because there was a controversy always between the home producers of sugar and the importer, and Congress could not be gotten to agree upon a bill. I think at one time the Committee on Ways and Means reported a bill, but the House disagreed with it. They could not deal with a question of this kind which was mixed up with other questions of the tariff. So, finally, in order to prevent plain and palpable frauds, the Treasury Department did issue the polariscope order. That order worked well until it was set aside by the decision of the Supreme Court.

As to the present opinions of Mr. Havemeyer or these refiners I do not know. When the Senator from Maine says that nobody is in favor of this except myself he is terribly mistaken. The tables of the House of Representatives were loaded with petitions from the refiners and from others engaged in the trade, some in favor of one thing and some in favor of another.

Mr. FRYE. Now?

Mr. SHERMAN. Now they differ widely.

Mr. FRYE. Any now in favor of the polariscope?

Mr. SHERMAN. Yes, sir.

Mr. FRYE. I never have seen them.

Mr. SHERMAN. I will send to the Chair and have read a letter from the Treasury Department of recent date.

Mr. FRYE. I have no doubt about the Treasury Department being in favor of it. I was talking about outsiders.

Mr. SHERMAN. Yes, sir; only two or three months since the decision of the Supreme Court took effect, and up to that time there was no complaint except by the importers of large cargoes and by the refiners. As a matter of course there are no petitions about any of these questions of taxation; but I will ask to have read now this report of the Acting Secretary of the Treasury upon the subject, an opinion, I may say, written to a member of the House who introduced a proposition substantially similar to what is contained in this bill, and it is now pending and has been pressed constantly by him, but he could not get any action on it. He is a member of the Committee on Ways and Means of the House of Representatives.

The Acting Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 27, 1882.

SIR: Your letter of May 22, inclosing a copy of a bill to authorize the Secretary of the Treasury to adopt certain regulations to prevent the evasion of existing customs duties upon sugar, and asking for my views upon the subject, has been considered.

There seems to be urgent necessity for some legislation upon this subject.

The Revised Statutes, section 2504, imposing duties upon sugar, make the Dutch standard the test of quality. It is not doubted that this standard was adopted upon the theory that that color was a fair indication of the saccharine strength and value of the sugar, pure sugar being white, and the darker colors being due to the presence of molasses and some lesser impurities. The darker the sugar the less its saccharine strength and value.

Color was therefore a fair test of value so long as sugar was produced by processes intended solely for the production of the best article.

It was found, however, that either by omitting to extract the natural impurities of the sugar, or by adding artificial coloring matter, color has ceased to be a measure of value, and that sugars which, rated by their saccharine strength should pay a duty of $3\frac{7}{8}$ cents per pound, as being above No. 13, were paying a duty of $2\frac{5}{16}$ cents per pound, as being not above No. 7. In other words these sugars were paying $1\frac{1}{2}$ cents per pound less than Congress intended.

This Department, on July 19 and September 2, 1879, instructed the customs officers in case of artificially colored sugars to look beyond the apparent color and classify the sugars according to what was assumed to be their real color; that is, the color which they would have borne if manufactured by ordinary processes, which was to be determined by their saccharine strength, ascertained by the polariscope.

In the case of Merritt *vs.* Welsh *et al.*, the Supreme Court of the United States, at the October term, 1881, it was decided that these instructions were illegal, and that duties upon sugar should be collected upon the color standard, although it appeared that coloring matter was added on purpose to evade the duties.

In the opinion of the court it is said:

"The defendant offered to show that coloring matter, namely, molasses, was introduced into the vacuum-pan, or boiler, after the mass had been brought to the state of sugar, but before its final passage through the coolers and the centrifugal tubs, the last process through which it goes, but this evidence was also decided to be incompetent."

And again: "Great stress is laid on the charge that sugars are manufactured in dark colors on purpose to evade our duties. Suppose this is true, has not a manufacturer a right to make his goods as he pleases?"

The idea of the Department in issuing its instructions is well expressed in the opinion of one of the dissenting justices, in the case of Merritt *vs.* Welsh *et al.*, as follows:

"A color imparted to sugar artificially, either during the process of manufacture or after its completion, and which it would not contract by means of any of the processes necessary merely to the production of sugar, is, in my opinion, not its natural color, and not the real and true color of the Dutch standard, however closely it may resemble it, or however impossible it may be by sight merely to distinguish it from the color of the sample. It is a mere imitation and counterfeit of the Dutch standard."

The amount which the revenue has suffered by the artificial coloring of sugar may be fairly measured by the amount paid and payable to importers as a refund for duties illegally collected between the date of said instructions, July 19, 1879, and the opinion of the court in October, 1881. This amount is estimated at about $2,000,000.

In obedience to the decision of the court the duties on sugar are now collected solely by the Dutch standard, according to their apparent color when imported. Cargoes of sugar are now coming in at the various ports at the lowest rates of duty, which if not artificially colored would pay the highest rates.

The expense of coloring centrifugals by adding burnt molasses to the sugars after granulation in the vacuum pan is merely nominal, and it is natural to suppose that under the opinion of the Supreme Court, the greater part of centrifugal sugars imported will pay the very lowest rate of duty until Congress shall provide some other test than the Dutch standard of color.

The evil effects of the present condition of the sugar tariff cannot be overstated. Not only is the manifest intention of Congress that sugars should pay in general a duty in proportion to their value utterly defeated but the system proposed is reversed, the centrifugals, which are the purest, being those which are artificially colored, while the muscovados, which are of a lower grade of purity, pay a higher duty.

Again: Importers are now compelled to become parties to this artifice or to retire from business, the profit made by the saving of duties on high grade centrifugals artificially colored being four times at least the profit made on those imported in their natural colors.

Another effect of the present state of this subject is, that the planters and other sugar makers of this country are denied the protection which the tariff was intended to afford them.

It may be added that there is no difficulty whatever in ascertaining the true saccharine strength of sugar as proposed in your bill by the methods universally adopted in the trade by both buyers and sellers.

The fact is patent to all that the prices current of sugars are fixed by their percentage of saccharine strength. By this standard they are advertised in the public prints of this and foreign countries, and by this standard their value for refining purposes is principally determined.

This subject deserves special attention in another aspect.

By section 3019, Revised Statutes, a drawback equal in amount to the duty paid on imported sugar is paid upon the product of such sugar when refined and exported, reserving 1 per cent. to the Government.

The rates of drawback upon such exported sugars have been prescribed by regulations of this Department. These rates are based upon the percentage of refined sugars, which it is ascertained is produced from each grade by the Dutch standard of color.

Now that sugars of the highest saccharine strength by artificial coloration are imported at the lowest rates of duty, the established rates of drawback are unequal and unjust to the Government, which in some instances has paid in drawbacks a sum largely in excess of the whole amount of duties collected upon an importation.

It is true the Secretary has power to establish new rates of drawback, but to do this justly he will be compelled to ascertain the saccharine strength of each importation of sugar, and by stringent regulations to identify its product when exported and allow the drawback accordingly.

This course would be attended by many practical difficulties, which would be manifest to importers.

By the proposed bill under which the duties upon imported sugar would be levied according to saccharine strength the regulations heretofore established for drawbacks would be sufficient.

Your bill is properly drawn to effect the objects proposed.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. R. L. GIBSON,
United States House of Representatives.

Mr. SHERMAN. That letter of the Treasury Department, written by Assistant Secretary French, shows the view of the Treasury Department on this subject; and it is not controverted, I believe, by any one here or elsewhere that the operation of the law as it now stands under the decision of the Supreme Court is to tax the poorest sugar higher than the best sugar; but its application in another respect is still more dangerous to the Treasury. The Senator from Maine says that the effect of the polariscope will be to advance the price of sugar to the consumer. Far from it; it does not affect the price of the sugar that is consumed by our people, that which enters into the domestic market; but what is now permitted induces an enormous drawback on that which is exported.

The artificially colored sugars which pay the lowest rates of duty are refined and exported, and the drawback on the exportation is greater than the amount of duty paid. That is shown by an extract that I might read from the letter of Mr. Chamberlin, who is a specialist on this matter, an agent of long standing, who gives instances where the importation of sugar at a certain rate, paying a certain duty, is converted into refined sugar and exported at a higher drawback than it paid duty, thus making an actual bounty out of the Treasury that is paid for the process of refining. The law gives to every refiner the right to a drawback of all the duties that he has paid on the sugar, but as that amount of drawback can only be ascertained by the condition of the sugar when it is exported, when it is put in a different condition from what it was when it entered into the refinery, as a matter of course it is impossible to get at the exact amount that has been paid on it and it can only be tested by the polariscope itself or by its then true color according to the Dutch standard.

I have cases here showing the practical operation of that. In one case sugar that had paid a duty equivalent to the rate on sixty-eight pounds of pure sugar was refined and produced ninety pounds of pure sugar, so as to enable the refiner to export the sixty-eight pounds on which he had paid duty and have twenty-two pounds of refined sugar over. That is manifestly unjust; but the Senator from Maine admits the whole of the argument away when he says that the Dutch standard is totally inapplicable to the present condition of affairs. The Dutch standard is wrong; it is no longer a test of value; it ought to be abolished; but how can you abolish it? Congress cannot agree. For four or five years Congress has been debating the subject and cannot agree upon any other standard than the Dutch standard. They have had all sorts of propositions made to them. The effect of this provision is simply to enable the Treasury Department, by such tests as it can apply by the use of the polariscope or any other test, to ascertain the saccharine strength of sugar and thus conform to the Dutch standard.

It seems to me amazing that upon a question of this kind there shall be any doubt or controversy. The decision of the Supreme Court, instead of being opposed to that view exactly and directly advised it, and says Congress would neglect its duty if it hesitated to correct this error. They say the Treasury Department had no power to correct it, and the courts have no power to correct it, but Congress may correct it, and now the appeal is made to both Houses of Congress. A bill similar to this is pending in the other House. At one time it was supposed to be acted on; now it is presented to the Senate, and I hope it will meet its approval.

Mr. BAYARD. Mr. President, the question of establishing a new basis for the sugar duty is a very large one. The article is used as universally as any other in this land excepting bread. Nine-tenths of the sugar supply of this country is imported, and last year it paid into the Treasury a revenue of $47,000,000. The amendment now before the Senate proposes to reduce those duties 25 per cent., and it is accompanied by a feature which only changes the effect of that amendment by providing for the use of a certain instrument for discovering the saccharine strength of sugars and making that the basis for the collection of duties. I do not propose to consider the wisdom of a reduction of the tariff on sugars, which now amounts to about 60 per cent. ad valorem, and if the reduction of 25 per cent. was made it would be still an ad valorem duty upon imported sugars of about 45 per cent. ad valorem. That is what it stood at in 1875, when the advance that obtains to-day and which is now sought to be repealed was made.

Since 1861 the Government of the United States have adopted as a test of duty the color of the sugar. They borrowed that test for the first time in our history from the Government of Holland. The Government of Holland having sugar-growing colonies, has introduced the test of color, and every few years that government causes certain samples carefully to be prepared; these are put in carefully sealed bottles, and they range from No. 5 to No. 20, being sixteen in number, and according to the color of the sugar that is brought in, tested by these samples in the sixteen bottles running from No. 5 to No. 20, the duty is laid.

That is the system which the Government of the United States twenty-one years ago adopted. For twenty-one years our duties have been collected upon the basis of the Dutch standard of color. When the Senator from Ohio became the Secretary of the Treasury he was not satisfied with that standard and with the law as he found it, and to speak plainly he made a law of his own, and he introduced a new test such as he now proposes to ingraft upon our present law as a means of ascertaining the saccharine strength of the sugar, and collecting the duty on this basis. The merchants who imported sugar protested in vain against his unauthorized act. They protested, however, under the form of law; they took appeals from his decision, and the Supreme Court of the United States has said that the merchants were right and that the Secretary was wrong, and that he had unwarrantably and illegally instituted a test for the exaction of duties which the law not only did not warrant but did forbid because it prescribed a wholly different system.

Now I ask the Senate to consider the effect of this amendment, so pressed by the Senator from Ohio; and I do not wonder that his pride of opinion, a very natural human sentiment, should urge him, I do not say to override, but wholly to destroy the result of the opinion of the Supreme Court and to triumph in the end over the merchants from whom he exacted these duties, and who have recovered them back from the Treasury. What is the effect of applying the polariscopic test and yet maintaining your basis of the Dutch standard of color? You are seeking to ingraft a wholly different principle and fixing the duties upon a basis utterly and entirely different from the new principle proposed. The Dutch standard is one of color alone; it is not one of saccharine strength. The polariscope is a test of saccharine strength alone and has nothing on God's earth to do with the color. See, therefore, what confusion, a confusion of terms, it is to maintain in the tariff laws a series of duties graded and based upon one test, which is that of color, and then control it by another test, which is that of saccharine strength. The two are inconsistent. You cannot ingraft one upon the other. If the polariscope shall succeed, the Dutch standard of color becomes worthless. If the polariscope shall fail, then the Dutch standard will stand as it has for the last twenty-one years the basis of exacting duties in this country.

Not only do I hold that there is an utter inconsistency in principle, in the nature of things, in ingrafting one test of saccharine strength upon another of color, but the proof before us, so far as I can get it—and I will agree that my opportunities have been by no means as good as I would desire, and that is not my fault; the subject has been brought upon us suddenly, without the opportunity of time to get that certain information which I say it is our duty to have before we decide—but so far as the best information and opinion that I can arrive at in this case, I would say that the polariscopic test is uncertain; it is variant. The same sugar on a wet day and the same sugar on a dry day under the polariscopic test will result in wholly different results that will put the sugar at a higher or lower rate as the case may be. I handed the Senator from Maine [Mr. HALE] yesterday a letter which is in the RECORD of this morning, addressed to me by some six of the leading importers and brokers in sugar in New York, men whose names are in the RECORD and are recognized as men of intelligence and high character, who sum the whole question up by declaring in the close of their letter that they have never known an instance at the port of New York where the Government tests were accepted as the basis of sales.

The Senator from Ohio said to me the other day in debate that he never had his test challenged. I knew nothing of the facts, but I did know something of the reasons and I could understand that there was no use in a man challenging the Government test. There was but one polariscope, and that was the official polariscope. He could not challenge the polariscopic test. He might appeal to the discretion, but he could not relieve himself from the power of the official that used it. So, while I admit that almost all the sugars of the world are bought and sold upon the test of saccharine strength ascertained by means of the polariscope, still each vender and each purchaser employs his own agent and his own instrument.

Frequently in the trade and almost always in the trade buyer and seller differ as to the degrees of the saccharine strength, and then the vender having his ascertained rate and the vendee having his ascertained rate the two come together and they make their voluntary bargain. Of course the importer cannot make a bargain with the Government. He is governed by the rigid law as it is declared by a single instrument. Therefore when you find as a fact that although men use the polariscope they supplement it by their own judgment and their own sense of self-interest and make their bargain according to what each believes to be the fact, and while that may be a very wholesome and a very fair and reasonable method of private bargain, you cannot adopt it as a principle for the imposition of duty, because all the reasons and all the facts that go to make it a reasonable test for a voluntary arrangement between citizens are absent when you come to consider it as a test and method of exacting duties under the law.

I received from Baltimore the day after my debate with the honorable Senator this letter from a very intelligent gentleman, a man of high character, who was engaged in importing sugar in that city until by the use of the polariscope and the systematic divergence between its results in Baltimore and in New York, the Baltimore

business was ruined and the New York business has completely absorbed the trade. This is the letter:

BALTIMORE, *July* 15, 1882.

DEAR SIR: I understand that during the debate in the Senate yesterday on the proposed changes in the tariff on sugar, Senator SHERMAN asserted that the Government classification by polariscope had never been challenged, and that on account of their accuracy they were frequently relied on to fix values as between buyer and seller.

With regard to the latter point I can only say that I never heard of such a case, nor do I think it at all probable that such cases ever occurred, for the reason that the Government used what is called the "dry test," (evaporating every particle of moisture from the sample operated on,) whereas the commercial method is the ordinary or wet test, and there was consequently a wide divergence between two results. Mr. SHERMAN'S statement that the Government polarizations were never challenged may be correct, but the explanation is that every importer regarded the polariscope exaction as illegal and paid his duties under protest, in the confident belief that the courts would so decide as to cause their refund.

In seventy-seven cases of my own I frequently told the custom-house officials that I was quite indifferent as to how they classed the sugar by polariscope, as I had no doubt regarding its illegality, and they would have to refund all they exacted from me. My intercourse with other importers satisfies me that the general feeling was similar to my own. So it is easy to understand Mr. SHERMAN'S immunity from challenge.

Respectfully, yours,

W. A. PEROT.

Hon. THOMAS F. BAYARD,
United States Senate Chamber, Washington, D. C.

I give his name because I am satisfied that he would prefer having it given, and when I give his name it is not necessary for me to do more. He is a gentleman of established reputation, high intelligence, and thoroughly experienced in the business whereof he speaks.

If I am right in the position I have taken that this is a proposition to ingraft one basis of taxation upon a system totally inconsistent with it, then it is better for the Senate to decide at once between the adoption of the polariscopic test all through your tariff, doing away with your Dutch standard and falling back only upon a system of testing the saccharine strength to be ascertained by the polariscope, or continuing on the same basis you have had for twenty-one years.

If you do not act on the basis of saccharine strength, then you should give up the idea of the polariscope and insist on the rigid classification of sugars according to the Dutch standard. We get the samples I suppose taken every two years. The Government of Holland prepare their official samples for sugar every two years, and they being carefully ascertained, I suppose we receive them each time they prepare them for their own market, and can use them. One thing is certain, that under the Dutch standard of color, we have had twenty years' experience. The Dutch Government has had a very much longer experience. I have the impression—I do not speak positively—that the French importations are under the Dutch standard. It is the continental standard of Europe.

I do not myself mean, in the face of the facts, to vote now to change the whole basis of the law under which our sugar duties are ascertained and exacted. I can understand perfectly well how personal this question is to the Senator from Ohio, and I can understand how reckless the proposition is in relation to the people of the United States. When the question comes hereafter as to whether we shall reduce the duties on sugar to where they stood in 1875 upon the simple basis of the withdrawal of the 25 per cent. then imposed, we can vote understandingly. I do not say now how I shall vote on that, although I cannot but believe that an ad valorem duty of 45 per cent. is a very large and generous measure of protection.

Therefore it is that I shall not and cannot vote to adopt now, with the light which is before me and the opportunities of information which I have sedulously endeavored to obtain, to accept so varied, so uncertain a test as the polariscopic test as a basis for the duties on sugar. I hope the Senate will see the inconsistency of ingrafting such a test upon the color test. The two are wholly distinct in principle and in nature. If we are to have the test of color according to the standard of Holland, that we understand. If we are to have the test of saccharine strength according to the polariscope, that in a measure we may understand. But to frame a tariff by ingrafting the polariscopic test upon the color test seems to me to be absolutely incongruous and insensible, because when you take up the polariscope you discard the Dutch standard. The two have nothing to do with each other; they are wholly distinct. One is the sole test of color, and the other disregards color and takes wholly saccharine strength. Sugar may be as black as night; it pays then the lowest duty under the Dutch standard. It may be as black as night and yet it may be assigned to a high rate under the test of saccharine strength. Therefore the two are wholly inconsistent. They have nothing to do with each other. The attempt to blend one with the other, I say with all respect, is utterly incongruous; I will not use the word "absurd," but it is totally inconsistent and the one test must destroy the other.

There may be an advance in science; the application of instruments for polarizing light may develop that there may be an almost certain approach to accuracy; and whenever that comes, if the facts shall indicate that change in order that the importer shall be relieved from that worst vice of all law uncertainty as to what duty he is to pay, then I shall be rejoiced to assist as well as I may in framing the tariff law upon this great commodity that shall be ascertainable, invariable, equal, and just; and I do not think that any one of those results can be predicated of the present polariscopic test.

Mr. MORRILL. Mr. President, we imported last year 1,857,000,000 pounds of sugar. That shows that there is about thirty-seven pounds consumed per capita among all the people of the United States, thirty-seven pounds for every man, woman, and child. That imposes a tax of at least 75 cents upon every man, woman, and child in the country, if not more. It is therefore of some importance that we should take off the 25 per cent. addition that was made in 1875 upon these duties. I think it is also important that we remedy the defect in the law, so that the sugars shall be dutiable according to their value. Under the present system the centrifugal sugars of Cuba and Porto Rico come here in competition with our sugars made in Louisiana, at a much lower rate of duty than sugars from Brazil, from China, and from the Indies. These lower grades of sugar pay nearly 20 per cent. more than the centrifugal sugars brought from Cuba and Porto Rico, because the centrifugal sugars are made in a manner that admits of discoloration, by which they defraud the revenue out of the amount of duty that was formerly imposed by the Dutch standard. It must be admitted, Mr. President, even by the Senator from Delaware, that the polariscope is the best test now known of saccharine strength, and that is one of the most important elements of the value of sugar.

If a provision had been proposed here by which sugars of the Dutch standard of No. 7, testing by the polariscope not over 87°, should be admitted at the lowest rate of duty, I think it would have been better perhaps than the present provisions of the amendment proposed by the Finance Committee; and then from No. 10 to No. 13 a different standard, that is that it should test not over 92° by the polariscope. But at all events this would be a subject of regulation by the Department. I have no idea but that it will be just and fair, and it is the best known test that we now have to apply.

There is another thing. At the present time nearly all the sugars that we import have to pass through the sugar refineries. We do not get sugar that does not have to be passed through the refineries before it reaches the hands of the consumer. I do not wish to oppress the sugar refineries, but I think it would be well if we had some means by which the ordinary sugars that are made in the best and foremost sugar countries abroad could come in here without having to pass through the refineries. I think it is but just to the 300,000,000 pounds of sugar that we make in this country that there should be some protection against this immense fraud, as I regard it, of having sugars so manufactured that their color indicates a value far below the real value. That is all I desire to say.

Mr. HALE. I hope we may have the vote on the amendment I have offered.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Maine [Mr. HALE] to the amendment of the committee.

Mr. BECK. What is the amendment?

Mr. HALE. It strikes out the polariscope.

The ACTING SECRETARY. The amendment is in line 11, after the word "act," to strike out the rest of the amendment of the Committee on Finance, in the words following:

AND the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duties on sugar, and to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength and not according to the color.

Mr. HALE. My amendment leaves the section with simply the 25 per cent. reduced.

Mr. HAWLEY. But a word; I shall not detain the Senate. I was inclined to vote against the motion of the Senator from Maine because my sympathies were with the Treasury Department in its attempt to execute the law of the land. The old Dutch standard of colors, resulting from the locality and the style of manufacture, and indicating the saccharine strength of the sugar, answered the purposes of trade; men imported and sold by them; but the United States Government came in and established six grades of duty according to six grades of sugar by the Dutch standard. What inevitably resulted from that? That the modes of manufacture were varied so as to give sugars colors adapted to the lower duties. That was to be expected. It was inevitable. But the Treasury officers were perfectly justified, in my opinion, in attempting to make those sugars pay duty according to their saccharine strength, which was the object in gauging them by the Dutch standard in the first place.

Now comes in the objection that the polariscope, the best known of the saccharine tests, is not precisely reliable. Quite so; but it is the best of all the tests to be applied; it is the best measure, and if we are to go on taxing sugars in six grades of saccharine strength, with six grades of duty, we shall be obliged to resort to the polariscope, as I say it is the best method of measuring the saccharine strength.

But it seems to me far wiser on the part of a government, when it finds itself face to face with difficulties of this sort, to change its law. To have six grades of strength and six grades of duty is to invite controversy. No matter what the manner of testing may be, we shall be in an eternal war with importers if we continue the six grades, no matter how we attempt to estimate them. Therefore I would say make fewer grades, not more than three classes of sugar, perhaps not more than two.

I am not disposed at present to continue this struggle with the importers. If we were obliged to continue the six grades, I would continue it, and I would insist upon the polariscope; but my hope is that the tariff commission will recommend to us some much simpler method of taxing sugar than the existing one. If they do not, if they say it is best to attempt to tax sugar according to its value in six grades, then I shall vote for the polariscope, or any other good method of testing the saccharine strength, the polariscope notably the best as it stands now. Just at present there is a sort of lull in the controversy by reason of the decision of the Supreme Court, and the importers are paying the duties pretty much in their own way. I am quite willing to let this alone for a few months, rather than embark in another bitter fight with all the importers, and it is as well to drop the polariscope till we shall be able to establish the matter on some permanent foundation.

Mr. BECK. The Senator from Connecticut seems to think that we are merely making a little preliminary movement here; that the real question of the reduction or the proper condition of the sugar tax is to be remitted until the final action of the tariff commission.

Mr. HAWLEY. Let me explain to the Senator before he goes any further. I am heartily in favor of a reduction, of taking off the 25 per cent. duty, most heartily in favor of it. It is only upon renewing this fight about the polariscope that I hesitate.

Mr. BECK. I believe in making a reduction on sugar, but I propose, if I can, to reduce it in a way that shall be permanent, and not subject to change in six months because of some subsequent report; and for that reason I have given notice of an amendment, which I hope will receive favorable consideration, which will be found in the RECORD of Thursday, July 20, 1882, reducing all tariff duties that are above 50 per cent. ad valorem now to that rate. The sugar duties, as I see by Schedule G, are all above 50 per cent. now, and we import $8,785,579.42 of sugars not above No. 7; we import $33,086,299.54 above No. 7 and not above No. 10; we import of above No. 10 and not above No. 13 $4,016,173.35; of above No. 13 the imports are merely fractional, amounting to very little, if anything. The recapitulation shows that while we received for the year ending June 30, 1881, $46,321,781.14, a reduction to 50 per cent. would be a reduction of $4,602,164.53. Let me present the schedule again in tabular form.

SCHEDULE G.—*Sugars.*

Articles.	Average ad valorem rate of duty.	Amount of duty received.	Estimated loss of duty.
Sugar, Dutch standard in color:	*Per cent.*		
Not above No. 7	57.06	$8,785,579 42	$1,087,707 42
Above No. 7 and not above No. 10	54.95	33,086,299 54	2,978,095 86
Above No. 10 and not above No. 13	57.01	4,016,173 35	493,835 65
Above No. 13 and not above No. 16	70.12	43,560 54	12,498 88
Above No. 16 and not above No. 20	92.45	497 29	228 35
Above No. 20 and all refined, loaf, lump, crushed, powdered, and granulated	58.46	$934 95	$135 30
Sugar candy and confectionery:			
Not colored	132.99	3,707 65	2,313 67
Molasses concentrated, tank bottoms, sirup of sugar-cane juice, and melada	53.82	385,028 40	27,349 40
Total Schedule G		46,321,781 14	4,602,164 53

Why would not a reduction of these duties down to 50 per cent. ad valorem get clear of many of the frauds that are now complained of in regard to false coloring, and the polariscope, which operates in one man's hands in one way and in another man's hands in another, depending very often on whether it is his interest to see that the sugar is darker or lighter or has more or less saccharine strength? If we are going to make an effort to reform taxation, it seems to me that the way to do it is to fix on a basis reasonably fair.

The ad valorem can be ascertained on sugar, perhaps, more easily than in any other article. Give the officer in charge a right to use any appliance he may see fit. I believe that most of the fraud we suffer from grows out of the complications of the tariff. Now all sugar from No. 7 to No. 10 Dutch standard has one rate; from No. 10 to 13 another; and by the artificial means they have of coloring they can make sugar appear anything they please, and the man who holds the polariscope will make it appear anything he pleases. Reduce the duty to 50 per cent. ad valorem at the same time that you reduce all other things that are above that rate to that rate, and you will have enough protection, it seems to me, to satisfy the people of Louisiana and obtain a revenue almost equal to what is obtained now.

The ad valorem tax, I should judge from the statement I have referred to, would be about on the great mass of the sugar of which $33,000,000 worth were imported out of $46,000,000, would be at the present duties 54.95 per cent. Some of it is 57 per cent.; some of it 92; some of it, as sugar candy and confectionery, as high as 132 per cent. A reduction to 50 per cent. would only take $4,600,000 from the revenue, and would make as near a fair reduction as we could possibly make.

It is suggested that the tariff commission will look into this. They are in session; they are made up, of course, of the men who are looking out for the protected interests. This bill has seen fit to attack only one interest and that is the sugar interest, and does it on the ground that it is simply removing the additional taxation placed on sugar by the act of 1875. If you are going to reduce in good faith all the taxation imposed in 1875 back to what it was in 1872, why do you not embrace the iron, the cottons, the woolens, and the other interests that were increased 10 per cent. in 1875 back to what they were in 1872, as well as take the sugar tax and increase it? Is it not as fair, is it not as much for the interest of the people that the tax on iron, steel, and other things should be reduced as that the tax on sugar should be? We are receiving from sugar $47,000,000 of revenue. From many of these other articles on which 10 per cent. was imposed in 1875 we are receiving almost nothing, the duty being almost prohibitory, and the tariff commission is appointed in the interest of these men, and what is the argument? Go on with your reduction of sugar, and although we take off this 25 per cent. it is simply restoring it to what it was in 1872; we are to cry "cheap sugar" as we did "cheap coffee," and this is not to be the end of the tax on sugar.

You propose to reduce the tariff on Bessemer steel from $28 to $20 a ton, that not having been put up in 1875, and it will be claimed that that is the judgment of Congress as to what is the proper reduction of the steel duty, and you cannot go any further. As to sugar, Congress, it will be said, has only taken off what it put on in 1875; therefore go on and take off more, but as to Bessemer steel Congress has declared that $8 a ton is all the reduction required; that was not raised in 1875 specifically, and therefore you are bound by that.

This is a mere pretense to give instructions to the commission thus organized to affect the tax on the only interest the planters of the South have in the whole tariff. That is the meaning of it. I am willing to reduce the tax, but I will vote against reducing it 25 per cent. as an article singled out solitary and alone, with all the other things left to the tariff commission, and this still to go on to be subject to a further reduction. I will vote to reduce the tax on sugar as part of a general system taking 10 or 20 per cent. from everything. I will vote to reduce everything that is above 50 per cent. to 50 per cent.; but much as I desire to reduce the duty on sugar I do not intend to be led by any false pretense into an attack upon one solitary thing that is paying nearly one-third of the revenue, and which is to be still further attacked by a packed tariff commission.

I will go as far as any one in the way of making proper reductions. I am in favor of simplifying the system. Take away your Dutch standard; remove your polariscope test; make the duty ad valorem; if 50 per cent. is too much, make it 40; if 50 per cent. is too little, make it 60. Fifty per cent. will reduce the burden $6,000,000. Bring the other things to that and the people of this country will be saved $100,000,000 to $150,000,000.

I agree very much with what a distinguished New England gentleman wrote to me some time ago on another question that comes in very well here. It contains a good many of the views I entertain and I will read what he says in a moment.

I have two amendments, one reducing the sugar and other schedules down to 50 per cent., a reasonably fair reduction. Last Thursday's RECORD shows what taxes are now over 50 per cent. and what will be the effect of the reduction. Then there is an amendment which was offered by the Senator from Tennessee [Mr. HARRIS] yesterday morning removing 10 per cent. now and 10 per cent. more from the 1st of January next.

Mr. MORGAN. I have not yet seen any amendment offered by the Senator from Kentucky which proposes to change the manner of determining the standard.

Mr. BECK. If you reduce the duty to 50 per cent. ad valorem then you abolish all standards and you have no occasion for colors or polariscopes.

Mr. MORGAN. The Senator from Ohio suggests that you will have as much difficulty in determining the value as you have now in determining the saccharine strength.

Mr. BECK. Then it depends on the invoice. Each man will watch the other man's invoice, and if there is undervaluation of sugar there will be as much opportunity to detect it as undervaluation in any other article. It is as easy a thing to detect it in sugar as in anything else.

Mr. MORGAN. Then the value of the sugar would be determined by the invoice?

Mr. BECK. It would be determined by the invoice, and the collector would determine whether the invoice was honest or not.

Mr. MORGAN. And that under existing law?

Mr. BECK. That can be done under existing law without any sort of trouble, simplifying it, making it clear, and making it easy of ascertainment, removing the complications of the system and the enormous taxation that is giving us more trouble than all else.

I propose to read a portion of a letter written to me about other

things by a very distinguished gentleman, whose name I do not care to give, who puts the case very well. I hope the Senator from Alabama will listen to it:

The advocates of civil-service reform are rapidly becoming convinced that no system of competition examinations, no legislation in regard to the mere appointment to office, no superficial measure of dealing with the question, will meet the difficulty until the laws are altered which cause the corruption and lie at the very foundation of the disease.

No matter what party is nominally in power or what method of appointment may be adopted, is it possible to assume that fraud and corruption will not be continued so long as the present tax on whisky of 90 cents per gallon is maintained; the cost of producing whisky not exceeding 20 cents per gallon?

The revenue from whisky at the rate of 90 cents per gallon is but little more than it was at 50 cents per gallon. Is it to be assumed that a much larger population consumes less whisky? Or is it to be assumed that fraud has increased?

Can the tax on tobacco be honestly and adequately collected when it amounts to much more than the average cost of its production?

Can any method of selection prevent custom-house appraisers being color-blind when a variation of but a shade in the Dutch standard of color, by which the duties on sugar are assessed, may make or mar the profits of a ship load?

Can fraud be prevented when a little more or less molasses on the outside of the crystals of a sugar which is very rich in saccharine matter places it at a low grade and subjects it to a low valuation for the assessment of the duty?

Will the weighing scales of the appraisers ever be just in deciding upon the rate of duties to be imposed upon worsted goods when the difference of a shade of blue or brown makes the goods just enough heavier to turn the scales and add a large charge to the assessment of the duty? Will not some scales always blind the eyes of the appraisers in order that only the light colors may be weighed?

What safety can there be for an honest collection of the duties when the misplacement of a comma in the tariff section of dried fruits made a difference of hundreds of thousands of dollars upon the amount of revenue?

Why are there few or no American houses engaged in the importation of European silks?

Are not the laws themselves at fault which can only be enforced with the aid of spies and informers, bribed to treachery and perjury by a share of the base profits from the fines imposed?

No matter if the system has in some measure been altered and some of its more gross abuses removed, the subtle vice still endures and will corrupt any civil service at any and all times.

Just so long, Senators, as you have your Dutch standard Nos. 7 to 10 and Nos. 13 to 16, and polariscopes and men to hold them as it is their interest to hold them, you will have fraud and corruption in the collection of this great revenue. Make it ad valorem, call it 50 per cent. I believe a general reduction to 50 per cent. would be satisfactory to all the people who are producers of sugar, for we only produce 12 or 15 per cent. of what is consumed in this country, and it is one of the largest revenue articles. Simplify it, bring it down, remove all these artificial tests which are easily evaded, and let each importer watch every other, and the Government can apply all the tests and determine whether there is danger in that regard.

I do not say that I will vote with the Senator from Maine to strike out this provision, but, then, I will vote against the proposed reduction of 25 per cent. except as part of a system, because I believe that the proposition now is to attack this single interest and to attack it still further hereafter, and to leave thousands and thousands of greater abuses in the shape of the duties on Bessemer steel and cotton goods, and buttons, that I called attention to yesterday, and woolen goods, and other things in the hands of a friendly commission organized to maintain them, and simply to attack this single interest, and to double up the tax on cotton-ties, for that is all the committee could find worthy the attention of Congress now. I shall vote against all these propositions now, but I intend to reduce. I do not mean to be understood in voting against the 25 per cent. reduction that I am not in favor of reduction. I am against selecting out and attacking a single interest. If it comes in at all let it come in to be reduced as others are, and not be reduced here now, and then reduced further by the commission while other things are to remain, to be protected by that same commission.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine [Mr. HALE] to the amendment of the Committee on Finance.

Mr. FRYE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KELLOGG. Mr. President, I do not propose to discuss this question, but I desire to say a word or two in regard to this amendment before the vote is taken.

This whole discussion goes to show the importance of the question and the difficulty of adjusting it. I had hoped and I still hope that the amendment proposed by the Committee on Finance to reduce the tariff on sugar 25 per cent. will not be adopted. It seems to me that the reasons so forcibly given by the Senator from Kentucky [Mr. BECK] are sufficient of themselves; but fearing that it may be adopted, hoping, as I have said, that it will not be, because it strikes, singling out by itself, at one of the largest and most important industries of the country, still I feel that the committee amendment in regard to this test will go far to relive us of the great hardship that will be imposed on us in the event that the amendment reducing the tariff on sugar 25 per cent. should unfortunately be adopted. I shall perhaps later appeal to the Senate not to adopt the amendment as a whole, but rather to leave the whole question to the commission recently appointed for the purpose of revising the tariff in regard to this and all other articles.

Under the circumstances I feel bound to vote for that part of the amendment of the committee which relates to this test, believing, as I have said, that it will be a relief to us in case there should be a reduction of the duty.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 34, nays 24; as follows:

YEAS—34.

Bayard,	Farley,	Ingalls,	Plumb,
Beck,	Frye,	Jackson,	Saulsbury,
Brown,	George,	Jones of Florida,	Sewell,
Butler,	Gorman,	Lapham,	Vance,
Call,	Groome,	Logan,	Vest,
Camden,	Hale,	Maxey,	Voorhees,
Cockrell,	Hampton,	Miller of N. Y.,	Walker.
Coke,	Harris,	Morgan,	
Davis of Illinois,	Hawley,	Pendleton,	

NAYS—24.

Aldrich,	Conger,	McDill,	Rollins,
Anthony,	Dawes,	McMillan,	Saunders,
Blair,	Ferry,	Mahone,	Sawyer,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Williams,
Chilcott,	Kellogg,	Pugh,	Windom.

ABSENT—18.

Allison,	Grover,	Jones of Nevada,	Ransom,
Davis of W. Va.,	Hill of Georgia,	Lamar,	Slater,
Edmunds,	Hoar,	McPherson,	Van Wyck.
Fair,	Johnston,	Mitchell,	
Garland,	Jonas,	Platt,	

So the amendment to the amendment was agreed to.

Mr. CAMERON, of Wisconsin. I was paired with the Senator from Virginia, [Mr. JOHNSTON,] but I transferred the pair to the Senator from Pennsylvania, [Mr. MITCHELL.]

Mr. HARRIS. I now ask that my amendment to the section be reported.

Mr. FRYE. Is the Senator's amendment to strike out the section? I want to perfect the section before that vote is taken.

Mr. HARRIS. Then the amendment of the Senator from Maine will be in order.

Mr. FRYE. In section 4, line 1, after the word "that" I propose to strike out the words "on and after the first day of October, 1882." If this reduction was made and took effect October, 1882, it would be right exactly in the middle of the fall business of the whole refining interest, and so far as I have had any information from the refining interest they prefer very much that it should take effect on the passage of the act or at least not later than one month. I call the attention of the chairman of the Committee on Finance to that. Is there any objection to putting it on the 1st of September or to leaving it without any date at all so as to make it go into effect on its passage?

Mr. MORRILL. All our investigations went to show that the 1st of October would be more satisfactory than any other date we could fix, although we find that different interests have a different idea; that is to say, that while the amendment of the Senator from Maine would suit well enough those who are importing sugar and refining it, it would not suit and would be very oppressive to large dealers who have stocks on hand.

Mr. FRYE. Would the chairman of the Committee on Finance be satisfied to put the date of the section going into effect on the 1st of September instead of putting it off to the middle of the sugar season?

Mr. MORRILL. I only say that after a full and complete investigation of the communications received we reached the conclusion that the 1st of October was the fairest time we could designate. The Senator must be aware that there is a great deal of sugar in the hands of dealers who ought to have time to get rid of it.

Mr. FRYE. I call the attention of the chairman of the committee to one other amendment which I propose to offer. After the word "act," in line 11 of this section, I move to insert:

And this reduction shall apply to all sugars and molasses which have since importation been in the uninterrupted custody of the Government in bonded warehouse.

Is there any objection to that?

Mr. MORRILL. Yes, because we have provided—

That the reduction of duties provided for by this act shall also apply to all goods, wares, and merchandise on deposit in warehouses or public stores on the 1st day of October, 1882.

That is as far as we ought to go.

Mr. FRYE. I do not know but that that covers it. I did not see that when I suggested my amendment.

Mr. SHERMAN. That does not cover the Senator's case fully, but it covers all we ought to cover.

Mr. FRYE. If the sugar has been in the uninterrupted possession of the Government up to that time, it will cover it.

Mr. SHERMAN. Where the duties are paid we never refund. If the refiners choose to keep their goods in our warehouses for their convenience after they have paid the duties, it is no reason why we should refund the money. If they had taken out the goods and kept them in their own warehouses, we would not refund the money.

Mr. FRYE. Suppose they had paid the duties and the goods were in warehouse on the 1st of October, would not the money be refunded?

Mr. SHERMAN. No; that clause applies only where they are in warehouse subject to duty.

Mr. FRYE. I will withdraw the amendment if the committee have satisfied themselves that the 1st of October is the better time, and I am content to let the section go as it is.

The PRESIDENT *pro tempore*. Section 4 now remains down to the word "act" in line 11. The Senator from Tennessee [Mr. HARRIS] moves to strike out the entire section and insert in lieu thereof what will be read.

The Acting Secretary read as follows:

That all taxes and customs duties imposed by laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of January, 1884.

Mr. HARRIS. Mr. President, this bill as reported from the Committee on Finance proposes to reduce the duties on sugar 25 per cent., on Bessemer-steel rails from $28 to $20 per ton; and these are the only two articles in the whole list of articles upon which impost duties are imposed by existing law that are relieved.

I believe it is admitted upon both sides of the Chamber that the present rates of duty imposed by existing law are excessive and should be reduced.

By my amendment, instead of singling out two articles upon which a reduction is to be made, I propose a moderate reduction, not one equal to the demands of justice and the necessities of the country in my judgment, but a moderate and gradual reduction upon all articles on which impost duties are imposed.

In respect to the inequalities in certain articles, if Senators see proper to undertake to correct those in these expiring hours of the session, by separate and distinct amendments they can reach the special cases; but I think every consideration of justice and propriety demands that we should now, at this time and by this method, undertake the gradual and the moderate reduction that my amendment proposes, and instead of reducing revenue, in my judgment, the reduction, if there be a reduction at all, will not be perceptible. Indeed, I think the amendment if adopted will more likely increase revenue than diminish it.

I desire to take up no time in the discussion of the question.

Mr. VANCE. Will the Senator allow me to ask him if his amendment means 10 per cent. of the present duties or 10 per cent. ad valorem on the articles?

Mr. HARRIS. It is 10 per cent. of the present duties imposed by existing law, to take effect on the 1st day of January next, and an additional 10 per cent. to take effect on the 1st of January, 1884.

Mr. LOGAN. I merely wish to call the attention of the Senate very briefly to this proposition. It looks a good deal like attempting to make a reduction without knowing exactly what we are trying to do.

To illustrate the proposition, suppose that on some articles the tariff rate is too high and on other articles too low; you reduce the rate on an article where it is too low the same as you reduce the rate on an article where it is too high. You never can get at any equality of tariff rates in that way.

This is only of a piece with the legislation we had a few years ago when it was the fashion to increase the salaries of the clerks 20 per cent. or 10 per cent. This is the same thing precisely. Where a clerk received a thousand dollars a year you increased his salary 10 per cent. That might be just so far as he was concerned, but where a clerk received $2,500 a year you increased his salary 10 per cent. when he was receiving at that time perhaps too high a salary and the other one too low a salary.

So there is no equalization in it. There is no justice in that kind of a decrease or increase. It does not work an equality, but works just exactly the opposite, and I must say that I am a little surprised at a proposition of that kind.

That is all I desire to say. I merely wished to call the attention of the Senate to the proposition to reduce on every article 10 per cent., whether the rate is too high or too low.

Mr. HARRIS. I do not think the Senator from Illinois will undertake at this late day of the session to go through article by article and undertake to determine exactly how great the outrage is that the present law may work with respect to some, or exactly how near the present law approximates to justice in respect to others. This leaves the system as it stands, with a reduction of 10 per cent. per annum for two years, resulting in a reduction of 20 per cent. on the 1st day of January, 1884.

We certainly have not time to go through the entire list of articles upon which duty is imposed. It is wholly impossible for us to undertake to do that now, but I imagine the Senator from Illinois, as every other Senator on this floor, will agree that the present rates of duty are excessive and unnecessary, that they ought to be reduced. That they ought to be reduced, to be sure, with more care, with more investigation, and with more knowledge than we can possibly bring to bear upon the question at this hour, I am quite satisfied; but this is the only method and the most just method by which we can reduce generally, and I am wholly opposed to singling out two articles that are singled out in this bill as the objects of relief. I think there are very many articles that deserve it very much more than the article of sugar; and perhaps than the article of Bessemer steel none deserves a reduction more.

Mr. LOGAN. This 25 per cent. that is reduced on sugar was put there for a specific purpose.

Mr. HARRIS. Every article in the whole tariff system was put there for a specific purpose.

Mr. LOGAN. I am talking about the particular 25 per cent. which was placed on sugar for a specific purpose; that was for the aid of the sinking fund, at a particular time. The time having arrived when it is not necessary any longer, the proposition is to take off that particular 25 per cent. placed on it for that purpose.

Mr. JONAS. Will the Senator permit me to interrupt him a moment?

Mr. LOGAN. Certainly.

Mr. JONAS. I would suggest that in the same act 10 per cent. was put upon every other article in the tariff list.

Mr. HARRIS. My amendment takes off the 10 per cent. additional duties.

Mr. LOGAN. The Senator says it is fair. I say that of all the ways which can be devised that are unfair the most so is to increase the tariff 10 per cent. or 20 per cent. all around, or to reduce it 10 or 20 per cent. all around. Take the article of wool for instance. On that one article perhaps the Senator may think the tariff too high, while others think it too low; and a percentage is taken off that particular article when it is not desirable that it should be done; but 10 per cent. is to be taken off because, forsooth, Bessemer steel is too high. That is not a fair way to legislate.

So you might take many other articles where really the tariff is not too high, but in fact too low, and still you reduce the duty on those articles 10 per cent. merely for the purpose of reducing 10 per cent. on that which is too high.

I say, further, that I did not know that any person intended on this bill to go into the general tariff system of this country for the purpose of reducing or increasing duties. If so, it seems to me perfectly useless for us to have appointed the commission we have created at an expense of thousands of dollars for the purpose of examining into the question and reporting what articles would bear reduction best and what the least, and reporting the amount all could bear, what they ought to bear, &c. Having done that, then we go to work and take off 10 per cent. this year and 20 per cent. another year. Taking off 20 per cent would be perfectly ruinous to some of the interests concerned in the tariff.

Mr. BECK. I desire to say a word in regard to this amendment. The Senator from Illinois speaks of this as though it was an unheard-of thing, and characterizes it as an outrage.

Mr. LOGAN. No, I did not say it was an unheard-of thing. I said it was like former legislation, and illustrated it by what we had done in reference to the salaries of the clerks time and again. I can remember when it was done. It has been done several times in Congress. It is not an unheard-of thing by any means, but a very unjust thing.

Mr. BECK. We had a tariff that was increased twelve or fourteen times from 1861 to 1868, under the lead principally of the distinguished Senator from Vermont, [Mr. MORRILL,] then chairman of the Committee of Ways and Means of the House; and nearly each increase made during the war, bringing it from an average of about 19 per cent. to 48 per cent., stated on its face that it was a temporary increase of the duties on imports rendered necessary because of the oppressive internal taxation that had been imposed. Everything was increased time and again, and the acts read "an act temporarily to increase the duties on imports," beginning with "whereas it has been important and necessary to impose a tax of 5 per cent. on manufactures, therefore this increase must be made."

License taxes were imposed, taxes on income; and to compensate the manufacturers for the taxes thus imposed, these various increases of the tariff were made until the tariff became oppressively high on all interests. That condition of things began to change in 1868 and 1869 and we removed the tax upon manufactures of 5 per cent., but we did not remove the 10 per cent. additional tariff that was placed on the articles to compensate them for the 5 per cent. tax. We put 35 per cent. duty on raw wool and then put an additional duty on the manufactured article to compensate for it; and so with a thousand other things.

We removed the income tax which was said to be oppressive on our people in competition with other people, but the tariff remained. The internal burdens were removed; the tax on distilled spirits, tobacco, and a few stamp taxes on banks and matches and the other things that you are now repealing, alone remained; but the tariff increase still remained. This injustice became so apparent that in 1872 a Republican Congress, under the lead in the House of Representatives of the distinguished Senator from Massachusetts, [Mr. DAWES,] and in the Senate under the lead of the two distinguished gentlemen from Vermont [Mr. MORRILL] and from Ohio, [Mr. SHERMAN,] passed this act which the Senator from Illinois seems to regard as so bad, if not unheard-of, so utterly indefensible; it bears date June 6, 1872:

SEC. 2. That on and after the 1st day of August, 1872, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandise in this section enumerated

and provided for, imported from foreign countries, 90 per cent. of the several duties and rates of duty now imposed by law upon said articles severally, it being the intent of this section to reduce existing duties on said articles 10 per cent. of such duties, that is to say:

On all manufactures of cotton of which cotton is the component part of chief value.

On all wools, hair of the alpaca goat, and other animals, and all manufactures wholly or in part of wool or hair of the alpaca, and other like animals, except as hereinafter provided.

On all iron and steel and on all manufactures of iron and steel, of which such metals or either of them shall be the component part of chief value, excepting cotton machinery.

On all metals not herein otherwise provided for and on all manufactures of metals of which either of them is the component part of chief value, excepting percussion caps, watches, jewelry, and other articles of ornament: *Provided*, That all wire-rope and wire strand or chain made of iron-wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the iron-wire, of which said rope or strand or chain is made, and all wire-rope and wire strand or chain made of steel wire, either bright, coppered, galvanized, or coated with other metals shall pay the same rate of duty that is now levied on the steel wire of which said rope or strand or chain is made.

On all paper and manufactures of paper, excepting unsized printing paper, books, and other printed matter, not herein specifically provided for.

On all manufactures of India rubber, gutta-percha, or straw, and on oil-cloths of all descriptions.

On glass and glassware, and on unwrought pipe-clay, fine clay, and fuller's earth.

On all leather not otherwise herein provided for, and on all manufactures of skins, bone, ivory, horn, and leather, except gloves and mittens, and of which either of said articles is the component part of chief value, and on licorice paste or licorice juice.

The Senator from Illinois was a member of the House as well as myself at the time that was done; and if he ever entered a protest against that reduction of 10 per cent. I never heard it, and the record will fail to show that he did, in my opinion. He acquiesced in it; and that reduction, small as it was, was a step in the right direction. It was delayed till long after the onerous burdens of internal taxation had been removed in consequence of which the tariff was increased in 1862, 1863, 1864, 1865, under the different acts passed for that purpose; and when that was done and the 10 per cent. was taken off, it was proved and proved very conclusively on the floor of the House of Representatives by the ablest men, notably Mr. Burchard, of Illinois, now Director of the Mint, that the people were relieved from taxation to an amount of over $270,000,000, whereas the actual reduction of duty received by the Government was less than $40,000,000. The revenues went up by the reduction; the relief was great and the revenues increased. That went on from 1872 to 1875. Then a pretense was made that the sinking fund was in danger, and I hold in my hand the act then passed, entitled "An act further to protect the sinking fund and provide for the exigencies of the Government," approved March 3, 1875, section 4 of which provides—

That so much of section 2503 of the Revised Statutes—

Which is the act I have just read, of June 6, 1872—

as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504 shall be levied, collected, and paid, be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

So that the provision moved by the Senator from Tennessee is simply to do what the Senator from Illinois says it is perfectly right and proper to do on sugar which, by section 3 of the act of 1875, had 25 per cent. added to it. This amendment is simply to provide that the duties which were imposed in 1875 shall be removed and that the act of 1872 shall be restored. If it is right to repeal section 3 as to sugar, where is the wrong in repealing section 4 as to woolens, cottons, iron and steel, and all the manufactures thereof.

If there is to be fair dealing all around, why should not that act of 1875 be repealed as to all its increases? Has any condition of things sprung up since then which prevents that from being done? Are not the revenues of this country in a much better condition than they were then? Are not all the industries of the country much more fully employed? Is not the money of the country gold and silver coin now, instead of being at a discount as it was then; and then it was part of the cry why high duties should be kept up that our people had to sell in a depreciated currency? No reason remains except that the men who obtained that legislation of 1875 want to hold on to it. It did not protect the sinking fund; it did not increase the revenues, but in two years it involved a loss to the revenues of $29,000,000 instead of the increase that it was predicted it would bring. Let the tariff be restored to what it was in 1872 as the least possible relief that anybody can wish ought to be given; and then a year from now, unless by subsequent legislation changes are made, let 10 per cent. additional be taken off.

I have no idea that the 10 per cent. removed on the 1st day of January next, and the 10 per cent. proposed to be taken off on the 1st day of January, 1884, afford anything like the amount of reduction that ought to be made in justice to the consumers and the producers in this country; but it is a step in the right direction, restoring the legislation of 1872, and effecting a reduction of 10 per cent. more, and if the tariff commission shall devise anything between now and then that will be of any value to us it can be considered when it is presented.

I merely desired to say this much in answer to the Senator from Illinois. I do not propose to argue the case. I have heard no good reason given why the reduction should not be made.

The PRESIDENT *pro tempore*. The yeas and nays have been called for on this amendment.

The yeas and nays were ordered.

Mr. MAXEY. The Senator from Illinois says in substance that the amendment of the Senator from Tennessee is a most unjust way of reducing the tariff. If that be true, it is because the present tariff is an unjust tariff. If it is unjust to reduce it 10 per cent. it is unjust to levy 100 per cent., for the theory of the present tariff bill is left intact; it is not changed in the slightest degree. Suppose it was justly and properly levied at a time when the amount it realizes was necessary for the support of the Government; that time has passed by, and we need less money now than we needed then, and we can afford to reduce the taxes. If your theory be correct which has been held up to us as a monument of wisdom that has built up this country to what it is, then the theory of a horizontal reduction is absolutely correct, and no man who favors the present tariff bill and who admits that the tariff is now too high but must logically and consistently admit that the proposition of the Senator from Tennessee is absolutely correct.

Mr. SHERMAN. As the Senate have said that they are willing to allow a practical bounty of about $1,000,000 to sugar importers over and above the amount of duties they pay, I want to place on record, which I did not do in the first place, for I did not want to introduce names, the particular cases where these bounties have been paid, taken from the Treasury records.

In one case, on a shipment of sugar by the steamer City of Vera Cruz, from Havana, Havemeyers & Elder being the importers at New York, November 28, 1879, the amount of duty they paid was $37,139.97. They refined that sugar, and under the law they got their drawback on it to the amount of $45,833.49. That is, they received from the Treasury of the United States over and above the amount of duty they had paid on the sugar $8,693.52. That is legalized by the act of the Senate.

I will give another case, where the importer was S. W. Welsh, of New York, the gentleman who was the party plaintiff in the suit decided in the Supreme Court. "Per brig F. J. Lancaster, from Cardenas; S. W. Welsh importer; New York, September 18, 1879," on 1,928,500 pounds the duty paid by him was $41,764.08. The amount of drawback received by him when he exported the sugar again was $53,967.14, a profit paid from the Treasury of $12,203.06. Every bit of this came out of the consumer, because this was brought in and sent right out, no portion of it being consumed here.

Now, I will take another case in Baltimore, so as to be impartial. I might multiply these cases. "Imported by William H. Perot, from Demerara, *ex* Bell Hooper, (certificate has been given for exportation of this entire cargo;) 785,573 pounds vacuum-pan sugar." The duty paid was $19,082.74; amount of refund, $21,983.46; excess of refund, $2,900.72.

If the Senate of the United States are willing to continue this kind of importation of sugar, with a view to exportation and the payment of these drawbacks, the records will forever show that I at least have given them particular instances of the effect of the law as it now stands.

Mr. HAWLEY. I should like to inquire of the former Secretary of the Treasury whether it was not the habit of our Government officials to make particular inquiry into the particular lot of sugar exported, and to trace it or require the exporters to trace it back to their importation, with a view to rebate no more than they actually paid?

Mr. SHERMAN. That is absolutely impracticable. Half a dozen cargoes of sugar might arrive and be dumped at a place, inspected and duty paid, and mixed up. We cannot tell any of these particular sugars. They gave the exact results.

Let me show another thing. I wish to put these figures on record. In 1878 we paid from the Treasury of the United States in the way of drawback on sugars exported $2,330,083; in 1879 we paid from the Treasury as drawback on sugars $3,336,297. In the latter part of June, 1879, the Treasury order took effect which the Supreme Court has set aside. That order was to apply the polariscope test to sugars imported, so as to levy the duty on the saccharine strength. The next year, under the effect of that order, the drawbacks fell off to $913,660, and so the Government saved over $2,000,000, not on articles consumed in this country, but on articles exported, brought in simply for refining and exported, for the drawback only applies to those. Last year, that order being still in force, the amount of drawback was only $758,048, showing that the effect of the order was to save to the Treasury of the United States in drawbacks to refiners over $2,000,000 a year.

It is to correct that little leak from the Treasury that I have endeavored to get the attention of the Senate to the sugar question, and certainly the effect of that order was very beneficial in its operation and I have no doubt interfered very much with this large bounty paid for the exportation of refined sugar.

Mr. FRYE. There is a perfect answer to all that and to these figures, which I will endeavor to bring up from my room and have here to-morrow morning.

Mr. BROWN. Mr. President, as this bill came from the House of Representatives it was a bill to reduce the internal-revenue taxation of this Government. I am opposed to the whole internal-revenue system as it now exists. I have stated some of the reasons for this opposition on this floor on a former occasion, and may refer to them again. It was adopted as a war measure and properly at that

time. The war has terminated and the country has rallied and recuperated from the effects of it to a great extent; and we have reached a period when, in my opinion, that war measure ought to be disposed of, and disposed of forever, for I trust another occasion will never occur for its re-enactment.

I had hoped, therefore, that the tariff would not be introduced as an element in this discussion, but that we should confine ourselves as the other House did in considering this bill, to a reduction of the internal revenue, and I state here that, being opposed to that system, I shall on all occasions where I can properly do so vote for the reduction of the internal revenue; and finally, if an opportunity occurs where such a measure can pass, vote that it be entirely abolished.

I do not think we ought to maintain two armies of collectors. Both political parties prior to the war agreed in the proposition that we were to collect the revenues of this Government by a tariff. We maintain at the custom-house, therefore, one army of collectors. Under the internal-revenue system we maintain an interior army, who are used to great effect in political campaigns.

This army consists of a large number of men who can be increased indefinitely about election times, who are very efficient agents in conducting political campaigns; and no matter which party may be in power, I apprehend that it will be so used as long as the system exists. I think we should abolish it entirely and cut off this army of retainers who do rather the work of political campaigns. For that reason I am disposed to vote for any bill that reduces the internal revenue, looking finally to its utter and final extinction; and while the articles selected in the bill as it came from the House may not be those that I would prefer, still I should vote for that, and I regret to see that the other side of the Chamber in caucus, as we are informed, has determined to introduce certain amendments of the tariff ingrafting them also on this bill.

When those measures are introduced here the result naturally is to open the whole tariff question. If gentlemen on the other side may introduce amendments to the tariff we are expected to do so on this, and it leads to an indefinite number of motions and votes. There is no end to the discussion short of the period when the heat of the weather probably will drive us away from here. I think this is unwise.

While I would vote, as I have stated, for a reduction of the internal revenue, if the bill should be amended in the form proposed by the caucus, then I cannot vote for it, and why? Because in the selection of the articles on which the tariff is to be reduced a very direct, crushing blow is struck at a section of the country which it is my duty in part to represent, including my own State.

You single out the article of sugar, one of the great Southern productions, and you propose to reduce the tariff 25 per cent. upon sugar. I have no doubt when the time comes for a readjustment of the whole tariff system that the sugar duty should be reduced, and I presume I shall vote for its reduction in that connection; but I am unwilling that this Southern production should be singled out and in this manner reduced, while other productions in which other sections of the country are more interested are not reduced.

Contrast, for instance, sugar with woolens where New England factories are interested. I have been looking over a table which was furnished by the able Senator from Kentucky [Mr. BECK] the other day as to the present tariff on woolens, and I find that on woolen goods the tariff ranges from about 60 to 80 or 90 per cent. higher than on sugar. Why is it when the percentage on sugar is now less than it is on woolens and other manufactured articles of New England and other factories of the country that you propose to strike off 25 per cent. of the tariff upon sugar and not do it upon woolens or other articles of that character? Why select an article that is raised only in the South at which to strike this blow? I cannot sustain that, and if you ingraft it on a bill to reduce the internal revenue, much as I desire to vote to reduce internal revenue, I shall be driven to vote against the bill.

Then, again, take the article of ties for baling cotton. As I understand your amendment, you propose to increase the tariff on them 100 per cent. on what is now paid. This is a bill to reduce the revenue, and yet you single out an article that is used by every Southern planter who makes one bale of cotton, and you increase the tariff 100 per cent. upon that.

I submit, in a sectional point of view, that this is very unfair. I cannot vote for such legislation. When we come to adjust the whole tariff question, let us weigh it as statesmen and do what is right in the premises. If it is necessary to increase the tax on cotton-ties, to make that industry bear its fair share of the public burdens, I may not object; but I do object, and object very seriously, to singling out that particular article used by every Southern planter, and imposing an increased burden of 100 per cent. upon it; I cannot vote for it. I can vote for no bill that has that feature ingrafted upon it, and therefore I shall be compelled to vote against the whole bill if there is such an amendment adopted.

On the other hand I cannot vote for the amendment just offered by my friend the Senator from Tennessee; not that I do not believe in a reduction of the tariff, for I think that is necessary; but it has been admitted by every leading Senator on each side of this Chamber who has spoken on this question that the present tariff is unequal in its provisions, that some articles are now taxed entirely too high and others entirely too low. It was with a view to that fact that we organized the present tariff commission, that they might look into the whole question, readjust it, take off tariff duties where they were now too high, put them on where they were now too low, and put some tariff duties on articles that are not now taxed at all where it is necessary, to raise revenue, and in doing so incidentally to protect home industry, for I believe we should look to both.

I have no doubt there will be a reduction of 10 per cent. or more of taxes; it may be 20 per cent. when the time comes to consider the whole question; but I am unwilling now to say that we will strike off the tariff entirely one year after the 1st day of January next from an article that now carries only 20 per cent., and take only 20 per cent. off Bessemer steel. There is a proposition in this bill, I believe, to reduce Bessemer steel to $20 a ton. Take off 20 per cent. from the present tariff and you will still pay over $20 per ton while some other article that needs protection and has but 20 per cent. on it will be left without any real protection, and you will get no revenue from it. I don't think this is the proper mode of reducing the tariff.

Let us first readjust it; let us do justice between all the interests; let us strike off where it is necessary and add where it is necessary, and when it is properly arranged and properly adjusted upon a fair and proper scale, then it may do at some future time to increase or reduce it by a percentage, but I do not think this is the way to do it now.

Mr. HARRIS. I understood the Senator from Georgia to say a moment since that he could not afford to vote for an amendment that would take off the entire duties on an article that was only taxed 20 per cent.

Mr. BROWN. I only illustrated by saying that there were articles probably taxed only that amount, and as between those articles and Bessemer steel it would be unfair to make such a reduction.

Mr. HARRIS. I perhaps misunderstood the Senator, but I understood him to ask that we should not take off the entire duty on articles which had been taxed only 20 per cent.

Mr. BROWN. I say it would be very unfair as between present articles to run the 20 per cent. through the tariff. There are articles where I presume there ought to be 20 to 30 or probably 40 per cent. taken off. There are other articles where you would have to add to the present tariff if you expected to raise the revenues necessary for the support of the Government. While, therefore, I favor a reasonable and just reduction, and believe it will take place, still I do not favor a reduction in this manner by simply striking off of all articles alike a certain per cent., without regard to the present rate of tariff that is placed on each article. That is my objection to the amendment offered by the Senator from Tennessee.

I trust that all the amendments proposed here for the reduction or the increase of tariff-duties will be voted down by the Senate, and let us pass a bill that reduces the internal revenue of the Government down to some reasonable standard. We collect more money at present than we need. We ought to lighten the burdens of the people, and I think it ought to be done by taking off the internal revenue, and as soon as possible get rid of that whole system. That is the better way. The House commenced on that line, and while, as I have said, they may not have been, as I think, judicious in all the selections of articles that they relieve, and had better put some of the reduction on other articles, still, as their bill strikes down the internal revenue, to that extent I stand for it, unless you saddle measures upon it that I cannot vote for, and if so then I must vote against the whole bill.

I believe that we should not at present interfere with the tariff for the reason that we have just appointed a commission, and they have gone diligently to work, as I understand, though there have been some jeers about their having gone to Long Branch. They have gone to a place where they can be comfortable, where they are near the centers of trade, and witnesses can be called before them, and they have gone to work. Let us see their report in December, and if they are entirely through with the investigation then let them report what they have done, and let us see how to adjust the tariff, how to equalize it, before we undertake to reduce it. I am then with gentlemen for a fair reduction which will bring it to the proper revenue standard. I am not for imposing one dollar of tariff for protection beyond the necessities of the Government, but in collecting $200,000,000 or $250,000,000 a year, I am for giving the incidental protection that that collection necessarily makes to our home industries of every character as equally as possible.

There are some of them which are not now protected at all that need some protection. Some are protected too highly where the protection should be to an extent withdrawn. I want for home industry all the incidental protection that naturally flows from raising the amount of revenue that is necessary to support the Government. If I had my way about it I would raise every dollar of it by tariff and not one dollar of it by internal-revenue, and in doing that I have no doubt we should lower the tariff in many instances and get a larger revenue than we now get from the present high tariff.

Mr. MORRILL. Mr. President, I do not think that any committee was ever treated precisely as the Committee on Finance have been treated in relation to this bill. Whether in obedience to a caucus or not I do not know, but as I understood when the sugar provision was before the Finance Committee it was approved of by every member of the committee; that is to say, all were in favor of

the reduction; and yet when I come into the Senate I find the Committee on Finance deserted by every member upon the other side of the Chamber, so far as I can ascertain.

The proposition before us is to reduce the duties on the whole line of the tariff 10 per cent. on the 1st of January and 10 per cent. more on the 1st of July next. In other words, it is to completely paralyze the industries of this country. No manufacturer can hope for any prosperity with such a proposition as that staring him in the face, with a reduction coming on the 1st of January of 10 per cent. and of 10 per cent. more on the 1st of July.

It is obvious that even the agitation of the reduction of the internal tax upon whisky has been disastrous to that interest. This would be, as I have already stated, striking down at one blow the entire industries of the country. Then with what sense, may I ask, has the Senator from Tennessee adopted the amendment proposed by the Senator from Kentucky, for I find it is identically the same amendment proposed by the Senator from Kentucky July 8.

Mr. HARRIS. Somewhat modified, but substantially the same. It is modified as to the time and as to some of its phraseology.

Mr. MORRILL. As the Senator from Georgia has well stated, there are many articles in the tariff that may be safely reduced; there are others that cannot be. There are some, I think, that the Senator from Tennessee would be unwilling to reduce. For instance, let me point out to him hemp, the duty on which is now 30 per cent. Does anybody in Tennessee or Kentucky desire to have that reduced? Then I may refer to the duty on horses, and a large number of horses are annually imported from Canada. The duty is only 20 per cent. Does anybody propose to reduce the duty upon horses? Then we have barley, oats, wheat, potatoes, and corn imported in large amounts, especially barley, oats, and potatoes, from the Dominion of Canada. The duties upon those were placed at a moderate and a specific rate. Does anybody propose to reduce the duty upon barley, which now is 15 cents a bushel; upon oats, which is 10 cents; upon wheat, which is 20 cents; upon potatoes, which is 15 cents, and upon corn, which is 10 cents? Can it be possible that anybody is in favor of such a sweeping reduction as is proposed by the Senator from Tennessee?

Then again there are other articles, articles in the nature of luxuries. Take the duty upon liquors, upon brandy, upon the higher grades of wines, champagne and the like, and laces, diamonds, and silver-plated ware. Is there anybody in favor of a reduction of the duties upon these articles? I think that the absurdity of the proposition is apparent, and let me assure my friend from Tennessee the disastrous effects would be apparent before six months should have elapsed if this sweeping kind of amendment is adopted here by the Senate.

Mr. VANCE. Mr. President——

Mr. MORRILL. I desire to say one single word more in relation to the remark of the Senator from Georgia about the present duty upon woolens, if the Senator from North Carolina will permit me.

Mr. VANCE. Certainly.

Mr. MORRILL. If the Senator from Georgia will examine he will find that there is generally only 35 per cent. duties upon woolens, besides the actual equivalent that is given for the duty on wool.

Mr. BUTLER. May I ask the Senator from Vermont before he takes his seat what is his opinion as to the effect of the reduction of 25 per cent. upon sugar? I understood the Senator to say that if a reduction of 10 per cent. should be adopted by the Senate the entire industries of this country would be paralyzed. If that be true as to a reduction of 10 per cent. upon the entire industries, what would be the effect upon the sugar interest of a reduction of 25 per cent. ad valorem?

Mr. MORRILL. The 25 per cent. upon sugar was a temporary affair, levied in 1875. Let me say to the Senator from South Carolina that my own State produces more sugar than any other State save Louisiana according to its numbers, and we shall be perfectly content with the duty on sugar after this 25 per cent. is off. When I was in the House dealing upon this question we had no Representative from Louisiana who was not perfectly contented with 1 cent per pound as a protection upon the Louisiana sugar. If this 25 per cent. be taken off there will still remain 1¼ cents a pound upon the very lowest grades, and upon the grades which are ordinarily consumed from 2½ to 3 cents a pound.

Mr. BUTLER. That may all be, but I understand the entire tariff system of this country is a temporary system, and that there was an increase of the tariff on very many other articles temporarily. If the tariff commission is to consider the whole tariff question, I cannot see why this single industry should be selected at this particular juncture for a reduction of taxation.

Mr. KELLOGG. That is the pertinent question.

Mr. BUTLER. That is the mysterious part to me.

Mr. SHERMAN. I think I can answer that.

Mr. KELLOGG. I should like to hear it answered.

Mr. VANCE. I believe I am entitled to the floor.

Mr. BUTLER. I beg the Senator's pardon; I was not aware of the fact that he had the floor.

Mr. SHERMAN. The Senator from South Carolina asked a question, and I wanted to answer it. I think I can settle that.

The PRESIDENT *pro tempore*. The Senator from North Carolina has the floor.

Mr. VANCE. Mr. President, the condition of things in the Senate with this latter-day bill for the relief of the people of the American States from taxation is certainly a mystery. It is admitted on all sides that there is too much taxation, internal and external. It is admitted on all sides that a great deal of taxation upon the statute-books arose from a state of war; and as we have been at peace for pretty well on to twenty years, it would seem that that taxation which had its origin in a state of war should be repealed.

I do not suppose any people in this world are taxed as searchingly as are the people of the United States now. The first thing that greets a foreigner when he comes within sight of the shores of this land of liberty, freedom, and equality is a custom-house officer, and if he should happen to have a bandana pocket handkerchief and a jackknife for sale, two to one he has to turn back with them, the duties being so high as to prevent his landing and selling them; while the internal-revenue officers, the only representatives of that extinct species of industrious gentlemen called land pirates we have left among us, roam the country from one end of it to the other, with the power to invade homes, the right to carry arms and to insult peaceable citizens, and with not only the power but the privilege and the pleasing duty of electioneering for the party in whose behalf they collect taxes.

This calls for relief; there is no mistake in that. No man who hears the growls of the American people in regard to these taxes and to the manner in which that taxation is collected can be disobedient unto the heavenly vision, that is to say, *vox populi* being *vox Dei*.

Aware of this and unable any longer to resist it, the party which has charge of the Government of the United States at this time put in what I have heard wittily described as an "affidavit for a continuance," in the shape of a tariff-commission bill. After that was passed even then the growl did not cease, but the people of the United States who were suffering from taxation appreciated it at its true value and demanded something more. Three days after the House of Representatives had sent to us a resolution to adjourn they also sent us a bill of relief, and that bill of relief has been graciously added unto by the committee of this body.

When you look at that bill of relief and consider the causes of complaint that the people of the United States have against the excessive taxation which produces $150,000,000 surplus revenue, I am sure that you would be reminded, if you had ever heard the story, of a kind old man who lives in North Carolina on the top of a high hill. A wagoner came by one day whose team stalled at the foot of the hill and refused to pull. He came up to the old man's house and asked him to lend him a pair of mules and a fifth-chain to pull him up the hill. Said he, "My friend, I have not got a pair of mules or a fifth-chain to save your life, but I am always anxious to help a man in distress; I can lend you the best fiddle you ever drew a bow across." That was his proposition to relieve his neighbor in distress; and when you look at this bill of relief given in reference to the demands of the American people I am sure that you will arrive at the conclusion that it is like the old fellow who kindly and out of the goodness of his heart voluntarily offered to lend his fiddle; only this little amusement which it is proposed to give to the poor taxed people comes perforce, and there is not much of voluntary contribution about it.

What is it that it is proposed to relieve? It is said the people are suffering from an enormous tax of nearly 100 per cent. on woolen goods. The Republican party of this Chamber say, "Well, that is very bad indeed, but I will tell you what we will do. We cannot relieve the tax on woolen goods, but we will take it off the banks! We will take it off bank capital; we will take it off bank deposits. Yes, we will go farther; we will take it off everybody's money lying in bank and we will relieve them from their taxes." That is great relief, is it not?

There is an effort always to fasten upon this side of the Chamber the imputation that we are enemies of the banks. Whenever any man says anything about the banks, especially my friend from Kentucky, [Mr. BECK,] they say he is an enemy of the banks. We might as well say when you refuse to relieve the farmers of the duty on trace-chains or on his agricultural implements that you are the enemies of the farmer. There is just as much propriety in it, there is more propriety in it, because more truth.

But they do not stop with proposing to relieve the tax on banks and bank capital and bank deposits and bank checks. They come next to that class of people who prey upon the ignorance or the necessities of their fellow-creatures, the men who manufacture what are called patent medicines; as I might term them the anti-Malthusians, men intended by Providence to keep down the surplus population of an overcrowded world and to insure its capacity to furnish food sufficient for the human race. They say we cannot relieve you from the tax. We cannot lend you a pair of mules and a fifth-chain, but we will take the tax off these domestic poisons and will smooth your road down to the tomb as much as we possibly can!

Then what do they do as a further measure of relief? They propose to take the tax off perfumes, cologne, Lubin's Extract, the Balm of a Thousand Flowers, cinnamon drops, and a hundred things used by people for the purpose of perfumery. It is proposed to take the tax from off them in order to afford relief to the people of this country.

I submit to every candid man if it is not a caricature upon just

and wise legislation, not only to take the tax off those things but to single them out as the objective points around which are clustered the most human suffering and agony, and in regard to which the heaviest, most oppressive and intolerable taxation is imposed. Those are selected as samples.

You come down through the list afforded by this bill to playing-cards, cigars and cigarettes, friction matches, and everything of that kind, the tax on not one of which has ever been complained of so far as I have been able to tell by Times or Chronicle or otherwise among the American people. That is the relief they propose to give. No, they propose to give a little more. They propose to take off the tax of $8 a ton on steel rails—for the benefit of whom? Not for the benefit of the farmer; not for the benefit of the great mass of the consumers in this country who use steel, but they take it off solely for the benefit of the great corporations of this country.

Lastly, they propose to take off the tax on sugar. The only reasons I could conceive for that in the world are in the first place that sugar is an article which yields almost pure revenue and protects very few. About nine-tenths of the sugar consumed by the American people is brought in from abroad, and the tax is therefore pure revenue and does not go into anybody's pocket. The second reason that I could give is that it is a Southern product, and as it is not produced in the North, waiving the immense amount of maple sugar produced in Vermont, therefore it is a tax the reduction of which would only strike at a few planters in the swamps of Louisiana while the whole country would be benefited.

That is the whole system of relief which is proposed at this late hour in the session of Congress, when everybody is desirous of shaking off the dust of this city from his feet and going to his home if he has one.

But the relief is twofold. It not only is relief from taxation to take off the duty and the tax levied on banks, friction matches, playing-cards, cosmetics, perfumery, patent medicines, &c., but it is also a great relief for the farmers of the South from oppressive taxation to double it on cotton-ties, as this bill does. To double it! It almost trebles it. It increases the tax on cotton-ties as at present existing of 35 per cent. ad valorem to about 95 per cent. ad valorem, which is almost three times higher than the tax as it now stands. Who will that relieve? It will relieve the manufacturers of hoop-iron and of cotton-ties; there is no doubt about that; but it will not relieve from taxation the people who have to use these cotton-ties. In the South where cotton is manufactured alone it will increase the tax to the farmer who puts up his bales of cotton to the extent of $600,000. How much will it increase the taxation in the other portions of the country where hoop-iron is used I have not been able nor have I had any means to ascertain. That is the bill that is given to us.

Mr. President, there can be no mistaking the issues which are submitted to the country by this course of legislation. I have prepared them as they present themselves to me in the shape of a docket, issues which in this high court of tax reform are to be tried. The first case that stands on the docket, No. 1, would be read as follows:

Bank Capital and Deposits *vs.* Farming Capital and Implements.

No. 2. Bank Checks *vs.* Trace Chains.

No. 3. Rat Exterminator, Bug Powders & Co. *vs.* Camphor, Opium, and Chloroform.

No. 4. Lubin's Extract, Cinnamon Drops & Co. *vs.* Salt.

I would respectfully ask the court to have my name marked for the defendant in that case.

No. 5. Buchu, Rosadalis, and Cundurango *vs.* Cotton and Woolen Machinery.

No. 6. Playing Cards *vs.* Horseshoes, Nails, and Stoves.

No. 7. Steel Rails for Railroads *vs.* Hoes, Axes, Planes, and Saws for Workingmen.

No. 8. Cigars and Cigarettes *vs.* Cotton Ties and Cotton Bagging.

I do not attempt to go through the list, but that is about the order in which the cases will be called before the public. I desire to announce that I appear for the defendant in all those cases, and I should like to see who will mark his name for the plaintiff. The Senator from Ohio [Mr. SHERMAN] has given us an intimation that he appears for the plaintiff in the case of playing-cards; the Senator from Michigan [Mr. CONGER] I believe appears for Rat Exterminator, Cundurango & Co.; and so on as the course of debate has developed the individual preferences and idiosyncrasies in the legislative sense of the word of the various Senators in this body. If they are willing to go to the people upon such a record as that I am sure I am.

But let me say to gentlemen in all seriousness that it is time they were taking warning. The people of this country are not to be deceived in this matter. There is a real and genuine demand for tariff reform, and they will not be put off by any chips and whetstones in this kind of way. Let gentlemen here remember the flood of the Mississippi which so lately desolated and poured over the vast region of country which borders that great river.

Let gentlemen recollect the tornado in the West which swept the forest before its breath and overturned cities and towns. Let them remember that, and let them beware. There is a day of reckoning coming so sure as we all shall live to see it. There will be tariff reform. You cannot always fool people by saying that the high tariff is kept up in the interest of American labor. That is the invariable excuse; we want the tariff kept on because we want to protect the American labor against foreign labor. A man certainly is a laborer although he does not stand inside of a factory. There are seven laborers in the fields and in the forests, upon the highways and streets of your town to where there is one who sits inside of a factory.

If I were going forth on a political mission as the apostle of free trade, do you know where I would begin? I would not go to the fields and among the agriculturists; I would go to the factories of New England and to the iron-forges of Pennsylvania, and I would talk to the men there. I would show them that while all this vast protection, all this enormous oppressive tax is laid upon the consumers in this country in their name they are not getting the benefit of it. I would show them that the protection to American workingmen was the same thing precisely as protection to the pocket of the capitalist who employed them.

I heard of an old darkey minister in the South who got in trouble with his congregation because he had made away with some money, and he could not exactly render an account at the proper time. When drawn up before the session of the church he could not show up; he could neither have "a fair ballot" nor "a free count." All that he could say was, "Oh, brethren, I tell you that money has been spent, every dollar of it, for the glory of the Lord." A pious old darkey in the corner jumped up and said, "Dar, now, I done learned something; I learn now that glory of the Lord is the same as Uncle Peter's left-hand breeches-pocket; that is what I have learned."

American labor means simply the pocket of the capitalist. Already the laborers are beginning to open their eyes on this subject. Let me have read an extract from the proclamation of these strikers up in Pennsylvania, which I find quoted in the Farmers' Review, published in Chicago. The Chief Clerk will oblige me by reading the portion marked, in order to show that the eyes of the workingmen of this country *par excellence*, that is to say, the workingmen who are protected in factories, are being opened to the true state of affairs.

The Acting Secretary read as follows:

After a while, when asked by their tariff-favoring employers to take part in a tariff demonstration, or to carry a tariff motto, we will ask back what benefit to us is a tariff on coal and iron while our labor is unprotected; to be attacked and pauperized by cheap labor enticed here from Europe and Asia.

The Iron-Workers' Association, the Glass-Workers' Union, and the Coal-Miners' Association are entitled to as much protection from the Government as the iron, glass, and the coal exchanges. More they do not ask, but as much they will soon insist upon, if men fresh from the old countries are to be misled here to be used to cripple or to ruin our trades unions.

Every time the coke employés have attempted to lift themselves from squalor, dependence, and destitution by asking a slight increase in wages, car-loads of emigrants, direct from Castle Garden, promptly arrive to break down whatever little of organization or spirit that appears among the men. Twice has the same plan broken down the organization of the Montour mines, and in order to deprive them and us of the universal right of conversation, they must pen them in their own fields and refuse to allow any one to speak to them. If we step on their property we are arrested for trespass or conspiracy. If the suffrage of the workingmen is to continue to be the bulwark of protection to home industries this war on organization must be stopped.

If this tactic is continued workingmen will either obtain such laws as will protect alike the trades associations of both labor and capital, or refuse to support a tariff which prevents competition in foreign products for the benefit of the employed, and which at the same time not only leaves wide open but also encourages the competition of foreign labor to the detriment of the American employé.

Mr. HOAR. May I ask the honorable Senator from North Carolina if he approves the doctrines of the extract which he has just had read?

Mr. VANCE. I am not called upon to approve it, but I approve the spirit which is teaching men to see that they are not fairly dealt with.

Mr. HOAR. As I understand the paper which has been read it contains a threat that the laborers whose proclamation the Senator had read to the Senate will refuse further to support protection for American labor unless foreigners are hereafter excluded from coming to this country, and that is the spirit which the honorable Senator says he approves.

Mr. VANCE. I did not say that I approved it; but I say it is the state of feeling that the course pursued by your tariff is exciting in this country, and that you will not be much longer able to deceive factory operatives.

Mr. HOAR. Will the Senator pardon me for calling to his attention the fact that the extract which he has read contains no expression of condemnation or disapprobation of the protective tariff? On the contrary, it implies that the persons whose proclamation is there given are in favor of it. But it does say that it is their demand that no foreign laborer shall come over here in future to share with them the benefits which this policy confers. That is all there is in it.

Mr. VANCE. The article speaks for itself.

Mr. HOAR. I think it does.

Mr. VANCE. I have distinctly told the Senator that I was not called upon to approve the writing, but I am glad to see that the doctrine which the Senator and his associates hold is bringing about this feeling, that it is opening men's eyes to the enormity of this thing and showing the hollowness and hypocrisy of the cry they have been making in the name of the American laborer, when the Senator's own constituents and the people whose interests he represents go into the free markets of the world and hire these very pauper laborers over the heads of native American laborers because they can get them cheaper. That is what I mean. While I am at

it let us have a little more. I ask the Chief Clerk to read another extract taken from a forthcoming volume of the census in relation to this matter.

The Acting Secretary read as follows:

WAGES IN MANUFACTURING.

There were in 1880, according to the Federal census report, in round numbers, 950,000 persons employed in manufacturing in the twenty principal cities of the United States. There was paid to them $375,000,000 in wages, or $395 each per annum. The material they used was valued at $1,345,000,000. The value of the product was $2,120,000,000. The net fruits of their labor, therefore, was $775,000,000. The amount of capital invested was $862,000,000. The net profit appears to have been nearly 90 per cent. This is a remarkable showing of profit. The average wages were less than $7.60 per week for operatives, while the apparent profits were thus large.

About one-fourth of these laborers were blacksmiths, shoemakers, carpenters, and bakers. These are supposed to get wages something like double the average here given, which would diminish the weekly wages of the other three-fourths to only about $5 per week. These seem to be incredibly low figures and do not justify the continual plea of the protectionists that the enormous tariff put upon all goods is necessary to keep up the wages of laborers. There does not appear to be any light in which this manufacturing subject can be viewed that will make the position of the protectionists appear tenable.

Mr. HOAR. In what volume of the census is that found?

Mr. VANCE. It is compiled from the census.

Mr. HOAR. From what volume or from what author?

Mr. VANCE. The volume is not out yet, as I understand. It is compiled from the forthcoming census.

Mr. HOAR. Will the Senator state who is the authority? I understand him to state that it was an extract from a forthcoming volume of the census.

Mr. VANCE. I was mistaken if I said so, or the Senator was mistaken if he understood me to say so.

Mr. HOAR. I understood the Senator to say so, and so did others around me.

Mr. VANCE. I say it was compiled from figures furnished by the forthcoming census.

I want to say further, that the idea that the American workingmen or laborers are to be paid by the public instead of their employers partakes of the character which this whole protective system has had impressed upon it by the decision of the Supreme Court of the United States.

As long as the Senator from Massachusetts has undertaken to interrupt me twice I should like to call his attention to a question which I will now ask him. Can I obtain the Senator's attention? I want to ask the Senator from Massachusetts if it is necessary that an act of Congress should be passed to permit the employers or capitalists of New England to pay their workmen higher wages than they get? I pause for a reply and I get none. Therefore I am free to presume that they could pay their employés higher wages if they wanted to do so without an enabling act of Congress. Was ever such a proposition heard? Was ever such a proposition made among civilized people as that a whole party should pledge itself to procuring, and that thousands and hundreds of thousands of documents should be published in the newspapers and lobbyists should swarm around this Capitol begging the members of Congress to pass a law, in the name of Heaven pass a law, by which we will be able to pay our workingmen higher wages than we give them?

The simple meaning of the whole of it is that they want a law passed, of course not to enable them to pay higher wages, but to compel you and me to pay their wages. When you put the question as I have to them, "Why do you not pay them higher wages; let us know?" the answer is, "We cannot afford it." Can we afford it? If you cannot, how can I? If I cannot, and you cannot, how can the women and children and the hirelings, the day-laborers and the consumers over the whole of this broad land afford to pay your workingmen higher wages? You are getting all the profits.

There is still another thing that I do not understand. I cannot possibly understand how a party composed, as the Republican party of the United States and as the protectionist portion of it is, of gentlemen of education and of means and of a high state of civilization—cultivation you might call it, cultivated almost to death—should absolutely advocate a tariff which in express terms, not in its spirit only, but absolutely and in express terms, discriminates against the poor in favor of the rich. Is that too strong a charge to make? Look at the report. I am able to give the Senator from Massachusetts now a definite description of the title of the book from which I read. It is "Home Consumption and Imposts. Imported merchandise entered for consumption in the United States, with rates of duty and amount of duties collected, comprising Statements No. 26 to 34, inclusive, of the annual report of commerce and navigation for the fiscal year ended June 30, 1881," furnished by the Treasury Department.

To begin with, I find the amount of hats imported into this country valued at above 40 cents and not exceeding 60 cents per pound to be 93.90 per cent. ad valorem duty; hats valued at above 80 cents per pound, 58.22 per cent. ad valorem. So that the poor man's wool hat or his Sunday-go-to-meeting hat, costing less than 40 cents per pound, pays almost 94 per cent., and the gentleman's silk hat, covered all over with the perfumery with which he decorates himself and scents himself when he sets out on his career of conquest among the tender sex, only pays 58.22 per cent. That is not all.

Let us see a little more. On dress goods, women's and children's, and real or imitation Italian cloths, valued at not exceeding 20 cents per square yard, the duty is 69.74 per cent. ad valorem. On dress goods of the same character valued at above 20 cents per square yard, 8 cents per square yard, and 40 per cent. ad valorem, running at 66.86 per cent. ad valorem. Sixty-nine and seventy-four hundredths per cent. ad valorem is the tariff on the dress goods of the cheaper cloth worn by the poor, and 66.86 per cent. ad valorem on the goods of the higher quality worn by those in better circumstances.

On blankets valued at not exceeding 40 cents per pound the duty is 72.63 per cent. ad valorem; valued at above 80 cents per pound the duty is 71.50 per cent. ad valorem. So that the poor man's blanket absolutely costs him, in proportion to quality, more than is charged for the rich man's blankets of finer quality. On flannels valued at not exceeding 40 cents per pound, 95 per cent. ad valorem; valued at above 80 cents per pound 65.45 per cent. ad valorem. There is fully one-third more on the flannels used by the poor people than on the finer quality used by the rich.

Hosiery. We have heard a good deal here about the suffering interests in the hosiery line in some parts of the United States, arising from a mistake in the tariff, as is said, in compiling the statutes. Of course it is said that the law-makers did not intend to put a tariff of only 35 per cent. upon foreign hosiery, and therefore it is a mistake, and we hear a great deal about the suffering interests in that respect. Let us see how it is. Hosiery valued at above 40 cents and not exceeding 60 cents per pound, 89.44 per cent. ad valorem; valued at above 80 cents per pound, 55.78 per cent. ad valorem.

So you see it runs all the way through. The tariff is so arranged that in the case of the men who use the finest quality of goods, whose complaints could be heard, whose money could be injected in a canvass, their tariff duties are reduced, while the duties of the poor who have to use the coarser cloths, and blankets, and hosiery, and hats, &c., is put at a price that is absolutely prohibitory or almost prohibitory, and they have to bear it without complaint.

According to the same authority from which I have read, the total amount of taxes by the tariff per capita in the United States for the last year was a fraction less than $4, being $3.761. In round numbers we would say $4 for the whole United States. Taking it for granted, which I believe is the general estimate, that one-fifth only of the articles consumed in the United States comes from abroad and that the remaining four-fifths is supplied by domestic manufacture, and that the same amount or near it of taxation is imposed by the domestic manufacture that is imposed upon imported goods, we would have $20 per head, of which $16 is paid for protection. Every man, woman, and child in the United States is taxed either for the benefit of the Treasury or for the benefit of the manufacturer $20, a sum, I will venture to say, which is not equaled by the taxation imposed upon any other people in the known civilized world. Let this be learned by the people: that they are taxed $20 per head for every soul in the land, and of this sum the Government gets $4 and the manufacturer pockets $16.

On many of the articles embraced in this bill I am willing to see the tax reduced, but because I decline to vote to reduce it in this exceptional manner I do not hold that I am committed to any kind of enmity to a reduction of the tax. I want the tax upon all to go down together; I want all the interests to be relieved together. I want the banks to wait until the farmers are relieved. I want the farmers to wait until the consumers at large are relieved. I want the American workingmen, as they are called, in factories to wait for relief until their brethren who are not working in factories are relieved. I want them all to go together, banks and everybody. I do not propose to be made the instrument of selecting the banks as special objects of mercy on the part of the Government, leaving others to take their chances.

Why is this measure brought in here? Why could we not wait for the tariff commission? It was said that we were not capable of framing a tariff. It was acknowledged by some Senators, I believe, that they were not capable of making a tariff, and this commission was sought as a means of furnishing the desired article in the shape of tariff reform, and a general scheme of tariff taxation. Why not wait until it develops itself? Why precipitate this discussion here at this late hour? It is, as a matter of course, for the purpose of securing themselves against the cry which comes up from the people of the United States for relief from taxation. It will not answer. It will not deceive the people of this country any longer.

I would object to singling out any one class of people in this country for relief from general taxation unless it was shown that that was a peculiar class, suffering peculiar hardships. They are very ready to bring forward any relief for a particular or peculiar class of people in the manufacturing interests who are suffering for more taxation, but for people who are in any other class of society who are suffering from overtaxation they have no such consideration.

I was furnished the other day with a copy of a speech made by Hon. OSSIAN RAY, of New Hampshire, in the House in relation to the knit-goods question. In the table which he furnished, which I suppose is correct, I find the capital invested in the State of New Hampshire in the manufacture of knit goods was $1,224,000; the wages expended, $536,117; the material, $1,249,600; the profit, $577,062, almost 50 per cent. Yet that class of industry is supposed to be suffering from a mistake of the law-givers, and is urgently demanding re-

lief, and relief of an exceptional nature, not waiting for the tariff commission. That very interest, according to the showing of its advocates in Congress, is making about 48 per cent. upon the capital employed in the manufacture that it carries on. That is the character of the relief which is sought, and which instantly demands the earnest sympathy of the Republican party.

If they were only so ready to come forward to grant relief to any particular interest of anybody outside of manufacturers there would be some excuse in asking this side of the Chamber to aid them in correcting what they allege to be a mistake, by which one of their interests is suffering; but that interest is not suffering, and in my opinion it was not any mistake.

Unless the bill can be so amended as to afford some relief to the people whom I represent and to the class of which my people are a portion, I expect to vote against every single one of those provisions. I am not even willing to vote for the reduction of the tax on sugar, a reduction which is desired in my country, unless other interests that are now taxed too high shall come down in the same proportion that it is proposed to bring down the rate on sugar. That I see it is impossible to obtain.

The fiat has gone forth. This little bit of a niggardly, parsimonious bill of relief is brought in, and we are all at once given to understand that that is all that shall be proposed, so that we shall have to take that or take nothing. I can very clearly see from the course of the debate heretofore upon the various amendments that that is about all that will be given, and unless some more relief is given than is proposed by the bill in its present shape, I shall vote against it, and shall hope to see it voted down.

Mr. HOAR. Mr. President, it would be abusing the patience of the Senate to undertake an elaborate reply to the extraordinary speech of the honorable Senator from North Carolina [Mr. VANCE] at this time in this sultry afternoon.

The Senator repeated, with a few additional statistics and a few extracts from the comic almanac, a speech that he made in the early part of the session, in which I believe with great felicity he compared the section of country which he represents to Egypt with its fertile soil and its fertilizing stream. He might have gone on with his comparison. It has been an Egypt also in the Democratic policy by which it has been cursed, in its incapacity to learn anything from the spirit of the age, in its inability to recognize either the capacities of its manhood or the resources with which God has blessed it.

He is not contented, however, with retaining the State which he represents here in the condition of Egypt, to which he likened it the other day. He now threatens it with an additional Democratic benefit in the shape of the tornado and the flood, which he says are to sweep over the country in punishment of the Republican policies. I think the policy which the Senator advocates will be found more destructive in its effects on the unhappy citizens of that region than the tornado or the flood which he invokes.

I rose, however, simply to call the attention of the Senate and the Senator to the fallacy which lies at the bottom of the argument he has been stating for the last hour or two in every variety of statement in which he has clothed it. He read what he says is taken from the last census, an estimate of the number of persons engaged in manufactures in the twenty principal manufacturing cities of the country, a statement of the cost of the material employed in their manufacture, and the amount of the wages paid to the workmen, and from that he inferred that the difference between the cost of the material and the wages on the one side and the value of the products on the other represents the profit of the employer, and he invokes public attention to the small comparative pittance which is received by the laborer.

Does not the Senator know—and I would not think it worth while even to put the question if this argument was not repeated so often by Democratic authority—does not the Senator know that he left out in the calculation, as he did in the one with which he closed his speech, a very large portion of the elements which were necessary to make it correct? He left out entirely the original cost of the establishment, the cost of machinery, the value of the real estate employed, the cost of the water-power, or the steam-power, the cost of lighting, of warming, of insurance, of transportation, the taxes, and undertakes simply to point out the difference between the raw material plus the wages on the one hand, and the profit upon the other.

Mr. VANCE. Does the Senator want an answer?

Mr. HOAR. When I have got through the statement I should be very happy to hear the answer. Every one of these items, when analyzed and reduced to its lowest term, is largely, almost principally, the product of labor. The most splendid and perfect factory on earth of brick or stone, excepting the value of the clay in the soil, the iron in the mine, the wood in the forest, represents a wage which has been paid to human labor and to human skill. Behind the factory, behind the capital, behind the raw material, lies, in every step from the time when these materials are first taken out unchanged from the place where they have been deposited by nature, the constant employment and the perpetual wage paid to American labor.

In every manufacturing product the principal products of this country from 90 to 95 per cent. represents what has been paid at one time or at one step in the process to the laborer, and 5 or 10 per cent. what has been paid for those products of the earth which are capable of ownership and which are all that capital in its last resort and analysis can claim for its share. How idle to base an argument against the protective policy of this country upon statistics which leave out of view these considerations.

In another thing the argument was not perhaps surprising. The Senator has not forgotten the days when before the war he was a representative of the great Know-Nothing party of the South in its attack upon the foreigner and the immigrant. He cites with what I could scarcely misunderstand, as it seemed to me, his approbation and commendation, the proclamation or resolves of a party or company of well-fed, well-clad, well-paid American workingmen, who demand that the blessings which they share and which are theirs shall not be extended in the future to those persons born in other lands.

There is not a word in the extract which the Senator has read of condemnation of the protective policy. There is not even a claim that under it those laboring-men have not received their full and fair share of the result of the union of labor and capital. There is not a claim of those men in regard to the matter of wages, but the demand is this: "Your tariff policy, of which we have received the benefit and which has covered this land with factories, with railroads, and with workshops, with the homes of well-paid labor and of American citizenship, we will strike down unless you refuse to admit hereafter to these advantages the citizens and natives of other lands." That is the principle which the honorable Senator has dignified with his indorsement.

Mr. President, it is idle for the honorable Senator to claim that the workingmen, although undoubtedly their share of the joint product ought to be and will be considerably increased, do not prosper and profit by the result of this protective policy. What brought over the 750,000 immigrants who landed in the last twelve months at Castle Garden? Are not the instincts of men at least as sure as those of birds? What occasions them to leave free-trade England and oppressed Ireland to come to this country where, as the Senator would have it, the workingman is so oppressed by the capitalist? Where did they go? Did they go to North Carolina or Kentucky? Did they go to Virginia until my honored friend on my right [Mr. MAHONE] opened that noble State to its new career of prosperity? When they go to Virginia they will take very little interest in the resolutions of '98.

Mr. BECK. No, they go to the free lands of the Northwest.

Mr. HOAR. Do they go to North Carolina? They stop in New York, now the principal manufacturing city of the country. They go to Philadelphia; they stop in the twenty fair cities and the hundred fair manufacturing villages of Massachusetts, and they will laugh to scorn the utterances of the Senator from North Carolina.

Mr. BUTLER. Will the Senator from Massachusetts permit me to interrupt him?

Mr. HOAR. Certainly.

Mr. BUTLER. I was simply going to ask the Senator before he took his seat if the laborers of whom he speaks are so well paid and taken care of and so well fed, why do they strike?

Mr. HOAR. They strike because they choose to exercise the right of freemen. Was there ever a Yankee getting two dollars who did not want three?

Mr. VANCE. We will agree with you on that proposition

Mr. BUTLER. The Senator from Massachusetts can answer that better than I can.

Mr. HOAR. They strike because they wish to guard jealously their right to a fair, just, and equitable share of the joint product of their labor, and they have very largely my sympathy, and the sympathy of my associates. They strike in the free-trade countries too.

Mr. BUTLER. I merely wanted the Senator to give me the information.

Mr. HOAR. In the contests between labor and capital which have arisen in the past in the free-trade Democratic communities represented by those two Senators, the strikes, I am very sorry to say, have been very different, and of a very much less satisfactory kind.

Mr. BUTLER. Let me say to the Senator that in the community where the Senator lives there is about to be an end to that oppressive system and habit which has prevailed there. He will find that the same class of people at the North will not submit to this oppression the Senator now complains of.

Mr. HOAR. This striking for higher wage under the Republican policies is a little better kind of striking, in my judgment, than the whipping of women or of children or of grown men under the lash of an owner. The policy in which the capitalist owns the laborer whom he employs may possibly have educated some Senators to look with very holy horror upon this process by which the free laboring-man asserts his claim to his share of the wages.

I desire to send to the Clerk's desk to be read a statement which will show that these strikes are not confined to countries where the tariff policy prevails; they have been much more extended, much more criminal, much more disastrous under the free-trade policy of Great Britain.

The Acting Secretary read as follows:

Some of our free-trade contemporaries are foolishly attempting to attribute the Lawrence strike in particular and strikes in general to the tariff. If they occur where there is a tariff, imagine what would happen without the tariff. Looking to that elysium of free trade, England, we find that there almost three thousand strikes have taken place since 1870, an average of about two hundred and thirty per year; that of this number one hundred and fourteen of the largest ones caused

a loss of wages of $25,000,000 nearly half of which was lost to cotton hands of Lancaster in 1878, when 300,000 people were out of employment for nine weeks. Thus in a free-trade country in twelve years three thousand strikes occur; in a country protected by a tariff only about three hundred in the same period. So far, then, as protection affects the question at all, the verdict is decidedly in favor of the tariff country.

Mr. HOAR. I have here the rate of agricultural wages in the several States. I will observe before I proceed to read that I am informed one of the recent strikes to which the Senator alludes, the strikes in the coal regions of Maryland, the laborers are receiving $3 a day. Here are the monthly wages. This is the report of the Commissioner of Agriculture for the year 1879, giving the average by the year, the monthly wage for the twelve months through of farm laborers, without board: Maine, $21; Massachusetts, $28.60; North Carolina, $11.92; South Carolina, $10.38.

Mr. BUTLER. Is that without board?

Mr. HOAR. That is without board.

Mr. BUTLER. In Massachusetts?

Mr. HOAR. That is it exactly. I will read it again.

Mr. BUTLER. It is very interesting. I should like to hear it again.

Mr. HOAR. That is the difference between the North and the Egypt which the honorable Senator pictured as his ideal of a free Commonwealth. In Maine, without board, by the year, $21, with board $12.78 per month; in New Hampshire $21.45 without board, with board $13.31; in Massachusetts $28.60 without board, $15.40 with board; in North Carolina $11.92 without board, which is considerably less than half that in Massachusetts, about 30 per cent., and with board $8.10; in South Carolina $10.38 without board, and with board $7.32.

Mr. BUTLER. I should like to ask the Senator if those wages are for the year round?

Mr. HOAR. These wages are for the year round. Here are the transient wages, which I will read.

Mr. BUTLER. Twenty-eight dollars in Massachusetts for the year round?

Mr. HOAR. Twenty-eight dollars and sixty cents. I myself pay $40 a month, which is a good deal more. You cannot get labor for this now. Wages have risen since this table was prepared; they are much higher now. Take the transient wages in harvest in Maine—this is per day of course; without board it is $1.50, with board $1.12. In North Carolina $1.09 without board, 84 cents with board; in South Carolina $1.14 without board, 88 cents with board; in Florida 98 cents without board, 73 cents with board.

Mr. BUTLER. There is not much difference.

Mr. VANCE. What is the Senator reading from, if I may be permitted to ask?

Mr. HOAR. I am reading from the Department of Agriculture Report for the year 1879, the report of the statistician; and I will annex the entire table:

Average wages for 1880.

States.	Per month.		Per day.								
	By the year.		Transient in harvest.		Transient not in harvest.		Carpentering.	Blacksmithing.	Wheelwrighting.	Machine-making.	Shoemaking.
	Without board.	With board.	Without board.	With board.	Without board.	With board.	Without board.	Without board.	Without board.	Without board.	Without board.
Maine	$21 00	$12 78	$1 50	$1 12	$1 00	$0 75	$1 86	$1 85	$1 87	$2 09	$1 54
New Hampshire	21 45	13 31	1 38	1 06	1 26	94	1 94	1 92	1 86	2 00	1 58
Vermont	19 12	12 62	1 46	1 10	1 00	69	1 87	1 77	1 75	2 03	1 65
Massachusetts	28 60	15 40	1 60	1 22	1 45	90	2 10	2 07	1 87	2 65	1 88
Rhode Island	19 00	.....	1 00	75	.....	50	1 50	1 50	1 50	.....	.....
Connecticut	23 40	14 06	1 75	1 34	1 06	71	2 00	2 08	1 95	2 50	1 85
New York	20 80	13 98	1 60	1 20	1 08	74	1 93	1 80	2 06	2 03	1 70
New Jersey	21 58	12 75	1 77	1 43	1 07	76	1 96	2 00	2 00	2 08	1 64
Pennsylvania	20 25	12 60	1 47	1 11	99	68	1 71	1 60	1 80	1 95	1 47
Delaware	16 00	10 00	1 00	75	50	33	1 50	2 00	1 50	2 00	1 25
Maryland	14 72	9 23	1 40	1 06	80	53	1 76	1 77	1 73	2 12	1 68
Virginia	12 30	8 25	1 18	93	64	45	1 60	1 57	1 60	1 75	1 33
North Carolina	11 92	8 10	1 09	84	61	45	1 66	1 60	1 63	2 02	1 20
South Carolina	10 38	7 32	1 14	88	55	43	1 54	1 64	1 65	2 20	1 36
Georgia	11 16	8 21	1 03	82	61	46	1 86	1 81	2 00	2 50	1 58
Florida	15 76	10 68	98	73	83	62	2 08	2 24	2 27	2 72	1 84
Alabama	12 87	8 87	1 10	86	72	51	2 10	1 99	2 31	2 79	1 53
Mississippi	13 55	9 80	1 10	84	76	54	2 12	2 30	2 37	2 68	1 82
Louisiana	16 62	12 26	1 03	74	89	65	2 47	2 55	2 53	3 10	2 10
Texas	17 48	12 09	1 25	95	92	67	2 25	2 30	2 25	2 84	2 05
Arkansas	17 61	11 73	1 32	1 04	85	65	2 18	2 15	2 21	2 37	1 77
Tennessee	13 08	9 13	1 40	1 08	75	52	1 82	1 74	1 95	2 32	1 56
West Virginia	18 45	11 77	1 13	80	83	59	1 79	1 74	1 72	2 00	1 45
Kentucky	16 28	10 75	1 48	1 14	77	53	1 96	1 84	1 94	2 29	1 52
Ohio	21 02	13 95	1 68	1 30	1 04	75	2 02	1 98	2 19	2 33	1 67
Michigan	23 90	15 68	2 07	1 63	1 20	86	1 97	1 91	2 13	2 24	1 67
Indiana	21 37	14 15	1 77	1 39	97	73	1 91	1 87	1 98	2 26	1 67
Illinois	22 11	14 97	1 73	1 37	1 10	82	2 03	2 03	2 12	2 25	1 70
Wisconsin	22 03	14 76	1 98	1 57	1 13	83	2 05	1 95	2 14	2 23	1 73
Minnesota	24 11	16 33	2 65	2 24	1 29	1 03	2 30	2 22	2 33	2 42	2 05
Iowa	23 26	13 74	2 01	1 57	1 16	86	2 02	2 01	2 13	2 35	1 83
Missouri	19 14	13 00	1 57	1 22	92	66	1 95	1 83	1 98	2 36	1 70
Kansas	21 78	13 43	1 66	1 27	1 08	76	2 10	2 06	2 17	2 32	1 87
Nebraska	24 48	14 52	1 94	1 56	1 09	86	2 20	2 19	2 45	2 33	1 96
California	40 93	27 12	2 21	1 71	1 95	1 27	3 36	3 15	3 50	3 83	2 74
Oregon	37 40	23 43	2 15	1 61	1 50	1 00	2 93	3 00	3 50	3 00	2 80
Nevada	.....	30 00	2 00	1 67	1 90	1 32	4 33	5 00	5 33	5 75	5 00
Colorado	36 40	24 71	2 06	1 50	1 69	1 13	2 88	2 96	2 88	3 33	2 50
Utah	32 60	23 00	1 98	1 55	1 48	1 13	2 77	2 80	3 00	3 25	2 08
New Mexico	22 00	13 80	1 25	91	1 05	74	2 90	3 20	3 10	5 00	3 83
Washington	40 00	22 50	2 00	1 50	1 50	1 12	3 37	3 75	3 75	4 00	3 00
Dakota	27 17	18 10	2 33	1 97	1 41	99	2 42	2 68	2 64	3 03	2 39
Montana	42 65	30 75	2 87	2 25	2 17	1 50	4 00	3 62	3 81	3 83	3 83

Mr. VAN WYCK. Do I understand the Senator to be reading the different rates of wages for the States he has designated as an indication that the high-tariff States pay higher wages than those which are not benefited by it? Is that the purpose of the Senator in the reading?

Mr. HOAR. I give it as an indication that the entire effect of the policy which has prevailed in those States of which protection is a part is to make this difference in the condition of the laborer as compared with other policies.

Mr. VAN WYCK. Will the Senator extend his comparison to the protected States of the East and the agricultural States of the West which are not benefited?

Mr. HOAR. The agricultural States of the West have derived from the Republican policies which the Senator and I have advocated, the tariff being very largely——

Mr. VAN WYCK. I beg to differ from my friend on that too. I want him to run the parallel between the protected States of the East and the agricultural States of the West.

Mr. HOAR. The whole table will be printed.

Mr. DAWES. The Senator from Nebraska forgets that the tariff is a local question.

Mr. VAN WYCK. I referred the Senator to other States on account of the locality of the question.

Mr. HOAR. Undoubtedly in a new State where the roads are not

broken, where the natural forces have not been subdued and brought into the service of man, on the frontier, all classes of labor, like all other things, are higher. Of course such a comparison as that has nothing to do with the question of the tariff.

Mr. VAN WYCK. That suggestion will not apply to States like Iowa, nor even to Nebraska and Kansas.

Mr. HOAR. I am not making the statement in regard to Nebraska. I am taking the statement from North Carolina and South Carolina, and they were settled substantially contemporaneously withthe old States of the East.

Mr. BUTLER. They were settled by the slaves sent down from Massachusetts and sold to us. I admit that.

Mr. HOAR. Those States were settled contemporaneously. They had much larger natural advantages than the bleak New England States of Maine and New Hampshire and Massachusetts, concerning which I have compared the statistics. They had fertile fields, rich mines, abundant water-power, and they establish the policies to the remains of which the Senator from North Carolina clings, while his wiser and more progressive associates on that side of the Chamber who sit about him are beginning to throw off the shackles. I am comparing those States with the result of his policy as to labor, a comparison which he invoked and invited, with the similar condition of the persons who come from abroad and take up their abode in the manufacturing communities of the East. Undoubtedly the Senator from Nebraska is right that in the new agricultural States of the Northwest labor is higher, and if I chose I could make the point still more emphatic by taking the rates of wages in those States and comparing them with the wages in North Carolina.

Mr. VANCE. Mr. President, one reason why labor is higher in Massachusetts than it is in North Carolina is that in North Carolina we have to pay for our own labor and Massachusetts labor too. When the Senator comes to count up the patent churns and the double back-action rotary cut-and-come-again self-adjusting pumps and self-acting rocking-cradles——

Mr. HOAR. Why do you not invent and make them for yourselves?

Mr. VANCE. I decline to be interrupted. The Senator would not permit me to interrupt him, and he can take his seat now if he pleases.

Mr. HOAR. I will.

Mr. VANCE. And taking these patent medicines and all the traps and contrivances that we buy from New England, and which are protected by a tariff ranging from 50 to 100 per cent., and when we pay our wages to our own laborers and all of those, I think we are paying really twice as much in fact as he is.

Mr. LOGAN. I thought the Senator was opposed to taking the tax off patent medicines.

Mr. VANCE. So we are opposed to taking it off anything down below the revenue standard. I hope the Senator will not be uneasy about patent medicines. We will not tax them so as to be beyond his reach. He needs a liver regulator, I think, right now.

The Senator from Massachusetts did me the honor to deny that machinery and buildings, and real estate on which a factory was located, were capital. He said I did not take that into consideration at all when I read that capital was so much, that labor was so much, that material was so much, and profit so much. I should like to know what constitutes capital if that is not. Where, then, is there any room for capital? If buildings and real estate and machinery do not constitute capital then I am at a loss to understand what does.

Mr. HOAR. But the Senator did not deduct capital or any interest on it, or use of it, in his statement.

Mr. VANCE. Yes, sir; I gave the capital.

Mr. HOAR. The Senator merely took those three items, materials, wages, and the price of the product, as he will find if he will look at the extract which he had read.

Mr. VANCE. I gave the capital, and I read the official figures from the speech of Mr. RAY, which I cited. As a matter of course I deducted the profit after discounting the material and the wages, and that as contrasted with the capital showed the per cent. I showed, for instance, that in New Hampshire the capital invested in knit goods was $1,224,000, and the profit was $577,000, making about 48 per cent.

Mr. WILLIAMS. The net profit?

Mr. VANCE. The net profit, 48 per cent. The Senator from Massachusetts indulged in some very sarcastic remarks—I cannot exactly remember what they were—about the poverty of the State of North Carolina. If that be so, and it is a poor State compared to Massachusetts——

Mr. HOAR. I did not say anything about the poverty of North Carolina.

Mr. VANCE. The Senator said something, as I understood him, about the condition that the State was in in consequence of its clinging to Democratic doctrines.

Mr. HOAR. I alluded to the rate of wages paid its laborers; and the Senator himself began it by alluding to the rate of wages paid in the North.

Mr. VANCE. Undoubtedly. Then he made no remark about the poverty of North Carolina. He did make some remark, however, about the manhood of that country. I should like to ask the Senator when any North Carolina man and Massachusetts man ever met that the latter was lacking in manhood?

Mr. HOAR. The Senator must have strangely misunderstood me. I made no such imputation.

Mr. VANCE. The Senator used the term "manhood."

Mr. HOAR. I dare say I used the word "manhood." I do not know whether I did or not, but I never made any imputation as to manhood in North Carolina.

Mr. VANCE. I heard the remark imperfectly, but I understood the Senator to attribute both poverty and lack of manhood to North Carolina.

Mr. HOAR. A friend here reminds me that what I said was that in their policy they had failed to appreciate and develop the capacities of their manhood. I was not speaking of manhood in the sense of courage or in the sense of manly dignity; I was speaking of it in regard to this industrial question, that was all.

Mr. VANCE. Very well. I was going to say to the Senator that if I lived in a community that was so much superior in wealth and which had been so much more successful and fortunate in cultivating all the capacities of manhood as it is claimed the State of Massachusetts has been as compared with North Carolina, I would be ashamed, I would scorn to levy a tax for my support upon the inferior State. I would be ashamed to go before the American people and acknowledge, while claiming to have more of civilization, to have more of the capacities of manhood than any other State, to have more wealth than any other State, and to pay higher wages to the poor than any other State, to ask for a law taxing those who can scarcely bear their own burdens to keep up my prosperity.

Where did the prosperity of Massachusetts come from? I acknowledge that they have cultivated the capacities of manhood in some respects to a most extraordinary degree. I acknowledge that a genuine down-eastern Massachusetts Yankee never is satisfied when he has two dollars until he gets three, as the Senator said himself. I acknowledge that probably one of them could go down to North Carolina and take a North Carolina man, and with a jack-knife and a shingle whittle him out of his homestead in about two hours. I acknowledge that. That is one of the capacities of manhood in which they excel, not only North Carolina, for I do not wish to admit that my State is behind any other, but the rest of mankind. They have got rich on this protection afforded to them by a tariff levied upon the consuming and the agricultural portions of the Union. There is no denying that. Else if that be not true why do they hang to it so persistently? If it be not true why resist every attempt here to reduce the taxation upon the people of the country? If it be not true why do they employ lobbies to come here and surround this Capitol and buttonhole members of Congress, not only to prevent any reduction in taxes, but to build up new industries, as they call them? They will tell you about the homes of the workman and about how certain towns are flourishing, and attribute it all to protection. It is the truth, it is all attributable to protection. If you could empty back into the bosom of North Carolina the wealth of which you have stripped her by this robbery in the form of law, as pronounced by your own Supreme Court, she would now be as far ahead in all material resources of Massachusetts as Massachusetts is now ahead of her. Build up industries, that is the way they sustain themselves, by telling how a little town has sprung up here by a water-power and how it has flourished and how thousands have been added to its population, with the profits of its manufactories there, and how its workmen are receiving wages to enable them to put carpets on their floors and have pianos in their parlors, and then say, "You want to disturb all this?" No, I do not want to disturb it, I want to equalize it; that is what I want to do.

I wish you had all the riches in the world that you could earn by the toil of your own hands without taxing me. With just as much propriety, when I ask to have these things equalized and you claim that I ought not to disturb you, might the highway robber when he takes the stranger and shows him the riches in his den tell him how he has prospered by his trade and exclaim, "Why, certainly you do not want to break up all this prosperity?" But the belated traveler on the highway wants it broken up. The people whom I have the honor to represent want a fair and even chance in the world with the people of Massachusetts, and they want no more. I ask for them that they shall be subjected to taxation for the support of the Government and nothing more. I ask that they shall not be subjected to taxation for the benefit of the people of Massachusetts. Sir, it is a want of manhood to ask it; it is not like the great race from which they sprang, to prey on their neighbors in order that they may amass wealth.

Mr. LOGAN. Will the Senator allow me to interpolate a suggestion right there?

Mr. VANCE. Yes, sir.

Mr. LOGAN. I think the Senator is incorrect. I certainly want to see him go along on the correct road. We in Illinois differ with the Senator in our views of Massachusetts. He is accusing Massachusetts of having made a fortune and desiring to continue to do so by a protective system. In Illinois we have a different opinion. I venture the assertion that Illinois is to-day a greater protective State than Massachusetts, and that is true——

Mr. VANCE. I did not yield for a speech. I supposed the gentleman wanted to ask me a question.

Mr. LOGAN. I wanted merely to say that Massachusetts having established her manufactures and got them going and invested her

money in them, we are supicious of Massachusetts because we think they want to make a monopoly of manufacturing and reduce the tariff so that we cannot have establishments in the West as we desire to have them. So we do not believe as you do about Massachusetts. We think Massachusetts is nearer favoring a reduction of the tariff than we are in the West for the very reason I have given. So I think the Senator is very much mistaken when he talks about Massachusetts desiring to continue this tariff system for the purpose of embarrassing his State. Such is not the case. We do not believe any such proposition. We are desirous of building up manufacturing industries in the West for the purpose of doing as Massachusetts has done and becoming wealthy, and we suspect that Massachusetts to-day wants to reduce the tariff to prevent us from doing it. There is the difference between the Senator and me on that question.

Mr. VANCE. I should be glad to be informed, if the Senator from Illinois has any information, by vote or speech of any Republican Senator in this Chamber, which would lead him to believe that he is in favor of reducing the tariff on anything except sugar, or it may be taking off the revenue tax on banks, &c.

But I am gratified at one statement the Senator makes. I have always believed that the plains and corn-fields of the West would yet be in alliance with the cotton-fields of the South, and I am glad to see that the Senator from Illinois has at last arrived at that stage of conversion that he has a suspicion of the faithful. There is hope in that, and I hope that he may pursue his inquiries until he arrives at the conclusion that the best thing for him and for his people in that great and fertile country which he represents, as well as for all of us, is to levy simply taxation enough for the support of the Government and to levy no more for any private man's pocket.

Whenever that state of things comes about the South and the West will unite and they will sweep away these odious laws from the statute-book, and if the South then does not make material progress it will be her own fault and she can lay it at the door of no one else.

Mr. HOAR. Mr. President, I wish to say a word in reply to the honorable Senator from North Carolina. He totally misconceived the opinion or the desire of the community which I represent. The policy to which they are devoted, the policy named by the great Southern statesman, Henry Clay, as "the American policy," is a policy which they have urged upon their brethren of the South and West. If the Senator from North Carolina thinks that these protected industries are so valuable, what stands in the way of his establishing them in his own State? If his State pays so large tribute to New England for pumps and chains and churns, why do you not invent some for yourselves and give your people the common-school education which enables them to make these inventions?

No, sir; if there is one thing to which Massachusetts has a right to lay claim as an attempted benefit to the people of this country, it is that she has constantly urged upon the people of the South and the people of the West to produce these manufactures at their own doors. The distinguished relative of the Mr. Lawrence whose letter I had read here yesterday, a manufacturer of knit goods, in 1832 in his famous letter to William C. Rives, pointed out to Virginia the great resources of the South.

We think, as Americans, not as New Englanders, that it is a disgrace to American intelligence that the cotton which the honorable Senator raises and that the constituencies of the Senators who sit around him raise, should be transported 3,000 miles over the sea to be made into thread, into cloth, and brought back to clothe the very men the labor of whose hands has raised the cotton. We think it is a foul shame that the intelligence of the mighty State of Texas should any longer permit the hide which she raises, or the wool which grows on the back of her sheep, to be transported to New England half across the continent to be made into shoes or into coats and brought back again half across the continent to the very people who have raised the raw material. And that is the difference between the Senator from North Carolina and the Senator from Illinois.

I can give an instance of that in my own State. One of the largest shoe manufacturers, one of the largest tanners in this country, twenty years ago had his whole establishment in Worcester. He bought his hides from Illinois very largely, but pretty soon the Chicago people said, "No, if you want to make shoes or tan hides for the people of Illinois you must come out here and make them;" and now this man probably has ten dollars of capital invested in and around Chicago where he has one dollar of capital invested in New England.

I will say one thing for the Senator from North Carolina. He and the people he represents have a large Christian spirit; that is, in the sense of that Christianity which consists in despising the good things of this world, neglecting to avail themselves of them. He goes through the world in the very spirit of the old hymn:

> The flowers which spring along our path
> We scarcely stop to pluck;
> We walk o'er beds of shining ore
> Nor waste one wistful look.

That was not the former spirit. We learned our protective policy of the statesmen of North Carolina in the olden times, of the Badgers and the Mangums. The two great originators of the protective policy of this country were John C. Calhoun, of South Carolina, and Henry Clay, of Kentucky. I think there was a time when the honorable Senator himself marched in those ranks, and I think it would have been better for his State and better for him if the doctrine which he preached in his early youth had been carried into effect.

Mr. VANCE. Will the Senator allow me to ask him if either Mr. Clay or Mr. Calhoun ever advocated a tariff of 100 per cent. on blankets or flannel goods?

Mr. HOAR. They advocated all the tariff that was necessary.

Mr. VANCE. Why any more necessary now than it was then?

Mr. HOAR. They advocated all of the tariff which was necessary, whether it be 5 per cent. or 50 per cent or 100 per cent., to compel the Englishman who wishes to make cloth from Texan wool, or blankets which can be made of Texan wool, or the cotton cloth which can be made of South Carolina or Georgia cotton to come over here and make them.

Mr. VANCE. And they voted all that was necessary.

Mr. HOAR. This matter of the protective tariff is, when you come to bring it to its last analysis, but a correction of certain existing inequalities and wrongs. England has piled up, accumulated a population many of whom she keeps under her policies in such a degree of poverty and distress that they cannot get money to take them to the seaboard to emigrate. We have here vast fields, vast natural resources awaiting development, waste places in this mighty continent. Now a man in Iowa or Minnesota raises a barrel of flour, and it costs him what is equivalent to three more to take that one barrel of flour to England and exchange it for a suit of clothes.

The English workman makes a suit of clothes for the Iowa laborer, and it costs him three suits of clothes to pay the expense of transporting it to Iowa and making the exchange. So the laborers in each place have paid to the middleman, the capitalist, the railroad, the steamboat, the insurer, the speculator, for every one barrel of flour or one suit of clothes which comes to their own use three times that value to make the exchange. Now the protective tariff says to the Englishman, "If you want to make your suit of clothes for the constituent of the Senator from Illinois, come over and plant yourself by his side and make it, and make the exchange, and you will have on the one hand four barrels of flour and he will have on the other hand four suits of clothes for precisely the same labor."

Mr. VAN WYCK. Will the Senator allow me right there to ask if his theory contemplates the time and is looking forward to it when there shall be no foreign demand for the productions of this country? Is that what the gentleman proposes?

Mr. HOAR. I am not going into that now.

Mr. KELLOGG. Mr. President, it is now six o'clock. I am afraid we have got off the question of sugar. I move that the Senate adjourn.

Mr. MORRILL. I hope not.

Mr. BAYARD. The question is not debatable.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. HAWLEY, (when Mr. PLATT's name was called.) My colleague, [Mr. PLATT,] I wish to announce again for the day, is paired with the Senator from Oregon, [Mr. SLATER.]

Mr. ROLLINS, (when Mr. PLUMB's name was called.) The Senator from Kansas [Mr. PLUMB] is paired with the Senator from Florida, [Mr. JONES.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

The roll-call was concluded.

Mr. VAN WYCK, (after having voted in the negative.) I withdraw my vote. I am paired with the Senator from Oregon, [Mr. GROVER.]

The result was announced—yeas 27, nays 26; as follows:

YEAS—27.

Bayard,	George,	Jackson,	Ransom,
Beck,	Gorman,	Jonas,	Saulsbury,
Brown,	Groome,	Kellogg,	Vance,
Call,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Morgan,	Voorhees,
Davis of W. Va.,	Hoar,	Pendleton,	Walker.
Farley,	Ingalls,	Pugh,	

NAYS—26.

Aldrich,	Ferry,	McDill,	Rollins,
Allison,	Frye,	McMillan,	Saunders,
Blair,	Harrison,	Mahone,	Sawyer,
Chilcott,	Hawley,	Miller of Cal.,	Sherman,
Conger,	Jones of Nevada,	Miller of N. Y.,	Windom.
Davis of Illinois,	Lapham,	Mitchell,	
Dawes,	Logan,	Morrill,	

ABSENT—23.

Anthony,	Edmunds,	Hill of Georgia,	Plumb,
Butler,	Fair,	Johnston,	Sewell,
Camden,	Garland,	Jones of Florida,	Slater,
Cameron of Pa.,	Grover,	Lamar,	Van Wyck,
Cameron of Wis.,	Hale,	McPherson,	Williams.
Cockrell,	Hill of Colorado,	Platt,	

So the motion was agreed to; and (at six o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 25, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. MILLER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MILLER. On my return to this city yesterday, after an absence of three days, I observed in the CONGRESSIONAL RECORD of July 22, 1882, the remarks which I send to the Clerk's desk to be read.

The Clerk read as follows:

Mr. BUTLER. Mr. President, I observe in the RECORD of this morning that a person in another place made a wanton attack on my character and committed a breach of the privileges of this body, for which he was not called to order, in discussing a contested-election case. I shall not at this late day be betrayed into a controversy with this individual, whose acquaintance I have never had the misfortune to make, but shall rather leave him to the judgment and contempt of all honorable men for attacking another in a forum where he could not be answered, under cover of the privileges of that forum, for declining to allow the correction of the falsehoods he was uttering, the garbling of the evidence, perversion of the truth, falsification of the record, and for refusing to give the person attacked the benefit of his own statement. I have withstood the mastiffs of the radical party in the past, and can afford to dismiss with this brief notice the yelping of this cur of low degree. The name of this creature I believe is SAMUEL H. MILLER.

Mr. MILLER. Mr. Speaker, I now send to the Clerk's desk the CONGRESSIONAL RECORD of July 21, 1882, and ask that the paragraphs marked be read. They are found on pages 1 and 2 of the RECORD of that day.

Mr. BUCKNER. I rise to a point of order. There is no personal privilege involved in this question. We understand what it is thoroughly.

Mr. O'NEILL. There is a question of personal privilege involved here on the part of my colleague from Pennsylvania, and he ought to be heard. If it were a question of personal privilege on the part of the Senator from South Carolina, it is certainly as much a question of privilege on the part of my colleague.

Mr. CARLISLE. While the gentleman may feel aggrieved by something contained in the extract just read, yet the rules of the House forbid allusions here to what transpired in the other House, as the rules in that House forbid reference there to what transpires here; and unless there can be a line drawn somewhere, Mr. Speaker, this House, it seems to me, is in danger of getting into inextricable confusion and interminable discussions and disputes with members in the other end of the Capitol. Now, inasmuch as the gentleman from Pennsylvania has had an opportunity on this floor to say what he desired to say in reference to the gentleman who uttered those words, and that gentleman has seen proper to take some notice of them at the other end of the Capitol, the matter ought to stop.

Mr. MILLER. I have observed in this House, Mr. Speaker, that members have sent to the Clerk's desk to be read articles from newspapers——

A MEMBER. Entirely too much of it altogether——

Mr. MILLER. Which were not authenticated by any person, but rising in their seats to a question of personal privilege in reference to what might be contained therein. The RECORD, which I send to the Clerk's desk, is the official record of the proceedings of this body, and it seems, sir, from that RECORD that some one, at the other end of the Capitol it may be, has seen fit to impugn the veracity, the truthfulness, the correctness of the statements made on the floor of the House.

The gentleman from Kentucky [Mr. CARLISLE] says we must draw the line somewhere. It strikes me that if the members of this House have any regard for the dignity of this body it should be drawn when one speaking in a co-ordinate branch of the Government rises in his seat and uses unparliamentary language toward a member of the House which appears in that RECORD. I ask, therefore, that the remarks which I have marked in the RECORD of the 21st instant be read. I ask it as my right as a member of the Congress of the United States.

Mr. CARLISLE. I have no objection to the reading of the remarks which the gentleman from Pennsylvania asks to have read. I wish to say that I take no part in this controversy on the one side or the other, having no purpose to discuss its merits. But the point of order I make is in the interest of order in the House and the interest of correct proceedings in the Congress of the United States. If we are to enter upon controversies here on this floor, if we are to have controversies on this floor between members of the House and members of the Senate, it seems to me there will be absolutely no end to it. It is a violation of parliamentary law and of the rules of this House. While I disclaim——

Mr. ERRETT. The remarks made in the Senate in reference to my colleague were in utter violation of parliamentary rules, and those remarks having been made, my colleague certainly has the right to be heard in reply.

Mr. CARLISLE. I have already said they were in violation of parliamentary law, but if the gentleman from Pennsylvania is allowed to proceed here, then the gentleman in the other end of the Capitol will proceed there, and without discussing the merits of the controversy at all I say there can be no doubt that the first allusion was made by the gentleman from Pennsylvania.

Mr. REED. Will the gentleman from Kentucky permit me to say, I am informed the language of the gentleman from Pennsylvania alluded not to the Senator from South Carolina for anything which took place in the Senate of the United States?

Mr. MILLER. Not one word was uttered as to anything that took place in the Senate, but it was as to what occurred before he was a member of that body.

Mr. CARLISLE. I have no purpose to go into the merits of the controversy.

Mr. REED. I submit to the gentleman from Kentucky for what it is worth that the gentleman from Pennsylvania in speaking on the floor of this House violated no rule of the House, because he did not allude to any transaction in the Senate, while on the contrary the speech which was made in another place was made in reference to a transaction which took place in the House, and evidently by personal solicitation was made especially offensive by being printed on the first page at the head of the first column of the RECORD, evidently by an arrangement of some kind or other, because other speeches were in before it.

Mr. CARLISLE. I know nothing about that, of course.

Mr. KASSON. I wish to state this, Mr. Speaker, on the point of order.

The SPEAKER. The gentleman from Iowa will proceed.

Mr. KASSON. What constitutes a question of privilege of this nature is clearly stated in our rules:

Second. The rights, reputation, and conduct of members individually in their representative capacity.

The gentleman from Pennsylvania [Mr. MILLER] evidently in the paragraph already read was attacked in his representative capacity for what occurred on this floor, and whatever may have preceded it, it certainly is a question of privilege for him to explain in proper terms. And I hope, (and I express the hope most earnestly,) he will not imitate the language in another place on that subject, but will in a manly way respond on this floor to the impeachment of his representative conduct in that speech.

Now, sir, that is clearly in order; but if the gentleman from Pennsylvania goes beyond that he is liable in his turn to be called to order as, in my judgment, the gentleman should have been who uttered what he did in another place.

I say this irrespective of the merits of the controversy. No one can regret more profoundly than myself that either here or there there should have been language uttered where there was no opportunity to reply. That is the admitted and indisputable record. But on the point of order I think the gentleman from Pennsylvania has the right to speak in order as to what concerns his reputation as a member of the House.

Mr. EVINS. Mr. Speaker, in the first place the gentleman from Pennsylvania did violate the rules of this House in making reference to a member of the other body. He alluded to him repeatedly as "now a Senator from South Carolina," and that gentleman simply responded to what he and what everybody disposed to be fair and just will regard as an unjustifiable and unwarranted attack on his character. It seems to me, as my friend from Kentucky [Mr. CARLISLE] has already said, there must be an end put to this sort of controversy somewhere. The gentleman from Pennsylvania [Mr. MILLER] declined to be interrupted so that any correction of the statements he was making might be made to this House.

I made an effort to correct one or two of his statements, but he declined to be interrupted. Now, Mr. Speaker, it does seem to me that there is nothing in this subject which presents really a question of privilege. The language used by the gentleman referred to as a member of another body does not make any charges of corruption or any charge affecting the gentleman from Pennsylvania in his representative capacity. Therefore it does not strike me that there is any question whatever of privilege involved in the matter.

The SPEAKER. The point of order is made that the matter which has been just read from the RECORD does not present a question of personal privilege. These questions are always very delicate ones for the Chair to undertake to dispose of. It seems to the Chair, leaving entirely out of view the question as to the source from whence these remarks came, that they constitute an attack upon the reputation and the conduct of a member of this body, not only individually but in his representative capacity. They make an attack upon him or a charge of improper conduct in debate, and in that view the Chair would be disposed to hold, although very much inclined against the practice of allowing the time of the House to be taken up by members in answering personal attacks from any source or of any kind, and the Chair thinks a strong case should be made to present a question of privilege.

The question now is whether or not the gentleman from Pennsylvania shall be permitted to make an explanation of the matters with which he is charged by a Senator of the United States. Without undertaking to open the door at all, or to break down the well-established parliamentary rule that what is said in one body shall not be referred to or assailed in another—a wise and good rule in the judgment of the Chair—without undertaking to attack that, or, as the Chair has stated, to break down that practice, the Chair is inclined to hold that the gentleman from Pennsylvania may make an

explanation of his own conduct entirely disconnected with any assault upon the Senator. If he in any respect by remarks of his own assails the Senator whose remarks appeared in the RECORD and which have been read, the Chair thinks he should be promptly called to order. Whatever would be simply in the nature of a fair explanation of what has been said, or of what he said upon the floor of the House, would be only just to himself, it would be just to the House and perhaps just to the Senator referred to.

In holding thus the Chair thinks it goes to the very verge, as suggested by the gentleman from Kentucky; and were the Chair to permit an explanation of this kind to go beyond this the Houses would be likely to get into interminable disputations. The rule ought to be strictly applied in this House, to the end at least that attacks of a personal character on Senators should not be made and criminations and recriminations between members and Senators should not be indulged in. The present occupant of the chair was not presiding when the gentleman from Pennsylvania spoke on the election case. Within the limits indicated, therefore, the gentleman from Pennsylvania will be permitted to proceed.

Mr. MILLER. I now ask the Clerk to read what I have marked of my speech lately published in the RECORD.

The Clerk read as follows:

On Friday, July 7, General M. C. Butler, one of the present Senators from that State, and who lived at Edgefield Court-House, in the county of Edgefield, left his home for Hamburgh, ostensibly for the purpose of trying the case on the part of the prosecution before the trial justice. He reached Hamburgh between two and three o'clock in the afternoon.

* * * * * * *

The Chronicle and Sentinel, a Democratic paper published in Augusta, adds the further fact that General Butler went over from Hamburgh across the bridge into Augusta. Saw young men over there and said to them, "Things over in Hamburgh look squally, young men; we may want you over there; get yourselves in readiness." The editor of the paper further says that these young men, fully armed, and to the number of two hundred or three hundred, went over to Hamburgh shortly afterward.

* * * * * * *

I am sustained in all that I have said and more too by the record found in the "report upon the denial of elective franchise in South Carolina at the State and national elections of 1876," which was prepared by the distinguished Senator from Wisconsin, Senator CAMERON, in 1877, by order of the United States Senate, and I commend Democrats and Republicans to read it, for it details deeds of horror and of bloodshed that excite the pity and sympathy of any man not heartless or inhuman, even living in a society described by the gentleman from South Carolina, [Mr. Tillman,] as he says, where there are barbarians.

Mr. EVINS. Allow me to correct one statement.

Mr. MILLER. Wait until I get through and then you can do it.

Mr. EVINS. I simply want to say right here, in justice to Senator BUTLER, he was not there at all.

Mr. MILLER. There is no necessity for a controversy. The evidence reported by Senator CAMERON, of Wisconsin, shows conclusively that he was present, and the Charleston News and Courier of July 10, 1876, a Democratic journal, stated positively he was present and in command. So also does the Augusta Chronicle and Sentinel, a Democratic journal published just across the river from Hamburgh.

Mr. MILLER. Mr. Speaker, in order to show that the statements I then made were not garbling of the evidence, were not perversions of the truth, were not falsifications of the record, I send to the Clerk's desk volume 3 of Senate Miscellaneous Document No. 48 of the Forty-fourth Congress, second session, and I ask that the Clerk shall read the report of the attorney-general of South Carolina to Governor Chamberlain, bearing date July 12, 1876. It is found on pages 473, 474, and 475 of the document to which I refer. I do not wish to take up the time of the House with having it read now, and if there is no objection, therefore, I will simply incorporate it as a part of my remarks.

There was no objection.

Attorney-General Stone's report of the Hamburgh massacre.

OFFICE OF THE ATTORNEY GENERAL,
Columbia, S. C., July 12, 1876.

SIR: According to your request of Monday last I have visited Hamburgh for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial-Justice Rivers, and from the testimony of persons who have been examined before the coroner's jury now in session, and from those who received wounds from the armed body of white men who had taken them prisoners.

From this information the following facts seem to be clearly established:

During the administration of Governor Scott a company of State militia was organized at Hamburgh, of which Prince Rivers was captain. This company was known as Company A, Ninth Regiment National Guard of the State of South Carolina. Arms were at that time furnished to it, and some ammunition. This company, previous to May, 1876, had for some time but few names on its rolls, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburgh. The street on which they drilled was between one hundred and one hundred and fifty feet wide, but it was little used, and was overgrown with grass, except in that portion which was used as a carriage-road. While the company was thus drilling, Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage, and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seems to have angered Butler and Getzen, who made complaint before Trial-Justice Rivers against the militia company for obstructing the highway. The trial-justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial-justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. BUTLER, who had been employed by Robert J. Butler, father of the former, as their attorney, repaired to the office of the trial-justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial-justice was to hear the case as trial-justice or in his official capacity of major-general of militia.

To this the trial-justice replied that he was to hear the case as a trial-justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial.

General Butler then stated that he thought the case might be arranged, and at his suggestion time was given him to see the parties.

After this the trial-justice did not see General Butler at his office, but learned that he had gone over to Augusta.

In the mean time the trial-justice had been informed that some two hundred or three hundred armed white men were in Hamburgh, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of Rivers's house. The two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up.

Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor. To which General Butler replied, that he would box them up and send them to the governor, and if he, the governor, should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and turning to another person—I think R. J. Butler—asked if he wouldn't go on bond also, to which he replied that he would.

Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them unless General Butler showed some authority to take them.

After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more; but the whole matter was in General Butler's hands. General Butler said that, as the men would not meet him, he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward.

This statement is confirmed by S. P. Pixley.

While these negotiations were going on the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing had begun it was returned by the militia, and one of the attacking party, McKee Merriwether, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery of Augusta, was brought over from Augusta, and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under floors of adjacent buildings, or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets.

Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as they were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them.

None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was then told to turn round, and was then shot to death by the crowd.

David Phillips was next taken out, and was similarly killed.

Pompey Curry was next called out. He recognized among the bystanders Henry Getzen and Dr. Pierce Butler, and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward, Albert Mynyard, Moses Parks, and Hampton Stevens were killed. Stevens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company.

When he was arrested and taken to the spot where the other prisoners were he recognized among the party two gentlemen of Augusta, named Twiggs and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. BUTLER asked if he was one of the d——d rascals. The reply was in the affirmative. He was then shot in the back. Messrs. Twiggs and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who, at the time, was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carwile and —— Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at, and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The men stated that John Swaringen, of Edgefield County, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing, and told him he would have enough of it before he got through.

He was shot in the arm near the elbow, when about twenty paces distant from the crowd. The ball is still in his arm, and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men herein named, the party broke open several stores and houses, and in some instances robbed the inmates. They took from Mr. Charles Roll, the postmaster, and a very respectable white citizen, a gun which he had in his store, and his private property. From an old colored man named Jacob Samuels, in his employ, they took a watch and set fire to his

house. They broke open the house of Trial-Justice Rivers and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut and some fences were torn down.

So far as I can learn, the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler, (white,) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them away on the next day.

On Saturday rumors were abroad in Hamburgh that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburgh heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the storekeepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small-arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendent of Hamburgh, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial-Justice Rivers is now holding an inquest and taking the testimony of witnesses. Until their verdict is rendered it will be impossible to tell who were engaged in the attack on the militia and the subsequent killing and wounding of the colored men.

It may be possible that a careful judicial investigation may show some slight errors in some of the minor details stated in this report. But, making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded.

It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE.
Attorney-General of South Carolina.

Hon. D. H. CHAMBERLAIN, *Governor.*

Mr. MILLER. I further ask, Mr. Speaker, to print with my remarks the report of the coroner's jury which sat in the town of Hamburgh between the 9th and the 29th days of July, 1876. It will be found on pages 485, 486, 487, and 488 of the same report. The jury examined a large number of witnesses who were present at that unfortunate affair, and made a report to the proper court in the county of Aiken and State of South Carolina, shortly after the 29th of July in the year mentioned, wherein they stated under oath that the facts which I cited upon this floor were true and more than true. I ask, therefore, to print with my remarks the findings of this jury.

There was no objection.

CORONER RIVERS'S REPORT OF THE HAMBURGH MASSACRE.

STATE OF SOUTH CAROLINA, *County of Aiken:*

An inquisition indented, taken at Hamburgh, in Aiken County, the 9th day of July, A. D. 1876, and continued from day to day until the 29th day of the same month and year aforesaid, before P. R. Rivers, trial-justice, (acting coroner of said county,) upon the view of the bodies of Moses Parks, James Cook, Allen T. Attaway, David Phillips, Hamp Stevens, and Albert Minyard, then and there being dead, by the oaths of Charles E. Turnes, A. B. Griffin, John Bird, Daniel Martin, Cyrus James, James Coleman, Thomas Carrol, Samuel Elgy, Giles Stokes, Alvone Bowley, Andrew Carrol, and Alfred Simkins, being a lawful jury of inquest, who being charged and sworn to inquire, for the State of South Carolina, where and by what means the said Moses Parks, James Cook, Allen T. Attaway, David Phillips, Hamp Stevens, and Albert Minyard came to their deaths, upon their oaths do say that the said Moses Parks came to his death at Hamburgh, in the county and State aforesaid, on the night of the 8th day of July, A. D. 1876, by means of certain gunshot wounds inflicted by a gun in the hands of Robert J. Butler, and that Dr. Shaw, sr., Rev. John Mealing, Thomas Butler, A. P. Butler, Henry Getzen, William Briggs, John Butler, Harrison Butler, Luther Reese, Dunbar Lamar, Pierce Butler, Crayton Matheaney, Neal Benson, Aaron Tyler, Charles Coffin, Thomas Oliver, John Crofford, Robert Gardner, Jack Vanderver, Charles Karnaghan, Walker Matheaney, Frank Taylor, Isaiah Marshall, George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Bunch, John Bunch, Le Roy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, David Glover, Robert Morgan, Cornelius Benson, John Lamar, Samuel Page, Luther Ransom, Thomas Plunket, Frank Cranmer, John Oliver, Benjamin Vanderver, Pleasant Schinall, M. C. BUTLER, Benjamin Tillman, Charles Glover, Thomas Settles, Joseph Merryweather, John Swearinger, James McKie, Tol Glover, George Adams, James Lanham, William Glover, John Roper, Augustus Glover, Thomas W. Carwell, William Robertson, James Clark, Dish Rainey, John Smith, Garland Sneed, Joseph D. Twiggs, Robert Chaffee, Kinlock Chaffee, Leopold Myers, William Pemble, John Bridges, Captain Canway, Moody Tarvar, John Danish, the Haggie brothers, George Hood, Jones Glover, William D'Antignac, Nick Bullnoe, Pope Thomas, Daniel Hertz, Jacob Hertz, Mike Connor, Babe Bowers, Sam Whaley, John McMeer, John Kirkpatrick, and John Twiggs were there and then present, aiding and abetting in the said killing; and so the jurors aforesaid, upon their oaths aforesaid, do say that the aforesaid Robert J. Butler and Dr. Shaw, sr., Rev. John Mealing, Thomas Butler, A. P. Butler, Henry Getzen, William Briggs, John Butler, Harrison Butler, Dunbar Lamar, Pierce Butler, Clayton Matheaney, Neal Benton, George Benson, Aaron Tyler, Charles Coffin, Thomas Oliver, John Crofford, Robert Gardner, Jack Vanderver, Charles Karnaghan, Walter Matheaney, Frank Taylor, Isaiah Marshall, George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Bunch, John Bunch, Le Roy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, David Glover, Robert Morgan, Cornelius Benson, John Lamar, Samuel Page, Luther Ransom, Thomas Plunkett, Frank Cranmer, John Oliver, Jack Vanderver, Benjamin Vanderver, Pleasant Schinall, M. C. BUTLER, Benjamin Tillman, Charles Glover, Thomas Settles, Joseph Merryweather, John Swearenger, James McKie, Tol Glover, George Adams, James Lanham, William Glover, John Roper, Augustus Glover, Thomas W. Carwell, William Robertson, James Clark, Dish Rainey, John Smith, Garland Sneed, Joseph G. Twiggs, Robert Chaffee, Kinloch Chaffee, Leopold Myers, William Pemble, John Bridges, Captain Conway, Moody Tarver, John Danish, the Haggie brothers, George Hood, James Glover, William D'Antignac, Nick Bullnoe, Pope Thomas, Daniel Hertz, Jacob Hertz, Mike Conner, Babe Bowers, Sam Whaley, John McMeer, John Kirkpatrick, and John Twiggs were then and there present, aiding and abetting in the said killing; and so the jurors aforesaid upon their oaths aforesaid do say that the said Henry Getzen, Thomas Butler, Harrison Butler, Robert J. Butler, Dr. Shaw, sr., Rev. John Mealing, A. P. Butler, William Briggs, John Butler, Luther Reese, Dunbar Lamar, Pierce Butler, Crayton Matheaney, Neal Benson, George Benson, Aaron Tyler, Charles Coffin, Thomas Oliver, John Crofford, Robert Gardner, Charles Kernaghan, Walter Matheaney, Frank Taylor, Isaiah Marshall, George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Bunch, John Bunch, Le Roy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, David Glover, Robert Morgan, Cornelius Benson, John Lamar, Samuel Page, Luther Ransom, Thomas Plunket, Frank Cranmer, John Oliver, Jackson Vanderver, Benjamin Vanderver, Pleasant Schinall, M. C. BUTLER, Benjamin Tillman, Charles Glover, Thomas Settles, Joseph Merryweather, John Swearenger, James McKie, Tol Glover, George Adams, James Lanham, William Glover, John Roper, Augustus Glover, Thomas W. Carwell, William Robertson, James Clark, Dish Rainey, John Smith, Garland Sneed, Joseph G. Twiggs, Robert Chaffee, Kinloch Chaffee, Leopold Myers, William Pemble, John Bridges, Captain Conway, Moody Tarver, John Danish, the Haggie brothers, George Hood, James Glover, William D'Antignac, Nick Bullnoe, Page Thomas, Daniel Hertz, Jacob Hertz, Mike Connor, Babe Bowers, Sam Whaley, John McMeer, John Kirkpatrick, and John Twiggs in manner and form aforesaid James Cook then and there feloniously did kill, against the peace and dignity of the same State aforesaid.

And the said jurors do further say that the aforesaid Allen T. Attaway, David Phillips, Hamp Stevens, and Albert Minyard came to their deaths at Hamburgh, in the said county and State, on the night of the 8th day of July, A. D. 1876, by means of certain gunshot wounds inflicted by guns in the hands of Thomas Oliver, John Oliver, and John Lamar, and others to the jurors aforesaid unknown, and that Robert J. Butler, Dr. Shaw, sr., Rev. John Mealing, Thomas Butler, A. P. Butler, Henry Getzen, William Briggs, John Butler, Harrison Butler, Luther Reese, Dunbar Lamar, Pierce Butler, Crayton Matheaney, Neal Benson, George Benson, Aaron Tyler, Charles Coffin, John Crofford, Robert Gardner, Charles Kernaghan, Walker Matheaney, Frank Taylor, Isaiah Marshall, George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Bunch, John Bunch, Le Roy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, David Glover, Robert Morgan, Cornelius Benson, Samuel Page, Luther Ransom, Thomas Plunket, Frank Cranmer, Jackson Vanderver, Benjamin Vanderver, Pleasant Schinall, M. C. BUTLER, Benjamin Tillman, Charles Glover, Thomas Settles, Joseph Merryweather, John Swearenger, James McKie, Tol Glover, George Adams, James Lanham, William Glover, John Roper, Augustus Glover, Thomas W. Carwell, William Robertson, James Clark, Dish Rainey, John Smith, Garland Sneed, Joseph G. Twiggs, Robert Chaffee, Kinloch Chaffee, Leopold Myers, William Pemble, John Bridges, Captain Conway, Moody Tarver, John Danish, the Haggie brothers, George Hood, James Glover, William D'Antignac, Nick Bullnoe, Pope Thomas, Daniel Hertz, Jacob Hertz, Mike Conner, Babe Bowers, Sam Whaley, John McMeer, John Kirkpatrick, and John Twiggs were then and there present aiding and abetting in the said killing.

And so the jurors aforesaid, upon their oaths aforesaid, do say that the aforesaid Thomas Oliver, John Oliver, John Lamar, Robert J. Butler, Dr. Shaw, sr., Rev. John Mealing, Thomas Butler, A. P. Butler, Henry Getzen, William Briggs, John Butler, Harrison Butler, Luther Reese, Dunbar Lamar, Pierce Butler, Crayton Matheaney, Neal Benson, George Benson, Aaron Tyler, Charles Coffin, John Crofford, Robert Gardner, Charles Kernaghan, Walker Matheaney, Frank Taylor, Isaiah Marshall, George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Bunch, John Bunch, Leroy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, David Glover, Robert Morgan, Cornelius Benson, Samuel Page, Luther Ransom, Thomas Plunket, Frank Cranmer, Jackson Vanderver, Benjamin Vanderver, Pleasant Schinall, M. C. BUTLER, Benjamin Tillman, Charles Glover, Thomas Settles, Joseph Merryweather, John Swearenger, James McKie, Tol Glover, George Allen, James Lanham, William Glover, John Roper, Augustus Glover, Thomas W. Carwell, William Robertson, James Clark, Dish Rainey, John Smith, Garland Sneed, Joseph G. Twiggs, Robert Chaffee, Kinloch Chaffee, Leopold Myers, William Pemble, John Bridges, Captain Conway, Moody Tarver, John Danish, the Haggie brothers, George Hood, James Glover, William D'Antignac, Nick Bullnoe, Pope Thomas, Daniel Hertz, Jacob Hertz, Mike Conner, Babe Bowers, Sam Whaley, John McMeer, John Kirkpatrick, and John Twiggs in manner and form aforesaid Allen T. Attaway, David Phillips, Hamp Stevens, and Albert Minyard then and there feloniously did kill, against the peace and dignity of the same State aforesaid.

In witness whereof I, P. R. Rivers, trial-justice, acting coroner aforesaid, and the jurors aforesaid, to this inquisition have interchangeably put our hands and seals the day and year last above mentioned.

P. R. RIVERS, *T. J., A. C.*	[L. S.]	his SAMUEL + ELZRY. mark.	[L. S.]
C. C. TURNER, *Foreman.*	[L. S.]		
A. B. GRIFFIN.	[L. S.]		
his JOHN + BIRD. mark.	[L. S.]	his GILES + STOKES. mark.	[L. S.]
his DANIEL + MARTIN. mark.	[L. S.]	his ABRAM + BOWLEY. mark.	[L. S.]
his CYRUS + JAMES. mark.	[L. S.]	his ANDREW + CARROLL. mark.	[L. S.]
JAMES COLEMAN.	[L. S.]		
his THOMAS + CARROLL. mark.	[L. S.]	his ALFRED + SIMPKINS. mark.	[L. S.]

Mr. MILLER. I also ask, Mr. Speaker, that an article published in the Augusta Chronicle and Sentinel of July 9, a Democratic paper published immediately across the river from Hamburgh, be also printed with my remarks. I refer to the editorial article published at that time which I ask to print with my remarks.

Mr. EVINS. I object to that if it is a mere newspaper article.

Mr. McMILLIN. I think that mere newspaper articles of that kind should not be allowed to be used in such a connection.

Mr. MILLER. But this is a part of the report of the Senate committee, and if there is objection to printing it with my remarks I merely ask that it be read; it is found on pages 604 and 605 of the Senate document referred to, and I ask the Clerk to read it.

Mr. EVINS. I do not object to that, if it is part of the record of the case.

Mr. MILLER. Let it be read.

Mr. HOUSE. I understand, Mr. Speaker, that there is no objection to printing.

Mr. McMILLIN. If it is contained in the Senate document, I withdraw my objection.

Mr. MILLER. It is found in this report, and I simply ask to print it with my remarks.

There was no objection.

C.

[From the Augusta Sentinel and Chronicle, July 9, 1876.]

THIS HAS GONE ON LONG ENOUGH.

After waiting some time General Butler told Rivers that he must proceed. The constable then went to the door and called Adams, who, however, failed to answer. It was then ascertained that Adams, with his company, was up the street in a defiant attitude. General Butler thereupon informed Rivers that this sort of thing had gone on long enough, and that it was about time that it was put a stop to. The negroes must give up their arms at once, and he would give the names of twenty of the best citizens in Edgefield as security that they would be turned over to Governor Chamberlain. Rivers then asked if General Butler, in case the arms were given up, would see that the town was protected during the night. General Butler answered in the affirmative. Rivers assured him that he would go immediately to Adams and persuade him to give up the arms. He accordingly went to that worthy and talked with him for some time. Upon his return he told General Butler that the mayor, Gardner, and the officers of the company would confer with him at the council chamber. General Butler accordingly went thither and had a conference with the negro leaders. He told them that the arms must be given up; there was no necessity for them in that place and they had no business with them. As for the Adams case, Mr. Butler would be satisfied if Adams would make an apology.

THEY INTENDED TO FIGHT.

This conference accomplished nothing. The negroes still hesitated about giving up the arms. In the mean time, however, a number of white citizens had assembled in the town and matters began to look squally. General Butler rode over to Augusta and told several young men that he might need their services in Hamburgh during the afternoon. He then returned to the town. Just after crossing the bridge he was met by Prince Rivers, who said he would make one more effort to induce the negroes to give up their guns, and if they would not yield they must take the consequence. Accordingly he conferred with the officers of the company, and shortly returned to General Butler with the announcement that the negroes said they would not give up their guns; they intended to fight. In the mean time the news of the trouble had spread in Augusta and caused much excitement. A large number of young men hastily procured arms and ammunition and hastened to the scene. Many others waited at the foot of the bridge anxiously awaiting the result. By seven o'clock there was a large crowd at that point.

OPENING FIRE.

Upon learning the result of Rivers's efforts General Butler determined to accomplish by force that which could not be done by peaceable demands. The negroes had intrenched themselves in a large brick structure known as Sibley's building, on a corner, and defied the whites. The latter surrounded the house, and at half-past seven o'clock opened fire upon it. This was returned by the negroes, and a constant fusillade was kept up for over two hours.

TWENTY-NINE PRISONERS.

About twelve o'clock general search was made throughout the town, and resulted in the finding of fifteen more negroes, making twenty-nine in all. A negro who attempted to escape was shot in several places and badly wounded. The negro lieutenant, John Thomas, who, as stated above, was shot in the back, was expected to die from the wound. A young man named Morgan was accidentally shot in the leg by one of his comrades while pursuing a fleeing negro. He was firing at the negro, together with others, at the time. His wound, while painful, was not considered dangerous. The negroes who were last captured were discovered hid away in cellars and under floors.

Mr. MILLER. I ask further to publish an editorial article found in the same document on pages 605-6, from the Charleston News and Courier, dated July 10, a Democratic paper published in Charleston, South Carolina.

There was no objection.

[From the Charleston News and Courier (Democratic) of July 10, 1876.]

THE BLOODY WORK AT HAMBURGH.

Assuming that the accounts of the Hamburgh fight given by the Augusta newspapers are in the main correct, we find little, if any, excuse for the conflict itself, and absolutely none for the cowardly killing of the seven negro prisoners, who were shot down like rabbits, long after they had surrendered.

The insolence of the negro militiaman, out of which the trouble came, could easily have been punished without a resort to arms. General Butler, who appears to have been in command of the whites, admitted that an apology by the militiaman would satisfy his clients. The affront to Mr. Butler, therefore, was not the immediate cause of the fight that followed. This was brought on by the demand that the militiamen surrender their arms into the keeping of the whites. The presence of armed bodies of negroes is a menace to any community; but we do not understand that the danger was such as to justify the whites in demanding the surrender of the arms, or in laying siege to the house in which the negroes took refuge, and killing the negroes who attempted to escape. The killing of seven of the prisoners was barbarous in the extreme.

We have no words strong enough to express our condemnation of such a crime. They who do such deeds sow the wind. We pray that they, and those who are innocent of the wrong, may not reap the whirlwind.

It pains us to be forced to speak in this strain of any act done in South Carolina by white men; but the higher intelligence and culture of the whites imposes on them the duty of self-reverence and self-control. When they give way to passion and revenge, when they kill unarmed prisoners, they do what, as soldiers, they would not have dreamed of doing; they wrong themselves, their State, and increase a hundredfold the difficulties and dangers of our political and social future.—*Charleston News and Courier*, July 10, 1876.

Mr. MILLER. I further ask——

Mr. HAMMOND, of Georgia. I rise to a question of order. I understand it to be the duty of the Speaker of the House when a gentleman is out of order to call him to order. I understand from the gentleman's own statement that these extracts which he is asking to have published are part of an effort to prove some disreputable conduct on the part of a Senator. Under such circumstances, I ask, should not the Speaker call him to order?

The SPEAKER. The Chair does not understand the gentleman from Pennsylvania to be seeking to establish anything against the gentleman from South Carolina in his capacity as Senator. If the Chair so understood, it would call the gentleman to order.

Mr. MILLER. All this took place before he was elected Senator. With the other extracts I also ask to have published in my remarks a letter from a special correspondent of the Charleston News and Courier, furnished by the reporter of that paper, which will be found on pages 606 and 607 of the Senate Miscellaneous Document No. 48, volume 3.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HAMMOND, of Georgia. I object.

Mr. MILLER. Then I ask that that be read. I ask the Clerk to read what I have marked on pages 606 and 607 of the Senate Miscellaneous Document No. 48 of the Fourty-fourth Congress, second session.

The Clerk read as follows:

[From the special correspondent of the Charleston News and Courier, Democratic.]

THE HAMBURGH SLAUGHTER.

Frightful excesses of the Edgefield Regulators—Yesterday's reports fully confirmed—The particulars of the killing of the prisoners—Their bodies mutilated and their houses sacked—Prince Rivers flees for his life—The indignation in Augusta.

[Special dispatch to the News and Courier.]

AUGUSTA, GEORGIA, *July* 10.

The account of the Hamburgh affair which appeared in the News and Courier this morning is so full and correct that but little remains to be told. I have spent the day in Hamburgh and Augusta, making diligent inquiry in every possible direction, and the facts here given may be relied upon.

The origin of the difficulty has been correctly given and need not be repeated here. Doc Adams having defied the authority of Prince Rivers, in real or pretended fear of the armed parties who had been coming in during the day from Edgefield and Aiken Counties to the number of about two hundred, took possession of his company's drill-room with about twenty-five men and declared his intention of resisting to the last. General Butler sent him word that he would give him a half hour to surrender his arms, and waited for about this length of time. No sign of yielding having appeared, fire was opened (I know not whether by General Butler's order or not) upon the building, and was returned by the besieged.

At the end of a half hour Merriwether, who was firing from behind the bridge pier, was killed by a shot from the windows, as already described. His death exasperated his friends to the highest degree, and, their fire making no impression upon the house, they sent to Augusta for an old cannon, a six-pounder, placing it in an exposed position within fifty yards of the house. They fired four rounds of canister, which drove the negroes from their stronghold, and ended all appearance of fight.

The chief of police (Cook) and Moses Park were killed about this time in attempting to escape. The remainder of the party secreted themselves under several houses in the block, which was now entirely surrounded, and in a little while all were captured, some with arms in their hands. The prisoners were marched off a hundred yards and compelled to lie down, surrounded by their guards. They were kept in this manner for some time, when Attaway, Dan Phillips, Albert Minion, and Hamp Stevens were called out singly and shot to death on the abutment of the wagon-bridge, and in full view of a large number of spectators. Pompey Curry, when his name was called, rose suddenly and dashed off through the high road, escaping with a bullet through his leg.

* * * * * * * *

The bodies of the slain negroes were left lying where they fell. Each spot is marked with blood to-day. One or two of the bodies were mutilated with hatchets or bayonets, Attaway's being one of these. One of the four negroes lived until next morning, and died from loss of blood.

The feeling in Augusta among the better class is one of unqualified condemnation. All are agreed that the affair cannot be justified on any grounds. It was the work of some of the band who had inflamed themselves with liquor during the fight.

The negroes of Hamburgh fled by scores to Augusta for protection, but all are returning to-day. A number of their houses were broken into and robbed, and the furniture destroyed. Prince Rivers's house was sacked. His loss is several hundred dollars. The band hunted for him to kill him also, but he had escaped.

The feeling among the negroes in Hamburgh is that of terrified submission. All the killed had families, with one exception, (Moses Park,) and the grief and distress of the women and children were violent and heart-rending.

Total killed: Negroes, seven; whites, one. Wounded: Negroes, four; whites, one. General Butler is absent, and I have not been able to see him.

C. McK.

[During the reading of the above article the following colloquy took place:

Mr. HAMMOND, of Georgia. I rise to a question of order. I say the allusion to a gentleman who is now a Senator is out of order.

Mr. MILLER. He was not a Senator when that was written.

The SPEAKER. The Chair did not understand that in the former remarks of the gentleman from Pennsylvania he made any reference to the gentleman from South Carolina as a Senator.

Mr. HAMMOND, of Georgia. I know the truth is that what is stated there is not the fact. But the gentleman is putting it on the record again as if it were, and to that I object as out of order.

Mr. ATHERTON. I call attention to the fact that in the very first sentence the gentleman from Pennsylvania uttered in reference to this South Carolina matter he said he spoke in reference to a gentleman who now occupied the position of a Senator at the other end of the Capitol.

The SPEAKER.. The Chair would himself call the gentleman from Pennsylvania to order if he were making any attack on the gentleman at the other end of the Capitol in his capacity as a Senator; but this is a matter of history that relates to a period long anterior to the gentleman's election to the Senate.

Mr. ATHERTON. And the whole trouble grew out of the fact that this had reference to something which had no connection with the election case at all.

Several members called for the regular order.

Mr. SPRINGER. I rise to a question of order. I make the point of order that the gentleman from Pennsylvania is having read an article which states that General Butler led the white forces in a certain massacre and applies that language to a Senator when it has been distinctly shown the General Butler there mentioned was not the gentleman who is now the Senator at all.

Mr. REED. That is not a point of order.

Mr. SPRINGER. The gentleman from Pennsylvania is now using that extract for the purpose of applying it to a Senator of the United States, and I submit it is a violation of every rule of propriety and of parliamentary decorum as between the two bodies.

Mr. BUCKNER. I rise to ask the gentleman from Pennsylvania to state what connection the Hamburgh matter had with the election case of Tillman and Smalls?

Mr. REED. That is not a point of order.

The SPEAKER. The Chair directs the Clerk to continue the reading.

The Clerk concluded the reading of the article.]

Mr. MILLER. Mr. Speaker, I do not make a word of comment on this terrible record of crime. Had not the Senator from South Carolina charged me with "garbling the evidence," "perversion of the truth," and "falsification of the record," I could not have been induced to unfold this story of wrong. The testimony which I have referred to was collated by a Senate committee composed of Senators ANGUS CAMERON, I. P. Christiancy, and A. S. Merrimon, the same having been taken under a Senate resolution of December 5, 1876. To so much of his unparliamentary remarks as is personal to me I would not if I could reply in kind. I was early taught that a gentleman is as choice of language in a parliamentary body as in the social circle. The language used by the Senator from South Carolina on July 21st only emphasizes the necessity of such ethics. To imitate his language would be distasteful to me, a breach of the decorum of this House, and an affront to the intelligent, courteous, and well-bred people, irrespective of party, of the district which I have the honor to represent on this floor.

Such conduct on my part would forfeit the confidence and esteem of my partisan friends and the respect of the orderly Democracy of the twenty-sixth Pennsylvania district. If such a civilization does not exist in South Carolina to-day I most sincerely regret it. If it does, then I remand the vaporing Senator to it, trusting and believing that his remarks will receive the condemnation they merit from the descendants of a chivalrous ancestry, not forgetful of Addison's truism, that "Title and ancestry render a good man illustrious, but an ill one contemptible."

Mr. EVINS. I ask the indulgence of the House for a very few moments. The distinguished Senator from South Carolina is fully able to take care of himself; but I think, as his colleague, something is due from me upon the present occasion.

Mr. Speaker, I do not envy any man whose hyena-like instincts lead him to revel amid the putrid bones of the past. The member from Pennsylvania traveled out of his way in the speech he made in the election case the other day to make a most unwarrantable and unjustifiable attack upon a Senator at the other end of the Capitol. He was not content with simply reciting the testimony in regard to the massacre at Hamburgh, which occurred years ago, and had nothing whatever to do with the issue before the House, but he went out of his way to impugn the motives with which that distinguished gentleman went to Hamburgh on that occasion.

Now, sir, what right has the member from Pennsylvania to sit in judgment on the motives of anybody? He has referred to the Democracy of his own district. I have no doubt the Democracy as well as the Republicans of his own district know very well what estimate to put on what he may say here or elsewhere.

The facts about this matter—I do not intend to go into them at all—prove that General Butler in pursuance of a professional engagement went to Hamburgh to defend a gentleman of his own name but not related to him.

The condition of things in South Carolina at that time was such that we might be said to have been without law; everything was threatening, riot and disturbance were unchecked during the days of this infamous carpet-bag rule in the State, every man carried his life in his hands. The distinguished Senator himself had his house burned over his head; hundreds of gin-houses were burned in different parts of the State. This place, Hamburgh, was the most lawless place in South Carolina. It was filled almost entirely with colored people, under the lead of vicious men, who took control of matters and attempted to administer the law with their own hands. While General Butler was at Hamburgh on that occasion this riot occurred. During its progress that day everybody apprehended that the most serious results would grow out of it. These colored people were armed with muskets and fixed ammunition given them by the authority of the State, and commenced the firing. During the day General Butler repeatedly, at the imminent risk of his own life, attempted to save the lives of these colored people, and put an end to further disturbance.

I said, when I attempted to interrupt the member from Pennsylvania the other day, for the purpose of correcting his statement—and I had to do it while he was speaking, for he would not stop for me to say it in order—"that when these negroes were murdered at night or early next morning, General Butler was far away; was not there at all." The evidence is overwhelming that he was not there. He did everything that it was possible to do to prevent the horrors of that massacre. And that night when these murders occurred he was six miles away at the house of Colonel Robert Butler, the gentleman whose son he had defended that day. He went there without any apprehension that anything further would be done.

I shall ask to publish as a part of my remarks the statement of General Butler himself, under oath, in regard to this matter. While the member from Pennsylvania was quoting the testimony of these wild, unlettered negroes, given to this committee, exaggerated in every possible form, many of them giving testimony who were not there at all, he had not the manliness to give the distinguished Senator the benefit of his own statement. Yet the gentleman talks about dealing fairly and candidly in this matter.

Mr. KASSON. I ask that leave be granted to the gentleman to print General Butler's statement.

Mr. BURROWS, of Michigan. Of course there is no objection to that.

Mr. KASSON. I want it to go upon record that there is no objection.

Many MEMBERS. No objection!

Mr. EVINS. I say what I know, and I say it with feeling, that there is no man on this continent who has been so outrageously slandered and libeled as the distinguished Senator from South Carolina. He is too brave and too self-reliant to feel it incumbent on him to hunt up the slanderers wherever they have chosen to raise their heads against him. He has gone forward irrespective of them, trusting to time and to the justice of his fellow-citizens to vindicate his character from such foul aspersions, and he is willing to leave it there still.

Mr. Speaker, I think that I have said all that is necessary or proper for me to say.

Mr. BROWNE. Then I call for the regular order.

Mr. EVINS. One moment; I have not yielded the floor. I want to correct one statement made by the member from Pennsylvania when he asserted, as I understood him, that this report was the unanimous report of that committee.

Mr. MILLER. I did not say it was the united report of the committee. I said that the report would be found in the miscellaneous document which I had indicated in my remarks, which document contains testimony taken by three Senators whom I named.

Mr. EVINS. I understood him to say that these members of the Senate who made this investigation agreed to this report.

Mr. BURROWS, of Michigan. No; he did not say that.

The following is the testimony given by General Butler before the Senate committee.

Answer. I am very happy, indeed, to have the opportunity to do so. There has been so much said about it, so many misstatements have been made, so much bitterness exhibited by the partisan newspapers, that I am very happy in having an opportunity to be able to put upon record, before a tribunal of this kind, my testimony, under oath, in reference to it.

The first knowledge I had of the Hamburgh matter was communicated to me by Colonel Thomas P. Shaw, at Edgefield Court-House. This difficulty occurred on Saturday the 8th of July. On Friday evening, the 7th of July, Colonel Shaw, with his brother, the Rev. William Shaw, came to Edgefield Court-House to confer with me upon some professional business, together with Mr. Norris and Mr. Addison, which business, I presume, it is unnecessary to mention. At any rate, they came upon professional business with me. After getting through with the business in Mr. Norris's office, Colonel Shaw said to me that Mr. Robert J. Butler desired me to be in Hamburgh at four o'clock the next evening, to represent himself and his son-in-law in a trial there.

Q. I will ask you right here if you are any relation to Robert J. Butler who sent for you on that occasion?

A. None at all.

Q. Are you any relation to A. P. Butler, who has been examined here to-day?

A. None at all.

Q. He belongs to a different family entirely?

A. Yes; Colonel Shaw even went so far as to say that Mr. Butler mentioned the fee of $25. He said that if I would come down there the following day he would pay me $25. I said to Colonel Shaw that he might say to Mr. Butler that as at present advised I should go if I could get any conveyance, as the time for the train had already passed. Well, I did succeed, about nine o'clock the next morning, in getting a buggy, and I hitched my horse to it and went. I heard from Colonel Shaw that there had been some disturbance at Hamburgh between these young men and the negroes, but the character of it he did not know. I took the buggy and left Edgefield, I suppose, about nine o'clock. The weather was very hot, and after reaching a point about seven miles from the village I met Dr. George Wise coming down the hill just as I reached what is known as Horse Creek. He asked me if I had heard the news from Hamburgh——

(Mr. CHRISTIANCY objected to the conversation between witness and Dr. Wise.)

The WITNESS. Mr. Chairman, I would like to have the matter definitely understood as to what testimony I may be allowed to give. I have seen the evidence given by these negroes and other people with reference to myself, and it seems to

me that there was no limit to the statements that they made when they felt called upon to malign and traduce my character; and I think it would be a very great hardship if I in vindicating myself should be restricted to the rules of evidence.

Mr. CAMERON. It has been our endeavor from the beginning to restrict them within the rules of evidence. Sometimes witnesses have departed from that rule and made statements before we could stop them, but it has been the endeavor of the committee to hold every witness as nearly as possible to the rules of evidence.

The WITNESS. If that has been your purpose, I must say that it seems to me that the committee has failed most consummately in doing it, because I have read Dr. Adams's testimony, and he has stated what he has heard, and the messages that I sent and the messages that he sent. I simply say this in justice to myself.

Mr. CAMERON. That was in the matter of the negotiations that were carried on.

The WITNESS. No, sir; however, I do not propose to argue that point with the committee. I will simply state, then, that I do not want to transgress any of the rules, and I shall not do it if I know it. I think it my duty, however, to say that I have nothing whatever to conceal about this matter, and I would like that fact to go upon record. I want the entire statement brought forth, if it can be. I want it in all its deformities, if there are any. I want the truth, and nothing but the truth. It did occur to me in looking over the evidence that great latitude had been given these people in maligning my character, which was, I thought, unjustifiable. I simply state this, that I heard on the highway that the rumor had been circulated in the country that these two young men were to be mobbed by the negroes. The report that this gentleman gave to me was that they were not convicted at this trial, and he had heard that they were to be mobbed and that there was a great deal of excitement in the country about it. I proceeded on the way to Hamburgh, and I suppose I got within five or six miles of the place when I saw two or three men preparing to go to Hamburgh; and proceeding further I saw perhaps eight or ten more, by whom I was joined. I got as far as Summer Hill, and there I requested that these gentlemen should remain. I think it was about two o'clock when I got there.

By Mr. MERRIMON:

Q. Who were with you?

A. Five or six persons who came along with me when I was on the road. I went into Hamburgh in my buggy alone. As I passed down the main road leading from Edgefield to Hamburgh I passed the house of this young man Henry Getzen. He was sitting out in his porch, and I called to him from the road and begged him to go across the field to his father-in-law's, Mr. Robert J. Butler's, who lived on the Martintown road, and say that I was on my way to Hamburgh and that I wished him to meet me in town. I went on and drove up to the store of Mr. George Damm, which is the first store that I reached going into town. I think he was the only person that I saw there at that time. I told him that my horse was very much fatigued, that the weather was very hot, and asked that my horse might be fed. I think it must have been between two and three o'clock then in the afternoon. He said he had no oats to feed him, but would go and get some. I told him no; to water him or something of that kind, and I went into the store. I had been there, I suppose, five or six minutes when Mr. Robert J. Butler came in.

Q. State who was with him and how he came there.

A. He came there in his buggy. I think his son, Tommy Butler, came in with him on horseback. He came in in a buggy, with a little negro boy.

Q. How were they armed?

A. I didn't see any arms on Mr. Robert Butler at all. Young Tommy Butler had a carbine on his horse, and perhaps a pistol. I dare say Robert Butler had a pistol, but I didn't see it. I said, "I want you to let me know what is the matter; what is this trouble about?" Mr. Robert Butler sat down and gave me an account of the collision that had occurred between his son-in-law and son and this company of militia. After he had given me an account of it he said that this man Rivers had appointed four o'clock to have the matter investigated; but he said, "I want you to get in the buggy and go up and see the ground yourself with me." I did get in the buggy, and went up with him and surveyed the point at which it was reported that the company had met these two young men—the well, ditch, &c.—and after looking at it we came back to Mr. Damm's.

When passing along the center of the street to get into this street that runs along the river I saw Mr. Butler standing in the door; I saw Tommy for the last time. I think, until here the other day I saw him in Columbia. As I came back Mr. Sparnick, a lawyer from Aiken and judge of probate, was reported to me to be in town, and I requested Mr. Getzen to go up and see him and bring him down to Mr. Damm's store. He went, and Sparnick came back and appeared to be very anxious about this thing; said he hoped some measures would be adopted to put a stop to it. I told him that I was certainly very anxious indeed that there should be; and there was some conversation of a general character. I then said to him, "Now, Mr. Sparnick, I see that there are a great many negroes in town and there is a good deal of excitement in the country, and if a collision does take place, which is certainly to be deprecated, I cannot undertake to be responsible for it." He then said to me, "Suppose I go up, see these people, and bring them down and have a conference." In the mean time a negro man by the name of Sam. Spencer, a leading Republican there—I was eating some lunch which Robert Butler had brought in his buggy in a basket. I had asked for some dinner, being very hungry; and I got the lunch and took it into the back part of Mr. Damm's place; and just as I got there Spencer came in and said, "I would like to see you on private business." I went into a back room and had a talk with Spencer, and he said he thought if we could have a conference with the officers of the company it could be settled. I said certainly, I would be very glad to see them; that Mr. Sparnick had gone up to see them now. He said, "I think they have some objection to coming here now." Mr. Damm said, "Why? I don't see any reason why." Spencer said they were afraid of the armed men. I said, "I see no armed men here. Mr. Robert Butler himself is here, and his son Thomas is here," and I think his other son Harrison had come, and perhaps Henry Getzen. "I don't see any danger in their coming, but if there is any objection I am perfectly willing to meet them there." Spencer said, "Are you willing to meet them at my house?" I said, "Certainly." He said, "I will go up and bring them down." I said, "Very well." His house was very near to Damm's store; I didn't know at the time where it was. Spencer went off and did not return. The hour for the trial, four o'clock, approached. I waited, I suppose, a half hour or three-quarters, for Sparnick and himself to come back. In the mean time these colored people would pass this door that I was in and hawk at me and scrape their feet on the sidewalk, and do a great many things that were disgusting, but I had made up my mind not to get into a bad humor about it, and took no notice of it. I got into the buggy and went down to Rivers's office, and as we rode up to the door this man, who was afterward said to be Rivers's constable, by the name of Ben. Nelson, was sitting up in the door with his feet on the door-facing. Mr. Butler spoke and said to him, "Nelson, is the trial-justice in?" He said, "No, he isn't in." Butler said, "I would be glad if you would go around and say to him that I have my counsel, General Butler, here." Nelson said, "No, I am not going to do any such thing; Mr. Rivers told me to stay here." His manner was extremely offensive and entirely unjustifiable by any conduct on my part or any interference. I think, however, that I should state that pending this the Rev. Mr. Mealing and Dr. Shaw drove up in a buggy, and that was the crowd that was around Judge Rivers's office—Dr. Shaw, Mr. Mealing, Henry Getzen, (Robert J. Butler's son-in-law,) and Tommy Butler and myself and Mr. Robert J. Butler. There was a crowd of negroes assembled there. I got out of my buggy and walked to the door and said very quietly to Nelson, "Is the trial-justice here? I have come here as counsel for these people, and I would like to see him." He still sat there with his feet upon the facing of the door fanning himself very offensively. He said, "No." I said, "Will you go and see him, and tell him that I have come to have this matter investigated?" He said, "No, I am not going to do any such thing;" and then I did lose my patience and my temper both, and spoke to him in a manner very much more graphic than polite. I told him to get out of that chair and give it to me. He said, "No," there was a chair for lawyers. I said, "No, sir, I want this one and I intend to have it." After a while he got up and said, "You can shoot me." I said, "No, I have no such purpose." I then walked out and went and got in the buggy again, and Mr. Butler then said to me, "There is General Rivers's private secretary." I think he called him—a black man by the name of Edwards—"and if you will speak to him I think he will go to see Rivers." I said, "No, I am not going to do any such thing; I do not propose to speak to him again, because I do not propose to be insulted. You can do so if you choose," and he did speak to him. He went off and brought Rivers. I got out of the buggy again and went into the office. Just at this juncture I want to make another statement in connection with that.

After I had been there about an hour I saw that these people meant mischief, as I thought. I could see no occasion for this demonstration or insubordination on their part, and thinking that lawlessness might prevail, I sent across the river for a reporter of the Chronicle and Sentinel newspaper. When he came I invited him into the office. "Now," said I to him, "I want you to take down exactly what is said here. I have nothing to conceal here." He went in with me to Judge Rivers's office.

After Rivers had taken his seat I said, "I would like, as a preliminary matter, to inquire whether or not you are sitting in the capacity of a major-general of militia or as a trial-justice?" Rivers said that would depend upon circumstances. That if the facts were of such a character as to justify his interfering as a trial-justice, he would do so; if not, otherwise. Then he said, "I am sitting here as a peace officer." I said, "That is immaterial to me; I merely wanted to know. I want to investigate the facts of this difficulty, and either capacity will be perfectly agreeable to me."

When we had reached this point this Spencer came into the office. He came up to me and said, "General, I think if you could suspend this trial awhile, we can settle it." I said, "Certainly, I have no objection to suspending it at all." I said, "Just ask the judge; if he suspends it, I am perfectly agreeable." He then went up and applied to Rivers himself.

I would like the committee to bear that in mind, because an entirely different construction has been put upon it in saying that I asked the adjournment of the court. He came in and I said, "If the trial-justice says so, I am perfectly willing." Prince Rivers got up then and said, "The case is suspended for ten minutes." I said, "That is time enough for me." About that time the intendant of the town, a colored man by the name of Gardner, came in and walked up and said to me, "General, I think if you could come around to the council chamber"—which was just beyond Damm's store from where I had gone—"I think these officers would meet you, and this matter can be all arranged." Said I, "Certainly, I am perfectly willing to go," and I went around there with him. I think, perhaps, I got into the buggy and went around to the council chamber, and sat there, I suppose, for twenty-five minutes or more. That was the first time that anything had been said about arms. He said to me that he was very sorry that there was any trouble there, and all that sort of thing. I said: "I see no occasion in the world for any disturbance here, and I am surprised that you, by virtue of your official position as intendant of this town, have not taken it in hand." He said, "I don't know anything about it." We talked very quietly, and I said, "Now, it seems to me that the best solution of this difficulty is for these people to send these arms back to Governor Chamberlain. There is no occasion for them here, and nobody is going to trouble these people; all I can say is that it seems to me that would be the best solution of it;" in which he entirely acquiesced, and thought that that would be reasonable, and I supposed he concurred in the idea. I did not demand the arms at all, and I simply made the suggestion to him in those words.

Q. Did you demand the arms on that or any other occasion?

A. I am coming to that after a while. I said to him that I thought that would be the best solution of the difficulty, and he concurred in it. I waited twenty-five or thirty minutes. These people did not meet me again, and I confess that I was getting a little tired of that sort of thing. I got in the buggy and went over to the city of Augusta. I remembered that I wanted to send some supplies up to my plantation, and I said to Harrison Butler, "If you will drive me over to Augusta I will get my supplies and then go out and spend the night with your father." I thought there was no possible chance for a trial. I suppose I was gone a half or three-quarters of an hour in Augusta. I found that there was a great deal of excitement in Augusta; a great many people asking what the condition of things was in Hamburgh. I said, "Very bad; and I would not be surprised at any time if a riot were to break out there." I came back, and on the bridge on which the highway crosses the river I met four of these people again: this man Sam. Spencer, Picksley, and Edwards, and Simms. They followed me and said, "General, we were going over as a committee to look for you." I said, "What is the matter now?" They said, "We think we have got this matter in such shape as that it can be settled." I then drove back to Damm's store. Spencer asked me to drive around to his house and he thought they would meet me there. I went around here, and when I got back I found that the crowd of white men had been increased to perhaps fifty or sixty; they had come in mounted, and the excitement was increased. I drove up to Spencer's, and I suppose I waited there fifteen or twenty minutes, and still the officers did not come. Lieutenant Cartledge did come up and speak to me. He said that he had come down there and wanted peace. Said I, "Certainly, I want nothing else but peace." I waited some little time, and they did not come, and I drove around to look for Mr. Butler, really intending to go out to his house. When I drove around the square beyond the bank building, on the street that runs under the railroad, I stopped there for some little time talking with this man, and a messenger came and said that Prince Rivers wanted to see me. I said, "You go back and tell Prince Rivers that if he wants to see me he can come to me. I have been four or five times now, and I don't propose to go again; if he wants to see me let him come to me." He did come to me and said, "General, if these people will give up their arms and send them off, what security have you to offer?" I said, "There is no trouble about the security." He said, "Will you guarantee their safety down to Columbia?" "I have nothing to do with that," I said; "I am here professionally, but I do not hesitate to say, as a citizen of the country, that I have no doubt that there will not be any trouble; but if you want security, I take it that there are ten or twenty of the best men in Aiken County who will be security for these arms until they are deposited in the State arsenal, where they belong. I will say that to you, but beyond that I have no right to say anything;" and I rode off. He said to me, "I think that is a fair proposition, and I will go up and see these people." They had assembled in their drill-room. He said, "If they do not do it they must take the consequences."

By Mr. CHRISTIANCY:

Q. This must have been along toward night?

A. Yes, sir; it was along toward sunset. I rode off from him, and about the time I got about to the corner again, diagonally across the square from this drill-room, the rumor was circulated around that the negroes were going to fight; that they were not going to give up their arms; and very soon after the firing was again commenced and was kept up, I suppose, on both sides. I rode then to the corner of the bank building, which is near Rawle's house, and where Doc Adams said he took

refuge behind the lattice later in the night; and I suppose that firing kept up an hour on both sides. The whites who were firing were on that side, and I remained there.

There were several attempts to burn the town. I remember seeing the fire blaze up at one point, and I told somebody that they ought to go up and put it out, and they did so and put the fire out. It was set on fire three times after the negroes were driven out of the building and most of them arrested. I rode around to Sibley's corner, and in the mean time quite a large crowd of people had come over from Augusta. I recognized a few gentlemen who appeared to be walking around there, but the great majority of the crowd I did not know. I rode around, and one of these men came rushing up and said, "General, let us set this house on fire." I said, "No; it will never do; it is wrong to do that." The man was drunk. He said that he had seen Mr. Sibley, to whom the building belonged, and he had said he didn't care a damn; to burn it. I rode off. There were a great many outrages perpetrated. Captain Conway came across the river on horseback, and from him I got information that these people had come from some distance in batteaux and canoes, and, said he, "I think if you will assemble them together and make them a speech they will go back." I said, "Then go around and gather them up, and I will do so." I did not see any occasion for their remaining there, and I did make a request, saying that the trouble was all over, and asking that they would go back across the river.

It was reported to me that some thirty of these negroes had been arrested and were under guard some fifty yards below, toward the South Carolina bridge. These people were very respectful to me, but one man said, "All right; we will go, and then we will sing out 'warehouse.'" I suppose that they were going through stores and warehouses, committing a great many depredations. I suppose that the crowd would go into the warehouses and other places and commit depredations, and they rushed off. I then said to these men, "I have no idea of remaining here all night. I can't control these people, and I am going off." By that time there had been three men killed—Jim Cook and Moses Parks, colored men, and young Merriwether, a white man. Merriwether was the first man killed, and of course the crowd was naturally excited and a good many of them were drunk. They were infuriated by this thing and had passed entirely beyond my control or that of anybody else. I suppose about twelve or one o'clock Colonel A. P. Butler went down there, and he and his friends went off just about the time I did, and I left the crowd committing depredations in the town, and I have no doubt that they committed a great many of them. He said to me, "What is to be done with these negroes?" I said, "I don't know, unless you send them to Aiken." He said, "I have no warrant for them, and I am not going to send them off." I said then, "I suppose you had better release them," and he acquiesced in that view of it. That was Colonel A. P. Butler. I then went off with Robert J. Butler, and went up through the low grounds of his plantation to his house. Next morning I rode up to what they call the dead-ring, and there I recognized one of the men as being a man who had worked for me two years before, Willis Merriwether; and I spoke to him and asked him if he hadn't had enough of the militia, or something of that sort. I knew none of the other negroes. I rode off, and the next morning I heard that those men had been killed. This man Cook was killed, and Parks and Merriwether, before I left there. It was represented to me that Cook was looking over the fence, attempting to get over the inclosure which Adams spoke of here.

He says in his evidence that I had a conversation with him in his room. I never saw the negro, that I know of, in my life. I do not know that I ever heard of him before. He was pointed out to me about a month afterward as I was passing.

He also testified to seeing me at that ring just before these people were taken out and shot. That is utterly false.

By Mr. MERRIMON:

Q. One witness swears—Henry Mays or Dock Adams, I am not sure which—that he heard you tell them to shoot one or more men in that ring about three or four o'clock in the morning.

A. There is not a word of truth in that. I was at Mr. Robert Butler's house at that hour.

* * * * * * *

Q. What time did you leave?

A. I think about twelve o'clock, in company with Mr. Robert Butler and his son Tom, and another man by the name of Shaw. We stopped at his mill, I suppose about half an hour, and then went on up, and I didn't know that the negroes had been killed until the next day. These two men were killed and were lying in the street when I left. Most of them that I saw after they were arrested had their shoes off. I suppose that Cook had taken off his shoes so as to enable him to make less noise in attempting to escape.

Adams says he heard me talking to Attaway at Rawle's house at the veranda. I may perhaps have been around there once. He says that was my headquarters. I had no headquarters. I certainly had a little more sense than to go and get in range of the guns, and that would have been exactly in range. I did not speak to him and did not see him. I did not know that Attaway had been arrested even.

Q. Did you have any control of that mob at all?

A. Not the least. No human power could have controlled them after the first shot was fired. It was an unbridled mob. The men that brought that artillery over there I do not know. One man came up to me who wore spectacles, and another who had beard. I remarked to this man Conway that it was curious that I did not recognize these people, and he said to me, "These are factory people, and the Irish have come over here for the purpose of plunder, and these men are drunk." I had no more control over that mob than I would have over a northeast hurricane. I did try, as long as I could, to prevent what outrages I could, but it would have been impossible for me or any other human power to control it. I certainly did all I could for three hours—a great deal more than I should ever do again—to prevent it.

These people have all said that I went in there at the head of two hundred armed men, and that there were fifteen hundred armed men in town. I think there were, perhaps sixty men from the South Carolina side of the river, generally a class of people who do not commit outrages of that sort, and, I presume, one hundred and fifty or two hundred people from the city of Augusta. I could only make a rough estimate. There were enough to do a great deal of damage and commit a great many wrongs. I have no doubt of that. I went at the head of no army, and had no more idea of having a difficulty when I left home than I have at this instant with this committee. I had no pistol, and nothing more dangerous than a copy of the revised statutes of South Carolina. I deplore it as much as anybody. I had that copy of the statutes in my buggy, for I really did not know what the nature of the investigation was to be, but I thought that might cover everything.

Q. State whether you had any political motive in going there, or in anything that you did there?

A. I never had any political motive about it. Some negro has said—I think one that I met on the bridge—that I said that this thing was to be kept up until November. I never made use of any such language. The canvass in the State did not begin until August 16, and these Democratic clubs were being organized, and the canvass had not really begun. It had been very strongly urged by men in the country to run Governor Chamberlain at that time, and I had no idea of having a difficulty, and never dreamed that there would be one. I had no more idea that there would be a riot than a man living in the Sandwich Islands. That statement is utterly and entirely false.

Q. Is it within your knowledge that any person else had any political motive in what was done there?

A. None at all. So far as I am concerned I had no idea of any political importance being attached to the riot; it was a mere *émeute*, one of those sudden, spasmodic riots that break out without being really preconsidered.

Q. Do you know anything about the organizing of that militia company? If you do, tell us what you know about it.

A. Well, I did not know at the time, but I have put myself to some trouble to learn something about it.

I want to state one other fact in connection with it. After these events transpired, such a different account of them appeared in the Democratic papers from what actually occurred that this reporter whom I have mentioned wrote me a letter; and, although I know that this note is not competent in any legal sense, and that it is not competent for me to state its contents, yet I think I may say that he stated in that letter that he had not written a line in regard to the matter for any of the Augusta papers. There was a great hurrah made in the papers, and I was condemned without any investigation being made into it, and he wrote to me that he had not written any account for the Augusta papers. It seems to have been picked up by Tom, Dick, and Harry and to have been made the most of, and just put in in that way.

I afterward came to Columbia to see Governor Chamberlain in regard to it, and went down to his office and stated to him substantially as I have stated here. His reply to me was, "I don't see how you are to be blamed for it. The only horrible thing is the killing of these negroes after they were prisoners; that is murder." Said I, "Certainly, that is murder; there is no civilized man can justify that thing; but I had no control over it." He intimated to me that there was no blame to be attached to me. Mr. Youmans, of this city, was with me. The Northern papers took up the matter, and heaped such epithets as "bloodhounds from hell," and all those complimentary allusions, and of course I was very much annoyed about it.

I requested Mr. Youmans afterward to go to the adjutant-general's office and inquire if these people had been commissioned. The adjutant-general had stated that they were regularly commissioned militia.

Mr. Stone was sent over there by Governor Chamberlain as attorney-general of the State, and he made what I think a very unfair report. He did not seem to me to find out the facts. He simply went to the negroes who had been implicated, and made his report accordingly. Subsequently, in a communication which has been published, I denounced that report. In that report he says that this company was reorganized in May, 1876, and that it was the same company that had been organized under Governor Scott's administration in 1872.

When I had this interview with Governor Chamberlain I said to him, "I must say to you, as a citizen of this country, that you are perpetrating a cruel wrong upon these people to allow these arms to stay there—a great wrong, that is unjustifiable." Said he, "I do not know anything about the guns." Whether he did know anything about them or not I do not know.

Mr. Youmans went to the adjutant-general's office for the purpose of ascertaining about this matter of the militia company, but he said that he could find no evidence of any commissions having been issued. I know nothing of the legality or illegality of the militia, but I would like to refer the committee to the law upon this subject.

[Section 9 of the act of March 17, 1874, reorganizing the militia, was read by the witness, as follows:

"SEC. 9. No company can be mustered in unless at least eighty-three men have been enlisted therein. Companies now in the service of the State shall at once reorganize under the provisions of this act, by the members signing proper enlistment-rolls, and being mustered into the service of the State as a part of the national guard; and for the purpose of such reorganization sixty men shall be considered the minimum. Such companies not reorganizing, as herein provided, on or before the 1st day of January, A. D. 1875, shall be disbanded, and the commanding officer of the regiment to which any such company may be attached is hereby authorized and required to take possession of all arms, accouterments, or other military property belonging to the State in the possession of such company; and any member thereof who shall refuse or neglect to deliver the same shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $100 nor less than $10, or by imprisonment not exceeding thirty days, and the said property, wherever found, may be taken possession of by the commanding officer of such regiment, or by any officer or soldier acting under his orders: *Provided*, The general commanding the division to which company or companies may be attached shall have power to extend the time for the reorganization herein required upon the recommendation of the regimental commander."]

The WITNESS. My information, derived from Major Stone, was that this company was not reorganized until May, 1876, and my information further was that they had no authority from the major-general either to have the arms or to reorganize.

Q. Who was the major-general?

A. Prince R. Rivers, sir; so reported. A great many of those guns had been distributed all around the State.

By Mr. CHRISTIANCY:

Q. You do not mean to have your statement of the law entered as a part of the testimony, I suppose?

A. No, sir; that is a matter of argument, as to whether it is a legally organized company.

Q. Do you know a man in Hamburgh named Louis Schiller?

A. Yes, sir; I have known him for ten years.

By Mr. MERRIMON:

Q. Do you know his general character?

A. I think I do.

Q. What is it?

A. In what respect?

Q. For truth.

A. I think it is bad, sir; he is a man of no character whatever.

Q. I ask you, sir, whether any member of that militia company told you at any time who fired first in that riot, who saw the ammunition?

A. Yes, sir; a man by the name of Pompey Currey told me.

By Mr. CHRISTIANCY:

Q. Do you know yourself who fired the first shot?

A. I really don't know who it was, because I was clear across the block when I heard the firing.

By Mr. MERRIMON:

Q. State whether you ever made any effort to have that Hamburgh matter investigated judicially.

A. I did, sir; after this thing assumed the proportions that I stated it did, and I heard that this investigation was going on, and that the jurymen consisted of parties implicated, entirely of negroes, and the negro trial-justice and some of the jurymen were the parties implicated in the riots, then I supposed, of course, that political capital was trying to be made out of it, and I sent word to the attorneys that if any warrants were issued for me, if they would let me know, I would report at Aiken at once; and a warrant was issued, and I went down and appeared before Judge Maher, and, on application for bail, it was granted to all the parties concerned, in the sum of $1,000, by Judge Maher——

By Mr. CHRISTIANCY:

Q. One thousand dollars each?

A. One thousand dollars each; that is, in each case; and the court met on the first Monday of September and all the parties implicated reported again, and I, through my counsel, demanded that a bill of indictment should be given to the

grand jury; and my information was that the judge continued the cases upon his own motion. It has been alleged by a man by the name of Albert Carroll, who lives at Aiken, that the reason that the case was not tried was that the court was intimidated.

Q. Both those statements are on information merely?

A. No, sir; one of the witnesses (Carroll) who has testified here has testified that they went down there and intimidated the court with arms, and all that sort of thing. I was entirely ignorant of any purpose to intimidate anybody. There was eighty of us included in this warrant, and I suppose they may have had a party of their friends with them, but I don't think there was at the outside one hundred and fifty white men who accompanied them in Aiken. If there was any disposition to intimidate any one, I did not see it. The men had to come with their wagons, some of them thirty miles, and they brought their supplies with them and camped out and did not appear in the town, but remained out two or three miles. Some of them did not come in at all, and everything was very quiet in Aiken.

I, through my lawyers, demanded to have this case referred to the grand jury for the purpose of having an investigation, but it was denied me, and has been persistently denied me since. The court is now in session, and I am informed that no bill has been given out; and I have never had an opportunity to have an investigation. I have demanded of Governor Chamberlain that he proceed to have an investigation, but it has been denied; for what purpose, I do not know. He is charged with the execution of the laws of the State, and he has declined to do it.

If I am the red-handed ruffian and bloodhound that I am accused of being, either his government is imbecile and utterly worthless or I should have been put in the penitentiary long before this. There is no escape from that dilemma. I have not only asked for this investigation, but I have demanded it again and again.

Q. I ask you whether, under the law of this State, one charged with willful murder is entitled to bail?

A. No, sir; he is not.

By Mr. MERRIMON:

Q. I notice that your State constitution says that the Legislature shall provide for a registration of the voters, of the electors of the State, and the provision seems to be peremptory. Has any law been passed since the present constitution went into effect on the subject?

A. Not within my knowledge. I can state in that connection that there has never, I think, been an assemblage of a Democratic convention in the State since that time that has not urged upon the Legislature the enactment of a registration law in obedience to what is considered to be a mandatory provision of the constitution.

Q. Witnesses have been repeatedly asked in the course of this examination whether or not you have talked with them. I ask you whether you have rendered the minority of the committee any assistance, and, if you say yes, under what circumstances?

A. I have done all that I could to assist the minority of this committee, at its request. You requested me, or some gentleman in the State who was familiar with it, to come here representing that you were a stranger, which we all knew, and unfamiliar with the history of the last year, and the people of the State, and I responded to that request; and I have been in attendance here since last Tuesday to give you what assistance in that respect I could, at some very considerable inconvenience to me.

Q. I ask you whether you have suggested to any witness any statement that he did not voluntarily make?

A. I have not. I have merely attempted to get at the substance of what they were going to state with a view of facilitating your investigation. I have understood that Mr. Corbin and other gentlemen have been aiding the majority of the committee in that way, and I have done so for the minority, at very considerable personal inconvenience, too.

By Mr. CHRISTIANCY:

Q. There is one point to which I wish to call the attention of General Butler in order to give him a chance for explanation. It is a question of law and was not a proper thing to go into the evidence, but inasmuch as you have already stated it I want to give you a chance to modify your statement if you desire to do so. I see that your constitution provides that all persons shall before conviction be bailable on sufficient securities, except in case of murder when the proof is conclusive or the presumption great, so that there might be many cases where persons charged with murder would be bailable?

A. Oh, certainly, on the charge of murder.

Mr. MERRIMON. You notice I used the words "willful murder."

The WITNESS. There are many instances where parties have been charged with murder and been entitled to bail; but if upon an investigation of the matter the judge decides that it is murder, then, as a matter of course, under the provisions of the constitution the person would not be bailable. If it should appear upon an investigation before the judge that it was murder, of course under the provision of the constitution he would not be entitled to bail.

By Mr. CHRISTIANCY:

Q. The point which I refer to you have not reached. Take a case where it is murder or nothing, if you please, if you can imagine a case of that kind; if the judge should be of the opinion that the evidence was weak and that it was a case that needed investigation, he could take bail?

A. Oh, certainly; it has been done time and again.

Q. It is only where the proof is evident that the prisoner is not bailable?

A. Yes, sir.

By Mr. MERRIMON:

Q. You spoke of persons coming to you; I wanted to ask you at the time if it was difficult for you to move about from place to place; and, if so, specify any reason for it.

A. I have got but one leg, and go on crutches now. I do find great difficulty in getting up and down the steps.

Q. I meant in that riot?

A. I was wearing my artificial leg at that time; but of course it is difficult for me to get about. I was not going on crutches then.

Mr. CALKINS. I rise to a question of privilege. In a speech in this House on the 21st instant, I used this language:

The next case is that of Smith against Robertson, from the State of Louisiana. In that case the committee was presented with hundreds of affidavits which tended to show a state of things in that district which, if true, and could have been shown by competent testimony, would, to say the least of it, have made a serious contest for that seat.

The gentleman from Louisiana [Mr. ROBERTSON] has called my attention to the fact (and I agree with his statement) that this language is inaccurate. I should have stated that the committee was presented with a record and testimony and affidavits comprising one hundred pages or more, which if true would have made a serious contest. I make this statement so that the language may be accurate and just toward the gentleman from Louisiana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the following resolution:

Resolved, That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repairs, and preservation of certain works on rivers and harbors; and the Senate by unanimous consent further agreed to strike out in line 19, page 3 of the said bill, the word "ten" when it occurs after the word "improvement," and insert the word "fifteen;" and further agree to disagree to amendment No. 5 to said bill, and that the bill be enrolled accordingly.

Ordered, That the concurrence of the House of Representatives be requested therein.

NICARAUGUA CANAL.

Mr. KASSON. Mr. Speaker, I insisted yesterday on a limitation of ten days upon the time allowed my colleague on the Committee on Foreign Affairs [Mr. BLOUNT] to submit the views of the minority of that committee upon the bill to incorporate the Nicaraugua Canal company. In conversation with him since, I have learned that he is likely to be occupied so as not to be able to finish the report within that time. I therefore ask that it may be extended to sixty days.

The SPEAKER. The Chair hears no objection to extending the time to sixty days from yesterday; and leave will be granted accordingly.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 469) to provide for the sale of certain Kickapoo Indian lands in Kansas;

A bill (S. No. 679) for the relief of William A. Gavett;

A bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians; and

A bill (S. No. 114) to amend section 2133 of the Revised Statutes in relation to Indian traders.

ORDER OF BUSINESS.

Mr. MAGINNIS. Mr. Speaker, I ask unanimous consent to take up for passage a bill to restore the Fort Benton military reservation to the public domain.

Mr. PARKER. I ask unanimous consent to have taken from the Speaker's table and read the joint resolution authorizing the building of a bridge across the Saint Lawrence. It has been passed by the Senate and has received a favorable recommendation from the committee of this House. It consists of only two pages.

Mr. HOLMAN. I call for the regular order.

Mr. PARKER. I trust the gentleman will withdraw that call. I have not taken much of the time of the House.

MATERIALS FOR THE CONSTRUCTION OF VESSELS.

The SPEAKER. The regular order being called for, the House now resumes, under the special rule, the consideration of the bill (H. R. No. 3902) permitting the use of domestic materials in the construction of steam and sailing vessels for foreign account. The morning hour under the new rule begins at two minutes before twelve o'clock. The pending question is on the motion of the gentleman from Pennsylvania [Mr. KELLEY] to refer the bill and pending amendment to the Committee on Ways and Means.

Mr. TUCKER. I move to amend the motion of the gentleman from Pennsylvania by adding the instructions which I send to the desk.

Mr. HASKELL. On that motion I make a point of order.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] moves to amend the motion of the gentleman from Pennsylvania so as to refer with the instructions which the Clerk will read.

The Clerk read as follows:

With instructions to report a bill which shall allow, under proper regulations, a drawback or rebate equal to the whole amount of duties paid or chargeable thereon on any and all imported materials which shall be used in the construction and equipment of any steam or sail vessel constructed and equipped within the United States for any citizen of the United States or for any foreign citizen or subject: *Provided*, That the same shall not apply to any such vessel to be engaged in the coastwise commerce of the United States.

Mr. KASSON. Does not the gentleman intend to insert "or internal" after the word "coastwise?"

Mr. HASKELL. I have reserved a point of order on the motion of the gentleman from Virginia. The motion to refer, made by the gentleman from Pennsylvania, is a motion under Rule XVI, clause 4. A motion to refer or recommit with instructions comes under a special rule, and is to be moved just before or just after the previous qusetion. The motion made by the gentleman from Pennsylvania was made at a stage of the business which compelled it to be made under Rule XVI, clause 4, and a motion to add instructions is not in order now.

Mr. CARLISLE. Before the adoption of the new rule providing for a motion to commit with instructions it was always in order after the second reading of a bill to move to recommit with or without instructions. The effect of the new rule was simply to extend that privilege so that it would be in order to move to recommit with or without instructions after the previous question had been called

or ordered. The new rule did not at all restrict the pre-existing privilege, but was, as I have just said, an enlargement of the right of members in this respect, so that this motion might be made after the calling or ordering of the previous question as well as before. Now, I submit to the gentleman from Kansas that it has never been the rule in this House, or, so far as my experience goes in any other legislative assembly, that you could not move to amend a motion to refer by adding thereto instructions.

The Speaker has held, perhaps properly under the new rule, after the previous question has been demanded or ordered by the House it is not in order to move to amend the instructions. But that is after the previous question has been ordered.

The SPEAKER. On the passage of the bill.

Mr. CARLISLE. Yes; on the passage of the bill.

Mr. ROBINSON, of Massachusetts. That was the ruling in the last Congress.

Mr. CARLISLE. So it was.

Mr. TUCKER. On the suggestion of my friend from Iowa [Mr. KASSON] I modify the instructions by adding after the word "coastwise" the words "or internal." He thinks it will make it clearer.

Mr. HASKELL. I desire to say in answer to the gentleman from Kentucky that I understand very well under the old rule and the general practice a motion to refer with instructions was in order, but under the new rule there is no provision made whatever for instructions, except just before or just after the previous question. The Speaker has ruled on that point two or three times within a month. The Speaker when asked whether he would entertain the motion with instructions has said he would when the proper time came. What was the proper time? As designated by the present Speaker, it is when the previous question was pending or had been ordered. I insist, under that ruling as it stands to-day, under the corrected version of the rule, there is no provision made for instructions except pending the previous question.

Mr. CARLISLE. The gentleman from Kansas is of opinion the new rule, instead of an enlargement, is a restriction.

Mr. HASKELL. Yes; to that extent it is.

The SPEAKER. The Chair does not remember to have passed on the precise question here involved. The parliamentary practice has been to permit an amendment to a motion to refer or commit, or recommit, which is substantially the same thing. That, in the opinion of the Chair, is limited to one motion without amendment, under the new rule, after the previous question has been ordered on the passage of a bill or joint resolution. In that case the Chair thinks a fair interpretation of the rule limits it to a single motion, and therefore, for that reason, an amendment cannot be made because the House is operating under the previous question, and the operation of the previous question is to bring the House to a vote on the main question at the earliest practical moment. The Chair thinks, under a strict construction, after the previous question has been called or ordered, it can only allow a motion to commit, but no amendment to it, and this it has so held.

But that does not apply to this case, as the previous question has not been demanded, and parliamentary practice would admit of an amendment to this motion to refer; and therefore the Chair holds the motion of the gentleman from Virginia [Mr. TUCKER] to amend the motion to refer with instructions to be in order.

Mr. KELLEY. I hope it will be voted down.

Mr. TUCKER. I demand the yeas and nays on my amendment to commit with instructions.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 96, not voting 109; as follows:

YEAS—84.

Armfield,	Dibrell,	King,	Richardson, Jno. S.
Atkins,	Dowd,	Klotz,	Ritchie,
Barbour,	Dugro,	Knott,	Robertson,
Belford,	Ermentrout,	Latham,	Robinson, Wm. E.
Berry,	Evins,	Leedom,	Rosecrans,
Blackburn,	Fulkerson,	Le Fevre,	Simonton,
Blanchard,	Garrison,	Manning,	Singleton, Jas. W.
Blount,	Gunter,	Martin,	Singleton, Otho R.
Buchanan,	Hammond, N. J.	Matson,	Springer,
Buckner,	Hardy,	McKenzie,	Steele,
Cabell,	Harris, Henry S.	McMillin,	Stockslager,
Caldwell,	Hatch,	Mills,	Thompson, P. B.
Carlisle,	Hewitt, Abram S.	Morrison,	Townshend, R. W.
Chapman,	Hoblitzell,	Morse,	Tucker,
Clements,	Holman,	Moulton,	Turner, Henry G.
Colerick,	Hooker,	Mutchler,	Turner, Oscar
Covington,	House,	Oates,	Upson,
Cox, Samuel S.	Jones, George W.	Page,	Warner,
Cox, William R.	Jones, James K.	Prescott,	Wellborn,
Cravens,	Kasson,	Reagan,	Whitthorne,
Culberson,	Kenna,	Rice, Theron M.	Williams, Thomas

NAYS—96.

Aldrich,	Campbell,	Dawes,	Henderson,
Anderson	Candler,	Deering,	Hill,
Bayne,	Cannon,	De Motte,	Horr,
Briggs,	Carpenter,	Errett,	Houk,
Browne,	Caswell,	Farwell, Sewell S.	Jacobs,
Brumm,	Chace,	Fisher,	Jadwin,
Buck,	Cullen,	Godshalk,	Kelley,
Burrows, Julius C.	Cutts,	Harris, Benj. W.	Ketcham,
Butterworth,	Darrall,	Haskell,	Lacey,
Calkins,	Davis, George R.	Hazelton,	Lewis,
Lord,	Pound,	Skinner,	Van Horn,
Lynch,	Ranney,	Smalls,	Van Voorhis,
McClure,	Ray,	Smith, A. Herr	Wadsworth,
McKinley,	Rice, William W.	Smith, Dietrich C.	Wait,
Miller,	Rich,	Spaulding,	Walker,
Moore,	Richardson, D. P.	Spooner,	Ward,
Morey,	Robeson,	Strait,	Washburn,
Norcross,	Robinson, Geo. D.	Taylor,	Watson,
O'Neill,	Robinson, James S.	Townsend, Amos	Webber,
Parker,	Russell,	Tyler,	White,
Payson,	Ryan,	Updegraff, J. T.	Williams, Chas. G.
Peelle,	Shallenberger,	Updegraff, Thomas	Willits,
Peirce,	Sherwin,	Valentine,	Wilson,
Pettibone,	Shultz,	Van Aernam,	Young.

NOT VOTING—109.

Aiken,	Deuster,	Hoge,	Phister,
Atherton,	Dezendorf,	Hubbell,	Randall,
Barr,	Dingley,	Hubbs,	Reed,
Beach,	Dunn,	Humphrey,	Rice, John B.
Belmont,	Dunnell,	Hutchins,	Ross,
Beltzhoover,	Dwight,	Jones, Phineas	Scales,
Bingham,	Ellis,	Jorgensen,	Scoville,
Bisbee,	Farwell, Chas. B.	Joyce,	Scranton,
Black,	Flower,	Ladd,	Shackelford,
Bland,	Ford,	Lindsey,	Smith, J. Hyatt
Bliss,	Forney,	Lowe,	Sparks,
Bowman,	Frost,	Mackey,	Speer,
Bragg,	Geddes,	Marsh,	Stephens,
Brewer,	George,	Mason,	Stone,
Burrows, Jos. H.	Gibson,	McCoid,	Talbott,
Camp,	Grout,	McCook,	Thomas,
Cassidy,	Guenther,	McLane,	Thompson, Wm. G.
Clardy,	Hall,	Miles,	Urner,
Clark,	Hammond, John	Money,	Vance,
Cobb,	Hardenbergh,	Mosgrove,	West,
Converse,	Harmer,	Muldrow,	Willis,
Cook,	Haseltine,	Murch,	Wise, George D.
Cornell,	Heilman,	Neal,	Wise, Morgan R.
Crapo,	Hepburn,	Nolan,	Wood, Benjamin
Crowley,	Herbert,	Orth,	Wood, Walter A.
Curtin,	Herndon,	Pacheco,	
Davidson,	Hewitt, G. W.	Paul,	
Davis, Lowndes H.	Hiscock,	Phelps,	

So the amendment was not agreed to.

The following pairs were announced:

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. DUGRO.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. ROSS.

Mr. BREWER with Mr. HOGE.

Mr. CURTIN with Mr. THOMAS.

Mr. RYAN with Mr. LE FEVRE.

Mr. HUBBELL with Mr. WILLIS.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. HARMER with Mr. ELLIS.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. GEDDES with Mr. NEAL.

Mr. ORTH with Mr. MARTIN.

Mr. BELFORD with Mr. COVINGTON.

Mr. CRAPO with Mr. CONVERSE.

Mr. GUENTHER with Mr. DEUSTER.

Mr. WEST with Mr. FORNEY.

Mr. BINGHAM with Mr. HUTCHINS.

Mr. MCLANE with Mr. URNER.

Mr. HEPBURN with Mr. AIKEN.

Mr. MASON with Mr. MONEY.

Mr. FARWELL, of Illinois, with Mr. SCALES.

Mr. DWIGHT with Mr. VANCE.

Mr. NEAL. I am paired with Mr. GEDDES, my colleague, but reserved the right to vote if necessary to make a quorum.

The SPEAKER. A quorum has voted.

On motion of Mr. KELLEY, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. KASSON. I now move the previous question on the motion to refer.

The previous question was ordered.

The SPEAKER. The question is on the motion to refer the bill with the pending amendment to the Committee on Ways and Means.

Mr. TUCKER. On that I demand the yeas and nays.

The yeas and nays were ordered, forty-two members voting in favor thereof.

The question was taken; and there were—yeas 100, nays 71, not voting 118; as follows:

YEAS—100.

Aldrich,	Errett,	Morey,	Skinner,
Anderson,	Farwell, Sewell S.	Norcross,	Smalls,
Bayne,	Fisher,	O'Neill,	Smith, A. Herr
Belford,	George,	Page,	Smith, Dietrich C.
Bisbee,	Godshalk,	Parker,	Spaulding,
Briggs,	Harris, Benj. W.	Payson,	Speer,
Browne,	Haseltine,	Peelle,	Spooner,
Brumm,	Haskell,	Peirce,	Steele,
Buck,	Hazelton,	Pettibone,	Stone,
Burrows, Julius C.	Henderson,	Pound,	Strait,
Butterworth,	Hill,	Prescott,	Taylor,
Calkins,	Horr,	Ranney,	Townsend, Amos
Campbell,	Houk,	Ray,	Tyler,
Candler,	Jacobs,	Rice, Theron M.	Updegraff, J. T.
Carpenter,	Jadwin,	Rice, William W.	Valentine,
Caswell,	Kasson,	Rich,	Van Aernam,
Chace,	Kelley,	Ritchie,	Van Horn,
Crowley,	Ketcham,	Robeson,	Van Voorhis,
Cullen,	Lewis,	Robinson, Geo. D.	Walker,
Cutts,	Lord,	Robinson, Jas. S.	Ward,
Davis, George R.	Lynch,	Russell,	Watson,
Dawes,	McClure,	Ryan,	Webber,
Deering,	McKinley,	Shallenberger,	Williams, Chas. G.
De Motte,	Miller,	Sherwin,	Willits,
Dingley,	Moore,	Shultz,	Young.

NAYS—71.

Atkins,	Culberson,	Jones, James K.	Robertson,
Belmont,	Dibrell,	Kenna,	Robinson, Wm. E.
Berry,	Dowd,	King,	Rosecrans,
Blackburn,	Dunn,	Klotz,	Simonton,
Blanchard,	Ermentrout,	Knott,	Singleton, Otho R.
Buchanan,	Evins,	Latham,	Springer,
Buckner,	Flower,	Leedom,	Stockslager,
Cabell,	Garrison,	Le Fevre,	Thompson, P. B.
Caldwell,	Gunter,	Manning,	Townshend, R. W.
Carlisle,	Hammond, N. J.	Martin,	Tucker,
Cassidy,	Hardy,	Matson,	Turner, Henry G.
Chapman,	Harris, Henry S.	McMillin,	Turner, Oscar
Clements,	Hatch,	Mills,	Updegraff, Thomas
Colerick,	Hewitt, Abram S.	Morrison,	Upson,
Covington,	Hoblitzell,	Morse,	Wellborn,
Cox, Samuel S.	Holman,	Mutchler,	Whitthorne,
Cox, William R.	House,	Oates,	Williams, Thomas
Cravens,	Hutchins,	Reagan,	

NOT VOTING—118.

Aiken,	Dezendorf,	Jones, Phineas	Richardson, D. P.
Armfield,	Dugro,	Jorgensen,	Richardson, Jno. S.
Atherton,	Dunnell,	Joyce,	Ross,
Barbour,	Dwight,	Lacey,	Scales,
Barr,	Ellis,	Ladd,	Scoville,
Beach,	Farwell, Chas. B.	Lindsey,	Scranton,
Beltzhoover,	Ford,	Lowe,	Shackelford,
Bingham,	Forney,	Mackey,	Singleton, Jas. W.
Black,	Frost,	Marsh,	Smith, J. Hyatt
Bland,	Fulkerson,	Mason,	Sparks,
Bliss,	Geddes,	McCoid,	Stephens,
Blount,	Gibson,	McCook,	Talbott,
Bowman,	Grout,	McKenzie,	Thomas,
Bragg,	Guenther,	McLane,	Thompson, Wm. G.
Brewer,	Hall,	Miles,	Urner,
Burrows, Jos. H.	Hammond, John	Money,	Vance,
Camp,	Hardenbergh,	Mosgrove,	Wadsworth,
Cannon,	Harmer,	Moulton,	Wait,
Clardy,	Heilman,	Muldrow,	Warner,
Clark,	Hepburn,	Murch,	Washburn,
Cobb,	Herbert,	Neal,	West,
Converse,	Herndon,	Noland,	White,
Cook,	Hewitt, G. W.	Orth,	Willis,
Cornell,	Hiscock,	Pacheco,	Wilson,
Crapo,	Hoge,	Paul,	Wise, George D.
Curtin,	Hooker,	Phelps,	Wise, Morgan R.
Darrall,	Hubbell,	Phister,	Wood, Benjamin
Davidson,	Hubbs,	Randall,	Wood, Walter A.
Davis, Lowndes H.	Humphrey,	Reed,	
Deuster,	Jones, George W.	Rice, John B.	

So the motion to refer was agreed to.

The following additional pairs were announced:

Mr. WHITE with Mr. MCKENZIE.

Mr. LACEY with Mr. BLISS.

Mr. KASSON. I move that the reading of the names be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. KELLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate further insisted upon its amendment numbered 47 to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, disagreed to by the House of Representatives, asked a further conference by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL to be the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States.

HEIRS OF THOMAS TOBY.

The SPEAKER. The regular order is the call of committees under the special rule.

The Committee on Appropriations was called, but did not present any measure for action.

The Committee on the Judiciary was next called.

Mr. CULBERSON. I am instructed by the Committee on the Judiciary to call up the bill (S. No. 543) now on the Speaker's table, and to ask that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Thomas Toby, deceased, of the city of New Orleans, in the State of Louisiana, the sum of $45,000 in compliance with the joint resolution of the Legislature of the State of Texas, approved March 30, 1881, making provision for the settlement of Thomas Toby's claim: *Provided*, That the said heirs shall file with the Secretary of the Treasury a duly certified copy of the said joint resolution and a full and complete release unto the State of Texas and to the United States of and for all claims whatever of their ancestor against Texas and the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BURROWS, of Michigan. I wish to inquire if the bill has been acted upon by the House committee?

Mr. CULBERSON. Yes; and it is unanimously reported.

Mr. BURROWS, of Michigan. Would it be proper to ask for a reading of the report before objections are called for?

The SPEAKER. Not except by unanimous consent.

Mr. KASSON. I ask unanimous consent.

Mr. BURROWS, of Michigan. I would like to know something of the character of the claim.

The SPEAKER. Under the rule the report is read as a part of the consideration of the measure if it does not take more than five minutes. Is there objection to the reading of the report, the right to object being reserved? The Chair hears no objection.

The Clerk proceeded for five minutes to read the report.

Mr. BURROWS, of Michigan. I notice the report is very lengthy; and as the hour has expired, I rise to inquire if the report can be printed in the RECORD, the right of objection being reserved?

The SPEAKER. The right of objection will be reserved.

Mr. BURROWS, of Michigan. And I ask that the report be printed in the RECORD.

The SPEAKER. In the absence of objection the report will be printed in the RECORD. The morning hour has expired.

Mr. CULBERSON. I desire to know what is the status of this bill.

The SPEAKER. It goes over as unfinished business until to-morrow, subject to objection on being called up.

The report is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 1660) for the relief of the heirs of Thomas Toby, have considered the same, and make the following report:

The committee believe that this claim is a just and meritorious demand against the State of Texas, and properly payable out of the funds appropriated and set apart by Congress under the provisions of the act entitled "An act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress approved February 28, 1855."

The validity and merit of this claim are supported by the highest evidence, a portion of which the committee deem it proper to submit herewith.

Thomas Toby, now deceased, was a citizen of New Orleans during the years 1836, 1837, and 1838, and was a merchant of large means. He espoused the cause of Texas in the war of the revolution between Texas and Mexico, and this claim upon Texas is for money loaned and advances made by him in supplies and munitions of war to Texas upon request of and in pursuance of negotiations with the authorities of that republic.

In support of the validity and justness of the claim, the committee refer to the following documentary evidence, the originals of which are now on file in the office of the comptroller of public accounts of the State of Texas:

[Senate Journals, Seventeenth Legislature, page 61.]

DEPARTMENT OF STATE.
Velasco, May 28, 1836.

SIR: In times of general prosperity, the capitalist who advances funds to a government deserves nothing more than a fair remuneration for his loan; but when an infant republic, just sprung into existence, without a government at home or credit abroad, is compelled to carry on a defensive war against a powerful tyrant, whose watchword is extermination, and whose march is traced by the desolation left behind him, when a cloud of the most dark and angry character was lowering over us, when "hope deferred" had almost sunk into despondency, the man who, like you, could fearlessly step forward and risk his fortune and credit in our behalf deserves and receives a nation's gratitude.

But for the frequent and well-timed aid you have so liberally afforded, it is scarcely probable that we could have sustained the war up to this period, and Texas, the fairest portion of the continent, might now have been what Santa Anna has threatened to make it, a howling wilderness.

WM. H. JACK, *Secretary of State.*

TO THOMAS TOBY, Esq., *New Orleans.*

Also the following:

[From President Burnet.]

EXECUTIVE DEPARTMENT,
Velasco, June 20, 1836.

SIR: Texas never required the prompt and efficient action of the friends of human liberty more than at this moment. Your zeal, as heretofore manifested, is a sure guarantee that you will not be lacking now.

Your obedient servant,

DAVID G. BURNET.

TO THOMAS TOBY, Esq., *Texas Agent, New Orleans.*

Also the following:

[From President Houston.]

COLUMBIA, TEXAS, *February* 21, 1837.

MY DEAR SIR: You will ere this have seen Colonel Thruston, the commissary-general of Texas. With him were sent requisitions, and I hope to God you will have them filled. It is important to us. If our army is not supplied all our blood has been shed in vain.

Your friend,

SAM HOUSTON.

To THOMAS TOBY, Esq.

Also the following:

COLUMBIA, TEXAS, *March* 10, 1837.

DEAR SIR: I desire that five hundred stand of arms be forwarded to the army as soon as possible, and for God's sake do send breadstuffs to the army and to Velasco—to the army for fifteen hundred men for two months and to Velasco for two hundred men.

Last night I heard from the army that there had been no breadstuffs for ten days past, nor had they news of any coming.

Do, my friend, I beg you, forward provisions agreeably to the requisitions made by Colonel Thruston. The supplies sent for are indispensable to the salvation of the army. Unless our friends now sustain us it will leave Texas in a situation as deplorable as it was on the 20th of March last year.

You need entertain no fears of being amply requited by the government for any advances which you may make to the country. I feel confident that every allowance will be made by the government so as to give complete indemnity to those who may be responsible for any aid rendered to our necessities.

Your friend,

SAM HOUSTON.

To THOMAS TOBY, Esq.

Also the following:

COLUMBIA, *March* 17, 1837.

DEAR SIR: Seventeen hundred men are now in the field, and about five hundred not armed. The supplies can only last four days longer. For God's sake do something, or we must lose all that we have gained, and our country. The supplies in it are much exhausted.

We must be supplied!

You may rest assured on receiving ample remuneration for any responsibilities which you may incur.

Your friend,

SAM HOUSTON.

To THOMAS TOBY, Esq.

This claim has been presented from time to time, since the late war, to the Legislature of the State of Texas. The proceedings of the several Legislatures which have considered it will show that its validity and merit have been uniformly recognized and acknowledged, and payment thereof directly by the State declined, upon the ground that Texas had made ample provision for the payment of all such claims by the terms of the compact entered into between the United States and Texas on the 28th day of February, 1855.

In order to show how the claim has been regarded by the Legislature of Texas, the committee refer to the following:

[See Senate Journals, Seventeenth Legislature, pages 60 and 61.]

SENATE CHAMBER, *Austin*, *March* 2, 1879.

The undersigned members of the senate avail themselves of the privilege of spreading upon the journals their reasons for voting for the report of the committee on finance, which recognized the fact that the State of Texas is indebted to the late Thomas Toby, and proposing to pay the representatives of said Toby the sum of $45,000 in satisfaction for all demands against the State.

The claim of Thomas Toby originated during the struggle between Texas and Mexico. Mr. Toby was distinguished at an early period of the contest as the friend of Texas and constitutional freedom. He was made the agent of Texas, and intrusted with the sale of land scrip to the quantity of 500,000 acres. President Burnet indorsed him officially as such in May, 1836, and continued to do so until the end of his term. Soon after being inaugurated, President Houston addressed Thomas Toby & Bro. officially as the agents of the Republic of Texas. His first communication was dated November 8, 1836, and the correspondence extended to about two-thirds of President Houston's term of office.

The official correspondence establishes the following facts:

1. The Mexican Government was straining every nerve to make another formidable invasion of Texas during the summer of 1836.

2. Texas had few men in the field, and called for volunteers.

3. Thomas Toby advanced money, arms, ammunition, clothing, and provisions. He made advances to fit out war vessels, and to forward volunteers to Texas. In short, he furnished Texas the sinews of war.

4. If he had not done so, the army of Texas would have been compelled to disband and the people would have been driven out or butchered.

5. In February, 1837, President Houston forwarded requisitions to Thomas Toby, and said: "I hope to God you will have them filled; it is important to us. If our army is not supplied, all our blood has been in vain." He repeated that declaration substantially on other occasions.

6. President Houston promised to repay Thomas Toby for advances.

7. This debt was incurred to maintain the independence of Texas. The Texas army, supplied by Thomas Toby, prevented a Mexican invasion, and the consequences resulting from the war of extermination declared and waged against Texas.

8. Thomas Toby accounted for every acre of land scrip placed in his hands, and presented vouchers for money expended for the Republic of Texas; they are on record in the comptroller's office. In accordance with a legislative resolution the comptroller and the treasurer of this State made a statement of the Thomas Toby claim, and reported the sum of over $45,000 due Thomas Toby, as per vouchers on file.

9. Ex-Governor Pease, ex-Comptroller Shaw, ex-Auditor Swisher, and Colonel Brewster testify to the justice of Thomas Toby's claim, and that it has never been paid.

10. There is no evidence in any department of this government known to us of any payment of Thomas Toby's claim.

11. We believe said claim was made under circumstances which constitute it almost sacred; that equity, gratitude, and a proper regard for the reputation of our State demands its recognition and liquidation.

We cannot subscribe to the doctrine that length of time lessens and discharges our obligations to pay a claim which has been presented eight times before even a statement thereof was made by the authorized agents of the State. We feel that in voting to recognize the claim of Thomas Toby we were shielding Texas from the charge of repudiating a claim she is morally bound to pay as an act of gratitude and justice to a noble man who was her friend and benefactor in the dark days of danger and peril.

JOHN S. FORD.
A. P. McCORMICK.
CHAS. D. GRACE.
JOHN M. DUNCAN.

We also call attention, in this connection, to a certificate signed by Hon. E. M. Pease, formerly governor of Texas, which is as follows:

[Statement of ex-Governor E. M. Pease.]

I, E. M. Pease, of the city of Austin, Texas, do hereby certify that during the years 1836 and 1837 I was for part of the time chief clerk in the treasury department of the Republic of Texas, and for part of the time comptroller of public accounts of said republic; that during these years Thomas Toby, deceased, late of New Orleans, Louisiana, was the agent of said republic in New Orleans for forwarding volunteers to Texas, and for the purchase of provisions, clothing, and other supplies and munitions of war for said republic, and that as such agent he made large advances for those articles for said republic. I have examined his account against said republic, which was acted on by the Legislature of Texas at its last session, and can say from personal knowledge that a large part of the items therein charged are correct. I was familiar with the debt of the late Republic of Texas, and was governor of Texas at the time of the payments of most of said debt at the Treasury of the United States under the act of the Congress of the United States of the 28th of February, 1855, and knew that no part of the debt of said Toby was ever paid, either by the State of Texas or by the United States.

E. M. PEASE.

AUSTIN, TEXAS, *December* 5, 1881.

The last Legislature of Texas passed the following act, which is conclusive of the validity and merit of the claim:

[Joint resolution providing for the settlement of the claim of Thomas Toby, deceased.]

(See page 132, Laws of Seventeenth Legislature.)

Joint resolution making an appropriation for the settlement of Thomas Toby claim.

Whereas it has been satisfactorily established that the late Republic of Texas was indebted to Thomas Toby, deceased, late of New Orleans, in a large sum of money for advances made and supplies furnished and services rendered between the 24th day of May, 1836, and April 1, 1838, to aid and sustain her in her struggle for independence, which remains unpaid; and

Whereas there is a balance now of $101,113.27 in the United States Treasury belonging to the Texas debt fund applicable to the payment of all revolutionary claims of which this is one: Therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That the sum of $45,000 be, and the same is hereby, acknowledged and validated as a just debt against the reserved fund held by the Government of the United States for the payment of the debt of the late Republic of Texas; and our Representatives in Congress are hereby respectfully requested, by bill or otherwise, to move Congress to make an appropriation out of said reserved fund for the full payment of this claim, and that on such appropriation by Congress the heirs of Thomas Toby, deceased, are hereby authorized and empowered to apply for and receive from the proper authorities of the United States the said sum of $45,000 in full, without scale or abatement.

SEC. 2. That Texas will not regard the payment of said claim as a credit on the amount now owing to the State of Texas by the United States, unless the heirs of Thomas Toby shall first, before memorializing Congress or applying to any Department of the General Government for payment of said claim, file in the office of the treasury of the State of Texas a full release of all claims against the State of Texas which may remain unsatisfied by the United States out of money due Texas and reserved by the United States.

Approved March 30, A. D. 1881.

The heirs of Toby have executed and filed the release contemplated by the second section of the act, as appears from the following certificate:

[Acceptance of release by State treasurer.]

I, F. R. Lubbock, treasurer of the State of Texas, do hereby certify that in accordance with "Joint resolution No. 9, making an appropriation for the settlement of Thomas Toby claim," approved March 30, A. D. 1881, the heirs of Thomas Toby, deceased, have this day filed in the office of the treasurer of the State of Texas a full release of all claims against the State of Texas which may remain unsatisfied by the United States out of money due Texas and reserved by the United States.

In witness whereof, I have hereunto set my hand and affixed the seal of the treasurer of the State of Texas, this 12th day of November, A. D. 1881.

[L. S.] F. R. LUBBOCK, *Treasurer*.

It will be observed that the foregoing act of the Legislature of Texas recognizes this claim as a "just debt against the reserved fund held by the Government of the United States for the payment of the debt of the late Republic of Texas." It will be remembered that a controversy in respect of the northwestern boundary of Texas existed between the United States and Texas, from the annexation up to the 9th day of September, 1850, when the question of boundary was definitely settled by an act of Congress, which was assented to by the State of Texas.

Section 1, articles 4 and 5, of that act is as follows:

"SEC. 1, ART. 4. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of $10,000,000 in a stock bearing 5 per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

"SEC. 1, ART. 5. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the General Assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement: *Provided, also*, That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States: *Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the 'Joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."

In compliance with the provisions of the act above quoted, the Government of the United States issued the stock and paid over to the State of Texas five millions of it, and retained in the Treasury the remaining five millions, to await the contingency provided for. The consideration for the payment to Texas of the $10,000,000 in 5 per cent. stock was the relinquishment on the part of Texas of all claim to 66,000,000 of acres of land then claimed by Texas. And thus the disputed boundary question was settled. Congress was induced to insert the proviso in the foregoing act from the following state of facts, which then existed:

While the Republic of Texas was struggling to obtain its independence of Mexico, it became necessary to use extraordinary means to obtain supplies for its army and for munitions of war. From time to time the authorities of the republic proclaimed that the entire resources of the country were pledged to repay those who might advance money, supplies, or munitions of war. The congress of the republic in various and sundry acts pledged, not only the faith and the ordinary resources of the republic, but its revenues as well, for the payment of debts.

When Texas was incorporated into the Union, the creditors of Texas, who claimed that the revenues of the late republic had been pledged for the payment of their claims, set up demands against the Government of the United States for

the payment of such claims, upon the ground that the Government of the United States, by the incorporation of Texas into the Union, had made itself liable for these debts. Texas recognized her liability to pay all the debts which had been contracted for and on account of the revolution, but claimed the right to scale them upon such principles of equity and justice as seemed right to the State, and hence the creditors made demand upon the Government of the United States for the full amount of their claims. Thus the matter stood when the act of Congress already referred to was passed, and while Congress did not admit the liability of the Government to pay these claims, it avoided the issue by providing that five millions of the money due Texas should not be paid over until all the creditors referred to should file releases of all claims against the Government of the United States. Shortly after the passage of this act the President of the United States, Mr. Fillmore, submitted to Mr. Corwin, then Secretary of the Treasury, the question as to what classes of creditors ought to file the releases contemplated by the act of Congress. In his reply, which reviews the financial legislation of the congress of the late Republic of Texas, we find the following:

"The only provision of the beforementioned laws which it seems important to consider as bearing on the act of Congress in question is the fifteenth section of the act of the 14th January, 1840. That section contains the following provision:

"'*Be it further enacted*, That for the redemption of all loans negotiated by the authority of the Republic of Texas, independently of the reservation of the sinking fund, the proceeds of the sales of the public lands, *its revenues*, and public faith are solemnly pledged.' It seems perfectly clear that a pledge of all the revenue of a government whose organic form admitted the power to raise revenue by "duties on imports" is a special pledge of duties on imports as well as all the other sources of taxation known to such government. * * * If, then, the pledge of all "revenues," without the enumeration of items or classes, does not include duties on imports, neither does it, for the same reason, include any other species of revenue. And thus it would follow that nothing was pledged by the act in question, an absurdity too flagrant for consideration. Such a construction would admit the possibility of an intention by the congress of Texas to hold out to the world a delusive promise seeming to be substantial, and yet in fact offering no real security. The section referred to, therefore, must be considered as pledging specially the duties on imports as well as any other species of revenue possible under the government then existing. If these views are correct, all loans negotiated by Texas prior to the 14th of January, 1840, and under that act, are secured by a pledge of duties on imports. It follows that the five millions of stock specified in the act of Congress should not be issued to Texas until releases are filed as prescribed by all owners of that portion of the debt of Texas."

The report was adopted by the President on the 13th of September, 1851, and he directed that the five millions of stock should not be paid over until the releases contemplated by the report should be filed. As before stated, the creditors, for the most part, declined to file such releases, and the controversy continued. In 1853 the President of the United States, Mr. Pierce, submitted the question of his powers and duties in respect to this fund under the act of Congress referred to to Mr. Cushing, then Attorney-General. The Attorney-General replied, reviewing the subject at length. In view of a subsequent act of Congress on the subject it is only important to say that the Attorney-General dissented from the opinion of the Secretary of the Treasury, Mr. Corwin, in several particulars. The creditors would not file releases and the Government declined to pay over to Texas the balance due her, and such was the situation of this controversy when the subject was again brought before Congress in 1855. By an act approved February, 1855, Congress appropriated $7,750,000 in lieu of the five millions of stock due Texas, and provided that—

"The Secretary of the Treasury should pay the creditors of the late Republic of Texas who hold such bonds or other evidence of debt for which the revenues of that republic were pledged as were reported to be within the provisions of said act of September 9, 1850, by the report of the late Secretary of the Treasury to the President of the United States, and approved by him on the 15th September, 1851, or which come within the provision of said act according to the opinion of the present Attorney-General addressed to the Secretary of the Treasury and dated September 26, 1853, *pro rata*."

It is important to observe the fact that the act of 1855 broadens the scope of the act of 1850 in respect of the classes of creditors. All classes comprehended by the report of the Secretary of the Treasury in 1851 and all such as were embraced by the opinion of the Attorney-General are provided for. And thus the differences of opinion as to the proper construction of the act were obviated. It is proper to say also that under the act of 1855 the Government of the United States assumed the duty of paying out the money to the creditors *pro rata*. The fund was provided by Texas.

The five millions of stock had remained in the Treasury from 1850 until 1855. The interest on the same and premium added made the value of the stock $6,500,000. Texas made claim against the United States for $2,000,000 for losses incurred prior to the 14th of February, 1855, from Indian depredations, &c. As the amount then due Texas, $6,500,000, principal, interest, and premium on stock, was not sufficient, in the judgment of Congress, to pay the classes of creditors comprehended in the reports referred to, the Representatives of the State of Texas proposed to acquit the Government of the United States for the claim for Indian depredations and allow the amount to be appropriated for the payment of the creditors. Congress reduced the claim of Texas for Indian depredations from $2,000,000 to $1,250,000. This amount, added to the $6,500,000, made the sum of $7,750,000, the sum named in the act of 1855.

The last section of the act provided that the act was not to take effect until Texas assented to its terms and released the Government of the United States from all liability for payment of losses on account of Indian depredations prior to the 14th February, 1855. Texas complied with this provision of the law.

It will therefore be observed that Texas furnished the entire amount set apart and appropriated by the act of 1855 for the payment of such creditors.

Under the provisions of the act the records of the Treasury Department show the following disbursements and payments made by the Secretary of the Treasury of the United States out of said fund:

During the fiscal year 1856	$6,435,931 51
During the fiscal year 1857	1,008,583 94
During the fiscal year 1858	39,317 47
During the fiscal year 1860	46,642 13
During the fiscal year 1861	78,884 16
During the fiscal year 1865	3 85
During the fiscal year 1867	196 45
During the fiscal year 1870	10,782 87
Total	7,648,886 73

Leaving a balance of $101,113.27; which has been carried to the surplus fund and covered into the Treasury.

The claim of the heirs of Thomas Toby is believed to be the only remaining claim properly payable out of this fund.

In regard to the long delay which has attended the adjustment and presentation of this claim, the committee submit the report of the late auditors of Texas, made to the Legislature of that State:

(See Senate Journal, Seventeenth Legislature, page 62.)

AUSTIN, TEXAS, *January* 26, 1881.

To His Excellency Governor O. M. Roberts, and the honorable the senate and house of representatives of the State of Texas:

We, the undersigned, late auditor and comptroller, composing the auditorial board created for the purpose of ascertaining and adjusting the debt of the late Republic of Texas, do hereby certify that it appears from the records of the treasury department of the republic that the accounts and vouchers of Thomas Toby for supplies and munitions of war furnished the Government of Texas during the years 1836, 1837, and 1838 were filed for payment in said treasury department as early as the year 1838. But for the fact that the government was without money, a settlement was deferred from time to time until the creation of our board, which we found still on file unsettled and unacted upon.

Some time during the existence of the auditorial board, between 1848 and 1856, when it expired by limitation, Colonel Thomas F. McKinney, the legal agent of Toby's heirs, applied to us to go into an adjustment of the accounts and issue a certificate for the amount found to be due, principal and interest. We informed him that under the law we had no authority to allow interest on open accounts, but that we would examine and issue certificates of indebtedness for the principal of the debt found to be due.

Upon mature reflection of the agent, he came to the conclusion that if he accepted a certificate for the amount of the principal only it would prejudice a future claim for interest, and believing that it could not be barred by the statute creating the board, as it had been filed with the auditor and comptroller according to the provisions of the statute, he concluded that it would be better for him to appeal directly to the Legislature; consequently we did not examine the accounts.

It was not brought before the Legislature of 1860, and the war ensuing shortly afterward prevented any immediate action on the claim.

As an act of justice to the heirs of this early and fast friend of Texas, we beg to state that among all the claims acted on by us, amounting to many millions of dollars, there was not a more meritorious one than the claim of Thomas Toby.

JOHN M. SWISHER, *late Auditor*.
JAS. B. SHAW, *late Comptroller*.

In addition to the foregoing, the committee find that Thomas Toby, in the year 1839—then in great financial embarrassment by reason of his advancements to Texas—lost his health and remained an invalid until the year 1841, when he died. Mrs. Clarence Toby, his widow, engaged the services of an attorney, Mr. Thomas H. McKinney, who died in a few years after his engagement. Subsequently to his death Mrs. Toby died.

Your committee, in view of all the facts and circumstances attending this claim, believe that it is a just and meritorious one against the State of Texas, as declared by the Legislature of that State, and that it should be paid out of the money now in the Treasury which Texas provided for the payment of such claims. Such an adjustment of this long deferred claim seems to be just, and the State of Texas, by an act of its Legislature, herein set out, not only assents to such an adjustment, but requests her Representatives in Congress to favor an appropriation of a sufficient amount of the balance of the fund on hand to pay this claim.

The committee recommend the passage of the bill.

LOSS OF THE JEANNETTE.

Mr. WASHBURN. I offer the resolution which I send to the desk for immediate consideration.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to convene, as soon as practicable, a court of inquiry to investigate the circumstances of the loss in the Arctic seas of the exploring steamer Jeannette; and of the death of Lieutenant-Commander De Long and others of her officers and men; including an inquiry into the condition of the vessel on her departure, her management up to the time of her destruction, the provision made and plans adopted for the several boat's crews upon their leaving the wreck, the efforts made by the various officers to insure the safety of the parties under their immediate charge, and for the relief of the other parties; and into the general conduct and merits of each and all the officers and men of the ill-fated expedition; and to submit the finding of such court of inquiry to Congress.

Mr. KASSON. I think that resolution should go to the Naval Committee. This was a private ship with volunteer officers.

Mr. WASHBURN. Very well; let it be referred.

The resolution was referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. MUTCHLER. I ask unanimous consent to take from the House Calendar for present consideration House bill No. 4169.

Mr. PARKER. I object.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

Mr. VAN HORN. I rise to make a privileged report from the Committee on Printing. I report the concurrent resolution which I send to the desk as a substitute for House joint resolution No. 262.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for the year 1881, 214,000 for the use of the members of the House of Representatives, 56,000 for the use of the members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The SPEAKER. The question is on agreeing to the resolution.

Mr. ROBINSON, of Massachusetts. I wish to ask the gentleman from Missouri [Mr. VAN HORN] if that is the usual number.

Mr. VAN HORN. It is the number printed last year.

Mr. ROBINSON, of Massachusetts. I ask the question that we may anticipate any complaint about the expense of this printing.

Mr. KASSON. I understand that the reports for two years are combined; that owing to the lateness of the publication the Commissioner of Agriculture has combined the two reports. The resolution, if that be the fact, should be framed so as to show it.

Mr. VALENTINE. This is for the year 1881. The resolution provides the usual number and is in the usual form.

The SPEAKER. The Chair inquired whether it is usual to submit this as a concurrent resolution.

Mr. VAN HORN. That is the practice.

The concurrent resolution was agreed to.

REVISED STATUTES FOR THE INTERIOR DEPARTMENT.

Mr. VAN HORN also, from the Committee on Printing, reported a joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of State be, and he is hereby, authorized and directed to deliver to the Secretary of the Interior, for the use of the Department of the Interior and its subordinate bureaus and offices, 100 copies of the second edition of the Revised Statutes of the United States.

Mr. VAN HORN. I will state that this involves no cost. The publications are printed and are in the office of the Secretary of State. But the Secretary of State cannot deliver these copies to the Interior Department without authority. That authority is wanted.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DECISIONS OF FIRST COMPTROLLER.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department.

The joint resolution was read, as follows:

Resolved, &c., That the Public Printer be, and is, required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish for the use of each Senator, Representative, and Delegate in Congress 10 copies thereof, to the Comptroller 2,000 copies, and for distribution in the manner provided in section 7 of the act of June 20, 1874, (18 Statutes at Large, page 113,) providing for the publication of the Statutes, one-half the number therein mentioned.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ALPHABETICAL LIST OF PRIVATE CLAIMS.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the following:

Resolved, That the Clerk of the House be authorized and directed to supply the Public Printer as rapidly as possible with the copy of the digested summary and alphabetical list of private claims presented to the House of Representatives from the Forty-second to the Forty-sixth Congress, inclusive, in preparation by him, and that the Public Printer proceed to execute it so that it be finished by the meeting of the second session of the Forty-seventh Congress.

Mr. VAN HORN. I ask that the letter of the Clerk of the House be read in connection with this resolution.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., July 8, 1882.

SIR: On the 9th of February, 1881, in the third session of the Forty-sixth Congress, the Clerk of the House was directed "to have completed the digested summary and alphabetical list of the private claims presented to the House of Representatives from the Forty-second to the Forty-sixth Congress, inclusive." That work is approaching completion. I have the honor herewith to submit as a specimen of it the portion under the letter "A," and to request the authority of the House for the printing of it as fast as it may be completed, in order that it may be laid upon the desks of members for use at the beginning of the next session of Congress. The work has been prepared with care, and is undergoing thorough revision, with a view to as great accuracy as can be obtained.

I have the honor to inclose a copy of a resolution and to ask its adoption by the House.

Very respectfully, yours,

EDWD. McPHERSON,
Clerk House of Representatives.

Hon. J. WARREN KEIFER,
Speaker House of Representatives.

The resolution was adopted.

LAND LAWS, ETC.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 203) for the printing of more copies of House Executive Document No. 47 and subsequent land laws.

The joint resolution was read, as follows:

Resolved, &c., That 8,500 additional copies of the codified land laws and history of the public domain of the United States, compiled and prepared by the public-land commission, embraced in House Executive Document No. 47, with all subsequent laws which may have been passed by Congress prior to the adjournment of the present session, be printed and bound; of which each Senator and Representative shall receive twenty copies and each Delegate thirty copies, for distribution among their constituents, and the residue shall be for distribution by the Secretary of the Interior.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. VAN HORN. I move to amend the title by striking out the word "more" and inserting the word "additional;" so that it will read, "for the printing of additional copies," &c.

The amendment to the title was agreed to.

BANK-EXTENSION ACT.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the following:

Resolved, That 3,000 copies of the act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," be printed for the use of the House.

The resolution was adopted.

CONGRESSIONAL RECORD.

Mr. VAN HORN also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State library.

The joint resolution was read, as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, to the State library of each State having or that shall hereafter have and maintain a State library one bound copy of the CONGRESSIONAL RECORD of each session of Congress or special session of the Senate, including the present session of Congress.

Mr. KASSON. It seems to me that no provision is made with regard to back copies. There is a limit to the number of copies in possession of the Public Printer. I would inquire in case the edition is not sufficient to comply with the law what would be the result?

Mr. SPRINGER. This begins with this Congress.

Mr. KASSON. It does not say so.

Mr. SPRINGER. It uses the word "hereafter."

Mr. AINSLIE. I desire to offer an amendment, to include the Territorial libraries.

Mr. SPRINGER. There is no objection to that.

The amendment was agreed to.

Mr. KASSON. I ask that the clause be read which the gentleman says limits the operation of this joint resolution to this Congress. If there is not such a limit there should be.

Mr. ROBINSON, of Massachusetts. Let it all be read.

The SPEAKER. The joint resolution as amended will be read.

The Clerk read as follows:

That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, to the State and Territorial library of each State and Territory having or that shall hereafter have and maintain a State or Territorial library one bound copy of the CONGRESSIONAL RECORD of each session of Congress or special session of the Senate, including the present session of Congress.

Mr. KASSON. It should read beginning with the Forty-seventh Congress.

Mr. SPRINGER. It says "including the present session of Congress."

Mr. McMILLIN. The gentleman from Iowa [Mr. KASSON] is certainly correct in his criticism.

Mr. KASSON. It should read beginning with the present Congress; and then, as it is a perpetual order, there will be no need of saying "including the present session."

Mr. SPRINGER. There is a called session that would not be included if the joint resolution is limited to the present session. I would suggest to strike out the words "including the present session of Congress," and to insert in lieu thereof the words "beginning with the Forty-seventh Congress."

The amendment was agreed to.

The joint resolution as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. VAN HORN. I move to amend the title of the joint resolution so as to read "to furnish the CONGRESSIONAL RECORD to each State and Territorial library."

The amendment to the title was agreed to.

Mr. VAN HORN. I move to reconsider the several votes just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF SURGEON-GENERAL OF THE NAVY.

Mr. SPRINGER, from the Committee on Printing, reported back the following concurrent resolution of the Senate with a recommendation that the same be adopted:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed for the use of the Navy Department 1,000 copies of the report of the Surgeon-General of the Navy.

Mr. HOLMAN. I wish to inquire of the gentleman from Illinois [Mr. SPRINGER] whether it has been customary heretofore to make this publication?

Mr. SPRINGER. Yes; and this is merely for additional copies.

Mr. HOLMAN. Will the gentleman explain the necessity for this publication?

Mr. SPRINGER. This is to publish 1,000 additional copies of the report of the Surgeon-General of the Navy. The only reason that the committee can give for the necessity of this is that the officials of the Government came before that committee and represented the necessity of this publication. Of course we cannot ourselves tell where all these books go; but when gentlemen in charge of these bureaus come before our committee and represent that in order to meet the demands on the Department there should be additional copies we must accede to their representations. This only provides for 1,000 additional copies.

Mr. HOLMAN. How many are published now under the regular order.

Mr. SPRINGER. I presume only the usual number.

Mr. HOLMAN. How many?

Mr. SPRINGER. Nineteen hundred and fifty copies.

Mr. HOLMAN. And it is now proposed to print 1,000 copies extra?

Mr. SPRINGER. Yes, sir; at a cost of $2,800.

Mr. HOLMAN. Now, I submit, in view of the unexampled amount of printing ordered by this House, that unless the Committee on Printing has absolute assurance of the necessity of these extra copies they should not be ordered.

Mr. ATKINS. I agree with the gentleman from Indiana [Mr. HOL-

MAN] in thinking that 1,000 extra copies of this document for the use of the Navy Department are an extraordinary number, and unless the gentleman from Illinois can give a better reason than he has given just now I think the gentleman from Indiana is eminently correct in holding that this printing should not be ordered. I think the gentleman from Illinois ought to be able to give a better reason than the one he has given.

Mr. SPRINGER. I think it will be found I have given the same reason that the honorable gentleman from Tennessee [Mr. ATKINS] gives when he brings in recommendations from the Departments for appropriations. All that he knows about them or can know about them is that the head of the Department has come before him and told him that the Department must have the money.

Mr. ATKINS. If I do not know more about such a matter than the gentleman does about this I go against it.

Mr. SPRINGER. I ask the gentleman in what case he has taken the precaution to go into the Departments and examine the books to determine whether they needed the appropriations asked for?

Mr. ATKINS. I have gone into every single Department of the Government for that purpose.

Mr. SPRINGER. This is a Senate resolution proposing the printing of 1,000 extra copies of this document, which will cost between two and three thousand dollars. It is a matter of the utmost indifference to me whether you order this publication or not; but I feel it my duty to report the resolution, as the Department desires these documents.

If the House determines to make a point upon this little matter I hope it will continue in the good work. I have no personal interest in the question; it is a public matter. You order printing here by the millions of dollars. Here is a proposition to print extra copies of the report of the Surgeon-General of the Navy, at a cost of two or three thousand dollars. I move the adoption of the resolution.

The resolution was adopted; there being—ayes 53, noes 14.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. SPRINGER. I am directed by the Committee on Printing to report back without amendment the bill (S. No. 329) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications from July 4, 1776, to March 4, 1881.

The bill was read, as follows:

Be it enacted, &c., That there be prepared and published, under the direction of the Joint Committee on Printing, a classified, analytical, and descriptive catalogue of all publications made by the authority of the Government of the United States and the preceding government of the Colonies, and all Departments, bureaus, and offices thereof, from July 4, 1776, to March 4, 1881; and upon the request of the said joint committee the officers of the Senate and House of Representatives and the heads of all the Executive Departments and of all the bureaus and offices thereof shall furnish to said joint committee all such information and assistance in reference to said publications as will facilitate or assist in the completion of said work; and the sum of $10,000 is hereby appropriated for the purposes of this act, which sum may be expended as additional pay or compensation to any officer or employé of the United States.

Mr. HOLMAN. I make the point of order that this bill, as it makes an appropriation of money, must receive its first consideration in Committee of the Whole.

Mr. SPRINGER. I hope the gentleman will not press that point of order upon this bill.

Mr. HOLMAN. I think the bill proposes an unjustifiable expenditure of money. There is no information as to what this work will cost.

Mr. SPRINGER. I propose to give the gentleman information if he will withdraw his point of order. This bill makes an appropriation to be expended under the direction of the Joint Committee on Printing of the two Houses.

Mr. ATKINS. I wish to ask the gentleman whether the bill does not grant additional pay? I think it reads that way.

Mr. SPRINGER. The bill authorizes the joint committee, if any employé or officer of the Government assists in making this index, to say how much additional pay shall be allowed for such service.

A MEMBER. That is contrary to law.

Mr. SPRINGER. Such allowances to officers of the Government for extra services are unlawful unless there is express authority of law for them. This bill, if passed, will be a law for that purpose. If we call upon officers of the Departments to furnish us the kind of information required in this work, information in the preparation of which they will have to work out of hours, we must expect to pay them for this extra service; otherwise we cannot get the work done. The bill simply provides for the preparation of an analytical catalogue of all the publications of the Government from its foundation to the present time.

Mr. HOLMAN. I ask the Chair to take note of the fact that the point of order on this bill has not been withdrawn, but is still reserved.

Mr. SPRINGER. Every gentleman who has had experience in consulting public documents knows how difficult it is to find any publication that has been made. Such publications are scattered all over the city in different places. We do not know what they are or where to find them.

Mr. KASSON. I think it is of great importance to the history of the Government that such an index should be prepared.

Mr. SPRINGER. It can be furnished at very small expense—much less, I think, than the amount appropriated in this bill; but the joint committee has suggested this sum out of abundant caution. I think gentlemen of the House when they have procured the information which this catalogue is intended to supply will find this the most economical and valuable of the publications of Congress.

Mr. KASSON. It is to be practically an index to the entire statistical history of the country.

Mr. SPRINGER. Exactly; the gentleman states the matter correctly. I yield to the gentleman from Missouri, [Mr. VAN HORN.]

Mr. VAN HORN. It is economical in other respects. Gentlemen who have not had anything to do with the Committee on Printing are unaware, as a matter of course, of the immense amount of printing which is sometimes done that is entirely useless. That committee have no means now of knowing whether a resolution requiring printing to be done should be reported favorably or not, as they have no means of determining whether the printing asked for has been done already and there are copies enough in existence to answer all practical purposes. If this index be provided it will stop a great many extravagances in public printing and may result in the saving of thousands and thousands of dollars every session of Congress.

Mr. SINGLETON, of Mississippi. Has the gentleman any estimate of the cost? Is it proposed that we shall launch out into this new scheme without having any information of where it will take us? Has the gentleman from Illinois any idea of how much the cost of this work will be?

Mr. ATKINS. It will cost nearer $1,000,000 than $10,000.

Mr. SPRINGER. The gentleman is mistaken.

Mr. ATKINS. The clerical force required will cost more than the sum named in the resolution.

Mr. SPRINGER. The cost is limited in the resolution to $10,000.

Mr. ATKINS. That will not amount to anything.

Mr. HOLMAN. When the work is once commenced it matters very little how much is appropriated in the first place, as that is no criterion of what the ultimate cost will be.

Mr. ATKINS. How many volumes is this book to consist of? It may run to one hundred volumes.

Mr. VAN HORN. I have no doubt, in my own judgment, Mr. Speaker, that this catalogue will save twice the sum of money which will be required to get it up. It will enable the Committee on Printing to see at once what printing has been done and avoid any extravagant reprinting.

Mr. COX, of New York. It will not be finished in our life-time.

Mr. SPRINGER. If the amount of money appropriated in the bill does not complete the work contemplated the Committee on Printing will not ask, as I am sure I will not, for any further sum. Indeed it is required to be completed with this sum of money. This is not in the nature of an extravagant appropriation at all, but it is an appropriation of $10,000 for the preparation of a catalogue of public documents to which we can turn and find out what has been ordered to be printed and what has not. The Committee on Printing have no such means of knowing what has heretofore been printed. You might as well not print documents at all as to print them and then hide them away where nobody can find them. That is what we have been doing, and although a vast number of documents have been printed, neither the Committee on Printing nor anybody else can find them.

Mr. MCMILLIN. Some of them are forever lost sight of as soon as they are printed.

Mr. SPRINGER. I hope the gentleman will look into the public documents and he will find a vast amount of valuable information he would do well to consult.

Mr. MCMILLIN. My friend does not show in his ordinary conduct and conversation he has followed the advice he gives to me, or consultation has not produced the result in his case he would indicate.

Mr. ANDERSON. Let us have a vote.

The SPEAKER. Does the gentleman from Indiana insist on ruling on the point of order?

Mr. HOLMAN. I do.

Mr. SPRINGER. If the point of order is sustained, would it be in order then to move to go into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering the joint resolution?

The SPEAKER. As the Chair understands the resolution, its effect if it becomes a law would be to provide printing for the benefit of the two Houses. It is not, however, specific in that respect. It is therefore a privileged matter to be reported from the Committee on Printing. Being privileged, the question remains whether or not it is subject to the point of order that it must be first considered in the Committee of the Whole House on the state of the Union, because it provides for the appropriation of money out of the Treasury. The right to report at any time carries with it the right of present consideration.

Mr. HOLMAN. Allow me to suggest that the rule applies to appropriation bills, and the Committee on Appropriations can report at any time.

The SPEAKER. The Chair is coming to that. The only doubt the Chair has is whether it is subject to that point of order. Of course, appropriation bills the rules expressly provide shall have